

REVISED
Planning & Development Committee
Minutes of December 8, 2008
Council Chambers – 6:30 – 8:20 p.m.
Evanston Civic Center

Aldermen Present: S. Bernstein, A. Hansen, D. Holmes, L. Jean-Baptiste, E. Moran,
R. Rainey, E. Tisdahl, C. Wollin, M. Wynne

Staff Present: D. Argumedo, K. Cox, S. Guderley, D. Marino, B. Newman, T. Norfleet

Presiding Official: Alderman Moran

DECLARATION OF QUORUM

Chair Moran called the meeting to order at 7:17 p.m., a quorum being present.

APPROVAL OF NOVEMBER 24, 2008 MEETING MINUTES

The Committee voted unanimously to approve the November 24, 2008 meeting minutes.

ITEMS FOR CONSIDERATION

(P1) Ordinance 130-O-08 Granting a Special Use for a Multi-Family Residential and Commercial Mixed-Use Planned Development with Enclosed Accessory Parking Located at 631-749 Chicago Avenue in the C1a Commercial Mixed Use Zoning District (Evanston DevCo/AMLI Development)

Consideration of a Plan Commission recommendation of approval for a Special Use in the form of a Planned Development at 631-749 Chicago Avenue. Request to allow suspension of City Council rules to introduce and adopt ordinance on 12-8-08.

Chair Moran introduced Mr. Steve Ross, who presented the plan. He said he would be brief in consideration of the Committee's time constraints, but not to undermine the importance of the project. He said his team was also present. Mr. Ross presented slides showing the Evanston Devco project, a mixed used transit oriented rental development at Chicago and Kedzie containing 214 rental units in 5-story buildings with 19 live-work units, 8,400 sq. ft. of retail, 312 concealed parking spaces and an open space public plaza on the corner. The project is as of right, and entirely compliant with the underlying zoning except for the fact that they have more than 24 units. Mr. Ross said the development being presented is the result of many community meetings which provided insight, guidance and assistance with staff and Ald. Wynne in the summer of 2007, Design Evanston on February 19, 2008, a design workshop with the neighbors at the Tesca office to design the open space public plaza in March of 2008, a pre-application conference with SPAARC in March of 2008, the Evanston's Climate Action Plan meeting on May 4, 2008 at Steve Perkins' request, and a meeting with neighbors at a 3rd Ward Town Hall meeting also in May of 2008. He said they have also received input by email and they keep the community updated at their website, liveatchicagoandkedzie.com. He said they also met with the Plan Commission in August and October. He showed "before" photos of the 2 acre site, stating that the current taxes for the 3 parcels total \$150,000. According to Subaru, the prior occupant, they paid \$1.2 million in sales tax in 2007 which will discontinue with their move to Skokie. Mr. Ross showed photos of existing conditions and a site plan rendering of the plaza, live-work units and the concealed parking area, explaining that they are setting back the 1st floor 5' from the right of

way line on Chicago Avenue, all the floors above will be set back 10', the sidewalk will be widened to 17'6" from 7'6", and the plaza is to be built in accordance with the Chicago Avenue Streetscape Plan. He estimates \$950,000 is to be paid in real estate taxes. The elevation showed 214 units, downsized from the originally proposed 280 units as the result of feedback from neighbors. He thanked the Plan Commission for their helpful suggestions on how to open the front entranceway, highlight the residential lobbies and create more open courtyards. He also thanked Ald. Wynne for her guidance.

Mr. Ross concluded that the public benefits the development brings are a new public plaza for the neighborhood with green open space, high quality design materials, architecture which complements the charm of the surrounding neighborhoods, concealed and underground parking and significant setbacks from Chicago Avenue. He pointed out that there will be no zoning variances requested for unit count, building height or density. They are providing wider and green sidewalks along Chicago Avenue. The project is consistent with the Evanston Climate Action Plan and they are seeking LEED certification. They have a green roof and planters on the 2nd floor along Chicago Avenue. He said in addition, Evanston Devco and its contractor Walsh Construction is offering to provide 5 jobs to Evanston residents with the goals of job training and mentoring on the same terms and conditions as at the Howard Street redevelopment. Mr. Ross added that his architect, landscape architect, land planner and traffic consultant were present to answer any questions.

Ald. Wynne said that in the beginning the project looked very different and that Mr. Ross and his team listened to staff, Ald. Wynne and the Chicago Avenue community. She said they changed parking, design, and the unit count and did an admirable job of understanding that in Evanston the job needs to be presented to the community and they need to be acknowledged. She said he adjusted the design in the best way possible in response to all. She commended him on using Design Evanston and having a charrette regarding the public space. She said she has heard very little opposition and much in support of the project, which is not generally the case. She commended Mr. Ross on doing a terrific job of recognizing that it is a narrow commercial thoroughfare. She said we don't have enough rental in Evanston and the project is also replacing some older, problematic retail. Ald. Wynne said the surrounding community is looking forward to having a new project that is well managed and from her research she understands that Amli is an excellent company that will provide good management. She asked that the committee suspend the rules and vote on the project tonight and that she believes Evanston will benefit from this project.

Ald. Jean-Baptiste said he is very pleased with the design and community outreach. He is very pleased that the contractor is open to hiring Evanstonians, concluding that he supports the project.

Ald. Bernstein commended Mr. Ross saying he should create a textbook with the method he went through to complete the plans for the project. He wished them well and said he is in support of the project.

Ald. Jean-Baptiste moved that the ordinance be amended to include the language that at least 5 jobs will be offered to Evanston residents in the construction area and that the terms will be consistent with the Howard Street project. Ald. Rainey seconded the motion.

The Committee voted unanimously 8-0 to recommend suspending the rules and approve the ordinance as amended.

(P2) Consideration of Recommendation to Provide Partial Interest Rate Subsidy and Marketing Assistance for Four Affordable Housing Providers (Reba Place Development Corporation, Evanston Community Development Association, Citizens' Lighthouse Community Land Trust, and Econ Housing Corporation), Using Federal Home Funds Supplied by HUD

Request approval of \$67,066 in additional HOME funds in conjunction with a range of activities to assist four affordable ownership developments complete sales by June 30, 2009. The funding consists of \$33,566 in interest subsidy, \$8,000 for marketing and \$25,500 for broker incentives.

Chair Moran introduced Susan Munro, Chair of the Housing Commission. Mr. Marino referred to pages 2 and 3 of the staff memo which outlines staff's recommendations to assist the four organizations which have completed their developments but have had a great deal of difficulty selling their units in the current market, hence the reason for the recommended assistance.

Ms. Munro said she and Eric Beauchamp would be presenting the marketing plan for the current conditions, and that the Housing Commission would like to make a modification to the recommendation because due to time constraints they did not get to see it prior to tonight's meeting.

Mr. Beauchamp, Vice Chair of the Housing Commission and owner of Palladium Real Estate Services and Green River Realty, said he is there as a real estate professional, not a Housing Commission member. He said he has donated his services to the four CHDOs except for Econ, whose unit was already listed, assisting them in listing their units and marketing them to the realtor community and general public. He explained that as a real estate broker he generally looks at the last three months of the housing market conditions explaining that currently, the average price of condos that are selling is \$300,000 and single family homes, \$500,000 and up, which tells him that the people who are currently purchasing are in a higher income bracket. In 2007, the average home was sold to people in the 148-150% of the U.S. median income range. 80% of the median income is the range for affordable units and people in this range have been more negatively affected by the current economic conditions. He referred to page 3 of the Affordable Housing Plan. He said he has learned that there is a different dynamic than market rate housing, since one and a half months ago when he listed the properties on the Multiple Listing Service (MLS), that in the target market that the CHDOs are trying to reach, people are not necessarily looking for housing in Evanston and may not be working with a real estate professional, so they would not have access to the MLS. He has put together this marketing plan from feedback he received from agents who had called with questions. He put the 4 different projects together as one entity so interested parties can cross pollinate between the four properties. They are still utilizing the MLS system, though to reach the approximately 478 Evanston real estate agents, they plan to educate them on the process, the available properties, the requirements, and the resale restrictions, so that the ones who have strong ties with the community will be able to spread the word about the affordable housing properties. He also plans a brokers open house with a bus tour to showcase all 4 of the projects. He said they would like to incorporate the staff's advertising and marketing ideas that were in the memo into their plan. They also plan editorial coverage in the newspapers regarding affordable housing in Evanston. Part of the marketing plan is to create a brochure that would include all the info on each of the properties, professionally designed with photos, descriptions, resale and income restrictions so that an interested party is well-educated about the program. He said each of the CHDOs have done a great job of individually marketing their properties and working together to some extent, but there needs to be collaboration between all of them to work with the leads that come in. He said he is also doing internet marketing at Realtor.com, the Chicago Tribune, Craigslist, and Googlebase.

Mr. Beauchamp explained that one of the challenges is finding realtors willing to forfeit their commissions to buy an affordable unit. He said they need funding to provide commissions for the buyer agents, though not for him, as he is willing to take \$1.00 as his commission. Staff recommended 1%. He believes that is a decent start but buyer commissions are typically 2.5%. 1% is about 60% of the norm so if an agent has a client, they have the choice to take 60% less or try to sell them a home where they can make their usual percentage.

Mr. Beauchamp said the marketing funds would pay for display advertising, direct mail campaigns, professional signage, broker open support and marketing collateral.

Chair Moran thanked him. Ald. Jean-Baptiste asked Mr. Beauchamp what newspapers he had advertised in, to which he replied that he had not approached the Evanston Round Table yet because it is a marginal tool, saying it is helpful but does not generate the necessary activity to sell properties, even in a good market. He said as a business owner, he would do display advertising to help sell a house, but also to drive his brand for future business. He said as a tool to sell these homes, it would be helpful.

Ald. Jean-Baptiste asked him to look at the local churches and do direct mail, to which Mr. Beauchamp replied that they do plan to market to local community organizations and their members. He said the CHDOs have done a good job of direct mailing and conversations with community groups to reach individuals. He said they plan to get the word out to the local professional organizations because his experience so far has shown him that the message has not reached them.

Ald. Tisdahl said they were told these units would be sold to people who work in Evanston such as policemen, nurses, firemen, teachers and city workers. She asked whether he has given up on that group and what they are doing to attract them, to which Mr. Beauchamp replied that they have not given up on them and their first preference is Evanston residents and employees. He explained that by the nature of how they market on the internet, it is greater than local, but going forward they plan to market to local community organizations which would include businesses, police and teachers, etc. Ald. Tisdahl asked him if any of the money they are requesting is to be spent on letting people in this community know these units are available, to which Mr. Beauchamp replied that the primary marketing will be to Evanston residents and employees, explaining that advertising, press pieces and editorials would be in Evanston newspapers as well as direct mailings to the Evanston real estate community. He added that there is no cost to him for the listings on the internet and MLS.

Ald. Rainey said his comments were interesting and important regarding display advertising, however, she asked whether he agrees with staff's recommendation of spending approximately \$8,000 for display ads in the Evanston Review and Round Table. Mr. Beauchamp said \$8,000 to fund the rest of the initiatives including display ads, is best, as he does not recommend spending all your marketing dollars on one vehicle. She asked if he knows whether advertising and commissions are allowable expenditures for HOME funds, to which Mr. Beauchamp deferred to Mr. Marino for response, who said advertising and marketing are allowable and our HUD representative is supportive of our approach and is seeking clearance from Washington on broker fees, as staff has told our HUD representative it is an important part of the package.

Ald. Jean-Baptiste asked whether the Evanston Sentinel was among the publications in which they plan to advertise. Mr. Marino responded that in the staff memo, they did not mean to exclude the Evanston Sentinel. ECDA is already advertising with the Sentinel.

Ald. Holmes asked whether we have ever asked any of the realtors if they would be willing to forego their commissions because in these economic times there might be some realtors who would be willing to. Mr. Beauchamp replied that currently they are marketing with a \$1.00 commission, with the exception of Reba. He said he has had calls from Evanston agents who were happy to work without commission, but he can not say how many people did not call him because there is no commission, adding that in difficult times, it is difficult for real estate professionals. Given the choice, they might choose to get paid out of the necessity to pay their own mortgages. Ald. Holmes asked if we can we put out a plea for that, to which Mr. Beauchamp replied that he has had conversations with agents who have discussed the \$1.00 commission with him and others who have asked what he is doing and thought he was crazy. He said he tells them he believes in the cause, real estate has treated him well, and it is time for him to give back. He feels that the real estate community should get involved even with a marginal commission, but whether they will is another question. He believes that if this community brings their clients to the affordable housing table, not only do they sell a home to someone who may not have ever bought from them in Evanston, but they also have a good referral base in a client who is extremely happy, who has gotten into a house they didn't think they could get into, and those people are going to refer them, and that is the core of their business. But, he said, there are people who pass right by affordable housing and never look.

Ald. Rainey asked regarding the \$16,000 that was recently allocated from HOME funds to pay staff, what the executive directors of these organizations are doing about marketing. Mr. Beauchamp said he believes they have done an admirable job of marketing and selling these properties on their own. He said only 150 properties have sold in the last 3 months and 600 are on the market explaining that the general market is slow so it would be difficult to sell a even a market rate property right now. If you add on income restrictions, resale restrictions, the fact that the banks are requiring much higher standards to get loans, the affordable market shrinks. It is easier to sell a market rate home than an affordable home, especially in today's market. Ald. Rainey replied that we need to be spending this money to help people that are in homes, and struggling. She said we have allocated for these 4 applicants \$1,531,365.00 in subsidies, which is equal to \$84,994.25 per unit, we have an enormous inventory of these buildings unsold, and she is paralyzed at the thought of throwing more money after this. She asked why the \$16,000 was not used to bail these organizations out and said she feels that these developers should be bailed out by their lenders, not the City of Evanston. She said she does not mind bailing out a poor soul who is struggling to pay their children's high school book costs and their taxes and put a new roof on their house, but she is tired of throwing money at this problem with these units sitting empty. She said they were told that desperate people in Evanston need to buy houses and that is why the Committee funded the CHDOs. She said 3 of the buildings are in her ward. Mr. Beauchamp agreed with her but argued that when the projects started it was a different market time. Ald. Rainey said she did not like them then and that she knew this would happen because it is an unrealistic effort. Mr. Beauchamp said one of the things the Housing Commission is considering is what the result would be of not doing anything, to which Ald. Rainey replied that they would have had \$1,500,000 to help people in Evanston who are struggling and going through foreclosure. Mr. Beauchamp said he agrees but we must look at the situation we are in today. We can't go back and change this. He said the market is what it is, the situation is now where it's at and we have to address the current conditions and part of the current condition is what would happen if they don't help these groups out of their issue and their banks won't renegotiate, which is, that they will foreclose. He said then you must consider what would happen if you have foreclosed properties which you've already spent the money on, and the ramifications to HOME funds if the properties go into foreclose.

Chair Moran opened the floor for comment.

Ms. Carol Balkcom of 2811 Harrison and Treasurer of the Land Trust said if they have to continue paying the carrying costs out of their operating funds, some of which the City just granted them and many of which come from foundations for operating, they will be in violation of their agreements with the foundations and they will not be able to go on for very long. She said ultimately it becomes a question for the Council whether they value having the affordable housing organizations in business. Ald. Rainey said to value affordable housing is one thing. She asked how much money they would need going forward to save their organization and what they are spending the operating funds on. Ms. Balkcom said they are paying their rent, paying their executive director to work part time every week to talk with potential buyers and try to sell this house. She said 2 qualified families came forward and backed out because of the economic situation. They went as far as they could possibly go and it didn't work. Since March 1st they have spent over \$15,000 on carrying costs for that house. They average about \$1,600 to \$1,700 a month that has come out of their operating funds. Ald. Rainey said they gave them \$108,000 to get the house to which Ms. Balkcom responded that they used it to purchase and rehab the house. Ald. Rainey said they also got \$6,500 for downpayment assistance. Ms. Balkcom said the \$6,500 is reserved. She said the carrying costs include the loan which is approximately \$777.80 a month, taxes, utilities and very expensive insurance they have to carry because it is vacant. Ald. Rainey asked what their operating costs are to which Ms. Balkcom said they are separate from the carrying costs. Ald. Rainey concluded that it is an unaffordable project.

Mr. Wilfred Gadsden, Executive Director of Citizens Lighthouse Community Land Trust, said that of a list of 74 real estate properties in foreclosure as of August 5th, only 4 of them had a balance due of under \$200,000, explaining that the affordable housing market has different issues than the general market. He said their organization not only received funds from the City for their project but their board and donors have worked to get charitable donations and on occasion grants. He said they are asking specifically for funds to support carrying the property until they can find a qualified buyer. He said in addition to the two buyers whom Carol Balkcom mentioned, there was another who was ready to close, the property had been appraised, their loan had been approved and then the President announced that there was a crisis in the financial sector and the family backed out. He said they are now working with a 4th family so there is interest, but it is a difficult time. He said Ald. Rainey brings important issues to the table about affordability in general but he asked that the Committee please focus on the fact that the need remains. He said that Ald. Holmes and Jean-Baptiste supported a community meeting that was sponsored by all the CHDOs at which there was very good interest and he got calls after that meeting from other residents in town. He asked the Committee to focus on the fact that the housing market in general is facing an unprecedented crisis.

Mr. David Janzen of the Reba Place Development Corporation CHDO said to offer another perspective, they all started the projects with assumptions that seemed reasonable to them and to the Committee 3 years ago and those assumptions have greatly changed. He said we can blame the economy, the banks or the CHDOs but it isn't going to change the situation, saying we need to look at what happens if the projects fail: the City has its cost, the bank has its cost, and they go out of business. He said maybe there is not much to cry about, but we need to decide if that is what we want. He said that staff's proposal is very modest because Reba's carrying costs including assessments, taxes, insurance and interest is about 4 times what they are asking for, for 6 months. He said they are grateful for the funds that came for operating costs and they will keep them working for a few more months and will pay for some of the salaries they haven't been able to pay. He believes they have a chance, if they hold these projects out, to sell most of the units with the plan that's been put together carefully with the bank, the realtors, the City and the CHDOs, adding that nobody can guarantee that we can sell them but nobody can guarantee that we won't be in a deep depression 6 months from now either. He said it seems to be the best way forward in a difficult situation and the best chance for a good outcome for people who need

housing, the banks, the City and the CHDOs, and that they are all in it together adding that if they want to be in it separately, then they are going to fail separately, but he feels they are a community and being in it together is the best way to succeed.

Ald. Rainey asked Mr. Janzen what happens if they haven't sold the units by June to which Mr. Janzen replied that the funds requested do not cover all the carrying costs and in June they will just have to see where they are at. They need to sell 8 units so if they are down to selling only 2 more units by then, they probably won't need any more help because their carrying costs will be minimal, but if they don't sell any they will be in trouble. He said the last unit was sold at 602 Mulford about 4 months ago and that 4 others have been under contract since then, 3 of which backed out and one is still pending. He said they do show them to new people and there continues to be interest but there are also very high hurdles.

Ms. Munro said it was unfortunate that the Housing Commission did not get to talk with Staff about the request for funds but there had been some urgency because of pressure from the banks because these are all construction loans, some of which are coming due and there is interest due and that our CHDOs are bleeding. She explained that the Committee is seeing the interest but they do have additional carrying costs related to keeping these places running, especially the ones that are partially occupied where there are more utility costs and other costs to keep the building going. If they'd had the chance, the Housing Commission feels would have requested funds to cover a greater percentage of the interest needed for 6 months because otherwise they will be facing foreclosure if they are not able to generate sales. She said she applauds Mr. Beauchamp for the hard work he has put in with the CHDOs and she feels his marketing plan is going to generate a lot of interest but whether it can be converted to sales in the current economic climate, we don't know. She said she would have recommend 80-100% which would have brought the request up to \$67,000 for the CHDOs.

Ald. Tisdahl asked whether it would help if they changed the income level of the applicants to buy the affordable housing. She wondered whether we asking people to do something they can't do, which is what got us into the housing mess we're in. Ms. Munro said it was working before but because of the loose credit before which might have brought some people into foreclosure situations, the banks have tightened incredibly on what they are underwriting so some people who would have qualified for these projects are not qualifying even if they do have the right income levels. She said they cannot change the income levels without talking to HUD. Ald. Tisdahl said she would like to vote for the proposal but she is looking for some assurance that we're not going to get deeper and deeper into this mess. She explained that there comes a time in business to either cut your losses or do something differently, either different income levels or something so this can work. She is concerned that she is not hearing that we are doing something differently except try to expand our marketing and go after Chicagoans, but that wasn't the original focus. She is very concerned that we don't get deeper and deeper into problems by buying more units and rehabbing more units until we figure out what it is that isn't working. She supports Ald. Rainey opinion that helping people in pre-foreclosure as a better way to use the money. She asked Ms. Munro whether the Housing Commission is willing to put a moratorium on adding new units. Ms. Munro replied there is a moratorium now, but added that the Housing Commission only makes recommendations to P&D and the City Council. She said she cannot see that there is any appetite anywhere in the non-profit housing community for more projects right now. She said the Task Force will start meeting in January to develop a plan to address the needs of Evanston residents at 100% of the area median income and below. She said they will be looking at our current housing stock, where the holes are, what is reasonable going forward and definitely the question of why these projects have not sold and whether there is a mismatch between the supply of affordable subsidized housing and the demand for it. Ald. Tisdahl asked if she would consider a moratorium on adding more units until after the Task Force has made their

recommendations. Ms. Munro said she certainly thinks that the moratorium that is in effect now probably will remain until that group comes up with its recommendations. She said she will put it on the Housing Commission agenda for next week's meeting to try to come up with a specific proposal but they don't pass the proposals, Council does, so if the Council feels they should not go forward, they will not go forward. Ald. Tisdahl said she understands that but she would like to have the cooperation of the Housing Commission as well.

Ald. Rainey said she rejects spending \$8,000 on print advertising and \$25,500 on commissions at this time because all of the CHDOs have staff and marketing money in their budgets, and they need to market their properties. She said because Mr. Beauchamp has internet listings she does not think we should go forward with advertising. She also objects to subsidizing the interest for Econ Development, the for profit developer.

Ald Rainey moved to recommend \$30,000 for interest rate funding for the 3 not for profit CHDOs. Ald. Bernstein seconded the motion.

Ald. Jean-Baptiste said he shares the sentiment that we need to find other ways to help those who need housing in Evanston. He said they are in the business of trying to help folks with housing and the energies of the Housing Commission should be directed in a way that meets the current crisis in a different way such as helping those in foreclosure. He asked what the CHDOs were proposing to pay for commissions to which Mr. Beauchamp responded that staff's recommendation was 1%. Ald. Jean-Baptiste said he would approve 1%, eliminating the advertising. He said he likes Neil Davidson but he thinks if you're for profit, you have to try to incur the costs of trying to make it work. He is willing to support giving the CHDOs assistance in the recruitment of realtors to try to sell the units. In order to refresh the Committee members' memories, he asked that the transcripts of this meeting and the previous meeting be included in material packets at future proposals for funding. He said if he was in the CHDO business he would be considering whether he should continue to be in that business since a unit of housing that we thought was affordable is now costing 4 times that which we projected, but he said he would take a chance on doing some aggressive marketing right now to try to get the ball rolling.

Ald. Rainey moved to approve \$30,000 in interest rate carrying costs to the 3 not for profit CHDO's.

Ald. Rainey said she has a lot of respect for Mr. Beauchamp and that he had some excellent ideas. She suggested that since he rejects the notion of putting a lot of money into print ads, that the Committee vote on the \$30,000 for the CHDOs' interest tonight, and assuming they can pay commissions with the HOME funds, voting on granting the commission money after the Committee sees the Housing Commission's critique of Staff's recommendation because Ms. Munro said she wished she had gotten to see it, and the urgent need is to get the interest subsidized. She asked that the Housing Commission present a proposal for funding of commissions and advertising at the next meeting, saying we have to sell these properties. She suggested amending the original motion as such.

Ald. Jean-Baptiste added that they need reports that document the CHDOs' attempts to negotiate with their lenders.

Mr. Marino said that as part of the process, Staff has met with and conference called with the CHDOs, with Econ Housing and the lenders and some have reduced interest rates as a result but they are limited by their cost of funds. He said there has been some progress and we would like to see more.

Ald. Wollin asked whether the amount is \$33,566 for the interest subsidy, to which Ald. Rainey replied that she had subtracted \$14,000 from it hoping to add a little more because Ms. Munro had indicated that the real need was in paying the interest on their construction loans.

Ald. Holmes said to Ms. Munro that the Task Force will not have met before January 12th, when the next City Council meeting occurs, to which Ms. Munro replied that the Housing Commission will have met by then.

Chair Moran thanked Ms. Munro and Mr. Beauchamp.

The Committee voted unanimously 8-0 to approve the motion as amended, that the Housing Commission will analyze the non-interest aspects of the proposal and report back to the Committee at the January 12, 2009 meeting, and the subsidy of \$30,000 for carrying costs is approved for the three not for profit CHDOs.

(P3) Consideration of Plan Commission Recommendation to Adopt the Downtown Plan – as Revised by the Plan Commission

Plan Commission recommendation to approve the Draft Downtown Plan as revised by the Plan Commission.

Chair Moran said that whatever they decide in relation to potential changes in the zoning of Downtown will have to follow whatever they do in relation to the Downtown Plan: it is a planning document. The plan will be followed up with specific zoning recommendations later.

Mr. Marino introduced Kirk Bishop of Duncan Associates who was present as a resource. He explained that the process is that after adopting a plan there is a referral back to the Zoning Committee of the Plan Commission and that is where formal, noticed, public hearings are held and the zoning is only changed officially after that body completes its work, recommends back to the Plan Commission, back to P&D and Council, specifically with its zoning recommendations, the way we are doing now with West Evanston, after we adopted the plan several months ago.

Ald. Rainey asked for advice on how they would proceed with the amendments she would like to recommend. Chair Moran responded that he thinks the most practical way of proceeding is that any member of the committee can pick up an item they have an interest in adding that he believes a large part of the proposed plan will not be controversial. He said he surmises that they need to give some definition to the issues the Plan Commission struggled with but on the broader plan he believes there will be significant agreement, saying that the record reflects that a large part of the downtown plan was the subject of complimentary language throughout the proceedings.

Ald. Rainey moved adoption of the Downtown Plan.

Ald. Bernstein suggested having another special meeting to discuss the Downtown Plan. He said he has finally gotten through the transcripts but recently issues have been raised which might cause some interest and discussion and it is too much to vote for en masse and the only way they can address each of the issues is to devote an entire meeting to it, adding that they haven't even discussed it yet: the people have been talking about it, the consultants have given their recommendations and he does not want to be pressured into quickly going through the plan. He has a lot of questions about it and he would like to go through the whole thing and get it knocked out in a 3 or 4 hour block.

Ald. Bernstein moved to hold the item in Committee.

Ald. Wynne said she agrees with Ald. Bernstein that it would be better to discuss the Plan all in one night. She supports having a special meeting and suggested the Committee members submit their questions to the consultant to have answers prepared for the meeting, as they do with the budget, and attack it for 4 hours, though they may not come to a conclusion then. She said she didn't think it would feel very productive to start discussing it for 20 minutes while there are other items on the P&D agenda. She said she is not saying second to the hold, though it is her inclination.

Ald. Holmes said she would like to discuss the transitional areas but will withdraw until the Committee decides whether or not to hold the item.

Ald. Rainey said she does not favor holding the item, but she understands the process and will honor it. She asked that if they set a special meeting, it be the first week of January, so as to move forward with all deliberate speed. Ald. Wollin said she would not be back until January 9th or she could meet next week, but since it is her ward Ald. Rainey said she must be present. Chair Moran suggested Friday, January 9th. After a discussion, the Committee voted to have the special meeting on Friday, January 9th at 6:00 p.m., with questions from members of the Committee to be submitted by December 18th to Dennis Marino, who will forward them to the consultant.

Ald. Rainey asked that the Downtown Plan be on the Council meeting agenda the following Monday, January 12th. Chair Moran said they would keep it on the Committee and Council agendas.

The Committee voted unanimously 8-0 to hold the item in Committee and discuss it at a special meeting to be held Friday, January 9th, 2009 at 6:00 p.m.

(P4) Ordinance 127-O-08 Amending the Text of the Zoning Ordinance by Adding Section 6-15-15, "oWE West Evanston Overlay District" and Section 6-15-16, "WE1 West Evanston Transitional District"

Consideration of a Plan Commission recommendation for approval of text amendments to the Zoning Ordinance to add a new zoning district "WE1 – West Evanston Transitional District" and to add a new overlay district "oWE – West Evanston Overlay District" to Chapter 15 - Special Purpose and Overlay Districts. Held in Committee on November 24, 2008.

AND

(P5) Ordinance 128-O-08 Amending the Zoning Map to Re-Zone Certain Properties Pursuant to the West Evanston Physical Planning and Urban Infill Design Master Plan

Consideration of a Plan Commission recommendation for approval of map amendments to change the base zoning district designations for several properties within the West Evanston Plan area as specified in the West Evanston Plan Zoning Implementation document, Base Zoning District Changes map and to designate properties currently within the West Evanston Plan area to be included in the oWE West Evanston Overlay District as specified in the West Evanston Plan Zoning Implementation document, West Evanston Zoning Overlay map. This item was held in Committee on November 24, 2008.

Chair Moran opened the floor to public comment and asked that each speaker limit their time to 4 minutes.

Mr. Carliss Sutton of 1821 Darrow commended the presentation of Mr. Ross on the Chicago Avenue project presented earlier at the meeting. Mr. Sutton said he is requesting that Ordinance

127-O-08 amending the text of the zoning ordinance by adding Section 6-15-15, “oWE West Evanston Overlay District” and Section 6-15-16, “WE1 West Evanston Transitional District” be remanded to the Plan Commission before action is taken for the following reasons: not one of the concerns has adequately been reflected in any of the transcripts that he has been trying to express over the last 4 or 5 months and he does not think the Committee is going to make changes in zoning without having put enough emphasis on the serious significance of community input, especially the stakeholders. He said he was encouraged by the kind of endorsement given to the community businesses and he is asking for the same consideration for the stakeholders and at this time none of their concerns have been addressed. He said they have not heard a reply from the petition they submitted and he thinks the Plan should be remanded from the Plan Commission to have time for serious citizen input regarding these zoning changes.

Ms. Roberta Hudson of 1941 Dewey Avenue said she is here to ask the Committee to consider again sending back Ordinance 127-O-08 regarding Section 16-15-15 and Section 16-15-16 and Ordinance 128-O-08 for the following reasons: there have been many changes brought forward since June of this year when the original draft was proposed and she and her neighbors have not had a chance to go over those changes with the Zoning Committee of the Plan Commission. She said many of the people who live within 500’ of the area are concerned about many things in the plan. She thinks it is only right that it be sent back for further review. She said the many discrepancies from the original plan have caused her some environmental concerns as she has been told by occupants of those facilities that there is 100 years of contamination and it is only held down by the concrete pavement. She said there are many issues like this that they need to deal with and they need to have their concerns honored, so she is asking that this be sent back to the Plan Commission in all rightfulness for the people who have to deal with this decision that you might make, for years to come. She said it is only appropriate that this is aired out in detail as she and her neighbors present have been going over the plan item by item and they see many discrepancies that they are concerned about. She asked that the committee give consideration to residents that will have to live with their decision for the rest of their lives, to give them the consideration that they give other plans.

Ms. Betty Ester of 2114 Darrow said at the last Council meeting she requested that the Council check to see whether the comments she and her neighbors present (hereafter referred to as “they”) submitted in writing were on the CD that was sent in the last Council packet. She said all the CD contained was the public transcription from the person that was paid. None of their documents, while they are referenced in the transcript, were included in the document. She said she sent a copy of them and now she is wondering whether the Committee read it because she does not believe they can send this forward and move to approve it without taking into consideration all of the work they did in drafting those comments and listening to the zoning people do their presentations, without the consultant addressing her concern and having her questions answered. She said in the discussions the word tower was used and she wondered why they are talking about tall buildings to anchor down the corners when they had said they didn’t want tall buildings and having tall buildings here and there makes them concerned that it will look like a gated community, and they do not think that looks right. She said she agrees with Mr. Sutton and Ms. Hudson that the ordinances should be sent back, to give the people in the community who have been coming to the meetings, the same due process and consideration that has been given to other processes where community people have spoken on their plans. She said they would have loved to have had a 2 hour session where they could have gone through the plan page by page and tried to understand where B3 comes into play when they were talking about 42’ height allowance and now they are seeing mixed buildings that can go up to 57’. She said she does not think it is fair for it to move forward without having their questions answered. She doesn’t know whether it is a rush, but feels that it should be sent back so they can have a chance to have it explained to them. She received an email from Ald. Jean-Baptiste and she appreciates it and she is sorry she missed

another of his meetings, but she did put her comments in writing and dropped them off at the Civic Center to be reviewed but the next scheduled meeting was cancelled because a staff person was sick, which was unfortunate. She said at the next meeting they said they were not taking public comments, and it was being moved to the Plan Commission at whose meeting she would have an opportunity to speak. She attended the Plan Commission meeting and they were told they were not taking public comments, and they would be able to speak at the P&D meeting. She continued that now they are at the P&D meeting but they have not gotten the answers to their questions. She concluded that she does not think the Committee doesn't care that they came out to express their views, but they are asking to hear a response to all of the questions they raised.

Mr. James Murray said he was speaking on behalf of several commercial property owners on the west side: Mr. Robinson, Mr. Prudden, Mr. Cahill, the Uchtmans and to an extent, Roger Paris, who was excluded from any real consideration in the progress of this matter by virtue of the fact that there were no active commercial aspects to the property which he owns in the proposed development district. He said those people own or operate the businesses on approximately 10 to 12 acres and there are several other larger sites which constitute a total redevelopment potential of some 15 to 16 acres for the Committee's consideration. He said they seem to be entirely attacked by this particular proposal and that none of the people he represents find that a particularly salutary response. He continued, "Make no small plans" was mentioned here some 125 years ago or so and the fellow came up and decided to live on the lake front as a means by which to endorse the quality of this community. He said the ultimate proposal here however, has been a long process in its comings and goings. He said they have participated in that respect, not because of their endorsement of the proposal but rather out of a desire to participate in obtaining what might be considered to be the best possible legislation, the benefits of which would accrue to the commercial and industrial property owners and business operators. He continued that as a result there were some positive changes for which all of his clients are grateful, such as the lack of legal nonconforming status, which is one of the most fundamental issues which they attempted to achieve and in which there were major concessions however they still have difficulty with the plan because they do not think it is a necessary element of dealing with the west side vacancies and properties that will ultimately be reutilized and perhaps reserved as residential portions of this community. They also see that the plan represents a very dire and serious impact for the Uchtmans who own the National Awards property, which will be devastated, basically taken virtually in its entirety to serve a roadway which in their view is not necessary. The same would apply to the Cahill property which would suffer less of a diminishment, but nevertheless a serious and viable piece of property being rendered less and less and less useful. From Mr. Prudden's point of view, the requirement to change the zoning along Greenbay Road at the far northeast corner of this particular model, is absurd because the commercial aspect of those properties is one that has been there for close to 100 years, and while the particular uses as residential are in fact realities, most of those that have been sold in recent years, have been sold and converted to commercial uses. He said they are also not fans of the form based zoning proposals contained in these ordinances, which seem to be unnecessary impositions by persons least qualified to make them and which deny the opportunity for the creative juices of the architectural community to address individual parcels as they come available either by sale or other methods, estates, or whatever. He said their basic objection is that it goes too far because it is not necessary at this time to create such a plan and impose the ordinances that have been developed for the purposes maintained and the objects of changes in use are an unnecessary burden for the property owners involved.

Mr. Murray concluded that form based zoning seems to be at least 50 years too late for this community. It is contrary to the heritage, the historical development and the general public thought processes of the City of Evanston.

Chair Moran thanked Mr. Murray.

Ald. Jean Baptiste moved to hold the item in Committee and have Dennis Marino and Susan Guderley respond to the citizens who said they have not had a response.

He also asked that they separate the two plans because one of them deals with commercial entities and they have had several meetings with their own Counsel and Mr. Murray in an effort to negotiate with these specific property owners. He thought they had made some significant progress. He said since they have no time left, he would like the next meeting to start with this issue in order to resolve it.

Ald. Holmes said that after their meeting last Tuesday she believed Mr. Marino and Ms. Guderley offered to meet with community people to answer the same questions that had been proposed tonight and she believes that offer is still open. She said some of Ms. Ester's questions could very easily be answered by Staff and that these questions came up in recommendations from the Plan Commission, which are in the Committee's notes, adding that she does not know why they were not available to them but she would love to see them do that before the next meeting. Ald. Holmes said she does not have a problem with holding the item until the next meeting but the citizens cannot continue to raise the same questions each time if they do not attend the meetings. She said she was under the impression that there was going to be a meeting last week after the Tuesday meeting to answer the questions. Mr. Marino confirmed that there was a meeting scheduled last Thursday with Ms. Hudson and anyone else that she wanted to bring but Ms. Hudson had to cancel that so they were not able to proceed. Ald. Holmes said they are trying to make accommodations so the questions can be answered. Ms. Hudson said that their meeting on Tuesday did not give them enough time, to which Ald. Holmes replied that that was not the first meeting. They have had a number of meetings. Ald. Holmes clarified to the citizens that the Committee understands that they have concerns but that does not mean that those concerns are going to change the Plan. She said that is one of the things that they tried to address last week and they tried to make sure that the overall community that was present has that understanding.

Ald. Holmes recommended that Mr. Marino make himself available to whoever wants to meet so their questions can be answered before the next P&D meeting because she would like to move ahead at the next meeting. Chair Moran asked her if she agrees with Ald. Jean-Baptiste's motion to hold it in committee, to which Ald. Holmes said she agreed.

Mr. Marino said he and Ms. Guderley will meet with whoever would like to meet with them.

Ms. Beverly Moss Mason of 1900 Dewey/Darrow, said not only would like to have some questions answered, but they are very, very concerned about the changing of the zoning and the ramifications that would change their neighborhood. She said they think some things are wonderful but there are some things that they would really like the P&D Committee to reconsider within this plan and that is their quest because there are things they do not want in their neighborhood. She repeated that they do not just want questions answered. Chair Moran responded that the item is being held in committee and they will be back next month at which time the public and the Committee members will be able to address their issues. In the meantime, there will be a meeting with staff where the citizens who wish to can possibly flush out some of their concerns.

Ald. Rainey said for those of them who are not at the meetings, she requested something that states what the neighbors' concerns are and what changes they don't want to see. Ald. Jean-Baptiste requested that Mr. Marino report on the process before the Plan Commission and the

Zoning Committee of the Plan Commission. Mr. Marino said Ms. Guderley was prepared to do that tonight but because of the time issue it has not been presented.

The Committee voted unanimously 8-0 to hold items P4 and P5 in Committee.

(P6) Ordinance 133-O-08 Amending Various Building, Zoning, Construction and Fire Service Fees

Proposed increases and restructuring of plan review and inspection fees for Building, Fire and Zoning fees.

The Committee voted unanimously 8-0 to recommend introduction of the Ordinance.

(P7) Ordinance 134-O-08 Amending Section 5-2-5 of the City Code, Lodging Establishment "License Fees"

Proposed increases in fees related to lodging establishments.

The Committee voted unanimously 8-0 to recommend introduction of the Ordinance.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Bobbie Newman