Planning & Development Committee  
Minutes of March 8, 2004  
Room 2403 – 6:00 p.m.  
Evanston Civic Center

Alderman Present: S. Bernstein, J. Kent, A. Newman, E. Tisdahl, M. Wynne

Staff Present: J. Aiello, A. Alterson, A. Berkowsky, V. Jones, C. Ruiz, E. Szymanski, J. Brownlee

Presiding Official: Alderman Kent

DECLARATION OF QUORUM

Chairman Kent called the meeting to order at 6:50 p.m.

APPROVAL OF THE MINUTES OF THE FEBRUARY 23, 2004 MEETING

Ald. Bernstein moved approval of the February 23rd minutes, seconded by Ald. Tisdahl. The minutes were approved 5-0.

ITEMS FOR CONSIDERATION

(P2) Ordinance 28-O-04 – Amendment to Section 4-5-2 of the Evanston City Code with Modification to Section F-502 and F-503 of the BOCA National Fire Prevention Code

Chairman Kent called on citizens that signed up to speak on this issue first.

Mr. Rich Olszewski, representing the Cook County Housing Authority, reiterated the hardships for their organization to comply with this ordinance as explained at previous meetings. He explained one of the problems they have with their buildings is the lack of ceiling space to adequately install the needed piping for the sprinkler system. The buildings are 10 stories with standard 8’ ceiling heights, therefore this does not provide the adequate ceiling height and any piping would have to be exposed. He said it is an extreme cost issue to install the required piping and sprinkler system and would also result in a maze of exposed piping. If said at least 10’ ceilings are needed to install this piping in the ceiling to allow enough room for a dropped drywall ceiling to cover the piping because these are living units. He noted the cost per building would be a minimum of approximately $2 million dollars per building. He informed the Committee that they have had budget cuts in their funding and have to provide for maintenance to both buildings within their limited budget. Mr. Olszewski noted that 3-4 years ago Cook County installed a very sophisticated smoke detector system to every portion of the building, which is identified and signaled to the Fire Department directly. The elevators are also hooked up to this system as well ad the stairwells have a 4-hour rate closure on them. This smoke detector system cost approximately $4 million dollars a few years ago
and was approved by the Fire Department. He noted that the funds to pay for that system were very difficult to raise. Chairman Kent recalled Mr. Olszewski and Ms. Turnoy testifying these same hardships the last time this matter was before the Committee.

Ms. Sioux Turnoy wanted to make clear that they do agree with the sprinkler system and support Chief Berkowsky’s direction. However it is not feasible for all the reasons Mr. Olszewski mentioned and also one of her concerns is the impact on the residents. She noted that both 10-story buildings are fully occupied by people who average in their 70’s and 80’s, some older, and some with physical disabilities. She said to do this type of work while these people are living in those units could be detrimental to their health. She also noted that all their residents are on fixed incomes and the Cook County Housing Authority is also on a fixed budget, which the government keeps cutting in various areas. Therefore, the residents pay reduced rents that are set by the government so there is no way to pass this cost onto their tenants as well.

Ald. Bernstein asked if the County has any regulations as far as fire safety requirements; he questions who actually governs these buildings. Ms. Turnoy responded that the Housing Authority of Cook County is a municipal corporation chartered by the State and funded by HUD, therefore they are not governed under the County but come under Evanston’s regulations.

Chairman Kent called on Chief Berkowsky for comments and explanation of the modifications to this ordinance since last discussed. The Chief gave a brief history account of the ordinance, which was originally presented for consideration in April 2002, modified slightly and brought back to Committee the following June and August. He said the actual ordinance was introduced September 23, 2002. At that time, they held a meeting where many building owners came out and commented in opposition to this ordinance with the main concern for cost hardships and installation problems. He noted that no fires have ever occurred in the owner-occupied rooming houses, however a major fire occurred at 718 Foster. Ald. Newman said that it would be great to require the sprinklers in the rooming houses but the problem in this category is who to apply to; should hotels be included and put in the same category? He said total clarification is needed in this category. Chief Berkowsky responded that the ordinance does separate rooming houses from hotels and non-owner occupied. He informed the Committee of a fire that occurred at St. Francis Hospital last year and due to the sprinkler system in place in the area of the fire, it was extinguished with 2 sprinkler heads with minimal damage to the building and no injuries. He noted that they have made good progress with other properties such as the Best Western Hotel and several Northwestern dormitories that does include the greek housing, which probably has the worse history of fires and continues to be a problem. He explained what has been modified to the ordinance was creating two categories, one for buildings to come in compliance within a 4-year period and two for buildings to come in compliance within an 8-year period. The difference being the the occupancies being recommended for a 4-year period represent the greatest concern with individuals that cannot fend for themselves plus dormitories and greek house that have an alarming history of fires over the past years.
Mr. David Reynolds who operates the Homestead, said that he does not doubt or question the Chief’s intent with this ordinance. However, although it can be done he specified the difficulties with installing such a system at the Homestead because of the construction and age of the building. He explained those difficulties in further detail. He stated that this would be a very costly job for the Homestead and their residents who are also all senior citizens and on fixed incomes. He informed the Committee of the current rent rates and the difficulty it would be for the majority of their residents to have this cost passed down onto them. Mr. Reynolds does approve of the latest modification to allow an 8-year period for hotels and senior citizen housing.

Mr. Duke Ferguson said that he represents one of the Greek fraternity houses at Northwestern and noted that they have been following the sprinkler ordinance throughout its evolution. He concurs with everyone that has spoken before him and agrees that there is absolutely no doubt that sprinklers can save lives. However, they too share in the previous comments made regarding the economic hardships to comply with the installation of such a system and the aesthetic hardships that will also result within the current building and ceiling configurations, especially if the building is of considerable age. He noted that they have put a lot of money and effort into preserving their buildings historical aspect. He said having met all recent fire safety standards they believe that there are many buildings that can go without the sprinkler retrofit that should not be considered “unsafe”. He feels a specific buildings history should be brought into account such as all Greek houses being considered or ran the same. Chief Berkowsky said that he understands Mr. Ferguson’s concerns however Greek housing and dorms have an incredibly alarming history of fires and safety issues and it would be hard to exempt one greek house from all the others.

Mr. Oslewski commented on the 8-year time frame period. Even though this allows for more time for a building to come into compliance, most contractual work is far more expensive over longer periods of time. This will eventually be even more costly over time. Ald. Newman sympathizes with the Cook County Housing Authority and acknowledged their evident economic hardship in complying with this ordinance. Not only is the organization operating on a limited budget from the government but also their entire residency is on social security fixed incomes in the range that qualify for low income housing. Ms. Turnoy verified that the majority of their tenants are living on incomes of 500-600 per month and paying fixed rent amounts as well. Ald. Newman agrees that it is impossible for these buildings to comply. It was also mentioned that the rents in the North Shore Hotel are around $1200 - $1500 per month, which is very expensive for senior citizens and the majority of residents living there. It would be unreasonable to pass this expense onto those tenants as well expectation on any of the other tenants in similar senior housing. Chief Berkowsky recognizes all the difficulties stated, unfortunately buildings with an aging population there is a major concern for mobility of these individuals in case of a fire or other emergency.

Ald. Tisdahl commended Chief Berkowsky and recognizes his responsibility and that he doing what he is supposed to do and is required of him. She noted his major concern is for saving lives under any circumstances at whatever cost measures it may take. She
further noted his modification by allowing a 4-year and 8-year period depending on the category of the building. However even with the time extended for funding concerns, it is definitely apparent that the cost hardships still remain for many buildings. She stated that this issue is at an impasse.

Chief Berkowsky informed the Committee and audience that there are funding mechanisms available from different methods or assistance for certain organizations. Several of the building managers in the audience said that they would be interested in seeing a list of these organizations or funding proposals.

In conclusion, Ald. Newman said that he would be interested in seeing additional figures on cost to these buildings stating economic hardship and a list of the funding sources available. The other Committee members agreed. **Ald. Newman moved to hold this item on their agenda for further information at a discussion level. Ald. Wynne seconded the motion and the vote was 5-0 in favor.**

**(P1) Appeal – 904 Hinman Avenue**

Mr. Chris Carey, Chair of the Preservation Commission, addressed the Committee to enlighten them of the Commission’s position on their decision with this case. He gave the Committee further commentary of the Commission’s reaction to each standard. He felt the most important standard that was not met was #3 which states “that any exterior architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary the new material should match the material being replaced in composition, design, color, texture and visual quality. It was the consensus of the Commission that this standard was clearly not met and agree that the windows are an important feature in historical structures and all measures should be taken to preserve this architectural feature of the building. The Commission agreed that the current owner did not respect this standard. Mr. Carey stated that the Commission would request that P&D uphold their decision. With this in mind, he informed the Committee that the Preservation Commission has made efforts to work out some type of compromise with the owner and are still willing to meet with Mr. Perocevich and Mr. Murray to further negotiate. Ald. Newman encourages such negotiations between the Commission and owner, however the fact remains that this owner did not respect or acknowledge the City’s building codes and requirements. He accepted staff’s memorandum resulting from their inspection of the building and the work that has occurred on this building up to date since the new owner took over. It was the consensus of the Committee that all fines should be passed onto this owner to the full extent.

Ald. Bernstein brought to the Committee’s attention a pamphlet he obtained from the City Clerk’s office on the Preservation Commission and historical landmarks. He pointed out that the pamphlet is incredibly ambiguous and does not clearly explain the entire process and what exactly is required of the owner as far as what requires a permit or certificate of appropriateness. Further discussion took place ending with Ald. Bernstein directing staff to review the pamphlet and make some modifications to the wording for more clarification. Mr. Ruiz assured that he would review and make any necessary amendments for clarity.
Ald. Bernstein questioned if the windows acceptable by the Commission are available and what the estimated cost would be for replacement. Mr. Murray noted that the windows that are acceptable and desired by the Preservation Commission are very expensive and would have come to approximately $360,000 to replace all the windows of the building. He reiterated the same reasons on the feasibility of replacing with the casement windows and the hardship on maintenance and upkeep. The windows remaining undone currently do not function properly. He also mentioned that many of the casement windows that previously existed in the building were very unsafe and were a hazard to children with the risk of falling out because of how they open up. He again mentioned the cost that Mr. Perocevich has already put into the existing replacement windows at the cost of over $40,000 that he has already spent. He noted the major difference in prices of the windows and that the windows preferable by the Commission would clearly be a cost hardship to his client. He made clear of the fact that they do not argue the lack of obtaining proper permits and his client is willing to pay any penalties due him.

Ald. Tisdahl stated that she strongly urges negotiation discussion to conclude as some compromise, especially with the testimony given on the cost of the casement window replacements. She is also concerned with the safety of children if these casement windows open in such a way that could be dangerous of risk of falling out. The cost issue of concern to her as well and questioned if there were an alternative window more cost efficient that could be considered. In any case, this owner has already replaced over 100 of the windows and the cost for re-replacing these windows needs to be taken into consideration as well. Ald. Newman said that the economic hardship may be his only argument if the comparison is the difference from $40,000 to $360,000. Mr. Mary Bruglieria, Preservation Commissioner, informed the Committee that there are many vendors that are currently available with the rise in rehabilitation and preservation of buildings. She noted that window restoration is very marketable at this time so cost fluctuations is very possible. She acknowledged that the amount stated by Mr. Murray at $360,000 is very expensive but the same style of window can be purchased at a much lower cost that aesthetically look the same but use less expensive materials. She also mentioned that casement windows are still being made and are available so the safety issue is questionable depending on the maintenance and upkeep of the windows. She suggested an alternative to rectify this problem is to have a phase in progress over a period of time to replace the windows that have already by done. Mr. Ruiz stated for the record that safety is an important factor that the Preservation Commission always takes into consideration. If casement windows were unsafe manufacturer would not keep making this type of window. He seconded Ms. Bruglieria’s comments on researching to locate this type of window at an affordable price; it can be done.

The consensus of the Committee was to allow time for negotiations of alternatives between the building owner and the Preservation Commission. **Ald. Wynne moved to hold this item in Committee until negotiation meetings have occurred, seconded by Ald. Bernstein. The vote was 5-0 in favor of the motion.**
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(P3) Ordinance 07-O-04 – Zoning Map Amendment – Rezoning of Kendall College
Ald. Newman said that it is his understanding that talk between the developer and the neighborhood task force are still going on. Mr. Malarkey concurred that the meetings have been productive and will continue. Ms. Szymanski suggested to Chairman Kent to table this matter on Council floor until further action.

(P4) Ordinance 23-O-04 – Special Use for 1168 Dodge Avenue
Chairman Kent called Ald. Jean-Baptiste over for discussion of this item. He asked the applicants to re-introduce themselves.

Mr. Rafiq Ghaswala, said that he is the Vice President of Operations for Gold Coast Dogs franchise systems. He was requested at the last meeting to bring the manager/operator before the Committee at the last meeting. He brought with him the President, Mr. Nizarali Ladhani. In response to a question regarding hours of operation, Mr. Ladhani stated that he still prefers and request consideration of being open 24 hours. He said that they are not pleased with having the restricted hours condition.

Mr. Ghaswala updated the Committee what has transpired since they last came before P&D. He explained that since the last meeting they have lost the franchisee for this location due to the length of time it has taken since application and other concerns with this location. This site will now have to operate as a corporate store. He further explained that corporate stores are managed directly by themselves, the franchise owners. Mr. Ladhani informed that although they would run this location directly, they will still be trying to obtain a franchisee for this site. Ald. Bernstein expressed some concern because the intention tonight was to speak directly with the person that would be managing the store. If this changes and a franchisee is obtained in the near future, P&D will not have the opportunity to discuss the conditions with them directly. Ald. Newman expressed his concerns as well with not being able to talk directly to who ever will be running the store if a new franchisee is acquired. His concerns are with the strip of property a few blocks north of this location going towards the high school where the litter and debris is abundant and very unsightly. He considers this area an embarrassment for all of Evanston. Chairman Kent agreed and noted that the neighbors in that area have tried to deal with it and clean up but they are overwhelmed because the trash is so heavy in that area. Ald. Jean-Baptiste agreed with the previous comments expressed by the Committee regarding this strip, which he said has been a constant aggravation because it is a heavily trafficked area by high school students. He also is very concerned with this opening as a corporate store and later in time being run by a franchisee who they will not have an opportunity to talk to. He stressed the fact that firm accountability is needed here and assurance that all conditions will be complied by. Mr. Ghaswala and Mr. Ladhani both assured that they would take full responsibility the franchise owners to pass on any directions to the new franchisee if one is obtained.

Ald. Newman brought up the fact that the problem with this intersection is that there are too many type 2 restaurants at Dempster and Dodge and being so close in proximity to the high school. The litter problem in this area will always be a constant problem because of this. However the direct frontage of the shopping center seems to stay clear of debris and the grounds kept up. He directed staff to report back to the Committee with a
dollar amount for the City to clean up and maintain the strip of property referred to north of Dempster. He added to extend this distance to as far north as Church Street and south to Main Street. Ms. Aiello said that she would report back to the Committee with information.

Discussion on hours of operation took place. Ald. Newman suggested that at this particular location, appropriate hours would be from whatever time in the morning to a closing time of 10:00 p.m. on weekdays and 11:00 p.m. on weekends. Ald. Jean-Baptiste supported this and agreed that this location does not need to be opened any later and certainly not 24 hours. The Committee members all agreed to the suggested hours of operation. Ms. Aiello also suggested that a condition be included that if a franchisee is obtained, the owner of Gold Coast Dogs must report this information to the City and forwarded to P&D as well. Ald. Bernstein moved approval subject to the conditions stated above. Ald. Newman seconded the motion and the vote was 5-0 in favor.

(P5) Ordinance 29-O-04 – Planned Development 413-421 Howard Street
This item was brought back before the Committee due to Ald. Wynne’s request that some condition be added to require the same level of architectural detail similar to the project at 603 Main Street. She feels what has been added is acceptable. With this said, Ald. Wynne moved approval, seconded by Ald. Bernstein. The vote was 5-0 in favor of the motion.

ITEMS FOR DISCUSSION

(PD1) Consent Decree – Northeastern Historic District
Ald. Newman recommended Mr. Dave Schoenfeld and Mr. Bob Atkins, who both live on Orrington, to sit on the review Committee for this matter. He also has a third recommendation in case needed; this individual is a Law Professor for Northwestern. The other Committee members accepted Ald. Newman’s recommendations.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

[Signature]

Jacqueline E. Brownlee