Planning & Development Committee  
Minutes of February 11, 2008  
Council Chambers – 6:30 p.m.  
Evanston Civic Center


Alderman Absent: E. Moran


Presiding Official: Alderman Holmes

DECLARATION OF QUORUM

Chair Holmes called the meeting to order at 7:16 p.m.

APPROVAL OF THE JANUARY 22, 2008 SPECIAL MEETING MINUTES AND REGULAR MEETING MINUTES OF JANUARY 28, 2008

Ald. Jean-Baptiste moved approval of both sets of minutes, seconded by Ald. Wynne. Both meeting minutes were approved with a vote of 8-0.

ITEMS FOR CONSIDERATION

(P1) Request for $300,000 in HOME Funds – Grant for Three Affordable Condominium Ownership Units – 241 Callan Avenue

Chair Holmes announced that staff has informed her of the applicants request to be removed from the agenda this evening and to come back at the next scheduled P&D meeting or the first meeting in March. The applicant has also indicated that he will be amending his plan as well.

(P2) Ordinance 29-O-08 – Rescinding the Evanston Landmark Designation from the Property at 1218 Elmwood Avenue

Mr. Wolinski gave background information on the property as outlined in the Agenda Item Summary. He noted on June 20, 2006 the Preservation Commission denied the Certificate of Appropriateness for the demolition of the landmark property on this site. The property owner followed with an appeal application on July 20, 2006 and on August 14, 2006 the P&D Committee approved a motion to hear the appeal. The hearing was held on September 11, 2006 and the City Council passed a motion to reverse the Preservation Commission’s denial due to proven evidence that the condition of the property was virtually impossible to rehab given the mold and structural problems. Mr. Wolinski stated that the property was demolished however the land is still listed with a landmark designation which would require any construction to be approved by the Preservation Commission. On December 6, 2007, the owner submitted an application to rescind the landmark designation and the Preservation Commission held a public hearing resulting in a recommendation to the City Council to rescind the landmark status.

Ald. Bernstein noted from the Preservation Commission minutes that the owner is being requested to put a sign on the property listing the historical significance. He does not feel this should be a requirement of the owner but instead a right to choose whether they want to purchase
Ms. Anne Dienner, 1034 Sheridan, member of the Preservation Commission, explained the Commission’s position with the requested signage. The find this property to have a very important historical significance because the house on this site was the home of the first principal and superintendent of Evanston Township High School. The Commission suggested a boulder or a sign of reasonable size with a communication recognizing this historical significance and the owner agreed to this. Ms. Dienner assured that this was an agreement more so than a requirement. Ald. Bernstein still felt that in the manner it was done it appears to be a requirement of the owner and is somewhat an overstepping of the Preservation Commission’s position. He just wants it clarified that the owner is not obligated to place a sign on the property stating the historical designation unless they choose to do so.

The vote was 8-0 in favor of the motion.

(P3) Ordinance 30-O-08 – Preservation Fee Ordinance
Ald. Wynne moved approval of Ordinance 30-O-08, seconded by Ald. Tisdahl. The motion was approved with a vote of 8-0 in favor.

(P4) Ordinance 31-O-08 – Licensing of Rental Dwelling Units
Ald. Rainey moved approval, seconded by Ald. Wollin.

Mr. Wolinski informed the Committee that this issue was proposed by staff to Council a number of years ago but was never conclusive and subsequently tabled on the agenda. Staff is again bringing this back before the P&D Committee for consideration and recommendation for approval. He said that staff supports a rental licensing fee program because it is a form of assurance to renter that the licensed unit meets the minimum standards of the International Property Maintenance Code, Fire Prevention Code and City Health Codes. Mr. Wolinski noted that the City currently inspects approximately 14,000 apartment rental units on a cyclical basis but does not charge for this service. In the CDBG Target Area there are approximately 3,000 rental units that are inspected on a 2-2 ½ year schedule; all other rental units are on a 4 year cycle. He explained that although the Housing Code Compliance Division received CDBG support funding for the Target Area inspections, there is no inspection revenue and should not be considered as cost recovery revenues.

Mr. Wolinski said that staff feels this licensing of rental units will help solve some of the ongoing issues with problem buildings and problem tenants and unresolved compliance issues with some of these landlords. Previously the Property Maintenance Code citations went before the Circuit Court which usually resulted in a slow process whereas the city did not always receive relief after having some of these cases on court over a timely period. Thereafter, the Property Maintenance citations were heard by the Administrative Adjudication hearing process and staff thought this would help expedite enforcing compliance. However, with Administrative Adjudication, liens were placed on properties but these liens were rarely collected until the sale of the property and many buildings still remained in non-compliance and on-going problem issues. Also, many buildings end up being boarded and remain vacant for long period of time becoming blight in the neighborhood. Mr. Wolinski stated that this licensing fee for rental units can be considered as a privilege instead of a right by these problem landlords and can be a strong tool for City Staff to gain compliance in a timelier manner. This program can allow the City to revoke
the license of a rental unit so that unit can not be rented until compliance is obtained. Under this proposed Ordinance, a license may be revoked by the Director of Community Development for the following reasons:

- Violation by the owner or his/her agent of the terms of this Chapter
- If the owner of the relevant dwelling unit is judged to be maintaining a nuisance premise in violation of Section 9-5-4 of the City Code.
- If the unit has been deemed to be vacant under the Vacant Building Ordinance.
- If the City or other government agency condemns or vacates the rental dwelling unit, or the premises wherein the dwelling unit is located.

Prior to revoking a license, the Director of Community Development will convene a revocation hearing with the owner and Property Standards staff, allowing the owner to rebut the City’s evidence supporting revocation. The Director shall issue a written decision constituting a final decision upon the revocation hearing for purposes of judicial review pursuant to the Administrative Review Law of Illinois. An appeal by the owner will go before the Circuit Court.

Citizen Comments

Dan Schermerhorn said he objects to this Licensing of Rental Dwelling units ordinance. First, he complimented Mr. Wolinski’s Property Standard’s staff for their current inspection program and process; that it has worked well in his opinion over the years. He feels the tools are already in place to gain compliance from these problem landlords: Health issues should be governed and enforced by the Health Department regulations and for problem tenants and nuisance problems should be handled and enforced by our Police Department. He has a problem with the Community Development Director, along with Property Standards staff, hearing the revocation cases; the hearings should be handled by a non-partial person. Mr. Schermerhorn reiterated his opinion as he has stated when this ordinance was proposed a few years ago, that it is very penalizing to those landlords and building owners who do take care of their properties, which are the majority in Evanston.

Mary Kay Managhan works for a property management company from Schiller Park. She has no problem with the City inspection program, however it should not be licensed. Instead buildings should be registered, this way the significant information needed on each property owner/landlord will be on file if legal action is required. She strongly feels this fee per unit will only raise the cost of living because the landlord will pass this cost on to the tenant.

Albert Bowen, owns several buildings in Evanston. He has been a resident for over 60 years and says the cost of owning rental property is already too high and is getting harder and harder to rent and maintain the buildings. He also strongly feels this fee will be passed on to the tenant and will only make it even harder to rent units. Soon no one will be interested in renting in Evanston because they can rent cheaper in other communities.

Betty Sue Ester, 2114 Darrow, said that this fee is adding a cost to people who can not afford it; the tenants. She also agrees with the comments made previously that this fee will only be passed onto the tenant. She pointed out that Evanston has a Nuisance Ordinance that is in place to assist the landlord in removing bad tenants and this method does not cost the landlord anything. She said there are already too many fees and cost to Evanston residents for almost everything. All these fees only discourage people from wanting to live here.
Anna DiMarco, 1041 Ridge Court, asked if there have been any public meetings held with property owners and landlords regarding this licensing fee. Mr. Wolinski informed her that this has been a 10 year on-going matter and several meetings have been held over the years. Ms. DiMarco suggested that a panel of property owners be formed to consider any types of fees and costs proposed that will affect home and building owners and landlords. This Committee should also be the body to hear any revocation cases, instead of City staff. She also noted that this licensing of rental dwelling units will make it harder to sell their buildings in the future as well.

End of Citizen Comments

Ald. Bernstein said that he has no problems with registering buildings because the $40 fee per rental unit seems unreasonable in his mind. He agrees with the comments made that this cost will only be passed onto the tenants. He raised several questions on the amount of money being collected for rooming house fees with only 88 room houses in Evanston. Mr. Janusz informed that the rooming house fee is $160 per building and a $26.00 fee per roomer. Ald. Bernstein stated that other than being a revenue production, he does not see what real benefit there is to this fee program. He is more in favor of having some type of building registration in place.

Ald. Rainey supports this proposed ordinance for licensing of rental dwelling units. She described some of the horrible building situations in her ward that have been on-going and one building that is virtually out of control. This building is owned by a landlord that they have taken to court, put fines on the building but the property remains out of control with no expeditious way to rectify these problems. She realizes that the majority of rental building owners do keep up their properties but those few problem buildings make it bad for everyone. She feels this fee can help the overall quality of life in Evanston because these problem buildings, landlords and tenants mostly effect the surrounding residents and the neighborhood. Ald. Rainey said that she would like to bring these neighbors of those problem buildings in to testify to the horror and awful conditions they have to live with every day.

Ald. Jean-Baptiste stated that he does agree with the proposal to license rental dwelling units however the fee needs to be more cognizant to landlords that are already struggling to rent their units. He would support assistance or a lesser fee amount for those landlords who can show a case of hardship.

Ald. Bernstein questioned why the Administrative Adjudication hearing process would continue to slow the process down in assisting City staff’s enforcement to obtain compliance with these problem landlords. He said the City needs adjudication officers that will help expedite compliance; this hearing division was formed to alleviate the timely process experienced with the Circuit Court proceedings. He also feels the City needs to be more aggressive in enforcing our current ordinances in place and in the collection of fines and liens. Mr. Wolinski defended that City staff have the constant burden of being the aggressor in most cases against property owners, the court system and sometimes even other government offices and agencies.

Ald. Wollin noted that there are so many students that are being taken advantage of by these scrupulous landlords and illegal rooming house buildings. She would like to see this problem rectified by either some type of licensing or building registration program.

Ald. Hansen pointed out there are several laws, regulations and existing ordinances that should help alleviate and assist City staff with these problem buildings, however they are not being
utilized and enforced. She does not see how a licensing fee for every rental dwelling unit will help improve or ease gaining compliance from these few bad landlords.

After discussion, the Committee requested that staff address some of the concerns brought to attention this evening including: 1) question of the Community Development Director being the revocation hearing officer, 2) registering buildings versus the licensing of rental units, alternatives to the $40 flat fee per unit, possibly having a graduated fee scale.

**The vote was 7 in favor of the motion to introduce and bring back to allow staff’s response, 1 voting nay (Hansen).**

(P5) Ordinance 32-O-08 – Plan Commission Recommendation for a Map Amendment and Planned Development at 708 Church Street

The Committee discussed setting a special meeting to allow sufficient time to hear the developer’s presentation and citizen comments all in meeting. The date of Monday, March 17 was suggested. Mr. Steve Friedland, Legal representative for the developer, asked if they can stay on the regularly scheduled Planning & Development Committee meeting dates of February 25th or March 10, 2008 because March 17th is over a month away. Ms. Aiello reminded the Committee that the Apartment Licensing Ordinance needs to be heard and concluded on February 25th because it is a budget item. The March 10th meeting would be the earlier date to begin hearing this case. With this in mind, the Committee agreed to put this item on the March 10th agenda and leave the March 17th date open for a special meeting if needed.

Ald. Bernstein moved to hold this item on the agenda, seconded by Ald. Wynne. The vote was 8-0 in favor of the motion.

**ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Jacqueline E. Brownlee