CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: P2

RE: ORDINANCE 108-O-06 - SPECIAL USE - 2012 CENTRAL.

Consideration of the recommendation from the Zoning Board of Appeals approve a special use for a Type II restaurant (Linz & Vail.)

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held November 13, 2006 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:43 p.m. and presided over by L. Jean-Baptiste, Chair.

PRESENT:

A. RAINEY
S. BERNSTEIN
E. TISDAHL
E. MORAN
C. WOLLIN

L. JEAN-BAPTISTE, Chair
M. WYNNE
D. HOLMES
A. HANSEN

STAFF:

J. WOLINSKI
A. JACKSON
H. HILL

LeGRAND REPORTING & VIDEO SERVICES (630) 894-9389
CHAIRMAN JEAN-BAPTISTE: Okay. Item 2, P2 is a request that we approve the recommendation of the Zoning Board of Appeals to approve a special use for a Type 2 restaurant (Linz & Vail).

ALDERMAN RAINEY: Move for that.

ALDERMAN WOLLIN: I second.

CHAIRMAN JEAN-BAPTISTE: Do we have any, do you guys have anything particular to say about --

MR. WOLINSKI: No. Staff recommends approval of the special use.

CHAIRMAN JEAN-BAPTISTE: Okay. Do we have any Aldermen have any specific issues?

ALDERMAN HOLMES: I think it's wonderful. I'm glad you're coming to Central Street. But I do want to discuss my favorite topic: garbage. First of all, do you have recycled materials or is this adding more Styrofoam and stuff like that?

MS. DEJANOVIC: We don't have Styrofoam. We have edible cups -- are cones which are biodegradable, and our cups are edible cups. They're cone cups, so you eat it or I guess it's biodegradable. There are coffee cups, and those you don't eat. They're paper cups and not Styrofoam cups. And most of the coffee is -- throw
them away.

We don't generate much garbage. We have plastic, we've got now outside of one newspaper blowing down the street issue, we do not have a garbage problem. The one that arose, I called the City and I said, you know, before we opened, we had no garbage on -- Street and I was told you didn't need any. Now we do have a problem because newspapers and I was, you know, kind of like -- because newspapers are blowing down the street from under the trains. The next day somebody came out and we've got garbage cans everywhere.

So, you know, I hope we don't have a problem on Central. I can't imagine that we're going to create any more problems --

ALDERMAN TISDAHL: There isn't. There isn't one.

CHAIRMAN JEAN-BAPTISTE: Good. Alderman Wollin?

ALDERMAN WOLLIN: But I did know that they did talk about, not just with Susan but adding a dumpster in the back because obviously they're going to create more garbage than Mudpies would which is a children's clothing store. But there were two different hours
within the transcript and the materials. One was 5:30
to 11:00 and the other was 7:00 to 9:30.

MS. DEJANOVIC: For sure it's now going to be
7:00 to 9:30. Here is why. You know, I mean, we're
known for our gelato ice cream.

ALDERMAN WOLLIN: Yes, I know.

MS. DEJANOVIC: But with six months of the
weather being cold, it's a real tough business if that's
all you're selling. And only do this --

ALDERMAN WOLLIN: Hot chocolates.

MS. DEJANOVIC: You know, hot chocolates, how
many hot chocolates can you sell and pay the rent, too.
The only thing that's really keeping us going for a
good six months out of a year is our coffee beans. And
it's a good coffee business, thank God. If we opened,
you know, where we're at now, we open at 7:00. And it
works because there is no other choice for coffee
business and not much that's happening until 8:00.

On Central Street, I'm new to the neighborhood
and I watch it, I mean, I was sitting at Starbuck's on
Sunday morning and at 7:00, you know, there's a line and
I can't miss that business. So, I can't, you know, I
can't have -- because we're not opened yet, you know. I
need them to see me as a real coffee business and hopefully a good competitor to Starbuck's. And therefore, you know, I'm sure at some point, you know -- 7:00 to 11:00.

ALDERMAN WOLLIN: And 5:30 is more or less --

MS. DEJANOVIC: 5:30 is definitely more, you know, more realistic. At night time, you know, if you pass by the shop now, it's painfully slow -- in the summertime, people may even line out the door it looks like you have to stay open later, so you stay open later. So, we may find that in the -- toning down the hours a bit but we need to feel that -- until 11:00. So, I just -- and I thought my guess is enough businesses stay open until 11:00.

ALDERMAN TISDAHL: The product is wonderful.

MS. DEJANOVIC: But I will say whoever told me you got to have coffee with this gelato, because thank God, it's true. You know, I mean I see Coldstone Creamery -- some kind of --

ALDERMAN WYNNE: All I'd say is that when you're successful on Central Street, please come down to Chicago and Dempster because we lost our ice cream store --
MS. DEJANOVIC: Do you know that --

ALDERMAN WYNNE: There was an ice cream store in that corner for four years. I mean, we're glad to have homemade pizza but it really is --

MS. DEJANOVIC: We were -- I drove by and I saw they were closed and I couldn't see who the owner of the property was and I called -- We actually have a customer who lives in the area and she wrote a note -- and she said, oh, this ice cream shop, they're going out of business, you should come there which is real nice of her.

ALDERMAN WYNNE: Well, there is a very strong demand there, so, and it's year round. And I have to say, I would much rather just walk than drive.

MS. DEJANOVIC: Thank you.

ALDERMAN WYNNE: So, come down to Chicago and Dempster.

MS. DEJANOVIC: That would be wonderful with hopefully another opportunity there.

CHAIRMAN JEAN-BAPTISTE: Okay. Any other questions? Okay. And we're moving this for introduction. All those in favor say aye.

(Chorus of ayes.)
CHAIRMAN JEAN-BAPTISTE: Great. All right, thank you very much.

(Whereupon, the hearing in the above-titled cause was concluded.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: P1

RE: ORDINANCE 114-O-06 - PLANNED DEVELOPMENT & MAP AMENDMENT - 2424 OAKTON. Consideration of the recommendation from the Plan Commission to approve a planned development for a proposed mixed-use project including office, commercial and retail uses.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held November 13, 2006 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:43 p.m. and presided over by L. Jean-Baptiste, Chair.

PRESENT:

A. RAINEY
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LeGRAND REPORTING & VIDEO SERVICES (630) 894-9389
CHAIRMAN JEAN-BAPTISTE: Good evening everyone. This is the meeting of the Planning and Development Committee. We do have a quorum so we will proceed.

Can I have a motion to approve the minutes please?

ALDERMAN RAINEY: Move to approve them.

ALDERMAN WOLLIN: Second.

CHAIRMAN JEAN-BAPTISTE: Any corrections?

Hearing none, all those in favor, say aye.

(Chorus of ayes.)

CHAIRMAN JEAN-BAPTISTE: Our first item on the agenda is Item P1 which is Ordinance 114-0-06. This is a request that we approve the recommendation of the Plan Commission for the development of a mixed-use project including office, commercial and retail uses at 2424 Oakton. Can I have a motion?

ALDERMAN RAINEY: I'll move that we recommend approval.

ALDERMAN MORAN: Second.

CHAIRMAN JEAN-BAPTISTE: Yes, discussion.

Alderman Rainey?

ALDERMAN RAINEY: I know that you all know
that this is the old Dunlap Steel property across from Home Depot where currently, at least the other day there were probably 50 huge piles of dirt and debris. So, if the Applicant is here?

MS. FRY-PITZEN: Yes.

ALDERMAN RAINEY: You're Ms. Fry, right?

MS. FRY-PITZEN: Yes, I am.

ALDERMAN RAINEY: Could you tell us what your plan is for moving that?

CHAIRMAN JEAN-BAPTISTE: Okay, can we do this? Those who may be offering any testimony, we'd like to swear you in because we're still operating under a whole set of rules.

MS. FRY-PITZEN: Okay.

CHAIRMAN JEAN-BAPTISTE: Okay. So, will there be you and --

MS. FRY-PITZEN: Myself, legal counsel and the gentlemen here from some of the other projects that are on the development.

CHAIRMAN JEAN-BAPTISTE: Okay.

MS. FRY-PITZEN: Mr. Delaney, Dave Zarembski and Dave --

CHAIRMAN JEAN-BAPTISTE: All right. So, Mr.
Court Reporter, would you swear in the petitioners? You need to come up here. Can you guys stand up, those who will be testifying regarding this particular matter?

(Witnesses sworn.)

MS. FRY-PITZEN: My name is Amy, A-m-y, Fry, F-r-y, Pitzen, P-i-t-z-e-n.

MR. DAY: My name is Scott Day, D-a-y. I'm with the firm of Day & Robert in Naperville, Illinois.

MR. ZAREMBSKI: Dave Zarembski, Z-a-r-e-m-b-s-k-i, Diamond Patrolling Services.

MR. DIAMOND: Dave Diamond, D-i-a-m-o-n-d, Rockford, Illinois, the same company.

MR. DELANEY: Gary Delaney, D-e-l-a-n-e-y, Evanston, with United Storage.

CHAIRMAN JEAN-BAPTISTE: Okay. Alderman Rainey, could you restate your question?

ALDERMAN RAINEY: I want to know about the mess there. What's the plan and what's the time table? And then we'll get into the project.

MS. FRY-PITZEN: Certainly. That's fine, I'll be happy to address those.

Currently, there are two different things happening at that location. There is a pile of stone
that is located in the center of the development that is
reclamation stone from the warehouse, J&F Steel building
that was torn down that we plan on using within the
eexisting development when we go to proceed. The other
items of dirt and debris that are there currently, we
are renting ground to contractors who are doing work
here within the City of Evanston who need space to put
their spoils until they can remove them.

ALDERMAN RAINEY: Okay. But that's not my
question. I knew all that.

MS. FRY-PITZEN: Oh, I'm sorry.

ALDERMAN RAINEY: Okay. We've talked before,
remember? I knew all that. What I want to know is
what's the plan for removing it? Let's say your project
goes through the regular process here. We recommend
approval and in two weeks, you know, the Mayor signs off
on it. What's the plan for the mess at the site?

MS. FRY-PITZEN: As soon as the contractors
that are doing the work within the City are finished
with their projects, they will be removing their portion
of the dirt and debris. The large pile of stone that is
ours, that is in the center of the project will be used
according to development.
ALDERMAN RAINEY: When is -- these are City street projects?

MS. FRY-PITZEN: Yes, they are.

ALDERMAN RAINEY: Does it include Ridge Avenue? Or, I mean, these projects are ongoing so, and many of us are on the administration of the Public Works Committee.

MS. FRY-PITZEN: Now I understand.

ALDERMAN RAINEY: So, we don't know, I mean, these projects never end.

MS. FRY-PITZEN: The two renters that we currently have in there are both slated to be done the end of this month.

ALDERMAN RAINEY: Who are they?

MS. FRY-PITZEN: I've had six different people in there, I'm trying to remember the two that are in there. Kingspoint is one of them, and I would have to check and see what the other one is. I don't recall that off the top of my head.

ALDERMAN RAINEY: So, are you saying then that at the end of this month, these people are going to send in dump trucks, scoop up all this mess and carry it away?
MS. FRY-PITZEN: I am saying that that is what they have told me they will be doing.

ALDERMAN RAINEY: Okay. But I need for you to tell me what you are agreeing to that they should do. We need to know what the time frame is.

MS. FRY-PITZEN: The lease that we have signed with them --

ALDERMAN RAINEY: Yes, that's good.

MS. FRY-PITZEN: -- goes through the end of this month.

ALDERMAN RAINEY: Through November?

MS. FRY-PITZEN: It goes through the end of November. It does, the lease gives them leeway that if they need the ground for an extra month or two months, that they will have that time frame. I don't have an exact time frame from them as I don't know what their plans are.

ALDERMAN RAINEY: One of the reasons I began the discussion of this project with that information is because I read the transcript. We met with you and your dad.

MS. FRY-PITZEN: Yes.

ALDERMAN RAINEY: And one of the things in the
transcript over and over and over is we're going to get started right away. We're going to get started right away.

MS. FRY-PITZEN: That's our plan as soon as we get --

ALDERMAN RAINEY: Right. And so, there is an enormous mess there.

MS. FRY-PITZEN: Right.

ALDERMAN RAINEY: And I'm just --

MS. FRY-PITZEN: I know. I'm there on a weekly basis. I am out surveying the site taking photos. So, I know --

ALDERMAN RAINEY: Several of us live right there.

MS. FRY-PITZEN: No, I understand. Yes, I mean, it's something that I am out there and I'm aware of and so I know who is out there and know what they're bringing in and what they're taking out when they're taking it.

ALDERMAN RAINEY: Okay. Let me, could you get us information before our next meeting?

MS. FRY-PITZEN: Yes, I would be happy to.

ALDERMAN RAINEY: About some exact --
MS. FRY-PITZEN: Yes, I can contact both of the renters that we have in there and find out what their time frame is.

ALDERMAN RAINEY: Okay. Because we are not currently digging up any streets, right? I mean, there shouldn't be, because they're not going to happen --

MS. FRY-PITZEN: I don't know the exact projects that either one of them are working on. I just --

ALDERMAN RAINEY: All right. In the paperwork, if you go from back to front, from earliest to current, more current, you will see that a Culver's is mentioned and we know now that they're out. A Dunkin' Donuts is mentioned, I don't know if they're in or out. Can you tell us what this project looks like at this very moment in time? Except for the storage, we know the storage is a sure thing and the doctors have a contract for one of the buildings, right? And the fuel is a Citgo?

MR. ZAREMBSKI: Right.

ALDERMAN RAINEY: Citgo, okay. So, we know that. Tell us the things that were up in the air previously, anything that you solidified. For example,
the convenience store restaurant, what can you tell us?

MR. ZAREMBSKI: At this time, it's Dunkin' Donuts.

ALDERMAN RAINEY: It's Dunkin' Donuts, all right.

MR. ZAREMBSKI: Right.

ALDERMAN RAINEY: What about the other two restaurants that you talked about? Or is Dunkin' Donuts one of the two? Because there is a drive-through convenience --

MS. FRY-PITZEN: Which is located at the gas station and that will be --

ALDERMAN RAINEY: Is that the same thing as the fast food, two fast food restaurants or the two family style restaurants?

MS. FRY-PITZEN: No.

ALDERMAN RAINEY: No, okay.

MS. FRY-PITZEN: No, those are independent.

In the development, as you know in the packet that you received, we're going to have one retail building which will have between five and seven tenants in it. We are looking at getting a restaurant for one of those spaces.

ALDERMAN RAINEY: So, that would be the front
building? It wouldn't be the --

MS. FRY-PITZEN: Correct.

ALDERMAN RAINEY: -- the building behind it.

MS. FRY-PITZEN: Correct, yes. We are looking at getting the restaurant for one of these that's in that retail building. It's one of the things that we are actively working towards. It's very difficult for us as developers to give specific names. We have a variety of people who are interested, but they are usually very leery of doing anything, some things get moved through the City process.

MR. WOLINSKI: Ms. Fry, could you put one of your boards up perhaps to better demonstrate the buildings you're talking about for the Committee?

MS. FRY-PITZEN: I sure can.

ALDERMAN RAINEY: And while you're doing that, could you tell us in, you know, I just wonder, would it helpful for people to see Oakton first? Because all of your drawings are looking --

MS. FRY-PITZEN: Oh, sure. You're talking --

ALDERMAN RAINEY: Looking from the back --

ALDERMAN HANSEN: No. No, it's the other way so that Oakton is on the bottom.
ALDERMAN RAINEY: Oakton has got to be on the bottom.

MS. FRY-PITZEN: Sure, I'm sorry. I'll flip that over.

ALDERMAN RAINEY: There you go, perfect. Could you tell us, take us through the square footage of the units in the front building? You don't have a building planned for the second --

MS. FRY-PITZEN: We do not have a site building plan, no. The retail building, I'm doing it upside down so it will work sideways. The retail building, as I stated, it's always difficult. Until we get actual users to give us defined amounts of square feet that they would want for their particular section of it, it's very difficult for us to say exactly how many users we're going to have in there or what each of their individual square footage use will be.

ALDERMAN RAINEY: What's the square footage of the retail building?

MS. FRY-PITZEN: It is currently --

ALDERMAN RAINEY: Remind me.

MS. FRY-PITZEN: I don't know those off the top of my head. It's 152 by 100.
ALDERMAN RAINEY: Okay. So, it wouldn't be a very big restaurant.

MS. FRY-PITZEN: No.

ALDERMAN RAINEY: I mean, it wouldn't be like, I was looking at that Old Country Buffet site, it wouldn't be that kind of restaurant.

MS. FRY-PITZEN: No. That's the kind of restaurant that we are hoping to get.

ALDERMAN RAINEY: It would be a Culver's. It would be a Culver's --

MS. FRY-PITZEN: Right. The larger and more family oriented, sit down, go in, you just need to order your meal and take it home or sit down and eat it there is what we have really been looking for for Lot 2.

ALDERMAN RAINEY: The reason this concerns me, and I hope concerns you, is because once we approve this, we have, as far as I understand, absolutely no control over whether it's a McDonalds or some sleazy fly-by-night Type II restaurant. I mean, not that you would ever do that, but the point is once we approve that, we're stuck. Okay, and I know you wouldn't do anything to harm your project.

MS. FRY-PITZEN: We haven't --
ALDERMAN RAINEY: I know that. No, no, no, of course not. Of course not. But from time to time around town, we see spots that we've approved for a Type II restaurant that subsequently go out of business, and then along comes something that we're very appalled by, but there's nothing we can do about it. So, that's a reason why I'm extremely concerned about the nature of the fast food restaurants. No problem with the Dunkin' Donuts because that's not the kind of place where people tend to hang out and cause trouble.

MS. FRY-PITZEN: Right. To alleviate some of your fears regarding a fast food restaurant, most restaurants such as McDonalds, Wendy's, any of the big ones want a drive-through and they want 24-hour. We can provide neither.

COURT REPORTER: Can you use the microphone?

MS. FRY-PITZEN: Oh, I'm sorry. We can provide neither of those items for them in the retail building. So, it's not something that you would typically see in a development of that nature. It's very unlikely. As well as, as a building owner, they want, you know, steady, solid businesses in there because they don't want to get somebody in there who's a
fly-by-night that doesn't have an established reputation who is going to be in and out of there because it creates a leasing nightmare for them as well.

ALDERMAN RAINEY: Also, the convenience store at the gas station and the Dunkin' Donuts will be 24 hours, is that what you told us?

MS. FRY-PITZEN: Yes, that's what they are looking for.

ALDERMAN RAINEY: What about the lube place and the car wash, will that be 24 hours?

MS. FRY-PITZEN: It's something they want per car but that's an area that can be worked with.

ALDERMAN WOLLIN: Can I ask, Alderman Rainey?

ALDERMAN RAINEY: I'm finished. I'm finished.

ALDERMAN WOLLIN: Has the Steak and Shake been a problem?

ALDERMAN RAINEY: Not really.

ALDERMAN HOLMES: It's not 24 hours.

ALDERMAN RAINEY: It is 24 hours. I think.

ALDERMAN HOLMES: But that's -- family though.

ALDERMAN RAINEY: Yes, I think from time to time there's little problems there but there's --

ALDERMAN HOLMES: There's little problems all
over town, you know. There's problems that --

ALDERMAN RAINEY: That's really not the -- and
you know, to be honest, it's out there. You know, there
aren't -- closest house with people on Oakton, right?

ALDERMAN HOLMES: Yes.

ALDERMAN RAINEY: That's not real close. So,
if there was going to be, I mean, I thought that the
automobile uses were good at this location. And I know
our staff has a problem with the storage, that it would
be better to have something else. But that certainly is
a passive use. It would be nice to have some sales tax
generated, that was always our goal there. And that's
not going to happen with your users.

MS. FRY-PITZEN: Unfortunately, due to the
nature --

ALDERMAN RAINEY: We know, we know.

MS. FRY-PITZEN: It just, I mean, we've talked
to everybody and we understand, you know, it's something
that they worked very closely with the City on initially
to try and get a big box user or even a medium box user
in here. Then everybody hears about the site and hear
about this location, they'd say great, can you tell us
what our neighbors are? And we'd say cement factory,
and they say not going to work, thanks.

ALDERMAN RAINEY: Well, but you know, the cement factory is not going to be there forever. From what we hear.

MS. FRY-PITZEN: No, it's not but it's not something that we have any control over when we're trying to sell the project and sell the property. We try and get tenants in there that are going to provide the best for --

ALDERMAN RAINEY: I just figure if a group of doctors is going to go next to a cement factory, anybody would. So, there's some irony in what you have to say.

MS. FRY-PITZEN: And I understand that, but in the same token, because we have the storm water detention in its location, because we have the warehouse in its location, because we have the gas station with the fencing going up, that provides for the doctors. That's like a wall that they would prefer to see.

ALDERMAN WOLLIN: Do they know about the compost that --

MS. FRY-PITZEN: Yes.

ALDERMAN RAINEY: I tell you, the other day it was unbearable, that compost pile is --
CHAIRMAN JEAN-BAPTISTE: Don't discourage them.

ALDERMAN WOLLIN: I mean, I read all the transcripts about people coming in after a game from James Park over to the restaurant and I thought they're going to have to go through the compost --

ALDERMAN RAINEY: But they're playing there anyhow. They're playing there anyhow.

CHAIRMAN JEAN-BAPTISTE: They're trying to manage that.

ALDERMAN RAINEY: 99 percent of the time --

ALDERMAN WYNNE: Everyone will get in their car and drive over because the parking is on the other side of James field, you know, let's capture some business from --

ALDERMAN RAINEY: Now, see, that would be a great kind of, you know, a hub or that kind of place. Or, just so you know, a produce market told me the other day that if the Osco as buried in Oakton were 20,000 square feet, they would be moving in tomorrow. But it's only 11. Okay, so you might want to solicit on some of those kinds of users that I think would be a great use.

MS. FRY-PITZEN: And again, I know that
they've tried. This is a project that we have been working on for three years.

ALDERMAN RAINEY: But I don't think you've talked to these people because these people aren't in your league. They're lower, but you know, I mean, they're little people.

MS. FRY-PITZEN: Why not? Right, right.

ALDERMAN RAINEY: You know, so you wouldn't have any way to know even that they exist. But they are there on Dempster now and Skokie and they are looking for another location. So, I think that would be a great location.

CHAIRMAN JEAN-BAPTISTE: All right. And any other --

ALDERMAN RAINEY: I'm just very concerned about the fast food restaurant. The type, I know fast food might not be what you would call it but a Type II restaurant, very concerned. And I would feel much more comfortable if you gave us a list of the kind of people you are talking to.

MS. FRY-PITZEN: And unfortunately, it's very difficult for us to do that because we don't want to list out names only to have none of them work for a
variety of reasons and to choose to go with someone else
only to have somebody on the Council come back later and
say, well, that's not on the list that you made us.

CHAIRMAN JEAN-BAPTISTE: Alderman Tisdahl?

ALDERMAN TISDAHL: At the Plan Commission,
there was some discussion of a bio-swale filtering storm
water.

MS. FRY-PITZEN: Yes.

ALDERMAN TISDAHL: Could you tell us where you
are on that?

MS. FRY-PITZEN: We did some research into
doing that on the site. The problem that we're running
into is that the site is just not large enough to handle
exactly what we think that they're looking for. They
talk about being able to do a bio-swale in an area, I
believe it was in as less as 10 or 15 feet.

The problem with that, if you want me to go
back to my landscaping plan, do you want me to turn this
around or is it okay? Okay. The problem with that is
the areas they were talking about doing it in are the
areas that are kind of adjoining Lot 2 that separate
whatever would go on Lot 2 from the parking in Lot 1 and
the parking in the doctor's office in the back. This
strip will be a fairly narrow strip. And one of the
things that we heard repetitively is that the City wants
to see the parking lots broken up. They want to try not
to see that sea of parking. And bio-swales, the
majority of what you put in there never gets over knee-
high. And that would not allow us the ability to plant
the trees in these areas to break up the parking lot as
it has been requested.

Some of the things we'd looked at kind of as
we're talking about the storm water is I know that there
was some concern about the storm water being kind of in
just one location and not dispersed throughout the site.
And again, because of the constraints of the site with
the cement factory, with -- with being kind of locked in
outside by the recycling center, we don't have as much
-- on the site. We're kind of stuck in a little box
that we've worked very hard to find the best possible
scenarios that would work well for the users of our
site.

The storm water management area, we have
initially put forth as doing as a dry bottom area. We
have several other areas that have been done in the past
that have been dry bottom. I know that there has been
concern from other folks within the City that these areas turn into kind of junk piles and turn into unkempt areas, which is why we set up an agreement with all of the members that takes care of landscaping, that takes care of the maintenance of that location so that it does not become an unkempt area. We were asked at one of the meetings to look into doing prairie style grasses in the bottom of storm water management area and we did look into that. Our concern with that again is that is even more difficult to maintain because then it just becomes a gathering area for garbage, for refuse, for skunks, for other undesirable animals in the area they would not want to have in a retail center which is why we really feel that a dry bottom detention would work the best.

We have also looked at doing a wet bottom. If that is something that the Council would prefer turning it into a little more of a park by setting, adding more greenery around the outside, maybe adding a couple of benches for people who work within the development that they would like. For us it's kind of a difficult area which is why we really wanted to focus the majority of our assets up front on Oakton Street with added landscaping that was requested at one of the meetings by
Alderman Rainey and I believe, I can't remember who
else.

ALDERMAN RAINEY: Everyone.

MS. FRY-PITZEN: Yes, everyone had asked for
added landscaping along the east side of the property to
help kind of block the parking lot. So, we were happy
to add that in. So, the bio-swales just present a lot
of issues for us to try and deal with that just don't
work in an area this small. It is something that we
looked at.

ALDERMAN TISDAHL: Thank you.

CHAIRMAN JEAN-BAPTISTE: Alderman Rainey.

ALDERMAN RAINEY: I thought -- gave a very
good argument for leaving it the way it is from a
marketing and real estate perspective. And it would be
nice if it could be otherwise, but it does sound like
you tried to comply.

MS. FRY-PITZEN: We had a variety of
configurations that we worked with.

ALDERMAN RAINEY: I would like the Citgo --
you're not from Citgo, right?

MS. FRY-PITZEN: They are the builders.

ALDERMAN RAINEY: You're the builders.
MS. FRY-PITZEN: They have been contracted by --

ALDERMAN RAINEY: You build all the Citgo stations? Is there anybody here from Citgo?

MS. FRY-PITZEN: I don't know if someone, these are just --

ALDERMAN RAINEY: Well, how are we, what I wanted to know is about the operation, the Citgo operation. How are we going to know about that? How it's going to be run, who's going to run it, how many people are going to be, if it's 24 hours, who's going to be on the scene, you know, how many pumps are there going to be, what about food, what kind of food --

MS. FRY-PITZEN: Yes, they can address some of those concerns.

ALDERMAN RAINEY: But they can't address the management.

MS. FRY-PITZEN: No.

ALDERMAN RAINEY: They can address what it's going to look --

MS. FRY-PITZEN: That's correct.

ALDERMAN RAINEY: All right, tell us what it's going to look like. And is there another one in the

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area we can go take a look at that is very much like
that one? Please stand up so we can see --

MR. DIAMOND: Just a reminder, I'm Dave

Diamond. I'm president of the construction company
building this huge store, the lube center and car wash.
I'm trying to think of one in the area that's very
close. We just finished a project up in Gurnee that's
close, it's a Citgo. It's a little more like, it's very
similar without the truck fueling, up there they have
truck fueling, but if you take that away --

ALDERMAN RAINEY: Without the what?

MR. DIAMOND: Truck fueling. Yes. The one in

Gurnee has --

ALDERMAN RAINEY: Are we going to have truck

fueling?

MR. DIAMOND: No. No. The one in Gurnee has
truck fueling. If you take that away, they're very
close, all right, with the car wash and the convenience
store and a quick serve restaurant space we're using on
this project as a Dunkin' Donuts. That's probably the

closest one that's a Citgo. And you would have to drop
south of Wood Dale to get close to one like that.

There's one at Wood Dale and Thorndale, that's a Citgo
that's very close to that. Has a car wash, Dunkin'
Donuts, Subway and gas fueling.

ALDERMAN RAINEY: We don't need any more
Subways.

MR. DIAMOND: All right. There's no Subways here.

ALDERMAN RAINEY: Is there the other things that come with Dunkin' Donuts? The ice cream store and the --

MR. DIAMOND: That has not been decided yet.

ALDERMAN RAINEY: No? It's just the Dunkin' Donuts.

MR. DIAMOND: At this time. But again, it's too early for us to tell. Is that something, Alderman, you would like to see?

ALDERMAN RAINEY: No, of course not. I mean, we are overrun with places that have -- food.

ALDERMAN HOLMES: Never too much ice cream.

ALDERMAN RAINEY: No, there's never too much ice cream. But do you want to go to the gas station and get your ice cream? I mean, you know, it's bad enough with Dunkin' Donuts and lube jobs. All right. So, then what about the other place, the lube place or whatever
you call it?

MR. DIAMOND: Okay, right --

ALDERMAN RAINEY: Where is that going to go?

MR. DIAMOND: Yes, right now we do not have a tenant that's signed a contract.

ALDERMAN RAINEY: So, that wouldn't be Citgo?

MR. DIAMOND: That would not be Citgo. That would be possibly a name brand that you recognize like Jiffy Lube, Lube Pros. They're looking at it. And then we also have an independent operator who operates, I'm not even sure we know the name, what he operates under.

MR. ZAREMBSKI: No.

ALDERMAN RAINEY: Wouldn't be Smithy's, would it?

MR. ZAREMBSKI: No.

ALDERMAN RAINEY: I mean, it would be a big place that does this in other places?

MR. DIAMOND: Right. Yes, the owner --

CHAIRMAN JEAN-BAPTISTE: Well, do you even have that information?

MR. DIAMOND: No.

CHAIRMAN JEAN-BAPTISTE: You don't, right?

ALDERMAN RAINEY: But you are going to have

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that --

CHAIRMAN JEAN-BAPTISTE: So, why don't we do this?

ALDERMAN RAINEY: But there's too many unknowns here. I'm trying to get --

CHAIRMAN JEAN-BAPTISTE: Well, that's what I'm saying. I'm trying to figure out what he has, what information he has and what he doesn't have. And so, if he can tell us what he knows and then if we need to hold this in Committee and have a simple --

ALDERMAN RAINEY: But if I hadn't asked, we wouldn't know that they didn't know.

CHAIRMAN JEAN-BAPTISTE: That's fine. I'm not discouraging you.

ALDERMAN RAINEY: Here is what I fear.

CHAIRMAN JEAN-BAPTISTE: I'm just trying to sort it out --

ALDERMAN RAINEY: I fear that we're going to approve this and this thing is going to pop up that we don't even recognize because we don't have information. And they're demanding of us or requiring of us that we make this huge leap of faith without information.

CHAIRMAN JEAN-BAPTISTE: Okay. Just so you
understood it. It seems that Arlova may have some points of clarification. Let me let her clarify certain issues, and then I see Alderman Hansen's hand and Alderman Holmes' hand as well.

MS. JACKSON: I just want to clarify the only Type II restaurant being proposed is the one with the drive-through on Lot 8 which is what they're saying will be the Dunkin' Donuts. So, for the large retail commercial space, currently there is no second Type II restaurant being proposed and if there is, it would have to go through as a special use.

ALDERMAN RAINERY: It would?

MS. JACKSON: Yes.

ALDERMAN RAINERY: Okay. Then I'm not worried. But that's not happened before with planned developments.

MS. JACKSON: Well, I think you might be referring to Dodge and Dempster which I think there was a blanket for three spaces.

ALDERMAN RAINERY: A blanket, okay. All right.

MR. WOLINSKI: That was the only one we've done like that.

ALDERMAN RAINERY: So that if any of the
special uses did so, I guess that was --

CHAIRMAN JEAN-BAPTISTE: All right. Alderman Hansen?

ALDERMAN HANSEN: I just wanted to reiterate, I share the same feelings as Alderman Rainey, especially when it's in my own backyard because I live just down the street. But in addition to that, my additional fear, and I understand, as a developer and a property owner, no one can go into it in terms of your dealings with attracting people, you know, and I'm not asking you to divulge, you know, your list of all the people that you're talking to, but I fear that what then will happen is what we have on Main Street by the -- where we have this beautiful storefront but no stores in it. And we've had, you know, some vacancies in there and then you've had a store go in there that's come out or, you know, people who have committed and they have their signs up there that they're coming and that they're coming and months go by and then their signs come down. And that is an additional fear of mine with all the unknowns.

I mean, you can make it as beautiful as you like, but if it's vacant in the front and you're trying
to attract people there, you're going to have the same
ting you've had with trying to get people. Well, why
do I want to come here? There's no one else there, I
mean, you can't get people. So, I have additional side
to the unknowns in this. And I don't think that can get
resolved.

CHAIRMAN JEAN-BAPTISTE: Right, I don't know
what can resolve it.

ALDERMAN HANSEN: But that's my concern with
this project.

CHAIRMAN JEAN-BAPTISTE: Alderman Holmes?

ALDERMAN HOLMES: I was thinking in terms of,
when you talk about Dunkin' Donuts or Citgo, are those
franchises that, and if so, are the franchisers, who's
going to own them, is that known to us?

ALDERMAN RAINEY: I don't think so, no.

ALDERMAN HOLMES: Dunkin' Donuts would be a
franchise, right?

MR. DIAMOND: Yes, that's correct.

ALDERMAN HOLMES: And the same with the Citgo
gas station?

MR. DIAMOND: Yes, the owner of the Citgo will
be operating and he has other stores.
ALDERMAN HOLMES: Where? Do you know?

MR. DIAMOND: He has one and two in Sheridan.

ALDERMAN RAINEY: Does he also have one on Green Bay Road?

MR. DIAMOND: I'm not aware of one in Green Bay Road. I'm not saying he doesn't but I'm not aware of one.

CHAIRMAN JEAN-BAPTISTE: There may be some Citgo's there but they may not be the same one.

ALDERMAN HOLMES: No, I understand but I'm just asking.

MR. DIAMOND: And the Dunkin' would be a franchise. So, there would be someone coming in to run that. And that would not be related to the owner of the Citgo, he'd be leasing that space.

CHAIRMAN JEAN-BAPTISTE: Okay. So, I think --

ALDERMAN RAINEY: Well, I'm going to make a request that that person be here at our next meeting, the Citgo person be right here in this meeting.

CHAIRMAN JEAN-BAPTISTE: Can you have that person here?

ALDERMAN RAINEY: In two weeks.

MR. DIAMOND: Yes, I'm sure he'd be more than
happy to be here.

CHAIRMAN JEAN-BAPTISTE: Okay. Alderman Wollin?

ALDERMAN WOLLIN: I'm still waiting for the --

I asked you about the sign, so it's 13 feet high and the bottom three feet are open, is that --

MS. FRY-PITZEN: That's correct.

ALDERMAN WOLLIN: And landscaped. And then the rest of the fence is opaque so you can't see the cement factory --

MS. FRY-PITZEN: That is correct.

ALDERMAN WOLLIN: And there is no particles that are blowing across?

MS. FRY-PITZEN: Yes.

ALDERMAN WOLLIN: Okay. And I'm a little concerned, and I understand that coordinating the stock pile, with the Home Depot and the stock pile, I guess one of my concerns as well when I'm looking at any commercial area is signage. And obviously, we know with gas stations, sign is a -- and whatever. So, do those signs still have to go through the signage --

ALDERMAN RAINHEY: Unify it, yes.

MR. WOLINSKI: Yes.
ALDERMAN WOLLIN: Because, you know, I'd hate to see just a hodgepodge of signage come to that --

MS. FRY-PITZEN: No, and that's not what we want. We actually are working a little bit with the Signage Committee and we've already been doing designing on the signage for the site.

ALDERMAN WOLLIN: Okay. And then, the other thing you mentioned which was, is close to our hearts, is pieces of public art. And so, I guess I'm curious where they would be -- are you talking about Oakton or --

MS. FRY-PITZEN: Yes, they would be on Oakton.

ALDERMAN WOLLIN: We have a lot of applications for public art --

MS. FRY-PITZEN: We're looking at a couple of different spaces. We would definitely like to try and put one that's kind of right in the corner that is definitely the gateway to Oakton to really help kind of set the stage. And then we're looking at probably putting two more down in this area. It would, for us it's difficult to say right now because we want to coordinate it kind of with the signs as well as putting them in a space where they're going to get a nice view.
And we've been discussing a variety of things to put in there and we would be more than happy to look at applications that have come in.

ALDERMAN WOLLIN: And I'm thinking the signage also for the medical building has to be out on Oakton, otherwise no one would know they're there.

MS. FRY-PITZEN: What we have talked about and what we will probably be requesting is the gas station will have its own sign. There will be one large sign for the project as a whole that we would be asking for a variance on to include the lots that are in the rear that do not have Oakton frontage. And then there would be a smaller sign for the bank and a smaller sign for the commercial building.

ALDERMAN WOLLIN: Do we know the bank yet?

Which bank?

MS. FRY-PITZEN: No, we don't. We're currently courting about --

ALDERMAN WOLLIN: We're a little over banked lately it seems to me in town.

MS. FRY-PITZEN: We're courting three or four different banks at the time. It is who we've been talking to, and again, they don't want to make
commitments until everything gets through the City
process. I'm sorry, Alderman Rainey?

ALDERMAN RAINEY: I was going to ask you, do
you have the public art, do you have the pieces of art
in a collection?

MS. FRY-PITZEN: No, we don't.

ALDERMAN RAINEY: Or are you going to go
solicit pieces or buy pieces? How are you going --

MS. FRY-PITZEN: We're talking about a couple
of different options right now. My father and I are
both large art buffs. My dad has been in the art market
for probably about 20 years now. He has a variety of
pieces. Most of his are wall art paintings, small
sculptures. We've always been interested in doing a
development that would allow us to do some larger pieces
of sculpture.

We have yet, as I said, we haven't made any
firm commitments. We have some ideas in our office that
we've been tossing around of different things that we
might like to see done there, trying to put in maybe
some functional pieces of art that would encourage
sidewalk traffic as well as I had spoken with a member
of the Art Committee and I do not recall his name off
the top of my head. But I know he said once we start getting closer, to discuss it with him because I know that, as you said, they have applications for public art coming in. So, we are looking at a couple of different things.

ALDERMAN RAINEY: We could give you about --

MS. FRY-PITZEN: Yes, yes.

ALDERMAN RAINEY: We could give you about 115 that we didn't select.

MS. FRY-PITZEN: Sure. Yes.

CHAIRMAN JEAN-BAPTISTE: Why don't we do this, people? Why don't we accept for introduction? Why don't we move introduction and bring it back to Committee?

MS. FRY-PITZEN: Okay.

CHAIRMAN JEAN-BAPTISTE: And at which time we'll have the Citgo representative. Jim, you wanted to say --

MR. WOLINSKI: Yes. Just a couple of comments on the sign issue. Because there's more than four or more businesses at this site, this will have to go to the Sign Review and Appeals Board as a unified business center sign plan. So, that hopefully will temper down
the signage that many times gas stations want and whatnot. We saw a sign for a Citgo, is that Citgo or what on Howard Street that was proposed to be --

ALDERMAN RAINLEY: 42 feet up.

MR. WOLINSKI: 42 feet.

MS. FRY-PITZEN: I don't think any of ours will be that tall.

CHAIRMAN JEAN-BAPTISTE: Let's let Jim finish so we could move on. Go ahead.

MR. WOLINSKI: The other comment I want to make is that this site has been under-utilized, this is a vast understatement, for the past three years. And Staff did work with Mr. Fisher of the Auto Barn and Mr. Fry a couple of years ago. We thought that would have been a wonderful reuse of the property for the auto dealership to move there. Unfortunately, Mr. Fry and Mr. Fisher could not agree on a price, so that deal went away.

We have worked with Mr. Fry and his daughter over the past, I'd say 18 months, talking about getting a big box, mid-box development and they have not been successful. So, when this was brought to us probably seven or eight months ago, we were at first skeptical as
a Staff, but it just goes, how long do we want to leave this land under-developed? Because I can guarantee you that if it stays under-developed, some contractors will want to be using it next year for dumping spoil again.

CHAIRMAN JEAN-BAPTISTE: Okay. All those in favor of introduction, say aye.

(Chorus of ayes.)

CHAIRMAN JEAN-BAPTISTE: So, you'll come back with Citgo. And, Jim, if you can be in touch with them? And we do encourage you to be in touch with him on it.

ALDERMAN RAINEY: And to make sure that they get details of what we want.

CHAIRMAN JEAN-BAPTISTE: Yes.

ALDERMAN RAINEY: Anybody that's involved, like anybody from Citgo.

CHAIRMAN JEAN-BAPTISTE: Right.

MR. WOLINSKI: If I may? I think if the Committee has any concerns about 24 hours of operation on any of these uses, hopefully, and I'm a little concerned about 24 hours for a Lube Pro quite frankly and the car wash. I don't know if that's needed. But maybe we need to nail that down in the ordinance.

CHAIRMAN JEAN-BAPTISTE: Yes.
ALDERMAN RAINLEY: Yes.

CHAIRMAN JEAN-BAPTISTE: So, we'll revisit those issues. If you guys could come back with a proposal as to time closure, that would be great.

(Whereupon, the hearing in the above-titled cause was adjourned.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: PD1

RE: ORDINANCE 115-O-06-AMENDING THE INCLUSIONARY HOUSING ORDINANCE. Consideration of Ald. Hansen's proposed amendments to Title 5, Chapter 7 of the City Code, the Inclusionary Housing Ordinance. The City Council enacted the Inclusionary Housing Ordinance by passing 27-O-06 on October 23, 2006.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held November 13, 2006 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:43 p.m. and presided over by L. Jean-Baptiste, Chair.

PRESENT:

A. RAINEY L. JEAN-BAPTISTE, Chair
S. BERNSTEIN M. WYNNE
E. TISDAHL D. HOLMES
E. MORAN A. HANSEN
C. WOLLIN

STAFF:

J. WOLINSKI H. Hill
A. JACKSON

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CHAIRMAN JEAN-BAPTISTE: Item PD1, Item for Discussion, is a proposal to amend the Inclusionary Housing Ordinance. And I know that Alderman Hansen has a proposal but I believe that Alderman Moran also has a proposed amendment. So, let me open up with asking Alderman Hansen to make her proposed amendment and then I think the two are related. So, we'll also have Alderman Moran for his proposal.

ALDERMAN HANSEN: Did everyone, this actually didn't come in our packet. It came in the mail, my proposed changes. So, I'm hoping everyone has it in front of them, and basically, all I am proposing to do, if you've had the chance to look at this is basically I'm putting back all the language in the original ordinance that we were discussing three weeks ago that talks about building affordable units within a PUD project. Okay? It's not making it a requirement. Basically what we agreed upon or what we voted upon last time, it becomes an either or. A developer can either build the units within their project or what we've already agreed upon or what we've already voted on, do a payment in lieu in regards to that $40,000.

And that's all I'm proposing. And there's a
couple of reasons why I'm doing that. Our discussions a few weeks ago and along the way have been, you know, about inclusionary housing and not excluding things in the way of affordable housing. And I felt that by taking out all that language and giving a developer the option or these guidelines, if you will, of building units within their project, I felt we were excluding another facet of creating affordable housing in our community.

In addition, I felt that putting that language back in there kind of, I guess speaks of a policy decision that we as a Council would make in the way of how we feel about affordable housing. Let's get everything we can, not just the dollars but maybe a developer is going to come along the way and say, you know, I'm going to try and build affordable units within my project and I'm going to look to this ordinance as my guideline in how I'm going to do it. So, that's why I'm proposing to put this back in there.

So, I don't know if you want me to move now or if you want me to put this to --

CHAIRMAN JEAN-BAPTISTE: Well, if you wish to move it, you can move it and --
ALDERMAN: It's a wonderful discussion.
CHAIRMAN JEAN-BAPTISTE: Yes, except I had some discussions with Legal and with, you know, Community Development that, you know, the intent was that if someone were to move the amendment, that we would consider it and we would, you know, act on it. And then -- that we can do that.
ALDERMAN RAINEY: It's not on the Council agenda --
CHAIRMAN JEAN-BAPTISTE: No, I don't think it's on the Council agenda, but the Committee could move and adapt it and then hopefully we could put it on the Council agenda next time. Okay? So --
ALDERMAN HANSEN: So, I would move to amend your ordinance, the Inclusionary Housing Ordinance to include the language that is, in terms of the units being built within the PUD project.
ALDERMAN HOLMES: Second.
CHAIRMAN JEAN-BAPTISTE: Okay, great. Okay. Discussion then. I know that, I'm going to recognize Alderman Moran because he had also wanted to make an amendment and I don't know whether he's going --
ALDERMAN RAINEY: Well, can we discuss this
CHAIRMAN JEAN-BAPTISTE: Well, they're related so, you know, we'll give him the opportunity to say something. And if we decide to discuss it, we can. What I did, I know he wants to reintegrate certain original language, so I did ask Legal to make a copy of the original ordinance for us in case we want to refer to the original ordinance language. Okay? So, I'm just going to pass it on just for the -- O1 is for original.

Okay.

ALDERMAN RAINEY: It would be helpful to get amendments like we did from Alderman Hansen ahead of time.

CHAIRMAN JEAN-BAPTISTE: Yes, it would be.

Okay, Alderman Moran?

ALDERMAN MORAN: Thank you. Basically, there are two provisions from the original ordinance that are pertinent to what I want to move tonight. One is --

CHAIRMAN JEAN-BAPTISTE: Are you, you want to move to amend?

ALDERMAN MORAN: To amend Alderman Hansen's --

CHAIRMAN JEAN-BAPTISTE: Or she could accept. If she rejects it, then we'll consider her amendment,
okay, and then we'll move on to yours, okay? So, why
don't you make your --

ALDERMAN MORAN: Yes. My first one, and I'm
trying to find it, but in the original ordinance, there
was a requirement that a certain percentage of the units
-- what page is that? 8, Section 5-7-4, and there was a
provision in Paragraph A, General Requirement, that said
that at least 50 percent of the affordable dwelling
units shall be located on the site of the covered
development. And I would move that that provision be
reinserted in Alderman Hansen's proposal. The other
provision --

CHAIRMAN JEAN-BAPTISTE: Okay. So, instead of
optional, you would move that it be required?

ALDERMAN MORAN: Yes. Yes.

CHAIRMAN JEAN-BAPTISTE: Okay. All right.

That's one.

ALDERMAN MORAN: That's one. And then the
other is in Section 5-7-7, and particularly Paragraph B,
which is referred to as Interior Appearance and
Finishes, and Paragraph E, Unit Size, and to take those
out.

ALDERMAN WYNNE: So, you're deleting those two
provisions?

ALDERMAN MORAN: Yes.

CHAIRMAN JEAN-BAPTISTE: So, there will be no distinction between the units?

ALDERMAN MORAN: Right. Right.

CHAIRMAN JEAN-BAPTISTE: Alderman, do we need to -- no, you would need to respond to whether or not to accept.

ALDERMAN HANSEN: I'll accept Alderman Moran's proposal, or his amendments to my amendments.

CHAIRMAN JEAN-BAPTISTE: All right. Any discussion?

ALDERMAN WYNNE: They're two separate amendments.

ALDERMAN BERNSTEIN: Yours is to make it optional, his is to make it required.

ALDERMAN MORAN: And I would make it required. I'm substituting requirement rather than optional.

ALDERMAN BERNSTEIN: I wouldn't say that's a friendly amendment --

ALDERMAN: It's a hostile --

ALDERMAN MORAN: Well, she had accepted it.

ALDERMAN RAINEY: Well, so then she misled us
by saying that she is going to --

CHAIRMAN JEAN-BAPTISTE: If she accepts it, she accepts it.

ALDERMAN RAINEY: Okay. But then she has to withdraw this. This is no longer applicable. You told us that you were supporting an optional inclusion. Now you're telling us that his motion, you're going to accept a requirement. That's very strange.

ALDERMAN HANSEN: Well, do you want me to --

CHAIRMAN JEAN-BAPTISTE: Okay. You can speak on that.

ALDERMAN RAINEY: Yes, I'd love to hear your explanation.

ALDERMAN HANSEN: I have always been in favor of 50 percent onsite requirement. We, I don't think, fully ever discussed that three weeks ago. I think we just kind of threw it out the window and left it to the $40,000 per unit. So, I mean, if we're going to have a discussion about an onsite requirement and if that's not there, then I still would like to support the lesser which is an optional. And I think I have that right to do that.

ALDERMAN RAINEY: Yes, absolutely.
CHAIRMAN JEAN-BAPTISTE: Good. All right.

So, Alderman Hansen accepts the amendment and the proposal on the floor is to make the onsite requirement, to make it a requirement that we have onsite affordable units at 50 percent of the number of the ten percent. Okay? So, that's what that is.

ALDERMAN BERNSTEIN: Can I ask Legal a question? Hello, Herb. We started having a conversation with respect to what's required mandatorily in the ordinance with respect to onsite housing. The existing ordinance was passed, it eliminates that, almost, I mean, it says you can't, you just put $40,000 based on the percentage of affordable housing. I think what I heard you say through some other folks is that that is not constitutional, is that correct?

MR. HILL: Yes. The position that the Law Department -- analysis has concluded is that without an onsite requirement subject to a waiver provision that is in the ordinance is an issue of exaction. It's an absolute dollar payment. So, the Law Department is recommending that there be an onsite component to this. And then the second component for this Council to consider is to what extent is an onsite requirement
subject to the waiver provisions which benefit the
developer to show its economic hardship.

ALDERMAN BERNSTEIN: But your statement that,
to the extent that the waiver can be total, so long as
there is a --

MR. HILL: The waiver is a mechanism where the
developer or the property owner goes in to prove his
case, and yes, the waiver could be complete or partial.
But the requirements that, yes, the waiver could be
complete or partial, yes.

ALDERMAN BERNSTEIN: Okay.

CHAIRMAN JEAN-BAPTISTE: Okay. You, Alderman,
Wynne, do you have any comment? Go ahead.

ALDERMAN WYNNE: Are we now debating this?

CHAIRMAN JEAN-BAPTISTE: Yes, it's up for
discussion.

ALDERMAN WYNNE: Okay. Can you hear me?

Well, I thought we actually did discuss this whole --
I'm kind of flabbergasted because the last meeting that
we had where we had a very, very lengthy discussion
about, my understanding was what is the best use of our
dollars. And to me, having an onsite requirement takes
away valuable money.
I don't mind having an option, but we had information presented to us that demonstrated that the more dollars that we can make available for $7,500 down payments or $10,000 or $15,000 housing assistance or first time mortgage, that we got to spread that through many more households. Then if we require 50 percent onsite or have any degree of an onsite payment, you are trapping that money into a project, you're trapping a big chunk of that money into the project and that if you use in an alternative way, you would actually help many, many, many more families do exactly what we're trying to do: keep our work force families here in Evanston.

You know, Lionel and I met with some staff and Jonathan Perman and some, to discuss this while I was still Chair, we were sort of passing the Chairmanship over. And I think one of the things that I found so compelling about providing the issue of not requiring to be onsite is I think all of our goals has been how do you keep as many families as we can here in Evanston? How do you make it possible? Because I'm sure like all of you, I had the exit in review endlessly with folks who live on Hinman and Judson in those condos where they call me and say we're leaving, Melissa, we can't find a
place. And they would be willing to buy or if they had some assistance, they would be happy to buy. They already live in a vintage unit in the neighborhood and if they could have had some assistance or more opportunities, they would live anywhere in Evanston.

And I thought we had a statement made at the Council -- that I thought was quite interesting about the issue of inclusionary is not necessary. She talked about her townhouse complex over on South Boulevard and how it's completely inclusionary and what would merely be helpful is to have it be affordable to more families here in Evanston. So, I actually see us really undercutting the whole purpose of making more affordable housing available by tying up 50 percent of the, by requiring this 50 percent, putting in this 50 percent requirement. So you have three households that get to live in these new units in a new project. Instead, you know, I'm not doing the math fast enough, instead you would easily have, you could very readily have 20 families benefit from the same dollars.

So, I can't support, to my mind, not really achieving the goal by using our money in ways that I thought Lionel had some good points to make and some
others had some good points to make that affordable is our primary goal and that if you require onsite, you're transposing that with inclusionary and I want affordable. I want more, as many families as we can get. And this to me does not achieve that goal.

CHAIRMAN JEAN-BAPTISTE: Alderman Wollin, then Alderman -- oh, I'm sorry. Alderman Rainey, you had your hand up first. Alderman Rainey, Wollin, Tisdahl.

ALDERMAN RAINEY: Me first? Well, first of all, so that I understand and, you know, I'll vote for anything that comes out of here, but I thought allowing the option for onsite was an excellent idea. And I was sorry that we hadn't thought about that when we passed the -- So, I was one hundred percent in support of Alderman Hansen's motion.

However, what I would like to know is what is the analysis between the affordable units, let's say it's a family of four who has a boy and a girl. They really need a three-bedroom in one of these new buildings and there is one available and it's on the market, the market price is going to be, let's say $490,500 for the three-bedroom. And the developer has the option of contributing the $40,000 or for the half
of the ten percent providing the affordable unit.

How is that affordable unit subsidized? Let's say the family is 80 percent of median and I'm not sure what the amount is. Let's say they can afford $200,000. Does that mean that the developer has to subsidize $240,000-250,000? Is that what we're saying?

Here is the concern that I have. A concern that I have is that the developer doesn't, isn't able or doesn't do that. Then that family comes to the Home Funds or the Mayor's Special Housing Committee, you know, we've got one requirement here, and starts depleting that money. I mean, that's going to be a terrible thing if that happens.

So, while I understand giving the developer the option, how do we justify the developer subsidizing $250,000 which is what the write-down would be for a family of four in a $450,000 -- is that what we're saying?

ALDERMAN BERNSTEIN: Give backs.

MR. WOLINSKI: I think that you hit the nail squarely on the head as far as the difference between the payment in lieu of and building onsite. A majority of the development that we've had has been upper echelon
if you will, and so two and three-bedroom units are
going for anywhere from $300,000 up to $500,000,
$600,000, $700,000.

So, I think that the way the ordinance is
written right now, I think the developers are going to
probably in 99 percent of the cases "buy their way out"
as opposed to providing onsite. To me it just makes --

ALDERMAN RAINEY: But I'm talking about if
this provision goes into effect where half of the units
must be onsite.

MR. WOLINSKI: Then yes --

ALDERMAN RAINEY: The developer has to
subsidize the 250?

MR. WOLINSKI: Yes.

ALDERMAN RAINEY: Yes.

MR. WOLINSKI: There is no one else to do it.

CHAIRMAN JEAN-BAPTISTE: Can I just, what was
that model again? Can you -- Jim, do you remember?

ALDERMAN RAINEY: He wasn't able to --

CHAIRMAN JEAN-BAPTISTE: I know he wasn't.

But I'm saying what was it? I don't think that his
subsidy was that, to that almost 50 percent.

ALDERMAN RAINEY: Well, we have the housing
planner sitting right here.

CHAIRMAN JEAN-BAPTISTE: Okay, yes. Go ahead.

HOUSING PLANNER: I think in the -- plan, he priced it affordably at two-thirds of the market price. And that one-third was a loan from the developer that would be paid then at the end of 15 years.

ALDERMAN RAINYEY: That's not what we're talking about, is it, Alderman Moran?

CHAIRMAN JEAN-BAPTISTE: Stan, there's an individual in the back. Could you get her to sign on?

What is your name?

MS. HARDISHAW: Kelly Hardishaw of Business and Professional People with Public Interest. We have been providing technical assistance.

CHAIRMAN JEAN-BAPTISTE: I'm just going to assume that she could make a comment on this.

MS. HARDISHAW: To the Housing Commission and to the P&D Committee. And I just wanted to clarify that the developer isn't subsidizing that difference that you identified. What they're subsidizing is any difference in the cost of building the unit. And because you're dealing with developments that are 25 units or larger, there is generally the kind of scale there that it's not
as great a subsidy as that. And I don't have a -- off
the top of my head about how much the difference may be.

ALDERMAN RAINLEY: Well, tell us, Kelly, what
would be the price of the unit to the developer if let's
say it was $225 a square-foot and the unit was 1,800
square feet? That's what we're talking about.

MS. HARDISHAW: I can't do that --

ALDERMAN RAINLEY: But that's exactly what
we're -- you're talking about that. That's exactly what
you're talking about. That that's exactly what the
developer is spending to build the unit anyway.

MS. HARDISHAW: Yes, the cost to build per
square foot that we were told in Evanston is more along
the range of $125 to $150 a square-foot. But that also
depends on the building and the types of finishes and
those types of things on how much it's going to cost.
But it's not going to be a subsidy of $250,000 a unit.

ALDERMAN RAINLEY: Well, you see we have just
been asked to eliminate any differential in finish
quality. So, we're, you know, people are not building
junk in this town. That's pretty fancy stuff.

MS. HARDISHAW: Well, I just wanted to clarify
that one point, that it wasn't to the market price.
That's not what they're subsidizing. They will lose some of their profit on the unit but it's not always that significant --

CHAIRMAN JEAN-BAPTISTE: All right. Thank you.

ALDERMAN RAINEY: All right. Let me just tell you.

CHAIRMAN JEAN-BAPTISTE: Go ahead. And we have two others that --

ALDERMAN RAINEY: $225 a square-foot for 1,800 square feet, it's $405,000.

CHAIRMAN JEAN-BAPTISTE: To build?

ALDERMAN RAINEY: Well, I mean, that's what the developer says by cost at $225 a square-foot.

ALDERMAN WYNNE: And we have Jim Wolinski telling us what he thinks the costs are.

CHAIRMAN JEAN-BAPTISTE: Well, what is the cost, Jim?

MR. WOLINSKI: I think the cost per square-foot is more --

ALDERMAN RAINEY: To build.

MR. WOLINSKI: Yes, to build new is more in the $250 to $300 range per square-foot.
CHAIRMAN JEAN-BAPTISTE: Whoa. So, is this costing to --

ALDERMAN RAINEY: Okay. Well, let's just say $225.

CHAIRMAN JEAN-BAPTISTE: $225 to build.

ALDERMAN RAINEY: $225. What she's saying is a little under $225 times, let's just say 1,500 square feet. Let's stuff people in there, 1,500. $337,500.

CHAIRMAN JEAN-BAPTISTE: And that's usually the square footage of a two-bedroom?

ALDERMAN RAINEY: No, I said three. I said 1,500, it's adequate.

CHAIRMAN JEAN-BAPTISTE: Okay, all right. We'll let Alderman Wollin, Alderman Tisdahl, and then Alderman Wynne. Go ahead.

ALDERMAN WOLLIN: I'm just following in on Alderman Rainey's comment. So, if it was 337 and we sold it for $250,000, for example, to a family and they may need some help to afford a $250,000, we're asking the developer that, you know, for about not even $100,000 as an investment for affordable housing, right?

CHAIRMAN JEAN-BAPTISTE: Well, it's per unit on top of the $40,000 for the other --
ALDERMAN RAINETY: $87,000.

ALDERMAN WOLLIN: Okay, thank you. You know, I do think $87,000 compared to $40,000, yes, it's more, of course. And I'm not sure whether we can, if we were going to make it required -- well, let me start over. I did say the last time this was introduced that we should put both in and give people an option. And you said why, we don't need -- and I said yes, we may have some very socially conscious construction people in town who would be willing to build. I know some of them personally who would be willing to build with affordable housing onsite.

And then, or they can buy out, you know, as a payment in lieu of. But I don't think if we make it required, and so I don't know why it went out, but anyway, if we made it required, I don't understand why the interior, I personally don't understand why the interior finishes, that whole section has to be taken out. Because I don't think you need granite countertops and stainless steel appliances to be able to have a home that is, you know, affordable and comfortable for a family. I mean, most of us, I mean, I should speak only for myself, I don't have granite countertops in my home.
and I live very comfortably.

So, I think that those interior finishes aren't necessarily, you know, demanded. But I certainly would agree that at least it has to be an option as in Alderman Hansen's original proposal and at least give the developer a chance to provide. At least Alderman Tisdahl said that the developer on Central Street was going to build at least one affordable unit in their project. Didn't you say --

ALDERMAN TISDAHL: Yes, I did. He prefers doing that to a donation to a fund where he's not sure what's going to --

ALDERMAN WOLLIN: Right. And I think the other thing which you are going to have to say somewhere along the line here is that we're going to have to make some kind of a referral I think to the Housing Commission to help us draft the criteria for how this money is going to be spent. And I think we were all disappointed that the Housing Referendum just narrowly failed. The fact that one of the key questions was, I think the public have a right to ask, was how is this money going to be spent, what are the guidelines, what are the experiences that we're going to take. And we
haven't really, we said we agree, we haven't developed that yet.

But I think it's time that we start, and perhaps the Housing Commission is the right place to give us a rough draft of what they think the criteria should be because we are going to get some money in this affordable housing and we have to be able to figure out how to spend it.

CHAIRMAN JEAN-BAPTISTE: Yes. I really don't think we should have two standards in a particular building, one where you have a smaller square footage built as part of the language, a smaller size and an inferior or different kind of material because not every building provides their buyers with all their top of the line finishes anyways. It's an option that you buy.

ALDERMAN WOLLIN: Right.

CHAIRMAN JEAN-BAPTISTE: So, I think what we're trying to eliminate is the stigma of, you know, the stigma of having, I've heard somebody refer to it as the red door, you know, that these are the affordable units. You know, they're facing the railroad as opposed to -- right, so I think we need to get away from that. But let me just say this. I think what we're trying to
do is to try to say we can reach some kind of, to move
to compromise around issues, right?

What I had, my position is that the underlying
argument that said to achieve integration we have to
insist on affordable units in the new building, I don't
agree with that. When I had a discussion with Alderman
Hansen, she was saying, look, I mean, people ought to
have the option, you know, to get a brand new unit, a
new quality home. I remember my mother had moved to
Florida and she was looking for housing and she looked
around and visited a lot of homes. But when she ended
up looking at a brand new condo, you know, she wanted
that.

So, if that option can be made available, we
should have it available. But I think that what is also
being argued is the question of if we're talking about
inclusionary housing. Is the component to say
developers build onsite a percentage of it? Because we
don't have to go 50 percent, okay. If we ask the
developers to provide as a compromise to where we are
right now 30 percent of their units onsite, I mean,
that's not as much subsidy as we were talking about
before. Because what's been discouraging some of us is
the insistence on the large subsidy from the developers. And so, if we reduce that subsidy and we maintain the component of build some units onsite, then, you know, we're not that far off from the compromise from 63 a unit to 40 a unit. And the explanation that, the differential that we're really talking about is the differential of cost, not necessarily of market value. It's a sacrifice that they will be making.

So, I think that it's legit to put that on the table and see what we could reach. I would suggest, let me just offer a compromise to move us past the dime. 30 percent onsite requirement, can we live with that of similar units, no differential in terms of the quality of the units? Do you accept that?

ALDERMAN BERNSTEIN: Yes.

CHAIRMAN JEAN-BAPTISTE: Okay, all right. Go ahead. You know what, I'm sorry. Liz and then you.

ALDERMAN TISDAHL: So, is it standard in condo buildings in Evanston, it's my understanding that we have a large number of high end ones and that it is standard to have granite counters and all of that, that there are a lot of them.

MR. WOLINSKI: There aren't?
ALDERMAN TISDAHL: There aren't a lot of lower end options in some of the buildings.

MR. WOLINSKI: I think granite countertops are usually standard. The thickness of the granite may be an issue.

CHAIRMAN JEAN-BAPTISTE: Not in all units though.

MR. WOLINSKI: But not in all units. Can I address just this issue of cost per square foot? Because this is something that can be misconstrued. If you're talking about just basic building cost or if you're including the cost of the land and where you're building, it costs the same to build an Optima building in Downtown Evanston as it does in Skokie as far as just the simple construction costs. However, if you're throwing the land in as part of that construction cost, it costs a heck of a lot more to build in Downtown Evanston than it does to build in Skokie.

ALDERMAN TISDAHL: Well, how can you disregard that --

MR. WOLINSKI: I'm not. I'm just trying to point that out.

CHAIRMAN JEAN-BAPTISTE: Liz and then Melissa.
ALDERMAN TISDAHL: Okay. So, I do recall Robin Steinerman being at one of our meetings and saying it was not essential in her view to have all the finishes be the same. I agree with Alderman Wynne, I'm envisioning marble bathrooms for very few people and no homes in Evanston for most people. So, I would have a great deal of trouble compromising and support any interior appearance and finishes in being the same.

CHAIRMAN JEAN-BAPTISTE: What about the size?

ALDERMAN RAINNEY: Well, is the developer going to carve out a couple of little units in a big --

CHAIRMAN JEAN-BAPTISTE: So, if you're saying you could agree with the proposal, which proposal are you agreeing with?

ALDERMAN TISDAHL: -- but not appearances and finishes. And I also do not require 30 percent.

CHAIRMAN JEAN-BAPTISTE: So, you're strictly optional, right? Okay, go ahead, Alderman Wynne.

ALDERMAN WYNNE: I can't do this without looking at some numbers. So, I've gone back to the awful proposal at Chicago and -- which may not happen out there, 60 units. I'm dropping it down to 60 units, so under the proposal that, the ordinance that we passed
two weeks ago, if you had a ten percent requirement and let's say there was an onsite option or offsite option, if that developer, so ten percent of 60 units is 6 units, took the offsite option, he would end up paying into our fund $240,000. If we took those six units and required three of them to be onsite, okay, then three of them would contribute, three times $40,000, $120,000 to our site.

So, that would, and I'm just throwing out, let's say out of that fund of money, you made affordable housing grants of $10,000 which my understanding would easily help people, and I'm relying on Alderman Jean-Baptiste and his expertise saying that would put a family in a house. So, if that development --

CHAIRMAN JEAN-BAPTISTE: In terms of down payment in closing costs, that's what I'm talking about. I'm talking about a house, not the new units. They require ten percent.

ALDERMAN WYNNE: Okay, hold on one moment. Let's say if you took all of the offsite, the money, $240,000, and you simply said okay, we're going to divide this up into $10,000 grants and make this available to families who want to stay in Evanston. You
benefit 24 families. If you did the 50 percent onsite requirement, so you would have a fund of $120,000 and then you'd have three families living in that building. So, using the same $10,000 grant, under the 50 percent onsite requirement, you benefit 15 families, and providing an offsite option, you benefit 24 families.

ALDERMAN HOLMES: -- nine.

ALDERMAN WYNNE: It's nine. You know, and to me, I would think it's terrific that we have a developer who would say I want to build onsite, I can do it onsite. But when I look at that differential, it's nine households, nine families that don't get to live in Evanston. And you know, even if you reduce it down to a 30 percent, you still are not getting near that 24 number for a 60-unit building. I mean, 60 units would potentially put, a 60-unit building would potentially put 24 families into affordable housing in Evanston versus 15.

And so, I support Alderman Hansen's idea of having that option and I think we should encourage and pour praise all over every developer that ever does it. But I think my overall goal is more families who can stay in Evanston and I think, to me it has to be just an
option because I would rather see those nine extra families continuing to live here in Evanston than heading out the door to Gurnee which is where they go, you know.

CHAIRMAN JEAN-BAPTISTE: Okay. Alderman Moran and then I want to ask Legal because Legal had an intervention that if we don't have certain components, then it's a taking so I want to get some --

ALDERMAN MORAN: There are several things that need to be pointed out. One is that with respect to, Melissa's scenario assumes that if you give somebody $10,000, they can live in Evanston. And that is, there are so many --

ALDERMAN WYNNE: Wait, no, wait --

ALDERMAN MORAN: No, you hold on a second. There are so many other factors that come into play in relation to affordability. One could never say that if we have a fund of $10,000, that $10,000 -- I mean, it might help somebody make a down payment, it might do that, but it does not ensure affordability of that home over time to that family. It just doesn't.

If you really want to ensure the ability of the family to live in affordable housing in Evanston,
you follow the inclusionary scenario as one way of ensuring it. And the reason is, there are several reasons. One is the criteria for eligibility ensure that the affordable price that's paid will be tethered to 30 percent of that person's net income. In other words, there is a built in insurance that this is going to be a family that can afford to live in that unit priced at that level. And that pricing is prescribed in here.

So, if you're really looking to ensure somebody to be able to live in housing that's affordable in Evanston, you follow this pattern. It might be that when we do get a plan and it might be that subsidies for down payments would be one component, I wouldn't reject that at all. But if you really want to ensure that it's going to happen, it would happen here.

Another very important part is that you help that family, and let's say you give them the $10,000 down payment, but that is the end of the story in terms of that property. Under our scenario here, this unit will remain affordable in perpetuity. So, if that unit could be owned by five families or six families or seven families, so if you're talking about leveraging your
asset, if you're talking about increasing the number of people who can live in affordable housing in Evanston, you can't forget that. It's in perpetuity, it will be passed from family to family, generational over time and that's a very important thing that we get by having an onsite requirement.

And the other, you know, I just want to quickly address this question of whether we'd be depleting other funds. And I'll go back to my comment about the fact that this formula is tethered so that a family is only paying 30 percent of their disposable income. The presumption is that these units will be priced in a way where they can afford to maintain that property and live in that property. Its price is pegged to the affordability.

So, I don't think the notion that if we put somebody in the unit and they're going to be, you know, orphans of the storm in that unit and they're never going to be able to afford to stay there is flawed because the whole idea of the affordability pricing formula is that it will be affordable, that they will be able to have enough money to pay for that unit. And that's built in to the formula.
So, I don't think you will see people spilling out of an onsite requirement and going in and then saying, oh, well, you know, and I need to get a grant from my insurance this year. All of that is factored in in the pricing formula.

CHAIRMAN JEAN-BAPTISTE: Steve, do you mind if I ask --

ALDERMAN BERNSTEIN: No.

CHAIRMAN JEAN-BAPTISTE: Herb, could you speak to this issue of requirement versus optional and the issue of taking?

MR. HILL: The issue of taking relates back to the belief that the ordinance relates to the property itself. And the ordinance as originally proposed three weeks ago had language in there on an onsite requirement. Remember, an onsite requirement under the language of the ordinance, I think it's 5-7-11, is still subject to the waiver provisions for economic feasibility. But the onsite requirement takes away the concept of taking because there is no connection of the monetary value to the goal being demanded of the developer.

We're tying it back to the property by having
an onsite requirement which is subject to the developer
waiving either by meeting the standards in our code.
So, all the cases that we read -- in particular, deals
with the idea of tying the benefit back to the property.
The State of Illinois with respect to exactions has
tied that you just cannot demand money from the property
and go back to the site specific basics. The onsite
requirement now is putting onsite housing onto the
property. And that's all. The developer has the
option, be it 30 percent, 50 percent, to go through the
waiver process and benefit himself that way from the
ordinance.

One of the points I want to make with respect
to -- amendment by Alderman Moran dealing with deleting
Section C -- deleting them will not necessarily
accomplish the objective. The objective, an affirmative
statement saying that the interior finish itself shall
be substantial similar to as opposed to deleting the
requirement may change that --

CHAIRMAN JEAN-BAPTISTE: That's fine.
MR. HILL: And you can accomplish that
theoretically by having, all developers have a base unit
and the base unit of the property is the staging -- with
respect to the ability of individuals to purchase, you
know, upper tier segments. Whatever the base tier set
up for that unit for that structure would be the base
tier for the affordable housing. And under the
ordinance, the City isn't the marketplace, excuse me,
the income adjustment towards establishing what the
actual selling price will be for the affordable unit.
The ordinance is setting forth an affordable unit price
and that's going to change every year with inflation.
That's what the developer would get for the unit, and
that's the number you're going to subtract from your
square foot cost and get your cost differential.

CHAIRMAN JEAN-BAPTISTE: Okay. In the waiver,
you talk about a developer could waive from the
requirement into the optional, into the payment in lieu.

MR. HILL: Payment in lieu and the developer
can also attempt to waive out of the entire thing.

CHAIRMAN JEAN-BAPTISTE: Waive the entire
thing, okay.

MR. HILL: That's that hearing process with
the clear and -- standard.

CHAIRMAN JEAN-BAPTISTE: All right. Alderman
Bernstein, then Alderman Wynne. And then we'll all try
to just wrap it up.

ALDERMAN BERNSTEIN: So, to clarify, they can waive up to a hundred percent as well so long as there is a process through which they go --

MR. HILL: Right.

ALDERMAN BERNSTEIN: With respect to the $10,000 each, I think that's not going to work.

ALDERMAN WYNNE: No, I didn't mean $10,000.

ALDERMAN BERNSTEIN: I don't think the $240,000 of fund is going to benefit 24 people necessarily because what we're talking about is many things. It could, it enhances the down payment that they can make, we're still talking about the cost of the units. So, if we're talking about what we've been dealing with the cost of the units, $25,000 that they, let's say they're adding that $10,000, you're adding $10,000, they still have to finance $205,000, okay, unless one of the, with respect to what Herb had to say, one of the components we cannot address is the valuation of these units by the Assessor of Cook County. And if we accept that we have the same size unit with the same amenities, even though there is a restriction on the sale price, I don't know that the Assessor is going to
be reducing it down. Nor do I know whether the
condominium association is going to be reducing the same
sized property as the assessment is not customarily
based on value. It's more often based on the square
footage of the unit to the total.

So, those kinds of variables impact people
down the road. So, the ten grand, I don't think
there's, there may be some kind of a midpoint but I just
don't think we can count on 24 people being helped and I
don't think we can count on people maintaining
themselves in the year end even though they buy it
affordably. So, I mean, I think there are just too many
things that we can't control.

The only time I've actually seen it done here
in the City is George Gofiea, a 12-unit building on
Callahan Avenue -- Clyde Avenue, 100th and Clyde Avenue
where he took a 24-unit building and converted it to 12,
sold it for $60,000 with increments so that when the
entire association goes in, for tax relief they can
demonstrate that no unit is ever sold for more than
$60,000 and plus the increment. Now, next door, there
have been some conversions and those price points came
out at about $150,000 for lesser units, and now there
are over $200,000. And the Assessor is not going to
cerry pick a unit from any condominium association.
They're going to do it based on the totality and the
value that's going to be reflected on what normally in
itself is worth. I don't think they're going to back it
up. If anyone -- but I don't think he's sophisticated
enough. I don't think they have the ability to do that,
especially with our system here.

So, I mean, we got a message from Robin
Steinerman today, I don't know if everybody got it or if
I just got it but, you know, I understand what the
cconcerns are and it would be really nice to have people
all over town. But I would like to assist people to the
extent that we can to stay in town. And where they
live, the red door, I mean, I still in my heart of
hearts believe that there would be a red door.

CHAIRMAN JEAN-BAPTISTE: Even if it's the same
quality unit.

ALDERMAN BERNSTEIN: Yes, you know, I mean,
well, even if it's the same quality unit, you're paying
less for it. You are the person in that person. And I
just don't know if I would want my children raised in
that kind of environment. That's just me. And it's
something that I've been saying since day one with this process.

But I think it's real important that we identify what it is we're going to do with these affordability problems as many people will be forced to move out of Evanston today, those people who already own their units because they can't afford the taxes. Many people are going to be moving out of Evanston today because they can't afford utilities. Many people are going to be -- I mean, the reality is the people who are living in our "affordable" housing now probably can't afford to live there. All right?

I mean, I know they couldn't afford to buy it and I'm talking now about the New Frontier, the 2nd Ward, the 5th Ward, you know, parts of my ward. It's just the reality. I mean, there really isn't any more affordable property in this town.

ALDERMAN HOLMES: Before any of us get too hung up on the $10,000, I thought that was an example that Melissa was using.

ALDERMAN WYNNE: Yes, it was.

ALDERMAN HOLMES: And so that you would know that that's not, it's just an example, and that we
really would have to follow up on what Alderman Wollin
said is to really, part of our other work to do is to
decide how that money is going to be spent. So, I think
the $10,000 was just used as an example.

ALDERMAN WYNNE: As a for instance.

ALDERMAN BERNSTEIN: All right. No, no, I
agree. If it was $10,000 --

ALDERMAN HOLMES: I'm just clarifying. I'm
sorry, Melissa.

CHAIRMAN JEAN-BAPTISTE: Yes, I mean, there's
financing to be done. But the expense in terms of
people buying in outlying areas, not the brand new units
is that many people would put a $1,000 down as earnest
money, $2,000, and then your closing statement could be
about $8,000, $7,000. You still have to finance, you
know, you still have to pay your monthly obligation and
your taxes. But the brand new units, there's usually a
requirement of ten percent down which is, you know,
sometimes if it's $200,000, that's $20,000. So, that's
a different story.

We're going to take like two more comments and
then --

ALDERMAN BERNSTEIN: Well, what about --
CHAIRMAN JEAN-BAPTISTE: I'm sorry. Alderman Wollin, then Alderman Rainey.

ALDERMAN WOLLIN: -- talking about constitutionality.

ALDERMAN WYNNE: What about me?

CHAIRMAN JEAN-BAPTISTE: Oh, I thought you withdrew your comment.

ALDERMAN WYNNE: No, I do. I wanted to ask for some more information from Staff.

CHAIRMAN JEAN-BAPTISTE: Sorry. Go ahead.

ALDERMAN WYNNE: Just very quickly. Thank you, Alderman Holmes, because I think there was a misunderstanding. I was just trying to come up with a round number that -- and actually, my source point for this was Alderman Jean-Baptiste. So, thank you.

I'd like to understand, we already have programs in place that are highly regulated in Evanston where we do make grants like $10,000 and it does benefit families to buy houses. So, obviously with our fund, this affordable housing fund, we do need information. We need regulations on those. And that was my point was we can do whatever we want but we already know from our experience with the programs that we have the types of
grants that put a family in a house.

And so, I wasn't just grabbing this out of thin air. I was just providing that as a for instance to say if we make -- I need more information, that's all.

CHAIRMAN JEAN-BAPTISTE: All right. Alderman Wollin?

ALDERMAN WOLLIN: I'm concerned about Mr. Hill's comments about constitutionality. If we have constitutionality to put onsite for whatever percentage, I don't care if it's two units, then that's something we have to do. Otherwise, we're going to be in violation.

ALDERMAN RAINNEY: Nobody objects to that. It's an option.

CHAIRMAN JEAN-BAPTISTE: No, no, no. Herb was saying it's a requirement but you could opt out of it, you could waive out of it.

ALDERMAN BERNSTEIN: Right. So, it's an illusory statement --

CHAIRMAN JEAN-BAPTISTE: Well, it's not. If that's what will satisfy the legal requirement with the waiver, because not every developer will waive, right?

And so --
ALDERMAN BERNSTEIN: At the end of the day, if you can opt out of a hundred percent, then to me, you know, it's just --

ALDERMAN RAINEY: Just words.

ALDERMAN BERNSTEIN: Yes, just words.

CHAIRMAN JEAN-BAPTISTE: But it satisfies the legal requirement, if it satisfies it, that's one component.

ALDERMAN RAINEY: But we're not there anymore. We're talking about Alderman Moran saying where we're going to require half of the --

ALDERMAN MORAN: No, you keep the waiver and the reduction provisions in the ordinance.

ALDERMAN RAINEY: -- told me different things today.

CHAIRMAN JEAN-BAPTISTE: Okay, but he's saying now that, if he didn't mention it, he's saying that the waiver will be kept. Here's what I'm going to suggest people, here is what I'm going to suggest --

ALDERMAN RAINEY: I'm confused.

CHAIRMAN JEAN-BAPTISTE: Okay, go ahead.

ALDERMAN BERNSTEIN: Inasmuch as our current ordinance that was passed three weeks ago does not
contain a mandate for even an option to put houses on, we are now out of compliance with the constitution. So, at the very minimum, we have to adopt Alderman Hansen's --

CHAIRMAN JEAN-BAPTISTE: I thought it included a waiver.

ALDERMAN: It included a waiver provision.

ALDERMAN RAINEY: They are different.

MR. HILL: -- on the books effective less than 90 days from now does not have an onsite requirement. The onsite requirement is to deal with the element of constitution. The waiver process is to deal with the Federal Constitution. And if you have an onsite requirement subject to the waiver process, we believe you will satisfy both strictures and both standards.

CHAIRMAN JEAN-BAPTISTE: Okay. So, could you repeat that again so we hear you?

ALDERMAN RAINEY: Could we repeat it to see if we --

CHAIRMAN JEAN-BAPTISTE: Repeat it. Right.

ALDERMAN RAINEY: Because that is changing.

Every time I hear it changes.

CHAIRMAN JEAN-BAPTISTE: Okay, could you
repeat that again, Herb?

ALDERMAN RAINEY: Wait, wait. Let me just --

ALDERMAN WYNNE: No, let Anne describe what she understands.

CHAIRMAN JEAN-BAPTISTE: Okay, right.

ALDERMAN RAINEY: In simple person terms, it was my understanding that to meet the constitutional test, we had to say in our ordinance that ten percent of the units in a building must be set aside for affordable. You may opt out of that at $40,000 a unit, but ten percent, you may put ten percent of those units aside as affordable housing. Or if you don't want to do that, then you can pay $40,000 a unit in lieu of doing that.

ALDERMAN WYNNE: Is that constitutional?

MR. HILL: That is correct. The language --

ALDERMAN RAINEY: Is that constitutional?

MR. HILL: Yes. The language you have in the ordinance now has no --

ALDERMAN RAINEY: No, we know that.

ALDERMAN WYNNE: We know that.

ALDERMAN BERNSTEIN: In order to --

CHAIRMAN JEAN-BAPTISTE: The requirement, the
MR. HILL: It satisfies the --

ALDERMAN RAINEY: It's not a waiver. It's an either or. You may either do this, you may either, in a 100-unit building, you may set aside, you shall set aside ten percent, ten of those units as affordable, or you can set aside six of them and pay $40,000 for four or do all $40,000 or do all ten.

ALDERMAN WYNNE: Or you could apply for a waiver --

ALDERMAN RAINEY: To do neither.

ALDERMAN WYNNE: To do none of it because --

MR. HILL: That is correct.

ALDERMAN WYNNE: Okay. But Herb, so you could have --

CHAIRMAN JEAN-BAPTISTE: You know what, I'm not sure what you're saying is correct, really. Is it the requirement with the waiver that makes it constitutional?

MR. HILL: There are two constitutional premises here, two requirements. The waiver clause is required with respect to the Federal Constitution with respect to the economic feasibility argument. So,
that's a waiver you have -- the developer comes and --

ALDERMAN BERNSTEIN: Like $40,000 --

MR. HILL: Whatever it may be. Now you deal

with the exaction issue which is something peculiar to
the, which is an Illinois circumstance that with respect
to that, you just can't demand money not connected to
the property. And therefore, you're tying back to the
property your onsite requirement.

So, as Alderman Rainey said it with the second
component of Alderman Melissa Wynne, that is correct.
That is what we're saying would make the ordinance --

ALDERMAN RAINEY: I'm for that.

ALDERMAN WYNNE: Wait, wait. So, you can
build onsite.

MR. HILL: Yes.

ALDERMAN WYNNE: Or you can pay, make a
payment in lieu or you can request a waiver to reduce to
zero or to any amount in between?

MR. HILL: Correct. There is also an
alternative feasibility to the --

ALDERMAN WYNNE: But you don't have to have an
onsite absolute requirement? I mean, you don't have to
have any onsite mandated?
MR. HILL: No, it's not mandated --

ALDERMAN WYNNE: But you must provide the option to build onsite or payment in lieu or waiver.

MR. HILL: Correct.

ALDERMAN WYNNE: Okay.

CHAIRMAN JEAN-BAPTISTE: Okay. So, we have an initial motion to amend, the friendly amendment from you, and now also have a friendly amendment to yours.

ALDERMAN RAINEY: I move that friendly amendment out of order because it is out of order.

CHAIRMAN JEAN-BAPTISTE: You want to --

ALDERMAN RAINEY: No, it is not a friendly amendment.

CHAIRMAN JEAN-BAPTISTE: Well, she accepted it. On consent --

ALDERMAN RAINEY: All right. Then I call the question. I call the question.

CHAIRMAN JEAN-BAPTISTE: Okay, call the question.

ALDERMAN RAINEY: I call the question on Alderman Moran's --

ALDERMAN WOLLIN: As amended by Alderman Rainey.
ALDERMAN RAINEY: Yes.

CHAIRMAN JEAN-BAPTISTE: Right. So --

ALDERMAN RAINEY: 30 percent requirement.

CHAIRMAN JEAN-BAPTISTE: With the waiver and all the nine yards, okay. All those in favor of 30 percent requirement with waiver option and all the rest of those things --

ALDERMAN BERNSTEIN: Mandate --

CHAIRMAN JEAN-BAPTISTE: It's a requirement.

ALDERMAN BERNSTEIN: No, no, no.

CHAIRMAN JEAN-BAPTISTE: Herb, Herb.

ALDERMAN BERNSTEIN: My understanding is --

CHAIRMAN JEAN-BAPTISTE: No, no, but Herb wasn't listening to you. So, we got to first back up a little bit. Herb, the amendment, the proposal on the table is 30 percent onsite requirement with waiver and all the, you know --

ALDERMAN RAINEY: Waiver reduction, payment in lieu.

CHAIRMAN JEAN-BAPTISTE: Right. Thanks.

MR. HILL: And what about the unit size and comparable --

CHAIRMAN JEAN-BAPTISTE: Unit size is the
same. You know, substantially the same material.

ALDERMAN HOLMES: A base unit is what we're looking for.

CHAIRMAN JEAN-BAPTISTE: Base unit.

ALDERMAN HOLMES: We're just looking for a base unit and then go from there.

CHAIRMAN JEAN-BAPTISTE: And then Alderman Bernstein said, wait a minute, he wanted to just make sure that --

ALDERMAN BERNSTEIN: I wanted to clarify.

CHAIRMAN JEAN-BAPTISTE: Clarify, okay, go ahead and clarify. That's on your point of --

ALDERMAN BERNSTEIN: I understand there's a distinction between Alderman Moran's amendment and Alderman Hansen's motion. Alderman Moran's is a -- waiver is always a possibility.

CHAIRMAN JEAN-BAPTISTE: Yes.

ALDERMAN BERNSTEIN: Given that kind of circumstances making it not a viable project. But Alderman Moran says ten percent, 30 percent of it, 10 percent shall be constructed onsite.

ALDERMAN MORAN: But there is a waiver provision.
ALDERMAN BERNSTEIN: No, no. That's for --
the waiver is over here. Alderman Hansen as per our
ordinance, right now we have $40,000 per unit payment,
it's not in lieu of anything, it's a payment. Herb says
that's not going to cut the mustard under the Illinois
Constitution. So, Alderman Hansen's proposal is to add
the possibility, the option of all of the units onsite
or $40,000 per unit for up through zero to all of them
and the waiver is always there.

CHAIRMAN JEAN-BAPTISTE: We're not considering
the --

ALDERMAN BERNSTEIN: I understand that. But
before we go voting, let's understand what we're voting
on.

ALDERMAN RAINEY: That's exactly right.

CHAIRMAN JEAN-BAPTISTE: Right. The only
thing we're voting on is the 30 percent requirement.

ALDERMAN BERNSTEIN: So, it's a mandate now?

CHAIRMAN JEAN-BAPTISTE: Yes, mandate with
waiver.

ALDERMAN BERNSTEIN: Forget the waiver, don't
confuse the --

CHAIRMAN JEAN-BAPTISTE: Mandate with waiver.
You can waive out of it.

ALDERMAN BERNSTEIN: Mandate and waiver but no option?

CHAIRMAN JEAN-BAPTISTE: No, you can waive --

MR. HILL: Just directing your attention, if you go to 5-7-4 of the City Code, of the ordinance that we just passed out to you earlier today, if we can walk through the changes very quickly. 5-7-4 is now ten percent of -- ten percent of the total number of owner occupied dwelling units shall be affordable dwelling units. The next sentence would read at least 30 percent of affordable dwelling units shall be located on the site of the covered development. That takes care of the first thing that Alderman Bernstein talked about.

Then if you switch over to --

ALDERMAN BERNSTEIN: Wait.

CHAIRMAN JEAN-BAPTISTE: Let him --

ALDERMAN BERNSTEIN: But before it's --

CHAIRMAN JEAN-BAPTISTE: No, no, no. Wait a minute, but he's crystalizing the proposal.

MR. HILL: And then if we go over to option, to page 11 of what you have before you, I think it's 5-7-8, that talks about the payment in lieu, and you want
to change that number that now reads 63 to whatever you just discussed. Is that $40,000 you're saying or --

CHAIRMAN JEAN-BAPTISTE: $40,000.

ALDERMAN WYNNE: No, $40,000, that's always been. It never changed.

CHAIRMAN JEAN-BAPTISTE: The $40,000 has not changed.

MR. HILL: So, then the option A, 5-7-8-A is what it previously was.

ALDERMAN RAINNEY: That's not a clarification.

That's a muddying of waters.

ALDERMAN WYNNE: Here is, I'm going to try one -- we have a choice of having an onsite requirement of a certain percentage or you could have, you can build onsite or you can make a payment in lieu. So, that's something that the developer can choose either one without having to do any administrative procedure, okay. Then separately is this waiver which the developer can come into and say I need a waiver because of financial issues. And that, you obtain the waiver by coming through an administrative process.

The first A and B option, the developer makes that decision on their own basis. What Alderman Jean-
Baptiste via Alderman Moran, via Alderman Hansen, is that it's now that either or isn't the case. 30 percent shall be built onsite, and then the other 70 percent you can either build onsite or you can make a payment in lieu. And if you need a waiver for any amount of that, that's there.

ALDERMAN MORAN: And that was in the original ordinance. And that's --

ALDERMAN WYNNE: The waiver has always been there.

ALDERMAN MORAN: And that's contemplated in my motion. So, Section 5-7-10 --

ALDERMAN WYNNE: The difference is that to obtain the waiver, you'd have to come in and demonstrate something and go through a certain --

CHAIRMAN JEAN-BAPTISTE: Okay. So, it's shall versus may. So, all those in favor of the 30 percent shall -- anyway, signify by saying aye.

(Chorus of ayes.)

CHAIRMAN JEAN-BAPTISTE: So, all those who are opposed to that and want the may say aye.

(Chorus of ayes.)

CHAIRMAN JEAN-BAPTISTE: So, five to four.
Let's raise our hands, all those for the shall with the waiver. Okay, all those for the may.

ALDERMAN BERNSTEIN: It's 30 percent of ten percent.

CHAIRMAN JEAN-BAPTISTE: Yes. Not again.

Then they'll write it up and then for the --

ALDERMAN BERNSTEIN: So the next meeting?

CHAIRMAN JEAN-BAPTISTE: And then we'll put it on the agenda for the next meeting. Hold on one second. Hold on one second. Alderman Rainey has something to say. Hold on one second.

ALDERMAN RAINEY: It's fine to pass these ordinances, but in order to make it a reality for any -- and my fear is this benefit will never be able to be used by the people that we want to use it because of just the day-to-day costs of living in a new property. I'm looking in taxes around $6,000 a year. I'm looking at an assessment around $345 a month. I'd like you to give us a scenario of a person meeting the requirements for an affordable unit, three-bedroom unit that's valued at, you know, I don't know, whatever the latest going rate is, and to show us what the monthly cost for that person is going to be which in turn will show us what
the developer is going to have to subsidize. That's what I want to see. I don't care if the developer subsidizes a million dollars a month. I just want to see what is it going to look like.

MR. WOLINSKI: Okay. We can get that for you. Question, did you want these amendments to the Inclusionary Housing Ordinance as an amendment for introduction at this meeting or is it still a discussion item?

CHAIRMAN JEAN-BAPTISTE: No, no, wait a minute.

ALDERMAN RAINEY: Well, we have to submit those --

CHAIRMAN JEAN-BAPTISTE: Wait a minute, wait a minute. We have an ordinance.

MR. WOLINSKI: Right.

CHAIRMAN JEAN-BAPTISTE: We just voted at Committee level to amend it. And the next time we put this on the agenda, the Council will vote in the amendment.

MR. WOLINSKI: Do you want this on the P&D agenda for next meeting?
CHAIRMAN JEAN-BAPTISTE: No.

MR. WOLINSKI: Or is this strictly on the Council agenda?


ALDERMAN BERNSTEIN: Yes.

ALDERMAN RAINEY: We need to see what it looks like.

CHAIRMAN JEAN-BAPTISTE: You can put it on the agenda but it's also on the Council agenda.

MR. WOLINSKI: Yes, yes.

ALDERMAN BERNSTEIN: But realistically, we don't have the constitutional ordinance now. That's --

ALDERMAN: We still have 90 days to get this together.

(Whereupon, the hearing in the above-titled cause was concluded at 9:25 p.m.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: P5

RE: RESOLUTION 60-R-06 - UPDATED RESIDENTIAL ANTI-
DISPLACEMENT AND RELOCATION ASSISTANCE PLAN.

Consideration of the Housing Commission's recommendation for review and approval of the update of the City's Residential Anti-Displacement and Relocation Assistance Plan, adopted January 1993, to comply with HUD requirements.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held November 13, 2006 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:43 p.m. and presided over by L. Jean-Baptiste, Chair.

PRESENT:

A. RAINEY L. JEAN-BAPTISTE, Chair
S. BERNSTEIN M. WYNNE
E. TISDAHL D. HOLMES
E. MORAN A. HANSEN
C. WOLLIN

STAFF:

J. WOLINSKI H. HILL A. JACKSON

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CHAIRMAN JEAN-BAPTISTE: So, we'll move on to, what I want to do is send the solar panel proposal, since we're having a presentation from the Environmental Board, I just want to move on to Item P5 because we have to act on it tonight, and then we'll come back to the solar panel discussion. Okay?

ALDERMAN: I move approval.

CHAIRMAN JEAN-BAPTISTE: Okay. P5 is Resolution 60-R-06. It's a proposal to update the Residential Anti-Displacement and Relocation Assistance Plan.

ALDERMAN: Move approval.

ALDERMAN RAINEY: Second.

CHAIRMAN JEAN-BAPTISTE: Okay. Yes, Alderman Rainey?

ALDERMAN RAINEY: I don't have any problem with this, I don't think. I just don't know what the new parts are. I had a hard time trying to figure that out. So, if we could get something that has an underline or something, what the new parts of this are. I found it --

CHAIRMAN JEAN-BAPTISTE: We have Mr. Stan Janusz here who is here especially for that.
ALDERMAN RAINEY: I know but that --

CHAIRMAN JEAN-BAPTISTE: So, he probably has clarification.

MR. JANUSZ: We did attach to the new proposed resolution that we received approval on, we also attached the former resolution from 1993 as far as the start -- background.

ALDERMAN RAINEY: I know, but to go and read each one and then say, oh, this is different, that is different. If we could just make it a little easier?

MR. JANUSZ: What we can do, we can certainly do that. We're also working on the optional part of the plan.

ALDERMAN RAINEY: Right.

MR. JANUSZ: Which deals with code enforcement for our relocation and displacement dealing with the code enforcement activities. So, that is optional to the plan.

ALDERMAN RAINEY: Right.

MR. JANUSZ: What's being presented tonight is the three required parts of that plan, City Staff is formulating the optional code enforcement and we'll bring that back.
ALDERMAN RAINEY: And then we'll be able to debate and discuss that because that will be very subjective.

MR. JANUSZ: The optional?

ALDERMAN RAINEY: Yes.

MR. JANUSZ: Yes. What we did meet with Committee tonight I think was part of the agenda data sheet, that part one of this where we have an extension until November 15th. So, we're looking for approval of the resolution this evening so we could --

ALDERMAN RAINEY: Thank you. No problem but I would like to know what the changes are.

CHAIRMAN JEAN-BAPTISTE: Okay. If you would just clarify that and give that back to us.

MR. JANUSZ: Sure.

CHAIRMAN JEAN-BAPTISTE: Meanwhile, all those in favor say aye.

(Chorus of ayes.)

(Whereupon, the hearing in the above-titled cause was concluded.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: P4

RE: ORDINANCE 87-0-06 - ZONING ORDINANCE TEXT AMENDMENT - SOLAR PANELS. Consideration of a Plan Commission recommendation to amend Chapter 4, "General Provisions", Chapter 18, "Definitions", 6-4-6-3 and the creation of Section 6-4-6-8 to address the location, size, and appearance of solar collectors.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held November 13, 2006 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:43 p.m. and presided over by L. Jean-Baptiste, Chair.

PRESENT:

A. RAINNEY  L. JEAN-BAPTISTE, Chair
S. BERNSTEIN  M. WYNNE
E. TISDAHL  D. HOLMES
E. MORAN  A. HANSEN
C. WOLLIN

STAFF:

J. WOLINSKI  H/ HILL
A. JACKSON

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CHAIRMAN JEAN-BAPTISTE: Okay. Let's go to P4. Members of the Environmental Board have a presentation to make on this. This is a consideration of Ordinance 87-0-06 to support the Plan Commission recommendation to amend Chapter 4, "General Provisions," Chapter 18, "Definitions", 6-4-6-3 and the creation of Section 6-4-6-8 to address the location, size and appearance of solar collectors. Go ahead.

MR. WOLINSKI: Just a quick point. This was a recommendation from the Plan Commission for this text amendment on solar panels. Just to refresh your memories, the Environment Board had some issues with the recommendations from the Plan Commission feeling that the recommendations did not go far enough I think is a --

ALDERMAN RAINHEY: We thought they were very descriptive. We asked for that --

MR. WOLINSKI: Right, okay.

ALDERMAN BERNSTEIN: -- Environmental Board and the not the Plan Commission it's a recommendation by.

MR. WOLINSKI: Right. Well, Plan Commission of course is also concerned about the design and
ambience of what they look like. So, anyways, you have
a report from the Energy Commission in your packets	onight. They have had two meetings on this and Mr.
Sciara is here tonight to show the Environment Board's
calls. So, with that --

MR. SCIARA: Okay. Hi, my name is Len Sciara.
I'm from the Environment Board. I just wanted to do a
little summary of the text amendment. But by the way,
you can do bio-swales in very small areas or large areas
so I'd urge you when you talk to developers to get some
professional opinion of the other side. They can be
done small, large, any size. Okay. So --

ALDERMAN WOLLIN: Different --

MR. SCIARA: Okay. So, this all stemmed from,
there was an issue of a residence where they installed
some solar panels, was approved by the Zoning Board.
One of the neighbors didn't like it. They filed an
appeal. There was a lot of controversy. As a result,
we realized that the language in the current zoning code
was pretty vague. So, well, maybe we can improve upon
this. Maybe we can just make it better, small steps.

So, we looked at it, we looked at a couple of
other municipalities around the country that had solar
zoning text, kind of pulled out what we could. I worked with Arlova and the Zoning Committee of the Plan Commission over a couple of months span to work out a workable language. That's a committee of, I think it's a committee of four but they're really of three people at a time sort of rotating. And that resulted in a document which was not quite to our liking but I didn't have a vote on that so it was pretty much all I could do was present the information and then they could vote. That was the Plan Commission and the Planning Council and then that's kind of where the whole thing sort of stalled.

CHAIRMAN JEAN-BAPTISTE: Who's the Planning Council? Do you mean the P&D Committee? You mean the P&D?

MR. SCIARA: P&D.

CHAIRMAN JEAN-BAPTISTE: Okay.

MR. SCIARA: The new text that we greatly expanded, there's currently a section in the code about solar panels. And looking at the other codes, this is how we divided the new text. So, I'm going to go to now the new, the counter-proposed text.

ALDERMAN WYNNE: Who is we?
MR. SCIARA: The Environment Board but primarily myself.

ALDERMAN WYNNE: Okay.

MR. SCIARA: And Arlova. So, Section A, just kind of like in all the zoning codes, there's like a little reason why that's there. Section B talks about quality. There was really nothing there about quality. We felt quality was an important aspect about something that's going to be mounted to a house in perpetuity. Most importantly, like you don't want plastics because they go gray over time and they yellow out. So, quality was something that we saw important.

Then Section C deals with yards which is the plan dimension of the panel. Section D deals with height. Section E talked about if it's built, if you did a lot of new construction, if you want to you can build solar collectors into the building, on shingles and they can be in the facade, into the glass, all kinds of new technology like that.

F and G, we're dealing with if you had it mounted on your garage or something like not on the building, there's a house, the Rabel house on the lake, they have it like next to the house so it's sort of an
accessory structure. And then Section E, sort of an expedited variance process in the sense that we want to, people have, obviously all lots are different. If there's trees in the way, we want to encourage people to put solar panels on so they don't have to go through a whole burdensome administrative process, to sort of streamline the process.

So, the text as it reads currently, if you have a flat building, what the Zoning Commission wants, they didn't want to see it from the street. That was kind of their rule. If it's flat, we don't want to see it from the street. We thought that was kind of silly but that was their take on it. And so, there's rules in place setting it back from the front of the building.

ALDERMAN RAINERY: Wait. Who said they didn't want to see it from --

MR. SCIARA: The Zoning Committee.

ALDERMAN WYNNE: Of the Plan Commission?

MR. SCIARA: Of the Plan Commission.

ALDERMAN BERNSTEIN: Plan Commission over --

MR. SCIARA: So, currently this is what happened. If you have a flat building, you've got to set it back from the front of the primary facade.
ALDERMAN: What's that number? I can't even --

MR. SCIARA: That is 5-C.

ALDERMAN: Okay.

ALDERMAN WYNNE: But also that's for something that is not integrated into the roof.

MR. SCIARA: Right. These are all post-install, if you want to put solar panels on this building.

ALDERMAN RAINNEY: Retrofitted.

MR. SCIARA: Right.

ALDERMAN WYNNE: Right. So, this means it's on a frame of some sorts, not on the surface. It's not flush to the surface.

MR. SCIARA: It could be. They can make them flush.

ALDERMAN WYNNE: No, but the reason why they wanted them pushed back from the visibility from the street is because it's not flush.

ALDERMAN: Potentially.

MR. SCIARA: Potentially. I mean, if you do flat panels, then I suppose you wouldn't see them.

ALDERMAN WYNNE: No.
MR. SCIARA: Right. The point there was it's an aesthetic issue and they don't want to see the solar panels from the street which we as an Environment Board sort of, well, it's an aesthetic issue and should Zoning really deal with aesthetics like that? Because that's so subjective in how do you determine --

ALDERMAN: Preservation Commission.

MR. SCIARA: Well, Preservation, that's a different --

ALDERMAN: That's okay.

MR. SCIARA: Okay. So, if you had a gable ended house, then the same rule would apply. They want to set it back from the facade. Now, the problem again with this is a lot of houses are small, there's lots of trees around. And to get maximum solar access, you know, the best light on your panels, you're going to need as much flexibility as you can to get them working. So, the more restrictions you place on the panel, the more difficult it's going to be.

And then, the worst case is if you have a -- roof which is a lot of the bungalows in Evanston, it's pushed back from this little point here, which we really can't quite find the architectural name for it but sort
of where the ridge meets the -- rafter there, and pushes it farther back, thereby giving you even less room to put your panels.

So, I took some pictures of what the panels kind of look like. This is like a -- location of a typical panel. Here's a different, depending on your orientation, you can see I did the sunlight there backwards because the sun is in the wrong way. There I turned the sun around.

So, in this instance, you know, because of the way that the house would be, there is an instance where a panel like this may be necessary to get the light you need. I mean, unfortunately, the sun is where the sun is, the houses where the houses are. This is going to be a realistic situation that you're going to run into.

Here is a flat building that you would see. And I'm going to, let me go to, I have a presentation of photos and I apologize. I got a new laptop at work and so it has to be --

MS. DIENER: Mr. Chairman, can I ask a question?

CHAIRMAN JEAN-BAPTISTE: Yes, go ahead.

MS. DIENER: Did your group sort of confirm
that the Preservation Commission's ordinances about this area are --

ALDERMAN RAINEY: I don't think he knows you're talking to him, Ann.

CHAIRMAN JEAN-BAPTISTE: Hold on one second. Hold on one second. Let me just get -- okay.

ALDERMAN RAINEY: There we go.

CHAIRMAN JEAN-BAPTISTE: Before you go on, there's some questions.

MS. DIENER: Yes, did you hear -- the request from the Chairman of the Commission or Committee.

CHAIRMAN JEAN-BAPTISTE: Go ahead.

MS. DIENER: I'm asking you, sir, has your group read the standards for the Preservation Commission in regard to this type of design?

MR. SCIARA: No, I didn't really have standards.

MS. DIENER: Well, I'll tell you. You may, I suggest that you do because one of the standards that reconsidered with roofs and so on or any changes in roofs particularly in a landmark house or an historic district, one of our requirements is that it not be seen from the street.
CHAIRMAN JEAN-BAPTISTE: Okay. Ms. Diener, what I'll do is as soon as he gets through with his presentation, is ask you to please respond, okay? Thank you. Go ahead.

MR. SCIARA: So, these are just some photographs of existing installations, some in Evanston and some around town just to kind of, just so you get a feel for what, you know, we're looking at here. And obviously this is an accessory building, it's a garage of some sort. You have a flat roof mounted situation. Here are some panels above a garage.

This is the, this actually is out in Hinsdale but it's a typical example of what -- because most of the panels that would be installed are probably going to be retrofits. That's just where buildings -- Here are some panels on the side of a house.

So, the changes that we would propose is change the yard setback, the plan dimensions to the edge of the roof or the setback for the zoning district, if it's R-1, three feet from the property line, you know, whichever is less, the edge of the roof or the yard setback. And then the height, eliminate the visual requirements, i.e., don't, like if the, one of the
requirements in the zoning text was it has to be parallel to the roof. Well, if you have an existing building that's usually a 6'12, a Chicago bungalow is about a 6'12 or a 4'12, that's not nearly the optimum angle for the panels. So, eliminate the requirement that it needs to be parallel to an existing roof.

ALDERMAN RAINETY: Because it's can't be to be effective?

MR. SCIARA: It won't be effective. I mean, you can do it, you just start to lose performance dramatically.

ALDERMAN RAINETY: I mean, it's important that you tell us that because that's why we sent it to you to give us that detail.

MR. SCIARA: Yes, all of this is to improve the performance of the panel. And eliminate, right now it's at one-foot higher than the ridge and we'd like to see that made to be a four or five. You can see, for example, some of these, it's probably a little bit more than one foot above the ridge in some of these cases. So, we think one foot is a little bit too restrictive. But four to five is probably more in the range.

Now, you don't want these things sticking way
up in the air. I think that was one of the objections about the house on Colfax is that they're sort of like a little tower frame. But four to five feet may be a more reasonable number.

So, I don't actually have a proposed text because I wasn't sure how far we're going to go with this. But those, and in general, I think we're looking for you guys to give direction to the Zoning Commission, sort of the direction that you would like them to go and write the text because I think they were sort of operating in a vacuum without a lot of direction or moral authority from the City Council.

CHAIRMAN JEAN-BAPTISTE: Alderman Wynne?

MR. SCIARA: Thank you.

ALDERMAN WYNNE: Was there a particular house that triggered the inquiry into this?

MR. SCIARA: Yes, it was on, I forget the address. It's on Colfax I think.

ALDERMAN WYNNE: And Arlova, what was the problem with it?

MS. JACKSON: There was an appeal of the current, the current text limits solar collectors to be no more than a certain percentage of the length of the...
wall on which they're located. And someone made an
application to put up collectors and I believe we found
them to be noncompliant. That decision was appealed to
the Zoning Board. And then, ultimately it didn't matter
because the Zoning Board found that because the proposed
location was not within the required yard, that that
regulation didn't apply. So, they were allowed to put
them where they were put.

As a result of that, the Environment Board
decided that we just needed to change the language
because it wasn't --

ALDERMAN WYNNE: Okay. Can I ask a new
question?

CHAIRMAN JEAN-BAPTISTE: Yes, go ahead.

ALDERMAN WYNNE: Now, we don't have it in here
but there was, we had before when this came before us a
transcript of the subcommittee, Zoning Subcommittee of
the Plan Commission. And my memory is Ellen Gallan was
on that group and several others.

MS. JACKSON: People came in and out. There
wasn't that much input, there wasn't so much neighbor
input. It went on for several months, so we had a few
people at one meeting, some different people at the next
meeting. Most of the discussion was amongst the Committee and --

MR. SCIARA: There wasn't a lot of citizen, other people, you know, it sort of dragged out a long time.

ALDERMAN WYNNE: My next question is to what degree do we have, and this is for your own, do we have complaints about the aesthetics of solar panels that you hear of them?

MS. JACKSON: I don't hear of them. I've never even --

ALDERMAN WYNNE: Okay. Do you know how many houses we have with solar panels in the City? I think that was in the transcript before.

MR. SCIARA: 66.

ALDERMAN WYNNE: Okay.

MR. SCIARA: Roughly. Addison actually has one of the largest concentrations of residential solar collectors.

CHAIRMAN JEAN-BAPTISTE: Jim, have you heard any complaints?

MR. WOLINSKI: Just the one that Arlova was alluding to, the 1507 Colfax.
ALDERMAN WYNNE: But they were complaining because they couldn't do what they wanted, not someone complaining about aesthetics.

MR. WOLINSKI: Right, right. No, I've heard no other aesthetic complaints.

ALDERMAN BERNSTEIN: But they were allowed to do it because it wasn't violating any of the setbacks.

ALDERMAN TISDAHL: But they did have the neighbor complain.

MR. SCIARA: No, they had a neighbor complain.

ALDERMAN BERNSTEIN: But it's like extending the roof too tall or too close to the side yard or whatever. And that's not the nature of --

ALDERMAN WYNNE: Wait, so there was a neighbor complaint. That was my original question.

ALDERMAN BERNSTEIN: Yes, that's how it got to the Zoning Board.

ALDERMAN WYNNE: I'm sorry, I misunderstood. I thought that they came in and wanted to do something different.

ALDERMAN TISDAHL: No, the neighbor came back from vacation, found this solar panel right next to her house and complained.
MR. WOLINSKI: I think the issue that you've got to look at with this -- I'm sorry.

CHAIRMAN JEAN-BAPTISTE: Go ahead.

MR. WOLINSKI: And it's one of aesthetics although, you know, you try to balance it off with trying to be energy efficient is the one foot higher than the ridge, you know, which is in the ordinance text as proposed, and the Environment Board is saying four to five feet. So, you're adding basically four to five feet in height to a single family home. And that's a lot.

MR. SCIARA: But I think we all have --

CHAIRMAN JEAN-BAPTISTE: Hold on one second, okay? Alderman Moran?

ALDERMAN MORAN: I would like to suggest that the Committee send this to the Zoning Committee of the Plan Commission and that I don't think we should say to them that aesthetics have nothing to do with this. But I think what we should say is that what we would be looking for is more liberal treatment of solar panels than one that they gave us and that we acted on, we introduced it. And that they work on a compromise that accommodates to some degree, I'm not saying maybe to
every degree here, but to some degree making the
placement more liberal so that greater efficiency will
be gained but still doing it in a way that would be
sensitive in context of neighborhoods. If that makes
any sense.

    CHAIRMAN JEAN-BAPTISTE: I think it does.

    ALDERMAN MORAN: And give us a revised
ordinance.

    CHAIRMAN JEAN-BAPTISTE: It makes sense. They
need to speak on it. Go ahead. Alderman Bernstein.

    ALDERMAN BERNSTEIN: That makes sense to the
extent that, I mean, like I said, if it's not in the
building, if it's a preexisting building, don't change.
So, you have to put it in such a location, in such an
angle to capture the sun's rays or else don't put it on.

    So, there may be some conflict.

    ALDERMAN MORAN: Well, I think it's inherent
that there's some conflict. And I just, my suggestion
would be let's find the resolution --

    ALDERMAN BERNSTEIN: To the extent that we
can.

    ALDERMAN MORAN: At a level where these could
be more effective if they are installed.
CHAIRMAN JEAN-BAPTISTE: Well, we need effectiveness and balance that with --

ALDERMAN MORAN: Right.

CHAIRMAN JEAN-BAPTISTE: Okay, Alderman Tisdahl? And then Alderman Rainey.

ALDERMAN TISDAHL: I value effectiveness of solar panels over aesthetics because I don't want to be in a position where someone wants to put up solar panels and we have regulated it so that they will not do it. I think the environment is at a crisis and when I look at solar panels, I like the look of it because I think someone is trying to do the right thing.

CHAIRMAN JEAN-BAPTISTE: Alderman Rainey?

ALDERMAN RAINEY: Well, I agree with this completely. When I see a solar panel installation, it's very exciting. And it's encouraging.

CHAIRMAN JEAN-BAPTISTE: Yes.

ALDERMAN RAINEY: But the thing that is just very disturbing and it's in the cover sheet, that, you know, the proposed amendment, well, now if a roof mounted installation so long as they're not visible from the street, what if you live on a corner? I mean, that just makes absolutely no sense whatsoever. So, it's
fine to send it back to the Zoning Committee of the Plan

Commission, I would do that. But I think the

Environment Board has to go there and explain some of

these things or at least provide them with the

materials.

MR. SCIARA: We were there. We didn't have a

vote.

ALDERMAN RAINEY: I know you were, but I don't

think that they had the same direction as they have now.

MR. SCIARA: I think they'll have a little

more direction now.

ALDERMAN RAINEY: Yes.

MR. SCIARA: You guys can do something of that

nature.

ALDERMAN RAINEY: Yes.

CHAIRMAN JEAN-BAPTISTE: Right. Alderman

Bernstein?

ALDERMAN BERNSTEIN: I would also like to

invite the Energy Commission, the fact that they're

alternate energy sources, let's expand that conversation

in the world today. I think they would like to -- as

well.

ALDERMAN RAINEY: But did you see what this
says? It says the Energy Commission supports the
recommendation, the regulating of -- I mean, that was --

ALDERMAN BERNSTEIN: Within certain
parameters, I get the sense it was not as inclusive as
the not from the site. I got that.

CHAIRMAN JEAN-BAPTISTE: And I would also
suggest since Ms. Diener has started to make a
statement, that the Preservation Commission also engage
in the process --

MR. SCIARA: Right, we have -- with them.

CHAIRMAN JEAN-BAPTISTE: And so, do you still
want to make a statement or you'll just hold that for
the --

MS. DIENER: Well, I think it would be helpful
for everybody if the, I'm speaking for myself as a
Commissioner because we have encountered a request for
solar panels, it's on a landmark house in the Lake Shore
District on Judson Avenue. And they came to us because
they were a landmark house in a historic district and
they wanted to make sure that where they place their
panels was a reasonable direction, that it would be
approved by the Preservation Commission. There is a
standard in some of our study, shall we say, or
requirement that things be not seen from the street.

MR. SCIARA: Right, and I agree. Preservation district again is a subset, is a small subset of the overall --

MS. DIENER: Well, what I'm requesting is if you could deliver a copy of this proposal to the Preservation Commission so that we could study it, too?

MR. SCIARA: Oh, sure.

CHAIRMAN JEAN-BAPTISTE: So, then we need some direction. We need, I would say that it should go to Zoning, right? Under your leadership -- except that you guys, you know, you gather all these pieces together, all of these entities and try to have some discussion and bring back a recommendation. And until that time, it's going to be wide open because we have no specific recommendation. So, if somebody wants to take the initiative and install, they can do so. All right?

So, as soon as you guys can come back with something, then we can consider it.

ALDERMAN BERNSTEIN: -- hold it in Committee or do we have to table it to a date certain? All right, we're just holding it in Committee?

CHAIRMAN JEAN-BAPTISTE: Yes, hold it in
Committee. Okay? So, this is what we're doing. We're holding a bunch of stuff in Committee.

(Whereupon, the hearing in the above-titled cause was adjourned.)
CITY OF EVANSTON
PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: P3
RE: PLAT OF RESUBDIVISION - 1037-1041 FLORENCE.
Proposed plat of resubdivision into two lots for an existing single-family residence and a two-family residential building.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held November 13, 2006 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:43 p.m. and presided over by L. Jean-Baptiste, Chair.

PRESENT:
A. RAINEY
S. BERNSTEIN
E. TISDAHL
E. MORAN
C. WOLLIN

L. JEAN-BAPTISTE, Chair
M. WYNNE
D. HOLMES
A. HANSEN

STAFF:
J. WOLINSKI
A. JACKSON
H. HILL

LeGRAND REPORTING & VIDEO SERVICES (630) 894-9389
CHAIRMAN JEAN-BAPTISTE: Our next item is P3.
This is a proposed re-subdivision into two lots of an
existing single-family residence and a two-family
residential building that's at 1037-1041 Florence. And
we have two of our most stellar local attorneys who will
be addressing the issues. James Murray is the first. I
believe that he is for the subdivider.

MR. MURRAY: On their behalf, this is for a
property that has two single-family residences, I'm
sorry, two residential uses, one single family, one two-
family that has occupied the site for eight years. In
the course of the last few years after Mr. Hollingsworth
had originally owned the properties on Greenleaf which
are now owned by Mr. Engelman's client, those were sold
off pursuant to a subdivision request as mentioned to
the Zoning Board of Appeals. Recently, the
Hollingsworths have decided that they would like to
divest themselves of at least one of these two
properties. The methods were made known to them. So,
we submitted applications and a Certificate of Zoning
Compliance was issued by the Zoning Department subject
to a revision which involved the location of parking
spaces to serve the two lots of residences.
In the process of revising the site for the parking, the initial approvals were contested by Mr. Engelman's clients based upon his own perceptions of what was actually required by virtue of the 1986 subdivision of the properties from the Greenleaf Properties. What we have before you are, in my view, ministerial action that requires the City Council to approve. Mr. Engelman has a point of view that is not consistent with my client's and we think that this is a simple act. There have been no additions to or subtractions from the status quo by this request.

The easement that has become an issue between the owners of the Greenleaf Properties and the Hollingsworths will remain the same. It is shown as being present on the plat of subdivision that's been submitted to you for approval. And we suggest that by virtue of the zoning classification and the meeting of all of those requirements, that the necessity for doing anything other than recognizing the prior drawing showing the easement as it was in 1986 in that subdivision is all that would be necessary. We would ask that you exercise your ministerial responsibilities and approve this subdivision.
CHAIRMAN JEAN-BAPTISTE: Okay, thank you very much. Mr. Engelman?

MR. ENGELMAN: Thank you, Mr. Chairman. I want to pass out a package, and I apologize that I didn't get this to Staff in time to put it in your packet. Unfortunately, we didn't know about this, this all came up on site plan on Wednesday. And then we couldn't get the packet together. I'm going to walk you through four maps. I'm not going to ask you to read anything, I will walk you through four maps.

CHAIRMAN JEAN-BAPTISTE: In the future, Mr. Engelman, you'll have to submit this Friday by noon, the previous Friday. But for now, our rule has not gone into effect, so you can go ahead and we'll accept this into the record.

MR. ENGELMAN: Okay, thank you. I represent Chev Miller and -- who own Greenleaf Property. Mr. Miller is here tonight. If you turn to the plat of survey marked with an 8, this is the plat of survey as the property existed back in 1985 when Mr. Murray's client, the Hollingsworths, owned the property. Actually it was owned by a land trust, Mr. and Mrs. Hollingsworth were the beneficiaries. Along Greenleaf
Street is and was commercial property which as you can see had a portion of the lot that extended all the way down to the alley to the south. Along Florence Street were the two residential properties Mr. Murray talked about.

In 1985, the Hollingsworths applied for a plat of subdivision of these properties. And if you turn to the next page which is marked Exhibit 7, this is the plat of subdivision they submitted to the City at that time. They were going to subdivide the property so that the Greenleaf facing property would be one owner and Florence Avenue with two houses would be another one. The plat of subdivision included, in the lower right-hand corner, a 14-foot wide easement so that the Greenleaf property would have access to the alley. And it's important to note that this is a 14-foot wide easement for ingress and egress, and that's all this is.

In order to get this plat of subdivision, the Hollingsworths had to go to ZBA. When they were before the ZBA, they testified as follows. On page 9 which is the next page, the second paragraph down, Mr. Erickson, in talking about the 14-foot easement, it's an amount necessary that was determined, Mr. Erickson is the
attorney for the Hollingsworths, it's an amount necessary that was determined with the surveyor as necessary to back in a vehicle for access. Mr. Erickson again, two paragraphs down at the bottom, its purpose in this particular proposal is to give access in the event there is a separation of ownership so there is access from the alley or possible access to the alley.

And they also testified next page, halfway down the page, Mr. Hollingsworth, that's Mr. Murray's client, they want the easement in the event they want to get out to the alley, say like garbage pickup and stuff like that. And on the next page, Mr. Hollingsworth again, there is a tenant at 1523, the building in the upper right-hand corner in the rear, and they park their car back there and they use it. So, they walk the garbage out, put it out on the side and at present there's a parking place back there.

So, what we have come up with was we would still give them the same privileges but with an easement. Instead of denying them access by drawing the lot line straight across and fencing it off, they wouldn't haven't access to the alley, the tenants there would have to put the garbage out in front. So, they
were granted an easement in 1985 across the back for the purposes as testified. At least that's our position.

Next page, this here is a copy of the actual plat of subdivision that was reported in 1985, signed by the owners of the property which was the Illinois Bank Land Trust and by the way signed by the City of Evanston. You will notice in the upper right-hand corner where the plat is, it shows 14-foot easement for ingress and egress for pedestrian purposes.

Shortly after that plat of subdivision was recorded, my clients purchased the Greenleaf Properties. And they use it for commercial purposes plus the one house that they rent out. They've used it this way for 18 years. They've brought vehicles in. They use it for egress and ingress. My client is an artist, she backs up large pallets that way. Their tenant also parks their car back along that easement by the alley and that's where they put up the garage.

In June of 2005, the Hollingsworths submitted a proposed plat of subdivision to the City. They wanted to divide their two houses into two lots. In order to meet the parking requirement, they put the parking for their Lot 1, the two-story frame house, along the east
lot line right across the easement, the 14-foot wide
easement that should have gone all the way up to the
north -- approved this. We found out about it and we
wrote a letter to the Zoning Department to reconsider.
Actually we asked for a revocation.

City Staff got involved and they ultimately,
on November 3, issued a letter. But before I get to the
letter, during the subsequent year, excuse me, during
the subsequent six months, the applicants filed a new
plat for subdivision and that's the last page, the
second -- the next survey, which now relocates the
parking here off the easement. The problem, however,
from my client's point of view is at the same time they
submitted this application for subdivision before you,
they had pending before the City an application for a
fence permit. And unfortunately, your City Staff issued
a letter on November 3rd which is the next letter down.
I just want to read two sentences at the bottom for --

ALDERMAN RAINEY: Can I interrupt you?

Alderman?

CHAIRMAN JEAN-BAPTISTE: Go ahead, go ahead.

ALDERMAN RAINEY: You know, we are sitting
here, we have what appears to be a simple request,
ministerial in nature. We get this handout from you, and in it, I flip to the back, I see a November 3rd letter, 2006, from our Staff to you about a matter in our packet. It also references a legal opinion on a matter in our packet that was written on September 18th. Why didn't we get this information?

CHAIRMAN JEAN-BAPTISTE: And this is a May 10th letter.

ALDERMAN RAINEY: Why didn't -- but there's a legal opinion on this very matter from our Staff, from our Legal Department on September 18th and a letter to Alderman Engelman on November 3rd. And we're being asked to think about this and read this now? I mean, it just doesn't, but this is to Arlova. We don't need to have that, but things that are from Arlova and from our Legal Department about a matter in our packet, we shouldn't be sitting here listening about it from an opponent of the matter that is before us. It just seems we should have had some clue that this was a controversial issue before Alderman Engelman stands up.

CHAIRMAN JEAN-BAPTISTE: That's true. And that's probably what the procedure is trying to --

ALDERMAN RAINEY: I just, we're put in this
horrible spot. I don't understand.

CHAIRMAN JEAN-BAPTISTE: Yes. Let me do this and I'll come back to this. I think you were getting ready to make the statement about the punch line. So make the punch line and then let's pick up where we are.

MR. ENGELMAN: Your Staff has said the alleged easement was not created in accordance with statutory requirements. To be valid, an easement in land must be in writing and signed by the party making the same. Well, the easement, the 14-foot easement that was afforded in 1985 was signed by the Hollingsworth's Land Trust, it was signed by the City of Evanston. How can the City Staff now take the position that it was not properly created?

But what creates the problem here is the next sentence. Since the easement was never put in writing, it was not properly created, hence, not a bar to the subdivision of this property or the issuance of a fence permit along the north lot line. Now, we were opposed to parking on the easement. And on November 3rd when we got this letter, we found out that they had submitted or revised plat of subdivision and moved the parking off the easement. But now our problem is --
CHAIRMAN JEAN-BAPTISTE: 30 seconds, sum up.

MR. ENGELMAN: This is it. Now our problem is that City Staff is saying that there is no easement, and therefore, no impediment to fence our property off from their property, and thereby fence it off from the alley.

CHAIRMAN JEAN-BAPTISTE: Okay. Can I just ask you this?

MR. ENGELMAN: Yes.

CHAIRMAN JEAN-BAPTISTE: Have there been any discussion between you and Mr. Murray --

MR. ENGELMAN: Mr. Murray and I have had several --

CHAIRMAN JEAN-BAPTISTE: Around this issue to try to find some kind of resolution?

MR. MURRAY: We have had several discussions and have not been able to find a resolution as a result of those discussions. Now, I would point out that there is a fence there currently with an easement and it's to be replaced. The issue of the fence is really a red herring to the entire array as the you may or may not have the benefit of materials submitted by Mr. Engelman this evening, I don't have the benefit of having seen those materials although I probably have seen them in
the past. But the suggestion that there have been
multiple plats of subdivision is just not true. There
had been parking lot layout plans submitted and -- but
not the slightest change in any subdivision.

CHAIRMAN JEAN-BAPTISTE: Okay.

MR. HILL: Alderman Jean-Baptiste?

CHAIRMAN JEAN-BAPTISTE: Yes, Attorney Hill?

MR. HILL: In this room a few minutes ago, I
asked both, I asked former Alderman Engelman and former
Corporation Counsel Jim Murray if they would attempt a
mediation with the Law Department and try to solve this
prior to the next City Council meeting and try to
resolve the issue. I haven't gotten concurrence. I
thought that could be the proper resolution to this
issue.

CHAIRMAN JEAN-BAPTISTE: Yes, because one of
the things, I think Alderman Rainey raised a legitimate
issue. If you had a one-page issue, a very simple
proposition, then it would make it easy on us to
contemplate all of the conflicting issues. But we need
to spend a little more time thinking about it. And it
seems to me that if there is an offer to mediate, that
we should take that option and explore it because this
is not an urgent matter, is it?

MR. MURRAY: -- a long time and my client's view is the matter -- should be moved along.

CHAIRMAN JEAN-BAPTISTE: Okay, that's fine.

That means it's not an urgent matter. So, what we ought to do is this. We're going to hold this in Committee and refer it to mediation, okay? So, we appreciate the intervention. And if we could get something in advance to let us know where you guys are at, then we'll be able to come here prepared to deliberate on it.

MR. HILL: Well, for the record, I will speak with both representatives right after this meeting and see if we could arrange a date to meet this week to get on with the process.

ALDERMAN RAINEY: Also, I want to see this September 18th legal opinion from our Law Department. I want to see that one. He wrote it.

MR. HILL: -- Committee Development has it, when they will produce it, I cannot comment.

CHAIRMAN JEAN-BAPTISTE: Okay. So, did you have an issue with holding it in Committee and referring it to mediation? You have a substantive kind of --

ALDERMAN BERNSTEIN: No. I don't know --
well, I don't know if it's substantive. That's to be 
determined. I would like, to the extent that you can't 
find some common ground, I would like Mr. Murray to 
address the issue raised by Mr. Engelman with respect to 
the validity of the easement responsibly look at it. 

MR. MURRAY: Yes, I have. 

CHAIRMAN JEAN-BAPTISTE: He hasn't gotten 

the -- 

ALDERMAN BERNSTEIN: I mean, I don't agree 

with Alderman Rainey's -- it is customarily ministerial 

which means for the benefit of those who don't know what 

ministerial means, we have no right to do anything but 

acknowledge the fact that the two resulting lots are 

legal conforming lots and we go on with our life. To 

the extent that the City of Evanston had a part of 

creating this easement as a part of a zoning case, I 

mean, that's something that I think we have to discuss. 

CHAIRMAN JEAN-BAPTISTE: Yes. 

ALDERMAN BERNSTEIN: So, if it has to come to 

a -- resolution, please be prepared to discuss that -- 

CHAIRMAN JEAN-BAPTISTE: Right. 

MR. MURRAY: I wouldn't want you to believe 

that the method by which the easement was created was a
process which was enforced and/or required by the City because that's not the case.

ALDERMAN BERNSTEIN: I understand. I mean, from having read this excerpt from, you know, the prior reviewing, it was an accommodation given to the Zoning Board in exchange for which the applicant -- received his subdivision. I'm guessing he probably would have if he made this accommodation. So, we had a part of it, we signed on it. And I'd just like to know, you know, I don't know that in my knowledge of the law, that easements necessarily have to be written to be valid. There are easements by description but now if you're telling me, and I did see the fence there, but I didn't know about the presence of this fence permit --

MR. ENGELMAN: There is no fence in the --

CHAIRMAN JEAN-BAPTISTE: But you know what? We don't want to spend the rest of the evening -- excuse me.

ALDERMAN BERNSTEIN: All right. I'm just saying if you could just respond to that please.

CHAIRMAN JEAN-BAPTISTE: Okay. So, we'll see you guys two weeks, well, we'll see you two weeks from today assuming that, you know, you either made progress...
or have decided you cannot make any progress. Okay?

All right.

(Whereupon, the hearing in the above-titled cause was adjourned.)
Planning & Development Committee  
Meeting Notes of November 13, 2006  
Room 2200 – 6:30 p.m.  
Evanston Civic Center


Presiding Official: Alderman Jean-Baptiste

DECLARATION OF QUORUM

Chair Jean-Baptiste called the meeting to order at 6:38 p.m.

APPROVAL OF THE MEETING MINUTES OF OCTOBER 26, 2006

The minutes were approved unanimously with no changes or corrections.

ITEMS FOR CONSIDERATION

(P1) Ordinance 114-O-06 – Planned Development & Map Amendment – 2424 Oakton

In summary:

This item was introduced and referred back to Committee to allow the Citgo representative to be brought in.

(P2) Ordinance 108-O-06 – Special Use – 2012 Central Street

In summary:

This item was approved unanimously.

(P3) Plat of Resubdivision – 1037-41 Florence

In summary:

This item was held until the owners of both could meet with the City Law Department for mediation.
In summary:

This item was referred to the Zoning Committee of the Plan Commission and will return to Planning & Development Committee agenda in December.

In summary:

This item was approved unanimously.

ITEMS FOR DISCUSSION

In summary:

This is a proposed amendment to the ordinance from Ald. Hansen with changes to Section 5-7-4(A) and 5-7-8: Inclusionary Housing Requirements and Cash Payment in Lieu. Also changes to Section 5-7-7(D), (E): Distribution and Attributes of On-Site Affordabe Dwelling Units. The proposed ordinance will be on the November 13th agenda as an Item for Consideration.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Jacqueline E. Brownlee (Notes from Bobbie Newman)