

**Planning & Development Committee Meeting
Minutes of November 14, 2011
City Council Chambers – 7:15 p.m.
Lorraine H. Morton Civic Center**

COMMITTEE PRESENT: J. Fiske, D. Holmes, A. Rainey, D. Wilson, M. Wynne

OTHERS PRESENT: G. Chen, G. Farrar, S. Griffin, T. Malone, D. Marino,
J. Murphy, B. Newman

PRESIDING OFFICIAL: Ald. Holmes

I. DECLARATION OF QUORUM

A quorum being present, Chair Holmes called the meeting to order at 7:16 p.m.

II. APPROVAL OF THE OCTOBER 24, 2011 MEETING MINUTES

Ald. Wynne moved approval of the minutes, seconded by Ald. Fiske.

The minutes of the October 24, 2011 meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION

(P1) Ordinance 97-O-11 Granting a Special Use for a Type 2 Restaurant at 724 Clark Street in the D2 Downtown Retail Core Zoning District

Staff and the Zoning Board of Appeals (ZBA) recommend the adoption of Ordinance 97-O-11, granting a special use permit for the operation of a Type 2 restaurant at 724 Clark Street with suggested conditions on employee parking and store hours. The proposed operator of the site currently operates the Subway at 1133 Emerson Street.

For Introduction

Ald. Rainey moved to introduce Ordinance 97-O-11, seconded by Ald. Fiske.

At Ald. Fiske's inquiry, Mr. Marino replied that the special use is tied to the owner and the address.

At Ald. Wynne's inquiry, Suhas Patel, the owner of the proposed Subway Restaurant, replied that he does not plan to close his restaurant at 1133 Emerson, and that his investigation has shown that there is a demand for both Subway Restaurants.

The Committee voted unanimously 5-0 to introduce Ordinance 90-O-11.

(P2) Ordinance 99-O-11 Granting a Special Use for an Automobile Body Repair Shop at 1961 Dempster Street in the C2 Commercial Zoning District

Staff and the Zoning Board of Appeals (ZBA) recommend the adoption of Ordinance 99-O-11, granting a special use permit for the operation of an Automobile Body Repair Shop at 1961 Dempster Street. A1Autocare currently operates an automobile service repair at 1961 Dempster with five bays available for car repair. The applicant proposes

to transform one of the bays into one for automobile body repair, which requires a special use permit. **For Introduction**

Ald. Rainey moved to introduce Ordinance 99-O-11, seconded by Ald. Wilson.

Chair Holmes commented that this will expand their business.

The Committee voted unanimously 5-0 to introduce Ordinance 99-O-11.

(P3) Ordinance 38-O-11 Licensing Rental Units

Staff recommends the adoption of proposed Ordinance 38-O-11 regarding Licensing of Rental Dwelling Units amending Title 5, Chapter 8 of the City Code to be effective July 1, 2012. The proposed ordinance was a discussion item at the July 25, 2011 Planning and Development committee meeting and was brought back for further discussion at the October 10, 2011 Planning and Development committee meeting.

For Introduction

Ald. Fiske moved to introduce Ordinance 38-O-11, seconded by Ald. Wynne.

Chair Holmes called the public who wished to speak to the podium.

Betty Ester of 2031 Church commented that there was no mention of the revenue from the Ordinance in the 2012 budget and asked for the estimated revenue.

Lisa Pildis of 211 Ridge, a Fireman's Park resident of 31 years, with 5 rental properties, said the students who are ill behaved are in the minority and most of her tenants who are well screened, are well behaved and quiet. She said she appreciates the motive of the Ordinance to make safe affordable housing but that she cannot control how many people move into a 4 bedroom place and tenants have privacy rights, so she cannot just knock on the door any time to check. She also feels that revoking a license for 3 months for over-occupancy alone is unreasonable.

Steve Monacelli of the student government of Northwestern University said that student government supports the spirit of the Ordinance and wants safe conditions for tenants but feels that the requirement of a maximum of 3 unrelated tenants per unit goes beyond the proposed intent of the legislation. He said that 35% of students live off-campus and 40% of them have 3 roommates so 1,000 students could face eviction. He referred to Palatine's ordinance, which imposes no blanket fee on non-nuisance properties. He concluded that the Ordinance would have a very serious negative effect on students.

Jane Evans, a resident at 813 Gaffield for 24 years said renting property in her neighborhood is a business and businesses have to pay for licenses. She said the current ordinance is not working and students are often taken advantage of by their landlords. She said the poor property upkeep is visible to all the neighbors and it affects their quality of life. Ms. Evans said the proposed Ordinance will allow the City to have a record of who really owns a property. She said the Ordinance is not about the students, but the landlords maintaining their property.

Howard Handler said he wondered why the rental registration program had not yet provided the names of landlords to the City. He said the list of 52 properties that were in violation that had been published a few weeks was fabricated; that there was no notice to landlords about it, and that it was based on complaints from students who did not get their security deposits returned to them. He does not believe this is the time to move forward on this Ordinance but that the City should sit down with realtors and landlords and discuss ways to solve the problems.

Margaret Roman of 2048 Sherman who is a landlord of a couple of rental properties, said she has no problem with the licensing and she feels better knowing that an inspector will come and she is not worried about more than 3 unrelated people living in a unit. She said the fee is nominal and can easily be absorbed by a landlord. She said the inspection would give her a reason to give her tenants 24 hours' notice that she would like to see the unit before the inspector comes. Ms. Roman said over-density in the area causes parking problems.

Chair Holmes thanked them for their comments.

Ald. Wilson said he has many reservations about the proposed Ordinance. He said the City already has a rental registration program and wondered whether the tools to enforce such an Ordinance are in place as it appears that the entire City's rental units would have to be inspected. He does not feel that 3 day's notice is a fair amount of time for warning of vacation of a unit. He asked whether the Ordinance would include dormitories, fraternity houses and sorority houses and that certain rental buildings would have an enormous fee and this Ordinance does not have a sliding scale like the existing one has. Ald. Wilson suggested tabling the item until staff could create a package that would consider residents and landlords.

Ald. Rainey said there appears to be a conflict between the landlords: some feel the Ordinance is a good thing, some feel it is bad. She suggested sending the Ordinance back to staff and forming a mayoral-appointed subcommittee with landlords, staff and aldermen to work together to find a solution to the problem. She questioned whether eviction should be the result of noncompliance and whether it is a solution. She cited a case that went through the adjudication process which cost the City a great deal of time and money, and brought no positive results in enforcing the Ordinance. She said staff has done its best to find proposals but they have not been acceptable to City Council.

Ald. Fiske said the licensing is overdue and that it provides an opportunity to be in touch with landlords but wondered whether the City has enough staff to enforce it. She cited a building on Library Place that was converted to condos that are individually owned and rented, that had dangerous balconies which are now in repair. She said she applauds landlords who recognize the problem and see value in the proposed Ordinance. She offered to serve on the subcommittee.

Steve Griffin, Director of the Community and Economic Development Department, clarified that dormitories, sorority houses and fraternity houses are not included in the Ordinance and that an online application process would be set up that would eliminate the need for every unit to be inspected unless there were code violations, especially

related to safety. The application would include emergency contact information and the number of bedrooms. There would be a process in place that gets inspectors into the units routinely in order to make safety inspections. He added that a place would have to be extremely dangerous before they would revoke the landlord's license. He said he is not sure what further study would gain and that many NWU parents are glad about the Ordinance.

Ald. Wynne said that everyone understands that the goal is to ensure safe rental housing. She said she agrees with Ald. Wilson that the Ordinance needs to be clarified and said she likes Ald. Rainey's suggestion of a subcommittee. She said she is glad that NWU parents are aware of it and appreciates the landlords who are in support of it. She said she supports the intent but there would need to be clarification and that the subcommittee should have a short date.

Chair Holmes noted that this is not just about the students' housing but that there are more non-student residents in Evanston and it is about safe housing for everyone in Evanston.

Ald. Wilson said he supports the idea of a subcommittee.

At Ald. Rainey's inquiry, Grant Farrar, Corporate Council for the City of Evanston, said that he would research the current Landlord Tenant Ordinance and the universal code and determine whether the City has the capacity to order vacation of a unit.

Ald. Rainey said enforcement falls on the adjudication process.

Chair Holmes said she supports a subcommittee as long as there is a date certain.

Ald. Rainey said the subcommittee should be appointed by the mayor with guidance from City Council.

Ald. Wilson moved to form a mayoral-appointed subcommittee to review the Ordinance and have staff bring a proposal by November 28th to the P&D Committee, seconded by Ald. Rainey.

The Committee voted unanimously 5-0 to table the item and form a subcommittee to review the Ordinance.

IV. ITEMS FOR DISCUSSION

There were no items for discussion.

V. COMMUNICATIONS

There were no communications.

VI. ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,
Bobbie Newman