Joint Statement to the Evanston City Council
July 23, 2018

Re: 917 Edgemere Court (Lakeshore Historic District--Ward 3)

This Joint Statement is submitted to the Evanston City Council ("Council") in opposition to the Appeal by owners/developers of 917 Edgemere Court ("Applicant") of the unanimous decision by the Preservation Commission ("Commission") to deny a Certificate of Appropriateness ("COA") for new construction (the “Proposed Construction”) at 917 Edgemere Court—which is situated between two landmarked houses in the Lakeshore Historic District ("LSHD")—on behalf of the following Edgemere Neighbors (* indicates property within 250 feet of 917):

- 900--Crihfield* (Landmark)
- 901--Walchak/Rothenberg* (Landmark)
- 907--Floerchinger*
- 911--Crihfield* (Landmark)
- 919--Lowrance* (Landmark)
- 920--Sheehan*
- 926--Wirtz*
- 929--Arrington*
- 930--Rapoport*
- 932--Zulkey* (Landmark)
- 935--Lenzi*
- 938--Bless*
- 940--Goldstein
- 943--McGrath

The Edgemere Neighborhood is a discrete, historically and architecturally significant neighborhood situated in Ward 3 in the LSHD. Please see Exhibit D. The Edgemere Neighborhood was created by recorded subdivision in 1911 (the “Edgemere Subdivision”) and consists of 16 parcels—seven on the east (lakeside) and nine on the west side of the subdivision. Please see Exhibit F. Intrinsic to the Edgemere Neighborhood is a 66' wide central courtyard (the “Edgemere Courtyard”). Land in the Edgemere Courtyard is privately owned by the several owners of property in the Edgemere Subdivision (the “Edgemere Owners”). However, without regard to the private ownership of respective parts of the Edgemere Courtyard, all of the Edgemere Owners enjoy a shared use easement and collectively maintain the water and sewer system, walkways and common driveway in the courtyard area as a "commons" (the “Edgemere Commons”).

Five of the 16 parcels (900, 901, 911, 919 and 932) in the Edgemere Neighborhood have Landmark designations and five such parcels (900, 911, 919, 929, and 932) were cited by Granacki Historic Consultants in its 2012 study commissioned by the Evanston City Council, (See Exhibit A).

The 2012 LSHD Study noted:

The purpose of a historic district is to provide protection to historic properties that, while not possessing individual architectural or historic distinction, still work together to create a certain character that reflects the overall architectural and historical development of an area. (Italics added)

Please see “Part VIII-Architectural Compatibility” and “Part IX-Historical Compatibility” below.
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In the first instance, the Edgemere Neighbors oppose acceptance by the Council of the Appeal for the following **procedural** reasons:

1. The "**blitzkrieg**" strategy employed by Applicant and its consultant to bypass the legislated process for project review in historic districts disrespects the Commission and its process for orderly review, manipulates the Council into a position intended to compel the Council to act on the Appeal and thereby disrespect the Commission, and sets a bad procedural precedent.

2. The letter dated July 3 submitted by Applicant with its Appeal (the "July 3 Letter") is disingenuous, alleges a scenario that simply is not true (i.e., false), and is part of a **blitzkrieg** strategy by Applicant and its consultant to manipulate the Council to act precipitously without the benefit of proper vetting of the matter by the Commission. Please see Part IV below for an accurate timeline showing Applicant's 2-year hiatus and 2018 **blitzkrieg** process. Please see pages 6-7.

3. The materials submitted to the Commission and included in this Appeal are insufficient, incomplete and, in part, inaccurate and omit information about the Proposed Construction necessary so that the information supplied is not misleading. Please see Part VI below.

4. Commissioners are better positioned than Council members to understand and apply the Preservation Standards for Review of Construction (the “Preservation Standards”) based on their experience, professional training, and knowledge of relevant precedents. Please see Exhibit B.

5. Applicant appears to have been preparing the Construction Proposal and its **blitzkrieg** strategy for over a year. The **blitzkrieg** strategy is an obvious effort to block-out input from the public and limit the overall amount of information and analysis that would be in the record. It is unfair that the Edgemere Neighbors have been allowed only a matter of days to prepare their response.

6. Council appears to be ignoring the appeal process set forth in the Evanston Historic Preservation Ordinance (the “Preservation Ordinance”).

The Edgemere Neighbors oppose the Appeal for the following **substantive** reasons:

1. The Proposed Construction violates substantially all of the applicable Preservation Standards set forth in the Preservation Ordinance.

2. Applicant and its consultant falsely claim that this Appeal results from the Commissioners’ opposition to Applicant’s “innovative” proposal. A contemporary design is not innovative, nor is a flat roof. The Commissioners have repeatedly stated that they do not object to a contemporary design. In fact, the Preservation Standards explicitly acknowledge that contemporary designs are acceptable in an historic district, and there are many examples of contemporary designs not only in the LSHD but also in the Edgemere Neighborhood. Pushing the zoning limits of allowable mass, however, is not innovative, but rather the essential characteristic of an architectural style commonly called a “mcmansion”. Calling a mcmansion “innovative” is merely an effort to obfuscate the reality that the Proposed Construction is inconsistent with the overall architectural and historical character of the local area and historic district—especially those aspects relating to mass, setback, height and spatial relationships in the context of the other structures and objects (including trees and vegetation) that are integral to the park-like environment of the Edgemere Neighborhood. Please see Part II below.

3. The zoning analysis relating to the Proposed Construction is erroneous and based on false and incomplete information supplied by Applicant relating to:
   a. overall lot size, coverage and impervious coverage,
   b. height and mass of the construction, and
   c. placement on the lot of pool, window wells and electro-mechanical equipment.

   Please see Zoning Letter attached as Exhibit C and Part VI below.

4. Unlike many previous appeals to the Council of action by the Commission, the public interest and common good in this Appeal are on the side of the Edgemere Neighbors and not Applicant.
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   b. 911-925 Lakeside Setback Line
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N. Previously Approved House for 917

O. Photos Illustrating Visual Impact
I. Introductory Statement

This Joint Statement is not about Applicant or their family, nor is it about the owners of the landmarked properties adjacent to 917--the Lowrance family (919) and the Crihfield family (911)--who will be the most acutely affected by construction on 917. This Joint Statement is not about people; it is not about an architect or consultant; it is not about the price paid for the 917 lot or its dimensions; it is not about objecting to all construction on 917; and it is not about objecting to contemporary design. The dimensions and location of the 917 parcel is factual. It is located between 2 landmarked houses in the historically and architecturally significant Edgemere Neighborhood in the LSHD. The 917 parcel is capable of supporting a reasonable and appropriately situated level of development--and no more--without regard to the desires of Applicant, the price paid by Applicant for the lot, or the ingenuity of Applicant’s consultants and representatives. In the July 3 Letter, Applicant notes that they are long-term residents of Evanston and have dreamed of raising their family in Evanston, are Northwestern graduates, have been living in Evanston for 20+ years, own 3 properties in Evanston, and are committed to the success of the community—a commitment shared by the existing residents in the Edgemere Neighborhood. But these facts, whether or not true, are not relevant to the issue at hand.

This Joint Statement is solely about preservation and precedent:
- Preservation of the physical nature and historical character of the Edgemere Neighborhood.
- Preservation of the Edgemere Neighborhood as a social enterprise (a “commons”) and its social and cultural interaction.
- Preservation of the Edgemere Neighborhood’s park-like environment linking Clark Square Park and Elliott Park (Lee Street Beach) along the Evanston Lakefront Trail.
- Preservation of the Edgemere Neighborhood as an important part of the visualization of the City of Evanston when viewed both by day and night from Lake Michigan and the Lake Michigan shoreline and the beaches and parks to the north and south of the Edgemere Neighborhood.
- Precedent for upholding the integrity of the preservation process, the intent of the Ordinance, and the decisions of the Commission.
- Precedent for future development in the Edgemere Neighborhood that may be set by actions taken with respect to the development of 917.
- Precedent and guidance for development of the 917 parcel that would allow for construction of an appropriately sized and positioned home on 917 within the massing, setback, spacial and height parameters of the Standards.

The Edgemere Neighbors support the position that the Commission has jurisdiction and a duty to consider the many aspects of construction at 917, including the views from the south (Clark Square Park public way), north (Lee Street beach public way) and from the Lake Michigan side of a riparian lot, especially those aspects relating to mass, setback, height and spatial relationships with other structures and objects (including trees and vegetation that are integral to the park-like environment of the Edgemere Neighborhood) and other public spaces, objects and ways.

The decision of the Council in this matter will become a precedent for future projects in the Edgemere Neighborhood, elsewhere in the LSHD, and in all of the Evanston historic districts. It will become precedent for developers to trivialize the role of the Commission as appears to be the current situation. The Edgemere Neighbors sincerely believe that if a COA is issued for the Proposed Construction, the
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historical character, architecture quality, and community fabric of the Edgemere Neighborhood which has existed for over a century—with the sole exception of the Nesbitt Properties described in Part IV below—will not be preserved and will pave the way for future development adverse to the historical values that the Edgemere Neighbors feel duty bound to protect. **The Edgemere Neighbors appreciate and respect the time, attention and service of the members of the Commission to the important cause of preserving the unique and historical character of Evanston and its historic districts, the LSHD and the Edgemere Neighborhood in particular. The Edgemere Neighbors hope that the members of the Council will likewise show appreciation and respect for the Commission by upholding its unanimous decision.**

II. Thesis Statement

**Who Are the Edgemere Neighbors**

With the exceptions of owners of 917 and 925 (the “Nesbitt Properties”), the owners of all other parcels in the Edgemere Neighborhood endorse this Joint Statement and support the positions that it reflects. These 14 owners are listed above and referred to in this Joint Statement as the “Edgemere Neighbors”. The 917 and 925 properties are referred to as the “Nesbitt Properties” and have been the subject of development efforts since the previously existing structures were demolished by Chris Nesbitt in 2005. (Please see “Part IV-History of Development--How Was the Edgemere Commons Created and Developed” below.) The owners of the Nesbitt Properties are the only owners of property in the Edgemere Neighborhood who have not joined in this Joint Statement.

**Context: Applicant’s Proposed Construction**

This Joint Statement is submitted to the Council in the context of Applicant’s Appeal of a unanimous vote of the Commission to deny a COA for the Proposed Construction at 917 Edgemere Court. Applicant alleges that the Commission's

“recent denial letter characterizes the whole process well – after 2.5 years of reviews and a lengthy discussion at the review meeting, the commission failed to provide specific guidance on which standards they are denying upon, leaving us to guess what we would do next….We will argue in this appeal that the commission has not shown consistency in the application of the ordinance standards nor have they provided clear or consistent direction to the design team which would allow this project to move forward.”

Contrary to what Applicant falsely states:

- Applicant has owned the property for less than 2 ½ years.
- Applicant has controlled the timing of the process at every stage—including an approximately 2 year hiatus during which Applicant redesigned the Proposed Construction and reevaluated its strategy for seeking approval.
- Each time Applicant appeared before the Commission, it was in a context of a different proposal that Applicant was presenting.
- Applicant received specific guidance from the Commission in the context of its previous proposals and the applicable Standards.
- Applicant presented an entirely new proposal on June 5, 2018 (after a 24 month hiatus driven solely by Applicant).
- Applicant’s consultant purposefully pressed for an immediate “up or down” vote at the June 12, 2018 meeting--so that the record would be very limited--without seeking input from the
Commissioners or allowing the affected neighbors an opportunity to comment. Applicant’s consultant stated that the reason that they sought an immediate vote was so that Applicant could move forward immediately with an appeal without regard to the input of the Commissioners.

A brief summary of actual events is as follows:

- **March 25, 2016**--the date that appears of record to be Applicant’s purchase date.
- **May 17, 2016**--Commission reviews Applicant’s first proposal (Sabow #1) and provides specific comments based on the applicable Standards. At the meeting, Applicant withdraws the proposal.
- **June 24, 2016**--Commission reviews Applicant’s second proposal (Sabow #2), provides specific comments based on the applicable Standards and recommended that Applicant provide a 3 dimensional scale model of their proposed Sabow #2 so that it could be evaluated in a neighborhood context. Applicant never provided the requested model. Sabow #2 continued to be on the agenda for subsequent meetings for the remainder of 2016, but Applicant never appeared at any of these meetings and eventually notified the Commission that they were withdrawing their Sabow #2 proposal.
- **June 26, 2016-June 5, 2018**--Applicant did not make any proposal during this 2 year period.
  - **Late 2016**, Applicant had discussions with the Lowrance family--the owners of the 919 property immediately adjacent to Applicant’s property at 917--in attempt to purchase some additional adjoining frontage from them and obtain certain covenants.
  - **September 6, 2016**--Applicant met with Alderman Wynne, members of staff and a few of the Edgemere Neighbors at the Civic Center to discuss the development. There were no members of the Commission present. At the meeting, Applicant showed those present a new proposal--one that was significantly different from Sabow #2 and somewhat similar to (but materially different from) the current Construction Proposal. This proposal was never submitted to the Commission.
  - **December 20, 2016**--A re-subdivision proposal for this land transfer was approved by the Commission. The sale of the extra strip of land from the owner of the 919 property to Applicant was not concluded and talks were eventually discontinued.
  - **August, 2017**--The Commission took the 917 matter off of its agenda after its August, 2017 meeting for lack of action by Applicant for 12 months.
- **June 5-June 12, 2018**--Applicant executes its surprise “blitzkrieg” strategy:
  - **June 5, 2018**--Applicant files a third proposal (Sabow #3)--the subject of this Appeal--for consideration at the Commission’s meeting on June 12.
  - **June 8, 2018** (4 days before the June 12 meeting)--Applicant’s packet relating to the Proposed Construction was made publicly available for the first time. The Proposed Construction was substantially different from Applicant’s previous proposals.
  - **June 12, 2018**--At its June 12 meeting, the Commissioners pointed out several areas of concern that they had with the Construction Proposal and provided specific comments even though there had been no opportunity for public comment and the Commissioners and staff had only a few days for review. Although the Proposed Construction was substantially different from the Sabow #1 and Sabow #2 proposals, the Commissioners' concerns were substantially thesame as its concerns with the prior proposals--i.e., massing characteristics (particularly in the context of the newly proposed flat roof design), setback lines, height, spatial relationships, walls of continuity, and overall compatibility with the neighborhood. Again, the Commissioners requested that Applicant provide a 3-dimensional scale model of the Proposed Construction in the context of the neighborhood to which it would be related.
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- Many neighbors were present and requested that the matter be continued to allow the neighbors an opportunity to comment.
- In a deliberate move to limit the record, Applicant’s consultant, Garry Shumaker, insisted on an immediate “up or down” vote stating that “they” were not interested in hearing input from neighbors or in making any changes in response to suggestions or recommendations from the Commissioners and that “they” intended to appeal immediately in the event of a negative vote.
- In response to Consultant’s demand on behalf of Applicant for an immediate vote, a vote was taken resulting in an unanimous decision to reject the application for a COA.
  - The staff of the Commission advised the neighbors that the matter would then go to the Planning and Development Committee as provided in the Ordinance to determine whether or not the Appeal would be referred to the Council. That did not happen.

- **Friday, July 6 (at approx. 5:00pm)**—After the Council agenda had previously been posted without including the Appeal, as part of the blitzkrieg strategy, the Appeal was added to the Council’s agenda for the July 9 meeting as a special matter bypassing the Planning and Development Committee (a process presumably having been deemed unnecessary by Mayor Hagerty after a private meeting between Mayor Hagerty and Applicant and Shumaker). The Appeal appears to have been represented by Applicant’s consultant (Shumaker) to be an urgent matter, falsely claiming that the Commission had been holding up the matter for 2 ½ years without providing any specific guidance to Applicant.
- **Monday, July 9 (at approximately noon)**—Consistent with the blitzkrieg strategy, the material filed by Applicant to support its Appeal was not publicly posted until approximately noon on the actual day of the Council meeting.
- **July 9**—Council voted to table the matter until the Council’s July 23 meeting, thereby bypassing the Planning and Development Committee (over the objection of Alderwoman Fiske, Chairperson of the Planning and Development Committee).

**Significance of this Proceeding**
The Edgemere Neighbors respectfully request that the members of the Council consider carefully the historical information, preservation analysis, attachments and related materials submitted with this Joint Statement as well as the comments of members of the Commission regarding the Proposed Construction and prior proposals by Applicant. Of particular significance is:
- the intentional submission of insufficient building drawings omitting basement layout (which in previous proposals included a bedroom suite) and window wells, location of swimming pool, location of electro-mechanical equipment and definition of base grade for measuring elevation.
- an erroneous zoning analysis and apparent zoning issues based Applicant’s input,
- the analysis of the walls of continuity, spacial relationships, and massing characteristics of the Proposed Construction in relation to the surrounding Edgemere Neighborhood with which it is inexorably linked, and
- the precedent that will be set by the Council’s action.

Information about the mcmansion trend and its characteristics is available online—e.g., please see:
III. What Is the Edgemere Neighborhood?

The Edgemere Neighborhood is both Real Property and a Voluntary Social Enterprise
The Edgemere Neighborhood is, in effect, what is referred to as a “commons”. The concept is similar to open squares and courtyards which were popular in Europe and New England in the 19th century. It is a property concept that has been used for millennia (earliest use cited by Wikipedia is 6000 B.C.) and was adapted to urban environments from commonly owned grazing lands in agricultural economies. As a cultural concept, its origins are even earlier and were central to tribal societies (e.g., the Potawatami Indians and our other native forefathers in the Edgemere Neighborhood). The development concept of the Edgemere Neighborhood is a predecessor to modern planned developments.

Real Property
As real property, the Edgemere Neighborhood was carved out of two distinct subdivisions and combined together into a new Edgemere Subdivision prior to separation into discrete lots (the “Edgemere Subdivision”). The Edgemere Subdivision was created in 1911 and is bounded:
- on the east by Lake Michigan,
- on the south by Clark Square Park and Sheridan Road,
- on the west by a public alley running north-south immediately east of Sheridan Road,
- on the north by Lee Street, Lee Street Beach and Lake Shore Boulevard.

Based on current water levels, the Edgemere Subdivision currently consists of approximately 8 Acres varying daily in gross acreage as Lake Michigan rises and falls and the easternmost riparian edge of the Edgemere Neighborhood fluctuates. Although riparian, the Illinois Department of Natural Resources and the U.S. Army Corps of Engineers regard the easternmost edge of Edgemere Court--i.e., the area that can be improved without special authorization--as the high water mark of 581.5’. This high water mark is defined in IGLD-85 (the International Great Lakes Datum-1985). As a matter of property law, riparian means the true water’s edge. However: property cannot be accreted, however, simply by building out over or beyond the water’s edge (such as the most easterly 75’ of the 917 lot). Any such extension beyond the natural water’s edge is public property because it is built out over public lakebed and not owned by the owner of the adjacent riparian property as erroneously represented in Applicant’s Zoning Analysis and Appeal. Please see Part VI and Exhibits G, H, and M.

The Edgemere Courtyard
The private roadway commonly referred to as Edgemere Court is actually a shared common driveway and is only a part of the Edgemere “court”. The “court” is shared space--literally a courtyard or “commons”. It is 66’ wide and approximately 0.9 Acre in gross size, bounded by 5’ wide concrete sidewalks approximately 600’ long on the east side and 567’ long on the west side and by gates on each of the north and south ends--around which the houses built in the Edgemere Neighborhood are gathered and face (the “Edgemere Courtyard”). Within the Edgemere Courtyard and the Edgemere Neighborhood, there are no publicly owned roadways or walkways, and no street lighting or public sewers. There are 2 private north-south walkways and a private driveway which the property owners in the Edgemere Subdivision (the “Edgemere Owners”) maintain and voluntarily leave open for permitted public use. Please see Exhibit F.

The Edgemere Courtyard is bounded on all 4 sides by public rights-of-way, including on three sides by Evanston municipally owned rights-of-way and on the east side by the public trust right-of-way to walk along Lake Michigan’s water’s edge and to swim, boat, dive and fish.
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Pedestrian Access along Evanston Lakefront Trail
The Edgemere Owners have voluntarily allowed the pedestrian entrances at both of the north and south ends to remain open. These sidewalks provide an important link in the Evanston Lakefront Trail between Clark Square Park and Sheridan Road on the south and Lee Street Beach and Lake Shore Boulevard on the north. Please see Exhibit E.

IV. How Was the Edgemere Commons Created and Developed?

Easement Documents
on 1911, prior to subdivision into 16 discrete lots, certain easement documents were recorded against the gross property tracts of the Edgemere Neighborhood subdivision (Doc # 4879602 and Doc # 6201850, collectively, the “Easement Documents”). These Easement Documents created the 66’ wide open Courtyard to be perpetually unobstructed and available for the use, benefit and enjoyment of all Edgemere Owners. The Easement Documents required, among other things, a 40’ setback, installation of a 20’ wide winding paved driveway, curbs, water mains, sewer, parkways and 5’ wide uniform concrete sidewalks on either side of the easement. These sidewalks, in effect, created the outside perimeter of the Edgemere Courtyard. All improvements were installed by 1916, and they have been maintained by the Edgemere Owners for the past 100 years. No part of these improvements were made by the City of Evanston, and no property within the confines of the Edgemere Neighborhood is owned or maintained by the City. All improvements within the central Edgemere Courtyard are maintained by the Edgemere Owners. The Easement Documents originally required the Edgemere Owners to contribute $0.25 per frontage foot per year for 10 years for maintenance of the common improvements. Since then, these improvements have been maintained on a voluntary basis by the Edgemere Owners.

Centerline and Common Area
The western edge of the Edgemere Courtyard lies parallel to the public alley on the west side and is uniformly 150’ from the alley resulting in lots on the west side of the subdivision that are uniformly 183’ in depth (150’ + half of the 66’ easement). The Centerline of the Edgemere Courtyard is a straight line beginning on the north end of the Edgemere Courtyard at the inside of the northwest gatepost and running straight to a point between the center of the gates and the southeast gatepost on the south end (the “Centerline”). Please see Exhibit F. Lots on the east side of the Centerline are riparian. Initially, they were of the same approximate building depth as those on the west side because the lakeside was marshy, sandy and the water line was continually in flux. The private easement lies 33’ on each side of this Centerline and the prescribed 5’ wide concrete sidewalks running down the east and west sides of the easement generally define the Edgemere Courtyard.

The Centerline is significant relative to the determination of the gross buildable lot size. There is no publicly owned land within Edgemere Court. All land within the central Edgemere Courtyard is privately owned. The lots on the east and west sides of the Edgemere Courtyard are actually contiguous to each other along the Centerline of the Edgemere Courtyard. Please see an aerial view showing the contiguous nature of the properties along the Centerline attached as Exhibit F. Thus, unlike lots in the rest of Evanston--where streets, parkways and sidewalks are city owned property and lot lines begin at the inside of the sidewalk--each lot in the Edgemere Subdivision includes 33’ of the open Courtyard immediately in the front of each lot. Please see Exhibits F and G.

Buildable Area
The open Edgemere Courtyard area and setback area in front of each lot (sidewalks, parkway and driveway) are not buildable due to the restrictions in the Easement Documents. In the case of 917, this
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33’ open court area constitutes 1,650 sq. ft. (33’ X 50’). This Courtyard area appurtenant to the 917 property is shown in red on Exhibit E. This area is unlike any other area in Evanston. Technically, under the generic zoning ordinance, it is part of the total area of the parcel. However, in an historic district, the Commission has the right (and duty) to disregard this area when reviewing mass and coverage relative to the surrounding neighborhood—but it is not correct to include the common area in gross area but ignore it for calculating coverage. Moreover, in addition to the 66’ wide easement, Document # 6201850 further provides for a 40’ setback from the commonly shared courtyard space—i.e., 40’ setback from the sidewalk.

Shown in blue on Exhibit H (using the earlier Sabow #2 proposal for convenience) is the property (at least 1,500 sq. ft.—30’ X 50’) included in the survey of 917 that is constructed over the current water’s edge and therefor an extension over public waters and not part of the 917 acreage. Please see Exhibits G and M for a more accurate illustration of the approximate location and area of the contiguous but non-owned land based on the current riparian property line and high water mark.

History of Development
The history of the development of the east side of the Edgemere Neighborhood is relevant to the issue of preservation. This development was not pursuant to any master plan, but rather the product of a natural progression over the course of several decades, where each subsequent home was planned and built within the limits of its lot, and consistent with massing, spatial and visual harmony with its then existing neighbors and the principles now embodied in the current Preservation Standards.

- 919 is landmarked (immediately next door to the Proposed Construction) and was the first home built on Edgemere Court in 1912. It is believed that further development of the east side of Edgemere Court was delayed because of the pendency of riparian rights litigation involving the Edgemere subdivision. Please see Brundage v. Knox, 279 Ill. 450 (Ill. Supreme Court, 1918).
- Once that case was resolved, the next home to be built was in the early 1920’s at 917 immediately next to 919. While 917 was setback from 919, given the open space to the north of 919 and the south of 917 and to Lake Michigan on the east, there was no visual incompatibility at the time.
- 939 and 943 at the north end were developed in the late 1920’s, and 929 was built in 1934 to fill out the north end. Those three structures line up to form continuous visual whole, the “North Bookend”, and given the spacing between 919 and the “North Bookend”, visual continuity was preserved.
- There was a hiatus in development during the great depression and World War II.
- Post WWII saw the development of the south end at 901 (landmarked), 907, 911 (landmarked and also immediately next door to the Proposed Construction), with 901 last in 1955. Those three structures line up to form a visual continuous whole, the “South Bookend”, that on the west side line up with 919, creating and preserving visual harmony between the South Bookend and 919. On the east side, the South Bookend lined up with 917 (before it was torn down by Nesbitt in 2004) creating and preserving visual harmony between the South Bookend and 917.
- **These two bookends (901-917 and 939-943) are the bases for defining the area in which the bulk of constriction should be placed to be compatible with the neighborhood.** Please see Exhibits K and M.
- 925 was built between 919 and 929 in 1954. Before it was torn down by Nesbitt in 2004, it lined up with the North Bookend and with 919, creating visual harmony among the five homes to the north.
- Over the course of more than 4 decades, the east side of Edgemere Court developed naturally, with each subsequent development respecting what was there at the time, creating a
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harmonious, continuous visual whole, in a park like setting of which the Edgemere Neighbors are the current beneficiaries.

- The harmony was disrupted in 2004 and early 2005 when Mr. Nesbitt purchased the Nesbitt Properties (917 and 925), quickly obtained demolition permits based on what are believed to have been false and misleading representations to the Commission, and then immediately demolished the structures.

- Nesbitt began construction of the oversized Hacienda-like structure on 925 in 2007, and construction work is continuing. It is believed by the Edgemere Neighbors that a permanent Certificate of Occupancy has never been issued for 925 and the redevelopment of 925 is ongoing. The owners of 925 recently said that they were planning additional construction on the lakeside of 925.

- There have been several previous proposals for the development of 917, including:
  --two submitted by Mr. Augunas (a contract buyer) in 2007
  --two submitted by Mr. Nesbitt in 2008 (one of which for a 6,000 sq. ft. 2 ½ story house with 3 car garage was approved by the Commission, but not built, and is a good precedent for Applicant of the type of house that would be compatible with the neighborhood and the Standards) Please see Exhibit N.
  --two submitted by Applicant in 2016 (Sabow #1 and Sabow #2)

The issues in all of these matters were the same and, coincidentally, the same as presented by the currently Proposed Construction:
- was the riparian side of the Edgemere Neighborhood to be considered by the Preservation Commission--answered “yes” in both the Nesbitt and Augunas matters,
- what height would be allowed--answered maximum height of 26’ in the Nesbitt #2 submission (please see Exhibit N and Exhibit C of the Appeal Memorandum),
- would construction and development be allowed east of a setback line drawn connecting the east side of 911 with the east side of 925 and continuing north and south for the full length of the Edgemere Subdivision (the “911-925 Lakeside Setback Line”)--answered “no” in both the Nesbitt and Augunas matters. Revisions to each proposal moved the buildings away from the lake to line up with the 911-925 Lakeside Setback Line.
- massing characteristics (particularly in the context of the newly proposed flat roof design),
- spatial relationships and width (no other property in the Edgemere Neighborhood is built out to the full width limit allowed by zoning rules),
- walls of continuity,
- placement of bulk, and
- overall compatibility with the neighborhood.

Ownership of 917 has changed several times since 2007, and no construction has occurred on the 917 property (other than clearing of the land and removal of one or more historic trees).

V. How Is the Edgemere Commons Managed and Maintained?

Voluntary Social Enterprise (a “Commons”)  
The Edgemere Commons is a self-managed and voluntarily-funded social enterprise. There are no formal organization, association or contractual agreements or commitments. Everything done by the Edgemere Owners is by consensus and is dependent on goodwill and the integrity of the several Edgemere Owners. It continues today as a “commons”.

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Writing about “commons”, Hartmut Zückert has commented that managing a commons is “based on social and cultural interaction”. 7KH7UDP JRI RI WH&FP P ROV $ + LW URSHU&N5 UWJ ROV published in Wealth of the Commons, edited by David Bollier and Silke Helfrich.

The historical concept of a “commons” became a subject of social commentary after publication of Garrett Hardin’s social commentary in 1968 entitled 7KH7UDP JRI RI WH&FP P ROV. Investopedia defines the “Tragedy of the Commons” as follows:

The tragedy of the commons is an economic problem in which every individual tries to reap the greatest benefit from a given resource…. the tragedy of the commons occurs when individuals neglect the well-being of society in the pursuit of personal gain. The tragedy of the commons is a very real economic issue where individuals tend to exploit shared resources.…

Nesbitt Influence
For almost 100 years, management and funding of expenses was a harmonious social and cultural interaction among the Edgemere Owners. In 2004, this harmonious interaction was temporarily interrupted when Chris Nesbitt and his affiliates purchased the Nesbitt Properties (917 and 925). For a short period, Mr. Nesbitt brought social chaos and discord to the neighborhood. He took a developer’s approach placing what he believed to be his personal economic benefit ahead of any respect for the values and economic interest of other Edgemere Owners or the public at large. He sponsored an effort focused on limiting--or eliminating--use of Edgemere Courtyard pedways by non-residents of the Edgemere Neighborhood; he denigrated the importance of neighborhood social and cultural interactions; and he aggressively trespassed against the rights of all other Edgemere Owners with respect to the Edgemere Courtyard. He took an outsider’s approach, cut corners, lied to the Edgemere Owners, was accused of defrauding his then wife (now ex-wife) and her family, was accused of defrauding his lender and business partners, and appears to have been dishonest in his dealings with the Commission and city staff. Ultimately, it took litigation to extinguish the Nesbitt Influence on the Edgemere Neighborhood.

Saying “No” To Nesbitt Influence
Today, harmony and mutual respect has been restored as a general matter among the Edgemere tribe--as evidenced by the overwhelming neighborhood support for this Joint Statement. Please see Exhibit J. It is the hope and intent of the Edgemere Neighbors that the Nesbitt Influence does not come back to life in the development of the 917 property.

VI. Applicant’s Material Misstatements and Omissions.

Applicant’s submissions in connection with its Appeal contain numerous material misstatements and omissions:

July 3 Letter
Please see the actual timeline at “Part II-Context” above. It is obvious, Applicant has not been held up by the Commission for 2 ½ years as Applicant falsely claims. Applicant’s July 3 Letter is disingenuous, alleges a scenario that simply is not true (i.e., false), and is part of the E0Y6M1U effort by Applicant and its consultant to manipulate the Council to act precipitously without the benefit of proper vetting of the matter by the Commission and staff. Applicant knew the width of the 917 lot when the property was purchased. Applicant knew its location within the Edgemere Neighborhood and the LSHD and the review process. Applicant benefits immensely from being in the LSHD--even though Applicant is seeking for their personal
benefit to undermine the essential character of the Edgemere Neighborhood, the LSHD and the preservation review process.

Survey and Zoning Analysis
The State of Illinois, Dept. of Natural Resources, Coastal Management Program Doc. 4, states:

“Both the IDNR and the USACE, Chicago District, permit lakeshore construction to the Ordinary High Water Mark (OHWM). This is the typical or “ordinary” high level to which the lake water will rise in long term fluctuation. Most often, the lake level is below this elevation. In some coastal states, the OHWM defines the boundary between private property and public beach. In Illinois, private property and riparian rights along the Illinois coast extend to the calm water shoreline and migrate landward or lakeward with changing lake level (Illinois case law: Brundage v. Knox, 1917). As defined by the USACE, the OHWM along the Illinois coast is 581.5 feet (177.2 m) relative to the International Great Lakes Datum (IGLD-85). Only shore construction that occurs below this elevation is subject to permitting by the IDNR and the USACE.”

The State of Illinois, Dept. of Natural resources, General Permit 1-LM, states:

“The authorization does not convey or recognize title of the Permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the proposed project or any part thereof will be located, or otherwise grant to the Permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public parties.”

In addition, please see issues and concerns set for in th Zoning Letter attached as Exhibit C.

Timeline
Please see the actual timeline at “Part II-Context” (pages 6-7) above. It is obvious, Applicant has not been held up for 2 ½ years as Applicant falsely claims.

Appeal Letter
No Direction From The Commission. Applicant complains that it has been given either inconsistent or unclear direction by the Commission. That is simply not true. The Commission has done its job and consistently delivered clear messages concerning the key elements of Applicant’s proposals. For example, the June 19, 2018 the letter to the Applicant provided recommendations to the Applicant as required by Section 2-2-8(E) of the Preservation Ordinance. Those recommendations go to the heart of the Commission’s objections, namely that the proposed design is too high, out of scale, and uses materials that do not reflect the character of the neighborhood. Applicant chose not to listen to or accept these recommendations, and instead has pursued this Appeal. The Applicant has relied on the fact that the Commissioners conduct proceedings in a the polite and non-confrontational manner. Applicant has tried to equate politeness with lack of direction. As demonstrated in this Joint Statement, by any measure, the Commission has repeatedly delivered a clear and consistent message with respect to its objections to Applicant’s designs.

Standards For Rejection Not Identified by the Commission. Applicant complains that the Commission did not identify the Standards that were not met. The Ordinance does not require the Commission to list such Standards. Nonetheless, Applicant cites in its Appeal the Commission’s motion “…to issue a COA for 917 Edgemere Ct. in that standards for construction 1-11, 13, 14 and 16 were met…” (see Letter, p.2). This motion was also cited by the Applicants in the June 19, 2019 letter. This was the motion which the Commission unanimously voted to reject by a vote of 0 ayes and 7 nays. Applicant
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has ignored this fact, and instead has attempted to minimize the significance of this result by claiming that only 4 of the Preservation Standards are relevant to the discussion, when in fact substantially all of the Preservation Standards are relevant. As demonstrated in the video and minutes of the discussion at that meeting, and as more fully explained in this Joint Statement, the Projected Construction (typical of “mcmansion” designs) violates substantially all of the Preservation Standards.

Application and Interpretation of the Standards. Applicant complains that the Commission has narrowly and incorrectly interpreted the Standards. The Standards are written using architectural vocabulary. To a person experienced in the field, the Standards are clear in terms of height, scale, massing, volume, materials and rhythm in the relevant context. Please consider the characteristics of design commonly known as “mcmansions” in the articles cited at Part II above. The Edgemere Neighbors submit that the Applicant, apparently on the advice of its consultant, has simply chosen to ignore the Commission’s findings, comments and recommendations on these key attributes because they do not meet Applicant’s desires for what they describe as their “dream home”. Dreams are wonderful, but not all dreams can come true.

Contemporary Design and Flat Roofs. Much has been made about the contemporary nature and flat roof of Applicant’s design. The Commission has consistently stated that the innovative design is not an issue (see June 19, 2018 letter, minutes and video of the June 12 meeting. The Edgemere Neighbors do not object to a contemporary look or a flat roof. In fact, the houses at 917 and 925 that were demolished in 2005 had flat roofs as do the houses at 926 and 930. These house were contemporary, at least at the time when they were built. As Applicant correctly points out, there are buildings with contemporary designs and flat roofs on Edgemere Court and throughout the LSHD. However, Applicant’s submission is misleading in that its photographs of those referenced properties do not show the neighboring context nor the mass (or lack thereof) which they create. None of the contextually relevant references with a contemporary design cited by Applicant has the mass (i.e., cu. volume and sq. ft. of exterior walls) as the Proposed Construction or a flat roof that is as high as the peak of a sloped roof of an immediately adjacent home or with minimal side yard setbacks on either side (please see Appeal, Exhibit E). Simply stated, all of the contextually relevant references cited by Applicant are scaled properly and visually compatible with their surrounding neighborhoods. The Proposed Construction is not so scaled or visually compatible.

Materials. Applicant complains that the Commission asked the applicant to “look at the materiality (i.e. selection of materials) in the context of the adjacent homes”. Applicant cites the use of some of the materials it selected in other homes in the Edgemere Neighborhood (stucco, coursed limestone, or weathered siding), but fails to recognize that none of these contextual references use all of the materials it has selected (coursed limestone, stucco, weathered cedar siding and expansive glass). Applicant has not cited any contextually relevant reference that supports the combination of all 4 materials it has selected onto a single structure. In short, Applicant simply fails its own test.

“As of Right”. Applicant has pointed out that the designs have been reviewed by the zoning staff and deemed compliant with zoning requirements with no variances. This point is of no consequence. Applicant claims that the Proposed Construction was submitted to the Commission “as of right”. It is not clear what this claim is suggesting. Even if the Proposed Construction complies with the zoning requirements (see substantive objections to the zoning analysis elsewhere in this Joint Statement), an
essential purpose of the Preservation Ordinance is for the preservation process to act as a check on the zoning process in the interest of preserving the unique and historic qualities of the neighborhoods and structures in historic districts. In other words, a house that meets zoning requirements and could be built in a non-historic neighborhood may not be built “as of right” in an historic district. It must separately meet the Preservation Standards applicable to historic districts.

Relevance of Current Zoning Standards. Applicant cites the fact that many of the homes on Edgemere Court were built before the current zoning standards were adopted (Appeal Attachment, pp. 6, 7). As such, those homes might not necessarily comply with the current zoning standards or might require variations if they were applied. This argument is not relevant. In the first instance, Applicant does not cite any specific examples of non-compliance—most probably because there are not any. The Commission has applied the Preservation Standards with reference to the Edgemere Neighborhood and the broader context of the LSHD as it exists now. The zoning history or status of other properties in Edgemere Neighborhood, even if non-compliant, would not give Applicant a “free pass” from the fair and reasonable application of the current Preservation Standards to the Proposed Construction.

VII. Position Statement of Edgemere Neighbors.

The Edgemere Neighbors have all signed a July 2018 Neighborhood Position Statement (please see Exhibit J) stating in part:

...We value preservation of the historic park-like environment of Edgemere Court.....we encourage the City Council to construe strictly and adhere rigorously to all preservation standards applicable to review of construction set forth in Section 2-8-9(B) of the Preservation Ordinance. In particular, we support strict construction of, and rigorous adherence to, standards regulating:

- East and West setback “waves of continuity” facing the north-south pedestrian walkways (the “pedways”) (i) along the Lake Michigan water’s edge and (ii) through the central court area of Edgemere Court connecting Clark Square Park and Sheridan Road with Lee Street beach and Lake Shore Boulevard,
- Compatibility of height with neighborhood structures,
- The rhythm of spacing between neighboring structures,
- The overall scale of construction,
- The placement of the bulk of new construction in a manner visually compatible with neighboring structures and open spaces, and
- The visual compatibility of new construction with neighboring structures and open spaces (including visualizations from both of the north-south pedways and both of Clark Square Park and Lee Street Beach).

VIII. Architectural Compatibility

Architectural compatibility means compatibility of a new structure based on the overall character of the neighborhood and applicable community and preservation standards. Please see Part I--Introductory Statement. Architectural compatibility is not based on the personal desires of the Applicant or personal opinions of Commissioners or the Council members. To be architecturally compatible, a project must be compatible with the features that are characteristic of the historic neighborhood and new construction
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must be compatible with these features and characteristics. Applicant and its consultant fail even to attempt to make this assessment.

Some adjectives that come to mind of the Edgemere Neighbors when thinking of the Edgemere Neighborhood are quiet, secluded yet accessible, park-like, community-friendly, stately but not pretentious, restrained, understated, sophisticated, tasteful, visually compatible houses, peaked roofs, chimneys, compatible setbacks and landscaping, not over-built. No one would think “mcmansion”. Even 925, which is big, is not a mcmansion. It is too high, but with a gabled roof (approximately half of the volume of Applicant’s proposed top floor--equivalent to approximately 9’ of height). 925 is on a substantially larger lot, does not press the width limits on both sides, and is more compatible with the Edgemere Neighborhood than the Proposed Construction.

The Proposed Construction proposes a mcmansion-sized Malibu-style beach house, the most distinguishing feature of which is an oversized 3 story high (18’ above ground) entertainment/observation deck resembling an oversized crow’s nest (the “Crow’s Nest”). The Proposed Construction appears from both lateral north and south sides to resemble a stack of shipping containers and from the front (west side) to be a 2 or 3 unit apartment building stretching to the buildable side yard limits (allowing only 5 feet of light on each of the north and south sides). The elevated Crow’s Nest appears capable of hosting up to more than 100 people and could easily be augmented to several hundred if Applicant elects in the future to extend the outdoor stairway up to the flat roof level above the structure.

- The imposing Crow’s Nest encroaches substantially east of the 911-925 Lakeside Setback Line.
- The oversized Crow’s Nest set at an 18’ base level and 23’ eye level provides open sight lines down into neighbors yards and windows.
- Sound carries over the water and the voices and sounds from gatherings on the proposed deck will pollute the entire Evanston lakefront (in particular the homes, parks and, beaches in close proximity to the proposed observation deck/elevated patio but extending further up and down the lakefront).
- The Proposed Construction will create a “Lighthouse Effect” that will be visible to all of the neighboring properties to the north and south and from Lake Michigan, Clark Square Park, Lee Street Beach and Elliott Park.

IX. Historical Compatibility

The Preservation Ordinance incorporates the Secretary of the Interior’s Standards for the Treatment of Historic Properties. According to the Department of the Interior’s website:

These are common sense historic preservation principles….Preservation is the act or process of applying common sense principles or measures necessary to sustain the existing form, integrity, materials and landscaping of an historic district, neighborhood or property. The goal of historic preservation is to maximize the retention of distinctive materials, features, spaces and spatial relationships that characterize an historic district, neighborhood or structure. Preservation standards require retention of the greatest amount of historic fabric, including the historic form, features, and details as they have evolved over time.

The historical development of the Edgemere Neighborhood is described at Part IV above and Exhibit K. A Malibu-style beach house and densely packed shipping container look is incompatible with the historical development of the Edgemere Neighborhood. All historic homes (built more than 50 years ago)--representing 14 of 15 homes--are built in a variety of traditional styles and all 15 homes are built
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with traditional materials. All houses on the east side have traditional sloped roofs covered in traditional materials. All houses have park-like landscaping and fit together in a “wave” of compatibility. A Malibu-style beach house built to look like a densely packed stack of shipping crates or prefabricated apartment building is not compatible with the historical environment of the Edgemere Neighborhood.

Applicant claims that they have not been told specifically what they can build. This is not the task of the Commission nor should anyone want it to be. The Commission has approved a 2 ⅓ story, 26’ high, 6,000 sq. ft. house with a 3-car garage which can be used as precedent. Please see Exhibit N and Exhibit C of Appeal Memorandum. This house could easily be redesigned with a contemporary look if this is the desire of Applicant and if this is the type of direction which Applicant is seeking.

With the exception of 925, part of the Nesbitt Influence, the entire Edgemere Neighborhood developed with consistency and respect for existing houses. It is critically important that 925 not be considered precedent and not become precedent for future development. The oversized development at 925 was a mistake and needs to be recognized as such.

A few houses (very few) can be found in the LSHD (but not in the Edgemere Neighborhood) with the primary living area on the second floor. No house, however, can be found anywhere in the LSHD:

- with an elevated entertainment/observation patio of any size, much less the size and height in the Proposed Construction;
- with windows and decks looking down into a neighbor's rear yard (presumably, the private area of a home);
- with a facade materially extending out from the facades of the adjoining neighbors;
- at a height (nominally a second floor but essentially a third floor height) similar to that in the Proposed Construction with potential for an additional substantially higher and larger deck over the flat roof of the Proposed Construction.

X. Irreversible Impairment (Standard 9-2-2(E)10)

The Proposed Construction will irreversibly impair the essential rhythm and integrity of the Edgemere Neighborhood environment and will become precedent for future redevelopment in the Edgemere Neighborhood.

- The Proposed Construction encroaches beyond the 911-925 Lakeside Setback Line and presumably will be precedent for similar, and perhaps even further, encroachments in the future. If 917 can get a few extra feet, why not someone else--and so on and so on.
- Even if--probably when--the Proposed Construction will be demolished, the impairment to the neighborhood will continue into the future (“a bell cannot be unrung”).

XI. Walls of Continuity (Standards #6, #9 and #11)

To ensure visual compatibility with both of the two historically significant houses (911 and 919) between which 917 is located and the two houses (911 and 925) on the east side of Edgemere Court to which the walls of continuity of 917 are most closely visually related, a setback line on the east facing wall is required no closer to the east than the 911-925 Lakeside Setback Line.

- The dominant feature of the Proposed Construction, the Crow’s Nest, will not only tower over neighboring properties but also will protrude from the neighboring structures with which it is visually related, thereby destroying any sense of walls of continuity, rhythm or visual compatibility in directional expression.
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- When viewed from the lakeside public trust or any of the surrounding public parks or other public ways, any extension of the east elevation (and in particular, the proposed entertainment/observation deck) will not be compatible visually with the homes to the south, (911, 907 and 901) and to the north (919, 925, 929, 935 and 943).
- When viewed from the Clark Square Park public way, the south and east elevation entrance, terraces and porches will not be compatible visually with the homes to the south (911, 907 and 901). Please see Exhibit O.
- When viewed from the Lee Street beach public way, the north and east elevation entrance, terraces and porches will not be visually compatible with the homes to the north (919, 925, 929, 935 and 943).

XII. Height (Standard #1)

The Proposed Construction is technically a 2-story house, but in reality it is a 3-story house. Without a traditional sloped roof, the side walls become more imposing and create the look of a prefabricated apartment building. Please reference the pre-fab building on the northwest corner of Chicago Ave. and Main St.

To be compatible with neighborhood structures:
- Height must be measured from street grade, and all measurements of height must take into account not only actual constructed height but also height attributed to (or accreted by) grade elevation.
  - The current property grade is significantly raised above street grade and the grade at which the houses at 911 and 919 are constructed.
  - Applicant’s previous proposals (Sabow #1 and Sabow #2) contemplated living quarters in the basement/lower level. This could affect overall height. The documents included as part of the Current Proposal provided no information or drawings related to the lower level.
- The Proposed Construction, and any other construction at 917, must take into account that:
  - substantial portions of the construction at 911, 907 and 901 are 1 1/2 story construction, the property immediately adjacent on the south side of 917 (911) is, for the most part, only 1 ½ stories and at its highest point is is only 26’ high and other properties in Edgemere Court south of 917 are of similar relatively lower height.
  - All houses on the east side have gabled roofs; as a consequence, the volume (or mass) of the top floor is only half (approximately, depending on slope) of the top floor of the Proposed Construction.
  - In 2008, the Preservation Commission considered what would be a compatible height for 917 and, after hearing input from neighbors issued a COA for proposed construction at 917 having a 26' maximum height. Please see Exhibit N and Exhibit C of the Appeal Memorandum.

XIII. Width/Rhythm of Spacing (Standards #4 and #5)

The existing rhythm of spacing and rhythm of solids to voids has been observed consistently throughout the historical development of the Edgemere Neighborhood. To be compatible with the rhythm of solids to voids and the rhythm of spacing and structures between and among neighborhood structures openness between structures is necessary:
- to preserve the park-like quality of the Edgemere Neighborhood and
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- to avoid overbuilding on any of the properties.

All structures in the Edgemere Neighborhood currently provide more side yard than the minimum required by zoning ordinance.

- The Proposed Construction proposes only minimum side yards and, thus, is incompatible with Standards #4 and #5.
- There is no provision for window wells which, of necessity, will extend into the very limited side yard spacing or pool equipment, generator, or air conditioners.

The existing rhythm would be broken by one structure extending further east or west than the neighboring structures with which it is visually related, because there would be no spatial reference between a protruding structure and its neighboring structures.

- Extension of the Proposed Construction and the proposed Crow’s nest east of the 911-925 Lakeside Setback Line would be incompatible visually with the properties, sites, structures, public ways and places to which it visually relates namely from the lakeside public trust, the Clark Square Public Way and the Lee Street Beach/Elliott Park Public Way and all other houses in the Edgemere Neighborhood.
- Moreover:
  ○ An elevated Crow’s Nest and its supporting structure, such as the Proposed Construction, creates a closed space in much the same way as a full sized wall.
  ○ The elevated Crow’s Nest, if permitted, to the extent that it is above grade and is incorporated into the structure (as opposed to an outside patio) should be treated as construction and area coverage much like any other construction, notwithstanding that it may not be enclosed.
  ○ Long safety railings on either side of the proposed elevated deck will create a vision of a prison-like wall rather than a garden patio which would be more appropriate in the current park-like setting of the Edgemere Neighborhood.
  ○ If Proposed Construction is permitted, people viewing 917 will be presented by “shotgun-style” architecture--such as found in Malibu or the French Quarter in New Orleans--in spite of efforts to mask the situation with random architectural distractions. Moreover, the use of shotgun architecture in the development of 917 will create a shotgun environment for 911 and 919.
    ■ It is noted that 901, 907 and 911 could have been developed in a “shotgun-style”, but owners of these properties have resisted this approach in order to preserve the historic character and park-like environment of the Edgemere Neighborhood.
  ○ The proposed Crow’s Nest and large glass enclosures will create a “Lighthouse Effect” that will be visible to neighbors to the north and south and from Lake Michigan, Clark Square Park, Lee Street Beach and Elliott Park. The Proposed Construction not only ignores concerns previously articulated by the Edgemere Neighbors, but proposes a structure that heightens these concerns.
  ○ In addition to the “Lighthouse Effect”, the elevated deck will be a source of excessive noise pollution totally inconsistent with the quiet park-like environment of the Edgemere Neighborhood. Although vegetation might be used to obscure the visual image of the deck, there is evidence that Applicant not only does not intend to add vegetation, but also that Applicant intends to remove any and substantially all existing vegetation. There is nothing that neighbors can do to diffuse the potential noise pollution from sound reflected and amplified over the water, particularly when the sound emanates from an elevated structure.
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○ Trees along lot lines--particularly existing trees that are 50-100 years old--are an important element of the look and feel of the Edgemere Neighborhood park-like environment.
  ■ Applicant has offered no landscaping proposal.
  ■ Any development proposal should take these tree lines into account. The Proposed Construction is inconsistent with this important preservation issue.
  ■ The execution of the Proposed Construction will disrupt the park-like environment of the Edgemere Neighborhood either by outright destruction or as a result of disrupting root structures with construction digging and concrete foundation walls substantially along the entire perimeter of the 917 property.

XIV. Scale of Construction (Standard #10)

The scale of the house proposed for 917 by the Proposed Construction is not compatible with 901, 907, 911, or 919--the properties to which 917 is most closely related--or the historic property built on double lots (900 and 932) on the west side of the Edgemere Courtyard.
  ● The allowed buildable area must be reduced to exclude property owned in the Edgemere Courtyard area that is already covered by walkways and the common driveway--approximately 200 sq. ft. that is already covered.
  ● The allowed buildable area from which coverage is calculated must be adjusted (reduced) to exclude land publicly owned--i.e., west of the riparian line--but occupied by a concrete wall and landfill extending into the water on the east side of 917---a reduction of buildable area by approximately an additional 2,000 sq. ft.

XV. Placement of Bulk of Construction (Standard #10)

The bulk of any construction on 917 should be in conformity and consistent with the bulk of construction on every other lot on the east side of Edgemere Court.
  ○ The east side of the Edgemere Courtyard should be visualized as a consistent whole. The three houses at the north end and the four houses at the south end are each more or less regular in shape and in line with each other. If a rectangle is drawn around these 7 houses (approximately 75' on the east-west edge) and then extended south through 925 to include the 3 houses at the south end, the bulk of all construction on each lot would be included in the rectangle. Please see Exhibit N.
    ■ All of 943, 935 and 929 would be included, as well as all of 911, 907 and 901 (with the exception of parts of the one story garages on the west side of these structures and a small portion the one story extension on the east side of 911).
    ■ The substantial bulk of 925 and 919 would also be included inside of this rectangle.
  ○ In order to be visually compatible with neighboring structures and open spaces, the bulk of any 917 construction must also be inside of this rectangle.

XVI. Proportion of Facades and Openings (Standards #2 and #3)

To be visually compatible with the neighboring structures, the width and height of the façade and window openings of the Proposed Construction must be in proportion with those structures
  ● The front façade of the Proposed Construction is a combination of 4 discrete square or slightly rectangular segments that combine to form an approximately 40 ft. by 34 ft. rectangular front.
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(Please see West Elevation of Proposed Construction in Applicant’s Appeal Attachment) There is simply nothing like this in the Edgemere Neighborhood or the LSHD.

● In order to be compatible the surrounding properties with which it is visually related, the front façade of the Proposed Construction should be less modular and present a more uniform whole.

● The expansive use of glass covering the entire horizontal expanse of the top floor of the Proposed Construction is out of proportion and not in keeping with the Edgemere Neighborhood to which it is visually related.

● The size of the windows and the amount of glass on the front façade needs to be reduced.

XVII. Relationship of Materials and Texture (Standard #7)

To be visually compatible with the neighboring structures, the choice of materials and texture of those materials must relate to the predominant materials used in existing structures.

● The Applicant used a combination of coursed limestone, stucco, weathered cedar and glass on the front façade of (and throughout) the Proposed Construction.

● While other properties in the Edgemere Neighborhood and LSHD use these materials, they all use a use fewer number of predominant materials.

● None of the references cited by Applicant use the combination of all 4 materials.

XVIII. Visual Compatibility (Standards #1, #4, #5, #6, #9, #10. #11)

The Proposed Construction is not visually compatibility with neighboring structures and open visualizations from both of the north-south pedways and both of Clark Square Park to the south and Lee Street Beach/Elliott Park to the north.

● The Proposed Construction is more suited for a highly dense neighborhood, not the park-like environment of the Edgemere Neighborhood.

● The dominant feature of the Proposed Construction is the Crow’s Nest and box-like design.. When visualized from the surrounding public ways, it will stand-out from the neighboring structures with which it is visually related, thereby destroying any sense of walls of continuity, rhythm or visual compatibility in directional expression.

● The second Nesbitt proposal (Nesbitt #2) approved by the Preservation Commission in January 2009 provides an example of, and an idea for, a 6,000 sq ft home with 3 car garage that could be built on 917 compatible with the Preservation Standards. Please see Exhibit N.

XIX. Summary and Conclusion

It is the desire and hope of the Edgemere Neighbor that:

● Edgemere Commons will not become another chapter in the unfolding 7UDH/HG. FI WH & RP P ARV/

the “Nesbitt Influence” does not come back to life in the development of the 917 property;

precedent will not be established favoring continuing (Nesbitt-like) erosion of natural walls of continuity, spatial relationships, and mass which are critically important to preservation;

development of 917 will be consistent with the massing, setback, spatial, and height parameters contemplated by the Preservation Standards as outlined in this Joint Statement, such as the 6,000 sq.ft, 26’ high, 3 car garage proposal (Nesbitt #2) previously approved for 917 by the Commission in 2009. Please see Exhibit N; and

● the legislated process of preservation review and the integrity and service commitment of the Commissioners not be disrespected.
XX. Exhibits

B. Preservation Standards
C. Zoning Letter
D. Private Driveway Sign on Edgemere Court Gatepost
E. Evanston Lakefront Trail
F. Zillow Image of Edgemere Court Lot lines
G. Survey of 917 Showing Courtyard Area and Public Lakebed Area
H. Publicly Owned Land Occupied by Riparian Owners
I. Image of 3 Dimensional Mass of Proposed Construction
J. Position Statement of Edgemere Neighbors
K. Illustration of Historical Edgemere Court Development, Rhythm, and Bulk
L. Tree Line
M. Diagram Illustrating:
   a. Proposed Boundaries for Bulk of Construction
   b. 911-925 Lakeside Setback Line
   c. Riparian Lor Line
N. Previously Approved House for 917
O. Photos Illustrating Visual Impact
NEIGHBORS’ EXHIBIT A

ARCHITECTURAL RESOURCES IN THE LAKESHORE HISTORIC DISTRICT
Evanston, Illinois
Summary and Inventory Prepared for the City of Evanston by: Granacki Historic Consultants
1105 West Chicago Avenue, Suite 201 Chicago, IL 60642 2012

<table>
<thead>
<tr>
<th>Number</th>
<th>Street</th>
<th>Suffix</th>
<th>Local District Rating</th>
<th>Local Landmark?</th>
<th>Architect</th>
<th>Reason for Significance</th>
<th>Individual H8 Rating</th>
<th>Individual H8 Notes</th>
</tr>
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<tbody>
<tr>
<td>917</td>
<td>Edgemere Court</td>
<td>00</td>
<td>50</td>
<td>T</td>
<td>D.F.S.</td>
<td>This residence is a prime example of the Harvey Ellis architectural style, the elegant exterior, the fine interior, and the attention to detail.</td>
<td>50</td>
<td>Ellis style.</td>
</tr>
<tr>
<td>917</td>
<td>Edgemere Court</td>
<td>03</td>
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<td>D.F.S.</td>
<td>This residence is a prime example of the Harvey Ellis architectural style, the elegant exterior, the fine interior, and the attention to detail.</td>
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<td>Ellis style.</td>
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<td>50</td>
<td>Ellis style.</td>
</tr>
</tbody>
</table>
NEIGHBORS’ EXHIBIT B

Preservation Standards

Standards for review of construction. In considering an application for a Certificate of Appropriateness for construction, the Commission shall consider only the following general standards, specific design guidelines, if any, accompanying the ordinance designating the Landmark or District, and the standards included in Section 2-8-9(E).

(1) Height. Height shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visibly related.

(2) Proportion of front facade. The relationship of the width to the height of the front elevation shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visually related.

(3) Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with properties, structures, sites, public ways, objects, and places to which the building is visually related.

(4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a structure shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visually related.

(5) Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the properties, structures, sites, public ways, objects, and places to which it is visually related.

(6) Rhythm of entrance porches, storefront recesses and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the properties, structures, sites, public ways, objects, and places to which it is visually related.

(7) Relationship of materials and texture. The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the structures to which it is visually related.

(8) Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.

(9) Walls of continuity. Facades and property and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a
917 Edgemere Court (LSHD--Ward 3)
Joint Statement of Edgemere Neighbors

street, to ensure visual compatibility with the properties, structures, sites, public ways, objects, and places
to which such elements are visually related.

(10) Scale of a structure. The size and mass of structures in relation to open spaces, windows, door
openings, porches, and balconies shall be visually compatible with the properties, structures, sites, public
ways, objects, and places to which they are visually related.

(11) Directional expression of front elevation. A structure shall be visually compatible with the properties,
structures, sites, public ways, objects, and places to which it is visually related in its directional character,
whether this be vertical character, horizontal character, or nondirectional character.

(12) The distinguishing original qualities or character of a property, structure, site or object and its
environment shall not be destroyed. The alteration of any historic or material or distinctive architectural
features should be avoided when possible.

(13) Every reasonable effort shall be made to protect and preserve archaeological resources affected by,
or adjacent to any project.

(14) Contemporary design for additions to existing properties shall not be discouraged when such
additions do not destroy significant historic, cultural or architectural material, and such design is
compatible with the size, scale, color, material, and character of the property, neighborhood or
environment.

(15) Wherever possible, new additions to structures or objects shall be done in such a manner that if such
additions were to be removed in the future, the essential form and integrity of the structure would be
unimpaired.

16) In considering new construction, the Commission shall not impose a requirement for the use of a
single architectural style or period, though it may impose a requirement for compatibility.

(17) Signs. Any sign that is readily visible from a public street shall not be incongruous to the historic
character of the Landmark or the District. Recommendations regarding signs are advisory only and may
be referred to the Sign Review and Appeals Board for consideration.
Zoning Issues

Item #1: Location of Outside Mechanical Equipment Current Design: The plans submitted show four (4) pieces of rooftop mechanical equipment: three air conditioning units and a “future” emergency generator. These units are tightly spaced within a sunken roof recess with screening and are placed along the north edge of the roofline.

Item #1, Concern #1: LOCATION OF MECHANICAL UNITS ON ROOFTOP The zoning code states that such items be placed in side or rear yards, thus at grade level, to help dissipate noise pollution. Please note that these elevated mechanical units are located right outside the upper level bedroom windows of 911 Edgemere Court and will interfere with the owner’s use of their home. Note: The bedrooms at 917 are located on the ground level and thus at some distance from the noisy equipment. No part of the residential code addresses rooftop units, just smaller window units. So the first question is: are they even allowed, or should a request for a special variance have been made in the original application?

Item #1, Concern #2: LOCATION OF MECHANICAL UNITS RELATIVE TO SIDE YARD SETBACK The mechanical units are drawn as tightly-spaced generic boxes and their location on the roof in relation to the side yard setback is not indicated with any kind of setback line or specific dimensions. This information is essential to determine adequate distance from the neighbors, to prevent noise pollution. Such equipment typically requires adequate perimeter clearance for ventilation requirements and service access. It is impossible to determine from the drawings submitted (without equipment specifications and a dimensioned roof plan showing setbacks) if the actual pieces to be installed will be larger in size or in a different location, thereby violating the minimum side setback. 6-4-6-9. - SPECIAL REGULATIONS APPLICABLE TO AIR CONDITIONING EQUIPMENT. Air conditioning equipment requirements are as follows: Required Yard Front yard: Prohibited. Interior side yard: Eight-foot setback required; or six-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. Interior side yard abutting an alley of at least eight (8) feet in width: Eight-foot setback required; or four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. Street side yard: Four-foot setback required when located within two (2) feet of the principal structure and obscured from view by screening methods such as landscaping. Rear yard (rearmost thirty (30) feet of yard): Three-foot setback from all property lines (the same as other accessory structures in the required rear yard). (Ord. 66-0-09; Ord. No. 15-O-14, § 2, 2-10-2014) Possible Remedy: In order to be granted zoning compliance, the three air conditioning units and the emergency generator could be relocated from the rooftop to grade level within the side courtyard space or within the rear yard, at the required distance from the side yard setback. Continued on next page.

Item #2: EMERGENCY EGRESS WINDOW WELLS IN VIOLATION OF THE SIDE YARD SETBACK Current design: The original plans submitted for 917 Edgemere Court included an in-law suite in the basement level. Such sleeping quarters would require a second means of egress; given the size of the basement and travel distances, a second means of emergency egress for any use might be required in any case. The plans submitted for the
917 Edgemere Court (LSHD--Ward 3)
Joint Statement of Edgemere Neighbors

Preservation Commission review and made available to the neighbors for review on June 9, 2018, omitted the basement level plans. The first-floor plan indicates a central staircase going down into a presumed basement. The exterior elevations indicate basement level windows along the north elevation only, but neither egress windows nor window wells are indicated. No window wells are indicted within the courtyard plan.

Concern: VIOLATION OF THE 5-FOOT SIDE YARD BY A CONSTRUCTED ELEMENT Given the minimal 5-foot side yard setback, it is possible that future window wells may impinge on this setback, in violation of the zoning ordinance. Ten percent of the 5'-0" setback is only 6 inches, not enough space for an exterior window well, thus a violation of the zoning code. Per the Zoning Ordinance: Permitted Obstructions in Required Yards: General Provisions: Yard obstructions attached to the principal or an accessory structure on a site shall include but are not limited to: permanently roofed terraces or porches, chimneys, bay windows, window-mounted air conditioning units, awnings, canopies, arbors, trellises, balconies, overhanging eaves, unenclosed staircases four (4) feet or more above grade, and enclosed staircases. A yard obstruction is any of these items extending outside of the allowable building envelope and into a required yard. A yard obstruction may extend into no more than ten percent (10%) of the depth of a required yard, except in cases of overhanging roof eaves and gutters for new additions to existing structures. In such cases eaves and gutters may be constructed so to match or more closely match the existing roof eave and gutter, provided that such projection does not encroach upon an adjacent lot line. Possible remedy: If a basement level plan could be reviewed by the building department to identify any need for a second means of emergency egress and its likely location, this egress may be incorporated into the design in a way that does not violate the side yard setback and thus does not invalidate the zoning approval. If this is a case of begging for forgiveness later (i.e. inserting window wells in the setback) instead of asking for permission now (i.e. finding a solution that meets city codes), better to catch it now. Continued on next page.

Item #3: MAXIMUM BUILDING HEIGHT ALLOWED Current design: The building elevations show grade at 0'-0" elevation and thus the maximum building height indicated complies at 35'-0". However, although the site plan as submitted mention local benchmarks, in no case can I find a note relating these benchmark elevations to the assumed 0'-0" grade to start with.

Concern: MAXIMUM BUILDING HEIGHT IN RELATION TO NEIGHBORING BUILDINGS Added fill to the building site, made after the demolition of the previous dwelling, has artificially elevated the building site above its neighbors. The new residence at 925 Edgemere Court dwarfs its neighbors and appears to exceed the maximum building height, so there is concern that such “relative” elevations may be manipulated. Possible remedy: Can the building’s base elevation of 0'-0" be located relative to existing benchmarks so that the building’s actual height relative to neighboring structures may be determined?

Additional Concern: The site survey used for the Zoning Application dates to 2016, two years before the application was made. A more up-to-date survey should have been required in order to go forward and the zoning department ought not to have reviewed the application without a current survey.
NEIGHBORS' EXHIBIT D

Private Driveway Sign on Edgemere Court Gatepost

Here is the end of the bike path part of the Evanston Lakefront Bikeways route at Lee Street.

The sign on the post says "Edgemere Court Private Driveway" but it is actually an accessible road that you can ride on (a very short distance) to get to the rest of the trail.
NEIGHBORS’ EXHIBIT E

Evanston Lakefront Trail

12 min
0.6 mile

11 min
0.6 mile

9 min
0.5 mile

Elliot Park

Clark
Square Park

Sheridan Road
917 Edgemere Court (LSHD--Ward 3)
Joint Statement of Edgemere Neighbors

NEIGHBORS' EXHIBIT F

Zillow Image of Edgemere Court Lot lines
NEIGHBORS’ EXHIBIT G

Survey of 917 Showing Courtyard Area and Public Lakebed Area
NEIGHBORS’ EXHIBIT H

Publicly Owned Land Occupied by Riparian Owners

(based on Sabow #2 Design)
NEIGHBORS’ EXHIBIT I

Image of 3 Dimensional Mass of Proposed Construction
917 Edgemere Court (LSHD--Ward 3)
Joint Statement of Edgemere Neighbors

NEIGHBORS’ EXHIBIT J

Position Statement of Edgemere Neighbors
To: Evanston City Council  
Evanston, Illinois

From: Edgemere Court Concerned Neighbors

Re: Neighborhood Position Statement--July 2018  
917 Edgemere Court--Lakeshore Historic District--Ward 3  
Appeal From Rejection by the Evanston Preservation Commission of Application  
For Preservation Review of Certificate of Appropriateness

The undersigned represent a substantial majority of all owners of property and residents in the subdivision commonly known as Edgemere Court. We value preservation of the historic park-like environment of Edgemere Court.

Edgemere Court is in the Lake Shore Historic District and is subject to the Preservation Ordinance of the City of Evanston. Like all residents in Evanston's Historic Districts, the Edgemere Court Neighbors purchased their homes understanding that they are subject to Evanston’s preservation standards and processes. Just as all residents in Historic Districts must abide by those standards, they also look to the Preservation Commission to preserve and protect the Historic Districts when others seek to build new construction, renovate their property or build additions.

This matter involves an Application for Preservation Review of Certificate of Appropriateness for Construction of a new house at 917 Edgemere Court. On June 12, 2018 the Evanston Preservation Commission unanimously rejected this application and the owners of 917 Edgemere have appealed that decision to the City Council. The Edgemere Court Neighbors request the City Council to uphold the social compact embodied in the preservation process, and affirm the unanimous decision of the Evanston Preservation Commission to reject the application.

In reviewing this matter, we respectfully request the City Council to defer to the knowledge, expertise and experience of the Preservation Commission in applying the preservation standards to the application. Like the Preservation Commission, we encourage the City Council to construe strictly and adhere rigorously to all preservation standards applicable to review of construction set forth in Section 2-8-9(B) of the Preservation Ordinance. In particular, we support strict construction of, and rigorous adherence to, standards regulating:

- East and West setback "waves of continuity" facing the North-South pedestrian walkways (the "pedways") (i) along the Lake Michigan water's edge and (ii) through the central court area of Edgemere Court connecting Clark Square Park and Sheridan Road with Lee Street beach and Lake Shore Boulevard,
- Compatibility of height with neighborhood structures,
- The rhythm of spacing between neighboring structures,
- The overall scale of construction,
- The placement of the bulk of new construction in a manner visually compatible with neighboring structures and open spaces, and
- The visual compatibility of new construction with neighboring structures and open spaces (including visualizations from both of the North-South pedways and both of Clark Square Park and Lee Street Beach).
The Edgemere Court Neighbors respectfully request the City Council to reject Applicant’s Appeal of the decision of the Evanston Preservation Commission.

901*Edgemere Court

[Signatures]

907 Edgemere Court

[Signatures]

911 Edgemere Court *

[Signatures]

907 Edgemere Court

[Signatures]

911 Edgemere Court *

[Signatures]

*Landmark
NEIGHBORS' EXHIBIT K

Illustration of Historical Edgemere Court Development, Rhythm, and Bulk

(Edgemere Court before Nesbitt Development, c. 2005)
NEIGHBORS’ EXHIBIT L

Tree Line
917 Edgemere Court (LSHD--Ward 3)
Joint Statement of Edgemere Neighbors

NEIGHBORS’ EXHIBIT M

Diagram Illustrating Proposed Boundaries
- Bulk of Construction
- 911-925 Setback Line
- Riparian Line
Previously Approved Construction for 917
NEIGHBORS’ EXHIBIT N

Photos Illustrating Visual Impact
23 July 2018

Stephen Hagerty, Mayor
Council Persons
Evanston City Council
Evanston, IL

Dear Mayor Hagerty:

At the request of the Edgemere Court Neighbors, I have reviewed the application for the construction of a new house at 917 Edgemere Court, located in the Lakeshore Historic District of Evanston, Illinois. The current site is a vacant lot, so the application is for new construction. But as a local historic district, the proposal must receive a Certificate of Appropriateness from the Historic Preservation Commission (HPC). At their June 12 meeting, the applicants insisted on an "up-or-down" vote, and the HPC rejected the application in a vote of 0-7. The applicants have appealed the decision to the Evanston City Council, which will hear the appeal on Monday, July 23.

I have been hired by the Edgemere Court Neighbors to review the application materials, review by the HPC, and appeal in order to provide my expert opinion about the application and whether the appeal should be granted by the Council.

Credentials:

I am an architect specializing in historic preservation with over twenty years experience restoring historic buildings in the Chicago region. Many of these buildings have been designated historic resources and required review and approval by various preservation review boards, including the Chicago Landmarks Commission, Evanston Preservation Commission, Glencoe Preservation Commission, the State Historic Preservation Office and the National Park Service. Consequently, I am very well versed in presenting to preservation review boards and working with them to gain approvals for my clients.

I have also served on various review boards, including almost seven years as Chair of the Oak Park Historic Preservation Commission (2001-08), six years on the Oak Park Plan Commission (2011-17), several years on Landmarks Illinois’ Easement Committee and two three-year terms on the Illinois Historic Sites Advisory Council. As such, I am very experienced in understanding how the review process works from both sides of the table.

I am familiar with Evanston, having worked on the team led by the Lakota Group to survey Evanston landmarks located outside of historic districts in 2015. Although this particular property is located within a historic district and therefore not part of that survey effort, my experience on that project gives me a thorough understanding of the types and variety of historic resources in the community.

Objectives:

The purpose of my review is to determine whether the HPC acted appropriately and within its discretion in regards to the application for 917 Edgemere Court. In their appeal, the applicants claim that the HPC has “not followed their own standards, ordinance and procedures and that has caused significant delay as well as caused personal and financial harm to our family.” They further claim that the “commission failed to provide specific guidance on which standards they are denying upon, leaving us to guess what we would do next.” Noting that they have a respected architect and former HPC chair, the applicants claim that the HPC “has not shown consistency in the application of the ordinance standards nor have they provided clear or consistent direction to the design team which would allow this project to move forward.”

It should be noted that the appeal does not make substantially new arguments in favor of the proposed design, but rather relies on these claims of getting conflicting or unclear guidance from the HPC. Consequently, I
interpret their appeal as a request for the Council to step in and rectify a situation claimed to be intolerable with the HPC. My review is to determine whether the basis for this appeal has grounds, or whether the applicant is attempting to do an “end-run” around the HPC so that they can get their project approved as they wish, without adjustments or compromise on their part needed to gain HPC approval.

My role then, is not to determine whether the proposed design meets the Standards for Review of Applications for Certificates of Appropriateness (2-8-9) (Standards) but whether the HPC reasonably reviewed the application and provided appropriate feedback for the applicant’s team of professionals to interpret and make adjustments. As part of my review herein, I will refer to the proposed design and the applicable Standards, but will refrain from offering my opinion on whether the application meets those Standards. That is the role of the HPC.

Review Process:

In order to complete my review in a very short timeframe, I have obtained documents related to the application from my clients and from the public record available online on the Evanston website. These documents include the July 5, 2018 appeal, the application of May 2018, the meeting minutes of the HPC, the denial letter from the HPC, video of the June 12, 2018 HPC meeting, Evanston ordinances and procedures for the HPC, and documents prepared by the Edgemere Court Neighbors. I have reviewed these as part of my report and rely on the public record for factual data presented herein.

Application Timeline Review:

The applicants first presented a proposed design to the HPC on May 3, 2016. That application was reviewed at the HPC’s meeting on May 17, 2016. The HPC continued the application in order to give the applicant an opportunity to make adjustments. The HPC reviewed a substantially new design at their June 21, 2016 meeting. They continued the application at that time in order to give the applicant more opportunity to make revisions.

No further revisions of the design were made by the applicant for fourteen months. Consequently, the HPC removed the application from its system in August 2017.

The HPC did receive an application for a subdivision of property on December 5, 2016. This application was to transfer 10 feet of property from the north, making a wider lot for 917 Edgemere. The application did not include any proposal for a new house. The HPC approved the application at their December 20, 2016 meeting in a 8-0 vote. It is my understanding that this subdivision was never completed.

The HPC received an application for a new house on May 18, 2018. This application included a substantially new design from the previous proposals of 2016. The HPC reviewed the application at its meeting on June 12, 2018. The HPC offered to continue the application in order for the applicant to make requested revisions, but the applicant insisted on a vote. The HPC voted against the proposal 0-7.

The applicant filed a notice to appeal on July 5, 2018 and the appeal is scheduled for July 23, 2018 before the full city council.

In their appeal notice, the applicants repeatedly claim that the 2 or 2 ½ year process has caused them financial and emotional stress and that they should have been able to get an approval in a more timely manner. I find this claim to be disingenuous. Although there appeared to have been significant activity in 2016, including a re-design and an effort to expand the property, the applicant went silent by January of 2017. Nothing new was presented to the HPC between December 2016 and May 2018, a total of 16 months. There are many valid reasons why 16 months might pass without activity by the applicants, but none of them would be the responsibility of the HPC. When a new design proposal was received in May 2018, the HPC reviewed it at their June meeting. They proposed a month’s continuance so that the applicant could make revisions based on HPC feedback. This is a standard procedure and often necessary for designs that have not yet been reviewed by a preservation body. This was not a revision of an earlier design; it was a substantially new design proposal, something that the applicant’s representative concurred with at the June meeting.
Whatever reasons the applicants may have had to spend 16 months without a new or revised proposal to the
HPC, the HPC should not be blamed for it and the applicants should not be rewarded with a successful appeal
based on their own inaction.

**Standards Interpretation Review:**

At the June 2018 HPC meeting, various commissioners commented on a number of Standards that they felt the
proposed design did not comply. A significant concern was for Standard 1 (Height). Commissioners noted that
the height of the design was effectively taller than other neighboring houses since this design is for a flat roof and
the neighbors have sloped roofs. A house with a flat parapet, as proposed here, would appear taller than
neighboring houses with sloped roofs.

Commissioners also noted that Standards 3 and 4 (Proportions of Openings and Rhythm of Solids to Voids) were
a factor as the design included a large area of windows on the front façade compared to neighboring houses with
smaller proportioned windows.

Several commissioners noted that Standard 7 (Relationship of Materials and Textures) was an issue since the
design had so many various materials compared to the more restrained use of materials on neighboring houses.
Note here that the issue is not whether their proposed materials can be found on neighboring houses, but that the
excessive amount of various materials is out of character with the context.

Commissioners also noted Standard 10 (Scale of Structure) in that the proposed house is two stories, yet will be
as tall or taller than neighboring houses that are two or two and a half stories. This was noted to show that the
house as designed was not in scale and proportion to the neighboring houses, including that of windows,
openings and porches.

As to Standard 14 (Innovative Design), the commissioners all expressed support for innovative design and that a
historic pastiche was not being requested. It should be noted that the standard requires innovative designs to be
"compatible with the size, scale, color, material and character of the property, neighborhood or environment."
Almost all of the comments and concerns expressed by the HPC addressed those specific requirements.

In their appeal, the applicant claims that the HPC failed to properly interpret and communicate their interpretation
of the Standards throughout the entire process. “It is the contention of this applicant that the standards of review
and the administration of the ordinance have been narrowly and incorrectly interpreted by the commission as they
have been applied to this proposed home beginning with the initial submission of the original application in May of
2016.” There are numerous allegations on this; I will focus on several key claims.

“The commission has not provided reference to specific standards under which this proposal has been denied.”
The applicant has claimed that the HPC did not specifically reference the standards on which the design was non-
compliant. However, throughout the June 2018 meeting, commissioners repeatedly referenced various standards
on which they had concerns (and as I have summarized above). These are clearly identified in the meeting
minutes and in the June 19 letter from the HPC to the applicant outlining the reasons for denial and concerns
commissioners had about the design. That letter and the minutes specifically highlight commissioner concerns
about the building scale, height and use of materials in context with the surrounding neighborhood.

Under Recommendation 1, the applicant claims that the HPC has incorrectly interpreted the Standards regarding
the material compatibility of the design with its context and that the request for information about material colors is
not allowed per the Standards. In this, the applicant is incorrect on the facts. The applicant claims that the entire
historic district should be evaluated for context, yet Standard 1, quoted in their appeal, notes that the context is
"compatibility with structures, sties, etc. to which it is visually related.” The HPC was correct in evaluating the
context as the adjoining and nearby neighbors. The applicant is also incorrect in claiming that color is not part of
the Standards for review. Standard 14 makes specific reference that innovative new designs shall be compatible
with “the size, scale, color, material…” (my emphasis added). The HPC was correct in evaluating the material
colors and their compatibility with neighboring houses.
Under Recommendation 2, the applicant claims that the HPC has incorrectly required adjustments to the scale of the structure to be more compatible with the character of the neighborhood. Again, the applicant is wrong on the facts. Standards 1 and 10 note that height and scale of a structure should be compatible with “the properties… to which they are visually related.” It is therefore not relevant how tall the design is compared to the overall district, but rather to the immediate neighboring and surrounding properties. Furthermore, the HPC noted that while the height is technically within the scale of some neighboring properties, the massing differences of the historic properties is different than the flat parapets of the design, making the design appear taller. It is not inappropriate to request changes to massing to address these concerns.

Under Recommendation 3, the applicant claims that the HPC’s request to “tone down the size of the windows” is not referenced to any Standard and is unclear. However, there are Standards that directly address windows, namely 3 and 4. These standards require windows and openings to be compatible in width and height and that the relationships between solids (walls) and voids (windows) be compatible with properties visually related to the proposed design. The design’s second floor window is quite large and of a proportion unlike anything in the immediate neighborhood. Therefore, it is not unreasonable for the HPC to require modifications to that.

Under Recommendation 4, the applicant contests the request for additional presentation materials to better show the compatibility of the design to the context. The applicant claims that this is a hardship and not relevant as the HPC should be considering the overall district context. As noted before, the applicant is wrong on the facts about the relevancy of the “visually related” context. Regarding the request for additional materials, this was a request only and it is incumbent on the applicant to provide sufficient materials for the HPC to review and make a decision. The applicant may choose not to provide certain requested presentation materials, or do so in a different way than requested. But the request for modeling to show the overall massing and scale of the design to the neighborhood context is not unreasonable. That the applicant included a digital model from one perspective suggests they have the information and ability to provide similar digital modeling if it would help their case.

The applicant further claims that the HPC focused too narrowly on adjoining properties at their June meeting. They contend that the context should be the broader context of the district and in their appeal, highlight several properties that they contend are in character with their design. A few things are worth noting here. First, several new exhibits have been presented in the appeal that were not in the application to the HPC. These include an elevation study of the west side of Edgemere Court and examples of other district properties the applicant contends are in character with the design. The HPC did not review these materials because they were not presented, and the applicant is only now discussing them. No discussion of these properties was raised at the June meeting by the applicant. Their appeal also makes reference to the criteria for designating a historic district, noting that the designations “shall presumptively include all of the lots of record associated with sites, buildings, structures and objects located in the district.” But this reference is not relevant for a design review, only for review of a district nomination. The standards are very clear that context refers to “properties, structures, sites, public ways, objects and places to which it is visually related.” The HPC was correct in keeping the context comparisons more narrowly focused. And it is disingenuous for the applicant to complain in their appeal that the HPC did not consider the broader district context when they themselves did not present any examples they now cite.

It should be noted that some of the applicant’s arguments and claims about their design are reasonable interpretations that would typically be part of dialogue between the applicant and the HPC. The HPC wished to further a dialogue with the applicant over some of these issues past the June meeting, but the applicant refused and demanded a vote. I would contend that the time and place for such dialogue and debate is in the HPC review process, not on appeal.

Another contention by the applicant is that their design meets all zoning requirements and could be built as of right. While my scope is not on the zoning review of the design, I would take exception to their claim that the design could be built as of right. Even if it does meet zoning requirements, to build as of right, a project must meet all requirements, which in this case includes getting a Certificate of Appropriateness from the HPC. Without this, the applicant cannot build as of right. In addition, historic preservation ordinances are part of the overall zoning regulations by a community, so failure to meet a preservation ordinance is a failure to meet all zoning requirements.
Preservation Commission Procedures:

The applicant claims that the HPC did not fully follow its procedures and/or that they were confused and inconsistent. In their appeal cover letter dated July 3, 2018, the applicant claims the process has been “disorganized and unclear. We have been in front of the commission 4 times and each time they interpret their standards in different ways, have different requests for follow-up material, have different commissioners in attendance at meetings, and have appeared more concerned with catering to comments from neighbors than upholding their ordinance standards.”

In my review of the record, I find the applicant’s claims to be misleading at best and outright false in most cases. Several issues are worth noting here. First, commissions will always have turnover of commissioners and over a two year period, it is not surprising or inappropriate that new commissioners will be seated. Any new commissioner can and should evaluate an application as an individual and is not bound by the views of previous commissioners. Second, the HPC seemed consistent in their review comments about the scale, massing and height of the earlier design proposals. It should be noted that the three designs were substantially different, so it should not be a surprise that the HPC might have different concerns or issues with each one. Last, the HPC has a process to take input from concerned citizens. Several people addressed the HPC at the June meeting objecting to the design as proposed or provided statements going on record with their objections. The HPC listened but did not focus their comments or concerns on specific statements by the objectors. In fact, the objector’s specific statements received no other references by the HPC. That many of the neighbor objections were on the same grounds as those already expressed by commissioners is not evidence that the HPC was “catering” to the concerns of those neighbors while ignoring their Standards.

In their denial of the application at the June meeting, a commissioner made a motion that the application did comply with the noted Standards and should be approved. This motion was seconded and then voted down 0-7. This was an odd process as standard rules of procedure suggest that a person making a motion is supportive of that motion. Yet the vote clearly showed that none of the commissioners felt that the project complied with all of the Standards. So while this was an odd way to make the motion (HPC rules allow for a motion to deny based on non-compliance with Standards), it does not render the overall process inappropriate. The HPC was very clear at the meeting and in the denial letter on which Standards it had objected to.

The HPC followed its rules and procedures and the Preservation Ordinance in its notifications of both the application and to the applicant on its denial. The denial letter summarized the issues and concerns raised by the HPC and offered suggestions on how the project might be revised to comply. It should be noted that the HPC should not be designing a project for the applicant, it is their responsibility to interpret the objections and make appropriate adjustments. That an applicant is unwilling to make the necessary adjustments is not evidence that the Commission is being unreasonable.

Recommendation of Appeal Review:

According to the Evanston Preservation Ordinance (2.8.8(G)5), the council shall base its decision of an appeal “solely on the basis of the record and application of the appropriate standards.” I can understand a desire for council members to base a decision on personal issues raised by the applicant, but the applicant has not shown that the HPC did not properly apply the Standards for this project. The applicant had ample opportunity to make revisions and new applications in the overall two years since they first submitted, yet waited 16 months before this last application. The HPC was more than willing to continue the application to allow the applicant reasonable time to make adjustments based on their concerns. The HPC concerns and reasons for denial were clear and well-articulated, especially for preservation/design professionals to understand. The applicant has presented new materials in its appeal that the HPC did not have a chance to review. The ordinance allows for the applicant to resubmit the project for further review, so a denial of this appeal does not prevent the applicant from re-presenting to the HPC.

Based on my review of the record, I respectfully recommend that this appeal be denied by the Evanston City Council and that the applicant be encouraged to make the necessary adjustments to their project so that they may gain HPC approval and a Certificate of Appropriateness. Please do not do a dis-service to your Preservation
Commission and the volunteers that give their time, expertise and effort and to the neighbors that have raised reasonable objections to this project as presented. I see no reason why this design cannot be reasonably modified to meet the concerns expressed by the HPC and ultimately gain approval through the normal channels.

Sincerely,

Douglas E. Gilbert
Principal
To: Evanston City Council  
Evanston, Illinois  
From: Edgemere Court Concerned Neighbors  
Re: Neighborhood Position Statement--July 2018  
917 Edgemere Court-- Lakeshore Historic District--Ward 3  
Appeal From Rejection by the Evanston Preservation Commission of Application  
For Preservation Review of Certificate of Appropriateness

The undersigned represent a substantial majority of all owners of property and residents in the subdivision commonly known as Edgemere Court. We value preservation of the historic park-like environment of Edgemere Court.

Edgemere Court is in the Lake Shore Historic District and is subject to the Preservation Ordinance of the City of Evanston. Like all residents in Evanston’s Historic Districts, the Edgemere Court Neighbors purchased their homes understanding that they are subject to Evanston’s preservation standards and processes. Just as all residents in Historic Districts must abide by those standards, they also look to the Preservation Commission to preserve and protect the Historic Districts when others seek to build new construction renovate their property or build additions.

This matter involves an Application for Preservation Review of Certificate of Appropriateness for Construction of a new house at 917 Edgemere Court. On June 12, 2018 the Evanston Preservation Commission unanimously rejected this application and the owners of 917 Edgemere have appealed that decision to the City Council. The Edgemere Court Neighbors request the City Council to uphold the social compact embodied in the preservation process, and affirm the unanimous decision of the Evanston Preservation Commission to reject the application.

In reviewing this matter, we respectfully request the City Council to defer to the knowledge, expertise and experience of the Preservation Commission in applying the preservation standards to the application. Like the Preservation Commission, we encourage the City Council to construe strictly and adhere rigorously to all preservation standards applicable to review of construction set forth in Section 2-8-9(B) of the Preservation Ordinance. In particular, we support strict construction of, and rigorous adherence to, standards regulating:

- East and West setback "waves of continuity" facing the North-South pedestrian walkways (the "pedways") (i) along the Lake Michigan water’s edge and (ii) through the central court area of Edgemere Court connecting Clark Square Park and Sheridan Road with Lee Street beach and Lake Shore Boulevard,
- Compatibility of height with neighborhood structures,
- The rhythm of spacing between neighboring structures,
- The overall scale of construction,
- The placement of the bulk of new construction in a manner visually compatible with neighboring structures and open spaces, and
- The visual compatibility of new construction with neighboring structures and open spaces (including visualizations from both of the North-South pedways and both of Clark Square Park and Lee Street Beach).

In considering the above points, please review the attached illustrations showing three perspective views of the proposed new construction that were professionally prepared based upon the drawings submitted by the Applicant to the Preservation Commission.
The Edgemere Court Neighbors respectfully request the City Council to reject Applicant’s Appeal of the decision of the Evanston Preservation Commission.

901* Edgemere Court

907 Edgemere Court

911 Edgemere Court *

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