MEETING MINUTES
PLAN COMMISSION
Wednesday, July 8, 2020
7:00 P.M.
Virtual Meeting through Zoom Platform

Members Present: Peter Isaac (Chair), Jennifer Draper, George Halik, John Hewko

Members Absent: Brian Johnson

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Nicolas Cummings, Deputy City Attorney

Presiding Member: Chair Isaac

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Isaac called the meeting to order at 7:01 P.M. Ms. Jones called the roll and a quorum was established.

2. SUSPENSION OF THE RULES Members participating electronically or by telephone

Commissioner Halik made a motion to suspend the rules to allow for electronic or telephone participation. Seconded by Commissioner Draper. A roll call vote was taken and the motion passed, 4-0.


Commissioner Hewko made a motion to approve the minutes from the May 13, 2020 meeting. Seconded by Commissioner Halik. A roll call vote was taken and the motion passed, 4-0.

4. DISCUSSION

   A. Accessory Dwelling Units

Chair Isaac stated that this agenda item is for discussion only and no action will be taken at this meeting.
Mr. Mangum provided an overview of past amendments that were approved in 2018 and November of 2019. He then introduced regulations staff is working on seeking additional feedback from the Commission on following a referral from City Council.

Chair Isaac asked if there were any members of the public who wished to comment on the item.

Dick Co of Evanston Development Cooperative (EDC) stated that EDC is in support of revising the code as it relates to ADUs and commends staff for bringing it forward. He continued sharing that EDC has heard from over 100 homeowners that have said they wish to downsize, bring in an elderly relative or have a child move back in. He added that with regards to maximum ADU size, there shouldn't be a need to specifically separate this out for detached ADUs as the Zoning Code would dictate what size would be permissible on a particular lot. For attached ADUs 1,000 square feet is a reasonable maximum. Mr. Co then stated that outside parking should not be counted towards building lot coverage which could help create accessible ADUs and that the maximum allowed height should be equitable to even out heights of properties within and outside of historic districts, 20 feet for flat roofs and 25 feet for sloped roofs would be reasonable and help lower the cost of construction.

Mr. Robinson Markus thanked staff for working with EDC. He then stated that there is an historical connection between race and exclusionary housing at the municipal level, giving the example of St. Louis enacting zoning laws that would expressly prohibit anything other than single family homes after taking into consideration existing single family areas with deeds that prohibited selling to African Americans. Mr. Markus continued stating that most of Evanston’s single family districts were adopted in 1921 emphasizing the need to establish a socioeconomic and racially diverse community. Mr. Markus then referenced a study done by University of California-Berkeley studying local government regulations and their effects on ADU development which stated that more flexibility in code requirements lead to more ADUs, no off street parking requirements also lead to an increase in the number of ADUs as ADU owners tend to have half the number of vehicles. He added that the City should legalize internal ADUs as this will help make them more accessible across incomes. He added that permitting one attached and one detached ADU should be considered. Exempt detached ADUs from sprinkler requirements if they are not in principal structure as should be done for smaller units.

Ms. Tracy Fulce- Gentle stated that she is excited for the direction the City is moving with being more flexible with ADUs and would like to see that continue. In her case, she is considering aging parents and how to keep them safe. She expressed that the parking question is disconcerting, if someone does not drive that makes a difference in being able to place an additional unit and could make it more difficult.
Ms. Sue Loellbach with Connections for the Homeless and Joining Forces for Affordable Housing stated her support for amending the code to more easily permit ADUs and that she is watching how they can become more affordable. She stated that the Zoning Code is a moral document, as is the City's budget, and should be reviewed and revamped to preserve property values and the character of the community. She is happy that an amendment is being considered and stated that it will increase the flexibility in how people can use their property which will help create affordable housing solutions.

The Commission then began discussion. Chair Isaac stated that he will go down the list of items to consider and the Commission can discuss each item.

Commissioner Halik asked if there was a survey of ADUs in Evanston and their characteristics. Mr. Mangum responded that he does not believe there has been a comprehensive look, which is difficult to do. They have traditionally been in coach houses in older neighborhoods.

Commissioner Halik then asked if there would be any change to lot coverage proposed. Mr. Mangum stated that it is proposed to remain the same as the underlying zoning district. He added that staff is looking at removing the requirement of open parking counting towards building lot coverage.

Chair Isaac asked if the new definition would cause a property to be classified as multi-family at the assessor level. Mr. Mangum responded that the County is currently looking at how income restricted property could be classified and that EDC may have taken a look into this. Mr. Markus stated that a coach is currently classified as a 2-02 or 2-03 which is a small single family home. He is uncertain how an attached ADU would be classified.

Chair Isaac asked if there was a limit on the age of a building that could construct an internal ADU. Mr. Mangum responded there is none considered at this time.

Chair Isaac then asked if there would be more than one ADU allowed per zoning lot and if the Commissioners had any thoughts on that. He continued that it is probably more appropriate to limit to one ADU per zoning lot then revisit in a few years after seeing how new regulations are received. Commissioner Halik agreed.

Chair Isaac then asked for feedback on maximum ADU size. Commissioner Halik stated that 1,000 square feet is a reasonable size as a maximum and if it gets much bigger than that it could be divided into multiple units. Chair Isaac then asked if a minimum would be considered. Mr. Mangum responded that there is no suggestion and that the building code would dictate that standard. A percentage of the principal structure could also be considered.
Chair Isaac then inquired about ingress and egress. Typically two means are required. If there is an internal ADU and the entrance cannot be in the front of the house, if someone has an existing space but must reduce it to the maximum allowed for an ADU is there a possibility of making it more cost prohibitive. Mr. Mangum stated that it could be a different requirement for attached versus detached ADUs.

Commissioner Hewko asked what the methodology was for determining the standards in other municipalities and in this case. Commissioner Halik responded that staff and the Commission should consider who the ADUs are for and that could dictate the appropriate unit size. Commissioner Hewko added that at what point is an ADU made unaffordable and defeating the purpose of adding affordable units. Chair Isaac stated that 1,000 square feet is typically enough for a two-bedroom unit.

Chair Isaac mentioned the maximum proposed height, 20 feet for flat roofs, 28 for sloped roofs with additional height possible with added setbacks (1 additional foot of height if 1 additional foot of setback is added). The Commission previously recommended capping the height at that of the primary structure which was taken out by City Council.

Commissioner Halik expressed that setbacks are not a major concern for a smaller building but the structure should not be taller than the principal structure or taller than two-stories with about 10 feet per floor being considered. Chair Isaac stated that an accessory structure is required to be 20 feet or less, if a sloped roof then taller but if a taller building is needed then additional setback should be provided. Commissioner Halik responded that a sloped roof is more about existing characteristics of the home and neighborhood and he does not see a strong connection to setbacks.

Commissioner Draper stated that the height regulation was useful but almost was not doing enough for an additional level and parking was an integral part of it. She is ok with the regulations that allow for additional height but worries it is not doing enough. Would only be able to have a living space above the garage.

Chair Isaac stated that 28 feet is approximately 2.5 stories and stated that increasing the height cannot allow more than 2 stories or enable the ability to have a mezzanine for example.

Chair Isaac then moved on to off street parking. He asked the Commission if a distinction should be made between properties that do not currently provide required parking and those that do. This would keep a property from expanding its nonconformity.

Commissioner Draper stated that if off-street parking is to be waived then the proposal to not have 200 square feet of outside parking area count towards building lot coverage should be removed as she would not like to increase impervious surface coverage.
Chair Isaac stated that the one pedestrian entrance to the structure language could be revised to make sure it is clear that an entrance is not added to the front façade. Regarding exterior stairs staff should consider corner lots that have a second frontage when formulating language.

Commissioner Halik stated that regarding the proposed 5 feet separation between the principal building and an ADU, that is the minimum for light and air and seems very tight and does not feel like Evanston. Commissioner Draper agreed and said that 10 feet feels better.

Chair Isaac inquired about the sprinkler requirement, asking if there is a requirement for new single family dwelling units. Mr. Mangum responded that there is a requirement for new single family homes or new accessory units or coach houses. There is a state requirement that exempts that in some areas such as in California.

Commissioner Halik asked if it makes sense for sprinklers to be required in a small dwelling ADU. Commissioner Draper responded that it seems like there should be a minimum size that triggers that requirement Chair Isaac stated that they cost a lot to install and could cause ADU construction to be cost prohibitive. Commissioner Halik agreed.

Ms. Jones stated that in some cases for commercial properties, the Fire Department has allowed for alternative plans to be created in lieu of sprinkler systems. This may be an option but would need to be approved by the Fire Department. Chair Isaac questioned if the process to obtain an alternative plan could also be cost prohibitive.

Mr. Mangum stated that the City of Chicago is considering changing off-street parking requirements from two parking spaces to one per single family dwelling unit. Chair Isaac asked if the idea would be to reduce the parking requirement and exempt ADUs. Mr. Mangum responded that would be the idea. Commissioner Halik stated that the homeowner could make that space into something else and add an ADU so the requirement should stay at 2 parking spaces per dwelling unit and not permit a home to reduce the amount of existing parking provided.

Commissioner Hewko clarified if staff is looking for consensus on feedback on the items listed. Mr. Mangum stated that there was a good amount of feedback provided and staff can create some proposed language for an amendment and bring that back for further discussion.

Commissioner Draper stated that this is a good time to bring up proposed changes regarding ADUs.

**As this a discussion item, no action was taken at this time.**
5. OTHER BUSINESS

   A. Revisions to Plan Commission Rules and Procedures

Ms. Jones provided a brief overview of the changes that are proposed for the Commission Rules and Procedures.

Chair Isaac stated that the minor corrective edits to language make sense. He then started discussing the public comment timing and asked if there were any comments or questions on this item. He stated it is rare for someone to go over 2 or 3 minutes but stated he does not recall a group using up 10 minutes of time.

Commissioner Halik commented that 10 minutes seems to be a large amount of time for a group to present, especially if one person is speaking as a representative for the group. Draper asked where it came from. Ms. Jones stated that there was another section that listed 10 minutes, in practice the timing has been flexible depending on the number of people speaking and the amount of information being presented for, say a requested continuance.

Chair Isaac agreed that 10 minutes seemed a bit too long and that the Commission could vote ahead of a presentation to provide additional time as needed.

Chair Isaac summarized the change to the article addressing continuance requests and stated that the 1,000 feet distance requirement and clarification on process makes sense. However, the written request does not address people who cannot be present and have to wait until after a petitioner has presented and he wondered if it needed to be written or if a person could state and be present.

Commissioner Draper stated that the procedures do not clearly state when a continuance can be requested and should be clarified to right after an applicant has made a presentation.

Commissioner Halik asked if, in reality, the presentation of the applicant is irrelevant when a person knows they will request a continuance. He suggested that continuances be requested before a presentation.

Commissioner Draper agreed and said it makes sense to put in writing- allowing people to provide comments if they will not be coming to the next meeting. The rules and procedures should be made clear and read how it is practiced. Commissioner Hewko stated that a person may know they will request a continuance ahead of time but may not know exactly what portion of the applicant’s testimony they wish to rebut.
Chair Isaac suggested that a continuance should be submitted after an applicant presentation and before public comment as sometimes questions raise concerns. Mr. Mangum clarified that the Rules stated a continuance can be requested after the applicant presentation but before public questions and comments. Ms. Jones added that the Zoning Ordinance states that a request for continuance may be requested to rebut information presented by the applicant.

Chair Isaac suggested that an applicant’s response to questions and comments could also present information a person wishes to rebut.

Chair Isaac stated that it would make sense to put into law what is done in practice, specifically to allow people to provide questions or comments if they know they will not be able to attend the meeting for a continued item.

Commissioner Draper stated that the ability to request a continuance should be made at the beginning of a meeting. Chair Isaac does not want neighbors and residents to feel like they are treated unfairly; the regulations should not be completely lax but should not be so onerous that it is unachievable.

Commissioner Halik expressed that requiring a written request creates a record that could be used for follow-up. Chair Isaac suggested that it could be possible for someone to stand and make a verbal request for a continuance, stating what information they wish to refute, during the public hearing. The statement would then still be a part of the record for that hearing and the person could be held to that statement.

Ms. Jones interjected that a member from the public suggested creating a public comment form in which they will state what specific information they wish to rebut. This could be included information in the packet that is sent out prior to a meeting.

Commissioner Halik asked if a resident disagrees with something within the packet, could they then ask for a continuance before the applicant presentation.

Chair Isaac stated that he would be hesitant to allow that to happen as it could lead to getting multiple continuances for different items related to an agenda. Commissioner Halik replied that thinks the continuance process is abused but sees Chair Isaac’s point.

Commissioner Hewko agreed that a form could be provided at the meetings. Commissioner Draper stated the form would need to be very specific and state what information a resident intends to rebut.

Commissioner Hewko then inquired about eliminating the 500 ft. radius for continuances. Mr. Mangum stated that the Zoning Code does not present an ability to request a continuance for amendments but does provide ability to submit a petition for
map amendments that would lead to requiring a ¾ Council approval for a proposed amendment. This change will be consistent with the Code.

Chair Isaac then summarized the proposed change increasing the amount of days before a meeting that information must be submitted for presentation and said that seemed reasonable. Commissioner Draper asked for clarification on when items are sometimes submitted after the packet has gone out or new information is presented during a meeting. Ms. Jones responded that what is proposed is more for items that are intended to go into the meeting packet that is posted and sent to Commissioners to ensure that both the Commission and members of the public have time to review the information. There are sometimes when items are submitted after the packet has gone out but those items are still provided to the Commission, posted, and made a part of the record for that agenda item.

Chair Isaac asked if there were any additional changes. Ms. Jones responded that the final change clarifies the Commissioners’ responsibility in ensuring they have reviewed meeting recordings and minutes for any item they were not present for if they wish to vote on that item.

B. Election of Chair and Vice Chair

Chair Isaac suggested that due to there being only five currently appointed Commissioners and four present at the meeting that this business should be held off until the next Commission meeting where there will be more Commissioners present. Other Commissioners agreed. He then added that this will give time for any interested Commissioners to consider putting their hat in the ring for either position.

6. PUBLIC COMMENT

There was no public comment.

7. ADJOURNMENT

Commissioner Halik made a motion to adjourn the meeting. Commissioner Draper seconded the motion.

A roll call vote was taken and the motion was approved by voice vote 4-0. The meeting was adjourned at 8:31 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department