



MLCA's Response to Certain Assertions in October 4, 2023 Letter from Applicant's Attorney

Traffic and Parking

NU still has no operational traffic management plan, concert semi-truck routing plan, or construction waste management plan. NU has no arrangement with the CTA or Metra to effectuate any of its proposals relating to the use of mass transit at concerts. Its only evidence of contacts with the CTA is an introductory letter dated September 27, 2023 — the second day of the Land Use Commission hearings.

As NU's parking assumptions have unraveled, its parking plan has continued to change. First its assumed vacancy rates for downtown Evanston garages shrank from 80 percent to 67 percent (6/27/2023 DLA Piper letter). Then it lost 850 spaces when the Canal Shores option vanished (9/6/2023 DLA Piper letter; Kimley-Horn Report, p. 26). Now NU claims Evanston Hospital has "offered" spaces in its garages. NU still has no coherent plan.

NU's attorney says that the February 2023 video showing gridlock at an NU basketball game (less than 7,500 fans) is "not representative" and "not consistent with historical experience." Neighbors have testified otherwise.

Economic Impact

NU's attorney asserts without evidence that the economists who testified that six concerts will produce only \$200,000 in additional revenue to the City of Evanston "represents a misunderstanding." But page 29 of the City's Economic Impact Study states: "In summation, the 3-concert Scenario is not significantly different compared to 2018 (historical best), however the 6-concert Scenario projects nearly a 12 percent increase in fiscal impacts compared to 2018 (historical best)." The accompanying chart for the 6-concert scenario shows a net increase of only \$200,000 above the 2018 revenue results.

"Modifications" to Zoning Amendment

NU says it is "amenable to making modifications to the text amendment... if the Commission desires to include such changes as a condition of approval." And NU is "open" to discussing other language changes. The Commission and the City should avoid the trap of turning NU's application into a negotiation to gain the votes required to obtain approval.

NU seeks an unprecedented commercialization of an educational site and the right to build one of the largest open-air performance venues in the state. Protecting the residents of Evanston through the City's zoning ordinance requires that neither the Commission nor the City accept NU's invitation to redraft its proposed amendment on the fly.

NU's initial zoning amendment application — and every iteration since then — has required careful scrutiny. More than a year after its announcement of its proposal, NU's submission remains incomplete and, in every critical respect, indefensible.

Summary of Changes Under the Proposed Zoning Amendment

Current U2 zoning allows:

- College athletic events and auxiliary activities like band-playing for such events, and commencements
- Speakers, musical performances, and other cultural events sponsored directly by the University (limited to enclosed buildings and fewer than 10,000 attendees)
- Up to 7 other non-commercial events “of a community or cultural nature” not directly sponsored by NU (also 10,000 or fewer attendees)
- But maintains City control over such events by imposing conditions:
 - Events must be non-profit and intended primarily for Evanston residents, or amateur athletics
 - “Adequate university parking” must be provided for all attendees
 - “Adequate” traffic control must be provided by NU
 - No idling of trucks on or off public streets (per Evanston Mun. Code 10-14-18-1)

NU’s proposed zoning amendment would

Eliminate:

- X The requirement that events be non-commercial and Evanston-focused
- X The requirement of adequate University parking for all attendees
- X The requirement of “adequate” traffic control – substitutes “reasonable” (but inadequate?)
- X Idling restriction on University property (exemption from City idling ordinance)

Add:

- 6 commercial concerts up to stadium capacity in size
- 60 more days of outdoor programming for 7,500 “hosted by” NU
 - “Hosted by” just means on NU property, does not mean non-commercial
 - Higher attendee limit than sold-out basketball games
- Special Events Committee loophole
 - Allows **any** use of U2 property if City staff committee okays it
 - Improperly permits City staff to make land use decisions

Factual Problems with NU Attorney's 10/4/23 Submission

"Unlimited events with seating for up to 10,000 within an enclosed building"

NU's attorney in October 4, 2023 letter: "The U2 District currently permits University-sponsored lectures, speakers, musical performances and other cultural events within an enclosed building provided that attendance is limited to ten thousand (10,000) or less. *The University is not proposing any changes to this existing permitted use.*" (10/4/2023 letter from DLA Piper's Katherine Jahnke Dale to Meagan Jones, p. 1; emphasis supplied)

Current Ordinance: However, such events are subject to an ***overriding restriction*** that specifies permitted uses. (Copy of current ordinance attached as Ex. 1)

NU's Proposed Modification: *Eliminates* that overriding restriction. (Copy of NU's "Proposed Modification" attached as Ex. 2)

NU's President on August 17, 2023: "Northwestern is willing to modify the original text amendment request that allowed for an unlimited number of 10,000-person University events at Ryan Field. *We are willing to no longer ask for that....*" (President Michael Schill's Open Letter to the Evanston Community, August 17, 2023; <https://www.northwestern.edu/leadership-notes/2023/to-the-evanston-community-revised-ryan-field-proposal.html>; copy attached as Ex. 3)

"Just Trust Us and We'll Figure it Out Someday"

For the first time, NU's attorney now says that NU is analyzing "18 possible mitigation options..." and is "committed" to a "minimum 20 dBA reduction" in concert noise pollution. ***But there is no assurance that the stadium as built will include any of those options or achieve that reduction.***

- "Analyzing" does not mean inclusion in the stadium as built.
- "Commitment" to a goal does not assure its achievement.
- ***Even if met, WJHW's hypothetical "Additional Mitigation Scenario" shows concert noise pollution far exceeding safe and lawful limits blanketing the neighborhood.*** (See Arup's 9/27/2023 Review, p. 5, Table 1, n. 6; copy attached as Ex. 4)

Dresden Stadium

Construction of the Dresden stadium shown in the Rammstein video began in 2008, not 1922 as NU's attorney asserts. ***The original stadium on the site was demolished and replaced with a modern 32,400-seat arena that opened in 2009.*** Here's a link to 2008-2009 construction photos as the new stadium was being built: "Rudolf Harbig Stadion," StadiumDB.com http://stadiumdb.com/constructions/ger/rudolf_harbig_stadion

The following uses shall be permitted in the U2 district:

Business or vocational school.

Fieldhouse.

Indoor recreational facility (college and university).

Outdoor recreational facility (college and university).

Parking lot (college and university).

Playground.

Stadium.

The following uses shall be considered permitted uses when conducted in association with the above permitted uses:

- Intramural and intercollegiate sports and athletic events and practice therefor.
- Local, regional and State elementary and high school athletic events and practice therefor.
- Band playing and practice in connection with the above events.
- Commencement, convocation and graduation exercises.
- University-sponsored lecture, speakers, musical performances and other cultural events held within an enclosed building provided that attendance is limited to ten thousand (10,000) or less.
- Luncheons and dinners and dining room facilities in a stadium provided that attendance is limited to the seating capacity of the facilities.
- Accessory uses to the above permitted uses, including administrative and faculty offices, classroom, auditoriums, athletic facilities and parking spaces.
- Off-street parking for hospital employees and for university students and employees.

Temporary event (provided they are of a community or cultural nature and further provided they meet the conditions listed below):

This Subsection provides standards to ensure that temporary uses shall not impose an undue adverse effect on neighboring streets or property.

Community and cultural events intended primarily for residents of the City and athletic events shall be permitted provided that the following conditions are met:

- 1) Sponsors of the temporary event shall obtain City Council approval, provide proof of event logistics approval by the City's Special Events Committee, and obtain a certificate of zoning compliance pursuant to Section 6-4-8-2 of this Title.
- 2) Written notice shall be provided to residents within five hundred (500) feet of the event site within five

- (5) business days after event approval by the City Council.
- 3) Attendance at such events is limited to seven thousand (7,000) persons for indoor events and three thousand (3,000) persons for outdoor events.
 - 4) Free university parking is available and is provided in the U2 district to all persons attending events (as defined in this ordinance) until all car parking spaces are full. This parking shall be provided for no fewer than two thousand (2,000) passenger vehicles, one thousand three hundred (1,300) of which must be within the U2 zoning district.
 - 5) Private security is provided for those parking areas utilized.
 - 6) Adequate provision of traffic-control devices at no City expense, including personnel, shall be provided to ensure the free flow of traffic and the security and safety of said traffic flow.
 - 7) Live animals used in conjunction with any event may only be stored within a completely enclosed building.
 - 8) No more than six (6) single-day events and a seventh (7th) multi-day event (not to exceed seven (7) days in duration, and that would require approval from the City Council) shall be held in any calendar year.
 - 9) Lighting associated with such events shall be directed away from adjacent residences.
 - 10) Tractor trailers may not remain running while parked on the public street or in off-street parking areas.
 - 11) No activities related to special events shall occur between 10:00 p.m. and 7:00 a.m. from Sunday evening to Friday morning, and between 11:00 p.m. and 7:00 a.m. from Friday evening through Sunday morning; with the exception of event setup and breakdown procedures which shall not exceed thirty (30) minutes before or after the aforementioned times.
 - 12) Loitering and tailgating is prohibited before, during and after such events.

(Ord. 108-O-98; Ord. No. 3-O-14, § 26, 2-10-2014; Ord. No. 135-O-19, § 1, 11-11-2019)

Note— The provisions in the text amendment [pertaining to community and cultural events], approved by Ordinance 135-O-19, will expire on December 31, 2021.

6-15-8-2. - PERMITTED USES.

The following uses shall be permitted in the U3 district:

Administrative office (college and university).

Business or vocational school.

Classroom facility (college and university).

Cultural facility.

Departmental staff office (college and university).

Proposed Modifications to Original May 2, 2023 Application

Proposed

6-15-7-2. – PERMITTED USES

The following uses shall be permitted in the U2 district:

Business or vocational school.

Fieldhouse.

Indoor recreational facility (college and university).

Outdoor recreational facility (college and university).

Parking lot (college and university).

Playground.

Stadium.

Intramural, intercollegiate or amateur sports and athletic events and practice therefor.

Local, regional and State elementary and high school athletic events and practice therefor.

Band playing and practice in connection with another permitted use.

Commencement, convocation and graduation exercises.

University-sponsored lectures, speakers, musical performances and other cultural events held within an enclosed building provided that attendance is limited to ten thousand (10,000) or less.

Outdoor lectures, speakers, non-musical festivals, social events and other community or cultural events, and musical performances in conjunction or associated with the foregoing (which shall require loudspeaker permits from the City for any noise amplification), hosted by the University or City and designed for the University or local community, provided that the capacity for such events is no greater than 7,500, and no more than 60 days of programming occurs annually. Such events shall not include any outdoor plaza rentals to organizations not affiliated with the University or City.

Banquet halls, including breakfasts, luncheons, dinners, meeting and dining room facilities, provided that attendance is limited to the capacity of the specific facilities.

Accessory uses to the above permitted uses, including administrative and faculty offices, classroom, auditoriums, athletic facilities and parking spaces.

Off-street parking for hospital employees and for university students, employees, guests and invitees.

Public-facing concerts (provided they meet the conditions listed below):

This Subsection provides standards to ensure that temporary uses shall not impose an undue adverse effect on neighboring streets or property.

1. Attendance at such events is limited to the capacity of the facility.
2. A coordinated Transportation Management Plan shall be submitted to the City Manager or its designee.
3. Private security is provided for University-owned parking areas utilized.
4. Reasonable provision of multi-modal traffic-control devices at no City expense including personnel, shall be provided to ensure the free flow of pedestrian, bike and vehicular traffic and the security and safety of said traffic flow.
5. Live animals used in conjunction with any event may only be stored within a completely enclosed building.
6. There shall be no more than six (6) total days of such events in any calendar year within the U2 district, excluding setup and takedown. Such events shall not occur on the same date as other full-capacity events at the stadium or fieldhouse.
7. Lighting associated with such events shall be directed away from adjacent residences.
8. Vehicles may only idle in approved designated areas on private property.
9. Concert music may be amplified during the hours of 10:00 a.m. through 10:00 p.m. on Sundays through Thursdays (subject to the following), and during the hours of 10:00 a.m. through 10:15 p.m. on Fridays, Saturdays and days preceding national holidays and legal school holidays enumerated in 105 ILCS 5/24-2, as permitted for special events pursuant to Section 9-5-20 and any associated required permits shall be issued.

Any uses not outlined herein shall require approval by the City's Special Events Committee.

To the Evanston Community: Revised Ryan Field Proposal Based on Feedback

August 17, 2023

Michael Schill ([./index.htm#author=Michael_Schill](#))

Dear members of the Evanston community,

As you know, thanks to a remarkably generous gift from the Ryan Family, we have been embarking on a journey to remake and rebuild Ryan Field in a way that will allow us to transform an aging, deteriorating stadium into a community asset. The new stadium has never been solely about Northwestern football; its role as an economic and social engine goes well beyond that. Our goal has always been to host community-oriented events such as winter festivals, holiday celebrations, family movie nights, and youth sports events, as well as additional student and community programming to take full advantage of the plazas and new park being built.

Over the past year, we have held more than 100 meetings and forums and had the opportunity to listen and learn to balance the aspirations for how people would like to see the stadium maximized, with those who have expressed reservations or concerns. We know that as a key part of this community, we need to listen to our neighbors across the entire city of Evanston.

Moving Forward Together

As we prepare for the upcoming meeting of the Land Use Commission, we are moving forward in a way that we believe realizes the benefits of the stadium redevelopment, while addressing the concerns that we have heard. Based on that feedback, Northwestern is willing to modify its zoning application to significantly reduce the number of events hosted at the stadium annually while still ensuring financial viability for the project to move forward. Specifically:

- Northwestern is willing to reduce the fixed number of concerts in the ordinance to six per year to balance the need to realistically operate the venue while addressing the concerns of neighbors.
- Northwestern is willing to modify the original text amendment request that allowed for an unlimited number of 10,000-person University events at Ryan Field. We are willing to no longer ask for that change.
- While many residents were hoping to utilize the stadium throughout the year, Northwestern is willing to limit community-based activities at the stadium and plazas to 60 days per year with programs designed in collaboration with our neighbors such as holiday celebrations and fall and winter festivals as mentioned above.

An Opportunity to Increase Equity for All of Evanston

We have made having a transformational impact on Evanston a centerpiece to the rebuild project. As we have previously shared, we are committed to a target of 35% of all subcontracted spending — more than \$208 million — for local, minority- and women-owned businesses, with priority given to businesses and individuals located in Evanston. Our construction manager, Turner-Walsh, is focusing on workforce training and planning to align with Northwestern's commitments to underrepresented communities — providing significant opportunities for Evanstonians in low-skill jobs to move into good paying, high skill careers. Additionally, we are excited to announce additional financial benefits tied to the Ryan Field redevelopment:

- An additional \$10 million commitment from the Ryan Family will enable the University to create an Evanston workforce technology upskilling program. This initiative will equip under-employed community residents with the necessary technology skills and resources to thrive in the modern workforce and achieve economic mobility. While this program will help support workforce opportunities related to the stadium, it will be endowed in a way that supports Evanston residents straddling future generations.
- The University will guarantee a minimum of \$2 million in annual tax and fee revenue to the City of Evanston tied to events at the new stadium. This number has the potential to increase depending on the number of events being held each year.
- While Northwestern works closely with local schools today, the increased use of the stadium gives us an opportunity to think creatively about how to do more. The University is committing to applying a ticket surcharge to concerts at Ryan Field that will generate an additional \$500,000 in revenue annually to support Evanston Public Schools.
- An additional \$250,000 annually to support a signature Evanston/Northwestern event that will benefit our entire community as directed by city leadership.
- While these benefits are centered on the renovation and use of the stadium itself, we know the University's relationship with

Evanston goes beyond this specific project. As such, we remain in active discussions with the leadership of the city of Evanston on other concrete ways we can support the city. We look forward to sharing additional information in the weeks to come.

It has always been our intention to provide a project that can be enjoyed by all of us well into the future. We look forward to working with you to see Evanston take advantage of this opportunity today and for generations to come.

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Excerpt from Arup's September 27, 2023 Review of WJHW's Rebuttal

The importance of understanding the audible impact of each of the proposed mitigation strategies is further illustrated based on the updated acoustic modeling results in WJHW Letter 3. Table 1 from Arup's M01 has been updated using the updated modeling. Several locations surrounding the site do not indicate changes in the predicted concert sound levels between the base condition and the model "with Additional sound Mitigation."

Table 1: Comparison of predicted concert sound with surveyed ambient sound at Wilmette locations (Revised)

Location	Sound Level Measured ¹		Wilmette noise ordinance ²	Illinois State noise limits ³	Henderson predicted concert sound level ^{4,5,6}	Noise codes exceeded? (Y/N)	Ambient sound levels exceeded? (Y/N)
	L ₁₀	L ₉₀					
640 Gregory Ave	39 dBA 53 dBC	47 dBA 60 dBC	45 dBA	55 dBA 73 dBC	65-75 dBA 80-90 dBC	Y	Y
624 Isabella St	40 dBA 53 dBC	52 dBA 65 dBC	45 dBA	55 dBA 73 dBC	65-75 dBA 80-90 dBC	Y	Y
128 5th St	39 dBA 53 dBC	47 dBA 58 dBC	45 dBA	55 dBA 73 dBC	65-75 dBA 80-90 dBC	Y	Y
6 th St & Maple Ave	38 dBA 52 dBC	46 dBA 59 dBC	45 dBA	55 dBA 73 dBC	65-70 dBA 80-85 dBC	Y	Y
<ol style="list-style-type: none"> 1. Sound levels from Arup ambient sound survey of Wilmette receivers conducted on the evening of August 3, 2023 (see previous Arup Memos). Henderson noise measurement results are not referenced in this table, as they did not measure ambient sound in Wilmette. 2. Code of Ordinances Wilmette, IL, nighttime noise limit applicable during likely concert times (7PM-10PM). 3. Illinois Administrative Code, dBA and dBC limits derived from tabulated octave band daytime limits applicable during likely concert times (7PM-10PM). Code limits become 10dB more stringent at nighttime (after 10PM). 4. Henderson's predicted concert noise levels taken from Figures 4 and 5 of WJHW letter 4. 5. Noise levels assessed for areas and facades with Southern and Eastern exposure towards Ryan Field and not shielded by the immediately adjacent home (if applicable). 6. Henderson also prepared a model "with Additional Sound Mitigation" that shows no changes in noise levels at 640 Gregory Ave and 624 Isabella St and up to 10 dBA and 5 dBC reductions at 128 5th St and the corner of 6th St and Maple Ave (see Figures 6 and 7 of WJHW Letter 4) 							

WJHW's Misleading Statements in its 10/3/23 Rebuttal to Steven Harper's Presentation

1. **Fact:** Harper explained that WJHW's computer-simulated maps *already took into account* the noise mitigation items that *were actually in the design*. The single exception, he said, were hypothetical "temporary" measures *not in the design*. (9/27/23 LUC Video at 1:42:45) With respect to those, as recently as August, WJHW had recommended only that NU "consider including them or have the opportunity to add them later." (8/2/2023 WJHW Second Revised Summary, p. 12)

WJHW's claim: "Mr. Harper's contention that the sound mitigation elements described for the acoustic model 'may never make it into the stadium' is inaccurate." (WJHW 10/3/23 Rebuttal, p. 16)

With respect to mitigation elements already in the stadium design as of September 27, 2023, Harper stated exactly the opposite. In fact, WJHW concedes that the "temporary" measures are still "under review." For the first time, WJHW now asserts that NU is "committed" to selecting one of 18 different options in the *hope* of achieving a 20 dBA noise reduction. Assuming the stadium as built includes one of those options, even a 20 dBA reduction won't achieve safe or lawful noise levels. (See Arup 9/27/23 Review, p. 5, Table 1, n. 6)

2. **Fact:** Harper described WJHW's submission of its dBC map predicting low-frequency noise pollution: In April, WJHW's first submission did not include such a map, and the City pressed NU to provide it. In June, WJHW supplied it. (Video at 1:55:05)

WJHW claim: "Mr. Harper states that the Henderson analysis did not include the low frequency sound levels in our report." (WJHW 10/3/23 Rebuttal, p. 18).

3. **Fact:** Harper made no statement about events *inside* Welsh-Ryan arena.

WJHW claim: Harper said that WJHW ignored "events held in Welsh-Ryan Arena." (WJHW 10/3/23 Rebuttal, p. 18)

4. **Fact:** Gameday noise is the foundation of WJHW's analysis and the basis for its 65 dBA concert noise "target" at neighborhood residences: "The site sound level measurements show the typical weekend ambient sound levels in the area surrounding Ryan Field are between 50-65 dBA (depending on proximity to the football stadium). This is a useful starting point for reviewing mitigation options in the stadium and the various uses. Based on these values, **we think targeting a sound level of approximately 65 dBA at the residential properties would be appropriate to maintain current event sound level transmission to the neighborhoods.**" (WJHW Second Revised Summary dated August 2, 2023, p. 13; emphasis supplied; *see also* WJHW Summary dated April 20, 2023, p. 7 and WJHW First Revised Summary dated June 27, 2023, p. 8)

WJHW new position: "WJHW's has stated similar noise levels already exist in the neighborhoods due to football games." But then WJHW suggests that gameday noise was *not* the basis for its analysis: "This is not an argument regarding duration, level of annoyance, or otherwise. It is a reminder that these noise levels currently exist in the neighborhoods." (WJHW 10/3/23 Rebuttal, p. 18)