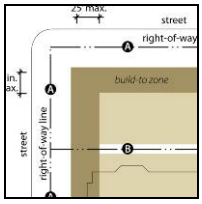
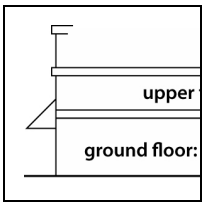
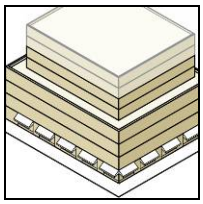
SECTION 7
Zoning Critique and Recommendations

DOWNTOWN EVANSTON PLAN

A STRATEGIC UPDATE OF THE 1989 PLAN FOR DOWNTOWN EVANSTON







AS ADOPTED BY THE EVANSTON CITY COUNCIL

FEBRUARY 9TH, 2009

SECTION 7: ZONING CRITIQUE AND RECOMMENDATIONS

The existing zoning regulations in downtown Evanston were adopted in 1993. There are currently 11 different zoning classifications within the planning boundaries of downtown Evanston. These classifications include R5 and R6 residential districts; an O1, office district; the C1 and C2, Commercial Districts; an OS, open space district; D1, D2, D3, and D4, downtown districts, and the RP, research park district.

The current zoning rules are often rigid, confusing, and impractical in the face of real estate market trends. For example, more than one-third of all property in the downtown zoning classifications is subject to a 42-foot height limit, which equals a three or three and one-half story structure, depending on the building's architecture. This height limit is more typical of a suburban downtown on the outer edge of the Chicago metropolitan area but is out of sync with the vibrant, walkable downtown that Evanston has always had.

In practice, the height limit has not functioned as a restriction so much as a starting point for negotiations between developers and the city about a project's height and overall size. In granting these planned development allowances from the zoning ordinance height limits, the city has helped accommodate market demand for office, commercial, and more recently residential space. However, the routine grant of such allowances by the city has left members of the public with the perception that the current rules are meaningless and that all decisions are strictly "ad-hoc" and the results unpredictable.

The purpose of this current effort is to update city development standards and shift the focus of future regulations from the business, commercial, and residential land use regulations to a designed-centered approach that will address building orientation and location relative to the street, the shape and function of the public realm (that is, the streets, sidewalks, streets, and open spaces), the scale of buildings in both height and mass, and the relationships of adjacent buildings and downtown blocks to one another.

This section critiques seven aspects of the existing zoning regulations and provides recommendations for revising downtown zoning policies to achieve the community's goals for a desirable urban form.

CURRENT ZONING REGULATIONS DO NOT REFLECT AN URBAN FORM

Evanston's Downtown Planning Committee (DPC) has recommended form-based development policies (i.e., the committee's description of traditional districts is one such policy). The recent downtown planning charrette made similar recommendations by calling for the city to establish "build-to" lines and form-based restrictions on new development.

An analysis of existing zoning highlights the "disconnect" between current zoning policies and downtown urban form:

- Some downtown zoning districts extend beyond the boundaries of the downtown planning area.
- Height limits established by downtown zoning are inconsistent. For example, the current zoning map shows that along the southern edge of downtown, which the DPC describes as a transitional district, three distinct height limits apply. Along the north side of Lake Street between Chicago and Maple Avenues some properties are allowed up to 85 feet as-of-right while others are limited to 42 feet and yet still others could achieve a

height of 165 feet with the grant of development allowances. Developers are expected to demonstrate a public benefit before the grant of development allowances but this requirement has been loosely administered.

- In the D2, D3, and D4 downtown zoning districts the vast majority of buildings abut the sidewalk. But despite this being the rule rather than the exception, the zoning administrator is currently required to make a case–by-case determination as to whether the zero setback is in "context" with surrounding properties, with the single criteria being whether the "street facing facades or other principal buildings form a substantially continuous setback along the public right-of-way."
- Many of the city's urban design standards in the *Design Guidelines for Planned Developments* that relate to building location and ground floor retail should be part of the zoning code and should apply to all development.

Urban Form Recommendations

The zoning code should define character areas consistent with the recommendations of the downtown planning charrette. The downtown planning charrette suggested character districts that, if implemented, would result in a downtown with a clear and pronounced urban form. The character map produced during the charrette suggested various "core" districts; several "traditional" districts; "edge" districts; and a "university link" district.

These suggested districts would establish a more defined and refined urban form for downtown Evanston. The core areas would allow for high-density, high-rise construction. Table 7A below presents the types of zoning controls that would implement the charrette's recommendations for downtown urban form.

The plan and map includes three groups of "character districts": 1) low-rise, low-density traditional districts where the city has small-scale shopping districts; 2) "edge" districts that would allow for a transition from the higher density core to the residential districts outside of downtown; and 3) a high-density, high-rise core for the downtown.

Table 7A: Zoning for Urban Form

Character Districts	Maximum Height (feet)		Maximum Floor Area Ratio	
	Base	w/Bonuses	Base	w/Bonuses
North Edge	88	165	3.5	6
West Edge	66	110	3	5
East Edge	66	110	3	5
South Edge	66	110	3	5
University Link	66	88	2.75	4
West Link	66	88	2.75	4
West Core	165	198	5	6
East Core	165	198	5	6
Core	165	275	5	10
Central Core	275	385	7.5	12
West Traditional	42	88	3	4.5
South Traditional	38	60	3	4.5
North Traditional	38	60	3	4.5

THE RESEARCH PARK (RP) ZONING DISTRICT IS OUT OF DATE

In the early 1980s the city developed a plan for a high-tech research park within the downtown and adopted zoning consistent with this plan. The research/ business park zoning classification for a major portion of downtown would reserve this area for "applied research and high technology firms" and for "light industry, processing, and distribution facilities". By the mid-1990s it was clear that this was no longer realistic. This type of development did not occur. The current RP zoning district continues to be problematic because it is so closely tied to a plan the city is no longer pursuing. The problems raised by this out-of-date zoning include:

- The zoning ordinance ties approvals for planned developments, approvals for planned development allowances, and site plan approvals to representations and conclusions that a proposed project implements the goals and objectives of the Research Park master plan.
- The RP zoning requires certain properties on Maple Avenue to have 13- to 15-foot setbacks and some buildings have already been built to meet that standard. This is contrary to the recommendations from the downtown planning charrette where the charrette designers illustrated how buildings on this portion of Maple Avenue should be brought closer to the street.

Research Park Zoning Recommendations

Much of the existing RP district should be incorporated into the new "core" zoning classification. Tall buildings like "Optima Views" (1720 Maple) have already been successfully located within the RP district. This tall building is not out of place.

The existing RP district is compatible with the "core" classification in that it currently hosts bulky, high-traffic generating land uses. Relatively new uses within the RP district include a parking garage, hotel, and a movie theater that are also compatible and appropriate for a "core" zoning classification.

The construction of the new movie theaters within the RP district established this area as downtown's central location for entertainment and night life. The new "core" zoning would continue to foster the development of this area as an entertainment district.

BUILDING HEIGHT AND SCALE FINDINGS

- Decisions about building scale and height appear to be ad-hoc and not based on policy. Despite that, many of the larger, taller projects that have gone up in the last decade are of high quality and have made downtown more vital. Shortcomings of the current zoning regulations with respect to height and scale include the following: Exceptions and modifications to downtown height and FAR regulations appear to be the rule rather than an exception. No one with a stake in downtown zoning—including landowners, developers, citizens, appointed and elected officials—are able to predict with any certainty the size and scale of any future project.
- Existing zoning bears little relationship to the changes in scale and density that have already occurred in downtown during the last 10 years.
- There have been at least 10 buildings approved in the last decade with a height of 100 feet or more. Several buildings, including the Park Evanston (1630 Chicago), Sherman Plaza (807 Davis), and Optima Views (1720 Maple) range from 220 to 260 feet in height. On the whole all of these buildings have enhanced the downtown skyline and the residents of these buildings have brought a vibrancy and economic vitality to downtown. This

supports a finding that downtown is an appropriate location for larger buildings than are permitted under current zoning.

- A compact, dense, and high-rise downtown is appropriate for a central location with excellent mass transit service, a strong employment base, and a high level of amenity in terms of shopping, restaurants, entertainment, and culture. At the same time, one of the key things that makes downtown Evanston truly special is the fact that higher intensity development exists in a setting that also includes lower intensity "traditional" areas. These traditional areas provide a marked contrast to the mid- and high-rise buildings that have emerged in recent years. The sense of balance provided by this mix of building heights and development intensities is a positive, defining feature of downtown and one of the key features of this plan. If downtown development had been built according to a strict application of the existing rules, the vibrant, eclectic character of downtown Evanston would not have emerged.

The contrasting scale and intensity of development among downtown subareas is a defining characteristic of downtown Evanston.

Building Height and Scale Recommendations

- The scale and height of buildings downtown should reflect the fact that downtown is the central place within the City of Evanston.
- The scale and height of buildings downtown should reflect that downtown is an appropriate location for high-rise, high-density, and mixed-use development.
- The density, height, and scale of buildings downtown should reflect the city's desire for a compact and walkable environment that supports and strengthens the pedestrian character of downtown streets. The density permitted downtown should be compatible with goals of making downtown a transit-oriented environment that facilitates access to and use of public transit.
- The scale and height of buildings permitted downtown should reflect the fact that downtown has the following advantages as a place for tall and dense buildings:
    - Transit access
    - Strong employment base
    - Existing pattern of tall buildings
    - Excellent infrastructure and utilities
    - Excellent public services

DOWNTOWN PARKING FINDINGS

An onsite survey of actual parking occupancy was conducted at the six most recently constructed downtown residential and mixed-use buildings (all built since the year 2000). Additionally, interviews and written surveys were performed with developers and condominium presidents or their representatives. These interviews included a focus group and numerous telephone and e-mail conversations. The properties and their actual parking demand rates (expressed in spaces per dwelling unit) are described on page 33. A complete tabulation of on-site characteristics and results can be found in *Appendix B*.

According to the parking demand research conducted as part of this planning effort, existing residential parking requirements are too high. Requiring the provision of excess parking may work against the city's goals for a people-centered, pedestrian-oriented and transit-supportive downtown. Downtown's compact form and the proximity of shops, restaurants, schools, religious institutions, jobs, to mass transit and residential areas in and around downtown have combined to reduce the demand for parking in the downtown. Preliminary findings from downtown parking demand studies indicate that residential buildings do not need as much parking as is currently required.

Centrally-located public parking has worked well in Evanston.

- Downtown parking requirements may be a barrier to creating new jobs and the establishment of new businesses downtown. There are many small lots and small buildings downtown that could be redeveloped or expanded, but the current parking requirements are impossible to achieve at these locations nor do necessarily they reflect actual demand for parking for the potential new uses.
- The City of Evanston has constructed more than 3,300 parking spaces in garages downtown. There is ample on-street parking available too. These public parking areas reduce the need for individual businesses to provide separate and exclusive parking for their businesses.

Downtown Parking Recommendations

- Downtown parking requirements should be more flexible and residential parking requirements should reflect survey findings regarding the use of parking in new buildings.
- Downtown parking regulations should raise the parking exemption for businesses under 3,000 to an exemption that applies to businesses under 4,000 square feet in floor area. A more generous exemption is appropriate and the higher exemption would help support the types of local, independent businesses least likely to be able to provide on-site parking. Relaxing the parking requirements for small businesses will support city goal of encouraging a compact and walkable downtown.
- Parking should not be required in the proposed traditional districts. These are pedestrian-scale shopping districts that would be adversely affected by the addition of parking lots.
- Residential parking requirements should be revised on the basis of the 2007 survey of parking demand within downtown residential buildings. The results of that research suggest that the following minimum parking ratios are appropriate: 1 space for dwelling units up to 800 square feet; 1.25 for dwellings up to 1,500 square feet; and 1.5 spaces for dwellings over 1,500 square feet.

Planned Development Review Findings

Current zoning relies too heavily on planned development review. Requiring such review for buildings with as few as 24 dwelling units and as little as 20,000 square feet is too strict. These low thresholds may discourage investors from building smaller projects in the downtown.

The requirement that all planned developments conduct a market study and traffic impact study is too costly for smaller projects in the downtown.

Planned Development Review Recommendations

A form-based code will eliminate the need for most planned development reviews and approvals. However, projects seeking floor area and building height above the base limitations should be subject to a downtown bonus review process. In addition, larger buildings (i.e. building's that exceed a floor area ratio of 3 or a height of 110 feet) within the "core areas" of downtown should be subject to major project review focusing on issues of urban design, site planning, and appearance review.

Most of the public review (versus administrative review) for downtown buildings should apply to projects asking to go above the "base" floor area ratios and building height limitations through the use of public amenity bonuses.

The standards and requirements currently enforced through planned development review should be incorporated into the form-based zoning ordinance and should be self-executing standards. The city's Site Plan and Appearance Review Committee (SPAARC) should be responsible for the administration of these site planning, urban design, and appearance standards. As part of the adoption of a form-based code, the authority of the Site Plan and Appearance Review Committee to enforce appearance standards should be strengthened and its membership expanded to include representatives of the Plan Commission and others deemed appropriate because of their background and/or expertise.

Development Allowances and Exceptions Findings

The allowance and exception process that is commonly used in approving planned development projects is not working. Such allowances and exceptions have lowered people's confidence in the planned development process. Residents of Evanston see downtown development review as an ad-hoc, case-by-case assessment where decisions are made by City Council without sufficient consideration of the principals of comprehensive planning and the tenets of good urban form.

Current development allowances are permitted when the plan commission and city council find that a project incorporates public benefits as described in Section 6-3-6-3. However, the public benefits listed there are vague and general. In recent planned development cases, the purported public benefits developers offered in exchange for allowances include "the payment of taxes," the "redevelopment of vacant land," and "the creation of jobs." These benefits are not unique or specific to a development project and do not relate to the immediate impacts on the neighborhood.

Development Allowances and Exceptions Recommendations

The process of "allowances" and "exceptions" should be eliminated.

The city should allow as-of-right development that is consistent with the recommendations embodied in the proposed character districts. However, above a certain height or square footage threshold, the city should require that builders earn bonuses for added floor area or density. The available bonuses should reflect the city goals for downtown and citywide development. A list of possible bonuses would include:

- Underground parking or loading
- Whole-building sustainability (e.g. Gold/Platinum LEED certification or equivalent) design
- On-site affordable housing (in excess of the city's minimum requirements)
- Affordable office space
- Financial contributions to public parks/open space improvements
- Above-grade parking wrapped by habitable floor area
- Landmarks preservation (adopt-a-landmark)
- Streetscape and alley improvements
- Public Plazas
- Façade Improvements

PLANNED DEVELOPMENT DESIGN GUIDELINES FINDINGS

Much of what the city would like to require of developers in the downtown is currently expressed as design guidelines for planned developments. In the future, smaller properties along Davis Street and Sherman Avenue will be redeveloped and these projects will not be subject to planned development review or the planned development guidelines.

Planned Development Design Guidelines Recommendations

The standards and site planning criteria embodied in the planned development design guidelines should be adopted as part of a form-based code for downtown. If these standards and criteria are adopted as part of the form-based code then the planned development design guidelines will not be needed.

New downtown zoning should include a variety of form-based standards, including the following:

Activating Ground Floor Spaces
The first floor retail spaces should include store windows and prominent entrances that enhance the pedestrian shopping environment. Design standards should encourage display and shop windows that help activate streets and create interest for shoppers and pedestrians.

Upper-Story Setback Requirements
After reaching a maximum street wall height, the code would establish some minimum required setback. The height or level of upper story setbacks would vary by zoning classification.

Apply Build-to Lines

Build-to lines would be tied to a base zoning map or a regulating plan. These regulations would require that new buildings be constructed out to the edge of the public right-of-way or, in the proposed transitional districts, to be in line with the pattern of existing buildings on the block.

Conceal Above-grade Parking in New Developments

Parking structures would be required to be concealed and separated from the street by residential, office, or retail floor space.