AGENDA
Planning & Development Committee
Monday, February 10, 2020
Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
6:45 PM

(I) CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN SUFFREDIN

(II) APPROVAL OF MINUTES OF REGULAR MEETING MINUTES OF JANUARY 13, 2020

PM1. Staff recommends approval of the minutes of the regular meeting of the 4 - 8 January 13, 2020 Planning and Development Committee meeting.
For Action
Draft Minutes Planning & Development Committee - Jan 13 2020

(III) PUBLIC COMMENT
ITEMS FOR CONSIDERATION

P1. **Ordinance 166-O-19, Granting a Special Use for an Educational Institution - Private, and a Religious Institution, St. Athanasius School and Parish, to Expand Off-Street Parking in the R1 Single Family Residential District**

The Zoning Board of Appeals recommends denial and staff recommends City Council adoption of Ordinance 166-O-19 granting special use approval for an Educational Institution - Private, and Religious Institution, St. Athanasius School and Parish, to expand off-street parking at 2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St. in the R1 Single Family Residential District. The Zoning Board of Appeals found the proposal does not meet all of the Standards for a special use in this district, specifically, the proposed parking expansion would increase the negative cumulative impact on the surrounding residential neighborhood, and may interfere with or diminish the value of property in the neighborhood. Following the ZBA hearing, the applicant submitted a modified traffic circulation plan and parking and operations summary that will mitigate the impact on the surrounding residential neighborhood.

**For Introduction**

Ordinance 166-O-19, Granting a Special Use for an Educational Institution - Private, and a Religious Institution, St. Athanasius School and Parish

P2. **Ordinance 3-O-20 Granting Major Zoning Relief for Parking to Retain a Basement Dwelling Unit at 2008 Harrison St.**

The Zoning Board of Appeals and staff recommend adoption of Ordinance 3-O-20, granting major zoning relief for 4 parking spaces where 7 parking spaces are required, to allow the retention of a basement dwelling unit in the R5 General Residential District and the oCSC Central Street Overlay District. The applicant has complied with all zoning requirements and meets all of the standards for major variations for this district.

**For Introduction**

Ordinance 3-O-20 Granting Major Zoning Relief for Parking to Retain a Basement Dwelling Unit at 2008 Harrison St.
P3. **Ordinance 23-O-20 Amending Title 6, Cannabis Use Regulations**  59 - 78

Plan Commission and staff recommend approval of a text amendment to the Zoning Ordinance to revise the distance requirement between cannabis dispensaries and pre-existing public or private educational institutions that are elementary, middle, or high schools, as well as establish definitions and provisions for additional cannabis uses such as cannabis growers, infusers, processing organizations, transporters, etc. within the City’s zoning districts.

**For Introduction**

**Ordinance 23-O-20 Amending Title 6, Cannabis Use Regulations**

P4. **Ordinance 25-O-20, Amending Title 7, Chapter 8, Section 8 “Tree Preservation”**  79 - 95

City staff recommends adoption of Ordinance 25-O-20 amending the Tree Preservation Ordinance (7-8-8) to apply to trees 25 inches in diameter at breast height (dbh) and larger (20 inches dbh or larger for Oak and Hickory species) on private property when improvements are proposed that are classified as new construction or those that would increase the amount of impervious surface by more than 600 square feet.

**For Introduction**

**Ordinance 25-O-20, Amending Title 7, Chapter 8, Section 8 “Tree Preservation”**

(V) **ITEMS FOR DISCUSSION**

(VI) **ITEMS FOR COMMUNICATION**

(VII) **ADJOURNMENT**
Call to Order/Declaration of a Quorum - Alderman Suffredin

A quorum being present, Ald. Suffredin called the meeting to order at 7:55 pm.

Approval of Minutes of Regular Meeting Minutes of December 9, 2019

Staff recommends approval of the Minutes of the December 9, 2019 Planning and Development Committee Meeting.

For Action

Ald. Revelle requested that the minutes are updated to reflect Ald. Revelle's "No" vote on item P1.

Ald. Wilson moved approval of the minutes of the December 9, 2019 Planning and Development Committee meeting, seconded by Ald. Rue Simmons. The Committee voted unanimously 6-0 to approve the minutes.

Public Comment

Mary Miller, resident of Hampton Park Condominium Association, spoke regarding the condominium deconversion issue and spoke in support of the City Council's consideration of a moratorium.

Sue Loellbach, Connections for the Homeless and Joining Forces, spoke in support of the CJE affordable housing project.
ITEMS FOR CONSIDERATION

Resolution 4-R-20 Authorizing the City of Evanston to Establish a Moratorium on Condominium Deconversions

Staff recommends City Council adoption of Resolution 4-R-20, “Authorizing the City of Evanston to Establish a Moratorium on Condominium Deconversions.” The moratorium would be in place for a six (6) month period following adoption of Resolution 4-R-20.

For Action
Ald. Rainey spoke of the need for a moratorium to improve upon the State requirements to provide oversight.

David Fisher, resident, spoke against a moratorium stating that his condo building is looking into selling as a deconversion.

In response to Ald. Rainey, Corporation Counsel Masoncup and Director Leonard responded that the duration of a moratorium could be amended but research is needed to develop revised regulations.

Ald. Rainey supported reducing the moratorium to 3 months.

Ald. Wilson supported changing rules for condominium deconversions but did not support a moratorium.

Ald. Rainey moved to amend the motion to limit the moratorium to 3 months, seconded by Ald. Rue Simmons. The amendment was approved 6-0.

The vote on the main motion, as amended, failed 3-3.

Chair Suffredin stated that the item will move forward to City Council without a recommendation from the Committee.

Moved by 8th Ward Alderman Ann Rainey
Seconded by 5th Ward Alderman Robin Rue Simmons

Ayes: 8th Ward Alderman Ann Rainey, 7th Ward Alderman Eleanor Revelle, and 5th Ward Alderman Robin Rue Simmons

Nays: 4th Ward Alderman Donald Wilson, 3rd Ward Alderman Melissa Wynne, and 6th Ward Alderman Thomas Suffredin

DEFEATED. 3-3 on a recorded vote

Ordinance 3-O-20 Granting Major Zoning Relief for Parking to Retain a Basement Dwelling Unit at 2008 Harrison St.

The Zoning Board of Appeals and staff recommend adoption of Ordinance 3-O-20, granting
major zoning relief for 4 parking spaces where 7 parking spaces are required, to allow the retention of a basement dwelling unit in the R5 General Residential District and the oCSC Central Street Overlay District. The applicant has complied with all zoning requirements and meets all of the standards for major variations for this district.

For Introduction

This item was held until the next meeting.

Ordinance 5-O-20 Granting a Special Use for a Commercial Indoor Recreation Facility, Born2Win, at 2510 Green Bay Rd.

The Zoning Board of Appeals and staff recommend adoption of Ordinance 5-O-20 granting special use approval for a Commercial Indoor Recreation facility, Born2Win, at 2510 Green Bay Rd. in the B1a Business District and oCSC Central Street Overlay District. The applicant has complied with all zoning requirements and meets all of the standards for a special use for this district.

For Introduction

Ald. Revelle sought clarification in the hours of operation presented in the memo versus those reflected in the ZBA Minutes.

Moved by 7th Ward Alderman Eleanor Revelle
Seconded by 3rd Ward Alderman Melissa Wynne


Carried 6-0 on a recorded vote

Ordinance 6-O-20 Amending Title 6, Planned Development Setbacks in Residential Districts

Plan Commission and staff recommend a Zoning Ordinance Text Amendment to revise section 6-8-1-10 relating to limitations on site development allowances regarding setbacks for planned developments in Residential Zoning Districts.

For Introduction

Moved by 5th Ward Alderman Robin Rue Simmons
Seconded by 4th Ward Alderman Donald Wilson


Carried 6-0 on a recorded vote
Ordinance 8-O-20 Planned Development, 999-1015 Howard Street

The Plan Commission and staff recommend adoption of Ordinance 8-O-20 for approval of a Special Use for a Planned Development in the B2 Business District to construct a 4-story, 73,017 square foot addition to the existing CJE Senior Life building. The addition includes 60 affordable dwelling units for residents (older adults, 62 years and older) and 55 parking spaces.

For Introduction

Ald. Rainey spoke in support of the project and noted the property would be new increment within the TIF District and requested that Action be taken on the item at the January 21, 2020 meeting.

Moved by 5th Ward Alderman Robin Rue Simmons
Seconded by 8th Ward Alderman Ann Rainey


Carried 6-0 on a recorded vote

Ordinance 2-O-20, Granting a Special Use for a Daycare Center - Child, Guidepost Montessori, at 1012-1014 Davis Street

The Zoning Board of Appeals and staff recommend adoption of Ordinance 2-O-20, granting special use approval for a Daycare Center - Child, Guidepost Montessori, at 1012-1014 Davis St. in the D2 Downtown Retail Core District. The applicant has complied with all zoning requirements and meets all of the standards for a special use for this district.


For Introduction and Action

Moved by 4th Ward Alderman Donald Wilson
Seconded by 5th Ward Alderman Robin Rue Simmons


Carried 6-0 on a recorded vote

ITEMS FOR DISCUSSION

Ald. Wynne congratulated and thanked Ms. Masoncup for her service to the City.

Ms. Masoncup expressed appreciation for the opportunity to work for the City.

Ald. Rainey and Suffredin requested information about payment of City leases at the next meeting.

ITEMS FOR COMMUNICATION

ADJOURNMENT
Ald. Rainey moved to recommend adjournment of the meeting, seconded by Ald. Rue Simmons. The meeting adjourned at 8:23 pm.
Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Melissa Klotz, Zoning Administrator
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manger
Subject: Ordinance 166-O-19, Granting a Special Use for an Educational Institution - Private, and Religious Institution, St. Athanasius School and Parish, to Expand Off-Street Parking in the R1 Single Family Residential District
Date: February 10, 2020

Recommended Action:
The Zoning Board of Appeals recommends denial and staff recommends City Council adoption of Ordinance 166-O-19 granting special use approval for an Educational Institution - Private, and Religious Institution, St. Athanasius School and Parish, to expand off-street parking at 2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St. in the R1 Single Family Residential District. The Zoning Board of Appeals found the proposal does not meet all of the Standards for a special use in this district, specifically, the proposed parking expansion would increase the negative cumulative impact on the surrounding residential neighborhood, and may interfere with or diminish the value of property in the neighborhood. Following the ZBA hearing, the applicant submitted a modified traffic circulation plan and parking and operations summary that will mitigate the impact on the surrounding residential neighborhood.

Council Action:
For Introduction

Summary:
Update: On January 31, 2020, the applicant submitted additional information including a modified traffic circulation plan that reflects recommendations made by staff, neighbors, and Alderman Revelle to alleviate traffic backup onto the street and within the alley during school pick-up, as well as an updated parking and operations summary for loading operations and congestion management/mitigation during peak periods. Updated documents are attached.

Summary:
The applicant proposes to expand parking for St. Athanasius School and Parish by increasing the parking at 2503 Eastwood Ave. from 14 to 22 spaces (previous single-family residence on the lot was demolished). Existing parking is located at the north lot as well as the south 2503 Eastwood Ave. lot, with access via the alley.

The demand and challenges associated with parking are consistent with most neighborhood schools, although the campus experiences unique challenges due to the use of the alley as the primary stacking for drop-off and pick-up. The peak periods for the school occur during weekday drop-offs between 8 and 8:30 am, and more predominantly during after school pick-up, when more severe congestion is experienced. Stacking and loading primarily utilize the public-alley, often causing significant congestion and conflict points for vehicles and pedestrians, as well as three alley-facing garages. The Parish's peak periods occur during weekend Mass services and other large events such as weddings. Parking challenges for the campus are most acute when the Parish and school uses overlap on weekday mornings when Mass is offered during the peak drop-off time for the school. This causes significant loading and congestion issues, not only for the school and Parish, but the surrounding neighborhood at large as it intersects with commuting times for many households. Neighbors who utilize the alley are often faced with significant delays due to its use as a loading zone and parking queue.

The applicant proposes to expand the existing parking and modify the layout of existing spaces at the south lot. The applicant believes the changes will improve ingress/egress during peak periods as well as improve safety for students and congregants by minimizing conflict points between pedestrians and cars. In total with the new parking layout, a net increase of 12 spaces will be provided on the campus. Staff parking in the north will move to the expanded south parking area at 2503 Eastwood Ave. The spaces in the north lot will thereafter be dedicated for temporary parking during peak periods. During school hours, the north parking lot will be vehicle-free to be used as a flexible play space. Neighbors have documented the north parking area is often less than 25% occupied except during large events and when the lot is leased for Northwestern football games on weekends. Currently, most vehicles that park in the north lot during school hours are illegally parked vehicles from surrounding multifamily residences.

In addition to the proposed parking expansion, the applicant proposes relocating the garbage enclosure to a more efficient and accessible location.

City Staff has received correspondence from neighboring property owners, including letters of concern and testimony regarding the vehicular demands on the alley during peak hours which leads to vehicles blocking garages of surrounding residents, and nuisance tailgating issues during NU football games. Following a negative recommendation by DAPR, the ZBA, and concerns from residents, the applicant submitted additional information (attached) that agrees to the conditions for approval stated by the ZBA, describes the rules and regulations in place for tailgating during NU events, and details for a meeting planned with St. Athanasius staff, neighbors, and Alderman Revelle, on December 5, 2019 to address any remaining concerns.
Comprehensive Plan:
The Evanston Comprehensive General Plan encourages enhancing the existing assets of neighborhoods while recognizing that each neighborhood contributes to the overall social and economic quality of Evanston. The Comprehensive Plan specifically includes:

**Objective:** Recognize the benefits of mixing residential, commercial, and institutional uses in neighborhoods.

**Policy:** Minimize the adverse effects of such circumstances as traffic and parking congestion...

**Objective:** Assure that institutional development enhances surrounding neighborhoods as well as the economic development of Evanston.

**Policy:** Monitor institutional development and evolution using land use regulations to guide effects and limit negative impacts on the surrounding community and adjoining land uses.

Legislative History:
October 15, 2019: The Zoning Board of Appeals unanimously recommended denial of the special use with the following Standards for Approval not met:

**#3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use.** Standard not met: The cumulative effect of continued expansion of an institutional land-use, particularly uses accessory to the principal structures, has eroded the residential fabric of the neighborhood, particularly the frontage along Eastwood Avenue between Lincoln Street to the south and the alley north of Harrison Street.

**#4. Does not interfere with or diminish the value of property in the neighborhood.** Standard not met: The expansion of the south parking lot for an institutional use in between residential properties along with the already stressed ingress/egress via the alley during drop-off and pick-up times, increases vehicular congestion and nuisances, and interferes with access to residential parking that is accessed off of the alley.

However, the ZBA found that if the City Council chooses to approve the special use, the following conditions should be included:
1. The south parking lot shall not be rented out for non-St. A’s events such as NU games.
2. A traffic study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, etc.
3. The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems.
4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted.

ZBA Packet - October 15, 2019

Attachments:
[Ordinance 166-O-19 Granting Special Use Permit to St Athanasius to Expand Off Street Parking in R1 District](#)
[Proposed Circulation Plan - submitted January 31, 2020](#)
AN ORDINANCE

Granting a Special Use Permit to Saint Athanasius Parish to Expand Off-Street Parking at 2503 Eastwood Avenue/2510 Ashland Avenue/1615 Lincoln Street in the R1 Single-Family Residential District

WHEREAS, Saint Athanasius Parish, (the “Applicant”), owner of the properties commonly known as 2503 Eastwood Avenue, 2510 Ashland Avenue, and 1615 Lincoln Street (the “Subject Properties”), located within the R1 Single-Family Residential Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application for a Special Use permit to expand off-street parking pursuant to Subsection 6-8-2-4 of the Evanston City Code of 2012, as amended (“the Zoning Code”); and

WHEREAS, on October 15, 2019, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held public hearings in case no. 19ZMJV-0073 to consider the application, received testimony, and made written records and findings that the application did not meet the standards for Special Uses set forth in Subsection 6-3-5 of the Zoning Code and unanimously recommended City Council denial thereof; and

WHEREAS, at its meeting on December 9, 2019, the Planning and Development (“P&D”) Committee of the City Council considered the matter and decided to hold the matter in committee; and

WHEREAS, additional information was submitted by the Applicant on January 31, 2020; and
WHEREAS, at its meeting on February 10, 2020, the P&D Committee of the City Council considered the ZBA’s recommendation and recommended City Council approve the Special Use permit, as requested; and

WHEREAS, at its meetings on February 10, 2020 and February 24, 2020, the City Council considered and adopted the recommendation of the P&D Committee,

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 fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit to expand off-street parking and construct a play area as applied for in case no. 19ZMJV-0073.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variations granted hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

(A) **Compliance with Requirements:** The Applicant shall develop and use the Subject Properties in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.

(B) **South Lot Rental Prohibition:** The south parking lot shall not be rented out for non-St. Athanasius events.

(C) **Traffic Circulation:** The Applicant shall implement a traffic circulation plan, subject to DAPR approval, to alleviate congestion in and around the Subject Properties.
(D) **North Lot Rental:** The existing north parking lot may be rented out for non-St. Athanasius events, but a management plan for addressing and monitoring tailgating issues shall be enacted.

(E) **Recordation:** 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 construction permits pursuant to the Special Use authorized hereby.

**SECTION 4:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, “Applicant” shall be read as “Applicant’s agents, assigns, and successors in interest.”

**SECTION 5:** 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.

**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:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8:** 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 9:** The findings and recitals herein are 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.
EXHIBIT A

Legal Description

Lots 9 thru 16, both inclusive, East 40 feet of Lot 17, the South 10 feet of the vacated alley adjacent to the North of Lots 16 and 17, Lots 22, 24, 25, and 26 in Block 8 in North Evanston, a subdivision of Lots 11 to 16 and the West 4.3 acres of Lot 17 in George Smith’s Subdivision of the South part of Archang’s Qualimette Reserve and also of Lots 1 and 3 and that part of Lot 2 lying between the Chicago & Milwaukee Railroad and the West line of Lot 3 produced to the West line of Section 14, Township 41 North, Range 13 of Assessors Plat of Evanston, East of the Third Principal Meridian in Cook County, Illinois.

ALSO

Lots 1 and 2 in the Resubdivision of Lots 14 and 15 of Block 8 of North Evanston, a subdivision of Lots 11 to 16 and the West 4.3 acres of Lot 17 in George Smith’s Subdivision of the South part of Archang’s Qualimette Reserve and also of Lots 1 and 3 and that part of Lot 2 lying between the Chicago & Milwaukee Railroad and the West line of Lot 3 produced to the West line of Section 14, Township 41 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

PINs:
10-12-203-015-0000
10-12-203-016-0000
10-12-203-017-0000
10-12-203-025-0000
10-12-203-026-0000
10-12-203-012-0000
10-12-203-014-0000

Commonly known as: 2503 Eastwood Avenue; 2510 Ashland Avenue; 1615 Lincoln Street
**PROPOSED (UPDATED) PARISH CIRCULATION PLAN — PEAK PERIOD SCHOOL OPERATIONS**

**Peak period student loading area**

**Proposed location of school staff member directing drop-off activities**

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**PROPOSED (UPDATED) PARISH CIRCULATION PLAN — PEAK PERIOD SCHOOL OPERATIONS**

**PEAK PERIOD DROP-OFF LINE**

One-way loop running from Eastwood Avenue through southern alley, circulating north to and around north parking lot. Vehicles then exit via northern alley between Eastwood and Ashland Avenues. Student loading activities to occur in multiple drop-off lanes within north lot only.

**Drop-Off:**
- 8:15 – 8:30 am (M Tu Th F)
- 8:00 – 8:15 am (W)

**Pick-Up:**
- 3:15 – 3:30 pm (M Tu Th F)
- 2:00 – 2:30 pm (W)

Roughly 30 to 40 vehicles each period

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**MAIN CONFLICT POINTS**

- Neighboring Garages & Access Drives
  - ‘Keep Clear’ zones established in front of three (3) neighboring garages to help minimize impacts during peak periods.

**ACTIVE PLAY AREAS**

- No Parking in Active Play Zones
  - Vehicles removed and access restricted within active play zones during school hours, generally between:
    - 8:40 am – 3:00 pm (M Tu Th F)
    - 8:30 am – 2:00 pm (W)

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**PARISH STAFF / FACULTY PARKING**

- Faculty parking primarily located in 2503 Eastwood lot (26 spaces).
- Vehicle access/parking restricted on the southern portions of the north lot, between 8:40am and 3pm (Wednesday from 8:30am – 2pm).

**Arrival:** by 8:00 am (M Tu Th F)
- 7:45 am (W)

**Departure:** typically after 4pm (varies)

Roughly 30 to 40 vehicles daily

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**PEAK PERIOD SHORT-TERM PARKING**

- Portions of north parking lot and building perimeter used for visitors and short-term parking (~10-15 minutes) during peak periods by families walking students in/out of school. Surrounding streets may provide additional short-term parking for neighbors and visitors, with some on-street parking restricted from 10am to 4pm.

**Drop-Off:**
- 8:15 – 8:30 am (M Tu Th F)
- 8:00 – 8:15 am (W)

**Pick-Up:**
- 3:15 – 3:30 pm (M Tu Th F)
- 2:00 – 2:30 pm (W)

Roughly 30 to 40 vehicles daily

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**ST. ATHANASIUS CAMPUS PLANNING**

**EVANSTON, ILLINOIS © 2018 THE LAKOTA GROUP**

**JANUARY 31, 2020**

**PREPARED FOR:**

**ST. ATHANASIUS PARISH**
Saint Athanasius Parish formally located at 1615 Lincoln Street in Evanston, includes both educational and religious uses within their Campus in north Evanston. Within the immediate vicinity of the Parish are a number of other local and regional institutions – including two District 65 schools, Northwestern University’s Ryan Field, Evanston Hospital, and the Central Street Metra Station and its associated commuter parking lot. In light of these considerations, the Parish is proposing improvements to its secondary parking lot (“south lot”) located at 2503 Eastwood Avenue to help alleviate congestion during peak periods while also improving the safety and wellbeing of its students and congregants. An outline of standard operations for both Parish and School are outlined below:

Saint Athanasius Parish
The Parish offers both Mass and other religious services at a range of times throughout the week, in addition to other services, events, and meetings related to the operations of the Parish and its mission. The Parish also supports the members of its congregation with other services throughout the year such as funerals, quinceaneras, weddings, and Christenings.

Regular Mass services occur at 8 am on Mondays, Tuesdays, and Thursdays; and at 8:30 am on Wednesdays. Weekend services include 5 pm Mass on Saturdays, and on Sundays at 8 am, 9:30 am, and 11:30 am. In addition, the Parish holds Communion Services on Fridays at 8 am, and Eucharistic Adoration on Mondays from 1 to 9 pm.

Saint Athanasius School
The associated school provides educational services for students ranging from Pre-K through 8th Grade, including both half-day and full-day early childhood programs, as well as before and after school care programs. In addition, the school offers a diverse array of co-curricular activities including visual and performing arts programs, athletics, and faith and community service programs. Day camp programs are also typical hosted during the summer months.

The 2019-2020 school enrollment level is currently set at 212, however school enrollment can fluctuate considerably from year to year. At present, the Parish and School have a combined total of roughly 54 regular staff members – including administrative & operational staff, educators, and services & program staff. This does not include seasonal or non-permanent staff (i.e. coaches), volunteers, or regular visitors, which fluctuate throughout the year. The School’s standard operating times are as follows:

School Day
Monday, Tuesday, Thursday, Friday — 8:35 AM - 3:25 PM
Wednesday — 8:15 AM - 2:20 PM

Before School Extended Day Care
Monday - Friday — 7:30 AM - 8:25 AM

After School Extended Day Care
Monday - Thursday – until 6 PM
Friday – until 5 PM
Parking & Circulation Operations Summary

Parking and circulation operations at Saint Athanasius Parish are consistent with standard operating procedures for an urban site with both religious and educational uses. For school operations this includes two peak periods: the first during weekday drop-offs between 8 – 8:30 am; and the second during after school pick-up activities, which last for roughly 30 minutes and can range from 2 pm to 3:30pm depending on the day of the week. The Parish’s peak periods of use are during weekend Mass services, and during larger, irregularly scheduled services such as weddings and quinceaneras when demand for parking can be quite high as well. The main Parish lot is also used throughout the year for major school events, and occasionally as overflow parking for events within the surrounding community. While the main lot is intended for private use and has No Parking signage posted, the Parish has historically not enforced the use of the lot by residents of neighboring buildings who frequently park there throughout the week. This issue has been discussed with City Staff and the Parish intends to enforce outside parking restrictions more strictly in the future as part of its efforts to better mitigate peak period congestion.

The most notable times of concern are when Parish and School operations overlap during weekday mornings when Mass is offered, leading to acute parking and loading issues during these times and in the periods immediately before and after. This is also the same period of time when many neighboring residents are leaving for work and other area schools and institutions are experiencing high traffic volumes as well, further compounding congestion during this time. Weekday afternoons during school pick-up are another known period of conflict, when queuing in the alleys adjacent to the Parish occurs as parents wait for their children – sporadically blocking access to the three (3) neighboring garages.

Parking Locations

At present, the vast majority of the Parish’s parking is consolidated in the main parking lot (2511 – 2519 Eastwood Ave.) on the northwest side of the collective campus, which has 58 striped, angled-parking stalls. However, once the peak drop-off period has ended, access to the main lot is restricted and the center parking aisles are blocked to provide students with a limited amount of flexible play space. This activity results in a daily reduction of roughly 30 spaces and requires vehicles to remain in place from roughly 8:30am to 5pm – a significant constraint on overall access and convenience for both Staff and visitors alike.

A secondary parking lot is located to the south of the main lot (2503 Eastwood – Subject Property) that has 14 striped, head-in spaces. One (1) space is reserved for ADA use to the immediate east of the secondary lot, however this space is adjacent to the Parish’s waste receptacles and storage garage. Overflow parking space for roughly six (6) cars is also provided along the west/southwest portions of the main school building, though these are not formally identified nor available for regular public use. There is a second ADA parking space in this location too. In total, the Parish has roughly 80 existing parking spaces, which are shared amongst all uses, users, and visitors.

All parking areas are loaded off public alleys accessed from Eastwood Avenue and a north-south alley that bisects the Parish Campus. School drop-off activities are managed by directing cars through the network of public alleys and narrow one-way access lanes into the main parking lot, which allows for stacking and relieves some back up from the surrounding public streets and alleys.
**Proposed Changes**

Based on additional study of the issues identified above, along with discussions with Parish & School Staff, neighbors, City Staff, and Alderman Revelle, an updated circulation and management plan has been developed in concert with the proposed physical improvements to the site (see Proposed Updated Parish Circulation Plan exhibit). Under this new circulation plan, the Parish would still implement the requested reorganization and modest expansion of the secondary parking lot (see Proposed Site Plan for 2503 Eastwood), which will allow for all weekday parking to be removed from the southern half of the main parking lot. This will increase the amount of vehicle stacking space available in the main lot during peak periods, while also ensuring a safer and more functional, vehicle free play area for students during the day that can be more carefully controlled and monitored by Staff.

Four additional spaces have been proposed to the immediate east of the secondary lot. The intent of these spaces is to provide adequate ADA parking (four spaces proposed in total – confirming with code), Altogether, the proposed plan would provide a net increase of 12 spaces on the Saint Athanasius Parish Campus.

**Additional Improvements**

A number of additional measures have been proposed to help further mitigate peak period impacts, which have been agreed to by all parties concerned. First and foremost, the Parish will establish and enforce ‘Keep Clear’ zones in front of the three garages that directly abut the shared alley. High visibility, cross-hatch striping will also be applied in front of the two garages in the southern alley where access issues are especially acute. To help enforce these ‘Keep Clear’ zones, improved signage will be posted throughout the Parish site(s), Parish Staff will promote stricter enforcement, and the School will make concerted efforts to educate school parents on the appropriate loading rules and procedures.
Re: 2503 Eastwood

Dear Members of the Zoning Board,

I am writing to express my disappointment in the special use application for property at 2503 Eastwood. At the last public meeting of the DAPR, this application was denied. In the interim, plans were modified and presented to city staff who subsequently reversed their recommendation. Neighbors were not notified about new plans, meetings with city staff, or the reversal of the previous decision. I do not see how a plan developed in this fashion can be supported. In addition, a process like this does not build trust.

Our family moved to 2424 Eastwood 19 years ago. It was a small, friendly neighborhood with a handful of houses. Our daughter played with the children living at 2503. We were delighted to be part of a cozy neighborhood.

Now two of the houses are gone. 2503 was torn down with little notice. Healthy trees were cut down to create the vacant lot now in need of improvement.

It is difficult to see the loss of a family home, zoned R1, for a parking lot. It is difficult to see this as an improvement to the neighborhood. It directly impacts the residential nature of the neighborhood.

This proposal seeks to establish a dangerous precedent about reclassifying R-1 designated property to special use, for a parking lot.

Nevertheless, we all want kids to have a place to play away from traffic. I could be more enthusiastic if:

- The issues were viewed as neighborhood issues rather than Church issues,
- Plans had been developed collaboratively,
- I understood the budget and timeline for paving and landscaping,
- I understood how striped areas by garages will safeguard garages access and how striping and two-way traffic will be enforced,
- I understood the long-term plan for the St. A's campus and how the current request is part of that, and
- Was confident that the plan will not negatively impact the residential character of the neighborhood.

I encourage you to deny this request, or at least defer a decision until the neighborhood can learn more about the plan. Thank you for your consideration.

Susan LeBailly
2424 Eastwood
Re: ZBA CANCELED - St. A's case rescheduled
1 message

kaari roberts <kaari6@gmail.com>
To: Melissa Klotz <mklotz@cityofevaston.org>

Mon, Oct 14, 2019 at 11:18 AM

Melissa,

I understand that the zoning meeting for the St As parking lot is tomorrow night. I just wanted to reiterate my support for the parking lot, which will back up to our house at 1619 Lincoln.

More parking will ensure a safe place for the kids to play and to keep cars off the street.

Additionally, if it is a parking lot, it will not become unnecessary apartments, avoiding a more crowded neighborhood.

Unfortunately, we can not be at the meeting.

Please let me know if you need anything else.

Kaari and Bill Roberts
1619 Lincoln
773.485.5665

On Tue, Sep 17, 2019 at 3:20 PM Melissa Klotz <mklotz@cityofevaston.org> wrote:

Good afternoon,

Due to unforeseen circumstances, the ZBA is unable to make quorum for tonight’s meeting where the St. A’s parking request would be discussed. The meeting is canceled, and the St. A’s case has been rescheduled to the next ZBA hearing on October 15th at 7pm in Council Chambers.

You are receiving this email because you submitted a letter of support or opposition. Please attempt to spread the word among the neighborhood that tonight’s meeting has been canceled.

Thank you,

Melissa Klotz
Zoning Administrator
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ranche Ave. | Evanston, IL 60201 | 847-448-4311
mklotz@cityofevaston.org | cityofevaston.org

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.
Re: 2503 Eastwood

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Now two of the houses are gone. 2503 was torn down with little notice. Healthy trees were cut down to create the vacant lot now in need of improvement.

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• The issues were viewed as neighborhood issues rather than Church issues,
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• I was confident that the plan will not negatively impact the residential character of the neighborhood.

I encourage you to deny this request, or at least defer a decision until the neighborhood can learn more about the plan. Thank you for your consideration.

Susan LeBailey
2424 Eastwood
SCOPE OF ACTION
Saint Athanasius Parish has applied for a Special Use application related to a proposed reconfiguration and modest expansion of its existing surface parking lot at 2503 Eastwood Avenue. The proposed changes would bring the subject property into conformance with the City’s parking design guidelines and zoning standards, and help to alleviate peak period congestion on the Parish’s main parking lot to the north. More importantly, the proposal would allow the School to provide its students with a consolidated, outdoor play area unimpeded by parked cars or moving vehicles on its north lot. The existing conditions are shown in EXHIBIT A.

General site and landscaping enhancements on the 2503 Eastwood property and operational measures intended to help manage drop-off efforts and mitigate impacts on neighboring properties are also included in the proposed plan.

ZBA Hearing Recommendations
During the ZBA hearing on October 15th, 2019 a series of conditions were recommended should Special Use be granted by the City Council. The following are St. Athanasius’s responses to those conditions.

1. The South Parking Lot shall not be rented out for non-St. A’s events such as NU Games – St. A’s comment; will use the South Parking Lot only for Parish Related Events

2. A traffic Study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, for the entire campus.-St. A’s comment; the City and NU completed a study approximately 10 years ago to refine and improve the traffic flow through the neighborhood and the campus, essentially removing drop-off and pick-up activity from the streets and embedding it in the alley and parking lot. PLAN DISCUSSION SUBMITTED: EXHIBIT B.  Alderman and staff on site for visual confirmation of successful plan on October 7, 2019.  MEMO ATTACHED: EXHIBIT C.  FYI and supporting a continued success with this process; Student population has decreased approximately 25% in past 5 years, assisting in traffic control efforts
3. The applicant shall work with Alderman and neighbors to have a productive conversation addressing problems before next City event – St. A’s comment; Meeting is scheduled for December 5th at 5.30-6.30PM with Alderman Revelle, neighbors of St. A’s and the St. A’s staff and Committee Members. Agenda for this meeting is ATTACHED: EXHIBIT D

4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted – St. A’s comment; St. A’s has had standards of behavior posted and in place on campus for many years, pictures ATTACHED: EXHIBIT E. Additional management structure was defined for the recent NU Football-only parking regulations and is appropriate for future parking lot use - ATTACHED: EXHIBIT F.

Closing Comments
St. Athanasius is proposing a small, incremental change to an existing parking lot in support of improvements to our campus and our neighborhood. The proposed plan would provide for meaningful enhancements to the safety and wellbeing of the Parish’s students and support the evolution of our institution.

As stated in Chapter 6 of the Evanston’s Comprehensive Plan, an overarching goal of the City is to “support the growth and evolution of institutions while recognizing that they are part of their mostly residential surroundings”. Furthermore, in order to meet that stated goal, the City’s top policy recommendation is to “monitor institutional development and evolution using land use regulations to guide effects and limit negative impacts on the surrounding community and adjoining land uses.”

St. Athanasius Parish recognizes the need to work toward a balance between institutional needs and the quality of the surrounding neighborhoods, and believes that this proposal meets this goal. To that end, the proposed plan meets all applicable land use regulations and would bring the Parish campus into greater alignment with the City’s zoning standards.

The Parish appreciates your review and consideration of our proposal for 2503 Eastwood and looks forward to further discussing our efforts to improve the Parish Campus, wellbeing of its students, and overall conditions of the neighborhood.

Sincerely,

Paul Harvey
St. Athanasius Facilities and Maintenance Committee
Exhibit A – Current Play and Parking Area – North Lot
St. Athanasius – 2503 Eastwood Avenue, Evanston West Campus

EXHIBIT B – Traffic Flow and Previous Study with City and NU

Condition as outlined at ZBA meeting of October 15, 2019

A traffic Study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, for the entire campus - St. A’s comment; the City and NU completed a study approximately 10 years ago to refine and improve the traffic flow through the neighborhood and the campus, essentially removing access from the streets and embedding in the alley and parking lot. PLAN DISCUSSION SUBMITTED: EXHIBIT B.

Copies of this study are not readily available.
Discussion of this study with City officials, Staff from St. A’s and Families attending School supports the following points of interest:

- Goal was to move off of public Streets
- Ashland and Eastwood Streets are on the East and West side of St. A’s campus and had been used exclusively for drop-off and pick-up of children attending school at St. A’s. The one-way nature of the streets caused additional safety and congestion concerns
- Changes to the traffic flow was sought and expert assistance from Northwestern Engineering Students and City of Evanston Traffic Control staff were asked to assist
- Use of the St. A’s parking lots for pick-up and drop-off was employed, with queuing managed in the public alleys running through the St. A’s property and removed from the City Streets
- On site review in September, 2019 by City Staff, Alderman viewed traffic flow and found this to be effective, other changes recommended and in progress
- This plan continues to be effective to date as Enrollment at St. A’s has trended down over recent years with less flow in all passageways:
  - 2015 – 290 students, pre-K thru 8th Grade
  - 2019 – 210 students, pre-K thru 8th Grade
An on-site meeting was held at St. Athanasius on October 7, 2019. Attendees included
- Lara Biggs, City Engineer
- Rajeev Dahal, Senior Project Manager / Traffic Engineer
- Alderman Eleanor Revelle
- Paul Harvey, St. Athanasius Parish
- Mike Kritzman, The Lakota Group

A discussion about the goal of improving the children’s play area located in the north parking lot, and how to improve the queueing impacts to the adjacent residents. In that discussion, St. Athanasius agreed to the following additional improvements, which were not part of the discussion at Design and Plan Review committee on 9/11/19:

1. Implementing a ticketing/towing program to limit the number of cars parked in their lot. Combined with moving some cars to the new proposed south parking area, this frees up the south half of the north parking lot to utilized as a car-free play area during school hours. Basketball and other play features (such as four-square courts) can then be installed. This is a substantial safety improvement for the school operations.

2. Widening the south leg of the alley by two feet to make it safer for two-way traffic.

3. Cross-hatching the two areas of the south leg of the alley that are adjacent to neighbor’s garages to discourage blocking of the garages by queued cars at school pick-up time

4. If blocking of the garages is still occurring, sending a St. Athanasius staff member to direct traffic to not block garages during school pick-up time.

5. If residents are unable to pull out of the garages with the widened alley, cross-hatching the parking spaces opposite the garages to make it easier for navigation.

Based on the substantial improvement to children’s safety during outdoor play time and the commitment to both infrastructure and operations improvements to reduce the impact on the neighbors during school pick-up time, engineering staff is recommending approval for these improvements.
Exhibit D

Invitation From St. Athanasius
Thursday, December 5, 2019 5:30-6:30PM
Location; St. A’s Hartke Room
(located at the east end of the Eastwood Alley, behind the playground and up the stairs, door will be open at 5.15PM)

Pastor Father Hernan, Principal Carol McClay
Operations Manager Kelly Fierro
Parishioner Paul Harvey
Discussion: Eastwood Avenue and Parking,
West Lot Improvements Review

Please save this date and plan to attend this discussion with Alderman Eleanor Revelle, St. A’s Staff and also Paul Harvey (Paul has been managing this Review of our West Lot and the White House Project as Past Finance Council Chair and current member of Facilities / Maintenance Committee). Other members from the St. A’s Community and all Neighbors are welcome.

Thanks for considering attending, we look forward to seeing you.
No RSVP necessary

AGENDA
❖ Opening comments by St. A’s and Ms. Revelle
❖ Review current conditions on 2503 Eastwood
❖ Review of Plans as submitted to City of Evanston for 2503 Eastwood
❖ Current Status and ongoing City Process for Approval
❖ St. A’s Proposals and Adjustments to reach City Approval
❖ Neighbors comments and discussion on all aspects of Plans
❖ Closing comments by all
PRIVATE PARKING LOT
ST. ATHANASSIUS PARISH

NO
GRILLING OF ANY KIND
ALCOHOL
GLASS CONTAINERS
BATHROOM AVAILABLE
TELEPHONES AVAILABLE

All cars in parking lot after 9 am on game days are subject to the Parking Donation.
Parking lot must be vacated by 1 hour after the game.
maintain such personal property in good repair and condition and repair all damage to
such property caused by Licensee.

C. **Impermissible Behaviors.** In connection with its Use, Licensee shall not permit any of
the following at or around any portion of Licensor’s Property:

i) Use, possession, and/or concealment of a firearm/destructive device or other
weapon;

ii) Sale or offer for sale of any alcoholic or intoxicating beverages or the
consumption of alcohol by individuals under the age of twenty-one (21) years;

iii) Use, possession, and/or concealment of illegal substances;

iv) Aggravated assault;

v) Trespassing;

vi) False activation of a fire alarm;

vii) Assault;

viii) Vandalism or criminal damage to property;

ix) Fighting;

x) Disorderly conduct or disruptive behavior around Licensor’s Property;

xi) Use of tobacco products; and

xii) Any criminal behavior not specifically described above.

D. **Compliance with Law.** Licensee shall, at Licensee’s sole cost and expense, fully
comply with all applicable laws, codes, statutes, ordinances and regulations applicable
to the Use and Licensor’s Property hereunder, including but not limited to:

(i) Zoning and business laws, ordinances and regulations requiring a permit,
license, tax or Fee payment, certificate or other authorization and any
renewals, extensions or continuance of the same, and property tax if
Licensor’s Property or a percentage thereof is deemed subject to property
tax as a result of this License for which Licensee shall be responsible to
pay in its entirety for the entire period of its Use. Licensee’s obligations
under this Section shall survive the expiration or termination of this
License.

(b) Prohibition against the bringing, storing, disturbing, discharging or
maintaining Hazardous Substances (as defined below) onto any portion of
Licensor’s Property. For purposes of this License, “Hazardous
Substances” shall mean asbestos, suspect asbestos, lead-based paint,
polychlorinated biphenyls as these terms are defined in the Toxic
Substances Control Act, 15 U.S.C. Section 2601-2692, or regulations
EXHIBIT B

Rules & Regulations

• Prohibited items include: kegs, drones, deep fryers, grills with open flames (except that small personal charcoal grills such as “Smokey Joe” grills or propane grills with cylinders under 20 lbs. are allowed)
• Each Parking Pass Holder shall only tailgate within the boundaries of his or her assigned striped parking space.
• No drilling of holes in the Parking Lot shall be permitted.
• No tents shall be anchored into the ground of the Parking Lot or any other part of Licensor’s Property.
• No large speakers or amplification of sound (registering more than 80 decibels) shall be permitted in the Parking Lot or Licensor’s Property.
• Vehicles shall access the Parking Lot from Eastwood Avenue only.
• The drive aisles and lanes must be clear and free of obstructions at all times.
• No signage displaying offensive words or slogans shall be allowed in the Parking Lot.
Licensee’s Parking Lot Reminders

- You must remove your vehicles from the Parking Lot no later than two (2) hours after the end of the game.

- **ALCOHOL POLICY:**
  - Underage drinking is prohibited.
  - Northwestern University’s “Policy of Drugs and Alcohol” for students will be strictly enforced.
  - Kegs or other large containers holding alcohol are prohibited.
  - Drinking games or other abusive drinking practices are prohibited.
  - Alcohol may not be carried on to public walkways.

- **GRILLING POLICY:**
  - Prohibited items: deep fryers, grills with open flames (except that small personal charcoal grills such as “Smokey Joe” grills or propane grills with cylinders under 20 lbs. are allowed)
  - If you are using a grill, a minimum of ½ inch plywood base or other protective device must be used to protect the pavement from heat.
  - Dispose of cooled coals in the labeled containers.

- Respect neighbors at all times: curtail noise, properly dispose of all trash, demonstrate civil behavior, comply with all laws, and do not play loud music (registering more than 80 decibels), etc.
St. Athanasius Parish Memo Exhibit F (page 4 of 5)

to the parking spaces within the Parking Lot for the parking of automobiles and certain
tailgating activities that are supervised by Licensor’s security staff and/or contractors
and for no other use or purpose ("Use"); provided, however, that the Use shall be
subject to the following terms and conditions: (i) the Use shall expressly exclude the
two handicap accessible parking spaces between Eastwood Avenue and the school
building on Licensor’s Property, and Licensee shall ensure the handicap accessible
parking spaces are not used by Licensee Group; (ii) Licensee’s Use shall be limited to
the Saturday dates of Northwestern University home football games as listed in Exhibit
A, attached hereto and incorporated herein ("Game Day(s)") and the following Sunday
after each Game Day for clean-up, repair and maintenance as required under this
Section 3(A) and Section 7 which must be complete at or before 7:30 a.m. CST of
each Sunday following a Game Day; (iii) Licensee shall only allow vehicles in the
Parking Lot which belong to authorized individuals of Licensee Group who have
purchased a parking pass through Northwestern University ("Parking Pass Holders");
(iv) Licensee and Parking Pass Holders access to the Parking Lot shall not commence
until four (4) hours prior to the kickoff of Northwestern University’s home football
game ("Kickoff") on the Game Days and no earlier; (v) Licensee shall ensure that
Licensee Group’s vehicles have vacated the Parking Lot two (2) hours after the end of
the Northwestern University home football game; (vi) Licensee shall ensure that
Licensee Group complies with the City of Evanston Code of Ordinances and all other
applicable governmental laws, rules and regulations or as set forth under Section 5(D);
(vii) Licensee shall ensure that Licensee Group follows all of the rules and regulations
as set forth in Exhibit B, attached hereto and incorporated herein; (viii) Licensee shall
ensure that Licensee Group follows all of the rules and regulations set forth in
“Licensee’s Parking Reminders” as set forth in Exhibit C, attached hereto and
incorporated herein; (ix) Licensee shall provide receptacles for charcoal, receptacles
for trash, and portable toilets for Licensee Group’s use in amounts and logistical
placement as required by Licensor; (x) Licensee shall supply a maintenance crew to
clean, maintain and repair the Parking Lot at the conclusion of each home football
game on Game Day and again the following Sunday so that the Parking Lot forming
part of the Use is in good, clean and safe condition no later than 7:30 am CST each
Sunday following each Game Day; (xi) Licensee shall comply with the Security &
Supervision Obligations as set forth in Section 3(B) below; (xii) no member of
Licensee Group shall enter any portion of Licensor’s Property (including but not
limited to any green space on Licensor’s Property, except for the Parking Lot for
purposes of the Use and except for the church building for sole purpose of attending
Mass and worship services during regular operating hours; and (xiii) upon not less than
twenty-four (24) hour written notice from Licensor to Licensee and without reduction
of the Fee, Licensor shall have the express right to temporarily or permanently relocate
the Use to other comparable space within Licensor’s Property or any other real
property owned by Licensor in Licensor’s sole and absolute discretion.

B. Security & Supervision Obligations. Licensee agrees that it shall provide no less than
four (4) professionals trained in security and no less than two (2) parking attendants
present in the Parking Lot during all times of the Use to ensure that: (i) alcohol is
St. Athanasius Parish Memo Exhibit F (page 5 of 5)

consumed in a lawful and safe manner; (ii) inebriated individuals are safely escorted from the Parking Lot; (iii) all rules and regulations set forth herein are followed; (iv) only vehicles belonging to Parking Pass Holders are allowed to park and tailgate in the Parking Lot; (v) only one entrance/exit into the Parking Lot is open and available at any one time; and (vi) any damage caused to Licensor’s Property from the Use is reported on the same day in which the damage occurs, subject at all times to Licensee’s obligation to clean, repair and restore all areas damaged in accordance with this License.

4. EFFECT OF LICENSE, NON-ASSIGNABILITY, REVOCABILITY

A. Personal Right. The license granted to Licensee under this License shall constitute a personal right and privilege of Licensee and Licensee shall not assign this License or any right or privilege hereunder, or authorize the use of any portion of Licensor’s Property by anyone other than Licensee or Licensee’s Group.

B. Not Lease. The license granted to Licensee under this License shall not create in or convey to Licensee any interest, including that of an easement or a lease, in any portion of Licensor’s Property whatsoever.

C. Revocability. Licensor may immediately revoke this License at any time and for any reason upon prior written notice to Licensee. Licensee may terminate this License upon ninety (90) days prior written notice to Licensor; provided, however, Licensee shall not be entitled to the refund of any portion of the Fee.

5. COVENANTS REGARDING USE. In connection with its Use, Licensee agrees, for itself and its contractors, agents, officers, directors, employees, invitees, Parking Pass Holders and their invitees (“Licensee Group”) to comply with all reasonable rules and regulations that Licensor may from time to time make and to observe the following covenants at all times when on or around Licensor’s Property:

A. Licensor’s Real Property. Licensee Group shall not enter areas of Licensor’s Property other than those areas specifically allowed pursuant to the Use hereunder unless Licensee obtains the prior written consent of Licensor or the pastor or administrator who oversees operations at Licensor’s Property (“Pastor”). Licensee shall take all measures necessary to prevent Licensee Group from entering areas of Licensor’s Property other than those areas specifically allowed pursuant to the Use hereunder.

B. Licensor’s Personal Property. Licensee shall not use personal property of Licensor without obtaining the prior written consent of Licensor. If Licensee receives such prior written consent, Licensor is providing any property in “as-is,” “where-located” condition without warranties of any kind and Licensee shall use such property at Licensee’s sole risk, cost and expense and further provided that Licensee agrees to
After conducting a public hearing on October 15, 2019, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-3-5-10 of the Zoning Ordinance:

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<th>Standard</th>
<th>Finding</th>
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<td>(A) It is one of the special uses specifically listed in the zoning ordinance;</td>
<td>X Met  Not Met</td>
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<td>Vote 4-0</td>
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<td>(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;</td>
<td>Met  Not Met</td>
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<td>Vote 2-2</td>
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<td>(C) It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the city as a whole;</td>
<td>Met  X Not Met</td>
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<td>(D) It does not interfere with or diminish the value of property in the neighborhood;</td>
<td>Met  X Not Met</td>
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<td>Vote 1-3</td>
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(E) It can be adequately served by public facilities and services

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Vote 4-0

(F) It does not cause undue traffic congestion;

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Vote 3-1

(G) It preserves significant historical and architectural resources;

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Vote 4-0

(H) It preserves significant natural and environmental features; and

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Vote 4-0

(I) It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.

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Vote 4-0

and, based upon these findings, and upon a vote

0 in favor & 4 against

Recommends to the City Council

approval without conditions

X denial of the proposed special use

If granted approval by City Council, the ZBA recommends the following conditions:

1. The south parking lot shall not be rented out for non-St. A’s events such as NU games.
2. A traffic study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, etc.
3. The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems.
4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted.

Attending:

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Vote:

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MEETING MINUTES EXCERPT
ZONING BOARD OF APPEALS
Tuesday, October 15, 2019
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Myrna Arevalo, Violetta Cullen, Jill Zordan

Members Absent: Kiril Mirintchev, Scott Gingold, Mary McAuley

Staff Present: Melissa Klotz

Presiding Member: Violetta Cullen

Declaration of Quorum
With a quorum present, Chair Cullen called the meeting to order at 7:02 p.m.

Minutes
Ms. Arevalo motioned to approve the meeting minutes of August 27, 2019, which were seconded by Ms. Dziekan and unanimously approved.

New Business
2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St.  19ZMJV-0073
Saint Athanasius Parish, lessee, submits for a special use for, Education Institution – Private, and a special use for, Religious Institution, for Saint Athanasius School and Parish to expand off-street parking and construct a play area, in the R1 Single-Family Residential District (Zoning Code Section 6-8-2-4). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record, and noted an updated site plan was received by staff on October 10, 2019, that has led staff to now recommend approval of the special use.

The applicant explained the proposal:

- Plan will increase safety for children at the school.
- Held a neighborhood meeting and incorporated feedback and suggestions.
- Hired the Lakota Group to professionally plan the parking area.
- The south end of the north parking lot will no longer allow parking during school hours so children can use the area for outdoor play without conflicting with vehicles. Those vehicles will park at the new 2503 Eastwood lot.
- Will enforce a “no parking” guideline including towing in the south half of the north lot (not previously done).
- Play areas will be improved with basketball courts, hop scotch, and four square courts.
- Will cross hatch portions of the alley to further deter vehicles from staging in the alley where garages are blocked. Additionally, St. A’s staff will address the issue as many times as it takes until all vehicles comply.
- There are approximately 12 vehicles that park overnight that are likely from a nearby condo building. Those vehicles will be towed if they park at St. A’s in the future.

Mike Kritzmen, Lakota Group, explained further:
- Campus is surrounded by single family homes.
- The existing staff lot (south lot) has 14’ drive aisles and is not well suited in its current form. Staff parks here largely because of the other unknown vehicles that are in the north lot.
- The plan allows the south half of the north lot to be car free during school hours so that it can safely function as an outdoor play area while allowing the cars (from staff) to fit in the south parking lot.

Ms. Dziekan asked if there will be a future proposal to add play equipment in the green area of the new south parking lot. The applicant responded it is not anticipated to return with that request.

Chair Cullen asked if vehicles will overflow and park on the grass and the applicant stated no, that area is intentionally landscaped and intended to remain green.

Ms. Dziekan asked if the additional parking spaces are intended to be used for stadium events at Northwestern. The applicant stated the lot could be used by anyone else when not during school and church hours - it could be used for a wedding, special event, or event hosted by Northwestern. The applicant clarified the play area on the south half of the north lot may also be used for parking during those events (just like it is used during school drop off).

Ms. Zordan asked if the management company that oversees renting out the parking lot also manages the parking on site, and the applicant responded yes, they manage sanitary issues, cleanup, and safety. However, they do not oversee ingress and egress of vehicles to the lot.

James Davies, 1627 Lincoln, stated the parking is a significant issue to the immediate neighbors, and noted he does not rent his parking out during Northwestern events. He stated it is difficult to believe anything St. A’s does because of past issues. There was an instance that Mr. Davies’ wife missed a doctor’s appointment because a car was blocking their garage and refused to move. Any time neighbors approach St. A’s they are rudely dismissed and nothing improves.

Kelsey Davies, 1627 Lincoln, agreed with her husband’s comments, and noted the meeting St. A’s had last week on site did not include any of the immediate neighbors who are most impacted. Ms. Davies stated she was given a letter from St. A’s stating they would not buy any nearby homes to expand their lot because the church does not have any money. However, shortly after that letter, St. A’s purchased an adjacent home and demolished it. This shows the distrust and lies that are told to the neighbors. Ms. Davies clarified she has tried to call and email the principal when she is blocked in her garage but has never received a response.
Betsy Baer, 2438 Eastwood, stated not all Standards are met - specifically that there is a significant reduction in values of adjacent properties by demolishing a house and adding a parking lot. This is a residential neighborhood that is turning into vacant lots and parking. The neighborhood meeting was almost a year and a half ago and was organized by the neighborhood, not by St. A's. The neighbors were not invited to the on-site October 7th meeting, and were not made aware of staff’s change in recommendation. The proposal clearly impacts the neighborhood, and it does not improve the alley issues. Last year there was a bonfire and a drunken brawl during tailgating in the parking lot with no oversight.

Ann Wambach, 1623 Lincoln, stated she does not sell her lawn as parking on game days, and appreciates that staff needs parking, but it is so difficult with the alley that if she needs her car that day, she moves it out of the garage onto the street early in the morning. The larger concern is the sale of the lot on game days because there is significant alcohol and activities such as grilling, with no oversight.

A letter was submitted from a neighbor who could not attend the meeting. The letter was reviewed by ZBA Members and marked as Exhibit A.

The applicant stated there are signs stating no alcohol and no grilling, and there is a contract with Northwestern, but he is unaware of who should enforce those issues. Today’s discussion is about 11 or 12 parking spaces, not about previous demolition. The house that was demolished needed to be taken down and improved the safety of the neighborhood. The alley will be wider since the parking spaces are 2’ off of the property line.

Chair Cullen asked how often the parking is rented out, and the applicant responded it is rented out for all NU home games so 6-7 times a year. There are also 2-3 St. A’s events throughout the year (but those are not the same type of events).

Ms. Klotz clarified the alley is not increasing in size but the applicant is proposing a required 2’ parking setback so there will be 2’ additional of pavement that vehicles can use to maneuver through the alley.

Deliberation:
Ms. Klotz clarified the October 7th meeting with staff and the applicant was intended to discuss possible modifications to the proposal that would improve alley circulation. Neighbors were not a part of that meeting.

Ms. Dziekan stated she is uncomfortable that neighbors were not included in the latest proposal or changes, there is no management oversight of tailgating on NU game days, and that there seems to be a lack of communication between the church and immediate neighbors. Chair Cullen agreed and notified the largest issue is due to renting out parking on NU game days.

Ms. Zordan noted a DAPR comment that suggested the entire St. A’s campus undergo a planning study to incorporate all future plans and address issues.
With the record reopened, the applicant responded there is not a larger campus plan at this time because the issue at hand is the expansion of the south parking lot. The record was then closed.

Ms. Zordan stated piece-mealing a campus together is not a good approach. She also noted it is not acceptable to rent out the parking lot for NU game days and that oversight of safety, etc. is not their problem.

Ms. Arevalo stated it is understandable to increase parking for the school. The south parking lot should be prohibited from being rented out on NU game days, but the north lot should still be allowed because nothing is changing there.

Standards:
1. Yes
2. Yes; No – Ms. Arevalo, Chair Cullen
3. No
4. No – Chair Cullen, Ms. Arevalo, Ms. Zordan
5. Yes
6. Yes (if managed properly); No – Ms. Arevalo
7. NA
8. NA
9. Yes

Ms. Dziekan motioned to recommend denial of the proposal, which was seconded by Ms. Arevalo and unanimously recommended for denial, and noted that if City Council chooses to grant the proposal, the following conditions should be included:
1. The south parking lot shall not be rented out for non-St. A’s events such as NU games.
2. A traffic study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, etc.
3. The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems.
4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted.
Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Melissa Klotz, Zoning Administrator
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manager
Subject: Ordinance 3-O-20 Granting Major Zoning Relief for Parking to Retain a Basement Dwelling Unit at 2008 Harrison St.
Date: February 10, 2020

Recommended Action:
The Zoning Board of Appeals and staff recommend adoption of Ordinance 3-O-20, granting major zoning relief for 4 parking spaces where 7 parking spaces are required, to allow the retention of a basement dwelling unit in the R5 General Residential District and the oCSC Central Street Overlay District. The applicant has complied with all zoning requirements and meets all of the standards for major variations for this district.

Council Action:
For Introduction

Summary:
Update: On January 17, 2020, the property owner submitted additional information clarifying the intended use of the basement dwelling unit. The dwelling unit will sometimes be used by the owner's adult child with special needs, and otherwise will be rented out as a Vacation Rental (pending approval of a Vacation Rental license) for short term stays when not used by family (clarification from property owner is attached).

The property was purchased by the current owner in 2010 as a 4-unit building. The owner, who occupies one of the units, was unaware that the basement dwelling unit was never permitted and is considered illegal. The basement dwelling unit has been occupied and used on and off over the last decade. The owner is now aware the basement unit is illegal and requests a parking variation in order to legalize the unit. The property otherwise complies with all other zoning requirements including density, and the basement unit complies with building codes. The property is located 25 feet from the TOD area that reduces parking requirements; if the property were within the TOD area, the property would be compliant with 4 on-site parking spaces for 4 total dwelling units (including the basement unit).
The existing three dwelling units, one 2-bedroom and two 3-bedroom dwellings, require 6 off-street parking spaces where 4 spaces are existing (3 in the detached garage and 1 in an open parking pad). The additional 1-bedroom basement dwelling unit, constructed under a previous kitchen remodel permit (by a previous owner) and discovered during a Property Standards inspection, requires an additional off-street parking space and conformance with the parking regulations as outlined in Chapter 16, and summarized below:

- 2-bedroom units: 1.5 spaces per unit; (1.5*1) = 1.5
- 3-bedroom units: 2 spaces per unit; (2*2) = 4
- New (legal) basement dwelling, 1-bedroom: 1.25 spaces per unit; (1.25*1) = 1.25

Total required off-street parking spaces = 7 (rounded up from 6.75).

Based on the provided plat of survey, there is no compliant location for additional off-street parking. There are currently 4 parking spaces on-site, and there are typically 4 vehicles parked on the property. As such, the applicant seeks major zoning relief in order to continue to utilize the basement unit, which is occupied by the property owner’s adult child with special needs.

Legislative History:
Zoning Board of Appeals - December 3, 2019: The ZBA found there will be no physical change to the property and no additional impact on surrounding properties, and therefore unanimously recommended approval of the zoning relief.

Attachments:
Ordinance 3-O-20 Granting Major Zoning Relief for Parking at 2008 Harrison St
Clarification on use of basement unit - January 17, 2020
Findings for Major Variation for 2008 Harrison St
ZBA Meeting Minutes Excerpt - December 3, 2019
3-O-20

AN ORDINANCE

Granting A Major Zoning Variation for Off-Street Parking in the R5 General Residential District and oCSC Central Street Corridor Overlay District (2008 Harrison Street)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on December 3, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0095, an application filed by John Fell, owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2008 Harrison Street (the “Subject Property”) and located in the R5 General Residential District and the oCSC Central Street Corridor Overlay District, seeking approval of a major zoning variation from Table 16B of Section 6-16-2 of the Evanston City Code, 2012, as amended (“the Zoning Code”), to permit four (4) off-street parking spaces where seven (7) off-street parking spaces are required on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12(E) of the Zoning Code and recommended City Council approval thereof; and

WHEREAS, at its meeting on January 13, 2020, the Planning and Development (“P&D”) Committee of the City Council considered the matter and decided to hold the matter in committee; and
WHEREAS, additional information was submitted by the Applicant on January 17, 2020; and

WHEREAS, at its meeting of February 10, 2020, the P&D Committee received input from the public, carefully considered the ZBA’s record and findings and recommended the City Council approve the Major Variation, as requested; and

WHEREAS, at its meetings of February 10, 2020 and February 24, 2020, the City Council considered the ZBA’s and P&D Committee’s records, findings, and recommendations, and adopted the recommendation of the P&D Committee,

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

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

SECTION 2: The City Council hereby adopts the P&D Committee’s records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10(D) of the Zoning Code, the Major Variation on the Subject Property applied for in case no. 19ZMJV-0095 and described hereinabove.

SECTION 3: The Major Variation approved hereby is as follows:

A. To permit the property owner to provide four (4) off-street parking spaces where seven (7) parking spaces are required by Table 16B of Section 6-16-2 of the Zoning Code.

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Code, the City Council hereby imposes the following conditions on the Major Variation granted hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Code:
(A) **Compliance with Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.

(B) **Recordation:** 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.

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

**SECTION 5:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 6:** Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Code 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.

**SECTION 7:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 8:** All ordinances or parts of ordinances in conflict herewith 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 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:___________________, 2020
Adopted:___________________, 2020

_____________________________
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

_____________________________
Deputy City Attorney

Devon Reid, City Clerk
EXHIBIT A

LEGAL DESCRIPTION

Lot 15 in Block 17 in North Evanston in part of Quilmette Reservation in Section 12, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

**PINs:** 10-12-108-015-0000

**Commonly Known As:** 2008 Harrison Street, Evanston, Illinois.
Melissa Klotz <mklotz@cityofevanston.org>

RE: 2008 Harrison variation request
1 message

John Fell <jfell@emarketinglogic.com>
To: Melissa Klotz <mklotz@cityofevanston.org>
Cc: Cade Sterling <csterling@cityofevanston.org>

Fri, Jan 17, 2020 at 3:31 PM

Melissa –

Sorry for the delay in getting back to you. We were traveling out of the country with limited internet and no computer. It has been confirmed to me that the invoice is all paid. Note that had we known we were required to pay the yearly permit we would have done so. Maybe the city needs to better communicate with property owners.

Please note that it was our application to get a vacation rental license a year ago that started the variance process. We were denied the license because, unbeknownst to us, our apartment was not a legal dwelling. When we addressed that issue we learned that we didn’t provide enough parking to have a legal dwelling that started this journey for a variance. Ironically if our address was 2004 and 2008 Harrison, 4 parking space would be all that’s required – not 7.

Our intention is to make the ground floor unit available as a luxury furnished apartment for short stays of 1 week to 1 month. Before we moved my stepson, with special needs into the apartment we had rented it on and off for the last 6 or 7 years when not used by family. While we had a listing on VRBO - We have a few out of town couples (some are former Evanstonians) who have children and grandchildren living in Evanston that are on our short list of repeat visitors who want to return for stays throughout the year. Please note that we had wonderful reviews and when our unit was not available for rent we were told how difficult it was to find furnished short term rentals in Evanston. So I would thank think that our unit would be welcome by the city.

Let me know if this adequate for addressing your concerns.

Sincerely,

John Fell
Cc: Cade Sterling  
Subject: Re: 2008 Harrison variation request  

John,

The Rental Registration invoice is attached. You should get it shortly from Property Standards as well. If you have any questions about it, contact Angelique Schnur in Property Standards (aschnur@cityofevanston.org).

If you want to use the basement unit as a Vacation Rental at times when not in use by family, email me a short paragraph explaining approximately how often you anticipate family occupancy vs. how often per month or year you anticipate Vacation Rental use.

2011 permit - doesn't matter who did what when at this point. Just FYI that you'll need to get inspections once the zoning issue is resolved. Inspections will involve opening the walls in some spots (they'll spot check a few things) so you'll need a handyman to do some drywall patching once completed. This happens from time to time when people don't realize what permits or inspections are needed. It can be resolved.

So, moving forward contact Angelique regarding the Rental Registration, and send me the description of who/how often/vacation rental the basement unit will be used. I'll then update the staff memo to reflect additional info and you'll be back on track for the next available City Council meeting.

Last FYI - assuming the variation is granted and all work gets permitted/inspected as required, you will then need a Vacation Rental license to rent it out as an AirBnB etc (pretty quick process but separate from this).

Thanks,

Melissa Klotz  
Zoning Administrator  
Planning & Zoning Division  
Community Development Department  
Morton Civic Center  
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-4311  
mklotz@cityofevanston.org | cityofevanston.org

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 et. seq.
I was unaware that I needed a permit to rent apartments. How much do I owe?

We are wanting the option of using the apartment as a vacation rental when it's not occupied by family. It will not be a long term rental.

Re: Permit - We were not familiar with the permit details of the remodeling. It was a small job and the person we hired never told us to have an inspection.

I understand we need to cooperate with the building department and I am committed to doing it.

I simply want to formalize and legalize what we should have done in 2011.

Thanks

John F.

Sent from my iPad

On Jan 13, 2020, at 3:53 PM, Melissa Klotz <mklotz@cityofevanston.org> wrote:

John,

Your variation request to retain the basement dwelling unit at 2008 Harrison was on track for P&D/City Council tonight for an introduction vote. However, in light of some new information, your case will be held tonight and will not be acted upon. Before your case can proceed, please submit the following:

1. Documentation stating what the basement unit will be used for. Variation application states it is for an adult child with limitations and/or for visiting children/grandchildren. However, the basement unit issue was brought to light when you inquired about a Vacation Rental application for the unit. The basement unit is still advertised on websites as a Vacation Rental. Which use will be in the unit? Please email clarification to me.

2. Property Standards is now aware the basement unit has been rented out for the last 10 years or so, and your variation application states you have tenants in other units - which means the property should have been covered in the Rental Registration (applies when all units are not owner occupied). Property Standards has followed up with you invoicing for the years you should have been registered. This needs to be paid before you can proceed to City Council.

3. Once we dug deeper, we found historic records showing the basement was a previously a legal rooming unit with a bedroom and a bathroom but no kitchen. Either a kitchen was added by the previous owner, or by you shortly after you purchased the property. Once a kitchen was added, that made the space an illegal dwelling unit. You obtained a kitchen remodeling permit in 2011 (including fine for beginning construction without having a permit) but no inspections were done. FYI because...
Once you rectify issues 1 and 2, your case will proceed to City Council with the following recommendations (including ZBA and staff recommendations for approval):

1. Basement unit shall not be used as a Vacation Rental.

2. Basement unit shall not be used or occupied until a permit is obtained for all work done in the space and is properly inspected - this will likely include opening walls to verify rough plumbing, mechanical, and electrical in the kitchen area.

Over all, it shouldn't take too much to get your case back on track. Let me know if you have questions as you work through these things.

Thanks,

Melissa Klotz
Zoning Administrator
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-4311
mklotz@cityofevanston.org | cityofevanston.org

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 et. seq.
In the case of

**Case Number:** 19ZMJV-0095  
**Address or Location:** 2008 Harrison St.  
**Applicant:** John Fell, property owner  
**Proposed Zoning Relief:** 4 parking spaces where 7 parking spaces are required, to legalize a basement dwelling unit for 4 total dwelling units on the property

**After conducting a public hearing on December 3, 2019, the Zoning Board of Appeals makes the following findings of fact, based upon the standards for major variances specified in Section 6-3-8-12 of the City Code:**

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<th>Standard</th>
<th>Finding</th>
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<td>(A) The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties;</td>
<td>___X___Met ___Not Met 5-0</td>
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<tr>
<td>(B) The requested variation is in keeping with the intent of the zoning ordinance;</td>
<td>___X___Met ___Not Met 5-0</td>
</tr>
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<td>(C) The alleged hardship or practical difficulty is peculiar to the property;</td>
<td>___X___Met ___Not Met 5-0</td>
</tr>
<tr>
<td>(D) The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;</td>
<td>___X___Met ___Not Met 5-0</td>
</tr>
<tr>
<td>(E) The purpose of the variation is not based exclusively upon a desire to extract additional income from the property; or there is a public benefit;</td>
<td>___X___Met ___Not Met 5-0</td>
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The alleged difficulty or hardship has not been created by any person having an interest in the property;  

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The requested variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property;  

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and, based upon these findings, and upon a vote of  

5 in favor & ______ against  

recommends to the City Council  

X approval  

____ denial

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<th>Attending</th>
<th>Vote</th>
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<tr>
<td>Violetta Cullen</td>
<td>Aye</td>
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<td>Jill Zordan</td>
<td>X</td>
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<tr>
<td>Lisa Dziekan</td>
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<td>Kiril Mirintchev</td>
<td>X</td>
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<tr>
<td>Max Puchtel</td>
<td>X</td>
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<tr>
<td>Myrna Arevalo</td>
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<td>Mary McAuley</td>
<td>X</td>
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New Business

2008 Harrison St. 19ZMJV-0095
John Fell, property owner, applies for major zoning relief to permit use of a non-conforming dwelling unit in the R5 General Residential District and CSC Central Street Corridor Overlay District. The owner requests providing four (4) off-street parking spaces where seven (7) are required (Zoning Code Section 6-16-2 Table 16B). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

The applicant explained the proposal:
- Property was purchased in 2010 with 4 dwelling units and owner was unaware the basement unit was illegal.
- 7 total parking spaces are required for the 4 dwelling units. There are 4 parking spaces on the property (as recognized by the City) but 5 vehicles can fit.
- It would be a major inconvenience to remove the existing basement unit.
- Basement unit is currently being used by the applicant's adult child with special needs.
- Property is adjacent to a TOD area where the parking requirement is reduced, and if the property were within the TOD area, the parking variation would not be needed.
- Basement unit was remodeled with permits in 2010 and the City did not state at that point the unit was illegal. If known, it would not have been remodeled.
- There are typically 4 vehicles parked at the property (2 from the owner and 2 from the other tenants), but occasionally there are 5.

Mr. Mirintchev agreed the parking pad can fit 2 vehicles, and stated the proposal makes sense given the situation and that there will be no physical change.
Deliberation:
ZBA Members agreed the owner is legalizing something that he was previously unaware was an issue, and there will be no physical change to the property or how it has been used so the request makes sense.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Ms. McAuley motioned to recommend approval, which was seconded by Mr. Mirintchev and unanimously recommended for approval.
Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Meagan Jones, Neighborhood and Land Use Planner
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manager
Subject: Ordinance 23-O-20 Amending Title 6, Cannabis Use Regulations
Date: February 10, 2020

Recommended Action:
Plan Commission and staff recommend approval of a text amendment to the Zoning Ordinance to revise the distance requirement between cannabis dispensaries and pre-existing public or private educational institutions that are elementary, middle, or high schools, as well as establish definitions and provisions for additional cannabis uses such as cannabis growers, infusers, processing organizations, transporters, etc. within the City’s zoning districts.

Council Action:
For Introduction

Summary:
On October 28, 2019, the City Council approved cannabis dispensary regulations which included a 1500-foot separation requirement between dispensaries, a 750-foot separation requirement from schools, and amended the special uses in the Business, Commercial, Downtown, Research Park, and Special Purpose and Overlay zoning districts.

At the November 18, 2019 City Council meeting, an aldermanic reference was made to amend the distance requirements for Cannabis Dispensaries. Specifically, the reference sought to reduce the previously approved 750 foot distance requirement between Dispensaries and educational institutions to 500 feet in order to increase the number of possible locations for Cannabis Dispensaries and provide parity with the 500-foot distancing requirement from schools established by the City of Chicago.

Evanston currently has one cannabis dispensary at 1804 Maple Avenue which, as of January 1, 2020, co-located medical and recreational cannabis sales.
Proposal Overview:
Staff and the Plan Commission propose to amend a number of sections within the Zoning Code as they relate to the definitions and regulations of cannabis uses. Specifically the following amendments are proposed:

Section 6-18-3. DEFINITIONS to create definitions for Cannabis Cultivation Centers, Cannabis Infusers, Cannabis Processors, Cannabis Craft Growers, and Cannabis Transporters. Specifically, revisions will be the following:

CANNABIS CULTIVATION CENTER
A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS INFUSER
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS PROCESSOR
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS CRAFT GROWER
A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS TRANSPORTER
An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business.
As was done with Cannabis Dispensaries, distancing requirements are proposed to be codified within the newly created Section 6-4-11. Special Regulations Pertaining to Cannabis Related Uses. Specifically the following is proposed:

6-4-11. - SPECIAL REGULATIONS PERTAINING TO CANNABIS RELATED USES.

6-4-11-1. Purpose and Applicability: The purpose of this Section 6-4-11 is to ensure new cannabis related uses are integrated with surrounding uses and are compatible in character with the surrounding neighborhood or area of the zoning district in which they are located.

6-4-11-2. Certificate of Zoning Compliance: A certificate of zoning compliance is required prior to any cannabis related use being established.

6-4-11-3. Cannabis Dispensaries
(A) Special Uses: The approval for cannabis dispensary businesses shall only be allowed as a Special Use in RP, D1, D2, D3, D4, C1a, C1, C2, B1a, B2, B3, and O1 Zoning Districts as well as the oDM, oCSC and oH Zoning Overlay Districts. Cannabis dispensaries shall be prohibited in all R, B1, M, T, U, I, WE1 and OS zoning districts as well as within any dwelling unit or rooming unit.
(B) Distance Requirement: Any cannabis dispensary shall not be located within one thousand five hundred (1,500) feet of another cannabis dispensary or within seven hundred fifty (750) five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.
(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis dispensary is located on.
(D) Hours of Operation: Cannabis Dispensaries shall only be permitted to operate between the hours of 10:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-4. Cannabis Cultivation Centers
(A) Special Uses: The approval for cannabis cultivation centers shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis Cultivation Centers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.
(B) Distance Requirement: Any cannabis cultivation center shall not be located within one thousand five hundred (1,500) feet of a cultivation center or other cannabis related business within two-thousand five hundred (2,500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, day care center, day care home, group day care home, part day child care facility, or an area zoned exclusively for residential use as measured from lot line to lot line.
(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis cultivation center is located on.
(D) Hours of Operation: Cannabis Cultivation Centers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.
6-4-11-5. Cannabis Infuser

(A) Special Uses: The approval for cannabis infusing businesses shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis Infusers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis infuser shall not be located within one thousand five hundred (1,500) feet of another cannabis infuser or other cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis infuser is located on.

(D) Hours of Operation: Cannabis Infusers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-6. Cannabis Processor

(A) Special Uses: The approval for cannabis processing businesses shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis processors shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis processor shall not be located within one thousand five hundred (1,500) feet of another cannabis processor or other cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis processor is located on.

(D) Hours of Operation: Cannabis Processors shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-7. Cannabis Craft Grower

(A) Special Uses: The approval for cannabis craft growing businesses shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis craft growers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis craft grower shall not be located within one thousand five hundred (1,500) feet of another cannabis craft grower or cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis craft grower is located on.

(D) Hours of Operation: Cannabis Craft Growers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-8. Cannabis Transporter

(A) Special Uses: The approval for cannabis transporting businesses shall only be allowed as a Special Use in MUE, I1, I2 and I3 Zoning Districts. Cannabis transporters shall be prohibited in all R, D, B, C, T, U, MXE, MU, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.
(B) Distance Requirement: Any cannabis transporter shall not be located within one thousand five hundred (1,500) feet of another cannabis transporter or cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis transporter is located on.

(D) Hours of Operation: Cannabis Transporters shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-9. Co-location of Cannabis Uses

Cannabis businesses may collocate at one site upon approval of City Council as a Special Use. Both businesses must be an allowed Special Use within the zoning district and shall follow all regulations as provided by the State of Illinois and Section 6-4-11 of this Code.

6-4-11-10. On-site Consumption of Cannabis

On-site consumption of cannabis shall be prohibited at any business establishment within the City, including at any Cannabis Related Business.

With regards to where these additional cannabis businesses will be allowed to establish a location, staff is taking State requirements into consideration as well as Council preferences. A proposed use chart is outlined below with cannabis dispensaries included.

<table>
<thead>
<tr>
<th>Use</th>
<th>Districts Use proposed as Permitted</th>
<th>Districts Use Proposed as a Special Use</th>
<th>Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannabis Dispensary</td>
<td>RP, D1, D2, D3, D4, C1a, C1, C2, B1a, B2, B3, O1, oDM, oCSC, oH overlay districts</td>
<td>All residential zoning districts, B1, MUE, MXE, T1, T2, U1, U2, U3, OS, I1, I2, I3, WE1</td>
<td></td>
</tr>
<tr>
<td>Cannabis Cultivation Center</td>
<td>I1, I2, I3</td>
<td>All residential zoning districts, RP, D1, D2, D3, D4, C1a, C1, C2, B1, B1a, B2, B3, O1, MUE, MXE, MU, T1, T2, U1, U2, U3, OS, WE1 oDM, oCSC, oH overlay districts</td>
<td></td>
</tr>
<tr>
<td>Cannabis Infuser</td>
<td>I1, I2, I3</td>
<td>All residential zoning districts, RP, D1, D2, D3, D4, C1a, C1, C2, B1, B1a, B2, B3, O1, MUE, MXE, MU, T1, T2, U1, U2, U3, OS, WE1 oDM, oCSC, oH overlay districts</td>
<td></td>
</tr>
<tr>
<td>Cannabis Processor</td>
<td>I1, I2, I3,</td>
<td>All residential zoning districts, RP, D1, D2, D3, D4, C1a, C1, C2, B1, B1a, B2, B3, O1, MUE, MXE, MU, T1, T2, U1, U2, U3, OS, WE1 oDM, oCSC, oH overlay districts</td>
<td></td>
</tr>
</tbody>
</table>
As many of the proposed cannabis uses are more intense in nature and include processes that may incorporate chemicals that could generate odors that could be considered a nuisance, it is recommended that those uses only be permitted as a special use within Industrial areas that are more ideal for manufacturing types of businesses. With the inclusion of state distancing and space requirements, it is highly unlikely that a cultivation center would be able to find a suitable space to operate.

Parking regulations for the cannabis cultivation centers, processors, craft growers and infusers are proposed to be similar to that of industrial and manufacturing related activities. Cannabis transporters are proposed to be similar to that of industrial service establishments. Table 16-B — Schedule of Minimum Off Street Parking Requirements is not proposed to specifically separate out these uses at this time.

During the January 8, 2020 hearing, the Plan Commission briefly discussed on-site consumption. There was discussion that Evanston should be at the forefront of considering on-site consumption of cannabis. A point was raised that it could become an equity issue as cannabis-use is more restricted than tobacco use. Additionally, lower-income residents would less likely be able to consume cannabis within their residences due to restrictive smoking regulations and have no place they are able to consume cannabis. The State currently allows for consumption at dispensaries and smoking establishments but enables municipalities to regulate this aspect of consumption.

The proposed Zoning Ordinance Text Amendment meets the standards for approval of amendments per Section 6-3-4-5- of the City Code. The proposal is consistent with the objectives of the Comprehensive Plan to: 1) Maintain the appealing character of Evanston’s neighborhoods while guiding their change, 2) Retain and attract businesses in order to strengthen Evanston’s economic base, and 3) Promote the growth and redevelopment of business, commercial, and industrial areas. Staff will need to ensure that precautions related
to licensing, building, and security are also in place to mitigate any possible effects on surrounding areas.

**Other Municipalities:**
Chicago-area municipalities have begun discussions and passed ordinances and resolutions regarding cannabis uses. Though there have not been as many municipalities establishing legislation for cannabis uses outside of cannabis dispensaries, a few have provided some regulations for the additional uses such as infusers, craft growers, processors, etc.

Chicago’s ordinance will allow cannabis cultivation centers as a planned manufacturing district, while uses such craft growers, infusers and processors are a permitted use in manufacturing districts and a special use in the commercial districts. It allows Infuser and Processor businesses to collocate with craft growing, processing and dispensing organizations provided the cannabis and money is stored separately. In Niles, cultivation centers, infusers, processors and transporters are permitted uses within the manufacturing district with craft growers also being permitted with an established Cannabis Overlay District (where dispensaries are permitted).

**Legislative History:**
January 8, 2020– The Plan Commission voted, 6-0, to recommend approval of the proposed text amendment.

**Attachments:**
- Ordinance 23-O-20 Amending the City Code Concerning the Definitions and Regulations of Cannabis Use
- Map of Cannabis Dispensary Zoning Districts with 500’ buffer around Schools
- Map of Cannabis Dispensary Zoning Districts with 750’ buffer around Schools
AN ORDINANCE
Amending the City Code Relating to the Definitions and Regulations of Cannabis Use

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

SECTION 1: City Code Subsection 6-18-3, “Definitions”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CANNABIS CULTIVATION CENTER</td>
<td>A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</td>
</tr>
<tr>
<td>CANNABIS INFUSER</td>
<td>A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</td>
</tr>
<tr>
<td>CANNABIS PROCESSOR</td>
<td>A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.</td>
</tr>
<tr>
<td>CANNABIS CRAFT GROWER</td>
<td>A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform</td>
</tr>
</tbody>
</table>
other necessary activities to make cannabis available for
sale at a dispensing organization or use at a processing
organization, per the Cannabis Regulation and Tax Act,
(P.A. 101-0027), as it may be amended from time-to-time,
and regulations promulgated thereunder.

CANNABIS TRANSPORTER

An organization or business that is licensed by the Illinois
Department of Agriculture to transport cannabis on behalf
of a cannabis business establishment or a community
college licensed under the Community College Cannabis
Vocational Training Pilot Program, per the Cannabis
Regulation and Tax Act, (P.A. 101-0027), as it may be
amended from time-to-time, and regulations promulgated
thereunder.

SECTION 2: City Code Section 6-4-11, “Special Regulations Pertaining to
Cannabis Related Uses”, of the Evanston City Code of 2012, as amended, is hereby
amended as follows:

6-4-11. - SPECIAL REGULATIONS PERTAINING TO CANNABIS RELATED USES.

6-4-11-1. Purpose and Applicability: The purpose of this Section 6-4-11 is to ensure
new cannabis related uses are integrated with surrounding uses and are compatible in
character with the surrounding neighborhood or area of the zoning district in which they
are located.

6-4-11-2. Certificate of Zoning Compliance: A certificate of zoning compliance is
required prior to any cannabis related use being established.

6-4-11-3. Cannabis Dispensaries

(A) Special Uses: The approval for cannabis dispensary businesses shall only be
allowed as a Special Use in RP, D1, D2, D3, D4, C1a, C1, C2, B1a, B2, B3,
and O1 Zoning Districts as well as the oDM, oCSC and oH Zoning Overlay
Districts. Cannabis dispensaries shall be prohibited in all R, B1, M, T, U, I,
WE1 and OS zoning districts as well as within any dwelling unit or rooming
unit.

(B) Distance Requirement: Any cannabis dispensary shall not be located within
one thousand five hundred (1,500) feet of another cannabis dispensary or
within seven hundred fifty (750) five hundred (500) feet of a pre-existing
public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis dispensary is located on.

(D) Hours of Operation: Cannabis Dispensaries shall only be permitted to operate between the hours of 10:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-4. Cannabis Cultivation Centers

(A) Special Uses: The approval for cannabis cultivation centers shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis Cultivation Centers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis cultivation center shall not be located within one thousand five hundred (1,500) feet of another cannabis cultivation center or other cannabis related business or within two-thousand five hundred (2,500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, day care center, day care home, group day care home, part day child care facility, or an area zoned exclusively for residential use as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis cultivation center is located on.

(D) Hours of Operation: Cannabis Cultivation Centers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-5. Cannabis Infuser

(A) Special Uses: The approval for cannabis infusing businesses shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis Infusers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis infuser shall not be located within one thousand five hundred (1,500) feet of another cannabis infuser or other cannabis related business or within five hundred (500) feet of a pre-existing
public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis infuser is located on.

(D) Hours of Operation: Cannabis Infusers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-6. Cannabis Processor

(A) Special Uses: The approval for cannabis processing businesses shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis processors shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis processor shall not be located within one thousand five hundred (1,500) feet of another cannabis processor or other cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis processor is located on.

(D) Hours of Operation: Cannabis Processor shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-7. Cannabis Craft Grower

(A) Special Uses: The approval for cannabis craft growing businesses shall only be allowed as a Special Use in I1, I2 and I3 Zoning Districts. Cannabis craft growers shall be prohibited in all R, D, B, C, M, T, U, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis craft grower shall not be located within one thousand five hundred (1,500) feet of another cannabis craft grower or cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be
measured from the nearest property lines of each property the cannabis craft grower is located on.

(D) Hours of Operation: Cannabis Craft Growers shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-8. Cannabis Transporter

(A) Special Uses: The approval for cannabis transporting businesses shall only be allowed as a Special Use in MUE, I1, I2 and I3 Zoning Districts. Cannabis transporters shall be prohibited in all R, D, B, C, T, U, MXE, MU, WE1, RP, OS and O1 Zoning Districts, the oDM, oCSC and oH Zoning Overlay Districts, as well as within any dwelling unit or rooming unit.

(B) Distance Requirement: Any cannabis transporter shall not be located within one thousand five hundred (1,500) feet of another cannabis transporter or cannabis related business or within five hundred (500) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.

(C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property lines of each property the cannabis transporter is located on.

(D) Hours of Operation: Cannabis Transporters shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. seven days out of the week.

6-4-11-9. Co-location of Cannabis Uses

Cannabis businesses may co-locate at one site upon approval of City Council as a Special Use. Both businesses must be an allowed Special Use within the zoning district and shall follow all regulations as provided by the State of Illinois and Section 6-4-11 of this Code.

6-4-11-10. On-site Consumption of Cannabis

On-site consumption of cannabis shall be prohibited at any business establishment within the City, including at any Cannabis Related Use.

SECTION 3: City Code Subsection 6-13-3-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-13-3-3. – SPECIAL USES.
The following uses may be allowed in the MUE district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Aquaponics.
Automobile repair service establishment.
Automobile service station.
Banquet hall.
Brew pub.
**Cannabis Transporter**
Car wash.
Commercial indoor recreation.
Commercial outdoor recreation.
Community center.
Cultural facility.
Daycare center—Domestic animal.
Dwelling – Single-family attached.
Dwelling – Single-family detached.
Dwelling – Two-family.
Dwellings – Multiple-family.
Funeral services excluding on site cremation.
Kennel.
Media broadcasting tower.
Planned developments (subject to the requirements of Section 6-13-1-10, “Planned Developments,” of this Chapter and Section 6-3-6, "Planned Developments," of this Title).
Recreation center.
Religious Institution.
Residential care home – Category I (subject to the requirements of Section 6-4-4, “Residential Care Homes and Child Residential Care Homes,” of this Title).
Residential care home – Category II (subject to the requirements of Section 6-4-4, “Residential Care Homes and Child Residential Care Homes,” of this Title).

Transitional shelter (subject to the special requirements of Section 6-3-5-11, “Additional Standards for a Special Use for Transitional Shelters,” of this Title).

Transitional treatment facility – Category I (subject to the requirements of Section 6-4-5, “Transitional Treatment Facilities,” of this Title).

Transitional treatment facility – Category II (subject to the requirements of Section 6-4-5, “Transitional Treatment Facilities,” of this Title).

Urban farm, rooftop.

SECTION 4: City Code Subsection 6-14-2-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-14-2-3. – SPECIAL USES.

The following special uses may be allowed in the I1 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Aquaponics.
Business or vocational school.
Cannabis Craft Grower
Cannabis Cultivation Center
Cannabis Infuser
Cannabis Processor
Cannabis Transporter
Car wash.
Daycare center—Domestic animal.
Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Heavy manufacturing.
KENNEL.

Media broadcasting towers.

Open sales lot.

Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).

Pharmaceutical manufacturing.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Retail goods establishment.

Retail service establishment.

Urban farm.

Urban farm, rooftop.

SECTION 5: City Code Subsection 6-14-3-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-14-3-3. – SPECIAL USES.

The following special uses may be allowed in the I2 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Aquaponics.

Automobile storage lot.

Brew pub.

Business or vocational school.

Cannabis Craft Grower

Cannabis Cultivation Center

Cannabis Infuser

Cannabis Processor

Cannabis Transporter

Car wash.

Commercial indoor recreation.

Daycare center—Domestic animal.
Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Heavy manufacturing.

Kennel.

Media broadcasting towers.

Open sales lot.

Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).

Pharmaceutical manufacturing.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Recycling center.

Restaurant – Type 1.

Restaurant – Type 2.

Retail goods establishment.

Retail service establishment.

Special education institution – Public.

Urban farm.

Urban farm, rooftop.

**SECTION 6:** City Code Subsection 6-14-4-3, “Special Uses”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**6-14-4-3. – SPECIAL USES.**

The following uses may be allowed in the I3 district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:

Aquaponics.

Brew pub.
Business or vocational school.

Cannabis Craft Grower

Cannabis Cultivation Center

Cannabis Infuser

Cannabis Processor

Cannabis Transporter

Car wash.

Daycare center—Domestic animal.

Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Heavy manufacturing.

Kennel.

Media broadcasting tower.

Open sales lot.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Restaurant – type 1.

Restaurant – type 2.

Urban farm.

Urban farm, rooftop.

Yard waste transfer facility.

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

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.
SECTION 8: If any provision of this ordinance or application thereof to any person or circumstance is held 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 23-O-20 shall be in full force and effect after its passage and approval.

SECTION 9: The findings and recitals contained herein are 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: ________________, 2020

Approved:

Adopted: ________________, 2020 ______________________, 2020

Stephen H. Hagerty, Mayor

Attest: Approved as to form:

Devon Reid, City Clerk Deputy City Attorney
Cannabis Dispensary Eligible Zoning Districts with a 500' buffer around school property

This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.
Cannabis Dispensary Eligible Zoning Districts with a 750' buffer around school property

This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.
Recommended Action:
City staff recommends adoption of Ordinance 25-O-20 amending the Tree Preservation Ordinance (7-8-8) to apply to trees 25 inches in diameter at breast height (dbh) and larger (20 inches dbh or larger for Oak and Hickory species) on private property when improvements are proposed that are classified as new construction or those that would increase the amount of impervious surface by more than 600 square feet.

Council Action:
For Introduction

Summary:
Evanston’s Tree Preservation Ordinance (7-8-8) was created in 2011 and includes a category of protected trees (7-8-8-4), specifies activities that are regulated (7-8-8-5), requires permits for certain activities (7-8-8-5), includes requirements for a tree protection plan (7-8-8-8), and established a formula for replacement of trees (7-8-8-7). However, the Tree Preservation Ordinance is currently limited to private trees within Planned Developments and Subdivisions of 2 acres or larger, as well as all public trees.

At its meetings on September 9 and November 25, 2019, the Planning and Development Committee discussed potential revisions and provided direction to expand the scope of private properties that are covered and develop objective criteria to include private trees between 20 and 25 inches in dbh, depending on the species.

Staff recommends modifying the Tree Preservation Ordinance to include protection of all private trees with a diameter of 20” or 25” or larger, in Species Groups A, B & C as described
within Appendix A on all properties that are proposed to be developed or built on, as well as qualifying trees on neighboring properties within 25’ of the proposed construction. Species Group D is not included since this group consists of trees that are either invasive or have very poor growth habits that make them undesirable. None of the tree species in this group D is cultivated by nurseries to sell either to the wholesale or retail trade. Some other local municipalities use a lower threshold for private tree protection but also have dedicated staff working nearly full-time to review plans, inspect properties and enforce their Ordinance requirements.

Under the proposed draft ordinance a tree preservation permit would be required for any construction on private property that involved an increase in impervious surface of greater than 600 square feet, such as a new building, addition, and/or expanded paved impervious surface. In order to review and issue a tree preservation permit the property owner would need to provide a tree survey indicating the size, location, and species of all trees on the property for Forestry staff to determine whether there are protected trees that would be impacted. The added cost to the property owner to obtain a topographic or tree survey from a private company is estimated at between $300 and $1,400 depending on factors including the size of the lot and the number of trees.

If a covered tree would have to be removed, the property owner has the option to replace the tree at the designated ratio, or pay a fee-in-lieu that would be used to cover the cost of planting new trees in the public right-of-way.

Staff is also recommending the following additional substantive changes to the Ordinance:

- Increasing the tree replacement ratio for each species group by 25% and the amount per inch of the fee in lieu of tree replacement from $150 per inch to $250 per inch.
- Eliminating the tree replacement exemption for structures designated as landmarks.
- Increasing the penalties for violations from between $100 and $1,500 to between $500 and $10,000 per occurrence or per tree.
- Increasing the permit fee from $50 to $100.
- The inclusion of qualifying trees on adjacent properties within twenty-five feet of the proposed construction.
- Reclassifying some trees within the Species Groups.

Attachments:

Ordinance 25-O-20 Amending City Code Section 7-8-8, Tree Preservation
AN ORDINANCE
Amending Title 7, Chapter 8, Section 8 “Tree Preservation”

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

SECTION 1: City Code Subsection 7-8-8-1(A), “Purpose and Intent”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

A. *Purpose and intent.* This Chapter governs the maintenance, protection, removal and replacement of existing public trees, and certain private trees as defined in subsection 7-8-8-4 located on any parcel of two (2) acres or more planned for a subdivision, and private trees within a planned development within the City of Evanston, in order to protect and preserve the urban landscape and to fulfill the objectives identified in the Evanston Comprehensive Plan and the Evanston Climate Action and Resiliency Plan.

SECTION 2: City Code Section 7-8-8-3, “Definitions”, of the Evanston City Code of 2012, as amended, is hereby amended as follows:

7-8-8-3. - DEFINITIONS.

For the purposes of this Section, the following terms, phrases, and words have the meanings in this Section. The terms, phrases, and words used in this Section that are not defined in this Section have the meanings otherwise ascribed to them elsewhere in this Title.

<table>
<thead>
<tr>
<th><strong>PROTECTED TREE.</strong></th>
<th>Any tree specified in Subsection 7-8-8-4 of this Section that is covered by a regulated activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUBLIC TREE.</strong></td>
<td>Any tree located on any public right-of-way or public property.</td>
</tr>
</tbody>
</table>

SECTION 3: City Code Subsection 7-8-8-4, “Protected Trees”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

7-8-8-4. – PROTECTED TREES
A. Identification of trees by group. Trees within the City are defined into four (4) groups, groups A, B, C, and D, based on ratings provided in the tree species standards for species characteristics including environmental adaptability, biological traits, longevity, maintenance needs, and landscape value. Group A trees are the highest rated trees and group D trees are the lowest rated. The complete list of species in each group is set forth in Appendix A, Subsection 7-8-8-13 of this Section.

B. Protected trees designated.

1. Protected public trees and private trees for subdivisions of 2 acres or larger and for planned developments are those trees in groups A, B, and C with the minimum dbh listed below:

<table>
<thead>
<tr>
<th>Protected Trees</th>
<th>Minimum DBH</th>
</tr>
</thead>
<tbody>
<tr>
<td>All public trees</td>
<td>2 inches</td>
</tr>
<tr>
<td>Group A</td>
<td>3 inches</td>
</tr>
<tr>
<td>Group B</td>
<td>6 inches</td>
</tr>
<tr>
<td>Group C</td>
<td>10 inches</td>
</tr>
</tbody>
</table>

2. Protected trees for any activity on private property that involves new construction of a building or the addition of more than 600 square feet of impervious surface are those trees in groups A, B, and C with the minimum dbh listed below:

<table>
<thead>
<tr>
<th>Protected Trees</th>
<th>Minimum DBH</th>
</tr>
</thead>
<tbody>
<tr>
<td>All public trees</td>
<td>2 inches</td>
</tr>
<tr>
<td>Group A, B, and C</td>
<td>25 inches</td>
</tr>
<tr>
<td>All Oak Species</td>
<td>20 inches</td>
</tr>
<tr>
<td>All Hickory Species</td>
<td>20 inches</td>
</tr>
</tbody>
</table>

3. When a protected tree has a multi-stemmed trunk system, the minimum dbh shall be determined utilizing the trunk having the largest measurement as determined by a calculation in inches at a point four and one-half (4.5) feet above the existing grade at the base of the tree.

C. Exclusions. Protected trees do not include trees with a dbh below the minimum dbh as provided in Subsection B of this Section, or group D trees.

SECTION 4: City Code Subsection 7-8-8-5, "Regulated Activities", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:
7-8-8-5. - REGULATED ACTIVITIES.

A. Regulated activities designated. The following activities are regulated activities and are subject to the provisions of this Section:

1. Any activity that will cause, or is reasonably likely to cause, the damage or removal of a tree or trees with a dbh of two (2) inches or greater, including, without limitation:

   a. The subdivision of property measuring two (2) acres or larger pursuant to the City subdivision ordinance;

   b. Any activity commenced pursuant to a planned development granted in accordance with this Code;

   c. Any activity on private property that involves new construction of a building or the addition of more than 600 square feet of impervious surface.

   d. Any activity on public or private property requiring the issuance of any permit pursuant to any City ordinance, including, without limitation, grading, building, sewerage, water, plumbing, or other permits; and

   e. Any activity involving construction, earthmoving, demolition, or vehicular traffic, or any similar activity, occurring within a critical root zone of a protected tree, with the exception of regularly scheduled maintenance activities performed by City of Evanston employees.

2. The removal of exotic and invasive species with a dbh of two (2) inches or greater.

B. Limitation on damage or removal of trees. This Section applies to the damage or removal of any tree in the course of the regulated activities described in this Section. All regulated activities must be planned and performed in a manner, to a degree, and with sufficient equipment and personnel so as to:

1. Reasonably involve the least amount of damage or removal of trees; and

2. Not defeat or be inconsistent with the purposes and intent of this Section.

C. Regulated activities involving construction. An applicant for any regulated activity involving construction activity must submit a tree protection plan in accordance with Subsection 7-8-8-8 of this Section and a tree replacement security in accordance with Subsection 7-8-8-7-J of this Section.
SECTION 5: City Code Subsection 7-8-8-6(C), “Application for Permit”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

C. Application for permit. Any person desiring or required to obtain a tree permit must submit a tree permit application to the City Manager or his/her designee on a form provided by the City setting forth or otherwise providing the following information:

1. Required information for all applications.
   a. Applicant’s name and address.
   b. Location of the subject property on which the regulated activity will occur, including the street address or legal description, and the legal and beneficial owner of the subject property.
   c. Legal relationship of the applicant to the subject property.
   d. The signature of the applicant and the owner of the subject property.
   e. Size of the subject property.
   f. If all or part of the subject property is located within a conservancy area, any recorded plat, deed, or covenant that indicates or describes the location and restrictions of the conservancy area.
   g. Number, size, species, and condition of trees that will be damaged or removed in the course of the proposed regulated activity.
   h. Number, size, species, and condition of trees that may be damaged or removed in the course of the proposed regulated activity or any related activity, and steps to be taken to prevent the damage or destruction and any necessary remedial action.
   i. Tree replacement plan in accordance with Subsection 7-8-8-7.I of this Chapter.
   j. Tree replacement security in accordance with Subsection 7-8-8-7.J of this Section; except, that the City Manager or his/her designee may waive or modify this requirement pursuant to Subsection 7-8-8-7.J.5 of this Section for certain tree permit applications unrelated to construction activity.
k. Other data and information as the City Manager or his/her designee deems necessary to allow full and fair consideration of the tree permit application and for compliance with the goals of this Section.

SECTION 6: City Code Subsection 7-8-8-6(E), “Application and permit fees”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

E. Application and permit fees. An applicant must pay a fee of fifty-one hundred dollars ($50100.00) for: 1) a tree permit application along with any consultant review fees incurred by the City in processing the tree permit application and, if a permit is granted; 2) a tree permit fee; provided, however, that no application or permit fee will apply to a tree permit or tree permit application concerning the removal of group D trees, trees with less than the minimum dbh set forth in Subsection 7-8-8-4.B of this Section, or diseased or dangerous trees pursuant to Subsections 7-8-1-2 and/or 7-8-6-1 of this Section.

SECTION 7: City Code Subsection 7-8-8-7, “Tree Replacement”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

7-8-8-7. - TREE REPLACEMENT.

A. General requirements. Any protected tree damaged or removed in the course of a regulated activity must be replaced by the applicant pursuant to this Section and as depicted in a tree replacement plan pursuant to Subsection 7-8-8-7.I of this Section, regardless of whether the protected tree is located on the same lot on which the regulated activity takes place; except, that the City Manager or his/her designee may, pursuant to Subsection G of this Section, consider a request to submit a fee in lieu of the replacement of trees, and except for the exemptions in Subsection B of this Section. No replacement tree may have a caliper less than two and one-half (2½) inches.

B. Exemptions. Tree replacement will not be required if the City Manager or his/her designee determines that any of the following circumstances exist:

1. When a protected tree, due to natural causes, is dead, dangerous, or interferes with any existing or proposed public improvements, is in dangerous proximity to any public utility lines or related facilities, or is a diseased tree or dangerous tree or otherwise unsafe, unhealthy, or insect infested and constitutes a hazard to persons, property, or other trees.

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2. When a protected tree, due to natural causes, obstructs any street, alley, bike lane, sidewalk, or any pedestrian path to an extent that the protected tree interferes with free passage and clear view along the street, alley, bike lane, sidewalk or path, and at any street, alley or driveway intersection.

3. When removal of a protected tree is necessary to comply with the current standards generally observed by professionals in the forestry profession.

4. When the removal involves only the removal of class D trees or exotic and invasive species and does not involve any protected tree.

5. When the protected tree to be removed is located within the foundation footprint of an addition which creates additional gross floor area for an existing structure; provided, that the combined gross floor area for the existing structure and the addition is compliant with the maximum building lot and impervious surface gross floor area restrictions for the structure under this Code and that the addition does not require any variations. In this event, replacement trees will be required only for fifty (50) percent of the removed protected trees within the construction footprint, at the replacement rate set forth in Subsection C of this Section.

6. When the protected tree to be removed is located within the foundation footprint of an addition which creates additional gross floor area for a structure designated as a landmark pursuant to this Code; provided, that the combined gross floor area for the existing structure and the addition is compliant with the maximum gross floor area restrictions for the structure under this Code, that the addition does not require any variations, and that the City Historic Preservation Commission has conducted an advisory review pursuant to this Code and determined that the addition is consistent with the purposes and goals of the City Historic Preservation Commission regulations. In this event, replacement trees will not be required for the removed protected trees within the construction footprint.

6.7. When the removal of a protected tree is due to a pre-existing conflict with existing underground utilities and obstructs the repair or replacement of those utility services, and there is no reasonable alternative method to re-route the utility line to avoid removal of the tree.

C. Replacement formula. Protected trees must be replaced by group A trees pursuant to the replacement rate specified in this Subsection. The tree replacement rate is determined by the species of tree removed. For each inch of dbh removed, replacement trees must be provided at the rate shown in the following table. For example, for every inch in diameter of a removed group A tree, each inch removed must be replaced with one and one-quarter (1.25) inches in diameter of replacement trees:
<table>
<thead>
<tr>
<th>Species Removed</th>
<th>Diameter Of Tree Removed</th>
<th>Replacement Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>All public trees</td>
<td>1 inch</td>
<td>125-150 percent</td>
</tr>
<tr>
<td>Group A</td>
<td>1 inch</td>
<td>125-150 percent</td>
</tr>
<tr>
<td>Group B</td>
<td>1 inch</td>
<td>75-100 percent</td>
</tr>
<tr>
<td>Group C</td>
<td>1 inch</td>
<td>50-75 percent</td>
</tr>
<tr>
<td>Group D</td>
<td>1 inch</td>
<td>25 percent</td>
</tr>
</tbody>
</table>

**D. Specifications.** All replacement trees must be:

1. Provided by the applicant at the replacement rate specified in Subsection C of this Section;
2. Of a species listed in group A set forth in Appendix A, Subsection 7-8-8-13 of this Section;
3. At least two and one-half (2½) caliper inches;
4. Grown within the northeast Illinois region or within a seventy-five-mile radius of Evanston;
5. In conformance with the nursery stock standards; provided, however, that in the event that the implementation or enforcement of the nursery stock standards conflicts with the implementation or enforcement of the tree care standards, the provisions of the tree care standards will control;
6. Pursuant to a written time schedule approved by the City Manager or his/her designee;
7. Planted in a location approved in advance by the City Manager or his/her designee; and
8. Inspected by the City Manager or his/her designee prior to planting.

**E. Care of replacement trees.** The applicant will be solely responsible for the care and feeding of newly planted trees for a period of two (2) years, which time shall commence upon the issuance of a final certificate of occupancy for the property as required pursuant to the City building regulations or, if no final certificate of occupancy is required, upon completion of the tree replacement plan as determined by the City Manager or his/her designee pursuant to Subsection I of this Section. The care and feeding of newly planted trees must, at a minimum, adhere to the tree care standards.
F. **Alternative locations.** The City Manager or his/her designee may reduce the number of replacement trees to be planted on the subject property and designate alternative locations for new trees on the subject property upon determining that full tree replacement will result in unreasonable crowding of trees or would be otherwise inconsistent with current standards generally observed by forestry professionals. If the City Manager or his/her designee cannot identify an appropriate alternative location on the subject property for a tree, that tree may be replaced by a fee in lieu of replacement pursuant to Subsection G of this Section.

G. **Fee in lieu of replacement.**

1. **Modification of tree replacement requirement.** The City Manager or his/her designee may permit the applicant to pay a fee in lieu of any portion of the tree replacement requirements if the City Manager or his/her designee determines that replacing trees at the full replacement rate provided by Subsection 7-8-8-7(C) of this Section would:

   a. Result in the unreasonable crowding of trees upon the subject property or upon a public right-of-way immediately adjacent to the subject property; or
   
   b. Adversely impact the viability of existing trees on the subject property; or
   
   c. Not be consistent with the current standards generally observed by professionals in the forestry profession.

2. **Calculation of fee.** Upon a determination by the City Manager or his/her designee that an applicant has demonstrated one (1) or more of the above, in lieu of providing replacement trees at the required replacement rate, the tree replacement plan will be modified to require the applicant to: a) replace the tree(s) at the replacement rate in Subsection 7-8-8-7.C of this Section; and b) pay a tree replacement mitigation fee of one-two hundred fifty dollars ($1250.00) per caliper inch. All tree replacement mitigation fees collected by the City will be used to promote the purposes of planting and maintaining trees in the City.

H. **Waiver or modification of provisions.** Where a previous zoning or subdivision approval contains conditions which fully accomplish the goals and purposes of this Section, the City council may waive or modify the requirements of this Section. The waiver or modification may be revoked at any time that any condition imposed pursuant to the approval is violated.

I. **Tree replacement plan.**
1. **Required.** A tree replacement plan must be filed with all tree permit applications for a regulated activity involving the replacement of one (1) or more protected trees.

2. **Contents of plan.** A tree replacement plan must contain the following information:

   a. A brief description of the applicant's plan for the replacement of protected trees in accordance with the requirements in this Section. The description must specifically include, without limitation, the replacement and planting methods and technologies that the applicant intends to employ in order to satisfy the requirements of this Section.

   b. The number, size, species, and proposed location of the trees that the applicant is required to plant or replant, if any, pursuant to the requirements of this Section.

   c. Other data and information as the City Manager or his/her designee deems necessary in order to comply with the requirements of this Section, as set forth in the administrative manual.

3. **Inspection; compliance with plan.** Upon notification from the applicant that the requirements of the tree replacement plan have been completed, the City Manager or his/her designee will inspect the property to determine compliance with the tree replacement plan. No final certificate of occupancy may be issued for the property until the City Manager or his/her designee approves of the implementation of the tree replacement plan.

J. **Security requirements.**

1. **Security required.** Every tree replacement plan must be accompanied by a tree replacement security, except as modified or waived by the City Manager or his/her designee pursuant to Subsection J.5 of this Section. The tree replacement security must consist of:

   a. A cash deposit to be held in escrow by the City;

   b. An irrevocable letter of credit issued by a lender authorized to issue the letter by any state or by the United States;

   c. A bond with good and sufficient surety; or

   d. Another form of security approved by the City Manager.

2. **Amount.** The amount of the tree replacement security will be determined by the City Manager or his/her designee and must be equal to three (3) times the...
total actual cost of strictly complying with and fully implementing the tree replacement plan, with any applicable adjustment for cost of living increases and/or inflation.

3. **Replenishment of security.** If, at any time, the City Manager or his/her designee determines that the funds remaining in the tree replacement security are not or may not be sufficient to pay, in full, the total actual costs of strictly complying with and fully implementing the tree replacement plan, then, within ten (10) days following a demand by the City, the applicant must increase the amount of the tree replacement security to an amount determined by the City Manager or his/her designee to be sufficient to pay the uncovered costs. Failure to so increase the amount of the tree replacement security will be grounds for the City to retain or draw down any remaining balance of the tree replacement security.

4. **Return of security.** Upon completion of the tree replacement plan pursuant to Subsection I.3 of this Section, the tree replacement security, or any remainder thereof, will be returned or released to the applicant.

5. **Limited waiver.** Where a tree permit application concerns the damage or removal of trees unrelated to construction activity, the City Manager or his/her designee may, modify or waive the requirement for submittal of the tree replacement security if the City Manager or his/her designee determines that the tree replacement security is not necessary for the limited damage or removal and that the purposes of this Section will be fulfilled without submittal of the tree replacement security.

K. **Failure to comply.**

1. **Notice.** If, at any time, the City Manager or his/her designee determines that the applicant has failed to comply with or implement the tree replacement plan, the City Manager or his/her designee will cause notice of the failure to be served upon the applicant and will order the applicant to fully comply with the tree replacement plan within fourteen (14) days following mailing or personal delivery of the notice. The notice must be personally served or sent by certified mail, return receipt requested, to the applicant and must notify the applicant that, absent an appeal pursuant to Subsection K.3 of this Section, unless full compliance with the tree replacement plan is achieved within fourteen (14) days from the date of mailing or personal delivery of the notice, the City may proceed to perform or cause to be performed work the City Manager or his/her designee determines necessary to achieve full compliance with the tree replacement plan.

2. **Opportunity to comply.** Absent an appeal pursuant to Subsection K.3 of this Section, within thirty (30) days following mailing or personal delivery of the required notice, the applicant must take action as is necessary to strictly comply with and implement the tree replacement plan.
3. **Appeal.** Within fourteen (14) days following personal delivery or mailing of the required notice, the applicant may appeal to the City Manager or his/her designee's determination by filing a written notice of appeal with the City Manager. The filing of an appeal will toll the thirty-day period in which the applicant is required to take action pursuant to Subsection K.2 of this Section from the date on which the City Manager receives the applicant's notice of appeal. Upon receipt of a notice of appeal, the City Manager will review all reliable and relevant documents and information pertaining to the City Manager or his/her designee's determination. The City Manager must render a written decision on the appeal no later than fourteen (14) days after the City Manager receives the written notice of appeal. The City Manager must notify the applicant of the City Manager's decision within two (2) days after the decision and must provide the applicant a copy of the decision. The action taken by the City Manager will be final. The tolling of the thirty-day period will cease upon the applicant's receipt or notice of the City Manager's decision.

4. **City right to complete work.** If the applicant neglects or refuses to fully comply with and implement the tree replacement plan within the thirty-day period during planting season pursuant to this Subsection, then the City Manager or his/her designee, with the consent of the City Manager, and, if applicable, upon the denial of any applicable appeal, will be authorized to perform or to cause to be performed work necessary to ensure strict compliance with and full implementation of the tree replacement plan. The City Manager or his/her designee will have the right to deduct, liquidate, draw down, or apply an amount equivalent to three (3) times the actual costs of the work from the tree replacement security, as well as to exercise all other rights and remedies available to the City, including, without limitation, any applicable lien rights.

**SECTION 8:** City Code Subsection 7-8-8-8(C), "Contents of plan", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

C. **Contents of plan.** A tree protection plan must consist of a site plan of the subject property upon which the information described in this Subsection must be graphically and accurately marked.

1. Location of the subject property, including street address and legal description.

2. Existing and proposed contours of the lot on which the construction activity is to take place.
3. Existing and proposed buildings or structures on the lot.
4. Proposed building elevations, if applicable.
5. Proposed work access areas and routes.
6. The name and contact information of the general contractor or project representative, if any, responsible for the proposed construction activity.
7. A demonstration of the ways in which the applicant will ensure that the tree protection required by this Section will be achieved.
8. A tree inventory for the subject property, consisting of a list of the following trees, identified by tag number: a) all the existing protected trees on the subject property; b) all trees on adjacent properties that are within ten (10) feet of the proposed construction property line or that have a critical root zone extending into the subject property; and c) all public trees adjacent to the subject property or that may be impacted by any regulated activity. The tree inventory must list, without limitation, the following data for each tree: Tag number, species, size in dbh, condition rating, form rating, and any observed problems.
9. A tree survey for the subject property, which depicts the location and tag number of each tree described in the tree inventory. The tree survey must include, without limitation, a legend referencing the tag number, dbh, species, general condition, and proposed disposition of existing protected trees located on or near the subject property and trees other than protected trees that are reasonably likely to be damaged or removed during the construction activity. The tree survey must also depict the planned location of all proposed trees to be planted or replanted on or near the subject property pursuant to the tree replacement plan.
10. An action plan for the subject property, consisting of a listing of the trees on the subject property, in chart form, that identifies each tree by tag number and shows, for each tree, the following information: Species, size in dbh, condition, form, percent of critical root zone saved, and the anticipated damage, removal, tree protection measures, or other action to be taken regarding each tree.
11. Detailed specifications for maintenance and protection of protected trees and for the maintenance and protection of trees other than protected trees that are reasonably likely to be damaged or removed during implementation of the proposed construction activity, including, without limitation, proposed measures such as construction pruning, root pruning, critical root zone protection, installation of a retaining wall or high visibility fencing, and
Auguring of utility lines when auguring is determined by the City Manager or his/her designee to be necessary to improve the chances of tree survival.

12. Detailed specifications for tree protection fencing on the subject property, to be placed at a minimum: a) along the property frontage from property line to property line to completely separate the construction activity area; and b) around the critical root zone of each protected tree. These specifications must also include the identification and clear delineation on the site plan of the construction activity area and the tree protection area and their respective perimeters.

SECTION 9: City Code Subsection 7-8-8-12, “Penalties”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

7-8-8-12. - PENALTIES.

Any person who neglects or refuses to comply with, violates, or assists in the violation of any of the provisions of this Chapter, or any order, permit, or notice issued pursuant hereto, will be subject to a fine of not less than one hundred five dollars ($150.00), nor more than one ten thousand five hundred dollars ($150,000.00) for each violation. Each tree which is removed or damaged will constitute a separate violation. Each day any violation continues will constitute a distinct and separate violation. In addition to the penalties provided in this Section, any damaged or removed tree must be replaced pursuant to the tree replacement requirements of this Chapter.

SECTION 10: City Code Subsection 7-8-8-13, “Appendix A, Species Rating Guide”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

7-8-8-13. - APPENDIX A, SPECIES RATING GUIDE.

The intent of this guide is to identify tree species by genetic quality and community value and to assign them to a species group based on these two (2) criteria. The species groups are noted as A, B, C, and D. Species group A is the most highly rated group. Species group D is the lowest rated group and includes the tree species that are not protected in this Section. The species rating guide is the basis for assessing the relative value of trees to be protected and mitigated if they are damaged or removed.

This guide represents the tree species that are considered to be the most common tree species in the community. This guide is not an attempt to list all tree species that could successfully grow in the community. In the event that the City Manager or his/her designee encounters a tree species that is not listed in this rating guide, then it shall be
the responsibility of the City Manager or his/her designee to assign that tree species to the appropriate species group.

<table>
<thead>
<tr>
<th>SPECIES GROUP A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canopy trees:</strong></td>
</tr>
<tr>
<td>Cercidiphyllum japonicum</td>
</tr>
<tr>
<td><strong>Understory/ornamental trees:</strong></td>
</tr>
<tr>
<td>Malus spp.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SPECIES GROUP B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canopy trees:</strong></td>
</tr>
<tr>
<td>Cercidiphyllum japonicum</td>
</tr>
<tr>
<td>Phellodendron amurense (male trees only)</td>
</tr>
<tr>
<td>Platanus occidentalis</td>
</tr>
<tr>
<td>Ulmus rubra</td>
</tr>
<tr>
<td><strong>Understory/ornamental trees:</strong></td>
</tr>
<tr>
<td>Malus spp.</td>
</tr>
<tr>
<td>Pyrus calleryana</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SPECIES GROUP C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canopy trees:</strong></td>
</tr>
<tr>
<td>Platanus occidentalis</td>
</tr>
<tr>
<td>Ulmus rubra</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SPECIES GROUP D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pyrus calleryana</td>
</tr>
</tbody>
</table>

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

**SECTION 11:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
SECTION 12: If any provision of this ordinance or application thereof to any person or circumstance is held 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 25-O-20 shall be in full force and effect after its passage and approval.

SECTION 13: The findings and recitals contained herein are 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: _________________, 2020
Adopted: _________________, 2020

Approved: ________________________, 2020

_______________________________
Stephen H. Hagerty, Mayor

Attest: 

Devon Reid, City Clerk

Approved as to form:

_______________________________
Deputy City Attorney