

EMERGENCY RULES GOVERNING THE CONDUCT OF REMOTE PUBLIC HEARINGS ON PERMIT APPLICATIONS UNDER SECTIONS 2-120-800 AND 2-120-820 OF THE CHICAGO LANDMARKS ORDINANCE (MUNICIPAL CODE OF CHICAGO SECTIONS 2-120-580 THROUGH 2-120-920)

The following Emergency Rules are issued by the Chairman of the Commission on Chicago Landmarks of the City of Chicago (the “Chairman”, “Commission” and the “City”) in accordance with the Chairman’s emergency rule-making powers pursuant to that certain rule adopted by the Commission pursuant to a resolution at the Commission’s regular meeting on June 4, 2020 (the “Emergency Rule Resolution”). The Emergency Rule Resolution can be found at www.chicago.gov/ccl.

These Emergency Rules are effective as of July 27, 2020, and shall remain in effect until there is no longer a disaster proclamation issued by the Governor of the State of Illinois or the Director of the Illinois Department of Public Health relating to public health concerns for Cook County. At such time these Emergency Rules shall be repealed of their own accord. The Chairman may rescind, suspend or amend these Emergency Rules as circumstances dictate.

During the period the Emergency Rules are in effect, they supersede any conflicting rules and regulations regarding the conduct of public hearings on permit applications under Sections 2-120-800 and 2-120-820 of the Chicago Landmarks Ordinance as such rules and regulations are set forth in the Commission’s Rules (eff. December 7, 2006, as amended February 3, 2011, and June 4, 2020) (the “Regular Rules”), including but not limited to Articles IV and V of the Regular Rules. Capitalized terms not defined in these Emergency Rules shall have the same meanings as set forth in the Regular Rules. The Regular Rules can be found at www.chicago.gov/ccl.

The purpose of these Emergency Rules is to permit the Commission to conduct public hearings on permit applications under Sections 2-120-800 and 2-120-820 of the Chicago Landmarks Ordinance while taking appropriate measures consistent with the guidance from the City Council, the Governor, the United States Centers for Disease Control and Prevention, the Illinois Department of Public Health and the Chicago Department of Public Health to mitigate the contagion and spread of the COVID-19 virus.

These Emergency Rules address the manner in which the Commission will conduct public hearings on permit applications under Sections 2-120-800 and 2-120-820 of the Chicago Landmarks Ordinance to comply with recommended social distancing and social isolation practices to mitigate contagion and protect and promote the health and well-being of the general public, Commission staff and members of the Commission.

Chairman’s and Hearing Officer’s Powers

Like the Regular Rules, all powers granted to the Chairman under these Emergency Rules shall apply, if applicable, to the Vice Chairman.

The hearing officer appointed by the Chairman to preside at the public hearing (the "Hearing Officer") shall have the power and authority to reschedule any public hearing that the Hearing Officer, in his sole and absolute discretion, does not believe can adequately be conducted at the appointed time and in the appointed manner, subject in all respects to Sections 2-120-800 and 2-120-820 of the Chicago Landmarks Ordinance. This power and authority shall not require the vote of a quorum of the Commission or the consent of the Chairman and may be exercised outside of a Commission meeting. The Hearing Officer or his designee may instead notify the applicant and the other party(s) to the public hearing prior to the day of the public hearing that the public hearing has been rescheduled to a date and time certain. Such notification shall be in writing. In the event that the Hearing Officer or his designee has notified the applicant and the other party(s) to the public hearing that the public hearing has been rescheduled to another date and time, the notification may specify what if anything must be done prior to such rescheduled public hearing. If any member of the public (as described below) has timely requested to testify on the application at the public hearing, such member of the public shall receive a copy of the notification, and the notification may also contain what the Hearing Officer expects such member of the public to do prior to such rescheduled public hearing.

Virtual Public Hearings

The Commission's public hearings on permit applications under Sections 2-120-800 and 2-120-820 of the Chicago Landmarks Ordinance shall not require the physical presence of the Hearing Officer, the applicant, the other party(s), Commission staff or members of the public at a single location or any one location. The Commission may conduct such public hearings via telephone, teleconference, closed-circuit television or via other electronic media at multiple locations provided that the public hearings shall be simulcast to the general public via live-streaming or other means to permit the general public to monitor the conduct of the public hearing and to engage in public participation. An electronic recording of the virtual public hearing shall be preserved.

In the event that the Hearing Officer, in his sole and absolute discretion, finds that the telephone, teleconference, closed-circuit television or via other electronic media fails to allow him to adequately conduct the public hearing, the Hearing Officer shall immediately postpone the virtual public hearing until such time that the virtual public hearing may resume, subject in all respects to Sections 2-120-800 and 2-120-820 of the Chicago Landmarks Ordinance.

Virtual public hearings shall be prepared for and conducted as follows:

*Parties as a Matter of Right must complete appearance forms available from the Commission (available at www.chicago.gov/ccl) and file their appearance forms with the Commission (via email to ccl@cityofchicago.org) no later than 10 days prior to the public hearing (for example, if the public hearing is scheduled on a Thursday then the appearance forms must be filed not later than the Monday of the previous week); late submissions will not be accepted. See Regular Rules Art. IV, Sec. E(1)(a) for additional information.

*Parties by Request must complete appearance forms available from the Commission (available at www.chicago.gov/ccl) and file their appearance forms with the Commission (via email to ccl@cityofchicago.org) no later than 5 business days prior to the commencement of the public hearing (for example, if the public hearing is scheduled on a Thursday then the appearance forms must be filed not later than the previous Thursday); late submissions will not be accepted. See Regular Rules Art. IV, Sec. E(1)(b) for additional information.

*Parties as a Matter of Right shall make disclosures no later than 10 days prior to the commencement of the public hearing (for example, if the public hearing is scheduled on a Thursday then the disclosures must be made not later than the Monday of the previous week); Parties by Request shall make disclosures no later than 5 business days prior to the commencement of the public hearing (for example, if the public hearing is scheduled on a Thursday then the disclosures must be made not later than the previous Thursday); late disclosures will not be allowed or accepted. See Regular Rules Art. IV, Sec. E(3)(b) for additional information.

*Parties must submit documents to be displayed during the public hearing in a Power Point to the Commission via email at ccl@cityofchicago.org no later than 48 hours prior to the commencement of the public hearing (for example, if the public hearing is scheduled to commence at 10:00 AM on a Thursday then the Power Point must be submitted not later than 10:00 AM the previous Tuesday); late submissions will not be accepted.

*Parties must submit electronic copies of their disclosed Documents under Regular Rules Art. IV, Sec. E(3)(a)(4) to the Commission via email at ccl@cityofchicago.org no later than 48 hours prior to the commencement of the public hearing (for example, if the public hearing is scheduled to commence at 10:00 AM on a Thursday then the Documents must be submitted not later than 10:00 AM the previous Tuesday); late submissions will not be accepted. By such time the Commission shall also submit electronic copies of its exhibits and other documents for the public hearing to the Parties via email.

*Non-parties may make brief statements (not to exceed three minutes each) for or against permit issuance; non-parties must complete appearance forms (available at www.chicago.gov/ccl) and submit their appearance forms (via email to ccl@cityofchicago.org) no later than 48 hours prior to the commencement of the public hearing (for example, if the public hearing is scheduled to commence at 10:00 AM on a Thursday then the non-party appearance forms must be submitted not later than 10:00 AM the previous Tuesday); late submissions will forms not accepted. See Regular Rules Art. IV, Sec. F for additional information.

*To ensure sufficient technological capacity, the Commission also requests that any alderman wishing to speak (or have his or her staff speak) at a public hearing notify Commission staff no later than 48 hours prior to the commencement of the public hearing (for example, if the public hearing is scheduled to commence at 10:00 AM on a Thursday then the alderman should notify Commission staff not later than 10:00 AM the previous

Tuesday). Exhibits the alderman wishes the Hearing Officer to consider at the public hearing must also be sent prior to this 48-hour deadline.

*Commission staff will send virtual participation instructions to the applicant and the other party(s) not later than 24 hours before the public hearing.

*The Commission acknowledges that it has never held virtual public hearings before. The Commission further acknowledges that its technological abilities to conduct virtual public hearings are limited. Therefore, to ensure equity of access to address the public hearing, the Commission highly encourages that non-party members of the public submit their comment in written form.

The Commission will accept written comment on the subject of the public hearing from non-party members of the public up to 24 hours prior to the scheduled commencement of the public hearing. For instance, if a non-party member of the public wishes to comment on the subject of the public hearing scheduled to commence at 10:00 AM on a Thursday, the member of the public must provide written comment to the Commission no later than 10:00 AM on the Wednesday prior to such public hearing.

Non-party members of the public shall send all written comment to the following email address: ccl@cityofchicago.org. The subject line of the email shall specify the address of the property that is subject of the public hearing so that the written comment can be properly filed with the Commission. Due to technological limitations, written comment shall be accepted only in the following formats: (1) body of the email; (2) Word document; and (3) PDF. Written comment submitted in alternate formats shall not be considered. All written comment shall become part of the Commission's record of the public hearing and shall be available for public view during the virtual public hearing at www.chicago.gov/ccl. Written comment received after the deadline shall not be considered. Written comment containing racist, homophobic, violent, pornographic or other similar statements or images shall not be considered. Written comment containing personal attacks shall also not be considered.

*Public hearing participants not acting in courteous manner (for example, making personal attacks, interrupting others, repeatedly arguing with the Hearing Officer) and refusing to comply with directions may be immediately excluded from further participation such that they will no longer be seen or heard by other participants.

*Members of the public will view the virtual public hearing via live stream by selecting "Click here to access the live stream" on the Commission's website at www.chicago.gov/ccl.

*After the public hearing, a party may submit draft findings or conclusions for the Hearing Officer's consideration. These documents should be submitted to the Commission via email at ccl@cityofchicago.org. See Regular Rules Art. IV, Secs. H(12) and J(1) for additional information.

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Chairman
Commission on Chicago Landmarks