DESIGN AND PROJECT REVIEW COMMITTEE (DAPR)
Wednesday, October 3, 2018
2:30 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2404

AGENDA

I. CALL TO ORDER/DECLARATION OF QUORUM, JOHANNA LEONARD, CHAIR

II. APPROVAL OF MINUTES: September 19, 2018, DAPR Committee meeting

III. NEW BUSINESS

1. 1571 Maple Avenue Adjustment to a Planned Development
   Michael McLean, applicant, submits for a major adjustment to the planned development approved by ordinance 19-O-15, and amended by ordinance 61-O-16, in order to modify the number of required leased parking spaces from 101 to 50 and amend the parking lease between the applicant and the City of Evanston to include parking in the Sherman Avenue Garage. The proposed major adjustment will also modify the affordable housing requirement from two-on-site units at 100% AMI to one affordable at 60% AMI. DAPR makes recommendations on adjustments to planned developments to the Plan Commission.

2. 935 Chicago Avenue Preliminary and Final Review
   James Anderson, developer, submits for asphalt repair, re-striping, and landscaping for an existing parking lot that serves as required off-site parking for the commercial/office uses at 847 Chicago Ave., per Planned Development Ord. 32-O-14.

IV. ADJOURNMENT

The next DAPR meeting is scheduled for Wednesday, October 10, 2018, at 2:30 pm in Room 2404 of the Lorraine H. Morton Civic Center.
DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES  
September 19, 2018


Staff Present: J. Velan, L. Hemingway

Others Present:

Presiding Member: J. Leonard

A quorum being present, Ms. Leonard called the meeting to order at 2:32pm.

Approval of Minutes

September 12, 2018, DAPR committee meeting minutes.

G. Gerdes made a motion to approve the September 12, 2018, meeting minutes, seconded by S. Mangum.

The Committee voted, 8-0, to approve the September 12, 2018, meeting minutes.

New Business

1. 1007 Church Street Sign Variation

Lynn Helberg, applicant, submits for a sign variation to install 1 – 3’-4” x 14’-0 illuminated tall building identification sign with a 5’-1” x 8’-5” illuminated logo on a building where the occupant between the second story and the top is not the same; a portion of the sign will not be installed between the floor of the top story and the top of the wall of the building and the sign will be installed on a façade which does not face toward and relate to a public thoroughfare, for Evanston Metro Center in the D3 Downtown Core District.

APPLICATION PRESENTED BY: Karen Dodge, applicant’s representative

DISCUSSION:

- K. Dodge stated the proposed signage is to identify the building to pedestrians and to persons vehicles and the train. She stated the proposed signage is building identification, not business identification.
- G. Gerdes reviewed the requested variations. He stated the applicant has also provided an alternative signage that eliminates the logo and includes “Evanston MetroCenter” at the top of the building.
• J. Leonard stated the signage would not be visible to those in vehicles, and questioned whether the sign would be helpful to pedestrians. She stated she does not see the benefit.
• S. Mangum asked if the alternative sign would be readable from the sidewalk.
• K. Dodge stated yes.
• The sign will be illuminated.
• M. Jones stated if Church Street was 2-way then there could be a benefit.
• Public Comment:
  • Leslie Shad, Bird Friendly Evanston, stated this building is the most problematic building in Evanston off Northwestern’s campus. She stated it is common for there to be many dead birds in the parking lot daily. She stated lights attract birds, the proposed sign will add lights.
  • Judy Polloch, Bird Friendly Evanston, stated the CTA side of the building is the main problem.
  • G. Gerdes stated the staff recommendation is only the building name and to turn off the sign at 9:00pm. He asked if the added light causes concern.
  • J. Polloch stated yes, lights pull birds off their migration path.
  • J. Leonard stated she did not see the benefit to the proposed signage, suggesting revisions/alternatives could be explored and bird friendly measures included, or the Committee could vote on the variation.
• K. Dodge stated she would go back to the building owner and discuss alternatives.

Item held in Committee to allow the applicant to consider alternative signage and to address bird friendly concerns.

Adjournment

S. Mangum made a motion to adjourn, seconded by J. Leonard. The Committee voted, 8-0, to adjourn. Meeting adjourned at 2:51pm.

The next DAPR meeting is scheduled for Wednesday, September 26, 2018, at 2:30 pm in Room 2404 of the Lorraine H. Morton Civic Center.

Respectfully submitted,
Michael Griffith
Design and Project Review (DAPR)

1571 Maple Avenue

Adjustment to a Planned Development
1571 Maple - Application for Major Adjustment
To a Planned Development

Section 1: Project Narrative

Section 2: Statements Addressing Relief Standards
Statements of Compliance with Zoning Ordinance
Statements of Site Control and Standards for Planned Developments
Statement of Development Allowances for Planned Developments

Section 3: Application Forms

Section 4: Zoning Analysis (N/A)

Section 5: Parking Analysis
Section 1 Project Narrative

The Applicant, 1571 Maple Avenue, LLC (“Maple”) is the owner and developer of the property at 1571 Maple. In 2015, pursuant to Ordinance number 19-0-15 (“Ordinance”) Maple was granted a Special Use for a Planned Development allowing for construction of a twelve story, 101 dwelling unit residential building with a total of 12 parking spaces on site (“Project”). Pursuant to Section III, paragraph C of the Ordinance, the City granted a Development Allowance providing that a maximum of 12 twelve on-site parking spaces are permitted, whereas subsection 6-16-3-5 would have required 142 parking spaces.

Section IV, paragraph Z required the development to lease an additional 101 parking spaces from the City at the Maple Avenue Parking Garage. The lease agreement was to provide that the initial lease period was for 7 years. After 7 years, the City and the project owner would enter into a new lease, at which time the number of parking spaces may be adjusted to reflect the actual number of parking spaces that have been leased and utilized by tenants within the Project. Thereafter, the lease would be able to be amended every five years reflecting the actual number of parking spaces leased and utilized by tenants of the Project.

The Project was completed in October of 2017. The building was effectively fully leased by June of 2018 with a maximum of 46 parking spaces leased by tenants in the Project. Even then, Maple had to offer incentives to entice tenants to lease spaces in the Maple Street Garage. The tenants have informed Maple that the reason they choose to live in the building is its incredible access to public transportation and being centrally located to any of their needs including grocery stores, entertainment and restaurants so that no car is needed.

Maple seeks a Major Amendment to the Planned Development Ordinance so as to:

(i) reduce the required number of off-site parking spaces from 101 to 50 spaces;
(ii) allow for the number of required leased parking spaces to be adjusted one year after occupancy;
(iii) allow for the City to lease a ‘to be determined’ number of off-site parking spaces to be located within the Sherman Plaza parking garage. These spaces are included in the required 50 off-site parking spaces and are not in addition to the off-site spaces.

The Applicant is also seeking a revision to Section 4, Q, reducing the number of on-site affordable housing units from two to one, and a change to the Area Median Income from 100% of AMI to 60% of AMI. This change better addresses the needs of the City in providing housing for all demographics in the City and is economically the equivalent to what was approved in the Ordinance. The affordable housing provisions of the Ordinance required the Applicant to make a $400,000 donation to the City’s Affordable Housing Fund. To date the first installment ($200,000) has been paid to the City with the second installment to be paid within one (1) year of the Full Certificate of Occupancy (which was issued 4/20/2018), in accordance with the Ordinance provisions.

Section 2
Statements Addressing Relief Standards

Statement of Compliance with Zoning Ordinance and Other Pertinent City Policies

Downtown Evanston Plan: The requested major adjustment is in compliance with the Downtown Evanston Plan in that it balances the need for off-street parking with the City’s desire to promote a compact and walkable downtown. The project as revised is in compliance with the downtowns compact, walkable, mixed use, and transit-orientated character. The Project has proven that transit orientated development, in the proper location can successfully reduce automotive ownership.

Evanston Comprehensive Plan: The requested major adjustment is in compliance with the Evanston Comprehensive Plan as the existing building is a transit-oriented development, in compliance with Evanston’s goal of having a traditional pedestrian and transit oriented pattern of neighborhoods located conveniently to business districts. The existing
building’s proximity to a CTA EL and Metra stops contributes to Evanston’s plan for a convenient mix of land uses that promote walking, bicycle use and mass transit ridership.

The Comprehensive Plan has always encouraged providing a varied mix of housing types both in size and economic cost. At the time this PUD ordinance was enacted the City had not yet adopted a formal Affordable Housing ordinance with specific requirements. The Applicant had offered the provisions set out in the Ordinance (the contribution and on-site establishment of affordable dwelling units). The contribution was made. It has been determined that the goals of the Comprehensive Plan will be better served by the reduction in the number of affordable housing units from two to one, along with reducing the economic cost of the affordable unit from 100% AMI to 60% AMI. This change better addresses the demographic needs of the City while maintaining the economic costs to the Applicant.

Statement of Site Controls and Standards for Planned Developments

The requested major adjustments are to a previously approved Planned Development. The requested changes are to allow for a modification of the total number of required off-site parking spaces and as to how adjustment of this number may be approved in the future. The major adjustment
reflects the actual parking demand for a building that is immediately adjacent to the EL and Metra stops and is centrally located to businesses serving the residents’ daily needs. The additional revision is to reduce the number of on-site affordable dwelling units from two to one along with a change to the rental cost of the affordable on-site unit. The Affordable Donation remains the same (of which one-half has been paid).

All other site controls and standards will remain as set forth in the Planned Development Ordinance. The original contribution required to the City’s Affordable Housing Fund ($400,000) remains unchanged, of which $200,000 had been paid to date, in accordance with the Ordinance.

The requested relief will have no adverse effects on business and residential uses adjoining the Project and the overall neighborhood.
Statement of Development Allowances for Planned Developments

Maple is seeking a further Development Allowance to Section 6-16-35 allowing for a reduction of Off Site parking from 101 spaces to 50 spaces. The off-site parking was in mitigation of the Development Allowance of 12 parking spaces being located on site.

In addition Maple is seeking to reduce the number of on-site affordable housing units from two to one, along with >>>>>>>>>>>>>>>>>>>>>>>

No other Development Allowances, except those granted pursuant to Ord. NO. 19-0-15 are being sought.
PLANNED DEVELOPMENT APPLICATION

Case Number: _______________________

1. PROPERTY

Address(es)/Location(s)

1571 Maple Avenue

Brief Narrative Summary of Proposal:

Applicant is requesting to amend Ordinance No. 19-0-15 which granted a special use for a planned development at 1571 Maple; specifically to amend Section IV, paragraph Z. In order to reduce the required number of leased parking spaces from 100 to 50 spaces, and to allow the City to amend the parking lease and to allow the City to provide parking spaces at Sherman Plaza. In addition, applicant seeks a change to the Affordable Housing provisions of the Ordinance allowing them to provide one affordable housing unit at 66% of AMI instead of the two affordable housing units as called out for in the Ordinance.

2. APPLICANT

Name: 1571 Maple Avenue LLC c/o Michael McLean Organization: _______________________

Address: 225 West Hubbard, Suite 600 City, State, Zip: Chicago, Illinois 60654

Phone: Work: 312-504-1417 Home: ________________________ Cell/Other: ________________________

Fax: ________________________ Home: ________________________

E-mail: mmclean@condorpartners.net

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

☑ same ☐ builder/contractor ☐ potential purchaser ☐ potential lessee

☐ architect ☐ attorney ☐ lessee ☐ real estate agent

☐ officer of board of directors ☐ other: ________________________

3. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

__/_________________________ /
Applicant Signature – REQUIRED

Date 9/12/18
4. PRE-SUBMISSION REQUIREMENTS

Prior to actually submitting an application for Planned Development, you must:

A. Complete a Zoning Analysis of the Development Plan
   The Zoning Office staff must review the development plan and publish a written determination of
   the plan's level of compliance with the zoning district regulations. Apply at the Zoning Office.

B. Present the planned development at a pre-application conference
   Contact the Zoning Office to schedule a conference with the Site Plan and Appearance Review
   Committee, the alderman of the ward and the chairman of the Plan Commission.

5. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS

☑ (This) Completed Application Form
☑ Application Fee, including postage for required mailing
☐ Two (2) Copies of Application Binder

Your application must be in the form of a binder with removable pages for copying.
You must submit two application binders for initial review.
The Application Binder must include:

☐ Certificate of Disclosure of Ownership Interest Form
☐ Plan drawing illustrating development boundary and individual parcels and PINs
☐ Plat of Survey of Entire Development Site
☐ Zoning Analysis Results Sheet
☐ Preliminary Plat of Subdivision.
☐ Pre-application Conference Materials.
☐ Development Plan
☐ Landscape Plan
☑ Statement addressing how the planned developments approval will further public benefits
☑ Statement describing the relationship with the Comprehensive Plan and other City land use plans
☐ Statement describing the development's compliance with any other pertinent city planning and development policies.
☐ Statement addressing the site controls and standards for planned developments
☐ Statement of proposed developments compatibility with the surrounding neighborhood
☐ Statement of the propose developments compatibility with the design guidelines for planned developments
☐ Statements describing provisions for care and maintenance of open space and recreational facilities and proposed
  articles of incorporation and bylaws.
☐ Restrictive Covenants
☐ Schedule of Development
☐ Market Feasibility Statement
☐ Traffic Circulation Impact Study
☐ Statement addressing development allowances for planned developments

Notes:

- Plats of survey must be drawn to scale and must accurately and completely reflect the current conditions of the
  property.
- Building plans must be drawn to scale and must include interior floor plans and exterior elevations.
- Application Fees may be paid by cash, check, or credit card.
6. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION

Attorney
Name: Bernard Citron
Organization: Thompson Coburn LLP
Address: 55 East Monroe Street, 37th Floor
City, State, Zip: Chicago, Illinois 60603
Phone: 312-346-7500
Fax: 312-580-2201
Email: bcitron@thompsoncoburn.com

Architect
Name: 
Organization: 
Address: 
City, State, Zip: 
Phone: 
Fax: 
Email: 

Surveyor
Name: 
Organization: 
Address: 
City, State, Zip: 
Phone: 
Fax: 
Email: 

Civil Engineer
Name: 
Organization: 
Address: 
City, State, Zip: 
Phone: 
Fax: 
Email: 

Traffic Engineer
Name: 
Organization: 
Address: 
City, State, Zip: 
Phone: 
Fax: 
Email: 

Other Consultant
Name: 
Organization: 
Address: 
City, State, Zip: 
Phone: 
Fax: 
Email: 
7. MULTIPLE PROPERTY OWNERS  Use this page if the petition is on behalf of many property owners.

"I understand that the regulations governing the use of my property may change as a result of this petition. By signing below, I give my permission for the named petitioner on page 1 of this form to act as my agent in matters concerning this petition. I understand that 1) the named petitioner will be the City of Evanston’s primary contact during the processing of this petition, 2) I may not be contacted directly by City of Evanston staff with information regarding the petition while it is being processed, 3) I may inquire the status of this petition and other information by contacting the Zoning Office, and 4) the property owners listed below may change the named petitioner at any time by delivering to the Zoning Office a written statement signed by all property owners and identifying a substitute petitioner."

<table>
<thead>
<tr>
<th>NAME and CONTACT INFORMATION (telephone or e-mail)</th>
<th>ADDRESS (es) or PIN(s) of PROPERTY OWNED</th>
<th>SIGNATURE</th>
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Copy this form if necessary for a complete listing.
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<td><strong>1BR Market Rent (Units 608-1108)</strong></td>
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<td>100% AMI Max Gross Rent</td>
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<td>Difference (1 Unit)</td>
<td>$633</td>
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<td><strong>Difference (2 Units)</strong></td>
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<tr>
<td><strong>Proposed Change (60% AMI vs. 50% AMI)</strong></td>
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# ILLINOIS HOUSING DEVELOPMENT AUTHORITY'S
## SCHEDULE OF MAXIMUM ANNUAL INCOME LIMITS FOR MOST OF ITS HOUSING PROGRAMS
**EFFECTIVE April 1, 2018**

**CHICAGO (Cook, Du Page, Lake, Kane McHenry & Will Counties)**

<table>
<thead>
<tr>
<th>% AMI</th>
<th>1 PERSON LIMIT</th>
<th>2 PERSON LIMIT</th>
<th>3 PERSON LIMIT</th>
<th>4 PERSON LIMIT</th>
<th>5 PERSON LIMIT</th>
<th>6 PERSON LIMIT</th>
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<td>$71,160</td>
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<td>$101,520</td>
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<td>$60,950</td>
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<td>$50,760</td>
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<td>50%</td>
<td>$29,650</td>
<td>$33,850</td>
<td>$38,100</td>
<td>$42,300</td>
<td>$45,700</td>
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<td>$10,500</td>
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# ILLINOIS HOUSING DEVELOPMENT AUTHORITY'S
## SCHEDULE OF MAXIMUM MONTHLY GROSS RENTS FOR MULTIFAMILY PROGRAMS
**EFFECTIVE April 1, 2018**

**CHICAGO (Cook, Du Page, Lake, Kane McHenry & Will Counties)**

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40-R-15

A RESOLUTION

Authorizing the City Manager to Accept a Contribution from the Developer of 1571 Maple Avenue for the Purpose of Providing Off-Site Affordable Housing in the Downtown Area

WHEREAS, the City Council adopted Ordinance 19-O-15 approving a special use for a planned development at 1571 Maple Avenue; and

WHEREAS, Section 4(P) of the Planned Development Ordinance imposed conditions regarding affordable housing on the developer, 1571 Maple Avenue LLC (the “Developer”), the first is a contribution to the City of Four Hundred Thousand Dollars ($400,000) to be used for affordable housing in Evanston and the second condition is that the Developer provide two (2) on-site affordable units; and

WHEREAS, in keeping with the City’s goal of maintaining its socioeconomic diversity by developing and maintaining housing that is affordable to individuals and households at a broad range of income levels in diverse neighborhoods, the City will accept a contribution from the Developer and utilize the funds in accordance with the parameters set forth in this resolution; and

WHEREAS, the City Council of the City of Evanston has determined it is in the best interests of the City to provide specific direction for the use of the contribution received by the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: The City Manager is hereby authorized and directed to accept a contribution in the amount of Four Hundred Thousand Dollars ($400,000) from the
developer, 1571 Maple Avenue, LLC. The contribution will be made in two (2) installments. The first installment shall be to be made within ten (10) business days of the final certificate of occupancy (FCO) issuance and the second installment shall be made within one year after the FCO issuance date.

SECTION 2: The City will select a nonprofit affordable housing developer to whom the contribution will be donated for the purpose of purchasing and rehabilitating units in the following zoning districts per Zoning Code of 2012, as amended: D1, D2, D3, D4 or the RP District.

SECTION 3: The units acquired by the nonprofit affordable housing developer will be rented out to income eligible households and the units will be held in perpetuity in title with the nonprofit affordable housing developer for the sole purpose of providing affordable rental housing in the downtown area of the City of Evanston.

SECTION 4: The nonprofit affordable housing developer shall apply for the Illinois Affordable Housing Tax Credit through the Illinois Housing Development Authority ("IHDA") and will retain any tax credit certificates to syndicate for additional equity to be used for the acquisition and/or rehabilitation of affordable units in the City. The City of Evanston will work with the nonprofit affordable housing developer to establish specific details of the program, including income restrictions and the number and size of the units based on available funds.

SECTION 5: That the City Manager is hereby authorized and directed to negotiate any additional conditions of the contribution as may be determined to be in the best interests of the City.
SECTION 6: That this Resolution 40-R-15 shall be in full force and effect from and after its passage and approval in the manner provided by law.

Attest: 
Rodney Greene, City Clerk

Adopted: April 13, 2015

Elizabeth B. Tisdahl, Mayor
19-O-15

AN ORDINANCE

Granting a Special Use Permit for a Planned Development
Located at 1571 Maple Avenue in the D3 Downtown Core
Development District

WHEREAS, the City of Evanston is a home-rule municipality pursuant to
Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority
to adopt ordinances and to promulgate rules and regulations that protect the public
health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970,
states that the “powers and functions of home rule units shall be construed liberally,”
was written “with the intention that home rule units be given the broadest powers
possible” (Scadron v. City of Des Plaines, 153 Ill.2d 164, 174-75 (1992)); and

WHEREAS, it is a well-established proposition under all applicable case
law that the power to regulate land use through zoning regulations is a legitimate means
of promoting the public health, safety, and welfare; and

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1,
et seq.) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal
Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston
City Code of 2012, as amended, (“the Zoning Ordinance”); and
WHEREAS, 1571 Maple Avenue LLC ("Applicant"), the Applicant for the proposed development located at 1571 Maple Avenue, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-3-5, "Special Uses", Section 6-3-6, "Planned Developments", and Subsection 6-11-1-10, "Planned Developments" in Downtown Zoning Districts, to permit the construction and operation of a Planned Development with accessory parking located at the Subject Property in the D3 Downtown Core Development Zoning District ("D3 District"); and

WHEREAS, the Applicant sought approval to construct a new twelve (12) -story one hundred thirty-three and three tenths (133.3) foot tall mixed-use building consisting of up to one hundred one (101) residential units, with a floor area ratio of 4.8, approximately three thousand, six hundred ninety-six (3,696) gross square footage of commercial space and twelve (12) open on-site parking spaces; and

WHEREAS, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to the number of dwelling units, height, number of parking spaces provided, floor area ratio, ziggurat street side yard setback from the north property line along Davis Street, ziggurat front yard setback from the east property line along Elmwood Avenue, and ziggurat side yard setback from the northwest side property lines; and

~2~
WHEREAS, pursuant to Subsection 6-3-6-5 of the Zoning Ordinance, the City Council may grant Site Development Allowances from the normal district regulations established in the Zoning Ordinance; and

WHEREAS, on November 5, 2014, December 17, 2014, and January 14, 2015, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) and the Zoning Ordinance, the Plan Commission held a public hearing on the application for a Special Use Permit for a Planned Development, case no. 14PLND-0118, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D3 Downtown Core Development District per Subsection 6-11-1-10 of the Zoning Ordinance; and

WHEREAS, on January 14, 2015, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on March 9, 2015, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered and adopted the findings and recommendations of the Plan Commission, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings on March 9 and March 23, 2015, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council
considered the recommendation of the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see Glenview State Bank v. Village of Deerfield, 213 Ill.App.3d 747) and is not subject to courtroom fact-finding (see National Paint & Coating Ass'n v. City of Chicago, 45 F.3d 1124),

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as facts and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 14PLND-0118, to allow construction and operation of the Planned Development for a twelve (12) -story one hundred thirty-three and three tenths (133.3) foot tall mixed-use building consisting of up to one hundred one (101) residential units, with a floor area ratio of 4.8, approximately three thousand, six hundred ninety-six (3,696) gross square footage of commercial space and twelve (12) open on-site parking spaces.

SECTION 3: The City Council hereby grants the following Site Development Allowances:

(A) **Number of Dwelling Units:** A Site Development Allowance is hereby granted for one hundred one (101) residential dwelling units, whereas subsection 6-11-4-4(B) of the Zoning Ordinance allows for a maximum of seventy three (73) residential dwelling units in the D3 District.

(B) **Height:** A Site Development Allowance is hereby granted for a building height of one hundred thirty-three and three tenths (133.3) feet, whereas subsection 6-11-
4-8 of the Zoning Ordinance allows for a maximum building height of eighty-five (85) feet in the D3 District.

(C) **Number of Parking Spaces:** A Site Development Allowance is hereby granted for a total of twelve (12) on-site parking spaces, whereas subsection 6-16-3-5 of the Zoning Ordinance requires a minimum of one hundred forty two (142) parking spaces for the proposed Planned Development in the D3 District.

(D) **Floor Area Ratio ("FAR"):** A Site Development Allowance is hereby granted for an FAR of 4.8, whereas subsection 6-11-4-6 of the Zoning Ordinance requires a maximum FAR of 4.5 in the D3 District.

(E) **Ziggurat Street Side Yard Setback from the North Property Line Along Davis Street:** A Site Development Allowance is hereby granted for a ziggurat setback of twenty-four (24) feet at a height of thirty seven and three tenths (37.3) feet, whereas subsection 6-11-1-4 of the Zoning Ordinance requires a ziggurat setback of forty (40) feet for a structure above forty two (42) feet along Davis Street.

(F) **Ziggurat Front Yard Setback from the East Property Line Along Elmwood Avenue:** A Site Development Allowance is hereby granted for a ziggurat setback of four (4) feet at a height of thirty seven and three tenths (37.3) feet, whereas subsection 6-11-1-10(C)(1)(c) of the Zoning Ordinance requires a ziggurat setback of thirty (30) feet for a structure above forty two (42) feet from any front lot line or side lot line abutting a street in the D3 District.

(G) **Ziggurat Side Yard Setback from the Northwest Side Property Lines:** A Site Development Allowance is hereby granted for a ziggurat setback of nine and nine tenths (9.9) feet at a height of thirty seven and three tenths (37.3) feet, whereas subsection 6-11-1-4 of the Zoning Ordinance requires a ziggurat setback of twenty-five (25) feet for a structure above forty two (42) feet from an interior side lot line in the D3 District.

**SECTION 4:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

(A) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this ordinance in substantial compliance with the following: the terms of this ordinance; the Site
and Landscape Plans in Exhibit B and C, attached hereto and incorporated herein by reference; all applicable City Code requirements; the Applicant's testimony and representations to the Site Plan and Appearance Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.

(B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction staging plan, on-street and on-site construction parking restrictions, hours of operation, a plan including cross sections showing pedestrian access around the site with the use of curb ramps, signage and/or striping, foundation survey of surrounding structures including weekly reporting of seismographs for the duration of construction, submittal of environmental testing report prior to construction, visibility diagram for all construction site access points, proposed schedule for street opening for utility connections with cross section details, and project updates via monthly newsletter and project website.

(C) **On-Site Parking Spaces:** The on-site parking spaces must be available to the public for short term use with a maximum two (2) hour time limit. The public parking must be available between the hours of 10:00 a.m. and 5:00 p.m. on any given Monday through Friday. The on-site management company must manage the parking lot and arrange for any violators not in compliance with the parking restrictions to be towed.

(D) **Maple Avenue Signage:** A "Public Parking" Sign must be installed near the parking entrance at Maple Avenue.

(E) **On-Site Electric Charging Station:** One on-site electric charging station must be installed and available to the public and be free of charge.

(F) **Mechanical Equipment Located on the Roof:** The Applicant agrees to install sound-abating fences or enclosures around the mechanical equipment area on the roof of the Planned Development.

(G) **Landscaping on Elmwood Avenue:** Applicant must install and maintain the landscaping materials on the east side of Elmwood Avenue along the railroad embankment directly across from the Subject Property, as depicted in Exhibit C.

(H) **Maintenance Plan:** Applicant must provide a three (3) year maintenance plan for the landscaping materials installed on the green roofs prior to issuance of a building permit by the City of Evanston.

(I) **On-Site Car Share Spaces:** Two on-site car share spaces must be available through an arrangement with a common third party commercial car-share company. Applicant must also fully subsidize one car share membership per unit for all residential units.
(J) **Bicycle Parking Facilities:** The Applicant must install a minimum of sixteen (16) reverse "U"-shaped bicycle parking facilities near the intersection of Maple Avenue and Elmwood Avenue for public use.

(K) **Sidewalk Streetscape Work:** All sidewalk streetscape work must be constructed of concrete with a brick paver band at the curb in accordance with the downtown streetscape standards.

(L) **Glass Exteriors:** The Applicant must either demonstrate that the external materials will be of a bird-safe nature or install bird-safe finishes to the glass exteriors.

(M) **Loading Space:** One parking space within the on-site parking lot must be designated a short-term loading space for the Residents.

(N) **Landscape Design:** The Applicant shall install and maintain all landscaping materials as depicted in Exhibit C.

(O) **Streetscape Improvements:** The Applicant shall construct the streetscape improvements inclusive of new street trees along Elmwood Avenue and Maple Avenue per proposed development plans and landscape plans in Exhibit B and Exhibit C.

(P) **Affordable Housing Contribution:** The Applicant shall pay a one-time contribution of four hundred thousand dollars ($400,000) to the City's Affordable Housing Fund. The contribution will be made in two (2) installments. The first installment shall be made within ten (10) business days of the issuance of the Final Certificate of Occupancy (FCO) and the second installment shall be made within one (1) year of the FCO issuance date.

(Q) **Affordable Housing in the Development:** The Applicant shall provide two (2) one (1) bedroom on-site affordable housing units (with a goal of one (1) one-bedroom unit and one (1) two-bedroom unit) to households earning at or below one hundred percent (100%) of Area Median Income (AMI). The units provided shall be equal in size to the market-rate units within the building. The period of affordability for the units shall be for ten (10) years. The Applicant must submit a compliance report by January 31st of each year to the Housing and Grants Division of the Community Development Department showing the following: (1) unit number; (2) number of bedrooms; (3) tenant name; (4) number of persons in each affordable household unit; (5) annual gross income of each household occupying each affordable housing unit; (6) date of income certification; and (7) monthly unit rent. The compliance report must also include the list of any utilities included in rent.

(R) **Divvy Sponsorship:** The Applicant shall pay a one-time Divvy sponsorship contribution in the amount of fifty six thousand dollars ($56,000).
City of Evanston Employment: The Applicant agrees to employ at least five (5) Evanston residents, with a goal of ten (10) Evanston residents, during construction.

Commercial Space: The Applicant agrees to incorporate the commercial space along Davis Street to enhance the commercial and pedestrian character of the area per development plans in Exhibit B.

LEED Silver Certification: The Applicant agrees to comply with the City of Evanston Green Building Ordinance and obtain a LEED Silver Certification Rating or higher for the Planned Development on the Subject Property.

Pervious Parking Lot: The Applicant agrees to install a pervious parking lot on the Subject Property.

Green Roof Construction: The Applicant shall construct multiple green roofs as depicted in the development plans in Exhibit B and landscape plans in Exhibit C.

Landscaped Seating Areas: The Applicant agrees to install two landscaped seating areas along Maple Avenue per landscape plans in Exhibit C.

Easement: The Applicant agrees to prepare and record an easement for a six-foot wide area along the north edge of the on-site parking lot for the use of commercial properties at the southeast corner of Maple Avenue and Davis Street to accommodate trash pick-up on Maple Avenue rather than Davis Street. A copy of the recorded easement document must be submitted prior to issuance of a building permit by the City of Evanston.

Parking Lease: The Applicant must agree and sign a long-term parking lease agreement with the City of Evanston to lease one hundred one (101) parking spaces based on the standard current monthly parking fee from the Maple Avenue Parking garage located at 1800 Maple Avenue. The lease agreement will mandate that the Applicant pay any increases in the rental rate structure through the term of the lease agreement. The long-term lease agreement shall initially be set for a minimum period of seven (7) years. For the lifetime of the project, the Applicant must require all Residents to disclose their vehicle ownership and conduct periodic reviews to ensure that all vehicles owned by Residents of the building are accounted for within the Maple Avenue garage. The Applicant must provide the certified vehicle ownership report to the City of Evanston annually by January 31st of each calendar year during the first seven (7) year period from the issuance of the Final Certificate of Occupancy. The City of Evanston's Department of Administrative Services will monitor the Applicant's certified vehicle ownership reports and the costs incurred by the City of Evanston for such oversight shall be paid for by Applicant's parking lease fees. If at any time during this initial seven (7) year period such annual vehicle ownership report indicates that the Residents of the building own more than one hundred one
(101) cars and require more than one hundred one (101) parking spaces, the Applicant agrees to amend the parking lease agreement with the City and lease the additional parking spaces necessary. The Applicant also agrees to deny apartment leases to potential Residents who own vehicles until such time as the number of vehicles owned by the Residents of the building and required to park in the Maple Avenue garage by terms of this Ordinance falls below one hundred one (101) or until the surplus parking spaces can be accommodated in the revised lease agreement with the City of Evanston.

Following the seven (7) year anniversary of the initial parking lease agreement date, the parking lease agreement may be amended. The number of parking spaces leased from the City may be reduced to match the highest number of vehicles owned by the Residents and required to park in the Maple Avenue garage by the terms of this Ordinance in any year during the initial seven (7) year period per the annual parking reports. The number of parking spaces leased by the City may not be reduced in the first seven (7) years and any reduction after the seven (7) year anniversary shall be approved by the City Council as an amendment to the parking lease agreement.

Following the expiration of the seven (7) year anniversary of the parking lease agreement, the agreement can be modified every five years thereafter but not before, to match the highest number of vehicles owned by the Residents and required to park in the Maple Avenue garage by the terms of this Ordinance during any calendar year in the preceding five (5) year term per the annual parking report. Any amendments to the number of parking spaces leased from the City of Evanston or any other amendments to the lease agreement, including term extensions, shall be approved by the City Council as an amendment to the parking lease agreement.

The Applicant must hold a valid long-term parking lease agreement with the City of Evanston for the lifetime of the project unless this condition is amended by the City Council of the City of Evanston as an amendment to the Planned Development.

(AA) South Elevation of Development: Applicant will exercise reasonable commercial efforts to work with City staff and the Winthrop Club Condominium Association to modify the south elevation to maximize privacy for the residents in condominium units which will face the development and to minimize the impact on their building located at 1570 Elmwood Avenue.

(BB) Construction Schedule: Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant shall obtain a building permit within twelve (12) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
(CC) Recordation: Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 7: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

SECTION 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 10: The findings and recitals herein are hereby declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.
Introduced: March 23, 2015
Adopted: April 13, 2015

Approved: April 15, 2015
Elizabeth B. Tisdahl, Mayor

Approved as to form:
W. Grant Farrar, Corporation Counsel

Attest:
Rodney Greene, City Clerk (NB)
EXHIBIT A

Legal Description


PARCEL 2: THE NORTH 150 FEET OF THAT PART OF BLOCK 63 IN EVANSTON WHICH LIES WEST OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE RAILROAD (KNOWN AS THE CHICAGO AND NORTHWESTERN RAILROAD) (EXCEPT THEREFROM THE WEST 83 ½ FEET AND EXCEPT THAT PART THEREOF DEDICATED FOR STREET PURPOSES) SAID BLOCK 63 BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3: THE SOUTH 40 FEET OF THE NORTH 190 FEET OF THAT PART OF BLOCK 63 IN EVANSTON WHICH LIES WEST OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY (EXCEPT THEREFROM THE WEST 120 FEET THEREOF AND EXCEPT THAT PART THEREOF DEDICATED FOR STREET PURPOSES) SAID BLOCK 63 BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4: THE WEST 83 ½ FEET OF THE SOUTH 20 FEET OF THE NORTH 150 FEET OF BLOCK 63 IN THE VILLAGE OF EVANSTON, BEING A SUBDIVISION OF PARTS OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THE EAST 20 FEET 10 INCHES OF THE WEST 83 FEET 5 ½ INCHES OF THE NORTH 130 FEET OF BLOCK 63 IN THE VILLAGE OF EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

~12~
PINs: 11-18-310-004-0000
11-18-310-006-0000
11-18-310-007-0000
11-18-310-008-0000
11-18-310-019-0000
11-18-310-020-0000

Commonly Known As: 1571 Maple Avenue, Evanston, IL 60201
EXHIBIT B

Development Plans
EXHIBIT C

Landscape Plans
1571 Maple Avenue
Green roof narrative

The green roof areas for 1571 Maple Avenue will be a mix of intensive and extensive green roof systems. Intensive green roofs have increased growing media depths and allow for a wider variety of plant materials and uses while extensive green roofs are thinner in soil depth, lighter in weight and have a limited plant palette.

Intensive green roof areas will be located on the 2nd, 4th and 11th floors. These areas will contain a built up green roof system that will range in soil depths from 6" in the majority of the areas to 36" at areas where small ornamental trees will be planted, typically at parapet wall locations. The soil used will be a lightweight soil media such as Midwest Trading's PM-35 or an approved equal. The 6" depth areas will contain a mix of perennials, ornamental grasses and groundcovers. The 36" depth area will have 12'-0" multi-stem ornamental trees. This plant palette allows for seasonal interest all throughout the year. The layers of the green roof system will consist of the following, starting from the top: vegetation, growing media, drainage mat with filter fabric, Styrofoam (as needed), and root barrier. These layers sit atop the waterproof membrane and structural slab.

The green roof area on the 11th floor will also have outdoor use spaces such as an outdoor kitchen with countertops, barbeque grill stations and outdoor sinks. Seating areas in various sizes will also accommodate users for dining, small group seating and lounging around a fire feature. Freestanding planters with annual plantings will also be located in this area.

Extensive green roof areas will be located on the 12th floor. These areas will contain a built up green roof system that will have a soil depth of 4". The soil used will be a lightweight soil media such as Midwest Trading's PM-35 or an approved equal. The 4" depth areas will contain a sedum carpet mat planted with a mix of sedums varying in height and colors. This plant palette allows for seasonal interest all throughout the year. The layers of the green roof system will consist of the following, starting from the top: vegetation, growing media, drainage mat with filter fabric, Styrofoam (as needed), and root barrier. These layers sit atop the waterproof membrane and structural slab.
Design and Project Review (DAPR)

935 Chicago Ave.

Preliminary and Final Review
Plant tree to match existing tree species and add perennial plants at base.

Existing precast wheelstops to be reinstalled.

Existing Tree
Add perennial plants at base of tree.
32-O-14

AN ORDINANCE

Granting a Special Use Permit for a Planned Development
Located at 835 Chicago Avenue in the C1a Commercial District
(“Chicago + Main”)

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (Scadron v. City of Des Plaines, 153 Ill.2d 164); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, et seq.) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 1979, as amended, (“the Zoning Ordinance”); and
WHEREAS, O'Donnell Investment Co. (the "Applicant"), owner of the property located at 835 Chicago Avenue, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-3-5, "Special Uses", Section 6-3-6, "Planned Developments", and Subsection 6-10-1-9, "Planned Developments" in Commercial Zoning Districts, to permit the construction and operation of a Planned Development with accessory parking located at the Subject Property in the C1a Commercial Zoning District ("C1a District"); and

WHEREAS, the Applicant sought approval to construct a new nine-story ninety-seven foot (97 ft.) tall mixed use commercial, office, and residential building consisting of one hundred twelve (112) dwelling units, approximately 15,670 gross square feet of office space, approximately 12,064 gross square feet of commercial retail space, with one hundred twenty-seven (127) enclosed, garage parking spaces; and

WHEREAS, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to number of dwelling units per lot size, floor area ration (FAR), building height, enclosed parking setback, number of parking spaces, and the number and length of loading berths; and

WHEREAS, pursuant to Subsection 6-3-6-5 of the Zoning Ordinance, the City Council may grant Site Development Allowances to the normal district regulations established in the Zoning Ordinance; and

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WHEREAS, on February 12 and February 26, 2014, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) and the Zoning Ordinance, the Plan Commission held a public hearing on the application for a Special Use Permit for a Planned Development, case no. 13PLND-0117, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

WHEREAS, the Plan Commission’s written findings state that the application for the proposed Planned Development meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the C1a District per Subsection 6-10-1-9 of the Zoning Ordinance; and

WHEREAS, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on March 24, 2014, April 28, 2014, and July 28, 2014, the Planning and Development ("P&D") Committee of the City Council held meetings, in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered and adopted the findings and recommendations of the Plan Commission; and

WHEREAS, after the March 24, 2014 meeting of the P&D Committee, the Applicant submitted an amended application to add off-site parking spaces to the proposed development; the amended application is for a proposed Planned Development, seeking approval for a new nine-story ninety-seven foot (97 ft.) tall mixed use commercial, office, and residential building consisting of one hundred twelve (112) dwelling units, approximately 15,670 gross square feet of office space, approximately
12,064 gross square feet of commercial retail space, with one hundred twenty-seven (127) enclosed, garage parking spaces and twenty-five (25) off-site parking spaces located at 935 Chicago Avenue; and

WHEREAS, at its meeting of July 28, 2014, the P&D Committee of the City Council held a meeting in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered the amended application, amended and adopted the applicable findings and recommendations of the Plan Commission, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings of March 24, 2014, and July 28, 2014, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see Glenview State Bank v. Village of Deerfield, 213 Ill.App.3d 747 (1991)) and is not subject to courtroom fact-finding (see National Paint & Coating Ass'n v. City of Chicago, 45 F.3d 1124 (7th Cir. 1995)),

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as facts and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 13PLND-
0117, to allow construction and operation of the Planned Development described herein.

SECTION 3: The City Council hereby grants the following Site Development Allowances:

(A) **Number of Dwelling Units Per Lot Size:** A Site Development Allowance is hereby granted for one hundred twelve (112) dwelling units, whereas subsection 6-10-3-4-(B) of the Zoning Ordinance requires a maximum of 87 dwelling units for a lot sized at 30,500 sq. ft. in the C1a District.

(B) **Floor Area Ratio (FAR):** A Site Development Allowance is hereby granted for a 4.86 floor to area ratio, whereas subsection 6-10-3-7 of the Zoning Ordinance requires a maximum floor area ratio of 4.0 in the C1a District.

(C) **Building Height:** A Site Development Allowance is hereby granted for a ninety-seven (97) feet maximum height, whereas subsection 6-10-3-9 of the Zoning Ordinance requires a maximum allowed building height of sixty-seven (67) feet in the C1a District.

(D) **Enclosed Parking Setback:** A Site Development Allowance is hereby granted for a ten (10) foot setback for enclosed parking off of Chicago Avenue, whereas subsection 6-10-3-10 of the Zoning Ordinance requires enclosed parking to be set back twenty (20) feet from any front or street side lot line in the C1a District.

(E) **Number of Parking Spaces:** A Site Development Allowance is hereby granted permitting a total of one hundred and fifty-two (152) parking spaces, whereas subsection 6-16-3-5 of the Zoning Ordinance requires a minimum of two hundred sixteen (216) parking spaces for this particular mixed use building in the C1a District. Of the aforementioned one hundred and fifty-two (152) parking spaces, one hundred and thirty-one (131) parking spaces are compliant with the requirements of Zoning Ordinance Section 6-16, six (6) parking spaces are tandem parking spaces that are not recognized under the Zoning Ordinance due to a lack of a travel lane, and up to fifteen (15) parking spaces to be located above traditional spaces via hydraulic parking lifts that are not recognized by the Zoning Ordinance due to inadequate height clearance. Of the one hundred and thirty-one (131) code compliant parking spaces, twenty-five (25) parking spaces will be located off-site at 935 Chicago Avenue. All parking spaces, inclusive of the hydraulic lift and off-site spaces as required under this Ordinance, must be in place and usable prior to the issuance of a Temporary Certificate of Occupancy.

(F) **Number and Length of Loading Berths:** A Site Development Allowance is hereby granted for two (2) short loading berths at twenty-five (25) feet in length, whereas subsection 6-16-5 of the Zoning Ordinance requires a minimum of five
(5) short loading berths at thirty-five (35) feet in length for this particular mixed use building in the C1a District.

SECTION 4: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

(A) Compliance with Applicable Requirements: The Applicant shall develop and operate the Planned Development authorized by the terms of this ordinance in substantial compliance with: the terms of this ordinance; the Site and Landscape Plans in Exhibits B and C, attached hereto and incorporated herein by reference; all applicable legislation; the Applicant’s testimony and representations to the Site Plan and Appearance Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.

(B) Enclosed Parking Ingress/Egress: The Applicant shall provide access from the enclosed parking structure to Chicago Avenue via a one-lane right turn only egress as depicted on the Site Plan in Exhibit B. Primary access to and from the enclosed parking structure shall occur via the ingress/egress located at the alley as depicted in the Site Plan in Exhibit B.

(C) Landscape Design: The Applicant shall install and maintain landscaping as depicted in Exhibit C. All landscape and hardscape, including but not limited to sidewalks, curbing, decorative brickwork, and planting materials, shall conform to the Chicago Avenue Streetscape Plan along Chicago Avenue and Main Street.

(D) Retail Exclusive Parking: The Applicant shall provide thirteen (13) enclosed parking spaces on the ground floor of the building parking, which shall be exclusively used for retail customers during the business hours of the on-site retail businesses and shall not be utilized for office or residential purposes during those business hours. Additionally, the Applicant agrees to display proper signage within the parking structure that specifically details such restriction. The aforementioned thirteen (13) on-site parking spaces for retail use shall be privately managed.

(E) Parking Lifts: The Applicant shall install three (3) parking spaces located above traditional spaces via hydraulic parking lifts. Up to twelve (12) additional hydraulic parking lifts shall be installed on an as-needed basis as determined by the City of Evanston. The Applicant shall provide the City a certified rent roll of the parking spaces on an annual basis, including hydraulic lift spaces. In the event all hydraulic parking lifts are occupied, the Applicant shall purchase and install an
additional three (3) hydraulic parking lifts until a maximum fifteen (15) lifts are installed or there is no additional demand.

In the event there is not a demand for additional hydraulic parking lifts upon the third anniversary of the issuance of the final Certificate of Occupancy, such hydraulic parking lift obligation shall sunset and the Applicant shall be released of said requirement within the Planned Development.

(F) **Car Sharing and Car Club Service:** The Applicant agrees to provide and place a minimum of two (2) car share vehicles in the enclosed parking structure prior to obtaining the Temporary Certificate of Occupancy. In the event this Planned Development, 835 Chicago Avenue ("Chicago + Main"), is converted to condominiums, Applicant may cease to provide the Car Sharing and Car Club Service.

(G) **Employees:** That the Applicant will have, as a primary goal, the employment of ten (10) Evanston residents, with a required minimum amount of five (5) Evanston resident employees during construction. Said residents, without regard to sex, race or ethnicity, can be sub-contractors or vendors to the development. The Applicant will hire as many competent minority and/or women Evanston subcontractors, workers, and residents as possible for the construction project.

(H) **Temporary Parking Meter Loss Compensation:** The Applicant shall pay two thousand two hundred fifty dollars ($2,250.00) per City of Evanston parking meter that must be temporarily capped or removed during the construction period, not to include any permanently removed meters. Such payment shall be for the City Parking Fund and shall be made prior to the issuance of the building permit.

(I) **Permanent Parking Meter Loss Compensation:** The Applicant shall pay seventy-two thousand two hundred eighty-one dollars ($72,281.00) for the total permanent removal of four (4) City of Evanston parking meters. Such payment shall be made prior to the temporary Certificate of Occupancy and is for the City Parking Fund.

(J) **Alley Excavation and Pavement:** The Applicant agrees to have the City of Evanston excavate and pave the north-south alley adjacent to Subject Property by way of the City of Evanston's Special Assessment Process. The Applicant shall obtain a Special Assessment Process petition from the City Engineer and comply with the subsequent required procedure necessary for the Special Assessment. If the Special Assessment Process is not approved, the Applicant shall, at its sole cost and expense, reconstruct the alley along the length of the subject property to the City alley standard, which includes but is not limited to an 8" concrete base with stormwater conveyance.
(K) **Waste Management Services:** The Applicant agrees to work with the waste management company servicing the alley to the best of their ability to ensure the alley remains passable during waste collection and/or pick-up.

(L) **Property Utility Lines:** The Applicant shall bury adjacent property utility lines, including but not limited to the lines on the four (4) adjacent utility poles, in conjunction with the required underground placement of utility lines required for the development project.

(M) **City of Evanston Affordable Housing Fund:** In the event this Planned Development, 835 Chicago Avenue ("Chicago + Main"), is converted to condominiums, the Applicant shall contribute to the Affordable Housing Fund four hundred forty thousand dollars ($440,000.00), amount consisting of ten percent (10%) of the units paid at forty thousand dollars ($40,000.00) per unit.

(N) **Public Art:** Applicant will include public art in its development and visible to pedestrians. Public art may be in the form of decorative stamped concrete walks, special brick work, glass blocks, or landscaping art. The Applicant will be responsible for all costs associated with the public art, including installation and maintenance.

(O) **Recordation:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

**SECTION 5:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

**SECTION 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 7:** Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.
SECTION 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 10: The findings and recitals herein are hereby declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: __March 24__, 2014
Adopted: __July 28__, 2014

Approved: __July 30__, 2014
Elizabeth B. Tisdahl, Mayor

Attest: Rodney Greene, City Clerk

Approved as to form: W. Grant Farrar, Corporation Counsel
EXHIBIT A

Legal Description

Lot "A" in the Main Consolidation, being a consolidation of Lots 1, 2 and 3 in Block 11 in White's Addition to Evanston in Section 19, Township 41 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded January 5, 1977 as Document Number 23769201, in Cook County, Illinois.

PINs: 11-19-401-024-0000

Commonly Known As: Unimproved vacant land, 835 Chicago Avenue, Evanston, IL (approx. 30,500 sq. ft.)
EXHIBIT B

Development Plans
TYPICAL RESIDENTIAL PLAN
(LEVELS 3 - 9)
16,650 TOTAL GSF
(2) STUDIO UNITS
(7) 1 BEDROOM UNITS
(6) 2 BEDROOM UNITS
(1) 3 BEDROOM UNIT

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