

PURPOSE

Application for Demolition

4 East State Street

Remnant stone structure

Review the application

Take public testimony regarding the demolition request

Historic Preservation Ordinance anticipates this action and provides direction

In accordance with Section 10-6-10.A9 of the City Historic Preservation Ordinance, that reads;

“The Commission may grant a demolition request for a historic landmark or a property within the historic district if...upon review of all testimony, the maintenance, and/or alteration of the property would cause immediate and substantial hardship for the owners of record because rehabilitation in a manner which preserves the architectural, historic, or structural integrity of the property...

b. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure when accounting for such factors as current market value, permitted uses of the property, and/or compliance with local, state, and federal codes applicable to the property.”

Shodeen has provided a detailed report in accordance with the Ordinance.

Key events missing from Staff timeline

- Shodeen request City Staff to review the architects proposal prior to Shodeen excecuting it.
- Shodeen sought proposals from 10 different qualified firms.
- Shodeen receives we received only 2 proposals as many of the firms did not want to get involved in this process:

Altus Works, Inc

Johnson Lasky Kindelin Architects

- Shodeen toured the subject site with representatives from Johnson Lasky Kindelin Architects.

“during the tour of the subject structure, the two professionals from Johnson Lasky Kindelin commented that the structural walls were “not safe” and that they needed to exit the building immediately.”

- September 23, after reviewing the architects proposal, Staff responded back to Shodeen with some recommendations and comments.
- Staff offered if the architectural consultant had any questions, the consultant should feel free to reach out to Michael Lambert directly.
- Approximately one week later, on September 30, 2021, after learning that a conversation between the consultant and Staff took place, Johnson Lasky Kindelin Architects withdrawals their proposal based on discussions that they had with City Staff.

2008 Preservation Plan

On page 3 of the January 18, 2023, City Staff Report, the City Staff states;

“The property at 4 East State Street was identified in the 2008 Historic Preservation Plan-adopted by City Council as one of the 63 properties or groups of properties that should be landmarked and protected in accordance with the Preservation Plan’s goals and objectives.”

- Upon review of the 2008 report, it states the “**Mill Race Inn**” as the “identified” property that Staff references.
- The landmarked stone remnant structure is not the Mill Race Inn. It is more commonly known as the Blacksmith Shop.

Since the drafting of this 2008 report, specifically, on May 2, 2022, both the Historic Preservation Commission and the City Council unanimously voted to “de-landmark” more than a majority of the land located at 4 East State Street.

City Staff also fails to state that this 2008 Historic Preservation Plan contains numerous goals, action plans, immediate priorities, and short term priorities;

Most of which have NOT been completed by the City of Geneva as required by this adopted plan.

City has failed to “*Create Financial incentive programs; grants/loans/tax assistance, financial assistance to help pay for historic preservation.*”

- The 2008 Historic Preservation Plan does not provide any guidance on the following topics that need to be discussed as the HPC considers a demolition request:
 1. What is the condition of each of the 63 properties?
 2. What would it cost to protect the 63 identified properties?
 3. What is a ‘reasonable’ cost to protect the 63 identified properties?
 4. How will the City pay to protect the 63 identified properties?
 5. What to do if the cost is too excessive to protect the 63 properties?
- Clearly, this 2008 Historic Preservation Plan is outdated and not being utilized as a tool by the City.

Redevelopment scenarios

- On Page 4, of the January 18, 2023 City Staff Report, the City Staff states;

“The submitted application narrative states that-based on a single redevelopment scenario-the historic limestone blacksmith shop cannot be economically renovated and put into service.”

- In short there have been numerous redevelopment scenarios analyzed by not only the property owner but also by
City Staff and consultants
Geneva Park District
Other private redevelopers.

The net result of these various scenarios is that the structure is too far deteriorated and the costs to restore the structure are excessive and therefore not feasible.

- At the direction of the City Council, City Staff issued a Request for Proposals, interviewed numerous design and financial firms, contracted with a team of organizations, spent approximately **\$300,000** of tax payer money to determine the most appropriate and cost effective redevelopment plan for this site which included an analysis of the historic remnant structure. Those plans were vetted at public hearings and the final plan was then ultimately rejected by the City Council.
- During that exhaustive work, the City’s very own consultants included the very experienced Hitchcock Design Group, Business District’s Inc, Fitzgerald Architects, and The Structural Group.
- The scenarios evaluated during this work included **incorporating the structure, adding onto the structure, the structure remaining where is and the structure being relocated.**
- City Staff called their own meeting with the **Geneva Park District** whereat City Staff inquired if the Geneva Park District were interested in using the structure. The Geneva **Park District staff and Board declined** the City Staff’s request.
- City Staff and the Property Owner **met with a potential redeveloper to redevelop the structure into a beer garden.** After meeting with the perspective user, the user advised the City that they had **no interest** in redeveloping the structure.
- City Staff should be reminded that during public testimony, **Collin Campbell advised that he and his group “...needed time to find a user for the structure...” and no viable user has been found.**

Request for funding assistance

- On Page 4, of the January 18, 2023 City Staff Report, the City Staff states;

“The economic feasibility study did not include the application of any state or federal tax credits nor potential public or private grant funding nor any request for Tax Increment Financing (TIF) Funds.”

- The financial analysis in fact DID include a line for such contribution(s) titled **“Estimated Contribution from City.”**

cell E30 on the spreadsheet

- The Staff report fails to discuss the numerous emails, meetings, and telephone conversations between Shodeen and Staff that were all related specifically to the financial assistance to restore the subject structure.
- During October of 2022, Shodeen understood the Preservation Planner was seeking ideas and thoughts as to how the applicant could obtain financial assistance.
- Shodeen immediately contacted City Economic Development Director Cathleen Tymoszenko,
 - Grants
 - Tax Credits
 - Tax Increment Financing (TIF)
- City staff did not offer any Grant Funding
- The Illinois Historic Preservation Tax Credit Program provides a state income tax credit equal to 25% of a projects’ “Qualified Rehabilitation Expenditures” (“QRE’s”).
 - The owner of the property is a 501.c.3 that does not pay any income tax.
 - The Tax Credit, if awarded (as these are competitive applications), could only cover 25% of the QRE’s.
 - The competitive projects are based on such factors as the **number of jobs created**, and what **significant, positive, stimulation** it would bring to the local economy.
 - It’s unknown if this project would rate highly or at all.
- Applicant requested the City should employ a Tax Credit consultant and obtain the funds.

The City Preservation Planner replied, “the City will not do that”.

- Tax Increment Financing (TIF) could it provide enough funding?

If any TIF Funds for restoration of the remnant stone structure are available.

Applicant did not receive a response.

If the project costs identified in the provided proforma are eligible for TIF funding.

Applicant did not receive a response.

If the City staff and/or the City's TIF consultant would identify all items within the provided detailed Construction Budget that are TIF eligible.

Applicant did not receive a response.

If the City of Geneva Economic Development Department and City Council are willing to provide the necessary funding that the City of Geneva Preservation Planner Mr. Lambert identified in the October 25, 2022 correspondence.

Applicant did not receive a response.

- On 10-28-22 the undersigned Shodeen representative met with David DeGroot, City of Geneva Director of Development, Cathleen Tymoszenko, Director of Economic Development and Michael Lambert, Preservation Planner to discuss these questions and any financial assistance or funding options that may be available for this project. At that meeting, City staff was going to review the options and respond back to Shodeen.
- On 11-5-22 Shodeen had not received any response from the City, so Shodeen reached out again to the City staff via email requesting status of their review.
- On 11-9-22 Shodeen still had not received any response from the City, so Shodeen placed a phone call to The Economic Development Director wherein a discussion was had that the City reiterated that they would be getting back to Shodeen with a response to the requests.
- On 11-22-22 Shodeen still had not received any response from the City so Shodeen again reached out to City staff via email for a response.
- On 11-23-22 City staff provided a response to Shodeen wherein it stated:

Per discussion at our 10/28 meeting and our 11/9 phone conversation; I am not certain how you wish to proceed.

As I understand, you are inquiring about TIF funds to respond to comments related to a demolition request.

Presently, you have a demolition request pending AND you are requesting TIF funds to preserve the structure?

These requests are incongruent.

To pursue a TIF request to preserve the structure, the first step would be to withdraw the demolition request.

Structure is unsound

Per page 4 of the January 18, 2023 City Staff Report, the City Staff states;

"The report prepared...by AltusWorks and its consultants does not identify that the historic, limestone structure is structurally unsound or in immediate danger of collapse."

The AltusWorks report actually contains words of **"severely deteriorated, poor condition, missing limestone, cracked mortar joints, not properly mortared joints, unstable, no longer stable."** More specifically, following are the actual statements contained in the AltusWorks report regarding the condition of the structure:

*"The limestone walls have areas that exhibit **severely deteriorated (poor condition)** or missing limestone..."* and is photographed in the report as figure 6.

*"There are **occurrences of open or cracked mortar joints, missing mortar, and individual damaged limestone pieces.** In addition, some **areas of the masonry walls were not properly pointed...**"*

*"**Limestone (poor condition):** Large sections of removed limestone have been infilled with wood framed plywood walls at the north, east and west elevations (figure 3, figure, 1 and figure 2). The **northwest corner** of the building is original stone but **is unstable...**"*

*"**Frame walls (poor condition):** The wood walls are missing some studs and sheathing."*

*"The **interior partition wall and doors is in poor condition** with missing lath and areas of missing plaster. The east portion of **the interior wall is missing in its entirety.**"*

*"Basement **columns are deteriorated at their base.**"*

*"**Deteriorated rebar, spalled concrete** and multiple cores are present in the 3 ½" slab."*

*"Frame walls supporting the roof over the steel beams and **perimeter walls are missing studs.**"*

*"Some roof **joists are rotted, damaged,** or otherwise missing support."*

"Large holes can be found throughout the roof."

*"The masonry pier at the northwest corner is missing pieces of stone and **is no longer stable**"*

*"The 3 ½" slab over the basement...**deterioration has reduced capacity**".*

*"The **roof joists are not capable of supporting roof dead load and code required snow loads.**"*

City's own Structural Analysis results

- Staff also fails to advise the HPC that in June of 2019, the City employed the services of their own consultant-structural engineering firm; The Structural Group, Ltd from Deerfield Illinois.
- They completed a structural analysis of the remnant structure.
- On June 21, 2019, Licensed Architect Mark Danielak and licensed structural engineer Jan I. Blok, inspected the structure and prepared a report of their findings. Their report contains the following statements:

*"The roof framing appeared in generally **poor condition** as a result of apparent **water infiltration and fire damage**..."*

*"The construction of the first-floor beams could not be determined...the beams are supported at their mid-span by a steel column. Both **columns are severely corroded** over their height..."*

*"The north wall...appears in **generally poor condition** on both faces especially the limestone pier at the northwest corner of the building. Stone at the base of this pier is loose and missing...**Significant deterioration was observed to the mortar joints** in the lower several feet of this length of wall. The **quality of craftsmanship of this section of wall is poor.**"*

*"The existing **roof structure is in poor condition and cannot be reused**. As discussed, fire and water damage was observed on the framing...Because the roof structure is supported on wood knee walls built on top of the limestone walls **the roof structure is not adequately bracing the tops of the limestone walls** against lateral wind loads."*

*"In addition, the **presence of severe corrosion** of the exposed reinforcing will require this **reinforcing to be removed and replaced**..."*

*"The poor condition of the **north wall**...the poor craftsmanship of the stone work on the interior and the use of wood lintels over openings leads us to recommend **the wall be removed**..."*

*"Due to the large amount of missing east exterior wall, poor masonry work on a large section of the remaining wall...we recommend the **east wall be removed**..."*

*"The existing structural remnants of the original...**building are only marginally stable**..."*

Inappropriate maintenance

Per page 4 of the January 18, 2023 City Staff report, City Staff states;

“In summary, the report identifies that the historic limestone walls...citing that the identified deterioration is a result of inappropriate maintenance and repair over an extended period.”

This statement is not contained in any professional report.

When Shodeen acquired the property it had been vacant and severely deteriorated from fire, flooding, vandalism, and age related structural degradation.

City issued a demolition permit to rid the site of the eyesore and to expose the unknown condition of the remnant structure

Building is shored up stabilizing it

Per page 4 of the January 18, 2023 City Staff report, it states;

“The historic structure has stood in its present condition, temporarily shored, since mid-summer of 2016; the owner has made no effort to repair or maintain the structure in the interim.”

This again inaccurate.

If it was not for the owner to install the temporary shoring, what condition would the structure be in today?

The owner has made every reasonable effort to maintain the severely deteriorated structure in a safe manor.

The owner previously attempted to obtain a demolition permit to remove the safety concern and was denied.

The owner has requested that the Building Department inspect the structure to determine if it is un-safe and they have refused.

Each call received by the owner from the City of Geneva code Compliance Officer has been immediately responded to and has satisfied the Code Compliance Officer.

A Code Compliant review

Per page 4 of the January 18, 2023 City Staff report, it states;

“The report does not include the following items identified in the Geneva City Code, Section 10-6-10.A2:

g. A detailed report of non-code compliant elements and structural deficiencies, prepared by an Illinois Registered Architect and/or structural engineer with expertise in rehabilitation of existing and/or historic properties...

h. A detailed list of irreparable or deteriorated building features, components or elements”

The above statement by staff is absolutely wrong

Throughout the document AltusWorks clearly identifies non-code compliant issues with the subject structure.

City Staff knows that you need to have heating, ventilating, plumbing and electrical systems in a structure to meet building code. This structure has none of these systems, components or elements.

Specifically, the AltusWorks report states the following:

*“...the building is **inaccessible from the public way** or the remainder of the site...”*

*“...there is **no accessible route to the building from the parking lot...**”*

*“...the building is also **inaccessible from East State Street due to the 4-foot height difference in grade** between the existing sidewalk and the first-floor level of the building.”*

*“...**no drainage systems** were observed at the existing building...”*

*“...This building **has no mechanical systems** installed at this time.”*

*“...The building **has no operational plumbing** systems installed. There are abandoned system components that remain in the building but nothing that can be reused.”*

*“...The building **has no operational electrical system**. There are numerous abandoned electrical components...but, there is no electrical service to the building, no distribution panel, or other equipment that is operational.”*

*“**Code and zoning compliance was determined as part of this exercise...**(refer to Appendix D for applicable code...regulations)”*

Is the building a hazard

Per page 7 of the January 18, 2023 City Staff Report, City Staff reminds the commission;

“Per Geneva City Code, Section 10-6-10.B, the request shall be evaluated based on the evidence presented, provided that the demolition improves or corrects (1) or more of the following conditions:

- 1. A building, structure...that constitutes a hazard to the safety and welfare of the general public or occupants of the improvement, property, or site in consultation with the preservation planner, ...building official, code enforcement officer...”*

Public Comment

Staff accurately and clearly states that on May 2, 2022,

“With the Adoption of Ordinance 2022-23, the Council supported the Commission’s recommendation unanimously...to rescind the landmark designation on portions of the property...”

Specifically, that portion of land abutting Illinois Route 25 was de-landmarked. Yet, the City Staff posted a sign on October 24, 2022, advertising a public hearing regarding the subject property abutting route 25. This is incorrect and falsely notified the public of a hearing regarding the property abutting Route 25.

The City Staff has done an excellent job in public notification of all those in favor of preserving and restoring the subject structure.

Staff has failed to resolve the challenging issue of how to pay for the exorbitant cost to restore the structure

Staff did not realize the amount of public response on social media in support of demolition.

On the Preservation Partners of Fox Valley Facebook page when they posted the Shaw Media article, one reviewer posted a comment to “tear the building down.” As of January 5, that comment obtained 71 thumbs up and **no** thumbs down.

On the Preservation Partners of Fox Valley Facebook page when they posted What’s Up Geneva and the comment was made to “tear the eyesore down” 17 people voted thumbs up and nobody voted thumbs down. When someone posted “no keep the historic structure” only 5 thumbs up.

In accordance with Section 10-6-10.B a demolition request can be evaluated considering the following primary factor

“The retention of a building, structure, object, improvement, or site is not in the best interest of the majority of the community”