

**AGENDA**  
**Municipal Services Committee**  
**January 25, 2021**  
**7:00 P.M. – Council Chambers**

**CITY OF DARIEN TEMPORARY AMENDMENT TO MUNICIPAL SERVICES  
COMMITTEE MEETING FOR COMPLIANCE WITH ILLINOIS OPEN MEETINGS  
ACT:**

- All Alderpersons will participate in the committee meeting by way of audio or video conferencing.
- The public is permitted to attend the Committee meeting but the meeting room will be limited to ten members of the public at one time. The public will be required to maintain social distancing rules and are required to wear a mask while in the building.
- The public is encouraged to participate in committee meetings by submitting questions and comments via email to Municipal Services Director Daniel Gombac at dgombac@darienil.gov
- Emails providing public comment shall be submitted prior to the start of the committee meeting.

**1. Call to Order & Roll Call**

**2. Establishment of Quorum**

**3. Old Business**

**4. New Business**

- a. **Ordinance** – Approval of a text amendment to Section 9-3-1 of the City Code adding restrictions regarding the idling of vehicles, specifically expanding the zoning districts in the City where property owners shall post “No Idling/per Darien City Code” signs.
- b. **Motion** - Architectural and design guidelines for Commercial and Office developments. Per City Council direction, guidelines are recommended versus mandates, meaning the guidelines will not be implemented as a zoning code amendment or Comprehensive Plan update.
- c. **Resolution** – Approval awarding a contract to Homer Tree Care, Inc in an amount not to exceed \$147,000.00 for the City's 2021/22 Tree Trimming and Removal Program.
- d. **Resolution** – Approval awarding a contract to Rag’s Electric, Inc., the 2021 Street Light Maintenance Contract beginning May 1, 2021 through April 30, 2022.
- e. **Resolution** – Approval to authorize the Private Property Rear Yard Storm Water Management Assistance Projects.
- f. **Resolution** - Approval to extend a contract with Denler Inc. in an amount not to exceed \$221,250.00 for the 2021 Crack Fill Program.

- g. **Resolution** – Approving the services for a Code Enforcement Officer.
  - h. **Resolution** – Approval to enter into an engineering agreement with Christopher B. Burke Engineering for professional services related to a Controlled Wetland Management Burn and Vegetation Management at the Dale Road Basin in an amount not to exceed \$27,750.00.
  - i. **Resolution** – Approval to enter into an agreement for professional services related to Management and Monitoring of 10-acres of Wetland/Natural Areas within the Tara Hill subdivision for a five year period in an amount not to exceed \$25,000.00.
  - j. **Resolution** - Preliminary approval for the 2021 Street Maintenance contract with Brothers Asphalt Paving, Inc. as per the following schedule of pricing: base bid - \$1,218,851.55; alternate 1 - patching - \$ 89,100.00; alternate 2 – aggregate shoulders - \$24,000.00; alternate 3 - 67<sup>th</sup> Street realignment - \$96,818.75 for a total of \$1,428,770.30.
  - k. **Minutes** – **September 28, 2020** Municipal Services Committee
5. **Director’s Report**
  6. **Next scheduled meeting – February 22, 2021**
  7. **Adjournment**

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Approval of a text amendment to Section 9-3-1 of the City Code adding restrictions regarding the idling of vehicles, specifically expanding the zoning districts in the City where property owners shall post “No Idling/per Darien City Code” signs.

**BACKGROUND**

At the March 4, 2019 City Council meeting, the Council adopted a text amendment to regulate vehicle idling times as a way to reduce air pollution and conserve fuel. Per the adopted Ordinance (Ordinance No. 0-09-19), a mandate for owners of property in any of the City’s B Zoning Districts to post “No Idling/per Darien City Code” signs was included. Since the time of adoption, staff has been requested to expand the zoning districts subject to the above-mentioned mandate to include the Office Research and Light Industry (OR&I) Zoning District and the General Industrial (I-1) Zoning District.

Staff has identified the following parcels under OR&I and I-1:

- |                      |                      |
|----------------------|----------------------|
| - PIN# 09-29-302-065 | - PIN# 09-32-115-005 |
| - PIN# 09-32-106-007 | - PIN# 09-32-116-008 |
| - PIN# 09-32-106-008 | - PIN# 09-34-300-005 |
| - PIN# 09-32-106-018 | - PIN# 09-34-300-020 |
| - PIN# 09-32-106-021 | - PIN# 09-34-300-021 |
| - PIN# 09-32-106-023 | - PIN# 09-34-300-022 |
| - PIN# 09-32-106-024 | - PIN# 09-34-300-023 |
| - PIN# 09-32-106-029 | - PIN# 09-34-300-024 |
| - PIN# 09-32-106-030 | - PIN# 09-34-302-018 |
| - PIN# 09-32-106-035 | - PIN# 09-34-303-030 |
| - PIN# 09-32-106-036 | - PIN# 09-34-310-003 |

Attached and labeled as [Exhibit 1](#) is the amended ordinance.

**STAFF RECOMMENDATION**

Approval of an ordinance for Council consideration.

**ALTERNATIVE CONSIDERATION**

As directed by the Municipal Services Committee.

**DECISION MODE**

This item will be forwarded to the City Council for formal consideration at the February 1, 2021, meeting.

**CITY OF DARIEN  
DU PAGE COUNTY, ILLINOIS**

---

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING  
THE DARIEN CITY CODE FOR PARKING RESTRICTIONS  
SECTION 9-3-1**

**(Text Amendment: Vehicle Idling)**

---

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
OF THE  
CITY OF DARIEN**

**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021**

---

**Published in pamphlet form by authority of  
the Mayor and City Council of the City of  
Darien, DuPage County, Illinois, this \_\_ day  
of \_\_\_\_, 2021.**



**AN ORDINANCE AMENDING  
THE DARIEN CITY CODE FOR PARKING RESTRICTIONS  
SECTION 9-3-1**

**(Text Amendment: Vehicle Idling)**

**WHEREAS**, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

**WHEREAS**, the City of Darien has adopted Parking Restrictions which are set forth in Title 9 Chapter 3 of the Darien City Code; and

**WHEREAS**, the City Council has deemed it reasonable to periodically review said Parking Restrictions and make necessary changes thereto; and

**WHEREAS**, on January 25, 2021, the Municipal Services Committee of the City Council considered text amendments to said Parking Restrictions and has forwarded its recommendation of approval to the City Council; and

**WHEREAS**, the City Council has reviewed the findings and recommendations described above and now determines to adopt the text amendments described below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS**, as follows:

**SECTION 1:** Title 9 Chapter 3 of the Darien City Code is hereby amended by amending subsection 9-3-1 (J) to read as follows:

“9-3-1 (J): STANDING OR PARKED IDLING MOTOR VEHICLES.

No standing or parked motor vehicle with a gross vehicle weight rating of eight thousand (8,000) pounds or greater shall be allowed to idle on any public street, public place, or private

property for more than a total of five (5) minutes within a sixty-minute period except under the following circumstances:

- (1) The motor vehicle is an official City of Darien vehicle that is operating in compliance with the City of Darien Vehicle Idling Management Policy;
- (2) The motor vehicle idles while forced to remain motionless because of traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
- (3) The motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (4) A police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;
- (5) The motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;
- (6) When the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (7) A bus idles a maximum of fifteen (15) minutes in any sixty-minute period to maintain passenger comfort while non-driver passengers are on board;
- (8) An armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;
- (9) When idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate nonessential equipment such as air conditioning, heating, microwave ovens or televisions;
- (10) A motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection; or
- (11) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity.”

**The owners of property in the City’s Office Research and Light Industry (OR&I) Zoning District, General Industrial (I-1) Zoning District, and any of the B Zoning Districts shall post “No Idling/per Darien City Code” signage in conspicuous place(s) on such property.**

**SECTION 2: Home Rule.** This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent of the terms of this ordinance should

be inconsistent with any non-preemptive state law, that this ordinance shall supercede state law in that regard within its jurisdiction.

**SECTION 3: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,** this \_\_\_\_ day of \_\_\_\_\_, 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

\_\_\_\_\_  
JOANNE RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Review and approval of architectural and design guidelines for Commercial and Office developments. Per City Council direction, guidelines are recommended versus mandates, meaning the guidelines will not be implemented as a zoning code amendment or Comprehensive Plan update. Instead, staff was advised to develop an Informational Sheet [[Attachment A](#)] for MSC review that contains recommended Design Guidelines for Commercial and Office developments.

**BACKGROUND/HISTORY – Update for Municipal Services Meeting January 25, 2021**

*At the September 21, 2020 City Council meeting, the Council directed staff to develop an Informational Sheet containing recommended design guidelines for Commercial and Office developments. The Council directed staff to develop an Informational Sheet instead of proceeding with a zoning code amendment or Comprehensive Plan update to implement design guidelines throughout the City.*

*Although Council provided the above-mentioned direction to staff, the following narrative and summary of comparable design standards has been included for this meeting so the MSC is aware of the information originally presented to Council.*

**Please see Following Summary/Analysis as Presented to City Council on September 21, 2020:**

With the approval of the recent commercial building at 7532 S. Cass Avenue, which included an economic incentive for improved elevations, several members of Council requested that staff investigate if any similar and comparable communities have code requiring a minimum architectural and design standards for construction. Often categorized as Design Guidelines, these can encompass architectural minimums, site design standards including pedestrian circulation and parking lot standards, as well as landscape preferences and redevelopment thresholds. For the purposes of this discussion, data has generally been limited to standards of architectural construction.

Staff has compiled a spreadsheet [[Attachment B](#)] from similar and adjacent municipalities to investigate the following:

1. Residential versus Commercial:  
Generally recognized as primarily applicable to Commercial (often including Office and Manufacturing uses) over Residential development, staff confirmed that the majority of communities limit regulation to Commercial development.
2. Guidelines and Code Amendments:  
Design guidelines can be codified through Ordinances and become absolutes, only negotiable through variations, or as recommendations through adopted documents such as the Comprehensive Plan. Plan recommendations indicate municipality preference and do not need formally waived.
3. Materials and Features:  
Typical minimum material type, color and mix of materials. Architectural features such building undulation (step-backs or features that break-up the monotony of a large façade), colors and cornice details are often addressed.
4. Thresholds for Improvements:  
New construction, redevelopment, or any opportunity a building permit is obtained.
5. Incentive Programs  
Established methods a municipality may contribute to preferred building materials or methods.

Specific codes, guidelines, and excerpts of relevant materials for all communities have been included not only to document other operations, but also to illustrate the diversity of adoption. Communities included below as listed in general increasing order of design regulation complexity:

<u>Woodridge</u>	–	No adopted standards.
<u>Bolingbrook</u>	–	Limited standards adopted in Code.
<u>Willowbrook</u>	–	Building Façade Materials adopted in Code.
<u>Burr Ridge</u>	–	Building Façade Materials adopted in Code with discretionary provisions.
<u>Westmont</u>	–	Code requiring masonry, General Commercial Design Guidelines authorized through Comprehensive Plan.
<u>Lemont</u>	–	Adopted through Unified Development Ordinance.
<u>Down. Grove</u>	–	Code adoption formed review committees for Downtown and Historic Districts.
<u>Oakbrook</u>	–	Authorized and implemented through Comprehensive Plan.
<u>Naperville</u>	–	Extensive guidelines for multiple districts authorized by Code and refined in the Comprehensive Plan.

## **ANALYSIS**

In general, there are 2 methodologies to adopted standards. One consists of Ordinance adoption to codify requirements, whereas the second dictates preferences through a Comprehensive Plan which are less stringent, but more elaborate in conception to convey intent.

### **Codification through Ordinance**

Code Amendments can create material and design requirements. As these requirements would typically be adopted in the Zoning Code, any waiver request would be processed as a variation. This method proves more cumbersome for development approvals, but also sets a strong municipal tone that higher quality development is a requirement.

Of particular note, Burr Ridge utilizes code language such as “shall be of high quality materials” and recommends what these materials could be, while “discouraging” stucco or EIFS. The language is codified as such that required variations can be avoided.

Willowbrook has also codified material requirements; however, creates exception by requiring “one or more of the materials”, with further stipulations to allow stucco or EIFS with other materials.

Westmont has a unique clause in the building code that requires masonry construction for fire protection. While this does not prohibit less sightly materials such as block or concrete, it does by default prohibit stucco and EIFS. This requirement can be waived by Council approval without a variation because requirement is not subject to Zoning Code provisions.

### **Comprehensive Plan**

A more common representation of Design Guidelines can be found either in adopted Comprehensive Plans, or by authorizations in Code or the Plan to further adopt guidelines. These guidelines can address construction by District, by Use, or as a blanket requirement to any construction. Guidelines are just as stated – recommendations forwarded by the community intended to be considered by development. These recommendations are only viewed as strong as a voting body desires to hold firm to the requirement. Unlike code amendments, this is less of a burden on development as variations are not needed, and requirements can be waived when necessary. However, this does require that a Comprehensive Plan be detailed and updated regularly.

Naperville displays extensive guidelines for construction. These guidelines often include additional provisions for ideals such as pedestrian circulation, design of parking lots, signage, drive-through recommendations, and bike paths.

Of the 9 communities surveyed, 6 of 9 had definitive requirements for *commercial development*. An additional 2 municipalities limit regulation to commercial developments in a “Downtown” area. In all, 8 of 9 communities regulate commercial properties in some manner.

Regarding *residential development*, only Lemont fully regulates single-family development. All others are very limited, and either address requirements for multi-family projects, or large-scale new single-family residential developments. In comparison to commercial, only 1 of 9 communities regulate single-family residential development.

Most municipalities indicate that applicability for enforcing the design guidelines are attributed to new development, redevelopment, and all permits. None created a *threshold* of improvements that would trigger application of code, yet all stated a level of discretion afforded to staff when deemed necessary. As an example, this may require an existing building doing façade renovations to incorporate some materials and details, but not a strict adherence to the codes.

Finally, staff could only determine 3 communities that had *incentive grant programs* for implementing such improvements. These were limited to façade grant programs and business improvement funding. Note that while not all had formalized programs, communities have other methods to provide discretionary incentives not directly tied to design guidelines or requirements.

Staff researched the American Planning Association (APA) for additional guidelines. [[Attachment C](#)] (100 Pages) is an overview presented by the American Planning Association (APA). In summary, design review continues to be widespread in its use and does require ongoing refinement including attention to legal principles.

While the City of Darien is buildout to large scale development, the City has actively engaged with developers for higher quality curb appeal. Example of such have been:

- Darien Point – Facade Aesthetics
- Rolling Knolls – Frontage Brick Façade
- Water Feature – Cass Avenue and Plainfield Road
- 7532 LLC – Façade Aesthetics

---

### **STAFF RECOMMENDATION**

*Approval of an Informational Sheet containing recommended Design Guidelines for Commercial and Office developments for Council consideration.*

### **ALTERNATIVE CONSIDERATION**

*As directed by the Municipal Services Committee.*

### **DECISION MODE**

*This item will be forwarded to the City Council for formal consideration at the February 1, 2021, meeting.*



*A nice place to live.*

## COMMERCIAL AND OFFICE DESIGN GUIDELINES

### PURPOSE AND INTENT

The Commercial and Office developments within the City of Darien operate as the primary employment centers and drive valuable tax revenue for the City. These Design Guidelines, while applicable to new developments, can also provide guidance for improving, upgrading and maintaining existing construction. Key concepts should be considered when planning for exterior construction and improvements to promote and maintain high-quality and sustainable developments, interjecting design principals where preferred and applicable.

### MATERIALS

All exterior building façades in the Commercial and Office Districts should be of high quality materials that may include but are not limited to brick, natural stone, precast stone, architectural pre-cast panels, or glass. The use of plastic siding, vinyl siding, or aluminum siding and the use of engineered stucco exterior insulation and finish systems (EIFS) are discouraged and should only be used as secondary materials.

### DESIGN

Design concepts can be applied dependent on magnitude of construction or nature of development. Integration into existing developments should be considered to a degree proportional to construction and anticipated net benefit.



This image shows a local athletic facility combined with office space. The building pictured incorporates several types of materials that are encouraged by the City of Darien, which are natural and precast stone, architectural precast panels, and glass.



## ARCHITECTURAL ELEMENTS & SITE DESIGN

- DETAILS

Distinguished architectural features are encouraged, such as decorative cornices, columns, reliefs, and other façade ornamentation and detailing. Awnings, covered colonnades and walkways, and lighting can also contribute to architectural detail.

- BUILDING ARTICULATION

Building exterior walls should not appear as monotonous and are encouraged to incorporate recesses and projections to add dimension, light and shadow, and interest. Large expanses of façade can also utilize increased landscape to soften and diffuse elevations.

- ENTRY

Buildings should have clearly defined, highly visible entrance façades featuring elements such as canopies, awnings, or porticos; articulation of the building exterior wall, either recessed or projected, at the entrance; corniced parapets over the door; arches or peaked roof forms above entrance; architectural details such as tile work, brick soldier course, or moldings.

- 3- AND 4-SIDED CONSTRUCTION

Façade designs should consider if portions of the building may be visible from street frontages. These secondary façades do not need articulation as extensive as the entry façade, but should consider similar design features and overall impact to the street vantage points.

- MECHANICAL EQUIPMENT

Rooftop mounted equipment should be screened from view where possible, and screening should be incorporated into the overall design of the architecture.

- LANDSCAPE

New and existing landscape should be referenced to standards in Chapter 10 of the Municipal Code to meet minimum requirements, but should also consider development specific features such as outdoor spaces, buffers to adjacent dissimilar uses, and impactful setbacks to major thoroughfares.

- PEDESTRIAN/OUTDOOR SPACES AND CROSS-ACCESS CIRCULATION

Pedestrian connections both internal to a site and external to provide access to public sidewalks should be accommodated where possible. Commercial developments should be designed with adequate space to anticipate outdoors uses, such as the potential of dining patios for future restaurant tenants. Additionally, cross-access and cross-circulation provide an added benefit to commercial and office developments. Developments should design and pursue such access for mutual benefit between adjacent properties.



The above-pictured office building not only incorporates encouraged building materials, it has distinguished architectural details and a clearly defined entry.



The development shown in this picture demonstrates quality landscaping from an aesthetic standpoint, but also provides efficient circulation for pedestrians and a sense of outdoor space.



Does the Community regulate design standards?				Commercial								
				Enacting Ordinance			Details					
	COMMERCIAL	RESIDENTIAL	NOTES	Through Code	In Comprehensive Plan	By District	Material Requirements	Architectural Features	Applicable To?	Threshold for Applicability	Community Incentives	Exemption Method?
WESTMONT	YES	*PARTIAL	Commercial area design guidelines, specific to each type of commercial district.	Building code local amendment (Sec 18-65) references a requirement for "masonry construction for anything not single-family or duplex.	Comp plan defines "sub-areas" and authorizes adoption of design guidelines.	Guidelines for specific commercial districts as authorized in the Comp Plan and defined by the document. References "should" over "shall".	Promotes brick and stone over EIFS.	Encourages entry, cornice, and other façade ornamentation. 360 architecture design, landscape, and preferred parking lot configurations.	Masonry requirement all new commercial construction. Brick or stone - only in assigned commercial districts.	No minimum construction threshold, applicable to all construction in each district.	None, formally, although Westmont has a façade grant program in the downtown.	"Masonry" requirement of the building code can be waived with request to the Board. "Guidelines" are only recommendations, no waiver or variation required.
WILLOWBROOK	YES	NO	Façade requirements in all non-residential.	Adopted code for "Building Façade Materials" in each zoning district standard.	N/A	Standards by zoning designation, not any particular sub-area or district.	Must construct of "one-or-more" preferred materials such as brick or stone, but also allows for EIFS above masonry. Prohibits concrete, CMUs, and metal.	N/A	Business, Office and Industrial districts.	New construction and redevelopment.	N/A	Variation
WOODRIDGE	NO	NO	No design standards.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BOLINGBROOK	*PARTIAL	*PARTIAL	*Limited controls, not specific to commercial materials.	Development Code Chapter 30	N/A	N/A	N/A	Not related to building construction and design, but addresses rooftop equipment screening, dumpster screening, parking areas.	Appearance criteria tied to any building permit.	Building permits and zoning approvals.	N/A	Variation
LEMONT	YES	YES	Requirements for general commercial and residential, higher standards for historic or downtown districts.	Defined in Unified Development Ordinance.	Comp plan recommends and authorizes adoption of construction standards to maintain and improve character.	Uniform application in non-residential and multi-family districts, with higher requirements in designated sub-districts (e.g. downtown)	Minimum material requirements for both facades and walls not facing a street. Preference for brick, stone or fiber cement board siding. Allows for 25-50% non-preferred materials. Color restrictions to earth tones.	Requirements for building articulation based on minimum façade length. Building entrances must be further articulated.	Select business districts.	New construction.	Comp plan references façade programs and other economic incentives, but not specific to funding construction requirements.	Variation
BURR RIDGE	YES	*PARTIAL	Requirements in the Business, Transitional (including residential in this district) and Manufacturing Districts.	Defined in Zoning Ordinance	N/A	N/A	Notes recommended materials with "shall" and "should", and other materials as "discouraged".	The first eight feet of an elevation "should" be brick or stone.	Business Districts, Transitional Districts (including residential within), and Manufacturing Districts.	New construction and redevelopment.	Incentives can be approved by Board, but are not specific to design standards.	Variations where needed, but written where discretion without variation is possible.
OAKBROOK	YES	NO	Referenced in Comprehensive Plan, not code.	N/A	Amendment (update) to Comprehensive Plan	N/A	References the preference for 4-sided architecture consisting if high-quality materials.	Encourages architectural features and discourages blank facades. Requires rooftop screening.	All commercial areas.	New construction and redevelopment.	N/A	None needed. Comprehensive Plan is only a guiding document.
DOWNERS GROVE	PARTIAL*	PARTIAL**	Recommendations through Comprehensive Plan, other requirements in zoning ordinance.	* PARTIAL Code authorizes the formation and authority of the Architectural Design Review Board. Only has authority in Downtown and Historic Districts.	Comp Plan authorized the adoption and use of commercial design guidelines.	Comp Plan outlines that they can be adopted independent of district; however, recommends commercial districts. Currently applies to only Downtown zoning districts.	Specifically avoids material exclusions, but states buildings should be constructed of high-quality materials, with a three material variety strongly preferred in facades.	Gives specific features for building base, middle and top of a building façade.	Downtown and Historic Districts.	New construction and redevelopment.	Comprehensive plan references both a façade grant program and "Business Improvement Funding Sources" such as a TIF or SSA, and BID (Business Improvement District).	As approved by Architectural Design Review Board.
NAPERVILLE	YES	PARTIAL*	Residential only in specific downtown districts or transitional areas.	Code references the authority to execute the policies put forth in the Comp Plan.	Comp Plan divided the City into districts, and each district has a subset of design guidelines.	(1) east sector, the (2) northwest sector and the (3) southwest community area, as well as citywide Building Design Guidelines.	Defines all materials, "primary" and "accent", with preference for brick and stone. EIFS cannot be primary, and limited to above the pedestrian level.	Four-sided architecture, articulation, modulation, color scheme recommendations are all fully defined.	Primarily commercial districts but can be applied as needed - all have their own subsets of design guidelines.	All construction requiring permits.	N/A	None needed. Comprehensive Plan is only a guiding document.

Does the Community regulate design standards?				Residential								
				Enacting Ordinance			Details					
	COMMERCIAL	RESIDENTIAL	NOTES	Through Code	In Comprehensive Plan	By District	Materials	Features	Applicable	Threshold	Incentives	Exemption Method?
WESTMONT	YES	*PARTIAL	Commercial area design guidelines, specific to each type of commercial district.	*PARTIAL Building code local amendment references a requirement for "masonry construction" for multi-family and duplexes (excluded single-family).	N/A	N/A	"Masonry"	N/A	N/A	Duplexes must have 50% of all exterior walls.	N/A	"Masonry" requirement of the building code can be waived with request to the Board. "Guidelines" are only recommendations, no waiver or variation required.
WILLOWBROOK	YES	NO	Façade requirements in all non-residential.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WOODRIDGE	NO	NO	No design standards.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BOLINGBROOK	*PARTIAL	*PARTIAL	*Limited controls, not specific to commercial materials.	Limited controls to limit monotony in the construction of new residential subdivisions.	Development Code Chapter 30	N/A	N/A	Requires diversity of materials, colors and floorplans when in proximity.	Residential permits.	Appearance criteria tied to any building permit.	N/A	Variation
LEMONT	YES	YES	Requirements for general commercial and residential, higher standards for historic or downtown districts.	Defined in Unified Development Ordinance.	Comp plan recommends and authorizes adoption of construction standards to maintain and improve character.	Applies to all residential districts.	Both permissive and prohibited materials list. Limits vinyl siding to 33% of façade.	Anti-monotony standards define architectural details. The requirement for dissimilar adjacent homes results in the addition of architectural detail to comply.	Residential permits.	New construction.	N/A	Variation
BURR RIDGE	YES	*PARTIAL	Requirements in the Business, Transitional (including residential in this district) and Manufacturing districts.	*PARTIAL Defined in Zoning Ordinance. Reference commercial requirements.	N/A	Only has applicability to residential in Transitional Districts.	N/A	N/A	N/A	N/A	N/A	Variations where needed, but written where discretion without variation is possible.
OAKBROOK	YES	NO	Referenced in Comprehensive Plan, not code.	N/A	Amendment (update) to Comprehensive Plan	N/A	Referenced to "encourage high-quality, 4-sided architecture".	N/A	N/A	N/A	N/A	None needed. Comprehensive Plan is only a guiding document.
DOWNERS GROVE	PARTIAL*	PARTIAL**	Recommendations through Comprehensive Plan, other requirements in zoning ordinance.	** PARTIAL Code authorizes the formation and authority of the Architectural Design Review Board.	N/A	Only has applicability to residential in Downtown and Historic Districts.	N/A	N/A	N/A	N/A	N/A	As approved by Architectural Design Review Board.
NAPERVILLE	YES	PARTIAL*	Residential only in specific downtown districts or transitional areas.	* PARTIAL Only has applicability to residential in Downtown and Historic Districts.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	None needed. Comprehensive Plan is only a guiding document.

**Section 30-203. SALE.** No sale of any parcel of land creating a subdivision covered by this Chapter shall be consummated until a subdivision plat, together with required data, has been reviewed by the Plan Commission and reviewed and approved by the Village Board.

**Section 30-204. PERMITS.** No building permit shall be issued for the construction of any building, structure or improvement on any parcel subject to this Chapter until a final plat or plan shall have been approved. No occupancy permit shall be granted for the use of any building or structure on a parcel until required sanitary sewer and water service have been installed and made ready for servicing the parcel, until roadways providing access to the parcel and lots thereof have been paved with the base course of asphalt, as set out herein, and until sidewalks, street lights and street signs have been installed.

**Section 30-205. RECORDING.** No Plat of Subdivision shall be recorded in the Recorder's Office of any County, or have any validity, until it shall have been approved in the manner prescribed by this Chapter.

**Section 30-206. APPEARANCE CRITERIA.** No building permit approval shall be given for the development of any building, structure or improvement on any parcel subject to this Chapter until it has been determined that the proposed development will conform to the following criteria, which review shall be conducted by the Zoning Administrator or his designee:

**A. RELATIONSHIP OF BUILDINGS TO SITE**

1. The site shall be planned to provide for planting, pedestrian movement and parking areas.
2. Site planning in which setbacks and yards are in excess of zoning restriction is encouraged to provide a compatible relationship between buildings.
3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms and/or other means so as to screen parking areas from view from public ways.
4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
5. In relating buildings to site, the provisions of the Village Zoning Ordinance in regard to bulk regulations, standards, and off-street parking shall be part of these criteria.

**B. BUILDING DESIGN**

1. To encourage chromatic diversity in residential buildings, the color of the main siding material must be different from the color of the main siding material of adjacent residential buildings when two adjacent residential buildings are the same architectural model. The use of different trim colors, although encouraged, will not, in itself, count as a color change. Brick facing, unless covering the entire front elevation of the building except for trim or used on all elevations of the building, will not be considered the main siding material.
2. To encourage chromatic diversity in residential buildings, the same color of the main siding material cannot be used on three residential buildings in a row. The use of different trim colors, although encouraged, will not, in itself, count as a color change.

Brick facing, unless covering the entire front elevation of the building except for trim or used on all elevations of the building, will not be considered the main siding material.

3. To encourage architectural and visual diversity, adjacent residential buildings must have significantly different front elevations. The following elements will be used to evaluate front elevation changes:

a. Major Elements

- 1) Configuration of siding material
- 2) Window locations
- 3) Roofline silhouette/additional or deletion of dormers
- 4) Addition or deletion of porches
- 5) Addition or deletion of front elevation extensions
- 6) 180 degree rotation of the floor plan only if the front elevation design is asymmetrical in terms of window and door location and roofline silhouette.
- 7) Change of color and/or size of the brick only when the brick covers the entire front elevation of the building except for trim, windows and door.

b. Minor Elements

- 1) Color of roofing material
- 2) Garage - Adding a garage, adding to garage capacity or changing garage door style
- 3) Window style
- 4) Door location and/or trim
- 5) Trim and architectural detailing

To be considered a significantly different front elevation two (2) major elements and two (2) minor elements must be changed. Two minor element changes may be substituted for one of the required two major element changes.

4. For the purposes of interpreting 1 and 2 of Section 30-206B "adjacent" shall not refer to residential buildings across the street.
5. For the purposes of interpreting 1 and 2 of Section 30-206B "adjacent" shall not refer to residential buildings to the rear of the subject building except on corner lots.

6. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view or they shall be located so as not to be visible from any public ways. *Exception: rooftop equipment on industrial buildings greater than 500 feet from residentially zoned or developed property.* (Ordinance 19-024, 03.26.19)

7. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be included in the architectural design.
8. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways in attached residential buildings and all commercial and industrial developments.
9. The provisions of the Bolingbrook Zoning Ordinance in regard to bulk regulations and standards, and those portions of all codes which directly affect appearance, shall be part of the criteria of this sub-section.

(Ordinance 88-010, 03.22.88)

**Section 30-207. VARIATIONS.** Upon a finding that severe hardship caused by conditions uniquely attributable to the land under consideration would be imposed upon Applicant by compliance with these regulations and upon a finding that there are alternate feasible means of fulfilling the purpose of the regulations to protect the public health, safety and welfare, the Plan Commission may recommend and the Village Board may grant variances from the regulations of this Chapter.

The Director of Public Services and Development may vary and make exceptions to some of the design alternatives and/or modify existing requirements where there is sufficient evidence, in his/her opinion, that other design methodology will serve same design principle and is the most suited to the site and that such exceptions may be made without being contrary to the intent of the code. (Ordinance 15-033, 05.26.15)

**Section 30-208. MINIMUM DWELLING SIZES IN UNCOMPLETED SUBDIVISIONS.** When fifty percent (50%) of the platted lots within a subdivision, or, if the subdivision is being constructed in phases, within each phase, are occupied by dwelling units that have received a final occupancy permit or by dwelling units that are under construction, having at least established the footings and foundations, then any dwelling units constructed on the remaining lots must equal or exceed the first story square footage and gross square footage of the smallest sized dwelling unit within said subdivision or phase thereof. (Ordinance 86-66, 11.11.86)

## CHAPTER 6

## BUSINESS DISTRICTS

## SECTION:

**9-6-1: General Conditions****9-6-1: GENERAL CONDITIONS:**

The following regulations apply to all business districts within the Village, and each use must comply with them:

(A) **Minimum Lot Area; Two Or More Uses On A Lot:** Wherever two (2) or more permitted uses or special uses, each requiring a minimum lot area, are located in the same building or on the same lot, the required minimum lot area shall be the sum of the areas required for each use individually. When one or more uses has a required minimum lot area and is located on a lot with a use which does not have a required minimum lot area, the total lot area shall equal the sum of the required lot areas, plus an additional area equivalent to that devoted to the use which does not have a required minimum lot area.

(B) **Business Establishments:** All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced, and all business, service, storage, merchandise, display, and where permitted, repair and processing shall be conducted wholly within a completely enclosed building, except for off street automobile parking, off street loading and open sales lots and drive-in facilities in districts where they are permitted. Goods sold shall consist primarily of new merchandise, except for antique shops. (Ord. 77-O-14, 3-31-1977)

(C) **Parking Of Trucks, Vans, Trailers And/Or Semitrailers (Trucks):**

1. Trucks having a registered gross vehicle weight (RGVW) not exceeding twelve thousand (12,000) pounds used in conjunction with the operation of any use permitted in business districts may only be parked on the property where the use permitted is located. Trucks having a RGVW not exceeding twelve thousand (12,000) pounds, shall be parked to the rear of the principal building within and on a hard surface off street parking area if present. If such an area is not present to the rear of the building, trucks may be parked on a hard surface off street parking area located along the side of the principal building, but not within the required setbacks. In no event shall truck parking be located in front of the principal building. In addition, such truck parking shall not take place within one hundred fifty feet (150') of a residential district boundary line without the prior specific approval of the Director of Municipal Services. Such approval shall be determined on an individual basis depending on site and area conditions. If a truck parking area meeting the above parameters is not available on the property, the truck(s) shall not be permitted to be parked on the property. (Ord. 97-O-05, 1-27-1997; amd. Ord. 99-O-10, 5-24-1999; Ord. 05-O-32, 11-14-2005)

2. No trucks having a registered gross vehicle weight (RGVW) greater than twelve thousand (12,000) pounds, shall be stored, parked or otherwise permitted to stand in any business district except when engaged in actual loading/unloading operations.

(D) **Front And Exterior Side Yard Landscape Planting Requirements:**

1. Landscape plantings shall be provided within any yard adjoining a street within a business district, in conformance with the standards contained within subsection 9-14-2(D) of this title. The quantity of plantings required within all yards adjacent to a street, in addition to required parkway trees, shall be based upon a point system ratio according to five (5) times the linear length of the specific yard frontage, measured at the property line.

2. The following is the assigned point value for each plant category that shall be used to compute the number of plants required:

Shade tree	100 points
Conifer tree	60 points
Ornamental tree	50 points
Evergreen shrub	15 points
Deciduous shrub	10 points

3. Earth berms constructed in a continuous and/or undulating configuration, which perform a screening function and are within a minimum height range of two and one-half feet ( $2\frac{1}{2}'$ ) to three feet (3'), may be credited up to a maximum of fifty percent (50%) of the total landscape planting points required within a yard. The maximum percentage of points credited for berms shall be equal to ten (10) times the average berm height where said berm extends across a minimum of seventy five percent (75%) of the yard frontage. (Ord. 97-O-05, 1-27-1997)

(E) **Building Facade Materials:**

1. All exterior building walls shall be constructed out of one or more of the materials stipulated below:

- (a) Face brick.
- (b) EIFS (e.g., Dryvit®) when used above a minimum seven foot zero inch (7'0") high masonry knee wall.

- (d) Architectural stone.
- (e) Architectural aggregate panels.
- (f) Fully colored fluted block assemblies.
- (g) Fully colored split-faced block assemblies.
- (h) Stucco, when used above a minimum seven foot zero inch (7'0") high masonry knee wall.
- (i) Glazed assemblies.

2. Use of the following building facade materials shall be specifically prohibited: poured concrete (including "tip-up" panels), common use concrete block (CMUs), metal siding and metal panels. (Ord. 99-O-10, 5-24-1999)

(F) Exterior Lighting Fixtures: Exterior lighting fixtures shall be shaded wherever necessary to avoid casting glare upon adjacent property in compliance with requirements of section 9-9-8 of this title.

(G) Walks, Landscaping Required: All premises shall be furnished with all-weather, hard-surface walks, and except for building and parking areas, the grounds shall be landscaped. (Ord. 97-O-05, 1-27-1997)





## BURR RIDGE ZONING ORDINANCE

### SECTION VIII BUSINESS DISTRICTS

#### A. GENERAL PROVISIONS

##### 1. Permitted Uses

- a. No building, structure, or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure, or tract of land shall be located, with the exception of the following:
- (1) Uses lawfully established on the effective date of this Ordinance. Uses already lawfully established on the effective date of this Ordinance and rendered non-conforming by the provisions shall be subject to the regulations of Section XII.
  - (2) Special uses as allowed in each district.
- b. All business establishments shall be retail trade, office or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced; provided, however, if the premises are less than 3,000 square feet in size and both sells and produces such goods on the premises, such goods may also be sold off-premises as well.

##### 2. Bulk Requirements

Bulk requirements shall be as specified under each zoning district as described herein, except as otherwise specifically approved for a planned unit development. In addition, no building or structure shall be converted so as to conflict with, or further conflict with, the bulk requirements of the district in which such building or structure is located.

##### 3. Yard Requirements

Yard requirements shall be as specified under each zoning district as described herein, except as otherwise specifically approved for a planned unit development.

##### 4. Operation Within Enclosed Buildings

All business, service, storage, merchandise display, repair, and processing, where allowed, shall be conducted within a completely enclosed building, except as follows:

- a. Outdoor activities are permitted for uses which by definition require outdoor activities such as parking and loading areas, automobile service stations, car washes, or recreation areas for child care centers and nurseries.
- b. Outdoor activities listed as special uses, such as outdoor dining areas, drive-through windows, and outdoor displays of merchandise, may be approved by the Board of Trustees upon recommendation from the Plan Commission subject to Section XIII, herein.





- c. Temporary (for a limited duration of time) outdoor activities may be permitted subject to written approval by the Community Development Director. Such activities shall not include any permanent improvements, buildings, or structures. Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales.

5. Outdoor Dining

Restaurant outdoor dining areas, when permitted as a special use, shall be subject, at a minimum, to the following:

- a. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
- b. Door to the dining area shall be self-closing;
- c. Tables shall be cleaned promptly following use;
- d. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- e. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- f. No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant;
- g. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
- h. Outdoor food preparation, storage or display is prohibited;
- i. Hours of operation of an outdoor dining area shall be as specifically approved by the Village.

6. Nuisances

Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste, or any other environmental reason. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products, shall conform with the performance standards established in this Ordinance for Manufacturing Districts, provided that performance standards shall in every case be applied at the boundaries of the lot on which such activity takes place.

7. Parking and Loading

- a. With the exception stated below regarding delivery trucks of a business establishment, parking of trucks in the open shall be prohibited. Trucks making deliveries to the business premises shall make deliveries only at loading docks where provided and, if there is no loading dock, such trucks may park only for such time as is necessary to complete the delivery.
- b. Delivery trucks for a business establishment may be parked overnight on a property within the B-1 or B-2 Districts subject to the following:
  1. Parking of delivery trucks shall be limited to two per business



establishment.

2. A delivery truck as defined for purposes of these regulations shall not exceed 24,000 pounds.
  3. Delivery trucks shall be parked in an employee parking lot designated at the time of the site plan approval or in the rear of the business establishment. However, if the rear of the business establishment adjoins a residential district, said delivery trucks shall be screened from view from the residential district or parked to the side of the principal building. Under no circumstances shall a delivery truck be parked between the principal building and the front or corner side property line.
- c. Off-street parking and loading shall be provided in accordance with the regulations established in Section XI of this Ordinance.

**8. Signs**

All signs shall comply with the applicable provisions of the sign regulations of the Burr Ridge Municipal Code (such Sign Ordinance shall not be construed as being incorporated herein).

**9. Building and Site Plan Review**

- a. Due to the need to protect valued natural resources and the integrity and environment of the Village's residential neighborhoods, traffic congestion and safety conditions and the land-use character of key intersections, areas containing unique natural features, transition areas adjacent to residential districts and areas at or near major intersections are identified as being of significant impact to the Village. Therefore, all petitions for rezoning to the B-1 or B-2 Districts, all requests for special use approval pursuant to Sections VIII.B.2 and VIII.C.2 herein, and all applications for building permits for the construction of new buildings, building additions, structures, parking lots, and fences within the B-1 or B-2 Districts, shall be subject to building and site plan review and approval. Any building, structure, and site development must comply strictly with the approved site plan, and any building or occupancy permit will not be issued, or will be revoked if already issued, if the development does not strictly comply with the approved site plan.
- b. The site plan shall indicate the locations of proposed and existing buildings and structures and any proposed new additions to the existing buildings and structures, properly arranged facilities, water detention and drainage facilities, landscaping, buffering to adjacent residential areas, and such other buffering or features as are necessary or appropriate to fit harmoniously with the character, use and zoning of adjoining and surrounding properties and to avoid any appreciable adverse effect upon such properties. Such site plan shall also include and/or be accompanied by the documents and information required under Section XIII of this Ordinance. The Plan Commission, in its discretion, may waive the requirement of submitting any or all such information in connection with applications for approval of site plans for uses in the Business Districts.
- c. Such building and site plan and any accompanying documents or information, shall be filed with the Community Development Director. The Community Development Director shall schedule the building and site plan for review by the Plan Commission and shall provide notice of the Plan Commission's scheduled review in compliance with established procedures



for notice of Plan Commission public hearings.

- d. The Community Development Director shall refer such building and site plan and documents to the Plan Commission and the Village Engineer, Village Forester, and Building Commissioner for review. The Plan Commission shall review the report of the Community Development Director and the findings of the Village Engineer, Village Forester and Building Commissioner at the first meeting following receipt of a report of their findings. After such review, the Plan Commission shall submit its recommendation to the Village Board of Trustees, who shall either approve or disapprove the proposed site plan, or approve it with modification, or shall refer the site plan back to the Plan Commission for reconsideration or modification. The Plan Commission's recommendation to approve and the Board's approval of building and site plans may be conditioned on future approval of revised landscaping plans or engineering, as may be needed due to required site plan modification.
- e. All exterior building facades in the Business Districts shall be of high quality materials that may include but are not limited to brick, natural stone, precast stone, architectural pre-cast panels, or glass. The use of plastic siding, vinyl siding, or aluminum siding and the use of engineered stucco systems, including but not limited to those commonly known as "Dryvit" or exterior insulation and finish systems (EIFS) are discouraged as exterior building façade materials for all buildings in the Business Districts. Traditional cement based stucco may be used as an exterior building material subject to the following restrictions:
  1. The majority of a building's façade should be brick, natural stone, pre-cast stone architectural pre-cast panels, or glass.
  2. The first 8 feet from the top of the building's foundation should be brick, natural stone, pre-cast stone, or architectural pre-cast panels with the intent of creating the appearance of a strong building foundation.
  3. Stucco shall be installed as per the manufacturer's specifications. (9e added by Ordinance A-834-01-12).

#### 10. Landscaping and Buffering

- a. All required parking areas, yards or other required open spaces shall be appropriately landscaped in accordance with Section XI.C.11 and with landscaping plans submitted to and approved by the Village, and thereafter shall be maintained in such a manner as to retain the intended standards of the approved landscaping plan and to conform to the landscaping requirements of the Village. As part of Subsection VIII.A.9, Site Plan Review will include the review of proposed landscape design and improvements. The proposed landscaping plan shall be filed with the Community Development Director, who shall then refer it to the Plan Commission and the Village Forester for review. The Plan Commission shall review the report of the Community Development Director and the findings of the Village Forester at the first meeting following receipt of said report and findings. After such review, the Plan Commission shall submit its recommendation to the Village Board of Trustees, who shall either approve or disapprove the proposed plan, or approve it with modifications, or shall refer the plan back to the Plan Commission for reconsideration or modification.



- b. For any development of a property within a Business District which adjoins or is across the street from a Residential District, a fence or wall of architectural design approved by the Village and not less than five nor more than six feet in height, or a densely planted tree or shrub hedge, initially not less than five feet in height, shall be provided along the entire length of the property line which adjoins or is across the street from the Residential District. The proposed method of buffering shall be considered as part of the site plan review process herein set forth. The decision whether to require a wall, fence, trees, or shrub hedge shall be made by the Village based on site considerations. No occupancy permit shall be issued until the required screening has been completed in strict accordance with the approved plan.

**11. Hours of Operation for Business Uses**

- a. The hours of operation for all uses within the B-1 and B-2 Districts shall not exceed 7 A.M. to 10 P.M. except as otherwise allowed herein.
- b. Any business use in the B-1 or B-2 District may request special use approval in accordance with the procedures and requirements outlined in Section XIII of this Ordinance.
- c. The hours of operation for restaurants with liquor licenses shall be as follows and subject to the terms and conditions as follows:
  - 1) The closing time for restaurants with liquor licenses shall be 12:00 Midnight on Sundays, Mondays, Tuesdays, and Wednesdays; 1:00 AM on Thursdays (i.e. Friday at 1:00 AM); and 2:00 AM on Fridays and Saturdays (i.e. Saturday and Sunday at 2:00 AM). Except however, on December 31 of each year the permitted closing time shall be extended to 2:00 AM regardless of the day of the week (i.e. 2:00 AM on January 1).
  - 2) Restaurants with liquor licenses shall provide service of food prepared on-site up to a minimum of one hour before closing.
  - 3) Nothing herein shall supersede the requirements for such uses to obtain special use approval as required by Sections VIII.B.2 and VIII.C.2, herein.  
(Amended by Ordinance A-834-03-12).

Sec. 18-65. - Standards for construction types other than single-family homes and duplexes.

For all construction types other than single-family home and duplexes, exterior wall construction shall be masonry. Brick veneer construction shall not be permitted. All floors shall be of pre-cast concrete type, poured concrete type, or other type having at least a two-hour fire resistance rating. Upon approval of the required fire rating by the fire department, the community development director may administratively approve waivers to the masonry requirement if all other building and fire code requirements are met.

In addition, any new duplex dwelling unit build must have 50 percent of all exterior walls, excluding window and door openings, constructed with a nominal four-inch face brick (wood frame, brick veneer) or a four-inch nominal natural stone.

(Ord. No. 14-170, § 1(Exh. A), 10-2-2014, effective 1-1-2015; Ord. No. 17-135, § 1, 8-31-2017)

**Editor's note**— Ord. No. 14-170, § 1(Exh. A), adopted Oct. 2, 2014, amended various sections in Ch. 18, and in effect repealed and reenacted § 18-65, as set out herein. Former § 18-65 pertained to the Mechanical Code and derived from Ord. No. 12-113, § 1(Attch. A), adopted June 18, 2012. Text pertaining to the Mechanical Code is now set forth in § 18-62.



VILLAGE OF WESTMONT  
**COMMERCIAL AREA  
DESIGN GUIDELINES**

Adopted June 11, 2015

PREPARED BY HOUSEAL LAVIGNE ASSOCIATES







## CHAPTER

## 1

**INTRODUCTION**

For many people, the Westmont community is defined by its commercial areas. The Village's vibrant neighborhoods are bound by corridors that meet the needs of local residents as well as people from throughout Chicago's western suburbs. Collectively, Ogden Avenue, Cass Avenue and 63rd Street are the "front door" to the community, defining the character of Westmont for residents and visitors.





## HISTORY OF WESTMONT

---

Known then as Gregg's Station, the first train passed through the Village in 1864 when the Chicago, Burlington & Quincy (CB&Q) railroad constructed a rail line to connect Chicago and Aurora. The land in this area was made of clay, a highly desirable material to builders in Chicago after its great fire in 1871. Much of Westmont's early industrial growth was built around the clay and brick industry and centered upon access to rail. The area was eventually renamed Westmont, because it was the highest point along the rail line.

The Village was incorporated in 1921, nearly fifty years later than its neighbor, Downers Grove. For most of the early 20th century, Westmont was largely a bedroom community, attractive to residents (in particular, immigrants) because of its affordability. Westmont expanded its borders to the north and south through annexation from the traditional core of the Village surrounding the railroad. Most of the development in these areas occurred during a boom in the 1960s and 1970s. Today, Westmont is a largely built out community with new development taking the form of infill and redevelopment within the Village's established neighborhoods and commercial areas.

## SCOPE OF APPLICATION & REVIEW PROCESS

---

These Design Guidelines aim to enhance the image of Westmont by describing the preferred character for development on the Village's key commercial corridors. In this way, the guidelines will serve as a measuring stick in assessing proposed development. The Design Guidelines address a wide variety of characteristics, including building location, site design, access management, architectural detail, and more. Additionally, they recognize the varying character in Westmont's different commercial areas.

These Design Guidelines should be viewed as an articulation of what kind of development is desired in the Westmont community. They should be used to inform decisions related to zoning approval, the use of public incentives, and long-term planning. They should also be periodically updated to ensure that they reflect the most current vision for the community, and do not conflict with other policies, programs or regulations. The Design Guidelines are presented in the following chapters.

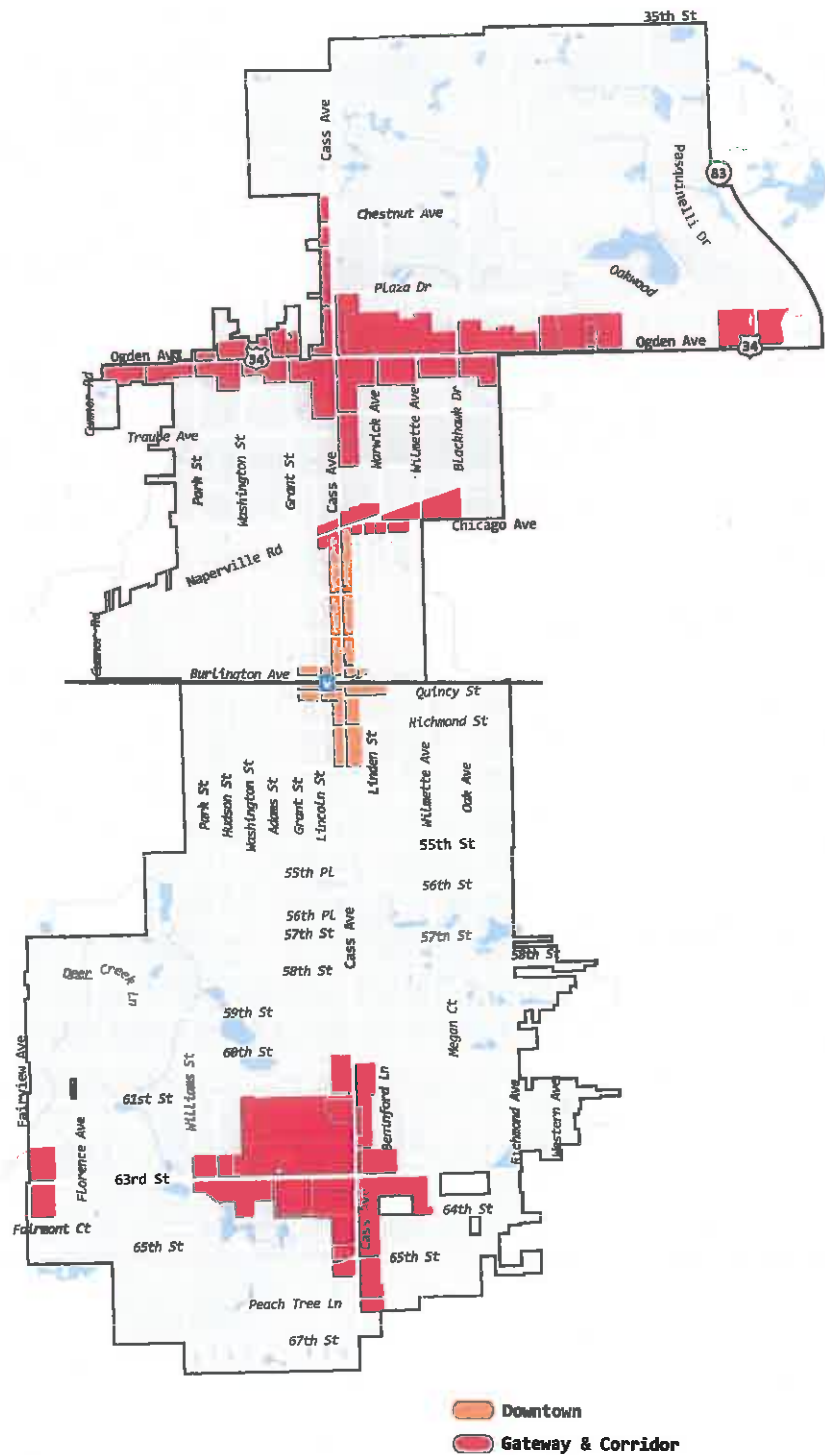
Each of the chapters described on the following page include guidelines for multi-family development. These guidelines can be applied in the areas defined by each category above, or to other portions of the Village that include multi-family development.

## CHAPTER 2: DOWNTOWN DESIGN GUIDELINES

Downtown Design Guidelines apply to the heart of the Westmont community. The Downtown includes commercial or mixed-use development fronting on Cass Avenue from Naperville Road to Dallas Street, and Burlington Avenue and Quincy Street from Grant Street to Linden Avenue.

## CHAPTER 3: GATEWAY & CORRIDOR DESIGN GUIDELINES

Gateway and Corridor Design Guidelines apply to the prominent commercial streets that provide entry into Westmont. These include the entire Ogden Avenue corridor in Westmont, 63rd Street generally between Williams Street and Ridge Road, and commercial portions of Cass Avenue between 60th Street and 67th Street, and between Norfolk Street and Ogden Avenue.







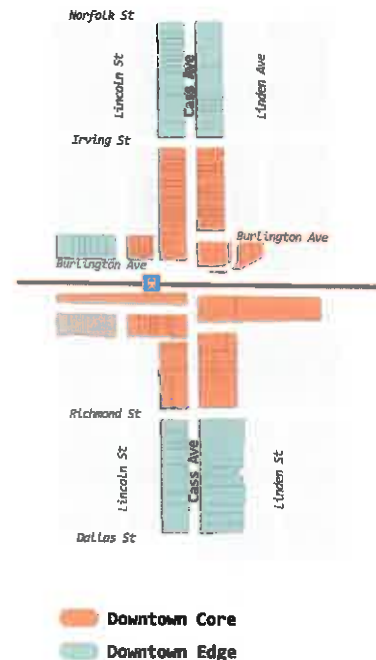
## DOWNTOWN DESIGN GUIDELINES

Downtown is the heart of the Westmont community. Built around the Burlington Northern train station, it includes several buildings that are more than a century old. The pattern of development and design of buildings create a pedestrian-oriented environment that is distinctly different than other parts of the Village. More recently, new investment in Village Hall, housing, and commercial uses has strengthened the role of the Downtown. As the Downtown area transforms according to the vision expressed in the Comprehensive Plan and other adopted policies, future investment should aim to reinforce positive characteristics of the area, and mitigate the impacts of development that is out of character with the community’s vision.

Generally, the guidelines will apply to all areas of the Downtown. However, some guidelines are applicable to a more specific geographic area. For the purposes of these Design Guidelines, the Downtown area is divided into two distinct areas. Where noted, standards will be applied based on the location of development within one of these areas.

### DOWNTOWN CORE

The Downtown Core includes Cass Avenue from Irving Street to Richmond Street, as well as small segments of Burlington Avenue and Quincy Street. This is the most intact traditional portion of the Village center, and development in this area should strive to restore and/or support the unique historic character of the community.



### DOWNTOWN EDGE

The Downtown Edge includes development extending beyond the Downtown Core on Cass Avenue, Burlington Avenue, and Quincy Street. In these areas, development may transition to and reflect the character of adjacent residential areas, while remaining compatible with the Downtown Core.



## EXISTING ARCHITECTURE

Downtown Westmont features two predominant building styles. The first is early 20th century design. This style is less cluttered and ornate than its Victorian predecessor, and was widely used because of its easy adaptability. This style utilized state-of-the-art steel construction that minimized the appearance of structural elements and increased the transparency of storefronts. This was a popular style through the 1920's, and includes the following defining elements:

- Arcaded storefronts with deep display windows, prism glass transoms, and low bulkheads
- Patterned masonry wall surfaces
- Shaped parapet walls
- Rectangular windows arranged in groups at the upper stories
- Inset accents used sparingly

Second predominant style is post-war modernism. Following World War II, simplicity and industrial technology drove new movements in architecture. These ideals were mixed with asymmetry, angularity, and contrasting planar elements to create a new forward-looking aesthetic. This style integrated more polished looking materials, including roman brick, cut stone, machine-cut limestone, small ceramic tile, glass block, and fluted glass. Many original elements are easily visible in Downtown Westmont, and include:

- Architectural elements arranged in a rectilinear geometry
- Asymmetrically arranged façade elements
- Strong and contrasting horizontal and vertical elements
- Cantilevered canopies
- Projecting end walls and vertical elements
- Bold wall cut-outs
- Storefronts that emphasize the display window
- Canted display windows lead pedestrians to the store entrance



## BUILDING HEIGHT, BULK & PROPORTION

1. Development in the Downtown Core should create a consistent “streetwall” with few gaps between buildings along the public sidewalk. Side yards should be limited to 5’, with a decorative fence or gate filling in the gap between buildings. In the Downtown Edge, side yards should be no wider than 10’ in width. However, in both areas, corner buildings should be placed on or as close to the side property line as possible.
2. The scale of development throughout the Downtown should be consistent with surrounding development and avoid extreme variations in scale. For single-story development, extended decorative parapets should be provided in order to create a defined public realm and sense of enclosure.



*Avoid extreme variations in scale while encourage building height transitions*

3. Buildings that extend higher than two stories should integrate upper story setbacks in order to minimize the visual impacts on surrounding development in the Downtown and in adjacent neighborhoods.
4. Design elements that extend beyond the typical building height, such as clock towers or spires, should be encouraged and allowed on a case-by-case basis provided that they enhance the character of a focal point in the Downtown and utilize attractive building materials and design details that are compatible with surrounding development. Buildings in prominent locations should incorporate design elements that create visual interest, such as turrets, rounded corners, etc. Where townhomes or multi-family buildings front on surrounding residential development, they should reflect the scale and character of the surrounding neighborhood.
5. Throughout the Downtown, buildings should use vertical and horizontal design elements, such as decorative cornices, setbacks, and structural elements, etc., to create rhythms and proportions that are consistent with traditional building design.



## BUILDING PLACEMENT & ORIENTATION

1. In the Downtown Core, all buildings should be placed along the front property line. In the Downtown Edge, commercial buildings should be placed on the front property line, though residential buildings could be set back up to 15' to reflect surrounding residential development. Buildings located on corner lots should be built to the side property line, or with a similar distance from the front lot line if located in the Downtown Edge area.



2. Buildings throughout the Downtown should be oriented towards the primary public street, with the primary entrance, commercial signage, and lighting located along the front lot line. On corner lots, side entrances may be provided as needed, especially when they serve an upper-floor or secondary use.
3. Buildings located on corners or at other prominent locations should integrate architectural massing (i.e. turrets, towers, chamfered or rounded facades, etc.) that create interest from multiple viewpoints.
4. Buildings should be designed to be parallel to the public street, avoiding front façades that are at awkward angles to the front lot line.
5. Gaps between buildings may be used for pedestrian access to rear parking lots. However, if gaps are not used for pedestrian circulation, they should be "filled" with decorative fencing, landscaping, furniture, or activities that support the primary use (i.e. café seating).



## ARCHITECTURAL STYLE

1. Renovations or modifications to an existing building façade should reflect the era in which the original building was constructed.
2. All development in the Downtown Core, as well as commercial development in the Downtown Edge, should incorporate the defining ground floor façade elements, including large, deep display windows, upper story masonry with regularly spaced windows, and a decorative cornice that caps the building.
3. New development should include gestures that are reminiscent of traditional design details but reinterpreted in modern forms and materials.
4. The front façade should integrate vertical piers that define the edge of the façade, as well as a horizontal cornice that defines the top of the commercial storefront.
5. The commercial façade should maximize window area through a low-profile bulkhead and minimal encroachment from opaque materials. This should be offset by upper-floor façades that have a greater percentage of opacity and limited window area.





## BUILDING MATERIAL & COLOR

1. Buildings throughout the Downtown should use masonry and bricks as the primary material.
2. Accent materials should include stone, simulated stone, terra cotta, and wood and metal trim.
3. The use of incompatible or low-quality façade materials is discouraged, including imitation brick, stucco, wooden shingles, rough sawed wood, aluminum panels and siding, plastic or metal panels, and stucco or gravel aggregate.



4. Structures should include “360-degree” architecture, implying that quality building materials and façade design are used on all sides of the building.
5. Storefront materials should maximize the transparent area of the ground-floor façade, and include the following elements and materials:
  - Storefront Frame: wood, cast iron, anodized aluminum.
  - Display Windows: clear glass.
  - Transom Windows: clear, tinted, stained or etched glass.
  - Entrance: wood or aluminum with a large glass panel.
  - Bulkheads: wood panels, polished stone, glass, tile, metal-clad plywood panels.
  - Storefront Cornice: wood, cast iron or sheet metal.
  - Side Piers: should be the same material as upper façade, typically brick or stone.
6. The finished color of façade materials should reflect the traditional palette of surrounding development and other structures throughout Downtown Westmont. Color schemes should integrate the use of a base color, trim color, and accent color.

## ROOFLINES & PARAPETS

1. In the Downtown Core area, flat roofs with decorative cornices should be encouraged. Vaulted or pitched roofs could be used if masked by an extended cornice.
2. In the Downtown Edge area, pitched roofs, including gable or hip roofs, are appropriate for multi-family or mixed-use structures.
3. Cornices, eaves, and brackets should incorporate design details and building materials that are consistent with the primary façade and overall design theme of the building.



4. Rooflines and cornice elevations should be generally consistent with surrounding development, though variation is encouraged to provide visual interest.
5. Long, continuous eaves or rooflines should be broken by moderations in elevation, vertical trim elements, small setbacks, etc. in order to avoid monotony and create visual interest.
6. Towers and cornice extension should be encouraged in order to draw attention to specific architectural elements in prominent or highly visible locations in the Downtown.



## WINDOWS, DOORS & ENTRANCES

1. All renovation and rehabilitation efforts should aim to restore doors and windows to their original design in terms of size, proportion, and material.
2. Throughout the Downtown, commercial entrances should be at grade with the public sidewalk at the point of entry to the building. Entrances for residential-only buildings may include a small raised stoop where the building setback permits space.
3. Entrances should be recessed from the front lot line between 3' and 8' in order to accommodate out-swinging doors that do not interfere with pedestrian circulation on the public sidewalk.



4. Development on corner lots should integrate the primary ground floor entry into a prominently articulated corner.
5. Arcades are appropriate in the Downtown Edge area. Arcades should be a minimum of 8' deep and articulate the entry point of the building along the façade of the arcade.
6. In the Downtown Edge area, residential-only buildings can use an elevated stoop or porch as the primary building entrance. The height of the stoop or porch should be consistent with surrounding residential development.
7. Doors should be constructed of quality materials and include large window panels that enhance the transparency of the overall façade.
8. Door designs that include crossbucks, window grilles, or residential characteristics should be discouraged.



9. Window spacing and proportion should be consistent with existing development in the Downtown.
10. Storefronts should maximize the amount of transparent area through the use of large ground-floor display windows, transom windows, and large glass panels on doors, regardless of the specific use of the ground floor.
11. To the greatest extent possible, building renovations or rehabilitations should restore the window area to its original design through expanded openings and uncovered transoms.
12. Window bays are encouraged on commercial storefronts in order to create more dramatic and visible display areas.



13. Upper story window openings should be recessed from the main façade, and individual windows should be articulated with frames or trim details.
14. Balconies may be provided, but should be logically spaced on a façade, compatible with other design elements in terms of material and proportion, and attached to the building such that architectural elements are not disrupted.
15. Windows should be clear or slightly tinted. Dark tinting should be discouraged for both ground floor and upper story windows.
16. Shutters may be provided on upper floor windows, so long as they are dimensioned to logically fit the window opening and are compatible with the building in terms of material and color.
17. Decorative or functional shutters are appropriate for upper story façades in Downtown Westmont. However, shutters should be sized to fully cover the window area when closed, and should be made of attractive high-quality materials consistent with the primary façade and trim materials.





## SIGNS

1. Signs should be located on the building façade above storefront display windows, but below the sills of second floor windows.
2. Signs should not be painted directly onto the building façade. Instead, they should be mounted to the façade in a way that is appropriately integrated into the architecture of the building.



3. Signs should generally be limited to a maximum of three colors, two materials, and one lettering style.
4. Raised, individual letters mounted directly on the building are encouraged throughout the Downtown.



5. Wall-mounted signs should not cover important architectural details, doorways, or window openings.

6. Exterior signs should be limited to business identification and description. Temporary signs for special promotions, sales, products, and advertising are discouraged, though A-Frame signs are permitted so long as they do not interfere with access or mobility.
7. The size, material, color, and shape of signs should complement the architectural style and scale of the building.
8. Window signs should reflect the traditional character of the Downtown in terms of font and color.
9. Window signs should minimize the amount of window area obstructed, with a maximum of 40% coverage



10. Window signs should be permanently affixed to the glass and should not utilize neon or animated elements.
11. No signs or awnings should be internally illuminated, though backlighting of individual letters to create a silhouette effect is permitted.
12. When a building contains multiple storefronts, signage for all businesses should be compatible in design and consistent in placement. Street numbers should be prominently displayed at the main entrance to every home or business and be clearly visible from the street. Consideration should be given to a consistent style and placement of street numbers within the Downtown.



## LIGHTING

1. Lighting should be used to illuminate entries into the Downtown, signage, displays, pedestrian and parking areas, and significant architectural elements.
2. Building lighting should be subtle and understated; light fixtures should be designed and oriented to produce minimal glare and spillover onto nearby properties.
3. Most exterior lighting sources should be concealed to provide direct illumination; where concealment is not practical, light fixtures should be compatible with overall storefront design. Spotlighting is not permitted for commercial buildings within the Downtown.



4. Incandescent lighting creates a warm atmosphere and is encouraged; if neon lighting is used, colors should be compatible with and complement the façade of the building. High pressure sodium (orange lighting), or a diffused, soft white light is encouraged; extensive lighting should be avoided to reduce light pollution.
5. Street lighting within the Downtown should be at a pedestrian scale. Light standards should be between 12'-15' and use fixtures that are consistent with existing streetscape improvements.
6. Parking areas within the Downtown should contain both pedestrian and vehicular scale lighting.
7. A common style of pedestrian-scale light fixtures should be selected and used throughout the Downtown. The style of light fixture should enhance the desired atmosphere of the Downtown and complement the architecture of buildings.





## AWNINGS & CANOPIES

1. The location of awnings should be integrated into the overall design of the façade. Awnings should not cover important architectural elements or block visibility into the commercial storefront.
2. Generally, awnings should be mounted between the ground floor cornice and transom window.
3. Awnings should be constructed of a canvas or durable fabric material that is compatible with the overall building design, and must be maintained to retain their original visual character. Metal awnings are considered appropriate, so long as they use a decorative metal material, for, and finish. Shiny vinyl, plastic, or corrugated or non-decorative metal awnings are discouraged.



4. The color of awnings and canopies should complement and enhance the overall color scheme of the building façade.
5. Awnings should be mounted so the valance is a minimum of 7' above grade and projects no closer than 12" from the curb. A canopy should be mounted so the valance is a minimum of 8' above grade and projects no closer than 2' from the curb.
6. Backlit awnings are discouraged in the Downtown.

## REAR & SIDE YARDS

1. Secondary rear entrances to stores and shops are encouraged in blocks where public parking or pedestrian walkways are located behind or between the buildings.



2. Trash receptacles, dumpsters and service areas should be located inside the primary building or be fully enclosed in small masonry structures. These areas should be fully screened from public view or from any adjacent residential property.
3. Service and storage facilities should be clearly separated, physically or visually, from the main structure, rear building entries, and parking areas.
4. Outdoor storage and service facilities should be screened from view along sidewalks and roadways through the use of low masonry walls or evergreen plantings.
5. Where gaps between buildings exist, outdoor seating and patio areas for restaurants and other uses are encouraged. If provided, the seating, patios, fences, lighting, and landscaping should be designed and arranged in a way to be compatible with the façade and streetscape design along the primary streets.



6. The design of rear or side entrances that provide access to parking areas should be attractive, well-lit, and compatible with other façades of the building.

## PARKING AREAS



1. Parking lots should be located behind buildings toward the rear lot line. Parking lots in front of buildings should be discouraged throughout the Downtown.
2. Vehicular access to parking lots should be provided from alleys or side streets. Curb cuts and access drives are discouraged along pedestrian shopping streets.
3. Pedestrian access to parking lots should be provided through planned walkways located between buildings.
4. Generally, drive-thru facilities are discouraged in the Downtown, especially in the Downtown Core. However, where they do exist, they should be screened from view of the public street, compatible with the architecture of the primary building, and located such that vehicular access does not compromise pedestrian safety and circulation.
5. Landscaped islands and clearly marked pedestrian pathways should be provided within the interior of parking areas.
6. Parking lots should be screened from view along sidewalks and roadways through the use of low masonry walls or year-round plantings and decorative fencing.
7. All parking lots are required to be paved. They should be well marked, sufficiently lit, and provided with proper drainage. Permeable pavement, bio-retention, shade trees, dark-sky compliance lighting, and low-input native/adapted landscape features are all encouraged to provide multiple long-term benefits and savings.
8. Parking lot lighting should consist of vehicular scale lighting and pedestrian scale lighting. Excessive lighting and light pollution should be avoided.
9. Landscape islands should consist of canopy trees, attractive groundcover, and/or decorative bushes, and should be large enough to adequately support the plant life provided in the island (typically a minimum of 140 sq. ft. of planting area per island).
10. On-site bicycle parking is encouraged. Bicycle parking should include racks and/or lockers that are in a designated location that is clearly delineated from automotive parking and on-site pedestrian sidewalks.

## LANDSCAPING & SCREENING

1. There are some locations where parking lots front on public streets. In these instances, the edge of the parking lot should include a minimum 7' deep planting area. This planting area should include shade trees placed no more than every 60', ground cover, a hedgerow, and/or a decorative fence between 3' and 4' in height that includes 30-60% open surface area.
2. Parking lots should include interior landscaping on landscaped islands. Islands should include shade trees and ground cover, and be spaced such that every parking space is located within 50' of an interior parking lot landscape island.



3. Landscape buffers should be provided at abutting residential property lines. The buffer should be a minimum of 5' in width and include shade trees, hedges, or other evergreen screening.
4. Where adequate building setbacks are provided, low-lying landscaping should be provided along the foundation of buildings to screen foundation materials and provide a softer transition between the yard and building.
5. Utility areas, refuse areas, external storage areas and service bays should be screened from view from the public sidewalk or locates such that they are hidden by the primary building.





6. Dumpsters should be enclosed by a decorative wall that is compatible with the primary building in terms of material and architectural style.
7. Screening should include landscaping and/or decorative fencing that is of the same character as the primary building.
8. Landscape materials should be compatible with varieties of trees, shrubs, hedges, groundcover, and grasses in the Downtown area.
9. Landscape materials should be chosen based on their resiliency to short-term impacts (i.e. seasonal changes, salt, etc.) and long-term anticipated climate change.
10. A variety of plant materials with different blooming seasons should be used in order to provide year-round positive benefits.



11. The use of low-impact plant materials is encouraged in order to maximize the attractiveness of the Downtown and minimize the use of water.
12. Businesses throughout the Downtown are encouraged to use temporary decorative planters in the public sidewalk, so long as the planters reflect the character of the Downtown and do not impede safe and accessible pedestrian traffic or parking and vehicular accessibility.
13. Sidewalk cafes and retail display areas should be enclosed by a decorative fence or corral. The fence or corral should be compatible with the Downtown character and be located in order to maintain a safe, accessible, and continuous public sidewalk, and should be removed during cooler seasons.
14. All landscaping, fencing and screening should be properly maintained in order to preserve the aesthetic character of the Downtown area.



## PUBLIC IMPROVEMENTS

1. Sidewalks are provided along both sides of all streets throughout the Downtown, and should be accessible to persons with with disabilities and comply with appropriate ADA (Americans with Disabilities Act) standards.
2. Pedestrian crosswalks should be made prominent and noticeable by using paving materials, texture and color, striping, small pylons and/or special bollard lighting fixtures.
3. Where feasible, streets within the Downtown should be designed to support vehicles, bicyclists, and pedestrians on a relatively equal basis.
4. Streets within the Downtown should be designed and controlled to reduce the speed of traffic, particularly along streets with shopping and storefronts. Streets should be no



larger than 4 lanes wide (2 lanes for parallel parking and 2 lanes for the movement of vehicles).

5. Pylons and bollard lighting should be considered as accents and for ornamental purposes. These fixtures could be used to highlight crosswalks, open spaces, seating areas, and major pedestrian ways.
6. "Gateway" signs should be developed along Cass Avenue, as it serves as the primary entry way into the Downtown. Gateway features might include special landscaping, lighting and paving.
7. Improvement and development of the Downtown should include a unified system of "street furnishings," such as seating areas, trash receptacles, drinking fountains, bike racks, and other pedestrian amenities. Street furnishings should be consistent with local materials, colors and architectural styles.
8. All landscaping, fencing and screening should be properly maintained in order to preserve the aesthetic character of the Downtown area.





CHAPTER

3

## GATEWAY & CORRIDOR DESIGN GUIDELINES

---

The guidelines and policies included in this section are intended to foster attractive and appropriate commercial development that is mindful of the fact that these areas were primarily designed with a vehicular orientation. Today, however, it is recognized that this approach is deficient and that even auto-oriented corridors should provide a safe and attractive pedestrian and bicycle circulation network with appropriate amenities. Commercial development along the Village's primary corridors contribute significantly to the overall image and character of the Village, and impacts the way residents and visitors perceive the community.



## BUILDING SCALE & DESIGN

1. Distinguishing architectural features are encouraged, such as decorative cornices, columns, reliefs, and other façade ornamentation and detailing.
2. Flat vertical surfaces of buildings should be broken up with columns or pilasters.
3. Multiple-story architectural elements, such as clock towers, spires, or bell towers, may be used as a design “highlight” at key locations along a corridor or at a prominent location on a large commercial development site.



4. Covered walkways and colonnades are encouraged along the fronts of the buildings to create a pedestrian orientation.
5. Buildings can have either a pitched or flat roof, but rooflines should complement the overall design and architecture of the building. Rooflines and parapets should look complete when viewed from all sides of the building.
6. Rooftop-mounted equipment and vents should be screened from view along all sides of a building. Rooftop screening should be incorporated into the overall design of the building and be an integral part of the architecture.
7. Architectural details should be visible from the street. Buildings should not be setback so far as to diminish the aesthetic impact of the building on passing pedestrians and motorists. Buildings should be attractive at both a pedestrian and vehicular scale.



## BUILDING MATERIALS & COLORS

1. Quality materials should be used on all sides of the building, providing an attractive “360 degree” appearance.
2. New commercial and industrial buildings should be constructed primarily of traditional masonry building materials such as brick or stone. These materials should be used on all sides of the building. Recommended accent materials include stone, simulated stone, terra cotta, and wood or metal trim.



3. “Exterior insulation finish systems” (EIFS) is not permitted as a primary building material. Stucco, consisting of 3-coat Portland Cement, should be used instead. Rough sawed wood, aluminum siding, and plastic or metal panels are discouraged within the gateway commercial areas.
4. The color scheme for development should utilize one primary tone that is relatively neutral, and trim color that provides contrast to the primary tone, and accent colors that highlight specific architectural elements.



## BUILDING PLACEMENT & ORIENTATION

1. Buildings should be designed to be attractive at both a pedestrian and vehicular scale.
2. Commercial buildings should have a strong pedestrian orientation with display windows, attractive detailing, and convenient and “hospitable” entrances.
3. All buildings should “front” the corridor wherever possible. When front doors do not face these primary streets, display windows or distinctive façade treatments should be provided along the visible public road frontages.



4. Long, blank façades along the corridor should be avoided. Articulation and covered walkways, such as arcades, are encouraged along the fronts of multi-tenant commercial buildings to create interest and a “pedestrian-friendly” orientation.
5. All service entrances, dumpsters, and loading facilities should be located at the rear of buildings or enclosed within the building with other storage areas.
6. Any business permitted to have a “drive-thru” facility should be sited so that drive-thru lanes and pickup windows are not prominently featured. Any canopies over drive-thru windows or lanes should match the material and architectural character of the primary building. Drive-thrus on outlots should face the interior of the development lot whenever possible, and should be screened with low masonry walls or landscaping when visible from the street.





7. Any outdoor seating areas, such as those provided by restaurants or cafés, should be well landscaped and incorporated into the overall site design. Outdoor seating areas should be set back and screened from parking areas, driving aisles, and high-traffic streets.



8. Awnings and canopies designed for weather protection and to add visual interest at the street level should be integrated into the façade and be in character with the architectural style of the building.
9. Buildings should be used to frame outdoor plaza or seating areas in order to create attractive and pedestrian-oriented seasonal spaces.
10. Architectural massing elements, such as turrets, chamfered corners, or articulated façades, should be used to define important public spaces or prominent locations throughout gateway areas, such as pedestrian shopping areas or gateway intersections.
11. Large, multi-building commercial developments should utilize the placement of buildings to 1) establish an attractive frontage along the primary corridor, 2) create internal pedestrian-oriented streets, and 3) define on-site plazas and open spaces that create a sense of place that is comfortable for pedestrians.



## VEHICULAR ACCESS & STORAGE

1. Development should create logical linkages to surrounding areas by extending the existing street grid and incorporating on-site streets wherever possible.
2. Within Westmont's gateways, parking lots should be designed and located so that they are safe, attractive and efficient. Excessive parking can be detrimental to its aesthetic and should be discouraged.
3. Parking areas of no more than 60' in depth should be located between the building, the public rights-of-way, and the frontyard setback. This depth will be sufficient to accommodate a single driving aisle with 90° parking on both sides. Additional parking areas can be provided adjacent to the building on interior portions of the lot.
4. The number and frequency of curb cuts along corridors should be minimized through curb cut consolidation, shared access, and cross-access between adjacent parking areas.



5. Large-scale development should establish an internal street network that connects to the external grid at logical intersections.
6. Parking areas should be accessible from side streets in order to prevent cars from having to use primary streets.
7. All parking area surfaces are required to be paved and maintained in good condition. The use of pervious brick paver systems is encouraged.
8. Parking lots should have curbed perimeters and curbed landscaped islands. Clearly marked pedestrian pathways should be provided within the interior of parking areas to avoid large expanses of asphalt and to enhance pedestrian safety.
9. All parking lots should be designed for proper drainage and should consider the use of best management practices, including bioswales, to store and filter runoff.
10. Parking lots that are used during evening hours should be adequately illuminated, without creating lighting hot spots or glare.



## TRANSIT, BIKE & PEDESTRIAN MOBILITY

1. Development sites should provide a continuous sidewalk and/or bike path along both sides of the street.
2. Development should provide a clearly marked and continuous pedestrian path from public sidewalks within the right-of-way to building entrances.
3. Sidewalks and multi-use paths should be sited and designed so they provide adequate buffering from vehicular traffic on roadways.
4. Circulation plans should minimize conflict points between pedestrian and vehicles and ensure visible and accessible cross walks are installed where conflicts occur.
5. Development should provide on-site bicycle parking and/or storage at an appropriate ratio to vehicular parking.
6. Where appropriate, development should integrate on-site transit facilities and amenities, and account for and designate on-site circulation routes for transit vehicles or private shuttles.



## LIGHTING

1. Lighting should be used to illuminate entries, signage, displays, and pedestrian and parking areas, as well as to highlight significant architectural elements.
2. Front and rear building entries should be adequately lit for overall security and visibility.
3. Building lighting should be subtle and understated. Light fixtures should be designed and oriented to produce minimal glare and spillover onto nearby properties.



4. Down-lighting should be encouraged on all commercial buildings; spot-lighting should be limited to major features and key landmarks, including gateway entry features.
5. Incandescent lighting creates a warm atmosphere and should be encouraged. If neon lighting is used, colors should be compatible with and complement the façade of the building. High pressure sodium (orange lighting), or a diffused, soft white light is also encouraged. Metal halide lighting should be avoided. Excessive lighting should be avoided to reduce light pollution.
6. Most exterior lighting should be concealed to provide indirect illumination. Where concealment is not practical, light fixtures should be compatible with building architecture.
7. Parking lots should be retrofitted to create a more pedestrian scale and minimize light pollution and glare. This can be accomplished by using shorter lighting standards (up to 18' in height) to help establish pedestrian environments within individual developments. Taller light standards and flood lighting should be avoided.
8. Light poles and standards with an historic or traditional design should be used for all parking lots, walkways and pedestrian areas.
9. Bollard lighting can be appropriate as accent lighting and could be used in pedestrian seating areas and to highlight pedestrian walkways and crossings in parking lots.



## BUSINESS SIGNAGE & ADVERTISING

1. The size, material, color, and shape of building signs should complement the architectural style and scale of the building.
2. Exterior building signs should be limited to business identification and description; exterior advertising signs should be discouraged.
3. Wall-mounted signs are encouraged, although signage should not project above the cornice line and cannot be mounted on the roof of a building.
4. Raised, individual letters mounted directly on the building, as well as signs that use light colors for lettering and darker colors for backgrounds, are preferred. Internally illuminated box signs are not permitted in the Downtown and are discouraged elsewhere. Box signs should be phased out as new tenants move in or new signage is installed.
5. When a building contains multiple ground-floor tenants, signage for all businesses



should be compatible in design and consistent in placement.

6. Street numbers should be prominently displayed at the main entrance to every business and be clearly visible from the street.
7. Free-standing signage within the corridors should be limited to low-profile monument signs for multi-tenant commercial properties. Monument signs should be attractively landscaped with year-around materials and constructed of traditional building materials similar to the primary building on the site. Address numerals on the sign should be clearly visible from the street.
8. The letters of a monument sign should be internally illuminated. External illumination may be appropriate for a natural metal or engraved stone monument sign. Excessive light and light pollution should be avoided.
9. The size of signs should complement façade proportions, and should be constructed from the appropriate scale of the building.
10. The design and color of the sign should complement the architectural style of the building, and integrated as a component of the building's façade.
11. Pole signs and pylon signs should be discouraged.

## ON SITE IMPROVEMENTS & LANDSCAPING

1. A local aesthetic will be reinforced through the use of native/adapted trees, shrubs, vines, perennial grasses and forbs as appropriate for the context, habitat, and conditions of a particular site. The use of native/adapted trees, shrubs, vines, perennial grasses, adapted cultivars and non-native companion plants is encouraged for all ornamentally planted spaces. Low-input turf should be installed and maintained with minimal water and chemical use where appropriate for use and context.



2. Planters and landscaped areas should buffer parking and service areas. Plantings should consist of low evergreen and/or deciduous shrubs planted in conjunction with low-growing annual or perennial plants and groundcover. Large expanses of exposed mulch are to be avoided.
3. A landscaped buffer of at least 5' to 8' in width should be provided around the perimeter of surface parking lots. Perimeter landscape plantings will include a continuous hedge accented by trees and ground cover but should not obstruct tenant signage and views to buildings and site features.
4. Where site size or configuration does not allow for the minimum five-foot perimeter landscaping, vertical landscaping elements should be employed to provide an effective screen between parking lots and the public right-of-way.
5. In conjunction with landscaping, decorative fencing is encouraged to delineate and screen parking and service facilities, outdoor storage areas, etc. Low-profile, decorative wrought iron fencing or masonry walls are recommended. Chain link fencing should not be permitted along the Village's prominent gateway corridors.



6. Any fencing or masonry walls facing the street are encouraged to be landscaped with vines and/or shrubs.
7. All landscaping should be maintained in a healthy and attractive condition. Maintenance programs should be established as part of new development approvals to ensure that private landscaping is adequately cared for and that its value is retained over time. Internal irrigation systems are preferred and encouraged.
8. Landscaped areas should be irrigated by an automatically controlled sprinkler system that includes a rain shut-off device. The irrigation system should take into account plant type water requirements, sun and wind exposure, and soil types.
9. Parking lot landscaping should include landscape islands at a suitable ratio to provide visual relief from large fields of parking. Landscape islands should consist of canopy trees, attractive groundcover, and/or decorative bushes.



10. Locations of high visibility such as entrances, signage locations, and displays are good opportunities to integrate naturalistic, ornamental perennial plantings that reinforce the local Westmont character.
11. Trees, shrubs, walls/fences, "living" or green walls, and/or vining structures should be used to screen intense commercial or other potentially conflicting land uses from residential properties. Visual screening, sound attenuation, and locally authentic, aesthetic beauty are all important considerations.
12. All landscaping within and adjacent to the public right-of-way should be compatible with existing plant materials in the area and be composed of native and salt tolerant species.
13. Dumpster enclosures should be of materials and incorporate design elements that complement the primary structure. Dumpster enclosures should be well landscaped and located at the rear or sides of buildings so as not to be visible from the public street or primary building entry.



## PUBLIC REALM

1. All streets should be designed to accommodate all users, including pedestrians, bicyclists, transit riders, and vehicles.
2. Streetscaping elements should incorporate native plants and hardscape materials, and should be resistant to salt and harsh climatic conditions in order to maintain high aesthetic value over time.
3. Decorative streetscaping should be integrated into the right-of-way in order to establish a uniform character throughout a specific area. Streetscaping elements could include decorative paving materials for the roadway, parking lanes, furniture zone or sidewalks, amenities such as trash receptacles, bike racks and benches, decorative trees that provide a sense of scale and enclosure, landscaping that provides a buffer between pedestrians and vehicular traffic, decorative pedestrian or roadway lighting, and roadway landscaping or medians.
4. Buffers should be provided between pedestrian and vehicular traffic, and may include on-street parking or landscaping and hardscaping elements.



5. Comprehensive pedestrian systems, including safe sidewalks, clearly delineated crosswalks, information, and signalization, should be provided throughout gateway areas.
6. Private development should accommodate public uses or spaces that complement the function and character of an area, such as environmental or multi-modal transportation corridors, important pedestrian linkages, or pockets parks as a component of a larger redevelopment project.



7. Private development should integrate on-site streetscaping that complements the character of the public street while also establishing a distinct character for a given development.
8. Wherever possible, utilities should be buried or screened from view of the public street. This includes utility lines, substations, or stand-alone utility boxes.



9. Regional and local gateways should be installed to denote entry into Westmont along the Ogden Avenue, 63rd Street, and Cass Avenue corridors. Gateways should reflect local character in terms of materials, design theme and aesthetic.
10. Regional wayfinding should be provided to direct travelers to various landmarks such as Downtown Westmont, the train station, Ty Warner Park, etc. Such wayfinding signage should be clear and informative, yet integrate decorative elements that are unique to Westmont.
11. Parks and green space should be integrated into redevelopment projects. Such spaces can serve as stormwater detention areas when needed. They can also provide a passive open space that complements surrounding development.



## SPECIAL CONSIDERATIONS FOR AUTO DEALERSHIPS

---

1. To the extent possible, adjacent auto dealerships should provide cross-access that allows for the easy circulation of patrons and inventory between lots without reliance on the primary street.
2. Inventory should be stored and displayed in an attractive way. Individual dealers are encouraged to consider shared inventory lots that will make more efficient use of available land along prominent corridors and maximize the efficiency of individual lots.



3. Animated, iridescent, or overly gaudy signage and advertising is discouraged.
4. Parking lot lighting should be of a consistent brightness and color as lighting along the remainder of the gateway corridor area. Auto dealerships should incorporate downward facing “dark skies” friendly lighting fixtures that eliminate unnecessary light pollution.
5. Auto dealerships should designate specific locations for automobile display along the front property line. Those locations should include additional landscaping and quality materials that establish an appropriate character for the corridor. Other portions of the lot should be screened in accordance with other guidelines included in this section.
6. Exterior displays of tires, auto parts or accessories are not permitted.

## CHAPTER 17.21. - COMMERCIAL DESIGN STANDARDS

## 17.21.010. - PURPOSE, APPLICABILITY, AND APPROVAL.

- A. *Purpose.* The standards specified in this section are intended to foster aesthetically pleasing developments which will protect and preserve the appearance, character, general health, safety, and welfare of the Village, and contribute to the unique and historical character of the Village.
- B. *Applicability.* Except as otherwise specified herein, the standards of this chapter apply to all new construction in all zoning districts, except for single-family detached, duplex, two-family detached, and single-family attached residential structures and accessory structures to a principal single-family detached, duplex, two-family detached, or single-family attached residential structure. See Chapter 17.09 for design standards for the DD district.
- C. *Approval.*
1. For planned unit developments, the Village Board is the final approval authority for acceptance or variations from these standards. See Chapter 17.08 of this ordinance for planned unit development approval procedures.
  2. For other development or construction that is not part of a planned unit development proposal, the Planning and Economic Development Director shall determine adherence to these standards. Decisions of the Planning and Economic Development Director may be appealed by the applicant to the Planning and Zoning Commission in accordance with Chapter 17.04 of this ordinance.

(UDO 2008, § 17.21.010; Ord. No. O-41-10, § 8, 6-28-2010; Ord. No. O-69-12, § 2, 11-26-2012)

## 17.21.020. - PLAN SUBMISSION AND CONTENTS.

- A. *Required Items.* See Chapter 17.08 of this ordinance for submission requirements if the construction is part of a planned unit development. For development or construction that is not part of a planned unit development proposal, the following documents shall be submitted to the Community Development Department for review:
1. Plans illustrating:
    - a. Building location.
    - b. Curb cuts.
    - c. Sidewalks.
    - d. Parking and loading areas and number of parking spaces.
    - e. Landscaping.
    - f. Topography.
    - g. Illumination.
    - h. Signs.
    - i. Fencing.
    - j. Trash storage areas.
  2. A map of the surrounding land uses and buildings within 150 feet in all directions of the subject

property.

3. Elevations of roofs and exterior walls of all proposed buildings that include indications of all proposed exterior materials and colors.
  4. Additionally, material samples shall be submitted.
- B. *Timing of Submissions.* Submission of the documents in paragraph B.1 above may be made either prior to or concurrent with applications for building permits.

(UDO 2008, § 17.21.020)

#### 17.21.030. - URBAN DESIGN REQUIREMENTS.

- A. *Applicability.* The following standards of this section shall apply to new construction in the B-1 and B-3 zoning districts.
- B. *Exterior Walls Facing a Public Street.* Building elevations facing a public street shall have a minimum of 75%, excluding glass, of the wall area facing the street constructed of one or more of the following materials
1. Face brick of clay, or
  2. Native stone, or
  3. Fiber cement board siding.
- C. *Exterior Walls Not Facing a Public Street.* Building exterior walls not facing a public street shall have a minimum of 50%, excluding glass, of the wall area constructed of one or more of the materials listed in sub-paragraph A B of this section.
- D. *Building Articulation.* Building exterior walls greater than 100 feet in length shall incorporate recesses and projections a minimum of three feet in depth and a minimum of 20 contiguous feet within each 100 feet of exterior wall length.
- E. *Roofs.*
1. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view.
  2. Roof lines shall have a change in height every 100 linear feet in the building length.
- F. *Building Entrances.*
1. All commercial buildings shall have clearly defined, highly visible customer entrance(s) featuring at least three of the following:
    - a. Canopies, awnings or porticos; or
    - b. Overhangs of at least three feet from the supporting wall; or
    - c. Articulation of the building exterior wall, either recessed or projected, at the entrance; or
    - d. Corniced parapets over the door; or
    - e. Arches or peaked roof forms above entrance; or
    - f. Architectural details such as tile work, brick soldier course, or moldings.
  2. Building entrances may include doors to individual shops or businesses, lobby entrances, or entrances to plazas or courtyards.
- G. *Sidewalks.*



1. Sidewalks shall be provided along the full length of any exterior wall featuring a customer entrance an exterior wall facing a parking area intended for customers or the general public.
2. Sidewalks shall be provided from the perimeter public sidewalk to the principal customer entrance. This internal walkway must feature landscaping for at least 50% of its length.
3. Sidewalks shall not be placed adjacent to street curbs, but rather shall be separated from street curbs by a parkway of at least five feet of landscaped or sodded area.

H. *Other Pedestrian Features.*

1. Any commercial development in excess of 20,000 square feet of gross floor area shall incorporate a public space, such as plaza, courtyard, or landscaped garden within the vicinity of the building's main entrance of the development's principal structure that incorporates at least three of the following features:
  - a. Pedestrian seating in the form of benches or ledges of limestone; or
  - b. Water features, e.g. fountains or ponds; or
  - c. Textured paving such as brick or flagstone; or
  - d. Raised planters of limestone; or
  - e. Sculpture or other artwork; or
  - f. Outdoor eating or cafe.
2. The features incorporated per this paragraph shall be connected with public sidewalks adjacent to or running through the property.

I. *Windows.* A minimum of 40% of the area between four feet and ten feet in height on a building elevation facing a public shall be comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. Banks are exempt from this requirement.

J. *Colors.* Exterior building walls' colors shall be low reflectance, subtle, neutral or earth tones. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.

K. *Parking.*

1. No more than 50% of the off-street parking for the entire development shall be located between the facade of the principal building and the primary abutting street.
2. No development shall have parking in excess of 140% of the parking spaces required by this ordinance.

L. *Drive-through Facilities.*

1. Each drive-through facility shall be designed so that the drive-through window is not on a side of a building facing a public street.
2. The queue area shall not interfere with other on-site circulation and parking arrangements.
3. All pedestrian walkways for a drive-through development shall be clearly marked and enhanced with special paving or markings when they intersect the drive-through aisles.

(UDO 2008, § 17.21.030; Ord O-54-09; Ord. No. O-41-10, § 9, 6-28-2010; Ord. No. O-65-11, § 25, 10-24-2011; Ord. No. O-29-15, § 11, 9-14-2015)

17.21.040. - PROHIBITED MATERIALS.

The use of metal exterior panels on building elevations is prohibited.

(Ord. No. O-41-10, § 10, 6-28-2010)

## CHAPTER 17.22. - RESIDENTIAL DESIGN STANDARDS

### Footnotes:

— (3) —

**Editor's note**— Ord. No. O-38-12, § 2 (Exh. B), adopted May 14, 2012, repealed the former Ch. 17.22, § § 17.22.010—17.22.040, and enacted a new Ch. 17.22 as set out herein. The former Ch. 17.22 pertained to similar subject matter and derived from UDO 2008, § § 17.22.010—17.22.040; Ord. No. 0-54-09.

### 17.22.010. - BACKGROUND.

- A. *Purpose.* The variety in the exterior appearance of single-family, two-family and duplex dwellings enhances the appearance of the community, and the Village Board hereby deems it in the best interest of the community to discourage excessive similarity and encourage distinctiveness of exterior design in single-family and two-family dwellings. Specifically, the purposes of this chapter are to:
1. Promote an aesthetically pleasing character in Lemont's residential districts; and
  2. Protect and enhance property values; and
  3. Encourage new dwelling construction of distinctive design; and
  4. Discourage excessive similarity among adjacent dwelling units.
- B. *History.* This chapter, amended, updates and replaces the Village's Ordinance No. 791, "Appearance Code," adopted on May 24, 1993.

(Ord. No. O-38-12, § 2 (Exh. B), 5-14-2012; Ord. No. O-33-18, § 9, 8-13-2018)

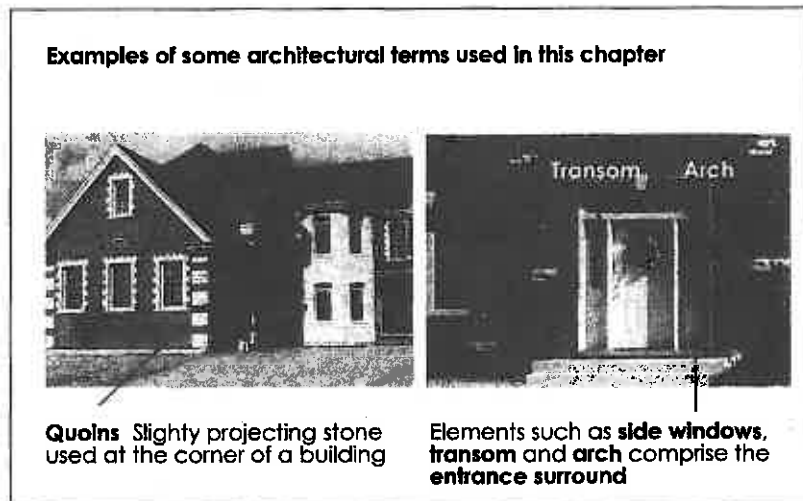
### 17.22.020. - SINGLE-FAMILY DESIGN VARIETY IN RESIDENTIAL CONSTRUCTION.

- A. *Applicability.* The provisions of this section shall apply to all new single-family residential construction.
- B. *Proximity Standard.* Before a building permit is issued, the Zoning Administrator shall determine that the proposed new single-family dwelling is dissimilar in appearance, i.e. is not similar, to any single-family dwelling on the same street which is within two lots of the proposed new single-family dwelling. A single-family dwelling on a corner lot may be considered dissimilar to another single-family dwelling if the two subject dwellings face different streets. On a cul-de-sac or turnaround, a new a single-family dwelling must be dissimilar to at least three other existing or planned single-family dwellings on the same cul-de-sac or turnaround.
- C. *Comparison Procedure.* The proposed new single-family dwelling shall be compared to all other existing or other proposed single-family dwellings that fall within the range of the proximity standard of paragraph B above. The proposed dwelling shall be compared with only one other dwelling at a time. If the criteria in paragraph D below are met, then the proposed dwelling is compared to another dwelling that meets the proximity standard, and so forth. The criteria met in one comparison do not need to match the criteria met in another comparison.

- D. *Criteria.* When comparing the proposed new single-family dwelling to another single-family dwelling subject proximity standards of paragraph B of this section, the two buildings shall be deemed dissimilar, i.e., not similar appearance, when the criteria in the four sub-paragraphs 1, 2, 3, and 4 below are met or the criteria in sub-paragraph 5 are met.
1. *Exterior materials and details.* The exterior materials on the facade or the details on the facade of the subject buildings shall differ by at least two of the following ways:
    - a. The percentage of at least one exterior material, e.g., brick, on the proposed building shall be changed by at least 20 percent from the same material on the other subject building.
    - b. The color or size/type of brick, decorative stone or synthetic stone on the proposed building differs from the color or size/type of brick or stone on the other subject building.
    - c. The orientation of siding on the proposed building differs from the orientation of siding on the other subject building.
    - d. A water table at least three feet in height is incorporated on the proposed building and there shall be a lack of wainscot or a water table on the other subject building.
    - e. The incorporation of quoins facing a public street on the proposed building is different from the incorporation of quoins on the other subject building. Here, "different" may mean that one building lacks quoins while the other one does not, or it may mean that the size, the length, the shape and the materials of the quoins on the subject building substantially varies.
    - f. The presence or incorporation of belt courses, brick soldier courses, or other brick or stone detail on the proposed building is extensively different from such architectural features on the other subject building. "Extensively" in this case shall mean that the detail is incorporated throughout the facade rather than one specific window, entrance, or portion of the facade. Such presence or incorporation of said items used as lintels shall not factor into this standard, but may factor into the standards for fenestration found in paragraph D.3 below.
  2. *Entrance features and other facade features.* The front or main entrance to the subject buildings shall differ by at least one of the following ways:
    - a. The entrance surround on the proposed building consists of different elements, such side windows or transoms, as found on the other subject building.
    - b. The incorporation or lack of bay windows, oriels, porches, or columns on the proposed building differs from the other subject building.
  3. *Fenestration.* The design and disposition of windows and other exterior openings on the subject buildings shall differ in at least one of the following ways:
    - a. The number of windows on the facade of the proposed new single-family dwelling differs from the number of windows on the facade of the other subject building.
    - b. The presence or incorporation of masonry lintels or arches over windows on the facade of the proposed single-family dwelling is different from the presence or incorporation of masonry lintels on the facade of the other subject building. Here "different" could mean that one building uses one type of arch (e.g., a Roman arch), while the other building uses another type of arch (e.g., a bowspring arch). Alternatively, "different" could mean that a solid stone lintel is used on one building and a solid stone jack arch is used on the other building.
    - c. The type of window incorporated into the facade of the proposed building differs from the

type of window incorporated into the facade of the other subject building. For example, one building may have casement windows and the other building may have double-hung windows.

4. **Roof line.** The roof or roof line shall differ by at least one of the following ways:
- The presence or the incorporation of dormers on the facade of the proposed building is different from the presence or incorporation of dormers on the facade of the other subject building. Here "different" may mean that the number and arrangement of dormers is varied, or that the height, width, roof angle or material of the dormers is different.
  - The roof type of the proposed building is different from the roof type of the other subject building. For example, one building may have a hip roof and the other building may have a gabled roof.
  - The roof line of a front porch on the proposed building is different from the roof line of a front porch on the other subject building.
  - The number or arrangement of gables on the facade of the proposed building is different from the number or arrangement of gables on the facade of the other subject building.
5. **Building massing.** Building massing shall differ in at least two of the following ways:
- The height, as viewed from the front of the residence, shall differ by at least 15 percent; or
  - The width, as viewed from the front of the residence, shall differ by at least 15 percent; or
  - The length of the roofline, as viewed from the front of the residence, shall differ by at least 30%. In instances where one roofline, as viewed from the front of the residence, is a peaked roof, then the other roofline, as viewed from the front of the residence, shall have a horizontal run of at least eight feet; or
  - The roof pitch angle, as viewed from the front of the residence, shall differ by at least 25 degrees.
- E. **Dissimilarity Clarified.** The following characteristics shall not by themselves constitute dissimilarity among two otherwise similar dwellings:



- Variations in color, except as allowed in sub-paragraph D.1 of this section;
- Variations in roofing material;
- Reversal of plan orientation.

(Ord. No. O-38-12, § 2 (Exh. B), 5-14-2012; Ord. No. O-69-12, § 2, 11-26-2012; Ord. No. O-33-18, § 9, 8-13-2018)

17.22.030. - EXCEPTIONS TO SIMILARITY STANDARDS.

- A. *Planned Unit Developments.* The provisions of this chapter may be waived for planned unit developments in which similarity of architectural form and style among dwellings is integral to the success of a unified plan, and in which the high quality of building materials, building design, and site plan overcome the presumed deficiencies of similarity.
- B. *Already-Issued Permits.* The provisions of this chapter may be waived by the Zoning Administrator in cases where the applicant for a building permit could not have been expected to have had knowledge of the plans for a neighboring residential building that was approved but not yet built.

(Ord. No. O-38-12, § 2 (Exh. B), 5-14-2012)

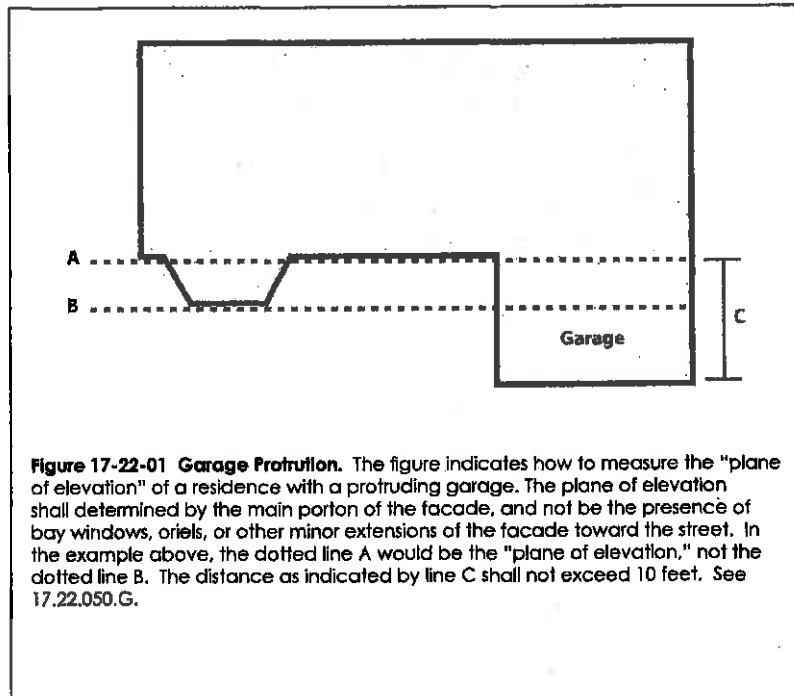
17.22.040. - ARCHITECTURAL STANDARDS FOR RESIDENCES.

- A. *Applicability.* The provisions of this chapter shall apply to all new residential construction in all R-zoning districts.
- B. *Roofing Materials.* Corrugated metal roofing or metal roofing with ribbing less than 12 inches apart shall be prohibited.
- C. *Chimney Materials.* The exteriors of chimneys shall be constructed of brick or stone.
- D. *Permitted Exterior Materials.* The following materials, or combinations of the following materials, are expressly permitted on all exterior elevations:
  - 1. Brick
  - 2. Decorative natural stone or synthetic stone
  - 3. Wood
  - 4. Fiber cement siding, cement board siding, e.g., Hardie plank™
  - 5. Stucco
  - 6. Cement or concrete
  - 7. Vinyl, provided that:
    - a. No more than 33% of the total area of the facade is of vinyl; and
    - b. The siding is certified as meeting the requirements of ASTM D3679 or ATSM D7254; and
    - c. The siding is certified as meeting the requirements of ASTM D6864 or ATSM D7251.
- E. *Prohibited Exterior Materials.* The following materials are expressly prohibited on the exterior elevations:
  - 1. Dryvit, EIFS, or other similar products
  - 2. Split-face block, CMU, quick brick, utility brick, or similar masonry products.
- F. *Other Exterior Materials.* Materials not listed on the above lists shall be evaluated on a case-by-case basis by Village's Zoning Administrator. The Zoning Administrator shall determine if the material closely resembles in texture, composition (physical properties), and durability any of the approved materials



listed in this paragraph. If so, the Zoning Administrator shall approve the material for use on exteriors. If not, the Zoning Administrator shall deny the use of the material on exteriors.

- G. *Garages.* With the exception of side-loaded garages, no portion of a single-family residence that contains a garage shall project more than ten feet from the plane of the elevation of the residence that is closest to the street. See Figure 17-22-01 for clarification on the plane of elevation.



(Ord. No. O-38-12, § 2 (Exh. B), 5-14-2012; Ord. No. O-69-12, § 2, 11-26-2012)

#### 17.22.050. - TWO-FAMILY/DUPLEX DESIGN VARIETY IN RESIDENTIAL CONSTRUCTION.

- A. *Applicability.* The provisions of this section shall apply to all new two-family or duplex residential construction. Duplex and two-family dwelling shall mean the same thing for the purpose of these guidelines.
- B. *Proximity Standard.* Before a building permit is issued, the Zoning Administrator shall determine that the proposed new two-family dwelling is dissimilar in appearance, i.e. is not similar, to any two-family dwelling on the same street which is within two lots of the proposed new two-family dwelling. A two-family dwelling on a corner lot may be considered dissimilar to another two-family dwelling if the two subject dwellings face different streets. On a cul-de-sac or turnaround, a new two-family dwelling must be dissimilar to at least three other existing or planned two-family dwellings on the same cul-de-sac or turnaround.
- C. *Comparison Procedure.* The proposed new two-family dwelling shall be compared to all other existing or other proposed two-family dwellings that fall within the range of the proximity standard of paragraph B above. The proposed dwelling shall be compared with only one other dwelling at a time. If the criteria in paragraph D below are met, then the proposed dwelling is compared to another dwelling that meets the proximity standard, and so forth. The criteria met in one comparison do not need to match the criteria met in another comparison.

- D. **Criteria.** No two duplex dwellings of identical front elevation, or facade, shall be constructed or located on a lots. A change in front elevation or rear exterior elevation or facade shall be deemed to exist when there is a substantial difference in roof line, type and location of windows, and/or kind and arrangement of materials discussed below. The criteria in the four sub-paragraphs 1, 2, 3, and 4 must be satisfied in order to deem them dissimilar as subject to the proximity standard above in paragraph B.
1. **Facade features.** The front facade and all facades that are exterior to the development must have a variety of elements that may include:
    - a. Shutters
    - b. Muntins
    - c. Dedicated outdoor living space
    - d. Change in exterior materials
  2. **Roofline.** The roof or roof line shall differ by at least one of the following ways:
    - a. The presence or the incorporation of dormers on the facade of the proposed building is different from the presence or the incorporation of dormers on the facade of the other subject building. Here "different" may mean that the number and arrangement of dormers is varied, or that the height, width, roof angle or material of the dormers is different.
    - b. The roof type of the proposed building is different from the roof type of the other subject building. For example, one building may have a hip roof and the other building may have a gabled roof.
    - c. The roof line of a front porch or back porch on the proposed building is different from the roof line of a front or back porch on the other subject building.
    - d. The number or arrangement of gables on the face of the proposed building is different from the number or arrangement of gables on the facade of the other subject building.
  3. **Fenestration.** The design and disposition of windows and other exterior openings on the subject buildings shall differ in at least one of the following ways:
    - a. The number of windows on the facade of the proposed new two-family dwelling differs from the number of windows on the facade of the other subject building.
    - b. The presence or incorporation of masonry lintels or arches over windows on the facade of the proposed two-family dwelling is different from the presence or incorporation of masonry lintels on the facade of the other subject building. Here "different" can mean that one building uses one type of arch (e.g., a Roman arch), while the other building uses another type of arch (e.g., a bowspring arch). A window can be dropped 12-18" to add a transom to the head condition to create "different."
    - c. The type of window incorporated into the facade of the proposed building differs from the type of window incorporated into the facade of the other subject building. For example, one building may have casement windows and the other building may have double-hung windows.

(Ord. No. O-33-18, § 9, 8-13-2018)

**Editor's note—** Ord. No. O-33-18, § 9, adopted Aug. 13, 2018, set out provisions intended for use as § 17.22.030. To avoid duplication of section numbers, and at the editor's discretion, these provisions have been included as § 17.22.050.



**Design Guidelines  
for the  
Downers Grove  
Downtown Business District**

**January 20, 2009**

## SECTION 1 – INTRODUCTION

The Village has developed the following design guidelines for the downtown business district. The guidelines have been developed using the August 2008 Downers Grove Downtown Pattern Book prepared by Houseal Lavigne Associates & Topografis and a visual preference survey held in October 2008 with Village staff, Downtown Management and other interested downtown parties.

## SECTION 2 – HOW TO USE THE DESIGN GUIDELINES

The design guidelines have been developed to assist in creating a vibrant and diverse downtown and should serve as a guide for downtown development. The guidelines are divided into five separate sections, site design, building design, building base, building middle, and building top. Each section describes elements which support good design and provide visual references which identify both encouraged and discouraged elements of each guideline. The Village encourages that all development in the downtown incorporate items from each section.

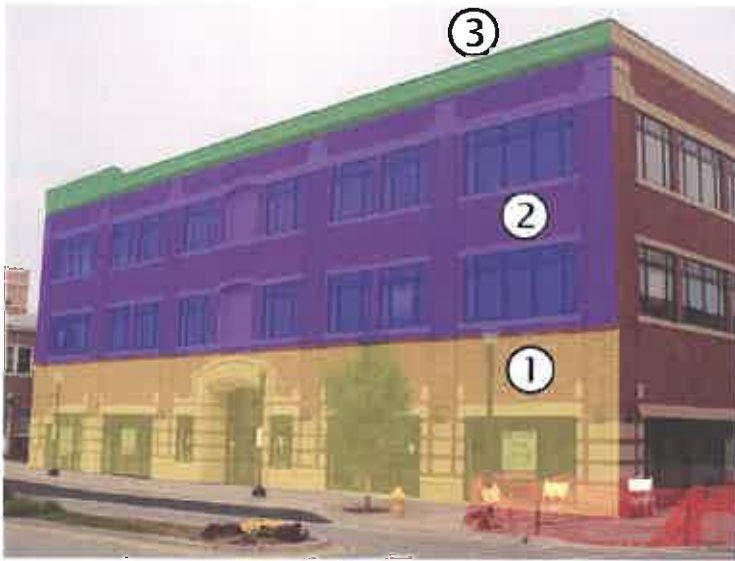


Fig. 1: Building areas

1. Building Base
2. Building Middle
3. Building Top

## SECTION 3 - SITE DESIGN

The overall building design is important to create a sense of place, enclosure and activity. The following guidelines are offered:

- ✓ Building massing, height and lot coverage should be proportionate to adjacent buildings. Appropriate massing will assist in creating a sense of enclosure.

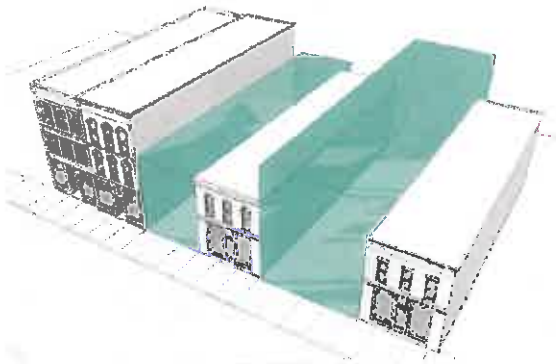


Fig. 1: Appropriate Building Massing

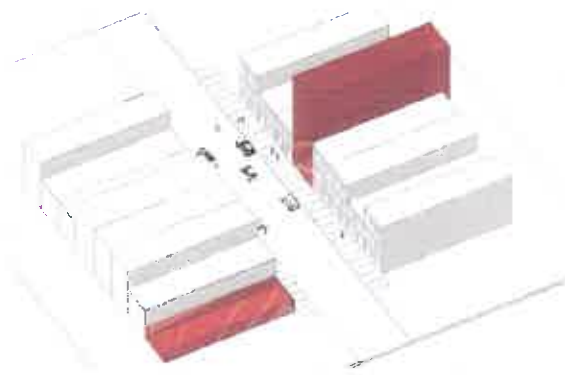
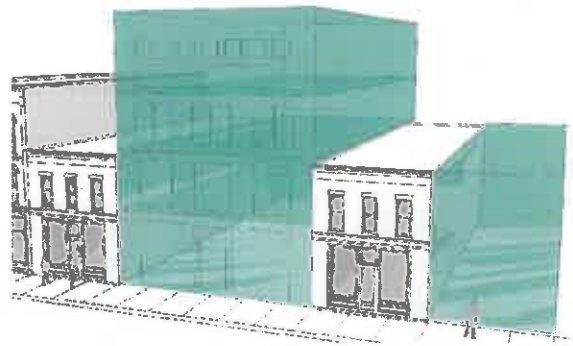


Fig. 2: Inappropriate Building Massing

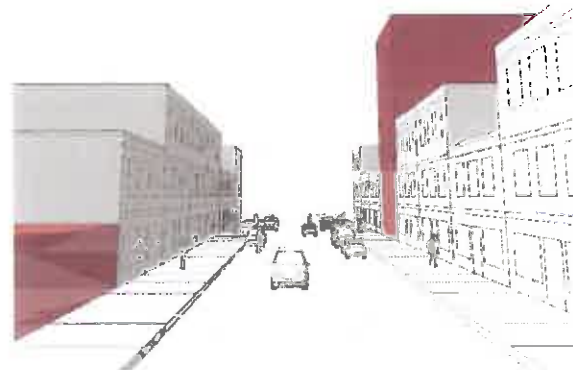


Fig. 3: Sense of enclosure



- ✓ Primary facades should be located near the property line. The urban quality of the street and the pedestrian experience are enhanced by buildings located at the street edge.
- ✓ Buildings should extend and establish a continual street wall.
- ✓ Parking lots are discouraged as they eliminate the street wall. Plazas and outdoor cafes are encouraged as they continue street walls.



Fig. 4: Example of strong street wall

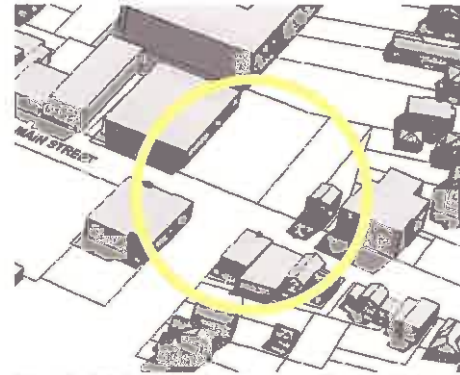


Fig. 5: Major gap in street wall should be avoided.

## SECTION 4 - BUILDING DESIGN – GENERAL

In general, individual buildings should have a distinctive and aesthetically pleasing architecture. Although the Village does not have a distinct style in the Downtown, individual buildings should have a single architectural style.

Although the Village is not seeking to exclude materials, buildings should be constructed of high-quality materials. A maximum of three materials is strongly encouraged. A variety of finishes within the same material is acceptable.



Fig. 6: Examples of appropriate use of materials.

## SECTION 5 - BUILDING BASE

Attractive storefronts can draw the attention of window shoppers, boost economic activities, enhance the image of the business and assist in marketing the goods and services of the business. To create attractive storefronts, certain design features can be used to create good storefronts:

### Windows

- ✓ Windows should be designed to encourage retail uses. Generally, a majority of the first floor should be windows because they enliven streets and provide interest and activity at the street.
- ✓ Knee walls are encouraged to provide a strong base. Knee walls should be between 12 and 30 inches tall.
- ✓ Windows should be transparent, not opaque.



Fig. 7: Encouraged: knee walls and windows which make up a majority of the storefront



Fig. 8: Encouraged: knee walls and windows which make up a majority of the storefront



Fig. 9: Storefronts without a knee wall or base should be avoided.



Fig. 10: Opaque windows and windows which do not make up the majority of the storefront are discouraged and should be avoided.

## Entry Features

- ✓ Entries should be prominent features of the base. Entries should be different from the standard building bay through articulation, elaboration and materials.



Fig. 11: Encouraged: articulated entry through corner piers and signage



Fig. 12: Encouraged: articulated design and material details



Fig. 13: Entries should be prominent features. Entries with lack of detail and elements that are out of proportion with the building should be avoided.



Fig. 14: Entries without detail and definition are unattractive and do not invite customers into the establishment. If entries are setback, extra care should be given to the detailing as in Figure 11.

## Building Materials

- ✓ Base materials should be consistent and new materials should compliment existing materials.
- ✓ Repair and restoration of original features and materials such as brick and stucco, etc., is encouraged. Covering original features and materials is discouraged.

- ✓ A horizontal expression should establish the ground level of the building from the rest of the building. The expression should compliment adjacent buildings and reinforce the street as a pedestrian friendly space.
- ✓ Building materials such as brick, stone, manufactured stone, terra cotta accents, metal accents and wood are encouraged as they provide visual interest and assist in creating a pedestrian friendly corridor.
- ✓ Building materials such as utility brick, concrete masonry units, and Exterior Insulating Finishing Systems (EIFS) are discouraged as they are perceived as cold and uninviting while do not create a pedestrian friendly scale.
- ✓ Materials should be used to differentiate between the importance of building features, and provide visual separations between material functions.



Fig. 15: Encouraged: brick and stone with horizontal expression of first floor



Fig. 16: Encouraged: brick, stone, and textured stone, quoins, projecting lights



Fig. 17: Materials such as EIFS can be used effectively as an accent. However, it is discouraged as a primary material



Fig. 18: Avoid blank facades with little detail and inappropriate materials such as utility brick



## Façade Elements

Features which extend out from the building façade can contribute to the character, scale and visual interest of the street. These elements add value and are encouraged:

- ✓ Awnings create visual interest, shield pedestrians from weather and should be compatible in material and style with adjacent properties. Awning can be used to advertise goods or provide visual cues to the location of an entrance.

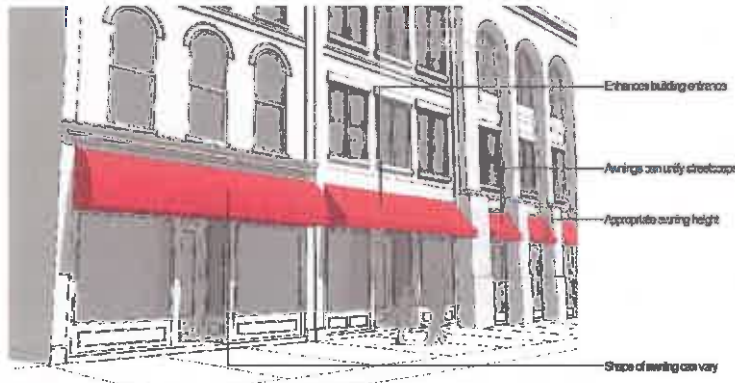


Fig. 19: Encouraged: awnings



Fig. 20: Avoid using materials that do not compliment the building and surrounding buildings. Awnings should be in scale with the other façade elements and with neighboring buildings.

- ✓ Outdoor cafes can create active streets. Cafes should be clearly defined and provide adequate space for the existing sidewalk to function.
- ✓ Protruding light fixtures also add visual interest while highlighting building details.
- ✓ Landscaping can create pedestrian friendly sidewalks by separating vehicles from pedestrians.
- ✓ Benches adjacent to landscape areas assist in creating pedestrian friendly areas.

- ✓ Balconies within the middle section of the building assist in providing the desired solid and void which are important to the middle sections of buildings. Additionally, balconies add visual interest to the street wall.
- ✓ Projecting signs create visual interest and can assist businesses in advertising.



Fig. 21: Encouraged: appropriately scaled and located signage



Fig. 22: Encouraged: awnings and flower box



Fig. 23: Encouraged: outdoor cafe



Fig. 24: Encouraged: landscaping and benches



Fig. 25: Encouraged: projecting light

## SECTION 6 - BUILDING MIDDLE

The middle section of a building should be designed to tie the building base to the roof while creating visual interest. The middle of a building should be a series of solid and voids. Design features which compliment the base and roof are listed below:

### Windows

- ✓ Windows should be in rhythm with the base level.
- ✓ Visual interest should be created through sills, lintels, divided lights and style. Double-hung windows provide more visual interest than casement windows.
- ✓ Replacement windows should fill the entire historic window opening. If historic window openings require closing, the opening should be a different material or texture to maintain the rhythm of the wall.



Fig. 26: Encouraged: double-hung windows, divided lights, lintels and sills



Fig. 27: Encouraged: replacement windows that fill the entire window opening



Fig. 28 Windows should be in scale with the other façade elements. Avoid windows which do not maintain rhythm of the wall as in this example



Fig. 29 Replacement windows should fill the entire historic opening. Avoid replacing windows where the window opening is not filled

## Building Facade

- ✓ Facades should reflect proportionate shapes and patterns. Unarticulated walls create poor visual appearance, do not relate to the base nor the roof and are not allowed.
- ✓ Facades should be visually appealing through detailing, openings and materials.
- ✓ Corner buildings are exposed on two streets. As such, corners of these building should be articulated and elaborated to reflect this importance.



Fig. 30: Encouraged: detailing, window openings and material changes



Fig. 31: Encouraged: corner articulation



Fig. 32: Blank façades with no variation, windows or detailing should be avoided



Fig. 33: Façades with no detailing, as in this example, should be avoided

## Building Materials

- ✓ New materials should be complimentary.
- ✓ Building materials such as brick, stone, manufactured stone, terra cotta accents, metal accents, stucco and wood are encouraged as they provide visual interest.



Fig. 34: Encouraged: brick and stone materials



Fig. 35: Encouraged: complimentary materials



Fig. 36: Vinyl and aluminum siding are discouraged materials and should not be used to cover historic building materials



## SECTION 7 - BUILDING TOP

The building top should be an expression of form, ornament and detail as it meets the sky. The roof should give distinction to the entire building. To create an attractive roof, certain design features can be used to create good storefronts:

### Roofs

- ✓ Distinctive corners and cornices can create visual interest.
- ✓ Per the Downers Grove Zoning Ordinance, mechanical equipment must be screened from street level view.



Fig. 37: Encouraged: cornice detailing



Fig. 38: Encouraged: stone cornice detailing



Fig. 39: Cornices should have detailing and should be in scale with the rest of the building. New cornices should not cover original features.



Fig. 40: It is important to provide details at the top of buildings. In this example, the parapet does not have any detail or cornice. Buildings without detail at the top should be avoided

## **Section 8 – Definitions**

**Concrete masonry unit (cmu)** -- A precast masonry unit, typically measuring 8" D x 8" H x 16" L, made mainly of portland cement, gravel, sand and water molded into various shapes.

**Cornice** – A continuous projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

**Divided lights** – A window with a number of smaller panes of glass separated and held in place by muntins or a single pane of glass with muntins placed on the surface of the glass to give the appearance of many smaller panes of glass.

**Exterior Insulating Finishing Systems (EIFS)** – A multi-layered exterior finish system that provide exterior walls with an insulated finish surface and waterproofing in an integrated composite material system.

**Knee wall** – A short wall upon which a window may sit.

**Lintel** – A horizontal member above a window opening

**Massing** –The three-dimensional bulk of a building: height, width and depth.

**Pattern Book** – The Village of Downers Grove Pattern Book is a document that contains the different patterns and components that create the fabric and context of Downtown Downers Grove and identifies the elements necessary for retaining and enhancing its character as new development, improvements, and changes are considered.

**Sill** – A horizontal member beneath a window opening.

**Streetwall** – A continuous built form of buildings at or near the front property line, with no or very small side yards.

**Utility Brick** – A brick which is larger in size than a standard brick. A standard brick measures 3 5/8" D x 2 1/2" H x 8" L.



# Table of Contents

<b>Introduction .....</b>	<b>1</b>
Study Area Background .....	1
Vision .....	1
Planning Process .....	1
<b>Land Use Plan &amp; Policies .....</b>	<b>2</b>
Key Principles .....	2
Land Use Designations .....	3
<b>Commercial &amp; Office Area Plan &amp; Policies .....</b>	<b>6</b>
Guiding Principles .....	6
Commercial Areas .....	7
Office Areas .....	9
General Improvements & Development Guidelines .....	10
<b>Residential Areas Plans &amp; Policies .....</b>	<b>14</b>
Guiding Principles .....	14
Residential Areas .....	15
Residential Development Policies .....	15
<b>Transportation and Circulation Plan &amp; Policies .....</b>	<b>16</b>
Guiding Principles .....	16
Interstate Access .....	16
Primary Roadway Access .....	18
Secondary Road Access .....	18
Pedestrian Circulation .....	19
Transit .....	19
Other Recommendations .....	19
<b>Subarea Frameworks .....</b>	<b>20</b>
West End .....	21
Midwest to Kingery .....	22
Oakbrook Center .....	23
Commerce Drive .....	24
Enterprise Drive .....	26
York & Windsor .....	27
Jorie Boulevard .....	28
McDonald's Corporate Campus .....	30

# 1 Introduction

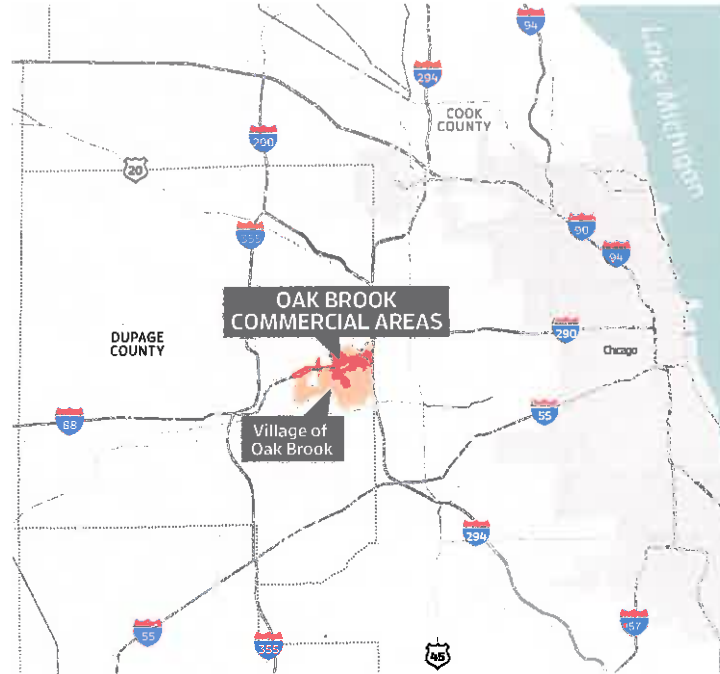
The Village of Oak Brook is located in eastern DuPage County, Illinois, approximately 17 miles from Downtown Chicago, and consists of an area approximately 8.2 square miles in size. Oak Brook is an established community primarily comprised of single-family residential neighborhoods, many of which are gated, and mixed commercial and office uses located along 22nd Street. The Village has 8,000+ residents and a daytime population of approximately 85,000. The Village of Oak Brook is unique in that its property owners pay no property tax to the Village, as Village services are funded primarily by sales tax receipts.

The Village of Oak Brook is the headquarters of many national and international companies and organizations, including Ace Hardware, Duchossois Group, Federal Signal Corporation, Inland Real Estate, Blistex, and Lions Clubs International. In addition, Oak Brook is also home to Oakbrook Center, the largest open air regional shopping center in the country and the second largest mall in the Chicagoland area.

## A Legacy of Quality, Character, and High Standards

The Village of Oak Brook has a legacy of quality, character, and high standards. This tradition applies to all areas of the Village, including the residential neighborhoods and the commercial and business areas. All development, regardless of where in the Village it occurs, must reflect these values. This plan continues and reinforces the deliberate separation of the Village's existing residential areas and its changing commercial areas. The Village's guiding design principle shall continue to be restrained good taste.

This plan makes no recommended changes to the Village's existing residential areas. However, as business, retail, transportation, and lifestyle and workforce needs evolve, it is important that the Village guide the commercial areas in a manner that maintains the Village's viability, quality, competitiveness, and desirability within the market place. As new development is considered in the commercial areas, the values of quality, character, and high standards must be reinforced.



## Study Area Background

The Commercial Areas Revitalization Plan study area is located along and adjacent to 22nd Street and Butterfield Road. It runs east-west for approximately 4.5 miles and contains approximately 9 million square feet of office and retail space. The Study Area has direct access to I-88 and IL Route 83 as well as access from northbound I-294. It is in close proximity with Roosevelt Road IL Route 38. The commercial corridor is the main thoroughfare through the Village and serves as the "face" of the Village to those passing through.

The Village of Oak Brook has long enjoyed a reputation of prominence and success, as this area is the economic engine of the community, and a regional draw for shopping, dining, entertainment, and employment. Because of its prominence, the Village's reputation weighs heavily on the quality and appearance of the businesses that have made their home along the commercial corridor.

## Vision

As a result of changing market conditions, the Commercial Areas Revitalization Plan is intended to review and analyze short-term and long-term land use strategies to strengthen the economic vitality of Oak Brook to continue to make it a viable location for existing and new businesses. Oak Brook's commercial areas will remain firmly established as the region's premiere retail, dining, entertainment, and professional office destination. Although fully developed, Oak Brook's commercial areas have emerged once again as a coveted destination for new development.

In addition to reinforcing and strengthening the office, retail, dining, hospitality and entertainment offerings, residential and mixed-use developments are now more often being proposed by developers. The injection of new residential development as part of mixed-use developments will better accommodate aging in place, by providing a wider range of housing types in close proximity to commercial activity and employment. This new approach to residential will not only support existing commercial areas, but provide housing options to support the local workforce, making Oak Brook a more desirable and viable location for existing and new businesses.

Walkability and bikability are top priorities, as Oak Brook seeks to better connect all areas with a complete network of sidewalks and trails. A safe, attractive, efficient, and fully connected pedestrian environment will be provided in all areas.

In addition, focus has once again been placed on ensuring effective transportation and infrastructure systems for all areas. As development intensifies, the Village, working with IDOT and the Toll Authority as necessary, will ensure appropriate roadway capacity, efficiency, safety, ingress/egress, and overall connectivity. Oak Brook's commercial areas are vibrant and active and the proper infrastructure will be provided to accommodate development investment and maintain a functioning and desirable commercial environment.

## Planning Process

The Oak Brook Commercial Areas Revitalization Plan is the product of an eight-step process that entailed: analyzing existing conditions; determining strengths, weaknesses, issues and opportunities; establishing a "vision" for the corridor; developing plans and policies for land use, development, transportation, and opportunity sites; developing detailed subarea framework plans; developing implementation strategies and actions necessary to transform the Plan from vision to reality, and finally preparing the Commercial Areas Revitalization Plan report for adoption.

The planning process entailed close coordination and engagement of a wide variety of stakeholders, including elected and appointed officials, Village staff, local business owners, property owners, community organizations, and residents. The planning process included the following steps:

- Step 1: Project Initiation** – meetings with Village staff, Village Board, and Community Enhancement Committee
- Step 2: Existing Conditions and Outreach** – analysis of existing land use and transportation/infrastructure conditions, interviews with key stakeholders, workshops with the business community and Greater Oak Brook Chamber of Commerce, and a general market overview.
- Step 3: Development Concepts** – development of preliminary concepts for land use and development for the different "functional subareas" within the study area, and preliminary development concepts for key sites.
- Step 4: Plan Documents and Adoption** – preparation of the draft plan, obtaining community and stakeholder feedback through meetings, workshops, and open houses; and creation of the final Commercial Areas Revitalization Plan document.



# 2 Land Use Plan & Policies

The Land Use Plan is intended to enhance the Village's existing pattern of development and provide guidance for land use and development that should occur in the future. Building on community character, desired uses, market conditions, stakeholder input, and the existing development pattern, the Land Use Plan serves as the foundation for the subsequent chapters of the Plan. These chapters work together to facilitate the reinvestment, redevelopment, improvement and revitalization of Oak Brook's commercial areas.

The Land Use Plan seeks to concentrate commercial land uses at key locations along the 22nd Street corridor, maintain a wide variety of office types capable of providing space for both large and small businesses at locations highly visible from the interstates and major arterial roads, and promote mixed-use developments at key locations that will provide an increase in housing options as well as dining, entertainment, and shopping destinations. Oak Brook's commercial areas and office uses must continue to be sensitive to the larger community context, ensuring compatibility with adjacent areas.

## Key Principles

### Strengthen the Economic Vitality of Commercial Areas

- Increase development density/intensity while ensuring infrastructure capacity to support the development.
- Create an environment to attract a more diverse and innovative businesses base, including incubators spaces for startups businesses, large corporate office locations, and tech/research areas that require more flexibility than traditional office areas provide.
- Support development that attracts new tenants, while ensuring latitude in reinvestment and in-place strategies that allow existing tenants to reinvent, upgrade, and adjust their current Oak Brook locations.
- Encourage the maximization of retail sales tax generating uses in commercial areas by providing state of the art infrastructure, necessary regulatory flexibility, opportunities for new residential, and high-quality services and community appearance.

### Proactively Identify Redevelopment Opportunities

- Coordinate economic development activities in a manner that provides regular opportunities for contact between business and development interests within the Village.
- Promote locally-based marketing programs to boost local investment and awareness between the residential and business community.
- Support the Greater Oak Brook Chamber of Commerce in its efforts to market and promote local businesses as well as improve communication with the Village.

### Easy Access of Employment Areas

- Initiate transportation infrastructure improvements along Windsor Drive and York Road.
- Provide a fully connected trails and sidewalks network within the commercial areas and between the residential and commercial areas.
- Target mixed-use and multi-family development closer to commercial and employment areas.
- Work with the regional transportation service to better connect employment and shopping areas of Oak Brook to nearby and regional residential communities.

### Maintain Quality of Development

- Continue utilization of the Planned Development process as a means of reviewing and approving new development.
- Continue to implement the streetscape improvement program in areas yet to be improved.
- Promote high quality architecture, both traditional and contemporary styles, to further establish Oak Brook as a center for the highest quality development and to further distinguish the area within the greater region.
- View every development and capital improvement as an opportunity to improve the pedestrian and bicycle connectivity of the area.

## Land Use Designations



The Commercial Areas Revitalization Plan is comprised of thirteen different land use designations organized into three major categories – commercial and office uses, residential uses, and public and utility uses. Collectively, these designations provide for the full range of uses existing and desired within the Study Area.



### Commercial and Office Uses

Commercial and Office uses are the primary employment centers within the commercial corridors of Oak Brook. They provide most of the valuable tax revenue for the Village. These uses are divided further into distinct land uses which are described below.

### Mixed Use

This land use consists of commercial, office, cultural, institutional, and/or residential uses in a vertical arrangement. This land use is proposed on several sites which are currently occupied by professional office uses. The intent is to diversify the commercial uses at strategic locations within the corridor.



### Neighborhood Commercial

Neighborhood commercial land uses consist of restaurants, banks, medical offices, business centers and services. Neighborhood commercial uses within the Village are primarily located north of intersection of 22nd Street and Midwest Road.

### Regional Commercial

Commercial land uses consist of big-box retail, service, restaurants, strip mall, and entertainment. This land use within the Village is primarily located along 22nd Street and Kingery Highway.



### Oakbrook Center

Oakbrook Center is a unique form of regional retail that is the largest commercial shopping center within the community and region, and includes retail, restaurant, entertainment, office, hotel, and other uses. It is surrounded by other retail and office uses, which capitalize on proximity to the Center. The Center is located north of 22nd street, between Kingery Highway and Spring Road.

### Hotel & Lodging

This land use consists of seven hotels which are located adjacent to professional offices to provide nearby lodging options for the office users. Hotels in this area include conference rooms and transportation to O'Hare Airport.



### Professional Office

Office land use in Oak Brook comprises corporate offices and headquarters of domestic and international businesses. This land use provides a prime location for both Class A and Class B offices. Class A offices consist of the most prestigious buildings for premier office users with rent above average for the area. Class B offices consist of buildings competing for a wide range of users with rent in the average range for the area.

### Business Park

Office/Business Park land use in Oak Brook is a new land use designation, intended to attract and accommodate businesses such as business incubator space, logistics/warehouse, research, support services, maker spaces, and more. Most properties in this land use are potential redevelopment sites along Enterprise Drive and within the Windsor/Swift area. Redevelopment of these areas could create a "campus-style" development which can integrate parks and open space in the redevelopment plan.



### Residential Uses

Residential uses represent the Oak Brook residential neighborhoods. All of Oak Brook's residential areas are separated from commercial uses.



### Single-Family Detached Residential

Single-family detached residential includes residential areas located north of Harger Road; south of Interstate 88; and south of 22nd Street.

### Single-Family Attached Residential

This land use designation includes townhomes, rowhouses, duplexes, and other attached residential uses. This use is located west of Kingery Highway and surrounded by single-family residential uses.

### Multi-Family Residential

Multi-family residential includes condominiums, which are typically characterized by buildings with a common lobby and hallway from which individual units have direct access, rather than individual units having direct primary access to outside. Oak Brook Club, located north of Oak Brook Center, is the only existing multi-family residential adjacent to the Village commercial areas.



### Public and Utility Uses

Public and Utility uses include governmental buildings, community support uses such as parks, and utility infrastructure

### Public/Semi Public

Public/Semi Public land use is comprised of local, state and federal government buildings, police stations, fire station, and civic buildings. In the Oak Brook Commercial Areas Plan the Fire Stations, Village Hall, and USPS facility represent the Public/Semi Public Land Uses.



### Parks & Open Space

This land use designation includes parks designated for active and passive recreation, as well as areas of open space and natural environment. Designated open spaces exist along Salt Creek, the Butler National Golf Course, the Village Sports Core, and, currently, the McDonald's fields.

### Public Utility

This land use designation generally consists of water towers/facilities, electric substations, and overhead electric transmission lines.

# Commercial Areas Revitalization Plan Update

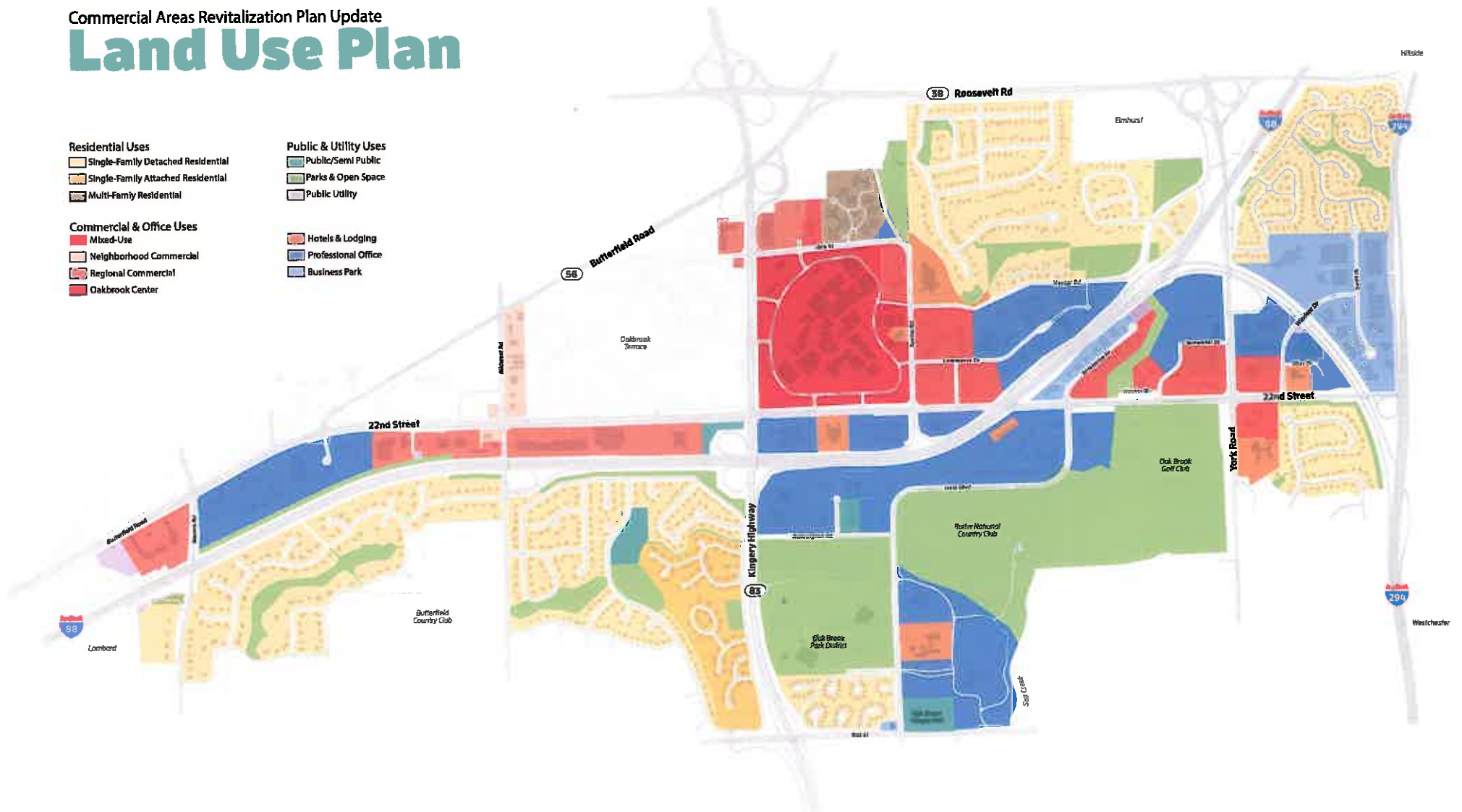
## Land Use Plan

- Residential Uses**
- Single-Family Detached Residential
  - Single-Family Attached Residential
  - Multi-Family Residential

- Commercial & Office Uses**
- Mixed-Use
  - Neighborhood Commercial
  - Regional Commercial
  - Oakbrook Center

- Public & Utility Uses**
- Public/Semi Public
  - Parks & Open Space
  - Public Utility

- Hotels & Lodging
- Professional Office
- Business Park





# 3 Commercial & Office Areas Plan & Policies

The Commercial Area Plan & Policies chapter strives to strengthen and reinforce the role and function of Oak Brook's retail commercial and office areas within the community and Chicago Region. This chapter of Oak Brook's Commercial Areas Revitalization Plan builds upon the community's vision for the area, providing recommendations and policies specific to office and commercial uses. More specific recommendations for site improvements in the commercial and office areas, including redevelopment opportunity sites, are contained in the Subarea Framework chapter of this report.

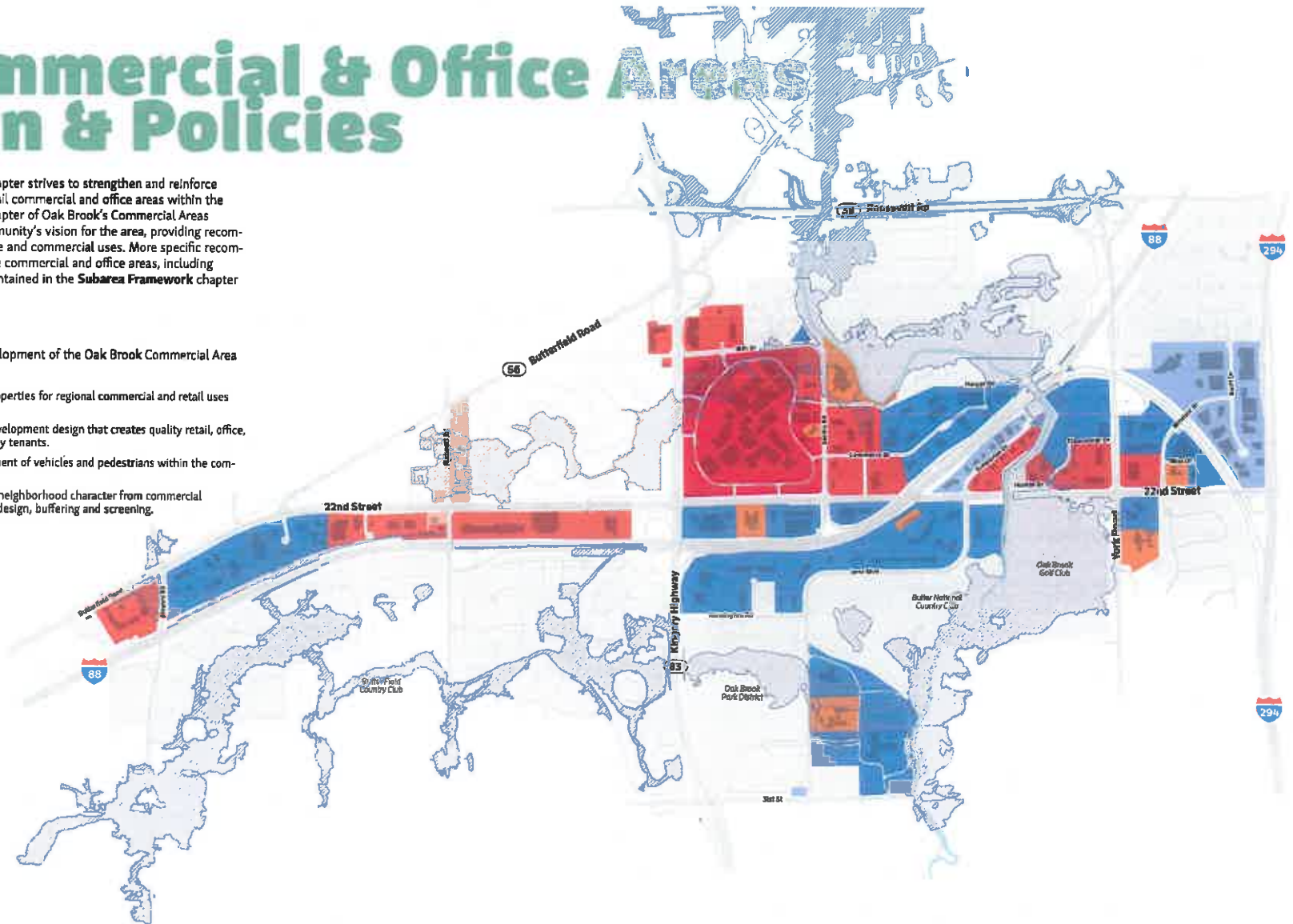
## Guiding Principles

The following principles guided the development of the Oak Brook Commercial Area Revitalization Plan:

- Reserve highly visible and accessible properties for regional commercial and retail uses and complimentary mixed uses.
- Ensure high-quality architecture and development design that creates quality retail, office, and mixed-use spaces that attract quality tenants.
- Provide for the safe and efficient movement of vehicles and pedestrians within the commercial and office areas.
- Protect the Village's existing residential neighborhood character from commercial areas and activity with appropriate site design, buffering and screening.

### Commercial & Office Uses

- Mixed-Use Commercial
- Neighborhood Commercial
- Regional Commercial
- Oakbrook Center
- Hotels & Lodging
- Professional Office
- Business Park
- Floodplain  
(Source: Preliminary FEMA Map, 6/1/2017)





## Commercial Areas

The Commercial and Office Areas Plan & Policies establish recommendations for improving, upgrading, and maintaining the prominence of the commercial and office markets, and promoting compatible redevelopment and reinvestment within Oak Brook's commercial areas. The Land Use Plan designates four types of commercial designations within the study area. In addition, the plan designates a "mixed-use" land use to promote the development of mixed-use buildings that provide commercial uses on the ground floor with residential and/or office uses in the upper floors. A description of the type, role, policy and recommendations of each use is presented below.

### Mixed-Use Commercial

Mixed-use commercial is a commercial land use designation that can accommodate multiple uses, typically in a vertical orientation in a single building. Mixed-use commercial typically consists of retail, commercial, restaurant, and/or service uses on the ground floor, with office or residential uses on the upper floors. The Village should consider mixed-use development within the commercial districts, including a possible condominium element on the upper floors, providing an option to seniors, younger workers, and others who prefer a downsized condominium lifestyle, with convenient access and walkability to shops, restaurants, entertainment, and workplaces.

A key strategy in maintaining commercial and employment competitiveness and attractiveness, is to accommodate the possibility of appropriately designed and located mixed-use development. While the plan identifies sites suited for potential mixed-use development, that does not mean that all such sites will be developed with residential elements on the upper floors. Over time, the market will determine where such development takes place. The areas designated for mixed-use in this plan are virtually the same as the areas designated for mixed-use in the previous Commercial Areas Revitalization Plan (2007).

Mixed-Use Commercial land use is designated along 16th Street, Spring Road, Commerce Drive, east side of Enterprise Drive, and along Clearwater Drive. These types of developments are most appropriate at prominent intersections or near commercial and office/employment centers. The commercial uses on the first floor of a mixed-use development could include a wide range of retail, office, restaurant, entertainment, and service and business uses.

### Recommendations

- Integrate mixed-use, pedestrian oriented developments in key locations along the commercial corridor.
- Build on-site vehicle and pedestrian circulation systems that are safe, convenient, attractive and comfortable for users.
- Connect developments with cross access for adjacent sites and public streets in order to efficiently serve all modes of transportation.
- Promote a healthy and mutually reinforcing mix of commercial, retail, restaurant, entertainment and multi-family uses along the commercial corridor.
- Prioritize the importance of the pedestrian environment for all mixed-use areas, including pedestrian scale, amenities, mobility, access, connectivity, safety, and overall appearance and comfort.
- Promote shared parking facilities and develop parking management plans that provide a sufficient supply of conveniently located parking in a manner that is attractive and easily accessed, but that does not visually dominate the appearance or character of the area.
- Recognize and respond appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces)

### Neighborhood Commercial

Neighborhood Commercial uses serve the day-to-day convenience needs of nearby residents, area employees, and visitors to the community. Neighborhood commercial areas should consist of both retail and service uses. As residential development occurs within Oak Brook's commercial areas, including mixed-use developments, there will be a demand for convenient commercial uses.

Currently, few, if any of these types of uses exist. The Land Use Plan designates Neighborhood Commercial along Midwest Road north of 22nd Street, where the parcel sizes and depths along with their location limit their ability to accommodate larger scale office and retail developments. Neighborhood Commercial uses should be considered compatible with mixed-use developments where commercial on the ground floor could provide convenient shopping and services to residents above and areas nearby.

### Recommendations

- Provide ease of access and connectivity for bicycle and pedestrian traffic.
- Ensure quality design as to ensure compatibility with nearby regionally-scaled development.
- Mandate vehicular cross-access between adjacent parking lots along the corridor.
- Work with utility companies to bury overhead utility lines as redevelopment or CIP projects occur.
- Amend PUD and Zoning regulations to require the above noted recommendations as standards for development review.



Mixed-use Commercial

Neighborhood Commercial



Regional Commercial

## Regional Commercial

Regional Commercial areas consist of larger retail and entertainment uses that are intended to draw from beyond the Oak Brook community, typically requiring larger parcels and greater area devoted to parking. Regional Retail uses are located along 22nd Street and Illinois Route 83 with their location influenced by (a) existing retail uses that are well established; (b) their close proximity to Oakbrook Center; and, (c) their close proximity to major retail centers in neighboring communities. As a general principle, this type of retail use should be clustered to create synergy and contribute to the area's ability to serve and function as a destination. The plan recommends promoting the area between Tower Drive and Midwest Road as Regional Commercial/Retail Land Use.



Oakbrook Center

## Dining & Entertainment

A wide variety of regional and national restaurants are located within Oak Brook. The recent addition of Michael Jordan's Restaurant, Gibsons Bar and Steakhouse, Rock Sugar, and Roka Akur continue to show the market potential for high-end restaurants in Oak Brook. Restaurants and other entertainment uses are an excellent complement to Oak Brook's extensive and well-established retail and office offerings. Restaurants should be permitted within almost all other commercial areas, including mixed-use developments, regional retail areas, Oakbrook Center, and as part of Class A office development.

## Recommendations

- Continue to explore and support development opportunities for high-end boutique restaurants and other dining options.
- Ensure vehicular parking requirements are met to cater restaurant patrons.
- Provide pedestrian connectivity to restaurants from office, residential, and hotel uses.

Hotels & Lodging

## Oakbrook Center

Oakbrook Center is a premier regional shopping, dining, and entertainment destination. Due to its significance and scale, it is its own land use designation within the Village's commercial areas. Oakbrook Center is a key asset to the Village's commercial areas, helping to attract other retail, commercial, and office uses, seeking to be within close proximity to the center.

As the retail market environment changes and shifts, Oakbrook Center has continued to reinvent itself to respond to current trends, which has kept the center highly competitive and successful. Oakbrook Center is a highly sought-after location for many luxury-brand and boutique retailers, including those that largely operate online with only a small number of brick and mortar store fronts in key locations. Oakbrook Center is also home to dining and entertainment destinations such as the Pinstripes restaurant and the AMC movie theater and will soon be home to Kidzania and Lifetime Fitness. The continued reinvention and vitality of Oakbrook Center is likely to depend on the ability of the Center to create development intensity and continue diversifying the mix of uses, i.e., Regional Commercial, Hotel and Lodging, Mixed-Use Commercial, Professional Office, Neighborhood Commercial, Mixed-Use Residential, and potential Multifamily.

As a regional shopping destination, drawing customers far beyond the Village's boundaries, Oakbrook Center is vital to the economic liveliness of the Village's commercial areas.

## Recommendations

- Maintain a strong working relationship with the property owner, coordinating and supporting efforts to reinvest in and reinvent the center over time, in order to maintain its strength and dominance as a regional retail, restaurant, and entertainment destination.
- Explore opportunities for development of new buildings and uses nearer the perimeter of the center, closer to the edges located along Kingery Highway and 22nd Street.
- Continue to explore opportunities to intensify the site through the conversion of surface parking lots into structured parking and new buildings, including the possible inclusion of mixed-use development.
- When considering residential uses as a component of any development on the Oak Brook Center campus, the following recommendations should be followed: 1) standalone residential buildings and uses are very strongly discouraged; 2) any residential use should be ancillary or secondary to a non-residential use or uses within the development; and 3) residential uses should not be located along the 22nd Street frontage in the area south of the ring road alignment running parallel to 22nd Street.

## Hotels & Lodging

Hotels play an important role in the area, providing nearby lodging options for the visitors and supporting the needs of Oak Brook's corporate and office tenants. Hotels contribute to the overall synergy of Oak Brook's commercial areas and are complimentary and supportive of existing business uses.

Currently, Oak Brook's commercial area is home to several hotels, clustered near Oakbrook Center and office uses near the east end of the corridor. Though the McDonald's Corporation has relocated their headquarters to the City of Chicago, the Hyatt Lodge located on the McDonald's Campus will remain. A new Hyatt House has been constructed on the northeast corner of Windsor Drive and 22nd Street in close proximity to the office district along Windsor Drive and Swift Drive. The Hyatt House was completed in the fall of 2017. Hotels should be located in close proximity with restaurants and Oakbrook Center.

## Office Areas

Office land uses are the predominant land use in Oak Brook's commercial areas, and should continue to be so. Office uses of all types and tenants are located throughout the entire area and occupy varying sites and buildings. Oak Brook is home to numerous small businesses occupying smaller buildings and parcels in business park like enclaves along Enterprise Drive, Windsor Drive, and Swift Drive, and it is also home to several regional, national and international headquarters including Ace Hardware, the Hub Group, Inland Realty, Federal Signal Corporation, Blistex, and Lion's Clubs International which occupy sites with high visibility and excellent access to adjacent highways.

Strategically located along Interstates 88 and 294, and only minutes away from the City of Chicago, and O'Hare International Airport, Oak Brook provides a prime location for office users large and small. However, land availability significantly limits the Village's ability to attract additional office development to the community, and existing office provides limited options for those seeking Class A office space.

The Land Use Plan designates two types of office areas within the Study Area: 1) Professional Office and 2) Business Park.

### Professional Office

Professional Office land use is designated along 22nd Street, Jorie Blvd, the west half of Commerce Drive, York Road, and Windsor Drive. Professional Office uses in the Oak Brook commercial area is comprised of national and international business headquarters, institutional space, medical offices, government uses, traditional office uses, etc. The office spaces are primarily Class A or Class B as defined by National Association of Building Owners and Managers (BOMA).

Class A office space consists of the most prestigious building competing for premier office users with rents above average for the area. Class A, buildings have high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence.

Class B office space consists of buildings competing for a wide range of users with rents in the average range for the area. Building finishes are fair to good for the area and systems are adequate, but the building does not compete with Class A at the same price.

While any property owner could provide the amenities and finishes required to classify their property as Class A, the parcel sizes, geometries, and location may not always allow for this. Furthermore, the market realities suggest that secondary and tertiary office markets are desired to support nearby businesses. While Class A space may appear to be in the best interest for the Village of Oak Brook in terms of its prestige and ability to compete with other communities, it may not necessarily be in the best economic interest for Oak Brook's commercial tenants. A mix of office buildings and types contributes to the synergy among uses and best positions Oak Brook within the regional market place.

Medical Office uses are not designated specifically within the Commercial Areas Revitalization Plan. However, medical offices should be considered appropriate in areas designated for Professional Office. There are several existing medical uses located within Oak Brook's commercial areas, including Rush Oak Brook Orthopedic Center's 100,000 SF facility, and its 4-story 500-space parking structure which is expected to open in January of 2019.

## Recommendations

- Ensure high-quality development and redevelopment of sites, buildings, and amenities in office areas.
- Maintain a range of different scale office and business activity throughout the Village.
- Ensure that office activities are organized by uses and concentrated within, or near, areas of similar or compatible uses.
- Promote new office development and redevelopment within select locations.
- Promote available office space within the Village, and work towards full occupancy of existing office space.
- Amend zoning regulations and use tables to accommodate a full range of office uses, including medical uses.
- Initiate programs to encourage the improvement and rehabilitation of older office buildings and areas which are, or are becoming, functionally obsolete including improvements to facades, signage, and parking areas as well as encouraging the provision of additional site amenities such as trails.
- Promote and require landscaping within office areas and require the upkeep of parking lots, opaque screening of service areas, drives, buildings, and incompatible uses.
- Encourage coordinated and shared vehicle access and parking lot cross access wherever possible.
- Encourage the design of new office development to facilitate a system of pedestrian access and amenities.
- Ensure that new development and redevelopment of private property is designed in scale with, and complementary to, existing development.
- Ensure that all new, improved and existing office development is effectively screened and buffered from existing residential areas.

## Business Park

The Business Park land use is designated along Enterprise Drive, Windsor Drive, and Swift Drive. Due to limited land availability in Oak Brook, this land use is designated to attract businesses which function in a less trafficked and campus like setting such as business incubator space, logistics/warehouse, research and development (R&D), and business to business (B2B) support services. The recently completed Chamberlain Headquarters, a subsidiary of Duchossois Group, along Windsor Drive could become a catalyst to promote redevelopment opportunities in this eastern portion of the study area.

## Recommendations

- Prioritize pedestrian and bicycle mobility and connectivity within and between business park areas and surrounding areas.
- Actively implement a business attraction and retention strategy to market the area.
- Provide utility and transportation infrastructure improvements necessary to target new business development.
- Ensure high-quality re/development of sites, buildings, and amenities in these areas.
- Initiate programs to encourage the improvement and rehabilitation of older office buildings and areas which are, or are becoming, functionally obsolete including improvements to facades, signage, and parking areas as well as encouraging the provision of additional site amenities such as trails.
- Continue to promote and require landscaping within office areas and require the upkeep of parking lots, opaque screening of service areas, drives, buildings, and incompatible uses.
- Encourage coordinated and shared vehicle access and parking lot cross access where possible.
- Ensure that new re/development is designed in scale with, and complementary to, existing developments.
- Establish special design and improvement standards for commercial and office areas.
- Ensure that all new, improved and existing office development is effectively screened and buffered from adjacent residential uses.
- Provide adequate wayfinding (possibly including off premises signage) to assist with navigating areas with multiple buildings.



Professional Office



Business Park

## General Improvements & Development Guidelines



As redevelopment and reinvestment occurs within Oak Brook's commercial areas, it is important that it is in keeping with the Village's vision and design standards. Listed below are improvement and development guidelines divided into six categories:

- Sites & Buildings
- Access and Circulation
- Parking Lots & Structures
- Lighting
- Landscaping, Streetscaping, and Screening
- Environmental Considerations

### Sites & Buildings

High-quality architecture should be encouraged and promoted within all of Oak Brook's commercial areas. In general, architecture should establish common themes for each site that also enriches the overall character of the community and contributes to its reputation and prestige.

- Buildings should be designed with attractive "four-sided" architecture consisting of high-quality materials. New developments are encouraged to go beyond typical prototype designs.
- The formation of larger unified developments through parcel assembly is encouraged. Larger developments are preferred since they have the ability to attract and accommodate high profile tenants and facilitate more planned and coordinated development.
- Uninterrupted, blank facades should not be permitted. Variation in building heights, rooflines, articulation, windows, awnings, trim and other architectural features and techniques should be employed to create more interesting building facades through the commercial areas.
- Distinguishing architectural features are encouraged, such as decorative cornices, columns, reliefs, and other facade ornamentation and detailing. Well-designed awnings that are compatible with building colors can enhance the design of buildings and attract attention.
- Windows should be compatible and appropriate for the architectural style of the building. Window glazing shall be clear or slightly tinted. Dark, mirrored, or reflective glass is appropriate for office buildings only. Large ground-floor display windows and bays are strongly encouraged for retail and entertainment uses within the commercial areas.
- Rooftop-mounted equipment and vents shall be screened from view along all sides of a building. Rooftop screening shall be incorporated into the overall design of the building and be an integral part of the architecture.
- Buildings should have a strong visual and physical relationship to 22nd Street, Butterfield Road, and other fronting streets to enhance the identity and pedestrian orientation of the Village and its commercial areas. Buildings should be attractive at both a pedestrian and vehicular scale.
- The location of front entrances should be appropriate for the type of use. Entrances for stand-alone or single building retail uses and restaurants should orient their main entrances to face the primary frontage street. Office uses should orient their main entrance in a manner that provides the safest and most attractive linkage from parking areas.
- Building entrances should be designed to contribute to the character of the building and to easily convey access points to visitors and customers. Arcades in larger developments should be encouraged to provide pedestrian connections through buildings and to provide visual interest.
- Outlot buildings should complement the primary building on the site in terms of architecture, style and building materials. All sides of outlot buildings should be attractive. Careful consideration should be given to the location and placement of outlot buildings so that they do not negatively impact views to the primary building.
- Drive-thrus should not be prominent features as viewed from public streets and should be located and designed to allow for safe vehicular and pedestrian movements. Drive-thrus should be oriented on the sides or rear of buildings.
- To improve the efficiency and safety of drive-thrus, landscaped areas should be installed to separate drive-thru lanes from parking areas and pedestrian entrance points should not be located in drive-thru lanes or in stacking areas. When possible, drive-thrus should be separated from primary parking areas.
- To improve the visual appearance of drive-thrus, landscaping should be used to screen vehicle stacking areas. Drive-thru roofs and structures should be consistent with the building architecture.
- The separation of customer parking from loading and service areas is encouraged. Loading and service areas should be positioned away from residential areas. Where appropriate, loading and service areas should be located together even in larger developments with multiple tenants.



## Access & Circulation

A good vehicular and pedestrian circulation system provides safe and efficient access and movement associated with the property. It limits conflict points and provides a good sense of orientation of various site features on the development. Enhanced pedestrian and bicycle access, mobility, and connectivity is a priority for all areas.

- Adequate bicycle parking should be provided near the main entrances to buildings. Internal pedestrian walkways should be linked to the sidewalk network, Pace bus stops, and the Village's bike trail system.
- All developments should provide adequate, safe, and attractive pedestrian circulation between buildings on the same site and connectivity to the adjacent site or public sidewalk and trails.
- The pedestrian experience within large surface parking lots should be enhanced. Well-defined pedestrian walkways should be created through parking lots and where outlot buildings are connected with anchor stores.
- To encourage pedestrian movement and the use of trails and sidewalks, all pedestrian systems should be designed to feel safe, well-lit and attractively designed.
- Where possible, access points and drives into a development should create views and direct visitors towards the main building entrance.
- Traffic generated from commercial and office developments should be directed away from residential areas. Streets should be designed to reduce cut-through traffic into residential areas.
- Access from 22nd Street and Butterfield Road should be limited. Wherever possible, redundant and unnecessary curb cuts should be eliminated to improve safety and efficiency.
- Cross access between properties should be created and implemented to reduce the dependence on primary roads for trips between adjacent sites. Shared driveways and parking areas should be encouraged for all new development. Cross access should accommodate both pedestrians and vehicles wherever possible.
- Public transportation should include pedestrian amenities such as shelters and benches.
- Developments should provide appropriate vehicular and pedestrian circulation that do not conflict with one another.
- Prioritize crosswalk and pedestrian connectivity and safety improvements in all key shopping and employment areas.





## Parking Lots & Structures

Parking lots and parking structures have a significant impact on the visual quality of the development. Large expansive parking lots are often unattractive. Due to increasing real estate values in Oak Brook, structured parking is preferred for all development and should be designed with quality and creativity.

- All surface parking lots should be screened from primary roadways. Hedgerows, low masonry walls, and small berms are landscaping techniques that can be promoted and utilized to screen parking.
- Shade trees and landscaped islands should be located in parking areas.
- Where feasible, shared parking areas and facilities should be encouraged and promoted.
- Parking structures should be designed with similar architectural style, materials, and colors as the primary building on the site. Architectural treatment should vary depending on its location and visibility. Structures should also be designed without repetitive or long blank facades.
- Buildings with at grade parking located beneath the structure should be screened with limited openings. Walls, fencing and landscaping should be considered to improve the appearance of these parking areas. Parking areas below buildings on stilts, or "floating" above building, should not be permitted.



## Lighting

- Wherever possible, external lighting should consist of concealed source light fixtures which are designed to shield the light source while preventing glare.
- Parking lot lighting, service area lighting, and safety lighting, should be of high-quality and should complement the building's architecture.
- Parking lot lighting on the top deck of a parking structure should be limited in height to twelve feet and should be setback from the sides of the structure as to not cast light down onto the ground below. Light fixtures should be designed so that the direct light source is not visible from ground level or from adjacent properties.
- Architectural/exterior building lighting can be an important and desirable design component of development and should therefore be considered on a case by case basis. Any such architectural/building lighting must be sensitive to adjacent/nearby residential areas and be designed to minimize glare, spillover, or other impact on existing residential areas. Main entrances should be illuminated with additional lighting to easily convey its location. Exterior lighting of entire buildings or facades should be prohibited.
- Light trespass, uplight, and glare should all be considered when preparing and evaluating an outdoor light fixture or photometric plan.



## Landscaping, Streetscaping & Screening

Landscaping and streetscaping provide positive views to the development. Streetscape treatment will create a visually appealing boulevard effect that distinguishes the area from other neighboring municipalities. These improvements create a sense of place that is also inviting and attractive.

- The Village should encourage open space or plazas within new developments for employees, customers and visitors.
- Outdoor gathering areas should be located facing natural features.
- New developments should create landscape plans that reflect the character of the area, using a palette of native and traditional plantings. In addition, to overall site landscaping, foundation landscaping is encouraged on all sides of buildings to soften the appearance of the building.
- Streetscaping within the public-right-of-way should also have a relationship with landscaping improvements on private parcels. A common theme between public and private properties should create a greater sense that the area is visually organized.
- Unightly views, activity areas or features should be screened from direct view. Unightly views or features include rooftop utilities, loading docks, dumpsters, and other utility boxes. Screening may include one of, or a combination of fencing, berms, or landscaping.
- Dumpster enclosures should be located at the rear or sides of buildings. Dumpster enclosures should be of masonry construction and should complement overall building design. Dumpster screening should include both a gate for the loading and unloading of the dumpster as well as a separate pedestrian door.
- Developers and the Village should work with utility companies to locate above grade utility boxes in functionally appropriate, but more attractive and fitting locations on a site. These utility boxes should be located in areas that do not effect appearance, sight lines, or safety and pedestrian movements.
- Commercial and office uses should be buffered sufficiently when adjacent to residential properties. A variety of vertical and horizontal buffering and screening techniques are encouraged, including fencing, berming, spacing, and landscaping. High-quality materials should be used for fencing and landscaping to decrease maintenance costs.

## Environmental Considerations

Oak Brook contains many environmental amenities and assets, including mature stands of trees, beautiful open spaces, and accessible water features. These features are found in both the commercial and residential areas of the Village. As new development is proposed in the Village's commercial areas, consideration must be given to ensuring Oak Brook remain good stewards of the natural environment.

- Floodplain lands are to be preserved for open space absent the implementation of an appropriate engineering solution.
- Urbanization of the floodway is very strongly discouraged absent the implementation of an appropriate engineering solution.
- Salt Creek, Ginger Creek, and their tributaries shall be treated as small rivers and not converted to enlarged storm sewers, unless an appropriate engineering solution is implemented.
- Portions of the commercial districts are in floodplains and appropriate measures should be taken to ensure the proper handling of such areas. Before developing or building in areas designated as floodplain, developers and property owners must comply with any applicable stormwater management requirements and obtain any necessary permits from Village, County, State, and/or Federal authorities.
- Special attention and care should be taken to protect environmental features and systems during all development construction, not only for on-site features, but also for the protection of environmental assets located in areas surrounding the development.
- The Village should seek to encourage environmentally responsible/sustainable best practices in new development in the commercial areas. New development can bring the opportunity for energy efficient design, utilization of alternative energy (solar, wind, geothermal), green infrastructure, and other environmental design applications.
- The design of new development, including building placement, parking location, site ingress and egress, and more, should take into consideration on-site and surrounding area environmental amenities.



# 4 Residential Areas Plan & Policies

This plan does not address the Village's existing residential subdivisions or zoning. Instead, the Residential Areas Plan is the Village's long-range plan and policies for adding residential uses into its commercial areas. Historically, Oak Brook's commercial areas have consisted of office and retail uses that have been separated from Oak Brook's residential areas by Interstate 88, Interstate 294, along with other roads and natural and man-made features. The Residential Areas Plan identifies areas suitable for residential uses which will primarily be comprised of mixed-use buildings consisting of ground floor commercial uses with residential units above.

The desire to provide the opportunity for residential uses within some of Oak Brook's commercial areas is consistent with the Village's past planning efforts and is generally supported based on an understanding of market conditions.

## Guiding Principles

- Prioritize the creation of attractive, well connected, and safe pedestrian environments as part of any mixed-use development.
- Maximize opportunities for mixed-use development in appropriate areas that are well suited to accommodate residential uses.
- Establish development guidelines to ensure high-quality development that contributes to and furthers Oak Brook's prestige and reputation.
- Locate residential uses adjacent to more environmentally sensitive or scenic areas.
- Utilize mixed-use developments as a means of buffering existing residential development from more intense office or commercial uses.
- Cluster compatible land uses to reduce dependency on the automobile and to foster a synergy among uses and different areas.
- Residential uses should not be located along the 22nd Street frontage in the area south of the ring road alignment running parallel to 22nd Street.

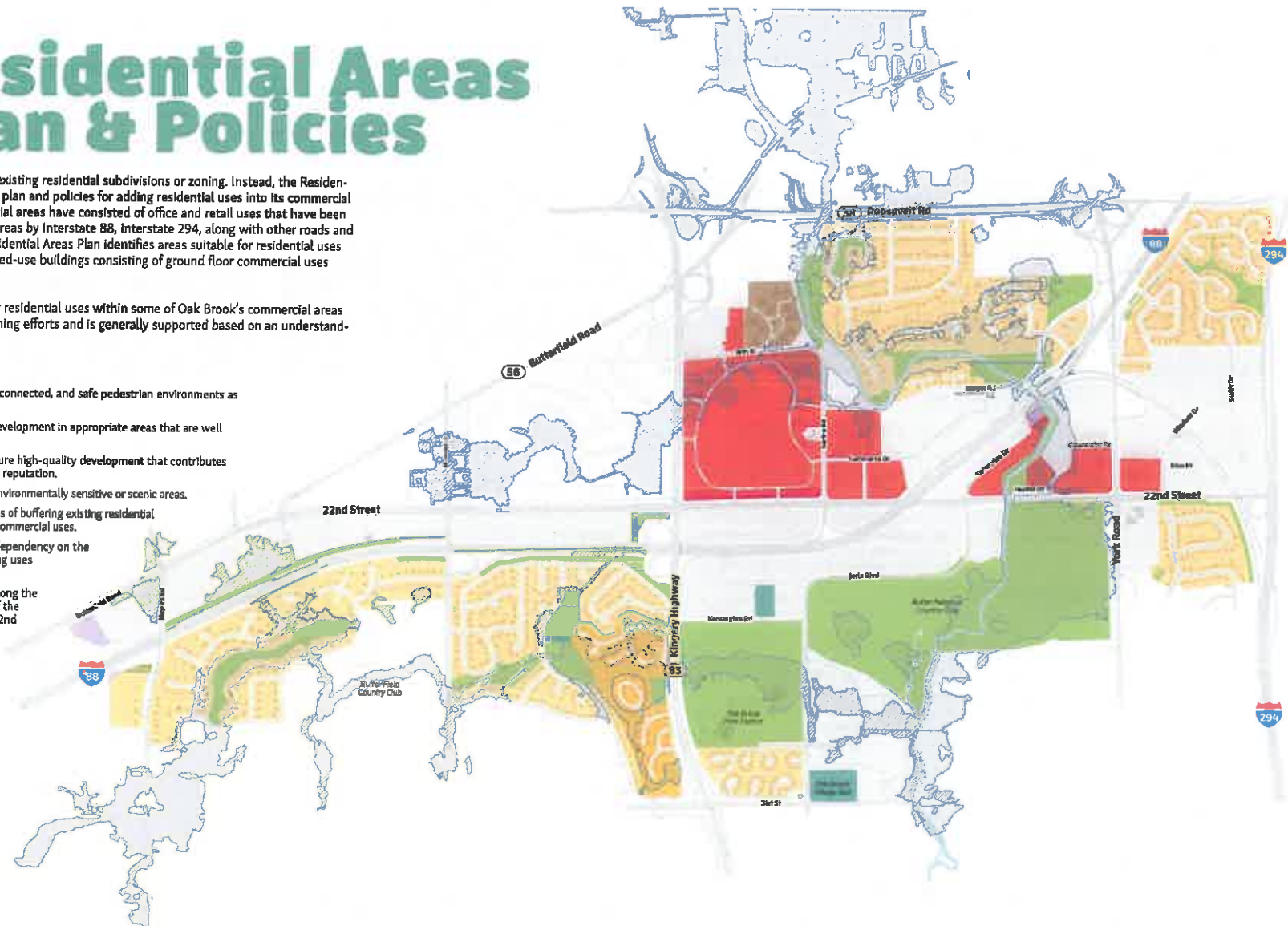
### Residential Uses

- Single-Family Detached Residential
- Single-Family Attached Residential
- Multi-Family Residential
- Mixed-Use (Including Potential Residential)
- Mixed-Use (Excluding Potential Residential)

### Public & Utility Uses

- Public/Semi Public
- Parks & Open Space
- Public Utility

Floodplain  
(Source: Preliminary FEMA Map, 6/1/2017)





## Residential Areas



### Single-Family Detached & Attached Residential

The Residential Areas Plan introduces no new detached or attached single-family development in Oak Brook's commercial areas. Single-family areas designated on the Land Use Plan are existing developments that should remain protected and buffered from the negative impacts associated with existing and future business operations as well as higher density residential or mixed-use development. Additionally, the Village should identify opportunities to better connect its residential areas with its commercial areas through public transportation, sidewalks and trails.

### Multi-Family Residential

Oak Brook Club is the only existing multi-family development within the Village of Oak Brook and is adjacent to the commercial and office land uses. It is an attractive gated multi-family residential development north of Oakbrook Center. Should redevelopment occur within close proximity to the gated community, it should be mindful of impacts to the existing residential uses.

### Mixed-Use Residential

The Land Use Plan identifies opportunities for mixed-use developments near the intersection of York Road and 22nd Street, within and adjacent to Oakbrook Center, along the western portion of Commerce Drive, and along Enterprise Drive. Mixed-use development will play an important role in assisting Oak Brook in realizing its vision for its commercial areas by providing the residential/housing options that will better accommodate employees of local businesses and provide a stronger resident customer base for local shopping, dining, services, and entertainment. Mixed-use developments also contribute to the reduction of vehicle trips and assist in creating a more pedestrian friendly environment. By nature, mixed-use development will diversify the land use mix within Oak Brook's commercial areas and strengthen the economic vitality of the community.

### Residential Development Policies

Residential and mixed-use development should adhere to the following residential development policies:

- Prioritize the creation of attractive, well connected, and safe pedestrian environments as part of any residential development.
- Encourage and promote high-quality architecture for multi-family and mixed-use developments. Buildings should be designed with attractive "four-sided" architecture consisting of high-quality materials. New developments are encouraged to go beyond typical prototype designs. In general, architecture should contribute to the reputation and prestige of the Oak Brook Community.
- Provide covered parking for residents in all multi-story mixed-use and multi-family developments within Oak Brook's commercial areas. Parking can be provided in an attached, completely enclosed parking structure, at or below grade. Parking for guests and commercial uses of the development can be accommodated by at-grade surface parking lots.
- Parking for residential units should generally be provided at a ratio of 2.25-2.5 spaces per unit, with two spaces allocated for each dwelling unit, and the remainder reserved for guest parking.
- Whenever possible, mixed-use and multi-family developments should take advantage of prominent views to natural areas, including Salt Creek, Butler National Golf Course, and other open space and park areas.
- Residential developments should have strong pedestrian connections to adjacent developments and nearby destinations. Connections to the sidewalk system, regional trail network and to adjacent commercial areas will assist in reducing overall trip generation.
- Mixed-use and residential developments should include amenities associated with high-end residential developments, including plazas and open space, recreation amenities, and meeting rooms. Common open space should be attractively landscaped and provide amenities for passive recreation.
- Mixed-use developments should consider the day-to-day shopping and service needs of residents. Convenience retail and service uses, such as grocery, laundry, personal care, and dry cleaning, should be incorporated appropriately.
- Multi-story residential buildings should contain a mix of dwelling units, with varying types, sizes and floor plans to accommodate residents in all stages of life.
- Lighting within mixed-use and residential development should be kept to a minimum. Commercial uses should respect the residential nature of the floors above, and minimize lighting, noise and other impacts that could negatively affect residential living.
- All mixed-use and residential developments should consider providing shuttle services to nearby Metra stations in the morning and evening. Shuttle service connecting to the Hinsdale and Elmhurst Metra Stations could reduce trips onto the Village's street system and assist with parking problems at nearby stations.

# 5 Transportation and Circulation Plan & Policies

Oak Brook's commercial areas are served by an established roadway system that handles a very large volume of traffic and is suffering from capacity issues in certain locations. The daytime office and workforce population, coupled with the regional traffic passing through the community, and the thousands of shoppers attracted to the area daily from throughout the region, combine to create a traffic intensity that overwhelms the existing street system at different times during the day and week.

The Transportation Plan and Policies section focuses on the coordination and optimization of all modes of travel within Oak Brook's Commercial Areas, including vehicular, bicycle, walking, and transit services. The Transportation Plan includes specific recommendations for motorized and non-motorized travel, parking, access, circulation and linkages between key areas of the Corridor and surrounding areas.

## Guiding Principles

- Improve the safety and efficiency of vehicular movement to, through, and within Oak Brook's commercial areas.
- Provide a safe and coordinated pedestrian and bicycle transportation network that connects Village residents to commercial areas and beyond.
- Provide transportation choices to the commuters and residents working and doing business in the commercial area of Oak Brook.

## Interstate Access

The commercial area of Oak Brook is accessed by Interstate 88 and Interstate 294. East-bound I-88 provides to and from access to the commercial area through exits located on Midwest Road and York Road. West-bound I-88 provides only one direct access to and from the commercial area through the Spring Road and 22nd Street Intersection. Another indirect access point to west-bound I-88 from York Road/Harger Road is confusing and difficult to navigate. Vehicles coming from the commercial area through York Road must travel a third of a mile north to make a U-turn from Brush Hill Drive to get to the Harger Road exit. Currently, there is an improvement project in the final design stages which will improve Interstate access by providing a signalized intersection on Harger Road and York Road and making Harger Road a direct access point to west-bound I-88.

North-bound and south-bound I-294 provides access to and from the commercial areas indirectly via I-88 connections. To further enhance access to I-294 south from the commercial areas, a slip ramp is proposed for York Road, accommodating south-bound I-294 access adjacent to the existing off-ramp.

## Recommendations
















- The Village should work with Illinois State Toll Highway Authority (ISTHA) to explore a possible exit on to south-bound 294 from York Road by widening the existing ingress road to allow another lane for egress which could be extended to connect to the ramp connecting east-bound I-88 and south-bound I-294.
- The Village should remain in close communication with IDOT and the Tollway agency to make them aware of this improvement project.
- The Village should work with ISTHA to explore the feasibility of providing Tollway access to West Bound I-88 at Tower Drive or Camden Court to reduce traffic on 22nd Street and Butterfield Road.

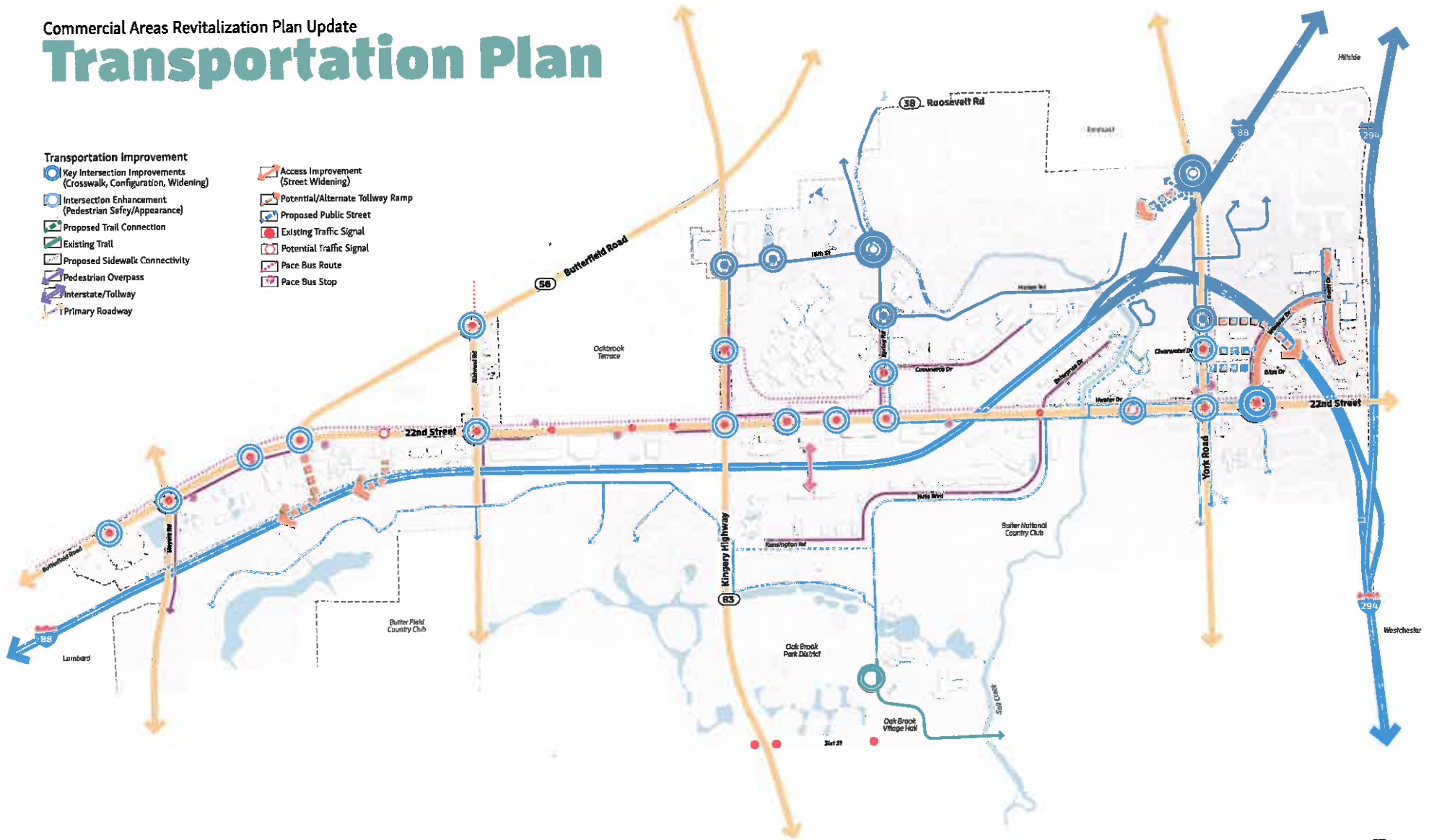


Commercial Areas Revitalization Plan Update

# Transportation Plan

**Transportation Improvement**

-  Key Intersection Improvements (Crosswalk, Configuration, Widening)
-  Intersection Enhancement (Pedestrian Safety/Appearance)
-  Proposed Trail Connection
-  Existing Trail
-  Proposed Sidewalk Connectivity
-  Pedestrian Overpass
-  Interstate/Tollway
-  Primary Roadway
-  Access Improvement (Street Widening)
-  Potential/Alternate Tollway Ramp
-  Proposed Public Street
-  Existing Traffic Signal
-  Potential Traffic Signal
-  Pace Bus Route
-  Pace Bus Stop





### Primary Roadway Access

The commercial area is accessed by several primary roads. While Myers Road, Midwest Road, Kingery Highway, and York Road are the primary north-south corridors, 22nd Street and Butterfield Road are the primary east-west corridor and provides access to most of the commercial area. The sheer volume of traffic through the area along this corridor has created challenges in the ability to accommodate efficient movement. Certain intersections and highway access need improvement, insufficient commercial parking cross access is problematic, and there is a lack of a pedestrian circulation system.

The level of service analysis based on Highway Capacity Manual-2010 was conducted on the Primary roadways of the commercial area. Five out of the eight sections have received level of service scores that represent at or approaching unstable conditions.

### Recommendations

- Address the level of service issues by working with IDOT to enhance existing intersections, especially those on 22nd Street and the cross roads-- Kingery Highway, York Road and Jorie Boulevard.
- Explore the potential of a new traffic signal at the intersection of 22nd St and Clearwater Drive.
- Provide streetscaping improvements, including landscaped medians and right of way trees.
- Encourage chain link fence replacement and screen surface parking areas along Butterfield Road, Kingery Highway, and Jorie Boulevard to dramatically improve the appearance of the corridor.
- Provide gateway entry features, that announce entry in the Oak Brook community and its commercial areas, for prominent intersections including Kingery Highway and 16th Street, 22nd St and Spring Road, and 22nd Street and I-294.

Link Section	Number of Lanes	AADT Volume (V)	Quality Capacity (C)	V/C Ratio	LOS	Comments
1 Butterfield Road West of 22nd Street	6	46,400	44,000	1.05	F	Represents the worst conditions with heavily congested flow and traffic demand exceeding capacity.
2 22nd Street, Between Butterfield Road and Kingery Highway	6	40,500	44,000	0.92	E	Represents unstable flow near capacity. LOS E often changes to LOS F very quickly.
3 22nd Street, Between Kingery Highway and Spring Road	6	35,800	44,000	0.77	D	Represents traffic operations approaching unstable flow with high passing demand and passing capacity near zero.
4 22nd Street, Between Spring Road and York Road	6	25,500	44,000	0.58	C	Represents a constrained constant flow below speed limits. Comfort and convenience levels of the driver decline noticeably.
5 22nd Street, East of York Road	4	28,500	31,000	0.92	F	Represents unstable flow near capacity. LOS E often changes to LOS F very quickly.
6 Spring Road, North of 22nd Street	4	30,400	31,000	0.94	A	Represents the best operating conditions and is considered free flow.
7 York Road, North of 22nd Street	4	15,200	31,000	0.49	B	Represents reasonably free-flowing conditions but with some influence by others.
8 Kingery Highway, North of 22nd Street	6	57,300	44,000	1.30	F	Represents the worst conditions with heavily congested flow and traffic demand exceeding capacity, characterized by stop-and-go waves, poor travel time, low comfort and convenience, and increased accident exposure.

### Secondary Road Access

The commercial district's secondary roads, include: Commerce Drive, Enterprise Drive, Tower Drive, 16th Street, Spring Road, Harger Road, Bliss Drive, Clearwater Drive, Hunter Drive, Kensington Road, Kensington Court, Swift Drive, Windsor Drive, and 31st Street. Although these roads have a lower capacity threshold, they provide critical through access to commercial and office space.

### Recommendations

- Explore opportunities to utilize and enhance existing secondary roads to relieve congestion on primary roads.
- Add a slip ramp onto I-88 at Tower Drive or Camden Court to improve access to the tollway and to help eliminate traffic.
- Continue to explore opportunities for granting public access to Clearwater Drive between York Road and Windsor Drive.
- Widen Windsor Drive, the bridge over the I-294 ramp, and Swift Drive to accommodate additional vehicular and pedestrian traffic from future and recent developments.
- Improve Spring Road and 16th Street intersection. Improvements include crosswalk, configuration, signalization, and widening.



## Pedestrian Circulation

Enhancing the pedestrian and bicycle environment and connectivity throughout all commercial areas and adjacent neighborhoods should be a priority. Although sufficient right-of-way exists throughout much of the study area, there is a lack of a consistent sidewalk or bicycle path system that ties the entire corridor together or to the surrounding residential areas. Sidewalks only exist east of IL Route 83. Improving and enhancing pedestrian circulation throughout the district will help to relieve traffic congestion and will encourage more and new patrons to the restaurants and shops within the area. Increasing pedestrian safety will encourage more people to walk to and throughout the commercial district, to employment centers and activity areas.

## Recommendations

- The Village should provide sidewalks along all streets to improve overall pedestrian connectivity including pedestrian connections to Oakbrook Center from the surrounding businesses, employment areas, and residential areas.
- Conduct a feasibility study to provide a pedestrian underpass on Meyers Road to connect Oakbrook Promenade with the commercial development east of Meyers Drive.
- Work with Commonwealth Edison electric company to explore the potential of providing a bike/pedestrian trail within the right-of-way, of overhead transmission lines. These improvements could significantly enhance the desirability for space in the district by allowing employees to walk to dining-and-shopping destinations as well as permit residents to the south to walk or bike to commercial areas.

More detailed recommendations on the exact location of pedestrian facilities are included in the **Subarea Frameworks** chapter.

## Transit

Pace bus service provides transit options in the commercial area. While the transit service covers a majority of the commercial corridor, there are certain pockets of development, such as north of 16th street, Jorie Boulevard, and Windsor Drive, that need improvement to 'last-mile' access

- The Village should continue to support and expand the 'last-minute' service to commercial/office areas which are not within walking distance from Pace bus stops.
- Work with the Pace Bus service to increase the service and bus routes to connect the commercial area's office uses to shopping areas and nearby train stations.

## Other Recommendations

Transportation improvements are critical to support, encourage and accommodate new development and redevelopment in the commercial district. By increasing access to and from area interstates, enhancing current intersections, extending sidewalks and increasing pedestrian safety, the Village can ensure that the shopping, dining, and working experience of local and regional residents and employees is increasingly enjoyable and efficient.

- A lack of cross access between adjacent uses is problematic at some locations within the Study Area, resulting in more vehicular activity on 22nd Street than is necessary. The Village should work with existing land/business owners and encourage the installation of cross-access drives and cross access agreements.
- Work with IDOT, the City of Oakbrook Terrace, Home Depot, and other adjacent property owners to install a traffic signal at 22nd Street and Tower Drive.
- Encourage employers within the commercial area to promote and implement traffic demand management and reduction techniques including staggered work hours, telecommuting, carpooling, walking, and bicycling.

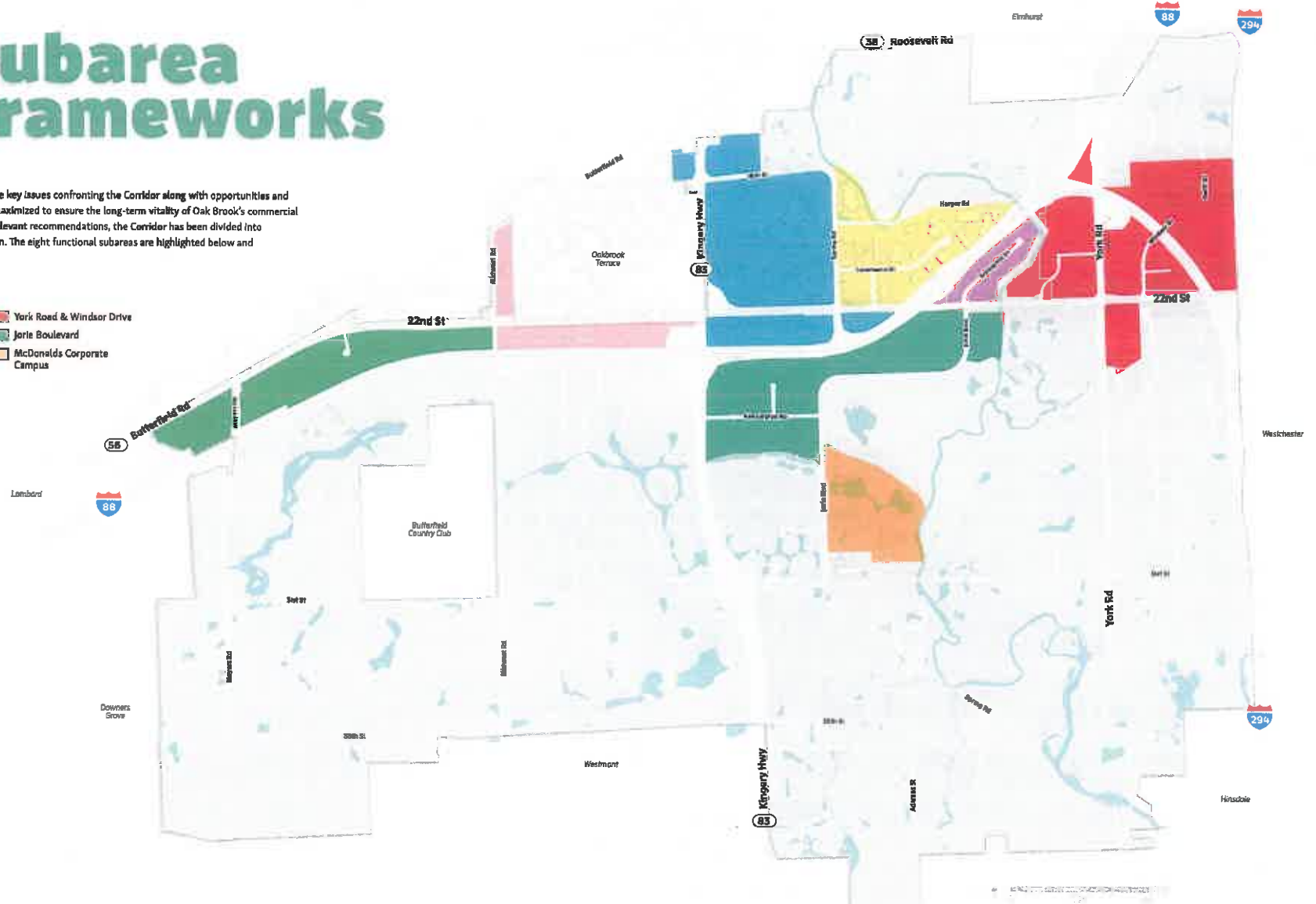
- Promote Pace's Vanpool Incentive Program (VIP), including traditional vanpooling, employer shuttles and Metra feeders as an economical, convenient, and environmentally-friendly alternative to driving alone.
- Require sidewalks along all public right-of-way for all new development in the corridor, providing a completely connected sidewalk network.
- Establish a wayfinding signage system that directs pedestrians to key retail, entertainment, office, and employment destinations within commercial areas.
- Explore opportunities to expand the Village's comprehensive trail network into the business areas and provide better connections between the Village's residential neighborhoods and its shopping and entertainment areas.
- Provide attractive bus shelters that are strategically located throughout commercial areas, and connected to the existing sidewalk network.

# 6 Subarea Frameworks

The Subarea Framework illustrates the key issues confronting the Corridor along with opportunities and strengths that can be exploited and maximized to ensure the long-term vitality of Oak Brook's commercial areas. To provide focused and more relevant recommendations, the Corridor has been divided into separate subareas by role and function. The eight functional subareas are highlighted below and detailed on the following pages.

## Subareas

- West End
- York Road & Windsor Drive
- Midwest
- Jorie Boulevard
- Oakbrook Center
- Commerce Drive
- Enterprise Drive
- McDonalds Corporate Campus





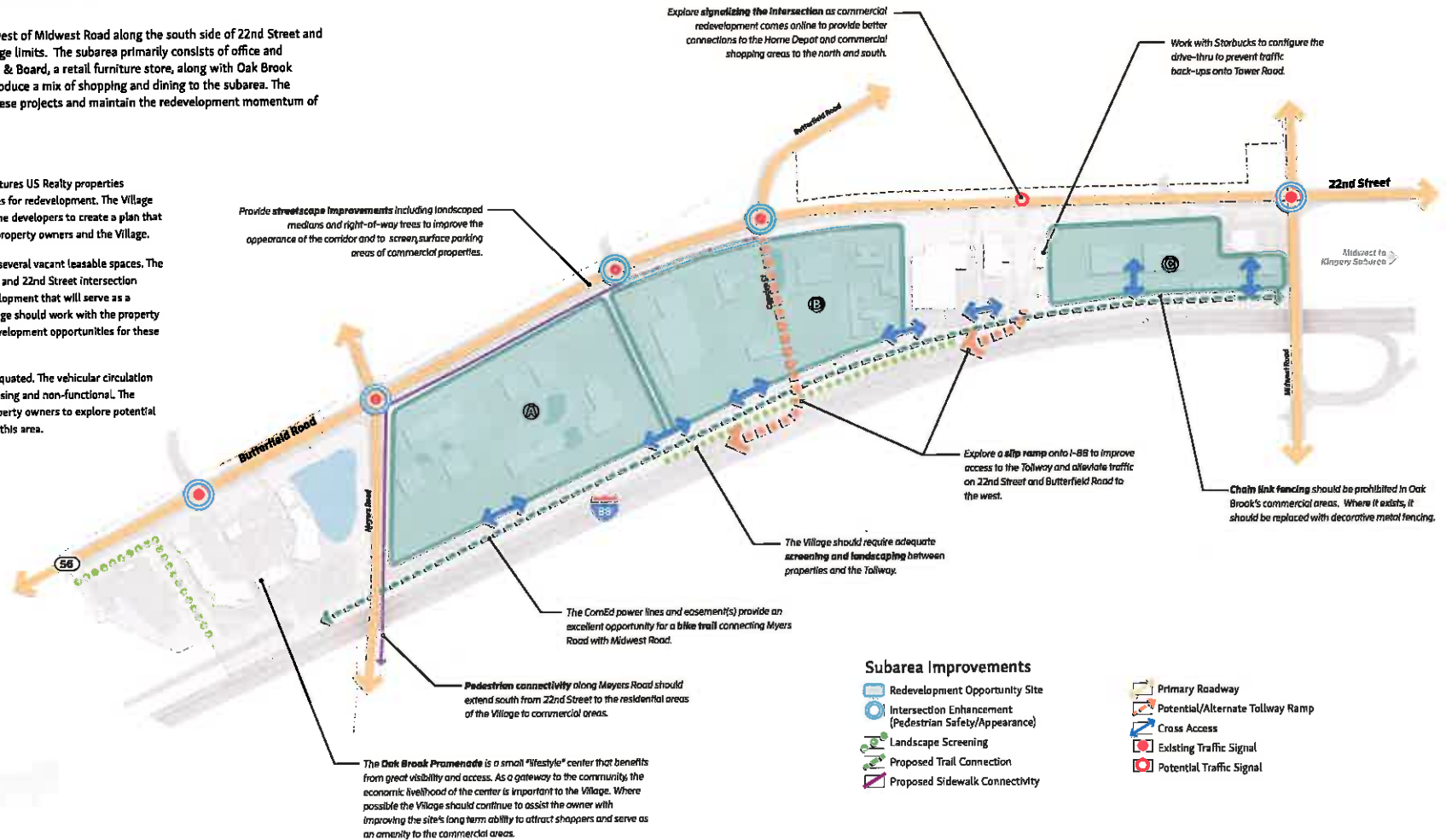
Subarea Framework

# West End

The West End Subarea is located west of Midwest Road along the south side of 22nd Street and Butterfield Road, west, to the Village limits. The subarea primarily consists of office and business park uses, however Room & Board, a retail furniture store, along with Oak Brook Promenade, and a Starbucks, introduce a mix of shopping and dining to the subarea. The Corridor Plan should build upon these projects and maintain the redevelopment momentum of the subarea.

## Opportunity Sites

- A** The Inland Real Estate and Adventures US Realty properties represent significant opportunities for redevelopment. The Village should work cooperatively with the developers to create a plan that is beneficial to both developers, property owners and the Village.
- B** The property in this location has several vacant leasable spaces. The access off of the Butterfield Road and 22nd Street intersection makes it a prime site for a redevelopment that will serve as a "gateway" to Oak Brook. The Village should work with the property owners to explore potential redevelopment opportunities for these sites.
- C** The buildings in this area are antiquated. The vehicular circulation on and off the properties is confusing and non-functional. The Village should work with the property owners to explore potential redevelopment opportunities for this area.



### Subarea Improvements

- Redevelopment Opportunity Site
- Intersection Enhancement (Pedestrian Safety/Appearance)
- Landscape Screening
- Proposed Trail Connection
- Proposed Sidewalk Connectivity
- Primary Roadway
- Potential/Alternate Tollway Ramp
- Cross Access
- Existing Traffic Signal
- Potential Traffic Signal



## Subarea Framework

# Midwest to Kingery

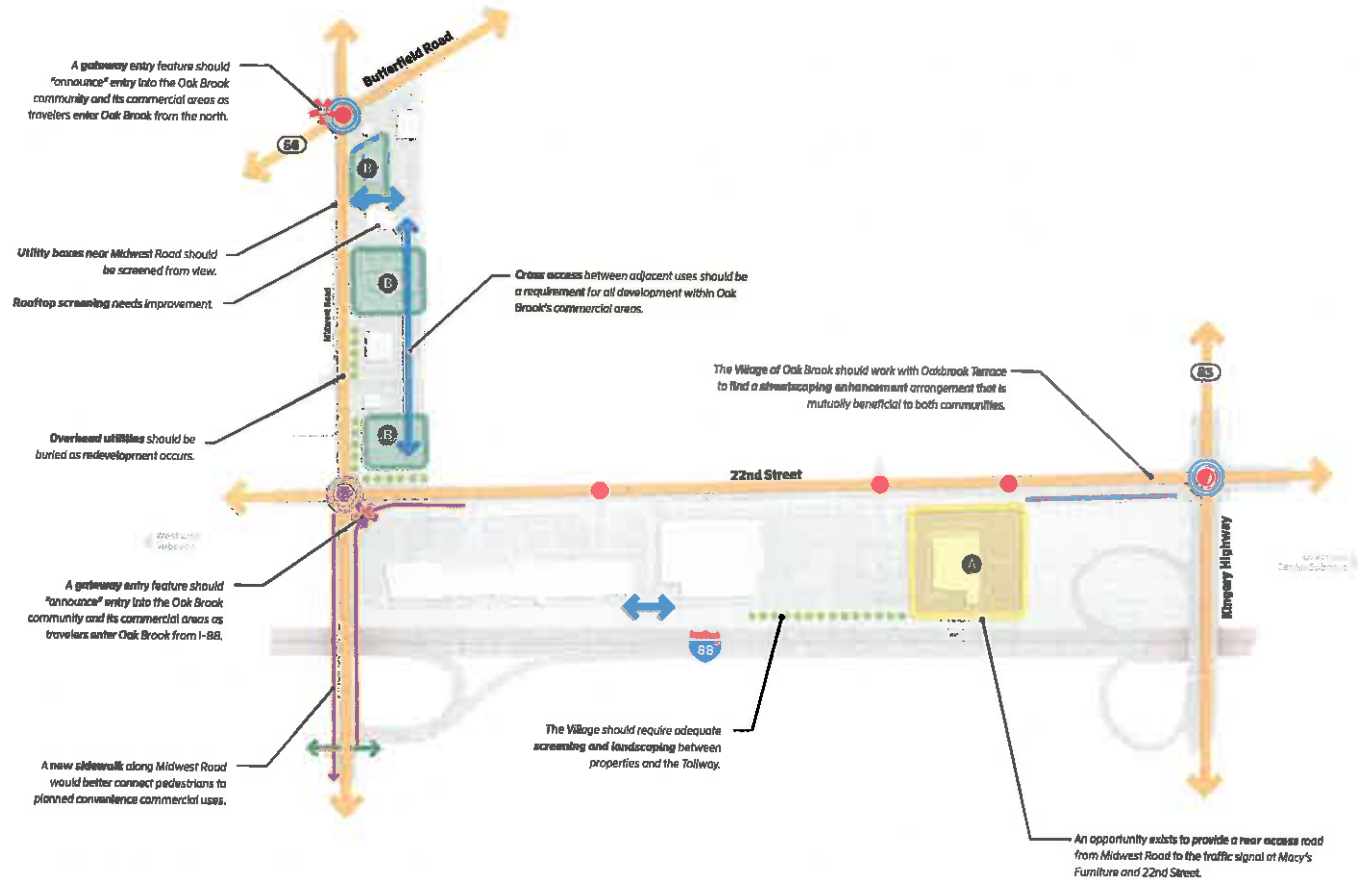
The Midwest to Kingery Subarea is located south of 22nd Street between Kingery Highway and Midwest Road, and includes the area facing Midwest Road, north to Butterfield Road. This subarea consists of retail uses along 22nd Street and primarily office uses along Midwest Road. Most of the opportunities within this subarea exist along Midwest Road. Pedestrian connectivity is missing at some of the key locations.

### Opportunity Sites

- A** This site represents a redevelopment opportunity on a large site that is prominently located within the corridor. The site is well located for retail/regional commercial.
- B** Explore redevelopment potential for these existing sites.

### Subarea Improvements

- Secondary Redevelopment Opportunity Site
- Redevelopment Opportunity Site
- Intersection Enhancement (Pedestrian Safety/Appearance)
- Gateway Signage
- Landscape Screening
- Proposed Sidewalk Connectivity
- Primary Roadway
- Cross Access
- Existing Traffic Signal
- Existing Trail



## Subarea Framework

# Oakbrook Center

The Oak Brook Center Subarea includes the shopping center property, the shopping centers to the north, and the properties south of 22nd Street between IL Route 83 and I-88. The subarea's most prominent use is Oak Brook Center, the second largest shopping center in the Chicagoland area. Other uses include offices, strip malls, restaurants, and the Marriott and Le Meridien Hotels.

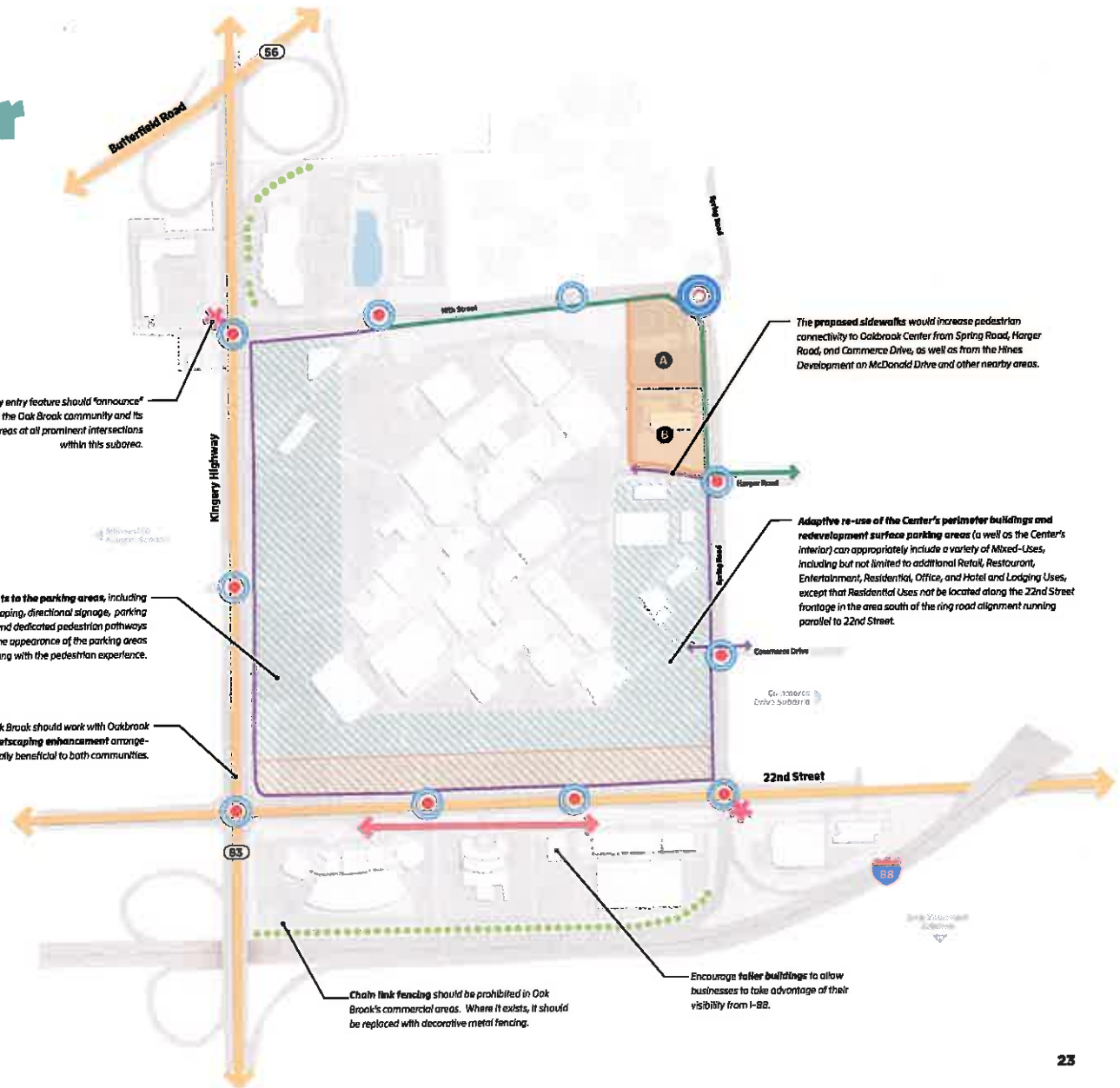
Oak Brook Center is one of the most important uses within the Corridor and one of the most identifiable uses within the Village of Oak Brook. The Center was originally constructed in the 1960's and has experienced several renovations such as the construction of a movie theater, spiraling fountain, intelligent parking, amenities pavilion, and new retail businesses.

### Opportunity Sites

- A** Prime redevelopment adjacent to Oakbrook Center, possibly mixed-use, restaurant, or hospitality
- B** Opportunity to convert/redevelop existing structure for new use, possibly restaurants

### Subarea Improvements

- Priority Redevelopment Opportunity Site
- Secondary Redevelopment Opportunity Site
- Key Intersection Improvements (Crosswalk, Configuration, Widening)
- Intersection Enhancement (Pedestrian Safety/Appearance)
- Gateway Signage
- Landscape Screening
- Proposed Sidewalk Connectivity
- Primary Roadway
- Improve Pedestrian Cross Access
- Existing Traffic Signal
- Existing Trail
- Oakbrook Center Expansion - Explore opportunities for development of new buildings/uses/outlots located along Kingery Highway, 22nd Street, and Spring Road
- Residential uses not recommended for this area located along the 22nd Street frontage in the area south of the ring road alignment running parallel to 22nd Street



## Subarea Framework

# Commerce Drive

The Commerce Drive Subarea is located east of Spring Road, north of I-88, along Commerce Drive. This subarea is home to Commerce Plaza, Oak Brook Pointe, Double-Tree Hotel and several other office and business park uses, most of which have available space. The most noteworthy vacancy is an attractive, well-kept 169,000 square foot office building on the north side of Commerce Drive. Overall, buildings within this subarea are in good condition or are experiencing rehabilitation.

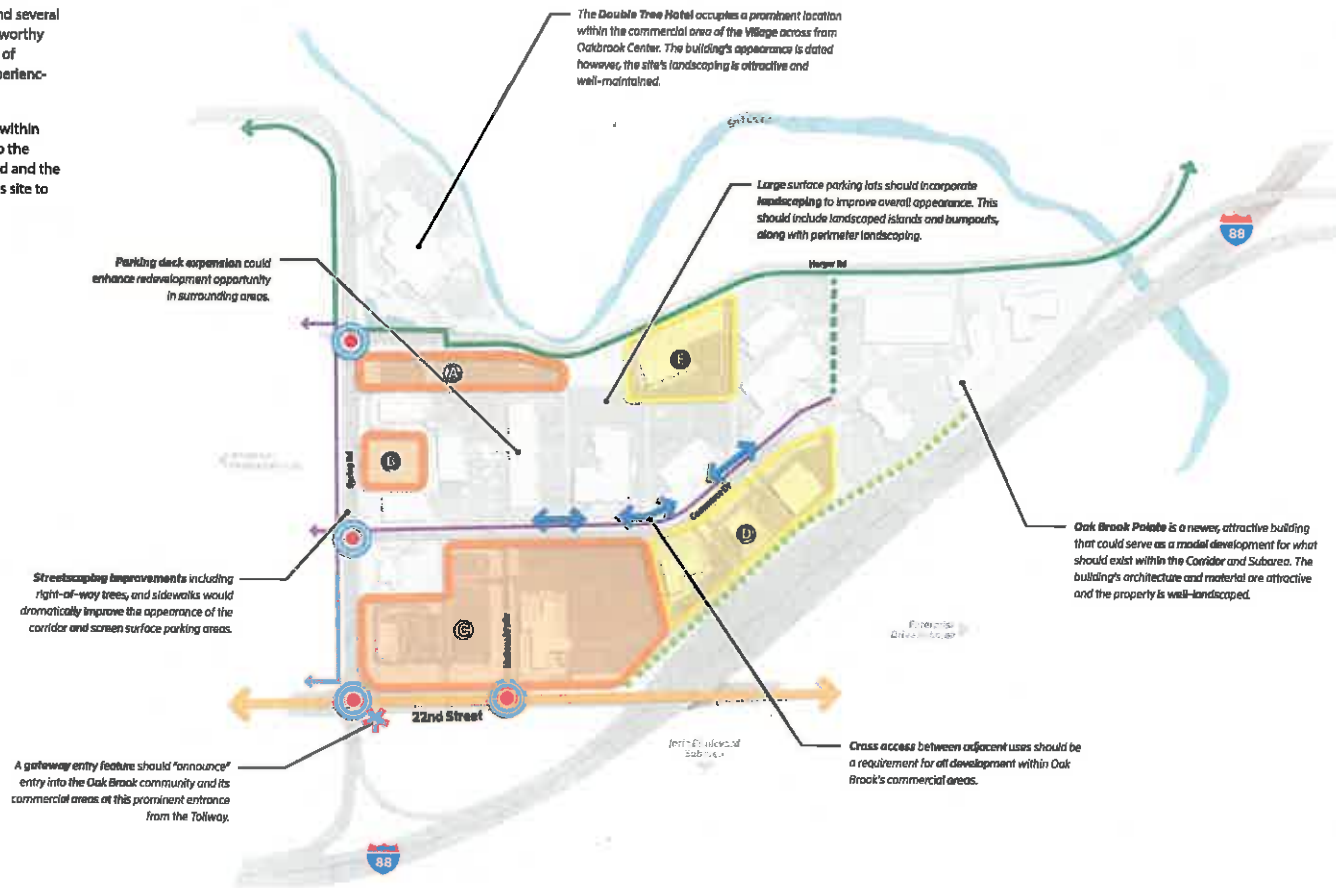
There are numerous opportunities for improvement, redevelopment and revitalization within this subarea. Most notable is the McDonald's Plaza (Opportunity Site C), former home to the McDonald's headquarters and McDonald's flagship restaurant. McDonald's has relocated and the 18-acre site is available for redevelopment. The Village of Oak Brook should consider this site to be a top redevelopment priority.

### Opportunity Sites

- A** Development opportunity site of existing parking lot.
- B** Great visibility from Spring Road provides excellent opportunity to develop this Infill site as a restaurant or other appropriate use.
- C** Explore redevelopment opportunities of this site, preferably mixed-use.
- D** The property owners are affected by vacancies. The Village should work with the developers to explore possible redevelopment opportunities.
- E** Older building on large attractive site, well suited for office redevelopment.

### Subarea Improvements

- Priority Redevelopment Opportunity Site
- Secondary Redevelopment Opportunity Site
- Intersection Enhancement (Pedestrian Safety/Appearance)
- Gateway Signage
- Landscape Screening
- Proposed Sidewalk Connectivity
- Primary Roadway
- Existing Traffic Signal
- Existing Trail
- Proposed Trail Connection
- Cross Access



## Commerce Drive Opportunity Site C McDonald's Plaza

The former McDonald's Plaza site represents a significant development opportunity within the Village of Oak Brook. The site's size and location are such that it can appropriately accommodate a wide variety of development programs, mix of uses, open and public gathering places/plazas, and arrangement of buildings and roadway configurations. The illustrative concepts shown on this page represents a mixed-use concept that is comprised of building ranging from single-story restaurants to multiple-story mixed-use buildings, a hotel, parking structures, and large office buildings. The development concept shown on this page is for illustrative purposes only and is intended to show the potential of the site for appropriate redevelopment. The opportunity site can be development in many different ways and the illustrative concept should not be considered a specific redevelopment program for the site.

Optimize land by increasing development density. To increase the development density/intensity, areas previously occupied by large surface parking lots are planned for new mixed-use development with the parking for all uses provided by the multi-level structured parking. While there is some on-street parking for convenience and overall ambiance, parking is primarily provided within structures rather than surface lots.

Explore mixed-use development with the potential for residential uses on the upper floors. The core area of this illustrative concept shows mixed-use development with retail/entertainment/service uses on the ground floor and residential and/or office uses on the upper floors. The parking for the mix of uses is provided primarily by structured parking garages within or adjacent to the mixed-use buildings.

Create a destination development to compliment adjacent uses. By providing a variety of commercial, retail, service, and mixed-use components, including a prominent office building, hotel, or other major building(s) at the east end of the site, the development could serve as an excellent and powerful destination, drawing visitors and employees from throughout the region. Such a development would be compatible with surrounding uses and could significantly enhance the overall character of the commercial areas. The addition and integration of open space and green infrastructure would further enhance the overall character and attractiveness of the site. The south-east corner of the illustrative concept is shown with a signature office building and hotel, which would have high visibility from Interstate 88.

Public Open Space & Gathering Spaces. Any future development should incorporate public open space, plazas, and gathering spaces into its design.

Development to be compatible with infrastructure capacity. It is important that any development provide safe and adequate circulation and access, and it must be demonstrated that Village infrastructure is sufficient to accommodate any development intensification. A traffic impact study and infrastructure impact analysis should be undertaken and considered as part of any proposed development to ensure capacity and integration with Spring Road, 22nd Street, and surrounding roads and properties.



## Subarea Framework

# Enterprise Drive

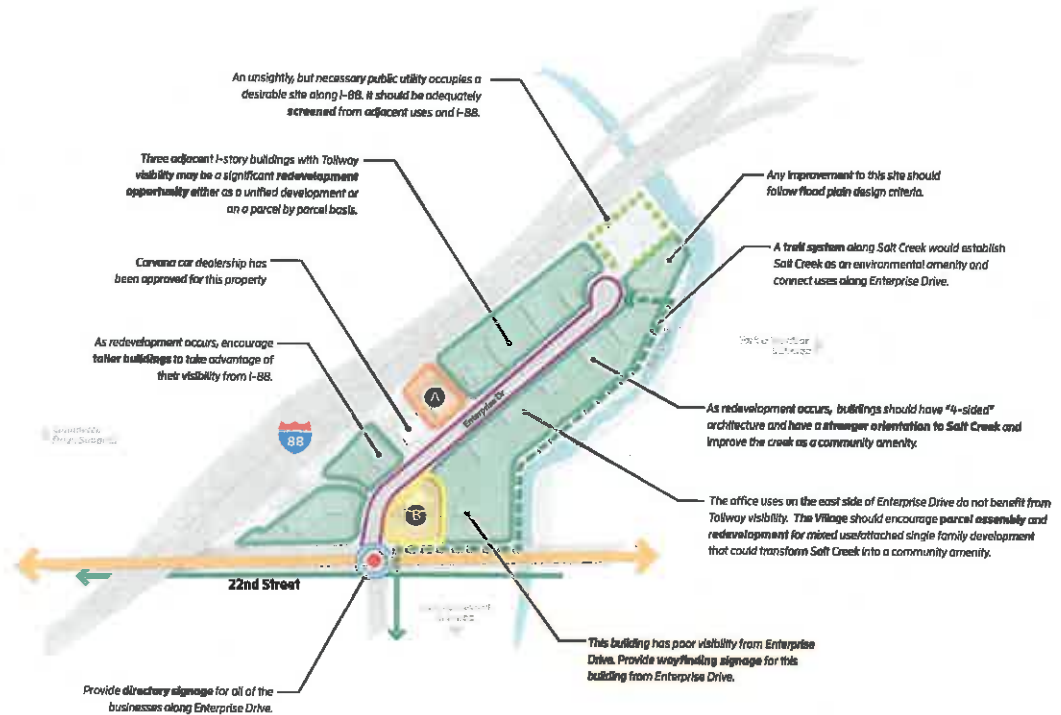
The Enterprise Drive Subarea is located east of East-West Tollway, north of 22nd Street, along Enterprise Drive. This subarea consists of office and business park uses with buildings ranging from 1 to 3 floors. Architectural facades of the buildings are generally "dated" but the landscaping is well kept and maintained. Most of the parking areas are either on the side or in the rear of the buildings and is appropriately screened with landscape. In general, there are some opportunities for revitalization within the subarea.

### Opportunity Sites

- A** Village should explore development options for this property on sale.
- B** The Fire Department's location along the congested 22nd Street severely impacts its response time. Its location is less than ideal for this use and once relocated the site presents an excellent opportunity for redevelopment with orientation to Salt Creek.

### Subarea Improvements

-  Priority Redevelopment Opportunity Site
-  Secondary Redevelopment Opportunity Site
-  Redevelopment Opportunity Site
-  Intersection Improvements (Pedestrian Safety/Appealance)
-  Landscape Screening
-  Proposed Trail Connection
-  Existing Trail
-  Proposed Sidewalk Connectivity
-  Primary Roadway
-  Existing Traffic Signal





Subarea Framework

# York & Windsor

The York & Windsor Subarea is located between East-West Tollway and Tri-state Tollway, north of 22nd Street and south of existing residential area. The area is a dense mix of office, retail, and hotel uses. Some of the vacant and redevelopment sites are undergoing construction with additional office, hotel, retail, and medical uses, which would further increase the density of the subarea. York Road and 22nd Street are the primary East-West and North-South arterial roads which cater to traffic originating from/to this subarea.

The major issue confronting this subarea is related to access to the area surrounding Windsor and Swift. The existing limitations result in severe congestion at key intersections during peak times of the day. In addition, bridge and street widening is needed to accommodate increased traffic volumes due to increased employment in the area. Pedestrian circulation and an improved sidewalk system is also needed.

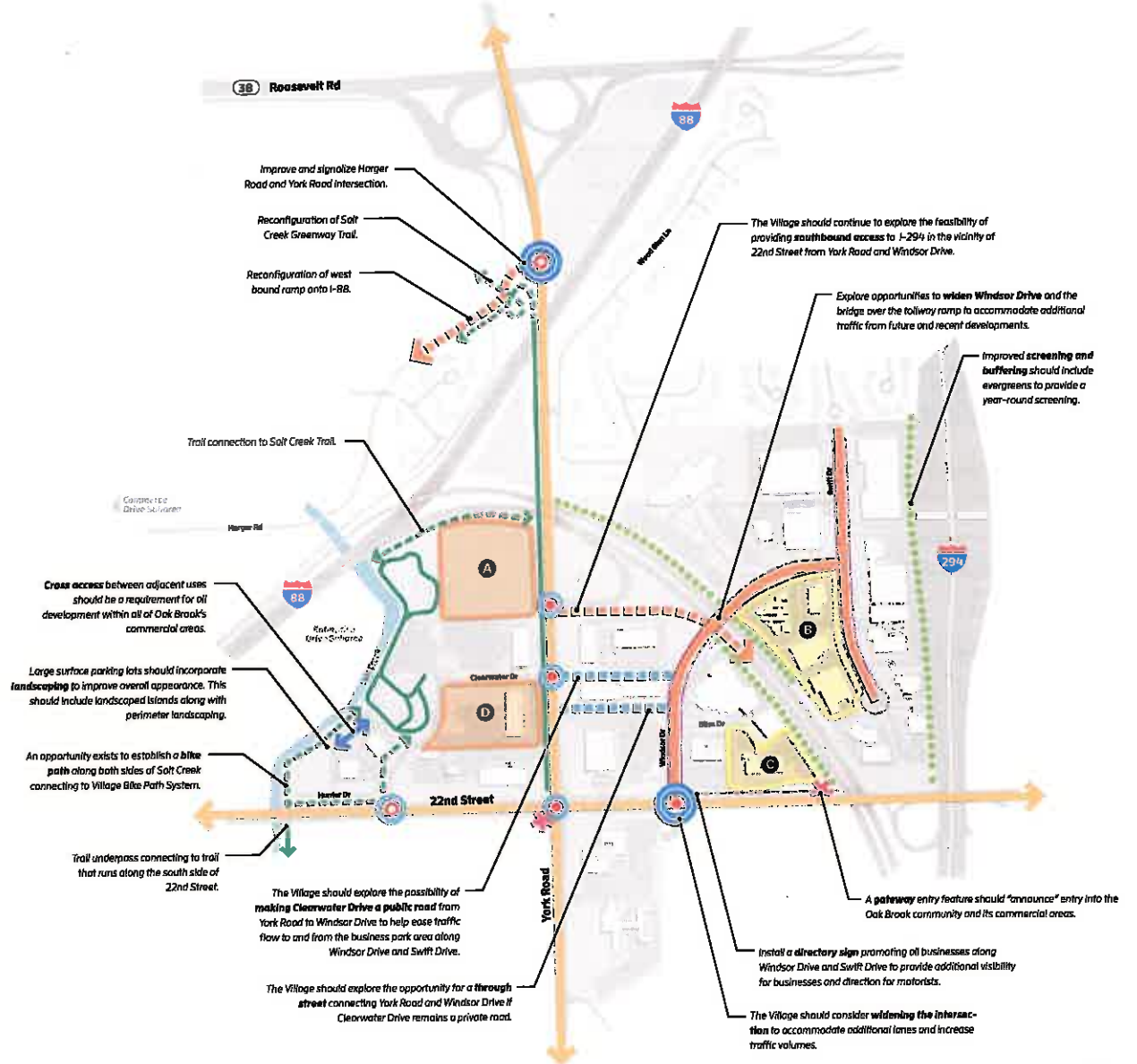
Further, the Chamberlain Group has recently built a new headquarters building in the Subarea which will employ approximately 600+ people. Significant opportunities for improvement, redevelopment and revitalization exist within the area, but access, circulation, and capacity issues must be addressed.

### Opportunity Sites

- A** Hub Group property is a prime site for redevelopment. Ensure the new development will provide high-quality architecture and future trail connectivity to Salt Creek Greenway Trail.
- B** Based on the age, configuration, and utility of these properties, assembly and redevelopment should be explored.
- C** Potential opportunity to intensify site with larger office building.
- D** Consider the addition of senior housing as part of the existing Clearwater development.

### Subarea Improvements

- |  |  |
|--|--|
| Priority Redevelopment Opportunity Site                            | Proposed Sidewalk Connectivity                 |
| Secondary Redevelopment Opportunity Site                           | Primary Roadway                                |
| Key Intersection Improvements (Crosswalk, Configuration, Widening) | Secondary Access Improvement (Street Widening) |
| Intersection Enhancement (Pedestrian Safety/Appearance)            | New Tollway Ramp                               |
| Gateway Signage  | Proposed Public Street                         |
| Landscape Screening  | Cross Access                                   |
| Proposed Trail Connection  | Existing Traffic Signal                        |
| Existing Trail   | Potential Traffic Signal                       |



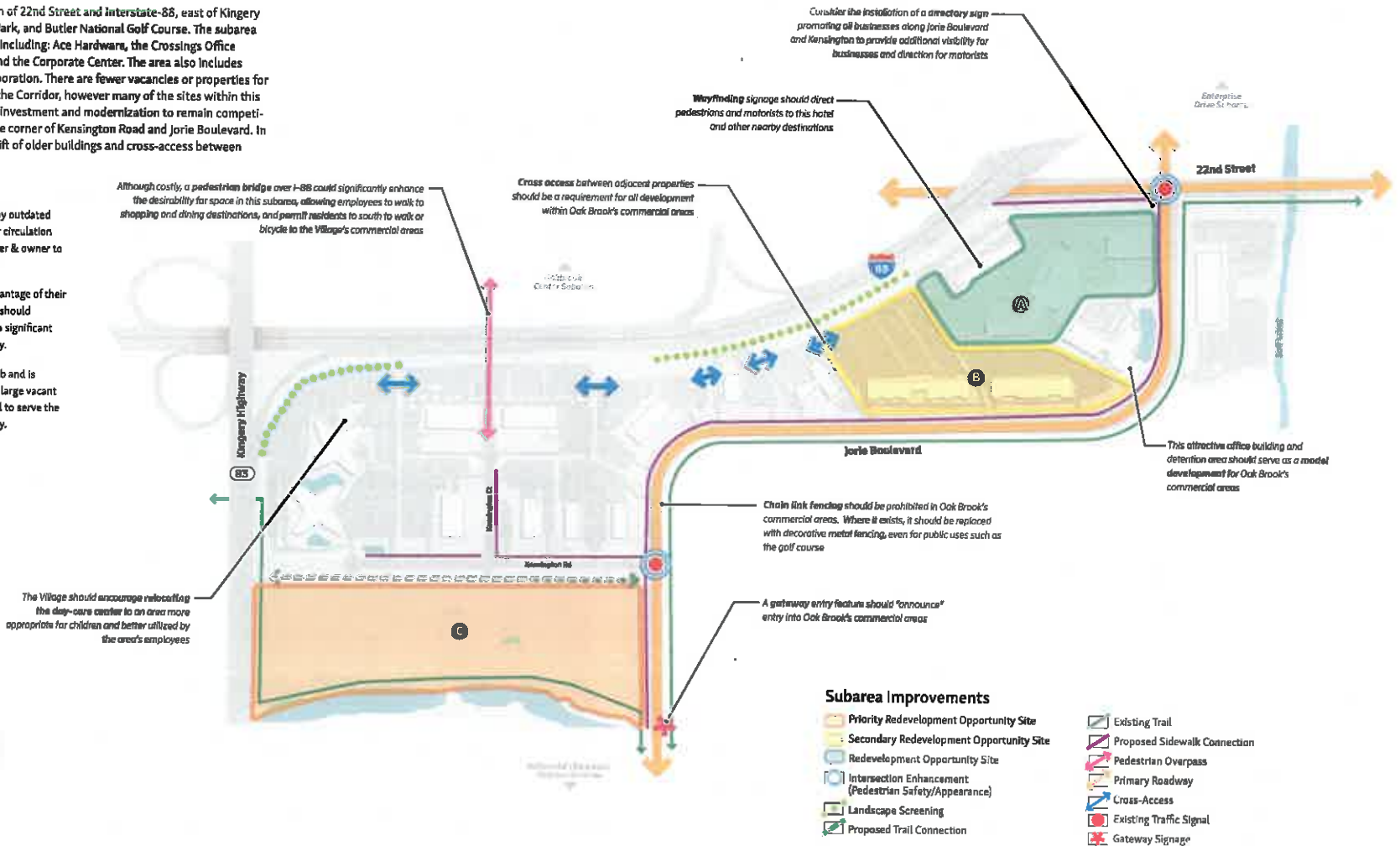
## Subarea Improvements

# Jorie Boulevard

The Jorie Boulevard Subarea is located south of 22nd Street and Interstate-88, east of Kingery Highway, north of Jorie Boulevard, Central Park, and Butler National Golf Course. The subarea contains office and corporate headquarters including: Ace Hardware, the Crossings Office Complex, a US Post Office, Residence Inn, and the Corporate Center. The area also includes soccer fields owned by the McDonald's Corporation. There are fewer vacancies or properties for sale within the subarea than other parts of the Corridor, however many of the sites within this subarea are becoming outdated and need reinvestment and modernization to remain competitive. A museum was recently approved at the corner of Kensington Road and Jorie Boulevard. In general, the entire area is in need of a face-lift of older buildings and cross-access between properties.

### Opportunity Sites

- Ⓐ This highly visible property is characterized by outdated institutional & office buildings with vehicular circulation issues. The Village should work with developer & owner to redevelop the site with attractive buildings.
- Ⓑ Several dated office buildings fail to take advantage of their location adjacent to the Tollway. The Village should promote and encourage parcel assembly for a significant redevelopment opportunity in the community.
- Ⓒ Currently the property is used by a soccer club and is managed by the Oak Brook Park District. The large vacant site should remain as open space and be used to serve the park and recreational needs of the community.



Subarea Framework

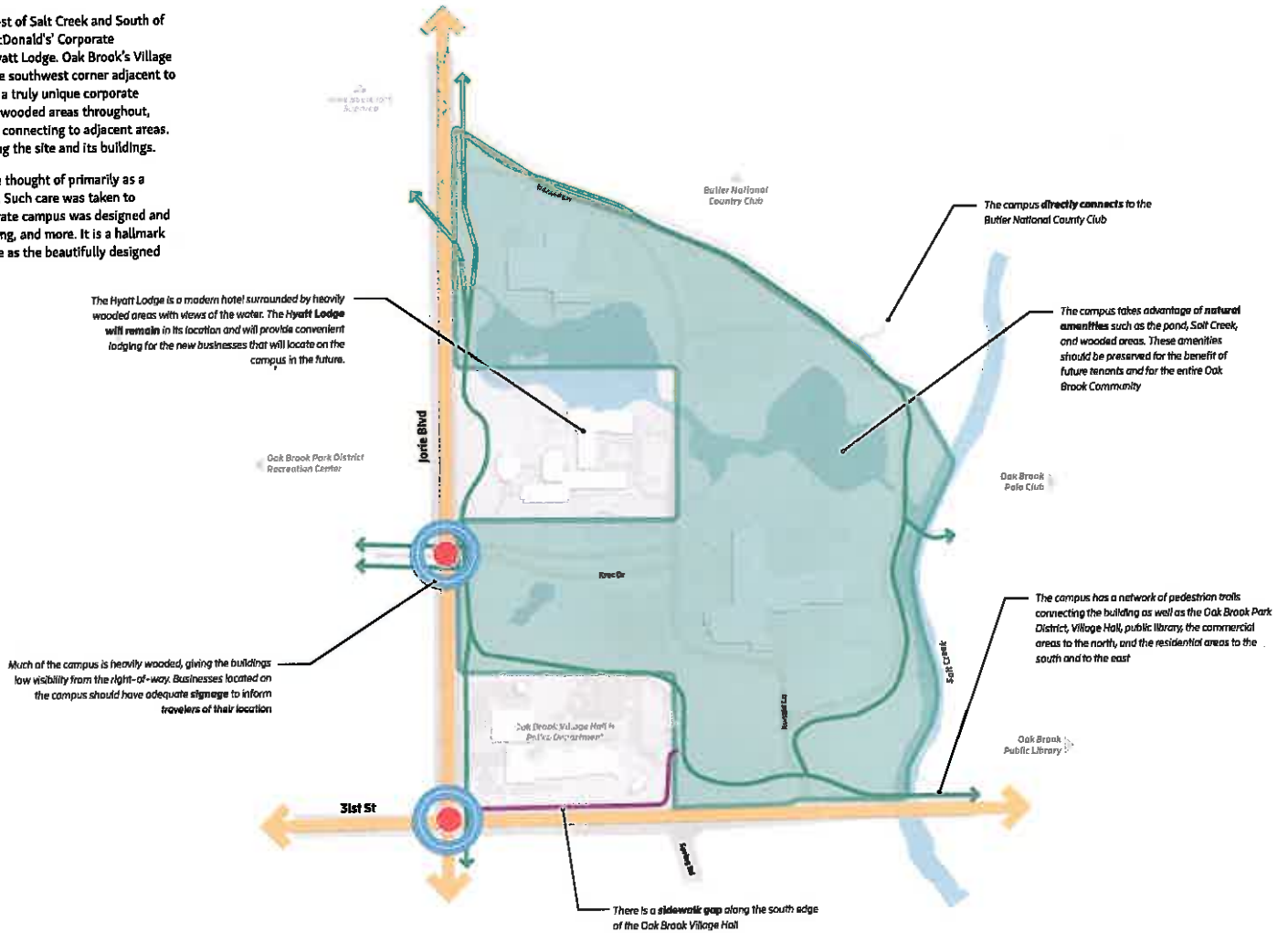
# McDonald's Corporate Campus

This subarea is located east of Jorie Blvd, North of 31st Street, West of Salt Creek and South of Butler National Country Club. The campus includes the former McDonald's Corporate Headquarters building, Hamburger University, and the existing Hyatt Lodge. Oak Brook's Village Hall, Police Department, and Fire Station facility are located in the southwest corner adjacent to the former McDonalds campus. The site is beautiful and provides a truly unique corporate environment integrated in a pristine natural setting, with heavily wooded areas throughout, lakes, and pedestrian trails linking various corners of the site and connecting to adjacent areas. McDonald Corporate Headquarters has relocated, thereby vacating the site and its buildings.

The campus is such a beautiful and unique asset that is should be thought of primarily as a re-tenanting opportunity rather than a development opportunity. Such care was taken to maintain and enhance the environmentally rich site as the corporate campus was designed and constructed. It is enjoyed by the entire community via trails, fishing, and more. It is a hallmark of Oak Brook. As such, this plan recommends maintaining the site as the beautifully designed corporate campus, rather than redeveloping the property.

Subarea Improvements

-  Opportunity Site
-  Intersection Improvements (Pedestrian Safety/Appearance)
-  Primary Roadway
-  Proposed Trail Connection
-  Existing Traffic Signal
-  Existing Trail





# Building Design



## GUIDELINES



# Table of Contents

Acknowledgements .....	1
Part I. Introduction	
Background .....	2
Goals .....	3
Applicability of This Document .....	3
Part II. Building Design Guidelines	
<b>A</b> Context Fit .....	5
<b>B</b> Pedestrian Friendliness .....	8
<b>C</b> Visual Attractiveness .....	18
<b>D</b> Sustainable Design .....	32
Appendix	
I. Public Input Process .....	36
II. Design Review Procedure .....	40
III. Design Guidelines Checklist .....	42
IV. Façade Renovation Toolkit .....	43



# Acknowledgements

The Building Design Guidelines for the City of Naperville, Illinois were prepared through the help of many citizens, staff and officials of the Naperville community who participated in the planning process at stakeholder meetings, on-line surveys and open house meetings. Their involvement and insights are sincerely appreciated.

## City Plan Commission

Derke Pricc, Chairman

Mike Brown

Ann Edmonds

Paul Hinterlong

Bill Jepson

Joe McElroy

Jeffrey Meyers

Reynold Sterlin

## City Council

George Pradel, Mayor

Jim Boyajian

Bob Fieseler

Richard Furstenau

Doug Krause

Kenn Miller

John Rosanova

Darlene Senger

Grant Wehrli

## City Staff

Allison Laff, AICP, Planning Services Team Leader - TED Business Group

Ying Liu, AICP, Community Planner - TED Business Group

Suzanne Thorsen, Community Planner - TED Business Group

Prepared by the City of Naperville with assistance from Lohan Anderson, LLC and A Design Consulting.

## Background

From just a handful of families residing within the original settlement, Naperville has grown to a community of over 140,000 people and is now a dynamic city with both old-fashioned charm and a high-tech corporate corridor. Over the course of its development, Naperville has successfully preserved its community character and quality of life by embracing high quality building and site design principles. The resulting built environment has played an important role in fostering Naperville's vibrant business community and economic growth today. While build-out of Naperville's last remaining "greenfield" tracts is imminent and infill and redevelopment activity remains brisk, the community expects to continue its past success into the future by ensuring compatible, quality development and redevelopment.

Building design is a key element in the built environment that contributes to Naperville's success as a community. In order to preserve and build on Naperville's architectural heritage, the City has embraced design principles and guidelines in its most recent planning documents, namely the "Building Design Guidelines" contained within the Downtown Plan (2000); the "Building Design Considerations" contained within the Southwest Community Area Plan (2002); the Southwest Community Area Commercial Design Guidelines (2006); the Transitional Use District Design Guidelines (2006) and the Water Street Vision Statement (2006). In 2005, the

City Council adopted Resolution #05-020 that states:

"It is the City of Naperville's vision and expectation that issues related to design and architecture, including building design and materials, building placement, orientation and massing, compatibility, unifying architectural elements, pedestrian environment and pedestrian circulation linkages, and location of parking ... be considered city-wide during plan review of new buildings, building additions, and redevelopment."

While currently guided by various sub-area plans, non-residential developments in the City are not provided with comprehensive and adequate design direction that can be applied citywide. To further the City Council's direction on design review, the purpose of the citywide building design guidelines is to convey community design values and preferences, to clearly guide the design and appearance of non-residential structures, and to identify appropriate design criteria by which building design may be evaluated and enhanced through the architectural and development review process.

Public input throughout the process of drafting the guidelines provided community design preferences and feedback on the content of the document. A summary of the public input process is included in Appendix I of this document.

## Guideline Goals

The purpose of these design guidelines is to promote high-quality non-residential building design in the City of Naperville that will enhance the quality of life enjoyed by Naperville residents. The public input process has provided invaluable insight into community values and preference on building design. This document is intended to address the complexity of community design values in a format that is easily understood, and consistently interpreted and administered. The Citywide Building Design Guidelines will:

- Address all non-residential structures and mixed use buildings in the City including commercial, office, industrial, and institutional uses.
- Facilitate innovative and creative building design and development.
- Ensure that various projects are judged according to consistent criteria.
- Result in more complete applicant submissions and improved design review process.

These design guidelines are crafted to function in harmony with the City of Naperville's existing policies. Nothing in the Building Design Guidelines shall affect the applicability of the Naperville Municipal Code. Where sub-area guidelines are also applicable, the Building Design Guidelines are to be utilized in conjunction with said documents and the provisions of both shall pertain; however, when in conflict, the more specific guidelines shall prevail.

## Applicability of This Document

All non-residential and mixed-use buildings that require building permits are subject to design review based on the guidelines contained within this document. Although these guidelines are intended to apply primarily to commercial, office, industrial, institutional and mixed-use structures, they may also be utilized as deemed appropriate by the Zoning Administrator.

# Building Design Guidelines

This Section contains nineteen guidelines, divided into categories based on four convergent ways of looking at building design. Each guideline has an overall description and related principles that are illustrated with images. The categories are:

- A** **Context Fit** addresses aspects of building massing and location that are influenced by the context of the adjacent built environment, excluding site design elements that are addressed elsewhere in the city's Municipal Code and sub-area studies and guidelines.
- B** **Pedestrian Friendliness** relates to design aspects of buildings and the exterior areas adjacent to buildings that affect the pedestrian experience and make spaces "pedestrian-friendly."
- C** **Visual Attractiveness** addresses elements of architectural design that result in visually appealing buildings.
- D** **Sustainable Design** describes techniques and technologies that can be utilized to reduce the use of non-renewable resources, minimize environmental impact, and relate people to the natural environment.

**Appendix I** provides an overview of the public input process that was utilized in preparation of the design guidelines. **Appendix II** summarizes the review process at staff level accompanied by submittal material requirements in order for staff to determine the compliance of the project with the following design guidelines. A summary checklist of the guidelines is attached in **Appendix III: Building Design Guidelines Checklist** as a tool for applicants to use to evaluate buildings based on the guidelines. **Appendix IV** addresses opportunities for minor façade improvements to non-residential structures. **Appendix V** provides a range of resources and organizations that provide information useful in the planning and construction of environmentally-friendly buildings.

# A

## CONTEXT FIT

The purpose of this section is to identify existing neighborhood characteristics that should be enhanced or incorporated into the building design of new or infill development projects. In addition, this section addresses neighborhood compatibility and transitions to adjacent buildings and street frontages.

### ► A. Context Fit

#### A1. Design Context

#### A2. Building

Mass  
Transition

#### B. Pedestrian Friendliness

#### C. Visual Attractiveness

#### D. Sustainable Design

### A1. Design Context

Building Design should provide contextual references to its surrounding built environment. Design context could include natural features such as a river, lake, park or open space; man-made landforms; historic and cultural contexts; and existing architecture.

#### A1.1

Buildings should blend with natural or man-made landforms or natural features and maximize visual access to scenic views.



**Figure A1.1a:** Building architecture can relate to existing or man-made features, such as this retention pond.



**Figure A1.1b:** Scenic view access is provided to the adjoining river and open space.



## A. Context Fit

## ► A1. Design Context

## A2. Building Mass Transition

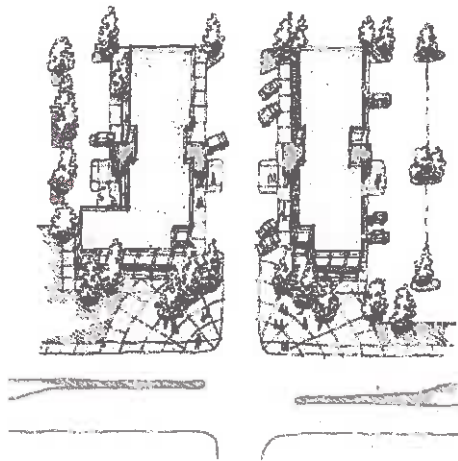
## B. Pedestrian Friendliness

## C. Visual Attractiveness

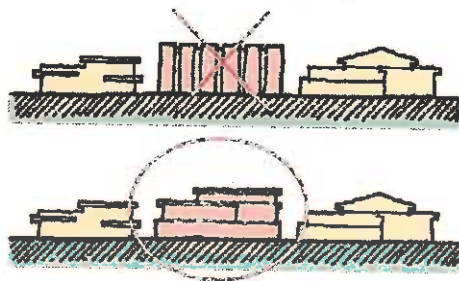
## D. Sustainable Design



**Figure A1.3:** Office buildings create a sense of enclosure around a central open space amenity.



**Figure A1.4:** Retail buildings create a facing commercial frontage and provide visual access from the adjacent neighborhood.



**Figure A1.6:** In the lower example the middle building fits better with its architectural context by use of horizontal articulation

**A1.2**

Buildings should be arranged to relate to each other and to create view corridors that promote visual access from the site to adjacent neighborhoods. View corridors are spaces that frame views from one location to another. Streets are one type of view corridor, pedestrian walkways are another.

**A1.3**

Buildings should be arranged in a manner that creates a sense of enclosure and defined space.

**A1.4**

A site's buildings should be arranged so that they help to frame and define the fronting and internal streets, giving deliberate form to streets and sidewalk areas.

**A1.5**

For infill sites, buildings should be set back from the street in accordance with the predominant line of building massing (setback) along the street in order to create a defined streetscape and sense of place.

**A1.6**

Buildings that have a distinctive architectural, historic or cultural context should incorporate those elements through the use of similar or compatible styles, materials, architectural detailing or other appropriate references.

**A1.7**

In areas where the existing context is not well-defined, new development may be recognized as a pioneer with the opportunity to establish a pattern of identity from which future development can take its cues. The site's zoning and other relevant Comprehensive Plan policies should be considered as indicators of the desired direction for the area and project.

## A2. Building Mass Transition

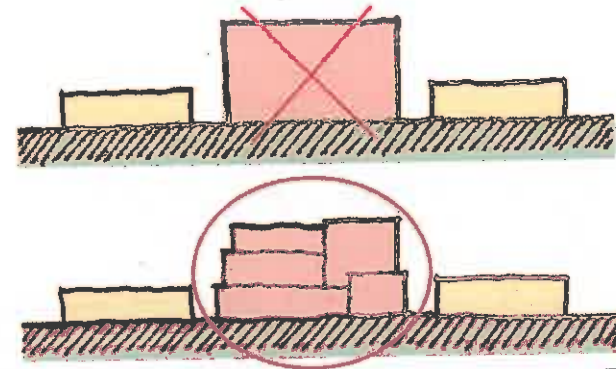
Building mass is defined as the physical volume or bulk of a structure and can be measured by height and size of the building footprint. Building mass is an important factor that affects functional and visual compatibility between adjacent neighborhoods and different land uses. The following design guidelines promote coordination and continuity of the proposed development and the development efforts throughout the neighborhood through creation of a gradual transition between different building masses.

### A2.1

Buildings at the outer edge of an activity center should be comparable in height and mass with the surrounding neighborhood.

### A2.2

Adverse visual (view) impacts of a massive building should be minimized or mitigated through the use of visual buffers, neighborhood-compatible architecture and building mass and siting techniques. Large buildings should be broken into multiple buildings if possible, or into smaller building massing elements through varied rooflines, varied façade planes, upper story setback, windows on front elevation, etc. in order to reduce the apparent size of the building.



**Figure A2.2a:** The mass of the larger building steps down near smaller buildings and the varied roof forms reduce apparent size.



**Figure A2.2b:** This building uses varied roof forms and façade planes to reduce apparent size.

A Context Fit

A1. Design  
Context

► A2. Building

Mass  
Transition

B. Pedestrian  
Friendliness

C. Visual  
Attractiveness

D. Sustainable  
Design

A. Context Fit

► B. Pedestrian Friendliness

B1 Public Spaces

B2 Visual Transparency

B3 Primary Entry Identity

B4 Pedestrian Weather Protection

B5 Pedestrian-Scaled Architectural Detailing

C. Visual Attractiveness

D. Sustainable Design

# B

## PEDESTRIAN-FRIENDLINESS

Pedestrian-friendliness describes the quality of a built environment that attracts foot traffic and fosters a sense of safety and well-being for its users. Building design can directly impact the pedestrian-friendliness of a place by creating a setting that is comfortable for pedestrians to walk, stop and congregate. A building that attracts pedestrians may enjoy greater success for its tenants and users, whereas an unsuccessful building can create an environment that pedestrians seek to avoid. Pedestrian-friendliness is a counterpoint to the aesthetic criteria listed in the Section C.



**Figure B1.1a:** Shopping windows and pedestrian features activate the space between these two buildings. The structures frame a view corridor to the adjacent plaza.

### B1. Public Spaces

When buildings are properly designed, they can frame special public places such as parks, open spaces, esplanades, pedestrian plazas, courtyards, outdoor seating areas, streetscape, etc, that provide safety and amenity for the development's residents, customers, employees, and for surrounding properties.

#### B1.1

Buildings, where feasible, should be sited or designed to create public spaces that are easily accessible from adjacent streets or sidewalks.



**B1.2**

Buildings should engage and define the street edge with landscaping, pedestrian walkway, and street furnishings to allow for safe and comfortable movement of pedestrians.



**Figure B1.1b:** Mixed-use and retail buildings frame this central courtyard feature.

- i. In order to enhance pedestrian experience and to avoid the appearance of a massive parking lot between the building and the street, building setbacks to adjacent streets should be minimized wherever possible. When internal drives are utilized to organize buildings and pedestrian movement, setbacks to internal drives should be minimized wherever possible. However, where an established pattern of building setbacks exists, new buildings should be consistent with the surrounding building alignment.
- ii. Pedestrian linkage should be established among multiple building entrances and the parking lot.
- iii. All buildings should relate to street frontage through use of landscaping, pedestrian access and other public spaces. Commercial buildings are encouraged to create an active street environment and unified streetscape that encourages pedestrian activity. A combination of streetscape elements can be included: pedestrian seating, moveable tables, planters, pedestrian-scaled light fixtures (not more than 16' tall), artwork or decorative paving, waste receptacles, bicycle racks, and other street furnishings.



**Figure B1.2 a:** Unified pedestrian-oriented streetscape



**Figure B1.2b:** Outdoor seating and pedestrian-scaled light fixtures engage the street

- A. Context Fit
- B. Pedestrian Friendliness
  - ▶ **B1 Public Spaces**
    - B2 Visual Transparency
    - B3 Primary Entry Identity
    - B4 Pedestrian Weather Protection
    - B5 Pedestrian-Scaled Architectural Detailing
  - Visual Attractiveness
- D. Sustainable Design

A. Context Fit

B. Pedestrian  
Friendliness

► **B1 Public  
Spaces**

B2 Visual  
Transparency

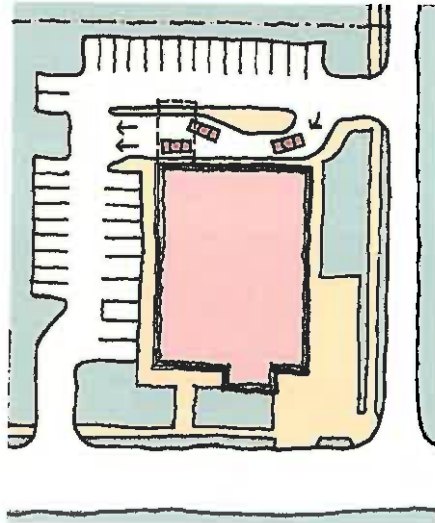
B3 Primary  
Entry  
Identity

B4 Pedestrian  
Weather  
Protection

B5 Pedestrian-  
Scaled  
Architectural  
Detailing

C. Visual  
Attractiveness

D. Sustainable  
Design



**Figure B1.3:**  
*In these images,  
the drive-through is  
oriented away from  
the street corner, at  
the side or rear of  
the building.*

### **B1.3**

Drive-through passageways and canopies should be located to the rear or side of all buildings.

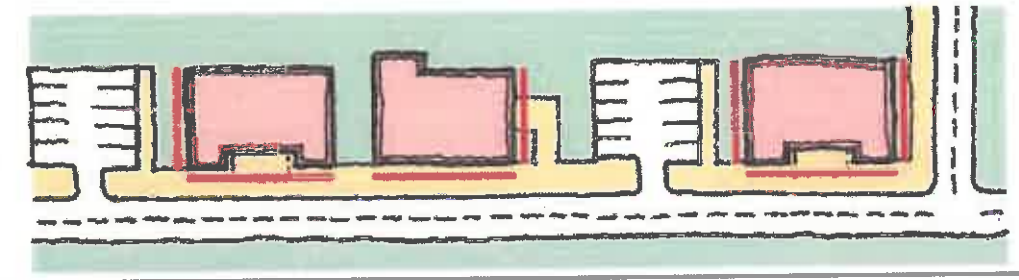


## B2. Visual Transparency

Facade transparency creates a visual connection between indoor and outdoor spaces. Windows and doors narrate the uses inside the building to the observer and are a measure of how public or private these uses are intended to be. For example, storefront windows at street level are more expansive, suggesting common uses, while upper levels are smaller, indicating more private uses. The provision of windows, doors and other openings, especially at ground level, enhances the aesthetic appeal of buildings, provides visual interest and fosters a sense of security and vibrancy for pedestrians.

This guideline applies to all commercial, office and institutional uses and to façades that have street frontage or are adjacent to pedestrian access or parking areas (the red bars in the diagram below indicate the applicable façades.)

- A. Context Fit
- B. Pedestrian Friendliness
  - B1 Public Spaces
  - ▶ **B2 Visual Transparency**
  - B3 Primary Entry Identity
  - B4 Pedestrian Weather Protection
  - B5 Pedestrian-Scaled Architectural Detailing
- C. Visual Attractiveness
- D. Sustainable Design

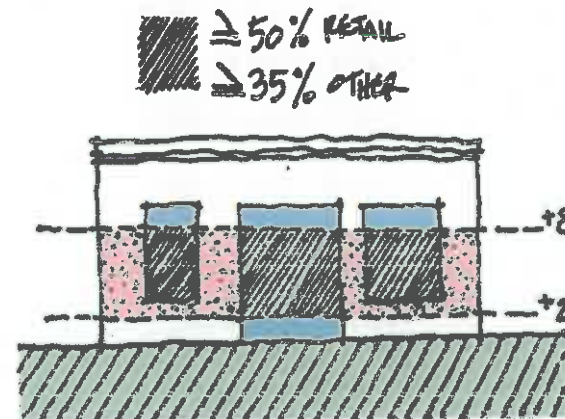


**Figure B2:**  
Applicable façades of the visual transparency guideline.

### B2.1

Facades of all commercial, office and institutional structures should incorporate transparent features (clear glass on windows and doors) over a minimum percentage of the surface area at ground-level. Ground level is defined as two to eight feet measured vertically at street level.

- iii. For retail uses, a minimum of 50% should be transparent.
- iv. For other uses, a minimum of 35% should be transparent.



**Figure B2.1:** Ground-level is defined as the surface area from 2' to 8' measured vertically at street level.

## A. Context Fit

B. Pedestrian  
FriendlinessB1 Public  
Spaces▶ B2 Visual  
TransparencyB3 Primary  
Entry  
IdentityB4 Pedestrian  
Weather  
ProtectionB5 Pedestrian-  
Scaled  
Architectural  
DetailingC. Visual  
AttractivenessD. Sustainable  
Design

**Figure B2.2:**  
*Clear glass allows visual access to the retail storefront display.*



**Figure B2.3:**  
*This grocery store incorporates ground-level mosaics in lieu of storefront windows.*



**Figure B2.4:**  
*Appropriately-sized clear glass windows are encouraged on upper stories.*

**B2.2**

Glass at the ground level should be clear and unobstructed to allow visual access to the building's active interior uses such as retail display, product production or office space that create interest for pedestrians walking by to look at. Mirrored glass and dark tinted glass are not acceptable.

**B2.3**

Where appropriate, a ground-level façade may employ sculptural, mosaic, or relief artwork or other design features over 50% of the ground-level surface area in lieu of clear glass. Large blank walls are to be avoided on all four sides of the exterior.

**B2.4**

On upper levels, use of appropriately-sized clear glass windows is encouraged to create visual connection between interior building spaces and the surrounding site context. When necessary, tinted glass may be allowed to provide privacy while aesthetically and functionally serving the building. Mirrored glass is discouraged.

## B3. Primary Entry Identity

An obvious and welcoming building entry can be an important architectural feature that defines the visual character of a building and improves the pedestrian environment by enhancing the user's experience.

### B3.1

Primary building entrances should be oriented to a public street or a prominent public area

### B3.2

Each primary building on a site, regardless of its size, should have clearly-defined, highly-visible primary entrance featuring at least two (2) of the following:

- v. Unique architectural feature (i.e. prominent tower feature or peaked roof form and/or variation in building color/material);
- vi. Recess or projection;
- vii. Pedestrian weather protection (i.e. canopy, overhang, or arcade).
- viii. Architectural detail such as raised corniced parapets over the door, arches, lattice or tile work and moldings integrated into the building structure and design;
- ix. Streetscape including outdoor patio, integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

### B3.3

The building entry should incorporate architectural details to form an effective transition from the size of the overall building to the scale of pedestrians.

### B3.4

Glass doors and sidelights should be provided unless the design context defines other forms of entry.



**Figure B3.2:** Entry is clearly marked by a tower feature, variation in color and material, canopy, and recess/projection.



**Figure B3.3:** Arched entry with pedestrian lighting transitions the overall building to pedestrian scale.

- A. Context Fit
- B. Pedestrian Friendliness
  - B1 Public Spaces
  - B2 Visual Transparency
  - ▶ **B3 Primary Entry Identity**
  - B4 Pedestrian Weather Protection
  - B5 Pedestrian-Scaled Architectural Detailing
- C. Visual Attractiveness
- D. Sustainable Design

- A. Context Fit
- B. Pedestrian Friendliness
  - B1 Public Spaces
  - B2 Visual Transparency
  - B3 Primary Entry Identity
  - **B4 Pedestrian Weather Protection**
  - B5 Pedestrian-Scaled Architectural Detailing
- C. Visual Attractiveness
- D. Sustainable Design

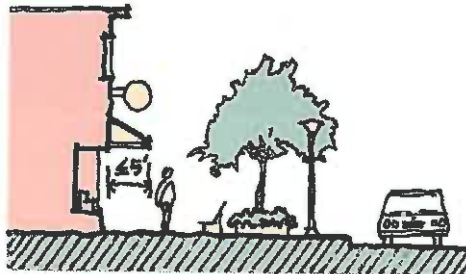
## B4. Pedestrian Weather Protection

Exterior weather protection can enhance pedestrian safety and comfort and is most often provided in the form of overhead protection from rain, sun and wind such as awnings, overhangs, and arcades.

**Awnings** are elements added to the face of a building made of semi-permanent materials such as canvas or similar lightweight material along with metal support framework.

**Overhangs** are permanent structures supported from buildings to provide weather protection for building entry and pedestrian walkways

**Arcades** are similar to overhangs except that arcades are supported by columns in the walkway, in addition to the building face.



**Figure B4.2a:** Exterior weather protection generally should not overhang for more than 5 feet from the building.

### B4.1

Exterior weather protection is encouraged for building facades adjacent to sidewalks or pedestrian areas.

### B4.2

Exterior weather protection generally should not overhang from the building for more than 5 feet unless it incorporates transparent material to allow the ground level exterior to be illuminated by natural light. Arcades may be extended for more than 5 feet in depth if the ceiling is more than one story in height.



**Figure B4.2b:** Arcade feature provides pedestrian comfort.



**B4.3**

Awnings should be designed to project over individual window and door openings (i.e., mounted in the reveals of openings). Awnings that are a continuous feature, extending over several windows, doors, masonry piers, or arches, are strongly discouraged.

**B4.4**

Fabric awnings are encouraged; canvas awnings with a matte finish are preferred. Metal or glass awnings that are compatible with building design may be acceptable outside the downtown area. Awnings with high gloss finish and illuminated, plastic awnings are discouraged.

**B4.5**

Awning colors should be compatible with the overall color scheme of the façade. Solid colors or subtle striped patterns are preferred.



**Figure B4.3** *AVOID* awnings extending over several windows and doors.

- A. Context Fit
- B. Pedestrian Friendliness
  - B1 Public Spaces
  - B2 Visual Transparency
  - B3 Primary Entry Identity
  - B4 Pedestrian Weather Protection**
    - B5 Pedestrian-Scaled Architectural Detailing
- C. Visual Attractiveness
- D. Sustainable Design



**Figure B4.4a:** Canvas shed awnings and glass canopies enhance pedestrian character



**Figure B4.4b:** Acceptable use of metal awnings



A. Context Fit

B. Pedestrian  
FriendlinessB1 Public  
SpacesB2 Visual  
TransparencyB3 Primary  
Entry  
IdentityB4 Pedestrian  
Weather  
Protection▶ B5 Pedestrian-  
Scaled  
Architectural  
DetailingC. Visual  
AttractivenessD. Sustainable  
Design

## B5. Pedestrian-Scaled Architectural Detailing

Pedestrian-scaled architectural details enhance the appearance of a building at the street level and are usually positioned on the first two floors the exterior. Buildings should possess a tangible and distinct design quality not only at a distance but also up close. These details enhance the pedestrian's sense of well being by allowing one to judge the size of a space, indicate design and structural quality, and provide human scale and intimacy.



**Figure B5.1 and 5.2:** This building incorporates masonry knee wall and decorative cornice elements

### B5.1

**Knee walls:** A two- to three-foot masonry or concrete knee wall should be provided around the base of the building where appropriate (see Guideline C4). The use of glass curtain wall systems, particularly on pedestrian storefront facades, should be minimized.

### B5.2

**Cornices:** Provide ornamental molding, entablature, frieze, or other roofline treatments.

### B5.3

**Windows and Doors:** Detailed treatment of windows and doors should be provided at the ground level for facades oriented toward a public street or a pedestrian area. Such details may include decorative lintels, sills, door design, molding or framing details. The character of windows should be expressed in the window frames or special shapes such as arches, or in mullions that divide the window into smaller panes. The character of the windows should be consistent with the overall building character.

**B5.4**

**Lighting:** Distinctive wall-mounted light fixtures, such as lights with decorative shade or mounting, should be provided on the first floor of all sides facing points of public access.

**B5.5**

**Others:** In addition to the above, at least one of the following architectural elements should be provided on the building façade:

- i. Decorative surfaces such as patterned concrete masonry, stone, or brick work.
- ii. Horizontal stone or masonry banding.
- iii. Sculptures, mosaics and other artwork



**Figure B5.4:** Patterned masonry detail and light fixtures enhance pedestrian character.

- A. Context Fit
- B. Pedestrian Friendliness
  - B1 Public Spaces
  - B2 Visual Transparency
  - B3 Primary Entry Identity
  - B4 Pedestrian Weather Protection
  - ▶ **B5 Pedestrian-Scaled Architectural Detailing**
- C. Visual Attractiveness
- D. Sustainable Design

A. Context Fit

B. Pedestrian Friendliness

▶ C. Visual Attractiveness

C1 Architectural Composition

C2 Articulation & Modulation

C3 Proportions & Rhythm

C4 Building Base, Middle & Cap

C5 Materials

C6 Color Scheme

C7 Secondary Building Faces

C8 Service Area Screening

C9 Exterior Building Signage

D. Sustainable Design



# VISUAL ATTRACTIVENESS

Many architectural design aspects combine to create visual attractiveness. The whole in successful architecture is more than the sum of the building parts. A building's attractiveness may be judged from several perspectives, from the vehicular realm at a distance to the pedestrian realm, up close. The interplay of the following nine factors significantly impacts the visual attractiveness of not only individual structures, but ultimately the character of entire blocks and sub-areas.

## C1. Architectural Composition

Composition is the organization of the whole out of its parts—the conception of single elements, the interrelating of these elements, and the relating of them to the total form. Architectural composition is the art of arranging and combining distinct parts or elements of a building to form an ordered expression of architectural form.



**Figure C1.1a:** Building materials and massing unify the structure as a whole.

### C1.1

**Connectivity:** The arrangement and visual flow of surface materials such as brick or stone horizontally and vertically should tie together the building as a whole. Buildings should avoid radical breaks in the elevations and massing that reduce connectivity.



**Figure C1.1b:** AVOID radical breaks in building materials.

**C1.2**

**Symmetry/Balance:** Symmetry is when wings of a building are matched in size and fenestration layout about a center point (often the primary entrance) in order to create visual harmony. Buildings that are not symmetrical should be massed to create visual balance between components relative to the primary entry location.



**Figure C1.2a:** Symmetry is duplication of elements about a centerline.



**Figure C1.2b:** Balance is created by tower on the left side offsetting the longer section to the right.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - ▶ **C1 Architectural Composition**
    - C2 Articulation & Modulation
    - C3 Proportions & Rhythm
    - C4 Building Base, Middle & Cap
    - C5 Materials
    - C6 Color Scheme
    - C7 Secondary Building Faces
    - C8 Service Area Screening
    - C9 Exterior Building Signage
- D. Sustainable Design



- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - ▶ C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design

## C2. Articulation and Modulation

Building articulation and modulation help to create an intermediate level framework on the exterior of buildings, providing visual relief for large wall areas.

**Horizontal articulation** is created by use of materials such as stone or special masonry patterns (e.g. soldier coursing) that run along the façade of a building and tie the building together. Cornices and parapets play special roles in visually unifying the top of a building.

**Vertical articulation** is created by regular spacing of vertical elements such as piers, pilasters, columns and/or fenestration at regular intervals to visually transfer building weight to the ground and tie the base of a building to its top.

**Building modulation** is a measured and proportioned inflection or setback in a building's face. Modulation may be achieved through recessed or projecting wall offsets, entryways, porch or canopy structures, columns, piers or other features.



### C2.1

All building walls should have consistent horizontal and vertical articulation to form a grid framework on four sides of the building exterior. This framework should serve to break down the overall scale of a building into intermediate scale parts. Building walls should include materials and design characteristics consistent with those on the front. The effect of a single, long or massive wall with no relation to human scale is not acceptable.

**Figure C2.1a:** Vertical brick articulation combines with horizontal stone/ precast concrete banding to form overall grid frameworks. Cornices unify the top of the building.



**C2.2**

Vertical Articulation/modulation - A horizontal wall should not extend for a distance greater than 30 feet without visually established vertical articulation and/or modulation.



**Figure C2.2:** Combined vertical articulation and modulation minimize the appearance of a long, massive wall.

**C2.3**

Vertical articulation and modulation should be carried from the base to the rooftop to visually transfer building weight to the ground.



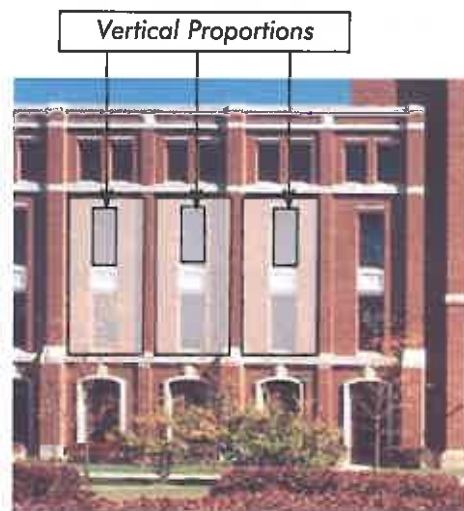
**Figure C2.3:** Effective use of modulation and horizontal articulation to minimize the appearance of bulk.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - ▶ **C2 Articulation & Modulation**
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design

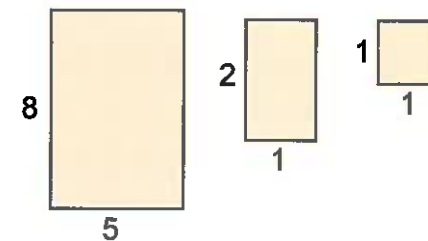
- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - ▶ **C3 Proportions & Rhythm**
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design

## C3. Proportions and Rhythm

Proportion is the relationship between the height and width of a rectangle. In architecture, this can refer to the overall building mass as well as openings for windows and doors within it. Some commonly used proportions that have been found to be pleasing to the eye. The most famous is the “golden section” which is a roughly 8:5 proportion. Other common proportions are 2:1, 1.5:1 and 1:1 (Figure C3). These proportions can be used for window openings and for visually established architectural elements. Repetitive use of similar proportions creates regular rhythm that helps tie a building together.



**Figure C3.1 and C3.2:** Articulation grid framework repeats vertical proportions.



**Figure C3:** Common proportions for building openings and massing elements.

### C3.1

Architectural articulation or modulation can be used to organize the perceived mass of larger buildings. Building features such as columns, piers, rooflines and brick patterns can divide and create orientation on a large surface. Preferred orientations are vertical. Once these proportions have been established windows and doors should reinforce the vertical orientation of the composition.

### C3.2

The proportion of openings or other visually established architectural elements should be generally consistent throughout a development to create a sense of unity on building façades.

### C3.3

Syncopation of Elements - Rhythm can be created by regular repetition of window openings and/or building articulation/modulation. Analogous to symphonic music, rhythm can be more complex and interesting than rote repetition of elements. Patterns such as A-B-A-B or A-B-B-A-B-B can add interest to a building elevation.

**Figure C3.3:** Syncopation of façade elements



## C4. Building Base, Middle and Cap

Many successful buildings use an ancient formula for building design that incorporates clear identification of building base, body and cap. The origin of the formula relates to the human feet, torso and head.

### C4.1

**Base** - A building base should be established through the use of stone, concrete or masonry materials that has a heavier appearance and makes firm contact with the earth. For one story buildings, a knee wall base should be established.

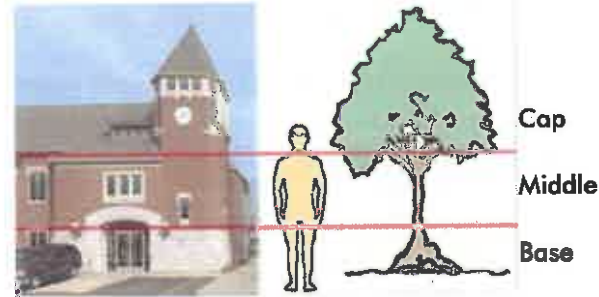
### C4.2

**Cap** - The building cap incorporates the roof parapet or roofline and is where the building meets the sky. Because of the high visibility of the “sky line,” the appearance of a “false roof” is not acceptable.

- a. Building roof forms should appear integral to the building’s design on all sides of the structure and should be capped with cornice moldings. Secondary building faces on flat-roofed buildings should have a parapet height that is consistent with the primary face. The vertical façade of a building face should not be extended above the actual parapet or roofline to give the appearance of a false front (See also C7.1)
- b. When sections of a building face are raised to create varied rooflines, the raised sections should have substantial depth to reflect the form of an actual building.
- c. The rear of parapet features should be treated to the same level of detail as the front.
- d. Rooftop mechanicals, including condensers, vents and pipes are to be screened to their full height by parapet walls on all sides of a building. Metal screening systems are not acceptable for new construction projects and may be considered on a case-by-case basis for other projects in which the installation of a parapet is infeasible.

### C4.3

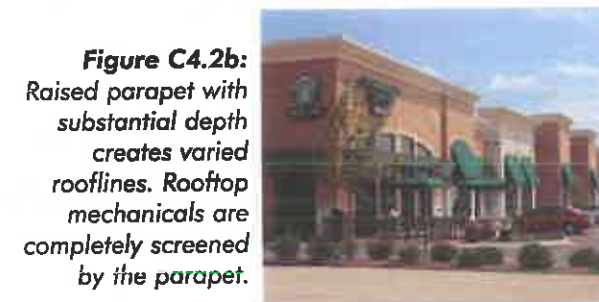
**Middle** - The building body connects the base and cap and typically appears repetitive from floor to floor, creating a vertical proportion to the exterior. The building body is to make up the majority of the building height and should not be overwhelmed by massive roof area.



**Figure C4:** Diagram illustrates the vertical definition of base, middle and cap, similar to the human form and/or a tree



**Figure C4.2a:** AVOID extending vertical façade of a building face above the actual parapet or roofline to give the appearance of a false front. AVOID unscreened rooftop mechanical units.



**Figure C4.2b:** Raised parapet with substantial depth creates varied rooflines. Rooftop mechanicals are completely screened by the parapet.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - ▶ C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness

- C1 Architectural Composition
- C2 Articulation & Modulation
- C3 Proportions & Rhythm
- C4 Building Base, Middle & Cap

► **C5 Materials**

- C6 Color Scheme
- C7 Secondary Building Faces
- C8 Service Area Screening
- C9 Exterior Building Signage
- D. Sustainable Design

## Materials

The choice of materials and texture has great visual significance and can affect the long-term appearance and maintenance of the built environment. Exterior building material is directly related to the durability of the building against weathering and damage from natural forces. Building material can be classified based on its application as:

**Primary Material** - The dominant material of a building's exterior walls. A primary material will typically comprise 75% to 90% of each exterior building face excluding windows and doors; however, architectural style and detailing of the building should dictate the appropriate composition of primary material.

**Accent Material** - A material utilized to provide architectural interest and variety on a building. Accent materials will typically comprise 10% to 25% of each building face excluding windows and doors, depending on architectural style and context. Accent materials are not to be utilized as a primary building material.

### C5.1

Choose high-quality and long-lasting materials that offer texture and avoid monotonous surfaces. The look and dimension of material elements should relate to human scale. Earth tone building materials that have a pleasing visual texture, such as brick and stone, are strongly preferred.

### C5.2

The type and detailing of building materials should be consistent on all sides of a structure. Materials used on primary facades, if not used for the entire building, should return along secondary sides a minimum distance based on visibility be utilized on secondary sides to maintain visual consistency.

### C5.3

The following is a general guide to the acceptable use of exterior building materials. Use of alternate materials or the extent of material usage may be reviewed on a case-by-case basis, taking into consideration such factors as context and architectural style. Additional guidelines related to specific materials are provided below.



**Figure C5.3.iva:**  
Surface texture and detailing used to reduce building massing



**Figure C5.3.ivb:**  
Brick veneer is in laid in pre-cast panels. Vertical articulation features mask the joint lines.



- i. **Brick and Stone** - Brick and stone convey permanence and are preferred primary and accent building materials for all building types.
- ii. **Glass** - The use of glass as a primary exterior building material may be appropriate within its surrounding context such as the I-88 Office/Industrial corridor. Where used, transparent types of glass are preferred and mirror/dark tinted glass is discouraged.
- iii. **Cast-in-place Concrete** - Cast-in-place concrete may be appropriate for industrial buildings or secondary facades if sufficient articulation and detail is provided to diminish the appearance of a large, blank wall and provide a high-quality architectural finish. Cast-in-place concrete is acceptable as an accent material; its appropriateness for primary material applications will be reviewed within the context of the design intent and surrounding character of development.
- iv. **Pre-cast Concrete** - Pre-cast is acknowledged as a durable and quality material. Concrete panels should incorporate architectural finishes that comply with the architectural articulation (Guideline C2) and detailing (Guideline B5) design guidelines. The appearance of panel joints should be minimized. On building faces adjacent to a public right-of-way or pedestrian area where the appearance of masonry is to be conveyed, masonry inlays are generally preferred to coated or painted formliner applications which simulate the look of brick or stone; however, the appropriateness of either will be reviewed based upon the context of the design intent and the surrounding character of development.
- v. **Architectural Metal Cladding** - Smooth metal panels with sufficient metal thickness to prevent “oil canning” or deterioration of the surface and promote durability are acceptable. The use of metal should account for the design intent of the building and surrounding character of development.

- vi. **Concrete Masonry Units** - Concrete masonry unit (CMU) is acceptable as an accent. Split face CMU may be used as a base material in lieu of limestone.
- vii. **Wood** - Wood may be appropriate in specific historical or cultural context.
- viii. **Fiber Cement** - The use of fiber cement materials should be limited to accent applications only, except where utilized in a downtown or historic context as a substitute for wood. Fiber cement product will not be considered acceptable in fulfillment of masonry requirements.
- ix. **Stucco** - The use of stucco is acceptable for accent applications.
- x. **EIFS** - EIFS or Dryvit material is not to be used as a primary material. Where it is to be used, EIFS should be appropriate based upon the design intent of the building and limited to accent applications above the pedestrian level (approximately 10' above ground).
- xi. **Siding** - Horizontal aluminum and vinyl sidings should not be utilized for non-residential applications.
- xii. **Other** - Contemporary or specialized building materials not addressed herein will be reviewed on a case-by-case basis and will be evaluated based upon such factors as durability, quality, maintenance, architectural intent, compatibility with the provisions of these design guidelines, and environmental context.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - ▶ C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design



## A. Context Fit

B. Pedestrian  
FriendlinessC. Visual  
AttractivenessC1 Architectural  
CompositionC2 Articulation  
& ModulationC3 Proportions  
& RhythmC4 Building  
Base, Middle  
& Cap

## C5 Materials

▶ C6 Color  
SchemeC7 Secondary  
Building  
FacesC8 Service Area  
ScreeningC9 Exterior  
Building  
SignageD. Sustainable  
Design

## C6. Color Scheme

The color scheme for a building should unify the building image and complement the building context.



**Figure C6.1:** A coordinated palette of colors including one primary color



**Figure C6.2:** Two primary colors coordinated with trim accent color.

### C6.1

**Coordinated Palette of Colors** - A coordinated palette of colors should be created for each development that includes one primary color with up to three major accent colors and a range of minor accent colors.

### C6.2

**Primary Base Color** - The primary color of the buildings should be compatible with adjacent buildings. Use of a single primary color will serve to tie the building together. The use of two primary colors should be limited to mixed-use or multi-story buildings where the two colors are coordinated.

### C6.3

**Earth Tones** - Natural stone and unglazed brick represent the range of earth tones. Earth tones are preferred as the primary base color.

### C6.4

**Accent Colors** - Accent colors should complement the selected primary base color. Accent color intensity should be related to the amount of accent color proposed, with brighter colors having less accent area.

### C6.5

**Bright colors** - Bright colors include red, yellow, emerald green, bright blue and other colors with intense hue. These colors can detract from the overall building design and context, and should be used sparingly as accents that visually activate pedestrian areas or convey information as part of a sign.

## C7. Secondary Building Faces

Secondary building faces are oriented away from pedestrian and vehicular traffic areas. Recognizing that internal building function may require the use of solid wall for some commercial structures, the following guidelines are intended to promote an aesthetic design that is consistent with the quality and appearance of primary building faces.

### C7.1

**Parapets** - Secondary building faces on flat-roofed buildings should have a parapet height that is consistent with the primary face. Roofs that flow over the top of the wall face are not acceptable.

### C7.2

**Four-sided Architecture** - Blank, massive building faces are to be avoided. Secondary building façades should employ massing variation, modulation and façade articulation, and architectural detailing to create four-sided architecture and to be consistent with the primary building faces.

### C7.3

**Drive-through** - Drive-through facilities should be designed as an integral part of the building and should be constructed of the same material, style, and level of architectural detailing as the main building.

### C7.4

**Screening** - Pursuant to the provisions of Section 5-10 (Landscaping) of the Municipal Code, landscaping and/or fences should be installed to screen the secondary building faces from adjacent residential uses.



**Figure C7.2:** Secondary façade treated details and articulation that are consistent with the primary building faces.



**Figure C7.3:** Secondary façade enhanced by use of varied rooflines, architectural detail that is consistent with front façade.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - ▶ C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - ▶ C8 Service Area Screening
  - C9 Exterior Building Signage
- D. Sustainable Design

## C8. Service Area Screening

Non-residential building design should incorporate measures that effectively and attractively screen utility and refuse functions. Refer to Section 5-10 of the Municipal Code for landscaping and screening standards.



**Figure C8.1:** Appearance of service areas is enhanced by use of awnings, planters.

### C8.1

**Service Doors** - Service doors should be inset in the secondary building faces to allow shadow lines. Vehicle service areas should not be visible from public rights-of-way. Where service doors will be visible from an internal roadway (i.e., on an outlot structure), service areas should incorporate some decorative features to enhance the four-sided design of the building.

### C8.2

**Truck Unloading** - The use of internal loading areas or screen walls is preferred. Where such measures are not possible, loading should be fully screened from adjacent uses.

### C8.3

**Refuse Screening** - Internal refuse enclosures are preferred. Where refuse cannot be located internally, enclosures should be discreetly located and constructed of a masonry material that is consistent with the primary structure. Wood, chain link, and cyclone fence refuse screening are not acceptable for new buildings.



**Figure C8.2a:** Internal loading area.



**Figure C8.2b:** Effective use of a screen wall to conceal loading functions



**Figure C8.3:** Refuse screening is discreet and consistent with the building

## C9. Building Signage

Well-placed and appropriately-sized signs reinforce building identity and enhance functionality. Throughout the city, business signs play a significant role in creating either a positive or negative visual image. The following are guidelines for signage design. For sign regulations, please refer to Section 5-4 of the Naperville Municipal Code.

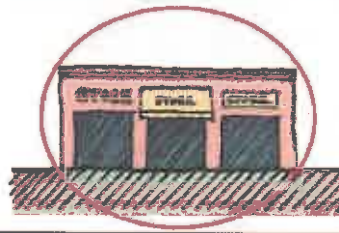
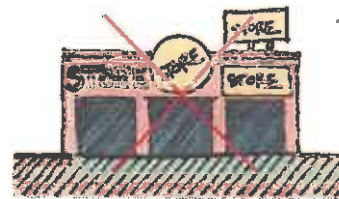
### C9.1

**Compatibility with Building Elements:** Signs should serve to identify a business while contributing to the attractiveness and pedestrian-friendly orientation of the street.

- xiii. Signage should be anticipated and incorporated into the building's architecture. Signs should be compatible with building design in terms of relative scale, materials, and colors.
- xiv. The scale and size of signage should be appropriate for the building upon which it is located. Small storefronts should have smaller signs than larger storefronts. Signs should not dominate a building façade.
- xv. Signs should not cover or interrupt the architectural detail or ornamentation of a building's façade. Signs should not project above the edge of rooflines.
- xvi. Signs in multiple-tenant buildings should complement or enhance each other. Multiple-tenant sites should have coordinated signage.
- xvii. Customer entrances should be identified with pedestrian-oriented signs that allow pedestrians to easily and comfortably read the sign as they stand adjacent to the business.



**Figure C9.1a:** Scale of signage is appropriate for building. Multiple signs are displayed in a consistent manner.



**Figure C9.1b:** Multiple-tenant signage should be coordinated in scale and style.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - ▶ C9 Exterior Building Signage
- D. Sustainable Design



- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - ▶ **C9 Exterior Building Signage**
- D. Sustainable Design



**Figure C9.2:** Coordinated retail signage relates to both the pedestrian and vehicular realms.

### C9.2

#### Signage Materials and Style:

- i. Signs should be constructed of weather retardant and high-quality durable materials. If wood is to be used, it should be properly sealed to prevent moisture from soaking into the wood and causing the lettering to deteriorate.
- ii. Retail signs may be located on awnings over the entry and/or windows of the establishment. The shape, design and color of awnings should be coordinated with the architectural style of the building. Where multiple awnings are used, the design and color of all awnings should be coordinated.
- iii. Letter-type signs with individual letters that are affixed to the building exterior are preferred.
- iv. Internally-lit box signs with lettering printed on a translucent face are discouraged.
- v. Window lettering, either vinyl applied or painted, is acceptable to add interest to storefronts. Temporary pin-ups and flyers that cover ground-level windows should be avoided.
- vi. Decorative overhanging or blade signs may be appropriate in a coordinated retail setting where the size is controlled and coordinated with a building's façade design. Decorative overhanging or blade signs should not exceed six square feet in size with a maximum height of three feet and should be placed at a minimum ten feet above the sidewalk. They should extend no more than two feet from the face of the building.
- vii. Large signs that project from buildings are to be avoided.



**C9.3****Legibility:**

- i. Sign lettering should be highly legible. Crowded lettering or typefaces that are difficult to read should be avoided.
- ii. No more than two lettering styles should be used for small signs; not more than three for larger signs.
- iii. Signs with poor contrast are difficult to read. Lettering should contrast with the sign background for maximum aesthetic and effective graphics.

**C9.4****Sign Lighting:**

- iv. Direct lighting of wall-mounted signage by exterior mounted light fixtures is strongly encouraged, as such lighting allows signs to appear as an integral part of the building's façade.
- v. Individually illuminated letters (either internal or backlit) are preferred over internally illuminated box signs.
- vi. Signage lighting should not spill over into adjacent residential areas or public rights-of-way.
- vii. Electric raceways, conduits and junction boxes should be concealed from public view.

**C9.5**

**Colors:** Excessive and uncoordinated use of sign colors is to be avoided. Colors should be limited to not more than three on a single sign. Garish or fluorescent colors are discouraged.



**Figure C9.4:** Pedestrian-oriented building signage with exterior mounted lighting

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
  - C1 Architectural Composition
  - C2 Articulation & Modulation
  - C3 Proportions & Rhythm
  - C4 Building Base, Middle & Cap
  - C5 Materials
  - C6 Color Scheme
  - C7 Secondary Building Faces
  - C8 Service Area Screening
  - C9 Exterior Building Signage**
- D. Sustainable Design

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness



► **D. Sustainable Design**

- D1 Winter City Design and Solar Access
- D2 Daylighting
- D3 Building Material & Color
- D4 Landscaping & Exterior Design
- D5 Adapted Reuse of the Buildings

## SUSTAINABLE DESIGN

Sustainable or “Green” building design sets new design priorities that expand and complement the classical building design concerns of economy, utility, durability, and pleasure. Sustainable building design, construction and renovation can help to create healthier environments; reduce operating costs and conserve energy and resources. The need to address environmental sustainability in the design, construction and renovation of buildings is underscored by the following facts:

- Americans spend approximately 90% of their time indoors
- Buildings consume 65% of U.S. electricity
- Approximately 136 million tons of construction and demolition (C&D) waste is generated every year

Sustainable buildings can provide key economic, environmental and social cost benefits. Economic benefits include a reduction in operating costs (i.e., energy and water efficiency, waste management, repair and improvement) and optimization of life cycle economic performance. Environmental benefits include conservation of natural resources, increased use of renewable energy sources, improvements in air and water quality and a reduction of solid waste generation. Socially, improved health and comfort are most benefited by green building design along with a reduction of local resource impacts and infrastructure.

Where consistent with the city’s design policies; innovation in design, construction and operations using new and developing technologies and practices is encouraged. The following guidelines describe desired performance outcomes and strategies for obtaining them. Although the feasibility of implementing sustainable design guidelines should be evaluated on a case-by-case basis, a focus on human exposure to daylight, conservation of raw materials, regional product selection, energy efficiency and indigenous landscaping are increasingly important issues of concern for the City of Naperville .

In addition to the guidelines contained in this document, additional information about sustainable building and site design can be obtained from the U.S. Green Building Council, a coalition of leaders from the building industry who promote buildings that are environmentally responsible, profitable and healthy places to live and work. The organization also develops and administers the LEED (Leadership in Energy and Environmental Design) Building Rating System. LEED is recognized as a national standard in the rating and certification of high performance “green” buildings. Further details are available online at, [www.usgbc.org](http://www.usgbc.org).



- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
- D. Sustainable Design

► **D1 Winter City Design and Solar Access**

D2 Daylighting

D3 Building Material & Color

D4 Landscaping & Exterior Design

D5 Adapted Reuse of the Buildings

## D1. Winter City Design and Solar Access

Building design can harness sunlight to provide ample heat, light, and shade in the winter and induce summertime ventilation. Passive solar design reduces heating and cooling energy bills, increases spatial vitality, and improves comfort. As an added benefit, passive solar design principles typically accrue energy benefits with low maintenance risks over the life of the building and reduce operational and maintenance costs.

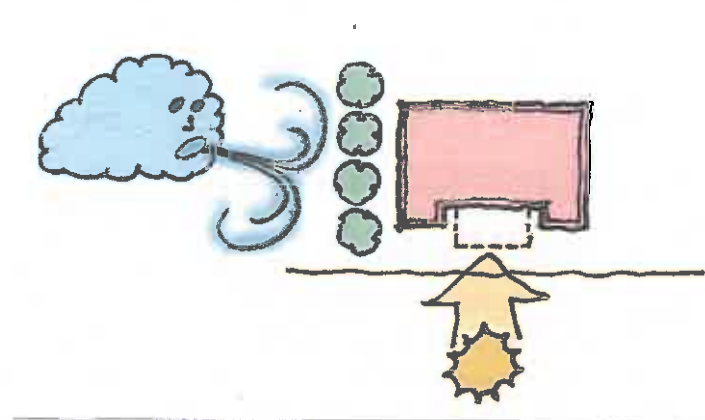
Winter City Design is building layout and design that reduces impact of cold weather and takes advantage of solar access to provide warming.

### D1.1

Building massing should consider “Winter City Design” by locating entrances facing south towards the sun, and configuring the building to block the north and west winds.

### D1.2

Buildings should be oriented to maximize passive solar heating and daylighting through south window exposure. Incorporation of passive solar heating can reduce building auxiliary heating requirements by up to 75% compared to a typical structure while remaining cost-effective on a life-cycle basis.



**Figure D1.1:** Winter City Design utilizes the sun’s energy and blocks the winter wind.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
- D. Sustainable Design
  - D1 Winter City Design and Solar Access
  - D2 Daylighting
    - D3 Building Material & Color
    - D4 Landscaping & Exterior Design
    - D5 Adapted Reuse of the Buildings

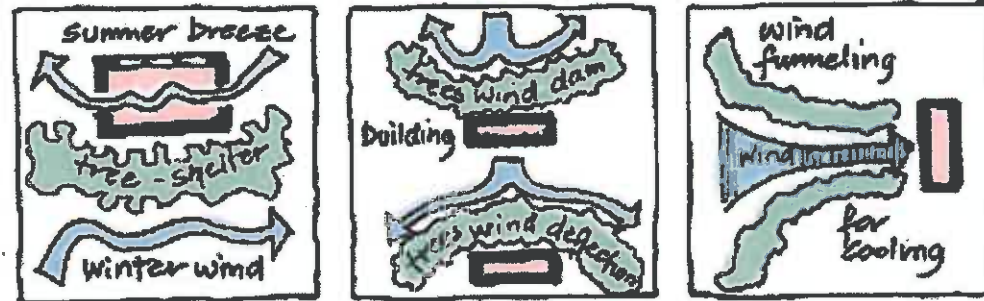
### D1.3

Utilize vegetation as a wind break to reduce excessive wind speeds while allowing air flow through external spaces. Dense planting around narrow openings between structures mitigates wind-tunnel effects, impedes the movement of dust and improves thermal comfort within surrounding buildings.

### D1.4

Passive solar design is most effective if the site is laid out and planted to provide shelter from the excesses of the climate. Pergolas, trees and vines can offer shade in summer but allow the sun's warmth in winter. In the warmer months, the use of roof overhangs, awnings, porches and landscape plantings can block the afternoon western sun, thereby enhancing energy efficiency and reducing glare.

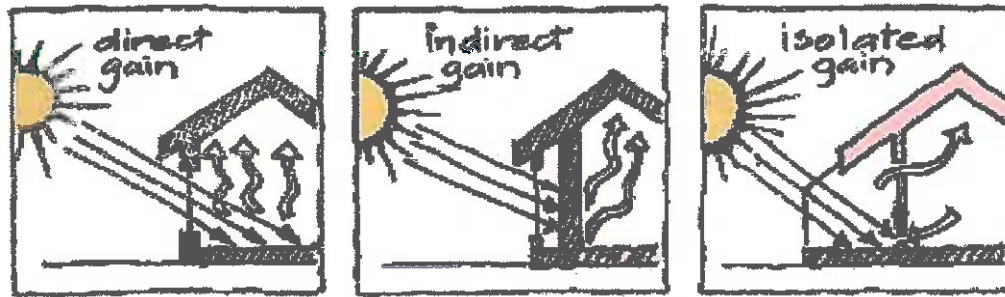
**Figure D1.4:** Landscaping and building placement play important roles in maximizing the benefits of wind and reducing negative impacts.



## D2. Daylighting

The provision of adequate natural light can reduce the need for electrical lighting and reduce energy consumption. Daylighting is the careful balancing of heat gain and loss, glare control, and variations in daylight availability. For example, successful daylighting designs will invariably incorporate the use of shading devices to reduce glare and excess contrast in the workspace. Additionally, window size and spacing, glass selection, the reflectance of interior finishes and the location of any interior partitions must all be evaluated. Passive heating strategies use direct daylight to heat a building whereas; daylight used for lighting uses indirect lighting.

Daylighting features that may be integrated in building design include skylights, lightshelves, lightwells and windows, which may be direct or indirect depending on the desired effect or function of the space.



The following strategies should be incorporated into the design process:

### D2.1

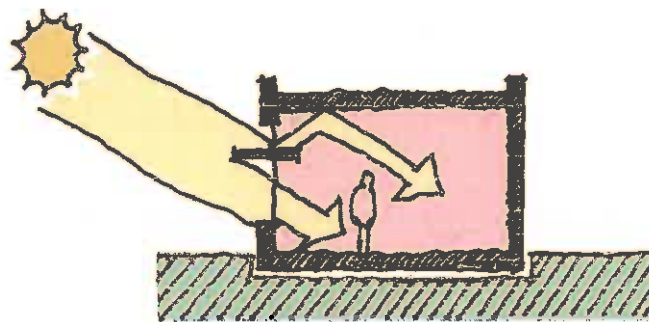
Increase perimeter daylight zones

### D2.2

Allow daylight penetration high in a space. Windows located high in a wall or in roof monitors and clerestories will result in deeper light penetration and reduce the likelihood of excessive brightness due to excessive direct daylight

### D2.3

Reflect daylight within a space to increase room brightness. A light shelf, if properly designed, has the potential to increase room brightness and decrease window brightness. High gloss white interior paint helps distribute reflected light - a component of indirect daylight.



### D2.4

Slope ceilings to direct more light into a space. Sloping the ceiling away from the fenestration area will help increase the surface brightness of the ceiling further into a space.

### D2.5

Avoid direct beam daylight on critical visual tasks. Poor visibility and discomfort (glare) will result if excessive brightness differences occur in the vicinity of critical visual tasks.

### D2.6

Filter daylight. The harshness of direct light can be filtered with vegetation, curtains, louvers, or the like, and will help distribute light.

- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
- D. Sustainable Design
  - D1 Winter City Design and Solar Access
  - D2 Daylighting
  - D3 Building Material & Color
  - D4 Landscaping & Exterior Design
  - D5 Adapted Reuse of the Buildings

**Figure D2.3:** Building orientation and the use of windows can maximize winter sun and provide passive heating. Lightshelves and canopies can block summer sun.



- A. Context Fit
- B. Pedestrian Friendliness
- C. Visual Attractiveness
- D. Sustainable Design
  - D1 Winter City Design and Solar Access
  - D2 Daylighting
  - ▶ **D3 Building Material & Color**
  - D4 Landscaping & Exterior Design
  - D5 Adapted Reuse of the Buildings

## D3. Building Materials and Color

### D3.1

The use of locally-produced building materials can serve to preserve regional identity, bolster the local economy, and reduce pollution associated with long-distance transport.

Indigenous stone includes a range of materials, from the upper Midwest granite and stone to southern Wisconsin's Chilton slates and limestone and sandstone. It may be cut in quarries or removed from the surface of the ground (flag and fieldstone). Ideally, stone from the building site can be used as a landscape feature.

Local brick is brick manufactured throughout the Chicagoland area. Most brick plants are located near the city of Chicago. Also consider using reclaimed brick from various demolition projects in the region.

### D3.2

Natural materials are encouraged to be utilized whenever possible, as they are less energy intensive to produce, have lower toxicity levels, and contribute less pollution to the environment.

### D3.3

The durability of building materials should be considered – materials that do not need high maintenance or frequent placement are preferred.

### D3.4

The use of materials that emit harmful or toxic chemicals should be avoided.

### D3.5

The color of the building's exterior surface is an important factor in heat gain. In cooler climates, dark colored, absorptive materials are preferable.

### D3.6

On flat-roofed buildings, consider utilizing "cool roof systems" which are typically light in color and reduce solar heat gain using a combination of strategies, including "cool roof" surfaces, insulation, and radiant barriers. A "cool roof" utilizes high solar reflectance and high emissivity to reflect radiation and reduce heat absorption on the roof surface. Optimal roofing materials are described below:

- White elastomeric coatings have a high reflectance (0.65- 0.78) and high emittance
- White single-ply membranes have a high reflectance (0.69- 0.81) and high emittance
- Other coated white roofing systems (such as white metal roof and painted concrete) have high reflectance (0.67- 0.85)

## D4. Landscaping and Exterior Design

### D4.1

Landscape materials that are tolerant of local climate, soils and natural water availability should be utilized. Where appropriate, indigenous materials are preferred.

### D4.2

Site construction plans should preserve topsoil and established vegetation.

### D4.3

Preserve and enhance existing natural areas such as prairie, wetland, floodplain and woodland areas as an essential component of site planning

### D4.4

Encourage the utilization of natural drainage approaches such as swales and vegetated filter strips on private properties instead of storm sewers.

### D4.5

Encourage water efficiency in order to reduce irrigation demand, recapture storm water, and reduce building water consumption. Encourage the utilization of drought tolerant plants, drip irrigation, stormwater storage system, green roofs, pervious pavement, etc.

## D5. Adaptive Reuse of the Buildings

While buildings design primarily serves the practical and functional purposes of the current owner or tenant, they should also consider the adaptability of the building to other uses. Corporate prototype designs are discouraged if they are unable to be converted for adaptive reuse of future businesses. They should be modified to be consistent with the historical and architectural context of the surrounding buildings and Naperville's design standards.

A. Context Fit

B. Pedestrian Friendliness

C. Visual Attractiveness

D. Sustainable Design

D1 Winter City Design and Solar Access

D2 Daylighting

D3 Building Material & Color

► D4 Landscaping & Exterior Design

D5 Adapted Reuse of the Buildings

## Appendix I. Public Input Process

Input on community design preferences was obtained through a stakeholders' workshop and web-based visual preference survey. The stakeholders' workshop was conducted on December 18, 2006 and included diverse participants in the development process, including attorneys, developers, architects, city staff and residents. The resulting information formed the basis of the building design guidelines as they relate to the following design elements:

1. Composition, Rhythm and Proportions
2. Transparency, Entry and Detailing
3. Materials
4. Exterior Lighting
5. Exterior Signs

Stakeholders agreed that there is a need to better define acceptable design guidelines. Through discussion of specific building images there was clear feedback about acceptable design for Naperville and design that needs improvement.

An online visual preference survey was made available to city residents from December 27, 2006 to January 14, 2007. A total of 127 completed responses were received. Survey respondents were asked to rate their preferences for the images with respect to various topics.

The community values expressed through the survey was similar to those obtained at the stakeholders' meeting. Table 1 summarizes the design preferences by Section.

The stakeholder group met again to discuss the first draft of the design guidelines on March 8, 2007. The group commented on submittal requirements and procedural issues related to the design guidelines. After several revisions to address the stakeholder group's comments, staff posted the draft document on the city's website in April, 2007 and also conducted a public open house on May 22, 2007 to receive community input. An updated draft was also sent to stakeholders on May 17, 2007. One resident responded to the draft with suggestions to improve Section D (Sustainable Design), and one person attended to the open house. No further comments were received.

Staff made additional revisions based on public comments received and forwarded the final draft to the Plan Commission for consideration during their July 25, August 8, and September 19, 2007 meetings. A total of two persons spoke at these meetings. Based on the input from the two speakers as well as input from the Plan Commission, staff revised the draft document with respect to building material, visual transparency, and public spaces guidelines.

## Table 1. Community Design Preference Summary

### Section 1: Composition, Rhythm and Proportions

Preferred Image Characteristics	NOT Preferred Image Characteristics
Composition that ties together the building as an identifiable whole	Discontinuity of building elements
Building faces that use a regular repetition of elements to create a harmonious rhythm	Many different sizes of forms that are proportionally dissident
Buildings faces that are organized with attractive proportions	Unusual building forms that seek to draw attention to themselves
Smooth transition between differing materials	
Large building mass broken down into multiple façade elements with interesting roof lines - particularly for large one-story buildings	
Buildings with clearly discernable base, middle and building cap	
Parking garages that attractively screen the cars from the exterior	

### Section 2: Transparency, Entry and Detailing

Preferred Image Characteristics	NOT Preferred Image Characteristics
Building entries that are clearly identified by the architecture	Canopies that overhang too far in front of the building entries and make them dark
Glassy entries that have canopy or awning weather protection	Lack of pedestrian-scaled architectural detailing
Use of pedestrian arcades that allow natural light to the building face	Massive buildings with little architectural relief
Buildings with architectural details that are of a size and character that nearby pedestrians can easily see and enjoy	Buildings with hard to find entries
Pedestrian outdoor seating	
Pedestrian lighting	

**Table 1. Community Design Preference Summary (cont.)**

**Section 3: Materials**

Preferred Image Characteristics	NOT Preferred Image Characteristics
Buildings that use brick and stone in traditional architectural forms	Precast concrete panels with no detailing
Buildings that use metal panels and glass window walls with a more modern character	Building faces with different materials that are not well integrated
Building faces with adjacent landscaped planters and plantings	Buildings faced with EIFS and corrugated metal panel
	Buildings with too many colors

**Section 4: Exterior Lighting**

Preferred Image Characteristics	NOT Preferred Image Characteristics
Buildings with ground level glass and interior lighting of active uses	Building windows that are interior lit but lack visible active uses
Unique elements of buildings with special highlighting	
Back-lit exterior signage elements that complement the building elevations	
Pedestrian-level lighting	

**Section 5: Exterior Signs**

Preferred Image Characteristics	NOT Preferred Image Characteristics
Back lit exterior signs that fit with building composition	Exterior box signs
Signs scaled for pedestrians near sidewalks	Signs not easily visible to pedestrians on the sidewalk



## Appendix II: Design Review Procedure

### Preliminary Staff Review

A key objective of this document is to improve the design review process and to facilitate applicants to obtain design approval. Currently, applicants may initiate the review process through formal design review submittals that do not fully comply with the design guidelines. Given the quantity and quality of materials required for formal review, it may prove costly and time-consuming to begin the design review process without a full understanding of the City's design expectations. Therefore, preliminary staff review of building design concepts prior to formal submittal of project materials is required for all projects in order to evaluate the applicant's conceptual design approach and assist the applicant in understanding the City's design guidelines and related policies.

It is important to note that completion of a preliminary staff review shall not constitute endorsement or approval of building plans or elevations. However, a preliminary staff review is expected to result in higher quality submittal of materials for formal review that would more likely meet design guidelines contained within this document.

The following materials should be submitted for a preliminary staff review:

- Statement of design concept
- Preliminary building elevation drawing or sketch
- Building material samples as appropriate

### Formal Design Review Submittals

Subsequent to the preliminary staff review and as part of the building permit or development approval process, applicants will be required to submit materials for formal design review. Finalized materials may ultimately be forwarded to the Plan Commission and/or City Council for consideration as part of a development proposal. Based upon specific project components, applicants *may be requested* to submit some or all of the following materials:

1. **Statement of Design Intent** - A brief written description, prepared by the architect or designer, of the project design intent. A discussion of how the proposed building complies with the Building Design Guidelines may also be appropriate.
2. **Building Elevations** - Realistic, colored building elevations of all building faces, as well as black and white line drawings will be required. Building elevations should be legible and scaled, with all exterior materials and colors identified and keyed on the elevation drawing. Include information on façade finishes, windows, trim, doors, architectural elements, roofing, mechanical screening and other elements as appropriate. For larger buildings, a keyed illustration of the building footprint may also be appropriate.
3. **Perspective Illustration** - Realistic perspective drawing of the building, which may also indicate the outline of adjacent improvements as appropriate.
4. **Material Samples** - Physical samples may be submitted for all proposed exterior materials. Product brochures, specification sheets, and photos may be submitted. Materials and colors must be labeled and keyed to the elevation drawings.
5. **Photos** - Eye-level photographs of the subject property and features surrounding the site, which should be labeled indicating the location and direction of photos. Applicable images may include existing adjacent structures, vegetation and other significant features.
6. The following materials are required if not otherwise provided as part of the engineering plan or landscape plan submittal:

**Site Plan** - A contextual site plan of the proposed project illustrating the perimeter footprint of adjacent buildings, roadways, parking, landscaping and other key features.

**Streetscape Documents** - Illustration of pedestrian-oriented streetscape features, including catalog cuts of street furnishings, light fixtures, and proposed plant materials.

# Appendix III. Building Design Guidelines Checklist

The following checklist will be used to evaluate the project’s compliance with the building design guidelines. A copy of the checklist will be provided to applicants for their review in preparing building plans and will be utilized by staff in the formal design review process. The categories in the checklist correspond to the building design guidelines in Section III of this document. There are three options for each category: “Conform”, “Not Conform”, or “Not Applicable (N/A)”.

“Yes” means the project meets design expectation for a particular guideline.

“No” means that the project does not meet the design expectation for a particular guideline and revisions are required.

“Not Applicable (N/A)” means that the particular guidelines are not applicable (N/A) for specific projects. Refer to Section III Design Guidelines for specifics on applicability.

## A. Context Fit

- A1. Design Context
- A2. Building Mass Transition

YES	NO	N/A	COMMENTS

## B. Pedestrian-Friendliness

- B1. Public Spaces
- B2. Visual Transparency
- B3. Primary Entry Identity
- B4. Pedestrian Weather Protection
- B5. Pedestrian-Scaled Architectural Detailing


**YES      NO      N/A      COMMENTS**

**C. Visual Attractiveness**

- C1. Architectural Composition
- C2. Horizontal and Vertical Articulation
- C3. Proportions and Rhythm
- C4. Building Base, Middle and Cap
- C5. Materials
- C6. Secondary Building Faces
- C7. Service Area Screening
- C8. Color Scheme
- C9. Exterior Building Signage


**D. Sustainable Design**

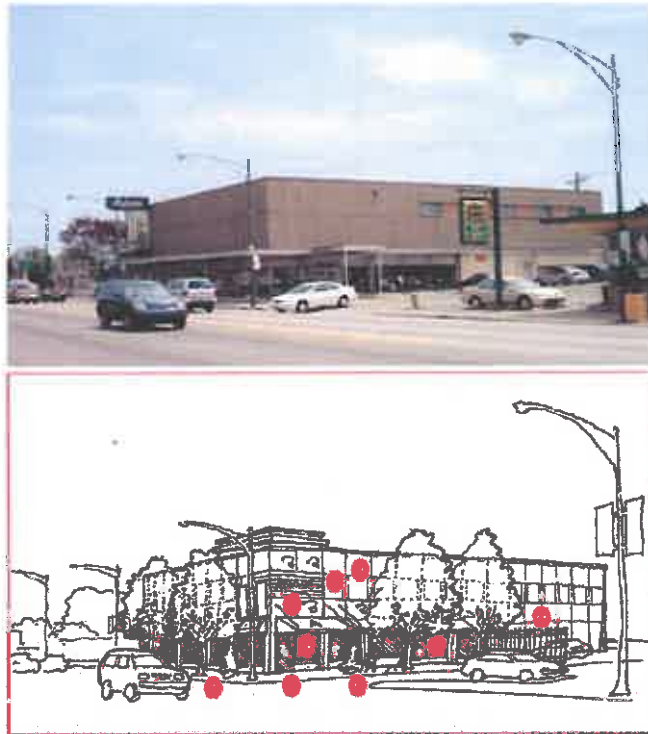
- D1. Winter City Design and Solar Access
- D2. Daylighting
- D3. Building Material & Color
- D4. Landscaping & Exterior Design
- D5. Adapted Reuse of the Buildings


**SUMMARY EVALUATION**

--	--

## Appendix IV. Façade Renovation Toolkit

The following methods may be utilized for retail commercial building owners/tenants to make improvements that are consistent with the intent of the Building Design Guidelines. These tools are intended to encourage façade renovations that will improve the value and appearance of existing older buildings through minor façade changes. Major rebuilding/renovation projects are subject to separate review and are subject to the building permit and design review process.



1. Add landscaping materials at the base and perimeter of the building to enhance building appearance and provide weather protection.
2. Replace mirror/dark tinted storefront glazing with transparent glass to promote pedestrian comfort and activity. Consider the overall building composition and design in selecting replacement windows.
3. Activate ground level windows with attractive product displays or active working space.
4. Add awnings to the façade that improve the appearance of the building and provide pedestrian weather protection.
5. Replace or add building signage to identify the building entry and complement with the architecture of the façade.
6. Add pedestrian amenities, such as seating, tables, planters, waste receptacles etc., to outdoor pedestrian areas
7. Add pedestrian lighting along walkways.
8. Replace existing entry doors with updated or decorative doors. New door openings should complement existing building proportions and be compatible with exterior detailing.
9. Upgrade the existing façade design to provide visual balance and vertical or horizontal articulation elements.
10. Upgrade secondary building faces by adding parapets and providing layers of landscaping or fencing to screen utility areas.
11. Enclose service areas to reduce visibility to neighboring uses.
12. Replace existing EIFS material with upgraded exterior building materials or accents, such as brick or stone.
13. Simplify the building color palette to include one primary earth tone color and several accent colors.
14. Highlight attractive portions of the façade with night lighting feature that does not have spill-over glare.
15. Select new signage that is integrated with the façade or renovation improvements, taking into consideration color, scale and style.
16. Replace internally lit box-style sign with wall mounted letter or painted sign on the face of the building. Light the new sign with surface lighting.

# Appendix V: Sustainable Design Resources

The following section provides a list of several resources that provide information, leading edge building technology research, local/regional information. Although not exhaustive, these resources may assist in planning and construction of a green building.

## Associations and Non-profit Organizations

### US Green Building Council

The U.S. Green Building Council ([www.usgbc.org](http://www.usgbc.org)) is a non-profit organization comprised of leaders from every sector of the building industry working to promote buildings that are environmentally responsible, profitable and healthy places to live and work. The more than 10,500 member organization and its network of 75 regional chapters are united to advance our mission of transforming the building industry to sustainability. There are currently two chapters serving the state of Illinois. They are:

**Central Illinois Chapter**  
201 W Springfield Ave  
Champaign, IL 61820  
217-355-5399

**Chicago Chapter**  
Chicago Center for Green Technology, 2nd Floor  
445 N. Sacramento Boulevard  
Chicago, Illinois 60612  
773-265-5911

### Sustainable Buildings Industry Council (SBIC)

The SBIC ([www.sbicouncil.org](http://www.sbicouncil.org)) has been a national leader in defining the "whole building approach to design" since its inception in 1980. This approach—which results in high performance buildings—favors sustainability as a prominent design objective. In addition to sustainability, buildings must maintain the proper balance of seven other attributes: aesthetics, accessibility, cost effectiveness, flexibility, productivity, safety and security. In addition to Green Building Guidelines, the SBIC offers the seasoned Green Team various tools and programs to help push the Green building even Greener.

### New Buildings Institute (NBI)

The NBI ([www.newbuildings.org](http://www.newbuildings.org)) works with national, regional, state and utility groups to promote improved energy performance in commercial new construction. The New Buildings Institute manages projects involving building research, design guidelines and code activities to ensure all elements of this chain are available for use by energy efficiency programs throughout the United States. Additionally, NBI serves as a carrier of ideas between states and regions, researchers and the market.

### American Council for an Energy-Efficient Economy (ACEEE)

The council ([www.aceee.org](http://www.aceee.org)) publishes books and papers on industrial, commercial, and residential energy efficiency. In addition, it provides information on Federal and state incentives for energy efficiency measures.

### American Institute of Architects, Committee on the Environment (AIA COTE)

The Committee on the Environment ([www.aia.org/cote](http://www.aia.org/cote)) is a professional interest area (PIA) of the AIA. The committee

works to create sustainable buildings and communities by advancing, disseminating, and advocating environmental knowledge and values to the profession, industry, and the public.

### Alliance to Save Energy (ASE)

The Alliance to Save Energy ([www.ase.org](http://www.ase.org)) strives to be the world's premier organization promoting energy efficiency to achieve a healthier economy, a cleaner environment and greater energy security. The ASE is celebrated for its wealth of information on home energy rating systems, building codes, and efficient new construction and design. The organization's website at [ase.org](http://www.ase.org) has an excellent energy efficiency clearing-house providing commercial and industrial leading edge information on new technologies and sources for financial support.

### American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc. (ASHRAE)

ASHRAE ([www.ashrae.org](http://www.ashrae.org)) is the preeminent professional organization for HVAC&R professionals. Their mission is to advance the arts and sciences of heating, ventilation, air conditioning, refrigeration and related human factors to solve the evolving needs of the public. They are responsible for publishing numerous books and publications, including the monthly ASRAE Journal. Their recently released "Green Guide" is intended to help HVAC&R designers in producing green buildings.

### National Association of Home Builders (NAHB)

The NAHB ([www.nahb.org](http://www.nahb.org)) exists to represent the building industry by serving its members and local builder associations so that they may promote safe and reliable housing. NAHB also provides its members with resources on Green Homebuilding, materials and the national green building program to provide a template for voluntary, market-driven green building developed in cooperation with the International Codes Council ([www.iccsafe.org](http://www.iccsafe.org)) and is based on the NAHB's Model Green Home Building Guidelines.

### Urban Land Institute

As the preeminent, multidisciplinary real estate forum, ULI facilitates the open exchange of ideas, information and experience among local, national and international industry leaders and policy makers dedicated to creating better places. The Urban Land Institute ([www.uli.org](http://www.uli.org)) provides leadership in the responsible use of land and in creating and sustaining thriving communities worldwide and is an excellent source of smart growth case studies.

There are many other Associations and organizations not listed here however, we suggest seeking out the increasing number of professionals that specialize in Green Building Design and Engineering who can also provide specific information as to your design and construction goals.

## Building Materials Guides Technical Resources

### Advanced Buildings, Technology & Practice

(<http://www.advancedbuildings.org/>)  
Provides information about technologies and practices that improve the energy and resource efficiency of commercial and multi-unit residential buildings

### Daylighting Collaborative (<http://www.daylighting.org/>)

The Daylighting Collaborative provides information and

resources to design professionals to assist in efforts to incorporate daylighting into mainstream design and construction.

### Environmental Protection Agency Comprehensive Procurement Guidelines

(<http://www.epa.gov/cpg/products.htm>)  
Provides the EPA's list of designated products and the accompanying recycled-content recommendations.

### Federal Energy Management Program –

Buying Energy-Efficient Products  
(<http://www1.eere.energy.gov/emp/procurement/>)  
Provides product specifications, interactive energy cost calculators, model procurement language, and other resources to help in the purchasing of energy-efficient products.

### Green Seal (<http://www.greenseal.org/>)

Green Seal provides science-based environmental certification standards to help manufacturers, purchasers, and end users alike make responsible choices that positively impact business behavior and improve quality of life.

### Greenguard Environmental Institute ([www.greenguard.org](http://www.greenguard.org/))

Greenguard Environmental Institute (GEI) is an industry-independent, non-profit organization that oversees the GREEN-GUARD Certification Program. As an ANSI Authorized Standards Developer, GEI establishes acceptable indoor air standards for indoor products, environments, and buildings.

### Sustainable Building Sourcebook

(<http://www.greenbuilder.com/sourcebook/>)  
Presents specific and general recommendations for homes and commercial development that can be considered environmentally friendly. The Sourcebook is directed to those with knowledge of the building trades and building terminology, but contains useful information for interested and motivated lay persons.

### Whole Building Design Guide (<http://www.wbdg.org/>)

The WBDG provides one-stop access to up-to-date information on a wide range of building-related guidance, criteria and technology from a "whole buildings" perspective. The WBDG web site is offered as an assistance to building professionals by the National Institute of Building Sciences (NIBS).

## Financing, Grants, Rebates, Incentives

### Tax Incentives Assistance Project

(<http://www.energytaxincentives.org/>)  
Provides information necessary to make use of the federal income tax incentives for energy efficient products and technologies passed by Congress as part of the Energy Policy Act of 2005.

### Database of State Incentives for Renewables and Efficiency

(DSIRE) (<http://www.dsireusa.org/>)  
DSIRE is a comprehensive source of information on state, local, utility, and federal incentives that promote renewable energy and energy efficiency.

### City of Naperville Renewable Energy Program

(<http://www.naperville.il.us/renewable.aspx>)  
Provides information about an optional program to allow property owners to purchase renewable energy

### Council of Development Finance Agencies

(<http://www.cdfa.net/>)  
The CDEFA is a national agency dedicated to the advancement of development finance concerns and interests and represents over 200 private, public and non-profit development entities.

### Delta Institute (<http://www.delta-institute.org/>)

The Delta Institute was formed in 1998 to develop and test fresh ideas for bringing about sustainable communities. In addition to advocating for policies that promote conservation and enhancement of resources, the organization provides collaborative, financing and training to advance its mission.

### ShoreBank ([www.shorebankcorp.com](http://www.shorebankcorp.com))

ShoreBank Corporation is a community development and environmental bank holding company that invests in people and their communities to create economic equity and a healthy environment. ShoreBank makes conservation loans to customers who are making changes to improve their use of key resources like energy, water, materials and land. These loans help them reduce operating costs by using resources more efficiently, lessen solid waste and improve air and water quality.

## Government Resources and Data

### Illinois Waste Management and Research Center

(<http://www.wmrc.uiuc.edu/>)  
The WMRC Green Development and Construction Program offers environmental assistance and education to Illinois developers and builders of residential, commercial, and industrial facilities. The following services are offered:

- Green Building: assist in the consideration of sustainable building alternatives that can be considered along with the reuse of demolition material.
- Waste Management Planning: identify the components of jobsite waste streams, understand the conditions affecting waste management decisions, and establish plans to reduce, recycle or reuse construction and demolition waste.
- Construction and Demolition Waste: help find viable sources for recycling construction waste, establishing job-site recycling programs or finding waste recycling firms that offer unique construction contracts.
- Sustainable Energy: conduct an energy assessment to focus on reducing energy usage and developing methods to monitor, measure, report, and manage building energy consumption.
- Regulatory Issues: assist to ensure that all environmental requirements are met including air, water and land permits and waste management planning.

### Department of Energy Building Technologies Program

(<http://www.eere.energy.gov/buildings/>)  
Works in partnership with states, industry, and manufacturers to advance the research and development of energy-efficient building technologies and practices both new and existing buildings; improve building codes, and guidelines for efficient energy use; and educate homeowners, builders, and developers about the significant returns they can achieve by adopting energy-efficient technologies and practices.



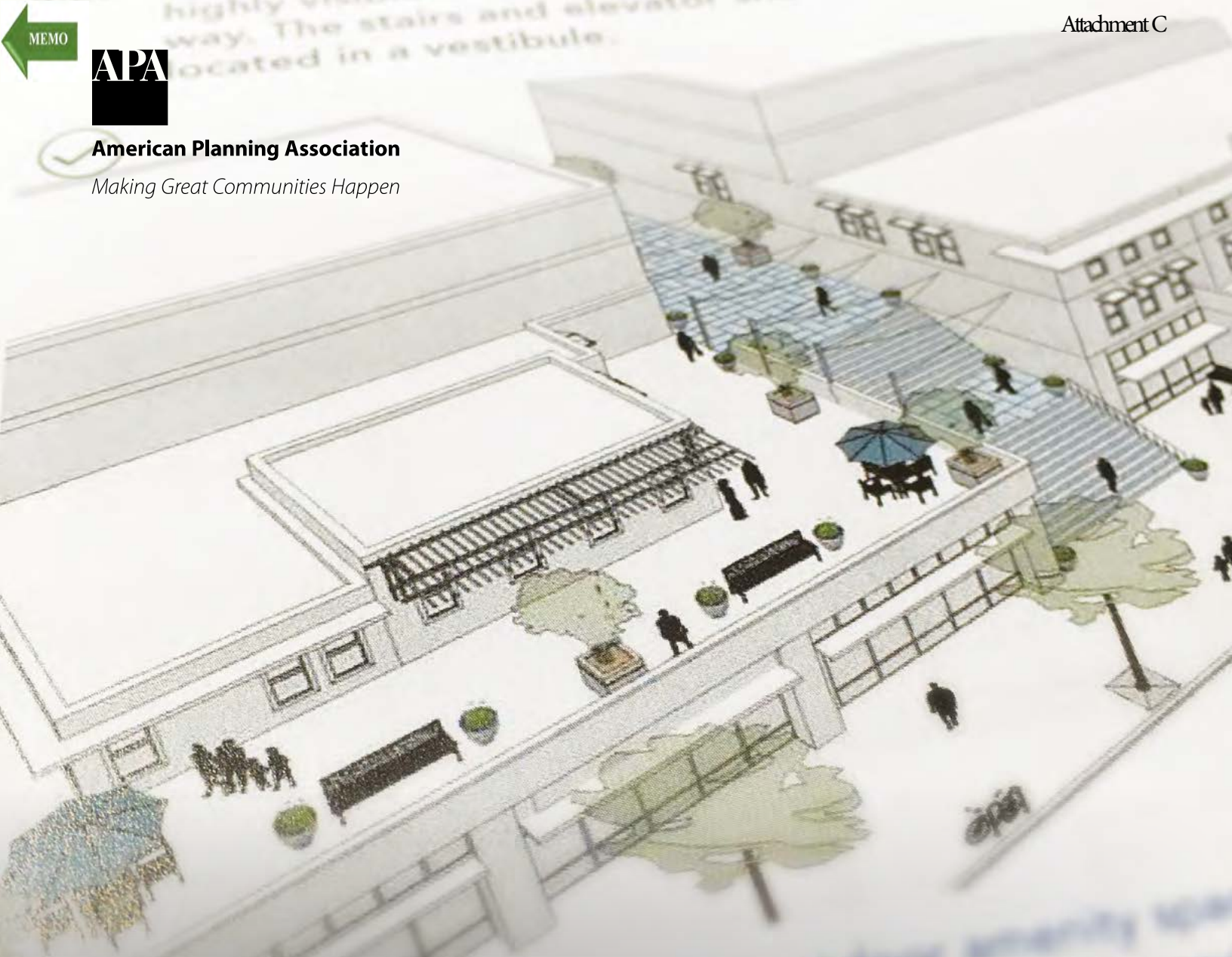


**City of Naperville**  
400 South Eagle Street  
Naperville, IL 60540





**American Planning Association**  
*Making Great Communities Happen*



PAS REPORT 591

# DESIGN REVIEW: GUIDING BETTER DEVELOPMENT

Mark Hinshaw, FAICP, and Marya Morris, FAICP

## APA RESEARCH MISSION

APA conducts applied, policy-relevant research that advances the state of the art in planning practice. APA's National Centers for Planning—the Green Communities Center, the Hazards Planning Center, and the Planning and Community Health Center—guide and advance a research directive that addresses important societal issues. APA's research, education, and advocacy programs help planners create communities of lasting value by developing and disseminating information, tools, and applications for built and natural environments.

Since 1949, the American Planning Association's Planning Advisory Service has provided planners with expert research, authoritative information on best practices and innovative solutions, and practical tools to help them manage on-the-job challenges. PAS Reports are produced in the Research Department of APA. James M. Drinan, JD, Chief Executive Officer; David C. Rouse, FAICP, Managing Director of Research and Advisory Services; Ann F. Dilleuth, AICP, Editor. APA membership includes access to all PAS publications, including PAS Reports, *PAS Memo*, and *PAS QuickNotes*. Learn more at [planning.org/pas](http://planning.org/pas).

Recipients of print editions of PAS Reports with missing or damaged copies: Contact APA Customer Service (312) 431-9100 or [suscriptions@planning.org](mailto:suscriptions@planning.org) within 90 days of the publication date.

©July 2018 American Planning Association, which has offices at 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927, and 1030 15th St., NW, Suite 750 West, Washington, DC 20005-1503; [planning.org](http://planning.org). All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means without permission in writing from APA.

ISBN: 978-1-61190-199-3

E-mail: [pasreports@planning.org](mailto:pasreports@planning.org)

## ABOUT THE AUTHORS

**Mark Hinshaw**, FAICP, FAIA, has been in practice for 44 years, focusing on urban design policies, programs, and projects. He has helped many cities set up design review procedures along with standards and guidelines. He authored the first PAS Report on design review, published in 1995. For five years, he chaired the Design Review Board for Downtown Seattle. As a consultant, he has been involved in presenting proposals to various decision-making bodies. Other aspects of his practice include downtown planning, urban design plans for corridors, waterfronts, and subareas, as well as designs for specific public spaces. An author, he has published two books, *Citistate Seattle* and *True Urbanism*. He has written numerous articles for professional publications, including *Planning* magazine, and chapters of books on urban design. For 12 years he wrote a regular column on urban development for the *Seattle Times*. Hinshaw is now retired and lives in an ancient hill town in Italy.

**Marya Morris**, FAICP, is a planning and zoning consultant in the Chicago area. She has prepared zoning, design, and development standards for communities of all sizes. Prior to becoming a consultant she worked for many years at the American Planning Association, where she conducted research for practicing planners and authored dozens of PAS Reports and articles on topics including the public health/built environment connection, smart growth planning and regulation, state planning enabling legislation, and sign regulations. She is a frequent contributing writer and editor for planning publications. She served on the Glencoe (Illinois) Plan Commission from 2009 to 2017. In her spare time Morris performs at live storytelling events and is a two-time Moth StorySlam winner. She has also appeared in two independent films, both of which will be released in 2019.

## ON THE COVER

Blue Hill District Design Guidelines (Town of Chapel Hill, NC)



## TABLE OF CONTENTS

### EXECUTIVE SUMMARY 4

### CHAPTER 1 INTRODUCTION 10

- What Is Design Review? 12
- The Purpose of Design Review 12
- The Value of Design Review 13
- Major Types of Design Review 14
- Design Standards Versus Guidelines 15
- The Issue of Cost 15
- About This Report 16

### CHAPTER 2 BACKGROUND AND LEGAL FOUNDATIONS 18

- Historical Precedents and Attempts at Creating Quality 19
- Early Forms of Design Review 23
- Legal Foundations 23
- Relation to Plans and Policies 27
- Design Review Research and Theory 27
- Conclusion 28

### CHAPTER 3 STRUCTURE OF THE DESIGN REVIEW PROCESS 30

- Elements of a Design Review Ordinance 31
- Triggering Mechanisms 32
- Submittal Requirements 35
- Preapplication 38
- Review of Proposal 39
- Record of Decision 43
- Administrative Appeals 44
- Conclusion 45

### CHAPTER 4 DESIGN STANDARDS AND DESIGN GUIDELINES 46

- Design Standards 48
- Design Guidelines 49
- Using Both Standards and Guidelines 54
- Conclusion 54

**CHAPTER 5 CASE EXAMPLES 56**

Austin, Texas 57  
Seattle 58  
Denver 60  
Portland, Oregon 61  
Cleveland 63  
Bellevue, Washington 64  
Chapel Hill, North Carolina 66  
Lenexa, Kansas 67  
Coeur d'Alene, Idaho 68  
Bozeman, Montana 69  
Conclusion 71

**CHAPTER 6 DESIGN REVIEW AND BEYOND 72**

Other Methods of Encouraging Good Design 73  
Future Directions 76  
Conclusion 78

**APPENDIX DESIGN REVIEW CODE EXAMPLES 80**

**REFERENCES 93**

**ACKNOWLEDGMENTS 94**



## EXECUTIVE SUMMARY

When the first edition of this PAS Report was published in 1995, design review as a tool of local land-use regulation was still in its adolescence. Perhaps a few hundred cities and towns across the country were using it, which was a great increase from even 10 years previously when it was most likely in the few dozens. By the 1990s it had been recognized as a useful technique in the toolbox of regulations. A 1994 survey of 370 cities and towns found that 83 percent of them were engaged in some form of design review. Further, 60 percent of those respondents indicated that they had introduced it in the period between 1983 and 1993 (Scheer and Preiser 1994). Since then, many more cities and towns have made use of design review to guide new development.

For a variety of reasons, it seems prudent to present design review as it has evolved into its current state of use. Many cities have refined the design review process into a tool of greater craft and nuance with multiple variations. Although much more “settled” as a legally permissible tool, design review continues to evolve, with cities learning lessons both from their own actions as well as their peers. Finally, the evolution of design review has paralleled the evolution of digital technology. Now, digital images of proposed projects can be shown realistically and modified and tweaked with ease.

This PAS Report presents an updated explanation of design review, along with what has been learned from decades of its widespread application.

### WHAT IS DESIGN REVIEW?

Design review is a key implementation tool used by local governments to evaluate the design of a proposed development. A good working definition of design review as used by local governments would be:

*The evaluation of the design of a proposed development or building by one or more qualified reviewers, applying legislatively adopted design standards and guidelines, considering comments by the affected public.*

Design review is intended to combine two sets of objectives: those of a private party involved in real estate development of some form, and those established by public policy as expressed through plans, codes, and standards. It is the balancing of these two sometimes conflicting sets of objectives that is at the heart of design review.

Project reviews are conducted by a group of qualified reviewers, typically an appointed board or commission, applying legislatively adopted design standards and guidelines

and considering comments by the affected public. Design review can also be managed administratively, assigned to the planning director. Some cities use both a design commission and staff review.

Design standards and guidelines are crafted in a process of deliberation, debate, adoption, and publication. The best design review documents are heavily illustrated with photos, renderings, and numerical diagrams that are as explicit as possible to provide guidance to applicants and reviewers.

There is often confusion or misunderstanding about the difference between design standards and design guidelines. *Design standards* are objective, quantitative measures of design attributes. They include numbers, dimensions, and precise wording such as “must” and “shall” that result in a narrow range of outcomes. They are mandatory. They have little or no flexibility.

*Design guidelines* are flexible, qualitative measures of design attributes. They rely upon descriptive language, using terms such as “should” or “may,” that allows for a broad range of outcomes. Some municipalities use both, perhaps applying design standards in a downtown district and design guidelines in neighborhood districts.

Design review has a number of purposes. These fairly broad themes should be kept in mind when creating new design standards and guidelines.

1. *To ensure that a proposed project takes into consideration its surroundings.* Design review requires a development to recognize its immediate physical context. This should not be construed as “match the surroundings” or even “be compatible” with other development; design review is never about conformity. Design review can ensure that, as a project is designed, it takes into consideration relationships to existing development patterns, as well as those anticipated by applicable policies and codes.
2. *To ensure that every proposal positively enhances the adjacent public realm.* The public realm is the space between

buildings. It comprises streets, sidewalks, public spaces, parks, and trails, as well as public buildings. Design review asks new development to contribute to the collective good of a community and help build places, not just buildings on individual sites.

3. *To work with other policies, programs, and public investments to strengthen the vitality of a neighborhood, district, or corridor.* Design review looks beyond the boundaries of a site to see how the project adds to the evolution of a place, along with other actions both public and private in the vicinity.
4. *To allow the public to comment on the design elements of a proposed development.* Design review allows the public to get involved both at the time that standards or guidelines are being written as well as during design review meetings in a project's development review process.
5. *To encourage creative architectural expressions.* Design review provides a pathway to achieving both public and private objectives. Generally, the intent is "getting to yes" through collaboration, respectful discussion, and an end goal of trying to make better communities.

Design review is about ensuring that both existing development and new development can work together to create vibrant, dynamic, and appealing places to live and work. Many localities regard it as part of their economic development strategy as it can enhance the overall image of the community for both residents and visitors, strengthen established neighborhoods, and protect and leverage the value of environmental assets. By blending public and private objectives for community design, appearance, and function, design review can attract new development and support applicants' return on investment in downtown or other districts.

## TYPES OF DESIGN REVIEW

There are three forms of design review. The first type involves an appointed board or commission made up of volunteers with the authority to review applications and approve, deny, or approve them with conditions. Board membership is made up of design professionals and laypeople to ensure a balance of perspectives. Planning staff provides support for the work of the board by preparing staff reports and assisting applicants in meeting the standards and guidelines in the application process.

The second type of design review is an administrative model in which professionally trained planning staff con-

ducts the review according to adopted standards and guidelines. One benefit of this approach is that staff and the applicant can work faster toward a positive decision because the process is not constrained by docket schedules.

The third type, a hybrid design review process, involves both a board or commission and the professional planning staff, each being responsible for certain aspects of design review. In some cases the division of responsibilities is based on the size or type of project, the district it is in, or the level of complexity of the review. In large agencies that have trained architects and urban designers on staff, it is more efficient for at least some of the review responsibility to be handled administratively. This can help keep the caseload and meeting agendas for design review boards at a manageable level for the sake of the volunteer members.

In crafting a design review process, a local government will have to consider which approach best fits its existing board and organizational structure, level of staff expertise, and the projected caseload of projects that will go through design review.

## BACKGROUND AND LEGAL FOUNDATION

Chapter 2 of this report examines the background and legal foundations of design review. Design review emerged out of many efforts that began in the 19th century to improve the design of communities. Zoning came into widespread use in the 1920s, but it was another 50 years before local governments took a critical look at the constraints zoning put on creativity and innovation in the design and physical character of downtowns, commercial districts, and residential neighborhoods. In practice today, design review combines the idea of directing the character and quality of development with contemporary practices of public engagement.

Although early legal decisions regarding design review authority tended to favor developers over broader community interests, more recent court decisions have found the process to be valid if it complies with certain legal principles. It was the U.S. Supreme Court's decision in *Berman v. Parker* (1954) that opened the floodgates to local regulations based solely on aesthetic considerations. The court affirmed that the concept of public welfare is broad and inclusive and it is within the power of local government to "determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

If cities stray from proper legal procedures and adopted criteria, design review decisions can be challenged. Courts

today will generally uphold design review ordinances that adhere to the following principles:

- The stated purpose and decision-making criteria are tied to thoroughly considered policies and goals as established in a comprehensive plan or area plan.
- The process is managed by the local government as quasi-judicial; it requires findings of fact and prohibits ex parte communication by members of an appointed review body
- Applicants are treated fairly and consistently
- The review is limited to the physical features of a project or proposal
- Appeals must be based on substantial errors

If a city or town is going to engage in design review, it is imperative to address urban design and community character topics in the comprehensive plan. The aim should be to include design goals, objectives, and policies for all aspects of the plan where design is important. Adopted comprehensive plans and subarea plans should establish the desired physical character of a community or neighborhood. This is important in demonstrating a rational basis for design standards and guidelines.

## THE DESIGN REVIEW PROCESS

Design review can be broken down into six basic components, detailed in Chapter 3. The first component is the **triggering mechanisms** that govern which development applications are required to go through design review. These triggers or thresholds vary widely among communities. The most widely used are the size of a project, as measured by parcel size, square feet, or height; its location (i.e., within a district where all projects are subject to review, such as an historic district overlay or center city); or its land-use type (e.g., mixed use projects).

**Application submittal requirements** are the second component. What paperwork, conceptual drawings, forms, analyses, fees, and other pieces of information must an applicant provide to the city for an application to be considered complete and ready for review? Planning departments often provide applicants with checklists of information that must be provided at the time the application is made. Items typically required as part of an application include a written description of the proposed development and explanation of how it will meet the design standards and guidelines, a site plan and visual representations of the proposed development,

information on exterior building materials, application fees, and other materials as requested.

As the review process gets under way, planning departments should offer to host a **preapplication conference** between design review staff and the applicant to identify any problematic aspects of the proposal before a formal application is made. While the design review ordinance may describe this meeting as optional, for a project of any size or complexity, or for applicants who are new to the process, participating in such meetings is strongly encouraged. Planning staff benefit from preapplication meetings too, as they can get a sense of the size, scope, and complexity of the project.

When a formal application is submitted, staff will check it for **completeness** and get to work on providing public notice of the proposal, coordinating review processes with other departments, and scheduling public hearings or workshops.

Following the review process when a **decision** has been made by the design review board or an administrator, a “record of decision” is issued that includes facts of the application, findings, and recommendations. The record must indicate whether the application is approved, approved with conditions, or denied. Public notice of the decision must also be made.

Finally, a design review ordinance will guide applicants on how to **file an appeal**, which may be administrative or judicial depending on the nature of the review system.

Ordinance language for a design review process should lay out the sequence of steps, including who has decision-making authority, what materials are required at each step, and how appeals are handled.

## DESIGN STANDARDS AND GUIDELINES

Design standards and design guidelines are distinctly different tools, are worded differently, and serve different purposes. As described earlier, design standards are objective, quantitative measures of design attributes, while design guidelines are flexible, qualitative measures of design attributes. Many cities use both, varying them between districts or land uses to which design review is applied.

There is no one method for a community to create new design standards and guidelines. Chapter 4 describes numerous important and helpful actions that will assure the quality and functionality of the new rules when they are put to use. If the standards or guidelines are going to be prepared in-house, a working committee should be convened.

More commonly today, local governments hire a consulting firm to prepare the document. Whoever takes the

lead, the initial tasks are to review all relevant planning policies for implementation direction; visit local projects to look for good models of desirable elements of buildings and the public realm; and prepare renderings, hand drawings, and photos to depict what the standards and guidelines aim to accomplish. A brief first draft should be prepared to generate feedback from the development sector, citizens, and internal agencies. The public should be engaged throughout the process using both conventional (public meetings and workshops) and emerging techniques for collection public comments, including app-based surveys, a project website, and public polling. A final draft can then be prepared that incorporates all sources of input and expertise.

## CASE EXAMPLES

Chapter 5 offers examples of design review programs from 10 U.S. cities of varying sizes, with notes on each city's distinguishing aspects of design review. These cases illustrate the range of variation in approaches.

Several principles can be gleaned from the case examples and from the authors' respective experiences in drafting and implementing design review processes:

1. The design review process can involve an appointed body, professional staff, or both and work equally well.
2. The composition of appointed boards benefits from a mix of laypersons and professionals with design backgrounds.
3. Public engagement is important but should be carefully tailored to provide useful input.
4. Early design guidance to applicants is useful, both in pre-application meetings and through initial meetings with a board and applicant.
5. It is essential to have a good, clear set of design standards and design guidelines for use by applicants and reviewers.
6. Both standards and guidelines are important to allow for both predictability and flexibility.
7. Jurisdictions using design review should periodically evaluate both the process and decision-making criteria to ensure that they continue to reflect policies and desired outcomes.
8. Design review is most effective as an implementation tool for comprehensive or area plans that have been prepared with thorough public involvement and adopted by the local legislative body.

## DESIGN REVIEW AND BEYOND

Design review is not the only means of encouraging good design. Chapter 6 describes nonregulatory approaches that can establish a positive ethos and support by the private sector and the public for improving the design of the public realm and the relationship of buildings to the street and to one another.

Local planning awards programs can be established to honor good work and highlight exemplary projects. Award winners serve as examples for future development. Such programs can be managed by the city or by a civic group, such as a chamber of commerce, or it can be a collaborative effort. Design competitions can elevate design quality in cities where they have been used to attract the best and brightest designers to pitch their ideas for a public building or park. Submissions must be judged by registered architects, landscape architects, or other design professionals. Local governments can set the design bar high by employing thoughtful design of new public buildings. Some cities offer monetary incentives for upgrading private projects.

Professional planning staff can lead members of the design review board or commission on walking and driving tours of nearby communities that have had excellent outcomes of design review in their downtowns, commercial areas, and residential projects. Representatives from the featured communities can share their own lessons learned from their review processes.

Local government websites can highlight completed projects that match the community's highest design aspirations. For projects undergoing design review, the conceptual plans, renderings, and photos presented to the design review board can be posted and publicized for the public and other developers to get a look at the benefits to the community of design standards.

Forums and workshops can help raise awareness and understanding of good design. Local governments can offer "planning academies" for the public, and university-based design centers can also offer such services. Jurisdictions can convene to share their experiences and approaches to improving design. The Municipal Design Review Network in the Chicago region is one such example.

Design review is a useful method of guiding development and enhancing the quality of buildings, sites, and the public realm that has become more established, more broadly applied, and more effective with time. It will continue to evolve as a regulatory technique, with its core purpose of producing higher-quality urban design through a transparent pub-

lic process being further refined. As more cities make use of it, planning departments will need to staff accordingly with planners having design education and experience. Information technology can also be employed to help citizens become more aware of how places change and how they can influence those changes. If crafted with care and thoughtfulness, the design review process can be an effective way to direct the quality and character of development in our communities.





CHAPTER 1

---

# INTRODUCTION

When the first edition of this PAS Report was published in 1995, design review as a tool of local land-use regulation was still in its adolescence. Perhaps a few hundred cities and towns across the country were using it, which was a great increase from even 10 years previously when it was most likely in the few dozens. By the 1990s it had been recognized as a useful technique in the toolbox of regulations. A 1994 survey of 370 cities and towns found that 83 percent of them were engaged in some form of design review. Further, 60 percent of those respondents indicated that they had introduced it in the period between 1983 and 1993 (Scheer and Preiser 1994).

However, in its formative years, there were few judicial cases to establish ground rules for design review. Indeed, many jurisdictions were reluctant to adopt the process early on because few states had provided explicit statutory authority. In some towns it seemed like an extreme intrusion into decision making by the public sector. But perhaps worse was that a number of cities that caught wind of the tool casually adopted it without much serious thought. Often committees or commissions were set up and volunteers were appointed, but there were no instructions, limits, or guidance given on how to conduct design review. That was where major mistakes were made.

Design review decisions varied widely depending on who was appointed or who had the loudest voice. Designers sitting on boards often dictated their personal design preferences. Neighbors used it to address issues that were not germane to the specific process, like zoning density. And developers were flummoxed by public review processes that they saw as intrusions into their business practices. Even worse, a few towns used design review to exclude what they saw as undesirable uses, such as low-income housing.

For many years, design review processes ranged widely in their detail and deliberation. Often, certain individuals on the review boards simply used their powers of persuasion. Decisions might be subjective if not outright arbitrary and capricious. A big part of the problem was the language contained in guidelines and standards that boards were required to follow in rendering decisions. It was common to see ordinances with overly broad and vague decision criteria such as “encourage interesting buildings,” “ensure compatibility,” and “make development harmonious.” These phrases offered

no real direction; decisions could be made on a case-by-case basis with no consistency over time.

Some design review ordinances even ignored basic entitlements offered by their own municipalities’ zoning codes. In some parts of the country, the development sector was poised to challenge the very concept of design review as being an improper use of zoning authority. Even professional planning documents were not especially helpful to their own cause. They either focused on a narrow range of development types, such as franchise outlets, that were deemed offensive or relegated the subject to aesthetics—a very tenuous rationale for regulations.

Into the breach in 1995 came PAS Report 454, *Design Review*, which described the legal underpinning for this tool, placed boundaries on the technique, and offered guidance for its useful—and defensible—application. Since then, many more cities and towns have made use of design review to guide new development.

Cities have changed, some quite dramatically, in the last two decades. Entire neighborhoods with dense housing and mixtures of uses in close proximity have emerged. Some of these neighborhoods are historically urban; others have transformed out of previously suburban patterns. Others still reflect their suburban or small-town roots. Many communities of widely varying sizes, locations, and types have embraced design review as a regulatory tool. Design review is viewed as a way to guide the quality and character of development.

For a variety of reasons, it seems prudent to present design review as it has evolved into its current state of use. In “development years,” 1995 was a long time ago. Since then, many cities have refined the design review process into a tool

of greater craft and nuance, with multiple variations that have pluses and minuses. Although much more “settled” as a legally permissible tool, design review continues to evolve, with cities learning lessons both from their own actions as well as their peers. Finally, the evolution of design review has paralleled the evolution of digital technology; the era of spreading out hand-drawn sketches on a table surrounded by board members is long gone. Now, digital images of proposed projects can be shown realistically and modified and tweaked with ease.

This PAS Report presents an updated explanation of design review, along with what has been learned from decades of its widespread application.

## WHAT IS DESIGN REVIEW?

A good working definition of design review as used by local governments would be:

*The evaluation of the design of a proposed development or building by one or more qualified reviewers, applying legislatively adopted design standards and guidelines, considering comments by the affected public.*

Note that this definition includes several important aspects. First, the evaluator could be an individual or it could be a panel of people. The former might be a planning director; the latter would be a formally appointed board or commission. The latter can include the use of people not in the design fields, as well as those who are.

Second, it highlights the need to use design standards and guidelines that have been crafted in advance and taken through a process of deliberation, debate, adoption, and publication. This is necessary to comply with the “rule of law” that is prevalent in a planning process context. No courts would tolerate a review system that involved complete discretion by individuals, however expertly trained and experienced.

Third, this definition embraces the notion that the public should be provided an opportunity to comment during the process. That does not suggest veto power or the use of petitions. But rather, residents, businesses, and property owners should be able to comment on the proposal. The public should also have the right to appeal the decision (assuming they have legal standing).

Finally, design review is a serious application of laws and, as such, is not dissimilar to a municipal court with its record-building procedures regarding a decision. Decision makers,

while applying their judgment, must adhere to adopted laws and apply them with deliberation.

If a city or town is not prepared to embrace all of the board administration, staffing, continued training, and adherence to open and fair procedures that go along with design review, all of which translate into real fiscal expenditures, they probably shouldn't be doing it.

## THE PURPOSE OF DESIGN REVIEW

In a general sense, design review is intended to combine two sets of objectives: those of a private party involved in real estate development of some form, and those established by public policy as expressed through plans, codes, and standards. It is the balancing of these two sometimes conflicting sets of objectives that is at the heart of design review.

Decision makers involved in the review—whether an administrative review conducted by qualified staff or a design review board—are acting as a delegated “arm” of the local legislative body. In one sense, design review is a live demonstration of democracy intersecting with capitalism. The United States is both a democracy and a capitalist society—tempered by judicial principles of open decision making, public redress, and the role of local government. That is why design review done in many other countries—however interesting the results might be—does not translate to this country. Most often those countries have a much more centralized tradition of government, place much more power in the hands of officials, and do not allow for citizen input.

Design review has a number of purposes that vary from one place to the next. There are general principles to guide the process that many places have in common and will include in some fashion in their implementing plans and regulations.

### 1. To ensure that a proposed project takes into consideration its surroundings

Design review requires a development to recognize its immediate physical context. This does not mean “match the surroundings” or even “be compatible” with other development. Thoughtfully designed buildings can sharply contrast with their surroundings. Unlike design standards in many private covenants, design review is never about conformity. It is about thoughtfulness and includes consideration of scale, topography, and vegetation, as well as the proximity and orientation of existing structures. Design review can ensure that, as a project is designed, it takes into consideration rela-

tionships to existing development patterns, as well as those anticipated by applicable policies and codes.

**2. To ensure that every proposal positively enhances the adjacent public realm, especially sidewalks and public spaces**

The public realm includes streets, sidewalks, public spaces, parks, trails, and buildings that are owned by the government and available for the general public to use. Ensuring that new development positively enhances the adjacent public realm is a prime responsibility of design review. The best developers and designers take this into account in projects. Design review should instill an attitude of caring for shared community spaces. This asks new development to contribute to the collective good of a community and help build places, not just buildings on individual sites.

**3. To work with other policies, programs, and public investments to strengthen the vitality of a neighborhood, district, or corridor**

Design review looks beyond the boundaries of a site to see how the project adds to the evolution of a place, along with other actions both public and private in the vicinity. Development is viewed as part of a larger picture.

**4. To allow the public to comment on the design elements of a proposed development**

Design review allows the public to weigh in with their concerns. Residents and business owners in the vicinity of a proposal development can contribute valuable perspectives regarding history, circulation patterns, preferences for public spaces, and other subjects at the scale of a street or block.

**5. To encourage creative architectural expressions**

Design review should allow flexibility to encourage innovative and imaginative design solutions for a particular site. It seeks ways of achieving both public and private objectives. This requires engaging with project designers early in the process, not merely reacting to a finished design. It is meant to focus on the aspects of a proposed development that help build a street, a neighborhood, or a district. Generally, the intention should be “getting to yes” through collaboration, respectful discussion, and an end goal of trying to create better communities.

**What Design Review Is Not**

Design review is not a process for stopping development by neighborhood activists. People opposing a development often level their objections at the wrong target. If they believe that someone is proposing too much density or too tall of a building—elements that are codified within the zoning ordinance—they need to spend time with the city council when it reviews plans and ordinances. Design review is not the place to wage land-use battles. That said, in a municipality with outdated plans, planners and board members involved in design review should not be surprised if neighbors use that process to make their case against new development.

Design review is also not a means by which an appointed group can redesign a private development project. The development team includes professionals who are at least competent, if not creative. They should be given professional respect. If there are issues with a design, and often there are, it is a matter of providing verbal direction to the project team—not taking pencil to paper and reworking it. The design team has already juggled many variables and can certainly take direction and rethink an aspect of a project.

Design review is not a tool to apply unilateral fiat by an official or a board; it requires two-way communication and collaboration. Board members, even if they are very accomplished and experienced professionals, should not give individual directions to an applicant, nor should members use the process as a platform for their personal design preferences. The appointed members of a design review board or commission should work together to provide collective direction.

And finally, design review is also not a forum for mediating disputes about land-use policy; it is not a plebiscite on a specific development proposal. A design review decision should be based on legislatively adopted design standards and guidelines, not neighborhood petitions or straw votes.

**THE VALUE OF DESIGN REVIEW**

Design review allows a community to better achieve its goals for economic development. It protects valuable environmental assets, strengthens neighborhoods, and enhances the overall image of the community for both residents and visitors. It can help demonstrate that the community can accommodate development while at the same time reflect shared values and attributes. It allows for engaging the public in decisions regarding incremental changes to the community and enables them to express ideas about how individual projects can contribute to the community as a whole. Design review is



about ensuring that both existing development and new development can work together to create vibrant, dynamic, and appealing places to live and work.

If the design standards and guidelines are clear and if the process is expeditious, design review can assist a development team in creating a project that meets both private-sector objectives and public goals. The process can help inform the development team about community priorities and issues. It can offer flexibility in different ways to achieve the intent of the design standards and guidelines. It can also offer early guidance on design directions in advance of major commitments to time and money.

In its best use, design review supports local democracy. It allows citizens to engage in the shaping of their communities by offering comments on proposals before they reach the stage of construction. It offers one way for people to express what is important to them as a community evolves. Design review can also be an economic development tool in that it can result in buildings that enhance property values. Communities using design review often attract better developers, as the process assures them that nearby development will not detract from their investment.

## MAJOR TYPES OF DESIGN REVIEW

There are three forms of design review, none of which is inherently the best. It is up a community to decide which model best fits its circumstances.

### Design Review Board or Commission

This is the oldest form of design review, with a few cities having used it back into the early 1970s. It involves a body of citizen volunteers that typically meet once or twice per month, whose members are usually appointed by the mayor or city council. The makeup of the body may be prescribed by specifying certain seats to be filled by those in specific professions—e.g., architects, landscape architects, engineers, or real estate development professionals—as well as citizens. For smaller towns, achieving this complement is sometimes difficult; there might be only one or two design professionals practicing in that locale.

The board or commission is empowered to make decisions or make recommendations to a higher authority, such as an administrator or the council. Reviews are conducted in meetings open to the public. In some cases, this process is very formal, while in others it can simply be sitting around a conference table. There are also variations of this model that

can include subcommittees of a planning commission or city council, or other special review bodies that are empowered to conduct design review.

At a typical design review board meeting, the applicant will make a presentation. The board invites members of the public to make comments and acknowledges any letters or other communications it has received from the public. The board then deliberates. Sometimes a board can make its decision in one meeting, while some boards require multiple meetings. When a decision (or recommendation) is reached, a staff person or the board chair prepares a document and transmits it to the authority that makes the final decision. The board or commission may also deliver its findings and recommendations directly to the applicant.

Hundreds of cities have used this model with varying degrees of success. The major downside is that it involves unpaid citizen volunteers. They can only be expected to attend so many meetings before the process intrudes into their lives. In a robust community, with lots of permit applications, this can be a huge burden. And a backlog of docket items can slow everything down and present problems for the development sector.

### Design Review by Professional Staff

With this model, a professional staff is hired and paid to conduct the review. There may or may not be public meetings, but there is an opportunity for public comment. The principal attribute of this model is that staff is always available to work with a development team. The design of buildings proceeds along a particular path with a particular timeline. Staff can be available to respond to each step, whereas a board only meets from time to time.

As in the board or commission review model, staff people who manage this design review model still have to follow procedures, send out notices, and conduct reviews using adopted design standards and guidelines.

One major advantage of this model is that the staff can follow through to the construction stage to ensure that the promised design is actually delivered. This requires comparing what is being built to what was approved to ensure that substantive changes were not made to design documents following approval. With the commission model, the staff may not be as easily able to determine the intent of a commission should a dispute arise during construction.

### Hybrid Approach

A hybrid approach involves elements of both the board review model and the administrative model. Large, complicated

projects are reviewed by a board. Smaller, simpler projects are reviewed by staff. This allows small, often locally developed projects to avoid getting bogged down in a backlog. Larger projects with big design teams, deeper pockets, and longer timelines receive greater public scrutiny before a board.

The thresholds for determining which projects receive which type of review vary widely among communities, with no single “right” approach. Options include square feet of floor area, size of site, or location (such as downtown or a special design district).

### Which Approach is Best?

Any of the three approaches can be effective. A design commission or board can be useful when there is a desire for considerable interaction with citizens, as meetings allow for input and discussion in a public meeting. A board also elevates the issue of design to a greater prominence in the community. A body of appointed members can be a strong, collective voice for expressing the value of design; they are highly visible public advocates. Citizen groups often prefer this model as it gives them greater access to decision makers.

A drawback to this model is that smaller communities might not have enough citizen volunteers with design expertise. Staff will need to be there to support them. That means a planning agency will need to have staff that are educated or trained to evaluate design proposals, as boards do not hire their own staff. Additionally, staff is needed to record and maintain minutes, keep track of comments, compose documents of record, make sure that procedural steps are followed, and correctly interpret standards or guidelines. This administrative infrastructure has cost implications.

The staff review model allows for more ongoing discussions with applicants as a project progresses through the sequence of design, as citizen boards only have limited points of interaction. A professional staff can result in greater continuity and consistency over time, because they can refine procedures and standards as they make interpretations on a frequent basis. The development community often prefers this model as it allows for ongoing coordination as a project moves through the process and conversations are needed. On the downside, the staff review model requires hiring professional staff, which has budgetary implications (although application fees can be calibrated to offset this).

The hybrid model allows for comparatively smaller projects to be reviewed by staff, which can be done expeditiously; all projects do not have to be placed on a docket and await a hearing date. Larger, potentially more complicated and contentious projects receive a higher level of public scrutiny by a

board or commission. In this model, a jurisdiction has to provide both staff support for the board or commission, as well as professional staff to conduct reviews. This model has the greatest budgetary impact. But it does allow different types of projects to follow different tracks.

All three models have been used by cities and towns of widely varying sizes. One is not necessarily more suited to larger or smaller jurisdictions. The determination as to which is the best fit results from determining the preferred degree of public engagement and weighing budgetary issues associated with staffing.

## DESIGN STANDARDS VERSUS GUIDELINES

There seems to be some confusion over the terms “design standards” and “design guidelines.” Sometimes they are used interchangeably, sometimes they are associated with policies, and sometimes they are applied to design programs that apply to specific public-sector initiatives. For the purpose of governmental design review, it is necessary to make a clear distinction. They do have different purposes. In this report, we highlight the distinct characteristics of each.

*Design standards* are objective, quantitative measures of design attributes. They include numbers, dimensions, and precise wording that result in a narrow range of outcomes. They are mandatory, using words such as “shall” or “must.” They have little or no flexibility.

*Design guidelines* are flexible, qualitative measures of design attributes. They rely upon descriptive language and words such as “should” or “may” that allows for a broad range of outcomes. They may or may not be mandatory.

A more detailed exploration of the differences between design standards and guidelines is found in Chapter 4. In brief, standards are more quantitative and prescriptive, while guidelines allow for more flexibility and discretionary decisions.

## THE ISSUE OF COST

For cities and towns that have had a design review process for some time, cost issues only rarely come up. This is because the development community has fully absorbed the process into their pro formas, just as they do with due diligence, building code review, and advance marketing. It is simply a cost of doing business. Cities using design review that were interviewed for a research report (Portland BPS 2017) note that they have seen markedly improved devel-

opments. Indeed, design standards can act to protect and promote high-quality project proposals.

Typically it is cities new to using design review that are worried about costs. In some quarters there is a lingering concern that requiring projects to go through design review will elevate costs. This is both true and not true.

All design teams working for development entities, whether public or private, are assigned a fixed budget for construction costs. One of the roles of a creative designer involves how to allocate the budget. A thoughtful, creative designer can take a very limited budget and produce amazing results. But not all designers are thoughtful and creative. And like any profession, the more skilled, expert, and creative an architect is, the more he or she can charge.

The design fees for most construction projects, regardless of the talent involved, fall in a narrow range—between five and eight percent of the construction cost, a difference of about three percent. If for example the construction budget for a project is \$10 million, the design fees will be in the range of \$500,000 to \$800,000. The more experienced and skillful designers will command the upper end of the range and vice versa. But the difference is only \$300,000—approximately three percent of the construction cost.

The cost of better design is even less of an impact than that three percent. Construction costs are only a part of the cost of development. All development projects also include what are called “soft costs.” They include design fees, permit fees, utility fees, carrying costs, legal fees, and other expenditures. These can add up to 30 to 40 percent more than the construction cost by itself. Therefore, the added cost of better design is probably around two percent of the total. That is surely not an unreasonable premium.

One type of development that is particularly sensitive to costs is affordable housing. Increased costs often do not come from the design costs, per se, but the costs the project incurs to meet extra conditions of approval beyond the design standards and guidelines imposed by a review body. This can disrupt the design team’s choices of massing, materials, and finishes that contribute to keeping rents low. Public housing authorities and nonprofit housing providers must be very mindful of construction costs in order to deliver projects that meet affordability criteria within a region. (They should also be mindful of not stigmatizing a project through inferior exterior materials.) While design quality can still be an objective, deliberations about design should not jeopardize the overarching mission of providing affordable housing.

Design review can still be used for affordable housing proposals, so long as reviewers keep in mind constraints on

costs. And it is not just conditions of approval that can affect an affordable housing project. An overly lengthy review for any development project, including affordable housing, can threaten complex financing; thus, the time involved in design review is important as well.

In one real-life example that one of the authors observed, a design commission imposed a condition on a low-income housing development requiring more variety for the exterior, with balconies, recesses, and different materials. One way to decrease low-income housing construction costs is by keeping the exterior envelope simple, which is how the proposed project could be described. The nonprofit applicant balked at the commission’s condition of approval and said to do that would have the effect of dropping two units. The commission’s decision was overturned by the city council on appeal, which was granted on an emergency basis because the nonprofit was on the verge of losing a grant if the project had not been approved.

## ABOUT THIS REPORT

Many cities are familiar with design review; indeed, many already employ some version of it. However, the state of the art has been continually improving. The purpose of this PAS Report is to capture the intent, legal underpinnings, and best practices of this process. Even jurisdictions with established design review processes can benefit from an examination of its use. The subsequent chapters look at design review through various lenses.

Chapter 2 discusses the evolution of design review as a regulatory tool. It highlights judicial decisions that affect the use of this regulatory technique and summarizes past research and theory regarding design review.

Chapter 3 describes the basics of the design review process. It describes the different ways to bring projects into review and outlines a framework for a defensible process for cities to use. Different approaches used by different communities are provided.

Chapter 4 compares and contrasts the two types of criteria used by cities in conducting design review: design standards and design guidelines. It explains how to craft and organize them so that they are usable and defensible.

Chapter 5 examines a number of case studies demonstrating how both large and small cities handle design review. This look at various design review approaches should assist communities in either setting up new processes or revising and updating existing programs.

Finally, Chapter 6 offers some additional techniques and tools for encouraging good design in communities that can be used in concert with design review to make better places. It summarizes the lessons learned in the last several decades of design review practice and shares trends and recommendations with planners.

CHAPTER 2

---

**BACKGROUND  
AND LEGAL  
FOUNDATIONS**



Virtually all cities and counties in North America regulate the development of private property through some form of zoning. All states have enabling legislation that clearly delegates zoning authority to local jurisdictions. Over the past several decades, zoning has become so institutionalized in local laws, in the judicial system, and in the minds of the public that we forget that it has been in use for fewer than 100 years.

Unfortunately, zoning by itself has proven to be an inadequate tool for building livable communities. Zoning standards largely deal with numerical measures: lot size, building height, yard widths, off-street parking requirements. This quantitative approach to development—involving rigid conformance to precise numbers and formulas—has not necessarily resulted in the livable, human-centered downtowns and neighborhoods that planners and citizens aim for in community visioning sessions.

Over the last few decades, many communities have looked at their physical character and found it wanting. Zoning laws that guided development from the 1920s through the 1980s did not protect or enhance the character of special places. Many zoning codes adopted in the three decades following World War II had the effect—whether intended or not—of preventing the development of compact, walkable, transit-oriented communities that were reflected in older established and now beloved places. In many rapidly developing postwar communities, accommodating the use of the automobile was a high priority, and so codes were written to provide for the convenient movement and storage of automobiles. In that era, professional associations also recommended standards that required high parking ratios, wide roads, separated land uses, and other aspects that worked against retaining older patterns. Indeed, “old” was not valued in some communities. Moreover, in the era of rapid suburban development, many cities simply copied zoning standards from their peers. The result was an erosion of places having their own character.

Often, buildings exhibiting interesting materials and details were demolished and replaced by generic structures that said nothing about the history, climate, or social structure of the area. This was true of both residential and commercial development. Communities—both old and new—began to look

increasingly alike. In newly developing suburbs there was often no recognizable existing or historical built environment context of any lasting value. This enabled the spread of monotonous residential sprawl interrupted only by miles of strip commercial development on major arterial streets. The result was large-lot suburban tract housing interspersed with strip commercial corridors, where the built form in places as diverse as Tacoma, Washington; Springfield, Illinois; and Macon, Georgia, became indistinguishable from one another.

It did not help that the development industry, fueled by easy credit, tax breaks, and a rapidly expanding economy, generally took advantage of every possible zoning provision to build standardized “products.” For their part, many architects placed little value on existing contexts, preferring instead to design buildings that sharply contrasted with established development patterns in order to make modernist statements.

In recent years, elected officials in many communities have started to look at ways of creating, retaining, or recreating the qualities that comprise livable, memorable, and diverse community life. It is increasingly evident that zoning alone cannot do the job. This search for new methods to retain, enhance, or create a sense of community through its physical structure has led to an interest in design review.

## **HISTORICAL PRECEDENTS AND ATTEMPTS AT CREATING QUALITY**

The application of design principles in the planning of cities has had a long tradition. Until World War II, city planning was strongly influenced by the work of architects and landscape architects who applied artistic considerations to the layout of streets, parks, and buildings. More recently, as communities

have begun to develop new techniques to address the issues of character and quality, initial efforts have focused upon the most egregious excesses of development. Often these actions were limited to controlling purely visual elements through the adoption of various forms of aesthetic control.

### The City Beautiful Movement

The Columbian Exposition of 1893 in Chicago gave rise to a desire to plan cities in a more orderly manner than had been seen during the late 1800s, when factory towns and frontier outposts sprang up almost overnight. Some cities still retain, as does Chicago, legacies of that era in parks, monuments, boulevards, and public buildings. The City Beautiful movement offered the public and many elected officials an elevated notion of the importance of design. Initially, this likely emphasized the idea of aesthetic composition—reflected in civic centers, such as those in San Francisco and Denver that were designed and built in subsequent decades (Figure 2.1). Since then, the emerging field of urban design has brought in many other aspects of design that affect community livability.

Unfortunately, in some places, architectural design of public infrastructure is often considered to be a frill, if not frivolous. It has frequently taken a back seat to more utilitarian aspects of civil engineering. Ironically, early public works

projects did often incorporate a design sensibility that produced spectacular parkways, bridges, and other structures. But now it seems that technical manuals and standards have squeezed most of the human touches out of such projects; the result has been little more than huge concrete channels for moving vehicles. Design review, therefore, has a critical role to play in reinstilling the importance of the public realm in all projects—private as well as public.

### New Urbanism

The new urbanism movement emerged in the late 1980s and early 1990s. Many new urbanist communities, such as Seaside and Celebration in Florida, have become known for their degree of innovation (Figure 2.2).

New urbanist communities have been developed from a clean slate, often with a single developer. They are typically not part of a political entity with constituencies that might disagree with the personal vision of the proponent or the designers. These towns are guided by strict design rules that are enacted as form-based codes and regulating plans. With a strong tradition of democratic pluralism and multiple voices, few cities in the U.S. would willingly submit themselves to directions from a small group of design professionals, however noble the intent. Nonetheless, given the planning, design, and

Figure 2.1. San Francisco's civic center reflects the ideals of the City Beautiful movement (Spondylolithesis/Getty Images photo)



development efforts involved, this movement has acquired an important place in the evolution of cities.

### Historic Preservation

The historic preservation movement offers many useful lessons for the application of design review. Scores of historic districts and conservation districts have been established in large and small cities. The form of development in these areas has been governed by review procedures and guidelines. These often are administered with some measure of flexibility, recognizing the attributes of a specific site.

For the most part, the results have been positive. Initial efforts to retain a community’s history by exacting restoration or replication have given way to encouraging changes that are sympathetic to the character of a building or area. Historic preservation has benefited from establishing clear review criteria by which to evaluate a project. Often, decision-making bodies have included design professionals so that judgments can be rendered based upon sound advice from people that understand building technologies and costs.

### Appearance Codes

The first wave of appearance codes were adopted in the 1970s as a reaction to two decades of the insensitive destruction of

older buildings and the construction of dull and monotonous newer ones. These ordinances principally dealt with the materials and colors of building facades.

Often these codes attempted to instill a sense of historic character, even if the “history” was contrived. Some communities became preoccupied with picking a “theme” and forcing new or remodeled structures to comply with, for example, “New England Village,” “Frontier Town,” or “Spanish Mission Style.” Examples of this approach are Carmel, California, and Leavenworth, Washington (Figure 2.3, p. 22). In these places, strict appearance codes managed to take hold and last. Most other attempts have failed over time.

Codes that deal only with the superficial appearance of individual buildings are not a very effective way of addressing the full spectrum of community character and livability, however. Provisions that are not rooted in the authentic history, climate, topography, and economy of a place usually produce effects that appear fabricated and false. There are ways for contemporary structures to fit in with authentic historical structures. Architects are trained to use building massing, horizontal lines, step backs, storefronts, and awnings to ensure that new development contributes to the character of historic areas rather than simply imitating that character with faux finishes.



Figure 2.2. Celebration, a new urbanist community (Brett VA/Flickr (CC BY 3.0 US))



Figure 2.3. Leavenworth, Washington, has a strict appearance code to maintain its Alpine-like character (drmartinis/Getty Images photo)



### Restrictive Covenants

Many communities have been reluctant to include issues of aesthetics in their policies and codes. To some, the subject has not seemed to be an appropriate one for local government; such action may be considered an excessive intrusion on property rights. While courts have taken a much broader view of the role of aesthetics, some municipal governments might still be cautious about a degree of exposure in potential litigation.

Nevertheless, the growing interest in regulating elements of design has been met in some instances through the application of private covenants. Since the 1950s, subdivisions and planned unit developments have often included complex covenants, conditions, and restrictions (CC&Rs) that are private agreements specifying an array of subjects, including building size, architectural style, roof pitch, materials, colors, and landscaping.

The problem with many of these developments is that, over time, there is less of a commonly held consensus on what is acceptable and the overall building style and appearance may grow outdated. This can affect the marketability of houses and properties, resulting in fewer and fewer home owners remaining interested in continuing with the original terms.

### Overlay Zones

Many local codes make use of “overlays.” This involves a two-tiered regulatory approach. Basic standards are set forth for the underlying zoning, and then for a certain mapped geographic area, an overlay district is established. For the overlay area, additional subjects are addressed; these can include design. Examples of such elements include pedestrian facilities and connections, building orientation, roof form, and architectural continuity. Sometimes a palette of materials and colors is also indicated.

Depending on local procedures, development proposed within an overlay district can be subjected to the design review process to ensure compliance, as in the case with several of the case studies presented in this report. Overlay districts highlight a particular area as being of special concern to the community and set forth a process to ensure that particular attention is given to new development or renovation. Design review deliberations, as well as review criteria, are tailored to the specific area.

### Form-Based Codes

According to the Form-Based Codes Institute, a form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical

form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law (FBCI 2018).

In current practice, many cities are adopting form-based codes for specific districts within their communities. Form-based codes are most commonly created for traditional downtowns or for relatively large and centrally located redevelopment sites, including formerly low-density commercial districts adjacent to downtown and other older, low-density commercial corridors. The regulatory mechanism that has often been used is a form-based district adopted as part of the city's land development and zoning code. Such districts can also be in a stand-alone chapter of the code of ordinances, containing all the agreed-upon standards for building form, public realm, and streetscapes, as well as a separate process for the city council to sign off on applications for development in that district.

Design standards and guidelines and form-based codes ostensibly accomplish the same thing: higher quality building forms, lively public spaces, connections to transit, and vastly improved streetscapes. The difference is how the public is involved and the degree of flexibility in the review process.

In a form-based code approach, virtually all opportunities for public input and discretionary decision making occur upfront before applications for development have been received. Design review guidelines and standards are also the result of a deliberative public process, but each project is subject to “tailoring” the application of design standards and guidelines to a particular project during the review process by staff and the board. Form-based codes, by contrast, do not allow for flexibility. Design review allows for adjusting projects to better meet the intent or to reflect issues associated with the physical context.

## EARLY FORMS OF DESIGN REVIEW

By the beginning of the 20th century, a handful of cities had established design commissions for very specific purposes. Created in 1898 as the Municipal Art Commission, New York City's Public Design Commission reviewed public buildings and spaces (New York 2018). Washington, D.C.'s Commission of Fine Arts was established in 1910 to review monuments, fountains, and statues (U.S. Commission of Fine Arts 2018). Kansas City, Missouri, established a municipal arts commission in 1926 to review public structures, bridges, and fountains built by the city (Kansas City 2018). But during the Great Depression and World War II, cities had other pressing

issues; design review was not high on the list. And the post-war period was focused on rapid suburban expansion and the renewal of older urban centers.

By the mid-1960s many cities had begun setting up landmark commissions to protect buildings after the waves of demolition that occurred under the federal urban renewal programs in the 1950s. The destruction of Pennsylvania Station in New York City in 1963 was a watershed event for historic preservation. Jane Jacobs's writing in the 1960s alerted people to the increasing destruction of beloved neighborhoods and replacement with insensitive development, especially by big projects like freeways.

Seattle established a broad-based design commission in 1968 (Seattle 2018). It reviewed the design of all proposed capital investments by the city, including parks, civic buildings, and public works such as streets and utility structures. But it only had the authority to review, and still only reviews, public projects. Until the 1970s, the notion of local government reviewing private development was not widely embraced.

In 1972, Portland, Oregon, created a design commission with the express purpose of reviewing private development (Portland 2018). It was responsible for ensuring the implementation of the city's very specific adopted design guidelines for downtown. The Portland Design Commission has continued to review private development, as well as public projects, and has expanded its geographic purview over time to include some other portions of the city.

By the 1980s, design review was part of the regulatory toolbox of many cities and towns, and its use has continued to grow dramatically in the decades since.

## LEGAL FOUNDATIONS

The authority to regulate community appearance and aesthetics has been widely embraced by local governments as a subset of their police powers. The police power gives local boards and administrative agencies the authority to use the zoning ordinance (and many other measures) to protect a community's health, safety, and general welfare. In many cases, court decisions have affirmed that authority; in others, that authority is a result of evolving public policy established over time that includes issues of design quality, economic development, and public safety.

In a legal context, design review is a mechanism by which that police power authority is put to use. It calls for the establishment of design policies, review criteria, and the creation and empowerment of a board to review, provide



advice about, and approve the designs of proposed private and public development projects.

### State Enabling Acts

Because of the principle that cities are “creatures” of their states, it is always prudent for any city embarking upon design review to research relevant state statutes and the administrative codes that implement them.

States have enabling laws that delegate certain powers to local governments. Zoning has been a well-established form of regulation, and design review is typically considered a subset of that authority. In some states, zoning enabling statutes specifically address design review. In Illinois, for example, municipal authorities may “establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process” (65 ILCS §11-13-1(12)).

However, there are instances where states have become concerned about overreach by local jurisdictions. For example, the state of Oregon adopted a statute that requires cities to apply very “clear and objective standards” when reviewing proposals for “needed housing” (ORS §197.307). Similarly, the state of California has considered a bill to impose limitations on the authority of local governments to set design conditions on affordable housing, given the pressing demand throughout the state.

Some states are restrictive in what authority they allow local governments to delegate. Other states allow for generous delegation so long as the local government has adequate procedural safeguards in place. Design review must be a disciplined process that follows other proper actions by local government. This requires that a city establish a process that is transparent, follows legislatively adopted decision-making criteria, and represents a cross section of interests and perspectives informed by expertise.

### Case Law

Over the past several decades there have been numerous judicial decisions regarding issues associated with design. Cases concerning aesthetic control, historic designation and review, sign codes, facade controls, and so forth have appeared, sometimes with widely varying results or results that have been unclear.

The rights of local governments to use zoning to regulate design were established over time. In 1941, an early historic preservation ordinance in New Orleans was upheld in *City of New Orleans v. Pergament* (5 So. 2d 129 (La. 1941)) on the

basis that “preserving the historic character of a neighborhood has been defended by the courts on the grounds that preventing ‘eyesores’ in the locality was within the general welfare.” In *General Outdoor Advertising Co. v. Department of Public Works* (289 Mass. 149, 184, 193 N.E. 799, 816 (1935)), a 1935 case challenging a local ordinance in Concord, Massachusetts, that banned outdoor advertising (i.e., billboards) on private property, “the court observed that that the preservation of scenic beauty ‘from defacement promotes the public welfare and is a public purpose’” (Roth 1964). But it was the U.S. Supreme Court’s decision in *Berman v. Parker* (1954) that opened the floodgates to local regulations based solely on aesthetic considerations:

The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.

In one of the earliest cases concerning design review authority, the Florida Supreme Court, in *City of West Palm Beach v. State* (30 So. 2d 491 (Fla. 1947)), found a zoning ordinance that required buildings to be substantially equal in height and appearance to be void, given that the ordinance did not contain adequate standards to make such a determination.

In a case a decade later in New Jersey, *Hankins v. Rockleigh* (55 N.J. Super. 132, 150 A. 2d 63 (1959)), the court struck down a requirement that specified buildings be “early American” in style, since a wide range of styles could be associated with this general term. Further, the court did not find a consistent character within the geographic vicinity of the subject site to make such a limitation reasonable.

Another decade later, in *Pacesetter Homes, Inc. v. Village of Olympia Fields* (104 Ill. App. 2d 218, 244 N.E. 2d 369 (1968)), the Illinois court struck down an ordinance that gave excessive discretion to an architectural advisory committee in a city that had been attempting to prevent repetitive designs in single-family areas.

In these early cases, it is evident that courts had little tolerance for efforts by local governments to regulate design, particularly if criteria for making decisions were absent or poorly written. Moreover, it was not widely accepted that the appearance of buildings was within the realm of zoning, which emphasized public health and welfare. In recent decades this perspective has evolved such that building design is viewed as an appropriate subject of zoning regulations.

In 1978, the New Jersey court, in *Morristown Road Associates v. Borough of Bernardsville* (163 N.J. Super. 58, 394 A. 2d 157 (1978)), handed down an important decision that is still relevant today when communities adopt and administer a design review process. By 1978, many communities were becoming aware of the use of design controls and review procedures, which were given a boost in the growing support for historic districts and landmark designations. The Borough of Bernardsville had adopted an objective of “fostering good quality design and attractive appearance” and required all proposed development to be reviewed by a citizens’ advisory committee to ensure that the objective was achieved. Some very general review criteria were adopted.

However, the court found that the standards did not provide adequate guidance. The borough’s ordinance used terms such as “harmonious,” “displeasing,” and “appropriate,” but none of these was defined. The court stated:

The basic criterion for design review under the ordinance is harmony with existing structures and terrain. This standard does not adequately circumscribe the process of administrative decision nor does it provide an understandable criterion for judicial review. It vests the design review committee, as well as the planning board, with too broad a discretion, and permits determinations based upon whim, caprice or subjective considerations.

The ordinance offers no workable guidelines to one seeking approval of plans, rendering it almost impossible for an applicant to conform his plans to its requirements and making the utilization of his property dependent upon the subjective reactions of members of an administrative agency as to the harmoniousness of a proposed structure to the existing development.

Despite the New Jersey court’s clear message to local governments, many cities and counties have adopted ordinances with language that is similarly vague. As with many other techniques of land-use regulation, jurisdictions have often borrowed from one another rather than do the research and analysis necessary to produce an explicit and defensible set of standards.

Just a few years after *Morristown*, a Minnesota court, in *C.R. Investments, Inc. v. Village of Shoreview* (304 N.W. 2d 320 (Minn. 1981)), invalidated an ordinance that made use of vague language, such as “harmony” and “highest design standards.” Clearly, as with any other piece of legislation,

courts insist upon standards that be understood and consistently applied.

In 1984, the Ohio Supreme Court, in *Village of Hudson v. Albrecht, Inc.* (9 Ohio St. 3d 69, 458 N.E.2d 852 (1984)), declared that design could be addressed through zoning legislation and found that Hudson’s standards were adequate. However, the court stated: “In order to be valid . . . the legislative enactment must set forth sufficient criteria to guide the administrative body in the exercise of its discretion.” One year later, in *Zehring v. Bellevue* (103 Wn 2d 588, 694 P. 2d 638 (1985)), a Washington state court upheld a design review decision in which it determined that review criteria were sufficiently specific.

In *Morris County Fair Housing Council v. Boonton Township* (230 N.J. Super. 345, 553 A.2d 814 (1989)), a New Jersey court reiterated the necessity of having explicit standards when a community engages in a design review process. Where communities have developed detailed design review criteria, courts have looked favorably upon decisions.

Two decisions handed down less than a year apart provide very clear judicial guidance in the practice of design review. In 1992, the Illinois Appeals Court determined that a design review ordinance was an unconstitutional delegation of legislative authority when it authorized an appearance commission to act in more than an advisory capacity. In *Waterfront Estates Development v. City of Palos Hills* (597 N.E. 2d 641), the court said a legislative body must use intelligible standards to guide an administrative agency’s discretionary authority. It stated that an ordinance is unconstitutional if it is so vague that a person of common intelligence must guess at its meaning.

In 1993, the Washington Court of Appeals took a very similar position in *Anderson et al. v. City of Issaquah* (70 Wn. App. 64 (1993)) but provided additional guidance of value to local governments. This case offers a tutorial on legally defensible design review.

First, the court declared that design review is a legitimate extension of zoning authority. This had not been expressly confirmed by any court before. Second, it stated that to be defensible, a review procedure must include standards that will give unambiguous direction to applicants, designers, and decision makers. Terms that are used must be defined and explained through documents available to all parties in advance of the review. According to the court, an applicant cannot be required, and decision makers cannot be permitted, to guess at the meaning of design requirements. Third, it stated that the decision-making body must follow adopted criteria and not set them aside, substituting personal opinions.

The *Anderson* decision provides a discipline needed in the design review process. Since design review involves the use of discretionary power, it must be conducted through the application of standards that are explicit, understandable, adopted by the legislative body, and made available to all parties involved in the process.

Aside from the cases cited above, there have not been many judicial decisions that have focused on design review as a central issue. Major new or additional guidance for design review has not been provided by state-level courts in the last couple of decades. This might be because design review went through its formative era in the 1970s and 1980s and has become more like “settled law.” Many initial issues have been smoothed out by more universally applied practices. Many cases are now simply resolved at the local level—trial courts or superior courts—and rarely rise to higher courts. Indeed, few developers can wait out the lengthy time involved in a state-level judicial review and decision. And few citizen groups have the financial resources to carry appeals to higher courts.

One significant recent case is *Redlands Good Neighbor Coalition v. City of Redlands, California* (CA4/2, E060138 Cal. Ct. App. 2015). In its appeal of the city’s approval of a Walmart and an associated shopping center, a neighborhood coalition repeatedly claimed that the development did not reflect community character. In fact, in working with the applicants, the city did receive a design that incorporated references to local architectural history through “Mission Style” architecture. The proposed development also included more than 1,000 trees, public spaces, and outbuildings that would reduce the visual impact of a single large retail building.

From testimony cited in the court decision, it appears that, despite the efforts of the city in its review, some residents simply did not want Walmart in their city as a business, as they considered it not befitting the image of their community. They raised a host of objections to cover this real purpose. One planning commissioner stated that the project, though well-designed, just didn’t “feel” like Redlands. This kind of subjective commentary by a reviewing body is going to be frowned upon by courts, which look to reasoned decision-making procedures rather than subjective, personal opinions. The court did not find merit with any of the appellant’s arguments and held that the city conducted its review in accordance with state laws, procedures, and best practices. The project was approved and built.

Despite their limited numbers, these cases have established some important principles that offer a collective framework for the proper and effective use of design review. Regarding the design review process:

- Design review must rely on clear, meaningful design standards and guidelines in decision making.
- Design review must follow a course of deliberation that refers to adopted standards and guidelines and makes findings of fact; it is a quasi-judicial process (see Chapter 3 for more on this term).
- Design review meetings must be open to the public with no ex parte deliberations or communications (see Chapter 3 for more on this concept).
- Citizens appointed to review projects cannot take public positions prior to the deliberations.
- Reviews cannot treat different applicants differently; the rule of law demands fair treatment.
- Cities are given considerable leeway to carry out and interpret their own policies, codes, and procedures relating to development.

Regarding proper subjects for design review:

- The nature of a building’s businesses, owners, intended tenants, occupants, residents, or customers are not pertinent design review deliberations.
- The physical features of development and the relationships with its surroundings are the only relevant topics in design review deliberations and decision making.
- Design review is not the appropriate avenue in which to address disputes about land use and density that are established by law.

Regarding appeals of design review decisions:

- Appeals should be based on significant errors in following procedures or arbitrary decisions that are not based on the record.
- Appeals are not intended to address personal objections by opponents to a development project.

When crafting or revising a design review process together with design standards and guidelines, planners should be mindful of these general principles. It is important to have a process and decision-making criteria that can be successfully defended if challenged.

## RELATION TO PLANS AND POLICIES

If a city or town is going to engage in design review, it is imperative to address urban design and community character topics in the comprehensive plan. The aim should be to include design goals, objectives, and policies for all aspects of the plan where design is important. Adopted comprehensive plans and subarea plans should establish the desired physical character of a community or neighborhood. This is important in demonstrating a rational basis for design standards and guidelines.

Some municipalities address design in the land-use element and others have a stand-alone urban design element in the plan. For example, the city of Omaha, Nebraska, working with Omaha by Design, a nonprofit urban design group, adopted an urban design element as part of its 2003 master plan (Omaha 2003). The element contains 71 urban design recommendations grouped into three topic areas: Green Omaha (the city's parks system and other natural settings); Civic Omaha (civic places and public image); and Neighborhood Omaha (goals to preserve and enhance the design diversity of the city's residential neighborhoods).

In 2007 the city council adopted major revisions to the zoning and subdivision codes. The zoning revisions included new zoning districts for neighborhood conservation, major commercial corridors, walkable neighborhoods, and civic spaces. Specific standards were added to the zoning chapter that address the following built environment elements, among others:

- build-to and setback lines (§55-925)
- large building retail design (i.e., big-box stores) (§55-935)
- ground-level transparency (§55-926)
- on-premise signage (§55-933)
- green parking lots (§55-928)

The city also created its first design review board to oversee the implementation of the new standards (Omaha Municipal Code §24-90). The board's purview is citywide and its composition and mission is distinctive. It is made up of a "public section" that reviews any projects that receive substantial public funding, and a "private section" that reviews any matters that are referred to it concerning "interpretations of design review regulations, standards and guidelines, and recommendations on whether proposed amendments of development agreements are major or minor" (§24-103).

If there is not an entire element of a plan devoted to urban design, then design goals, objectives, and policies should be

included in the housing, transportation, parks, and community facilities elements. Depending on how the plan is organized, plan sections specific to subareas, districts, neighborhoods, and corridors should also include language addressing design issues.

This is important because, inevitably, some party is going to challenge a design review decision that will be taken all the way to a trial court. A judge will look more favorably on a city that has drawn a nexus between planning policies and regulations. Not having that connection could add fuel to the claim that a city is acting capriciously.

If a local government has a truly comprehensive and coordinated approach to guiding development, courts usually give great weight to local decisions. Adopted design policies make it difficult for an appeal to gain traction. Courts will often dismiss a case altogether when it is evident that local officials have followed the principles of public transparency, due process, and equal treatment before the law.

## DESIGN REVIEW RESEARCH AND THEORY

In his book *Urban Design as Public Policy*, architect and noted author Jonathan Barnett, FAICP, introduced the idea of design review as a government exercise for the purpose of "safeguarding the public's interest in privately financed real estate development" (Barnett 1974). Barnett and most other theorists have argued that the results of government involvement in design are mixed. There is widespread agreement among such theorists, and certainly by the courts, however, that any unit of government that seeks to expand its involvement in design decision making must first establish clear, defensible principles and standards—ideally derived from an inclusive stakeholder engagement process—upon which they will make such decisions.

*Design Review: Challenging Urban Aesthetic Control*, edited by Brenda Scheer and Wolfgang Preiser, is a collection of essays by architects, planners, and academic experts, each reflecting on their own varied experiences with design review (Scheer and Preiser 1994). The book also contains data and analysis of a survey conducted by Scheer of 370 planners in the United States with questions about design review processes, review criteria, case load, and outcomes. Most of the contributing authors had served as staff planners or consultants for cities that had implemented design review standards and guidelines in some fashion. For example, an essay by the primary author of this report, Mark Hinshaw, FAICP, describes his work in Bellevue, Washington, in the 1980s when the city

made a bold decision to transform itself from a low-density, auto-oriented suburb into a regional center for employment, housing, and shopping that is highly regarded for its pedestrian amenities and transit accessibility.

Overall, Scheer and Preiser were quite critical of design review. They noted its relative newness and rapid adoption as a regulatory technique by local governments in the U.S. without a lot of thought given to the actual goals of such regulations or unintended outcomes. The editors questioned whether there are conceptual flaws in the idea of design review—flaws that challenge fundamental ideas about power, beauty, justice, and freedom (Scheer and Preiser 1994, 3). This PAS Report answers, to some extent, the general questions raised about the legality, fairness, and efficacy of the tool in recent decades.

In 1988, the city of Germantown, Tennessee, was successfully sued by a gas station developer on the grounds that city's design review commission procedures were entirely discretionary. The problem was the commission had no written standards or principles to guide its decisions. Having lost their case, the city hired Gary Hack, FAICP, a professor of architecture and design at MIT, to essentially reverse-engineer a set of design review principles. According to Hack, he was asked to “distill from the practice of design review the essential principles that seemed to underlie the commission's decisions.” Hack presented his findings as seven “Implicit Policies for Community Appearance,” which are: (1) dominant landscape, (2) domestic style and character, (3) public versus private domain, (4) architectural diversity, (5) restraint in public communications, (6) masking utilitarian objects, and (7) preservation of historic patterns.

Hack's own account of his work in Germantown was published as an essay, “Discovering Suburban Values through Design Review,” in the Scheer and Preiser collection. The thought exercise that Hack undertook to arrive at the Germantown principles is of value to professional planners and appointed commissioners who are looking to bring order and fairness to an overly discretionary review process, especially in the many growing communities in the U.S. that do not have a dominant architectural vernacular on which to base decision-making criteria.

In 2007 John Punter, a professor of urban design at Cardiff University in Wales, distilled existing research and published work on design regulation and created 12 basic principles grouped into four themes—community visioning; design, planning, and zoning; broad, substantive design principles; and due process.

Punter's intention was that “researchers and planners might use the 12 principles to both assess existing design

processes and develop improved systems of design control and review” (White 2015, 327). He also saw these principles as positioned “to play a wider role in developing urban design as public policy, stressing both its strategic and localized role, bringing all stakeholders into a closer relationship, and utilizing the full range of design and planning instruments to achieve more democratic and effective development management processes” (Punter 2007, 170).

Punter's principles were reexamined in 2015 by James White, a professor of urban studies at the University of Glasgow. White recommended Punter's framework be broadened to acknowledge emerging trends in ecological design theory and practice to address climate change at the local level, to call for more rigorous stakeholder collaboration in the design review process, and to recommend increased competencies by members of design review boards to understand real estate market trends (White 2015, 325).

The general principles offered in this report encompass Punter's recommended framework for the most part. But importantly they go much further by emphasizing the importance of using design review to enhance the public realm beyond the walls of any one building, by connecting design review implementation to other policies and programs that also aim to boost community vitality, and by engaging the public in the design review process.

## CONCLUSION

Design review has evolved from being a function limited to evaluating public projects to a process having a much broader role in guiding many types of development, both public and private. For the latter, more regulatory purpose has evolved, from scattershot methods to ones involving better organization, more disciplined tools, and procedures that are legally defensible. Design review has become much more widespread in its use and this has required considerable refinement and attention to legal principles.





CHAPTER 3

---

**STRUCTURE OF  
THE DESIGN  
REVIEW PROCESS**

Beyond basic legal precepts that apply to all land-use development decision making, there is considerable leeway as to exact methods that communities may use to conduct design review. Indeed, a survey of ordinances and procedures of cities and towns across the country reveals many different approaches. There is no single “correct,” or even best, way.

One caution, however, is that there is a tendency among planning agencies and legislative bodies to copy what another jurisdiction has done. It is true that examining existing design review programs can provide valuable lessons in how (or how not) to structure and administer this process, and lists of recommended practices can be drawn from such analyses. However, each local government must create procedures and standards that address its specific context.

As long as any adopted process is clear in its application, uses clear and accessible decision-making criteria, and ensures public transparency, courts will generally be satisfied that the test of due process has been met. Conflicts of interest must be avoided.

It is important to note that government-applied design review falls squarely inside the bounds of “quasi-judicial” decisions affecting property. A quasi-judicial process involves an entity such as an appointed board, generally of a public administrative agency, which has procedures resembling those of a court of law or judge. Findings of fact and conclusions are made as part of this process. It is advisable to inform prospective appointees to a design review board of this legal construct, as it is not like sitting on other volunteer commissions.

Because design review is a quasi-judicial decision-making process, there can be no “ex parte” communications. An ex parte communication occurs when a party to a case talks, writes to, or otherwise communicates directly with a judge—or other board members, as in the case of design review boards or commissions—about the issues in the case without the other parties’ knowledge. In general, this means any form of communication about a proposal under consideration that is outside the legal record of deliberations. This includes private phone calls, emails, texting, comments on social media, face-to-face conversations, and interviews with the press—in short, any form of communication that could

be viewed as influencing a decision out of the public view and record. All communications should be “on the record” for anyone to be able to view them. Therefore, decision makers cannot be lobbied and cannot discuss the project outside the public venue with anyone—neither proponents nor the general public, nor one another.

These basic legal principles are common to all design review processes. The principal variation in design review from one municipality to another is who is making the decisions—an appointed board, an administrator, or a hybrid of the two.

A design review process comprises six essential elements. Incorporating each of these into a city’s process will make it more efficient, clearer, and easier to administer, as well as more likely to survive a challenge if appealed. These essential elements are as follows:

1. Triggering Mechanisms: what requires a proposal to be reviewed
2. Submittal Requirements: what applicants need to submit for each step
3. Preapplication: what occurs prior to formal application
4. Review of Proposal: steps involved in design review
5. Record of Decision: documentation and notice
6. Appeal: administrative appeals

This chapter will examine each of these essential process elements, beginning with triggering mechanisms. But first, it will begin with a brief overview of design review ordinances.

## **ELEMENTS OF A DESIGN REVIEW ORDINANCE**

To establish design review, it is necessary for a local government to adopt code language that defines and describes the

authority, the process, and the criteria used in reviewing proposals and making decisions.

Ordinances establishing a design review process need not be complicated. Chapter 4 provides a detailed look at design standards and guidelines; the following list of typical code content relates to the administrative aspects of design review. Regardless of whether the review body is professional staff, an appointed board, or a hybrid of both, the same elements need to be addressed in the code. These are the main components:

- A statement of intent
- Authority to approve, approve with conditions, or deny
- Applicability/triggers of design review
- Reviewing body: commission, staff, or hybrid
- For a board or commission:
  - composition, terms, who appoints
  - meeting schedule
  - meeting format, including public comment
  - role of chair and staff
  - stages: initial direction, review(s), recommendation
- Application process and submittal requirements
- Form(s) of public notice
- Review process/steps, including public engagement
- Reference to applicable design standards and guidelines in the review
- Record of decision
- Distribution/notification of decision
- Appeals process, including appeals body and who has standing to appeal

One single ordinance could cover all aspects of design review. However, in practice, what typically happens is that parts get placed into different sections of a city code. There might be a section on boards and commissions, so that element is found there. There might be another section just having design standards. And there might be another section on appeals of various types of decisions. This depends on how the jurisdiction structures its code.

The appendix to this report offers excerpts from the code sections for the administrative aspects of design review from the case study cities featured in Chapter 5.

## TRIGGERING MECHANISMS

For design review to be set in motion, its effectuating ordinance needs to specify the situations that will trigger its applicability. These situations vary widely from city to city.

It is important for the triggering situation to be carefully considered. Each has different implications for workload, standards, processing time, consideration of property rights, and even political considerations. For example, it is rare for any city to require design review for single-family homes. Aside from the time involved, resistance from residents would be expected.

A thorny issue associated with triggering design review involves renovations and additions. Cities and towns receive many applications for projects that are not entirely new but that modify an existing structure. Because not all standards and guidelines can necessarily be met with partial development, it is necessary for a local government to determine how to address these situations. Some will apply a threshold of dollar amount of construction, above which all standards and guidelines apply. Others apply a percentage of floor area expansion as a threshold. Others will focus the application of standards and guidelines to the area being altered and apply as many as are reasonably possible. Finally, others simply exempt such incremental changes from full design review. There does not appear to be a single, “perfect” solution to this and the direction taken can depend upon local political considerations. In any event, it is important to keep in mind the need to encourage modest investments that can enhance a district or corridor and not attempt to overreach with burdensome costs.

## Citywide Requirement

A handful of cities require all or most development to go through some form of review for design compliance. These are often very unusual communities, such as those whose economies depend upon maintaining an established and consistent image to attract tourists. Controlling the appearance of buildings is an economic sustainability tool. Examples include Santa Fe, New Mexico; Newport, Rhode Island; and Leavenworth, Washington (as shown in Figure 2.3, p. 22).

However, requiring all development throughout a city to go through design review is impractical for most cities and towns, as it is costly and time consuming to administer. Moreover, mandating design review throughout a city would require considerable effort in establishing a sound legal rationale to do so.

## Specific Zoning Districts

Most cities rely upon their zoning codes to specify where design review is required. It is very common for cities to designate their downtown zones as appropriate for design review. But it may be required in other districts as well. Waterfronts

and certain commercial districts are often designated. Typically, these are districts that a city is especially concerned about with respect to quality and character. They possess attributes such as streetscapes, views, landmarks, and boundaries that are highly valued by the community. Design review can ensure that new development respects those qualities and looks at the broader objectives of a collective image, connectivity, and visual coherence.

This approach includes amending the text of an existing zoning district to require design review within that district. This is usually accompanied by the adoption standards and guidelines applicable to that zone. This can be combined with other triggering mechanisms such as size.

The disadvantage is that design review might not be desired or useful in all areas with that zoning designation. This approach also requires an analysis to support it, with an appropriate rationale, public hearings, and a decision. This will involve a determination of how design review will apply to nonconforming structures.

### Land-Use Types

Another way to trigger design review is by designated land uses within a particular district or districts. For example, a local government might require design review for all commercial development within a downtown district. This is done when a city is particularly concerned about the effects of a certain type of land use and would require establishing a legally defensible rationale for addressing only certain uses.

While this can be useful for holding certain uses to a higher design standard, it ignores how different uses in the same district interact and contribute to an entire area. Part of the purpose of design review is to create thoughtful development that considers the context and relationships between various types of development. This approach also could be used to target certain uses as being less desirable—a thinly veiled effort to discourage them. This would not likely survive a judicial appeal.

However, for small cities with more limited capacity to conduct design review in an appropriate manner, this approach could be useful. Such cities could require review for uses such as big-box retail development, shopping centers, and hospitals due to their greater impacts on surroundings. For these land uses, size triggers (e.g., floor area or site area) should be considered, rather than a blanket use category.

In Cleveland, the Housing Design Review Subcommittee (a joint committee of the Cleveland Housing Development Office and the Cleveland Planning Commission) reviews all new residential construction projects throughout

the city as well as major renovations to existing residential structures. The subcommittee uses a score sheet with design criteria that include the location of garages and garage doors, building orientation, height, frontages and entryways, windows, and other elements (Cleveland 2016). The design review process is also how the city implements its planning goals for active communities and sustainability. The rationale for the residential design standards, which were enacted in 1995, is to protect the visual character and scale of established residential streets and neighborhoods by encouraging new home construction and major renovations to approximate the existing height, bulk, and setback measurements of houses on the same street and to not detract from the traditional architectural styles that make up Cleveland's oldest neighborhoods.

### Size and Height Thresholds

Design review requirements can be triggered by a project's size and height. This approach is focused on capturing larger developments. Such projects have greater impacts on their immediate surroundings and sometimes on the community as a whole. This would require establishing a rationale that addresses how the surroundings have a particular character or importance to justify design review.

In terms of workflow for a city's planning department, most projects are relatively small single buildings, additions to buildings, or renovations. Requiring all these to go through design review can bog down the system, as reviewing many small projects can consume a lot of time. Further, these small projects are often proposed by local businesses or property owners that have limited resources and time to appear at multiple meetings. Larger projects typically have design teams that are accustomed to design review procedures.

A study conducted for the city of Portland, Oregon, found that 20 percent of all projects undergoing design review were relatively small or were minor renovations or additions to existing structures (Portland 2017). Because of this added workload, the entire design review system was getting bogged down and acquiring a bad reputation, particularly in communities of color and among small family-owned businesses and neighborhood business associations. The threshold for requiring design review was raised to exclude the small end of the range for new construction, renovations, and additions. This allowed design review to focus on larger, complex, and more high-impact development.

Floor area, land area, and the number of dwelling units for residential projects are all factors of size triggering additional council review in Chapel Hill, North Carolina (Table 3.1, p. 34).



**TABLE 3.1 THRESHOLDS FOR ADDITIONAL REVIEW, CHAPEL HILL, NORTH CAROLINA**

Thresholds (minimum)	Town Center (TC) 1, 2, & 3 zoning districts	All other zoning districts
Land area	15,000 square feet	5 acres
Floor area	20,000 square feet	100,000 square feet
Dwelling units	35	50

Source: Chapel Hill Code of Ordinances, Appendix A, §4.3.1(b)(1).

### Design Overlays

Over the past couple of decades, the application of design overlay districts has become increasingly popular. This allows a city to keep underlying zoning intact for a specified area but to add standards and guidelines. Overlay districts can be applied to portions of zoning districts or overlap multiple districts.

The advantage of this approach is that it allows a fine-tuning of development quality while not involving a wholesale rezoning of an area. Overlays can be established by text amendments in the code to designate special review areas, rather than a complete rezone. The downside is that the overlays add requirements to the underlying zone, which can cause confusion for some applicants.

Cities must make sure that properties affected by overlays are clearly designated. This is best done through careful GIS mapping. Another strategy is to use a uniform district naming protocol, such as Design Overlay (DO), to make clear where overlay districts are in effect. For example, a Business Commercial (BC) zoning district would be mapped as BC/DO in the areas where design review applies.

This approach is particularly useful for corridors that might have many different zoning districts along them. It is also valuable for areas along shorelines, or for areas that are especially sensitive with regard to long-standing patterns of development.

### Special Districts

The special districts approach has some of the same attributes as overlay districts. However, it involves creating an entirely distinct district that recognizes a special place in the com-

munity. This could be a mixed use waterfront area, a heritage area, or an area where a city has devoted investment and incentives to achieve redevelopment. The creation of a special district is sometimes coupled with a special review body made up of people with particular expertise in the type of development within that area.

In Cleveland, there are seven Local Design Review Committees that conduct review of applicable development projects within their designated district boundaries (Cleveland City Planning Commission 2018). The city also requires design review for all new development, including housing, as noted above, both within and outside of the design review districts.

Since 1969, New York City has made liberal use of special districts in all five boroughs for areas such as Little Italy, the Garment District, and Hudson Yards to bring about redevelopment in a more positive and coordinated manner than had previously occurred (New York City Planning 2018). Seattle has a number of special historic districts, including Pioneer Square, Pike Place Market, and the International District (Seattle Department of Neighborhoods 2018). Each has its own review board as well as place-specific review criteria.

### Conditional Uses and Special Permits

Conditional uses are those that cities permit if they conform to additional stipulations beyond the base zoning requirements. These applicable conditions are often contained in a chapter for supplemental regulations (also referred to as “use regulations”). In a determination to approve a conditional use, an additional condition might be a requirement for any proposed development to go through design review. Conditional use reviews can be conducted by staff or by a design review commission.

Some zoning ordinances designate certain uses as requiring “special permits.” These could involve a staff-level determination or require an approval by planning commission, city council, or another designated body. As is the case with conditional uses, sometimes a special permit includes a requirement for design review.

### Planned Unit Developments

Planned unit development (PUD) regulations contain design standards for projects that are required or opt to go through that development review process. PUD ordinances can contain broad-brush design standards for projects that are added to in much greater detail as the application goes through the review process with planning staff. PUDs may also be required to go before a design review commission depending on the project type, location, and other characteristics.

## Development Agreements

Some state planning enabling laws allow cities to enter into development agreements, also called concomitant zoning agreements. This is a form of land-use approval in which the city and a private party enter into a contract that describes a project in full detail. As part of such agreements, cities may grant the developer waivers or adjustments to some of the base zoning requirements in exchange for public benefits, such as public open space or contributions to affordable housing programs. The terms of design review, to be conducted by staff or a commission, are described in the agreement.

Development agreements operate as contracts between a project proponent, i.e., a developer, and the local governing body that maintains authority over the project. A typical agreement sets forth the scope of the project in complete detail, including a master plan that must be followed upon approval, with detailed plans for each of the project phases. The agreement provides a guarantee that zoning and other land-use regulations will freeze to the date of the agreement.

From the planning commission and staff standpoint, development agreements enable review and consideration of a large project as a whole rather than dealing individually with zoning, design review, building, and all other required permits. It also can allow for a wider range of conditions for approval, including more detailed design review and the designation of a special entity to review the project design in phases. Finally, the agreement can stipulate the terms of community participation in stakeholder input in the proposed project. The Chapel Hill case study in Chapter 5 describes how the town is using a development agreement—with design standards and guidelines embedded in it—to guide a major redevelopment project.

## Institutional and Public Projects

Many cities have made major investments in public infrastructure in recent decades, specifically in the redesign and improvement of streetscapes and major roadway corridors. These efforts reflect widespread local plans and policies that promote transit use, bicycling, and walking as means of everyday transportation while reducing dependence on cars and fossil fuels. These projects leverage private development and redevelopment using public investment in detailed designs for streetscapes. Design standards are enacted for both private development that abuts streets and corridors as well as the elements of the public realm that extend from the building faces on each side of the corridor. Those elements include landscaping, street trees, signage, lighting, sidewalks, curbs, bike lanes, driveways, curb cuts, and road lanes.

For other public projects, design review of new facilities, such as a library or village hall, would be the primary responsibility of the sponsoring agency. There is often a steering committee formed to oversee the project, including the architectural design and the external aspects of the development that affect its surroundings.

One difficulty with reviewing public works projects, as well as parks, is that, given their widely varying natures, it is very difficult to develop decision criteria in advance that can apply broadly. That is why the review of public works projects often is conducted using a different process or review body. However, some cities, such as Austin, Texas, have adopted design review guidelines for all public infrastructure projects. See the case study in Chapter 5 for more details.

Since public projects are budgeted and funded considerably in advance of design, a review body can set forth expectations through instruments such as design charrettes, briefs, and principles that direct the design from the outset. (This differs from review of private projects, where some design work has already been completed by the time a review body sees it for the first time.) The review body works with the sponsoring agency in an ongoing collaborative manner, rather than a reactive manner.

## Exemptions from Design Review

Some cities have processes for applicants to apply for an exemption to design review. This is a form of “relief valve” for applicants who believe the construction or renovations they are undertaking are minor and can be completed without negating the intent of the design review requirements that are in effect for the project as a whole. Typically, the staff is tasked with deciding whether to grant the exemption.

In Belvedere, California, for example, applicants can submit a form to request exemption from design review for projects that do not trigger review requirements (Belvedere 2012). The form describes all elements that are subject to design review (e.g., building location, fences, parking areas, and site lighting), followed by elements that are exempt from review (e.g., changes in color to roofs or siding material, changes or additions to previously approved landscaping plans, and “minor changes to previously approved plans, which the City Planner determines do not alter the intent of the approved design”).

## SUBMITTAL REQUIREMENTS

Cities commonly include a list of documentation required for design review in their code. The list typically begins with



ing. The discussion should be mainly about the site, zoning, standards, development objectives, and context. No design should be expected at this phase to allow for as much flexibility as possible.

Documents required:

- Map of development site, showing surroundings for a block in each direction
- Statement of development program and objectives
- Preliminary building footprint(s), with options
- Photos of site and area around it, annotated with comments
- Basic applicable zoning regulations, flagging important design standards and guidelines
- Indication of any issues

## 2. Schematic/Conceptual Design

In this phase, the project should receive a first formal review by staff or the board. This phase should require single-line site plans, floor plans, elevations, and perhaps a general landscape concept. This allows plenty of room for discussion.

Documents required:

- Site plan, dimensioned, with a graphic scale and north arrow
- Preliminary elevations
- Preliminary cross-sections through site and building
- Preliminary landscape plan
- 3-D digital model showing proposal and adjacent buildings (rough massing)



Figure 3.2. Example of the schematic/conceptual phase of design (Walker Macy)

## 3. Design Development

In this phase, the project should receive a second formal review by staff or the board. This phase should involve significantly more detail, including renderings of the building set into its actual context. The documentation required will vary with the size and complexity of each project. Exceptions to items may be allowed at the outset for simple projects, or the applicant may choose to provide additional materials, such as physical or digital models, to help communicate design intent.

Documents required:

- Rendered site plan
- Landscape plan, with materials indicated
- Floor plans
- Elevations
- Cross sections
- Facade facing street at a scale of at least one-quarter inch to one foot
- Details of entry area, public spaces, walkways, common areas
- Preliminary proposed materials and colors
- Rendering(s)
- Optional: photo montage of proposed development in its context

At the conclusion of this step, a design review decision should be made. While all the documents for each phase should be included in the project file, the record of the decision should include attachments showing the final approved design.



Figure 3.3. Examples of the design development phase of design (Walker Macy)

#### 4. Construction Documents

By this point design review should have been completed, and the project would be receiving its review for a building permit. However, the planning staff should check the construction drawings to see if they match the approved design and confirm that any conditions have been met. This is critical to ensure compliance, as it is extremely difficult to seek corrections after this point.

It is helpful to have an open-ended ability to ask for more information on certain subjects. A soils/structural analysis might be needed for a steep site. An urban forester's report might be useful for a large landmark tree, or a historical analysis might be required because an older structure is involved. But this should be used sparingly, when there truly is an issue.

All documents that cities require for design review should be listed in the code. Developers and designers should not find out about an additional requirement at the counter when they are about to submit a set of plans. Providing a checklist of document requirements as part of the application packet or a guidance document helps make the process clear and understandable.

Note that the above lists of required documents include no mention of physical models. They could be provided as an assist, but certainly no models should be provided during the first two phases. An exception to this would be very conceptual, easily changed "study models." This could be provided in the second phase to show an evolution of design thinking and issues such as relationships to adjacent structures or public spaces, access alternatives, and overall massing of floor area. Digital technology is an important tool in this process; see the sidebar on p. 40.

The entire idea of the design review process is to expose the various steps of design to scrutiny and discussion. Most good designers go through a rigorous examination of various options during the design process. Exposure of thinking during the design process can encourage better designs as expectations are elevated for more thoughtful work.

Exposing the design process for a project to scrutiny might require education of the local development community if it is used to submitting more finished designs. This can be done through manuals posted online or by providing video or in-person tutorials. Seminars can also be offered in how to navigate a city's design review process; they are particularly useful for development teams from out of the area that may not be familiar with the steps and submittals.

#### PREAPPLICATION

A preapplication meeting between the developer and the municipality prior to the formal submission of a project for review is immensely useful to all parties. This meeting identifies issues early on. The development team can convey the essence of the project so reviewers can be better prepared when they see the application. It can give the development team an early indication of "red flags" before they commit to an expensive design process.

Virtually all cities require a preapplication meeting for large projects. The definition of "large" will differ with each community. A possible threshold could be a site area greater than 20,000 square feet or a building size greater than 10,000 square feet. But thresholds could be different depending on the design review workload and available staff time.

Sometimes this can involve an early meeting with a review board, not merely staff. This meeting is usually offered as a free service and is "off the books." No materials are kept on file, minutes are not kept—it is merely a conversation. Both Seattle and Portland, Oregon, have this step embedded in their processes. They view it as a way for the review body to give very early guidance for a project from the outset. The applicant can also get a sense if there are any problematic aspects of the proposal.

Portland's Building Services Department offers applicants Design Advice Requests (DARs). These are voluntary opportunities for applicants to meet with the city's design commission to hear its feedback on early schematic designs and to get comments about specific site and program conditions. The city strongly recommends that applicants schedule a DAR meeting early in the project schedule and notes that for large and complicated cases, multiple DAR meetings are often appropriate. According to the department's website, appropriate topics for a DAR may include the following (City of Portland Design Commission 2016):

- Massing options
- Site organization
- Active ground level uses and transparency
- Parking and loading systems
- Circulation routes
- Landscape concept
- Utilities
- Preliminary material options
- Approach to public art
- Modifications, adjustments, exceptions, FAR bonus/transfer, and bonus height requests under consideration



During the preapplication time frame, developers may opt to meet informally with neighborhood groups to describe the proposed development. While such meetings are not commonly required, cities in which neighborhood groups are traditionally active stakeholders should encourage applicants to reach out to them early on. These meetings help to get all parties involved to start a conversation about the project. City staff does not have to be involved at this stage.

These discussions, if managed well, can help all parties involved. Some development teams have reported they find this step useful and try to accommodate comments they hear at this early stage. If neighborhood groups are brought on board early in the process, they may be more likely to support the project during the formal review. A few cities are considering making this kind of contact mandatory.

## REVIEW OF PROPOSAL

Municipalities vary in terms of the exact procedures they follow when reviewing applications for development approval. Generally, the application process formally begins when the applicant submits a complete application, including all required forms, checklists, signatures, narrative descriptions, renderings, and drawings. The planning department is responsible for making a complete list of all required documents available both in the office and on its website. All assigned fees for development review are typically collected at the time the application is submitted.

### Checking Application for Completeness

After receiving the application, the first order of business for development review staff is to check the application for completeness. Staff can use a checklist of application items similar to what the applicant used to compile the submittal.

A checklist for completeness should include at least the following:

- Application form(s) fully completed
- Signed approval by property owner or authorized representative
- All required drawings and site plans for the initial review
- Survey and title report
- Preliminary environmental assessment, if required
- Labels for mailed notices
- Intention to erect a public notification sign on the property
- Design review fee payment

The ordinance or guidance documents should indicate the number of days within which the city will notify the applicant that the application is complete. This decision does not use design judgment, but merely determines whether all the documentation required is in the submittal and meets requirements. If the application is not complete it should be sent back with a list of deficiencies. The applicant can resubmit the full application once the missing items have been added.

### Coordination With Other Departments and Agencies

Design review, like other forms of development permitting, requires that different agencies coordinate their various reviews. Because design review is about far more than merely the form and appearance of a building, there are implications involving street and sidewalks, connections to parks and schools, and even fire prevention issues. Often other agencies at the county or state level will have some interest. The city leading the design review process must devise a way to collect comments and resolve them internally.

A planning agency should develop a carefully structured process for collecting and reconciling comments from other departments. If the applicants have to visit each department themselves, they will inevitably come across conflicting directions. The lead design review staff person should be responsible for consolidating internal comments and resolving conflicts and then providing a comment letter to the applicant.

Most planning agencies have regularly scheduled development review meetings in which representatives of all relevant agencies weigh in with comments on an application. For complex projects these face-to-face meetings are the best opportunity to get thorny issues resolved. Additional comments and missing information that remain unresolved after such meetings can be supplied to the designated staff member by a given deadline.

The staff member overseeing the design review process should be responsible for notifying the applicant and all reviewing agencies of meeting dates and review deadlines (along with scheduled reminders) for the internal comment period. Everyone involved in design review must be willing to organize their resources and staffing to move a project along. Providing key information late in the process is what gives local governments a bad name.

### Public Notice of Application

Design review is a process that allows the public to have input in the decision-making process in a manner that addresses the immediate matter at hand but not broader issues that are

## USE OF DIGITAL TECHNOLOGY IN DESIGN REVIEW

The world has changed considerably since the initial PAS Report on this subject was published in 1995. The availability, use, and cost effectiveness of digital drawings has advanced dramatically. Digital tools are now used by everyone in the design professions; they are no longer just a method of presentation used by well-heeled development and design firms. Some of the most commonly used applications are Sketchup ([www.sketchup.com](http://www.sketchup.com)), Revit ([www.autodesk.com/products/revit-family/overview](http://www.autodesk.com/products/revit-family/overview)), and Rhinoceros ([www.rhino3d.com](http://www.rhino3d.com)). Design software is continually improving and new products are introduced frequently.

One of the key advantages to digital technology is that it allows changes to drawings to be made very quickly. It used to be that changing one item might have a ripple effect throughout that would have unforeseen cost implications elsewhere. Now changes are instantly reflected in all elements of a design and it is possible to see the consequences.

Furthermore, digital technology makes it easy to visualize a proposed project. One difficulty in reviewing drawings is that some people do not have the training to interpret them. For example, it can be difficult for people to understand a drawing of a building elevation, which is a two-dimensional drawing of a three-dimensional object. In real life, buildings are seen in three dimensions and rarely in elevation. There are many relatively low-cost digital programs that allow a proposed structure to be viewed in its proposed context. Typically, these are fixed images; moving video renderings are possible but still costly.

On the other hand, there is a downside to this technological advancement.

Over time, fewer and fewer design professionals have learned the skills associated with quick hand sketches. Everything produced looks like a finished, fixed drawing. And sometime the forest is missed for the trees, as everything on the drawing is given equal weight. Hand-drawn sketches can still be valuable, especially when it comes to discussing modifications to a design.

Finally, there are sophisticated programs that can make a plain building appear more attractive in a rendering than it may in fact be. That is why a variety of visual materials and representations should be required. An elaborate rendering is, by its nature, more valuable for marketing purposes than for objective review. While a good rendering is certainly fine, it is also important to have drawings that convey the basic attributes of the proposal, without distracting imagery.

not part of the review, such as the underlying zoning requirements. To achieve this, the public must receive adequate notice of impending decisions and of deadlines by which questions and input must be received. There are several methods of notification used by local governments to achieve this, some of which are more effective than others.

- **Newspaper notices.** In many jurisdictions this is still the legal method of providing notice of imminent government actions, but this is fast becoming an outdated notion. Few people read journalism in print any more, much less the back section with notices. Relying on this, however legal it might be, would not be fair to the public.
- **Posting of property.** Even in a world where planning department websites post notices, agenda packets, and applicant-provided drawings and data about proposed projects, there is no substitute for a sign posted on the actual site. Municipalities should require applicants to erect and maintain one or more signs on the subject property to provide notice to neighbors of the pending design review or zoning actions. The city can provide a sign template for the applicant to follow. The sign should name the project, provide the address and contact information, and summarize the proposal with a sentence and some basic data, such as number of dwelling units, square footage, height, uses, and other information. The date, time, and location of upcoming public meetings or hearings should also be on the sign. In the age of rampant graffiti and tagging, these signs can be easily vandalized; an additional specification might be to use a clear plastic covering that can be cleaned or replaced. Signs should be four by four feet or four by eight feet in size. A common type of notice posted on a property regarding an impending action is a letter-size sheet. However, this is sometimes insufficient to attract the attention of the public. Relying upon this form can lead to complaints of inadequate public notice.
- **Mailings.** The applicant should provide mailing labels for residents within a specified distance from the site, typically within the range of 300 to 400 feet, or about a city block length. Beyond that, the numbers increase exponentially and mailings become impractical and costly. The mailings should be targeted beyond property owners to include renters. Senders can address notices to “Occupant” or “Box Holder,” and the post office can simply include such notices as part of their deliveries. The city can mail them or require proof of mailing from the applicant.
- **Standing mailing lists.** Many cities keep mailing lists for

organized neighborhood associations, civic groups, chambers, merchant associations, and other interested parties to receive automatic notices of an impending design review and other decisions. These methods can help reach commercial establishments and nonprofits that often are, unintentionally, excluded from public processes. Groups can be invited to be included by providing the city with some basic information, such as tax status, organizational structure, and membership data, to ensure they are authentic civic groups. Since these entities change from time to time, or change locations, the list should be regularly weeded and refreshed.

- **Websites.** This is a necessity. Staff can post a running list of projects and the permits being sought, a brief description, and the date of a decision or appeal period. City websites can have a public notice link, with the title of the proposed project and the action in question in the link. Many residents now rely on this way of getting information to stay informed about changes in their communities. However, there are still many people who do not use computers who would want to provide input on a project, so this means is not sufficient by itself.

Beyond these standard approaches there are further methods of getting the word out. Neighborhood newsletters, including online versions, can be good options. Posting notices at libraries, community centers, kiosks, and coffee shops is another strategy.

## Public Engagement

Public engagement in the design review process differs depending on whether a community has adopted the professional staff model or the board/commission model of design review (see Chapter 1 for descriptions of these different models).

### Public Engagement With Staff Review

The professional staff model of design review involves a series of conversations between staff members in the planning department, between staff members in different departments, between the staff and the development team, and between the staff and the public. There are typically no hearings and no public meetings: public comments are received by mail (or email) and considered in the review. Communications between parties is done through design review staff, who act as intermediaries.

The advantage of this method is that the design review staff can have multiple conversations with the development team as the project progresses and revisions are simple and

expeditious. Ideally, at least, both groups are concentrating on resolving issues and getting the project to a stage where the applicant is prepared to apply for a building permit. The dominant mode is “getting to yes.” Rarely does the staff feel like it must deny a project, but sometimes it is necessary. The ability to say no allows for a better yes.

A downside of this “behind the scenes” method is that it can make neighborhood groups suspicious that the staff favors the developers and has not given sufficient weight to neighbors’ concerns. At the very least, neighborhood groups do not feel they are on an equal footing with the developer. With this method, it is useful to remind participants that this is a permitting process, not a legislative process. If private property is involved, there are no votes or petitions on development projects. It may need to be explained—repeatedly—that the best point of interaction with development is when the laws are being considered, not individual projects. But, admittedly, that is difficult to say to a heated opponent.

In design review administered by professional staff, public comment is expected to be given by letter. Comments that are phoned in also need to be made part of the public record, with attribution. It is possible that some jurisdictions are experimenting with using electronic means of providing comments. It will be interesting to see how those are treated in appeals. But systems are evolving and there could eventually be a tamperproof method.

### **Public Engagement With Design Review Board or Commission**

In the other scenario—the appointed citizen board or commission model—the review process is quite different. This model almost always employs public meetings or formal hearings. There is not a single correct way, as long as comments are on the record and attributed.

Since it is not reasonable to expect volunteer citizens to meet all the time, the board’s exposure to a project is limited to a handful of meetings, ranging from one to as many as five or six. The longer a project stays on the docket without a vote or decision, the greater the frustration the applicant may experience, and the complexity goes up from there as people’s calendars fill up and projects are delayed over months. Meetings may be cancelled for a variety of reasons, and if there is not a quorum, no action can be taken. The process can be messy and strung out over time, which can create havoc with the scheduling of progress by the applicant’s design and development team. On the other hand, neighborhood groups and individuals get their say.

These hearings are not intended to be *de novo* hearings on the underlying zoning; that kind of testimony should be cut off before it begins. A good idea is to remind attendees that because the board or commission has no ability to change the law, it will not hear comments on density, height, parking requirements, or size of a project; however, all comments regarding context, design, materials, connections, frontage relationships, and other physical issues are welcome. Nor should a board take testimony regarding traffic, since a design review board has no authority to impose traffic management or vehicle use limitations. It is also wise to limit comments to three minutes per person, and to set time limits for applicants and the board as well. This sets some simple ground rules of behavior.

In this version of design review, the role of the chair is key. That person must not only explain the rules, but must guide the discussion and focus it; achieve consensus, if not a clear vote; rein in other board members who go adrift in comments; and not only keep the peace but keep the meeting moving along (staff should support with timekeeping). For this reason, it is important for chairs to receive special training in managing meetings. All board members should receive regular training, with instruction by the city attorney that they are part of a quasi-judicial process. *Ex parte* communication of any sort, even just showing up at a protest meeting, can jeopardize a decision, as discussed in the beginning of this chapter. The rule of law is paramount. Board members are acting somewhat like judges in this role and judges cannot be lobbied.

In some appeals, decisions have been overturned by a court when someone in a decision-making body violated these legal principles. Examples include not disclosing that the member received calls at home from people protesting the project and discussing concerns. Or, conversely, a board member is quoted in the newspaper expressing support for a project prior to a decision. This is serious business, not unlike being on a jury. Vetting people being considered for appointment to a design review board should be meticulous. Appointed members must be fully trained on their legal obligations.

### **Timelines**

One problematic aspect of design review is that without boundaries, it can be an open-ended process. Very large projects may take as long as 18 months to go through design review and all other permitted phases. The time involved with conducting a review and making a decision has a direct effect on when a project can enter the marketplace. If a project misses a window in the market, the consequences are significant.

A city should work with its local development community to determine a reasonable time frame for design review. Generally, a well-managed design review for a freestanding, single building with a few stories should be able to be completed in less than three months. Reviews of high-rise buildings or multiple buildings on a site should be able to be completed within six months. There might be an occasional outlier, such as a site with many acres and multiple phases that could require a longer time.

Expected timelines can be determined by looking at past history of reviews. If a city is newly considering adopting design review, staff could reach out to other cities of similar size and development types for their experience.

Some cities have set time limits in their code. The design review ordinance for the city of Arcata, California, requires the commission “to act upon each application within two meetings or 30 days, whichever comes later, from the first consideration of the proposal, unless the applicant consents to further continuances” (Arcata 2018).

However, there are many aspects of a review process that are not within the city’s control. For example, if something needs to go back to the applicant for revision, there is no control on how long that might take. For this reason, legally imposed time limits often have a “time clock.” Each revision period turns off the clock, and the clock is turned back on once the revised materials are submitted.

One technique that smaller cities use is to contract out the technical design review portion to a consultant, usually a licensed architect. This is common when an agency has very limited staff and a workload that prevents an expeditious review of complex projects. The cost of this contract is passed on to the applicant through design review fees.

It is also a good idea to place expiration dates on design review approvals. Standards and codes change over time, and if construction of an approved project is significantly delayed, it may no longer comply with new standards. Five years is a reasonable maximum period; after that, the approval expires and the applicant must start over.

## Review Criteria

The two main types of criteria used for making design review decisions are design standards and design guidelines. These are used by the decision maker, whether a board or administrator, to evaluate the project. The former are quantitative and involve little or no flexibility; the latter are qualitative and can offer more flexibility with regard to meeting the intent. Chapter 4 offers a detailed discussion of both of these tools.

Sometimes, certain standards or guidelines are identified as being the most critical for a given project and location. The review involves determining how each one is met and whether modifications to the design are warranted to ensure compliance.

Occasionally other criteria can be referenced, such as specific comprehensive plan policies. However, generally these are integrated into the language of the design standards and design guidelines. The standards and guidelines are intended to make clear those subjects that the review will focus on, so that the applicant, the reviewing body, and the public can know what is being reviewed.

For design review to work effectively, general policies should support the more specific tools, demonstrating a clear nexus that can be seen by courts should there be an appeal. All standards or guidelines should be able to be traced back to an underlying policy. And it should go without saying that the regulatory tools must be consistent with policies.

## RECORD OF DECISION

Regardless of who makes the final decision—a board (or commission) or department head—there must be a record of the decision that includes findings of fact and conclusions.

A report with recommendations should include a description of the proposal, an explanation of how it fits the design standards and guidelines (or not), and any conditions of approval. It would also be useful to summarize comments from the public and how they have been responded to (or not). This record is vitally important in the event of an appeal, as the appellate body will reply upon this record to determine if there were errors of fact or procedure.

This report need not be lengthy. Depending on the size and the complexity of the project, it might range between 5 and 20 pages. It is best to be brief. If a project complies with standards, one need only cite the standard, not do a detailed analysis. On the other hand, if it does not meet the standards and conditions are imposed, or denial is recommended, it is necessary to be specific. It would be further useful to show a nexus with applicable policies. The effort should ensure that the decision is defensible.

In the professional staff review model, the report is typically written by a staff manager, reviewed by a staff person with a legal background, and signed by the department director. This method has become increasingly common, as it reduces appeals due to errors or oversight and it follows a consistent format and reasoning.



In the board or commission model, it is most common for staff to write up an interpretation of the commission's findings, though in some communities the commission members write the report. The commission reviews the draft, issues any corrections, and approves it. This could be a matter of formalizing and organizing minutes. Such reports would benefit from a review by the city attorney's office to make sure that the decision and rationale are defensible.

Many smaller and midsize projects will involve similar issues and applicable standards. A department could develop a template that allows a staff person to check boxes or fill in blanks. This can expedite the simpler reviews. But for larger, more complicated, and potentially contentious projects, a thorough analysis is advisable to help make the decision defensible if it is appealed.

### Decision

The actual decision can be brief. It could be simply a design review approval. However, many decisions will include a series of conditions following the approval, if nothing else highlighting the subsequent steps such as filing the report with the county assessor (to be attached to the deed) or meet conditions imposed by the fire marshal. These can be pro forma conditions, listed upfront automatically.

Conditions involving design changes are another matter. It is not uncommon for some minor issues to be unresolved by the time of the design review decision. For example, specifying the exact species of a tree could be delayed until the building permit stage. But it would be unwise to have a long list of deferred issues with conditions attached. This indicates that the review was not thorough or the decision was rushed. Deferring major items to a later point in the process puts unnecessary pressure on the agency. It is much better to take the time to resolve the issues during the review.

Most design review ordinances give the decision-making body the authority to "approve, approve with conditions, or deny" a proposal. Most of the time, the middle course is followed. However, occasionally it is necessary to deny a proposal. This is a serious decision and can have political repercussions. This authority should be used very sparingly. Denial should be reserved for cases where it can be documented that the development team was not willing to make changes to the proposed project so that it would comply with the standards and guidelines.

### Notice of Decision

Every city has its own way of legally providing notice for a permit or decision. The precise method is often specified

in the general municipal code or in the code authorizing design review. The content is the final decision with conditions, if any. This should be sent to the applicant, the various people who sent in comments, and any other agencies that have review or permitting authority. The property itself need not be posted.

A key element in the notice is to indicate an appeal period and with whom the appeal would be filed. Many cities wait until the appeal period has been exhausted to issue any subsequent permits. Some will allow building permit submissions to be reviewed with the risk taken by the applicant in case there is an appeal. An appeal that is filed in a timely manner will usually stop any further processing.

## ADMINISTRATIVE APPEALS

A key piece of the design review process is allowing for an appeal of the decision, either by the applicant or another party with legal standing. Legal standing can vary for different jurisdictions. Some places allow anyone to have standing. Others have narrowed it to people who participated in the review process by either being an applicant or a party who provided comment. Design review ordinances should make this clear.

It is important to have this step prior to a court appeal; the judge will always want to know if administrative appeals have been exhausted. Appeals of design review decisions can be heard by any one of several parties.

- **City Council.** It is common for a city council to be the appeals body. However, having a legislative body whose members likely have little or no training in design oversee the appeals process can lead to problems in understanding the substantive issues raised during an appeal. In addition, council members in the role of an appeals body cannot have ex parte communication. This limitation can cause problems for the constituents of council members as they are used to free access, and may require the recusal of council members or at least a declaration of the nature of communications. Another downside is that appeals can take time away from other city business. Testimony is taken with witnesses (which can consume many hours) and a record must be kept in case of further appeals. Citizens also sometimes view appeals as a kind of plebiscite on the project and orchestrate big turnouts of opponents. Unless carefully managed by the city attorney, appeals hearings can be very contentious.
- **Planning Commission.** This is a reasonable model, although planning commissions often have more than

enough workload than to take on appeals. Planning commission sometimes have members with backgrounds in design or development. But if that is not the case, it can be difficult for a body used to discussing policies and programs to understand the detailed aspects of codes, standards, and guidelines.

- **Board of Zoning Appeals.** Some cities use their boards of zoning appeals for design review appeals. The downside is that BZAs do not always have members who are trained in the design professions and they may struggle with design questions.
- **Hearing Examiner.** A hearing examiner is similar to a zoning judge; in this regard, this approach is a continuation of the quasi-judicial process. The position is appointed by the mayor, city manager, or city council and is usually filled by an attorney with a planning background or a planner with a legal background. Hearing examiners conduct proceedings almost exactly like courts. They take testimony only from witnesses indicated in advance by the city, the appellant, or the applicant. Cross-examination is allowed. Materials are marked as evidence. Rules of law and precedents are followed. Examiners can dismiss cases out of hand as being unsubstantiated. They can also demand that the parties narrow the issues down to a handful; a shotgun approach does not work. In an appeal, the examiner gives weight to the city's process and documentation. He or she is not determining whether people object to a project but whether the city has made a procedural or substantive error in applying its adopted standards.

Of the various options, the hearing examiner system almost completely removes politics from the picture. This can sometimes please a city council as they are spared meetings consumed by hours of testimony and rancorous audiences. Developers prefer this process because it is more objective and measured, as well as apolitical. Neighborhood groups often don't like it, as it does no good to show up at an examiner hearing with a big crowd and a petition in hand.

It should be noted that there are some unusual ways of hearing appeals in some states. Oregon, for example, uses a state board called the Land Use Board of Appeals (Oregon 2018).

In any of these methods, there can be continued appeals to the courts. And at that juncture, the expenses and time involved for all parties increases significantly. If a case goes beyond a local appeal, the first judicial level is the county trial court (or superior court). Most judicial appeals stop at this level. These courts will not hear a case until administrative

appeals at the local jurisdiction have been exhausted. Occasionally, design review cases go all the way to the state level, though this been exceedingly rare, as the limited number of cases discussed in Chapter 2 indicates.

## CONCLUSION

As with any regulatory tool, design review has evolved and matured as it has seen more widespread use. It has become more orderly, methodical, and consistent in its structure and application. The techniques described in this section are intended to equip cities with the means to ensure that design review meets the tests of other regulations—fairness, public transparency, and objectivity. Implemented thoughtfully, design review can be an effective way to help guide the livability, quality, and character of communities.

## CHAPTER 4

---

# DESIGN STANDARDS AND DESIGN GUIDELINES

Design review is based on a set of criteria that are adopted and implemented as either standards or guidelines. These two terms have resulted in considerable confusion in many quarters.

*Design standards* are fixed, quantitative measures of design attributes. They include numbers, dimensions, and precise wording that result in a narrow range of outcomes. They are mandatory. *Design guidelines* are flexible, qualitative measures of design attributes. They rely upon descriptive language that embraces a broad range of outcomes. They may or may not be mandatory. Both are typically displayed in a combination of illustrations, diagrams, photos, and text.

Design review processes can use a combination of standards and guidelines. Standards should be codified in the zoning or development code, while guidelines can be published in a separate document and referred to in the code. The local legislative body should formally adopt both design standards and design guidelines. Design standards are adopted by ordinance, while design guidelines may be adopted by ordinance or resolution. In some communities, design guidelines may not be adopted legislatively, but many land-use attorneys maintain that unless design guidelines are adopted in some manner by the legislative body, they have little effect.

Table 4.1 provides a comparison of these tools. The sidebar at the end of this chapter describes how to create design standards and guidelines; keeping these categories and the attributes listed in mind during the process will help frame the language in a manner that allows for better administration.

It is worth pointing out the distinction between ministerial standards and discretionary guidelines. To make an analogy, an example of a standard might be, “The maximum speed limit shall be 65 mph.” This is clear, measurable, and not arguable. A guideline allows for judgment to be applied; for example, “Vehicles must be driven within safe limits given the conditions of the road.” The first exhibits specificity, the second is more about sound judgment. Both approaches can be useful but they are not interchangeable. Legally, ministerial actions call for the application of objective, measurable criteria that leave very little room for different interpretations.

It might be tempting for some planners to want to only use design standards. Objective requirements eliminate arguments with applicants. But design review should be about collaboration, cooperation, and a mutual desire to arrive at a good outcome. It is not about producing cookie-cutter solutions. The process requires a professional attitude of respect and understanding and not merely a mechanical exercise of applying codes. “The code says . . .” is not a positive way to engage in a collaborative effort.

More importantly, neither urban design nor architecture should be subject to templates. Thousands of books have been written about all aspects of design and there are few hard and

**TABLE 4.1. COMPARISON OF DESIGN STANDARDS AND DESIGN GUIDELINES**

Characteristic	Standards	Guidelines
Required?	Mandatory use	Mandatory consideration
Flexibility	Relatively little	Considerable
Intent	Specific	General
Descriptions	Quantitative/ Numeric	Qualitative/ Performance
Verb Used	“Shall”	“Should”
Application	Objective	Subjective
Decision	Ministerial	Discretionary
Outcomes	Predictable	Wide variation
Documentation	In ordinance	Guidance document
Legislative	Adopted by ordinance	Adopted by ordinance or resolution

Source: Authors

fast rules. Indeed, design is a subject that lends itself to debate; design review is one embodiment of the democratic notion of civil discourse.

## DESIGN STANDARDS

Having specific design standards is useful to ensure that development results are consistent and predictable. But the number of such standards should be fairly limited, addressing the most critically important aspects of a corridor, a district, or a neighborhood. Examples include:

### Street and Sidewalk Design

- Connectivity of streets and sidewalks
- Traffic calming and bicycle facilities
- Transit access
- Sidewalk “zones” for planting and storefront activities
- Street trees and other plantings

### Site Design

- Pedestrian connections to public sidewalks
- Pedestrian lighting
- Location of parking
- Landscaping of parking lots
- Screening trash areas

### Building Design

- Weather protection over sidewalks
- Visible entrances to buildings
- Transparency at ground floor
- Concealing mechanical equipment
- Upper-level stepbacks

Although standards should be written to be objectively administered, they can have internal choices that allow for some degree of variation. A “menu” approach can allow for choice, allowing the design team to craft their own combination of elements. For example, a design standard addressing “Visible Building Entrances” using a menu of options might look like the following:

#### Visible Building Entrances

Intent: The primary entrance to a building shall be visually prominent from a public street.

Standard: Of the following methods to achieve this intent, at least three of the following shall be used:

- Recessed facade

- Projecting facade
- Raised canopy
- Taller door dimensions
- Double doors (or revolving doors)
- Lighting fixtures flanking the entry
- Steps or stoops
- Change in materials

In this approach, it is sometimes useful to maintain a catalog of design features that would meet these terms. It is also always useful to include a glossary of definitions.

To add an element of potential creativity, cities may add a choice to the list of “an element chosen by the designer to achieve the intent.” This allows for a creative idea not imagined by the writer of the standard. Sometimes designers come up with something unexpected. If possible, standards should try to allow for—or at least not discourage—more innovative design approaches. The reviewing body is merely responsible for ensuring that standards are met and design elements used in the project meet requirements.

## Content of Standards

A jurisdiction should reserve design standards for those aspects of site and building design where it truly wants to see specific outcomes. It is a matter of finding an appropriate balance between quantitative elements and qualitative elements.

Keep the set of standards to a relatively small number that are the most important subjects to address. The longer the list of standards, the more designers will be restricted in being able to develop creative solutions. Moreover, the longer the list of design standards to comply with, the less manageable the process becomes for both the design team and the reviewing body. It is simply difficult to keep in mind that many directives. Long sets of standards may have overlapping or sometimes even conflicting language. It is better to focus on the items that are truly important to a given setting than attempting to cover every single detail.

Within the scope of design review, standards can be organized into three to four categories. These should be laid out from the broad to the specific and in a manner that reflects the design process, starting with the larger context: for example, street and sidewalk design, site design, and building design, as indicated above. Some communities also address signage within their design standards.

For each of these subjects, it is probably best to keep the number of standards to somewhere in the range of five to 10. Some subjects (such as site design) might have a number toward the upper end of the range because of the complexi-



ties of the surroundings. Others, such as sign design, might have fewer standards.

The total number of standards should fall into the range of 30 to 40 for any given district or corridor. That is a manageable number that can be discussed in reviews, regardless of who the review body is. More than that and the entire process can seem burdened by a plethora of directions that give a design review process the reputation of being difficult to navigate.

### Record of Interpretations

Regardless of how well-crafted standards are, there will inevitably be situations that require interpretations by the decision-making body. There are also frequently circumstances that, if not unique, were not anticipated. This will require a disciplined form of application so that there is a precedent that can be applied in other similar cases. To have varying interpretations of a single rule can create havoc in the development community going forward.

An agency conducting design review should keep a file of interpretations. Legal staff should be asked to review and approve each one. Interpretations should be maintained on the agency's website, filed according to subject matter, for people to see what has been decided previously.

### Illustrating Design Standards

Graphics are very often useful to help explain a standard. An important rule, however, is "the simpler the better." Keep the information to a few key dimensions, such as the minimum height or width of a canopy, or the various zones within a sidewalk. Graphics should be line drawings that can easily be readable if a page is scanned or copied.

Graphics should illustrate the written standards, not add new information. The written standard is always the rule, and graphics should never convey information that conflicts or muddies the clarity of the standard. The use of graphics from other cities should be avoided, as some standards are tailored to the particular circumstances, history, or patterns of a place and may not be transferable.

Another approach to illustrating design standards is to use photographic examples from built projects. First, this is hard evidence that other developments have achieved the standard. In addition, multiple examples demonstrate that there are different ways of achieving it. Examples should be drawn where possible from the community itself, or from other nearby communities. Architectural forms, details, finishes, materials, and even colors are often regionally specific.

However, be careful that an illustration does not unintentionally violate another standard. Also, be sure to pe-

riodically freshen up examples, as building designs can become dated over time. If the standards are included within an adopted code, it is difficult to include photo examples in a standard codified publication. One alternative is to maintain a website or electronic file of numerous examples of a built result of each standard.

### Departures or Deviations from the Standard

Variances are not typically part of a design review process. These are exemptions from codes, as authorized under state statutes. Variances can be granted when it is difficult for a property owner to comply with numeric requirements, such as setbacks, due to a situation not under the control of the owner and unique to the property in question. An example would be a triangular lot that, if all setbacks were applied, would have no practical area left for a building.

Many cities include within their design review process a possibility of receiving a "departure" or "deviation" from a standard. This request is specifically flagged in an application. The test is usually whether the proposed design feature meets the intent in an equal or better way than the precise meaning of the standard. An example might be a standard that calls for an upper-level stepback of 10 feet above a height of 50 feet. A departure might be given for a stepback of 15 feet at a height of 60 feet. Some jurisdictions consider departures as a matter of course, to encourage better design. Others do not approve them lightly and insist upon some tangible public benefit being provided in exchange for the departure or deviation.

Finally, some design standards have built within them the possibility of alternatives. This can be done through a menu approach, as described previously, or by indicating multiple ways of achieving the standard.

### Suggested Format

There are many different ways of formatting design standards. The examples provided in the sidebar on p. 50 illustrate one successful way. They are formatted to read like a short verbal and visual "story." The reader can scan the headings to get the essential information or go deeper to get the details. The diagrams illustrate the words.

## DESIGN GUIDELINES

The ability to use professional and reasoned judgment has always been the cornerstone of good city planning. The process of making good communities is not merely about dimensions, quantities, and proscriptions. It is a part of a

## EXAMPLES OF DESIGN STANDARDS

### Street Design

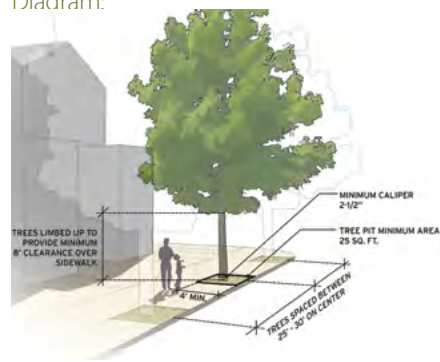
#### Subject: Street Trees

Intent: To provide consistency in the appearance and function of street trees.

Standards:

- Street trees shall be planted behind the curb in a linear planting and furnishings zone at least four feet in width.
- Street trees shall be a minimum of 2.5" in caliber at the time of planting and spaced between 25 feet and 30 feet.
- Tree planting pits shall be at least 25 square feet in area.
- The species shall be drawn from a list of approved street trees provided by the city.
- Tree pits shall be covered according to city specifications.
- Mature trees shall be limbed up to provide a minimum clearance over the sidewalk of at least eight feet.

Diagram:



(Walker Macy)

### Site Design

#### Subject: Pedestrian Connectivity

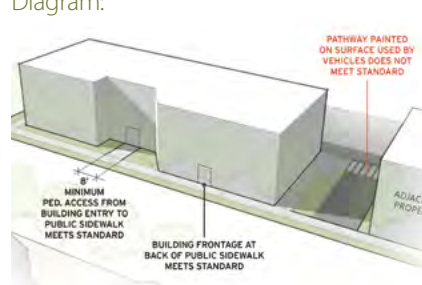
Intent: To allow people on foot to access multiple destinations in a commercial or mixed use area without encountering barriers.

Standards:

Each development shall allow for a connection to adjacent properties with a walkway that is a minimum of 8 feet in width.

- This requirement may be satisfied by providing a walkway between the main entrance and a public sidewalk or by placing the building frontage at the back of the sidewalk.
- Pathways painted on surfaces used by vehicles shall not count toward meeting this standard.
- If an adjacent property is developed, the new connection shall match up with the existing one.
- If no development exists on an adjacent property, this requirement still exists to allow a connection in the future.

Diagram:



(Walker Macy)

### Building Design

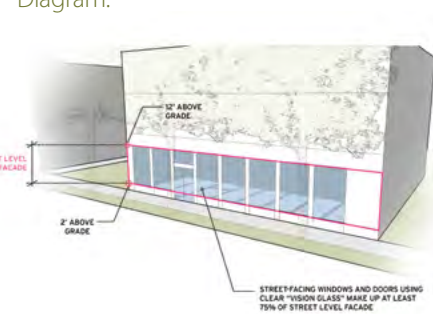
#### Subject: Ground-Level Transparency

Intent: To ensure along certain streets that there is a high degree of visual connection between human activities within a building and human activities in the public realm.

Standards:

- A commercial use located along a designated Class A Pedestrian Street (see attached map) shall have windows and doors on facades facing a public street that use clear "vision glass."
- On the street-level floor the amount of glass shall be at least 75 percent of the street level facade, measured between two feet above grade and 12 feet above grade.
- Materials such as mirrored glass, tinted glass, translucent glass, and opaque spandrel glass may be used but shall not count toward the minimum.

Diagram:



(Walker Macy)

democratic process that embraces different perspectives, experiences, and expertise.

Design guidelines offer direction without limiting choices. They are inspirational and educational. They open up possibilities. At their best, they challenge people to make better buildings, better streets, and better places. Design guidelines, effectively used, can encourage people to think collectively—that they are engaged in the important actions of creating whole neighborhoods, not just building something on a single site.

This is why design guidelines use “should” statements. While each guideline must be considered, there is flexibility inherent in the wording. It is even possible that certain circumstances prevent a guideline from being applied, but at the very least, that assessment will have been done. Guidelines allow for site-specific conditions to play a role; what may be appropriate in one location may not be in another. Design guidelines are intended to be applied through a collaborative discussion of what makes sense in a particular context.

Design guidelines should be organized into the same categories as design standards: for example, street and sidewalk design, site design, building design, and sign design (optional).

Although broad words such “appealing,” “compatible,” and “interesting” can be used in intent statements, the actual guideline statements should convey enough specificity for the language to be acted upon without much interpretation. Vague nouns and adjectives can result in confusion and contentious arguments over meaning. They can also result in decisions being overturned if a court finds guideline language too vague and therefore invalid under the constitutional void-for-vagueness doctrine.

### **Discretionary Decision Making**

Design guidelines allow for subjective decision making. This is not a bad thing. They allow the administrator or board to exercise sound judgment after thoughtful deliberation. By the same token, the proposer of a project should also be free to suggest a more creative way of accomplishing the same intent.

But design guidelines are not any less applicable because they use the verb “should.” Any set of guidelines should include a preface that clearly spells out their use and states they must be considered in any project for which they are required. It is certainly possible that some guidelines might have less import or impact, but an applicant is responsible for making that case. The burden of proof is on the applicant, not the city.

To strengthen the rationale for “enforcing” guidelines, cities should cite the comprehensive plan section(s) that each

guideline supports. This provides a nexus to a policy adopted by the legislative body. This also helps in defending a decision if it ends up being appealed to a higher board (e.g., city council) or a court. If a city can show a clear connection between legislative actions and regulatory actions, it will be difficult for an appeal to be successful. Courts give considerable leeway to city actions that are reasonably and consistently linked to an overall policy direction.

Decision makers must also assume responsibility for staying within the bounds of the guidelines as adopted by the local government. Though decision making based on guidelines is discretionary, decision makers must base their decisions on the guidelines as adopted.

Because design guidelines do involve discretionary decisions, some administrators or boards seek advice from consultants who are architects, landscape architects, or urban designers. It is commendable that such decision makers recognize their own limitations and secure counsel. It is possible for a city to have a standing list of design professionals with on-call contracts vetted through a normal selection process available to provide assistance. This can be especially helpful for smaller cities that do not have staff with design backgrounds.

Typically, it takes a few hours for a design professional to examine a set of plans, a few hours to write a memo to the director, and sometimes a few hours to meet with the applicant. In the authors’ experience, rarely does this take more than 10 hours in total (e.g., in the cost range of \$1,000–\$2,000, depending on the reviewer’s hourly rate). These relatively low costs can be passed on to the applicant through fees.

### **Flexibility**

By definition, guidelines embrace flexibility. The “should” statement must not be read as “shall.” The decision-making body should invite design teams to not just meet the letter of the guideline but address the intent behind it. This is precisely where design guidelines can make a project shine and go beyond merely meeting the basics. Design and development teams should be encouraged to be playful and treat the guideline as an aspiration that can be met in many different ways. For example, guidelines can be used to prevent a repetitious use of standard building design templates, which is often a hallmark of corporate chains.

Design guidelines can set forth a description of a desired outcome and indicate examples. As is the case with design standards, they can also employ a menu of options to achieve the intent. The examples in the sidebar on pp. 52–53 illustrate both. The objective should be to invite development teams to come up with unique and creative designs.

## EXAMPLES OF DESIGN GUIDELINES

### Subject: Streetscape

Intent: On designated pedestrian streets, the sidewalks should be safe, convenient, and attractive for people on foot.

Guideline:

Along street frontages, the development should include multiple features that encourage and support use by people on foot. Examples include:

- Seating in individual seating units, ledges, benches, or a combination
- Pedestrian-scaled lighting fixtures
- Artwork, including inlays in the sidewalk surface, mosaic walls, and sculptures
- Seasonal floral plantings
- Directional signs, oriented to pedestrians

Note: These are examples of features that contribute to the streetscape. Other unique and creative elements that meet the intent may be proposed.

Photo of streetscape elements:



(Walker Macy)

### Subject: Public Spaces

Intent: Public spaces within a development should be usable, attractive, and lively.

Guideline:

Public spaces should be provided by development in areas shown on the attached map. Each public space should contain at least four of the following elements:

- Trees and other planting
- Seating in a variety of types from fixed to movable
- Pedestrian-scale lighting
- Special paving materials, not just scored concrete
- Artwork, including on the surface of vertical objects
- Water feature, still or animated
- Food services or other permanent vending

At least two sides of the space should be occupied one or more of the following:

- Retail shops
- Cafes/restaurants, including outdoor seating
- Personal services
- Public uses such as government, schools, library, recreation center, and human services
- Public assembly buildings such as theaters, churches, and conference center
- Public markets

Note: The elements are deliberately not more specific in order to encourage unique designs. This menu approach should result in many different combinations.

Photo of public space elements:



(Mark Hinshaw)

**Subject: Buildings at Key Intersections**

Intent: Certain intersections should be highlighted by elements of new development.

Guideline:

When located at key intersections designated on the attached map, buildings should provide at least three of the following features:

- Corner plaza, with planting and seating
- Corner tower form
- Large window openings
- Sloped or pitched roof form
- Richer colors
- Refined cladding materials such as stone and brick
- Seasonal planting
- A feature proposed by the designers that meets the intent

Note: There are many ways of shaping a building to result in a sense of importance for the location. This guideline invites creativity in architectural expression.

Photo of key intersection elements:



(Mark Hinshaw)



One rich subject for a design review board or staff to discuss is the appropriateness of “one-off” designs. In some design quarters, professional standing is elevated by the degree of uniqueness or sometimes quirkiness of architecture. Is this appropriate in all places and for all uses? Does a community want to be dominated by a private building that calls attention to itself with intense colors or form? Some communities thrive on variety; others place a greater value on consistency. There is not necessarily a correct answer here.

### **Record of Interpretations/Application**

Because the application of design guidelines can vary widely by situation and site, it is useful to maintain a record of decisions to show how various developments have met each guideline. This allows applicants to see that there is a range of acceptable approaches. This could be particularly helpful for small business or property owners who only do development occasionally. It also makes it much easier for the municipality to maintain consistency in how the guidelines are applied over time.

### **Illustrating Design Guidelines**

Just as with standards, graphics are always helpful to illustrate design guidelines. The same caveats apply to guidelines as with standards: the design principle displayed in any graphic must be explained in the text. Care should also be taken when photographic examples are used to emphasize that the one or two images provided are not the only options but merely some representatives of the total spectrum of approaches.

Captions are especially useful to direct readers to the salient attributes of examples, as well as call-outs around an image to reinforce what the important points are. Good publishing software can allow for much more editorial formatting.

### **Suggested Format**

As with design standards, there is no one “perfect” way to format design guidelines. The sidebar of design guidelines on pp. 52–53 demonstrates one format. Note the use of the word “should,” since this is a guideline and not a standard.

## **USING BOTH STANDARDS AND GUIDELINES**

Each community must determine for itself the appropriate mixture of standards and guidelines. To only have standards locks development into a narrow range of design options and doesn’t always sufficiently address more qualitative charac-

teristics. On the other hand, to have only guidelines provides a weaker set of directions with the chance of missing attributes that are important to the community.

In order to determine the right balance of standards and guidelines, it would be useful to list all of the subjects that are potentially needed to address design issues in a district, corridor, or area—perhaps a few dozen subjects. Then, identify the subset of subjects that is critical for clarity, consistency, and predictability. This could be less than 10. These would be turned into standards while the rest are addressed as guidelines or in some cases discarded. The result should be a number that can be reasonably managed in the review process.

Because they are quantitative and objectively measurable, design standards are often included within zoning codes. Design guidelines are typically provided in a separate document that is more graphic in format, as codes do not allow for much illustration beyond simple diagrams. However, both standards and guidelines may be put into a separate, user-friendly document for particular districts, such as a downtown, so that applicants have a single comprehensive set addressing design issues. In this case it is vital for an agency to ensure that the wording of standards in the user guide is absolutely identical to the code language to prevent conflict and confusion.

## **CONCLUSION**

Design review involves ensuring that proposed development meets both a baseline of attributes and a quality that builds and strengthens districts, neighborhoods, or corridors. This chapter describes the characteristics of the two principal tools used in the design review process. Design standards by nature are mandatory and measurable; design guidelines are flexible and discretionary. Both should be used together to produce desirable outcomes.

## COMPOSING DESIGN STANDARDS AND GUIDELINES

The following is a suggested process for developing design standards and guidelines:

1. Create a working committee composed of five to nine people, including staff, planning commissioners, and representatives from the design community. Consider broader public involvement activities, including open houses, workshops, and surveys to explain the forthcoming standards and guidelines to the public. (Note: A broad public involvement program will not be necessary here if there is a recently adopted comprehensive plan or district plan and the design standards and guidelines are an implementation action of that plan.)
2. Alternately, hire a consulting firm to create new design standards and guidelines. Using a consultant to create the standards and guidelines does not preclude the need for a working committee, however. That group would be tasked with overseeing the consultant's work product and advising staff on the process.
3. Review all design-related goals, policies, and objectives in the adopted comprehensive plan and subarea, district, corridor, and neighborhood plans to use as organizing principles and categories.
4. Make field visits to new development projects in the community and nearby jurisdictions and collectively critique the projects, listing both positive and undesirable attributes. Consult with development review staff in those jurisdictions about their review processes.
5. Consider other existing buildings and sites in the jurisdiction, including historic structures and districts, that embody the building type and site features that new design standards and guidelines will aim to achieve. Working committee members can nominate suggestions for the team to consider.
6. Group the standards and guidelines into topical categories; for example, street design, site design, and building design. For each category, craft a brief statement of intent.
7. Discuss and determine which items should be strict and which should allow more flexibility.
8. Assign a staff member with graphic capabilities to draw diagrams that represent each standard or guideline. Collect and include photographs as examples of each standard and guideline.
9. Prepare a draft of the text and graphics. Keep the number of pages to no more than 50 to ensure brevity and ease of use. For standards, make them clear, specific, and measurable. Some could have menus of choices, as long as the choices are very clear and defined. Use the verb "shall." For guidelines, allow for flexibility through menus of choices, descriptive language, and adjectives that describe concepts. Avoid numbers. Use the verb "should." Avoid vague terms such as attractive, pleasing, compatible, and harmonious.
10. Present the draft to various groups, including the planning commission, city council, neighborhood associations, and representatives of builders' associations to get comments. Include draft updates on the city's weekly email blast if appropriate.
11. Post all draft and final work products on the municipality's website with links to public meetings and hearings schedules and instructions on how to submit written comments.
12. Refine the draft into a hearing-reading form and begin the process of legislative adoption.

CHAPTER 5

---

# CASE EXAMPLES

Design review is applied in cities throughout the country with varying population sizes. Within the United States, there are several dozen cities that range in population between 500,000 and one million people. Most of these cities use some version of design review (or landmarks review), and a number have recently gone through the process of revising or refining their approaches. Many smaller cities use design review as well. It is this group that has been increasingly making use of design review in recent decades.

Regardless of size, most cities employ similar techniques, including the use of design standards and guidelines, and have developed ways to incorporate public comment. The biggest distinction is whether the review process is done by professional staff, by a board, or a hybrid of the two.

This chapter offers 10 case study examples of how design review is applied in a range of cities with varying population sizes. The list focuses on cities of less than one million population, as there are only 10 cities in the U.S. that exceed that size and lessons from very large cities are often difficult to transfer to smaller places. The case study cities are listed from largest to smallest in population size.

## AUSTIN, TEXAS

Population: 947,890 (2016)

Process: Professional staff review of nonresidential and mixed use development in certain areas; design commission review of development in the downtown and other designated areas

Criteria: Design standards and guidelines

Documentation:

- *Austin City Code*
  - Title 2, Administration; Article 2, Boards; §2-1-130, Design Commission.
  - Title 25, Land Development Code; Chapter 25-2, Zon-



Figure 5.1. Austin, Texas  
(RoschetzkyStockPhoto/  
Getty Images photo)

ing; Subchapter E, Design Standards and Mixed Use. Subchapter F, Residential Design and Compatibility Standards.

- *Urban Design Guidelines for Austin*. City of Austin Design Commission, January 2009.
- *Bylaws of the Design Commission*. City of Austin Design Commission, n.d.
- *Land Development Training* [video]. Austin Planning and Development Review Department.
- Website: “Design Commission,” [www.austintexas.gov/designcommission](http://www.austintexas.gov/designcommission)

Austin has experienced significant growth and development since the early 1990s, as its warm climate, irreverent vibe, and thriving tech industry have made it a desirable place to live and do business. There has been considerable commercial and residential development within and close to downtown.

The city has design standards for residential infill development and development in several special districts and areas, including the waterfront and transit corridors. A design commission oversees the application of design guidelines for projects that have applied to the city’s Downtown Density Bonus Program, new City buildings in the downtown, and, since 2008, other “areas of the city which, through general agreement, seek to create and shape dense development” (Austin 2009).

The guidelines are divided into four categories: areawide urban guidelines, public streetscape guidelines, plaza and open space guidelines, and building guidelines. “Because the city is a community of people and not of buildings,” the guidelines are based on a set of eleven values commonly held by the city and its residents: humane character, density, sustainability, diversity, economic vitality, civic art, a sense of time, unique character, authenticity, safety, and a connection to the outdoors (Austin 2009, 4–6).

Austin’s design commission has 11 members who are appointed by the city council. Unlike in many other cities, a professional background in a design profession is not a prerequisite for membership. The commission’s bylaws explain that the body’s duties and responsibilities are to, in part:

- Offer policy recommendations regarding specific issues of urban design
- Participate in developing design guidelines
- Provide citizen education and outreach regarding quality urban design
- Provide a venue for citizen input on the design and development of the urban environment

- Maintain liaison relationships with city staff and other boards and commissions

The design commission has also developed interim design guidelines for public infrastructure projects. The intent is to “address the design character and construction of components and systems that structure and support the ongoing development and growth of the City of Austin and aim to enable the City to attain its vision of becoming the most livable city in the country” (Austin n.d., 2). The guidelines highlight 10 core principles: integrated infrastructure should be contextual, connected, integrated, compact, sustainable, hybridized, humane, ecological, timeless, and inclusive.

## SEATTLE

Population 704,352 (2016)

Process: Design commission reviews public projects with city funding; neighborhood design review boards review private commercial and multifamily development

Criteria: Design guidelines and standards

Documentation:

- *Seattle Land Use Code*, Title 23, Land Use Regulations; Chapter 23.41, Design Review.
- *Seattle Design Guidelines*. Seattle Department of Planning and Development, 2013.
- *Design Review for Downtown Development*. Seattle Department of Design, Construction and Land Use, n.d.
- Website: “Design Review,” [www.seattle.gov/dpd/aboutus/whoware/designreview/program](http://www.seattle.gov/dpd/aboutus/whoware/designreview/program)

Since the early 1970s, Seattle has had a design commission that has been active and well respected. However, its charter calls for it to principally review projects funded by the city, such as community centers, libraries, police stations, parks, and other civic improvements. The commission has a very limited role in private development, only weighing in when a project proposes to vacate a street or alley. In return for an approval, it seeks tangible public benefits, such as artwork, enhanced pavement, or a small public space. This review process has been accepted by all parties and has been seen as adding value to public investments.

In the mid-1990s, the city adopted a neighborhood design review process that applies to commercial development and medium- to high-density housing (Seattle DCI 2018). There is no review of single-family dwellings or industrial projects and, as stated above, the design commission reviews all public projects.





Figure 5.2. Seattle  
 (Vishal Jalan/Flickr  
 photo (CC BY 2.0))

The city was divided into seven sectors, which are groupings of smaller neighborhoods, and a design review board was set up for each. The city has been recently looking at reducing the number to five, as managing that many boards has proved to be a huge administrative commitment. All the boards share a dedicated design review staff with the Department of Planning and Development, with a lead staff person for each board.

Each board has five volunteer members with a mix of representation. The five positions are selected from the following interests: design, community/residential, development, and business/landscape design. Typically, there is more than one member with a design background.

The boards meet several times on a project, including for what is called “Early Design Guidance,” in which no design is reviewed but the board instead states its priorities from a list of guidelines adopted by the city council. The applicant shows the site, the program, and some salient issues. Although this is not a formal public hearing, the board sets aside an amount of time to hear from the public. Letters can also be sent in and reviewed. After holding at least one more meeting (but often two and, occasionally, three) the board makes a recommendation to the director of the permitting agency.

An interesting aspect of the boards’ review authority is that they can recommend departures from many numeric standards, such as setbacks and upper-level stepbacks. They cannot increase or reduce building height or floor area ratio, however. To keep the process moving along, a meeting on

any given project cannot exceed two hours, with at least half that time reserved for deliberation by the board. This means both the applicant and members of the public must be brief and relevant in their presentations. Indeed, the chairs of the boards often give brief introductory speeches that summarize their review authority. Anything having to do with land-use entitlements, such as density, height, and parking, are off the table; no comments will be heard because those issues are beyond the board’s authority. This keeps commentary relevant to design issues.

Collectively, the boards review many hundreds of projects each year. In recent years, this has sometimes meant more than one meeting a month, with two to three projects discussed at each meeting. It is sometimes difficult to find citizen volunteers to commit that amount of personal time; all meetings are in the evening. Moreover, the “personality” and quality of the various boards differs quite significantly. The downtown board attracts the most experienced and creative talent; other boards less so. The city has been grappling with how to elevate the quality and consistency of reviews while still allowing for public involvement. One recent addition has been a “Director’s Rule,” an administrative directive to developers that they find ways to receive and incorporate public comment prior to the formal city review (Seattle DCI 2018). That pushes developers to meet with neighborhood groups early in the development process.

Each neighborhood was given an opportunity to devise its own guidelines, reviewed for propriety and legality by the

Figure 5.3. Denver's 16th Street Mall near Union Station (David/Flickr photo (CC BY 2.0))



administration. Alternatively, a neighborhood can choose to rely upon a generalized set of guidelines developed by city staff. To date, less than 20 percent of the city's neighborhoods have crafted their own guidelines. The director makes formal decision with recommendations by the applicable board.

Finally, appeals of a decision are made to a hearings examiner. The examiner holds a formal, courtroom-like hearing. It is not an open public hearing but rather a focused appeal involving only the city, the applicant, and the appellant (sometimes the latter two are the same). The examiner can dismiss the appeal, can affirm the appeal and remand it back to the department, or deny the appeal. Usually appeals stop there, but occasionally some go to superior court. It should be noted that prior to design review, many projects were appealed on environmental grounds. The development process was frequently disrupted by contentious and protracted legal challenges. The current process, which involves considerable public input, has reduced appeals to a trickle.

## DENVER

Population: 682,545 (2016)

Process: Professional staff review applied to private development in specific areas throughout the city

Criteria: Design standards and guidelines

Documentation:

- *Denver Zoning Code*, Article 10, General Design Standards.

- *Denver Design District GDP Urban Design Standards and Guidelines*. City and County of Denver, 2017. [One example of many]
- Website: "Design Standards and Guidelines," [www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/other-regulations/design-standards-and-guidelines.html](http://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/other-regulations/design-standards-and-guidelines.html)

Denver has made a number of strategic planning decisions over the last 20 years that have resulted in a considerable amount of development in multiple parts of the city. The former Stapleton Airport is now a mixed use development large enough to be a complete new neighborhood. Downtown has benefited from the introduction of light rail, a surface transit/pedestrian street, and major civic investments, such as a performing arts center and stadiums. Perhaps the most dramatic change has occurred in the area surrounding the grand and now restored Union Station. Once on the edge of the Lower Downtown historic district, the area is now intensely developed with mid- and high-rise buildings with a large residential population.

Design review in Denver is an administrative process conducted by staff trained in design. As of 2018 there are more than 25 design review districts in the city, categorized as either "neighborhood context" or "special context" districts. Nine of the districts apply a combination of standard and guidelines and the remaining districts use one or the other (Denver CPD 2018). Design review is administered as part of the city's general development review process.

Article 10 of the city’s zoning code also contains general design standards that apply throughout the city, including in the design review districts, except where specified (Denver 2018). In addition to general standards for parking, landscaping, pedestrian facilities and circulation, site grading, and outdoor lighting, Article 10 contains special sign regulations for designated zoning districts and subareas.

Within the downtown, the staff coordinates reviews with the Downtown Denver Partnership ([www.downtowndenver.com](http://www.downtowndenver.com)), a development authority set up to plan, fund, and direct projects. According to city staff, the review function has resulted in many buildings of high-quality design and character. The review process does not focus on “blending in” but rather encourages unique, high-profile design concepts. Formerly a rather architecturally conservative city, Denver has been using design review to encourage special places and distinctive architecture.

One interesting aspect of this city’s approach to design review is that it only looks at the first 85 feet of a building’s height, with the idea that the lower floors are those that relate to the public realm of the street. They leave the upper floors to the preferences of the development team. This approach focuses design review where it counts the most. It also gives freer rein to designers to make expressive buildings of their own creation.

The city’s administrative design review process is appealable to the board of adjustment rather than the city council. However, there have been few appeals. This may be due to the careful integration of the public review process with the private design process.

Denver’s process employs two techniques that are transferable to other cities. First, it initiates review at the early concept stage, rather than waiting for a finished design. The staff actively engages with design teams in a collaborative manner. This resolves many issues early on. Second, the staff does rigorous follow-up in the field as projects are constructed to make sure that the design elements that were shown in the plans are, in fact, built.

## PORTLAND, OREGON

Population 639,863 (2016)

Process: Hybrid. Design commission reviews public and private projects in the central city and other designated areas; staff review projects in other areas

Criteria: Design standards and guidelines

Documentation:

- *Portland Municipal Code*, Title 33, Planning and Zoning.
  - Chapter 33.218, Community Design Standards



Figure 5.4. Pearl District, Portland, Oregon (Eric Fredericks/Flickr photo (CC BY-SA 2.0))



- Chapter 33.420, Design Overlay Zone
- Chapter 33.710, Review Bodies; §33.710.050, Design Commission
- Chapter 33.825, Design Review
- *Design Review Application Process*. City of Portland Bureau of Development Services, 2018
- *A Guide to the City of Portland Design Review Process*. City of Portland Design Commission, May 2016
- Websites:
  - “Design Commission,” [www.portlandoregon.gov/bds/article/168799](http://www.portlandoregon.gov/bds/article/168799)
  - “Design Guidelines,” [www.portlandoregon.gov/bps/34250](http://www.portlandoregon.gov/bps/34250)
  - “Design Review,” [www.portlandoregon.gov/bds/article/74223](http://www.portlandoregon.gov/bds/article/74223)
  - “Design Overlay Zone Amendments,” [www.portlandoregon.gov/bps/70324](http://www.portlandoregon.gov/bps/70324)

Of the cities described here, Portland has had the longest-standing design review process. Initiated in the early 1970s, design review has been used by the city extensively over the following decades. Design review has contributed to the city becoming a model for intelligent and thoughtful urban and building design.

The impact of design review through codes and adopted implementation criteria on development in the Center City, which flanks the Willamette River, has been particularly striking. Many development projects have made outstanding contributions to the public realm. These are particularly evident in downtown, the Pearl District, and the Lloyd District, where numerous new buildings have recently been built. Development in these areas has complemented major public investments in streets, parks, and other public spaces.

Portland uses a single design commission to review both public and private development. By ordinance, the makeup of the seven-person board must include different design professions as well as residents. In recent years, because of considerable development intensity, the board meets twice a month, with meetings sometimes extending from early afternoon to late evening.

Initially set up for guiding the downtown core, the board’s geographic purview has been incrementally extended to cover most portions of the central city, as well as other designated commercial and mixed use districts. Currently, the city is in the process of extending its reach even further into areas that have seen considerable development but do not receive design scrutiny. The city is considering recalibrating thresholds to reduce the number of projects requiring review.

It is also updating sets of design standards and guidelines, some of which are out of date.

Portland has a hybrid design review system. Not all projects come before the design commission. Depending on location, size, and type of development, a design review staff conducts some reviews. Moreover, the administrative design review staff of 10 to 12 people is separate from the staff of three to four people that supports the design commission. The commission is under the Bureau of Planning and Sustainability, while administrative design review is done by the Bureau of Development Services.

The design commission holds hearings and the public can and does testify. In recent years the workload has been so intense that meetings have gone on for more than seven hours, from early afternoon into the evening. The city has been making some management improvements, such as limiting times for discussing each project and exempting small projects altogether, to reduce the timelines and make the process more predictable for all parties.

In 2017 the city completed a comprehensive audit of its design review process (Portland BPS 2017). The Design Overlay Zoning Assessment involved interviews with developers, designers, and neighborhood representatives. It looked at what other peer cities do with their design review procedures, and it reviewed scores of built projects to see if they accomplished the legislative intent. A host of recommendations emerged that addressed public engagement, the management of meetings, and focusing reviews on larger and more complex projects.

The assessment noted that many of the design standards and guidelines being currently applied were written in the early 1990s, and the city now has an entirely different set of priorities than it did back then. It also found that there were simply too many standards and guidelines for both designers and reviewers to easily keep track of, and some were conflicting. The city is now embarking on an effort to both update and simplify their design codes, standards, and guidelines. The lesson is that decision-making criteria need to be reexamined and recrafted from time to time.

From scores of interviews with civic organizations and individuals, it was clear that residents and the development community value the design review process and see that it is part of a larger picture of actions by the city to carry out its urban design vision. That does not mean that decisions are not immune from contention; indeed, the city commission (elected council) has overturned some design commission decisions on appeal. Also, Portland has set a high bar for design, with its public buildings as prime examples. The qual-

ity of development in that city is significantly better than many other cities in the U.S. However, field inspections and permit research determined that a significant number of developers have moved into areas not governed by design standards or guidelines. Some of the projects in these areas do not show the same level of high-quality design found elsewhere in the city. Portland is amending its code to bring these areas in.

## CLEVELAND

Population: 385,809 (2016)

Process: Local Area Design Review Councils are appointed to review and advise on development projects in the city's eight design review districts; all new housing construction in the city is subject to separate design review standards and guidelines administered by a committee of the City Planning Commission

Criteria: Design guidelines and standards for general development; separate criteria for new housing construction

Documentation:

- *Cleveland Zoning Code*, Chapter 341, Design Review
- *Residential Design Guidelines*. City of Cleveland City Planning Commission and Department of Community Development, July 1995.
- *Housing Design Review Scoresheet*. City of Cleveland Housing Design Review Subcommittee, October 2016.

- *Design Review Applicant Guide*. Cleveland City Planning Commission, 2015.
- *Design Review Submittals Checklist*. Cleveland City Planning Commission, n.d.
- Website: "Design Review," <http://planning.city.cleveland.oh.us/designreview/cpc.php>

Cleveland has an expansive design review program that applies to all development that falls into the following categories:

- Within the city's seven design review districts
- Any new construction of residential, commercial, or institutional buildings that are outside of design review districts
- New residential construction citywide
- All public properties, including exterior alterations to buildings and structures owned by local, county, state, or federal government or by any other governmental agency, including regulated public utilities
- Planned unit development districts

Cleveland has seven design advisory committees, made up of five to 11 district residents appointed by the plan commission (Cleveland City Planning Commission 2018). The planning director transmits all development applications that are subject to design review to the appropriate local advisory committee and the committees' reviews are conducted concurrently with other applicable reviews. The planning director has the discre-



Figure 5.5. Cleveland's waterfront (Ron\_Thomas/Getty Images photo)

tion to approve an application administratively if it will have no significant impact on the design or appearance of the property.

Between 2011 and March 2018, the local committees reviewed approximately 2,400 applications. Signage and building demolitions were the two most common application types. The criteria in the design review ordinance used to review proposed demolitions (§341.08) attempt to mitigate loss of architecturally significant structures, but also allow for the removal of buildings that are a blight on the neighborhood.

The design guidelines (§341.07) range from the general to the specific. The criteria encourage contemporary building design, stating, “All buildings are recognized as products of their own time” (§341.07.b). This means new construction is not expected to mimic historic architecture. The exception is where such design would clearly detract from the architectural unity of a grouping of architecturally significant structures. The guidelines are very specific when it comes to sign design, addressing sign types, placement, color, lettering, the overall quantity of information displayed, and how signs or lettering are attached to a building. Also of note, although they are labeled guidelines, they include two prohibitions: chain-link fencing and billboards are not allowed in the design review districts.

Cleveland also conducts design review on all new residential construction and substantial renovations to existing

houses. That program is run by the city’s Community Development Department, which staffs a Housing Design Review Subcommittee, a joint committee of the city’s Housing Development Office and the Cleveland Planning Commission. The residential design standards were enacted in 1995. Their purpose is to ensure that any residential infill project is consistent in terms of height, setback, roofline, and bulk requirements of the houses around it. Affordable housing projects are subject to design review if they are built on city land bank land or if they receive community development-administered funds, such as housing trust fund money. The city created a residential design scoresheet that planners use to administer the residential design review process. From 2013 to 2017 there were, respectively, 39, 50, 66, 87, and 60 new residential projects that underwent design review. Approximately twice that number of major housing renovation projects went through design review each year.

## BELLEVUE, WASHINGTON

Population 141,400 (2016)

Process: Professional staff review process for downtown, most commercial, and high-density housing districts

*Figure 5.6. Downtown Park in downtown Bellevue, Washington (gregobagel/Getty Images photo)*





Criteria: Design standards and guidelines

Documentation:

- *Bellevue Land Use Code*
  - Chapter 20.25, Special and Overlay Districts; Part 20.25A, Downtown
  - Chapter 20.25, Special and Overlay Districts; Part 20.25D, Bel-Red
  - Chapter 20.30, Permits and Decisions; Part 20.30F, Design Review
- *Ordinance No. 6377, Bellevue Downtown Livability Initiative*. October 12, 2017.
- *Bel-Red Subarea Plan*. City of Bellevue, 2009.
- Websites:
  - “Land Use Permits—Design Review,” <https://development.bellevuewa.gov/permits-and-inspections/permits-and-forms/land-use-permits>
  - “Downtown Livability Initiative,” <https://planning.bellevuewa.gov/planning/planning-initiatives/downtown-livability-initiative>
  - “BelRed Look Back,” <https://planning.bellevuewa.gov/planning/planning-initiatives/belred-look-back>

In the early 1980s the city of Bellevue adopted land-use policies that directed most growth away from freeways and into its downtown. A new district around a light-rail station was added in the early 2000s. Since adoption of the downtown plan and code, Bellevue has gained a dense downtown filled with dozens of towers, both residential and commercial. Its skyline rivals cities several times its population. A fundamental component of the policy shift was to guide the quality of development through a design review process.

There is no board or commission. All design review is done by a staff of eight to 10 professionals with backgrounds in various aspects of design. Their sole charge is to review projects with no other planning responsibilities. The staff is well managed and provided with continuing education. They are expert in dealing with both the development sector and the public. The ultimate decision maker is the director of the department of development services, who considers thorough analyses and recommendations by the design review staff.

The Bellevue land-use code confers responsibility for design review to staff (§20.30F.170). The staff uses a comprehensive set of design standards and guidelines, and receives and incorporate comments submitted by the public. Notice of impending design review decisions is made by through mailings and large on-site signs. Appeals are to the city’s hearing examiner, with a decision by the city council. The examiner creates

a record of facts and testimony, with a recommendation to the city council, which holds a hearing only on the record.

Initially, when the most dramatic code changes were adopted that gave the green light to high-rises in the range of 200 to 300 feet, there was a major pushback by residents, particularly those living just outside of downtown. Subsequent code changes were made to mitigate the impact of redevelopment, such as reducing allowable building height around the perimeter of downtown. Still there were numerous appeals in the early years. Since the early 2000s, downtown has attracted several thousand residents who view a dense and diverse downtown as desirable. Much of the opposition has moved on.

In a matter of a few decades, Bellevue has changed dramatically from being the classic suburban model of single-family houses and strip shopping centers to an intense, urban, and socially diverse city. Once dominated by accommodations for the movement and storage of cars, the downtown now attracts people on foot and using transit; construction has begun on a new rail line that will connect the city to the regional light-rail system. Design standards and guidelines played a central role in this transformation, emphasizing ground-level activity, increasing the width of sidewalks, and requiring public spaces. This complemented other public investments in parks, libraries, a new city hall, a convention center, public art, and pedestrian amenities.

In 2009 the city adopted the *Bel-Red Subarea Plan* and zoning and code changes for a 900-acre light industrial area (Bellevue 2015). With the implementation of 12 new zoning districts and design guidelines, the area will accommodate two transit-centered nodes, comprising one of the largest redevelopment opportunity sites in the Seattle region. Plans for the area call for 5,000 new housing units as well as new parks, bike paths, and an ecological restoration zone.

Design guidelines were adopted as part of the city’s land-use code to “support and complement the community vision described in the *Bel-Red Subarea Plan* that is part of the City’s adopted Comprehensive Plan” as a “flexible tool for quality and innovation” offering “a descriptive template for promoting and improving the urban character of the area without dictating or prescribing a specific style or theme” (§20.25D.150.A). Each guideline includes an intent statement for the guideline, the explanatory text of the guideline itself, text and photographic examples of recommended development consistent with the guideline’s intent, and text and photographic examples of recommended development that are not consistent with the guideline’s intent. The guidelines are organized into five categories that address character and site, pedestrian emphasis, architecture, lighting, and signage.

They are framed as directives, such as, “Integrate the natural environment,” “Promote welcoming residential entries,” and “Orient hanging signs to pedestrians.” They provide a good example of clear but flexible guideposts to achieve planning goals for a special area, such as a downtown or, in this case, a transit corridor.

In October 2017, the Bellevue City Council adopted a set of revisions to the design standards and guidelines for downtown. These changes were the culmination of a multi-year Downtown Livability Initiative that updated the city’s policies from the 1990s for development density and intensity in the six zoning districts that are in place for downtown as well as two perimeter districts that provide a buffer between downtown and the surrounding neighborhoods (Bellevue PCD 2017).

## CHAPEL HILL, NORTH CAROLINA

Population: 59,246 (2016)

Process: Community Design Commission for town center and neighborhood conservation districts; development agreements

Criteria: Design standards and guidelines

Documentation:

- *Chapel Hill Land Use Management Ordinance*
  - Article 8, Administrative Mechanisms; Part 8.5, Community Design Commission
  - Appendix B, Neighborhood Conservation Districts
- Website: “Community Design Commission Membership,” [www.townofchapelhill.org/town-hall/mayor-and-council/boards-commissions/board-membership-policy/community-design-commission](http://www.townofchapelhill.org/town-hall/mayor-and-council/boards-commissions/board-membership-policy/community-design-commission)

Chapel Hill applies design review in three town center zoning districts, 12 neighborhood conservation districts, and to all projects citywide that exceed certain size thresholds. Each conservation district has its own design standards, guidelines, or combination of the two.

All design standards are incorporated directly or by reference in the town’s land-use management ordinance. The design guidelines for each district are adopted separately as parts of subarea plans within the town’s comprehensive plan. The city also uses development agreements to formalize zoning and development standards and design standards and guidelines for large-scale projects, in-

Figure 5.7. Chapel Hill,  
North Carolina  
(Town of Chapel Hill)



cluding the Glen Lennox neighborhood redevelopment, described below.

The town has a community design commission made up of nine members, which conducts the entirety of the review after it receives a complete application from staff. The commission has 35 days to make recommendations on the proposal in writing to the applicant and the town council (Chapel Hill 2017b).

A notable application of the neighborhood conservation district concept, coupled with design standards and guidelines, has unfolded between 2007 and 2018 in the Glen Lennox neighborhood. The neighborhood was a master-planned community, completed in 1953, of 78 one-story multifamily buildings containing a total of 440 rental units. There is also a commercial center, which was a state-of-the-art, auto-oriented shopping center when it opened in the 1950s. The neighborhood retains many positive physical attributes, including an extensive tree canopy, wide sidewalks, and winding streets. Many of the buildings, however, have outlived their useful life.

The *Glen Lennox Area Neighborhood Conservation District Plan* calls for retaining some of the existing structures while redeveloping much of the site with higher-density residential and commercial development (Chapel Hill 2012). After an extensive public process, the town enacted the Glen Lennox Neighborhood Conservation District in 2008. It comprises a trio of districts, each tailored to goals for future development in the area.

In 2014, Chapel Hill and Grubb Properties, the property owner and redeveloper, signed a development agreement that specifies a new zoning district, infrastructure and street standards, tree preservation, density requirements, design standards, and design guidelines that will be applied to the redevelopment of the site. The development agreement incorporates the design standards and guidelines that were adopted as part of the conservation district in 2008 (Chapel Hill 2017a).

There are 11 guiding principles for redevelopment of Glen Lennox, which can be found along with detailed and illustrated design standards and guidelines in the *Glen Lennox Neighborhood Conservation District Plan*:

1. Value the history of the neighborhood and the Glen Lennox apartment and commercial property.
2. Preserve the street network.
3. Create and maintain public open space.
4. Balance the new development with preservation of the trees and tree canopy.

5. Keep a portion of the buildings.
6. Transition and vary density and heights of the buildings.
7. Provide landscaped buffers for sensitive neighbors.
8. Preserve the Church of the Holy Family's visibility and accessibility.
9. Create an effective transportation strategy.
10. Encourage community sustainability.
11. Encourage and support community diversity.

The *Glen Lennox Neighborhood Conservation District Plan* provides an excellent example of how a city can use design standards and guidelines to shape redevelopment of existing neighborhoods.

## LENEXA, KANSAS

Population 52,903 (2016)

Process: The city applies design review through a professional staff; design standards apply to many areas of the city, including the new city center

Criteria: Design standards and guidelines

Documentation:

- *Lenexa Unified Development Code*, Chapter 4-1, Zoning.
  - §4-1-B-28, CC, Planned City Center District
  - §4-1-C-5, Architectural Design Standards
  - §4-1-C-7, Pedestrian Oriented Design Standards
- *Lenexa City Center Design Standards and Guidelines*. Adopted 2007; revised 2015.
- *Citywide Urban Design Principles*. Appendix, *Lenexa Comprehensive Plan*.
- *Urban Design Policies for City Center*. Appendix, *Lenexa Comprehensive Plan*.
- Website: "Development Resources," [https://lenexa.com/government/departments\\_\\_\\_divisions/community\\_development/planning\\_and\\_zoning/development\\_resources](https://lenexa.com/government/departments___divisions/community_development/planning_and_zoning/development_resources)

Lenexa is a city in fast-growing Johnson County, southwest of Kansas City, Missouri. The city's unified development code includes architectural and pedestrian-oriented design standards that apply to all new development, but it is the new City Center that has received the greatest attention over the last decade. Design review has been focused on this area as it has received a substantial amount of public investment in infrastructure, parks, and civic buildings.

In the mid-1990s, the city put together a plan to relocate its city center from a nondescript, auto-oriented commercial arte-

Figure 5.8. Lenexa City Center (Randy Braley Photography and City of Lenexa)



rial to a new location approximately two miles west. The concept was to have a mixed use, walkable, multistory urban center, with a concentrated collection of civic buildings and spaces.

The city purchased 100 acres and rezoned an area at least double that size for coordinating higher-intensity development on both the public property and adjacent private properties. The plan called for new streets and major parks. The city used tax increment financing to help pay for streets and parking structures. Design review was seen as a technique for guiding the quality of this form of development, which was new for Lenexa.

The design review process involves frequent meetings with various development teams. All projects go through two to five phases of design review, depending on the complexity. The city retains a consultant on a modest time-and-expenses basis as a design advisor for more complicated projects. The design concepts for each increment of development are discussed, with critiques given at each phase. This is an unusual form of design review in that it does not involve the public. (Since the city center was on vacant land, there were no residents.)

The staff applies a set of architectural design standards and guidelines on a citywide basis that were adopted by the city council in 2007 and revised in 2015 (Lenexa 2015). Developers are encouraged to meet with city staff early in the design process to discuss applicable criteria. Guidance documentation notes which criteria are mandatory “standards” and which are advisory but recommended “guidelines.” These design standards and guidelines address site design, building design, and sign design.

The applicant and city development review staff decide in preliminary meetings whether the architectural standards will apply to a proposal. The intent of the design criteria is to

assist in the review and evaluation of building design during preliminary and final plans. The architectural standards are used in conjunction with the *Urban Design Guidelines* (2007) and more recent *City Standards and Guidelines* (2015).

Although not fitting the typical model of design review, the Lenexa case demonstrates the range of options available to communities. It has been very effective in creating a distinct and distinctive new city center.

## COEUR D’ALENE, IDAHO

Population 50,285 (2016)

Process: Design review commission for downtown and commercial districts

Criteria: Design standards and guidelines

Documentation:

- *Coeur d’Alene City Code*, Chapter 2.98, Design Review Commission
- *Commercial Zones Design Guidelines (C-17 & C-17L)*. City of Coeur d’Alene, 2010.
- *Downtown Design Guidelines*. City of Coeur d’Alene, n.d.
- *Infill Development Regulations and Design Standards*. City of Coeur d’Alene, n.d.
- *Design Review Process*. City of Coeur d’Alene, n.d.
- Website: “Design Review Commission,” [www.cdaid.org/199/committees/design-review-commission](http://www.cdaid.org/199/committees/design-review-commission)

Coeur d’Alene has been building a reputation as a desirable recreational community in Northern Idaho, with charming older neighborhoods, a verdant landscape, and adjacency to the beautiful Lake Coeur d’Alene. In the 1990s,





Figure 5.9. Coeur d'Alene  
 (D.Taylor in Idaho/Flickr  
 photo (CC BY 2.0))

its downtown Main Street was revived using the Main Street techniques developed by the National Trust for Historic Preservation. As Main Street was becoming more vibrant, the city was beginning to see development occurring in the residential and mixed use districts surrounding downtown. There was a renewed demand for people to live near a dynamic core.

The city created a design review commission in 2003 composed of eight citizens appointed by the city council. Two members come from the planning commission, another must be a licensed architect, one must be from the real estate or development industry, one must be a resident of a district where design review is required, one must be a resident from anywhere in the city, and one must be a building designer or landscape architect. The commission meets twice a month and reviews all downtown development and projects larger than 50,000 square feet in several commercial districts.

The commission meets with applicants three times. As the review meeting progresses, more detail is requested. A pre-application meeting between the applicant and the planning department sets the stage for review by the commission.

Over the years, the city has adopted a number of design standards and guidelines applied to specified districts. There are sets for downtown, for several districts surrounding downtown that encourage infill, and for other commercial areas.

Over the past 20 years, downtown Coeur d'Alene has experienced a shift in scale. For most of its history, the downtown was composed of buildings two to four stories in height. Because there was no height limit, a few developers began to build residential towers that were well received by buyers, both seasonal and year-round residents. (One hotel tower had been built in the early 1990s.) This change in height and intensity led to a desire by the city council for design standards and guidelines to address pedestrian activity, public spaces, and active sidewalks. A new downtown ordinance adopted in 2006 added height limits, floor area limits, and a bonus system to encourage public amenities, as well as design standards and guidelines (Coeur d'Alene n.d.).

The city sees the design review tool as being one important part of its strategies for directing the location, quality and character of new development. Design review is used together with tax increment financing and public investments in enhanced streets.

## BOZEMAN, MONTANA

Population 45,250 (2016)

Process: Design board review, with final decision made by



director of community development; conservation districts; below certain thresholds, design review is done by professional staff

Criteria: Design standards and guidelines

Documentation:

- *City of Bozeman City Code*
  - Chapter 2, Administration; Article 5, Boards and Commissions; Division 18, Design Review Board
  - Chapter 38, Unified Development Code (UDC)
    - Article 2, Permits, Legislative Actions & Procedures; §38.210, Development Review Committee, Design Review Board (DRB), Administrative Design Review Staff, Wetlands Review Board, Board of Adjustment Jurisdiction & Scope of Authority
    - Article 2, §38.230.040, Plan Review—DRB review thresholds
    - Article 3, Zoning Districts & Land Uses; §38.340, Overlay District Standards, Part 1: Neighborhood Conservation Overlay District & Historic Preservation
    - Article 4, Community Design; §38.410, Community Design & Elements
    - Article 5, Project Design
- *Bozeman Design Objectives Plan*. City of Bozeman, 2005.
- *Bozeman Guidelines for Historic Preservation & The Neighborhood Conservation Overlay District*. City of Bozeman, 2006, amended 2015.
- Website: “Citizen Advisory Boards—Design Review

Board,” [www.bozeman.net/government/citizen-advisory-boards#DRB](http://www.bozeman.net/government/citizen-advisory-boards#DRB)

During the 1980s the city of Bozeman undertook a series of actions to reinvigorate its downtown. The result was so successful that major investors were coming in from outside the state to renovate buildings and operate businesses.

By the early 1990s, the downtown eight-block Main Street was thriving with shops and restaurants, coffee bars, bakeries, art galleries, and other businesses. However, every street that led into downtown was lined with strip commercial development, huge signs, used car lots, and massive parking lots.

In order to protect its investment in downtown, the city created design overlay districts for seven corridors (Bozeman 2005). Design guidelines were adopted to enhance site design, reduce large signs, add pedestrian connectivity, and require better building design. The guidelines were adopted just in time to cause a proposed Walmart to redesign its standard building type and create one that was specific to Bozeman.

Over the subsequent decade, the corridors were transformed. Big signs were eventually all removed. New development was of markedly high quality. Guidelines required development to exhibit a character reflecting the community’s location and heritage. In the mid-2000s the city revised its guidelines and made them applicable to all commercial development. So successful has this 25-year effort been that the city folded the overlay districts into the general land-use code.

Figure 5.10. Bozeman, Montana (Gloria Cabada-Leman/Flickr photo (CC BY 2.0))



This program was revised, updated, and expanded in 2005 to reflect the changes and incorporate other areas. Subsequently, a January 2018 update and reorganization of Bozeman's unified development code has eliminated the Entryway Corridor Overlay District and created articles on community design and project design that are universally applicable (Bozeman 2018). After seeing the success of using standards in those corridors, the idea of expanding the approach to cover even more development had solid political support.

The city's design review board (DRB) is comprised of eight members. Three must be licensed architects, at least one must be a landscape architect, and one must be an architectural historian. At least one of the professional members must have expertise in urban design. Two nonprofessional members must demonstrate an interest in urban design or historic preservation. No member can concurrently serve on other commissions.

The DRB reviews all development proposed within the Neighborhood Conservation Overlay District, planned unit developments, and large-scale retail development. The DRB also reviews projects meeting one or more of several thresholds: 45 or more dwelling units; 30,000 or more square feet of office, commercial, or industrial space; four or more stories; 20,000 or more square feet of exterior storage; and parking for more than 90 vehicles (\$38,230,040). In addition, the DRB hears appeals of design review decisions by the professional staff. The board reviews about 160 projects per year—a large number, given the city's size.

## CONCLUSION

These varied examples demonstrate a number of lessons that can be useful to jurisdictions either adding design review to their regulatory toolkit or amending an existing design review process:

- It is essential to have good, clear sets of design standards and design guidelines for use by applicants and reviewers.
  - Both standards and guidelines are important to allow for both predictability and flexibility.
  - From time to time it is useful for jurisdictions using design review to evaluate both the process and decision criteria to ensure that they continue to reflect policies and desired outcomes.
  - Design review is most effective when used in combination with other urban design programs and public investments.
- Finally, in these examples, it is clear that design review has contributed to strengthening community character and has been accepted by the public as having added value.
- The design review process can involve either an appointed body or professional staff and work equally well. Several cities use a hybrid approach with success.
  - The composition of appointed boards benefits from a mixture of both professionals with backgrounds in design and nonprofessionals.
  - Public engagement is important but should be focused to provide useful input to decision makers.
  - Early design guidance to applicants is useful—both through preapplication steps and thorough initial meetings with a board before major design elements are locked in.

## CHAPTER 6

---

# DESIGN REVIEW AND BEYOND

In the decades since design review was first used by local governments, a number of important lessons have been learned, both from court cases and from experience.

It is clear that design review is a permissible application of zoning authority but that jurisdictions using it must be mindful of due process and have clear and specific decision criteria. Courts will not tolerate review criteria that are vague, overly discretionary, or arbitrary. The initial era of an appointed board of citizens expressing their individual, personal opinions about a project is long gone. As a quasi-judicial process, design review is subject to limitations on ex parte communication. It must involve the creation of a public record that includes findings and conclusions based on design standards and guidelines that have been adopted by the local legislative body.

This report has described in detail how design review, when thoughtfully crafted, can be a useful method of guiding development and enhancing the quality of buildings, sites, and the public realm. It is an evolving regulatory technique that has become more established, more broadly applied, and more effective with time. Further, it is a method now grounded in a body of judicial decisions. Methods of administering it are widely varied, ranging from professional staff review to citizen-appointed boards to hybrids of the two. Adopting a fair, transparent, and legally defensible process is as important as having clear and usable decision criteria. These decision criteria include both design standards and design guidelines and most design review procedures use a mixture of both. Finally, there are numerous cities and towns that have a long track record of applying design review; there are successful examples in places of all sizes.

However, design review as a regulatory technique is only one of many ways of elevating the issue of good design in communities. Indeed, most cities and towns with reputations for good design employ more than one method. While this report focuses on design review, it is useful to recognize these other techniques.

## **OTHER METHODS OF ENCOURAGING GOOD DESIGN**

Design review is only one tool in a toolkit that cities and towns can use to encourage better design. Indeed, relying solely upon a regulatory device is a kind of blunt instrument. The following are other techniques that can bring about improved design in both the public and private sectors.

### **Additional Design Objectives**

In the arena of development standards, there are a host of other tools, techniques, and metrics for evaluating the performance of development, many of which address design. These include the U.S. Green Building Council's Leadership in Energy and Environmental Design, commonly known as LEED, and other green building standards, as well as healthy community standards such as New York City's *Active Design Guidelines* (2010).

Some of these additional objectives could be incorporated into design standards; alternatively, they could be referenced. Some, however, are more difficult to blend into the design review process as they deal with subjects other than design. It is not uncommon for another agency or department to administer such tools. Generally, these kinds of standards are promoted and monitored by professionals with specific training in their suitable application.

### **Local Awards Programs**

Several cities have established annual or biannual awards programs for design excellence.

Such programs can take several forms. The organizing entity for an awards program can be the mayor's office, the city council, the local chamber of commerce, or any other public or civic group seeking to raise the bar for urban design excellence in their community. Organizers may create

a nomination process or can simply select built examples to commend. Only projects that have completed construction should be eligible for such programs. Organizers must also decide on award categories.

A newly launched awards program should expect to undergo some trial and error over the first several rounds, as organizers will see what works as far as the categories and what does not. If there is a call for nominations, the entity managing the awards program should create a sustained public outreach campaign to ensure that enough nominations will be received. They will also have to name three to five design professionals from outside the community to serve on the awards jury.

Once winners have been chosen, awards can be presented at city council meetings or at meetings of a local civic organization. This approach rewards good work in a highly public manner and can set a bar that other people can aspire to. Corporate sponsorship can be key to publicizing the awards program, providing or covering the cost of renting an event space and paying for catering, and heightening the business community's interest in good planning.

Three examples of this tool are found in Hamilton, Ontario; Hillsborough County, Florida; and Seattle, all of which have long-standing design awards programs that have received much publicity.

Hamilton, Ontario, a city of approximately one-half million people located at the westernmost edge of Lake Ontario, launched a biennial urban design and architecture awards program in 2005. Until 2017 the award categories varied somewhat from one biennial to the next, but were drawn from a list that included architecture, adaptive reuse, civic generosity, community planning, contextual architecture, heritage restoration, landscape architecture, placemaking, precinct planning, streetscape environmental design, urban design, and urban regeneration.

In 2017 the city reorganized the categories and nominees were placed in nine groups: student projects, civic achievement, urban elements, buildings in context, private buildings, vision and master plans, landscape architecture, public spaces, and green infrastructure. The city appoints a new jury for each competition. The six members have background expertise in urban design, architecture, landscape architecture, journalism, academia, and, of course, planning. Although the criteria may vary depending on the categories each year, the fundamental guideposts the jury uses to evaluate each project include excellence in site design, architectural design, and landscape architecture; appropriateness of built form; sustainability; innovation; and quality of execution (Hamilton 2017).

Since 1983 the Hillsborough County Planning Commission in Florida, along with several corporate partners, has hosted an awards program for excellence in planning. A jury of planners from outside the county select winners in approximately 20 categories, many of which have a design component. The awards are presented each October to align the program with Tampa Bay Design Week, National Community Planning Month, and APA's Great Places in America recognitions. The program's sponsors host a dinner each year at which the awards are announced and presented to winners. Projects are awarded for excellence or merit in the categories of planning, investment, housing, redevelopment, entertainment, historic preservation, environment, and lighting (Hillsborough 2017).

Every two years, the Seattle Design Commission selects projects from those that it has reviewed and confers a recognition of excellence. Projects under its purview, which are initiated by the public sector, are judged on the basis of design, integration with context, sustainability, inclusiveness, partnering, and execution (Seattle Design Commission 2016). The awards are announced at a city council meeting and plaques indicating the award are mounted at the sites of the recognized projects.

### **National, Regional, and State Awards Programs**

All of the major professional design and planning organizations have awards programs that recognize outstanding examples of development. The American Planning Association recognizes plans, including those emphasizing urban design. The American Society of Landscape Architects recognizes designs and plans for specific sites and areas. The American Institute of Architects recognizes buildings of exemplary design and includes urban design plans and master development plans. Projects highlighted by these programs can serve as models for communities wishing to raise the bar for quality of development.

### **Design Competitions**

Many cities, even midsized ones, now set up design competitions for certain high-profile civic projects, such as city halls or major parks. This approach should be used sparingly, and organizers should carefully manage such competitions to keep the playing field level for all designers, whether local or from other areas, and to set clear and consistent parameters for participation.

All professional design organizations have recommended methods for creating and managing fair and open (and blind) design competitions. A city need not reinvent



the process. There are also design competition advisors all over the country who are well practiced at managing the competition process, publicity, jurying, and logistics. The American Institute of Architects is a good source of information on both how to appropriately run a design competition and who has served as competition advisors; it publishes a handbook on architectural design competitions (AIA 2010). Cities should avail themselves of expertise and experience of people who know how to make competitions work well.

One caveat about design competitions: For major civic projects, the city should be prepared to follow through and award the design contract to the winning team. Design competitions have, unfortunately, acquired a negative reputation. In a competition, there is little opportunity for an ongoing dialogue between a design team and the client, so the result can be disappointing to some. Some cities have used competitions to garner free ideas and then award the project to another firm. Cities desiring to make use of a design competition would be wise to retain the services of an experienced competition advisor to ensure a fair and open process.

### Public Projects

Whether or not a public project involves a design competition, it can elevate the bar for design. American cities have had a long tradition of retaining excellent architects and landscape architects for civic works. This is not the place to look for prefabricated solutions or standard templates.

Public buildings last for a very long time and represent the soul of a community. Intentionally or not, their quality conveys a lot about shared values. Not only city halls but schools, fire stations, police stations, community centers, and libraries can and should set examples for thoughtful, creative design. As explained in Chapter 1, good design is worth the extra two to three percent in project costs—for both the private and public sectors.

“Design/build” is a technique that has become popular in recent years, in contrast to the conventional “design/bid/build.” With design/build, a city selects an entire development team, including architects, contractors, and construction managers. While the city gives the developer with the successful award a list of desires, it is the developer who calls the shots and makes decisions about materials, costs, and other project specifics. Design/build can result in lower costs, but if a city chooses this route, they are going to give up some measure of control, as will the architect. By contrast, in the design/bid/build model, the city is firmly in charge of all cost allocation decisions and directing design quality.

The design/build method is most appropriate when there is a private component to a civic project, such as housing or commercial space. Any developer is going to want to earn a profit, and it is much more difficult to do that with a purely public project.

### Monetary Incentives

There are several ways that cities can offer monetary incentives to promote better design. Some cities have funds available through tax increment financing or block grant funds. In some states, these funds can be used on private property, if the result has a public benefit.

One tool is facade improvement programs. Cleveland has a robust Storefront Renovation Program that provides rebates to eligible commercial properties that rehabilitate their storefronts or signage (Cleveland DCD 2018). The city and neighborhood-level community development programs run the program jointly. Applicants can receive rebates of 40 percent of construction costs (up to \$25,000) for eligible improvements to the building exterior. The program offers a 40 percent rebate (up to \$3,000) on eligible signage expenses for businesses that meet eligibility requirements. Eligible improvements are limited to rehabilitation costs for work done to a building’s main elevations and areas most visible to the general public, including storefront display windows, exterior security systems, upper-floor windows, awnings, doors, and business signage. The city makes design experts on staff available to property owners to ensure that the work completed meets the goals of the program.

Such programs can also offer grants or revolving loans to participants to incentive property improvements. The city of Tacoma, Washington, issues low-interest loans to businesses that hire an architect and upgrade their facades (Tacoma n.d.). This program has been widely successful; the cost has been low and a number of districts have been reinvigorated with small new investments. The city does a modest form of design review to ensure that the proposals are of a consistently high quality. This is a way to make a significant difference with minimal expenditures and as a loan, the money comes back to replenish the source.

Another way is for a jurisdiction to become a partner in a project that has public benefits, such as one that combines a civic use with housing. For example, in Portland, Oregon, the county library system rebuilt its Hollywood branch library to include mixed-income apartments on three floors above the street-level library in a partnership with a developer (Hacker Architects n.d.). The resulting mixed use development exhibits an elevated quality of design.

## Walking Tours

Sometimes there is nothing like “kicking the tires” to make you see things that you did not know. Plus, everyone likes to take a field trip. Over the years, one of the authors has taken many busloads of elected and appointed officials, city staff, and even citizens to visit other communities. As long as it can be done in a day including travel, there is never a shortage of people who are interested. Indeed, people typically sign up immediately and fill the available slots.

A good itinerary comprises visits to two or three towns or neighborhoods that have exemplary development and design practices. Arrange to have local staff or elected officials (i.e., peers) tell their stories and answer questions. This can show skeptics that another community has raised the bar without adverse consequences. On one tour, a resident came out, unplanned, and extolled the virtues of her city government. One could see the eyes of the visiting officials light up. The reward was to see how quickly, upon their return, the visiting delegation took action. They saw how design could be enhanced with their own eyes.

Another type of tour is the “walking audit,” pioneered by Dan Burden in the mid-1980s in Florida. A walking audit involves taking a walk with a group of local people along streets in their city. Burden asks people to note elements that either support or frustrate walking. William “Holly” Whyte laid down the foundation for this visceral, observational mode in the mid-1970s (Whyte 1980). He used stop-action filming to observe behavior and see patterns in people’s use of public spaces. AARP has developed a walk audit tool kit that can be used by community members (AARP 2016).

## Websites

Virtually every city now has its own website divided into multiple sections by topic or department. Planners could create a section dedicated to current projects, with visual renderings or photos to highlight them. Such a website can help explain the design review process and its results. It can make people more aware of impending changes in their community, and it can highlight commendable examples of good urban design.

In some places, this kind of educational initiative has come out of the community itself. There are people who act as “development mavens,” compiling public records into an ongoing catalog of physical changes. In Seattle, Ethan Phelps-Goodman maintains an extremely useful “Seattle in Progress” site ([www.seattleinprogress.com](http://www.seattleinprogress.com)) that has a wide following. Portland, Oregon, has a similar site called “Next Portland” ([www.nextportland.com](http://www.nextportland.com)) maintained by Iain MacKenzie. Both sites simply draw from available city files and present

the information in a user-friendly manner. The information is clear, organized, and easily accessed. While local governments could also take this effort on, consistently updating the information provided is a labor-intensive endeavor.

## Citizen Education

Even without a formal Civics 101 program, planners and the appointed and elected officials that oversee planning and development review have the responsibility to continually educate and inform residents on the channels available to provide input on plans and projects. It is easy to imagine how confusing it can be for residents to recognize which projects are approved administratively and which must go before a design review board, and where the opportunities to provide comments exist in either of those processes.

To help encourage a better understanding by the public of government actions, Bellingham, Washington, held several “Planning Academies” for citizens regarding land use (Bellingham 2008). The events covered planning processes, permitting, special reviews, neighborhood planning, and a host of other subjects. The academy attracted hundreds of citizens. An added benefit is that such programs can then become a source of appointees to boards and candidates for office.

## Organizational Resources

Within metropolitan regions there are often resources that are available to cities to research design review approaches and exchange information with peer communities. Some universities have planning programs with good libraries. Professional associations, such as local units of the Urban Land Institute, as well as APA Chapters, sponsor forums and workshops for both government officials and the development sector. There are also nongovernmental organizations that sometimes perform this role, such as the Municipal Resources Service Center in Washington state. The sidebar on p. 77 describes a regional networking service available in the Chicago metropolitan area.

## FUTURE DIRECTIONS

Moving into the future, design review will likely be affected by several factors.

First, as more professionals are trained in urban design and other allied design professions, the level of design expertise in planning agencies will increase. The interest in addressing issues of site design and building design has been elevated since the time when planners primarily dealt with

## REGIONAL NETWORKING FOR BETTER DESIGN REVIEW

John Hedrick, Chaddick Institute, DePaul University

In metropolitan Chicago, the Municipal Design Review Network (MDRN) provides a unique forum for collaboration to share best practices and improve the capacity of local design review professionals. Through ongoing MDRN meetings, elected officials, commission members, planners, and designers now regularly discuss current issues affecting local appearance and architectural review. The success of this network suggests that it can serve as a model for other metropolitan areas.

Ideally, all design review methods should emphasize consistency to help assure fairness in the approval of new development on both a local and intergovernmental basis. Yet in many regions, architectural design review has traditionally been viewed as a local community matter and potential competitive distinction. The ebb and flow of real estate development has magnified these interests and challenges.

In the Chicago metropolitan area, the use of discretionary review in individual suburbs has varied significantly with local history and culture. Generally, design review was first institutionalized through “appearance codes” adopted in the 1970s. Today, with hundreds of separate governmental units in the Chicago area, local character and interests vary widely. These factors and other changes—including rapid suburban development, urban design aspirations from the city core, and new legal challenges prompting remedial legislation—led to the formation of MDRN in the mid-2000s.

As often noted, successful movements and organizations begin with a few individuals. As chair of the Glenview Appearance Commission and founder of an affiliate of the Scenic America organization, I initiated these efforts. Early

participants worked with other planning and professional organization contacts (including the Chicago Metro Section of APA’s Illinois Chapter) to bring together individuals who focused on the architecture and design aspects of municipal development and regulation. The overall concept was to complement and supplement other professional associations and programs by providing updates for this multidisciplinary audience. As of 2018, approximately 100 municipalities have been connected, and more than 1,000 individual government officials, staff, and professionals have participated in MDRN programming.

A partner in these efforts has been the Chaddick Institute, located at DePaul University in Chicago, which has a mission to provide planners and developers a venue for education on land-use issues. The Institute served as a resource for the advisors who set out to create the new network. As MDRN’s current sponsor, the Chaddick Institute provides meeting facilities and administrative support, including an annual schedule of events divided between downtown and suburban locations. In other cities, university-based design centers or regional planning organizations may be able to serve such a role.

The MDRN is guided by an advisory committee made up of municipal planners and other experts that collaborates with the Chaddick Institute in assessing plans and topics for MDRN programs. The members have also volunteered their professional skills and experience to present topics and facilitate discussions. MDRN events include a spring symposium for informal, in-depth discussion of design issues; summer on-site events that feature local planning and architecture of suburban downtown re-

development projects; and fall programming for technical workshops—often cosponsored with the local APA chapters and chapters of the Congress for the New Urbanism or American Institute of Architects.

MDRN has also developed and is maintaining an online library of design guidelines as a resource for professionals (MDRN n.d.). This allows elected officials and their staffs to locate and compare the different approaches employed by communities. The Chaddick Institute and MDRN intend to use and expand this vehicle to compile further surveys, assess best practices, and develop model guidelines.

With recent economic and potential legal challenges, many communities have also been reassessing their municipal governance processes for design review. Volunteers from the network made presentations to municipal boards—who may be reviewing their commitments to design review in light of pressing economic interests—and helped shape plans for “benchmarking” initiatives for their full town councils. Proactively, MDRN has recently published a brochure on the value of design review to support the efforts of local communities and commissions (MDRN 2016).

Improved design review processes promote local economic development, avoid unnecessary border disputes, and enhance the quality of the surrounding areas. Experience at MDRN shows how intergovernmental communication can also be professionally rewarding for all involved.

*For more information on MDRN, see <https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/programs/mdrn/Pages/default.aspx>.*

longer-range policies and zoning approvals. There are now many more people who want to engage in the process of reviewing development and are willing to acquire the necessary skills. As this occurs, some of the past friction between planning agencies and the development community should be diminished.

Second, computer technology is allowing the depictions of proposed development to be considerably more accurate. Many programs allow for the insertion of a proposed building into its context. And they allow for changes to be made more easily as the review proceeds. This should give reviewers—whether they are staff or members of a board—much more and clearer information about a project. Sophisticated graphic programs that used to be costly and difficult to use have now become standard in the offices of most design firms. These tools should improve the speed and depth of review.

Third, some local governments engaged in design review are discovering that a good part of design review involves public education—about both the process and the decision-making criteria. It is useful to have forums for the design and development community to explain the process, timelines, and required submittals, as well as the design standards and guidelines. It is also useful to inform the public how and when they can provide comments, as well as what appropriate subjects for comment are. It is better to be proactive in providing information than to be mired in project-specific contention.

Finally, local jurisdictions should make sure they are not overburdening the process with long lists of design standards and guidelines. There was an earlier notion of “more is better.” Frequently this resulted in redundancy and voluminous documents to wade through. Communities are beginning to understand that design review can be more effective when they are focused on a smaller number of truly key subjects.

## CONCLUSION

Design review will likely continue to evolve as a regulatory technique. Its core purpose of producing higher quality urban design through a transparent public process will be refined. As more cities make use of it, planning departments will need to staff accordingly with people having design education and experience. Information technology can also be employed to help citizens become more aware of how places change and how they can influence those changes.

If crafted with care and thoughtfulness, design review can be a very effective way to direct the quality and character of development in neighborhoods, districts, and corridors.





## APPENDIX: DESIGN REVIEW CODE EXAMPLES

### ESTABLISHMENT, COMPOSITION, AND POWERS AND DUTIES OF DESIGN REVIEW COMMISSIONS

#### Austin, TX

MUNICIPAL CODE (2018)

TITLE 2 – ADMINISTRATION

CHAPTER 2-1 – CITY BOARDS

ARTICLE 2 – BOARDS

§ 2-1-130. Design Commission

- A. The Design Commission membership should include a diverse group of persons having expertise in urban design, architecture, landscape architecture, historic preservation, civic art, real property development, construction, and economic development.
- B. The commission shall provide advisory recommendations to the city council as requested by the city council to assist in developing public policy and to promote excellence in the design and development of the urban environment.
- C. The commission shall:
  1. offer policy recommendations regarding specific issues of urban design;
  2. participate in developing design guidelines;
  3. unless otherwise directed by the city council, for projects that require the approval of the Planning Commission or the Zoning and Platting Commission: (a) review a project only after a formal request by the project sponsor or applicant; and (b) complete the review before the respective Planning or Zoning and Platting Commission takes final action;
  4. provide citizen education and outreach regarding quality urban design;
  5. provide a venue for citizen input on the design and development of the urban environment;
  6. maintain liaison relationships with city staff and other boards and commissions; and

7. perform other activities as directed by the city council.

- D. The commission may appoint one or more of its members to serve as liaison to a project-specific community advisory group addressing urban design and planning issues at the formal request of the project sponsor.

#### Seattle

MUNICIPAL CODE (2018)

TITLE 23 – LAND USE CODE

CHAPTER 23.41 – DESIGN REVIEW

§23.41.002. Purpose

The purpose of Design Review is to:

- A. A. Encourage better design and site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, while allowing for diversity and creativity; and
- B. B. Provide flexibility in the application of development standards to better meet the intent of the Land Use Code as established by City policy, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood; and
- C. C. Improve communication and mutual understanding among developers, neighborhoods, and the City early and throughout the development review process.

§23.41.008. Design Review General Provisions

- A. Role of the Design Review Board. The Design Review Board shall be convened for the purpose of reviewing all development subject to design review, except development subject to administrative or streamlined design review pursuant to this Chapter 23.41, Design Review. To accomplish this purpose, the Design Review Board shall:
  1. Synthesize community input on design concerns and provide early design guidance to the development team and community; and

2. Recommend to the Director specific conditions of approval which are consistent with the design guidelines applicable to the development; and
  3. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.
- B. Design Review Board Membership Criteria
1. Members shall reside in Seattle; and
  2. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and
  3. Members should possess a familiarity with land use processes and standards as applied in Seattle; and
  4. Consistent with the City’s Code of Ethics, Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.
- C. Design Review Board Composition
1. The Design Review Board shall be composed as follows: [See Table A]
  2. Term. Members of the Design Review Board shall be appointed to two-year terms. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection 23.41.008.C.1. The Director may extend the existing term of a serving member by up to one year in order to avoid more than two vacancies at any time. This subsection 23.41.008.C.2 does not apply to Get Engaged members, whose terms are governed by Chapter 3.51.
- D. Design Review Board Assignment
1. Each design review district shall be assigned a Design Review Board consisting of members as follows:
    - a. One member representing development-related interests;
    - b. One member representing the design professions;
    - c. Two members representing local residential/community interests;
    - d. One member representing general business in-

**TABLE A. DESIGN REVIEW BOARD COMPOSITION**

Representation	Development interests	Design professions	Get Engaged	Local residential/ community interests	General business interests or landscape professions
Number	7	7	1 or more	14 (2/district)	7
Selection process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	1 or more pursuant to Chapter 3.51 <sup>1</sup>	3 appointed by Mayor, 4 appointed by Council, 7 jointly appointed by Mayor and Council	Jointly appointed by Mayor and Council
Confirmation process	All appointments made solely by the Mayor are subject to confirmation by Council				

Footnotes to Table A for 23.41.008

<sup>1</sup> One or more designated young adult positions are added to the Design Review Board pursuant to the Get Engaged Program, Chapter 3.51. The selection process and term of service related to these young adult positions are set forth in Chapter 3.51.

- e. No more than one young adult member from the Get Engaged program.
  - 2. Three Design Review Board members shall be a quorum of each District Design Review Board.
  - 3. The Design Review Board members assigned to each project as described in subsection 23.41.008.D.1 shall be known collectively as the District Design Review Board. All members of the District Design Review Board shall be voting members.
  - 4. Substitutions
    - a. In the event that more projects are undergoing simultaneous design review than a District Design Review Board can review in a timely manner, the Director may assign such projects to a geographically unassigned Substitute Design Review Board, whose five members the Director may select from the Substitute Design Review Board membership described in subsection 23.41.008.D.5, so long as the five members represent each of the five interests required by subsection 23.41.008.D.1.
    - b. If an individual District Design Review Board member is unable to serve, the Director may either appoint an individual from another District Design Review Board or may appoint a Substitute Design Review Board member from the Substitute Design Review Board membership described in subsection 23.41.008.D.5 to serve in the member's absence.
    - c. The Director may assign a Design Review Board to review a project outside of its designated district in order to expedite review, provided that the local residential/community representatives shall review development only within their district. In such a case, the Director shall appoint the local residential/community representatives from the District Board from which the project originated, or the local residential/community representative from the Substitute Design Review Board provided in subsection 23.41.008.D.5, or any combination thereof, to review the project, so long as the local residential/community representatives appointed are from the same geographic district as the project to be reviewed.
  - 5. Substitute Design Review Board membership
    - a. Membership criteria:
      - i. A person must have been a member of the Design Review Board whose term has expired;
      - ii. A person must indicate a willingness to continue participation on the Board; and
      - iii. A person must have, in the opinion of the Director, demonstrated a commitment to Design Review through exemplary attendance and Board participation.
    - b. The term of service for Substitute Design Review Board members is indefinite.
- E. Meetings of the Design Review Board.
- 1. Project-specific early design guidance public meetings shall be held as required in Section 23.41.014.B. Notice of meetings of the Design Review Board shall be provided as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
  - 2. All meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the same design review district as the proposed project. Board meetings are open to the general public. The actions of the Board are not quasi-judicial in nature.

## Portland, OR

CITY CODE (2018)

TITLE 33 – PLANNING AND ZONING

700s – ADMINISTRATION AND PROCEDURES

33.710 – REVIEW BODIES

§33.710.050. Design Commission

- A. Purpose. The Design Commission provides leadership and expertise on urban design and architecture and on maintaining and enhancing Portland's historical and architectural heritage.
- B. Membership. The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include a representative of the Regional Arts and Culture Council, one person representing the public at-large, and five members experienced in either design, engineering, financing, construction or management of buildings, and land development. No more than two members may be appointed from any one of these areas of expertise. The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council.

- C. Meetings, Officers, and Subcommittees.
  1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
  2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and Duties. The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
  1. Recommending the establishment, amendment, or removal of a design district to the Planning and Sustainability Commission and City Council;
  2. Developing design guidelines for adoption by City Council for all design districts except Historic Districts and Conservation Districts;
  3. Reviewing major developments within design districts, except those projects involving or located within the following:
    - a. Historic Districts;
    - b. Conservation Districts;
    - c. Historic Landmarks; and
    - d. Conservation Landmarks.
  4. Reviewing other land use requests assigned to the Design Commission; and
  5. Providing advice on design matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.
- E. Annual Report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

## Cleveland, OH

### CODE OF ORDINANCES (2018)

#### PART III – LAND USE CODE

#### TITLE VII – ZONING CODE

#### CHAPTER 341 – DESIGN REVIEW

§341.06. Local Design Review Committees. The City Planning Commission shall establish Local Design Review Advisory Committees to advise the Commission on applications received pursuant to the regulations of this Chapter. The following provisions shall govern the establishment and operation of each such committee.

- A. Appointment of Members. The City Planning Commission shall appoint the members of each Local Design Review Advisory Committee. In making these appointments, the City Planning Commission shall solicit nominations from Community Development Corporations operating within each committee's geographic area of jurisdiction and the Council members representing each such area. Each Advisory Committee shall be composed of not less than five (5) and not more than eleven (11) members, except that the City Planning Commission may increase membership on a particular committee if necessary to incorporate relevant perspectives and areas of expertise. A maximum of three (3) alternate members may be appointed to each committee. The alternate members may vote in place of members not in attendance at a particular meeting, as determined by the Committee's chairperson.
- B. Committee Composition. A majority of the members appointed to each Advisory Committee shall be architects or other recognized design professionals, with the remaining members representing businesses or other organizations with operations in the local area or being residents of the local area. The term "recognized design professionals" shall refer to individuals with documented expertise in such fields as architecture, landscape architecture, urban design, graphic design, or historic preservation.
- C. Committee Jurisdiction and Name. Each Local Design Review Advisory Committee shall review applications received pursuant to this Chapter for properties located within the boundaries of its area of jurisdiction, as established by the City Planning Commission. All areas of the City shall be included in the jurisdiction of an Advisory Committee. The City Planning Director shall assign each Local Design Review Advisory Committee a name identified with the area of the City served by the Committee.

- D. **Term of Appointment.** Each member of an Advisory Committee shall be appointed for an initial term of one (1) year and thereafter a term of two (2) years. After expiration of the initial one-year term, an individual's membership shall continue until the City Planning Commission takes action to replace the member with a new appointment or until the member resigns. The City Planning Commission shall replace members whose attendance is poor or who fail to act in accordance with the regulations of this Chapter.
- E. **Quorum and Voting.** A majority of the Advisory Committee's membership shall constitute a quorum, without which no votes may be taken. Approval of an application shall require the affirmative vote of a majority of the members present at a meeting.
- F. **Meetings and Records.** The Advisory Committee shall meet at least twice monthly unless there is no business to conduct. The staff representative of the City Planning Commission shall be designated as the Advisory Committee's Secretary and shall be responsible for prompt preparation of minutes, which shall be retained by the City Planning Commission.

## Chapel Hill, NC

### LAND USE MANAGEMENT (2018)

#### ARTICLE 8 – ADMINISTRATIVE MECHANISMS

##### §8.5. Community Design Commission.

§8.5.1. **Establishment of the Commission; Charge.** A Community Design Commission, consisting of nine (9) members appointed in accordance with the council's advisory board membership policy, is hereby established. The charge of the commission is to assist the council in guiding the town's vision on aesthetics, character and function to focus community growth through advice, advocacy, and implementation of the council's policies and review of proposed development in key areas of the community.

§8.5.2. **Qualifications.** Members shall be appointed in accordance with the council's advisory board membership policy and shall reside within the planning jurisdiction of Chapel Hill. Members shall serve without compensation, but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the commission.

§8.5.3. **Tenure.** Members of the commission shall be appointed in accordance with the council's advisory board membership policy.

§8.5.4. **Officers.** Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

§8.5.5. **Powers of the Commission.** The commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this appendix, in Chapter 160A, Article 19, Part 7 of the N.C. General Statutes, and in Chapter 278 of the N.C. Session Laws of 1965, including but not limited to the following:

- A. To review site analysis data and conceptual development plans, and offer recommendations to the applicant.
- B. To initiate, promote, and assist in the implementation of programs of general community beautification in the Chapel Hill community;
- C. To seek to coordinate the activities of individuals and public or private agencies and organizations whose plans, activities, and programs bear on the appearance of the community;
- D. To provide leadership and guidance in matters of community design and appearance to individuals and public or private agencies and organizations;
- E. To make studies of the visual characteristics and problems of the community, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire community or any portion or neighborhood thereof, or any project to be undertaken therein;
- F. To prepare both general and specific plans for the improved appearance of the entire community or any portion thereof, including private as well as public property. Such plans shall set forth desirable standards and goals for the aesthetic enhancement of the community or any portion thereof, including public ways and areas, open spaces, and public and private buildings and projects;
- G. To request from the proper officials of any public agency or body its plans for public buildings, facilities, or projects to be located within the town's jurisdiction, and to review such plans and to make recommendations regarding their aesthetic suitability to the appropriate agency or body, or to the council. The commission shall review all such plans in a prompt and expeditious manner, and shall make all recommendations with regard to any public project in writing, and shall promptly transmit copies of the recommendation to the appropriate agency or body, and to the council;



- H. To formulate and recommend to the planning commission and council the adoption or amendment of ordinances that, in the opinion of the commission, will serve to enhance the appearance of the community and/or strengthen design standards for development within the town's jurisdiction;
- I. To direct the attention of appropriate town officials to needed enforcement of any ordinance that may affect the appearance of the community;
- J. To seek voluntary adherence to the standards and policies of its plans;
- K. To enter, at reasonable times, upon private lands and make examinations or surveys as necessary in the performance of its official duties;
- L. To promote public interest in and understanding of its recommendations, studies, and plans, and to prepare, publish, and distribute to the public such studies and reports that, in the opinion of the commission, will advance the cause of improved community appearance;
- M. To conduct public meetings and hearings, giving reasonable notice to the public thereof;
- N. To conduct an annual meeting at which the programs, problems, and policies of the commission shall be presented, and at which the public at large shall be invited to express itself on matters relating to the appearance and adopted design standards of the community;
- O. To recommend to the council suitable arrangement for the procurement or provision of staff or technical services for the commission;
- P. To establish an advisory council or other committees within its membership as it may deem necessary;
- Q. To accept funds from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, and to disburse such funds for any purpose within the scope of its authority;
- R. To review all schematic building designs for special use permits or special use permit modifications, and forward comments and recommendations for consideration at council public hearings;
- S. To review lighting plans and building elevations filed as part of an application for development;
- T. To review alternative landscape bufferyards in accordance with subsection 5.6.6 of this appendix; and
- U. To hear and decide applications for certificates of appropriateness in the Blue Hill District in accord with Section 3.11 of this appendix.

§8.5.6. Meetings. The commission shall establish a regular

meeting schedule, and shall meet at least quarterly and more often as it shall determine and require.

All meetings of the commission shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public, in accord with Chapter 143, Article 33C of the N.C. General Statutes.

The commission shall keep a record of its meetings, including attendance of its members, and its resolutions, findings, recommendations, and actions.

§8.5.7. Attendance at Meetings. Attendance at meetings shall be in accordance with the council's advisory board membership policy.

§8.5.8. Quorum and Voting. A quorum of the commission, necessary to take any official action, shall consist of five (5) members. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

### **Coeur d'Alene, ID**

CITY CODE (2017)

TITLE 2 – ADMINISTRATION AND PERSONNEL  
CHAPTER 2.98 – DESIGN REVIEW COMMISSION

§2.98.010. Established. There is established a design review commission.

§2.98.020. Membership; Terms; Vacancies; Compensation.

- A. The design review commission of the city shall consist of seven (7) members. The members shall be appointed by the mayor and confirmed by the city council. The commission membership shall be made up of:
  1. Two (2) members of the planning commission;
  2. One person who resides within any of the districts under the purview of the design review commission;
  3. One resident of Coeur d'Alene;
  4. One registered architect licensed in the state of Idaho;
  5. One person licensed in building or site design (i.e., landscape architecture);
  6. One person employed in the real estate or development industry.

In addition, there shall be at least two (2) "standing alternates", possessing any of the attributes above, who are available in the event that one of the regular members is absent or is recused from the review process due to a conflict of interest. The term of office for each member shall be for four (4) years or until his successor is appointed and qualified. The terms

shall be staggered so that no more than three (3) terms shall expire on May 1, every two (2) years.

- B. Vacancies occurring otherwise than through the expiration of terms shall be filled by the mayor and confirmed by the city council and members may, in like manner, be removed.
- C. Members of the commission shall be selected without respect to political affiliations and shall serve without compensation.

§2.98.030: Duties and Authority of Commission. It shall be the duty of the design review commission:

- A. To protect property rights and values;
- B. To enhance the built environment, make reports, hold public meetings/hearings and perform all other duties as may be prescribed by the Idaho Code and this code;
- C. To review development proposals as required by this code; and
- D. To provide recommendations to the city council on issues that the city council may refer to the commission.

Commission members shall comply with all city policies, procedures, and regulations.

§2.98.040. Cooperation with City Planning Commission. The design review commission is granted full authority to cooperate with and/or to join with the city planning commission in setting up or establishing such coordinating commission or overall commission as the two (2) commissions may determine.

§2.98.050. Quorum and Meetings.

- A. Quorum Requirement. A quorum of four (4) members, which may include one or more of the “standing alternates”, is required to render any decision.
- B. Meeting Schedule. The commission shall have a standing meeting twice a month, but meetings may be canceled if there is no subject matter to discuss.
- C. Conduct of Meetings. For any given project in any given meeting, the commission shall strive to maintain meetings that are expeditious and orderly, with an objective of conducting its review of any individual project within ninety (90) minutes, including both presentation by the applicant and public comment. The chair of the commission is empowered to keep the meeting progressing expeditiously, including cutting off debate, determining appropriate comments by either the applicant or the public, and ensuring that all direction from the commission is arrived at collectively, rather than from individual members.

## Bozeman, MT

CODE OF ORDINANCES (2018)

CHAPTER 2 – ADMINISTRATION

ARTICLE 5 – BOARDS AND COMMISSIONS

DIVISION 18 – DESIGN REVIEW BOARD

§2.05.3000. Established—Powers and duties.

- A. The design review board (DRB) is established to evaluate aesthetic considerations of larger and more complex proposals which are likely to produce significant community impact and to provide recommendations regarding such proposals to the review authority, subject to the provisions of chapter 38.
- B. The DRB shall act as an advisory body to the review authority for:
  - 1. Development applications located within overlay districts meeting one or more of the thresholds of 38.19.040.C;
  - 2. Conditional use permits located within overlay districts, but excluding conditional use permits for the purpose of accessory dwelling units and conditional use permits which do not create additional building area;
  - 3. Planned unit developments;
  - 4. Appeals from ADR decisions; and
  - 5. Review of applications for large scale retail;
- C. The DRB may develop, and after adoption by the city commission, apply specific guidelines related to such concerns as architectural appearance, landscape design and signage for the construction and/or alteration of structures, sites or areas;
- D. The DRB may review applicable development proposal applications for zoning text amendments, or applications for moving, demolition or any other kind of permit that may affect properties located within entryway corridors;
- E. The DRB has responsibility for projects subject to 38.19.040.C.

§2.05.3010. Composition.

- A. The DRB shall consist of six professional and two non-professional members. Professional members shall be degreed in their respective disciplines and/or otherwise licensed or certified by their respective professional authorities. An appointment to a term of service on the DRB is for two years. The professional contingent shall consist of three architects and at least one architectural historian, and at least one landscape architect or landscape designer. At least one of the professional members

shall have demonstrated expertise in urban design. Non-professional members shall be individuals with an interest in, or knowledge of, urban design or historic preservation. No member of the DRB shall serve concurrently as a member of the planning board or zoning commission. A quorum of the DRB shall be four voting members and one of the members constituting the quorum must be an architect. In the event a quorum of the DRB may not otherwise be attained, the ADR staff may serve as alternates to prevent delay in project reviews.

- B. In selecting the members, the city commission shall give preference to residents of the city. However, where a qualified professional resident is not available to serve, the city commission may appoint a professional member who practices professionally, owns property or owns a business within the city. Where a nonprofessional resident is not available to serve, the city commission may appoint a nonprofessional member who works, owns property or owns a business within the city.

§2.05.3020. Procedures.

To implement the purpose of the DRB, certain procedures shall be adopted to include, but not be limited to, a regularly scheduled weekly or biweekly meeting attended by members of the DRB. Written meeting reviews setting forth decisions and findings shall be made. These records shall be preserved as part of the official proceedings for each developmental proposal. Lastly, the DRB shall generally follow “Robert’s Rules of Order” and may prepare and adopt supplemental procedural rules, subject to the approval of the city commission, that will ensure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the design review process.

CHAPTER 38 – UNIFIED DEVELOPMENT CODE  
 ARTICLE 2 – PERMITS, LEGISLATIVE ACTIONS & PROCEDURES

38.210 – DEVELOPMENT REVIEW COMMITTEE (DRC), DESIGN REVIEW BOARD (DRB), ADMINISTRATIVE DESIGN REVIEW STAFF (ADR), WETLANDS REVIEW BOARD (WRB), BOARD OF ADJUSTMENT (BOA) JURISDICTION & SCOPE OF AUTHORITY

§38.210.010. Purpose of DRC, DRB, ADR, WRB, and BOA.

- A. Purpose. The development review committee (DRC), design review board (DRB), administrative design review staff (ADR) and wetlands review board (WRB), if established, coordinate, expedite and ensure fair and

equitable implementation of this chapter. The objective, to be implemented through their procedures and deliberations, is to encourage development quality that will enhance both the natural and built environments, with consideration to present and future property values, and to carry out the purposes of this chapter. All bodies authorized or referenced under this division 38.210 may call upon any city staff or other persons with technical expertise, and may testify before any board, commission or other body upon the subjects for which they have responsibility.

\*\*\*

- B. DRB. The DRB has the duties and responsibilities established by 2.05.3000.

\*\*\*

- C. Design Review Board Procedures Established. The DRB will be convened as necessary and must follow procedures as set forth in 2.05.3020.
- D. Waiver of Design Review. In the event that the DRB is unable to convene a quorum or does not have the necessary personnel to conduct the reviews required by this chapter, the requirement for review by DRB is waived. Nothing in this section constitutes a waiver of the required review criteria established in divisions 38.340, 38.430, and 38.600 of this chapter.

**THRESHOLDS AND APPLICABILITY OF DESIGN REVIEW**

**Seattle**

MUNICIPAL CODE (2018)  
 TITLE 23 – LAND USE CODE  
 CHAPTER 23.41 – DESIGN REVIEW

§23.41.004. Applicability

- A. Design Review Required
  1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004: [See Table A for §23.41.004, p. 88]
  2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.
  3. Design review is required for all new development proposals located in the Downtown zones listed in

**TABLE A FOR §23.41.004, THRESHOLDS FOR DESIGN REVIEW**

<b>Zone</b>	<b>Threshold</b>
Lowrise 2 (LR2) and Lowrise 3 (LR3)	8 dwelling units or 4,000 square feet of non-residential gross floor area
Midrise (MR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
Highrise (HR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of non-residential gross floor area
Commercial (C1, C2)	4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village <sup>1</sup> , or on a lot that abuts or is across a street or alley from a lot zoned single-family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
Seattle Mixed (SM)	20 dwelling units or 12,000 square feet of non-residential gross floor area
Industrial Commercial (IC) zone within all designated urban villages and urban centers	12,000 square feet of non-residential gross floor area
Master Planned Community (MPC) <sup>2</sup>	20 dwelling units or 12,000 square feet of non-residential gross floor area
All zones – congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units <sup>3</sup>	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

*Footnotes to Table A*

*1 Urban centers and urban villages are identified in the Seattle Comprehensive Plan.*

*2 If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.*

*3 When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.*

**TABLE B FOR §23.41.004. THRESHOLDS FOR DESIGN REVIEW**

<b>DOC1, DOC2, or DMC zones</b>	
<b>Use</b>	<b>Threshold</b>
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
<b>DRC, DMR, DH1 or DH2 zones, or PMM zone outside the Pike Place Market Historical District</b>	
<b>Use</b>	<b>Threshold</b>
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

Table B for 23.41.004 that exceed any of the following thresholds in Table B for 23.41.004: [see Table B for §23.41.004, p. 88]

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet of non-residential gross floor area and electing to add extra floor area above the base FAR that are located in an IC 85-160 zone.
  5. Streamlined Administrative Design Review (SDR) To Protect Trees. As provided in Sections 25.11.070 and 25.11.080, SDR pursuant to Section 23.41.018 is required for any new development proposals in LR, MR, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the lot and is not proposed to be preserved, if design review would not otherwise be required by this subsection 23.41.004.A.
  6. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this Section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.
  7. SDR pursuant to Section 23.41.018 is required for all new developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.
  8. Design review pursuant to Section 23.41.014 is required for any project seeking to participate in the Living Building Pilot Program, including a development proposal for an existing structure.
- B. Design Review – Optional
1. Full design review is optional to any applicant for a new multifamily, commercial, or Major Institution development proposal not otherwise subject to this Chapter 23.41, if the new development proposal not otherwise subject to this Chapter 23.41 is in the Stadium Transition Area Overlay District or if the new development proposal is in any multifamily, commercial, or downtown zone.
  2. Administrative design review is optional for any applicant for new multifamily or commercial development proposals if the new multifamily or commercial development proposal does not exceed the thresholds provided in Table A for 23.41.004 and is not otherwise subject to this Chapter 23.41 if the proposal is in the Stadium Transition Area Overlay District, or is in any multifamily, commercial, or downtown zone, according to the process described in Section 23.41.016. Projects that are not otherwise subject to this Chapter 23.41 and are in any multifamily zone not listed in Table A for 23.41.004 are eligible only for optional full design review under subsection 23.41.004.B.1 if the number of dwelling units exceeds 20. If the project contains 20 dwelling units or fewer, then the project applicant may pursue either full or administrative design review.
3. Streamlined administrative design review is an option for:
    - a. An applicant for a multifamily residential use in an LR zone for which design review is not otherwise required by subsection 23.41.004.A; and
    - b. An applicant for a new multifamily and commercial development proposal in a Lowrise, Midrise, and Commercial zone to protect a tree over 2 feet in diameter measured 4.5 feet above the ground, if design review would not otherwise be required by subsection 23.41.004.A.5.
  - C. Exemptions. The following structures are exempt from design review:
    1. New structures located in special review districts, regulated by Chapter 23.66; design review is not available for an applicant applying for additional building height under the provisions of Section 23.49.180;
    2. New structures in Landmark districts regulated by Title 25, Environmental Protection and Historic Preservation;
    3. New structures that are within the historic character area of the Downtown Harborfront 1 zone, or that are otherwise required to undergo shoreline design review pursuant to Chapter 23.60A; and
    4. New light rail transit facilities that have been subject to review by the Seattle Design Commission.

## **Bellevue, WA**

LAND USE CODE (2018)

CHAPTER 20.30 – PERMITS AND DECISIONS

Part 20.30F – DESIGN REVIEW

§20.30F.110. Scope. This Part 20.30F establishes the procedure and criteria that the City will use in making a decision upon an application for Design Review.

§20.30F.115 Applicability. This Part 20.30F applies to each application for Design Review, except as provided in LUC 20.30F.116.

§20.30F.116 City Council Design Review. Notwithstanding any provisions of the Code requiring that Design Review be conducted under this Part 20.30F, all projects for which a City Council approval is required and an opportunity for public comment has been provided shall be exempt from the Design Review process, but must comply with the applicable Design Review criteria and standards of this Code.

§20.30F.120 Purpose. Design Review is a mechanism by which the City can ensure that site development and structures in specific zoning districts or in specific locations are of high design quality and conform to the requirements of the Land Use Code and the requirements of an applicable concomitant agreement.

§20.30F.125 Who May Apply. The property owner may apply for a Design Review.

§20.30F.145 Decision Criteria. The Director may approve or approve with modifications an application for Design Review if:

- A. The proposal is consistent with the Comprehensive Plan; and
- B. The proposal complies with the applicable requirements of this Code; and
- C. The proposal addresses all applicable design guidelines or criteria of this Code in a manner which fulfills their purpose and intent; and
- D. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
- F. The proposal is consistent with any required Master Development Plan approved pursuant to Part 20.30V LUC or other applicable code section.

§20.30F.165 Merger with Binding Site Plan.

- A. General. The applicant may request that the site plan approved with the Design Review constitute a Binding Site Plan pursuant to Chapter 58.17 RCW.
- B. Survey and Recording Required. If a site plan is approved as a Binding Site Plan, the applicant shall provide a record-

ed survey depicting all lot lines and shall record that site plan and survey with the King County Department of Records and Elections. No document may be recorded without the signature of each owner of the subject property.

- C. Effect of Binding Site Plan. Upon the approval and recording of a Binding Site Plan the applicant may develop the subject property in conformance with that Binding Site Plan and without regard to lot lines internal to the subject property. The applicant may sell or lease parcels subject to the Binding Site Plan.

§20.30F.170 Planning Commission Design Review. The authority designated in a land use approval or concomitant agreement for the Bellevue Planning Commission to review a Design Review proposal is transferred to the Director to review said Design Review proposal under this Part 20.30F.

20.30F.175 Modification or Addition to an Approved Design Review Project or Decision.

- A. There are two ways to modify or add to an approved project or decision: process as a new decision, or process as a Land Use Exemption.
- B. General. Except as provided in subsection C of this section, an amendment of a previously approved project or decision is treated as a new application.
- C. Land Use Exemption for Design Review Approval.
  1. The Director may determine that an addition or modification to a previously approved project or decision is exempt from further review or review as a new application, provided the following criteria are met:
    - a. The proposal does not result in any significant adverse impact beyond the site; and
    - b. The proposal is within the general scope of the purpose and intent of the original approval; and
    - c. The proposal complies with applicable Land Use Code requirements, and all applicable development standards, and is compatible with all applicable design criteria; and
    - d. The proposal does not add square footage that is more than 20 percent of existing gross square footage; and
    - e. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage.



2. The Director may determine that a new development outside the Downtown is exempt from review as a new application; provided, that the building form and scale of the new building or addition, regardless of size, is not visible from the right-of-way, a public park or zoned and developed single-family residential property.
- D. Conditions. The Director may impose conditions on a Land Use Exemption to ensure that the applicable decision criteria and any conditions of the original approval are met.

§20.30F.180 Recording Required. Following approval of a Design Review and any subsequent modifications thereto, the applicant shall record the plans and conditions that constitute the approval with the King County Division of Records and Elections or its successor agency. Components of the approval required to be recorded include but are not limited to the applicable conditions of approval, total amount (square footage) of floor area earned through the FAR Amenity Incentive System, or floor area earned through the special dedication of right-of-way, parks, or open space. A copy of the recorded document shall be provided to the city for inclusion in the project file.

**Coeur d’Alene, ID**

CITY CODE (2017)

TITLE 17 – ZONING

CHAPTER 17.09 – PROCEDURES; REZONE; SPECIAL USE; PLANNED UNIT DEVELOPMENT; VARIANCES; APPEALS

§17.09.315. Development Projects Requiring Commission Review.

- A. Projects Subject to Design Review Commission Review. Design review commission review is required as follows:

**AREAS WHERE DESIGN GUIDELINES AND STANDARDS EXIST WITH TRIGGER POINTS FOR DRC REVIEW**

District	New Construction	Street Facade Alterations <sup>1</sup>
DC district downtown core	All exterior projects south of midblock Lakeside/Coeur d’Alene	All
Infill overlay * DO-N * DO-E * MO	Any project lot over 2 stories and/or 4 dwelling units	No
C-17 and C-17L districts	Any project larger than 50,000 square feet or located on a site 5 acres or larger or with more than 2 departures	Any project with more than 2 departures

*Note: Painting, window and awning replacement or other minor repairs are not required to go through design review where the planning director, or his or her designee, determines that the repair does not constitute a substantial change to the facade or that the replacement windows or awnings are substantially similar to those being replaced. Placement of a new awning on an existing facade is subject to design review by the planning director. The applicant for a new awning placement must submit the items referenced in subsection 17.09.320D of this chapter to the planning director for review.*

- B. Planning Director’s Determination of Commission Review. The planning director, or his or her designee, is authorized to require commission review of other projects subject to design review requirements in the DC, C-17 or C-17L districts or the DO-N, DO-E and MO overlay districts, where the location, size, layout or design of the project creates unusual sensitivity or context issues.

**Bozeman, MT**

CODE OF ORDINANCES (2018)

CHAPTER 38 - UNIFIED DEVELOPMENT CODE

ARTICLE 2 – PERMITS, LEGISLATIVE ACTIONS & PROCEDURES

38.230 – PLAN REVIEW

§38.230.040. DRB Review Thresholds.

- A. The review authorities are established in 38.200.010 and as may be specified elsewhere in this chapter.
- B. The development review committee, design review

board, and wetlands review board have the advisory authority established in division 38.200 of this chapter.

- C. Plan Design Review Thresholds. When a development is subject to design review and meets one or more of the following thresholds the design review board must conduct the design review:
1. Forty five or more dwelling units;
  2. Thirty thousand or more square feet of office space, retail commercial space, service commercial space or industrial space;
  3. Four (4) stories or more;
  4. Twenty thousand or more square feet of exterior storage of materials or goods;
  5. Parking for more than 90 vehicles.

## REFERENCES

- AARP. 2016. "AARP Walk Audit Tool Kit (and Leader Guide)." Available at [www.aarp.org/livable-communities/getting-around/info-2014/aarp-walk-audit-tool-kit.html](http://www.aarp.org/livable-communities/getting-around/info-2014/aarp-walk-audit-tool-kit.html).
- American Institute of Architects (AIA). 2010. *The Handbook of Architectural Design Competitions*. Available at <https://network.aia.org/committees/design/viewdocument/the-handbook-of-architectural-design-competitions>.
- Arcata (California), City of. 2018. *Municipal Code*. Section 9.72.040, Design Review. Available at [www.codepublishing.com/CA/Arcata/?ArcataLUC0970/ArcataLUC0972.html#9.72.040](http://www.codepublishing.com/CA/Arcata/?ArcataLUC0970/ArcataLUC0972.html#9.72.040).
- Austin (Texas), City of. 2009. *Urban Design Guidelines for Austin*. Available at [www.austintexas.gov/sites/default/files/files/Boards\\_and\\_Commissions/Design\\_Commission\\_urban\\_design\\_guidelines\\_for\\_austin.pdf](http://www.austintexas.gov/sites/default/files/files/Boards_and_Commissions/Design_Commission_urban_design_guidelines_for_austin.pdf).
- . 2018. *City Code*. Available at [https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances](https://library.municode.com/tx/austin/codes/code_of_ordinances).
- . n.d. *City of Austin Design Commission, Interim Infrastructure Design Guidelines*. Available at [ftp://ftp.ci.austin.tx.us/GIS-Data/planning/Design\\_Commission/Infrastructure\\_Guidelines\\_Docs/Working%20Group%20IDG%20draft-130917%20DA.pdf](ftp://ftp.ci.austin.tx.us/GIS-Data/planning/Design_Commission/Infrastructure_Guidelines_Docs/Working%20Group%20IDG%20draft-130917%20DA.pdf).
- Austin (Texas), City of, Design Commission. n.d. "Bylaws of the Design Commission." Available at [www.austintexas.gov/edims/document.cfm?id=250280](http://www.austintexas.gov/edims/document.cfm?id=250280).
- Barnett, Jonathan. 1974. *Urban Design as Public Policy*. New York: Architectural Record Books.
- Bellevue (Washington), City of. 2015. "Bel-Red Subarea Plan." In *Bellevue Comprehensive Plan, Volume 2: Subarea Plans*. Available at [https://planning.bellevuewa.gov/UserFiles/Servers/Server\\_4779004/File/pdf/PCD/SP01.BelRed2010May2017Binder2.pdf](https://planning.bellevuewa.gov/UserFiles/Servers/Server_4779004/File/pdf/PCD/SP01.BelRed2010May2017Binder2.pdf).
- . 2018. *Bellevue Land Use Code*. Available at [www.codepublishing.com/WA/Bellevue/#!/LUC/BellevueLUCNT.html](http://www.codepublishing.com/WA/Bellevue/#!/LUC/BellevueLUCNT.html).
- Bellevue (Washington), City of, Department of Planning and Community Development (DPCD). 2017. "Downtown Livability Initiative." Available at <https://planning.bellevuewa.gov/planning/planning-initiatives/downtown-livability-initiative>.
- Bellingham (Washington), City of. 2008. "Planning Academy." Available at [www.cob.org/services/planning/neighborhoods/planning-academy](http://www.cob.org/services/planning/neighborhoods/planning-academy).
- Belvedere (California), City of. 2012. "Design Review Exemption: Statement of Property Improvements." Available at [www.cityofbelvedere.org/DocumentCenter/Home/View/82](http://www.cityofbelvedere.org/DocumentCenter/Home/View/82).
- Bozeman (Montana), City of. 2005. *Bozeman Design Objectives Plan*. Available at [www.bozeman.net/Home/ShowDocument?id=536](http://www.bozeman.net/Home/ShowDocument?id=536).
- . 2015. *Bozeman Guidelines for Historic Preservation & The Neighborhood Conservation Overlay District*. Available at [www.bozeman.net/Home/ShowDocument?id=530](http://www.bozeman.net/Home/ShowDocument?id=530).
- . 2018. *City Code*. Available at [https://library.municode.com/mt/bozeman/codes/code\\_of\\_ordinances](https://library.municode.com/mt/bozeman/codes/code_of_ordinances).
- Chapel Hill (North Carolina), Town of. 2012. *Glen Lennox Area Neighborhood Conservation District Plan for CD-8C*. Appendix B, Division 8C in *Land Use Management Ordinance*. Available at [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALOUSMA\\_APXBNECODI\\_DIV8CGLLEARNECODIPL](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_APXBNECODI_DIV8CGLLEARNECODIPL).
- . 2017a. "Glen Lennox Development Agreement." Available at [www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/glen-lennox](http://www.townofchapelhill.org/town-hall/departments-services/planning-and-sustainability/development/development-agreement-projects/glen-lennox).
- . 2017b. *Land Use Management Ordinance*. Available at [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALOUSMA](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA).
- Cleveland (Ohio), City of. 2016. "Housing Design Review Scoresheet." Available at <http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelinesSummary.pdf>.
- . 2018. "Storefront Revitalization Program Frequently Asked Questions." Available at [http://209.200.155.143/sites/default/files/forms\\_publications/2018SRPBuildingFAQs.pdf](http://209.200.155.143/sites/default/files/forms_publications/2018SRPBuildingFAQs.pdf).

- . 2018. *Code of Ordinances*. Available at [www.amlegal.com/codes/client/cleveland\\_oh](http://www.amlegal.com/codes/client/cleveland_oh).
- Cleveland City Planning Commission. 2015. "Design Review Applicant Guide." Available at [http://planning.city.cleveland.oh.us/designreview/applicantsGuide12\\_2016.pdf](http://planning.city.cleveland.oh.us/designreview/applicantsGuide12_2016.pdf).
- . 2018. "Design Review." Available at <http://planning.city.cleveland.oh.us/designreview/cpc.php>.
- . n.d. "Design Review Submittals Checklist." Available at [http://planning.city.cleveland.oh.us/designreview/Design\\_Review\\_Checklist\\_v7.pdf](http://planning.city.cleveland.oh.us/designreview/Design_Review_Checklist_v7.pdf).
- Cleveland City Planning Commission and Cleveland Department of Community Development. July 1995. Residential Design Guidelines. Available at <http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelines.pdf>.
- Cleveland Department of Community Development (DCD). 2018. "Storefront Renovation Program." Available at [www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CommunityDevelopment/StorefrontRenovation](http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CommunityDevelopment/StorefrontRenovation).
- City of Cleveland Housing Design Review Subcommittee. October 2016. "Housing Design Review Scoresheet." Available at <http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelinesSummary.pdf>.
- Coeur d'Alene (Idaho), City of. 2010. *Commercial Zones Design Guidelines*. Available at [www.cdaid.org/Files/Planning/ComDsgnStnds.pdf](http://www.cdaid.org/Files/Planning/ComDsgnStnds.pdf).
- . 2018. *City Code*. Chapter 2.98 Design Review Commission. Available at [www.sterlingcodifiers.com/codebook/index.php?book\\_id=603](http://www.sterlingcodifiers.com/codebook/index.php?book_id=603).
- . n.d. *Downtown Design Guidelines*. Available at [www.cdaid.org/Files/Planning/DTGuidelines.pdf](http://www.cdaid.org/Files/Planning/DTGuidelines.pdf).
- . n.d. "Design Review Process." Available at [www.cdaid.org/files/Planning/DRP.pdf](http://www.cdaid.org/files/Planning/DRP.pdf).
- . n.d. *Coeur d'Alene Infill Development Regulations and Design Standards*. Available at [www.cdaid.org/Files/Planning/InfillStandards.pdf](http://www.cdaid.org/Files/Planning/InfillStandards.pdf).
- Denver (Colorado), City and County of. 2017. *Denver Design District GDP Urban Design Standards and Guidelines*. Amended June 22. Available at [www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/other\\_regulations/Design-standards-guidelines/Denver\\_Design\\_District\\_Design\\_Guidelines.pdf](http://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/other_regulations/Design-standards-guidelines/Denver_Design_District_Design_Guidelines.pdf).
- . 2018. *Municipal Code*. Article 10, Design Standards. Available at [www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver\\_Zoning\\_Code\\_Article10\\_Design\\_Standards.pdf](http://www.denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/DZC/Denver_Zoning_Code_Article10_Design_Standards.pdf).
- Denver (Colorado), City and County of, Community Planning and Development (CPD). 2018. "Design Standards and Guidelines." Available at [www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/other-regulations/design-standards-and-guidelines.html](http://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/other-regulations/design-standards-and-guidelines.html).
- Form-Based Codes Institute (FBCI). 2018. "Form-Based Codes Defined." Available at <https://formbasedcodes.org/definition>.
- Glenview (Illinois), Village of. 2017. *Code of Ordinances*. Article VII., Downtown Development Code; Division 4, Design Standards. Available at [https://library.municode.com/il/glenview/codes/code\\_of\\_ordinances?nodeId=MUCO\\_CH98ZO\\_ARTXIIDODECO\\_DIV4DEST](https://library.municode.com/il/glenview/codes/code_of_ordinances?nodeId=MUCO_CH98ZO_ARTXIIDODECO_DIV4DEST).
- Hacker Architects. n.d. "Hollywood Branch Library and Bookmark Apartments." Available at <http://hackerarchitects.com/hollywood-branch-library#>.
- Hamilton (Ontario), City of. 2017. "Urban Design and Architecture Awards." Available at [www.hamilton.ca/city-awards/urban-design-and-architecture-awards](http://www.hamilton.ca/city-awards/urban-design-and-architecture-awards).
- Hillsborough (Florida), County of, City-County Planning Commission. 2017. "35<sup>th</sup> Annual Planning and Design Awards." Available at <http://events.r20.constantcontact.com/register/event?oeidk=a07ee82s1p508e8c41c&llr=azeyaadab>.
- Kansas City (Missouri), City of. 2018. "Municipal Art Commission." Available at <http://kcmo.gov/generalservices/municipal-art-commission-2-2>.
- Lenexa (Kansas), City of. 1998. "Citywide Urban Design Principles," Appendix, Lenexa Comprehensive Plan. Available at [https://lenexa.com/UserFiles/Servers/Server\\_4323159/File/Government/Departments/CommDev/ComprehensivePlan.pdf#page=90](https://lenexa.com/UserFiles/Servers/Server_4323159/File/Government/Departments/CommDev/ComprehensivePlan.pdf#page=90).
- . 1998. "Urban Design Policies for City Center," Appendix, Lenexa Comprehensive Plan. Available at [https://lenexa.com/UserFiles/Servers/Server\\_4323159/File/Government/Departments/CommDev/ComprehensivePlan.pdf#page=98](https://lenexa.com/UserFiles/Servers/Server_4323159/File/Government/Departments/CommDev/ComprehensivePlan.pdf#page=98).
- . 2015. *Lenexa City Center Neighborhood Design Standards & Guidelines*. Available at [https://lenexa.com/UserFiles/Servers/Server\\_4323159/File/Government/Departments/CommDev/CityCenterDesigGuidelines.pdf](https://lenexa.com/UserFiles/Servers/Server_4323159/File/Government/Departments/CommDev/CityCenterDesigGuidelines.pdf).
- . 2018. *Unified Development Code*. Available at <http://online.encodeplus.com/regs/lenexa-ks/doc-viewer.aspx#secid-1>.
- Municipal Design Review Network. 2016. "Why Design Review Matters." Available at <https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/programs/mdrn/Documents/MDRNbrochure2016.pdf>.
- . n.d. "General Architectural Guidelines." Available at <https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/programs/mdrn/Pages/general-architectural-guidelines.aspx>.

- New York (New York), City of. 2018. "NYC Design: About." Available at [www1.nyc.gov/site/designcommission/about/about.page](http://www1.nyc.gov/site/designcommission/about/about.page).
- New York City Planning. 2018. "Special Districts." Available at [www1.nyc.gov/site/planning/zoning/districts-tools/special-purpose-districts.page](http://www1.nyc.gov/site/planning/zoning/districts-tools/special-purpose-districts.page).
- Omaha (Nebraska), City of. 2003. *Omaha by Design: Urban Design Element*. Available at <https://urbanplanning.cityofomaha.org/omaha-master-plan>.
- Oregon, State of. 2018. "Land Use Appeals Board." Available at [www.oregon.gov/LUBA/Pages/index.aspx](http://www.oregon.gov/LUBA/Pages/index.aspx).
- Portland (Oregon), City of. 2017. *Design Overlay Zoning Assessment*. Prepared by Walker Macy. Available at [www.portlandoregon.gov/bps/article/634989](http://www.portlandoregon.gov/bps/article/634989).
- . 2018. "Design Commission." Available at [www.portlandoregon.gov/bds/article/168799](http://www.portlandoregon.gov/bds/article/168799).
- . 2018. *Municipal Code*. Title 33, Planning and Zoning. Available at [www.portlandoregon.gov/citycode/28197](http://www.portlandoregon.gov/citycode/28197).
- Portland (Oregon), City of, Bureau of Planning and Sustainability (BPS). 2017. "Design Overlay Zone Assessment (DOZA) Final Report Ready for Public Review and City Council Hearing." Available at [www.portlandoregon.gov/bps/article/634998](http://www.portlandoregon.gov/bps/article/634998).
- Portland (Oregon), City of, Bureau of Development Services. 2018. "Design Review Application Process." Available at [www.portlandoregon.gov/bds/index.cfm?a=71941](http://www.portlandoregon.gov/bds/index.cfm?a=71941).
- Portland (Oregon), City of, Design Review Commission. 2016. "A Guide to the City of Portland Design Review Process." Available at [www.portlandoregon.gov/bds/article/625096](http://www.portlandoregon.gov/bds/article/625096).
- Punter, John. 2007. "Best Practice Principles for Design Review and Development Management." *Journal of Urban Design* 12(2): 167–202. Available at <http://dx.doi.org/10.1080/13574800701306195>.
- Roth, Martin. 1964. "The Place of Aesthetics in Zoning," *DePaul Law Review* 104(14). Available at <http://via.library.depaul.edu/law-review/vol14/iss1/7>.
- Scheer, B.S. & Preiser, W.F.E. 1994. *Design Review: Challenging Urban Aesthetic Control*. New York: Chapman & Hall.
- Seattle (Washington), City of. 2018. *Municipal Code*. Available at [https://library.municode.com/wa/seattle/codes/municipal\\_code](https://library.municode.com/wa/seattle/codes/municipal_code).
- . 2018. "Design Commission: About Us." Available at [www.seattle.gov/designcommission/about-us](http://www.seattle.gov/designcommission/about-us).
- Seattle (Washington), City of, Department of Construction and Inspections (SDCI). 2018. "Proposed Director's Rule for Community Outreach for Design Review." Available at <http://buildingconnections.seattle.gov/2018/05/04/proposed-directors-rule-for-community-outreach-for-design-review>.
- Seattle (Washington), City of, Department of Design, Construction and Land Use. n.d. "Design Review for Downtown Development." Available at [www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/dpds021321.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpds021321.pdf).
- Seattle (Washington), City of, Department of Neighborhoods. 2018. "Historic Districts." Available at [www.seattle.gov/neighborhoods/programs-and-services/historic-preservation/historic-districts](http://www.seattle.gov/neighborhoods/programs-and-services/historic-preservation/historic-districts).
- Seattle (Washington), City of, Department of Planning and Development. 2013. "Seattle Design Guidelines." Available at [www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/p2402708.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2402708.pdf).
- Seattle (Washington), City of, Department of Planning and Inspections. 2018. "Design Review." Available at [www.seattle.gov/dpd/aboutus/whoweare/designreview/program/default.htm](http://www.seattle.gov/dpd/aboutus/whoweare/designreview/program/default.htm).
- Seattle Design Commission. 2016. "Design Excellence Awards." Available at [www.seattle.gov/designcommission/project-reviews/design-excellence-awards](http://www.seattle.gov/designcommission/project-reviews/design-excellence-awards).
- Tacoma (Washington), City of. n.d. "Business Façade Improvement Loan Program." Available at <http://makeittacoma.com/wp-content/uploads/2018/01/Business-Facade-Improvement-Loan-Program.pdf>.
- U.S. Commission of Fine Arts. 2018. "About CFA." Available at [www.cfa.gov/about-cfa](http://www.cfa.gov/about-cfa).
- White, James T. 2015. "Future Directions in Urban Design as Public Policy: Reassessing Best Practice Principles for Design Review and Development Management." *Journal of Urban Design* 20(3): 325–48. Available at [www.tandfonline.com/doi/abs/10.1080/13574809.2015.1031212](http://www.tandfonline.com/doi/abs/10.1080/13574809.2015.1031212).
- Whyte, William H. 1980. *The Social Life of Small Urban Spaces*. Washington, D.C.: Conservation Foundation.

---

## ACKNOWLEDGMENTS

The authors wish to thank the people who contributed to assembling this PAS Report. Saumya Kini, urban designer, provided graphic illustrations. The landscape architecture and planning firm of Walker Macy granted permission to use a number of photographs from its collection. We thank the Bureaus of Planning and Sustainability and Development Services of the city of Portland, Oregon, for the use of data and findings from the Design Overlay Zoning Assessment report, a comprehensive, year-long review of their 40-year-old design review process.

In addition, the following individuals reviewed a draft and provided useful comments: Brian W. Blaesser, CRE, LEED AP; Richard Hart, AICP; John R. Hedrick; and Paddy Tillett, FAICP, FAIA, LEED AP.

Finally, Ann Dilleuth, AICP, provided superb organizational advice, a keen eye, and a sharp pen as editor of this report. We are appreciative of her great patience and skill in word wrangling.





American Planning Association

Making Great Communities Happen

# MEMBERSHIP

## Now includes PAS publications!

All APA members now get digital access to every new **Planning Advisory Service publication**—each one filled with expert guidance on big planning challenges, relevant research, and best practices.

Previously available only to subscribers, these authoritative resources are now included with APA membership.

Digital PAS publications include:

PAS Reports | *PAS Memo* | *PAS QuickNotes*

PAS Essential Info Packets

And, there's more! Members also get unlimited access to the entire PAS online archive. Hundreds of resources are available for download—right now.

**APA membership. Always good. *Now even better.***



Learn more at [planning.org/pas](http://planning.org/pas)

American Planning Association  
205 N. Michigan Ave., Suite 1200  
Chicago, IL 60601-5927

**planning.org**

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Approval of a [resolution](#) awarding a contract to Homer Tree Care, Inc in an amount not to exceed \$147,000.00 for the City's 2021/22 Tree Trimming and Removal Program.

**BACKGROUND/HISTORY**

The proposed tree trimming program consists of trimming approximately 1,750 parkway trees, approximately 65 tree removals and stump grinding. Below are the subdivisions to be trimmed:

- Darien Club
- Downers Fairview
- Brookhaven Manor
- Alison Court

This year's program also includes contract pricing for the *Private Property Tree Trimming Program* to all the residents. The program would allow residents to have their private property trees trimmed or removed and stump grinding at the residents expense. The trimming will include removal of perished, diseased, interfering and weak branches, as well as removal of under branches as requested. The bid included unit prices for Private Property Tree Trimming that would be paid for directly by the residents. The bid price for the Private Property tree trimming is \$250.00 per tree in the front yard and \$375.00 per tree in the back yard. The contract also includes unit pricing for private property tree removal, and stump grinding. The contract begins December 1, 2021 through November 30, 2022.

**Private Property Tree Trimming**

Tree Trimming – Front Yard	Each	\$250.00
Tree Trimming - Back Yard	Each	\$375.00
Tree Removal per BH (Front)	Per Inch	\$ 40.00
Tree Removal per DBH (Back)	Per Inch	\$ 55.00
Stump Grinding – Front	Each	\$150.00
Stump Grinding - Back	Each	\$200.00

The contract calls out for unit pricing for emergency services through November 30, 2022. Please find labeled as [Attachment A](#), the bid results that were opened on March 5, 2020. The City received three (3) responsive bids. Please note there are two optional contract extensions for 2021-22 and 2022-23 that may be exercised by the City. The contract extensions will be formally entertained at a future date, pending budget approval. Due to COVID-19 the tree trimming was cancelled for 2020. The vendor was contacted if he would extended his prices for 2021. See [Attachment B](#).

<b>2021-22 CITY OF DARIEN TREE REMOVAL SCHEDULE</b>				
DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST
Tree Trimming	Each	1,750	\$ 54.00	\$ 94,500
Tree Removal per DBH and Ash Borer Removals	Per Inch	1000	\$ 30.00	\$ 30,000
Stump Removal	Each	50	\$ 150.00	\$ 7,500
Emergency - Storm and Hazards	Hourly	TBD	\$ 250.00	\$ 15,000
<b>Total Proposed Cost</b>				<b>\$ 147,000</b>

The proposed expenditure would be expended from the following account:

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>FY 21/22 BUDGET</b>	<b>PROPOSED EXPENDITURE</b>	<b>LANDSCAPE RESTORATION</b>
01-30-4375	TREE TRIMMING & REMOVAL	\$91,000.00	\$147,000	\$5,000

**STAFF RECOMMENDATION**

Staff recommends approval of a resolution awarding a contract to Homer Tree Care, Inc. in an amount not to exceed \$147,000 for the City's 2021/22 Tree Trimming and Removal Program. Homer Tree Care has provided very satisfactory tree care services for the City in the past.

**ALTERNATE DECISION**

As directed by the City Council.

**DECISION MODE**

This item will be placed on the February 1, 2021 City Council agenda for formal approval.

SEALED BID: 2020 Tree Trimming Program  
 OPENING DATE/TIME: March 5, 2020 10:00 a.m.

City of Darien Parkway		Winkler's Tree & Landscaping							Steve Piper and Sons, Inc.					
Fiscal Year		2020/2021		2021/2022		2022/2023			2020/2021		2021/2022		2022/2023	
DESCRIPTION	UNIT	PROPOSED UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
Tree Trimming	Each	1,750	\$ 67.00	\$ 117,250.00	\$ 69.00	\$ 120,750.00	\$ 71.00	\$ 124,250.00	\$ 60.65	\$ 106,137.50	\$ 62.50	\$ 109,375.00	\$ 64.40	\$ 112,700.00
Tree Removal per DBH	Per Inch	100	\$ 35.00	\$ 3,500.00	\$ 36.00	\$ 3,600.00	\$ 38.00	\$ 3,800.00	\$ 28.65	\$ 2,865.00	\$ 29.50	\$ 2,950.00	\$ 30.40	\$ 3,040.00
Misc Stump Removal	Each	20	\$ 120.00	\$ 2,400.00	\$ 122.00	\$ 2,440.00	\$ 125.00	\$ 2,500.00	\$ 125.00	\$ 2,500.00	\$ 128.75	\$ 2,575.00	\$ 132.60	\$ 2,652.00
Subtotal - Section A				\$ 123,150.00		\$ 126,790.00		\$ 130,550.00		\$ 111,502.50		\$ 114,900.00		\$ 118,392.00
DESCRIPTION	UNIT	PROPOSED UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
Tree Trimming-Front Yard	Each	1	\$ 540.00	\$ 540.00	\$ 560.00	\$ 560.00	\$ 575.00	\$ 575.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Tree Trimming-Back Yard	Each	1	\$ 810.00	\$ 810.00	\$ 834.00	\$ 834.00	\$ 865.00	\$ 865.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Tree Removal per DBH (Front)	Per Inch	1	\$ 50.00	\$ 50.00	\$ 52.00	\$ 52.00	\$ 55.00	\$ 55.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00
Tree Removal per DBH (Back)	Per Inch	1	\$ 100.00	\$ 100.00	\$ 103.00	\$ 103.00	\$ 106.00	\$ 106.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00
Stump Grinding-Front	Each	1	\$ 175.00	\$ 175.00	\$ 179.00	\$ 179.00	\$ 184.00	\$ 184.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
Stump Grinding-Back	Each	1	\$ 250.00	\$ 250.00	\$ 260.00	\$ 260.00	\$ 269.00	\$ 269.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00
Subtotal - Section B				\$ 1,925.00		\$ 1,988.00		\$ 2,054.00		\$ 600.00		\$ 600.00		\$ 600.00
Emergency Services	Hourly	40	\$ 280.00	\$ 11,200.00	\$ 288.00	\$ 11,520.00	\$ 285.00	\$ 11,400.00	\$ 195.00	\$ 7,800.00	\$ 200.85	\$ 8,034.00	\$ 206.90	\$ 8,276.00
TOTAL - SECTIONS A, B & C				\$ 136,275.00		\$ 140,298.00		\$ 144,004.00		\$ 119,902.50		\$ 123,534.00		\$ 127,268.00
				as read \$ 136,279.00		as read \$ 138,102.00								
City of Darien Parkway		Homer Tree Care, Inc.												
Fiscal Year		2020/2021		2021/2022		2022/2023			2020/2021		2021/2022		2022/2023	
DESCRIPTION	UNIT	PROPOSED UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
Tree Trimming	Each	1,750	\$ 54.00	\$ 94,500.00	\$ 54.00	\$ 94,500.00	\$ 54.00	\$ 94,500.00		\$ -		\$ -		\$ -
Tree Removal per DBH	Per Inch	100	\$ 30.00	\$ 3,000.00	\$ 30.00	\$ 3,000.00	\$ 30.00	\$ 3,000.00		\$ -		\$ -		\$ -
Misc Stump Removal	Each	20	\$ 100.00	\$ 2,000.00	\$ 100.00	\$ 2,000.00	\$ 100.00	\$ 2,000.00		\$ -		\$ -		\$ -
Subtotal - Section A				\$ 99,500.00		\$ 99,500.00		\$ 99,500.00		\$ -		\$ -		\$ -
DESCRIPTION	UNIT	UNITS	PRICE	TOTAL COST	PRICE	COST	PRICE	TOTAL COST	PRICE	COST	PRICE	COST	PRICE	TOTAL COST
Tree Trimming-Front Yard	Each	1	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00		\$ -		\$ -		\$ -
Tree Trimming-Back Yard	Each	1	\$ 375.00	\$ 375.00	\$ 375.00	\$ 375.00	\$ 375.00	\$ 375.00		\$ -		\$ -		\$ -
Tree Removal per DBH (Front)	Per Inch	1	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00		\$ -		\$ -		\$ -
Tree Removal per DBH (Back)	Per Inch	1	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00		\$ -		\$ -		\$ -
Stump Grinding-Front	Each	1	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00		\$ -		\$ -		\$ -
Stump Grinding-Back	Each	1	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00		\$ -		\$ -		\$ -
Subtotal - Section B				\$ 1,070.00		\$ 1,070.00		\$ 1,070.00		\$ -		\$ -		\$ -
Emergency Services	Hourly	40	\$ 250.00	\$ 10,000.00	\$ 250.00	\$ 10,000.00	\$ 250.00	\$ 10,000.00						
TOTAL - SECTIONS A, B & C				\$ 110,570.00		\$ 110,570.00		\$ 110,570.00		\$ -		\$ -		\$ -

MEMO

**From:** Ryan Countryman  
**To:** Regina Kokkinis  
**Cc:** Dan Gombac  
**Subject:** RE: 2021-22 City of Darien tree trimming  
**Date:** Thursday, December 3, 2020 7:28:01 AM

---

Accepted.

*Thank you,*

*Ryan P. Countryman*

**Board Certified Master Arborist IL 5140B**  
**Certified Treecare Safety Professional 1093**  
**Tree Risk Assessment Qualified**  
**Homer Tree Care**  
**Residential/Municipal Division**  
**14000 S. Archer Ave.**  
**Lockport, IL 60441**  
**Main Office 815-838-0320**  
**Fax 815-838-0375**

**[RyanCountryman@homertree.com](mailto:RyanCountryman@homertree.com)**




---

**From:** Regina Kokkinis [mailto:rkokkinis@darienil.gov]  
**Sent:** Tuesday, December 1, 2020 11:28 AM  
**To:** Ryan Countryman <RyanCountryman@homertree.com>  
**Cc:** Dan Gombac <dgombac@darienil.gov>  
**Subject:** 2021-22 City of Darien tree trimming

Good Morning,

Attached, please see the pricing schedule for 2021-2022 as it relates to the subject line. Please confirm that you are in agreement with the contract extension and unit pricing for the subject line per the proposed 2021-2022 pricing schedule.

Thank you,



*Regina Kokkinis*

Administrative Assistant, Municipal Services

City of Darien

630-353-8105

**To receive important information from the City of Darien sign up for our electronic newsletter:**

**DARIEN DIRECT CONNECT**

**Follow the link and subscribing is simple!**

<https://darien.il.us/reference-desk/directconnect-eneews>



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AWARDED A CONTRACT TO HOMER TREE CARE, INC.  
IN AN AMOUNT NOT TO EXCEED \$147,000.00 FOR THE CITY'S 2021/22  
TREE TRIMMING AND REMOVAL PROGRAM**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU  
PAGE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** The City Council of the City of Darien hereby authorizing the Mayor to award a contract to Homer Tree Care, Inc in an amount not to exceed \$147,000.00 for the City's 2021/22 tree trimming and removal program, a copy of which is attached hereto as "**Exhibit A**".

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE  
COUNTY, ILLINOIS, this 1<sup>st</sup> day of February, 2021.**

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,  
ILLINOIS, this 1<sup>st</sup> day of February, 2021.**

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:  
  
\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM  
  
\_\_\_\_\_  
CITY ATTORNEY

**CITY OF DARIEN****CONTRACT**

This Contract is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the City of Darien (hereinafter referred to as the "CITY") and \_\_\_\_\_ (hereinafter referred to as the "CONTRACTOR").

**WITNESSETH**

In consideration of the promises and covenants made herein by the CITY and the CONTRACTOR (hereinafter referred to collectively as the "PARTIES"), the PARTIES agree as follows:

**SECTION 1: THE CONTRACT DOCUMENTS:** This Contract shall include the following documents (hereinafter referred to as the "CONTRACT DOCUMENTS") however this Contract takes precedence and controls over any contrary provision in any of the CONTRACT DOCUMENTS. The Contract, including the CONTRACT DOCUMENTS, expresses the entire agreement between the PARTIES and where it modifies, adds to or deletes provisions in other CONTRACT DOCUMENTS; the Contract's provisions shall prevail. Provisions in the CONTRACT DOCUMENTS unmodified by this Contract shall be in full force and effect in their unaltered condition.

The Invitation to Bid

The Instructions to the Bidders

This Contract

The Terms and Conditions

The Bid as it is responsive to the CITY'S bid requirements

All Certifications required by the City

Certificates of insurance

Performance and Payment Bonds as may be required by the CITY

**SECTION 2: SCOPE OF THE WORK AND PAYMENT:** The CONTRACTOR agrees to provide labor, equipment and materials necessary to provide the services as described in the CONTRACT DOCUMENTS and further described below:

**Unit Pricing for Tree Trimming, Removals and Stump Grinding within the City of Darien and Tree Trimming, Removals and Stump Grinding for Private Properties**

(Hereinafter referred to as the "WORK") and the CITY agrees to pay the CONTRACTOR pursuant to the provisions of the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*) the following amount for performance of the described unit prices.

**SECTION 3: ASSIGNMENT:** CONTRACTOR shall not assign the duties and obligations involved in the performance of the WORK which is the subject matter of this Contract without the written consent of the CITY.

**SECTION 4: TERM OF THE CONTRACT:** This Contract shall commence on the date of its execution. The WORK shall commence upon receipt of a Notice to Proceed and continue expeditiously for 30 days from that date until final completion. This Contract shall terminate upon completion of the WORK, but may be terminated by either of the PARTIES for default upon failure to cure after ten (10) days prior written notice of said default from the aggrieved PARTY. The CITY, for its convenience, may terminate this Contract with thirty (30) days prior written notice.

**SECTION 5: INDEMNIFICATION AND INSURANCE:** The CONTRACTOR shall indemnify and hold harmless the CITY, PARK DISTRICT, its officials, officers, directors, agents, employees and representatives and assigns, from lawsuits, actions, costs (including attorneys' fees), claims or liability of any character, incurred due to the alleged negligence of the CONTRACTOR,

brought because of any injuries or damages received or sustained by any person, persons or property on account of any act or omission, neglect or misconduct of said CONTRACTOR, its officers, agents and/or employees arising out of, or in performance of any of the provisions of the CONTRACT DOCUMENTS, including any claims or amounts recovered for any infringements of patent, trademark or copyright; or from any claims or amounts arising or recovered under the "Worker's Compensation Act" or any other law, ordinance, order or decree. In connection with any such claims, lawsuits, actions or liabilities, the CITY, its officials, officers, directors, agents, employees, representatives and their assigns shall have the right to defense counsel of their choice. The CONTRACTOR shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits, actions or liabilities. The Contractor shall not make any settlement or compromise of a lawsuit or claim, or fail to pursue any available avenue of appeal of any adverse judgment, without the approval of the City and any other indemnified party. The City or any other indemnified party, in its or their sole discretion, shall have the option of being represented by its or their own counsel. If this option is exercised, then the Contractor shall promptly reimburse the City or other indemnified party, upon written demand, for any expenses, including but not limited to court costs, reasonable attorneys' and witnesses' fees and other expenses of litigation incurred by the City or other indemnified party in connection therewith. Execution of this Contract by the CITY is contingent upon receipt of Insurance Certificates provided by the CONTRACTOR in compliance with the CONTRACT DOCUMENTS.

**SECTION 6: COMPLIANCE WITH LAWS:** The bidder shall at all times observe and comply with all laws, ordinances and regulations of the federal, state, local and City governments, which may in any manner affect the preparation of bids or the performance of the Contract. Bidder hereby agrees that it will comply with all requirements of the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., including the provision dealing with sexual harassment and that if awarded the Contract will not engage in any prohibited form of discrimination in employment as defined in that Act and will require that its subcontractors agree to the same restrictions. The contractor shall maintain, and require that its subcontractors maintain, policies of equal employment opportunity which shall prohibit discrimination against any employee or applicant for employment on the basis of race, religion, color, sex, national origin, ancestry, citizenship status, age, marital status, physical or mental disability unrelated to the individual's ability to perform the essential functions of the job, association with a person with a disability, or unfavorable discharge from military service. Contractors and all subcontractors shall comply with all requirements of the Act and of the Rules of the Illinois Department of Human Rights

with regard to posting information on employees' rights under the Act. Contractors and all subcontractors shall place appropriate statements identifying their companies as equal opportunity employers in all advertisements for workers to be employed in work to be performed. If awarded the Contract, contractor must comply with all provisions including, but not limited to, providing certified payroll records to the Municipal Services Department. Contractor and subcontractors shall be required to comply with all applicable federal laws, state laws and regulations regarding minimum wages, limit on payment to minors, minimum fair wage standards for minors, payment of wage due employees, and health and safety of employees. Contractor and subcontractor are required to pay employees all rightful salaries, medical benefits, pension and social security benefits pursuant to applicable labor agreements and federal and state statutes and to further require withholdings and deposits therefore. The CONTRACTOR shall obtain all necessary local and state licenses and/or permits that may be required for performance of the WORK and provide those licenses to the CITY prior to commencement of the WORK if applicable.

**SECTION 7: NOTICE:** Where notice is required by the CONTRACT DOCUMENTS it shall be considered received if it is delivered in person, sent by registered United States mail, return receipt requested, delivered by messenger or mail service with a signed receipt, sent by facsimile or e-mail with an acknowledgment of receipt, to the following:

City of Darien  
1702 Plainfield Road  
Darien, IL 60561  
Attn: Director of Municipal Services

**SECTION 8: STANDARD OF SERVICE:** Services shall be rendered to the highest professional standards to meet or exceed those standards met by others providing the same or similar services in the Chicagoland area. Sufficient competent personnel shall be provided who with supervision shall complete the services required within the time allowed for performance. The CONTRACTOR'S personnel shall, at all times present a neat appearance and shall be trained to handle all contact with City residents or City employees in a respectful manner. At the request of the City Administrator or a designee, the CONTRACTOR shall replace any incompetent, abusive or disorderly person in its employ.

**SECTION 9: PAYMENTS TO OTHER PARTIES:** The CONTRACTOR shall not obligate the CITY to make payments to third parties or make promises or representations to third parties on behalf of the CITY without prior written approval of the City Administrator or a designee.

**SECTION 10: COMPLIANCE:** CONTRACTOR shall comply with all of the requirements of the Contract Documents, including, but not limited to, all other applicable local, state and federal statutes, ordinances, codes, rules and regulations.

**SECTION 11: LAW AND VENUE:** The laws of the State of Illinois shall govern this Contract and venue for legal disputes shall be DuPage County, Illinois.

**SECTION 12: MODIFICATION:** This Contract may be modified only by a written amendment signed by both PARTIES.

FOR: THE CITY

FOR: THE CONTRACTOR

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Mayor \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**VENDOR INFORMATION**

2021

The project is scheduled for a December 1, 2020 start date, and to be completed by no later than March 1, 2021. Two optional contract extensions may be considered and will be reviewed for recommendation by November of the respective subsequent year.

**TO BE COMPLETED BY VENDOR**

COMPANY NAME: Homer Tree Care Inc

CONTACT PERSON: Jim Reiter

ADDRESS: 14000 S. Archer

CITY, STATE, ZIP CODE: Lockport, IL 60441

TELEPHONE NUMBER: Office 815-838-0320 Mobile 815-546-7486

FACSIMILE NUMBER: 815-838-0375

E-MAIL ADDRESS: Jim.Reiter@HomerTree.com

AUTHORIZED SIGNATURE: 



**Schedule of Prices – ~~2020/21~~ 2021/22**

Item No.	Items	Unit	Quantity	Unit Price	Total
<b>A</b>	<b>City of Darien Program</b>				
A 1	Tree Trimming-Parkways	Each	1750	54	94,500
A 2	Tree Removal cost per DBH	Per Inch	100	30	3,000
A 3	Stump Removal	Each	20	100	2,000
	<b>Sub-Total A1 – A3</b>				
<b>B</b>	<b>Private Property Program</b>				
B 1	Tree Trimming - Front Yard	Each	1	250	250
B 2	Tree Trimming - Back Yard	Each	1	375	375
B 3	Tree Removal cost per DBH - Front yard	Per Inch	1	40	40
B 4	Tree Removal cost per DBH - Back yard	Per Inch	1	55	55
B 5	Stump Grinding – Front Yard	Each	1	150	150
B 6	Stump Grinding – Back Yard	Each	1	200	200
	<b>Sub-Total B1 – B6</b>				
<b>C</b>	<b>Emergency Services</b>				
C 1	2 man crew with operating equipment, bucket truck and 15 cubic yard capacity truck with a 100 hp brush chipper	Hourly	40	250	10,000
	<b>Sub-Total C1</b>				
	<b>Total Cost Sections A, B and C</b>				110,570
	<b>Bid Bond is 5% of Total Costs- Sections A, B and C</b>				

**The contract will be awarded on Total Cost – All quantities are subject to decrease or increase.**

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

A [resolution](#) authorizing the Mayor to execute a contract with Rag's Electric, Inc., the 2021 Street Light Maintenance Contract beginning May 1, 2021 through April 30, 2022.

**BACKGROUND/HISTORY**

On December 2, 2020 staff had received four (4) sealed bids for the 2021-22 Street Light Maintenance Contract. Attached, please find the bid tabulation, labeled as [Attachment A](#), for costs to repair street lights, hourly rates for labor, equipment, and lamp costs. While the attached tabulation also included a pricing schedule for two additional option years, Rags Electric was not the lowest price for the subsequent years. Upon the expiration of the proposed contract ending April 30, 2022, Staff will review whether the contract should be rebid or further negotiated and forwarded for City Council approval.

Below, please find a summary of the items within the proposed contract and attached please find [Attachment B](#)-labeled as Proposed Cost Estimates for 2021-22.

**Item 1A-Cost to Repair Street Light** - This item requires the vendor to repair the street light at a specified unit cost. The repair would include equipment labor and the LED fixture.

~~\*Item 1B-Cost to Repair Ballast~~— This item requires the vendor to repair the ballast at a specified unit cost. The repair would include equipment labor and the ballast. **This item is no longer required for the City of Darien. All lighting has been converted to LED lights which do not require a ballast. The bid pricing for this item has been removed.**

**Item 1C-Cost to Repair Fuse Kit** - This item requires the vendor to repair the fuse kit at a specified unit cost. The repair would include equipment labor and the fuse kit.

**Item 2-Hourly Rate for Labor and Equipment** - This item requires the vendor to provide unit costs on an hourly basis for labor and equipment. Such items would include a light pole knock down, identifying a ground fault or any other extraordinary mishaps.

**Items 3-Lamp Charges** -This item requires the vendor to provide unit pricing for various LED lamps to re-lamp a light pole(s) to a specified wattage. These items would be utilized if it was determined that an increased or reduced wattage light bulb would better serve an intersection or residence.

**Option 4a-Aluminum Pole-Option 4b-Concrete Pole-Option 5-Uniduct-Option 6-Straightening Concrete Poles** – Annually, the City of Darien receives 3-4 petitioned requests for the installation of an aluminum or concrete street lights. The light pole installation will be subject to an additional cost for Uniduct wiring, at a per a lineal foot unit price installed. The Straightening Concrete Poles is an item that is occasionally utilized due to pole being a direct bury and subject to tilting due to frost and thaw cycles.

The 2021-22 Budget calls out for the funding for the Street Light Program from the following line items:

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>FY 21/22 BUDGET</b>	<b>PROPOSED EXPENDITURE</b>
01-30-4359	STREET LIGHT OPERATION & MAINTENANCE	\$ 32,000	\$ 32,000
01-30-4359	STREET LIGHT INSTALLATION	\$ 12,000	\$ 12,000
	TOTAL	\$ 45,000	\$ 45,000

**STAFF RECOMMENDATION**

Staff recommends approval of the contract through the attached resolution. The vendor has provided quality service to the City since 2012.

**ALTERNATE CONSIDERATION**

As directed by the City Council.

**DECISION MODE**

This item will be placed on the City Council agenda for formal consideration at the February 1, 2021, City Council meeting.



**CITY OF DARIEN PUBLIC WORKS  
1702 PLAINFIELD ROAD  
DARIEN, IL 60561**

SEALED BID: 2021-2023 Street Light Maintenance

OPENING DATE/TIME: December 2, 2020 @ 10:00 a.m.

		H & H Electric Company	H & H Electric Company	Meade, Inc.	Meade, Inc.	Electric Conduit Construction	Electric Conduit Construction	Rag's Electric, Inc.
			adjusted total		adjusted total		adjusted total	
ITEM	DESCRIPTION							
	Part A - 2021	\$ 49,604.30	\$ 45,408.30	\$ 63,513.23	\$ 58,773.23	\$ 186,225.36	\$ 165,666.76	\$ 43,623.00
	Part B - 2021	\$ 1,170.00	\$ 1,170.00	\$ 1,229.72	\$ 1,229.72	\$ 2,116.74	\$ 2,116.74	\$ 802.00
	Total 2021	<b>\$ 50,774.30</b>	<b>\$ 46,578.30</b>	<b>\$ 64,742.95</b>	<b>\$ 60,002.95</b>	<b>\$ 188,342.10</b>	<b>\$ 167,783.50</b>	<b>\$ 44,425.00</b>
	Part A - 2022	\$ 49,604.30	\$ 45,408.30	\$ 65,474.05	\$ 60,594.05	\$ 195,536.09	\$ 173,949.69	\$ 46,138.00
	Part B - 2022	\$ 1,170.00	\$ 1,170.00	\$ 1,268.78	\$ 1,268.78	\$ 2,222.60	\$ 2,222.60	\$ 827.00
	Total 2022	<b>\$ 50,774.30</b>	<b>\$ 46,578.30</b>	<b>\$ 66,742.83</b>	<b>\$ 61,862.83</b>	<b>\$ 197,758.69</b>	<b>\$ 176,172.29</b>	<b>\$ 46,965.00</b>
	Part A - 2023	\$ 49,604.30	\$ 45,408.30	\$ 67,458.59	\$ 62,438.69	\$ 205,312.00	\$ 182,646.20	\$ 48,646.00
	Part B - 2023	\$ 1,170.00	\$ 1,170.00	\$ 1,307.79	\$ 1,307.79	\$ 2,333.73	\$ 2,333.73	\$ 845.00
	Total 2023	<b>\$ 50,774.30</b>	<b>\$ 46,578.30</b>	<b>\$ 68,766.38</b>	<b>\$ 63,746.48</b>	<b>\$ 207,645.73</b>	<b>\$ 184,979.93</b>	<b>\$ 49,491.00</b>
	TOTAL	<b>\$ 152,322.90</b>	<b>\$ 139,734.90</b>	<b>\$ 200,252.16</b>	<b>\$ 185,612.26</b>	<b>\$ 593,746.52</b>	<b>\$ 528,935.72</b>	<b>\$ 140,881.00</b>

\*Adjusted totals - City of Darien no longer utilizes ballast All lighting has been converted to LED which does not have ballasts. Pricing has been removed from total.

MEMO

# BID TALLY

Company Name	Year	Street Light Repair Total Item 1	Hourly Labor Rate Ranking Item 2	Lamp Charges Items 3a,b,c,d,e	Option 4a Aluminum Pole	Option 4b Concrete Pole	Option 5 Cost for Uniduct	Option 6 Straighten Concrete Poles	Total Unit Costs
H & H Electric Co	2021	\$ 227.20	\$ 843.10	\$ 2,760.80	\$ 4,158.40	\$ 5,110.80	\$ 8.30	\$ 541.40	\$ 13,650.00
	2022	\$ 227.20	\$ 843.10	\$ 2,760.80	\$ 4,158.40	\$ 5,110.80	\$ 8.30	\$ 541.40	\$ 13,650.00
	2023	\$ 227.20	\$ 843.10	\$ 2,760.80	\$ 4,158.40	\$ 5,110.80	\$ 8.30	\$ 541.40	\$ 13,650.00
Meade Inc.	2021	\$ 474.00	\$ 744.72	\$ 2,898.47	\$ 3,190.34	\$ 5,042.98	\$ 19.37	\$ 625.00	\$ 12,994.88
	2022	\$ 488.00	\$ 766.78	\$ 2,970.31	\$ 3,302.00	\$ 5,219.48	\$ 20.47	\$ 644.00	\$ 13,411.04
	2023	\$ 502.00	\$ 780.79	\$ 3,044.56	\$ 3,417.57	\$ 5,402.16	\$ 21.08	\$ 663.00	\$ 13,831.16
Electric Conduit Construction	2021	\$ 1,853.88	\$ 1,026.62	\$ 2,270.40	\$ 5,613.78	\$ 6,572.84	\$ 32.16	\$ 785.25	\$ 18,154.93
	2022	\$ 1,946.56	\$ 1,077.95	\$ 2,383.94	\$ 5,894.47	\$ 6,901.48	\$ 33.77	\$ 824.51	\$ 19,062.68
	2023	\$ 2,043.90	\$ 1,131.86	\$ 2,603.12	\$ 6,189.20	\$ 7,246.56	\$ 35.45	\$ 865.73	\$ 20,115.82
Rag's Electric Inc.	2021	\$ 240.00	\$ 520.00	\$ 2,503.00	\$ 3,200.00	\$ 3,900.00	\$ 14.00	\$ 280.00	\$ 10,657.00
	2022	\$ 255.00	\$ 535.00	\$ 2,503.00	\$ 3,300.00	\$ 4,000.00	\$ 16.00	\$ 300.00	\$ 10,909.00
	2023	\$ 270.00	\$ 543.00	\$ 2,503.00	\$ 3,400.00	\$ 4,100.00	\$ 18.00	\$ 320.00	\$ 11,154.00

<b>2021 PRICING</b>	
Company Name	Item 1 Cost of Street Light Repair
H & H Electric Co	\$ 227.20
Rag's Electric, Inc.	\$ 240.00
Meade, Inc.	\$ 474.00
Electric Conduit Construction	\$ 1,853.88
<b>2022 PRICING</b>	
Company Name	Cost of Street Light Repair
H & H Electric Co	\$ 227.20
Rag's Electric, Inc.	\$ 255.00
Meade, Inc.	\$ 488.00
Electric Conduit Construction	\$ 1,946.56
<b>2023 PRICING</b>	
Company Name	Cost of Street Light Repair
H & H Electric Co	\$ 227.20
Rag's Electric, Inc.	\$ 270.00
Meade, Inc.	\$ 502.00
Electric Conduit Construction	\$ 2,043.90
<b>*Revised total without ballast costs</b>	



## HOURLY RATES

### 2021 - HOURLY LABOR RATES

Company Name	Journeyman Straight Time	Journeyman Over Time	Helper Straight Time	Helper Over Time	Bucket Truck	Lift Truck	Pickup Truck	Auger/Backhoe	ITEM 2-Hourly Labor Rates
H & H Electric Co.	\$ 131.20	\$ 196.80	\$ 118.10	\$ 177.10	\$ 53.30	\$ 93.30	\$ 20.00	\$ 53.30	\$ 843.10
Meade, Inc.	\$ 131.89	\$ 195.20	\$ 102.91	\$ 151.72	\$ 43.00	\$ 49.00	\$ 22.00	\$ 49.00	\$ 744.72
Electric Conduit Constructi	\$ 181.17	\$ 247.05	\$ 163.05	\$ 222.35	\$ 42.00	\$ 75.00	\$ 39.00	\$ 57.00	\$ 1,026.62
Rag's Electric, Inc.	\$ 115.00	\$ 170.00	\$ 75.00	\$ 115.00	\$ 32.00	\$ 3.00	\$ 5.00	\$ 5.00	\$ 520.00

### 2022 - HOURLY LABOR RATES

Company Name	Journeyman Straight Time	Journeyman Over Time	Helper Straight Time	Helper Over Time	Bucket Truck	Lift Truck	Pickup Truck	Auger/Backhoe	ITEM 2-Hourly Labor Rates
H & H Electric Co.	\$ 131.20	\$ 196.80	\$ 118.10	\$ 177.10	\$ 53.30	\$ 93.30	\$ 20.00	\$ 53.30	\$ 843.10
Meade, Inc.	\$ 135.85	\$ 201.05	\$ 106.00	\$ 156.88	\$ 44.00	\$ 50.00	\$ 23.00	\$ 50.00	\$ 766.78
Electric Conduit Constructi	\$ 190.23	\$ 259.40	\$ 171.21	\$ 233.46	\$ 44.10	\$ 78.75	\$ 40.95	\$ 59.85	\$ 1,077.95
Rag's Electric, Inc.	\$ 120.00	\$ 180.00	\$ 75.00	\$ 115.00	\$ 32.00	\$ 3.00	\$ 5.00	\$ 5.00	\$ 535.00

### 2023 - HOURLY LABOR RATES

Company Name	Journeyman Straight Time	Journeyman Over Time	Helper Straight Time	Helper Over Time	Bucket Truck	Lift Truck	Pickup Truck	Auger/Backhoe	ITEM 2-Hourly Labor Rates
H & H Electric Co.	\$ 131.20	\$ 196.80	\$ 118.10	\$ 177.10	\$ 53.30	\$ 93.30	\$ 20.00	\$ 53.30	\$ 843.10
Meade, Inc.	\$ 131.93	\$ 207.09	\$ 109.18	\$ 161.59	\$ 45.00	\$ 51.00	\$ 24.00	\$ 51.00	\$ 780.79
Electric Conduit Constructi	\$ 199.74	\$ 272.37	\$ 179.77	\$ 245.14	\$ 46.31	\$ 82.69	\$ 43.00	\$ 62.84	\$ 1,131.86
Rag's Electric, Inc.	\$ 123.00	\$ 185.00	\$ 75.00	\$ 115.00	\$ 32.00	\$ 3.00	\$ 5.00	\$ 5.00	\$ 543.00

<b>2021 PRICING</b>	ITEM 3a		ITEM 3b		ITEM 3c		ITEM 3d		ITEM 3e		TOTAL ITEMS 3a,3b,3c,3d,3e
	Leotek GCM2-40F-MV-NW-2-GY-1A		Leotak GC2-80F-MV-NW-3-GY-1A		Eye Lighting LES-37W-333-840-HWD		Eye Lighting LES-57W-333-840-HWD		Eye Lighting P-L4-45-5-7-U-Y-N-R-E1		
<b>Company Name</b>											<b>Total Lamp Charge</b>
H & H Electric Company		\$ 345.50		\$ 695.90		\$ 308.40		\$ 344.20		\$ 1,066.80	\$ 2,760.80
Meade Inc.		\$ 402.50		\$ 727.66		\$ 365.69		\$ 404.69		\$ 997.93	\$ 2,898.47
Electric Conduit Construction		\$ 284.90		\$ 564.30		\$ 258.50		\$ 287.10		\$ 875.60	\$ 2,270.40
Rag's Electric Inc.		\$ 305.00		\$ 595.00		\$ 298.00		\$ 325.00		\$ 980.00	\$ 2,503.00
<b>2022 PRICING</b>	ITEM 3a		ITEM 3b		ITEM 3c		ITEM 3d		ITEM 3e		TOTAL ITEMS 3a,3b,3c,3d,3e
	Leotek GCM2-40F-MV-NW-2-GY-1A		Leotak GC2-80F-MV-NW-3-GY-1A		Eye Lighting LES-37W-333-840-HWD		Eye Lighting LES-57W-333-840-HWD		Eye Lighting P-L4-45-5-7-U-Y-N-R-E1		
<b>Company Name</b>											<b>Total Lamp Charge</b>
H & H Electric Company		\$ 345.50		\$ 695.90		\$ 308.40		\$ 344.20		\$ 1,066.80	\$ 2,760.80
Meade Inc.		\$ 412.56		\$ 745.85		\$ 374.83		\$ 414.19		\$ 1,022.88	\$ 2,970.31
Electric Conduit Construction		\$ 299.15		\$ 592.52		\$ 271.43		\$ 301.46		\$ 919.38	\$ 2,383.94
Rag's Electric Inc.		\$ 305.00		\$ 595.00		\$ 298.00		\$ 325.00		\$ 980.00	\$ 2,503.00
<b>2023 PRICING</b>	ITEM 3a		ITEM 3b		ITEM 3c		ITEM 3d		ITEM 3e		TOTAL ITEMS 3a,3b,3c,3d,3e
	Leotek GCM2-40F-MV-NW-2-GY-1A		Leotak GC2-80F-MV-NW-3-GY-1A		Eye Lighting LES-37W-333-840-HWD		Eye Lighting LES-57W-333-840-HWD		Eye Lighting P-L4-45-5-7-U-Y-N-R-E1		
<b>Company Name</b>											<b>Total Lamp Charge</b>
H & H Electric Company		\$ 345.50		\$ 695.90		\$ 308.40		\$ 344.20		\$ 1,066.80	\$ 2,760.80
Meade Inc.		\$ 422.87		\$ 764.50		\$ 384.20		\$ 424.54		\$ 1,048.45	\$ 3,044.56
Electric Conduit Construction		\$ 314.10		\$ 622.14		\$ 385.00		\$ 316.53		\$ 965.35	\$ 2,603.12
Rag's Electric Inc.		\$ 305.00		\$ 595.00		\$ 298.00		\$ 325.00		\$ 980.00	\$ 2,503.00

## 2021 - OPTION SUMMARY

Company Name	Option 4a Aluminum Pole (Each)	Option 4b Concrete Pole (Each)	Option 5 Cost for Uniduct (Per Foot)	Option 6 Straightening Concrete Poles (Each)	Total Option Price
H & H Electric, Co.	\$ 4,158.40	\$ 5,110.80	\$ 8.30	\$ 541.40	\$ 9,818.90
Meade, Inc.	\$ 3,190.34	\$ 5,042.98	\$ 19.37	\$ 625.00	\$ 8,877.69
Electric Conduit Construction	\$ 5,613.78	\$ 6,572.84	\$ 32.16	\$ 785.25	\$ 13,004.03
Rag's Electric, Inc.	\$ 3,200.00	\$ 3,900.00	\$ 14.00	\$ 280.00	\$ 7,394.00

## 2022 - OPTION SUMMARY

H & H Electric, Co.	\$ 4,158.40	\$ 5,110.80	\$ 8.30	\$ 541.40	\$ 9,818.90
Meade, Inc.	\$ 3,302.00	\$ 5,219.48	\$ 20.47	\$ 644.00	\$ 9,185.95
Electric Conduit Construction	\$ 5,894.47	\$ 6,901.48	\$ 33.77	\$ 824.51	\$ 13,654.23
Rag's Electric, Inc.	\$ 3,300.00	\$ 4,000.00	\$ 16.00	\$ 300.00	\$ 7,616.00

## 2023 - OPTION SUMMARY

H & H Electric, Co.	\$ 4,158.40	\$ 5,110.80	\$ 8.30	\$ 541.40	\$ 9,818.90
Meade, Inc.	\$ 3,417.57	\$ 5,402.16	\$ 21.08	\$ 663.00	\$ 9,503.81
Electric Conduit Construction	\$ 6,189.20	\$ 7,246.56	\$ 35.45	\$ 865.73	\$ 14,336.94
Rag's Electric, Inc.	\$ 3,400.00	\$ 4,100.00	\$ 18.00	\$ 320.00	\$ 7,838.00

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RAG’S ELECTRIC, INC., THE 2021 STREET LIGHT MAINTENANCE CONTRACT BEGINNING MAY 1, 2021 THROUGH APRIL 30, 2022.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,** as follows:

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor to execute a contract for the maintenance services to repair street lights as required within the City Limits between the City of Darien and Rag’s Electric Inc. The contract further identifies a pricing schedule referred to as “Schedule of Prices” for various street light repairs and options, attached hereto as **“Exhibit A”**.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,** this 1<sup>st</sup> day of February, 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS,** this 1<sup>st</sup> day of February, 2021.

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**CITY OF DARIEN****CONTRACT**

This Contract is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the City of Darien (hereinafter referred to as the "CITY") and \_\_\_\_\_ (hereinafter referred to as the "CONTRACTOR").

**WITNESSETH**

In consideration of the promises and covenants made herein by the CITY and the CONTRACTOR (hereinafter referred to collectively as the "PARTIES"), the PARTIES agree as follows:

**SECTION 1: THE CONTRACT DOCUMENTS:** This Contract shall include the following documents (hereinafter referred to as the "CONTRACT DOCUMENTS") however this Contract takes precedence and controls over any contrary provision in any of the CONTRACT DOCUMENTS. The Contract, including the CONTRACT DOCUMENTS, expresses the entire agreement between the PARTIES and where it modifies, adds to or deletes provisions in other CONTRACT DOCUMENTS; the Contract's provisions shall prevail. Provisions in the CONTRACT DOCUMENTS unmodified by this Contract shall be in full force and effect in their unaltered condition.

The Invitation to Bid

The Instructions to the Bidders

This Contract

The Terms and Conditions

The Bid as it is responsive to the CITY'S bid requirements

All Certifications required by the City

Certificates of insurance

Performance and Payment Bonds as may be required by the CITY

**SECTION 2: SCOPE OF THE WORK AND PAYMENT:** The CONTRACTOR agrees to provide labor, equipment and materials necessary to provide the services as described in the CONTRACT DOCUMENTS and further described below:

**Street Light Maintenance for City of Darien right of ways & private property commercial parking lots** (Hereinafter referred to as the "WORK") and the CITY agrees to pay the CONTRACTOR pursuant to the provisions of the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*) the following amount for performance of the described unit prices.

**SECTION 3: ASSIGNMENT:** CONTRACTOR shall not assign the duties and obligations involved in the performance of the WORK which is the subject matter of this Contract without the written consent of the CITY.

**SECTION 4: TERM OF THE CONTRACT:** This Contract shall commence on the date of its execution. The WORK shall commence upon receipt of a Notice to Proceed and continue for the period specified. This Contract shall terminate upon completion of the WORK, but may be terminated by either of the PARTIES for default upon failure to cure after ten (10) days prior written notice of said default from the aggrieved PARTY. The CITY, for its convenience, may terminate this Contract with thirty (30) days prior written notice.

**SECTION 5: INDEMNIFICATION AND INSURANCE:** The CONTRACTOR shall indemnify and hold harmless the CITY, its officials, officers, directors, agents, employees and representatives and assigns, from lawsuits, actions, costs (including attorneys' fees), claims or liability of any character, incurred due to the alleged negligence of the CONTRACTOR, brought because of any injuries or damages received or sustained by any person, persons or property on account of any act or omission, neglect or misconduct of said CONTRACTOR, its officers, agents and/or employees arising out of, or in performance of any of the provisions of the CONTRACT DOCUMENTS, including any claims or amounts recovered for any infringements of patent, trademark or copyright; or from any claims or amounts arising or recovered under the "Worker's Compensation Act" or any other law, ordinance, order or decree. In connection with any such claims, lawsuits, actions or liabilities, the CITY, its officials, officers, directors, agents, employees, representatives and their assigns shall have the right to defense counsel of their choice. The CONTRACTOR shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits, actions or liabilities. The Contractor shall not make any settlement or compromise of a



lawsuit or claim, or fail to pursue any available avenue of appeal of any adverse judgment, without the approval of the City and any other indemnified party. The City or any other indemnified party, in its or their sole discretion, shall have the option of being represented by its or their own counsel. If this option is exercised, then the Contractor shall promptly reimburse the City or other indemnified party, upon written demand, for any expenses, including but not limited to court costs, reasonable attorneys' and witnesses' fees and other expenses of litigation incurred by the City or other indemnified party in connection therewith. Execution of this Contract by the CITY is contingent upon receipt of Insurance Certificates provided by the CONTRACTOR in compliance with the CONTRACT DOCUMENTS.

**SECTION 6: COMPLIANCE WITH LAWS:** The bidder shall at all times observe and comply with all laws, ordinances and regulations of the federal, state, local and City governments, which may in any manner affect the preparation of bids or the performance of the Contract. Bidder hereby agrees that it will comply with all requirements of the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., including the provision dealing with sexual harassment and that if awarded the Contract will not engage in any prohibited form of discrimination in employment as defined in that Act and will require that its subcontractors agree to the same restrictions. The contractor shall maintain, and require that its subcontractors maintain, policies of equal employment opportunity which shall prohibit discrimination against any employee or applicant for employment on the basis of race, religion, color, sex, national origin, ancestry, citizenship status, age, marital status, physical or mental disability unrelated to the individual's ability to perform the essential functions of the job, association with a person with a disability, or unfavorable discharge from military service. Contractors and all subcontractors shall comply with all requirements of the Act and of the Rules of the Illinois Department of Human Rights with regard to posting information on employees' rights under the Act. Contractors and all subcontractors shall place appropriate statements identifying their companies as equal opportunity employers in all advertisements for workers to be employed in work to be performed. Not less than the Prevailing Rate of Wages as found by the City of Darien or the Department of Labor shall be paid to laborers, workmen, and mechanics performing work under the Contract. If awarded the Contract, contractor must comply with all provisions of the Illinois Prevailing Wage Act, including, but not limited to, providing certified payroll records to the Municipal Services Department. Contractor and subcontractors shall be required to comply with all applicable federal laws, state laws and regulations regarding minimum wages, limit on payment to minors, minimum fair wage standards for minors, payment of wage due employees, and health and safety of employees. Contractor and subcontractor are required to pay employees all rightful salaries, medical benefits, pension and social security benefits pursuant to applicable labor agreements and federal and state statutes and to further require withholdings and deposits therefore. The CONTRACTOR shall obtain all necessary local and state licenses and/or permits that may be required for performance of the WORK and provide those licenses to the CITY prior to commencement of the WORK if applicable.

**SECTION 7: NOTICE:** Where notice is required by the CONTRACT DOCUMENTS

it shall be considered received if it is delivered in person, sent by registered United States mail, return receipt requested, delivered by messenger or mail service with a signed receipt, sent by facsimile or e-mail with an acknowledgment of receipt, to the following:

City of Darien  
1702 Plainfield Road  
Darien, IL 60561  
Attn: Director of Municipal Services

**SECTION 8: STANDARD OF SERVICE:** Services shall be rendered to the highest professional standards to meet or exceed those standards met by others providing the same or similar services in the Chicagoland area. Sufficient competent personnel shall be provided who with supervision shall complete the services required within the time allowed for performance. The CONTRACTOR'S personnel shall, at all times present a neat appearance and shall be trained to handle all contact with City residents or City employees in a respectful



manner. At the request of the Director of Municipal Services or a designee, the CONTRACTOR shall replace any incompetent, abusive or disorderly person in its employ.

**SECTION 9: PAYMENTS TO OTHER PARTIES:** The CONTRACTOR shall not obligate the CITY to make payments to third parties or make promises or representations to third parties on behalf of the CITY without prior written approval of the City Administrator or a designee.

**SECTION 10: COMPLIANCE:** CONTRACTOR shall comply with all of the requirements of the Contract Documents, including, but not limited to, the Illinois Prevailing Wage Act where applicable and all other applicable local, state and federal statutes, ordinances, codes, rules and regulations.

**SECTION 11: LAW AND VENUE:** The laws of the State of Illinois shall govern this Contract and venue for legal disputes shall be DuPage County, Illinois.

**SECTION 12: MODIFICATION:** This Contract may be modified only by a written amendment signed by both PARTIES.

FOR: THE CITY

FOR: THE CONTRACTOR

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Mayor

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION II – REQUIRED BID SUBMISSION DOCUMENTS**

**BIDDER SUMMARY SHEET**

**STREET LIGHT MAINTENANCE FOR THE CITY OF DARIEN RIGHT OF WAY & PRIVATE PROPERTY COMMERCIAL PARKING LOTS-2021**

Firm Name: Rag's Electric, Inc.

Address: 6805 Hobson Valley Dr., Unit 105

City, State, Zip Code: Woodridge, IL. 60517

Contact Person: Patrick Durkin

FEIN #: 20-5012784

Phone: (630) 739-7247 Fax: (630) 739-7 424

Cell: (773) 619-7640

E-mail Address: ragselectric@aol.com

**RECEIPT OF ADDENDA:** The receipt of the following addenda is hereby acknowledged:

Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

## Schedule of Prices for:

### STREET LIGHT MAINTENANCE SERVICES PROPOSAL FOR STREET LIGHTS & POLES LOCATED WITHIN THE RIGHT OF WAYS

Item No.	Items	Unit	Quantity	Unit Price	Total
<b>2021 PRICING</b>					
1	Total cost to repair Street Light Outage	Each	100	\$200.00	\$20,000.00
	Total cost to supply, remove and replace ballast	Each	20	\$0.00	\$0.00
	Total cost to supply, remove and replace fuse kit	Each	20	\$40.00	\$800.00
2	Hourly Labor Rates				
	Journeyman – Straight Time	HR	1	\$115.00	\$115.00
	Journeyman – Over Time	HR	1	\$170.00	\$170.00
	Helper – Straight Time	HR	1	\$75.00	\$75.00
	Helper – Over Time	HR	1	\$115.00	\$115.00
	Bucket Truck	HR	1	\$32.00	\$32.00
	Lift Truck	HR	1	\$3.00	\$3.00
	Pickup Truck	HR	1	\$5.00	\$5.00
	Auger/Backhoe	HR	1	\$5.00	\$5.00
3.	Material Costs				
a.	Leotek GCM2-40F-MV-NW-2-GY-1A	Each	1	\$305.00	\$305.00
b.	Leotek GC2-80F-MV-NW-3-GY-1A	Each	1	\$595.00	\$595.00
c.	Eye Lighting LES-37W-333-840-HWD	Each	1	\$298.00	\$298.00
d.	Eye Lighting LES-57W-333-840-HWD	Each	1	\$325.00	\$325.00
e.	Eye Lighting P-L4-45-5-7-U-Y-N-R-E1	Each	1	\$980.00	\$980.00
4-option	Purchase and Installation of Street Light				
a.	Aluminum pole 25' height with 8' arm – with LED Driver and Leotek GCM2-40F-MV-NW-2-GY-1A	Each	2	\$3,200.00	\$6,400.00
b.	Concrete pole 25' height with 8' arm - with LED Driver and Leotek GCM2-40F-MV-NW-2-GY-1A	Each	2	\$3,900.00	\$7,800.00
5-option	Unit cost for Uniduct (Material and Installation) Material 1 ¼" – XLP-USP with 3 #6 Copper Wires	Ft.	200	\$14.00	\$2,800.00
6-option	Straightening of Concrete Light Poles	Each	10	\$280.00	\$2,800.00
<b>Part A Sub-Total</b>					<b>\$43,623.00</b>

**NOTE TO ALL CONTRACTORS:**

The bid tabulations will be based upon **Total Cost** of items 1, 2, 3, 4, 5 and 6.

## Schedule of Prices for:

### LIGHT POLE MAINTENANCE SERVICES FOR PRIVATE PROPERTY COMMERCIAL PARKING LOTS

Item No.	Items	Unit	Quantity	Unit Price	Total
<b>2021 PRICING</b>					
1	Total cost to repair Street Light Outage	Each	1	\$170.00	\$170.00
2	Hourly Labor Rates				
	Journeyman – Straight Time	HR	1	\$115.00	\$115.00
	Journeyman – Over Time	HR	1	\$170.00	\$170.00
	Helper – Straight Time	HR	1	\$75.00	\$75.00
	Helper – Over Time	HR	1	\$115.00	\$115.00
	Bucket Truck	HR	1	\$32.00	\$32.00
	Lift Truck	HR	1	\$3.00	\$3.00
	Pickup Truck	HR	1	\$5.00	\$5.00
	Auger/Backhoe	HR	1	\$5.00	\$5.00
3	Material Costs -- High Pressure Sodium:				
	Brand:				
	100 Watt	Each	1	\$10.00	\$10.00
	150 Watt	Each	1	\$10.00	\$10.00
	200 Watt	Each	1	\$12.00	\$12.00
	250 Watt	Each	1	\$12.00	\$12.00
4	Material Costs -- Mercury Vapor:				
	Brand:				
	100 Watt	Each	1	\$10.00	\$10.00
	175 Watt	Each	1	\$12.00	\$12.00
	250 Watt	Each	1	\$12.00	\$12.00
5	Material Costs -- Mercury Halide:				
	Brand:				
	100 Watt	Each	1	\$10.00	\$10.00
	175 Watt	Each	1	\$12.00	\$12.00
	250 Watt	Each	1	\$12.00	\$12.00
<b>Part B Sub-Total</b>					<b>\$802.00</b>

**NOTE TO ALL CONTRACTORS:**

The bid tabulations will be based upon **Total Cost** of items 1, 2, 3, 4, and 5.

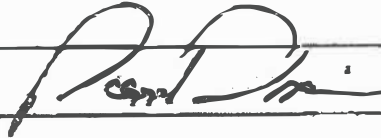
## TOTAL COST SUMMARY

SUMMARY COSTS	2021	2022	2023
Part A Sub-Total	<del>\$43,6263.20</del> \$43,623.00	\$46,138.20	\$48,646.20
Part B Sub-Total	\$802.00	\$827.00	\$845.00
Total Cost of A+B	\$44,425.20 \$44,425.00	\$46,965.20	\$49,491.20

**The contract will be awarded on a total sum of A and B.**

Firm Name: Rag's Electric, Inc.

Signature of Authorized Representative: \_\_\_\_\_



Title: President

Date: November 30, 2020

**ACCEPTANCE:** This proposal is valid for 150 calendar days from the date of submittal.

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Approval of a [resolution](#) authorizing the following Private Property Rear Yard Storm Water Management Assistance Projects for:

1. **Project FYE21-0** – 1022 Hinsbrook Ave. in an amount not to exceed \$13,235, (City Cost \$9,176 Resident Reimbursement \$4,059)
2. **Project FYE21-1** – 1517-25 73<sup>rd</sup> St. in an amount not to exceed \$14,039, (City Cost \$9,779 Resident Reimbursement \$4,260)
3. **Project FYE21-6** – 818 71<sup>st</sup> St & 7009-11 Sierra Ct. in an amount not to exceed \$21,748 (City Cost \$11,369 Resident Reimbursement \$10,379)
4. **Project FYE21-10** – 7914-18 Adams St. & 7917 Pine Ct. in an amount not to exceed \$7,878, (City Cost \$5,159 Resident Reimbursement \$2,719)
5. **Project FYE21-11** – 8360-72 Cramer Ln. in an amount not to exceed \$10,900, (City Cost \$7,425 Resident Reimbursement \$3,475)
6. **Project FYE21-12** – 8005-8009-8013 Sawyer Rd. in an amount not to exceed \$14,330, (City Cost \$9,998 Resident Reimbursement \$4,332)
7. **Project FYE21-13** – 1530 Claremont Dr. and 1601 Holly Ave., in an amount not to exceed \$5,906 (City Cost \$3,680 Resident Reimbursement \$2,227)
8. **Project FYE21-14** – 618 Maple Ave. in an amount not to exceed \$4,927, (City Cost \$3,927 Resident Reimbursement \$1,000)
9. **Project FYE21-16** – 8607-19 Clifford Rd. in an amount not to exceed \$6,701, (City Cost \$4,276 Resident Reimbursement \$2,425)
10. **Project FYE21-28** – 8509-11 Gleneyre Rd in an amount not to exceed \$8,849, (City cost \$7,849 Resident Reimbursement \$1,000)

For further cost breakdowns, see attached spreadsheet labeled as [Attachment A](#). (Please note the amounts above have been rounded to the nearest dollar.)

**BACKGROUND**

Throughout the year, the City receives complaints regarding drainage issues within the rear lot lines/easements. The complaints are due to standing water that stems from active sump pumps, grading issues and mature landscaping. The areas further stay saturated throughout the season, thereby making it difficult to mow and maintain these areas and further creates conditions for mosquito breeding. The City's Private Property-Rear Yard Storm Water Management Assistance Policy or further referred to as the *Rear Yard Drainage Program* allows residents, multifamily, commercial property owners and the City to work together in resolving these nuisance ponding



and drainage issues. The projects would rid the area of the nuisance ponding, and allow for positive storm water conveyance within the rear yard easement.

The scope of the projects consist of the following work:

- City Staff Field Layout
- Purchase of infrastructure materials
- Outsource of Installation of Infrastructure and Restoration - City Council awarded vendor JC Landscaping and Tree Services.

The proposed expenditure would be expended from the following line account:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 21/22 BUDGET	PROPOSED EXPENDITURE	RESIDENT REIMBURSEMENT	ACCOUNT BALANCE
01-30-4374	DRAINAGE ASSISTANCE PROJECTS	\$ 100,000	\$ 108,513	\$ 35,876	\$ 27,363

**STAFF RECOMMENDATION**

Staff recommends approval of a resolution authorizing Rear Yard Storm Water Management Assistance Projects. Please note, at the upcoming budget meeting Staff will request an additional \$160,000.00 under discretionary expenditures.

**ALTERNATE CONSIDERATION**

As directed by the City Council.

**DECISION MODE**

This item will be placed on the February 1, 2021, City Council for formal consideration. The Municipal Services Committee will be forwarding their recommendation to the City Council.

<u>Project/Name</u>	<u>Street Addresses</u>	<u>Project Cost- Estimate</u>	<u>City Contribution Estimate</u>	<u>Resident Reimbursement Estimate</u>	<u>EASEMENT</u>	<u>Total Resident Reimbursement Estimate</u>
					<u>REQUIRED NON PARTICIPATING FUNDING</u>	
FYE21-0	1022 Hinsbrook	\$ 13,234.82	\$ 9,176.11	\$ 4,058.71	\$ 750.00	\$ 4,808.71
FYE21-1	1517-21-25 73rd St & 1522 Shelly Ct	\$ 14,038.93	\$ 9,779.20	\$ 4,259.73		\$ 4,259.73
FYE21-6	818 71st St & 7009-11 Sierra Ct	\$ 21,747.79	\$ 11,368.67	\$ 10,379.12		\$ 10,379.12
FYE21-10	7914-18 Adams St & 7917 Pine Ct	\$ 7,878.19	\$ 5,158.64	\$ 2,719.55		\$ 2,719.55
FYE21-11	8360 Cramer Ln	\$ 10,899.90	\$ 7,424.92	\$ 3,474.98		\$ 3,474.98
FYE21-12	8005-09-13 Sawyer Rd	\$ 14,329.78	\$ 9,997.33	\$ 4,332.45		\$ 4,332.45
FYE21-13	1530 Claremont Dr & 1601 Holly Ave	\$ 5,906.09	\$ 3,679.57	\$ 2,226.52		\$ 2,226.52
FYE21-14	618 Maple Ave	\$ 4,926.66	\$ 3,926.66	\$ 1,000.00		\$ 1,000.00
FYE21-16	8607-19 Clifford Rd	\$ 6,701.50	\$ 4,276.12	\$ 2,425.38		\$ 2,425.38
FYE21-28	8509 Gleneyre Rd	\$ 8,849.46	\$ 7,849.46	\$ 1,000.00		\$ 1,000.00
	<b>TOTALS</b>	<b>\$ 108,513.12</b>	<b>\$ 72,636.68</b>	<b>\$ 35,876.44</b>	<b>\$ 750.00</b>	<b>\$ 36,626.44</b>

**A RESOLUTION AUTHORIZING THE FOLLOWING PRIVATE PROPERTY REAR YARD STORM WATER MANAGEMENT ASSISTANCE PROJECTS:**

1. **PROJECT FYE21-0 – 1022 HINSBROOK AVE. IN AN AMOUNT NOT TO EXCEED \$13,235, (CITY COST \$9,176 RESIDENT REIMBURSEMENT \$4,059**
2. **PROJECT FYE21-1 – 1517-25 73<sup>RD</sup> ST. IN AN AMOUNT NOT TO EXCEED \$14,039, (CITY COST \$9,779 RESIDENT REIMBURSEMENT \$4,260)**
3. **PROJECT FYE21-6 – 818 71<sup>ST</sup> ST & 7009-11 SIERRA CT. IN AN AMOUNT NOT TO EXCEED \$21,748 (CITY COST \$11,369 RESIDENT REIMBURSEMENT \$10,379)**
4. **PROJECT FYE21-10 – 7914-18 ADAMS ST. & 7917 PINE CT. IN AN AMOUNT NOT TO EXCEED \$7,878, (CITY COST \$5,159 RESIDENT REIMBURSEMENT \$2,719)**
5. **PROJECT FYE21-11 – 8360-72 CRAMER LN. IN AN AMOUNT NOT TO EXCEED \$10,900, (CITY COST \$7,425 RESIDENT REIMBURSEMENT \$3,475)**
6. **PROJECT FYE21-12 – 8005-8009-8013 SAWYER RD. IN AN AMOUNT NOT TO EXCEED \$14,330, (CITY COST \$9,998 RESIDENT REIMBURSEMENT \$4,332)**
7. **PROJECT FYE21-13 – 1530 CLAREMONT DR. AND 1601 HOLLY AVE., IN AN AMOUNT NOT TO EXCEED \$5,907 (CITY COST \$3,680 RESIDENT REIMBURSEMENT \$2,227)**
8. **PROJECT FYE21-14 – 618 MAPLE AVE. IN AN AMOUNT NOT TO EXCEED \$4,927, (CITY COST \$3,927 RESIDENT REIMBURSEMENT \$1,000)**
9. **PROJECT FYE21-16 – 8607-19 CLIFFORD RD. IN AN AMOUNT NOT TO EXCEED \$6,701, (CITY COST \$4,276 RESIDENT REIMBURSEMENT \$2,425)**
10. **PROJECT FYE21-28 – 8509-11 GLENEYRE RD IN AN AMOUNT NOT TO EXCEED \$8,849, (CITY COST \$7,849 RESIDENT REIMBURSEMENT \$1,000)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor and City Clerk to approve the Private Property Rear Yard Storm Water Management Assistance Projects: 1. Project FYE21-0 – 1022 Hinsbrook Ave. in an amount not to exceed \$13,235, (City Cost \$9,176 Resident Reimbursement \$4,059, 2. Project FYE21-1 – 1517-25 73rd St. in an amount not to exceed \$14,039, (City Cost \$9,779 Resident Reimbursement \$4,260), 3. Project FYE21-6 – 818 71st St & 7009-11 Sierra Ct. in an amount not to exceed \$21,748 (City Cost \$11,369 Resident

Reimbursement \$10,379), 4. Project FYE21-10 – 7914-18 Adams St. & 7917 Pine Ct. in an amount not to exceed \$7,878, (City Cost \$5,159 Resident Reimbursement \$2,719), 5. Project FYE21-11 – 8360-72 Cramer Ln. in an amount not to exceed \$10,900, (City Cost \$7,425 Resident Reimbursement \$3,475), 6. Project FYE21-12 – 8005-8009-8013 Sawyer Rd. in an amount not to exceed \$14,330, (City Cost \$9,998 Resident Reimbursement \$4,332), 7. Project FYE21-13 – 1530 Claremont Dr. and 1601 Holly Ave., in an amount not to exceed \$5,907 (City Cost \$3,680 Resident Reimbursement \$2,227), 8. Project FYE21-14 – 618 Maple Ave. in an amount not to exceed \$4,927, (City Cost \$3,927 Resident Reimbursement \$1,000), 9. Project FYE21-16 – 8607-19 Clifford Rd. in an amount not to exceed \$6,701, (City Cost \$4,276 Resident Reimbursement \$2,425), 10. Project FYE21-28 – 8509-11 Gleneyre Rd in an amount not to exceed \$8,849, (City cost \$7,849 Resident Reimbursement \$1,000)

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February, 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February, 2021.

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

A [resolution](#) authorizing the Mayor to execute a contract extension with Denler Inc. in an amount not to exceed \$221,250.00 for the 2021 Crack Fill Program.

**BACKGROUND/HISTORY**

The FY 21/22 Budget includes funds for the 2021 Crack Fill Program. Crack sealing is a routine maintenance treatment that will significantly delay roadway deterioration. The sealing material is applied into the cracks before they become too large and before the freeze-thaw cycles have an opportunity to shift the pavement and develop larger cracks (alligatoring). Flexible rubberized asphalt sealants bond to crack walls and move with the pavement, preventing water from entering the road base. The life of the road is extended and maintenance costs are greatly reduced over time.

The scope of the program includes all cracks to be routed with a low dust mechanical router to a depth of ½” and a width of approximately 3”. Upon completion of the routing, all dirt, debris, and water is removed from the cracks. The method of removal is completed by utilizing a blow pipe which blows compressed air from a pull behind conventional air compressor. The crack is then filled with a rubber sealant which is feathered to a width of approximately 3-inches in width.

In 2019 the City of Darien teamed up with local public agencies which included Burr Ridge, Downers Grove, DuPage County, Elmhurst, Lombard, Villa Park, West Chicago, Wheaton, and Woodridge and solicited competitive bids, collectively. Attached and labeled as [Attachment A](#) are the bid results from the bid opening held by the Village of Woodridge on March 21, 2019. This would be the last extension of a three (3) year program.

[Attachment B](#) is the list of roads scheduled for this year’s program. Denler Incorporated has completed crack filling in the past with satisfactory work.

The proposed Crack Sealing Program would be funded from the following FY21-22 Budget:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 21-22 BUDGET	PROPOSED EXPENDITURE	PROPOSED BALANCE
25-35-4382	CRACK FILL PROGRAM	\$ 221,250.00	\$ 221,250.00	\$0

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed resolution.

**ALTERNATE CONSIDERATION**

Not approving this item at this time.

**DECISION MODE**

This item will be placed on the February 1, 2021 City Council agenda for formal approval.

PROJECT FILE NAME: CRACK SEALING AND SEAL COATING SERVICES  
PROJECT NO.: 2019-07

DATE:  
TIME:  
TABULATED BY:

3/21/2019  
10:00 A.M.  
BWT

NO	ITEM	QUAN	UNIT	ENGINEER'S ESTIMATE		Denler, Inc. 19148 S. 104th Avenue Mokena, IL 60448		SKC Construction, Inc. PO Box 503 West Dundee, IL 60118	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
A	Crack Sealing Asphalt Pavement	106,400	LB	\$ 1.27	\$ 135,128.00	\$ 1.24	\$ 131,936.00	\$ 1.27	\$ 135,128.00
B	Crack and Joint Sealing PCC Pavement		LB	<del>\$ 2.61</del>		\$ 2.47		<del>\$ 2.00</del>	
C	Fiber-Asphalt Crack Sealing Asphalt Pavement	9,880	LB	<del>\$ 1.35</del>	\$ 13,338.00	\$ 1.22	\$ 12,053.60	<del>\$ 1.17</del>	<del>\$ 11,559.60</del>
D	Seal Coat Bike Path		SY	<del>\$ 0.92</del>		\$ 0.67		<del>\$ 0.90</del>	
E	Seal Coat Parking Lot	5,648	SY	<del>\$ 0.85</del>	\$ 4,800.80	\$ 0.72	\$ 4,066.56	<del>\$ 0.87</del>	<del>\$ 4,913.76</del>
F	Parking Lot Paint Pavement Marking - Line 4"	1,600	FT	<del>\$ 0.23</del>	\$ 368.00	\$ 0.24	\$ 384.00	<del>\$ 0.25</del>	<del>\$ 400.00</del>
G	Parking Lot Paint Pavement Marking - Letters & Symbols	100	SF	<del>\$ 3.15</del>	\$ 315.00	\$ 3.80	\$ 380.00	<del>\$ 3.00</del>	<del>\$ 300.00</del>
H	Traffic Control and Protection - DuPage County		LSUM	<del>\$ 2,833.33</del>		\$ 1,000.00		<del>\$ 500.00</del>	
	<b>TOTAL BID</b>				AS READ: AS CORRECTED: \$ 153,949.80		\$ 148,820.16		\$ 152,301.36

**CITY OF DARIEN 2021 PROGRAM - CRACK SEALING WITH AWARDED VENDOR**

NO	ITEM	QUAN	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
A	Crack Sealing Asphalt Pavement	152,612	LB	N/A	N/A	\$ 1.24	\$ 189,238.63	N/A	N/A
B	Fiber-Asphalt Crack Sealing Asphalt Pavement	25,000	LB			\$ 1.22	\$ 30,500.00		
	<b>TOTAL</b>						\$ 219,738.63		



2020 Crack Fill	Location	Road Length
Peony	High - Brookbank	660
Holly ave	High - Brookbank	1,660
Brookbank ave	69th - Holly	1,150
High Rd	67th - Crest	3,000
Tall Pines rd	Cass - 67th	2,500
Bavarian Ln	Tall Pines - limit	780
Western	67th - N Limit	600
Sean Circle	67th - 67th	850
72nd	Richmond - Tennessee	2,000
Woodland Dr	Frontage - Limit	600
Gail Ave	79th - Linden	1,240
79th	Cass - Sawyer	4,160
Darien Club Dr	Cass - Fairview	5,900
Clare Ct	Darien Club - Limit	400
Bantry Ct	Darien Club - Limit	400
Limerick Ct	Darien Club - Limit	400
Clover Ct	Darien Club - Limit	400
SweetBriar Ln	Darien Club - Faairview	2,000
Hudson	71st - Limit	600
Walden Ln	71st - Richmond	1,320
Washington	71st Claremont	500
Wirth	71st - Gigi	1,460
Gigi	75th - Fairview	2,300
Richard rd	Gigi - 72nd	720
72nd	Richard - Gold Grove	800
Grant st	75th - Adams	1,000
Adams	75th Plainfield	1,500
Sequoia In	Adams - Williams	1,500
Redondo Ct	Redondo Ln - Limit	400
Manning Rd	Plainfield - Lyman	2,500
Brompton	Green Valley - Dartmouth	800
Dartmouth	Brunswick - Brompton	325
Carlton	Green Vally - Lyman	845
Aylesbury In	Walkfield -Cambridge	335
Cambridge Dr	Abbey - Green Valley	1,000
Cottage In	Manning - Manning	800
Brewer rd	Grandview - Beller	2,100
Alden	Burgress - Brewer	760
Burgress Pl	Drove - Limit	400
Meadow In	87th - Beller	1,200
Water Tower In	Beller - Sandalwood	400
Sandalwood	Hillside - Aster	600
83rd ct	Lemont rd - limit	400
Shannon Ct	Donegal - Limit	325
Carlisle	Frontage - Kimberly	1,000
Kentwood ct	Carlisle -Kmmberly	900
Pine Rd	Greenbriar - Limit	600
GreenBriar	Bailey - Grant rd	1,200
Lakeview	Bailey - Plainfield	3,800
Evergreen In	Frontage - Bailey	2,600
Total Feet		63,030

157,575

PDS per ft	1.90
Total Pounds Roadway Crack Fill Program	82,934

Curb Edge Crack Fill	Location	Road Length
Clarendon Hills Rd	71st - 75th	1000
71st Street	Clarendon Hills rd - Cass	5280
Beechnut Lane	Hinsbrook - Belair	1750
Tennessee Avenue	Plainfield - 72nd	980
Walnut Dr	Warwick - Farmingdale	2300
Park Ave	75th - 73rd	1200
Shelley Ct	Park - Limit	450
Carrol Ct	Park - Limit	450
77th St	Knott-Wlms	420
Hawthorne Pl	plainfield - Williams	330
Stevens St	plainfield - Williams	540
Parkview Dr	Beller - 83rd	1310
Hillside Ct	Hillside rd - Limit	300
Ripple Ridge Dr CDS	Ripple Ridge drive - limit	400
Spring Ct	Ripple Ridge drive - limit	300
Pine Parkway	Plainfield rd - Limit	1800
Summit Rd	71st - Clemens	2240
Total Feet		21,050

52,625.00

PDS per ft	1.90
Total Pounds Curb and Gutter Crack Fill Program	27,697

Total Pounds Roadway Crack Fill Program	82,934
Total Pounds Curb and Gutter Crack Fill Program	27,697
Total Combined Program (Pounds)	110,632



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT EXTENSION WITH DENLER, INC. IN AN AMOUNT NOT TO EXCEED \$221,250.00 FOR THE 2021 CRACK FILL PROGRAM**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, as follows:

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor and City Clerk to execute a contract extension with Denler, Inc. in an amount not to exceed \$221,250.00 for the 2021 Crack Fill Program, a copy of which is attached hereto as "[Exhibit A](#)".

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February, 2021.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February, 2021.

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:  
  
\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM  
  
\_\_\_\_\_  
CITY ATTORNEY



**From:** [Tim Malone](#)  
**To:** [Regina Kokkinis](#)  
**Cc:** [David Fell](#); [Dan Gombac](#)  
**Subject:** Re: 2020 Crack Seal  
**Date:** Tuesday, December 15, 2020 11:50:39 AM

---

Hi Regina,

Yes we will honor 2020 pricing for 2021.

Thanks.

On Tue, Dec 15, 2020 at 11:37 AM Regina Kokkinis <[rkokkinis@darienil.gov](mailto:rkokkinis@darienil.gov)> wrote:

Hi Mr. Malone,

Dan asked I reach out to you if you could honor the 2020 pricing for 2021.

The City postponed the Crack Fill program due to the pandemic.

Program	Unit Cost	Total Pounds	Cost
Crack Fill	\$ 1.24	152,612	\$ 189,238.63
Fiber Fill	\$ 1.22	25,000	\$ 30,500.00

Thank you,

*Regina Kokkinis*

Administrative Assistant, Municipal Services

City of Darien

630-353-8105

**To receive important information from the City of Darien sign up for our electronic newsletter:**

**DARIEN DIRECT CONNECT**

**Follow the link and subscribing is simple!**

<https://darien.il.us/reference-desk/directconnect-eneews>

**From:** Tim Malone <tmalone@denlerinc.com>

**Sent:** Wednesday, January 15, 2020 8:37 AM

**To:** Dan Gombac <dgombac@darienil.gov>

**Cc:** Regina Kokkinis <rkokkinis@darienil.gov>; David Fell <dfell@darienil.gov> **Subject:**

Re: 2020 Crack Seal

Good morning,

Yes all the 2020 pricing looks good..

Thanks.

Tim Malone

Denler,Inc

20502 S. Cherry Hill Road  
Joliet, IL 60433

708-479-5005 Office  
708-479-5015 Fax  
708-514-2735 Cell

On Tue, Jan 14, 2020, 11:55 AM Dan Gombac <dgombac@darienil.gov> wrote:

Tim,

Confirming pricing and quantities for 2020

Program	Unit Cost	Total Pounds	Cost
Crack Fill	\$	152,611.80	\$ 189,238.63

	1.24		
Fiber Fill	\$	9,880.00	\$ 12,053.60
	1.22		

Regina

For Committee in Jan or Feb

*Daniel Gombac*

*Director of Municipal Services*

*630-353-8106*

**To receive important information from the City of Darien sign up for our electronic newsletter:**

**DARIEN DIRECT CONNECT**

**Follow the link and subscribing is simple!**

<http://www.darien.il.us/Reference-Desk/DirectConnect.aspx>

--



Tim Malone  
Denler, Inc

20502 S.Cherry Hill Rd  
Joliet, IL 60433

708-479-5005 office  
708-479-7199 fax  
708-514-2735 cell

**SUBMISSION INFORMATION**

Village of Woodridge Public Works Department  
 One Plaza Drive  
 Woodridge, IL 60517

INVITATION # 2019-07  
 BID OPENING DATE: March 21, 2019  
 TIME: 10:00 A.M. Local Time  
 LOCATION: Village Hall

COPIES: One (1) original & ten (10) copies

**INVITATION TO BID CONTRACTOR INFORMATION**

Company Name: Denier, Inc.  
 Address: 20502 S. Cherry Hill Rd.  
 City, State, Zip Code: Joliet, IL 60432

**Crack Sealing and Seal Coating Services  
 per the specifications identified herein**

**I. BASE BID ITEMS**

**A. CRACK SEALING ASPHALT PAVEMENT**

Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1 Crack Sealing Asphalt Pavement per the specifications identified herein- Year 1	444,270	LB	\$ <u>1.19</u>	\$ <u>528,681.30</u>
2 Year 2 (optional)	398,100	LB	\$ <u>1.24</u>	\$ <u>493,644.-</u>
3 Year 3 (optional)	430,670	LB	\$ <u>1.30</u>	\$ <u>559,871.-</u>

**B. CRACK AND JOINT SEALING PCC PAVEMENT**

Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1 Crack and Joint Sealing PCC Pavement per the specifications identified herein- Year 1	3,500	LB	\$ <u>2.40</u>	\$ <u>8400.-</u>
2 Year 2 (optional)	22,657	LB	\$ <u>2.47</u>	\$ <u>55,962.79</u>
3 Year 3 (optional)	3,500	LB	\$ <u>2.55</u>	\$ <u>8925.-</u>



**C. FIBER-ASPHALT CRACK SEALING ASPHALT PAVEMENT**

Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1 Fiber-Asphalt Crack Sealing Asphalt Pavement per the specifications identified herein- Year 1	162,880	LB	\$ <u>1.18</u>	\$ <u>192,198.40</u>
2 Year 2 (optional)	185,880	LB	\$ <u>1.22</u>	\$ <u>226,773.60</u>
3 Year 3 (optional)	161,880	LB	\$ <u>1.32</u>	\$ <u>213,681.60</u>

**D. SEAL COAT BIKE PATH**

Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1 Seal Coat Bike Path per the specifications identified herein- Year 1	0	SY	\$ <u>.72</u>	\$ <u>0.00</u>
2 Year 2 (optional)	15,100	SY	\$ <u>.67</u>	\$ <u>10,117.-</u>
3 Year 3 (optional)	12,500	SY	\$ <u>.72</u>	\$ <u>9,000.-</u>

**E. SEAL COAT PARKING LOT**

Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1 Seal Coat Parking Lot per the specifications identified herein- Year 1	7,648	SY	\$ <u>.93</u>	\$ <u>7,112.64</u>
2 Year 2 (optional)	284,012	SY	\$ <u>.72</u>	\$ <u>204,488.64</u>
3 Year 3 (optional)	21,100	SY	\$ <u>.70</u>	\$ <u>14,770.-</u>

**F. PARKING LOT PAINT PAVEMENT MARKING – LINE 4"**

Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1 Parking Lot Paint Pavement Marking – Line 4" per the specifications identified herein- Year 1	1,996	FT	\$ <u>.22</u>	\$ <u>439.12</u>
2 Year 2 (optional)	10,636	FT	\$ <u>.24</u>	\$ <u>2552.64</u>
3 Year 3 (optional)	3,396	FT	\$ <u>.26</u>	\$ <u>882.96</u>

G. **PARKING LOT PAINT PAVEMENT MARKING – LETTERS & SYMBOLS**

	Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1	Parking Lot Paint Pavement Marking – Letters & Symbols per the specifications Identified herein- Year 1	100	SF	\$ <u>3.65</u>	\$ <u>365.-</u>
2	Year 2 (optional)	500	SF	\$ <u>3.80</u>	\$ <u>1900.-</u>
3	Year 3 (optional)	200	SF	\$ <u>3.95</u>	\$ <u>790.-</u>

H. **TRAFFIC CONTROL AND PROTECTION- DUPAGE COUNTY**

	Item	Est. Qty.	Unit	UNIT PRICE	ANNUAL COST
1	Traffic Control and Protection – DuPage County- Year 1	1	LSUM	\$ <u>1000.-</u>	\$ <u>1000.-</u>
2	Year 2 (optional)	1	LSUM	\$ <u>1000.-</u>	\$ <u>1000.-</u>
3	Year 3 (optional)	1	LSUM	\$ <u>1500.-</u>	\$ <u>1500.-</u>

BASE BID – YEAR 1 TOTALS

\$ 738,196.46

I. ANNUAL DISCOUNT IF CONTRACTOR IS ALLOWED TO STORE EQUIPMENT AT LOCAL PUBLIC AGENCY FACILITY

LPA	Will LPA allow storage of equipment overnight at their facility?	Will Contractor utilize space at LPA's facility to store equipment overnight? (Please check)		Annual Discount
Village of Burr Ridge	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
City of Darien	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
Village of Downers Grove	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
DuPage County	No	<input type="checkbox"/>	<input type="checkbox"/>	<u>n/a</u> %
City of Elmhurst	No	<input type="checkbox"/>	<input type="checkbox"/>	<u>n/a</u> %
Village of Lombard	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
Village of Villa Park	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
City of West Chicago	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
City of Wheaton	Yes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<u>.5</u> %
Village of Woodridge	No	<input type="checkbox"/>	<input type="checkbox"/>	<u>n/a</u> %

J. ADDITIONAL COSTS TO SEAL COAT PARKING LOT AND PAINT PAVEMENT MARKINGS IF REQUIRED BY LPA TO BE COMPLETED ON A SATURDAY

Item	Unit	ADDITIONAL UNIT PRICE*
1 Seal Coat Parking Lot Parking Lot	SY	\$ <u>.96</u>
2 Paint Pavement Marking - Line 4"	FT	\$ <u>.28</u>
3 Parking Lot Paint Pavement Marking - Letters & Symbols	SF	\$ <u>5.00</u>


\*The additional unit price above is to be added to the corresponding item in Sections E., F., or G. if the LPA requires the Contractor to perform the work on a Saturday.

BIDS SHALL BE ACCOMPANIED BY BID SECURITY IN AN AMOUNT NOT LESS THAN FIVE PERCENT (5%) OF THE AMOUNT OF THE TOTAL BID.

All work under this contract shall comply with the Prevailing Wage Act of the State of Illinois, 820 ILCS 130/0.01 et seq. & the Employment of Illinois Workers on Public Works Act (30 ILCS 570/0.01).

THE SECTION BELOW MUST BE COMPLETED IN FULL AND SIGNED

The undersigned hereby certifies that they have read and understand the contents of this solicitation and agree to furnish at the prices shown any or all of the items above, subject to all instructions, conditions, specifications and attachments hereto. Failure to have read all the provisions of this solicitation shall not be cause to alter any resulting contract or to accept any request for additional compensation. By signing this bid document, the bidder hereby certifies that they are not barred from bidding on this contract as a result of a violation of either Section 33E-3 or 33E-4 of the Illinois Criminal Code of 1961, as amended.

Authorized Signature:  Company Name: Denler, Inc.  
Typed/Printed Name: David J. Denler Date: 3/19/19  
Title: President Telephone Number: 708 479 5005  
E-mail: ddenler@denlerinc.com

## LABOR STATUTES, RECORDS AND RATES

### CONSTRUCTION CONTRACTS

for

LOCAL PUBLIC AGENCIES - STATE OF ILLINOIS

MARCH 2019

All Contractors shall familiarize themselves with all provisions of all Acts referred to herein and in addition shall make an investigation of labor conditions and all negotiated labor agreements which may exist or are contemplated at this time. Nothing in the Acts referred to herein shall be construed to prohibit the payment of more than the prevailing wage scale.

In the employment and use of labor, the Contractor and any subcontractor of the Contractor shall conform to all Illinois Constitutional and statutory requirements including, but not limited to, the following:

- 1.0 Equal Employment Opportunity:
  - 1.1 Illinois Constitution, Article I, Section 17, which provides: "All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property."
  - 1.2 Illinois Constitution, Article I, Section 18, which provides: "The equal protection of the laws shall not be denied or abridged on account of sex by the state or its units of local government and school districts."
  - 1.3 The Public Works Employment Discrimination Act, 775 ILCS 10/1, provides in substance that no person may be refused or denied employment by reason of unlawful discrimination, nor may any person be subjected to unlawful discrimination in any manner in connection with contracting for or performance of any work or service of "any kind by, for, on behalf of, or for the benefit of the State, or of any department, bureau, commission, board or other political subdivision or agency thereof."
  - 1.4 Contractor shall comply with the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., as amended and any rules and regulations promulgated in accordance therewith, including, but not limited to the Equal Employment Opportunity Clause, Illinois Administrative Code, Title 44, Part 750 (Appendix A), which is incorporated herein by reference. Furthermore, the Contractor shall comply with the Public Works Employment Discrimination Act, 775 ILCS 10/0.01 et seq., as amended.
- 2.0 The Veterans Preference Act, 330 ILCS 55/1, provides: "In the employment and appointment to fill positions in the construction, addition to, or alteration of all public works undertaken or contracted for by the State, or any of its political subdivisions thereof, preference shall be given to persons who have been members of the Armed Forces of the United States...in times of hostilities with a foreign country..."
- 3.0 The Servicemen's Employment Tenure Act, as amended, 330 ILCS 60/2, "safeguarding the employment and the rights and privileges inhering in the employment contract, of servicemen."
- 4.0 The Prevailing Wage Act, 820 ILCS 130/0.01 et seq., provides: "It is the policy of the State of Illinois that a wage of no less than the general prevailing hourly rate as paid for work of a similar character in the locality in which the work is performed, shall be paid to all laborers, workers and mechanics employed by or on behalf of any and all public bodies engaged in public works." The current Schedule of Prevailing Wages for DuPage County must be prominently posted at the project site by the Contractor.
  - 4.1 The Prevailing Wage Act, 820 ILCS 130/4, provides: "All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract. If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract, and the public body shall be responsible to notify the Contractor and each subcontractor of the revised rate."
    - 4.1.1 The LPA shall notify the Contractor of any revised rates as determined by the Department of Labor and as received by the LPA. It shall be the responsibility and liability of the Contractor to promptly notify each and every subcontractor of said revised rates.



- 4.1.2 Unless otherwise specified in the Contract Documents, the Contractor shall assume all risks and responsibility for any changes to the prevailing hourly wage which may occur during the Contract Time. A revision to the prevailing rate of hourly wages shall not be cause for any adjustment in the Contract Sum.
- 4.2 The Prevailing Wage Act, 820 ILCS 130/5 provides that the Contractor and each Sub Contractor shall, "submit monthly, in person, by mail or electronically a certified payroll to the public body in charge of the project."
- 4.2.1 The Contractor shall submit to the LPA by the fifteenth day, monthly, a certified payroll list including all workers, laborers and mechanics employed by the Contractor and each of the Sub Contractors.
- 4.2.2 The certified payroll records shall include each worker's name, address, telephone number, social security number, classification, number of hours worked each day, the hourly wage and starting and ending times each day.
- 4.2.3 Included with the payroll records, the Contractor and each Sub Contractor shall attest, in writing, to the veracity and accuracy of the records and that the hourly rate paid is not less than the general prevailing wages required.
- 5.0 The Child Labor Law, as amended, 820 ILCS 205/1, which provides: "No minor under 16 years of age...at any time shall be employed, permitted or suffered to work in any gainful occupation...in any type of construction work within this state."
- 6.0. **DRUG FREE WORK PLACE**
- 6.1 Contractor, as a party to a public contract, certifies and agrees that it will provide a drug free workplace by:
- 6.1.1 Publishing a statement:
- (1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the Village's or Contractor's workplace.
  - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
  - (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
    - (A) abide by the terms of the statement; and
    - (B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 6.1.2 Establishing a drug free awareness program to inform employees about:
- (1) the dangers of drug abuse in the workplace;
  - (2) the Village's or Contractor's policy of maintaining a drug free workplace;
  - (3) any available drug counseling, rehabilitation and employee assistance programs;
  - (4) the penalties that may be imposed upon employees for drug violations.
- 6.1.3 Providing a copy of the statement required by subparagraph 1.1 to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- 6.1.4 Notifying the contracting or granting agency within ten (10) days after receiving notice under part (3)(B) of subparagraph 1.1 above from an employee or otherwise receiving actual notice of such conviction.
- 6.1.5 Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted as required by section 5 of the Drug Free Workplace Act.
- 6.1.6 Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
- 6.1.7 Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.



7.0 **SUBSTANCE ABUSE PREVENTION ON PUBLIC WORKS PROJECTS ACT**

7.1 In the event this is a public works project as defined under the Prevailing Wage Act, 820 ILCS 130/2, Contractor agrees to comply with the Substance Abuse Prevention on Public Works Projects Act, 820 ILCS 265/1 *et seq.*, and further agrees that all of its subcontractors shall comply with such Act..

As required by the Act, Contractor agrees that it will file with the Village prior to commencing work its written substance abuse prevention program and/or that of its subcontractor(s) which meet or exceed the requirements of the Act.

8.0 **PATRIOT ACT COMPLIANCE**

8.1 The Contractor represents and warrants to the Village that neither it nor any of its principals, shareholders, members, partners, or affiliates, as applicable, is a person or entity named as a Specially Designated National and Blocked Person (as defined in Presidential Executive Order 13224) and that it is not acting, directly or indirectly, for or on behalf of a Specially Designated National and Blocked Person. The Contractor further represents and warrants to the Village that the it and its principals, shareholders, members, partners, or affiliates, as applicable are not, directly or indirectly, engaged in, and are not facilitating, the transactions contemplated by this Contract on behalf of any person or entity named as a Specially Designated National and Blocked Person. The Contractor hereby agrees to defend, indemnify and hold harmless the Village, and its elected or appointed officers, employees, agents, representatives, engineers and attorneys, from and against any and all claims, damages, losses, risks, liabilities and expenses(including reasonable attorney's fees and costs) arising from or related to any breach of the foregoing representations and warranties.

The Contractor will include verbatim or by reference the provisions contained herein in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. The Contractor will be liable for compliance with these provisions by such subcontractors.

The Contractor and each subcontractor shall keep or cause to be kept an accurate record of names, occupations and actual wages paid to each laborer, workman and mechanic employed by him in connection with the contract. This record shall be open at all reasonable hours for inspection by any representative of the LPA or the Illinois Department of Labor and must be preserved for five (5) years following completion of the contract.

The current Prevailing Wages Rates for DuPage County can be found at:

<http://www.state.il.us/agency/idol/rates/rates.HTM>

## CONTRACTOR REFERENCES

Please list below five (5) references for which your firm has performed similar work for LPAs as identified in Bidder Qualifications.

Agency: Village of Lombard  
Address: 1051 S. Hammerschmidt  
City, State, Zip Code: Lombard, IL  
Contact Person/  
Telephone Number: Tom Dixon  
630 620 5740  
Dates of Service/Award  
Amount: 2018 - 100K

Agency: Village of Romeoville  
Address: 13 Montrose Dr.  
City, State, Zip Code: Romeoville, IL  
Contact Person/Telephone  
Number: Eric Bjork  
815 886 1670  
Dates of Service/Award  
Amount: 300K - 2018

Agency: Village of Buffalo Grove  
Address: 51 Raupp Blvd  
City, State, Zip Code: Buffalo Grove, IL  
Contact Person/  
Telephone Number: Kyle Johnson  
647 459 2523  
Dates of Service/Award  
Amount: 2018 - 75K

Agency: City of Naperville  
Address: 400 S. Eagle St.  
City, State, Zip Code: Naperville, IL  
Contact Person/  
Telephone Number: Quar Santos  
630 - 305 - 5204  
Dates of Service/Award  
Amount: 2018 - 350K

Agency: I POT.  
Address: 2300 S. Dickson Pkwy  
City, State, Zip Code: Springfield, IL  
Contact Person/  
Telephone Number: Pat Forniak  
309 573 8777  
Dates of Service/Award  
Amount: 2017 - 300K

**DISQUALIFICATION OF CERTAIN BIDDERS**

(i)

**PERSONS AND ENTITIES SUBJECT TO DISQUALIFICATION**

No person or business entity shall be awarded a contract or subcontract, for a stated period of time, from the date of conviction or entry of a plea or admission of guilt, if the person or business entity,

- (A) has been convicted of an act committed, within the State of Illinois or any state within the United States, of bribery or attempting to bribe an officer or employee in the State of Illinois, or any State in the United States in that officer's or employee's official capacity;
- (B) has been convicted of an act committed, within the State of Illinois or any state within the United States, of bid rigging or attempting to rig bids as defined in the Sherman Anti-Trust Act and Clayton Act 15 U.S.C. Sec. 1 et seq.;
- (C) has been convicted of bid rigging or attempting to rig bids under the laws of the State of Illinois, or any state in the United States;
- (D) has been convicted of bid rotating or attempting to rotate bids under the laws of the State of Illinois, or any state in the United States;
- (E) has been convicted of an act committed, within the State of Illinois or any state in the United States, of price-fixing or attempting to fix prices as defined by the Sherman Anti-Trust Act and Clayton Act 15 U.S.C. Sec. 1 et seq.;
- (F) has been convicted of price-fixing or attempting to fix prices under the laws of the State of Illinois, or any state in the United States;
- (G) has been convicted of defrauding or attempting to defraud any unit of state or local government or school district within the State of Illinois or in any state in the United States;
- (H) has made an admission of guilt of such conduct as set forth in subsection (A) through (F) above which admission is a matter of record, whether or not such person or business entity was subject to prosecution for the offense or offenses admitted to;
- (I) has entered a plea of nolo contendere to charges of bribery, price fixing, bid rigging, bid rotating, or fraud; as set forth in subparagraphs (A) through (F) above.

Business entity, as used herein, means a corporation, partnership, limited liability company trust, association, unincorporated business or individually owned business.

By signing this document, the bidder hereby certifies that they are not barred from bidding on this contract as a result of a violation of either Section 33E-3 or 33E-4 of the Illinois Criminal Code of 1961, as amended.

(Signature of Bidder if the Bidder is an Individual)  
(Signature of Partner if the Bidder is a Partnership)  
(Signature of Officer if the Bidder is a Corporation)

The above statements must be subscribed and sworn to before a notary public.

Subscribed and Sworn to this 19 day of March, 2019



*Failure to complete and return this form may be considered sufficient reason for rejection of the bid.*

**ANTI-COLLUSION AFFIDAVIT AND CONTRACTOR'S CERTIFICATION**

David J. Nerler, being first duly sworn,  
deposes and says that he is President  
(Partner, Officer, Owner, Etc.)

of Nerler, Inc.  
(Contractor)

the party making the foregoing proposal or bid, and that such bid is genuine and not collusive, or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person; to fix the bid price element of said bid, or of that of any other bidder, or to secure any advantage against any other bidder or any person interested in the proposed contract.

The undersigned certifies that he is not barred from bidding on this contract as a result of a conviction for the violation of State laws prohibiting bid-rigging or bid-rotating.

[Signature]  
(Signature of Bidder if the Bidder is an Individual)  
(Signature of Partner if the Bidder is a Partnership)  
(Signature of Officer if the Bidder is a Corporation)

The above statements must be subscribed and sworn to before a notary public.  
Subscribed and Sworn to this 17 day of March, 2019

[Signature]  
OFFICIAL SEAL  
DEAN MARSTELLER  
NOTARY PUBLIC - STATE OF ILLINOIS  
Notary Public COMMISSION EXPIRES: 05/19/21

*Failure to complete and return this form may be considered sufficient reason for rejection of the bid.*



**CONFLICT OF INTEREST**

David J. Aelter

, hereby certifies that

it has conducted an investigation into whether an actual or potential conflict of interest exists between the bidder, its owners and employees and any official or employee of a Local Public Agency identified herein.

Bidder further certifies that it has disclosed any such actual or potential conflict of interest and acknowledges if bidder has not disclosed any actual or potential conflict of interest, the Village of Woodridge may disqualify the bid or the affected Local Public Agency may void any award and acceptance that the Local Public Agency has made.

[Handwritten Signature]

(Signature of Bidder if the Bidder is an Individual)  
(Signature of Partner if the Bidder is a Partnership)  
(Signature of Officer if the Bidder is a Corporation)

The above statements must be subscribed and sworn to before a notary public.  
Subscribed and Sworn to this 19 day of March, 2019

[Handwritten Signature]  
Notary Public  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES 05/19/21

*Failure to complete and return this form may be considered sufficient reason for rejection of the bid.*

**TAX COMPLIANCE AFFIDAVIT**

David J. Denter, being first duly sworn, deposes and says that (s)he is  
President of Denter, Inc.  
(Partner, Officer, Owner, Etc.) (Contractor)

the individual or entity making the foregoing proposal or bid, and certifies that (s)he is not barred from contracting with the any of the Local Public Agencies identified herein because of any delinquency in the payment of any tax administered by the Department of Revenue unless the individual or entity is contesting, in accordance with the procedures established by the appropriate revenue act. The individual or entity making the proposal or bid understands that making a false statement regarding delinquency in taxes is a Class A Misdemeanor and, in addition, voids the contract and allows the Local Public Agency to recover all amounts paid to the individual or entity under the contract in civil action.

[Signature]  
(Signature of Bidder if the Bidder is an Individual)  
(Signature of Partner if the Bidder is a Partnership)  
(Signature of Officer if the Bidder is a Corporation)

The above statements must be subscribed and sworn to before a notary public.

Subscribed and Sworn to this 19 day of March, 2019

[Signature]  
Notary Public



Failure to complete and return this form may be considered sufficient reason for rejection of the bid.



**SUB-CONTRACTOR INFORMATION**

**(ATTACH ADDITIONAL PAGES AS NEEDED)** - *None*

**Name:** \_\_\_\_\_ **# Years in Business:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **# Years used by Contractor:** \_\_\_\_\_  
**Services provided by Sub-Contractor:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....

**Name:** \_\_\_\_\_ **# Years in Business:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **# Years used by Contractor:** \_\_\_\_\_  
**Services provided by Sub-Contractor:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....

**Name:** \_\_\_\_\_ **# Years in Business:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **# Years used by Contractor:** \_\_\_\_\_  
**Services provided by Sub-Contractor:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PARTICIPATION AFFIDAVIT**

David J. Bentler, being first duly sworn, deposes and says, under penalties as provided in Section 1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109, that (s)he is

President of Bentler, Inc.  
(Partner, Officer, Owner, Etc.) (Contractor)

the individual or entity making the foregoing proposal or bid, and certifies that the Contractor or Subcontractor, respectively, is not barred from being awarded a contract or subcontract pursuant to 30 ILCS 500/50-10. Additionally, the Contractor or Subcontractor, respectively, certifies he/she is not suspended from doing business with any State, Federal or Local Agency.

David J. Bentler  
(Signature of Bidder if the Bidder is an Individual)  
(Signature of Partner if the Bidder is a Partnership)  
(Signature of Officer if the Bidder is a Corporation)

The above statements must be subscribed and sworn to before a notary public.

Subscribed and Sworn to this 19 day of March, 2019

Dean Marsteller  
Notary Public



Failure to complete and return this form will be considered sufficient reason for rejection of the bid.



# Required Vendor Ethics Disclosure Statement

Failure to complete and return this form may result in delay or cancellation of the County's Contractual Obligation.

Date: 3/19/19

Bid/Contract/PO #: 2019-07

Company Name: <b>Denier, Inc.</b>	Company Contact: <b>David J. Denier</b>
Contact Phone: <b>708 479 5005</b>	Contact Email: <b>denier@denierinc.com</b>

### The DuPage County Procurement Ordinance requires the following written disclosures prior to award:

1. Every contractor, union, or vendor that is seeking or has previously obtained a contract, change orders to one (1) or more contracts, or two (2) or more individual contracts with the county resulting in an aggregate amount at or in excess of \$25,000, shall provide to Procurement Services Division a written disclosure of all political campaign contributions made by such contractor, union, or vendor within the current and previous calendar year to any incumbent county board member, county board chairman, or countywide elected official whose office the contract to be awarded will benefit. The contractor, union or vendor shall update such disclosure annually during the term of a multi-year contract and prior to any change order or renewal requiring approval by the county board. For purposes of this disclosure requirement, "contractor or vendor" includes owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors and corporate entities under the control of the contracting person, and political action committees to which the contracting person has made contributions.

NONE (check here) - If no contributions have been made

Add Line	Recipient	Donor	Description (e.g. cash, type of item, in-kind services, etc.)	Amount/Value	Date Made
x					

2. All contractors and vendors who have obtained or are seeking contracts with the county shall disclose the names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with county officers or employees in relation to the contractor bid and shall update such disclosure with any changes that may occur.

NONE (check here) - If no contacts have been made

Add Line	Lobbyists, Agents and Representatives and all individuals who are or will be having contact with county officers or employees in relation to the contract or bid	Telephone	Email
x			

A contractor or vendor that knowingly violates these disclosure requirements is subject to penalties which may include, but are not limited to, the immediate cancellation of the contract and possible disbarment from future county contracts.

Continuing disclosure is required, and I agree to update this disclosure form as follows:

- If information changes, within five (5) days of change, or prior to county action, whichever is sooner
- 30 days prior to the optional renewal of any contract
- Annual disclosure for multi-year contracts on the anniversary of said contract
- With any request for change order except those issued by the county for administrative adjustments

The full text for the county's ethics and procurement policies and ordinances are available at:

<http://www.dupageco.org/CourtBoard/Policies/>

I hereby acknowledge that I have received, have read, and understand these requirements.

Authorized Signature

*David J. Denier*

Printed Name

David J. Denier

Title

President

Date

3/19/19

Attach additional sheets if necessary. Sign each sheet and number each page. Page 1 of 1 (total number of pages)

**CAMPAIGN DISCLOSURE CERTIFICATE**

Any contractor, proposer, bidder or vendor who responds by submitting a bid or proposal to the Village of Downers Grove shall be required to submit with its bid submission, an executed Campaign Disclosure Certificate.

The Campaign Disclosure Certificate is required pursuant to the Village of Downers Grove Council Policy on Ethical Standards and is applicable to those campaign contributions made to any member of the Village Council.

Said Campaign Disclosure Certificate requires any individual or entity bidding to disclose campaign contributions, as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4), made to current members of the Village Council within the five (5) year period preceding the date of the bid or proposal release.

By signing the bid documents, contractor/proposer/bidder/vendor agrees to refrain from making any campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) to any Village Council member and any challengers seeking to serve as a member of the Downers Grove Village Council.

Under penalty of perjury, I declare:

Bidder/vendor has not contributed to any elected Village position within the last five (5) years.

*David J. Nester*  
Signature

David J. Nester  
Print Name

Bidder/vendor has contributed a campaign contribution to a current member of the Village Council within the last five (5) years.

Print the following information:

Name of Contributor: \_\_\_\_\_  
(company or individual)

To whom contribution was made: \_\_\_\_\_

Year contribution made: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name




APPENDIX A  
AGREEMENT ACCEPTANCE

RFB #2019-07  
CRACK SEALING SERVICES

ACCEPTANCE

The Contract/Bid attached hereto and by this reference incorporated herein and made a part hereof is hereby accepted by the order of [*insert Local Public Agency name*] ("Owner") this 21 day of March, 2019.

This Acceptance, together with the Contract/Bid attached hereto, constitutes the entire and only agreement between the parties relating to the accomplishment of the Work and the compensation therefore and supersedes and merges any other prior or contemporaneous discussions, agreements, or understandings, whether written or oral, and shall prevail over any contradictory or inconsistent terms or conditions contained in any purchase order, acceptance, acknowledgement, invoice, or other standard form used by the parties in the performance of the Contract/Bid . Any such contradictory or inconsistent terms or conditions shall be deemed objected to by Owner without further notice of objection and shall be of no effect nor in any circumstances binding upon Owner unless accepted by Owner in a written document plainly labeled "Amendment to Contract/Bid." Acceptance or rejection by Owner or any such contradictory or inconsistent terms or conditions shall not constitute acceptance of any other contradictory or inconsistent terms or conditions.

By:   
Title: President

This Contract is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the City of Darien (hereinafter referred to as the "CITY") and \_\_\_\_\_ (Hereinafter referred to as the "CONTRACTOR").

**WITNESSETH**

In consideration of the promises and covenants made herein by the CITY and the CONTRACTOR (hereinafter referred to collectively as the "PARTIES"), the PARTIES agree as follows:

**SECTION 1: THE CONTRACT DOCUMENTS:** This Contract shall include the following documents (hereinafter referred to as the "CONTRACT DOCUMENTS") however this Contract takes precedence and controls over any contrary provision in any of the CONTRACT DOCUMENTS. The Contract, including the CONTRACT DOCUMENTS, expresses the entire agreement between the PARTIES and where it modifies, adds to or deletes provisions in other CONTRACT DOCUMENTS; the Contract's provisions shall prevail. Provisions in the CONTRACT DOCUMENTS unmodified by this Contract shall be in full force and effect in their unaltered condition.

- The Invitation to Bid
- The Instructions to the Bidders
- This Contract
- The Terms and Conditions
- The Bid as it is responsive to the CITY'S bid requirements
- All Certifications required by the CITY
- Certificates of insurance
- Performance and Payment Bonds as may be required by the CITY

**SECTION 2: SCOPE OF THE WORK AND PAYMENT:** The CONTRACTOR agrees to provide labor, equipment and materials necessary to provide the services as described in the CONTRACT DOCUMENTS and further described below:

**Unit Pricing for the 2021 CRACK SEALING AND SEAL COATING SERVICES** (Hereinafter referred to as the "WORK") and the CITY agrees to pay the CONTRACTOR pursuant to the provisions of the Local Government Prompt Payment Act (50 ILCS 505/1 *et seq.*) the following amount for performance of the described unit prices.

**SECTION 3: ASSIGNMENT:** CONTRACTOR shall not assign the duties and obligations involved in the performance of the WORK which is the subject matter of this Contract without the written consent of the CITY.

**SECTION 4: TERM OF THE CONTRACT:** This Contract shall commence on the date of its execution. The WORK shall commence upon receipt of a Notice to Proceed and continue for the period specified. This Contract shall terminate upon completion of the WORK, but may be terminated by either of the PARTIES for default upon failure to cure after ten (10) days prior written notice of said default from the aggrieved PARTY. The CITY, for its convenience, may terminate this Contract with thirty (30) days prior written notice.

**SECTION 5: INDEMNIFICATION AND INSURANCE:** The CONTRACTOR shall indemnify and hold harmless the CITY, its officials, officers, directors, agents, employees and representatives and assigns, from lawsuits, actions, costs (including attorneys' fees), claims or liability of any character, incurred due to the alleged negligence of the CONTRACTOR, brought because of any injuries or damages received or sustained by any person, persons or property on account of any act or omission, neglect or misconduct of said CONTRACTOR, its officers, agents and/or employees arising out of, or in performance of any of the provisions of the CONTRACT DOCUMENTS, including any claims or amounts recovered for any infringements of patent,



trademark or copyright; or from any claims or amounts arising or recovered under the "Worker's Compensation Act" or any other law, ordinance, order or decree. In connection with any such claims, lawsuits, actions or liabilities, the CITY, its officials, officers, directors, agents, employees, representatives and their assigns shall have the right to defense counsel of their choice. The CONTRACTOR shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits, actions or liabilities. The Contractor shall not make any settlement or compromise of a lawsuit or claim, or fail to pursue any available avenue of appeal of any adverse judgment, without the approval of the CITY and any other indemnified party. The CITY or any other indemnified party, in its or their sole discretion, shall have the option of being represented by its or their own counsel. If this option is exercised, then the Contractor shall promptly reimburse the CITY or other indemnified party, upon written demand, for any expenses, including but not limited to court costs, reasonable attorneys' and witnesses' fees and other expenses of litigation incurred by the CITY or other indemnified party in connection therewith. Execution of this Contract by the CITY is contingent upon receipt of Insurance Certificates provided by the CONTRACTOR in compliance with the CONTRACT DOCUMENTS.

**SECTION 6: COMPLIANCE WITH LAWS:** The bidder shall at all times observe and comply with all laws, ordinances and regulations of the federal, state, local and city governments, which may in any manner affect the preparation of bids or the performance of the Contract. Bidder hereby agrees that it will comply with all requirements of the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., including the provision dealing with sexual harassment and that if awarded the Contract will not engage in any prohibited form of discrimination in employment as defined in that Act and will require that its subcontractors agree to the same restrictions. The contractor shall maintain, and require that its subcontractors maintain, policies of equal employment opportunity which shall prohibit discrimination against any employee or applicant for employment on the basis of race, religion, color, sex, national origin, ancestry, citizenship status, age, marital status, physical or mental disability unrelated to the individual's ability to perform the essential functions of the job, association with a person with a disability, or unfavorable discharge from military service. Contractors and all subcontractors shall comply with all requirements of the Act and of the Rules of the Illinois Department of Human Rights with regard to posting information on employees' rights under the Act. Contractors and all subcontractors shall place appropriate statements identifying their companies as equal opportunity employers in all advertisements for workers to be employed in work to be performed. Not less than the Prevailing Rate of Wages as found by the City of Darien or the Department of Labor shall be paid to laborers, workmen, and mechanics performing work under the Contract. If awarded the Contract, contractor must comply with all provisions of the Illinois Prevailing Wage Act, including, but not limited to, providing certified payroll records to the Municipal Services Department. Contractor and subcontractors shall be required to comply with all applicable federal laws, state laws and regulations regarding minimum wages, limit on payment to minors, minimum fair wage standards for minors, payment of wage due employees, and health and safety of employees. Contractor and subcontractor are required to pay employees all rightful salaries, medical benefits, pension and social security benefits pursuant to applicable labor agreements and federal and state statutes and to further require withholdings and deposits therefore. The CONTRACTOR shall obtain all necessary local and state licenses and/or permits that may be required for performance of the WORK and provide those licenses to the CITY prior to commencement of the WORK if applicable.

**SECTION 7: NOTICE:** Where notice is required by the CONTRACT DOCUMENTS it shall be considered received if it is delivered in person, sent by registered United States mail, return receipt requested, delivered by messenger or mail service with a signed receipt, sent by facsimile or e-mail with an acknowledgment of receipt, to the following:

City of Darien  
1702 Plainfield Road  
Darien, IL 60561  
Attn: Director of Municipal Services

**SECTION 8: STANDARD OF SERVICE:** Services shall be rendered to the highest professional standards to meet or exceed those standards met by others providing the same or similar services in the Chicagoland area. Sufficient competent personnel shall be provided who with supervision shall complete the services required within the time allowed for performance. The CONTRACTOR'S personnel shall, at all times present a neat appearance and shall be trained to handle all contact with City residents or City employees in a respectful manner. At the request of the Director of Municipal Services or a designee, the CONTRACTOR shall replace any incompetent, abusive or disorderly person in its employ.

**SECTION 9: PAYMENTS TO OTHER PARTIES:** The CONTRACTOR shall not obligate the CITY to make payments to third parties or make promises or representations to third parties on behalf of the CITY without prior written approval of the City Administrator or a designee.

**SECTION 10: COMPLIANCE:** CONTRACTOR shall comply with all of the requirements of the Contract Documents, including, but not limited to, the Illinois Prevailing Wage Act where applicable and all other applicable local, state and federal statutes, ordinances, codes, rules and regulations.

**SECTION 11: LAW AND VENUE:** The laws of the State of Illinois shall govern this Contract and venue for legal disputes shall be DuPage County, Illinois.

**SECTION 12: MODIFICATION:** This Contract may be modified only by a written amendment signed by both PARTIES.

FOR: THE CITY

FOR: THE CONTRACTOR

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Mayor

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**AGENDA MEMO**  
**Municipal Services**  
**January 25, 2021**

**ISSUE STATEMENT**

Approval of a [resolution](#) to approve the services for a Code Enforcement Officer.

**BACKGROUND/HISTORY**

The City of Darien takes great pride in maintaining its aesthetic appearance and promoting involvement of community members and neighborhood organizations in assuring the City remains a healthy and welcoming place to live, work, and visit. The Code Enforcement Operations provides a framework for City Staff to provide code compliance in a manner which is clear and concise for our residents, visitors and businesses. The strategy of the department is now to shift focus to a more proactive versus reactive nature of code compliance. The City currently receives correspondence via email or telephone regarding code violations. The primary point person for code enforcement is the City Planner. Due to time constraints, Staff does not have the ability to be proactive for code compliance.

Below are essential duties for Code Enforcement;

- Enforces and applies the Zoning and Municipal Codes, limited Building Codes and other related codes and regulations related to community preservation, health, and safety
- Conducts field investigations and site surveillance of residential, commercial, and industrial properties to uncover possible violations of City codes and ordinances
- Issues notices of violation and administrative citations for violations relating to public nuisances including: zoning infractions, building maintenance, accumulation of litter and debris, abandoned vehicles, overgrown weeds, irrigation runoff, and general property neglect
- Photographs evidence, prepares diagrams, takes measurements, interviews potential witnesses, and composes letters and follows up to ensure remedial action has been taken to abate the violation
- Receives complaints from citizens and other sources; issues corrective notices, performs routine follow-up inspections
- Prepares memos and investigative reports; initiates procedures on suspected violations; explains and provides alternative mitigating measures to property owners to resolve violations
- Responds to inquiries from the public regarding code and ordinance requirements, interpretation, policies, and applicability
- Prepares code violation cases for presentation at administrative hearings, and future in house judicial proceedings
- Works collaboratively with the City Attorney to gain compliance on complex issues
- Participates in and coordinates joint inspections of properties with other City departments
- Researches property ownership and zoning, building and parcel histories; interprets building and planning project entitlements

Proposed Goals

To implement the proactive program, the Department is requesting the services of a Code Enforcement Officer. The position would be a part-time position through a consultant. The Officer would perform window observations relating to more common violations such as:

- Debris, rubbish fronting property
- Weeds and grass height violations
- Refuse containers
- Dilapidated fences
- Building facade deficiencies
- Trailers
- Recreational vehicles
- Dead trees, limbs
- Inoperable vehicles
- Leaf and snow disbursement into the roadway

#### Implementation

- The City would be broken into seven sections and would dovetail with the snow routes
- The Code Enforcement Officer will cover a section per week
- The total hours would be approximately 20 hours
- Respond to complaints as directed by Staff

#### Engagement

The citizens of the community deserve courteous, prompt, and professional attention to complaints concerning code violations. Violations must be abated quickly, but with due regard to the needs and circumstances of the violator. In this regard, violations must be handled courteously and with sensitivity. The overriding concern is for the safety and needs of the community at large. Deviations from procedures may be considered on a case-by-case basis, utilizing the professional discretion of the Code Enforcement Officer in communication with City Staff. Complaint-generated enforcement goes hand in hand with pro-active enforcement in that the Officer should seek out proactive violations in the surrounding neighborhood when following up on a complaint. This will prevent the image of “selective” enforcement. Proactive cases are handled in the same manner as complaint reference cases, except there will be no response directed to the complainant. Code Enforcement Officers will also handle cases as they are witnessed in the field. For instance if they are responding to a complaint in a section and notice other code violations in the neighborhood they are responding to, the Code Enforcement Officer will provocatively open cases on all violations observed.

#### Violation Notices

Correspondences Notices of Violation (NOVs) are standard form letters that are sent out for municipal code violations. In general, a first NOV, second NOV and citation letter will be the progression for the majority of our code cases. Below is a general description of these three letters.

Initial NOV-The first NOV is a standard form letter or a door hanger used to open communication and notify property owners and/or tenants of existing conditions on property that appear to be in violation of the code. The initial NOV going to residential properties is sent to the **property owner** as listed on the tax rolls. A copy may also be sent to the resident on-site if the property owner is an absentee owner. For commercial properties, the first letter is sent to the business owner or manager, with a copy of the letter also sent to the property owner. The letter will list and describe in detail conditions that appear to be violations. The letter requests voluntary correction of conditions listed and provides a specific time period for the abatement. Please note the Code Enforcement Officer will always take the initial opportunity to cold call and meet with the occupant of the property regarding the violation.

Second NOV-The second NOV is used to notify the property owner that the conditions mentioned in the first letter have not been corrected. The second NOV requests voluntary compliance and gives a specific timeline for correction of the violation(s). The timeline for correction of each violation may be determined by the officer. Correction time frames are based on how long it would reasonably take to correct the violation, how long they were previously given in the first notice, provisions in the Municipal Code and best practices. Typically Property Maintenance Codes allows violators be given a minimum of 7 days and a maximum of 30 days to correct a violation.” The letter must issue a warning that if the nuisance is not abated, it will result in an administrative citation.

Citation Letter-If compliance is not gained with the second NOV in the period prescribed by the officer, an administrative citation will be issued. The citation will be accompanied by a letter prescribing the reason for the citation, method of paying for the citation, and means to dispute the citation. The Code Enforcement Officer shall attempt to issue the citation to the responsible party at the site of any violation and obtain the signature of the responsible party, if possible. Failure or refusal of the responsible party to sign the citation shall not affect the validity of the citation. If the responsible party is not located, citations will be mailed to the property owner via both certified and regular mail.

### **STAFF RECOMMENDATION**

Attached and labeled as [Exhibit A](#), is an Independent Contractor Agreement for Code Enforcement Services. The City Staff respectfully requests to enter into an agreement for the code enforcement services of Karyn Byrne. Ms. Byrne has been engaged by Staff throughout the years on more complex cases. She has provided very satisfactory services leading to the abatement of the violation. Ms. Byrne has extensive knowledge of the Property Maintenance Code, general nuisances and consults with various other municipalities.

The services of Ms. Byrne would be curtailed to approximately 20 hours a week at a rate of \$40.00 per hour. Please note, that court appearances are include within the proposed hours. An additional rate of \$50.00 may be utilized for hours between 8:00 pm and 6:00 am Monday - Friday, weekend or holidays.

The proposed expenditure will be introduced at the upcoming Budget Meetings and would be allocated as follows:



<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>FY 21-22 BUDGET</b>	<b>PROPOSED EXPENDITURE</b>
01-20-4325	CODE ENFORCEMENT OFFICER	\$ 41,600	\$ 41,600

**ALTERNATE CONSIDERATION**

As directed by the Municipal Services Committee

**DECISION MODE**

This item will be forwarded to a future City Council Meeting for formal approval pending Budget consideration.





RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN KARYN BYRNE AND THE CITY OF DARIEN FOR CODE ENFORCEMENT SERVICES**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, that the City Administrator is hereby authorized to execute a Professional Services Agreement between the City of Darien and Karyn Byrne, a copy of which is attached hereto as "[Exhibit A](#)", which is by this reference expressly incorporated herein.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February 2021.

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

INDEPENDENT CONTRACTOR AGREEMENT FOR  
CODE ENFORCEMENT SERVICES

This agreement made as of the 1<sup>st</sup> day of February, 2021 by and between the City of Darien, DuPage County, Illinois, and Karyn Byrne, for Code Enforcement Services in the City of Darien shall be and is as follows:

WITNESSETH

WHEREAS, KARYN BYRNE has extensive experience in code enforcement of property maintenance, construction site inspections, zoning, and municipal codes; and

WHEREAS the City of Darien is desirous of having its City codes and ordinances enforced; and

NOW, THEREFORE, in consideration of the mutual undertakings and promises contained herein, the parties hereto agree as follows:

There is no employee/employer relationship between KARYN BYRNE and THE CITY OF DARIEN. KARYN BYRNE is an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the Worker's Compensation Act (820 ILCS 305/1,ET.SEQ.). The CITY OF DARIEN will not (i) provide any form of insurance coverage, including but not limited to health, workmen's compensation, professional liability insurance, or other employee benefits, or (ii) deduct any taxes or related items from the monies paid to KARYN BYRNE

KARYN BYRNE shall act as an authorized Code Enforcement Representative and shall enforce all violations of local codes and ordinances within the scope of her responsibilities with the CITY OF DARIEN as directed by Director of Municipal Services. If necessary, this may include testifying in court on behalf of the CITY OF DARIEN. KARYN BYRNE shall provide code enforcement administrative assistant services, which will include responding to and managing code enforcement cases, for the CITY OF DARIEN, and other duties at the direction of the Director of Municipal Services. KARYN BYRNE shall work under the direct supervision of and report to the Director of Municipal Services. The performance of the work described herein shall not be construed as creating any joint employment relationship between KARYN BYRNE and the CITY OF DARIEN and the City is not and will not be liable for any obligations incurred by KARYN BYRNE, including but not limited to unpaid minimum wages and/or overtime premiums, nor does there exist an agency relationship or partnership between the CITY OF DARIEN and KARYN BYRNE.

It is acknowledged that at all times KARYN BYRNE is a separate and independent from the CITY OF DARIEN and that KARYN BYRNE has the full opportunity to find other business, and that she has made her owner investment in her business and that she will utilize a high level of skill necessary to perform the work assigned to her.

The CITY OF DARIEN shall pay KARYN BYRNE based on an hourly basis of forty dollars (\$40.00) per hour during normal business hours. Any work that the CITY OF DAIEN shall request or require that occurs on a weekend, holiday or between the hours of 8:00 P.M. and 6:00 A.M. shall be based on an hourly basis of fifty dollars (\$50.00) per hour. The services provided to the CITY OF DARIEN by KARYN BYRNE shall be on an as needed basis at the discretion of the Director of Municipal Services

This agreement shall be effective from \_\_\_\_\_ and end \_\_\_\_\_. Notwithstanding any provision contained herein to the contrary, either party may terminate this agreement at any time; however, KARYN BYRNE agrees to give thirty (30) days prior written notice to the CITY OF DARIEN before terminating this agreement.

A detailed Statement for Services Rendered shall be made monthly, and payment by the CITY OF DARIEN for such services shall be made upon receipt of statement. Said statement for Services Rendered shall identify the following:

- A) Specific date and number of hours of inspection services.
- B) Court time specific to each property/complaint

To the fullest extent permitted by law, KARYN BYRNE hereby agrees to defend, indemnify and hold harmless the CITY OF DARIEN, its officials, agents, employees, against all injuries, deaths, loss, damages claims, patent claims, suits, liabilities, judgments, cost and expenses, which may in anywise accrue against the CITY OF DARIEN, its officials, agents and employees, arising in whole or in part or in consequence of the performance of this work by KARYN BYRNE, or which may in anywise result therefore, except that arising out of the sole legal cause of the CITY OF DARIEN, its agents or employees. KARYN BYRNE shall at her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in connection therewith, and, if any judgment shall be rendered against the CITY OF DARIEN, its officials, agents and employees, in any such action, KARYN BYRNE shall, at her own expense, satisfy and discharge the same.

Dated this \_\_\_ day of \_\_\_\_\_, 2021

City of Darien

BY: \_\_\_\_\_  
Joseph Marchese, Mayor

ATTEST: \_\_\_\_\_  
Jo Anne E. Ragona, City Clerk

BY: \_\_\_\_\_  
Karyn A. Byrne

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Approval of a [resolution](#) to enter into a five year engineering agreement with Christopher B. Burke Engineering for professional services related to a Controlled Wetland Management Burn and Vegetation Management at the Dale Road Basin in an amount not to exceed \$27,750.

**BACKGROUND/HISTORY**

[Attachment A](#) is an engineering agreement with Christopher B. Burke Engineering for a controlled burn consisting of 4-acres and commonly referred to as the Dale Basin. The basin fronts 67<sup>th</sup> Street, Dale Road, 68<sup>th</sup> Street and borders the rear of homes on High Road. The detention basin was constructed in 2004-05, by DuPage County and turned over to the City for all future maintenance.

As part of wetland management, fire has been treated as a management tool for wetlands with its major use for the eradication of undesirable vegetation and decaying plants. Introducing occasional fire during the late fall or early spring to a wetland that is artificially or naturally dry can greatly improve the structure and diversity of the vegetative community, thus improving the wetland for wildlife, such as pollinating insects and migratory song birds. Wildlife such as coyotes and geese do not migrate to these types of wetlands.

The scope of work to be performed by Christopher B. Burke Engineering includes permitting, notifications, controlled burns, vegetation management and reports. CBBEL has successfully performed other wetland burns within the City with very effective results and efficiency.

**Year 1 (May 2021 – April 2022)**

Task 1 – Vegetation Management (2X)	\$ 3,650
Task 3 – Direct Costs	\$ 200
Total Year 1	\$ 3,850

**Year 2 (May 2022 – April 2023)**

Task 1 – Vegetation Management (2X)	\$ 3,650
Task 3 – Direct Costs	\$ 200
Total Year 2	\$ 3,850

**Year 3 (May 2023 – April 2024)**

Task 1 – Vegetation Management (2X)	\$ 3,850
Task 2A - Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,000
Task 2C – Prescribed Burn (3 Staff)	\$ 4,800
Task 3 – Direct Costs	\$ 300
Total Year 3	\$11,450

**Year 4 (May 2024 – April 2025)**

Task 1 – Vegetation Management (2X)	\$ 3,850
Task 3 – Direct Costs	\$ 300
Total Year 4	\$ 4,150

**Year 5 (May 2025 – April 2026)**

Task 1 – Vegetation Management (2X)	\$ 4,150
Task 3 – Direct Costs	\$ 300
<b>Total Year 5</b>	<b>\$ 4,450</b>

Funding for the Professional Services would be expended from the following line item of the FY 21-22 Budget, and subsequent future budgets, pending budget approval:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 21-22 BUDGET	PROPOSED EXPENDITURE
01-30-4325	Contractual Services-Dale Basin Wetland Management Burn-Year 1 of 5	\$ 3,850.00	\$ 3,850.00

**STAFF RECOMMENDATION**

Staff recommends approval of a resolution enter into a five year engineering agreement with Christopher B. Burke Engineering for professional services related to a Controlled Wetland Management Burn and Vegetation Management at the Dale Road Basin in an amount not to exceed \$27,750.

**ALTERNATE DECISION**

As directed by the City Council.

**DECISION MODE**

This item will be placed on the February 1, 2021, City Council agenda for formal consideration.



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

January 6, 2021

City of Darien  
1702 Plainfield Road  
Darien, Illinois 60561

Attention: Dan Gombac, Director of Municipal Services

Subject: Professional Services Proposal of Vegetation Management for the 4-acre Dale Road Wetland Basin, Darien, DuPage County, Illinois

Dear Mr. Gombac:

Christopher B. Burke Engineering, Ltd. (CBBEL) is pleased to provide this proposal to perform professional services for the Dale Road Wetland Basin.

**UNDERSTANDING OF THE ASSIGNMENT**

We understand that City of Darien would like CBBEL to continue management of a 4-acre wetland basin located on Dale Road, Darien, Illinois (Exhibit 1). We understand that controlled burn and herbicide management services are being requested for a five-year period following the City Fiscal Year (May 1 through April 30). Year 1 of 5 (FY 2022) starts May 1, 2021.

**SCOPE OF SERVICES**

**Task 1 – Weed Control:** CBBEL will visit the Dale Road Wetland Basin up to two times per growing season to complete herbicide applications to reduce invasive and/or aggressive plant species. CBBEL will provide email updates with photos and recommendations after each visit.

**Task 2A – Burn Administration:** This task includes administration tasks associated with commencement of prescribed burning, including acquisition of state and/or local burn permits, prescribed burn insurance and coordination, correspondence and processing with these agencies. Prescribed burn administration costs will be billed lump sum as itemized in the Fee Estimate below.

**Task 2B – Preparation for Prescribed Burn Management:** This task includes obtaining necessary permits, mailing neighbor notification postcards, equipment preparation, and mobilization prior to conducting the burn.

We will compile a list of addresses for all residences, businesses, public institutions, etc. within 500 feet of the burn site, and will mail out neighbor notification postcards to provide proper notification of an upcoming prescribed burn. Note that, for tenants within office



complexes or residential apartments/condominiums having one address, we will provide a digital pdf of the neighbor notification postcard for the client to provide notice of the upcoming burn. CBBEL will provide 24-hour advance burn notification for residents who respond to our postcard requesting such notice.

We will acquire IEPA open burn permit and any local permits; and notify the local fire district and others prior to the date and time of the burn. CBBEL will prepare a post burn report with photographs as part of the summary report. Direct costs, such as mailing and permit fees, are included in the fee estimate.

Task 2C – Prescribed Burn: A controlled burn of the identified area will be completed and managed by three qualified CBBEL staff once within the five-year period as weather conditions allow. This fee estimate assumes the prescribed burn will be completed in one day by CBBEL. All billing is on a time and materials basis. CBBEL will attempt the burn in Spring or Fall as vegetation (fuel) amounts and weather conditions comply.

The completion of this task is dependent on the notification/authorization of the state and local authorities, and as weather conditions allow. This task does not include incidental costs incurred from the local fire district or others; incidental costs are not anticipated, will not be the responsibility of CBBEL, and will be forwarded to client if incurred.

CBBEL personnel are trained in prescribed burn procedures including standard burn safety procedures. CBBEL will provide a burn boss on the day of the burn who will coordinate all personnel associated with the prescribed burn, and who has IDNR Burn Manager Certification and/or Chicago Wilderness Prescribed Burn Training.

Every prescribed burn is unique because conditions vary by site and by day, therefore results will vary. Primary objectives of a controlled burn are to boost native establishment, increase biological diversity, reduce invasive species including undesirable woody vegetation, and reduce accumulated fuels. CBBEL will attempt to burn the targeted vegetation present, but actual burn coverage will be limited by water level, wind speed and direction, humidity, temperature, vegetation moisture content, topography, structures, fences, etc. The available fuels, the structure of the fuels and weather conditions all influence fire behavior. Please be advised that unburned vegetation will likely exist after project completion due to the limitations noted above.

Task 3 – Direct Costs: Costs for mileage, burn fuel, blueprints, photocopying, mailing, overnight delivery, messenger services and report binding are included.

**FEE ESTIMATE**

Year 1 (May 2021 – April 2022)	
Task 1 – Vegetation Management (2X)	\$ 3,650
<u>Task 3 – Direct Costs</u>	<u>\$ 200</u>
Total Year 1	\$ 3,850
Year 2 (May 2022 – April 2023)	
Task 1 – Vegetation Management (2X)	\$ 3,650
<u>Task 3 – Direct Costs</u>	<u>\$ 200</u>
Total Year 2	\$ 3,850

Year 3 (May 2023 – April 2024)	
Task 1 – Vegetation Management (2X)	\$ 3,850
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,000
Task 2C – Prescribed Burn (3 Staff)	\$ 4,800
<u>Task 3 – Direct Costs</u>	<u>\$ 300</u>
Total Year 3	\$11,450
Year 4 (May 2024 – April 2025)	
Task 1 – Vegetation Management (2X)	\$ 3,850
<u>Task 3 – Direct Costs</u>	<u>\$ 300</u>
Total Year 4	\$ 4,150
Year 5 (May 2025 – April 2026)	
Task 1 – Vegetation Management (2X)	\$ 4,150
<u>Task 3 – Direct Costs</u>	<u>\$ 300</u>
Total Year 5	<u>\$ 4,450</u>
<u>Total</u>	<u>\$27,750</u>

We will bill you at the hourly rates specified on the attached Schedule of Charges and establish our contract in accordance with the attached General Terms and Conditions with the exception that CBBEL controlled burn staff will be charged at a minimum \$200/hour during burns. Direct costs for mileage, burn fuel, blueprints, photocopying, mailing, overnight delivery, messenger services and report binding are included in the Fee Estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. It should be emphasized that any requested meetings or additional services are not included in the preceding Fee Estimate and will be billed at the attached hourly rates.

If this proposal is acceptable, please sign one copy and return it as notice to proceed.

Sincerely,



Michael Kerr, PE  
President

Encl: Schedule of Charges  
General Terms & Conditions  
Conditions for Burning  
Exhibit 1

THIS PROPOSAL, GENERAL TERMS AND CONDITIONS, CONDITIONS FOR BURNING AND SCHEDULE OF CHARGES ACCEPTED FOR THE CITY OF DARIEN:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**CHRISTOPHER B. BURKE ENGINEERING, LTD.**  
**STANDARD CHARGES FOR PROFESSIONAL SERVICES**  
**APRIL, 2020**

<u>Personnel</u>	<u>Charges*</u> <u>(\$/Hr)</u>
Principal	275
Engineer VI	251
Engineer V	208
Engineer IV	170
Engineer III	152
Engineer I/II	121
Survey V	229
Survey IV	196
Survey III	172
Survey II	126
Survey I	100
Engineering Technician V	198
Engineering Technician IV	161
Engineering Technician III	146
Engineering Technician I/II	68
CAD Manager	177
Assistant CAD Manager	153
CAD II	135
GIS Specialist III	148
GIS Specialist I/II	94
Landscape Architect	170
Landscape Designer I/II	94
Environmental Resource Specialist V	216
Environmental Resource Specialist IV	170
Environmental Resource Specialist III	139
Environmental Resource Specialist I/II	94
Environmental Resource Technician	114
Administrative	104
Engineering Intern	63
Information Technician III	130
Information Technician I/II	116

Direct Costs

Outside Copies, Blueprints, Messenger, Delivery Services, Mileage      Cost + 12%

\*Charges include overhead and profit

Christopher B. Burke Engineering, Ltd. reserves the right to increase these rates and costs by 5% after December 31, 2020.

CHRISTOPHER B. BURKE ENGINEERING, LTD.  
GENERAL TERMS AND CONDITIONS

1. Relationship Between Engineer and Client: Christopher B. Burke Engineering, Ltd. (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts of failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumptions

of the services upon expiration of the Suspension of Services Order. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.

5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by Engineer either before or after the termination date shall be reimbursed by Client.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith and, to the fullest

extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control. Therefore, and in consideration of the Engineer's agreement to deliver its instruments of professional service in machine readable form, the Client agrees, to the fullest extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising out of or in any way connected with the modification, misinterpretation, misuse, or reuse by others of the machine readable information and data provided by the Engineer under this Agreement. The foregoing indemnification applies, without limitation, to any use of the Project Documentation on other projects, for additions to this Project, or for completion of this Project by others, excepting only such use as may be authorized, in writing, by the Engineer.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk, and Client shall indemnify and hold harmless Engineer from all claims, damages, losses, and expenses including attorney's fees arising out of or resulting therefrom.

The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.

8. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
9. Compliance With Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement.

With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable. As such and with respect to ADA, Client agrees to waive any action against Engineer, and to indemnify and defend Engineer against any claim arising from Engineer's alleged failure to meet ADA requirements prescribed.



Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly.

10. Indemnification: Engineer shall indemnify and hold harmless Client up to the amount of this contract fee (for services) from loss or expense, including reasonable attorney's fees for claims for personal injury (including death) or property damage to the extent caused by the sole negligent act, error or omission of Engineer.

Client shall indemnify and hold harmless Engineer under this Agreement, from loss or expense, including reasonable attorney's fees, for claims for personal injuries (including death) or property damage arising out of the sole negligent act, error omission of Client.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, or for any other loss of any nature, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

11. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
12. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the **State of Illinois**.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which can not be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to arbitration (if arbitration is agreed upon by the parties of this Agreement) or the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. The request may be made concurrently with the filing of a demand for arbitration but, in such event, mediation shall proceed in advance of arbitration or legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

13. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.
14. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
15. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
16. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".

17. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.
18. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, strikes, walkouts, fires, natural calamities, or demands or requirements of governmental agencies.
19. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing.
20. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer perform such services.
21. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
22. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.
23. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed the total Engineer's fee for professional engineering services rendered on this project as made part of this Agreement. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

24. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

In the event the foregoing requirements, or any of them, are not established by the Client and met by the Contractor, the Client agrees to indemnify and hold harmless the Engineer, its employees, agents, and consultants from and against any and all Losses which would have been indemnified and insured against by the Contractor, but were not.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are

specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

25. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information the Client is providing. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold the Engineer and the Engineer's subconsultants harmless from any claim, liability or cost (including reasonable attorneys' fees and cost of defense) for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the Client to the Engineer.
26. Payment: Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. The client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law, whichever is the lesser) until paid. Client further agrees to pay Engineer's cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees, as well as costs attributed to suspension of services accordingly and as follows:
- Collection Costs. In the event legal action is necessary to enforce the payment provisions of this Agreement, the Engineer shall be entitled to collect from the Client any judgement or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by the Engineer in connection therewith and, in addition, the reasonable value of the Engineer's time and expenses spent in connection with such collection action, computed at the Engineer's prevailing fee schedule and expense policies.
- Suspension of Services. If the Client fails to make payments when due or otherwise is in breach of this Agreement, the Engineer may suspend performance of services upon five (5) calendar days' notice to the Client. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Client will reimburse Engineer for all associated costs as previously set forth in (Item 4 of) this Agreement.
27. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver. Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the **Illinois** Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that **Illinois** law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

28. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Contractor shall supervise and direct the work efficiently with his/her best skill and attention; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees and warrants that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer does not guarantee the performance of the



Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. Any suit brought against the Engineer which involve the acts or omissions performed by it in the enforcement of any provisions of the Client's rules, regulation and/or ordinance shall be defended by the Client until final termination of the proceedings. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

29. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

The Client and Engineer waive all rights against each other and against the Contractor and consultants, agents and employees of each of them for damages to the extent covered by property insurance during construction. The Client and Engineer each shall require similar waivers from the Contractor, consultants, agents and persons or entities awarded separate contracts administered under the Client's own forces.

30. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is a operation, maintenance and repair activity for which the Engineer is not responsible.

June 13, 2005

P:\Proposals\Terms and Conditions\GT&C 2005.061305.doc

## CONDITIONS FOR PRESCRIBED BURNING

Prescribed or controlled burning is "the careful ignition of ecosystem restorations, mitigations and natural areas under exacting weather conditions to achieve specific resource management objectives". Controlled burning is a permitted and potentially hazardous activity, to be undertaken at the peril of those so choosing. Christopher B. Burke Engineering, Ltd. shall be referred to in this document as CBBEL.

### Structures, Trees and Shrubs

All reasonable precautions will be taken to protect structures within the burn area such as non-native and evergreen trees and shrubs, lighting, fencing, sheds, etc., and protective measures will be noted in the pre-burn plan. CBBEL is not responsible or liable for any damage to these structures as their inclusion in burn management areas are inherently incompatible with the process, requiring the deployment of reasonable protective measures.

### Letters of Intent

CBBEL shall be responsible for mailing letters of intent to burn to all residents/businesses, etc. within 500 feet of the burn site. These letters will be sent at least four weeks before the scheduled burn. CBBEL will notify any respondees of the notification letter on the day of the burn.

### Burn Delays

If weather conditions are abnormal during the burn season and/or if there are restrictive conditions or situations under which a burn may be conducted, few or no opportunities to burn may result. In this case the client will only be invoiced for work performed in planning and preparing to conduct the burn.

### Additional Costs

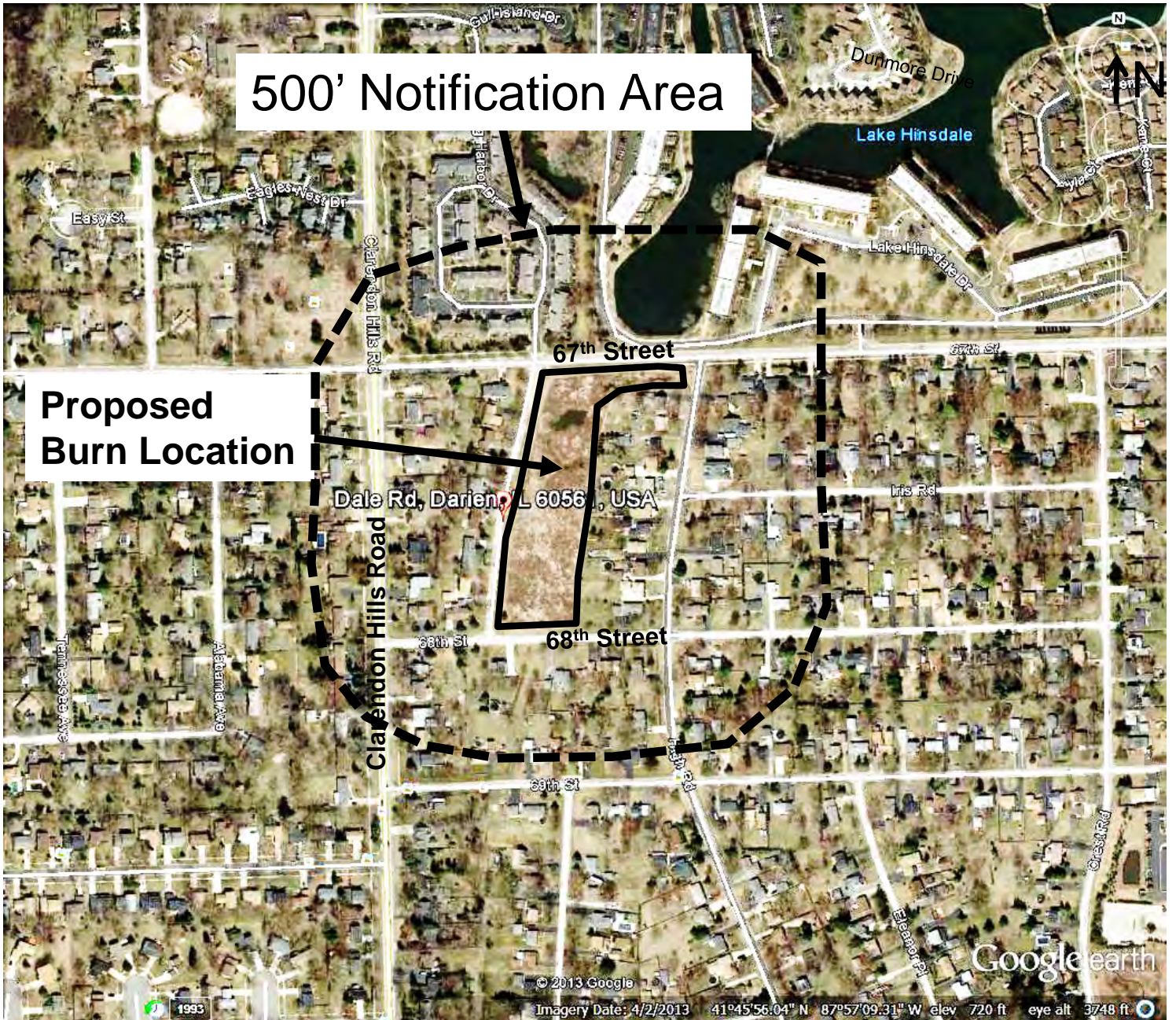
The client will also be responsible for any additional direct incurred costs on the project. These may include charges from local fire, police or utility companies and neighbor notification mailings.

### Health and Safety

CBBEL is concerned about the health and safety of its employees and others in the burn area. If the landowner/client knows of any toxic substances, hazardous materials, or any other hazardous site conditions within the burn area CBBEL must be notified in advance of the burn. CBBEL reserves the right to cancel or reschedule the burn upon discovery of any of those elements. The client and/or landowner will only be invoiced for charges incurred thus far. The client and/or landowner shall be liable if any health problems occur due to hazardous or toxic substances present on site that CBBEL is not aware of.

I have read and understood the above and agree to terms and conditions stated:

Client Signature \_\_\_\_\_, Date \_\_\_\_\_



Christopher B. Burke Engineering, Ltd.  
 9575 W. Higgins Road, Suite 600  
 Rosemont, Illinois 60018  
 847-823-0500

CLIENT:  
 City of Darien

Project No.  
 180154

04/03/19

Dale Road Basin  
 Controlled Burn Location

Exhibit 1





RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR’S APPROVAL TO ENTER INTO A FIVE YEAR ENGINEERING AGREEMENT WITH CHRISTOPHER B. BURKE ENGINEERING FOR PROFESSIONAL SERVICES RELATED TO A CONTROLLED WETLAND MANAGEMENT BURN AND VEGETATION MANAGEMENT AT THE DALE ROAD BASIN IN AN AMOUNT NOT TO EXCEED \$27,750.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** The City Council of the City of Darien, hereby authorizes the Mayor to enter into an Engineering Agreement with Christopher B. Burke Engineering, Ltd. in an amount not to exceed \$27,750 for professional services related to a controlled wetland management burn and vegetation management at the Dale Road Basin, a copy of which is attached hereto as **“Exhibit A”** and is by this reference expressly incorporated hereto.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 1<sup>st</sup> day of February 2021.**

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 1<sup>st</sup> day of February 2021.**

\_\_\_\_\_  
JOSEPEH MARCHESI, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

January 6, 2021

City of Darien  
1702 Plainfield Road  
Darien, Illinois 60561

Attention: Dan Gombac, Director of Municipal Services

Subject: Professional Services Proposal of Vegetation Management for the 4-acre Dale Road Wetland Basin, Darien, DuPage County, Illinois

Dear Mr. Gombac:

Christopher B. Burke Engineering, Ltd. (CBBEL) is pleased to provide this proposal to perform professional services for the Dale Road Wetland Basin.

**UNDERSTANDING OF THE ASSIGNMENT**

We understand that City of Darien would like CBBEL to continue management of a 4-acre wetland basin located on Dale Road, Darien, Illinois (Exhibit 1). We understand that controlled burn and herbicide management services are being requested for a five-year period following the City Fiscal Year (May 1 through April 30). Year 1 of 5 (FY 2022) starts May 1, 2021.

**SCOPE OF SERVICES**

**Task 1 – Weed Control:** CBBEL will visit the Dale Road Wetland Basin up to two times per growing season to complete herbicide applications to reduce invasive and/or aggressive plant species. CBBEL will provide email updates with photos and recommendations after each visit.

**Task 2A – Burn Administration:** This task includes administration tasks associated with commencement of prescribed burning, including acquisition of state and/or local burn permits, prescribed burn insurance and coordination, correspondence and processing with these agencies. Prescribed burn administration costs will be billed lump sum as itemized in the Fee Estimate below.

**Task 2B – Preparation for Prescribed Burn Management:** This task includes obtaining necessary permits, mailing neighbor notification postcards, equipment preparation, and mobilization prior to conducting the burn.

We will compile a list of addresses for all residences, businesses, public institutions, etc. within 500 feet of the burn site, and will mail out neighbor notification postcards to provide proper notification of an upcoming prescribed burn. Note that, for tenants within office

complexes or residential apartments/condominiums having one address, we will provide a digital pdf of the neighbor notification postcard for the client to provide notice of the upcoming burn. CBBEL will provide 24-hour advance burn notification for residents who respond to our postcard requesting such notice.

We will acquire IEPA open burn permit and any local permits; and notify the local fire district and others prior to the date and time of the burn. CBBEL will prepare a post burn report with photographs as part of the summary report. Direct costs, such as mailing and permit fees, are included in the fee estimate.

Task 2C – Prescribed Burn: A controlled burn of the identified area will be completed and managed by three qualified CBBEL staff once within the five-year period as weather conditions allow. This fee estimate assumes the prescribed burn will be completed in one day by CBBEL. All billing is on a time and materials basis. CBBEL will attempt the burn in Spring or Fall as vegetation (fuel) amounts and weather conditions comply.

The completion of this task is dependent on the notification/authorization of the state and local authorities, and as weather conditions allow. This task does not include incidental costs incurred from the local fire district or others; incidental costs are not anticipated, will not be the responsibility of CBBEL, and will be forwarded to client if incurred.

CBBEL personnel are trained in prescribed burn procedures including standard burn safety procedures. CBBEL will provide a burn boss on the day of the burn who will coordinate all personnel associated with the prescribed burn, and who has IDNR Burn Manager Certification and/or Chicago Wilderness Prescribed Burn Training.

Every prescribed burn is unique because conditions vary by site and by day, therefore results will vary. Primary objectives of a controlled burn are to boost native establishment, increase biological diversity, reduce invasive species including undesirable woody vegetation, and reduce accumulated fuels. CBBEL will attempt to burn the targeted vegetation present, but actual burn coverage will be limited by water level, wind speed and direction, humidity, temperature, vegetation moisture content, topography, structures, fences, etc. The available fuels, the structure of the fuels and weather conditions all influence fire behavior. Please be advised that unburned vegetation will likely exist after project completion due to the limitations noted above.

Task 3 – Direct Costs: Costs for mileage, burn fuel, blueprints, photocopying, mailing, overnight delivery, messenger services and report binding are included.

**FEE ESTIMATE**

Year 1 (May 2021 – April 2022)	
Task 1 – Vegetation Management (2X)	\$ 3,650
Task 3 – Direct Costs	\$ 200
Total Year 1	\$ 3,850
Year 2 (May 2022 – April 2023)	
Task 1 – Vegetation Management (2X)	\$ 3,650
Task 3 – Direct Costs	\$ 200
Total Year 2	\$ 3,850



Year 3 (May 2023 – April 2024)	
Task 1 – Vegetation Management (2X)	\$ 3,850
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,000
Task 2C – Prescribed Burn (3 Staff)	\$ 4,800
<u>Task 3 – Direct Costs</u>	<u>\$ 300</u>
Total Year 3	\$11,450
Year 4 (May 2024 – April 2025)	
Task 1 – Vegetation Management (2X)	\$ 3,850
<u>Task 3 – Direct Costs</u>	<u>\$ 300</u>
Total Year 4	\$ 4,150
Year 5 (May 2025 – April 2026)	
Task 1 – Vegetation Management (2X)	\$ 4,150
<u>Task 3 – Direct Costs</u>	<u>\$ 300</u>
Total Year 5	<u>\$ 4,450</u>
<u>Total</u>	<u>\$27,750</u>

We will bill you at the hourly rates specified on the attached Schedule of Charges and establish our contract in accordance with the attached General Terms and Conditions with the exception that CBBEL controlled burn staff will be charged at a minimum \$200/hour during burns. Direct costs for mileage, burn fuel, blueprints, photocopying, mailing, overnight delivery, messenger services and report binding are included in the Fee Estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. It should be emphasized that any requested meetings or additional services are not included in the preceding Fee Estimate and will be billed at the attached hourly rates.

If this proposal is acceptable, please sign one copy and return it as notice to proceed.

Sincerely,

Michael Kerr, PE  
President

- Encl: Schedule of Charges  
General Terms & Conditions  
Conditions for Burning  
Exhibit 1

THIS PROPOSAL, GENERAL TERMS AND CONDITIONS, CONDITIONS FOR BURNING AND SCHEDULE OF CHARGES ACCEPTED FOR THE CITY OF DARIEN:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Approval of a [resolution](#) to enter into an agreement for professional services related to Management and Monitoring of 10-acres of Wetland/Natural Areas within the Tara Hill subdivision for a five year period beginning May 1, 2021 and ending April 30, 2026, for a total amount not to exceed \$25,000.00. Please note the proposed expenditures for future FYE 22 through FYE 26 would be forwarded and allocated to the budget at the future Budget Workshops.

**BACKGROUND/HISTORY**

Attached and labeled as [Attachment A](#), please find an agreement renewal with Christopher B. Burke Engineering, Ltd. for the Monitoring of the Tara Hill Wetlands/Natural Areas. The wetlands are under the jurisdiction of the DuPage County Storm Water and Wetland Ordinance. It is the City of Darien's responsibility to maintain the abovementioned area through the established Special Service Area Agreement on file and to enforce any violations of the ordinance, such as destruction of the wetland area, dumping, or mowing in the buffer areas. The proposed contract is a multi-year contract as it allows the City and the consultant to maintain the wetlands to an optimal level. Christopher B. Burke Engineering, Ltd. has been managing the Tara Hill wetlands over the course of the last 15 years. The proposed contract is for five years and allows an optimal time line for items to be completed versus the customary three year contract. The five year program allows an opportunity to maintain costs with no increases through an efficient management plan. The five year total is \$25,000 and includes the following tasks:

Task 1 – Site Monitoring and Management: CBBEL will complete two site monitoring and herbicide management visits during the growing season in years 2 and 4. During Years 1, 3 and 5, a controlled burn will be completed. The controlled burn will focus on the three wetland areas, completing one each of the three years.

Task 2 – Controlled Burn

Task 2A – Burn Administration: This task includes administration tasks associated with commencement of prescribed burning, including acquisition of state and/or local burn permits, prescribed burn insurance and coordination, correspondence and processing with these agencies. Prescribed burn administration costs will be billed lump sum as itemized in the Fee Estimate below.

Task 2B – Preparation for Prescribed Burn Management: This task includes obtaining necessary permits, mailing neighbor notification postcards, equipment preparation, and mobilization prior to conducting the burn.

We will compile a list of addresses for all residences, businesses, public institutions, etc. within 500 feet of the burn site, and will mail out neighbor notification postcards to provide proper notification of an upcoming prescribed burn. Note that, for tenants within office complexes or residential apartments/condominiums having one address, we will provide a digital pdf of the neighbor notification postcard for the client to provide notice of the upcoming burn. CBBEL will provide 24-hour advance burn notification for residents who respond to our postcard requesting such notice.

We will acquire IEPA open burn permit and any local permits; and notify the local fire district and others prior to the date and time of the burn. CBBEL will prepare a post burn report with photographs as part of the summary report. Direct costs, such as mailing and permit fees, are included in the fee estimate.

Task 2C – Prescribed Burn: A prescribed burn of one of the three wetlands will be completed every other year by up to 3 qualified CBBEL staff on a rotational basis, starting the first year in fall (with a spring contingency) and will be completed every other year pending appropriate vegetation (fuel) amounts and weather conditions. This estimate of fee assumes approximately 1 day of on-site prescribed burning each year by CBBEL staff and equipment. This task will be completed in years 1, 3 and 5.

CBBEL personnel are trained in prescribed burn procedures including standard burn safety procedures. CBBEL will provide a burn boss on the day of the burn who will coordinate all personnel associated with the prescribed burn, and who has IDNR Burn Manager Certification and/or Chicago Wilderness Prescribed Burn Training.

Every prescribed burn is unique because conditions vary by site and by day, therefore results will vary. Primary objectives of a controlled burn are to boost native establishment, increase biological diversity, reduce invasive species including undesirable woody vegetation, and reduce accumulated fuels. CBBEL will attempt to burn the targeted vegetation present, but actual burn coverage will be limited by water level, wind speed and direction, humidity, temperature, vegetation moisture content, topography, structures, fences, etc. The available fuels, the structure of the fuels and weather conditions all influence fire behavior. Please be advised that unburned vegetation will likely exist after project completion due to the limitations noted above.

Task 3 – Annual Summary: Following each growing season CBBEL will write an annual summary email listing management activities completed for the year. Recommendations will also be included. Burn reports will be provided during burn years in lieu of an annual summary.

All meetings, or services not outlined in this proposal will be charged on a time and materials basis.

### **FEE ESTIMATE**

Year 1 (May 2021 – April 2022)

Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	\$ 200
Total Year 1	\$ 5,500

Year 2 (May 2022 – April 2023)

Task 1 – Vegetation Management (2X)	\$ 3,600
Task 3 – Annual Summary	\$ 400
<u>Direct Costs</u>	\$ 250
Total Year 2	\$ 4,250

<u>Year 3 (May 2023 – April 2024)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 3	\$ 5,500
<u>Year 4 (May 2024 – April 2025)</u>	
Task 1 – Vegetation Management (2X)	\$ 3,600
Task 3 – Annual Summary	\$ 400
<u>Direct Costs</u>	<u>\$ 250</u>
Total Year 4	\$ 4,250
<u>Year 5 (May 2025 – April 2026)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 5	\$ 5,500
Total	\$25,000

Funding for the Professional Services would be expended from the following line item of the FY 21/22 Budget:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROPOSED EXPENDITURE
10-70-4325	Maintenance Contractual Services-CBBEL	\$ 5,500
10-70-4325	Maintenance-Infrastructure	\$ 1,000
10-70-4325	Contingency For Additional Maintenance	\$ 250
Total Costs		\$ 6,750

**STAFF RECOMMENDATION**

Staff recommends the approval of the proposed 5-year professional services agreement with Christopher B. Burke Engineering, Ltd. in a total amount not to exceed \$ 25,000.00.

**ALTERNATE CONSIDERATION**

As directed by City Council.

**DECISION MODE**

This item will be placed on the February 1, 2021 City Council agenda for formal approval.



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

January 11, 2021

City of Darien  
1702 Plainfield Road  
Darien, Illinois 60561

Attention: Mr. Dan Gombac

Subject: Proposal for Professional Services to Provide Management and Monitoring of 10-acres of Wetland/Natural Areas within Tara Hill Subdivision, Darien, DuPage County, Illinois

Dear Mr. Gombac:

As requested, Christopher B. Burke Engineering Ltd. (CBBEL) proposes to provide services related to management and monitoring of the three wetland areas at Tara Hill for a five-year period (fiscal years 2022-2026) based on an annual budget of \$5,000. This agreement would commence May 1, 2021 and end on April 30, 2026.

**SCOPE OF SERVICES**

It is understood that the fulfillment and completion of the following tasks will be the responsibility of CBBEL.

Task 1 – Site Monitoring and Management: CBBEL will complete two site monitoring and herbicide management visits during the growing season in years 2 and 4. During Years 1, 3 and 5, a controlled burn will be completed. The controlled burn will focus on the three wetland areas, completing one each of the three years.

Task 2 – Controlled Burn:

Task 2A – Burn Administration: This task includes administration tasks associated with commencement of prescribed burning, including acquisition of state and/or local burn permits, prescribed burn insurance and coordination, correspondence and processing with these agencies. Prescribed burn administration costs will be billed lump sum as itemized in the Fee Estimate below.

Task 2B – Preparation for Prescribed Burn Management: This task includes obtaining necessary permits, mailing neighbor notification postcards, equipment preparation, and mobilization prior to conducting the burn.

We will compile a list of addresses for all residences, businesses, public institutions, etc. within 500 feet of the burn site, and will mail out neighbor notification postcards to provide proper notification of an upcoming prescribed burn. Note that, for tenants within office complexes or residential apartments/condominiums having one address, we will provide a digital pdf of the neighbor notification postcard for the client to provide notice of the upcoming burn. CBBEL will provide 24-hour advance burn notification for residents who respond to our postcard requesting such notice.

We will acquire IEPA open burn permit and any local permits; and notify the local fire district and others prior to the date and time of the burn. CBBEL will prepare a post burn report with photographs as part of the summary report. Direct costs, such as mailing and permit fees, are included in the fee estimate.

Task 2C – Prescribed Burn: A prescribed burn of one of the three wetlands will be completed every other year by up to 3 qualified CBBEL staff on a rotational basis, starting the first year in fall (with a spring contingency) and will be completed every other year pending appropriate vegetation (fuel) amounts and weather conditions. This estimate of fee assumes approximately 1 day of on-site prescribed burning each year by CBBEL staff and equipment. This task will be completed in years 1, 3 and 5.

The completion of this task is dependent on the notification/authorization of the state and local authorities, and as weather conditions allow. This task does not include incidental costs incurred from the local fire district or others; incidental costs are not anticipated, will not be the responsibility of CBBEL, and will be forwarded to client if incurred.

CBBEL personnel are trained in prescribed burn procedures including standard burn safety procedures. CBBEL will provide a burn boss on the day of the burn who will coordinate all personnel associated with the prescribed burn, and who has IDNR Burn Manager Certification and/or Chicago Wilderness Prescribed Burn Training.

Every prescribed burn is unique because conditions vary by site and by day, therefore results will vary. Primary objectives of a controlled burn are to boost native establishment, increase biological diversity, reduce invasive species including undesirable woody vegetation, and reduce accumulated fuels. CBBEL will attempt to burn the targeted vegetation present, but actual burn coverage will be limited by water level, wind speed and direction, humidity, temperature, vegetation moisture content, topography, structures, fences, etc. The available fuels, the structure of the fuels and weather conditions all influence fire behavior. Please be advised that unburned vegetation will likely exist after project completion due to the limitations noted above.

Task 3 – Annual Summary: Following each growing season CBBEL will write an annual summary email listing management activities completed for the year. Recommendations will also be included. Burn reports will be provided during burn years in lieu of an annual summary.

All meetings, or services not outlined in this proposal will be charged on a time and materials basis.



**FEE ESTIMATE**

<u>Year 1 (May 2021 – April 2022)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 1	\$ 5,500
<u>Year 2 (May 2022 – April 2023)</u>	
Task 1 – Vegetation Management (2X)	\$ 3,600
Task 3 – Annual Summary	\$ 400
<u>Direct Costs</u>	<u>\$ 250</u>
Total Year 2	\$ 4,250
<u>Year 3 (May 2023 – April 2024)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 3	\$ 5,500
<u>Year 4 (May 2024 – April 2025)</u>	
Task 1 – Vegetation Management (2X)	\$ 3,600
Task 3 – Annual Summary	\$ 400
<u>Direct Costs</u>	<u>\$ 250</u>
Total Year 4	\$ 4,250
<u>Year 5 (May 2025 – April 2026)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 5	\$ 5,500
Total	\$25,000

We will bill you at the hourly rates specified on the attached Schedule of Charges and establish our contract in accordance with the attached General Terms and Conditions with the exception that CBBEL controlled burn staff will be charged at a minimum \$200/hour during burns. Direct costs for mileage, burn fuel, blueprints, photocopying, mailing, overnight delivery, messenger services and report binding are included in the Fee Estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. It should be emphasized that any requested meetings or additional services are not included in the preceding Fee Estimate and will be billed at the attached hourly rates.

If this proposal is acceptable, please sign one copy and return it as notice to proceed.

Sincerely,



Michael Kerr, PE  
President

Encl: Schedule of Charges  
General Terms and Conditions  
Conditions for Burning

THIS PROPOSAL, SCHEDULE OF CHARGES, GENERAL TERMS & CONDITIONS, &  
CONDITIONS FOR BURNING ACCEPTED FOR THE CITY OF DARIEN

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

RPS/sls  
N:\PROPOSALS\ADMIN\2021\DarienTaraHillMM\_RPS\_011121.doc

**CHRISTOPHER B. BURKE ENGINEERING, LTD.**  
**STANDARD CHARGES FOR PROFESSIONAL SERVICES**  
**APRIL, 2020**

<u>Personnel</u>	<u>Charges*</u> <u>(\$/Hr)</u>
Principal	275
Engineer VI	251
Engineer V	208
Engineer IV	170
Engineer III	152
Engineer I/II	121
Survey V	229
Survey IV	196
Survey III	172
Survey II	126
Survey I	100
Engineering Technician V	198
Engineering Technician IV	161
Engineering Technician III	146
Engineering Technician I/II	68
CAD Manager	177
Assistant CAD Manager	153
CAD II	135
GIS Specialist III	148
GIS Specialist I/II	94
Landscape Architect	170
Landscape Designer I/II	94
Environmental Resource Specialist V	216
Environmental Resource Specialist IV	170
Environmental Resource Specialist III	139
Environmental Resource Specialist I/II	94
Environmental Resource Technician	114
Administrative	104
Engineering Intern	63
Information Technician III	130
Information Technician I/II	116

Direct Costs

Outside Copies, Blueprints, Messenger, Delivery Services, Mileage      Cost + 12%

\*Charges include overhead and profit

Christopher B. Burke Engineering, Ltd. reserves the right to increase these rates and costs by 5% after December 31, 2020.

CHRISTOPHER B. BURKE ENGINEERING, LTD.  
GENERAL TERMS AND CONDITIONS

1. Relationship Between Engineer and Client: Christopher B. Burke Engineering, Ltd. (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts of failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumptions

of the services upon expiration of the Suspension of Services Order. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.

5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by Engineer either before or after the termination date shall be reimbursed by Client.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith and, to the fullest

extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control. Therefore, and in consideration of the Engineer's agreement to deliver its instruments of professional service in machine readable form, the Client agrees, to the fullest extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising out of or in any way connected with the modification, misinterpretation, misuse, or reuse by others of the machine readable information and data provided by the Engineer under this Agreement. The foregoing indemnification applies, without limitation, to any use of the Project Documentation on other projects, for additions to this Project, or for completion of this Project by others, excepting only such use as may be authorized, in writing, by the Engineer.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk, and Client shall indemnify and hold harmless Engineer from all claims, damages, losses, and expenses including attorney's fees arising out of or resulting therefrom.

The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.

8. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
9. Compliance With Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement.

With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable. As such and with respect to ADA, Client agrees to waive any action against Engineer, and to indemnify and defend Engineer against any claim arising from Engineer's alleged failure to meet ADA requirements prescribed.



Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly.

10. Indemnification: Engineer shall indemnify and hold harmless Client up to the amount of this contract fee (for services) from loss or expense, including reasonable attorney's fees for claims for personal injury (including death) or property damage to the extent caused by the sole negligent act, error or omission of Engineer.

Client shall indemnify and hold harmless Engineer under this Agreement, from loss or expense, including reasonable attorney's fees, for claims for personal injuries (including death) or property damage arising out of the sole negligent act, error omission of Client.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, or for any other loss of any nature, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

11. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
12. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the **State of Illinois**.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which can not be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to arbitration (if arbitration is agreed upon by the parties of this Agreement) or the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. The request may be made concurrently with the filing of a demand for arbitration but, in such event, mediation shall proceed in advance of arbitration or legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

13. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.
14. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
15. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
16. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".

17. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.
18. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, strikes, walkouts, fires, natural calamities, or demands or requirements of governmental agencies.
19. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing.
20. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer perform such services.
21. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
22. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.
23. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed the total Engineer's fee for professional engineering services rendered on this project as made part of this Agreement. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

24. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

In the event the foregoing requirements, or any of them, are not established by the Client and met by the Contractor, the Client agrees to indemnify and hold harmless the Engineer, its employees, agents, and consultants from and against any and all Losses which would have been indemnified and insured against by the Contractor, but were not.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are

specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

25. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information the Client is providing. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold the Engineer and the Engineer's subconsultants harmless from any claim, liability or cost (including reasonable attorneys' fees and cost of defense) for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the Client to the Engineer.
26. Payment: Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. The client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law, whichever is the lesser) until paid. Client further agrees to pay Engineer's cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees, as well as costs attributed to suspension of services accordingly and as follows:
- Collection Costs. In the event legal action is necessary to enforce the payment provisions of this Agreement, the Engineer shall be entitled to collect from the Client any judgement or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by the Engineer in connection therewith and, in addition, the reasonable value of the Engineer's time and expenses spent in connection with such collection action, computed at the Engineer's prevailing fee schedule and expense policies.
- Suspension of Services. If the Client fails to make payments when due or otherwise is in breach of this Agreement, the Engineer may suspend performance of services upon five (5) calendar days' notice to the Client. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Client will reimburse Engineer for all associated costs as previously set forth in (Item 4 of) this Agreement.
27. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver. Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the **Illinois** Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that **Illinois** law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

28. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Contractor shall supervise and direct the work efficiently with his/her best skill and attention; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees and warrants that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer does not guarantee the performance of the



Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. Any suit brought against the Engineer which involve the acts or omissions performed by it in the enforcement of any provisions of the Client's rules, regulation and/or ordinance shall be defended by the Client until final termination of the proceedings. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

29. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

The Client and Engineer waive all rights against each other and against the Contractor and consultants, agents and employees of each of them for damages to the extent covered by property insurance during construction. The Client and Engineer each shall require similar waivers from the Contractor, consultants, agents and persons or entities awarded separate contracts administered under the Client's own forces.

30. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is a operation, maintenance and repair activity for which the Engineer is not responsible.

June 13, 2005

P:\Proposals\Terms and Conditions\GT&C 2005.061305.doc

## CONDITIONS FOR PRESCRIBED BURNING

Prescribed or controlled burning is "the careful ignition of ecosystem restorations, mitigations and natural areas under exacting weather conditions to achieve specific resource management objectives". Controlled burning is a permitted and potentially hazardous activity, to be undertaken at the peril of those so choosing. Christopher B. Burke Engineering, Ltd. shall be referred to in this document as CBBEL.

### Structures, Trees and Shrubs

All reasonable precautions will be taken to protect structures within the burn area such as non-native and evergreen trees and shrubs, lighting, fencing, sheds, etc., and protective measures will be noted in the pre-burn plan. CBBEL is not responsible or liable for any damage to these structures as their inclusion in burn management areas are inherently incompatible with the process, requiring the deployment of reasonable protective measures.

### Letters of Intent

CBBEL shall be responsible for mailing letters of intent to burn to all residents/businesses, etc. within 500 feet of the burn site. These letters will be sent at least four weeks before the scheduled burn. CBBEL will notify any respondees of the notification letter on the day of the burn.

### Burn Delays

If weather conditions are abnormal during the burn season and/or if there are restrictive conditions or situations under which a burn may be conducted, few or no opportunities to burn may result. In this case the client will only be invoiced for work performed in planning and preparing to conduct the burn.

### Additional Costs

The client will also be responsible for any additional direct incurred costs on the project. These may include charges from local fire, police or utility companies and neighbor notification mailings.

### Health and Safety

CBBEL is concerned about the health and safety of its employees and others in the burn area. If the landowner/client knows of any toxic substances, hazardous materials, or any other hazardous site conditions within the burn area CBBEL must be notified in advance of the burn. CBBEL reserves the right to cancel or reschedule the burn upon discovery of any of those elements. The client and/or landowner will only be invoiced for charges incurred thus far. The client and/or landowner shall be liable if any health problems occur due to hazardous or toxic substances present on site that CBBEL is not aware of.

I have read and understood the above and agree to terms and conditions stated:

Client Signature \_\_\_\_\_, Date \_\_\_\_\_



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD., (TARA HILL MANAGEMENT AND MONITORING OF 10 ACRES OF WETLAND/NATURAL AREAS WITHIN THE TARA HILL SUBDIVISION)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, as follows:

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor and City Clerk to execute an agreement for professional services between the City of Darien and Christopher B. Burke Engineering, Ltd., relating to the Tara Hill Management and Monitoring of 10 Acres of Wetland and Natural Areas within the Tara Hill Subdivision for the periods of May 1, 2021 through April 30, 2026, a copy of which is attached hereto as "**Exhibit A**" and is by this reference expressly incorporated herein.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS**, this 1<sup>st</sup> day of February 2021.

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

January 11, 2021

City of Darien  
1702 Plainfield Road  
Darien, Illinois 60561

Attention: Mr. Dan Gombac

Subject: Proposal for Professional Services to Provide Management and Monitoring of 10-acres of Wetland/Natural Areas within Tara Hill Subdivision, Darien, DuPage County, Illinois

Dear Mr. Gombac:

As requested, Christopher B. Burke Engineering Ltd. (CBBEL) proposes to provide services related to management and monitoring of the three wetland areas at Tara Hill for a five-year period (fiscal years 2022-2026) based on an annual budget of \$5,000. This agreement would commence May 1, 2021 and end on April 30, 2026.

**SCOPE OF SERVICES**

It is understood that the fulfillment and completion of the following tasks will be the responsibility of CBBEL.

Task 1 – Site Monitoring and Management: CBBEL will complete two site monitoring and herbicide management visits during the growing season in years 2 and 4. During Years 1, 3 and 5, a controlled burn will be completed. The controlled burn will focus on the three wetland areas, completing one each of the three years.

Task 2 – Controlled Burn:

Task 2A – Burn Administration: This task includes administration tasks associated with commencement of prescribed burning, including acquisition of state and/or local burn permits, prescribed burn insurance and coordination, correspondence and processing with these agencies. Prescribed burn administration costs will be billed lump sum as itemized in the Fee Estimate below.

Task 2B – Preparation for Prescribed Burn Management: This task includes obtaining necessary permits, mailing neighbor notification postcards, equipment preparation, and mobilization prior to conducting the burn.

We will compile a list of addresses for all residences, businesses, public institutions, etc. within 500 feet of the burn site, and will mail out neighbor notification postcards to provide proper notification of an upcoming prescribed burn. Note that, for tenants within office complexes or residential apartments/condominiums having one address, we will provide a digital pdf of the neighbor notification postcard for the client to provide notice of the upcoming burn. CBBEL will provide 24-hour advance burn notification for residents who respond to our postcard requesting such notice.

We will acquire IEPA open burn permit and any local permits; and notify the local fire district and others prior to the date and time of the burn. CBBEL will prepare a post burn report with photographs as part of the summary report. Direct costs, such as mailing and permit fees, are included in the fee estimate.

Task 2C – Prescribed Burn: A prescribed burn of one of the three wetlands will be completed every other year by up to 3 qualified CBBEL staff on a rotational basis, starting the first year in fall (with a spring contingency) and will be completed every other year pending appropriate vegetation (fuel) amounts and weather conditions. This estimate of fee assumes approximately 1 day of on-site prescribed burning each year by CBBEL staff and equipment. This task will be completed in years 1, 3 and 5.

The completion of this task is dependent on the notification/authorization of the state and local authorities, and as weather conditions allow. This task does not include incidental costs incurred from the local fire district or others; incidental costs are not anticipated, will not be the responsibility of CBBEL, and will be forwarded to client if incurred.

CBBEL personnel are trained in prescribed burn procedures including standard burn safety procedures. CBBEL will provide a burn boss on the day of the burn who will coordinate all personnel associated with the prescribed burn, and who has IDNR Burn Manager Certification and/or Chicago Wilderness Prescribed Burn Training.

Every prescribed burn is unique because conditions vary by site and by day, therefore results will vary. Primary objectives of a controlled burn are to boost native establishment, increase biological diversity, reduce invasive species including undesirable woody vegetation, and reduce accumulated fuels. CBBEL will attempt to burn the targeted vegetation present, but actual burn coverage will be limited by water level, wind speed and direction, humidity, temperature, vegetation moisture content, topography, structures, fences, etc. The available fuels, the structure of the fuels and weather conditions all influence fire behavior. Please be advised that unburned vegetation will likely exist after project completion due to the limitations noted above.

Task 3 – Annual Summary: Following each growing season CBBEL will write an annual summary email listing management activities completed for the year. Recommendations will also be included. Burn reports will be provided during burn years in lieu of an annual summary.

All meetings, or services not outlined in this proposal will be charged on a time and materials basis.

**FEE ESTIMATE**

<u>Year 1 (May 2021 – April 2022)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 1	\$ 5,500
<u>Year 2 (May 2022 – April 2023)</u>	
Task 1 – Vegetation Management (2X)	\$ 3,600
Task 3 – Annual Summary	\$ 400
<u>Direct Costs</u>	<u>\$ 250</u>
Total Year 2	\$ 4,250
<u>Year 3 (May 2023 – April 2024)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 3	\$ 5,500
<u>Year 4 (May 2024 – April 2025)</u>	
Task 1 – Vegetation Management (2X)	\$ 3,600
Task 3 – Annual Summary	\$ 400
<u>Direct Costs</u>	<u>\$ 250</u>
Total Year 4	\$ 4,250
<u>Year 5 (May 2025 – April 2026)</u>	
Task 2A – Burn Administration	\$ 500
Task 2B – Burn Preparation and Report	\$ 2,100
Task 2C – Prescribed Burn (3 Staff)	\$ 2,700
<u>Direct Costs</u>	<u>\$ 200</u>
Total Year 5	\$ 5,500
Total	\$25,000

We will bill you at the hourly rates specified on the attached Schedule of Charges and establish our contract in accordance with the attached General Terms and Conditions with the exception that CBBEL controlled burn staff will be charged at a minimum \$200/hour during burns. Direct costs for mileage, burn fuel, blueprints, photocopying, mailing, overnight delivery, messenger services and report binding are included in the Fee Estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. It should be emphasized that any requested meetings or additional services are not included in the preceding Fee Estimate and will be billed at the attached hourly rates.



If this proposal is acceptable, please sign one copy and return it as notice to proceed.

Sincerely,



Michael Kerr, PE  
President

Encl: Schedule of Charges  
General Terms and Conditions  
Conditions for Burning

THIS PROPOSAL, SCHEDULE OF CHARGES, GENERAL TERMS & CONDITIONS, &  
CONDITIONS FOR BURNING ACCEPTED FOR THE CITY OF DARIEN

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

RPS/sls  
N:\PROPOSALS\ADMIN\2021\DarienTaraHillMM\_RPS\_011121.doc

**AGENDA MEMO**  
**Municipal Services Committee**  
**January 25, 2021**

**ISSUE STATEMENT**

Preliminary approval of a [resolution](#) for the 2021 Street Maintenance contract with Brothers Asphalt Paving Inc., as per the following schedule of pricing:

Base Bid -	\$1,218,851.55
Alternate 1 - Patching	\$ 89,100.00
Alternate 2 - Aggregate Shoulders	\$ 24,000.00
<u>Alternate 3 - 67<sup>th</sup> Street Realignment</u>	<u>\$ 96,818.75</u>
Total Cost	\$1,428,770.30

AND

A motion authorizing expenditures in an amount not to exceed \$7,000 for Quality Control Field Testing through Christopher B. Burke Engineering and Testing Services Corporation.

**BACKGROUND/HISTORY**

This year's 2021 Street Maintenance Program includes 4.64 miles to be resurfaced. The proposed program is the same program that was cancelled last year due to the COVID Pandemic. Typically the City averages approximately 5 miles of resurfacing per year. This year's program includes the following,

**Base Bid** - Includes the proposed schedule as listed below:

**2021 Road Program Schedule**

<b>STREET</b>	<b>RATING</b>	<b>SUBDIVISION</b>	<b>LIMITS</b>	<b>ROAD LENGTH (linear ft.)</b>	<b>PREVIOUS RESURFACING</b>
Janet Ave	65	Marion Hills South	Clarendon Hills Rd - 83rd	2800	2006
Sunrise Ave	66	Marion Hills South	Janet - Elm	980	2007
Elm St	63	Marion Hills South	Clarendon Hills Rd - 83rd	2600	2002
67th St	65	Clarefield	Cass - Clarendon Hills Rd	5280	2007
Ridge Rd	66	North of 67th	67th to N limit	600	2002
Hinsbrook Ave	66	Hinsbrook	Cass - Seminole	1435	2006
Timber Ln	65	Hinsbrook	Darien Ln - Richmond	1760	2007
Hickory Ln	67	Hinsbrook	Darien Ln - Seminole	1080	2007
Holly Av	65	Farmingdale Unit 5 - 9	Wilcox - Williams	2750	2006
Barclay Rd	66	Farmingdale Ridge	Manning Rd - Green Valley Rd	870	2005
Bedford Rd	66	Farmingdale Ridge	Barclay Rd - Surrey Dr	330	2005
Surrey Dr	66	Farmingdale Ridge	Bedford Rd - Green Valley Rd	700	2003
Marborough Ln	67	Farmingdale Ridge	Lyman Av - Wakefield Dr	825	2005
Drover Ct	65	Farmingdale Village	Drover Ln - Limit	330	2007
Harvest Place	65	Farmingdale Village	Beller Dr - Meadow Ln	1250	2006
Captons Ln	66	Hidden Lakes	N Frontage - N Frontage	900	2007
			<b>LINEAR FEET</b>	<b>24,490</b>	
			<b>MILES</b>	<b>4.64</b>	
Alternate 1			Class D Patches, 6" (Special)	1,800 SY	
Alternate 2			Aggregate Shoulders, Type B	800 ton	
Alternate 3			67 <sup>th</sup> Street Realignment Project	Lump Sum	

**Alternate 1 - Patching \$89,100.00** – Includes the removal and replacement of road base throughout the City due to failing base.

**Alternate 2 – Aggregate Shoulders \$24,000.00** - Includes supplying and mechanical placement of aggregate material adjacent to the roads above that are not constructed with a curb and gutter and miscellaneous shouldering on adjacent roadways.

**Alternate 3 - 67<sup>th</sup> Street Realignment Project \$96,818.75** - The quantities are based on unit prices as it relates to the bituminous portion of the roadway realignment limits of the 67<sup>th</sup> Street and Clarendon Hills Road project.

Sealed bids were opened on Wednesday, January 20, 2021. A summary of the seven (7) bids received is attached and labeled as [Attachment A](#). The lowest responsive bid for the **Base Bid** was Brothers Asphalt Paving, Inc., in the amount of \$1,218,851.55. With the **Base Bid** and **Alternates 1, 2 and 3**, Brothers Asphalt Paving, Inc., is the awarded responsive bidder, pending budget approval: \$1,428,770.30.

The proposed 2021 Road Program would be funded from the following line item:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY 21-22 BUDGET	PROPOSED EXPENDITURE
60-4855	STREET RECONSTRUCTION/REHAB-2021 City Street Maintenance Program	\$1,218,851.55	\$1,218,851.55
	Alternate 1 - Patching	\$ 89,100.00	\$ 89,100.00
	Alternate 2 – Aggregate Shoulders	\$ 24,000.00	\$ 24,000.00
	Alternate 3 - 67 <sup>th</sup> Street Realignment Project	\$ 96,818.75	\$ 96,818.75
25-35-4855	Quality Control Testing-CBBEL	\$ 7,000.00	\$ 7,000.00
	<b>TOTAL COSTS</b>		\$1,435,770.30

**STAFF RECOMMENDATION**

Staff and Christopher B. Burke Engineering recommends awarding the base bid and Alternates 1, 2 and 3 to Brothers Asphalt Paving Inc., for the 2021 Road Maintenance contract in the amount of \$1,428,770.30. Brothers Asphalt Paving has completed very satisfactory work for the City in the past. Attached and labeled as [Attachment B](#) is a recommendation to award letter from Christopher B. Burke Engineering.

AND

A motion authorizing expenditures in an amount not to exceed \$7,000 for Quality Control Field Testing through Christopher B. Burke Engineering and Testing Services Corporation.

**ALTERNATE CONSIDERATION**

As directed by the City Council.

**DECISION MODE**

This item will be placed on an upcoming City Council agenda, pending budget consideration for formal approval.

CHRISTOPHER B. BURKE ENGINEERING, LTD.

CITY OF DARIEN  
 2020 REBUILD ILLINOIS BONDS PROGRAM  
 (CBBL PROJECT NO. 19-0543)  
 (IDOT SECTION NO. 20-00030-00-FP)  
 BID TABULATION  
 DATE: January 20, 2021

NUMBER	ITEM	UNIT	QUANTITY	ENGINEER'S ESTIMATE		BROTHERS ASPHALT PAVING, INC.		SCHROEDER ASPHALT SERVICES, INC.		K-FIVE CONSTRUCTION CORP.		LINDAHL BROTHERS, INC.		BUILDERS PAVING, LLC		M&J ASPHALT PAVING CO.		A LAMP CONCRETE CONTRACTORS, INC.	
				UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
35800100	PREPARATION OF BASE	CU YD	6323	\$ 1.75	\$ 11,065.25	\$ 1.00	\$ 6,323.00	\$ 0.65	\$ 4,109.95	\$ 2.00	\$ 12,646.00	\$ 1.35	\$ 8,536.05	\$ 1.25	\$ 7,903.75	\$ 1.50	\$ 9,484.50	\$ 1.15	\$ 7,271.45
35800200	AGGREGATE BASE REPAIR	TON	548	\$ 20.00	\$ 10,960.00	\$ 12.00	\$ 6,576.00	\$ 15.00	\$ 8,220.00	\$ 10.00	\$ 5,480.00	\$ 13.25	\$ 7,261.00	\$ 9.60	\$ 5,260.80	\$ 15.00	\$ 8,220.00	\$ 30.00	\$ 16,440.00
40600290	BITUMINOUS MATERIALS (TACK COAT)	POUND	71590	\$ 0.95	\$ 68,010.50	\$ 0.10	\$ 7,159.00	\$ 0.01	\$ 715.90	\$ 0.01	\$ 715.90	\$ 0.01	\$ 715.90	\$ 0.01	\$ 715.90	\$ 0.01	\$ 715.90	\$ 0.01	\$ 715.90
40600825	POLYMERIZED LEVELING BINDER (MACHINE METHOD), N50	TON	3420	\$ 80.00	\$ 273,600.00	\$ 84.00	\$ 287,280.00	\$ 82.00	\$ 280,440.00	\$ 101.00	\$ 345,420.00	\$ 90.00	\$ 307,800.00	\$ 86.00	\$ 294,120.00	\$ 93.00	\$ 318,060.00	\$ 98.00	\$ 335,160.00
40603080	HOT-MIX ASPHALT BINDER COURSE, IL-19.0, N50	TON	1470	\$ 80.00	\$ 117,600.00	\$ 64.00	\$ 94,080.00	\$ 69.50	\$ 102,165.00	\$ 66.50	\$ 97,755.00	\$ 70.00	\$ 102,900.00	\$ 67.00	\$ 98,490.00	\$ 71.00	\$ 104,370.00	\$ 78.00	\$ 114,660.00
40603335	HOT-MIX ASPHALT SURFACE COURSE, MIX D, N50	TON	6780	\$ 80.00	\$ 542,400.00	\$ 72.00	\$ 488,160.00	\$ 73.00	\$ 494,940.00	\$ 86.00	\$ 583,080.00	\$ 74.00	\$ 501,720.00	\$ 70.00	\$ 474,600.00	\$ 77.00	\$ 522,060.00	\$ 82.50	\$ 559,350.00
44000157	HOT-MIX ASPHALT SURFACE REMOVAL, 2"	SQ YD	79560	\$ 2.50	\$ 198,900.00	\$ 2.28	\$ 181,396.80	\$ 2.30	\$ 182,988.00	\$ 1.50	\$ 119,340.00	\$ 3.00	\$ 238,680.00	\$ 2.55	\$ 202,878.00	\$ 2.60	\$ 206,856.00	\$ 3.50	\$ 278,460.00
44000165	HOT-MIX ASPHALT SURFACE REMOVAL, 4"	SQ YD	9444	\$ 3.00	\$ 28,332.00	\$ 2.50	\$ 23,610.00	\$ 3.25	\$ 30,693.00	\$ 1.75	\$ 16,527.00	\$ 4.25	\$ 40,137.00	\$ 5.00	\$ 47,220.00	\$ 5.10	\$ 48,164.40	\$ 4.30	\$ 40,609.20
44201713	CLASS D PATCHES, TYPE I, 6 INCH	SQ YD	1640	\$ 75.00	\$ 123,000.00	\$ 30.00	\$ 49,200.00	\$ 35.00	\$ 57,400.00	\$ 15.00	\$ 24,600.00	\$ 45.00	\$ 73,800.00	\$ 52.00	\$ 85,280.00	\$ 40.00	\$ 65,600.00	\$ 30.00	\$ 49,200.00
44201717	CLASS D PATCHES, TYPE II, 6 INCH	SQ YD	570	\$ 75.00	\$ 42,750.00	\$ 30.00	\$ 17,100.00	\$ 35.00	\$ 19,950.00	\$ 30.00	\$ 17,100.00	\$ 40.00	\$ 22,800.00	\$ 52.00	\$ 29,640.00	\$ 40.00	\$ 22,800.00	\$ 30.00	\$ 17,100.00
44201721	CLASS D PATCHES, TYPE III, 6 INCH	SQ YD	320	\$ 75.00	\$ 24,000.00	\$ 30.00	\$ 9,600.00	\$ 33.00	\$ 10,560.00	\$ 30.00	\$ 9,600.00	\$ 40.00	\$ 12,800.00	\$ 51.00	\$ 16,320.00	\$ 40.00	\$ 12,800.00	\$ 30.00	\$ 9,600.00
44201723	CLASS D PATCHES, TYPE IV, 6 INCH	SQ YD	320	\$ 75.00	\$ 24,000.00	\$ 30.00	\$ 9,600.00	\$ 33.00	\$ 10,560.00	\$ 30.00	\$ 9,600.00	\$ 40.00	\$ 12,800.00	\$ 50.00	\$ 16,000.00	\$ 40.00	\$ 12,800.00	\$ 30.00	\$ 9,600.00
48101200	AGGREGATE SHOULDERS, TYPE B	TON	610	\$ 25.00	\$ 15,250.00	\$ 30.00	\$ 18,300.00	\$ 30.00	\$ 18,300.00	\$ 12.00	\$ 7,320.00	\$ 38.00	\$ 23,180.00	\$ 40.00	\$ 24,400.00	\$ 50.00	\$ 30,500.00	\$ 25.00	\$ 15,250.00
70300100	SHORT TERM PAVEMENT MARKING	FOOT	200	\$ 0.60	\$ 120.00	\$ 1.53	\$ 306.00	\$ 0.20	\$ 40.00	\$ 1.00	\$ 200.00	\$ 1.00	\$ 200.00	\$ 2.00	\$ 400.00	\$ 4.00	\$ 800.00	\$ 1.00	\$ 200.00
70300150	SHORT TERM PAVEMENT MARKING REMOVAL	SQ FT	80	\$ 0.60	\$ 48.00	\$ 0.81	\$ 64.80	\$ 0.20	\$ 16.00	\$ 2.00	\$ 160.00	\$ 2.00	\$ 160.00	\$ 1.00	\$ 80.00	\$ 15.00	\$ 1,200.00	\$ 1.00	\$ 80.00
78000100	THERMOPLASTIC PAVEMENT MARKING - LETTERS AND SYMBOLS	SQ FT	160	\$ 10.00	\$ 1,600.00	\$ 5.25	\$ 840.00	\$ 5.25	\$ 840.00	\$ 5.00	\$ 800.00	\$ 5.20	\$ 832.00	\$ 4.00	\$ 640.00	\$ 5.50	\$ 880.00	\$ 5.50	\$ 880.00
78000200	THERMOPLASTIC PAVEMENT MARKING - LINE 4"	FOOT	7625	\$ 3.00	\$ 22,875.00	\$ 0.81	\$ 6,176.25	\$ 0.87	\$ 6,633.75	\$ 0.78	\$ 5,947.50	\$ 0.46	\$ 3,507.50	\$ 0.70	\$ 5,337.50	\$ 1.15	\$ 8,768.75	\$ 0.90	\$ 6,862.50
78000400	THERMOPLASTIC PAVEMENT MARKING - LINE 6"	FOOT	105	\$ 3.00	\$ 315.00	\$ 1.31	\$ 137.55	\$ 1.45	\$ 152.25	\$ 1.25	\$ 131.25	\$ 3.00	\$ 315.00	\$ 1.00	\$ 105.00	\$ 1.75	\$ 183.75	\$ 1.40	\$ 147.00
78000600	THERMOPLASTIC PAVEMENT MARKING - LINE 12"	FOOT	295	\$ 5.00	\$ 1,475.00	\$ 2.62	\$ 772.90	\$ 2.75	\$ 811.25	\$ 2.50	\$ 737.50	\$ 4.00	\$ 1,180.00	\$ 2.00	\$ 590.00	\$ 2.90	\$ 855.50	\$ 2.75	\$ 811.25
78000650	THERMOPLASTIC PAVEMENT MARKING - LINE 24"	FOOT	237	\$ 10.00	\$ 2,370.00	\$ 5.25	\$ 1,244.25	\$ 5.25	\$ 1,244.25	\$ 5.00	\$ 1,185.00	\$ 5.25	\$ 1,244.25	\$ 4.00	\$ 948.00	\$ 5.50	\$ 1,303.50	\$ 5.50	\$ 1,303.50
*X0326862	STRUCTURES TO BE ADJUSTED	EACH	23	\$ 450.00	\$ 10,350.00	\$ 475.00	\$ 10,925.00	\$ 500.00	\$ 11,500.00	\$ 695.00	\$ 15,985.00	\$ 435.00	\$ 10,005.00	\$ 520.00	\$ 11,960.00	\$ 900.00	\$ 20,700.00	\$ 450.00	\$ 10,350.00
				\$ 1,519,020.75		\$ 1,218,851.55		\$ 1,242,279.35		\$ 1,274,330.15		\$ 1,370,573.70		\$ 1,322,888.95		\$ 1,397,122.30		\$ 1,474,050.80	

ALTERNATE 1 - MISCELLANEOUS PATCHING

NUMBER	ITEM	UNIT	QUANTITY	ENGINEER'S ESTIMATE		BROTHERS ASPHALT PAVING, INC.		SCHROEDER ASPHALT SERVICES, INC.		K-FIVE CONSTRUCTION CORP.		LINDAHL BROTHERS, INC.		BUILDERS PAVING, LLC		M&J ASPHALT PAVING CO.		A LAMP CONCRETE CONTRACTORS, INC.	
				UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
44201713	CLASS D PATCHES, TYPE I, 6 INCH	SQ YD	1080	\$ 50.00	\$ 54,000.00	\$ 45.00	\$ 48,600.00	\$ 46.75	\$ 50,490.00	\$ 56.00	\$ 60,480.00	\$ 58.15	\$ 62,802.00	\$ 68.00	\$ 73,440.00	\$ 57.00	\$ 61,560.00	\$ 66.00	\$ 71,280.00
44201717	CLASS D PATCHES, TYPE II, 6 INCH	SQ YD	400	\$ 45.00	\$ 18,000.00	\$ 45.00	\$ 18,000.00	\$ 45.00	\$ 18,000.00	\$ 56.00	\$ 22,400.00	\$ 58.15	\$ 23,260.00	\$ 67.00	\$ 26,800.00	\$ 56.00	\$ 22,400.00	\$ 66.00	\$ 26,400.00
44201721	CLASS D PATCHES, TYPE III, 6 INCH	SQ YD	250	\$ 45.00	\$ 11,250.00	\$ 45.00	\$ 11,250.00	\$ 44.00	\$ 11,000.00	\$ 56.00	\$ 14,000.00	\$ 58.15	\$ 14,537.50	\$ 64.00	\$ 16,000.00	\$ 55.00	\$ 13,750.00	\$ 66.00	\$ 16,500.00
44201723	CLASS D PATCHES, TYPE IV, 6 INCH	SQ YD	250	\$ 35.00	\$ 8,750.00	\$ 45.00	\$ 11,250.00	\$ 44.00	\$ 11,000.00	\$ 56.00	\$ 14,000.00	\$ 58.15	\$ 14,537.50	\$ 62.00	\$ 15,500.00	\$ 55.00	\$ 13,750.00	\$ 66.00	\$ 16,500.00
*INDICATES SPECIAL PROVISION																			
TOTAL =				\$ 92,000.00		\$ 89,100.00		\$ 90,490.00		\$ 110,880.00		\$ 115,137.00		\$ 131,740.00		\$ 111,460.00		\$ 130,680.00	

ALTERNATE 2 - AGGREGATE SHOULDERS

NUMBER	ITEM	UNIT	QUANTITY	ENGINEER'S ESTIMATE		BROTHERS ASPHALT PAVING, INC.		SCHROEDER ASPHALT SERVICES, INC.		K-FIVE CONSTRUCTION CORP.		LINDAHL BROTHERS, INC.		BUILDERS PAVING, LLC		M&J ASPHALT PAVING CO.		A LAMP CONCRETE CONTRACTORS, INC.	
				UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
48101200	AGGREGATE SHOULDERS, TYPE B	TON	800	\$ 25.00	\$ 20,000.00	\$ 30.00	\$ 24,000.00	\$ 32.00	\$ 25,600.00	\$ 50.00	\$ 40,000.00	\$ 46.50	\$ 37,200.00	\$ 55.00	\$ 44,000.00	\$ 50.00	\$ 40,000.00	\$ 60.00	\$ 48,000.00
*INDICATES SPECIAL PROVISION																			
TOTAL =				\$ 20,000.00		\$ 24,000.00		\$ 25,600.00		\$ 40,000.00		\$ 37,200.00		\$ 44,000.00		\$ 40,000.00		\$ 48,000.00	

NUMBER	ITEM	UNIT	QUANTITY	ENGINEER'S ESTIMATE		BROTHERS ASPHALT PAVING, INC.		SCHROEDER ASPHALT SERVICES, INC.		K-FIVE CONSTRUCTION CORP.		LINDAHL BROTHERS, INC.		BUILDERS PAVING, LLC		M&J ASPHALT PAVING CO.		A LAMP CONCRETE CONTRACTORS, INC.	
				UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
20200100	EARTH EXCAVATION	CU YD	255	\$ 50.00	\$ 12,750.00	\$ 30.00	\$ 7,650.00	\$ 28.00	\$ 7,140.00	\$ 60.00	\$ 15,300.00	\$ 45.00	\$ 11,475.00	\$ 60.00	\$ 15,300.00	\$ 50.00	\$ 12,750.00	\$ 34.00	\$ 8,670.00
20201200	REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	CU YD	250	\$ 50.00	\$ 12,500.00	\$ 30.00	\$ 7,500.00	\$ 28.50	\$ 7,125.00	\$ 41.00	\$ 10,250.00	\$ 45.00	\$ 11,250.00	\$ 61.00	\$ 15,250.00	\$ 40.00	\$ 10,000.00	\$ 20.00	\$ 5,000.00
20400800	FURNISHED EXCAVATION	CU YD	100	\$ 40.00	\$ 4,000.00	\$ 20.00	\$ 2,000.00	\$ 25.00	\$ 2,500.00	\$ 5.00	\$ 500.00	\$ 35.00	\$ 3,500.00	\$ 70.00	\$ 7,000.00	\$ 50.00	\$ 5,000.00	\$ 1.00	\$ 100.00
*30300001	AGGREGATE SUBGRADE IMPROVEMENT	CU YD	250	\$ 50.00	\$ 12,500.00	\$ 30.00	\$ 7,500.00	\$ 32.00	\$ 8,000.00	\$ 49.00	\$ 12,250.00	\$ 45.00	\$ 11,250.00	\$ 82.00	\$ 20,500.00	\$ 60.00	\$ 15,000.00	\$ 20.00	\$ 5,000.00
40600290	BITUMINOUS MATERIALS (TACK COAT)	POUND	125	\$ 2.00	\$ 250.00	\$ 0.10	\$ 12.50	\$ 0.01	\$ 1.25	\$ 5.00	\$ 625.00	\$ 0.01	\$ 1.25	\$ 8.00	\$ 1,000.00	\$ 0.01	\$ 1.25	\$ 0.01	\$ 1.25
40600825	POLYMERIZED LEVELING BINDER (MACHINE METHOD), N50	TON	90	\$ 100.00	\$ 9,000.00	\$ 84.00	\$ 7,560.00	\$ 82.00	\$ 7,380.00	\$ 101.00	\$ 9,090.00	\$ 100.00	\$ 9,000.00	\$ 115.00	\$ 10,350.00	\$ 93.00	\$ 8,370.00	\$ 115.00	\$ 10,350.00
40603335	HOT-MIX ASPHALT SURFACE COURSE, MIX "D", N50	TON	215	\$ 100.00	\$ 21,500.00	\$ 64.00	\$ 13,760.00	\$ 73.00	\$ 15,695.00	\$ 86.00	\$ 18,490.00	\$ 92.00	\$ 19,780.00	\$ 114.00	\$ 24,510.00	\$ 77.00	\$ 16,555.00	\$ 97.00	\$ 20,855.00
40603080	HOT-MIX ASPHALT BINDER COURSE, IL-19.0, N50	TON	125	\$ 100.00	\$ 12,500.00	\$ 72.00	\$ 9,000.00	\$ 69.50	\$ 8,687.50	\$ 66.50	\$ 8,312.50	\$ 74.00	\$ 9,250.00	\$ 112.00	\$ 14,000.00	\$ 71.00	\$ 8,875.00	\$ 91.00	\$ 11,375.00
44000157	HOT-MIX ASPHALT SURFACE REMOVAL, 2.5"	SQ YD	1,100	\$ 12.00	\$ 13,200.00	\$ 2.88	\$ 3,168.00	\$ 2.30	\$ 2,530.00	\$ 6.50	\$ 7,150.00	\$ 4.25	\$ 4,675.00	\$ 9.60	\$ 10,560.00	\$ 3.15	\$ 3,465.00	\$ 31.00	\$ 34,100.00
44201713	CLASS D PATCHES, TYPE I, 6 INCH	SQ YD	700	\$ 75.00	\$ 52,500.00	\$ 30.00	\$ 21,000.00	\$ 45.00	\$ 31,500.00	\$ 15.00	\$ 10,500.00	\$ 40.00	\$ 28,000.00	\$ 45.00	\$ 31,500.00	\$ 40.00	\$ 28,000.00	\$ 30.00	\$ 21,000.0


**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

January 21, 2021

 City of Darien City Hall  
 1702 Plainfield Rd  
 Darien, IL 60561

Attention: Dan Gombac

 Subject: City of Darien – 2020 Rebuild Illinois Bonds Program  
 (CBBEL Project No. 19-0543)  
 (IDOT Section No. 20-00030-00-FP)

Dear Dan:

On Wednesday, January 20<sup>th</sup>, 2021 at 10:00 a.m., bids were received at the City of Darien City Hall for the 2020 Rebuild Illinois Bonds Program. There were seven (7) bids received for this project. Below is our engineer's estimate and bid results. I have attached the complete bid results separately. The low bid is in **bold**.

Company Name	Base Bid	Alternate 1 Bid – As Read	Alternate 2 Bid	Alternate 3 Bid (As Corrected)	Project Total	Bid Bond
Engineer's Estimate	\$1,519,020.75	\$92,000.00	\$20,000.00	\$192,387.50	\$1,823,408.25	✓
<b>BROTHERS ASPHALT PAVING, INC.</b>	<b>\$1,218,851.55</b>	<b>\$89,100.00</b>	<b>\$24,000.00</b>	<b>\$96,818.75</b>	<b>\$1,428,770.30</b>	✓
SCHROEDER ASPHALT SERVICES, INC.	\$1,242,279.35	\$90,490.00	\$25,600.00	\$115,123.30	\$1,473,492.65	✓
K-FIVE CONSTRUCTION CORP.	\$1,274,330.15	\$110,880.00	\$40,000.00	\$112,178.20	\$1,537,388.35	✓
LINDAHL BROTHERS, INC.	\$1,370,573.70	\$115,137.00	\$37,200.00	\$130,581.65	\$1,653,492.35	✓
BUILDERS PAVING, LLC	\$1,322,888.95	\$131,740.00	\$44,000.00	(\$178,150.00)	\$1,676,778.95	✓
M&J ASPHALT PAVING CO.	\$1,397,122.30	\$111,460.00	\$40,000.00	\$132,557.50	\$1,681,139.80	✓
A LAMP CONCRETE CONTRACTORS, INC.	\$1,474,050.80	\$130,680.00	\$48,000.00	\$134,200.75	\$1,786,931.55	✓

Brothers Asphalt Paving, Inc. was the low qualified bidder for the total projects in the amount of \$1,428,770.30. Brothers Asphalt Paving, Inc. has performed satisfactory work for the City in the past and CBBEL believes their bid to be in order. Therefore, the City suggests accepting Brothers Asphalt Paving, Inc.'s bid.

Enclosed for your review are the bid tabulations. If you have any other questions, please do not hesitate to contact me.

Sincerely,

Lee M Fell, PE

Assistant Department Head, Civil Engineering Design

cc: Marilyn Solomon, PE – IDOT (w/ enclosed)

Mohammad Kawash – IDOT (w/ enclosed)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE 2021 STREET MAINTENANCE PROJECT BETWEEN THE CITY OF DARIEN AND BROTHERS ASPHALT PAVING, INC. THE FOLLOWING SCHEDULE OF PRICING: BASE BID - \$1,218,851.55; ALTERNATE 1 – PATCHING - \$89,100.00; ALTERNATE 2 – AGGREGATE SHOULDERS - \$24,000.00; ALTERNATE 3 - 67<sup>TH</sup> STREET REALIGNMENT PROJECT \$96,818.75 FOR A TOTAL OF \$1,428,770.30**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, as follows:**

**SECTION 1:** The City Council of the City of Darien hereby authorizes the Mayor to execute a contract for the 2021 Street Maintenance Program, between the City of Darien and Brothers Asphalt Paving, Inc., including the Base Bid in the amount of \$1,218,851.55; Alternate 1 – Patching - \$89,100.00; Alternate 2 – Aggregate Shoulders - \$24,000.00; Alternate 3 – 67<sup>th</sup> Street Realignment Project - \$96,818.75 for a total of \$1,428,770.30, a copy of which is attached hereto as “**Exhibit A**” and is by this reference expressly incorporated herein.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 1<sup>st</sup> day of February, 2021.**

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS this 1<sup>st</sup> day of February, 2021.**

\_\_\_\_\_  
JOSEPH MARCHESE, MAYOR

ATTEST:

\_\_\_\_\_  
JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY







Contract Bond

Route VARIOUS
County DUPAGE
Local Agency CITY OF DARIEN
Section 20-00030-00-FP

We ,

a/an) [ ] Individual [ ] Co-partnership [X] Corporation organized under the laws of the State of Illinois, as PRINCIPAL, and

as SURETY,

are held and firmly bound unto the above Local Agency (hereafter referred to as "LA") in the penal sum of

Dollars ( ), lawful money of the United States, well and truly to be paid unto said LA, for the payment of which we bind ourselves, our heirs, executors, administrators, successors, jointly to pay to the LA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said Principal has entered into a written contract with the LA acting through its awarding authority for the construction of work on the above section, which contract is hereby referred to and made a part hereof, as if written herein at length, and whereby the said Principal has promised and agreed to perform said work in accordance with the terms of said contract, and has promised to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery furnished to such Principal for the purpose of performing such work and has further agreed to pay all direct and indirect damages to any person, firm, company or corporation suffered or sustained on account of the performance of such work during the time thereof and until such work is completed and accepted; and has further agreed that this bond shall inure to the benefit of any person, firm, company or corporation to whom any money may be due from the Principal, subcontractor or otherwise for any such labor, materials, apparatus, fixtures or machinery so furnished and that suit may be maintained on such bond by any such person, firm, company or corporation for the recovery of any such money.

NOW THEREFORE, if the said Principal shall well and truly perform said work in accordance with the terms of said contract, and shall pay all sums of money due or to become due for any labor, materials, apparatus, fixtures or machinery furnished to him for the purpose of constructing such work, and shall commence and complete the work within the time prescribed in said contract, and shall pay and discharge all damages, direct and indirect, that may be suffered or sustained on account of such work during the time of the performance thereof and until the said work shall have been accepted, and shall hold the LA and its awarding authority harmless on account of any such damages and shall in all respects fully and faithfully comply with all the provisions, conditions and requirements of said contract, then this obligation to be void; otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2021

**PRINCIPAL**

\_\_\_\_\_  
(Company Name) \_\_\_\_\_  
By: \_\_\_\_\_  
(Signature & Title) \_\_\_\_\_  
Attest: \_\_\_\_\_  
(Signature & Title) \_\_\_\_\_

(If PRINCIPAL is a joint venture of two or more contractors, the company names and authorized signature of each contractor must be affixed.)

STATE OF ILLINOIS,

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said county, do hereby certify that

\_\_\_\_\_  
(Insert names of individuals signing on behalf or PRINCIPAL)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2021

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public (SEAL)

**SURETY**

\_\_\_\_\_  
(Name of Surety) \_\_\_\_\_  
By: \_\_\_\_\_  
(Signature of Attorney-in-Fact)

STATE OF ILLINOIS.

(SEAL)

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said county, do hereby certify that

\_\_\_\_\_  
(Insert names of individuals signing on behalf or SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2021

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public (SEAL)

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2021

Attest:

\_\_\_\_\_  
Clerk \_\_\_\_\_  
City of Darien  
(Awarding Authority)  
\_\_\_\_\_  
(Chairman/Mayor/President)

RETURN WITH BID

NOTICE TO BIDDERS

County DuPage
Local Public Agency City of Darien
Section Number 21-00030-00-FP
Route --

Sealed proposals for the improvement described below will be received at the office of Darien City Hall,
1702 Plainfield Road, Darien, IL 60561 until 10:00 AM on January 20, 2021
Address Time Date

Sealed proposals will be opened and read publicly at the office of Darien City Hall
1702 Plainfield Road, Darien, IL 60561 at 10:00 AM on January 20, 2021
Address Time Date

DESCRIPTION OF WORK

Name 2020 Rebuild Illinois Bonds Program Length: 25,440 feet ( 4.82 miles)
Location Various streets throughout the City of Darien, Illinois

Proposed Improvement Hot-mix asphalt surface removal, polymerized leveling binder, binder course, surface course,
roadway widening, pavement markings and patching, all as further described in the contract
documents for the said work prepared by Christopher B. Burke Engineering, Ltd. (CBBEL)

1. Plans and proposal forms will be available for download only from QuestCDN via the Christopher B. Burke
Engineering, Ltd. (CBBEL) website http://cbbel.com/bidding-info/ or at www.questcdn.com under login using
QuestCDN# 7375327 for a non-refundable charge of \$30.00.

2. [X] Prequalification
If checked, the 2 low bidders must file within 24 hours after the letting an "Affidavit of Availability" (Form BC 57), in
duplicate, showing all uncompleted contracts awarded to them and all low bids pending award for Federal, State, County,
Municipal and private work. One original shall be filed with the Awarding Authority and one original with the IDOT District
Office.

3. The Awarding Authority reserves the right to waive technicalities and to reject any or all proposals as provided in BLRS
Special Provision for Bidding Requirements and Conditions for Contract Proposals.

4. The following BLR Forms shall be returned by the bidder to the Awarding Authority:
a. BLR 12200: Local Public Agency Formal Contract Proposal
b. BLR 12200a Schedule of Prices
c. BLR 12230: Proposal Bid Bond (if applicable)
d. BLR 12325: Apprenticeship or Training Program Certification (do not use for federally funded projects)
e. BLR 12326: Affidavit of Illinois Business Office

**RETURN WITH BID**

**SCHEDULE OF PRICES**

County DuPage  
 Local Public Agency City of Darien  
 Section 21-00030-00-FP  
 Route N/A

**Schedule for Multiple Bids**

Combination Letter	Sections Included in Combinations	Total
	<b>N/A</b>	

**Schedule for Single Bid**  
 (For complete information covering these items, see plans and specifications)

Bidder's Proposal for BASE BID		Bidder's Proposal for Making Entire Improvements			
Item No.	Items	Unit	Quantity	Unit Price	Total Cost
1	PREPARATION OF BASE	SQ YD	6328	\$1.00	\$6,323.00
2	AGGREGATE BASE REPAIR	TON	548	\$12.00	\$6,576.00
3	BITUMINOUS MATERIALS (TACK COAT)	POUND	71590	\$0.10	\$7,159.00
4	POLYMERIZED LEVELING BINDER (MACHINE METHOD), N50	TON	3420	\$84.00	\$287,280.00
5	HOT-MIX ASPHALT BINDER COURSE, IL-19.0, N50	TON	1470	\$64.00	\$94,080.00
6	HOT MIX ASPHALT SURFACE COURSE, MIX D, N50	TON	5750	\$72.00	\$488,160.00
7	HOT-MIX ASPHALT SURFACE REMOVAL, 2"	SQ YD	79660	\$2.28	\$181,396.80
8	HOT-MIX ASPHALT SURFACE REMOVAL, 4"	SQ YD	9444	\$2.50	\$23,610.00
9	CLASS D PATCHES, TYPE I, 6 INCH	SQ YD	1,540	\$30.00	\$49,200.00
10	CLASS D PATCHES, TYPE II, 6 INCH	SQ YD	570	\$30.00	\$17,100.00
11	CLASS D PATCHES, TYPE III, 6 INCH	SQ YD	320	\$30.00	\$9,600.00
12	CLASS D PATCHES, TYPE IV, 6 INCH	SQ YD	320	\$30.00	\$9,600.00
13	AGGREGATE SHOULDERS, TYPE B	TON	610	\$30.00	\$18,300.00
14	SHORT TERM PAVEMENT MARKING	FODT	200	\$1.53	\$306.00
15	SHORT TERM PAVEMENT MARKING REMOVAL	SQ FT	80	\$0.81	\$64.80
16	THERMOPLASTIC PAVEMENT MARKING - LETTERS AND SYMBOLS	SO FT	160	\$5.25	\$840.00
17	THERMOPLASTIC PAVEMENT MARKING - LINE 4"	FOOT	7626	\$0.81	\$6,176.25
18	THERMOPLASTIC PAVEMENT MARKING - LINE 6"	FOOT	105	\$1.31	\$137.55
19	THERMOPLASTIC PAVEMENT MARKING - LINE 12"	FOOT	295	\$2.62	\$772.90
20	THERMOPLASTIC PAVEMENT MARKING - LINE 24"	FOOT	237	\$5.25	\$1,244.25
21	STRUCTURES TO BE ADJUSTED	EACH	23	\$475.00	\$10,925.00
<b>Bidder's Proposal for BASE BID</b>					<b>\$1,218,851.55</b>
Written amount for BASE BID		One Million Two Hundred Thousand Eighteen & Eight Hundred Fifty-One Dollars & Fifty-Five Cents			

**RETURN WITH BID**

**SCHEDULE OF PRICES**

County DuPage  
 Local Public Agency City of Darien  
 Section 21-00030-00-FP  
 Route N/A

**Schedule for Multiple Bids**

Combination Letter	Sections Included in Combinations	Total

**Schedule for Single Bid**

(For complete information covering these items, see plans and specifications)

Bidder's Proposal for Making Entire Improvements					
Bidder's Proposal for ALTERNATE 1 BID - MISCELLANEOUS PATCHING					
Bidder's Proposal for ALTERNATE 1 BID					
Item No.	Items	Unit	Quantity	Unit Price	Total Cost
1	CLASS D PATCHES, TYPE I, 6 INCH	SQ YD	1,080	\$45.00	\$48,600.00
2	CLASS D PATCHES, TYPE II, 6 INCH	SQ YD	400	\$45.00	\$18,000.00
3	CLASS D PATCHES, TYPE III, 6 INCH	SQ YD	250	\$45.00	\$11,250.00
4	CLASS D PATCHES, TYPE IV, 6 INCH	SQ YD	250	\$45.00	\$11,250.00
Bidder's Proposal for ALTERNATE 1 BID					\$89,100.00
Written amount for ALTERNATE 1 BID		Eighty-Nine Thousand One Hundred Dollars & 00/100 Cents			



**RETURN WITH BID**

**SCHEDULE OF PRICES**

County DuPage  
 Local Public Agency City of Darden  
 Section 21-00030-00-FP  
 Route N/A

**Schedule for Multiple Bids**

Combination Letter	Sections Included in Combinations	Total

**Schedule for Single Bid**

(For complete information covering these items, see plans and specifications)

Bidder's Proposal for Making Entire Improvements					
Bidder's Proposal for ALTERNATE 2 BID - MISCELLANEOUS AGGREGATE SHOULDERS					
Bidder's Proposal for ALTERNATE 2 BID					
Item No.	Items	Unit	Quantity	Unit Price	Total Cost
1	AGGREGATE SHOULDERS, TYPE B	TON	800	\$30.00	\$24,000.00
Bidder's Proposal for ALTERNATE 2 BID					\$24,000.00
Written amount for ALTERNATE 2 BID		Twenty-Four Thousand Dollars & 00/100 cents			

**RETURN WITH BID**

**SCHEDULE OF PRICES**

County DuPage  
 Local Public Agency City of Darien  
 Section 21-00030-00-FP  
 Route N/A

**Schedule for Multiple Bids**

Combination Letter	Sections Included in Combinations	Total

**Schedule for Single Bid**  
 (For complete information covering these items, see plans and specifications)

Bidder's Proposal for Making Entire Improvements					
Bidder's Proposal for ALTERNATE 3 BID - 67TH STREET WIDENING					
Bidder's Proposal for ALTERNATE 3 BID					
Item No.	Items	Unit	Quantity	Unit Price	Total Cost
1	EARTH EXCAVATION	CU YD	255	\$30.00	\$7,650.00
2	REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	CU YD	250	\$30.00	\$7,500.00
3	FURNISHED EXCAVATION	CU YD	100	\$20.00	\$2,000.00
4	AGGREGATE SUBGRADE IMPROVEMENT	CU YD	250	\$30.00	\$7,500.00
5	BITUMINOUS MATERIALS (TACK COAT)	POUND	125	\$0.10	\$12.50
6	POLYMERIZED LEVELING BINDER (MACHINE METHOD), N50	TON	90	\$84.00	\$7,560.00
7	HOT-MIX ASPHALT SURFACE COURSE, MIX "D", N50	TON	215	\$64.00	\$13,760.00
8	HOT-MIX ASPHALT BINDER COURSE, IL-19.0, N50	TON	125	\$72.00	\$9,000.00
9	HOT-MIX ASPHALT SURFACE REMOVAL, 2.5"	SQ YD	1,100	\$2.88	\$3,168.00
11	CLASS D PATCHES, TYPE I, 6 INCH	SO YD	700	\$30.00	\$21,000.00
12	CLASS D PATCHES, TYPE II, 6 INCH	SQ YD	240	\$30.00	\$7,200.00
13	CLASS D PATCHES, TYPE III, 6 INCH	SQ YD	120	\$30.00	\$3,600.00
14	CLASS D PATCHES, TYPE IV, 6 INCH	SQ YD	120	\$30.00	\$3,600.00
15	THERMOPLASTIC PAVEMENT MARKING - LETTERS AND SYMBOLS	SQ FT	40	\$5.25	\$210.00
16	THERMOPLASTIC PAVEMENT MARKING - LINE 4"	FOOT	815	\$0.81	\$660.15
17	THERMOPLASTIC PAVEMENT MARKING - LINE 6"	FOOT	140	\$1.31	\$183.40
18	THERMOPLASTIC PAVEMENT MARKING - LINE 12"	FOOT	60	\$2.62	\$157.20
19	THERMOPLASTIC PAVEMENT MARKING - LINE 24"	FOOT	30	\$5.25	\$157.20
20	STRUCTURES TO BE ADJUSTED	EACH	4	\$475.00	\$1,900.00
Bidder's Proposal for ALTERNATE 3 BID					\$96,818.75
Written amount for ALTERNATE 3 BID		Ninety-Six Thousand Eight Hundred Eighteen Dollars & Seventy-five Cents			

RETURN WITH BID

SIGNATURES

County DuPage  
Local Public Agency City of Darien  
Section Number 21-00030-00-FP  
Route ---

(If an individual)

Signature of Bidder \_\_\_\_\_

Business Address \_\_\_\_\_  
\_\_\_\_\_

(If a partnership)

Firm Name \_\_\_\_\_

Signed By \_\_\_\_\_

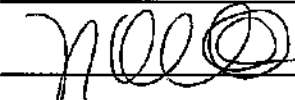
Business Address \_\_\_\_\_  
\_\_\_\_\_

Inset Names and Addressed of All Partners

} \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If a corporation)

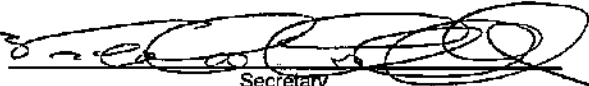
Corporate Name Brothers Asphalt Paving, Inc

Signed By   
President

Business Address 315 S. Stewart Ave. Addison, IL. 60101

Inset Names of Officers

} President Natalia Colella  
Secretary Nick Colella  
Treasurer Natalia Colella

Attest:   
Secretary

RETURN WITH BID



Affidavit of Illinois Business Office

County DuPage
Local Public Agency City of Darien
Section Number 21-00030-00-FP
Route

State of Illinois )
) ss.
County of DuPage )

I, Natalia Colella of Addison, Illinois,
(Name of Affiant) (City of Affiant) (State of Affiant)

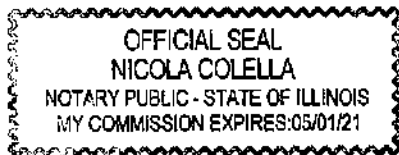
being first duly sworn upon oath, states as follows:

- 1. That I am the President of Brothers Asphalt Paving, Inc.
2. That I have personal knowledge of the facts herein stated.
3. That, if selected under this proposal, Brothers Asphalt Paving, Inc. will maintain a business office in the State of Illinois which will be located in DuPage County, Illinois.
4. That this business office will serve as the primary place of employment for any persons employed in the construction contemplated by this proposal.
5. That this Affidavit is given as a requirement of state law as provided in Section 30-22(8) of the Illinois Procurement Code.

[Handwritten Signature]
Natalia Colella
(Print Name of Affiant)

This instrument was acknowledged before me on 20th day of January, 2021.

(SEAL)



[Handwritten Signature]
(Signature of Notary Public)

2021 REBUILD ILLINOIS BONDS PROGRAM - BASE BID							
	STREET	LIMITS	ROAD LENGTH	WIDTH	SQUARE YARDS	SCOPE	CURB AND GUTTER
1	Janet Avenue	Clarendon Hills Road – IL Rt. 83	2,850	23	7,283	2" MILLING	
2	Sunrise Avenue	Janet Avenue – Elm Street	980	19	2,069	2" MILLING	
3	Elm Street	Clarendon Hills Road – IL Rt. 83	2,700	25	7,500	2" MILLING	
4	67 <sup>th</sup> Street	Cass Avenue – Clarendon Hills Road	5,280	24	14,080	2" MILLING	✓
5	Ridge Road	67 <sup>th</sup> Street – Limit	650	26	1,878	2" MILLING	✓
6	Hinsbrook Avenue	Cass Avenue – Seminole Drive	1,465	34	5,534	2" MILLING	✓
7	Timber Lane	Darien Lane – Richmond Avenue	1,760	24	4,693	2" MILLING	✓
8	Hickory Lane	Darien Lane – Seminole Drive	1,080	26	3,120	FULL-DEPTH	✓
9	Holly Avenue	Wilcox Avenue – Williams Street	3,300	26	9,533	2" MILLING	✓
10	Barclay Road	Manning Road – Green Valley Road	870	26	2,513	2" MILLING	✓
11	Bedford Lane	Barclay Road – Surrey Drive	330	27	1,650	FULL-DEPTH	✓
12	Surrey Drive	Bedford Lane – Green Valley Road	700	25	1,944	FULL-DEPTH	✓
13	Marlborough Lane	Lyman Avenue – Wakefield Drive	995	25	2,764	FULL-DEPTH	✓
14	Drover Court	Drover Lane – Limit	330	24	1,525	2" MILLING	✓
15	Harvest Place	Beller Drive – Meadow Lane	1,250	26	3,611	2" MILLING	✓
16	Captons Lane	N. Frontage Road – N Frontage Road	900	26	2,600	2" MILLING	✓
		<b>TOTAL =</b>	<b>25,440</b>		<b>72,299</b>		
2021 REBUILD ILLINOIS BONDS PROGRAM - ALTERNATE 1 BID							
	STREET	LIMITS	ROAD LENGTH	WIDTH	SQUARE YARDS	SCOPE	CURB AND GUTTER
	Miscellaneous Patching	Various Streets	N/A	N/A	1,800	MISCELLANEOUS PATCHING, 6" TYPE I-IV	N/A
		<b>TOTAL =</b>	<b>0</b>		<b>1,800</b>		
2021 REBUILD ILLINOIS BONDS PROGRAM - ALTERNATE 2 BID							
	STREET	LIMITS	ROAD LENGTH	WIDTH	TONS	SCOPE	CURB AND GUTTER
	Miscellaneous Aggregate Shoulders	Various Streets	N/A	N/A	800	AGGREGATE SHOULDERS, TYPE B	N/A
		<b>TOTAL =</b>	<b>0</b>		<b>800</b>		
2021 REBUILD ILLINOIS BONDS PROGRAM - ALTERNATE 3 BID							
	STREET	LIMITS	ROAD LENGTH	WIDTH	SQUARE YARDS	SCOPE	CURB AND GUTTER
	67 <sup>th</sup> Street	Clarendon Hills Road intersection 300' E	400	24	1,100	WIDENING	YES
		<b>TOTAL =</b>	<b>400</b>		<b>1,100</b>		

Start Date

No work shall begin before May 17, 2021 without City approval.

Completion Date

All work shall be completed within 25 working days from the start date including all punch list items.

Rejection of Bids

The City reserves the right to defer the award of the contract for a period not to exceed ninety (90) calendar days after the date bids are received, and to accept or reject any or all proposals and to waive technicalities.

Basis of Award

The City will choose the “low bidder” based upon City’s budget, and the total for the Base Bid and any combination of Alternate Bids. The City may also delete streets from the Bid with no adjustment to unit prices.



**MINUTES  
CITY OF DARIEN  
MUNICIPAL SERVICES COMMITTEE MEETING  
September 28, 2020**

**PRESENT:** Alderman Thomas Belczak -Chairman, Alderman Eric Gustafson, Alderman Joseph Kenny, Mayor Joe Marchese, Dan Gombac – Director, Joe Hennerfeind – Senior Planner, Elizabeth Lahey - Secretary

**ABSENT:** None

**ESTABLISH QUORUM**

Chairperson Thomas Belczak called the meeting to order at 7:00 p.m. at City Hall Council Chambers, Darien, Illinois and declared a quorum present.

**NEW BUSINESS**

**a. Ordinance – Approval to amend Title VII of the Darien City Code, “Health and Sanitation.”**

Mr. Dan Gombac, Director reported that an increasing number of residents want to raise chickens and bees in urban environments as a hobby as they may believe this method of raising chickens for food may be safer or less expensive. He reported that Darien currently does not regulate the keeping of chickens and bees on residential property, but it is subject to general nuisance rules.

Mr. Gombac reported that the City has been receiving calls asking if raising chickens or bees is permitted. He reported that these inquiries prompted the City Council in August to consider an ordinance developed specifically to regulate raising chickens or bees.

Mr. Gombac reported that at the August 17<sup>th</sup> City Council Meeting, two residents spoke on the subject as well as staff spoke to two residents that are adjacent to one of the fosters who both commented on privacy screening requirements.

Mr. Gombac reported that a proposed model ordinance regarding the fostering of chickens and bees is provided in the agenda memo for consideration as well as an updated matrix of various municipalities regarding the fostering of chickens and bees. He reported that in addition, staff provided resident and non-resident correspondence received regarding chicken and bee fostering.

Mr. Gombac read the proposed ordinance in detail. Alderman Kenny questioned how slaughtering would be enforced.

Mr. Joe Hennerfeind, City Planner reported that staff will enforce by complaint but reported that the raising of chickens is not for meat but only for eggs.

Chairperson Belczak opened the meeting to anyone in the audience wishing to present public comment.

Ms. Melissa Harvatt, Darien, stated that she was an owner of hens and lives on Seminole. She stated that she appreciated staff's effort to craft an ordinance and that she would abide by the ordinance.

Ms. Heather Conray, Darien, stated that she lives on Wilcox and currently has 5 chickens. She thanked the City for crafting an ordinance but questioned the \$25 permit fee and that chickens should be treated the same way for dogs and cats.

Mr. Jim Harvatt, Darien, stated that he lives on Seminole and has built a coop. He stated that he prides himself on what he has done and that everyone loves the chickens but request that the City soften the permit process as you would a dog or cat.

Ms. Marie Freidag, Darien, stated that she lives next door to Melissa and Jim Harvatt. She stated her complaints regarding flies, smells and the harmful bacteria from chickens. Ms. Freidag submitted her written response to the Committee for the record.

Ms. Cara Smith, Darien, stated that she has been a resident for 51 years and that the coops are not cleaned. She stated that Melissa had a rooster at one point and that she also has a pan for people to drop off food for their chickens. Ms. Smith stated that a privacy fence should be required.

A Darien resident stated that he drove passed a coop in Darien and it is an eyesore and that he would not like to live near one or live with the smell.

Mr. Jim Dardy presented a petition from the neighbors affected by the coop. He stated that an 8-foot privacy fence is needed, and the coop should be 20 feet from the property line.

Alderman Joe Kenny stated that he received correspondence from over 20 residents in his against a chicken ordinance. He stated that he would have a difficult time approving.

Alderman Eric Gustafson stated that he too received a good portion of residents in his Ward against the chicken ordinance. He stated that he would like to see more distance to the lot line. He questioned if there would be an inspection done prior to permit approval.

Mr. Gombac reported that there would be an inspection prior to approval. He stated that if approved, checks would be done periodically but it would be done on a complaint basis.

There was a question regarding rental properties.

Mr. Gombac reported that the owner of the property would have to sign off.

Chairperson Belczak stated that Darien has no ordinance in place and that the City is looking for something beneficial for both sides and meet somewhere in the middle. He stated that the number of chickens is a concern and that 4 chickens is more than enough and in line with dogs and cats limited to 3. Chairperson Belczak also stated that he would like to see a 6-foot privacy fence and that the permit should model one like a shed. He further stated that penalties should also be in place.

The Committee agreed to the following changes under 2. Requirements; Permit, Fees & Penalties:

- A maximum of four (4) hens shall be permitted.
- All hens shall be kept within a coop consisting of a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent hens from encroaching onto neighboring properties. If heat is used, all electrical must be UL approved.
- An outdoor area minimum of ten square feet per hen will be required and a maximum of 150 total square feet will be permitted for both the covered enclosure/structure and outdoor area and total height of a coop may not exceed seven feet.
- All enclosures/structures shall be located a minimum of 20 feet from all lot lines.
- Remove (h.) All chicken coops shall require an approved 6 foot screening barrier, located on three sides of the coop, within 5 feet from the coop and consisting of a solid privacy fence or 6 foot high arborvitae spaced in zigzag pattern as not to allow any portion of the coop to be seen. As an alternative, perimeter fencing around the entire yard – 6-foot high fence shall satisfy the screening requirement.
- Require a 6-foot high privacy fence around the entire yard.
- Require a hen permit by the City with a fee of \$25 shall be required and a \$10 renewal permit each year thereafter.
- A hen permit issued shall be revoked upon the commission of 3 violations and the coop will need to be removed with applicant option to return in a year.

There was no one else in the audience wishing to present public comment.

**Alderman Belczak made a motion to approve an Ordinance to amend Title VII of the Darien City Code, "Health and Sanitation" for chicken keeping. There was no second.**

**Upon voice vote, the MOTION WAS DENIED with a vote of 1-2.**

**Belczak – Yes**

**Kenny, Gustafson – No**

Mr. Gombac reported that this will be forwarded to the City Council and will be under New Business at the October 5, 2020 meeting prohibiting chickens and modifying conditions.

Chairperson Belczak stated that he did not have any issues with bee keeping.

Alderman Kenny stated that he was not in favor of bees in Darien.

Alderman Gustafson stated that he did not receive any comments regarding bees.

Mr. Hennerfeind reported that he received a complaint regarding 45 hives which was reduced to 30 and with consistent complaints.

There was no one in the audience wishing to present public comment.

**Alderman Belczak made a motion, and it was seconded by Alderman Gustafson to approve an Ordinance to amend Title VII of the Darien City Code, "Health and Sanitation" for Hobby Beekeeping.**

**Upon voice vote, the MOTION CARRIED with vote of 2-1.**

**Belczak, Gustafson – Yes  
Kenny – No**

Mr. Gombac reported that this will be forwarded to the City County under New Business at the October 5, 2020 meeting.

**b. Minutes – July 20, 2020 Municipal Services Committee**

There was no one in the audience wishing to present public comment.

**Alderman Kenny made a motion, and it was seconded by Alderman Gustafson approval of the July 20, 2020 Municipal Services Committee Meeting Minutes.**

**Upon voice vote, the MOTION CARRIED UNANIMOUSLY.**

**DIRECTOR'S REPORT**

Mr. Gombac reported that staff is working on the landscape feature at Plainfield and Cass.

**NEXT SCHEDULED MEETING**

Chairperson Belczak announced that the next meeting is scheduled for Monday, October 26, 2020.

**ADJOURNMENT**

**With no further business before the Committee, Alderman Gustafson made a motion, and it was seconded by Alderman Belczak to adjourn. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:30 p.m.**

**RESPECTFULLY SUBMITTED:**

---

**Thomas Belczak  
Chairman**

---

**Eric Gustafson  
Alderman**

---

**Joseph Kenny  
Alderman**