

In Re: 1639 North North Park Avenue

Report of Proceeding

Taken on: December 09, 2016

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180 North LaSalle Street

Suite 2800

Chicago, IL 60601

312.236.6936

877.653.6736

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BEFORE THE CITY OF CHICAGO PLANNING AND  
DEVELOPMENT/HISTORIC PRESERVATION DIVISION

IN THE MATTER OF: )  
)  
OLD TOWN TRIANGLE DISTRICT )  
)

Report of proceedings had at the Public  
Hearing in the above-entitled cause before the Chicago  
Planning and Development/Historic Preservation Division,  
HEARING OFFICER GABRIEL IGNACIO DZIEKIEWICZ, commencing  
at 9:12 a.m. on the 9th day of December, 2016.

COMMISSION MEMBERS PRESENT:

MR. GABRIEL IGNACIO DZIEKEWICZ, Commissioner;  
MS. DIJANA CUVALO, Architect IV;  
MS. LISA MISHER, Senior Corporate Counsel

ALSO PRESENT:

MR. WILLIAM MACY AGUIAR and  
MS. ELLEN McLAUGHLIN,  
City of Chicago -  
Department of Law;  
  
MR. CHRISTOPHER HARIS,  
On behalf of the Estate of the John Waters.

\* \* \* \* \*

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1 HEARING OFFICER DZIEKEWICZ: Good morning. I'd  
2 like to call this public hearing to order. My name is  
3 Gabriel Ignacio Dziekiewicz. I'm a member of the  
4 Commission on Chicago Landmarks, and I will be the  
5 hearing officer for today's public hearing. Seated next  
6 to me is Lisa Misher who is the Commission's legal  
7 counsel for today's public hearing. The Commission on  
8 Chicagoland Landmarks was established and is governed by  
9 the Municipal Code of Chicago. The purposes and duties  
10 of the Commission are set forth in the Municipal Code  
11 and include the identification, reservation, protection,  
12 enhancement, and encouragement of the continued use and  
13 rehabilitation of the buildings and districts having  
14 special historical community architectural or aesthetic  
15 interest to the City of Chicago and its citizens.

16 The Commission carries out this mandate by  
17 recommending to the City council the designation of  
18 specific buildings, structures, areas, districts and  
19 work -- works of art as official Chicago landmarks.

20 In order to ensure the preservation and  
21 enhancements of these landmarks, the Commission reviews  
22 and approves or disapproves permanent applications for  
23 alterations to individual landmarks and contributing  
24 buildings within landmark districts, including

1 demolition.

2           The purpose of today's hearing is for the  
3 Commission to gather testimony and evidence to determine  
4 whether 1639 North North Park Avenue is a contributing  
5 building Old Town Triangle Landmark District. And if  
6 so, whether granting a proposed demolition permit would  
7 have an adverse effect upon the District.

8           Only testimony and evidence that is relevant  
9 to those determinations as set forth in Article 3  
10 Sections G3 and G4 of the Commission's rules and  
11 regulations will be allowed. The format of this hearing  
12 will follow the order of procedure set forth in  
13 Article 4, Section H are rules and regulations as  
14 follows: First, I will hear rule on all requests for  
15 party status. Second, I will take the appearances of  
16 the parties and their counsel. Third, I will  
17 incorporate the documents into the record. Fourth,  
18 after these preliminarily matters, we will hear opening  
19 statements from the parties. Following the opening  
20 statements, we will hear each party's case beginning  
21 with parties in support of the application following by  
22 parties in opposition and concluding with rebuttal by  
23 the owner. Each party will have the right to  
24 cross-examination, redirect, recross as necessary.

1           After hearing each party's case in chief, we  
2 will hear statements from nonparties who have submitted  
3 an appearance form. First, from those in favor of the  
4 permit application followed by those in opposition to  
5 the permit application. Finally, we will hear closing  
6 statements from the parties and adjourn.

7           After nonparties -- After nonparty -- excuse  
8 me.

9           Any nonparty interested in making a statement  
10 should fill out an appearance form giving their name,  
11 address, and the interest, organization, or company they  
12 represent, if any. These forms are available from the  
13 staff inside this room.

14           I have received four appearance forms from  
15 parties as a matter of right, three from the applicant,  
16 the estate of John Waters in favor of the permit  
17 application, and one from the City's Department of  
18 Planning and Development in opposition to the permit  
19 application.

20           In accordance with the Commission's rules and  
21 regulations, I hereby grant party status to Dan Waters,  
22 as executer of the estate of John Waters, Rose Waters on  
23 behalf of the estate -- Rose Waters on behalf of the  
24 estate of John Waters, and Chris Haris as a legal



1 representative of the estate at John Waters and the  
2 Department of the Planning and Development.

3 Now, I will take the appearance of the parties  
4 and their counsel. First, would the applicants and  
5 their attorneys please identify themselves?

6 MR. HARIS: Christopher Haris on behalf of the  
7 estate of the John Waters.

8 MR. AGUIAR: Good morning, Commissioner, William  
9 Aguiar, A G U I A R, on behalf of the Department of  
10 Planning and Development.

11 MS. McLAUGHLIN: And Ellen McLaughlin,  
12 M C L A U G H L I N, also on behalf of the Department of  
13 Planning and Development.

14 HEARING OFFICER DZIEKEWICZ: The Landmark's  
15 ordinance provides that certain additional persons,  
16 organizations, or legal entities may become parties to  
17 the permit application proceeding. Section 2-120-680  
18 states in part the following: Any person, organization,  
19 or other legal entity whose use or enjoyment of the  
20 building or district designated as a landmark may be  
21 injured by the approval or disapproval of a proposed  
22 alteration, construction, reconstruction, direction,  
23 demolition, or relocation of the designated landmark may  
24 become a party to a permit application proceeding.

1           This shall include without limitation persons,  
2 organizations, or other legal entities residing in,  
3 leasing, or having an ownership interest in real  
4 property located within 500 feet of the property line of  
5 the designated landmark or within the designated  
6 landmark district.

7           I have received eight appearance forms from  
8 individuals or entities seeking to become a party by  
9 request, seven from individuals in favor of the  
10 application, and one from an organization, the Old Town  
11 Triangle Association in opposition to the application.

12           Before deciding whether to grant party status,  
13 I would like to verify that the intention of the  
14 individuals and entities completed -- that completed  
15 these forms is to become a party to this hearing rather  
16 than making a statement for or against the application  
17 as an interested person.

18           Individuals or organizations making statements  
19 do not speak under oath and are not subject to  
20 cross-examination. You do not need to become a party to  
21 this proceeding in order to make a statement. I'll read  
22 the names of those having submitted parties by request  
23 forms. Please clarify whether you wish to be a party or  
24 simply wish to make a statement. Anyone wishing to make

1 a statement should fill out one of the forms available  
2 from the commission staff giving your name, address, and  
3 the organization you represent, if any.

4 Okay. John Dvorak?

5 MR. DVORAK: Here.

6 HEARING OFFICER DZIEKEWICZ: Would you like to be a  
7 party by request or simply make a statement?

8 MR. DVORAK: Party by request.

9 HEARING OFFICER DZIEKEWICZ: Okay. Thank you.  
10 What is your basis for your party by request? Do you  
11 live within 500 feet of the --

12 MR. DVORAK: Right next door.

13 HEARING OFFICER DZIEKEWICZ: Okay. Sean McCourt?

14 MR. McCOURT: Yes. Party by request.

15 HEARING OFFICER DZIEKEWICZ: Party by request.

16 MR. McCOURT: I live adjacent to the building.

17 HEARING OFFICER DZIEKEWICZ: Okay. Julia Cappelli?

18 MS. CAPPELLI: Yes. Party by request.

19 HEARING OFFICER DZIEKEWICZ: 1641?

20 MS. CAPPELLI: Correct.

21 HEARING OFFICER DZIEKEWICZ: Arthur Schalk? Make a  
22 statement or party by request?

23 MR. SCHALK: What's the difference?

24 HEARING OFFICER DZIEKEWICZ: Do you live within --

1 MR. SCHALK: I don't live -- I spend a lot of time  
2 in that area, so I'm over there a lot. Park my car.

3 HEARING OFFICER DZIEKEWICZ: So if you choose to be  
4 a party by request, you have the right -- you will be  
5 cross-examined -- you could be cross-examined.

6 MR. SCHALK: Yeah.

7 HEARING OFFICER DZIEKEWICZ: Okay. Thank you.

8 Patrick Kenning? Not here.

9 David Andrews?

10 MR. HARIS: By petition, by affidavit.

11 HEARING OFFICER DZIEKEWICZ: Robert Sekula?

12 MR. HARIS: He won't be present.

13 HEARING OFFICER DZIEKEWICZ: Amy Kurson?

14 MS. KURSON: On behalf of the Old Town Triangle  
15 Association, I'd like to be a party by request.

16 HEARING OFFICER DZIEKEWICZ: Thank you. Okay. In  
17 accordance with --

18 MR. AGUIAR: Commissioner, I'm sorry. Before you  
19 rule, the City would like to be heard on the party by  
20 request forms. We have an objection.

21 HEARING OFFICER DZIEKEWICZ: Okay.

22 MR. AGUIAR: We object to the party by request  
23 forms submitted by John Dvorak, Sean McCourt, Julia  
24 Cappelli, Arthur Schalk, and the others to the extent

1 they do appear later in the proceeding. Article 4 of  
2 the Commission's Rules and Regulations govern the  
3 conduct of public hearings on permanent applications.  
4 Section E3 of Article 4 sets forth the disclosure  
5 requirements of each party, whether a party by right or  
6 a party by request.

7 There are four disclosures that a party must  
8 make. Those are a position statement, the identity of  
9 all fact witnesses that the party intends to call, the  
10 identity of all expert witnesses along with the experts'  
11 qualifications and opinions and conclusions, and any  
12 documents that the party intends to introduce as  
13 evidence at the hearing.

14 For parties by request, the rules and  
15 regulations dictate that those disclosures must be made  
16 five business days before the commencement of the  
17 hearing. None of the aforementioned parties by request  
18 have made these disclosures. As a result, DPD  
19 respectfully requests that their requests to be parties  
20 at today's proceeding be denied. DPD obviously has no  
21 objection to these individuals making statements about  
22 the application during the public comment portion of  
23 today's proceedings but they simply have not done what  
24 they needed to do to be parties by request.

1                   Additionally, I believe Mr. Kenning said a  
2 moment ago -- I don't know if you heard this or not --  
3 that he doesn't live in the area, that he only parks his  
4 car there. As a result, I would say --

5           MR. HARIS: I'm --

6           MR. AGUIAR: I'm not done yet.

7                   I would say that -- that he does not meet the  
8 qualifications for party by request for that additional  
9 reason.

10           MR. HARIS: In response to that, Mr. Kenning is not  
11 present. Mr. Schalk had made the comment that he, I  
12 believe, lives within 500 feet of the district perhaps  
13 not adjacent to the property. In regards to the parties  
14 by request, they were submitted via e-mail to all of the  
15 interested members here on Friday, December 2nd, last  
16 week, which is more than five business days. And on the  
17 forms, it stated that they were in favor of the  
18 approved -- they were in favor of the permit that we  
19 were applying for and it also lists their address. And  
20 none of them are expert witnesses.

21           MR. AGUIAR: Commissioner, all we received were the  
22 appearance forms which they have to file anyway to be  
23 parties just to let the Commissioner know they want to  
24 be parties. Section E3 puts additional requirements on

1 parties in order to be able to participate in today's  
2 proceeding. I just outlined them for you. None of  
3 those disclosures were made, therefore they have not  
4 done what they need to do to be parties to the  
5 proceeding here today.

6 MR. HARIS: Mr. Commissioner, it's a very cold day  
7 in Chicago and I'm grateful for everyone that came from  
8 the suburbs and that came from all parts of the city to  
9 be here today. Mr. Dvorak in particular, he lives in  
10 the suburbs, and he is an owner of the property in  
11 question. Twice in the land -- in the ordinance, in the  
12 act do they specify that people within 500 feet of the  
13 landmark in question are preferred and requested parties  
14 to this action. And ...

15 Okay. So I would just like to point out that  
16 the Old Town Triangle Association was also late on  
17 submitting that they want to be a party by request,  
18 so -- the disclosures. And we would like to hear -- we  
19 would like to grant party status but since no disclosure  
20 of whether they were in opposition or in favor, no  
21 evidence can be presented.

22 So we could grant party by request status  
23 but ...

24 MS. MISHER: Let me just clarify. So we have a

1 situation where all of the parties by request failed to  
2 meet certain deadlines. The Old Town -- Old Triangle  
3 Association did submit an appearance form and  
4 disclosures but those were late. The individuals asking  
5 for party by request status submitted their appearance  
6 forms on time but submitted no disclosures.

7 So in fairness, I think the hearing officer  
8 concluded that all of the individuals that are here that  
9 sought party by request status will be granted that  
10 status. But the parties that submitted no disclosures  
11 cannot present any evidence, any fact witnesses, or any  
12 expert witnesses. You'll really just be making a  
13 statement.

14 So again, the question is raised whether you  
15 need to be a party by request. You can make a statement  
16 about your opinion whether you're a party or not. If  
17 you're a party to the proceeding, you have certain  
18 rights but -- but the other parties also have the right  
19 to cross-examine you if they wish and to challenge your  
20 testimony.

21 So you can -- if you want to remain a party by  
22 request, you can do that, but again, nothing will be  
23 allowed because you were -- you didn't submit  
24 disclosures -- any sort of disclosures in time.



1 HEARING OFFICER DZIEKEWICZ: So would -- So  
2 would -- to proceed, would the parties by request in  
3 favor of the application please identify themselves?

4 MS. MISHER: Please stand up, state your name.

5 MR. McCOURT: Sean McCourt.

6 MS. CAPPELLI: Julia Cappelli

7 MR. DVORAK: John Dvorak.

8 MS. WATERS: Rose Waters.

9 MR. WATERS: Dan Waters.

10 MR. SCHALK: Art Schalk.

11 HEARING OFFICER DZIEKEWICZ: Thank you. And would  
12 the parties by request in opposition to the application  
13 please identify yourself?

14 MS. KURSON: Amy Kurson on behalf of the Old Town  
15 Triangle Association.

16 HEARING OFFICER DZIEKEWICZ: Thank you.

17 Now, we will hear from Ms. Misher who will  
18 outline the chronology of events relating to this permit  
19 application that has led to this public hearing and  
20 incorporate the Commission's exhibits into the record.

21 MS. MISHER: The building at 1639 North North Park  
22 Avenue is within the Old Town Triangle District. The  
23 ordinance designating the district is identified as  
24 Commission Exhibit 1. The preliminarily staff summary

1 of information in relation to the designation of the Old  
2 Town Triangle District dated August 1976 and reprinted  
3 August 1995 is identified as Commission Exhibit 2.

4 On September 12, 2016, Commission staff  
5 received a wrecking permit application Number 100668908  
6 for the subject property. A copy of the wrecking permit  
7 application is identified as Commission Exhibit 3.

8 The proposed demolition was placed on the  
9 October 6th, 2016 agenda of the Commission on Chicago  
10 Landmarks. The staff report with attachments which was  
11 considered by the Commission for that meeting is  
12 identified as Commission Exhibit 4. The staff  
13 presentation shown at the October 6, 2016 Commission  
14 meeting is identified as Commission Exhibit 5. The  
15 applicant's presentation shown at the October 6, 2016  
16 Commission meeting is identified as Commission  
17 Exhibit 6. Public comments received regarding the  
18 proposed demolition through the Commission meeting are  
19 identified as Commission Exhibit 7.

20 At its regular meeting of October 6, 2016, the  
21 Commission voted to preliminarily disapprove the  
22 demolition of 1639 North North Park Avenue based on the  
23 Commission's findings that (A) the significant  
24 historical or architectural features of the district are

1 all exterior elevations and rooflines; (B) the subject  
2 building, a two-story frame and masonry house  
3 constructed prior to 1886, with masonry first floor  
4 constructed prior to 1906, contributes to the character  
5 of the Old Town Triangle District, which includes  
6 excellent examples of the architectural styles that were  
7 popular in Chicago during the latter part of the 19th  
8 Century; (C) the demolition of a contributing building  
9 or structure within a landmark district is a per se  
10 adverse effect on the significant historical and  
11 architectural features; and (D) the demolition of the  
12 subject property will adversely affect and destroy  
13 significant historical and architectural features of the  
14 property and the district. A letter dated October 14,  
15 2016, notifying the applicants of this preliminary  
16 decision is identified as Commission Exhibit 8. This  
17 letter advised the applicants of their right to request  
18 an informal conference to further discuss and reach an  
19 accord regarding the application.

20 On October 31, 2016, an informal conference  
21 request was received and the applicant was notified that  
22 the informal conference was scheduled in a letter dated  
23 November 7, 2016. An informal conference was held on  
24 November 10, 2016, with no conclusion. Letter and

1 e-mail communications between Commission staff and the  
2 applicants regarding the informal conference are  
3 identified as Commission Exhibit 9.

4 On November 18, 2016, a letter was sent via  
5 certified mail and e-mail to the applicant scheduling  
6 the public hearing for December 9, 2016. A November 28,  
7 2016 confirmation of receipt was e-mailed to the City.  
8 A copy of this letter and e-mail are identified as  
9 Commission Exhibit 10.

10 Notice of the hearing was posted in the  
11 district and an affidavit and dated photographs from  
12 Kandalyn Hahn of the Commission on Chicago Landmarks  
13 staff confirming that the sign was installed at  
14 1639 North North Park Avenue on November 23rd, 2016, are  
15 identified as Commission Exhibit 11. A legal notice for  
16 the public hearing was published in the Chicago  
17 Sun-Times on November 23, 2016, and a certificate from  
18 the Sun-Times attesting to its publication is identified  
19 as Commission Exhibit 12. The public hearing notice was  
20 also posted on the Department of Planning and  
21 Development's website and at the offices of the  
22 Department of Planning and Development.

23 Comments from the public received since the  
24 October 6, 2016 Commission on Chicago Landmarks meeting

1 are identified as Commission Exhibit 13.

2 HEARING OFFICER DZIEKEWICZ: Okay. I will now hear  
3 opening statements from the parties. Please note this  
4 is an opportunity to briefly summarize your position.  
5 You will have an opportunity to present your full case  
6 following opening statements.

7 First, we'll hear from the applicant.

8 Second --

9 MR. AGUIAR: Commissioner, before we begin with  
10 opening statements, the City has filed a motion to bar  
11 certain evidence from today's proceeding. I would like  
12 that motion to be heard today and now.

13 HEARING OFFICER DZIEKEWICZ: Yes.

14 MR. AGUIAR: DPD has moved for an order barring the  
15 applicant from presenting testimony or other evidence  
16 regarding either the physical condition of the subject  
17 building or any economic hardship to the applicant.

18 Under Article 3, Section F2 of the Commission's Rules  
19 and Regulations, the purpose of today's hearing is to  
20 determine whether the proposed work will have an adverse  
21 effect on an any significant historical or architectural  
22 features of a landmark. In making that determination,  
23 the Commission is to consider only the criteria listed  
24 out in Article 3, Section G of the rules and regulations

1 as well as the Commission's Guidelines for alterations  
2 and the U.S. Secretary of Interior Standards for  
3 Rehabilitation.

4 With respect to the physical condition of the  
5 building, nothing in the rules and regulations,  
6 guidelines, or interior standards mentions the physical  
7 condition or structural integrity of the building as  
8 criteria to be considered in determining whether  
9 demolition would have an adverse effect on the  
10 significant historical or architectural features of a  
11 building.

12 Indeed, physical condition of the building is  
13 only relevant if presumed to Section 2-120-780 of the  
14 admissible code. The Building Department, The Board of  
15 Health, or the fire department issues a writing to the  
16 Commission stating that the structural integrity is such  
17 that it is imminently dangerous to life, health, or  
18 property. No such writing exists.

19 Therefore, any physical condition is not  
20 relevant to today's proceeding. With respect to  
21 economic hardship, the rules and regulations explicitly  
22 state that under no circumstances shall a party be  
23 permitted to present any evidence related to economic  
24 hardship, which may result from the denial of the permit

1 application.

2           Indeed, Section 2-128-30 of the admissible  
3 code provides for a separate proceeding for economic  
4 hardship if the Commission were to deny the permit  
5 application. Thus, evidence of any economic hardship  
6 that might result from the denial of the demolition  
7 should not be allowed in today's proceeding. We would  
8 ask that be barred.

9           HEARING OFFICER DZIEKEWICZ: I would agree with  
10 that motion that the physical conditions should not be  
11 brought into this and as well as the -- any -- any  
12 economic hardship claims.

13           MR. AGUIAR: Thank you.

14           HEARING OFFICER DZIEKEWICZ: Second -- So now we  
15 may hear from the applicant.

16

17 OPENING STATEMENT ON BEHALF OF THE ESTATE OF JOHN WATERS

18

19           MR. HARIIS: Good morning. Thank you very much for  
20 coming in today, everybody in this room, the Commission,  
21 as well as any of the parties by request. My name is  
22 Christopher Haris and I represent the estate of John  
23 Waters who is present today by his youngest brother Dan  
24 and his wife Rose.

1           We also have in attendance today parties by  
2 request who represent both adjacent neighbors to the  
3 north and south of this property. Now, it is clear that  
4 the intent of this Commission and based on the Chicago  
5 Landmarks Ordinance is to both conserve and improve the  
6 tax base of Chicago, prevent urban blight, and in some  
7 cases, reverse urban deterioration. And we believe that  
8 the property that we're faced with today is the textbook  
9 example of urban deterioration.

10           It is the only two-story residential cottage  
11 on the street chock-full of commercial properties. This  
12 two-story cottage built in the 1800s is built on a rock  
13 and boulder foundation that's typical of agrarian  
14 society. There is nothing architecturally significant  
15 about this property whatsoever. It has a place in  
16 history that is conceited, but it's architecture  
17 specifically amongst the neighbors and amongst the  
18 adjacent properties down the street and on the block is  
19 out of character.

20           Now, we're here today to prove that this  
21 property is not contributing to the historical or  
22 architectural characteristics, the significant ones of  
23 the Old Town Triangle District. Opposing counsel has  
24 erroneously concluded that the property is contributing.



1 And therefore, its demolition would cause a per se  
2 adverse effect. This is not true. And based on the  
3 evidence and the testimony today, we will prove that  
4 this is a noncontributing property. And therefore, it's  
5 demolition will not have an adverse effect but will  
6 actually have a positive effect on the area and the  
7 district. Thank you.

8 HEARING OFFICER DZIEKEWICZ: Would the parties by  
9 request in favor of the demolition application like make  
10 to make any opening statements?

11 MR. DVORAK: Is this the time to make a statement  
12 or is that -- the only statement, or is that later?

13 HEARING OFFICER DZIEKEWICZ: You will have an  
14 opportunity to make a case later.

15 MR. DVORAK: Okay.

16 HEARING OFFICER DZIEKEWICZ: Now -- So now we'll  
17 hear from the Department of Planning and Development.

18

19 OPENING STATEMENT ON BEHALF OF THE DEPARTMENT OF  
20 PLANNING AND DEVELOPMENT

21

22 MS. McLAUGHLIN: Good morning, Commissioner. My  
23 name is Ellen McLaughlin together with Bill Aguiar, I  
24 represent the Department of Planning and Development.

1 As you know, we're here today because applicants have  
2 asked the City to issue them a permit for the demolition  
3 of the residence located at 1639 North North Park  
4 Avenue.

5 I'm going to put up a picture of the home just  
6 so everyone can see the home that we're talking about.  
7 Of course this home will be familiar to many in the  
8 audience. Let me see if I can make it visible to both  
9 the Commissioner and to the people in the room. Better?

10 As this residence is located in the Old Town  
11 Triangle District, the permit cannot be issued unless  
12 the Commissioner -- unless the Commission approves the  
13 application. You'll hear evidence today that this home  
14 is a two-story worker's cottage. It features masonry  
15 ground floor and a wood frame upper story. We know that  
16 it was built sometime after the great fire and before  
17 1886.

18 As the evidence today will show, the district  
19 contains many cottages that are similar in both scale  
20 and construction to this home. The Department of  
21 Planning and Development opposes the wrecking permit  
22 because of the demolition of the home would be  
23 contradictory to the relevant standards and guidelines.

24 Commissioner, in your opening remarks, you

1 refer to the key guidelines that -- the key rubrics that  
2 we're going to be talking about today. The  
3 Commissioner's -- Commission's rules and regulations. I  
4 have reproduced those so that everyone can understand  
5 what we're talking about here. Let me apologize for our  
6 primitive technology.

7 This section is Article 3, Section G4 of the  
8 rules and regulations. And it sets out the criteria for  
9 determining whether a particular building is a  
10 contributing structure to a landmark district. You're  
11 going to hear evidence today that this residence at  
12 1639 North North Park is a contributing building because  
13 it meets the various criteria that are set out in this  
14 section.

15 For example, it exhibits the significant  
16 historical and architectural features of the district,  
17 the general, historic, and architectural characteristics  
18 of the district, the site characteristics, size, shape,  
19 and scale, and materials that are associated with the  
20 district.

21 And that evidence will be presented today  
22 through the testimony of our expert witness, Ed Torrez.  
23 Mr. Torrez is an expert in historic preservation and  
24 restoration and architect and also a former commissioner

1 of landmarks -- of the landmarks commission. He will  
2 explain that this home does have historic architectural  
3 significance particularly as part of the cluster of  
4 homes that make up the Old Town Triangle District.  
5 Indeed cottages like this one are a common building type  
6 in the district and they were some of the earliest homes  
7 that were rebuilt in this district after the great fire,  
8 thus they're an important piece of its story and its  
9 historical development.

10 Under Article 3, Section G3 of the rules and  
11 regulations, which we've also reproduced so that you can  
12 easily take a look at it, Section G3B states, The  
13 demolition of a contributing building or structure  
14 within a landmark district shall be deemed a per se  
15 adverse effect on the significant historical or  
16 architectural features of the district. Thus, if the  
17 Commission concludes that the building contributes to  
18 the district, the remainder of the inquiry is very  
19 straight forward. That, in turn, will have a per se  
20 adverse effect on the district itself.

21 We'll also touch on a couple of other rubrics  
22 that guide the Commission in its inquiry. The  
23 guidelines for alterations to historic buildings and new  
24 construction published by the Commission as well as the

1 U.S. Secretary of the Interior's Standards for  
2 Rehabilitation and Guidelines for Rehabilitating  
3 Historic Buildings.

4 The evidence we'll present will show that the  
5 demolition of this home does not satisfy either of those  
6 sets of standards either. So the Department of Planning  
7 and Development opposes the permit for the demolition of  
8 this home because it is contrary to the relevant  
9 regulations, standards, and guidelines. Based on the  
10 evidence that we will present to you today, we ask that  
11 the Commission deny the application.

12 HEARING OFFICER DZIEKEWICZ: Thank you.

13 Finally, we'll hear from the Old Town Triangle  
14 Association.

15

16 OPENING STATEMENT ON BEHALF OF THE OLD TOWN TRIANGLE  
17 ASSOCIATION

18

19 MS. KURSON: I'm Amy Kurson behalf of the Old Town  
20 Triangle Association. Just turning the Board's  
21 attention back to the standards. The Old Town Triangle  
22 Association is submitting written materials which are  
23 our support for the subject property respecting the --  
24 exhibiting the general historic characteristics

1 associated within the district. Inasmuch as this was a  
2 worker's cottage and historic records indicate that it  
3 was owned by a series of German immigrants, that is very  
4 much in keeping with the Old Town Triangle District,  
5 which was an old historic German district that is  
6 centered around a local cathedral. So I'm just going to  
7 be submitting written materials. Thank you.

8 HEARING OFFICER DZIEKEWICZ: Thank you.

9 We'll now hear each party's case. First,  
10 we'll hear from the applicants. Second, from Ms. -- so  
11 we'll now hear each party's case. First, we'll hear  
12 from the applicant, then second, the Department of  
13 Planning and Development, and Ms. Kurson. Each party  
14 will have an opportunity to present evidence and  
15 testimony for or against the permit application. And  
16 each party will have an opportunity to cross-examine  
17 witnesses. The rules and regulations permit redirect  
18 and recross and also permit the applicant to present  
19 rebuttal evidence and testimony.

20 As the hearing officer, I may question  
21 witnesses. After the parties are finished presenting  
22 their cases, we will take statements from the public.  
23 The applicant may make their case.

24 MR. AGUIAR: Commissioner, before the applicant

1 begins its case in chief, the Department would like to  
2 be heard as to the disclosures which were made to the  
3 City. We have an objection to certain testimony being  
4 presented here today.

5 HEARING OFFICER DZIEKEWICZ: Okay. Please proceed.

6 MR. AGUIAR: Because the owners did not comply with  
7 the Commission's rules and regulations for prehearing  
8 submissions, DPD must unfortunately object to portions  
9 of their presentation. As I described earlier this  
10 morning, the rules and regulations, particularly  
11 Article 4, Section E3, provide for four disclosures,  
12 which must be made by parties before they proceed at the  
13 hearing. Parties, as a matter of right, must make those  
14 disclosures ten days before the commencement of the  
15 hearing. These rules clearly exist to provide notice to  
16 all the parties in the case as to what issues will be  
17 presented to your -- to the Commission so it's not to  
18 prejudice anybody.

19 In this instance, the owner's attorney sends  
20 an e-mail to DPD within the time allowed for  
21 disclosures. That e-mail only contained a position  
22 statement. And that position statement only questioned  
23 the interpretation of the Commission's rules and  
24 regulations. No witnesses, either fact or expert, were

1 disclosed and neither were any documents. Just two days  
2 ago, on December 7th at approximately 10:00 p.m., the  
3 owner's attorney e-mailed a longer position statement,  
4 which expanded on the arguments contained in the prior  
5 statement we received by e-mail.

6 But again, no expert or fact witnesses were  
7 disclosed and no documents were disclosed either. And  
8 just this morning at 7:00 a.m., the applicant issued yet  
9 another version of the position statement by e-mail.  
10 The e-mail said that this was just a reformatting of the  
11 prior position statement issued on December 7th.

12 However, the cursory review we were able to  
13 give to it before today's hearing indicates that there's  
14 actual additional information contained in that position  
15 statement, which was not disclosed to us either in the  
16 original e-mail or on December 7th.

17 Moreover, at 10:00 o'clock last night, the  
18 applicant's attorney sent us an e-mail with a PowerPoint  
19 presentation attached. This PowerPoint presentation was  
20 never disclosed to us as something they were going to  
21 present at today's hearing. It's my understanding that  
22 the applicant submitted a PowerPoint presentation to the  
23 Commission as part of the preliminarily hearing. And  
24 that is Commission Exhibit 2. So it's part of the



1 record. So we have no objection to that being  
2 presented.

3 But the extent that today's PowerPoint  
4 presentation is different from that presentation done  
5 earlier, we object because we have not been given any  
6 proper notice of what's in that PowerPoint presentation.  
7 So we would object to those pieces of information coming  
8 in.

9 MR. HARIS: Commissioner, the PowerPoint  
10 presentation is the same, the slides are in a different  
11 order merely to follow the formatting of the  
12 presentation. Any information that was disclosed at the  
13 hearing will be the same information that I'll be  
14 presenting on. Any -- Any fact testimony from the  
15 witnesses will come from the witnesses. I didn't have  
16 an opportunity to speak with them. They are just coming  
17 into town now. So you will be hearing their testimony  
18 for the first time. And I'm capable of taking a  
19 microphone and expounding on our presentation from last  
20 time and our case in chief as well.

21 MR. AGUIAR: Commissioner, they did not disclose  
22 witnesses.

23 HEARING OFFICER DZIEKEWICZ: So for the PowerPoint,  
24 it seems that the slides are the same. So whether

1 they're -- we're going to allow that.

2 MR. AGUIAR: Commissioner, to the extent they are,  
3 I have no objection. But I honestly do not know that  
4 they are because I have not had a chance to review the  
5 PowerPoint presentation that was at 10:00 o'clock last  
6 night. That's my concern.

7 HEARING OFFICER DZIEKEWICZ: Would you certify the  
8 that slides are the same that was sent out for review to  
9 the Commission?

10 MR. HARIS: Yes. And I won't even present through  
11 all of them. They're just --

12 HEARING OFFICER DZIEKEWICZ: And if there is  
13 anything that's not the same, just -- you have to skip  
14 over it.

15 MR. HARIS: Absolutely.

16 MR. AGUIAR: Commissioner, respectfully, what about  
17 the position statement that they want -- that they gave  
18 us this morning at 7:00 a.m.? Again --

19 HEARING OFFICER DZIEKEWICZ: We ask that the  
20 position statement from 12/7 be the position statement  
21 that you use because that seemed enough time to read --

22 MR. AGUIAR: And we have no objection to that.

23 MR. HARIS: Sure.

24 HEARING OFFICER DZIEKEWICZ: Okay. Mr. Haris?

1 MR. HARIS: Yes, of course.

2 HEARING OFFICER DZIEKEWICZ: Additionally, we will  
3 not accept the fact or expert witnesses be -- since they  
4 were not included.

5 MR. HARIS: I mischaracterized them. By witnesses,  
6 I meant the parties by right, which would be the owners.

7 HEARING OFFICER DZIEKEWICZ: They'll have a chance  
8 to speak later anyway, so ...

9 Okay?

10 MR. AGUIAR: Thank you, Commissioner.

11 MR. HARIS: May I have the microphone?

12 I'll make use of this easel over here. Now,  
13 we're here today for a couple of reasons. First, we're  
14 here today to determine if this property is contributing  
15 to the significant historical characteristics and  
16 features of the Old Town Triangle District. Now, in  
17 order to do that, the rules and regulations hold out  
18 that we first turn to the ordinance that was written for  
19 the Old Town Triangle District on September 28th of  
20 1977. This is an old ordinance, and it does not  
21 identify with any specificity what these historical  
22 features are. It doesn't characterize anything that's  
23 particular to the Old Town Triangle District or to this  
24 protected area. It just states that the Old Town

1 Triangle District is protected by this ordinance.

2 Now, the rules continue to state that when an  
3 ordinance doesn't state with specificity and doesn't  
4 identify what those historical and significant  
5 characteristics and features are, that it presents a  
6 rebuttable presumption that those features are the  
7 rooflines and the elevations. What does that mean?  
8 We're not sure. No one is. It's very vague. That is  
9 to say that what is protectable about this property are  
10 the rooflines and the elevations and that that is a  
11 rebuttable presumption, merely a rebuttal presumption.  
12 So we'd like to rebut that presumption.

13 Specifically, this property and in opposing  
14 counsel's remarks, they make no comments with any  
15 specificity about the rooflines on this property or  
16 about the elevations. There are no dimensions that are  
17 presented. They don't talk about corbels or fascia or  
18 gutters or rooflines in general.

19 Furthermore, this property is a residential  
20 cottage situated between two commercial properties.  
21 When you talk about architectural significance, how does  
22 that appear to the public when you see a small cottage  
23 house between two commercial rental properties?

24 Architecturally significant? So the first question as

1 to whether or not this property is contributing, we say  
2 emphatically, no, it is not contributing. And that is  
3 because in the landmark's ordinance, it states -- this  
4 is on page 4, paragraph 2 -- Significant features may  
5 vary from building to building in a district, may be  
6 common elements shared by any and all buildings such as  
7 the scale of a building or its location on the lot  
8 relative to neighboring buildings and the street.

9 MR. AGUIAR: Commissioner, if I may just interject  
10 for a moment. First of all, that's the Commission's  
11 guidelines, not the rules and regulations. But  
12 moreover, what we're hearing is legal argument as to  
13 what the rules and regs and the guidelines mean. That  
14 is something that can be properly done in a concluding  
15 statement, closing arguments. This is the period of the  
16 proceeding where we hear facts and evidence. All I'm  
17 hearing is argument from a lawyer. This is not facts or  
18 evidence from anybody about the historical quality of  
19 this building or the district. So I have to kind of  
20 object to where we're going with this at this time.

21 MR. HARIS: To that point, I'm going through the  
22 ordinance. And you're correct, it was the guidelines.  
23 It wasn't the ordinance. But this is direct language  
24 from the guidelines. And we're here to interpret what

1 that language means. He has -- He has concluded that  
2 this property is contributing, and that's not the case.  
3 There's merely a rebuttable presumption that these  
4 characteristics are the characteristics that will be  
5 used to determine whether or not it is contributing.

6 MR. AGUIAR: Commissioner, then it's up to them to  
7 present facts or evidence to rebut that presumption.  
8 Argument is not facts or evidence. Again, Counsel is  
9 certainly free to make these arguments in closing  
10 arguments for your -- for the Commission's consideration  
11 here today.

12 HEARING OFFICER DZIEKEWICZ: So, Mr. Haris, I would  
13 say just stick with the facts and evidence.

14 MR. HARIS: Sure.

15 So among the criteria are whether the subject  
16 property exhibits the significant historical or  
17 architectural features described in the designation  
18 ordinance. Whether the subject property exhibits the  
19 general historic and architectural characteristics  
20 associated with the district, whether the subject  
21 property respects the general site characteristics  
22 associated with the district, whether the subject  
23 property exhibits the general size, shape, and scale  
24 associated with the district, and whether the materials

1 of the subject property are compatible with the district  
2 in character, color, and texture. That's rules and  
3 regulation Section G4A, 1 through 6.

4 So as I said before, we believe that it is not  
5 the case. The designation for the Old Town Triangle  
6 Ordinance does not state with specificity what  
7 historical characteristics are protected. Therefore, it  
8 creates the rebuttable presumption that it's the  
9 rooflines and the elevations of the property. And we  
10 are rebutting that presumption. And we are stating that  
11 what is of significance to this Commission and to this  
12 neighborhood at large is how the property is perceived  
13 and compared to the neighboring properties of particular  
14 concern -- and this is the language of the ordinance --  
15 of particular concern is how the property is situated in  
16 size, scale, and appearance to the immediate neighbors.

17 Present here today are the immediate  
18 neighbors. This is a property and it is the only  
19 property of its kind situated in the middle of a lot.  
20 It sits on a two-foot crawl space. It doesn't have a  
21 garden apartment. It doesn't have a basement. It is  
22 residential in character, meaning that it is less than  
23 four units, and it's a cottage specifically.

24 And we are stating that all of these

1 characteristics that are asked by the ordinance to  
2 determine whether this property is contributing cut  
3 against this property. That being that it is the only  
4 residential property in a row of commercial properties,  
5 that it is situated in the middle of the lot, that it  
6 has a driveway easement when no other property in the  
7 Old Town Triangle District has a driveway easement.

8 MR. AGUIAR: Commissioner, I have to again say  
9 we're going into argument, not facts in evidence. First  
10 of all, he is stating a standard of review which is a  
11 legal question. He is saying that you compare the  
12 subject property to the immediately surrounding  
13 neighbors. That is his opinion as to what the rules and  
14 regs require. That is a legal matter that the  
15 Commission has to decide. That's not something that's  
16 proper for this part of our proceeding today.

17 Second of all, he is referring to the  
18 buildings that immediately are adjacent to the subject  
19 property. And he's the attorney. He's not to provide  
20 fact testimony here today. That can come in through the  
21 neighbors when they give their testimony, but he is not  
22 qualified to give that testimony. He's the attorney.  
23 So I feel like we're going down paths that just are not  
24 appropriate for this particular part of the hearing.



1 Again, Counsel will have an opportunity to argue all of  
2 that in a closing argument.

3 MR. HARIS: Mr. Commissioner, opposing counsel has  
4 made the conclusion that the property is contributing.  
5 That's the --

6 MR. AGUIAR: I haven't concluded anything. We're  
7 going to present evidence to the Commission that it's  
8 our position that the building is contributing. The  
9 Commission will make the determination, not DPD.

10 MR. HARIS: Understood.

11 HEARING OFFICER DZIEKEWICZ: So, Mr. Haris, do you  
12 have any more facts in evidence that you would like to  
13 present?

14 MR. HARIS: I would like to call up the owners,  
15 starting with Mr. Dan Waters.

16 MR. AGUIAR: Again, Commissioner, I must object.  
17 They were not disclosed as witnesses. They can give  
18 public statements if they'd like.

19 HEARING OFFICER DZIEKEWICZ: So we'll take a public  
20 statement, but you were not granted the party status.

21 UNIDENTIFIED SPEAKER: Can I ask a question? I  
22 filled out that form. Is that what needed to be done?

23 MS. MISHER: So there's a distinction to be made  
24 here. No fact witnesses were disclosed by the applicant

1 in the disclosures that were required prior to the  
2 hearing, so the hearing officer previously decided that  
3 there would be no fact witnesses or expert witnesses  
4 called by the applicant. But all of the people who we  
5 previously granted party by request status to have the  
6 right to come up as parties and make their case.

7 MR. HARIS: Can they be cross-examined?

8 MS. MISHER: All parties can be cross-examined.

9 MR. AGUIAR: Commissioner, to the extent the  
10 applicant would like to take the stand and be examined  
11 by Mr. Haris, that would be Mr. Waters and Ms. Waters,  
12 the City will not object to that as a compromise.  
13 However, we must insist that the testimony be relevant  
14 to the question before the Commission, and that is  
15 whether this building exhibits historical or  
16 architectural features consistent with the district as  
17 the Commissioner's already ruled this morning.

18 HEARING OFFICER DZIEKEWICZ: Okay.

19 MR. HARIS: Mr. Waters, would you care to come up?

20 MR. WATERS: Sure.

21 It's on.  
22  
23  
24

1 WHEREUPON:

2 DAN WATERS,

3 called as a witness herein was examined and testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. HARRIS:

7 Q. Good morning, Mr. Waters.

8 A. Good morning.

9 Q. Let me start out first by connecting the dots.  
10 How are you associated with this estate?

11 A. I am the administrator to the John Waters  
12 estate.

13 Q. So John Waters was your brother, correct?

14 A. Yes, he was.

15 Q. And he is now deceased, correct?

16 A. Yes. He passed away in 2011.

17 Q. 2011, so five years ago roughly?

18 And when your brother was alive, did he have  
19 significant property holdings in the City of Chicago?

20 A. Yes.

21 Q. And what was the condition of his property  
22 holdings when he passed?

23 MR. AGUIAR: Objection. This is not relevant  
24 testimony.

1 MR. HARIS: Would Mr. Aguiar like -- would you like  
2 to tell us what --

3 HEARING OFFICER DZIEKEWICZ: I think it's okay to  
4 frame the relationship to the property.

5 MR. HARIS: Thank you.

6 BY MR. HARIS:

7 Q. So you are the executor of the estate for your  
8 brother, and he owns several properties. And I had  
9 asked what the condition was of his properties upon his  
10 passing.

11 HEARING OFFICER DZIEKEWICZ: I just want to remind  
12 you that the physical conditions are not to be brought  
13 into this.

14 MR. HARIS: Okay. Right. Understood.

15 BY MR. HARIS:

16 Q. Mr. Waters, do you visit the property often?

17 A. Yes.

18 Q. And what kind of stuff do you do when you  
19 visit the property?

20 A. We clean up as best we can, try to take care  
21 of the property. It's -- it's -- it's a lot of work  
22 because we have several other properties that we have to  
23 attend to also of my brothers.

24 Q. And how old are you, Mr. Waters?

1 A. I'm 81 years old.

2 Q. 81 years old.

3 And in tending to the properties, do you  
4 consider yourself a good landlord?

5 A. Yes.

6 Q. And have you ever been fined or sanctioned for  
7 this property, 1639 North Park?

8 A. No.

9 HEARING OFFICER DZIEKEWICZ: Mr. Haris, I just  
10 would respectfully like to ask you to stick with --

11 MR. HARIS: Sure.

12 HEARING OFFICER DZIEKEWICZ: -- just, you know,  
13 historical architecture.

14 MR. HARIS: Absolutely.

15 BY MR. HARIS:

16 Q. Mr. Waters, do you believe that this property  
17 is contributing to the historical characteristics of  
18 this district?

19 A. No.

20 Q. And why is that?

21 A. It's not consistent with the other -- with the  
22 character of the neighborhood. Because on that  
23 particular block, there are only commercial properties,  
24 four to six units.

1 Q. How about adjacent to you to the south?

2 A. To the south is a commercial piece of  
3 property. I would -- I'm not sure, but it's either four  
4 to six units.

5 Q. And to the north?

6 A. Probably eight total units because there's a  
7 hole in the back -- or a building in the back that is  
8 also commercial.

9 Q. And how about across the street?

10 A. Across the street there, it's commercial  
11 property, also. I would say six units.

12 Q. How about down the block beyond Eugenie?

13 A. Beyond Eugenie, there's a -- probably a  
14 50-unit building called Reside.

15 MR. HARIS: For the record, he's referring to  
16 Reside on North Park, a 50-unit apartment complex on the  
17 corner of Eugenie and North Park.

18 MR. AGUIAR: The witness can testify to that, the  
19 lawyer shouldn't have to.

20 MR. HARIS: Sure.

21 BY MR. HARIS:

22 Q. So would you describe the property at  
23 1639 North Park as an intrusion?

24 A. Yes.

1 Q. An intrusion on the character?

2 A. Yes.

3 Q. And was it your brother's intent to leave the  
4 property in the state that it is currently in?

5 MR. AGUIAR: Objection, state of the property.

6 HEARING OFFICER DZIEKEWICZ: This is irrelevant.

7 BY MR. HARRIS:

8 Q. Okay. All right. Well, is there any other  
9 testimony that you would like to give in regards to this  
10 property and --

11 A. Yes. I would say this about the property: As  
12 I said before, it's not consistent with the character of  
13 the block. It is set back unlike the other buildings  
14 adjacent both north and south because they're more to  
15 the street of North Park Avenue. This is set back.  
16 It's got a driveway, which is the only driveway in the  
17 whole area that I have seen, so it's unlike the other  
18 commercial properties. This is not a commercial  
19 property. It's a two-story residential cottage. And  
20 that is --

21 Q. A few more questions.

22 Is it currently occupied?

23 A. No, it isn't.

24 Q. And how long has it been unoccupied?

1 A. I would say about two years.

2 Q. And have you tried renting it in the past?

3 A. We have rented it in the past, and now we  
4 don't.

5 Q. What types of renters did it attract in the  
6 past?

7 HEARING OFFICER DZIEKEWICZ: Mr. Haris, this is  
8 irrelevant, also.

9 MR. HARIS: Is it, though? I'm just inquiring  
10 into -- and this has nothing to do with economic duress  
11 or hardship, just types of people that --

12 THE WITNESS: More transient people, if I could  
13 answer that question.

14 MR. HARIS: All right. Well, thank you very much  
15 for your testimony.

16 MR. AGUIAR: I have a few cross.

17 HEARING OFFICER DZIEKEWICZ: Does the City -- yes.

18 CROSS-EXAMINATION

19 BY MR. AGUIAR:

20 Q. Mr. Waters, are you an architect?

21 A. No, I am not.

22 Q. Do you have any experience in historic  
23 preservation?

24 A. No.



1 MR. AGUIAR: Thank you. No further questions.

2 HEARING OFFICER DZIEKEWICZ: Does Ms. Kurson wish  
3 to cross-examine?

4 MS. KURSON: No. Thank you.

5 HEARING OFFICER DZIEKEWICZ: Okay. Does any of the  
6 other parties by request have any questions for the  
7 owner? Okay. Thank you.

8 MR. HARIS: May we please call up Rose Waters?

9 HEARING OFFICER DZIEKEWICZ: Yes.

10 WHEREUPON:

11 ROSE WATERS,  
12 called as a witness herein was examined and testified as  
13 follows:

14 DIRECT EXAMINATION

15 BY MR. HARIS:

16 Q. Good morning, Ms. Waters.

17 A. Good morning.

18 Q. May I call you Rose?

19 A. Yes.

20 Q. Rose, do you feel that this property is  
21 architecturally significant?

22 A. No.

23 Q. Why is that?

24 A. It is not in keeping of the rest of the area,

1 the block. It's totally different. The roofs are flat.  
2 They're much taller than this building. This is a  
3 cottage with a peak roof and the buildings to the left  
4 and right -- the north and south, I should say tower  
5 over this structure. They dwarf -- This building is  
6 dwarfed by those two buildings. Down the block, the  
7 multifamily units, multiapartments that are there,  
8 they're much, much larger. They're eight units,  
9 ten units, six units. This -- This cottage is not in  
10 keeping with that block at all or the area.

11 Q. Well, surely you've seen a house similar to  
12 this one in the entire district?

13 A. Perhaps if you drive further away from the  
14 area, the immediate area, a two-block area, perhaps, but  
15 not in that area.

16 Q. On this street?

17 A. On the street, there is none, absolutely none.

18 Q. And can you tell us about the situation of the  
19 property, specifically what is behind it?

20 A. The building is set back. It's not built on a  
21 good foundation at all. And in the back, there's a slab  
22 where there probably once was a building -- I don't know  
23 what -- but it's no longer there. And it just -- it's a  
24 very tiny structure in between two behemoths.

1 Q. And what about directly behind it, east of it?

2 A. Directly east of it, there's a towering  
3 multifloor structure. I don't know if it's 20 -- 20  
4 floors or --

5 Q. Are you referring to Wells Towers?

6 A. Yes.

7 Q. And then it would be a 30-story structure?

8 A. 30 stories. That's even better. And that  
9 also towers over it. If you look at the building, you  
10 could see this big giant structure behind it. It looks  
11 like downtown Chicago.

12 Q. And so the house backs up to those towers; is  
13 that accurate?

14 A. The house backs up to -- a garage actually is  
15 flush with the back of the property line. And then as  
16 soon as you look up, you see all of these multifloors --

17 Q. What type of garage, a residential garage?

18 A. No. No. It's a -- I don't know. It's a  
19 commercial multilevel concrete garage that probably  
20 either is used for the twin cities or it's used for  
21 people to park who live in the area, residential area.  
22 Maybe they pay for parking in that giant garage.

23 Q. Can you please turn around and look at the  
24 overhead. Are you referring to that large commercial

1 garage that attaches to Wells Towers?

2 A. Yes.

3 Q. How high would you say is the wall that is  
4 that garage?

5 A. Oh, I don't know. But it's over the top of  
6 the house. It's over the top of the cottage there.

7 Q. Thank you.

8 Now, you mentioned the situation of this  
9 property and how it was different than anything you've  
10 seen. Can you elaborate on that, please?

11 A. Well, the -- the situation of it is it's  
12 pushed back. It has a gable roof, which none of the  
13 other roofs in that area are gable. They're all flat  
14 roofs. All of the other roofs are taller than the top  
15 of the gable, top of the peak of that roof. It has a  
16 side drive there, no other property has a side drive.  
17 And it's different. It doesn't look the same at all.  
18 It looks out of the character. It looks out of place.

19 Q. Can you please turn around again and look at  
20 the PowerPoint projector and tell me -- the picture to  
21 the right --

22 A. Yes.

23 Q. -- that is an overhead view of the house?

24 A. Yes.

1 Q. That is the gable roof that you described?

2 A. Yes.

3 Q. Can you describe the other roofs in the area?

4 A. They're -- Well, they're all flat roofs.

5 They're commercial flat roofs. They don't have tile,  
6 they have tar paper, whatever, on top, and that's all  
7 they are.

8 Q. And you mentioned the foundation but not from  
9 a structural stability standpoint, but from the  
10 perspective of that this property is situated on a crawl  
11 space; that is correct?

12 A. Yes. And we had someone try to get in there  
13 and -- and scrape and look and it's on a rock, boulders,  
14 and it isn't -- it isn't secured, I don't think.

15 Q. Irrelevant.

16 But do you see any other properties in the  
17 area that are on similar foundations?

18 A. No. I don't see any in that area that are  
19 crawl -- crawl space.

20 Q. What are they typically?

21 MR. AGUIAR: Objection to the foundation of that.  
22 What is her experience in ability to give that kind of  
23 testimony as to foundations?

24 MR. HARIS: The other properties have either garden

1 apartments or basements. It's --

2 THE WITNESS: Correct.

3 MR. AGUIAR: Which other properties?

4 MR. HARIS: Every adjacent property and every  
5 property on the block.

6 THE WITNESS: Yes. The adjacent property has a  
7 downstairs garden apartment, but the building right  
8 there next to it has a garden apartment which actually  
9 is for rent right now. And going to the north, all of  
10 those buildings have either downstairs apartments or  
11 they're ground level and they're not built the way that  
12 this cottage is.

13 BY MR. HARIS:

14 Q. Thank you very much.

15 Is there anything else that you would like to  
16 say? Speaking specifically as to the architecture and  
17 the character of this building, do you feel that it  
18 contributes to the historical character?

19 A. No. No. And you can see just from this  
20 photograph right here, look at how that building is  
21 dwarfed between those two buildings. And look behind  
22 it. That's what they have to look at behind it. But it  
23 isn't in character with the whole area.

24 Q. Why do you think this house is the only house

1 situated like that?

2 A. I -- I don't know. I mean --

3 MR. AGUIAR: Objection, foundation.

4 BY THE WITNESS:

5 A. -- it was built that way, I guess. I don't  
6 know why.

7 Q. Do you have any indication or knowledge of  
8 notice from the City? I retract the question.

9 Another question, what do you pay in taxes on  
10 the property?

11 MR. AGUIAR: Objection, irrelevant.

12 HEARING OFFICER DZIEKEWICZ: Irrelevant.

13 MR. HARIS: Is it, to the tax base, though?

14 MR. AGUIAR: It is not --

15 MR. HARIS: Okay. I understand.

16 BY MR. HARIS:

17 Q. Just for reference purposes, the picture on  
18 the overhead, that is of what?

19 A. That is of another building. That's not  
20 our --

21 Q. Do you happen to know where those buildings  
22 are? Can you make out the picture?

23 A. Across the street.

24 Q. Correct.

1           A.     That's across the street.  And the one to the  
2 left of that center one is directly across the street,  
3 which that, I think, is a ten-unit building.  And the  
4 one to the right, I'm not sure where the one to the  
5 right is, I think across the street.

6           Q.     It is.  They are all across the street.  Okay?

7                     Is there any statement that you would like to  
8 make with regards to the property?

9           A.     No.  Just that it is really a small cottage  
10 that is dwarfed by the buildings that are surrounding  
11 it.

12           MR. HARIS:  Thank you very much for your testimony.  
13 Hold on one second, you might --

14           HEARING OFFICER DZIEKEWICZ:  Would the Department  
15 like to cross-examine?

16           MR. AGUIAR:  Yes, Commissioner.

17                                 CROSS-EXAMINATION

18 BY MR. AGUIAR:

19           Q.     Ms. Waters, are you an architect?

20           A.     No.

21           Q.     Do you have any background in historic  
22 preservation?

23           A.     No.

24           Q.     You talked about the building being out of



1 character, but your testimony's about the block,  
2 correct, and the surrounding -- and the surrounding  
3 buildings?

4 A. True. But if you drive around the block, it's  
5 the same. There are big buildings all the way driving  
6 around the block and down the block past Eugenie.  
7 They're all the same, all of them.

8 Q. Have you driven the boundaries -- excuse me.  
9 Do you know what the boundaries of the  
10 district are?

11 A. Somewhat from looking at a map, yes.

12 Q. Have --

13 A. Are you talking about the Triangle or are you  
14 talking about the whole -- the --

15 Q. The Old Town Triangle District as set forth in  
16 the ordinance.

17 A. Well, I know it's shaped in a Triangle, but I  
18 haven't driven the whole Triangle, no.

19 Q. So you haven't seen all the homes in the  
20 district?

21 A. No, not all the homes.

22 MR. AGUIAR: Okay. No further questions.

23 HEARING OFFICER DZIEKEWICZ: Does Ms. Kurson --

24 MS. KURSON: No. Thank you.

1 HEARING OFFICER DZIEKEWICZ: Thank you.

2 MR. HARIS: Party by request. May we call a party  
3 by request.

4 MR. AGUIAR: Commissioner, parties by request  
5 proceed on their own. They're their own parties.  
6 They're not represented by counsel.

7 MR. HARIS: Okay.

8 MR. McCOURT: I'm a party by request. Can I come  
9 up?

10 HEARING OFFICER DZIEKEWICZ: Now we will hear the  
11 parties by request.

12 MR. HARIS: Go ahead. Take the microphone if you  
13 don't mind.

14 Some basic questions.

15 MR. AGUIAR: Commissioner, my understanding is that  
16 he's a party by request. He presents his own case and  
17 other parties have a chance to cross-examine him.

18 HEARING OFFICER DZIEKEWICZ: Well, that's correct.

19 MR. AGUIAR: Thank you.

20 MR. HARIS: A little bit of guidance, name,  
21 address.

22 MR. McCOURT: My name's Sean McCourt. I live  
23 directly to the north adjacent to the subject property  
24 in the rear coach house. I've lived there for four

1 years. I've lived in the Old Town Triangle for -- going  
2 on seven years. My parents have lived in the Old Town  
3 Triangle since 2005. I'm very familiar with the area,  
4 very familiar with the neighborhood. I find that the  
5 subject property which I have lived directly adjacent to  
6 is -- doesn't contribute whatsoever towards the  
7 district. I don't see how a vacant awkwardly positioned  
8 deteriorating building could possibly contribute towards  
9 the district. And a building in which can invoke fear  
10 occasionally because of its vacant nature.

11 MR. AGUIAR: Objection, that's irrelevant to  
12 today's proceeding.

13 MR. McCOURT: It's my opinion based upon ...

14 MR. AGUIAR: The fact that the building's vacant is  
15 not one of the criteria the Commissioner's considering  
16 here today.

17 HEARING OFFICER DZIEKEWICZ: That is correct.

18 Do you have any further statement to make?

19 MR. McCOURT: I do. As I think there's a safety  
20 concern here as it relates to the awkward position of  
21 the building. I live on the second floor --

22 HEARING OFFICER DZIEKEWICZ: That is irrelevant as  
23 well.

24 MR. McCOURT: Well, I would like to make an

1 observation then. My emergency rear exit, I live on the  
2 second floor as well as my neighbor above me who lives  
3 on the third floor, their emergency rear exit actually  
4 pours out to the rear of the subject property. And in  
5 the event that there were -- there was ever an actual  
6 emergency, say, a fire, we would be trapped in the back  
7 of the building because there is a secured gate. So we  
8 just hope that the way in which the building is --

9 MS. MISHER: May I interrupt, sir?

10 MR. McCOURT: Sure.

11 MS. MISHER: So I think we're seeing the problem  
12 here where there is a distinction between parties and  
13 interested persons that are allowed to make statements  
14 during the public presentation section. This -- There's  
15 a great deal of confusion here because counsel for the  
16 applicant, I'm guessing, had these individuals fill out  
17 parties by request forms.

18 But as a party, you have to follow the rules  
19 and the procedures in these guidelines. You cannot say  
20 anything you want. If you are an interested person at  
21 the end of the cases in chief of the applicant and the  
22 City and any other party who actually has evidence and  
23 testimony relevant to the criteria, at that point, you  
24 can say anything you want without objection. That, to

1 me, seems like the more relevant category that -- that  
2 you would be in.

3 The difference is, you know, as an interested  
4 person making a public statement, you can't be  
5 cross-examined. But the statements you're making are  
6 you could say, you know, at the end of this proceeding.  
7 But at this -- if you are a party, you are supposed to  
8 be addressing the criteria for contributing buildings  
9 and the relevant factors to this matter.

10 So if you'd like to change your status, if  
11 anyone would like to change their status from a party by  
12 a request to an interested person who would fill out a  
13 form and make a statement at the end, you can do that  
14 now.

15 MR. McCOURT: Okay. I'll remain as a party by  
16 request.

17 MS. MISHER: Okay. Then please limit your  
18 testimony to the criteria and why this is or is not a  
19 contributing building.

20 MR. HARIS: Sure.

21 MR. McCOURT: Okay.

22 MR. HARIS: May I cross the party by request?

23 MS. MISHER: If the party by request is done.

24 MR. McCOURT: I'm done.

CROSS-EXAMINATION

BY MR. HARIS:

Q. Mr. McCourt, do you feel that the subject property is contributing to the character of the neighborhood, the block, or the district?

MR. AGUIAR: Objection, foundation. This witness -- this party has not been -- has not qualified himself to give an opinion as to whether this building contributes under the criteria.

MR. HARIS: Contributes to the character?

HEARING OFFICER DZIEKEWICZ: I think we'll allow the response.

BY THE WITNESS:

A. No, I do not.

Q. Do you feel that this property is an intrusion?

A. I do, yes.

Q. Why do you feel that?

A. I feel it's -- because of how it's positioned, really, on the property that it's directly in our courtyard area and all the windows are in our courtyard area and it really intrudes on our privacy and we intrude on its privacy.

Q. Interesting.

1           So from your courtyard, your shared courtyard,  
2 you could see directly into the building?

3           A.    Yes.

4           HEARING OFFICER DZIEKEWICZ: Please, when you're  
5 referring to character of the building, refer to the  
6 criteria set forth that we should be discussing.

7 BY MR. HARIS:

8           Q.    You mentioned that you've lived in the  
9 neighborhood for four to five years and that your family  
10 also resides in Old Town?

11          A.    Correct.

12          Q.    And what has been your experience living next  
13 to this property?

14          A.    It's -- It hasn't contributed to my living  
15 experience in any way.

16          HEARING OFFICER DZIEKEWICZ: How does that relate  
17 to the criteria set forth in the rules and regulations?

18          MR. HARIS: To respond to that, you know, one of  
19 the main purposes of the Commission is to add to the  
20 vitality of the district. And I think from the  
21 witnesses that are here today, we're seeing that the  
22 demographics of this district are young working  
23 professionals. And they add to the vitality of this  
24 district, that -- that they are as much a part of this

1 district as anyone.

2 You know, I venture to say that nobody else  
3 besides the witnesses present here today reside within  
4 500 feet of the landmark, reside within 500 feet of the  
5 district are representatives and constituents of the  
6 Second Ward. That's a very limited number of people.  
7 Brian Hopkins' ward extends only to Eugenie and to  
8 Hudson.

9 HEARING OFFICER DZIEKEWICZ: What we're discussing  
10 here is the historic, architectural features.

11 MR. HARIS: Sure. So -- Right.

12 HEARING OFFICER DZIEKEWICZ: And what we're trying  
13 to determine is whether the proposed ward will adversely  
14 affect any significant historical or architectural  
15 feature of a landmark or proposed landmark.

16 BY MR. HARIS:

17 Q. Mr. McCourt, have you ever been on an Old Town  
18 tour, a walking tour?

19 A. Yes.

20 Q. You have?

21 And did your walking tour stop in front of  
22 this property?

23 A. No.

24 Q. And your personal -- What do you do by



1 profession?

2 A. I'm a commercial real estate broker.

3 Q. And in your humble opinion, do you feel that  
4 this property contributes to the character of this area?

5 A. No.

6 MR. HARIS: No further questions.

7 HEARING OFFICER DZIEKEWICZ: Would you like to  
8 cross --

9 MR. AGUIAR: Yes.

10 CROSS-EXAMINATION

11 BY MR. AGUIAR:

12 Q. Mr. McCourt, are you an architect?

13 A. No.

14 Q. Do you have any experience in historic  
15 preservation?

16 A. No.

17 Q. Do you have any experience in applying the  
18 Commission's rules and regulations?

19 A. No.

20 Q. Any experience in applying or dealing with the  
21 Commission's guidelines?

22 A. No.

23 Q. Any experience of dealing with the  
24 Commission's -- excuse me -- the U.S. Secretary of the

1 Interior Standards and Policies?

2 A. No.

3 MR. AGUIAR: That's all I have.

4 HEARING OFFICER DZIEKEWICZ: Thank you.

5 Ms. Kurson? Okay.

6 Thank you very much.

7 May the next party by request please stand up,  
8 come forth.

9 Please state your name.

10 MR. DVORAK: Good morning. My name's John Dvorak.

11 I own 1635 North North Park Avenue and have for  
12 19 years. I lived at the property for a number of years  
13 before getting married and having kids and moving out to  
14 the suburbs. I continue to visit the property every  
15 week and rent out those units.

16 My family has lived in that area since the  
17 1920s. My grandmother worked at the Piper's Bakery, for  
18 which Piper's Alley got its name. I'm very interested  
19 in the character, the intent, the purpose of what the  
20 landmark ruling commission does.

21 And, I guess, to flip this around, no, I'm not  
22 an architect, but I've spent 26 years managing property,  
23 developing property. My brother's an architect. I have  
24 worked with your office and the Landmark Commission in

1 the past associated with maintaining my own property,  
2 with rehabbing the deck that's on the roof, and the  
3 representative that's sitting behind me to my right was  
4 involved with that process as well. I've taken tours of  
5 Old Town, walked every street in Old Town Triangle. And  
6 that's why I bought there. I enjoyed the feel of that  
7 place. And to some extent, it's hard to really, you  
8 know, capture the essence of what specifically these  
9 rules get to, but it's the character, the feel, when  
10 you're walking through the neighborhood what makes a  
11 difference.

12 I've also worked with Warner Brothers casting  
13 director in selecting sites for filming TV shows in that  
14 neighborhood and, you know, interacted with that  
15 individual to kind of get a sense of what felt right on  
16 a street for a shot for a TV show where the time period  
17 was to reflect, you know, the late 1800s, early 1900s.  
18 But my focus -- my comment is if you're walking down the  
19 sidewalk and -- and you have the sense walking up and  
20 down Concord Lane of what it did feel like living there  
21 in late 1800s, early 1900s, when you walk up North Park  
22 and you're on the sidewalk, what do you see because of  
23 the result of the smaller property next to mine? You  
24 see the large tower behind it.

1           So rather than being encapsulated and having  
2 the sense of that historic element, it's a distraction.  
3 And when you say does it contribute to the environment?  
4 I feel like it's not and that it's the opposite. It's a  
5 little bit of a nuisance in taking away from the sense  
6 of the historical community. Because what you see is  
7 the 30-foot wall of the parking garage behind it and the  
8 gigantic tower from either side of the sidewalk walking  
9 up and down the street.

10           And if I could borrow the photograph that was  
11 used. So even if you're on the sidewalk here, what do  
12 you see? Not that much of this, but this gigantic glass  
13 modern structure behind here. If this building was  
14 replaced by something that was similar in size to my  
15 property or the other one, as you'd walk down the  
16 sidewalk, you'd still have that historic sense of the  
17 neighborhood. I certainly only want something there  
18 that fit in the look of all the other properties in the  
19 neighborhood, but I think it would be an improvement  
20 to -- to, you know, knock this down and build something  
21 different there that would actually fill up the space in  
22 between my property and the property just north. That's  
23 it.

24

CROSS-EXAMINATION

BY MR. HARIS:

Q. Thank you very much for your candor.

So without beating a dead horse, do you feel that this property exhibits the significant historical, or architectural features not described in the ordinance but, I guess, typical to this neighborhood?

A. I don't think this contributes to the historical significance of the neighborhood. I think it's a distraction from it.

Q. Do you believe that the subject property respects the general site characteristics associated with the district?

A. What does that mean, site characteristics with the district? I mean, it's inconsistent with those properties on this block.

Q. That's fair.

Do you believe that the subject properties exhibits the general size, shape, and scale associated with this district?

A. No. It doesn't match the general area there.

MR. HARIS: Thank you.

No further questions.

HEARING OFFICER DZIEKEWICZ: Please proceed if you

1 have any questions.

2 MR. AGUIAR: Thank you, Commissioner.

3 CROSS-EXAMINATION

4 BY MR. AGUIAR:

5 Q. Mr. Schalk, I believe you testified --

6 A. Dvorak.

7 Q. Dvorak. I'm sorry. I'm getting my names  
8 mixed up today. That's my bad. I apologize.

9 Mr. Dvorak, I believe you testified that  
10 you're not an architect?

11 A. I am not.

12 Q. Okay. And do you have any experience in  
13 historic preservation?

14 A. I do.

15 Q. And what is that experience?

16 A. Maintaining this building for 19 years  
17 following the rules with the landmark commission with  
18 building permits. I'm sorry. I forgot your name.

19 Q. Ms. Cuvalo.

20 A. Ms. Cuvalo, working with her on a project at  
21 that same property.

22 Q. But those experiences are based solely on your  
23 property?

24 A. That's correct.

1 Q. You don't have a degree in historic  
2 preservation, do you?

3 A. A degree? No.

4 Q. Okay.

5 A. But I am a student and a fan of.

6 Q. We appreciate that.

7 Your opinion that you just offered today, it's  
8 based on the block that on which this building sits,  
9 correct? You testified earlier about how this glass  
10 structure behind the home can be seen now and it ruins  
11 the view of the block, correct, that was your testimony?

12 A. It alters the character --

13 Q. Of that block?

14 A. -- of that block, of that area, that's  
15 correct.

16 Q. And that is what your testimony is about here  
17 today, it's about how that home impacts that particular  
18 block?

19 A. And that block impacts the sense of character  
20 for the entire Old Town Triangle.

21 Q. In what way?

22 A. Because it's part of it. If you're walking  
23 around the block, what's your impact? What's your sense  
24 of feel of character?

1 Q. Have you walked the entire district?

2 A. Yes.

3 Q. Are you aware of there being any other  
4 two-story Chicago cottages in the district?

5 A. Yes.

6 Q. There are some?

7 A. On other streets, certainly.

8 Q. Okay. So that is a characteristic of the  
9 district to have worker's cottages in the district?

10 A. In the district in Old Town Triangle, there  
11 are other locations, other streets that do have  
12 two-story structures similar to this one.

13 Q. So would you say that two-story cottage  
14 structures typify the district?

15 A. No, I wouldn't go there.

16 Q. You wouldn't? But there are some in the  
17 district?

18 A. Correct.

19 Q. Okay. And -- So it is a form of architecture  
20 found in the district?

21 A. In the district, yes. In the district.

22 Q. Okay.

23 A. In the Old Town Triangle.

24 MR. AGUIAR: Okay. No further questions.



1 THE WITNESS: That's the district, correct?

2 MR. HARIS: Correct.

3 HEARING OFFICER DZIEKEWICZ: Thank you.

4 MR. HARIS: Thank you very much.

5 THE WITNESS: You're welcome.

6 HEARING OFFICER DZIEKEWICZ: Old Town Association,  
7 would you like to --

8 MS. KURSON: No.

9 HEARING OFFICER DZIEKEWICZ: The next party? Did  
10 Sean McCourt come up to speak?

11 MR. HARIS: He spoke, yes.

12 HEARING OFFICER DZIEKEWICZ: Julia Cappelli?

13 MR. HARIS: We have Art Schalk, actually.

14 Art, do you want to come up? This is  
15 Mr. Schalk finally.

16 MR. SCHALK: My name's Art Schalk. I'm a friend of  
17 the Waters who have the property. I frequent the  
18 neighborhood quite often for food, drink, and  
19 entertainment.

20 HEARING OFFICER DZIEKEWICZ: Is that the end of  
21 your statement?

22 MR. SCHALK: I thought you were going to ask me  
23 questions.

24 MR. HARIS: They would prefer that you give a

1 statement.

2 MR. SCHALK: Okay. I quite often pull up to  
3 that cottage. It is -- you know, it's okay. It's a  
4 little small, not horrible. But if you look in the  
5 neighborhood, there's a lot of six-flats, four-flats,  
6 50-unit buildings down the street. And it's a little --  
7 It seems a little out of place, there's no question.

8 Am I not allowed to talk about the condition?

9 HEARING OFFICER DZIEKEWICZ: No, you're not allowed  
10 to.

11 MR. SCHALK: Just making sure. You know, like  
12 anyone's home, it can use a little fixing up, just like  
13 my home can, and it's in good shape. But I don't know  
14 what else to say. It's not part of -- really it doesn't  
15 fit in with the neighborhood.

16 HEARING OFFICER DZIEKEWICZ: Are you done with your  
17 statement?

18 MR. SCHALK: And then what happens, then they ask  
19 me questions?

20 HEARING OFFICER DZIEKEWICZ: Mm-hmm.

21 MR. SCHALK: Okay. Yeah, that's my statement.

22 CROSS-EXAMINATION

23 BY MR. HARIS:

24 Q. You mentioned that you frequent Old Town. And

1 where exactly do you live?

2 A. I live over on like Fullerton and Southport.

3 Q. And how often would you say you're in Old  
4 Town?

5 A. Well, in the summer I bet you it's every other  
6 day. Winter, not as much.

7 Q. And you mentioned that you know the Waters  
8 family. Do you ever see them at the property?

9 A. Yes, I have. They're out there, you know,  
10 picking weeds and cleaning up out in front to make sure  
11 it looks as best it can when they're not there.

12 Q. And I don't want to waste too much time, so I  
13 just want to run through this litany of questions.

14 Do you feel like this property contributes to  
15 the district in character or architectural style?

16 A. It seems like it's a little out of place. I'm  
17 not an architect or anything, but it doesn't seem like  
18 it's, you know, in place with the rest of the buildings.

19 Q. How about, do you feel -- do you believe that  
20 the subject property exhibits the general size, shape,  
21 and scale associated with --

22 A. It seems -- when you look at the building and  
23 you're there in person, forget about these pictures,  
24 yeah, it's kind of like a little tiny dog compared to a

1 bunch of Great Danes, you know, a little Yorkie.

2 MR. HARIS: All right. No further questions.

3 CROSS-EXAMINATION

4 BY MR. AGUIAR:

5 Q. Sir, are you an architect?

6 A. I am not.

7 Q. Do you have any experience in historic  
8 preservation?

9 A. I might have and not be sure, but no.

10 Q. Do you have a degree in historic preservation?

11 A. No.

12 MR. AGUIAR: Okay. No further questions.

13 MR. SCHALK: Okay. Do I turn this off?

14 HEARING OFFICER DZIEKEWICZ: Ms. Kurson, I'm  
15 assuming you don't have any questions.

16 MS. KURSON: No questions.

17 MR. HARIS: We have one last party by request.

18 HEARING OFFICER DZIEKEWICZ: Julia Cappelli?

19 MR. HARIS: Yes.

20 MS. CAPPELLI: Hello. My name is Julia Cappelli.  
21 I've lived in Chicago my entire life. I've lived at a  
22 building right next to this residence for a little over  
23 a year now. I don't think that it contributes to the  
24 Old Town Triangle or the neighborhood at all. I mean,

1 we've already discussed the points. In my opinion,  
2 everyone said it's tiny compared to the other residents  
3 around us. It does look out of place. I believe that  
4 if it were an important site, that when going on Old  
5 Town tours, they would include it when talking about  
6 landmarks.

7 I think if it was something truly significant,  
8 people would want to see it and if they're not even  
9 mentioning it, that means something to me. Old Town is  
10 a great neighborhood. I plan on living there for a very  
11 long time. It's somewhere that I feel -- feels homey,  
12 which is a rare thing in the city to find. And I don't  
13 think that this residence contributes to that at all. I  
14 believe it's an eyesore. It doesn't -- Honestly the  
15 only thing it really does, in my opinion, is attract  
16 rats to the area which does not contribute to the Old  
17 Town Triangle. It just doesn't fit, that's just my  
18 opinion. I don't think it contributes and I don't think  
19 it benefits the town in any way.

20 HEARING OFFICER DZIEKEWICZ: Thank you.

21 CROSS-EXAMINATION

22 BY MR. HARRIS:

23 Q. Ms. Cappelli, what is your address?

24 A. 1641 North North Park Avenue.

1 Q. Where do you live in relation to the subject  
2 property?

3 A. I live right to the north. I'm on the ground  
4 floor as well. You can see into the side of the  
5 building. I don't think you can tell in any of the  
6 photographs, but our courtyard looks directly into --  
7 there are a lot of glass windows on the bottom floor  
8 which you can see directly into it, which is very  
9 invasive for both their property and ours.

10 Q. And have you ever seen a property like this  
11 one?

12 A. No. In my opinion, it's a bit decrepit. And  
13 I know we're not supposed to talk about the appearance  
14 so I won't go too much into that, but it's easy to tell  
15 that it's not -- it does not fit.

16 HEARING OFFICER DZIEKEWICZ: The deterioration is  
17 not part of this.

18 BY MR. HARRIS:

19 Q. Architecturally, you know, if -- if it's -- an  
20 intrusion is the terminology from the ordinance, you  
21 know?

22 A. As far as architecture goes, I am not an  
23 architect. I do not have an architect degree. I have  
24 taken architect classes. I do study interior design.

1 And I do not find that it fits at all with the  
2 neighborhood. The scale does not fit with the  
3 surrounding area. I have not walked every bit of Old  
4 Town, but I have been around basically the entire thing.  
5 And my opinion is it is not fit for the neighborhood.

6 HEARING OFFICER DZIEKEWICZ: I'd like to ask a  
7 question. Ms. Cappelli, have you been just a few blocks  
8 of Eugenie to the east?

9 MS. CAPPELLI: I have.

10 HEARING OFFICER DZIEKEWICZ: Have you seen some of  
11 the restored cottages?

12 MS. CAPPELLI: There are some cottages. There are  
13 differences in those to this one, in my opinion.

14 HEARING OFFICER DZIEKEWICZ: Do you think that  
15 those cottages contribute to the neighborhood?

16 MS. CAPPELLI: They do. There are not a lot of  
17 them. I think that Old Town is a -- it's a town that is  
18 filled with a lot of young, young workers. I mean, it's  
19 a great up-and-coming place. I think that the town is  
20 going to continue to improve and build new properties  
21 that are bigger and better.

22 If you see the property right behind it, it is  
23 giant and it's modern. That's the direction a lot of  
24 places are going. There are a small handful of

1 cottages, but it's definitely not the vast majority.

2 HEARING OFFICER DZIEKEWICZ: Thank you.

3 Any further questions, Mr. Haris?

4 MR. HARIS: No further questions.

5 CROSS-EXAMINATION

6 BY MR. AGUIAR:

7 Q. Ms. Cappelli, you did say that you're not an  
8 architect, correct?

9 A. I am not an architect.

10 Q. And you don't have a degree in historic  
11 preservation?

12 A. I do not.

13 MR. AGUIAR: That's all I have.

14 HEARING OFFICER DZIEKEWICZ: Thank you.

15 Okay. That is the end of the parties by  
16 request. The City may now present its case.

17 MR. AGUIAR: Commissioner, we have been going for  
18 about almost -- can we have a five-minute break before  
19 we start our testimony?

20 HEARING OFFICER DZIEKEWICZ: I think that's  
21 appropriate. Thank you.

22 (A short recess was had.)

23 HEARING OFFICER DZIEKEWICZ: I'd like to call the  
24 public hearing back in order.



1                   So the City may now present its case.

2                   Mr. Aguiar, you may now call your witnesses.

3                   MS. McLAUGHLIN: City calls Edward Torrez.

4                   WHEREUPON:

5   EDWARD TORREZ,

6                   called as a witness herein was examined and testified as  
7                   follows:

8   DIRECT EXAMINATION

9                   BY MS. McLAUGHLIN:

10                   Q. Mr. Torrez, I'm going to hand you a book of  
11                   the exhibits of the Department of Planning and  
12                   Development.

13                   A. Thank you.

14                   Q. Okay. First, I'll ask you to state your name  
15                   and spell it for the record.

16                   A. My name is Edward Torrez, and it's  
17                   T O R R E Z.

18                   Q. Mr. Torrez, you're an architect here in  
19                   Chicago, correct?

20                   A. Yes, I'm an architect -- licensed architect  
21                   here in Chicago.

22                   Q. Let's -- I'm going to spend a few minutes  
23                   talking about your background and your credentials. You  
24                   have a bachelor's degree, right?

1 A. Yes.

2 Q. And where did you obtain your bachelor's  
3 degree?

4 A. University of Illinois in Champaign-Urbana.

5 Q. When was that?

6 A. 1986.

7 Q. What was your field of study?

8 A. Architecture -- Architecture studies. Excuse  
9 me.

10 Q. And you stated you're license in architecture,  
11 is that by the State of Illinois?

12 A. I am a licensed -- yes, a licensed architect  
13 in the State of Illinois.

14 Q. Okay. And you are the principal and the  
15 president of Bauer Latoza Studio, correct?

16 A. Correct.

17 Q. How long have you had that position?

18 A. I've worked at Bauer Latoza Studio 20 years.  
19 This is my 20th year. I became principal approximately  
20 16 years ago. And I acquired the firm three years ago  
21 in 2013.

22 Q. And just to be clear, Bauer Latoza is an  
23 architectural firm here in Chicago, right?

24 A. We are an architecture planning historic

1 preservation firm, yes.

2 Q. So you said you have been with Bauer Latoza  
3 for almost 20 years. Can you tell us --

4 A. More than 20 years.

5 Q. More than 20 years?

6 A. '96, I started, so this is the 20th year.

7 Q. Can you tell us a little bit about the work  
8 that you did before you joined the firm?

9 A. Well, I started my career in Austin, Texas, in  
10 a historic preservation firm, a prominent one. And then  
11 I moved back here to Chicago. I joined the firm of The  
12 Office of John Vinci for five years, another historic  
13 preservation firm. Then I went to the Chicago Park  
14 District as the preservation architect for the historic  
15 park's within the city. And then I moved on to McClear  
16 (phonetic) to work for the historic preservation group  
17 for a couple of years. And then I joined Bauer Latoza  
18 Studio in '96.

19 Q. Now, as a principal at Bauer Latoza and the  
20 president, do you manage architectural projects?

21 A. I do manage architectural projects. I  
22 oversee. Our office is known for historic preservation  
23 throughout the city, the state, and we have national  
24 projects.

1 Q. So would it be correct to say that you've  
2 worked on many historic preservation and rehabilitation  
3 projects?

4 A. Yes. I had the pleasure of celebrating our  
5 25th year last year and we counted how many projects we  
6 worked on in those 25 years. And we've done over 600  
7 projects. And of those 600, about 400 of them involved  
8 historic preservation.

9 Q. Okay. I'm not going to ask you to list the  
10 400, but could you just list a few of those, maybe some  
11 of the more notable projects for us?

12 A. I guess, one -- probably the most notable one  
13 that everybody would recognize is the historic Chicago  
14 Water Tower on Michigan Avenue. We restored that in the  
15 late '90s. We've also restored project -- other  
16 projects include the Old Market House in Galena,  
17 Illinois. We've also restored a very prominent career  
18 academy, Lindblom. We did a complete restoration of  
19 that project, which is -- it's also a landmark school.  
20 We've also -- I'm trying to think of them all here.  
21 There's so many. But a number of them -- and then also  
22 for the National Park Service, we've restored national  
23 monuments in the East Coast.

24 Q. Now, is one of your responsibilities in your

1 work to identify significant architectural and  
2 historical features of buildings and of areas?

3 A. Yes. It's the foundation of how we proceed  
4 with our projects to determine the -- what's the  
5 original fabric and what needs to be restored and how  
6 it's going to be restored and preserved.

7 Q. So you have experienced researching the  
8 historic significance of different structures?

9 A. Yes. I've been involved with managing and  
10 heading up a number of surveys. We've done HABS  
11 drawings, which are Historic American Building Surveys.  
12 But yeah, we typically have to do the data gathering and  
13 the research on particular properties before we restore  
14 them.

15 Q. Mr. Torrez, you were also a member in the past  
16 with the Commission on Chicago Landmarks, correct?

17 A. Yes. And I miss it, but yes.

18 Q. When were you a commissioner?

19 A. I was a commissioner for five years under  
20 Mayor Daley, 2005 to 2011, when the new mayor came in.

21 Q. Can you tell us a few of your responsibilities  
22 as a commissioner?

23 A. Well, I was -- I was on the commission but I  
24 was also part of the permit review committee, which are

1 properties that come before us every month. We would  
2 get about five to seven, maybe ten properties that we  
3 would review and determine the work -- proposed work for  
4 that permit if it follows the guidelines and the rules  
5 of the Commission.

6 Q. Have you had other positions related to  
7 historic preservation?

8 A. I have.

9 Q. So I know you're a member of a number of  
10 professional associations, correct?

11 A. Yes.

12 Q. You're a member of the National Trust For  
13 Historic Preservation?

14 A. I'm on the Board of Advisers for the National  
15 Trust for Historic Preservation. I'm on the executive  
16 committee for the Latino Heritage Conservation. I'm  
17 also on -- I've served on the easement committee for  
18 Landmarks Illinois. I've also served as chair of AIE  
19 Chicago Historic Resources Committee. And I currently  
20 now -- I'm just going to be appointed for a state  
21 position for the Illinois Historic Preservation Agency  
22 selection and review of nominations for the National  
23 Registry for the State of Illinois.

24 Q. And I understand you've also received awards

1 for your preservation work, correct?

2 A. Yes, I did. And of course we had to count  
3 those at the 25th year anniversary also, but there are  
4 approximately maybe 20 awards since I -- since the  
5 beginning at Bauer Latoza that I've had with historic  
6 preservation projects.

7 Q. Have you received awards from the Commission  
8 on Chicago landmarks?

9 A. Yes, I have. Thank you.

10 Q. Okay. Let me -- I'd like to have you turn to  
11 the first tab in that book of exhibits that I gave you.

12 A. Sure.

13 Q. Do you recognize the document that is at  
14 tab 1?

15 A. I do recognize it.

16 Q. What is it?

17 A. It's my resumé.

18 Q. Is that something you prepared?

19 A. Yes, I did prepare that.

20 Q. Does that resumé accurately reflect your  
21 experience in architecture and historic restoration?

22 A. Yes, it does.

23 Q. Okay. Let's just look through that quickly.

24 Can you turn to the second page?

1 A. Yes.

2 Q. Is this a list of some of the historic  
3 preservation and renovation projects that you have  
4 worked on?

5 A. It's a list of projects where I served as  
6 project director or as principal of these, yes.

7 Q. Could you turn to the next page? This is  
8 captioned, Historic Resources Survey and Documentation.  
9 Can you tell us what this list details?

10 A. This list reflects projects that, again, I  
11 served as project director or principal in the firm.

12 Q. Okay. And then can you turn to the following  
13 page, please?

14 A. Yes.

15 Q. Is this a list of some of the number of awards  
16 that you've received for projects that you've worked on?

17 A. Yes. It's a select list of -- a list of  
18 projects that I served as project director and  
19 principal.

20 MS. McLAUGHLIN: Thank you. At this time, the  
21 Department of Planning and Development would like to  
22 tender Mr. Torrez as an expert in architecture and  
23 historic reservation.

24 MR. HARIS: No objections.



1 BY MS. McLAUGHLIN:

2 Q. Mr. Torrez, were you asked to prepare an  
3 opinion regarding the property at 1639 North North Park  
4 Avenue?

5 A. Yes, I was asked to prepare an opinion.

6 Q. What were you asked to opine about?

7 A. I was asked to look to see if this was a --  
8 using the rules and regulations of landmark -- Chicago  
9 Landmark and also using the standards just to determine  
10 if this is a contributing property to the district and  
11 if it would also have an adverse effect if it were  
12 demolished.

13 Q. Are you familiar with the Old Town Triangle  
14 District?

15 A. I am familiar with it. I actually tried to  
16 rent there when I first arrived in Chicago. I loved the  
17 neighborhood. I'm envious of all of you that live there  
18 and really celebrate it. It's just a great little  
19 neighborhood. And I recently went there now and sort of  
20 remembered how -- why I loved that neighborhood and the  
21 district, the size and the character and just the  
22 feeling that you almost feel you're not in Chicago  
23 anymore. But -- so kudos to everybody who has property  
24 over there.

1 Q. You said you recently visited the district?

2 A. Yes.

3 Q. When did you make that visit?

4 A. I made that -- I made that a couple weeks ago  
5 like after the holiday, on Thanksgiving holiday.

6 Q. And when you visited, what did you do?

7 A. I got out of my car, I walked around in the  
8 middle of the street, which is the perfect way to walk  
9 around there, and I looked -- looked at the number --  
10 the variety of type of buildings that exist there, which  
11 there is. Old Town is lucky to have actually the  
12 variety from some of these newer projects that went up  
13 that are somewhat sensitive to the -- to the context of  
14 the neighborhood in addition to a number of these  
15 cottages, cottage-type -- Chicago cottage-type  
16 buildings.

17 Q. Now, in addition to visiting the district,  
18 walking the district, to prepare your opinion, did you  
19 look at any documents pertaining to the district?

20 A. I did look at documents.

21 Q. Did you look at the ordinance that designated  
22 the district?

23 A. Yes, I did.

24 Q. What about the Landmarks Commission's

1 Report --

2 A. Yes, I did.

3 Q. Have you looked at the materials that were  
4 submitted to the Commission for purposes about  
5 evaluating this permit?

6 A. Yes, I did.

7 Q. Okay. What about photographs of homes in the  
8 district?

9 A. Yes. I looked at a variety of photographs.

10 Q. And have you looked at historical maps of the  
11 district?

12 A. Yes. I did look at the -- the -- the atlas  
13 and the Sanborn maps.

14 Q. Okay. We can come back to that in a moment.  
15 But based on all of that, can you describe the  
16 architecture of the Old Town Triangle District for us?

17 A. Well, the architecture, it's a great -- it has  
18 a number of great examples of what Chicago was like in  
19 the early development. And this and a number of other  
20 neighborhoods are fortunate to have these resources and  
21 these treasured properties. So the -- From my  
22 observation, again -- or looking at the neighborhood  
23 again, I -- I visualize or I observe again the variety  
24 of projects -- of properties. There is masonry

1 building- -- brick buildings with similar ornamentation.  
2 There's wooden framed buildings. There are -- of course  
3 there's newer apartment buildings that are in-fill  
4 within -- within the context of the neighborhood.

5 I think it's -- it's a good example -- I'm  
6 glad the tourers are still existing there. But I think  
7 it's a good example if anybody wants to learn what -- or  
8 to look what Chicago looked like in the early days post  
9 fire, that this is a great example of what that would  
10 be.

11 Q. Could you turn in that exhibit book to the  
12 third tab?

13 A. Yes.

14 Q. What -- What is that document?

15 A. This is the ordinance language that was passed  
16 by counsel.

17 Q. Okay. Do you -- Does this 1977 ordinance  
18 identify certain types of architecture that typify this  
19 district?

20 A. Yes, it does. It describes the -- what --  
21 what makes this district the district.

22 Q. Does the ordinance identify the Chicago  
23 cottages as one of the particular building styles that  
24 are typical of this district?

1           A.     Yes.  I think it's mentioned somewhere.  I  
2     just got this so all my documents have highlights on it,  
3     but I guess it's mentioned somewhere, the Chicago  
4     cottage.

5           Q.     Okay.  And I think if you would look to --

6           A.     Oh, there it is.  I see it.

7           Q.     -- the second column and the third paragraph  
8     from the bottom.

9           A.     Yes.

10          Q.     Is there a reference to the Chicago cottages,  
11     a particular building style developed during Chicago's  
12     rapid period of development before the fire of 1871  
13     imploreing a method of construction known as balloon  
14     framing?

15          A.     Yes.  And it is, quote/unquote, called the  
16     Chicago cottage building type -- building style, I  
17     should say.

18          Q.     Is that just one of a few types of  
19     architecture that are specifically referenced as typical  
20     of this district?

21          A.     Yes.

22          Q.     Okay.  And when you visited the district, did  
23     you see examples of Chicago cottages in the district?

24          A.     I did.

1 Q. Can you tell us some of the significant  
2 features of those cottages?

3 A. Well, a lot of them had the -- they were  
4 raised on a masonry foundation similar to this property.  
5 Wood frame glided with siding. I don't know if it's  
6 pine, I can't tell but it probably would be pine. The  
7 windows and the door openings were also framed with  
8 casement with modest ornamentation. A lot of them had  
9 the broad flight stairwell that went up to the second  
10 floor. Some of them also have low stairs, but a number  
11 of them you have to go to this broad flight stair.

12 The stairs typically on a lot of them -- I  
13 think all of them, at least that I saw -- that the  
14 stairs are on one side with two windows on the other  
15 side. I think the stairs -- and there were none in the  
16 center, but mostly they were on the side. It had a  
17 pitched roof with gable ends. Some had an ornamentation  
18 on the pediment. Some had windows in the attic space.  
19 So a lot of those features were very similar in  
20 characteristics.

21 Q. Could you turn to tab 6 in that exhibit book?

22 A. Sure.

23 Q. This -- This document includes a number of  
24 photographs. Do you recognize the buildings pictured in

1 those photographs?

2 A. Yes, I do.

3 Q. Are these all pictures of homes in the  
4 district?

5 A. Yes, I believe they are.

6 Q. And did you look at some of these homes when  
7 you visited the district?

8 A. Yes, I did.

9 Q. I have blown up a few of these, just a few of  
10 these homes so that we can see them and talk about them.  
11 So let's just talk about a few features of some of these  
12 different homes.

13 A. Sure.

14 Q. So it may be hard for everyone to see.

15 Although if you live in the district, you probably are  
16 familiar with some of these homes already. Here's  
17 another.

18 So like I said, I've just blown up a few of  
19 these so we can talk about the features of these homes.  
20 And I'd like to start with this one on the -- the top  
21 left-hand corner, which is 215 West Eugenie.

22 Can you tell us a little bit about the  
23 significant features that this home has that contribute  
24 to the Old Town Triangle District?

1           A.     Very similar to the features I just mentioned,  
2     the wood frame, the siding, the ornamentation cladding  
3     around the openings of the doors and the windows, the  
4     pitched roof with cable ends, the pediment that has what  
5     appear to be wood brackets, most likely wood brackets  
6     ornamentation. The stair leading to one side on the  
7     entrance from the sidewalk level with a stairwell. And  
8     it's also raised on a masonry foundation.

9           Q.     Okay. Now, three of these other homes are on  
10    Concord. So I'd like to just discuss some of the  
11    features that those homes have.

12                    What about this one on the -- the brown and  
13    brick home on the top right, can you just highlight for  
14    us a few of the significant features of that home?

15           A.     Again, very similar. Windows, the pitched  
16    roof, the broad flight stair leading up to the second  
17    story on this one, with the -- to the side with the two  
18    windows on the opposite side. This one's set back and  
19    the setback is more likely because you've got to fit a  
20    stairwell in there from the property line so that you  
21    can put it right up to the sidewalk.

22                    So the setback is sort of a by-default feature  
23    because of the stairwell. And, you know, you could see  
24    a little bit of the neighboring building. Also you



1 could see a little bit of the ornamentation of the  
2 pediment, the siding. That one also is on a raised  
3 foundation, a masonry foundation.

4 Q. Can we turn to this lower left-hand building  
5 here --

6 A. Yes.

7 Q. -- with the porch?

8 A. With the porch. I don't know if that porch is  
9 original, but -- I didn't go that far into research on  
10 this. But it does have very similar features again with  
11 the windows and the roof. The size -- maybe I say that  
12 about the other ones, too. The size of these cottages  
13 are small. It was mentioned that -- earlier that it's  
14 dwarfed and it's -- the sides of it. That's actually --  
15 I feel that's kind of the beauty of this -- this style,  
16 that cottages are -- they are smaller, and they don't --  
17 they don't -- they're not tall and -- and -- and new.  
18 And they really set the context of this neighborhood in  
19 a lot of ways.

20 Yes, it is a little patchy. There's areas  
21 that don't have these cottages anymore. It's a shame  
22 because if I can imagine the whole Old Town were all  
23 cottages of this nature, this would be an amazing --  
24 more of an amazing neighborhood and area, community.

1 But again, it has all of the similar features that are  
2 described in the ordinance that run throughout the  
3 cottages -- the number of cottages that do exist here.  
4 And have been -- I witnessed -- or one of the things I  
5 observe is that a number of them have been restored.  
6 And they're not -- they don't have these large  
7 additions, dormers and everything. They're actually  
8 preserved and people live in them. And they must enjoy  
9 it. And they invested into restoring them because they  
10 feel that it truly is a resource, a treasure. And it  
11 should be valued in the neighborhood. So I was pleased  
12 to see all of the work that people have done on their  
13 cottages and restored them and make them into these  
14 valuable resources in the district.

15 Q. Well, let's just touch on one more of these  
16 homes because this -- this larger photo is -- appears to  
17 be a more recently restored home on Concord.

18 Can you just tell us a couple of the features  
19 that this home shares with the other cottages that  
20 contribute to the district?

21 A. Yeah. This -- I'm assuming this was a  
22 permissible project, it went through the course of the  
23 Landmarks and Building Department and everybody else. I  
24 saw the before shots of this project and I see the

1 after, and it's amazing the owners -- I don't know if  
2 they're here or not, probably not -- but I hope they got  
3 an award for this or something because they did an  
4 excellent job of restoring the style and the spirit of  
5 the cottage.

6 It has very similar features that I've  
7 mentioned prior. The foundation -- or the basis of a  
8 masonry base, the -- the pediment, it's got the brackets  
9 on it that were installed, the windows, the siding,  
10 everything about it. I even liked the color of it that  
11 they brought it back. So it's, you know, the paint that  
12 that has nothing to do with any of this, but --

13 Q. I think paint is not relevant --

14 A. No, it's not relevant, so I retract that.

15 But anyway, yeah, so this is a good example of  
16 if anybody can -- can see the before and after and what  
17 was done here. I think this could be done throughout  
18 including the property -- the subject property.

19 Q. Well, we're not supposed to be talking about  
20 the condition of the property.

21 A. I know --

22 Q. But I do now want to turn to that property.

23 So let me put up again some pictures of the property.

24 We've also got a few views of the -- some of the

1 features of the property.

2 Mr. Torrez, are you familiar with this  
3 building located at 1639 North North Park?

4 A. Yes, I am.

5 Q. How did you become familiar with the building?

6 A. I went to visit it, walked around, I spent  
7 probably 30 minutes trying to get different angles and  
8 really look at the materials and -- and the features of  
9 the -- of the building.

10 Q. Can I have you turn to tab 6 in the exhibit  
11 book? I'm sorry. I said -- I believe it's at tab 5.

12 A. Okay.

13 Q. Can you confirm for me that the photos in  
14 tab 5 are -- are all depictions of the building at  
15 1639 North North Park?

16 A. Yes, they are.

17 Q. Do those photos accurately depict the building  
18 based on your visit to the property?

19 A. Yes, they do.

20 Q. Let's look at these images of the building.

21 Does this building have historically or  
22 architecturally significant features?

23 A. It does have features as described in the  
24 ordinance, historic and architectural features, yes.

1 Q. Okay. Maybe if we go -- I don't know if it's  
2 top to bottom or bottom to top, but could you point out  
3 to us what some of those particular features are?

4 A. Well, I'll start with more prominent and then  
5 perhaps, you know, other ones, other features. But I  
6 guess the one is the base -- the masonry base on the  
7 raised frame building as we saw a number of other  
8 cottages, the casing around the window openings and door  
9 openings, the pitched roof and impediment gable ends.  
10 It has a little ventilation grille there where the attic  
11 would be at. I'm assuming there's -- was probably a  
12 window there.

13 The stairwell that is no longer there but  
14 assuming it was the broad flight stairwell that we saw  
15 similar to other buildings to get to the second floor  
16 entrance, the stairwell being up to the side and a pair  
17 of windows on the other side. The setback because of  
18 the stair.

19 And the size, you know, a lot of these  
20 cottages were 20 by 30 perhaps, 20 by 40, very small  
21 buildings. And this one probably around -- about the  
22 same size.

23 Q. Can I ask, how do you know that there would  
24 have been a stairwell to the second floor at the entry

1 of the home?

2 A. You can see the stringers have been cut. They  
3 are still there, that angle down, that -- that was  
4 probably the stringers of the stairs. And, of course,  
5 the landing up on top, unless they elevated themselves  
6 somehow without a stair, there must have been a stair  
7 there. But, yeah, there's still evidence that there was  
8 a stair there at one time.

9 Q. Can you tell anything about how old this  
10 building is?

11 A. Well, looking at the maps, we know that the  
12 footprint indicates that there was a building there  
13 prior to 1886 and then looking at the Sanborn maps, the  
14 building was -- this building you see now at the turn of  
15 the century was also consistent.

16 Q. Could you turn to tab 7?

17 A. Yes.

18 Q. I just want to confirm that these are the --  
19 in Exhibit 7, these are the maps that you are talking  
20 about.

21 What's this first -- Can you just tell us what  
22 these maps are, what's the first map?

23 A. The first one is the Robinson Atlas map. And  
24 it's one of the early maps that we use in our historic

1 preservation. And I've looked at these as a  
2 commissioner member and also as a preservation  
3 architect.

4 And it just -- it's evidence of buildings that  
5 shows the footprint of buildings that we got to review  
6 sometimes to see was there an addition, when was that  
7 addition placed, some people want to knock down  
8 additions and sometimes we determine was that in the --  
9 in the period of significance of whatever district or  
10 historic district may be.

11 And then the other one, the Sanborn map,  
12 that's also a reliable resource throughout the  
13 preservation profession not just here but across the  
14 country, we use these also as evidence of buildings, the  
15 footprints or sizes and location of buildings within the  
16 city or within historic districts.

17 Q. So I believe the earliest map is the  
18 Robinson's Atlas from 1886; is that right?

19 A. Yes.

20 Q. And does that show that there was a building  
21 in this location in 1886?

22 A. It does show the footprint of a building.

23 Q. Okay. Now, you're aware that the owners of  
24 this home have applied for a demolition permit, correct?

1 A. Yes.

2 Q. And earlier you testified that you were asked  
3 to prepare an opinion as to whether the demolition of  
4 the home at 1639 North North Park would adversely impact  
5 the significant architectural and historic features of  
6 the Old Town Triangle District. Have you reached an  
7 opinion?

8 A. Yes, I have reached an opinion.

9 Q. And what is that opinion?

10 A. Well, I reached an opinion using the rules and  
11 the regulations and looking at the standards of the  
12 Department of Interiors. And with all of that, I -- my  
13 opinion is that the demolition of this property will  
14 have an adverse effect to the character of this  
15 district.

16 Q. Did you prepare a report summarizing your  
17 conclusions?

18 A. I did prepare an opinion report, yes.

19 Q. Can you turn to tab 2 in our exhibit book?

20 A. Okay.

21 Q. Is that a true and correct copy of your  
22 report?

23 A. Yes, it is.

24 Q. All right. Well, let's go through some of



1 those conclusions that you reached. And you said you  
2 had evaluated the proposed demolition under the  
3 Commission's rules and regulations, correct?

4 A. Yes.

5 Q. So let's start with whether the home is a  
6 contributing building to the character of the district  
7 under the Commission's rules and regulations. And  
8 that's Article 3, Section G4 of the rules and  
9 regulations.

10 Let me put up that list of criteria so we can  
11 see it. And I'll read these so that everyone in the  
12 room can understand which one -- which criteria we're  
13 talking about.

14 First, let me just ask, are you familiar with  
15 the criteria that the Commission uses to determine  
16 whether a building contributes to the character of a  
17 district?

18 A. Yes, I'm very familiar with it --

19 Q. How are you still familiar with it?

20 A. As a past commissioner, I had to be -- I had  
21 to know these rules and regs. But also as a  
22 preservation architect for more than 25 years, I -- we  
23 have to refer to these -- these rules and regs also when  
24 working on a project.

1 Q. Okay. So let's walk through these different  
2 criteria that we've reproduced here. The first criteria  
3 reads, the subject property exhibits the significant  
4 historical or architectural features described in the  
5 designation ordinance.

6 Is it your opinion that the home satisfies  
7 this first criteria to contribute to the character of  
8 the district?

9 A. Yes.

10 Q. Can you tell us how it meets that criteria?

11 A. Well, as mentioned before -- thank you for the  
12 water. I'm hanging in there with this throat.

13 Q. We're almost done.

14 A. No. No. Well, I think I have another half  
15 here so -- yes. Again, with the features that I  
16 mentioned earlier -- and it's not just one, two, or  
17 three features, it's a number of features that are very  
18 similar to other cottages or other buildings within the  
19 district, not just on this block. I want to mention  
20 that I heard earlier, well, it doesn't match on this  
21 block. I'm looking at the whole district. I'm not  
22 looking at just the block when I'm forming my opinion on  
23 this.

24 Because if it were just the block, that would

1 be, you know -- the district would just be that block.  
2 Fortunately, the district encompasses many blocks, many  
3 types of different buildings that are contributing. And  
4 the Chicago cottage is one of those contributing  
5 buildings.

6 And looking around with this property, I think  
7 it does have a number of features that are similar to  
8 other cottages. Although it's been altered, there has  
9 been some minor -- the stair being removed and perhaps  
10 some bars put on, all of that is reversible. It's not  
11 detrimental to the property, but it does contain a  
12 majority of features that I found in other properties in  
13 the district of the cottages.

14 Q. Okay. The second criterion is somewhat  
15 similar. It states that the subject property exhibits  
16 the general historic and architectural characteristics  
17 associated with the district.

18 First, you were mentioning the difference  
19 between a block and a district. So does the criteria  
20 refer you to consider the characteristics of a block or  
21 the district as a whole?

22 A. The whole district. It's the -- It's not just  
23 the block, it's the whole district, and that's why  
24 districts have boundaries, because across the street

1 outside of that district does not apply to this. But if  
2 it's inside the district, then it should apply.

3 Q. Okay. And how does the building at 1639 North  
4 Park meet this second criteria exhibiting the general  
5 historic, and architectural characteristics of the  
6 district? I think this is probably something you've  
7 already told us but --

8 A. It is. And I'll just mention again -- I won't  
9 mention the features but I'll just say the majority of  
10 features, the size and the siting and everything -- this  
11 property is very similar to other properties that I saw  
12 within the district.

13 Q. Okay. And are those some of the same features  
14 that we talked about in the homes that we put up earlier  
15 and discussed?

16 A. Yes.

17 Q. The third criterion states, The subject  
18 property respects the general site characteristics  
19 associated with the district. So again, does this refer  
20 to the block or does it refer to the district as a  
21 whole?

22 A. This refers to the district and not just the  
23 block.

24 Q. And how does 1639 North North Park meet that

1 criteria?

2 A. Again, within the general site characteristics  
3 I mentioned set back the size, the -- where it's  
4 located, the -- and all the other features that are  
5 similar to other cottages in the district.

6 Q. Now, I believe you were listening to the  
7 earlier testimony and you've heard that -- and probably  
8 saw in your site visit that this home, the siding of  
9 this home is different than its neighbors on the same  
10 block. Does that affect your opinion of whether it  
11 exhibits site characteristics associated with the  
12 district?

13 A. No. It doesn't fall into anything that I'm  
14 reviewing or criterion. In fact, I mentioned earlier  
15 that one of our legacy projects that we did at our  
16 office was restoring the historic Chicago Water Tower.  
17 And if you think that there is a building that's  
18 dwarfed, that is dwarfed next to the John Hancock  
19 building. It's the most dwarfed building that you can  
20 see in Chicago. Yet, it is an iconic building that was  
21 restored and we had the honor to restore it.

22 But, you know, if you go with that criteria,  
23 then we would have knocked down the Chicago Water --  
24 historic Water Tower. So it doesn't -- it doesn't play

1 into to what I was asked to review in terms of the  
2 criteria and what -- you know, the rules and regs that  
3 we use to determine if something's contributing or not.  
4 And I just use these rules, these facts, that all come  
5 into play for me to come up with my opinion that this is  
6 a contributing factor, and a dwarf building is not one  
7 that makes it less contributing or less valuable. In  
8 fact, I think it is more valuable because it is the only  
9 one on the block, that it hasn't been demolished but  
10 that's -- that's, again, my opinion.

11 Q. Okay. Let's just run -- go through the  
12 remaining criteria, the fourth criteria reads, The  
13 subject property exhibits the general size, shape, and  
14 scale associated with the district.

15 So how does this home exhibit that size,  
16 shape, and scale associated with Old Town?

17 A. Well, I mentioned that one of the features of  
18 these cottages, however you look at it, they are small,  
19 they're typically 20 feet wide and perhaps 30, 40 feet  
20 deep. In this age of -- of bigger apartments and  
21 housing that we have, it's one of the things that is a  
22 feature that is consistent with the other cottages, the  
23 size, the height, so those things. And, of course, all  
24 the features that I mentioned earlier that are

1 consistent within the district.

2 Q. And the fifth criteria reads, The materials of  
3 the subject property are compatible with the district in  
4 general character, color, and texture.

5 What about the materials that are used to  
6 construct 1639 North Park, are they compatible with the  
7 district?

8 A. They are compatible with the district and  
9 compatible with the other cottages in the district in  
10 terms of the masonry, base, and the wood upper floors.  
11 But yes, they do. They're very consistent.

12 Q. Okay. You mentioned that some of the features  
13 of this home such as the entry staircase have been lost,  
14 some elements have been altered, you mentioned the --  
15 there might have been a little window where the vent now  
16 appears in the attic.

17 Does that affect your opinion as to whether  
18 the building is contributing?

19 A. No, it doesn't affect.

20 Q. Now, is that addressed by the six criteria  
21 here which reads, If the subject property has been  
22 altered in a manner which is contrary to these criteria,  
23 such changes could be easily reversed or removed?

24 A. Yes. The minor alterations are reversible

1 and -- or -- you know, the stair being removed, the  
2 stair can be replaced with a matching stair that's  
3 sympathetic to the character of the building and the  
4 features that I've mentioned earlier.

5 Q. Okay. I think we've gone through all of the  
6 different criteria in this section.

7 So briefly we'll look at the other section of  
8 the rules and regulations that the commissioners  
9 explained are relevant here, whether the requested  
10 alteration would have an adverse effect on the  
11 significant architectural and historic features of a  
12 landmark district.

13 So let me put those up quickly. Tell us what  
14 your opinion is as to whether the demolition of the home  
15 would have an adverse effect on the district.

16 A. My opinion is that it will have an adverse  
17 effect to the district.

18 Q. And are you relying on -- let me direct you to  
19 Section G3B at the bottom, which states, The demolition  
20 of a contributing building or structure within a  
21 landmark district shall be deemed a per se adverse  
22 effect on the significant, historical, or architectural  
23 features?

24 A. Yes.



1 Q. Okay. Are there other criteria -- So there  
2 are a number of criteria for determining adverse effect  
3 in addition to that per se adverse effect.

4 Would the demolition of this building violate  
5 some of those other criteria as well?

6 A. It would. And I guess the -- the 9B is  
7 probably the most straightforward of the determination  
8 of that this would be a per se adverse effect. Yes,  
9 there are other rules in there that would also determine  
10 that this would have an adverse effect.

11 Q. So, for example, the first criteria 1 here, it  
12 says, The work will maintain the significant historical  
13 architectural feature with no material change to that  
14 feature.

15 So would demolition of this home violate that  
16 criteria, for example?

17 A. Yes. We'd lose all the features.

18 Q. Okay. Let's see. There's a couple of  
19 other -- couple of other standards that the Commission  
20 relies on when it evaluates these permits.

21 So I just want to have you speak to those  
22 quickly. Could you turn to tab 8 in that exhibit book?

23 A. Okay.

24 Q. Now, in tab 8, we've reproduced the Commission

1 guidelines for alterations to historic buildings and new  
2 construction and the Secretary of the Interior's  
3 Standards for Rehabilitation of Historic Buildings, both  
4 of which are -- those are guidelines the Commission has  
5 adopted.

6 Did you formulate an opinion as to whether --  
7 let's start with the interior's standards.

8 Did you form an opinion as to whether the  
9 proposed demolition is consistent or whether it violates  
10 the interior's standard?

11 A. Yes. It could violate interior's standards.

12 Q. We have those here as well. So let's take a  
13 look at a few of those. Let me just point you to a few  
14 of these standards.

15 Would demolition of the building violate the  
16 first standard, A property shall be used for its  
17 historic purpose or be placed in a new use that requires  
18 minimal change to the defining characteristics of the  
19 building and its site and environment?

20 A. Yes.

21 Q. How about the second standard, the historic  
22 character of a property shall be retained and preserved.  
23 The removal of historic materials or alteration of  
24 features and spaces that characterize a property shall

1 be avoided?

2 A. Yes.

3 Q. Let's look at No. 5, distinctive features,  
4 finishes, and construction techniques or examples of  
5 craftsmanship that characterize a historic property  
6 shall be preserved.

7 A. Yes, it would violate that.

8 Q. Okay. I just want to also touch on the  
9 guidelines. The Commission's decision is also informed  
10 by the guidelines, correct, are you familiar with the  
11 guidelines as well?

12 A. Yes.

13 Q. Okay. In that same exhibit, if you turn to  
14 page 7.

15 A. Okay.

16 Q. You'll see at the top of page 7 is the  
17 guideline entitled Demolition. This guideline states,  
18 The purpose of designating landmark districts is to  
19 conserve the historic building stock and encourage  
20 maintenance repair and restoration. Demolition is not a  
21 means toward this end. The Commission recognizes that  
22 in a few rare situations, demolition may be acceptable  
23 when a structure does not contribute to the landmark  
24 qualities and character of a district or is an intrusion

1 on that character.

2 In your opinion, would the demolition of  
3 1639 North North Park violate this guideline?

4 A. Yes, it would.

5 Q. Okay. And is this -- Would you consider this  
6 to be one of those rare situations in which demolition  
7 may be acceptable?

8 A. No, demolition would not be acceptable.

9 MS. McLAUGHLIN: Okay. That concludes my  
10 questioning at this time.

11 Commissioner, I would like to incorporate the  
12 various exhibits that we've discussed with Mr. Torrez  
13 into the record, that would be 1 through 8.

14 HEARING OFFICER DZIEKEWICZ: Shall be incorporated  
15 into the record.

16 MR. HARRIS: Should we begin with the cross or --

17 HEARING OFFICER DZIEKEWICZ: Yes. Let's begin with  
18 cross.

19 CROSS-EXAMINATION

20 BY MR. HARRIS:

21 Q. Good morning still. Thank you for your  
22 testimony, first and foremost. I know coming out here,  
23 it sounds like you're an avid preservationist.

24 A. It's my profession.

1 Q. Would you say that your default position is to  
2 preserve?

3 A. My default -- it depends on what the case --  
4 what I'm reviewing.

5 Q. Understood.

6 And you've mentioned that you'd never lived in  
7 Old Town. And I assume you've been here for the  
8 entirety of the hearing so you have heard from residents  
9 and owners in Old Town. Has any of that testimony  
10 changed your opinion?

11 A. No, not -- not with what I was asked to form  
12 my opinion from with the rules and regs that I have to  
13 use.

14 Q. I'm going to be referring to the exhibits in  
15 this document as well, so please keep that handy. And  
16 so first and foremost, I'd like to turn to Exhibit 3  
17 entitled Unfinished Business.

18 Is this the Old Town Triangle District  
19 designation?

20 A. This is the ordinance. This is the language  
21 in the ordinance.

22 Q. The ordinance.

23 A. From the -- to the -- For the designation of  
24 the Old Town Triangle District that's a Chicago

1 landmark.

2 Q. And you referred to the language in this  
3 ordinance and specifically as it pertained to the  
4 subject property.

5 Can you refresh everyone's memory as to the  
6 historically significant characteristics that are  
7 identified in this ordinance?

8 A. Well, what I mentioned was that the Chicago  
9 cottage -- quote/unquote, Chicago cottage is in here as  
10 a building style within the district there's a  
11 contributing style in the district.

12 Q. Now, with specificity, do any of these  
13 characteristics apply to the subject property?

14 A. The characteristics of the Chicago cottage do  
15 apply to this property, yes.

16 Q. Now, from the Commission's brief and their  
17 position statement, they state that if specific  
18 characteristics are not identified, that there is a  
19 rebuttable presumption that rooflines and elevations are  
20 what are historically significant. Are you familiar  
21 with that language?

22 A. I am familiar with that language, yes.

23 Q. Okay. Next I would like to turn to tab 6.  
24 These are photos of houses in the district. I'm going

1 to go ahead and I'm going to put up the pictures.

2 And for reference purposes, I am going to put  
3 the picture of the property at North Park.

4 Now, we just stated that when characteristics  
5 are not mentioned with specificity that the presumption,  
6 the rebuttable presumption is that the rooflines and the  
7 elevations are what is historical about the property.

8 So I would like to ask you to describe some of  
9 the rooflines from the pictures, the first one is  
10 319 West Concord.

11 Can you please describe the roofline as well  
12 as the elevations?

13 A. Which one is 3- --

14 Q. Well, you know what? Let's start off with  
15 1639 North Park, the subject property.

16 A. Okay.

17 Q. Can you describe the picture of the roof, for  
18 example?

19 A. It's a pitched roof.

20 Q. Is it a low pitch or a high pitch?

21 A. I don't know. I guess visually, it looks like  
22 it's a 30-degree pitch.

23 Q. Okay.

24 A. Which is -- it's medium -- or 45 would be a

1 high pitch, 30 would be medium, and ...

2 Q. And explain it like you're explaining it to a  
3 toddler because I really -- I'm just -- So a high pitch,  
4 you said, would be 45 degrees, a low pitch would be 30  
5 degrees?

6 A. Yeah.

7 Q. And is there any way to determine the pitch of  
8 a roof using a protractor, using the naked eye, or do  
9 you have to take measurements?

10 A. Well, yeah, you'd have to take the rise and  
11 the rung and see where that is and that will determine  
12 the slope of the roof.

13 Q. Okay. And how about the elevations of this  
14 property?

15 A. What's the question? What do you want me to  
16 say?

17 Q. How does it vary? Is it similar to other  
18 elevations? Do you not know? Do we have to take  
19 dimensions?

20 A. Very similar to other elevations, the features  
21 are.

22 Q. The features are. Okay.

23 Now, if we can, can we please look at the  
24 first page on tab 6. The property is 319 West Concord.



1                   Now, that looks like it has two rooflines; am  
2 I incorrect in stating so?

3           A.     What page are you looking at?

4           Q.     319 West Concord.  It's this white house.

5           A.     The -- The before shot prior to rehab?

6           Q.     Oh, okay.  Let's look at the rehab property  
7 then.

8                   Can you describe what is underneath the  
9 roofline?  What are those?

10          A.     You mean the brackets.

11          Q.     The brackets.  Are they also called corbels?

12          A.     Well, this photograph's a little blurry.

13          There's some dentils underneath the -- of the eave of  
14 that gable roof.

15          Q.     Now, are those dentils or brackets present on  
16 the North Park property?

17          A.     No, they're not.

18          Q.     And would you say that this property is  
19 similar in elevation to the North Park property?

20          A.     Yes.

21          Q.     Now, there's stairs going to the front  
22 entrance of the door.

23          A.     Yes.

24          Q.     Are those present on the North Park property?

1           A.     Well, they were -- there's evidence that there  
2 was stairs.

3           Q.     On the first floor door?

4           A.     No.   That's ground level.

5           Q.     Okay.   And is it implied that this property as  
6 319 West Concord after rehabilitation that there's a  
7 basement there?

8           A.     I don't know.   I didn't get inside the  
9 building.

10          Q.     Understood.

11                    Can you please turn to the second page on this  
12 packet?   Okay.   And these are again a little bit more  
13 distorted, but I see some of the brackets that you  
14 described from the Concord property?

15          A.     Yes.

16          Q.     I'm looking at the white house.

17          A.     Yes.

18          Q.     Now, is there anything -- is there any way to  
19 describe the fascia?   Am I pronouncing that correctly?

20          A.     Yeah, the fascia.

21          Q.     The fascia?

22          A.     Yeah.

23          Q.     Is there any way to describe the fascia at  
24 these properties?

1 A. Well, they follow the pitch of the roof and  
2 there's a little eave that overhangs from the wall.

3 Q. How would you compare the pitch of this white  
4 property's roof to the pitch of the North Park roof?

5 A. Very similar.

6 Q. Very similar?

7 A. Yeah.

8 Q. And that all goes into the rooflines,  
9 quote/unquote, correct?

10 A. The slope of the roof, yes. It's not a flat  
11 roof, so yes.

12 Q. Now, this white property here at 1618 North  
13 Cleveland, that doesn't have a flight of stairs going to  
14 the second floor; is that correct?

15 A. Can you show me which one you're looking at?  
16 I want to make sure -- okay. I thought that was 1622.  
17 It looks like it. 22.

18 Q. Oh, very good eyes.

19 A. That's why I was confused. I'm like that's  
20 1622. Okay. Got it.

21 What was the question again?

22 Q. The question was first the pitch of the roof,  
23 is it very similar?

24 A. Yes.

1 Q. And I mentioned that there is no flight of  
2 stairs going to the second floor; is that correct?

3 A. There are no flight stairs going to the second  
4 floors, flight of stairs going to the first floor.

5 Q. And would that affect the elevation?

6 A. No. I don't think. I think you still have  
7 your very similar features on -- in that cottage with  
8 the masonry base frame style -- or upper floor, the  
9 pitch roof, the windows, how they're laid out, the attic  
10 window. This building is not as ornate as our -- as  
11 1639. And then 1639 is maybe not as ornate as some  
12 other examples.

13 So all of this comes -- it all varies. It's  
14 within the spectrum of the features that I mentioned  
15 that are very similar amongst all of them. So you're  
16 going to get a diff- -- you're going to have a different  
17 degree of ornamentation that -- that's on the building.  
18 There may have been brackets on here, I don't know. You  
19 know, and then if they're not there now. So I can't  
20 really base that to say, well, there's no brackets.  
21 It's not similar. But overall, if you start looking at  
22 all the number of features that are similar and --

23 Q. I understand. I understand.

24 Now, the fascia, you mentioned that some have

1 brackets. Is there another way to label fascia? Can  
2 it -- aside from being ornate, is there a such thing as  
3 Greek styling? I read that somewhere in the Old Town  
4 ordinance?

5 A. Yeah. Greek revival is the term that -- yeah.  
6 A lot of these were Greek revival when they were put in.  
7 There's a lot of Greek revival style cottages here.  
8 Very common, though, very common in not just this area  
9 of this district but other parts of the city. You'll  
10 see other similar cottages also in districts.

11 Q. Now, do you see any of the Greek revival  
12 styling on the 1639 North Park property?

13 A. Well, you know, I see -- yeah, I see a  
14 little -- it's very modest. And that was -- maybe  
15 that's a word I didn't use yet. This ornamentation on  
16 these cottages were very modest. They were built by,  
17 you know, the people -- the workers there, and they  
18 wanted some ornamentation. And that's sort of the  
19 character of these cottages, simple, modest. They don't  
20 go full Greek detail, Greek revival detail. But it  
21 is -- it has an inspiration of the style.

22 Q. Thank you.

23 The next page we're going to turn to is this  
24 one. It appears to be a grayish-blue cottage. And it

1 has the brackets again that you identified with other  
2 houses on Concord.

3 So how would you describe the fascia of this  
4 roof?

5 A. This may be more Italianate, which is another  
6 feature to describe in the district. But it is -- it's  
7 got ornamentation underneath the eave at the -- what we  
8 call the pendant, which is that, sort of, triangle  
9 shape, angle shape, and it has a cable end.

10 Q. And can you describe the pitch of this roof?

11 A. Very similar to the 1639.

12 Q. And this one, I noticed, does not have the  
13 vent or the window?

14 A. Nope.

15 Q. And it does not have a flight of stairs to the  
16 second floor, correct?

17 A. It does not have a flight of stairs to the  
18 second floor.

19 Q. Okay. The last photo to turn to, still under  
20 the tab 7, is this -- I believe there's two more. But  
21 this one in particular.

22 A. With the sunburst, that one?

23 Q. Yes. Okay.

24 Can you please describe the fascia on this

1 one?

2 A. A little bit -- it doesn't have the brackets,  
3 but it has a simple ornamentation underneath the eave  
4 again. It's cable end. It's pitched cable end roof  
5 with a pendant.

6 Q. And you mentioned that none of that  
7 ornamentation is present on the 1639 property; is that  
8 correct?

9 A. It doesn't appear to be, no.

10 Q. Thank you.

11 Now, something else I observed from looking  
12 at -- which tab were we just on? We were on tab 6,  
13 correct?

14 A. Yes.

15 Q. The address of the properties on tab 6, do you  
16 see any streets that include the subject street that  
17 we're here for, North North Park Avenue?

18 A. No.

19 Q. Now, when you went over for your site visit to  
20 North Park, did you notice any other cottages on this  
21 street similar to this one?

22 A. On this block, no, I did not see another  
23 cottage.

24 Q. How about on the street, so that would be two

1 city blocks from 1600 to 1800 on North Park?

2 A. I don't recall seeing another cottage.

3 Q. And what do you remember when you turned down  
4 on North Park Avenue from Wells and you head north, do  
5 you remember anything about the other properties on the  
6 block, anything you'd pass prior to this one?

7 A. Yeah. I noticed that there were a variety of  
8 buildings within the district. But I also noticed from  
9 the property just around the corner on -- is that  
10 Concord, right?

11 Q. Yeah. They just --

12 A. Just around the corner there, that's where you  
13 have a concentration of cottages not far away from this  
14 property. So it's very -- the style of the cottage is  
15 very prominent, not that --

16 Q. Understood. Understood.

17 Now, specifically speaking with North Park,  
18 there is one property at the beginning of North Park and  
19 Concord, do you remember what that property looked like?

20 A. Yes. I took a photo of it. So I'm trying to  
21 recall it in my head now.

22 Q. Did it span half of a city block?

23 A. Going west, you mean?

24 Q. No.



1 A. Oh, no. North and south?

2 Q. Right.

3 A. Did it span a half a city block? I don't  
4 recall if it did or not.

5 Q. For the record, it does. It is a four-unit  
6 commercial property.

7 A. Big building.

8 Q. Correct.

9 So I'd like to turn your attention to the  
10 overhead here to perhaps refresh your memory of how the  
11 block starts. And in blue highlighted is Piper's Alley,  
12 that's the commercial property that houses Second City,  
13 a 24-hour Starbucks, and 24-hour XSport Fitness. It  
14 backs up to North Park. Its dumpster backs up to North  
15 Park. Across the street from that is a hundred-unit  
16 subsidized housing. Do you remember seeing that?

17 A. Yes.

18 Q. And then continuing on, there's Concord Lane  
19 so the continuation of Concord Court. Do you remember  
20 anything about Concord Lane?

21 A. No. Because it wasn't really my -- I was  
22 asked to give my opinion using the rules and regs --

23 Q. Understood.

24 A. -- on this property, and it doesn't really

1 matter about the commercial properties on Piper Lane of  
2 what my opinion comes to, so ...

3 Q. Understood.

4 But you said there's a concentration of  
5 cottages on Concord Court and I'm bringing to your  
6 attention that Concord Lane is a private subdivision of  
7 townhomes, gated townhomes. You recall that, correct?

8 A. Yeah.

9 Q. And then the last thing on the map that was  
10 mentioned today is Wells Towers to which these  
11 properties back up.

12 A. Yeah.

13 Q. Of course you've seen that now.

14 I'd like to bring your attention to some of  
15 the language of the ordinance and the guidelines.

16 Now, if you would, please turn your tab to  
17 tab 8. This is the Commission on Chicago Landmarks.  
18 This is the security of the interior. And four pages in  
19 begins the guidelines. Will you please read the second  
20 paragraph, last sentence?

21 A. Is this page 4?

22 Q. This is page 4, yes. The second paragraph,  
23 last sentence, beginning with, Significant features.

24 A. Significant features may vary from building to

1 building or in a district. May be common elements  
2 shared by many or all buildings such as the scale of the  
3 building or its location on the lot relative to  
4 neighboring buildings and the street.

5 Q. What does that mean to you, "relative to  
6 neighboring buildings and the street"?

7 A. What it means to me --

8 Q. Uh-oh. Are we out of battery?

9 A. No. It goes off if I don't -- how's that?  
10 All right.

11 What I interpret this to mean is that the  
12 significant features within -- that may vary within the  
13 district and may be common elements shared by many of  
14 all the building. So essentially, that's how --

15 Q. Specifically what do you make of a building or  
16 its location on the lot relative to neighboring  
17 buildings and the street? Let me also turn your  
18 attention now, flip a couple pages to page 8, please,  
19 and the same guidelines.

20 A. Sure.

21 Q. Thank you. And can you read under the second  
22 paragraph? I believe it's the third line in. It begins  
23 with, Of particular concern.

24 A. Page 7 or 8?

1 Q. This is page 8.

2 A. Oh.

3 Q. Page 8, second paragraph. And it begins, Of  
4 particular concern.

5 A. Of particular concern are the issues of  
6 siting, size, shape, scale, proportion, materials --  
7 this microphone is not -- materials and the relationship  
8 of those to the prevalent character of the immediate  
9 neighbors and the district.

10 Q. What --

11 HEARING OFFICER DZIEKEWICZ: I think it's important  
12 to point out that this is for the new construction.

13 MR. HARIS: Correct. Correct. I'm sorry. I  
14 didn't clarify that.

15 BY THE WITNESS:

16 A. I was going to say it. This is defining the  
17 new construction portion of it.

18 Q. So with new construction of particular concern  
19 are issues of siting, size, shape, scale, proportion  
20 materials, and the relationship of these prevalent to  
21 the character of the immediate neighbors and the  
22 district, right?

23 MS. McLAUGHLIN: I'm going to object because this  
24 guideline is not relevant to the inquiry before the

1 Commission. This is a guideline on new construction.

2 MR. HARIS: But this is part --

3 HEARING OFFICER DZIEKEWICZ: I would agree.

4 MR. HARIS: I understand. It is part of the --

5 HEARING OFFICER DZIEKEWICZ: This is clearly under  
6 new construction.

7 MR. HARIS: Well, but what I wanted to mention and  
8 I wanted to ask the former -- the former commissioner,  
9 Mr. Torrez, and his experiences the last line of this  
10 states that, Replication of original designs may be  
11 appropriate in some cases, for example, replacing a  
12 missing unit in a group of row houses.

13 BY MR. HARIS:

14 Q. Now, in your experience, have you ever had to  
15 replace a missing unit in a group of row houses?

16 A. No. But -- I need a new microphone. But no.  
17 I don't believe in the five years, I don't believe that  
18 we had to do an infill of a row, a unit -- of a missing  
19 unit. But, you know, the argument here is that this  
20 house is not missing right now, it's there.

21 Q. Understood.

22 A. So if you're talking about --

23 Q. But applying that same logic, though, if -- if  
24 there was a row of commercial buildings and there was a

1 row house between them, aside from being socially  
2 unpopular, would the Commission -- would the Commission  
3 tend to opt towards uniformity or would they allow such  
4 an intrusion?

5 A. Let me put the scenario the other way. Let's  
6 say that there was a row unit there and you -- and  
7 someone asked, can we remove that and put another one  
8 that looks just like it in its place? The Commission  
9 would not allow the demolition of that one -- of that  
10 row house that's contributing to be demolished to put a  
11 new one in. And that's really the case here is you have  
12 an existing structure that is contributing -- in my  
13 opinion, contributing to the district. And if you want  
14 to put new construction there, you first would have to  
15 demolish this and that's where I say that it would be an  
16 adverse effect to the district. So you can't go to  
17 step 2 without doing step 1.

18 Q. Sure. And step 1 is to determine whether or  
19 not this property's contributing. So the next place I'd  
20 like to turn your attention to --

21 A. And it's my opinion.

22 Q. Thank you for stating your opinion.

23 But I'm going to pull up the criteria. Now,  
24 before we get back into the criteria, the sixth criteria

1 that they list to describe whether or not a property's  
2 contributing, I am going to remind you what page 4 of  
3 the guideline states. It's the same paragraph of page 4  
4 on the Commission on Chicago Landmark's guidelines for  
5 alteration of historical buildings. It states that  
6 landmark qualities are defined by the Commission as  
7 significant, historical, or architectural features.

8 In the case of landmark districts, these  
9 features are confined to the exterior aspects of the  
10 property. Significant features define the specific  
11 qualities of each property such as size, shape, design,  
12 detail, and materials that contribute to its  
13 historical -- its historic and architectural character.  
14 Significant features may vary from building to building  
15 or in a district may be common elements shared by many  
16 or all of the buildings such as the scale of a building  
17 or its location on the lot relative to neighboring  
18 buildings and the street.

19 So if you were to understand the street to  
20 mean North North Park Avenue, how would you say 1639  
21 compares relative to the neighboring buildings and the  
22 street?

23 A. I was asked that if this was a contributing  
24 property to the district. And --

1 Q. And I'm asking if it's a contributing property  
2 to the neighboring buildings and the street.

3 MS. McLAUGHLIN: I'm going to object because I  
4 believe Counsel is misrepresenting the language of the  
5 Commission guidelines. And if he's got a question about  
6 what the guidelines mean, then he should ask that and  
7 not rephrase the guidelines.

8 MR. HARIS: I read word for word what the  
9 guidelines said. This is the last sentence,  
10 paragraph 2. It says that significant features may vary  
11 from building to building or in a district may be common  
12 elements shared by many or all buildings such as the  
13 scale of a building or its location on the lot relative  
14 to neighboring buildings in the street.

15 MS. McLAUGHLIN: And then you asked --

16 MR. HARIS: I asked him again --

17 MS. McLAUGHLIN: You asked the witness to assume  
18 that the relevant location is North Park Avenue.

19 MR. HARIS: The street.

20 MS. McLAUGHLIN: But that is different than the  
21 location relative to the street.

22 MR. HARIS: Interpreted both ways.

23 BY MR. HARIS:

24 Q. How is this property situated relative to the



1 street? Answer that first question. How is this  
2 property situated relative to the street?

3 A. It's kind of set back.

4 Q. It's kind of set back. And --

5 A. Like a number of other cottages in the  
6 district.

7 Q. Does it also have an easement?

8 A. I didn't look at the survey.

9 Q. Is there a driveway easement?

10 A. There is property on this -- I guess -- I'm  
11 assuming that's still the property on the -- adjacent to  
12 the building unit.

13 Q. Correct. And one of your photographs actually  
14 identifies that.

15 Now, do you know any other buildings in the  
16 district, any other properties in the district that have  
17 a driveway easement?

18 A. It's not really one of the features that I've  
19 described in the ordinance, if there's a driveway or  
20 not. So I don't know. I didn't look for that. I  
21 looked to see if the features on the building were  
22 consistent to what is described in the ordinance as  
23 significant and the Chicago cottage, so I did not review  
24 that there was a driveway or no driveway or if there was

1 a car in the driveway or anything like that.

2 Q. I understand.

3 Now, let's take this -- the street, meaning  
4 the street that the property is located on, aside from  
5 how the property is situated.

6 Taking a look at the scale of this building  
7 and its location relative to neighboring buildings and  
8 North North Park Avenue, are there any similarities in  
9 character, size, situation, elevation, rooflines?

10 A. I wasn't looking at the other buildings.  
11 They're not in question. They're not -- the question is  
12 not asking if the buildings adjacent to these are  
13 contributing to the district. The question is is 1639  
14 contributing to the district and demolishing it will  
15 have an adverse effect. You're not asking me --you're  
16 not asking me --

17 Q. Respectfully, Mr. Commissioner, I'm asking you  
18 to interpret this language as it's plainly written.

19 A. I did not review the adjacent properties as  
20 part of this -- as part of --

21 Q. You have testified, though -- You have  
22 testified that you have not seen another similar cottage  
23 on all of North Park; is that accurate?

24 A. I don't recall seeing another cottage, no.

1 Q. If I need to refresh the witness's memory, I  
2 can show him the Old Town --

3 A. No, you don't have to. I just said, I don't  
4 recall seeing another cottage. Yes.

5 Q. Okay. My last question with this line of  
6 questioning, now, Mr. Torrez has a copy of the Old Town  
7 Triangle District as it's arbitrarily drawn, what  
8 they call --

9 MR. AGUIAR: Objection to the characterization as  
10 arbitrarily drawn. That's unnecessary for this  
11 proceeding today.

12 MR. HARRIS: It's just in reference to North North  
13 Park, how Concord Court is not a part of it, how Piper's  
14 Alley is not a part of it, how the large scale  
15 hundred-unit --

16 HEARING OFFICER DZIEKEWICZ: Sustained.

17 MR. HARRIS: Thank you.

18 BY MR. HARRIS:

19 Q. Now, looking at this Old Town Triangle  
20 District map, you can see how the properties are  
21 situated. And I ask, is there another property situated  
22 like 1639 on this street?

23 MS. McLAUGHLIN: Asked and answered.

24 BY THE WITNESS:

1           A.     I'll say that, again, when I visited the site,  
2 I did not recall seeing another.

3           Q.     But now being able to examine the Old Town  
4 Triangle District map and the situation of properties,  
5 do you, in your professional opinion, see any properties  
6 that are situated like 1639 on this street?

7           A.     According to this map, I see all the buildings  
8 adjacent to each other and there is a setback on the  
9 property that I mentioned that there is a setback there.

10          Q.     Do you see another setback on that street?

11          A.     I do see other setbacks of buildings. And I  
12 see one building adjacent that's up -- up to the street,  
13 yes. It varies. There are setbacks.

14          HEARING OFFICER DZIEKEWICZ: I just want to point  
15 out in the excerpt that we're looking at, significant  
16 features may vary -- may vary from building to building  
17 in a district and may be common elements shared by many  
18 or all buildings. So it's not -- may, it's not a  
19 definite --

20          MR. HARIS: Right. And our point is simply that --  
21 and just as a point of clarification, you know that  
22 parties by request are invited. And they are people  
23 that live within 500 feet of a landmark district. So  
24 you know that we are inviting the neighbors who live

1 within 500 feet of this landmark to come in and to  
2 testify, and that is who testified here today.

3 So if their opinions are sought, it must mean  
4 something when we're comparing this property to the  
5 immediate neighbors. It matters when we build new  
6 construction, and it should matter when we demolish a  
7 property. The landmark ordinance itself says that if  
8 there's a row -- five row houses in a row and there's a  
9 missing unit, that that would warrant replacing that  
10 missing unit. And this is likewise a similar situation.  
11 There are more than five commercial properties in a row  
12 and this is the only cottage.

13 MR. AGUIAR: We're, again, in argument and his  
14 interpretation of the code as opposed to asking the  
15 witness about his opinions about this home and his  
16 relationship to the district. So I feel like we're way  
17 astray of where we should be at this moment,  
18 inappropriately so.

19 HEARING OFFICER DZIEKEWICZ: You need to get back  
20 to the questioning.

21 MR. HARIS: Absolutely.

22 BY MR. HARIS:

23 Q. Now, Mr. Commissioner, I know you read that on  
24 landmark's page 7, so that will be, I believe, tab 8,

1 page 7. This is on the guidelines, again. This is  
2 under demolition. And it does say -- I'll go ahead and  
3 read the second -- I apologize -- the first sentence.  
4 The Commission recognizes that a few rare situations,  
5 demolition may be acceptable when a structure does not  
6 contribute to the landmark qualities and character of a  
7 district or is an intrusion on that character.

8 Now, you have heard the testimony from the  
9 neighboring witnesses and owners in this area, and they  
10 have stated that they felt it was an intrusion on the  
11 character. Do you see how they came to that conclusion?

12 MS. McLAUGHLIN: Objection. He cannot opine on how  
13 other people reach their conclusions.

14 MR. HARIS: Fair enough.

15 BY MR. HARIS:

16 Q. In your opinion, is 1639 an intrusion to the  
17 neighboring properties and the street?

18 A. 1639 is the contributing property in the  
19 district.

20 MR. HARIS: Thank you very much. No further  
21 questions.

22 HEARING OFFICER DZIEKEWICZ: Any cross?

23 MS. McLAUGHLIN: I'll do a very brief redirect.  
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REDIRECT EXAMINATION

BY MS. McLAUGHLIN:

Q. Mr. Torrez, in thinking about the map you were just shown, you visited the district and walked the district, correct?

A. Yes.

Q. And you walked in the district itself, you didn't -- I'm guessing you didn't go to Piper's Alley, you didn't visit the Wells Street Towers, you didn't visit Concord Lane or Second City during that visit?

A. No, I didn't really observe them because they weren't -- they weren't relevant to what I was asked to do.

Q. And they weren't relevant because they're not part of the Old Town Triangle District?

A. They're not in the boundaries, no. Not within the boundary, no.

Q. So nothing outside the boundaries of the Old Town Triangle District would be relevant to understanding what the historic features of the district are; is that right?

A. That's correct.

Q. Let's look back at Exhibit 8, tab 8. And if you turn back to page 4, that's the beginning of the

1 Commission guidelines.

2 A. Sure.

3 Q. Counsel was asking you about that second  
4 paragraph, which sort of introduces the understanding of  
5 how the Commission defines significant architectural  
6 features.

7 Does this part of the guidelines explain that  
8 significant features may vary from building to building?

9 A. Yes, it does explain that.

10 Q. You were asked a number of questions about the  
11 different cottages in the district.

12 A. Yes.

13 Q. As we heard, some of those cottages have  
14 staircases to the second floor whereas some have entry  
15 level -- ground level entrances, right?

16 A. Yes.

17 Q. Is that an example of how the significant  
18 features may vary from one building to another?

19 A. They may vary. There may be one or two things  
20 that vary. But overall, you probably have an overall  
21 similar features throughout the building and the size.

22 Q. And likewise, some of these gable roofs may be  
23 30 degrees and some 45 degrees?

24 A. Or 31 degrees.



1 MR. HARIS: Objection, your Honor. He stated that  
2 he couldn't state with specificity what the pitch of the  
3 roof was.

4 BY MS. McLAUGHLIN:

5 Q. Let me ask it a different way.

6 When you appreciate the pitch of a roof, are  
7 you up on the roof measuring it or are you standing in  
8 the street appreciating it from that view?

9 A. Appreciate it from the street from that view.  
10 As an architect, for many years, we can sort of tell  
11 what -- there's common pitches that carpenters use at  
12 this time. And they typically would be at 30 degrees.  
13 If they were off, it was just a bad carpenter then. But  
14 other than that, we know those rule of thumbs.

15 Q. Okay. And I think -- my question then is does  
16 this variety and features, be it staircases or roofs,  
17 detract from your conclusion that these are, in fact,  
18 significant features of these cottages?

19 A. No. You know, it doesn't describe it. In  
20 fact, paragraph 2 of page 4 here, and more specifically  
21 the last sentence, strengthens my opinion that these are  
22 going to vary slightly. They're -- They are going to  
23 vary from building to building, and that's very common  
24 to all districts in this city. And Old Town Triangle

1 District falls within that, too, so it only strengthens  
2 my opinion that this is a contributing property.

3 Q. Let me read that sentence again. It says,  
4 Significant features may vary from building to building  
5 or in a district may be common elements shared by many  
6 for all buildings such as -- I'm going to pause there.  
7 It says such as, correct?

8 A. Right.

9 Q. And is that -- would you interpret that as  
10 proceeding to give some examples of significant  
11 features?

12 A. Right. It's not all-inclusive. It can go on  
13 and on and on. But there's only so many pages you're  
14 going to put on here. But such as is, for example, here  
15 are things that we mentioned. But there may be other  
16 elements not mentioned in this sentence that may come in  
17 play when you're reviewing the features and the  
18 architecture historic features of the building.

19 Q. So we would not confine our inquiry to the  
20 building's location relevant to its neighbors, for  
21 example? That might be one example of a feature?

22 A. Maybe one example, yes.

23 Q. But not the entirety of your -- your inquiry  
24 as to what the significant features are?

1           A.     No.  We could never do that.  Again, it would  
2 just -- there's just so many varieties that would come  
3 in play.

4           Q.     Okay.  Let me ask you to look at one more  
5 section of these guidelines.  Counsel had directed you  
6 to look at page 7, and he had referred to the demolition  
7 guideline.

8                     And I just want to ask, in your opinion, is  
9 this one of the rare situations in which demolition may  
10 be acceptable because a structure intrudes on the  
11 character of a district?

12           A.     It -- again, it -- it -- it is not a rare  
13 situation where it would be acceptable to demolish this  
14 structure.  Because as I stated, my opinion is that it  
15 is a contributing factor to the landmark qualities and  
16 character of this district.

17           MS. McLAUGHLIN:  Okay.  No further questions.

18           HEARING OFFICER DZIEKEWICZ:  Thank you.

19                     Any recross?

20           MR. HARIS:  Yes, please.

21                                     RE CROSS-EXAMINATION

22           BY MR. HARIS:

23           Q.     Mr. Torrez, you mentioned that you have never  
24 lived in the Old Town Triangle District, right?

1 A. No, I never lived. I wanted to, but I  
2 didn't -- couldn't do it.

3 Q. And why was that?

4 MS. McLAUGHLIN: I would like to object and ask  
5 Counsel to confine his recross to the scope of our  
6 questioning.

7 HEARING OFFICER DZIEKEWICZ: Is that clear?

8 MR. HARIS: Yeah, absolutely.

9 BY MR. HARIS:

10 Q. So opposing counsel asked you if under the  
11 demolition paragraph whether or not this is an intrusion  
12 on the character of the area or the district. And I  
13 asked you would living in this district -- do you  
14 believe that living in this district may change your  
15 opinion?

16 A. I would use the same criteria if I lived in  
17 here or didn't live in here. I would use the same rules  
18 and regs and I would still look at the standards to form  
19 my opinion --

20 Q. Now, in the --

21 A. Let me finish my response. And I would not  
22 develop or form my opinion if I happened to live next  
23 to, or behind it, or one of those towers. I would still  
24 look at the rules and regs and the standards to form my

1 opinion.

2 Q. Now, I don't mean this to be facetious, but in  
3 the rules and regs, does it request the opinion of a  
4 former commissioner or of an architect?

5 MS. McLAUGHLIN: I'm going to object to this. This  
6 is not relevant to whether the building contributes to  
7 the district.

8 MR. HARIS: I beg to differ. Because the ordinance  
9 specifically requests neighbors and owners within  
10 500 feet. And Mr. Torrez has heard Mr. Dvorak, who was  
11 an owner within 500 feet, and his opinion was  
12 drastically different. And I'm trying to get to the  
13 bottom of how neighbors can view this property as an  
14 intrusion and experts from 40,000 feet above view it as  
15 a contributing character in the neighborhood.

16 MS. McLAUGHLIN: I will again object because  
17 Mr. Torrez is not here to explain to us what the view of  
18 neighbors might be. Mr. Torrez is here in his capacity  
19 as an expert in architecture and in historic  
20 preservation to explain how the relevant rules and  
21 regulations and other guidelines apply to the property  
22 at issue.

23 MR. HARIS: No further questions.

24 HEARING OFFICER DZIEKEWICZ: Sustained.

1           Okay. Does Ms. Kurson have any -- would you like  
2 to recross? Okay. Excuse me.

3                       Would Old Town like to make a case at this  
4 time?

5           MS. KURSON: No. My name Amy Kurson on behalf of  
6 the Old Town Triangle Association. We've already  
7 submitted written materials to the board that relate to  
8 the historic nature of the property. And that's all I  
9 have. We don't have any witnesses.

10          MR. HARIS: I would like to cross Ms. Kurson; is  
11 that an option?

12          MS. KURSON: Yes, that's allowed? Sure.

13          MR. HARIS: Okay.

14          MS. MISHER: For the party.

15          MR. HARIS: Right. Anyone from the Old Town  
16 Triangle Association would be fine.

17          MS. KURSON: Can I just lodge an objection for the  
18 idea of cross-examining counsel? I have submitted  
19 written materials. If you have written questions about  
20 the materials which were previously submitted, we can  
21 provide answers.

22          MR. HARIS: I have a question as to the bias of the  
23 Old Triangle Association.

24          HEARING OFFICER DZIEKEWICZ: Is anybody here from

1 Old Town that would like to represent Old Town?

2 MS. KURSON: I don't think that's appropriate. I  
3 can make a statement as to the Old Town Triangle  
4 Association --

5 MS. MISHER: You're a party. So who is your  
6 client?

7 MS. KURSON: My client is the entire association.

8 MS. MISHER: Well, there should be somebody from  
9 the association here to represent the association.

10 MR. HARIS: And she was a party by request. It was  
11 her name on the form.

12 MS. KURSON: Karl, can you come up?

13 MR. HARIS: Please. I would like for Karl to come  
14 up.

15 MR. AGUIAR: Commissioner, we would like just to  
16 object. It's not our witness and not our party but if  
17 he's putting somebody on for purely bias, that doesn't  
18 seem like a proper basis to have someone take the stand  
19 and testify. They're the Old Town Triangle Association,  
20 they have their own view. They did it in writing as to  
21 what they believe are historic qualities of the  
22 building. I mean, I don't understand how bias --

23 MS. KURSON: I also find it curious that Counsel is  
24 asking to cross-examine a witness that I haven't put on.

1 What we've done is we've provided written materials.  
2 There's information about what the Old Town Triangle  
3 Association is. I can make a statement about what the  
4 Old Triangle Association is. But that's not the sort of  
5 thing that requires cross-examination by Counsel.

6 MR. HARIS: Ms. Kurson is a party by request --

7 MS. KURSON: No. The Old Town Triangle Association  
8 that I represent is a party by request, and that allowed  
9 us to cross-examine your witnesses, which I did not do  
10 because it was irrelevant and not helpful to the  
11 hearing. Likewise, I'm going to object on a variety of  
12 bases to his request to cross-examine either me or a  
13 representative --

14 MR. HARIS: Mr. Hjerpe volunteered to come up. And  
15 I think it's appropriate. I have attended Old Town  
16 Triangle meetings --

17 MS. KURSON: I have been sitting back there during  
18 your whole thing, so I came up here to answer questions.  
19 I am lodging my objections before the bench to  
20 cross-examination of either myself or somebody that I  
21 did not put on as a witness.

22 MR. AGUIAR: Commissioner, if I --

23 HEARING OFFICER DZIEKEWICZ: Just give me a minute  
24 to confer with Counsel.



1 MR. AGUIAR: -- may be heard one moment on this.  
2 The rules and regulations specifically allow parties to  
3 a proceeding to submit to evidence in one or two ways,  
4 through witnesses or through documents. What the Old  
5 Town Triangle has done is submitted a document. They  
6 have not presented a witness. Without a witness, you  
7 can't have cross-examination. It doesn't make sense.

8 MR. HARIS: May I submit a document for  
9 consideration?

10 MS. KURSON: You probably should have done that  
11 during your case in chief.

12 MR. AGUIAR: They didn't identify documents in  
13 their disclosures.

14 MR. HARIS: It occurred to me throughout the course  
15 of this trial, I was approached by one of the owners on  
16 our recess and they made mention of something that would  
17 disqualify the Old Town Triangle Association from  
18 voicing an opinion on this hearing.

19 MR. AGUIAR: That was not presented in the written  
20 submissions at all; therefore, it should not be allowed.

21 MR. HARIS: And it couldn't be. It occurred here  
22 based on the testimony.

23 HEARING OFFICER DZIEKEWICZ: So no witness -- there  
24 is no witness to cross-examine, I agree with that. And

1 in terms of anything new, you can't put anything new in  
2 at this time.

3 Does the applicant have anything to present to  
4 rebuttal the evidence and testimony? At this time I  
5 think everything's been represented.

6 Does the City -- All right.

7 At this time we'll hear statements from the  
8 public, both for and against the permit application.  
9 Statements from the public are expressions of opinion.  
10 Individuals making statements are not parties or expert  
11 witnesses. They are not speaking under oath and are not  
12 subject to cross-examination. Anyone wishing to make a  
13 statement should have filled out a form which you can  
14 get from the commission staff. The form should include  
15 your name, address, and any organization that you  
16 represent. Interested persons may also submit written  
17 statements. In the interest of time, so that everybody  
18 has a chance to speak, please keep your statements  
19 brief, approximately three minutes. And do not repeat  
20 information previously given. Feel free to simply state  
21 your name, address, the organization you represent, if  
22 any, and whether you support or oppose the permit  
23 applications.

24 Now, we'll hear statements in favor of the

1 permit application. We've already heard from everybody  
2 in favor. So we'll hear from the opposing people that  
3 want to make statements.

4 Can we please hear from Alexandra Mayaras?

5 MS. MAYARAS: Mayaras. Yeah. I go by Sasha; but  
6 for official documents, it's Alexandra.

7 HEARING OFFICER DZIEKEWICZ: Okay.

8 MS. MAYARAS: I live in a workman's cottage on  
9 North Park about a block and a half north of the  
10 property we're talking about. And previous to when I  
11 bought it -- I grew up in Old Town. I've lived there on  
12 and off for 35 years. I moved there in '74. So the  
13 house that I bought is -- was a workman's cottage very  
14 similar to what you're talking about. But previous to  
15 my buying it, it was set back on the property much more  
16 significantly than this one. And it was dragged forward  
17 to be put on a foundation and so it -- but the people  
18 who did it tried to maintain the spirit of the  
19 neighborhood because they wanted to live there. They,  
20 you know, are long-time Old Town residents. So I think  
21 what has been presented here is people who have  
22 inherited the property that are not Old Town  
23 residents --

24 MR. HARIS: Objection.

1 MS. MAYARAS: You can't object to me. I'm not even  
2 a lawyer. I know that.

3 MR. HARIS: Speculating as to the --

4 MS. MAYARAS: I can say whatever I want.

5 MR. HARIS: You can make --

6 MS. MAYARAS: You obviously don't know what's going  
7 on here.

8 So anyway, they -- the man who lived there, I  
9 believe, was a long-time resident. And he did not feel  
10 that the house was out of character with the  
11 neighborhood, he did not try to plow it down. The --  
12 The point I'd like to make is, if these people do not  
13 value Old Town for what it is, I understand that, not  
14 everybody does. And I think then it's perfectly  
15 acceptable for them to do what they want in another part  
16 of the city, you know, that isn't historic and doesn't  
17 have these guidelines.

18 But for those of us who are trying to maintain  
19 the spirit of the post fire neighborhoods and the  
20 workman's cottages -- and there is another one on North  
21 Park where North Park dead-ends into Menomonee. There's  
22 another one with a side -- with a side driveway. And I  
23 think all the neighbors that have testified have  
24 basically just been testifying that they are not

1 upkeeping the property. And I think that the neighbors  
2 would be satisfied with somebody living in the property,  
3 caring for it in a way that would make them safe.

4 My -- And in terms of the windows on the side,  
5 my house has the same windows on the side in which  
6 people could look in. I don't think that that is  
7 relevant. And it is relevant that people aren't living  
8 there and it is, you know, a fire hazard, you know, or  
9 whatever that -- because nobody's living there, you  
10 know, I think that is -- would be ameliorated by an  
11 owner who cared about the property and invested in it  
12 like so many of the others that have.

13 So I really think that everything that has  
14 been presented here is really more about, you know, an  
15 investment about people who don't know the neighborhood,  
16 who haven't walked down the street. There's several  
17 workman's cottages across the street from mine. And  
18 it's, you know, sort of sad that this is even going on.

19 HEARING OFFICER DZIEKEWICZ: Thank you.

20 And before we call another person, just remind  
21 everyone to keep your statements brief and try to keep  
22 the information to new information.

23 Karl Hjerpe.

24 MR. HJERPE: Good afternoon all. Karl Hjerpe. My

1 address is 1618 North Cleveland. I am obviously a  
2 neighbor. And I am a board member on the Old Town  
3 Triangle Association. I'm speaking here as a person of  
4 interest. I was here two months ago as well speaking  
5 about the same house, the same arguments, many of the  
6 same people in the room. And nothing was changed since  
7 then. The house is still standing the same place it has  
8 for 130 years in our neighborhood. There are probably a  
9 dozen houses very similar to it within a block of there  
10 and more in the neighborhood. I happen to live in one,  
11 too.

12 I think we've established that it's a great  
13 district. Landmark staff found it to be that way and  
14 Mr. Torrez's testimony also served that. I'd  
15 essentially just briefly like to read out of Landmark's  
16 guidelines, purpose of designating landmark districts is  
17 to conserve historic building stock, encourage  
18 maintenance, repair and restoration. Demolition is not  
19 a means toward this end.

20 If this home is allowed to be demolished, it  
21 will be a mockery of the landmarks concept in our  
22 front -- to all the homeowners in our district, like  
23 myself who dedicated their time and resources in to  
24 preserving historic structures. Thank you.

1 HEARING OFFICER DZIEKEWICZ: Thank you.

2 Now hear from Sharon Fredenzk.

3 MS. FREDENZK: Fredenzk.

4 HEARING OFFICER DZIEKEWICZ: Fredenzk. Thank you.  
5 Sorry about that.

6 MS. FREDENZK: Hello. My name is Sharon Fredenzk.  
7 I live two blocks from this property. I live at  
8 1708 North Sedgwick. I'm a Chicago native. I just  
9 recently moved back to Chicago in Old Town because of  
10 the character, the scale, and electiveness of the  
11 buildings. I'm an architect. I have a master's degree  
12 in historic preservation and this is a very valuable  
13 building to our neighborhood. I, too, live in a 1800  
14 wood-sided building that desperately needs repair. And  
15 I'm not going to stand up here and ask you to demolish  
16 it. I'm going to fix it because that's what we do in  
17 historic neighborhoods. It's a financial hardship to me  
18 just like I know it's a financial hardship to other  
19 people, but it would be more valuable to me obviously to  
20 tear it down than to build up a new structure, which  
21 zoning would allow a much bigger structure.

22 But that's not the point. The point is we  
23 have historic districts for a reason, and we need to  
24 preserve our buildings. I guess that's all I really

1 want to say is, you know, this is my district.

2 Districts are valuable and we need to preserve our  
3 building stock. Nothing that we put in the place of  
4 this building will ever replace a historic building.

5 HEARING OFFICER DZIEKEWICZ: Thank you.

6 Bruno Ast.

7 UNIDENTIFIED SPEAKER: Bruno had to leave.

8 HEARING OFFICER DZIEKEWICZ: Diane Gonzalez.

9 MS. GONZALEZ: Good afternoon, everyone. My name  
10 is Diane Gonzalez. I reside at 218 West Menomonee  
11 Street in Old Town. I've lived there 40 years.  
12 Currently a member of Old Town's board. But I'm coming  
13 today as a neighbor who worked to obtain our  
14 designations back in '77 and '84. I came today to tell  
15 you why this is a contributing structure and should be  
16 kept. But I think Mr. Torrez and all of you here, my  
17 colleagues, have already answered that question. So  
18 we'll quickly get to the point and say this cottage is  
19 irreplaceable, but it is repairable. Thank you.

20 HEARING OFFICER DZIEKEWICZ: Thank you.

21 George Blakemore.

22 MR. BLAKEMORE: As a concerned city citizen of the  
23 City of Chicago, I've been informed and enlightened as  
24 to the procedures and I do appreciate the planning



1 commission and the Commission on Chicago landmarks.  
2 You've been very flexible. The owners and this attorney  
3 did not do their homework. Those requests was  
4 completely out of order, but you was flexible. You did  
5 let them speak. But their speaking was just a statement  
6 because the attorney did not meet his criteria, timing  
7 about these requests.

8           However, when I moved here from the South over  
9 47 years ago, I lived at 19- -- I mean 1347 North  
10 Lincoln. And now, I live on Deering about five or  
11 six blocks or more from that structure. Now, what we  
12 have here is someone who has inherited an estate now  
13 wanting to profit from this inheritance only to tear  
14 down, I'm sure, that that lot will sell for over 100,000  
15 plus more. I'll put up another structure that will sell  
16 in the millions. And the owner is motivated by not  
17 history of that great area of the history in our great  
18 city but by profit.

19           And I think that the Commission ruling should  
20 be do not demolish this structure. Once it's torn down,  
21 when Humpty Dumpty go down, it will not go back. This  
22 is a mission. And I believe -- which I'm entitled --  
23 this has been an education experience for me to come  
24 here and listen. When you listen, you learn. You'll be

1 informed, enlightened. And I'm engaged. Because I live  
2 in the area and I have seen Old Town change, Wells  
3 Street change with these huge buildings. So Triangle  
4 Association is wonderful to try to reserve these  
5 buildings. These big hotels going up on Wells, so I --  
6 you got a great task here trying to preserve history  
7 when somebody want to maximize and make money. It's all  
8 about the money.

9 So again, I don't want to -- I guess I have to  
10 be repetitious, that means saying the same thing over,  
11 which you said you can't do. When I have the mic and  
12 sign up for my three minutes, I do what I want to do.

13 HEARING OFFICER DZIEKEWICZ: You are --

14 MR. BLAKEMORE: Sir. Sir. This attorney has not  
15 shown that this building should stay. This expert  
16 witness has stated it is a contributing factor, the  
17 rules and regulation of this commission landmark  
18 guideline says that it should be torn down and  
19 demolished. And thank you very much. And in the  
20 future, like you telling me right now, your minutes is  
21 up, I didn't like to hear that when they didn't meet the  
22 criteria for bringing in their request in a timely way.  
23 You was flexible --

24 HEARING OFFICER DZIEKEWICZ: Mr. Blakemore, but I

1 did give you five minutes.

2 MR. BLAKEMORE: You were flexible. You wasn't even  
3 supposed to hear them. You wasn't -- but you all know  
4 how to tell other people what to do but you change the  
5 rules when you -- God bless and Merry Christmas to all  
6 of you. Happy New Year. Happy Kwanzaa. And Happy  
7 Holidays to you, sir.

8 HEARING OFFICER DZIEKEWICZ: Thank you.

9 Mr. Ward Miller.

10 MR. MILLER: For the record, Ward Miller, executive  
11 director of Preservation Chicago. Preservation Chicago,  
12 a Chicago-based advocacy organization, fully supports  
13 the preservation and restoration of 1639 North North  
14 Park Avenue in the Old Town Triangle District.

15 This little two-story balloon frame and brick  
16 structure was identified as a contributing building in  
17 both the national register district nomination as well  
18 as the Chicago Landmark District designation further  
19 validating this building's importance in two separate  
20 and distinct documents dating from the 1970s, some 40  
21 years ago. We are of the opinion that this building  
22 contributes to this rare and distinct collection of  
23 historic wood frame cottages, many dating from the years  
24 following the Chicago fire and representing perhaps the

1 finest collection of wood-framed cottages and houses of  
2 this style and from this period in the city of Chicago.

3 I also want to add that this balloon frame  
4 style of construction was a very important system of  
5 wood construction developed in Chicago and is very much  
6 a part of that great architectural legacy and history of  
7 our city. This is often overshadowed by technologies  
8 that led to the development of the skyscraper. But it's  
9 really important to recognize these types of building  
10 systems and these types of cottages. The potential loss  
11 of this building to demolition would most likely  
12 adversely impact this unique historic district of homes.  
13 And we would encourage a preservation and restoration of  
14 the structure with all the protections given to Chicago  
15 landmarks. It is your understanding that the Old Town  
16 Triangle Association and many neighborhood residents  
17 also support the preservation of the structure in  
18 addition to the alderman. And we also concur with  
19 community on this issue. We have previously submitted a  
20 letter of support of preservation for 16- -- of  
21 1639 North North Park Avenue by Mary Lu Seidel, field  
22 director of the Chicago office of the National Trust for  
23 Historic Preservation. We feel that this cottage is  
24 significant and we encourage its retention and

1 restoration. Thank you.

2 HEARING OFFICER DZIEKEWICZ: Thank you.

3 We'll now hear closing statements from the  
4 parties. Please limit your statements to five minutes.  
5 First we'll hear from the applicant.

6 MS. MILLER: Excuse me. My name wasn't called.

7 MS. MISHER: Did you fill out a form?

8 MS. MILLER: I filled out the sheet in the front of  
9 the room.

10 MS. MISHER: Come on up.

11 MS. MILLER: Laurie Miller. I'm a registered  
12 architect and I live within 500 feet of the structure.  
13 I live on Concord Place, which was mischaracterized a  
14 few times as Concord Lane, but it is Concord Place.  
15 It -- Our street, as you can see it there on the map, at  
16 all the houses, when you exit Concord Place have a  
17 direct view of said property. I've been in practice for  
18 30 years. I went to University of Illinois with my  
19 bachelor's and master's degree. I have practiced in  
20 Chicago. I have practiced historic preservation and  
21 have had to adhere to the National Park Service  
22 Guidelines. I am a member of the Old Town Triangle HPDC  
23 Committee.

24 On Concord Place alone, I counted, based on

1 some of the previous testimony, there are 26 properties  
2 on Concord Place. Of the 26, 19 are cottage styles  
3 directly adjacent to this property. Only three  
4 properties on Concord Place are not noncontributing.  
5 And the four additional are non-cottage styles, which  
6 are still contributing to the district.

7 My house is on a rubble foundation. There was  
8 some testimony about how that's problematic previously.  
9 That is not the case. We do not find that to be a  
10 problem on our property when we renovated it. I  
11 prepared a statement. The Waters family has directly  
12 caused the deterioration of the building over years  
13 through intentional neglect of subject property and now  
14 seeks to monetarily benefit vis-a-vis demolition in sale  
15 or development of said property. We believe the Waters  
16 family should improve the property within the district  
17 guidelines or sell to somebody who is willing to improve  
18 the property within the district guidelines.

19 The district was founded and designated based  
20 specifically on examples like the Chicago cottage and  
21 the structure. And we urge the Commission to save this  
22 structure. Thank you.

23 HEARING OFFICER DZIEKEWICZ: Thank you.

24 Okay. We'll now hear the closing statements

1 from the parties again. Please leave your statements up  
2 to five minutes. First we'll hear from the applicant.

3

4 CLOSING ARGUMENT ON BEHALF OF THE ESTATE OF JOHN WATERS

5

6 MR. HARIS: Good afternoon finally. I too went to  
7 the University of Illinois in Champaign and I did law  
8 school at John Marshal here in the city. And I've lived  
9 in the Old Town Triangle District for seven years now at  
10 the property adjacent to this one. Now, I came to know  
11 Mr. and Mrs. Waters when I was overlooking from my  
12 balcony five years ago and I saw an 81-year-old man and  
13 his wife picking weeds from the front lawn and putting  
14 them in the garbage. And I came down and asked him what  
15 he was doing here and why this property sat vacant. At  
16 the time there was a for sale sign on the property. And  
17 Rose was taking calls from willing buyers. And she was  
18 approached by everybody and anybody, someone from the  
19 Old Town Triangle Association came in with a lowball  
20 offer and they wanted to improve this property. But the  
21 reality of it is that it's an exercise in futility.

22 This property -- understandably so, there's  
23 similar properties down the block, down the street, on a  
24 different street. But you didn't hear of one similar

1 property on North North Park. And there's a reason.  
2 This has become a commercial district. The dumpster to  
3 Piper's Alley opens up to this street. There's lots of  
4 unpleasantries and this eyesore is one of them.

5 Now, Mr. and Mrs. Waters are here on their own  
6 accord. I promise you that making money off this  
7 property and profiting is the least of their concerns.  
8 They're here because his -- his brother, John Waters,  
9 was a real estate mogul in Chicago. And this is the  
10 nicest property that he owned out of his estate of  
11 nearly 200 properties. And the estate feels like their  
12 hands are tied because anything -- any improvement to  
13 this property is an exercise in futility.

14 If you are to build this out as a cottage and  
15 build out the back, it's still the only cottage on a  
16 street of all commercial. So what you may have heard  
17 about the owners being absentee owners is far from the  
18 truth. You heard stories of -- from neighbors that they  
19 see the Waters out here tending to the properties and  
20 putting the garbage cans away. And -- And putting in  
21 time commitment and finding renters and dealing with  
22 fly-by-night renters that throw the keys at them on  
23 their way out of town because that's the type of people  
24 that this property attracts.



1           As to the character of this property, it is  
2 clearly an intrusion, an intrusion on the block, an  
3 intrusion on the street, and an intrusion to the  
4 immediate neighbors. Mr. Dvorak's testimony was pretty  
5 compelling, you know. I -- I didn't prep him. I didn't  
6 speak to him. Everybody that's here today is here on  
7 their own accord. They came because they want to see  
8 this property gone. They want to see something that's  
9 functional. They want to see some housing. Just  
10 recently, a four-unit apartment building was converted  
11 into a single-family home. That takes four apartments  
12 off the market. That means four people can't live in  
13 this area. And who lives in this area? I understand  
14 there's homeowners here. But it's lots of young working  
15 professionals that are close to the Brown Line, that are  
16 close to a 24-hour gym and a 24-hour Starbucks. As you  
17 can see, me being one of them, we comprise the majority  
18 of what this vibrant Old Town community is becoming.  
19 And you can deny it and look past the -- the new  
20 construction on North Avenue by Sedgwick Properties and  
21 the new construction on North Avenue east of there. You  
22 can look past all of these new construction projects and  
23 pretend that this is a group of small cottages, but the  
24 reality is this street is and has been for a long time a

1 commercial street. And this is the last remaining  
2 residential cottage. And I say that knowing fully that  
3 you can pose the argument, this is the last of its kind  
4 and we should preserve it. But you heard from parties  
5 by request, the neighbors that they wanted to be here,  
6 that the ordinance requests all of them are for -- in  
7 favor of the demolition of this property.

8 So respectfully, thank you everybody for  
9 coming here and participating today. This is the  
10 definition of democracy. I loved hearing all opinions.  
11 And it may have come off as adversarial between the two  
12 parties, but I assure you, we're only here to better the  
13 neighborhood, to better the block, to beautify the  
14 block. And anything that we did here, it would maintain  
15 the historical integrity of all of the surrounding  
16 properties. That, I would promise you. Thank you.

17 HEARING OFFICER DZIEKEWICZ: Thank you.

18 Now we'll hear from the City's attorney.

19

20 CLOSING STATEMENT ON BEHALF OF THE DEPARTMENT OF  
21 PLANNING AND DEVELOPMENT

22

23 MS. McLAUGHLIN: Commissioner, the only question  
24 before you today is whether the home at 1639 North North

1 Park Avenue is a contributing building to the Old Town  
2 Triangle District. If the building contributes to the  
3 district, demolition of the building would have a per se  
4 adverse impact on the district.

5 Let's put up the image of the home again.  
6 Today, DPD presented evidence that this home is a  
7 classic example of a Chicago worker's cottage. And  
8 we've also explained, as have many of the other  
9 participants today, that these cottages are found  
10 throughout the Old Town Triangle District. And indeed  
11 they're a very precious and important part of the  
12 historical development of the district. You saw  
13 pictures of similar homes and you heard in detail about  
14 some of common -- very but common features of these  
15 homes from our expert, Ed Torrez.

16 You heard that the wood construction atop the  
17 brick foundation is very typical of these early homes  
18 that were built after the great fire. And you heard  
19 that they're a small scale and indeed humble  
20 construction and ornamentation demonstrates that these  
21 were worker's cottages. And thus, they reflect a piece  
22 of the social history of our city. You heard about the  
23 specific features such as the second story entry and the  
24 setback from the street that allows for that staircase

1 to approach the second floor.

2 But those are typical characteristics of these  
3 types of homes. And indeed these cottages are  
4 specifically referenced in the designation ordinance  
5 because they are an important part of the story of the  
6 Old Town Triangle.

7 Because this particular home shares these  
8 different features with the other cottages in the  
9 district, it easily meets the relevant criteria to be a  
10 contributing building to the district. And we took time  
11 today to walk through each of those criteria which  
12 determine whether a building contributes. You heard  
13 from Mr. Torrez that it meets all of these relevant  
14 criteria. It exhibits the historical and architectural  
15 features of the district, the general characteristics  
16 associated with the buildings in the district, general  
17 size characteristics, general size, shape, and scale --  
18 sorry -- general site characteristics, size, shape, and  
19 scale, materials compatible with the district.

20 And finally, Mr. Torrez specifically explained  
21 that under the criteria, when there have been  
22 alterations or changes made to a district, that in many  
23 cases these are -- as in this case, these are reversible  
24 and that rather than demolishing the property, the

1 criteria dictate that these should be replaced and  
2 restored. So for all of those reasons, the conclusion  
3 that this is a contributing building to the district is  
4 a straightforward one.

5           And I do want to point out that both in the  
6 applicant's presentation to the Commission today and in  
7 his closing argument, I did not hear any reference or  
8 explanation of why this building doesn't satisfy these  
9 criteria. Instead it seemed that their -- their intent  
10 was to distract us from these criteria and bring up  
11 other things that aren't really relevant to the inquiry,  
12 such as whether young people want to live in Old Town or  
13 whether there are other buildings that are not located  
14 in district but are nearby that have a different kind of  
15 character than these small cottages and humble homes  
16 that are still found in the district.

17           So respectfully, none of that is relevant to  
18 this very straightforward question that's before the  
19 Commission, does the building contribute? And if the  
20 Commission determines that these criteria are met and  
21 the building does contribute, the next question is also  
22 a simple one, if it contributes, its demolition would  
23 have an adverse effect on the significant architectural  
24 and historic characteristics of the district.

1 I want to just -- you know, just briefly  
2 address a couple of things that the applicant said  
3 because they really aren't relevant. For example, we  
4 heard a lot -- a lot about how this is the only  
5 remaining Chicago worker's cottage that is found on this  
6 particular block. And the neighboring buildings are  
7 multistory condominium buildings. And they do have a  
8 different location with respect to the street than this  
9 little cottage has.

10 But that is not -- that's not the question  
11 that is -- that the guidelines and the rules and  
12 regulations direct us to -- to consider. That -- It's  
13 not really whether the building -- the location of the  
14 building with respect to its immediate neighbors that  
15 determining whether it contributes, it's whether it has  
16 the significant features and it indisputably does.  
17 Indeed applicant can see that this is a worker's  
18 cottage, that it does have these rooflines and other  
19 features that are found throughout the district. And if  
20 you look at these different criteria, they'll refer to  
21 the characteristics of the district. There is nothing  
22 in here that says that we are to look only to the  
23 neighboring buildings in determining whether a  
24 building -- whether a particular historic building

1 possesses certain architectural features. That's not  
2 the reference point. The reference point is the Old  
3 Town Triangle District as a whole. And when we look  
4 throughout the district, we certainly find that this  
5 building does share those characteristics with other  
6 homes in the district.

7 HEARING OFFICER DZIEKEWICZ: Let's try to keep ...

8 MS. McLAUGHLIN: I'm -- let me just conclude by  
9 stating that based on the relevant standards and  
10 guidelines as well as the evidence that we presented  
11 here today, the Department of Planning and Development  
12 respectfully asks that the Commission deny the permit  
13 for the demolition of 1639 North North Park Avenue.  
14 Thank you.

15 HEARING OFFICER DZIEKEWICZ: Thank you.

16 And finally, Ms. Kurson.

17 MS. KURSON: Nothing from me. Thank you.

18 HEARING OFFICER DZIEKEWICZ: Nothing? Okay.  
19 Great.

20 The parties may submit draft findings and  
21 conclusions for my consideration. The deadline for  
22 submitting your draft findings or conclusions is  
23 Wednesday December 21st, 2016. I will not consider  
24 submissions made after this time of day. Please send

1 three hard copies and one compiled PDF on a CD to Deanna  
2 Cavallo (phonetic), Reservation Division, 121 North  
3 LaSalle, Room 1000, Chicago, Illinois 60602.

4 This concludes today's public hearing. I will  
5 report my findings and conclusions to the Commission and  
6 the commission staff will make the entire record of the  
7 hearing available to the full commission for its review,  
8 including a transcript of State's hearing. The  
9 Commission will help make a final decision approving or  
10 disapproving the permit application at its next meeting.  
11 That meeting is open to the public and will take place  
12 at 12:45 p.m. on January 5th, 2017, at City Hall,  
13 121 North LaSalle, Room 201A on the second floor.

14 Thank you all for coming today.

15 (Which were all the proceedings had  
16 at this time in the above-entitled  
17 cause.)  
18  
19  
20  
21  
22  
23  
24



1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF COOK )

3

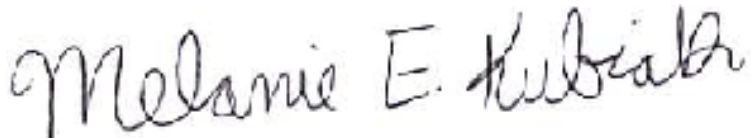
4 Melanie E. Kubiak, being first duly sworn, on  
5 oath says that she is a Certified Shorthand Reporter,  
6 doing business in the City of Chicago, County of Cook  
7 and the State of Illinois;

8 That she reported in shorthand the proceedings  
9 had at the foregoing hearing;

10 And that the foregoing is a true and correct  
11 transcript of her shorthand notes so taken as aforesaid  
12 and contains all the proceedings had at the said  
13 hearing.

14

15



MELANIE E. KUBIAK, CSR

16

17

CSR No. 084-004794

18

19 SUBSCRIBED AND SWORN TO  
before me this 22nd day of December, 2016.

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22

NOTARY PUBLIC

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