

PLANNING & DEVELOPMENT COMMITTEE
CITY OF EVANSTON
2100 RIDGE AVENUE
EVANSTON, ILLINOIS 60204

FEBRUARY 13, 2006
6:30 P.M.

BOARD MEMBERS PRESENT:

MS. ANN RAINEY, Chairman; MS. CHERYL WOLLIN, Alderman; MR. LIONEL JEAN-BAPTISTE, Alderman; MS. DELORES A. HOLMES, Alderman; MS. ANJANA HANSEN, Alderman, MR. STEVEN BERNSTEIN, Alderman; MS. ELIZABETH TISDAHL, Alderman; MS. MELISSA WYNN, Alderman

STAFF MEMBERS PRESENT:

MS. ELLEN SZYMANSKI - Assistant Corporation Counsel
MR. JAMES WOLINSKI - Director of Community Development
MS. JACKIE BROWNLEE - Executive Secretary

RE: 5-0-06
1615 Hinman Avenue/422 Davis Street

MADAM CHAIRMAN RAINEY: We're going to get started. Sorry there's been a little confusion here. Next we have Ordinance 5-0-06 which, as you all know, a planned development, Mather Lifeways, 1615 Hinman Avenue and 422 Davis Street. Staff has advised me that because of it appears as though we have some new information that we need to invoke Clarin and conduct a hearing; is that correct?

MS. SZYMANSKI: That is correct, Madam Chair, and I would also say that for the record that there is a substituted ordinance that has been provided by staff which contains additional amendments discussed by the committee at its January 31 meeting and I would ask that the Committee adopt that as its ordinance for this evening insofar as the draft you're working from.

MADAM CHAIRMAN RAINEY: All right. I'll entertain a motion to adopt this as -- Are you saying this is the Ordinance that we introduced at the January 31 meeting?

MS. SZYMANSKI: The Ordinance that you have now is dated February 8, 2006. I believe that the one went out in packets had a much earlier date. My request is that you substitute this one for the one you received in your packets.

MADAM CHAIRMAN RAINEY: Okay. Alderman Wynne?

ALDERMAN WYNNE: Madam Chair, I move that we adopt -- I move that we use for tonight's purposes the Ordinance dated 2/8/06 for discussion.

ALDERMAN JEAN-BAPTISTE: Second.

ALDERMAN WYNNE: This is a procedural question. We have -- Could you explain why we are invoking Clarin? We have new information?

MS. SZYMANSKI: Yes, Alderman Wynne. In connection with a number of talking points that City staff received last week, there are a number of items on the list which were not discussed at the Plan Commission, and which my recommendation is that the citizens have -- the objectors have an opportunity to pose questions of the applicant in general in connection with the Clarin rules.

MADAM CHAIRMAN RAINEY: Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: We're talking about the Mather, right?

MS. SZYMANSKI: Yes, we are.

ALDERMAN JEAN-BAPTISTE: You're suggesting that in review of the proposal that was before us that there were some further clarifications or positions that aldermen might have advanced?

MS. SZYMANSKI: Yes.

ALDERMAN JEAN-BAPTISTE: Is that correct?

MS. SZYMANSKI: That is correct.

ALDERMAN JEAN-BAPTISTE: And you think we ought to open the discussion as opposed to continuing the deliberation among council members which produced those particular points?

MS. SZYMANSKI: Actually, Alderman Jean-Baptiste, my understanding from a conversation with Alderman Rainey, and if I mischaracterized it, Alderman Rainey, I do apologize. I had thought that the committee was ready to hear from the public. If we are still at the deliberation stage among the council members with respect to a determination of whether the talking points are the wish of the committee to go forward with, then at this stage, of course, there is no need to open it up to citizen participation.

MADAM CHAIRMAN RAINEY: I think that's where we are.

MS. SZYMANSKI: I apologize for that.

MADAM CHAIRMAN RAINEY: So we have before us the new ordinance or the amended ordinance, the rewritten ordinance. All those in favor of adopting this for discussion for this evening say aye

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Any opposed?

(No response.)

MADAM CHAIRMAN RAINEY: So I'm going to open this up to the -- excuse me.

(Off the record.)

MADAM CHAIRMAN RAINEY: Well, it seems that we have a desk full of information that many of us have not seen before, some of us have. So let's see what do we have. Do you want to go through them?

MR. WOLINSKI: Yes, just briefly. I think all of this material was e-mailed to the council at some point during the day today; however, I just want to make sure that all council members have the information. There is an e-mail from Gregg Graines at the request of David Riefman concerning the location of the garage entrance to the project.

MADAM CHAIRMAN RAINEY: Has this been made available to the public? Are there copies up there?

MR. WOLINSKI: Yes. There is also a memorandum

from the city's transportation director, John Berk, I think you had that in your packets concerning the same issue, the garage entrance on Hinman.

MADAM CHAIRMAN RAINEY: Alderman Jean-Baptiste? Do you want to ask a question?

ALDERMAN JEAN-BAPTISTE: Yes. Additional information that's been sent to the Council is not -- I mean it doesn't reflect a modification, in fact, of the existing -- that specific issue in terms of the garage entrance, right?

MR. WOLINSKI: Right.

ALDERMAN JEAN-BAPTISTE: So why is that part of your report that we received an e-mail regarding clarification. So?

MR. WOLINSKI: My point is I just want to be sure that all the aldermen had a chance to read their e-mail, and if not we have hard copies.

ALDERMAN JEAN-BAPTISTE: This is for purpose of telling us what additional information was sent?

MR. WOLINSKI: That's correct.

ALDERMAN JEAN-BAPTISTE: And that has not resulted in any change in plan on that specific issue. If you would just add that, because I don't want to have us think that --

MADAM CHAIRMAN RAINEY: It's paperwork just for clarification.

MR. WOLINSKI: Thank you.

MADAM CHAIRMAN RAINEY: So let's open the discussion among aldermen regarding the matter we have before us. It was introduced, will be on the Council agenda tonight for introduction which means, for those of you here, that there will be no vote on this matter tonight at the city council. Our rules are that items are introduced and then in two weeks at the following council meeting that's where discussion takes place and a vote may or may not take place. It could always be held over, but it's rare that we vote on an item that is introduced on the night it's introduced, and that will be tonight.

So the floor is open for comment on the Mather.
Alderman Wynne?

ALDERMAN WYNNE: Well, Madam Chair, I'm reading through this as quickly as I can to determine the items that we discussed at the last meeting to note where they are, and I see several of them; but I would like to, and I'm trying to decide what the best method is here. I would like to move an amendment to the locations of both the buildings, and I'd be happy to do that using a description set we discussed in terms of distance from Davis Street with the north building and then the south building. I think it's Section 3 -- well, is it Section 4?

MADAM CHAIRMAN RAINEY: Give us a page.

ALDERMAN WYNNE: Which is Page 7 describes the siting of the two buildings. And I would amend this and I'm going to ask staff, because we have two weeks to make sure that this is appropriate, appropriate language, that I'm going to call it the north parcel improvements have a 20-foot setback on Davis Street from the lot line and a 25-foot setback from the north lot line.

MADAM CHAIRMAN RAINEY: Which would be a total of 25 feet.

ALDERMAN WYNNE: Twenty-five --

ALDERMAN JEAN-BAPTISTE: Right.

ALDERMAN WYNNE: Yes, right. I would make no change with respect to the siting of the building on the Hinman side or on the east side. With respect to the southwest parcel improvements, which I think means the south building, I would amend this to read that the south parcel improvement have a ten-foot street side yard setback on Davis Street from the lot line, and a ten-foot street side yard setback from the south lot line which would be on the Waterford side. I would not make any changes in the setback with respect to Hinman Avenue or any changes with respect to the garden side, the east side of the building.

Then I would actually, Subsection G here says the southwest parcel on north parcel to eliminate the required ten foot strip transition landscaping. I would want to know what that means, because actually I would like to have them have transition landscaping.

Madam Chair, that's all that I would have

right now on the siting of the building.

MADAM CHAIRMAN RAINEY: Could I have a second?

ALDERMAN BERNSTEIN: Second.

MADAM CHAIRMAN RAINEY: Any discussion?

ALDERMAN JEAN-BAPTISTE: Can I just ask Alderman Wynne, the modifications that you're suggesting here, are those similar to the modifications proposed in Attachment B that we received except for the movement of the building, the north building 20 feet, giving a 20 feet setback from the Davis lot line and a 25 from the south -- from the Homestead?

ALDERMAN WYNNE: Yes.

ALDERMAN JEAN-BAPTISTE: Is it exactly that?

ALDERMAN WYNNE: Yes. Madam Chair, we received two proposals from the Mather this week: Plan A and Plan B. My proposal is Plan B with the modification that the north building be moved five feet closer to Davis as a block. So that's correct, Alderman Jean-Baptiste.

ALDERMAN JEAN-BAPTISTE: So having not had the benefit of extensive reading of this then, yes, I -- it was seconded already. I support that.

MADAM CHAIRMAN RAINEY: Any further comments? Alderman Tisdahl?

ALDERMAN TISDAHL: Wasn't the whole idea to move it away from Davis? So isn't that why we asked for Plan A and Plan B at Alderman Bernstein's and Alderman Jean-Baptiste's request?

MADAM CHAIRMAN RAINEY: Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: Go ahead, Alderman Wynne.

ALDERMAN WYNNE: Yes. That was the point of moving it away from Davis. Their plan here had suggested it would only be ten feet away. They came back to us with two different plans: The plan that I'm moving has it 20 feet from Davis, which I think significantly mitigates the ten-story aspect of the building. I think 20 feet is a minimum that you

can have and not have the building loom. I also wanted to be able to provide more light to the neighbors to the north and the Homestead by adding an additional five feet there.

ALDERMAN TISDAHL: So that helps the Homestead and that's what you're doing. Okay.

MADAM CHAIRMAN RAINEY: Everyone, let's all remember to speak in -- We've had serious criticism when not speaking into our microphones.

ALDERMAN TISDAHL: I said that Alderman Wynne was accomplishing it because she wanted to help the Homestead and that was the reason. That's what I said.

MADAM CHAIRMAN RAINEY: Thank you, Alderman Tisdahl.

MADAM CHAIRMAN RAINEY: Okay. Any further discussion on this item? Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: I just wanted to clarify for Alderman Tisdahl that the Georgian, the south building has been moved ten feet from -- as opposed to -- has a ten-foot setback as opposed to a zero feet setback. So we believe that there is significant improvement on the Davis side.

ALDERMAN TISDAHL: Thank you.

MADAM CHAIRMAN RAINEY: Okay. Any further discussion? Hearing none, I'm going to ask that we vote on this. All those in favor of accepting Alderman Wynne's amendment regarding setbacks for the north and south building on the north -- the north and south sides of those buildings say aye

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Any opposed?

(No response.)

MADAM CHAIRMAN RAINEY: Okay. All right. Moving right along. Any other comments on this proposal? Alderman Wynne?

ALDERMAN WYNNE: Well, Alderman Rainey, I just wanted to have clarification that when we have accepted this

for discussion purposes that we are accepting this ordinance as drafted as our working document which would include on Page 11 Subsections D, E, and F which have been added, the additional language that was added in response to our last meeting.

MADAM CHAIRMAN RAINEY: Yes.

ALDERMAN WYNNE: So that it's not necessary to move the amendment of G, E, and F; is that correct?

MADAM CHAIRMAN RAINEY: These were introduced at our last meeting. However, anything else would be important to add. And I think perhaps --

ALDERMAN WYNNE: I'm reading as fast as I can.

MADAM CHAIRMAN RAINEY: I know. I know. I think perhaps some commentary about discussions held with Mather regarding their overtures regarding construction staging and construction worker parking. I think it probably belongs as conditions in here.

ALDERMAN WYNNE: I can do that, Alderman Rainey, if you'd like.

We had discussions with Mary Leery of the Mather about several things: A precondition survey of neighboring buildings to essentially make sure that -- take an analysis of the buildings as they currently are so that there would be no confusion or potential litigation about damage to the surrounding buildings; that there are clarifications about what exists now, and because in other instances in the city we've had problems with only building owners claiming damage from new building. So I think that should be included in here, a preconstruction survey. In addition we talked about with the Mather representatives about construction staging, that's the staging would take place on the site, that there would be no parking of contractors in the neighborhoods, and that work hours would be followed accordingly.

MADAM CHAIRMAN RAINEY: Alderman Wynne, on the matter of the preconstruction analysis of existing conditions of properties in proximity to the subject sites, would you agree that it would be appropriate simply to state in terms of how this would happen that the Mather construction team would meet with our building department and reach an agreement on what would be required, what would be necessary? I mean I really don't know all the details.

ALDERMAN WYNNE: I don't know all the details either. I would agree that they --

MADAM CHAIRMAN RAINEY: They could work that out.

ALDERMAN WYNNE: The experts in construction and those issues should meet with our building department and determine what has worked in Evanston and what would be appropriate in this instance.

MADAM CHAIRMAN RAINEY: Okay. And this was very helpful for the neighborhood, so.

All right. So you're -- How many items -- How many -- That wasn't all one item, right?

ALDERMAN WYNNE: No, those were two items.

MADAM CHAIRMAN RAINEY: Preconstruction analysis of existing conditions.

ALDERMAN WYNNE: And construction staging, the same thing, that they should meet with our building department as we have had on other large construction sites to come up with the best way for the site to work and for it not to impact the neighborhood negatively.

MADAM CHAIRMAN RAINEY: I think with each project we learn new things and get better and better at it. So this should be, this should really be the epitome of a project working out well.

MR. WOLINSKI: Alderman Wynne, on the preconstruction analysis, do you have specific addresses in mind or buildings or?

MADAM CHAIRMAN RAINEY: We want you to work on that.

ALDERMAN WYNNE: I think the staff is probably in a much better position than I am to decide.

MR. WOLINSKI: Okay.

MADAM CHAIRMAN RAINEY: Any comments on the preconstruction effort on the part of Mather and the city, construction staging, and preconstruction? I'm hoping that staff is recording this and will make an appropriate ruling for the next ordinance that we produce. All those in favor of the

conceptual items that Alderman Wynne has indicated say aye

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Okay. It's been brought to my attention by staff, and I believe we have a memo here, that the item regarding the easement fee is a separate ordinance and will be covered in the easement ordinance and not in the planned development ordinance. So it's been [agreed|greed] to that the payment of the easement fee will be \$125,000 a year, but that won't go in this, plus -- That'll be written in, yes.

Okay. I don't -- There's only one other item that we need to deal with, and that is the additional story.

MS. SZYMANSKI: Madam Chair, may I address that very briefly? With respect to the proposed 11th floor there was some discussions about that at the January 31 meeting. The notice, I believe, very clearly puts the height in issue. The notice refers to planned development for a special use permit seeking development allowances for, among the following features, that would be the height. In addition, the notice also states that the applicant would be seeking, in addition to the specific relief stated in the Ordinance, such other development allowances as would enable it to -- necessary to complete the project. I do believe then that the notice would be sufficient to cover the proposed discussed 11th story.

MADAM CHAIRMAN RAINEY: Alderman Wynne?

ALDERMAN WYNNE: Along with the description of the site of the -- what's described by the Mather as Plan B, it includes a partial 11th floor of approximately three units or is it two units.

MR. REIFMAN: Three.

ALDERMAN WYNNE: Three units. I would move that that be made part of the Ordinance. I'm going to leave it to staff to determine how to describe this. So it would be three additional units as a partial 11th floor with --

MADAM CHAIRMAN RAINEY: On the Phase 1 building.

ALDERMAN WYNNE: Thank you. Yes, on the north parcel improvement building, and these three units would be recessed from the sides of the building as demonstrated in or

generally demonstrated in site plan or Scheme B as presented by the Mather.

ALDERMAN JEAN-BAPTISTE: Second.

MADAM CHAIRMAN RAINEY: Alderman Bernstein?

ALDERMAN BERNSTEIN: Thank you, Madam Chair. I think with respect to that that we also have to place limitation on the square footage of those three units. It's a portion of an 11th floor rather than an entire 11th floor, and I don't know what the dimensions are in this Scheme B, but if we could get those calculated for inclusion in the Ordinance, so not to exceed whatever the dimensions are. You don't want three 10,000 square foot units.

ALDERMAN WYNNE: That's all that I have, Alderman Rainey.

MS. SZYMANSKI: Madam Chair, the question that I would have is do Mr. Wolinski and zoning and community development staff have sufficient information to be able to move forward with the committee's recommendations on plans?

MR. WOLINSKI: My only question at this point on the 11th floor, do we have a height not to exceed?

ALDERMAN BERNSTEIN: No. That's -- you'll have to talk to them.

MR. WOLINSKI: I did not see that in the information from the Mather.

ALDERMAN BERNSTEIN: Be consistent with the drawings; whatever those drawings say.

MR. WOLINSKI: Other than that, I think we can proceed with the conditions as described.

MADAM CHAIRMAN RAINEY: Any further comments? Alderman Wollin? Did you have your light on?

ALDERMAN WOLLIN: No, I did not.

MADAM CHAIRMAN RAINEY: Any further comments? All right. Hearing none. All those in favor of Alderman Wynne's most recent motion, and that is a portion of an 11th floor on Phase 1 of the building, the Hinman Avenue building,

say aye.

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Any opposed?

(No response.)

MADAM CHAIRMAN RAINEY: All right. I think we're moving along very nicely here. Would anybody like to make the ultimate motion to move approval of this project.

ALDERMAN TISDAHL: I would move approval.

ALDERMAN WOLLIN: Second.

MADAM CHAIRMAN RAINEY: As amended?

ALDERMAN TISDAHL: As amended.

ALDERMAN WOLLIN: As amended.

MADAM CHAIRMAN RAINEY: Now we'll have some discussion on this.

ALDERMAN JEAN-BAPTISTE: Okay.

MADAM CHAIRMAN RAINEY: Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: Having not really had the chance to go through the -- having not had the chance to really go through the Ordinance, I just want to make sure that the issues having to do with payment of taxes.

MADAM CHAIRMAN RAINEY: It's in there.

ALDERMAN JEAN-BAPTISTE: It's in there? And in perpetuity?

MADAM CHAIRMAN RAINEY: Yes.

ALDERMAN JEAN-BAPTISTE: There may be some other.

MADAM CHAIRMAN RAINEY: The green space covenant is in there.

ALDERMAN JEAN-BAPTISTE: The green space

covenant. Okay. And the \$3 million financial aid is in there as well, right?

MADAM CHAIRMAN RAINEY: The financial aid shall be administered to Evanston connected residents, former Evanston seniors, current Evanston seniors, Evanston seniors with -- seniors with children living in Evanston who move back.

ALDERMAN JEAN-BAPTISTE: Okay. That's in there?

MADAM CHAIRMAN RAINEY: Yes.

ALDERMAN JEAN-BAPTISTE: Now, the easement -- we indicated that the easement will be presented through another ordinance, is that correct, and we will have that for discussion at our next meeting?

MS. SZYMANSKI: If we have the information from the applicant to prepare the Ordinance, yes, we can.

ALDERMAN JEAN-BAPTISTE: Okay. But -- Okay.

Based on our deliberation, I believe that we have adopted that as an additional agreement with the applicant, or if we have not, then let me move it as --

ALDERMAN BERNSTEIN: It's a separate ordinance, though.

ALDERMAN JEAN-BAPTISTE: So I'll wait until we get to it.

MS. SZYMANSKI: Staff has the sense of the committee, Alderman.

MADAM CHAIRMAN RAINEY: We have a brief memo from our staff regarding the easement ordinance that's to come.

ALDERMAN JEAN-BAPTISTE: Then I'll wait once we get through with this ordinance.

MADAM CHAIRMAN RAINEY: I think what I'm going to do is ask us to [how old|hold] off on voting on this. Staff has advised me that, I guess that's what this big conversation was, that we need to open up the 11th floor issue to the public. And so what I'm going to do, because we have a huge agenda which we are going to get through, we have -- when you sign up, it would be really helpful if you would write so I could read it. I have --

ALDERMAN JEAN-BAPTISTE: Alderman Rainey?

MADAM CHAIRMAN RAINEY: Yes, sir.

ALDERMAN JEAN-BAPTISTE: I have a problem with this.

MADAM CHAIRMAN RAINEY: I just want to see if I can read. I think we only have one person signed up for the Mather.

ALDERMAN JEAN-BAPTISTE: I have a problem with legal's conclusion. This is deliberation time, and in the process of our deliberation there are modifications that we offer in the discussion. We don't swallow whole what is put before us. We interact, we suggest modifications in order to have a project that is suitable. So to reopen the floor for additional evidence, we've heard all the evidence. We've heard the evidence as to bulk, as to size, and we concluded that one of the ways to deal with bulk was to increase setback, but also to facilitate the applicants' program needs, you know. We balance all those issues and propose the partial additional floors, additional units to be placed on the 11th floor. So I don't think it's time to reopen it. I think it's time for us to continue our deliberation and bring it to finality.

MADAM CHAIRMAN RAINEY: You know, one of -- I'd like to comment on that also, Alderman Jean-Baptiste. This project could go on forever if our attempts, if our attempts to respond to the public and respond to the applicant keep requiring more and more hearings. There is never an end. And having said that, I can see where this can just go on forever. And we are constantly criticized for our lack of effort in dealing with these projects, dragging them out. And what do you have to say, Mr. Hill? Could you identify yourself.

MR. HILL: My name is Herbert David Hill. I'm the first assistant corporation counsel for the City of Evanston. The only point I want to make is of any the deliberations that have occurred, this committee has referred to Exhibits A and B that aren't in any record before this committee. There is something that may have been e-mailed to members of the committee, but in all the transcripts, in all the proceedings to this point, Exhibit A and B has not been transmitted to the committee. To the extent that A and B has something new, and I believe what is new in A and B or one of them is this 11th story, all that we are suggesting is respect

to just that 11th story which is in the exhibit, somebody has to move that exhibit into evidence and then each party can have their say with respect to that 11th story. With respect to the notice, for whatever reason that's already been addressed, it does not need to go back to the Plan Commission because it's within the notice that went out. But with respects to the Clarin, there is a new bit of evidence that is not in the record that's been referred to. You're going to get it into the record, get a little comment about it, and then proceed. That's all we're saying with respect to additional hearing.

MADAM CHAIRMAN RAINEY: All right. I have next Alderman Tisdahl and then Alderman Bernstein and then Alderman Wollin.

ALDERMAN TISDAHL: I was going to say that I supported Alderman Wynne's previous motions as part of the package which included, in my mind, the 11th story, so I would move Plan B into evidence.

ALDERMAN WYNNE: Second.

MADAM CHAIRMAN RAINEY: All right. Any further discussion on Plan B? Do you want to speak to plan B, Alderman Bernstein?

ALDERMAN BERNSTEIN: No.

MADAM CHAIRMAN RAINEY: Alderman Wollin?

ALDERMAN WOLLIN: No.

MADAM CHAIRMAN RAINEY: All those in favor of Alderman Tisdahl's motion say aye

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Any opposed?

(No response.)

MADAM CHAIRMAN RAINEY: Next we have Alderman Bernstein and then Alderman Wollin. You're not talking?

ALDERMAN BERNSTEIN: No. I think counsel answered my first point with respect to the notification requirement. And it's my assumption that people who are against ten stories will also be against 11 stories, but I

would like to limit the extent of the debate, number one, to that specific issue. And hopefully within --

ALDERMAN CHAIRMAN RAINEY: I'm going to set time limits.

ALDERMAN WOLLIN: That was my question, Madam Chairman, if there would be time limits, and if we could have that this evening.

MADAM CHAIRMAN RAINEY: I have one person -- we're going to go do that now. I have one person signed up, Ross Link. Mr. Link, I'm going to ask you to stick to the issue of the 11th floor. Each side is going to get ten minutes, so I'm going to let the Mather go first and give us ten minutes on why they feel they need this 11th partial 11th floor. Welcome. Your name?

MR. REIFMAN: For the record, David Riefman. We're not going to take ten minutes. I'll make very few brief comments. Now this exhibit is of record, we could have taken your comments and your bulk requirements and produced an exhibit from those directions as well, so either way we think the record is clear. I'll make some very, very brief comments.

The height does not exceed the published height; not only is the notice adequate, but the height of the addition is less than the amount of published height because it's below the level of the cupola. So even there it's below the level. There is no increase in the number of units. As you know from the testimony about financial viability on the things, this was a way of addressing the same programatic issues within a slightly different envelope at the alderman's request. If there are additional questions, I'm happy to answer those.

MADAM CHAIRMAN RAINEY: Thank you. Mr. Reynolds, would you like to speak? Mr. Link? Anybody from the other side?

MR. ERNST: Sure, I'd like to speak.

MADAM CHAIRMAN RAINEY: Good evening.

MR. ERNST: My name is Chris Ernst, for the record. I would like to speak about the 11th story. I don't have much of a problem with the 11th story with the exception of as soon as you put the 11th story up there, number one, you have to add the mechanicals on top of that 11th story. So, in effect, what you're doing, unless you want the people on the

11th floor to walk up, in effect what you're doing is you're adding on additional basically an additional floor on top of that.

MADAM CHAIRMAN RAINEY: That's a great point. How about we get it taken care of right now and find out what the answer is. Because I know that's a concern of yours.

MR. ERNST: Okay.

MADAM CHAIRMAN RAINEY: Share the podium.

MR. REIFMAN: It does not add additional height. The mechanicals and the additional units could exist on the same plan, correct? So they're not on top of the 11th floor.

MADAM CHAIRMAN RAINEY: They're side by side?

MR. REIFMAN: They're on the same.

MR. ERNST: Nothing on the -- Okay. Okay. If that's the case, then I don't object to that.

What I do have an issue with just on, I don't know how you can put this, three luxury penthouses which is essentially what is going up there, to me I'm not sure that that -- To me that doesn't reconcile with an adding of an additional floor. It's just a personal feeling. I don't think that, you know, the original proposal was 309 units. My understanding is that this is 309 units. I haven't seen any given -- you know, I've seen the setbacks which are wonderful, but to have those three additional -- I mean you're talking about three to six people, and for that you're adding an additional floor. And those are my feelings on it.

MADAM CHAIRMAN RAINEY: Let's find out about the units because that does have to be in the Ordinance.

MR. REIFMAN: There will be no additional square footage in the area of the independent living units from what existed on the prior plan approved by the Plan Commission, so.

MADAM CHAIRMAN RAINEY: Will the number of the independent living units be the same.

MR. REIFMAN: Yes. And the square footage, the total square footage of the independent living units within the building will be the same, within both buildings. But the number of units on the north side is the same as was on north

side and the south side is the same as on the south side.

MADAM CHAIRMAN RAINEY: So that's -- Thank you. Mr. Link, you've signed up, 11th floor.

MR. LINK: Thank you. Thank you very much. Ross Link. The only thing I want to say about the 11th floor is that the height of the building and discussions about the height and Mr. Reifman's comments about the height continue to show a pattern of what I think is disingenuous on the pattern of Mather, and I think that the height is one part of it, and which I see misrepresentations that continue to be stated here and repeated until other people believe it. It gets quoted in the Evanston Review. For example, Mr. Reifman testified to the city council in his opening statements on January 9, what he said was the proposed building height represented an incremental increase over what is otherwise permitted by right and are not out of character with neighboring buildings or the existing Georgian which, itself, is 109 feet or two feet higher than what is proposed. So Mr. Reifman testified to you that the existing Georgian is two feet higher than the proposed building. In fact, the existing Georgian is 81 feet, 110 feet with a cupola. The new building is 107 feet, 122 feet with a cupola. This is about the 11th floor. So what he compared was the existing building with a cupola to the new building without it and said that that is two feet higher. I don't like that kind of thing and that gets repeated here. I see it in the Evanston Review and then people get all confused about what the facts are. It's just a pattern that I don't agree with.

Another part of the pattern that I don't agree with is just what the truth is, okay, is that this is a CCRC and CCRCs, I continue to say, I feel like I've said it 500,000 times, they're expensive things. They're targeted at affluent people, and it's another pattern of things that get misrepresented. I'll just say it one more time and then I'm all done. I see you guys have made up your mind, so I'm going to stop. So I will say that just one more time CCRCs are for affluent people. This is from the Harvard Business Review. It's, you know, something I think is fairly reputable, and it had a piece in there about continuing care retirement centers. And what it said was continuing care retirement facilities are residential facilities for healthy and affluent retirees. Such communities typically includes single-family houses, duplexes, or flats where residents live before graduating into assisting living or nursing care, both of which are available; on the same response forwarded by both the properties such as Hyatt CCRCs (sic.) And quintupled their number in the past years. CCRCs are expensive. Seniors pay a hefty entrance fee from

\$125,000 to over --

MADAM CHAIRMAN RAINEY: I think you're off the subject.

MR. LINK: I just wanted to say that.

MADAM CHAIRMAN RAINEY: I appreciate everything you say. It's always very interesting and informative, but we are staying on the 11th story.

MR. LINK: I know. That was a reach. I was trying to go with the disingenuous. I had to give it one more shot. Thank you very much for your time. Thank you.

MADAM CHAIRMAN RAINEY: Maybe you could share that article with us sometime.

Okay. We have -- I'm closing the hearing. Ten minutes were used by the opponents and comments were made by Mather. Now may we move on to close the hearing.

MR. HILL: You may.

MADAM CHAIRMAN RAINEY: Thank you. We're moving on. Alderman Jean-Baptiste? Did you make the -- who made the motion for acceptance.

ALDERMAN JEAN-BAPTISTE: It was Alderman Tisdahl.

MADAM CHAIRMAN RAINEY: Is there any more discussion about the Ordinance that we partially introduced last time but have amended this time and will be on the council agenda tonight only for introduction; the new, revised improved ordinance will be on our agenda for our next meeting which will be voted on at that time unless something unforeseen comes up. All those in favor of the amendments made tonight to be incorporated into the February 8 ordinance we have before us say aye

(Chorus of ayes.)

MADAM CHAIRMAN RAINEY: Any opposed?

(No response.)

MADAM CHAIRMAN RAINEY: All right.

MR. REIFMAN: I need clarification.

MADAM CHAIRMAN RAINEY: Yes, Mr. Riefman?

MR. REIFMAN: Now that Plan B is fully in the record, there is a slight modification to not the full amount of the east side, but there is an incremental change in one of the wings of the east side. That square footage is critical for the overall package. I want to be sure that your proposed, Alderman Wynne, incorporates that detail of Plan B.

MADAM CHAIRMAN RAINEY: Alderman Wynne's amendment has to do, amendment had to do with 20 feet on Davis Street.

MR. REIFMAN: She said the east side would be -- Hinman would be the same, the east side would be the same. Now it is true in terms of the actual setback, because the south wing of the north building actually extends much -- extends further out than the addition by five feet, so it wouldn't change.

MADAM CHAIRMAN RAINEY: As is, as it was prior?

MR. REIFMAN: It would not increase -- it would not change the ultimate setback. I just want to clarify that, Alderman Wynne.

MADAM CHAIRMAN RAINEY: Let's get an absolute clarification. Let's see it on paper.

ALDERMAN WYNNE: Could you say that again?

MR. REIFMAN: On Plan B there is no technical change to the easterly rear setback. It's a zero foot setback on the east side. However, there is a plan now that does show a slight modification of the north wing on the east side. It does not extend beyond -- it extends five feet further beyond the rear yard, but it's 15 feet off of the property line at that location, so it doesn't --

ALDERMAN WYNNE: That's not in the plan that I'm looking at.

MR. REIFMAN: No, there is a Plan B that has a description --

ALDERMAN WYNNE: That's not -- Could you come over here.

MR. REIFMAN: You should have gotten four sheets, right? There's a second sheet that gives you detail, and Item 2 of the detail is what I'm talking about.

MADAM CHAIRMAN RAINEY: Will the result be 25 feet from the Homestead?

MR. REIFMAN: Yes. That doesn't change the setback from the Homestead.

MADAM CHAIRMAN RAINEY: The total setback.

MR. REIFMAN: Is the same as Alderman Wynne --

ALDERMAN WYNNE: Hold on, Alderman Rainey.

MR. REIFMAN: It's actually greater at that point.

ALDERMAN WYNNE: Part of our discussion was that we were going to reduce the south building by a north/south dimension of five feet, understand?

MR. REIFMAN: Yes.

ALDERMAN WYNNE: When Alderman Rainey and I met with Mary Leery, Mary proposed this additional five feet, the five feet that we took out of the south building be added to that wing on the north, and we said no.

MS. LEERY: With Option B we actually reduced the depth of the north building more than what we had previously presented to you. So we need the square footage in the northeast wing to accommodate our space program in the north building. This doesn't -- This no longer relates to what we're doing in the south building. We've been able to manage the south building, but the north building, because of all of the other changes we've of made to accommodate your requests, we need the square footage both on the first floor to address our common area needs as well as on the upper floors; but particularly on the second and third floor where we have our care center. We're very scrunched as it is with the square footage on the second and third floor, and we have to have this additional square footage to meet our program requirements.

MADAM CHAIRMAN RAINEY: Here is what I want somebody to do. I want somebody from the Mather to get up here and tell us how these numbers change with the five feet going

north, moving the building -- I mean five feet going south, moving the building five feet away from the north line. What are these numbers, 25, 20, 35 --

MR. REIFMAN: Changes by five feet across the board.

MADAM CHAIRMAN RAINEY: Across the board.

MR. REIFMAN: Yes.

MADAM CHAIRMAN RAINEY: So it changes the setback 25 feet to 40 feet to 52 feet?

MR. REIFMAN: Yes. It does not affect that setback at all.

MADAM CHAIRMAN RAINEY: It increases it by five feet.

MR. REIFMAN: By what you did by five feet, correct --

ALDERMAN WYNNE: Can you tell me the dimension of the five foot addition? I see where it is, but what is that dimension with the five foot addition that you just raised with us?

MR. REIFMAN: It's five feet times the width, times the length of that wing of the north wing of the north building. Jim, do you want to come up here.

MADAM CHAIRMAN RAINEY: Mr. Curtain, introduce yourself.

MR. CURTAIN: My name is Jim Curtain, the architect for Mather Lifeways. I'm here to answer questions. When the building was closer to the Homestead, you'll see on the right the property line jogs. You see the east property line jogs five feet because it goes in a north/south direction.

ALDERMAN JEAN-BAPTISTE: Is that in the A proposal or which proposal?

MADAM CHAIRMAN RAINEY: Let's stay with B, please.

MR. CURTAIN: B. If you look on your B exhibit,

on the dimensions exhibit, you'll see that as you -- the east property line jogs to the west five feet as it approaches the Homestead.

ALDERMAN WYNNE: Yes, I see that.

MR. CURTAIN: Okay. When we were closer to the Homestead, we needed to honor that five foot setback or that five foot jog in the property line. So we were 15 feet from that short leg that jogs to the west five feet. Because our setback is significantly more adjacent to the Homestead, the building moved -- actually, the building moved south and moved north from Davis Street. It allows us to preserve a 15-foot setback where that jog is. So, in essence, we can still attain the 15 foot setback, but we can extend that wing by five feet and still preserve the 15-foot setback.

MADAM CHAIRMAN RAINEY: Alderman Tisdahl?

ALDERMAN TISDAHL: Thank you, Alderman Rainey. Could you come here and just show me on the map where it says -
-

MADAM CHAIRMAN RAINEY: I know exactly where it is.

Okay. These private conversations are not being recorded by our court reporter. All right. We have Alderman Bernstein and then Alderman Wollin.

ALDERMAN BERNSTEIN: Our attempt was to accommodate greater setback between the Homestead, the distance; and answer this question for me as you just did, please, on the record. Isn't it a fact that the L-shaped building is still in full force and effect, but five feet further south? I'm concerned that if we move it back five feet to accommodate the Homestead but the view lines are different, that, in effect, we've not helped them, but we might have hurt them. That's not our intention. Do you understand the nature of my question?

MR. CURTAIN: Your question is setting that back, we've moved that building further south, the face of that building. It was at 15 at one time, then it moved to 20, now it's 25.

ALDERMAN BERNSTEIN: But there was an L-shaped face, the north face of your building had an L-shape, okay? You moved everything south, right? So the dimensions that

we're looking at on Plan B where originally it was 20 feet, on this plan we've now modified it's 25 feet. Everything has moved back five feet.

MR. REIFMAN: Correct. But at that location the distance is now 52.

ALDERMAN BERNSTEIN: I guess I'm not seeing.

MR. REIFMAN: Fifty-two feet three inches.

ALDERMAN WYNNE: The additional five feet is on the east side of the north arm, right?

MR. CURTAIN: Yes.

ALDERMAN WYNNE: It's on the east side facing the garden on the north arm, and it's five feet.

MR. CURTAIN: Yes.

ALDERMAN WYNNE: I accept that.

MADAM CHAIRMAN RAINEY: The dimensions from bottom to top are now 52 feet three inches, 40 feet, and 25 feet going --

ALDERMAN WYNNE: I understand the distance between the Homestead -- I understand all those distances. My question was about the additional five feet facing east, and I'll accept that.

MADAM CHAIRMAN RAINEY: Alderman Wollin?

ALDERMAN WOLLIN: I'd like to move that that be added to our ordinance to allow the five feet to the northeast wing of the building on the north building.

ALDERMAN TISDAHL: Second.

ALDERMAN JEAN-BAPTISTE: Second.

MADAM CHAIRMAN RAINEY: All right. Any discussion on that? I think we've had enough discussion on that. All these in favor say aye.

(Chorus of ayes.)

AUDIENCE MEMBER: There's a person with his hand.

MADAM CHAIRMAN RAINEY: Just wait. Just wait. There is no way everyone is going to be happy with this. I understand that. I'm going to let David speak, David Reynolds speak, and then we're going to close discussion and that's it, and we're moving on. We have people here whose projects to them, believe it or not, are just as important as this project is to you. So we need to move on.

MR. REYNOLDS: My name is David Reynolds. I live at 204 Davis Street. I think it's a little disingenuous for Mather to provide Scheme A and Scheme B and not either verbally or dimensionally point out that they're adding together the east/west length of the building. I think -- I certainly didn't see that when I looked at it. The drawings are very small, and I just think that's inappropriate for them to bring this up at this point without having -- with most of you not understanding what was being done. Thank you.

MADAM CHAIRMAN RAINEY: Thank you. Alderman Tisdahl?

ALDERMAN TISDAHL: It is on here, David. It says No. 2, add five feet to the northeast wing.

MADAM CHAIRMAN RAINEY: It's absolutely on here.

MR. REYNOLDS: Okay.

MADAM CHAIRMAN RAINEY: And I know every time we got anything the comment was always added that David and Holly Reynolds received a copy of this. So you got everything we got, which was very unusual. So anyway, having said that, we're going to move on now.

ALDERMAN JEAN-BAPTISTE: We just voted on the small modification that we got.

MADAM CHAIRMAN RAINEY: Alderman Wollin?

ALDERMAN WOLLIN: No, I didn't have my light on.

MADAM CHAIRMAN RAINEY: All right. So all of issues have been moved. Are we in good stead, Counsel?

MS. SZYMANSKI: Yes, we are.

MADAM CHAIRMAN RAINEY: All right. Thank you all very much. We're finished with this item.

ALDERMAN JEAN-BAPTISTE: Move for introduction.

MADAM CHAIRMAN RAINEY: It's been introduced, we moved the amendments, the item is on our agenda.

ALDERMAN JEAN-BAPTISTE: Very good.

At our last P&D meeting we introduced the Ordinance but wanted to further consider and discuss amendments, and so that's what we did tonight. We included a number of amendments that you have already recorded, and so this matter will be on the Council's agenda for introduction, and then two weeks from now we will have it for action, we'll have a clean ordinance with all the amendments added, at which time we will determine whether or not we vote yeah or nay to pass this project.

(Which were all the
proceedings had.)

* * * * *

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, LAURA BERNAR, being a Certified Shorthand Reporter doing business in the City of Des Plaines, Illinois, County of Cook, certify that I reported in shorthand the proceedings had at the foregoing hearing of the above-entitled cause. And I certify that the foregoing is a true and correct transcript of all my shorthand notes so taken as aforesaid and contains all the proceedings had at the said meeting of the above-entitled cause.

LAURA BERNAR, CSR
CSR NO. 084-003592