Village of Winnetka

Plan Commission Regular Meeting

January 22, 2025 at 7:00 PM
Winnetka Village Hall Council Chambers
510 Green Bay Road

AGENDA

1. **Call to Order & Roll Call**
2. **Approval of Minutes**
   a. December 18, 2024, Regular Meeting Minutes
3. **Public Comments**
4. **Community Development Report**
5. **New Applications**
   a. **Case No. 24-08-SU: 225 Sheridan Road - Centennial Park & Beach:** An application seeking approval of (i) a Special Use Permit to allow construction of improvements to the existing park and beach; and (ii) steep slope exceptions to allow walkways, retaining walls, steps, and seating areas within the steep slope zone. The Village Council has final jurisdiction on this request.
6. **New Business**
   a. February 26, 2025, Regular Meeting - Quorum Check
7. **Adjournment**

NOTICE

Public comment is permitted on all agenda items at the meeting. If you wish to provide testimony or comments prior to the meeting, you may provide them one of two ways: (1) by sending an email to planning@winnetka.org; or by sending a letter to Community Development, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093. All agenda materials are available at www.villageofwinnetka.org/agendacenter.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).

WINNETKA PLAN COMMISSION MEETING MINUTES
DECEMBER 18, 2024

Members Present:	Layla Danley, Chairperson Jonathan Alt Matthew Bradley Chris Enck Cyrus Subawalla
Members Absent:	Mamie Case Liz Kunkle
Non-Voting Members Present:	Ron Apatoff
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Assistant Director of Community Development

Call to Order & Roll Call:
The meeting was called to order by Chairperson Danley at 7:15 p.m. Roll call of the Commission Members present was not taken.

Public Comment
Chairperson Danley noted that there were no members of the public in attendance to provide general public comments on an item not on the agenda.

Community Development Report:
Mr. Schoon provided the Community Development Report to the Commission stating that the Centennial Park and Beach special use permit application is tentatively scheduled to be before the Plan Commission at its regular January meeting.

Continued Applications:

a. Case No. 24-14-SU: Grace Presbyterian Church of the North Shore (440 Ridge Avenue and 760 Cherry Street): Applications seeking approval of (i) a Final Plat of Subdivision to consolidate the two existing lots known as 440 Ridge Avenue and 760 Cherry Street into a single Lot of Record; (ii) a Special Use Permit to allow the consolidation that is greater than two times the minimum required lot size and more than two times the minimum required average lot width for a corner lot in the R-5 Single-Family Residential Zoning District; and (iii) an amendment to an existing Special Use permit to allow construction of additions to the existing church and a parking lot on the proposed consolidated lot. The Village Council has final jurisdiction on this request. This item was continued from the October 23, 2024, Plan Commission meeting. *The Applicant is requesting this item be continued to the February 26, 2025, Plan Commission meeting.*

Chairperson Danley stated the applicant has requested the matter be continued to the February 26, 2025, meeting and asked for a motion granting the request. A motion was made by Mr. Alt and seconded by Mr. Bradley to continue the matter to the February 26, 2025, Plan Commission meeting. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Alt, Bradley, Danley, Enck, Subawalla
NAYS: None

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NON-VOTING: Apatoff

Approval of October 23, 2024, Meeting Minutes:
Chairperson Danley asked for a motion to approve the October 23, 2024, meeting minutes. A motion was made by Mr. Bradley and seconded by Mr. Enck to approve the October 23, 2024, meeting minutes. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Alt, Bradley, Danley, Enck, Subawalla
NAYS: None
NON-VOTING: Apatoff

New Applications:

a. Case No. 24-26-SD: Winnetka-Northfield Public Library and Library Park (768 Oak Street): An application submitted by Winnetka-Northfield Public Library District seeking approval of a Final Plat of Subdivision to allow consolidation of the existing lots at 768 Oak Street into a single Lot of Record. The request also requires a finding of "No Material Increased Adverse Impact" for the existing library building which (a) observes less than the minimum required front yard setback from the east property line along Green Bay Road; and (b) does not provide the required exterior building wall articulation. The Village Council has final jurisdiction on this request.

Ms. Klaassen described the proposed consolidation and stated the applicant is asking for a recommendation for final plat approval with the Village Council having final jurisdiction. She identified the location of the library and stated the Library District acquired Library Park from the Park District in 2022 and the applicant is asking for the lot consolidation in order to create two new emergency exits points and new paved walkways from those exit points to public right-of-way. Ms. Klaassen identified the property's zoning classification and explained the special use status for both parcels. She also identified surrounding properties and noted the applicant's use of the property is consistent with the Comprehensive Plan land use designations and the B-1 zoning classification. Ms. Klaassen stated the consolidation would create a single buildable lot and referred to an illustration showing its size and required utility easement as well as the proposed walkways. Ms. Klaassen stated the Village Forester reviewed the plan and noted the walkways should be placed as far away from the existing trees as possible. She also noted the applicant is proposing the removal of three trees which do not require replacement or permit for removal due to their size. Ms. Klaassen stated if the library were to propose an expansion or change of use, or intensity of use, they would have to apply for a special use permit or planned development, depending on the size of the expansion. She explained the multi-family zoning requirements and the property's existing nonconforming status with respect to the front yard setback along Green Bay Road and the exterior building wall articulation. Ms. Klaassen also referred to an existing plat of survey of the proposed lot with the existing improvements and remaining nonconforming front yard setback and trees to be removed. She explained the Commission's role in the application's review and that a Certificate of Appropriateness was submitted for the exit points and walkways with the Design Review Board to consider the application at its January 16, 2025, meeting.

Ms. Klaassen stated following the applicant's presentation and Commission's discussion, the Commission may either decide to continue the application to a date certain or recommend approval or denial of the request with draft language included in the packet. She noted no public comment was received and asked if there were any questions.

Chairperson Danley also asked if there were any questions. Mr. Apatoff asked if there are no plans to build on the open space. Monica Dombrowski, Executive Director of the Winnetka-Northfield Public Library District, responded no, they do not have plans to expand.

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Chairperson Danley asked if the applicant had a presentation they wanted to present. Ms. Dombrowski stated that they didn't have a prepared presentation or anything to add to staff's presentation. Chairperson Danley noted there are no members of the public present and called the matter in for discussion.

Mr. Enck asked if the consolidation is necessary in order to have the two exit points and walkways. Ms. Klaassen confirmed that is correct. Chairperson Danley commented the walkway addition is a great idea and would be a great public benefit. No additional questions were raised at this time.

Chairperson Danley then asked for a motion to recommend approval. Mr. Bradley moved to recommend approval of the request as indicated on page no. 19 of the agenda packet and read the findings into the record. The motion was seconded by Mr. Subawalla. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Alt, Bradley, Danley, Enck, Subawalla
NAYS: None
NON-VOTING: Apatoff

New Business.

a. January 22, 2025, Meeting – Quorum check.

The Commission Members discussed their availability.

Adjournment:

Chairperson Danley asked for a motion to adjourn. A motion to adjourn was made by Mr. Subawalla and seconded by Mr. Bradley. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Alt, Bradley, Danley, Enck, Subawalla
NAYS: None
NON-VOTING: Apatoff
The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Antionette Johnson
Recording Secretary

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MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION

FROM: DAVID SCHOON, DIRECTOR
ANN KLAASSEN, ASSISTANT DIRECTOR

DATE: JANUARY 15, 2025

SUBJECT: CENTENNIAL PARK & BEACH – 225 SHERIDAN ROAD - SPECIAL USE PERMIT & EXCEPTIONS (CASE NO. 24-08-SU)

INTRODUCTION

On January 22, 2025, the Plan Commission is scheduled to commence a public hearing on an application submitted by the Winnetka Park District (the "Applicant"), as the owner of the property located at 225 Sheridan Road (the "Subject Property"). The Applicant is proposing improvements to the existing park and beach located on the Subject Property and requests approval of the following relief:

1. Approval of a **Special Use Permit** to allow construction of improvements to the existing park and beach on the Subject Property, which is located in the R-2 Single-Family Residential Zoning District and the Lakefront Preservation Overlay District; and
2. Approval of the following **steep slope exceptions** [Section 17.82.040 Development in the Steep Slope Zone]:
    a. Concrete access ramp 10 feet in width and associated retaining walls to support the ramp;
    b. Outcropping stone steps that exceed 5 feet in width; and
    c. Reconfigured mid-bluff paver walkway and seating area that extends beyond the footprint of the existing walkway and seating area and exceeds 5 feet in width.

The Applicant has also submitted an application for approval the following **zoning variations:**

- **Fence and Wall Heights** of 8, 9, and 10.5 feet for various improvements, whereas a maximum of 6.5 feet above natural grade is permitted, for variations of 1.5, 3, and 4 feet (61.54%) [Section 17.30.130 Obstructions in Required Yards or Courts].

The Zoning Board of Appeals (ZBA) considered the special use permit, steep slope exceptions, and the zoning variations at its October 14, 2024, November 11, 2024, and December 9, 2024 meetings. At the December meeting, by a vote of 4-3, the ZBA recommended approval of the variations and exceptions, subject to the approval by the Village Council of the special use for the project. However, by a vote of 7-0, the ZBA recommended denial of the special use for the proposed improvements. Details regarding the ZBA's consideration are provided later in this report.

A mail notice was sent to property owners within 250 feet of the Subject Property in compliance with the Zoning Ordinance, informing them of the public hearing being held by the Plan Commission. The hearing

was also properly noticed in the *Winnetka Talk* on December 26, 2024. Additionally, a public notice sign was posted on the Subject Property informing the public of the Plan Commission meeting. As of the date of this memo, staff has received several written comments from the public regarding this application. **Most of these comments were received by the Village for consideration by the Zoning Board of Appeals. Others have been received since the ZBA's consideration of the Applicant's request.** Comments previously included in the ZBA agenda packets are provided in **Attachment C**. Comments received since the posting of the December 9, 2024, ZBA agenda packet are provided in **Attachment D**.

The Village Council has final jurisdiction on this application. The Council has sole authority to (i) grant a Special Use Permit and (ii) grant variations or exceptions related to the special use.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 5.3 acres (230,911.56 square feet) in size, is located on the east side of Sheridan Road generally between Fuller Lane and Elder Lane and contains Centennial Beach and Park (see Figure 1). Under the Village Zoning Ordinance, the Subject Property has two front yards: (i) the street frontage along Sheridan Road to the west; and (ii) lake frontage along Lake Michigan to the east.

The Comprehensive Plan designates the Subject Property as appropriate for "Open Space" land uses, which includes public parks & recreation facilities, pocket parks/plazas, and Cook County Forest Preserve Land (see Figure 2). The Comprehensive Plan also includes the following related goals:

> *Goal 1.7: The Village will continue to ensure that open space uses, such as Park District parks, beaches, and facilities, are compatible with the residential neighborhoods in which they are located.*
>
> > *Initiative 1.7.1: Study and consider establishing a specific zoning district for open space uses, or specific zoning standards for such uses within existing residential districts. This would allow more appropriate zoning standards for these uses.*
>
> *Goal 6.1: The Village will continue to promote and encourage partnerships with other units of government and agencies to conserve, restore, and enhance natural features and ecosystems, to ensure accessibility to natural areas, parks, and other open or public spaces, and to support recreational facilities and programs that support the health of residents of all ages and abilities.*
>
> > *Initiative 6.1.1. Continue to collaborate with the Park District, local school districts, Forest Preserves of Cook County, and others to create opportunities that enhance accessibility to the open spaces of Winnetka. (refer to initiative 8.3.5)*
> >
> > *Initiative 6.1.2. Continue to collaborate with the Park District, School District, Library District, Community House of Winnetka, and other community institutions to offer programs that maintain active and thriving Village recreation programs, offering a variety of sports, exercise, arts and crafts, cultural, life skills, educational, social, and leisure programs for residents of all ages and abilities.*
>
> *Goal 6.4: The Village will support health and wellness through innovative and diversified recreational, learning, and cultural opportunities in its public parks, plazas, trails, and open spaces.*

Initiative 6.4.4. Support the efforts of the Park District and other community organizations to expand and/or modify Winnetka's recreational programming to fill gaps in services.

Goal 6.5: The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs.

Initiative 6.5.1. Continue to study and consider establishing development regulations addressing construction of shoreline stabilization projects and specific recreational projects in and adjacent to Lake Michigan and its shoreline that will not cause environmental damage to or interfere with the greater recreational opportunities provided by the Lake and adjacent areas. [Ordinance MC-05-2023 was adopted by the Village Council on March 21, 2023, which created a new chapter of Village Code – Chapter 15.78 Lakefront Construction.]

Initiative 6.5.2. Study and consider establishing development regulations that requires construction on and adjacent to the bluffs along the Lake Michigan shoreline that protects, restores, and manages the stability of the bluffs and natural shoreline and that are contextually sensitive to the natural features of the bluffs. [Ordinance MC-01-2024 was adopted by the Village Council on February 6, 2024, amending the Zoning Ordinance concerning establishing bluff regulations for development in the steep slope area along Lake Michigan.]

The Subject Property is zoned R-2 Single Family Residential and is in the Lakefront Preservation Overlay District, and it is bordered by R-2 Single Family Residential to the north and south, and R-4 Single Family Residential to the west (see Figure 3).

In addition to single-family residential uses, the R-2 District allows a limited range of additional uses by Special Use Permit. Allowed Special Uses in the R-2 District include (a) church or temple; (b) public school, elementary and high, or private school having a curriculum equivalent to a public elementary school, public high school or public institution of higher learning; and (c) library. In addition, the Zoning Ordinance allows park and recreational uses in any zoning district within the Village by special use permit approval.

The Applicant's *current* use of the Subject Property as a park and recreational facility is generally consistent with the Comprehensive Plan land use designation and the R-2 zoning district.



Figure 1 – GIS Aerial Map



Figure 2 – Comprehensive Plan Land Use Map – Winnetka Futures 2040 Plan



Figure 3 – Zoning Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

Based upon documents provided by the Applicant, it appears that the Applicant has owned the Subject Property since 1969. There are five (5) previous zoning cases on file for the Subject Property, which occurred prior to the Applicant acquiring the Subject Property:

1. In 1923, ZBA Case No. 43 was approved to allow an addition to a nonconforming use for the North Shore Health Resort;
2. In 1945, ZBA Case No. 702 was approved to allow the alteration of a nonconforming use and building for the North Shore Health Resort;
3. In 1949, ZBA Case No. 751 was not approved to allow a building addition to the North Shore Health Resort;
4. In 1951, ZBA Case No. 776 was not approved to allow enclosure of the front entrance of the North Shore Health Resort; and
5. In 1964, ZBA Case No. 935 was approved to allow the extension of a nonconforming use (North Shore Health Resort) with the construction of an accessory building.

Figures 4 through 9 on the following pages are photos of the site where the improvements are proposed.



Figure 4– Subject Property – Looking East from Centennial Park Towards Lake Michigan



Figure 5 – Subject Property – Top of Centennial Park Bluff



Figure 6 – Subject Property – Looking North at Centennial Beach



Figure 7 – Subject Property – Looking South at Centennial Beach



Figure 8 – Subject Property – Looking North from Centennial Beach



Figure 9 – Subject Property – Looking South at Existing Steel Groin on Centennial Beach & Stone Groin at 205 Sheridan Road Property

LAKEFRONT CONSTRUCTION AND STEEP SLOPE ORDINANCES

Given the Subject Property is located along Lake Michigan it is subject to the recently adopted lakefront construction ordinance, Chapter 15.78 of the Village Code, and the steep slope regulations, Chapter 17.82 of the Village Code. The requirements of both chapters are administratively reviewed and approved by staff (in this case after zoning approval). However, an applicant may appeal the decision of staff regarding the application of the lakefront construction ordinance to the Village Council or may request exceptions from the steep slope requirements, which will be discussed later in this section.

The **lakefront construction regulations** govern construction along, adjacent to, and within Lake Michigan. A permit pursuant to the lakefront construction ordinance is required for any construction activity within Lake Michigan regulated areas that requires a permit from any of the following governmental agencies ("Permitting Agencies"): the United States Army Corp of Engineers, the Illinois Department of Natural Resources, the Metropolitan Water Reclamation District of Greater Chicago, or the Illinois Environmental Protection Agency (collectively, "Covered Construction"). Typical construction activity relates to beach preservation, which consist of steel or stone groins, revetments/bulkheads/seawalls, or other means of lakefront stabilization and preservation. The Village's formal review and approval of such a permit occurs after the applicable zoning approvals and the regulatory agencies review and approve their respective permits. The Village's review and approval is conducted administratively by the Village Director of Engineering in consultation with the applicant and the Village's coastal engineering consultant. This review is based upon a set of criteria identified in the regulations.



Figure 10 - Steel and Stone Groin



Figure 11 - Stone Revetment



Figure 12 - Existing Sea Wall on Subject Property

The **steep slope regulations** govern construction activity on or adjacent to the steep slope of the bluffs along Lake Michigan. The steep slope regulations are part of the Zoning Ordinance and include the following key slope definition regulations, which are illustrated in the image below.

- Bluff
- Table Land
- Toe of the Bluff
- Steep Slope Line
- Steep Slope Zone
- Slope Transition Area
- Slope Impact Area

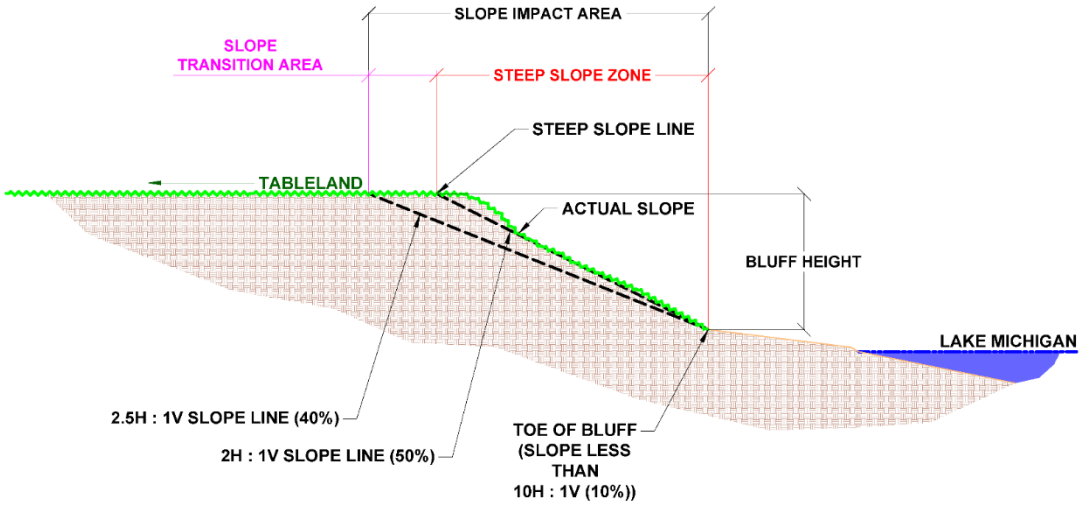

Figure 13 – Illustration of Steep Slope Regulation Terminology

The steep slope ordinance allows certain structures within the steep slope zone (area in red above). Additionally, it allows any structure within the slope transition area (area in magenta above) subject to certain engineering conditions and standards. In either the steep slope zone or the slope transition area, which together is the slope impact area, development must meet applicable geotechnical and structural engineering standards as noted in the ordinance.

The ordinance also **allows existing structures to remain and certain new development in the steep slope zone, which is summarized as follows:**

a) Decks no larger than 50 square feet, unless exceptional engineering is provided.
b) Retaining walls when necessary for stabilization, that do not increase or create tableland, and backfilling only allowed for stabilization.
c) Stairs no more than 5 feet wide with landings no more than 50 square feet.
d) Mechanical or electrical lifts, which do not obstruct the flow of light and water.
e) Fences that comply with all other Village codes.
f) Rebuilt, repaired, or remodeled existing structures that do not extend beyond the footprint or dimensions of the previously existing structure and constructed according to plans of an architect or structural engineer who certify that the new foundation or existing foundation (with appropriate engineering modifications and repairs, if any) will support the rebuilt, repaired or remodel structure without material adverse impact on the steep slope zone.
g) Cantilevering of the principal structure with no more than a four-foot extension over the steep slope unless otherwise limited by the code. The cantilevering cannot block natural sunlight or alter natural stormwater drainage in a way that jeopardizes slope stability.
h) Boat houses with a gross floor area limited to no more than 860 square feet, height limited to one-story and no taller than 15 feet, and the Engineering Director's determination that the structure will not impact slope stability.

The steep slope regulations include a provision that allows the Village Council to grant exceptions to the regulations as part of granting a special use permit, if the development includes construction activity that would not otherwise comply with the requirements under the steep slope regulations.

The steep slope regulations also identify development standards for the slope impact area, which includes both the steep slope zone and the slope transition area. The standards include items related to:

1. Safety and control of steep slopes.
2. Construction techniques to enhance bluff stabilization.
3. Hydrological controls.
4. Vegetation maintenance and revegetation.
5. Filing, grading, and earth moving.

As with the lakefront construction regulations, the steep slope regulations are also administratively reviewed and approved through the Village's permit review process by the Village Director of Engineering with the assistance of the Village's coastal engineering consultant. They review proposed plans based upon whether the plans comply with the above steep slope development standards.

The technical review and approval of proposed plans set forth in the lakefront construction regulations and the steep slope regulations occurs during the building permit process, which occurs after the zoning entitlement process (e.g. special use, variations, etc.). That said, during Village staff's review of a zoning entitlement application, Village staff and consultants will conduct a preliminary review of the project for code requirements to determine if the development should be able to, in general terms, comply with administrative code requirements. Detailed construction plans are not required at this time, but the applicant is required to provide sufficient information so staff can determine whether the proposed site layout can be achieved and still comply with other Village regulations as noted above. If after the Village Council approves a special use permit and during the building permit process an applicant changes the design of the project to such an extent that it would be considered a major change, the applicant would be required to go through the full special use permit process again before staff issues a building permit.

Regarding the Centennial Park and Beach zoning relief application, the Applicant has submitted preliminary engineering plans that have been reviewed by the Village Director of Engineering and Village's coastal engineer. The initial review that was performed assumes that the special use and all the Applicant's request for exceptions to the Village's steep slope regulations would be approved and the other applicable regulatory agencies would approve the proposed improvements regulated by the Village's lakefront construction regulations and steep slope regulations. The Engineering Department has provided preliminary comments to the Applicant. Based on the responses provided by the Applicant's engineering team to date, the Village Director of Engineering has determined that the Applicant will need to provide additional required information. Based upon this additional information, the Village Engineer will determine if the information meets the design requirements of all Village Code requirements, including the lakefront construction regulations and the steep slope regulations.

Attached is a memo prepared by Village staff and the Village Attorney summarizing the role of Village staff, Boards/Commission, and the Council in the Centennial Park & Beach zoning relief application (**Attachment B**). As stated in this memo, each advisory board and commission will review the application based upon the applicable standards for that advisory body. Their review is based upon these broad standards and not based upon a review of the ***technical*** code requirements for such items as the Village's stormwater requirements, building code requirements, lakefront construction approval criteria, or steep slope regulation development standards. Those technical items are reviewed in detail administratively by qualified engineering staff during the building permit process. As noted above, if the Village Council were to approve zoning relief for the Centennial Park and Beach improvements and then during the building permit process the Applicant changed the design of the project to such an extent that it would be considered a major change, the Applicant would need to go through the full special use permit process again prior to the building permit being issued by staff.

PUBLIC TRUST DOCTRINE

Given the proposed improvements are located along the lakefront, it is important to review the nature and extent of the "public trust doctrine". At the January 10, 2023, Village Council study session, the Village Attorney reviewed a memorandum summarizing governmental jurisdiction as well as property rights and access along Lake Michigan. A copy of this memorandum can be found on the Village website by going to www.villageofwinnetka.org/agendas and looking for the January 10, 2023, Village Council study session agenda materials. The following are highlights of the applicable sections of the memo regarding the "public trust doctrine".

Generally, the "public trust doctrine" is a concept based upon an 1892 United States Supreme Court decision that held that lands under the navigable waters of Lake Michigan are held by the state in trust for the people of the state. This doctrine has since been codified by Illinois statue. Illinois courts have held that the boundary between private land and land owned by the state in public trust is "the line where the water usually [stands] when unaffected by storms or other disturbing causes." This line is variously referred to as the "water's edge," "still water shoreline," "calm waterline," "unaffected waterline," or the "normal waterline." Accordingly, in Illinois the boundary between private land and public land is the point at which the water normally stands (the "Normal Waterline").

A rule of thumb that generally applies in Illinois and other jurisdictions that rely on the Normal Waterline for the public-private property demarcation is that if your feet are wet, you are on public property, and if your feet are dry then you are on private property. Based on these principles, the demarcation line in Illinois between public and private land is the same demarcation line that identifies where land held in trust begins and ends – both lines are the Normal Waterline.

The Illinois Supreme Court has held that the public trust doctrine for Lake Michigan extends "to recreational uses, including bathing, swimming and other shore activities." Illinois Courts have acknowledged that the ability of the public to freely use Lake Michigan for recreational uses also ends at the Normal Waterline.

The Normal Waterline may change over time as a result of various processes, including accretion, reliction, and erosion. Accretion is the increase or reclamation of land along the shoreline due to the deposit, by water, of solid material such as mud, sand, or sediment. Reliction is the creation of dry land due to the recession of water. Similarly, dry land may become submerged by the erosion or removal of solid materials from the shoreline. Gradual changes to the Normal Waterline over time resulting in either increases or decreases in the amount of dry land are an "inherent and essential attribute of the original property," and the property line changes with the Normal Waterline. However, if the addition or loss of property is sudden (i.e., caused by a violent storm), then the property line does not change. In the case of a sudden loss of land (called an avulsion), the owner may assert control over and reclaim the submerged land. The test of what change is gradual, as opposed to sudden, is "that though the witnesses may see from time to time that progress has been made, they could not perceive it while the process was going on". Although a riparian owner may protect his property from erosion, he has no right to affect an increase of his own land, the result of which is a corresponding loss of land owned by the state in trust for the public.

Under these principles, the owner of real estate fronting on Lake Michigan owns the property to the Normal Waterline, and the land east of the Normal Waterline is owned by the state in trust for the public.

PROPOSED PLAN

The following is a summary of the Applicant's proposed improvements on the tableland, the slope impact area, and the lakefront. Each item described below is called out on an image by the corresponding paragraph number and the Applicant's plan sheet number from which the image comes from is identified. The complete set of plans is provided in the application materials, which are included in **Attachment A**.

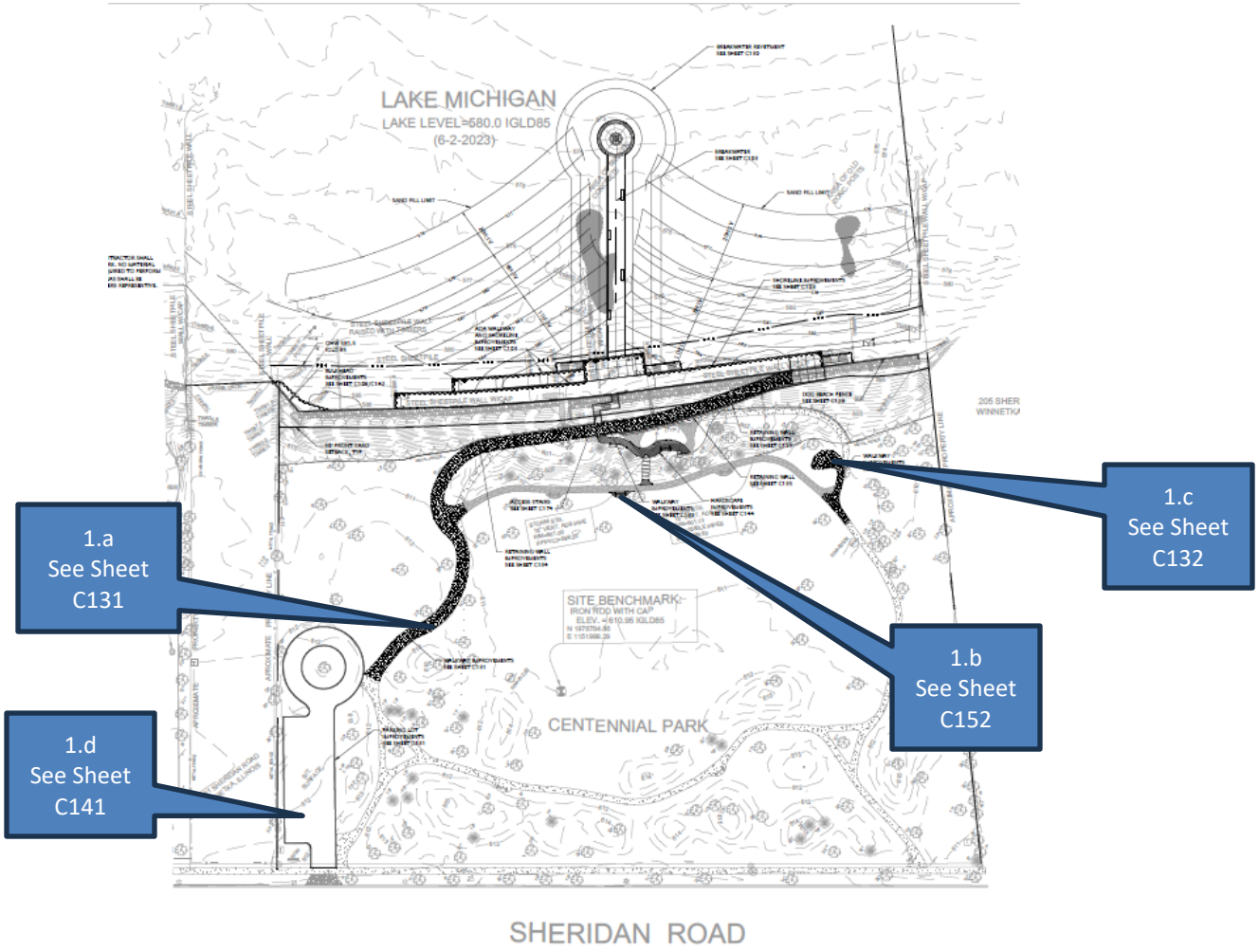

Figure 14 – General Site Development Plan (Sheet C101)

1. Tableland

a. Walkway Improvements. The existing 5-wide concrete walkway from the circular vehicular island to the existing paver walkway would be expanded to 10 feet in width.

b. Relocated Bench. An existing bench currently located mid-bluff would be relocated onto a new paver bench pad toward the center of the site.

c. Overlook Seating Node: The existing bench towards the south side of the site would be replaced with an overlook seating node that would accommodate two benches.

d. Resurfacing Parking Lot. The existing parking lot would be resurfaced. No expansion of the parking lot is proposed.

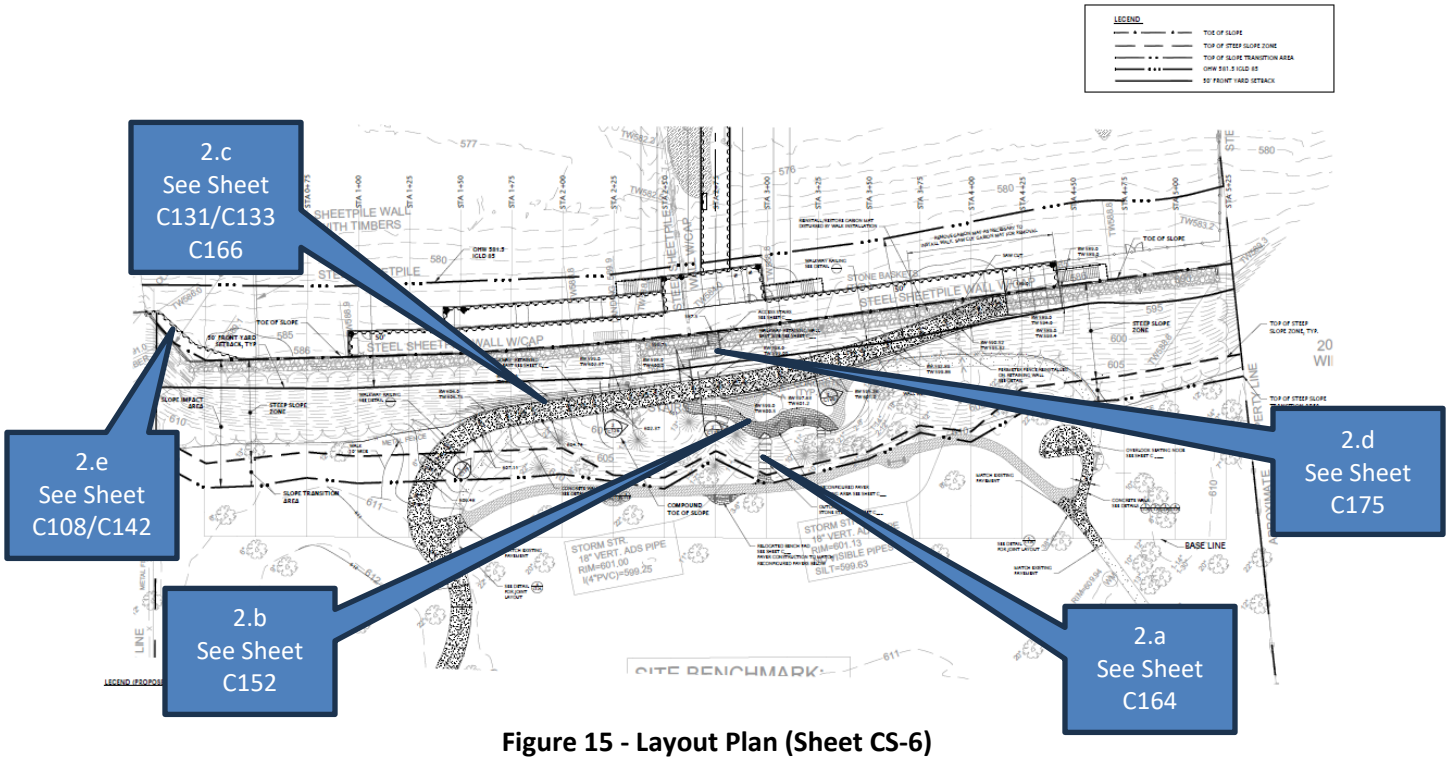

Figure 15 - Layout Plan (Sheet CS-6)

2. Steep Slope (Bluff)

a. Outcropping Stone Steps. Stone steps measuring 6 feet in width are proposed from the existing walkway located on the tableland down to a reconfigured seating area. The distance from the existing walkway to the reconfigured seating area is approximately 22 feet.

b. Mid-Bluff Paver Walkway and Seating Area. The existing paver seating area and walkway would be reconfigured to provide access to the proposed ramp that goes down to the beach).

c. Concrete Access Ramp with associated Retaining Walls. The existing concrete mid-bluff walkway, which is approximately 4-5 feet in width, would be replaced with a new 10-foot-wide concrete walkway/ramp to provide park users access to the proposed beach improvements as well as access for maintenance equipment for the beach. The slope of the ramp would be 7.9% or less to provide access for persons with disabilities.

Retaining walls are proposed to construct the proposed ramp. Towards the northern portion of the walkway/ramp, a retaining wall, 105 feet in length, would be located on the east of the access ramp until it intercepts with the proposed access stairs down to the proposed boardwalk. This portion of the retaining wall varies in height from 0.75 feet to 3.74 feet. Approximately 12.5 feet south of the proposed access stairs, the retaining wall transitions to the west side of the ramp, and it varies in height from 1.5 feet to 7.97 feet. The west retaining wall is approximately 175 feet in length; 30 feet of which is between 6.5 feet and 7.97 feet in height, the remaining 145 feet of the wall would be 1.5 feet to 6.4 feet in height. The approximate south 40 feet of the west retaining wall would be located within the required front yard, and it does not exceed 6.5 feet in height.

d. Access Stairs (Bluff Staircase). Elevated wooden stairs, 5 feet in width, are proposed to provide a connection from the ramp described above to the proposed boardwalk below. The staircase would sit above the bluff on nine (9) helical piers. Traditional wood frame construction is proposed with Ipe wood decking and horizontal black metal railings.

e. Steel Sheet Pile Replacement. At the northeast corner of the site, combined wooden timbers, steel I-beams, and steel sheet piling currently support a section of the bluff (see Figure 15 below). Due to the age and materials of this structure, the Applicant proposes to replace it with new steel sheet piling in front of the existing timber wall. The proposed steel sheet piling wall would be approximately 52 feet in length and approximately 8 feet in height from the current sand level, but 6.5 feet from the proposed sand (beach) elevation. This proposed sheet pile wall is located in the required front yard, and as discussed later in the report would require approval of a zoning variation. The proposed replacement steel sheeting will connect to the existing steel sheeting on the adjacent property to the north, just as the existing steel sheeting does today.



Figure 16 - Existing Wooden Timbers, Steel I-Beams, and Steel Sheet Piling to be Replaced

f. Bluff Clearing and Restoration. The Applicant's plans for the site also include extensive clearing of invasive species as well as dead and dying trees. As described by the Applicant in the attached written explanation, an estimated 1.34 acres of invasive and noxious species control is proposed to be completed on the bluff. The Applicant's plan outlines four different restoration zones and strategic planting plans. The four zones include the: (i) bluff restoration zone (23,800 square feet); (ii) green gabion wall zone (3,200 square feet); (iii) dune grass planting zone (800 square feet); and (iv) turf restoration zone (32,162 square feet). The plan calls for the removal of 32 trees, four (4) of which are dead. To replace the trees being removed from the bluff, the Applicant states that it will plant nearly 30 caliper inches of trees on the site, and the remaining replacement caliper inches at other parks.

The Village Forester has reviewed preliminary landscape plans submitted by the Applicant. Most of the trees to be removed are located along the bluff, an area with a steep slope and otherwise challenging growing conditions for large-growing shade trees. Many of these trees are thus crowded and have not had space or other resources necessary to reach their potential mature size. Therefore, the canopy of these trees can be replaced by planting a less than one-to-one ratio if the trees are planted in locations with suitable growing conditions.

The Village will require the planting of at least 12 large-growing shade trades in Centennial Park. Upon maturity these trees should replace the canopy lost through tree removal. Trees not replaced with large-growing shade tree plantings as required may be planted as other shade trees, ornamentals or evergreens. It is preferred that these trees be planted in Centennial Park unless doing so would not be possible under good forestry practices. Any inches that cannot be planted in Centennial Park will need to be planted in another park in the Village. The species indicated in the landscape plan are suitable for the site. The number of trees to be planted should be increased to meet replanting requirements. The final landscape plan will be reviewed and approved by the Village Forester when the building permit plans are submitted for permit review.

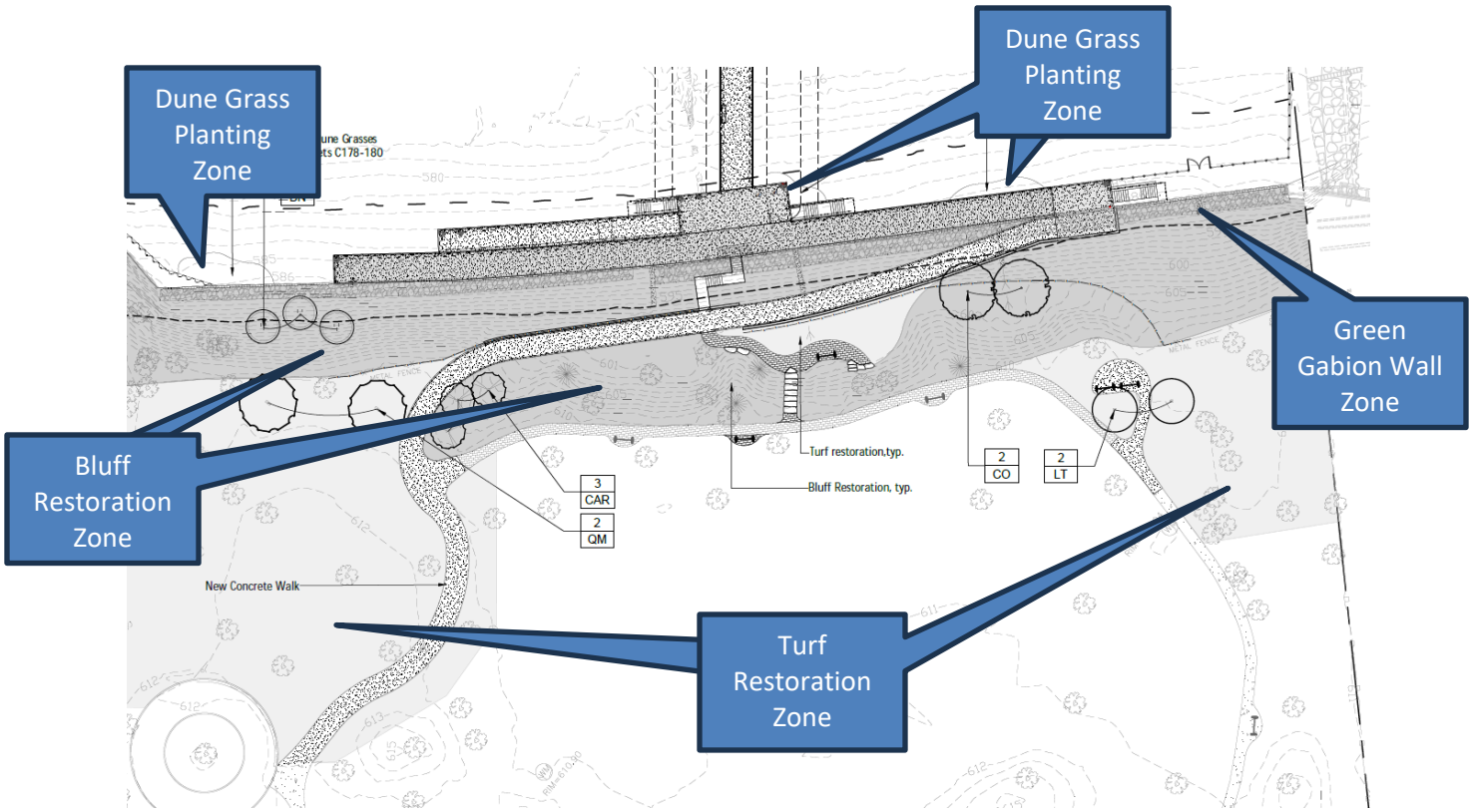

Figure 17 - Proposed Landscape Plan (Sheet C145)

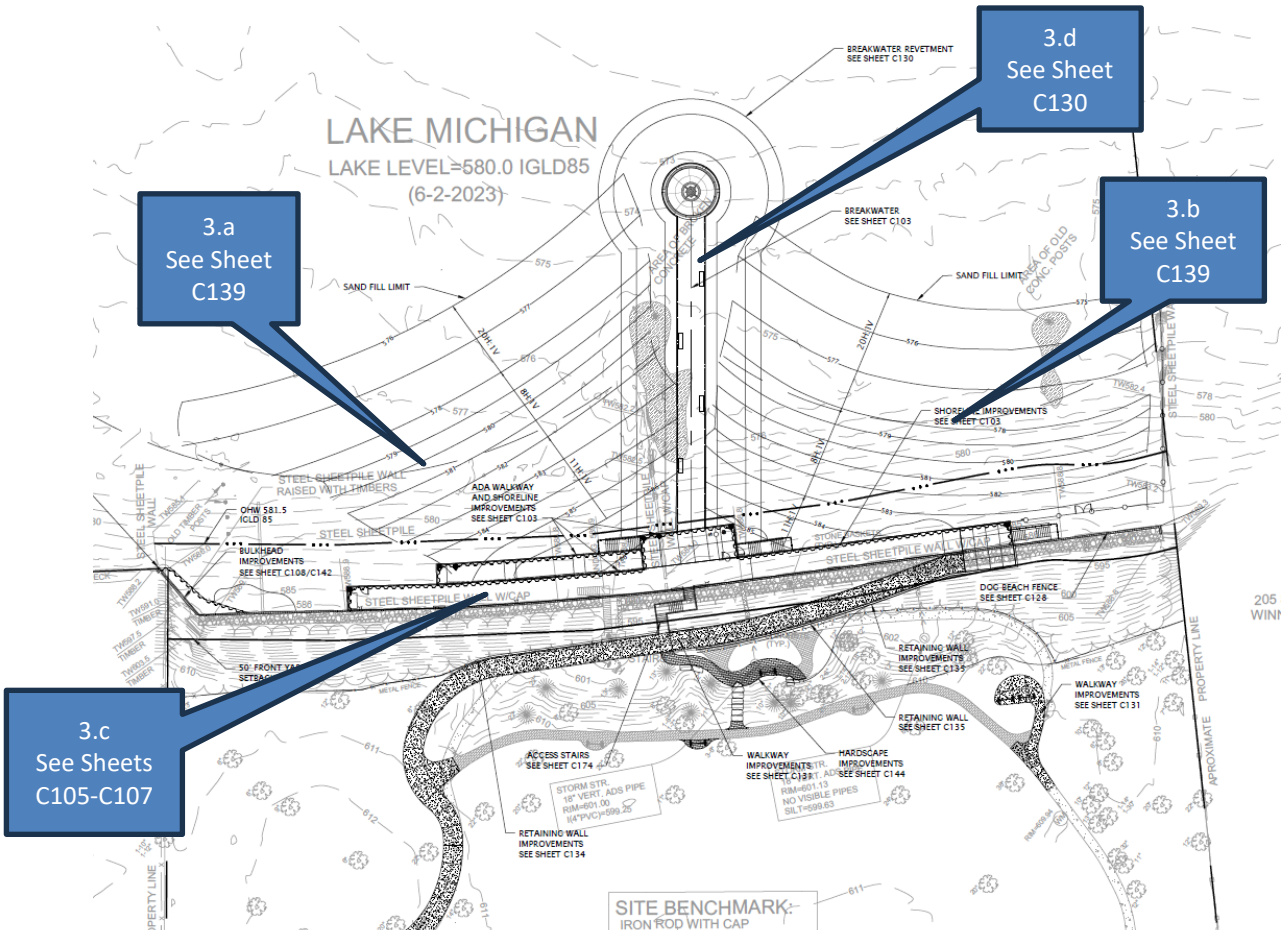

Figure 18 - Excerpt of General Site Development Plan (Sheet C101)

3. Lakefront (beach & within lake)

a. Swimming Beach. A swimming beach is proposed on the north 250 feet of the site. It would operate under the same rules as the other Park District swimming beaches, with staff on site from late May until early September. The beach would be closed for swimming during the off-season but still open for beachgoers. At this time, the Applicant does not intend for the beach to be used for sailing, kayaking, paddleboarding, or other activities involving a boat or watercraft.

b. Off-Leash Dog Beach. The Applicant has stated that it has operated a dog beach at Centennial Park since 1995. The existing dog beach would be reduced in size to accommodate the proposed swimming beach. The proposed 240-foot dog beach would have controlled access with a key fob system that would restrict access to registered users. The dog beach would be bordered by a 5-foot-tall black fence on the west and south boundaries of the specified area. The northern boundary of the dog beach would be the proposed pier and 3.5-foot-tall black handrail. On the southern portion of the site there is an existing steel groin that is perpendicular to the existing steel sheet piling (seawall identified in Figure 11) at the toe of the bluff. The steel groin extends approximately 145 feet easterly into the lake. Approximately 65 feet east of the seawall the steel groin is beyond the ordinary high water mark (OHWM). The southern portion of the proposed fencing enclosing the dog beach would be installed on top of the existing steel groin and extend into the lake approximately 103 feet. Approximately 26 feet of

the dog beach fence is within the required front yard but does not exceed 6.5 feet in height. The dog beach fence is off-set approximately 12.5 feet from the existing north/south seawall to maintain public access along the beach without having to walk through the dog beach. The dog beach would be accessed from 6-foot-wide concrete stairs off the proposed boardwalk within a secured entrance area. The existing dog beach is open year round and this would continue with the proposed improvements.

c. Boardwalk. The proposed 12-12.5-foot-wide concrete boardwalk would connect to the existing seawall and is intended to not only provide a beach amenity but also maintain existing shore protection. The boardwalk would be elevated between 3 and 5.5 feet above the existing ground level, with a fence 3.5 feet in height on top. With the proposed sand nourishment, the boardwalk would be 1.5 to 4 feet above the beach.

   The concrete would be tinted with a color additive used in other concrete on the site and it would be stamped with a wood decking pattern to give the boardwalk the appearance of natural wood. The goal is to achieve a weathered Ipe wood aesthetic to match the bluff staircase described earlier. The boardwalk would be 349 feet in length with integrated backed Ipe wooden benches mounted to the bulkhead along the western edge. Four low level LED bollard light fixtures are proposed for the boardwalk. Low-intensity lighting is also proposed along the walkway, or ramp, down to the boardwalk, and the dog beach area.

   East of the proposed boardwalk would be a beach access ramp to the swimming beach. The concrete ramp would be 10-feet-wide and provide access to the beach as well as access for maintenance equipment.

   Three staircases are proposed from the boardwalk to access the different elements of the beach. The northernmost staircase would be east of the beach access ramp to provide access to the swimming beach. A second staircase would be from the fenced dog beach entry area down to the dog beach. The third staircase would be on the southernmost end of the boardwalk to provide access to properties south of the Subject Property for those walking the shoreline. The entire boardwalk and fencing on top of the boardwalk would be located within the required front yard, and as discussed later in the report would require approval of a zoning variation.

d. Pier. According to the Applicant, a pier is proposed to serve several purposes, the primary purpose is to substantially delineate the swimming beach from the dog beach to the north and south respectively. The pier is also intended to provide additional shore protection and help hold sand for the beaches. Lastly, the Applicant believes that the pier would provide additional recreational use of the lake. The proposed pier would replace an existing sheet pile groin that currently splits the Centennial Beach. It would extend 192.5 feet from the boardwalk to the farthest end of the structure. The pier would be surrounded by 33.5 feet of stone, consisting of a bedding stone layer, armor stone, and elevated armor stone 3.5 feet above the ordinary high water mark (581.5). The elevated armor stone would be at the same height as the pier and extends 6 feet out from the pier, and then tapers down into the lake. The pier starts at 6 feet above grade (existing grade), or an elevation of 587.5 feet, and tapers down to the east by 2.5 feet, ending at an elevation of 585 feet. A small portion of the proposed pier and the fencing on top of the pier would be located within the required front yard and would require approval of a variation.

The south side of the pier would have modular fence panels designed to provide a secure boundary for the dog beach. The proposed 3.5-foot-tall fence would consist of galvanized steel and powder coated black with horizontal rails. The east end of the pier would have six (6) concrete benches centered around a decorative 8-foot bronze compass rose inset on the flat surface of the pier.

The linear portion of the pier would also have four (4) 8-foot-long benches, equally spaced on both sides of the pier.

With the proposed design of the improvements along the lakefront, the Applicant is proposing that the public would be allowed access along the lakefront as illustrated in the following images.

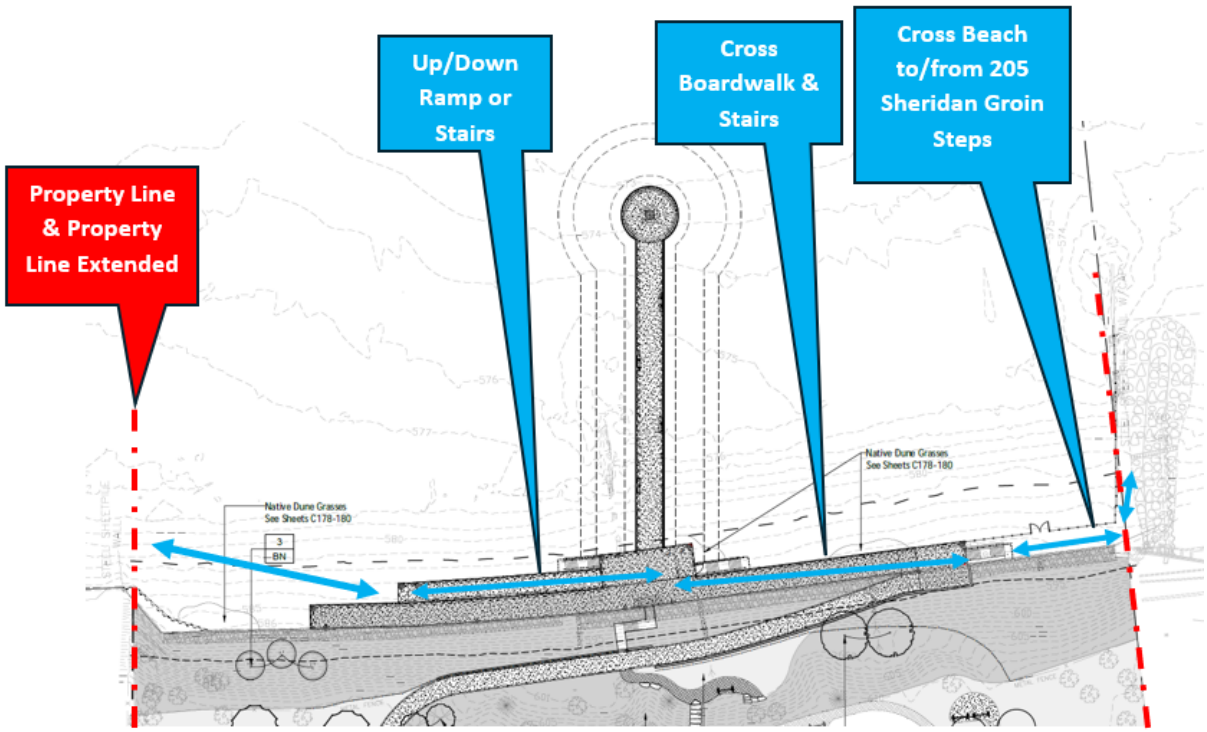

Figure 19 - Proposed Public Access Across Centennial Beach

As proposed, to walk along the beach from the north end to the south end of the Subject Property, or vice versa, a member of the public would need to use the proposed boardwalk and its ramp or stairs given the fencing around the dog park. Also, along the south property line, a member of the public would need to walk between the existing steel groin on which the dog fence would be placed, and the new stone groin associated with the 205 Sheridan Road property. The Applicant has stated that this portion of the path at its narrowest point will be 6 feet wide, which the Fire Department has indicated would be adequate. As noted in the figure below, given the placement of the existing steel groin on which the Park District proposes to place the dog beach fence, a significant portion of the 6-foot-wide pathway would require one to walk on the 205 Sheridan Road property to access the stairs that go over the 205 Sheridan Road stone groin. At the Plan Commission meeting, the Village Attorney will further describe this situation, and the Park District will provide additional details regarding how the public can legally access this area.

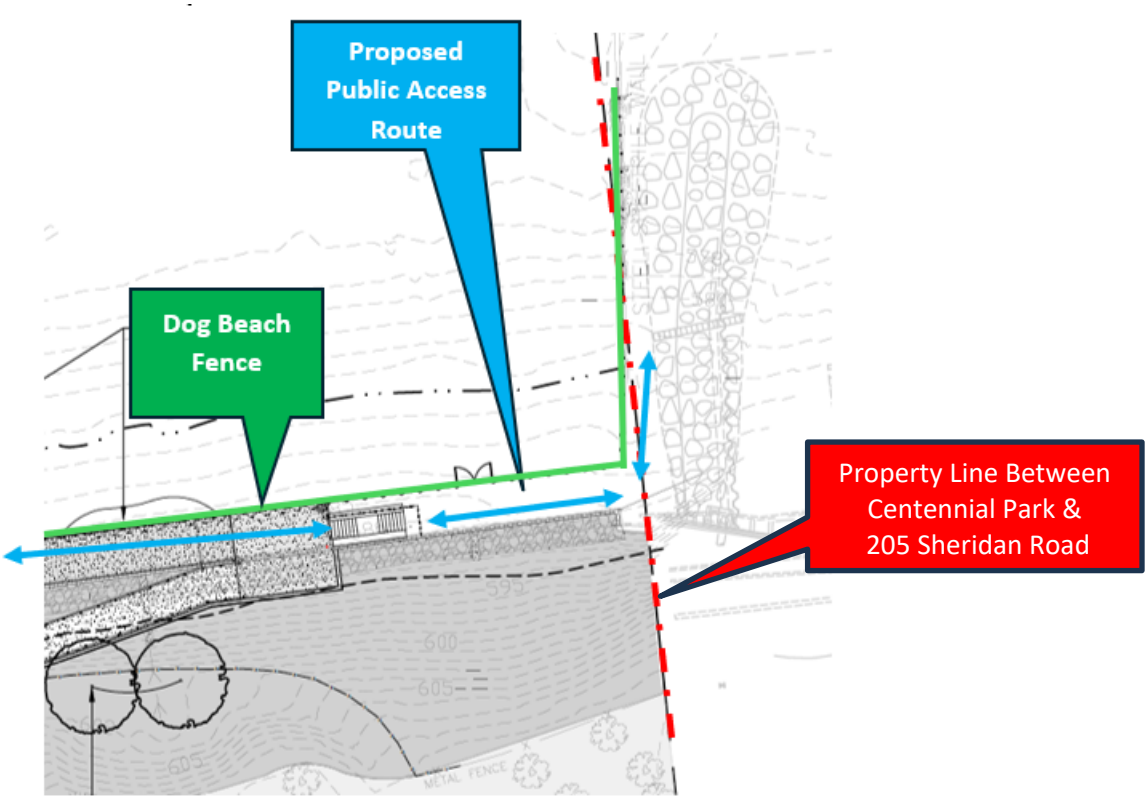

Figure 20 - Closeup of Proposed Public Access Across Centennial Beach Near South Property Line

Given the Plan Commission often receives questions regarding the stormwater regulations applicable to a specific request being considered by the Commission, as previously noted, the Village Director of Engineering has reviewed preliminary engineering plans submitted by the Applicant. Based on these preliminary engineering plans and discussions between the Village Director of Engineering and the Applicant's engineering team, the Village Director of Engineering preliminarily believes that the preliminary plans for addressing stormwater on the site should be approved for the proposed improvements.

REQUESTED ZONING RELIEF

In addition to the special use permit request, the Applicant also requests approval of the following zoning exceptions and variations. The Plan Commission is to consider the zoning exceptions; *however, the zoning variations are not part of the Commission's consideration. The zoning variations were considered by the ZBA*.

Steep Slope Zoning Exceptions

As previously stated, the steep slope regulations allow certain uses and structures within the steep slope zone. The proposed improvements require exceptions from the following two permitted structures – stairs and retaining walls.

To traverse from the top of the bluff to the toe of the bluff, the steep slope regulations allow stairs with the following limitations:

> *Stairs can be no greater than five feet in width. Stair landings can be no larger than 50 square feet. Stair landings for the purpose of this Chapter are defined as an intermediate platform on a flight of*

stairs, greater than 10 square feet, constructed for the purpose of allowing a change in stair direction down the steep slope zone or to break up ten or more stair steps.

The steep slope regulations also allow retaining walls subject to the following standards:

Retaining walls and other structures that are necessary for slope stabilization if constructed in a manner approved by the Director and in accordance with the following standards:

(1) Retaining walls cannot be used to increase table land;

(2) Retaining walls cannot be used to create a shelf or other table area within the steep slope zone, unless it is necessary for slope stabilization; and

(3) Backfilling of a retaining wall is not permitted, unless it is necessary for slope stabilization.

The Applicant is requesting exceptions to these standards for the following proposed elements.

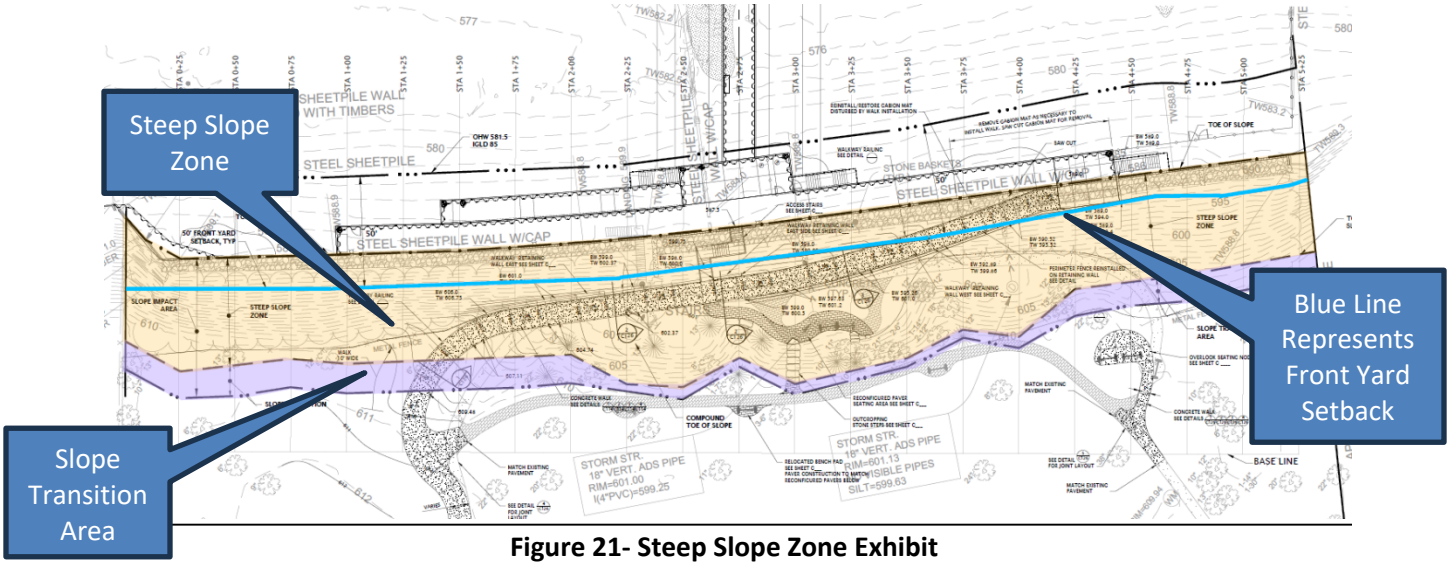

Figure 21- Steep Slope Zone Exhibit

- Concrete Access Ramp and Associated Retaining Walls. The steep slope regulations allow stairs no wider than 5-feet in width within the steep slope zone. The Applicant proposes a 10-foot-wide walkway to serve as a ramp for persons with disabilities and to provide access for equipment to the beach. The proposed 10-foot-wide ramp, or walkway, exceeds the maximum permitted width of 5 feet. Retaining walls, on either side of the ramp, are necessary to construct the ramp, and therefore also require an exception from the steep slope regulations.

- Outcropping Stone Stairs. The proposed 6-foot width of the outcropping stone steps exceeds the permitted width of 5 feet. These are stairs down from the existing walkway on the tableland to the reconfigured mid-bluff seating area.

- Reconfigured mid-bluff paver walkway and seating area. This proposed element would extend beyond the footprint of the existing mid-bluff seating area and exceed the permitted width of 5 feet.

Zoning Variations. As previously noted, the Commission is not considering the zoning variations requested by the Applicant. The following information is being provided so that the Commission is aware of the full extent of the zoning relief necessary to allow the proposed improvements.

- Fence and wall height within required setbacks. With the recent adoption of the steep slope regulations, the Village also amended the Zoning Ordinance to redefine the front line along the lake as well as the front yard setback along the lake. The front lot line is now the ordinary high water mark and is defined as the line on the shore of Lake Michigan consistent with the U.S. Army Corps of Engineers' administrative benchmark, which is currently set at 581.5'. The front yard setback along the lake is now defined as the toe of the bluff or 50 feet from the ordinary high water mark, whichever results in the line farthest from the ordinary high water mark.

  The Zoning Ordinance currently allows fences, walls, or a combination of a fence and wall within a required yard that is no taller than 6.5 feet from natural grade. The following proposed elements exceed this maximum permitted height.

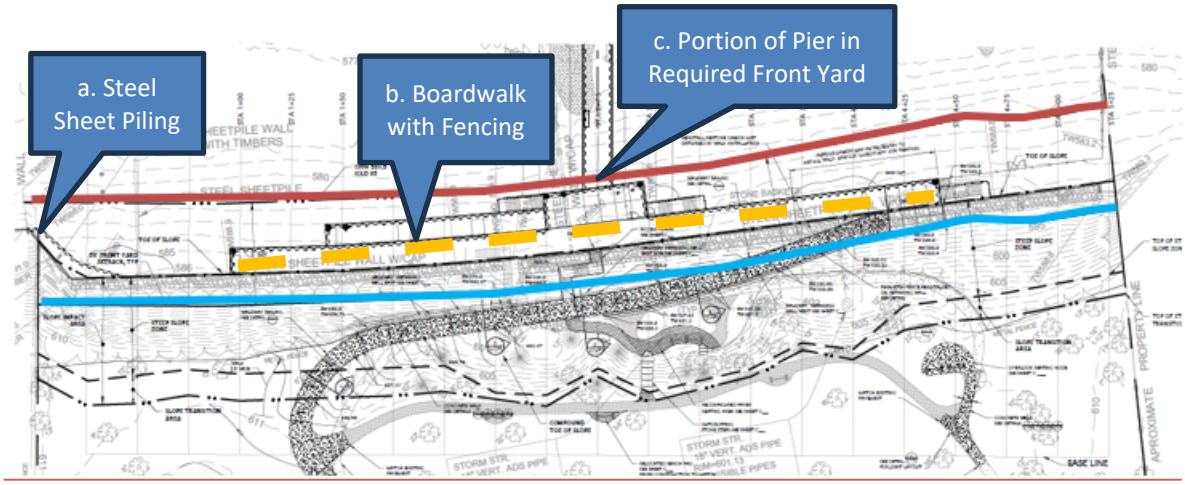

Figure 22 - Proposed Elements in Required Front Yard

a. Steel sheet piling wall at northeast corner of Subject Property would be 8 feet above the natural grade, requiring a variation of 1.5 feet (23.08%);

b. Boardwalk with fencing. The height of the northern 120 feet of the boardwalk and the fencing on top of the boardwalk would be 8.5 feet above the natural grade. The center section (approximately 50 feet) of the boardwalk fencing has two sections that flare out to the proposed pier and range in overall height (boardwalk + fence) from 9.32 feet to 10.5 feet. The southern 95 feet of the boardwalk would have fencing that would be 8 feet in height at its tallest point. Therefore, at a maximum proposed height of 10.5 feet, the boardwalk fencing requires a variation of 4 feet (61.36%);

c. Pier. That portion of the fencing on top of the pier that runs along the south side of the pier and is in required front yard would be 9.5 feet above natural grade, requiring a variation of 3 feet (46.15%). The length of this portion of the pier is 6 feet as it projects from the proposed boardwalk.

CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Zoning Board of Appeals first considered the zoning relief application for the proposed improvements on October 14, 2024. After hearing presentations by Village staff and by the Applicant, the ZBA heard from over 20 members of the public. More than a majority of the speakers spoke in opposition to the plan, and the remaining speakers spoke in support. After hearing from the public and given the hour, nearly 11:00 p.m., Board members directed questions to the Applicant to respond to at a future meeting.

The Board then continued the public hearing to its regular meeting on November 11, 2024. The Applicant was informed that Board members may have additional questions at that meeting.

In response to the comments and questions the Applicant heard from the Board at the October 14 ZBA meeting, the Applicant provided written responses, which are included in **Attachment A,** for consideration at the November 11, 2024, meeting.

At the November 11, 2024 meeting, the ZBA held a continued public hearing on the Applicant's zoning relief application for the proposed improvements. After a presentation by staff and a presentation by the Applicant, the ZBA heard from over 25 members of the public. Approximately 70% of the speakers spoke in opposition or with major reservations to the plan, while the remaining 30% spoke in support. After hearing from the public, the Board discussed the plan and proposed improvements. All members expressed concerns regarding the special use request related to the design elements of the swimming beach and dog beach and their potential impacts on the surrounding area. All members expressed concerns regarding safety elements of the pier design. Some members also expressed concerns regarding the length and width of the pier, the location of the dog beach fence, lack of adequate parking, and lack of on-site restrooms. Members also expressed concern that the Applicant had not met the applicable zoning relief standards.

At the conclusion of the public comments and ZBA questions, the Chair asked the Park District representatives whether they wanted the Board to proceed with a vote that evening or whether they wanted time to respond to, or adjust the plans in one or more ways, to try to address the Board's concerns. The Applicant indicated that the District would like additional time so that they could try to address the Board's concerns at the December 9, 2024, ZBA meeting.

The Board then continued the item to its December 9 meeting at which the Applicant would be provided an opportunity to respond to the Board's concerns regarding the special use and to hear from the public regarding the Applicant's response.

On December 9, 2024, the ZBA held a continued public hearing on the Applicant's application. At the meeting the Applicant presented information in response to questions and concerns the ZBA members and the public expressed during previous portions of the public hearing. The new information consisted of a Transportation Review by Kimley Horn and a one-page design statement from Red Barn Design & Engineering. The documents are included in **Attachment A**.

ZBA members then spent a significant amount of time questioning the Applicant on the new information and its proposed plan. The ZBA then heard from 12 members of the public; all but one were opposed to the project. After hearing from the public, the Board deliberated amongst themselves. The Board ultimately made the following two recommendations to the Village Council:

- By a vote of 4-3, the ZBA **recommended approval of the variations and exceptions** requested in the application for the project, **subject to** the approval by the Village Council of the special use for the project.
- By a vote of 7-0, the ZBA **recommended denial of the special use** requested in the application for the proposed improvements.

The proposed improvements also require review by the Design Review Board; its review will occur after the Plan Commission's review is complete.

STAFF & CONSULTANT REVIEW

As noted in the previous section, at the December 9, 2024 ZBA meeting, the Applicant handed out a one-page Transportation Review study to the ZBA members. Given the study was handed out at the meeting, the Director of Engineering did not have an opportunity to review the study prior to the ZBA receiving a copy of the study. Since that meeting, the Director of Engineering has had a chance to review the Transportation Review study. Though the study provides some useful information, it is incomplete in terms of the data necessary to determine the potential impact of the proposed improvements on parking and traffic flow in the area. The traffic engineer notes in their review that "supplemental data collection and review planned in Summer 2025 will inform whether additional measures may be warranted." Until that additional data is collected and reviewed, the Director of Engineering is unable at this time to opine on the parking and traffic flow impacts of the proposed improvements.

The Police Department recommends the installation of security cameras for the Centennial Park and Beach areas. These improvements are likely to draw large volumes of visitors and guests to enjoy the lakefront. The presence of security cameras not only provides safety for the patrons visiting this location, but also is a highly visible deterrent of potential crimes. Over the last several years, the safety and security of some of the Winnetka beaches and parks have been monitored by the presence of security cameras. These cameras have assisted law enforcement in several areas related to safety, security, and follow-up investigations; most notably with a recent drowning. Through security camera footage, public safety was able to identify how many people accessed the property and how many may have succumbed to the rough waters.

Various types of security camera systems are available ranging from those that require a hardwire connection between the security cameras and nearby data storage equipment to others that wirelessly transmit data from the cameras to the storage equipment located some distance from the site, such as the security camera equipment the Village uses in our commercial districts. The security camera system should provide adequate coverage of the property, function properly during day and nighttime hours (low or minimal light), and footage saved should be easily accessible to Park District staff for efficient and timely collaboration with public safety when an incident needs further investigation or follow-up.

Given the design of the proposed breakwater/pier elevation will allow wave action over the top, the Applicant has stated that they will have interchangeable signage as they have for other swimming beaches that will inform the public of the lake conditions. These signs will be monitored and changed as needed throughout the season. In addition to the signage, they anticipate installing type 2 barricades at the western pier entrance as necessary to prevent the use of the pier during the high lake conditions where there could be an opportunity for waves to top the pier. The Director of Engineering recommends the installation of a more robust permanent solution to ensure public safety at all times. As weather events can change very quickly, the installation of temporary safety measures can leave opportunities for avoidable accidents to occur and heavy weather events can disturb temporary type 2 barricades.

The Applicant has not incorporated these two recommendations, the installation of security cameras or the installation of a more permanent system to note when the pier is closed due to poor weather conditions, into their proposal.

FINDINGS & RECOMMENDATION

The Plan Commission is charged with evaluating Special Uses and associated steep slope exceptions for consistency with the six standards for granting specials use permits. In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested Special Use Permit meets the standards for granting the requested Special Use Permit.

After hearing from the Applicant and the public, the Commission will have the following options:

1) Continue the public hearing to a specific date to provide the Applicant and/or staff with additional time to address questions and comments from the Commission.

2) Consider a motion recommending approval or denial of the Special Use and Exceptions. If the Plan Commission is prepared to make a recommendation to the Village Council regarding the requested relief, a Commissioner may wish to make a motion recommending approval or recommending denial based upon the following and direct staff and the Village Attorney to prepare written findings and determinations for the Plan Commission's consideration and final vote at a subsequent meeting:

   Move to recommend **approval [denial]** of

   A. A **Special Use Permit** to allow construction of improvements to the existing park and beach on the Subject Property, which is located in the R-2 Single-Family Residential Zoning District and Lakefront Preservation Overlay District; and
   B. The following **steep slope zoning exceptions** [Section 17.82.040 Development in the Steep Slope Zone]:
      a. Concrete access ramp 10 feet in width and associated retaining walls to support the ramp;
      b. Outcropping stone steps that exceed 5 feet in width; and
      c. Reconfigured mid-bluff paver walkway and seating area that extends beyond the footprint of the existing walkway and seating area and exceeds 5 feet in width.

   based on evidence in the record, or a public document, and upon the following findings of fact:

   1. The proposed improvements **are [are not]** consistent with the Comprehensive Plan's Land Use Map designation of the Subject Property as appropriate for "Open Space" land uses and **are [are not]** consistent with the following goals of Pillar 1: Quality Livable Neighborhoods and Pillar 6: Healthy and Engaging Lifestyles of the Winnetka Futures 2040 Comprehensive Plan:

      a. Goal 1.7: The Village will continue to ensure that open space uses, such as Park District parks, beaches, and facilities, are compatible with the residential neighborhoods in which they are located.

      b. Goal 6.1: The Village will continue to promote and encourage partnerships with other units of government and agencies to conserve, restore, and enhance natural features and ecosystems, to ensure accessibility to natural areas, parks, and other open or public spaces, and to support recreational facilities and programs that support the health of residents of all ages and abilities.

      c. Goal 6.4: The Village will support health and wellness through innovative and diversified recreational, learning, and cultural opportunities in its public parks, plazas, trails, and open spaces.

      d. Goal 6.5: The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs.

2. The proposed improvements **are consistent [are not consistent]** with the Standards for the granting of Special Use Permits and associated exceptions, as follows:

    a. That the establishment, maintenance and operation of the special use and associated exceptions will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;

    b. That the special use and the associated exceptions will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

    c. That the establishment of the special use and associated exceptions will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

    d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;

    e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and

    f. That the special use and associated exceptions in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

[The special use and the requested exceptions should only be approved subject to the following two conditions and any other conditions that the Plan Commission may approve.

1. **The Applicant shall incorporate security cameras into areas of the park and beach in a manner approved by the Police Chief.**
2. **The Applicant shall install a more robust permanent method to notify the public for when the pier is closed due to high wave action in a manner approved by the Director of Engineering.**
3. **Other conditions.]**

As noted above, any motion on a decision by the Plan Commission should direct the Village Attorney to prepare written findings and determinations for the Plan Commission to consider and vote on at a subsequent meeting.

ATTACHMENTS

Attachment A: Application Materials
Attachment B: Staff Report Regarding Village's Role in the Centennial Park & Beach Zoning Relief Application
Attachment C: Public Correspondence Previously Included in ZBA Agenda Packets
Attachment D: Public Correspondence Received Since Posting of December 9, 2024, ZBA Agenda Packet

ATTACHMENT A

David Schoon
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 600930

Dear Mr. Schoon,

On behalf of the Winnetka Park District, I am pleased to submit the following items for inclusion in the Special Use Permit application for Case No. 24-08-SU: 255 Sheridan Road – Centennial Park and Beach. Based on our previous discussions, we are anticipating a meeting with the Plan Commission on January 22, 2025. We greatly appreciate your time and effort in this process and look forward to collaborating to address community concerns. We also look forward to future meetings with both the Design and Review Board and the Village Council for final review.

As we learned from our prior presentations to the Zoning Board of Appeals, we want to ensure that the Plan Commission and future boards has access to all pertinent information for the project. This includes presentations made during the Village Council Study Sessions. For reference, at the January 10, 2023, Village Council Study Session, Village Staff, the Village Attorney, and representatives from both the Army Corps of Engineers and the Illinois Department of Natural Resources provided valuable information regarding the shoreline and bluff conditions along the Illinois coastline. Additional presentations were held on September 12, 2023, by Village Staff and the Village's Coastal Engineering Firm, Baird and Associates. These presentations focused on the shoreline and bluffs along Lake Michigan, particularly in Winnetka. The information presented during these sessions laid the groundwork for the Village's approval of the Steep Slope Ordinance. The Park District used this information, along with the approved Steep Slope Ordinance, to refine the previous plan to ensure that the proposed plan meets the Villages Special Use Permit process and is the best for our patrons.

We kindly ask that you share the following links with the Plan Commission to provide them with the necessary background and context regarding the coastal zone in Winnetka. These presentations, along with our own, will offer the Plan Commission the information needed to support the proposed improvements outlined in our Special Use Permit application for Centennial Park and Beach:

January 10, 2023: https://winnetkail.portal.civicclerk.com/event/515/overview

September 12, 2023: https://winnetkail.portal.civicclerk.com/event/523/overview

Moreover, the supporting letters from Kimley-Horn and Red Barn Design and Engineering will further strengthen our application regarding the six Special Use Standards.

Park District staff have also carefully considered the concerns raised during the three Zoning Board meetings. We presented this feedback to the Park Board on December 19, 2024. This information can be found in the December 19, 2024, Board Packet under Agenda Item 5.3: Memo from Costa Kutulas, Attachment A, "Centennial Park and Beach Project Review and Considerations Outline." A link to the Park Board Packet is available below:

December 19, 2024: https://winpark.diligent.community/Portal/MeetingInformation.aspx?Org=Cal&Id=128

The Park District is committed to building the best park and beach for our community, and we are confident that our plan will achieve that goal and more.

We look forward to presenting our plan to the Village's remaining advisory boards and Council in the upcoming months. For your convenience, I have only included the amended documents in this submittal. Should you require anything further from me prior to your submission to the Plan Commission, please do not hesitate to let me know.

Thank you for your continued support.

Sincerely,

Costa Kutulas
Director of Parks and Maintenance
Winnetka Park District

Kimley»Horn

MEMORANDUM

To: Shannon Nazzal
Winnetka Park District

Costa Kutulas
Winnetka Park District

From: Peter Lemmon, P.E., PTOE

Date: December 6, 2024

Subject: Transportation Review
Centennial Park and Elder Lane Park
Winnetka, Illinois

Introduction

Kimley-Horn and Associates, Inc. (Kimley-Horn), was retained by the Winnetka Park District to conduct a transportation and parking review of proposed improvement plans at Centennial Park and Elder Lane Park, located on the east side of Sheridan Road in Winnetka, Illinois. The objectives of the assessment include review of the proposed plans, particularly focusing on the Village of Winnetka's Special Use Permit Standards relating to pedestrian/vehicle traffic and parking, outline potential strategies or measures that could be applied to improve conditions, and detail next steps for subsequent data collection that would validate conclusions drawn from this review. The park locations are illustrated on **Exhibit 1**.

This memorandum summarizes the transportation and parking review of the proposed plans, highlights the transportation characteristics and site design elements, and outlines key findings.

Plan Overview

The Park District's plans for Centennial Park and Elder Lane Park would be implemented across two phases. The first phase includes improvements to the beach and bluff at Centennial Park, comprised of establishing an ADA-accessible access pathway to the beach, a boardwalk, and modifying the dog beach to be reduced to the southern half and establishing a swimming beach on the northern half, separated by an elevated accessible pier with armour stone surround. The current parking and access via Sheridan Road would remain with 11 spaces.

Elder Lane Park improvements would follow as a second phase; however, the 68-space parking lot would be modified slightly to 67 spaces (to accommodate a relocated dumpster) during phase one and throughout construction of phase two, available for visitors of Centennial Park and weekday permit parking for New Trier students (7 AM to 4 PM). Access between this lot and Centennial Park would remain via the public sidewalk along Sheridan Road.



Kimley»Horn

EXHIBIT 1
SITE LOCATION MAP

Improvements at Elder Lane Park do not contain changes to parking or traffic flow. The parking lot, its access to Sheridan Road, and the access lane to the Beach House will remain. The proposed site plans for both parks are illustrated in **Figure 1**.

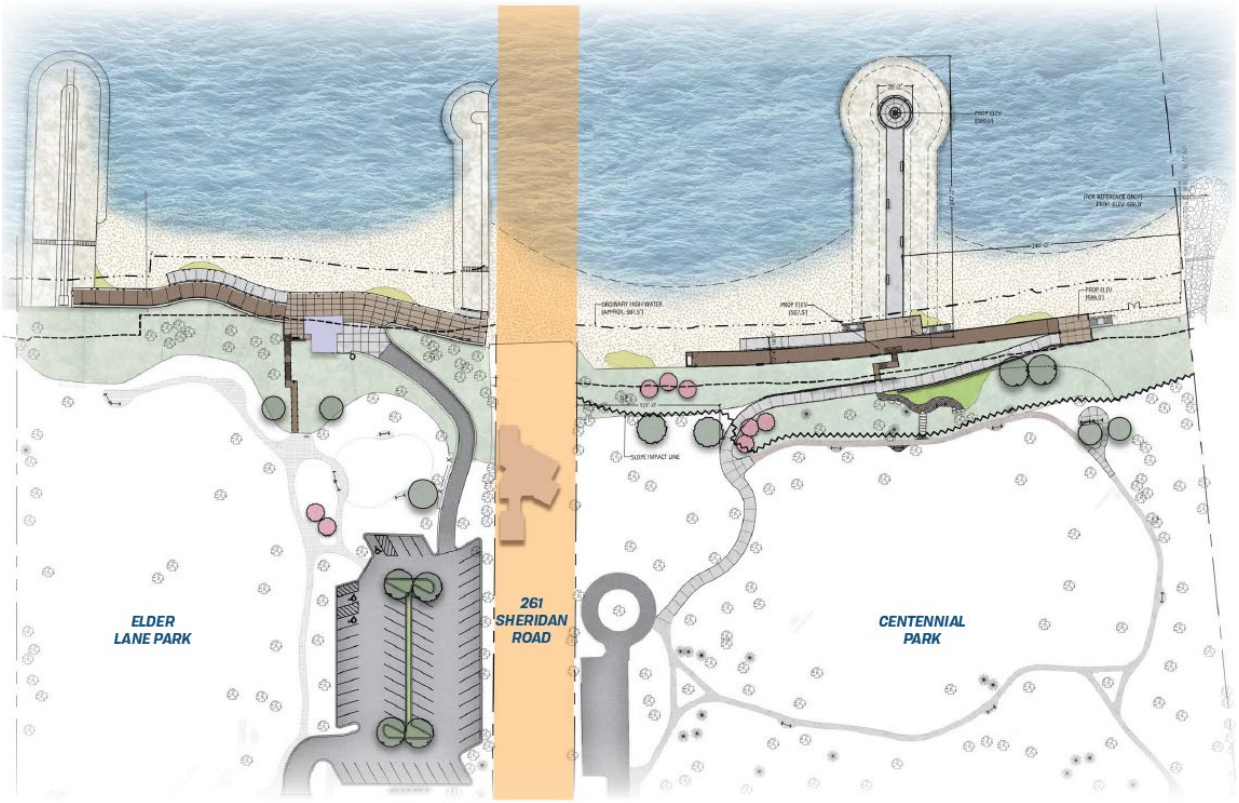

Figure 1. Elder Park and Centennial Park Site Plans

Existing Conditions

One of the initial steps with any evaluation includes field visits, observations of traffic conditions, and review of available data. Kimley-Horn visited the subject sites and surrounding area to observe traffic operation in the immediate vicinity and document existing transportation characteristics and infrastructure including lane configurations, traffic control, access driveways, parking, and circulation patterns.

Roadway and Access Characteristics

Sheridan Road is a two-lane north-south roadway along the west boundaries of both Centennial Park and Elder Lane Park that extends through the Village of Winnetka and neighboring North Shore communities serving a mix of local and through traffic. The Annual Average Daily Traffic (AADT) volume along Sheridan Road is reported by the Illinois Department of Transportation (IDOT) as 6,800 vehicles per day. Adjacent to Centennial Park and Elder Lane Park, Sheridan Road maintains a single travel lane in each direction with share bike lane markings. The intersection of Sheridan Road at Elder Lane and the park access is signalized with marked crosswalk on all approaches. Public sidewalk is maintained along both sides of Sheridan Road. The nearest crosswalks across Sheridan Road are maintained at the Elder Lane traffic

signal and the north leg of the Sheridan Road/Winnetka Avenue intersection (approximately ¼-mile south of Centennial Park). Sheridan Road has a posted speed limit of 30 mph and is under IDOT jurisdiction.

The **Centennial Park Access** is a "T" intersection at Sheridan Road, extending east into the park with stop sign control. 11 parking spaces are maintained along the north side of access with a circular turnaround at the east end of the drive.

The **Elder Lane Park Access** serves as the east leg of the Sheridan Road/Elder Lane signalized intersection, leading to a 68-space parking lot. At the southeast corner of the lot, a gated access lane leads down to the beach house, providing access to an additional accessible parking space when the beach house is open.

Parking

Centennial Park and Elder Lane Park each provide off-street parking lots. Parking in these two lots is free for residents and is included in beach pass purchases. The Winnetka Park District works separately with New Trier High School for weekday school time parking. Collectively, not including the accessible space at the beach house, these two lots provide 79 total spaces currently without the beach-level parking space at Elder Lane Park.

Centennial Park maintains 11 spaces (10 regular + 1 ADA) with posted signs indicating parking for "Centennial Dog Beach Pass Holders and Park Patrons Only" – student parking is prohibited.

At Elder Lane Park, 68 spaces (65 regular + 3 ADA) are provided in the lot with an additional accessible space next to the beach house – available when the beach house is open with access via a service drive from the southeast corner of the parking lot. Within the lot, 61 spaces are posted as restricted permit parking for New Trier students on weekdays from 7 AM to 4 PM, except on holidays. Seven spaces (4 regular + 3 ADA) at the east end of the lot are reserved for park patrons only.

Beach Passes and Daily Fee Users

Active swimming beaches in Winnetka for the past several years have been open at Tower Road and Maple Street Beaches. Season passes, available to residents and non-residents, can be used on weekdays, weekends, and holidays. Daily admissions are available for a fee only on weekdays, excluding holidays. Use of the dog beach at Centennial Park is available to those who purchase a season pass. Daily dog beach access is not available.

Daily fee attendees are tracked as they complete a transaction via cash or credit. When season pass holders are admitted, they show their pass, but it is not scanned in or otherwise tallied. Thus, the number of beachgoers is not tracked on a daily basis. To provide a sense of the levels of activity over the past three years, **Tables 1-3** summarize the annual distribution of beach season passes, beach daily fee visits, and dog beach season passes, respectively.

Table 1. Beach Season Passes

Year	Resident	Non-Resident	Total
2022	5,988	247	6,235
2023	4,980	155	5,135
2024	5,299	136	5,435

Table 2. Beach Daily Fee Visits

Year	Daily Fee Visits		
	Tower Road Beach	Maple Street Beach	Total
2022	125	12	137
2023	99	33	132
2024	351	93	444

Table 3. Dog Beach Season Passes

Year	Resident	Non-Resident	Total
2022	252	58	310
2023	242	52	294
2024	331	64	395

As shown in the tables above, the number of beach season passes sold over the past three years has varied between 15-20 percent between the high and low, averaging approximately 5,600 passes annually. Daily fee visits saw an uptick in 2024, but the number of daily fee visits over the summer season is relatively low compared to season pass holders. Dog beach season passes are generally steady with a bit of an uptick this season due to a centered effort by the Winnetka Park District to ensure accounts were current if access was granted to the dog beach. However, similar to daily fee visits to the beaches, the volume is much lower than beach season pass distribution.

Plan Evaluation

Based on review of existing conditions and the proposed plans at Centennial Park and Elder Lane Park, key findings regarding transportation and parking elements are detailed below.

Traffic Generation

Typically for new or redeveloped properties, traffic projections can be prepared based on industry resources that provide compilations of traffic data for similar uses. Common uses like residential, retail, office, and restaurants have a lot of available data. Parks and beaches are not so common, have little data available, and are typically unique in terms of programming and other characteristics. As such, developing traffic projections for improved beach and park facilities referencing traditional resources is not very dependable. However, when thinking about the Park District's lakefront parks and beaches as a system and considering the current beach access policies (i.e., daily and season passes on weekdays, season passes only on

weekends and holidays), reviewing season pass distribution and daily fee visits over the past three years, and considering that the proposed improvements will reintroduce another option to the system of swimming beaches while reducing the size of an existing dog beach, projections for additional traffic are not likely to be significantly different than what is experienced at other Winnetka swimming beaches.

Initially, it is reasonable to assume that improved Centennial and Elder Lane Parks may be popular destinations as people want to check out the new and improved facilities. But after an initial period of time, visitor volume will likely reduce to some degree and normalize. The park locations in the southern portion of the Village will also likely attract visitors that are currently patronizing Maple Street and Tower Road Parks further north on Sheridan Road. However, since these parks and beaches are all part of a system and accessible with the same season pass and daily fees, visits are also likely to be generally distributed or limited by their access capacity. For example, if visitors decide to drive rather than walk/bike and the parking lots are close to full, they may instead visit one of the other beaches to the north.

In general, traffic volumes generated by the improved parks and beaches are expected to be similar to that experienced at other lakefront parks in Winnetka.

Access

Access and parking for these two parks remains consistent with current conditions. The 11 parking spaces and traffic circulation pattern at Centennial Park functions well with the single access driveway on Sheridan Road. Based on the traffic volumes along Sheridan Road and the size of the parking lot, vehicle traffic should not have significant issues or congestion when entering or exiting the park.

Elder Lane Park provides parking to serve both parks with public sidewalk along the east side of Sheridan Road providing a short pedestrian connection between the two parks (just over 200 feet between the two parking lot access points). The traffic signal at Elder Lane also provides a controlled crossing for the neighborhood to the west when accessing the lakefront and both parks and this condition does not change as part of the park improvement plans.

Parking

The proposed plans for Centennial and Elder Lane Parks include maintaining the current parking lot at Centennial Park and reducing the parking at Elder Lane Park by one space to allow for a designated dumpster location, collectively providing 78 spaces, not including the accessible space at the Elder Lane Park Beach House. Elder Lane Park provides more parking than the 64 parking spaces at Tower Road and Maple Street Parks combined. For context, **Table 4** summarizes a review of representative lakefront beaches on the North Shore to provide a comparison of parking facilities and other characteristics to those in Winnetka.

As presented in Table 4, parking provisions range from 0 (Sunrise Beach in Lake Bluff) to 208 (Forest Beach Park in Lake Forest includes a 93-space lot that also serves a boat launch facility). Aside from those two anomalies, the parking at Elder Lane and Centennial Parks are more in line with the parking at Glencoe Beach in Glencoe (94 spaces) and Rosewood Beach in Highland Park (87 spaces).

As a system, the Winnetka lakefront parks and swimming beaches provide 142 off-street parking spaces. This capacity is expected to be adequate to serve most needs for vehicle parking as patrons can distribute

among the beaches if one is too crowded. Providing additional parking as part of this plan and displacing open space is not recommended.

Table 4. Comparable Beach Characteristics

Location	Town	Parking	Access	Beachfront[1]	Park Features
Centennial Park	Winnetka	Parking Lot 11 spaces	Season Dog Beach Pass	520 feet	Park / Open Space Dog Beach Swimming Beach[2]
Elder Lane Park	Winnetka	Parking Lot 67 spaces[3]	Currently Closed	400 feet	Park / Open Space Swimming Beach[4] Playground
Maple Street Park	Winnetka	Parking Lot 14 spaces	Season Pass Daily Fee	175 feet	Park / Open Space Swimming Beach
Tower Road Park	Winnetka	Parking Lot 50 spaces	Season Pass Daily Fee	500 feet	Park / Open Space Swimming Beach Playground
Glencoe Beach	Glencoe	On-Street 94 spaces	Season Pass Daily Fee (only available on weekdays after 12 PM)	550 feet	Park / Open Space Swimming Beach Sailing Tennis Courts Playground
Rosewood Beach	Highland Park	2 Parking Lots (resident only with decal) 87 spaces	Residents: Free Pass Non-Residents: Season Pass or Daily Fee	1,000 feet	Park / Open Space Swimming Beach Playground
Forest Beach Park	Lake Forest	3 Parking Lots (resident only) 208 spaces Metra Station (non-residents) ¾-mile walk	Residents: Free Pass Non-Residents: Daily Fee	1,770 feet	Park / Open Space Swimming Beach Boat Launch Sailing Playground
Sunrise Beach	Lake Bluff	On-Street in Neighborhood	Residents: Free Pass Non-Residents: Daily Fee	950 feet + 250 feet dog beach	Swimming Beach Playground

1 Approximate length
2 Proposed for southern ½
3 Proposed parking capacity
4 Beach has been closed since 2020

Potential Additional Measures

The transportation and parking elements of the proposed plan are expected adequately serve the access, circulation, and parking needs of Centennial Park and Elder Lane Park in a safe and effective manner. However, if negative impacts materialize following implementation of the proposed plans, additional measures could be followed to mitigate such impacts. Potential additional measures to consider include, but are not limited to:

- **Installation of signs directing visitors to other lakefront parks/beaches if full**
  If the parking lots are full, signs could be installed and "activated" to direct visitors to other swimming beaches at Tower Road and Maple Street.

- **Resident parking only in parking lots**
  If parking is regularly full during peak days, parking in the off-street lots at Elder Lane and Centennial Park could be restricted to residents only.

- **Secure overflow parking at New Trier**
  The Park District provides 61 spaces for off-campus permit parking for New Trier students on weekdays at the Elder Lane Park parking lot. Students use Elder Lane and Essex Road to walk between campus and the parking lot (approximately ¼-mile). During the summer when the parks and beaches are busiest and when school is not in session at New Trier, the school could reciprocate with an off-site parking agreement that allows overflow park and beach parking on busy days to occur at the high school campus. If needed, this option provides considerable parking capacity and given the relatively close proximity, limits the potential for vehicles trying to park on neighborhood streets.

Next Steps

Given the seasonal nature of peak activity at lakefront parks and beaches, data collection to supplement and validate the evaluation summarized in this memorandum is not appropriate at this time. As such, while the Park District progresses through the various permitting steps, Kimley-Horn and the Park District will collect additional data in Summer 2025 to document and evaluate peak season activity at Tower Road and Maple Street Beaches. All data collection will be coordinated with the Village Engineer, but anticipated data includes:

- Daily beach attendance counts (season pass and daily fee)
- Parking counts (beach parking lots and any overflow parking that may occur on adjacent streets)
- Observations and documentation of pedestrian and bicycle access/parking patterns on busy days

Data will be summarized, reviewed, and presented to the Village for review during the Lakefront Construction Permit process. The transportation evaluation of the proposed plans will be validated, and as appropriate, any recommended changes to the plan based on the new data collection will be highlighted.

Summary

Based on review of current conditions, the proposed plans for Centennial and Elder Lane Parks, and data relating to beach passes and daily fee visits, the transportation and parking elements of the proposed plan are expected to continue to adequately serve the two park sites. As part of the Village's review and permitting process, six standards are considered to evaluate special use applications, two of which relate to transportation and parking. Review of these two standards is detailed below.

Special Use Standards

4. *That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;*

    - Access to both Centennial Park and Elder Lane Park are proposed to remain as existing. Given the traffic volume along Sheridan Road, and the size of the parking lots, and the configurations and traffic control at the two intersections, vehicle traffic should not have issues or cause meaningful congestion when entering or exiting the parks.

    - The traffic signal at Sheridan Road/Elder Lane provides a controlled crossing for pedestrians walking between the lakefront and the neighborhood west of Sheridan Road. Elder Lane Park is immediately east of this signal and Centennial Park is located just over 200 feet south of this traffic signal, so this crossing supports pedestrians walking to/from either park.

    - Pedestrian sidewalk currently exists along the park frontages on Sheridan Road exiting vehicles maintain good visibility of pedestrians as they approach the respective access drives. The proposed plans do not negatively impact these sight lines.

    - Upon further validation of the findings in this evaluation, supplemental data collection and review planned in Summer 2025 will inform whether additional measures may be warranted. This data collection and review will be coordinated with the Village Engineer.

5. *That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exists or are to be provided; and*

    - The parking at Elder Lane Park is available to supplement Centennial Park needs and is easily accessible via a short walk (approximately 200 feet between access points) along Sheridan Road's public sidewalk.
    - The 67 spaces just at Elder Lane Park offers more parking more than Tower Road and Maple Street Parks combined. As a system, the lakefront parks with swimming beaches would provide 142 off-street parking spaces. This capacity is expected to adequately serve the collective vehicle parking demand as patrons can distribute among the beaches if one is too crowded.
    - The combined 78 spaces at Centennial and Elder Lane Parks is generally in line with parking provided at other comparable lakefront parks/beaches along the North Shore.

- Additional parking measures are possible to provide overflow parking and/or limit use of off-street lots to residents only, if needed.
- Upon further validation of the findings in this evaluation, supplemental data collection and review planned in Summer 2025 will inform whether additional parking measures may be warranted. This data collection and review will be coordinated with the Village Engineer.

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6 December 2024

DESIGN STATEMENT: Site Improvements Centennial Park and Beach Project

The design elements and project components, and project documents for the Centennial Park and Beach site, have been prepared and under the direction of the Winnetka Park District (WPD). These documents were prepared in accordance with current State and Federal codes, regulations, and industry standards for site improvement projects along the Great Lakes shoreline.

The projects incorporate elements that reflect a balance of environmental sustainability, and industry standard engineering, while being responsive to community feedback. These elements, combined with input received from local stakeholders and the requirements outlined in the Village's Amended Lakefront Construction Ordinance, have shaped the project design now presented for Special Use Permitting for Centennial Park and Beach.

A key feature of the proposed design is the new pier structure, which features a steel sheet pile core bordered by a rubble mound revetment structure. This structure serves as an improvement over the existing steel groin as it relates to reduction of any existing rip currents currently experienced along the steel groin, while performing additional sand retention and seasonal accretion at the beach areas. These improvements provide enhanced public space at the park beachfront. The pier's length and width were carefully selected to ensure it provides the right scale for the site while achieving vital environmental goals.

The crest elevations of both the pier core and rubble mound revetment were selected to follow the Village's Lakefront Ordinance, while adhering to the principle of minimal intervention necessary to fulfill these objectives.

The chosen length of the pier aligns with the dimensions of other piers along the Winnetka shoreline, ensuring consistency with the area's existing shoreline improvements. This thoughtful consideration allows the design to blend harmoniously with the surrounding environment while enhancing the functionality of the beach.

The project documents were prepared by a collaborative team including the WPD, RED BARN Design & Engineering, The Lakota Group, Spaceco Inc., Shabica & Associates, and Christopher Burke Engineering. Documents for State and Federal permitting, and project documents for bidding and construction have been prepared as part of this coordinated effort.

August 5, 20244

David Schoon
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093

Dear Mr. Schoon,

On behalf of the Winnetka Park District, I would like to thank you, the rest of the Village staff, and additional consultants for all your time and effort in refining our submittal application for the Special Use Permit for the project implementation for Centennial Beach, Bluff, and Park improvements.

As you know, the Winnetka Park District seeks approval of this Special Use Permit to continue reinvesting in long-term sustainable recreation and open space infrastructure, as identified in its approved and previously executed Lakefront Master Plan, Winnetka Waterfront 2030.

The Centennial beach, bluff, and park improvements will not only enhance and support the continued successful operation of community-desired amenities such as the controlled off-leash dog beach and recreational swimming beach, but also foster a sense of pride and connection within the community.

Primary shoreline and bluff stabilization infrastructure seeks to provide a long-term, meaningful strategy to lessen beach and bluff erosion, create and stabilize the beach environment, and meet state and regional lakefront stabilization goals. Additionally, through a carefully crafted ramp and boardwalk system, the district looks to provide meaningful and continuous ADA access to beachfront users of all ages and abilities.

The Winnetka Park District's Mission is to provide a balance of quality recreation and leisure opportunities while protecting assets, natural resources, and open space to benefit present and future generations. As a District, we believe the plan outlined in this application meets all the required Special Use Standards and Lakefront and Bluff ordinances that have been put in place to protect one of Winnetka's greatest community assets, its beautiful Lake Michigan Shoreline.

We have reviewed all the comments and questions from the various department heads and put together what we feel is a very thoughtful project that considers the founding pillars of the Waterfront 2030 Plan while balancing the community information we received throughout our engagement in this project.

Completing the Centennial Beach, Bluff, and Park improvements will allow the Park District to complete another lakefront park and move one-step closer to implementing the Winnetka Waterfront 2030 Plan.

We look forward to presenting our plan to the Village's governing boards in the next couple of months.

Sincerely,

[redacted]

Shannon Q. Nazzal, CPRE

Executive Director

Winnetka Park District

Winnetka Park District - Special Use Permit Application Narrative for Centennial Park and Beach Project

Introduction

The Winnetka Park District (the "District") is seeking a Special Use Permit, exceptions from the Steep Slope Regulations and related Variances to allow the construction, maintenance and operation of proposed improvements at Centennial Park and Beach as outlined in the plans. The District proposes the improvement project for Centennial Park and Beach to implement the Winnetka Waterfront 2030 Master Plan with goals to protect and improve access and safety for the community.

Relief Requested

1. Under the Winnetka Zoning Ordinance, a “nonessential public use” includes a use affected with the public interest, regardless of ownership, including uses owned and operated by local governments other than the Village. Section 17.56.020 of the Winnetka Zoning Ordinance establishes nonessential public uses as special uses in all districts within the Village. Consequently, the Park District is seeking a Special Use Permit to ratify and expand the public recreational use of Centennial Park and Beach within the R-2 single-family residential district.

2. The project outlined in the plans meets some of the requirements outlined in the recently enacted Steep Slope Regulations, codified at Chapter 17.82 of the Winnetka Zoning Ordinance. As permitted by Section 17.82.110, the submitted Special Use Permit application also asks for “exceptions” from Chapter 17.82 for items included in the plan that protect the beach, bluff, and tableland for the Centennial Park and Beach site.

3. Section 17.30.050.C.7 of the Winnetka Zoning Ordinance establishes the front yard setbacks for lakefront properties. The regulation states the required front yard setback is the toe of the bluff or 50 feet from the ordinary high-water mark, whichever results in the line farthest from the ordinary high-water mark. The District’s proposed plans include improvements which do not otherwise qualify as permitted obstructions in required yards, as defined by Section 17.130.130.A. For those improvements we are requesting variances to permit construction as presented in the plans.

Background

The redevelopment planning of Centennial Park and Beach began in 2014 with the District’s Winnetka Waterfront 2030 Master Planning process. When the Winnetka Waterfront 2030 Plan was adopted in 2016, it set the stage for the District's investment in the lakefront. The initiatives and founding pillars of that plan, along with the near-all-time high lake levels from 2020, have made this project a priority for the District. The Winnetka Park Board has been invested in this

project for several years and they have not wavered from the responsibility to repair the beach and protect the beach and bluff for future generations to come. This narrative supports the District's application by demonstrating that the proposed Centennial Park and Beach project meets the standards for granting a Special Use Permit and the related variances. Additionally, the narrative addresses comments from the Special Use Permit review process, outlines access and operational details, and provides a clear overview of the project's components and intended use. The District is excited for the opportunity to meet with each one of the different review boards and commissions, not only to present the project but also to tell the story of why this is a wonderful opportunity to allow the District to reinvest in one of the greatest and most unique amenities that Winnetka has to offer its residents.

In Section 17.56.120 of the Winnetka Zoning Ordinance, the Special Use Permit process outlines six standards that must be met and reviewed by each review board and commission as a condition of granting a Special Use Permit. This narrative shows that the District is proposing a project that clearly and unequivocally meets those standards and has been well-vetted with public input and feedback from the community every step of the way.

In Section 17.60.040 and 17.60.050 of the Winnetka Zoning Ordinance it describes the evidence to be presented in support of a variance application and the standards for granting such relief. This narrative summarizes the facts in support of the District's application to construct improvements within the front yard of Centennial Park and Beach facing Lake Michigan, as defined by Section 17.30.060 of the Winnetka Zoning Ordinance. The District's application shows it clearly satisfies all the evidentiary standards.

Project Summary

The Centennial Park and Beach project (the "Project"), is designed with a clear purpose to protect the bluff and tableland from erosion due to high lake levels and waves, improve site access and accessibility, create greater lake access for all community members and secure the off-leash dog beach. The District is proposing to restore and improve a public beach that can be used for both swimming and recreational uses, while maintaining an off-leash dog beach, and investing to secure the dog beach with fencing on three sides.

The Project was designed while considering many factors, including (1) the former use of Centennial Beach as a swimming beach, (2) the historical use of Centennial Beach as a dog park for the past 30 years, (3) the existing uses of nearby properties, (4) protecting and enhancing neighborhood property values, (5) promoting the public's health, safety and welfare, (6) the suitability of the property for the proposed uses and improvements, (7) the amount of time the beach has been closed due to shore erosion, and (8) the community's expressed desire for the proposed use. The Project also considers accessibility, newly adopted Village of Winnetka ordinances, County, State, and Federal laws and regulations, ongoing and future maintenance needs, community input and low impact to the community.

The Project which is proposed for Centennial Park and Beach includes a range of elements, such as:

- Swimming Beach;
- Off-leash dog beach with fencing and double entry gate system and stairs;
- Bluff clearing and restoration;
- Steel sheet pile replacement;
- New steel sheet pile bulkhead;
- Accessible boardwalk;
- Accessible pier with armor stone groin surrounding the pier;
- ADA beach ramp;
- Beach stairs (2), Low level safety bollard lighting;
- Boardwalk access staircase;
- Concrete ADA accessible walkway retaining walls;
- Reconfigured paver walkway; and
- Outcropping stone steps.

These elements are divided into two sections for zoning review: Chapter 17.30, Section 17.30.050 Front and Corner Yard Setbacks, and Chapter 17.82, Section 17.82.040 Development in Steep Slope Zone. The variations and exceptions being requested are outlined in the narrative and the chart titled "Proposed Project Elements" and can be viewed in the final plans submitted with the Special Use Permit application.

Project Elements

Human Swimming Beach (Reintroduction): Centennial Beach was once a swimming beach for the community before the development of the dog beach in 1995. The proposed human swimming beach will operate to the same standards as our other swimming beaches, such as Tower Road Beach or Maple Street Beach. The proposed swimming beach is 250 feet in length.

The sand elevations, compared to the new proposed pier, start 18” below the western most elevation of the pier. Moving east, the sand profile gradually drops to the water level.

The anticipated use for the human swimming beach includes swimming, sunbathing, passive recreation activities, sandcastle building, and other activities you would expect on a public beach. Currently, there is no proposed sailing, kayaking, paddle boarding, or other activities that include using a boat or watercraft of any kind.

Below is a list of the current beach rules we anticipate enforcing at Centennial Swimming Beach.

Swimming Beach Rules: The following regulations will be implemented by the Winnetka Park District staff during hours of operations to ensure that all beach users will be able to use, understand and will follow all rules when they are at the beaches.

1. Hours of Operation are 9am to dusk.
2. When lifeguards are not present, swimming is not allowed.
3. Swimming is allowed only in the supervised swimming areas as posted at each beach.
4. Parents and guardians are responsible for the supervision of children.
5. Children 9 and under must be accompanied by an adult.
6. Coast Guard approved life jackets are allowed when the child is within arm's reach of their parent. All other floatation devices are not allowed.
7. No scuba or snorkeling equipment is allowed.
8. Children who are not toilet trained must wear tight fitting plastic pants or swim diapers.
9. Beach facilities will be closed whenever water is considered unsafe by Health Department or lifeguards.
10. There is no roughhousing or horseplay allowed. Lifeguards will enforce this rule to ensure the safety of others.
11. No skateboards, bicycles, roller skates, or similar items allowed at beach.
12. No throwing rocks or sand in the swimming areas.
13. No jumping off piers.
14. No fires, including grills, are allowed on the beach.
15. Glass containers are not allowed on the beach.
16. No alcohol is allowed on the beach.
17. Smoking is prohibited at all Winnetka Park District facilities.
18. Dogs are only allowed at Centennial Dog Beach. Village Ordinance #504 will be enforced.
19. Motorized vessels are only allowed at Lloyd Boat Launch.
20. Non-motorized vessels are only allowed at Lloyd Boat Launch.
21. The Village of Winnetka Police Department maintains a regular patrol of the beach and enforces all Park District ordinances.
22. All other state and local health codes apply.

We anticipate operating the Centennial Swimming Beach from May 25 to September 2 (estimated) from year to year, and the beach would be staffed with personnel during the hours of operations for those dates. The beach would be closed off season (prior to May 25, and after September 3) for swimming but still open for beach goers to enjoy the beach.

There is no zoning relief needed for the swimming beach, this was to provide perspective on operations.

Off-Leash Dog Beach: The proposed off-leash dog beach is an existing on-leash element at Centennial Beach today and will remain per the project plans. The District has operated the dog beach since 1995, allowing controlled access to a single type of activity. The proposed off-leash dog beach will be reduced in size to allow for the re-introduction of the human swimming beach. The proposed 240' dog beach will be controlled with a double entry gate system and electronic key fob system, which will allow access for the registered users. The dog beach will be surrounded on the west and south boundaries by 5' black fencing on the beach. The northern boundary of the off-leash dog beach will be the pier structure and have a 42" black handrail (Type A) providing the required security. The eastern side of the dog beach will be the natural barrier of Lake Michigan.

On the southern end of the site and dog beach perimeter there is an existing steel groin running perpendicular to the existing steel sheet piling (seawall) at the toe of the bluff. The steel groin runs approximately 145-feet east into the lake, with a western elevation of 583.2’ and an eastern elevation of 581.70’. Roughly 65 feet off the seawall, the existing steel groin crosses the south property line of Centennial Park. At this point, the steel groin is beyond the ordinary high water mark of 581.5’. The portion of fencing on the south perimeter of the dog beach will be installed on top of the existing steel groin going east into the lake approximately 103 feet. The 5-foot height fence may step down to maintain a maximum overall height of 6.5-feet off the adjacent proposed sand contours. The proposed fencing can be seen on sheet C161 of the construction plans.

Approximately 12.5-feet offset from the existing seawall along the toe of the bluff, the 5-foot height dog beach perimeter fencing continues north-south along the west edge of the dog beach area. This offset allows the public to cross Centennial Beach without walking through an active off-leash dog beach. A 10-foot-wide maintenance access gate is situated along this fence line, allowing access for beach maintenance equipment. This gate will be secured and operated as needed by maintenance personnel only.

The 42-inch-high (Type A) handrail will double as a fence on the pier and boardwalk to further secure the off-leash dog beach. In addition, a line of armor stone creates a border along the south of the pier, helping further separate the pier and the off-leash dog beach. The fencing is mounted to the pier and boardwalk at a consistent height of 42-inches. When viewing the fence line from the dog beach side, there will be a visual incline due to the sand contouring. The proposed grading for the dog beach sand fill is as follows: The westernmost sand elevation is set at 585.0’, sloping at 11:1 to 583.0'. The slope then increases at 8:1 to an elevation of 578.0', then flattens again to a slope of 20:1 to elevation 575.0'.

To access the off-leash dog beach, there is a single concrete access stair of the boardwalk within the secure entrance area. The stairs are designed to be constructed with concrete within a steel sheet pile cell to support the harsh lake environment. The stairs have a 6-foot-wide clearance

with handrails on both sides. The stairs are designed with accessibility in mind, using acceptable materials with the proper rise and run for the treads and appropriate returns on the handrails. The bottom of the stairs are set to an elevation of 579.33' to allow for the fluctuating sand levels. The handrails are 1.5-inch brushed stainless steel round tubing set at 42-inch height. The detailed design can be viewed on Sheet C159.

The dog beach is operated year-round (excluding high wave events) from sunrise to sunset for the community's enjoyment.

To receive a dog beach pass, each applicant must complete a Dog Beach Pass Application which includes: owner information, pet information, vaccine certificate with vet signature, insurance acknowledgement (waivers, rules, waring of risk, release of all claims, indemnification agreement, assumption of rick, and policies). All applicants must adhere to dog beach rules anticipated below, though they may be changed by the Park Board.

Anticipated Off-leash Dog Beach Rules:

1. Leashed Area: Park + Parking Lot + walkways and boardwalk.
2. Only unleashed area is area inside the dog beach gate and dog beach itself.
3. You are solely responsible for the actions of your dog.
4. Leashes must not exceed 8 feet.
5. You must bring your electronic key fob each visit.
6. Attendants are not allowed to let anyone through the gate without a fob.
7. Keep an eye on your dog and keep your dog’s leash with you at all times.
8. For safety reasons children must be at least 10 years of age to use the park and they must be closely supervised.
9. Children will be expected to behave in an appropriate manner: no running, no chasing dogs, no petting of other dogs unless permission is granted from the owner first.
10. Be polite: pick up dog feces and dispose of the dog feces in the waste receptacles, which are available throughout the park.
11. Dogs must wear current license tag and be up-to-date on shots.
12. Fill any holes your dog digs.
13. No more than 2 dogs per person on any one visit.
14. Check with your veterinarian before bringing a puppy under the age of four months to the park.
15. No dogs known to be aggressive toward other dogs or people may enter the area.
16. Owners/handlers are asked to closely supervise their dogs and at no time should anyone leave the area without his/her dog(s).
17. Do not bring rawhide or food into the dog area as dogfights may result.
18. Please remove pinch and spike collars from your dog prior to entering the beach.

19. Hours are sunrise to sunset.

The District has also reached out to Cook County Department for Animal Control for guidelines on how best to address the eastern barrier of the off-leash dog beach. It has been suggested that the District submit for a waiver until Cook County Animal Control is able to address this matter for all dog parks that abut Lake Michigan.

Bluff Clearing and Restoration: The bluffs will undergo an extensive clearing of invasive species and dead and dying trees to improve the overall health of the vegetated environment. The proposed work is outlined in the attached plans, sheets C178-C181. An estimated 1.34 acres of invasive and noxious species control is proposed to be completed on the Centennial Park bluff. There are approximately 30 different target invasive species identified on the removal list. This list includes a handful of various deciduous tree species that can be detrimental to the bluff environment if left uncontrolled and unmonitored. The plan outlines the four different restoration zones and strategic planting plans, dependent on the impact of construction and best management practices for each bluff zone. These four zones include the bluff restoration zone (23,800 sq. ft.), the green gabion wall zone (3,200 sq. ft.), the dune grass planting zone (800 sq. ft.), and the turf restoration zone (31,162 sq. ft.). All of these different zones combined account for the required installation and long-term maintenance to reestablish the bluffs and repair disturbed areas affected by construction. As part of the slope planting, the seed and plugs will be covered with a two-layer erosion control fabric while the plant material is established to minimize erosion. To replace the trees removed from the bluff, we will re-plant nearly 30 caliper inches of new trees on site, and the remaining replacement caliper inches at other park locations within the agency. This entire process will allow for greater views and vistas of the lake, one of the highest-ranked pillars of the Waterfront 2030 Lakefront Master Plan and a point of emphasis from public input.

Variations for Section 17.30.050 Front and Corner Yard Setbacks

As outlined in Chapter 17.30, Section 17.30.050(C)(7) Front yard setback for Lakefront Properties, it's noted that the required front yard setback is the toe of the bluff or 50 feet from the ordinary high-water mark, whichever results in the line farthest from the ordinary high-water mark. Nonetheless, Section 17.30.130(A) describes permitted obstructions in required yards. Village staff have issued an opinion that the District's vertical improvements in the front yard are characterized as either a wall or a fence, as described in Section 17.30.130(A)(10). Based on the District's review of these sections and staff's code interpretation, we propose including the following project elements as variations since they exceed a height of 6.5' from grade. The work proposed in the lakeward front yard includes the following elements which exceed 6.5' tall: Boardwalk with Type A handrailing (fencing), a 226 foot long elevated pier structure with armor

stone surround. The improvements listed below are those elements of the project that fall within the Ordinary High-Water (581.5’ OHWM) Mark and the 50’ setback associated with section 17.30.050 of the zoning code.

As outlined in the “Proposed Project Elements Chart”, the maximum variation requested is 4’ over the allowed 6.5’ height as measured from the existing grade. This is outlined in detail in the “Non- conforming Elements” chart. Please note, as part of our overall proposed plan, the District has included sand nourishment for the two beaches and once completed the overall height variances will fall within the acceptable limits of the zoning requirements. The District, through its consultants, designed this element while listening to feedback from the community and with what would be minimally required from a coastal engineering perspective.

Based on the information and the zoning requirements, there is a small 6’ section requiring a variance. The south 6’ of the Type A handrail is set at 592.0’ elevation, 9.5’ above the existing sand profile. At this time, the District is requesting a zoning variance of 3’ for this 6’ section of Type A handrailing and pier. Please note, once the project is completed, and the sand is placed on the beach, the overall height for this area will fall within the 6.5’ zoning requirement for the front yard setback.

Steel Sheet Pile Replacement: Located on the northern property line, north of the existing steel sheet wall, a combined wooden timber, steel I beam, and steel sheet piling hold back the bluff section. Due to the age of these structures and materials, this structure has the potential risk of failure, causing severe erosion concern for the northern portion of bluff. The District is preparing to correct this issue by installing a new line of steel sheet piling in front of the existing timber wall as a best practice repair. The proposed wall would consist of about 25 sheets of PZC-18 Steel Sheet Pile Bulkhead wall (roughly 52 feet in length), with a 3/8" bent plate cap welded on top of it. These 25-foot-tall sheets will be driven in place to a finish elevation of 592’ to create the new vertical sheet piling wall with a height that does exceed 6.5 feet from grade. The existing grade of the beach in this area adjacent to the wall is 584’ and the new proposed steel seawall is set at an elevation of 592’, which is 8 feet tall with the current sand profile. The proposed replacement steel sheeting will connect to the existing steel sheeting on the adjacent property located at 261 Sheridan Road as it does today to ensure a mechanical connection to prevent future bluff erosion. These replacement sheets will become the primary shore protection for this area of the bluff.

The bluff areas located behind the eroded wall will be filled in, creating a sustainable slope of 2 to 1 (or greater) allowing for new for new plantings, stabilizing the bluff for the future. The bluff will be backfilled and compacted in 12” lifts for proper grading and planting. The slope will be covered with an erosion fabric while the plant material is established.

Elevated Boardwalk: As discussed previously, the District intends to create a boardwalk element at the Centennial Beach site to serve several functions. The boardwalk will maintain the existing shore protection for the Centennial Park bluff and protect against bluff erosion by using the

existing steel sheet pile seawalls installed in 1987. The boardwalk will connect to the existing walls to provide a continuous line of defense against future bluff erosion while establishing a foundation for additional improvements, including ADA accessible paths, and beach and pier amenities. The boardwalk also doubles as a recreational platform to allow greater access to the beaches and help delineate the beach elements. It also allows for greater connectivity for the beaches while permitting individuals the ability to traverse the lakeshore without having to pass through the off-leash dog beach.

Set at a base height of 3 feet above grade and ramping up slightly near the concrete ADA access ramp interchange, the boardwalk finishes at a height of 5.5 feet. The boardwalk is set between 18”-48” above the final sand nourishment and is pitched minimally to allow storm water runoff from the structure. The boardwalk is built by installing steel sheet piling which is driven in the clay to maintain the shore protection for the bluff and park backfilling with angular stone and capped with a thickened concrete slab. To help soften the feel for the boardwalk, the concrete will be tinted with a color additive used in other concrete areas across the site, to provide a seamless aesthetic throughout the site. The boardwalk concrete will be further distinguished with a stamped wood decking pattern to give the appearance of natural wood. The final result will achieve a weathered Ipe wood aesthetic to match the style of the bluff staircase which will land on the boardwalk. The boardwalk runs for a total length of 349’, with integrated backed Ipe wooden benches mounted to the bulkhead along the western edge. These benches are provided to allow beach goers the opportunity to sit and relax on the boardwalk while enjoying the lake environment. There are also four (4) low level LED bollard light fixtures that will also be installed for safety and security. Low-intensity lighting will be used along pathways and in the dog beach area. Lights will be designed to minimize light pollution and focus on safety.

Like the stair access, the boardwalk also serves as the accessible transition route planned to ADA standards for the public to use and access the swimming beach, off-leash dog beach, and pier elements. There are three staircases that can be used to access the different elements of Centennial Beach. The northernmost staircase is set just to the east of the ADA access ramp, allowing quick access down to the beach level. The stairs have a 5-foot-wide clearance with 1.5-inch brushed stainless steel tube handrails on both sides to help patrons access the beach.

A second staircase runs from the boardwalk level fencing for the dog leash entry area (just beyond the electric dog gate) down to the dog beach. This staircase is described in the off-leash dog beach review.

A third staircase runs due south at the farthest southern end of the boardwalk allowing a clear access path to the properties south of Centennial Park, for those who chose to walk the Lake Michigan shoreline. This staircase was also described in the off-leash dog beach review.

To complement the access routing, an ADA accessible concrete ramp has also been included in the design for the human swimming beach. The ramp is 10 feet wide to allow access for both beach goers and maintenance equipment. Please note, current Centennial Beach improvements do not allow personnel to access the beach with the required equipment to maintain the beach. The proposed design allows for maintenance equipment to access the swimming beach and off-leash dog beach areas. While the site does not allow for large vehicle access such as ambulances or fire trucks, the same access route along the park ramp and boardwalk will allow first responders direct access to the Centennial Beach sites, as needed. The completed stamped drawing set has been included for final review by the Village.

District staff will utilize the northern-most section of the boardwalk for storage and respite between on-water shifts.

The proposed work is designed to be built upon the existing toe of slope, but east of and outside the steep slope zone.

Elevated Pier Structure: The proposed pier structure was designed to serve several purposes on site. The main purpose of the pier is to more substantially delineate the two distinctive swimming beach and dog beach uses, north and south respectively. Furthermore, the pier provides additional shore protection by diffusing wave energy and helps hold sand for both beaches from erosion and littoral drift. Finally, the pier provides an additional recreational use allowing visitors greater interaction with the lake. The pier structure replaces an existing steel sheet pile groin that splits the Centennial Beach site. The pier structure is 192.5 feet in length from the boardwalk to the farthest end of the concrete**.** Surrounding the outer ring of the pier is an additional 33.5 feet of stone, which makes up the bedding stone layer, armor stone, and elevated armor stone ring 3.5 feet above the ordinary high-water mark of 581.5’. The armor stone is set at the same height of the pier and goes out for 6 feet, from there the stone tapers into the lake at a slope of 1.5 to 1. The pier starts 6 feet above grade and tapers down to the east by 2.5 feet, ending at an elevation of 585.00’. The pier structure is lined with armor stone to dissipate wave action, help hold sand and prevent reflective rip currents from the steel surfaces. The pier is erected by driving steel sheet piling into the lake and capping the structure with a 12" concrete cap tied into the steel with welded pins. The southern edge of the pier is lined with modular fence panels, which by design provide a secure boundary for the off-leash dog beach, as previously described. The ornamental handrail (Type A) is designed for a marine setting made from galvanized steel and powder coated black with a rectangular framework of¾ inch horizontal rails to minimize visual obstructions. The fence height is 42 inches high. The eastern end of the pier is ornamented with six (6) 9'9" concrete benches matching the outer pier's radius pinned into the 12-inch concrete cap. The benches are 18 inches tall with a spacing of an 18-inch gap between each bench to allow for drainage. Interior of the benches in the center of the pier's flat surface is a decorative 8-foot bronze compass rose inset with two gray granite border inlays around the inner and outer

perimeters of paving. The linear section of the pier is set with four (4) 18" x 18" x 8' long benches equally spaced with two on each side of the pier.

The design heights and elevation for the pier were driven by community input and what was minimally required to achieve its intended and proper purpose. To address the concerns of possible waves overtopping the pier from time to time during high wave events, the District intends to provide signage when necessary, noting that the pier is closed due to unsafe wave activity. This is the same signage used for the other three lakefront beach sites operated by the District. In the case of severe storms, Type 2 barricades would be installed to close the pier as needed.

Exceptions from Section 17.82.040 Development in Steep Slope Zone & Variations for Section 17.30.050 Front and Corner Yard Setbacks

After reviewing the zoning standards, there are two project elements which fall within the combined zoning for both the Front Yard Setback requirements and the slope impact area. The park staircase and the concrete ADA access ramp are split within these zones. The notes below outline these elements and how they fall within the zoning code.

Bluff Staircase to Park: (from the concrete ADA Access Ramp to the Boardwalk) To provide a more direct route to the proposed boardwalk, included in the Plan is a set of stairs that would allow a person to walk down a staircase from the ADA Access Ramp to the proposed elevated boardwalk. This staircase follows the design details from the existing staircase at Centennial and our Tower Road staircase, which utilizes an elevated platform built on helical piers that suspend over the bluff, allowing an individual to access the beach down an Ipe wood staircase with black powder-coated metal railings. The proposed staircase has two landing areas. The staircase is designed with 42" tall black Type A handrails with a horizontal top rail and .75" square tubing used to complete the horizontal rails on both sides of the access stairs from the intersection with the concrete ADA access ramp down to the boardwalk. The staircase is a traditional wood frame construction, with Ipe wood decking and metal handrails as described. The staircase sits above the bluff and is supported by nine helical piers. The proposed design was completed by structural engineers, who completed a similar design at the Tower Road bluff in 2019-2020. Based on the design, size of the landing areas, and where it falls within the front yard setback and steep slope zone, the staircase design meets the requirements for both sets of regulations.

Concrete ADA Access Ramp: The proposed concrete ADA access ramp falls within both the steep slope zone and the front yard setback. There is a short section (approximately 110 feet) of the lower south section of the ramp that falls within the front yard setback area, while the remaining

section (west of the front yard setback and east of the upper table land) falls within the Steep Slope Zone.

Currently, a mid-bluff sidewalk exists today, which runs parallel to the existing top of the bluff fence line, as shown in the Plan. The current sidewalk does not meet ADA requirements due to its slope. It is only a looped path that reconnects to the upper parkland; no current ADA-accessible route down to the Centennial beach exists. The proposed concrete ADA access ramp has been designed to meet several requirements for the project site. First, it will be used as an accessible walkway to access the proposed beach improvements for the recreation swimming beach and the off-leash dog beach. The current beach access is only for the gated dog beach, which is only accessed by a single stairway installed over the current bluff vegetation. During the high lake levels, there was a two-foot drop down to the sand from the Centennial Beach dog beach stairs, causing closures on the dog beach. In addition, the current stairway is only accessible to those who register with the District and purchase a key fob to access the beach. It is the vision of the Winnetka Waterfront 2030 Master Plan to reopen Centennial Beach to the greater population of the District.

The proposed design includes an accessible pathway to the new boardwalk, pier, swimming beach, and off-leash dog beach. In addition, the current 5-foot sidewalk in the park from the parking lot to the dog gate is being widened to allow greater access for users to all the beach elements. It also serves as an access point for maintenance equipment needed for the beach as previously described.

The new proposed width of the access ramp is 10-foot edge to edge, with integrated handrails on each side of the access ramp. The plans illustrate the handrails as 36inch in high, 1.5-inch round brushed stainless steel with a 9-foot clear width. The District also widened this walkway back to the parking lot as suggested by Village staff upon the initial review of the plans. To lessen the impact in the bluff steep slope zone, the design team utilized a single walkway with a slope of 7.9% or less with 5-foot landings every 30 feet as required by law. Since the bluff at Centennial Park is significantly narrower in width compared to the bluffs on the northern end of Winnetka, logic dictates a single walkway without switchbacks is best suited to achieve our goal. This also helps soften the impact on the bluff and keep clear and open sight lines for access and safety. Additional retaining walls were added to meet the required structural requirements to build the access ramp. The District's structural engineering team designed the retaining walls, with design input from contracted civil engineers and landscape architects. The north retaining wall runs on the east side of the access ramp (on the downslope side) for 105 feet until it intercepts with the access stair opening. The retaining wall height varies from .75 feet to 3.74 feet at its tallest section. There is a gap of 6 feet where it then starts again for an additional 12.5 feet with a height starting at 2 feet and tapering down to 1 foot.

At that point, the bluff topography switches due to the elevation, and the retaining wall transitions to the western edge of the access ramp. The proposed western retaining wall runs for approximately 175 feet in total length. It begins with a wall height of 1.5 feet. At the farthest south section of the western retaining wall, the final wall height is 4.07 feet. The wall height varies from 1.5 feet at its shortest and 7.97 feet at the tallest section. There is roughly 30 feet in which the retaining wall height is over 6.5 feet and maxes out at 7.97 feet. The remaining 145 feet vary between 1.5 feet and 6.4 feet. The face of the retaining wall in this section faces downslope so it is invisible from the table land at the top of the bluff.

The retaining wall is built into the bluff with a spread-type footing and is required to support the proposed ADA access ramp. Consideration was taken to help soften the retaining wall, as shown in the plans with a wave patterned concrete form liner. The wave reliefs on the liner are up to 0.75 inches deep (maximum depth), creating a flowing pattern on both the east and west sections of the retaining wall. Individuals can look to the east with uninterrupted lake views from the park and access ramp. When looking back from the shoreline, individuals can see the gentle waves of the form liners and bluff restoration to help break up the view.

Based on the design and engineering, the District is proposing a 10-foot-wide accessible ramp to allow access for beach users, life safety, and maintenance equipment to access the beach. To accomplish this, we are proposing to install retaining walls within this zone. The District is requesting an exception for this improvement within the slope impact area.

Please note, the Centennial Park bluff in question has been reconstructed over the years, including the erosion and rebuilding of the bluffs in the mid-'80s and previous developments that have taken place on-site prior to newly approved Village ordinances.

Variations for Section 17.82.040 Development in Steep Slope Zone

The elements listed below are the remaining project improvements that fall within the zoning requirements for section 17.82.040 Development in Steep Slope Zone.

Outcropping Stone Steps: Outcropping stone steps are being included as an active way to allow individuals to utilize the bluff more naturally. The outcropping stones are being proposed to be placed at the midlevel bluff passive seating area to allow an individual to walk up the limestone outcropping steps to access the upper park tableland. The rise and run of these steps are designed to be an active recreational step feature for users and not the sole source of access for the site. These steps are proposed to have a tread height of 13.5 inches with a total width of 72 inches. They are designed to be installed on a geotextile fabric supported by CA-6 stone bedding and dry stacked with mortar as needed for stability and proper drainage.

Due to their 6-foot width, which is 1 foot greater than the allowable 5-foot limit, the district is requesting exception for this project element.

Improved Mid-bluff Paver Walkway and Seating Area: The Plan has two seating node areas. As described below, one is within the steep slope, and the second is on the upper park tableland, outside the slope transition area. The seating node on the steep slope of the bluff is an existing park feature and has been since its development years ago. The proposed seating area is a reconfiguration of the existing pavers in the mid-bluff level to allow access to the seating area from the new ADA ramp at this location. The current pavers will be stockpiled and reused to set a walkway to the entrance location off the concrete ADA access ramp. Less than 150 square feet of pavers are being relocated to access this area. In addition to reworking the pavers, the current park bench will be replaced with the proposed natural stone benches. Due to the reconfiguration of the paver walkway, the District is requesting exception for this improvement which is located within steep slope of the bluff.

Standards for Granting a Special Use Permit

As a preliminary statement, a refusal to grant a Special Use Permit for the District to provide park and recreational uses on Centennial Park and Beach will frustrate the essential purpose and statutory function of the District. Moreover, the District is not proposing to change the essential character of the subject property, which will continue to provide community access to active and passive recreational activities along the lakeshore. The District has taken great care to plan this project and has accepted and considered the public comments it received for over two years. Based on the feedback received, a failure to issue a Special Use Permit will frustrate the community's interest and deny our shared residents a lakeshore amenity for which they have expressed a desire to see completed.

1. **That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;**

   The proposed improvements will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the community. Rather, the proposed improvements are compatible with the community and will enhance the general welfare by improving the applicants' facilities and the quality of the applicants' programming in service of the community.

The Applicant does not intend to expand the scope of its programming in connection with the Project from activities that have previously been provided at the park and beach. The Applicant only needs to apply for a Special Use Permit because of amendments to the Zoning Ordinance which were approved after the establishment of Centennial Park and Beach as a public amenity.

The proposed improvements are designed to complement and enhance the existing park and beach environment. Features such as the off-leash dog beach, swimming beach, elevated boardwalk, and pier, as well as concrete ADA access ramp are strategically located to minimize impact on neighboring properties while enhancing the park's role as a community asset.

The proposed improvements also result in the implementation of the Winnetka 2030 Waterfront Master Plan. The Lakefront Master Plan has been adopted and endorsed by the Village of Winnetka Comprehensive Plan, which provides further evidence the proposed improvements are compatible with and will enhance the public health, safety, comfort, morals, or general welfare.

2. **That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the districts or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;**

For the same reasons, the Proposed Improvements will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values in the immediate vicinity. First and foremost, the beach has existed in this location for decades and the public's use of the park and beach has had no negative impact on the enjoyment of any private property or property values in the immediate vicinity. As direct evidence of this, our neighbor to the south at 205 Sheridan Road is investing millions of dollars in a new home – an investment that would not occur if the park and beach was injurious to the use and enjoyment of that property.

As described above: (i) the Proposed Improvements and the Programming are compatible with the mix of uses in the vicinity of the Property; (ii) the height, bulk, and density of the Centennial Beach and Park improvements are compatible with the height, bulk, and density of shoreline improvements on Lake Michigan and are designed to fit within the R-2 District; and (iii) the Proposed Improvements will not increase vehicular traffic or parking demand in a manner that would be injurious to the use or reduce the property values of neighboring properties.

3. **That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for the uses permitted by right in the districts or districts of concern;**

   The Proposed Improvements will not impede the normal and orderly development or improvement of other properties in the immediate vicinity. The Proposed Improvements do not change the essential nature of the property as a public park that provides community access to Lake Michigan. As a result, the proposed improvements will not change the park and beach's impact on development. Moreover, the surrounding area is already developed. If development sites become available, the Proposed Improvements will not discourage additional development in the area because the Proposed Improvements will not change the essential character of the property nor negatively impact surrounding properties or the general welfare of the community (as discussed above). As direct evidence of this, our neighbor to the south at 205 Sheridan Road is investing millions of dollars in a new home – an investment that would not occur if the Project impeded the normal and orderly development in the immediate vicinity.

4. **That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;**

   Existing traffic and parking infrastructure is sufficient to minimize pedestrian and vehicular traffic congestion in the public ways. As discussed above, the Applicant does not expect the Proposed Improvements to create new parking demand or materially increase traffic. The existing and proposed parking supply provides adequate capacity to accommodate vehicular traffic generated by the Applicant's programming without causing unreasonable congestion in the right-of-way. The beach site is a walking destination for most of the community, and with the supplemental parking at Elder Lane Park, there is enough parking to help with any potential overflow.

5. **That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exits or are to be provided; and**

   Existing parking, utilities, access roads, drainage, and other facilities necessary for the Proposed Improvements are adequate. The Property is served by all existing utilities and drainage necessary to operate the Proposed Improvements. The Proposed Improvements do not require additional utilities or facilities to support the project.

6. **That the special use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.**

   Except for the Variations and Exceptions (described on the Chart Titled "Proposed Project Elements), the Proposed Improvements will conform to all applicable regulations of the

Zoning Ordinance and other Village ordinances and codes. Moreover, Section 17.56.020 of the Winnetka Zoning Ordinance establishes nonessential public uses as special uses in all districts within the Village.

Standards for Granting a Variation:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district

Because the Property is owned by the District, a public entity, the conventional interpretation of this criteria is not germane to this application. The District does not operate property with an aim to obtaining a reasonable return, but for the purpose of providing park and recreational amenities for the use and enjoyment of the community. The proposed improvements will clearly enhance the public's use and enjoyment of Centennial Park and Beach and benefit the public's health and welfare.

2. The plight of the owner is due to unique circumstances;

The Front Yard setback regulations are designed for a residential zoning district. Because the property is not used for residential purposes, the variances needed for the Project result from unique circumstances that are not generally applicable within the R-2 zoning district. The improvements located in the front yard setback area for which variances are required have been designed in response to community interest to minimize their height and maximize the visual aesthetics of the lakefront environment so the degree of incompatibility with the front yard setback regulations has been minimized.

3. The variation, if granted, will not alter the essential character of the locality;

The current use of the property is a park and beach. With the variations, the proposed improvements will permit the property to continue to be used as a park and beach, but with enhanced access to the lakefront for patrons of all abilities. The variations will most definitely not alter the essential character of the property and the locality.

4. An adequate supply of light and air to adjacent property will not be impaired;

The Project will result in no impairment to the supply of the light and air to adjacent property because all the proposed improvements within the front yard setback area for which variances

are required are built to maximize views of Lake Michigan and minimize their height. The improvements do not cause any shadows or encroachments on adjoining parcels.

5. The hazard from fire and other damages to the property will not be increased;

The design, nature and building materials used for the proposed improvements in the front yard setback area for which variances are required will not increase any hazard from fire or other damages to the property.

6. The taxable value of land and buildings throughout the Village will not diminish;

The proposed improvements in the front yard setback area for which variances are required will not diminish the taxable value of land and buildings in the Village. Just the opposite, the creation of an enhanced beach is an additional community amenity that will make Winnetka a more attractive place to live and enhance property values.

7. The congestion in the public street will not increase;

The proposed improvements in the front yard setback area for which variances are required will not result in an increase in congestion in the public streets nearby. The District has adequate off-street parking to accommodate patrons at the park and beach.

8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

The proposed improvements in the front yard setback area for which variations are required will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the community. Rather, the proposed improvements are compatible with the community and will enhance the general welfare by improving the District's facilities and the quality of the applicants' programming in service of the community.

Conclusion:

The Centennial Park and Beach project is designed to significantly enhance community recreational opportunities while ensuring environmental stewardship and public safety. By meeting the six standards for a Special Use Permit, addressing review comments, and providing detailed operational plans, the project is positioned to serve as a valuable community asset for generations to come. The District looks forward to presenting this project to required boards and

commissions in the near future to continue the process of making these much-needed beach improvements a reality for the community.

Winnetka Park District
Centennial Park and Beach Project
Proposed Project Elements

Code Section	Project Element	Requirement	Existing Condition	Proposed Improvement	Variance/Exception Required (yes/no)	Rational
Front and Corner Yard Setback Section 17.30.050 subsection	Steel Sheet Pile Replacement (Failing Wall)		The existing steel sheet pile bulkhead is at an elevation varying from 586.0' to 591.0'	New proposed steel piling is designed at an elevation of 592.0'	Yes, we are requesting a maximum variance of 1.5' for this primary shore protection	Primary shore protection, structural replacement to the existing sheeting and allow for proper backfilling and planting of the bluff slope.
	Boardwalk with Type A Handrail (Fencing) (elev. 587.5' - 589.0')		The existing sand contours vary from section to section ranging from 583' to 585.	Northern section of the boardwalk approx.. 120' have a height differential of greater than 6.5' ranging from 6.51' - 8.5'. This elevation includes a Type A style handrail that can be viewed on Sheet C155 (Drawing 1). Once the Beach is nourished, the height differential will be roughly the same.	Yes, we are requesting a maximum variance of 2' for this section of the boardwalk.	Suplemntal Shore Protection and structural support for the beach boardwalk, Type A handrails, accessible beach route and support access for life safety and maintenance equipment for the beach.
	Boardwalk with Type A Handrail (Fencing) (elev. 587.5' - 589.0')		The existing sand contours vary from section to section. ranging from 581.5' to 585.	The center section of the boardwalk approx. 50' has two smaller sections (20' and 16') where it flares out to the proposed pier area, ranging in overall heigh of 9.32' and 10.5' (which includes the 42" Type A Handrail (Fence). Once the Beach is nourished, the height differential will be 5.32' and 6.5'.	Yes, we are requesting a maximum variance of 4' for this section of the boardwalk.	Suplemntal Shore Protection and structural support for the beach boardwalk, Type A handrails, accessible beach route and support access for life safety and maintenance equipment for the beach.
	Boardwalk with Type A Handrail (Fencing) (elev. 587.5' - 589.0')		The existing sand contours vary from section to section. ranging from 583.5' to 585.	The southern section of the boardwalk approx. 95' from the southernmost end of the boardwalk to the center, ranges from 591.75' - 592.5', creating a difference of 6.51' - 8.0'.	Yes, we are requesting a maximum variance of 1.5' in the section of the boardwalk.	Suplemntal Shore Protection and structural support for the beach boardwalk, Type A handrails, accessible beach route and support access for life safety and maintenance equipment for the beach.
	Elevated Pier Structure	Development on lots abutting Lake Michigan between the ordinary high water mark of lake Michigan (581.5') and the table land as defined by section 17.82.020 will also comply	Existing Contours 581.5' OHWM to 582.0'	The south 6' of the Type A handrail is set at an elevation of 591.0' which is 9.5'. Upon completion of the project, the sand elevation will increase to 585.0' leaving a difference of 6' including the 42" handrail.	Yes, we are requesting a maximum variance of 3' in this six foot area of the pier.	Beach stabilization, structural support for the pier, type A handrails, accessible beach route and support access for life safety.

ADA Beach Access Ramp	with Chapter 17.82, Steep Slope, Regulations and Chapter 15.78 Lakefront Construction. For lots abutting lake Michigan, the required front yard setback is the toe of the bluff or 50 feet from the ordinary high water mark, whichever results in the line farthest from the ordinary high water mark. And Section 17.30.130 Obstructions in Required Yards or Court (10).	Existing Contours 582.5' - 585.0'	The ADA accessible beach access ramp ranges from 580.0' to 587.5', with a maximum height differential of 4.5' to the top of the ramp. Type B Handrails do not count in the overall height Measurment.	No, not greater than 6.5' from existing conditions.	ADA Universal Design.
Beach Access Stair (North) Swimming Beach		Existing Contours 581.5 - 583.0'	Access stair for the north swimming beach is set at elevation of 580.0' and meets the boardwalk at an elevation of 587.5'. The Type B Handrail do not count in the overall height measurement.	No, not greater than 6.5' from existing conditions.	Site Connectivity, swimming beach access.
Beach Access Stair (South)		Existing Contours 585.0' - 586.0'	Access stair for the south beach access is set at an elevation of 589.23' - 579.90'	No, not greater than 6.5' from existing conditions.	Site Connectivity, south beach bypass route.
Dog Beach Fencing		Existing Contours for exiting sheet piling 581.8' - 583.2'	The proposed off leashe dog beach is surronded on the three sides with 5' high fencing. The fencing located on the southern boundery is proposed to be secured to the existing steel sheet pile groin, which till not exceed the 6.5' limit of fencing. The western fencing is designed to be installed on the beach and will be set at a height of 5'. Neither the southern or western fencing is proposed to surpass the maximum height for fencing within the front yard setback.	No, not greater than 6.5' from existing conditions.	Off leash dog beach site fening to secure the dogs within the boundries of the designated off leash dog beach area.
Dog Beach Access Stair (Off-leash Dog Beach)		Existing Contours 582.5' - 584.0'	Access stair for the Off-leash dog beach is set at an elevation of 587.50' - 579.33.	No, not greater than 6.5' from existing conditions.	Site Connectivity, off-leash dog beach access.
Concrete ADA Access Ramp		Existing Contours 589.0' -596.0'	ADA accessible ramp from upper park table land to the proposed boardwalk. Proposed retaining wall maximum height within the 50' setback is 595.52' with a bottom of wall at 590.52' tapering down to 593.4' with a bottom of wall at 589.0'	No, not greater than 6.5' from existing conditions.	ADA Universal Design and site connectivity.
Staircase to Park		Existing Contours 587.0' - 600.0'	Elevated access stair that is being installed on helical piles, that support a wooden sub structure, type A hand railings (42"), and a 5' wide Ipe decked stair landings and treads.	No, the design width for the staircase is 5' and landings fall within their perspective sizes for each zoning location requirements.	Site Connectivity and secondary access to boardwalk and beach improvements.

Development in Steep Slope Zone Section 17.82.040	Concrete ADA Access Ramp and required retaining walls to support the ramp	Proposed improvements must meet the requirements for Ordinance No. MC-01-2024, Steep Slope Area Along Lake Michigan and required Zoning Requirements as noted in Section 17.82.040.	The current bluff existing elevation ranges from 611.0' down to 594.0' within the Slope Impact Area.	The proposed 10' walkway starts at the upper park table land and contours down to the bluff to the 50' front yard setback as noted in Chapter 17.30.050 Front and Corner Yard Setbacks. We are proposing a 10' wide accessible ramp for to allow access for beach users, life safety, and maintenance equipment to access the beach. To accomplish this, we are proposing to install retaining walls on both the upslope side and down slope side of the access ramp to support the bluff and grade.	The Park District is looking for exception of this improvement from the Slope Impact Area, to allow for the accessible connection to the Centennial Beach Level amenities.	ADA Universal Design and site connectivity.
	Outcropping Stone Steps		The existing conditions for the proposed outcropping stone staircase is set between 601.0' and 611.0'	The proposed outcropping stone steps are proposed to be 72" wide per the specifications.	The proposed stair width is 1' greater than the allowable limit. We are requesting an exception for this improvement to accommodate the additional 1 foot width of the outcropping stone staircase.	Recreational Asset and Site Connectivity
	Improved Mid-Bluff paver walkway and seating area		This location is set at an elevation of 600.0' and 602.0'. Currently there is a brick paver path and bench seating area.	The proposed re-design of this area include the installation of two (2) natural stone benches and the reconfiguration of the brick paver path to connect it to the proposed concrete ADA access ramp. The square-footage between the old configuration and new proposed configuration is about the same.	The proposed paver walkway is being reconfigured and not following the current footprint, which makes it a new improvement. Since the new area is wider than 5' we are requesting a exception.	Recreational Asset and Site Connectivity
	Staircase to Park		Existing Contours 587.0' - 600.0'	Elevated access stair that is being installed on helical piles, that support a wooden sub structure, type A hand railings (42"), and a 5' wide Ipe decked stair landings and treads.	No, the design width for the staircase is 5' and landings fall within their perspective sizes for each zoning location requirements.	Site Connectivity and secondary access to boardwalk and beach improvements.

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. _____

Property Information

Site Address: 225 Sheridan Road, Winnetka, Illinois 60093 (Centennial Park)

Applicant Information

Name: Winnetka Park District
Primary Contact: Costa Kutulas
Address: 540 Hibbard Road
City, State, ZIP: Winnetka, IL 60093
Phone No. 847-501-2052
Email: ckutulas@winpark.org

Owner Information

Name: Winnetka Park District
Primary Contact: Shannon Nazzal
Address: 540 Hibbard Road
City, State, ZIP: Winnetka, IL 60093
Phone No. 847-501-2052
Email: Snazzal@winpark.org

Architect Information

Name: The Lakota Group
Primary Contact: Scott Freres
Address: One East Wacker Dr. Ste. 2700
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Phone No. 312-467-5445
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Attorney Information

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Primary Contact: Adam Simon
Address: 175 E. Hawthorn Parkway, Suite 145
City, State, Zip: Vernon Hills, IL 60061
Phone No. 847-247-7400
Email: asimon@ancelglink.com

Applicant Signature: [redacted] Date: 04/03/2024

Property Owner Signa [redacted] Date: 04/03/2024

Printed Name of Owner: Shannon Nazzal

October 30, 2024

David Schoon
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093

Dear David,

As a follow-up to the Zoning Board of Appeals meeting from October 14, 2024, the Winnetka Park District has reviewed the comments and questions asked in response to the Centennial Park and Beach Special Use Permit Application. After reviewing the meeting questions and comments, staff and consultants have put together a response to those items in the attached memorandum. We are updating our presentation for the upcoming meeting to help the zoning board members review the questions and concerns more clearly. The finished presentation will be shared with Village staff before the meeting as we did for the last ZBA meeting.

We're hopeful that our responses, along with updated visuals, will inform the Zoning Board Members and answer their questions, allowing for a recommendation regarding our project that evening.

If you have any questions about the memorandum, feel free to contact Shannon Nazzal or me.

We look forward to seeing you and your staff at next month's Zoning Board Meeting.

Kind Regards,

Costa Kutulas

Director of Parks and Maintenance

Winnetka Park District
1380 Willow Road
Winnetka, Illinois 60093

WINNETKA PARK DISTRICT
PARKS AND MAINTENANCE DEPARTMENT
MEMORANDUM

TO: David Schoon, Village of Winnetka
FROM: Costa Kutulas, Director of Parks and Maintenance
DATE: October 30, 2024
SUBJECT: Centennial Park + Beach 225 Sheridan Road (Case No. 24-08 SU) ZBA Response

The following comments are the result of the staff's review of comments and questions asked by Zoning Board Members for the Centennial Park and Beach - Zoning Board of Appeals Meeting dated October 14, 2024.

The Park District acknowledges the natural tension that can arise when public spaces are classified as special uses within residential areas. We understand that a public park, intended as a community gathering space for recreation, may at times differ in character from the surrounding single-family homes. The Park District recognizes this and has taken thoughtful steps to design Centennial Park and Beach to minimize the conflicts with the surrounding community while addressing very specific needs for public spaces.

While these differences exist, it's important for the Zoning Board of Appeals (ZBA) to remember that the Village has designated the park and beach as a special use. This does not result in the zoning decision being left to the Village's discretion. Calling the park and beach a special use represents a legislative finding that the Park District's use is *compatible* with the surrounding property. The Illinois Supreme Court has held that a special use permit can be denied only when granting it "would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone."

The appropriate inquiry is whether there are facts and circumstances showing that a particular use proposed at a particular location would have any adverse effects above and beyond those inherently associated with the use wherever it is located in the zoning district.

There are similar existing public uses within residential neighborhoods that demonstrate why the proposed Centennial Park and Beach will not produce unusual or heightened adverse effects. For example, the armor stone proposed for Centennial Park and Beach are consistent with numerous other stone groins which already exist along the Village's shore. Likewise, many other current public beaches along the North Shore also share a productive balance with their surrounding residential neighborhoods, including Lake Bluff, Highland Park, Lake Forest, Glencoe, Wilmette and Kenilworth.

For these reasons, the Park District respectfully requests the board vote on November 11 and passes a positive recommendation to the Village Council.

Response to review comment received from the October 14, Zoning Board of Appeals Meeting. The Park District has attempted to organize the questions and our responses by the reference to the standards for granting special use permits set forth in Section 17.56.120:

1. **That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;**

The proposed improvements will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the community. Rather, the proposed improvements are compatible with the community and will enhance the general welfare by improving the applicants' facilities and the quality of the applicants' programming in service of the community.

The Applicant does not intend to expand the scope of its programming in connection with the Project from activities that have previously been provided at the park and beach. The Applicant only needs to apply for a Special Use Permit because of amendments to the Zoning Ordinance which were approved after the establishment of Centennial Park and Beach as a public amenity.

The proposed improvements are designed to complement and enhance the existing park and beach environment. Features such as the off-leash dog beach, swimming beach, elevated boardwalk, and pier, as well as concrete ADA access ramp are strategically located to minimize impact on neighboring properties while enhancing the park's role as a community asset.

The proposed improvements also result in the implementation of the Winnetka 2030 Waterfront Master Plan. The Lakefront Master Plan has been noted in the Village's Winnetka Comprehensive Plan. The Village's Comprehensive Master Plan further notes that the fluctuating record-high lake levels are and other environmental factors are contributing to erosion and significant destruction of the Winnetka Shoreline and Bluffs. This further supports the need to address these types of concerns along Winnetka's Beaches to enhance the public health, safety, comfort, morals, or general welfare.

Question: What kind of maintenance equipment will be used on the ADA walkway?

Response: The park district is proposing using a tracked skid steer and rubber tired tractor to be able to maintain both the off-lease dog beach and human swimming beach. It is also important to note that this walkway serves as emergency vehicle (cart with gurney) access to the beach. Allowing two way traffic (pedestrian / vehicle) on this walkway is equally important as a safety feature for pedestrians in the case of an emergency response needing immediate, unimpeded access to the beach which reduces response times and increasing the chances of successful emergency outcomes.

Question: The variety of participants and how everything converges at the center of the boardwalk (the choke point), how does this work together? Concerns of the choke point in this design?

Response: The Park District disagrees with the premise for this question that the area of confluence is unsafe and for the reasons described below asserts it is safe. The space offers much more width than a typical sidewalk or a crowded market setting, accommodating clearances that facilitate freedom of movement and safety. From the bluff steps, users arrive at a generous 19'x40' (760 SF) landing area with direct access to the dog beach entrance, swimming beach stairs/ramp, and the expansive pier/boardwalk, with options to move forward, left, or right. The Park District plans to station a beach attendant near the swim beach steps, ensuring

direct visibility of all beachgoers at this central threshold. Dog traffic entering from the south pedestrian ramp will turn right through the gate before crossing the central threshold.

The number of examples demonstrating the amicable co-existence of pedestrians and dogs throughout the Winnetka community is innumerable and can be seen daily. Dogs are allowed at the Farmers Market, yet it does not result in a risk to public safety. Pedestrians and dogs share the sidewalks throughout the Village when owners take their pets for walks or enjoy time at one of Winnetka's pet friendly establishments including restaurants. The concern expressed for negative impacts caused by the confluence at the center of the boardwalk lacks any foundation in support of the premise that there will be any negative impacts.

Question: What did the WPD do in regards to make the pier safe for the community?

Response: To the extent this question presumes the pier is unsafe, the Park District disagrees and finds no evidence was introduced to support the claim the pier is unsafe. The proposed pier structure at Centennial Beach was designed to meet the requirements for the Lakefront Construction ordinances. The pier design includes a pier width of 15 feet, allowing for safe multi-direction passage along the structure. The pier was also lined with armor stone to reduce the reflective wave energy, resulting in a reduction of rip currents. The stone's width and elevation also act as a deterrent to reduce the risk of diving from the pier. The pier structure has a fence that runs the length of the southern edge of the pier to act as a handrail as well. The easternmost end of the pier has several integrated concrete benches, providing a physical barrier from the water's edge, which further reduce safety concerns. The pier elevations are set at an elevation similar to those already existing in the community at Elder Lane, Maple, Lloyd, and Tower beaches to minimize the impact on the views further evidence that the proposed improvements will not create unique and different impacts. The pier with armor stone surround will help collect sand and break the wave energy, helping to reduce erosion.

Question: Was any work or studies done to review and address the concerns of rip currents with the pier?

Response: The pier was designed by professional engineers with decades of experience working along the Lake Michigan shoreline and on the North Shore. There are studies than indicate that steel groins promote rip currents. To reduce these risks, armor stone revetments are placed adjacent to or on the steel groins to break up that reactive energy and significantly reduces the risk of rip currents. If the steel groins were removed entirely, Centennial Beach would be at significantly higher risk of erosion, lake bed down cutting, and the possibility of losing the beach entirely in the future.

The current design promoting safety, creating proper separation of the beaches, and sustaining the beach for future generations while also being responsive to aesthetic concerns to minimize the impact on the status quo.

Question: Are you safer with a pier with armor stone as you would be with no pier?

Response: To the extent this question presumes the pier is unsafe, the Park District disagrees and finds no evidence was introduced to support the claim the pier is unsafe. The proposed pier structure was designed with user safety in mind, but safety also relies on individuals following established guidelines including those outlined in Winnetka Park District Ordinance 504 (Conduct Ordinance) to include park hours of operation and adhering to designated use areas. To maintain a safe environment, users need to adhere to these rules, as any structure can become unsafe if not used as intended.

The existing Centennial Park and Beach shoreline has two steel groin structures surrounding the public beach to the south and middle. The reflective wave energy off of these structures creates the possibility of rip currents. Removing or lining these types of structures with stone helps reduce these concerns and improves safety. The proposed pier is lined with armor stone, which minimizes this risk, helps with sand retention, and reduces erosion as well as lakebed down cutting.

2. **That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;**

For the same reasons, the Proposed Improvements will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values in the immediate vicinity. First and foremost, the beach has existed in this location for decades and the public's use of the park and beach has had no negative impact on the enjoyment of any private property or property values in the immediate vicinity. As direct evidence of this, our neighbor to the south at 205 Sheridan Road is investing millions of dollars in a new home – an investment that would not occur if the park and beach was injurious to the use and enjoyment of that property.

As described above: (i) the Proposed Improvements and the Programming are compatible with the mix of uses in the vicinity of the Property; (ii) the height, bulk, and density of the Centennial Beach and Park improvements are compatible with the height, bulk, and density of shoreline improvements on Lake Michigan and are designed to fit within the R-2 District; and (iii) the Proposed Improvements will not increase vehicular traffic or parking demand in a manner that would be injurious to the use or reduce the property values of neighboring properties.

3. **That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;**

The Proposed Improvements will not impede the normal and orderly development or improvement of other properties in the immediate vicinity. The Proposed Improvements do not change the essential nature of the property as a public park that provides community access to Lake Michigan. As a result, the proposed improvements will not change the park and beach's impact on development. There has been no evidence introduced which demonstrates the current park and beach has any negative impact on development in the immediate vicinity. Moreover, the surrounding area is already developed. If development sites become available, the Proposed Improvements will not discourage additional development in the area because the Proposed Improvements will not change the essential character of the property nor negatively impact surrounding properties (e.g. the Proposed Improvements will not cast shadows or light onto neighbors) or the general welfare of the community (as discussed above). As direct evidence of this, our neighbor to the south at 205 Sheridan Road is investing millions of dollars in a new home – an investment that would not occur if the Project impeded the normal and orderly development in the immediate vicinity.

Question: Longer-term plan to join these two plans together, what is the combined plan?

Response: The Park District has submitted separate Special Use Permit Applications for Centennial and Elder Lane Parks, as these sites are currently independent. While there is a plan outlined in the Winnetka Waterfront 2030 Plan adopted by the Winnetka Park District in 2016, the Park District is currently planning the parcels

separately and have provided details in each separate application as to the elements that best fit both locations. Hence, the two sites need to operate independently while remaining compatible for future consolidation. The Park District has considered elements such as the boardwalk, beach locations, access, flow, and circulation. If it is determined in the future that combining locations is a feasible option, the Park District would finalize the plans and submit a Special Use Permit Application to the Village to proceed with that scope of work.

4. **That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;**
5. **That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided;**
   Questions below are in response to both Standards 4 &5.

Existing traffic and parking infrastructure is sufficient to minimize pedestrian and vehicular traffic congestion in the public ways. As discussed above, the Applicant does not expect the Proposed Improvements to create new parking demand or materially increase traffic. The existing and proposed parking supply provides adequate capacity to accommodate vehicular traffic generated by the Applicant's programming without causing unreasonable congestion in the right-of-way. The dog beach will be reduced in scale, resulting in less capacity and fewer patrons than the current dog beach that comprises the entirety of Centennial Beach. The beach site is a walking destination for most of the community, and with the supplemental parking at Elder Lane Park, there is enough parking to help with any potential overflow. As noted in the Village Comprehensive Plan, 90% of the parks in Winnetka are within a 10 minute walk for the residents.

Existing parking, utilities, access roads, drainage, and other facilities necessary for the Proposed Improvements are adequate. The Property is served by all existing utilities and drainage necessary to operate the Proposed Improvements. The Proposed Improvements do not require additional utilities or facilities to support the project.

Question: Why are the outcropping natural stone steps set at 6' vs 5'?

Response: The 6-foot-wide outcropping steps enhance user flow and accessibility, allowing multiple people to navigate the bluff slope comfortably without impeding pedestrian traffic flow. This broader width also strengthens the design's impact, offering a striking, natural focal point and ample space for users to pause and enjoy the landscape. The width also allows them to be utilized as a sitting area, while allowing people to traverse the steps.

Question: Are elements shown in the mid bluff, items J (paver walkway) and K (outcropping stones) ADA accessible?

Response: The reconfigured paver walkway is accessible by the proposed ADA Access Ramp near the mid bluff. The Outcropping natural stone steps are ADA accessible at the top and bottom of the mid bluff, but the steps themselves are not designed to be an accessible route. They are installed as a second point of access to the mid bluff.

Question: With the proposed improvements, I would anticipate an increase in park usage resulting in greater vehicular traffic and parking demand. Why doesn't the plan provide for an increase in parking?

Response: The Park District is not anticipating a drastic change in the parking needs at Centennial Park and Beach. With previous lakefront projects at Tower, Lloyd, and Maple beaches, the parking needs for these sites were managed within the existing footprints, and it has been found that there was no need to decrease green space and replace it with paved parking areas. Because the beaches are geographically distributed between the north and south ends of town, the community does a wonderful job of utilizing alternative methods of travel, i.e. bicycles, scooters, walking; minimizing the need for additional parking and its carbon footprint.

The Elder Lane parking lot is a great overflow parking lot due to its proximity to Centennial Park. Because beach season is generally the school off-season, the shared use of the parking lot with New Trier High School allows for great collaboration with a community partner without burdening Centennial's neighbors with a larger parking lot, which could sit empty during the off-season. If additional parking is needed, the Park District can rebalance the allocation of spaces to students to ensure adequate spaces are available for community use.

Question: Where are the bathrooms?

Response: No bathrooms are included in the current design. Instead, the goal is to utilize the bathrooms at the Elder Lane Beach House to support beach operations as both a short- and long-term solution. The Park District's future vision is to connect Elder Lane Park and Centennial Park, enabling shared use of the existing infrastructure and providing accessible bathroom facilities without constructing a second facility at Centennial Beach. This approach supports smoother circulation flow and preserves the open, scenic space created by the Centennial Project, avoiding the need for a second beach house several hundred feet from the existing Elder Lane Beach House.

Question: How many Dog Passes are currently issued??

Response: As of October 2024, for the season of April 1, 2024 through March 30, 2025, there are 300 active resident dog beach passes, and 61 non-resident dog beach passes for Centennial Park and Beach Dog Beach.

6. **That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.**

Except for the Variations and Exceptions (described on the Chart Titled "Proposed Project Elements), the Proposed Improvements will conform to all applicable regulations of the

Zoning Ordinance and other Village ordinances and codes. Moreover, Section 17.56.020 of the Winnetka Zoning Ordinance establishes nonessential public uses as special uses in all districts within the Village.

Question: How much of the bluff slope will need to be excavated to install the ADA walkway?

Response: The design team carefully balanced slope impact with accessibility and functionality. Our goal was to minimize disturbance to the bluff while maintaining key elevation points—such as the mid-bluff seating area—and providing an ADA-compliant path for life-safety and maintenance vehicles, and a diverse range of users.

To reduce soil removal, we reused the existing park path footprint, elongated the path horizontally along the slope, and designed a comfortable ADA compliant gradient. According to the grading plan, approximately 312 cubic yards (CY) of soil will be cut, with 155 CY filled, totaling 467 CY of soil moved.

Additionally, the installation of retaining walls that support the ADA ramp requires about 340 CY of temporary soil disturbance. This soil will be replaced and stabilized with erosion control matting and native bluff plug plantings to ensure long-term slope resilience. These steps reflect our commitment to maintaining the site's character while achieving a durable, accessible pathway for public use.

Question: Concerns of fencing and wall heights of 10.5'

Response: The height in question is along the eastern edge of the boardwalk, just north and south of its transition to the pier. Based on the Village zoning ordinance, the proposed heights, as defined by the special use standards, must be measured from the existing topography rather than the finished sand elevations. It is also meant to address residential fencing at a current grade, rather than an altered grade, boardwalk and handrails for safety purposes. The 10.5-foot height measurement is taken from existing grade and includes both the boardwalk and the 42-inch fence (Type A Handrail as shown in the original design packet). In practice, the boardwalk itself will sit approximately 3 feet above the proposed sand elevation, with the 42-inch fence (Type A Handrail) bringing the total height to 6.5 feet from sand to handrail top. On the boardwalk, visitors will enjoy unimpeded panoramic views of the lake and shoreline over the 42-inch fence (Type A Handrail).

Question: Consider alternative to the ADA ramp, such as a lift or mechanical access chair to lessen the impact to the bluff?

Response: An ADA lift, while compact, may not be well-suited for a public setting like this bluff for several reasons. Lifts are typically designed for low-volume, individual use, which can lead to wait times during peak usage periods. In contrast, an ADA-compliant ramp, though it requires more space, can accommodate multiple users at once, including those using wheelchairs, walkers/canes, strollers, or scooters – ensuring inclusive access for all visitors. Furthermore, patrons do not need to suspend their use while emergency responders use the ramp – there is sufficient breadth so that visitors can continue their ingress and egress without jeopardizing access by EMTs or the police.

Additionally, a lift requires ongoing maintenance, especially in coastal or outdoor environments, where exposure to the elements, particularly harsh winter conditions, can lead to frequent mechanical issues, posing both safety and reliability concerns. In a public space, an out-of-service lift could limit accessibility, creating frustration among users and diminishing overall accessibility. Therefore, the design team recommends that the ADA ramp will provide a more reliable, inclusive, and sustainable option for accessibility on a steep bluff.

In developing the most inclusive and practical solution, the Park District consulted with individuals with disabilities and organizations like the Northern Suburban Special Recreation Association (NSSRA) to further understand accessibility needs and preferences. Through these conversations, it became clear that a lift is often seen as less inclusive, with some perceiving it as a segregated option rather than a fully integrated pathway. Additionally, lifts are more susceptible to damage and misuse in public outdoor settings, leading to frequent downtime that can disrupt access. By contrast, a ramp provides equitable access to everyone, allowing all visitors—regardless of ability—to move through the space without barriers or delays. For these reasons, the ramp is the preferred choice to create a more inclusive and universally accessible environment for all.

Question: Regarding the steep slope ordinance, would like to understand what is driving the 10' width of the ADA/maintenance ramp? What mitigation efforts has the park district take to minimize the impact on the steep slope?

Response: The initial conceptual design featured a 6-foot wide walkway; however, this was developed before the separation of the two beach designs. As the projects progressed and maintenance and access to each beach were evaluated independently, the request for increased path width for maintenance access led to a shift to a 9-foot wide clear path. Ultimately, during the construction documents phase, the width was further revised to 10 feet to ensure the 9-foot clearance between the required ADA ramp handrails.

There is a notable shift among municipalities and institutions toward 8-foot-wide pathways in public spaces such as parks, schools, and shopping districts. This trend reflects a growing commitment to inclusivity and functionality in design, recognizing the importance of accommodating a broad range of users—pedestrians, families with strollers, and those using mobility devices—comfortably and safely on shared paths.

Wider pathways not only enhance user experience by improving traffic flow and reducing congestion but also provide essential safety benefits. In emergencies, these spacious routes facilitate the movement of essential workers and their equipment, allowing for swift access to the beach or other critical areas. This design consideration is crucial for ensuring that emergency responders can efficiently transport equipment or carts during urgent situations. Furthermore, the increased width supports ease of maintenance and enabling access for service vehicles, which ultimately reduces long-term upkeep costs. By prioritizing safety, accessibility, and community well-being, these pathways contribute to a more resilient and functional public environment. Ability to accommodate both pedestrians and emergency responders at the same time. First responders cannot wait for path to clear to access a patient at the beach. Imagine what happens when an ambulance tries to pass on a one lane road.

To minimize the impact on the steep slope, the Park District has implemented several mitigation measures, including careful alignment of the walkway to follow the natural contours of the land minimize impact to the tableland and bluff. Additionally, native vegetation will be used to help stabilize the slope, minimize erosion, and integrate the walkway aesthetically into the landscape. These efforts balance ADA accessibility with environmental stewardship and slope preservation.

Additional Questions that did not fall within a Zoning Standard:

Question: Wouldn't the safer access for swimmers be the south beach vs. the north beach?

Response: There is no evidence that the north swimming beach is unsafe, so the Park District respectfully expresses that the foundation for this question is untrue and misleading. The primary safety component of the beach design is the clear delineation created by the proposed pier structure, which separates the swimming beach from the off-leash dog beach. This physical barrier minimizes interactions between swimmers and off-leash dogs, reducing the risk of accidents. It allows for more effective monitoring by lifeguards and staff, ensuring compliance with safety regulations. Additionally, this separation offers peace of mind for families with children while allowing dog owners to let their pets play freely in the off-leash area.

Positioning the swimming beach north of the dog beach on Lake Michigan is advantageous because it allows for better monitoring of swimmers and calmer water conditions, as the northern placement is less exposed to prevailing southern winds. The sunny, sheltered area is ideal for families seeking comfortable swimming conditions. Most importantly, the arrangement is designed knowing the proximity to Elder Lane Beach. This

location enables closer access to the existing Elder Lane Beach House for restrooms. Ultimately, this approach improves circulation and provides accessible bathroom facilities without the need for a second facility at Centennial Beach, preserving the open, scenic space created by the current Centennial Project.

Question: Is there anywhere in the plans for a Life Guard Station, bathroom, water fountain for humans, shade structures?

Response: Some of these elements are site furniture comprising part of the park's operations and maintenance, while others are installed seasonally and do not fall under the purview of the Zoning Board of Appeals. Although not indicated on the plans, the Park District intends to station a lifeguard on the beach, with the exact location subject to adjustment as needed. Currently, no bathrooms are included in this plan and is addressed in a previous question. We are open to re-evaluating the locations of the water fountain and may adjust the foot shower to create a combined-use fountain, currently there are two water fountains at the park level, one near each entry location of the park. The current plan assumes that visitors, as many beachgoers typically do, will bring their own shade structures (tents/umbrellas) to the beach.

Question: Beach access, understanding the walkway and access behind the dog beach fencing?

Response: The stone groin at the north property line of 205 Sheridan Road will cause the artificial accretion of sand. As described by Village Staff's presentation, artificially accreted sand/land becomes public property, resulting in the ability to walk across the artificially accreted land. The Centennial Park and Beach plan accommodates this passage of public property behind the proposed off-leash dog beach as indicated on the plan documents.

Question: Reasoning for limiting one's ability to walk the water line?

Response: There currently is no reason to limit a person's ability to walk across the beach to only the waterline because Centennial Beach is a public site, allowing anyone to walk the beach at any level. There is a safety reason for the proposed design of the off-leash dog beach. A pathway was created to allow anyone to be able to walk the beach and, in this case, walk around the off-leash dog beach to safely access the adjacent properties to walk along the Lake Michigan shoreline. Public access to the swimming beach is similar at Tower, Lloyd, Maple, and Elder beaches as well, allowing visitors to walk the public beach to traverse the Lake Michigan shoreline.

Based on state law, the Park District has discretion to allocate the property between different uses and to adopt regulations governing the use of its property.[1]

Question: Understand how you are able to build the fencing on the steel groin beyond the extended property line as it extends into the water, and how the access tapers to the stairs and access to the south.

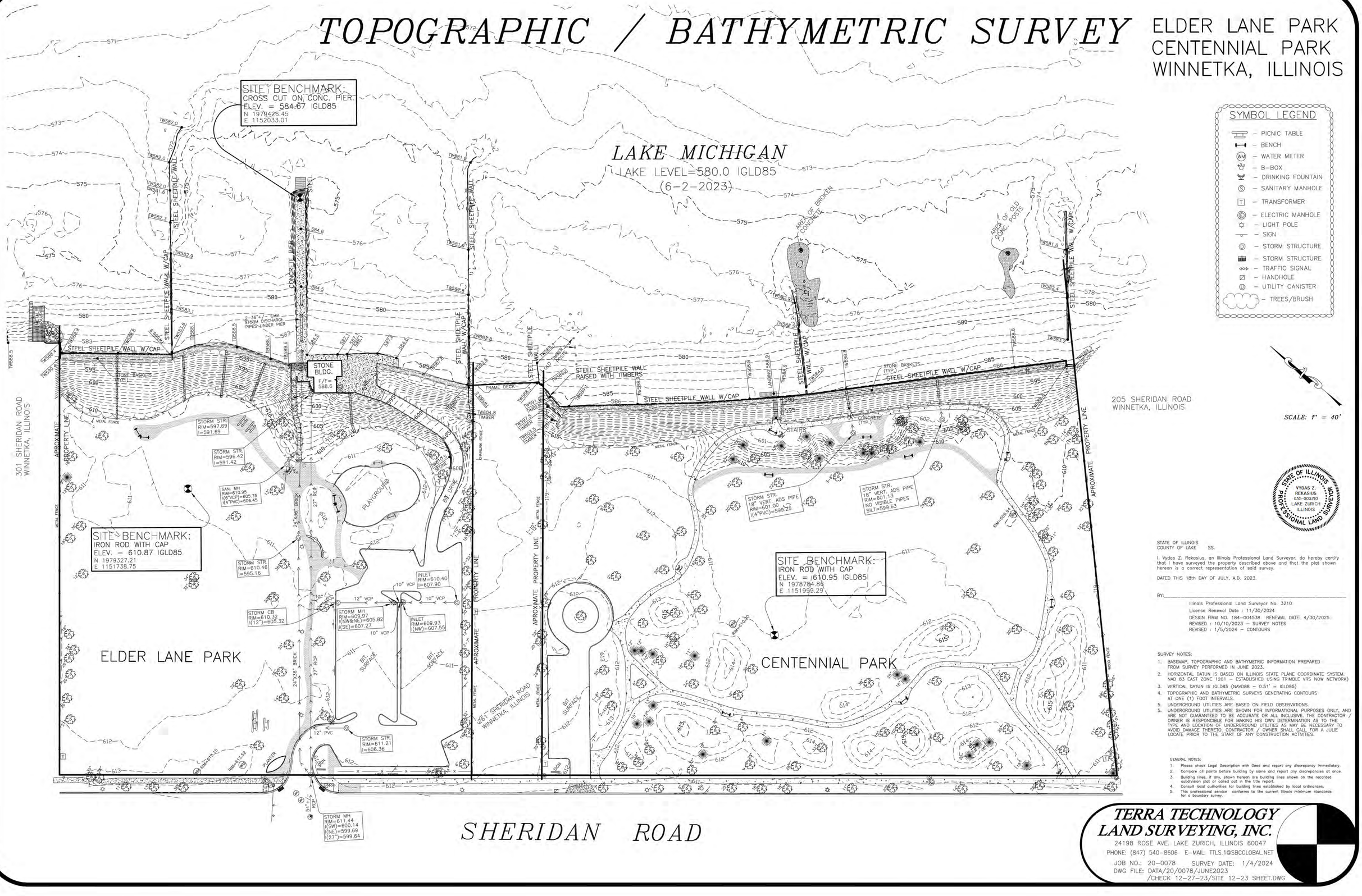
Response: It belongs to the Park District pursuant to Section 11-2 of the Park District Code:

[1] See 70 ILCS 1205/8-1(d): To pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which such districts are formed.

“When any park district borders upon any navigable body of water, the title to the bed or submerged land of which is vested in the State of Illinois, said district may take possession of, enclose, fill in, reclaim and protect any portion of such submerged land bordering thereon, over which there shall be shoal and shallow water not fit for navigation and shall have the power to establish, construct and maintain parks and boulevards over and upon the same, and all right, title and interest of the State of Illinois in and to the bed or submerged land of such body of water so taken possession of, enclosed, filled in and reclaimed is hereby granted and ceded to such park district and the title thereto shall vest in such park district to be held for the use and benefit of the public as a part of said park district for park and boulevard purposes exclusively, and said district shall have power for the purpose of reclaiming such submerged land and protecting the same thereafter, to construct all necessary break-waters, or protection for the building and maintenance of such parks and boulevards, and the enclosing or reclamation of such submerged lands.”

TOPOGRAPHIC / BATHYMETRIC SURVEY

ELDER LANE PARK
CENTENNIAL PARK
WINNETKA, ILLINOIS



SYMBOL LEGEND

- PICNIC TABLE
- BENCH
- WATER METER
- B-BOX
- DRINKING FOUNTAIN
- SANITARY MANHOLE
- TRANSFORMER
- ELECTRIC MANHOLE
- LIGHT POLE
- SIGN
- STORM STRUCTURE
- STORM STRUCTURE
- TRAFFIC SIGNAL
- HANDHOLE
- UTILITY CANISTER
- TREES/BRUSH

SCALE: 1" = 40'

STATE OF ILLINOIS
VYDAS Z. REKASIUS
035-003210
LAKE ZURICH
ILLINOIS
PROFESSIONAL LAND SURVEYOR

STATE OF ILLINOIS
COUNTY OF LAKE SS.

I, Vydas Z. Rekasius, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the property described above and that the plat shown hereon is a correct representation of said survey.

DATED THIS 18th DAY OF JULY, A.D. 2023.

BY:_____

Illinois Professional Land Surveyor No. 3210
License Renewal Date : 11/30/2024
DESIGN FIRM NO. 184-004538 RENEWAL DATE: 4/30/2025
REVISED : 10/10/2023 – SURVEY NOTES
REVISED : 1/5/2024 – CONTOURS

SURVEY NOTES:

1. BASEMAP, TOPOGRAPHIC AND BATHYMETRIC INFORMATION PREPARED FROM SURVEY PERFORMED IN JUNE 2023.
2. HORIZONTAL DATUN IS BASED ON ILLINOIS STATE PLANE COORDINATE SYSTEM. NAD 83 EAST ZONE 1201 – ESTABLISHED USING TRIMBLE VRS NOW NETWORK)
3. VERTICAL DATUN IS IGLD85 (NAVD88 – 0.51' = IGLD85)
4. TOPOGRAPHIC AND BATHYMETRIC SURVEYS GENERATING CONTOURS AT ONE (1) FOOT INTERVALS.
5. UNDERGROUND UTILITIES ARE BASED ON FIELD OBSERVATIONS.
5. UNDERGROUND UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY, AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR / OWNER IS RESPONCIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. CONTRACTOR / OWNER SHALL CALL FOR A JULIE LOCATE PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES.

GENERAL NOTES:

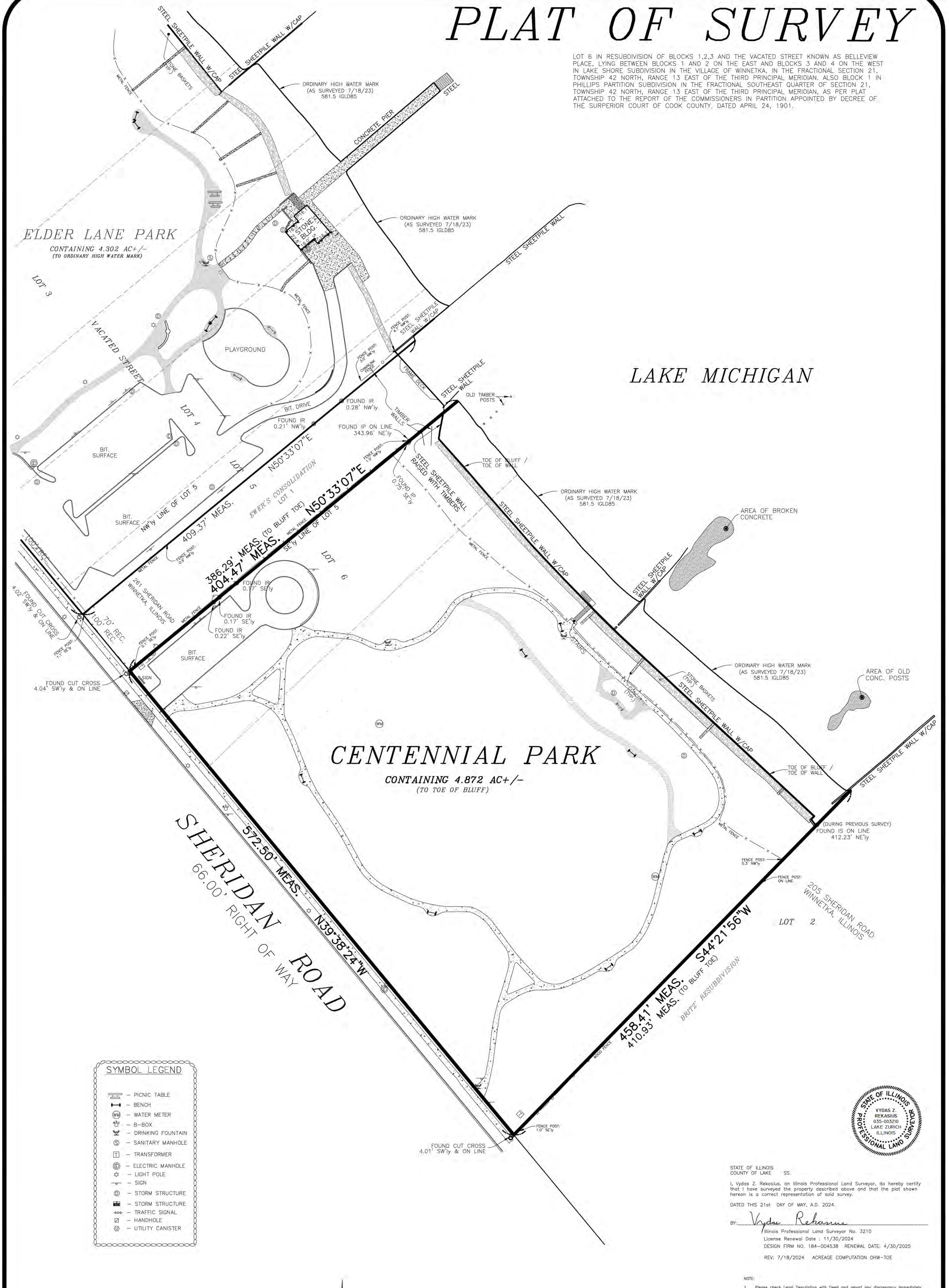
1. Please check Legal Description with Deed and report any discrepancy immediately.
2. Compare all points before building by same and report any discrepancies at once.
3. Building lines, if any, shown hereon are building lines shown on the recorded subdivision plat or called out in the title report.
4. Consult local authorities for building lines established by local ordinances.
5. This professional service conforms to the current Illinois minimum standards for a boundary survey.

TERRA TECHNOLOGY LAND SURVEYING, INC.
24198 ROSE AVE. LAKE ZURICH, ILLINOIS 60047
PHONE: (847) 540-8606 E-MAIL: TTLS.1@SBCGLOBAL.NET

JOB NO.: 20-0078 SURVEY DATE: 1/4/2024
DWG FILE: DATA/20/0078/JUNE2023
/CHECK 12-27-23/SITE 12-23 SHEET.DWG

PLAT OF SURVEY

LOT 6 IN RESUBDIVISION OF BLOCKS 1,2,3 AND THE VACATED STREET KNOWN AS BELLEVIEW PLACE, LYING BETWEEN BLOCKS 1 AND 2 ON THE EAST AND BLOCKS 3 AND 4 ON THE WEST IN LAKE SHORE SUBDIVISION IN THE VILLAGE OF WINNETKA, IN THE FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN. ALSO BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION IN THE FRACTIONAL SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT ATTACHED TO THE REPORT OF THE COMMISSIONERS IN PARTITION APPOINTED BY DECREE OF THE SURPERIOR COURT OF COOK COUNTY, DATED APRIL 24, 1901.



SYMBOL LEGEND

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- BENCH
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- ELECTRIC MANHOLE
- LIGHT POLE
- SIGN
- STORM STRUCTURE
- STORM STRUCTURE
- TRAFFIC SIGNAL
- HANDHOLE
- UTILITY CANISTER

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

SCALE: 1" = 40'

STATE OF ILLINOIS
COUNTY OF LAKE SS.

I, Vydas Z. Rekasius, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the property described above and that the plat shown hereon is a correct representation of said survey.

DATED THIS 21st DAY OF MAY, A.D. 2024.

BY: Vydas Rekasius

Illinois Professional Land Surveyor No. 3210
License Renewal Date : 11/30/2024
DESIGN FIRM NO. 184-004538 RENEWAL DATE: 4/30/2025

REV: 7/18/2024 ACREAGE COMPUTATION OHW-TOE

STATE OF ILLINOIS
VYDAS Z. REKASIUS
035-003210
LAKE ZURICH
ILLINOIS
PROFESSIONAL LAND SURVEYOR

NOTE:

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TERRA TECHNOLOGY
LAND SURVEYING, INC.
24198 ROSE AVE. LAKE ZURICH, ILLINOIS 60047
PHONE: (847) 540-8606 E-MAIL: TTLS.1@SBCGLOBAL.NET

JOB NO. : 20-0078 SURVEY DATE : 7/18/2023
DWG FILE: JUNE2023/BOUNDARY2024/BOUNDARY-CENT.DWG

Centennial Park and Beach Existing Conditions





Centennial Parking Lot (East View)



East of Centennial Parking Lot (East View)



Sidewalk leading from Parking Lot to Upper Park (East View)



Existing Sidewalk From Parking Lot Beach (West View)



Park Sidewalk Split (Upper Park Loop and Beach Loop)



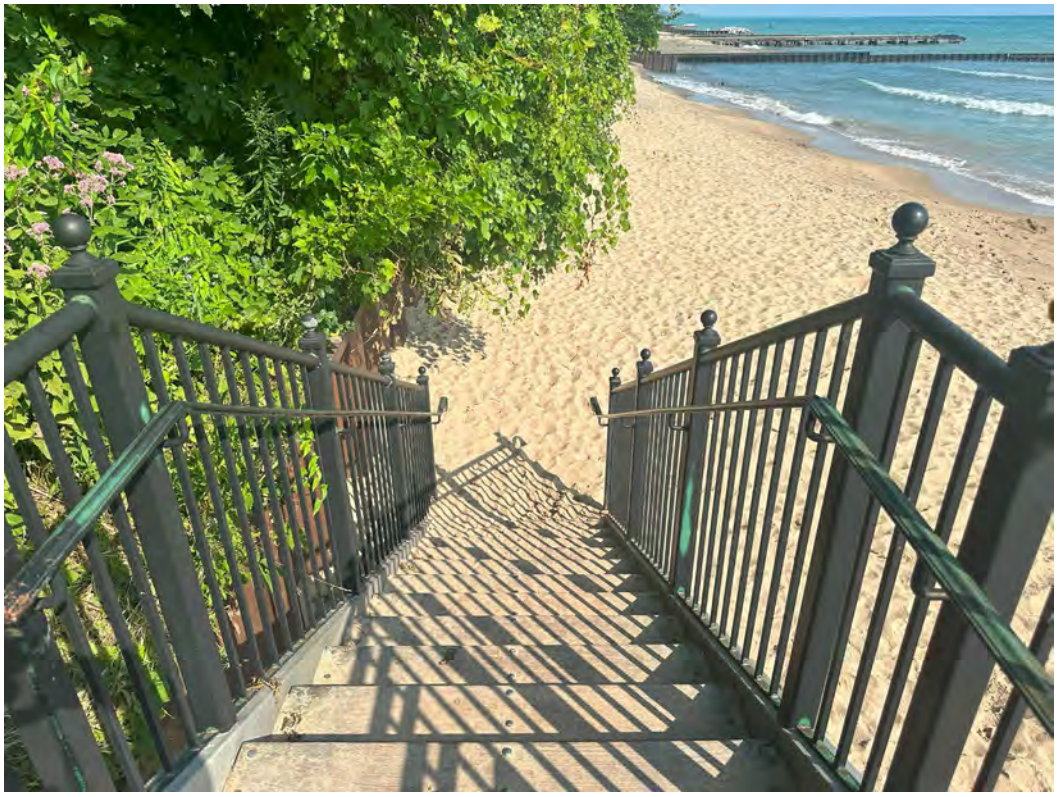
Dog Beach Access Area (Looking North)



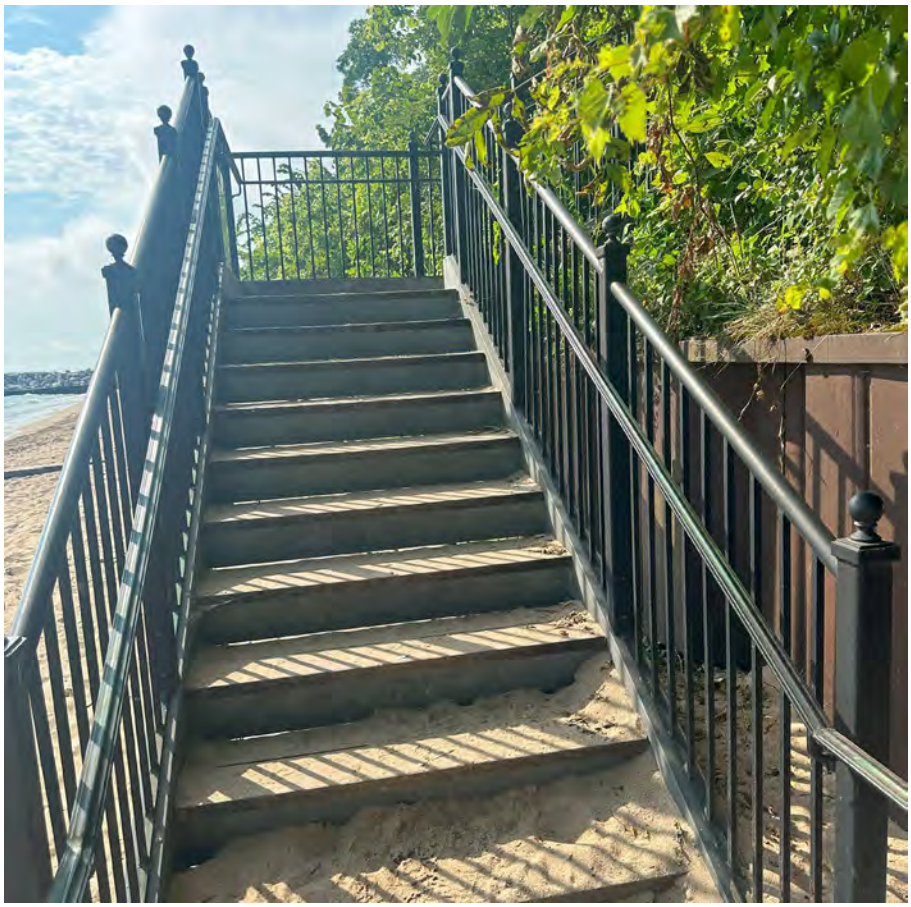
Dog Shower Amenities (Looking Northwest)



Dog Beach Access Gate (Looking East)



Dog Beach Access Stairs (Looking East)



Dog Beach Access Stairs Beach Level (Looking South)



Dog Beach Stairs Beach View (Looking West)



Dog Beach (Looking North)



North Seawall (Looking West)



North Seawall (Looking Northwest)



Dog Beach (Looking South)



Bog Beach (Looking South)



Dog Beach South Property Line (Looking West)



Dog Beach Seawall (Looking West)



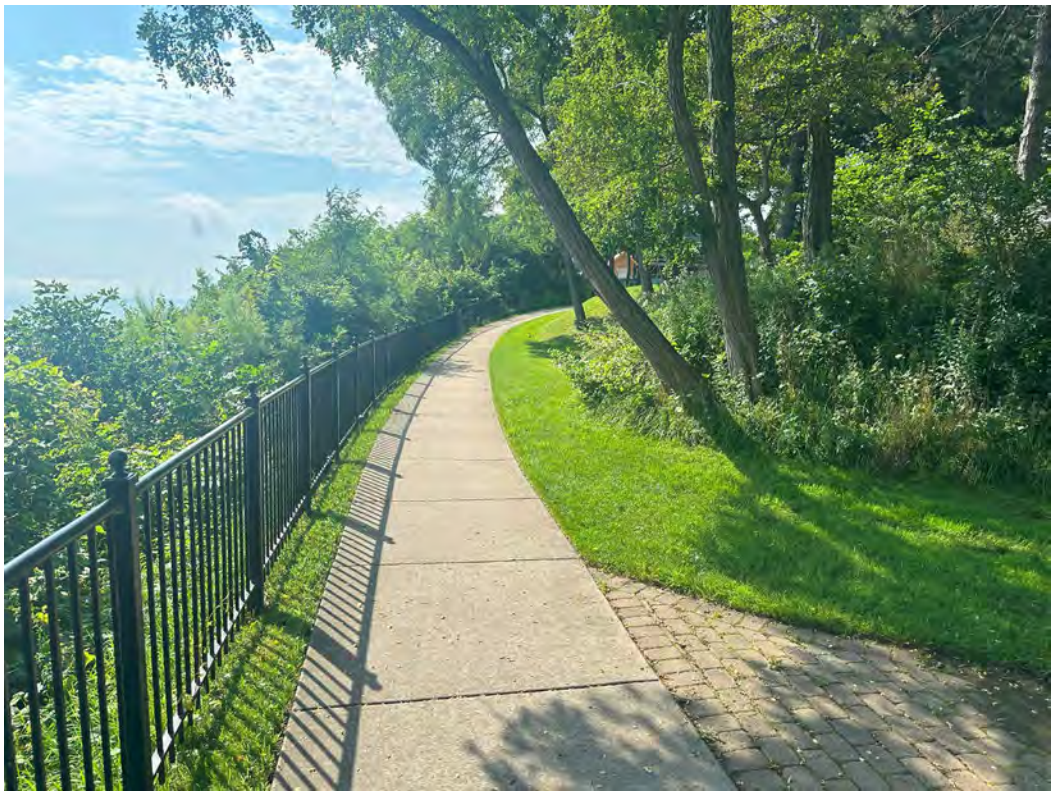
Mid-level Bluff Sidewalk (Looking South)



Mid-level Bluff Paver and Bench Area (Looking Southwest)



Mid-level Bluff Paver and Bench Area (Looking West)



Mid-level Bluff Sidewalk (Looking South)



Mid-level Bluff Sidewalk to Park Area (Looking West)



Upper Bench Southeast Section of Upper Parkland



Upper Park Sidewalk Southwest Corner of the Park (Looking East)



Upper Park Sidewalk South End (Looking East)



Upper Park (Looking South)



Upper Park (Looking East)



Upper Park Sidewalk (Looking North)



Upper Park Center East Side (Looking East)



Upper Park Center Overlooking Dog Entry Gate (Looking East)



Upper Park Sidewalk (Looking North)



Upper Park Area (Looking Southwest)



Upper Park Area (Looking Northeast)



Upper Park Sidewalk (Looking Southwest)



Sheridan Road Sidewalk South side of Park (Looking North)

ILLUSTRATIVE CONCEPT IMAGERY

FOR REFERENCE ONLY. ALL RENDERINGS ARE BASED ON WPD APPROVED SCHEMATIC DESIGN. NOT FOR CONSTRUCTION.



VIEW 1
CENTENNIAL BREAKWATER PIER LOOKING WEST (EYE-LEVEL, APPROX. 65.5" HT.)



VIEW 2
SOUTH CENTENNIAL LOOKING W/NW (BIRDS EYE)



VIEW 3
CENTENNIAL SWIMMING BEACH LOOKING SOUTH (EYE-LEVEL, APPROX. 65.5" HT.)



VIEW 4
CENTENNIAL ACCESS PATH LOOKING E/SE (EYE-LEVEL, APPROX. 65.5" HT.)

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
c. 608.843.1870
redbarnde@tds.net

Consultants

THE LAKOTA GROUP.
116 West Illinois Street
Floor 7
Chicago, Illinois 60654
p 312.467.5445
f 312.467.5484
thelakotagroup.com

Issued for	Rev.	Date
Village of Winnetka Special Use Permit		04/03/2024

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale NONE

Drawing Title
Overall Site Plan

Sheet No.
C102

DRAWING LIST

T101 Title Sheet
C100 Existing Conditions Plan
C101 General Site Development Plan
C102 Site Preparation and Erosion Control Plan
C103 Shoreline Improvement Plan Overview
C104 Shoreline Improvement Layout Plan 1
C105 Shoreline Improvement Layout Plan 2
C106 Shoreline Improvement Layout Plan 3
C107 Shoreline Improvement Layout Plan 4
C108 Shoreline Improvements Sections and Details Section A-A'
C109 Shoreline Improvements Sections and Details Section B-B'
C110 Shoreline Improvements Sections and Details Section C-C'
C111 Shoreline Improvements Sections and Details Section D-D'
C112 Shoreline Improvements Sections and Details Section E-E'
C113 Shoreline Improvements Sections and Details Section F-F'
C114 Shoreline Improvements Sections and Details Section G-G'
C115 Shoreline Improvements Sections and Details Section H-H'
C116 Shoreline Improvements Sections and Details Section I-I'
C117 Shoreline Improvements Sections and Details Section J-J'
C118 Shoreline Improvements Sections and Details Section K-K'
C119 Shoreline Improvements Sections and Details Section L-L'
C120 Shoreline Improvements Corner Details 1
C121 Shoreline Improvements Corner Details 2
C122 Shoreline Improvements Corner Details 3
C123 Shoreline Improvements Corner Details 4
C124 Breakwater Plan Overview
C125 Breakwater Layout Plan 1
C126 Breakwater Layout Plan 2
C127 Breakwater Section and Details Section M-M'
C128 Breakwater Section and Details Section N-N'
C129 Breakwater Corner Details
C130 Breakwater Revetment Layout Plan and Sections
C131 Walkway Layout Plan and Details
C132 Walkway Details
C133 Retaining Wall Overview
C134 East Retaining Wall Plan and Profile View
C135 West Retaining Wall Plan and Profile View 1
C136 West Retaining Wall Plan and Profile View 2
C137 East Retaining Wall Details
C138 West Retaining Wall Details
C139 Sand Fill Layout Plan
C140 Sand Fill Sections
C141 Parking Lot Improvements
C142 Centennial North Bulkhead Corner Improvements
C143 Tree Preservation Plan
C144 Overall Site Plan
C145 Landscape Plan
C146 Planting Details
C147 Handrail and Fencing Plan
C148 Handrail and Fencing Enlargement Plan A
C149 Handrail and Fencing Enlargement Plan B
C150 Handrail and Fencing Enlargement Plan C
C151 Handrail and Fencing Enlargement Plan C and D
C152 Hardscape Details
C153 Hardscape Details
C154 Boardwalk Details
C155 Handrail Details
C156 Handrail Details
C157 Handrail Details
C158 Handrail Details
C159 Handrail Details
C160 Handrail Details
C161 Fencing Details
C162 Fencing Details
C163 Gate Details
C164 Site Furnishings
C165 Site Furnishings
C166 Retaining Wall Details
C167 Retaining Wall Details
C168 Lighting and Electrical Plan
C169 Lighting and Electrical Details
C170 Lighting and Electrical Details
C171 Lighting and Electrical Details
C172 Lighting and Electrical Details
C173 Dog and Foot Wash Plumbing Layout Plan
C174 Stairs - General Notes and Bill of Materials
C175 Stairs – General Plan, Foundation Plan and Framing Plan
C176 Stairs – Structural Details (Sheet 1 of 2)
C177 Stairs – Structural Details (Sheet 1 of 2)
C178 Overall Restoration Plan
C179 Restoration Plan
C180 Restoration Notes
C181 Restoration Notes
C182 Site Closure Plan

Site Improvements
Centennial Park
Winnetka, IL



LOCATION MAP
NTS

North



SOURCE : GOOGLE EARTH

PROJECT SITE
NTS

North

ENGINEER:

RED BARN Design & Engineering, SC
6750 Woodland Drive
Waunakee, Wisconsin 53597
Ph: (608) 849-2042
Attn: Matthew Wright, P.E.

LANDSCAPE ARCHITECT:

The Lakota Group
One East Wacker Drive
Chicago, IL 60601
Ph: (312) 467-5445
Attn: Scott Freres, ASLA

OWNER:

Winnetka Park District

540 Hibbard Road
Winnetka, IL 60093
Ph: (847) 501-2040
Attn: Costa Kutulas

MATTHEW D. WRIGHT REGISTERED NO. 062-046994 STATE OF ILLINOIS 7/19/24	STATE OF ILLINOIS MARIO MOBASSERI 081-005088 LICENSED STRUCTURAL ENGINEER 7/17/24	WILLIAM B. LOFTUS 46926 REGISTERED PROFESSIONAL ENGINEER STATE OF ILLINOIS 7-17-24	LICENSED STRUCTURAL ENGINEER ANDREW C. KNUTSON 081-006499 7/19/24 STATE OF ILLINOIS THIS STAMP COVERS SHEETS: C103-C129 AND C133-C138	KATRINA LORD 062.059619 LICENSED PROFESSIONAL ENGINEER OF ILLINOIS DATE: 7/19/2024
License Expires 11-30-25	License Expires 11-30-24	License Expires 11-30-25	License Expires 11-30-24	License Expires 11-30-25

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
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Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

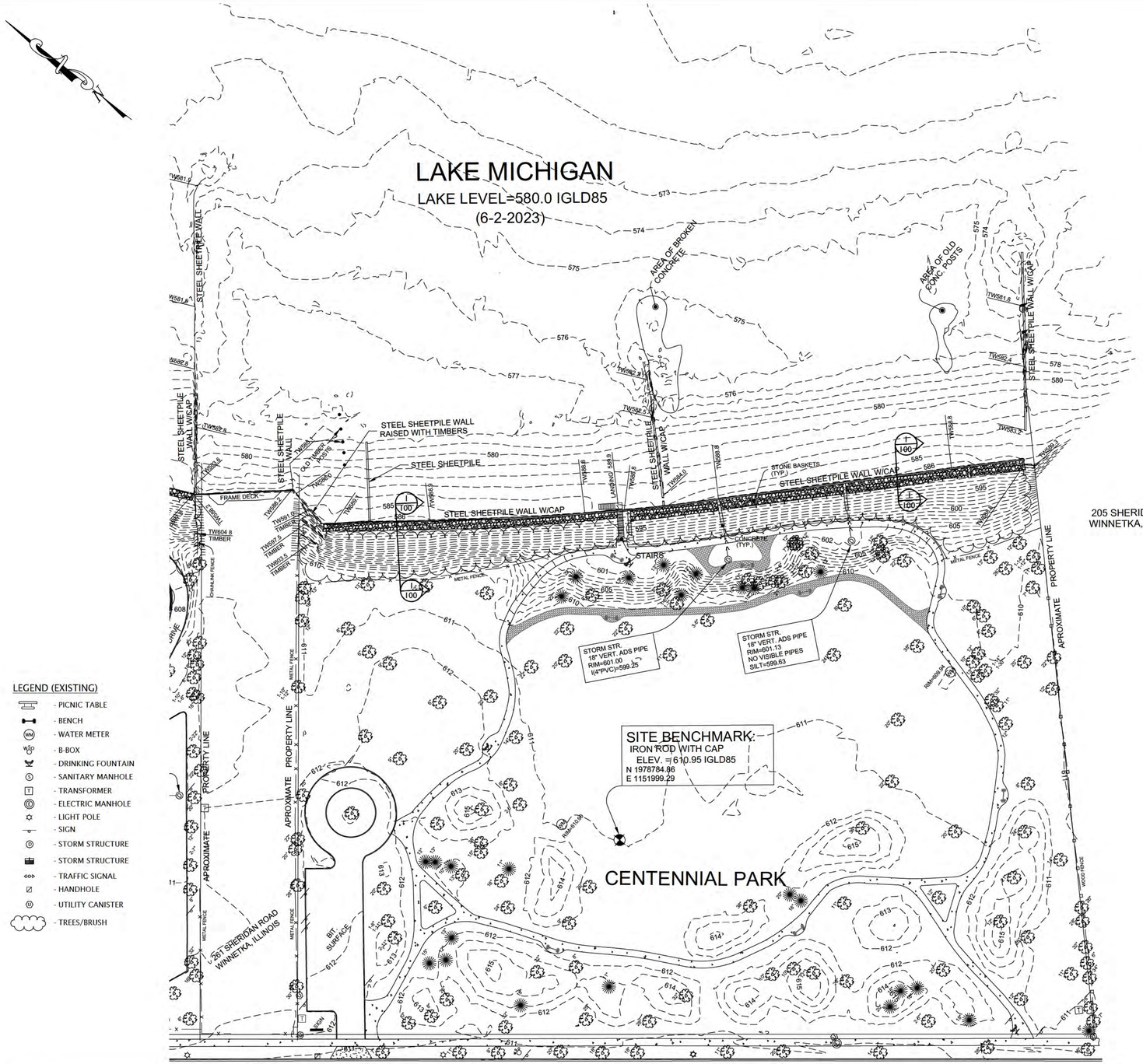
Graphic Scale

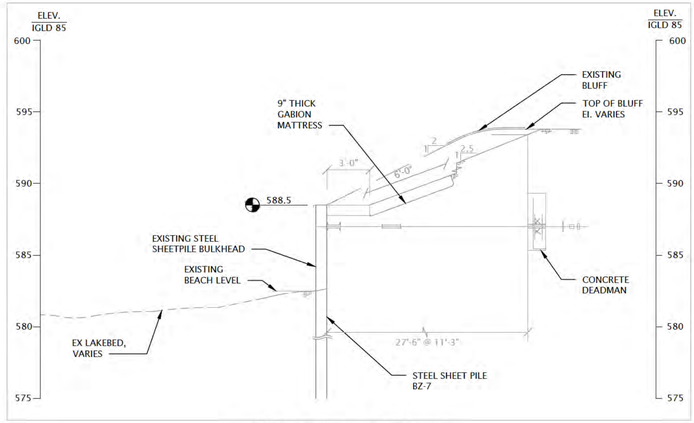
Scale None

Drawing Title

Title Sheet

Sheet No. T101





1 / C100 Existing Bulkhead
Scale : 0' 2.5' 5'

LEGEND (EXISTING)

- PICNIC TABLE
- BENCH
- WATER METER
- B-BOX
- DRINKING FOUNTAIN
- SANITARY MANHOLE
- TRANSFORMER
- ELECTRIC MANHOLE
- LIGHT POLE
- SIGN
- STORM STRUCTURE
- STORM STRUCTURE
- TRAFFIC SIGNAL
- HANDHOLE
- UTILITY CANISTER
- TREES/BRUSH

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

NOTES:

1. BASEMAP, TOPOGRAPHIC AND BATHYMETRIC INFORMATION PREPARED FROM SURVEYS PERFORMED IN JAN 2024.
2. HORIZONTAL DATUM IS BASED ON ILLINOIS STATE PLANE COORDINATE SYSTEM. NAD 83 EAST ZONE 1201 - ESTABLISHED USING TRIMBLE VRS NOW NETWORK .
3. VERTICAL DATUM IS IGLD85 (NAVD88 - 0.51' = IGLD85)
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CONTROL POINTS/BENCHMARKS

CROSS CUT ON CONC. PIER
ELEV. = 584.67 IGLD 85
N 1979426.45
E 1152033.01

IRON ROD WITH CAP
ELEV. = 610.95 IGLD 85
N 1978784.86
E 1151999.29

IRON ROD WITH CAP
ELEV. = 610.87 IGLD 85
N 1979327.21
E 1151738.75

RED BARN
Design & Engineering, S.C.
6750 Woodland Drive
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c. 608.843.1870
redbarnde@tds.net

Consultants

TERRA TECHNOLOGY LAND SURVEYING, INC.

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 20' 40'
(In Feet)
1 Inch = 40 Ft.

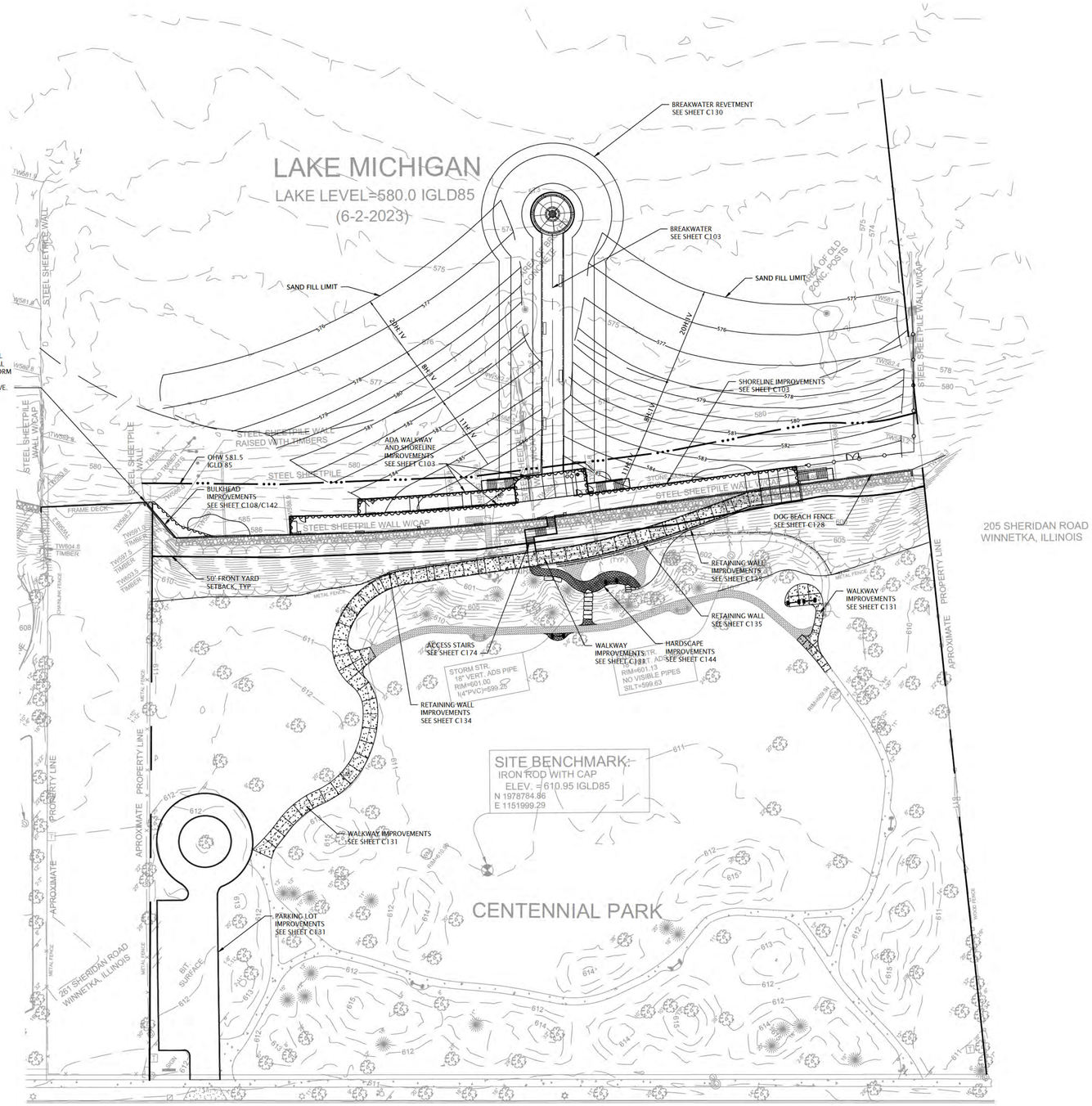
Scale 1 Inch = 40 Ft.

Drawing Title

Existing Conditions Plan

Sheet No.
C100

CORNER CONSTRUCTION REQUIRES WORK ON ADJACENT PROPERTY. THE CONTRACTOR SHALL MINIMISE ENCROACHMENT ONTO ADJACENT PROPERTY TO PERFORM THE WORK. NO MATERIAL STOCKPILING, EQUIPMENT STAGING, OR ANY ACTIVITY BEYOND THOSE IS REQUIRED TO PERFORM THE WORK SHALL BE PERFORMED. ALL DISTURBANCES TO UPLAND BEACH AREAS SHALL BE RESTORED TO PREEXISTING CONDITIONS TO THE SATISFACTION OF THE OWNERS REPRESENTIVE.



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LEGEND (PROPOSED)

OHW 581.5 IGLD 85

50' FRONT YARD SETBACK

RED BARN
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Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

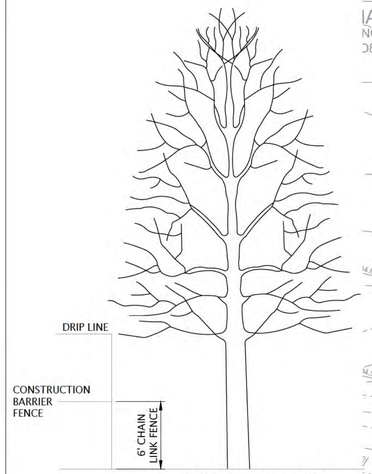
0' 20' 40'
(In Feet)
1 Inch = 40 Ft.

Scale 1 Inch = 40 Ft.

Drawing Title

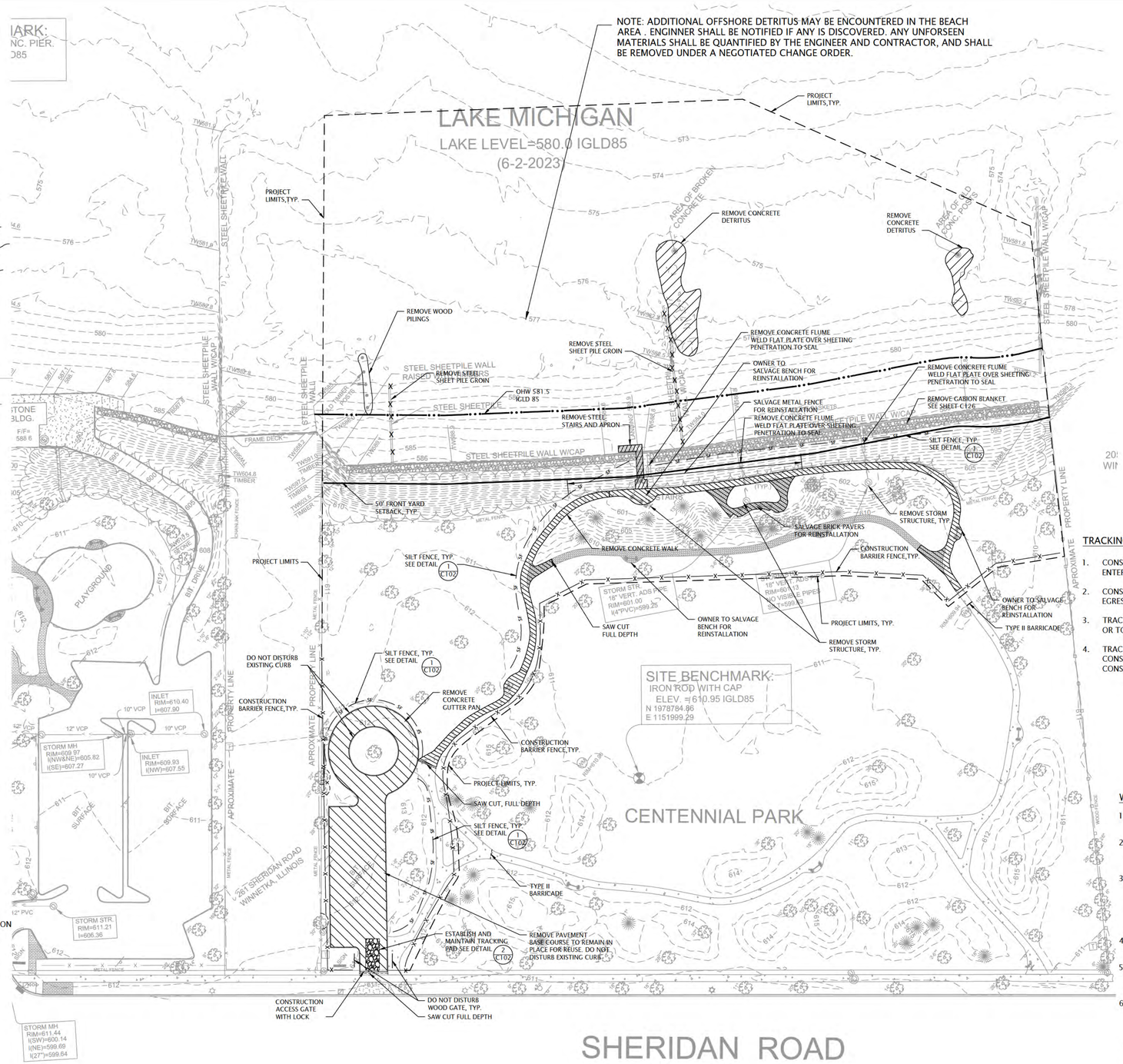
General Site
Development Plan

Sheet No.
C101



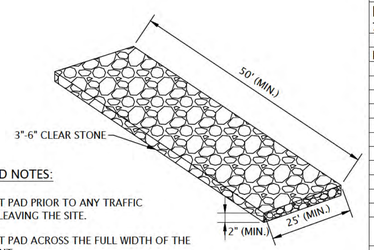
3 / C102 CONSTRUCTION BARRIER FENCING TREE PROTECTION
NOT TO SCALE

NOTE: ADDITIONAL OFFSHORE DETRITUS MAY BE ENCOUNTERED IN THE BEACH AREA . ENGINNER SHALL BE NOTIFIED IF ANY IS DISCOVERED. ANY UNFORSEEN MATERIALS SHALL BE QUANTIFIED BY THE ENGINEER AND CONTRACTOR, AND SHALL BE REMOVED UNDER A NEGOTIATED CHANGE ORDER.





1 / C102 SILT FENCE
NOT TO SCALE



TRACKING PAD NOTES:

1. CONSTRUCT PAD PRIOR TO ANY TRAFFIC ENTERING/LEAVING THE SITE.
2. CONSTRUCT PAD ACROSS THE FULL WIDTH OF THE EGRESS POINT.
3. TRACKING PAD SHALL BE MAINTAINED BY SCRAPING OR TOP DRESSING WITH ADDITIONAL AGGREGATE.
4. TRACKING PAD SHALL BE REMOVED AT END OF CONSTRUCTION AND AREA RESTORED TO PROPOSED CONSTRUCTION CONDITIONS.

2 / C102 TRACKING PAD
NOT TO SCALE

WORK SEQUENCE NOTES:

1. ESTABLISH AND MAINTAIN EROSION CONTROL AND TRAFFIC BARRICADES PRIOR TO COMMENCEMENT OF WORK.
2. CONTRACTOR SHALL FURNISH AND MAINTAIN CONSTRUCTION FENCING BARRICADE TO SECURE CONSTRUCTION AND STAGING AREAS FROM PUBLIC ACCESS.
3. CONTRACTOR MAY CONSTRUCT AND MAINTAIN TEMPORARY HAUL ROAD(S) THROUGH THE PROJECT SITE NEEDED FOR THIS DURATION OF THE PROJECT. FOR THE UPLAND AND COASTAL WORK. NO COASTAL WORK SHALL BE ACCESSED FROM THE UPLAND SITE. DAMAGE TO THE ENTRANCE ONTO SHERIDAN ROAD RESULTING FROM THE CONTRACTORS ACTIONS WILL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
4. NO STOCKPILING OF BREAKWATER MATERIALS MAY BE PERFORMED ON THE UPLAND AREAS OF THE SITE.
5. CONTRACTOR SHALL DETERMINE FOR THE PURPOSE OF THEIR WORK THE AREAS REQUIRED FOR STAGING AND STOCKPILING OF ANY UPLAND STRIPPED MATERIALS.
6. ALL PARKING LOT SIGNS AND SIGN POLES SHALL BE REMOVED AND SALVAGED FOR REINSTALLATION BY THE OWNER.

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.

LEGEND (PROPOSED)

- PROJECT LIMITS
- SF SF SILT FENCE
- CONSTRUCTION BARRIER FENCE
- PAVEMENT AND SHORE PROTECTION MATERIALS TO BE REMOVED
- OHW 581.5 IGLD 85
- 50' FRONT YARD SETBACK

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

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redbarnde@tds.net

Consultants

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70% Submittal		04/08/24
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Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 20' 40'
(In Feet)
1 Inch = 40 Ft.

Scale 1 Inch = 40 Ft.

Drawing Title

Site Preparation and Erosion Control Plan

Sheet No.
C102

LEGEND

ORDINARY HIGH WATER MARK (OHW)

50' SETBACK LINE FROM OHW

SEE SHEET C124 FOR MORE DETAILS

SEE SHEET C104

SEE SHEET C105

SEE SHEET C106

SEE SHEET C107

SEE EAST RETAINING WALL SHEETS FOR MORE DETAILS

SEE WEST RETAINING WALL SHEETS FOR MORE DETAILS

SEE UPLAND SITE IMPROVEMENTS SHEETS FOR MORE DETAILS

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CENTENNIAL PARK SHORELINE IMPROVEMENTS OVERVIEW

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Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

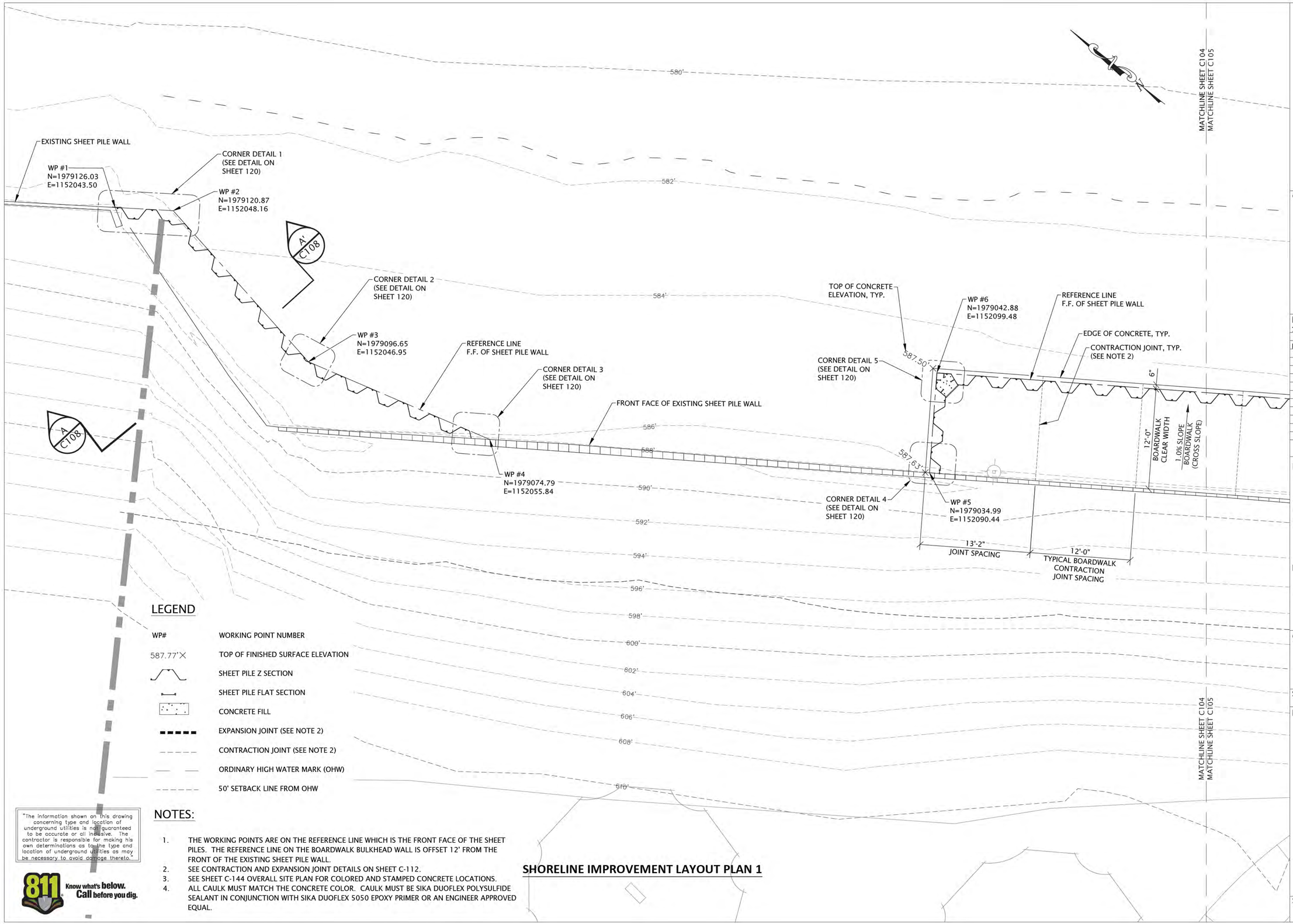
Scale 1 Inch = 20 Ft.

Drawing Title

SHORELINE IMPROVEMENT OVERVIEW

Sheet No.

C103



LEGEND

WP#	WORKING POINT NUMBER
587.77'×	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)
	ORDINARY HIGH WATER MARK (OHW)
	50' SETBACK LINE FROM OHW

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NOTES:

1. THE WORKING POINTS ARE ON THE REFERENCE LINE WHICH IS THE FRONT FACE OF THE SHEET PILES. THE REFERENCE LINE ON THE BOARDWALK BULKHEAD WALL IS OFFSET 12' FROM THE FRONT OF THE EXISTING SHEET PILE WALL.
2. SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C-112.
3. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
4. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN EINGINEER APPROVED EQUAL.

SHORELINE IMPROVEMENT LAYOUT PLAN 1

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Issued for	Rev. Date
70% Submittal	04/08/24
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Bidding and Construction	07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

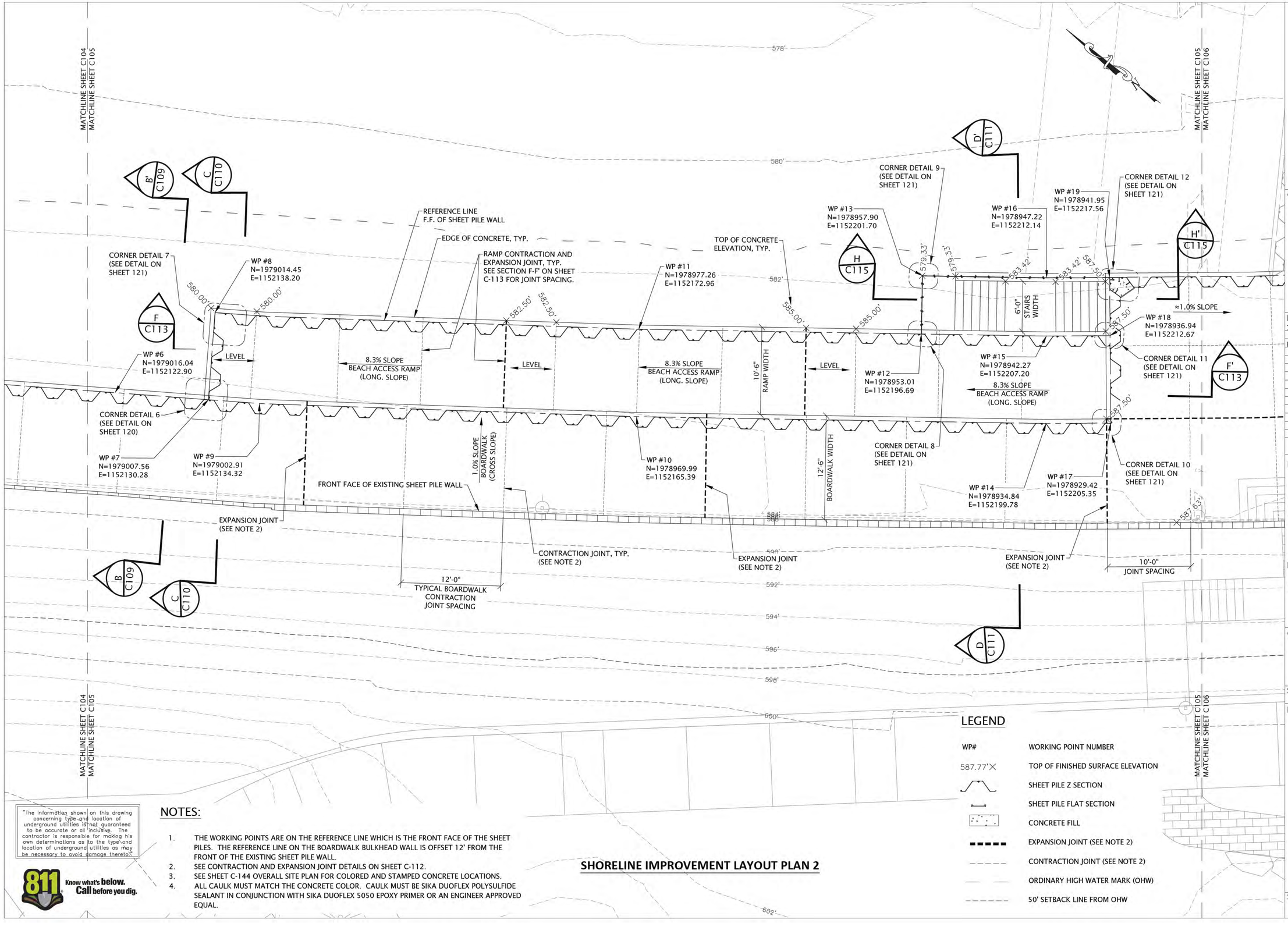
Scale 1 Inch = 5 Ft.

Drawing Title

SHORELINE IMPROVEMENT
LAYOUT PLAN 1

Sheet No.

C104



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3. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
4. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN EINGINEER APPROVED EQUAL.

SHORELINE IMPROVEMENT LAYOUT PLAN 2

LEGEND

WP#	WORKING POINT NUMBER
587.77'	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)
	ORDINARY HIGH WATER MARK (OHW)
	50' SETBACK LINE FROM OHW

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Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

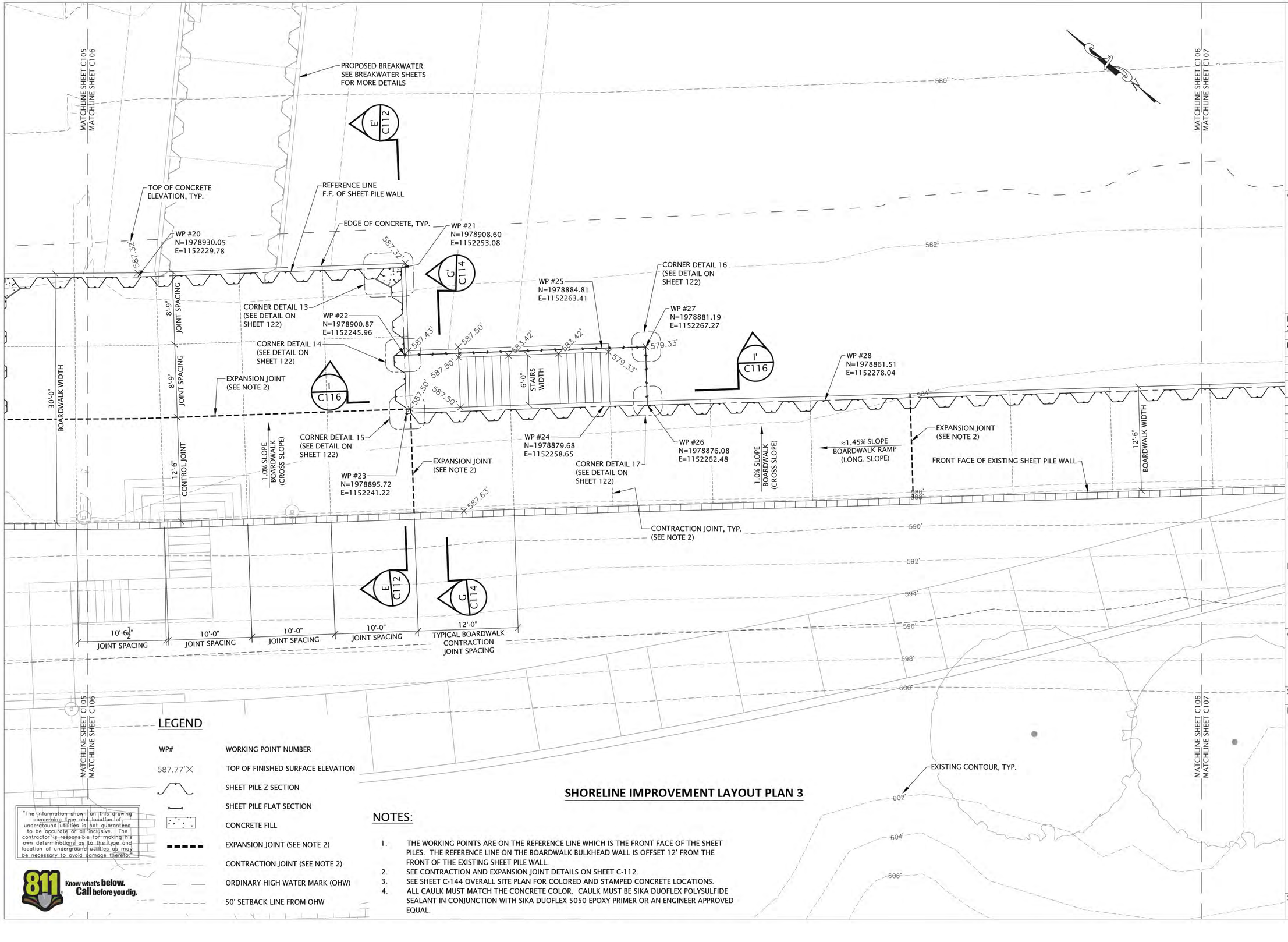
Winnetka Park District
Winnetka, IL

Graphic Scale
0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

Drawing Title
SHORELINE IMPROVEMENT LAYOUT PLAN 2

Sheet No.
C105



LEGEND

WP#	WORKING POINT NUMBER
587.77'×	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)
	ORDINARY HIGH WATER MARK (OHW)
	50' SETBACK LINE FROM OHW

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SHORELINE IMPROVEMENT LAYOUT PLAN 3

NOTES:

1. THE WORKING POINTS ARE ON THE REFERENCE LINE WHICH IS THE FRONT FACE OF THE SHEET PILES. THE REFERENCE LINE ON THE BOARDWALK BULKHEAD WALL IS OFFSET 12' FROM THE FRONT OF THE EXISTING SHEET PILE WALL.
2. SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C-112.
3. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
4. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN EINGINEER APPROVED EQUAL.

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Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

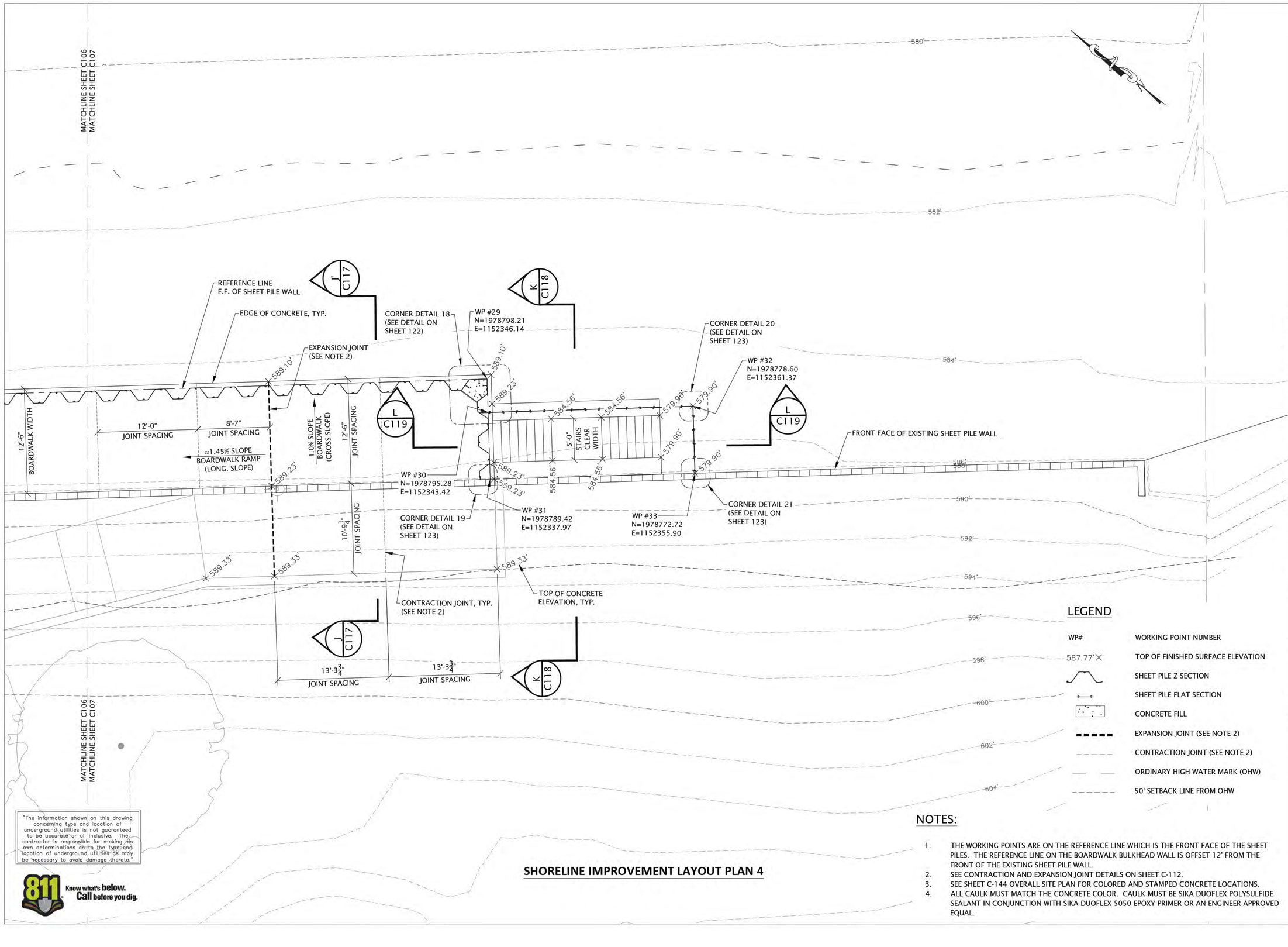
Graphic Scale

0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale
1 Inch = 5 Ft.

Drawing Title
SHORELINE IMPROVEMENT
LAYOUT PLAN 3

Sheet No.
C106



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SHORELINE IMPROVEMENT LAYOUT PLAN 4

LEGEND

WP#	WORKING POINT NUMBER
587.77' ×	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)
	ORDINARY HIGH WATER MARK (OHW)
	50' SETBACK LINE FROM OHW

NOTES:

1. THE WORKING POINTS ARE ON THE REFERENCE LINE WHICH IS THE FRONT FACE OF THE SHEET PILES. THE REFERENCE LINE ON THE BOARDWALK BULKHEAD WALL IS OFFSET 12' FROM THE FRONT OF THE EXISTING SHEET PILE WALL.
2. SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C-112.
3. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
4. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.

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Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

Drawing Title

SHORELINE IMPROVEMENT LAYOUT PLAN 4

Sheet No.

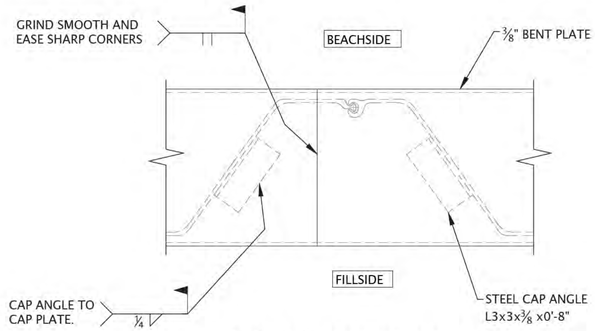
C107

LEGEND:

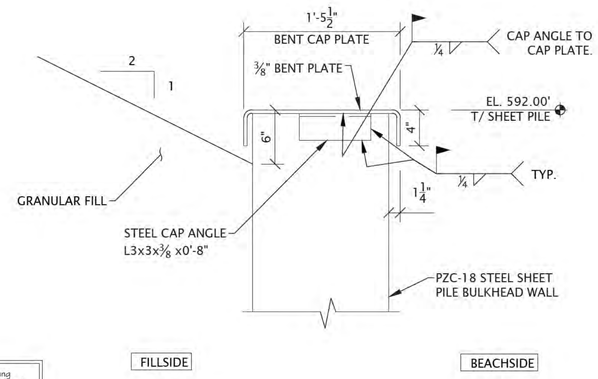
- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

GRANULAR FILL COMPACTION NOTES:

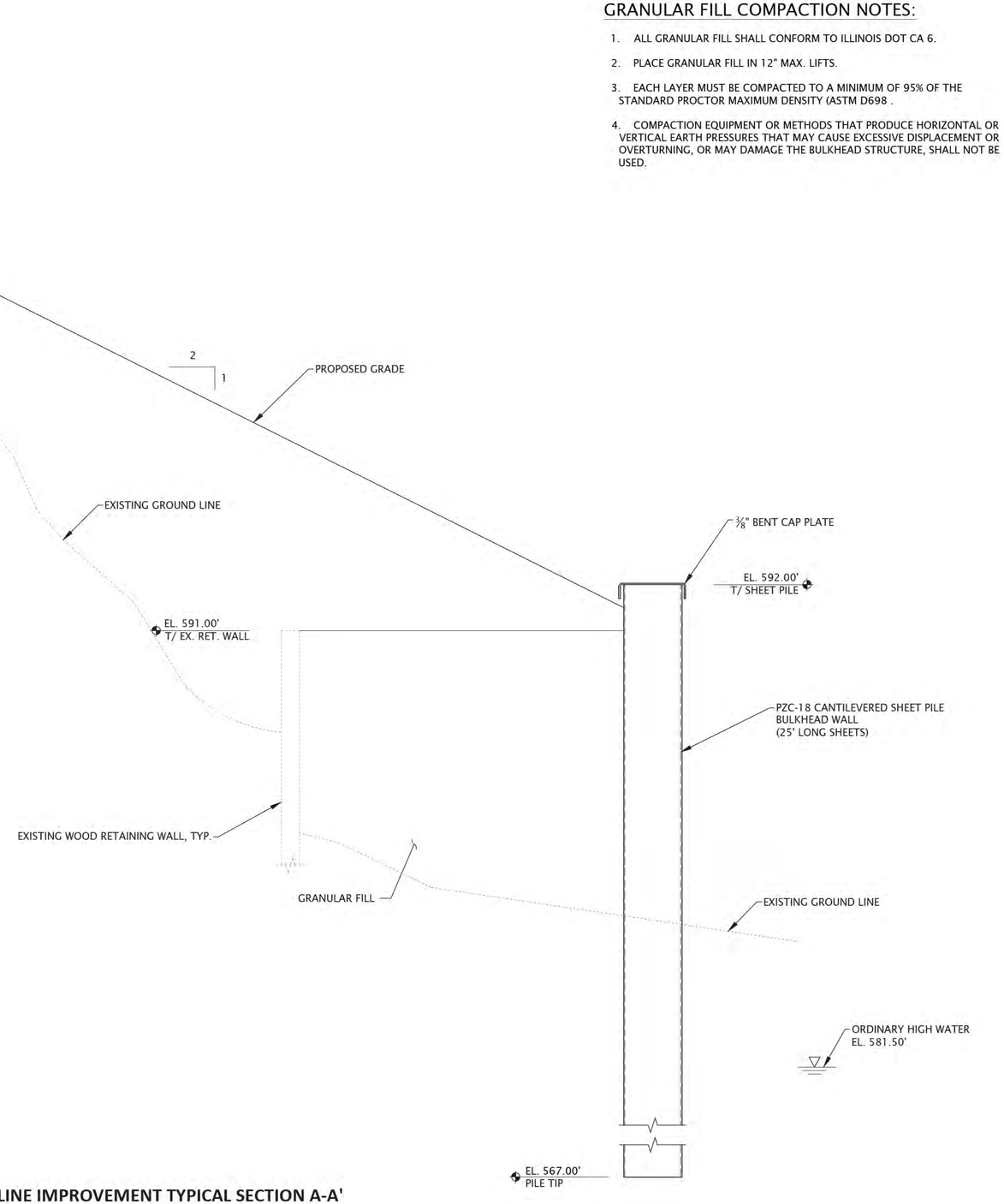
1. ALL GRANULAR FILL SHALL CONFORM TO ILLINOIS DOT CA 6.
2. PLACE GRANULAR FILL IN 12" MAX. LIFTS.
3. EACH LAYER MUST BE COMPACTED TO A MINIMUM OF 95% OF THE STANDARD PROCTOR MAXIMUM DENSITY (ASTM D698 .
4. COMPACTION EQUIPMENT OR METHODS THAT PRODUCE HORIZONTAL OR VERTICAL EARTH PRESSURES THAT MAY CAUSE EXCESSIVE DISPLACEMENT OR OVERTURNING, OR MAY DAMAGE THE BULKHEAD STRUCTURE, SHALL NOT BE USED.



CAP BENT PLATE SPLICE DETAIL



CAP BENT PLATE ELEVATION VIEW



SHORELINE IMPROVEMENT TYPICAL SECTION A-A'

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Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION A-A'

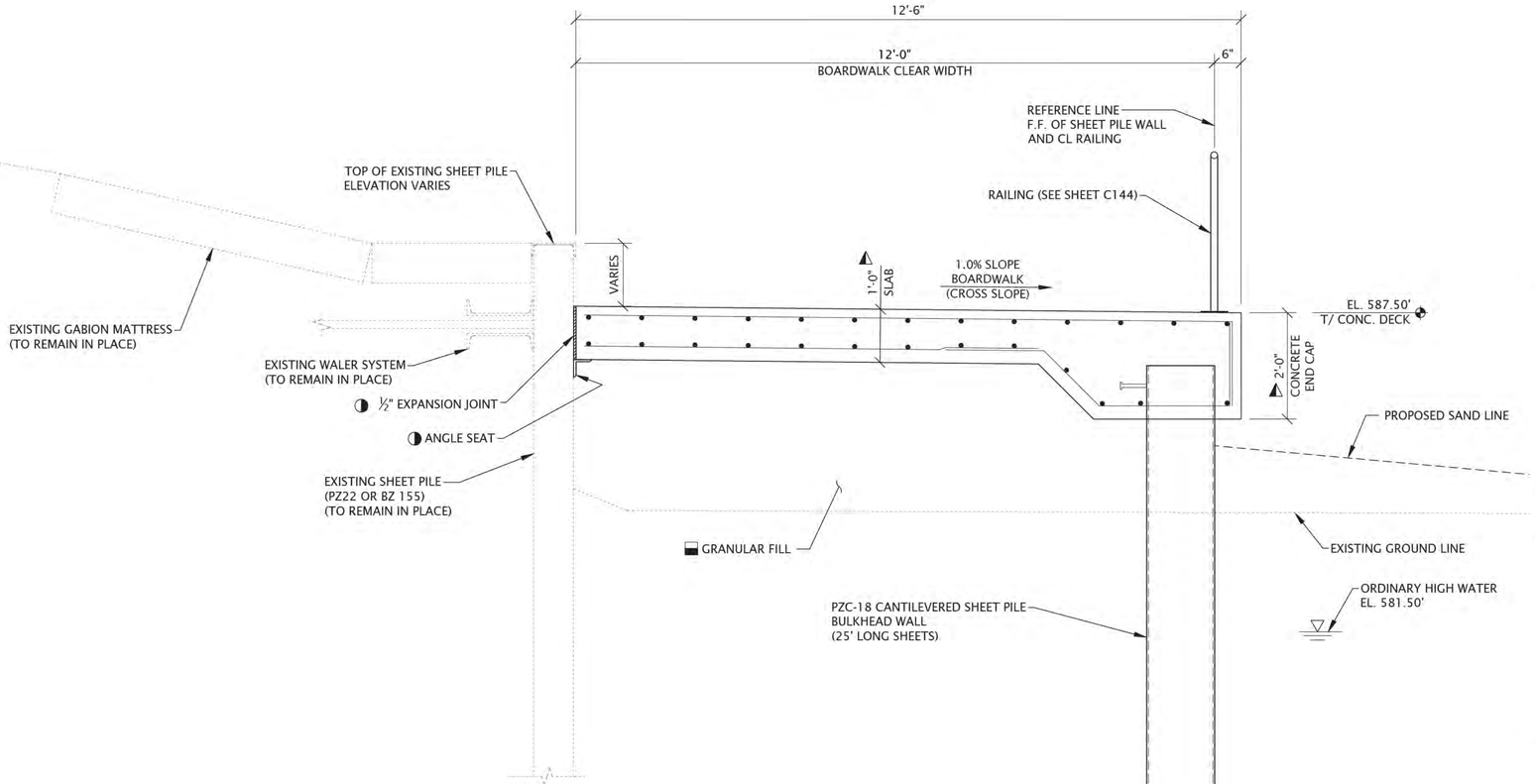
Sheet No.
C108

LEGEND:

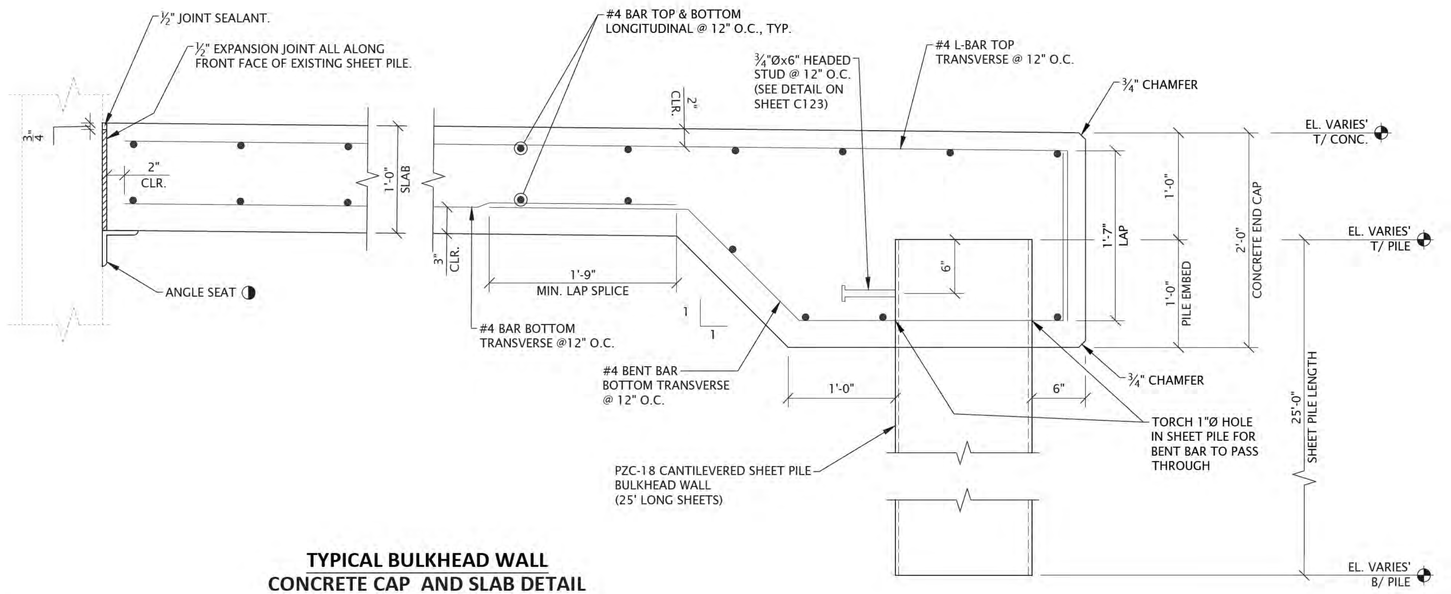
- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



SHORELINE IMPROVEMENT TYPICAL SECTION B-B'



TYPICAL BULKHEAD WALL CONCRETE CAP AND SLAB DETAIL

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ⅜" ¾"
(In Feet)
¾" Inch = 1 Ft.

Scale: ¾" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION B-B'

Sheet No.
C109

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
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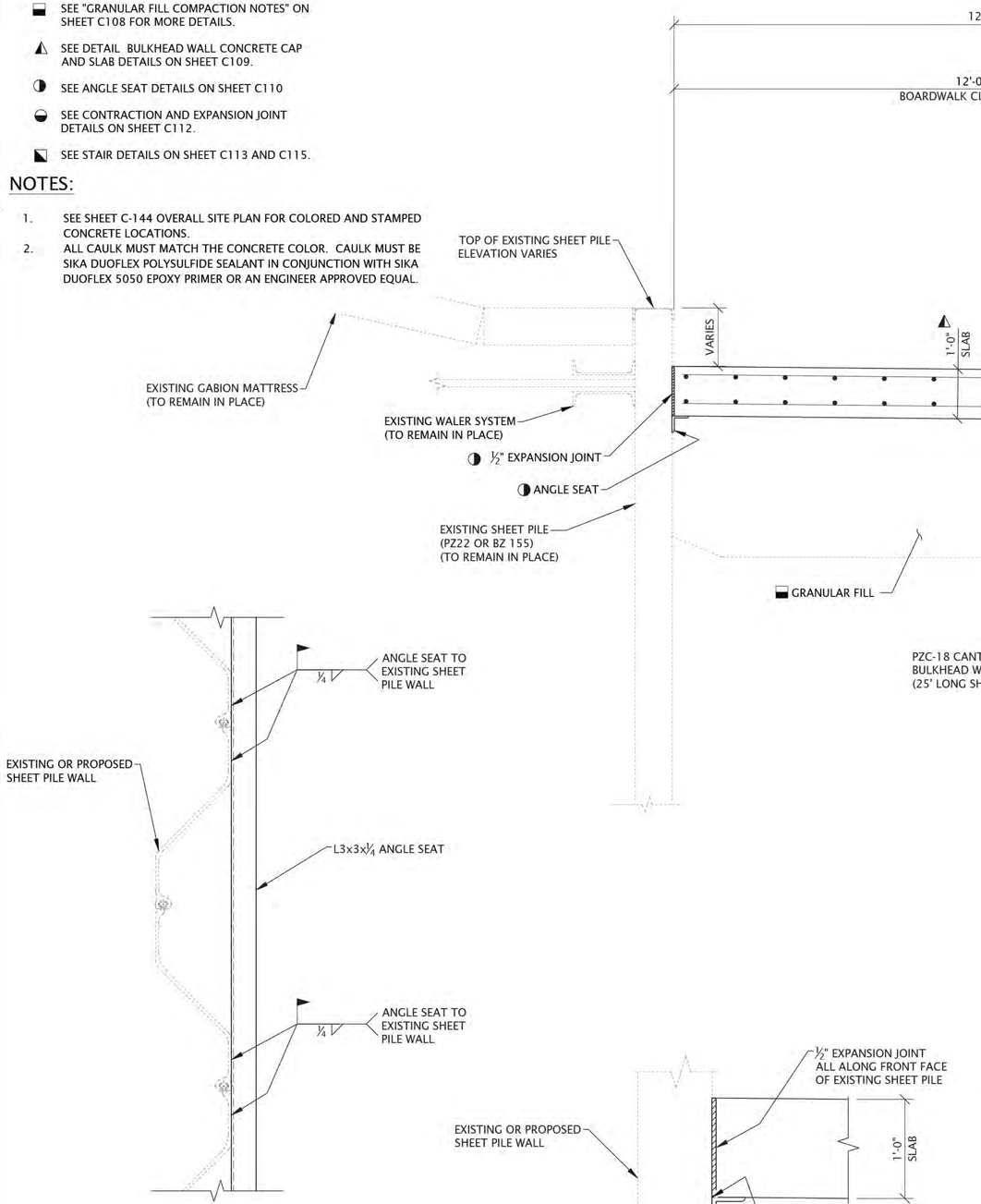
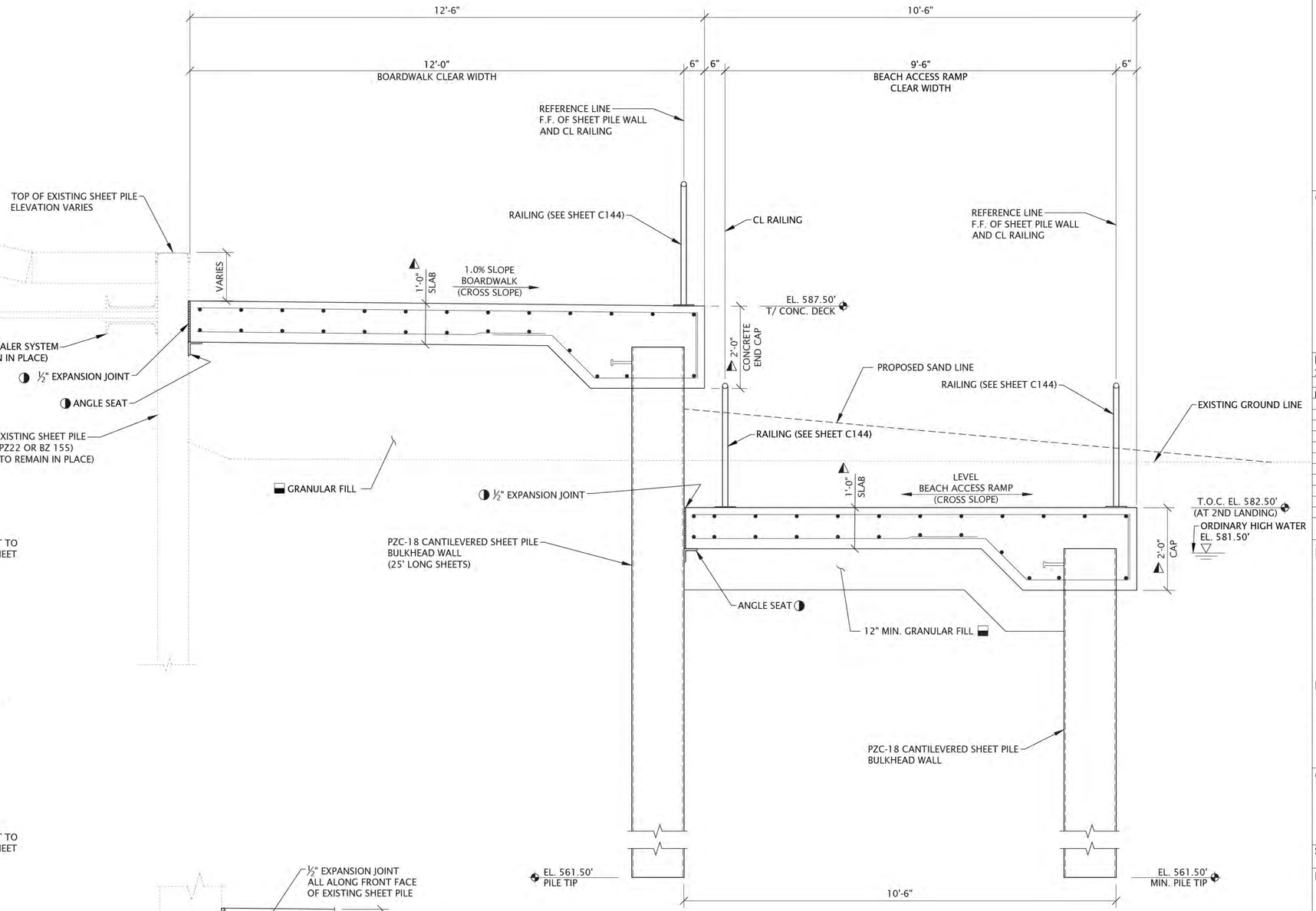


ANGLE SEAT PLAN VIEW DETAIL

ANGLE SEAT ELEVATION VIEW DETAIL



SHORELINE IMPROVEMENT TYPICAL SECTION C-C'

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Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ⅜" ¾"
(In Feet)
¾" Inch = 1 Ft.

Scale: ¾" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION C-C'

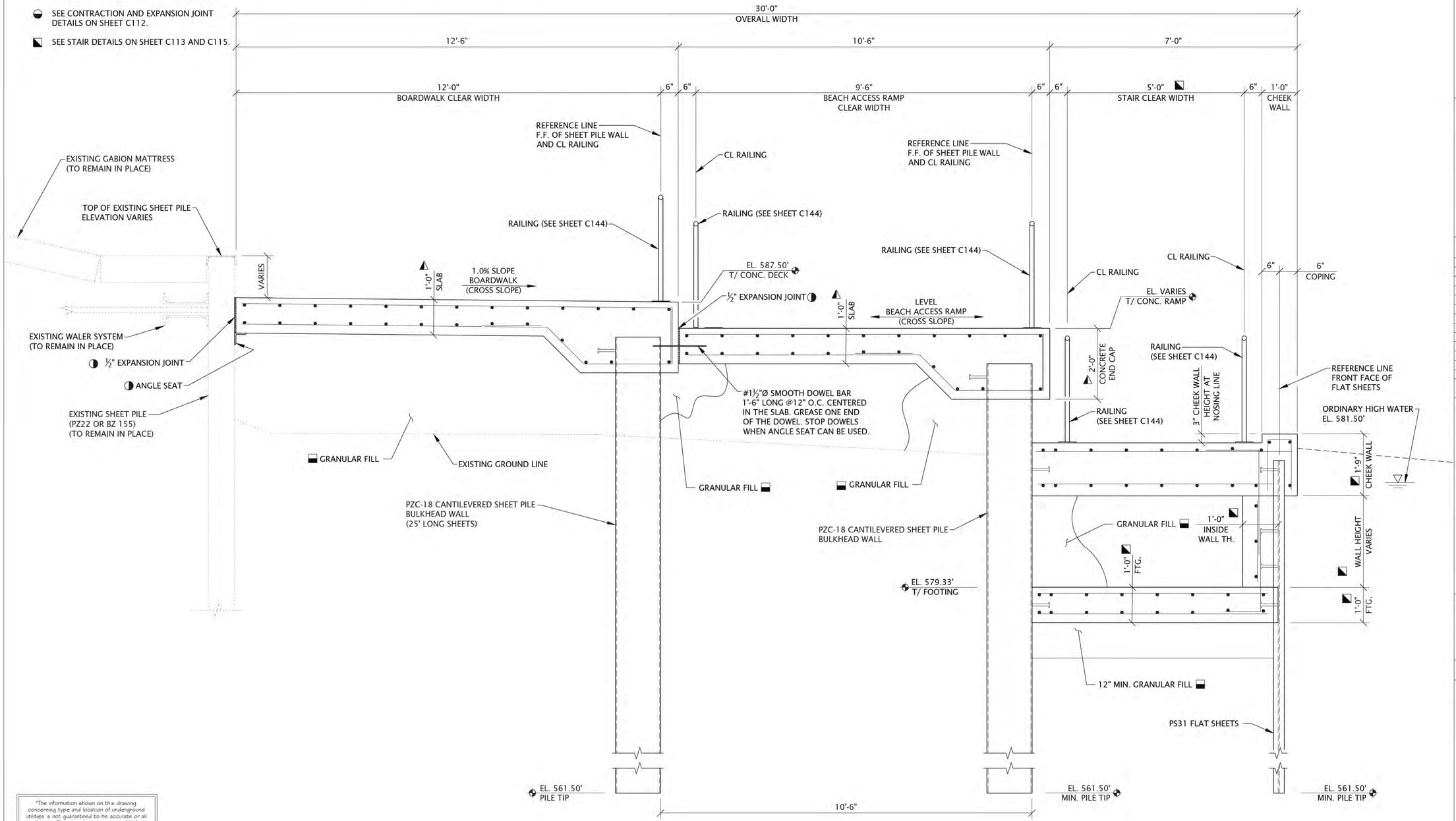
Sheet No.
C110

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



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811 Know what's below. Call before you dig.

SHORELINE IMPROVEMENT TYPICAL SECTION D-D'

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
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c. 608.843.1870
redbarnde@tds.net

Consultants

WESTBROOK
Associated Engineers, Inc.

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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ⅜" ¾"
(In Feet)
¾" Inch = 1 Ft.

Scale: ¾" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION D-D'

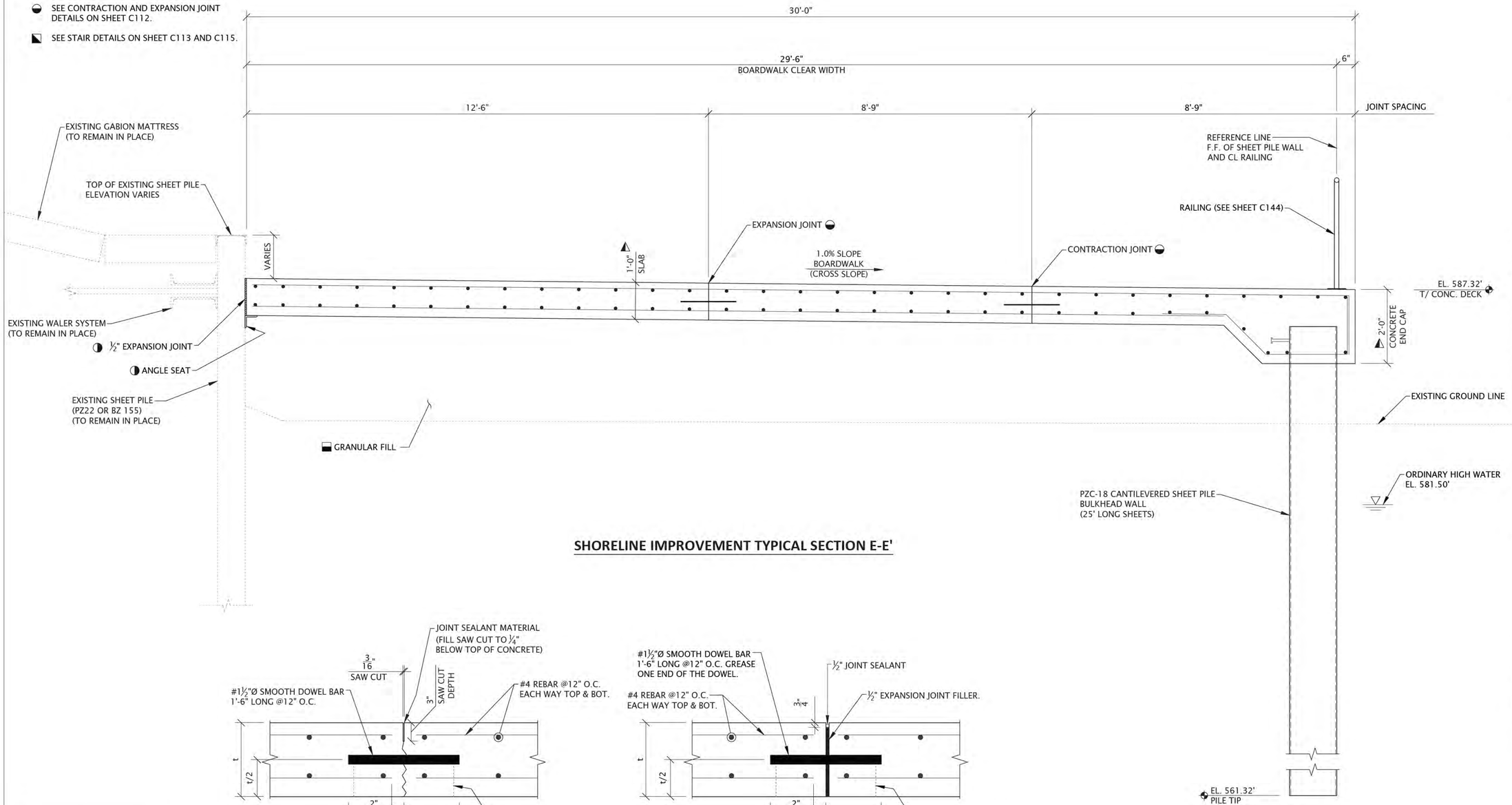
Sheet No.
C111

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



SHORELINE IMPROVEMENT TYPICAL SECTION E-E'

TYPICAL CONTRACTION JOINT DETAIL

TYPICAL EXPANSION JOINT DETAIL

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Spring Green Wisconsin 53588
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Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

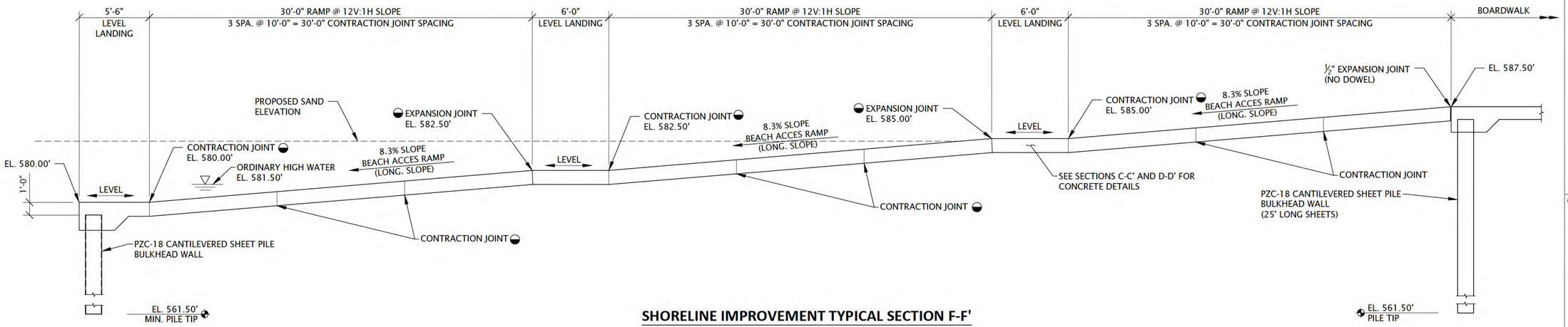
0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

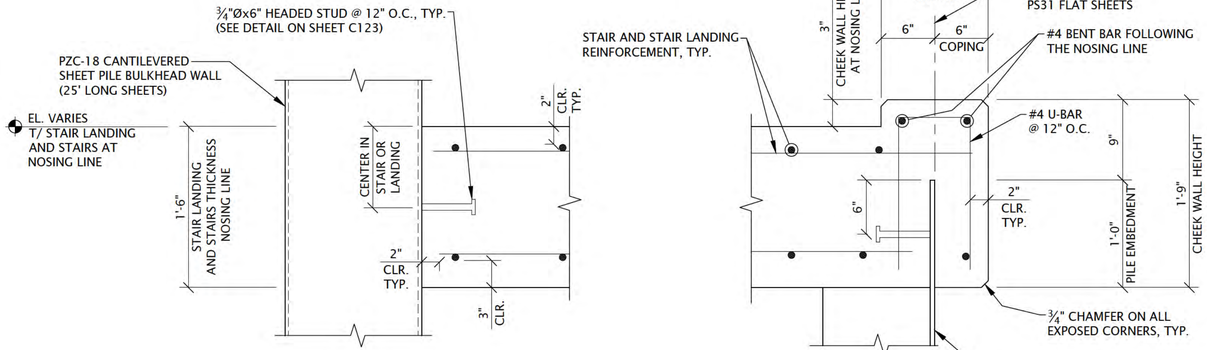
Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION E-E'

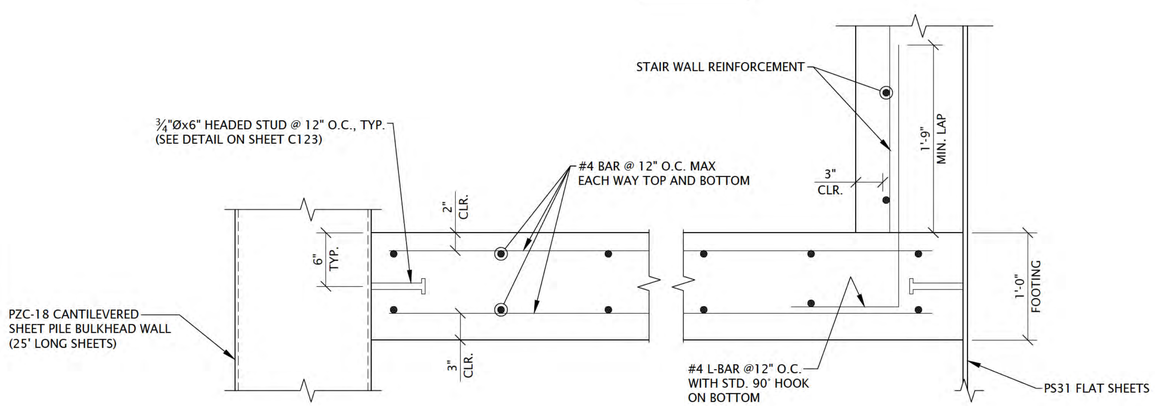
Sheet No.
C112



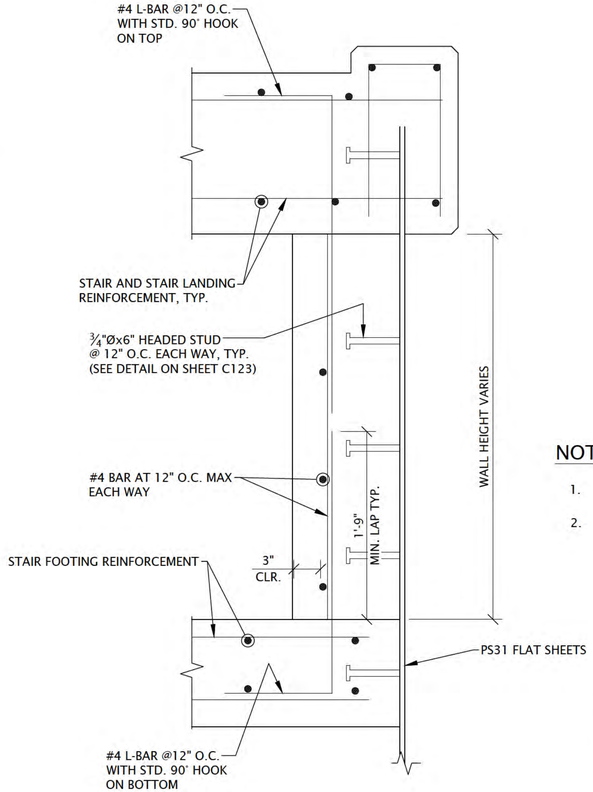
SHORELINE IMPROVEMENT TYPICAL SECTION F-F'



TYPICAL STAIR CHEEKWALL OVER SHEET PILE DETAIL



TYPICAL STAIR FOOTING DETAIL



TYPICAL STAIR WALL DETAIL

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN EINGINEER APPROVED EQUAL.

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

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p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ⅛" ¼" (In Feet)
¼" Inch = 1 Ft.

Scale: ¾" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION F-F'

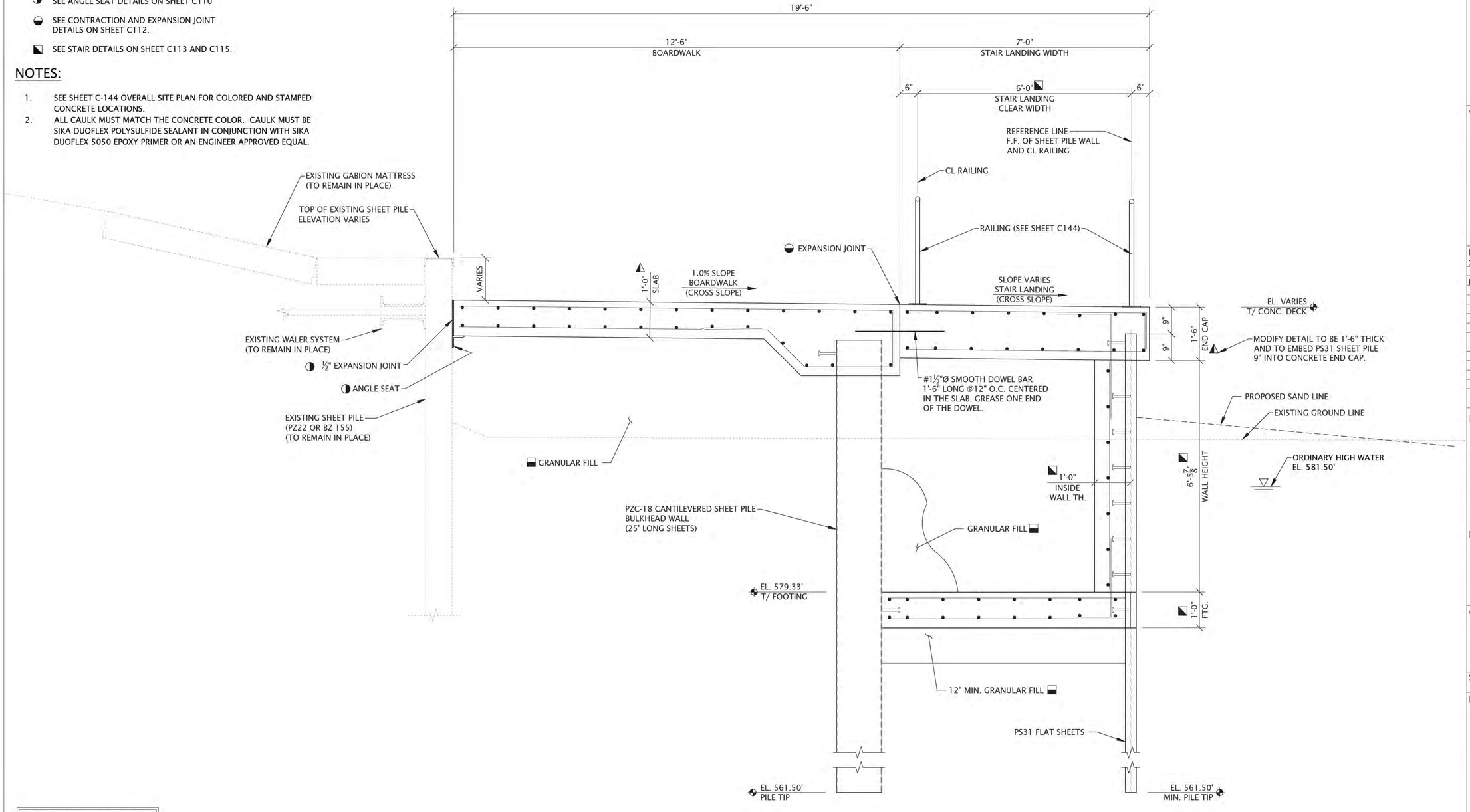
Sheet No.
C113

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



SHORELINE IMPROVEMENT TYPICAL SECTION G-G'

"The information shown on the drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

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RED BARN
Design & Engineering, S.C.

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Consultants

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Associated Engineers, Inc.

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p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ⅜" ¾"
(In Feet)
¾" Inch = 1 Ft.

Scale: ¾" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION G-G'

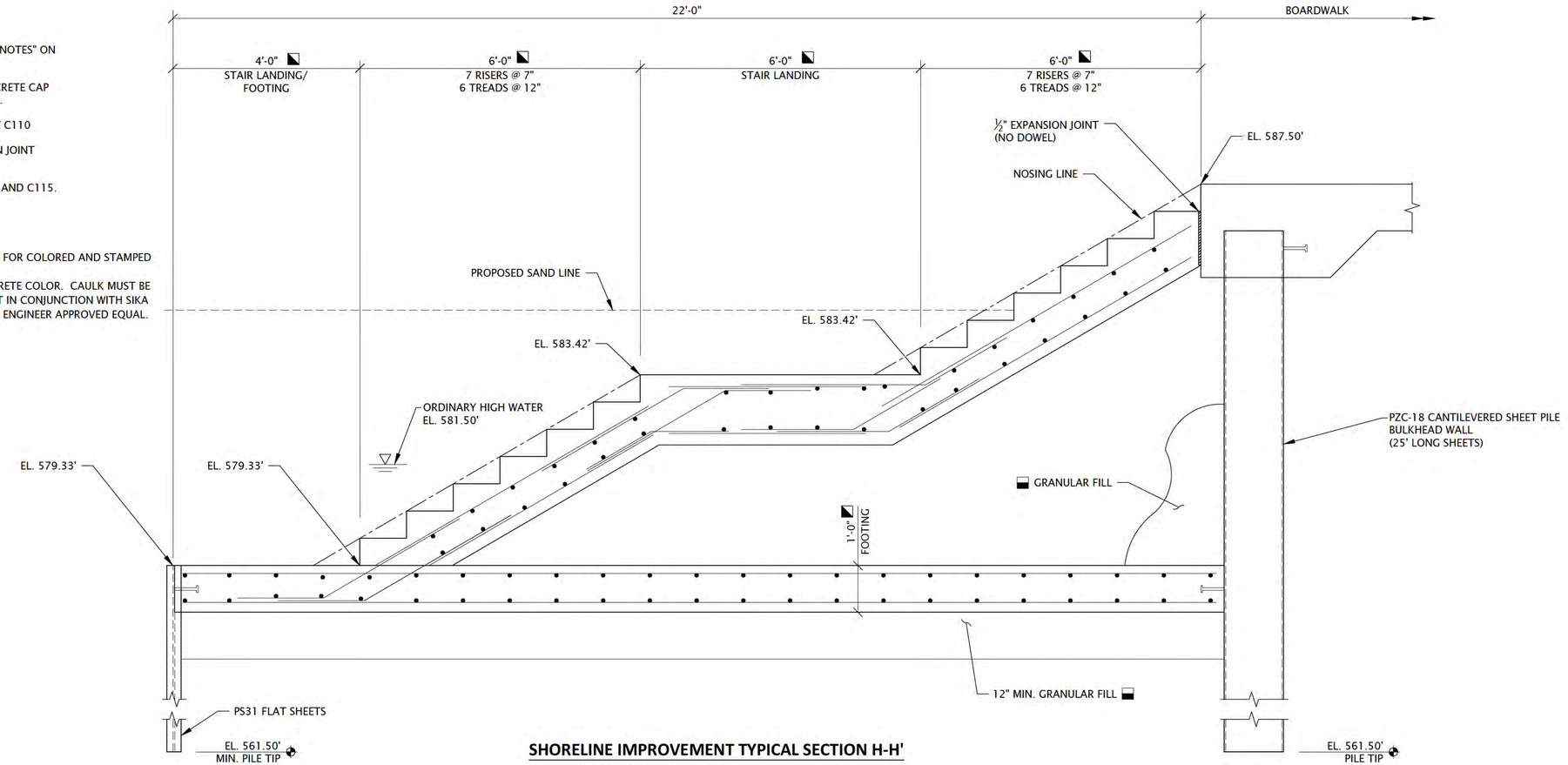
Sheet No.
C114

LEGEND:

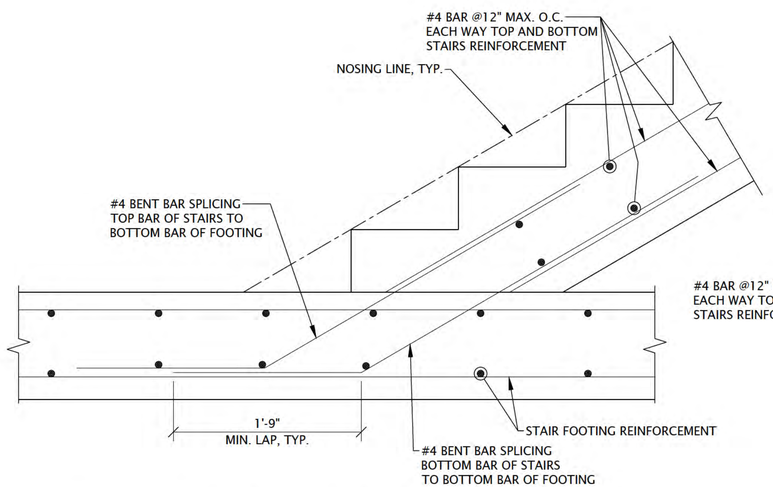
- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

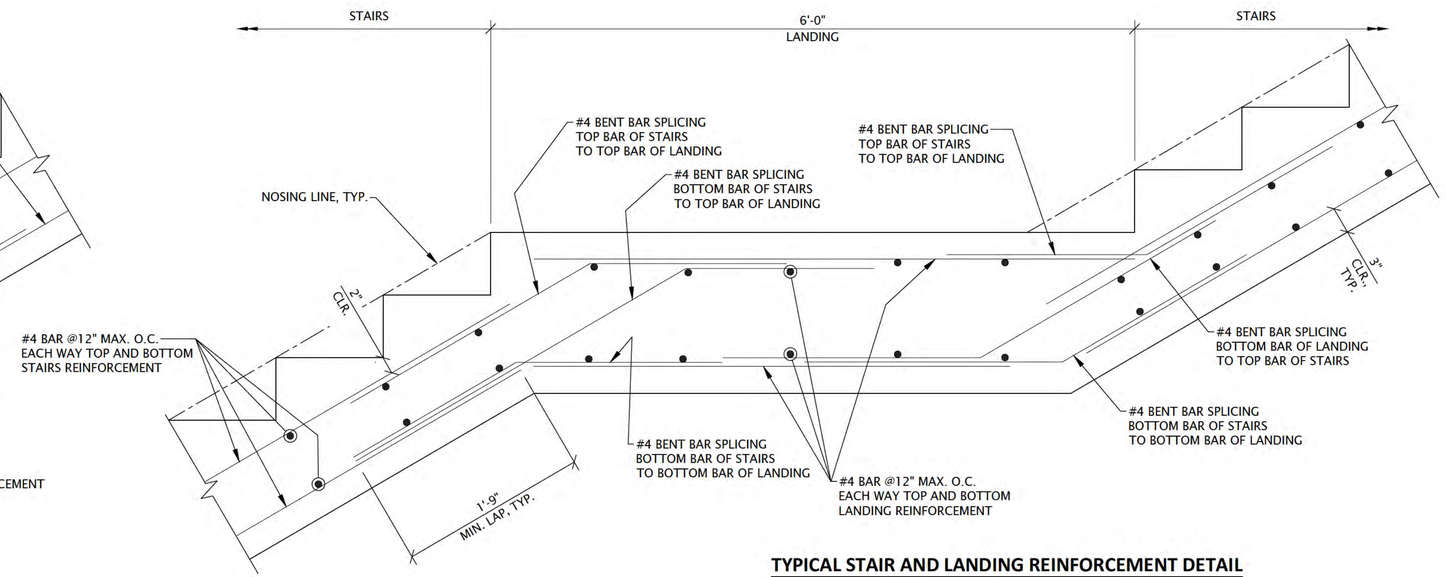
1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



SHORELINE IMPROVEMENT TYPICAL SECTION H-H'



TYPICAL STAIR TO FOOTING REINFORCEMENT DETAIL



TYPICAL STAIR AND LANDING REINFORCEMENT DETAIL

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

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RED BARN
Design & Engineering, S.C.

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Waunakee Wisconsin 53597
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Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION H-H'

Sheet No.

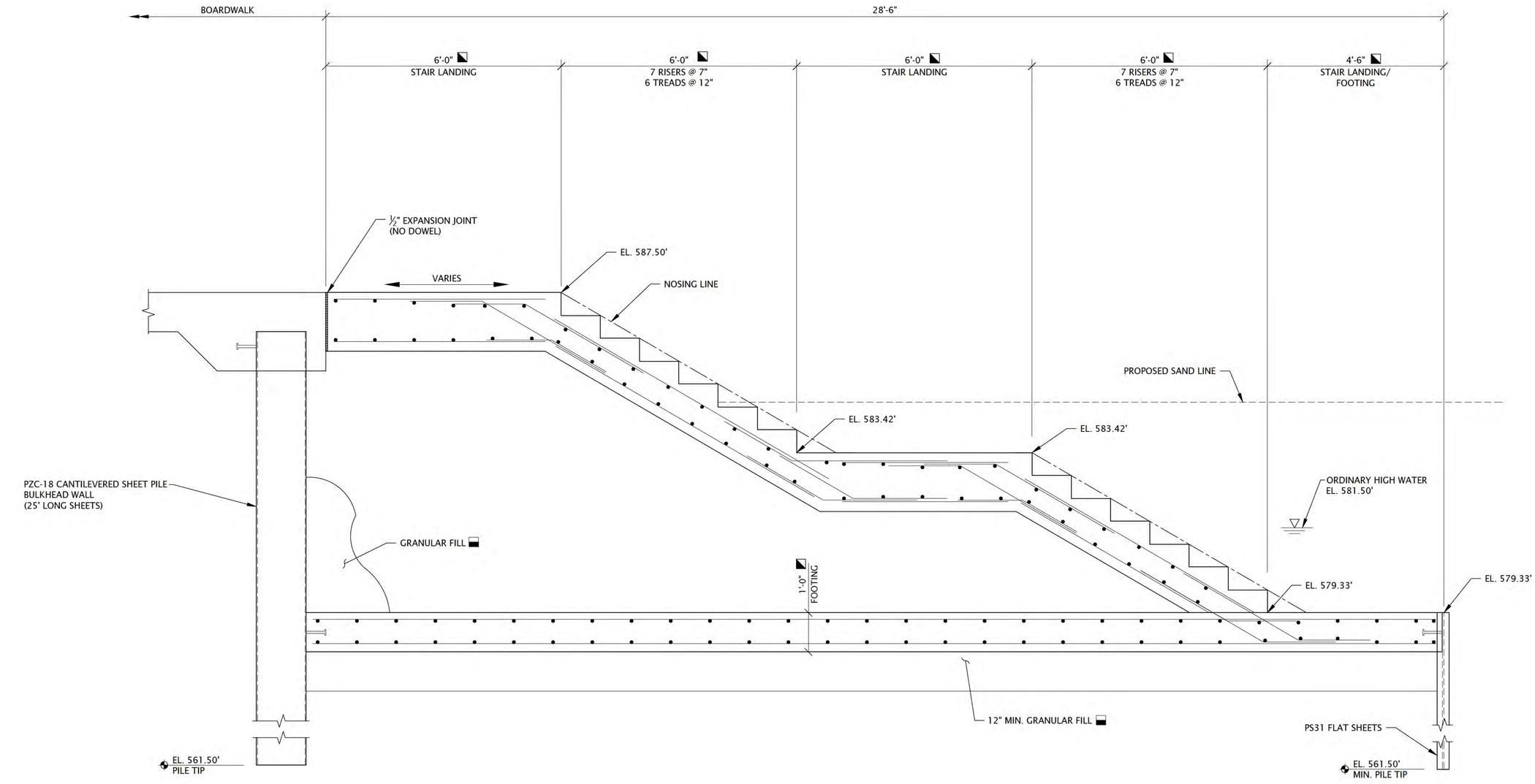
C115

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



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811 Know what's below. Call before you dig.

SHORELINE IMPROVEMENT TYPICAL SECTION I-I'

RED BARN
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Waunakee Wisconsin 53597
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Consultants

WESTBROOK
Associated Engineers, Inc.

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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

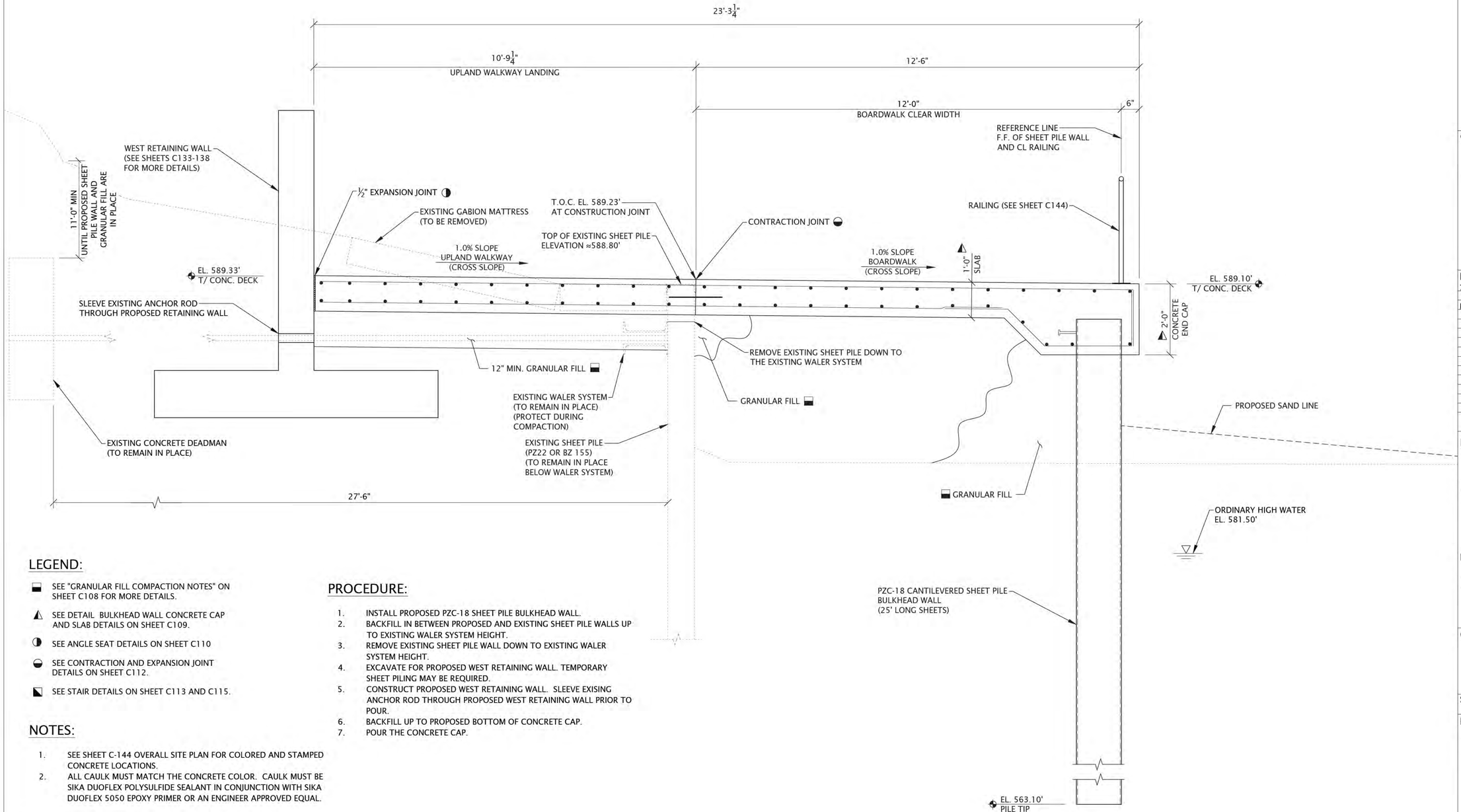
0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION I-I'

Sheet No.
C116



LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.

PROCEDURE:

1. INSTALL PROPOSED PZC-18 SHEET PILE BULKHEAD WALL.
2. BACKFILL IN BETWEEN PROPOSED AND EXISTING SHEET PILE WALLS UP TO EXISTING WALER SYSTEM HEIGHT.
3. REMOVE EXISTING SHEET PILE WALL DOWN TO EXISTING WALER SYSTEM HEIGHT.
4. EXCAVATE FOR PROPOSED WEST RETAINING WALL. TEMPORARY SHEET PILING MAY BE REQUIRED.
5. CONSTRUCT PROPOSED WEST RETAINING WALL. SLEEVE EXISING ANCHOR ROD THROUGH PROPOSED WEST RETAINING WALL PRIOR TO POUR.
6. BACKFILL UP TO PROPOSED BOTTOM OF CONCRETE CAP.
7. POUR THE CONCRETE CAP.

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SHORELINE IMPROVEMENT TYPICAL SECTION J-J'

RED BARN
Design & Engineering, S.C.
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Waunakee Wisconsin 53597
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c. 608.843.1870
redbarnde@tds.net

Consultants

WESTBROOK
Associated Engineers, Inc.
619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION J-J'

Sheet No.

C117

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
- SEE ANGLE SEAT DETAILS ON SHEET C110
- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

1. SEE SHEET C-144 OVERALL SITE PLAN FOR COLORED AND STAMPED CONCRETE LOCATIONS.
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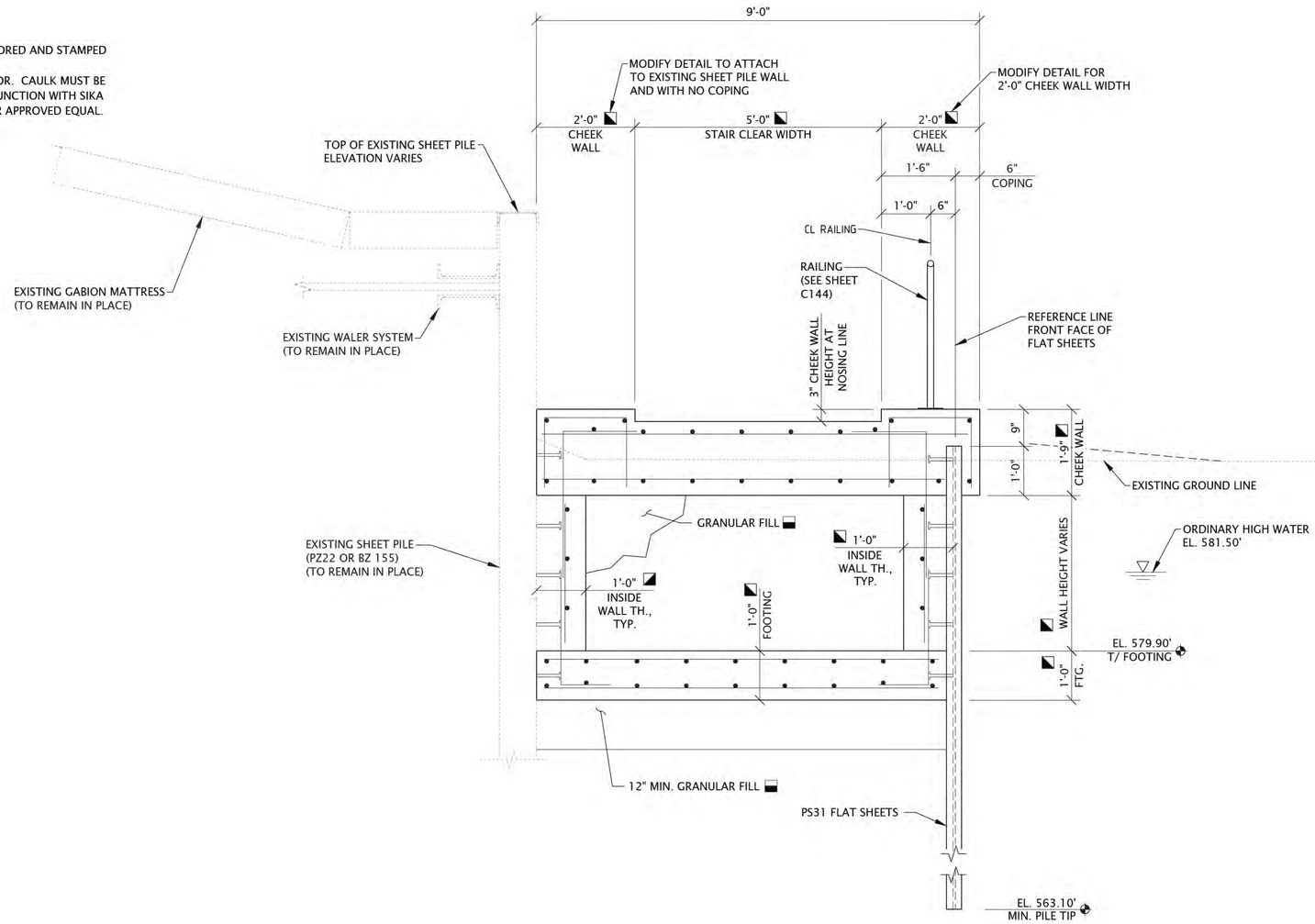

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811 Know what's below. Call before you dig.

SHORELINE IMPROVEMENT TYPICAL SECTION K-K'

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
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redbarnde@tds.net

Consultants

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Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION K-K'

Sheet No.
C118

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.
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- SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C112.
- SEE STAIR DETAILS ON SHEET C113 AND C115.

NOTES:

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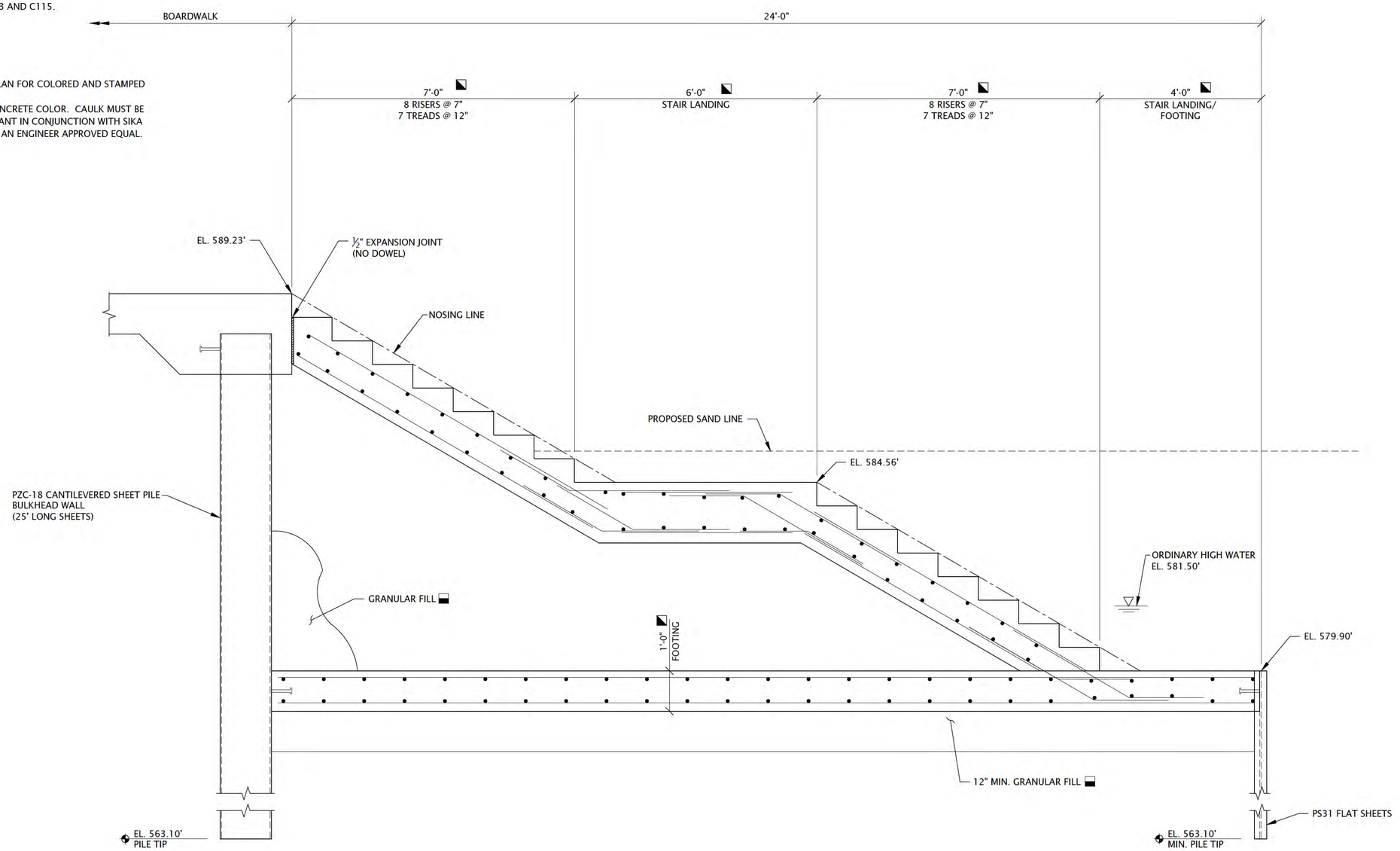

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811 Know what's below. Call before you dig.

SHORELINE IMPROVEMENT TYPICAL SECTION L-L'

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
c. 608.843.1870
redbarnde@tds.net

Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

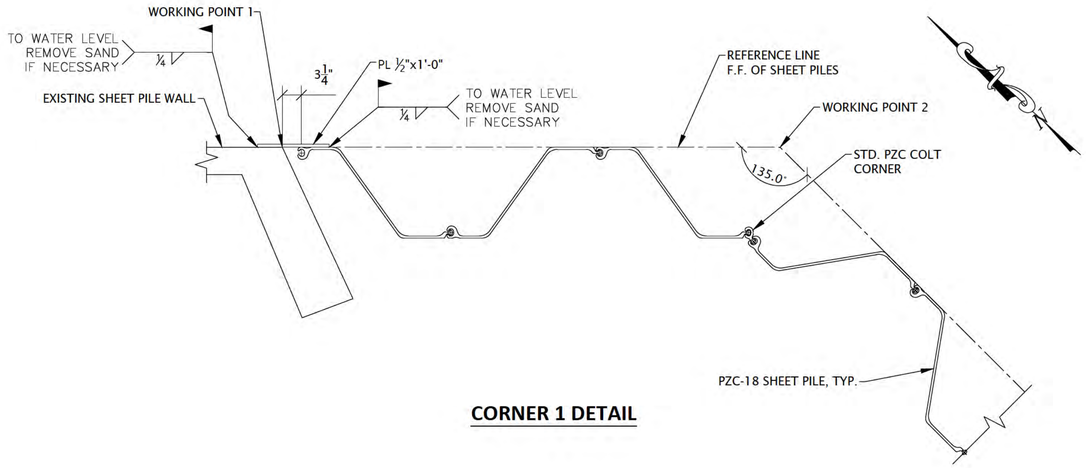
0" 3/8" 3/4"
(In Feet)
3/4" Inch = 1 Ft.

Scale: 3/4" Inch = 1 Ft.

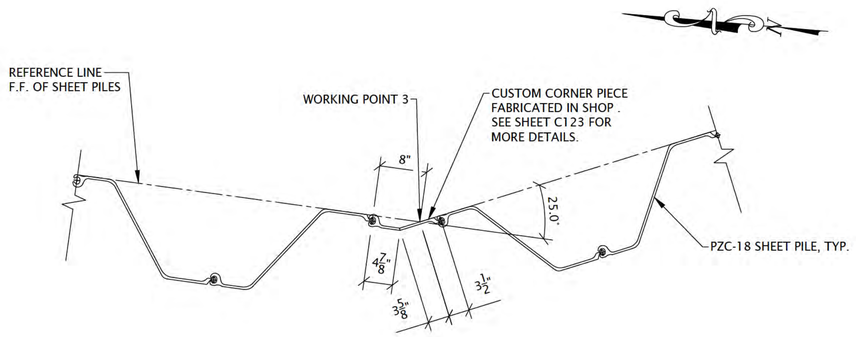
Drawing Title

SHORELINE IMPROVEMENTS
SECTIONS AND DETAILS
SECTION L-L'

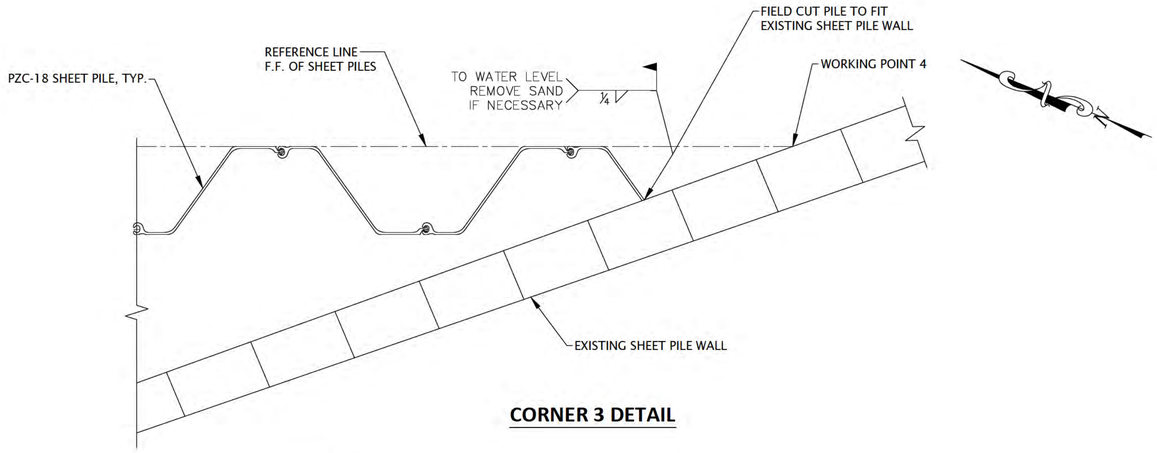
Sheet No.
C119



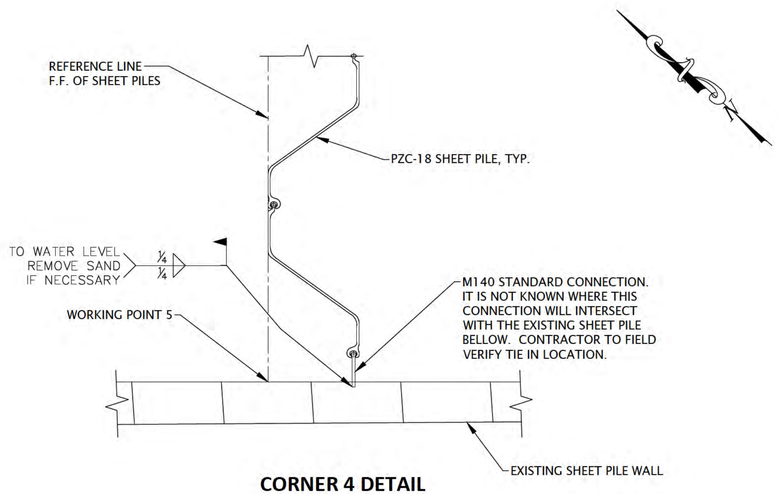
CORNER 1 DETAIL



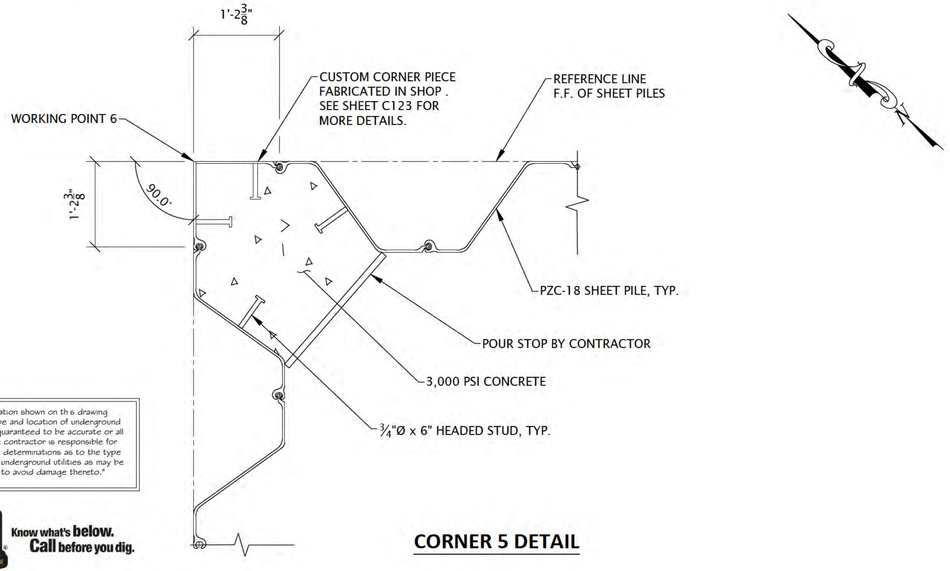
CORNER 2 DETAIL



CORNER 3 DETAIL



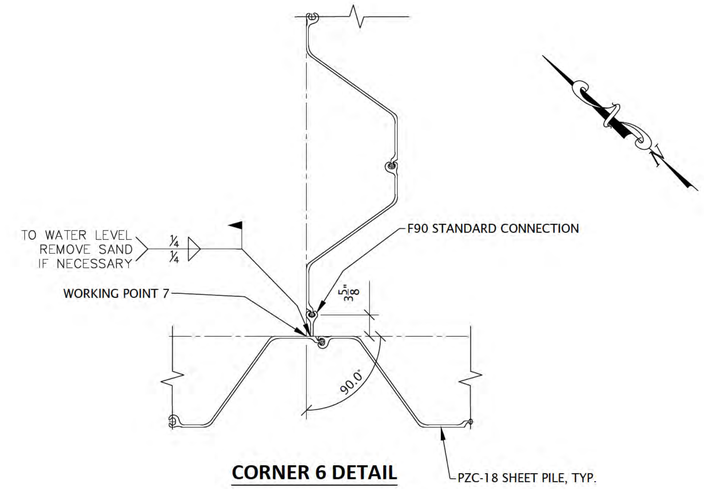
CORNER 4 DETAIL



"The information shown on th s drawing concerning type and location of underground utilities s not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

CORNER 5 DETAIL



CORNER 6 DETAIL

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Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ½" 1"
(In Feet)
1" Inch = 1 Ft.

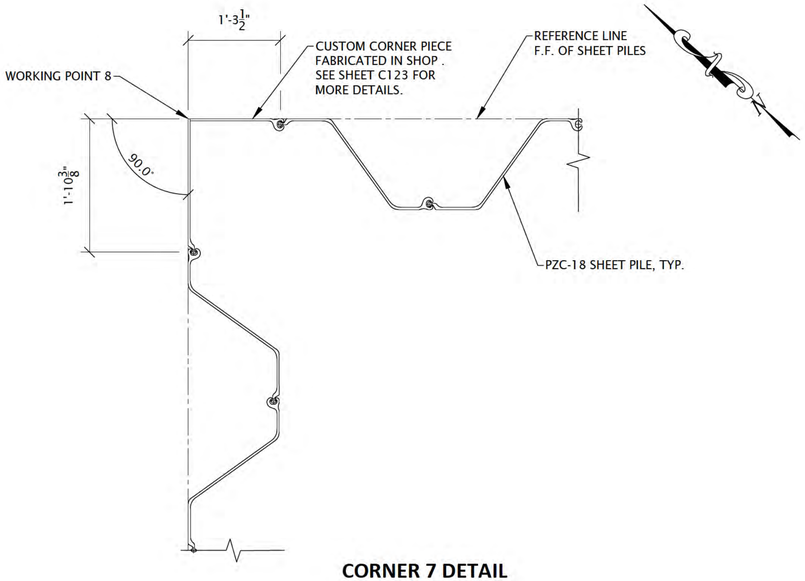
Scale: 1" Inch = 1 Ft.

Drawing Title

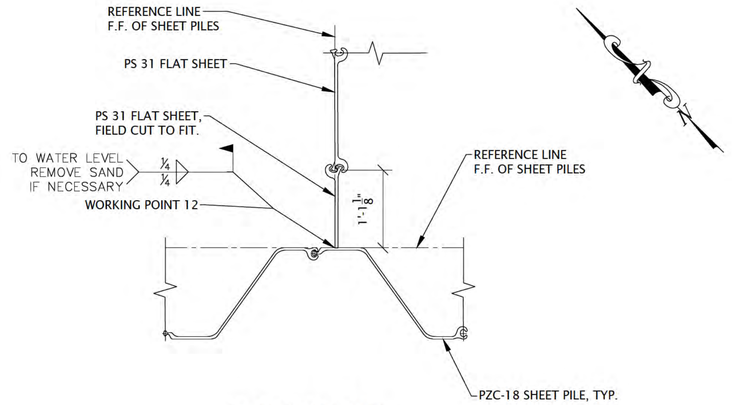
SHORELINE IMPROVEMENTS
CORNER DETAILS 1

Sheet No.

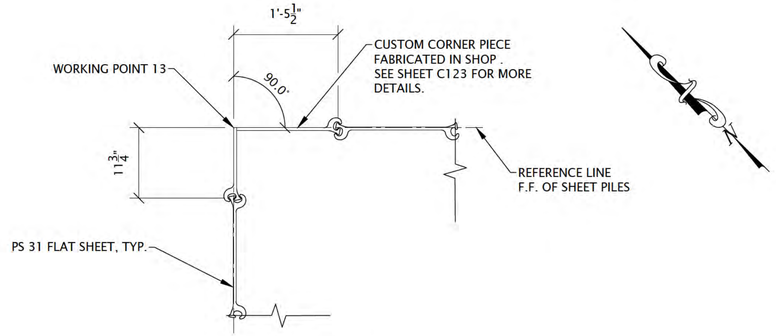
C120



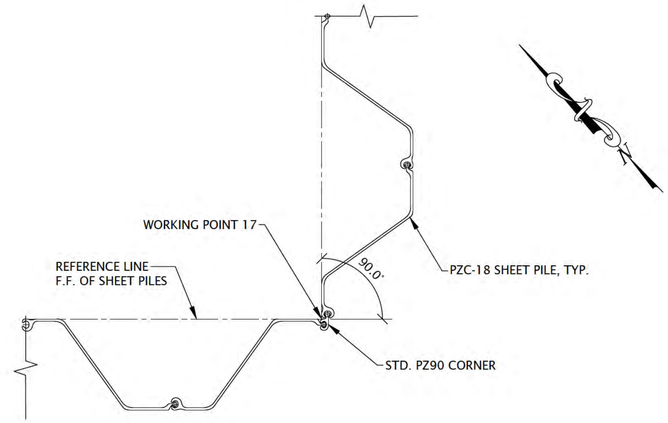
CORNER 7 DETAIL



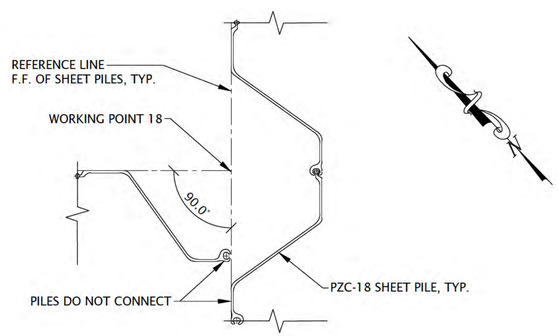
CORNER 8 DETAIL



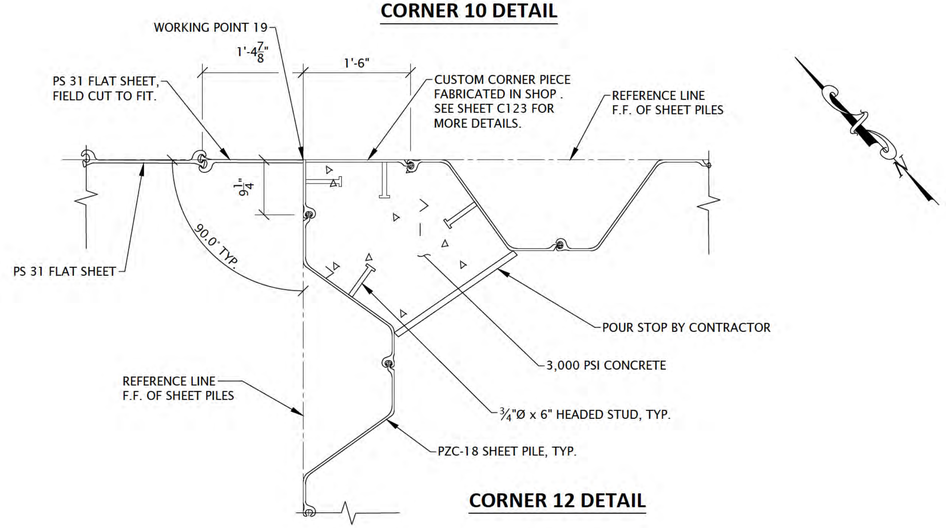
CORNER 9 DETAIL



CORNER 10 DETAIL



CORNER 11 DETAIL



CORNER 12 DETAIL

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

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6750 Woodland Drive
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70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ½" 1"
(In Feet)
1" Inch = 1 Ft.

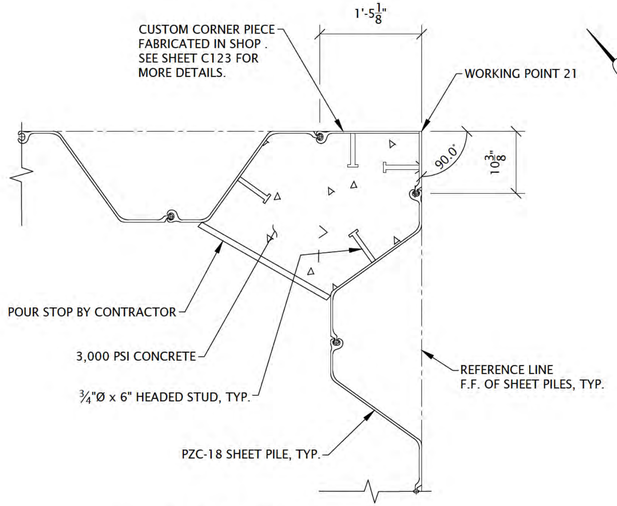
Scale: 1" Inch = 1 Ft.

Drawing Title

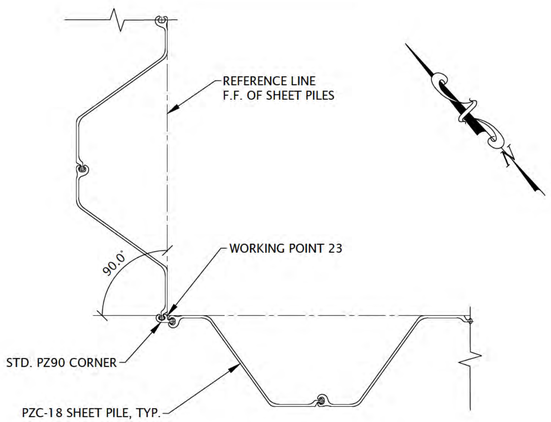
SHORELINE IMPROVEMENTS
CORNER DETAILS 2

Sheet No.

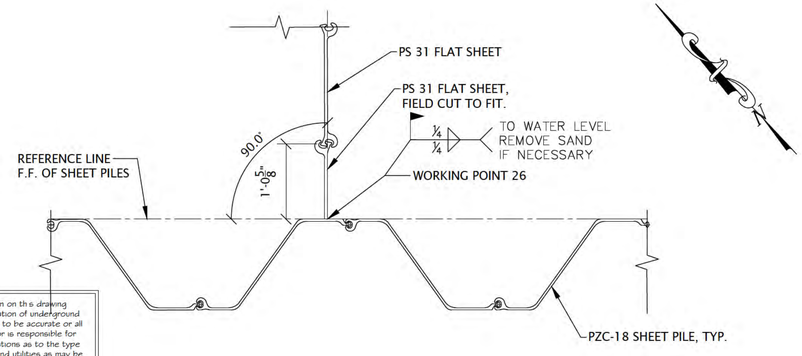
C121



CORNER 13 DETAIL



CORNER 15 DETAIL



CORNER 17 DETAIL

"The information shown on th e drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

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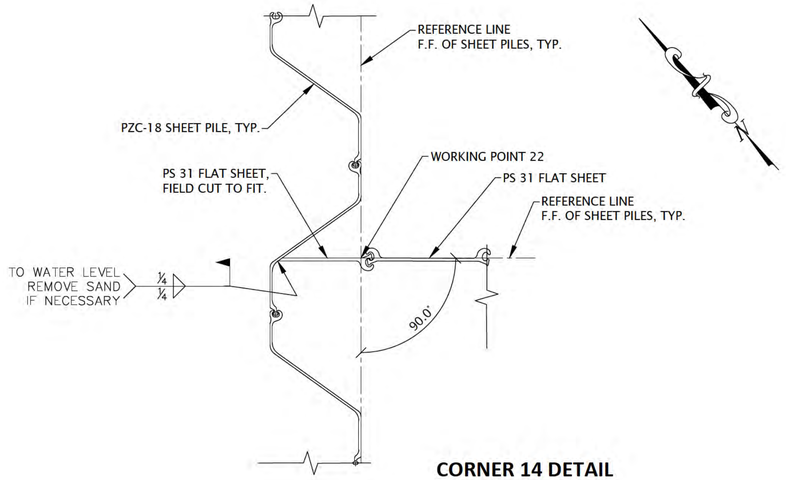
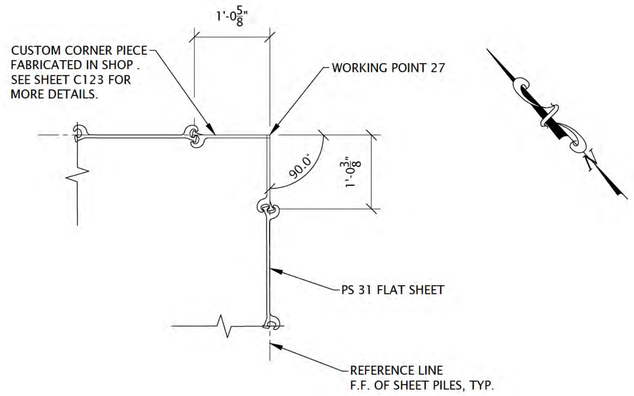
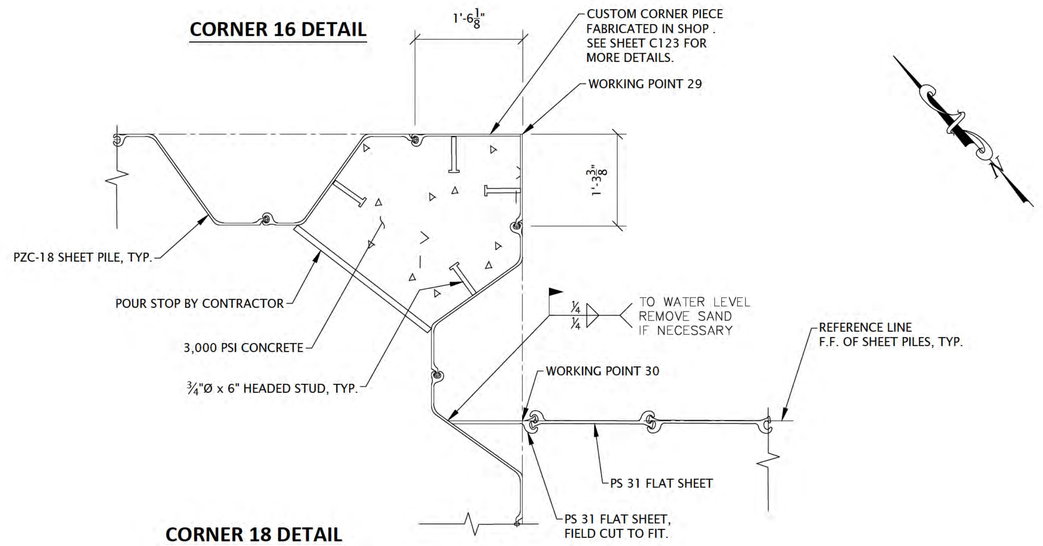


CORNER 14 DETAIL



CORNER 16 DETAIL



CORNER 18 DETAIL

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p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

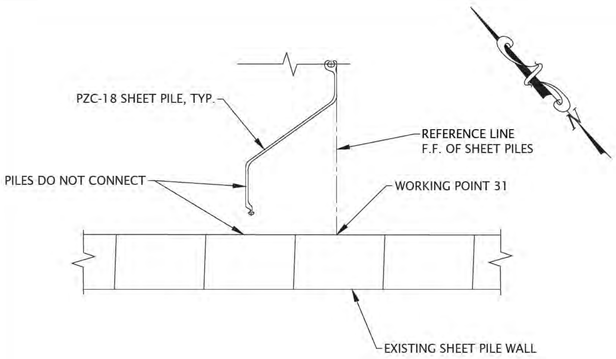
0" ½" 1"
(In Feet)
1" Inch = 1 Ft.

Scale: 1" Inch = 1 Ft.

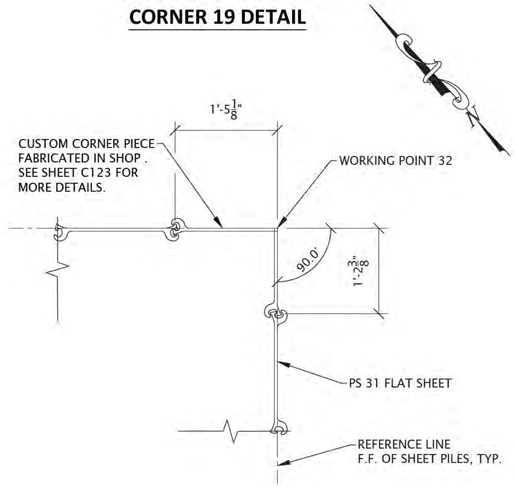
Drawing Title

SHORELINE IMPROVEMENTS
CORNER DETAILS 3

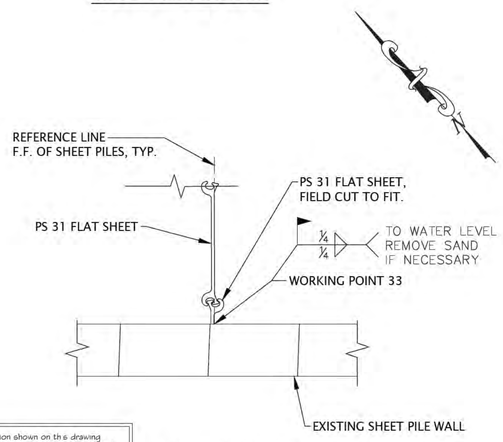
Sheet No.
C122



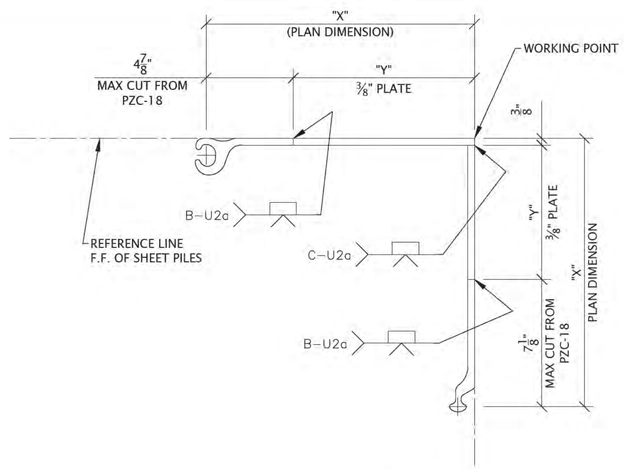
CORNER 19 DETAIL



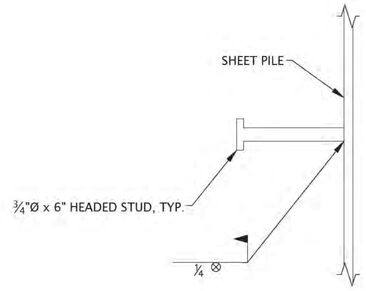
CORNER 20 DETAIL



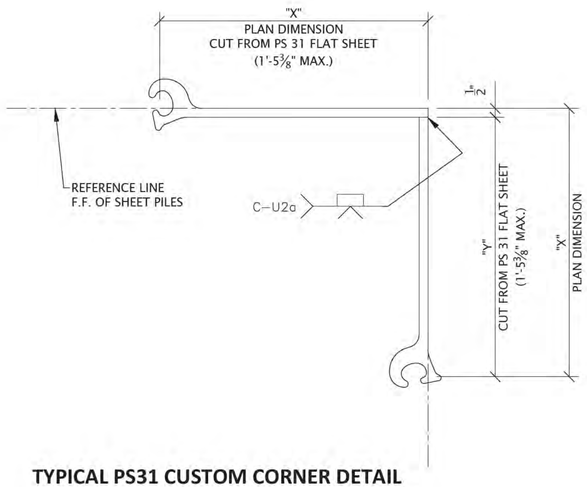
CORNER 21 DETAIL



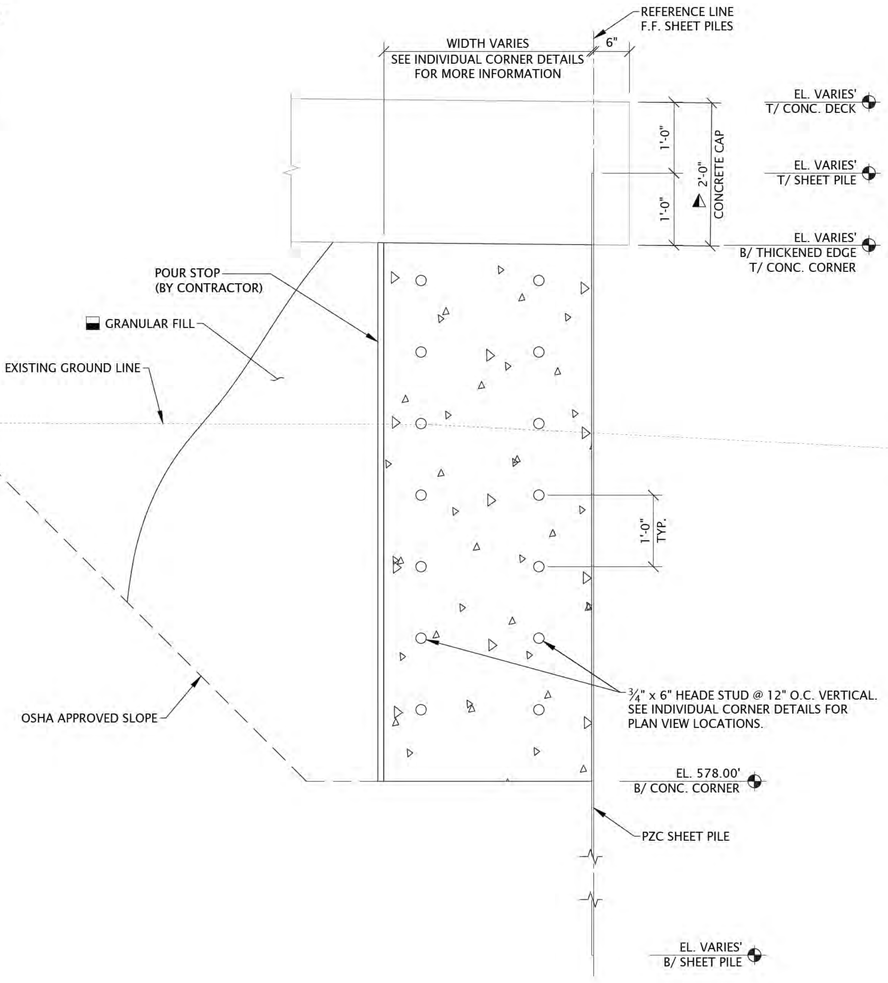
TYPICAL PZC-18 CUSTOM CORNER DETAIL



TYPICAL STUD DETAIL



TYPICAL PS31 CUSTOM CORNER DETAIL



TYPICAL SECTION THROUGH CONCRETE CORNER

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.

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811 Know what's below. Call before you dig.

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
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c. 608.843.1870
redbarnde@tds.net

Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" 1/2" 1"
(In Feet)
1" Inch = 1 Ft.

Scale: 1" Inch = 1 Ft.

Drawing Title

SHORELINE IMPROVEMENTS
CORNER DETAILS 4

Sheet No.

C123

LEGEND

ORDINARY HIGH WATER MARK (OHW)

50' SETBACK LINE FROM OHW

SEE SHEET C126

SEE SHEET C125

SEE SHORELINE IMPROVEMENTS SHEETS FOR MORE DETAILS

SEE EAST RETAINING WALL SHEETS FOR MORE DETAILS

SEE WEST RETAINING WALL SHEETS FOR MORE DETAILS

SEE UPLAND SITE IMPROVEMENTS SHEETS FOR MORE DETAILS

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CENTENNIAL PARK BREAKWATER OVERVIEW

RED BARN
Design & Engineering, S.C.

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c. 608.843.1870
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Consultants

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Associated Engineers, Inc.

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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

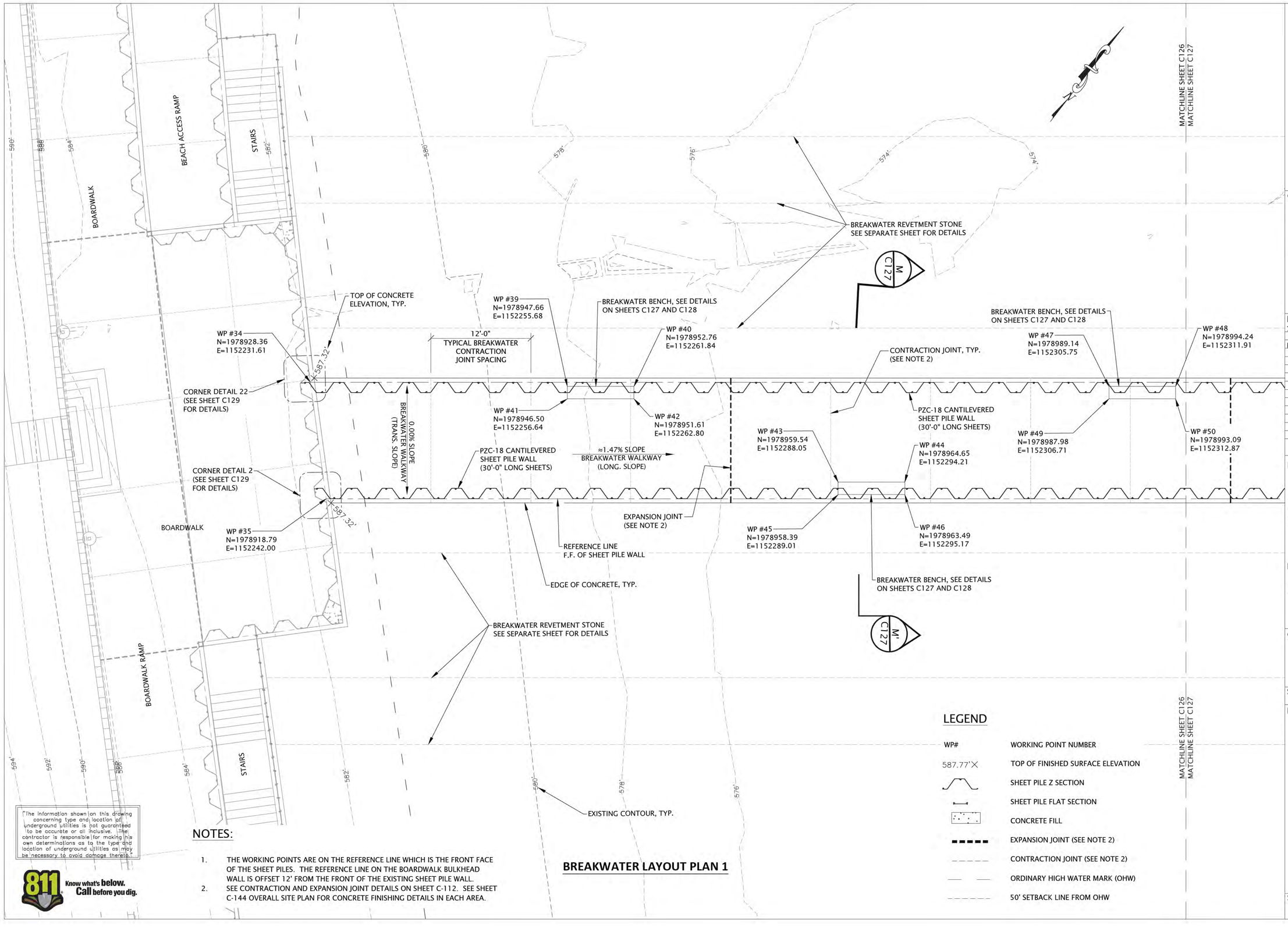
Scale 1 Inch = 20 Ft.

Drawing Title

BREAKWATER PLAN OVERVIEW

Sheet No.

C124



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811 Know what's below. Call before you dig.

NOTES:

1. THE WORKING POINTS ARE ON THE REFERENCE LINE WHICH IS THE FRONT FACE OF THE SHEET PILES. THE REFERENCE LINE ON THE BOARDWALK BULKHEAD WALL IS OFFSET 12' FROM THE FRONT OF THE EXISTING SHEET PILE WALL.
2. SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C-112. SEE SHEET C-144 OVERALL SITE PLAN FOR CONCRETE FINISHING DETAILS IN EACH AREA.

BREAKWATER LAYOUT PLAN 1

LEGEND

WP#	WORKING POINT NUMBER
587.77'X	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)
	ORDINARY HIGH WATER MARK (OHW)
	50' SETBACK LINE FROM OHW

RED BARN
Design & Engineering, S.C.

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619 E. Hoxie St.
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p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

Drawing Title
BREAKWATER
LAYOUT PLAN 1

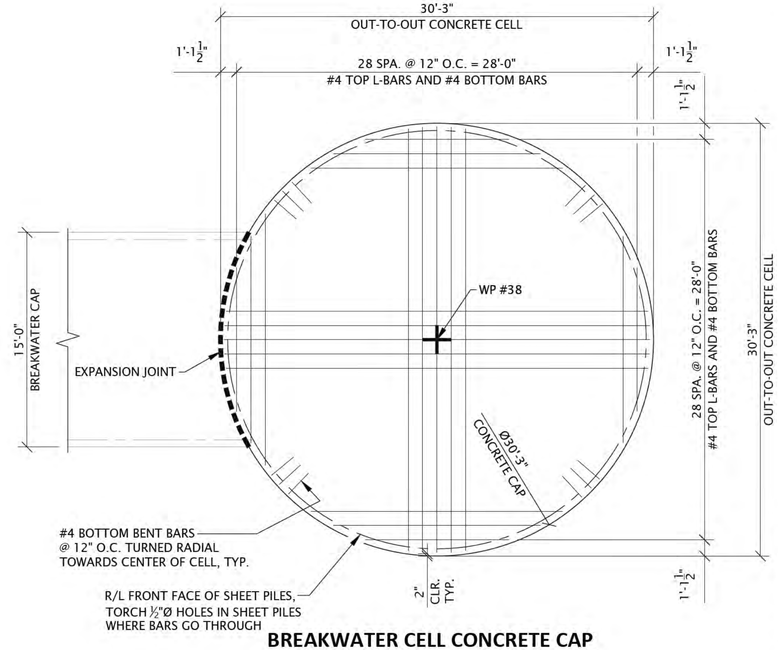
Sheet No.
C125

LEGEND (PROPOSED)

WP#	WORKING POINT NUMBER
587.77'×	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)

NOTES:

1. THE WORKING POINTS ARE ON THE REFERENCE LINE WHICH IS THE FRONT FACE OF THE SHEET PILES. THE REFERENCE LINE ON THE BOARDWALK BULKHEAD WALL IS OFFSET 12' FROM THE FRONT OF THE EXISTING SHEET PILE WALL.
2. SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C-112. SEE SHEET C-144 OVERALL SITE PLAN FOR CONCRETE FINISHING DETAILS IN EACH AREA.



BREAKWATER CELL CONCRETE CAP REINFORCEMENT PLAN VIEW

MATCHLINE SHEET C126
MATCHLINE SHEET C127

574'

N C128

M C127

CORNER DETAIL 24 (SEE SHEET C129 FOR DETAILS)

TOP OF CONCRETE ELEVATION, TYP.

GRANITE BANDS, SEE HARDSCAPE DETAILS ON SHEET C153

COMPASS ROSE, SEE HARDSCAPE DETAILS ON SHEET C153

29'-3"Ø TO STEEL DRIVE LINE (30'-3"Ø TO OUTSIDE CONCRETE CAP) NOMINAL CELLULAR STRUCTURE CONSTRUCTED WITH (56) PS31 STEEL SHEET PILES 30'-0" LONG

EXPANSION JOINT (SEE NOTE 2)

CONTRACTION JOINT, TYP. (SEE NOTE 2)

585.00'

WP #36
N=1979033.77
E=1152358.85

0.00% SLOPE BREAKWATER CELL (TRANS. SLOPE)

WP #38
N=1979036.58
E=1152373.20

≈1.47% SLOPE BREAKWATER CELL (LONG. SLOPE)

584.58'

EXPANSION JOINT (SEE NOTE 2)

Ø29'-3"

WP #37
N=1979022.99
E=1152367.78

0.00% SLOPE BREAKWATER CELL (TRANS. SLOPE)

585.00'

0.00% SLOPE BREAKWATER WALKWAY (TRANS. SLOPE)

≈1.47% SLOPE BREAKWATER WALKWAY (LONG. SLOPE)

PZC-18 CANTILEVERED SHEET PILE WALL (30'-0" LONG SHEETS)

PZC-18 CANTILEVERED SHEET PILE WALL (30'-0" LONG SHEETS)

12'-0" TYPICAL BREAKWATER CONTRACTION JOINT SPACING

6'-6" JOINT SPACING

WP #51
N=1979001.03
E=1152338.12

WP #52
N=1979006.13
E=1152344.28

WP #53
N=1978999.87
E=1152339.08

WP #54
N=1979004.97
E=1152345.24

REFERENCE LINE
F.F. OF SHEET PILE WALL

EDGE OF CONCRETE, TYP.

BREAKWATER BENCH, SEE DETAILS ON SHEETS C127 AND C128

CORNER DETAIL 25 (SEE SHEET C129 FOR DETAILS)

BREAKWATER CELL BENCH, SEE DETAILS ON SHEETS C127 AND C128

BREAKWATER REVETMENT STONE SEE SEPARATE SHEET FOR DETAILS

M' C127

N' C128

BREAKWATER LAYOUT PLAN 2

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Spring Green Wisconsin 53588
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Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

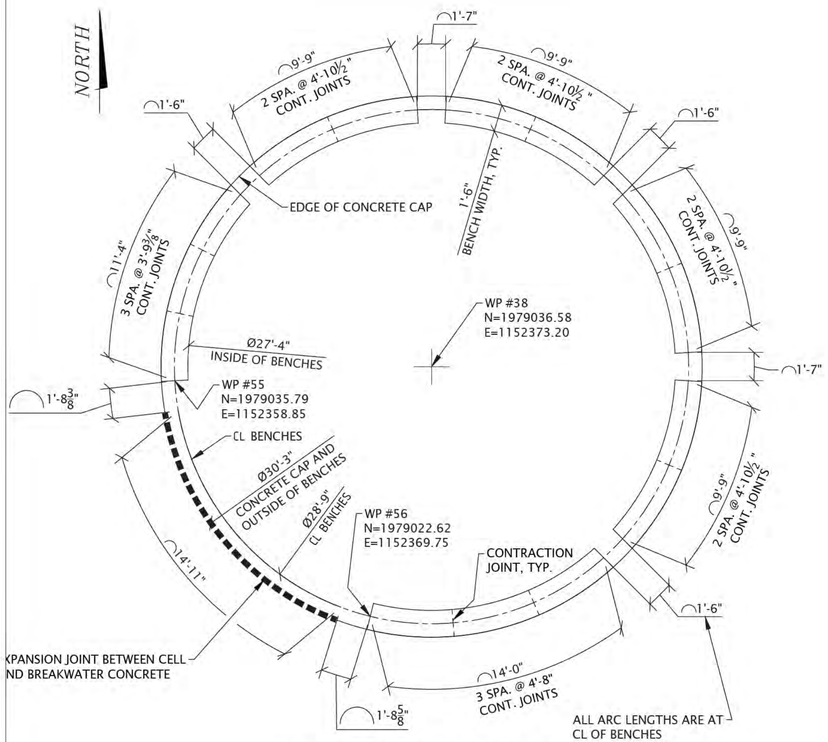
0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

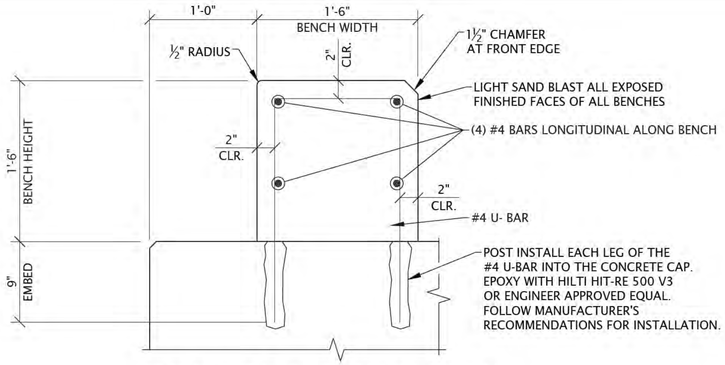
Drawing Title

BREAKWATER
LAYOUT PLAN 2

Sheet No.
C126



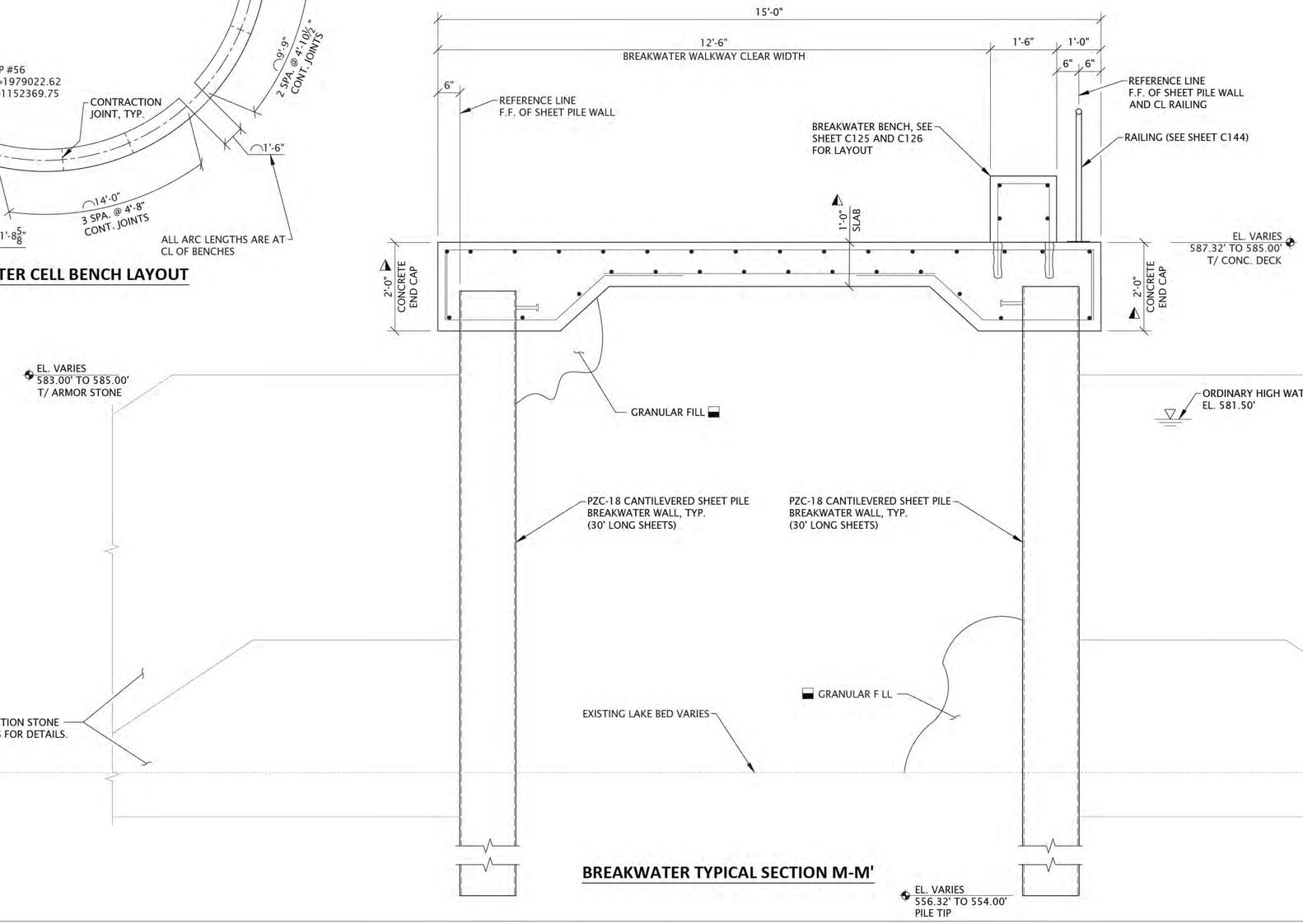
BREAKWATER CELL BENCH LAYOUT



BREAKWATER BENCH TYPICAL SECTION

LEGEND:

- SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.
- SEE DETAIL BULKHEAD WALL CONCRETE CAP AND SLAB DETAILS ON SHEET C109.



BREAKWATER TYPICAL SECTION M-M'

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
c. 608.843.1870
redbarnde@tds.net

Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

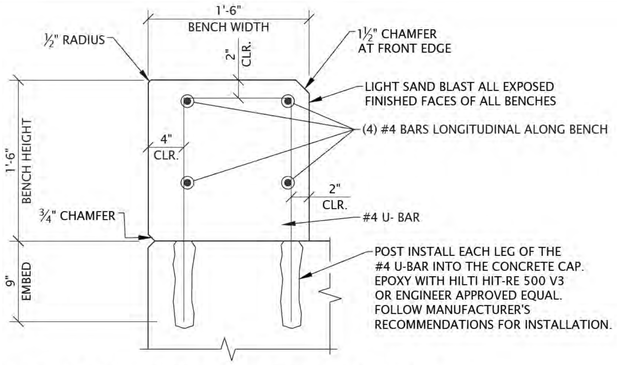
0" ⅜" ¾"
(In Feet)
¾" Inch = 1 Ft.

Scale: ¾" Inch = 1 Ft.

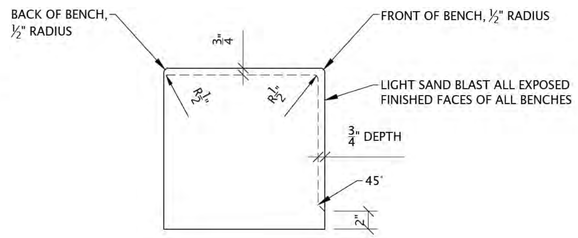
Drawing Title

BREAKWATER IMPROVEMENTS
SECTIONS AND DETAILS
SECTION M-M'

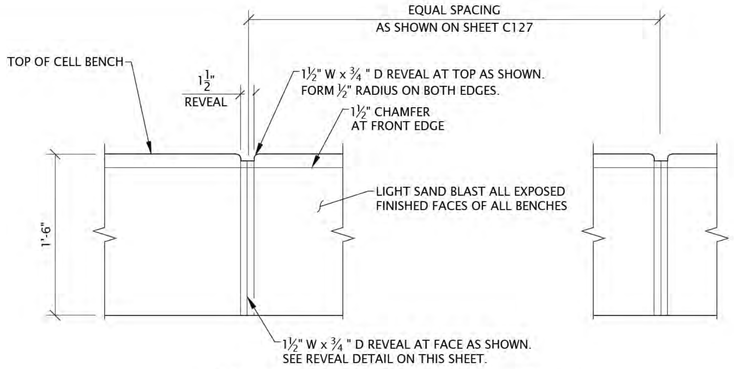
Sheet No.
C127



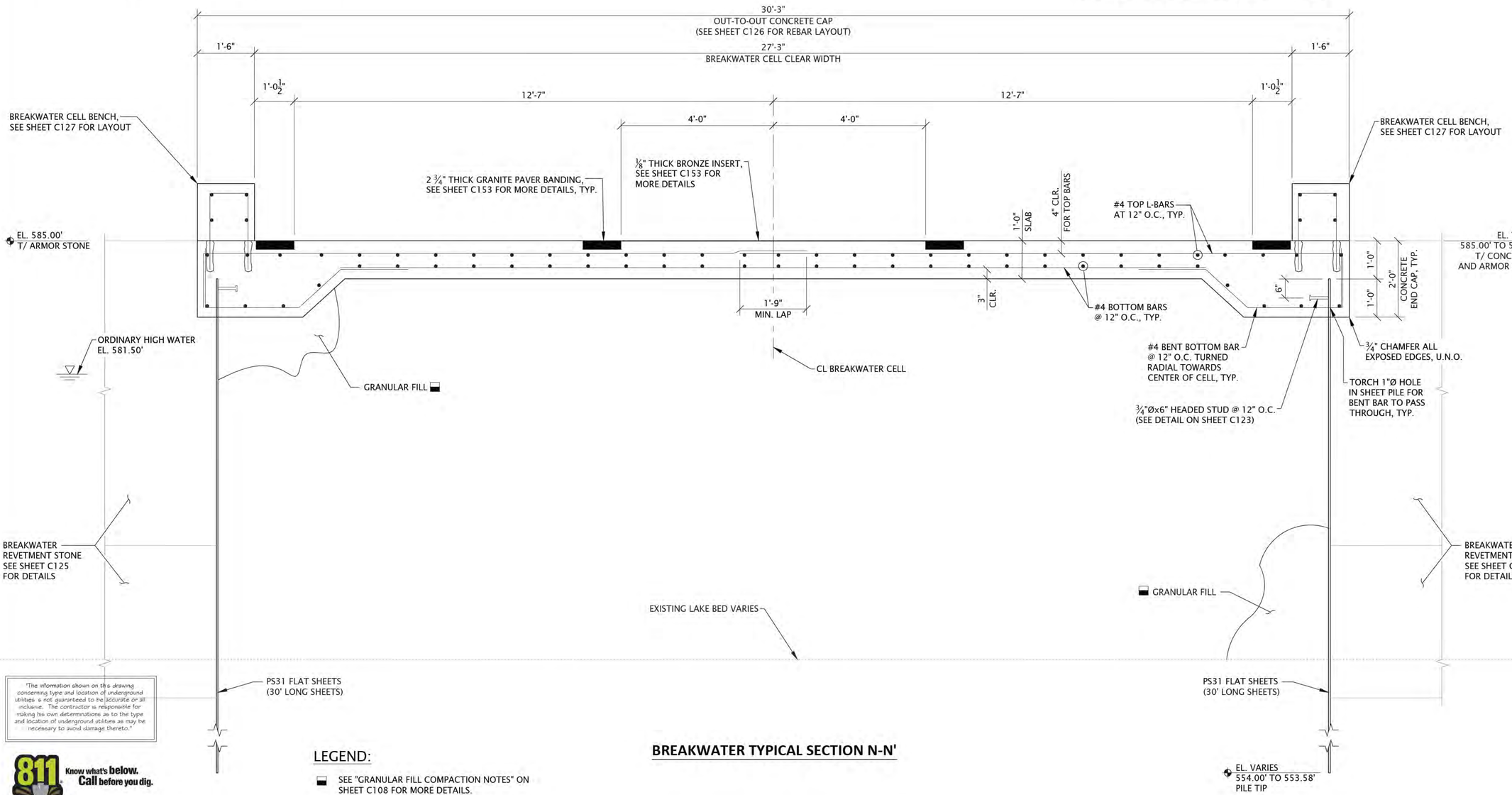
BREAKWATER CELL BENCH TYPICAL SECTION



CONCRETE BENCH REVEAL DETAIL



CONCRETE BENCH ELEVATION VIEW



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LEGEND:

SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.

BREAKWATER TYPICAL SECTION N-N'

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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

0" ⅜" ¾"
(In Feet)
¾" Inch = 1 Ft.

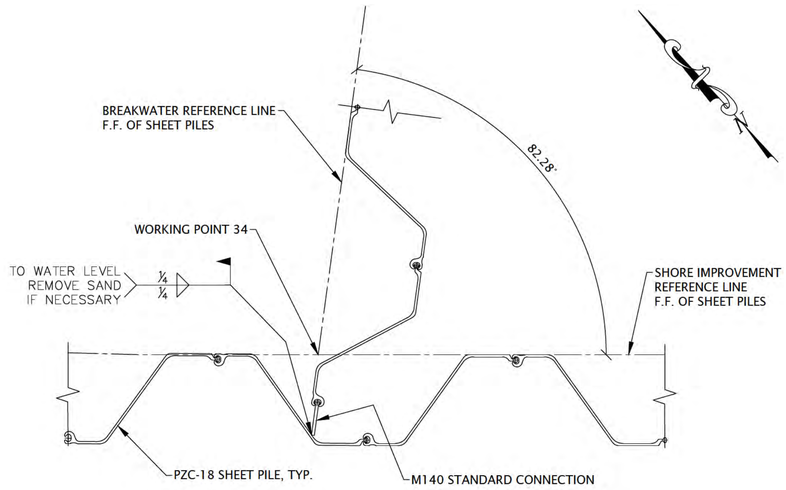
Scale: ¾" Inch = 1 Ft.

Drawing Title

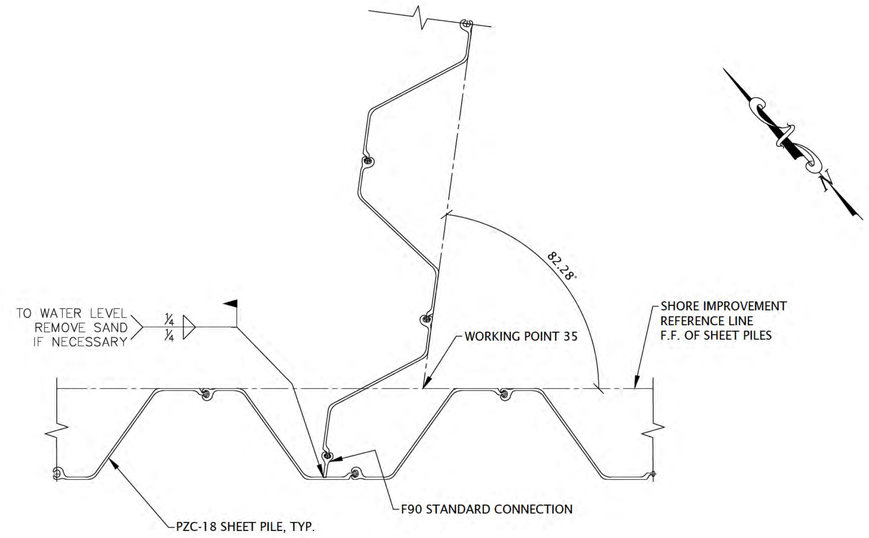
BREAKWATER IMPROVEMENTS SECTIONS AND DETAILS SECTION N-N'

Sheet No.

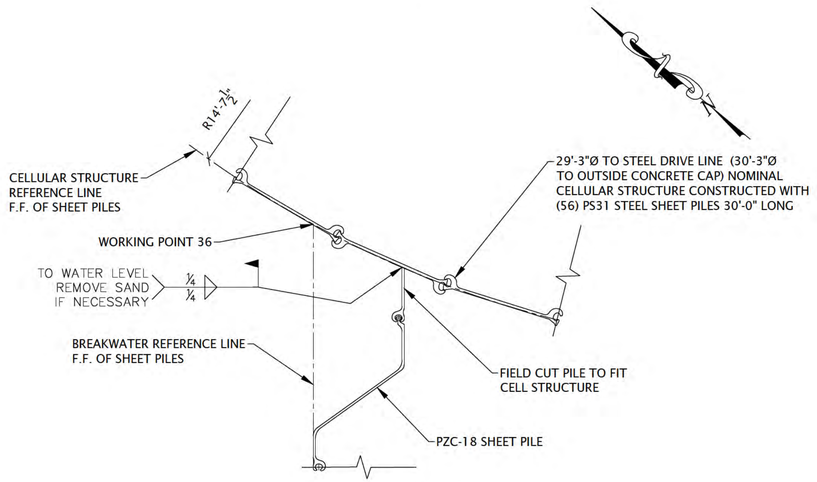
C128



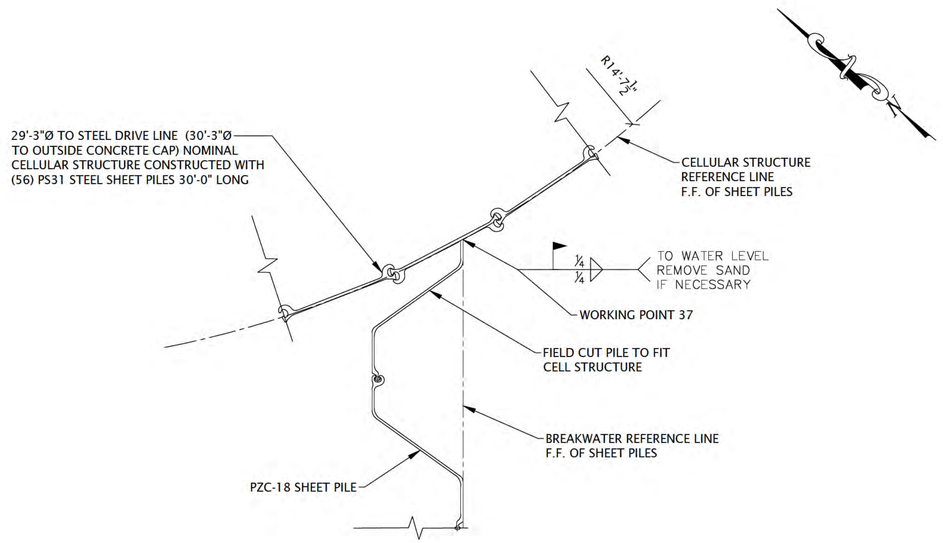
CORNER 22 DETAIL



CORNER 23 DETAIL



CORNER 24 DETAIL



CORNER 25 DETAIL

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Associated Engineers, Inc.

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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale:

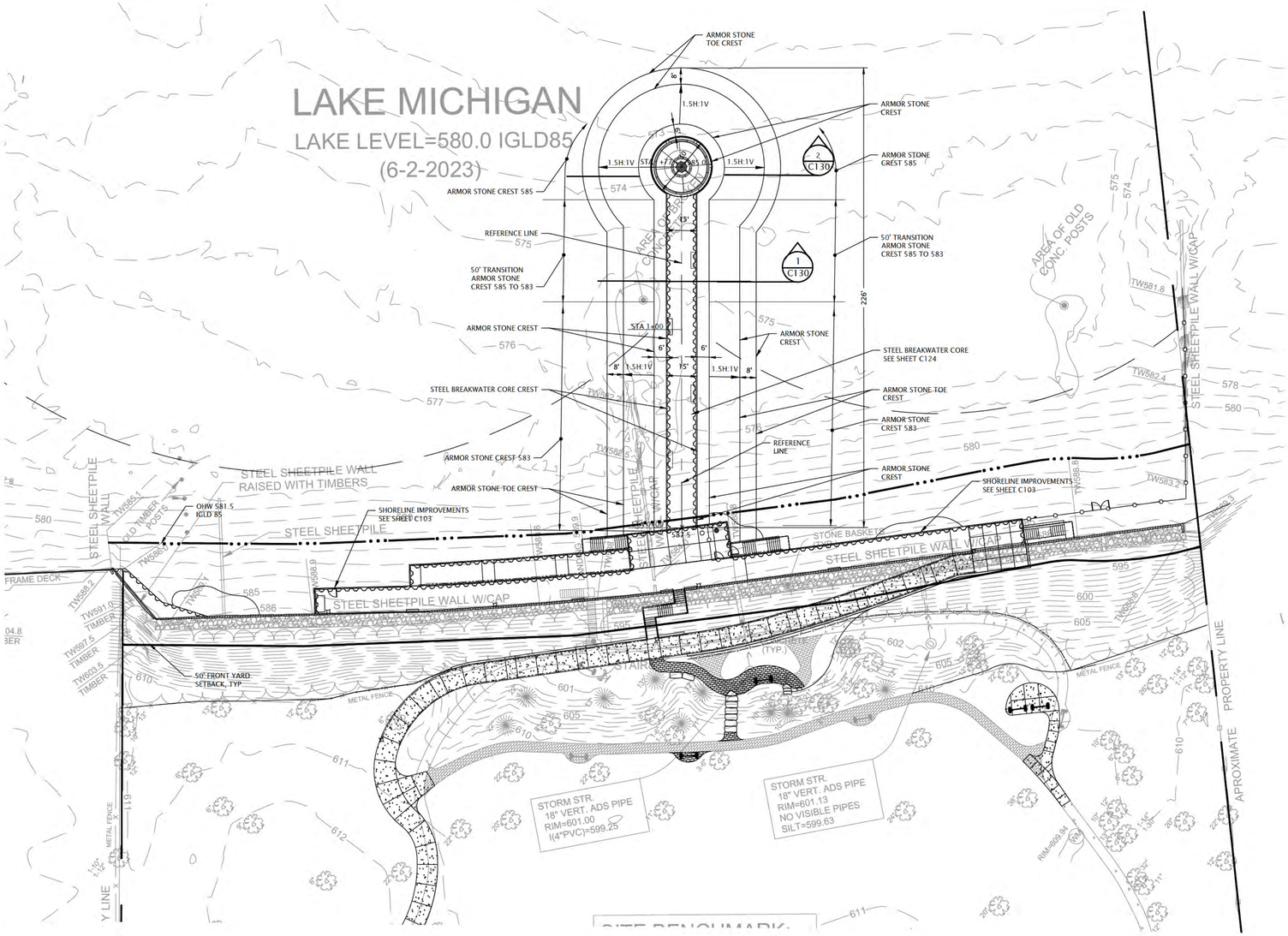
0" ½" 1"
(In Feet)
1" Inch = 1 Ft.

Scale: 1" Inch = 1 Ft.

Drawing Title

BREAKWATER
CORNER DETAILS

Sheet No.
C129



LEGEND (PROPOSED)

- BOARD WALK
- CONCRETE ADA RAMP
- BREAKWATER
- STORM SEWER
- X585 - SPOT ELEVATION
- REFERENCE LINE
- OHW 581.5 IGLD 85
- 50' FRONT YARD SETBACK

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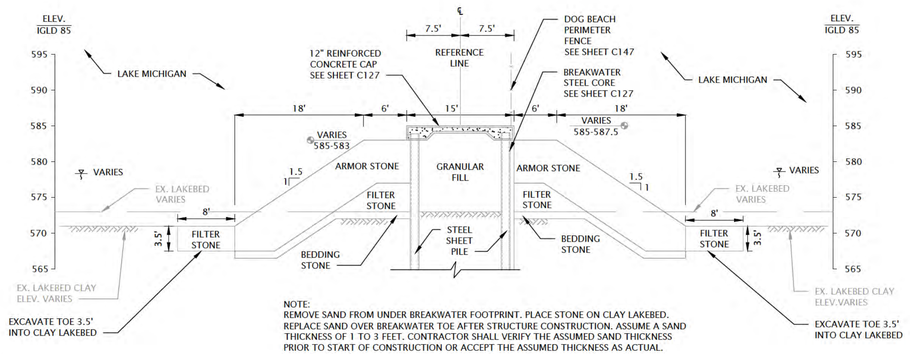
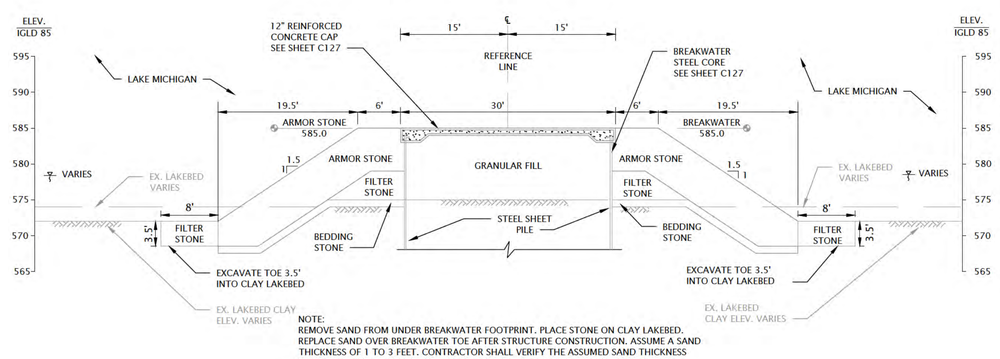


NOTE:
REMOVE SAND FROM UNDER BREAKWATER FOOTPRINT. PLACE STONE ON CLAY LAKEBED. REPLACE SAND OVER BREAKWATER TOE AFTER STRUCTURE CONSTRUCTION. ASSUME A SAND THICKNESS OF 1 TO 3 FEET. CONTRACTOR SHALL VERIFY THE ASSUMED SAND THICKNESS PRIOR TO START OF CONSTRUCTION OR ACCEPT THE ASSUMED THICKNESS AS ACTUAL.

1 / C130 BREAKWATER SECTION STA 0+00 TO STA 1+45
Scale : 0' 5' 10'



NOTE:
REMOVE SAND FROM UNDER BREAKWATER FOOTPRINT. PLACE STONE ON CLAY LAKEBED. REPLACE SAND OVER BREAKWATER TOE AFTER STRUCTURE CONSTRUCTION. ASSUME A SAND THICKNESS OF 1 TO 3 FEET. CONTRACTOR SHALL VERIFY THE ASSUMED SAND THICKNESS PRIOR TO START OF CONSTRUCTION OR ACCEPT THE ASSUMED THICKNESS AS ACTUAL.

2 / C130 BREAKWATER SECTION STA 1+45 TO STA 1+77
Scale : 0' 5' 10'

WORK SEQUENCE NOTES:

1. ESTABLISH AND MAINTAIN EROSION CONTROL AND TRAFFIC BARRICADES PRIOR TO COMMENCEMENT OF WORK.
2. CONTRACTOR SHALL FURNISH AND MAINTAIN CONSTRUCTION FENCING BARRICADE TO SECURE CONSTRUCTION AND STAGING AREAS FROM PUBLIC ACCESS.
3. CONTRACTOR MAY CONSTRUCT AND MAINTAIN TEMPORARY HAUL ROAD(S) THROUGH THE PROJECT SITE NEEDED FOR THIS DURATION OF THE PROJECT. FOR THE UPLAND AND COASTAL WORK. NO COASTAL WORK SHALL BE ACCESSED FROM THE UPLAND SITE. DAMAGE TO THE ENTRANCE ONTO SHERIDAN ROAD RESULTING FROM THE CONTRACTORS ACTIONS WILL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
4. NO STOCKPILING OF BREAKWATER MATERIALS MAY BE PERFORMED ON THE UPLAND AREAS OF THE SITE.
5. CONTRACTOR SHALL DETERMINE FOR THE PURPOSE OF THEIR WORK THE AREAS REQUIRED FOR STAGING AND STOCKPILING OF ANY UPLAND STRIPPED MATERIALS.
6. ALL PARKING LOT SIGNS AND SIGN POLES SHALL BE REMOVED AND SALVAGED FOR REINSTALLATION BY THE OWNER.

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.

RED BARN
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p. 608.849.2042
c. 608.843.1870
redbarnde@tds.net

Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

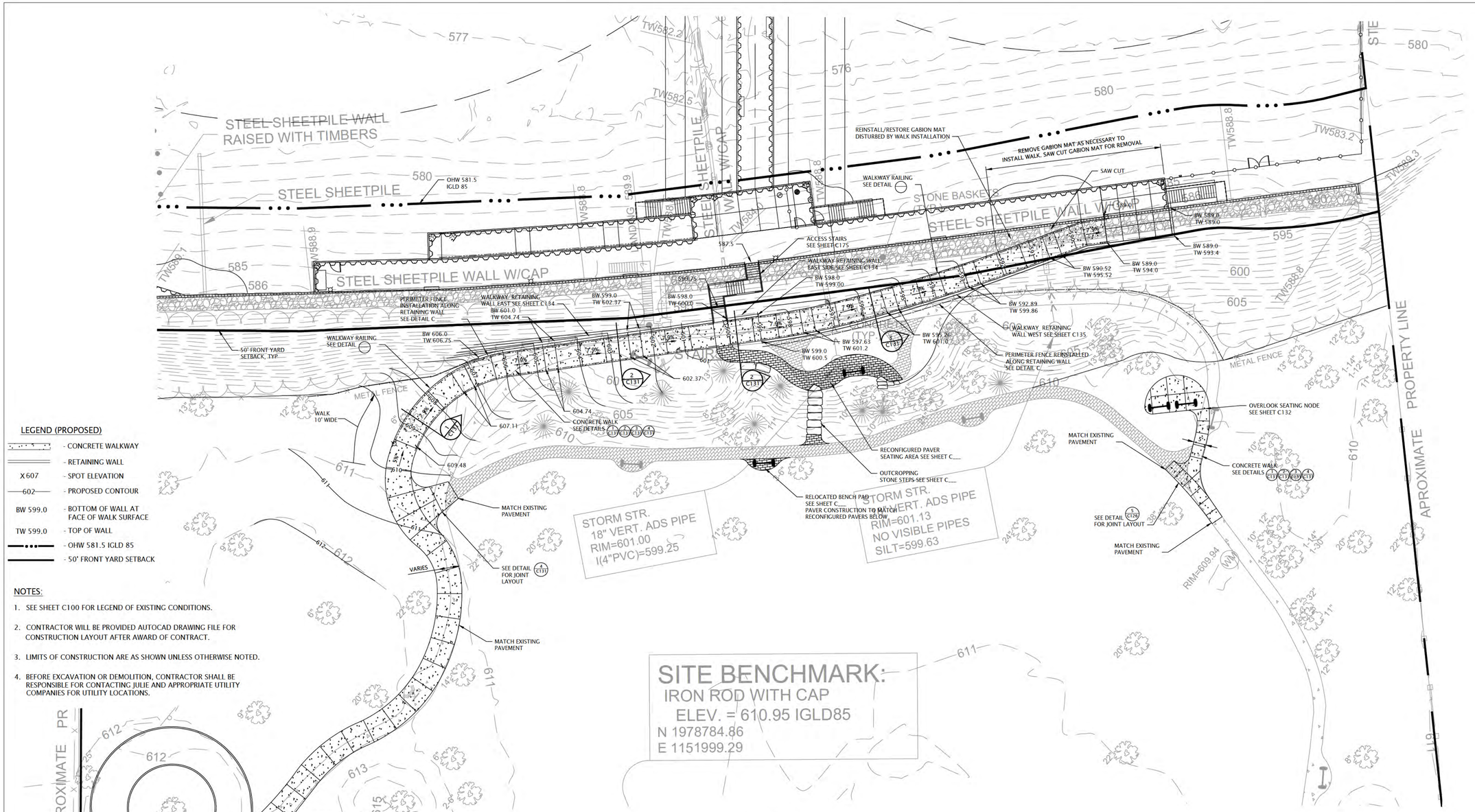
Winnetka Park District
Winnetka, IL

Graphic Scale
0' 15' 30'
(In Feet)
1 Inch = 30 Ft.

Scale 1 Inch = 30 Ft.

Drawing Title
Breakwater Revetment Layout Plan and Sections

Sheet No.
C130



LEGEND (PROPOSED)

- CONCRETE WALKWAY
- RETAINING WALL
- X607 - SPOT ELEVATION
- —602— - PROPOSED CONTOUR
- BW 599.0 - BOTTOM OF WALL AT FACE OF WALK SURFACE
- TW 599.0 - TOP OF WALL
- OHW 581.5 IGLD 85
- 50' FRONT YARD SETBACK

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.

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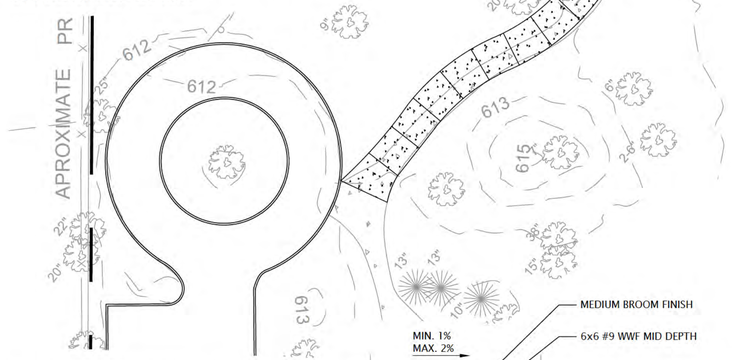
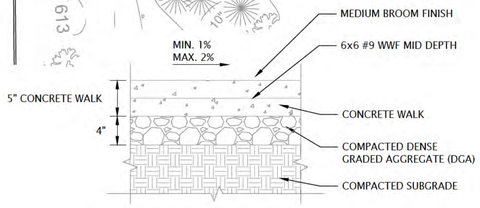
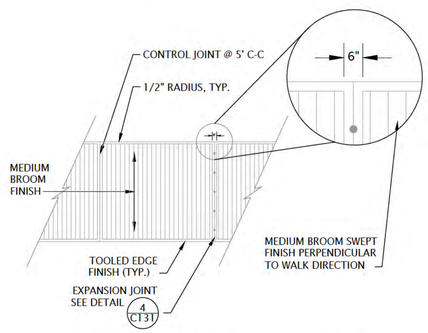
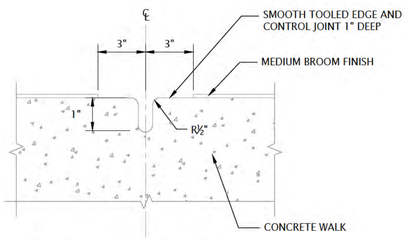




1 C131 CONCRETE PAVEMENT
NOT TO SCALE

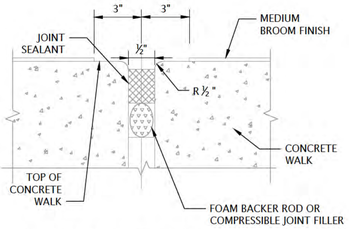


2 C131 CONCRETE SIDEWALK FINISH
NOT TO SCALE



NOTE: CONTROL JOINT @ 10' UNLESS NOTED OTHERWISE

3 C131 CONTROL JOINT
NOT TO SCALE



NOTE: EXPANSION JOINT @ 70' UNLESS NOTED OTHERWISE

4 C131 EXPANSION JOINT
NOT TO SCALE

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Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

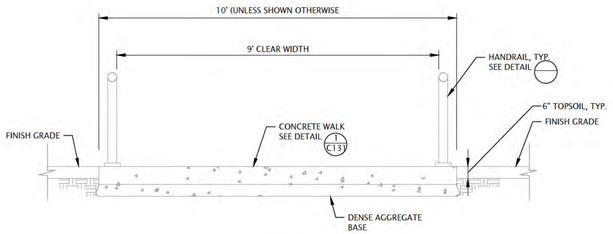
0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

Scale
1 Inch = 20 Ft.

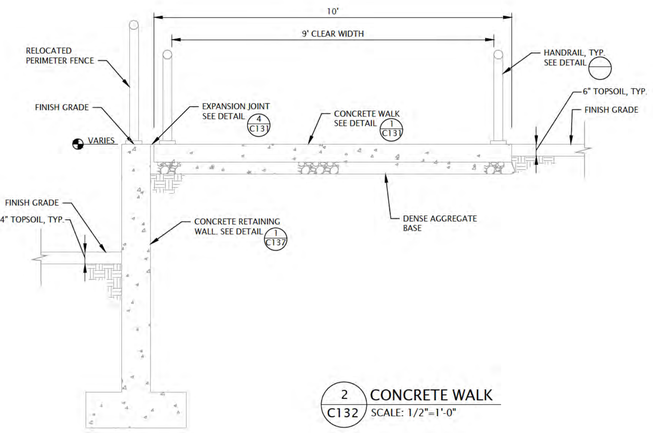
Drawing Title

Walkway Layout
Plan and Details

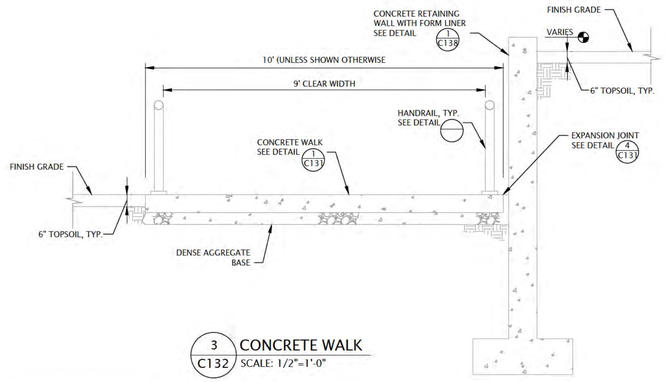
Sheet No.
C131



1 C132 CONCRETE WALK
SCALE: 1/2"=1'-0"



2 C132 CONCRETE WALK
SCALE: 1/2"=1'-0"



3 C132 CONCRETE WALK
SCALE: 1/2"=1'-0"

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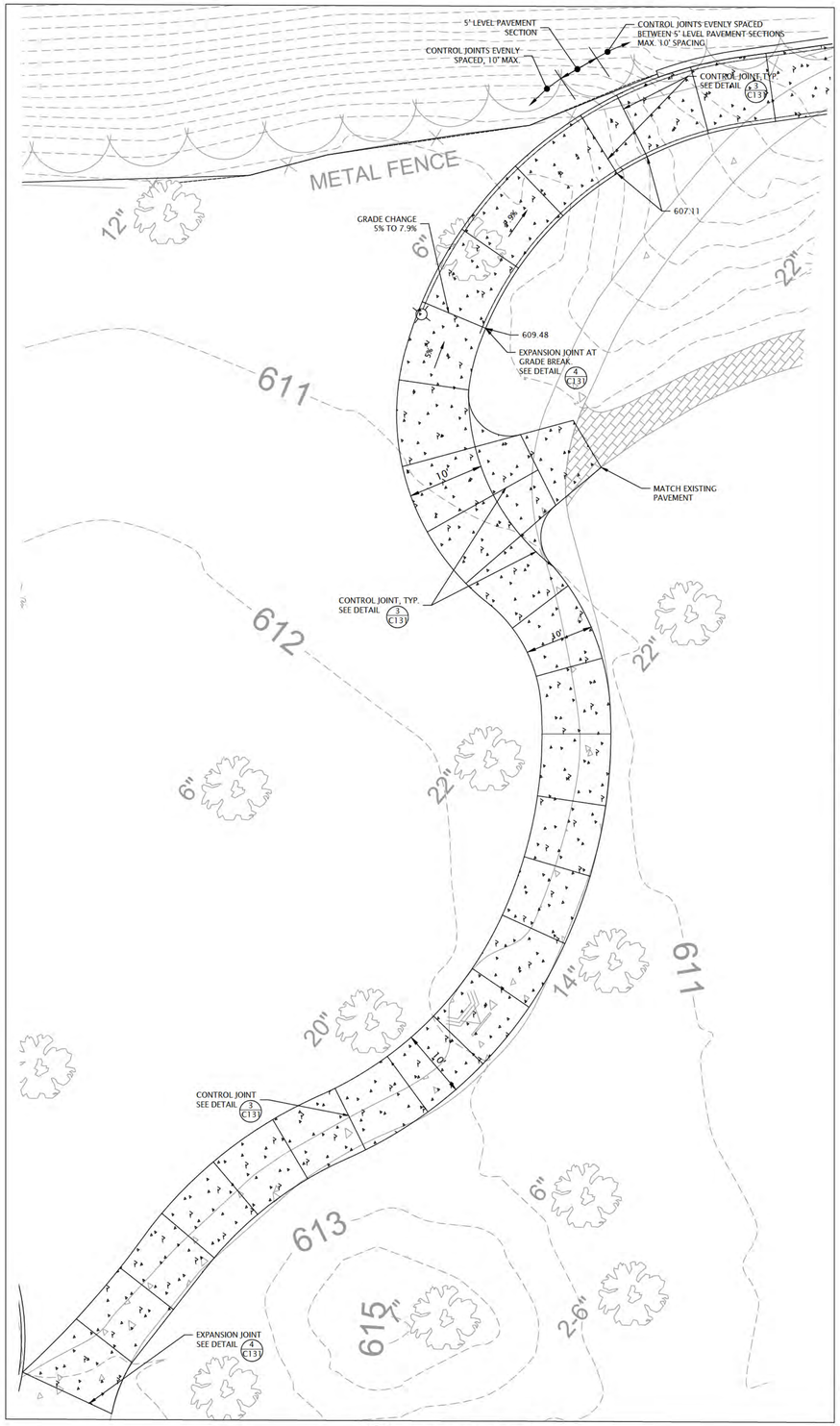

4 C132 JOINT LAYOUT PLAN
SCALE: 1" = 10'

5 C132 JOINT LAYOUT PLAN
SCALE: 1" = 10'

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Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' ½" ½"
(In Feet)
½" Inch = 1 Ft.

Scale 1/2" = 1'-0"

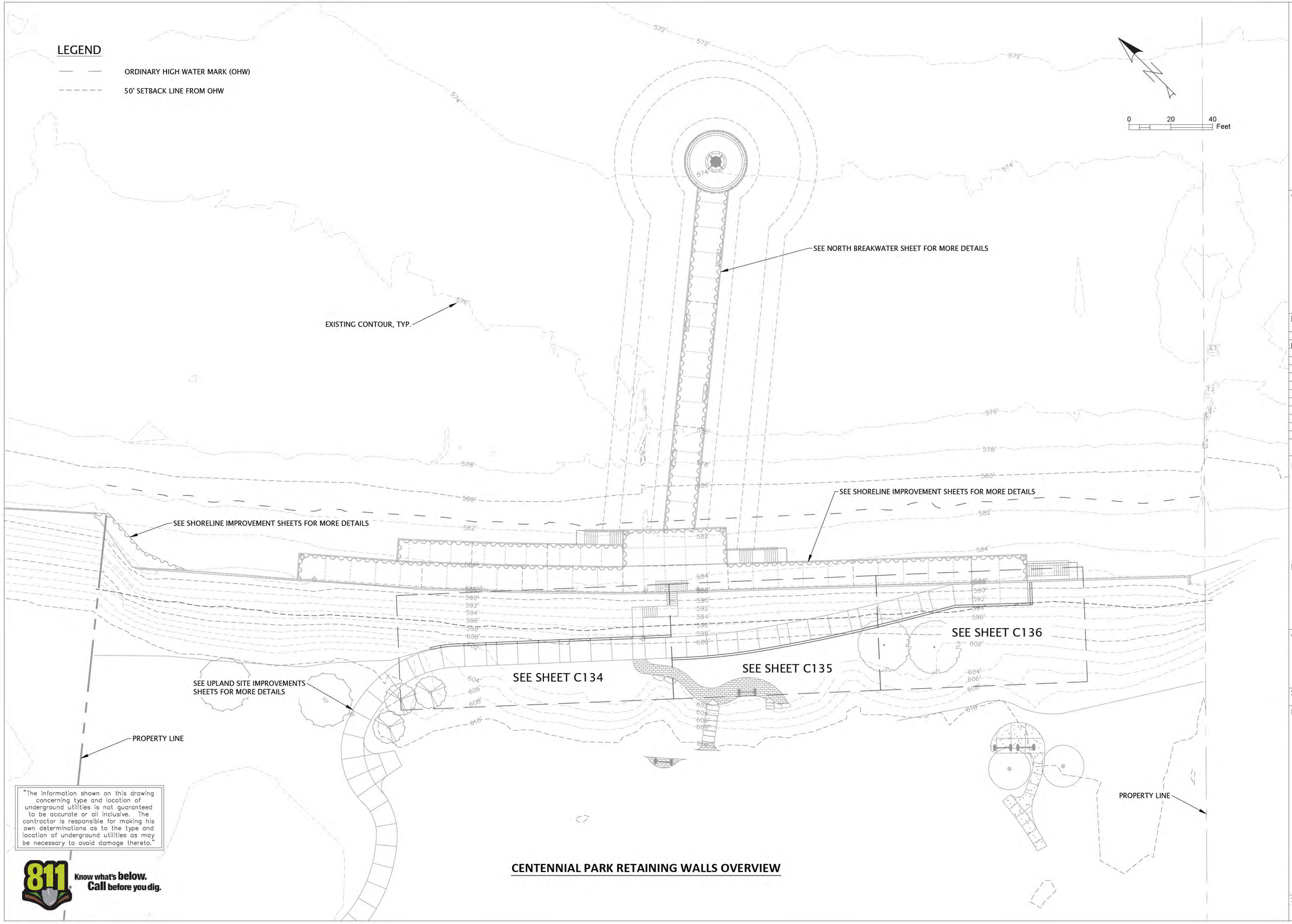
Drawing Title
Walkway Details

Sheet No.
C132

LEGEND

ORDINARY HIGH WATER MARK (OHW)

50' SETBACK LINE FROM OHW



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811 Know what's **below.** **Call** before you dig.

CENTENNIAL PARK RETAINING WALLS OVERVIEW

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Consultants

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619 E. Hoxie St.
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p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

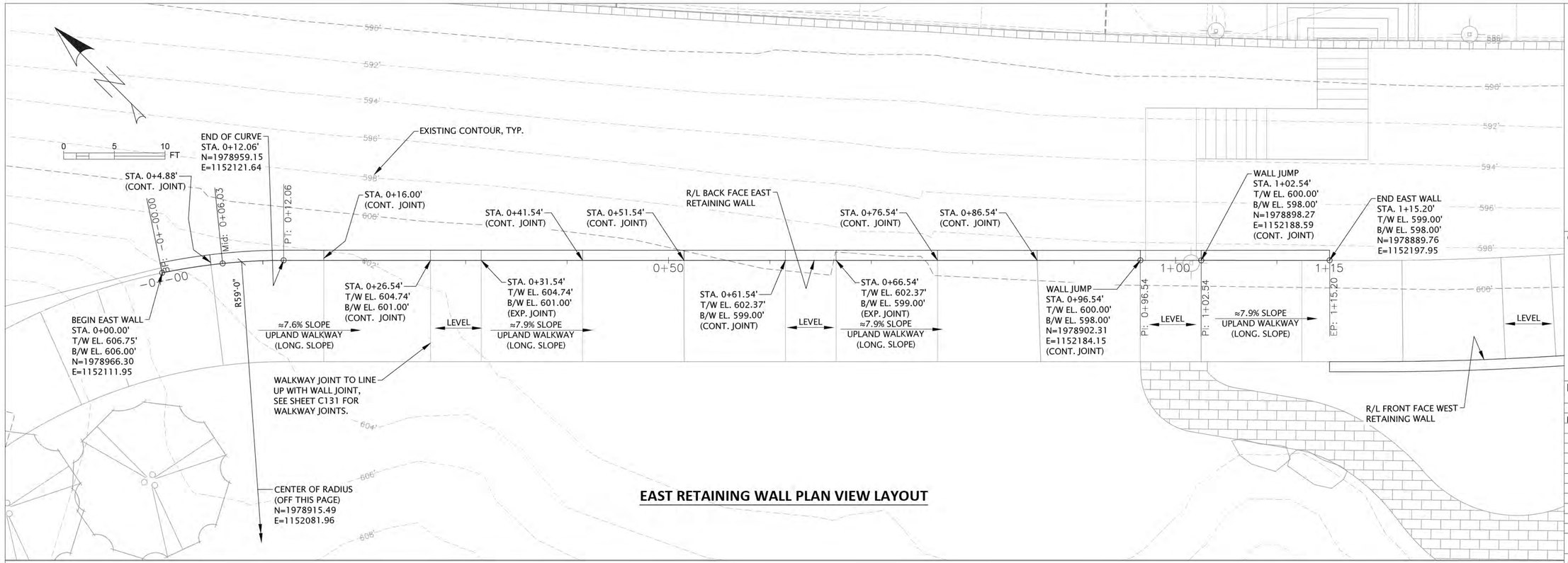
Scale 1" = 40'

Drawing Title

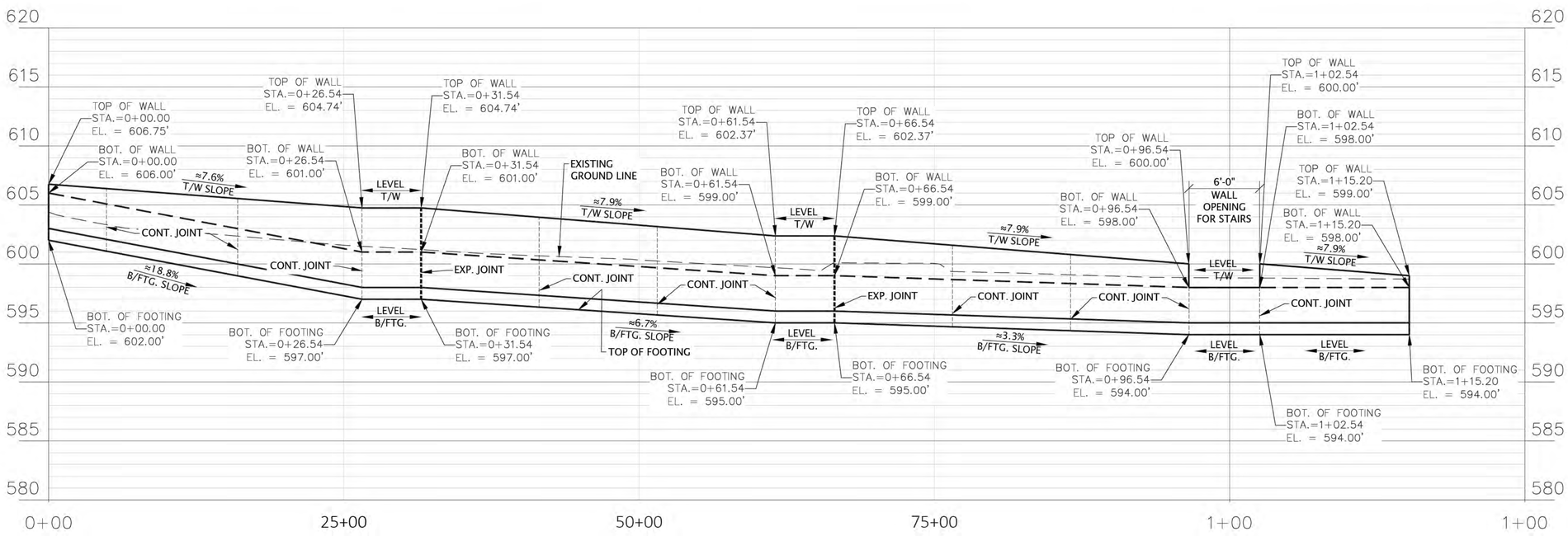
RETAINING WALL OVERVIEW

Sheet No.

C133



EAST RETAINING WALL PLAN VIEW LAYOUT



EAST RETAINING WALL PROFILE VIEW

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WESTBROOK
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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale 1" = 10'

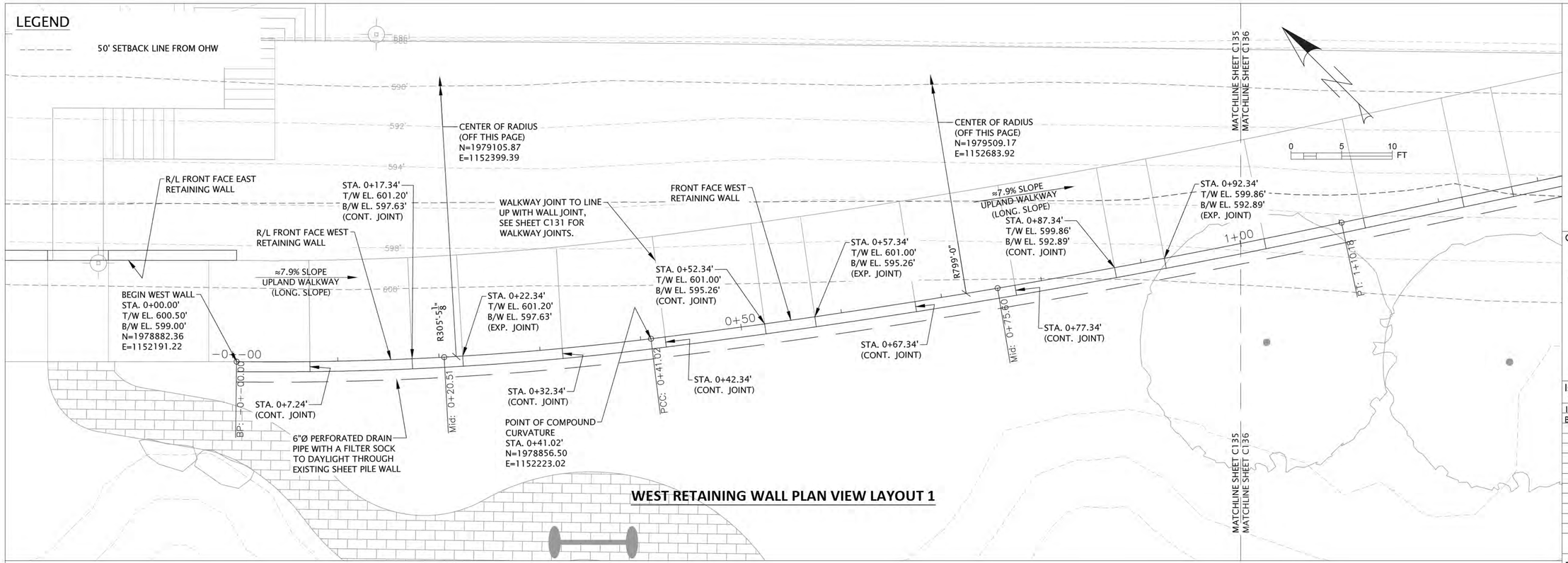
Drawing Title

EAST RETAINING WALL PLAN AND PROFILE VIEW

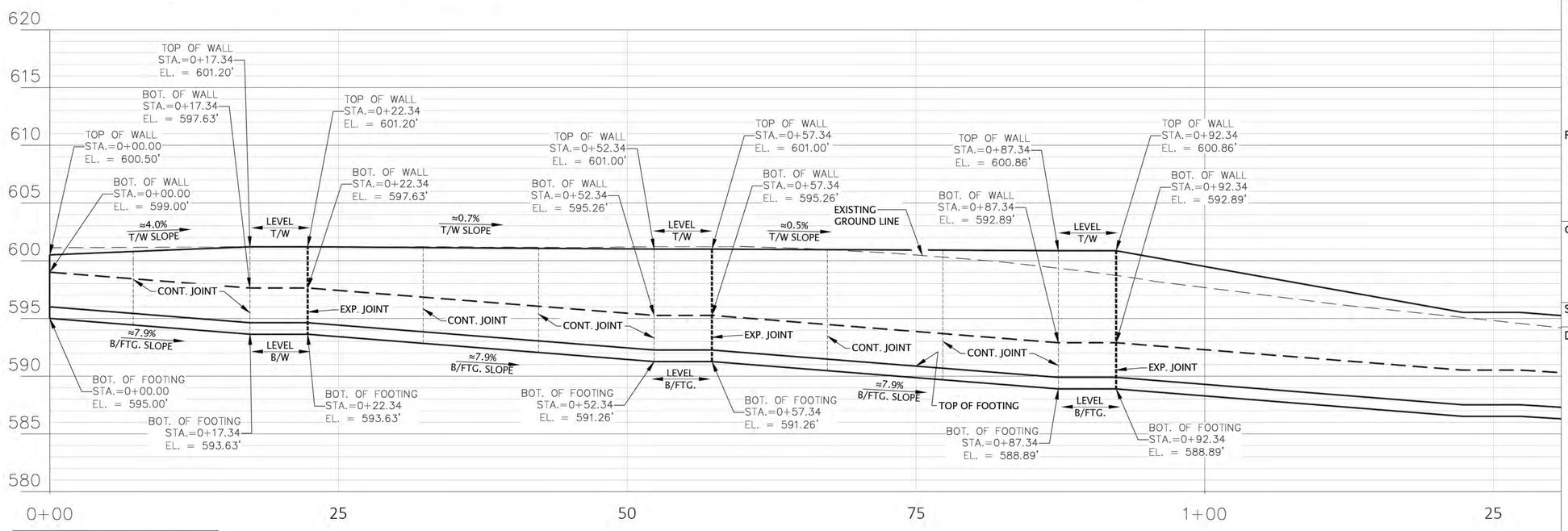
Sheet No.
C134

LEGEND

50' SETBACK LINE FROM OHW



WEST RETAINING WALL PLAN VIEW LAYOUT 1



WEST RETAINING WALL PROFILE VIEW 1

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Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

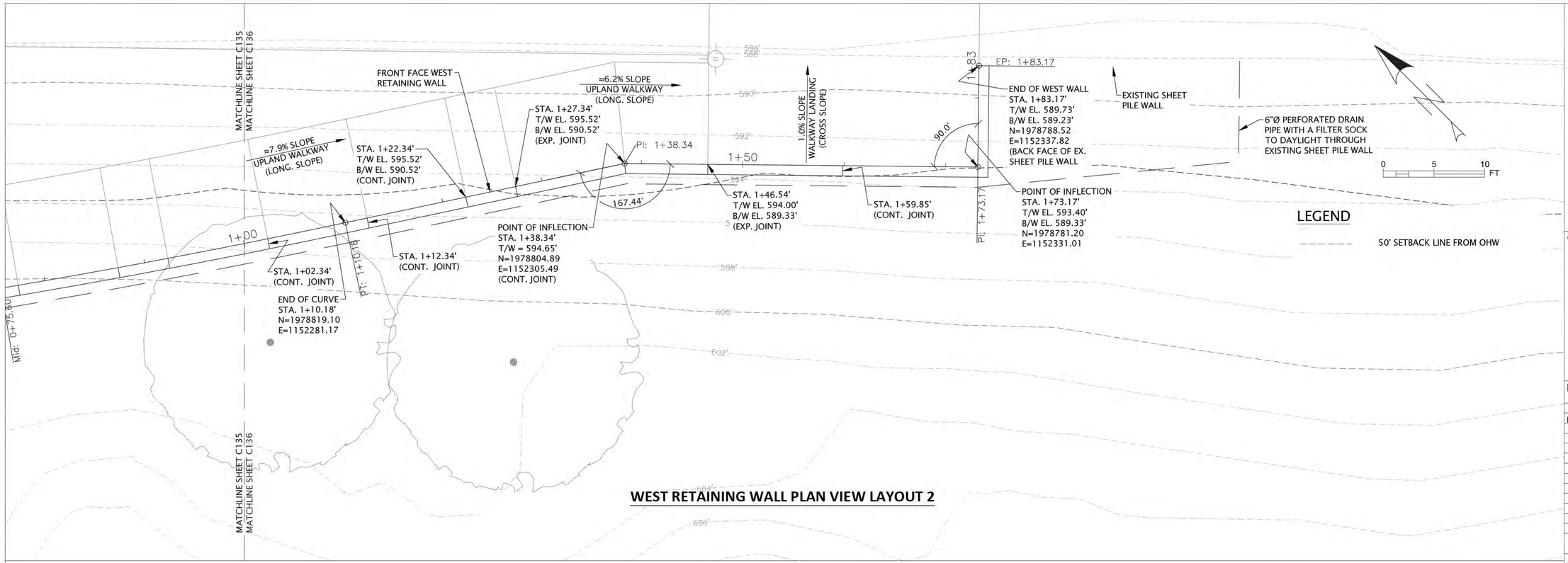
Scale 1" = 10'

Drawing Title

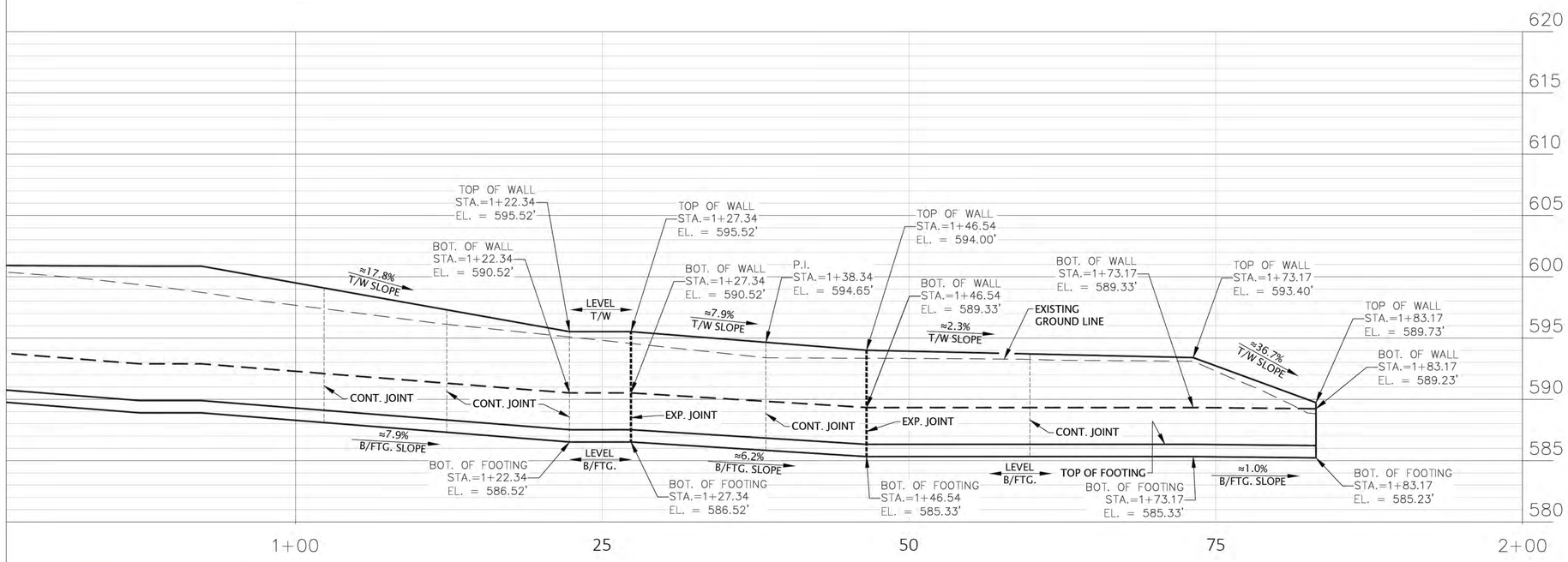
WEST RETAINING WALL PLAN AND PROFILE VIEW 1

Sheet No.

C135



WEST RETAINING WALL PLAN VIEW LAYOUT 2



WEST RETAINING WALL PROFILE VIEW 2

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RED BARN
Design & Engineering, S.C.

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Waunakee Wisconsin 53597
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WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale 1" = 10'

Drawing Title

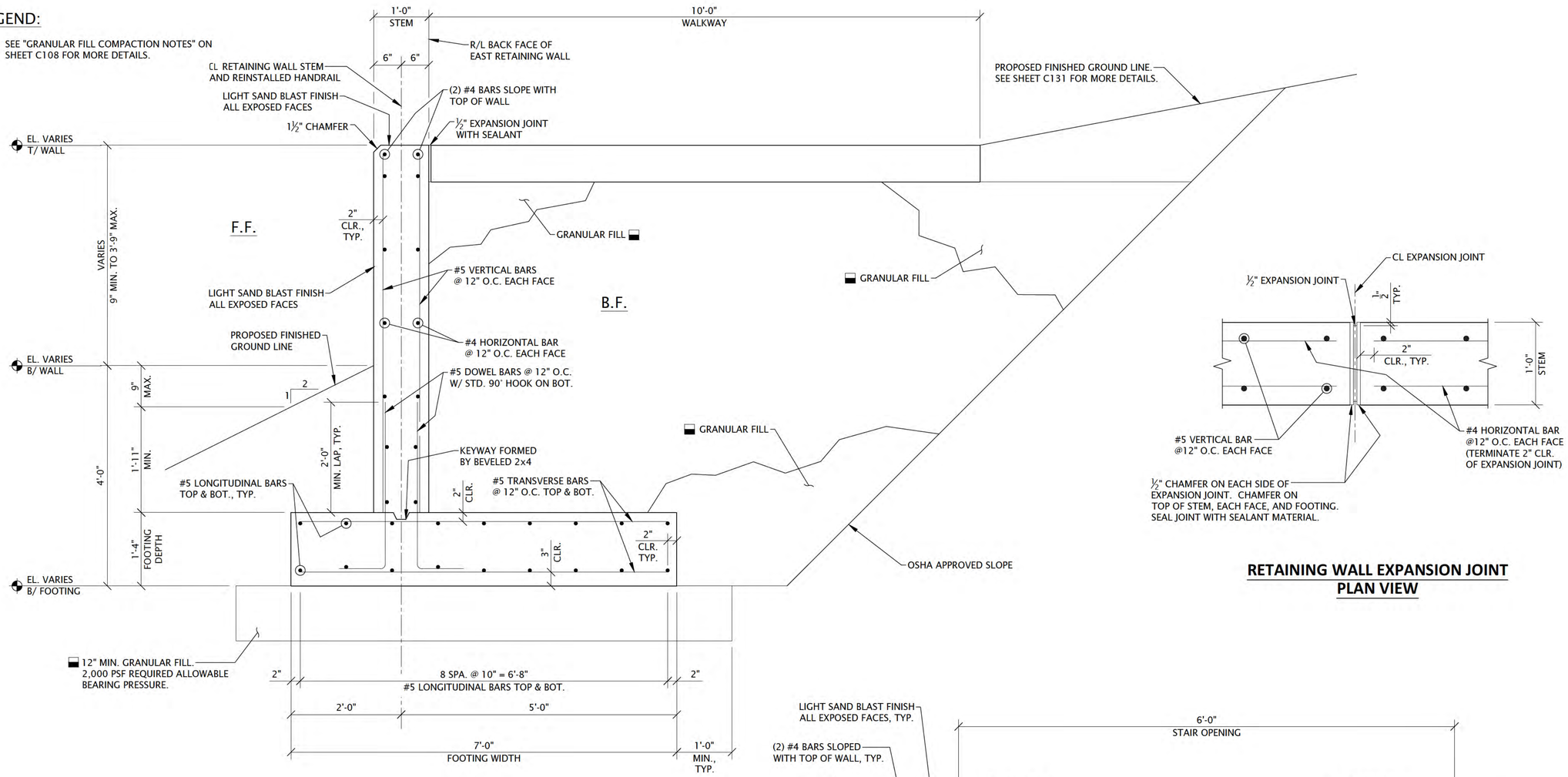
WEST RETAINING WALL PLAN AND PROFILE VIEW 2

Sheet No.

C136

LEGEND:

SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.

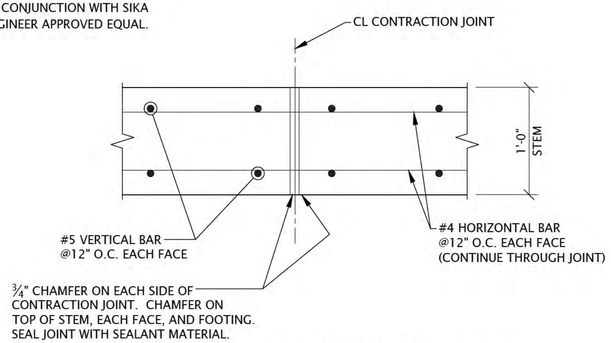


EAST RETAINING WALL TYPICAL SECTION

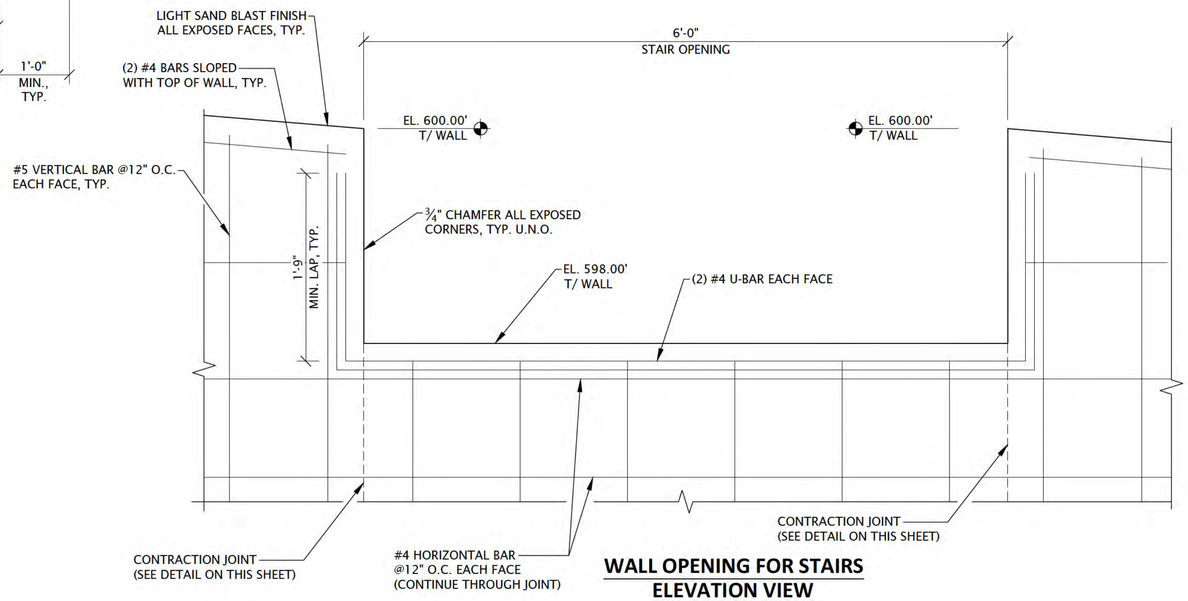
RETAINING WALL EXPANSION JOINT PLAN VIEW

NOTES:

1. SEE SHEET C-166 FOR FORMLINER DETIALS.
2. ALL CAULK MUST MATCH THE CONCRETE COLOR. CAULK MUST BE SIKA DUOFLEX POLYSULFIDE SEALANT IN CONJUNCTION WITH SIKA DUOFLEX 5050 EPOXY PRIMER OR AN ENGINEER APPROVED EQUAL.



RETAINING WALL CONTRACTION JOINT PLAN VIEW



WALL OPENING FOR STAIRS ELEVATION VIEW

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Site Improvements
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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

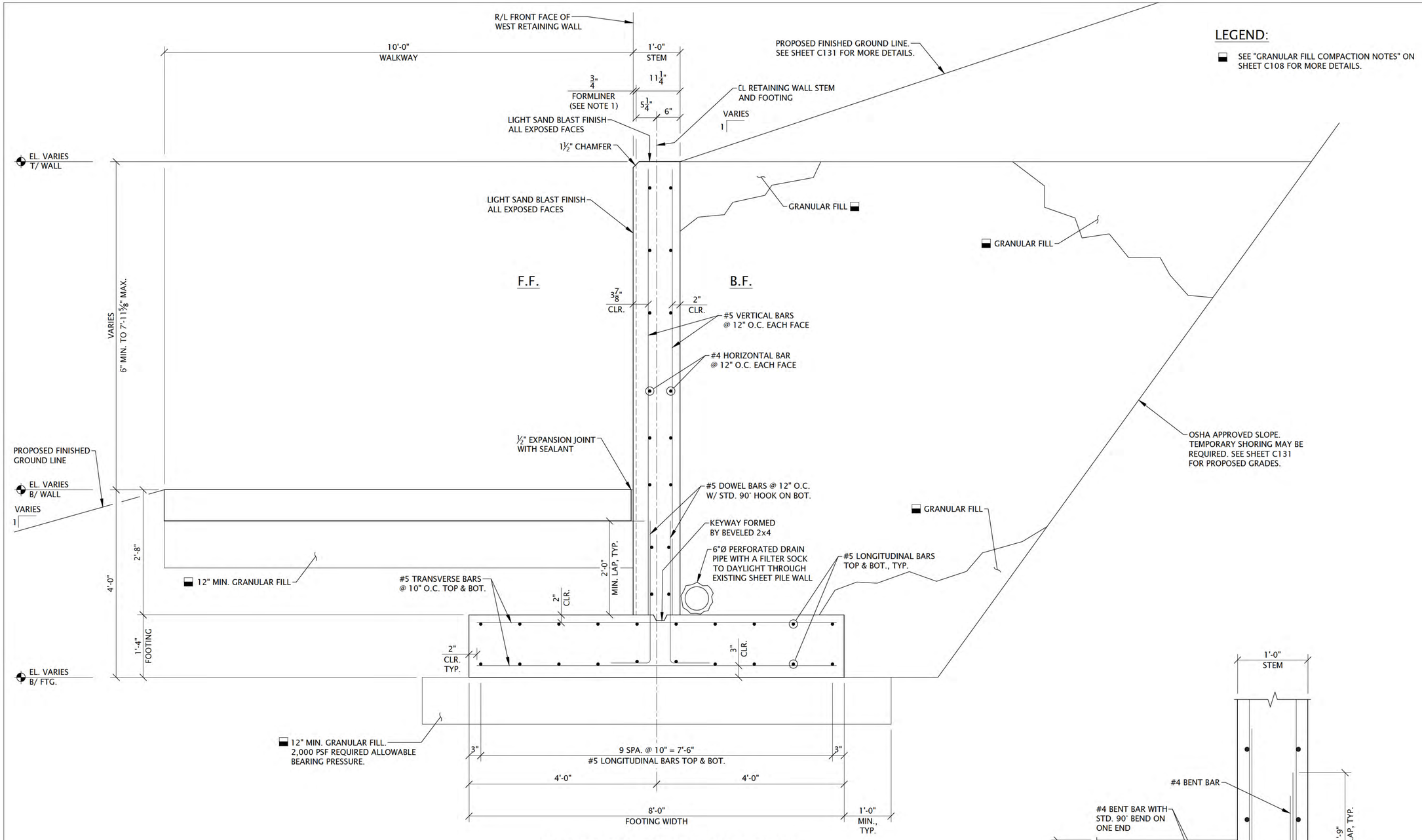
Scale

Drawing Title

EAST RETAINING WALL DETAILS

Sheet No.

C137



WEST RETAINING WALL TYPICAL SECTION

RETAINING WALL CORNER DETAIL PLAN VIEW

LEGEND:

SEE "GRANULAR FILL COMPACTION NOTES" ON SHEET C108 FOR MORE DETAILS.

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

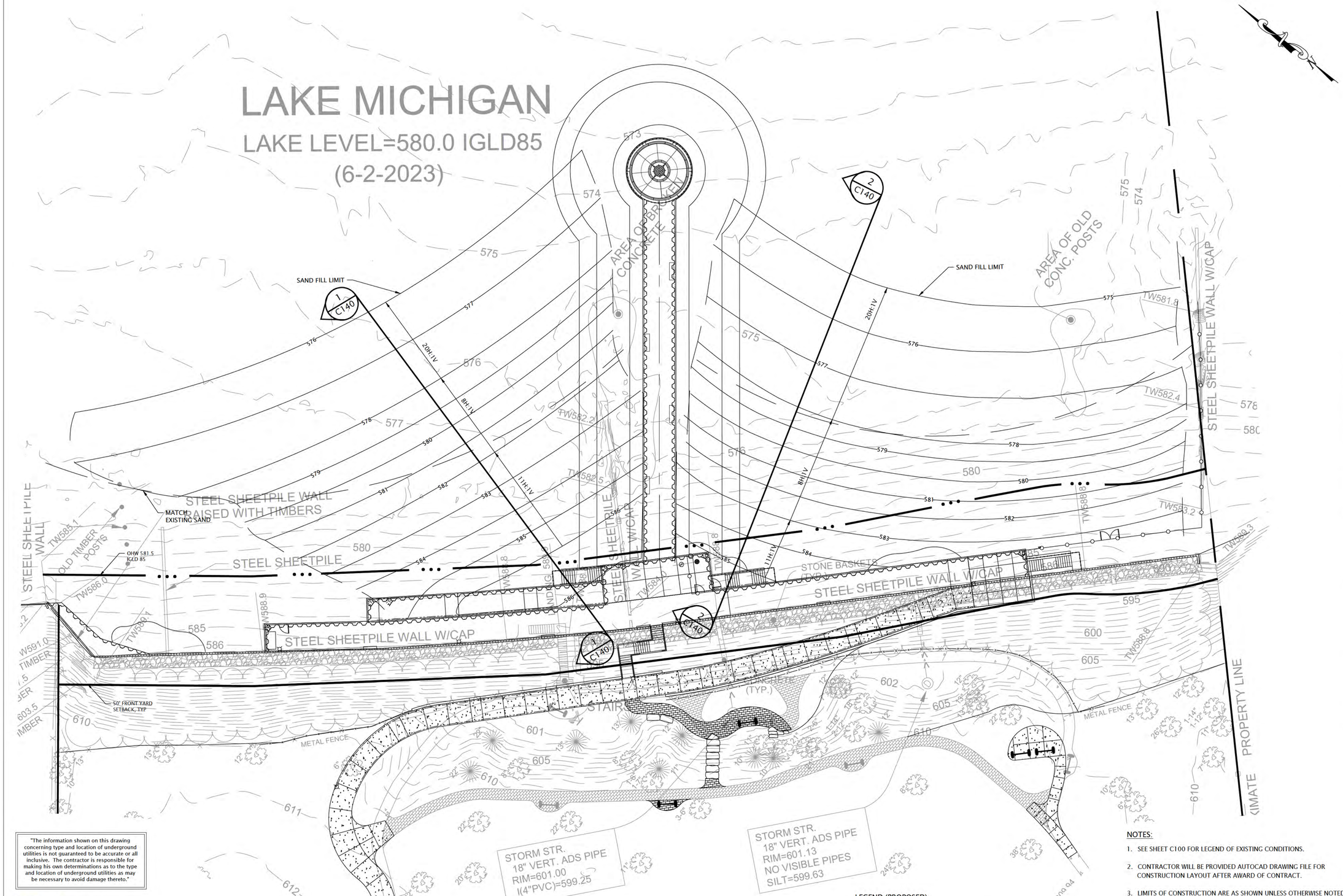
Scale

Drawing Title

WEST RETAINING WALL DETAILS

Sheet No.

C138



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LEGEND (PROPOSED)

OHW 581.5 IGLD 85

50' FRONT YARD SETBACK

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.

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Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

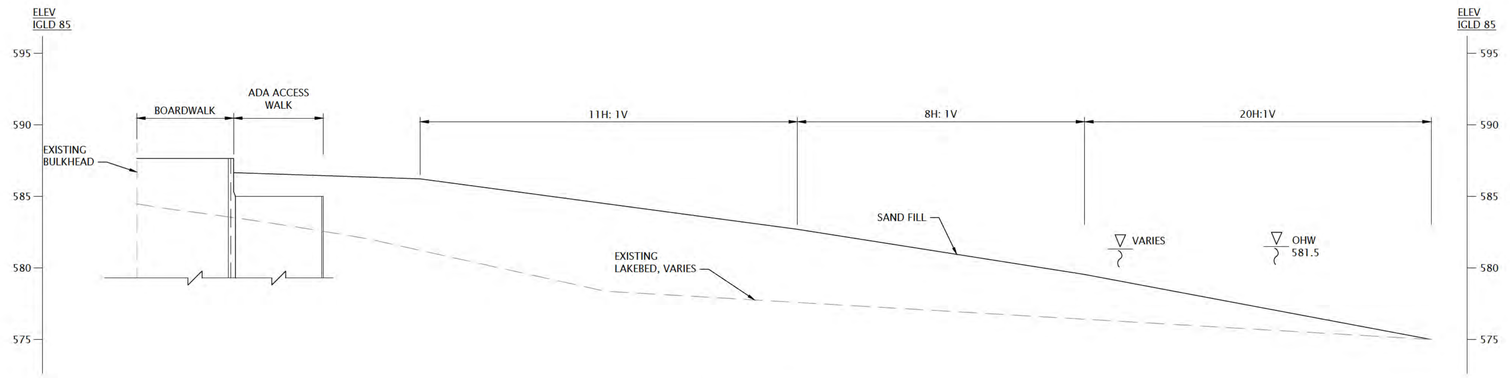
0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

Scale 1 Inch = 20 Ft.

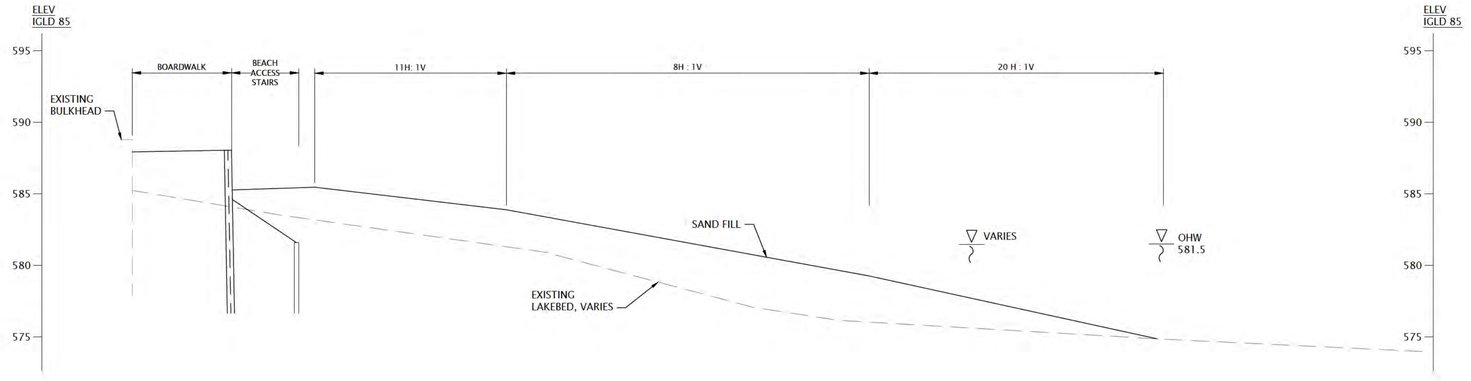
Drawing Title

Sand Fill Layout Plan

Sheet No.
C139



1 / C140 SAND FILL SECTION 1
SCALE : H: 1" = 10'
V: 1" = 5'



2 / C140 SAND FILL SECTION 2
SCALE : H: 1" = 10'
V: 1" = 5'

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

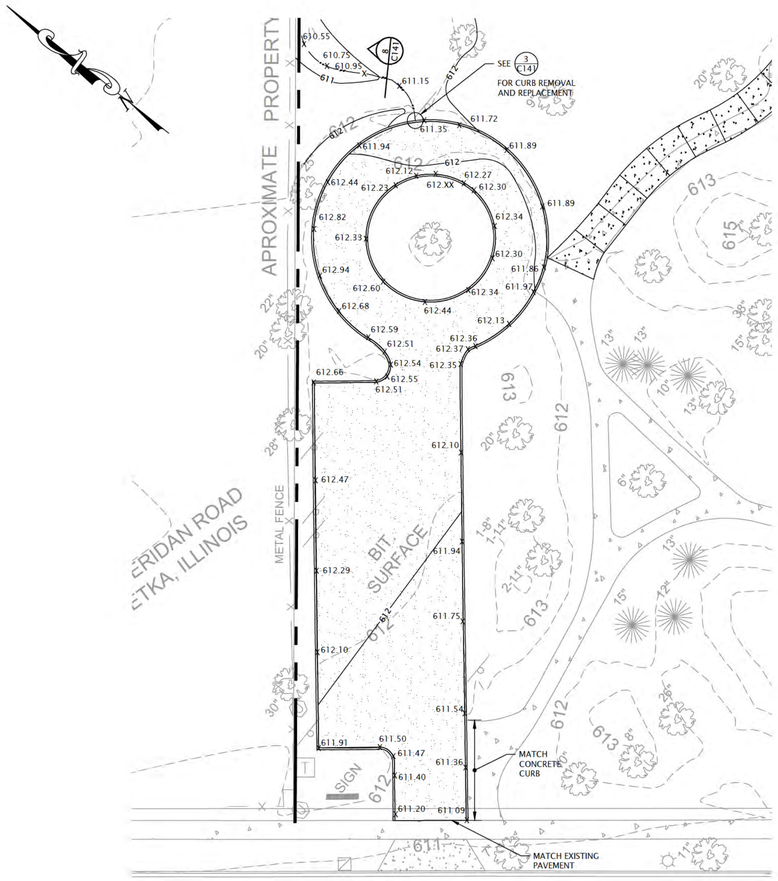
0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

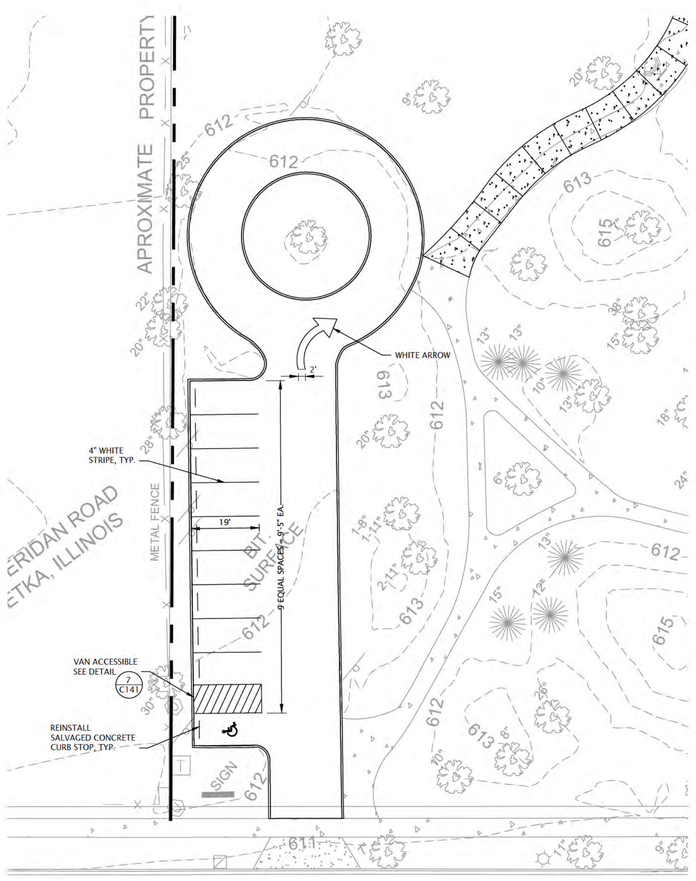
Drawing Title

SAND FILL SECTIONS

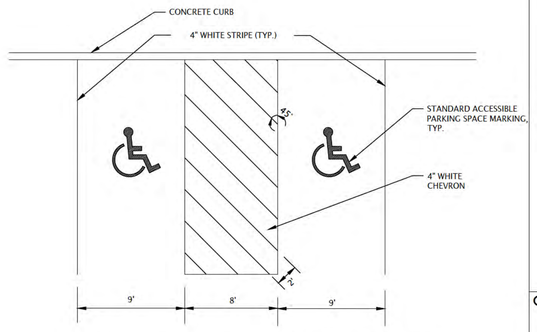
Sheet No.
C140



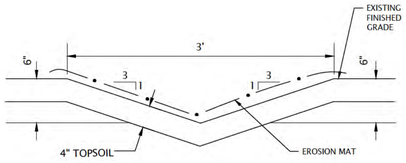
1 C141 PAVEMENT LAYOUT AND GRADING
SCALE: 0' 10' 20'



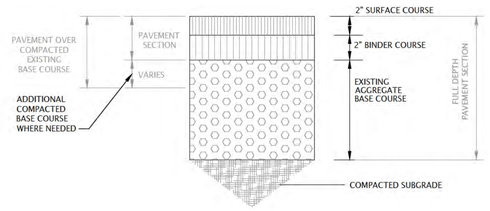
6 C141 PARKING LOT PAVEMENT MARKING PLAN
SCALE: 0' 10' 20'



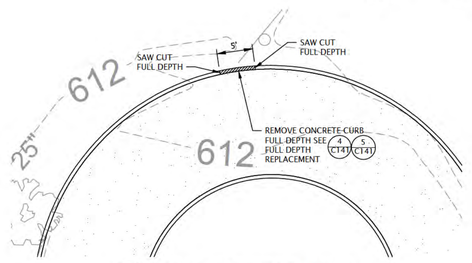
7 C141 ACCESSIBLE PARKING SPACE PAVEMENT MARKING
NOT TO SCALE



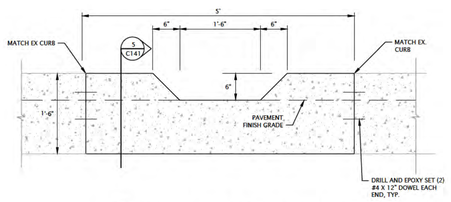
8 C141 SWALE SECTION
NOT TO SCALE



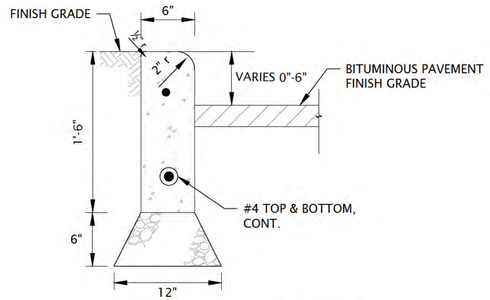
2 C141 BITUMINOUS PAVEMENT
NOT TO SCALE



3 C141 CONCRETE CURB REMOVAL
SCALE: 0' 5' 10'



4 C141 CONCRETE CURB ELEVATION
SCALE: 0' 3/8" 3/4"



5 C141 CONCRETE CURB - SECTION
SCALE: 0 3/4" 1-1/2"

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LEGEND (PROPOSED)

- ASPHALT PAVEMENT
- 612 — PROPOSED CONTOUR
- X 589 — SPOT ELEVATION

WORK SEQUENCE NOTES:

1. LIMIT OF CONSTRUCTION ARE PAVEMENT EDGE UNLESS NOTED OTHERWISE.
2. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
3. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING APPROPRIATE UTILITY COMPANIES AND JULIE FOR UTILITY LOCATIONS.
4. CONTOUR INTERVAL IS ONE (1) FOOT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO DISTURBANCE ACTIVITIES.
6. SEED AND MULCH ALL DISTURBED AREAS.
7. PROPOSED GRADES SHOWN INDICATE FINISH GRADE.
8. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONSTRUCTION CONTRACT.

NOTES:

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Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

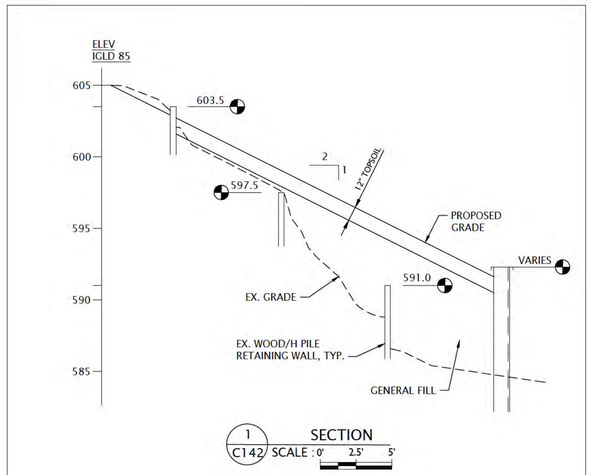
Winnetka Park District
Winnetka, IL

Graphic Scale
0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

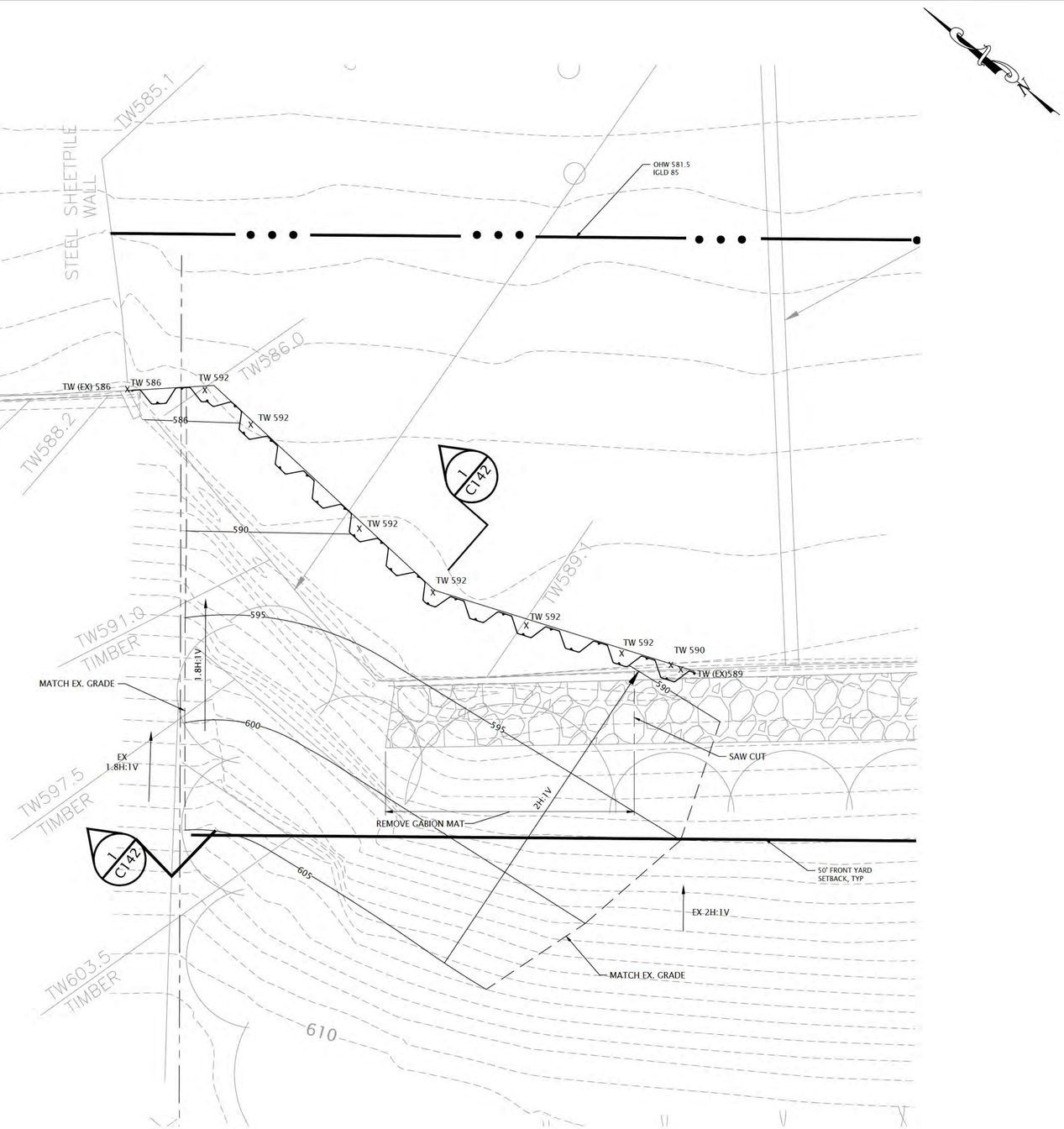
Scale 1 Inch = 20 Ft.

Drawing Title
Park Parking Lot Improvements

Sheet No.
C141



1 C142 SECTION
SCALE : 0' 2.5' 5'



LEGEND (PROPOSED)

OHW 581.5 IGLD 85

50' FRONT YARD SETBACK

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Centennial Park
Winnetka, IL

Prepared For:

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Winnetka, IL

Graphic Scale

0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

Drawing Title

Centennial North Bulkhead
Corner Improvements

Sheet No.
C142



LEGEND

- Existing Trees to Remain
- Existing Tree to be Removed
- Tree Protection Fencing, typ.

TREE REMOVAL LIST

Tree Removals - Centennial Beach

#	Caliper	Common Name	Species	Condition	Notes
1024	7	Tuliptree	Liriodendron tulipifera	2	
1121	11.75	Black Locust	Robinia pseudoacacia	3	
1122	13.75	Black Locust	Robinia pseudoacacia	3	
1123	12	Black Locust	Robinia pseudoacacia	4	
1126	13.75	Black Locust	Robinia pseudoacacia	3	forked at 3' w ith co-leaders
1127	15.75	Black Locust	Robinia pseudoacacia	4	
1129	12.5	Black Locust	Robinia pseudoacacia	3	forked at 3' w ith co-leaders
1130	18	Black Locust	Robinia pseudoacacia	3	
1133	18.25	Austrian Pine	Pinus nigra	3	
1134	11.75	Black Locust	Robinia pseudoacacia	3	
1135	10.25	Austrian Pine	Pinus nigra	3	
1149	19	Austrian Pine	Pinus nigra	4	
1154	13	Norw ay Maple	Acer platanoides	2	
1155	35	Black Willow	Salix nigra	5	fallen over uprooted, cut off at w all
1156	11.75	Norw ay Maple	Acer platanoides	3	
1157	7.25	Norw ay Maple	Acer platanoides	2	
1158	11	Siberian Elm	Ulmus pumila	6	snapped off at 8'
1159	8	Norw ay Maple	Acer platanoides	3	
1165	17	Mulberry	Morus spp.	4	
1168	8.5	Boxelder Maple	Acer negundo	3	
1169	9	Green Ash	Fraxinus pennsylvanica	6	dead
1171	24	Boxelder Maple	Acer negundo	5	on w ooden w all
1180	6	Mulberry	Morus spp.	3	
1181	7.25	Mulberry	Morus spp.	3	
1182	6.75	Norw ay Maple	Acer platanoides	2	
1183	6	Norw ay Maple	Acer platanoides	2	
1184	7	Norw ay Maple	Acer platanoides	2	forked at base w ith a 5" co-leader
1185	7.25	Tree-of-heaven	Ailanthus altissima	3	

Notes: The condition of the trees shall be based on a six (6) point scale and one (1) being the best and six (6) being the w orst.
1 - Excellent, 2-Good to Fair, 3-Fair (average), 4-Fair to Poor, 5-Poor, 6-Dead

	Total Quantity of Trees	Total Caliper Inches
Trees to be Removed	28	269.5
Dead Trees to be Removed	4	79

Dead trees are not factored into the total number of replacement trees.

	Total Quantity of Trees	Total Caliper Inches
Required Replacement Trees (3" caliper)	30	90
New Trees Provided (To be Confirmed)	9	36

TREE REMOVAL NOTES

1. Any existing tree surveys or locations for these plans were prepared by the engineer or a certified arborist. Full tree inventory survey will be provided upon request.
2. Contractor is to familiarize themselves with the restoration plan areas. All tree removals including understory tree removals within restoration areas shall be tagged or identified and confirmed by the contractor with the owner and owner's representative.
3. For tree removals in restoration areas, cut off flush with finished grade and leave roots in place so as not to disturb slope.
4. For tree removals outside of restoration areas, grind out stumps to a minimum of 18" depth and remove all roots prior to installation of proposed materials. Bring to finish grade with soil fill per specifications.
5. Keep all areas clean, neat, and orderly at all times. Legally dispose of all materials removed from the site per local codes and regulations.
6. Contractor shall limit all work and disturbance to within designated project areas. It shall be the responsibility of the contractor to restore to the original condition any damage or disturbance outside these limits.
7. Streets, sidewalks, and adjacent property shall be protected throughout the work as required by local codes and regulations and as approved by the Village.
8. Protect structures, utilities, sidewalks, pavements, fencing, furnishings, trees, and landscaping from damage caused by settlement, lateral movement, undermining, washouts, and other hazards created by site improvements. If any damage occurs, contractor shall repair to original condition at no additional cost.

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Consultants

THE LAKOTA GROUP.
1 East Wacker Drive
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p 312.467.5445
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thelakotagroup.com

Issued for	Rev. Date
70% Subm tta	04/08/24
100% Subm tta	06/28/24
B dd ng and Construct on	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 15' 30'
(In Feet)

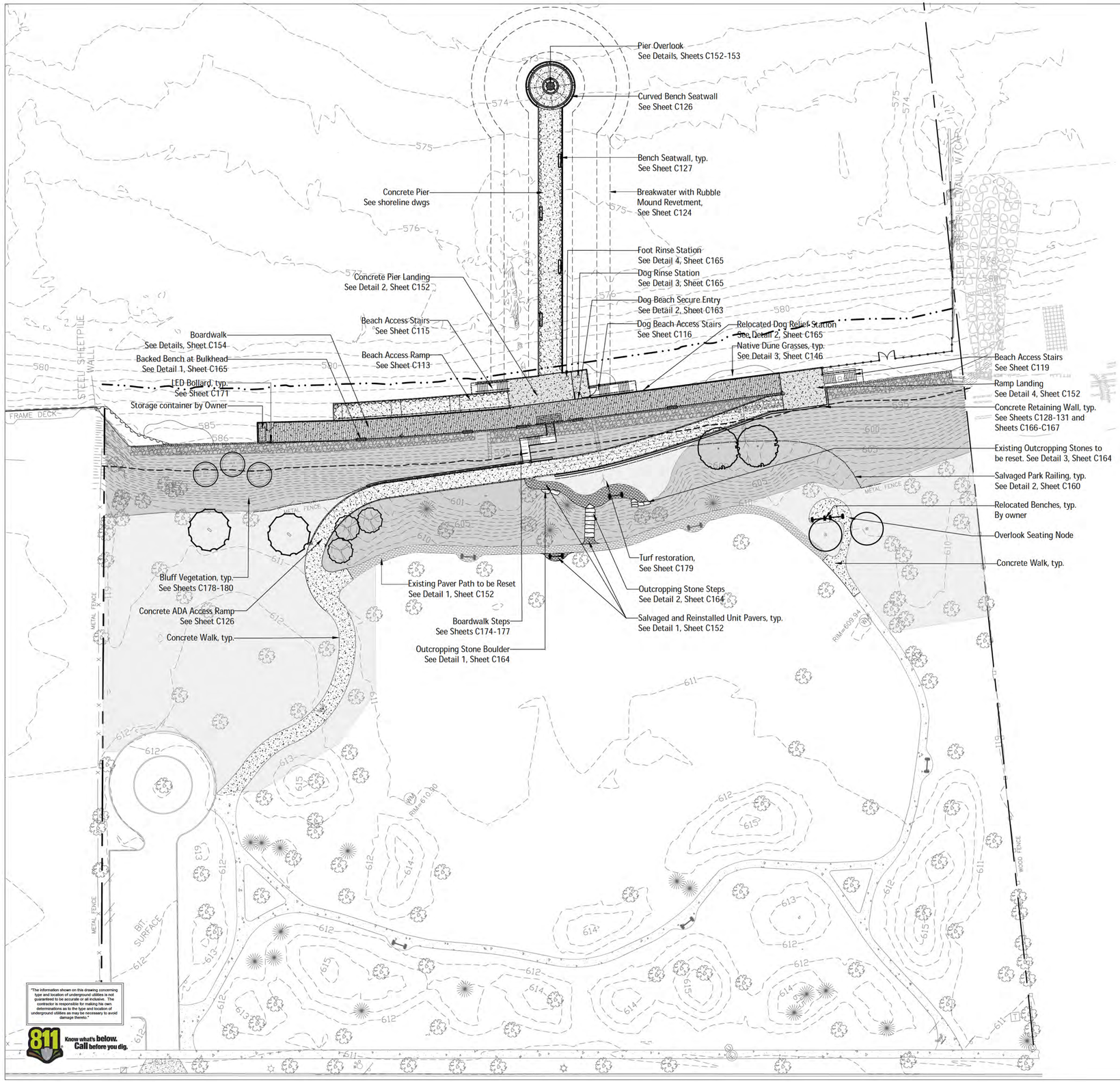
Scale 1 nch = 30 Ft.

Drawing Title

TREE PRESERVATION PLAN

Sheet No.

C143



LEGEND

- Ordinary High Water Mark (OHW)
- 50' Setback Line from OHW
- Concrete Walks, typ.
- Salvaged and Reinstalled Unit Pavers, typ. See Detail 1, Sheet C152
- Boardwalk, typ. See Details, Sheet C154
- Bluff Restoration, typ. See Restoration Plans
- Turf Restoration, typ. See Restoration Plans
- Proposed Shade Tree See Detail 1, Sheet C146
- Proposed Ornamental Tree See Details 2 & 4, Sheet C146
- Existing Trees to Remain
- Existing Bench to be Relocated
- Backed Bench Top
- Bollard, typ. See Lighting and Electrical Plans

GENERAL NOTES

1. Contractor responsible for field layout of all new improvements. The Owner's Representative is to verify in field all layout and locations prior to installation and provide additional coordinates and dimensions as needed.
2. Digital files of geometric information will be provided upon request in AutoCAD format by the landscape architect.
3. Contact the Owner's Representative for resolution of discrepancies between existing conditions and dimensioned layout as shown in contract documents. No additional payment will be made for adjustments necessary to construct the work as drawn.
4. Contractor to field verify site conditions and information on drawings. Contractor to promptly report any concealed conditions, mistakes, discrepancies or deviations from the information shown in the Contract Documents. The Owner is not responsible for unauthorized changes or extra work required to correct unreported discrepancies.
5. Contractor responsible to maintain all layout stakes during construction. No additional payment will be made to replace layout stakes.
6. Place stakes at edges of concrete and every 25 feet on center along centerline of all pathways for review by the Owner's Representative prior to earthwork operations.
7. All curves and radii to be smooth and not segmented.
8. Contractor to provide layout stakes every 10 feet minimum for large arcs where radius points are not accessible.
9. Adjustment to stake locations due to discrepancies between coordinates and dimensions is incidental to the contract. No additional payments will be made for this work.
10. Layout all surfacing, score joints, and paving patterns as identified in the plans. Do not deviate from the plans unless approval is obtained from the Owner's Representative.
11. Layout of pavers, site amenities, light fixtures, control box enclosure(s), and outcropping stones shall be verified in field by the Owner's Representative prior to placement.
12. All surface drainage shall be diverted away from structures and noted site features in all areas as shown on the civil engineer's grading plans. Where poor subsurface drainage conditions occur in the field, contractor shall notify the Owner's Representative immediately and make recommendations for solutions to drainage issues before proceeding with work.
13. Landscape accent lighting as shown on these plans is for general location and intent only. The specified fixture and wattage shall be provided and installed on the desired feature per the electrical drawings and at the Owner's Representative's direction. Contractor shall field stake all accent lighting locations and obtain the Owner's Representative's approval before final installation. Please refer to electrical plans for conduit or low-voltage cable routing and power-source (timer, transformers, switch boxes, etc.).

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Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale
0' 15' 30'
(In Feet)

Scale 1 Inch = 30 Ft.

Drawing Title
OVERALL SITE PLAN

Sheet No.
C144



LEGEND

- Ordinary High Water Mark (OHW)
- 50' Setback Line from OHW
- Concrete Walks, typ.
- Salvaged and Reinstalled Unit Pavers, typ. See Detail 1, Sheet C152
- Boardwalk, typ. See Details, Sheet C154
- Bluff Restoration, typ. See Sheets C178-180
- Turf Restoration, typ. See Sheets C178-180
- Proposed Shade Tree See Detail 1, Sheet C146
- Proposed Ornamental Tree See Details 2 & 4, Sheet C146
- Existing Trees to Remain
- Existing Bench to be Relocated
- Backed Bench Top
- Bollard, typ.

TREE PLANTING SCHEDULE

SYMBOL	QTY	BOTANIC NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS TREES					
CO	2	Celtis occidentalis	Common Hackberry	3" caliper, B&B	As shown
LT	2	Liriodendron tulipifera	Tulip Tree	3" caliper, B&B	As shown
QM	2	Quercus macrocarpa	Bur Oak	3" caliper, B&B	As shown
ORNAMENTAL TREES					
BN	3	Betula nigra 'Heritage'	Heritage River Birch	1.5" - 2", B&B	As shown
CAR	3	Carpinus caroliniana JN Upright	Firespire American Hornbeam	1.5" - 2", B&B	As shown

NOTES

General Conditions

1. Contractor shall familiarize themselves with all landscape specifications prior to commencement of work. Any questions or concerns shall be directed to the Owner's Representative in writing prior to landscape work commencement.
2. The landscape contractor shall keep all areas clean and orderly at all times.
3. The landscape contractor shall keep all roadways and walkways clear of mud and debris that result from landscape operations.

Planting Standards

1. All plant material shall be top-quality grade, free of defects, and meet accepted horticultural standards established by the american nurserymen's association (aan) and as deemed appropriate by landscape architect. Landscape architect shall have the right to reject any, and all, plant material delivered to the site that does not meet acceptable standards.
2. Sizes shown on plant schedule are minimum acceptable sizes.
3. All plants to be balled-in-burlap or container-grown as specified in plant schedule. All plastic root wrapping material and metal wire baskets shall be removed.
4. All new and transplanted plants to be sprayed with an antidessecant within twenty-four (24) hours after planting. Antitranspirant shall be "wiltpruf" or an approved equal.
5. Landscape architect shall field verify and approve all final staked tree locations prior to installation.
6. The landscape contractor shall repair to its original condition any plant material which becomes damaged as a result of landscape operations.
7. Landscape architect shall approve all trees for quality, condition and specified sizes. Trees shall be approved at nursery location, during tagging or before removal and transport to job site. See specifications for additional information regarding planting standards.

Fertilizer & Mulching

1. Prior to mulching tree planting areas, apply time-release fertilizer by broadcasting over entire planting areas. Rate is to manufacturer's recommendations. Fertilizer is to have no less than 10% available phosphoric acid, and 3-8% total nitrogen soluble potash.
2. All plantings shall receive a slow-release fertilizer with a ratio of 10/10/10.
3. All trees shall receive a minimum of 3" thick shredded hardwood mulch top-dressing.
4. See specifications for additional information regarding fertilizer and mulching.

Maintenance & Warranties

1. All plants shall be thoroughly watered in at time of planting and watered and maintained throughout construction until final acceptance by owner. Contractor shall water all plants immediately after planting. Flood plants twice during the first twenty-four (24) hours after planting.
2. Landscape contractor shall warranty all trees under this contract will be healthy and in flourishing condition of active growth one year from date of final acceptance.
3. See specifications for additional information regarding maintenance and warranties.

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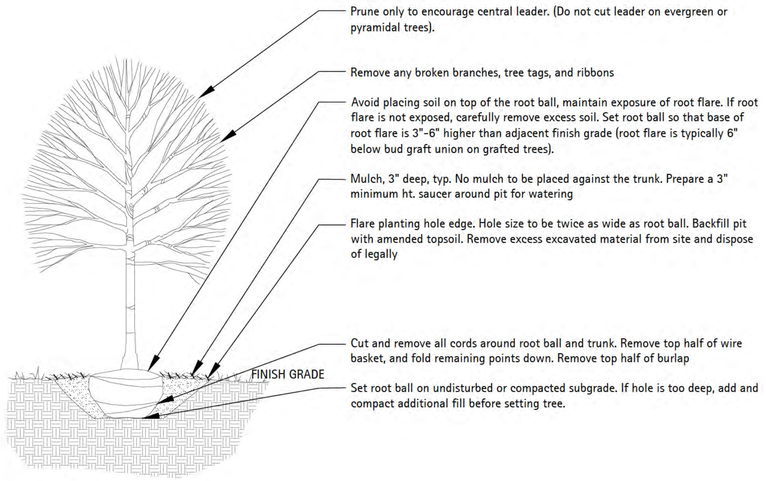
Winnetka, IL

Graphic Scale
0' 15' 30'
(In Feet)

Scale 1 Inch = 30 Ft.

Drawing Title
LANDSCAPE PLAN

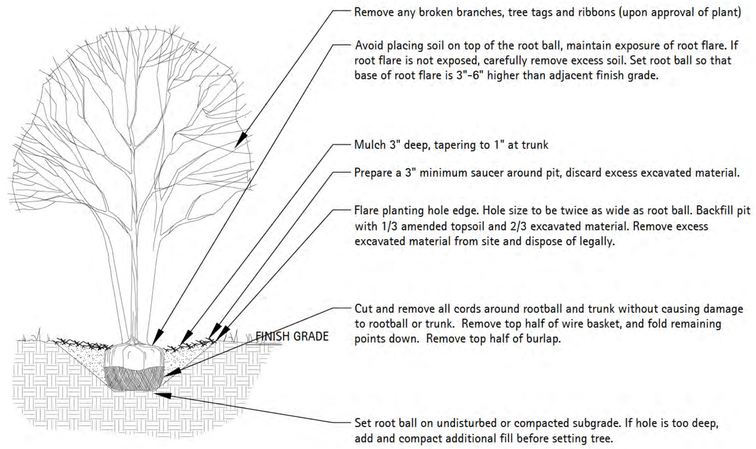
Sheet No.
C145



1 Shade Tree Planting

Scale: 1/2" = 1'-0"

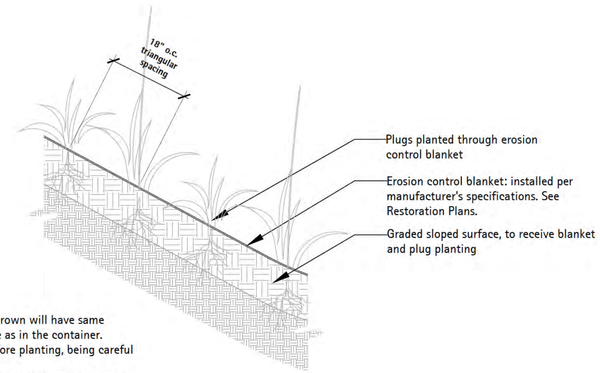
d-shade-tree-planting_0.0417



2 Section - Ornamental Tree Planting

Scale: 1/2" = 1'-0"

d-plant-tree-orn_0.0417

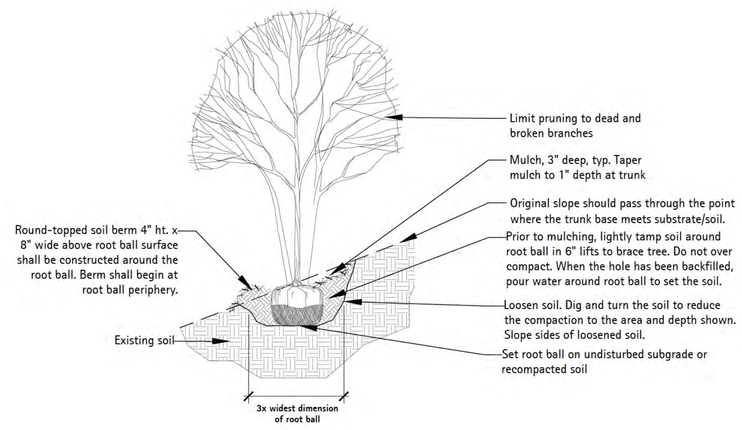


NOTE:
1. Set individual plugs so that crown will have same relationship to finished grade as in the container.
2. Remove plastic container before planting, being careful to keep root system intact.
3. Take precautions to protect slopes from erosion during construction activities.

3 Section - Plug Planting Detail at Bluff

Scale: 1/2" = 1'-0"

d-plant-bluff plug



4 Section - Ornamental Tree on Slope 5% (20:1) to 50% (2:1) Unmodified Soil

Scale: 1/2" = 1'-0"

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

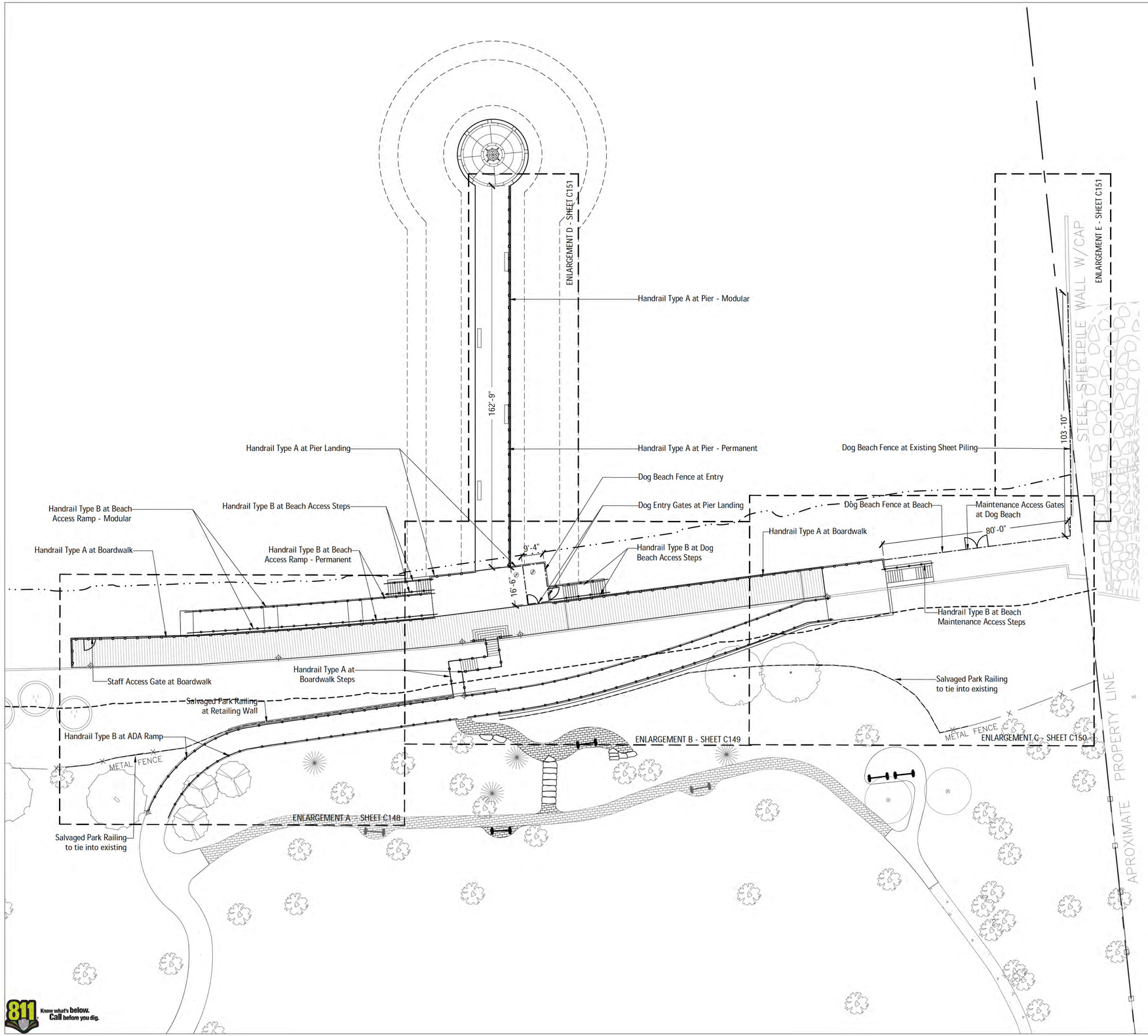
Scale

Drawing Title

PLANTING DETAILS

Sheet No.

C146



811 Know what's below. Call before you dig.

LEGEND

- Ordinary High Water Mark (OHW)
- 50' Setback Line from OHW
- Handrail Type A
  See Details, Sheets C155-157
- Handrail Type B
  See Details, Sheet C158-C160
- Dog Beach Fencing
  See Details, Sheet C161-163
- Salvaged Park Railing
  See Detail 2, Sheet C160

METAL FABRICATION NOTES

1. Metal fabricator to provide shop drawings and specifications for all metal work including, but not limited to, all connections, fixtures, hardware, and related equipment needed to provide structure and coverage per the contract drawings and for review by the Owner's Representative.
2. Contractor shall provide coordinated shop drawings for all fabrication components and installation of these elements for approval by Owner's representative. Shop drawings shall coordinate all aspects of the bluff ramp, boardwalk, and staircase construction including structural, ipe decking, wood, concrete, and metal fabrication.
3. Contractor shall assume full structural and manufacturing responsibility for all mounting components and ensure durability and integrity of these elements.
4. Mockups of each handrail type shall be submitted for review and approval by Owner and Owner's representative. Approved mockups to become part of final installation.

HANDRAIL NOTES

The following notes apply to all handrails, see sheets C155-C160.

1. Coordinate with Structural Drawings for framework and footing details.
2. All steel components, other than than stainless steel, to be powder coated black. See specifications.
3. All welds shall be ground smooth, clean, and as close to straight angles as possible for a clean finished appearance.
4. All hardware and fasteners for handrail Type A shall be stainless steel, heads painted black, unless otherwise noted.
5. All hardware and fasteners for handrail Type B shall be stainless steel, unless otherwise noted.
6. Metal fabricator to determine appropriate anchor bolt depth and indicate in coordinated shop drawings.
7. Metal Fabricator to indicate expansion joint locations and splice connections for all permanent handrails (Type A and Type B) and for horizontal bars for the length of dog beach fence where mounted at sheet piling.
8. Samples of all metal component finishes to be submitted for review and approval by the Owner's Representative.

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Prepared For:

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Winnetka, IL

Graphic Scale

0' 0' 20'
(In Feet)

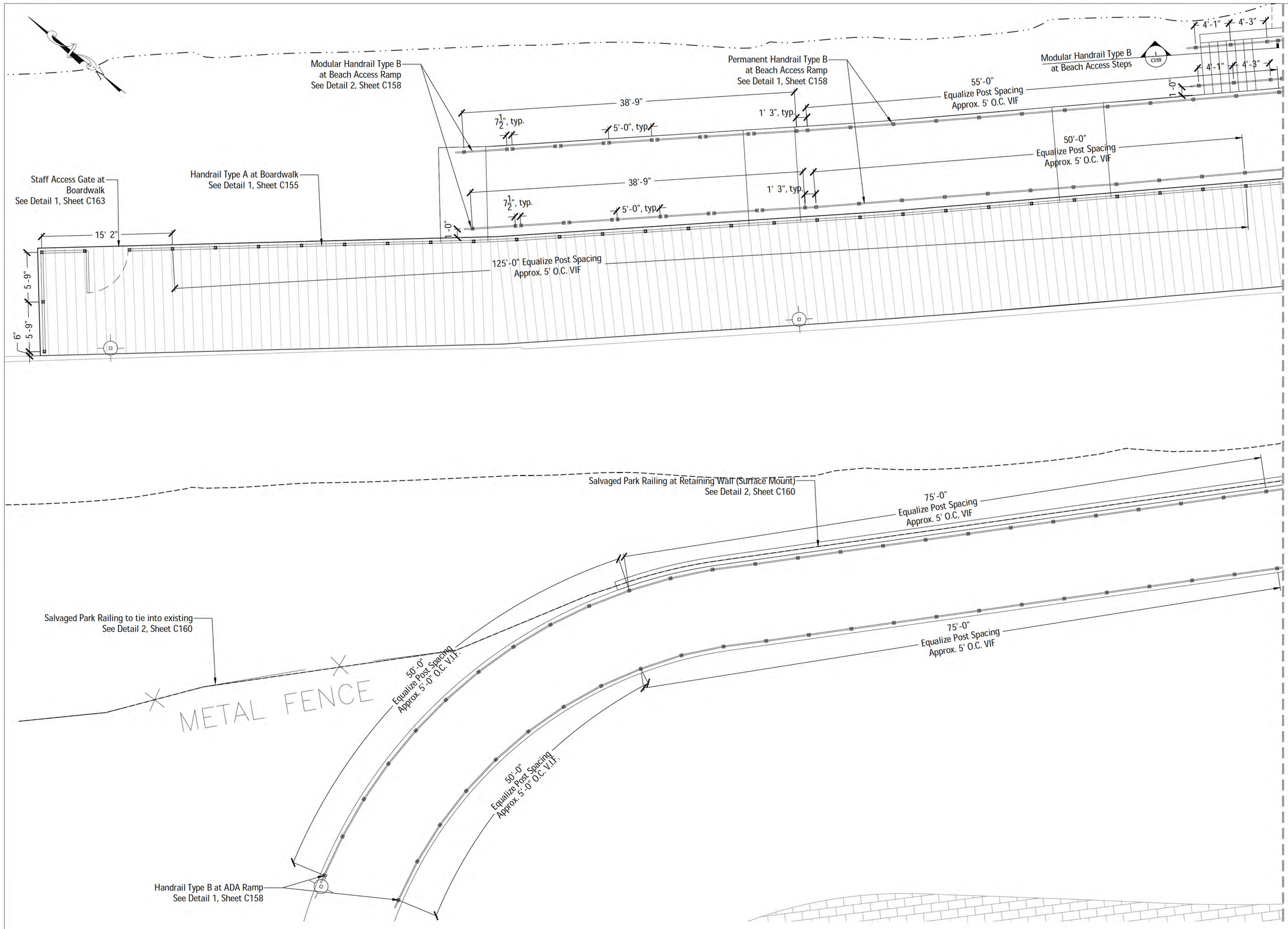
Scale 1 Inch = 20 Ft.

Drawing Title

HANDRAIL AND FENCING PLAN

Sheet No.

C147



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Graphic Scale

0' 2.5' 5'
(In Feet)

Scale 1 Inch = 5 Ft.

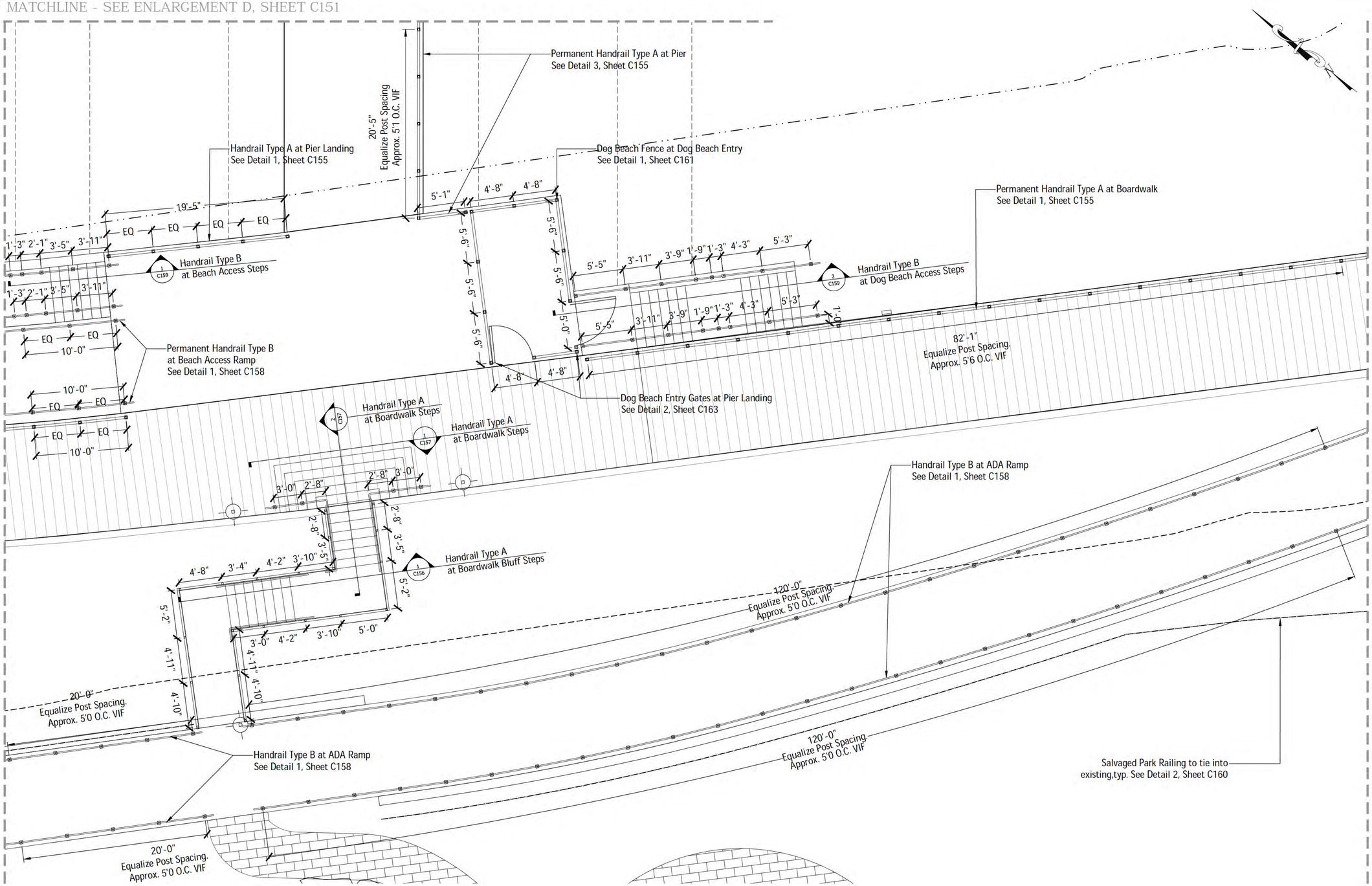
Drawing Title

HANDRAIL AND FENCING
ENLARGEMENT PLAN A

Sheet No.

C148

MATCHLINE - SEE ENLARGEMENT D, SHEET C151



MATCHLINE - SEE ENLARGEMENT A, SHEET C148

MATCHLINE - SEE ENLARGEMENT C, SHEET C150

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(In Feet)

Scale 1 Inch = 5 Ft.

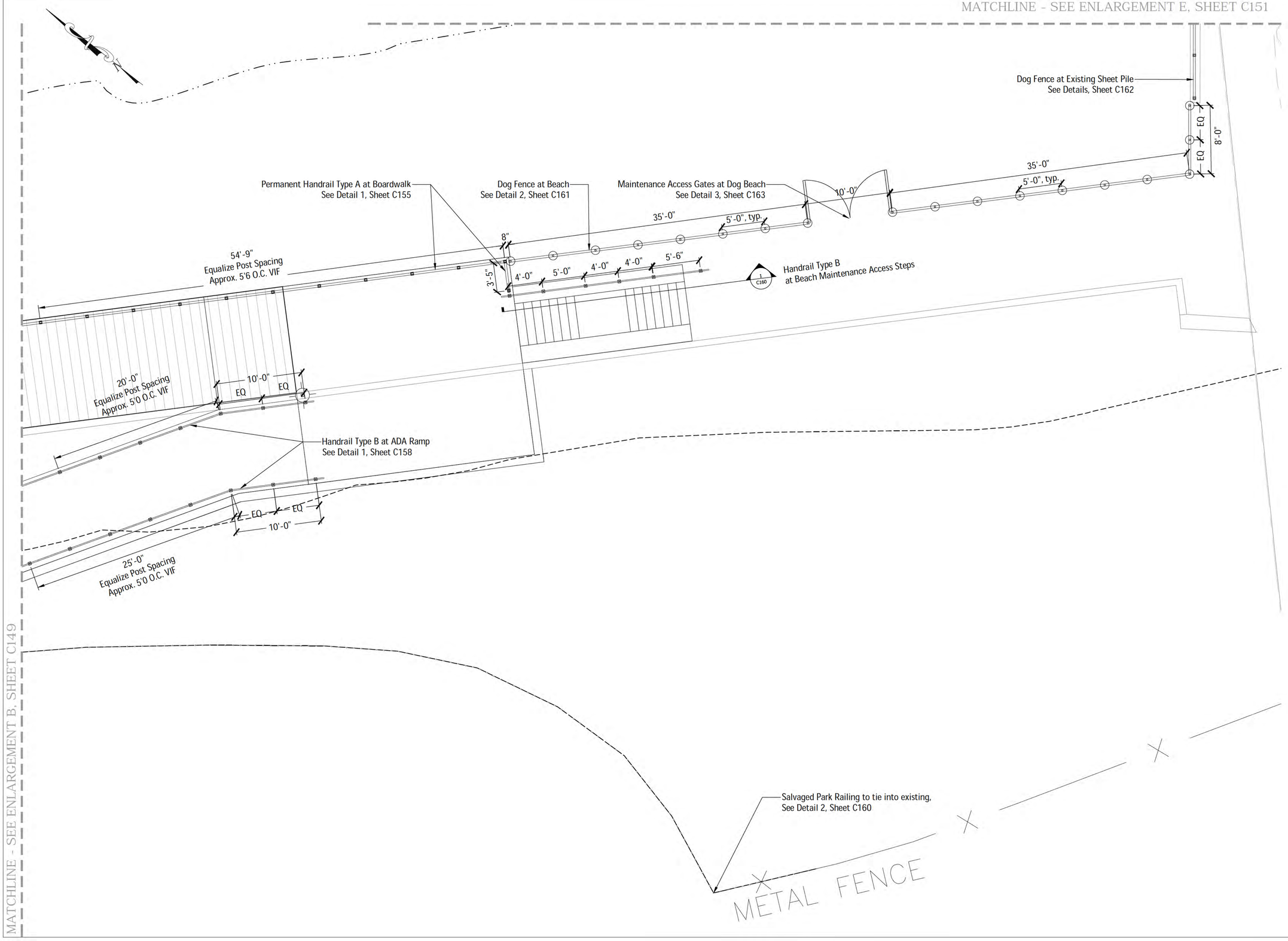
Drawing Title

HANDRAIL AND FENCING
ENLARGEMENT PLAN B

Sheet No.

C149

MATCHLINE - SEE ENLARGEMENT E, SHEET C151



MATCHLINE - SEE ENLARGEMENT B, SHEET C149

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Graphic Scale

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(In Feet)

Scale 1 Inch = 5 Ft.

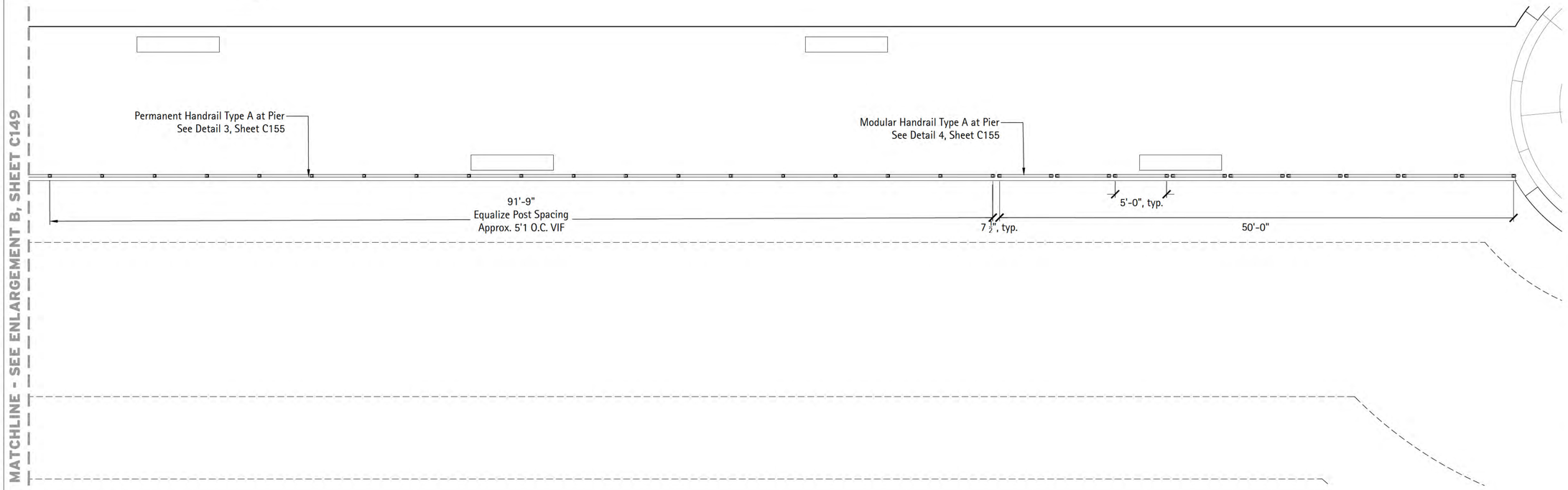
Drawing Title

HANDRAIL AND FENCING
ENLARGEMENT PLAN C

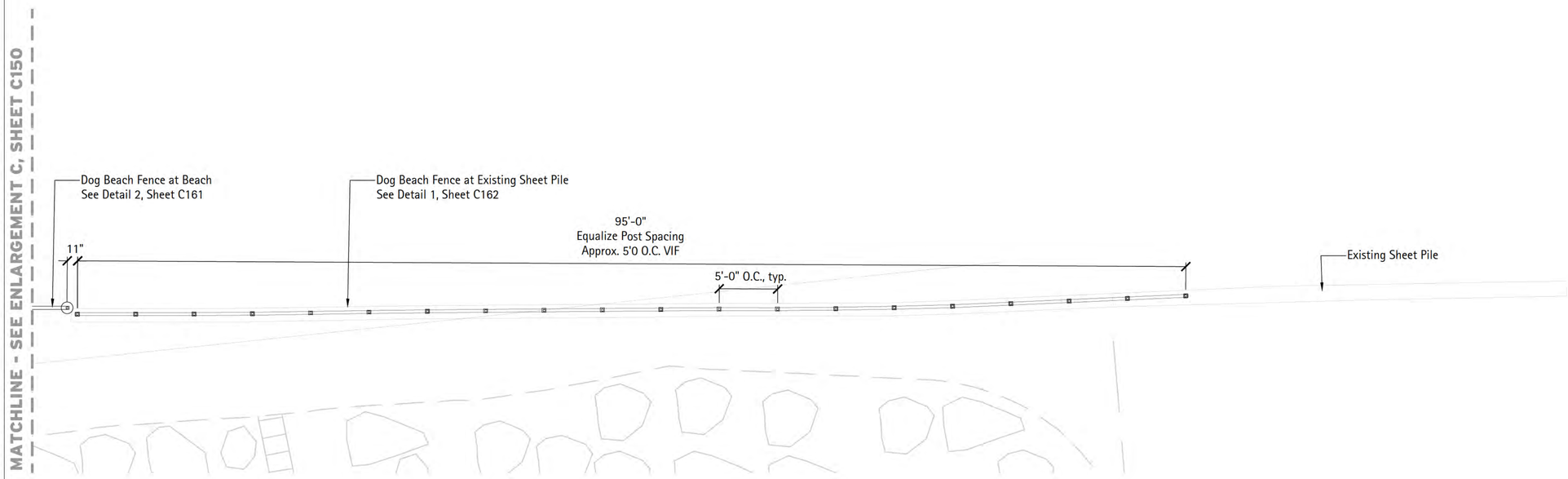
Sheet No.

C150

ENLARGEMENT PLAN D



ENLARGEMENT PLAN E



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(In Feet)

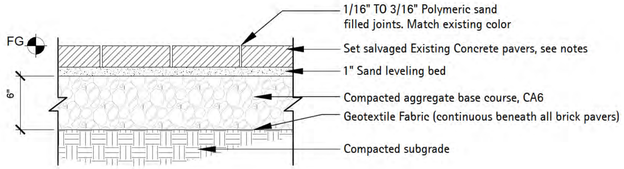
Scale 1 Inch = 5 Ft.

Drawing Title

HANDRAIL AND FENCING
ENLARGEMENT PLANS D AND E

Sheet No.

C151

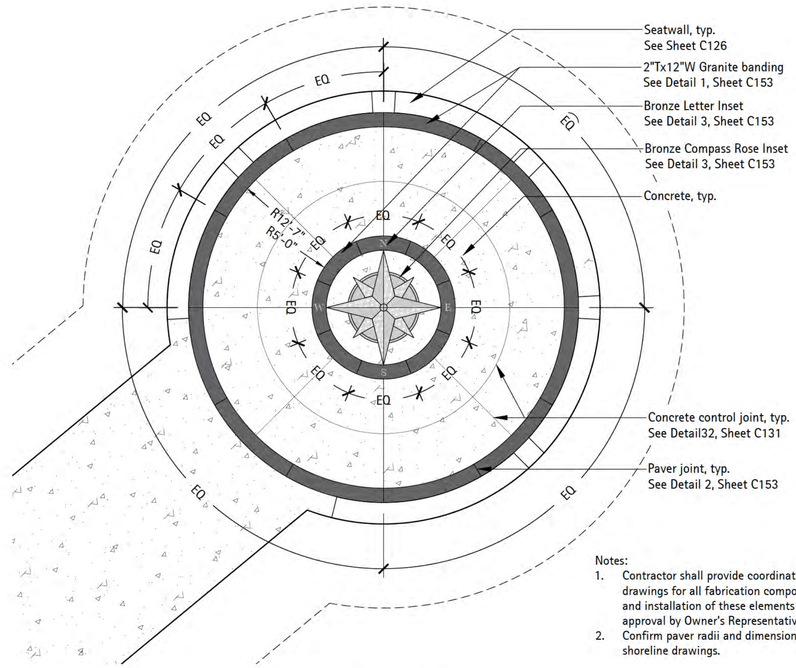


Notes:
1. Infill paver walkway with salvaged pavers from elsewhere on site. Match herringbone paving pattern with soldier course edging and adjust paver edging as necessary to accommodate new edge of paving.
2. CA6 base course and geotextile fabric shall be incidental to paver installation.
3. Engraved Pavers to be stockpiled and relocated at Owner's direction.

1 Proposed Paver Walk

Scale: 1 1/2" = 1'-0"

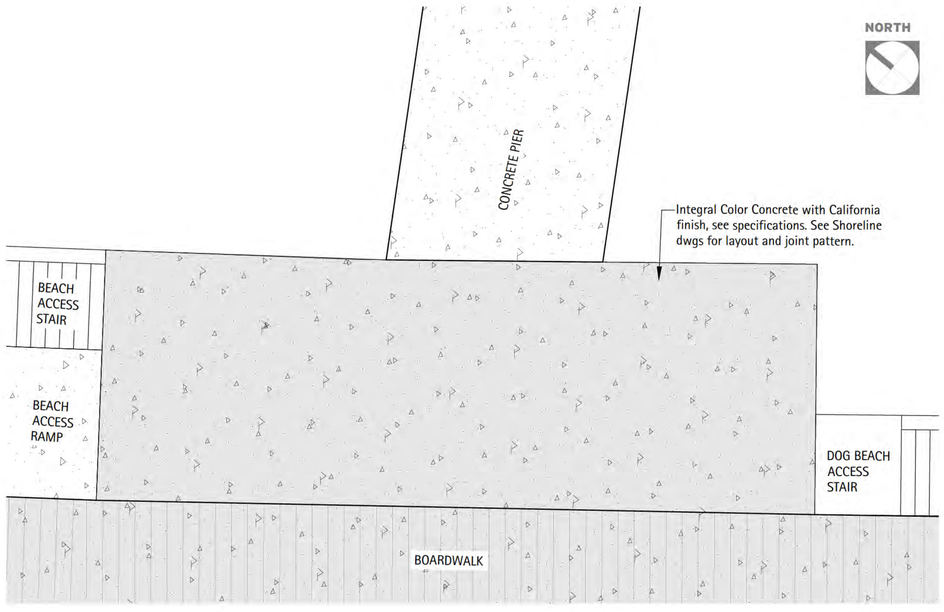
d-unit-paving



Notes:
1. Contractor shall provide coordinated shop drawings for all fabrication components and installation of these elements for approval by Owner's Representative.
2. Confirm paver radii and dimensions with shoreline drawings.

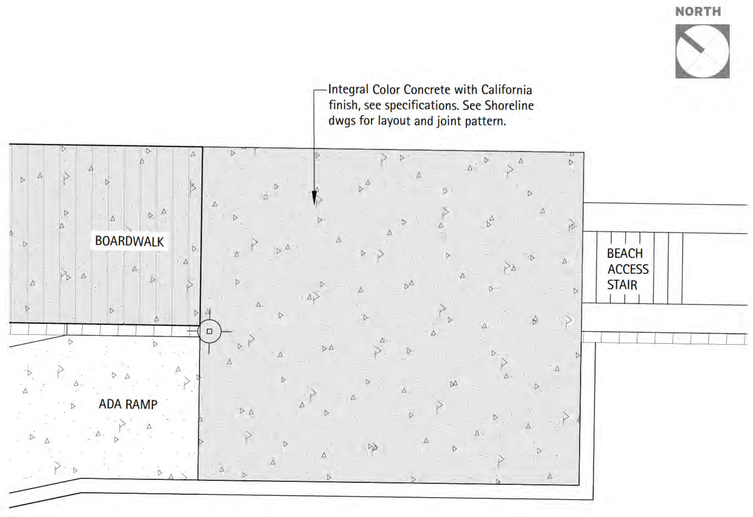
2 Enlarged Plan - Paving Pattern Pier Overlook

Scale: 1" = 5'-0"



3 Enlarged Plan - Paving Pattern at Pier Landing

Scale: 1" = 5'-0"



4 Enlarged Plan - Paving Pattern at Ramp Landing

Scale: 1" = 5'-0"

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

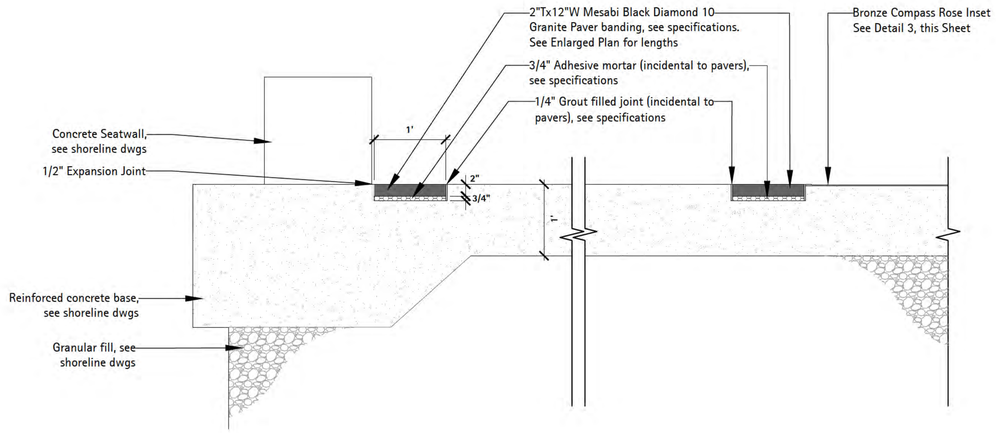
Graphic Scale

Scale None

Drawing Title

HARDSCAPE DETAILS

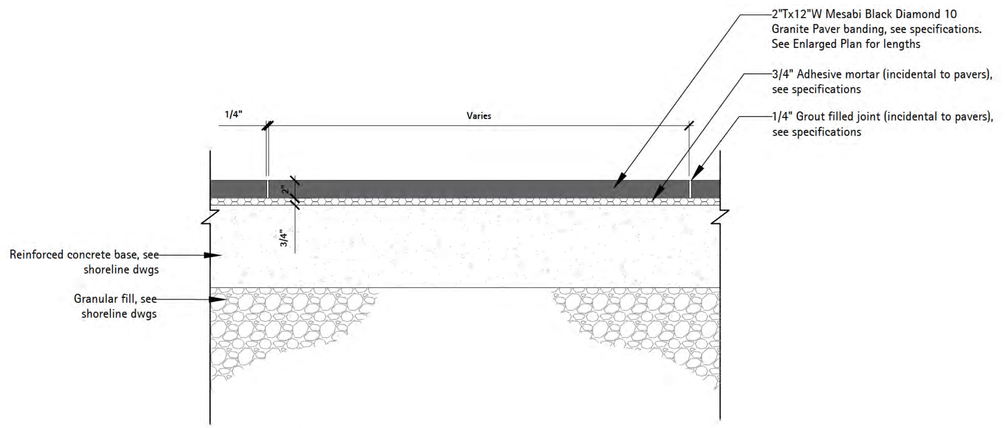
Sheet No.
C152



1 Section - Granite Banding

Scale: 1" = 1'-0"

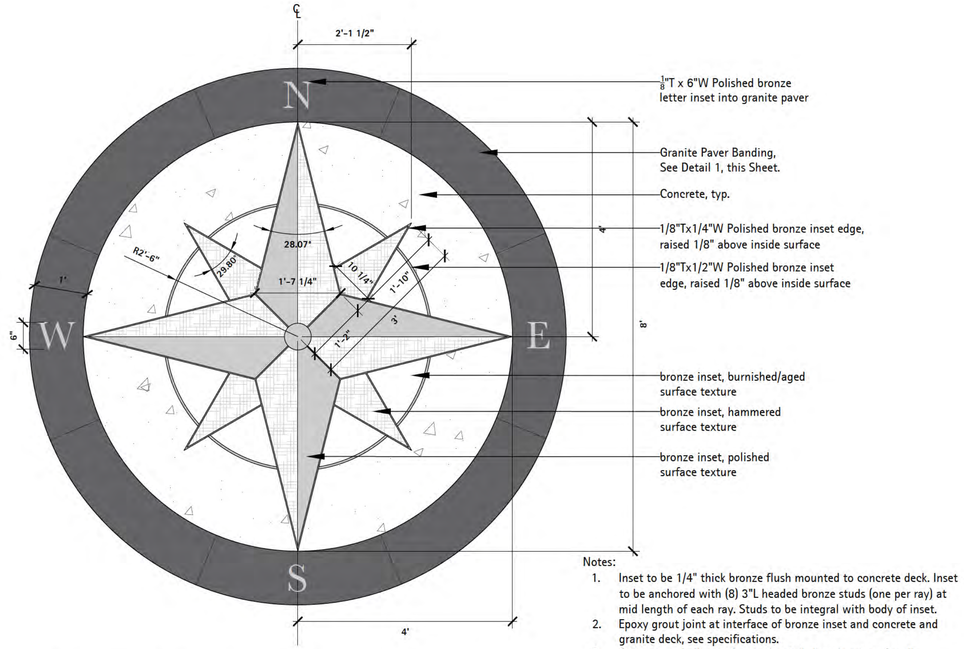
d-granite banding



2 Section - Granite Paver Joint Spacing

Scale: 1 1/2" = 1'-0"

d-file name



Notes:

1. Inset to be 1/4" thick bronze flush mounted to concrete deck. Inset to be anchored with (8) 3"L headed bronze studs (one per ray) at mid length of each ray. Studs to be integral with body of inset.
2. Epoxy grout joint at interface of bronze inset and concrete and granite deck, see specifications.
3. Contractor shall provide coordinated shop drawings for all fabrication components and installation of these elements for approval by Owner's Representative.

3 Enlarged Plan - Bronze Compass Rose Inset

Scale: 3/4" = 1'-0"

d-bronze inset

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Graphic Scale

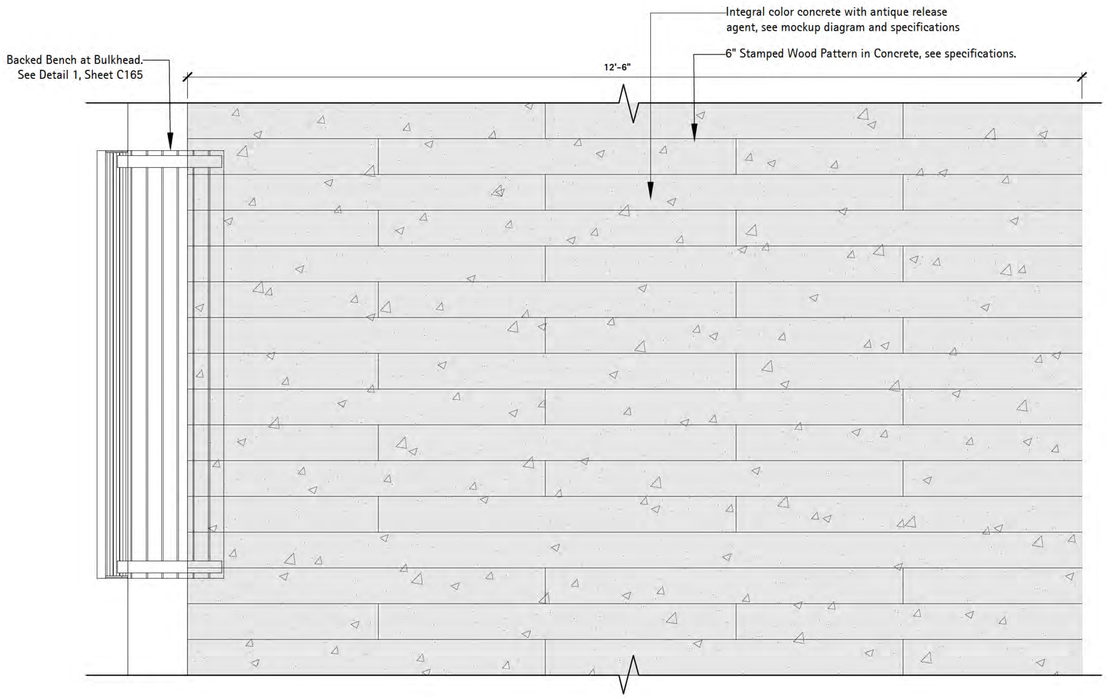
Scale None

Drawing Title

HARDSCAPE DETAILS

Sheet No.

C153



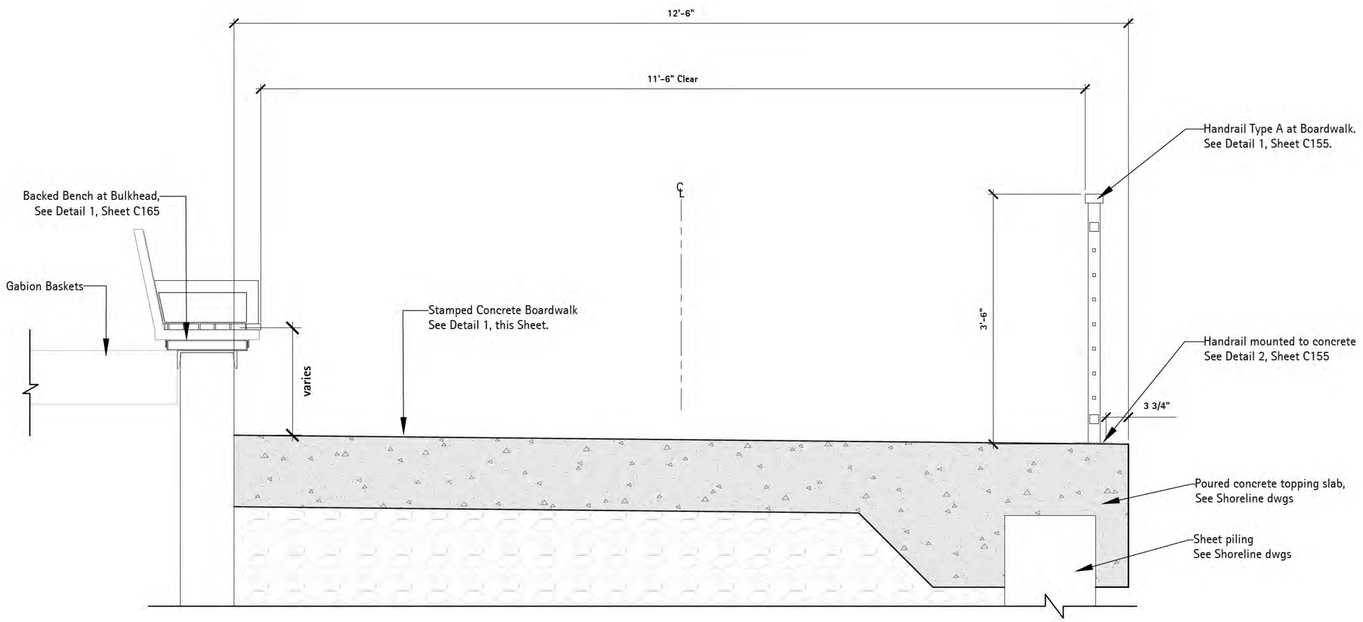
Mockup Diagram		
	Color Option 1 Uni-Mix U-10 Sonoran Tan	Color Option 2 Uni-Mix U-20 Smoke
Type A Finish Antique Release Color SikaColor-300 R24 Colina1an		
Type B Finish Antique Release Color SikaColor-300 R14 Walnut		
Type C Finish Broom Finish		

Note:
1. Mockup panels to be 4' x 4' x full depth.
2. See specifications for product information and mockup requirements.
3. Wood pattern to run perpendicular to boardwalk alignment. Break and re-set pattern at any changes in boardwalk alignment direction. Askew pattern will not be acceptable.

1 Enlarged Plan - Stamped Concrete Boardwalk

Scale: 1" = 1'-0"

d-boardwalk-plan



2 Section - Stamped Concrete Boardwalk

Scale: 1" = 1'-0"

d-boardwalk-section

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B dd ng and Construct on		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

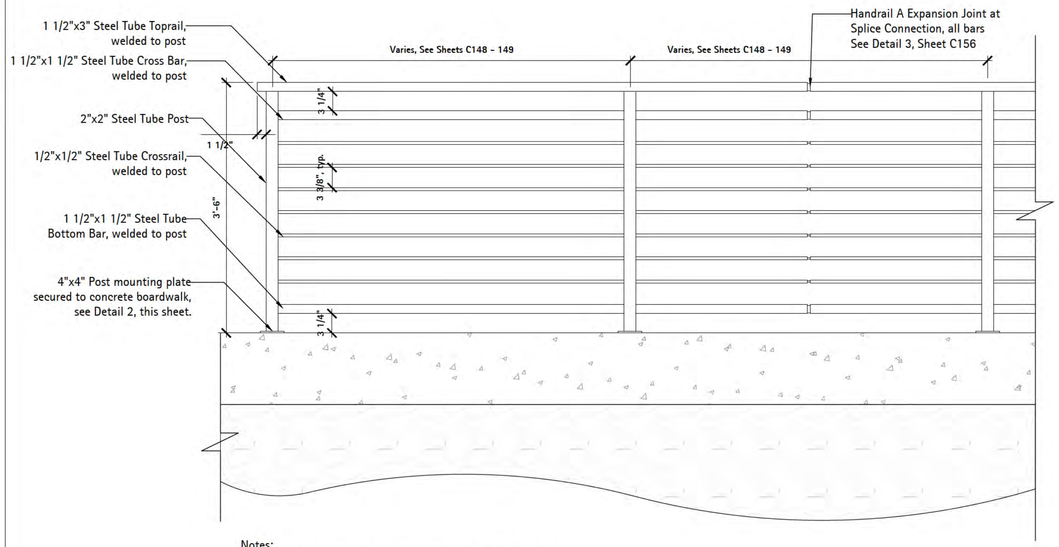
Graphic Scale

Scale
None

Drawing Title

BOARDWALK DETAILS

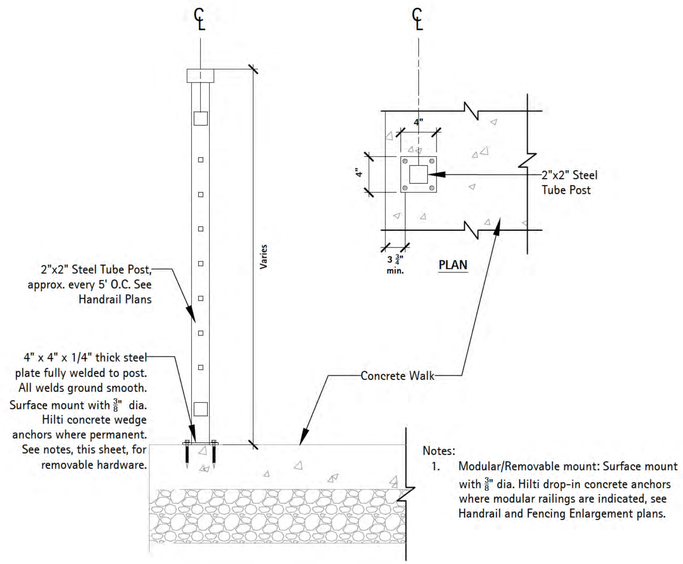
Sheet No.
C154



Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have $\frac{1}{8}$" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

1 Elevation - Handrail Type A at Boardwalk and Pier Landing

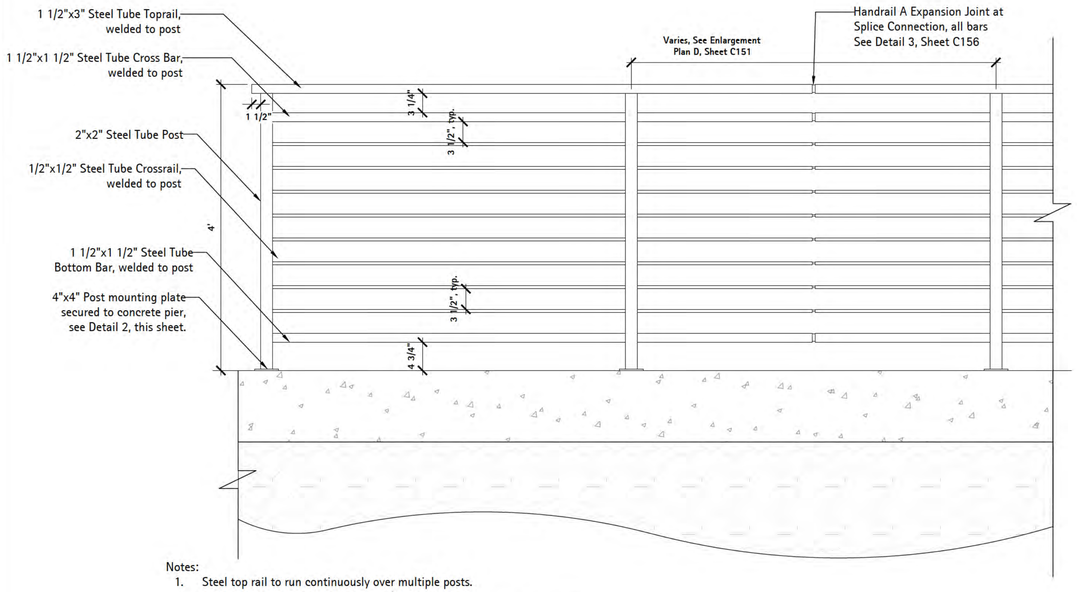
Scale: 1" = 1'-0"



Notes:
1. Modular/Removable mount: Surface mount with $\frac{3}{8}$" dia. Hilti drop-in concrete anchors where modular railings are indicated, see Handrail and Fencing Enlargement plans.

2 Section - Handrail Type A at Concrete (Surface Mount)

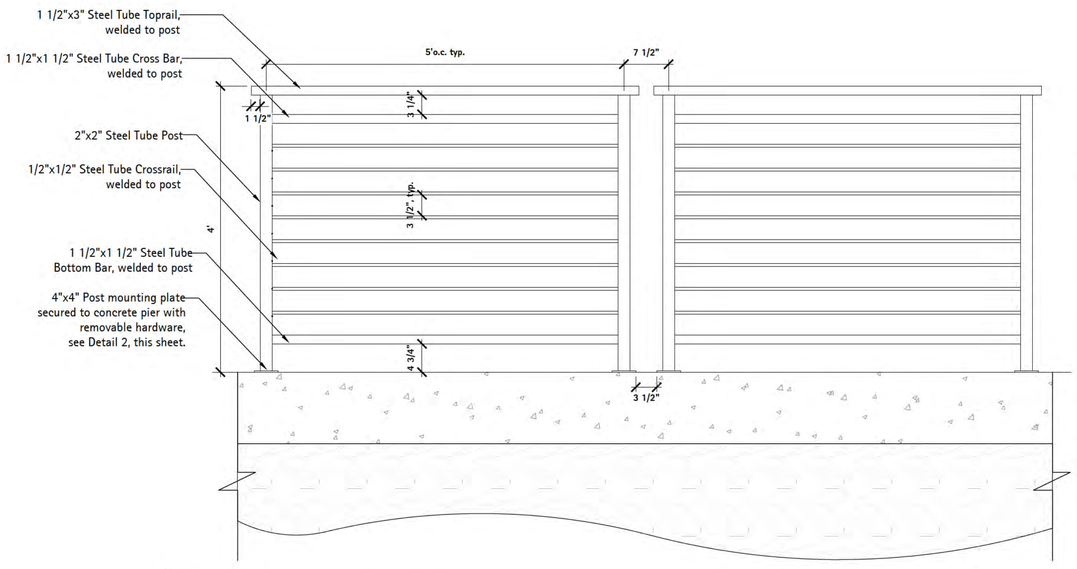
Scale: 1 1/2" = 1'-0"



Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have $\frac{1}{8}$" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

3 Elevation - Handrail Type A at Pier - Permanent

Scale: 1" = 1'-0"



Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have $\frac{1}{8}$" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

4 Elevation - Handrail Type A at Pier - Modular

Scale: 1" = 1'-0"

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

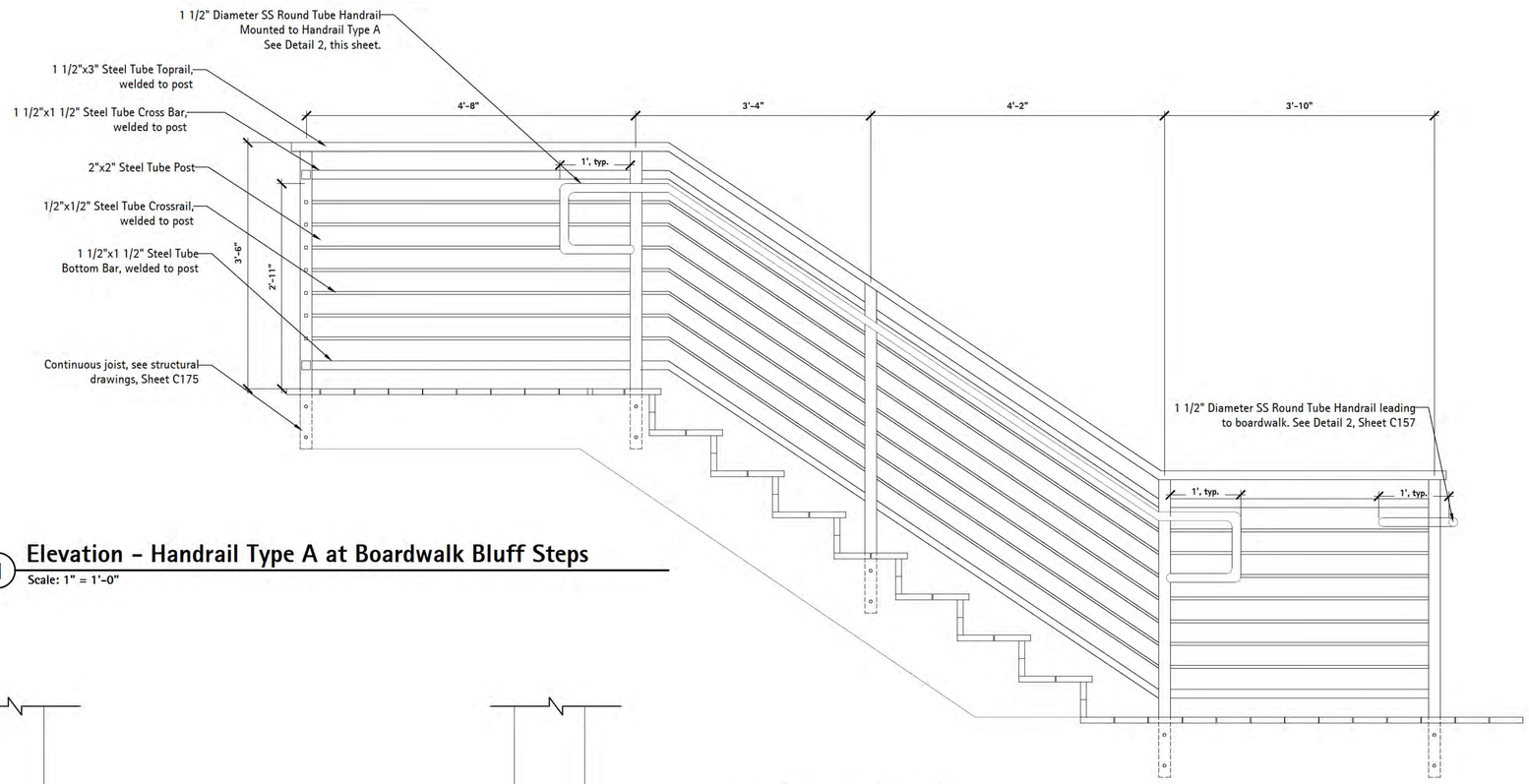
Scale: None

Drawing Title

HANDRAIL DETAILS

Sheet No.

C155



1 Elevation - Handrail Type A at Boardwalk Bluff Steps

Scale: 1" = 1'-0"

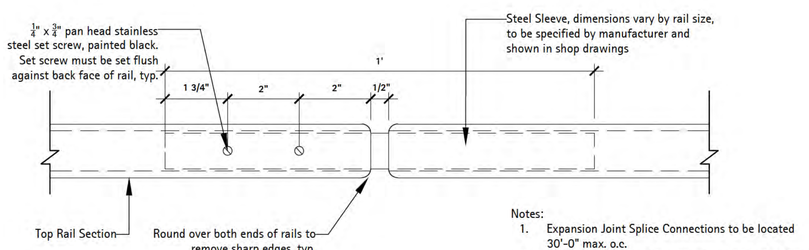
TOP AND BOTTOM POST CROSS SECTION

MIDDLE POST CROSS SECTION

2 Handrail at Elevated Boardwalk Steps (Post-Mounted)

Scale: 6" = 1'-0"

d-handrail



Notes:

1. Expansion Joint Splice Connections to be located 30'-0" max. o.c.
2. Expansion Joints to be shown on all horizontal bars and rails for all permanent railings.
3. Final screw sizes and spacing to vary per rail size, indicate screw sizing and spacing on shop drawings for all horizontal rails on permanent railings.

3 Handrail A Expansion Joint Splice Connection

Scale: 6" = 1'-0"

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

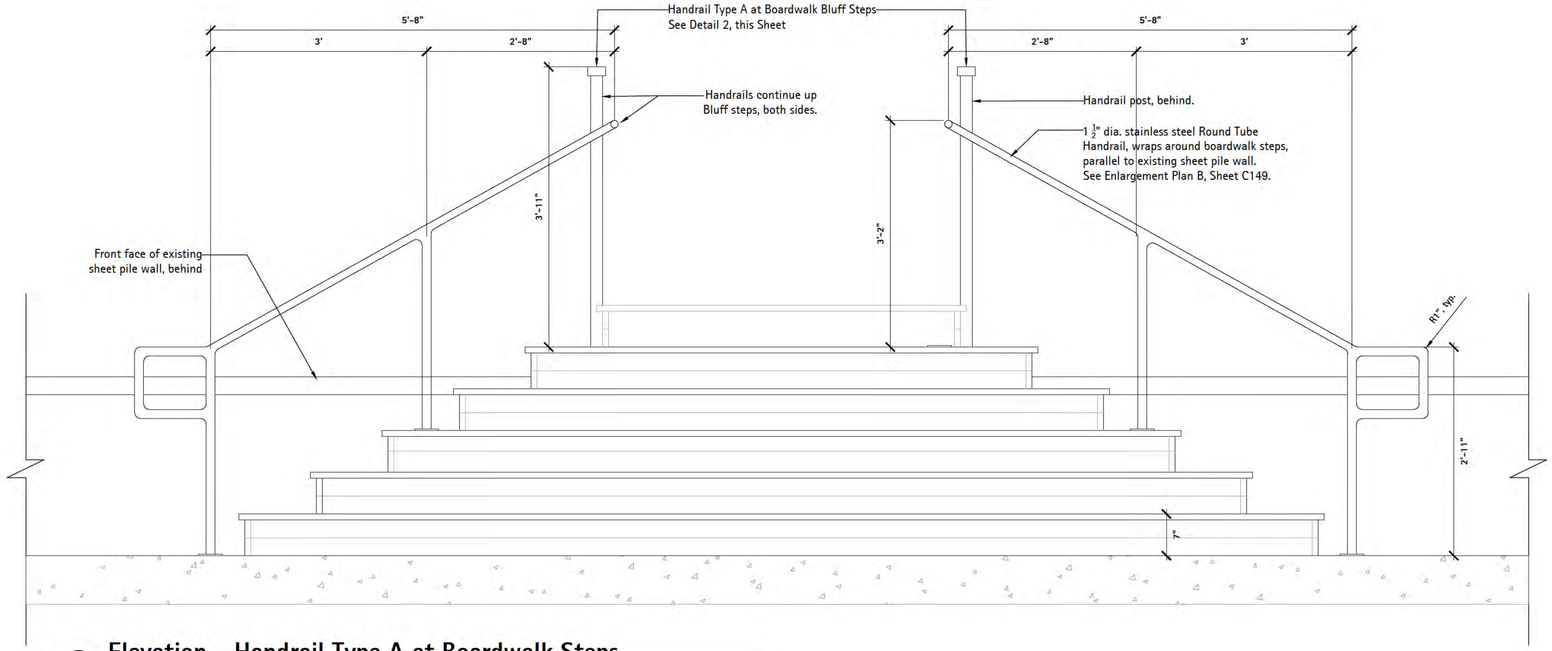
Scale None

Drawing Title

HANDRAIL DETAILS

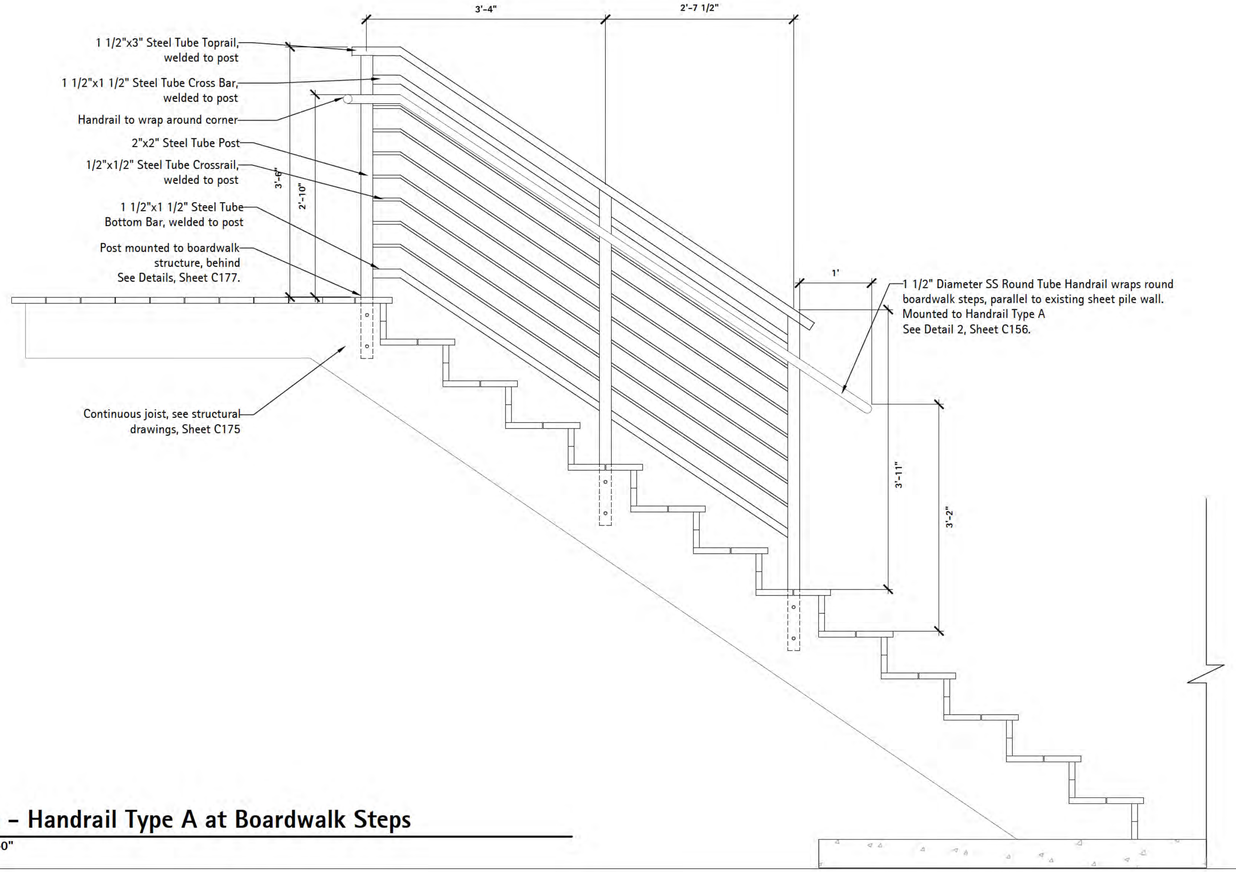
Sheet No.

C156



1 Elevation - Handrail Type A at Boardwalk Steps

Scale: 1" = 1'-0"



2 Section - Handrail Type A at Boardwalk Steps

Scale: 1" = 1'-0"

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Winnetka Park District
Winnetka, IL

Graphic Scale

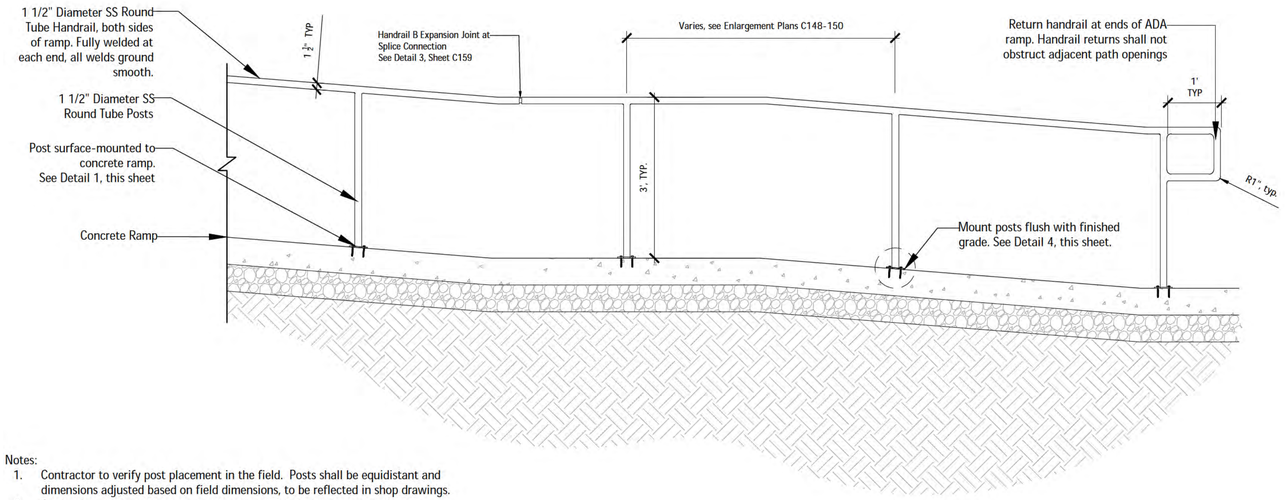
Scale None

Drawing Title

HANDRAIL DETAILS

Sheet No.

C157

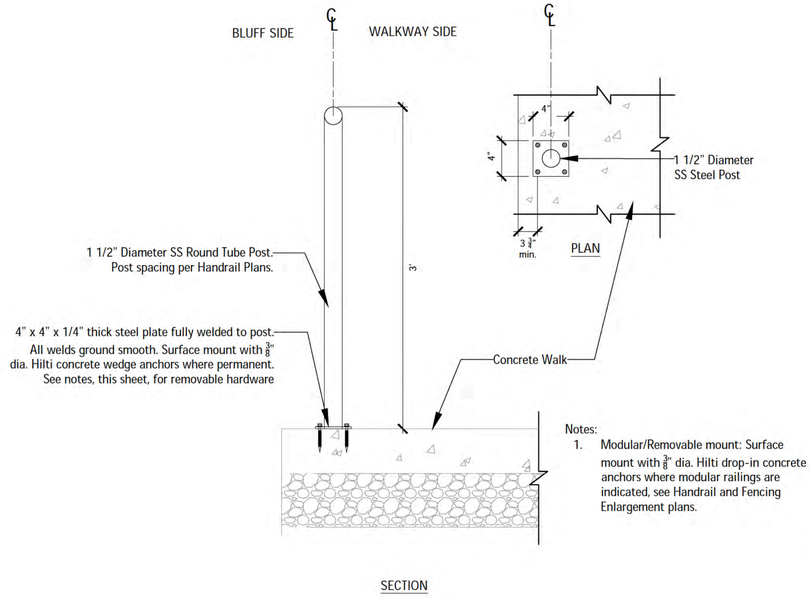


Notes:
1. Contractor to verify post placement in the field. Posts shall be equidistant and dimensions adjusted based on field dimensions, to be reflected in shop drawings.
2. Contractor shall provide shop drawings for all fabrication components and installation of these elements for approval by Owner's representative.
3. All welds to be ground smooth.
4. All steel to be 316 stainless steel, see specifications.

1 Elevation - Handrail Type B at ADA Ramp and Beach Access Ramp - Permanent

Scale: 3/4" = 1'-0"

d-handrail at ada ramp

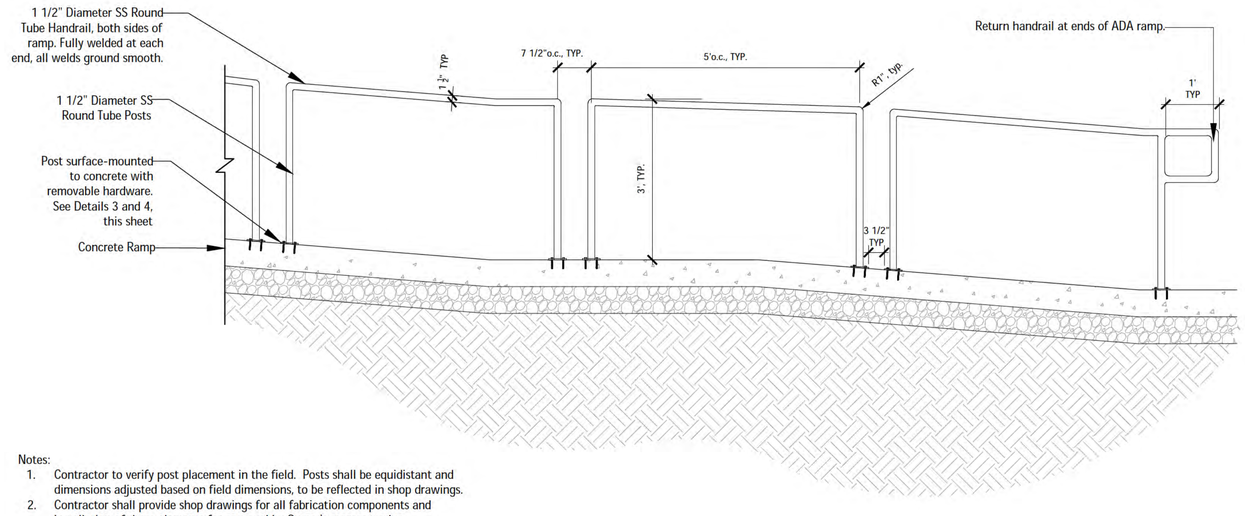


Notes:
1. Modular/Removable mount: Surface mount with 3/4" dia. Hilti drop-in concrete anchors where modular railings are indicated, see Handrail and Fencing Enlargement plans.

3 Section - Handrail Type B at Concrete (Surface Mount)

Scale: 1 1/2" = 1'-0"

d-handrail at conc

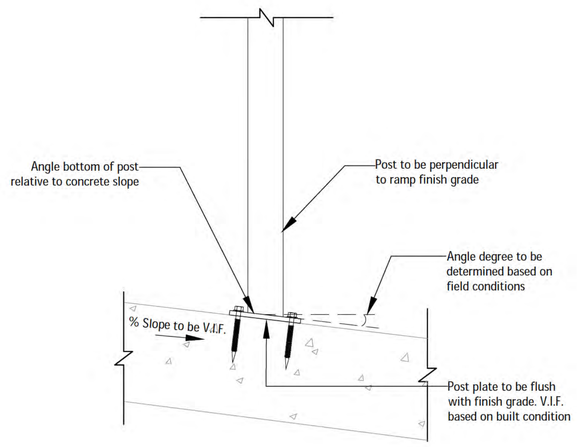


Notes:
1. Contractor to verify post placement in the field. Posts shall be equidistant and dimensions adjusted based on field dimensions, to be reflected in shop drawings.
2. Contractor shall provide shop drawings for all fabrication components and installation of these elements for approval by Owner's representative.
3. All welds to be ground smooth.
4. All steel to be 316 stainless steel, see specifications.

2 Elevation - Handrail Type B at Beach Access Ramp - Modular

Scale: 3/4" = 1'-0"

d-handrail at ada ramp



4 Section - Handrail Type B Post Mount at Slope

Scale: 3" = 1'-0"

d-handrail at conc

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

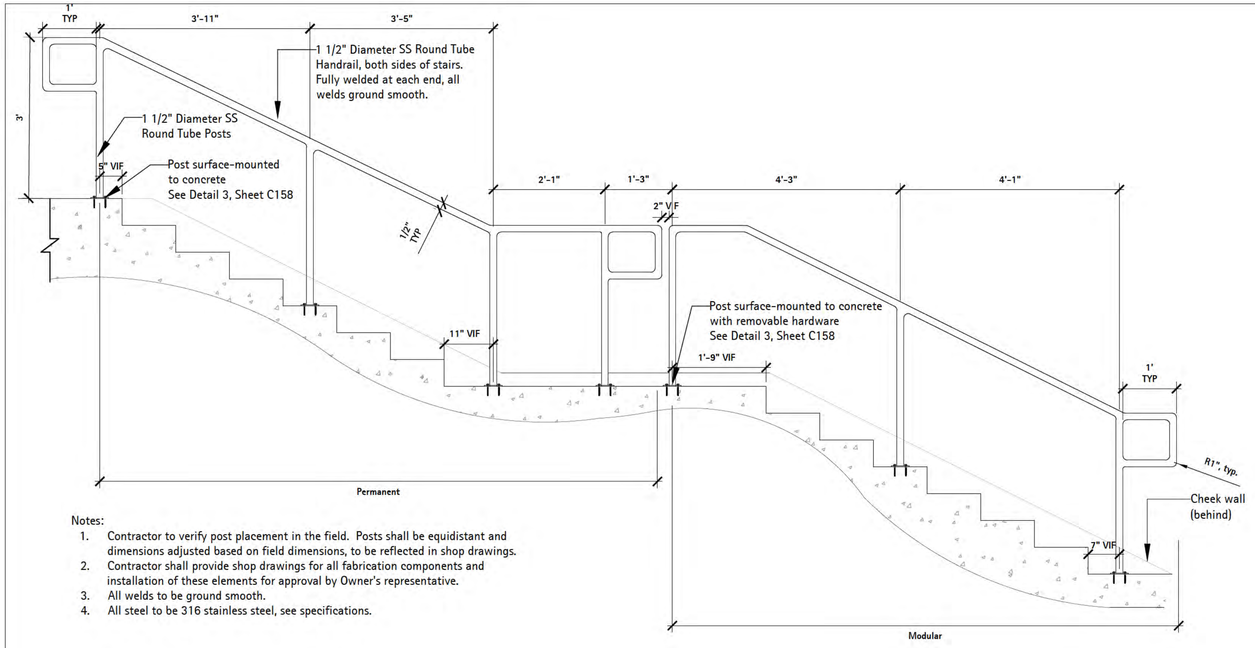
Scale None

Drawing Title

HANDRAIL DETAILS

Sheet No.

C158

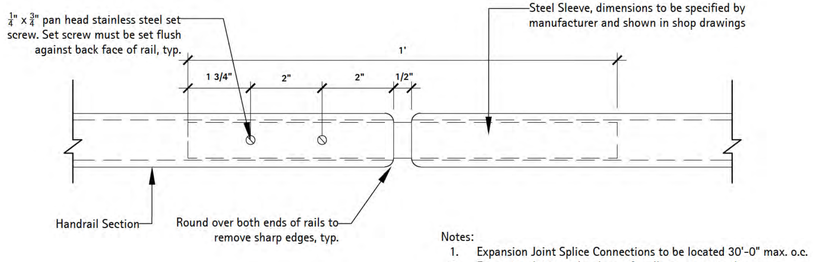


Notes:
1. Contractor to verify post placement in the field. Posts shall be equidistant and dimensions adjusted based on field dimensions, to be reflected in shop drawings.
2. Contractor shall provide shop drawings for all fabrication components and installation of these elements for approval by Owner's representative.
3. All welds to be ground smooth.
4. All steel to be 316 stainless steel, see specifications.

1 Elevation - Handrail Type B at Beach Access Steps

Scale: 3/4" = 1'-0"

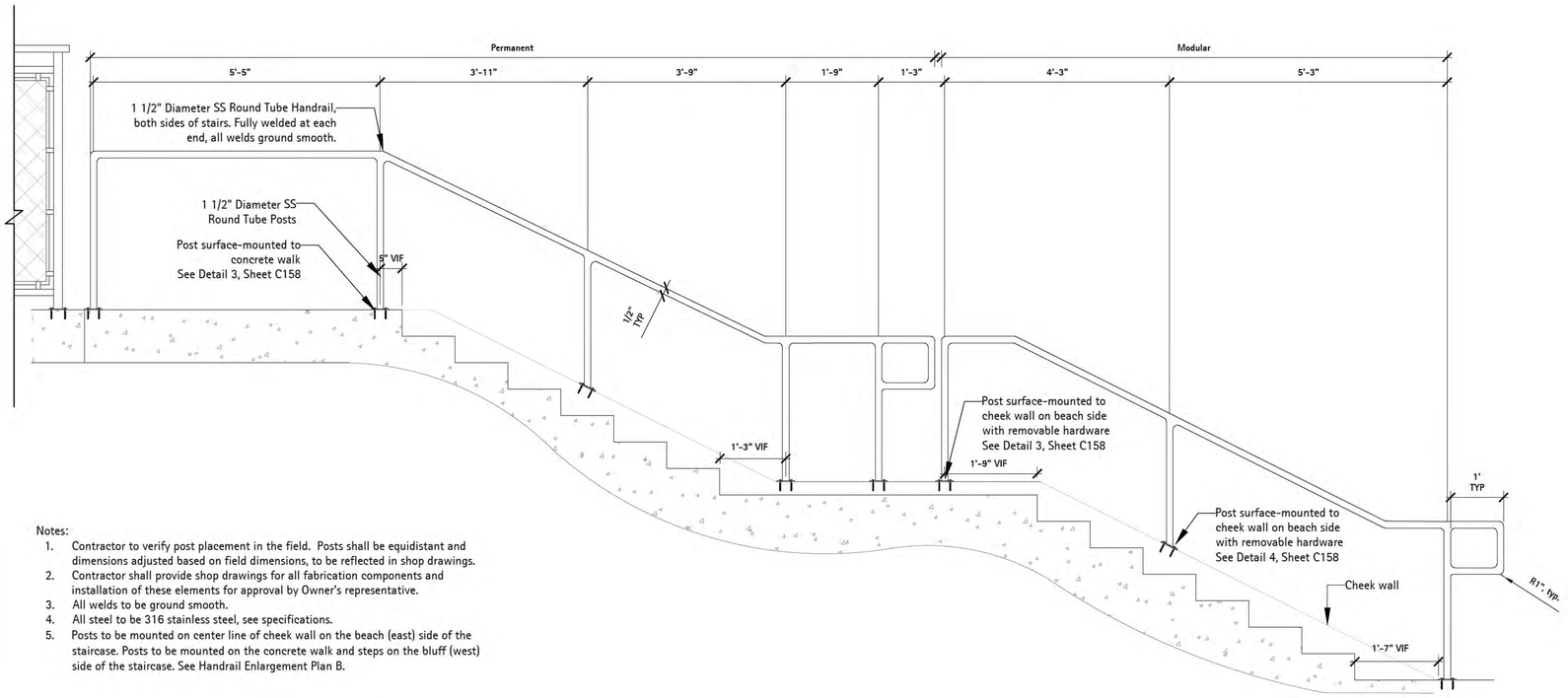
d-conc handrail exst steps elevation



Notes:
1. Expansion Joint Splice Connections to be located 30'-0" max. o.c.
2. Expansion Joints to be shown for all permanent railings.
3. Final screw sizes and spacing to be determined by manufacturer and indicated on shop drawings.

3 Handrail B Expansion Joint Splice Connection

Scale: 6" = 1'-0"



Notes:
1. Contractor to verify post placement in the field. Posts shall be equidistant and dimensions adjusted based on field dimensions, to be reflected in shop drawings.
2. Contractor shall provide shop drawings for all fabrication components and installation of these elements for approval by Owner's representative.
3. All welds to be ground smooth.
4. All steel to be 316 stainless steel, see specifications.
5. Posts to be mounted on center line of cheek wall on the beach (east) side of the staircase. Posts to be mounted on the concrete walk and steps on the bluff (west) side of the staircase. See Handrail Enlargement Plan B.

2 Elevation - Handrail Type B at Dog Beach Access Steps

Scale: 3/4" = 1'-0"

d-conc handrail exst steps elevation

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

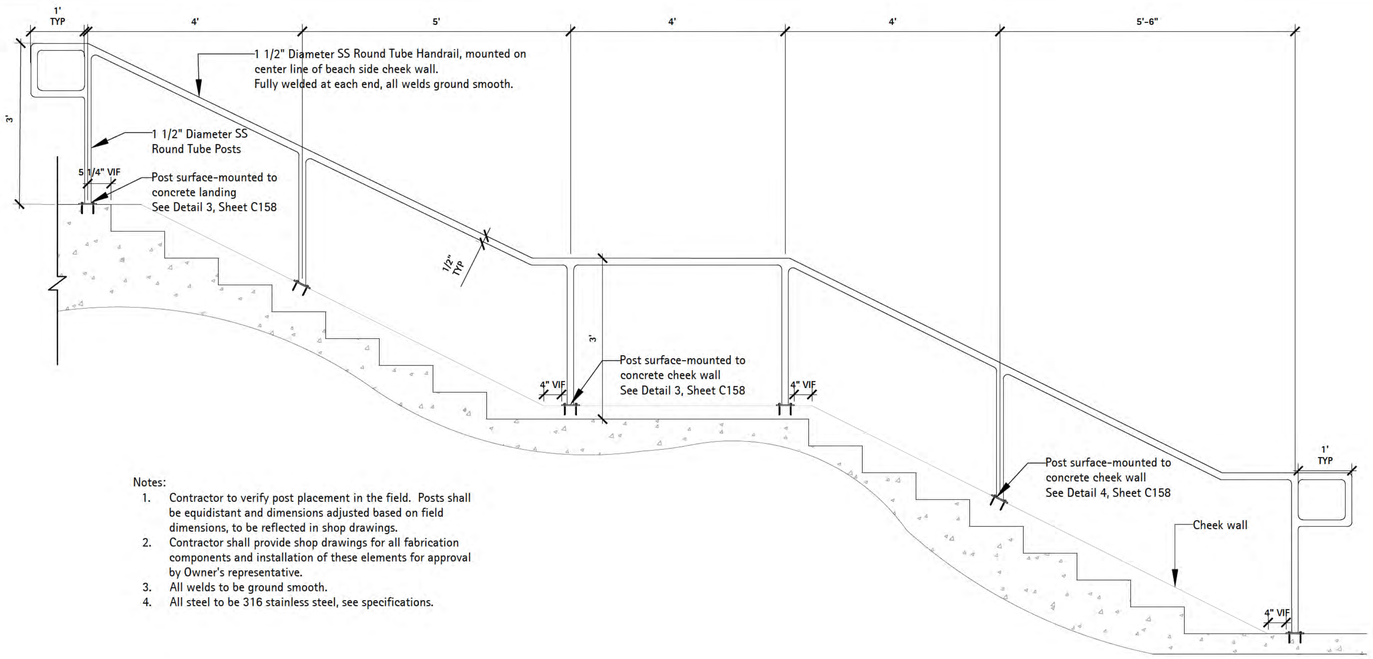
Scale None

Drawing Title

HANDRAIL DETAILS

Sheet No.

C159



Notes:

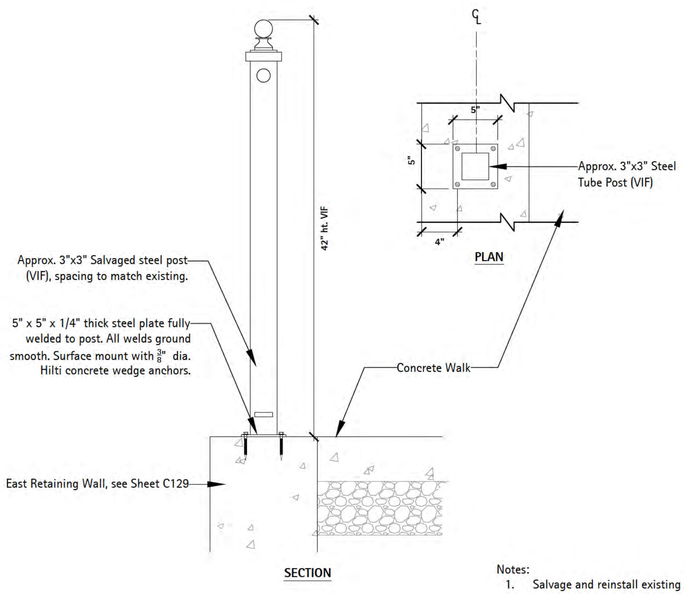
1. Contractor to verify post placement in the field. Posts shall be equidistant and dimensions adjusted based on field dimensions, to be reflected in shop drawings.
2. Contractor shall provide shop drawings for all fabrication components and installation of these elements for approval by Owner's representative.
3. All welds to be ground smooth.
4. All steel to be 316 stainless steel, see specifications.

1 Elevation - Handrail Type B at Beach Maintenance Access Steps

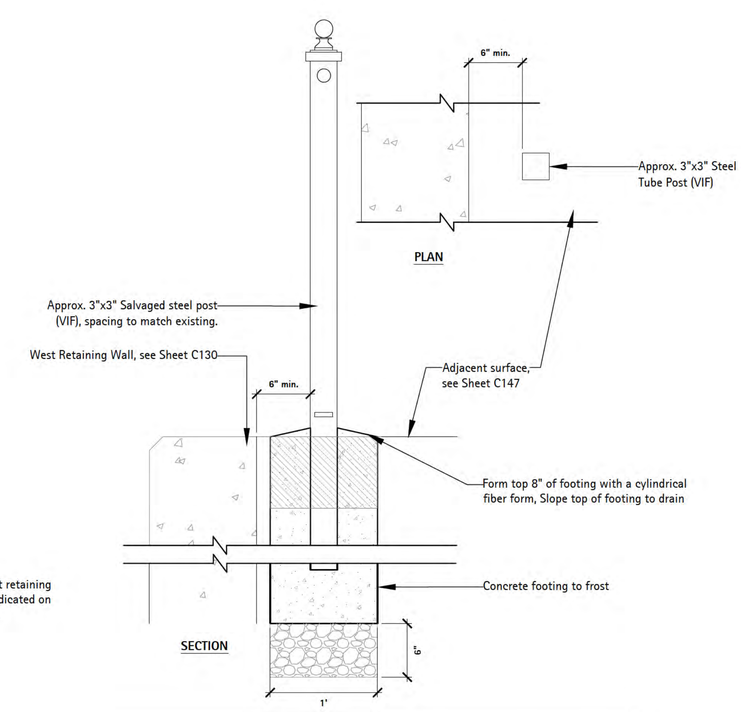
Scale: 3/4" = 1'-0"

d-conc handrail exst steps elevation

EAST RETAINING WALL - SURFACE MOUNT



WEST RETAINING WALL - DIRECT BURIAL



Notes:

1. Salvage and reinstall existing park railing at retaining wall, surface mounted or direct burial as indicated on Handrail and Fencing Plan, see Sheet C147.

2 Section - Salvaged Park Railing at Retaining Wall

Scale: 1 1/2" = 1'-0"

d-handrail at conc

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

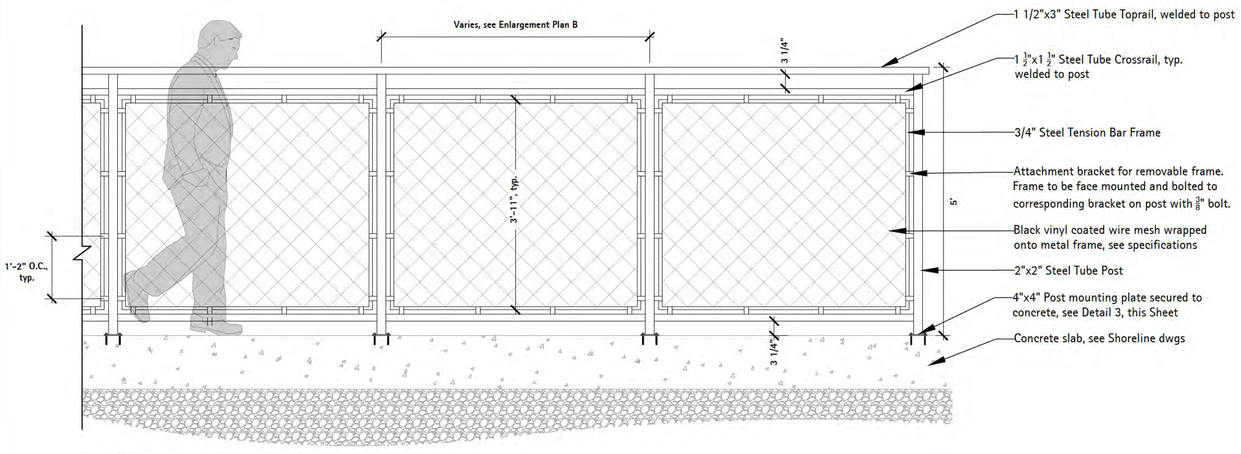
Scale None

Drawing Title

HANDRAIL DETAILS

Sheet No.

C160

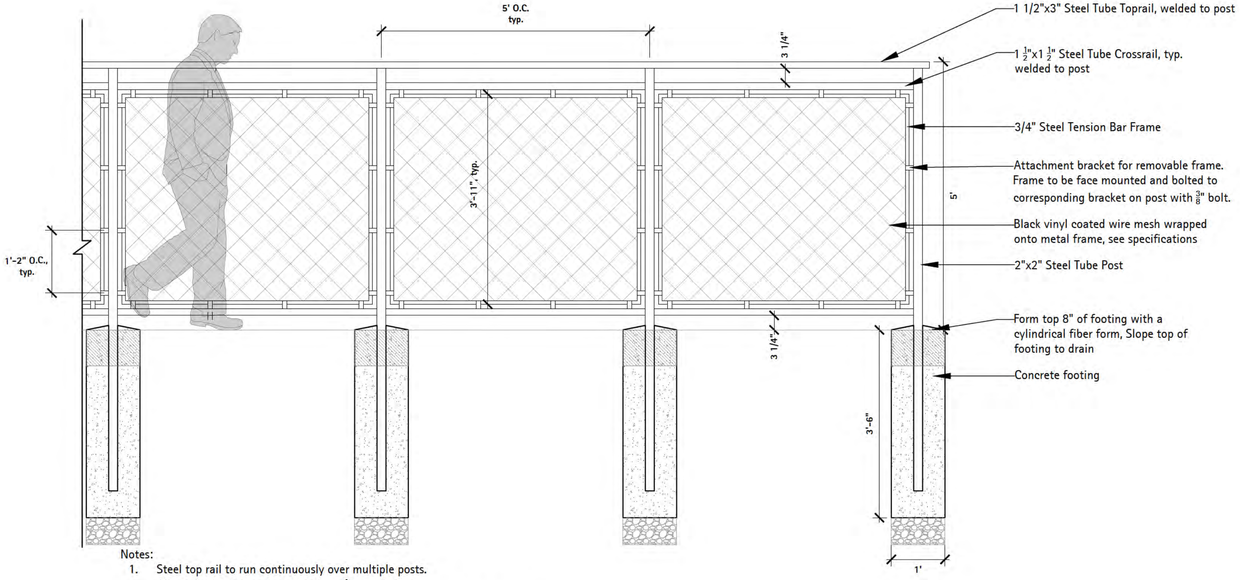


Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have 1/8" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

1 Elevation - Dog Beach Fence at Dog Beach Entry

Scale: 3/4" = 1'-0"

d-dog beach fence type a - pier

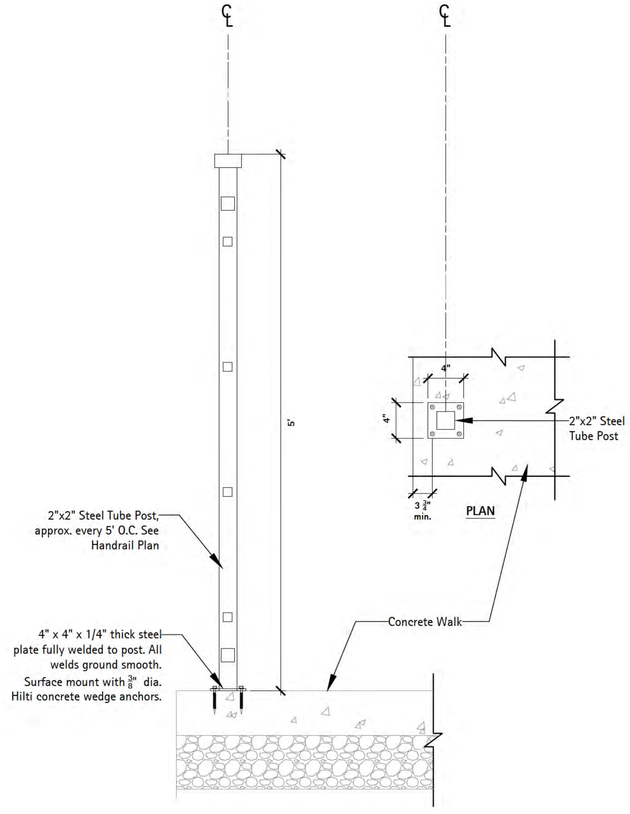


Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have 1/8" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

2 Elevation - Dog Beach Fence at Beach

Scale: 3/4" = 1'-0"

d-dog beach fence type a - pier



3 Section - Dog Beach Fence at Concrete (Surface Mount)

Scale: 1 1/2" = 1'-0"

d-handrail at conc

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Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

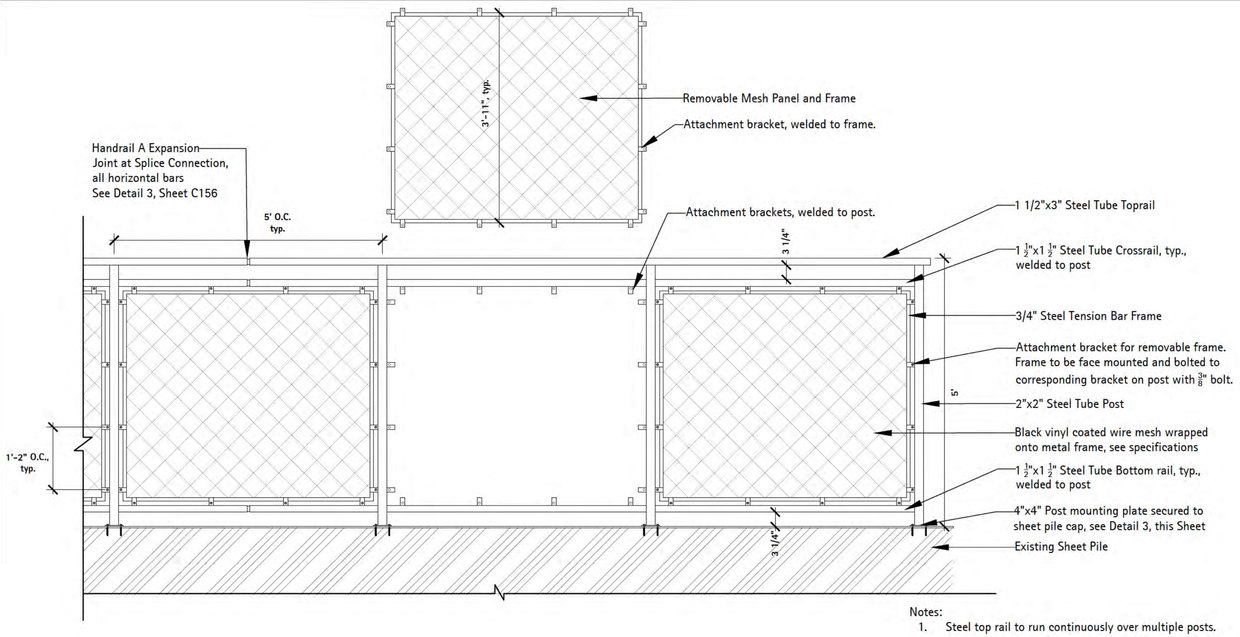
Scale None

Drawing Title

FENCING DETAILS

Sheet No.

C161

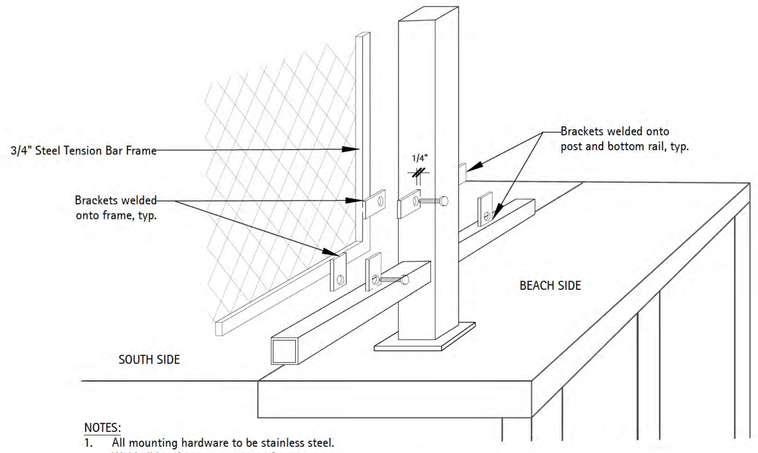


Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have 1/8" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

d-dog beach fence type a - pier

1 Elevation - Dog Beach Fence at Existing Sheet Pile

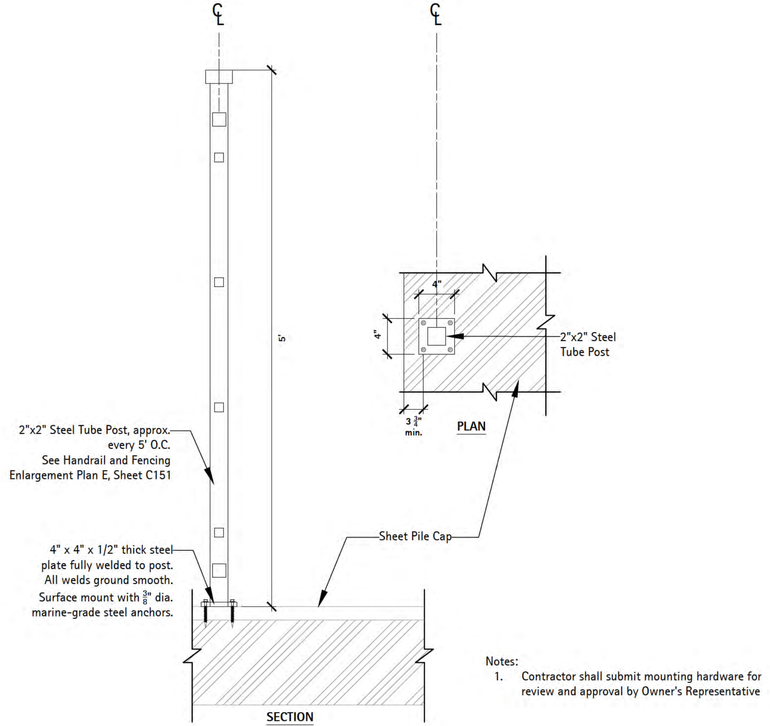
Scale: 3/4" = 1'-0"



NOTES:
1. All mounting hardware to be stainless steel.
2. Weld all brackets to respective frame or post.
3. Brackets on frame to be aligned with and bolted to brackets welded on posts using a 3/8" bolt.

2 Section - Removable Panel Attachment at Dog Beach Fence

Scale: 3" = 1'-0"



Notes:
1. Contractor shall submit mounting hardware for review and approval by Owner's Representative

3 Section - Dog Beach Fence at Existing Sheet Pile (Surface Mount)

Scale: 1 1/2" = 1'-0"

d-handrail at conc

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Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

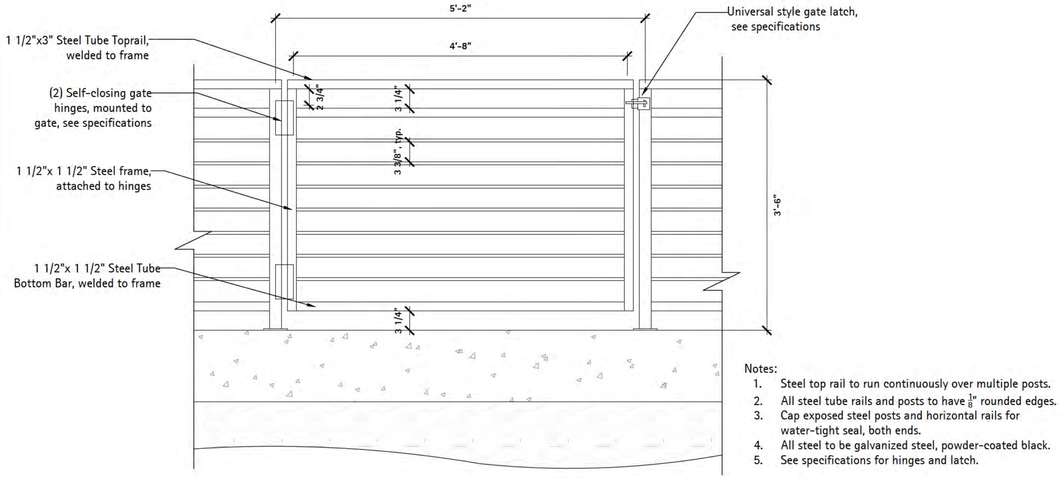
Scale None

Drawing Title

FENCING DETAILS

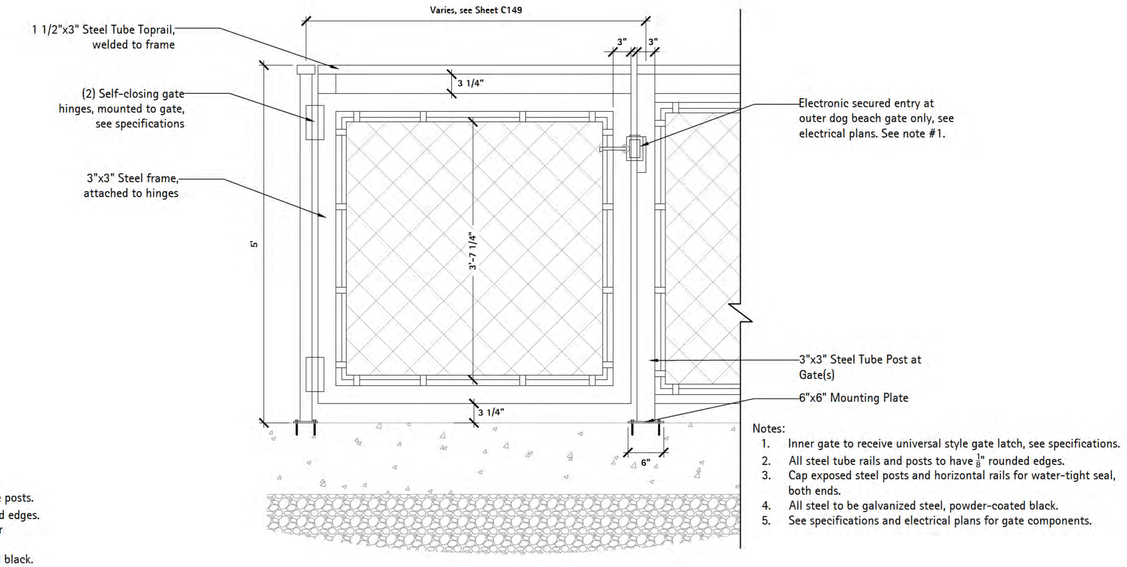
Sheet No.

C162



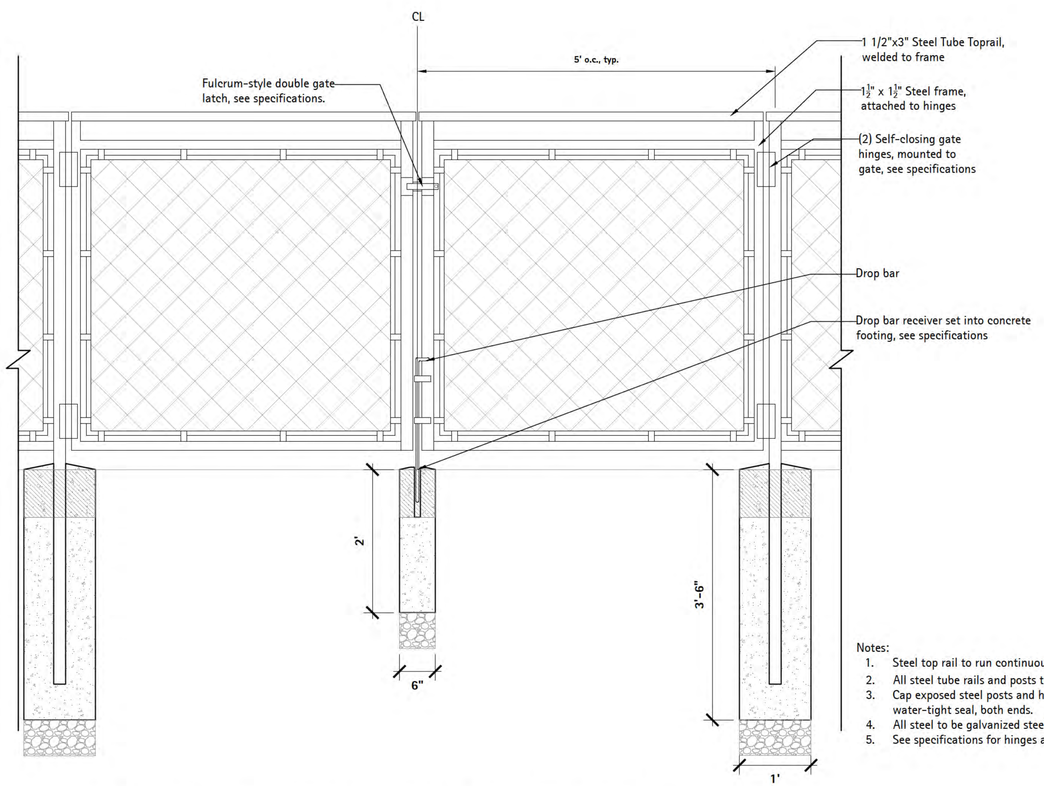
Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have $\frac{1}{8}$" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.
5. See specifications for hinges and latch.

1 Elevation - Staff Access Gate at Boardwalk
Scale: 1" = 1'-0"



Notes:
1. Inner gate to receive universal style gate latch, see specifications.
2. All steel tube rails and posts to have $\frac{1}{8}$" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.
5. See specifications and electrical plans for gate components.

2 Elevation - Dog Beach Entry Gates at Pier Landing
Scale: 1" = 1'-0"



Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have $\frac{1}{8}$" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.
5. See specifications for hinges and latch

3 Elevation - Maintenance Access Gate at Dog Beach
Scale: 1" = 1'-0"

d-dog beach fence type a - pier

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B dd ng and Construct on		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

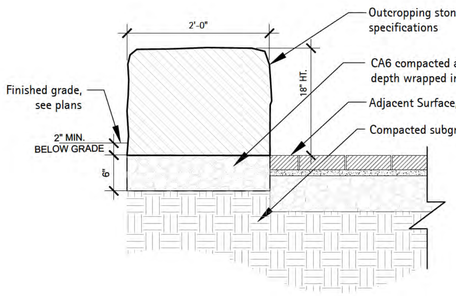
Graphic Scale

Scale None

Drawing Title

GATE DETAILS

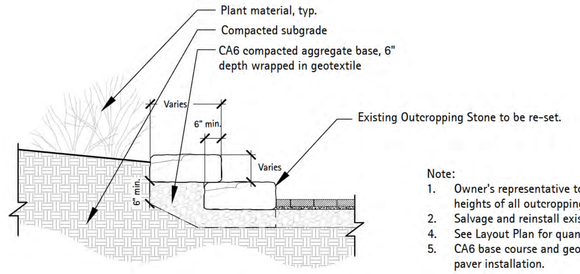
Sheet No.
C163



Note:
1. Owner's representative to field verify and approve layouts and heights of all outcropping stone areas shown on the plans.
2. See specifications for outcropping stone type and sizes.
3. Provide pictures of stones for review and approval by Owner's representative prior to ordering.
4. See Layout Plan for quantity and locations.
5. CA6 base course and geotextile fabric shall be incidental to paver installation.

1 Section - Outcropping Stone Boulder

Scale: 1" = 1'-0"

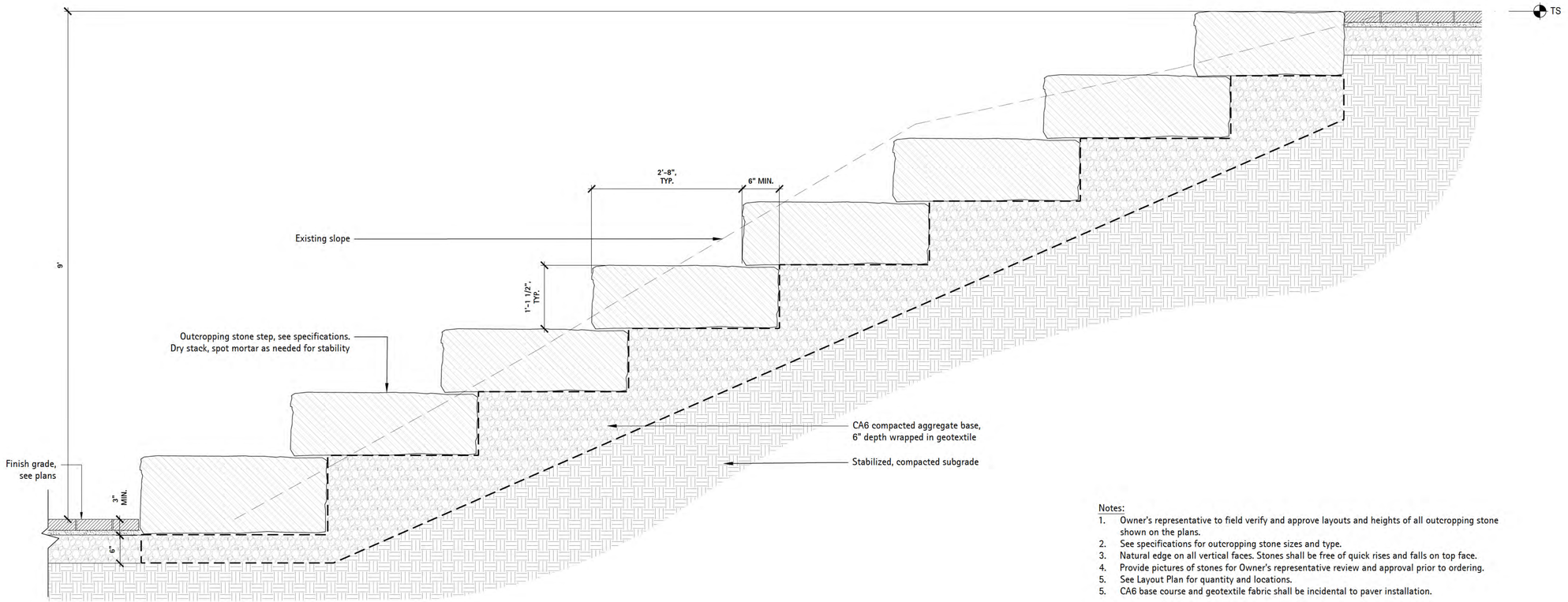


Note:
1. Owner's representative to field verify and approve layouts and heights of all outcropping stone areas shown on the plans.
2. Salvage and reinstall existing outcropping stone.
4. See Layout Plan for quantity and locations.
5. CA6 base course and geotextile fabric shall be incidental to paver installation.

3 Section - Existing Outcropping Stone to be Reset

Scale: 1/2" = 1'-0"

d-stone-outcroppings-sec



Notes:
1. Owner's representative to field verify and approve layouts and heights of all outcropping stone shown on the plans.
2. See specifications for outcropping stone sizes and type.
3. Natural edge on all vertical faces. Stones shall be free of quick rises and falls on top face.
4. Provide pictures of stones for Owner's representative review and approval prior to ordering.
5. See Layout Plan for quantity and locations.
5. CA6 base course and geotextile fabric shall be incidental to paver installation.

2 Section - Outcropping Stone Steps

Scale: 1" = 1'-0"

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B dd ng and Construct on		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

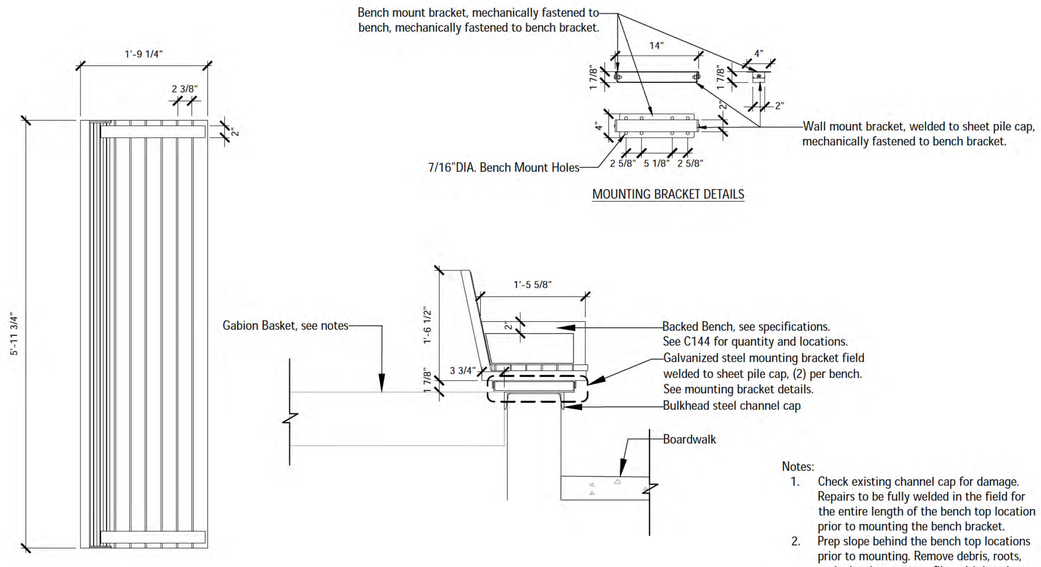
Scale None

Drawing Title

FURNISHINGS

Sheet No.

C164



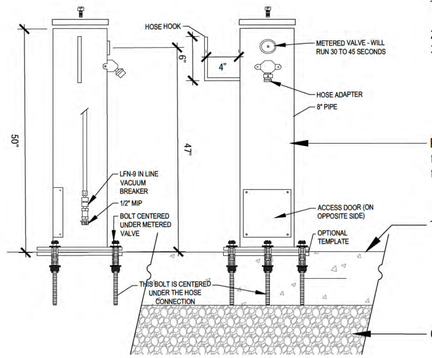
Notes:
1. Check existing channel cap for damage. Repairs to be fully welded in the field for the entire length of the bench top location prior to mounting the bench bracket.
2. Prep slope behind the bench top locations prior to mounting. Remove debris, roots, and wire that may conflict with bench top.
3. Contractor to submit shop drawings for custom steel mounting bracket for review and approval by Owner's Representative.

1 Backed Bench at Bulkhead
Scale: 1" = 1'-0"



Relocate pet relief station and signage as directed by Owner. See locations on Overall Site Plan, Sheet C144. Verify in the field.

2 Pet Relief Station (Relocated)
NTS



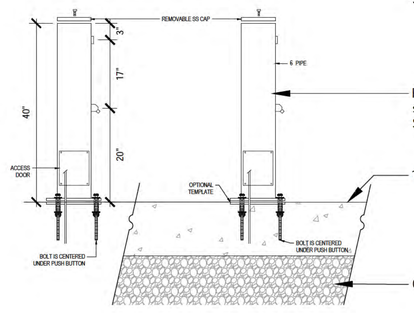
Notes:
1. Install dog rinse station per manufacturer's recommendation.
2. See Sheet C144 for Location.
3. Locations to be verified in the field with Owner's representative prior to placement.

Rinse station to face west. See specifications for manufacturer and type. See Sheet C173 for location, drainage, and connection.

12" Concrete slab, see shoreline dwgs

Granular fill, see shoreline dwgs

3 Section - Dog Rinse Station
Scale: 3/4" = 1'-0"



Notes:
1. Install foot rinse station per manufacturer's recommendation.
2. See Sheet C144 for location.
3. Locations to be verified in the field with Owner's representative prior to placement.

Rinse station to face north. See specifications for manufacturer and type. See Sheet C173 for drainage and connection.

12" Concrete slab, see shoreline dwgs

Granular fill, see shoreline dwgs

4 Section - Foot Rinse Station
Scale: 3/4" = 1'-0"

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

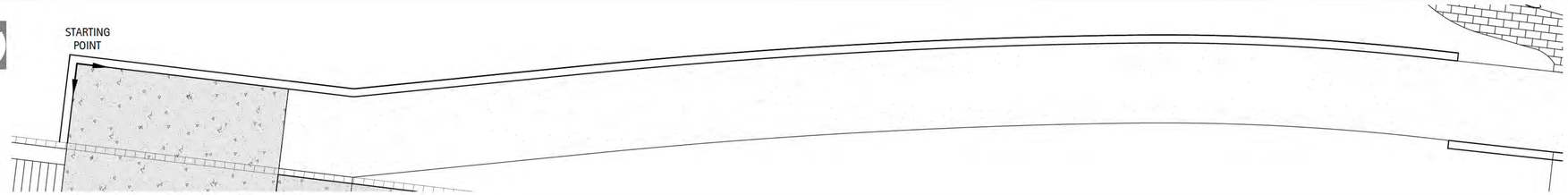
Scale None

Drawing Title

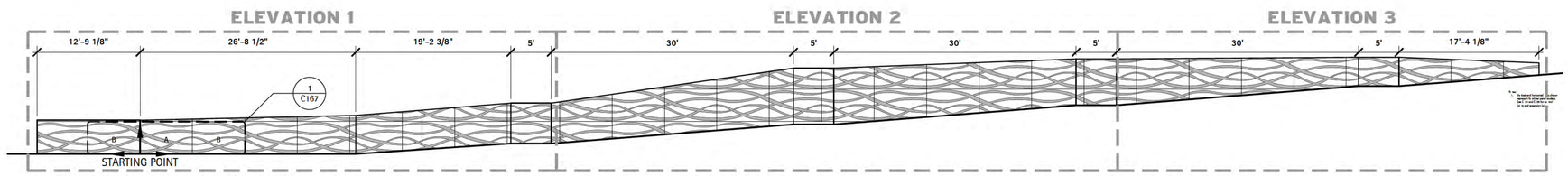
FURNISHINGS

Sheet No.
C165

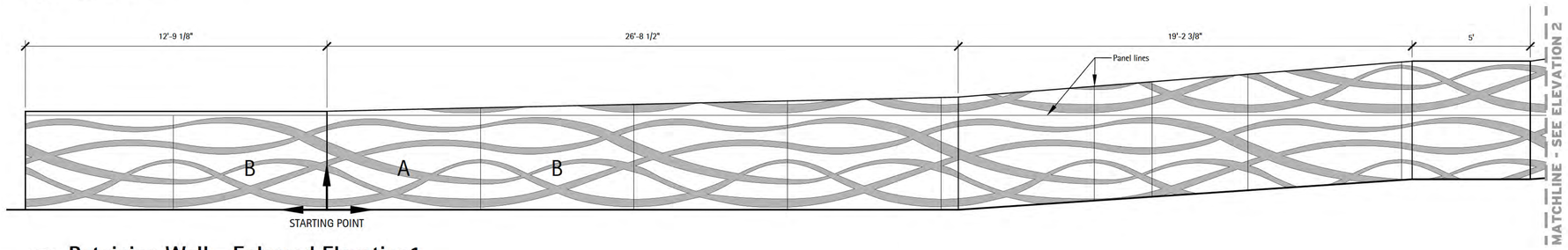
NORTH



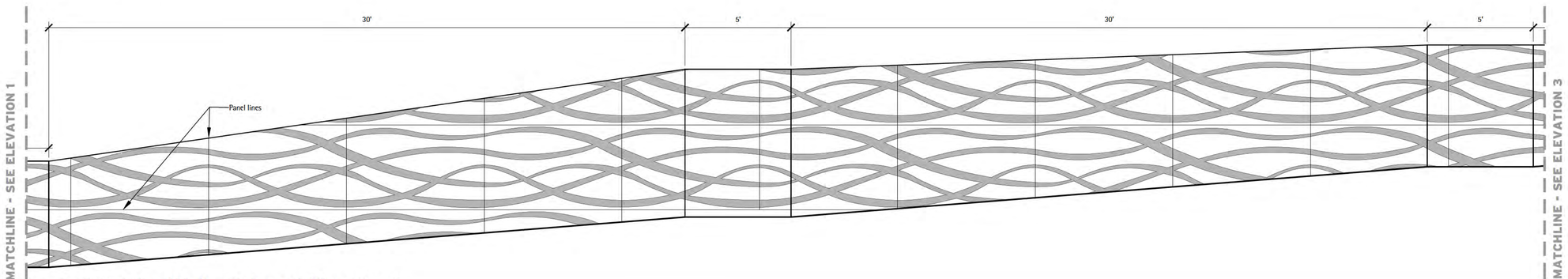
1 Retaining Wall - Plan View
Scale: 1/8" = 1'-0"



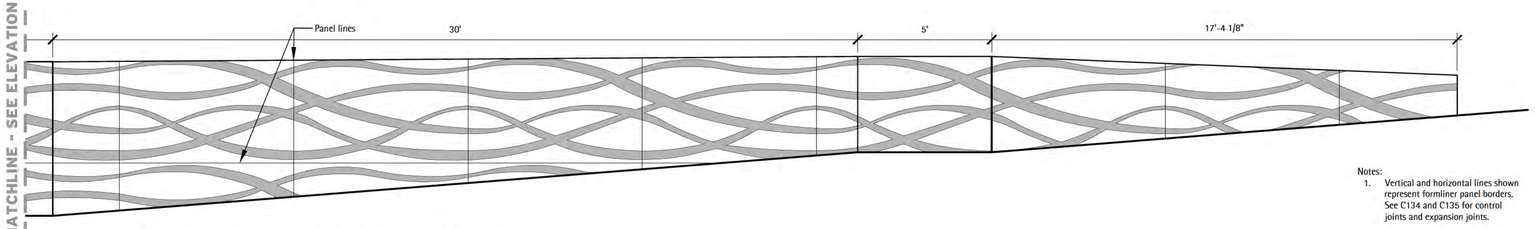
2 Retaining Wall - Elevation
Scale: 1/8" = 1'-0"



3 Retaining Wall - Enlarged Elevation1
Scale: 3/8" = 1'-0"



4 Retaining Wall - Enlarged Elevation 2
Scale: 3/8" = 1'-0"



Notes:
1. Vertical and horizontal lines shown represent formliner panel borders. See C134 and C135 for control joints and expansion joints.

5 Retaining Wall - Enlarged Elevation 3
Scale: 3/8" = 1'-0"

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

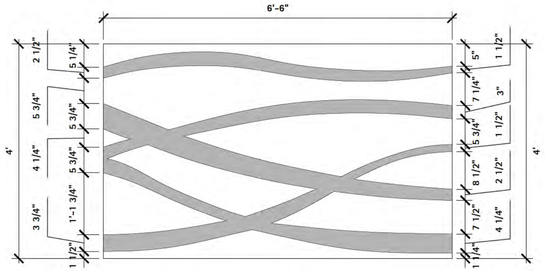
Graphic Scale

Scale None

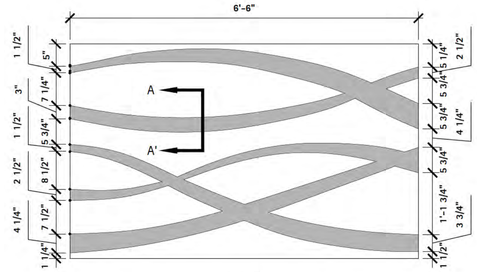
Drawing Title

RETAINING WALL DETAILS

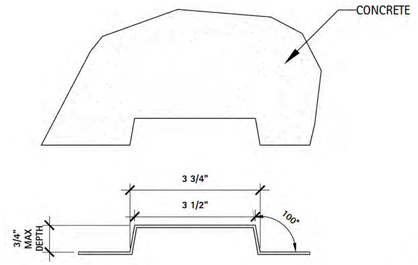
Sheet No.
C166



PANEL A



PANEL B



SECTION A-A'

Notes:

1. See sheet C166 for form liner pattern layout.
2. See sheet C135 for wall location and layout.
3. See sheet C134 and C135 for control and expansion joints for walls.
4. See specifications for manufacturer type and details for form liner.

1 Detail - Formliner Wave Pattern Panels

Scale: 3/4" = 1'-0"

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Winnetka, IL

Graphic Scale

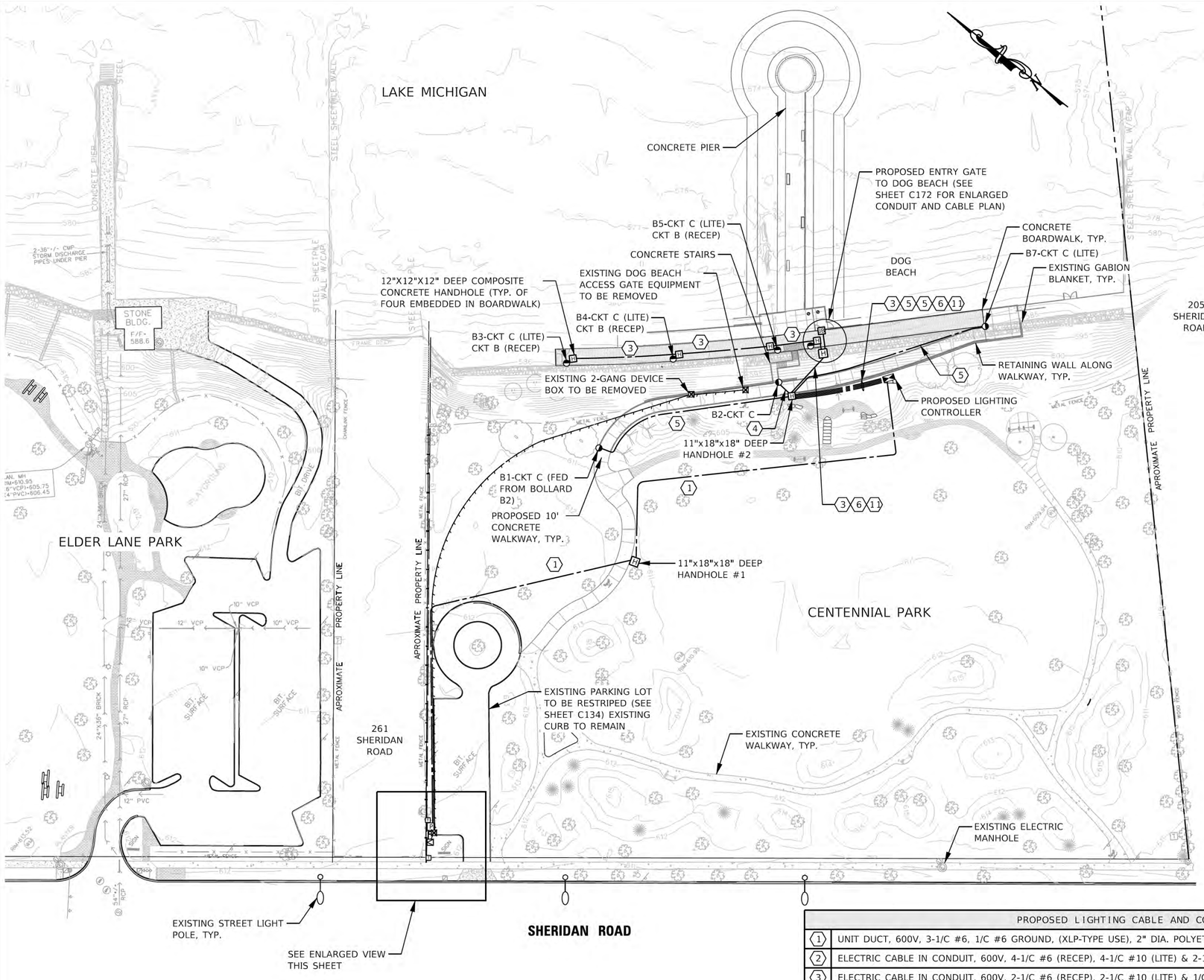
Scale None

Drawing Title

RETAINING WALL DETAILS

Sheet No.

C167

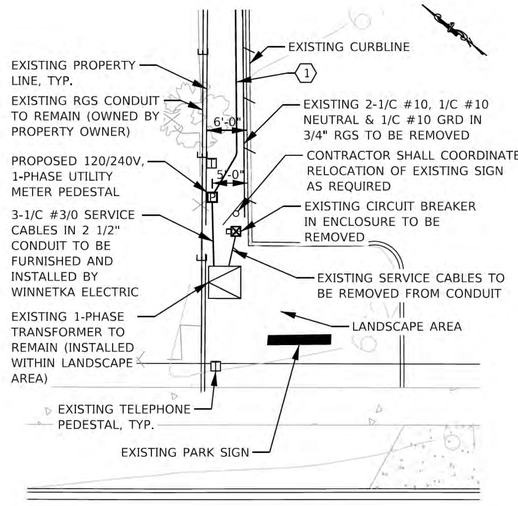


LIGHTING LEGEND

- PROPOSED BOLLARD
- ORIENTATION OF LED LIGHT
- PROPOSED CONDUIT AND CABLE (SEE PROPOSED LIGHTING CABLE AND CONDUIT SCHEDULE)
- E — SERVICE CONDUIT
- LIGHTING CONTROLLER
- H — COMPOSITE CONCRETE HANDHOLE
- P — UTILITY METER PEDESTAL
- EXISTING CABLE IN CONDUIT TO BE REMOVED
- X — EXISTING EQUIPMENT TO BE REMOVED (AS INDICATED)

NOTES:

1. SEE SHEET C171 FOR TYPICAL WIRING TO BOARDWALK BOLLARDS. HANDHOLES SHALL BE INSTALLED ADJACENT TO EACH BOLLARD FOR WIRING PURPOSES.



SHERIDAN ROAD

ENLARGED VIEW

PROPOSED LIGHTING CABLE AND CONDUIT SCHEDULE	
1	UNIT DUCT, 600V, 3-1/C #6, 1/C #6 GROUND, (XLP-TYPE USE), 2" DIA. POLYETHYLENE
2	ELECTRIC CABLE IN CONDUIT, 600V, 4-1/C #6 (RECEP), 4-1/C #10 (LITE) & 2-1/C #6 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/2" DIA.
3	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #6 (RECEP), 2-1/C #10 (LITE) & 1/C #6 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/2" DIA.
4	ELECTRIC CABLE IN CONDUIT, 600V, 4-1/C #10, 2-1/C #10 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/4" DIA.
5	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #10, 1/C #10 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/4" DIA.
6	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #10, 1/C #10 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 3/4" DIA.
7	MANUFACTURER CORD CABLE IN CONDUIT ATTACHED TO STRUCTURE, LIQUIDTIGHT FLEXIBLE CONDUIT, 1/2" DIA
8	ELECTRIC CABLE IN CONDUIT, 600V, 4-1/C #12 (XLP-TYPE USE), IN CONDUIT ATTACHED TO STRUCTURE, LIQUIDTIGHT FLEXIBLE CONDUIT, 1/2" DIA.
9	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #12, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1/2" DIA.
10	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #12, (XLP-TYPE USE), IN CONDUIT ATTACHED TO STRUCTURE, LIQUIDTIGHT FLEXIBLE CONDUIT, 1/2" DIA.
11	UNDERGROUND CONDUIT, PVC, 2" DIA. (SPARE) WITH PULL ROPE
12	UNDERGROUND CONDUIT, PVC, 3/4" DIA. (SPARE) WITH PULL ROPE

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

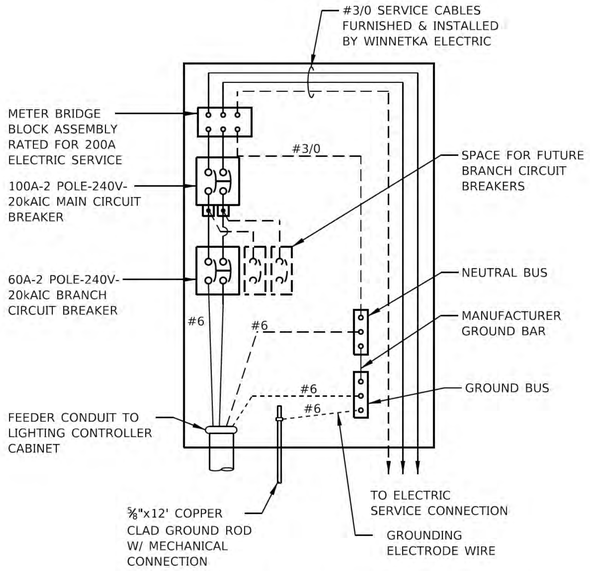
0' 20' 40'
(In Feet)
1 Inch = 40 Ft.

Scale 1 Inch = 40 Ft.

Drawing Title

Lighting and Electrical Plan

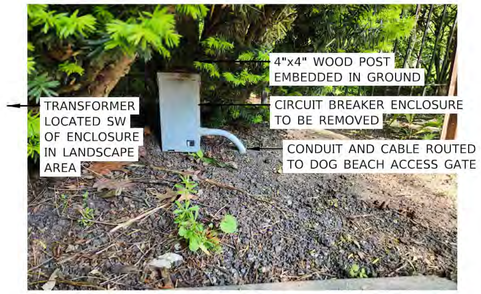
Sheet No.
C168



SERVICE METER PEDESTAL WIRING DIAGRAM

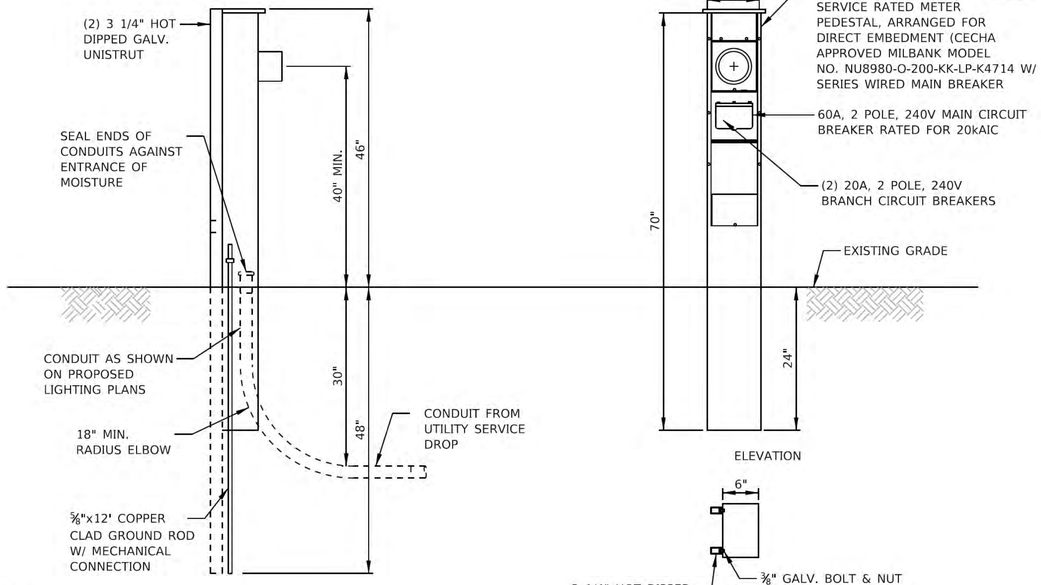
N.T.S.





EXISTING ELECTRIC SERVICE (FOR REFERENCE ONLY)

N.T.S.



NOTES:

1. METER PEDESTAL CIRCUIT BREAKERS SHALL HAVE LOCKABLE COVERS.

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

SERVICE METER PEDESTAL

N.T.S.

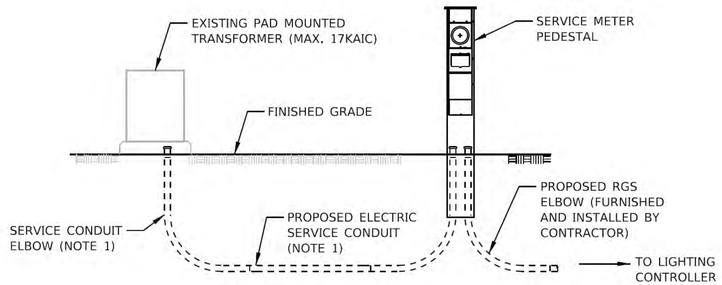
LIGHTING GENERAL NOTES

1. THE LOCATION OF BURIED AND ABOVE GROUND UTILITIES SHOWN ARE APPROXIMATE AND ARE SHOWN FOR INFORMATION ONLY. REROUTING, DISCONNECTION, RELOCATION, PROTECTION ETC., OF ANY UTILITIES MUST BE COORDINATED BETWEEN THE CONTRACTOR, UTILITY COMPANY, AND OWNER. THE CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BASED ON UTILITY/JULIE MARKINGS PRIOR TO BEGINNING CONSTRUCTION.
2. THE LOCATIONS OF EXISTING LIGHTING/ELECTRICAL FACILITIES SHOWN ON THE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATIONS.
3. BEFORE INSTALLING LIGHT STANDARDS NEAR OVERHEAD AND UNDERGROUND ELECTRIC UTILITIES THE CONTRACTOR SHALL CALL ELECTRIC UTILITY COMPANY FOR LOCATION APPROVAL AND MINIMUM CLEARANCE REQUIREMENTS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING SPECIFICATIONS:
   A. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AS PREPARED BY IDOT, ALSO REFERRED TO AS THE "STANDARD SPECIFICATIONS"
   B. NATIONAL ELECTRIC CODE (NEC)
   C. LOCAL CODES AND STANDARDS
   D. WINNETKA ELECTRIC UTILITY STANDARDS
5. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AS WELL AS SUPERVISION/DIRECTION AND MEANS/METHODS OF CONSTRUCTION.
6. UNDERGROUND CABLES SHALL BE DISCONNECTED AND REMOVED FROM CONDUITS TO BE ABANDONED.
7. UNDERGROUND CONDUITS TO BE ABANDONED SHALL BE REMOVED TO A MINIMUM OF 2 FT BELOW GRADE.
8. UPON COMPLETION OF THE SITE LIGHTING AND ELCTRICAL IMPROVEMENTS, THE CONTRACTOR SHALL PERFORM ELECTRICAL TESTING AND VERIFY THAT THE INSTALLATION COMPLIES WITH THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION IN ILLINOIS. ALL ELECTRICAL TESTING SHALL BE PERFORMED IN THE PRESENCE OF THE ENIGNEER/OWNER, PARK DISTRICT, AND THE VILLAGE.

PROJECT CONTACTS

WINNETKA ELECTRIC

CONTACT: MR. RYAN BRIDGES
OFFICE NO.: (847) 716-3550



NOTES:

1. WINNETKA ELECTRIC DEPARTMENT WILL SUPPLY SERVICE CONDUIT, ELBOWS, AND CABLES BETWEEN THE EXISTING PAD MOUNTED TRANSFORMER AND SERVICE METER PEDESTAL.
2. CONTRACTOR TO SCHEDULE & COORDINATE ALL WORK WITH WINNETKA ELECTRIC DEPARTMENT.

ELECTRIC SERVICE DETAIL

N.T.S.

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Winnetka Park District
Winnetka, IL

Graphic Scale

Scale N.T.S.

Drawing Title

Lighting and Electrical Details

Sheet No.
C169

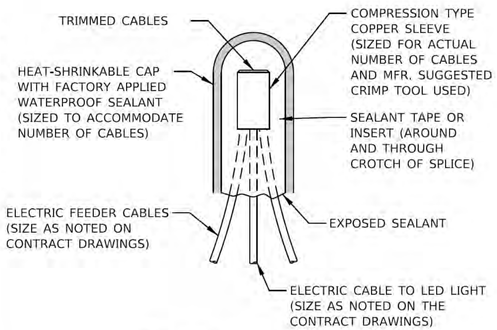
LIGHTING CONTROLLER EQUIPMENT

	ITEM	SPECIFICATION	MANUFACTURER MODEL NO. OR EQUAL
A	MAIN CIRCUIT BREAKER	60A, 2P, 240V SERVICE RATING, 10KAIC	SQUARE D NO. BDL26060
B	CONTROL CIRCUIT BREAKER	15A, 1P, 120V RATING, 10KAIC	SQUARE D NO. BDL16015
C	CABINET CIRCUIT BREAKER	20A, 1P, 120V RATING, 10KAIC	SQUARE D NO. BDL16020
D	AUXILIARY RELAY	30A-120 V OPERATED DPDT 60 HZ COIL 2 NO & 2 NC CONTACTS, PLUG IN	MAGNECRAFT NO. 389 FXBXC1-120A
E	LIGHTING CONTACTOR	30A, 2-POLE, 120V COIL, MECH HELD, OPEN TYPE	SQUARE D NO. 8903SMO1 V02
F	CABINET RECEPTACLE AND BOX	COMMERCIAL GRADE GFCI 20A/120V, MOUNTED IN A WEATHERPROOF CAST ALUMINUM SINGLE GANG BOX WITH WEATHERPROOF COVER	RECEPTACLE: LEVITON NO. 8899, BOX: APPLETON NO. WSM150 COVER: APPLETON NO. WHG1
G	DOOR SWITCH	20A-120V, DOOR MTD SNAP ACTION PLUNGER SWITCH	OMRON NO. A-20GQ-K
H	CABINET LIGHT	5 WATT LED STRIP LIGHT, 60K HOUR RATING, DOOR SWITCH CONTROLLED, FASTENED TO TOP OF CABINET	PENTAIR NO. LEDA1S35
I	BRANCH CIRCUIT BREAKER	8-20A, 1P, 120V RATING, 10 KAIC	SIEMENS NO. ED21B020
J	HAND-AUTO-OFF CONTROL SWITCH	20A, 3 POS. MTD IN 3-GANG CAST ALUM. BOX	SQUARE D NO. 9001 KYK 111
K	SURGE ARRESTOR	10 K AMPERE RATING	SQUARE D NO. SDSA 1175
L	POWER DISTRIBUTION BLOCK	600 VOLT, INSULATED, SIZE AS REQ'D, 10KAIC	MARATHON
M	GROUND & NEUTRAL COPPER BUS	NEUTRAL BUS-MIN 24 TERMINATIONS (#3/0-#10) & GROUND BUS-MIN 16 TERMINATIONS (#3/0-#10), BUSES SHALL BE HORIZONTAL & LOCATED AT THE BASE OF CABINET	ERICO NO. TCB
N	PHOTOCELL TERMINAL BLOCK	3 TERMINAL, SCREW TYPE, #14-#10 WIRE SIZE	CINCH NO. 3-142
P	PHOTOCELL	120V, MTD ON CABINET, DELAY TYPE, SPST-NC	FISHER PIERCE NO. FPFA-105M
R	TERMINAL BLOCK	30A, 240V, #12-#1/0 AWG WIRE RANGE (MAX 3 #10 PER LUG), INSULATED, CKTS SHALL BE LABELED	SQUARE D NO. GD6
S	FUTURE TRILOGY WIRELESS ACCESS	8"x8" SPACE FOR FUTURE WIRELESS CONTROL BOX AND CONNECTIONS	TRILOGY NETWORX LOCK
T	TIMECLOCK	120V, DPST, 24-HOUR MECHANICAL TIME CLOCK WITH METAL ENCLOSURE	INTERMATIC NO. T103

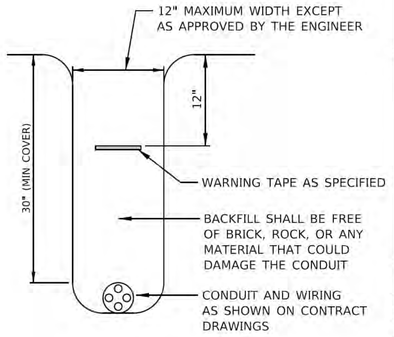
NOTES:
1. THE CONTROLLER, ALONG WITH ALL ITS COMPONENTS, SHALL BE UL LISTED 508A AS AN "ENCLOSED INDUSTRIAL CONTROL PANEL."
2. THE MAIN CIRCUIT BREAKER SHALL BE LABELED "SERVICE DISCONNECT."
3. ALL SWITCHES SHALL BE IDENTIFIED USING TWO COLOR ENGRAVED NAME PLATES.
4. THE CABINET SHALL BE LABELED WITH THE APPROPRIATE ARC FLASH LABEL AND INCLUDE PERSONNEL PROTECTION DESIGNATIONS.
5. ALL EXPOSED BUS BARS AND COMPONENTS SHALL BE INSULATED.
6. CONTROL WIRE SHALL BE #12 MTW.

PROPOSED LIGHTING CONTROLLER LOAD TABLE

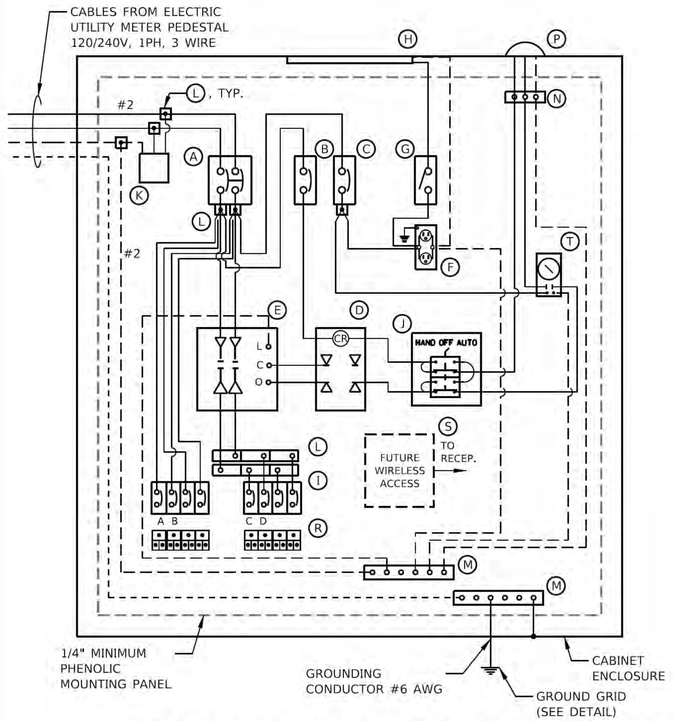
CIRCUIT ID (INSULATION COLOR)	CIRCUIT BREAKER/ POLES	BOLLARD		DUPLEX RECEPTACLE		MOTORIZED GATE		TOTAL CIRCUIT LOAD		
		QTY.	LOAD/FIXT	QTY.	LOAD/FIXT.	QTY.	LOAD/FIXT.	WATTS	AMPS	VOLTS
A - RED	20A-1P	0	20	0	500	1	100	100	0.8	120
B - BLACK	20A-1P	0	20	4	500	0	100	2,000	16.7	120
C - RED	20A-1P	7	20	0	500	0	100	140	1.2	120
D - BLACK	20A-1P	0	20	0	500	0	100	0	0.0	120
E - RED	20A-1P	0	20	0	500	0	100	0	0.0	120
F - BLACK	20A-1P	0	20	0	500	0	100	0	0.0	120
TOTAL		7		4	-	1		2240W	9.33A	240



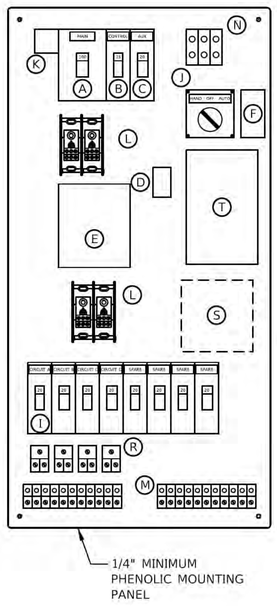
TYPICAL SPLICE DETAIL
N.T.S.



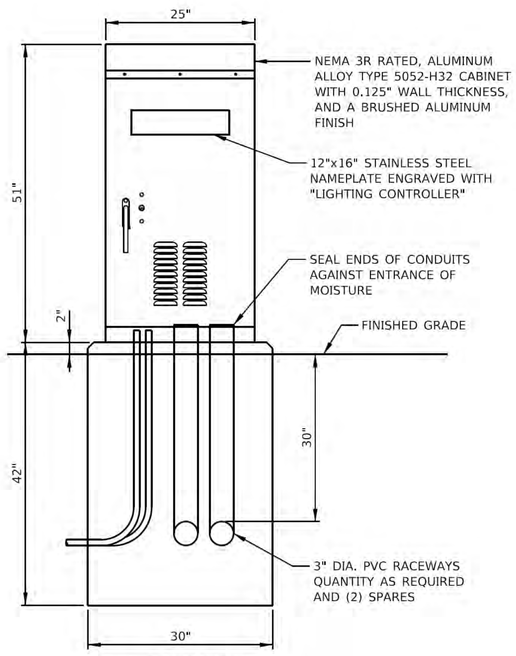
TYPICAL WIRING IN TRENCH DETAIL
N.T.S.



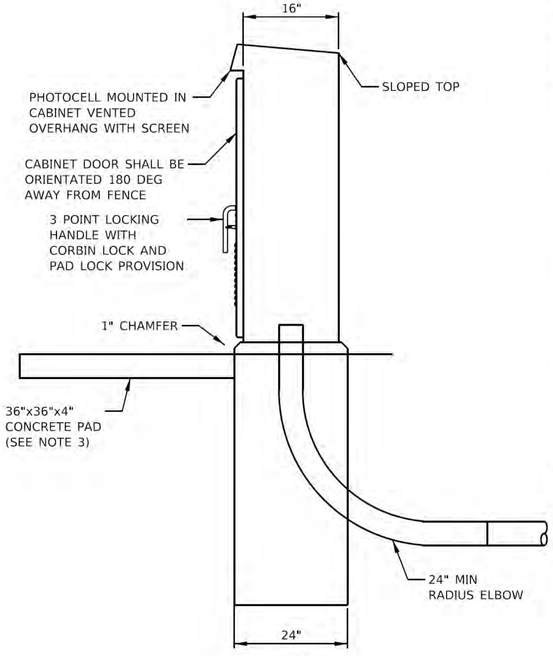
LIGHTING CONTROLLER WIRING DIAGRAM
N.T.S.



LIGHTING CONTROLLER EQUIPMENT LAYOUT
N.T.S.



ELEVATION



SIDE

NOTES:
1. CABINET DIMENSIONS SHOWN ARE APPROXIMATE. CABINET SHALL BE AS COMPACT AS POSSIBLE.
2. FOUNDATION SIZE SHALL BE COORDINATED WITH CABINET SIZE AND MANUFACTURER'S RECOMMENDATIONS.
3. CONTRACTOR SHALL REMOVE VEGETATION IN FRONT OF CONTROL CABINET DOOR, LEVEL THE AREA AND TOP WITH 2" TOPSOIL. WHERE THERE IS NO SIDEWALK.

LIGHTING CONTROLLER CABINET DETAIL
N.T.S.

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Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

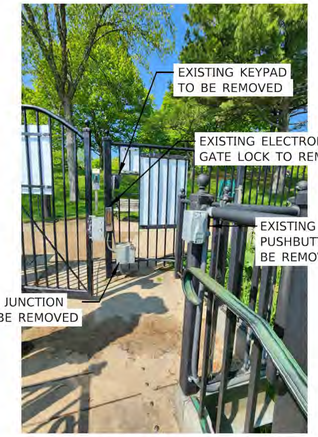
Graphic Scale

Scale N.T.S.

Drawing Title

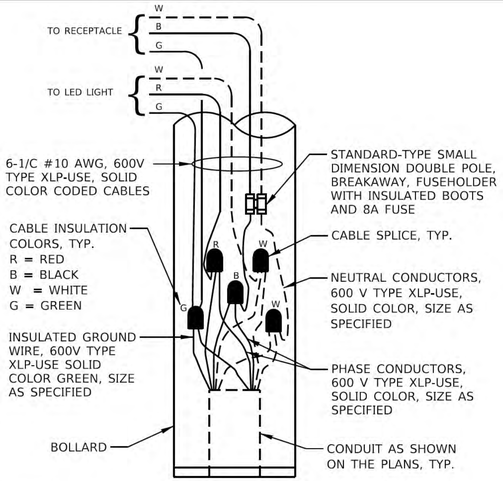
Lighting and Electrical Details

Sheet No.
C170



EXISTING GATE ACCESS EQUIPMENT TO BE REMOVED

N.T.S.

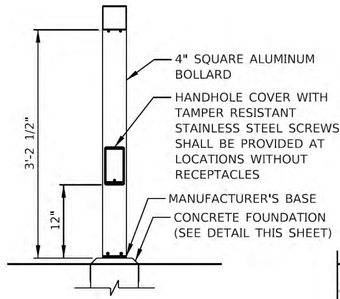


NOTES:

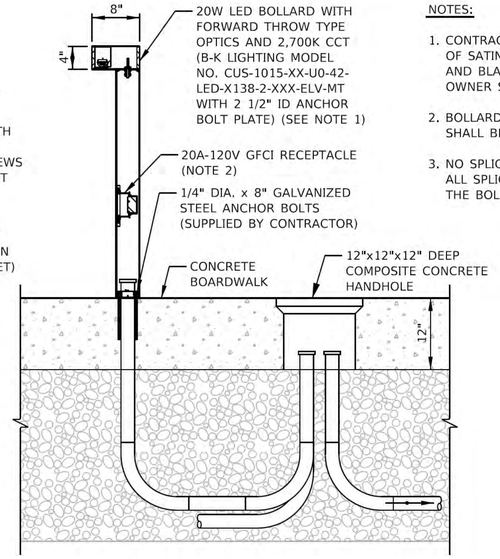
1. BOLLARDS MOUNTED TO BOARDWALK (B3-B6) SHALL BE PROVIDED WITH RECEPTACLES. ALL OTHER BOLLARDS SHALL ONLY BE PROVIDED WITH A LED LIGHT.

BOLLARD WIRING DETAIL

N.T.S.



MOUNTED TO CONCRETE FOUNDATION



MOUNTED TO BOARDWALK

NOTES:

1. CONTRACTOR SHALL SUBMIT COLOR SAMPLES OF SATIN BLACK (BLP), BLACK WRINKLE (BLW), AND BLACK CHROME (BCM) PAINT CHIPS FOR OWNER SELECTION.
2. BOLLARDS MOUNTED TO CONCRETE BOARDWALK SHALL BE PROVIDED WITH GFCI RECEPTACLE (ONLY).
3. NO SPLICING SHALL BE ALLOWED IN HANDHOLES. ALL SPLICES SHALL BE MADE AT THE BASE OF THE BOLLARDS ONLY.

BOLLARD DETAIL

N.T.S.



EXISTING GATE ACCESS JUNCTION BOX TO BE REMOVED

N.T.S.

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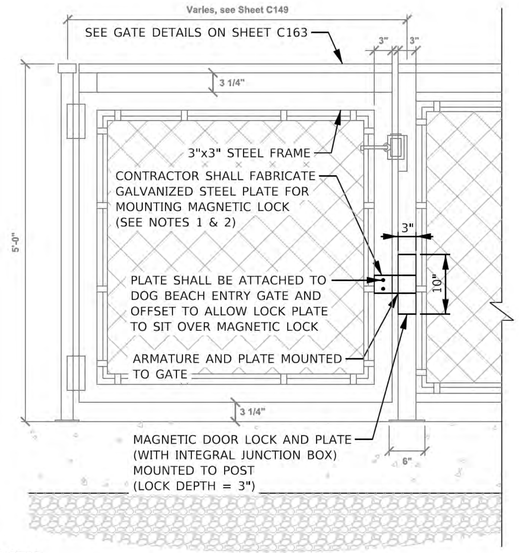
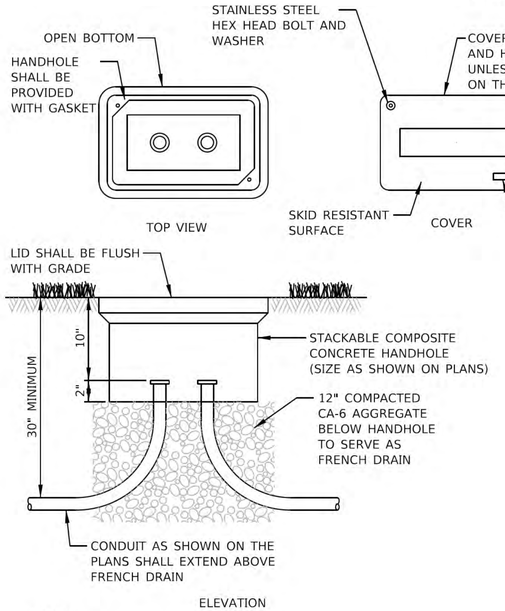


NOTES:

1. STEEL PLATE SHALL BE PROVIDE WITH A BLACK FINISH TO MATCH THE GATE.
2. STEEL PLATE SHALL BE AS COMPACT AS POSSIBLE. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AND MOCK UP AS REQUESTED BY ENGINEER/OWNER.
3. MAGNETIC LOCK SHALL BE WELDED TO STEEL FENCE AND INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
4. SEE EXISTING GATE ACCESS EQUIPMENT PHOTO (THIS SHEET) FOR REFERENCE.

MAGNETIC LOCK GATE MOUNTING DETAIL

N.T.S.

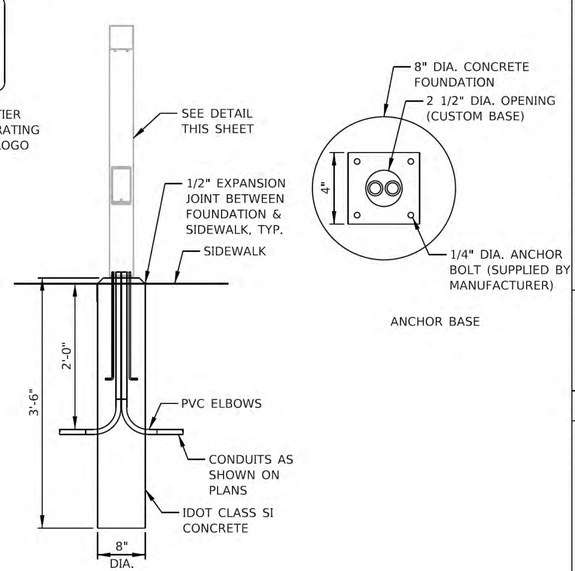


NOTES:

1. NO SPLICING SHALL BE ALLOWED IN HANDHOLE.
2. POLYMER CONCRETE HANDHOLE AND LID SHALL BE GREEN IN LANDSCAPED AREAS AND MATCH COLOR IN CONCRETE/BRICK AREAS.
3. BOX & LID SHALL MEET/EXCEED ANSI TIER 15 LOADING REQUIREMENTS, AND BE TESTED IN ACCORDANCE WITH THE LATEST EDITION OF THE ANSI/SCTE 77 "SPECIFICATION FOR UNDERGROUND ENCLOSURE INTEGRITY", AND THE PROVISIONS OF PARAGRAPHS 5.2.3 AND 5.2.4 OF WESTERN UNDERGROUND COMMITTEE GUIDE 3.6.

COMPOSITE CONCRETE HANDHOLE DETAIL

N.T.S.



NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLING ALL FASTENERS AND ACCESSORIES TO MOUNT THE BOLLARD TO CONCRETE FOUNDATION.
2. CONTRACTOR SHALL INSTALL BOLLARD IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

BOLLARD CONCRETE FOUNDATION DETAIL

N.T.S.

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

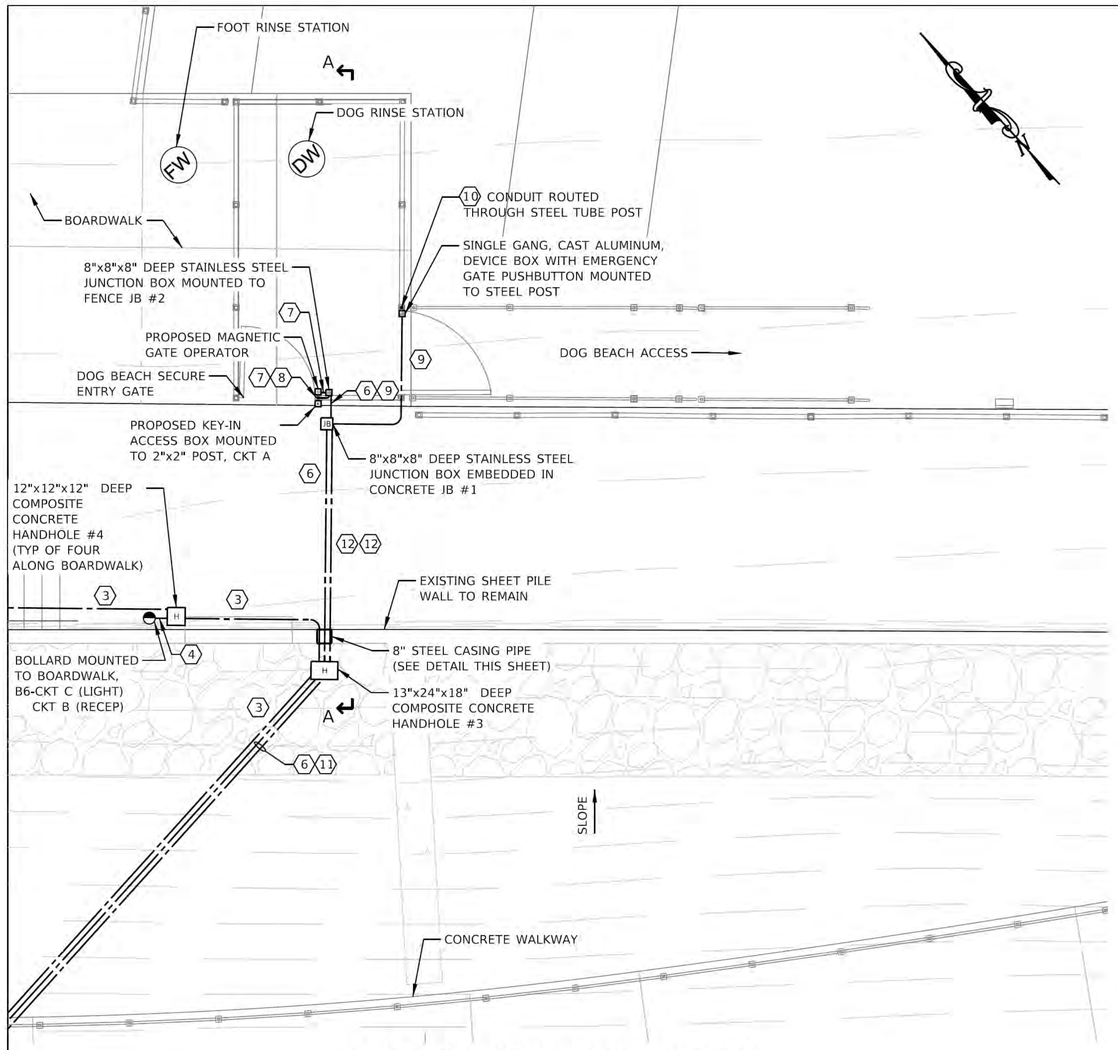
Graphic Scale

Scale N.T.S.

Drawing Title

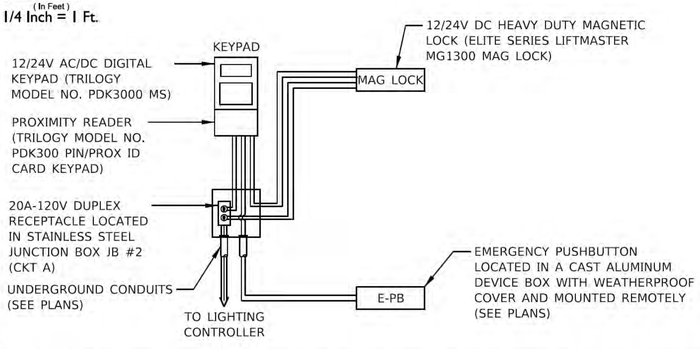
Lighting and Electrical Details

Sheet No. C171



ENLARGED CONDUIT AND CABLE PLAN

0' 2' 4'
(In Feet)
1/4 Inch = 1 Ft.



NOTES:

1. GATE OPERATOR AND COMPONENTS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.
2. MANUFACTURER AND MODEL NUMBERS SPECIFIED ARE OWNER PREFERRED MANUFACTURERS. NO SUBSTITUTIONS ALLOWED.
3. CONTRACTOR SHALL COORDINATE EQUIPMENT LOCATIONS AND ORIENTATIONS WITH ENGINEER AND OWNER.

GATE OPERATOR WIRING DETAIL

N.T.S.

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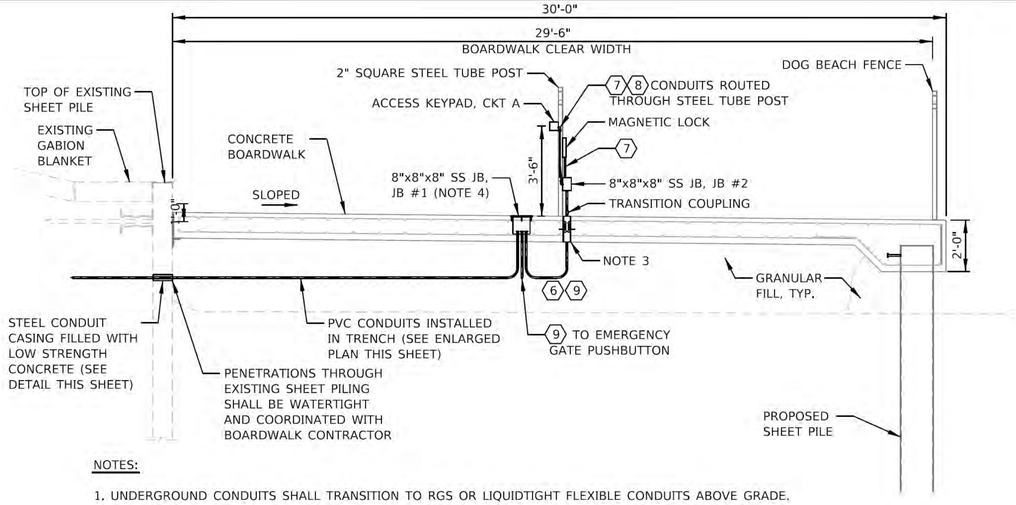
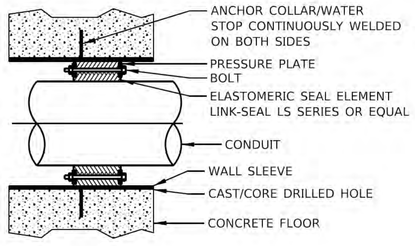


NOTES:

1. UNDERGROUND CONDUITS SHALL TRANSITION TO RGS OR LIQUIDTIGHT FLEXIBLE CONDUITS ABOVE GRADE.
2. CONDUIT PENETRATIONS THROUGH EXISTING SHEET PILING SHALL BE WATERTIGHT.
3. CONDUIT PENETRATIONS THROUGH BOARDWALK SHALL BE SEALED WATERTIGHT WITH WALL SLEEVE, WATER STOP COLLAR, AND ELASTOMERIC SEAL ELEMENT (SEE DETAIL THIS SHEET).
4. JUNCTION BOXES EMBEDDED IN CONCRETE BOARDWALK SHALL BE INSTALLED FLUSH WITH CONCRETE.
5. ELECTRICAL CONTRACTOR SHALL COORDINATE CONDUIT ROUTING THOUGH FENCE POST WITH FENCE CONTRACTOR. CONDUITS SHALL BE NOT BE MOUNTED TO THE FACE OF FENCE POST, UNLESS SHOWN ON THE PLANS.
6. CONTRACTOR SHALL COORDINATE EQUIPMENT MOUNTING AND ORIENTATION WITH ENGINEER.
7. SEE CONTRACT SPECIFICATIONS FOR GATE OPERATOR EQUIPMENT.

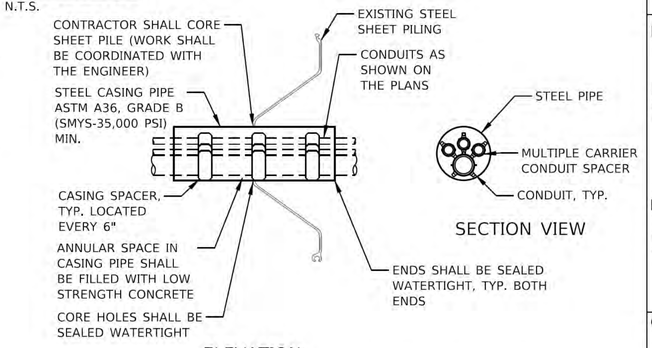
SECTION A–A

N.T.S.



BOARDWALK/CONCRETE WALL CONDUIT PENETRATION DETAIL

N.T.S.



SHEET PILING CONDUIT PENETRATION DETAIL

N.T.S.

PROPOSED LIGHTING CABLE AND CONDUIT SCHEDULE	
1	UNIT DUCT, 600V, 3-1/C #6, 1/C #6 GROUND, (XLP-TYPE USE), 2" DIA. POLYETHYLENE
2	ELECTRIC CABLE IN CONDUIT, 600V, 4-1/C #6 (RECEP), 4-1/C #10 (LITE) & 2-1/C #6 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/2" DIA
3	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #6 (RECEP), 2-1/C #10 (LITE) & 1/C #6 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/2" DIA.
4	ELECTRIC CABLE IN CONDUIT, 600V, 4-1/C #10, 2-1/C #10 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/4" DIA.
5	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #10, 1/C #10 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1 1/4" DIA.
6	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #10, 1/C #10 GROUND, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 3/4" DIA.
7	MANUFACTURER CORD CABLE IN CONDUIT ATTACHED TO STRUCTURE, LIQUIDTIGHT FLEXIBLE CONDUIT, 1/2" DIA
8	ELECTRIC CABLE IN CONDUIT, 600V, 4-1/C #12 (XLP-TYPE USE), IN CONDUIT ATTACHED TO STRUCTURE, LIQUIDTIGHT FLEXIBLE CONDUIT, 1/2" DIA.
9	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #12, (XLP-TYPE USE), IN UNDERGROUND CONDUIT, PVC, 1/2" DIA.
10	ELECTRIC CABLE IN CONDUIT, 600V, 2-1/C #12, (XLP-TYPE USE), IN CONDUIT ATTACHED TO STRUCTURE, LIQUIDTIGHT FLEXIBLE CONDUIT, 1/2" DIA.
11	UNDERGROUND CONDUIT, PVC, 2" DIA. (SPARE) WITH PULL ROPE
12	UNDERGROUND CONDUIT, PVC, 3/4" DIA. (SPARE) WITH PULL ROPE

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

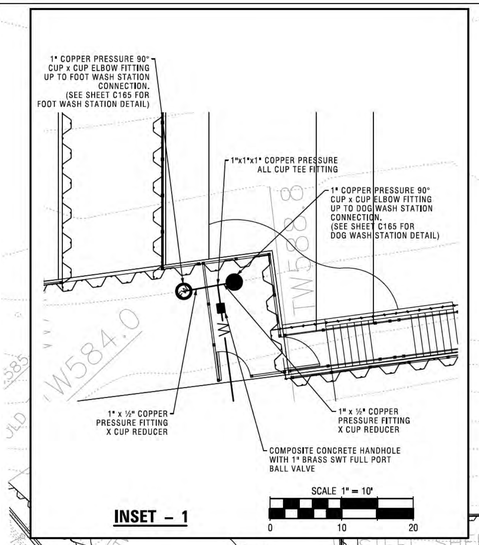
Graphic Scale

Scale AS SHOWN

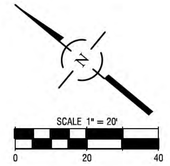
Drawing Title

Lighting and Electrical Details

Sheet No.
C172



INSET – 1



LEGEND

—W— 1" TYPE K COPPER WATER SERVICE

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.



TENNUODA CAST COPPPER BALL VALVE FOR AIR COMPRESSOR WITH 1/2" FEMALE THREAD AND 1/4" MALE THREAD



LIBRA SUPPLY 1" x 1" x 1/2" COPPER PRESSURE SWEAT REDUCING TEE



EVERBILT 1" BRASS SWT FULL PORT BALL VALVE



EVERBILT 1" COPPER PRESSURE 90 DEGREE CUP x CUP ELBOW FITTING



EVERBILT 1" COPPER PRESSURE ALL CUP TEE FITTING



EVERBILT 1/2" COPPER PRESSURE CUP x MIP MALE ADAPTER FITTING



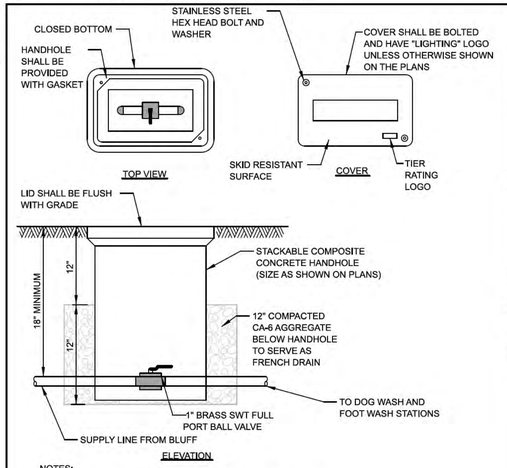
EVERBILT 1" x 1/2" COPPER PRESSURE FITTING x CUP REDUCER



EVERBILT 1–1/2" x 1" COPPER PRESSURE CUP x CUP REDUCING COUPLING WITH STOP FITTING



SHARKBITE 1–1/2" FNPT ADAPTER, PUSH TO CONNECT BRASS PLUMBING FITTING



NOTES:

1. POLYMER CONCRETE HANDHOLE AND LID SHALL BE GREEN IN LANDSCAPED AREAS AND MATCH COLOR IN CONCRETE/BRICK AREAS.
2. BOX & LID SHALL MEET/EXCEED ANSI TIER 15 LOADING REQUIREMENTS, AND BE TESTED IN ACCORDANCE WITH THE LATEST EDITION OF THE ANSI/SCTE 77 "SPECIFICATION FOR UNDERGROUND ENCLOSURE INTEGRITY", AND THE PROVISIONS OF PARAGRAPHS 5.2.3 AND 5.2.4 OF WESTERN UNDERGROUND COMMITTEE GUIDE 3.6.

COMPOSITE CONCRETE HANDHOLE DETAIL

N.T.S.

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Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

SCALE 1" = 20'
0
20
40

Scale 1 Inch = 20 Ft.

Drawing Title

DOG AND FOOT WASH PLUMBING LAYOUT PLAN

Sheet No.
C173

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General Notes

1. The building code applicable to this project is the International Building Code (IBC) 2017

2. All details and sections shown on the drawings are typical and shall be used wherever a similar condition occurs unless noted otherwise.

3. Contractor shall field verify all existing dimensions and conditions as it relates to new construction. Contractor shall report any discrepancies to the E/A.

4. The stability and strength of the completed structure depends upon the interaction of various connected parts such as diaphragms, braces and/or shear walls. Contractor shall provide temporary bracing and/or shoring as necessary to complete the work.

5. Design Loads:

Dead Load	actual weight
Uniform Live Load	100 psf
Concentrated Live Load	300 pounds
Roof Snow Load:	
Ground Snow Load (P_g)	25 psf
Flat Roof Snow Load (P_f)	17 psf
Snow Exposure Factor (C_e)	0.8
Snow Load Importance Factor (I)	1.0
Wind load:	
Basic Wind Speed	107 mph
Wind Load Importance Factor	1
Wind Exposure Category	D
Wind Design Pressure (P)	30 psf

Soil borings

1. For location of soil borings see Civil or Architectural Plans.

2. For boring logs and foundation report see the appendix to the project manual.

Excavation and Backfilling

1. Minimum required net bearing capacity is: 3000 psf

   3000 psf - for spread footings

2. Where foundation is over excavated, remove all disturbed foundation soil and replace with lean concrete or compacted structural backfill.

3. Over excavate unsuitable foundation soil where required by the E/A and replace with compacted structural backfill. See specifications.

Removal and Protection

1. Provide shoring and bracing for structural elements during partial removal to avoid any damage to the existing facilities.

2. Existing structures shall be protected from overloading due to construction loadings. Heavy equipment shall not be operated close to existing tanks to avoid high lateral earth pressures on walls.

3. Damage to adjacent facilities during construction shall be repaired at no additional cost to the owner.

Cast-in-place concrete

1. Concrete work on this project shall conform to all requirements of ACI 301, standard specifications for structural concrete, published by the American Concrete Institute (ACI), Detroit, Michigan, except as modified by the requirements of these contract documents.

2. All concrete shall be provided with a minimum ultimate compressive strength at 28 days (f'c) of 3000 psi

3. All exterior concrete, building foundations and concrete subject to freeze-thaw shall have 4% to 7% air content by volume measured in accordance with ASTM C231. Air entraining admixtures shall conform to ASTM C260. The slump shall not exceed 4 inches measured in accordance with ASTM C143.

4. Reinforcing steel shall conform to ASTM A-615 Grade 60. Welded wire fabric shall conform to ASTM A-185.

5. Submit shop drawings of the reinforcement bars prepared in accordance with ACI 315, details and detailing of concrete reinforcement.

6. Welding of reinforcing bars shall not be permitted.

7. No calcium chloride will be used in concrete.

8. Dusting with any material to absorb surface water is prohibited.

9. Curing procedures in accordance with ACI 301 shall continue for a period of at least 7 days.

10. Do not mix salt, chemicals or other foreign materials with the concrete to prevent freezing. Maintain the temperature of the concrete above 50 degrees Fahrenheit for five days after placement.

11. Cover for reinforcement for cast-in-place concrete shall be as follows:

	Minimum Cover, Inches
Slabs and joists:	
Top and bottom bars for dry conditions: #11 bars and smaller	3/4
Formed concrete surfaces exposed to earth, water, or weather, and over or in contact with sewage and for bottoms bearing on work mat, or slabs supporting earth cover:	
#5 bars and smaller	1 1/2
#6 through #11 bars	2
Beams and Columns:	
For dry conditions: stirrups, spirals, and ties	1 1/2
principal reinforcement	2
Exposed to earth, water, sewage, or weather: stirrups and ties	2
principal reinforcement	2 1/2
Walls:	
For dry conditions: #11 bars and smaller	3/4
Formed concrete surfaces exposed to earth, water, sewage, weather, or in contact with ground:	2
Footings and base slabs:	
At formed surfaces and bottoms bearing on concrete work mat	2
At unformed surfaces and bottoms in contact with earth	3
Top of footings - same as slabs over top of piles	2

12. Unless shown otherwise on plans, lap splices of uncoated reinforcement bars shall be as follows:

	Bar Size	Lap length - inches (smaller bar)*								
		#3	#4	#5	#6	#7	#8	#9	#10	#11
A)	horizontal bars so placed that more than 12 inches of concrete will be cast below the bars	24	32	40	48	70	80	91	102	113
B)	Horizontal bars so placed that less than 12 inches of concrete will be cast below the bars	19	25	31	37	54	62	70	79	87
C)	Vertical Bars 19	25	31	37	54	62	70	79	87	

* Lap lengths are calculated for uncoated bars in accordance with ACI 318, class B splices and f'c = 4000 psi. Minimum clear spacing between bars is two bar diameters and minimum cover is one bar diameter. For other conditions, calculate splices in accordance with ACI 318, class b splices required unless noted otherwise.

13. Obtain E/A's written approval for any additional or relocated construction joints other than those shown on drawings.

14. Unless shown otherwise, chamfer all exposed edges of concrete 3/4 inch.

INDEX OF SHEET

C174 Stairs - General Notes and Bill of Materials

C175 Stairs - General Plan, Foundation Plan and Framing Plan

C176 Stairs - Structural Details (Sheet 1 of 2)

S177 Stairs - Structural Details (Sheet 2 of 2)

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

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Consultants

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Issued for	Rev.	Date
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Bidding and Constr.		7/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale

Drawing Title

STAIRS - GENERAL NOTES AND BILL OF MATERIALS

Sheet No. C-174

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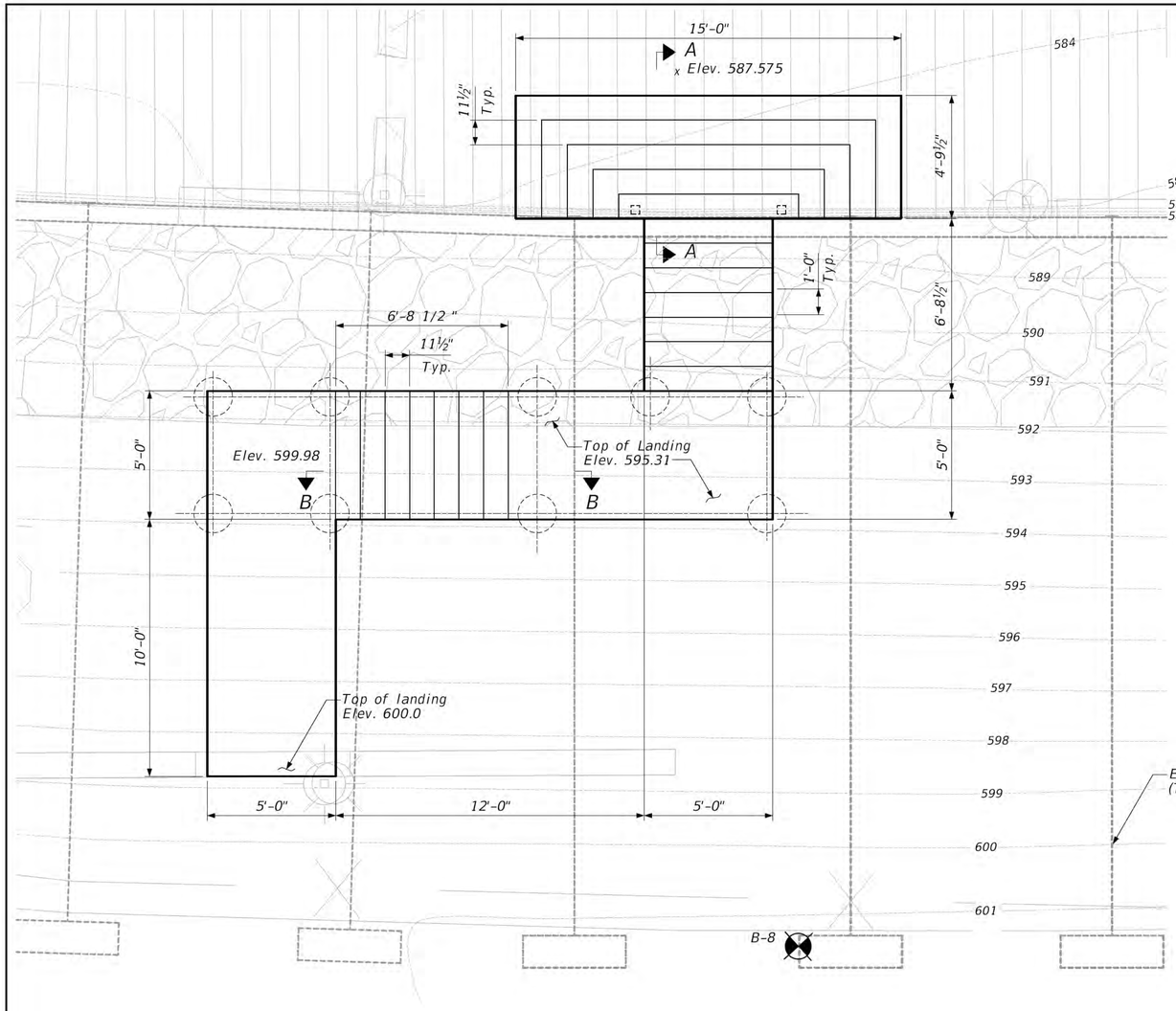
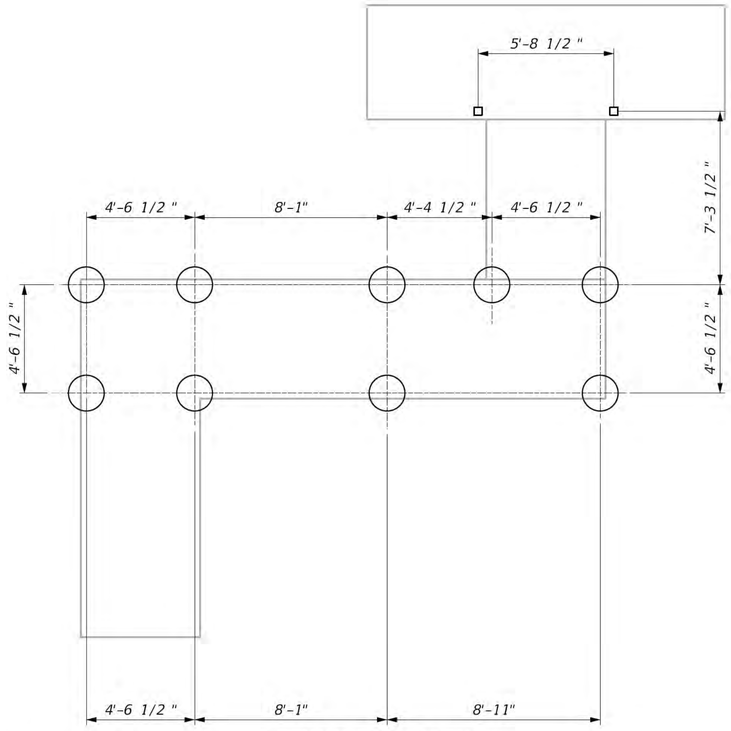
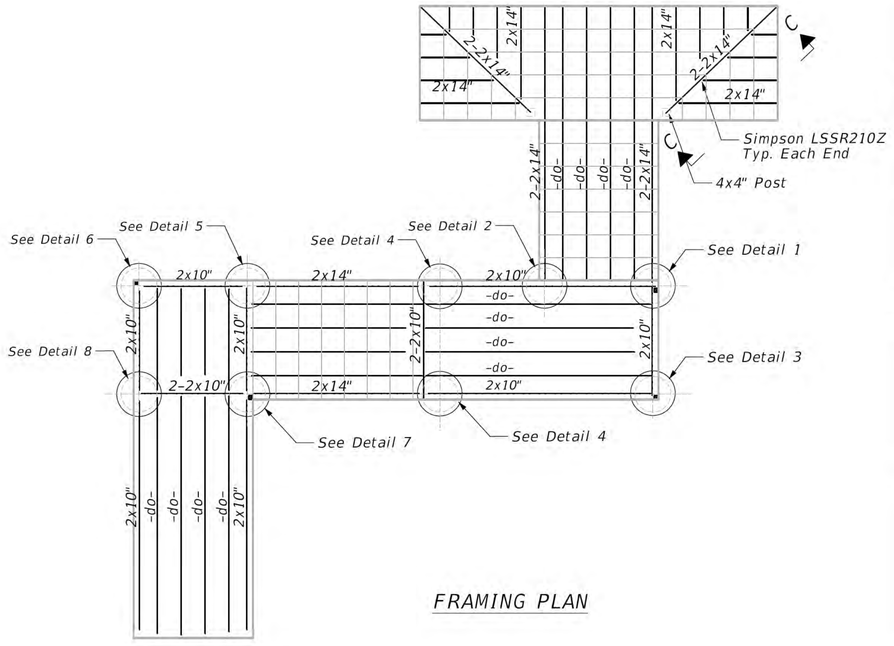


GENERAL PLAN



FOUNDATION PLAN

NOTE:
The Contractor shall remove and restore the gabion blankets where the helical piles conflict with existing gabion blankets (5 piles).



FRAMING PLAN

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Winnetka, IL

Graphic Scale

Scale

Drawing Title

STAIRS - GENERAL PLAN, FOUNDATION PLAN AND FRAMING PLAN

Sheet No. C-175

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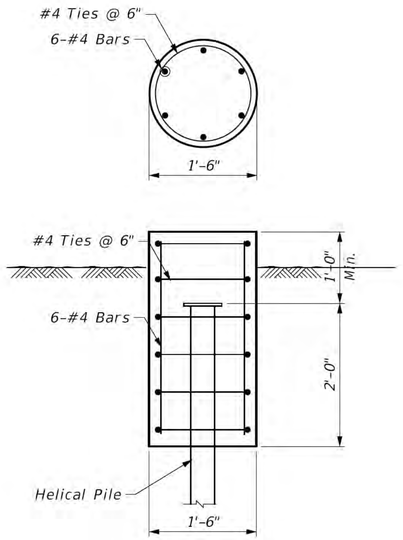
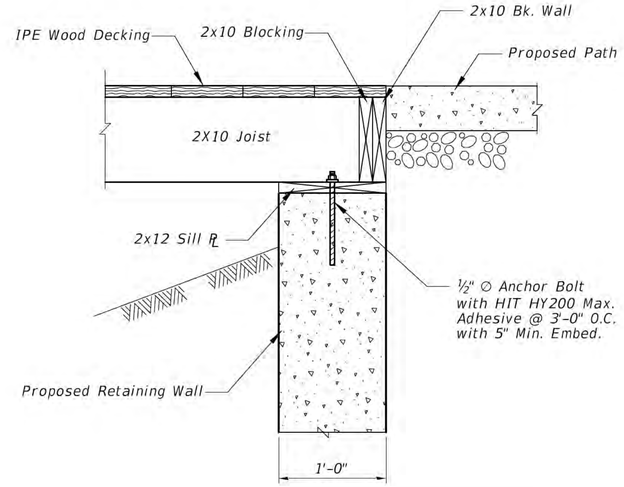
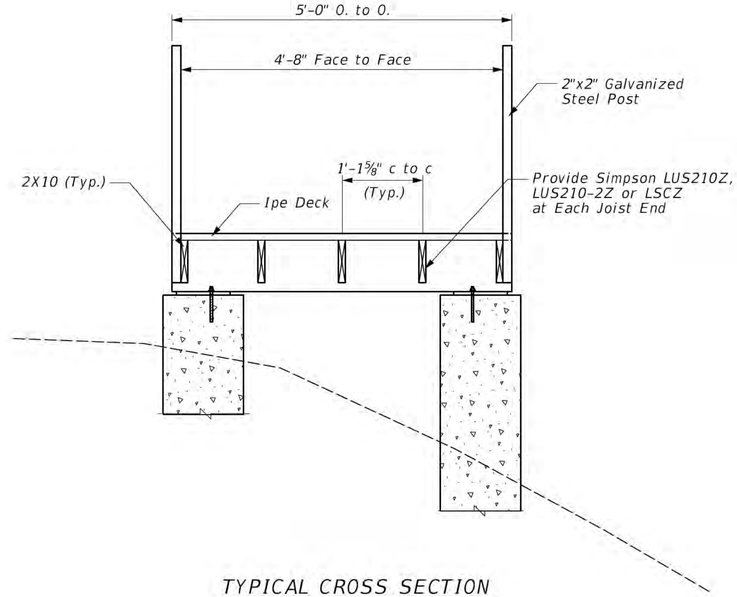


FOOTING DETAIL

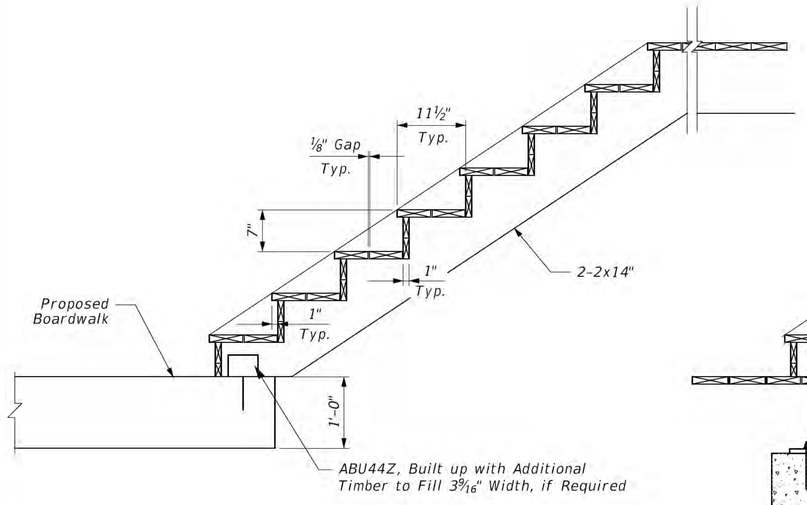
Typical Concrete Encasement for Helical Piles Supporting Timber Posts



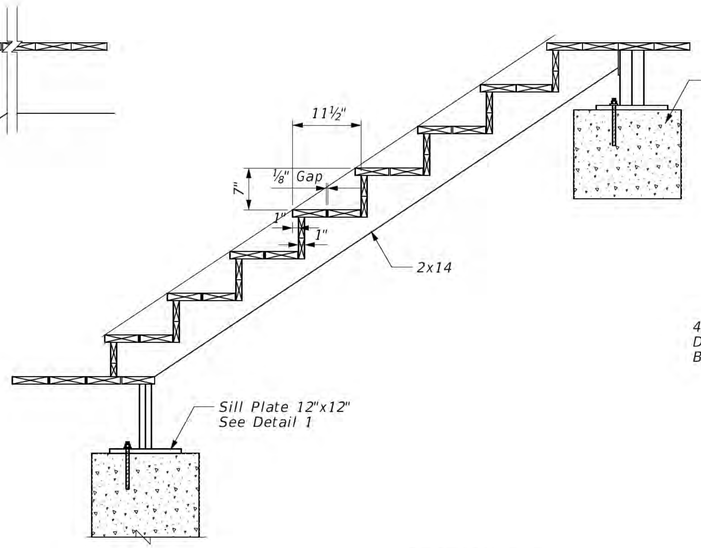
DECK SUPPORT DETAIL AT TOP STAIRS



TYPICAL CROSS SECTION



SECTION A-A



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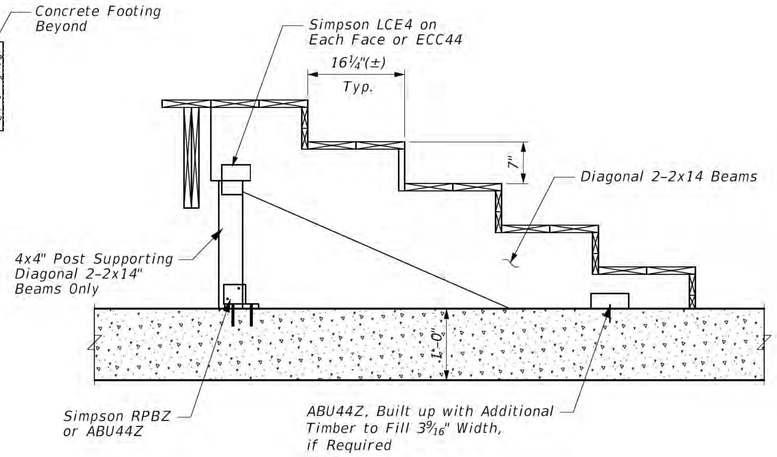

SECTION C-C

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale

Drawing Title

STAIRS - STRUCTURAL DETAILS (SHEET 1 OF 2)

Sheet No. C176

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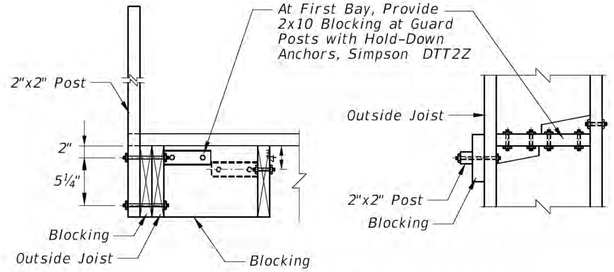

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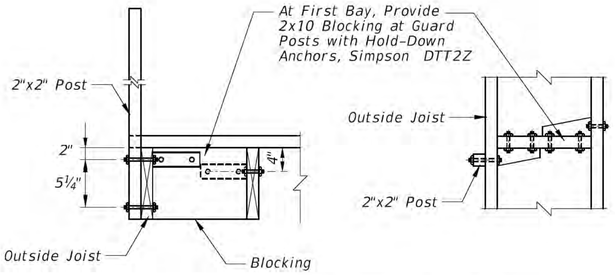

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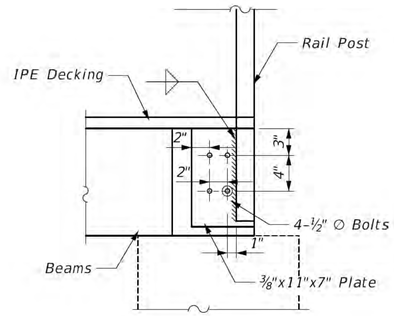
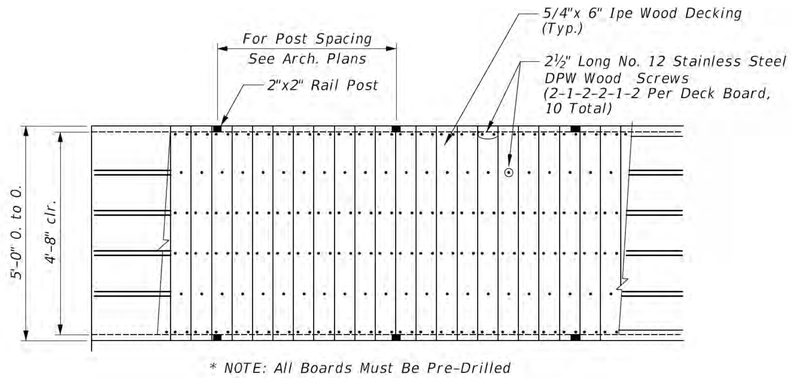


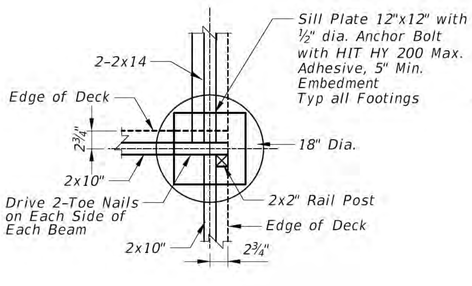
RAIL POST DETAIL AT DECK CORNERS



* NOTE: All Boards Must Be Pre-Drilled

PARTIAL DECKING PLAN

(Provide Blocking at 6'-0" Spacing)



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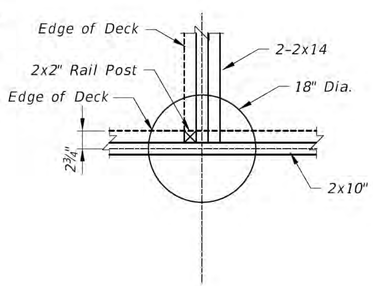

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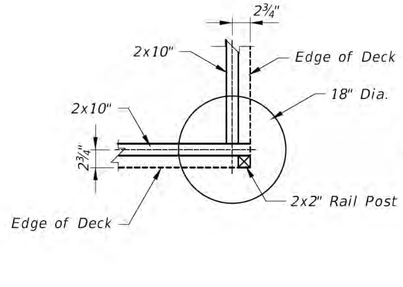

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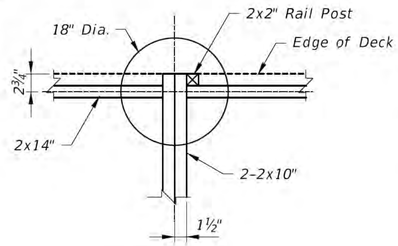

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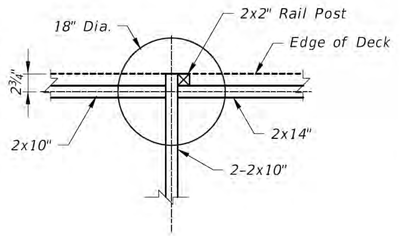

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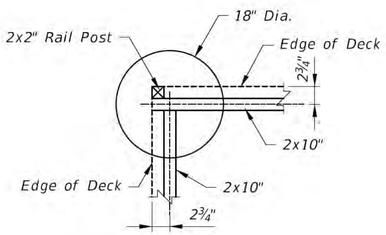

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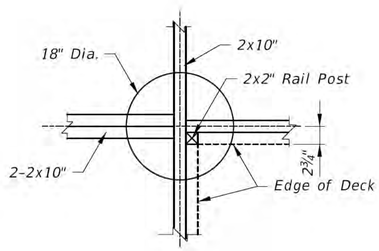

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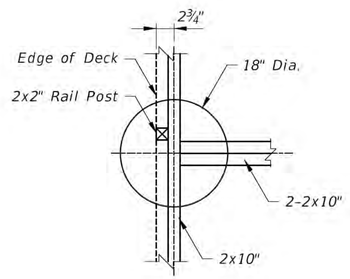

DETAIL 8

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Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale

Drawing Title

STAIRS-
STRUCTURAL
DETAILS
(SHEET 2 OF 2)

Sheet No. C177

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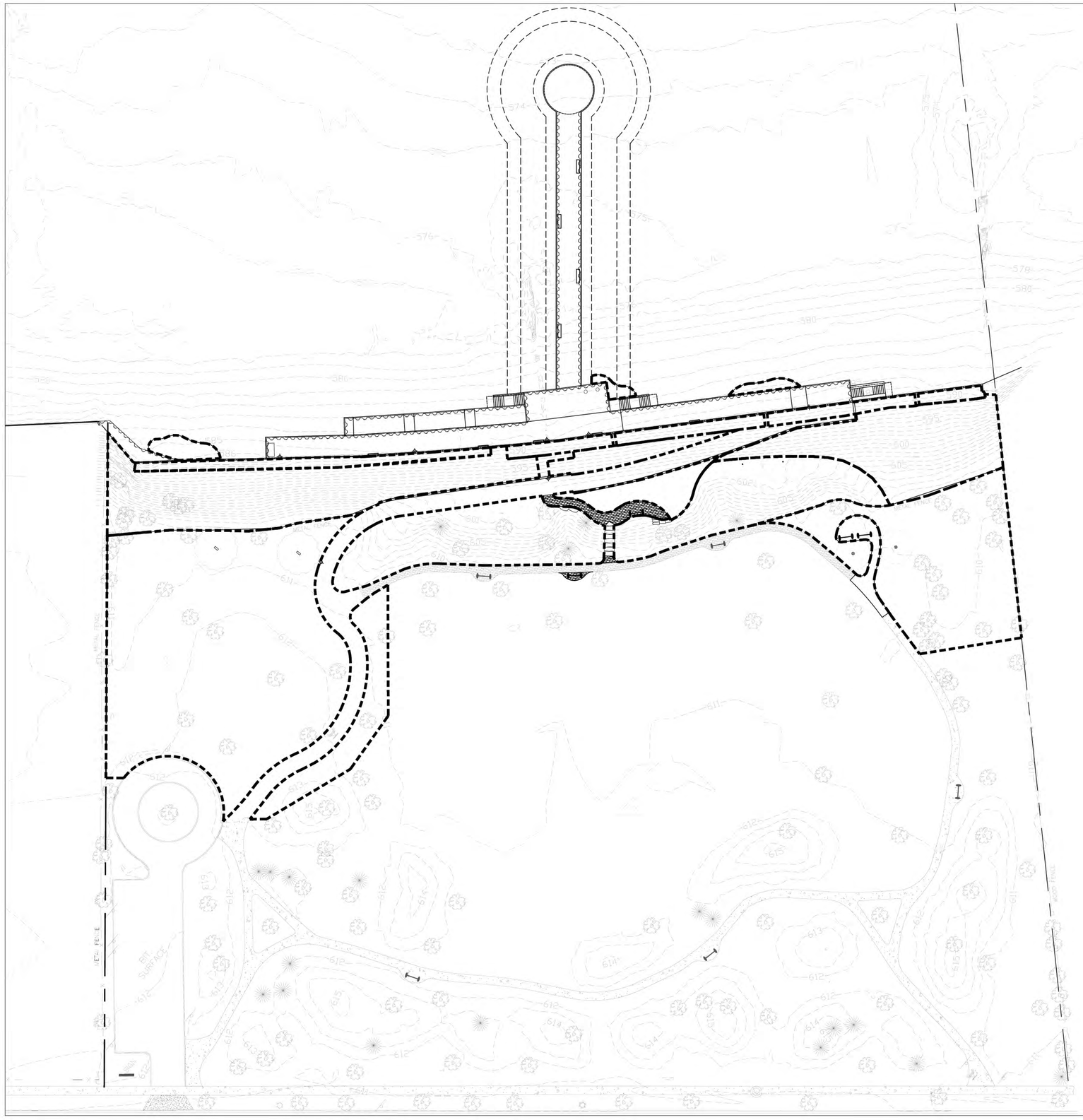
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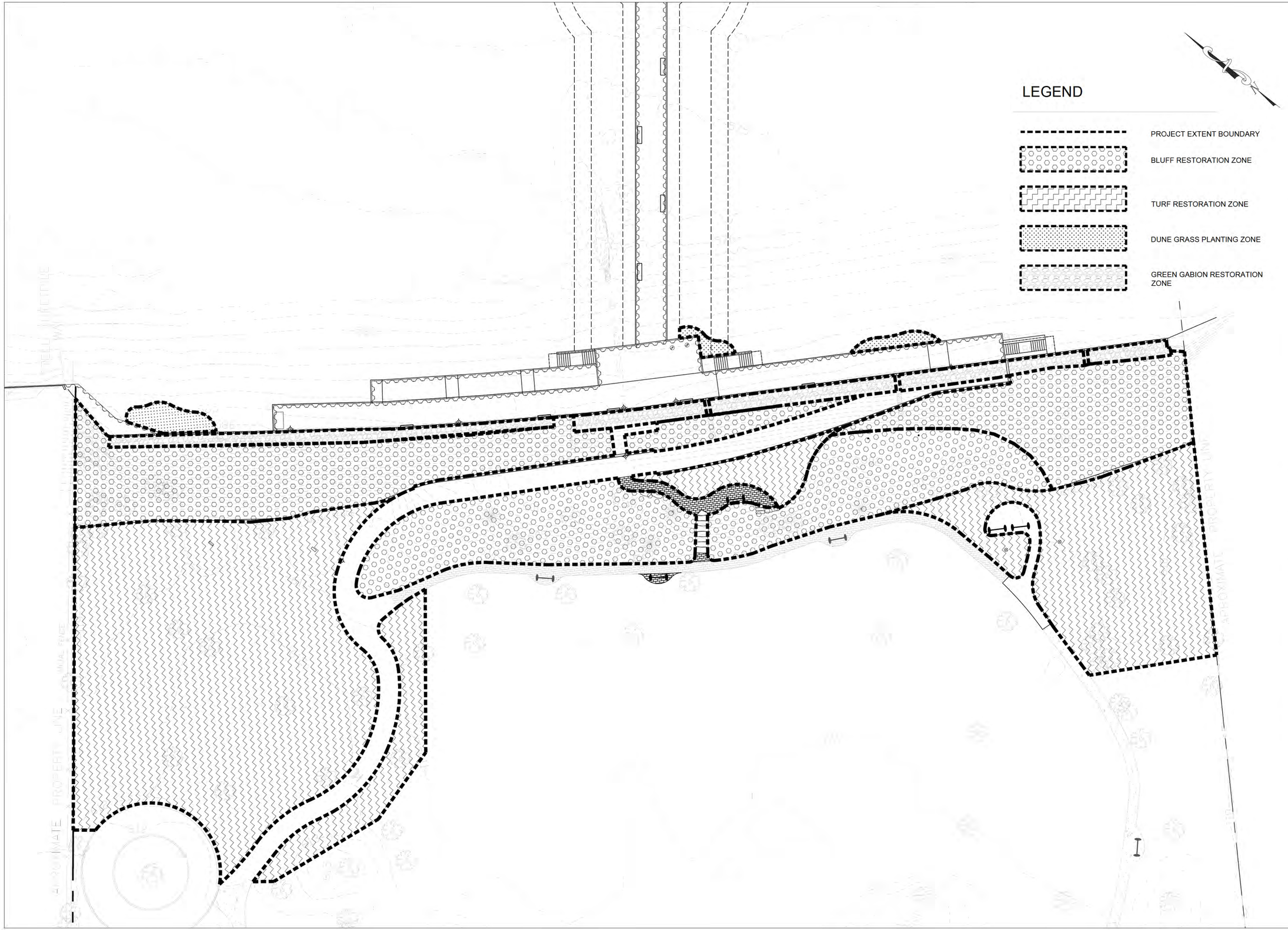

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100% Subm tta		06/28/24
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Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 10' 20'
(In Feet)

Scale 1 nch = 20 Ft.

Drawing Title

RESTORATION PLAN

Sheet No.

C179

RESTORATION NOTES

PLANTING AND SEEDING NOTES

Bluff Restoration Zone - 23,755 sq. ft.

1. In planting areas with slopes 3H:1V or greater, the area shall be covered with a single layer of a biodegradable double-net straw blanket, such as BioNet® S150BN® or similar product. Blanket shall be anchored using 6" wooden stakes, such as an Eco-stake. Installation should follow the manufacturer's recommendations for the site conditions.
2. Areas disturbed during construction will require a single layer of BioNet® S150BN® followed by a single layer of BioD-Mat® 70 coir mat. The coir mat will be installed and anchored with wooden wedges per the manufacturer's recommendations for the site conditions. Native seed and cover crop will need to be spread prior to the installation of the erosion fabric. The native seed will be applied at a rate of 7 PLS lbs. per acre with species from the Bluff Restoration Seed list. The extent of the disturbed area has not been determined; therefore, the area of erosion fabric and seeding will need to be determined as the work is concluded.
3. Plant material shall be obtained from a nursery that specializes in native plant production and is produced from material sourced from within 250 miles of the site. The 250-mile range is limited to the central and southern Lake Michigan watershed.
4. Plugs shall be at least 2" in diameter and 5" deep and be grown in either a 38- or 50- cell propagation tray.
5. Install plant plugs on 18" centers in offset rows (triangular pattern) throughout the bluff restoration zone following 2025 herbaceous species herbicide applications. Plants should be installed in individual species clusters of 5-7 plants. All planting areas will be watered immediately following installation.
6. Groundcover species should be planted primarily along the gabion wall with other species as these species should gradually grow over this wall. These species include, *Clematis virginiana*, *Potentilla simplex*, *Ruellia humilis*, and *Tephrosia virginiana*.
7. Plant installation should occur during typical perennial planting windows. If the installation is to be performed during the dry summer months, the contractor will irrigate as needed to promote the successful establishment of the plant material.
8. The successful establishment of the plant material is considered an 80% survival, or greater, at the end of the first growing season.
9. A cover crop of seed oats should be spread at a rate of 35 lbs./acre following the plug installation.

Green Gabion Wall - 3210 sq. ft.

1. Remove all vegetation from the gabions and cut the woody species as close to flush with the wire as feasible. Treat all the cut stumps as detailed in the Invasive and Noxious Species Removal and Control section.
2. A clean, sandy loam topsoil will be utilized to backfill any voids in the gabions and cover the exposed wire to a depth of 2 inches.
3. Utilize a vibratory plate compactor, or other approved equipment, to settle and compact the soil around the rocks in the gabions. Continue to add topsoil and compact to achieve a 2" thick soil layer over the gabions.
4. The area will be hydroseeded within a week following the topsoil installation to stabilize the slope. The hydroseed will consist of an approved hydraulic mulch, tackifier, native seed from the Bluff Restoration Seed list, and a seed oats cover crop.

Dune Grass Planting Zone - 800 sq. ft.

1. This zone is currently open sand that is adjacent to construction activities.
2. Install bare root plants on 8" centers in offset rows (triangular pattern) throughout the dune grass restoration zone in the spring or fall following the conclusion of construction activities. The bare root plants should be planted 10" or more beneath the surface and in accordance with the supplier's recommendation.
3. In planting areas with slopes 3H:1V or greater, the area shall be covered with a single layer of a biodegradable double-net straw blanket, such as BioNet® S150BN® or similar product. Blanket shall be anchored using 6" wooden stakes, such as an Eco-stake. Installation should follow the manufacturer's recommendations for the site conditions.
4. All bare root plants should be inspected prior to installation, any moldy or rotted plants shall be discarded. Installation of this type of plant material is unlikely to survive.
5. Dune grass plantings shall be watered immediately following installation and irrigated as needed throughout the first growing season to achieve an 80% survival.

Turf Restoration Zone - 31,162 sq. ft.

1. Prior to seeding, the area shall be tilled to a depth of 4" and any branches, rocks, or debris greater than 0.75" in diameter shall be removed.
2. A general-purpose turf mix will be selected that matches the existing turf growing in the park and installed per the manufacturer's recommendations for the selected installation method.
3. Seed shall be applied with either a broadcaster or hydraulically. If applied with a broadcast method, half the seed shall be installed while working in one direction. The second half of seed shall be applied while going in a direction perpendicular to the first pass to ensure 100% coverage of the site. The area should be lightly rolled or raked after seeding to ensure adequate seed to soil contact.
4. Following seed installation, the seeded area shall be covered with either straw or hydraulic mulch with a tackifier. Straw should be applied at 2 tons/acre and crimped or anchored in place. Hydraulic mulch should be paper- or wood-based and applied at the manufacturer's rate for the site conditions.
5. Seeded areas shall be irrigated by the contractor during the establishment period until a dense and consistent stand of grass is established without any bare spots larger than 2 square feet.

Bluff Restoration Zone Planting List
Centennial Park

Species	Common Name	Plug Amount
Asclepias tuberosa	Butterfly weed	1432
Calamovilfa longifolia	Sand Reed Grass	2046
Clematis virginiana	Virgin's bower	409
Elymus virginicus	Virginia Wild Rye	2046
Euphorbia corollata	Flowering Spurge	409
Helianthus occidentalis	Western sunflower	614
Monarda fistulosa	Wild bergamot	409
Panicum virgatum	Switch grass	1227
Penstemon hirsutus	Hairy beard-tongue	409
Potentilla simplex	Common cinquefoil	409
Ruellia humilis	Wild petunia	409
Schizachyrium scoparium	Little Bluestem	2046
Symphyotrichum ericoides	Heath Aster	409
Symphyotrichum sericeum	Silky aster	409
Tephrosia virginiana	Goat's rue	409
Tradescantia ohiensis	Ohio spiderwort	409
Verbena stricta	Hoary vervain	409
Total		**13910**

Bluff Restoration Zone Seed List
Centennial Park

Species	Common Name
Asclepias tuberosa	Butterfly weed
Calamovilfa longifolia	Sand Reed Grass
Elymus virginicus	Virginia Wild Rye
Monarda fistulosa	Wild bergamot
Panicum virgatum	Switch grass
Penstemon hirsutus	Hairy beard-tongue
Schizachyrium scoparium	Little Bluestem
Tradescantia ohiensis	Ohio spiderwort
Verbena stricta	Hoary vervain

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Issued for	Rev.	Date
70% Subm tta		04/08/24
100% Subm tta		06/28/24
B dd ng and Construct on		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale NOT TO SCALE

Drawing Title

RESTORATION NOTES

Sheet No.
C180

RESTORATION NOTES

INVASIVE SPECIES NOTES

Invasive and Noxious Species Removal and Control - 1.34 ac.

1. The Bluff Restoration Zone has steep, irregular slopes, and a relatively dense understory with some significant stands of invasive shrubs, trees, and vines. The native herbaceous plant community here is not particularly well established throughout most portions of the bluff restoration zone. There are small clusters of native spring ephemeral species that should be avoided during late-winter and early-spring target species treatment applications. The Turf Restoration and Dune Grass Planting Zones are included in the total acreage but do not require any target species treatments.
2. The contractor shall be responsible for submitting an Invasive Species Control Plan for review and approval prior to the start of any target species control. This plan will include the contractor's proposed schedule and treatment methodology for both woody and herbaceous target species.
3. All target non-native and invasive species are to be treated within the limits of the restoration project area as shown on the plan.
4. Only non-native tree and shrub species with a DBH < 8" are to be removed/treated as part of this project. Exceptions to the size class limit apply to invasive and highly aggressive species noted in the target species list.
5. All trees, shrubs, and vines greater than 1' in height shall have their stumps cut to a height less than or equal to 2" above the ground surface. Trees, shrubs, and vines less than 1' in height shall receive a foliar treatment with an appropriate selective herbicide once the leaves have fully emerged.
6. All cut woody species will be chipped and disposed of at an appropriate off-site area.
7. All cut stumps will be treated with an herbicide containing glyphosate as an active ingredient and applied at the manufacturer's recommended rate for dormant stump treatment. If the area of treatment is within 50' of the lakeshore, an herbicide approved for aquatic use shall be used. Cut stumps will be treated within 30 minutes of cutting. Contractors may propose the use of alternative herbicides as part of the Invasive Species Control Plan. The use of alternative herbicides would require the approval of the project engineer and would be done at no additional cost.
8. Any cut stumps that are not treated within the specified time limit, or cut to the correct height, should be recut and treated.
9. Target woody species removal and cut stump treatment will be conducted during the winter season of the contracted construction year when plants are dormant. Woody and herbaceous target species foliar treatments to begin in spring season of contracted construction year.
10. Quantity and timing of herbicide treatments will be dependent upon species to be controlled and should follow industry standard practices and herbicide manufacturer's recommendations to achieve an 95% reduction in target species cover by the end of the growing season of the contracted construction year.

Maintenance

1. Monthly inspections of the three restoration zones will be conducted to identify any areas with insufficient plant growth and/or areas of erosion.
2. Any bare areas larger than 4 square feet will be reseeded and/or replanted and mulch as necessary to obtain an even and vigorous stand of vegetation.
3. Any areas of erosion will be repaired as deemed appropriate to stabilize the eroded area in coordination with the engineer.
4. The contractor shall control non-native and invasive species to maintain a 5% or lower areal cover of the Bluff Restoration and Dune Grass Planting zones.

Target Species List

Species	Common Name	Tree Removal Size Limit (If Applicable)
Acer platanoides	Norway Maple	≤8" DBH
Ailanthus altissima	Tree-of-Heaven	All Sizes
Alliaria petioiata	Garlic Mustard	
Arctium minus	Common Burdock	
Artemisia vulgaris	Common Mugwort	
Berberis thunbergii	Japanese Barberry	
Celastrus orbiculatus	Asian Bittersweet	
Centaurea stoebe	Spotted Knapweed	
Cirsium arvense	Canada Thistle	
Conium maculatum	Poison hemlock	
Dipsacus spp.	Teasel	
Elaeagnus umbellata	Autumn Olive	
Euonymus alatus	Winged Euonymus	All Sizes
Euonymus fortunei	Winter creeper	
Hedera spp.	Ivy	
Humulus japonicus	Japanese Hop	
Leymus arenarius	European Lyme Grass	
Ligustrum spp.	Privet	All Sizes
Lonicera japonica	Japanese honeysuckle	
Lonicera spp.	Bush honeysuckles	All Sizes
Lotus cornicuiatus	Bird's Foot Trefoil	
Lysimachia nummularia	Moneywort	
Lythrum salicaria	Purple Loosestrife	
Melilotus spp.	Sweet Clover	
Morus alba	White Mulberry	All Sizes
Pastinaca sativa	Wild Parsnip	
Phalaris arundinacea	Reed Canary Grass	
Phragmites australis	Common Reed	
Reynoutria spp.	Knotweed	
Rhamnus cathartica	Common Buckthorn	All Sizes
Rhus typhina	staghorn sumac	≤4" DBH
Robinia pseudoacacia	Black Locust	All Sizes
Rosa multiflora	Multiflora Rose	
Securigera varia	Crown Vetch	
Solidago sempervirens	Seaside Goldenrod	
Typha spp.	Cattail	
Ulmus pumila	Siberian Elm	All Sizes
Vinca spp.	Periwinkle	
Vitis spp.	Grapevines	

*List includes some of the region's commonly encountered noxious and invasive species, but not limited to this list.

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

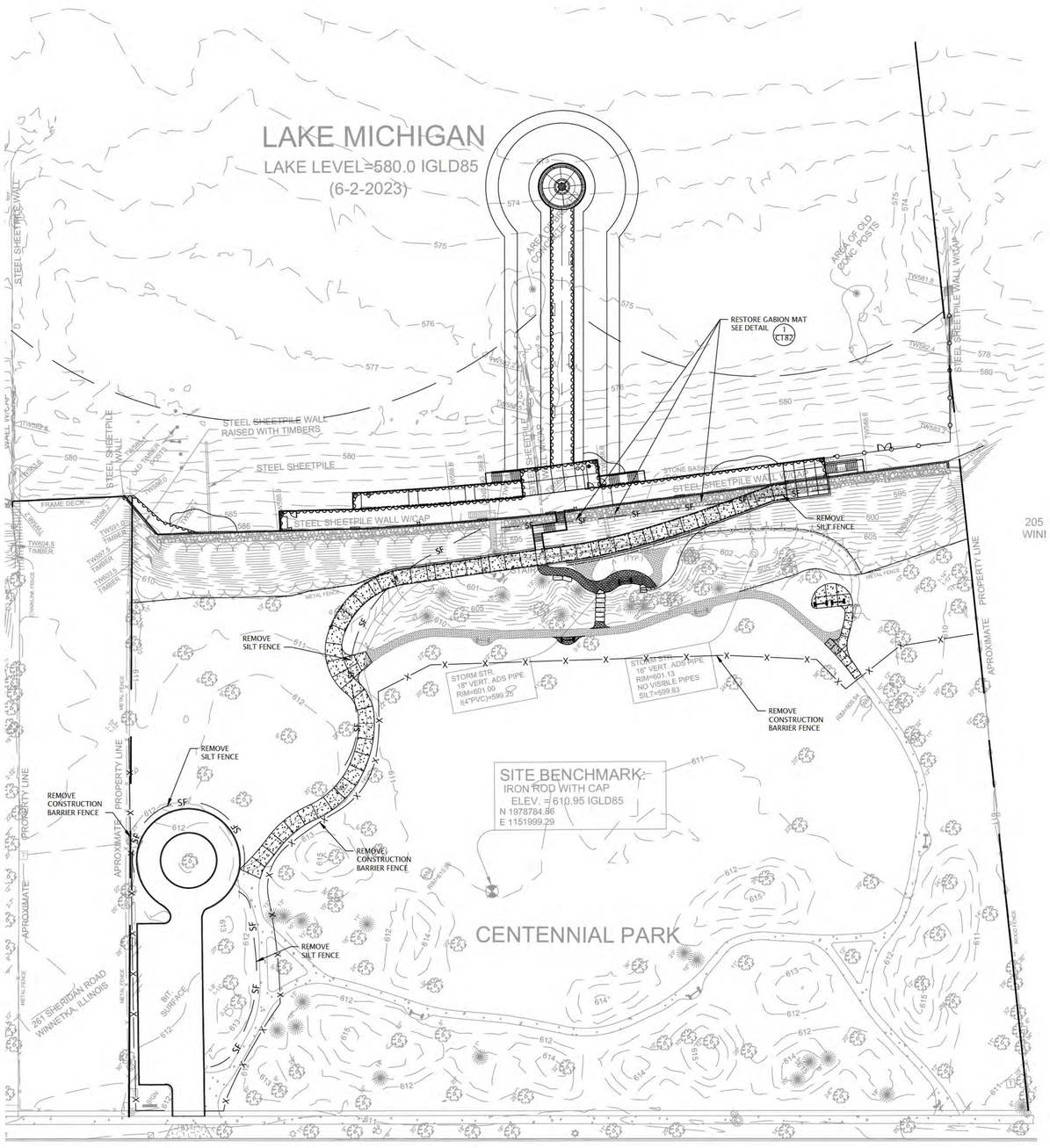
Scale NOT TO SCALE

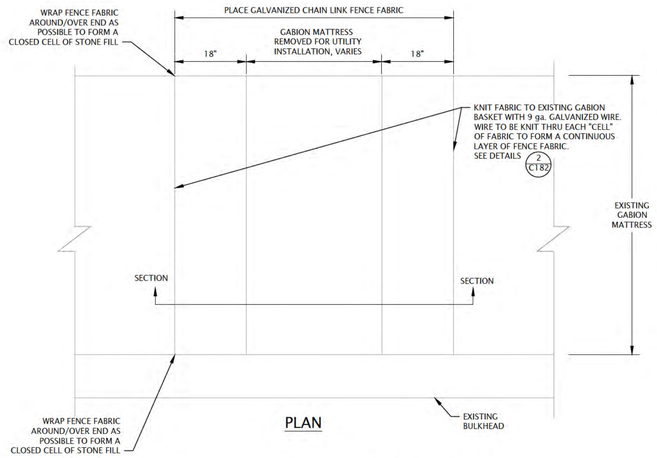
Drawing Title

RESTORATION NOTES

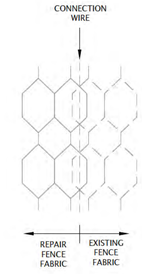
Sheet No.

C181





1 C182 GABION MATTRESS RESTORATION
SCALE : NOT TO SCALE



2 C182 FENCE FABRIC CONNECTION
NOT TO SCALE

"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

NOTE:

RESTORE/SEED/MULCH ALL TRENCHING AND DISTURBANCE FROM SILT FENCE INSTALLATION AND REMOVAL.

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.

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70% Submittal		04/08/24
100% Submittal		06/28/24
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Centennial Park
Winnetka, IL

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Winnetka Park District
Winnetka, IL

Graphic Scale
0' 20' 40'
(In Feet)
1 Inch = 40 Ft.

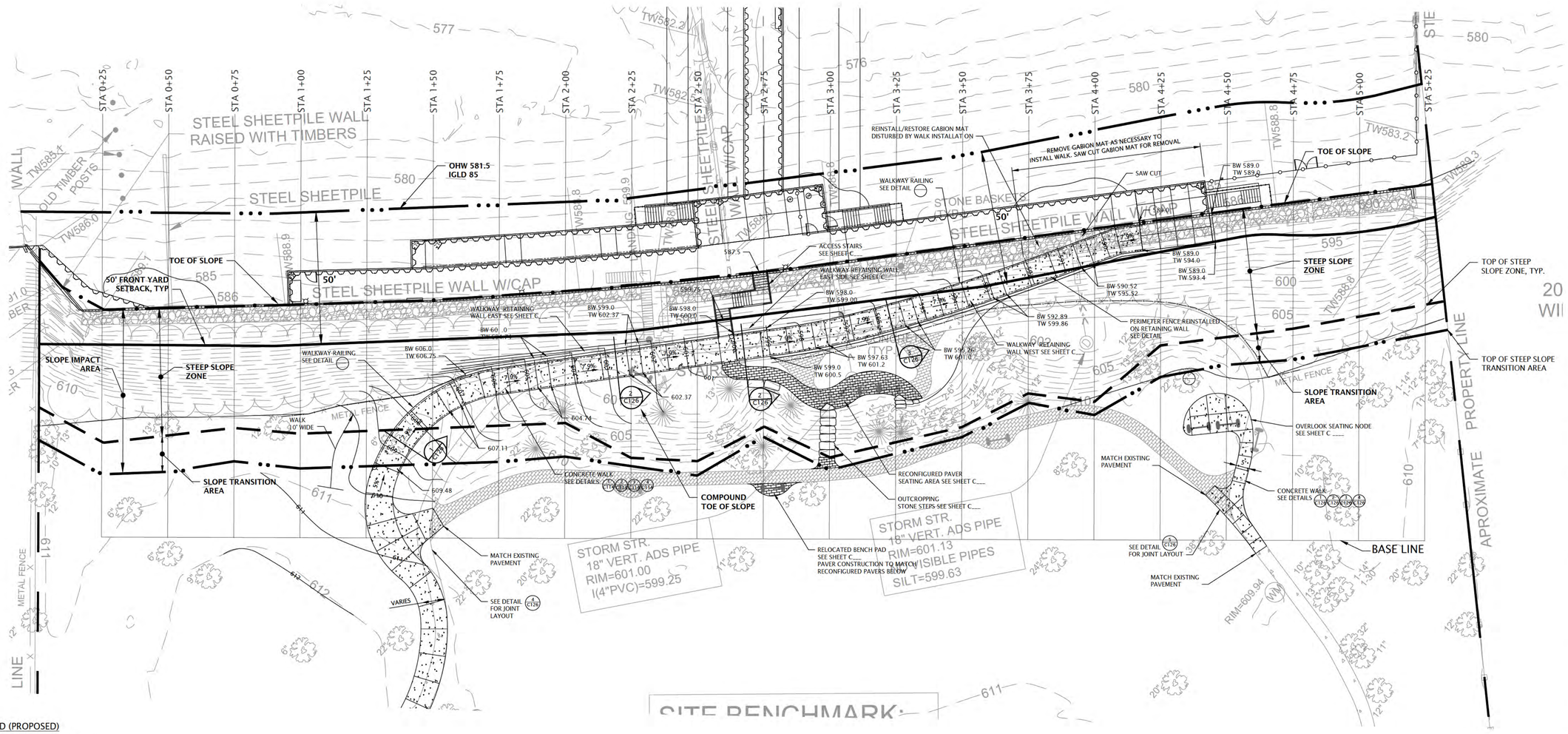
Scale 1 Inch = 40 Ft.

Drawing Title
Site Closure Plan

Sheet No.
C182

LEGEND

- TOE OF SLOPE
- TOP OF STEEP SLOPE ZONE
- TOP OF SLOPE TRANSITION AREA
- OHW 581.5 IGLD 85
- 50' FRONT YARD SETBACK



LEGEND (PROPOSED)

- - CONCRETE WALKWAY
- - RETAINING WALL
- X607 - SPOT ELEVATION
- —602— - PROPOSED CONTOUR
- BW 599.0 - BOTTOM OF WALL AT FACE OF WALK SURFACE
- TW 599.0 - TOP OF WALL

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Issued for	Rev.	Date
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Village Revisions		08/02/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

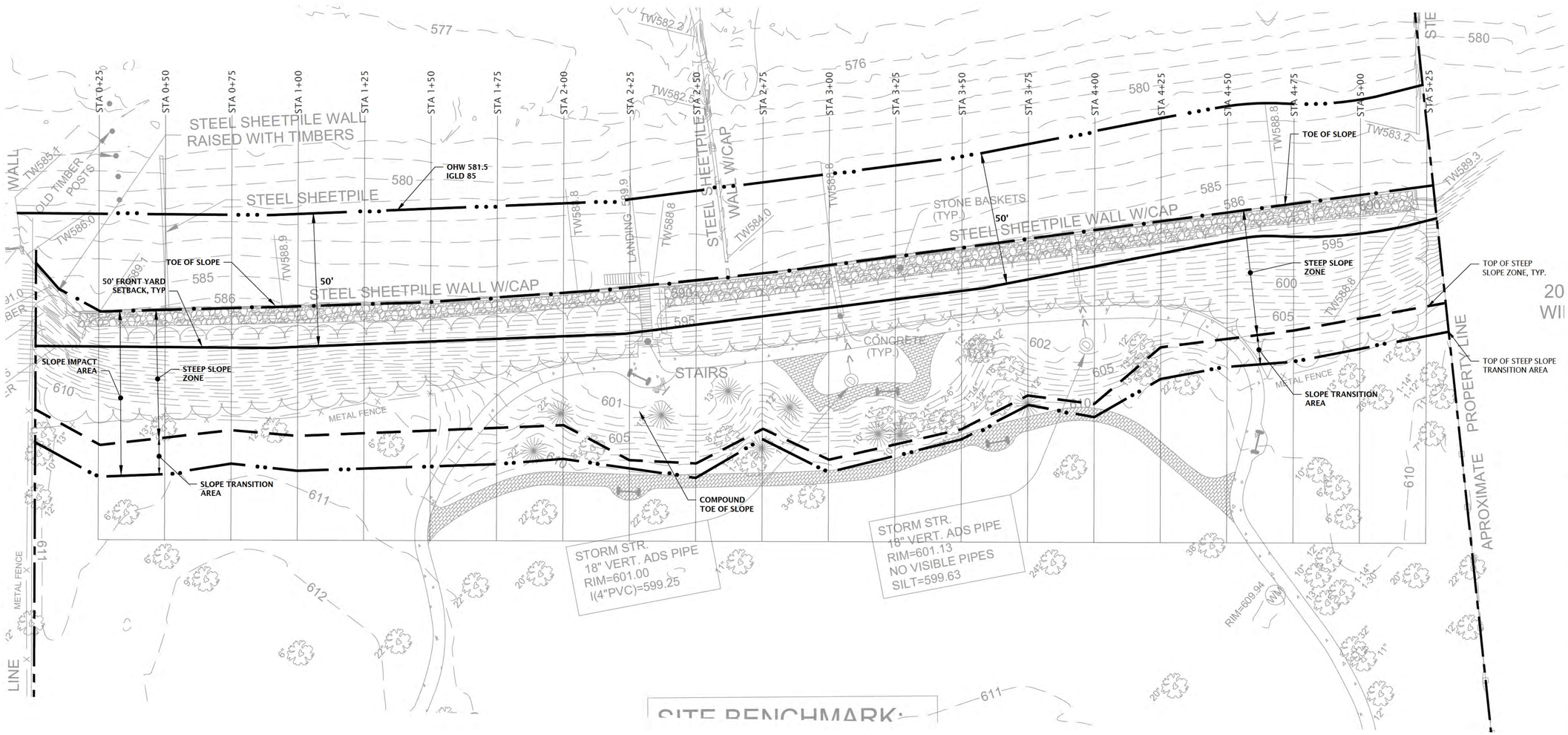
0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

Scale 1 Inch = 20 Ft.

Drawing Title

Cross Section
Layout Plan

Sheet No.
CS - 6



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811 Know what's below. Call before you dig.

LEGEND

- TOE OF SLOPE
- TOP OF STEEP SLOPE ZONE
- TOP OF SLOPE TRANSITION AREA
- OHW 581.5 IGLD 85
- 50' FRONT YARD SETBACK

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Village Response	07/30/24
Village Revisions	08/02/24

Project Title:

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

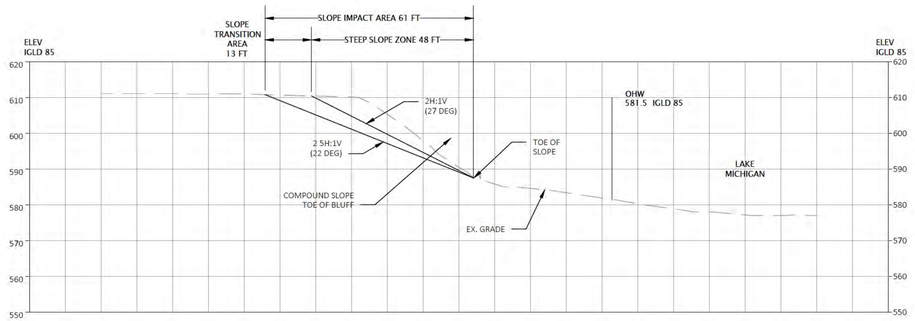
Graphic Scale

0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

Scale
1 Inch = 20 Ft.

Drawing Title
Cross Section
Layout Plan

Sheet No.
CS - 6A



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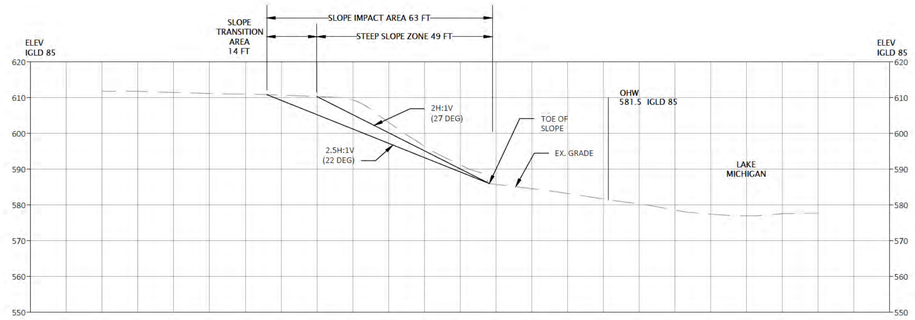

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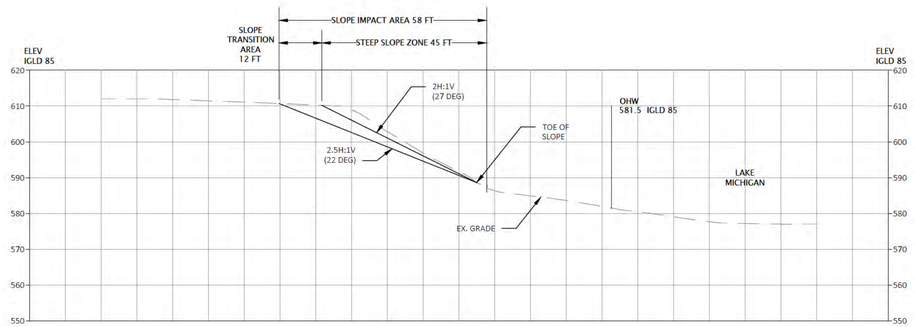

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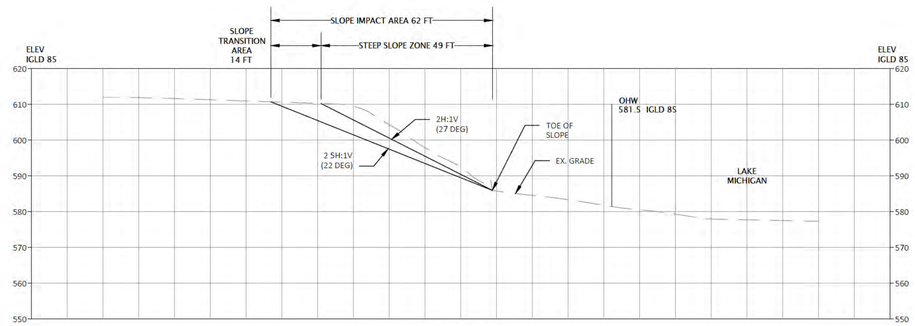

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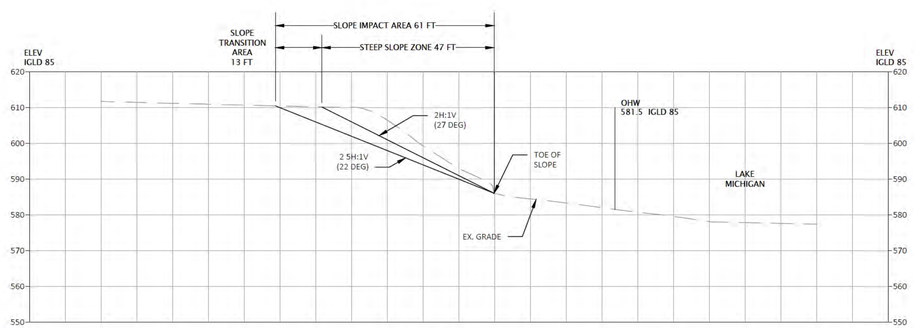

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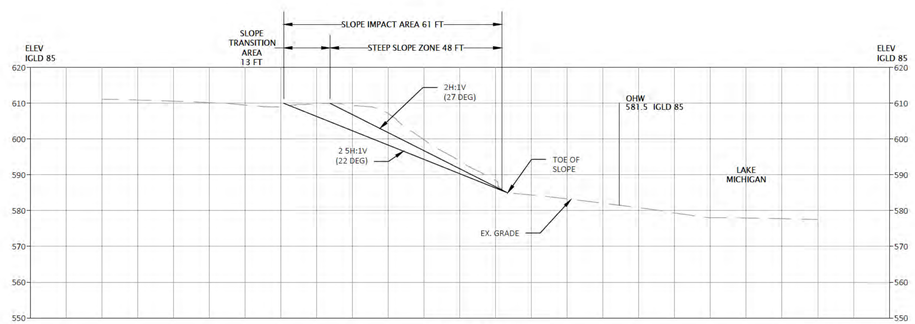

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Village Response		07/19/24
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Project Title:

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

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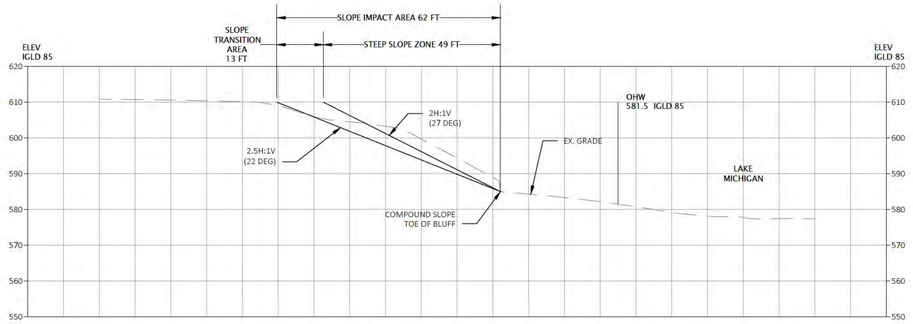
(In Feet)
1 Inch = 20 Ft.

Scale 1" = 20'

Drawing Title
Cross Sections

Sheet No.
CS -7



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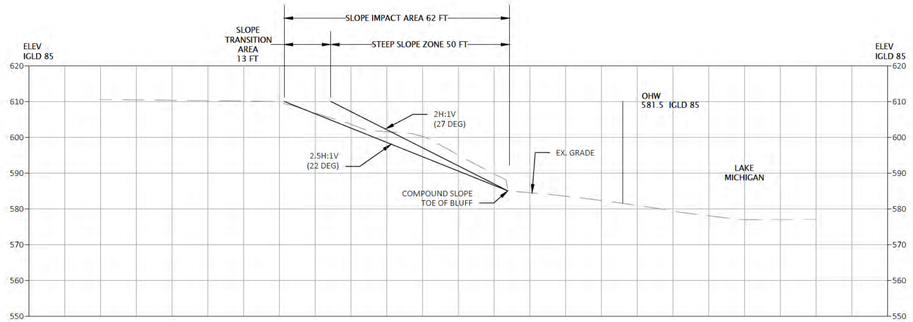

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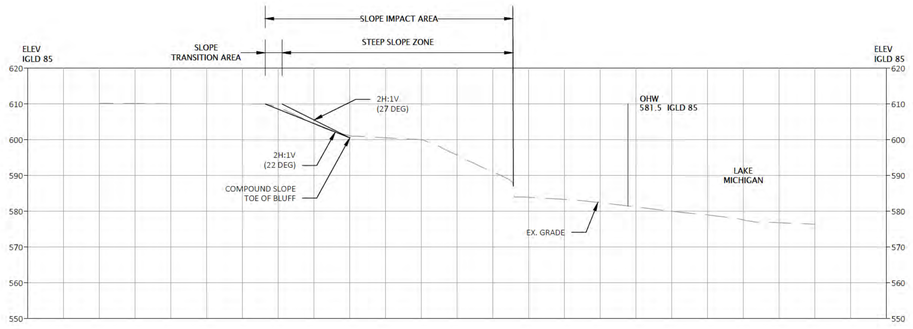

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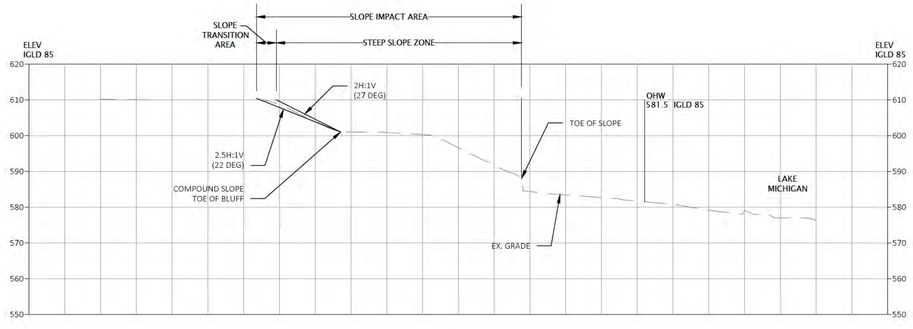

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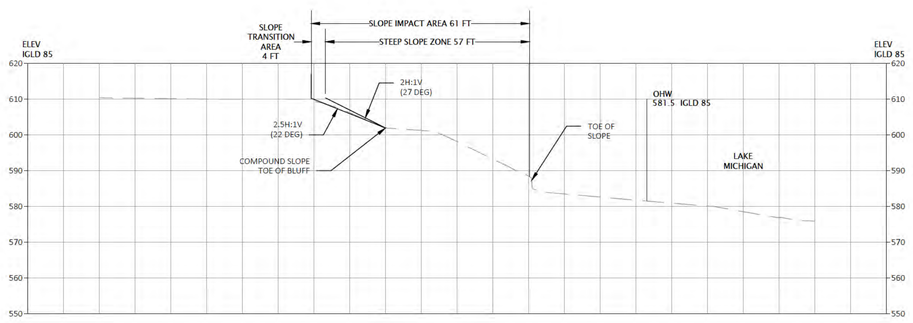

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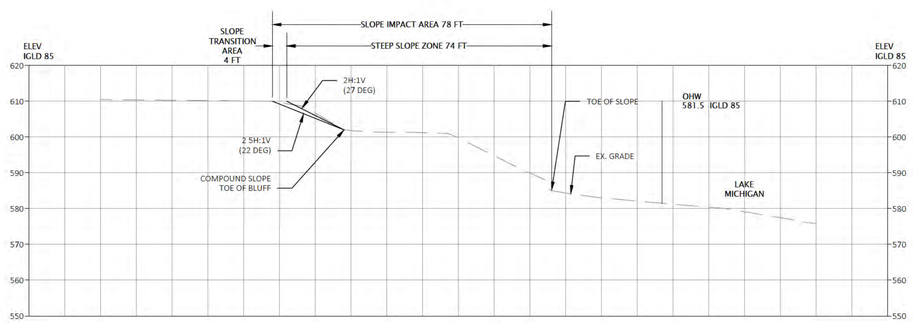

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Winnetka, IL

Graphic Scale

0' 10' 20'
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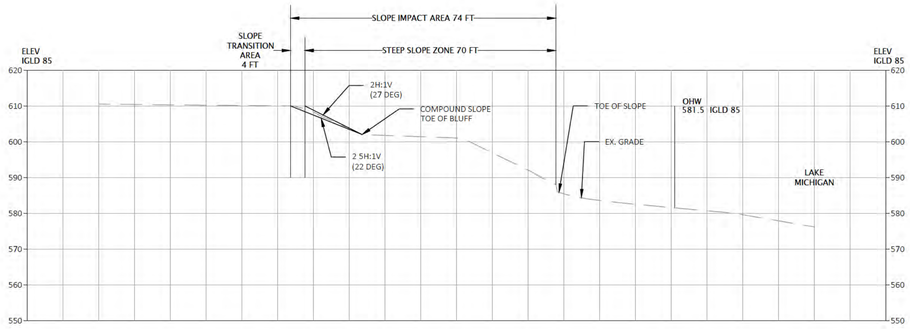
Scale 1" = 20'

Drawing Title
Cross Sections

Sheet No.
CS - 8



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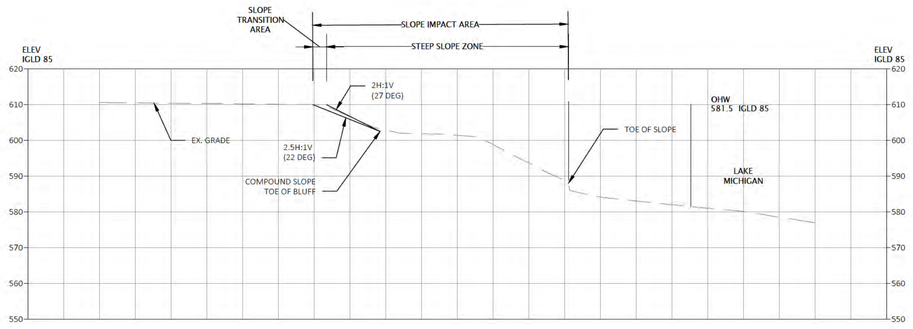

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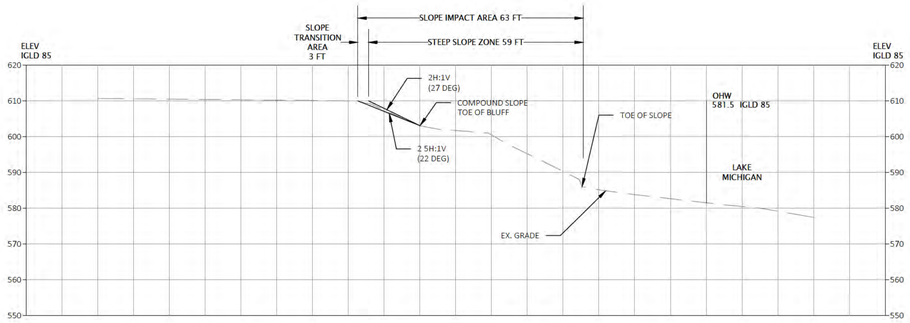

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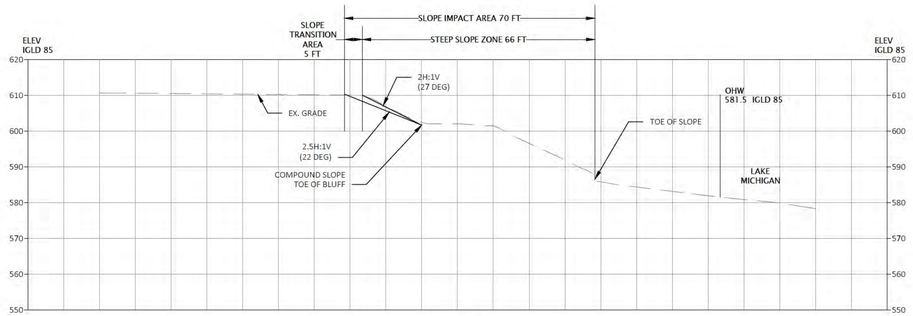

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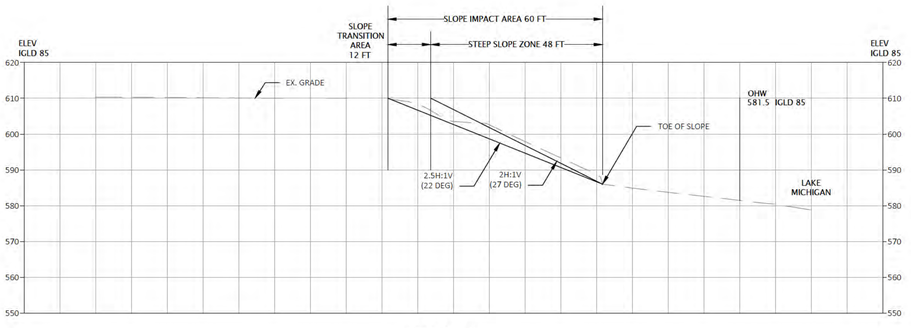

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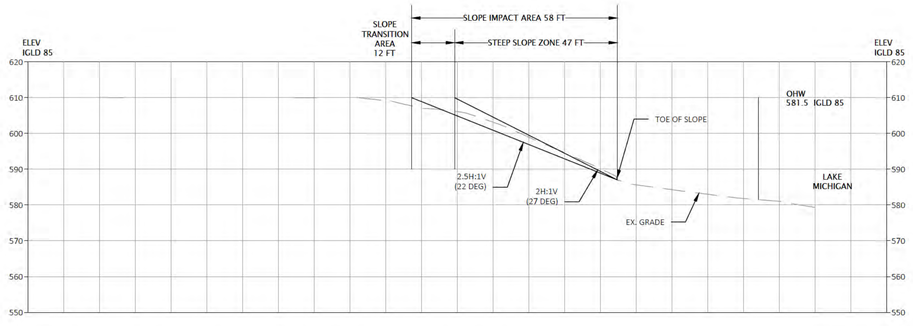

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Winnetka, IL

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0' 10' 20'
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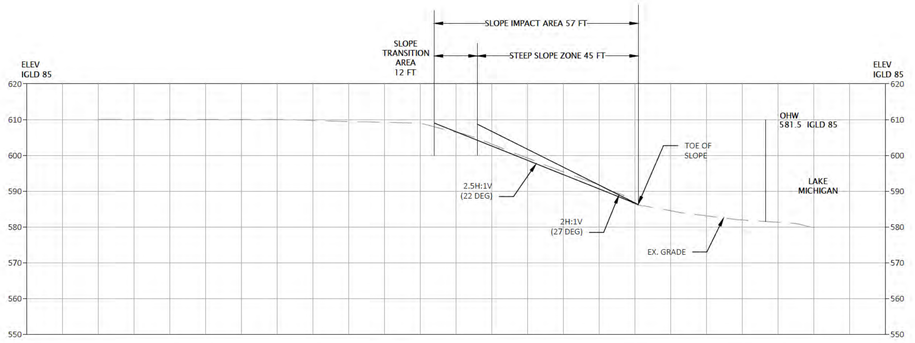
Scale 1" = 20'

Drawing Title
Cross Sections

Sheet No.
CS -9



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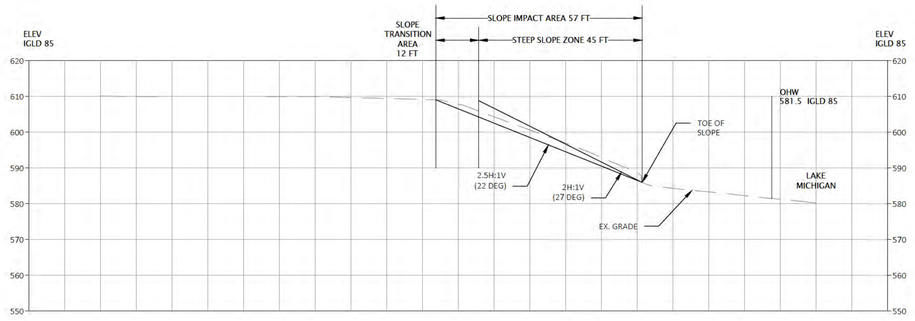

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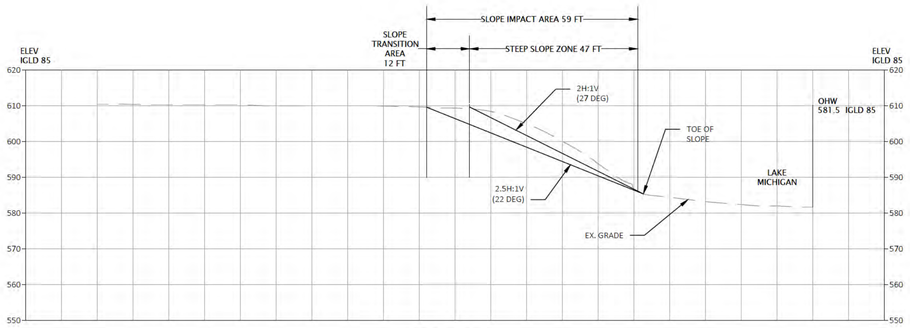


STA 5+25

SCALE: H : 0' 10' 20'

V : 0' 10' 20'

RED BARN
Design & Engineering, S.C.

6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
c. 608.843.1870
redbarnde@tds.net

Consultants

Issued for	Rev.	Date
Village Response		07/19/24
Village Revisions		08/02/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 10' 20'
(In Feet)
1 Inch = 20 Ft.

Scale 1" = 20'

Drawing Title
Cross Sections

Sheet No.
CS - 10

MEMORANDUM
VILLAGE OF WINNETKA
COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: AUGUST 1, 2024

SUBJECT: REVIEW OF SPECIAL USE PROCESS - ROLE OF VILLAGE STAFF, BOARDS/COMMISSIONS, AND COUNCIL IN THE CENTENNIAL PARK & BEACH ZONING RELIEF APPLICATION

INTRODUCTION

Given recent public comments regarding the Village's role in the review and approval of the zoning relief necessary for the proposed improvements to Centennial Park and Beach, Village staff and the Village Attorney have prepared this memorandum summarizing the Village's process and the various roles of the advisory bodies and Village Council. At the August 6, 2024, Village Council meeting, we plan to review the following materials with the Village Council.

WINNETKA PARK DISTRICT AS ZONING ENTITLEMENT APPLICANT

As Council members know, the Winnetka Park District ("WPD") is a separate and distinct governmental entity from the Village of Winnetka government. The WPD Board of Commissioners ("Board") is the governing body of the WPD, which Board members are elected by the residents located within the WPD borders. As a separate governmental body, the Board makes all decisions regarding the WPD's use of the land that it owns, such as Centennial Park and Beach.

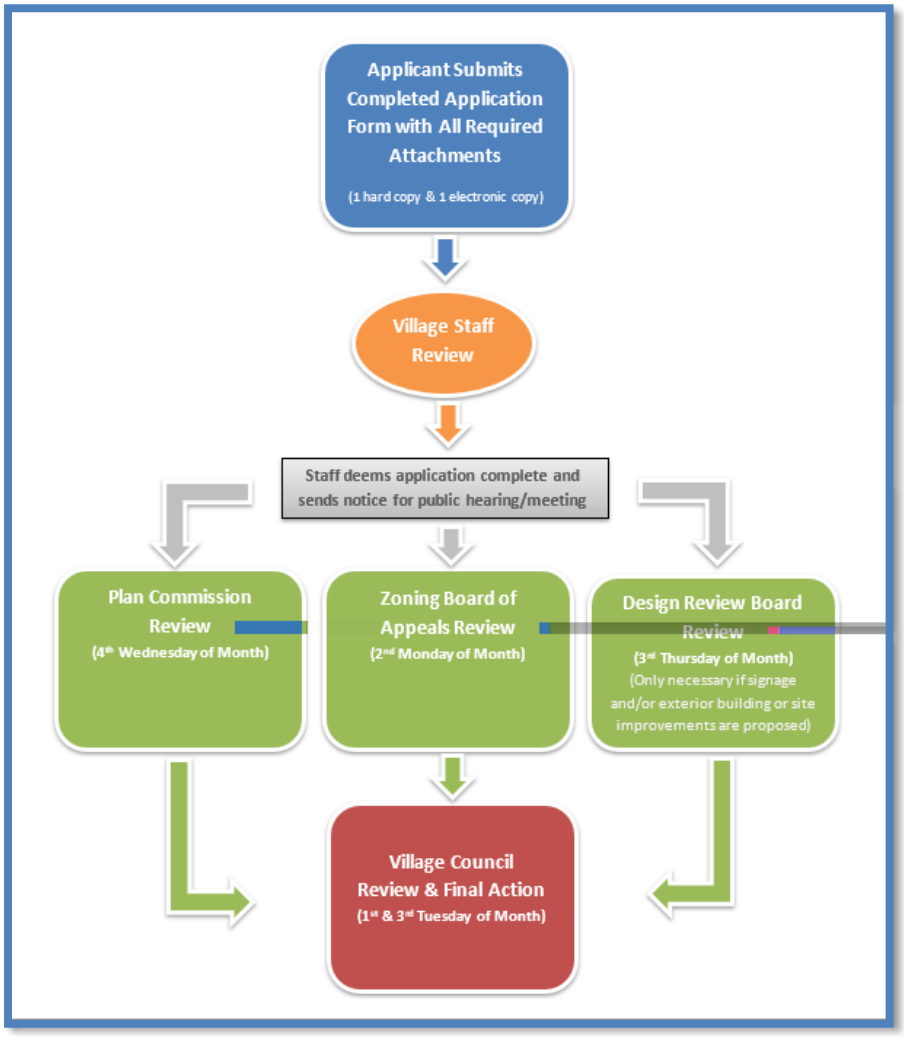
In Winnetka, a park or recreation facility, such as those operated by WPD, are allowed as a special use within any zoning district within the Village. This means any new facility or any major changes to an existing facility, such as with Centennial Beach and Park, requires approval of the proposed use by the Village Council, but not before the Village Council receives recommendations from its advisory bodies - the Plan Commission and the Zoning Board of Appeals. (If physical improvements are proposed to the property, the Design Review Board would also provide a recommendation regarding a certificate of appropriateness for the design of exterior physical improvements.)

The Village Attorney has advised that WPD's request for Village approval will include at least one official public hearing before each of the three advisory bodies. Public notice will be provided for all public hearings. Public hearings are designed to allow the applicant (here, WPD) to present all of its materials and testimony in support of its request, and to allow any other interested persons, including of course Village residents, to provide comments and testimony regarding the

requested zoning relief. The Village Attorney has also explained that it is important for the Council to allow the public hearing process to proceed and to begin Council deliberations only after the public hearings and all testimony before the applicable advisory bodies has been completed and the advisory bodies have made their respective recommendations. This is important to ensure that due process protections are afforded to the WPD and to any other interested parties who provide testimony at the hearings. Accordingly, the Village Attorney recommends against any substantive public discussions by the Council regarding WPD's requested zoning relief until the matter is officially before the Council for consideration.

As with any proposed use, the property owner or an entity with contractual interest in a property and with the property owner's consent ("property owner") has the right to submit an application requesting special use permit approval of a proposed use that is an allowed special use within a particular zoning district. The property owner has the right under our Zoning Ordinance to also request other zoning relief such as zoning variations and exceptions. Once a property owner has submitted such zoning relief applications, the Village has an obligation to process the application according to the rules of procedure established in the Village's Zoning Ordinance. A general flow chart of the review process is provided below.

General Zoning Relief Reviews Process



ZONING RELIEF PROCESS FOR CENTENNIAL PARK AND BEACH

The Park District has chosen to first proceed with a zoning relief application for Centennial Park and Beach, which is allowed since Centennial is a separate legal parcel from Elder Lane Park and Beach. The Park District has submitted a zoning relief application for Centennial Park and Beach, which is under review by staff and the Village's consultants. At the end of June, staff completed its second review of materials submitted by the Park District and provided the Park District staff with comments and informed them that additional information is necessary prior to determining that the application is ready for review by the advisory bodies. In mid-July, the Park District submitted revised plan sheets and some of the revised narrative materials. This week we anticipate receiving additional materials associated with the zoning relief application. Village staff is in the process of reviewing the revised materials to determine if the application is complete and ready for review by the advisory bodies. It is not unusual for a special use permit application involving site improvements to require multiple staff reviews prior to the application being ready for review by the advisory bodies. At this time, the earliest the Zoning Board would begin reviewing this application would be in September.

With any development project there are various types of review – some are administrative reviews handled by staff and as mentioned above, other reviews involve a public review process. If a proposed development is allowed by right and does not require approval of a special use, variation, certificate of appropriateness or other zoning or subdivision entitlement ("zoning entitlement"), the development can proceed to the building permit approval stage, which is administratively handled by staff. At the building permit approval stage, staff determines if the project complies with all requirements of the Village Code, such as storm water detention and drainage requirements, building code requirements, Village utility service requirements, lakefront construction regulations, steep slope regulations, etc., before a building permit can be issued.

If a proposed development does require approval of some type of zoning entitlement relief, during Village staff's review of the zoning entitlement application we will conduct a preliminary review of the project for code requirements to determine if the development should be able to, in general terms, comply with administrative code requirements. Detailed construction plans are not required at this point, but the applicant is required to provide sufficient information so staff can determine that the proposed site layout can be achieved and still comply with other Village regulations as noted above. If after the Village Council approves a special use permit and during the building permit process an applicant changes the design of the project to such an extent that it would be considered a major change, the applicant would need to go through the full special use permit process again prior to the building permit being issued by staff. (Attachment B)

With any proposed development project, the property owner will submit a proposal for the Village's review. If during Village staff's review of a project, staff determines that the project does not comply with Village zoning or subdivision requirements, the applicant:

a) may seek relief from the requirement, if the Village Code provides for such ability, or

b) may request that the Village Council amend the Village Code to allow the development as proposed.

During the zoning entitlement process the Village advisory bodies determine if the requested relief is consistent with the applicable Village Code standards During this process, each advisory body may identify changes to the plans that would be necessary before the body could make a favorable recommendation of the project. Though the advisory body may suggest changes or include conditions with their recommendation, the applicant determines:

a) if it wishes to make the changes or agree to the conditions of the advisory bodies, or
b) if it would rather move forward to the Village Council with a recommendation of approval with conditions or a recommendation of denial from the advisory body.

In the end, the Village Council will determine if the project as proposed by the applicant is appropriate for the proposed location. Again, the property owner has the right to make requests as it sees fit, and in the end it is within the Council's legislative authority to determine whether to approve the zoning relief requested by the property owner.

Below, please see a matrix summarizing the role of Village staff, each Village advisory body, and the Village Council in the various aspects of Village approval process for the proposed Centennial Park project. Attachment A contains the standards, findings of fact, or criteria that staff, the advisory bodies, or Village Council will use when considering whether to grant approval to the project.

Involvement of Village Staff, the Village Advisory Bodies, and the Village Council in the Centennial Park & Beach Project Process

	Staff	ZBA	PC	DRB	Village Council
Special Use Permit	X	X	X		X
Exceptions – Steep Slope Zoning	X	X	X		X
Variations – Other Zoning (e.g. front yard setbacks)	X	X			X
Certificate of Appropriateness	X			X	X
Lakefront Construction Permit (Lakefront work requiring USACE, IDNR, MWRD, or IEPA permits)	X				
Site Improvement Permit (All other site improvements not requiring lakefront construction permit)	X				

Each advisory body will review the application based upon the applicable standards for that advisory body, which are identified in Attachment A. Their review is based upon these broad standards and not based upon a review of the technical code requirements for such items as the Village's stormwater requirements, building code requirements, lakefront construction approval criteria, or steep slope regulation development standards. Those items are reviewed in detail administratively by staff during the building permit process. As previously stated, if the Village Council were to approve zoning relief for the Centennial Park and Beach improvements and then during the building permit process the WPD changed the design of the project to such an extent that it would be considered a major change, the WPD would need to go through the full special use permit process again prior to the building permit being issued by staff.

Finally, the applicant, in this case the Park District, will be required to submit all required information, analysis, and evaluations for the Village's review. This required information is then evaluated by professional staff, consultants, and the Council to render a decision on the project. The Village would not undertake independent studies, but rather evaluate required information when required for submittal. Also, a construction permit from the Village would not be issued for any of the improvements until after the Village Council granted the applicable zoning relief and then staff and the Village's consultants completed their administrative function of reviewing the permit for compliance with all applicable Village regulations including, but not limited to, the lakefront construction regulations and the steep slope regulations.

ATTACHMENTS

Attachment A Applicable Standards, Findings of Fact, or Criteria and Standards for Staff, the Advisory Bodies or Village Council for Review of Zoning Applications – Village Code Excerpts

Attachment B Amendments to Special Use Permits – Major Changes

ATTACHMENT A

Applicable Standards, Findings of Fact, or Criteria and Standards for Staff, the Advisory Bodies, or Village Council for Review of Zoning Applications - Village Code Excerpts

SPECIAL USE STANDARDS

– APPLICABLE TO PLAN COMMISSION AND ZONING BOARD OF APPEALS

Section 17.56.120 Standards for Granting of Special Use Permits.

A. General Standards for the Granting of Special Use Permits. No special use permit shall be granted unless it is found:

1. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;

5. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided;

6. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.

VARIATION STANDARDS
– APPLICABLE TO ZONING BOARD OF APPEALS & VILLAGE COUNCIL

Section 17.60.050 Standards for Granting Variations.

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C. Variation Standards for Zoning Board of Appeals and Zoning Administrator. The Zoning Board of Appeals shall not grant a standard variation, and the Zoning Administrator shall not grant a minor variation, unless the Board or the Zoning Administrator, as the case may be, makes an affirmative finding, based on evidence in the record or in a public document, that the variation requested is in harmony with the general purpose and intent of the Zoning Ordinance and that each of the eight conditions on which evidence is required pursuant to Section 17.60.050 of this Code has been met in connection with the variation application.

D. Variation Standards for Village Council. The Village Council shall have the discretion to grant variations, without further public hearing, upon finding that the variation requested is in harmony with the general purpose and intent of the Zoning Ordinance and in accordance with general or specific rules contained in this chapter, and upon finding that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions or regulations of the Zoning Ordinance; provided that, the passage of any ordinance granting a variation or application for variation that failed to receive a recommendation of approval by the Zoning Board of Appeals shall require the favorable vote of four Village Trustees.

Section 17.60.040 Variation Procedures: Standard and Major Variations.

****

C. Evidence Required at Hearing. The Zoning Board of Appeals shall require evidence on the following issues:

1. that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district;
2. that the plight of the owner is due to unique circumstances;
3. that the variation, if granted, will not alter the essential character of the locality;
4. that an adequate supply of light and air to adjacent property will not be impaired;
5. that the hazard from fire and other damages to the property will not be increased;
6. that the taxable value of land and buildings throughout the Village will not diminish;
7. that the congestion in the public street will not increase; and
8. that the public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

D. Recommendation by the Zoning Board of Appeals. The Zoning Board of Appeals shall not recommend that the Village Council grant a variation unless the Zoning Board of Appeals makes an affirmative finding, based on evidence in the record or in a public document, that each of the foregoing eight conditions is met in connection with the variation application. The findings of the Zoning Board of Appeals shall comply with Section 17.60.050.

CERTIFICATE OF APPROPRIATENESS FINDING OF FACTS
– APPLICABLE TO DESIGN REVIEW BOARD & VILLAGE COUNCIL

Section 15.40.010 Certificate of appropriateness of design.

****

F. Scope of Hearing, Findings of Fact. At the hearing, the Board shall consider the application materials, including construction documents, and any additional evidence including, in the Board's discretion, testimony given under oath, regarding the following issues:

(1) whether the proposed external architectural features and site improvements are appropriate to and compatible with the character of the immediate neighborhood;

(2) whether the proposed external architectural features and site improvements are appropriate to and compatible with adopted Village plans for and improvements in the immediate neighborhood, and including both urban design and site arrangement considerations;

(3) whether the proposed external architectural features and site improvements are consistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board; and

(4) the probable effect of the proposed external architectural features on the integrity of the immediate vicinity.

I. Denial of Certificate.

1. Criteria. The Board or, where applicable, the Village Council, may deny a request for a certificate of appropriateness of design only upon findings that external architectural features of the proposal when completed will be:

(a) so inconsistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board for the review of such external architectural features and site improvements as to be inappropriate and incompatible with the character of the immediate neighborhood; or

(b) so inappropriate and incompatible with adopted Village plans or public improvements in the immediate neighborhood as to cause substantial depreciation in the effectiveness and value of such plans or improvements; or

(c) so inappropriate and incompatible with the existing character of the immediate neighborhood as to cause substantial depreciation in property values in such neighborhood.

STEEP SLOPE EXCEPTION STANDARDS
- APPLICABLE TO PLAN COMMISSION AND ZONING BOARD OF APPEALS

Section 17.82.110 Exceptions.
If a development that requires a special use permit includes construction activity that does not comply with the requirements of this Chapter, the Village Council may grant exceptions to the regulations set forth in this Chapter as part of granting the special use permit. [Note: This means, the special use standards are used when considering an exception associated with a special use permit request.]

LAKEFRONT CONSTRUCTION APPROVAL CRITERIA
– APPLICABLE TO STAFF'S ADMINISTRATIVE REVIEW FOR PERMITTING.

Section 15.78.080 Criteria for Permit Approval.
The Village Engineer (and, if applicable on appeal, the Village Council) will issue a permit (with or without conditions) only if the following requirements are satisfied:

A. Permitting Agency Permits. The applicant has received and provided to the Village all required permits for the covered construction from the permitting agencies.

B. Height. The height of the covered construction and any related structures will be no greater than what is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.

C. Conformity with Code. The covered construction and any related structures comply with all other applicable provisions of the Village Code, including, without limitation, the construction permitting requirements of Chapter 15.32 of this title.

D. Project Scope. The covered construction and any related structures include only what is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.

E. No Public Safety Hazard. The covered construction and any related structures will not create any public safety hazards, including, without limitation, by unreasonably obstructing or otherwise interfering with ingress or egress to adjacent public beaches or private property.

F. Interference with Public Safety Operations. The covered construction and any related structures will not block or otherwise unreasonably interfere with the ability of public safety personnel to conduct search and rescue or other public safety operations.

G. Existing Sight Lines. The covered construction and any related structures will alter existing sight lines along the Lake Michigan shoreline no more than is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.

STEEP SLOPE DEVELOPMENT STANDARDS
– APPLICABLE TO STAFF'S ADMINISTRATIVE REVIEW.

Section 17.82.050 Development Standards.

A. Any application for development in the slope impact area will be reviewed by the Director, who will consider such application in light of the standards of this section relating to landscape planning, soil mechanics engineering, hydrology, geology, environmental design, structural and coastal engineering, and structural architecture. The Village recognizes each slope impact area may have different characteristics and features that affect its stability and preservation. Therefore, the Director may determine that certain standards of this Section do not apply to every application. Whenever the Director waives or alters otherwise applicable requirements in this Section, the waiver or alteration will be memorialized in a written decision that provides the rationale for the waiver or alteration. Before the Director finalizes the waiver or alteration, the Director will confer with the Village Manager and the Director of Community Development. The Director will have the authority to determine if the application in its totality satisfies the purposes of this Chapter to a substantial degree without creating an economic hardship as provided in Section 17.82.090.

B. Development standards for the slope impact area are as follows:

(1) Safety control of steep slopes.
a. The development will not jeopardize slope stability on the subject site or neighboring properties.
b. Except as necessary for an approved development, no filling, grading, or earth moving is permitted in a slope impact area.
c. A fence must be erected temporarily along the top edge of the steep slope zone, during any construction or demolition activity in the steep slope zone or adjacent to the steep slope zone.

(2) Construction techniques. All proposed structures must have foundations designed in a matter consistent with sound engineering and geological principals. Additionally, the following techniques must be used to enhance bluff stabilization:
a. Planning the development to recognize and fit the natural topography, soils, geology, hydrology, and other existing conditions on the proposed sites;
b. Orienting development so that filling, grading, and earth moving, landscaping and other site preparation is kept to an absolute minimum;
c. Preserving and enhancing the landscape through minimized disruption of natural terrain and existing vegetation;
d. Minimizing disruption or alteration of natural drainage ways;
e. Minimizing the time during which areas are bare and exposed;
f. Designing and properly locating structures so that the structure's weight does not negatively impact slope stability; and
g. Considering the effect of undercutting at the base of a slope impact area caused by wave action, storm water flow, erosion, or channel changes.

(3) Hydrological controls.

a. Natural channels. Natural drainage ways must be preserved to the maximum extent possible.

b. Controlled runoff. Concentrated runoff from impervious surfaces will be collected and transported in a pipe or other approved manner to a municipal storm sewer system, if available or to the toe of the bluff as determined by the Director.

c. Water discharge into steep slope. Whenever stormwater is transported across a property for discharge into a sleep slope zone, the conveyance pipe material must be installed below ground by directional boring where possible.

d. Trenching. No pipe can be installed within a steep slope zone by excavating a trench unless such trench is approved by the Director.

e. Pipe materials. Flexible corrugated pipes may not be used within a slope impact area unless directional boring is found to be infeasible in the sole determination of the Director.

f. Water Quality. The Director will determine the appropriate water quality requirements for all stormwater that is discharged to Lake Michigan.

g. Interceptor ditches. When required by the Director pursuant to sound professional engineering principles, interceptor ditches will be established above steep slopes in order that soil will not become saturated and the intercepted water will be conveyed in a pipe or other approved manner to a municipal storm sewer system, if available, or to the toe of the bluff as determined by the Director.

h. Discharge point stabilization. Natural drainage ways will be stabilized by landscape integration and rip-rap or other means consistent with sound professional engineering practice, to a distance below drainage and culvert discharge points sufficient to convey the discharge without channel erosion and in such a manner as to dissipate the energy of the discharge as approved by the Director.

i. Energy dissipater. All outflow from a stormwater conveyance pipe must discharge into an energy dissipater.

j. Early completion. The overall drainage system must be completed and made operational at the earliest possible time during construction, the schedule of which will be approved by the Director.

k. Impact on adjacent property. The natural or usual flow of surface or subsurface water must not be altered or obstructed in any way by grade changes that may adversely affect the property of another by contributing either to pooling or collection of waters or to the concentration or intensification of surface water discharge. However, development which might otherwise be prohibited hereinabove may be allowed if such waters are properly drained by a pipe or other approved manner to a municipal storm sewer system, if available, or to the toe of the bluff as determined by the Director. All grade changes must comply with the Village Code.

(4) Vegetation and revegetation.

a. Native vegetation will be maintained to the greatest extent possible within the slope impact area.

b. Smallest area. At all times, the smallest practical area of raw soil will be exposed for as short a duration of time as practical.

c. Revegetation. A mixed planting of native perennial grasses and woody species with deep root systems will be used to landscape steep slope areas disturbed by construction, demolition or earth moving. When sound engineering practices dictates and when required by the Director, temporary vegetation, or other acceptable cover shall be used to protect areas of raw soils exposed during development and to prevent erosion.
d. Erosion control mat. Temporary erosion control matting properly staked and trenched must be provided over raw soil areas until new vegetation is established.

(5) Filling, grading, and earth moving.
a. Minimum alterations. Filling, grading, and earth moving will be limited to the minimum required for building foundations, driveways, drainage control structures, and immediate yard areas. With the exception of restoration efforts, substantial filling, grading, and earth moving is prohibited.
b. Erosion control. All filling, grading, and earth moving will be accomplished in a manner that will create the lowest possible potential for airborne or waterborne transportation of soil.
c. Soil fill in steep slope zone. All fill in steep slope zone is prohibited, other than back-fill which will be determined by the Director to be necessary for slope stabilization or re-establishment of the steep slope zone as part of general maintenance.
d. Soil fill on table land. In conformance with generally accepted engineering standards, all fill on table land will be stabilized to at least 90% of maximum dry density as determined in ASTM procedure D-1557 or equivalent.
e. Prompt completion. All filling, grading, and earth moving will be accomplished in the shortest practical period of time, the schedule of which will be approved by the Director. All excavated material must be removed from the slope impact area and no temporary or permanent material storage will be permitted within the slope impact area. No existing natural vegetation will be destroyed, removed or disturbed prior to the commencement of development activities.

Attachment B
Amendments to Special Use Permits – Major Changes

"Section 17.56.130 Amendments to Special Use Permits.

A. Definitions. For purposes of this Section, the following terms are defined as follows:

"*Major Change*" means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

"Minor Change" means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:

1. increase the special use's density;
2. increase the special use's operational intensity;
3. change programming in a way that alters the fundamental character of the existing special use;
4. change the use or add new uses;
5. increase the extent of the measurement of any applicable bulk regulation;
6. reduce open space;
7. expand, relocate, or add new parking areas;
8. relocate pedestrian walkways or access points;
9. alter alignment of roads, utilities, or drainage; or
10. change or conflict with any standard or condition imposed by the Village Council in approving the special use.

TO:
Winnetka Trustees
Zoning Board Commissioners
Plan Review Board Members



FROM:
Joanna Karatzas, Winnetka Resident

Because I am traveling and can't attend upcoming meetings, I wanted to write ahead of a review for a variance request by the Winnetka Park District. While I haven't been able to read the actual request nor the original special use permit, I believe the request is regarding a variance to the Steep Slope Ordinance.

More specifically, I think from past meeting remarks by Commissioner James, it has something to do with a ramp along the bluff. The bluff is already compromised by construction at 205 Sheridan. The Village Council passed the Steep Slope Ordinance—an admirable move. Please don't let the homeowner to the south, and wayward WPD Board members destroy more bluff — stick with the regulation.

Obviously, my concern encompasses the entire beach project not just the upcoming variance request. Actions by the WPD Board in the past three years have caused me to be skeptical of the motivations of certain board members when it comes to the Elder/Centennial Beach project. My skepticism towards the WPD board turned to suspicion on 25 April 2024 at that night's meeting. I was dismayed by the board's censure of Commissioner Root since she has worked ethically and tirelessly for Winnetka Parks and Winnetka citizens. Right now Commissioner Root's fellow commissioners are trying to discredit her. They do it by relying on procedural issues that are of no interest nor consequence to the rest of us.

Four commissioners cited Commissioner Root's lack of support for majority decisions by the WPD Board as reasons for speaking out. I might remind them Commissioner Root doesn't have a split personality. How can she, under any circumstances, support a substandard design which panders to one home owner? Her first duty is to the taxpayers of Winnetka, not to spare her fellow commissioners their blushes.

If Commissioners Hemmings, James, Lusson, Codo and Tyson think they have a good case for the proposed plan for Elder/Centennial Beach they should promote the benefits of their position. They don't, because it's hard to support an irrational design and blatant head-scratcher moves like accepting a $3 million donation with strings attached from the 205 Sheridan owner when another donor offered an equal amount free of caveats. To divert the public's attentions the WPD Board masks its bad decisions by censuring Commissioner Root. Its behavior is shameful.

The truth of the matter is the WPD Board, in trying to please one homeowner, is proposing to make an Elder/Centennial that is a far cry from its original vision of a 1000-foot-long united beach. It fails the broader community because it casts aside the Public Trust Doctrine by making access along the shoreline laborious or non-existent. Other shortcomings of Elder/Centennial as of today are as follows:

1.
The plan puts swimmers in the most polluted waters of Winnetka. Yes, the swimmers are relegated to Elder, where storm water outfall pipes are located and harmful PVCs abound.

2.
Dogs get the cleaner section of south Centennial where they are relegated to a dog pen. Chicago's Montrose dog beach doesn't require a hermetic seal for its dogs, it says so on their website, so why does Winnetka go so far with the fencing?

3.
Worst of all is the breakwaters. Four will clutter our lakefront, hampering lake views and sight lines to swimmers. One of the breakwaters has a fence running on the top of it purportedly for the dog enclosure. Why? What dog swims along a breakwater and then picks its way up slippery rocks to climb over a fence? What the entire barrier is really satisfying are the privacy goals of the neighbor to the south.

No one has explained why the breakwater is there at all. Winnetka dogs have been using that part of the beach without one for years and the beach has shown itself to be resilient. Should a swimmer get into trouble on the other side of that fence and rock pile, how will they be seen or rescued in a timely fashion? The homeowner at 205 Sheridan won't take responsibility for any future tragedies.

4.
Add in the retention of the pier at Elder to cover the outfall pipes, and there is hardly any uninterrupted and safe beach for people.

Clearly, the WPD Board is determined to please the homeowner at 205 Sheridan. Since when is it incumbent on a village to provide privacy and security to one homeowner, especially when that homeowner is more than able to provide those things for himself?

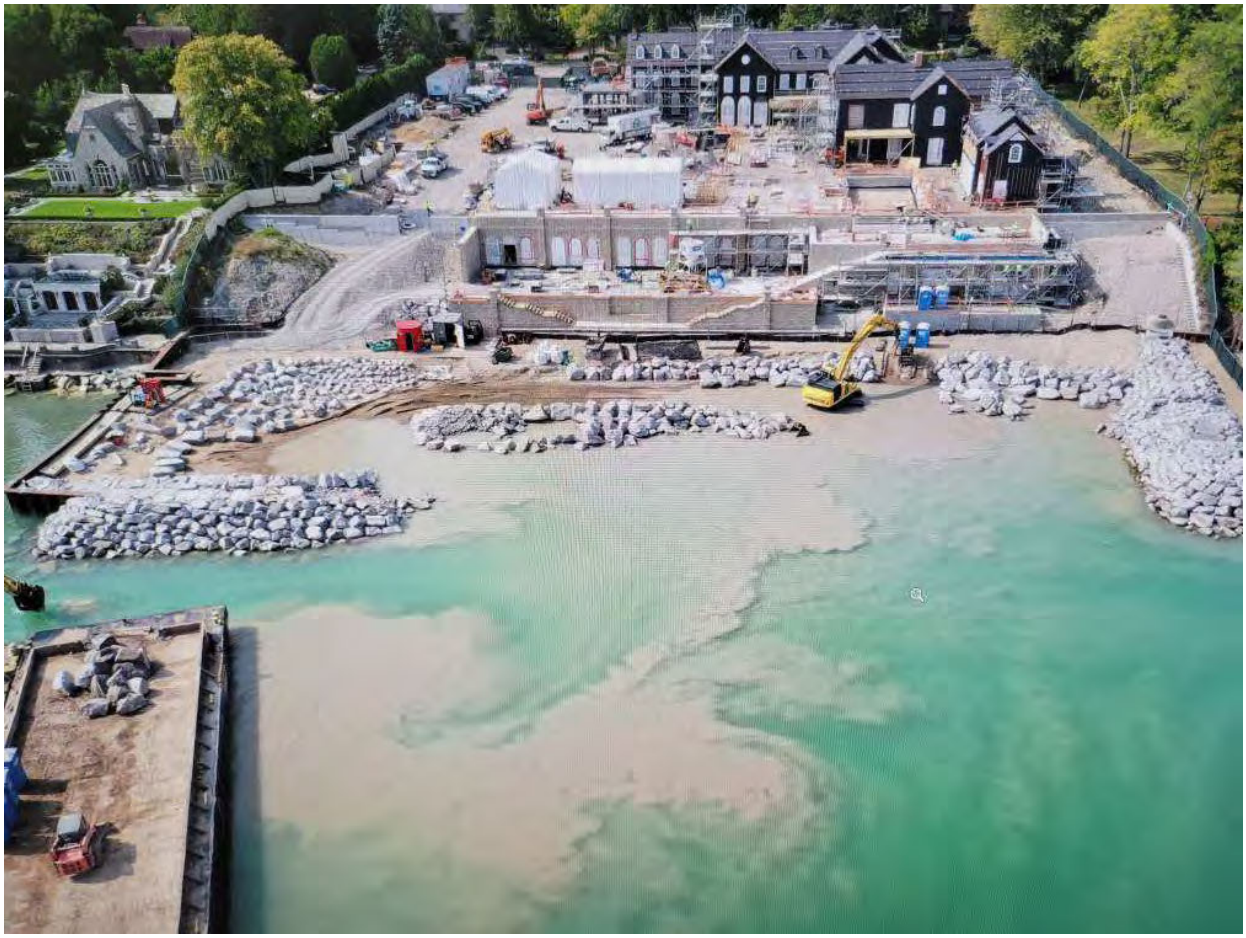
If I were a Village Trustee or served on one of the boards, I would encourage the WPD Board to take another look at their plans.

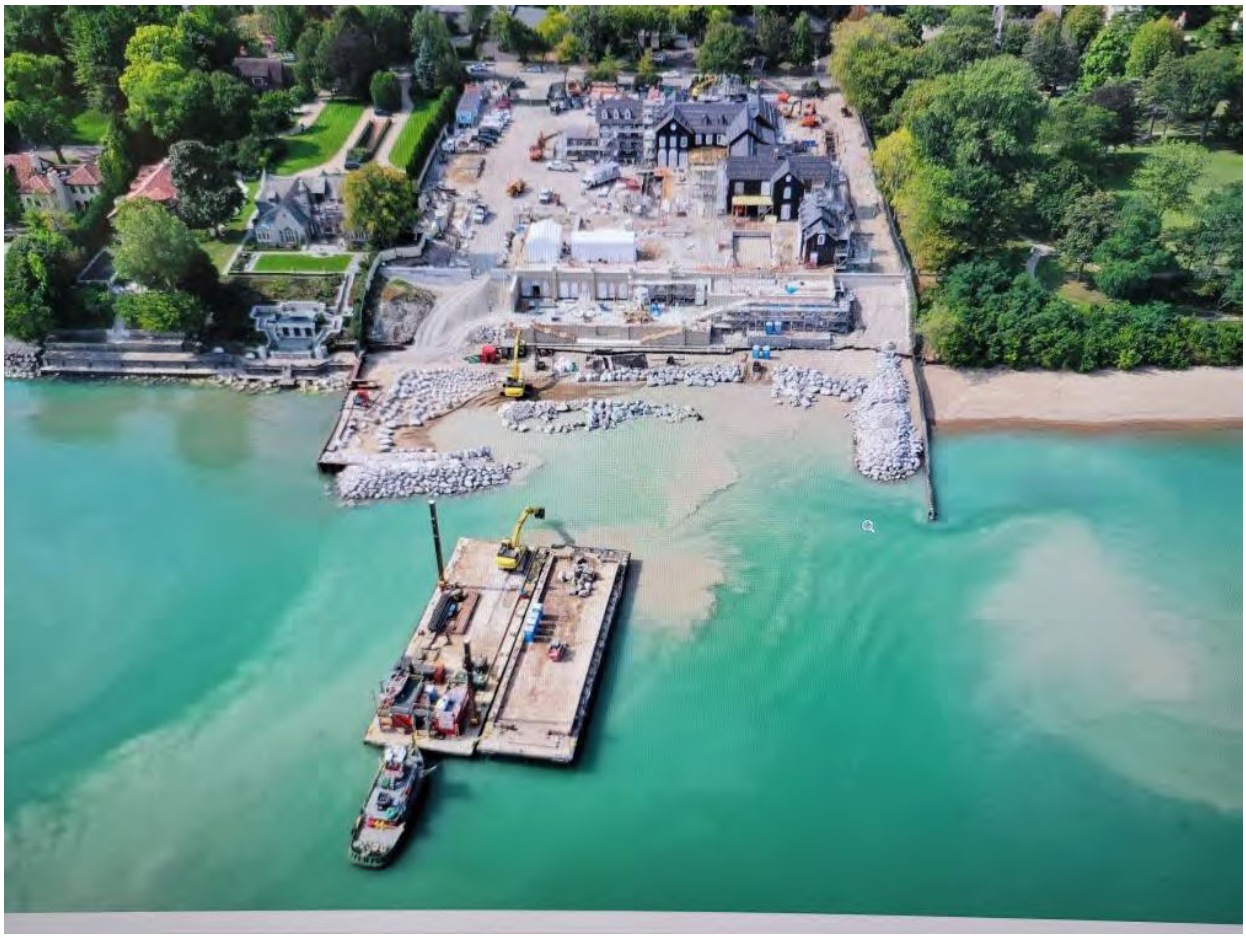
Joanna Karatzas
Winnetka Resident

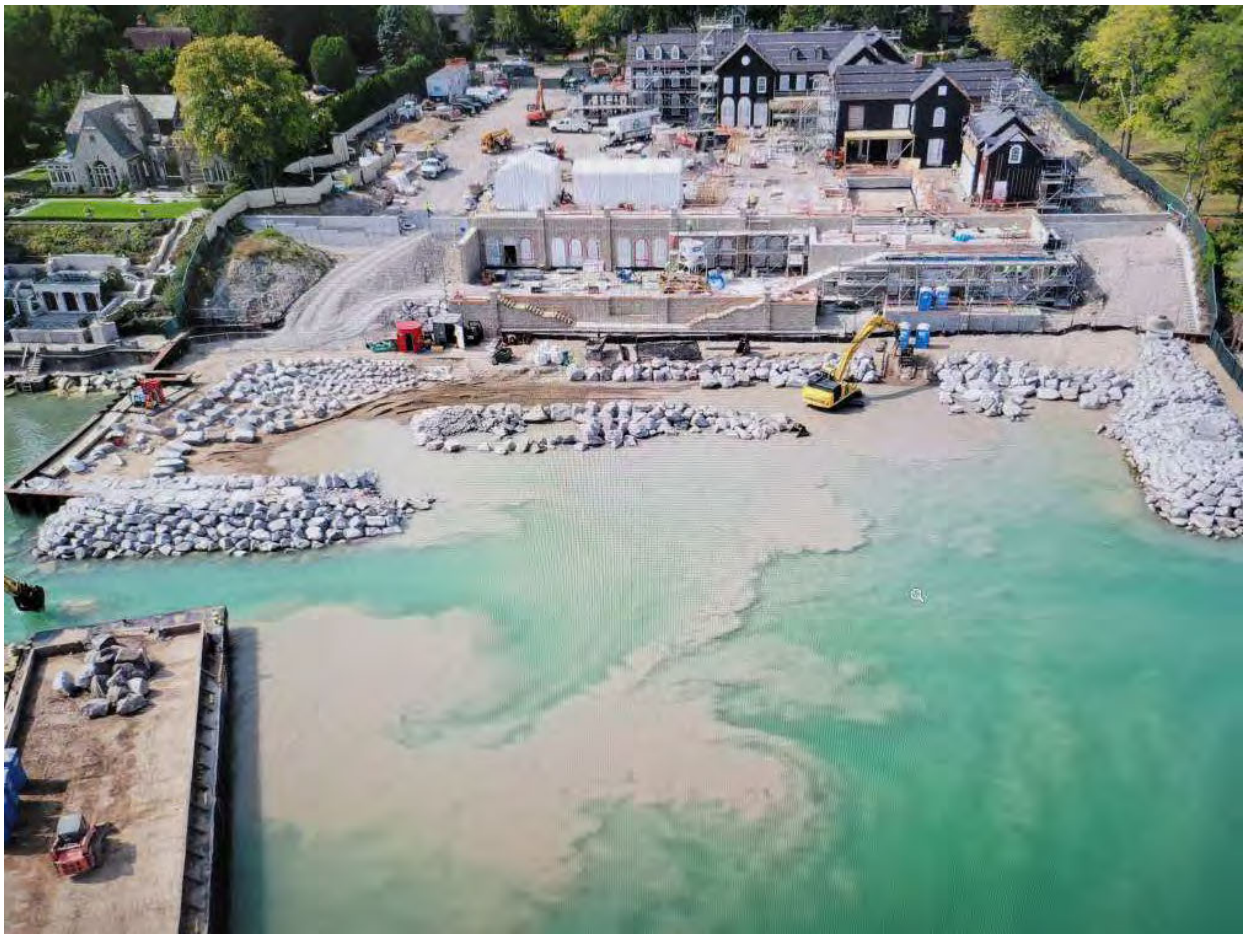
From: [redacted]
To: contactus; Ann Klaassen; Robert Bahan; Chris Rintz; Robert Apatoff; Kim Handler; Kirk Albinson; Bridget Orsic; Tina Dalman; Robert Dearborn; James Bernahl
Subject: Re: Upcoming EFC, ZBA, LPC and DRC meetings to review WPD SUP Application
Date: Tuesday, September 10, 2024 1:28:47 PM

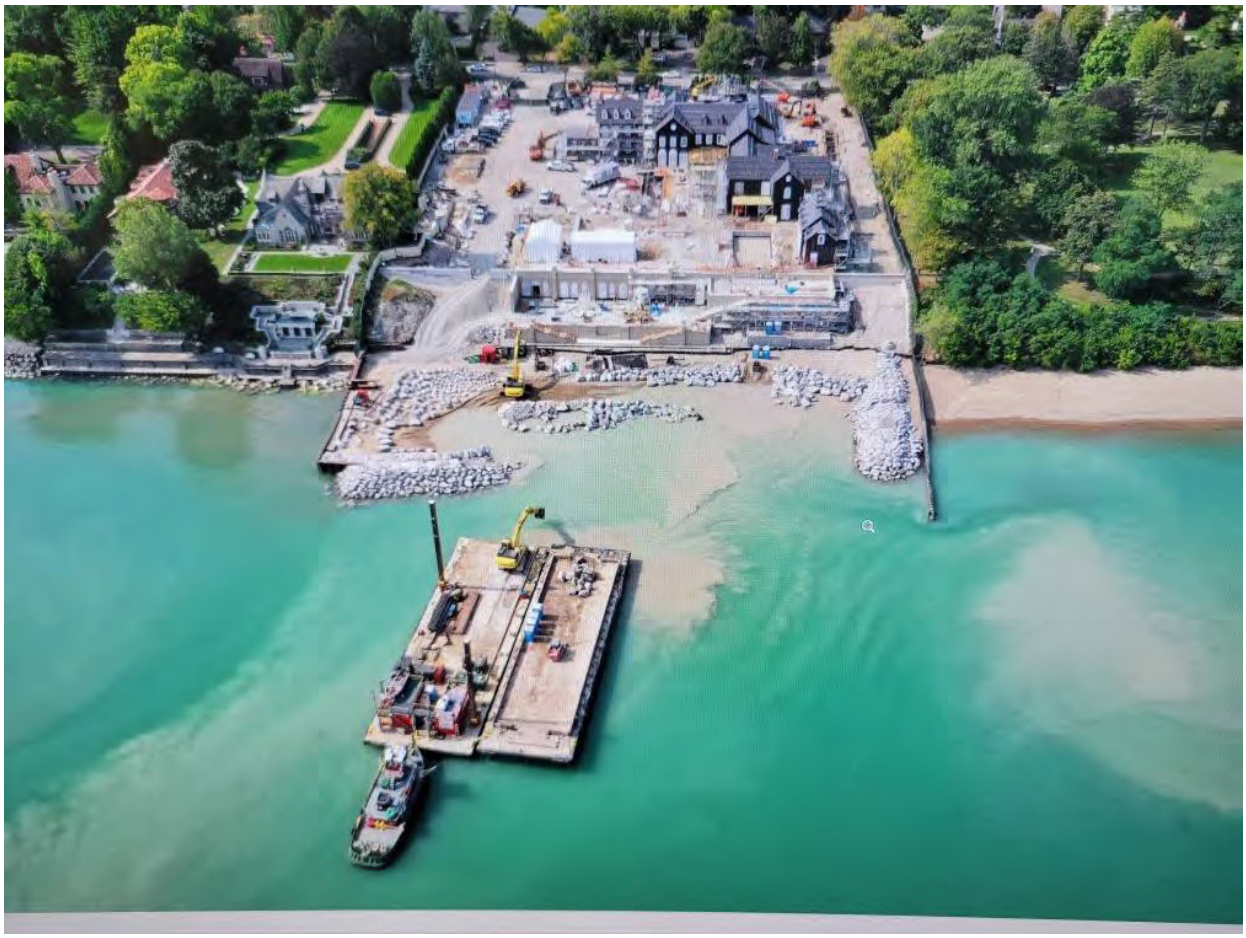
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

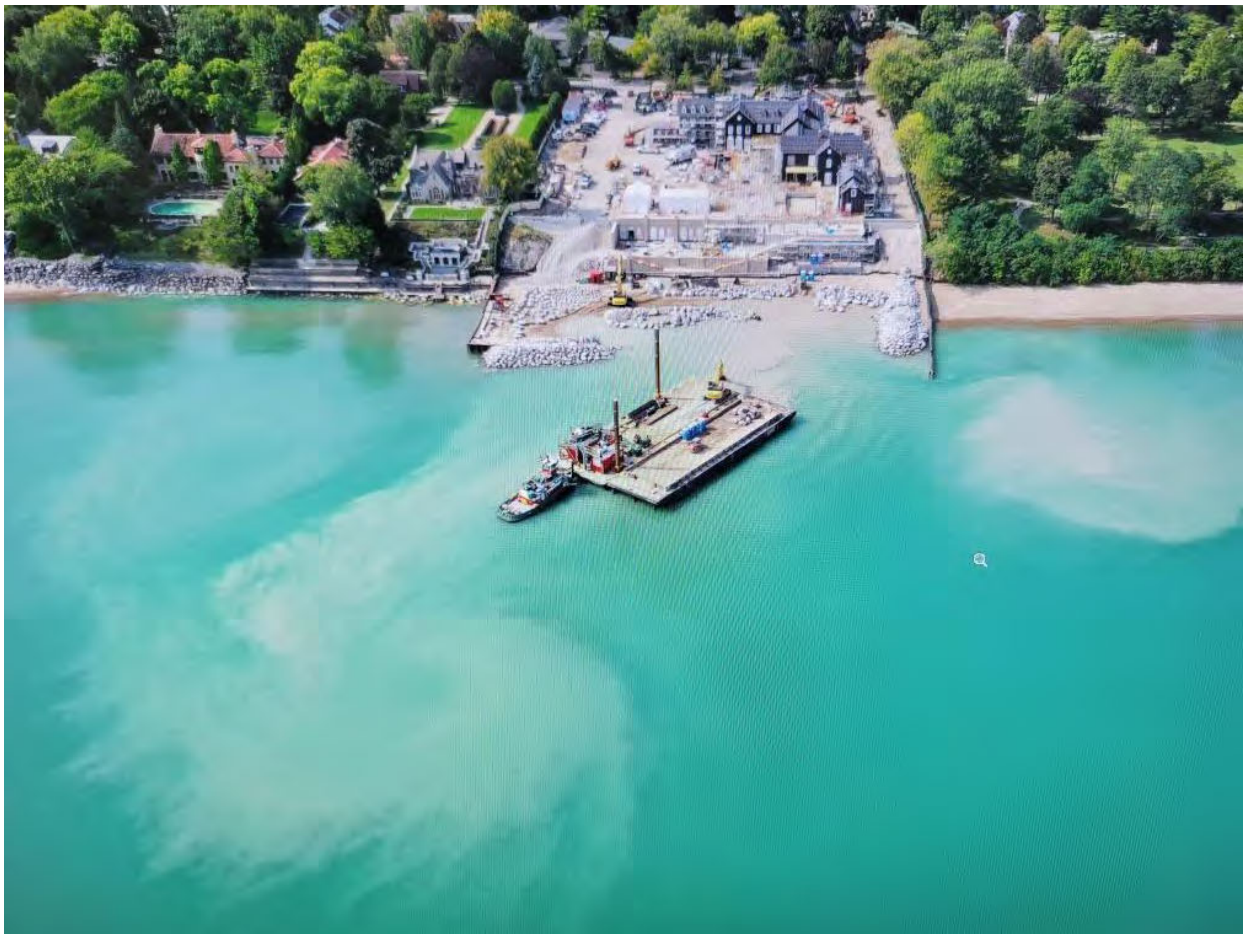
Please also include all of these photos of Winnetka's lakefront water conditions during the construction of one (1) breakwater when you distribute my email below to the Trustees, Village Staff and members of EFC, ZBA, DRB and LPC. Thank you.

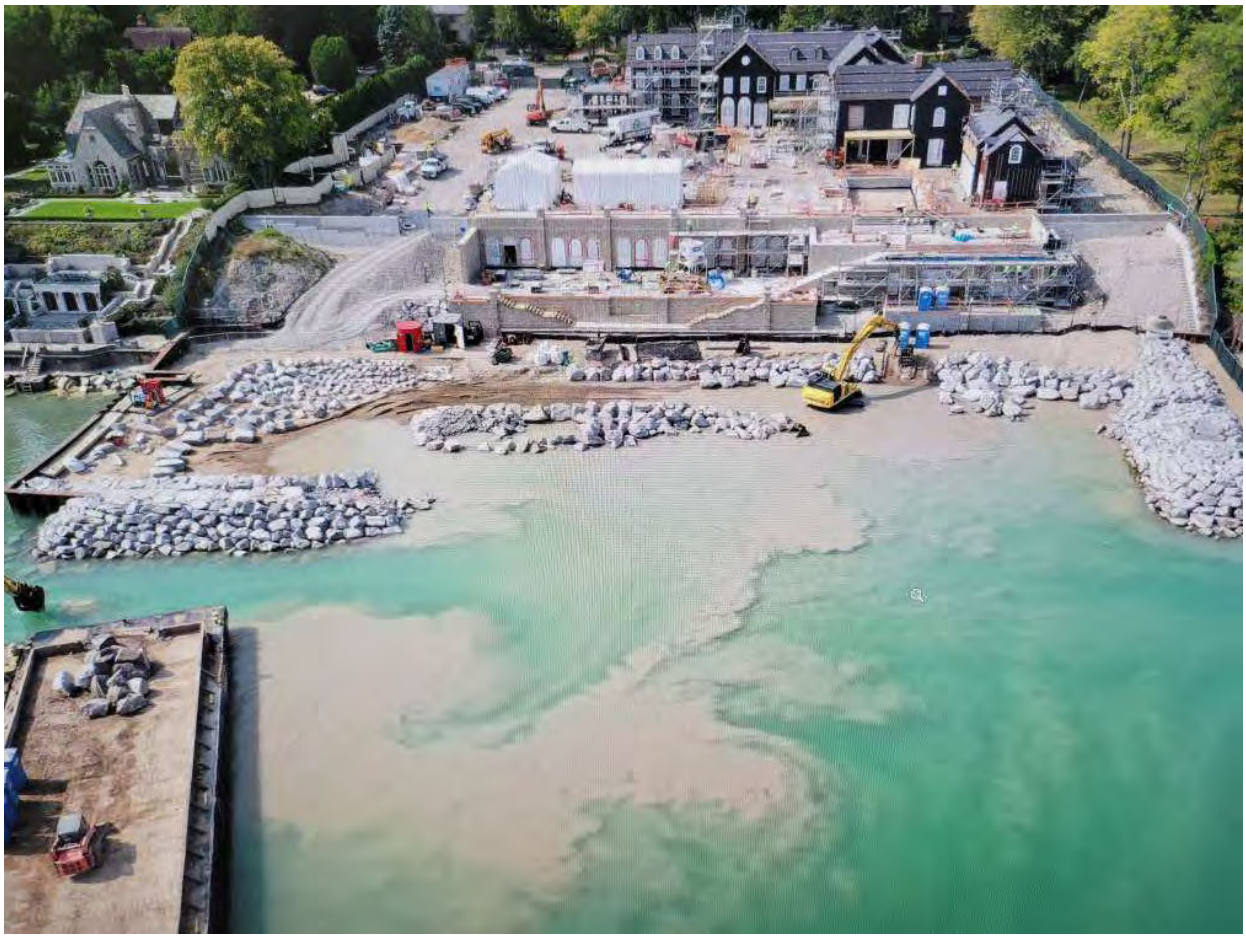


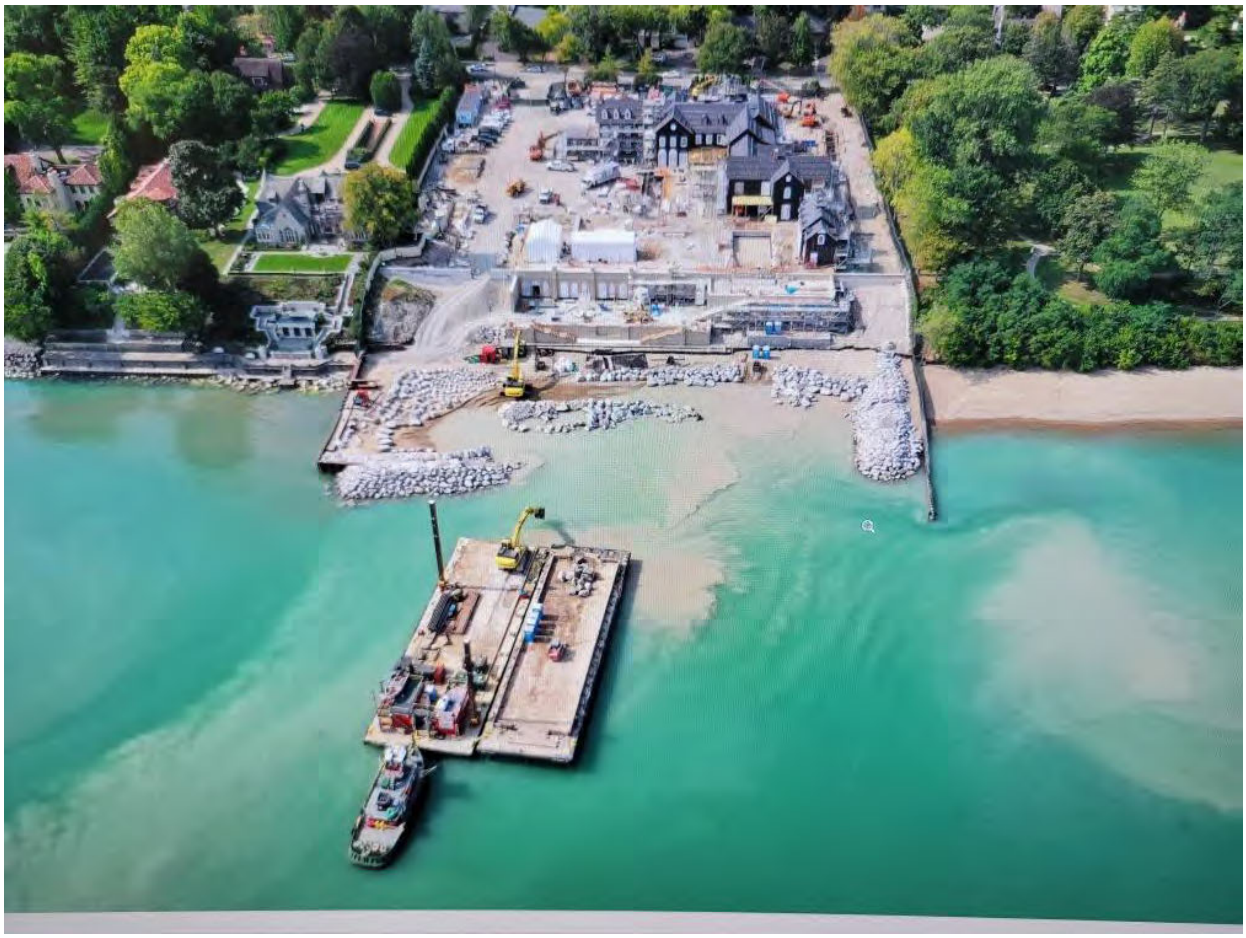


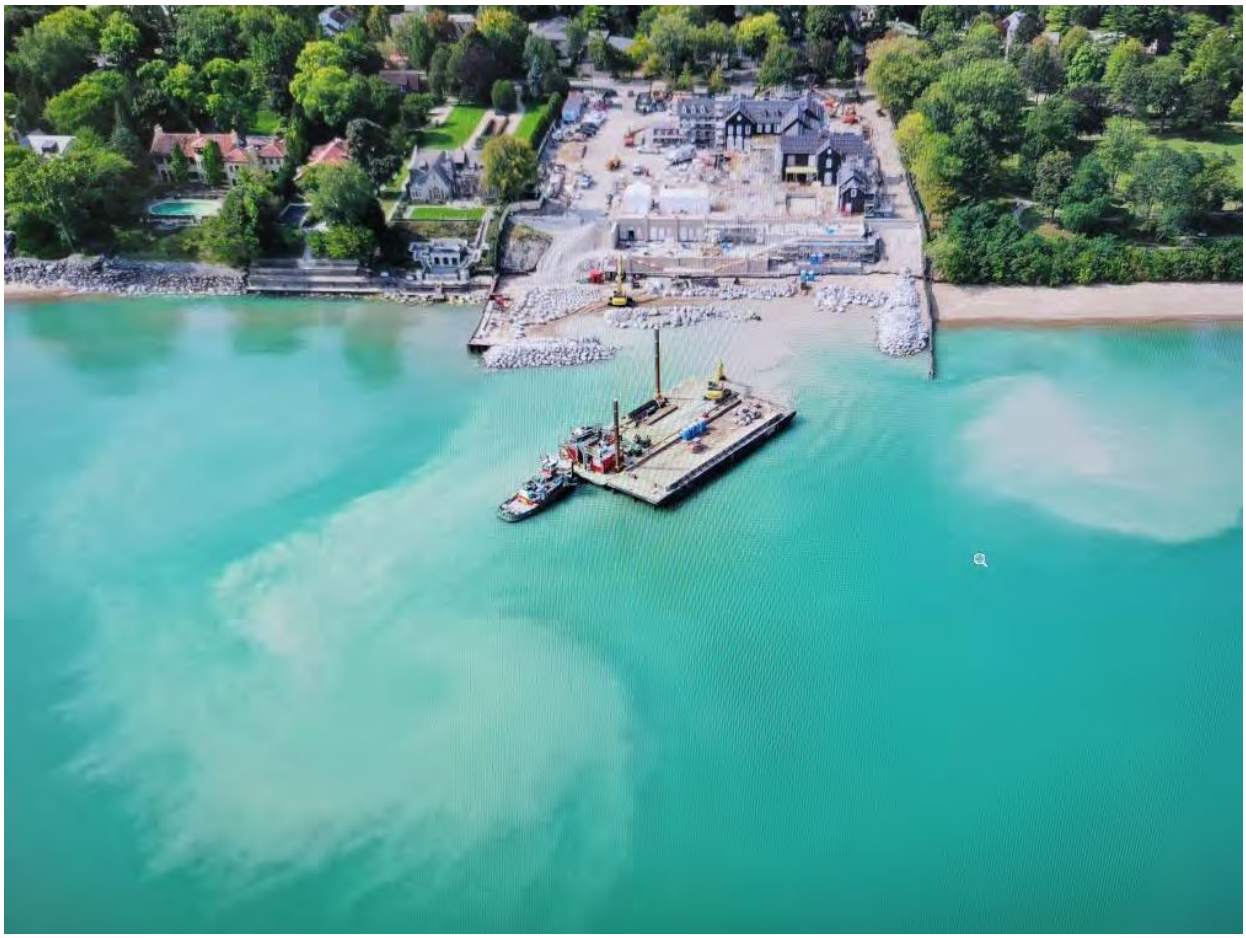


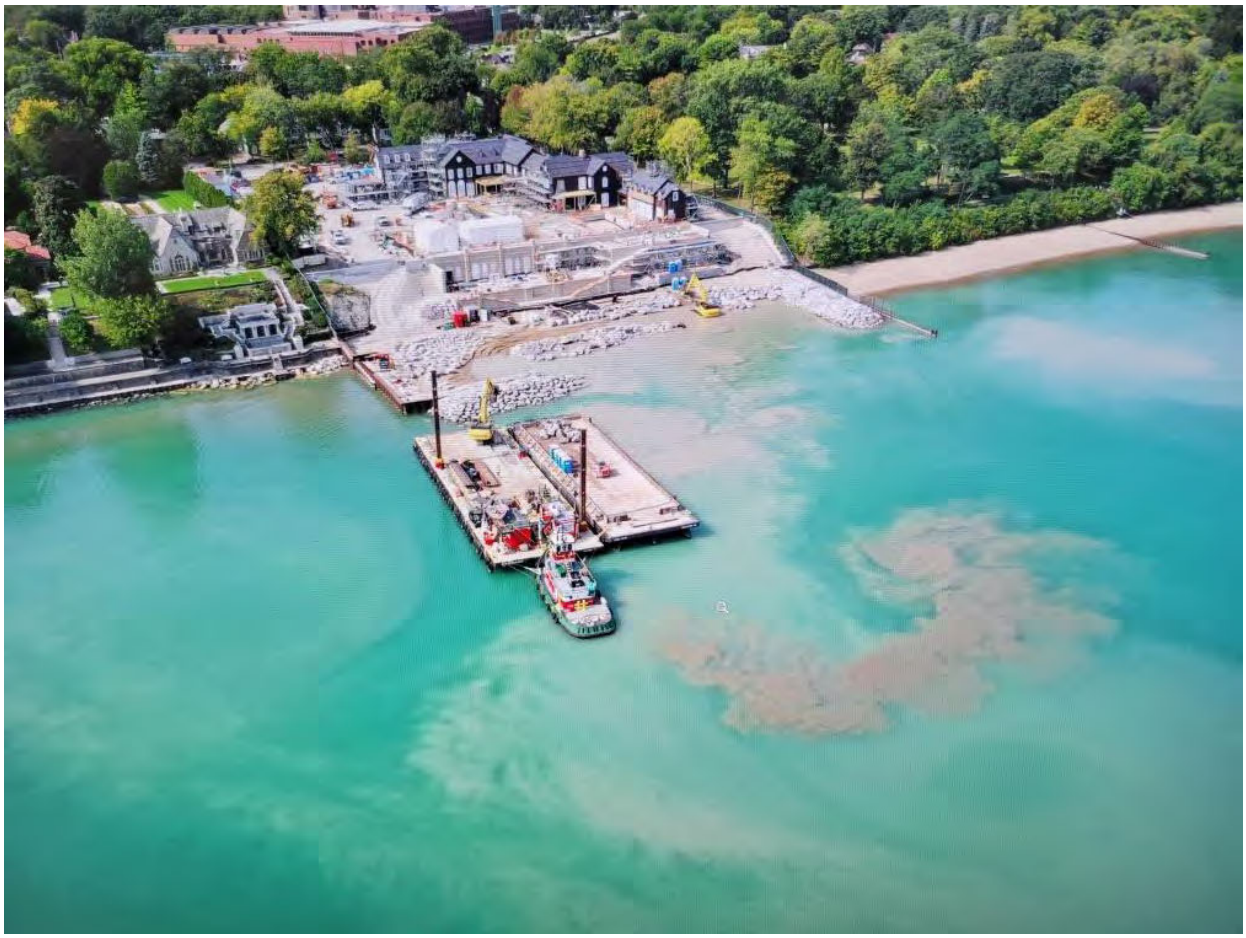


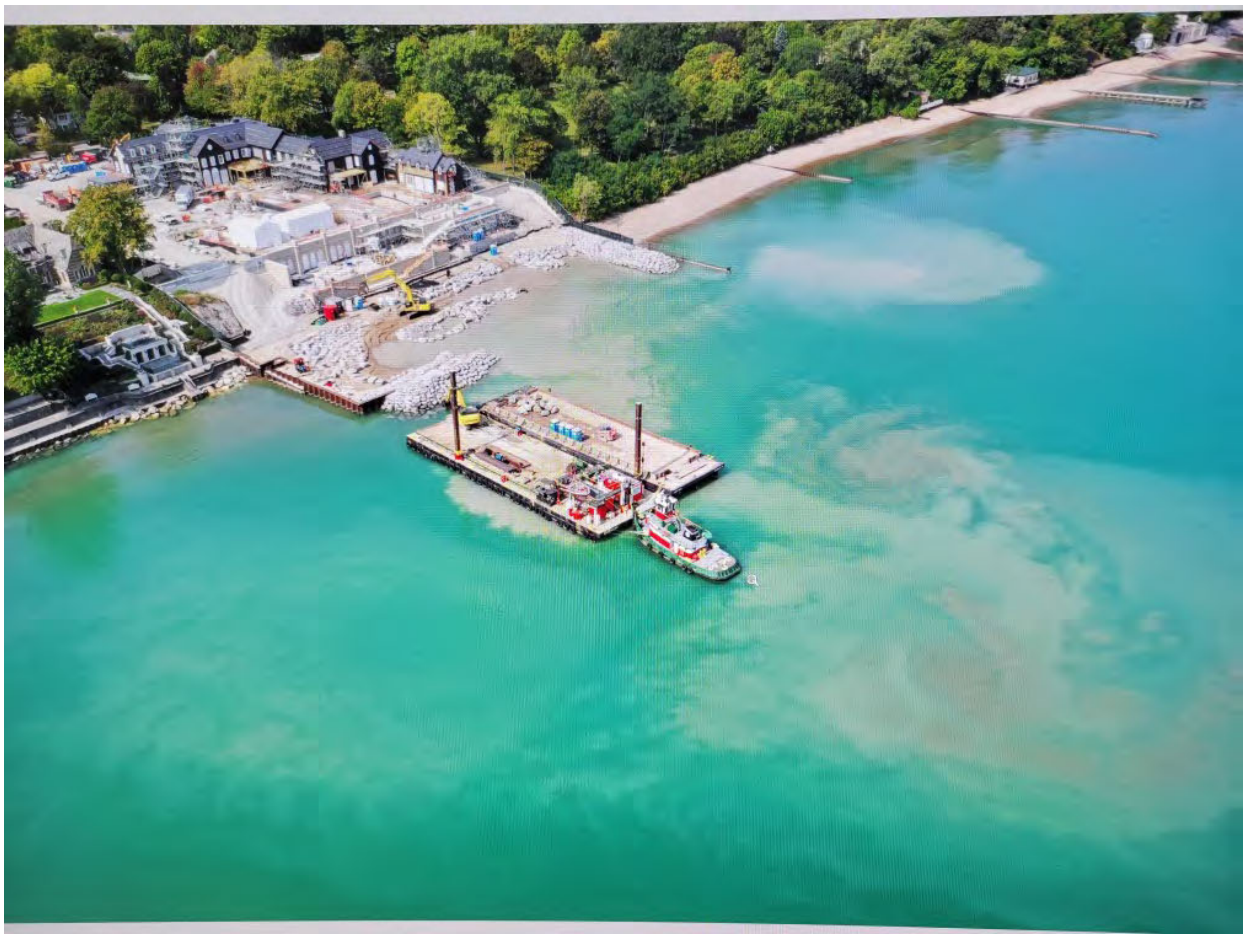














Sent from my iPad

On Sep 10, 2024, at 12:08 PM, Kris Schriesheim [redacted] > wrote:

Would you please share this with members of the Environmental-Forestry Commission, Zoning Board of Appeals, Design Review Board, and Landmarks Preservation Commission, as well as the Village Trustees prior to their upcoming meetings, and include it in the public record? Thank you.

To: Village Trustees and Commission Members and Village Staff
From: Kristine Schriesheim
Re: Winnetka Park District Special Use Permit Application
Date: September 10, 2024

The Winnetka Park District ("WPD")'s Centennial Park/Beach SUP filing threatens the sanctity of Centennial's uniquely picturesque landscaping and, more broadly, its overall environment across the tabletop, the bluffs, the beach, and out into the waters of Lake Michigan.

Centennial Beach is fully open, popular and robust. According to a proposed 2024 update to WPD's Policy Manual, Centennial has increased in size from 5.22 acres to 5.3 acres, which would be attributable to the beach as the tabletop's size is fixed. WPD's SUP application fails to acknowledge this.

I would respectfully remind you that Centennial's trees are a source of pride—as described in Winnetka Historical Society research, the park's beautiful oak trees on its southern end were secured by the Winnetka Garden Club following WPD's acquisition of the land in the Village's centennial year. WPD minutes describe numerous citizens' offers to help landscape Winnetka's fifth lakefront park; the result is a cohesive park setting with a gorgeous expanse of trees, elegant hillocks, curved paths and tasteful, low profile seating.

Prior to the Village pulling its support for WPD's Elder-Centennial permit filing in 2022 due to the presence of inappropriate steel walls in the design, the Village Forester noted that "there are several mature trees in good condition through the property, as such any plans for the property should strive to preserve as many of those trees as possible." (Village Files). These trees still exist at Centennial--in fact, WPD has applied to remove "only" four of Centennial's trees from 2022-2024 (two of them at the fence line with 205 Sheridan). Now, and as a result of WPD's over-engineered and poorly conceived designs, it proposes to demolish 28 of Centennial's trees, which coincidentally or not represents exactly half of the park's trees that were included on 205 Sheridan's 2023 tree inventory for its demolition permit application, which resulted in clear-cutting 3.7 acres of 300+ trees. WPD's tree removal plans (attached) do not bear a licensed arborist's signature.

Centennial Park's tabletop and bluffs provide important habitat for many plant and animal species. There are federal and state laws (Federal Migratory Birds Act Treaty, Antiquities Act, IEPA protections) in place to help protect them, which will have to be addressed. Sheridan Road construction projects require IDOT involvement, including with respect to trees on the site, which is not waivable by the Village Engineer. The

Village Code also requires 2.0+ acre projects to involve the North Cook County Soil and Water Conservation District to address the effects of vegetation removal, among other issues.

Please know that in mid-August 2024, WPD staff chopped down and cleared a section of Elder's bluffs, removing trees and vegetation without complying with the law. A concerned citizen notified the Village of the unlawful activity. WPD Executive Director Nazzal FOIA'd communications indicate that the clearing was done to go along with a female citizen's phone call to WPD requesting the same . . . in anticipation of three, one-hour exercise classes for children and their parents at Elder Park, hoping this would show participants "what they're missing." One wonders what controls WPD has in place to ensure legal compliance if an individual citizen--most likely a former commissioner still involved with WPD"s Elder Centennial efforts--can make a call and get a section of the bluffs clear-cut during a Steep Slope Ordinance Special Use Permit's pendency. Further, FOIA'd communications and a staff memo reveal that but for the citizen's reporting of this activity to the Village, Centennial's bluffs likely would have been cleared without permission as well, apparently for a one night only family movie event.

You may not be aware that WPD's initial 4/3/24 SUP filing to the Village was premised on avoiding the Steep Slope Ordinance, claiming it was an amendment to a pre-existing Centennial Park SUP in lieu of compliance. In fact, the supposed Centennial SUP did not exist--WPD was unable to submit any supporting documentation at all for it, which the Village confirmed.

Independent engineering studies have documented that even a single breakwater can cause damage down the shoreline, resulting in lawsuits as neighboring properties suffer damage due to changes in wave action, littoral drift, etc. State of Illinois signage at Illinois Beach State Park (attached) lays out the destructive domino effect that plans like WPD's would unleash on the lakefront and other properties along the shoreline. The work also causes lakebed fines, destroys fish nesting areas, habitat, and creates filthy water spreading out into the lake like an oil slick (photos attached).

WPD received NOAA and Illinois Coastal Management Zone grant money to help pay for its 2030 Lakefront Master Plan. NOAA/ICMZ signage at Tower (photo attached) warns people to "Fear the Pier," because piers increase rip tide and drowning risks. WPD's Elder-Centennial design schematic would dramatically increase these risks. The 2030 LMP grant also requires WPD to follow best scientific practices and engage with other communities.

Another of the plan's environmentally unacceptable, unhygienic aspects is that staff has said publicly WPD does not plan to build bathrooms at Centennial, which is not only unlawful, but appalling.

In light of the above, please take steps to prevent WPD's proposed tree demolitions; its planned use of chemically dyed concrete because high quality ipe wood has become unaffordable with almost $2 million in expenses just to get to this point; the plan's outdated shoreline techniques--multiple, extended-length, huge, wide, and tall view-blocking breakwaters with fencing out into Lake Michigan that (1) would permanently block the shoreline; (2) pose safety hazards for swimmers and boaters; (3) constitute a nuisance under various Village Code provisions; (4) needlessly drive steel sheet piling into the park's stable bluffs; and (5) fail to employ environmentally appropriate building techniques on the bluffs like WPD's contractors did at Tower (Foundation Mechanics and Stalworth testimonials are available online); and (5) failure to comply with grant conditions or to provide restroom and changing facilities.

ATTACHMENTS

Illinois Beach State Park signage describing cascading shoreline destruction from piers/breakwaters, followed by photo of "Fear the Pier" sign at Tower Road Beach.

IMG_7906.jpeg

IMG_7423.jpeg

Relevant documentation, followed by 9/10/2024 photos that capture oil slick-like water conditions with "only" one breakwater currently under construction.
<Centennial Tree Plans Bid and Construction Drawings.pdf>
<Centennial Plan Updated 8-22-24 Board Meeting.pdf>
<Re Elder Steep Slope Cutting_Redacted.pdf>
<Re Weeds upkeep at Elder & Centennial.pdf - krisschriesheim@gmail.com.pdf>
<Bank swallow nest destructionUSFWS.pdf>
<Concordia University Wisconsin's massive seawall frustrates downstream neighbors.pdf>
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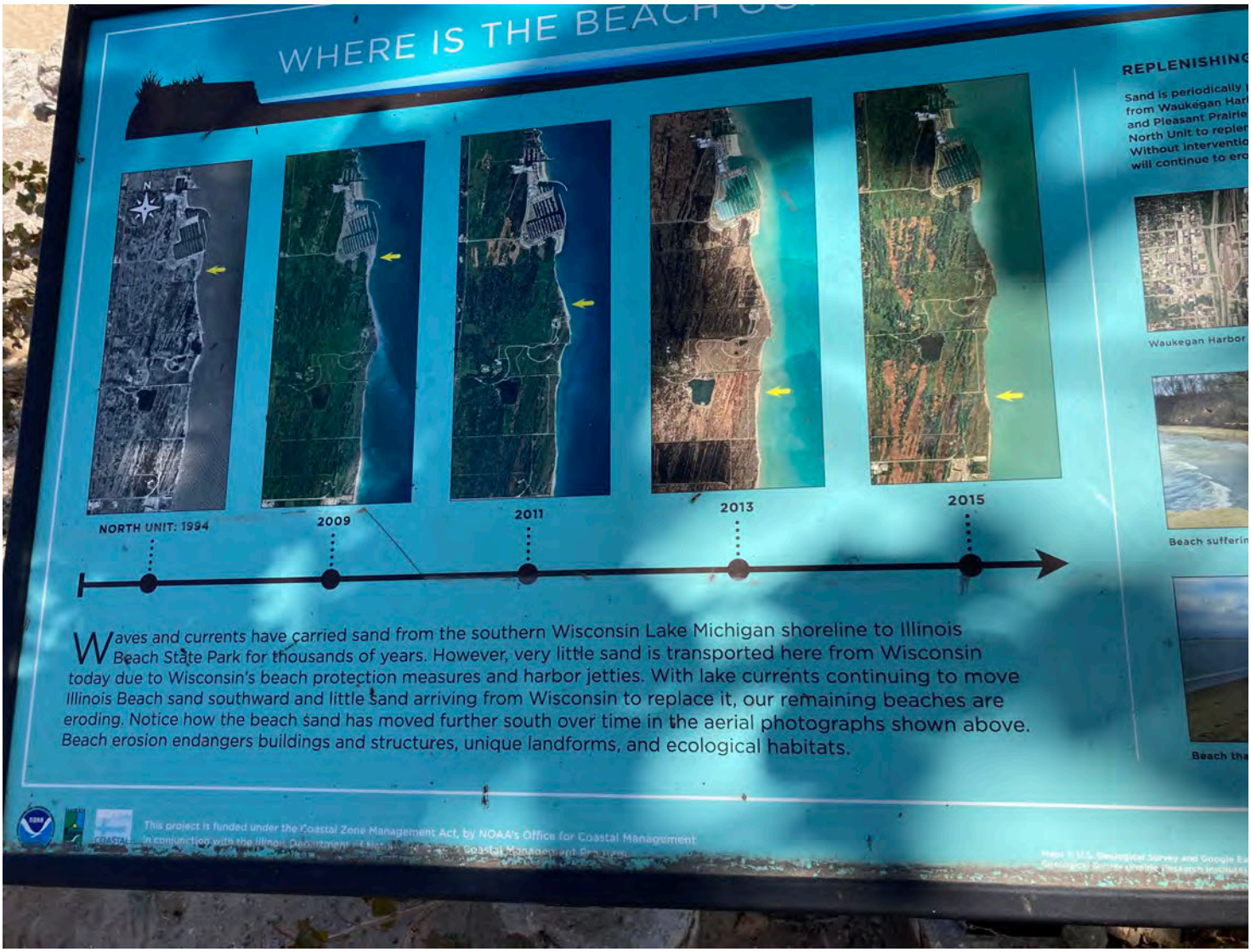
WHERE IS THE BEACH
REPLENISHING
Sand is periodically
from Waukegan Har
and Pleasant Prairie
North Unit to replen
Without interventio
will continue to ero
Waukegan Harbor
Beach sufferin
Beach tha
N
NORTH UNIT: 1994
2009
2011
2013
2015
Waves and currents have carried sand from the southern Wisconsin Lake Michigan shoreline to Illinois Beach State Park for thousands of years. However, very little sand is transported here from Wisconsin today due to Wisconsin's beach protection measures and harbor jetties. With lake currents continuing to move Illinois Beach sand southward and little sand arriving from Wisconsin to replace it, our remaining beaches are eroding. Notice how the beach sand has moved further south over time in the aerial photographs shown above. Beach erosion endangers buildings and structures, unique landforms, and ecological habitats.
This project is funded under the Coastal Zone Management Act, by NOAA's Office for Coastal Management


DANGER
Stay Alive – Avoid Piers
CURRENT
DANGER ZONE
Danger Zone – No Swimming
• Swim in designated area, away from this structure.
• If trapped, call for help.
• Call for someone to throw life ring or anything that floats.
• Get to ladder, if possible.
www.dangerouscurrents.org
DEQ
OGL
Sea Grant
Dangerous Current awareness is part of a state and regional effort led by Michigan Sea Grant in collaboration with the NOAA-National Weather Service, the Michigan Department of Environmental Quality (MDEQ), the Illinois Department of Natural Resources and others. This sign was funded, in part, under the Coastal Zone Management Act, by NOAA's Office of Ocean and Coastal Resource Management in conjunction with the Illinois Coastal Management Program, Illinois Department of Natural Resources.



LEGEND

- Existing Trees to Remain
- Existing Tree to be Removed
- Tree Protection Fencing, typ.

TREE REMOVAL LIST

Tree Removals - Centennial Beach

#	Caliper	Common Name	Species	Condition	Notes
1024	7	Tuliptree	Liriodendron tulipifera	2	
1121	11.75	Black Locust	Robinia pseudoacacia	3	
1122	13.75	Black Locust	Robinia pseudoacacia	3	
1123	12	Black Locust	Robinia pseudoacacia	4	
1126	13.75	Black Locust	Robinia pseudoacacia	3	forked at 3' w ith co-leaders
1127	15.75	Black Locust	Robinia pseudoacacia	4	
1129	12.5	Black Locust	Robinia pseudoacacia	3	forked at 3' w ith co-leaders
1130	18	Black Locust	Robinia pseudoacacia	3	
1133	18.25	Austrian Pine	Pinus nigra	3	
1134	11.75	Black Locust	Robinia pseudoacacia	3	
1135	10.25	Austrian Pine	Pinus nigra	3	
1149	19	Austrian Pine	Pinus nigra	4	
1154	13	Norw ay Maple	Acer platanoides	2	
1155	35	Black Willow	Salix nigra	5	fallen over uprooted, cut off at w all
1156	11.75	Norw ay Maple	Acer platanoides	3	
1157	7.25	Norw ay Maple	Acer platanoides	2	
1158	11	Siberian Elm	Ulmus pumila	6	snapped off at 8'
1159	8	Norw ay Maple	Acer platanoides	3	
1165	17	Mulberry	Morus spp.	4	
1168	8.5	Boxelder Maple	Acer negundo	3	
1169	9	Green Ash	Fraxinus pennsylvanica	6	dead
1171	24	Boxelder Maple	Acer negundo	5	on w ooden w all
1180	6	Mulberry	Morus spp.	3	
1181	7.25	Mulberry	Morus spp.	3	
1182	6.75	Norw ay Maple	Acer platanoides	2	
1183	6	Norw ay Maple	Acer platanoides	2	
1184	7	Norw ay Maple	Acer platanoides	2	forked at base w ith a 5" co-leader
1185	7.25	Tree-of-heaven	Ailanthus altissima	3	

Notes: The condition of the trees shall be based on a six (6) point scale and one (1) being the best and six (6) being the w orst.
1 - Excellent, 2-Good to Fair, 3-Fair (average), 4-Fair to Poor, 5-Poor, 6-Dead

	Total Quantity of Trees	Total Caliper Inches
Trees to be Removed	28	269.5
Dead Trees to be Removed	4	79

Dead trees are not factored into the total number of replacement trees.

	Total Quantity of Trees	Total Caliper Inches
Required Replacement Trees (3" caliper)	30	90
New Trees Provided (To be Confirmed)	9	36

TREE REMOVAL NOTES

1. Any existing tree surveys or locations for these plans were prepared by the engineer or a certified arborist. Full tree inventory survey will be provided upon request.
2. Contractor is to familiarize themselves with the restoration plan areas. All tree removals including understory tree removals within restoration areas shall be tagged or identified and confirmed by the contractor with the owner and owner's representative.
3. For tree removals in restoration areas, cut off flush with finished grade and leave roots in place so as not to disturb slope.
4. For tree removals outside of restoration areas, grind out stumps to a minimum of 18" depth and remove all roots prior to installation of proposed materials. Bring to finish grade with soil fill per specifications.
5. Keep all areas clean, neat, and orderly at all times. Legally dispose of all materials removed from the site per local codes and regulations.
6. Contractor shall limit all work and disturbance to within designated project areas. It shall be the responsibility of the contractor to restore to the original condition any damage or disturbance outside these limits.
7. Streets, sidewalks, and adjacent property shall be protected throughout the work as required by local codes and regulations and as approved by the Village.
8. Protect structures, utilities, sidewalks, pavements, fencing, furnishings, trees, and landscaping from damage caused by settlement, lateral movement, undermining, washouts, and other hazards created by site improvements. If any damage occurs, contractor shall repair to original condition at no additional cost.

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thelakotagroup.com

Issued for	Rev.	Date
70% Subm tta		04/08/24
100% Subm tta		06/28/24
B dd ng and Construct on		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 15' 30'
(In Feet)

Scale 1 nch = 30 Ft.

Drawing Title

TREE PRESERVATION PLAN

Sheet No.

C143



LEGEND

- Concrete Walks, typ.
- Salvaged and Reinstalled Unit Pavers, typ. See Detail 1, Sheet C152
- Boardwalk, typ. See Details, Sheet C154
- Bluff Restoration, typ. See Sheets C178-180
- Turf Restoration, typ. See Sheets C178-180
- Proposed Shade Tree See Detail 1, Sheet C146
- Proposed Ornamental Tree See Details 2 & 4, Sheet C146
- Existing Trees to Remain
- Existing Bench to be Relocated
- Backed Bench Top
- Bollard, typ.

TREE PLANTING SCHEDULE

SYMBOL	QTY	BOTANIC NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS TREES					
CO	2	Celtis occidentalis	Common Hackberry	3" caliper, B&B	As shown
LT	2	Liriodendron tulipifera	Tulip Tree	3" caliper, B&B	As shown
QM	2	Quercus macrocarpa	Bur Oak	3" caliper, B&B	As shown
ORNAMENTAL TREES					
BN	3	Betula nigra 'Heritage'	Heritage River Birch	1.5" - 2", B&B	As shown
CAR	3	Carpinus caroliniana JN Upright	Firespire American Hornbeam	1.5" - 2", B&B	As shown

NOTES

General Conditions

1. Contractor shall familiarize themselves with all landscape specifications prior to commencement of work. Any questions or concerns shall be directed to the Owner's Representative in writing prior to landscape work commencement.
2. The landscape contractor shall keep all areas clean and orderly at all times.
3. The landscape contractor shall keep all roadways and walkways clear of mud and debris that result from landscape operations.

Planting Standards

1. All plant material shall be top-quality grade, free of defects, and meet accepted horticultural standards established by the american nurserymen's association (aan) and as deemed appropriate by landscape architect. Landscape architect shall have the right to reject any, and all, plant material delivered to the site that does not meet acceptable standards.
2. Sizes shown on plant schedule are minimum acceptable sizes.
3. All plants to be balled-in-burlap or container-grown as specified in plant schedule. All plastic root wrapping material and metal wire baskets shall be removed.
4. All new and transplanted plants to be sprayed with an antidessecant within twenty-four (24) hours after planting. Antitranspirant shall be "wiltpruf" or an approved equal.
5. Landscape architect shall field verify and approve all final staked tree locations prior to installation.
6. The landscape contractor shall repair to its original condition any plant material which becomes damaged as a result of landscape operations.
7. Landscape architect shall approve all trees for quality, condition and specified sizes. Trees shall be approved at nursery location, during tagging or before removal and transport to job site. See specifications for additional information regarding planting standards.

Fertilizer & Mulching

1. Prior to mulching tree planting areas, apply time-release fertilizer by broadcasting over entire planting areas. Rate is to manufacturer's recommendations. Fertilizer is to have no less than 10% available phosphoric acid, and 3-8% total nitrogen soluble potash.
2. All plantings shall receive a slow-release fertilizer with a ratio of 10/10/10.
3. All trees shall receive a minimum of 3" thick shredded hardwood mulch top-dressing.
4. See specifications for additional information regarding fertilizer and mulching.

Maintenance & Warranties

1. All plants shall be thoroughly watered in at time of planting and watered and maintained throughout construction until final acceptance by owner. Contractor shall water all plants immediately after planting. Flood plants twice during the first twenty-four (24) hours after planting.
2. Landscape contractor shall warranty all trees under this contract will be healthy and in flourishing condition of active growth one year from date of final acceptance.
3. See specifications for additional information regarding maintenance and warranties.

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Winnetka, IL

Graphic Scale

0' 15' 30'
(In Feet)

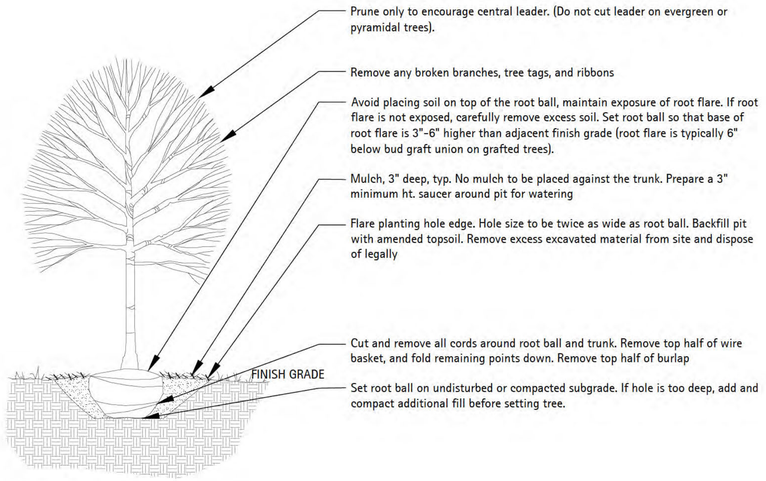
Scale 1 nch = 30 Ft.

Drawing Title

LANDSCAPE PLAN

Sheet No.

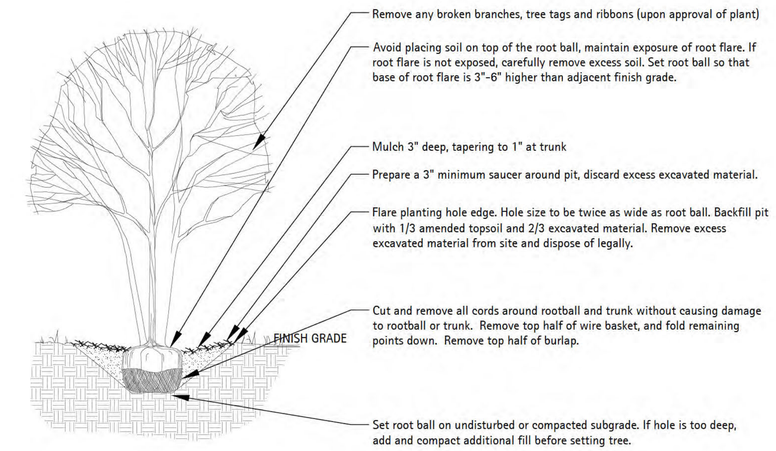
C145



1 Shade Tree Planting

Scale: 1/2" = 1'-0"

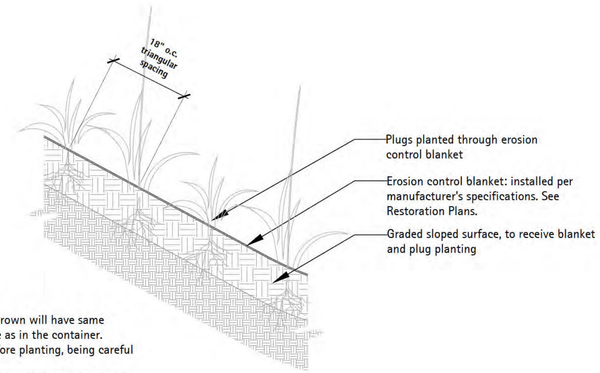
d-shade-tree-planting_0.0417



2 Section - Ornamental Tree Planting

Scale: 1/2" = 1'-0"

d-plant-tree-orn_0.0417

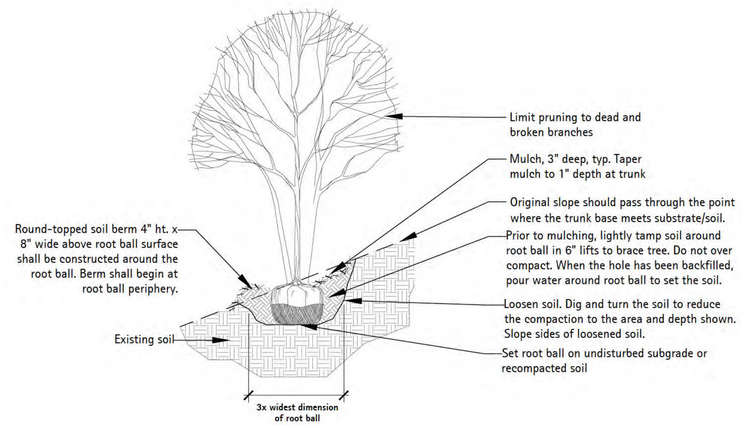


NOTE:
1. Set individual plugs so that crown will have same relationship to finished grade as in the container.
2. Remove plastic container before planting, being careful to keep root system intact.
3. Take precautions to protect slopes from erosion during construction activities.

3 Section - Plug Planting Detail at Bluff

Scale: 1/2" = 1'-0"

d-plant-bluff plug



4 Section - Ornamental Tree on Slope 5% (20:1) to 50% (2:1) Unmodified Soil

Scale: 1/2" = 1'-0"

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Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

Scale

Drawing Title

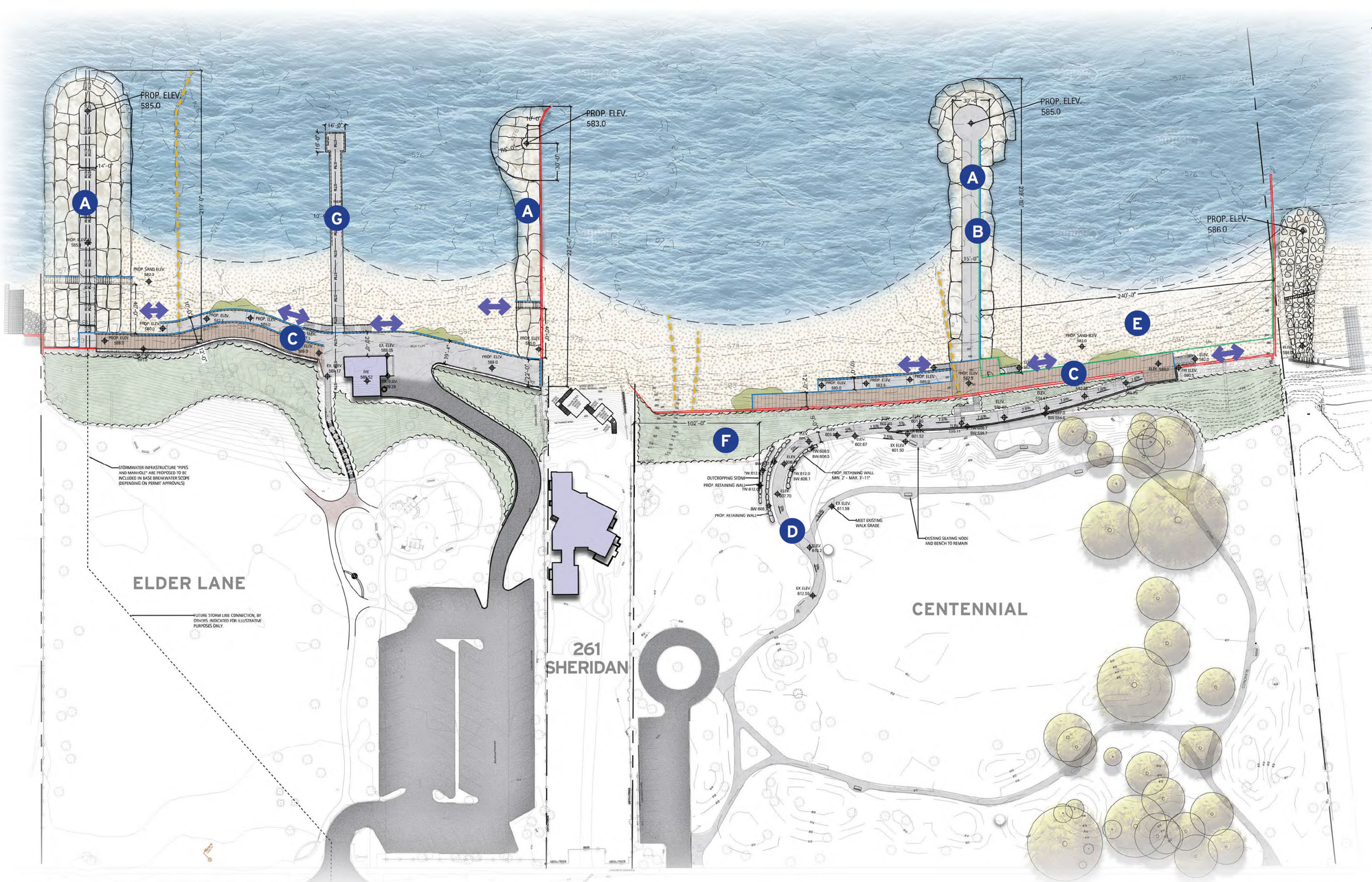
PLANTING DETAILS

Sheet No.

C146

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

- **A** RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
- **B** ACCESSIBLE VIEWING PIER WITH BENCH SEATING
- **C** ADA ACCESSIBLE BOARDWALK & CONCRETE RAMP BEACH ACCESS
- **D** ACCESSIBLE PEDESTRIAN PATH TO BEACH
- **E** PROPOSED CENTENNIAL DOG BEACH
- **F** BLUFF RESTORATION ZONE
- **G** REPAIRED EXISTING CONCRETE PIER

Elder + Centennial | Final Schematic Design

SCALE: 1"=40'
0 20' 40' 80'
NORTH

10/19/2023

THE LAKOTA GROUP.

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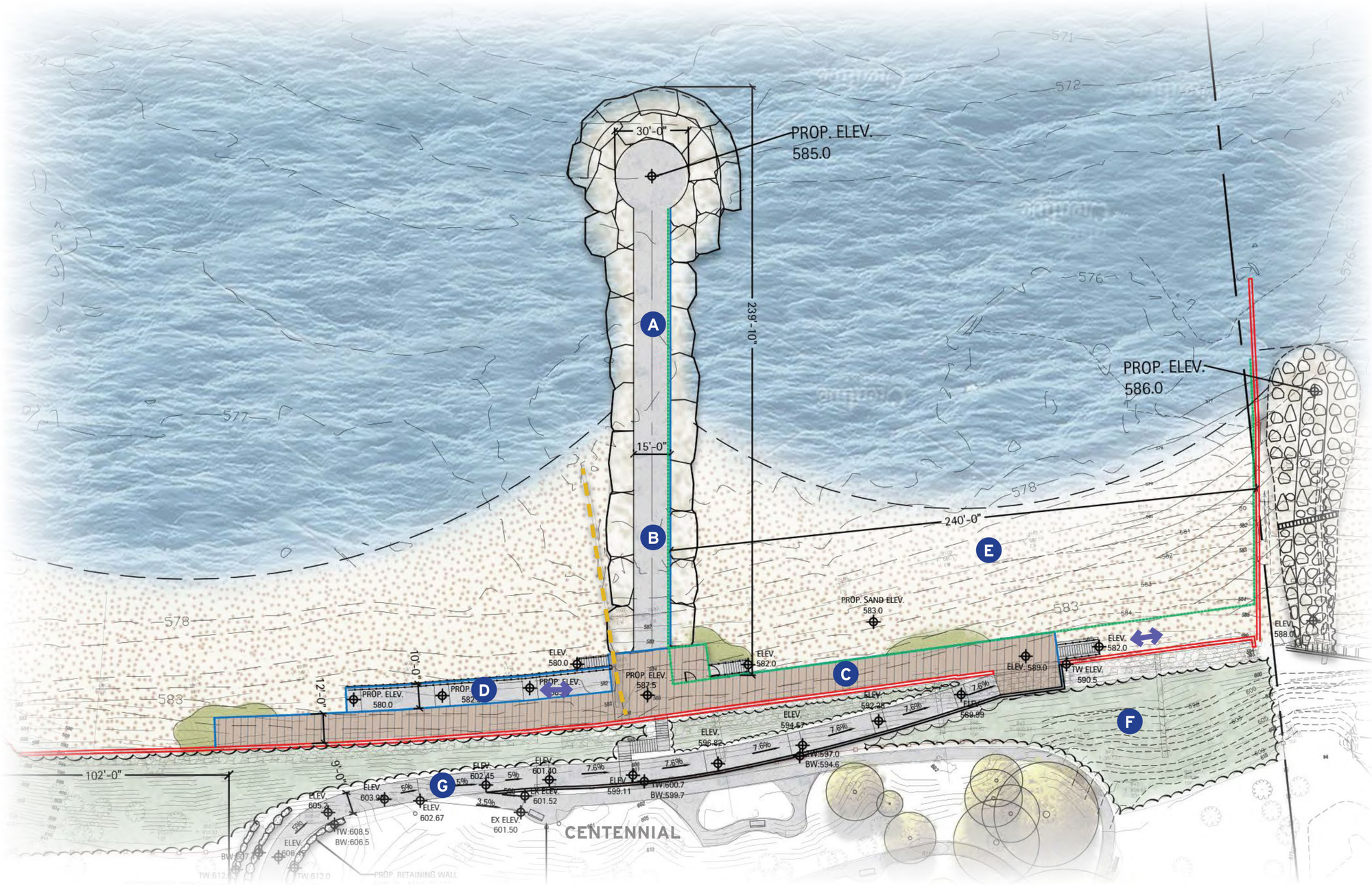
Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

- **A** RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
- **B** ACCESSIBLE VIEWING PIER WITH BENCH SEATING
- **C** ADA ACCESSIBLE BOARDWALK
- **D** ADA ACCESSIBLE CONCRETE RAMP BEACH ACCESS
- **E** PROPOSED CENTENNIAL DOG BEACH
- **F** BLUFF RESTORATION ZONE
- **G** ACCESIBLE PEDESTRIAN PATH & RAMP TO BEACH

Centennial Enlargement | Final Schematic Design

SCALE: 1"=20'
0 10' 20' 40'
NORTH

10/19/2023

THE LAKOTA GROUP.

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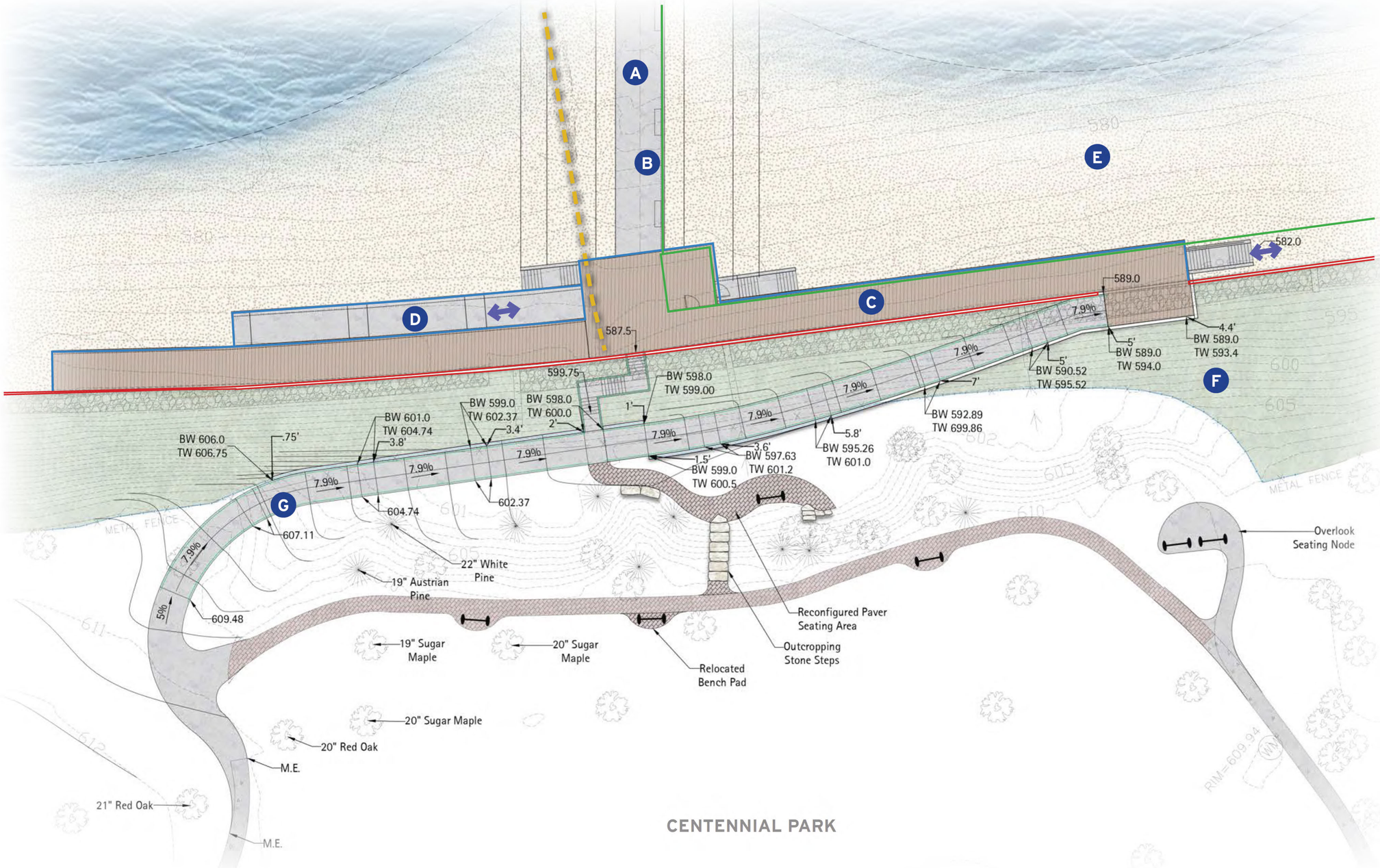

LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

- **A** RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
- **B** ACCESSIBLE VIEWING PIER WITH BENCH SEATING
- **C** ADA ACCESSIBLE BOARDWALK
- **D** ADA ACCESSIBLE CONCRETE RAMP BEACH ACCESS
- **E** PROPOSED CENTENNIAL DOG BEACH
- **F** BLUFF RESTORATION ZONE
- **G** ACCESSIBLE PEDESTRIAN PATH & RAMP TO BEACH

ELDER & CENTENNIAL BEACH & BLUFF IMPROVEMENTS

CENTENNIAL ACCESS RAMP

WINNETKA, ILLINOIS

SCALE: 1"=10'
0 5' 10' 20' NORTH

MARCH 18, 2024

PREPARED FOR:
VILLAGE OF WINNETKA

THE LAKOTA GROUP.

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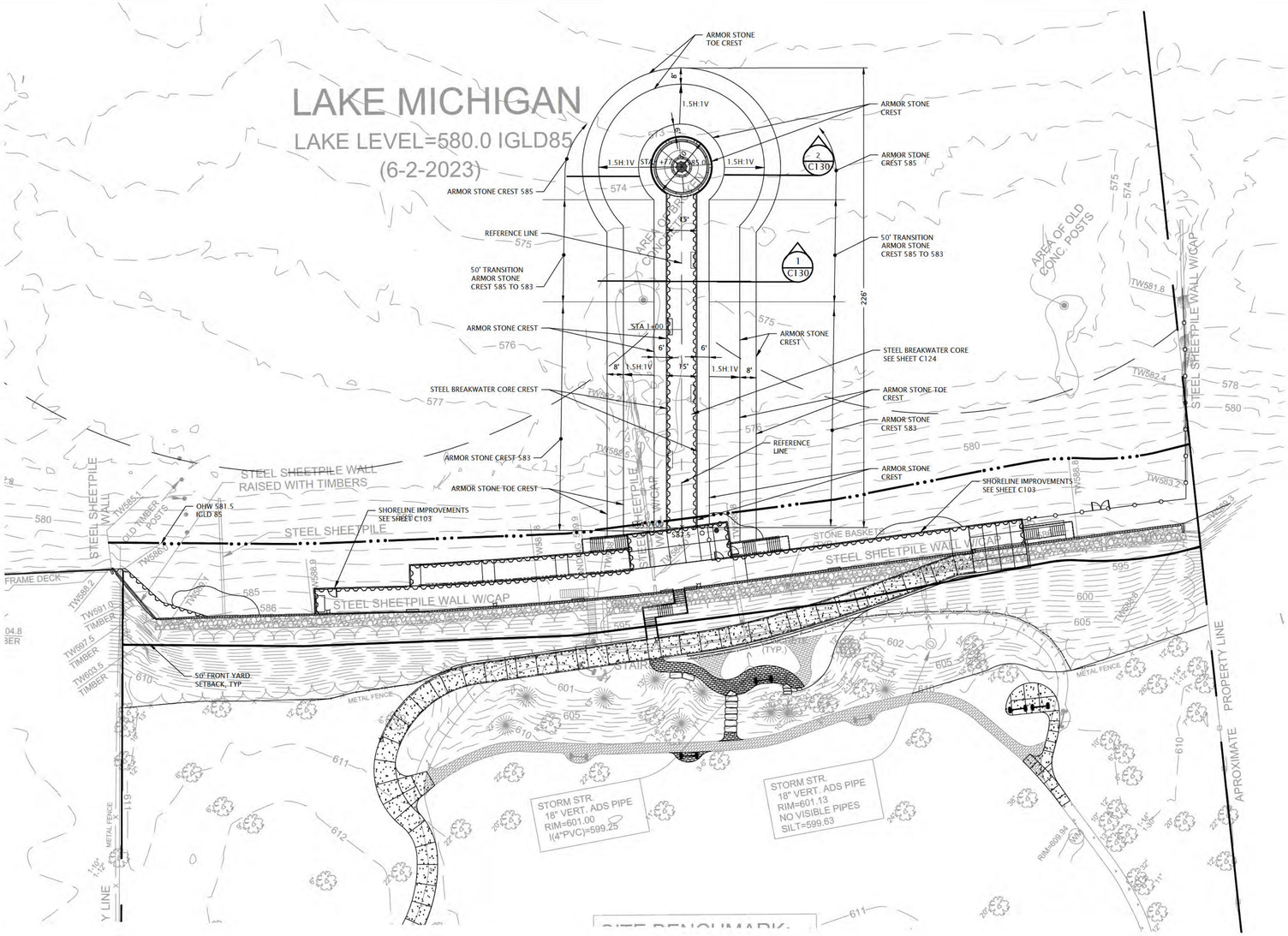

LEGEND (PROPOSED)

- BOARD WALK
- CONCRETE ADA RAMP
- BREAKWATER
- STORM SEWER
- X585 - SPOT ELEVATION
- REFERENCE LINE
- OHW 581.5 IGLD 85
- 50' FRONT YARD SETBACK

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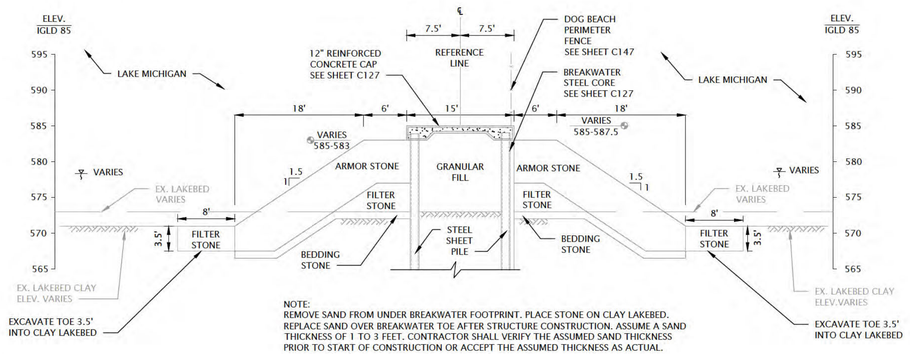
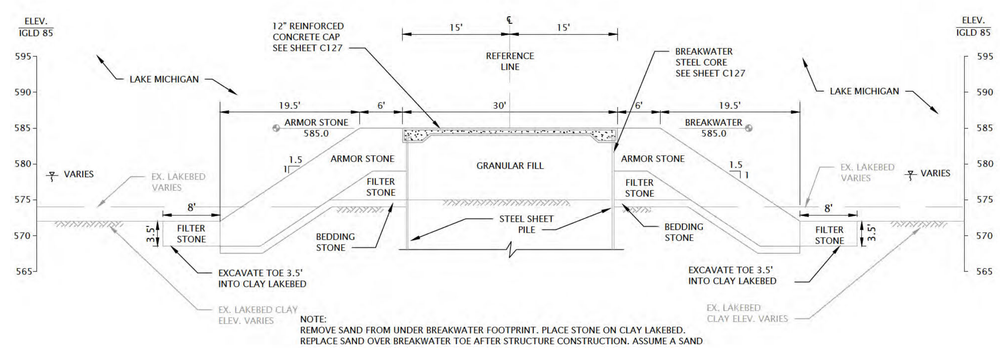


1 / C130 BREAKWATER SECTION STA 0+00 TO STA 1+45
Scale : 0' 5' 10'



2 / C130 BREAKWATER SECTION STA 1+45 TO STA 1+77
Scale : 0' 5' 10'

WORK SEQUENCE NOTES:

1. ESTABLISH AND MAINTAIN EROSION CONTROL AND TRAFFIC BARRICADES PRIOR TO COMMENCEMENT OF WORK.
2. CONTRACTOR SHALL FURNISH AND MAINTAIN CONSTRUCTION FENCING BARRICADE TO SECURE CONSTRUCTION AND STAGING AREAS FROM PUBLIC ACCESS.
3. CONTRACTOR MAY CONSTRUCT AND MAINTAIN TEMPORARY HAUL ROAD(S) THROUGH THE PROJECT SITE NEEDED FOR THIS DURATION OF THE PROJECT. FOR THE UPLAND AND COASTAL WORK. NO COASTAL WORK SHALL BE ACCESSED FROM THE UPLAND SITE. DAMAGE TO THE ENTRANCE ONTO SHERIDAN ROAD RESULTING FROM THE CONTRACTORS ACTIONS WILL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
4. NO STOCKPILING OF BREAKWATER MATERIALS MAY BE PERFORMED ON THE UPLAND AREAS OF THE SITE.
5. CONTRACTOR SHALL DETERMINE FOR THE PURPOSE OF THEIR WORK THE AREAS REQUIRED FOR STAGING AND STOCKPILING OF ANY UPLAND STRIPPED MATERIALS.
6. ALL PARKING LOT SIGNS AND SIGN POLES SHALL BE REMOVED AND SALVAGED FOR REINSTALLATION BY THE OWNER.

NOTES:

1. SEE SHEET C100 FOR LEGEND OF EXISTING CONDITIONS.
2. CONTRACTOR WILL BE PROVIDED AUTOCAD DRAWING FILE FOR CONSTRUCTION LAYOUT AFTER AWARD OF CONTRACT.
3. LIMITS OF CONSTRUCTION ARE AS SHOWN UNLESS OTHERWISE NOTED.
4. BEFORE EXCAVATION OR DEMOLITION, CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING JULIE AND APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS.

RED BARN
Design & Engineering, S.C.
6750 Woodland Drive
Waunakee Wisconsin 53597
p. 608.849.2042
c. 608.843.1870
redbarnde@tds.net

Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

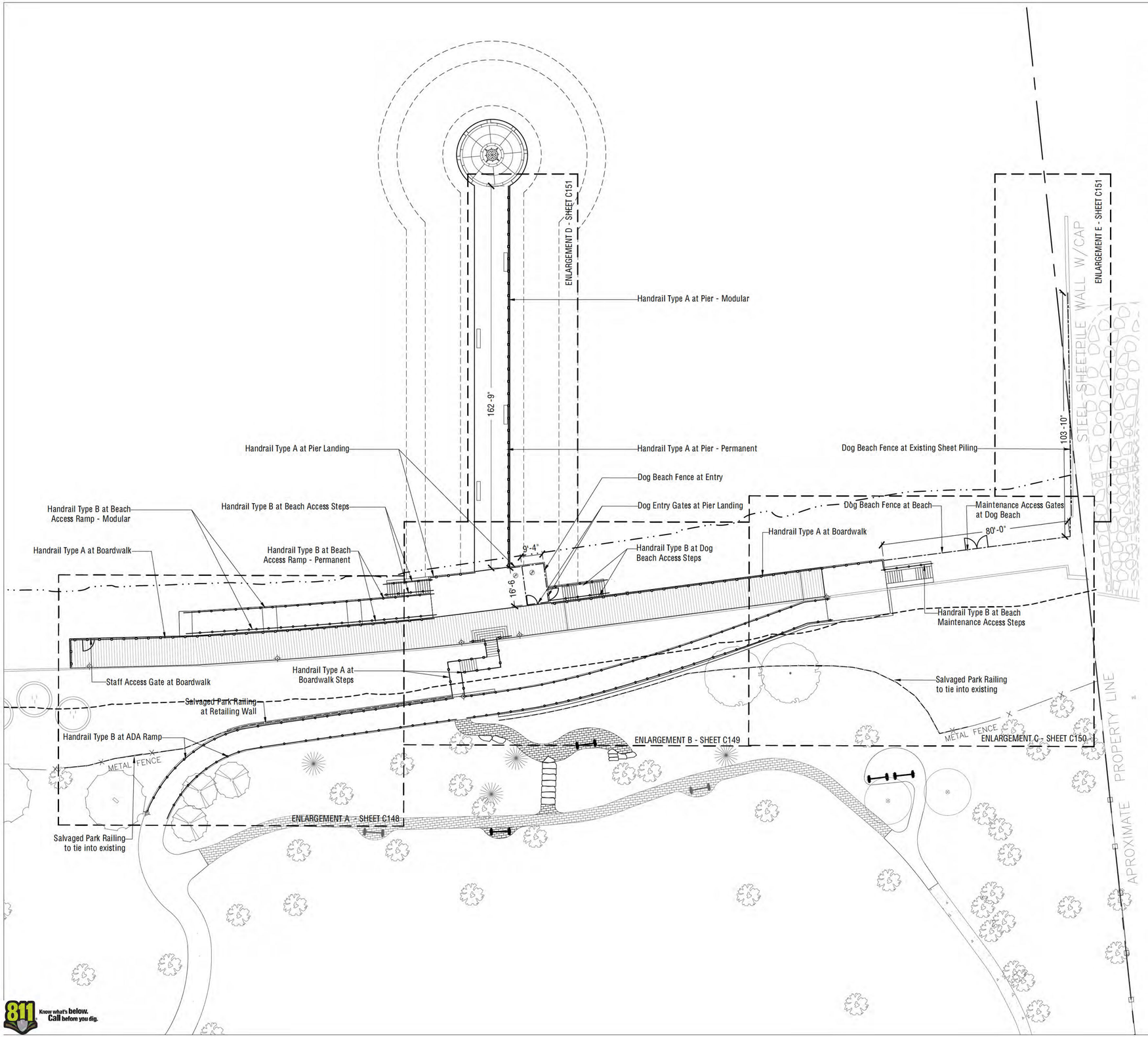
Winnetka Park District
Winnetka, IL

Graphic Scale
0' 15' 30'
(In Feet)
1 Inch = 30 Ft.

Scale 1 Inch = 30 Ft.

Drawing Title
Breakwater Revetment Layout Plan and Sections

Sheet No.
C130



LEGEND

- Ordinary High Water Mark (OHW)
- 50' Setback Line from OHW
- Handrail Type A
  See Details, Sheets C155-157
- Handrail Type B
  See Details, Sheet C158-C160
- Dog Beach Fencing
  See Details, Sheet C161-163
- Salvaged Park Railing
  See Detail 2, Sheet C160

METAL FABRICATION NOTES

1. Metal fabricator to provide shop drawings and specifications for all metal work including, but not limited to, all connections, fixtures, hardware, and related equipment needed to provide structure and coverage per the contract drawings and for review by the Owner's Representative.
2. Contractor shall provide coordinated shop drawings for all fabrication components and installation of these elements for approval by Owner's representative. Shop drawings shall coordinate all aspects of the bluff ramp, boardwalk, and staircase construction including structural, ipe decking, wood, concrete, and metal fabrication.
3. Contractor shall assume full structural and manufacturing responsibility for all mounting components and ensure durability and integrity of these elements.
4. Mockups of each handrail type shall be submitted for review and approval by Owner and Owner's representative. Approved mockups to become part of final installation.

HANDRAIL NOTES

The following notes apply to all handrails, see sheets C155-C160.

1. Coordinate with Structural Drawings for framework and footing details.
2. All steel components, other than than stainless steel, to be powder coated black. See specifications.
3. All welds shall be ground smooth, clean, and as close to straight angles as possible for a clean finished appearance.
4. All hardware and fasteners for handrail Type A shall be stainless steel, heads painted black, unless otherwise noted.
5. All hardware and fasteners for handrail Type B shall be stainless steel, unless otherwise noted.
6. Metal fabricator to determine appropriate anchor bolt depth and indicate in coordinated shop drawings.
7. Metal Fabricator to indicate expansion joint locations and splice connections for all permanent handrails (Type A and Type B) and for horizontal bars for the length of dog beach fence where mounted at sheet piling.
8. Samples of all metal component finishes to be submitted for review and approval by the Owner's Representative.

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Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding and Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 10' 20'
(In Feet)

Scale 1 Inch = 20 Ft.

Drawing Title

HANDRAIL AND FENCING PLAN

Sheet No.

C147

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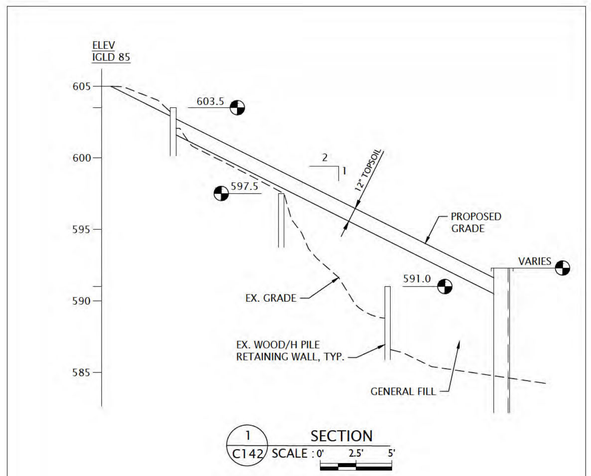
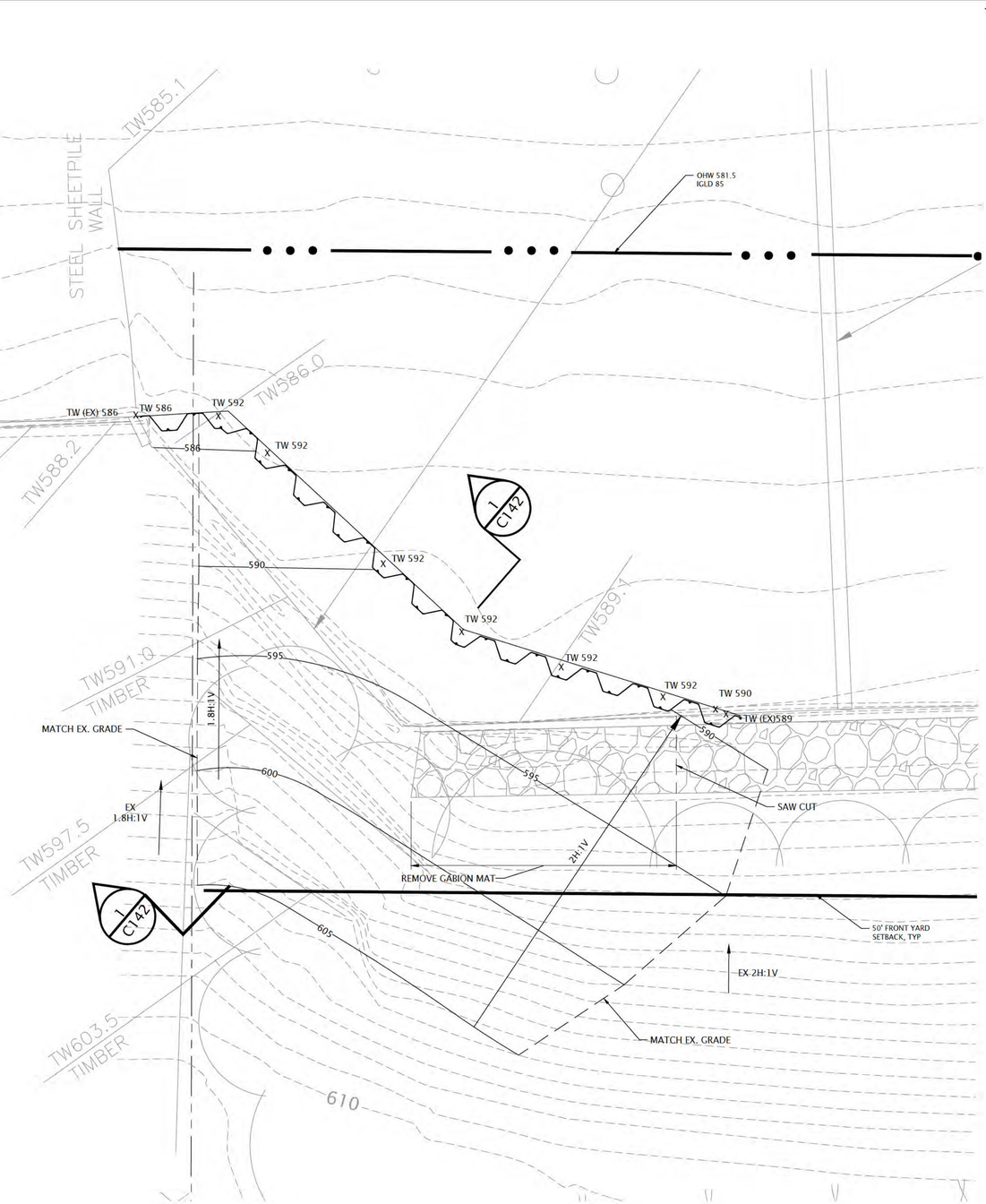


1 C142 SECTION
SCALE : 0' 2.5' 5'



LEGEND (PROPOSED)

OHW 581.5 IGLD 85

50' FRONT YARD SETBACK

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Consultants

Issued for	Rev.	Date
70% Submittal		04/08/24
100% Submittal		06/28/24
Bidding And Construction		07/19/24

Project Title:

Site Improvements
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

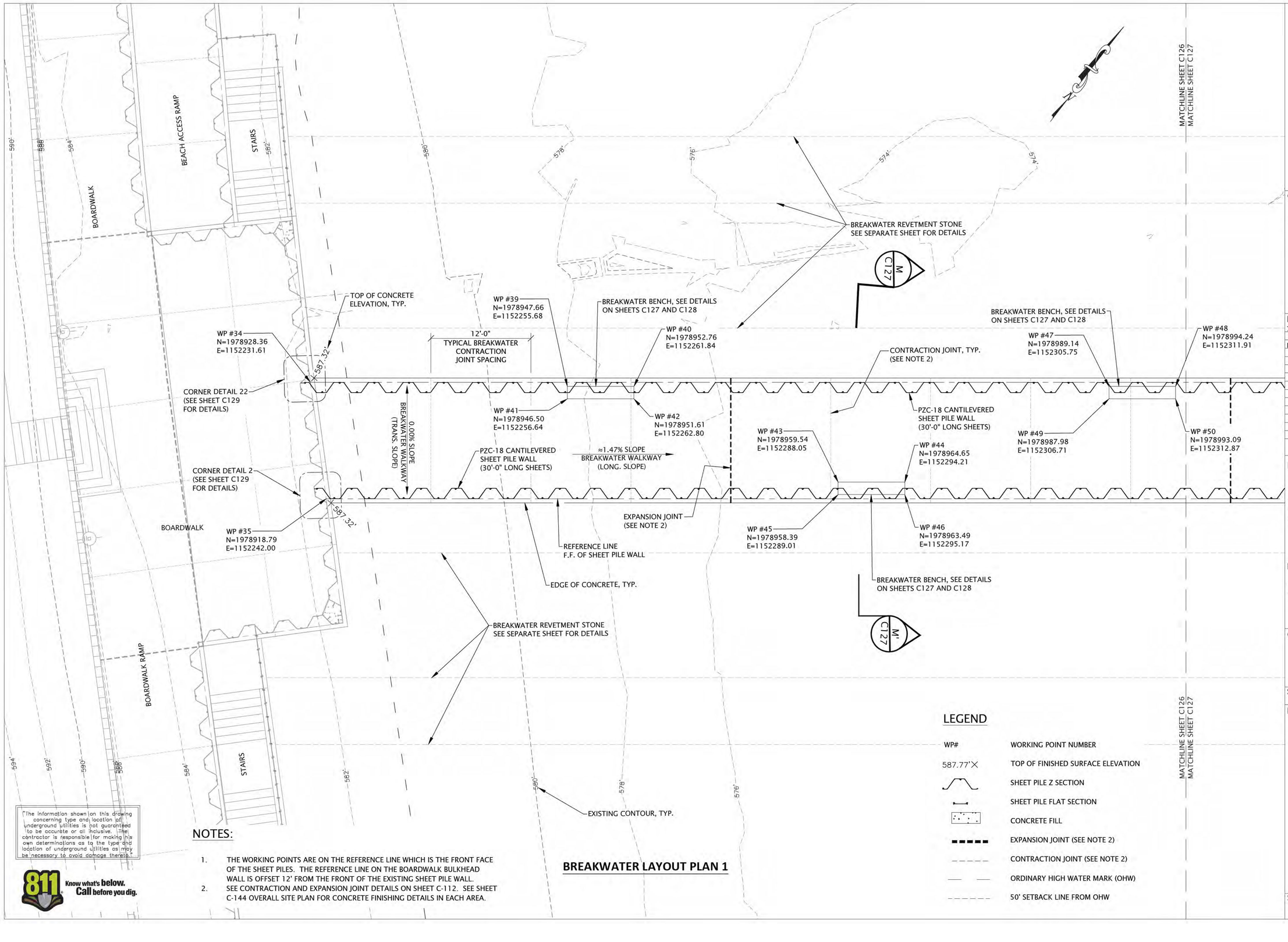
0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

Drawing Title

Centennial North Bulkhead
Corner Improvements

Sheet No.
C142



"The information shown on this drawing concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. The contractor is responsible for making his own determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto."

811 Know what's below. Call before you dig.

NOTES:

1. THE WORKING POINTS ARE ON THE REFERENCE LINE WHICH IS THE FRONT FACE OF THE SHEET PILES. THE REFERENCE LINE ON THE BOARDWALK BULKHEAD WALL IS OFFSET 12' FROM THE FRONT OF THE EXISTING SHEET PILE WALL.
2. SEE CONTRACTION AND EXPANSION JOINT DETAILS ON SHEET C-112. SEE SHEET C-144 OVERALL SITE PLAN FOR CONCRETE FINISHING DETAILS IN EACH AREA.

BREAKWATER LAYOUT PLAN 1

LEGEND

WP#	WORKING POINT NUMBER
587.77'×	TOP OF FINISHED SURFACE ELEVATION
	SHEET PILE Z SECTION
	SHEET PILE FLAT SECTION
	CONCRETE FILL
	EXPANSION JOINT (SEE NOTE 2)
	CONTRACTION JOINT (SEE NOTE 2)
	ORDINARY HIGH WATER MARK (OHW)
	50' SETBACK LINE FROM OHW

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Consultants

WESTBROOK
Associated Engineers, Inc.

619 E. Hoxie St.
Spring Green Wisconsin 53588
p. 608.588.7866

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:

Site Improvements
Elder Lane Park &
Centennial Park
Winnetka, IL

Prepared For:

Winnetka Park District
Winnetka, IL

Graphic Scale

0' 2.5' 5'
(In Feet)
1 Inch = 5 Ft.

Scale 1 Inch = 5 Ft.

Drawing Title
BREAKWATER
LAYOUT PLAN 1

Sheet No.
C125

Re Weeds upkeep at Elder & Centennial.pdf
Open with Google Docs

Shannon Nazzal

From: Shannon Nazzal
Sent: Wednesday, August 7, 2024 8:49 AM
To: Greg Fields; Costa Kutulas
Subject: Re: "Weeds" / upkeep at Elder & Centennial

Internal (snazzal@winpark.org)
EXCALTE
Report This Email FAQ Protection by INKY

Thanks Greg!

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

From: Greg Fields <GFields@winpark.org>
Sent: Wednesday, August 7, 2024 6:31 AM
To: Shannon Nazzal <snazzal@winpark.org>; Costa Kutulas <CKutulas@winpark.org>
Subject: RE: "Weeds" / upkeep at Elder & Centennial

Shannon,
The last large scare selective clearing [illegible] and Centennial were at least 6 or 7 years ago. At this time the park district in conjunction with an eagle scout project and volunteer group removed a large

Page 1 / 2

From: Judith Pollock [redacted]
Subject: Bank swallow nest destruction
Date: Jul 24, 2023 at 11:19:15 AM
To: lawenforcement@fws.gov
Cc: stacey_cummins@fws.gov

Dear USFWS enforcement officer,

We would like to bring to your attention a serious violation of the Migratory Bird Treaty Act at 205 Sheridan Rd in Winnetka. Construction by a private citizen destroyed a bluff and the swallow colony contained in it. This private owner is involved in a land swap with the Winnetka Park District, potentially for 70 feet of the adjoining lakefront Centennial Park.

The property includes a lakefront bluff with an extensive swallow colony. From June 5 to early July, the bluff was leveled and the nesting colony destroyed. First the vegetation was removed, and then the bluff was leveled in order to build a house on the beach. We estimate that the bluff was leveled beginning on June 5,2023. There was a colony of swallows, we presume bank swallows, nesting in the bluff at the time it was leveled. At least 20 nests were observed and at least 40 birds.

These videos and images show the site and the birds:

This video is from the site before the bluff was removed.

Note the swallows flying and out of nest holes. This video was taken shortly before June 3, 2023.



New video by Brian Homans
photos.google.com

This is the site after the bluff was removed, looking south. You can see that the bluff with the birds' nest would have been where the row of concrete columns is.

Tap to Download
IMG_1677.jpg
5.2 MB

These two images from the the private owner's Storm Water Protection Plan Permit show that the bluff can be reduced by about 2 acres.



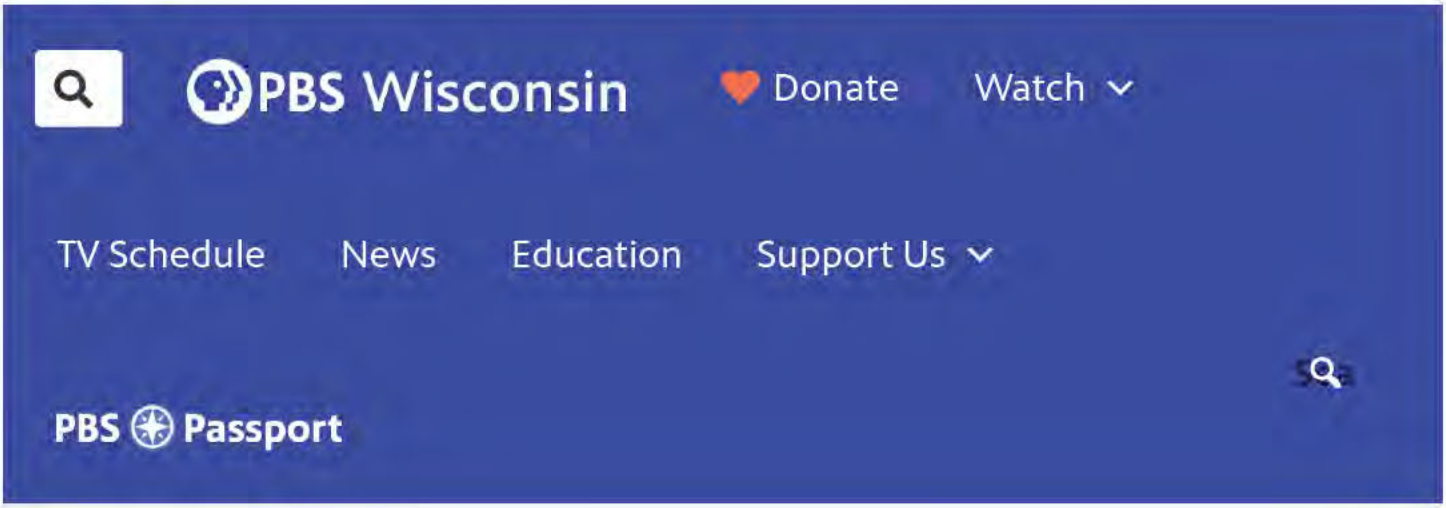


Can you please investigate and let me know your findings and your action so that I can pass them along to our members, who are very concerned about this egregious violation. Thank you.

Warm Regards,

Judy Pollock

Judy Pollock (she/her/hers)
President
Chicago Audubon Society
[redacted]
[redacted]



ts Economy Education Social Issues Health Environment Agriculture

ENVIRONMENT

Concordia University Wisconsin's massive seawall frustrates downstream neighbors

Erosion concerns and seawall feuds span the Great Lakes and the globe, and 15 years after it was built, a Mequon university's lakeside fortification has left neighbors bitter.

Wisconsin Watch

August 29, 2022 • SOUTHEAST REGION





In 2007, the Concordia University Wisconsin in Mequon finished fortifying a 130-foot bluff and building a 2,700-foot-long rock wall to buffer waves. The $12 million project was among the largest built along Lake Michigan in Wisconsin. Neighboring landowners soon noticed changes to their property. The project has accelerated erosion on downstream properties from around 9 inches to more than 7 feet per year. After two couples sued, a jury later agreed that Concordia's construction caused "significant harm" to properties, but the university was not negligent. The jury awarded no damages, leaving bitterness over the seawall to linger in the neighborhood Photo taken Aug. 9, 2022. (*Credit: Coburn Dukehart / Wisconsin Watch*)

Wisconsin Watch
The Wisconsin Center for Investigative Journalism

In 2016, David Spector bought an 80-year old house perched on a 120-foot bluff that provided a panoramic view of Lake Michigan's endless horizon.

But that priceless view may cost Spector more than he could have imagined as ongoing shoreline erosion edges his house ever closer to the bluff's precipice and crashing waves below.

Spector, who works in real estate, knows it's only a matter of time until the bluff gives way and his home will be gone.

"It's such a beautiful view. It makes up for some of the heartache," he said.

The Great Lakes collectively hold 20% of the world's surface fresh water, and Lake Michigan is the second-largest of those lakes by volume.

The Spector property, about 20 miles north of Milwaukee in Mequon, occupies a hotspot for bluff erosion. Wind and waves whittle away at the base of the bluff, knocking soil loose and shaving off portions of Spector's backyard. Ten years ago, the house stood 50 feet away from the bluff's edge. Today it's less than 10 feet away.



nging to David Spector (*blue house, center*) is seen on a 120-foot bluff in Mequon panoramic view of Lake Michigan. In 2012, the house stood 50 feet away from the 2022, it's less than 10 feet away. While the elements leave the area particularly n, Spector and many of his neighbors say the real problems started after 2007, a University Wisconsin, a nearby private institution, built a 2,700-foot-long rock its own beach and bluff. But while the wall protected the university, its neighbors ately saw their own beaches begin to wash away. Much of the bluff, once a ecame a sheer vertical face as yards of land tumbled into the lake. Photo taken redit: Coburn Dukehart / Wisconsin Watch)

While the elements leave the area particularly prone to erosion, Spector and many of his neighbors say the real problems started after 2007, when Concordia University Wisconsin, a nearby private institution, built a 2,700-foot-long rock wall to protect its own beach and bluff. Experts say the $12 million project is one of the largest seawall structures on Wisconsin's Lake Michigan shoreline.

But while the wall protected the university, its neighbors almost immediately saw their own beaches begin to wash away. Much of the bluff, once a gentler slope, became a sheer vertical face as yards of their properties tumbled into the lake. Neighbors complained to the university, and two couples sued. Spector's home was one of the properties at the center of that lawsuit, although the case involved the prior owners, not Spector.

A jury later agreed that Concordia's construction caused "significant harm" to properties, but the university was not negligent. The jury awarded no damages, leaving bitterness over the seawall to linger in the neighborhood. Concordia did not respond to a request for comment.

Erosion concerns and battles over seawalls span the Great Lakes and the globe, notably in Hawaii, where the islands of Oahu, Maui and Kauai have lost an estimated 25% of their sandy beaches with seawall construction fueling the losses. In Australia, the construction of a nearly 25-foot-tall wall to protect properties along the beach sparked intense pushback from community members who argued it would do more harm than good by washing away sand in front of the concrete structure.

Experts worry about the long-term effects of shoreline armoring while describing the practice as a short-term maneuver that benefits those who are fastest to build.

Revetments, a kind of seawall, are typically sloped, stacked rocks meant to buffer the beach against the impact of waves. But they can also affect downstream properties — making adjacent beaches deeper while blocking the natural movement that would otherwise replenish them.

The construction of one wall can kick off a domino effect with consequences for beaches down the shoreline. Damage from one revetment can cause neighbors to armor their shoreline, which can damage the next beach, said Guy Meadows, a professor at Michigan

Technological University and director of its Marine Engineering Laboratory.

“That’s what we see happening here near Concordia,” Meadows said. “There’s a cumulative effect.”

Chin Wu, a professor in University of Wisconsin-Madison’s Department of Civil and Environmental Engineering, has studied the issue for years. In 2014, Wu wrote an article published in the *Journal of Great Lakes Research* that found Concordia’s revetment worsened bluff erosion on the south side of the project, the same direction the current travels.

But new evidence has shown the damage from the revetment is even more widespread than originally known. Not only has the massive wall led to erosion to its south, as

first detected, but erosion is also occurring to its north, Wu told the *Guardian* and Wisconsin Watch.

The rush to armor property is natural, Meadows said. But residents are losing a battle against nature. As waves hit revetments, water reflects backwards, pulling sand farther from the shoreline. Over time, the force scours away at the base of the seawall causing it to fall forward or fail.



ıcordia University Wisconsin in Mequon finished fortifying a 130-foot bluff and
)-foot-long rock wall to buffer waves. Chin Wu, a professor in University of
ison's Department of Civil and Environmental Engineering, found in 2014 that the
tment worsened bluff erosion to its south, the same direction the current travels.
ce has shown the damage from the revetment occurring north of the wall as well,
taken Aug. 9, 2022. (*Credit: Coburn Dukehart / Wisconsin Watch*)

Experts like Wu advocate for the use of nature-based solutions — using materials like sand,

vegetation or logs to create natural barriers while promoting resiliency of the shoreline.

But many property owners still opt for the quick-fix of seawall construction, a tactic Meadows and others describe as a band-aid solution with unintended consequences.

“Once we start building structures on the shoreline, armoring the shoreline, (creating) harbor structures, we change the shoreline dynamic,” Meadows said. “There’s many, many places where there is no beach anymore. So going to the extreme, if these trends continue, there will be no beach or access for the general public.”

Dramatic shifts in water levels

Looking out from its shoreline, with no land in sight, Lake Michigan's waters resemble more of an ocean than a lake.

Unlike the oceans, however, which are rising gradually with global temperatures, water levels on Lake Michigan's water levels largely depend on weather and swing up and down in three- to 10-year cycles.

But climate change appears to be altering patterns in the region, bringing warmer temperatures that speed evaporation and more frequent, intense storms that dump more water into the lake. As a result, lake levels over the past 10 years have swung from low to high at a startling pace.

Between record lows in 2013 and a record high in 2020, lake Michigan rose by 6 feet, according to data

from the U.S. Army Corps of Engineers. Water levels have since dropped, but still remain above their monthly, long-term average.

Contractors, ferry boat captains, climate scientists and home owners are living through the most dramatic shifts in their lifetimes.

The Great Lakes are new features geologically speaking, said Meadows, carved out several thousand years ago by retreating glaciers. Especially in the case of Lake Michigan, that retreat left a deep basin with steep sides, which is broadening through natural erosion by about a foot per year. But during years of high water, waves pack more energy, dramatically accelerating erosion, Meadows said.

“When we go through episodes of extremely high water levels, like we just went through in 2020 for Lake Michigan, that erosion rate goes up catastrophically, from one foot per year to 10, 20 or 30 feet per year, depending on where you are on the shoreline,” Meadows told Wisconsin Watch in 2021.

As Lake Michigan’s waters climbed between 2018 and 2020, the number of property owners in Wisconsin applying to build revetments along their properties more than doubled. Those requesting emergency certifications — a temporary permit that allows walls to stand until the state can inspect them — soared from fewer than 30 applications to 280, an 830% increase.

And those figures offer only a partial glimpse of Lake Michigan shoreline. The Wisconsin

Department of Natural Resources issued most permits in Door County — a sensitive habitat in northeastern Wisconsin where permits are required. Property owners farther south are not required to seek permits for new barriers, so long as they meet DNR's standards.

Some residents along Door County's shoreline watched neighbors, one by one, hustle to build revetments during 2020's high waters. Similar trends played out elsewhere on the lake, as panicked property owners in communities north of Chicago rushed to do the same.



es are seen in the Door County village of Ephraim, on July 31, 2021. Many ave placed large rocks along the shoreline to confront erosion amid wild swings in water levels in recent years. (*Credit: Coburn Dukehart and Tad Dukehart / ch*)

In Wisconsin, many of those who installed new revetments under emergency certification may have to revisit the work. The DNR recently sent letters to 115 Door

County property owners whose seawalls failed to meet agency standards upon inspection, according to James Pardee, DNR environmental analysis and review specialist.

DNR spokesperson Sarah Hoye said Concordia obtained a permit for its project in 2005. The DNR hasn't identified any enforcement issues with the project, she said, but hasn't done any follow up monitoring on the revetment since its construction.

Stabilizing a bluff

For the next few years, Spector does not expect his house to topple over the bluff's edge. The same can't be said for all his neighbors.

Spector's property is several doors south of Concordia's seawall. But properties north of the revetment

are now seeing pronounced erosion. Wu said it's hard to attribute all the damage done to properties north of Concordia to its seawall alone; recent years' high water and heavy rains have also accelerated erosion.

But in 2020, a three-bedroom house overlooking the lake in Grafton was left on the brink of collapse after heavy rains pummeled the area. At one point, the house's worth was estimated at nearly $1 million. The house has since been demolished. Now, a bare patch of concrete sits where it once stood.

At another nearby property, a children's swing set teetered on the edge of the bluff, its front legs clinging to soil that hasn't yet tumbled into the lake.



nging to David Spector is seen perched on a 120-foot bluff in Mequon that oramic view of Lake Michigan. The previous owners installed a $60,000 revetment luff. To extend the house's lifespan, Spector reinforced its basement and built a ng wall to keep the home in place. He and neighbors hired a contractor to cut a emaining yard, which can help stabilize the bluff. And they planted deep-rooted ch can help hold soil. Photo taken Aug. 9, 2022. (*Credit: Coburn Dukehart / ch*)

Spector said he believes there's a misperception that everyone in the area is extremely wealthy. But there

are many modest homes and retired residents along the lakeshore — people who can't afford to make major repairs.

He said he bought his house for around the cost of the land, knowing work needed to be done.

The previous owners installed a $60,000 revetment to protect that bluff. To extend the house's lifespan, Spector reinforced its basement and built a $25,000 retaining wall to keep the home in place. He and neighbors hired a contractor to cut a slope into his remaining yard, which can help stabilize the bluff. And they planted deep-rooted vegetation, which can help hold soil.

"For me, it made sense to buy the house and put some work into it knowing I might only have it for 10 to 15 years," he said. "But I think

some people who are moving into these million-dollar homes without any kind of protection might be living in denial."

Spector is optimistic the work he has done to protect his property will keep the house upright for years to come.

"I'd like to say it's a success story, but it may be only a temporary success story," he said.

Tanka dhakal contributed reporting. A version of this story was first published by the Guardian, which commissioned it. The nonprofit Wisconsin Watch collaborates with WPR, PBS Wisconsin, other news media and the University of Wisconsin-Madison School of Journalism and Mass Communication. All works created, published, posted or disseminated by Wisconsin Watch do not

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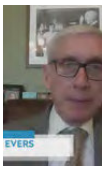

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Kevin Bahr on disconnects between economic data, perceptions



Anxiety, outrage dominate West Bend election education event



Why are many Wisconsin school districts holding referendums?



In Focus with Rev. Greg Lewis: The power of the Black Church

CONTACT

Email: comments@pbswisconsin.org

Phone: 800-422-9707

PBS Wisconsin
Vilas Communications Hall
821 University Ave.
Madison, WI 53706
View map

FAQ

STATEMENT TO THE COMMUNITIES WE SERVE

There is no place for racism in our society. We must work together as a community to ensure we no longer teach, or tolerate it. Read the full statement.

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From: Deslien, Webert
To: James Bernahl
Cc: Gove, Darren
Subject: RE: [External] Violation of IEPA Permit
Date: Thursday, August 31, 2023 9:08:00 AM
Attachments: image003.png
image004.png
image005.png
image006.png
image007.png
image008.jpg
image009.jpg

Mr. Bernahl,

Here is a condensed list of the key areas of inquiry:

- **Spoil Material Management**: Where is it being deposited? What measures are in place to prevent its discharge into state waters?
- **Rain Events and Inspections**: Are there logs of rain events and corresponding inspections?
- **Erosion Control Measures**: Are silt fences and other perimeter controls (e.g., berms) properly installed and maintained? Are there any signs of erosion, breaches, or damages?
- **Compliance and Reporting**: Can you provide evidence of compliance with the City of Winnetka's erosion control standards, Section 404 permits, and any other applicable regulations? Have all "Incidence of Noncompliance" reports been filed, and do they cover all violations?
- **Vehicle Management**: Are vehicles transporting materials always covered, and is there proof? Are water trucks used to control dust? Are there recent records of vehicle entry/exit inspections?
- **Site Management**: Is the construction entrance stabilized and maintained? Are there any signs of solid material discharges to state waters? Is a Notice of Intent posted, and are driver notices being followed?

For each of these areas, we are looking for evidence of proactive management, compliance with regulations, and prompt response to any issues or violations.

Sincerely,

Illinois EPA
Webert Deslien | Environmental Protection Engineer
Bureau of Water, Division of Water Pollution Control
Permit Section – 401/Mines Unit
1021 N. Grand Ave. East, Springfield, IL 62794-9276
(217) 557-6937 webert.deslien@illinois.gov
www.epa.illinois.gov

From: James Bernahl <JBernahl@winnetka.org>
Sent: Monday, July 31, 2023 8:25 PM
To: Deslien, Webert <Webert.Deslien@Illinois.gov>
Cc: Patel, Jay <Jay.Patel@Illinois.gov>; Wiedel, Sarah <Sarah.Wiedel@Illinois.gov>; David Schoon <DSchoon@winnetka.org>
Subject: RE: [External] Violation of IEPA Permit

Webert,

The Village continues to inspect the site on a regular basis, is there something specific that you are looking for from the Village via this email?

James J. Bernahl, P.E., CFM
Director of Engineering/Village Engineer
Village of Winnetka, Illinois
1390 Willow Road
Winnetka, IL 60093
Phone: (847) 716-3261
Email: jbernahl@winnetka.org

From: Deslien, Webert <Webert.Deslien@Illinois.gov>
Sent: Monday, July 31, 2023 3:58 PM
To: James Bernahl <JBernahl@winnetka.org>
Cc: Patel, Jay <Jay.Patel@Illinois.gov>; Wiedel, Sarah <Sarah.Wiedel@Illinois.gov>
Subject: FW: [External] Violation of IEPA Permit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi James,

[redacted] shared more information on the Orchard Private Residence site – See emails below dated July 19 and 22.

From: [redacted]
Sent: Saturday, July 22, 2023 9:10 AM
To: Deslien, Webert <Webert.Deslien@Illinois.gov>
Cc: Gove, Darren <Darren.Gove@Illinois.gov>

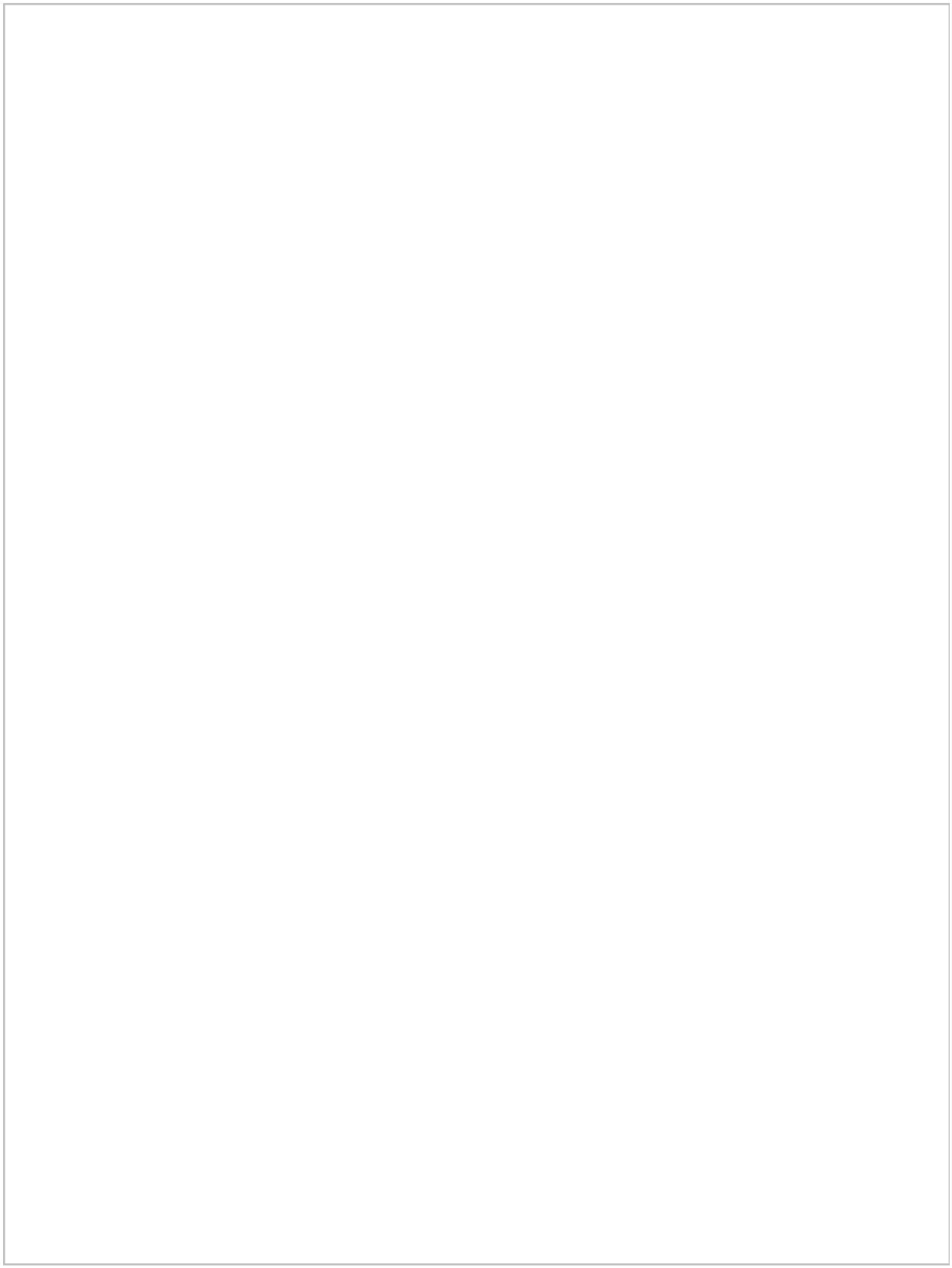
Subject: Re: [External] Violation of IEPA Permit

Hi Webert,

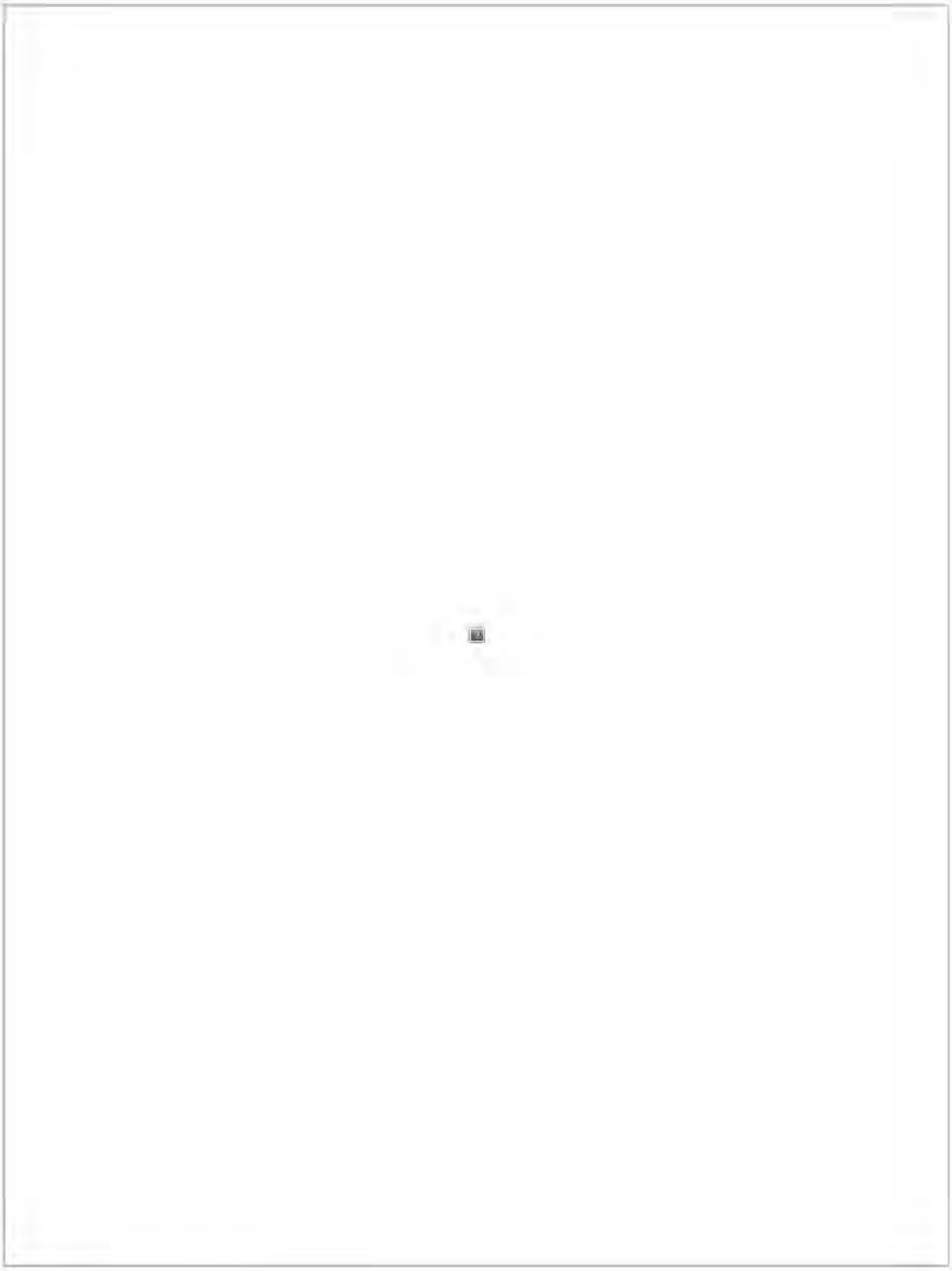
Here are a few more photos that may be informative. Below you will see that they are storing hazardous materials very close to the water line and directly in front of one of the areas where the sand/soil has eroded under the silt screen. The retention pond that they are using (the one that I believe failed to create this erosion) is also in very close proximity. This was this morning (Saturday) and they don't typically do much work on Saturday (and can't on Sunday because of Village regs), so I presume that these gas tanks (the painted text says "No Smoking," I think) are being left here all weekend.

Additionally, you can see that the rock truck is not being stored in a "designated upland area away from any natural or created watercourse, pond, drainage-way or storm drain." (Tab 6 D. Vehicle Storage and Maintenance).

In the event of a sudden rain storm, these practices could create a very dangerous situation.



I have also been watching debris fall from trucks as they leave the site and depositing it in the street in front of our home. Every single truck has a giant dust cloud coming off of it. Here is one example of many of an uncovered truck that had just left the site.



Hope this information is helpful. Thanks.

[redacted]

On Jul 19, 2023, at 3:17 PM, [redacted] wrote:

Hi Webert,

I'll apologize in advance. My understanding of this topic is relatively basic (but getting better every day it seems!), so my vocabulary and verbiage may not be exactly right. I've gone through and quoted the SWPP below with annotations (in bold and italic) where I have identified problems. I'm sure I've missed some things, as my view of the site is only from behind the fences. Please let me know if you have any further questions.

Thanks,

[redacted]

_____

Tab 4

C. Nature and Sequence of Construction Activity Sequence of major activities

4. Contractor performs weekly inspections and "after rain event" inspections starting upon disturbance of the site.

Did not fix silt barriers. Must not be inspecting after rain events.

8. Temporary containment of soil/aggregate stockpiles (seed and silt fence around toe of slope).

Silt fence is not properly installed.

Tab 5

A. Approved State or Local Plans

The soil erosion and sediment control measures for this site should meet the requirements of the following agencies:
City of Winnetka

The current measures do not meet the requirements of Village of Winnetka.

B. Control Implementation Schedule

Perimeter controls shall be actively maintained until final stabilization of those portions of the site upward of the perimeter control.

Perimeter controls are not being actively maintained.

C. Erosion and Sediment Controls

All damaged or defective temporary sediment and erosion control measures must be repaired or replaced as soon as possible to maintain NPDES compliance.

Erosion control measures have not been repaired or replaced after showing to be damaged/defective.

D. Storm Water Management

The site design includes various BMPs to improve water quality, including a storage infiltration basin. The storm sewer outfall is directed into an infiltration gallery along the beach designed to provide a non-erosive velocity flow from the structure to the water course so that the natural, physical and biological characteristics and functions are maintained and protected.

I don't completely understand this section, but my pictures show that velocity coming from the site exceeded the point of being non-erosive.

E. Off-Site Vehicle Tracking

Vehicles hauling erodible material to and from the construction site should be covered with a tarp.

Vehicles have not been covered with tarps. Our neighborhood is a mess with many neighbors complaining about dust on and around their homes. Additionally the street has been covered in dust/dirt/mud for hundreds of yards in both directions from the site.

Tab 6

A. Waste Management

No solid materials, including building materials, shall be discharged to Waters of the State, except as authorized by a Section 404 permit.

Does this include soil in water? If so, then that is being discharged into Lake Michigan.

Tab 7

A. Inspections

- Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters.

Not operating correctly. Erosion control measures are not effective.

- Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

Lots of evidence of offsite sediment tracking.

- The contractor shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the SWPPP observed during an inspection conducted, including those not required by the SWPPP. Submission shall be on forms provided by the IEPA and include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact, which may have resulted from the noncompliance. A blank copy of the ION is included under Tab 11.

Have any "ION" reports been filed for anything mentioned in this e-mail?

- The permittee shall notify the appropriate Agency Field Operations Section office by telephone or fax within 24 hours of any incidence of noncompliance for any violation of the SWPPP observed during any inspection conducted, or for violations of any condition of this permit. This is in addition to the submittal of an Incidence of Noncompliance (ION).

Was notification given?

B. Maintenance of Controls

- *Stabilized Construction Entrance:* The stabilized construction entrance should be maintained to prevent tracking or sediment onto public streets. Maintenance includes top dressing with additional stone and removing top layers of stones and sediment. The sediment run-off onto public right of way should be removed immediately.

Lots of sentiment in public streets.

- *Erosion Control Blanket*: The blanket and staples should be inspected frequently and shall be installed to Illinois Urban Manual Drawing Number IL-530, unless otherwise instructed by the manufacturer. Erosion occurring underneath the blanket should be back filled and seeded with the appropriate seed mix. Additional BMP's may need to be installed to reduce erosion under the blanket.

I'm not sure that they have erosion control blankets. If they do, they are not working properly.

- *Silt Filter Fence*: Silt fences should be inspected regularly for undercutting where the fence meets the ground, overtopping, and tears along the length of the fence. Deficiencies should be repaired immediately. Remove accumulated sediments from the fence base when the sediment reaches one-half the fence height. During final stabilization, properly dispose of any sediment that has accumulated on the silt fence. Instances when areas of silt fence continually fail, replace with another BMP as seen fit.

Silt fences have failed.

Tab 8

A. Public Posting

The following notices shall be posted until the date of final site stabilization.

- A copy of the Notice of Intent shall be posted at the construction site in a prominent place for public viewing.
- Notice to drivers of equipment and vehicles, instructing them to stop, check and clean tires of debris and mud before driving onto traffic lanes. Post such notices at every stabilized construction exit area.

Have not seen Notice of Intent, but it may be posted. Drivers are not following this notice if it is posted.

On Jul 19, 2023, at 1:35 PM, Deslien, Webert <Webert.Deslien@Illinois.gov> wrote:

[redacted] The actual permit is attached. I will share your latest information with the field office and will let you know if they need the video.
If you can, please point out on the SWPP the areas where they are not adhering to the plan. Thank you.

Webert

From: [redacted]
Sent: Tuesday, July 18, 2023 2:41 PM
To: Deslien, Webert <Webert.Deslien@Illinois.gov>
Cc: Gove, Darren <Darren.Gove@Illinois.gov>
Subject: Re: [External] Violation of IEPA Permit

Hi Webert,

Thank you for getting back to me. You left the "l" off the end of the url below, but I was able to find the page and look up the permit. Unfortunately, the file that I believe should be the actual permit is blank. I've attached below.

I was able to look at the site's SWPP briefly, and I've already noticed a number of areas where they are not adhering to the plan beyond what I mentioned in my earlier e-mail (Dust control has been a major issue for instance). I also have video of the stormwater runoff if that is helpful (files are too large to attach).

Thanks,

[redacted]

On Jul 18, 2023, at 12:53 PM, Deslien, Webert <Webert.Deslien@Illinois.gov> wrote:

Hi [redacted]

Based on our EPermit Search, we've determined that the site is permitted under the General NPDES Permit For Storm Water Discharges From Construction Site Activities, Permit No. ILR10.
We've forwarded your information to the Des Plaines field office to check for non-compliance, and to request a site visit.
Let me know if you have any question.

EPermit System (https://epa.illinois.gov/topics/forms/water-permits/storm-water/noi.htm)

Thanks,

Webert Deslien
Environmental Protection Engineer
Industrial Permit Section, BOW
Illinois Environmental Protection Agency
217/557-6937

From: [redacted]
Sent: Wednesday, July 12, 2023 6:44 PM
To: Gove, Darren <Darren.Gove@Illinois.gov>
Subject: [External] Violation of IEPA Permit

Hi Darren,

I see that you are listed as the point of contact for the 205 Sheridan Road project in Winnetka.

IEPA Log Nos. 2023-68048 and C-0273-22
Bureau of Water ID # W0318100061
Final Determination #: 2023-LM-68048

The permit stipulates:

> Any spoil material excavated, dredged or otherwise produced must not be returned to Lake Michigan
> but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit
> requirements with no discharge to waters of the State unless a permit has been issued by this Agency.
> Any backfilling must be done with clean material and placed in a manner to prevent violation of
> applicable water quality standards.

During my walk with the dogs this morning and a subsequent walk this afternoon, I noticed that the work site is very clearly discharging materials into Lake Michigan. I've attached a number of photos below that show this. I think a site visit is necessary, as immediate enforcement action must be taken to stop these discharges. It has rained quite a bit today, and there is more rain coming in the 10 day forecast.

Thank you.

[redacted]

<image001.jpg>

<image003.jpg>

<image004.jpg>

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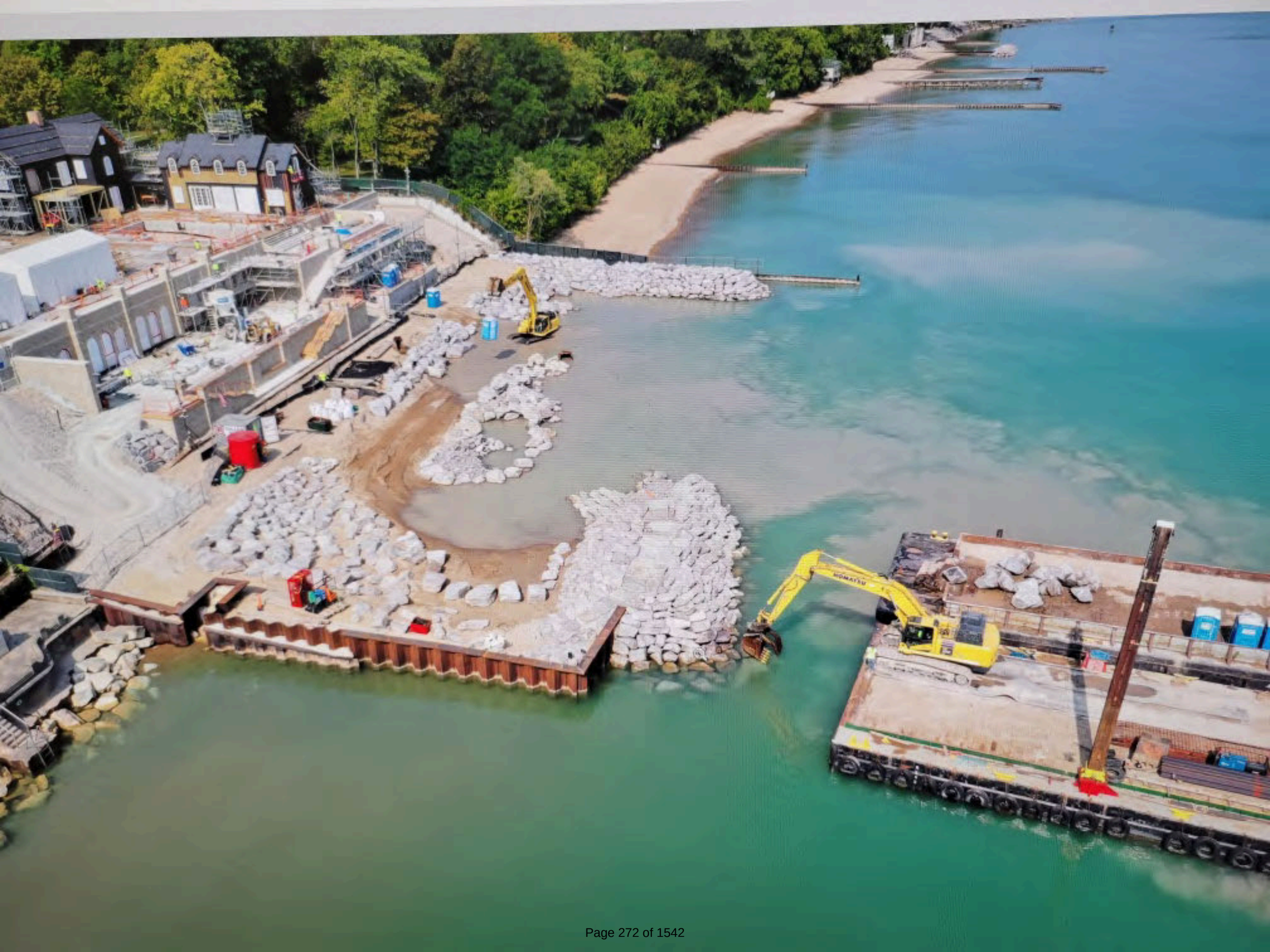
<Orchard .JPG>

<general-npdes-permit-ilr10-construction.pdf>





Dear David Schoon

This package is being sent to be included in the agenda packet for the 14 Oct meeting of the Zoning Board of Appeals to consider the WPD's application for a Special Use Permit for reconstruction of Centennial Park

The following 7 pages describe details of how the WPD's application for a Special Use Permit for Centennial Park enhancement fails to meet the following four Winnetka Ordinances:

1) 17.04.030 and 12.04.04 instruct that it is unlawful to construct a fence across a public way (street) and the lake is considered a street by ordinance. The animal control fence crosses into the lake and thus blocks movement along the lake.
    a. See page 2 for details
2) 15.78.010 instructs that Centennial Park construction must not cause environmental harm. It harms down drift riparian properties and Kenilworth by trapping large volumes of sand north of Elder and thus consideration of Centennial must include the other ½ of the project, Elder
    a. See page 3 for details
3) 15.78.080 D instructs that Centennial Park's construction must not exceed that minimally necessary. It fails by comparison with 1) the plan adopted by Kenilworth, located only 2000 feet to the south and 2) survival of Centennial and Elder bluffs during the latest high water event
    a. See page 4 for details
4) 15.78.080 E instructs that safe passageway to adjacent public land must be provided. No safe passageway is provided **within the property bounds of Centennial Park**
    a. See pages 5-8 for details.

I am unable to attend the meeting and wish this letter and its contents to be part of the public record. Please acknowledge receipt of this message, and please describe how this request will be handled.

Charles H Dowding
[redacted] Elm St
Winnetka, IL
[redacted]

Construction of an animal control (dog beach) fence across the water's edge is expressly prohibited by Winnetka Ordinance.

By Ordinance (17.04.030) Lake Michigan is considered a public street; It is unlawful (12.04.04) to construct a fence on a street. The dog beach fence can only be constructed by the granting of a variance to the combination of these two ordinances.

A long discussion about application of this ordinance to parkways as well was held by the Village Council. At the end of which, a resident was required to remove a structure from the Parkway.

Section 17.04.030 Definitions.

S

7. Street.

"Street" means a public or private street.

8. Street Line.

"Street line" means the outermost limits of a public or private street. The water's edge of Lake Michigan shall be deemed the outermost limits of that public street..

10. Street, Public.

"Public street" means the area lying within the described limits of a right-of-way or thoroughfare dedicated for vehicular traffic (excluding an alley), whether or not so used. For purposes of this Zoning Ordinance, Lake Michigan shall be considered a "public street."

Cut and paste the URL below for the exact reference to Village ordinance

https://codelibrary.amlegal.com/codes/winnetka/latest/winnetka_il/0-0-0-25896

Section 12.04.040 Encroachments.

It is unlawful to construct any building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing which encroaches on any public street or sidewalk in the Village. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Cut and paste the URL below for the exact reference to Village ordinance

https://codelibrary.amlegal.com/codes/winnetka/latest/winnetka_il/0-0-0-21752#JD_Chapter12.04

Centennial Park Permit cannot be judged by itself because the unspoken (but planned) Elder portion will irreparably harm down drift riparian properties and Kenilworth.

Section 15.78.010 Purpose. (Lakeshore Construction)

Some development and construction activity in and around Lake Michigan may be hazardous to people and property and may impact the **erosion process** and alter natural drainage patterns. This chapter is intended to attempt to **preserve** those portions of Lake Michigan, **its coastline** and vegetation within the Village's boundaries, while protecting the value of properties along the lake through the establishment of narrow, reasonable permitting regulations. The regulations in this chapter are further intended to provide that **construction in and adjacent to Lake Michigan and its shoreline will not cause environmental or ecological damage to the lake or surrounding areas of the Village or otherwise adversely impact the health, safety, and welfare of the Village or its residents.**

Cut and paste the URL below for the complete ordinance

https://codelibrary.amlegal.com/codes/winnetka/latest/winnetka_il/0-0-0-31501

Construction of overly long north boundary rock groin will 1) create excessively large up drift accretion of sand and 2) prevent replenishment of sand to down drift riparian properties including Kenilworth. See the drawing below that compares the planned Elder-Centennial complex with the size of the Lloyd-Tower complex with information provided by the WPD.



Centennial Park's plan exceeds that minimally necessary by comparison with the plan adopted by Kenilworth, located only 2000 feet to the south,

Section D of 15.78.080 of the Winnetka Village Ordinance 15.78.080, (Lakefront Construction) states that

The Village Engineer (and, if applicable on appeal, the Village Council) will issue a permit (with or without conditions) only if bluff erosion protection plan's "covered construction and any related structures include only what is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter."

To determine if the Winnetka Park District's bluff and beach protection plans meet the Ordinance's standard of care, the Village Council and the Village Engineer and their coastal engineer should compare it with the just completed bluff and beach protection plan of the 600 ft long Kenilworth Public Beach. This beach is only 2000 feet south of Centennial Park with a similar bluff height.

The Kenilworth plan consists of two alternatives: 1) straight stone north groin and south groin and 2) plan 1) plus a "T" on the north stone groin. Bids (not estimates) received for the two alternates were $992,000 and $1,350,000 respectively or $1,660 or $2,250 per linear foot of beach. A summary of these plans and bids was presented to the Kenilworth Board of Trustees on 15 April 2024. A coastal analysis was performed by GZA for the project that included selection of the design criteria (water level and offshore wave), wave transformations to the near-shore using Federal standard (USACE) computer models for the calculation of near-shore wave height, wave overtopping rates, wave run-up and requirements for the revetment stone sizes.

Cut and paste the URL below for this section of the Ordinance

https://codelibrary.amlegal.com/codes/winnetka/latest/winnetka_il/0-0-0-31501

No safe passageway to adjacent public land is provided as required by 15.78.080 E

Impenetrable animal control fences (dog beach fence on Centennial Park beach in the Winnetka Park District's application for a SUP violate Winnetka Ordinance 15.78.08 E as well as IDNR Administrative Law. A variance should not be granted.

Impenetrable animal control fences that cross public beach land lead to WPD's abrogation of the public trust doctrine by forcing a trespass to access adjacent public land. Together these fences force beach walkers off more than 280 feet of public beach onto a pile supported detour that ultimately forces them to trespass on property belonging to 205 Sheridan Rd (also called 2020 Orchard) as described in detail with drawings on page 6.

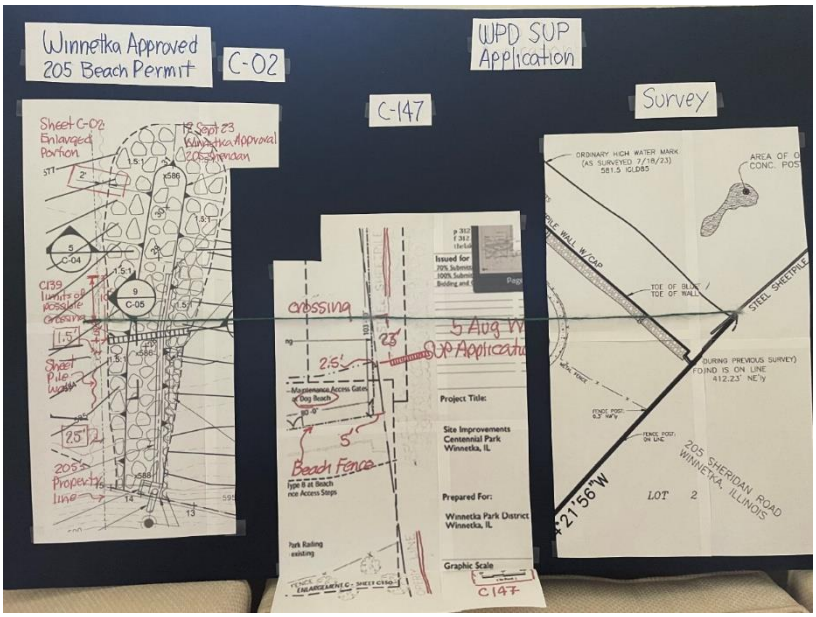
Fences across public land are not permitted by the IDNR. One such fence (called a siech protection fence) had to be removed from 205's beach protection plans before it was permitted. IDNR Administrative Law supersedes all others with respect to state land.

Winnetka Ordinance 15.78.080 and IDNR administrative law require beach construction to provide access to adjacent public land within its footprint. 205's stairs on both of their East-West groins on public land are such an example. WPD's application for a SUP does not provide safe passageway access within its own footprint or property bounds as explained in detail on page 5. Safe passageway is defined in the WPD application for an SUP for Centennial Park in Engineers Comment 11 as 6 feet wide. This commentary is attached as page 7.

The drawings and explanation on page 6 shows why the coincidence of the Ordinary High Water Mark (OHWM) and crossing of the sheet pile wall (and location of the animal control fence) and 205's E-W property line force beach walkers to trespass on 205's private property.

Land shoreward of the Ordinary High Water Mark is private for IDNR permit purposes, It is elevation 582 on drawings C01 and C02 in 205 Sherian Rd's permit application for shore protection that was approved by Baird on 20 July 2023. The elevation 582, "wrack" location is defined by writing and photograph in the Weaver (AECOM) 30 Sept 2023 letter within 205's 14 Nov. 2022 permit application. This photograph and definition is attached on page 8.

How fences force trespass and abrogation of Public Trust Doctrine



These documents all have one geometry in common marked by the green string, coincidence of the OHWM and the crossing of the steel sheet pile wall and 205 Sheridan Rd's property line. The sheet pile wall carries the dog beach fence and cannot be penetrated. Thus the crossing describes the point at which there is no public passage way to reach the IDNR required public access stairs over 205's groin.

C-02 drawing on the left from 205's permit for beach construction approved by Baird and the Village shows that there is only 2.5 to 1.5 feet of safe passageway to the stairs. C-147 from the Winnetka Park District SUP application shows only 5 to 2.5 feet are provided to reach the stairs. The two engineering drawings conflict in width of passageway provided as well as where the stairs are located. C-02 shows the stairs to be 3 to 10 feet shoreward of the crossing. C-147 shows stairs 23 feet shoreward.

The Ordinary High Water Mark (OHWM) on the Village plat of "survey" falls near to the OHWM on the full version of C-02

A new plat of survey is required to resolve differences between C-02 and C-147. It does not contain the stairs. It is not known if the steel sheet pile wall was surveyed. The property line as drawn may be as wide as several feet of the passageway.

The WPD's application for a SUP should be denied because C-147 shows that is does not provide sufficiently wide passageway to the IDNR stairs within the bounds of Centennial Park and thus does not comply with Ordinance 15.78.08 E It agreed to provide 6 feet of passageway as described in Engineers Comment 11 in the application for an SUP, when in fact it may only provide 2.5 to 1.5 feet of passage.

Locating the dog beach fence on the sheet pile groin abrogates the public trust doctrine and IDNR admin law requiring public access to public land. With the fence on the groin the CO2 document allows 205 Sheridan Rd. to request the Winnetka Police Department to cite any person on the groin stairs for trespass by walking outside the miniscule 1.5 foot wide public passageway. If allowed this fence will prevent passage from Centennial Park to adjacent public land.

Engineers Comment 11 from 5 Aug version of WPD application for SUP

11. Proposed fence around dog park, specifically along the southern end of the dog area, will need to be placed far enough away from the existing steel groin and new stone groin on neighboring property to allow for ample safe passage between the properties.

a. PD Response: The proposed dog beach fence is to be located on the existing steel groin to the south, offset 6' min. width from the newly installed stone groin at the south neighbor property, as shown on sheet C138.

b. *Engineering Response: Recommend a larger space between the two elements be provided, as a wider pathway opening would be preferred to allow for easier passage and for access of emergency equipment to the adjoining property.*

c. WPD Response: The dimension verified in the field is a minimum of 6' between two currently fixed structures, the new stone breakwater built on 205 Sheridan Road Property and the current southernmost steel groin, which has been in place for over 70+ years. The 6' dimension is from the newly built passage steps across the 205 Sheridan Road Breakwater and widens from there as you move west to over 10' plus as you approach the existing steel groin. The area between the western off-leash dog fencing and existing steel sheet piling is greater than 12', which leaves ample room for access. The fencing plan is detailed on sheet C147 of the Bid and Construc

Page 4 from Weaver AECOM letter attached to Nov 14, 2022 IDNR permit

2.0 High Water Mark

The High Water Mark for this site is currently 582.0. This elevation was observed in the field and surveyed. The line is estimated based on the impressions in the sand that indicate the current high-water mark limits. There are wrack lines where organic material, cobbles, and other debris that follow a consistent elevation along the beach. In addition, the beach slope flattens markedly above this line. The following photograph illustrates the location of the OHW line.



From: [redacted]
To: Ann Klaassen
Subject: Protection of our beaches
Date: Wednesday, October 2, 2024 10:12:35 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Friends -

In light of the upcoming examinations of the WPB plans for Elder and Centennial, I am sending you 2 recent news items on the Illinois Beach State Park's successful restoration project.

The current science tells us that the methods used in Waukegon are the best way to protect our lakefront. They're also much cheaper than the current WPD plans. I wish the WPD would consider the benefits you will see in the CBS News' video.

Rob B. - Would you please forward this email to the Plan Commission Board, the Zoning Board of Appeals, and the Design Review Board?

Thank you all for your attention to these very important matters.

Yours,

Irene Smith
[redacted]

Restoration of Illinois Beach State Park becomes model for other shoreline projects

[redacted]

Restoration of Illinois Beach State Park becomes model for other shoreli...

Beachgoers notice a much wider beach, and 22 stone breakwater structures to protect against erosion.

[$73 Million Stabilization Project Shores Up Illinois Beach State Park]



$73 Million Stabilization Project Shores Up Illinois Beach State Park

The recently completed project to safeguard Illinois' last natural shoreline by combating erosion has earned nat...

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Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression, and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

John Lewis, from the essay he wrote shortly before his death on July 17, 2020.

ZION, Ill. (CBS) -- CBS News Chicago has been covering concerns about the dilapidated shoreline at the Illinois Beach State Park for years—but now, the once-once forgotten beach has become a model for shorelines across the country.

On Monday, leaders across the state celebrated the early completion of this project, which surprisingly came in under budget.

"Miles of shoreline that were being eroded and depositing the sand actually in Waukegan Harbor, where it didn't need to be," said Beach Park Mayor John Hucker.

Hucker said that erosion, and the lack of investment in the area, had the effect of keeping people from visiting the vacation destination just south of the Illinois-Wisconsin state line.

The last time CBS News Chicago spoke with Hucker was in July of 2019 when his beloved Illinois Beach State Park was shrinking at a rate of about 100 feet per year, and the entire area was in need of investment.

Fast forward more than five years, and the evidence of the $72 million project can be seen firsthand by beachgoers who notice a much wider beach, and 22 stone breakwater structures to protect against erosion. The breakwater structures cover about 12.2 acres of lakebed.

The largest capital project in Illinois Department of Natural Resources history also brought in nearly 430,000 cubic yards of sand.

It was a big investment in the lakefront that Gov. JB Pritzker said will be worth it.

"There was a very real possibility that we could lose it forever," Pritzker said. "That would have put critical ecosystems at risk."

The project will be watched closely, because it is a good example of an innovative design focused on lower-impact and less-expensive measures to protect a shoreline.

"The type of breakwaters that were installed are unique," Hucker said, "and so this will be maybe a model for other Great Lakes areas—and maybe other areas in the

world."

Mayor Hucker said attendance is already up at the beach as of this summer, and the newly-renovated hotel and convention center has also seen more visitors.

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$73 Million Stabilization Project Shores Up Illinois Beach State Park

The recently completed project to safeguard Illinois' last natural shoreline by combating erosion has earned national recognition.



Jonah Meadows, Patch Staff

Posted Tue, Oct 1, 2024 at 2:56 pm CT



Illinois Beach State Park had been eroding at more than 100 feet per year prior to a recently completed capital project. (Jonah Meadows/Patch, File)

ZION, IL State and local officials gathered Monday at the Illinois Beach Hotel to celebrate the completion of a landmark project to safeguard the shores of Lake Michigan, a $73 million Illinois Beach State Park Shoreline Stabilization Project.

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Funded through the Rebuild Illinois capital plan, the stabilization project tackled erosion that had been threatening the state's last fully natural shoreline for years, ultimately preserving a vital ecological and recreational resource. State officials said it was the largest capital investment in the history of the Illinois Department of Natural Resources.

“Just a few short years ago, the natural lakefront was eroding in some places at more than 100 feet per year. There was a very real possibility that we could lose it forever," Gov. J.B. Pritzker said. "That would have put critical ecosystems at risk and also prevented so many visitors and local residents from enjoying all the beauty and recreation that the state park has to offer."

The project involved the construction of 22 offshore stone breakwaters to protect 2.2 miles of beachfront, restoring sand and installing ecological features like nests and gardens to preserve endangered species and natural habitats.

The park stayed open during construction, which involved bringing in 35,000 truckloads of sand and 4,000 tons of cobblestone.

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The Illinois Beach State Park Shoreline Stabilization Project was given the 2024 Best Restored Beach award by the American Shore and Beach Preservation Association. (Office of Gov. Pritzker)

Zion Mayor Billy McKinney said the new breakwaters help protect the water supply of several Lake County communities by sheltering the 17th Street water plant.

"That affects the water that's distributed to Winthrop Harbor, to Beach Park, to Zion and the Marina, the North Point Marina, and to Wadsworth, so without that work being done, there was huge potential for our water supply to be disrupted," McKinney said.

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"Hosah Park, one of our great treasures in the city, I've watched, over the last 10 years since I've been back, watched the boardwalk get washed out," he said.

Natalie Phelps Finnie, director of the Illinois Department of Natural Resources, noted the increase in events and visitors to the park, which became the state's first nature preserve just over six decades ago.

"The beach has been restored, and word has already gotten out. The hotel saw an immediate uptick in beach events," Finnie said. "In fact, Friday night, there was a wedding here."

Finnie predicted more campsite bookings, hotel stays and visits to nearby towns as a result of the project.

The effort was the first in the Midwest to achieve Waterfront Edge Design Guidelines, WEDG, verification, and won the 2024 Best Restored Beach Award through the American Shore and Beach Preservation Association.

"I'm always proud of our great state. I especially want us to lead," Pritzker said.

In fact, whenever you see rankings of states for different things and Illinois isn't ranked at the top, I'm always thinking, 'How do we get to the top of that list?'" he said. "I'm a competitive sort, and the idea that we did a project here that has been recognized throughout the United States as the best — I think that's something we should all be proud of."

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In the spirit of adhering to the Village adopted plan for lakefront protection of the bluffs, the proposed Winnetka Park District (WPD) plan for Centennial Park and Beach should not be approved as presented.

In the spirit of permeable and not permeable surfaces, the proposed WPD plan for Centennial should not be approved as presented. In the proposal there are 10 foot wide stretches of new paths and many other non permeable surfaces designed.

The proposed ramp at Centennial is very detrimental to the existing bluff. The Village has approved an Ordinance to protect Lakefront Bluffs now, and into the future. Universal ADA access is an important part of projects in our Village and ADA is very important to our Community. Universal ADA, is a concept in which products and environments are designed to be usable by all people to the greatest extent possible without the need for adoption or specialized design that can be accomplished in a less intrusive way. A lift from the top the bluff to the beach and a path to the water is simple, effective, is not invasive to the bluff at Centennial. This existing proposed project, without grant money is an outrageous cost to the taxpayers, but more important, is detrimental to our Centennial Bluff.

In the spirit of protecting the bluff, the proposed large boulders stretching 200 feet into the lake perpendicular to the bluff are by todays standards not necessary. The Chicago Tribune presented an article about Northerly Island and the destruction that Northerly Island has endured in the past few years using the boulders of similar design.

The proposed 200 foot extensions into the Lake are not what was proposed in 2030 plan for the Lakefront Parks. The north boulder extension at Elder is against the bluff and will not allow the literal drifting of sand to reach the proposed Elder and Centennial Beaches. These beaches will have to be nourished with rock-like sand and the maintenance will be ongoing as well as expensive. The southern existing pile of boulders blocks traversing the Beach.

The current Caucus Survey requests that Elder Beach be opened and Centennial be put on hold. Our beaches are not privately owned, but are for all to enjoy. All people may traverse the beachfront. One may traverse the beach fronts along

the water line. The proposed giant boulders are preventing access to traverse the Beach, particularly for the challenged or senior population. The boulders are indeed a public nuisance and a safety hazard as is witnessed at Lloyd. Climbers and also swimmers are endangered. These boulders are proposed for Centennial and Elder to segregate the private owners on the north, as well as the south of Centennial and Elder.

Please use your best judgment to analyze this Winnetka Park District proposal that only five people in the WPD consisting of 14,500 residents have voted to hurriedly push through. In the meantime, the WPD has not maintained the bluffs and has shut down Elder Beach for 5 seasons to date. Open Elder Beach and minimize the proposed plan for Centennial.
The proposed plan for Centennial does not have Community support. To the Zoning Board, thank you for your commitment to our Village.

Mary Garrison
10/4/2024

John William Root
[redacted] Woodland Avenue
Winnetka, IL 60093
Telephone: [redacted]
Email: [redacted]

Sent by electronic mail: dschoon@winnetka.org

Mr. David Schoon
Village of Winnetka
Director of Community Development
510 Green Bay Road
Winnetka, IL 60093

October 1, 2024

Re: Case No. 24-08-SU
225 Sheridan Road – Centennial Park & Beach
Comments for 10/14/24 Hearing

Dear Mr. Schoon:

I have reviewed the Winnetka Park District's (WPD) Special Use Permit Application (SUP) for Centennial Park, dated April 3, 2024, in addition to the four SUP supplements provided by the WPD to the Village. The following comments summarize my concerns about the proposed WPD Centennial beach design and how that design conflicts with Village ordinances, particularly the Village zoning ordinances. I would appreciate your assistance in sharing my comments as part of the official packet to be delivered to the members of the Village of Winnetka Zoning Board of Appeals.

Design Concerns

I have reviewed the SUP, and I believe that WPD's design violates provisions in the Steep Slope ordinances and violates Lakefront Construction ordinances. WPD has offered inadequate reasons or justification for variances from the regulations.

Steep Slope Design Defects

The SUP includes an American with Disabilities Act (ADA) accessible pedestrian path that connects Centennial table land with an ADA accessible boardwalk on Centennial beach (see figure 1 below).

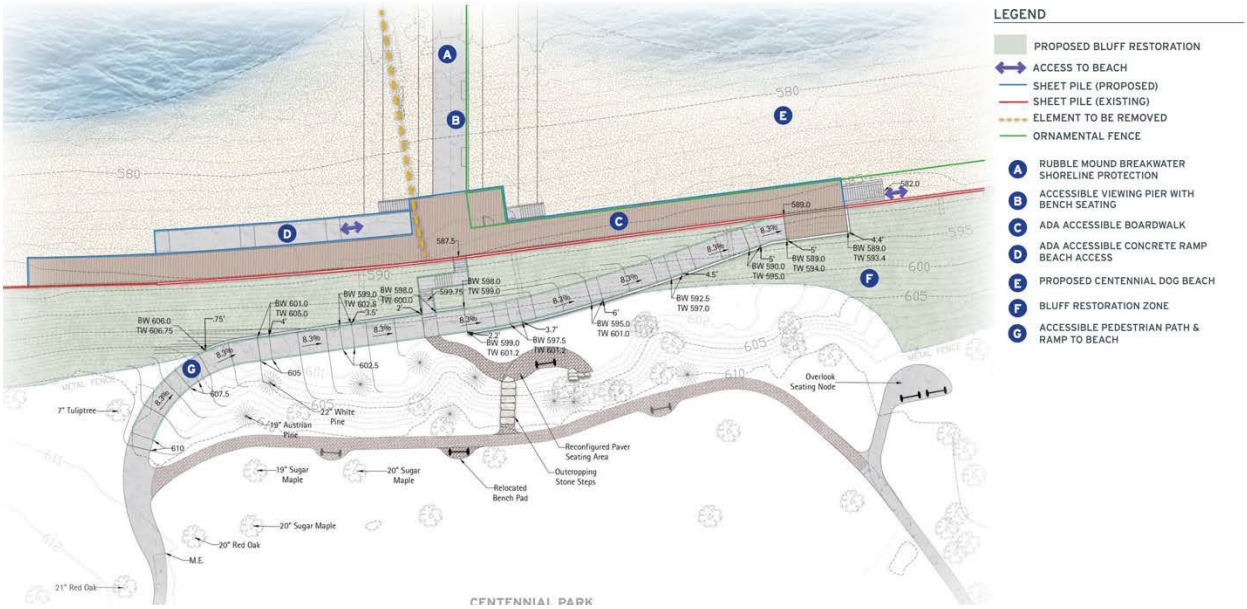

Figure 1: Centennial ADA Accessible Pedestrian Path

The purpose of the Village's recently passed steep slope ordinances (MC-01-2024) is:

> To protect the environment and the integrity of the Lake Michigan coastal area that is a distinctive and valuable feature of the Lake Michigan shoreline.
>
> To recognize the potential for hazards that could affect health and safety to persons and property from significant bluff and shoreline development.
>
> To maintain the stability of the coastal bluffs and shorelines and to reduce the risks of coastal erosion, undermining, slumping, or collapse of the bluffs, and to protect the waters of Lake Michigan from unnatural sedimentation.

The steep slope ordinances are designed to protect against adjoining development from harming the individual properties of surrounding neighbors. The steep slope ordinances were also legislated to safeguard the public at large by protecting the environment and Eco structure of the Lake Michigan bluffs. The WPD's SUP for the ADA pathway should not be granted because the design proposed violates Special Use Permit Standards. Specifically, the ADA path harms the general welfare of the residents by degrading the bluff and the Lake Michigan shoreline. My calculations show that 9,000 cubic feet of bluff will need to be excavated to construct this ADA path. The large scope of this excavation and construction will detrimentally impact the ecology of the bluff and the bluff's structural integrity in contravention to SUP Standards.

I support ADA access to all the beaches in Winnetka; however, this access need not come at the expense of the environment. The WPD has an authorized alternative of a mechanical or

electrical lift (Section 17.82.040(G)) to the WPD proposed ADA pathway. An electric lift will disturb far less area on the bluff and decrease or eliminate excavation on the bluff.

In the alternative, the WPD already has an access road down to the beach at Elder Lane Park with a handicap parking space on the Elder Lane beach. The WPD could provide an all-terrain wheelchair, like the wheelchair currently available at Tower beach, that would permit a disabled person to traverse the beach. The WPD could place Mobi-mats (figure 19) and could build ramps over the existing sheet pile groins on Elder and Centennial. If these were made available a handicapped person would be able to traverse both beaches eliminating the need for the ADA path or building an electric lift on Centennial.

The construction of the ADA path requires the removal of 28 trees on Centennial (figure 2)



Figure 2 Tree removal plan for Centennial

The WPD has formulated this tree removal plan without input from Forester or the public. As I mentioned previously, if the WPD opted for a mechanical lift, then the number of trees that would have to be removed would be reduced.

Lakefront Design Defects

Brief History of the Elder/Centennial Beach Plan

Since 1969 when Centennial Park was first obtained through eminent domain many residents in Winnetka have dreamed of uniting Elder and Centennial parks by acquiring 261 Sheridan, the property separating the two parks. In 2005, Public Lands surveyed the community on whether the public was willing to finance the acquisition of 261 Sheridan, and the public rejected the acquisition. In 2016, the WPD in its Waterfront 2030 Plan again proposed the goal of a united Elder/Centennial beach; however, no plan was proposed on how to acquire 261 Sheridan by the

2030 Waterfront Plan. The Waterfront 2030 Plan included a conceptual plan as shown in Figure 3 below.



Figure 3: Concept for Elder-Centennial headland beach design in the 2030 Plan

The 2030 plan proposed a headland beach system (figure 3). A headland beach or cove beach requires a natural or artificial structure parallel to shore that breaks incoming wave energy and protects the shoreline from erosion and aides in the retention of sand.

In October of 2020, the WPD entered a property exchange agreement with Orchard 2020, a trust that is the current owner of 261 Sheridan of whom Mr. Justin Ishbia is the sole trust beneficiary, in which the parties agreed to exchange 70' of Centennial park for 261 Sheridan. Orchard 2020 on behalf of Justin Ishbia and the WPD jointly submitted a beach design plan in their 2022 application for permits that were filed in February of 2022 with the IDNR and USACE as seen below in Figure 4. These joint applications were withdrawn in June of 2022 due to the lack of support for the beach design by the public.

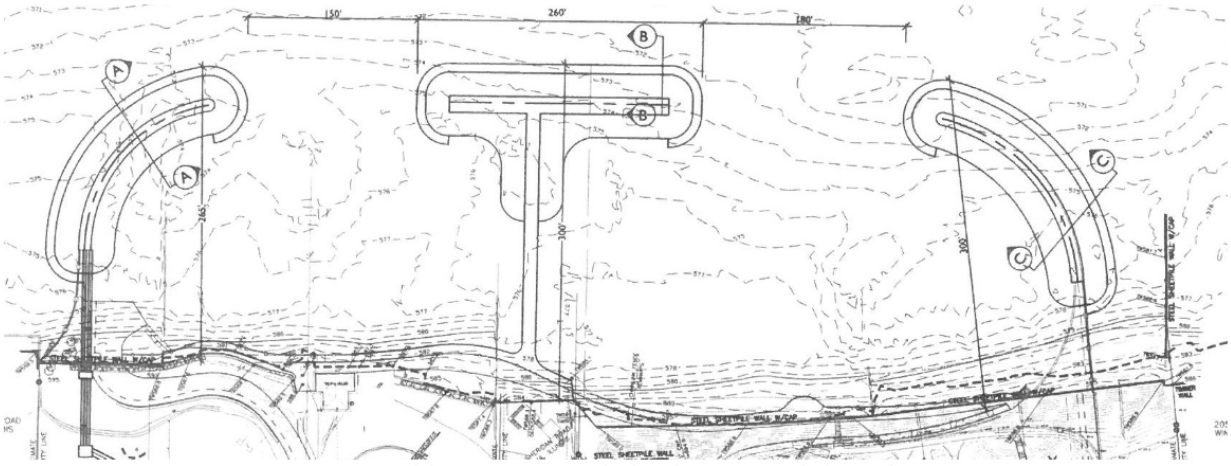

Figure 4: Elder + Centennial beach plan

The 2022 plan was a headland beach system that united the beaches but required the WPD to sacrifice 70' of Centennial Park and was a joint venture design between Mr. Ishbia, his technical team and the WPD. The public was outraged by the design when they became aware of it in February 2022 and the WPD withdrew its permits as result of public petitions and protests. The public's main objections were to louvers on top of the breakwaters and planter pockets that obstructed views on the beach and impeded the public from walking the beach of adjoining properties. The WPD made a series of designs, all without louvers and planter pockets after the withdrawal of the 2022 permits. In October 2023, the WPD approved the designs for Elder and Centennial (figure 5 below). The Centennial portion of this plan has been submitted to the Village in WPD's SUP.

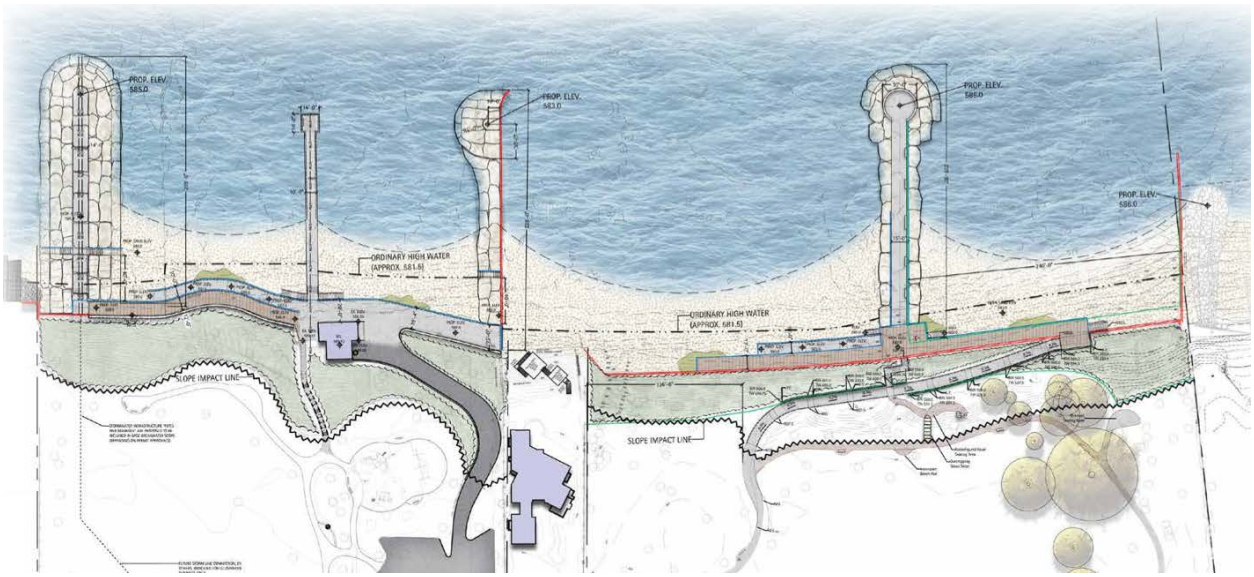

Figure 5: WPD's October 2023 Elder/Centennial plan

One can see that the October 2023 plan design is a radical departure from that proposed by the Waterfront 2030 Plan. This new plan is no longer a headland beach system as originally proposed by the 2030 plan (Figure 3) or as proposed in the joint WPD/Ishbia design that was withdrawn from the IDNR and USACE in 2022 (Figure 4). Unlike the 2030 plan, or the 2022 plan, no workshops, surveys or interviews were conducted with the public seeking their input for this newly revised plan of October 2023. It appears that the only resident outside of the WPD board that had input into this plan was Mr. Justin Ishbia, as evidenced by a contribution agreement that was signed by the Ishbia Family Foundation that requires the WPD to strictly follow the October 2023 beach design for Centennial. That donation agreement restricts any changes from this beach design and grants Mr. Ishbia and his foundation a 50-year restrictive covenant, the conveyance of an interest of public land in Centennial Park to a private entity and individuals.

Centennial Design Defects

In Winnetka Park District's (WPD) Special Use Permit for Centennial (SUP), August 2024, the WPD states that the pier, boardwalk, and dog fencing all fall within the front yard setback. The

WPD claims that Village staff have issued an opinion that the WPD's vertical improvements of boardwalk and pier in the front yard setback are characterized as either a wall or a fence.

> "As outlined in Chapter 17.30, Section 17.30.050(C)(7) Front yard setback for Lakefront Properties, it's noted that the required front yard setback is the toe of the bluff or 50 feet from the ordinary high-water mark, whichever results in the line farthest from the ordinary high-water mark. Nonetheless, Section 17.30.130(A) describes permitted obstructions in required yards. Village staff have issued an opinion that the District's vertical improvements in the front yard are characterized as either a wall or a fence, as described in Section 17.30.130(A)(10). Based on the District's review of these sections and staff's code interpretation, we propose including the following project elements as variations since they exceed a height of 6.5' from grade."

I have not seen any written opinion by Village staff characterizing all vertical improvements as a wall or a fence. Has Village staff issued such an opinion? Did staff consult with the Village attorney before issuing such an opinion? Was there any consultation between Village staff, the Village attorney, and Village trustees before the issue of such an opinion?

In my opinion, the characterization of boardwalk and pier structures as a "wall" or "fence" is ludicrous. Section 17.30.130(A)(10) states which structures are permitted in the front yard setback:

> A. Obstructions Permitted in All Required Yards and Required Inner and Outer Courts. The following obstructions shall be permitted in all required yards, provided they comply with all other applicable standards of this Chapter:
> 10. Fences and walls not exceeding 6½ feet above natural grade located along a front or corner lot lines, except that no fence or wall shall extend within 10 feet of the intersection of a driveway and sidewalk or within 25 feet of the intersection of the street line of two intersecting streets: (17.30.130(A)(10))

There are no definitions for "wall" or "fence" in the zoning code. Section 17.30.130(A)(10) was passed on 4/2/96 long before the Lakefront Construction ordinances and the Steep-Slope Construction ordinances were passed, and the context of the ordinance indicates that "wall" means a masonry fence around a garden, park, or estate. The boardwalk falls entirely in the front yard setback and a portion of the pier falls within the front yard setback. These structures require an SUP because they are structures that are prohibited by 17.30.130(A) not because they are 6.5' wall or fence above grade.

The purpose of the Village's recently passed Lakefront Construction ordinance stated in 15.78.010 is:

> …. to provide that construction in and adjacent to Lake Michigan and its shoreline will not cause environmental or ecological damage to the lake or surrounding areas of the Village or otherwise adversely impact the health, safety, and welfare of the Village or its residents.

The Lakefront Construction ordinances protect individual property owners from harm from adjoining development and protect the public at large by protecting the environment of Lake Michigan shoreline and adjacent waters. The Lakefront Construction ordinances protect the health and safety of the public by prohibiting dangerous structures and assuring public access along the Lakefront. The WPD SUP for the pier, boardwalk, and dog beach fence should not be granted because it violates Special Use Permit Standards. Specifically, the pier, boardwalk, and dog beach fence harm the general welfare of the residents by covering the lake and beach, blocking sight lines along the beach, degrading the environment of the lakeshore preventing free passage of the public along the beach, creating a safety hazard for swimmers, and in the event of a water emergency, rescue responders from both seeing an individual in distress and in reaching that individual. Furthermore, the Special Use Permit Standards provide:

> That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

The SUP structures violate the Special Use Permit Standards because the SUP violates the following Lakefront Construction ordinances: their design includes more than is minimally necessary to achieve the project intended purpose (Section 15.78.080(D)); the design interferes with access to adjoining public property (Section 15.78.080(E)); the designs create a public safety hazard (Section 15.78.080(E)); the design will obstruct public safety operations; and, the design will alter existing sight lines (Section 15.78.080(G)).

> Section 15.78.080(D). Project Scope. The covered construction and any related structures include only what is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.
>
> Section 15.78.080(E). No Public Safety Hazard. The covered construction and any related structures will not create any public safety hazards, including, without limitation, by unreasonably obstructing or otherwise interfering with ingress or egress to adjacent public beaches or private property.
>
> Section 15.78.080(F). Interference with Public Safety Operations. The covered construction and any related structures will not block or otherwise unreasonably interfere with the ability of public safety personnel to conduct search and rescue or other public safety operations.
>
> Section 15.78.080(G). Existing Sight Lines. The covered construction and any related structures will alter existing sight lines along the Lake Michigan shoreline no more than is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.

Sight lines are not limited along the horizon but also include looking down at the beach from the bluff or looking from any vantage point at any elevation at the natural beach and lake. By covering the lake and beach with artificial structures, as proposed by the WPD, the Park District is severely altering existing sight lines.

Centennial Pier Design Defects

WPD's October 2023 design for Centennial (figure 6) in its SUP has a rubble stone groin that is perpendicular to shore that will not dissipate the wave energy from the major storms in the Lake and will not retain substantially more sand than the sheet pile metal groin it is replacing.

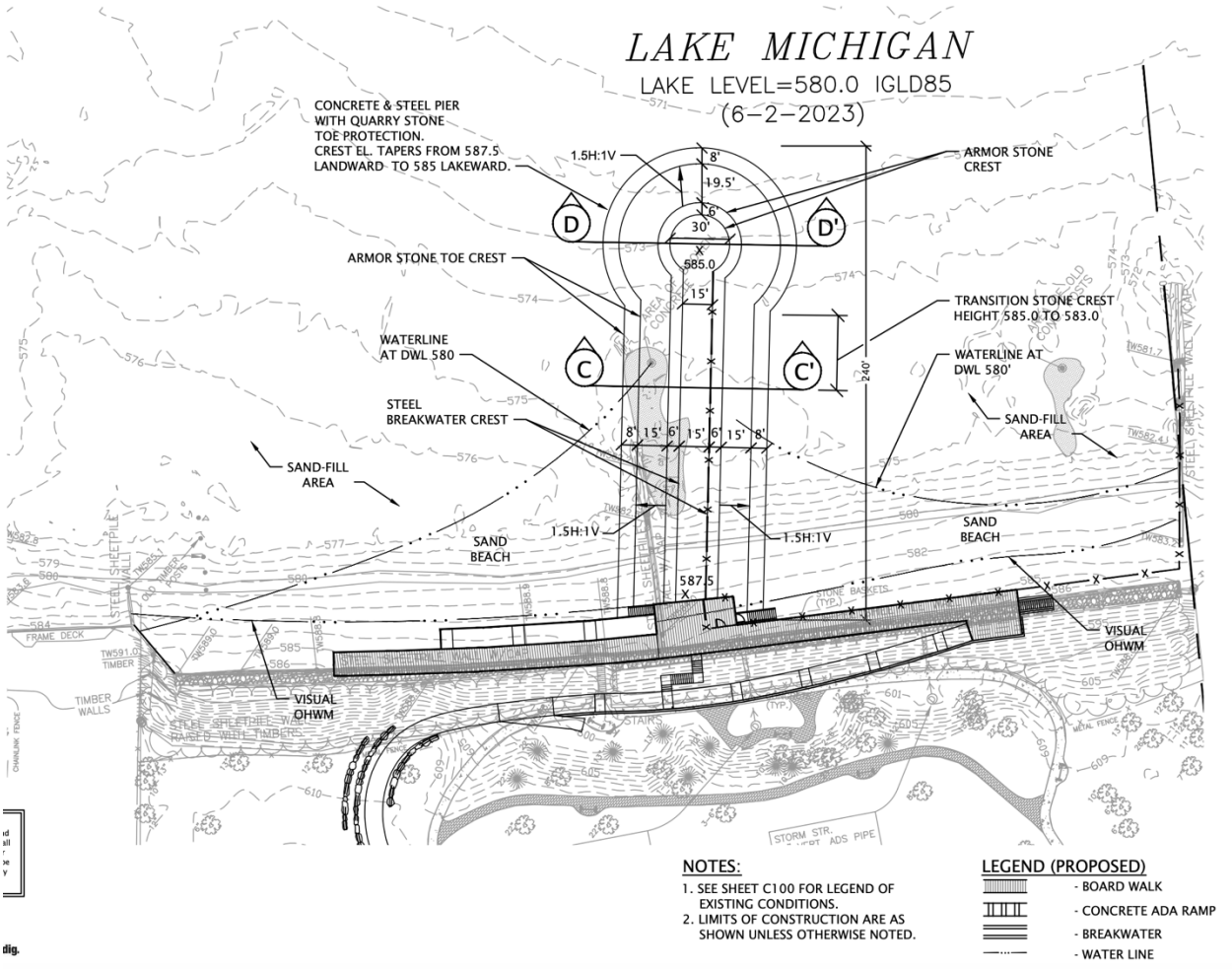

Figure 6: October 2023 Centennial lakeshore construction plan

In WPD's revised application of August 5, 2024, the District states the purpose of the pier:

> "The proposed pier structure was designed to serve several purposes on site. The main purpose of the pier is to more substantially delineate the two distinctive swimming beach and dog beach uses, north and south respectively. Furthermore, the pier provides additional shore protection by diffusing wave energy and helps hold sand for both beaches from erosion and littoral drift. Finally, the pier provides an additional recreational use allowing visitors greater interaction with the lake."

This massive pier has a width of 79' (figure 7). A 79' swath of beach and lake will be covered with cement, steel, and stone and will be unavailable to swimmers or park patrons with dogs.

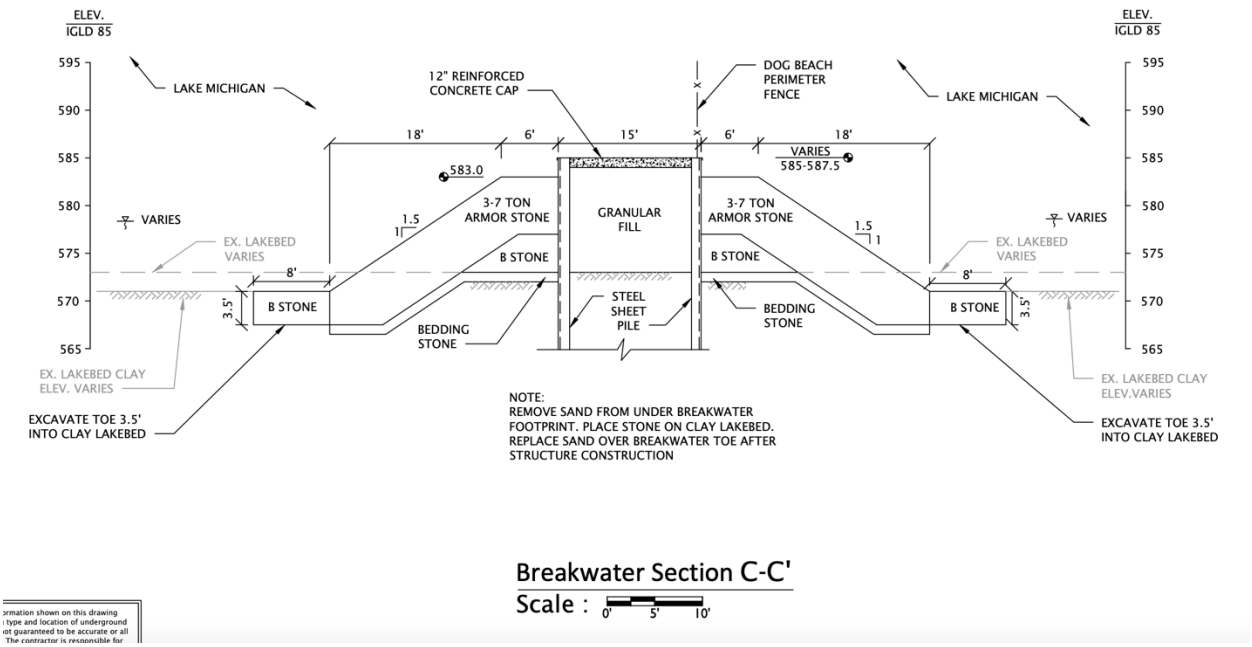

Figure 7: Cross section through proposed pier

It should be noted that the width of 261 Sheridan, the property desired by the WPD in the property exchange agreement is only 70'. The pier extends 239' into the lake and will cover an area of 18,960 square feet of lakebed and beach. A chain link fence would just as effectively separate dogs from swimmers and will only cover a 2" width of beach and lakebed for a total area of 40 square feet *(highlighting for emphasis*). Use of a massive pier to delineate a dog beach from a swimming beach is not a proper use for Lakefront construction (Section 15.78.080(D). By covering so much area of the lake with pier the WPD is harming the lakefront environment and the welfare of the community by obstructing sight lines (Section 15.78.080(G) with a structure that exceeds what is minimally necessary (Section 15.78.080(D)) to delineate the dog beach from the people beach.

There are seven dog beaches on the North Shore of Lake Michigan in Illinois; four of these Illinois dog beaches share a boundary with a public swimming beach. These four North Shore examples are Sunrise Dog beach in Lake Bluff, Gillson Dog Beach in Wilmette, Evanston Dog Beach in Evanston, and Montrose Dog Beach in Chicago. All four of these beaches use simple fences to separate patrons with dogs from human swimmers.

Sunset Dog Beach & Adjacent Swimming Beach

Sunset Dog Beach is bounded on the north by private property and on the south by a public swimming beach (figure 8).

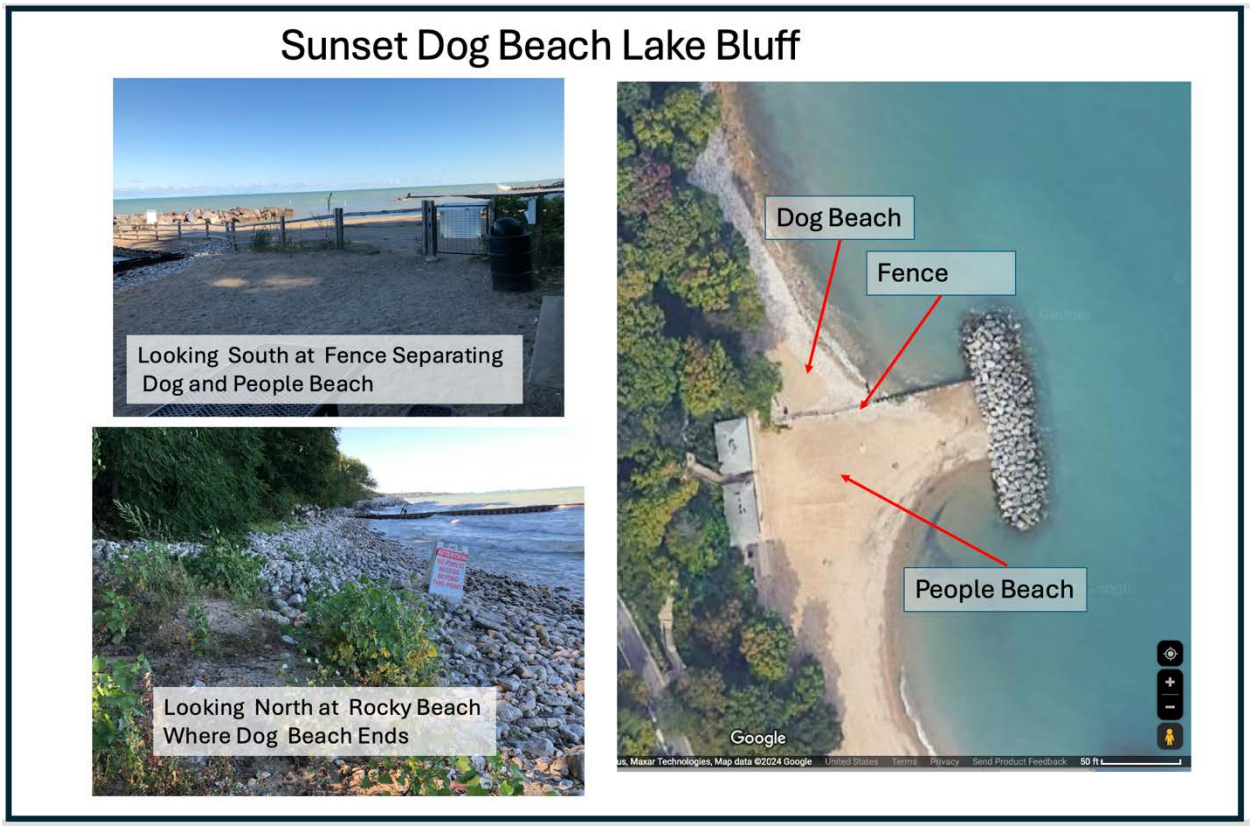

Figure 8: Sunset dog beach Lake Bluff

There is a 4’ high split rail fence covered in wire mesh on the southern boundary of the dog park that separates the dog beach form the people swimming beach and a rocky shore to the north keeps the dogs confined to the beach.

Gillson Dog Beach & Adjacent Swimming Beach

Gillson Dog Beach is bounded on the north by Gillson Swimming Beach and bounded to the south by Wilmette Harbor. (figure 9).



Figure 9: Gillson dog beach Wilmette

The chain link fence 4'-5' high on the northern boundary separates the dog beach from the people swimming beach and the Wilmette Harbor to the south keeps the dogs confined to the dog beach. A plastic safety barrier fence keeps dogs off the rubble stone lining the harbor. In fact, the chain link fence are panels that are removed from the park upon the conclusion of the Summer swimming season.

Evanston Dog Beach & Adjacent Swimming Beach

Evanston Dog Beach is bounded on the north by Clark Street Swimming Beach and bounded to the south by Church Street Power Boat Ramp (figure 10).



Figure 10: Evanston dog beach Evanston

There is a 4’ high chain link fence on top of a 3’ high steel groin on the northern boundary separating human swimmers from dogs and the Church Street Power Boat Ramp to the south keeps the dogs confined to the dog beach.

Montrose Dog Beach & Adjacent Swimming Beach

Montrose Dog Beach is bounded on the north by a concrete revetment and bounded to the south by a chain link fence that separates it from Montrose Swimming Beach (figure 11).

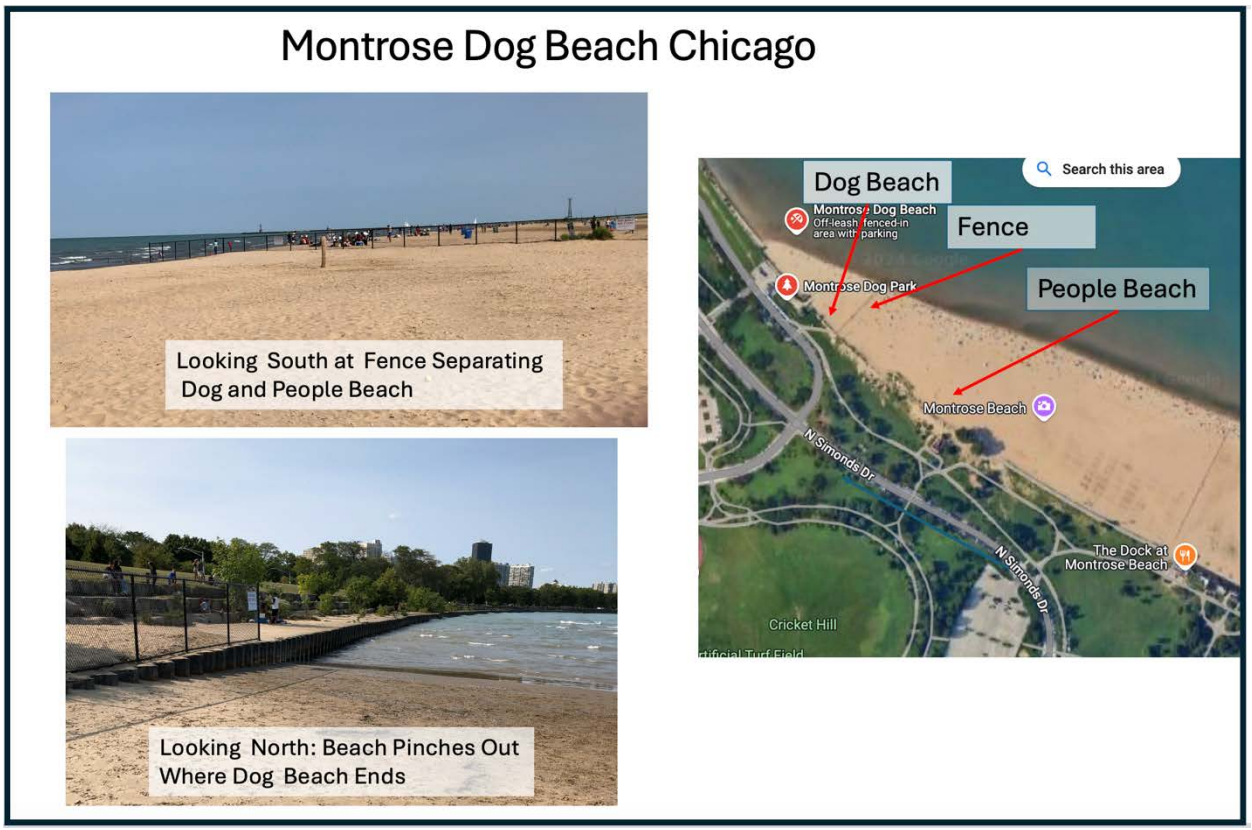

Figure 11: Montrose dog beach Chicago

The chain link fence is 4’ to 5’ high on the southern boundary and the revetment to the north keeps the dogs confined to the dog beach.

Belmont Dog Beach

Belmont Dog Beach, located in Belmont Harbor in Chicago, does not border a public swim beach or private property. The western boundary of the dog park is an iron fence 4' high and the remaining three sides of the beach are bordered by the harbor (figure 12).



Figure 12: Belmont dog beach Chicago

North Shore Public Dog Beaches Adjoining Private Property

On the north shore of Illinois there are only two dog beaches that adjoin private property, Moraine Dog Beach in Highland Park and Centennial Dog Beach in Winnetka. Moraine Dog beach is bound to the north by a ravine on private property and bound to the south by private property (Figure 13).

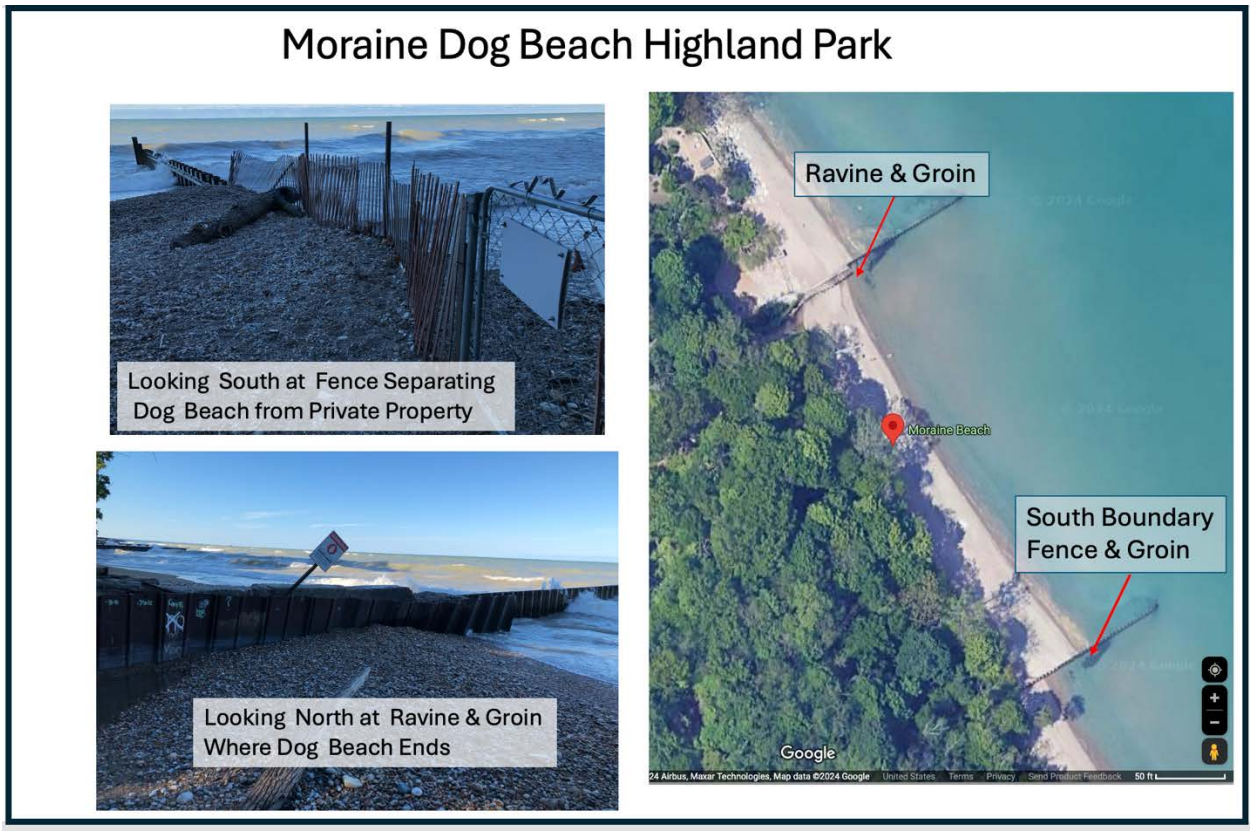

Figure 13: Moraine dog beach Highland Park

A ravine confines the dogs to the north **and a 4' high wooden slat snow fence confines the dogs to the south** *(highlighting for emphasis*).

Current Status of Centennial Dog Beach

Centennial Dog Park, the location for the SUP, currently has no permanent fencing that confines dogs to the park (figure 14).



Figure 14: Centennial dog beach Winnetka

The property bounding Centennial on the south, 205 Sheridan, owned by Mr. Justin Ishbia, has erected a temporary chain link fence that prevents dogs and owners from entering the property that is under construction. There is no fence between 261 Sheridan, the property bounding Centennial on the north. Elder Lane Park is a swimming beach located on the northern boundary of 261 Sheridan and there is no fencing between these two properties. Winnetka beachgoers can now walk the 71' between the parks with only low-profile sheet pile groins creating little obstruction that can be easily navigated.

This review of all the North Shore Lake Michigan dog beaches in Illinois shows that fencing is the most popular method used to separate, confine, and "delineate" dog beaches from human beaches. Municipalities also use natural boundaries such as ravines and rocky shorelines to confine the dogs and separate them from people. Artificial structures such as stone lined harbors and boat launches also serve a secondary purpose of confining dogs and separating them from humans on the beaches. There is no example where a massive pier or rubble stone breakwater has been built for the primary purpose to "delineate" a dog beach from a human beach in Illinois. I believe that no municipality has done such construction because of the expense of stone

breakwaters or piers, the environmental damage to the lake, the impairment of lakefront vistas, and the safety problems these stone structures cause, when the simple solution of a fence is available without the associated problems.

Suggested Alternative

Centennial Dog Beach opened in 1995 and a 71' strip of beach (261 Sheridan) between the parks has provided an adequate buffer that "delineates" dog beach from swimming for the past 29 years. The WPD plan splits the current Centennial Dog Beach between dogs and swimmers and keeps Elder as a swimming beach. As an alternative the WPD could move the dogs to Elder north of the Elder pier. The Elder pier would provide the "delineation" between an Elder dog beach north of the pier and a swim beach south of the pier (figure 15) without having to build a massive pier on Centennial.

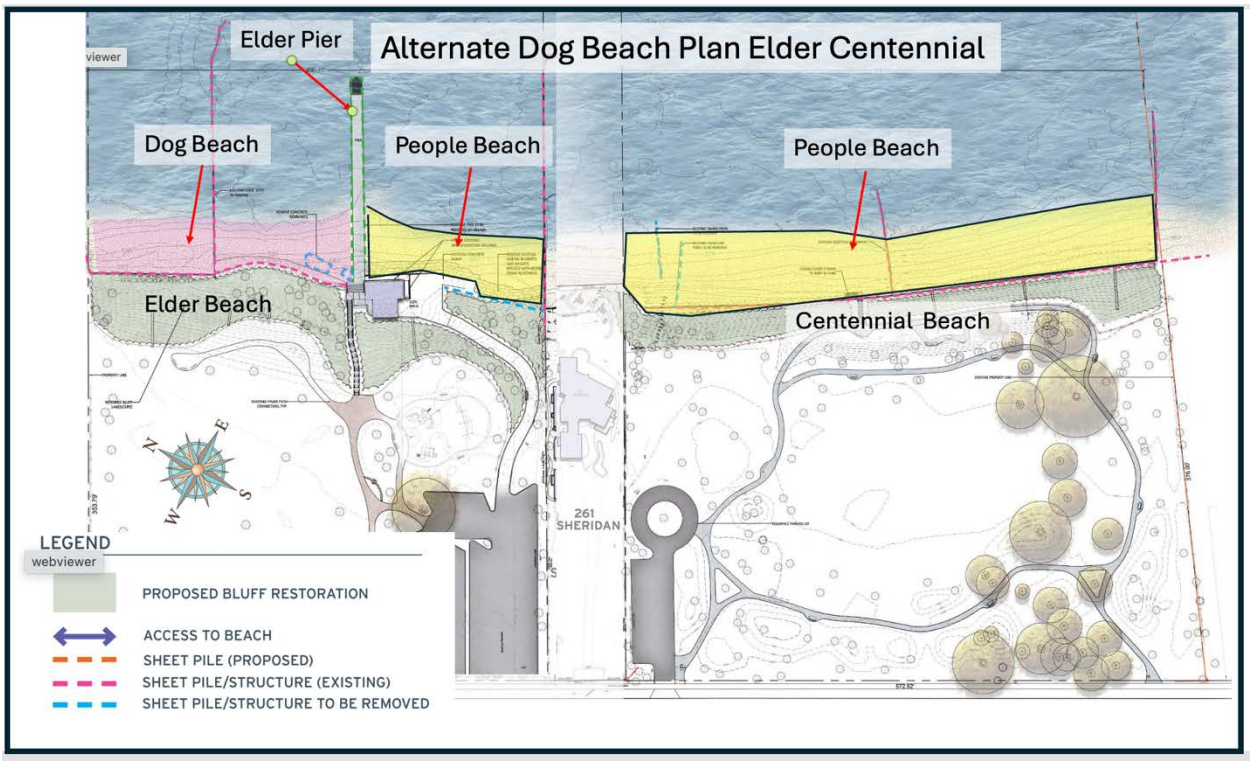

Figure 15: Alternate dog beach plan Elder Centennial

The WPD states that a secondary purpose of the pier is to provides an additional recreational use allowing visitors greater interaction with the lake. At first blush this objective would appear to satisfy **Section 15.78.080 (D)'s** requirement that only designs that are minimally necessary should be approved. The Village's consulting coastal engineer states the following after reviewing the plan for the pier:

2. Elevation of proposed pier (585' IGLD) seems justifiable since it is for pedestrian access. As conceptually submitted, this meets the "minimally necessary to achieve the intended and proper purpose" requirements in the lakefront construction ordinance. However, the

proposed pier will be frequently overtopped by waves and the concrete promenade should be detailed accordingly

However, the engineer does not address the fact that Centennial pier is only 500' away from the existing Elder pier (figure 16).

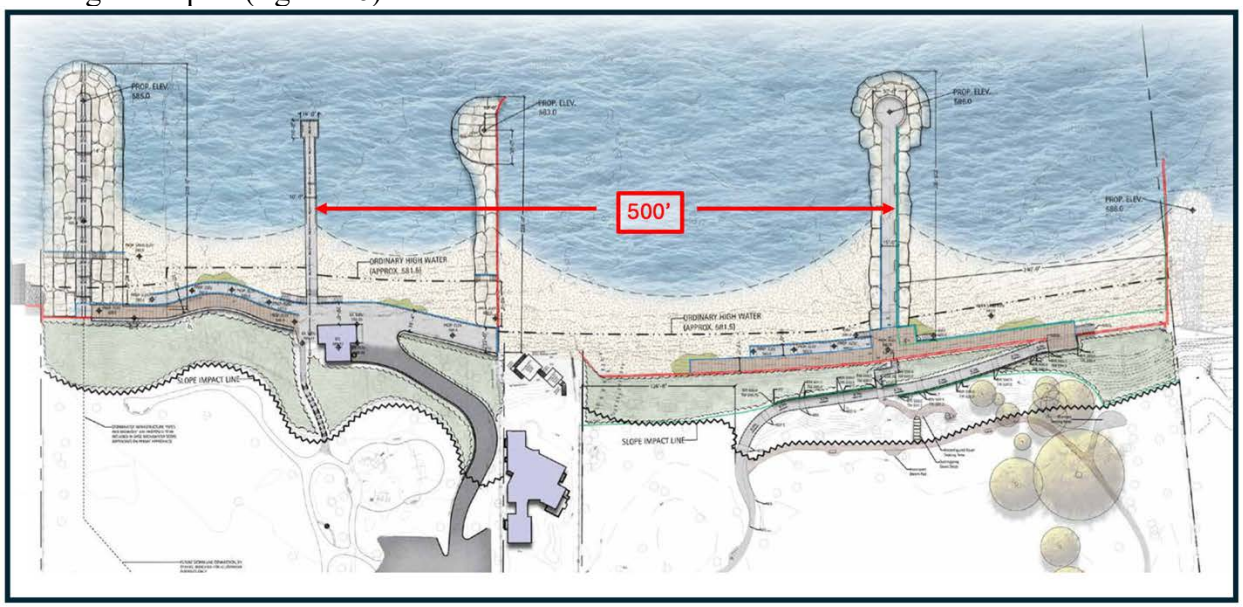

Figure 16: WPD's October 2023 plan with 500' separation between Elder and Centennial piers

The WPD does not need two viewing piers so close together. Having the piers in such close proximity will cause each pier to interfere with the other pier's views. The Elder Lane pier provides an adequate platform for viewing the lake making the Centennial pier redundant and violates Section 15.78.080 (D) prohibition against designs that are not minimally necessary. Building an observation pier so close to an existing pier would not be a proper purpose under Section 15.78.080 (D).

The WPD claims in its SUP that the pier provides additional shore protection and helps hold sand from erosion and littoral drift. During the November 16, 2023, WPD Board Meeting, Commissioner Warren James, a WPD board member and the leader of the Elder Centennial design team, stated that the design was no longer a headland system (Time Stamp 1:02:10). The previous Elder-Centennial beach plan was a headland beach system designed to protect the bluffs and retain sand (figure 4). Mr. James stated that the October 2023 design has been revised to prioritize the preservation of views over retention of sand following the directives of the new Lakefront ordinances (Time Stamp 1:02:10). It should be noted that the Village had already approved a permit application for a headland beach system design under its new Lakefront Construction ordinances for 205 Sheridan (205 Sheridan is on Centennial's southern boundary and owned by Mr. Justin Ishbia) on July 6, 2023. The elevation of 205 Sheridan's breakwaters varied from 585'-587' elevation and the proposed pier on Centennial in the SUP varies from 585' to 587.5. Both 205 Sheridan's breakwater and WPD's pier on Centennial should have similar effects on sight lines along the horizon. The WPD could have retained a headland beach design that would have retained sand on the shoreline and still conform to the Lakeshore Construction ordinances. As I have noted above there are no approved structures for lakeshore construction,

conversely there are no prohibited structures in the Lakefront Construction ordinances. At the November 16, 2023, Mathew Wright, the consulting civil engineer engaged by the WPD for the Centennial project stated that the pier would not add protection for the bluff and that existing steel sheet-pile revetment and planned steel sheet-pile revetments would provide the bluff protection (Time Stamp 1:15:06). When asked by Commissioner Root why no coastal analysis had been done to explain the need for the pier, Mr. Wright replied that the main function of the pier was to separate the dog beach from the people beach and to provide an amenity to the public for viewing the lake (Time Stamp 1:33:12). Mr. Wright also provided that beyond the separation of dog and human beaches and viewing amenity for the public, there is no need for the pier and therefore no need further coastal analysis (Time Stamp 1:33:12).

The coastal engineer, Rob Nairn, hired by the Village to review this design made the following comment about shoreline protection by the proposed pier in the Village's engineering review:

2. Proposed pier extends deeper/ further lakeward than existing steel sheet pile groin, will impact the shoreline shape, and should improve the shoreline/bluff protection in the immediate vicinity. The beach cells should be prefilled to minimize impacts to longshore sediment transport. I would expect the permit application to include an analysis of the impacts to sediment transport and how the proposed shape of the beach fill was determined.

Mr. Nairn states that the pier "should" have a positive effect on the shoreline, but he does not state the magnitude of the impact nor how much an alternate design would better protect the bluff and beach compared to the existing steel groin it would replace. Without a coastal engineering analysis there is no way to predict whether sand used to prefill the beach cells will remain or quickly be eroded by storms and littoral drift. The Centennial beach design is not a headland beach design designed to protect the beach and bluff. The bluff at Centennial is currently protected by a steel sheet pile and the pier is not needed for bluff protection. The minimal unquantified beach protection that the pier may provide does not justify the damage to the lake and shoreline environment caused by dumping massive amounts of rock concrete into the lake to construct the pier.

The proposed pier creates a public safety hazard for swimmers, paddle boarders, kayakers, and dogs (Section 15.78.080 (E)). The pier will obstruct sight lines between swimming beach and the dog beach. This obstructed sight line will create a safety hazard if a swimmer or dog is in distress and persons on the adjoining beach are unable to see it. The rubble stone used to construct the pier will create a hazard for swimmers, paddle boarders, dogs, and kayakers when waves wash them into the rubble stone pier. Swimmers, dogs, and wildlife are likely to climb on the stones and can injure themselves by falls.

Centennial Boardwalk Design Defects

The WPD SUP for the boardwalk should not be granted because it violates Special Use Permit Standards prohibition against harming the general welfare of the community. The boardwalk covers lake and blocks sight lines along the beach, degrading the environment of the lakeshore. Furthermore, the Special Use Permit Standards require that the special use conforms to all other

Village ordinances and the boardwalk violates **Section 15.78.080 (D)'s** requirement that only designs that are minimally necessary to achieve their intended proper purpose are permissible on the Lakefront.

The elevated boardwalk (Figure 17) is 330' in length and is 12' wide and will cover 3,960 square feet of Centennial beach.

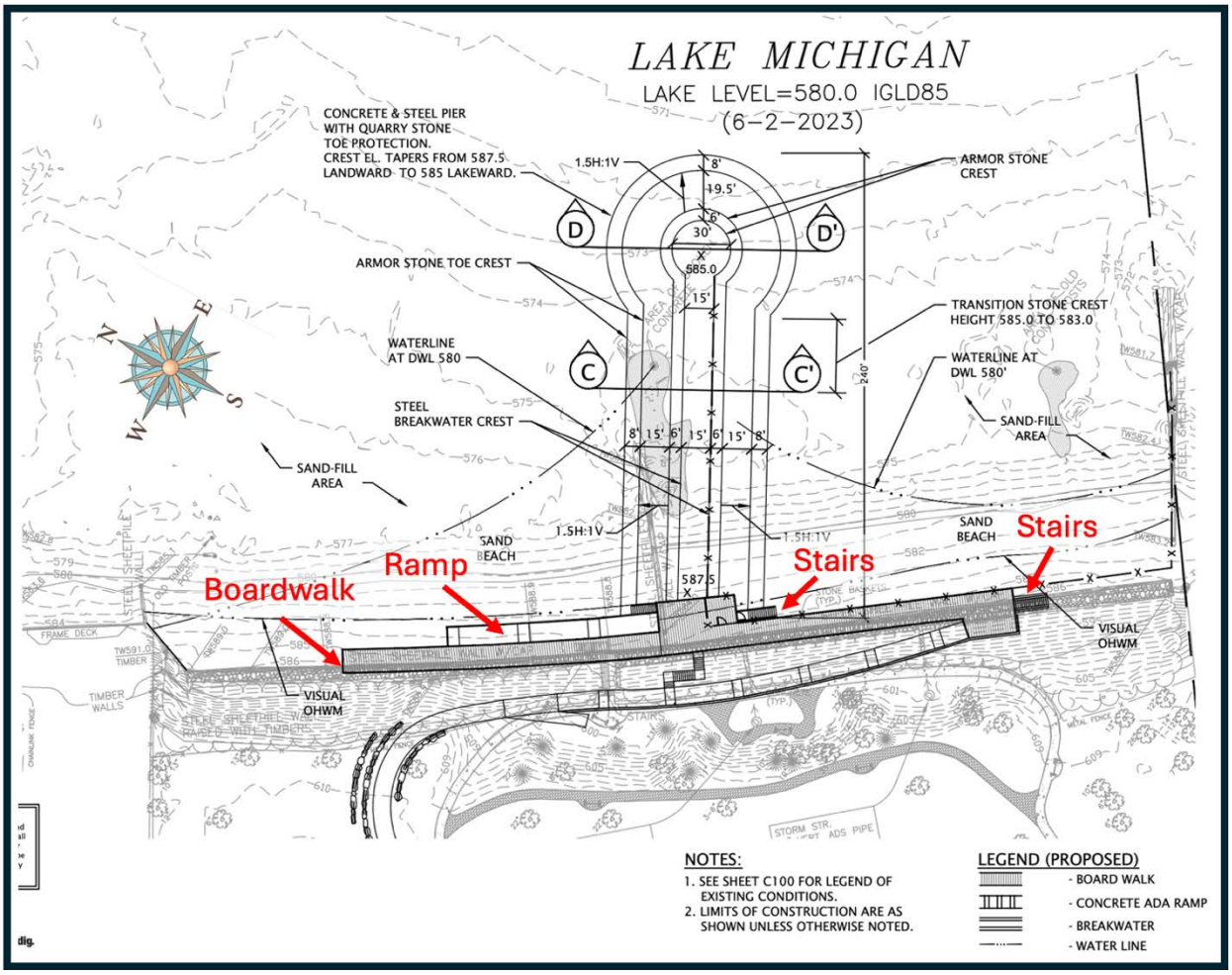

Figure 17: WPD's Centennial elevated boardwalk

The WPD has chosen to sacrifice useable beach for this amenity. As mentioned above, there is already a pier at Elder that provides excellent views of the lake rendering a boardwalk viewing platform unnecessary. As with all the Centennial designs, the WPD has not surveyed the public on whether they want this amenity nor have they submitted their plan for referendum to see if the public wishes to pay for it despite numerous repeated requests for a referendum during Public Comment at WPD meeting for the past 2 ½ years.

The boardwalk terminates to the south with a set of stairs to the beach which will permit pedestrians to walk to the adjoining property to the south but will deny access to those with disabilities (Figure 17). In the center of the boardwalk there will be a set of steps to the dog beach that will deny access to the dog beach for those with disabilities (Figure 17).

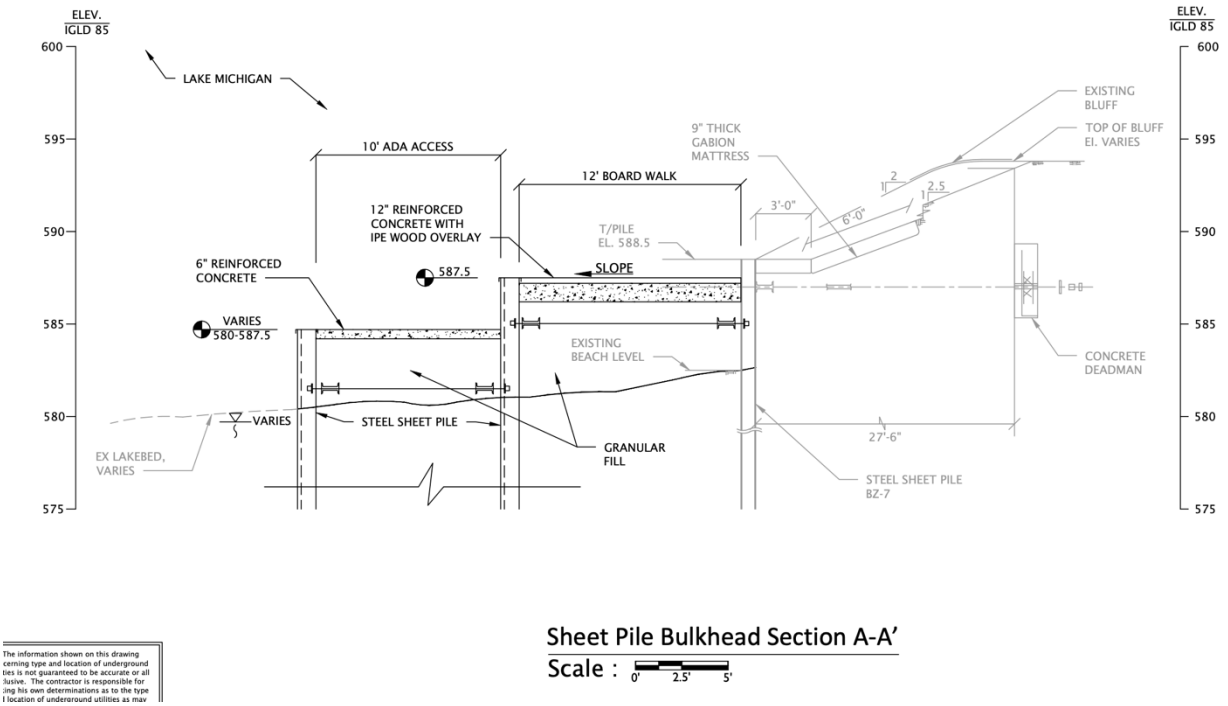

Figure 18: Cross section through boardwalk

From figure 18 above, you can see that the boardwalk is elevated 6’ above the beach and requires steel sheet pile to be driven to support the boardwalk. The boardwalk is 2’higher than the pier which will permit public views unobstructed by the Centennial pier. However as noted above, the pier serves no valid engineering purpose and there will be no need to elevate the boardwalk if the pier is absent. There are boardwalks at Lloyd and Maple, and neither is elevated. Elevating the boardwalk goes counter to 15.78.080 (D) that permits only designs that are minimally necessary to achieve the intended proper purpose.

Montrose beach uses an alternate design of a Mobi-mat for pedestrians and mobility impaired individuals to access the lake (figure 19). A 6.5’ wide Mobi-mat could serve the same function as the 12’ wide 330’ long boardwalk, but the Mobi-mat would cover 46% less beach area compared to the boardwalk.

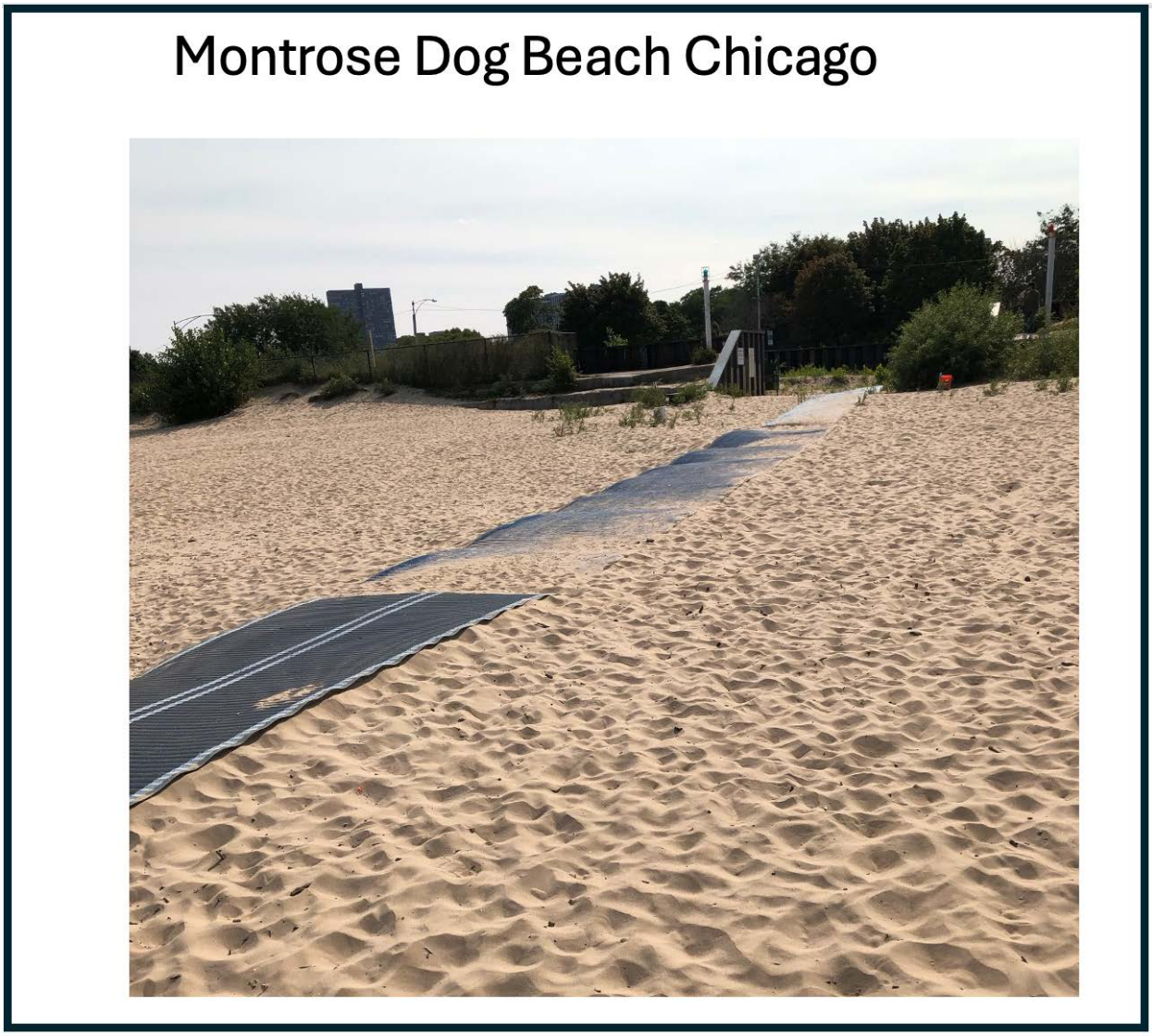

Figure 19: Mobi-mat utility mat

Centennial Dog Fence Design Defects

The WPD SUP for the dog fence should not be granted because it violates Special Use Permit Standards because the design endangers public safety by impeding mobility by the public, police, and the fire department. Furthermore, the Special Use Permit Standards require that the special use conforms to all other Village ordinances and the dog fence violates Section 15.78.080 (E) (No Public Safety Hazard), Section 15.78.080 (F) (Interference With Public Safety Operations) from the Lakefront ordinances.

The northern boundary of the dog beach is the pier on Centennial which will have an ornamental fence on top of the pier (figure 20). The western boundary fence of the dog beach is parallel to the toe of the bluff and runs from the pier to the southern boundary of Centennial (figure 19).

The southern boundary of the dog park will be a fence on top of a sheet pile groin that goes from the toe of the bluff out into the Lake (figure 20).

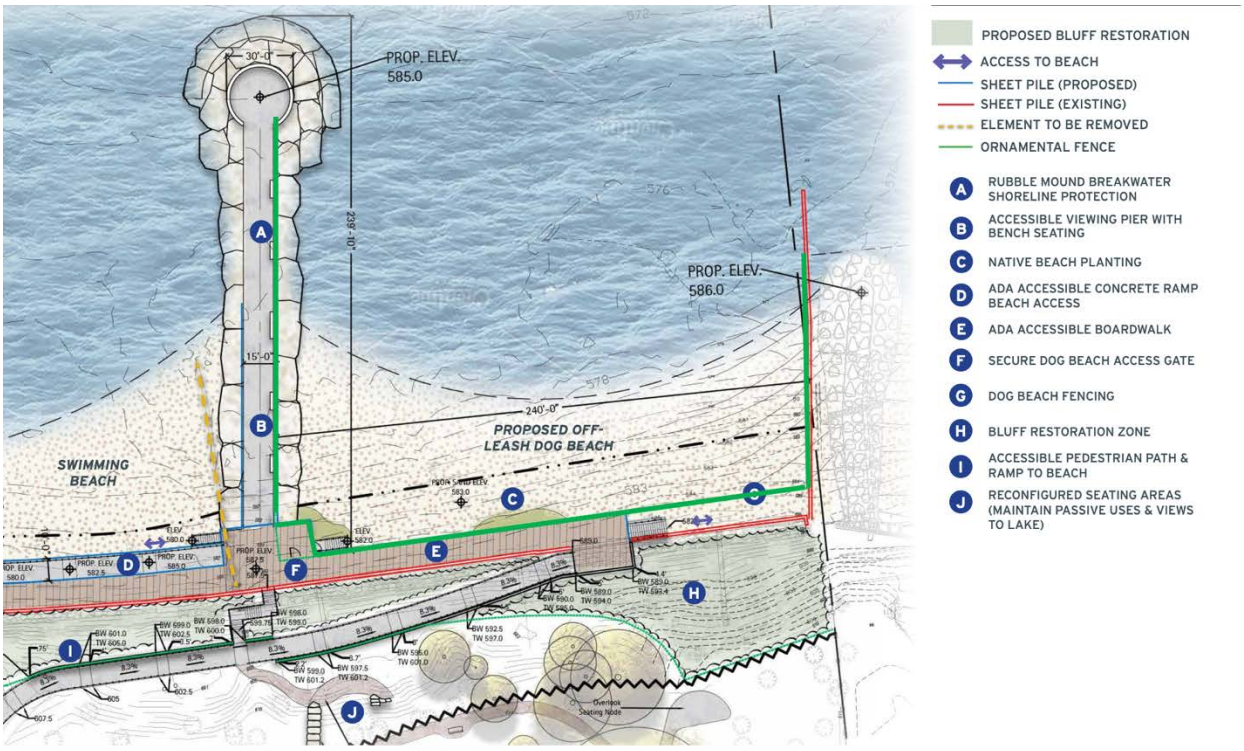

Figure 20: Dog beach fencing (green line)

The western boundary fence and the bluff creates a path for pedestrians on a strip of beach that terminates at the southern boundary of Centennial (figure 20). In order to continue walking the beach on the adjacent property, 205 Sheridan, a person would have to cross the sheet pile groin and walk east between the southern boundary fence and the stone breakwater near the boundary on 205 Sheridan until the individual reaches the stone steps through the breakwater (figure 21).

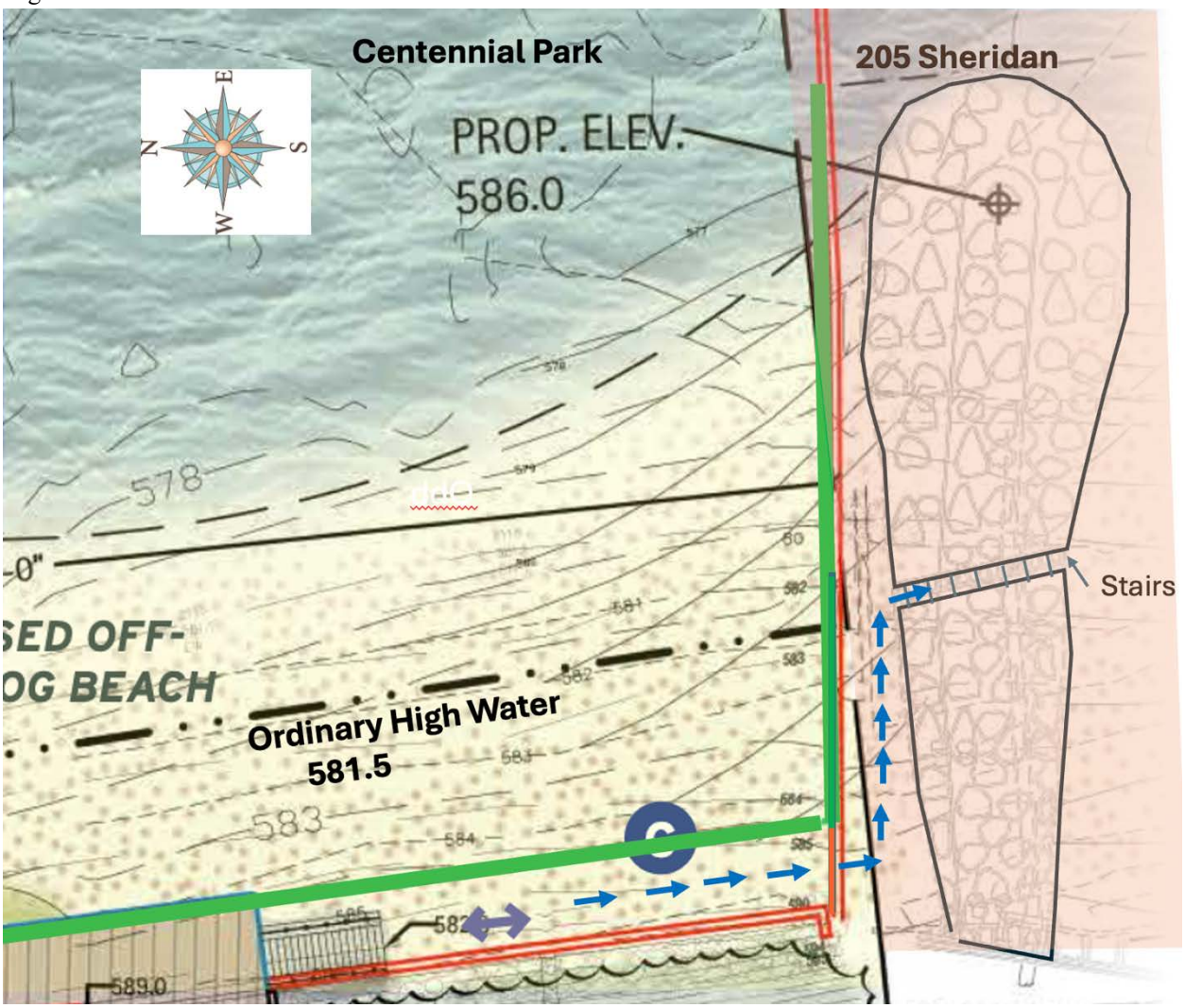

Figure 21: Dog beach fencing (green line) detail

This path will take the pedestrian across 205 Sheridan, the property owned above the ordinary high-water mark by Mr. Justin Ishbia, forcing the pedestrian to trespass on 205 Sheridan to reach the stairs in the breakwater. The WPD dog fence will block direct access to the stairs in the breakwater on 205 Sheridan and will prevent pedestrians from walking along the ordinary highwater mark in violation of Section 15.78.080 (E) obstructing or otherwise interfering with ingress or egress to adjacent public beaches or private property. The Village engineering department has noted that this path is too narrow:

11. Proposed fence around dog park, specifically along the southern end of the dog area, will need to be placed far enough away from the existing steel groin and new stone groin on neighboring property to allow for ample safe passage between the properties.

The WPD has failed to correct this design flaw and their SUP for the fence should be denied.

At the currently planned exit from Centennial on to 205 Sheridan at the toe of the bluff, a person cannot see the stairs in the breakwater on 205 Sheridan (figure 22) and this could cause a public safety hazard prohibited by Section 15.78.080 (E) and could also interfere with public safety operations prohibited by Section 15.78.080 (F).

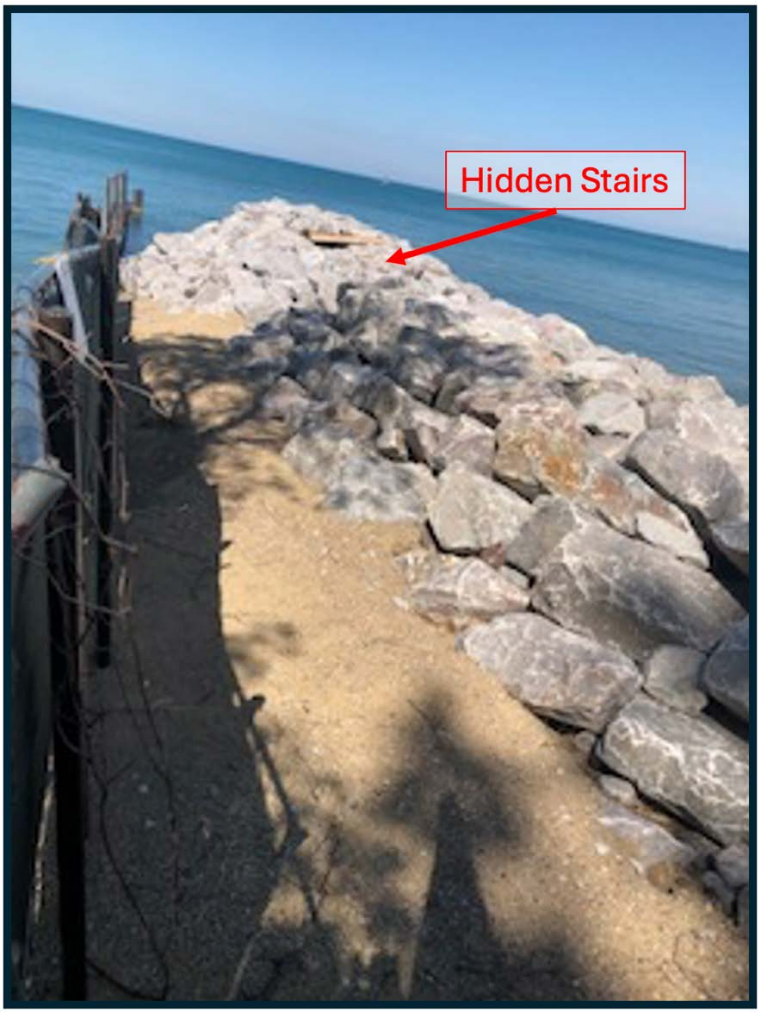

Figure 22: Looking east along breakwater on 205 Sheridan stairs are not visible

The location of the southern fence in the SUP should be denied and alternatives should be considered. By changing the location of the southern boundary fence (figure 23), the WPD would allow direct access from Centennial Park to the stone steps across the breakwater on 205 Sheridan and allow pedestrians to stay below the ordinary high-water mark and therefore not be potentially subject to allegations of trespass on 205 Sheridan, the property owned by Mr. Justin Ishbia. This new path between the fence and the groin would be sufficiently wide for safety operations. This design would cure WPD's current defective design that creates a public safety hazard and interferes with public safety operations.

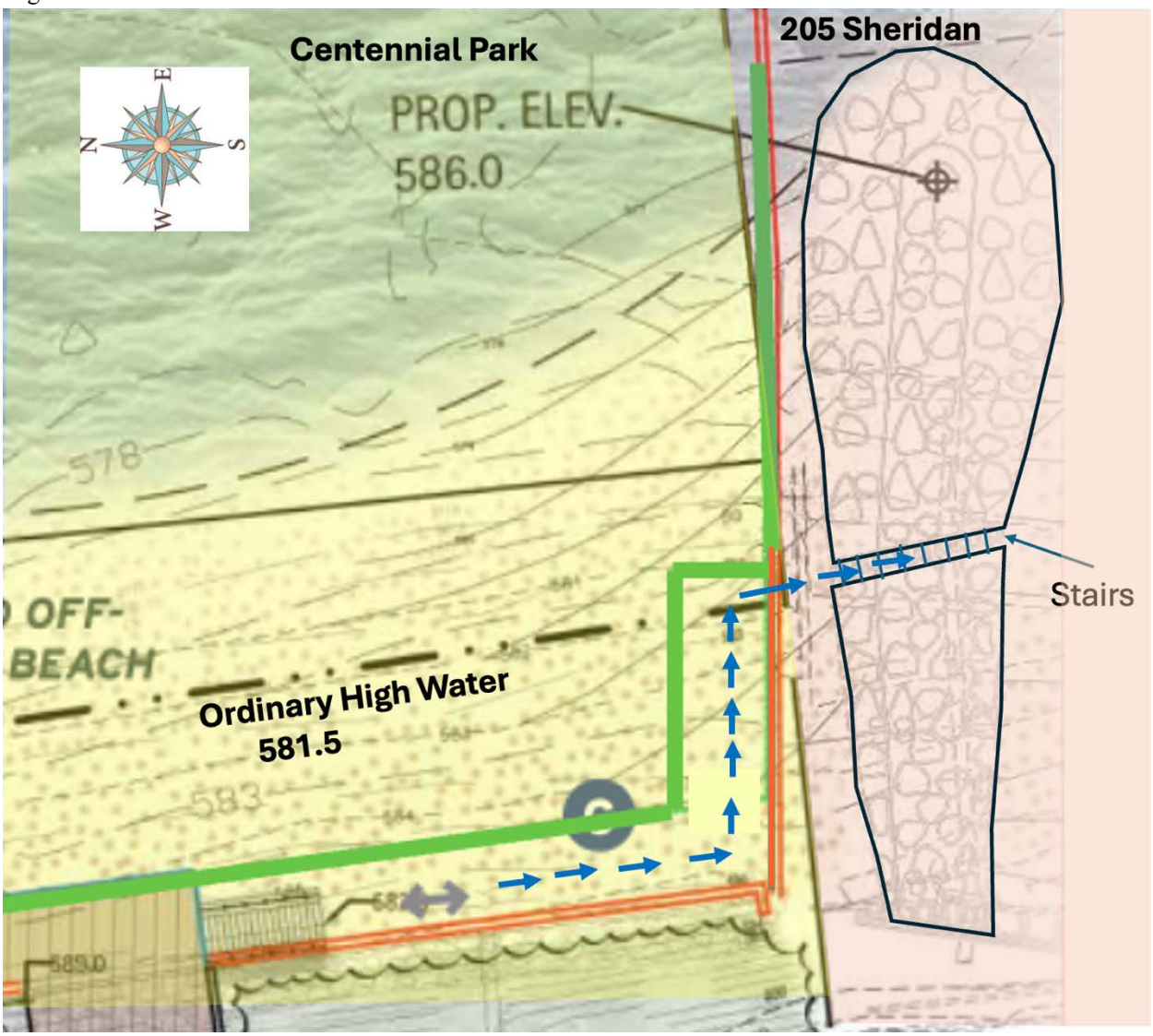

Figure 23: Proposed relocation of dog fence to permit access to stairs on 205 Sheridan

As seen in figure 21, the southern dog fence begins near the toe of the bluff on Centennial Park and ends in the Lake on 205 Sheridan. The SUP application is only from the WPD, and the Village should require a joint application from the WPD and 205 Sheridan for the southern dog fence to avoid any problems for those who simply want to enjoy walking the public beach.

Lakefront Overlay Preservation District Violations

On January 19, 2024, WPD entered into an agreement, (the WPD/Ishbia Family Foundation Donation Agreement), with the Ishbia Family Foundation (IFF) where the WPD has agreed to build on Centennial an ADA pathway, armored-stone pier, and fencing for a dog park (*all structures in the SUP, as expressly identified by the beach design of the SUP, which design is an Exhibit and requirement for funding of the Donation Agreement*). IFF has agreed to pay $3,000,000 in return for these designated beach design amenities. In addition to building the

agreed structures, the WPD has also agreed to grant a restrictive covenant to IFF that is tied to the agreed structures for a minimum period of fifty (50) years:

> 7. Restrictive Covenant. The Parties agree this Restricted Donation is to be used to make possible the construction of the Project, as described in Exhibit A. It is the intention of the Parties the Project remains in place in the same location where the Project Elements are located on Exhibit A and, except for ordinary wear and tear, will remain there for fifty years from the execution of this Agreement by both Parties, regardless of the ownership of the underlying property. (the "Restricted Period"). A Restrictive Covenant (attached as Exhibit B) will be recorded against the land to ensure the Project Elements remain in their as-built locations for the Restricted Period. The WPD, or its successor owner, will not be in violation of this Agreement or the Restrictive Covenant so long as it performs ordinary and usual maintenance on the Project Elements and does not move or destroy, or instruct or permit any third party to move or destroy, any Project Elements during the Restricted Period.

The restrictive covenants give control of 51% of the beach on Centennial to the IFF as seen in figure 24 below.

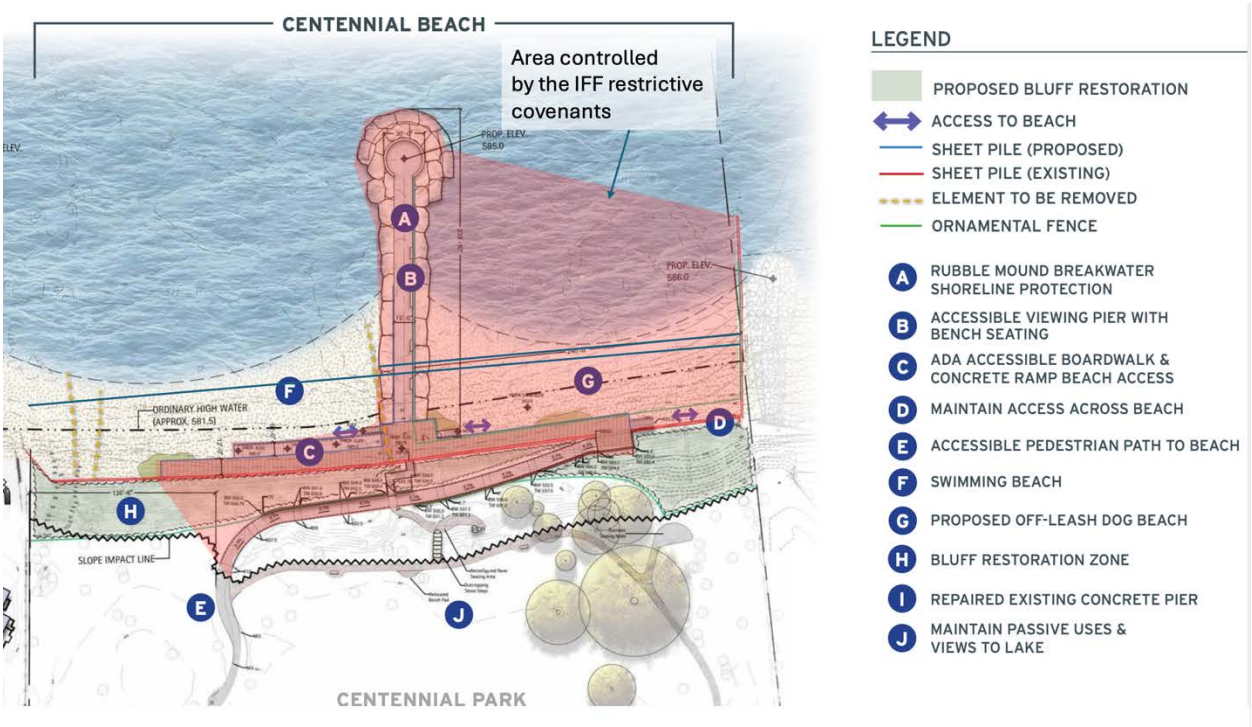

Figure 24: Area of restrictive covenants conveyed from WPD to IFF

The WPD's SUP for the Centennial improvements should not be granted because it violates Special Use Permit Standards. Specifically, the structures covered by the Donation Agreement harm the general welfare of the residents by placing public lands under the control of a private entity, the IFF, for half a century. By granting the restrictive covenant in the Donation Agreement the WPD is conveying an interest in real estate in park land that is subject to the

Lakefront Preservation Overlay District and therefore violates Special Use Permit Standards by violating Section 17.50.010 E:

> E. Prohibited Activities and Uses. Notwithstanding any other regulations in the Village Code or the Zoning Ordinance, including, without limitation, the regulations in the applicable underlying zoning district, the following regulations shall apply to all Regulated Property in the Lakefront Preservation Overlay District:
>
> 1. No new buildings, signs, fences, or other structures shall be erected or materially altered.

The structures that will be built for the benefit of IFF and will be controlled by the IFF clearly violate Section 17.50.010 E. The Village should deny the SUP and condition any future permits for Centennial on cancelation of the restrictive covenants in the Donation Agreement.

Elder Beach Design Defects

The October 2023 Elder plan (figure 25 below), that was filed by the WPD with the Village on September 16, 2024, should be considered while evaluating the Centennial beach plan. The Elder beach plan involves construction of two stone groin breakwaters that extend 219' into the lake and will also construct an elevated boardwalk like the boardwalk planned at Centennial.

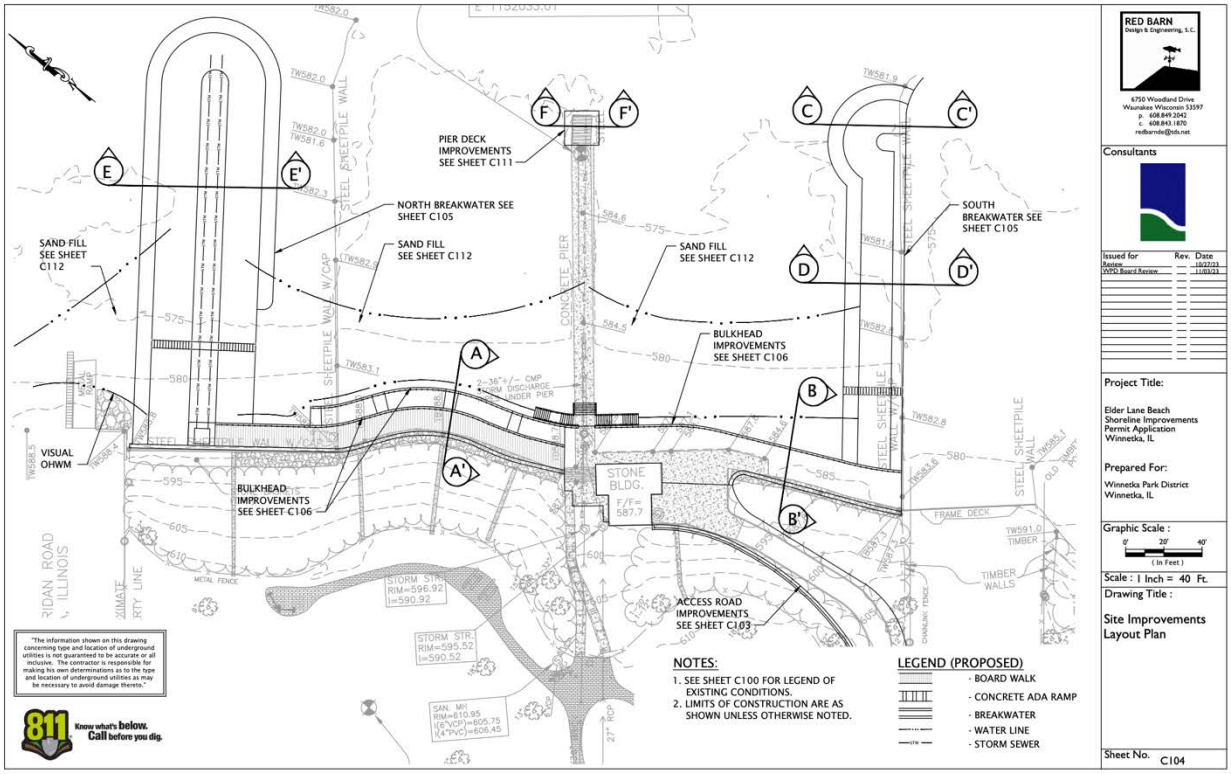

Figure 25: October 2023 Elder lakeshore construction plan

These stone groins like the pier at Centennial will do little to protect the bluff or retain sand on the beach. The stone groins and elevated boardwalk planned at Elder violate all the lakeshore ordinances that the Centennial structures violated listed above. The Northern stone groin is designed to contain two 36" diameter storm water pipes purportedly to replace the 54" pipe covered by the existing pier at Elder. The Village has not agreed to move the 54" pipe at Elder and the WPD should not be planning the alternate location of the stormwater pipe without the Village's agreement. The Village is currently working with Strand Engineering on a plan for East Winnetka stormwater and these plans should be concluded before the Village approves any construction on Elder Beach.

Loss of Beach and Lakeshore Vistas

The WPD's Elder/Centennial beach plans will cover 52,127 square feet (26,082 square feet on Centennial and 26,045 square on Elder) of bluff, beach, and lakebed with concrete ADA path, massive stone groins, boardwalks, and a massive pier. The Menkaure pyramid in Giza covers 54,878 square feet, similar to the area covered by the proposed structures for Elder/Centennial. I have overlain Menkaure pyramid over a rendering of Centennial pier to give a sense of the bluff, beach and lakebed that will be consumed by WPD's plans (figure 26).

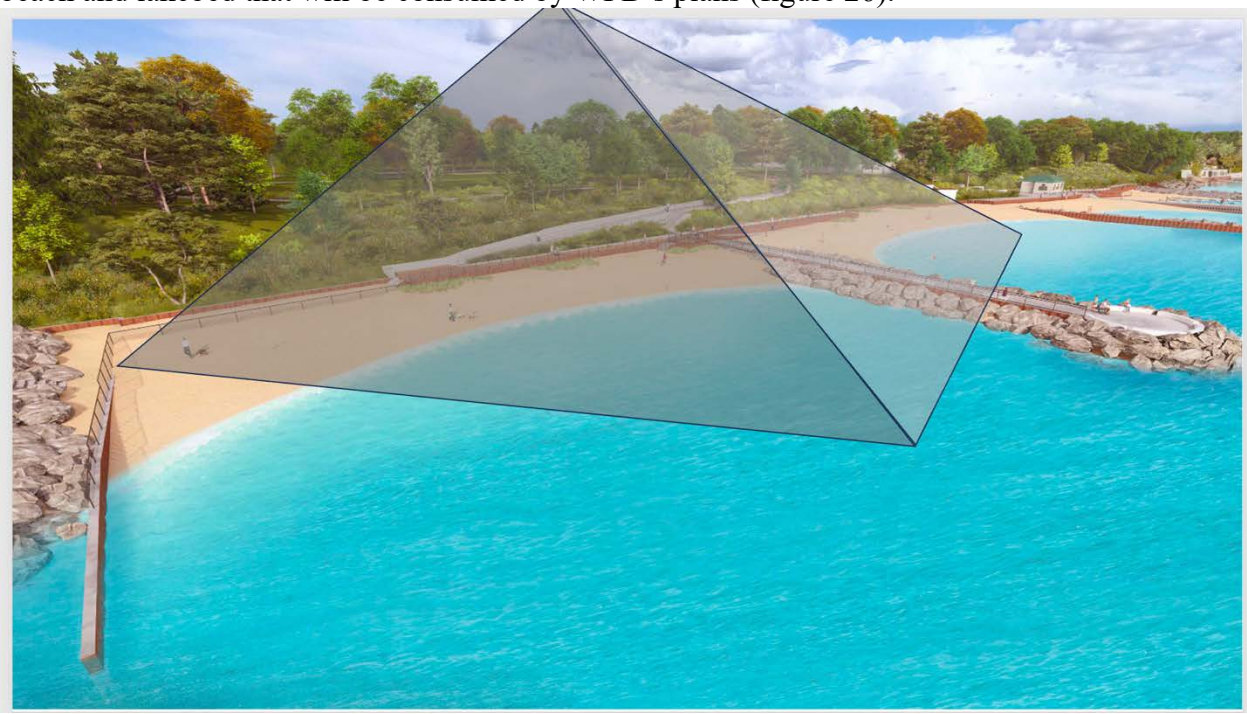

Figure 26: View of proposed Centennial pier overlain by Menkaure pyramid

The Elder/Centennial beach plan structures, like the pyramids, have no practical value and there has been no consideration of the environmental toll that this construction will have on a lakefront that is already seeing substantial impact from the construction at 205 Sheridan.

Alternate Plan

In the WPD's permit application to the IDNR and USACE for the Lloyd Beach construction, the WPD presented three alternative plans. WPD has offered only one plan in its SUP application (figure 28), however in October 2022 the WPD considered a plan called Option1 Elder/Centennial (figure 27 below).

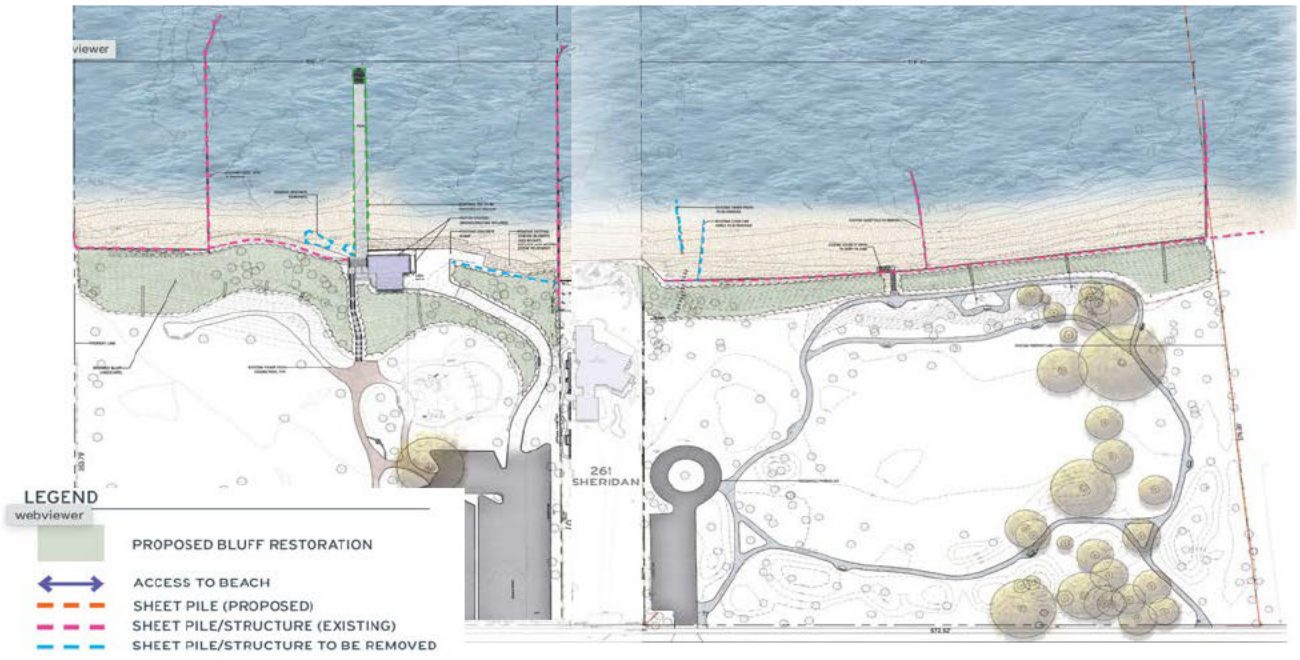

Figure 27: Option 1 Elder/Centennial

Option 1 was a minimal plan that would stabilize the bluff at Elder, repair the pier, remove the gabion blankets and repair the parking lots at both parks and open Elder Lane Beach which is greatly desired by the public.

The WPD never presented more minimal design options for a public vote, nor have they ever brought the current design to the public for referendum. In October 2023, the WPD board voted with a 5-2 vote on its final design (figure 28) for Elder-Centennial with no public workshop on this design and with little public input.

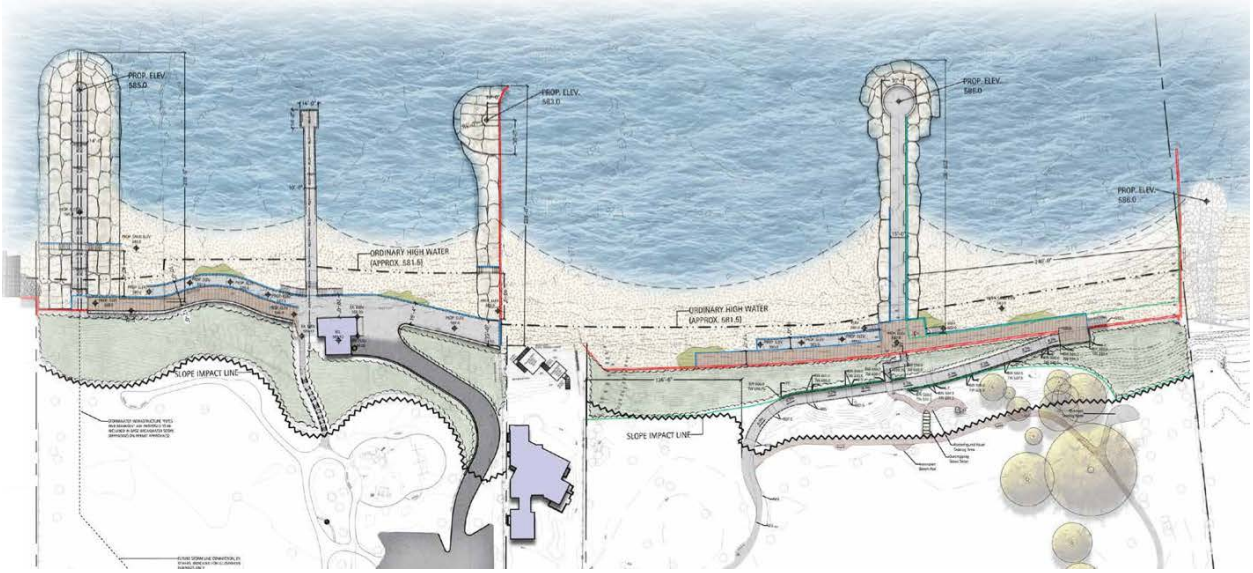

Figure 28: WPD's October 2023 plan

A comparison between Option 1 Design October 2022, and the October 2023 Design can be seen below in figure 29.

	Option 1 Design October 2022	October 2023 Design
Will protect the Bluff	Yes	Yes
Will improve sand retention	No	No
Will increase ADA access	No[1]	Yes
Boardwalk	No	Yes
Area of new Construction	0 sqft	57,000 sqft
Cost	$2.3 million	$24.0 million

Figure 29: Comparison of Option 1 October 2022 Elder/Centennial design and the October 2023 Elder/Centennial design

Both Option 1 October 2022 design and the October 2023 design will protect the bluff and neither design will improve sand retention at Elder or Centennial. Option1 retains the current ADA access at Elder and the October 2023 design adds ADA access to the beach at Centennial via the ADA path excavated into the bluff. A much less intrusive design for ADA access could be achieved by installation of a lift at Centennial or ADA access could be achieved at the current

[1] There is already ADA access to Elder as note above.

ADA access point on Elder with ramps installed over the present sheet metal groins allowing ADA access to Centennial.

Option 1 is a more natural beach design that preserves bluff, beach and lakebed, and lakeview vistas. In my opinion, the October 2023 design presented for review is an overly engineered plan that destroys a large portion of the bluff, covers large areas of the beach and lakebed with steel, stone and concrete, and obstructs lakeview vistas. The Village should reject the WPD's SUP in its entirety and ask the WPD to return with options.

Conclusion

In July of 2023 the Village passed an ordinance imposing a moratorium on bluff construction. Despite this moratorium the WPD continued its design work for its October 2023 Centennial and Elder beach plans without regard to the Village's efforts.

The Village passed the bluff regulations in February of 2024. The WPD determined to make no revisions to their October 2023 design to conform with the bluff regulations. Instead, the WPD chose to submit a SUP application and also ignore the policies outlined in the new bluff regulations.

The Lakefront Construction ordinances were passed in March of 2023. In October of 2023, the WPD chose to pursue designs that are markedly more than what is minimally necessary, that block sight lines of the lake, obstruct passage along the lake, and create safety hazards for the public but are expressly required by the WPD/Ishbia Family Foundation Donation Agreement that the WPD Board approved in a 4 to 3 vote in January of 2024. The WPD could have submitted their Option 1 October 2022 design to the Village *(noted above)* that would not have required a Special Use Permit. The Village should deny WPD's SUP permit for its October 2023 design and require the WPD to follow the new regulations that uphold the new policies enumerated in their Lakefront Construction ordinances and Steep Slope ordinances. In my opinion, the proposed beach design is detrimental to the use and enjoyment of properties in the immediate vicinity of Centennial Beach and endangers the health, safety and general welfare of the public. It should be denied.

cc: *Courtesy Copy sent via email:* Mr. Robert Bahan, Winnetka Village Manager

From: [redacted]
To: Robert Bahan; Robert Bahan; David Schoon; David Schoon
Cc: Kristin Kazenas; Kristin Kazenas
Subject: Letter from residents re: concerns about Elder/Centennial plan
Date: Sunday, October 6, 2024 2:22:54 PM
Attachments: 10-6-24 Letter to Village re-WPD Elder Centennial Project (1).pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Bahan and Mr. Schoon:

The attached letter is a compilation of thoughts and concerns from residents of Winnetka who have been closely watching the WPD Elder Centennial Beach project since its inception. These residents would like to see these concerns addressed during the Village review of the Special Use Permit Process applications.

Would you please forward this letter to the current members of the Zoning Board and the Village Council and include it in the Zoning Board packet you are preparing for the October 14 meeting?

As a former President of the Winnetka Park District, I understand how important public input is to the governing process. I greatly appreciate all of the hard work you and your staff have done in preparation for these meetings.

Thank you very much for your assistance.
Best Regards,

Angie Dahl
[redacted] Forest Glen Dr N
Winnetka IL 60093
[redacted]

Why the Village of Winnetka must put a temporary hold on the current WPD plans for Elder and Centennial Park/Beaches

The WPD plans for Elder and Centennial have an abundance of serious and material flaws. Chief among them are:

1. The plan has neither been designed nor vetted by a specialized coastal engineer, and the desired outcomes have not been confirmed through the standard practice of modeling or hydrologic studies. Early involvement of a coastal engineer is standard operating procedure in coastal communities, as can be seen in Glencoe and Kenilworth. Neither the ZBA, Plan Commission nor the DRB would be able to properly evaluate the application without this essential information.

2. The destruction caused by the development immediately adjacent to Centennial Park and Beach exacerbates the potential for harm to the lake and bluffs yet has not been taken into consideration when creating the plan.

3. The cost of this plan is exorbitant when compared with similar solutions created by neighboring communities. Although the cost of the current plan has been estimated by the WPD and others to be anywhere from $14M to $24M, the WPD plan has not been put before the public for approval via vote or referendum.

4. The assignment of beaches to dogs and swimmers is particularly ill-advised as it reserves what is currently the cleaner and broader swimming beach (Centennial) for the ±280 resident dog beach passholders while offering to the thousands of beach users the more polluted beach, Elder, where they are put in close proximity to the stormwater pipe outfall. An additional safety concern is the proposed fencing at Centennial, which is unprecedented along the Winnetka shoreline and creates serious safety hazards for both people and dogs.

5. The plan has grown significantly in size and scope and is now at odds with Winnetka's Steep Slope ordinances, which were created to ensure what is minimally necessary for protection of the shoreline and bluff.

6. The mission of the Winnetka Park District is: *to provide a balance of quality recreation and leisure opportunities while* ***protecting natural resources and open space for the benefit of current and future generations.*** The plan does not comport with the WPD's mission.

7. The plan has changed dramatically from the original 2030 WPD Lakefront Master Plan, without comprehensive engagement of the public. It also has significant legal entanglements, including giving up precious public park and beach assets.

8. Altogether and most importantly, the plan, which was originally created in 2015, has not been updated or improved to reflect current best practices now available for ADA, environmental and shoreline protections along the Great Lakes.

In 2022, the residents of Winnetka overwhelmingly rallied against "the Wall" and the Village listened, pulling its support for permits.

Unfortunately, what has been proposed in its place is **much** wider, longer, denser and difficult to traverse than the original “wall” concept. Further, this revised but unimproved plan destroys the treasured views along the coastline that should be zealously defended. It deprives the public of hundreds of feet of shoreline and replaces an historic and natural open space with large, artificial barriers that have been found to do damage to our lake ecosystem and create safety hazards.

In devising this plan the WPD has resisted continuous public calls to reconsider the design and incorporate best practices, including those cited by a former WPD Board Commissioner and resident of Winnetka with 35 years of experience in shoreline protection and Lake Michigan remediation standards. (See footnote A).

Now it is time for the governing bodies of our municipality to properly vet this **public** project, which will be **paid for by taxpayers throughout Winnetka and from portions of Glencoe, Northfield and Glenview**. The WPD’s plan proposes a drastic change to the shoreline, at significant cost to the taxpayers.

The proposal calls for a thorough and detailed evaluation by an objective body, such as a **lakefront advisory committee**, which can be composed, at least in part, of people whose life experience and backgrounds make them best qualified to assess, advise and evaluate projects along the shoreline and bluffs. A lakefront advisory committee is common practice in shoreline communities and would have the task of studying alternatives to the nearly 10-year-old current plan, alternatives that can be superior environmentally, economically and functionally.

Environmentally. The current plan is predicted to cause extensive and irreparable damage to our lakefront whereas alternative models are proving to be superior for the lake, the environment, and the health of our community.

Economically. In contrast to the potential $24M expenditure on the proposed plan, better alternatives are available for a fraction of the cost. Millions of dollars of grants are being awarded for shoreline protection and the WPD has not procured any grants for this project.

Functionally. Lower-cost alternatives occupy no shoreline while still providing protection to public and private bluffs and shorelines. Alternatives can accommodate changes in wave action without disruption to the beaches or bluffs, which is not the case with large rock assemblages anchored into the bluff. Alternatives can better address the safety and welfare of our community.

There is no rush to do this project. Tower, Lloyd, Maple and Centennial beaches are open, and Elder could easily be opened while a lakefront advisory committee performs its work. Ideally, the review would be completed over the winter, and plans could be updated in time to start construction fairly close to the original schedule.

There are other reasons to halt the plan for further review:

1. The Village has recently learned that it has authority over the lakefront, which has necessitated a new examination of shoreline and bluff protection and all its implications. The topic has acquired a sense of urgency in our community. The relative absence of precedent makes this a broad and challenging area for Village officials.

2. Until recently, it was reasonable to assume that we all shared a common respect for our surrounding community and the same standards of citizenship. No one ever anticipated that Winnetka would be witness to the unprecedented destruction of 14,000-year-old bluffs. We can no longer count on cherished neighborly standards as we are faced with more and more individualistic behavior across the community.

3. This is not the first Winnetka landmark project to present unique challenges to the governing bodies, but we have great examples of how good leadership and proper scrutiny made them better.

    A. **Stormwater Project:** We faced a similar crossroads when a group of leaders, faced with severe flooding issues, wanted to go the “easy” route and dump all the stormwater into the lake. Luckily, calmer heads prevailed, and through public outcry and strong leadership, we were able to create the much more elegant and environmentally friendly underground water storage plan with natural filtering through the lagoons. The WPD got a new golf course, and New Trier got new ball fields. Over $30M in grants were awarded. It was a win-win for everyone.

    B. **Creating Centennial Park:** In the late 1960s, what is now Centennial Park was supposed to be a housing development. But the forward-thinking leaders of the WPD, along with community- minded residents, saved the land and the lakefront for all the public to enjoy free and clear forever.

    C. **Below Street Level Railroad Tracks:** And who hasn’t thanked our predecessors for having the imagination to depress our railroad tracks below street level so we don't have the traffic jams, accidents and delays other communities experience when train passage and individual travel conflict?

We hope that you, our current leaders, will have the same **foresight, fortitude and fondness** for Winnetka and its greatest asset, the lake, **to do the right thing.**

Put a halt on this plan until there can be a careful and detailed review of the possible benefits of alternatives to this outdated plan and find a solution that would add value to our lakeshore community.

Such a review would help the Village to honor its mission of “leaving it better than we found it”.

Thank you very much for your consideration.

Footnote A: The State of Illinois received a $3 billion-dollar federal grant to be used for infrastructure projects. Acting on one of Gov. Pritzker’s key priorities, Illinois allocated a significant portion of that grant, $73 million dollars, to Illinois State Beach Park. The goal: to study how to protect the shoreline in a manner that won't do harm to the lake. Several major universities, international scholars, the IDNR, ACE, IEPA and NOAA all worked together for over six years to develop a better way to solve the problem of erosion on our beaches and bluffs. The result is a living shoreline and, where protection is called for, it is the way of the future. You can drive 40 minutes north of Winnetka to see it in action.

https://patch.com/illinois/lakeforest/73-million-stabilization-project-shores-illinois-beach-state-park

https://www.cbsnews.com/chicago/news/restoration-illinois-beach-state-park/

https://www.smithgroup.com/projects/illinois-beach-state-park-shoreline-protection

https://theconversation.com/let-coastlines-be-coastlines-how-nature-based-approaches-can-protect-canadas-coasts-217353

David Schoon

From: Kris Schriesheim <k[redacted]>
Sent: Sunday, October 6, 2024 1:28 PM
To: David Schoon; Robert Bahan
Subject: REVISED—WPD SUP Permit Comments for ZBA packet
Attachments: 225 Sheridan Legal Description.pdf; CENTENNIAL PARK KEHOE.pdf; WPD2023ElderCentennialSurvey.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please submit my REVISED comments below (rather than the earlier version of my first email today). Thank you.

Hello Mr. Schoon:

Please include my comments in the ZBA packet.

The Winnetka Park District ("WPD") Centennial SUP application appears misleading across multiple fronts.

First, WPD's application misrepresents its nearly decade-old 2030 Lakefront Master Plan. NOAA and Illinois Coastal Management Zone grant funds were used to create the 2030 LMP. The grant's terms call for (1) a headland beach system, (2) using scientifically established best practices, and (3) collaboration with other communities. WPD's proposed Centennial project does none of this; rather, its 2024 scheme would build multiple massive, inflexible, permanent, 230+ foot breakwaters with fencing, cutting into and paving the bluffs unnecessarily, in the course of which it would chop down 28 of Centennial's tabletop trees, along with a weirdly unspecified number of trees on the bluffs. It puts handicapped persons onto an inexpertly conceived ADA pathway that resembles a "wheelchair racetrack" jointly shared with dogs racing to enter a gated, caged-in pen on the beach. Views would be greatly impaired. The plan's impact on downstream neighbors was not studied by coastal experts—nor, broadly speaking, its potential to cause property damage and perhaps generate lawsuits from downstream property owners and other communities.
WPD's proposed design would harm wide swaths of bluff, paving over the ground with impermeable concrete requiring the use of chemical dyes posing unknown risks to people, animals, vegetation, marine life and Lake Michigan's waters, which we drink. After spending over $2 million in taxpayer funds just to get to the permit submittal stage, WPD cannot afford to use quality ipe wood as it did at Tower. The plans would throw up impassable, dangerous, massive breakwaters on the shore and out into the lake, with fencing. These breakwaters would constitute a nuisance and pose safety hazards for

people walking along the beach, paddleboarding, using non-motorized boats, and impede emergency responders' views and access.

WPD's plan overlooks the money-losing nature of Winnetka's subsidized beach operations, which it consistently is unable to open for a complete beach season running from Memorial Day through Labor Day. This year was no exception—with "only" WPD's Tower and Maple swimming beaches open, WPD was unable to staff the beaches for the entire summer. After on opening on Monday, May 27, 2024–Memorial Day itself, rather than the start of Memorial Day weekend—WPD had to close both beaches early (mid-August for Maple; beach was closed multiple days in August before re-opening over Labor Day weekend with lifeguards present). On no days was either beach's "load" at capacity. Further, the beaches were closed regularly over the summer due to rip tides, hazardous currents, inclement weather and bacterial contamination. This is significant because WPD has not analyzed the impact of climate change on its project plans, and does not know how changing weather will affect them—it may result in more closed days and even less beach usage. It also speaks to the plan's prematurity as the Village continues to study its stormwater discharge options.

As attested to by WPD's refusal to conduct a referendum, the public is not demanding massively overbuilt beaches with armored stone plus fencing that blocks the public's access to the shoreline and views. The public does support cleaning up and re-opening Elder Beach. Centennial Beach is already fully open year-round, and by WPD's own measure has added sand. It seems clear that this hugely expensive, disfiguring project is not supported by WPD's beach-related pass sales, usage statistics, financial data, or diminution of Centennial's beach, with bluffs that existing steel sheet piling protects. The Village should respect its 2040 Futures Plan's commitment to respect the lakefront's residential "R-2" character. WPD's plans would threaten this by continuing to hold out the loss of Centennial's southernmost 70 feet to a private party as a "dormant" possibility. I believe WPD still has plans to commercialize and privatize a combined Elder-Centennial beach, building an entertainment venue that is completely inappropriate for the neighborhood's R-2 zoning. WPD should adhere to the 2030 LMP's statement that it respects the lakefront parks' R-2 character, and not destroy Sheridan Road and vicinity's neighborhoods with an unpopular, financially burdensome project that it (1) refuses to put to referendum, even with costs currently estimated at $15.5 million+ for Elder-Centennial, and over $7 million for Centennial alone; (2) the Village/ZBA should consider that WPD voted to impose the maximum tax levy on the public and also imposed a tax surcharge on the public; (3) the judicial order transferring title to Centennial's 4.49 acres to WPD, running from Sheridan Road to the bluffline, followed public discussion and a referendum to use Centennial for park purposes, in a manner consistent with the surrounding neighborhoods' quiet residential character, which is still important today; (4) WPD is violating its 2005-2006 resolution never to establish a Cook County "dog park" in Winnetka, because of the undesirability of fencing in a dog pen at any of Winnetka's parks; (5) WPD's absurd assertion that for purposes of Cook County's animal control ordinance, Lake Michigan's waters are equivalent to a side of fencing, is counterfactual and easily disproved simply by looking at the lake; (6) Cook County's dog parks are completely enclosed by four sides of actual fencing, not fictional, imaginary "water fences,"; (7) Cook County permits "dog friendly areas" for waterfront areas, consistent with Winnetka's current procedures at Centennial which require proof of dogs' vaccination and health status—"dog friendly areas" do not require fencing, real or imaginary; (8) former Trustee

Andrew Cripe's safety and nuisance-focused analysis of the Village Code highlights the dangerous conditions that would exist should WPD's Centennial's breakwater and fence-heavy plans be approved; (9) WPD misleadingly claims Winnetka's 2040 Futures Plan's demographics discussion supports its Centennial project, when in fact the 2040 Futures Plan highlights that the Village's growing population demographic is the 75+ age group, hardly consistent with a massive project that would block seniors' ability to enjoy either uninterrupted views or shoreline; (10) Winnetka's 2040 Futures Plan states that fewer young families are moving into the Village because of lot consolidations and increasingly expensive housing, which is another point that undercuts WPD's distortion of the Village's plan; (11) WPD's plats of survey and accompanying legal descriptions from Centennial's 1969 acquisition onward, make clear that it owns land only to the bluffline, which WPD now appears to be attempting to obscure by re-surveying the park out to the Ordinary High Water Mark, which is blatantly inconsistent with its own records; (12) WPD's Centennial Plan would destroy the park's natural beauty, and harm a neighborhood that is already enduring the massive residential project and lakefront work at 205 Sheridan.

ZBA/the Village should be concerned that WPD did not hire a coastal or geotechnical engineer to design its plans. Rather, WPD hired a DeForest, Wisconsin based civil engineer licensed as an Illinois design (not engineering) firm, with a subcontracted Spring Green, Wisconsin-based structural engineer. WPD's Centennial Plan is based on 19th and 20th century building techniques known to damage downstream properties, increase scouring of the bluffs, and increase rip-tide and hazardous current threats to swimmers and boaters. See ongoing reports and coverage of the State of Illinois's Illinois Beach State Park's use of environmentally superior offshore islands to protect the shoreline in the Tribune, CBS News, and other media coverage.

WPD failed to use an ADA expert to help design its current project, which is obvious even to the casual observer. The project violates State law requiring swimming beaches to have bathrooms and changing areas. In violation of ADA requirements, it does not provide access to the water. It ignores IL ADA regulations allowing building projects to avoid natural ecosystem destruction. It ignores ADA guidelines explaining that ADA-related project costs of 20%+ of the total amount, means that ADA designs are not mandatory. For your benefit I am sending separately a Wilmette Park District ADA report laying out expert, detailed analysis of legal requirements for ADA project designs. The Village should require WPD to provide an ADA assessment for our lakefront as well. By the way, according to WPD Executive Director Nazzal, the only ADA report WPD has is an old 2010 report that pre-dates even the 2014-2016 2030 LMP, which obviously is not specific to WPD's 2024 designs.

Finally, WPD accepted federal and state OSLAD and LWCF grant monies for Centennial Park with terms that continue to apply, such as incorporating an ongoing requirement for WPD's Centennial projects to adhere to current state laws and regulations, including ADA and others.

Please require WPD to honor Winnetka's R-2 Zoning along the lakefront, rather than undercutting it to shoehorn a poorly designed, unnecessary plan into a neighborhood that needs respite from the detrimental effects of construction-related noise, debris, filth, traffic disruptions, impaired views, etc. Please also consider the fact that the Centennial project's un-capped costs will burden taxpayers for years, which is especially objectionable given WPD's refusal to conduct a referendum, unlike our neighboring communities. Please also consider that WPD's breakwaters are out of line with current

science, harm the environment, ruin views, and can lead to lawsuits from neighbors and downstream communities whose properties suffer resultant damage.
Thank you for serving the public's interests and not special interests driving the Centennial project.
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On Jul 31, 2024, at 1:02 PM, Shannon Nazzal <sn

[redacted]

I believe you are referring to the "On the Horizon" campaign. Happy to

We have not insinuated a "pen" though it is anticipated after project cor
well as required separate entrance areas based on Cook County's Anir

We base our plans on regulations for the dog area from the Village of V

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District I winpark.org



From: [redacted]
To: [redacted], Robert Bahas
Subject: 9/24/2025--WPD SUP Permit Comments for ZBA packet
Date: Sunday, October 6, 2024 1:28:23 PM
Attachments: 205 Sheridan Legal Description.pdf
2025ZBANDA_PWD Cent'l S.pdf
WPD2025Dec'Centennial Survey.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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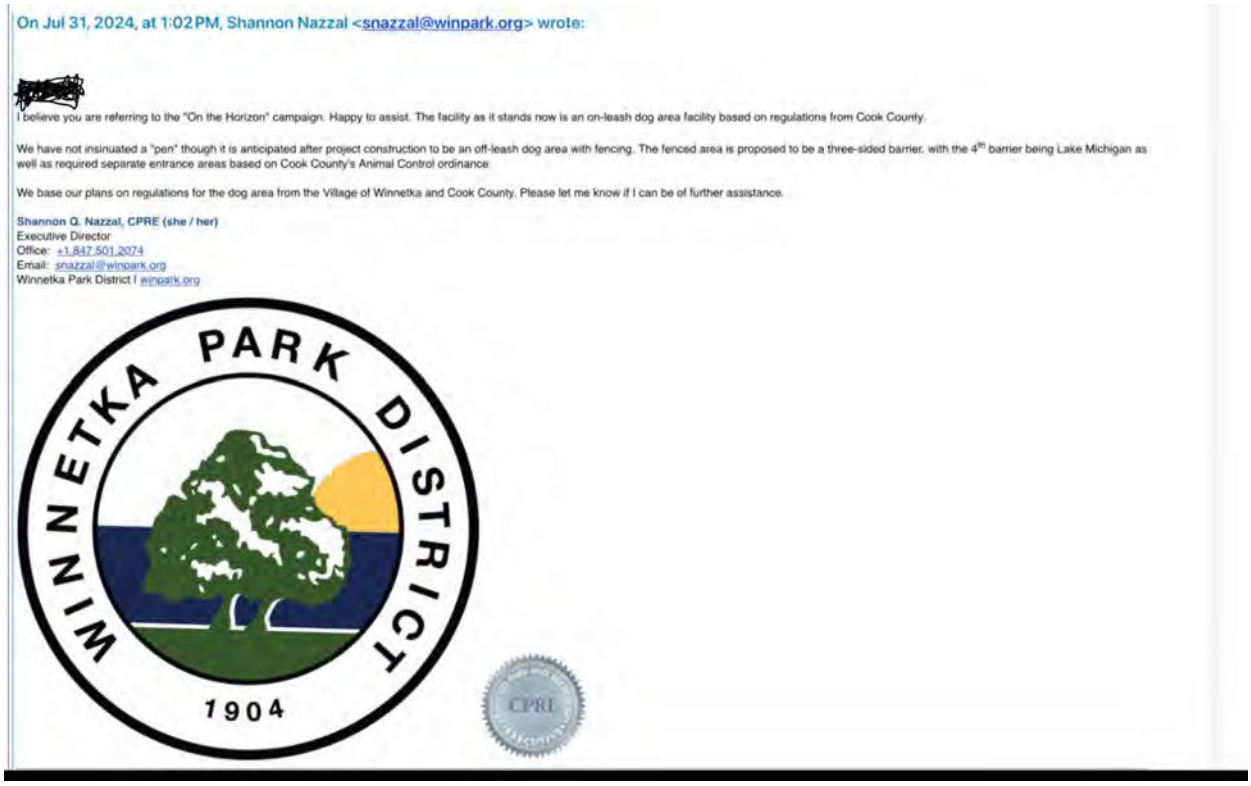


Sent from my iPad

ATTACHMENT 8

PLAT OF SURVEY

Lot 6 in ReSubdivision of Blocks 1, 2, 3, and 4 and the vacated street known as Belleview Place, lying between Blocks 1 and 2 on the East and Blocks 3 and 4 on the West in Lake Shore Subdivision in the Village of Winnetka, in the Fractional Section 31, Township 42 North, Range 13 East of the Third Principal Meridian. Also Block 1 in Phillips Partition Subdivision in the Fractional Southeast Quarter of Section 31, Township 42 North, Range 13 East of the Third Principal Meridian, as per plat attached to the report of the Commissioners in Partition appointed by decree of the Superior Court of Cook County, dated April 24, 1901.

Scale: 1" = 40.00'

EWER'S CONSOLIDATION
Recorded September 18, 1985 as Document No. 85195143.

LAKE MICHIGAN

SHERIDAN ROAD

FULLER LANE

"CENTENNIAL PARK"

AREA:
194,756.3524 ℄
(4.4709 Acres)
(To the top of the Bluff)

Found Fence Post 9.61' Northeast

Found 1/2" Iron Pipe 343.46' Northeast & on line.

Found 3/4" Iron Pipe at the top of Bluff.

Found 1/4" Iron Pipe 371.56' Northeast & 0.23' Northwest

Found Cross Cut 4.00' Southwest.

Found Reverse Cross Cut 3.46' Northeast.

Found 3" Fence Post 0.40' Northeast & 0.06' Northwest.

Found Cross Cut 8.95' Southeast & 0.13' Northwest.

Found Cross Cut 2.84' Northeast.

Found Traverse Cross Cut 2.17' Southwest & 54.00' Southeast.

Found Cross Cut 4.00' Northeast.

Found Cross Cut 4.05' Northeast & on line.

Found Cross Cut 6.15' Northeast & 0.20' Southeast.

Shot Cross Cut 0.60' Southwest & on line.

Found Cross Cut 0.85' Northeast & 3.70' Southwest.

Fence Post 1.90' Southeast.

70.00'

572.30'
NORTH 1100.00' W

N51° 19'44"E
343.70'

376.00'
S44° 59'11.5"W

BRITZ'S RESUBDIVISION of LOT 11
Recorded January 6, 1972 as Document No. 21768877.

Edge of the Lake
as of June 30, 2009

Notes:
1. This plat is subject to the conditions and restrictions as shown on the title insurance policy. A copy of a current title insurance policy should be obtained when using this plat.
2. All survey points should be compared on the ground and with one another before building by same and any discrepancies be reported immediately to this firm.
3. No dimensions or angles hereon to be assumed by scaling. Distances noted hereon are in feet and decimal parts thereof.
4. Any information relative to utilities or elevations hereon are taken from available records, unless otherwise noted.

NOTE:
Bearings are based on localized system.

STATE OF ILLINOIS
COUNTY OF COOK } SS

I, Jeffrey D. Carlson, do hereby certify that I have surveyed the property as described in the above caption and that the Plat hereon drawn is a correct representation of said survey. I further state that this professional service conforms to current Illinois minimum standards for a boundary survey. The work was performed for W.P.D., and the field work was completed on July 15, 2009.

Northbrook, Illinois August 1, 2011

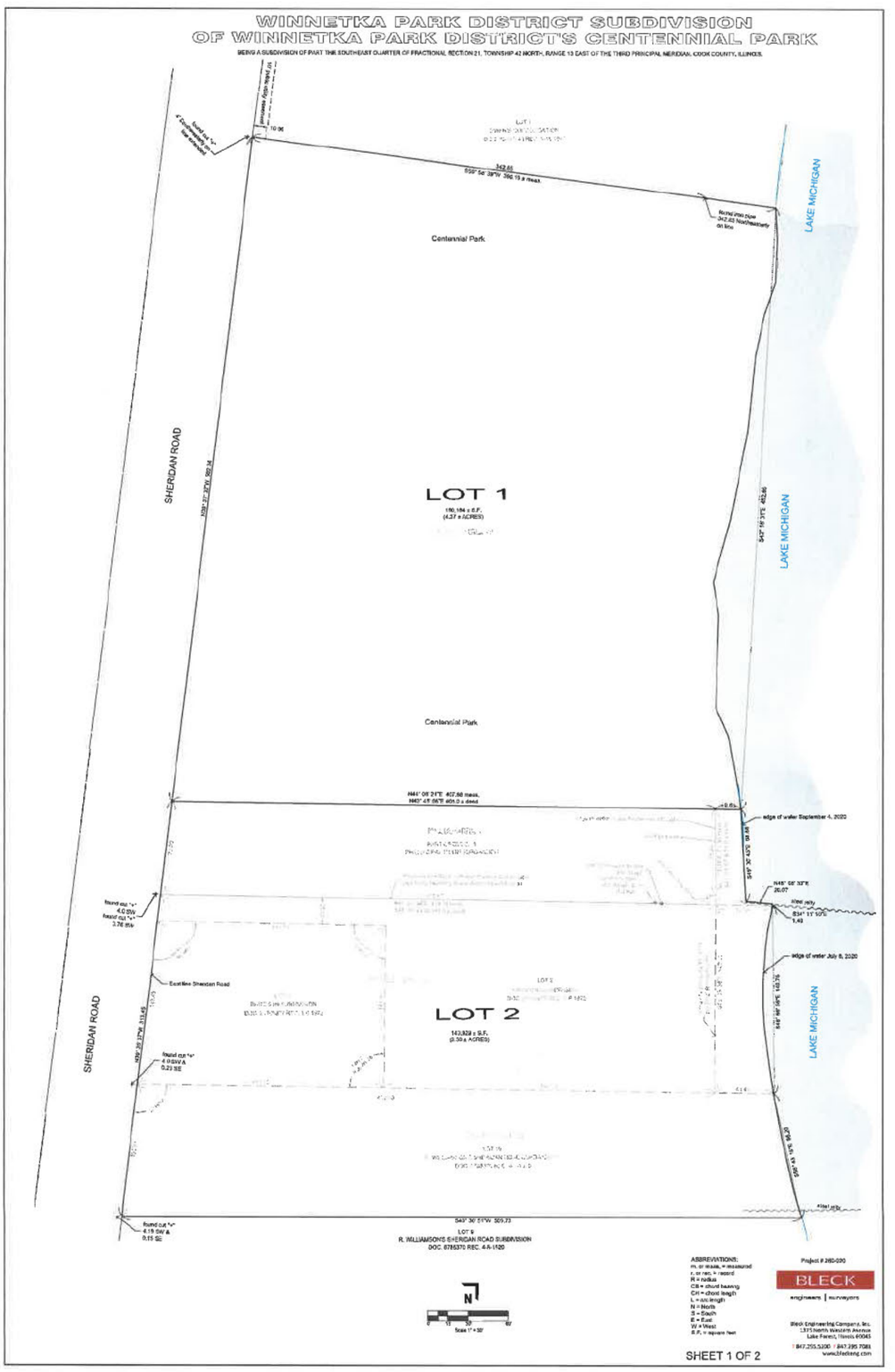
Illinois Professional Land Surveyor No. 2538

My Illinois Professional Land Surveyor License expires November 30, 2013

JEFFREY D CARLSON 2538 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS

DANIEL CREANEY COMPANY
CONSULTING CIVIL ENGINEERS
450 SKOKIE BLVD. SUITE 105
NORTHBROOK, ILLINOIS
(847) 480 - 5777
FAX (847) 480 - 7709

BOOK: ———
JOB NO.: 6398
SHEET 1 OF 1


WINNETKA PARK DISTRICT SUBDIVISION
OF WINNETKA PARK DISTRICT'S CENTENNIAL PARK
BEING A SUBDIVISION OF PART THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.
LOT 1
LOT 2
Centennial Park
SHERIDAN ROAD
LAKE MICHIGAN
edge of water September 4, 2020
edge of water July 6, 2020
S43° 30' 51"W 305.73
LOT 1
R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION
DOC. 8785370 REC. 4-A-1120
ABBREVIATIONS:
Project # 280-030
BLECK
engineers | surveyors
Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045
T 847.295.5200 F 847.295.7081
www.bleckeng.com
SHEET 1 OF 2

PLAT OF SURVEY
PARCEL 1
PARCEL 2
PARCEL 3
Sheridan Road
Lake Michigan
BLACK

WINNETKA PARK DISTRICT SUBDIVISION OF WINNETKA PARK DISTRICT'S CENTENNIAL PARK

BEING A SUBDIVISION OF PART THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS.

OWNER CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF LAKE)

WE "THE WINNETKA PARK DISTRICT", DO HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF PART OF THE PROPERTY DESCRIBED HEREON AND THAT WE HAVE CAUSED THE SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON.

DAY OF __________, A.D. 20__

__________ OWNER __________ OWNER

__________ ADDRESS __________ CITY __________ ZIP

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF LAKE)

THIS IS TO CERTIFY THAT I (WE) __________ AS OWNER OF THE PROPERTY DESCRIBED AS WINNETKA PARK DISTRICT SUBDIVISION OF WINNETKA PARK DISTRICT'S CENTENNIAL PARK, AND LEGALLY DESCRIBED ON THE PLAT OF THE SAME NAME, HAVE DETERMINED TO THE BEST OF OUR KNOWLEDGE THE SCHOOL DISTRICT IN WHICH EACH THE FOLLOWING LOTS LIE.
LOT NUMBERS 1 AND 2.

SCHOOL DISTRICTS

ELEMENTARY SCHOOL DISTRICT 36 NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF) S.S.

I, __________ A NOTARY PUBLIC IN AND FOR THE COUNTY OF __________ IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT __________ PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME IS SUBSCRIBED TO THE ADJACENT CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND INDIVIDUALLY ACKNOWLEDGED THAT THEY DID SIGN AND DELIVER THE OWNERSHIP CERTIFICATE AS HIS FREE AND VOLUNTARY ACT, AND AS THE FREE AND VOLUNTARY ACT FOR THE PURPOSE AND USE THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ______, 2020.

____
NOTARY PUBLIC

MY NOTARIAL COMMISSION EXPIRES ON __________, 20__.

OWNER CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF)

THIS IS TO CERTIFY THAT THE __________ AN ILLINOIS CORPORATION, AS TRUSTEE UNDER A TRUST AGREEMENT DATED ______ AND KNOWN AS TRUST NO. __________ IS THE OWNER OF THE PROPERTY DESCRIBED ABOVE AND NOT INDIVIDUALLY BUT AS SUCH TRUSTEE, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED AND PROVIDED BY STATUTES, AND THE SAID CORPORATION, NOT INDIVIDUALLY BUT AS TRUSTEE, DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID.

DATED AT __________ (CITY), ILLINOIS, THIS ______ (DATE) DAY OF ______ (MONTH), A.D., 20__

__________ AS TRUSTEE UNDER TRUST NO. ______ AND NOT INDIVIDUALLY.

BY: __________ (SIGNATURE) ATTEST: __________ (SIGNATURE)

TITLE: __________ (PRINT TITLE) TITLE: __________ (PRINT TITLE)

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF LAKE)

THIS IS TO CERTIFY THAT I (WE) __________ AS OWNER OF THE PROPERTY DESCRIBED AS WINNETKA PARK DISTRICT SUBDIVISION OF WINNETKA PARK DISTRICT'S CENTENNIAL PARK, AND LEGALLY DESCRIBED ON THE PLAT OF THE SAME NAME, HAVE DETERMINED TO THE BEST OF OUR KNOWLEDGE THE SCHOOL DISTRICT IN WHICH EACH THE FOLLOWING LOTS LIE.
LOT NUMBERS 1 AND 2.

SCHOOL DISTRICTS

ELEMENTARY SCHOOL DISTRICT 36 NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF) S.S.

I, __________ A NOTARY PUBLIC IN AND FOR THE COUNTY OF __________ IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT __________ PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME IS SUBSCRIBED TO THE ADJACENT CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND INDIVIDUALLY ACKNOWLEDGED THAT THEY DID SIGN AND DELIVER THE OWNERSHIP CERTIFICATE AS HIS FREE AND VOLUNTARY ACT, AND AS THE FREE AND VOLUNTARY ACT FOR THE PURPOSE AND USE THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF ______, 2020.

____
NOTARY PUBLIC

MY NOTARIAL COMMISSION EXPIRES ON __________, 20__.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF LAKE)

I, JACK R. BLECK, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1: LOT 10 IN R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION OF PARTS OF LOTS 2, 3 AND 4 OF SIMONS ET AL SUBDIVISION OF A PART OF THE FRACTIONAL SOUTHEAST QUARTER OF SECTION 21 AND PART OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SUBDIVISION PLAT OF SAID R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION RECORDED APRIL 6, 1920 AS DOCUMENT 6768370, ALL IN COOK COUNTY, ILLINOIS

P.I.N. 05-21-412-036-0000
# 200 SHERIDAN ROAD
AREA = 47,517 ± S.F., = 1.09 ± ACRES

PARCEL 2: LOT 1 AND LOT 2 IN BRITZ' SUBDIVISION OF LOT 11 IN R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION OF PART OF LOTS 2, 3 AND 4 OF SIMONS AND OTHERS SUBDIVISION OF PART OF FRACTIONAL SOUTHEAST QUARTER SECTION 21, AND PART OF FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED JANUARY 6, 1972 AS DOCUMENT 21758877.

P.I.N. 05-21-412-016-0000 = LOT 1
AREA = 21,787 S.F.
P.I.N. 05-21-412-017-0000 = LOT 2
# 206 SHERIDAN ROAD
AREA = 43,913 ± S.F.
TOTAL AREA = 1.51 ± ACRES

PARCEL 3: ALL THAT PART OF BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION IN THE FRACTIONAL SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT ATTACHED TO THE REPORT OF THE COMMISSIONERS IN PARTITION APPOINTED BY DECREE OF THE SUPERIOR COURT OF COOK COUNTY, DATE APRIL 24, 1901, BOUNDED ON THE WEST BY SHERIDAN ROAD AND ON THE EAST BY LAKE MICHIGAN AND DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION, WITH THE NORTHEASTERLY LINE OF SHERIDAN ROAD, SAID SOUTHEASTERLY LINE OF BLOCK 1 BEING ALSO THE NORTHWESTERLY LINE OF LOT 2 IN BRITZ'S SUBDIVISION OF LOT 11 IN R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION OF PART OF LOTS 2, 3 AND 4 OF SIMONS AND OTHERS SUBDIVISION OF PART OF FRACTIONAL SOUTHEAST QUARTER OF SECTION 21, AND PART OF FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED JANUARY 6, 1972 AS DOCUMENT 21768877; THENCE NORTH 40 DEGREES, 00 MINUTES 32, SECONDS WEST (WITH THE BASIS OF BEARINGS BEING ASSUMED) ALONG SAID NORTHEASTERLY LINE OF SHERIDAN ROAD, A DISTANCE OF 70.00 FEET TO A POINT; THENCE NORTH 43 DEGREES, 45 MINUTES, 06 SECONDS EAST ALONG A LINE, A DISTANCE OF 408 FEET, MORE OR LESS, TO THE WATERS EDGE OF LAKE MICHIGAN, THENCE SOUTH 47 DEGREES, 23 MINUTES, 57 SECONDS EAST ALONG SAID WATERS EDGE AS LOCATED ON SEPTEMBER 18, 2020, A DISTANCE OF 71 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY LINE OF BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION, AFORESAID; THENCE SOUTH 43 DEGREES, 59 MINUTES, 22 SECONDS WEST, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 417 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

P.I.N. 05-21-412-006-0000
# 248 SHERIDAN ROAD
AREA = 29,021 ± S.F., = 0.67 ± ACRES

PARCEL 4: LOT 6 IN RESUBDIVISION OF BLOCKS 1, 2, 3, AND 4 AND THE VACATED STREET KNOWN AS BELLEVIEW PLACE, LYING BETWEEN BLOCKS 1 AND 2 ON THE EAST AND BLOCKS 3 AND 4 ON THE WEST IN LAKE SHORE SUBDIVISION IN THE VILLAGE OF WINNETKA, IN THE FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN. ALSO, BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION IN THE FRACTIONAL SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT ATTACHED TO THE REPORT OF THE COMMISSIONERS IN PARTITION APPOINTED BY DECREE OF THE SUPERIOR COURT OF COOK COUNTY, DATED APRIL 24, 1901, (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION, WITH THE NORTHEASTERLY LINE OF SHERIDAN ROAD, SAID SOUTHEASTERLY LINE OF BLOCK 1 BEING ALSO THE NORTHWESTERLY LINE OF LOT 2 IN BRITZ'S SUBDIVISION OF LOT 11 IN R. WILLIAMSON'S SHERIDAN ROAD SUBDIVISION OF PART OF LOTS 2, 3 AND 4 OF SIMONS AND OTHERS SUBDIVISION OF PART OF FRACTIONAL SOUTHEAST QUARTER OF SECTION 21, AND PART OF FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED JANUARY 6, 1972 AS DOCUMENT 21768877; THENCE NORTH 40 DEGREES, 00 MINUTES 32, SECONDS WEST (WITH THE BASIS OF BEARINGS BEING ASSUMED) ALONG SAID NORTHEASTERLY LINE OF SHERIDAN ROAD, A DISTANCE OF 70.00 FEET TO A POINT; THENCE NORTH 43 DEGREES, 45 MINUTES, 06 SECONDS EAST ALONG A LINE, A DISTANCE OF 408 FEET, MORE OR LESS, TO THE WATERS EDGE OF LAKE MICHIGAN, THENCE SOUTH 47 DEGREES, 23 MINUTES, 57 SECONDS EAST ALONG SAID WATERS EDGE AS LOCATED ON SEPTEMBER 18, 2020, A DISTANCE OF 71 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY LINE OF BLOCK 1 IN PHILLIPS PARTITION SUBDIVISION, AFORESAID; THENCE SOUTH 43 DEGREES, 59 MINUTES, 22 SECONDS WEST, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 417 FEET, MORE OR LESS, TO THE POINT OF BEGINNING), ALL IN COOK COUNTY, ILLINOIS.

P.I.N. 05-21-412-005-0000
250 SHERIDAN ROAD
P.I.N. 05-21-412-004-0000
# 260 SHERIDAN ROAD
AREA = 190,184 ± S.F., = 4.37 ± ACRES

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

PER FLOOD INSURANCE RATE MAP, PANEL NUMBER 17031C0256J EFFECTIVE DATE AUGUST 19, 2008, A PORTION OF THE ABOVE-MENTIONED PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE) LOCATED ALONG THE SHORES OF LAKE MICHIGAN.

I FURTHER CERTIFY THAT THIS SUBDIVISION IS LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WINNETKA, ILLINOIS, WHICH HAS ADOPTED A VILLAGE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE MUNICIPAL CODE AS HERETOFORE AND HEREAFTER AMENDED.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A "BOUNDARY SURVEY."

DATED THIS ___ DAY OF __________, A.D. 20___.

____
I.P.L.S. # 3591
LICENSE EXPIRATION DATE 11/30/2022

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS THIS ___ DAY OF __________, 20___.

____
VILLAGE ENGINEER

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

I, __________, COLLECTOR OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS, OR ANY DEFERRED INSTALLMENTS THEREON THAT HAVE BEEN APPORTIONED AGAINST ANY OF THE REAL ESTATE INCLUDED IN THE PLAT HEREON DRAWN.

DATED AT VILLAGE OF WINNETKA, COOK COUNTY ILLINOIS THIS ___ DAY OF __________, A.D. 20___.

____
VILLAGE COLLECTOR, WINNETKA, IL.

WATER AND ELECTRIC DEPARTMENT CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

APPROVED BY THE DIRECTOR OF WATER AND ELECTRIC DEPARTMENT OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

DATED THIS __________ DAY OF __________ A.D. 20___.

BY: __________
WATER AND ELECTRIC DIRECTOR

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

DATED THIS ______ DAY OF __________, 20___.

BY: __________
PLAN COMMISSION CHAIRMAN

ATTEST: __________
CLERK

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE
"THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO ARTICLE 2 OF "AN ACT TO REVISE THE LAW IN RELATION TO PLATS," AS AMENDED. A PLAN THAT MEETS THE REQUIREMENTS CONTAINED IN THE DEPARTMENT'S "POLICY ON PERMITS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS" WILL BE REQUIRED BY THE DEPARTMENT.

THIS ___ DAY OF __________, A.D. 20___.

BY: __________ (DISTRICT ENGINEER)

NAME: __________

DEPARTMENT OF NATURAL RESOURCES CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF SANGAMON)

APPROVED BY THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF ILLINOIS INSOFAR AS THIS SUBDIVISION PLAT, SHOWING LANDS BORDERING UPON OR INCLUDING PUBLIC WATERS OF THE STATE OF ILLINOIS, RELATES TO THE PROVISIONS OF 615 ILCS 5/7, "AN ACT IN RELATION TO THE REGULATION OF RIVERS, LAKES AND STREAMS OF THE STATE OF ILLINOIS" APPROVED JUNE 10, 1911, AS AMENDED, REQUIRING REVIEW AND APPROVAL BY SAID DEPARTMENT AS TO THE BOUNDARY LINE BETWEEN PRIVATE INTERESTS AND PUBLIC INTERESTS.

DATED AT SPRINGFIELD, ILLINOIS, THIS ___ DAY OF __________, A.D. 20___.

BY: __________ (DIRECTOR)

NAME: __________

PERMISSION TO RECORD CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF LAKE)

I, JACK R. BLECK, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3591, DO HEREBY GRANT PERMISSION TO THE VILLAGE OF WINNETKA AND/OR ITS DESIGNATED AGENTS TO RECORD THIS PLAT WITH THE OFFICE OF THE COOK COUNTY RECORDER OF DEEDS.

DATED THIS ___ DAY OF __________, A.D. 20___.

____
ILLINOIS PROFESSIONAL LAND SURVEYOR

PLAT SUBMITTAL AND RETURN TO ADDRESS:

THIS PLAT SUBMITTED FOR RECORDING BY, AND RETURN TO:
VILLAGE OF WINNETKA
COMMUNITY DEVELOPMENT DEPARTMENT
510 GREEN BAY ROAD, WINNETKA, ILLINOIS 60093

SURVEYORS NOTES:

1. BASIS OF BEARINGS: ILLINOIS STATE PLANE - EAST ZONE.
2. EXISTING IMPROVEMENTS ARE NOT SHOWN.

OWNER INFORMATION:
NAME: __________
ADDRESS: __________
CITY: __________ STATE __________ ZIP: ______

OWNER INFORMATION:
NAME: __________
ADDRESS: __________
CITY: __________ STATE __________ ZIP: ______

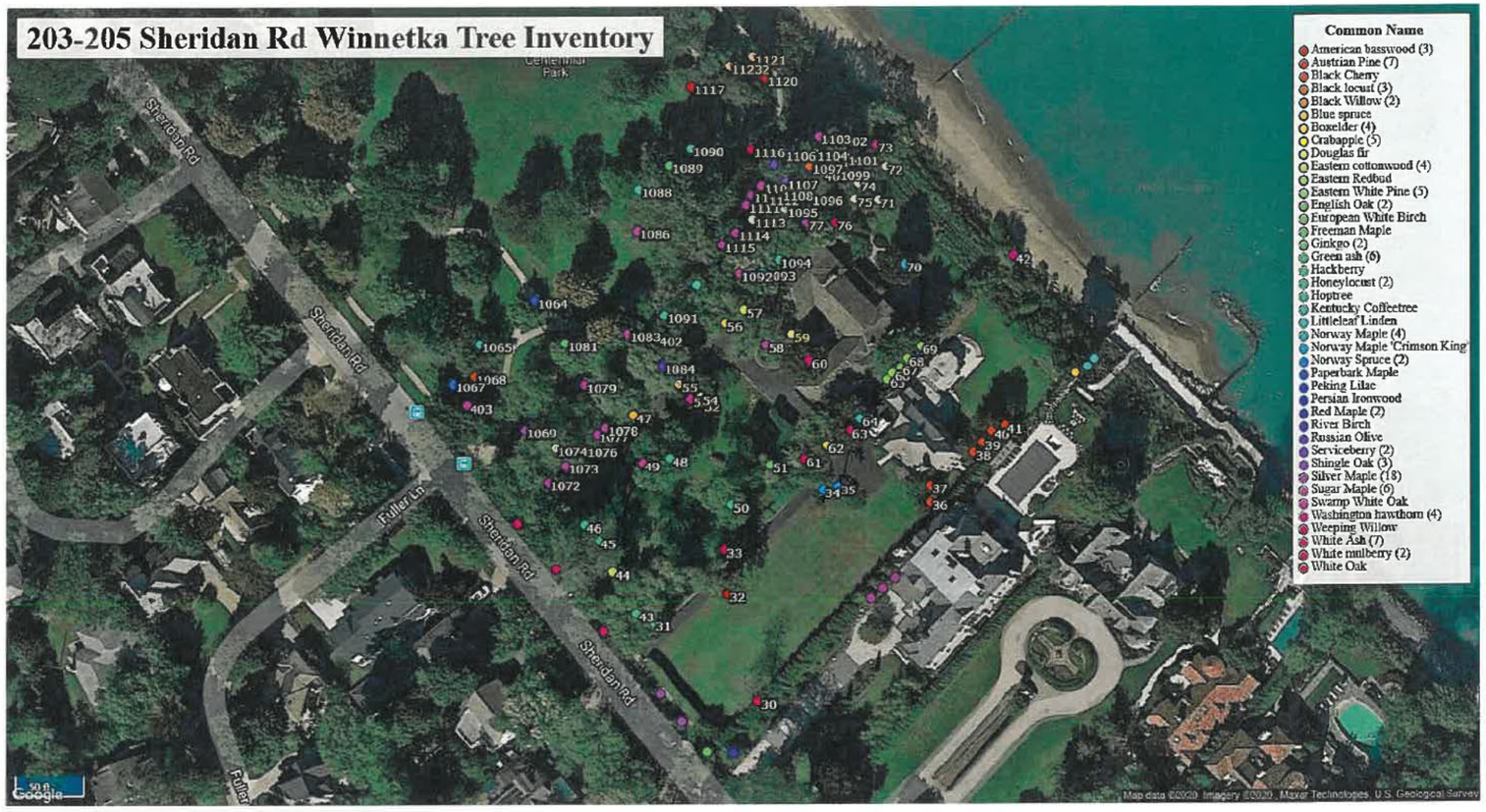
ABBREVIATIONS:
m. or meas. = measured
r. or rec. = record
R = radius
CB = chord bearing
CH = chord length
L = arc length
N = North
S = South
E = East
W = West
S.F. = square feet

SHEET 2 OF 2
Revised 12/8/20 Owners Certificate

Project # 20-020

BLECK
engineers | surveyors

Bleck Engineering Company, Inc.
1375 North Western Avenue
Lake Forest, Illinois 60045
T 847.295.5200 F 847.295.7081
www.bleckeng.com

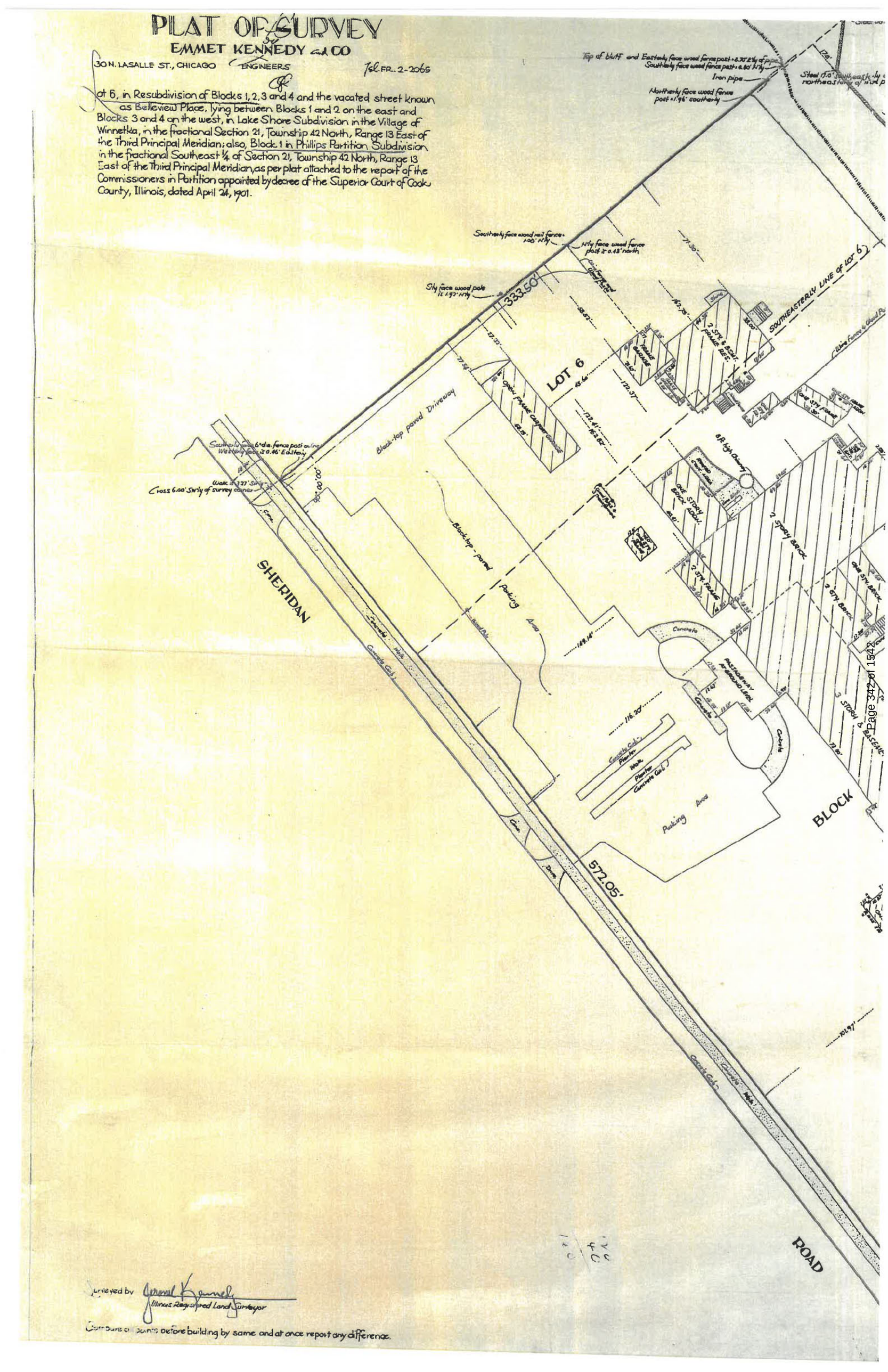

203-205 Sheridan Rd Winnetka Tree Inventory
Centennial Park
Sheridan Rd
Fuller Ln
Sheridan Rd
Sheridan Rd
Fuller
Google
Map data ©2020 Imagery ©2020 , Maxar Technologies, U.S. Geological Survey
Common Name
American basswood (3)
Austrian Pine (7)
Black Cherry
Black locust (3)
Black Willow (2)
Blue spruce
Boxelder (4)
Crabapple (5)
Douglas fir
Eastern cottonwood (4)
Eastern Redbud
Eastern White Pine (5)
English Oak (2)
European White Birch
Freeman Maple
Ginkgo (2)
Green ash (6)
Hackberry
Honeylocust (2)
Hoptree
Kentucky Coffeetree
Littleleaf Linden
Norway Maple (4)
Norway Maple 'Crimson King'
Norway Spruce (2)
Paperbark Maple
Peking Lilac
Persian Ironwood
Red Maple (2)
River Birch
Russian Olive
Serviceberry (2)
Shingle Oak (3)
Silver Maple (18)
Sugar Maple (6)
Swamp White Oak
Washington hawthorn (4)
Weeping Willow
White Ash (7)
White mulberry (2)
White Oak

PLAT OF SURVEY

EMMET KENNEDY & CO

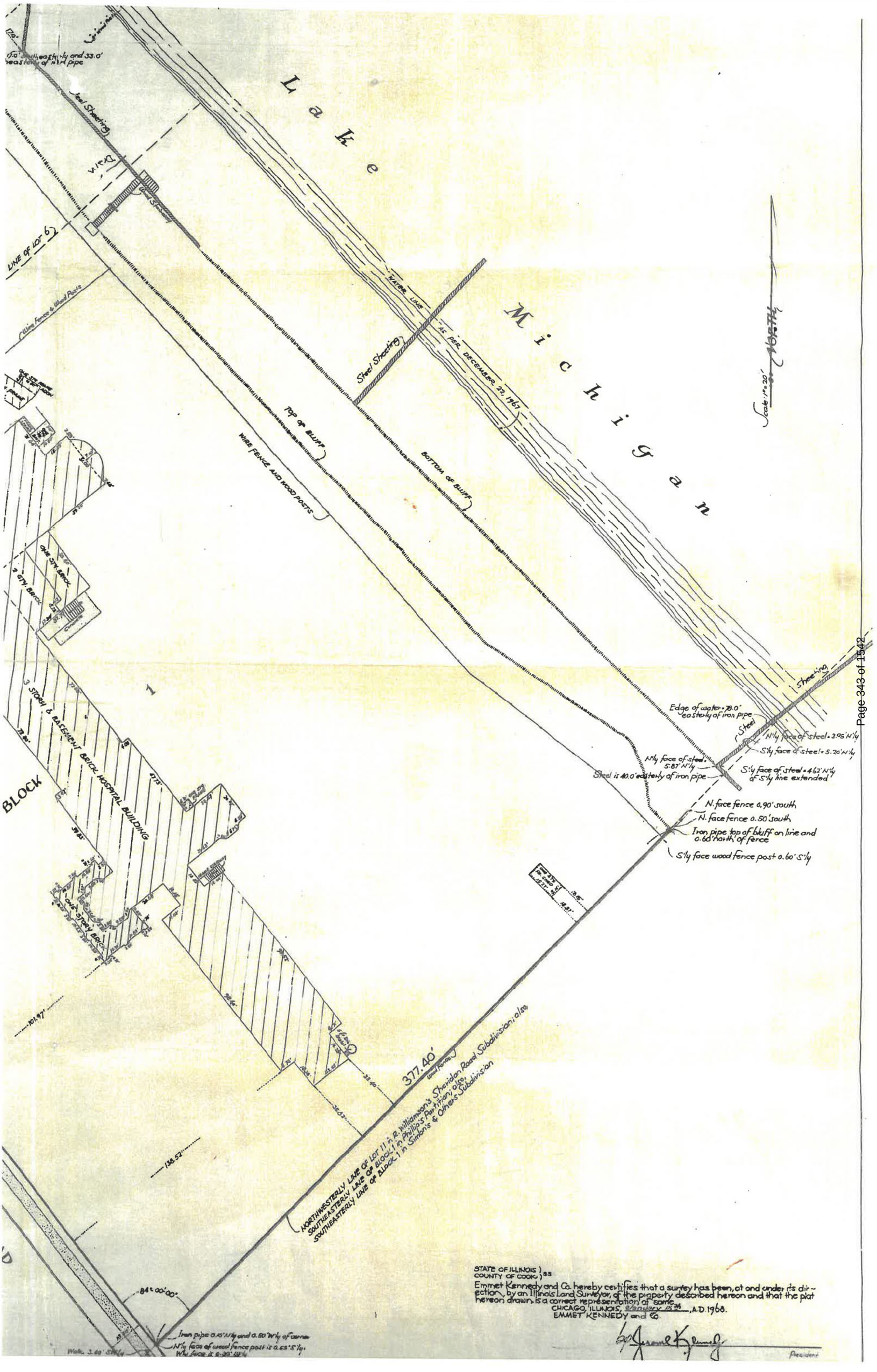
30 N. LASALLE ST., CHICAGO — ENGINEERS — Tel. FR. 2-2065

Lot 6, in Resubdivision of Blocks 1, 2, 3 and 4 and the vacated street known as Belleview Place, lying between Blocks 1 and 2 on the east and Blocks 3 and 4 on the west, in Lake Shore Subdivision in the Village of Winnetka, in the fractional Section 21, Township 42 North, Range 13 East of the Third Principal Meridian; also, Block 1 in Phillips Partition Subdivision in the fractional Southeast ¼ of Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, as per plat attached to the report of the Commissioners in Partition appointed by decree of the Superior Court of Cook County, Illinois, dated April 24, 1901.



Surveyed by Emmet Kennedy
Illinois Registered Land Surveyor

Compare all points before building by same and at once report any difference.



STATE OF ILLINOIS } ss
COUNTY OF COOK }

Emmet Kennedy and Co. hereby certifies that a survey has been, at and under its direction, by an Illinois Land Surveyor, of the property described hereon and that the plat hereon drawn, is a correct representation of same.

CHICAGO, ILLINOIS, January 15th, A.D. 1968.

EMMET KENNEDY and Co.

by Emmet Kennedy
President

CENTENNIAL PARK

225 Sheridan Road

LEGAL DESCRIPTION (taken from Creaney Survey)

Lot 6 in Resubdivision of Blocks 1, 2, 3 and 4 and the vacated street known as Belleview Place, lying between Blocks 1 and 2 on the East and Blocks 3 and 4 in the West in Lake Shore Subdivision in the Village of Winnetka in Fractional Section 21, Township 42 North, Range 13 East of the Third Principal Meridian.

Also Block 1 in Phillips Partition Subdivision in the fractional Southeast Quarter of Section 21, Township 42 Noth, Range 13 East of the Third Principal Meridian as per plat attached to the report of the Commissions to Partition appointed by decree of the Superior Court of Cook County dated April 24, 1901 in case number 170875 in Cook County.

Area: 5.22 acres

TITLE, TITLE DOCUMENTATION

WPD acquired fee simple title to the property described in the first paragraph, above, pursuant to a 1969 condemnation proceeding (**Winnetka Park District v. North Shore Hospital, Inc**, case no. 68 L 16116)

SURVEY

There are two Daniel Creaney Surveys and 1 Emmett Kennedy

Daniel Creaney Company Plat of Survey dated 15 July 2009 and the second dated 1 August 2011 (the **Creaney Survey**"). They appear identical but for the different dates (have same job number – 6398)

Emmet Kennedy Plat of Survey dated 15 January 1968 (the "**Kennedy Survey")**

PINs

05-21-412-004-0000

05-21-412-005-0000

05-21-412-006-0000

ISSUES

Nothing on the **Creaney Surveys** locates "Block 1 in Phillips Partition Subdivision" shown (italicized and in 'bold') in the 2nd paragraph of "Legal Description," above.

There is a difference between the legal descriptions of the Creaney Surveys and the Condemnation document. The Condemnation legal description contains the following additional language:

"…being a Subdivision of Lot 1 in a subdivision made by Simon's and Others' of part of fractional Southeast Quarter Section of Section 21 and of fractional Southwest Quarter of Section 22….also of the 5 acres more or less lying North of and adjoining said Lot 1 extending to Dale's Addition to Winnetka on the North and lying between Lake Shore Road (known as Lake Avenue) on the West and Lake Michigan on the East, in Cook County, Illinois."

Title was acquired through condemnation. There is no deed or title policy.

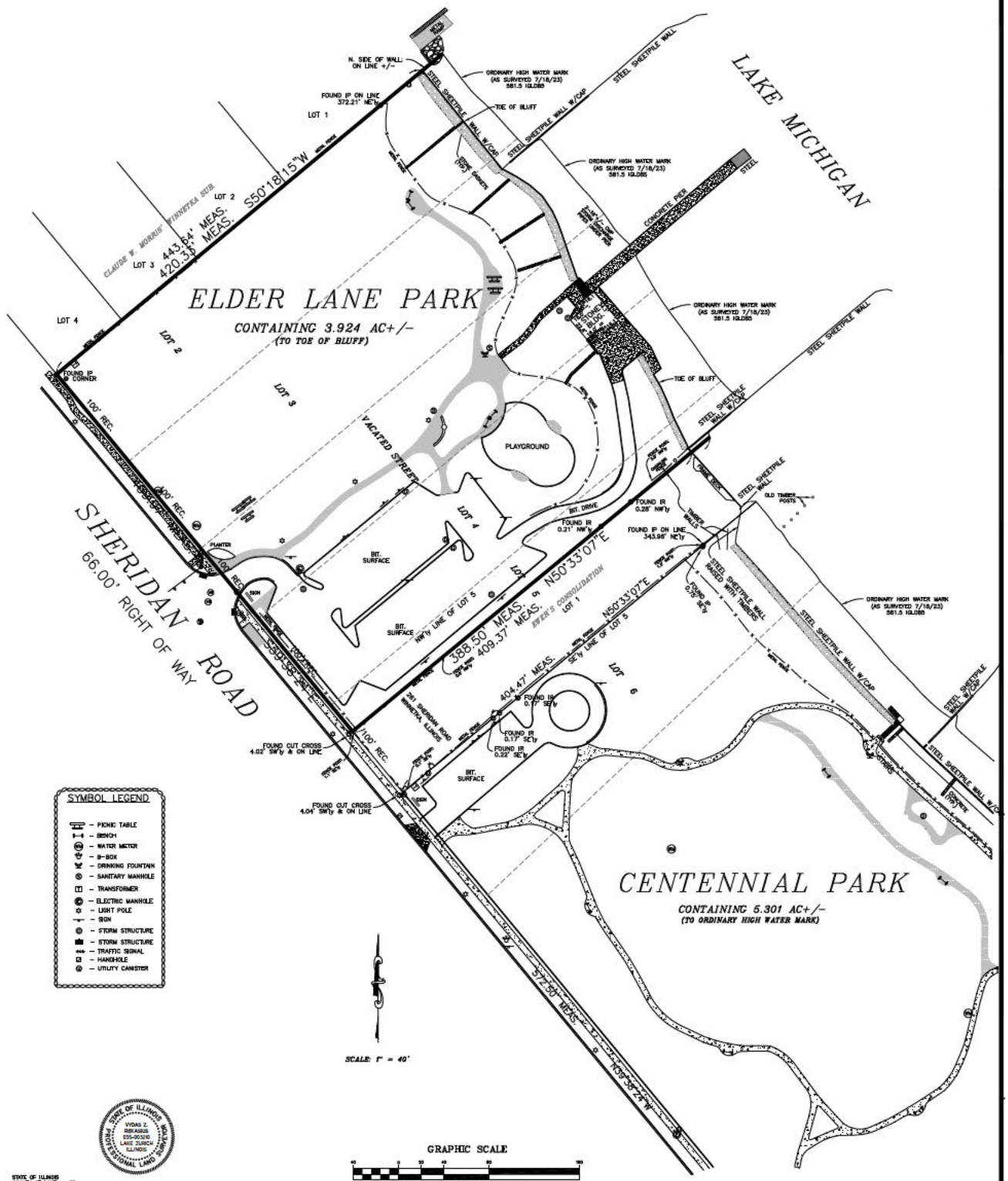
Couldn't find "vacated Belleview Place" on Surveys

SUGGESTION:

Order a title search using the 2011 Creaney Survey legal description – or use the legal description from the Condemnation action? Question for Adam.

PLAT OF SURVEY

LOTS 2, 3, THE VACATED STREET KNOWN AS BELLEVIEW PLACE, LOT 4 AND THE NORTHWESTERLY 30.00 FEET OF LOT 5 IN THE RESUBDIVISION OF BLOCKS 1 AND 2 ON THE EAST AND BLOCKS 3 AND 4 ON THE WEST IN LAKE SHORE SUBDIVISION OF LOT 1 IN NICHOLAS SIMON AND OTHERS' SUBDIVISION OF PART OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 21 AND FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS
COUNTY OF LAKE SS.

I, Vydas Z. Rekasius, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the property described above and that the plat shown hereon is a correct representation of said survey.

DATED THIS 21st DAY OF MAY, A.D. 2024.

BY: Vydas Rekasius

Illinois Professional Land Surveyor No. 3210
License Renewal Date : 11/30/2024
DESIGN FIRM NO. 184-004538 RENEWAL DATE: 4/30/2025
REVISED: 9/16/2024 – ACREAGE CALCULATION

NOTE:

1. Please check Legal Description with Deed and report any discrepancy immediately.
2. Compare all points before building by same and report any discrepancies at once.
3. Building lines, if any, shown reduce the building lines shown on the recorded subdivision plat or called out in the title report.
4. Consult local authorities for building lines established by local ordinances.
5. This professional service conforms to the current Illinois minimum standards for a boundary survey.

TERRA TECHNOLOGY LAND SURVEYING, INC.
24198 ROSE AVE. LAKE ZURICH, ILLINOIS 60047
PHONE: (847) 540-8606 E-MAIL: TTLS.1@SBCGLOBAL.NET

JOB NO.: 20-0078 SURVEY DATE : 7/18/2023
DWG FILE: JUNE2023/BOUNDARY2024/BOUNDARY-ELDER.DWG

David Schoon

From: Kris Schriesheim <k[redacted]>
Sent: Sunday, October 6, 2024 8:11 AM
To: David Schoon; Robert Bahan
Subject: Please include in ZBA packet for WPD's Centennial SUP
Attachments: WilmetteW-TGroupADABARCompliance.pdf; WEDGAllianceILBeachStateParkArticle.pdf; GaynorRasmusIDNRPermitComments.pdf; Final Signed Donation Agreement.pdf; IMG_7423.heic; IMG_4378.heic

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This documentation supplements my immediately prior email:

WPD failed to obtain ADA expert input in designing its Centennial Project plans:

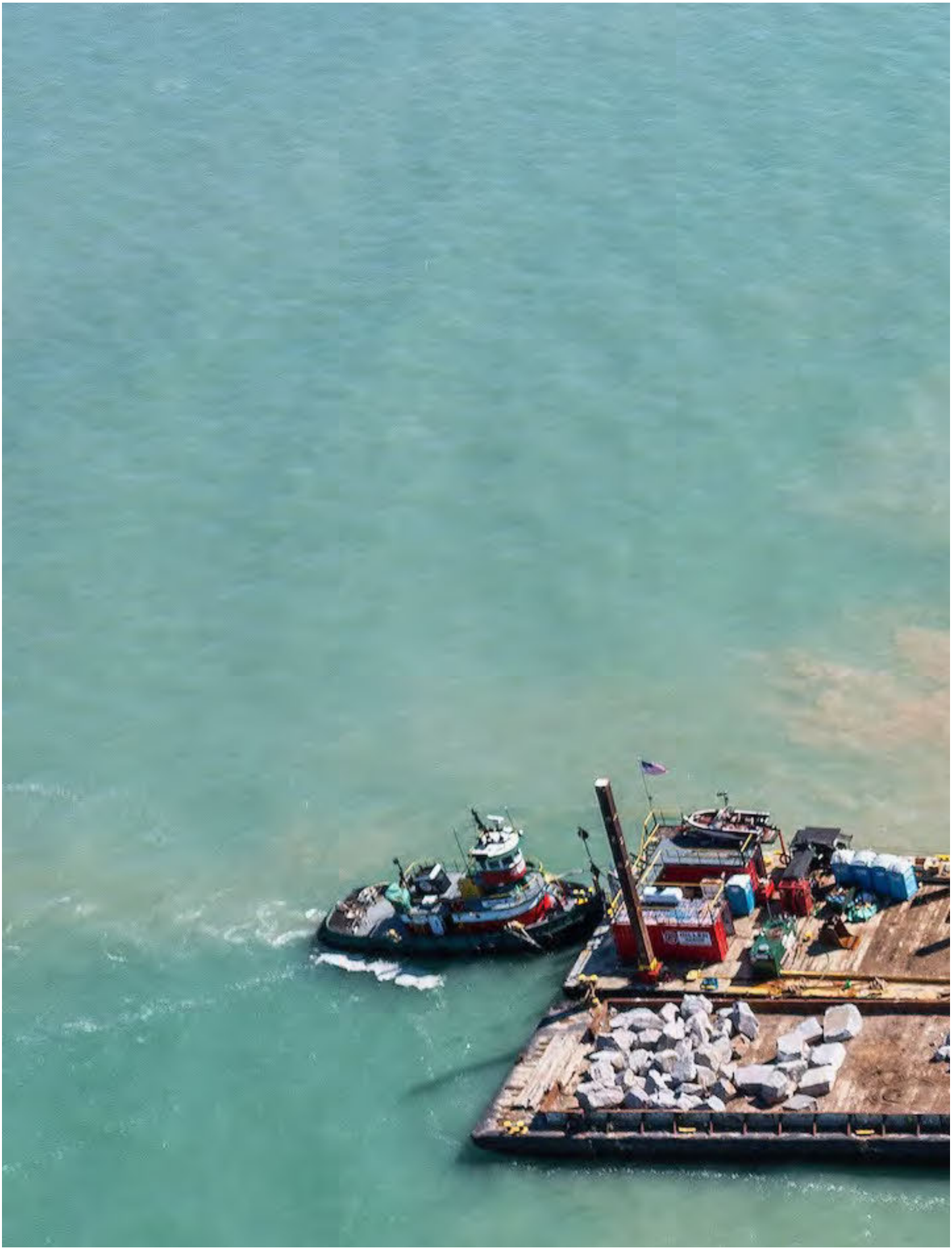
State of Illinois, IDNR and independent experts disfavor WPD-type breakwater projects in favor of up-to-date and scientifically supported alternatives that are designed to provide flexible responses to climate change-impacted shorelines.

Well-known negative effects of WPD-type breakwater projects:

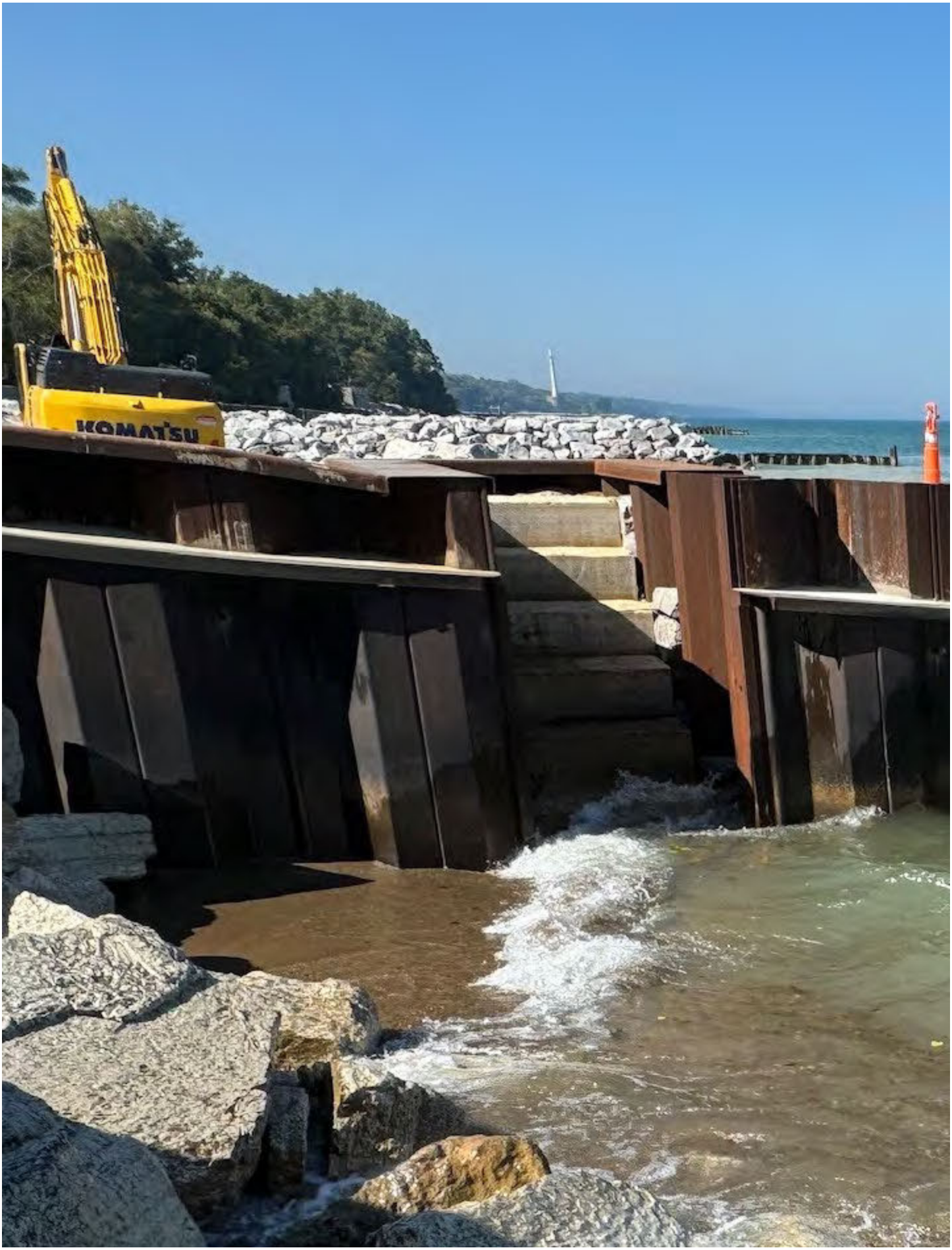
If approved, WPD's Centennial Plan permit designs would result in a private party receiving an interest in all of Centennial Park pursuant to a Restrictive Covenant agreement that WPD's board president executed in January 2024, which WPD intends to record as an encumbrance on its title to the park. Not only would this violate the terms of WPD's OSLAD/LWCF grants, but also, the private party's legal interest in all of Centennial's 5+ acres could result is unprecedented. A future lawsuit could theoretically result in loss of public ownership of the park.

WPD's project increases drowning risks because of its massive breakwaters/piers. This signage appears at Tower, in connection with WPD's receipt of NOAA/Illlinois Coastal Management Zone funding for the 2030 LMP.

205 Sheridan's northern breakwater is 125' long. The barge appears to be approximately the same length, which combined would be roughly the length of WPD's proposed breakwaters/piers.



Views of 205 Sheridan's southern breakwater, which would be similar to the public's views should WPD receive project approval.


KOMATSU

From: [redacted]
To: [redacted] Robert Bahan
Subject: Please include in ZBA packet for WPD's Centennial SUP
Date: Sunday, October 6, 2024 8:14:10 AM
Attachments: Wilmette's "Sensor/ADA/ADCompliance.pdf
WPD/Allianz/Illinois/Sheridan/Lakeside.pdf
Sheridan/Sherman/DNR/Permit/Comments.pdf
Cook Sheridan Conversion Agreement.pdf
IMG_7473.jpeg
IMG_4378.jpeg

CAUTION This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This documentation supplements my immediately prior email:

WPD failed to obtain ADA expert input in designing its Centennial Project plans:

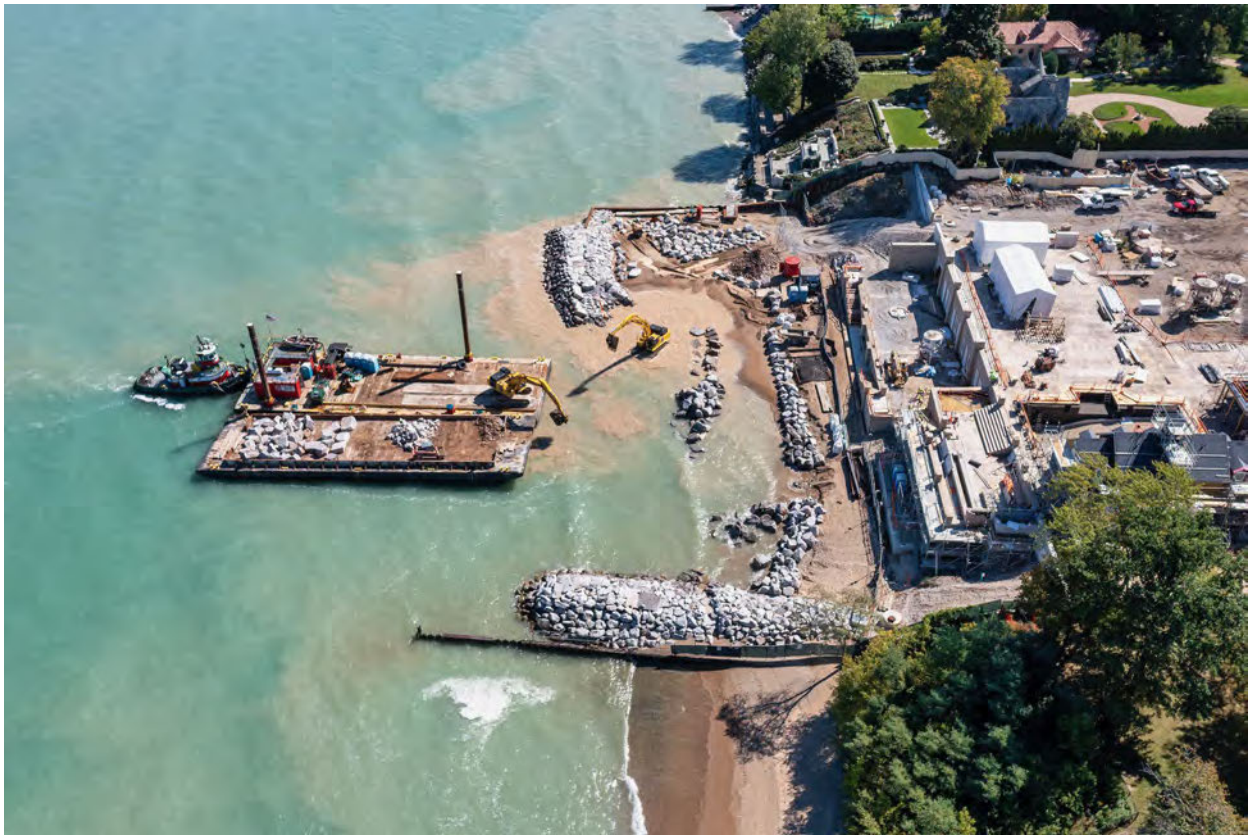
State of Illinois, IDNR and independent experts disfavor WPD-type breakwater projects in favor of up-to-date and scientifically supported alternatives that are designed to provide flexible responses to climate change-impacted shorelines

Well-known negative effects of WPD-type breakwater projects:

If approved, WPD's Centennial Plan permit designs would result in a private party receiving an interest in all of Centennial Park pursuant to a Restrictive Covenant agreement that WPD's board president executed in January 2024, which WPD intends to record as an encumbrance on its title to the park Not only would this violate the terms of WPD's OSLAD/LWCF grants, but also, the private party's legal interest in all of Centennial's 5+ acres could result is unprecedented A future lawsuit could theoretically result in loss of public ownership of the park

WPD's project increases drowning risks because of its massive breakwaters/piers This signage appears at Tower, in connection with WPD's receipt of NOAA/Illinois Coastal Management Zone funding for the 2030 LMP

205 Sheridan's northern breakwater is 125' long The barge appears to be approximately the same length, which combined would be roughly the length of WPD's proposed breakwaters/piers



Views of 205 Sheridan's southern breakwater, which would be similar to the public's views should WPD receive project approval



Sent from my iPad

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August 11, 2022

Steve Wilson
Executive Director
Wilmette Park District
1200 Wilmette Avenue
Wilmette, IL 60091

Review for Langdon Park Beach

Dear Steve:

Thanks for the opportunity to review the diagrams for the three options being considered for access to the Langdon Park Beach. Tanya Scheibe reviewed these diagrams. Tanya, one of our Project Managers, has a degree in architecture and is a Registered Accessibility Specialist. I also reviewed her work. The following are our remarks.

Beach Access Route Requirements

When work is underway at an Illinois beach, beach access routes must be part of the project. A beach access route (BAR) must meet certain requirements for access and connect to an appropriate water level based on the type of beach. Authorities consider Lake Michigan and the other Great Lakes non-tidal lakes. Therefore, the Park District must provide access to the normal recreation water level. This is not defined within the 2018 Illinois Accessibility Code nor does there appear to be a definition for normal recreation water level in other texts. We believe that the long-term average data provided by the Army Corps of Engineers may be the best benchmark here.

A BAR can be a permanent surface like the path that is being added or can be removable, being rolled out or set up during hours the beach is open and stored when the beach is closed. Regardless of surface type, the beach access route must be a minimum of 60” wide, have changes in level or obstacles maximum .5”, have gaps maximum .5”, and must be free of protruding objects. If the beach access route is a permanent surface, it must also meet requirements for slopes and resting intervals. The cross slope of a beach access route must not exceed 2.08%. The running slope can be:

- Up to 5% for any length of the beach access route without requiring resting intervals;
- Between 5% and 8.33% for a maximum length of 50’ with resting intervals at each end of the segment; and
- Between 8.33% and 10% for a maximum length of 30’ with resting intervals at each end of the segment.

These running slopes match the requirements of an Outdoor Recreation Access Route and are not as generous as the allowances for trails which can reach 12.5% for a maximum of 10’.

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What type of path is provided at Langdon?

The Park District can view the path intended to connect users to the beach in three different ways. One is to consider it a BAR. Another approach is to consider the majority of this path as an outdoor recreation access route. A third is to consider a portion of this path as a trail before it meets the BAR.

We caution considering the path or a portion of the path a trail as this has a more specific definition and, as currently shown, the path here will not meet that definition.

Option A - 5% Sloped Path with North Entry to Beach

This option meets accessibility requirements for the path. A maximum 5% running slope is identified for the entire length of the path. There is no mention of a cross slope maximum in the documents provided and we note here that it must not exceed 2.08%.

Option B - Path starting at Village Sidewalk Providing South Entry to Beach

This option describes and shows slopes up to 12% and includes resting intervals or landings. Within the presentation documents provided, the 12% segments are too long to be compliant with trail requirements where segments of the trail can be a maximum slope of 12.5% for a maximum of 10’ in length. Additionally, because this path does not meet the definition of a trail as shown, the slopes must not exceed 10%. Cross slopes were not identified here but must not exceed 2.08%.

Option C - Path Connecting from Pavers with Circular Entry to Beach

This option has many similarities to Option B above, but the documents we received did not show the slopes on the diagrams or the locations of the resting intervals. As described, if the slope connecting the playground area with pavers to the new circular entry towards the beach is less than 5%, we can expect that the remaining path down to the beach from that circular entry is generally steeper than what was provided in Option B. The description provided indicated that the slope did not exceed 12%. As mentioned in Option B, a trail can have slopes up to 12.5% for a maximum of 10’ with compliant resting intervals or landings. And, as mentioned in Option B above, this path as shown will not meet the definition of a trail. Once again, there is no mention of cross slopes for this design and those must be a maximum of 2.08%.

Stairs

Each option includes stairs to provide an alternate access point to the beach for those able to utilize them. The diagrams did not include details for the stairs. As a reminder, the stairs must have compliant handrails on both sides. The handrails must be mounted between 34” and 38” above the nosings, have extensions at the top and bottom, be a minimum of 1.5” from the adjacent surface, have a diameter between 1.25” and 2”, and they must not be obstructed for more than 20% of their length.

If this set of stairs is considered to be a means of egress, the tread depth and the riser heights must also comply. A stairway that is part of a means of egress must have risers between 4” and 7” high and consistent. The risers must not be open risers. The treads must be a minimum of 11” deep and consistent. As a smart practice, the treads should include a contrasting color on the leading edge of the nosing about 2” deep.

Conclusion

That concludes our remarks. If there are questions, or you would like us to review additional plans as they become available, please contact us.

Sincerely,

[redacted]

John N. McGovern, J.D.
Partner, Principal-in-Charge
The WT Group, LLC Accessibility Practice

TRS/JNM/WILMETTE PARK DISTRICT LANGDON BEACH PLAN REVIEW 202301

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BEACH ACCESS: A REPORT TO THE WILMETTE PARK DISTRICT

AUGUST 14, 2023

John N. McGovern, JD, Partner, Principal-in-Charge
The W-T Group, LLC Accessibility Practice

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CONTENT

- The ADA
- The Illinois EBA
- DOJ title II reg
- Federal Standards, Illinois Accessibility Code
- New design and construction rules
- Existing sites and program access test
- Plan Review
- Conclusion

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THE AMERICANS WITH DISABILITIES ACT (ADA)

- Effective 1/26/92 for the Park District
- Applies to new sites and existing sites
- District policies, programs, & communication
- Enforcement has been consistent throughout every administration since 1992 to today

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THE ILLINOIS ENVIRONMENTAL BARRIERS ACT (EBA

- Effective 1985 for the Park District
- Applies to new design and construction
- Disability Rights Bureau within the Office of the Attorney General enforces the EBA
- Relatively small staff in Chicago and Springfield

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DOJ TITLE II REGULATION

- **Effective 1/26/92 for the Park District, modified and effective March 15, 2011**
- **Existing sites addressed at 28 CFR Part 35.149**
- **New sites addressed at 28 CFR Part 34.151**
- ***No*** **grandfather clause for any type of asset**

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FEDERAL, STATE STANDARDS

- 2010 Standards for Accessible Design, effective 3/15/12
- Illinois Accessibility Code (IAC) effective October 2018
- IAC is broader, and covers beaches, trails, picnic area, campsites, viewing areas, and more
- Park District must follow the federal or state standard that is more stringent for that element…

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NEW DESIGN AND CONSTRUCTION RULES

- All new design and construction must fully comply, includes replacement, and rehabilitation
- Beach nourishment and alterations to circulation paths trigger access requirements, and access may be capped at 20% of the project cost
- New sites addressed by US DOJ at 28 CFR Part 35.151
- The Langdon beach project is a 35.151 project

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EXISTING SITES AND PROGRAM ACCESS TEST

- A jurisdiction with an existing beach or beaches that plans no work must still make the "program" of beaches accessible
- The program access test allows an entity to make some but not necessarily all beaches accessible
- Existing sites addressed by US DOJ at 28 CFR Part 35.149
- The Langdon beach project is ***not*** a program access issue

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PLAN REVIEW

- Beach Access Route (BAR) goal: max 5% running slope and max 2.08% cross slope
- BAR from entry at top of bluff to Lake Michigan “normal recreation water level”
- BAR can be a permanent route or a temporary route New sites addressed by US DOJ at 28 CFR Part 35.151
- The North option is the only compliant option, likely must also address stairs

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CONCLUSION

- The North option is IAC compliant
- Whenever altering, adding to, or designing new, make accessibility the second most important item discussed by the District
- Meeting with Village officials to facilitate the permit process and if desired, consult with CDB
- Continued plan review and walkthrough with Park District and Village officials

Illinois Beach State Park Shoreline Stabilization Project

February 22, 2024

By Valery Aguilar, Waterfront Design Coordinator

This park became the first breakwaters, freshwater, and rural project to achieve WEDG® (Waterfront Edge Design Guidelines) Verification.

Home to six miles of natural lake shoreline and over 4,000 acres of public park, Illinois Beach State Park faces chronic erosion from Lake Michigan waves and evolving climate change impacts. With portions of the site eroding away at over 100 feet per year, the Illinois Department of Natural Resources and Capital Development with design-build team lead Moffatt & Nichol, set into motion the Illinois Beach State Park Shoreline Stabilization Project. In December 2023, this park became the first breakwaters, freshwater, and rural project to achieve WEDG® (Waterfront Edge Design Guidelines) Verification, and the first to complete its WEDG Verification using the new WEDG V3.0.

WEDG is a national rating system and gold standard for resilient, ecological, and accessible waterfront design. External specialists in engineering, architecture, and landscape architecture determined that the project exceeded the requirements for WEDG Verification, earning 146 out of 250 possible points in the standard (130 are needed to pass). In October 2023, the standard expanded to include inland rivers and lakes.

The project team devised an environmentally balanced approach to stabilize, renourish, and protect Illinois Beach State Park. This undertaking is a part of Illinois Governor J.B. Pritzker's bipartisan Rebuild Illinois capital plan intended to reinvest in the state's infrastructure. Illinois Beach State Park received $73 million for the construction of shoreline stabilization structures across three locations in the park. The result of this investment will transform the beach into an ecologically thriving environment and maintain a lasting crucial resource for parkgoers.

Renourishing & Protecting the Shoreline

To protect the beach from the threat of ongoing erosion, the project team

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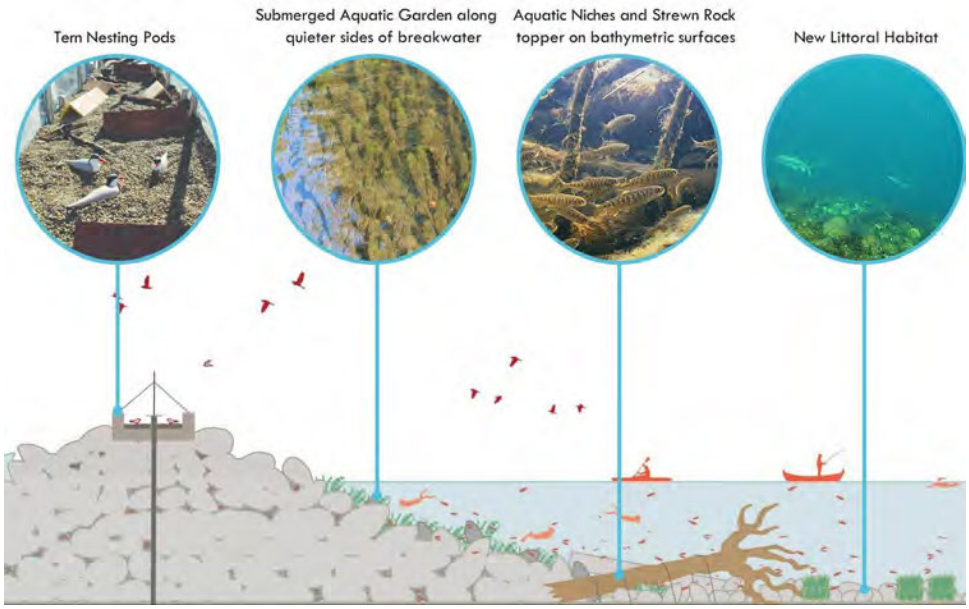
designed 22 stone breakwaters. These breakwaters will reduce transmission of wake energy before it reaches the shoreline and upland habitat. The resilient structures will also help maintain about 2.2 miles of sandy beachfront. Construction of the Kellogg Creek groin will ensure that cobbles and stone are retained, and sand is deposited at the mouth of the creek when water level rises. In turn, sand will be cleared and drained into the lake, reducing upstream flooding and restoring upland wetlands.

The project team was conscious of the park user's experience, purposefully arranging the breakwaters to allow for unobstructed waterfront views between the structures and choosing stone material for a more natural appearance. The widened beach also restored an eroded trail connection along Burnett Avenue, improving pedestrian pathways.

Building for Habitation

With an overarching goal to restore habitat, the project team integrated under and over water habitat elements into the breakwaters' design. The rough surfaces of the stone breakwaters will provide aquatic habitats for mudpuppies and yellow perch. One breakwater will host nests for Caspian and common terns with incorporated predator deterrent components to encourage colonial nesting behavior. The newly stabilized beach will also increase connectivity between the beach and internationally significant and rare wetland, which will support nesting habitat for federally endangered Great Lakes piping plovers.



Breakwater Section. Credit: Living Habitats

Repurposing Site Materials

To minimize construction debris disposal, enhance biodiversity, and protect

habitat creation during construction, the project team tactically reused site materials. Salvaged concrete ecoblocks will be repurposed into vegetated blocks that will promote root structure among plant species, provide refuge for juvenile fish, and encourage vegetation growth. Repurposed driftwood and cut trees create natural windrows along the edge of the beach fill template to create a natural barrier between the beach activities and wetland habitats.

The renourishment, resilience, and ecology of Illinois Beach State Park will allow parkgoers to enjoy a flourishing natural lake shoreline and direct connection to Lake Michigan for years to come. This project demonstrates that the leading principles of WEDG are not only possible to incorporate on freshwater sites, but imperative, too.

The Project Team

The collaborative efforts between the Illinois Department of Natural Resources and Capital Development Board with design-build team lead Moffatt & Nichol have led to the WEDG Verification of the Illinois Beach State Park Shoreline Stabilization Project. Other project partners included:

- American Surveying/Engineering: surveying
- Carmona Strategic Solutions: stakeholder outreach
- Collins Engineering: construction quality and site civil design
- Living Habitats LLC: habitat design and landscape architecture
- Michels Construction, Inc.: contractor, design-build team lead
- Moffatt & Nichol: coastal design, design team lead
- SmithGroup: bridging document design, owner's engineer
- Wang Engineering: geotechnical site investigation
- Edgewater Resources: design work in a previous phase of the project

Waterfront Alliance congratulates the whole team in its endeavor to protect Illinois Beach State Park and looks forward to the project's anticipated completion in spring 2024. View the official project case study.

Questions about the WEDG Verification process can be directed to Joseph Sutkowi, Chief Waterfront Design Officer at Waterfront Alliance, at jsutkowi@waterfrontalliance.org.

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#OurWaterfront

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Our work takes place on the coastlines that are homeland to the Lenape.

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AND STRATEGIES, LLC

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December 30, 2022

Via Electronic Mail and Hand Delivery

Mr. Jim Casey
Illinois Department of Natural Resources
Office of Water Resources
100 W. Randolph Street
15th Floor
Chicago, Illinois 60601
james.casey@illinois.gov

Re: Comments to Permit Application for Construction of Shore Protection System, in Lake Michigan, at 205 Sheridan Road, Winnetka, IL 60093

Dear Mr. Casey:

This firm represents Robert and Carol Rasmus, the owners of 175 Sheridan Road, Winnetka, Illinois (a property on the shore of Lake Michigan, three lots to the south of 205 Sheridan Road), with respect to the Orchard 2020 Revocable (the "Applicant") Trust Permit Application for Construction of Shore Protection System, in Lake Michigan, at 205 Sheridan Road, Winnetka, IL 60093 ("Permit Application").

The Permit Application seeks the Illinois Department of Natural Resources' ("IDNR") permission to construct, among other things, a wall that will privatize public land and the historic lakebed of Lake Michigan, a boat ramp across public land and the historic lakebed of Lake Michigan, and a private pier. The proposed construction violates the Illinois Public Trust Doctrine, the Illinois Rivers, Lakes, and Streams Act, IDNR Regulations, and IDNR Guidelines. As such, it should be denied.

Pursuant to the IDNR public notice, we submit the following questions, comments, and objections to the Permit Application (the "Comments"). The Comments set out (I) background information critical to understanding and documenting ecological and social impacts of the Permit Application, if built, and other similar projects and (II) specific comments and objections to the Permit Application as submitted.

I. Background

IDNR permits private landowners, like Orchard 2020, to build structures on the historic bed of Lake Michigan for the purpose of shore *protection*. That IDNR mandate—to protect the shore—must consider the impact of any proposal on neighboring properties and the public's interest in federally and state protected public land. This consideration should include an examination of applicable coastal dynamics and applicable legal doctrines.

A. Coastal Dynamics

The construction of coastal structures "updrift" along the shoreline, such as jetties and groins, are widely understood to block the natural flow of sand ("littoral drift") and to contribute to "downdrift" shoreline erosion. The U.S. Army Corps of Engineers ("USACE's") *Coastal Engineering Manual* memorializes this phenomenon for consideration*:*

> In the case of a jetty [or groin], the result is a buildup of the beach along the updrift side of the structure and an erosion of the beach downdrift of the structure. The impacts pose problems to the adjacent beach communities, as well as threaten the usefulness of the adjacent navigable waterways (channels, harbors, etc.)

USACE, *Coastal Engineering Manual – Part III*, (April 1, 2008)(Change 2), Chapter III-2-1(a)(2), p. III-2-1.[1] The IDNR acknowledges this dynamic publicly on its own website.[2]

The existing impact of this coastal dynamic may already be observed at the relevant site of the Permit Application, 205 Sheridan Road. *See*, Exhibit A. Existing groins at 205 Sheridan Road, 203 Sheridan Road, and 195 Sheridan Road have blocked littoral drift and accumulated, or accreted, sand that would otherwise be supplied to downdrift neighboring properties. With Orchard 2020's pending consolidation of multiple properties under the 205 Sheridan Road address, two of these existing groins owned by the Applicant are already negatively affecting downdrift neighboring properties. The Permit Application seeks to build even larger structures that would exacerbate the existing imbalance, further denying neighboring properties of downdrift sand.

[1] Located at, https://www.plainwater.com/pubs/EM-1110-2-1100P3.pdf. (Accessed December 20, 2022).

[2] Illinois Department of Natural Resources Division of Water Resources Management ("DWRM") Permit Program at https://www2.illinois.gov/dnr/WaterResources/Pages/PermitPrograms.aspx (accessed December 22, 2022), stating that DWRM's permit programs apply to "…projects, in Lake Michigan, with the potential to trap sand from the littoral drift."

In response to the construction proposed in the Permit Application, downdrift property owners, such as those at 175 Sheridan Road, would be compelled to incur great expense to fortify their own shoreline. This would, in turn, negatively impact those neighbors downdrift of 175 Sheridan Road, which would precipitate their need to construct shoreline protection systems. Ultimately, this causes a destructive cycle up and down the lakefront. *See* Exhibits B and C for further examples of this negative shoreline impact and a contrasting example of a naturally maintained shoreline.

B. IDNR's Legal Authority to Approve Limited Lakebed Construction

The review of applications to construct structures that affect these coastal dynamics, and impact neighboring properties, requires a careful adherence to legal doctrine, statutes, and regulations. It is through these existing bodies of law that the Illinois legislature, federal courts, states courts, and administrative experts have worked to create the necessary balance of the rights of the public and numerous property owners against the interest of an individual property owner. Through this body of law, the IDNR bears the responsibility of protecting the public's right to lawfully access Lake Michigan's shoreline, while permitting only those structures that are minimally necessary to protect private property and do not impinge on the public's rights in any way.

Through its Permit Application, Orchard 2020 seeks IDNR's permission to build far beyond what is minimally required to protect the shoreline of 205 Sheridan Road. As a result, the proposed project violates the Public Trust Doctrine, the Illinois Rivers, Lakes, and Streams Act, and the IDNR's own regulations, guidance, and permit conditions.

1. The Permit Application Violates the Public Trust Doctrine

The proposed project would unlawfully impede public rights of access protected by the Public Trust Doctrine. The Permit Application seeks permission to construct a new groin on the north side of the property that will be some 5 feet higher than the current, deteriorated steel wall. Without a ladder, citizens desiring to access the lakefront and public beaches that have accreted from prior groin construction would be required to climb up and over large stone. This would create a safety hazard. Alternatively, citizens would be required to access the beaches by traversing the base of the bluff above the high-water mark. The proposed south groin is impassible by citizens transiting the beach. It entails an approximate 7-foot drop from the promenade, either into the lake or onto armor stone.

Illinois courts recognize that protected public uses of the lakefront are broad. Such public trust uses "are not limited to the ancient prerogatives of navigation and fishing, *but extend as well to recreational uses, including bathing, swimming and other shore activities.*" *People ex rel. Scott*

v. Chicago Park Dist., 66 Ill.2d 65, 77 (Ill. 1976) (citing *Borough of Neptune City v. Borough of Avon-By-The-Sea*, 294 A.2d 47, at 54-55 (N.J. 1972)) (emphasis added).

Residents of Winnetka and throughout Illinois have the common law right to transit—whether wading or otherwise move within legal limits—across the lakefront. Some members of the public have already stated their interest in maintaining those rights.[3]

2. The Permit Application Violates the Illinois Rivers, Lakes, and Streams Act

The Permit Application seeks to exclude the public from Lake Michigan lakebed in violation of Illinois statute. The Illinois Rivers, Lakes, and Streams Act specifies the IDNR's obligations under the Public Trust Doctrine as the trustee for the people of the State of Illinois. *See*, 615 ILCS 5/4.9 *et seq* (the "Act"). If the IDNR were to approve the Permit Application, it would impede lawful public uses by permitting structures on and above the lake bottom for private benefit in violation of the Act. The most basic public use example is of citizens who wish to wade or paddle along the shoreline which would be blocked by the proposed structures. Though the State is not conveying title of these areas to a private landowner, the effect is the same: an IDNR permit would result in the alienation of public lands.

Illinois courts have consistently found that control over public lands, including the lake bottom, cannot be alienated unless the public's interest in those lands is protected. *People ex rel. Scott v. Chicago Park Dist.*, 360 N.E. 2d 773 (1976); *Friends of the Parks v. Chicago Park Dist.*, 160 F. Supp. 3d. 1060, 1066-67 (N.D. Ill. 2016). Under the proposed project, the public's interest in using lake bottom lands and its waters will be impeded and harmed. The proposed structures would prevent the public's unimpeded ability to wade, paddle, and swim along the shoreline. Granting such a permit would therefor violate the Public Trust Doctrine and the Act.

Section 7 of the Act summarizes the IDNR's broad obligations:

> It shall be the duty of the Department of Natural Resources to . . . at all times . . . exercise a vigilant care to see that none of said bodies of water are encroached upon, or wrongfully seized or used by any private interest in any way, except as may be provided by law and then only after permission shall be given by said department . . . .

See 615 ILCS 5/7.

a. *The proposed project exceeds what is legally permissible*

[3] Hulvalchick, Alex, "Winnetka Village Council OKs lakefront land consolidation," *Winnetka Talk* (December 9, 2022), Statement of Chuck Dowding (accessed December 27, 2022).

The proposed structures greatly exceed what is necessary to stabilize the beach or control shoreline erosion. The Project Description of the Permit Application states that its purpose is to "stabilize the beach and reduce future potential for bluff damage." Permit Application at 8. IDNR should focus on and permit those measures necessary to achieve this purpose *only*. In contrast, the Permit Application report addresses in only a cursory manner alternatives that protect the shoreline without creating downdrift damage. There exist increasingly employed nature-based shoreline techniques and underwater structures that dissipate wave energy without depriving downdrift properties. *See e.g.*, Exhibits D and E.

Nor does the existence and historic IDNR permitting of structures such as those proposed in the Permit Application provide any basis for their continued construction. While IDNR has historically permitted such structures, the observation of their historic impact demonstrates that they violate the overall purpose of the Act, particularly where nature-based shoreline techniques and underwater structures can achieve the same purpose without impeding the rights of the public.

Any shoreline structures permitted must be in the public interest and not for exclusive private interests. That Act states:

> *If deemed in the public interest*, the Illinois DNR . . . may permit the placing of unconfined fills or deposits of clear sand, rock or other material approved by the Department in or along the shores of Lake Michigan or in, or along the shores of, other streams or lakes of this State for the purpose of replacing or augmenting the natural material in the littoral currents, for creating new beaches or for replenishing existing beaches, for the protection of the shore against erosion or for other lawful purposes specifically authorized by statute.

615 ILCS 5/18. (emphasis added).

The Permit Application fails to demonstrate how the proposed structures are in the public interest. Their plain effect would be to the contrary as they would privatize public beach (historic lakebed) that has accreted *solely* due to the prior issuance of IDNR permits and obstruct public wading and other lawful public access below the high-water mark.

Illinois courts have held that in using public trust resources, such projects must proactively advance the public's interest rather than simply avoid injury to those resources or uses. *See Friends of the Parks v. Chicago Park Dist.*, 160 F. Supp. 3d. 1060, 1066-67 (N.D. Ill. 2016). The

Permit Application fails on both points. It protects private interests at the expense of the public and injures the property of its downdrift neighbors.

b. The proposed project will unlawfully damage neighboring properties

The Act provides that it should be liberally construed for the purpose of preserving the rights and interests of the people of Illinois. As such, IDNR has a responsibility to protect the public interest when making permitting decisions.

> *At all times this act shall be construed* in a liberal manner *for the purpose of preserving to the State of Illinois and the people of the State*, fully and unimpaired, *the rights* which the State of Illinois and *the people of the State of Illinois may have in any of the public waters* of the State of Illinois, and to give them in connection therewith, *the fullest possible enjoyment thereof, and to prevent to the fullest extent, the slightest improper encroachment or invasion upon the rights of the State of Illinois, or any of its citizens with reference thereto.*

615 ILCS 5/27 (emphasis added).[4]

The Permit Application's proposed structures violate this statutory requirement because they would exclusively advance a private interest to the detriment of other private (neighbors) and public interests. First, the structures exclude the public from accessing public beaches. Second, by blocking Lake Michigan's natural littoral drift to the detriment of its downdrift neighbors. On this second point, the *existing* structures at 205 Sheridan Road already have a negative impact on the downdrift neighbors. *See* Exhibit A. The proposed project structures, even larger than the existing structures, would only exacerbate such adverse impacts. Plainly, the proposed project will *not* prevent the "slightest improper encroachment upon . . . any of [Illinois's other] citizens."

3. The Permit Application Violates Illinois Regulations

The mandates of the Public Trust Doctrine and the Act are expressed in detail by IDNR Regulations. The Permit Application fails to meet the applicable Regulations as well. Specifically, it fails to satisfy the requirements of Section 3704.80 of Regulation of Public Waters (17 Ill. Adm. Code Chapter 1, Part 3704). Section 3704.80 provides that the proposed activity must *not*:

[4] The Act is replete with numerous references to IDNR's obligation to advance public uses and enjoyment of Lake Michigan rather than exclusive private uses and enjoyment. *See, e.g.*, 615 ILCS 5/16, 19, 24, and 26.

> 1) cause an obstruction to, or interference with, the navigability of a public body of water,
> 2) result in an encroachment on a public body of water,
> 3) cause an impairment of any rights, interests or uses of the public in any public body of water or its natural resources, and
> 4) cause bank or shoreline instability on other properties.
>
> If it is determined that the activity would *not* cause any of the listed impacts, the activity will be considered permittable under this Part.

Section 3704.80 (emphasis added).

Before even considering the grant of a permit, it must be established that a proposed project will not "cause *any* of the above listed impacts." *Id*. (emphasis added). As noted above and throughout these Comments, the proposed project will cause *all* the above listed impacts. It impedes navigation for those who wish to paddle along the shoreline. The proposed structures would extend into and encroach upon Lake Michigan as a public waterbody. The structures will impair and interfere with the public's right to transit across the shoreline (e.g., wading). Moreover, existing smaller structures have already contributed to shoreline erosion (a form of instability) on neighboring properties.

Even if IDNR were to consider the Permit Application, the Applicant—not neighboring public or private property owners—has the burden to demonstrate:

> 1) **. . .** *the benefits [of the project] to the public interest* in the body of water which would result from the activity;
>
> 2) A discussion of the measures…which would *minimize and/or mitigate the negative impacts*; and
>
> 3) An analysis of the extent and *permanence of the activity's encroachment* on the body of water and of any impairment the activity would have *on the rights, interests or uses of the public in the body of water and in the natural resources thereof*. The analysis shall *consider both the activity alone and the combined effects of similar activities which exist and/or could be lawfully undertaken* in the locality. The analysis should be *expressed in quantitative terms* to the fullest extent practicable and should be performed by persons with expertise in such impact analysis.

Section 3704.80(b)(emphasis added).

Section 3704(b)(3) also suggests, through the mandate that the quantitative analysis consider the combined effects of similar activities, that the existence of previous structures in the same location does not excuse violations of the Act or mean that proposed projects should be subject to diminished regulatory scrutiny. Further, the Permit Application seeks to build structures that are larger and, therefore, likely to result in even greater infringement on the public's right to lawfully access the shoreline.

IDNR must grant permits in accordance with Departmental Standards, which require an applicant to meet its own independent burden. Sections 3704.80, 3704.90. Because the Applicant has failed to meet its burden, IDNR may not grant the requested permit.

This project cannot be approved as currently proposed. As discussed *supra*, the Applicant (i) should be required to submit supplemental information in accordance with Section 3704.80(b), and (ii) must provide alternatives narrowly tailored—and nothing more—to protect its shoreline. Should the Applicant wish to build or maintain a beach, it may only do so through "beach nourishment," meaning supplying sand to its beach from offsite without violating other aspects of the common or state law. Section 3704.70(b). These approaches are the only way in which IDNR's own regulations can be harmonized with—and not violative of—the Public Trust Doctrine and the Act. The Applicant has not complied with these regulatory requirements and, as such, IDNR cannot grant the permit for the project as proposed.

4. The Proposed Project Does Not Comply with State Shore Protection Project Guidelines and Permit Conditions

Should Orchard 2020 wish to resubmit the Permit Application, IDNR's *Guidelines for the Submittal of Applications for Illinois Department of Natural Resources, Office of Water Resources Permits for Shore Protection Projects in Lake Michigan* ("IDNR Guidelines") provides helpful guidance. The IDNR Guidelines state that "shore protection is the primary reason the Department allows limited construction to occur on the bed of Lake Michigan. Applicants should provide a detailed explanation of the purpose and need of the proposed project." *IDNR Guidelines* at page 3 (emphasis added).

While the Permit Application indicates that it is intended to promote "shore protection," the proposed structures, including a boat ramp, do not meet the requirements for limited construction. *See* Permit Application, Attachment A, Section 8, Project Description.

The Permit Application also fails to include a sufficient (i) evaluation of the project's potential impact on public uses; such as legally permissible public transiting below the high-water mark (HWM); (ii) evaluation of the project's potential impact on natural resources; or (iii) analysis

and descriptive or narrative explanation of the project components that will minimize, mitigate or offset any project induced negative impacts. *IDNR Guidelines* at page 3.

Even if the structures proposed were to be appropriate for shore protection, they are in violation of the IDNR's permit conditions by impeding the public's right to enjoy public property. Where an applicant receives a permit for construction, the IDNR permit states expressly that "Any artificially created beach area is considered to be public property and the owner of the upland property may not do *anything* to impair or prohibit lawful public use of such created beach area." *See* IDNR Office of Water Resources ("OWR") Permit No. LM2017, Special Condition A (emphasis added).[5] This language is significant for two reasons. First, it expressly prohibits impairments to public uses of newly created beaches. Second, it suggests that the HWM boundary that normally delineates the boundary between public and private ownership rights does not apply to "artificially created beach area." In other words, the public may use any sand created as a result of built structures regardless of where the HWM would have been before such structures manipulated the shoreline.

Because the Permit Application violates the Public Trust Doctrine, the Rivers, Lakes, and Streams Act, IDNR Regulations, and IDNR Guidelines, it should be denied.

II. Comments and Objections to the Permit Application

IDNR bears the duty of general supervision of every body of water within the State of Illinois, including Like Michigan. At a part of this duty, it is incumbent upon the Department to "inquire into encroachments upon, wrongful invasion and private use" of Lake Michigan. *See* 615 ILCS 5/7. As such, we respectfully request responses to the following elements of the Permit Application.

1.0 Project Introduction and Need

- Provide a detailed explanation of the purpose and need for the project and its goals (to increase the useable beach size, restore shoreline positioning to a selected design water level or any other goals).
- Provide detailed rationale for the proposed design and whether the proposed design/project is the minimum needed to accomplish the detailed description of project purposes and needs.
- The Permit Application notes that the existing system currently maintains a sandy beach. It should be recognized and considered that the existing sandy beach is greater than that which currently exists for some neighboring properties. The construction of this project

[55] Online at: https://www2.illinois.gov/dnr/WaterResources/Documents/OWR_LakeMichiganPermitConditions_ShoreProtectionProjects.pdf (accessed December 22, 2022). Special Permit Condition

will likely accrete sand along the project proponent's shoreline at the expense of down-drift property owners' beaches.

- Clarify the statement in the Permit Application that "a stone groin at the north property line will address wind and wave erosion and support beach stability." If this is the main proposed structure that supports beach stability, please explain in detail why are other design elements are being proposed and are necessary (i.e., a proposed south breakwater)?
- Provide additional information and detail (including renderings) regarding the native vegetation area to be constructed south of the north breakwater. Also explain why the proposed vegetation is necessary to accomplish the project's purpose and need.
- Provide greater detail regarding and clarify the statement in the Permit Application that: "The proposed stone coastal structures will stabilize the beach, eliminate bluff toe erosion, and replace failing existing coastal structures." The *elimination* of bluff toe erosion is virtually impossible to achieve should lake levels continue to rise and should Lake Michigan experience storms with 20-25 foot waves, as it did in January 2020. As such, the effectiveness of the project in achieving the purposes that it purports to achieve are incongruent.
- Is it anticipated that the beach will be stable in the long-term future after construction of the proposed structures without on-going periodic beach nourishment?
- Provide additional detail and explanation regarding the proposed "grated access ramp and stair from upland to the beach."
- Provide detail regarding which structures are failing, are in deteriorated condition, and recommended priorities for replacement or repairs.

2.0 High Water Mark

- Was the High Water Mark of 582.0 cited in the Permit Application verified by a professional surveyor in the field? Given that the High Water Mark is the elevation for the regulatory jurisdiction for permits, provide the record of survey (who conducted it) and the approval in writing from the regulatory agencies regarding the 582.0 feet (assumed International Great Lakes Datum, IGLD85). As you are aware, this is a critical elevation value that the USACE determines in the field.

3.0 Development of Shoreline and Bluff Protection Alternatives

- <u>Option 1: No Action</u>: As the current water level is significantly lower (more than 2 feet) compared to the June/July high levels, provide/document the current beach widths. Provide the estimated design useful life of the existing structures and recommended priorities for repairs.
- <u>Option 2: Reconstruct the failing slopes:</u> Explain in detail the meaning of "reconstruct the failing slopes." Is this applicable to the beach side slope (above or underwater)? In addition, explain/describe the meaning of "slope reconstruction alone." What is the "base

line" considered for the beach desired slope and useable beach at the selected design water level. What is the project attempting to "restore" to?

- Option 3: Construct an Armor Stone Revetment Only at the Toe of Slope: We understand that this is a backshore protection alternative, to protect the bluff slope/toe. As the existing shoreline protection system sustains a sandy beach, explain why this is not a viable alternative (with or without beach nourishment). Is the main goal of the project to create a larger beach?
- Option 4: Restore the Beach and Address Coastal Structure Failures with New Structures: Is the main goal of the project to create a larger beach? If currently there is an existing beach along the shoreline, why is a periodic beach not included in the considered alternatives? The same applies to the repairs of the existing structures, prioritized based on the condition and age.
- Provide additional alternatives in the Development of Shoreline Alternatives and explain why the Selected Option is better than a plan for periodic beach nourishment (if necessary) and a plan to repair the existing structures, as the Selected Option has a much larger footprint and greater net fill.

4.0 Selected Option

- Explain in detail the statements that: "A stone groin at the north property line. The structure will address wind and wave erosion *for the north half of the property* and significantly contribute to beach stability." Emphasis added. This differs from the statement contained in the Project Introduction and Need regarding the north breakwater.
- As requested above, provide detailed information regarding the elevated native vegetation area, including its location and purpose.
- The middle steel groin is proposed to be removed, and replaced with a shore parallel breakwater, intended to "stabilize" the south and central portions of the property. Explain why the steel groin cannot be repaired or replaced with a new "in-kind, in-place" structure, with or without beach nourishment.
- Provide details regarding the type of sand being proposed for beach fill (medium, coarse, etc.) and the source(s) for the new sand.
- At the December 15, 2022 WPD Regular Board Meeting there was specific discussion regarding what the WPD is proposing regarding Centennial Park and the beach and what is being proposed in the Permit Application. The President of the WPD stated at that meeting:

> I do think that we should have as one of the exhibits [at an upcoming community workshop on January 21, 2023] *the plans that Orchard submitted for permit so that we could look at them in*

> *context and be able to understand how anything we do at Centennial can relate to that.* And I think it's safe to say there are ongoing negotiations with Orchard regarding design elements…It's a critical component that if there are concerns, it's another item on our agenda, concerns expressed as to what's being proposed on Orchard's property *it abuts the end of our exiting Centennial property. It should be part and parcel of this discussion.*

(emphasis added).[6]

Another WPD Commissioner stated:

> If he [Orchard] goes ahead with, if the permit gets approved, then we have a breakwater on his existing property line. It makes no sense for us to put more stone on our property.

Id. at 1:36:21-35

- Explain whether the proposed Winnetka Park District ("WPD") plans for Elder and Centennial Parks were considered. If so, describe in detail what was considered regarding the WPD plans. It is noted that the proposed north breakwater runs parallel to the steel groin owned by the WPD. Provide detailed information regarding the proposed construction timeline, the proposed homeowner's plan and use for the proposed structures if the WPD plans are approved and implemented.
- Explain in detail and provide the facts in support of the conclusion that: "From a site access, littoral drift, erosion management, navigation, and habitat perspective, the project will not impair the public rights, interests, or uses from the project considered alone or from cumulative effects of existing/ future projects in the area."

5.0 Wave Climate Evaluation

- Provide detailed information for all items listed (wave conditions, wave forces, wave climate variability to establish the geometry and elevations of the proposed structures, wave overtopping, develop beach nourishment requirements). Explain the rationale for providing the design structures and beach sand fill, and whether these structures would result in a long-term stable cell. Also, provide details about the sand nourishment program mentioned (the quantity and how often it would need to be provided).
- Explain and establish that the north steel groin is of adequate material and sheet length, and, if the stone armoring is provided on only one side of the groin, the new load will be adequately supported by the steel groin.

[6] https://winpark.diligent.community/document/5368/?splitscreen=true&media=true at 1:35:17-1:36:20

- Explain the conclusion that: “the project is designed such that no adverse wave reflections or wave climate changes would occur that could have an adverse impact on adjacent shoreline areas or existing littoral drift.” Beach nourishment is referenced and there is a likelihood that in the future some sand will be lost. When this occurs, explain why there is not a likelihood to accrete some sand from the natural littoral drift which will diminish the transport rate and impact the neighboring properties?

6.0 Impact Assessment

- Suspended Particulates: Explain and provide support for the statement that: “There will be no increase in suspended particle load or turbidity.” Increased turbidity and/or suspended particle load are very likely to result during the placement of stone and especially during the addition of sand. Please explain what contractor plans and methods will be used (land or water-based), and whether a turbidity curtain will be deployed in the project area during construction.
- Water: same concerns listed above apply for the project construction.
- Current Patterns and Water Circulation: please explain the statement: “the proposed structure will dampen wave energy near the beach. These changes will be localized and impacts to the larger Lake Michigan ecosystems will be negligible.” Even if “negligible,” what type of impacts are expected? Was an analysis performed for the existing conditions versus proposed to justify this statement? Also, please explain the statement “The orientations of the lakefront structures are established to maintain the current energy balance associated with wave reflections.” Again, was any analysis performed for the existing versus proposed conditions to justify this?
- Fish, Crustaceans, Mollusks, Birds and Other Aquatic Organisms in the Food Web: incomplete first sentence. If the existing habitat is limited, how will the project “enhance habitat quality for a wide variety of aquatic species by creating sheltered and shaded areas with diminished wave action and low turbidity”? Was there any aquatic survey performed or is there any data to justify this?
- Please detail the proposed monitoring plan to proactively identify sand losses/accretion with remedy actions and if this is a report that will be submitted to the regulatory agencies and if adjacent property neighbors can review.

7.0 Stormwater

- Provide details regarding the stormwater discharges. Describe if and how the Village of Winnetka common practice of at least retaining/treating the “first flush” will apply. Have any nearshore induced circulation studies been conducted to analyze the expected stormwater discharge mixing and possible impact on the neighboring properties,

including the WPD proposed public swimming areas? Is there a risk of E Coli contamination as the discharge will be infiltrating sand?

Project Plans

- Explain whether an Illinois licensed Professional Surveyor (PLS) will stamp/sign the existing conditions, and if an Illinois licensed Professional Engineer (PE) will stamp the plans.
- Proposed Plan sheet: Explain the "125-foot line." Describe how this was determined/measured. What is the governing rule, guideline or basis for this dimension? Is there a published official IDNR rule or regulation?
- There are proposed steps shown in the Plan View and Cross-Sections & Details. Explain how access north-south will occur as the public cannot access and cross the north groin from the water. Can access be provided closer to shore on the beach? Shoreline access should be provided, especially for emergency purposes.
- Provide the justification for the south groin extension and the double wall. It appears that a private pier is being proposed that includes a proposed hand railing and increased height which will obstruct the lake views. Also, explain the need for and intended use of the private pier. If it intended for people access on top of the concrete cap, is the elevation safe when subject to significant waves that will produce challenging wave overtopping rates?

Additional Comments

- Has the Applicant submitted to IDNR a plat survey in accordance with 615 ILCS 5/7 which provides:

> In order to expedite the fulfillment of such duties by the department, and to remove or reduce many causes of contention between the State and riparian owners, *every subdivision plat drawn for any land bordering or including any public waters of the State of Illinois in which the State has any property rights or property interests, shall be submitted to the Department of Natural Resources for review and approval* as to the boundary line between private interest and public interests, and shall not be recorded until so reviewed and approved by the department. Should the department find such boundary line to be incorrectly indicated on the plat, it shall return the plat unapproved with a statement in detail of the reasons for not approving such plat.

(emphasis added).

- Has IDNR reviewed and approved any such plat surveys?
- As part of the permit review process there should be detailed consideration of the WPD proposed Elder Lane Park and Centennial Park. Applicant/Engineer should provide a detailed written plan of action of how the WPD plans will impact the 205 proposed design.

Conclusion

For the reasons stated above, the proposed construction project violates the Illinois Public Trust Doctrine, the Illinois Rivers, Lakes, and Streams Act, IDNR Regulations, and IDNR Guidelines. Therefore, the Permit Application should be denied.

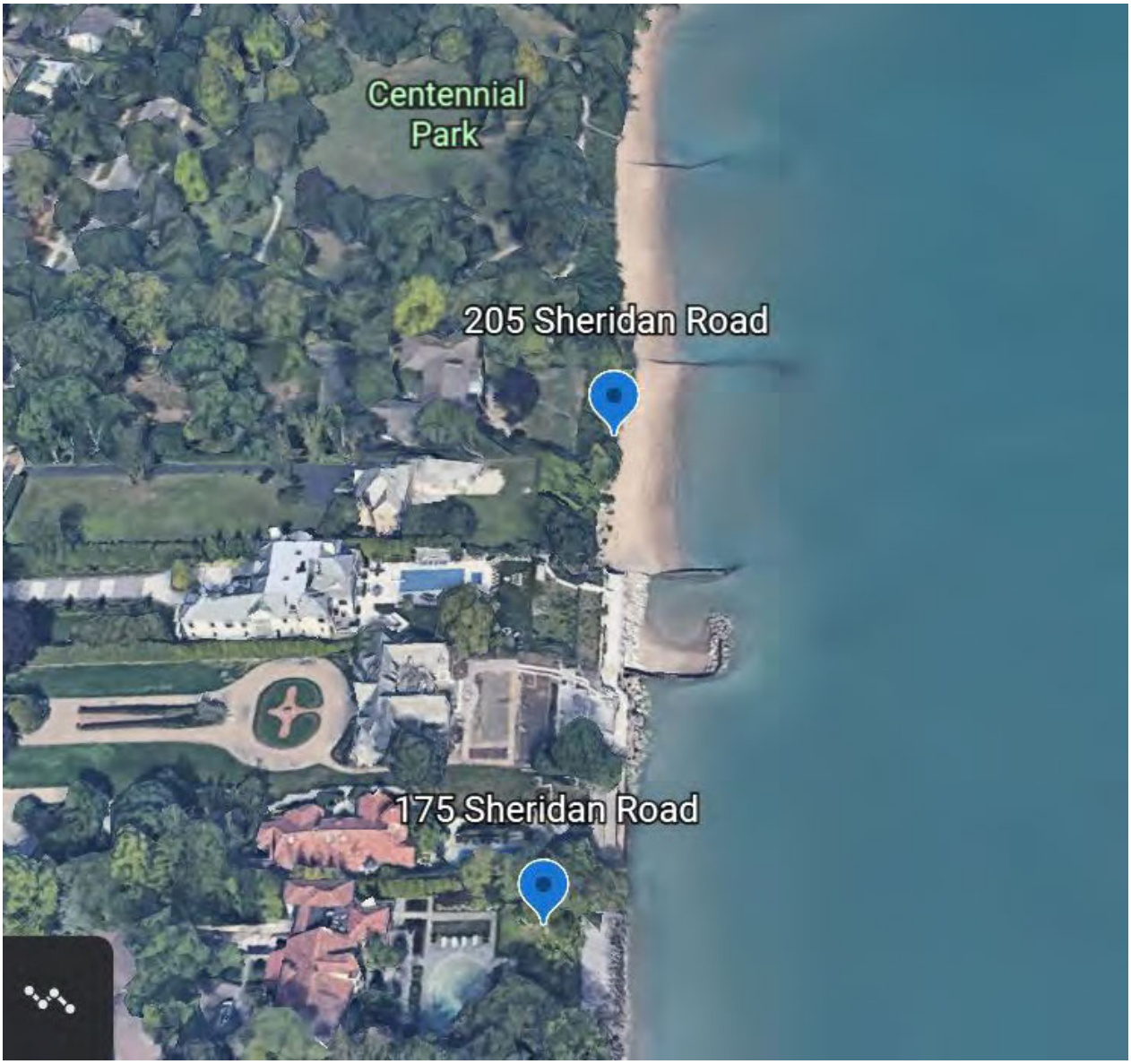
Very truly yours,

G&R Public Law and Strategies, LLC

By: [redacted]
Paul J. Gaynor

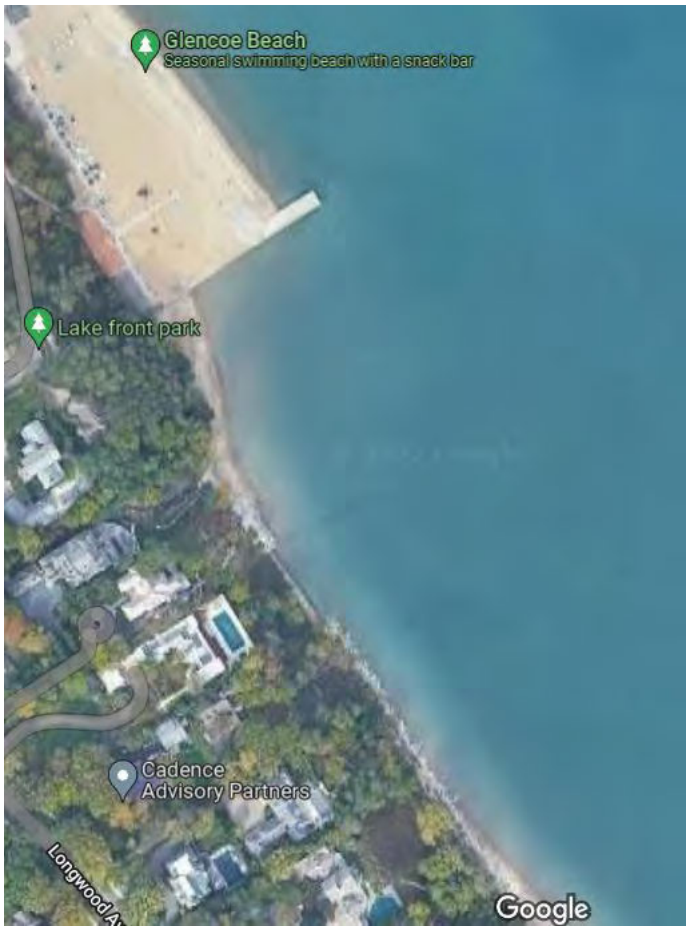
CC: Village Council of Winnetka Trustees
Winnetka Park District Board of Commissioners

Exhibit A



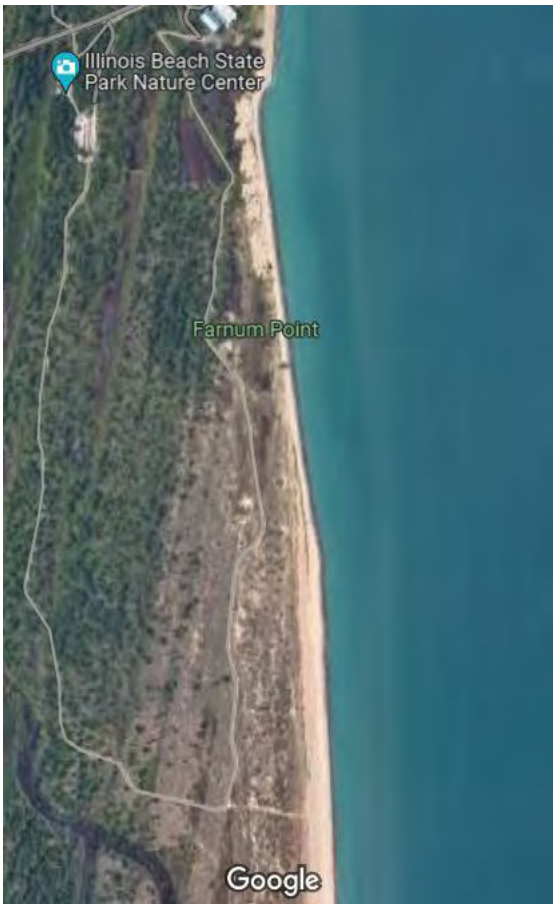
Jetties/groins to the north trap sand that would otherwise flow "downdrift," depriving neighboring properties of beaches and, in the above picture, forcing neighboring property owners to place rock on their shorelines for protection. Credit: Google Maps/Google Earth (accessed December 20, 2022).

Exhibit B



Glencoe Beach, north of the proposed project area in Winnetka, also demonstrates that groins usurp sand that would otherwise help nourish downdrift property owners' beaches.Credit: Google.

Exhibit C



Illinois Beach State Park provides the best illustration of what a shoreline and beach could look like without groins to erode and ricochet damage to downdrift properties. Credit: Google.

Exhibit D



Types of NBS Techniques in the Great Lakes

The NBS techniques used on the Great Lakes can be broadly classified into six categories. These techniques can often be used in combination to achieve hybrid shoreline protection that maximizes ecosystem benefits. The categories are the following:

Vegetation

Native vegetation planted on the shore to reinforce sediments with its roots, dissipate wave energy and slow erosive runoff and wind.

Nourishment

The placement of clean sediment, often sand, on beaches, dunes or in nearshore waters to replace lost sand or build dunes.

Slope Stabilization

Regrading or reinforcing an eroding or failing bluff, bank or dune to a stable slope to allow vegetation to establish.

Edging

The placement of coir logs, wood or stones at the toe, or base, of the shoreline to prevent erosion and allow vegetation to establish.

Sill

A low-profile structure located in the water just off the shoreline to dissipate wave energy and create an area of protected natural marsh.

Ecologically Enhanced Hard Armoring

Vegetation, textured surfaces or other features added to conventional hard armoring structures to provide habitat and other benefits. This also includes breakwaters built offshore to reduce wave energy at the coast and allow natural features like a beach or vegetation to establish.

Adaptation, the Most Natural Approach

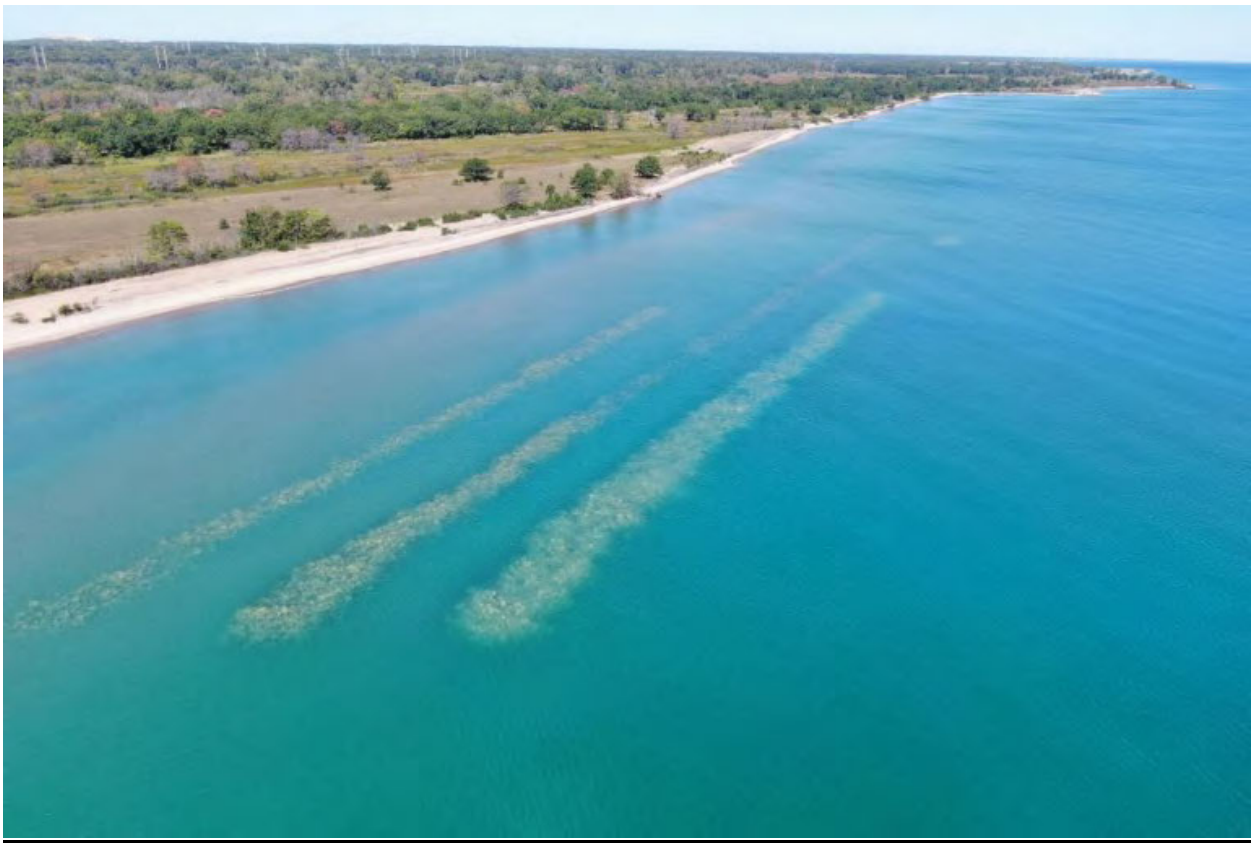
Erosion and flooding are natural processes on the Great Lakes. The most natural response is to adapt and stay out of nature's way. Adaptation options include:

- Move a threatened building back from the coast
- Locate new structures far enough from the shoreline or high enough above the lake that erosion and flooding won't reach them during their useful life
- Enact regulations like setback ordinances that keep new coastal development out of harm's way

Adaptation can often be the most cost-effective option to protect coastal homes. When adaptation actions are not feasible to protect property, nature-based shorelines may be a suitable solution.

Nature-based shoreline (NBS) are now increasingly common practices for many shoreline and bluff protection projects across the Great Lakes as shown from this page from the University of Wisconsin Sea Grant Institute's publication, Nature-Based Shoreline Options for the Great Lakes (September 2021). *https://ohiodnr.gov/static/documents/coastal/Wisconsin-NBS-Guide.pdf (accessed December 21, 2022).*

Exhibit E



Reefs are increasingly recognized as approaches to dissipate wave energy to protect shorelines as seen by this picture of a recent Illinois Department of Natural Resources project. Illinois Sustainable Technology Center – Prairie Research Institute, **"**Underwater innovation at Illinois Beach State Park to help mitigate coastal erosion," (February 18, 2022) at https://blog.istc.illinois.edu/2022/02/18/underwater-innovation-at-illinois-beach-state-park-to-help-mitigate-coastal-erosion/ (accessed December 21, 2022).

RESTRICTED DONATION AGREEMENT BETWEEN THE WINNETKA PARK DISTRICT AND ISHBIA FAMILY FOUNDATION, INC. FOR THE CENTENNIAL PARK IMPROVEMENT PLAN

THIS AGREEMENT ("**Agreement**") is entered into as of the 19th day of January 2024, by and between the Winnetka Park District ("**WPD**"), an Illinois municipal corporation and Ishbia Family Foundation, Inc. ("**IFF**") (each a "Party" and collectively the "Parties").

RECITALS

WHEREAS, the purpose of this restricted Donation is to create access for citizens of all abilities to Winnetka's Centennial Beach and to improve and re-establish a long-term dog beach at the southernmost portion of Centennial Park's beachfront;

WHEREAS, the WPD owns, operates, controls and maintains properties covering nearly five square miles, consisting of twenty-six parks, five beaches, a boat launch, two golf courses, a tennis center, an ice arena, platform tennis courts, and athletic fields;

WHEREAS, the WPD provides a full range of year-round recreation programs, including athletics, fitness programs, education programs, summer camps, and special events;

WHEREAS, specific among these properties the WPD owns and operates is Centennial Park and Beach located at 225 Sheridan Rd, Winnetka, IL 60093 (**"Centennial Park"**);

WHEREAS, the WPD is a municipal corporation and a unit of local government organized, established and existing under the laws of the State of Illinois, 70 ILCS 1505 *et. seq.;*

WHEREAS, in conjunction with Winnetka residents and lakefront experts, the WPD developed and adopted the Winnetka Waterfront 2030 plan in 2016. This plan was and continues to serve as a conceptual guide for future projects that preserve and enhance WPD's five beaches;

WHEREAS, pursuant to, in keeping with and consistent with its core mission, the WPD desires to renovate Centennial Park to provide high quality recreational opportunities, and will do so per the Centennial Park renovation plan approved by the WPD Board on October 19, 2023, as depicted on **Exhibit A** and referred to herein as either **"Exhibit A" or** the "**Plan**", and fully incorporated into this Agreement;

WHEREAS, at the May 25, 2023, WPD Board Meeting, the WPD Board passed Resolution 23-5-25, which included Findings of Fact Concerning Elder Lane + Centennial

Park Beaches and Authorization and Direction for Preparation of Permit Plans and Specifications for Elder + Centennial Lakefront Improvements and Permit Applications to Permitting Authorities;

WHEREAS, between May 25, 2023 and October 19, 2023, the WPD refined its plans for the Elder + Centennial Lakefront Improvements, and this Plan is embodied in Exhibit A;

WHEREAS, because of age, deterioration and weather-related damage to local improvements and infrastructure, the beaches at Elder Lane and Centennial Parks have not been fully open and available for residents and their families to enjoy since 2020;

WHEREAS, residents of the Winnetka community have repeatedly voiced their desire for the Park District to accelerate the execution of the Elder and Centennial improvement plans so they and their families can enjoy the lakefront;

WHEREAS, IFF has had the opportunity to review the Plan;

WHEREAS, the WPD's current budgeting would only allow for the execution of a portion of the approved Plan in Exhibit A and capital restraints would hinder the completion of all the WPD approved Plan in Exhibit A;

WHEREAS, executing the entire Plan concurrently would save taxpayer dollars in a meaningful way and expedite the completion of the Plan in Exhibit A;

WHEREAS, IFF wishes to make a restricted donation to the WPD for the express and sole purpose of helping to fund the following WPD Board approved beach improvements in the Plan, as set forth in Exhibit A: (1) the ADA-accessible pathway from the Centennial parking lot to the beach (the "ADA Pathway"); (2) the off-leash dog park on the southernmost portion Centennial Beach, compliant with all laws and regulations (the "Dog Beach"); (3) with the fences extending into Lake Michigan a distance of 112 feet, as measured from the toe of the bluff as depicted in Exhibit A (the "Dog Beach Perimeter Safety Fence"); (4) a pedestrian bypass around the dog beach to permit transit north and south (the "Bypass"); and (5) the stone breakwater system at the Centennial Park beachfront located approximately 200 feet north of the Centennial Park's southern-most property line (collectively, the "Project" and the five elements described above are collectively the "Project Elements");

WHEREAS, creating an environment where people of all abilities can enjoy the lakefront has been a long-time priority for the WPD and the Winnetka community, which the IFF is pleased to support;

WHEREAS, improving and re-establishing a Dog Beach, Dog Beach Perimeter Safety Fence and Bypass has been a long-time priority for the WPD and the Winnetka community, which the IFF is pleased to support;

WHEREAS, the IFF agrees to donate the restricted funds described herein for the Project as described in Section 6 herein and the WPD agrees to complete the Project subject

to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and of the above recitals which are made a contractual part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereto agree as follows:

TERMS AND CONDITIONS

1. Description of Contribution. IFF will donate Three Million Dollars ($3,000,000.00) (the "**Restricted Donation**" or "**Donation**") to WPD, as set forth herein, solely for the purpose of paying for the costs of the WPD's construction of the Project, as described in Section 6 herein. As described in Section 6, this Restricted Donation will be used solely for the construction of the Project, and if used for any other purpose, IFF in its discretion may require the WPD to return all or a portion of the funds which are used for any purpose other than the construction of the Project.

2. Representations and Warranties.

a. WPD hereby makes the following representations and warranties as of the date hereof and as of each date WPD endorses and deposits any check or accepts the wire transfer of any Donation installment from IFF:

1) WPD is a political subdivision of the State of Illinois which is eligible to receive tax-deductible, charitable donations.

2) The Donation shall be used exclusively in furtherance of WPD's government purposes and shall not be used for lobbying, political contributions or to support political campaigns.

3) The Donation will serve a public purpose.

4) No tangible benefit, goods or services will be provided to IFF or any individuals or entities connected with the IFF as a condition of the Donation.

5) This Agreement has been duly authorized, executed and delivered by WPD, and the representatives executing this Agreement on behalf of WPD are duly authorized to execute this Agreement.

6) There is no pending or threatened claim, action, suit, proceeding, investigation or criminal proceeding, the outcome of which could have a material adverse effect on the ability of WPD to perform the Project.

7) WPD does not and will not knowingly provide financial support or other resources to any individual or entity to further unlawful acts including acts of violence or terrorism, and WPD is in compliance with all laws, statutes, and regulations restricting U.S. persons from dealing with any individuals,

entities, groups, or countries subject to Office of Foreign Assets Control sanctions.

8) WPD is in compliance with all applicable federal, state and local laws and regulations.

9) WPD represents the Donation is not being used to satisfy the payment of a pledge or any other personal or corporate financial obligation on behalf of IFF.

b. IFF hereby makes the following representations and warranties as of the date hereof and as of each date IFF presents any check or wire transfers any Donation installments to WPD:

1) This Agreement has been duly authorized, executed and delivered by IFF and the representatives executing this Agreement on behalf of IFF are duly authorized to execute this Agreement.
2) At all times during the Term of this Agreement, IFF shall have lawful access to sufficient funds for IFF to make all installment payments required by this Agreement and no approvals or consents from any third parties are necessary as a condition for IFF to make the Donation.
3) IFF does not and will not knowingly provide financial support or other resources to any individual or entity to further unlawful acts including acts of violence or terrorism, and IFF is in compliance with all laws, statutes, and regulations restricting U.S. persons from dealing with any individuals, entities, groups, or countries subject to Office of Foreign Assets Control sanctions.
4) IFF is not barred from contracting with any unit of local government by reason of Article 33E of the Illinois Criminal Code.
5) IFF is in compliance with all applicable federal, state and local laws and regulations.
6) IFF is recognized by the Internal Revenue Service as a tax-exempt organization and has filed all relevant applications and returns for its most recently completed fiscal year for which such applications or returns are due.

3. Arbiter. John Peterson is appointed as a third-party decision maker for the reasons herein described (the "Arbiter"). The Arbiter shall base its opinions and decisions on its independent, judgment. In the event of a vacancy in the role of Arbiter, or if the Arbiter has a Conflict of Interest, decisions and dispute resolution authority otherwise delegated to the Arbiter will be delegated to an arbitrator under the Uniform Arbitration Act, 710 ILCS 5/1, et seq. A "Conflict of Interest" exists when the Arbiter's pecuniary interests compromise the Arbiter's judgment, actions or decisions. The Arbiter is granted authority to engage design professionals to the extent reasonably necessary for the Arbiter to make an informed judgment about the issues herein described. IFF and WPD shall evenly share the cost for any third-party design professionals engaged by the Arbiter in its reasonable discretion. The WPD and IFF shall hold harmless the Arbiter from all claims arising from this Agreement except to the extent arising from the Arbiter's gross negligence or intentional misconduct.

4. Timing of Restricted Donation. IFF will make the Restricted Donation to WPD in two (2) installments for the Project as follows: (a) $1,000,000.00 within 10 (ten) days of: (i) the receipt by IFF of a notice to proceed ("NTP") for construction; (ii) the WPD's receipt of all applicable permits required in order to start construction of the Project showing the Project Elements will be constructed the same as depicted in the Plan in Exhibit A; and (b) $2,000,000.00 within thirty (30) days of completion of the Project and the Arbiter's review and confirmation, in his/her/its sole discretion, that the Project Elements have been constructed the same as provided in the permits issued for the Project.

5. Term. The duration of this Agreement shall begin upon the execution by both Parties and shall terminate on upon the end of fifty (50) years from the execution of this Agreement by both Parties.

6. Restricted Donation.

a. WPD agrees the amount contributed to WPD pursuant to Sections 1 and 4 shall be a restricted donation that shall not be repayable to IFF except as otherwise provided herein. All Parties expressly agree and acknowledge the donated funds shall be used exclusively toward funding the Project and this Restricted Donation will be used to help make possible the Project, as set forth in Exhibit A. The Parties agree the plans attached as Exhibit A may be modified to the extent necessary to conform to regulatory requirements and permit conditions enforced by applicable Federal, State and local agencies, but if any of the Project Elements are modified from Exhibit A in any manner without IFF's written consent, IFF will not be obligated to make any portion of the donation contemplated by this Agreement. Before any portion of the Restricted Donation is funded, the Parties will review the final Project construction drawings for which permits have been issued to ensure only that the each of the foregoing approved Project Elements are included the same as depicted in the final plans to be constructed as set forth in Exhibit A. For avoidance of doubt, IFF's ability to elect not to fund the donation if the Plan is modified will supersede any other provision in this Agreement.

b. The WPD confirms any funds received by it from IFF under this agreement will be used exclusively for governmental purposes and will not be used for any activities that would cause the donation not to qualify as a charitable contribution under 26 USC 170(c)(1). Each of the IFF and the WPD agree it will comply with all applicable federal, state, and local laws. The WPD further agrees it is responsible for the proper expenditure of the Restricted Donation and for the maintenance of adequate supporting records consistent with generally accepted accounting principles. WPD shall provide IFF a general ledger describing the Project expenses within ninety (90) days after the Project is completed. WPD shall retain all records related to the Project for not less than seven (7) years.

c. IFF reserves the right to refuse a request for disbursement of funds to the WPD and to require the refund of expended funds used for any purpose other than the construction of the Project as specified in this Agreement, or both, in the event the Arbiter, in his/her/its sole discretion, finds WPD has used any funds for a purpose other than

specified in paragraph 6 of this Agreement.

7. Restrictive Covenant. The Parties agree this Restricted Donation is to be used to make possible the construction of the Project, as described in Exhibit A. It is the intention of the Parties the Project remains in place in the same location where the Project Elements are located on Exhibit A and, except for ordinary wear and tear, will remain there for fifty (50) years from the execution of this Agreement by both Parties, regardless of the ownership of the underlying property. (the "Restricted Period"). A Restrictive Covenant (attached as Exhibit B) will be recorded against the land to ensure the Project Elements remain in their as-built locations for the Restricted Period. The WPD, or its successor owner, will not be violation of this Agreement or the Restrictive Covenant so long as it performs ordinary and usual maintenance on the Project Elements and does not move or destroy, or instruct or permit any third party to move or destroy, any Project Elements during the Restricted Period.

WPD and IFF agree that it is their desire to efficiently and quickly resolve any disputes that arise, and that any Dispute (as hereinafter defined) shall be submitted to the Arbiter, who will make a determination with respect to the Dispute, in his sole discretion or, if the Arbiter does not still exist, to binding arbitration pursuant to the Uniform Arbitration Act, 710 ILCS 5/1, et seq., and except for a claim for specific performance not a court of law or equity. For purposes hereof, "Disputes" shall include any and all controversies, disputes or claims arising out of or relating to the enforcement of the provisions of the Restrictive Covenant.

The Parties agree the restrictive covenant shall not result in and shall disclaim any express or implied limitation on the WPD's discretion with respect to the use or improvement of any part of Centennial Park which does not comprise a Project Element. The Parties further agree the restrictive covenant is not intended to convey any interest in property whatsoever. IFF agrees to record a release of the Restrictive Covenant within thirty (30) days following the occurrence of any of the following events: (a) the Restricted Donation is not paid in full after the Arbiter finds it fully due and payable, or (b) the expiration of the Restricted Period.

If: (a) the WPD is in breach of this Restrictive Covenant; (b) the WPD fails to cure such violation with the application of diligent and continuous effort; and (c) the WPD has moved or destroyed, or instructed or permitted any third party to move or destroy the stone breakwater system at the Centennial Park beachfront, the WPD's liability shall be liquidated damages in the sum of Three Millions Dollars ($3,000,000.00). If, for any reason, the Arbiter, in his/her/its sole discretion, finds the ADA Pathway, Dog Beach, or Dog Beach Perimeter Safety Fence do not remain in their as-built locations for the Restricted Period, IFF may file a specific performance claim in order to have the WPD restore them to their respective, as-built locations.

8. IFF Recognition. Intentionally omitted.

9. Coordination of Events. The WPD and IFF shall coordinate mutually agreeable schedules and activities in connection with groundbreaking and ribbon cutting ceremonies for the Project as well as the announcement and any publicity concerning the Project. WPD shall either own, or be assigned an irrevocable license to use, any intellectual property created related to the Project or publicity therefor.

10. Coordination of Publicity. Neither IFF nor WPD shall use the name or marks of the other party, or any related party, in any publicity or news release without the prior approval of the other party or any related party whose name will be used.

11. Responsibility. At all times, the WPD, or its successor property owner, will assume all responsibility for the operation, maintenance and repair of any Project Element owned by such party under the same standards of care applicable to other WPD facilities to ensure that the Project will serve its intended purpose. Except as provided in the preceding sentence, in no event shall IFF be responsible for any payments of any type other than its contributions described in Section 1 and 4.

WPD shall not act as or be an agent of IFF nor shall IFF act or be an agent of WPD. All of WPD's activities will be at WPD's own risk and liability, and WPD shall not be entitled to insurance protection from IFF for WPD's own acts or omissions. WPD will have no authority, and will not represent to any person it has any authority, to bind IFF to any agreement with any third party, or to otherwise commit IFF to any proposal. Nor shall IFF have any authority or represent to any person it has any authority to bind the WPD to any agreement. In no event shall IFF at any time be construed as an expert in, knowledgeable about, or engaged in the business of constructing Projects.

WPD shall be responsible for the payment of all taxes, if and as applicable, associated with the Project initiative and the Donation by IFF hereunder, and shall indemnify and hold IFF and its affiliates harmless therefrom. WPD shall also be responsible for ensuring all work is in full compliance with all legal standards. So long as WPD is the owner of the property on which the respective Project Element is located, WPD shall indemnify, defend and hold harmless IFF and his/her respective employees, agents and representatives from and against any and all claims of any nature arising from or related to the Project initiative or use of the Project (including but not limited to any personal injury, property damage, activity, work or things done, or permitted by WPD or its agents) or arising from or related to any negligence of WPD or any of WPD's agents; and in case any action or proceeding be brought against IFF by reason of any such claim, WPD shall defend the same at WPD's expense by counsel reasonably satisfactory to IFF, which approval will not be unreasonably conditions, denied or delayed. WPD, as a material part of the consideration to IFF, hereby assumes all risk of damage to property or injury to persons in, on or about the Project arising from any cause attributable to WPD and WPD hereby waives all claims in respect thereof against IFF.

This Section 11 shall survive the expiration or termination of this Agreement and the expiration or termination of any obligation owing to any Party under this agreement.

12. Termination of Obligations. The Parties agree once this Agreement has been executed by IFF and WPD, and once the Project is completed consistent with the plans in Exhibit A, and once all donations due under this Agreement have been funded by IFF, IFF shall not be able to require any refund of donated funds except as otherwise set forth in this Agreement. The WPD may choose to terminate the Project at any time at its sole discretion and refund IFF, as the case may be, the monies paid to WPD in their entirety before the completion of the Project. In the event the Project is terminated, IFF's continued obligation to make any contributions shall automatically terminate. If all or a portion of the Project is destroyed beyond repair due to a *force majeure* event, or any other circumstance, then the WPD will, as soon as possible, restore any of the Project Elements effected to their respective prior conditions and locations and compliant with all laws prior to the event. This *force majeure* clause will not apply to the stone breakwater system at the Centennial Park beachfront.

13. Acknowledgement of Donation. WPD shall complete and sign a charitable contribution receipt acknowledgement as required under the tax law in form and substance satisfactory to IFF. WPD does not warrant any tax consequence as a result of the Donation and this Agreement shall not be subject to termination as a result of any particular tax consequence. WPD shall not indemnify, defend or hold harmless IFF from any orders, decisions or rulings made by the IRS related to the Donation except to the extent caused solely by reason of the WPD's acts or omissions.

14. Miscellaneous.

a. Notices. Unless otherwise specified, any notice, demand or request required under this Agreement must be given in writing at the addresses set forth below by any of the following means: personal service, overnight courier or first-class mail.

If to Winnetka Park District: Winnetka Park District
540 Hibbard Rd
Winnetka, Illinois 60093
Attn: Executive Director

With Copies to: Adam B. Simon
Ancel Glink
175 East Hawthorn Parkway, Suite 145
Vernon Hills, IL 60061
Attn: WPD General Counsel

If to IFF: David B.H. Williams
Williams, Bax & Saltzman, PC
221 N. LaSalle St., Suite 3700
Chicago, IL 60601

15. Governing Law. This Agreement will be governed by and construed in accordance with the internal laws of the State of Illinois, without regard to the principles of conflicts of law thereof. If there is a lawsuit under this Agreement, each Party hereto agrees to submit

to the jurisdiction of the courts of Cook County in the State of Illinois.

16. Severability. In the event any provision of this Agreement is deemed to be invalid by reason of the operation of any law or by reason of the interpretation placed thereon by any court or any other governmental body, this Agreement shall be construed as not containing such provision and any and all other provisions hereof which otherwise are lawful and valid shall remain in full force and effect.

17. Integration. All exhibits to this Agreement are expressly incorporated herein by this reference thereto. This Agreement constitutes the entire agreement between the Parties, merges all discussions between them and supersedes and replaces any and every other prior or contemporaneous agreement, negotiation, understanding, commitments and writing with respect to the subject matter hereof.

18. Assignment. This Agreement, or any portion thereof, shall not be assigned by any Party without the prior written consent of the others.

19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which when taken together shall be deemed to be one and the same instrument.

20. Parties' Interest/No Third-Party Beneficiaries. This Agreement shall be binding upon the Parties and their respective successors and permitted assigns and shall inure to the benefit of the Parties, and their respective successors and permitted assigns. This Agreement shall not run to the benefit of, or be enforceable by, any person or entity other than a Party and its successors and permitted assigns. This Agreement should not be deemed to confer upon third parties any remedy, claim, right of reimbursement or other right. Nothing contained in this Agreement, nor any act of the Parties, shall be deemed or construed by any of the Parties hereto or by third parties, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving any of the Parties.

21. Modification or Amendment. This Agreement may not be altered, modified or amended except by a written instrument signed by all the Parties.

22. No Implied Waivers. No waiver by any Party of any breach of any provision of this Agreement will be a waiver of any continuing or succeeding breach of the breached provision, a waiver of the breached provision itself, or a waiver of any right, power or remedy under this Agreement. No notice to, or demand on, any Party in any case will, of itself, entitle that Party to any further notice or demand in similar or other circumstances.

23. Titles and Headings. Titles and headings to paragraphs contained in this Agreement are for convenience only and are not limited to limit, vary, define or expand the content of this Agreement.

24. No Personal Liability. IFF expressly agrees no member, Commissioner, official, employee or agent of the WPD, and the WPD expressly agrees no officer, director, employee or contractor of IFF, will be individually or personally liable to it, its successors

or assigns under any term or provision of this Agreement or because of his or her execution of this Agreement or in the event of any default or breach by any party under this Agreement. The limitations on liability in this Section 24 shall survive the expiration or termination of this Agreement and the expiration or termination of any obligation owing to any Party under this Agreement.

25. Ethics. IFF hereby represents and affirms its decision to contribute to the WPD pursuant to this Agreement is entirely voluntary and is completely unrelated to any past or future government decision relating to the award of contracts or any other action. IFF further represents and affirms no representative of IFF has had any conversation with any representative of the WPD, or with any government official or employee in any way links this contribution to any past or future government decision relating to the award of contracts or any other matter.

26. Attorneys' Fees. In the event of a Dispute arising under this Agreement or the Restrictive Covenant, the party which receives an arbitration award or judgment will be awarded, as part of such award or judgment, its reasonable fees and costs of obtaining such award or judgment, including reasonable attorneys' fees, witness fees and court costs.

Signature page to follow

IN WITNESS WHEREOF, the WPD and IFF have caused this Agreement to be executed as of the date first written above.

WINNETKA PARK DISTRICT

By: [redacted]
Christina Codo
President, Board of Commissioners

Attest: [redacted]
Secretary to the Board

ISHBIA FAMILY FOUNDATION, INC.

By: _____

Name: Justin R. Ishbia. Vice President

IN WITNESS WHEREOF, the WPD and IFF have caused this Agreement to be executed as of the date first written above.

WINNETKA PARK DISTRICT

By: _____
Christina Codo
President, Board of Commissioners

Attest: _____
Secretary to the Board

ISHBIA FAMILY FOUNDATION, INC.

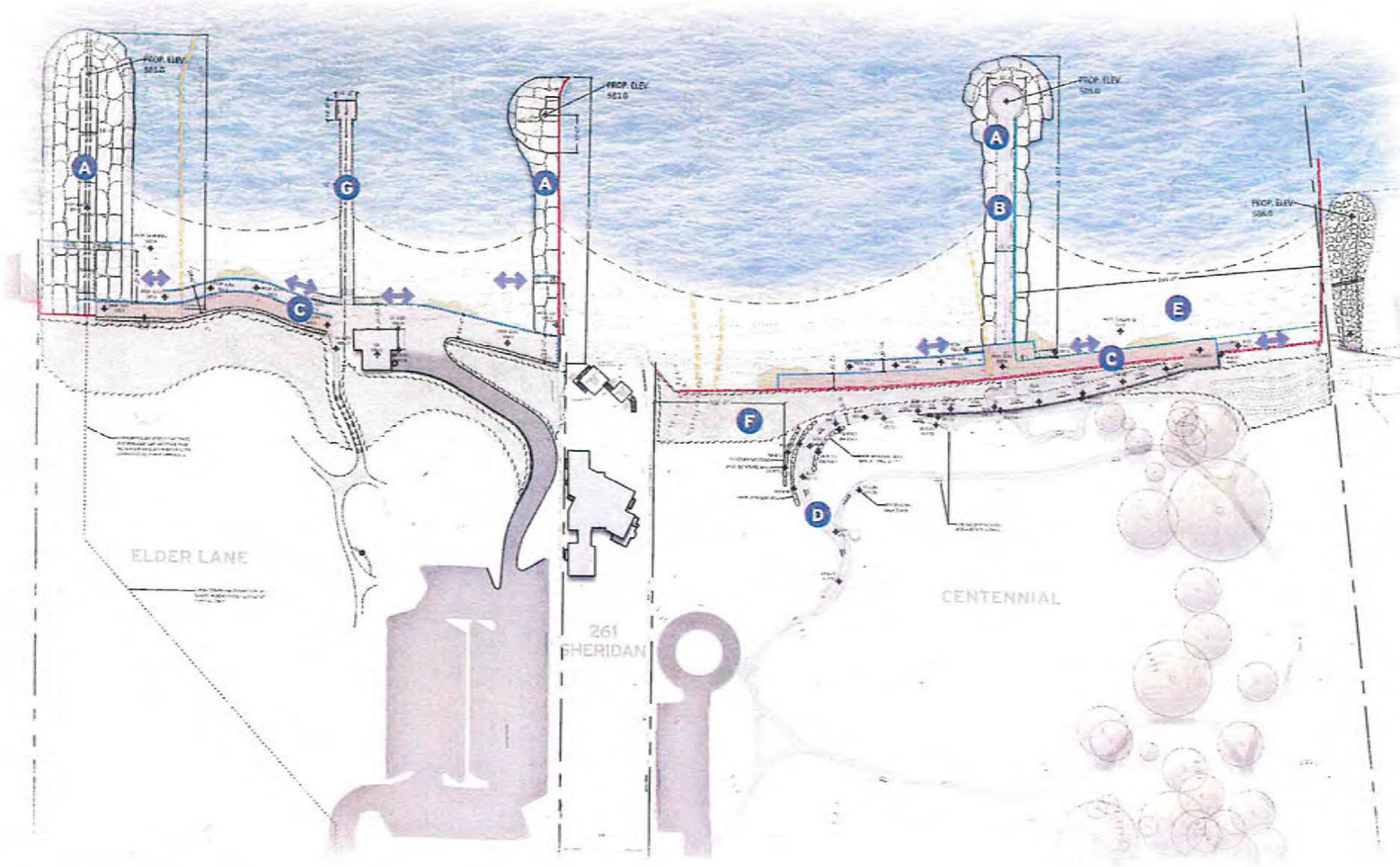
By: [redacted]

Name: Justin R. Ishbia. Vice President

Exhibit A
Centennial Park Renovation Plan

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

A. RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
B. ACCESSIBLE VIEWING PIER WITH BENCH SEATING
C. ADA ACCESSIBLE BOARDWALK & CONCRETE RAMP BEACH ACCESS
D. ACCESSIBLE PEDESTRIAN PATH TO BEACH
E. PROPOSED CENTENNIAL DOG BEACH
F. BLUFF RESTORATION ZONE
G. REPAIRED EXISTING CONCRETE PIER

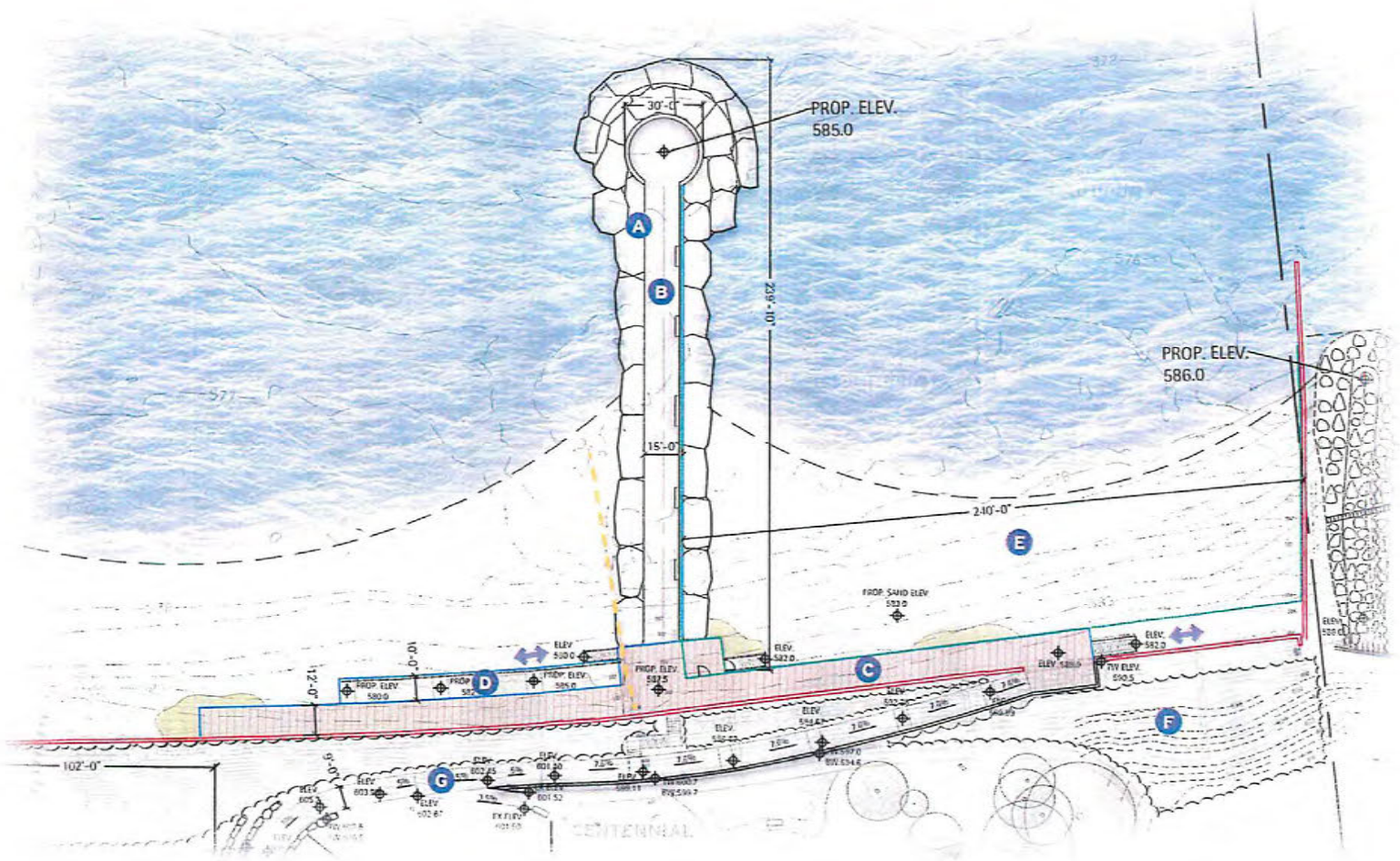
Elder + Centennial | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

A. RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
B. ACCESSIBLE VIEWING PIER WITH BENCH SEATING
C. ADA ACCESSIBLE BOARDWALK
D. ADA ACCESSIBLE CONCRETE RAMP BEACH ACCESS
E. PROPOSED CENTENNIAL DOG BEACH
F. BLUFF RESTORATION ZONE
G. ACCESIBLE PEDESTRIAN PATH & RAMP TO BEACH

Centennial Enlargement | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

Exhibit B
Form of Restrictive Covenant

After recording, mail to:

Adam B. Simon
Ancel Glink
175 East Hawthorn Parkway, Suite 145
Vernon Hills, IL 60061
Attn: WPD General Counsel

Property Identification Numbers:
05-21-412-004-0000
05-21-412-005-0000
05-21-412-006-0000

Common addresses:
225 Sheridan Road
Winnetka, Illinois 60093

FOR RECORDER'S USE

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (**"Restrictive Covenant"**) is made this 19th day of January, 2024 (the "**Effective Date**") by Winnetka Park District, an Illinois park district and unit of local government (**"WPD"**).

WHEREAS, the WPD is a political subdivision and a unit of local government organized, established and existing under the laws of the State of Illinois, 70 ILCS 1205 *et. seq.;*

WHEREAS, WPD is the sole owner in fee simple of certain real property known as Centennial Park and Beach, located at 225 Sheridan Road, Winnetka, Illinois, identified as of the Effective Date as Cook County Parcel Identification Numbers 05-21-412-004-0000, 05-21-412-005-0000, and 05-21-412-006-0000 and legally described in **Schedule A** (**"Centennial Park"**);

WHEREAS, Centennial Park currently is partially improved for lawful passive and active recreational uses;

WHEREAS, pursuant to, in keeping with and consistent with its core mission, the WPD desires to renovate Centennial Park to provide high quality recreational opportunities, and will do so per the Centennial Park renovation plan for which all necessary permits have been issued as depicted on **Schedule B** and referred to herein as either "**Schedule B" or** the "**Plan**", and fully incorporated into this Agreement;

WHEREAS, the WPD executed a Restricted Donation Agreement between the WPD and the Ishbia Family Foundation, Inc. (the "**IFF**") for the Centennial Park

Improvements Plan, (the "**Restricted Donation Agreement**") pursuant to which the IFF agreed to make a restricted donation to the WPD for the express and sole purpose of helping to fund the following WPD Board approved lakefront improvements, as set forth in Schedule B: (1) the ADA-accessible pathway from the Centennial Park parking lot to the beach (the "**ADA Pathway**"); (2) the off-leash dog park located at the southernmost portion of Centennial Beach, compliant with all laws and regulations (the "**Dog Beach**"); (3) Dog Beach fences extending 112 feet into Lake Michigan (measured from the toe of the bluff) as depicted in Schedule B (the "**Dog Beach Perimeter Safety Fence**"); (4) a pedestrian bypass around the Dog Beach and Dog Beach Perimeter Fence to permit transit north and south (the "**Bypass**"), and (5) the stone breakwater system at the Centennial Park beachfront located approximately 200 feet north of the Centennial Park's southern-most property line (the "**Park Breakwater**" and together with the ADA Pathway, the Dog Beach, the Dog Beach Perimeter Safety Fence and the Bypass, collectively the "**Project Elements**");

WHEREAS, the WPD agreed to be bound by certain obligations and restrictions related to the Project Elements in accordance with the Restricted Donation Agreement;

WHEREAS, the WPD desires to place a restrictive covenant on Centennial Park to evidence the obligations and restrictions pursuant to the Restricted Donation Agreement to ensure the long-term recreational use and enjoyment of the Project Elements;

WHEREAS, WPD intends this Restrictive Covenant shall be recorded as a covenant running with the land and shall be binding on WPD and all future owners of all or any part of Centennial Park where the Project Elements are located; and

NOW, THEREFORE, in consideration of the above recitals and the covenants, terms, conditions and restrictions contained herein, WPD does hereby establish a restrictive covenant on Centennial Park as follows:

1. Purpose. The purpose of this Restrictive Covenant is to preserve the Project Elements for public recreational uses consistent with applicable law.

2. Continued Existence of Project Elements. Regardless of the owner of the underlying property, the Project Elements shall remain in place in the same location where the Project Elements are located in Schedule B and, except for ordinary wear and tear, will remain there for fifty (50) years after the grand opening of Centennial Beach (the "Restricted Period"). The WPD, or its successor owner, will not be in violation of this Restrictive Covenant so long as the WPD, or its successor owner, performs ordinary and usual maintenance on the Project Elements and does not move or destroy, nor instruct or permit any third party to move or destroy, any Project Elements during the Restricted Period. IFF and WPD agree to record a release of the Restrictive Covenant within thirty (30) days following the expiration of the Restricted Period.

3. Park District Reservation of Rights. The WPD expresses this restrictive covenant shall not result in and disclaims any express or implied limitation to the WPD's

discretion with respect to the use or improvement of any part of Centennial Park which does not comprise a Project Element. The WPD further expresses nothing herein is intended to convey any interest in real property whatsoever.

4. Covenant Running with the Land. The restrictions and covenants contained in this Restrictive Covenant shall run with the land defined herein as Centennial Park, and are binding upon and inure to the benefit of the IFF, WPD and its successor landowners, and their respective heirs, executors, administrators, successors, assigns, agents, licensees, invitees, and representatives. This restrictive covenant shall be recorded against Centennial Park.

5. WPD Breach. If, for any reason (a) the WPD violates this Restrictive Covenant; and (b) the WPD fails to cure such violation with the application of diligent and continuous effort, the WPD will be in breach of this Restrictive Covenant.

If (a) the WPD is found to be in breach of this Restrictive Covenant; (b) the WPD fails to cure such violation with the application of diligent and continuous effort; and (c) the WPD has moved or destroyed, or instructed or permitted any third party to move or destroy the stone breakwater system at the Centennial Park beachfront, the WPD's liability shall be liquidated damages to IFF in the sum of Three Millions Dollars ($3,000,000.00). If, for any reason, the Arbiter, in his sole discretion, determines the ADA Pathway, Dog Beach, or Dog Beach Perimeter Safety Fence do not remain in their as-built locations for the Restricted Period, IFF may file a specific performance claim in order to have the WPD restore them to their respective, as-built locations.

WPD and IFF agree that it is their desire to efficiently and quickly resolve any disputes that arise, and that any Dispute (as hereinafter defined) shall be submitted to the Arbiter, who will make a determination with respect to the Dispute, in his sole discretion, or, if the Arbiter does not still exist, to binding arbitration pursuant to the Uniform Arbitration Act, 710 ILCS 5/1, et seq., and except for a claim for specific performance not a court of law or equity. For purposes hereof, "Disputes" shall include any and all controversies, disputes or claims arising out of or relating to the enforcement of the provisions of this Restrictive Covenant.

6. Miscellaneous.

A. Promptly after IFF's payment of the second installment of the Restricted Donation, this Restrictive Covenant shall be recorded against title to Centennial Park and shall run with the land and bind Centennial Park and all future owners of all or any part of Centennial Park during the Restricted Period, but only with respect to the Project Elements.

B. This Restrictive Covenant shall be binding on the WPD, and its respective successors, assignees, and heirs, including any successor owners of all or any part of Centennial Park.

C. If any provision of this Restrictive Covenant is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, that finding shall not affect the validity, legality, or enforceability of the remaining provisions.

IN WITNESS WHEREOF, the WPD has executed this Restrictive Covenant on the date first written above.

WINNETKA PARK DISTRICT

B[redacted]
President, Board of Park Commissioners
Winnetka Park District

ATTEST: [redacted]

By: _____
Secretary, Board of Park Commissioners
Winnetka Park District

Prepared by:
David B.H. Williams
Williams, Bax & Saltzman, P.C.
221 N. LaSalle St., Suite 3700
Chicago, IL 60601

WINNETKA PARK DISTRICT ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Christina Codo and John Peterson, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 9th day of January, 2024.

[redacted]

OFFICIAL SEAL
DENISE L KAUFFMAN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 12/9/25

Notary Public

My Commission expires: 12/9/25

SCHEDULE A

Centennial Park Legal Description

LOT 6 IN THE RESUBDIVISION OF BLOCKS 1 THROUGH 4 AND VACATED STREET KNOWN AS BELLVIEW PLACE, LYING BETWEEN BLOCKS 1 AND 2 ON THE EAST AND BLOCKS 3 AND 4 ON THE WEST IN LAKE SHORE SUBDIVISION OF LOT 1 IN NICHOLAS SIMON AND OTHERS' SUBDIVISION OF PART OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 21 AND FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

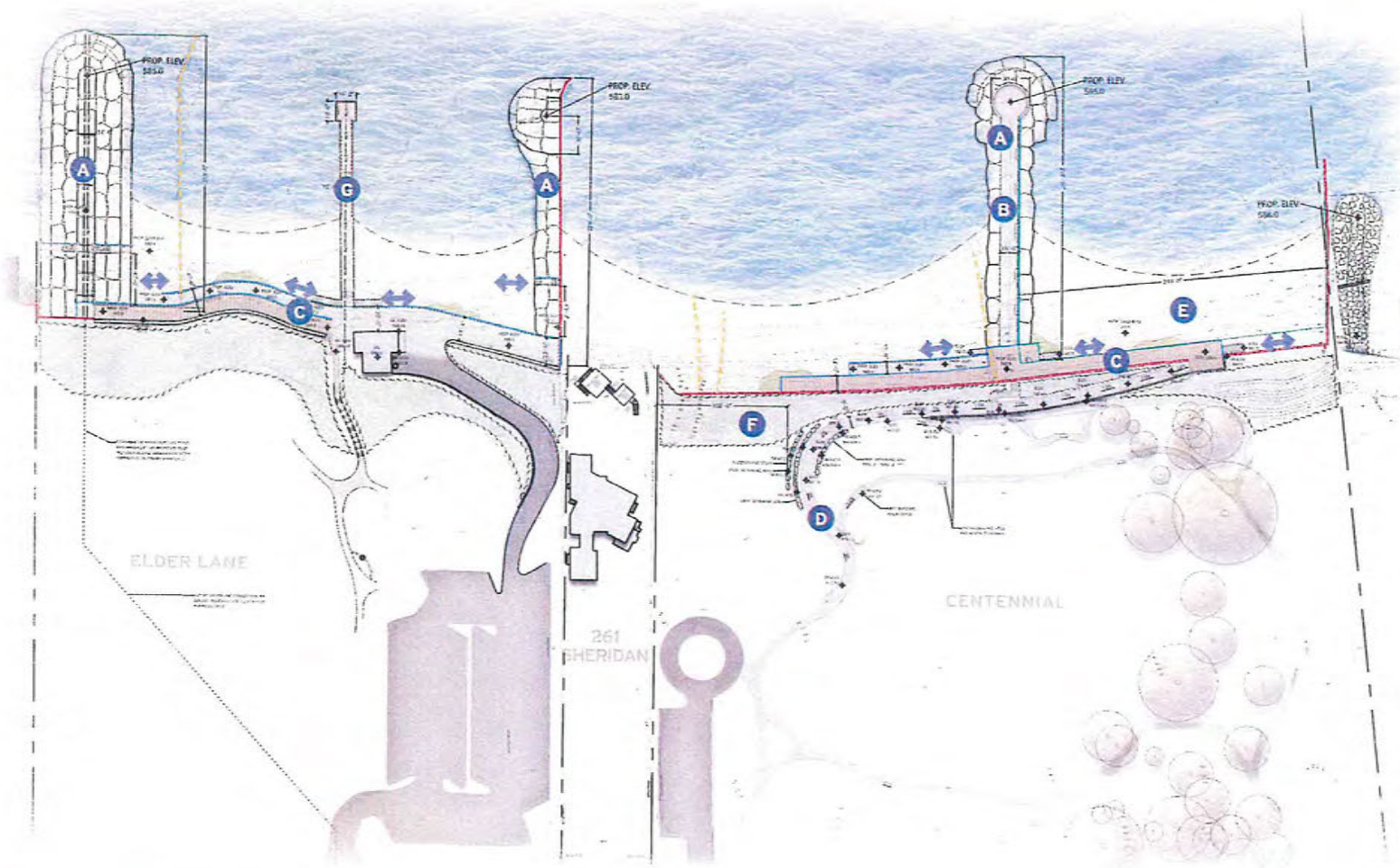
P.I.N.: 05-21-412-004-0000, 05-21-412-005-0000, and 05-21-412-006-0000

SCHEDULE B

Plan of Project Elements

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

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- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
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F. BLUFF RESTORATION ZONE
G. REPAIRED EXISTING CONCRETE PIER

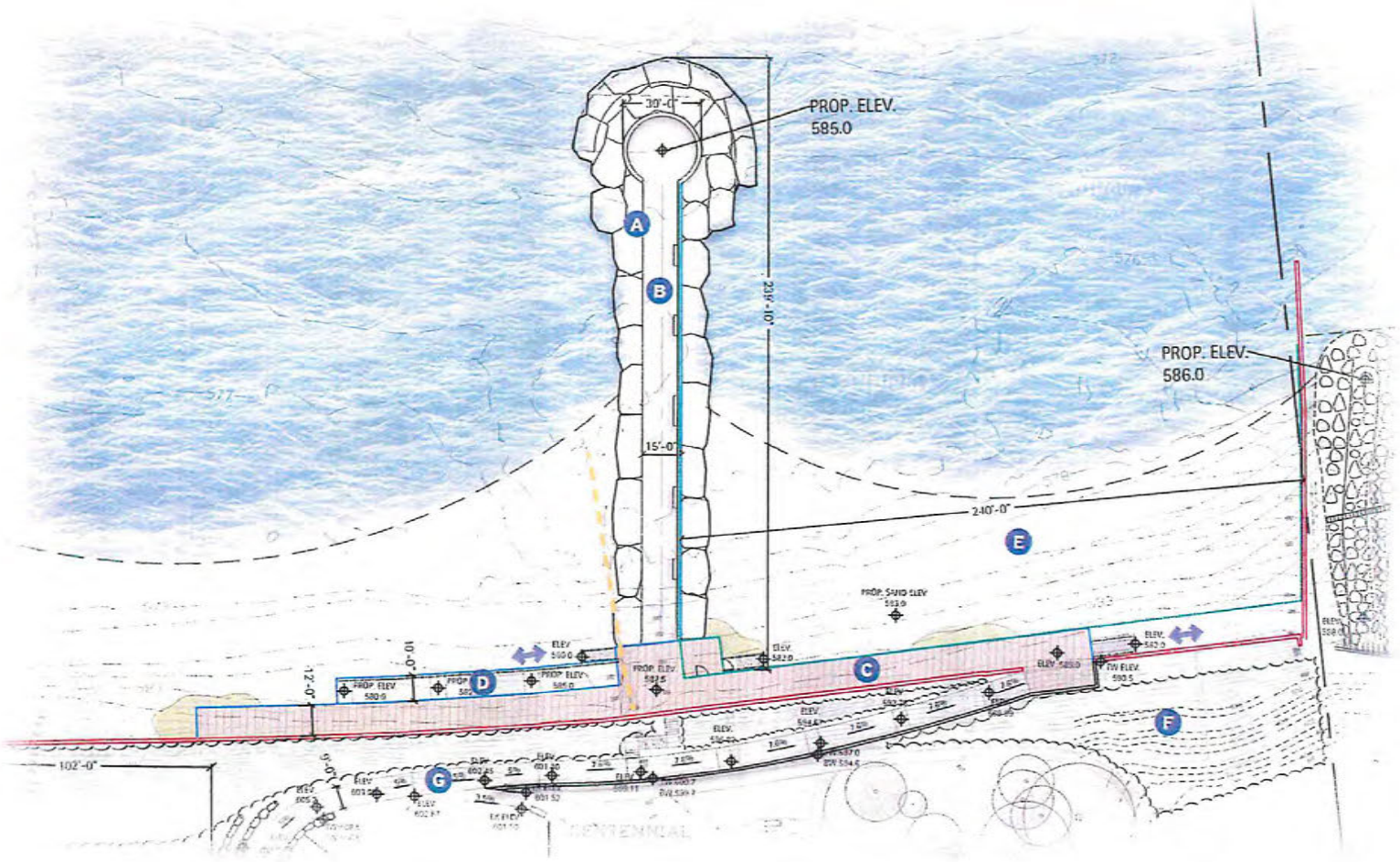
Elder + Centennial | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

A. RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
B. ACCESSIBLE VIEWING PIER WITH BENCH SEATING
C. ADA ACCESSIBLE BOARDWALK
D. ADA ACCESSIBLE CONCRETE RAMP BEACH ACCESS
E. PROPOSED CENTENNIAL DOG BEACH
F. BLUFF RESTORATION ZONE
G. ACCESIBLE PEDESTRIAN PATH & RAMP TO BEACH

Centennial Enlargement | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

DANGER

Stay Alive – Avoid Piers



Danger Zone – No Swimming

- Swim in designated area, away from this structure.
- If trapped, call for help.
- Call for someone to throw life ring or anything that floats.
- Get to ladder, if possible.

www.dangerouscurrents.org

ILLINOIS DEPARTMENT OF NATURAL RESOURCES · DEQ · GLO · NOAA · NATIONAL WEATHER SERVICE · Sea Grant ILLINOIS · INDIANA

Dangerous Current awareness is part of a state and regional effort led by Michigan Sea Grant in collaboration with the NOAA-National Weather Service, the Michigan Department of Environmental Quality (MDEQ), the Illinois Department of Natural Resources and others. This sign was funded, in part, under the Coastal Zone Management Act, by NOAA's Office of Ocean and Coastal Resource Management in conjunction with the Illinois Coastal Management Program, Illinois Department of Natural Resources.

MICHU-15-407-MIRRORED-PIER



From: [redacted]
To: David Schoon; Robert Bahan
Subject: No bathrooms planned for Winnetka's Centennial Beach; plans for two beaches continue – Chicago Tribune
Date: Sunday, October 6, 2024 8:23:59 AM
Attachments: No bathrooms planned for Winnetka's Centennial Beach; plans for two beaches continue – Chicago Tribune.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include in ZBA packet for 10/14/24 ZBA meeting to review WPD's SUP application

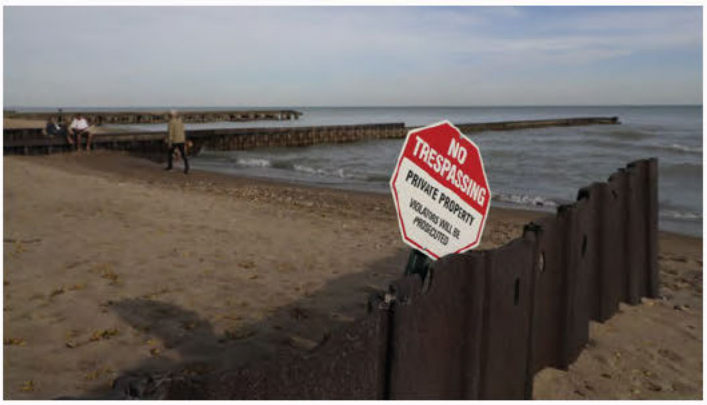
Subject: No bathrooms planned for Winnetka's Centennial Beach; plans for two beaches continue – Chicago Tribune

1. IL Swimming Facility Code requires public bathing beaches, which WPD is positing Centennial will be, to have bathrooms within 300 feet of the shoreline, which their designs do not do.
2. Publicly stating that beach patrons will have to wade through the water to get to a bathroom at Elder exposes the sham nature of WPD's purportedly ADA-based beach design.
https://www.chicagotribune.com/2024/08/26/winnetka-park-district-refining-separate-centennial-elder-lane-beach-projects/

Sent from my iPad

LOCAL NEWS

No bathrooms planned for Winnetka's Centennial Beach; plans for two beaches continue



Stacey Wescott / Chicago Tribune

Residents and their dogs walk to the high water mark of Lake Michigan in front of Justin Ishbia's lake front home as they cross from Centennial Beach to Elder Lane Beach on Oct. 24, 2022, in Winnetka.



By DOUG T. GRAHAM

UPDATED: August 26, 2024 at 12:41 p.m.

The Winnetka Park District's plan to improve Centennial beach does not call for washroom facilities, so visitors seeking a toilet will be directed to wade into Lake Michigan, so they can avoid the private beachfront property owned by billionaire Phoenix Suns co-owner Justin Ishbia and walk to the restrooms at Elder Lane Beach.

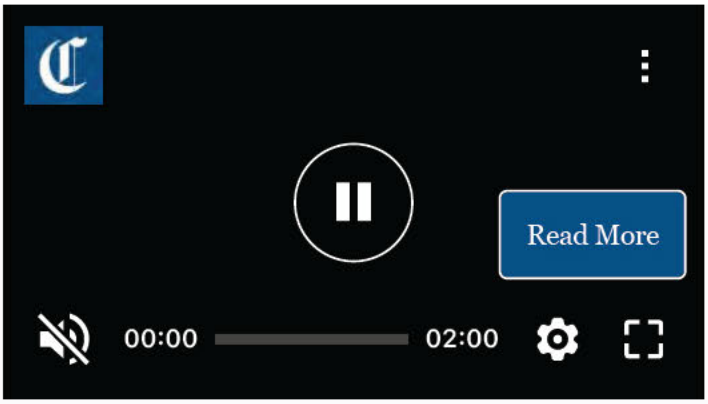
Park District officials confirmed that plan during a district Board meeting Thursday evening.

"Right now we would propose that people would walk to, using the natural contours of the beach, walk across the property and access Elder to utilize the washrooms there," Costa Kutulas, the district's director of parks and maintenance, said.

Kutulas said officials have discussed adding portable potties to Centennial Beach.
"I think we'll look at the demand and what that looks like and if we have to supplement we'll look at those options," Kutalas said. "For right now we would suggest for people to use the bathrooms that are brick-and-mortar, if you will."

Park district officials agreed to a land swap deal with Ishbia in October 2020 which would have granted the village 261 Sheridan Road, the property between the two beaches, in exchange for a similarly-sized parcel on the southern edge of Centennial which he could add to his 3.7 acre property at 205 Sheridan Road.

That prompted Winnetka resident Robert Schriesheim to file suit against the Park District, arguing it shouldn't be giving public land to private owners.



The Schriesheim lawsuit was back before a judge on Thursday but Shannon Q. Nazzal, the Park District's executive director, said the court ordered another status hearing in the case for Oct. 7.

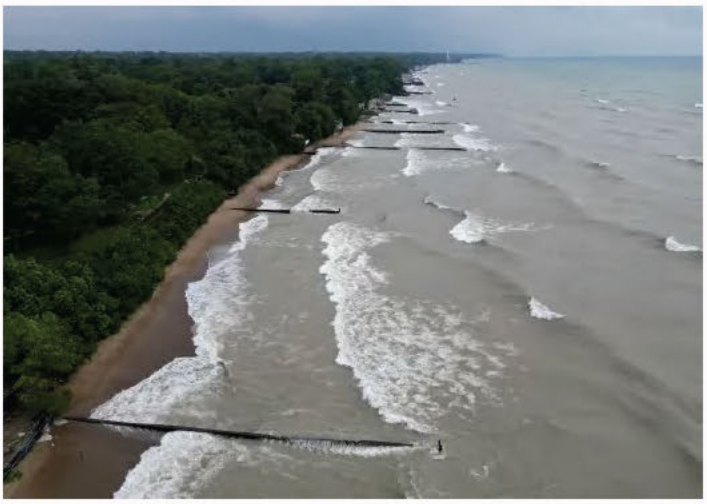
Also at the meeting Thursday, board members reviewed the latest details of the two separate projects, which stand at around $6.5 million for Centennial and around $6.8 million for Elder, not including contingency costs.

The plans call for the construction of boardwalks and breakwaters at both parks intended to retain sand for swimming beaches, one of which will be for dogs. The work will be ADA-compliant and will include native vegetation along walking pathways.

A significant expense will be the construction of two breakwaters, around $2.8 million for one at Centennial and $1.4 million for another at Elder Lane. Plans call for 6,400 tons of sand to be added to Centennial and 7,800 tons of sand to be added at Elder Lane, which will cost an estimated $568,000 in total.

Kutulas said officials hope to submit documents to the village soon so the plans can be reviewed by the Zoning Board of Appeals at their Sept. 24 meeting.

The plans call for the improvements to be completed before summer 2026.



Stacey Wescott/Chicago Tribune

High waves break near Elder Lane and Centennial Park beaches along Lake Michigan on Aug. 15, 2023, in Winnetka. Early Tuesday a teen was reported missing at Elder Lane Beach. With rough conditions, no searchers were visible from the lakefront.

Nazzal said Friday if the land swap is eventually permitted then park district officials would need to go through the permitting process again with the village, Army Corps of Engineers and Illinois Department of Natural Resources.

Originally Published: August 26, 2024 at 10:16 a.m.

TRENDING NATIONALLY

1 **2 students start Laguna Beach High after being told they would have to attend special education program**

elsewhere

2 After 600 noise complaints in two weeks, a new $90 million amphitheater is facing the music

3 At just 7 years old, he lives in a tent in a San Jose homeless encampment and wishes he had a microwave and a shower

4 Florida team wins Little League World Series championship

5 Historic nuclear-powered ship now open to new ownership, possible move from Baltimore

2024 > August > 26

From: [redacted]
To: Mark Schoon
Subject: Elder-Centennial Beach Projects--ZBA comments
Date: Monday, October 7, 2024 3:38:17 AM
Attachments: Outlook-1xcvZ5c4.png
Outlook-slhtbvpa.png
Outlook-fhzbwqri.png
Outlook-Outlook-Sy.png

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Schoon:
Would you please include this in ZBA's 10/14/24 meeting packet:

1. WPD's Centennial project requires a construction easement of some type from Orchard 2020 Trust which has not been granted. Given WPD's resultant inability to build its project designs, ZBA/Village review is premature at this time.
2. WPD Commissioner James posited at a September meeting that Orchard 2020 Trust would grant an easement to preserve the public's right to traverse the shoreline from Centennial south across 205 Sheridan's northern breakwater, which appears to have been an entirely hypothetical assertion. This issue is significant because the public fears Village trespassing prosecutions.
Thank you.
Kris Schriesheim

Sent from my iPad

Begin forwarded message:

From: Shannon Nazzal <snazzal@winpark.org>
Date: October 1, 2024 at 4:14:15 PM CDT
To: Kris Schriesheim[redacted]
Subject: Re: Elder Lane Beach Project - Winnetka Park District

Ms. Schriesheim,

Thank you so much for your thoughtful and detailed message regarding the Elder Park SUP filing and the upcoming ZBA hearing! I truly appreciate your commitment to transparency and your passion for preserving our natural landscapes and community resources!

It's important to us that the community is informed and engaged!

Regarding your questions:

1. **Easement Agreement with Orchard 2020 Trust:** As of now, we do not have a perpetual easement agreement in place. We appreciate your input on the matter!
2. **Construction Easements or Licenses:** We are currently in discussions regarding potential construction easements for our projects. We recognize the importance of cooperation and will keep the community informed with any updates!
3. **Posting Important Documents:** I hear your request for increased transparency, and while I currently don't have access to upload the documents to our website, I'm attaching the permit application for your viewing! We will make every effort to share relevant documents as soon as possible to keep the community informed! 9-16-24 Elder Lane Park & Beach Special Use Permit Application WPD Final.pdf

Thank you once again for your engagement and for holding us accountable as we navigate this project! Your feedback is invaluable, and I look forward to continuing this dialogue! Happy Tuesday!

Warm regards,

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

From: Kris Schriesheim [redacted]
Sent: Monday, September 30, 2024 12:33 PM
To: Shannon Nazzal <snazzal@winpark.org>
Subject: Re: Elder Lane Beach Project - Winnetka Park District

External
(krisschriesheim@gmail.com)

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Report This Email FAQ Protection by INKY

Ms. Nazzal:
Withholding WPD's Elder Park SUP filing is contrary to the public's interest in learning details of WPD's unvetted, financially burdensome, scientifically outdated, breakwater-heavy construction project that would result in 60 tabletop trees being cleared from Elder and Centennial Parks with more trees and vegetation clear-cut from the bluffs; paving and wreckage of the natural landscape, wildlife habitat destruction, etc.

As you know, WPD's first Centennial SUP hearing is scheduled for two weeks from today. From your response it appears that WPD is unwilling to post important information for the public's benefit in the lead up to ZBA's hearing on a taxpayer funded $15.5 million+ project.

Please reply to the following additional questions:

Last week Warren James stated publicly that he believes WPD could get Orchard 2020 Trust to sign an easement agreement which would forestall trespassing citations, given the location of WPD's plan's strategically placed fencing.
1. Does WPD have an agreement with Orchard 2020 Trust pursuant to which it would grant a perpetual easement to cross the area on the opposite side of Centennial's southern existing steel groin to access Orchard's northern stone breakwater's steps? If not, why not?
2. Has Orchard 2020 Trust agreed to grant WPD construction easements or licenses for its construction projects at Elder and Centennial, including but not limited to the new steel sheet piling design at Centennial's northern border, which Costa Kutulas's memo says will require cooperation from 261 Sheridan's owner?
3. I renew my request for WPD to post important documents on the website that will shed light on WPD's intentions, including but not limited to documents easily available from Mr. James such as the structural engineering report he has for 261 Sheridan, and architectural drawings for 261 Sheridan which are referenced in WPD's 2-25-21 meeting packet.
Thank you in advance for your forthright reply.
Kris Schriesheim

Sent from my iPad

> On Sep 30, 2024, at 11:53 AM, Shannon Nazzal <snazzal@winpark.org> wrote:
>
> Ms. Schriesheim,
>
> As I provided in one of my email responses on September 26, 2024, we are in the process of updating information on the website, which we are prioritizing within the next week or so to put the permit applications and notices that we've either received or submitted recently.

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

From: Kris Schriesheim [redacted]
Sent: Monday, September 30, 2024 10:58 AM
To: Shannon Nazzal <snazzal@winpark.org>
Subject: Elder Lane Beach Project - Winnetka Park District

Good morning Ms. Nazzal:
WPD's website states that there are no permit submissions for Elder, which is incorrect.
Would you please post Elder's SUP permit application on the website, along with its tree plans and any other accompanying documents?
If the plans are already on the website please let me know where to find them. Thank you.
Kris Schriesheim
https://www.winpark.org/elder-lane-beach-project/

From: [redacted]
To: Robert Bahan; David Schoon; James Bernahl; Kristin Kazenas; contactus
Subject: WPD Unlawful Elder Bluff Clearing
Date: Thursday, September 26, 2024 2:17:21 PM
Attachments: Re Weeds upkeep at Elder & Centennial.pdf
Re Elder Steep Slope Cutting_Redacted.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please enter into the public record and share with trustees, thank you.

Mr. Bahan:
On August 14, 2024 WPD had staff conduct an un-permitted clearing of a section of Elder's bluffs in violation of the Steep Slope Ordinance.
I am attaching before and after photos.
The reported impetus for this unlawful action was a female citizen's phone call asking WPD to clear Elder's and Centennial's bluffs prior to upcoming events; apparently, three one hour family exercise classes at Elder running from mid-August into September, and a single nighttime movie event at Centennial—so 'people can see what they're missing.'
This is unacceptable and really strange. If I were to call up WPD and ask them to violate a Village Code provision I would hope and expect that the answer would be "no." What made this female citizen's call different?
What steps are being taken by the Village to address WPD's actions?
By the way when I raised questions about Elder's bluffs with Shannon Nazzal she wrote about buckthorn berries causing stomach distress in some birds, and that although they are tree-sized, until they've grown they're shrub-sized. This was in response to my presenting her with information on buckthorn removal in a scientifically appropriate way so as not to harm migratory birds.
Thank you.
Kris Schriesheim

June 3 2024 View of Elder with intact bluffs



August 21 2024 View of Elder bluffs after unlawful clearing



Sent from my iPad





Shannon Nazzal

From: Shannon Nazzal
Sent: Wednesday, August 7, 2024 8:49 AM
To: Greg Fields; Costa Kutulas
Subject: Re: "Weeds" / upkeep at Elder & Centennial

Internal (snazzal@winpark.org)

EXCALTE

Report This Email FAQ Protection by INKY

Thanks Greg!

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

From: Greg Fields <GFields@winpark.org>
Sent: Wednesday, August 7, 2024 6:31 AM
To: Shannon Nazzal <snazzal@winpark.org>; Costa Kutulas <CKutulas@winpark.org>
Subject: RE: "Weeds" / upkeep at Elder & Centennial

Shannon,
The last large scare selective clearing that I can remember along the bluffs at Elder and Centennial were at least 6 or 7 years ago. At this time the park district in conjunction with an eagle scout project and volunteer group removed a large amount of woody material from the bluffs. Since then woody material has again established along these slopes. As the planning process for construction has been underway large removals have been on hold until the final plans materialize. I will take a look at the two sites and see what we can do to spruce up the appearance of the parks tableland and bluff edge for the upcoming events.

Thanks

Greg Fields, CPRP
Superintendent of Parks
Office: +1.847.501.2057
Email: gfields@winpark.org
Winnetka Park District | winpark.org

From: Shannon Nazzal <snazzal@winpark.org>
Sent: Tuesday, August 6, 2024 4:49 PM
To: Greg Fields <GFields@winpark.org>; Costa Kutulas <CKutulas@winpark.org>
Subject: "Weeds" / upkeep at Elder & Centennial

Gentlemen, no rush on this, but wanted to see what (if any) maintenance plan or work is conducted for the tableland / bluff areas of the closed beaches. I had a call today from a resident with the thought of maybe if it's cleaned up a bit, people will realize what they are missing. I get that. She mentioned that work had been done with the junk on the bluff in past years. Wanted to get an idea of what we've done in the past while the areas have been closed, if it's the same/different this year, and what we may be able to do? I know there are a couple rec events planned coming up, so would like to see what may be scheduled for maintenance at those sites. Thank you!

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

Shannon Nazzal

From: Costa Kutulas <CKutulas@winpark.org>
Sent: Monday, August 19, 2024 10:32 AM
To: Shannon Nazzal
Cc: Greg Fields
Subject: Re: Elder Steep Slope Cutting

Internal (ckutulas@winpark.org)

EXCALTE

Report This Email FAQ Protection by INKY

I have a call with Jim at 11am, I was going to ask him exactly what the violation was now that Andrew Lueck (Village of Winnetka Forester) has reviewed the site.

I'll circle back once I connect with Jim.

Costa Kutulas
Director of Parks and Maintenance

P: (847) 501-2052
E: ckutulas@winpark.org

Winnetka Park District | winpark.org

From: Shannon Nazzal <snazzal@winpark.org>
Sent: Monday, August 19, 2024 9:53 AM
To: Costa Kutulas <CKutulas@winpark.org>
Cc: Greg Fields <GFields@winpark.org>
Subject: Re: Elder Steep Slope Cutting

Section 17.82.070 B.(2)

I don't see any other sections that apply. No trees were removed, slope was not modified, no structures were impacted...

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

From: Costa Kutulas <CKutulas@winpark.org>
Sent: Friday, August 16, 2024 2:41 PM
To: Shannon Nazzal <snazzal@winpark.org>
Cc: Greg Fields <GFields@winpark.org>
Subject: Fw: Elder Steep Slope Cutting

FYI, I'll follow up with you next week on this.

Thanks,

Costa Kutulas
Director of Parks and Maintenance

P: (847) 501-2052
E: ckutulas@winpark.org

Winnetka Park District | winpark.org

From: James Bernahl <JBernahl@winnetka.org>
Sent: Friday, August 16, 2024 1:41 PM
To: Costa Kutulas <CKutulas@winpark.org>
Subject: FW: Elder Steep Slope Cutting

Costa,

As a follow-up form our conversation, below is a copy of the email that was sent to the Village about the vegetation clearing at the Elder Park. Can you please work with your team and provide me an update on how this removal work all went down, and what is the Park District's next steps for restoration. As part of the Steep Slope Ordinance this type of clearing would fall within the steep slope permitting process so we would be looking for a restoration/stabilization plan.

Let me know what the Park District's next steps will be as the Village will need to respond to this inquiry.

Thanks

James J. Bernahl, P.E., CFM
Director of Engineering/Village Engineer
Village of Winnetka, Illinois
1390 Willow Road
Winnetka, IL 60093
Phone: (847) 716-3261
Email: jbernahl@winnetka.org

Begin forwarded message:

> **From:** Willy Franzen <[redacted]
> **Date:** August 15, 2024 at 8:21:18 AM CDT
> **To:** Robert Bahan <RBahan@winnetka.org>
> **Cc:** ContactCouncil <ContactCouncil@winnetka.org>
> **Subject: Elder Steep Slope Cutting**
>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rob,

I hope you're enjoying this beautiful summer we've been having. Yesterday I noticed that the Park District did some very substantial cutting in the steep slope area between Elder Park and Elder Beach. While I really appreciate that the view of Lake Michigan has been opened up, I am concerned about how this work may affect the stability of the bluff. It's unclear to me whether this level of work is permitted within the recently adopted Steep Slope Ordinance. It also feels like odd timing for such substantial cutting considering where the Park District is in the permitting process for their planned Elder + Centennial projects. I've attached a number of photos below to show the scope of the work.

With the recent launch of the Park District's "On the Horizon" marketing push to garner support for their plans, the timing of this project indicates that it may not be routine maintenance or tree work, but instead an attempt to change the character of one of our parks to align with their campaign. Like I said before, I love the new view of the lake. It looks great, but I think it's important to ask why the Park District is cutting? Why they are cutting now? And what effect will this cutting have on a very sensitive area of the steep slope? If today's rain becomes heavy, we may be able to see an immediate impact.

I'll also note that bluff area in Centennial Park that would be affected by the proposed Land Swap Agreement has not been cut or maintained since I moved here two years ago. For some reason they have let this area grow to obstruct the view, but have now cleared a significant portion of Elder (which appears to me based on tree size to have been last cut much longer ago).

I've copied the Trustees on this. I think it's very important that the Village ensures that the Park District complies with all relevant regulations and is held to the same standard as other land owner's through what will likely be a very contentious permitting process for their proposed projects.

Thank you,

Willy Franzen
[redacted]

August 14/15 2024











Fall 2022



From: [redacted]
To: Planning; David Schoon; Ann Klaassen
Subject: Centennial Park
Date: Wednesday, October 9, 2024 3:15:56 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Winnetka Planning Department, Ann Klaassen, David Schoon, and ZBA Members:

As a resident at 226 Sheridan Road and owner at 232 Sheridan Road, I have serious concerns about the proposed Winnetka Park District plan for Centennial Park and Beach. I know that you have been inundated with materials and comments on this project, so I am doing my best to keep it short and stick to the standards outlined in the Village Code. I am unable to make the meeting on 10/14, but if I could, I would also make these points in person.

Special Use Permit

The Park District says they are seeking a Special Use Permit to "ratify and expand the public recreational use of Centennial Park and Beach within the R-2 single-family residential district." However, when you look at their narrative in response to the Standards for Granting of Special Use Permits, you will see that they repeatedly insist that there will be no increase in intensity of use. The level of investment that they are making in this park tells you everything that you need to know about their plans for use. Below I have included my responses to the project as they pertain to each of the six standards:

Section 17.56.120 Standards for Granting of Special Use Permits.

A. General Standards for the Granting of Special Use Permits. No special use permit shall be granted unless it is found:

1. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;

The proposed rock structures are inherently more dangerous for people on land and water. As an avid paddle boarder, I find navigating the lake much more difficult around these rock structures than around the existing steel structures. The way that waves bounce off of them is very dangerous for swimmers, kayakers, paddle boarders and boaters. The rock structures also offer far more opportunity for children to slip, fall, or go out of the line of sight of their parents.

The line of sight issue is also very important from a safety standpoint. My wife was the person who called 911 during an emergency situation last year. She was hesitant to call because it didn't really look like an emergency, but something looked off, so she called out of an

abundance of caution. Unfortunately, the incident resulted in the tragic death of one of our community members, but the response from our first responders was very fast. The proposed rock structures would block this line of sight, and my wife would not have seen the dangerous situation unfolding. It would have taken far longer for first responders to arrive.

The Park District has proposed signage and temporary barricades as a solution for keeping people off of the pier during dangerous conditions. If the structures are inherently dangerous, maybe they should leave what exists and not build anything new. Signs and barriers are not sufficient for these types of structures.

I also think that John Root has done an excellent job of outlining the public health and safety issues surrounding the proposed designs.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

We purchased our home largely because of Centennial Park as it exists. We see it as providing immense value to us, our neighbors, and the community. The proposed changes to the park are a net negative that will make living in near proximity to Centennial Park less desirable. The Park District points to the neighbor to the south as proof that their plan is not injurious to neighbors, yet here I am, a direct neighbor to the park saying that I invested in my home with the hope that Centennial will be preserved largely as it is now, not improved based on restrictive covenants and design input from a single neighbor. What is favorable for that one neighbor is not favorable for the majority of close neighbors.

The Park District alleges that "the Proposed Improvements will not increase vehicular traffic or parking demand in a manner that would be injurious to the use or reduce the property values of neighboring properties." Later in this letter, I will demonstrate why that is completely untrue.

3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

The proposed rock structures will deprive neighbors to South of sand flow and keep them from having beaches in front of their homes.

The Park District claims that the project at 205 Sheridan is "an investment that would not occur if the Project impeded the normal and orderly development in the immediate vicinity." Nothing about what has happened at 205 Sheridan is normal and orderly. If anything, it is now quite clear that the WPD Project has promoted abnormal and disorderly development in the neighborhood.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;

"The Applicant does not expect the Proposed Improvements to create new parking demand or materially increase traffic." To add any more pavement or non-permeable surfaces to this beautiful parkland would be a huge mistake, but the Park District is asking to drastically increase the intensity of use by offering both a swimming and a dog beach. This neighborhood is already inundated with traffic 7 days a week. During the school year we have New Trier students coming and going (and often driving irresponsibly) from 7 AM to 7 PM. Sheridan Road is also a state highway, and there is a constant flow of drivers speeding and looking at their phones. Centennial Park and its beach are a destination that many people walk to, but even crossing the street to get to the park is hazardous and often takes many minutes of waiting if you are not at the crosswalk by Elder. There is no crosswalk option to the south unless you include the one all the way at Winnetka Ave. (which is also very difficult to cross because of the congestion at this intersection). We already have a congestion problem, and these proposed changes are not accounting for an increased intensity of use.

The Park District has claimed that there will be no increase in intensity of use. This is impossible with the proposal to going from solely a Dog Beach to a Dog Beach and a Swimming Beach. How can they propose spending millions of dollars on "improvements" without the expectation that they will increase the intensity of use? Additionally, the fact that Elder has been closed and will seemingly remain closed will put more pressure on Centennial. This is a de facto increase in intensity of use by restricting access to one of our beaches for dubious safety concerns. I am convinced that the proposed changes to both Elder and Centennial will be far more dangerous than any existing conditions at the beaches.

I have seen multiple car and bike accidents on Sheridan near Centennial. These will likely increase if the park is "improved" and receives more use—whether people are arriving by car, bike, or foot.

My family chose to live in a busier part of town. We are ok with people coming and going to school, parks, and up and down the North Shore; however, there is a point where it will be too much and create both congestion and safety hazards. If the Park District is going to propose a plan to dramatically change how these parks are used, then they must provide a plan for how they will prevent congestion without paving over large swathes of existing green space in one of the most important areas to have permeable surfaces.

5. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided;

There is no plan for additional parking in any of the documents that I have seen. While I am happy about that specifically (please no more parking lots!), it must be viewed in the context of the proposed plan. The Park District can't just hand wave and say that there will be sufficient parking at Elder when that lot is entirely full much of the year. Residents in our neighborhood barely have enough parking for themselves, construction workers are forced to park streets away (or be bussed in), and students are paying many thousands of dollars a year

to park in our neighborhood to be close to New Trier. There is no parking on Sheridan. There isn't really parking on Fuller Lane. Elder Lane and all of the other surrounding streets have restricted parking during the school year. The Park District can't propose a project of this magnitude and at this cost level, and then say they expect no increase in intensity of use.

Additionally, the Village is in the process of planning its storm sewer projects. The direction that they choose may have significant impact on drainage in our neighborhood that will have to go through Elder/Centennial. How can we approve these plans before we have figured out how to deal with the stormwater. I am certain that adding more concrete to the bluff where the water seeps out into Lake Michigan is not the solution.

Finally, the proposed swimming beach has no toilets or changing areas. The Park District will point to Elder and say that those will be provided there, but then both projects should be considered together—not separately.

6. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.

I'm not sure if this is the best place to make this point, but it must be considered that a significant portion of the land that is being considered for this Special Use Permit is subject to a Land Swap Agreement. This means that some of the land that is planned to be improved could be conveyed to a private party at any time. It seems untruthful to apply for this permit with a plan that includes land that the Park District has agreed to give to another party at some unclear time in the future. If this land is conveyed to a private party, it would be subject to the Lakefront Preservation Overlay District which would require the land to be open and unobstructed from ground to sky. This proposal does not provide for that.

Additionally, all zoning calculations for Centennial Park include this parcel of land, but should they? If the Park District is going to potentially swap this land, then the land subject to the Land Swap Agreement should be excluded from Special Use Permits, Zoning Variations, and Steep Slope Exceptions until that agreement is nullified or completed.

I truly love Centennial Park as it exists right now. The Park District is not being in honest in claiming that they don't intend to increase the intensity of use. Why else would they aim to spend many millions of dollars to improve a park with no clear deficiencies?

Steep Slope Exception

The Steep Slope Ordinance was passed while this Park District plan was being circulated around the community. The Village Council saw this coming, and gave themselves a tool to

ensure that the Park District and other residents respect our bluffs. The Park District has already illegally cleared a portion of Elder and shown their disdain for the Steep Slope Ordinance. I do not thing this project will merit an exception to this ordinance until it has far more community support. 60% of Caucus survey respondents said they want a temporary solution to reopen Elder until the Park District can come up with a better proposal. There are so many problems with this plan for our community—I have tried to focus on the ones that are the purview of the ZBA here.

If time permits, I will send another note with a deeper dive on the Steep Slope Exception and other Zoning Variation requests, but for now I will share these thoughts.

Thank you for your consideration.

Willy Franzen
[redacted]
226 + 232 Sheridan Rd.

From: [redacted]
To: Planning; David Schoon; Ann Klaassen
Cc: [redacted]
Subject: Centennial Park: Special Use Permit
Date: Thursday, October 10, 2024 5:59:06 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Winnetka Planning Department, Ann Klaassen, David School, and ZBA Members

As a longtime Winnetka owner at 228 Sheridan Road, I'm grateful to my neighbor, Willy Franzen, for his thoughtful, comprehensive,
persuasive positions. I can question but can't take issue with anything argued. I look forward to your response.

Mona Golub
228 Sheridan Rd.

From: [redacted]
To: Planning; David Schoon; Ann Klaassen
Subject: Caucus Survey Results and Centennial Zoning Standards
Date: Friday, October 11, 2024 4:57:18 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Winnetka Planning Department, Ann Klaassen, David Schoon, and ZBA Members:

I apologize for adding another e-mail to what I'm sure is a growing mountain of material, but I think this is too important not to bring up.

While Caucus Survey Results may not typically be relevant to a ZBA meeting, I do think they are in this case. In a number of instances, the Park District makes the case that their proposed improvements "will clearly enhance the public's use and enjoyment of Centennial Park and Beach and benefit the public's health and welfare." The Caucus Survey results strongly refute this point. You can see here -- https://files.constantcontact.com/f85e5d6e001/da6f193b-c420-419f-906f-c1b1f4d83259.pdf?rdr=true -- skip forward to page 67 and start reading the comments. The overwhelming theme in the comments is skepticism about this plan in terms of benefit to the community and maintaining the character of the parks.

The Park District is relying on this argument for both their Variation request and Special Use Permit request.

> 1. The property in question cannot yield a reasonable return if permitted to be used only
> under the conditions allowed by the regulations in that district

The Park District is defining a reasonable return in terms of delivering enjoyment to citizens. I agree with that definition. I don't agree that their plan does this. The Caucus Survey results indicate that the Park District is already getting a reasonable return on the property and that the proposed "improvements" would actually detract from that return.

> 3. The variation, if granted, will not alter the essential character of the locality;

The Park District claims that the use will remain the same, which is not entirely true. However, it is far more important to consider the outcry by citizens about how much these plans will alter the essential character of the park, beach, and neighborhood.

> 6. The taxable value of land and buildings throughout the Village will not diminish;

The Park District claims that: "The proposed improvements in the front yard setback area for which variances are required will
not diminish the taxable value of land and buildings in the Village. Just the opposite, the creation
of an enhanced beach is an additional community amenity that will make Winnetka a more attractive place to live and enhance property values."

The Caucus Survey results refute this, many citizens think this plan will make Winnetkans worse off.

8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village
will not be otherwise impaired.

The Park District contends: "the proposed improvements are compatible with the community and
will enhance the general welfare by improving the District's facilities and the quality of the applicants' programming in service of the community."

One again the Caucus Survey results indicate that the opposite will happen.

Since I already went point by point about the Special Use Permit Standards in my previous e-mail, I'll save you from having to go through all of that again. Any time that the Winnetka Park District asserts that this project meets a given standard because it offers a public benefit (and that's what the Special Use Permit process is largely about determining--especially Standards #1, #2, #3, and #4), they are offering a point of view that is not aligned with the citizens and taxpayers they are supposed to represent.

I understand that this issue is very controversial across Winnetka. Everybody has a unique opinion about what should happen with Elder/Centennial, and it's not the ZBA's place to wade in the waters of public opinion to determine what is most popular. However, it is in the ZBA's purview to ensure that an application meets the standards set out in the Village Code. The WPD's narrative repeatedly points to public benefit as a reason that this project meets the standards for Zoning Variations and a Special Use Permit. The Caucus Survey results strongly indicate that this project as proposed is seen by a large portion of the village (and likely a majority) as being a net negative.

I am not asking you to reject these requests from WPD because they are unpopular, but I am asking you to consider their perceived benefit in the community in the context of the standards that the application is required to meet. If the citizens of Winnetka don't think this project will benefit them, then I don't see how the standards for a Variation or Special Use Permit can be met.

Thank you,

Willy Franzen
226 + 232 Sheridan Rd
[redacted]

The Village of Winnetka has approved a Steep Slope Ordinance (SSO) to protect our lakefront bluffs, both now and for future generations. Additionally, compliance with the Americans with Disabilities Act (ADA) is vital in all our Village projects. The ADA emphasizes universal design—making environments accessible to everyone without intrusive or specialized modifications.

However, the proposed ADA pathway at Centennial Park, as requested by the Applicant, is seeking a zoning variance from the SSO and presents a significant threat to the bluff. It involves a long stretch of steel and concrete that contradicts the very purpose of the SSO. If a zoning variation is granted, the integrity of the bluff, as seen at the property immediately to the south of Centennial, will be compromised. As members of the ZBA, your review of a requested zoning variance must consider certain standards, one of which addresses the public health, safety, and welfare. In my opinion, this pathway poses serious safety risks, becoming an attractive nuisance for skateboarders, dogs, children, and those challenged individuals for whom it is proposed to be constructed. I can envision the mayhem of excited dogs tearing down the ramp to the dog beach, while skateboarding teens careen the same path occupied by small children, Seniors and the challenged.

One better and safer alternative is an ADA lift from the top of the bluff to the beach, combined with a Mobi mat for beach access. This option is simple, non-invasive, and fully compliant with both the SSO and ADA. There is no need to grant the zoning variance requested by the Applicant as a lift is a much less invasive alternative to the destruction of the Centennial bluff. The ADA pathway, as proposed, is an attractive nuisance and is without a doubt - an accident waiting to happen. Please deny the Applicant's request for a zoning variance. It is unnecessary.

Thank you.

[redacted]
Mary Garrison[redacted]

From: [redacted]
To: Planning; Ann Klaassen; David Schoon
Subject: Centennial Park Prjoect
Date: Monday, October 14, 2024 1:46:46 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Winnetka Planning Department, Ann Klaassen, David Schoon, and ZBA Members:

As a resident and owner at 206 Sheridan Road, I have concerns about the proposed WPD plan for Centennial Park and Beach. I am sure you have received many emails with concerns about how the planned improvements will impact the parks. I am sure there are many that are in favor of the plans, but there are also many, like myself, that have concerns regarding how much these plans will alter the essential character of the park, beach, and neighborhood. My family and I walk across the street and spend many days and nights enjoying the parks. We know most of the neighbors and love all the familiar faces. We have little to no concerns about safety while enjoying time with our children, family members, and neighborhood friends. We value this experience and we want to ensure that we don't lose this level of comfort in our community. Please keep this in mind while making your decision(s) and please know that it is imperative to me and my family that the community value within the park is preserved.

I appreciate you taking the time to read my general concern and am hopeful that your decision(s) will be in line with protecting what we value most, community!

Best,
Ankur Joshi
206 Sheridan Rd.

From: [redacted]
To: Planning; David Schoon; Ann Klaassen
Subject: Park District Zoning Appeal
Date: Monday, October 14, 2024 4:55:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ann Klaassen, David Schoon, and the Members of the Zoning Board of Appeals
Village of Winnetka Planning Department
510 Green Bay Road
Winnetka, IL 60093

Dear Members of the ZBA and Planning Department:

I am a new resident of 200 Fuller Lane in Winnetka. Since moving here, I have visited Centennial Park's dog beach every day to watch the sunrise and enjoy time with my dog. This daily ritual has highlighted for me just how special Centennial Beach is to this community. The old adage, "if it's not broken, don't fix it," feels particularly relevant here. Centennial Beach, as it exists, is a wonderful space for residents, and I question the need for such extensive changes.

I have three main concerns regarding the current proposal:

1. Increased Intensity of Use (Zoning Ordinance §17.56.120.A.2)

The Park District asserts that the proposed changes will not increase the intensity of use. However, the planned changes will undoubtedly draw more visitors, leading to further congestion and potential overcrowding. This increase will negatively impact the peaceful enjoyment of this public space for residents like myself who appreciate the serenity Centennial currently offers. That serenity is already under threat from incredibly bright night security lights to the south and constant construction related traffic and noise.

2. Parking and Traffic Congestion (Zoning Ordinance §17.56.120.A.4)

Sheridan Road and the surrounding streets already face considerable traffic. The plan does not account for the additional demand on parking and infrastructure that these improvements will bring. Without proper provisions, the area could face significant congestion, compromising the safety and accessibility of the park.

3. Public Lands

Furthermore, Centennial Beach is public land, and all decisions regarding its future should be made through a transparent public process. There is some ambiguity surrounding private party land swaps and donations associated with the plan. If any portion of this project hinges on such arrangements, those details should be made clear to the public and subject to rigorous review by all relevant agencies.

Thank you for your consideration of these concerns.

Sincerely,
Rob Miller
200 Fuller Lane
Winnetka, IL

Rob Miller
[redacted]

From: [redacted]
To: Ann Klaassen
Subject: Tonight"s ZBA meeting Insurance risk assessments stone breakwaters Lloyd Centennial Elder beaches
Date: Monday, October 14, 2024 5:17:01 PM
Attachments: PDRMA letter re risks and dangers of breakwaters at swimming beaches.pdf

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ann,

Hope it is not too late to include the letter attached in the packet for tonight's zoning Board of appeals letter. PDRMA is the the insurer for the Winnetka Park District. Apparently, after the LLoyd boating beach was completed, there were problems keeping people off the rock breakwaters. And accompanying liability, which is what PDRMA is all about.

PDRMA in the attached, while trying to sound supportive the the Park District's new beach plans at Elder and Centennial, says rock breakwaters are hazards for swimmers (Lloyd is not a swimming beach). PDRMA's main solutions for limiting injury and liability is to fence the breakwaters and modify the groins (and increase signage, etc.). The letter is dated October, 2021, but it is still relevant today.

So far as I can tell the Winnetka Park District's proposed Elder/Centennial designs include rock breakwaters and piers. And don't take into account the advice of PDRMA's legal counsel regarding how to limit injury when proposing breakwater designs.

I feel this information should be shared with members of the ZBA at tonight's meeting. Your attention to this is appreciated.

Best,

Laurie Morse

October 22, 2021

Via E-mail and U.S. Mail

Mr. John Peterson
Executive Director, Winnetka Park District
540 Hibbard Road
Winnetka, Illinois 60093

Re: Breakwall Risk Management

Dear John:

Thank you for hosting me recently at Winnetka Park District's Lloyd Beach, Elder Lane Beach, and Centennial Beach as part of PDRMA's on-going discussions regarding the beaches and ways to safely manage beach erosion disrupting the Winnetka Park District's shoreline recreation programming. We understand that the Park District is presently is in the process of combining the beaches at Elder and Centennial into a single continuous beach ("Elder-Centennial Beach") and is presently in the design/permit phase of an erosion mitigation project at Elder-Centennial Beach. In connection with that project you have asked me to evaluate the design from a risk management perspective. Based on my review of the site and the plans current as of the date of this letter, I find that the Elder-Centennial Beach Project contains important and meaningful safety features.

Background
As background, the proposed breakwater barrier shown in the current design of the Elder-Centennial Beach project will provide substantial benefits to the Park District, including improved safety for beach users and protection of the Park District's beach asset, through mitigation of beach and shoreline erosion, and beach enhancement for community users of the beaches and water areas. The Breakwater was part of the Park District's Winnetka Waterfront 2030 Plan Master Plan, adopted in 2016. An example of the benefits of the breakwall can be shown by comparing photos of the Park District's Lloyd Beach before and after completion of its extensive erosion mitigation project in 2020. (*Compare* 2019 Lloyd Beach at **Photo A** *with* 2021 Lloyd Beach at **Photo B**).

Lloyd Beach
To address severe erosion and other issues at Lloyd Beach, the Park District designed and constructed large breakwalls using Armor Stone (large boulders) that extend into Lake Michigan 250 feet from the toe of the bluff to the most eastern placed stone, and well above the surface at current water levels. The Lloyd Beach breakwater design includes a variety of features intended to reduce risks to beach users and the general public, including (but not limited to) clear signage instructing individuals in word and picture not to climb the rocks. (**Photo C**) The Park District also regularly inspects the site and employs beach attendants and lifeguards to actively manage general use patrons

and organized user groups. The Park District clearly delineates what activities can and cannot be performed in the beach area, which, in the case of Lloyd Beach, is limited to walking on the shoreline and the use of the beach and water for boating activity. Lloyd Beach is not a swimming beach.

Notwithstanding those efforts, we understand there have been incidents in which patrons visiting Lloyd Beach climb onto the rock-constructed breakwalls, either by disregarding g he a l a l rom t water when on boats or when swimming in violation of clearly posted rules. The risks created by the rock breakwaters include most notably a drop-off from heights exceeding four to six feet in certain locations, depending on a variety of factors, as well as potentially uneven, slippery footing conditions, and wave forces. On land, the drop-off is steeper on the southern side of the breakwall because of the accumulation of sand due to littoral drift on the northern side. (Compare northern side of Lloyd breakwall at **Photo D** with southern side of breakwall at **Photo E**). While patrons should not be on the breakwall in the first place, the reality is that if patrons disregard the safety steps already taken by the Park District to discourage access onto the breakwall, a risk of injury exists. The Park District understandably wants to take steps to avoid such injuries, even to those who are not intended, permitted users of the property.

As such, the Elder-Centennial Beach project design attempts to further improve the breakwater's safety characteristics over the Lloyd design, based on the problems encountered at Lloyd after completion of the Lloyd project. We have assessed the Park District's Elder-Centennial breakwater design plans, current as of the date of this letter, and believe the breakwater design at Elder-Centennial Beach is an improvement over the Lloyd design, due in part to its inclusion of barriers at drop-offs and enhanced deterrence against patrons attempting to climb breakwall rocks from the beach or water. Notably, Elder-Centennial Beach will feature a swimming beach, which may allow easier access to the breakwalls from the water, which is one (among many) considerations in deciding what steps may help further deter such unauthorized access. The groin extensions in the Elder-Centennial Beach project plans will provide benefits comparable to those contained in suggestions 1 and 2 below.

We have assembled a list of potential mitigation measures that could be employed – either singly or in combination, and whether retroactively at Lloyd Beach and/or in the future at other shoreline sites, including Elder-Centennial Beach. Obviously, the appropriate mitigation measures for each beach may vary depending on a host of circumstances (e.g., authorized beach use, supervised vs. unsupervised usage, geography and topography, unique design/erosion concerns, littoral drift, etc.). There is no "one size fits all" solution to any beach along Lake Michigan, even among beaches owned or operated by a single local public entity. Further, PDRMA has not evaluated the financial implications applicable to each of the following options, which may change considerably depending on the factors unique to each beach location along Lake Michigan and each local public entity that owns land along Lake Michigan.

PDRMA ideas include:

1. **Install Fencing to Keep Patrons off the Breakwalls**. This step, which is a suggested enhancement to the Elder–Centennial Beach breakwater design and which could perhaps be retroactively fitted to Lloyd Beach, would have the substantial benefit of physically deterring patrons from climbing out on the rocks of the breakwall and avoiding the drop-offs. Of course, like all fences, for a patron intent on getting past the safety device, a fence can be climbed. However, fencing would deter access, enhance non-intended/non-permitted user status for those who attempt to climb it, and increase willful and wanton defenses in litigation. Further, it would act as a clear visual indication of the information the signage conveys, which is that climbing onto the breakwalls is not permitted.

2. **Install a Groin Extension System to Keep Patrons off the Breakwalls**: This measure would provide the same benefits as fencing (above) but with the added benefit of being difficult to climb onto in the first place and, thus, further reducing fall hazard. Given their height and design, the groin extensions will be more difficult to climb or jump over versus other fence designs (chain link fence, cable cords, etc.), and they can be extended further onto the breakwall, thereby addressing hazards created by patrons accessing the breakwall from the beach and from the lake.

   The risk of climbers on the breakwall will be more pronounced at beaches where swimmers are in the water (Elder-Centennial) than at beaches where only boating is allowed (Lloyd), though the problem could occur at either type of beach. Depending on their design, coloring, etc., groin extensions also may increase visibility for those providing swimmer supervision (whether by Park District lifeguards at bathing beaches or by parents/family members onshore for unguarded bathing beaches).

   Thus, we believe the groin extensions could improve safety and reduce the Park District's risk, by reducing fall risk, enhancing intended/non-permitted user status, making it physically more difficult to breach the breakwall, and helping lifeguards and others (parents, etc.) to monitor swim activities.

3. **Additional Signage: Installation of additional signage, particularly farther along the breakwall and on the beach itself**. Right now, the signage understandably appears at the most likely access point to the breakwall at Lloyd beach, i.e., the base of the breakwall. However, signage in areas further along the breakwall and/or along the beach could also assist in communicating the expectations to patrons. This step is expected to have the benefit of notifying patrons of the risks/requirements before the patrons venture near the drop-offs. Additional signage will also be helpful in those instances where patrons try to climb onto the breakwall from the water or the shore. This step could be used at both locations.

4. **Website Warnings: Reinforcing signage on the Park District's website**. Currently, the Park District's website discusses the uses of the Park District's various beaches (e.g., designations as swimming beach, boating beach, dog beach, etc.). However, to our knowledge, the website does not discuss restricted access on the breakwalls. Adding website warnings could be beneficial both for discouraging access, as well as enhancing non-intended/non-permitted user defenses in litigation.

5. **Adoption of Ordinance:** Board of Park Commissioners' adoption of an ordinance declaring the purpose of the breakwalls and ordering patrons to not access them in violation of signage. This has similar benefits to the website warning option, but with the added benefit that an ordinance will create a stronger non-intended/non-permitted user defense.

As always, each of these potential changes should be weighed against any potential negative impacts from adopting them.

Please do not hesitate to contact me or the Park District's assigned Risk Management Consultant for any additional questions or if you want to discuss specific or additional options. We appreciate the Park District's efforts on the important topic of patron safety and asset protection.

Very truly yours,



Sara P. Yager
General Counsel
Park District Risk Management Agency

cc: Steven B. Adams, Counsel for Winnetka Park District (via e-mail)

RECEIVED
OCT 14 2024
BY:

TO: VILLAGE OF WINNETKA ZBA

FROM: KRISTINE SCHRIESHEIM

RE: WPD CENTENNIAL PLAN VIOLATES CODE REQUIREMENTS FOR VARIANCE APPROVAL

DATE: OCTOBER 14, 2024

WPD'S Centennial Plan materially departs from what is reasonably necessary for a dog or human beach, threatening:

1. PUBLIC HEALTH—NO BATHROOMS in WPD plan will result in beachgoers using the lake instead. This is a PUBLIC NUISANCE under Village Code Section

9.16.010–A public nuisance includes the pollution of any lake or body of water by sewage or other substances.

2. SAFETY—Piers and breakwaters create rip tides, structural currents, block site lines, and make it harder to carry out rescues.

3. WELFARE—Piers/breakwaters create drowning risks, yet WPD's plan fails to incorporate modern safety measures such as specified pier closure procedures and warnings during storms, or using robots for water rescues.

4. WPD LIFEGUARDS ARE NOT PROFESSIONALS—they are our children and our neighbors' children, largely high school and college students whose own welfare would be threatened by attempting rescues in waters made more dangerous by WPD's proposed pier and breakwater-impacted beaches.

EXPERTS AGREE: THE U.S. ARMY CORPS OF ENGINEERS WARNS OF MULTIPLE DANGERS FROM PIERS AND BREAKWATERS:

1. WEATHER CONDITIONS MAY KNOCK/WASH PEOPLE INTO THE WATER

2. DANGERS INCLUDE SLICK SURFACES, JAGGED/SHARP EDGES+STRUCTURAL CURRENTS

3. SEVERE RISK OF GETTING WEDGED BETWEEN ARMOR STONES OR SLAMMING INTO THEM, PARTICULARLY AT TIMES OF LOWER WATER LEVELS

4. FALLING & JUMPING OFF STRUCTURES: GRIM DANGERS- DEATH AND SERIOUS INJURIES

The USACE is currently studying the impact of waves on piers and breakwaters—if USACE feels it

needs to address this, WPD should certainly have to establish the matter of its plan's safety, effectiveness and usefulness prior to getting a zoning variance.

THE GREAT LAKES WATER SAFETY CONSORTIUM HAS STUDIED DANGEROUS CURRENTS IN THE CONTEXT OF PIERS AND BREAKWATERS. Significantly, it states that "In the Great Lakes, there are permanent currents and variable currents. Permanent currents are always found in certain locations—and only vary in strength. For example, strong currents are always

present along piers and break walls . . . [].” Structural currents are dangerous on their own, but when paired with others like . . . rip currents, the combination can create a washing machine effect, moving the swimmer from one dangerous current to another with no clear path to safety. Avoid jumping off or swimming near piers. The currents found along these structures are often dangerously strong.” WPD’s Centennial plan would create and magnify these risks to people, boaters, and pets.

WPD's PLAN LACKS LAKE MICHIGAN SAFETY MEASURES CURRENTLY IN PLACE AT OTHER PUBLIC BEACHES:

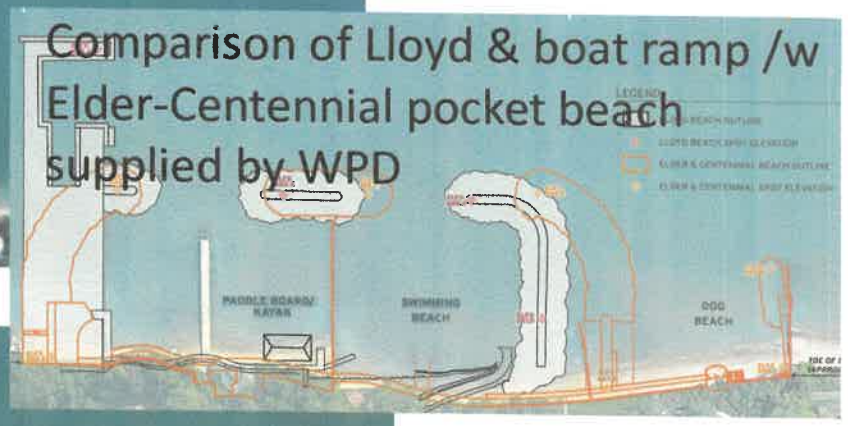
1. Double red flags online with text alerts.
2. Safety light towers connected to NWS.
3. Website link to NWS rip current forecasts.
4. Lifesaving robots ("E.M.I.L.Y.").
5. Signs + barriers closing off piers and enforcement mechanisms.

Chicago has a population of roughly three million people. Navy Pier is a half mile long structure in Chicago's deeper Lake Michigan waters.

Winnetka is a village with a population of roughly 12,400 people, which is a tiny percentage [redacted] of Chicago's size—yet WPD's Elder-Centennial scheme is jarringly similar to Chicago's Navy Pier's. Granting a variance to build a "Navy Pier"-like project in Winnetka would violate its R-2 Zoning and be wildly out of place.

A 220 ft long armor stone groin is similar to adding a power plant sized sand dam









Good Evening. I am Susie Schreiber, former Winnetka Park Board Commissioner, and member of a lead team involved over the last 30 plus years for the cleanup of the Waukegan Harbor Area of Concern and Extended Area of Concern on the Great Lakes under the governance of the International Joint Commission for Canada and the United States.

RECEIVED
OCT 14 2024
BY:

Zoning Board of Appeals

Communities around the Great Lakes Basin are looking at maintaining and enhancing Ecosystem Integrity as we deal with the coastal hydrology of the entire Great Lakes Basin.

- Lake Michigan is a part of the Great Lakes Watershed. This watershed represents 20% of the world's fresh water supply. Illinois has 63 miles of shore on the 1,638 miles of the Lake Michigan coast.

- Winnetka's piece of the Lake Michigan portion of the Great Lakes coastline must be responsibly managed for the macroinvertebrate and microorganism communities, and for the avian and fisheries communities living within the nearshore tableland, slopes and ravines and nearshore in-lake habitat.

- The property to the south of Centennial and Elder Lane Parks recently removed the entire natural bluff area, replacing it with concrete, steel pilings and stone.

- The Winnetka Park District's current proposal on the bluffs of Centennial Park is to extensively remove and pave a great deal more of this important bluff habitat for a poorly designed equipment access road running diagonally across the steep slope. This same road is to be used for ADA access, although it has **not been properly** vetted to meet ADA standards to date.

    1. Contrary to the Winnetka Park District statement in recent PR pieces that their plan is State of the Art for shoreline protection, **this is not the case**. It is an older technology.

    2. Their plan exacerbates the ecological functioning of the steep slope land intersecting with the shoreline for the floristic and faunal communities. Hardening the steep slope interface between the land and waters is not a healthy option from the already impacted Lake Michigan coast, and this in turn, affects the Great Lakes ecosystem and hydrology as a whole.

- There are other options, ones far more studied and advanced scientifically, than those under consideration in the Winnetka Park District's proposal before you:

1. The NOAA (National Oceanic Atmospheric Association) Basin studies of offshore islands designed with natural underwater habitat within their footings is an example. 22 of these islands have recently been installed offshore of Illinois Beach State Park after years of careful study by federal, state, regional and binational agencies.

2. We should have in hand the Winnetka portion of the bathymetrics of our entire shoreline prior to advancing proposed infrastructures on our bluffs and out into the lakebed.

3. Locally, regionally, nationally and internationally we **ARE** a part of the Bi-National Great Lakes Watershed. We need to set high standards in all of our remediations and renovations within our local holdings. The Winnetka Shoreline IS part of this BIG picture.

Thank you for your thoughtful and studied consideration of data and documents presented to you this evening regarding the Permit Request of the Winnetka Park District for Centennial Park.

David Schoon

From: Kris Schriesheim <[redacted]>
Sent: Wednesday, October 16, 2024 10:09 AM
To: David Schoon; Robert Bahan; Ann Klaassen
Subject: 10/14/24 ZBA remarks—please provide to ZBA members

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Download Attachment
Available until Nov 15, 2024

Good morning:
Would you please include my remarks and supporting documentation with ZBA members for its next meeting, along with the following additional comments:

1. WPD has publicly stated twice that it expects Centennial beach patrons to wade through the waters of Lake Michigan in order to reach a bathroom. Not only is this unsafe, as well as impossible for parents/caregivers with children and/or physically challenged individuals, threatening public health and creating a public nuisance, it also would likely constitute an OSHA violation. Please see attached OSHA interpretation in the context of WPD's expectation that employees would have to enter the waters of the Great Lakes in order to reach a bathroom during their shifts.

2. On a personal note I would add that the 8% pitch of WPD's pathway would be really hard for most people pushing wheelchairs with anyone heavier than a young child, whether going up or down the path. The steep pitch would also be challenging for parents/babysitters/caregivers/grandparents pulling wagons or pushing strollers up and down the path, particularly given the path's length.

3. The plan's use of steps as the only means of accessing the dog beach makes that area inaccessible—why would WPD do this?

4. This and other egregious flaws are the result of WPD's concessions to private input into the Elder and Centennial plans' overall designs.

Thank you.
Kris Schriesheim

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ZBAInformation.pdf
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Sent from my iPad

TO: VILLAGE OF WINNETKA ZBA

FROM: KRISTINE SCHRIESHEIM

RE: WPD CENTENNIAL PLAN VIOLATES THE CODE'S REQUIREMENTS FOR VARIANCE APPROVAL

DATE: OCTOBER 14, 2024

I. WPD'S MISREPRESENTATION THAT CENTENNIAL'S THREE-SIDED FENCING PLAN MEETS COOK COUNTY'S FOUR-SIDED FENCING REQUIREMENT IS A THREAT TO PUBLIC MORALS

2. **WPD's Centennial Plan materially departs from what is reasonably necessary for a dog or human beach, threatening:**

1. Public health (NO BATHROOMS)

2. Safety (RIP TIDES, SITE LINES BLOCKED, HARDER TO CARRY OUT RESCUES)

3. Welfare (PIERS/BREAKWATERS INCREASE DROWNING RISKS, CREATE STRUCTURAL CURRENTS, PLAN LACKS MODERN SAFETY MEASURES LIKE PIER CLOSURES DURING STORMS, ROBOT RESCUES).

3. **Baird required changes to 205 Sheridan's Shoreline Protection System's Original Site Line Impact ranging from 5-7.8 feet, based on limited views, blocked access and impaired rescue access.**

WPD's proposed Centennial plan includes a 10.5' barrier, massive fenced off breakwaters/pier that are bigger than 205 Sheridan's, with blocked views, impaired public access and impacting rescues—similarly public nuisances and a threat to health/safe/welfare.

4. U.S. ARMY CORPS OF ENGINEERS WARNS OF DANGERS FROM PIERS AND BREAKWATERS:

1. WEATHER CONDITIONS MAY KNOCK/WASH PEOPLE INTO THE WATER

2. DANGERS INCLUDE SLICK SURFACES, JAGGED/SHARP EDGES,STRUCTURAL CURRENTS

3. SEVERE RISK OF GETTING WEDGED BETWEEN ARMOR STONES OR SLAMMING INTO THEM

4. FALLING & JUMPING OFF STRUCTURES: GRIM DANGERS- DEATH AND SERIOUS INJURIES

5. GREAT LAKES WATER SAFETY CONSORTIUM DANGEROUS CURRENTS DISCUSSION

6. WPD PLAN LACKS LAKE MICHIGAN SAFETY MEASURES CURRENTLY IN PLACE AT OTHER PUBLIC BEACHES

1. DOUBLE RED FLAGS ONLINE WITH TEXT ALERTS
2. SAFETY LIGHT TOWERS CONNECTED TO NWS
3. WEBSITE LINK TO NWS RIP CURRENT FORECASTS
4. LIFESAVING ROBOT E.M.I.L.Y.
5. EDUCATION/TRAINING ON RIP CURRENTS
6. SIGNS+BARRIERS CLOSING OFF PIERS+ENFORCEMENT

TO: VILLAGE OF WINNETKA ZBA

FROM: KRISTINE SCHRIESHEIM

RE: WPD CENTENNIAL PLAN VIOLATES THE CODE'S REQUIREMENTS FOR VARIANCE APPROVAL

DATE: OCTOBER 14, 2024

ATTACHMENTS 1-6

I. WPD'S MISREPRESENTATION THAT CENTENNIAL'S THREE-SIDED FENCING PLAN MEETS COOK COUNTY'S FOUR-SIDED FENCING REQUIREMENT IS A THREAT TO PUBLIC MORALS

Title 9

Public Peace, Morals and Welfare


LAKE MICHIGAN'S WATERS ≠ A FENCE/BARRIER

After Cook County passed Dog Park regulations in 2004, WPD resolved never to establish a "Dog Park" in Winnetka because of the regulations' four-sided fencing requirement.

Cook County allows "Dog Friendly Areas" ("DFA") on Lake Michigan, with health/vaccination requirements but without fencing. Centennial Park meets DFA requirements.

This post was contributed by a community member. The views expressed here are the author's own.

Sports

Suburban Stadiums: Centennial Park's Dog Beach

Pass holders can unleash their canines to dig, roam and frolic in the lakefront sand.

Ross Jacobson, Neighbor

Posted Wed, Aug 3, 2011 at 12:23 am CTUpdated Thu, Aug 4, 2011 at 12:19 pm CT





CENTENNIAL PARK'S DOG BEACH

must purchase a season dog pass, which cost $30 for residents and $160 for nonresidents. The pass opens a locked gate, allowing access to the dog park along Lake Michigan.

The procedure was implemented in the summer of 2005 because of new regulations by Cook County. Owners now have to prove that their dogs have been immunized, have a village-issued tag and have been tested for rabies before a season pass can be purchased.

The Park District distinguishes between Centennial Park and the dog beach. While dogs are allowed to roam at the beach, they must remain leashed in the park at 225 Sheridan Rd.

"We investigated putting in a dog park, but to put up a permanent fence on any park would be difficult," Volpe said.

Because of its status as the Winnetka Park District's only dog beach and the fact that so many dog owners walk their pets through the park to the beach, Volpe doesn't schedule any events or programs in the area. They keep the park open and allow dogs to have their space.

Before the Cook County rules came into effect, the Park District did hold an annual dog party along the beach for a couple years.

Volpe says the dog beach has been widely successful as sales of more than 300 passes occur each summer to owners, whose current access is valid through March 31.

* An official website of the City of Chicago Here's how you know

Get the new, updated COVID-19 and flu vaccines. They're safe, effective, and can be taken together. Learn more at Chicago.gov/COVIDVax.

Dog Friendly Area (DFA) Frequently Asked Questions

1. **Question: What is the permit and tag fee?**
   Answer: The permit and tag fee is a total of $5.00

2. **Question: How long is a permit and tag good for?**
   Answer: Any permit and registration tag will be valid only for a single season no matter when purchased. A single season is defined as the period running from January 1st of any year through December 31st of the same year.

3. **Question: Will there be a sliding scale for seniors or visitors?**
   Answer: There will not be a sliding scale. Visitors must follow the same procedures for obtaining a permit and tag.

4. **Question: Where can I get a permit and tag?**
   Answer: Permits and tags will only be available at participating Chicagoland veterinary offices. If you are an out-of-state resident you must also contact one of the participating Chicagoland veterinary offices to determine what paperwork is necessary to obtain the permit and tag. Most of these veterinarians will help those whose own vets are not participating. You should call them first to confirm that they will assist you and to determine how much they charge for an office visit.

5. **Question: When can I get a permit and tag?**
   Answer: Permits and tags will be available at participating Chicago veterinary offices beginning February 1st, 2006.

Supporting Information Facts

Department:

Animal Care and Control

People We Serve:

Residents

Families

6. **Question: Will there be visitor or day passes?**
   Answer: There are no visitor or day passes. Any visitor wishing to bring their pet to a Chicago Park District Dog Friendly Area must follow the same procedures for obtaining a permit and tag.

7. **Question: What are the permit requirements?**
   Answer: Pursuant to regulations under the new Cook County Ordinance, dog owners must show proof of:

   a. Current dog license issued by the City of Chicago, or proof that the dog has a current rabies vaccination.

   b. Examination within the past year for any communicable diseases including an examination of a stool specimen for internal parasites.

   c. Current vaccination or titer if possible for Distemper, Hepatitis, Para-influenza, Parvovirus, and Bordatella (kennel cough) unless an exemption to this requirement has been granted by the Administrator upon the written recommendation from the Owner's veterinarian.

8. **Question: Who will enforce the rules and regulations?**
   Answer: The Cook County Department of Animal and Rabies Control will enforce DFA rules and regulations and issue tickets to violators.

   Violators, along with the Chicago Park District, will face a possible fine of $500. Dog owners must carry their permits at all times when attending DFAs. Each DFA will have a sign posted at the entrance stating all DFA rules and regulations.

9. **Question: What happens if I lose my permit or tag?**
   Answer: If a patron loses their dog tag or permit, they must reapply for a permit and tag for a $5.00 fee with a participating Chicagoland veterinarian.

10. **Question: Why do I need a permit and tag for my dog to enter a DFA?**
    Answer: Pursuant to a regulation issued by the Administrator of the Cook County Department of Animal and Rabies Control, all dogs entering a DFA must have a permit and registration tag from a licensed veterinarian. People bring dogs into a Chicago Park District DFA must have both a permit with them and a registration tag for each dog. The registration tag must be on the dog's collar or harness. The permit and registration tag may be used at any officially sanctioned Chicago Park District DFA.

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2. **WPD's Centennial Plan materially departs from what is reasonably necessary for a dog or human beach, threatening:**

1. Public health (NO BATHROOMS)

2. Safety (RIP TIDES, SITE LINES BLOCKED, HARDER TO CARRY OUT RESCUES)

3. Welfare (PIERS/BREAKWATERS INCREASE DROWNING RISKS, CREATE STRUCTURAL CURRENTS, PLAN LACKS MODERN SAFETY MEASURES LIKE PIER CLOSURES DURING STORMS, ROBOT RESCUES).

#42 CONTINUED

4. WPD LIFEGUARDS ARE NOT PROFESSIONALS—THEY ARE LARGELY HIGH SCHOOL AND COLLEGE STUDENTS WHOSE OWN WELFARE WOULD BE THREATENED BY ATTEMPTING RESCUES IN MORE DANGEROUS, PIER/BREAKWATER IMPACTED WATERS OF LAKE MICHIGAN.

Section 9.16.010 Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village or within the police jurisdiction of the Village.

(Prior code § 12.01)

Section 9.16.020 Public nuisances defined.

A. General. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
2. In any way render the public insecure in life or in the use of property; or
3. Greatly offend the public morals or decency; or
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

B. Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection A of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
2. Carcasses of animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed or which create a fire hazard;
4. All stagnant water in which mosquitoes, flies or other insects can multiply;
5. Garbage cans which are not fly-tight;
6. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits in such quantities as to endanger the health of persons of ordinary sensibilities, or any act in violation of the Illinois Environmental Protection Act (415 ILCS 5/1, et seq.);
7. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, industrial wastes or other substances; or any act in violation of the Illinois Environmental Protection Act;
8. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of persons within the Village;
9. All abandoned wells not securely covered or secured from public use;
10. Any barn, stable or shed used for keeping animals;

1 item available


252'
NOT MINIMALLY NECESSARY
PROPOSED SAND OUTLINE
125'


NNETKA ALLIANCE
SHORELINE ACCESS & PROTECTION
NOT REASONABLY NECESSARY
PHOTOGRAPH
CURRENT PLAN OVERL



Nathan Blue Skies @NathanKelly90 · 2h

Imploring everyone in Winnetka to go take a dump on the billionaire's private beach.

> Chicago Tribune @chicagotribune · 4h
>
> The Winnetka Park District's plan to improve Centennial beach does not call for washroom facilities. So visitors seeking a toilet will be directed to wade into Lake Michigan to avoid the private beachfront property owned by billionaire Justin Ishbia. trib.al/wv1Fppu

1 32



Molly @mollyfleck · 3h

After living pretty much my entire adult life in Chicago and Sydney, two places that ban private ownership of the shoreline, I firmly believe private beaches on large bodies of water should be outlawed. Beaches are for the people!

> Chicago Tribune @chicagotribune · 4h
>
> The Winnetka Park District's plan to improve Centennial beach does not call for washroom facilities. So visitors seeking a toilet will be directed to wade into Lake Michigan to avoid the private beachfront



Dr. Jeanne Beckman @DrJeanneBeckman · 7h

Hey Winnetka

Have you considered restoring Winnetka as a shining historical star? Newport, RI can show you the way with their public access Cliff Walk. Winnetka Park District considering making beachgoers walk in the lake to avoid walking on giveaway beach



No bathrooms planned for Winnetka's Centennial Beach; plans for two beaches continue

From chicagotribune.com



Chris @carlcicahn1 · 3h

people will end up wading into Lake Michigan to use the bathroom, but I think not in the way the park district is intending...

9 123



AndrewMFC @LiarOfOrpheus · 3h

Or, we can just use the private lakefront property owned by billionaire Justin Ishbia as the restroom. Problem solved.

6 86



Charles Ross Pearson @charles_preset · 32m

Michigan solved this with having the “highwater mark,” as the limit of public access within reason. Illinois should follow suit.

8



Robert A. Koch 🚀🎈 💥 @RobertAKoch001 · 2h

Pee and poop in the rich guy's water?

Are they trying to get him to donate a bathing facility for the beach?

44

3. **Baird required changes to 205 Sheridan's Shoreline Protection System's Original Site Line Impact ranging from 5-7.8 feet, based on limited views, blocked access and impaired rescue access.**

WPD's proposed Centennial plan includes a 10.5' barrier, massive fenced off breakwaters/pier that are bigger than 205 Sheridan's, with blocked views, impaired public access and impacting rescues—similarly public nuisances and a threat to health/safe/welfare.

205 Sheridan Rd

Table 1: Changes to the Height of North Stone Groin in Response to Permit Reviews

Approx. distance from toe of bluff	Elevation of sand north of existing groin (NAVD88) [1]	Original Crest Elevation (NAVD88)	Original Site Line Impact		Permit Review 2 Revision - Proposed Crest Elevation (NAVD88)	Permit Review 2 Revision - Site Line Impact		Final Revised Crest Elevation (NAVD88)	Final Site Line Impact
0 ft	586 ft	591 ft	5 ft		589 ft	3 ft		588 ft	2 ft
40 ft	582 ft	591 ft	9 ft		589 ft	7 ft		586 ft	4 ft
70 ft	579 ft	587 ft	7.8 ft [2]		587 ft	7.8 ft [2]		586 ft	6.8 ft [2]
100 ft	577 ft	587 ft	7.8 ft [2]		587 ft	7.8 ft [2]		586 ft	6.8 ft [2]

[1] The elevations provided for comparison are existing sand elevations according to the permit plans. The Permittee is expected to place sand north of the proposed North Stone Groin where sand is expected to accrete post-construction, which will reduce the site line impact.
[2] The Site Line Impact calculation for in-water sections of the groin is height above long-term average lake level (579.18 ft NAVD88).



2022 Elder Lane + Centennial Development Plan with Park District



IDNR Permit Submittal for 205 Sheridan Rd. Proposed Project - March, 2023



Approved 205 Sheridan Rd. Proposed Project - September, 2023

*All depicted elements are to scale

4. U.S. ARMY CORPS OF ENGINEERS WARNS OF DANGERS FROM PIERS AND BREAKWATERS:

1. WEATHER CONDITIONS MAY KNOCK/WASH PEOPLE INTO THE WATER

2. DANGERS INCLUDE SLICK SURFACES, JAGGED/SHARP EDGES,STRUCTURAL CURRENTS

3. SEVERE RISK OF GETTING WEDGED BETWEEN ARMOR STONES OR SLAMMING INTO THEM

4. FALLING & JUMPING OFF STRUCTURES: GRIM DANGERS- DEATH AND SERIOUS INJURIES

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(615) 736-7161

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412-395-7502

News Release Archive

News Releases

Stay off piers, breakwaters during high winds, storms, wave action

DETROIT DISTRICT
Published Oct. 30, 2018

PRINT | E-MAIL

DETROIT – The U.S. Army Corps of Engineers, Detroit District, strongly urges people to use caution around breakwaters, piers or jetties in the Great Lakes and to adhere to posted warning signs. Do not swim near or jump off any structure, the life you save may be your own.

Most accidents and incidents near harbor structures occur during the turbulent weather season from late August through December. The lakeshore attracts local residents and visitors alike. Visitors may not be aware of the powerful impacts that high winds and storms can bring to the shoreline and harbor structures. Weather conditions during this time can cause waves to wash over the top of structures, creating slippery surfaces and enough force to knock a person off and into the water. Even low waves washing over a person's feet can knock them down and cause a situation where they are unable to react. All of these factors combine to make a trip to the breakwater a risky proposition.

It's beautiful, but dangerous. Fishermen, swimmers, nature lovers and sightseers all love the beauty and pleasure of walking on a breakwater. Although the structures were primarily built for ship navigation, they are also often used for recreation. It is imperative that users know the risks and responsibilities to safely use them. The beauty and majesty of the waves crashing and spraying against the breakwaters, piers and jetties mask the hazards. Harbor structures pose various dangers: slick surfaces, jagged and sharp edges, structural currents, as well as large rocks hidden beneath the water's surface.

Designed for protection. Breakwaters are designed to reduce wave action in channels and harbors. These structures can withstand over 50 years of pounding waves, several feet of piled ice and even an occasional ship collision. Their design hides their robust nature. Just like an iceberg, most of a breakwater is below water and the pleasant view above the water disguises the danger below.

Hazards below. Enormous armor stones, quarried rock buttressing the pier or breakwater, provide support for the structure's steel and concrete, and are hidden beneath the waves. Individually, these rocks weigh between one and 40 tons. Danger is always present regardless of the water level, but low water makes the situation more dangerous, as the rock is closer to the surface. There is severe risk of getting wedged between armor stones or slamming into them should an individual fall or jump into the water.

Water Dangers. While many victims who have fallen or jumped off these structures were said to have been very good swimmers, the reality of past statistics paint a sad picture. In 2018 so far, there have been 102 drownings in the Great Lakes. Though not all of these drownings occurred at harbor structures, it is a grim reminder of the risks and dangers that are present when in and around water.

Rip currents, structural currents, and cold water shock are a common cause of drowning. Rip currents are fast-moving, narrow currents of water that flow away from shore. Structural currents can occur at fixed structures such as breakwaters and piers, and flow away from shore parallel to the structure. Cold water temperatures can also be very

- 2024 (141)
- 2023 (174)
- 2022 (159)
- 2021 (104)
- 2020 (52)
- 2019 (22)
- 2018 (71)
- 2016 (3)
- 2014 (1)

dangerous. Becoming suddenly immersed in cold water (60°F degrees and colder) can cause cold water shock during the first minute of exposure. Cold water shock causes gasping and difficulty in breathing, followed by muscle failure, all of which can lead to drowning.

Stay Safe. For more information on water and pier safety, the Great Lakes Beach & Pier Safety Task Force's video, "Respect the Power", is a great resource. Please contact the Director of Public Affairs for the Detroit District, Lynn Rose, at 313-226-4680, for more information.

Corps of Engineers
Breakwater Safety Precautions—
· Closely supervise your children
· Life jackets are recommended to be worn when on any structure
· Do not jump, dive off, or swim near structures
· Stay off structures during high winds or when waves are washing over them
· Avoid walking upon wet slippery areas
· Stay away from the edge
· Do not run or climb upon structures

Note: Local ordinances may prohibit swimming in navigational channels

-30-

Contact
Lynn Rose
313-226-4680
313-300-0662 (cell)
Lynn.M.Rose@usace.army.mil

Release no. 18-055

USACE | Detroit District | Public Service Message | safety | Caution | great lakes



Coastal Hazard Message
National Weather Service Chicago IL
949 AM CDT Sun Sep 1 2024

ILZ006-103-104-012300-
/O.CON.KLOT.BH.S.0014.000000T0000Z-240903T0000Z/
Lake IL-Northern Cook-Central Cook-
949 AM CDT Sun Sep 1 2024

...BEACH HAZARDS STATEMENT REMAINS IN EFFECT THROUGH MONDAY EVENING...

* WHAT.. Life threatening waves and currents occurring at Lake Michigan beaches.

* WHERE...Lake IL, Northern Cook and Central Cook Counties.

* WHEN...From 7 AM CDT this morning through Monday evening.

* IMPACTS.. Swimming conditions will be life threatening, especially for inexperienced swimmers. For information on swim advisories or bans at Chicago beaches: www. cpdbeaches. com.

PRECAUTIONARY/PREPAREDNESS ACTIONS...

Remain out of the water to avoid dangerous swimming conditions and do not venture out onto piers, jetties, breakwalls, or other shoreline structures.

&&


ın City - Pier @ 2024-Sep-01 11:33 CDT



LAKE MICHIGAN

Water safety in sharp focus after multiple Lake Michigan drownings in recent days

At least three people are believed to have died in tragedies on Lake Michigan in recent days

By NBC Chicago Staff •
Published June 17, 2024 •
Updated on June 17, 2024 at 4:22 pm

A series of tragedies on Lake Michigan this week, with multiple victims drowning and experts offering tips to stay safe as hot weather sends people toward the water.

Trending Stories



CHICAGO

Will the Northern Lights be visible again tonight? Latest chances for Chicago area

One of the tragedies occurred near Montrose Beach when a 16-year-old boy died after the raft he was riding on capsized, leading to a dramatic rescue of a 16-year-old girl that was with him.

"I heard somebody yelling help," Megan, who witnessed the incident, said. "It's traumatizing to see this and to see that happen is going to stick with me for quite some time."

In another incident, a 12-foot sailboat capsized a few miles off shore in suburban Winnetka. Authorities say a woman, who was wearing a life vest, was where she called for help at approximately 2 a.m. Monday.

She told authorities that a 50-year-old woman was still missing, and the U.S. Coast Guard found her approximately a mile offshore. She was pronounced dead at the scene, according to Chicago Fire officials.

A third incident occurred Saturday when a 58-year-old man fell off a boat in Chicago's "playpen." He remains missing after several days of searching, according to authorities.



RECALLS
10 million pounds of meat, chicken sold nationwide at popular grocery stores, restaurants recalled



CHICAGO
Where can you see the Northern Lights again Friday? Here's a map of what to expect



CHICAGO WEATHER
La Niña latest: New forecast released by NOAA and what it means for Chicago winter



HOLIDAYS
What is open, closed on Columbus Day and Indigenous Peoples Day? Full list

5 CHICAGO LOCAL WEATHER VIDEO INVESTIGATIONS

On Monday afternoon, yet another incident occurred at Montrose Beach, where a man and woman went into the water in a no-swimming area. A woman was pulled from the water, with a Good Samaritan performing CPR until authorities arrived.

Local



DAYLIGHT SAVING TIME • 1 MIN AGO

Daylight saving time: Doctor...



SKOKIE • 2 MINS AGO

School bus crashes into...

She was resuscitated and taken to an area hospital in fair condition, while the man was treated and released at the scene.

According to Dave Benjamin, cofounder of the Great Lakes Surf Rescue Project, these incidents become more common as the weather gets warmer.

"If it's warm and it's windy and there are waves on a weekend, we're going to have a higher increase in drowning incidents," he said.

Weather Forecast

CHICAGO, IL

Temperatures in the Chicago area will exceed 90 degrees for most of the week, with heat indices approaching 100 degrees at times.



Residents seek out relief on the water, but Benjamin warns that most fatalities involve victims not wearing lifejackets, and that approximately 50% of boating fatalities are alcohol-related. He advises residents to be sure to wear proper lifejackets and to abstain from drinking when out on the water.

"Imagine trying to put your seatbelt on during a car crash," he said. "It's the same thing if you're trying to put on a life jacket during boating incident or water emergency, it's going to be very difficult."

He also urges residents to be careful when they witness a water emergency.

"Most people assume that knowing how to swim is water safety," he said. "Water safety is knowing a survival strategy."

That strategy involves using the best possible methods to save someone, and that doesn't always involve diving into the water.

Subscribe to our Newsletters

"If someone is struggling in water over their head, what we recommend is flip, float, follow," he said. "If you see someone struggling in the water, call 911, alert a lifeguard, reach something to that person or throw something that floats. It's dangerous to enter water to rescue someone."

He even says that the fact water is colder than air can play a role in turning a scary situation into a tragedy.

"Generally if someone is wearing life jacket and it turns into fatal drowning incident its generally associated with cold water, it can cause hypothermia," he said. "Even though it's warmer air temps we have cold water temps so hypothermia can be a contributing factor."

This article tagged under:

LAKE MICHIGAN

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PRIVACY POLICY

Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, E

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

CLAYTON SCHERB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 2023 L 008053
	)	
WINNETKA PARK DISTRICT,	)	
	)	
Defendant,	)	**JURY TRIAL DEMANDED**

FIRST AMENDED COMPLAINT AT LAW

NOW COMES the Plaintiff, CLAYTON SCHERB, by and through his attorneys, HURLEY, MCKENNA & MERTZ, P.C., complaining of the defendant, WINNETKA PARK DISTRICT, and states as follows:

1. On or about August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT, was a Municipal Corporation duly licensed and existing under the laws of the State of Illinois.

2. On or about August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT owned, operated, managed, maintained and controlled a beach on Lake Michigan commonly known as Lloyd Beach, in the City of Winnetka, County of Cook, and State of Illinois.

3. On or about August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT owned, operated, managed, maintained and controlled a boat launch at Lloyd Beach, in the City of Winnetka, County of Cook, and State of Illinois.

4. On or about August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT owned, operated, managed, maintained and controlled a concrete pier on the northwest and northeast borders of its boat launch at Lloyd Beach.

5. On or about August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT owned, operated, managed, maintained and controlled a fence or barrier at the perimeter of its concrete pier on the northwest and northeast borders of its boat launch at Lloyd Beach.

6. On August 28, 2022, and at all times material, MATTHEW BARTON, in his position as defendant's Lakefront Manager, acted as the agent and employee of defendant WINNETKA PARK DISTRICT in the operation, management, maintenance and control of defendant's lakefront, including but not limited to the boat launch at Lloyd Beach.

7. On August 28, 2022, and at all times material, PETER ROBERTS acted as the agent and employee of defendant WINNETKA PARK DISTRICT in the operation, management, maintenance and control of defendant's boat launch at Lloyd Beach.

8. On August 28, 2022, Plaintiff, CLAYTON SCHERB, was lawfully on defendant WINNETKA PARK DISTRICT's concrete pier at its boat launch at its Lloyd Beach.

9. In the summer of 2022, CLAYTON SCHERB worked at the boat launch at Lloyd Beach as a Boat Launch and Beach Attendant.

10. Defendant WINNETKA PARK DISTRICT has acknowledged that on August 28, 2022, at all times relevant hereto, CLAYTON SCHERB was not acting within the scope of any employment with defendant WINNETKA PARK DISTRICT, and therefore, was not an employee or agent of defendant WINNETKA PARK DISTRICT.

11. Throughout the summer of 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and

PETER ROBERTS, created an unsafe atmosphere at defendant's boat launch at Lloyd beach where it instructed, coordinated, arranged, encouraged, supervised, praised, and rewarded those on the premises to participate in dangerous acts and dangerous activities.

12. Throughout the summer of 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, instructed, coordinated, arranged, encouraged, supervised, praised, and rewarded persons on the premises, including CLAYTON SCHERB, to surf when conditions were unsafe for surfing, to use the golf cart to pull persons on wake boards up the boat ramp, to ride said jet skis when conditions were unsafe to ride jet skis, and to use defendant's equipment to video record persons race the golf cart down the hill, slam on the brakes, and try to spin out without tipping.

13. Throughout the summer of 2002, defendant WINNETKA PARK DISTRICT accumulated skateboards at its boat launch at Lloyd Beach.

14. Throughout the summer of 2002, people brought skateboards to defendant WINNETKA PARK DISTRICT's boat launch at Lloyd Beach and left said skateboards on the premises.

15. Throughout the summer of 2002, WINNETKA PARK DISTRICT treated the skateboards left at the boat launch at Lloyd Beach as the property of the WINNETKA PARK DISTRICT.

16. Throughout the summer of 2002, WINNETKA PARK DISTRICT, by and through its agents and employees, including MATTHEW BARTON and PETER ROBERTS, provided its aforementioned skateboards for the use by persons on the premises, on the concrete and wood piers of defendant WINNETKA PARK DISTRICT's boat launch at Lloyd Beach.

17. Throughout the summer of 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, intended and permitted persons on the premises to ride skateboards throughout the boat ramp at Lloyd Beach, including upon the wooden and concrete piers.

18. For several weeks prior to August 28, 2022, on dozens of occasions, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, provided the skateboard at issue to persons to ride on the concrete pier of defendant's boat launch at Lloyd Beach.

19. For several weeks prior to August 28, 2022, on dozens of occasions, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, instructed, coordinated, arranged, encouraged, supervised, praised, and rewarded persons to ride the skateboard at issue in this case on the concrete pier of defendant's boat launch at Lloyd Beach.

20. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, instructed persons on the premises to remove defendant's fence from the perimeter of its concrete pier at its boat launch at Lloyd Beach.

21. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, instructed persons on the premises, including CLAYTON SCHERB, to ride a skateboard across defendant's concrete pier and into the water of Lake Michigan.

22. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, coordinated persons on the premises, including CLAYTON SCHERB as they

attempted to ride a skateboard across defendant's concrete pier and into the water of Lake Michigan.

23. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, arranged for persons on the premises, including CLAYTON SCHERB to ride a skateboard across defendant's concrete pier and into the water of Lake Michigan.

24. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, encouraged persons on the premises, including CLAYTON SCHERB to ride a skateboard across defendant's concrete pier and into the water of Lake Michigan.

25. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, supervised persons on the premises, including CLAYTON SCHERB riding a skateboard across defendant's concrete pier and into the water of Lake Michigan.

26. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, praised persons on the premises, including CLAYTON SCHERB for riding a skateboard across defendant's concrete pier and into the water of Lake Michigan.

27. On August 28, 2022, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, rewarded persons on the premises, including CLAYTON SCHERB for riding a skateboard across defendant's concrete pier and into the water of Lake Michigan.

28. On August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW

BARTON and PETER ROBERTS, by its removal of its fence, and by its instruction, coordination, arrangement, encouragement, supervision, praise, and reward, intended that plaintiff CLAYTON SCHERB would ride a skateboard across its concrete pier and into the water of Lake Michigan.

29. On August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, by its removal of its fence, and by its instruction, coordination, arrangement, encouragement, supervision, praise, and reward, permitted plaintiff CLAYTON SCHERB to ride a skateboard across its concrete pier and into the water of Lake Michigan.

30. On August 28, 2022, pursuant to the instruction, coordination, arrangement, encouragement, supervision, praise, and reward by defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, CLAYTON SHERB placed his hat and shirt into a golf cart on the concrete pier, that at the time MATTHEW BARTON occupied, and proceeded to ride the skateboard supplied by defendant WINNETKA PARK DISTRICT, as instructed by defendant WINNETKA PARK DISTRICT.

31. On August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT knew the water surrounding its pier was too shallow to accommodate persons descending from its pier.

32. On or about August 28, 2022, and at all times material, Defendant, WINNETKA PARK DISTRICT, individually and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, knew that by instructing, coordinating, arranging, encouraging, supervising, praising, and/or rewarding persons to and for riding a

skateboard across its concrete pier and into the water of Lake Michigan, said persons would be unaware that the water surrounding its pier was too shallow to accommodate persons descending from the pier.

33. On August 28, 2022, and at all times material, defendant WINNETKA PARK DISTRICT, individually and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, knew that instructing, coordinating, arranging, encouraging, supervising, praising, and/or rewarding persons to and for riding a skateboard across its concrete pier and into the water of Lake Michigan was extremely dangerous.

34. The aforementioned actions by defendant WINNETKA PARK DISTRICT, individually, and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, constitute willful and wanton conduct and they acted recklessly and with utter indifference to or a conscious disregard for the safety of others, including plaintiff CLAYTON SCHERB.

35. On August 28, 2022, pursuant to the instruction and encouragement of defendant WINNETKA PARK DISTRICT, by and through its agents and employees, including but not limited to MATTHEW BARTON and PETER ROBERTS, plaintiff CLAYTON SCHERB attempted to ride a skateboard across defendant's concrete pier and into the water of Lake Michigan.

36. On August 28, 2022, the skateboard stopped abruptly, causing CLAYTON SCHERB to flip and descend head-first into the water below, and strike his head, causing plaintiff CLAYTON SCHERB to suffer extreme injuries, including a spinal cord injury.

37. On or about August 28, 2022, and at all times material, it was the duty of the Defendant, WINNETKA PARK DISTRICT, to refrain from acting recklessly or with utter indifference to or a conscious disregard for the safety of others during the ownership, operation,

management, maintenance and control of its skateboard and of its the concrete pier at its boat launch at Lloyd Beach, in order to avoid causing injury to persons lawfully present, including plaintiff, CLAYTON SCHERB.

38. On and before August 28, 2022, and at all times material, it was the duty of the Defendant, WINNETKA PARK DISTRICT, once it placed, or authorized the placement of the aforementioned fence, to maintain said condition in a safe and/or non-negligent manner.

39. On or about August 28, 2022, and at all times material, Defendant WINNETKA PARK DISTRICT, breached its duties in one or more of the following respects:

a. Willfully and wantonly removed the fence at the perimeter of its concrete pier;

b. Willfully and wantonly caused the removal of the fence at the perimeter of its concrete pier;

c. Willfully and wantonly instructed plaintiff to ride a skateboard across its concrete pier and into the water of Lake Michigan;

d. Willfully and wantonly coordinated plaintiff to ride a skateboard across its concrete pier and into the water of Lake Michigan;

e. Willfully and wantonly arranged for plaintiff to ride a skateboard across its concrete pier and into the water of Lake Michigan;

f. Willfully and wantonly encouraged plaintiff to ride a skateboard across its concrete pier and into the water of Lake Michigan;

g. Willfully and wantonly supervised plaintiff ride a skateboard across its concrete pier and into the water of Lake Michigan;

h. Willfully and wantonly praised plaintiff for riding a skateboard across its concrete pier and into the water of Lake Michigan;

i. Willfully and wantonly rewarded plaintiff for riding a skateboard across its concrete pier and into the water of Lake Michigan;

j. Willfully and wantonly failed to warn the plaintiff that the water surrounding its pier was too shallow to accommodate persons descending from the pier; and

k. Willfully and wantonly improperly maintained its property and premises.

40. As a direct and proximate result of one or more of the aforesaid willful and wanton acts or omissions of the Defendant, WINNETKA PARK DISTRICT, the Plaintiff, CLAYTON SCHERB, suffered severe injuries of a personal and pecuniary nature, including but not limited to a severe and permanent spinal cord injury, paralysis, the reasonable expense of necessary medical care and services, wage loss, pain and suffering, loss of a normal life, disability and disfigurement.

WHEREFORE, Plaintiff CLAYTON SCHERB prays for judgement against the Defendant, WINNETKA PARK DISTRICT, a Municipal Corporation, for a sum in excess of FIFTY THOUSAND ($50,000.00) DOLLARS, plus costs.

Respectfully submitted,

/s/ Michael T. Mertz
Michael T. Metz

HURLEY MCKENNA & MERTZ, PC
Attorneys for the Plaintiff
20 S. Clark Street, Suite 2250
Chicago, IL 60603
312-553-1900
Atty. No. 41267

5. GREAT LAKES WATER SAFETY CONSORTIUM DANGEROUS CURRENTS DISCUSSION

Sea Grant MICHIGAN



Dangerous currents and breaking waves are common in the Great Lakes region. Rip currents and other currents found near piers are extremely dangerous for swimmers and can lead to drownings. Michigan Sea Grant is a proud member of the Great Lakes Water Safety Consortium, a group dedicated to promoting water safety and ending drowning in the region. Learn more about the consortium in the information box on this page.

Rip Currents

The Great Lakes may not have tides, but they can still experience strong currents. Terms like "rip currents," "rip tides," and "undertows" are often used to describe different types of hazards in the Great Lakes. However, the most accurate term for them is "dangerous currents."

The Science of Currents

Currents in the Great Lakes can form from any

Great Lakes Water Safety Consortium (GLWSC)

The GLWSC is a community of best practice that aims to help people safely enjoy the Great Lakes, with a long-term vision of ending drowning. The community brings together water enthusiasts, first responders, community leaders, park rangers,

combination of wind, waves, bottom formation, beach slope, water temperature, man-made structures, and natural outlets. For example, during rip currents, the water "piles up" between a sandbar and the beach. It has to find a way back out to sea.

After the pressure builds up, the water creates a pathway and gushes from the shore back out to open water. That's a rip current: a narrow but powerful stream of water and sand moving (ripping) swiftly away from shore. Rip currents vary in size and speed and can be found on many beaches every day.

In the Great Lakes, there are permanent currents and variable currents. Permanent currents are always found in certain locations — and only vary in strength. For example, strong currents are always present along piers and breakwalls, and they can be found where rivers and streams empty into the lake.

Other currents can be more variable, dependent upon the bathymetry (shape of the lake bottom) and the wind and wave conditions. The location and strength of variable currents is difficult to predict, but check the National Weather Service's Great Lakes Beach Hazard page for up-to-date warnings during the swimming season.

research scientists, lifeguards, meteorologists, drowning survivors, parents and loved ones of drowning victims, and other water safety advocates.

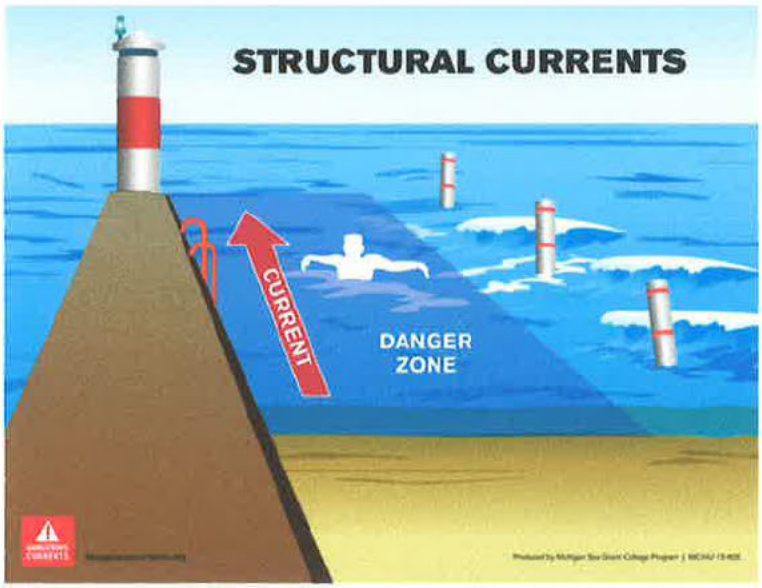
LEARN MORE

En Español

LEE MÁS

Beach Signs

A limited supply of beach safety signs is available free of charge from the Michigan Coastal Management Program. These signs are for use



Structural Currents

While it can be difficult to predict when and where most currents will occur, the opposite is true for structural currents. The currents found alongside or as a result of structures like piers and breakwalls — called structural currents — are usually always present. Structural currents are dangerous on their own, but when paired with others like longshore or rip currents, the combination can create a washing machine effect, moving the swimmer from one dangerous current area to another with no clear path to safety.

Avoid jumping off or swimming near piers. The currents found along these structures are often dangerously strong.

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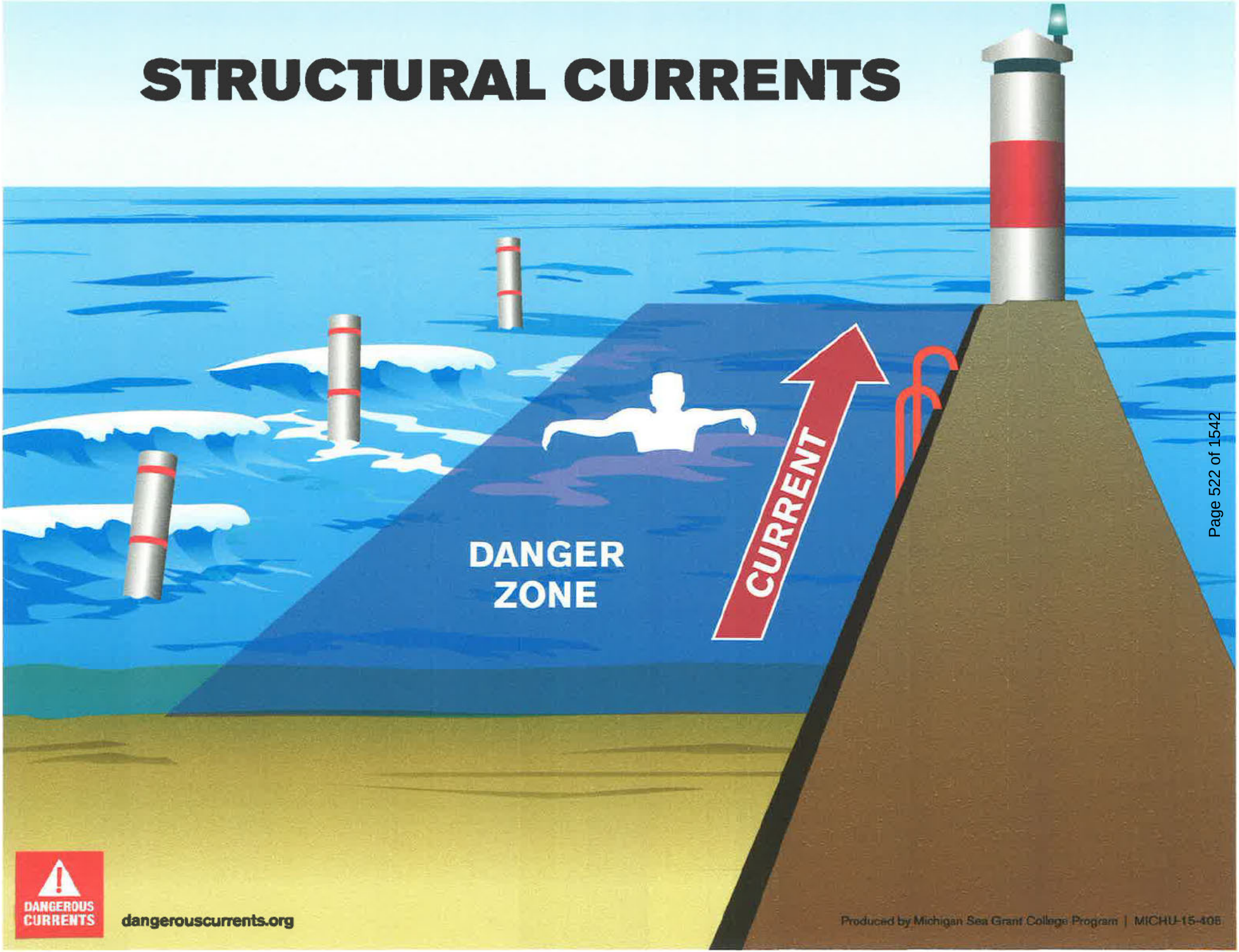
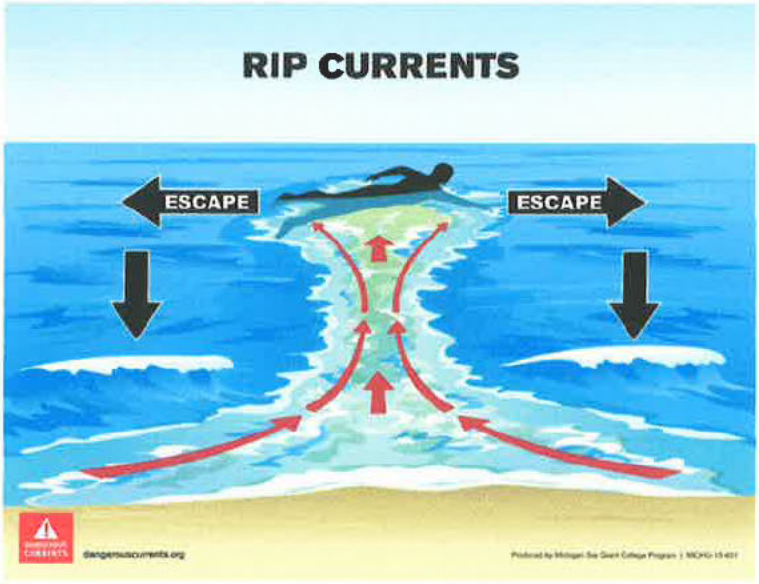
STRUCTURAL CURRENTS





Rip Currents

Rip currents form when waves break over a sandbar near the shoreline and the water and its momentum get trapped between sandbar and shore. When the water and the momentum build up, the water has to go somewhere. One of the ways the pressure is relieved is when water returns to the lake in the form of a rip current, a narrow but powerful stream of water and sand moving (ripping) swiftly away from shore. Rip currents that vary in size and speed can be found on many beaches every day.

Rip currents will not pull a swimmer under the water. Instead, it will carry them out to the open water, away from shore.

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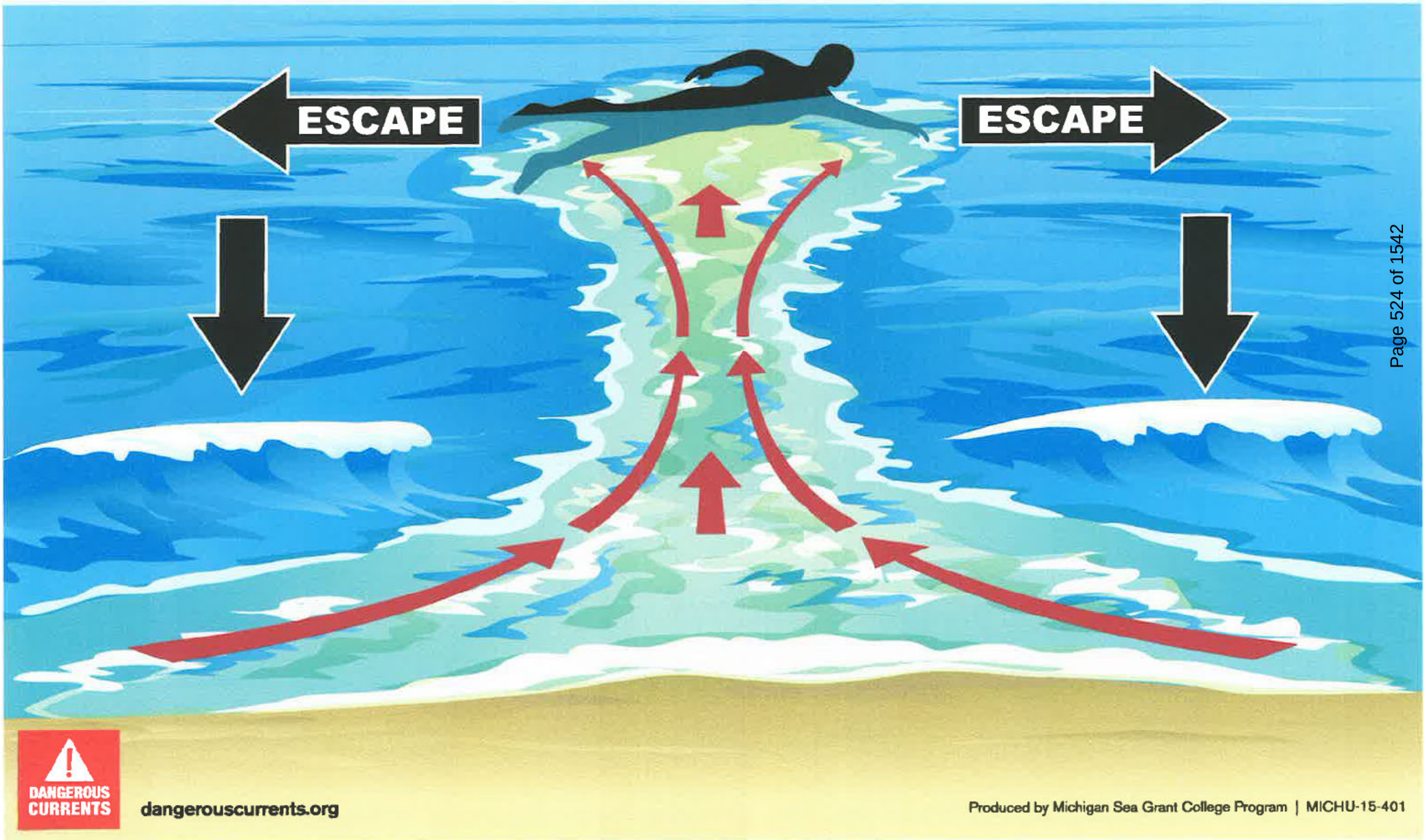
RIP CURRENTS



6. WPD PLAN LACKS LAKE MICHIGAN SAFETY MEASURES CURRENTLY IN PLACE AT OTHER PUBLIC BEACHES

1. DOUBLE RED FLAGS ONLINE WITH TEXT ALERTS
2. SAFETY LIGHT TOWERS CONNECTED TO NWS
3. WEBSITE LINK TO NWS RIP CURRENT FORECASTS
4. LIFESAVING ROBOT E.M.I.L.Y.
5. EDUCATION/TRAINING ON RIP CURRENTS
6. SIGNS+BARRIERS CLOSING OFF PIERS+ENFORCEMENT

A "No Lifeguard On Duty" warning sign that also talks about water safety and rip currents at Olive Shores an Ottawa County park in Port Sheldon Twp., Michigan on Thursday, Aug. 10, 2023. (Joel Bissell | MLive.com) Joel Bissell | MLive.com

South Haven and other communities have instituted beach flag warning systems to alert people when officials see conditions becoming dangerous.

Related: What do new double red flags mean at Great Lakes beaches?

People who ignore the warnings are putting their lives — and the lives of rescuers — at risk, Hosier said.

"Beachgoers must take responsibility for their actions and do their part to stay safe," Hosier said. "This means understanding the flag system and their personal limitations and staying out of the water when conditions are unsafe."

People can now see South Haven's beach warning flag status online and sign up for text alerts.

Grand Haven's warning system is more high tech, with safety light towers that are connected to the National Weather Service.

Another innovation is from NWS, which allows visitors to look at rip current forecasts before heading to the beach to avoid weather-related trouble. Rip currents can occur even on nice and sunny days, per the NWS.

Still, critics of warning systems say they're only as good as the information that updates them. People must watch and evaluate the weather and water to update the warning status, Benjamin said.

Lifesaving technology

Drones, robots, beach traffic lights and text alerts represent some new examples of the technology used on Michigan beaches to curb tragic water-related deaths.

The new technology comes with a financial cost and requires training. Wind and other weather can cause challenges for some of the technology — for example, a drone that aims to launch a flotation device from the sky to struggling swimmers below can be hindered by wind.

Safety advocates say tools, like lifesaving robot E.M.I.L.Y. (Emergency Integrated Lifesaving Lanyard), work best when paired with an established lifeguard program.

The E.M.I.L.Y. robots, coming to Lake Michigan beaches through a private donation, can be remotely directed to struggling swimmers, so they have something to hold onto. But they are not designed to bring a swimmer back

to shore, Benjamin said.

RELATED: Parents of couple who drowned in Lake Michigan use life insurance money to buy beach safety robots

The robots can help rescuers on shore by getting help to a struggling swimmer quickly.

"If they are 50 to 100 yards offshore and there's waves and they get caught in a rip current, this will absolutely get there faster," Benjamin said.

E.M.I.L.Y. is a remote-controlled water device that can be sent out to help save people in the water. The device is coming to the shores of Lake Michigan after a donation to Berrien County. (Courtesy | Hydronalix)

Education and training

Berrien County Sheriff Chuck Heit is encouraged to see the number of drownings down in the Great Lakes and also locally.

To target drownings, Berrien County has been doing more education on things like rip currents.

Training instructs people not to fight if they're stuck in a rip current, but to float instead, the sheriff said.

In South Haven, there's a team called the South Haven Area Emergency Services who get water rescue training, Hosier said.

The city is also expanding its beach enforcement attendant program this year, adding more attendants on beaches from 9 a.m. to 9 p.m. every day.

City employees monitor the water conditions so they can update the beach warning flags, warning flag website and text alert system, Hosier said. Attendants educate beachgoers about the flag system, swim area and other beach rules. They are sworn code enforcement officials who may write tickets for entering a closed swim area or closed pier.

"The education on water safety and beach rules by staff, combined with enforcement, have been very successful," Hosier said.

More lifeguards?

Like the waves constantly lapping at the shore of South Haven, there's no end in sight for the debate over beach safety.

Some safety advocates have keyed in on the importance of having lifeguards. Benjamin, for example, said establishing a lifeguard program should be the top priority for every beach.

"If you have a parking lot and you charge for parking, then you should have a lifeguard program," Benjamin said.

After some public pressure, the South Haven City Council has taken a step toward bringing back lifeguards, more than 20 years since a previous program disbanded. The issue has been named a top priority for the city this year, although it will take time to get a program launched.

In Berrien County, municipal beaches in New Buffalo and St. Joseph already have lifeguards.

Heit believes the "watchful eyes" of lifeguards make a difference.

He sees how different facets of beach safety can come together to help prevent drownings — with lifeguards, education, technology and more.

"Lifeguards will give direction and intervene if something happens," Heit said.

Hosier said television shows like "Baywatch" left us with inaccurate impressions of the role of lifeguards.

"Lifeguards are on duty primarily to prevent bad behaviors," Hosier said. "For example, they might move people who are swimming too close to the pier or intervene when children are playing too roughly. Rescue operations are a secondary function."

So for any system to work, all efforts must be coordinated and collaborative, she said.

"Some community advocates seem to think that lifeguards are a silver bullet," Hosier said. "But they are only one part of the system."

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Most Popular Stories by **Brad Devereaux**



The sun sets behind the South Haven pier on Tuesday, March 28, 2023. (Garret Ellison | MLive)

By Brad Devereaux | bdeverea@mlive.com

SOUTH HAVEN, MI -- The good news: Lake Michigan drownings were down in 2023 — both on Michigan shores and in other states.

The bad news: Dozens of people still die from drowning every year in Lake Michigan, which is consistently the deadliest of the Great Lakes.

In 2023, 85 people drowned in the Great Lakes, according to unofficial tallies kept by a beach safety advocacy group. That's fewer drownings than any of the last seven years.

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Weekends were particularly rainy, too, when beaches are typically at their fullest.

From June 10 to Aug. 6, six of the nine weekends had at least 0.15 inches of rain — and often more.

So how about something humans can control?

Local and state laws

New rules in communities along the lakeshore are also helping, officials say.

South Haven instituted changes in 2022, allowing the city to close its piers during unsafe conditions and ticket people who won't obey. Piers create strong underwater currents, per the Michigan DNR.

The state also passed a new law making it illegal to go into the water under dangerous conditions, as denoted by a flag warning system.

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MLive Media Group



The rules only work when people follow them.

It's disappointing when visitors ignore decisions from local leaders meant to increase beach safety, Hosier said.



South Haven's ordinance allows the city to close the pier and ticket people who don't obey the closure. (Brad Devereaux | bdeverea@mlive.com)

To address that, the city is working with a contractor to have permanent pier gates installed this summer, Hosier said.

Warning systems

Another warning to watch for: signals alerting people about conditions of the water.

Signage up and down Lake Michigan beaches warn people of hazards like rip currents. An increased number of life vest stations also offer free access to loaner floatation devices.

- **Standard Number:** 1910.141(c)(1)(i)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at https://www.osha.gov.

April 6, 1998

MEMORANDUM FOR: REGIONAL ADMININSTRATORS
STATE DESIGNEES

FROM:	JOHN B. MILES, JR., Director Directorate of Compliance Programs
SUBJECT:	Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities

OSHA's sanitation standard for general industry, 29 CFR 1910.141(c)(l)(i), requires employers to provide their employees with toilet facilities:

> Except as otherwise indicated in this paragraph (c)(l)(i), **toliet facilities**, in toilet rooms separate for each sex **shall be provided** in all places of employment in accordance with Table J-1 of this section .... [emphasis added]

This memorandum explains OSHA's interpretation that this standard requires employers to make toilet facilities available so that employees can use them when they need to do so. The employer may not impose unreasonable restrictions on employee use of the facilities. OSHA believes this requirement is implicit in the language of the standard and has not previously seen a need to address it more explicitly. Recently, however, OSHA has received requests for clarification of this point and has decided to issue this memorandum to explain its position clearly.

Background

The sanitation standard is intended to ensure that employers provide employees with sanitary and available toilet facilities, so that employees will not suffer the adverse health

effects that can result if toilets are not available when employees need them. Individuals vary significantly in the frequency with which they need to urinate and defecate, with pregnant women, women with stress incontinence, and men with prostatic hypertrophy needing to urinate more frequently. Increased frequency of voiding may also be caused by various medications, by environmental factors such as cold, and by high fluid intake, which may be necessary for individuals working in a hot environment. Diet, medication use, and medical condition are among the factors that can affect the frequency of defecation.

Medical studies show the importance of regular urination, with women generally needing to void more frequently than men. Adverse health effects that may result from voluntary urinary retention include increased frequency of urinary tract infections (UTIs), which can lead to more serious infections and, in rare situations, renal damage (see, e.g., Nielsen, A. Waite, W., "Epidemiology of Infrequent Voiding and Associated Symptoms," Scand J Urol Nephrol Supplement 157). UTIs during pregnancy have been associated with low birthweight babies, who are at risk for additional health problems compared to normal weight infants (see, Naeye, R.L., "Causes of the Excess Rates of Perinatal Mortality and the Prematurity in Pregnancies Complicated by Maternity Urinary Tract Infections," New England J. Medicine 1979; 300(15); 819-823). Medical evidence also shows that health problems, including constipation, abdominal pain, diverticuli, and hemorrhoids, can result if individuals delay defecation (see National Institutes of Health (NJH) Publication No. 95-2754, July 1995).

OSHA's field sanitation standard for Agriculture, 29 CFR 1928.110, based its requirement that toilets for farmworkers be located no more than a quarter mile from the location where employees are working on similar findings. This is particularly significant because the field sanitation standard arose out of the only OSHA rulemaking to address explicitly the question of worker need for prompt access to toilet facilities.

The Sanitation Standard

The language and structure of the general industry sanitation standard reflect the Agency's intent that employees be able to use toilet facilities promptly. The standard requires that toilet facilities be "provided" in every workplace. The most basic meaning of "provide" is "make available." See ***Webster's New World Dictionary, Third College Edition***, 1988, defining "provide" as "to make available; to supply (someone with something);" **Borton Inc. V. OSHRC**, 734 F.2d 508, 510 (l0th Cir. 1984) (usual meaning of provide is "to furnish, supply, or make available"); **Usery v. Kennecott Copper Corp**., 577 F.2d 1113, 1119 (10th Cir, 1978) (same); **Secretary v. Baker Concrete Constr. Co.,** 17 OSH Cas. (BNA) 1236, 1239 (concurring opinion; collecting cases); **Contractors Welding of Western New York, Inc.,** 15 OSH Cas. (BNA) 1249, 1250 (same).[1] Toilets that employees are not allowed to use for extended periods cannot be said to be "available" to those employees. Similarly, a clear intent of the requirement in Table J-1 that adequate numbers of toilets be provided for the size of the workforce is to assure that employees will not have to wait in long lines to use those facilities. Timely access is the goal of the standard.

The quoted provision of the standard is followed immediately by a paragraph stating that the toilet provision does not apply to mobile work crews or to locations that are normally unattended, "provided the employees working at these locations have transportation immediately available to nearby toilet facilities which meet the other requirements" of the standard (29 CFR 1910.141(c)(1)(ii) (emphasis supplied). Thus employees who are members of mobile crews, or who work at normally unattended locations must be able to leave their work location "immediately" for a "nearby" toilet facility. This provision was obviously intended to provide these employees with protection equivalent to that the general provision provides to to employees at fixed worksites. Read together, the two provisions make clear that all employees must have prompt access to toilet facilities.

OSHA has also made this point clear in a number of letters it has issued since the standard was promulgated. For example, in March 1976, OSHA explained to Aeroil Products

Company that it would not necessarily violate the standard by having a small single-story building with no toilet facilities separated by 90 feet of pavement from a building that had the required facilities, so long as the employees in the smaller building had "unobstructed free access to the toilet facilities." Later that year, it explained again, in response to a question about toilet facilities at a U-Haul site, "reasonableness in evaluating the availability of sanitary facilities will be the rule." Again in 1983, OSHA responded to a request for a clarification of the standard by stating, "([i]f an employer provides the required toilet facilities ... and provides unobstructed free access to them, it appears the intent of the standard would be met."

In light of the standard's purpose of protecting employees from the hazards created when toilets are not available, it is clear that the standard requires employers to allow employees prompt access to sanitary facilities. Restrictions on access must be reasonable, and may not cause extended delays. For example, a number of employers have instituted signal or relief worker systems for employees working on assembly lines or in other jobs where any employee's absence, even for the brief time it takes to go to the bathroom, would be disruptive. Under these systems, an employee who needs to use the bathroom gives some sort of a signal so that another employee may provide relief while the first employee is away from the work station. As long as there are sufficient relief workers to assure that employees need not wait an unreasonably long time to use the bathroom, OSHA believes that these systems comply with the standard.

Citation Policy

Employee complaints of restrictions on toilet facility use should be evaluated on a case-by-case basis to determine whether the restrictions are reasonable. Careful consideration must be given to the nature of the restriction, including the length of time that employees

are required to delay bathroom use, and the employer's explanation for the restriction. In addition, the investigation should examine whether restrictions are general policy or arise only in particular circumstances or with particular supervisors, whether the employer policy recognizes individual medical needs, whether employees have reported adverse health effects, and the frequency with which employees are denied permission to use the toilet facilities. Knowledge of these factors is important not only to determine whether a citation will be issued, but also to decide how any violation will be characterized.

It is important that a uniform approach be taken by all OSHA offices with respect to the interpretation of OSHA's general industry sanitation standard, specifically with regard to the issue of employee use of toilet facilities. Proposed citations for violations of this standard must be forwarded to the Directorate of Compliance Programs (DCP) for review and approval. DCP will consult with the Office of Occupational Medicine. DCP will approve citations if the employer's restrictions are clearly unreasonable, or otherwise not in compliance with the standard. ***(NOTE: See 08/11/00 Memorandum to RAs attached below.)*****---Added this note**

State Plan States are not required to issue their own interpretation in response to this policy, however they must ensure that State standards and their interpretations remain "at least as effective" as the Federal standard. Regional Administrators shall offer assistance to the States on this issue, including consultation with the Directorate of Compliance programs, at the State's request.

If you have any questions, contact Helen Rogers in the Office of General Industry Compliance at (202) 219-8031/41 x106.

Footnote(1) This decision was later vacated pursuant to a settlement, but the Commission has continued to cite it. **See Secretary v. Baker Concrete Constr. Co.,** supra. The issue in **Contractors Welding** and the other cited cases has been whether the meaning of the term "provide," in various standards requiring employers to provide certain equipment or other materials, is not limited to making something available, but may also mean that the employer must pay for what it provides and must require it to be used. Those broader meanings are not relevant to this issue, however, where the sanitary facilities the employer is required to provide are a physical part of its workplace, and the question is not whether employees must be required to use those facilities, but whether they will be allowed to do so. (Back to Text)

August 11, 2000---**Added this memo**

MEMORANDUM FOR:	REGIONAL ADMININSTRATORS
FROM:	RICHARD E. FAIRFAX, Director Directorate of Compliance Programs
SUBJECT:	Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities

On April 6, 1998 we issued an interpretation of 1910.141(c)(1)(i), which requires employers to make toilet facilities available so that employees can use them when they need to do so. A copy of that memorandum is attached.

The 1998 memorandum states that proposed citations for violations of this standard are to be forwarded to the Directorate of Compliance Programs (DCP) for review and approval. Shortly after the interpretation was issued, it was decided that the review and approval was to be at the Regional Office level, but that copies of any citations issued based on the April 6, 1998 interpretation should still be sent to DCP.

This topic continues to generate interest from the public. Early this year we had a Freedom of Information Act (FOIA) request for copies of citations issued. Therefore, please continue to send copies of any citations issued pursuant to the 1998 interpretation to the National Office. If you have any questions, please contact Helen Rogers at (202) 693-1850. The copies should be sent to the following address:

Richard E. Fairfax, Director
Directorate of Compliance Programs
U.S. Department of Labor - OSHA
200 Constitution Avenue, NW Room N-3603
Washington, DC 20210

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
1-800-321-OSHA
1-800-321-6742
www.osha.gov

FEDERAL GOVERNMENT

- White House
- Benefits.gov
- Coronavirus Resources
- Disaster Recovery Assistance
- DisasterAssistance.gov
- USA.gov
- Notification of EEO Violations
- No Fear Act Data
- U.S. Office of Special Counsel

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Sent via Regular Mail and Electronic Mail
May 31, 2023

Ms. Mary Garrison
350 Ridge Avenue
Winnetka, Illinois 60093

RE: Freedom of Information Act Request Received May 16, 2023

Dear Ms. Garrison:

The Winnetka Park District is in receipt of your Freedom of Information Act request and attachment dated May 16, 2023 in which you request the following via Exhibit "A" attached to your FOIA request:

1. Please provide all documents, inclusive of drafts, and communications relative "to the area by the north breakwater that will be licensed to John Edwardson for 20 years," as described in the March 11, 2021 Minutes of Closed Meeting of the WPD that have been released to the public.

2. Please provide all communications to/from John Edwardson or his representatives dealing with construction of a stone breakwater on the northern boundary of Elder Lane Beach, inclusive but without limitation of Mr. Edwardson sharing in the cost of the breakwater, between the years of 1/1/2019 to current date.

3. Please provide all documents and communications that relate to or describe the 13 requests made by Mr. Edwardson or his representative to the WPD associated with his facilitation toward the purchase of 261 Sheridan as referenced in the May 14, 2020 Minutes of Closed Meeting of the WPD that have been released to the public.

4. Please provide all documents and communications associated with Mr. Edwardson or his representatives' view that "a 225 foot breakwater at Elder *[was]* is critical to the commitment," and that without the breakwater the deal would not go through as described in the June 11, 2020 Minutes of Closed Meeting of the WPD that have been released to the public.

5. Please provide all documents and communications to/from John Edwardson or his representatives requiring that Shabica & Associates be involved in the planning, design or construction of a breakwater at Elder Lane Beach.

6. Please provide all documents and communications to/from John Edwardson or his representatives dealing with the relocation of the Elder Lane stormwater pipe.

7. Please provide a copy of the "10 talking points that are available to Board Members to be used for any third-party conversations to maintain consistency," as set forth in the last paragraph on page 1 of the August 27, 2020 Minutes of Closed Meeting of the WPD released to the public.

8. Please provide a copy of the illustration shared by Commissioner James to explain the "mid, min or max" approaches in working with Mr. Edwardson concerning Elder Lane Beach as referenced in the September 10, 2020 Minutes of Closed Meeting of the WPD released to the public.

9. Please provide a copy of the slide presented by Commissioner James "to display the property lines along with groin and breakwater placement to explain the Elder layout," as set forth in the November 19, 2020 Minutes of Closed Meeting of the WPD.

The Park District grants your request in part and denies your request in part. Your request is granted for the records referenced immediately below. The number in parenthesis at the end of each item refers to the paragraph number of your request to which the document is responsive. There are no documents responsive to paragraphs 1, 5, 6, 8 or 9.

1. 20210722 Overall Plan (2)
2. 20210722 Updated Elder Centennial Plan – North Breakwater Overall Plan (2)
3. Emails:
    a. Draft things to do list (6).
    b. Elder Centennial Feasibility Study as of January 18, 2021 (2).
    c. Elder Centennial Plans (2).
    d. Final Talking Points (7).
    e. Good Afternoon John Edwardson (3), (4)
    f. Good News to Share (2), (6),
    g. John Edwardson signed letter of support (2)
    h. Letter of Authorization – Elder Lane Park and Beach Breakwater Construction (2).
    i. Letter of Authorization – Elder Lane Park and Beach Breakwater Construction (2).
    j. Winnetka Park District – Sale of a portion of Elder Park (3), (4).

Certain records sought by your request are exempt from disclosure pursuant to FOIA 7(1)(f) and 7(1)(m), specifically:

1. Emails and memoranda between the Park District's legal counsel and the Board President, the Executive Director and/or other park commissioners.
2. Emails and memoranda between and among employees and commissioners of the District.

3. Emails and memoranda between and among executive employees of the District and District's legal counsel.

The foregoing records are exempt pursuant to FOIA Sections 7(1)(f) and 7(1)(m). FOIA Section 7(1)(f) allows withholding of "[p]reliminary drafts, notes, recommendations, memoranda, or other documents in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body... ". FOIA Section 7(1)(m) permits a public body to withhold "[c]ommunications between a public body and an attorney or auditor representing a public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of criminal, civil or administrative proceedings upon request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies." The records referenced in paragraphs 1-3 immediately above, fall within each of these statutory exemptions and are exempt from disclosure.

Specifically, these records are exempt from disclosure pursuant to FOIA Section 7(1)(f) because (1) they include the expression of opinions, statements, and thoughts about a potential project that has not been approved by the Park District and is still under consideration; (2) they reveal negotiating strategy for a transactions that are still ongoing; and (3) they have not been publicly cited and identified by the head of the District. Illinois courts have determined this exemption to be the equivalent of the federal deliberative process exemption, which applies to predecisional materials used by a public body in its deliberative process. *Harwood v. McDonough*, 344 Ill.App.3d 242; 799 N.E.2d 859; 279 Ill.Dec. 56 (1st Dist., 2003). The records are "predecisional" materials that have been used by the District to formulate action. They include frank and open discussion among the Park District's employees and commissioners before a final decision is made, precisely the type of communication protected by Section 7(1)(f). *Watkins v. McCarthy,* App. 1 Dist.2012, 366 Ill.Dec. 650, 980 N.E.2d 733, Consistent with *Harwood* and *Watkins,* the records being withheld by the District are exempt under FOIA Section 7(1)(f) because they are part of and reflect the District's deliberative processes regarding a potential construction project which is not yet underway, and potential ongoing land transaction negotiations. The records are deliberative in the sense that they are actually related to the process by which policies are formulated. *Watkins, at* 743; *Harwood, at* 374-75.

Finally, the withheld records are exempt because disclosure of such documents would reveal confidential communications between the District and its legal counsel and would directly conflict with the protections of the attorney-client privilege. The information contained in these records is exempt from disclosure under FOIA Section 7(1)(a), and Illinois Supreme Court Rule 201(b)(2). 5 ILCS 7(1)(a). The Illinois Appellate Court's decision in *People ex rel. v. Ulrich v. Stukel*, 294 Ill.App.3d 193; 689 N.E.2d 319; 228 Ill.Dec. 447 (1st Dist. 1997) supports the

District's assertion that information pertaining to specific matters upon which the District consulted its attorneys is exempt from disclosure under FOIA. 294 Ill. App. 3d 193 (1st Dist. 1997).

The name of the person responsible for the above determination is the undersigned, one of the Park District's FOIA officers. You may ask the Illinois Attorney General's Public Access Counselor (PAC) to review this decision concerning your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within 60 days after this response. A request for Review by the PAC should be directed to:

Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, IL 62701
public.access@ilag.gov
1-877-299-FOIA

You also have the right to administrative review by a court of law pursuant to FOIA Section 11.

Sincerely,

[redacted]

John Peterson
Executive Director / FOIA Officer
Winnetka Park District

John Peterson

From: John Peterson
Sent: Wednesday, May 31, 2023 11:46 PM
To: 'mary garrison'
Cc: Steven Adams
Subject: Response to Freedom of Information Act request = Email No. 1
Attachments: M Garrison FOIA response letter 05 31 2023.docx

Good evening, Mary.

Please accept the following in response to your recent Freedom of Information Act request.

As a follow-up to our conversation earlier today:

a. Attached is a letter in response to your FOIA request;
b. Information will be forthcoming to respond to your FOIA request; and
c. Additional information will be forthcoming to respond to your FOIA request.

Thank you for your time and consideration.

Kind regards

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org

Sent via Regular Mail and Electronic Mail
May 31, 2023

Ms. Mary Garrison
350 Ridge Avenue
Winnetka, Illinois 60093

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Springfield, IL 62701
public.access@ilag.gov
1-877-299-FOIA

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Sincerely,

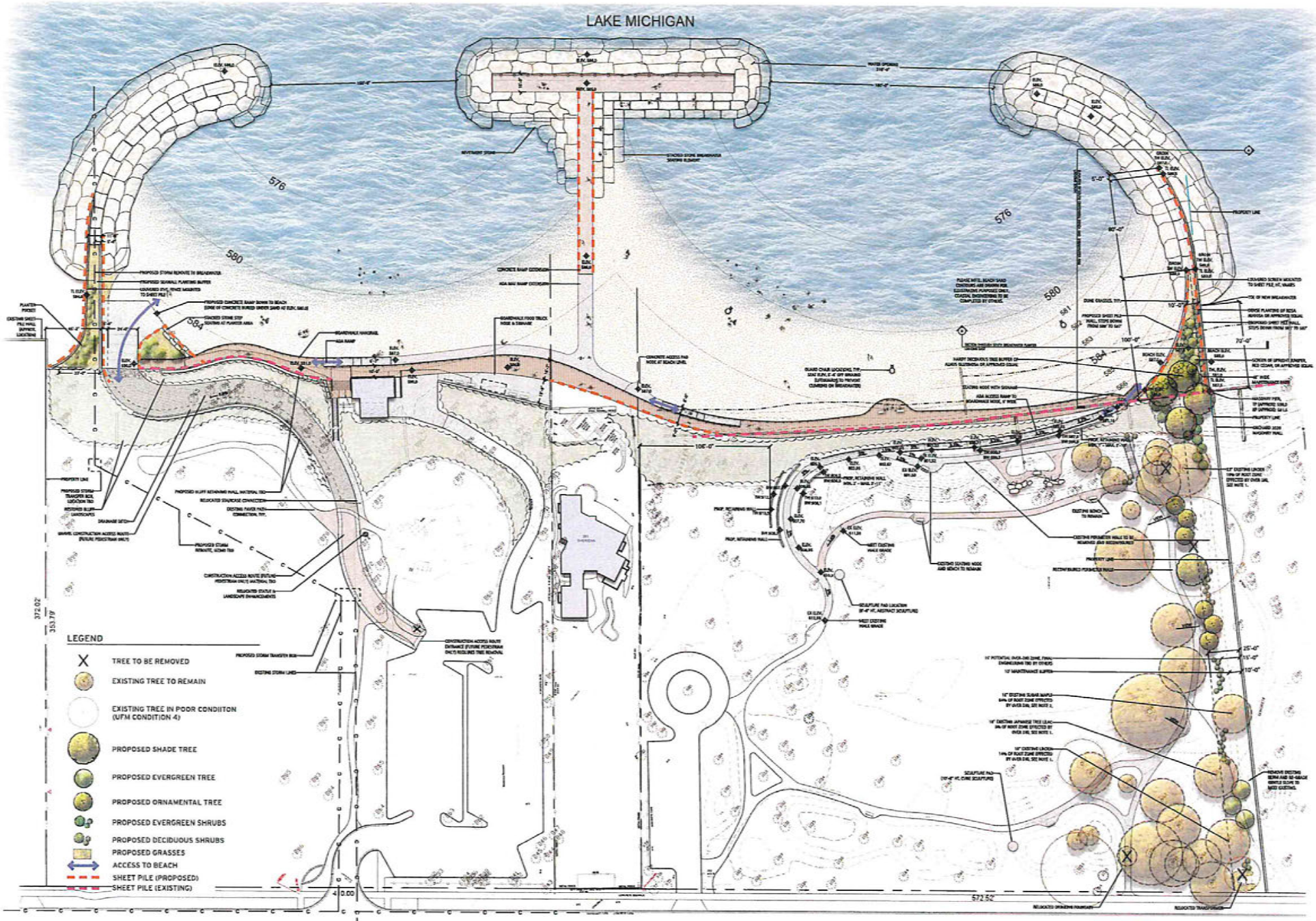
John Peterson

John Peterson
Executive Director / FOIA Officer
Winnetka Park District

John Peterson

From: John Peterson
Sent: Wednesday, May 31, 2023 11:49 PM
To: mary garrison
Cc: Steven Adams
Subject: Mary Garrison FOIA Response = Email No. 2
Attachments: 20210722 Updated Elder Centennial Plan -- north Breakwater Overall Plan 4883-5642-3015, v1.pdf; 20210722 Overall Plan 4889-3543-3319, v1.pdf

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org



NOTES

1. Existing trees where the critical root zone is impacted shall be root-pruned to the limits of the construction over-dig prior to any construction activities taking place. Trees over 20" dbh shall be canopy pruned as well to balance out the root pruning. All pruning shall be done by a certified arborist.

2. Where existing tree critical root zones are impacted greater than 1/4 of the total root zone of the trees, special digging provisions shall be made within the construction over-dig area so as not to damage roots. Methodologies such as air-spading for excavation or other methods as approved by a certified arborist shall be investigated. Trees shall also be treated with cambistat to offset the extensive pruning. In addition, the foundation wall along critical root zones shall be bridged over tree roots to protect them and allow for tree roots to pass underneath the wall without being severed. Bridging techniques to be investigated and shall be approved by a certified arborist.

ELDER/CENTENNIAL BEACH FEASIBILITY STUDY

FEASIBILTY STUDY | PRELIMINARY CONCEPT PLAN

WINNETKA, ILLINOIS

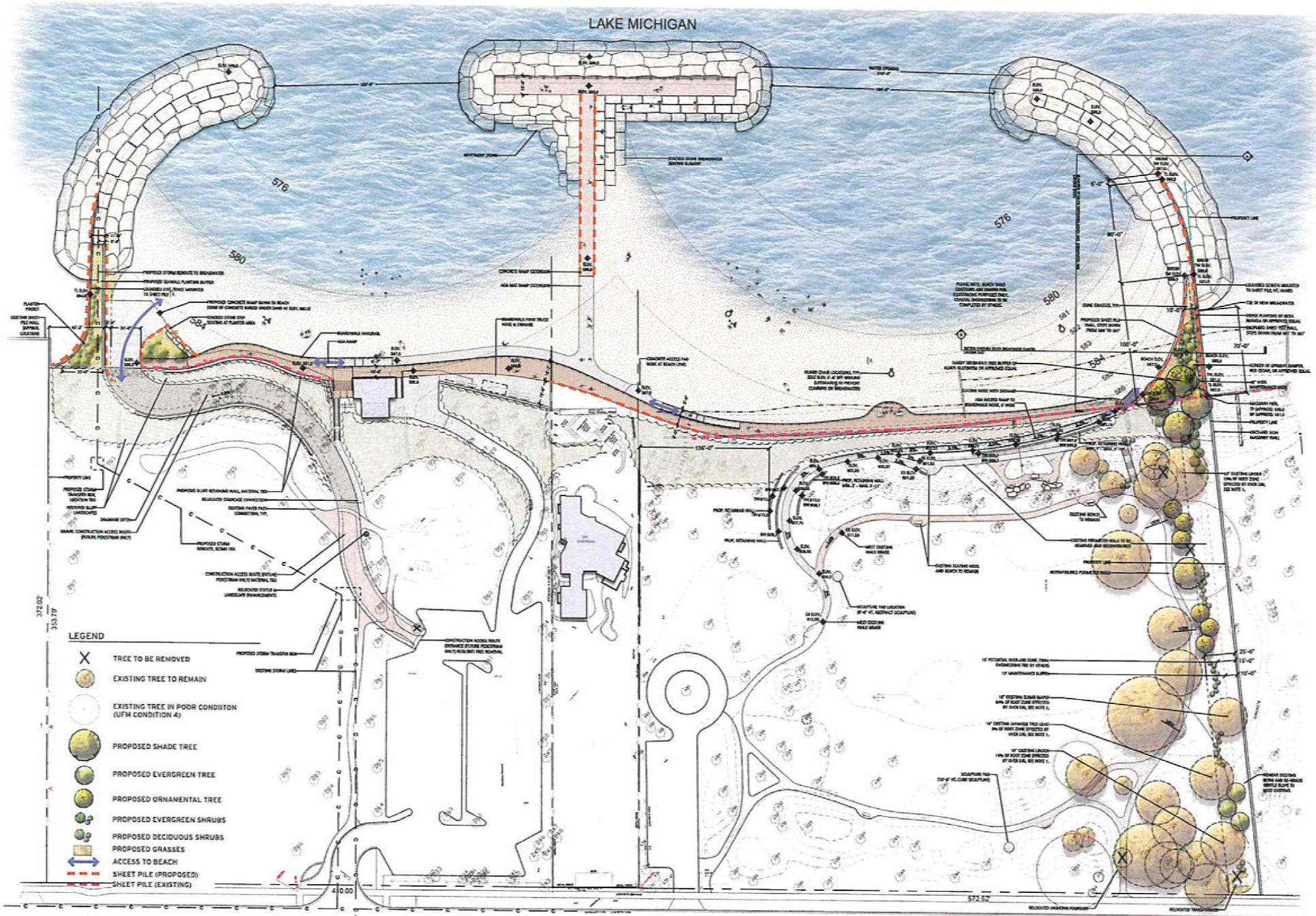
SCALE: 1"=20'

JULY 22, 2021

PROJECT TEAM:
SPACECO
CBBEL

PREPARED FOR:
WINNETKA PARK DISTRICT

THE LAKOTA GROUP.



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ELDER/CENTENNIAL BEACH FEASIBILITY STUDY

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WINNETKA, ILLINOIS

SCALE: 1"=20'

JULY 22, 2021

PROJECT TEAM:
SPACECO
CBBEL

PREPARED FOR:
WINNETKA PARK DISTRICT

THE LAKOTA GROUP.

John Peterson

From: John Peterson
Sent: Wednesday, May 31, 2023 11:51 PM
To: mary garrison
Cc: Steven Adams
Subject: FOIA response = Email No. 3
Attachments: Winnetka Park District Elder_Centennial Breakwater Louver Concept Renderings 4_27_21 4861-7820-2727, v1.pdf; FW: Winnetka Park District - Sale of a portion of Elder Park; FW: FINAL! Talking points - ; FW: Letter

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org



FIGURE 1: VIEW LOOKING SOUTHEAST FROM CENTENNIAL BEACH ACCESS POINT

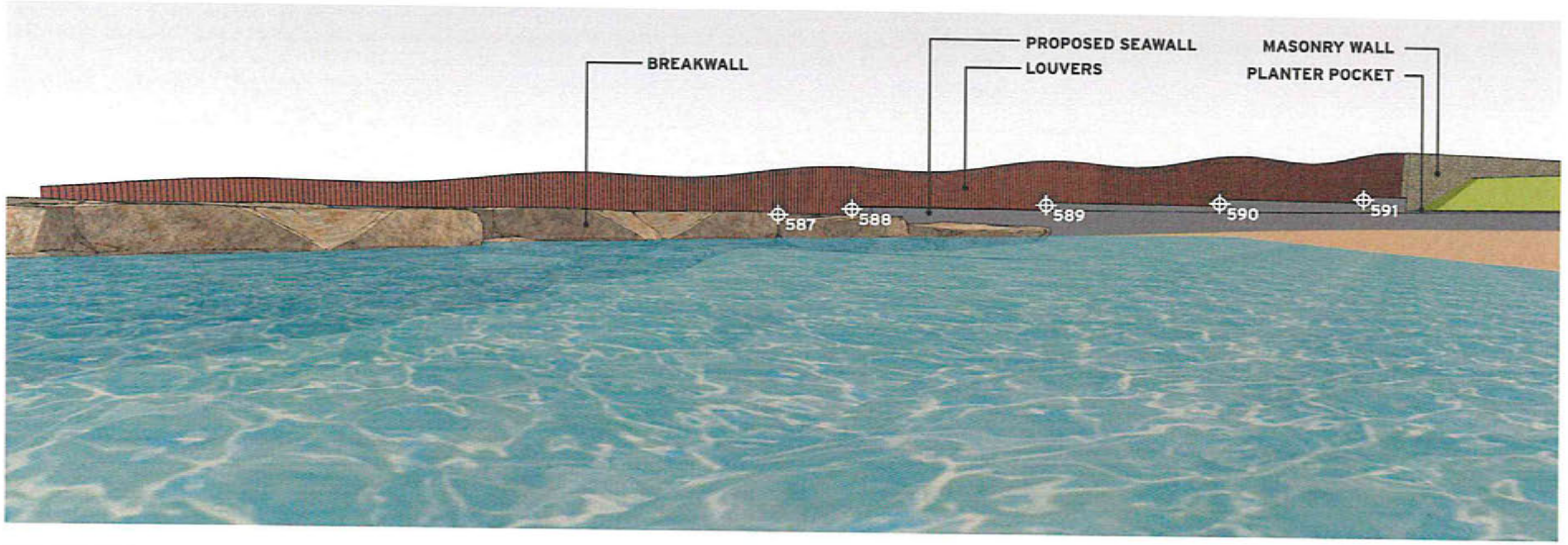

FIGURE 2: VIEW LOOKING SOUTH FROM CENTENNIAL BEACH

R/CENTENNIAL BREAKWATER SCREEN

OUTH BREAKWATER | LOUVER SCREEN

ETKA, ILLINOIS

APRIL 23, 2021

PREPARED FOR:
WINNETKA PARK DISTRICT

PROJECT TEAM:
SPACECO
CDDCL

DRAFT

THE LAKOTA GROUP.

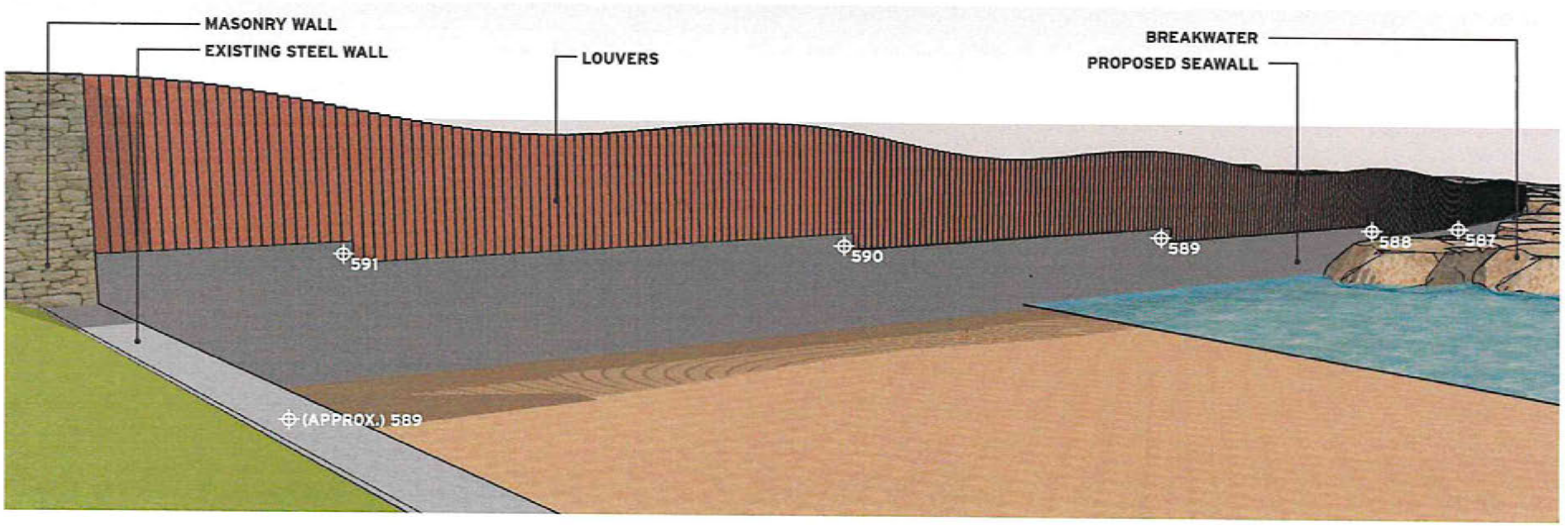

FIGURE 1: VIEW LOOKING NORTHEAST FROM ORCHARD 2020 BLUFF TOE

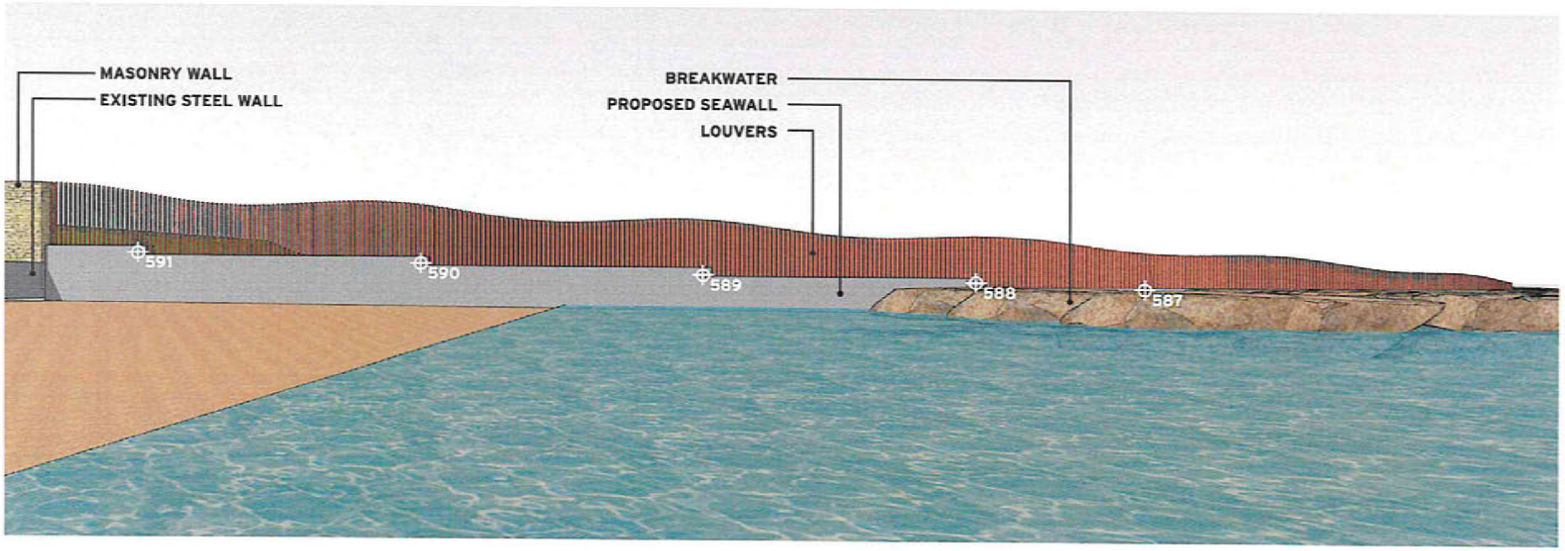

FIGURE 2: VIEW LOOKING NORTHWEST FROM ORCHARD 2020 BEACH

John Peterson

Subject: FW: Winnetka Park District - Sale of a portion of Elder Park

From: John Peterson <JPeterson@winpark.org>
Sent: Wednesday, May 31, 2023 2:17 PM
To: John Peterson <JPeterson@winpark.org>
Subject: FW: Winnetka Park District - Sale of a portion of Elder Park

From: Bruce Waldman <bwaldman@cshlegal.com>
Sent: Tuesday, June 30, 2020 11:22 AM
To: Steven Adams <sadams@robbins-schwartz.com>
Subject: RE: Winnetka Park District - Sale of a portion of Elder Park

Steve, unfortunately, the uncertainty of the "if and when" the park district will construct the breakwater is a deal killer for my client. My client tells me that the lake water level has gone up more than a foot since the discussions of this deal first began over 18 months ago. In his words, he's not going to buy a lot that disappears if the breakwater is not built. He's asked me to hold off from any further work at this time.

Let us know if the park district is able to make a firm commitment to constructing the breakwater by a date certain. Don't you think the $300,000 figure we proposed to put in a construction escrow would cover the cost? If not, we could allocate more of the price or donation to that project without changing the bottom line being paid by my client.

Isn't it to the benefit of both of our clients to make sure the breakwater is constructed as soon as possible?

Bruce J. Waldman
Cohen, Salk & Huvard, P.C.
630 Dundee Road, Suite 120
Northbrook, Illinois 60062

Direct: 847-480-7872
Fax: 847-480-7882
E-Mail: bwaldman@cshlegal.com
Web: www.cshlegal.com

Confidentiality/Privilege Notice:
This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. If you are not the intended recipient, please contact the sender and delete all copies of this email.

From: Steven Adams <sadams@robbins-schwartz.com>
Sent: Monday, June 29, 2020 10:21 AM
To: Bruce Waldman <bwaldman@cshlegal.com>
Cc: Steven Adams <sadams@robbins-schwartz.com>
Subject: RE: Winnetka Park District - Sale of a portion of Elder Park

Hi Bruce,

Below is the Park District's response to your latest installment on the issues under consideration. I have removed the colloquy for the questions where there appears to be agreement. The Park District's current responses are in large black bold font. As previously communicated, all of the Park District's comments and responses and the Park District's previously submitted draft agreement remain subject to final approval by the Board of Park Commissioners. Please call me if you want to discuss any of the points below.

1. OK.

2. OK.

3. I will send you a simple cash donation agreement for your consideration. OK, PLEASE SEND THE BLANK FORM OF AGREEMENT FOR OUR REVIEW. **Will send shortly.**

4. Does the Park District intend to use and re-purpose the home you are buying at 261 Sheridan for park purposes or does the Park District intend to build some other new structure? We ask that as my client is interested in naming rights for any such park building as part of the donation. The Park Board has not decided whether to retain the home. There has been no decision concerning whether, or if so when, to construct a new structure there. The Park District will discuss this request after the transaction terms are finalized. WE NEED OUR AGREEMENT TO INCLUDE A COMMITMENT BY THE PARK DISTRICT TO NAME ANY BUILDING, STRUCTURE OR FACILITY IN EITHER PARK USING THE EDWARDSON NAME. WE NEED TO FIGURE THIS OUT AND MAKE IT PART OF THIS DEAL AND AS PART OF THE CHARITABLE DONATION. **The Park District appreciates your client's request regarding naming rights. There are significant public relations concerns associated with the Park District's sale of cherished public property to a private individual, which will be exacerbated if the terms of the deal include naming rights on retained public property for that individual. Moreover, this request is inconsistent with your client's insistence on anonymity in the contract and as far into the process as possible. As you know, the Park District is subject to the Illinois Open Meetings Act and Freedom of Information Act, and will not be able to shield your client's identity of as the party for whom its new facility will be named. The Park District's representatives would like to discuss this issue directly with your client when possible.**

5. We had an engineer look at the beach/lake front area and he advised that a breakwater structure is needed on the park property which will benefit both our new Elder lot and the remaining public beach area. The current plan is to construct a 225' stone groin/breakwater such that the center line is no further south than existing steel jetty and no further north than the new property line. This transaction may need to include the Village of Winnetka (a legally separate and distinct unit of local government); the parties will likely require a separate easement for construction, access and maintenance of the breakwater I'm told that the master plan for the park includes the construction of such a structure. We would want a sufficient amount of the purchase price ($300,000) held in a joint order escrow at Closing to insure that the Park District completes this construction in an agreed period of time. What time frame does the Park District envision? The Park Board cannot agree to the escrow of any funds for construction of the breakwater. The parties have treated the breakwater and the real estate purchase as separate transactions from the outset. PLEASE UNDERSTAND THAT THIS ISSUE IS CRITICAL TO THE ENTIRE DEAL AND MUST BE RESOLVED NOW AS PART OF OUR CONTRACT. MY CLIENT IS NOT GOING TO CONTINUE TO SPEND MONEY ON THE VARIOUS PROFESSIONALS INVOLVED UNTIL WE ARE CONFORTABLE THAT WE WILL HAVE AN ACCEPTABLE COMMITMENT FROM THE PARK DISTRICT. IT IS ONE OF THOSE ISSUES THAT'S

A "DEAL BREAKER" AND SO WE HAVE TO FIGURE OUT HOW TO RESOLVE IT AS MY CLIENT WILL NOT BUY THE LOT WITH THE POSSIBILITY OF DESTRUCTIVE EROSION NOT PROPERLY ADDRESSED AND REMEDIED. THIS ENGINEERS HAVE BEEN CLEAR THAT A CERTAIN BREAKWATER STRUCTURE MUST BE CONSTRUCTED ON THE PARK PROPERTY TO PROTECT BOTH OF OUR BEACH AREAS. WE NEED A COMMITMENT FROM THE PARK DISTRICT TO CONSTRUCT WHAT'S NEEDED BY A DATE CERTAIN. I'M TOLD THAT THIS HAS BEEN IN THE PARK DISTRICT'S MASTER PLAN FOR MANY YEARS AND HAS NEVER BEEN DONE. CAN'T THE PARK DISTRICT GET THIS CONSTRUCTION APPROVED AS PART OF THE ENTIRE DEAL? THE $300,000 FROM THE BUYER COULD BE DEPOSITED AT CLOSING INTO A CONSTRUCTION ESCROW WITH CHICAGO TITLE TO BE USED TO PAY THE CONTRACTORS FOR THE WORK. ALSO, WE NEED TO UNDERSTAND THE SCOPE AND LOCATION OF THE EASEMENT YOU WANT ON OUR LOT AND THE TIMING OF THE WORK AS MY CLIENT IS CONCERNED ABOUT HEAVY MACHINERY COMING IN ACROSS HIS LOT AND CAUSING DAMAGE. WE NEED TO FOCUS OUR EFFORTS ON RESOLVING ALL OF THESE ISSUES NOW AS THESE ISSUES ARE CRITICAL TO MAKING THE WHOLE DEAL WORK FOR US. I ASSUME THAT THIS ISSUE IS ALSO VERY IMPORTANT FOR THE PARK DISTRICT AS WELL TO PROTECT THE PUBLIC BEACH AREAS. **The Park District is committed to constructing the breakwater which will be of benefit to both parties. The project is contained in the Master Plan and the Park District has commenced discussions with Shabica & Associates concerning the project. However, commencement of the project is a long way off. Before commencing construction, the Park District must first establish a detailed cost estimate and a complete financing plan, which will include issuance of public debt and pursuit of grants. The project must be fully designed, permitted, sequenced and prioritized with other lakefront projects. The project must be competitively bid and awarded in accordance with strict laws pertaining to public construction projects. There are many other variables related to when and how the project will be constructed, which the Park District's representatives would like to discuss directly with your client.**

6. The Park District will seek to remove the tree promptly due to its unsafe condition. OK, THANK YOU.

7. We are concerned with the future use of the park land that will be bordering our new Elder lot. We would want a restriction to be placed on the 150 foot area of park land next to us to prohibit any parking lot or drives in that area. My client is fine if that area is continued to be used for youth soccer activities. Use restrictions, if any, would be limited to within fifty (50) feet of the new property line, limited to 25 years, and would not allow construction of parking or roadway improvements, roofed structures or playground equipment without the express written consent of the adjacent owner. Use of the Park District property for passive and active recreational purposes including but not limited to organized sports will be allowed. WE NEED A BIGGER BUFFER AREA THAN 50 FEET AND WE PROPOSE THAT THE USE RESTRICTIONS EXTEND TO 100 FEET. WITH THE BIGGER BUFFER AREA WE CAN COMPROMISE AND ACCEPT THE TIME LIMITATION OF 25 YEARS. **The Park District has concerns regarding this requested covenant. Convincing the public of the sale's benefits is a hard sell to begin with. Adding an extensive restrictive covenant to the transaction further complicates the case for the sale. Nevertheless, the Park District's representatives are prepared to propose to the Park Board that a restriction be included in the agreement as follows: A 75-foot, 25-year restriction on roadway/driveway/parking**

improvements, roofed structures, and permanent playground equipment without approval by adjoining property owner.

8. OK, WE WILL PURSUE THE ENTITLEMENT APPROVALS FIRST AND MY CLIENT'S ARCHITECT IS ALREADY REVIEWING THE NEW SURVEY TO LAY OUT WHAT MY CLIENT WANTS TO BUILD ON THE LOT WHICH I THINK IS A GUEST HOUSE AND A POOL.

9. OK, THE BUYER WILL DO, AT HIS COST, ANY DUE DILIGENCE INVESTIGATIONS AND TESTING THAT HE FEELS ARE NECESSARY TO MAKE SURE THE LOT IS SUITABLE FOR HIS USE. AS STATED ABOVE HOWEVER, THE BUYER ISN'T GOING TO CONTINUE TO SPEND MORE MONEY ON THESE ITEMS UNLESS WE GET THE BREAK WATER ISSUE RESOLVED AS PART OF THE WHOLE DEAL.

10. geotechnical soil test reports? No. OK.

11. OK

12. What is the status of your efforts to get an executed contract to buy 261 Sheridan? Still in negotiations. Nothing in the contract draft for that transaction makes any reference to this potential sale of park property. OK, BUT HOW ARE WE GOING TO COORDINATE GETTING THESE 2 SEPARATE TRASACTIONS UNDER CONTRACT AT THE SAME TIME? **Presently we are at the same stage on both transactions—extended contract negotiations. Contingencies that will enable the transactions to proceed in a coordinated manner are included in the current draft of the other agreement.**

13. As I mentioned before, we intend to form a new Delaware LLC to be the buyer and the manager of the LLC will be John's accountant, Bob Pasquesi, who has already been involved in the negotiations of this deal. Ok. John wants his personal name to be left out of the process of getting public hearing approval for the sale. The court proceedings for the sale will only mention the contract purchaser, but the PD cannot guarantee what additional information the court may require as a condition to issuing the necessary order. I'm not sure how the charitable contribution would be set up but I think it will be a personal contribution from John or his Trust but maybe it could be made in the name of his LLC. I'm not sure about that part yet. Ok, we will need an additional condition in the purchase and sale contract related to the donation, but the source of the donation is not an issue for us. OK. **Just to be clear, sale and closing on the subject parcel must be contingent on simultaneous delivery of the donated funds, and both the donation agreement and the real estate purchase and sale contract should so indicate.**

Thank you for your continuing assistance on this transaction.

Steve Adams

Steven B. Adams
Attorney
Robbins Schwartz
55 W. Monroe St., Suite 800
Chicago, Illinois 60603-5144
p: 312.332.7760
c: 630.890.9700
f: 312.332.7768
sadams@robbins-schwartz.com

From: Bruce Waldman <bwaldman@cshlegal.com>
Sent: Thursday, June 11, 2020 10:41 AM
To: Steven Adams <sadams@robbins-schwartz.com>
Cc: John Edwardson <john@johnedwardson.com>
Subject: RE: Winnetka Park District - Sale of a portion of Elder Park
Importance: High

Steve, below in ALL CAPS and green font are my client's replies to the list of issues.

1. The purchase price for the real estate will be based on an appraisal. We propose to use Michael Sullivan as the appraiser. His credentials are attached. Are you ok with Sullivan? The balance of the $5.2 M would then be allocated to the charitable donation. No issue with Michael Sullivan and the balance of the $5.2M being allocated to the charitable deduction. Our appraiser Michael Marous will provide us with an appraisal to address our fair market value due diligence. Based on this structure, the contract will be for a purchase price at or near the parties' appraisals, and a separate agreement for a cash, deductible charitable donation to the Winnetka Park District Foundation. OK.

2. As soon as you get the new survey of the land to be sold to us, please e-mail me a PDF so I can send it to the appraiser. The survey of the subject parcel is attached. Sorry for the delay, we were slowed due to an ordering mix-up. OK.

3. Does the Park District (or the Village) have a separate agreement format it uses for charitable donations? If so, please send to me to review. The donation should go through WPD Foundation, a separate NFP 501(c)(3) organization. I will send you a simple cash donation agreement for your consideration. OK, PLEASE SEND THE BLANK FORM OF AGREEMENT FOR OUR REVIEW.

4. Does the Park District intend to use and re-purpose the home you are buying at 261 Sheridan for park purposes or does the Park District intend to build some other new structure? We ask that as my client is interested in naming rights for any such park building as part of the donation. The Park Board has not decided whether to retain the home. There has been no decision concerning whether, or if so when, to construct a new structure there. The Park District will discuss this request after the transaction terms are finalized. WE NEED OUR AGREEMENT TO INCLUDE A COMMITMENT BY THE PARK DISTRICT TO NAME ANY BUILDING, STRUCTURE OR FACILITY IN EITHER PARK USING THE EDWARDSON NAME. WE NEED TO FIGURE THIS OUT AND MAKE IT PART OF THIS DEAL AND AS PART OF THE CHARITABLE DONATION.

5. We had an engineer look at the beach/lake front area and he advised that a breakwater structure is needed on the park property which will benefit both our new Elder lot and the remaining public beach area. The current plan is to construct a 225' stone groin/breakwater such that the center line is no further south than existing steel jetty and no further north than the new property line. This transaction may need to include the Village of Winnetka (a legally separate and distinct unit of local government); the parties will likely require a separate easement for construction, access and maintenance of the breakwater I'm told that the master plan for the park includes the construction of such a structure. We would want a sufficient amount of the purchase price ($300,000) held in a joint order escrow at Closing to insure that the Park District completes this construction in an agreed period of time. What time frame does the Park District envision? The Park Board cannot agree to the escrow of any funds for construction of the breakwater. The parties have treated the breakwater and the real estate purchase as separate transactions from the outset. PLEASE UNDERSTAND THAT THIS ISSUE IS CRITICAL TO THE ENTIRE DEAL AND MUST BE RESOLVED NOW AS PART OF OUR CONTRACT. MY CLIENT IS NOT GOING TO CONTINUE TO SPEND MONEY ON THE VARIOUS PROFESSIONALS INVOLVED UNTIL WE ARE CONFORTABLE THAT WE WILL HAVE AN ACCEPTABLE COMMITMENT FROM THE PARK DISTRICT. IT IS ONE OF THOSE ISSUES THAT'S A "DEAL BREAKER" AND SO WE HAVE TO FIGURE OUT HOW TO RESOLVE IT AS MY CLIENT WILL NOT BUY THE LOT WITH THE POSSIBILITY OF DESTRUCTIVE EROSION NOT PROPERLY ADDRESSED AND REMEDIED. THIS ENGINEERS HAVE BEEN CLEAR THAT A CERTAIN BREAKWATER STRUCTURE MUST BE CONSTRUCTED ON THE PARK PROPERTY TO PROTECT BOTH OF OUR BEACH AREAS. WE NEED A COMMITMENT FROM THE PARK DISTRICT TO CONSTRUCT WHAT'S NEEDED BY A DATE CERTAIN. I'M

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6. There is a very large old tree on the park land which will be on the lot you are selling to us and it is in a dangerous condition. We are concerned that very large limbs could break off or that the entire tree could topple over. We would like the Park District to have it removed soon. The Park District will seek to remove the tree promptly due to its unsafe condition. OK, THANK YOU.

7. We are concerned with the future use of the park land that will be bordering our new Elder lot. We would want a restriction to be placed on the 150 foot area of park land next to us to prohibit any parking lot or drives in that area. My client is fine if that area is continued to be used for youth soccer activities. Use restrictions, if any, would be limited to within fifty (50) feet of the new property line, limited to 25 years, and would not allow construction of parking or roadway improvements, roofed structures or playground equipment without the express written consent of the adjacent owner. Use of the Park District property for passive and active recreational purposes including but not limited to organized sports will be allowed. WE NEED A BIGGER BUFFER AREA THAN 50 FEET AND WE PROPOSE THAT THE USE RESTRICTIONS EXTEND TO 100 FEET. WITH THE BIGGER BUFFER AREA WE CAN COMPROMISE AND ACCEPT THE TIME LIMITATION OF 25 YEARS.

8. Is it your conclusion that a court order is needed for this sale? Yes Wouldn't it make sense for you to seek the court order up front, before the buyer applies for Entitlement approval? I'm open to discussing this with you further. That would make the potential sale known to public sooner, and could serve to mobilize public participation in the zoning/entitlement process ahead of the customary zoning notice period. A court might condition its approval on village approval of entitlements anyway. No point in the buyer asking for Entitlement approval if we have not been authorized to buy the lot. Unless there is extreme public opposition or inadequate consideration, the court will likely approve. Let's discuss. OK, WE WILL PURSUE THE ENTITLEMENT APPROVALS FIRST AND MY CLIENT'S ARCHITECT IS ALREADY REVIEWING THE NEW SURVEY TO LAY OUT WHAT MY CLIENT WANTS TO BUILD ON THE LOT WHICH I THINK IS A GUEST HOUSE AND A POOL.

9. Does the Park District have an existing Phase I environmental report? No. We will need to add a rep and warranty from the Park District that it has no knowledge/notice of any environmental concerns etc. In keeping with customary practice, due diligence including Phase I Environmental Site Assessment, geotechnical survey and/or sampling along with historical use investigation is conducted by the Purchaser at Purchaser's expense. OK, THE BUYER WILL DO, AT HIS COST, ANY DUE DILIGENCE INVESTIGATIONS AND TESTING THAT HE FEELS ARE NECESSARY TO MAKE SURE THE LOT IS SUITABLE FOR HIS USE. AS STATED ABOVE HOWEVER, THE BUYER ISN'T GOING TO CONTINUE TO SPEND MORE MONEY ON THESE ITEMS UNLESS WE GET THE BREAK WATER ISSUE RESOLVED AS PART OF THE WHOLE DEAL.

10. Does the Park District have any geotechnical soil test reports? No. OK.

11. Please send up an historical map showing the location of the North Shore Hospital sanitarium that was previously located in the area. I am not aware of any history regarding the referenced sanitarium. The park district has advised me it does not have any records regarding this. What information do you have indicating that any part of the sanitarium was on the subject property or Elder Park? It looks like it was demolished in 1969 or so. Was the entire structure including foundation and basement removed or were parts of it buried. No information and nothing to indicate this structure was on Elder Park. Were there any USTs as part of the hospital and if so were the removals documented? See above answer. Was the hospital located on any part of the existing Elder Park or was it south on the land that is now Centennial Park? See above answer. OK, I'M ATTACHING AN ARTICLE OBTAINED ONLINE FROM THE WINNETKA HISTORICAL SOCIETY THAT SHOWS THE FACILITY AND THAT IT WAS DEMOLISHED IN 1969 WHICH IN MY VIEW IS NOT THAT LONG AGO. WE SUSPECT IT WAS

FURTHER SOUTH ON THE CENTENNIAL PARK PROPERTY BUT WE WERE HOPING THAT YOU COULD GET US SOME INFO TO CONFIRM THAT. OUR CONCERN IS FINDING THE FOUNDATION OR BASEMENT ETC. BURIED UNDERGROUND ON OUR LOT.

12. What is the status of your efforts to get an executed contract to buy 261 Sheridan? Still in negotiations. Nothing in the contract draft for that transaction makes any reference to this potential sale of park property. OK, BUT HOW ARE WE GOING TO COORDINATE GETTING THESE 2 SEPARATE TRASACTIONS UNDER CONTRACT AT THE SAME TIME?

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Bruce J. Waldman
Cohen, Salk & Huvard, P.C.
630 Dundee Road, Suite 120
Northbrook, Illinois 60062

Direct: 847-480-7872
Fax: 847-480-7882
E-Mail: bwaldman@cshlegal.com
Web: www.cshlegal.com

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From: Steven Adams <sadams@robbins-schwartz.com>
Sent: Friday, June 5, 2020 7:19 PM
To: Bruce Waldman <bwaldman@cshlegal.com>
Subject: RE: Winnetka Park District - Sale of a portion of Elder Park

Hi Bruce,

See my responses below in red font. Give me a call at your convenience after you have an opportunity to review.

Steven B. Adams
Attorney
Robbins Schwartz
55 W. Monroe St., Suite 800
Chicago, Illinois 60603-5144
p: 312.332.7760
c: 630.890.9700
f: 312.332.7768
sadams@robbins-schwartz.com

From: Bruce Waldman <bwaldman@cshlegal.com>
Sent: Thursday, April 23, 2020 10:02 AM
To: Steven Adams <sadams@robbins-schwartz.com>
Cc: John Edwardson <john@johnedwardson.com>; Pasquesi <lrp@ps-cpa.com>
Subject: RE: Winnetka Park District - Sale of a portion of Elder Park
Importance: High

Steve, I reviewed your draft of the proposed contract and in discussing the details of the transaction with my client we have put together the list below of certain important issues and questions. Please reply so we can then work on including these matters in our contract.

1. The purchase price for the real estate will be based on an appraisal. We propose to use Michael Sullivan as the appraiser. His credentials are attached. Are you ok with Sullivan? The balance of the $5.2 M would then be allocated to the charitable donation. No issue with Michael Sullivan and the balance of the $5.2M being allocated to the charitable deduction. Our appraiser Michael Marous will provide us with an appraisal to address our fair market value due diligence. Based on this structure, the contract will be for a purchase price at or near the parties' appraisals, and a separate agreement for a cash, deductible charitable donation to the Winnetka Park District Foundation.

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6. There is a very large old tree on the park land which will be on the lot you are selling to us and it is in a dangerous condition. We are concerned that very large limbs could break off or that the entire tree could topple over. We would like the Park District to have it removed soon. The Park District will seek to remove the tree promptly due to its unsafe condition.

7. We are concerned with the future use of the park land that will be bordering our new Elder lot. We would want a restriction to be placed on the 150 foot area of park land next to us to prohibit any parking lot or drives in that area. My client is fine if that area is continued to be used for youth soccer activities. Use restrictions, if any, would be limited to within fifty (50) feet of the new property line, limited to 25 years, and would not allow construction of parking or roadway improvements, roofed structures or playground equipment without the express written consent

of the adjacent owner. Use of the Park District property for passive and active recreational purposes including but not limited to organized sports will be allowed.

8. Is it your conclusion that a court order is needed for this sale? Yes Wouldn't it make sense for you to seek the court order up front, before the buyer applies for Entitlement approval? I'm open to discussing this with you further. That would make the potential sale known to public sooner, and could serve to mobilize public participation in the zoning/entitlement process ahead of the customary zoning notice period. A court might condition its approval on village approval of entitlements anyway. No point in the buyer asking for Entitlement approval if we have not been authorized to buy the lot. Unless there is extreme public opposition or inadequate consideration, the court will likely approve. Let's discuss.

9. Does the Park District have an existing Phase I environmental report? No. We will need to add a rep and warranty from the Park District that it has no knowledge/notice of any environmental concerns etc. In keeping with customary practice, due diligence including Phase I Environmental Site Assessment, geotechnical survey and/or sampling along with historical use investigation is conducted by the Purchaser at Purchaser's expense.

10. Does the Park District have any geotechnical soil test reports? No.

11. Please send up an historical map showing the location of the North Shore Hospital sanitarium that was previously located in the area. I am not aware of any history regarding the referenced sanitarium. The park district has advised me it does not have any records regarding this. What information do you have indicating that any part of the sanitarium was on the subject property or Elder Park? It looks like it was demolished in 1969 or so. Was the entire structure including foundation and basement removed or were parts of it buried. No information and nothing to indicate this structure was on Elder Park. Were there any USTs as part of the hospital and if so were the removals documented? See above answer. Was the hospital located on any part of the existing Elder Park or was it south on the land that is now Centennial Park? See above answer.

12. What is the status of your efforts to get an executed contract to buy 261 Sheridan? Still in negotiations. Nothing in the contract draft for that transaction makes any reference to this potential sale of park property.

13. As I mentioned before, we intend to form a new Delaware LLC to be the buyer and the manager of the LLC will be John's accountant, Bob Pasquesi, who has already been involved in the negotiations of this deal. Ok. John wants his personal name to be left out of the process of getting public hearing approval for the sale. The court proceedings for the sale will only mention the contract purchaser, but the PD cannot guarantee what additional information the court may require as a condition to issuing the necessary order. I'm not sure how the charitable contribution would be set up but I think it will be a personal contribution from John or his Trust but maybe it could be made in the name of his LLC. I'm not sure about that part yet. Ok, we will need an additional condition in the purchase and sale contract related to the donation, but the source of the donation is not an issue for us.

This is obviously a bit of a complicated an unusual set of transactions. Once I have the new survey and your replies to the above matters we can proceed to revise the contract to address all concerns. Thanks.

Thanks, I look forward to working with you on this transaction.

Steve Adams

Bruce J. Waldman
Cohen, Salk & Huvard, P.C.
630 Dundee Road, Suite 120
Northbrook, Illinois 60062

Direct: 847-480-7872
Fax: 847-480-7882
E-Mail: bwaldman@cshlegal.com

Web: www.cshlegal.com

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From: Steven Adams <sadams@robbins-schwartz.com>
Sent: Monday, April 20, 2020 2:00 PM
To: Bruce Waldman <bwaldman@cshlegal.com>
Cc: Steven Adams <sadams@robbins-schwartz.com>
Subject: Winnetka Park District - Sale of a portion of Elder Park

Hi Bruce,

Attached for your review is the Contract for the above transaction. Please note I expect the survey in the next day or two. After you review, I'm sure there will be much we need to discuss, so please call me to discuss next steps.

Thank you and I look forward to working with you on this transaction.

Steve Adams

Steven B. Adams
Attorney
Robbins Schwartz
55 W. Monroe St., Suite 800
Chicago, Illinois 60603-5144
p: 312.332.7760
c: 630.890.9700
f: 312.332.7768
sadams@robbins-schwartz.com

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John Peterson

Subject: FW: FINAL! Talking points -

From: John Peterson
Sent: Thursday, August 27, 2020 5:14 PM
To: Mickey Archambault <MArchambault@winpark.org>
Cc: Steven Adams <sadams@robbins-schwartz.com>
Subject: FINAL! Talking points - Attorney Client Privileged Communication

1. The property exchange achieves a long-desired goal for the Winnetka Park District and, in so doing, provides remarkable value to residents.

2. More specifically and more recently, the property exchange will accomplish one of the major objectives of the Winnetka Waterfront 2030 Lakefront Master Plan.

3. When finalized, the combination of Elder Lane Beach and Centennial Beach will provide public access to nearly 1,000 feet of continuous shoreline.

4. Once completed, the community will enjoy a single, integrated park of nearly 8 acres, between the Lake Michigan shoreline and Sheridan Road, enabling easier access to a broad range of recreational uses within the combined park.

5. The Park District will receive real estate of considerably greater value - - more than $6 million in value - - than the value of the property the Park District is conveying.

6. Aside from transaction costs, the property exchange will be completed without expending additional Park District funds, thanks to the generosity of a Winnetka resident.

7. Once finalized, the Park District will be positioned to construct shoreline breakwaters in a cost-effective, efficient manner.

8. The Winnetka Park District is committed to work with the Village of Winnetka to ensure all property exchange and land use issues are fully addressed.

9. The Winnetka Park District board is being measured in its approach before final approval of the property exchange. This announcement represents the beginning of the process. The Park District must - - and will - - take additional action before the exchange is binding and ultimately completed, including exchange agreement approval, property valuations, due diligence investigations, a public meeting to discuss the transaction and receive public comment, and Park Board approval of an ordinance authorizing the exchange closing to proceed. A referendum for approval or funding is not required for the exchange.

10. The proposed property exchange will be in conformance with applicable Illinois law and, separately, Village of Winnetka ordinances.

John Peterson
Executive Director
Winnetka Park District

+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

John Peterson

Subject: FW: Letter
Attachments: image002.png; image002.png; John Edwardson Draft Letter 10 07 2021 amended 02 05 2022 v2.docx

From: John Edwardson <[redacted]
Sent: Thursday, February 10, 2022 7:36 PM
To: John Peterson <JPeterson@winpark.org>
Subject: Re: Letter

Yes. Thx.

Sent from my iPad

On Feb 10, 2022, at 7:27 PM, John Peterson <jpeterson@winpark.org> wrote:

Thanks, John, for your email.

Does the attached work?

Thanks.

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org

From: John Edwardson <[redacted]>
Sent: Thursday, February 10, 2022 3:25 PM
To: John Peterson <JPeterson@winpark.org>
Subject: Re: Letter

John-can you combine some paragraphs? When I print this, the last two line of text and then the signature line roll over to a 2nd page. If you can take some whites pace out, I can print it on one page only. Thanks, John.

Sent from my iPad

On Feb 10, 2022, at 12:48 PM, John Peterson <jpeterson@winpark.org> wrote:

Thank you for your teamwork.

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org

October 7, 2021

Mr. Soren Hall
United States Army Corps of Engineers
Chicago District, Regulatory Branch
231 South LaSalle Street, Unit 1500
Chicago, Illinois 60604

James P. Casey, Chief
Lake Michigan Management Section
Illinois Department of Natural Resources
Office of Water Resources
160 N. LaSalle Street, Suite S-703
Chicago, Illinois 60601

RE: Letter of Support for Elder Lane Park and Beach + Centennial Park and Beach Project

Dear United States Army Corps of Engineers and Illinois Department of Natural Resources:

Please accept this letter as evidence of my full support for the Winnetka Park District's plan dated September 9, 2021 to combine Elder Lane Park and Beach and Centennial Park and Beach, which will improve available lakefront recreation programming for Winnetka residents and the community at large to enjoy for decades to come. The Park District's work to create the new park is a wonderful culmination of the vision and strategy adopted by the Winnetka Park District in its Winnetka Waterfront 2030 Plan. I understand the plan is the product of numerous community engagement and planning sessions dating back to 2011 for the Park District and a Village of Winnetka strategy since the 1990s. As a Winnetka resident and a neighbor to the north of Elder Lane Park, I often visit the two parks and beaches. I have great appreciation for the design plan to combine the parks and beaches; it is a transformative plan for the benefit of the entire community and the public at large.

As a resident along the shoreline, I am keenly aware of Lake Michigan's high water levels and the damage resulting therefrom. The recent water levels and severe storms have deteriorated the steel groins currently on the Elder and Centennial shorelines and have significantly eroded the shorelines and bluffs at Elder and Centennial. I support the Park District's breakwater plan for the new, combined park to protect the shorelines and bluffs and, at the same time, provide a remarkable recreation environment. The most important component of this new park is that the plan has many thoughtful design features to prevent further erosion of the beaches and bluffs while accomplishing the long-stated goal of creating a unified park with unparalleled amenities for the community.

Importantly, this new Park as designed accomplishes the following key objectives:

- Combines two beach-front parks currently separated by a private residence (rendering the beach front impassable) into one contiguous parcel, with nearly 1,000 feet of shoreline;
- Creates distinct recreation activities: a swimming area, a non-motorized watercraft area, 800 feet of continuous boardwalk, a large "T-shaped" sunbathing pier, and a new beachfront event space; and
- Generates significant new beach area and protects against further erosion of the beach, bluff and tableland by including thoughtfully designed, soil protecting planting pockets and breakwaters with enhancements at the northern and southern boundaries of the Park.

I fully support the plan for Elder and Centennial, as designed. The new park likely will attract thousands of visitors per year. The public's use of all parts of this park is of the utmost importance, and I support the extra steps taken by the Winnetka Park District to proactively provide such for Winnetka residents and all park patrons.

This letter of support does not grant any easements to the Winnetka Park District.

Thank you for your work with the Winnetka Park District.

Sincerely,

John Peterson

From: John Peterson
Sent: Thursday, June 1, 2023 12:41 PM
To: mary garrison
Cc: Steven Adams
Subject: Mary Garrison FOIA Response - Email No. 4
Attachments: John Edwardson signed letter of support 10 08 2021.pdf; Letter of Authorization - Elder Lane Park and Beach Breakwater Construction.pdf; Good news to share email and attachments 04 29 2021.pdf

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org

John Peterson

Subject: FW: John Edwardson signed letter of support
Attachments: John Edwardson signed letter of support 10 08 2021.pdf

From: John Peterson
Sent: Friday, October 8, 2021 1:53 PM
To: Steven Adams <sadams@robbins-schwartz.com>
Cc: Warren James <WJames@winpark.org>
Subject: John Edwardson signed letter of support

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org

October 8, 2021

Mr. Soren Hall
United States Army Corps of Engineers
Chicago District, Regulatory Branch
231 South LaSalle Street, Unit 1500
Chicago, Illinois 60604

James P. Casey, Chief
Lake Michigan Management Section
Illinois Department of Natural Resources
Office of Water Resources
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601

RE: Letter of Support for Elder Lane Park and Beach + Centennial Park and Beach Project

Dear United States Army Corps of Engineers and Illinois Department of Natural Resources:

Please accept this letter as evidence of my support for the Winnetka Park District's plan dated September 9, 2021 to combine Elder Lane Park and Beach and Centennial Park and Beach, which will improve available lakefront recreation programming for Winnetka residents and the community at large to enjoy for decades to come.

The Park District's work to create the new park is a wonderful culmination of the vision and strategy adopted by the Winnetka Park District in its Winnetka Waterfront 2030 Plan. I understand the plan is the product of numerous community engagement and planning sessions dating back to 2011 for the Park District and a Village of Winnetka strategy since the 1990s. As a Winnetka resident and a neighbor to the north of Elder Lane Park, I often visit the two parks and beaches. I have significant appreciation for the design plan to combine the parks and beaches; it is a transformative plan for the benefit of the entire community and the public at large.

As a resident along the shoreline, I am keenly aware of Lake Michigan's high water levels and damage resulting therefrom. The recent water levels and severe storms have deteriorated the steel groins currently on the Elder and Centennial shorelines and have significantly eroded the shorelines and bluffs at Elder and Centennial. I support the Park District's breakwater plan for the new, combined park to protect the shorelines and bluffs and provide a safe recreation environment.

In my opinion, the most important component of this new park is that the plan has many thoughtful design features to prevent further erosion of the beaches and bluffs while accomplishing the long-stated goal of creating a unified park with unparalleled amenities for

the community. Importantly, this new Park as designed accomplishes the following key objectives:

- Combines two beach-front parks that are currently separated by a private residence (rendering the beach front impassable) into one contiguous parcel, with nearly 1,000 feet of safe shoreline;
- Creates distinct recreation activities including a swimming area, a non-motorized watercraft area, 800 feet of continuous boardwalk, a large "T-shaped" sunbathing pier, and a new beachfront event space; and
- Generates significant new beach area and protects against further erosion of the beach, bluff and tableland by including thoughtfully designed, soil protecting planting pockets and breakwaters with safety enhancements at the northern and southern boundaries of the Park.

I support the way this plan for Elder and Centennial, as designed, addresses potential safety concerns. The new park likely will attract thousands of visitors per year. The public's safe use of all parts of this park is of the utmost importance, and Ie support the extra steps taken by the Winnetka Park District to proactively protect Winnetka residents and all park patrons.

This letter of support does not grant any easements to the Park District.

Thank you for your work with the Winnetka Park District.

[redacted]

TODD A. EDWARDSEN
301 SHERIDAN ROAD
WINNETKA, IL
60093

John Peterson

Subject: FW: Letter of Authorization - Elder Lane Park and Beach Breakwater Construction
Attachments: image001.png

From: John Edwardson <[redacted]>
Sent: Tuesday, July 20, 2021 9:08 PM
To: John Peterson <JPeterson@winpark.org>; Jon Shabica <jon@shabica.com>
Subject: Re: Letter of Authorization - Elder Lane Park and Beach Breakwater Construction

When will you have a final plan I can see so I understand what I'm actually allowing you to do?

Sent from my iPad

On Jul 12, 2021, at 12:50 PM, John Peterson <jpeterson@winpark.org> wrote:

Good afternoon, John. Here's hoping Fran and you enjoyed a terrific weekend and that your week if off to a great start.

As we continue working to file an application with the U.S. Army Corps of Engineers and state regulators for the breakwater construction at Elder Lane Park and Beach and Centennial Park and Beach, one piece of the puzzle required to file a complete application is your authorization for sand and stone to be placed on your property. Please find attached a draft letter of support as provided by Jon Shabica.

Please call Jon or me if you have any questions regarding the letter or require additional information. Otherwise, please print and sign the letter and return the hard copy to Jon at the following address:

Shabica & Associates, Inc.
550 Frontage Road, Suite #3735
Northfield, IL 60093

Thank you, John, for your time and consideration.

Kind regards.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

<image001.png>

<2021.7.12 Edwardson Authorizes Sand and Stone Placement.docx>

John Peterson

Subject: FW: Good news to share
Attachments: Winnetka Park District Elder_Centennial Breakwater Project Plan 4_27_21.pdf; Winnetka Park District Elder_Centennial Breakwater Louver Concept Renderings 4_27_21.pdf

From: John Peterson
Sent: Thursday, April 29, 2021 9:49 AM
To: John Edwardson [redacted]
Cc: Warren James <WJames@winpark.org>
Subject: RE: Good news to share

Thanks, John, for making time to connect Monday.

Here are two exhibits for use Monday morning.

Make it a great day and enjoy the forthcoming weekend.

Kind regards.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

From: John Edwardson [redacted]
Sent: Thursday, April 29, 2021 7:56 AM
To: John Peterson <JPeterson@winpark.org>
Cc: Warren James <WJames@winpark.org>
Subject: Re: Good news to share

Works for me.

Sent from my iPad

> On Apr 29, 2021, at 8:51 AM, John Peterson <jpeterson@winpark.org> wrote:
>
> Thank you, John, for the reply.
>
> How about a Zoom session 8:00 a.m. Eastern, Monday, May 3rd?
>
> Thanks.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: John Edwardson <[redacted]>
Date: 4/29/21 7:46 AM (GMT-06:00)
To: John Peterson <JPeterson@winpark.org>
Cc: Warren James <WJames@winpark.org>
Subject: Re: Good news to share

Does either Monday or Tuesday next week work? We also come back north on May 12.

Sent from my iPad

On Apr 28, 2021, at 11:26 AM, John Peterson <jpeterson@winpark.org> wrote:

Good morning, John. Here's hoping this email finds Fran and you enjoying the warm environs of Florida or the emerging spring in Winnetka.

Warren James' has been a warrior in working to design a first-of-its-kind planter pocket and breakwater for use at Elder Lane Beach and Centennial Beach. The collaboratively-developed plans include hard work and expertise from Orchard 2020, Orchard 2020's owner's representative, Mariani Landscape, Jon and Charlie Shabica, The Lakota Group team members, and others.

Yesterday, the plans were presented for the first time to decision-makers with the Illinois Department of Natural Resources and the Army Corps of Engineers. The IDNR and Army Corps provided a positive initial opinion for the design.

To that end, we want to share with you the current design and related information.

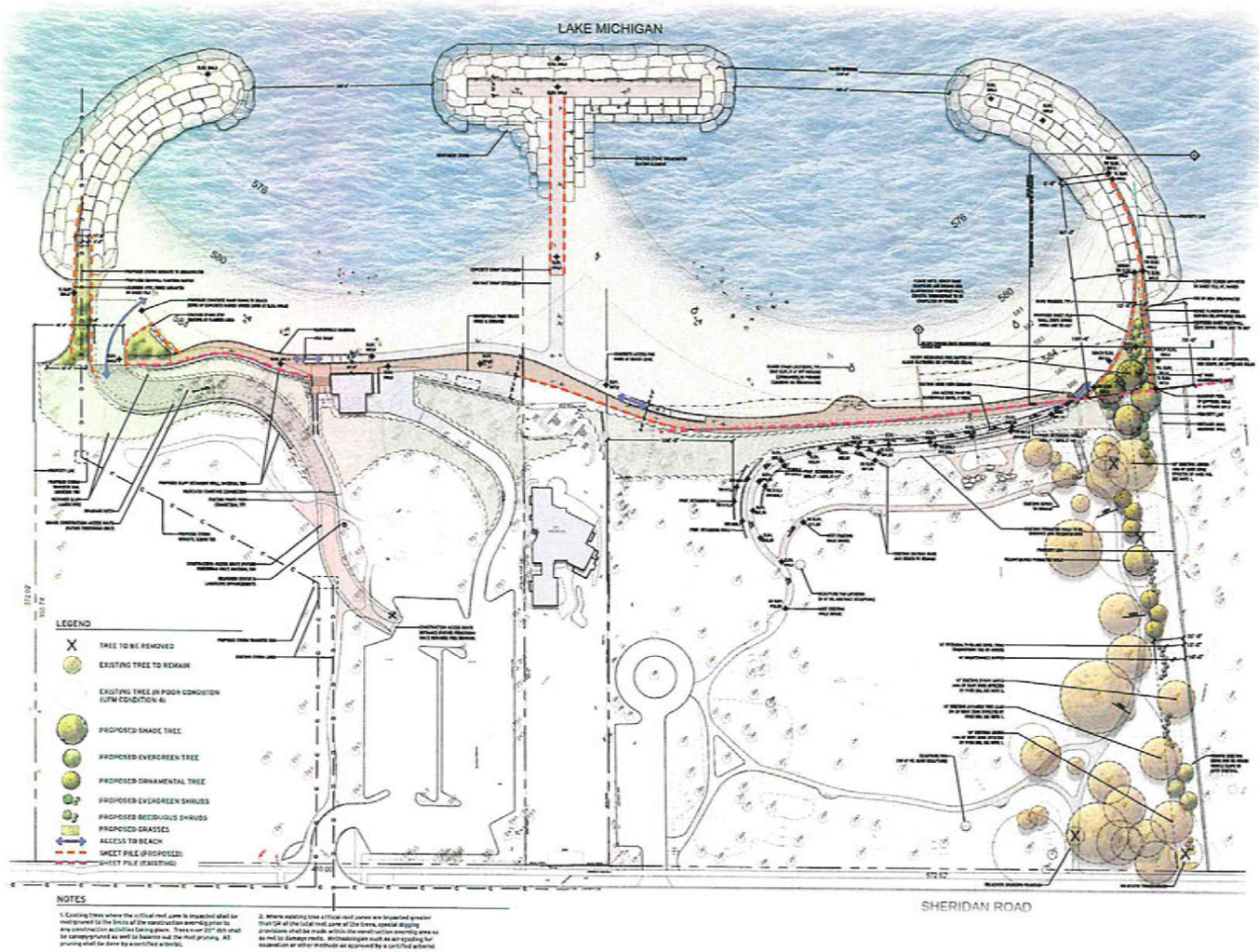
Do you time for a Zoom session this week or next week?

Thanks, John, for your time and consideration. Here's hoping all is well with the Edwardson family, notably your mother.

Kind regards.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

<image003.png>



ELDER/CENTENNIAL BEACH FEASIBILITY STUDY

FEASIBILTY STUDY | PRELIMINARY CONCEPT PLAN

WINNETKA, ILLINOIS

APRIL 22, 2021

PROJECT TEAM:

PREPARED FOR:

THE LAKOTA GROUP.



FIGURE 1: VIEW LOOKING SOUTHEAST FROM CENTENNIAL BEACH ACCESS POINT

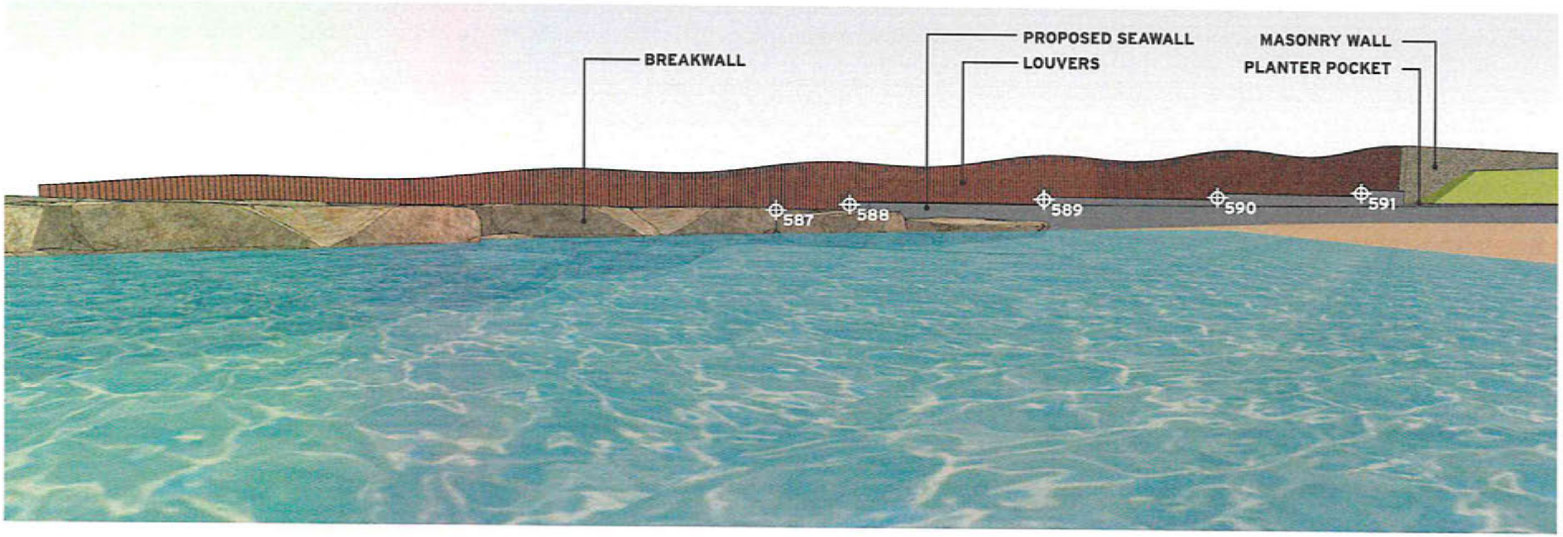


FIGURE 2: VIEW LOOKING SOUTH FROM CENTENNIAL BEACH

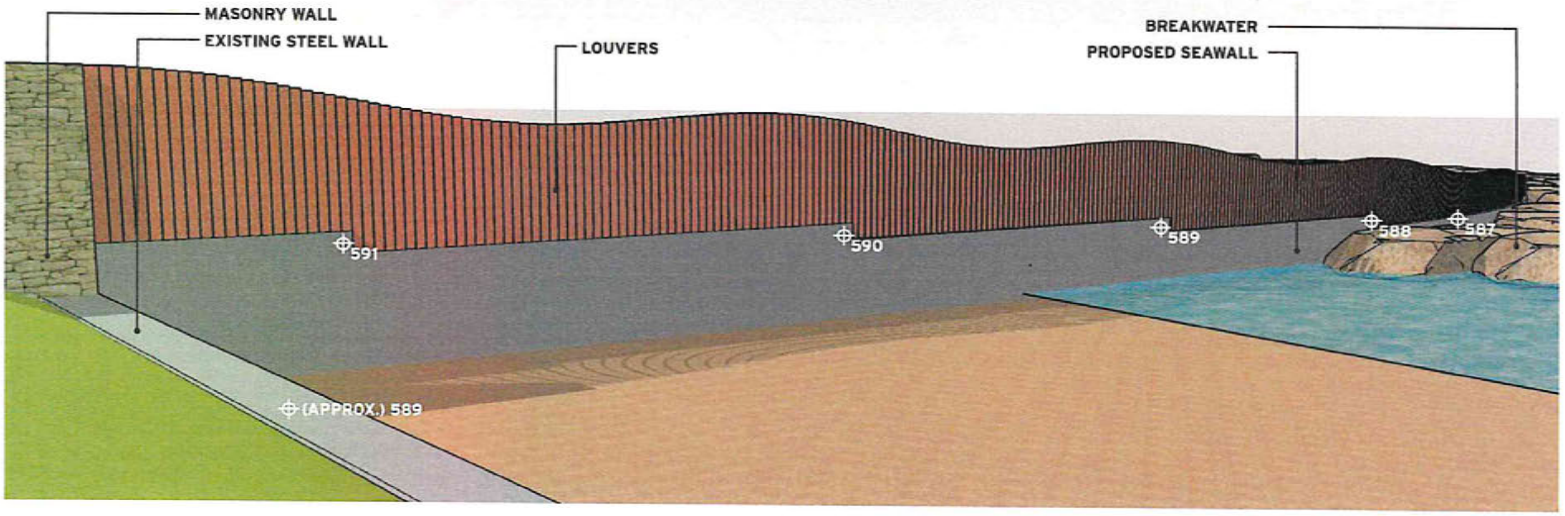


FIGURE 1: VIEW LOOKING NORTHEAST FROM ORCHARD 2020 BLUFF TOE

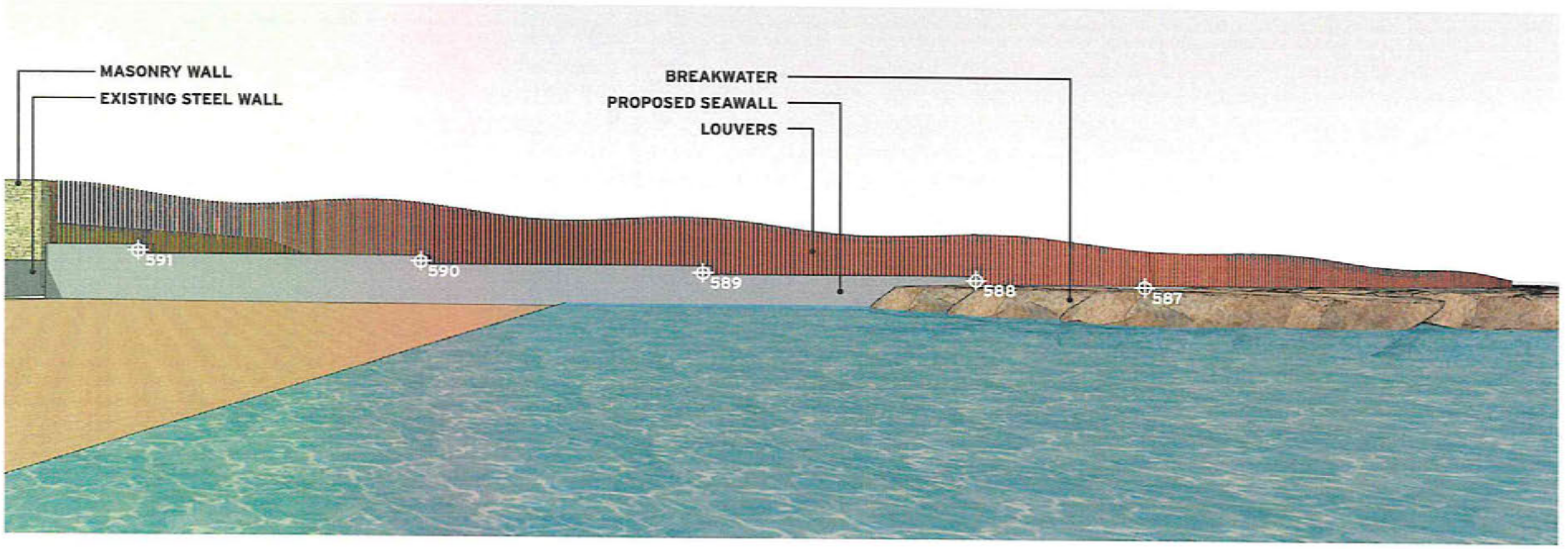


FIGURE 2: VIEW LOOKING NORTHWEST FROM ORCHARD 2020 BEACH

John Peterson

From: John Peterson
Sent: Thursday, June 1, 2023 12:54 PM
To: mary garrison
Cc: Steven Adams
Subject: Mary Garrison FOIA Response - Email No. 5
Attachments: Draft Things To Do List Internal Email July 3 2020.pdf; Elder Centennial Feasibility Study as of January 18, 2021.pdf; Good afternoon, John Edwardson! Email July 1, 2020.pdf

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org

John Peterson

Subject: FW: Draft Things To Do List

From: John Peterson
Sent: Friday, July 3, 2020 12:55 PM
To: Steven Adams <sadams@robbins-schwartz.com>
Cc: Warren James <WJames@winpark.org>
Subject: Draft Things To Do List = Attorney Client Privileged Communication

Good afternoon, Steve and Warren.

Happy Friday afternoon. By no means is this an exhaustive list, and I can confirm 100% I'm not using the exact terms, but I'm simply trying to get a draft "things-to-do" list going to get rocks in the water at Elder / Centennial. Y'all are gonna tear apart this list - - I hope y'all run out red ink! ☺

As I developed the initial list, I believe it may be useful to use to group the "things-to-do": Village items + Edwardson items + Shabica items + bid / construction items, etc. Or, do you prefer to list the items in somewhat chronologically? What do y'all think is best?

Thanks.

- Terra Technology Surveying = secure surveys required for the breakwater discussion.
- Obtain proposal from Jon Shabica and finalize service agreement. Agreement is intended to include Shabica's to coordinate plans between the Winnetka Park District and John Edwardson so as to best represent each party's interest(s).
- Finalize the Village of Winnetka's decision for a new outfall pipe, properly positioned within the southern edge of the breakwater along the northern end of Elder Lane Beach.
- Ensure proper coordination between the Village of Winnetka, John Edwardson, and the WPD for a number of key issues (planning / zoning, etc.).
- Finalize exact details of breakwater options:
    - Option A: Breakwater only along the north end of Elder Lane Beach; or
    - Option B: Breakwaters along north end of Elder Lane Beach, the south end of Centennial Beach, and the island between the two beaches.
- Work with Michels Corporation to develop pricing projections for each breakwater option.
- Develop bid specifications.
- Secure permits = Army Core of Engineers review and approval, Illinois Department of Natural Resources + Illinois Environmental Protection Agency, etc.
- Secure agreement to each property contract associated with Elder / Centennial project.
- Develop a public relations plan.

- Address with John Edwardson and, if required, the WPD board the naming rights issue, using the WPD naming rights policy accordingly.

- Issue bids for rock / construction.

- Rocks in the water date.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

John Peterson

Subject: FW: Elder Centennial Feasibility Study as of January 18, 2021
Attachments: 20210118 Elder Centennial Feasibility Study.pdf

From: John Peterson
Sent: Monday, January 18, 2021 6:32 PM
To: John Edwardson [redacted]
Cc: Warren James <WJames@winpark.org>
Subject: Elder Centennial Feasibility Study as of January 18, 2021

Good evening, John.

Warren James has been working and working and working in collaboration with Costa Kutulas (Winnetka Park District) and various third parties to secure a CAD drawing for Elder / Centennial. Hot off the press is a CAD drawing which provides a better representation of the Elder steel groins + planter pocket + breakwater, along with other items, notably the shoreline boardwalk.

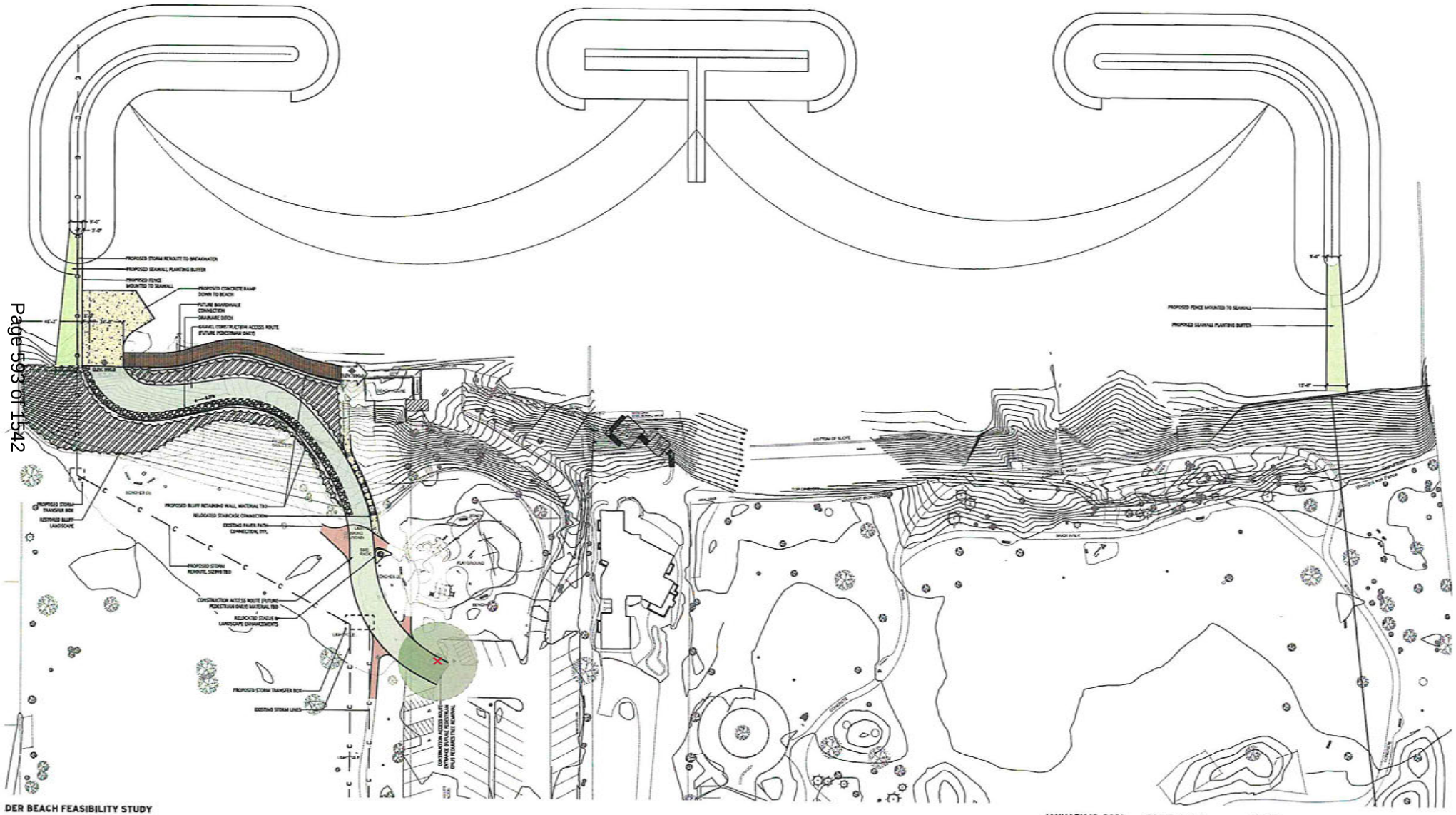
In the next few days, we expect to receive another version of the CAD drawing reflecting a few tweaks; we'll share that document with you upon receipt.

Please let Warren and me know if you have a few minutes early Friday, or, next week to walk through the design work details.

Thank you, John, for your time and consideration. Best to Fran and you.

Kind regards.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org



DER BEACH FEASIBILITY STUDY

ACCESS ROUTE CIRCULATION AND CONNECTIVITY STUDY | PRELIMINARY CONCEPT PLAN

NNETKA, IL

JANUARY 18, 2021

PROJECT TEAM
SPACECO
CBBEL

CLIENT
WINNETKA PARK DISTRICT

SCALE: 1"=30'

THE LAKOTA GROUP

John Peterson

Subject: FW: Good afternoon, John Edwardson!

From: John Peterson
Sent: Wednesday, July 1, 2020 2:35 PM
To: John Edwardson [redacted]
Cc: Warren James <WJames@winpark.org>
Subject: Good afternoon, John Edwardson!

Good afternoon, John.

Another Chamber of Commerce day in Winnetka. It's been an incredible run of great sunshine and nice temperatures. We truly have been blessed, and there's more of the summer ahead of us.

Warren James and I are extremely respectful of the recent communications between lawyers. The communications and coordination should get things across the finish line in due course. That said, Warren and I want to meet with you and, if available, Jon Shabica, to talk about various aspects of the Winnetka Waterfront 2030 Lakefront Master Plan as it relates to Elder Lane Park and Beach, and the related costs to execute the Lakefront Master Plan at Elder. Of particular interest is an opportunity to talk about opportunities to lower the cost to mobilize rock to the shoreline via a marine-based delivery method (vs. a land-based delivery method).

Are you available for:

- An in-person meeting tomorrow between 7:00 – 9:30 a.m. (bacon in Glenview? It's open . . . FYI);
- An in-person meeting tomorrow between 12:30 – 3:00 p.m.; or
- A Zoom session any day from Friday, July 3rd to Saturday, July 11th ?

Thank you, John, for your consideration of a conversation with Warren and me. Looking forward to your thoughts. Until then, enjoy the wonderful afternoon and evening weather.

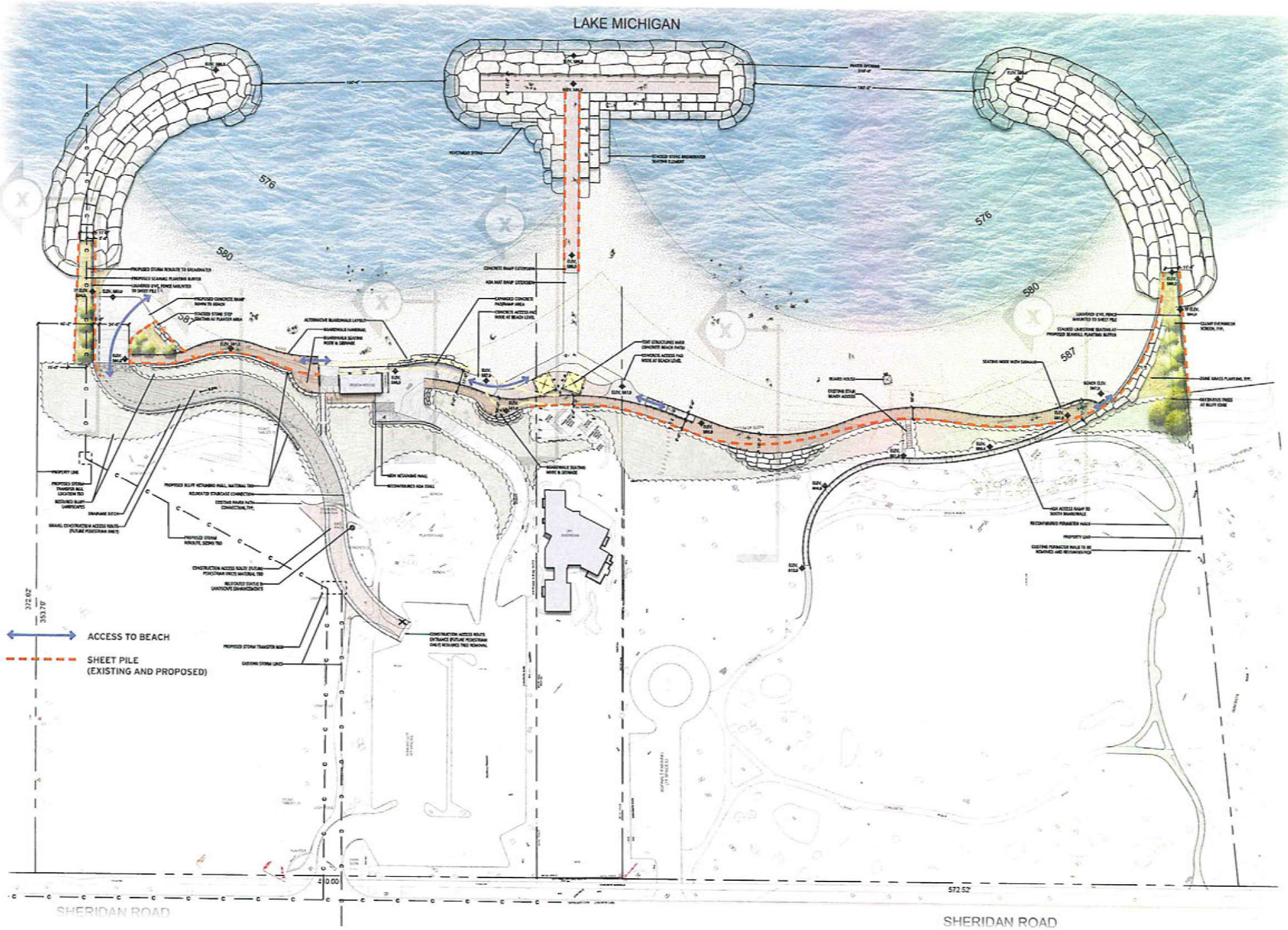
Kind regards, JP

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

John Peterson

From: John Peterson
Sent: Thursday, June 1, 2023 1:05 PM
To: 'mary garrison'
Cc: Steven Adams
Subject: Mary Garrison FOIA Response - Email No. 6
Attachments: Preliminary Concept Plan March 4 2021.pdf

John Peterson
Executive Director
Office: +1.847.501.2074
Email: jpeterson@winpark.org
Winnetka Park District | winpark.org



ELDER/CENTENNIAL BEACH FEASIBILITY STUDY

FEASIBILTY STUDY | PRELIMINARY CONCEPT PLAN

WINNETKA, ILLINOIS

SCALE: 1"=30'

NORTH

MARCH 4, 2021

PROJECT TEAM:
SPACECO
CBBEL

PREPARED FOR:
WINNETKA PARK DISTRICT

DRAFT

THE LAKOTA GROUP.

From: [redacted]
To: Robert Bahan; Ann Klaassen; David Schoon
Subject: Attachment for the ZBA
Date: Saturday, October 19, 2024 8:11:18 PM
Attachments: Speech to ZBA 101424.pages

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Friends -

I was out of town last week when the ZBA met on October 14. My presentation was read by Kim Marsh. Would you please send my attached letter to all the ZBA members. And please let them know how much I appreciated their attention and their professionalism. ZBA runs a fine meeting.

Best,
Irene Smith
[redacted]

****

Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression, and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

John Lewis, from the essay he wrote shortly before his death on July 17, 2020.

October 14, 2024

I am speaking tonight on behalf of Irene Smith, who couldn't be here this evening.

I propose that you, members of the Zoning Board of Appeals, table the Winnetka Park District's application for a Special Use Permit for Centennial Beach and Park. You simply do not have all the information you need.

I hope you will all visit Elder and Centennial before you make a decision.

The Park District wants to build an outlandishly expensive and over-engineered design at Centennial at the behest of the property owner at 205 Sheridan. The WPD wants to do a similar plan at Elder.

In the meantime, the property at 261 Sheridan between the 2 parks, cuts the Park District's plans in half. That home also belongs to Orchard 2020 Revocable Trust, Mr. Ishbia's fund.

And what about the swap of 261 Sheridan for the southernmost 71' of Centennial Park? That arrangement is now "dormant," which has no legal meaning, and is subject to ongoing litigation. How can you consider a project that completes the Park District's plan to combine the 2 beaches until you know whether the swap is going to happen?

There is no rush to do the Centennial project. Tower, Lloyd, and Maple beaches are functioning and beautiful. Centennial Park and dog beach are just fine the way they are.

Elder Beach should be repaired and re-opened. There are stairs to the beach as well as a beach house with bathrooms, which Centennial does not have. Elder has been closed for 4 years. It should be opened before the ZBA gets involved in an enormous project which is woefully incomplete.

Thank you very much.

From: [redacted]
To: Planning
Subject: ZBA Centennial
Date: Tuesday, October 22, 2024 9:57:03 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning! I am writing in support of the centennial project. Unfortunately, I will be out of town at the time zoning board meeting, but would very much liked to show my support of the project.

Thank you very much!
Susan Davis
604 Willow Road

Cell: [redacted]

Sent from my iPhone

From: [redacted]
To: Planning
Subject: Support of the WPD"s Centennial Beach Plans
Date: Tuesday, October 22, 2024 1:54:32 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my full support for the Winnetka Park District's plans for enhancing Centennial Beach. As a longtime resident and a long time user of our beaches, it is really important to see this plan through and stop the vocal minority from trying to stop progress and improvements to our village. The Park District has worked tirelessly and developed a very thoughtful plan. The village should allow this plan to proceed.

Sincerely,

Robert Horne
340 Birch Street
Winnetka, IL 60093
[redacted]

From: [redacted]
To: Planning
Cc: snazzal@winpark.org; David Schoon; Ann Klaassen
Subject: November 11 ZBA Meeting for WPD Elder/Centennial Beach Plans
Date: Wednesday, October 30, 2024 8:41:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Zoning Board of Appeals:

Matthew Bradley, Chair, Zoning Board of Appeals
Todd Vender
Mark Haller
Lynn Hanley
Kathryn Leister
Mike Nielsen
Kate Casale MacNally

Before I begin, I want to thank all of you so much for your service to the Village. My late husband I both assumed numerous *volunteer* roles in the community over the past 30 + years, and I think many residents do not appreciate the time and effort which volunteer roles such as yours require. Thank you.

That said, my first ZBA meeting was the last one held regarding approving a variance for the latest iteration of the Winnetka Park District's plan for Elder and Centennial Beaches. I have been a bystander with regard to this issue and have friends who support and others who object to the plan. Since I cannot attend your next ZBA meeting on Nov. 11, I am writing to express my support for the plan presented. Here are my thoughts from 40,000 feet, observing for the first time:

1) The initial presentation was most impressive--and I know the Park Board has gone back to the drawing board a number of times, trying to accommodate various interests--such as adding back in a dog park.
2) There are limits they must adhere to in their plans, such as fencing in an off leash dog park from the County. Yet many expressed anger over having a fence go to water's edge. If you want a dog beach, you need a fence.
3) I believe they are doing the "right" and legally mandated thing by providing accessibility to those with physical limitations--and it works for young parents with strollers, too.
4) As someone who learned to swim in a lake and life guarded at a lake as a teenager, I do not believe having rocks as a breakwater presents any more of a safety hazard than having a pier. Bluntly, if (usually young people) take foolish risks, swim when and where they are not supposed to and as a result have accidents, there is no beach design that can guard against that, other than blocking off access to the lake altogether--it is an "attractive nuisance" in insurance parlay. Sad as it was, it is also impossible for lifeguards or the Park District to be responsible for people who

have boating accidents outside of designated swimming areas.

5) In my opinion, comments about why the ZBA should reject the proposal based on conflicts with the R2 zoning code are irrelevant. Of course a public beach cannot possibly meet the zoning codes for residential buildings--that is why they are requesting a VARIANCE.

6) I have no expertise in coastal engineering and breakwater construction--and neither did most of the speakers. I think paid experts' opinions should prevail when it comes to evaluating things like beach erosion, high and low water implications, etc.

7) The patience and calmness exhibited by your board in hearing so many people speak was exemplary. However, I did take exception to having to hear the opinions of Laurie (?) who is not a Winnetka resident, not a certified expert on any part of the design or construction and probably does not own a non-resident beach pass although she claims to be on our beaches all the time. I think it would be appropriate to cut off speakers like that who really have no skin in the game.

8) I think it is unfair to tax paying Village residents that we have not had access to Elder Beach for so many years. The delay is due to objections of a handful of neighbors who seem to want nothing done--I assume they enjoy not having crowds there and competition for parking, but the Park was there when they moved in, so they need to share the public space we all pay for.

9) I also know that much of the antagonism for this project is generated by the massive home being built at the south end of the beaches. Honestly, I think it is out of character for the Village and unnecessarily obstructive, but the horse is out of the barn on this issue. It was lack of Village restrictions which allowed it to be permitted, not the Park District. It seems the Park District and Winnetka residents are bearing the consequences of the objections and delays, not the property owner himself.

Thank you for listening to my voice, and again for all you do for the community.

Leslie Farmer
388 Berkeley Ave.

From: [redacted]
To: Robert Bahan; David Schoon; Ann Klaassen; [redacted]
Subject: Fwd: Scale comparisons of the Centennial Breakwater for your review
Date: Thursday, October 31, 2024 8:40:03 AM
Attachments: 20241029 Winnetka Scale Comparisons.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Centennial Breakwater Design

Dear all,

Please review the attached **scale comparisons** of the proposed Centennial Rubble Breakwater that the Zoning Board of Appeals is currently reviewing, and, if possible can this attachment be forwarded to all ZBA members?.

As you know, there are community concerns regarding the need for the Centennial Breakwater, and the lack of hydrological studies that would justify the current design.
The beach is resilient and stable and that was demonstrated during the high waters of 2020.

Few residents, I believe, have grasped the scale of this proposed breakwater, which is larger , longer and wider than any other pier or breakwater along Winnetka's lakefront. In addition, the scale and width of the 10' wide ADA walkway also requires discussions. Why is everything so aggressively oversized for a quiet neighborhood park?

The attached scale comparisons show the proposed Centennial Breakwater overlaid onto Elm Street, Chestnut Street, The Tower Road Pier, and Maple Pier to help the community understand the scale of this proposal.

You can see that the width of the breakwater is wider than the right of way of Elm Street.

The length of the breakwater is far longer and wider than Tower Road Pier or Maple Pier.

The walkway on top of the breakwater is 15' wide with 6' wide shoulders on either side making the top of the breakwater 27' wide, almost the width of three lanes of moving traffic.

Centennial Beach has always been a quiet, open, sandy beach with great expansive views. The proposed design is out of scale, overly engineered, and is insensitive to the current park and lakefront ecology.

Please review when time allows.

Thank you for your time and consideration.

Philip Enquist, FAIA
Architect/ Urban Planner
Winnetka Resident

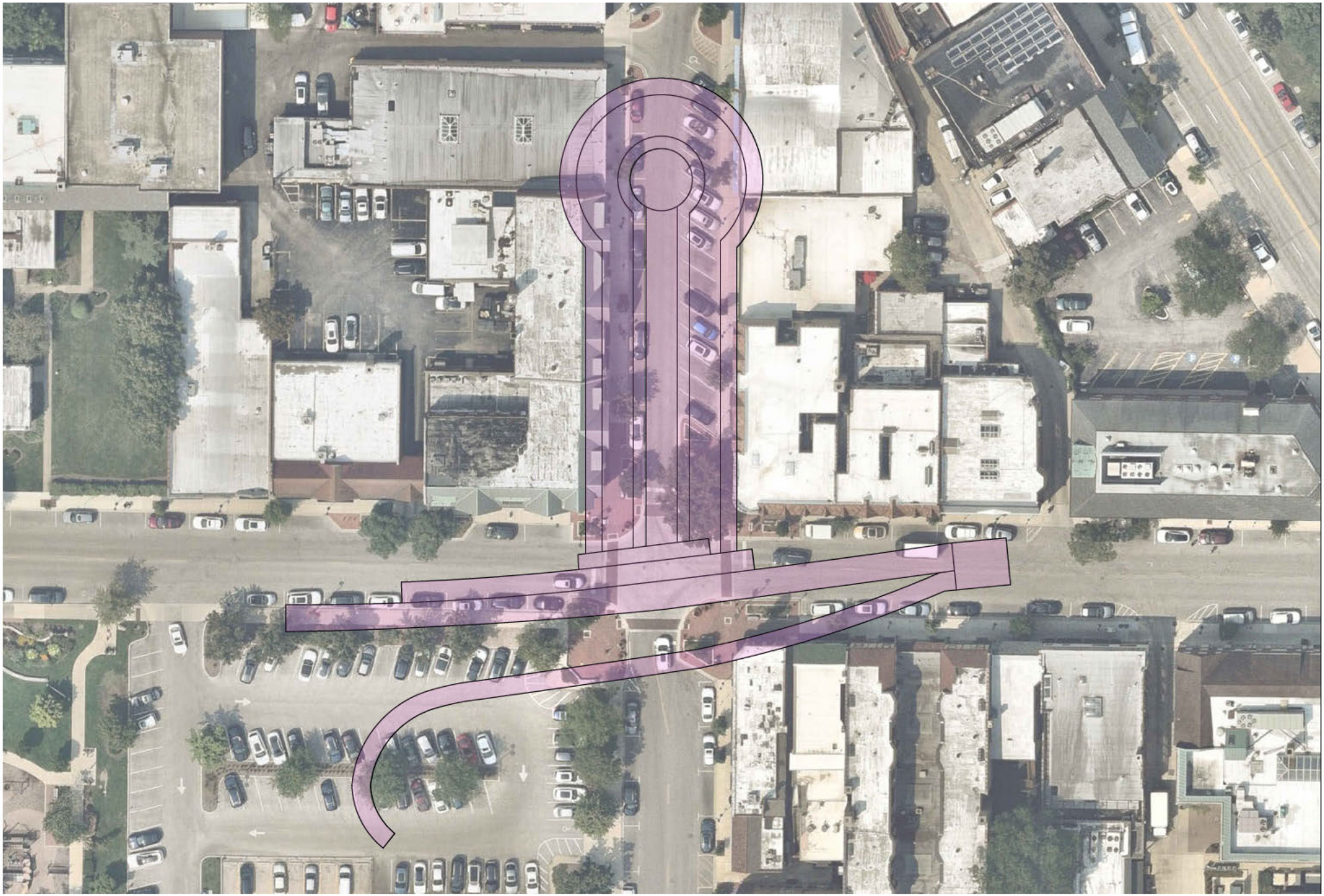
Scale Comparisons

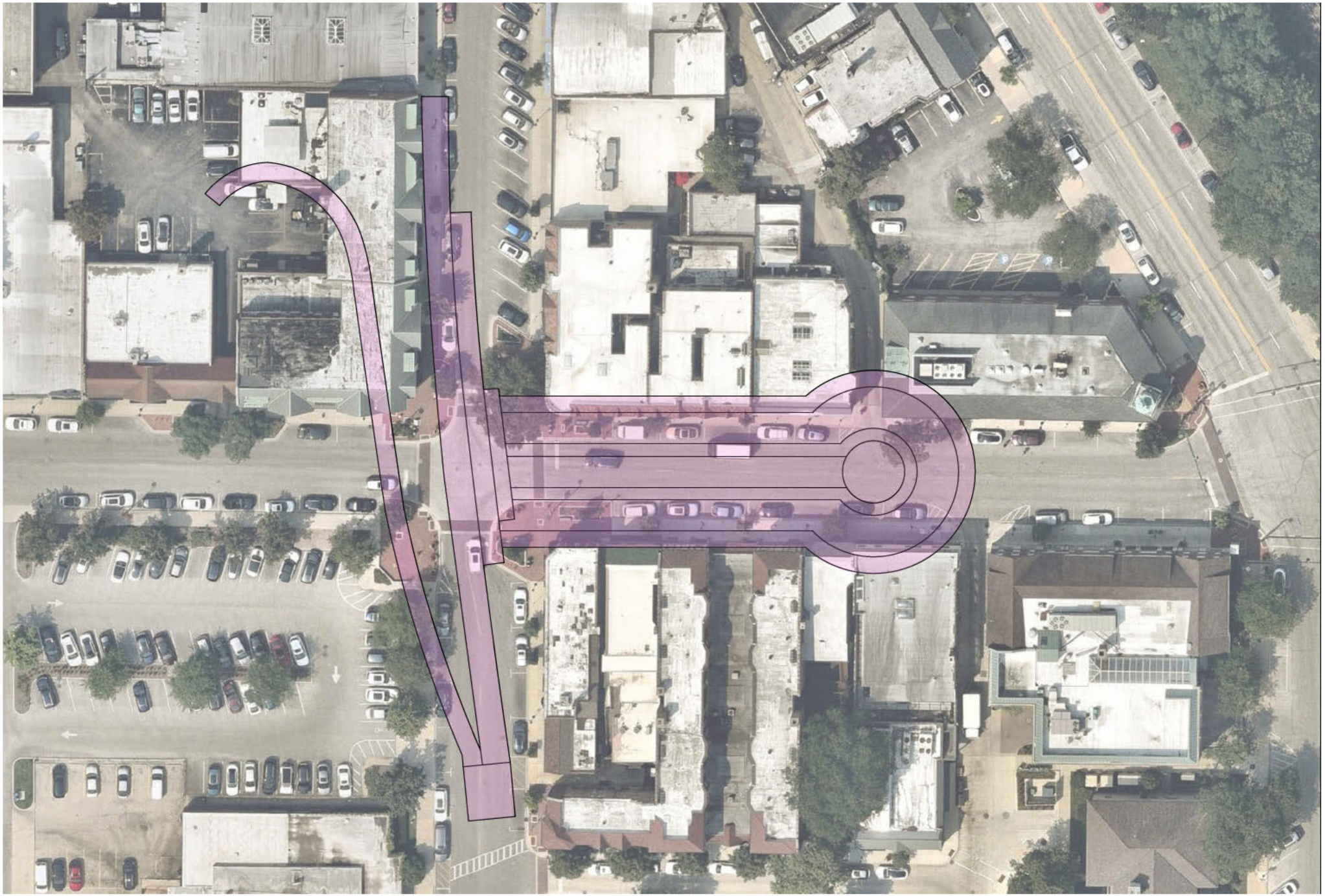
Centennial Beach

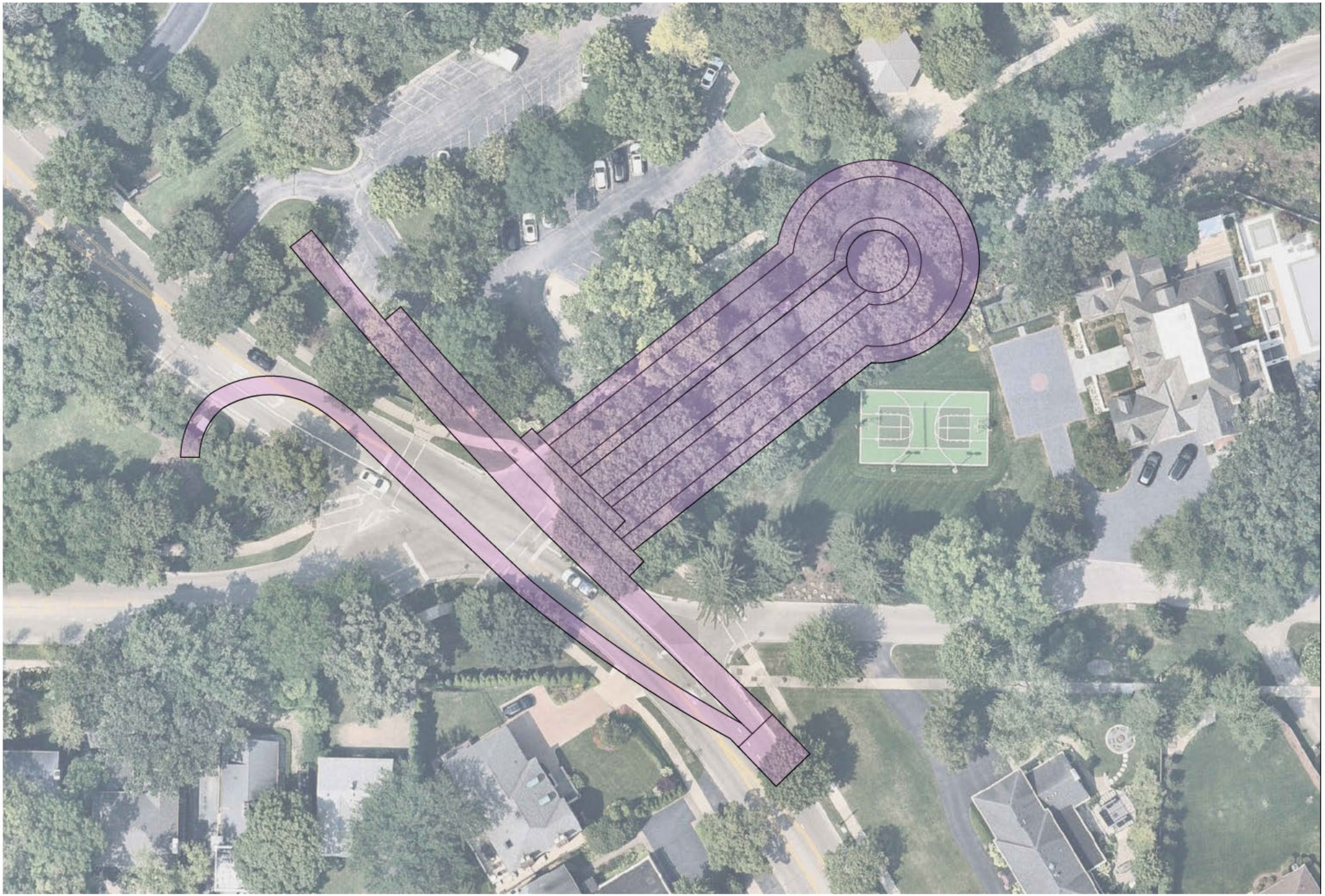
Proposed Rubble Mound Breakwater

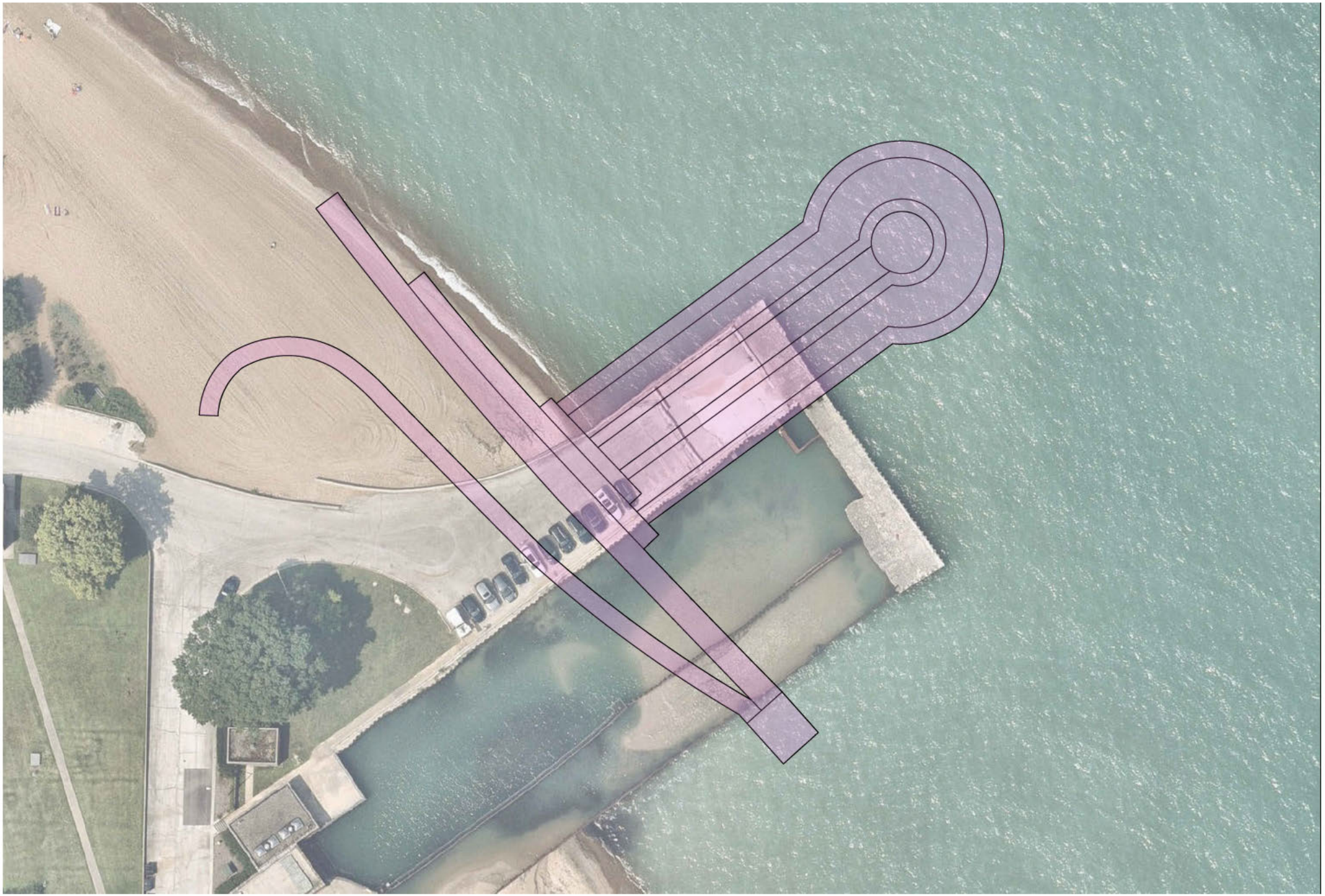
Winnetka Alliance for Shoreline Safety, Access and Protection

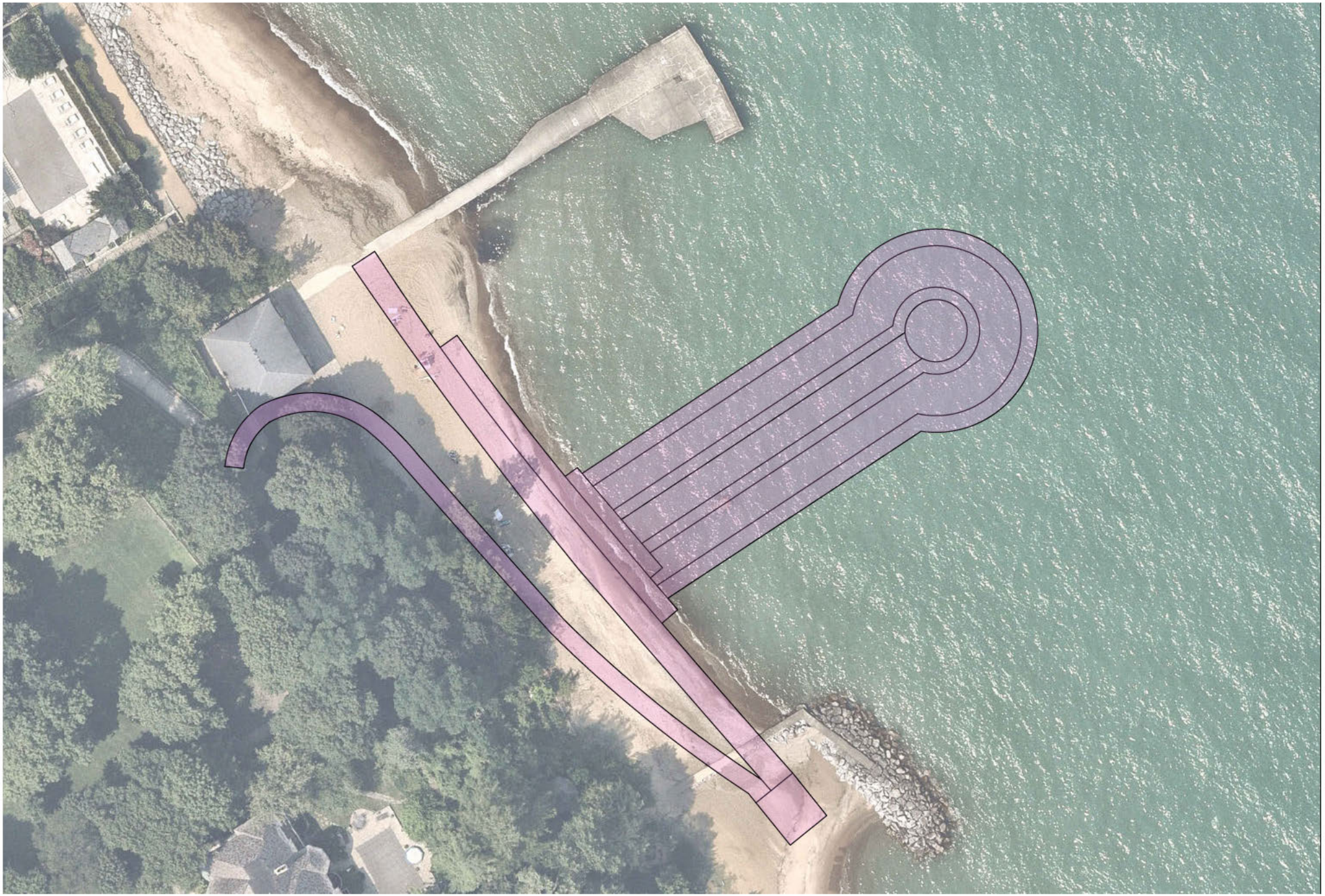
WASSAP











From: [redacted]
To: Planning
Cc: snazzal@winpark.org; David Schoon; Ann Klaassen
Subject: ZBA Centennial
Date: Thursday, October 31, 2024 11:21:18 AM

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Zoning Board of Appeals Members,

We currently live at 555 Provident Avenue and have been Winnetka residents for 27 years. My husband Sid and I have been volunteers in the community for the park district, all local schools our 3 children attended, church, Hadley, the Chamber and more. At 65 years of age, we still care deeply for our village and are proud to have raised children here. We plan to continue to live in Winnetka.

We have been waiting and waiting for the lake front project proposed by the WPD to be approved and completed at Elder and Centennial. Please approve any necessary permits to allow the construction of the beach front plans to move forward now. We love the beach, dog beach park and believe the beach plans will be a community building opportunity to gather residents and families today and for future generations.

We choose to live in Winnetka decades ago because of beaches and schools. We can not let our beach front be ignored. The lake front should be the Village and Park Board's highest priority for improvements. NOW is the time to approve the WPD Centennial and Elder Lake Front plans. Please don’t let silly, small codes and permit issues delay this approval process any longer, it’s time to move forward to enhance our true treasure of Winnetka, our beach front.

Thank you.

Laura & Sid Glenn
[redacted]

From: [redacted]
To: Planning
Subject: Park District vote
Date: Saturday, November 2, 2024 11:34:05 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nancy Johnson
455 Sunset Rd.
Winnetka, IL 60093

It's time to approve the lakefront permits to move forward and open Elder Beach.

Thank you,
Nancy Johnson

Theodore Wynnychenko
1086 Oak Street
Winnetka, IL 60093-2165

November 2, 2024

Ann Klaassen
Staff Liaison, Zoning Board of Appeals
Assistant Director
Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

VIA EMIAL: aklaassen@winnetka.org

Ms. Klaassen:

I am taking this opportunity to bring the Zoning Board of Appeals' ("ZBA") attention to assertions made by the Winnetka Park District ("WPD") during the hearing before the ZBA on October 14, 2024 regarding a Special Use Permit for Centennial Park and Beach (Case No. 24-08-SU).

I request that this communication be forwarded to all members of the ZBA.

During its presentation, the WPD stated, at time index 1:34:47 of the hearing's recording available at https://www.youtube.com/watch?v=WqZoj7QoXIM:

> You'll see the fence being shown on the south perimeter side. Once again, that contours all the way around the site, doubling as dog fencing for the dog park, so that we can comply with Cook County regulations. We were able to reach out to Cook County, and they responded back to us in writing that our plan design would meet those regulations as well. So that was something, just to, kind of note.

It appears that this statement was based on a series of communications with the Cook County Department of Animal and Rabies Control ("CCARC"). Unfortunately, the statements made by the WPD at the hearing appear to be a misrepresentation of the guidance or authority provided to the WPD by the CCARC.

The WPD first contacted the CCARC on July 23, 2024 (email attached). At that time, the WPD was "looking for direction from Cook County on how Cook County views dog beaches in relation to [the Cook County Animal and Rabies Control Ordinance] last updated in 2010."

After receiving no reply, the WPD then contacted the CCARC again on September 11, 2024 (email attached). At that time, the WPD stated

that it was contacting CCARC "regarding a waiver request for a portion of a Section in Regulation VIII - Dog Parks and Areas," and explained:

> [T]he [Village of Winnetka] has requested an opinion from Cook County regarding the full enclosure requirement as a stipulation of our application. The proposed area will meet all other requirements outlined in the Ordinance and Regulation VIII, and we are seeking this waiver to allow the lake to serve as a natural boundary.

In reply, on September 13, 2024, CCARC replied (email attached) and stated "[CCARC] would not view the lake barrier as a violation of our current dog park ordinance."

This statement from CCARC, which vaguely references a "lake barrier" not being a violation of "the current dog park ordinance" appeared to be substantially incongruous with the statements by the WPD at the ZBA hearing on October 14, 2024, where the WPD stated that CCARC responded, "in writing," that the WPD "plan design would meet those regulations."

Therefore, I contacted CCARC on October 20, 2024 (email attached), requesting:

> [A] confirmation that your correspondence to the WPD dated September 13, 2024, affirmatively allows the WPD to create an off-leash dog area that is <u>not contiguously fenced</u>, as required by Regulation VIII, and the exact requirements that the WPD would be required to meet to be in compliance with the Regulation or any waiver of it.

The CCARC replied to my request for clarification on November 1, 2024 (email attached) and informed me that my "statement requesting confirmation misstates the September 13 correspondence," and that "[n]o affirmative permissions were Intended (*sic.*)" by the CCARC in the September 13 correspondence.

As such, the statements by the WPD regarding the "approval" of the incomplete and non-contiguously fenced "dog beach" appear to be misleading, and appear to misrepresent the direction it had been provided by the CCARC in its testimony at the ZBA Hearing on October 24, 2024.

In addition, this reply from CCARC suggests that the WPD has not received the approval requested by the Village of Winnetka regarding an incompletely fenced "dog beach."

Sincere[redacted]

Theodore Wynnychenko

Outlook

Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

From Shannon Nazzal <snazzal@winpark.org>
Date Tue 7/23/2024 3:52 PM
To Mamadou.diakhate@cookcountyil.gov <Mamadou.diakhate@cookcountyil.gov>
Cc Simon, Adam <ASimon@ancelglink.com>; Costa Kutulas <CKutulas@winpark.org>

Dr. Diakhate,

I am reaching out on behalf of the Winnetka Park District within Cook County. The Winnetka Park District is subject to the Cook County Animal and Rabies Control Ordinance which refers to Regulation VIII. Dog Parks and Areas which was last updated in 2010. This regulation indicates in B. Requirements, Number 2. that: *A Dog Park must be completely enclosed by a contiguous fence...*

In Winnetka, and many other lakefront communities, a location on the lakefront for an off-leash dog area is seen typically as only enclosed on three sides, with no fence in the lake itself. We are in the process of a beach improvement project at Centennial Park & Beach that would enclose the three sides on land with the lake being open in hopes that can be an off-leash dog area. The area in our plan includes all other stipulations of the Ordinance and Regulation VIII.

I am looking for direction from Cook County on how Cook County views dog beaches in relation to this regulation last updated in 2010. Your assistance is greatly appreciated, and we'd be happy to share more information on the project plan that is currently in permitting with the Village of Winnetka.

I look forward to hearing back from you.

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

Outlook

Waiver Request - Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

From Shannon Nazzal <snazzal@winpark.org>
Date Wed 9/11/2024 1:53 PM
To Mamadou.diakhate@cookcountyil.gov <Mamadou.diakhate@cookcountyil.gov>; Mark.Rosenthal@cookcountyil.gov <Mark.Rosenthal@cookcountyil.gov>
Cc Simon, Adam <ASimon@ancelglink.com>; Costa Kutulas <CKutulas@winpark.org>

Dr. Diakhate,

I hope this message finds you well. I am reaching out on behalf of the Winnetka Park District regarding a waiver request for a portion of a Section in Regulation VIII – Dog Parks and Areas, from the Administrative Regulations of the Cook County Animal and Rabies Control Ordinance.

The Winnetka Park District is subject to the Cook County Animal and Rabies Control Ordinance, which, under Regulation VIII, last updated in 2010, stipulates in Section B, Number 2, that dog parks must be completely enclosed by a contiguous fence. As we are located along the lakefront, we, like many other lakefront communities, envision an off-leash dog area where the lake serves as the natural barrier, enclosing the park on three sides with the lake left open.

We are currently in the permitting process with the Village of Winnetka through their Special Use Permit process for our beach improvement project at Centennial Park & Beach (225 Sheridan Road, Winnetka). As part of this process, the Village has requested an opinion from Cook County regarding the full enclosure requirement as a stipulation of our application. The proposed area will meet all other requirements outlined in the Ordinance and Regulation VIII, and we are seeking this waiver to allow the lake to serve as a natural boundary.

We appreciate your consideration of this request and are happy to provide any additional information or answer questions to facilitate the process.

Thank you for your time and attention to this matter.

Sincerely,

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1.847.501.2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

From: Shannon Nazzal <snazzal@winpark.org>
Sent: Tuesday, July 23, 2024 3:52 PM
To: Mamadou.diakhate@cookcountyil.gov <Mamadou.diakhate@cookcountyil.gov>
Cc: Simon, Adam <ASimon@ancelglink.com>; Costa Kutulas <CKutulas@winpark.org>
Subject: Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

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I am looking for direction from Cook County on how Cook County views dog beaches in relation to this regulation last updated in 2010. Your assistance is greatly appreciated, and we'd be happy to share more information on the project plan that is currently in permitting with the Village of Winnetka.

Outlook

RE: Waiver Request - Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

From Mark Rosenthal (Animal Control) <Mark.Rosenthal@cookcountyil.gov>
Date Fri 9/13/2024 3:07 PM
To Shannon Nazzal <snazzal@winpark.org>
Cc Mamadou Diakhate (Animal Control) <Mamadou.Diakhate@cookcountyil.gov>; Mark Rosenthal (Animal Control) <Mark.Rosenthal@cookcountyil.gov>; Samantha May (Animal Control) <samantha.may@cookcountyil.gov>

Caution: External (mark.rosenthal@cookcountyil.gov)
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Dear Ms. Nazzal,

Thank you for your recent email regarding the Winnetka Park District dog friendly area.

We appreciate your notification and request.

Based on the information that you have provided to our department; we would not view the lake barrier as a violation of our current dog park ordinance.

Dr. Mamadou Diakhate

From: Shannon Nazzal <snazzal@winpark.org>
Sent: Wednesday, September 11, 2024 1:54 PM
To: Mamadou Diakhate (Animal Control) <Mamadou.Diakhate@cookcountyil.gov>; Mark Rosenthal (Animal Control) <Mark.Rosenthal@cookcountyil.gov>
Cc: Simon, Adam <ASimon@ancelglink.com>; Costa Kutulas <CKutulas@winpark.org>
Subject: Waiver Request - Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

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Dr. Diakhate,

I hope this message finds you well. I am reaching out on behalf of the Winnetka Park District regarding a waiver request for a portion of a Section in Regulation VIII – Dog Parks and Areas, from the Administrative Regulations of the Cook County Animal and Rabies Control Ordinance.

The Winnetka Park District is subject to the Cook County Animal and Rabies Control Ordinance, which, under Regulation VIII, last updated in 2010, stipulates in Section B, Number 2, that dog parks must be completely enclosed by a contiguous fence. As we are located along the lakefront, we, like many other lakefront communities, envision an off-leash dog area where the lake serves as the natural barrier, enclosing the park on three sides with the lake left open.

We are currently in the permitting process with the Village of Winnetka through their Special Use Permit process for our beach improvement project at Centennial Park & Beach (225 Sheridan Road, Winnetka). As part of this process, the Village has requested an opinion from Cook County regarding the full enclosure requirement as a stipulation of our application. The proposed area will meet all other requirements outlined in the Ordinance and Regulation VIII, and we are seeking this waiver to allow the lake to serve as a natural boundary.

We appreciate your consideration of this request and are happy to provide any additional information or answer questions to facilitate the process.

Thank you for your time and attention to this matter.

Sincerely,

Shannon Q. Nazzal, CPRE (she / her)
Executive Director

Theodore Wynnychenko
1086 Oak Street
Winnetka, IL 60093-2165

October 20, 2024

Mamadou Diakhate
Administrator
Cook County Department of Animal and Rabies Control
10220 South 76th Avenue
Bridgeview, IL 60455

Dr. Diakhate:

We briefly corresponded in February of this year. At that time, I requested, and your Department provided via US Mail, a copy of "A Booklet Containing an Ordinance, Guidelines, and Related Information" dated "Approved as Amended" on September 21, 2004.

I then corresponded and, ultimately, spoke with Mark Rosenthal on or about April 2, 2024. At that time, my question and our discussion centered on the fencing requirements for off-leash dog areas abutting bodies of water, specifically Lake Michigan. Mr. Rosenthal indicated that your Department was working on updating its regulations.

I then contacted Mr. Rosenthal on August 6, 2024, asking if there had been any progress on updating these regulations. I did not receive a reply.

It has now come to my attention that on September 11, 2024 the Winnetka Park District ("WPD") contacted your office regarding a "Waiver Request." In their correspondence, the WPD acknowledges the regulatory requirement under Regulation VIII, Section B, Number 2 that "a Dog Park must be completely enclosed by a contiguous fence."

The WPD stated that it envisions an off-leash dog area adjacent to Lake Michigan only enclosed on 3 sides, with the "lake left open," and is "seeking [a] waiver to allow the lake to serve as a natural boundary."

In your reply, transmitted by Mr. Rosenthal to the WPD on September 13, 2024, you state "based on the information that you provided our department; we would not view the lake barrier as a violation of our current dog park ordinance."

I would like to understand the basis for this statement.

Has your Department updated its Ordinance?

Does the Ordinance now include a section allowing the issuance of "waivers" to recorded and approved animal control regulations?

Exactly what would be required of any entity in this type of situation?

Is there a minimum or maximum distance any fencing must extend out into a body of water to serve as a "lake barrier?" I note that the WPD correspondence does not describe the proposed fencing in any detail.

Is this "waiver" conditioned on whether or not a body of water is held in Public Trust, or on the characteristics of that particular body of water?

What is the process an applicant for a "waiver" would be required to follow to ask for, and be granted, such a waiver?

I request that you provide me an updated copy of any Ordinance that documents your Department's authority to issue "waivers" of requirements to the regulations for off-leash dog areas, and the process employed in making such a determination.

Ultimately, I request a confirmation that your correspondence to the WPD dated September 13, 2024, affirmatively allows the WPD to create an off-leash dog area that is not contiguously fenced, as required by Regulation VIII, and the exact requirements that the WPD would be required to meet to be in compliance with the Regulation or any waiver of it.

Finally, I would request that, if you are unwilling or unable to answer the questions posed above, you provide me copies of any documents that concern this matter, including any communications between your Department and the WPD. If necessary, please consider this a request pursuant to the Illinois Freedom of Information Act (5 ILCS 140, *et. seq.*).

Sincer[redacted]

Theodore Wynnychenko

COOK COUNTY
BUREAU OF
ADMINISTRATION

Dr. Mamadou Diakhate D.V.M.
Administrator

(708) 974-6140
mamadou.diakhate@cookcountyil.gov

10220 S. 76Th. Avenue
Suite 251
Bridgeview, Illinois 60455

TONI PRECKWINKLE
President
Cook County Board
of Commissioners

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1st District

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STANLEY MOORE
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12th District

JOSINA MORITA
13th District

SCOTT R. BRITTON
14th District

KEVIN B. MORRISON
15th District

FRANK J. AGUILAR
16th District

SEAN M. MORRISON
17th District

Nov 1, 2024

Dear Theodore Wynnychenko

In response to your recent letter our department has not updated the Cook County Animal and Rabies Control ordinance.

The statement requesting confirmation misstates the September 13 correspondence. The September 13 e-mail states " we would not view the lake barriers as a violation of our current dog park ordinance." No affirmative permissions were Intended.

Sincerely,

Mamadou Diakhate, D.V.M.
Adminstrator
Cook County Animal and Rabies Control

From: [redacted]
To: Planning
Subject: ZBA Centennial
Date: Sunday, November 3, 2024 10:05:00 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I urge the Zoning Board of Appeals to approve the zoning variances and exceptions requested by the Winnetka Park District for the Centennial Beach project. The Park District has spent a considerable amount of time and resources producing plans that meet the needs of many constituencies. The variances and exceptions that the Park District has requested are entirely reasonable and will vastly improve the environment and accessibility at Centennial Beach.

My family are active users of all of Winnetka's beaches. We use Centennial Beach most often with our dogs. The beaches on Lake MIchigan are an extraordinary resource for our community and should be maintained for everyone's benefit. Centennial Beach is currently in poor condition. It is inaccessible for many Winnetka residents. The improvements requested by the Park District will enhance experiences for all Winnetka's constituencies. The sooner the Park District is able to proceed with their plans, the sooner the beach will be open for everyone.

Thank you for your speedy consideration,

Carla Kahler
1221 Elm Street

From: [redacted]
To: David Schoon; Ann Klaassen; Robert Bahan
Subject: Please share with ZBA and all Trustees re: 11/11/24 ZBA Meeting
Date: Monday, November 4, 2024 1:16:22 PM
Attachments: WPDPlanDiscussionNovember2024.pdf
opengraph-content-icon-file-link-landscape.png

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Hello Mr. Schoon and Ms. Klaassen:
Please share my attached submission with ZBA and the Trustees, in which I examine the Winnetka Park District's Centennial Special Use Permit application variance request following ZBA's 10/14/24 meeting comments.
Please note that Discussion Point 4 concerns the City of Kenosha's September 2024 adoption of a water safety ordinance prohibiting swimming within 50 feet of "jetties"—defined as any structure above Lake Michigan's water line.
Please also note Red Barn's involvement in Kenosha's 2018 coastal study as a precursor to embarking on a Lake Michigan shoreline project, which may have involved the construction of "jetties" that now require 50 foot no swimming zones.
I respectfully request that the Village investigate the history and decision-making process that led to Kenosha's new safety ordinance.
Thank you.
Kris Schriesheim

*With respect to below, correct name is "Winnetka Alliance for Shoreline Safety, Access and Protection."



watch.url Great Lakes Surf Rescue News Video.url
dropbox.com

Sent from my iPad

WPD's Variance Request Issues— 11/11/24 ZBA Meeting

1. **Issues with WPD's variance request in the context of how it impacts Centennial Park and neighbors—**
   A. **The elevated boardwalk will block views, light and site lines. Persons standing at the dog beach stairs will be caught in the stairs' and boardwalk's shadows, looking up at steps rather than the north-facing horizon. The same is true of the boardwalk's impact on views, site lines and light looking south from the ramp. See attached images of plan overlay on existing beach.**
   B. **Building a land-based concrete roadway/path and extending steel sheet piling to construct the boardwalk and stairs will increase impervious surfaces and affect drainage, potentially damaging neighboring properties and the beach.**
   C. **Dog pen gate at 5' high would be too high to see over or even to reach for smaller people. WPD provided limited graphics showing a 5'10" person's size relative to the 5' dog pen fence, and not the average woman's height (5'4") or a child's height.**
   D. **Relocating electrical for the dog beach's fob-based entry system from the tabletop to the beach creates the risk of it being underwater after heavy rains and/or at times of high lake levels. WPD's Restrictive Covenant would require WPD to leave the relocated electrical on the beach for half a century, even if it is regularly underwater, continuously damaged, creates electrocution risks, is difficult to maintain, and prevents meaningful access to**

the dog beach. This is unreasonable, unsafe and sufficient to deny WPD's variance request.

E. WPD's variance request would create a nuisance. Mr. Kutulas's response to ZBA's questions about the 10' roadway's simultaneous use by maintenance vehicles, persons in wheelchairs and dogs, was to say that it would perform Centennial beach maintenance at 6 a.m. This violates Village Code nuisance provisions governing noise and restricting the use of leaf blowers. The Code's only leaf-blower noise exceptions are for the golf course and playfields (until 2025), neither of which exception applies to Centennial Park and Beach.

F. Not only does WPD's 2030 LMP respect and endorse the R-2 nature of Winnetka's stately lakefront neighborhoods, so does the Village's 2040 Futures Plan. This is in keeping with over 100 years of careful Village reviews of 225 Sheridan's variance requests, dating back to the North Shore Health Resort, as included in your 10/14/24 meeting packet. Granting a variance now would damage the neighborhood's character after over 100 years of carefully preserving it— by converting it into a commercialized entertainment zone; by increasing noise and maintenance traffic early in the morning; by subjecting the neighborhood to increased overall traffic and park usage; and by expecting the neighborhood to endure longer term construction-related disruption and damage. This combination is unreasonable and sufficient to deny WPD's variance requests.

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5. **WPD's design reflects a lack of 21st century shoreline techniques. WPD's design engineer—Red Barn—should have obtained the coastal studies that are required to assess such designs. See attached UW Coastal Study discussion involving Red Barn which assesses reasonable and effective Lake Michigan shoreline project parameters and requirements. The lack of even minimal studies of the design's potential consequences on the tabletop, shoreline, overall ecosystem, and general lakefront area should prevent variance approval.**

6. **WPD's variance request for purported "Dog Park" compliant fencing under Cook County's Animal Control ordinance and regulations, is misleading and wrong. The Cook County's Animal Control administrator's recent response to WPD's inquiry about whether a supposed "water barrier" would violate Cook County's four-sided fencing requirement for dog parks, described Centennial dog beach as a "dog friendly area," while saying calling the water a "barrier" would not violate dog park provisions. WPD did not receive a waiver entitling it to qualify as a dog park. Cook County had previously informed WPD's Mr. Kutulas that its "Beck Lake Dog Park" is fenced on all four sides. It did not offer him any examples of permitted "dog parks" with less than four-sided fencing.**

In summary, WPD's variance request is based on flawed designs that are unsafe, unnecessary, unfounded, create nuisances, and violate the Village's 2040 Futures Plan.

Please do not grant the variance.

Sincerely,

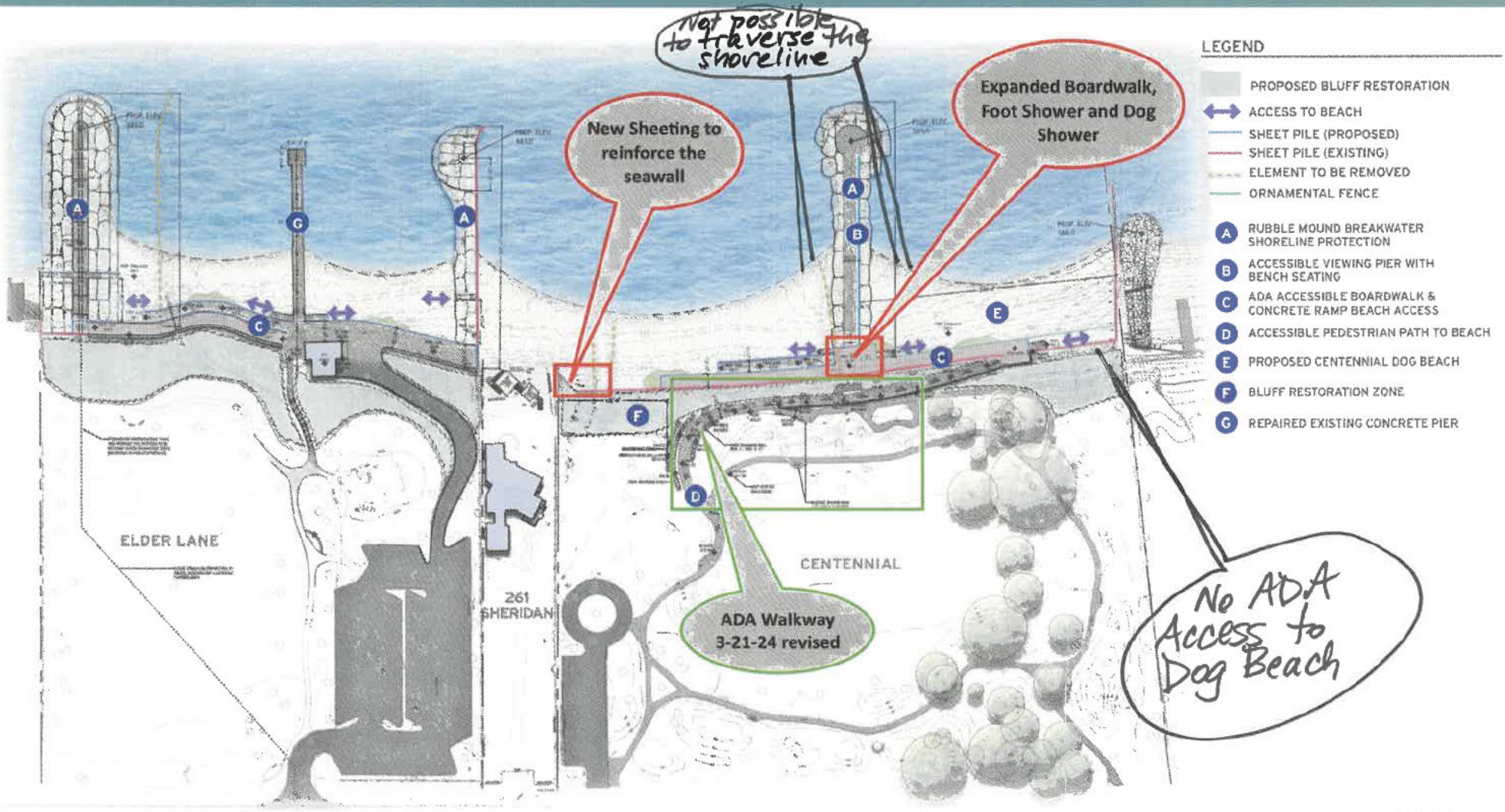
Kristine Schriesheim

WPD Plan is Excessive and Unsafe

◀ Mail 1:18 PM Tue Aug 27 ••• 58%
winpark.diligent.community — Private

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY

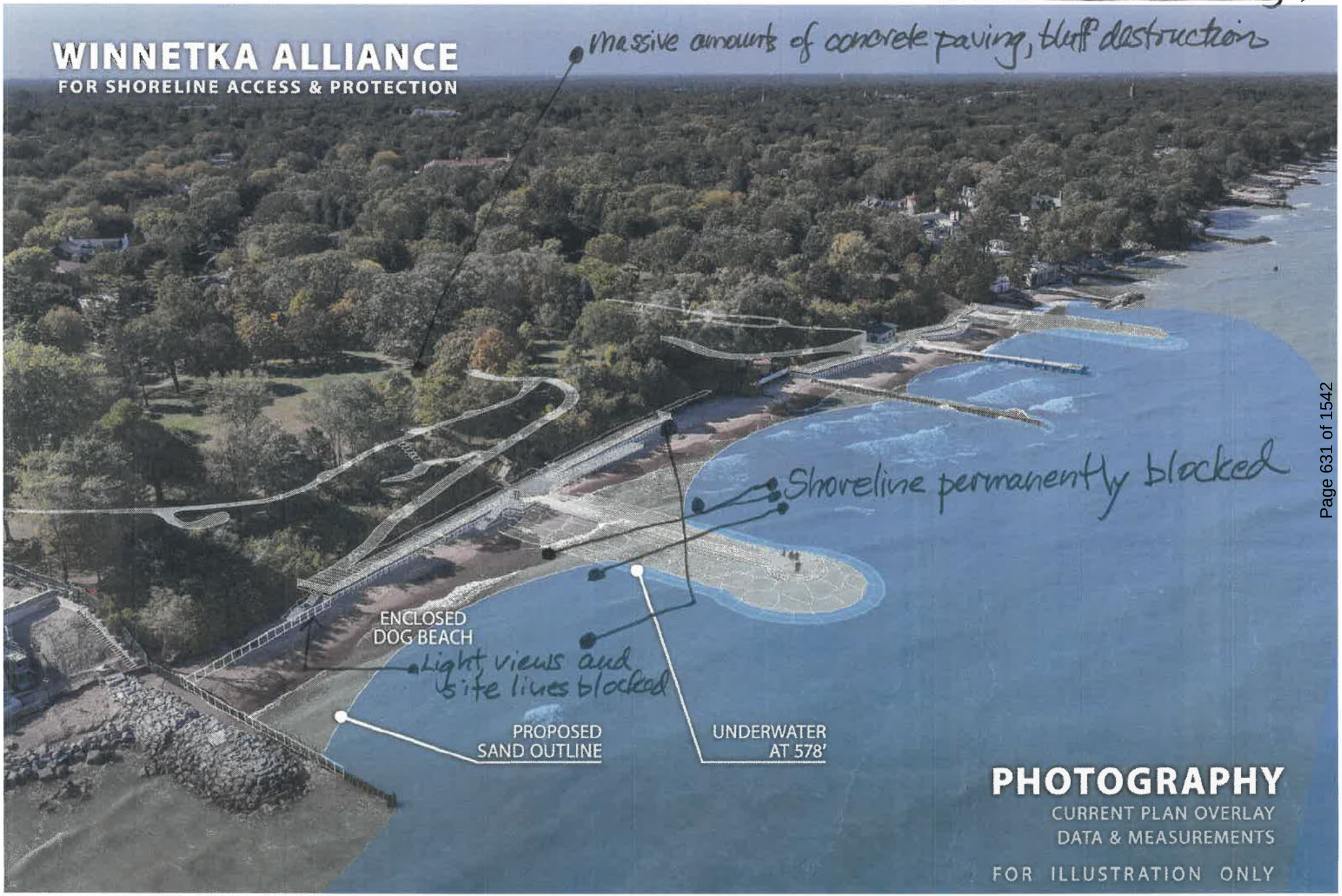


Elder + Centennial | Final Schematic Design

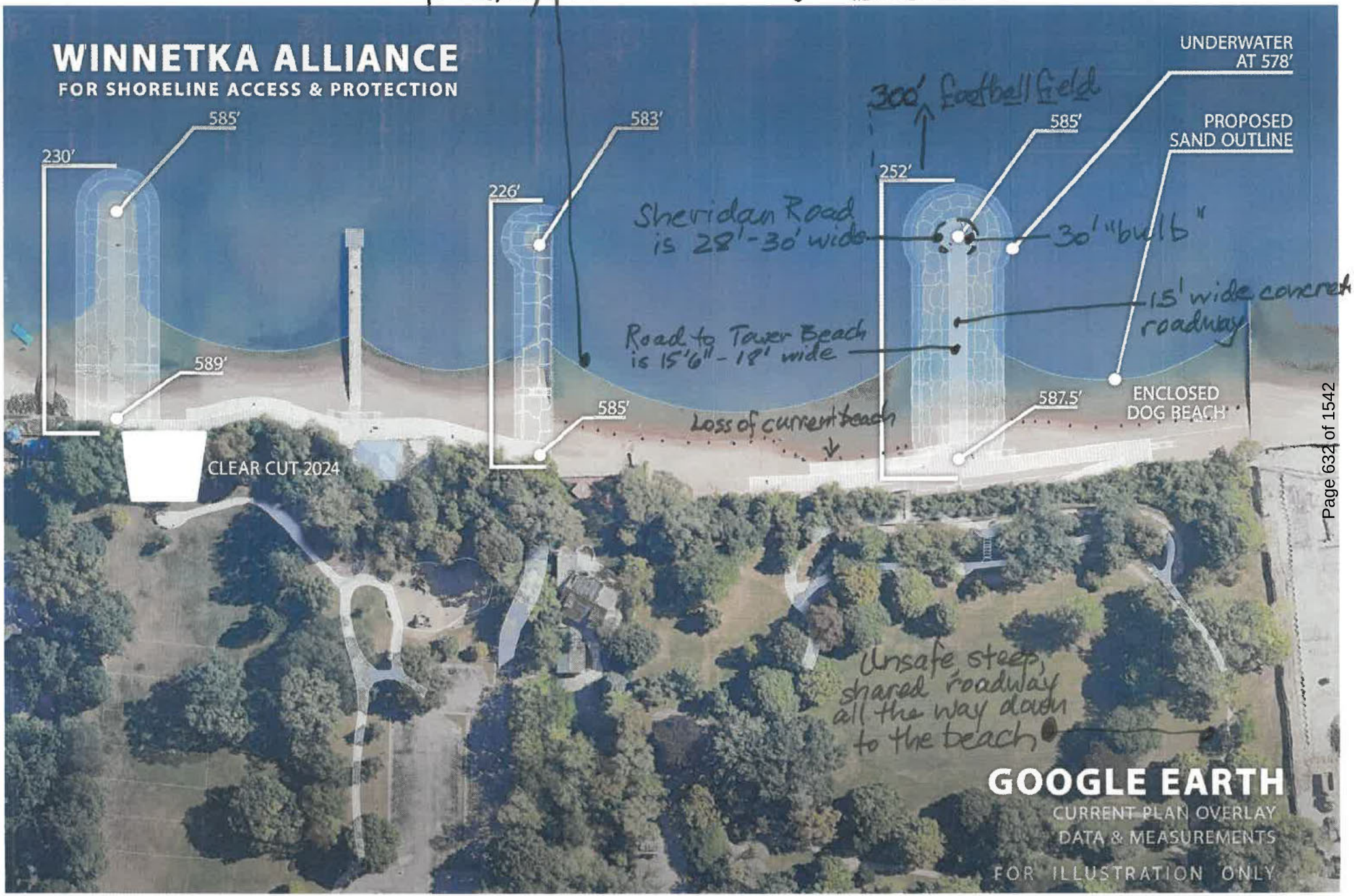
10/19/2023

THE LAKOTA GROUP.

WPD Plan Overlay



• WPD adding sand to privately owned 261 Sheridan?



1-A through 1-F

Current Lakefront View



1 A - F Discussion + Graphics

WPD's Variance Request Issues— 11/11/24 ZBA Meeting

1. **Issues with WPD's variance request in the context of how it impacts Centennial Park and neighbors—**
   A. **The elevated boardwalk will block views, light and site lines. Persons standing at the dog beach stairs will be caught in the stairs' and boardwalk's shadows, looking up at steps rather than the north-facing horizon. The same is true of the boardwalk's impact on views, site lines and light looking south from the ramp. See attached images of plan overlay on existing beach.**
   B. **Building a land-based concrete roadway/path and extending steel sheet piling to construct the boardwalk and stairs will increase impervious surfaces and affect drainage, potentially damaging neighboring properties and the beach.**
   C. **Dog pen gate at 5' high would be too high to see over or even to reach for smaller people. WPD provided limited graphics showing a 5'10" person's size relative to the 5' dog pen fence, and not the average woman's height (5'4") or a child's height.**
   D. **Relocating electrical for the dog beach's fob-based entry system from the tabletop to the beach creates the risk of it being underwater after heavy rains and/or at times of high lake levels. WPD's Restrictive Covenant would require WPD to leave the relocated electrical on the beach for half a century, even if it is regularly underwater, continuously damaged, creates electrocution risks, is difficult to maintain, and prevents meaningful access to**

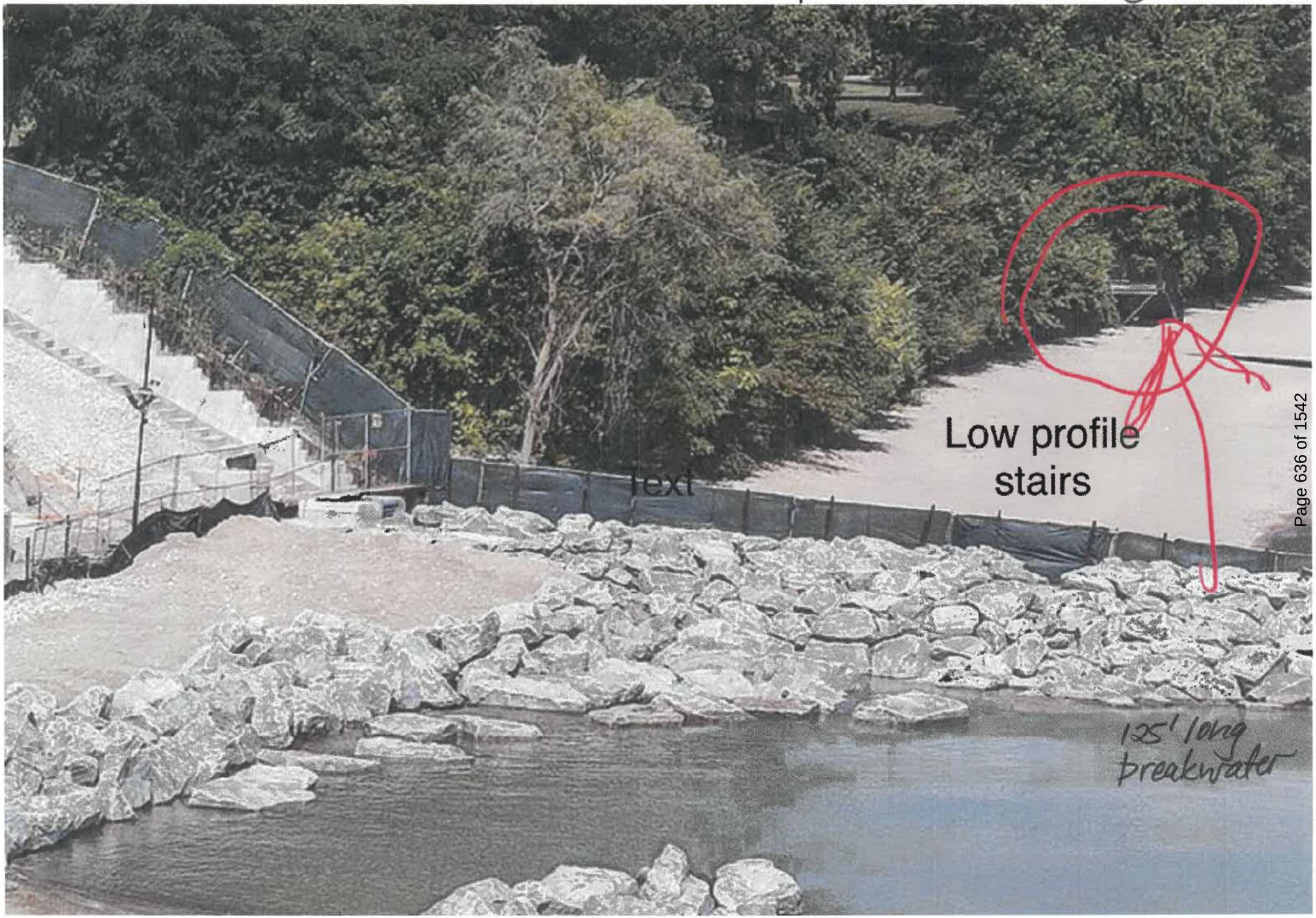
the dog beach. This is unreasonable, unsafe and sufficient to deny WPD's variance request.

E. WPD's variance request would create a nuisance. Mr. Kutulas's response to ZBA's questions about the 10' roadway's simultaneous use by maintenance vehicles, persons in wheelchairs and dogs, was to say that it would perform Centennial beach maintenance at 6 a.m. This violates Village Code nuisance provisions governing noise and restricting the use of leaf blowers. The Code's only leaf-blower noise exceptions are for the golf course and playfields (until 2025), neither of which exception applies to Centennial Park and Beach.

F. Not only does WPD's 2030 LMP respect and endorse the R-2 nature of Winnetka's stately lakefront neighborhoods, so does the Village's 2040 Futures Plan. This is in keeping with over 100 years of careful Village reviews of 225 Sheridan's variance requests, dating back to the North Shore Health Resort, as included in your 10/14/24 meeting packet. Granting a variance now would damage the neighborhood's character after over 100 years of carefully preserving it— by converting it into a commercialized entertainment zone; by increasing noise and maintenance traffic early in the morning; by subjecting the neighborhood to increased overall traffic and park usage; and by expecting the neighborhood to endure longer term construction-related disruption and damage. This combination is unreasonable and sufficient to deny WPD's variance requests.

1-A

Current View- Low profile stairs at Dog Beach



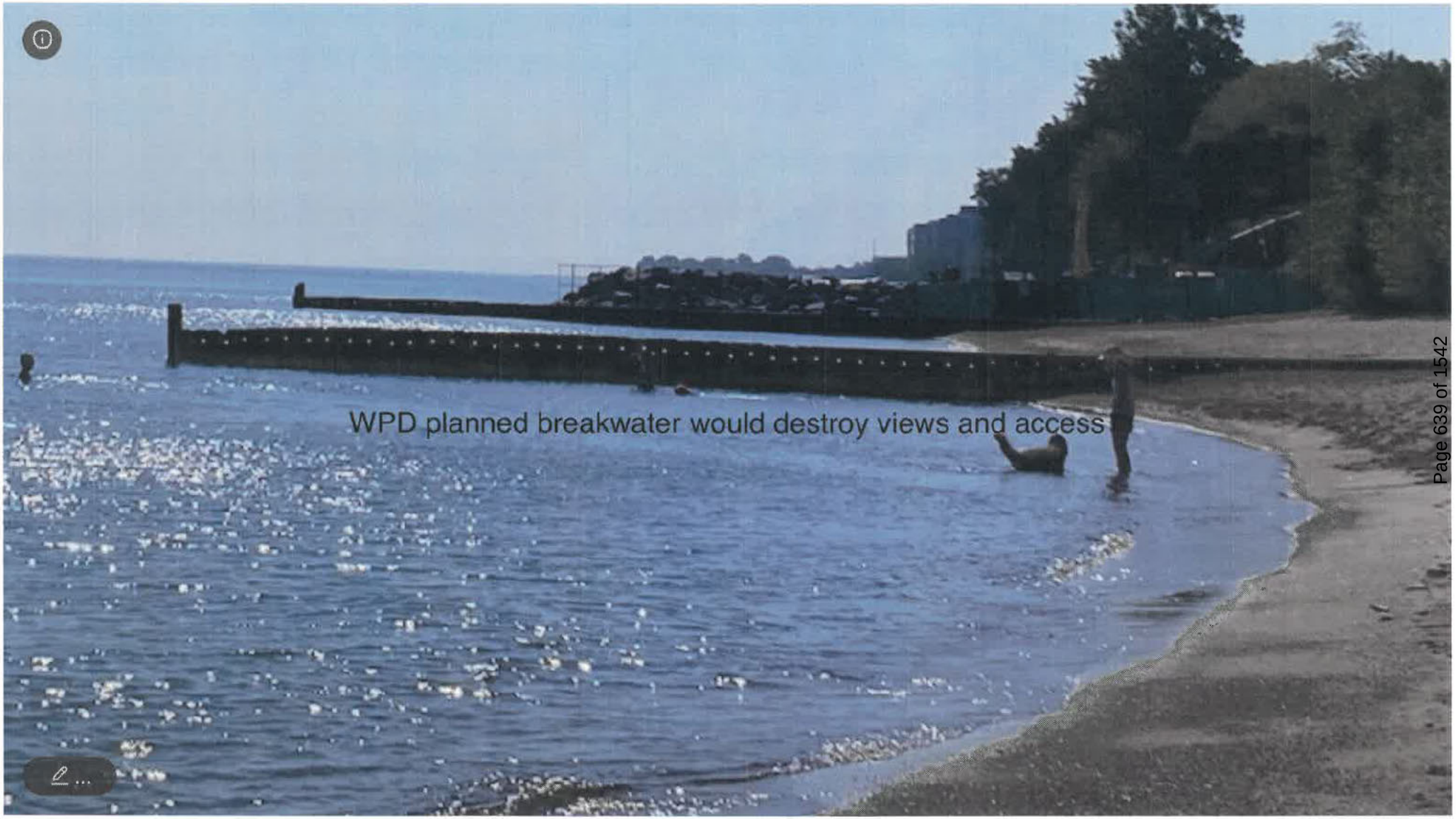
I-A Current Centennial Beach Shoreline Access and Views - North-facing



1-A Current Centennial Beach views and access - North facing.



1-A Current view looking South from Centennial



1 A + B Current view from Centennial southern lot line



1A+B

WPD Plan Prevents ADA Dog Beach Access

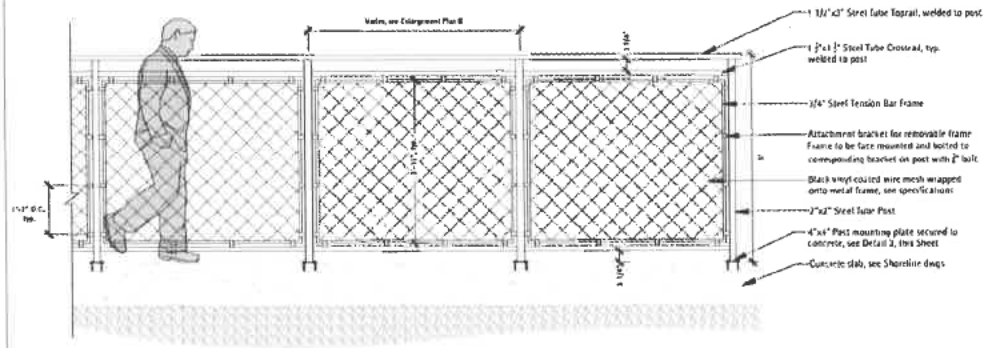


- WPD Plan Creates Safety Hazards
  - Shoreline Access Permanently Blocked
  - Loss of Views, Light, Site Lines

1-C

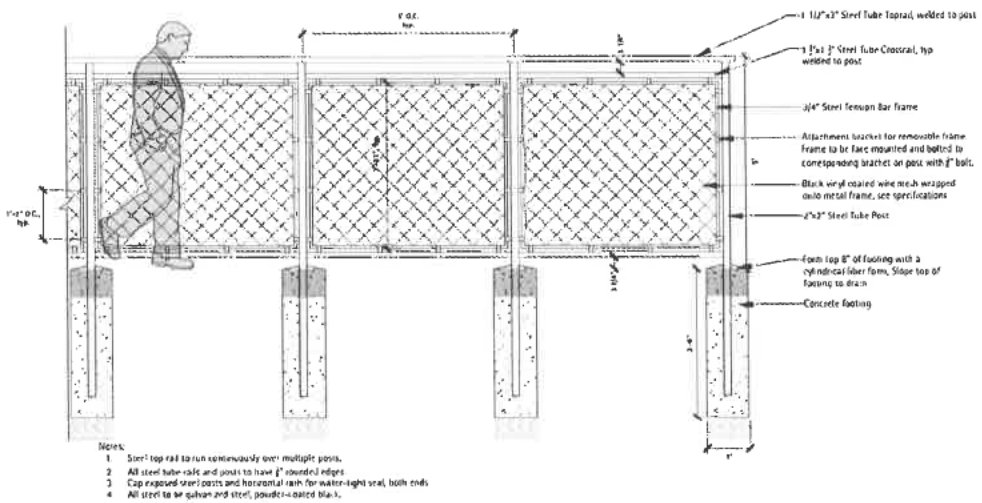
WPD Schematic is Misleading - It Only Presents a Mans View at Dog Beach Gate

winpark.org — Private



Notes:
1. Steel top rail to run continuously over multiple posts.
2. All steel tube rails and posts to have ¼" rounded edges.
3. Cap exposed steel posts and horizontal rails for water-tight seal, both ends.
4. All steel to be galvanized steel, powder-coated black.

1 Elevation - Dog Beach Fence at Dog Beach Entry
Scale: 3/4" = 1'-0"



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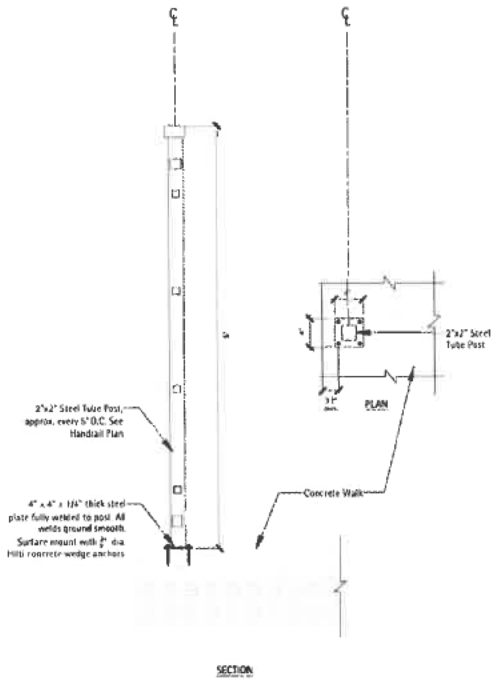
4. All steel to be galvanized steel, powder-coated black.

2 Elevation - Dog Beach Fence at Beach
Scale: 3/4" = 1'-0"



3 Section - Dog Beach Fence at Concrete (Surface Mount)
Scale: 1 1/2" = 1'-0"

RED BARN
Design & Engineering, S.C.
6750 Woodland Drive
Waunakee Wisconsin 53597
p 608.849.2042
c 608.843.1870
redbarnde@tds.net

Consultants
THE LAKOTA GROUP.
1 East Wacker Drive
Suite 2700
Chicago, Illinois 60601
p 312.467.5445
f 312.467.5484
thelakotagroup.com

Issued for	Rev. Date
70% Submittal	04/08/24
100% Submittal	06/28/24
Bidding and Construction	07/19/24

Project Title:
Site Improvements
Centennial Park
Winnetka, IL

Prepared For:
Winnetka Park District
Winnetka, IL

Graphic Scale

Scale: None

Drawing Title
FENCING DETAILS

Sheet No.
C161

1-D Tabletop WPD Dog Beach Emergency Exit Box



1-D WPD - Broken Emergency Exit Box at Dog Beach Gate



WPD. Broken Emergency Exit Box at Dog Beach Gate



1-E

Village Code Nuisance/Noise Ordinance

6:40 PM Tue Oct 22

92%

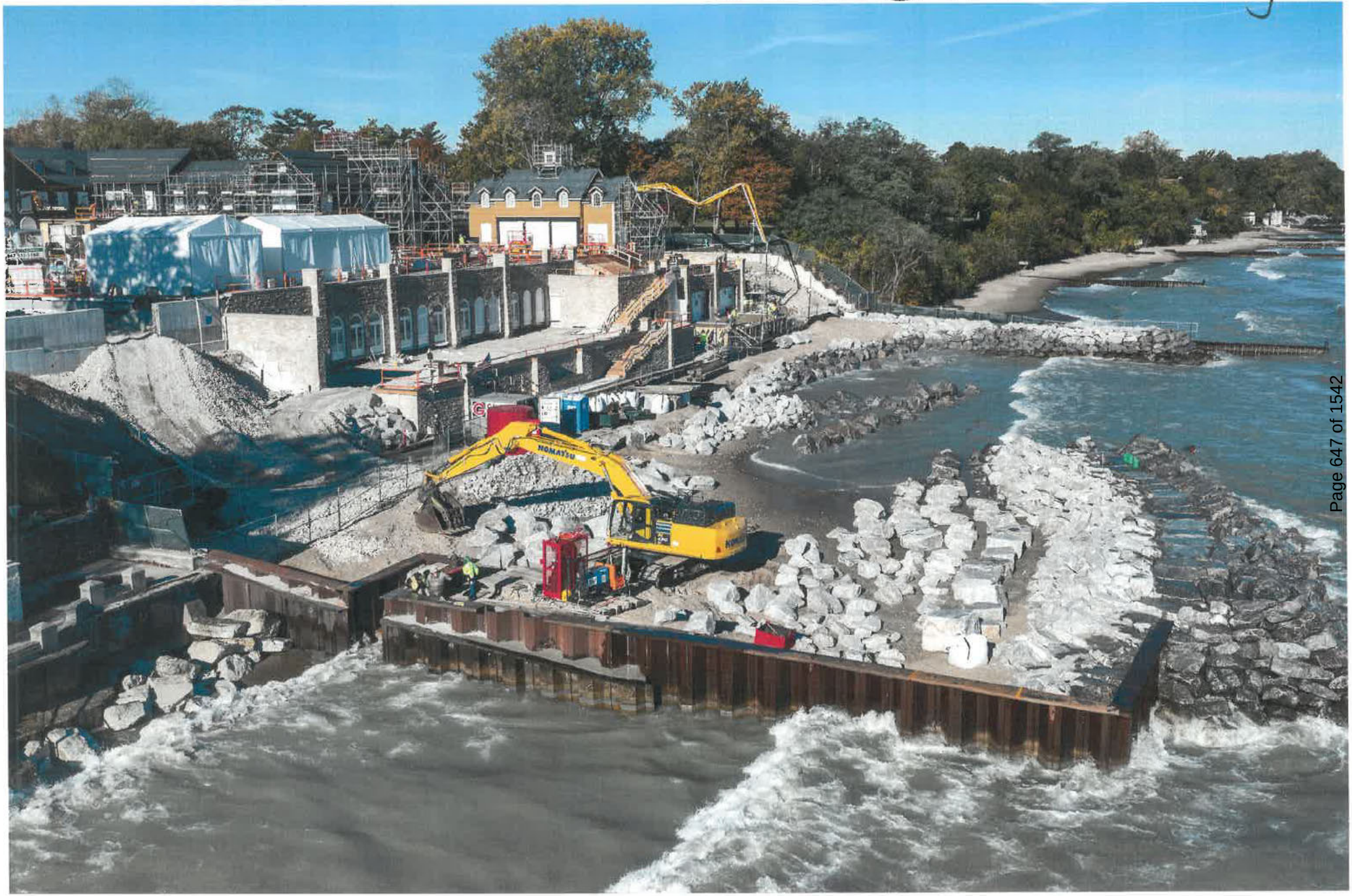
winpark.diligent.community — Private

All are BCC'd. [ATTACHMENTS LINKED AT BOTTOM]

- **Constituent concerns this past week:**
  - Mr. Sean Phillips, Colin Cross, Ed Gjertsen, Mark Warren, and Patrick Heraty of the Winnetka Paddle Tennis Club reached out to voice concern over the platform tennis facilities. Working on responding after we spoke with our maintenance company on options to either patch or resurface and close for approximately one week. We will see what the most desirable remedy will be for the club and schedule appropriately.
  - Mr. Victor Glava reached out regarding leaf blower noise at golf / Skokie playfield at 6am. Affirming with golf their current practice and will respond to resident. The golf course is not subject to the noise ordinance.
- **Major Concerns/Items the Board may be contacted about:**
  - Comprehensive Master Plan engagement continues on 10/25/24 at Pumpkins in the Woods and 10/28/24 for an open house event at the Community House. The social pinpoint website can be accessed here: www.winpark.org/planwinnetkaparks
  - Making progress on the Paddle Tennis contract. Hopeful to be on the agenda in November.
  - Separately advised the Board that the Village Zoning Board of Appeals continued the meeting to review Centennial Park to 11/11/2024.
- **Non-reoccurring open session items being briefed to the Board in the next 30 days:**
  - Consent - Happ Road Corridor Improvements Temporary Construction Easement. Scheduled 10/24/2024
  - Consent - Board Meeting Dates for 2025. Scheduled 10/24/2024
  - Consent - Delegate Selection for Annual Business Meeting of Illinois Association of Park Districts. Scheduled 10/24/2024
  - Presentation - FY 2025 Proposed Budget Presentation (Corporate, Golf). Scheduled 10/24/2024
  - Unfinished Business - Declaring a Board Vacancy [Ordinance 2024-005]. Tentative 10/24/2024
  - Unfinished Business - Declaring a Board Vacancy [Policy Manual 4.12]. Tentative 10/24/2024
  - Unfinished Business - Crow Island Woods Restoration. Scheduled 10/24/2024
  - New Business - Personnel Policy Manual Update. Scheduled 10/24/2024
  - Presentation - FY 2025 Proposed Budget Presentation (Recreation, Tennis, Platform Tennis, Ice Arena). Scheduled 11/14/2024
  - New Business - Red Barn Engineering Contract Amendment. Tentative 11/21/2024
  - New Business - New Agreement with the Winnetka Platform Tennis Club. Tentative 11/21/2024
  - New Business - Auditing Services RFP Recommendation. Tentative 11/21/2024
  - Unfinished Business - Ethics Ordinance. Tentative 11/21/2024
  - Unfinished Business - 2025 Tax Levy. Scheduled 11/21/2024
- **Upcoming Events / Registrations:**
  - Pumpkins in the Woods: Oct 25
  - Foundation Family Skate: Nov 15
- **Media Touches / Outreach since last week:**

1-E+F

Breakwater Construction in Progress



Winnetka Futures 2040 Plan Ten Community Pillars, Goal 1.7: The Village will continue to ensure that open space uses, such as Park District parks, beaches, and facilities, are compatible with the residential neighborhoods in which they are located.

2 - Discussion + Graphics

2. **WPD failed to get professional ADA input into its Centennial design. What WPD does have is a 2010 staff report on its website discussing ADA issues at each of its parks. WPD's 2010 Centennial-specific ADA review called for access to the water itself—yet WPD's current variance request would prevent ADA dog beach and water access for half a century. This is highly unreasonable.**
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2- 2010 WPD ADA Facilities Report -Centennial

Mail 1:46 PM Wed Oct 23 92%
AA winparkdistrict-my.sharepoint.com
ADA Facilit...Reduced.pdf Share

Location Centennial Park	Cost of Materials	Cost of Labor	Total Cost	Work In-House	Work Contracted	Work Timeline
Park Items						
Add an accessible ramp to the lower bluff and beach	$200,000	$150,000	$350,000		Yes	Fall, 2015
Adjust height of north drinking fountain	$300	$320	$620	Yes		Fall, 2015
→ Add accessible removable path to beach & water's edge	$2,000	$0	$2,000	Yes		Fall, 2015
Total			$352,620			

2- ADA

ADA Regulations

adainfo.org

does not exceed 1:12 (8.33%). A trail segment can run for a distance of 30 feet at slopes between 1:2 and 1:10 (10%), and for 10 feet at slopes between 1:10 and 1:8 (12%).

Highlights: Beach Access

When an entity that administers or manages a beach undertakes a beach nourishment project, or constructs or alters circulation paths or parking, toilet, or bathing facilities to serve the beach, at least one beach access route needs to be provided for each 1/2 mile of beach shoreline.

The entity does not have to spend more than 20% percent of the cost of the beach nourishment, construction, or alteration costs to provide beach access routes, and the number of beach access routes does not have to be greater than the number of pedestrian access points provided (pedestrian access points include parking facilities that serve the beach, dune crossings, and stairways or ramps leading from boardwalks to the beach).

Beach access routes should connect an entry point to the beach with the:

- Mean high water level at river beaches; or,
- Normal recreation water level at lake, pond, and reservoir beaches.

Beach access routes, like outdoor recreation access routes, can have steeper slopes or longer running segments than typical accessible routes or ramps. A beach access route can run for a distance of 50 feet at slopes between 1:20 (5%) and 1:12 (8.33%), and for a distance of 30 feet at slopes between 1:12 and 1:10 (10%).

Where the slope of a beach access route at a dune crossing is steeper than 1:20 (5%), handrails need to be provided, and curbs or other barriers to prevent the passage of a 2-inch diameter sphere.

Find Out More

These are just a few highlights of the new requirements. Visit the Access Board to find more details, background, and resources related to outdoor access.

Pack a picnic basket, air out the tent, and have a good summer!

This is a publication of the Mid-Atlantic ADA Center funded by the National Institute on Disability and Rehabilitation Research of the U.S. Dept. of Ed. (Grant # H133A110017). The opinions

2 - ADA

ADA Regulations

Condition for Exception 4

Compliance is limited or precluded by any of the following laws, or by decisions or opinions issued or agreements executed pursuant to any of the following laws:

- Endangered Species Act (16 U.S.C. §§ 1531 et seq.)
- National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.)
- National Historic Preservation Act (16 U.S.C. §§ 470 et seq.)
- Wilderness Act (16 U.S.C. §§ 1131 et seq.)
- Other Federal, State, or local law, the purpose of which is to preserve threatened or endangered species; the environment; or archaeological, cultural, historical, or other significant natural features

The laws specified in this condition prescribe certain activities or require certain analyses to be prepared or procedures to be followed when planning projects that may impact features protected under the laws. The condition does not require full compliance with a specific provision in the technical requirements where compliance is limited or precluded by the laws, or by decisions or opinions issued or agreements executed pursuant to the laws.

Condition for Exception 1

Compliance is not practicable due to terrain. The phrase "not practicable" means not reasonably doable.

For example, where a trail is constructed in a steeply sloped area, compliance with the running slope provision may not be practicable on parts of the trail where it would require extensive cuts or fills that are difficult to construct and maintain, cause drainage and erosion problems, significantly lengthen the trail, and create other adverse environmental impacts.

Condition for Exception 2

Compliance cannot be accomplished with the prevailing construction practices.

This condition does not require the use of construction equipment or methods other than those typically used in a particular type of setting.

For example, where handtools would normally be used to construct a trail in order to minimize the impact on a sensitive adjacent stream and the prevailing construction practices for this type of setting do not include blasting, blasting

or to be on an accessible route.

203.11 Water Slides. Water slides shall not be required to comply with these requirements or to be on an accessible route.

203.12 Animal Containment Areas. *Animal cages, pens, corrals, and similar areas in which animals are contained shall be on an accessible route but shall not otherwise be required to comply with these requirements. Public circulation routes where animals may travel, such as in*

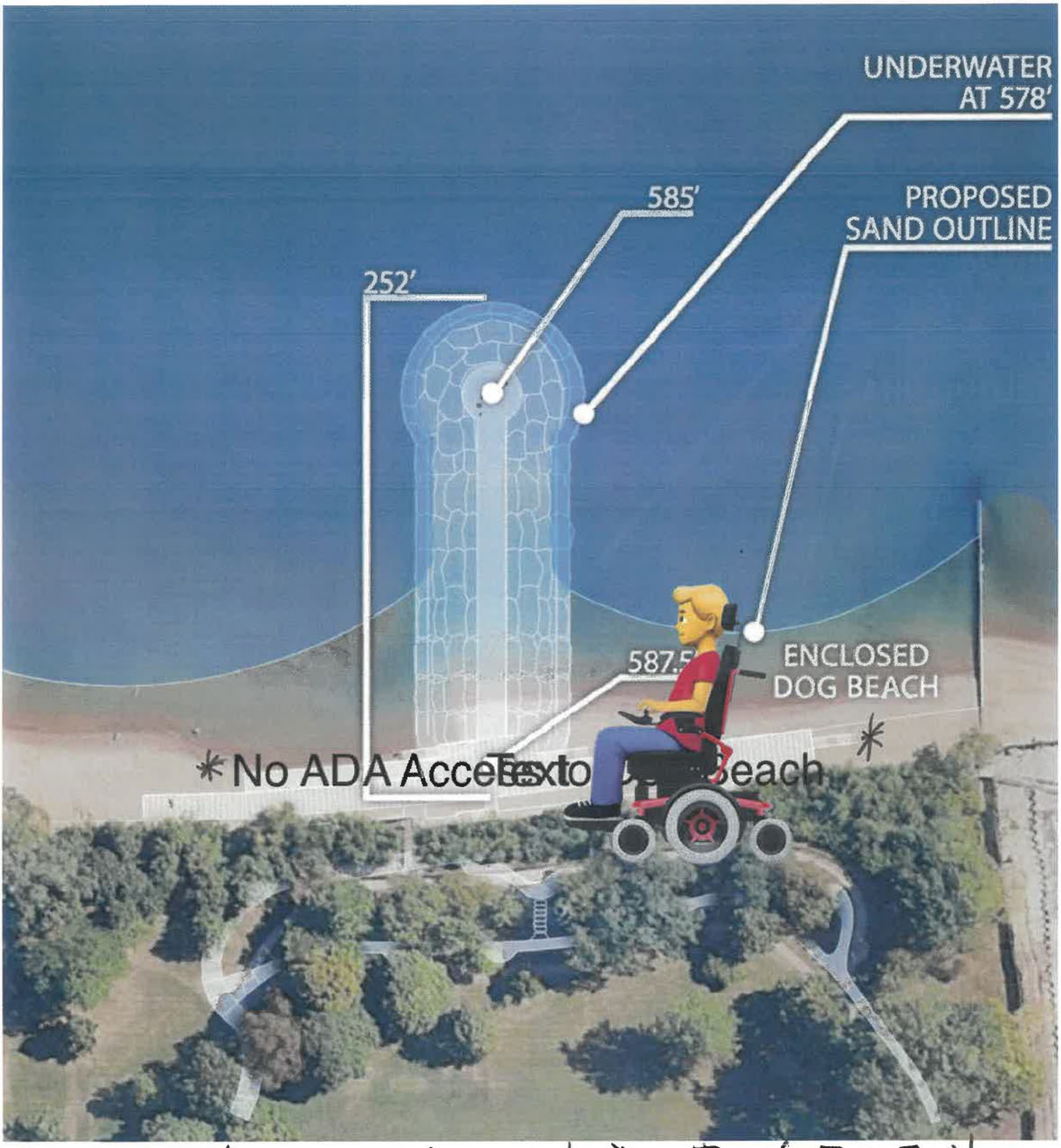
petting zoos and passageways alongside animal pens in State fairs, are not eligible for this exception.

203.13 Raised Boxing or Wrestling Rings. Raised boxing or wrestling rings shall not be required to comply with these requirements or to be on an accessible route.

203.14 Raised Diving Boards and Diving Platforms. Raised diving boards and diving platforms shall not be required to comply with these requirements or to be on an accessible route.

2.

WRD's Plan – ADA Issues



*No ADA Access to Dog Beach For 50 Years
*No ADA Access to Water For 50 Years From Dog Beach

2- ADA

WPD Lacks ADA Report for Centennial Plans

On Sep 16, 2024, at 9:40 AM, Shannon Nazzal <snazzal@winpark.org> wrote:

Ms. Schriesheim,

Thank you for your suggestion regarding the ADA report. I appreciate the insight you've provided by sharing the Wilmette Park District's approach. We are committed to transparency and accessibility in all our projects and will certainly consider the best way to ensure that all relevant reports are made available to the public. Your input is valuable as we continue to enhance our communications and project information sharing.

Shannon Q. Nazzal, CPRE (she / her)
Executive Director
Office: +1 847 501 2074
Email: snazzal@winpark.org
Winnetka Park District | winpark.org

<Outlook-kadc0xeu.png>
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From: Kris Schriesheim [redacted]
Sent: Monday, September 9, 2024 8:26 AM
To: Shannon Nazzal <snazzal@winpark.org>; James Hemmings <jhemmings@winpark.org> **Subject:** Park District ADA Report

<Outlook- <Outlookfngu3hxo.gif> ghgfub32.gif>

External (krisschriesheim@gmail.com)

Report This Email FAQ Protection by INKY

Hello Ms. Nazzal:

I am writing to request that WPD post its ADA report on the website, which is where I found the attached Wilmette Park

2-PDA

District's equivalent report. The report is included along with all the other reports, letters, plans and other information related to its park construction projects.



3 - Discussion + Graphics

3. **The rubble mound breakwater-based concrete roadway is 15' wide. We measured the road leading down to the Tower Road Beach and the Village's water treatment plant at 15'6" at the top, to 17', and then 18' wide at the bottom. This road is designed to handle two-way traffic, including trucks and maintenance vehicles. A similarly sized concrete road in the lake is neither minimal nor reasonable, and the variance request should be denied.**

(3)

WPD Plan Overlay - Design is not Minimal

WPS-PM002 Aerial Looking West_NOTES_241014.jpg



* Road leading to Tower Beach is 15'6" at top to 18' at bottom
** Sheridan Road is 28'-30' wide, handles major traffic and is a state road

Share

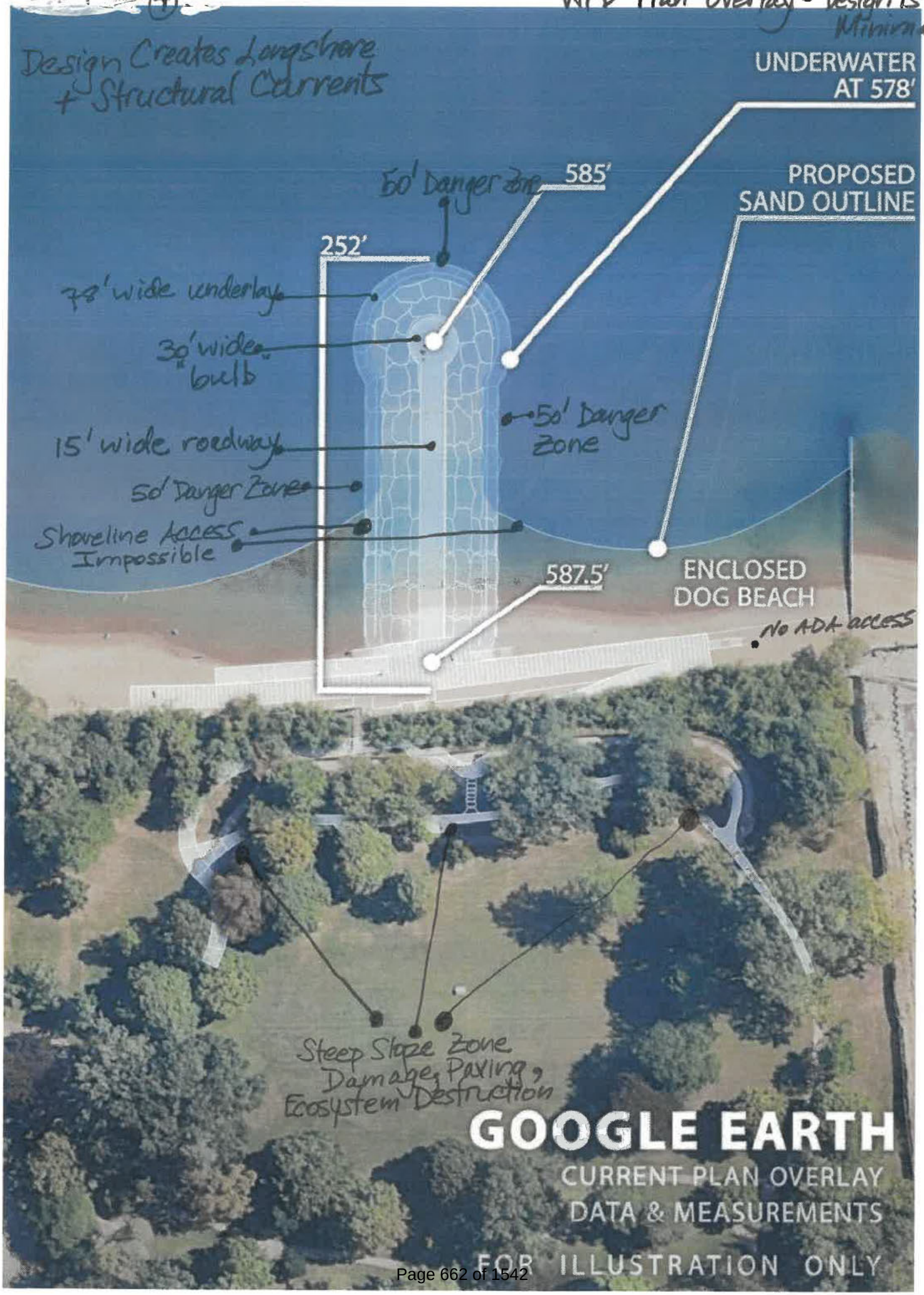
4. **Granting a variance for WPD's proposed breakwater would needlessly, unreasonably, and recklessly introduce novel drowning and safety risks to the lakefront. See attached information on the City of Kenosha's 2024 adoption of a critical water safety ordinance in response to drownings. The ordinance prohibits swimming within 50 feet of a "jetty"—defined as any structure above the lake's waterline, including breakwaters, piers, and revetments. Minimal anti-drowning measures like Kenosha's 50 foot "NO SWIMMING" zones on either side of WPD's proposed breakwater would drastically shrink Centennial's 525' wide lakefront and beach. A variance would also create a 50' danger zone for swimmers and other water-goers attempting to go around the end of the 252' long proposed breakwater, forcing them to swim, paddle or boat more than 300 feet out into Lake Michigan. ZBA should deny WPD's request based on these risks, loss of usable swimming area, and its overall non-minimal nature.**

(4) WPD Plan Creates Safety and Drowning Risks



(4)

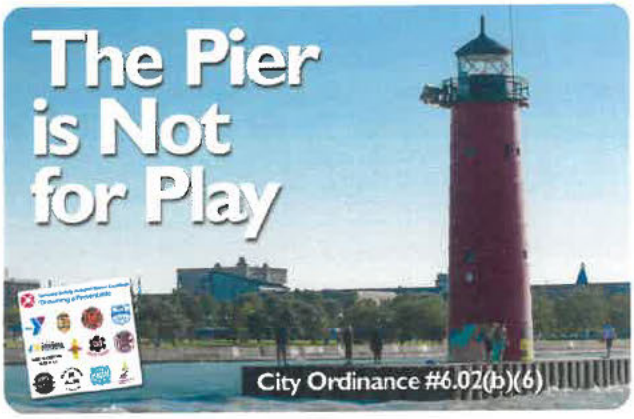
WPD Plan Overlay - Design is Not Minimal



(4) WPD's Proposed Breakwater is Dangerous

May is Safety Around Water Month. The Kenosha Safety Around Water Coalition Continues to Raise Awareness and is Offering Tips To Keep Our Community Safe in and Around Water this Summer.

In order to keep the residents of our community safe, Kenosha passed **Kenosha City Ordinance #6.02(b)(6) states that no person should be in the water within 50 feet in any direction of the pier; this includes jumping off of the pier.**



"Enter or remain in the water when an area is posted "No Swimming". Enter or remain in the water during times when swimming is not permitted. Swim more than fifty (50) yards from shore. Swim outside of markers that designate a swimming area. Enter or remain in the water within fifty (50) feet, measured in any direction, of a pier, jetty, breakwater, or seawall, or within one hundred fifty (150) feet of the mouth of the Pike River. For purposes of this prohibition, "swim" includes wade. For purposes of this prohibition, jetty means a structure that

is above the water line. For purposes of this prohibition, "water" means waters of Lake Michigan adjacent to the City of Kenosha".

There has been considerable effort to create awareness of the dangers of jumping off the pier and the currents found in Lake Michigan. The city has installed permanent signs on the pier warning visitors about the dangers of jumping into the water and strong underwater currents. Also, in order to help facilitate the enforcement of the ordinance, the pier and lighthouse are patrolled by numerous agencies including the Kenosha Police Department and the fine for swimming within 50 feet of North Pier is $1000.00.

Due to its location and construction, the pier is affected by several types of currents with the most common being longshore and structural.



A **longshore current** is a current that moves parallel to the shore. Winds and waves hit the shoreline at angle and push the water down the length of the beach in one direction. Often, the longshore current is strong enough to keep on your feet on the bottom and may make it difficult for you to return to shore as it will move you sideways rather than allowing you to swim towards the beach. The longshore current can also move swimmers into other types of currents. One such current that is prevalent at North Pier is structural currents.

Structural currents often occur at manmade

(materials presented at 10/14/24 ZBA meeting)

(4) Breakwaters Increase Water Hazards

Safety group blasts restoration project for Beach State Park

'You just spent $73 million to increase the water hazards for your beachgoers,' co-founder of nonprofit says

BY JOSEPH STATES

In late October, Gov. JB Pritzker stood in the event hall of the Illinois Beach Hotel to celebrate the completion of a $73 million Illinois Beach State Park shoreline restoration project.

He praised it as a "model" for the country. The breakwaters will save the beach from erosion, rejuvenate area communities and provide habitat for endangered species, the governor said.

But now, water-safety nonprofit Great Lakes Surf Rescue is sounding an alarm over a spate of drownings at the park over the summer, pointing to the recently installed breakwaters as the culprit and calling for improved safety measures.

Meanwhile, local officials, who generally attribute the increase in water incidents to the jump in beachgoers since the restoration, said they're hoping the state will provide support as small area municipalities shoulder an anticipated increase in water-safety-related calls.

Dave Benjamin is the co-founder of Great Lakes Surf Project, which tracks Great Lakes drowning statistics, provides water safety training and works to raise awareness about water safety. An advocate for water safety for well over a decade, he is critical of the breakwater project.

"You just spent $73 million to increase the water hazards for your

beachgoers, and you didn't do anything to protect the beachgoers," he said.

Benjamin said the breakwaters force water to flow around them, creating stronger currents that can be difficult for swimmers to deal with, and digging deep channels underwater near the shore.

Breakwaters can also draw curious swimmers, he said, as was the case for 26-year-old Akshith Reddy Bhandra, who drowned July 20 after attempting to swim to the breakwater with friends, according to authorities.

Over the summer, Beach Park had eight water-rescue incidents and two fatal drownings, including Bhandra, according to Beach Park Fire Department Fire Chief Thomas Stahl. They were the first fatal drownings in Beach Park since 2020, he said.

Stahl said he couldn't "absolutely confirm" the breakwaters directly contributed to the drownings, but said a meteorologist with the National Weather Service told him breakwaters can create artificial rip currents.

Nonetheless, he said the stark increase in beachgoers since the restoration is going to increase the number of water incidents.

"More people creates more chances for incidents," Stahl said.

A statement from the Illinois Department of Natural Resources (IDNR) echoed that sentiment. There are "inherent risks" swimming in Lake Michigan, and "precautions should always be taken," it said. With the increase in visitors, the IDNR said it should be expected that calls for service will increase as well.

In response to that increase, the statement said IDNR is working on a lakefront safety plan to, "help visitors understand the risks," and educate them on safety measures and what to do in an emergency. That will include informational signage and additional warnings that no lifeguards are on duty, the statement said.

Work on educational signage in English and Spanish about rip currents

are also in development, the agency said.

The statement went on to say IDNR plans to install about 50 new signs with throw rings and rope bags, with about a quarter already installed. Several have since been stolen, a likely "ongoing challenge for site staff," the agency said.

"Our plan is to have as much signage as possible in place prior to the season-opening late next spring," it said.

Illinois Beach State Park staffers are also utilizing the park's social media outlets to inform people about hazardous weather conditions and other safety information for the beach and the park, the statement said.

"They especially want to reach people who aren't as familiar with the hazards and conditions of an inland sea like Lake Michigan," the agency said.

Support needed

Winthrop Harbor Village Administrator David Alarcon said officials have a "beautiful state park" that is becoming popular again, and they want to "keep water safety at the forefront."

He highlighted collaborative efforts with various emergency responders in the region to address the increase in calls.

"Most importantly, people should know and understand that if they do get in trouble, there's a significant collaborative effort between all the regional fire departments, IDNR, the Lake County Sheriff's Office and also the Coast Guard," Alarcon said. "They'll be there when people need help."

A news conference featuring area fire departments and officials regarding the increase in water incidents was originally scheduled for Oct. 3, just days after Pritzker was in Beach Park, but it was ultimately canceled.

Winthrop Harbor Fire Chief Rocco Campanella said they put off the conference after meeting with IDNR officials during the governor's visit to Beach State Park who, "expressed interest in helping."

The IDNR statement said the agency and the Illinois Conservation Police were aware local fire departments and rescue teams were concerned about increased activity at the beach.

"Staff have sat in on several logistical meetings with them. We value those partnerships and are eager to continue those discussions," the statement said.

Since then, Campanella said local politicians have also reached out to offer support, "and make sure our needs are met."

The news conference information packet provided by Campanella indicated representatives from the Winthrop Harbor, Beach Park, Zion and Pleasant Prairie, Wisconsin, fire departments were scheduled to attend, as well as local and state officials.

According to the packet, the departments were going to thank the IDNR for investing in Beach Park, creating "beautiful" beaches and "exponentially" increasing usage, but that their "responsibilities as the responding fire departments have increased ten-fold."

Winthrop Harbor Fire Department water rescue responses have more than doubled since 2019, after dropping to just one incident in 2022. This year has seen 14 calls thus far.

Even with local and Mutual Aid Box Alarm System resources, which go beyond the county and state borders, local first responders, "cannot effectively respond to the challenges Lake Michigan presents," the information packet statement said.

They don't have the necessary equipment between area emergency responders, and the nearest Coast Guard station, in Kenosha, Wisconsin, is 25 minutes away by boat and has reduced hours, the statement added.

The packet also outlined the resources needed between Beach Park and Winthrop Harbor, from life rings to Lake Michigan-capable boats, with the total cost projected in the millions. Such amounts are far out of reach for the departments, the packet statement said.

The IDNR statement said agency officials will be "happy to share information" on any potential grant funding opportunities. Some municipalities have already begun reaching out to their legislators on their own to get funding, the statement said, and the IDNR is "in support of these efforts."

Lifeguards needed

To Benjamin, the restoration is a case of "good intentions" with "unintended consequences."

"Yes, we need to protect the shoreline. We need to restore habitats," he said. "But at the same time, you're doing it in an unnatural way, and you're increasing the hazards."

The beachfront with the largest population of visitors will need lifeguards, Benjamin said. But he warned even if the process of hiring and training began soon, there still likely would not be lifeguards ready for the next swimming season.

"The beach reconfiguration project should not be a model for other beaches unless they understand the hazards that they will create and add lifeguards," he said.

According to Alarcon, decisions regarding lifeguards at the beach will be under IDNR's authority.

The Governor's Office referred questions regarding the concerns from the Great Lakes Surf Project and local officials, along with the calls for funding, to the IDNR.

Lake County Board member Gina Roberts, whose district includes Beach State Park, said she is concerned with the lack of lifeguards at Beach Park, and hopes to speak with state officials about getting funding.

The beaches remain without lifeguards, Stahl said, meaning "swimming is at your own risk."

5 - Discussion + Coastal Assessment Report

5. **WPD's design reflects a lack of 21st century shoreline techniques. WPD's design engineer—Red Barn—should have obtained the coastal studies that are required to assess such designs. See attached UW Coastal Study discussion involving Red Barn which assesses reasonable and effective Lake Michigan shoreline project parameters and requirements. The lack of even minimal studies of the design's potential consequences on the tabletop, shoreline, overall ecosystem, and general lakefront area should prevent variance approval.**

(5) - 1st page of 26

Red Barn Project Coastal Assessment

Coastal Assessment of Southeastern Wisconsin's Lake Michigan Shoreline

Final Report

Chin Wu, University of Wisconsin-Madison

2018

1. Project Overview

1,1 Study Area

The study area is a 5-mile-long reach located in southern Kenosha County, Wisconsin on the southwestern coast of Lake Michigan. The northern border of the study area is 75th Street in Kenosha, Wisconsin, and the southern border of the study area is the Wisconsin-Illinois state line. Most of the reach is in the Village of Pleasant Prairie, apart from the northernmost mile of the reach, which is a part of the City of Kenosha. A previous shoreline inventory in 1977 identified much of this study reach at the most critically eroding reach in Wisconsin, based on shoreline erosion rates and property damage. A follow-up inventory in 1995 found the reach to be almost entirely protected against erosion with shoreline protection measures.

The coast in the study area is predominantly sandy and low-lying. On average, the bluff behind the beach, where present, is 4-5 feet tall and composed of unconsolidated sand. The maximum bluff height is 20 feet in the northern portion of the reach. The sand present in low-lying areas was deposited at a much higher lake stage, though sands that form the taller bluffs are dune sands. Glacial tills are not present in any of the bluffs, though a gray till and thin peat layers have been exposed under dune sands in the northern portion of the study area in Kenosha Dunes State Natural Area.

Beach width in the study area is variable, and beach widths ranging from 0-150 ft have been noted by previous shoreline inventories. Beaches that rapidly narrow and widen are common in the reach, especially near coastal structures. Areas up-drift (north) of structures typically have wide beaches, while down-drift areas commonly have narrower or non-existent beaches. Beaches are largely absent in front of revetments and other shore-parallel structures.

Shoreline defense in the study area has become ubiquitous on the shoreline. The 1977 shoreline inventory reports a high density of structures along the shoreline, while the 1995 report noted that shoreline protection structures nearly covered the entire shoreline. In 2015, 91% of the shoreline was protected by some form of coastal structure, while 9% of the shoreline was classified as sandy beach. The length of shoreline influenced by coastal structures is even greater, as areas that are near structures but not defended are not included in the estimate. The development of the shoreline has largely gone hand in hand with development of the hinterland since the 1950s. Presently, the coastal area is mostly composed of low-density suburban development, with a few public parks and beaches along the shoreline.

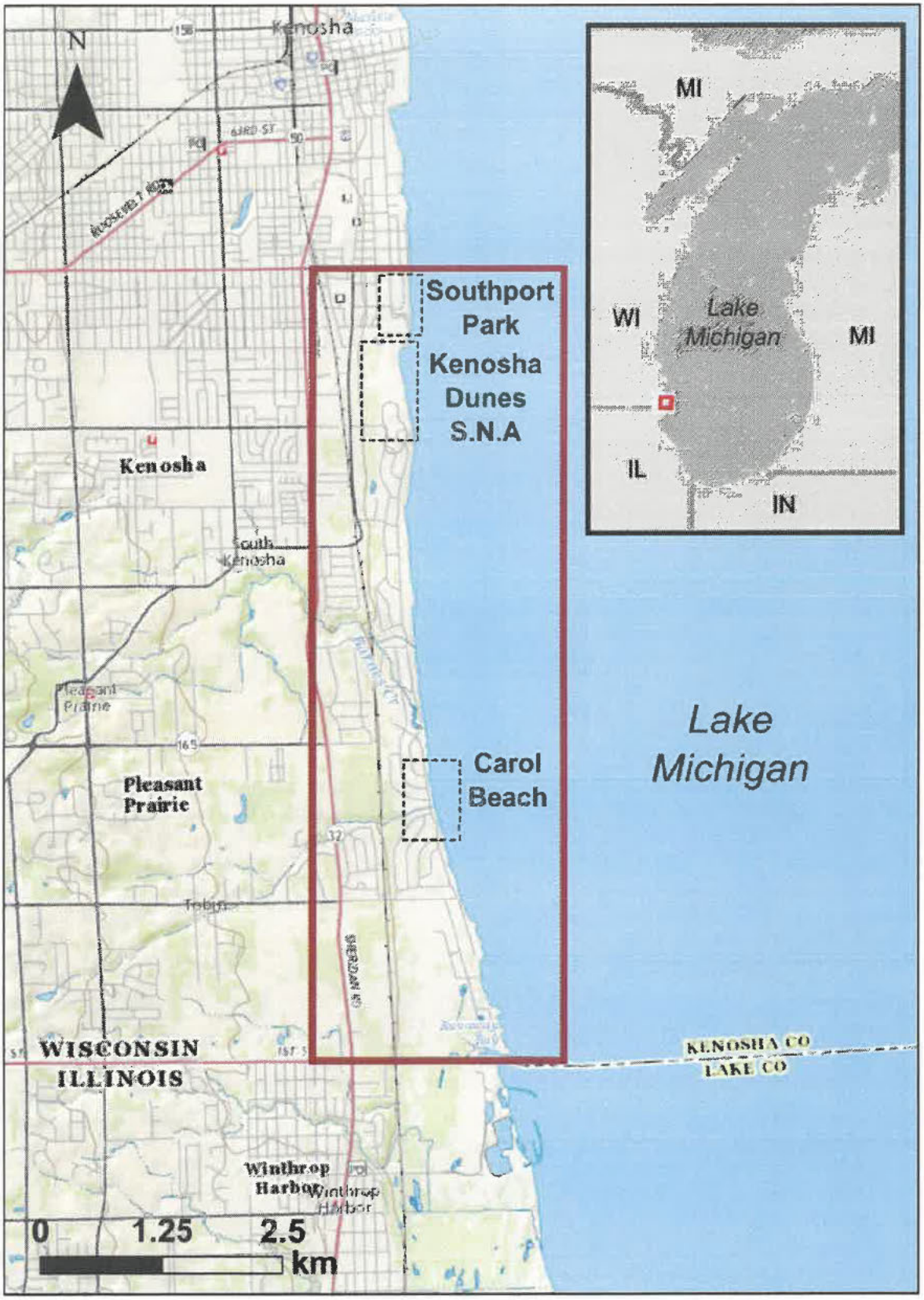


Figure 1. Map of the study area and the three study sites in southern Kenosha County

1.2 Project Scope and Purpose

The project is to evaluate coastal processes and dynamics including natural and artificial shoreline structures, pollution sources, and storm water runoff influence shoreline slope stability and erosion, sediment transport, and water quality in southern Kenosha County. Furthermore, we will develop a consensus plan and implementation strategy for shoreline restoration and water quality improvement, which will provide short and long-term solutions to area stakeholders.

To date, we have addressed the following activities listed in the project

(A) Framework planning workshop
(B) Baseline observations of coastal morphology
(C) Sediment budget analysis
(D) Hydrodynamic modeling
(E) Sediment transport and water quality modeling.

Details of these activities are summarized in the report. Section 2 describes the framework planning activities. Baseline observations and sediment budget analysis at the regional area and local study sites will be documented in Section 3 and 4, respectively. Modeling and assessment for hydrodynamics and sediment transport/water quality will be presented in Section 5. At last, Summary and recommendations are given at Section 6.

2. Framework Planning Workshop

A framework planning workshop organized by National Resources Foundations of Wisconsin, Wisconsin Department of Natural Resources, UW-Sea Grant, and UW-Madison, took place in March 30th, 2016. The participants include City of Kenosha, City of Racine, Village of Pleasant Prairie, Carol Beach Property Association, the Friends of Chiwaukee Prairie, Red Barn Design Engineering, We Energies, DNR Natural Heritage Conservation Bureau and Office of Great Lakes, Wisconsin Coastal Management Program, and Illinois Coastal Management Program. The purpose of the workshop is to discuss the concerns of stakeholders and share the plan of the project.

Another project meeting consisting of the steering committee (WDNR, National Resources Foundations of Wisconsin, and UW-Sea Grant, UW-Madison) took place on June 12th, 2017. We worked together to arrive at a consensus on project goals/objectives. Currently, the project team has been working with Red Barn Design Engineering to develop three alternative concept plans: (i) restoration of native dune and natural shoreline habitats; rehabilitation of existing stone revetments; (ii) underwater submerged structures perpendicular to the shoreline; sill structures and reef balls; (iii) peninsular hardened headlands forming large protected pocket beaches and shore-parallel segmented low profile breakwaters with scalloped beaches. All these conceptual planning are to address severe Kenosha Dune Erosion issue.

3. Baseline Observations of Study Area (Regional Perspective)

3.1.1 Coastal Structure Inventory

Coastal structures are ubiquitous in the study area and have been present for several decades. Previous research has ascertained that coastal structures play large roles in subsequent coastal erosion, and that different types of structures impact coasts in various ways. In 1955, less than 20% of the regional shoreline was hardened, mostly in the extreme northern and southern portions of the reach. Rapid development of the coastal zone, particularly after 1976, has led to defense of nearly the entire shoreline. The only significant length of non-hardened shoreline is along Carol Beach. The number of coastal structures increased from 15 in 1955 to 78 in 1976 and 128 in 1995, and 149 structures were present in 2015 (Figure 23). Structure types are roughly evenly split between revetments and groins between 1955 and 2015.

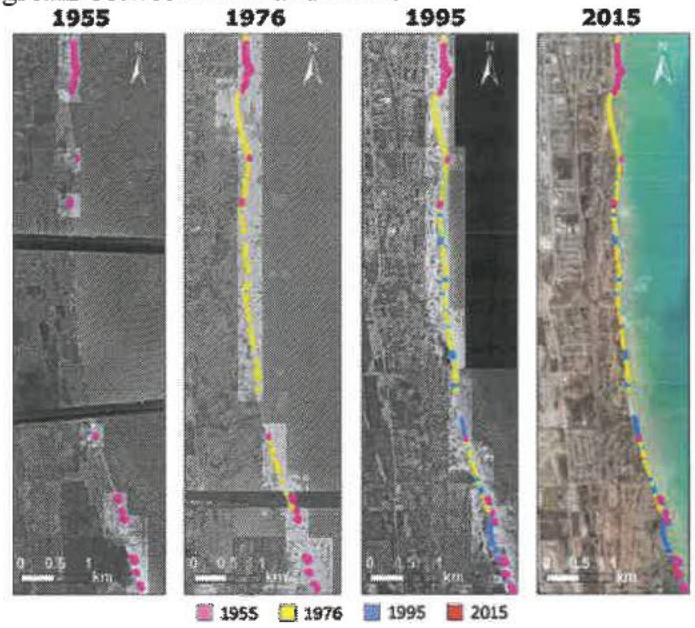


Figure 1. Coastal structures in the study reach from 1955-2015.

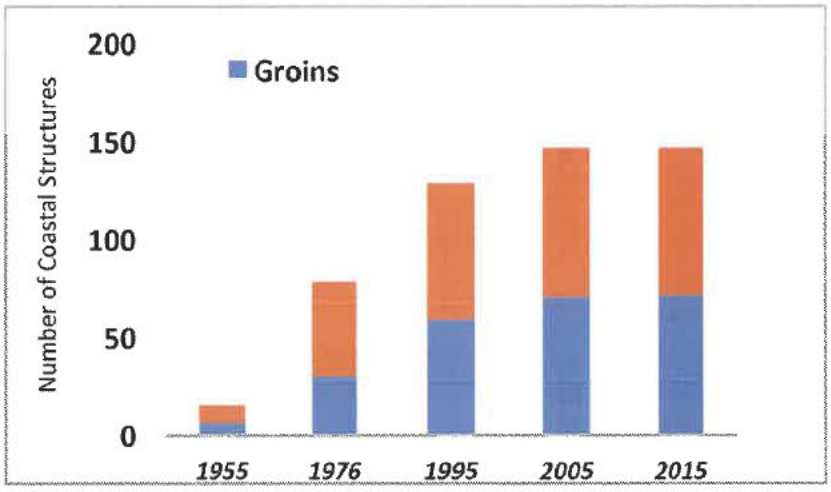


Figure 2. Number and type of coastal structures present in the study area from 1955-2015.

3.1.2 Coastal Structure Condition

Coastal structure condition in 2015 was assessed using 6-inch resolution color aerial orthophotos. Structures were categorized at "good", "fair", or "poor", based on evidence of material failure, overtopping, and apparent stability. Of the 146 structures present in the reach in 2015, 46% were categorized as being in good condition, meaning that there was no evidence of failure (Figure *34*). 25% of the structures were in fair condition, with some evidence of failure, and 29% of the structures were in poor condition, where structure failure was evident. The condition of the structures does not depend on the type of structure, as both types display similar distributions of condition (**Error! Reference source not found.**1).

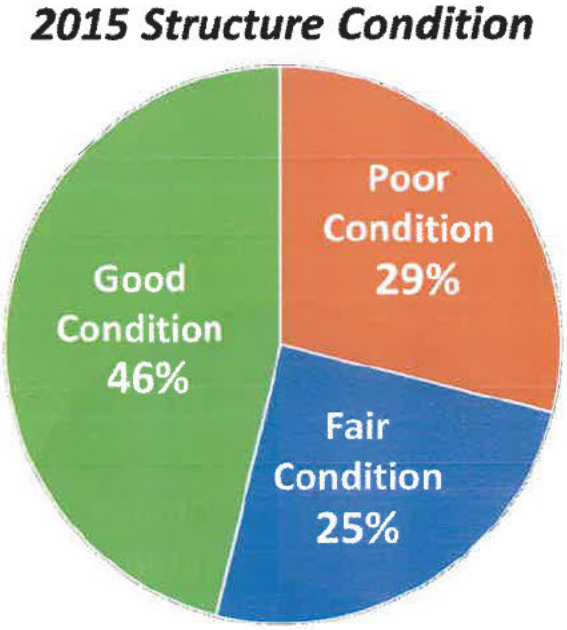


Figure 3. Coastal structure condition in 2015.

Table 1. Condition of coastal structures in 2015 (n = 146).

Condition	% Groins	% Revetments
Poor	24	33
Fair	31	19
Good	44	48

3.2.1 Historical Shoreline Change

Spatial variation of shoreline change is evident, particularly in the 1955-1976 epoch. Figure *45 Figure 4. Map of shoreline erosion rates between 1955 and 2015.*shows maps of 200 m spatial averages of shoreline erosion rates for all epochs considered in this study. During the 1955-1976 epoch, shorelines advance or remain stationary in some places, but severely erode at nearby locations. Shoreline changes became much more uniform after 1976, with only 2 locations experiencing shoreline erosion rates greater than 0.5 m/year. A plot of non-spatially averaged recession rates shows three main areas of extreme shoreline erosion between 1955-1976, which are absent in subsequent time periods (

).

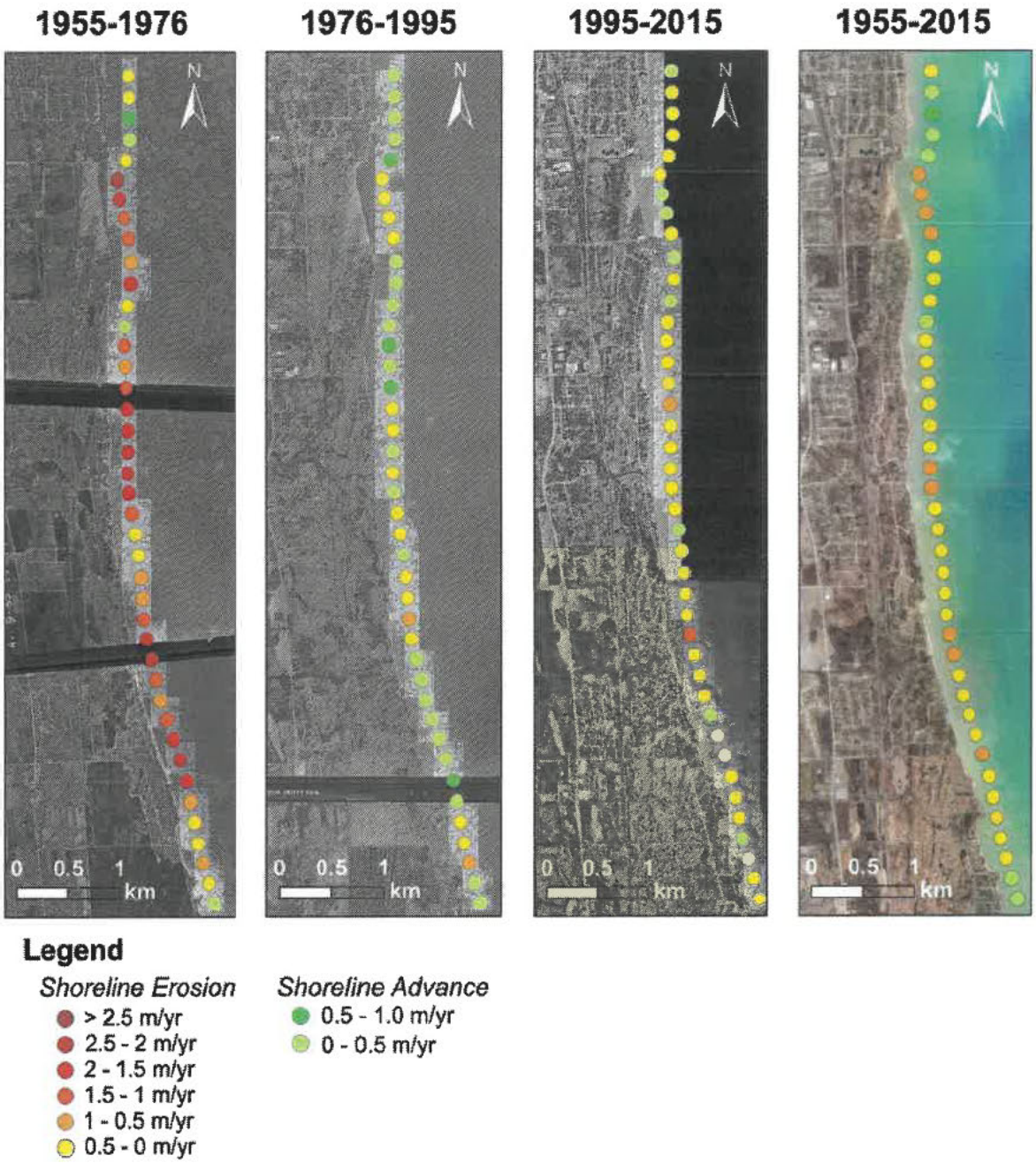


Figure 4. Map of shoreline erosion rates between 1955 and 2015.

Table 2 summarizes shoreline changes obtained from historical aerial photography in the study reach over four periods: 1955-1976, 1976-1995, 1995-2015, and 1955-2015. On average, shoreline erosion between 1955 and 2015 eroded at rates of -0.29 +/- 0.06 m/year (Table 2). Overall, much of that erosion occurred between 1955 and 1976, when shorelines eroded by 1.05 +/-0.19 m/year. Since 1976, shorelines have generally remained stable or even slightly accreted, with averages of 0.09 +/- 0.11 and 0.15 +/- 0.09 m/year, for 1976-1995 and 1995-2015, respectively. Since 1976, shorelines in the study reach have experienced less variable erosion, greater amounts of shoreline accretion, and less severe shoreline erosion events (Table 2).

Table 2. Statistics of shoreline change for the four epochs measured in this study.

Epoch	Mean Shoreline Change (m/yr)	Shoreline Change Std. Dev. (m/yr)	Max. Shoreline *Accretion* (m/yr)	Max. Shoreline *Erosion* (m/yr)
1955-1976	-1.05	0.83	0.87	-2.62
1976-1995	0.09	0.37	0.93	-0.83
1995-2015	0.15	0.22	1.04	-0.18
1955-2015	-0.29	0.31	0.55	-0.92

Overall, the history of regional shoreline changes in the study reach can be divided into two phases: before and after shoreline development. Before 1976, much of the shoreline was undeveloped and the shoreline was rapidly eroding at an average rate of -1.05 m/year. Shoreline erosion was variable during this time, and high rates of erosion and deposition could occur along shorelines near each other. After 1976, shoreline changes were minor, and accreted on average by about 10 cm per year. In addition, variability of shoreline erosion was small, as were the maximum rates of shoreline erosion (Figure 6). High rates of shoreline change before 1976 suggest that the regional sediment budget was disturbed during this time, and the relatively large proportion of unprotected shoreline eroded to supply sediment to the littoral system. Largely stable shorelines after 1976 indicate that shoreline protection were successful in reducing shoreline erosion rates.

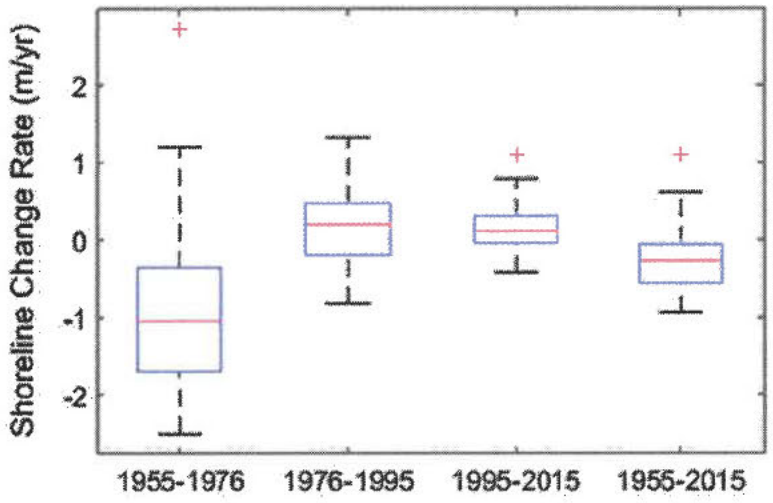


Figure 6. Box and whisker plot of shoreline erosion in southern Kenosha County from 1955 to 2015.

3.2.2 Shoreline Erosion Hotspots

Shoreline erosion hotspots were found in the study reach as the top quartile of spatially averaged shoreline erosion rates from 1955-2015 (eight of 41 transect groups). Shoreline erosion in these most severely eroded areas ranges from 60 to 39 m of erosion between 1955 and 2015. The area with four of the eight hotspots was Kenosha Dunes State Natural Area (shown in **Error! Reference source not found.**7), where ~55 m of shoreline change occurred between 1955 and 1976 and little change occurred from 1976-2015.

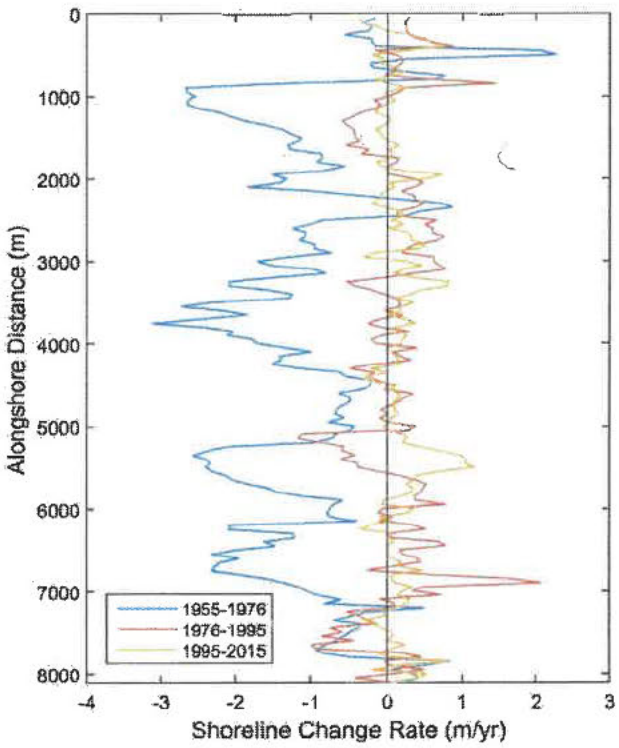


Figure 7. Plot of shoreline erosion rates in the study reach. Alongshore Distance (AD) of 0 m corresponds to the northern boundary of the study reach at 75th St., and AD = 8100 m corresponds to the WI/IL state line at the southern boundary of the study reach.

3.3 Relationships between Shoreline and Structure

Shoreline defense measures have long been recognized to influence shoreline erosion and deposition, though the impacts depend on coastal conditions and structure design (Kraus and McDougal, 1996). Structures certainly influence sediment budgets, as revetments and other shore-parallel structures impound terrestrial sediments and groins, jetties, and other shore-perpendicular structures interrupt longshore sediment transport.

On a regional scale, shoreline structures have stabilized the shoreline in the study area. A clear inverse relationship can be seen in Figure 8 between the percentage of eroding shoreline and the percentage of protected shoreline. As of 2015, 85-95% of the shoreline is protected by shoreline structures, depending on classification methods. Given that nearly the entire shoreline is protected, large shoreline erosion events in the area are likely to occur where structures fail or along the small areas of unprotected shoreline.

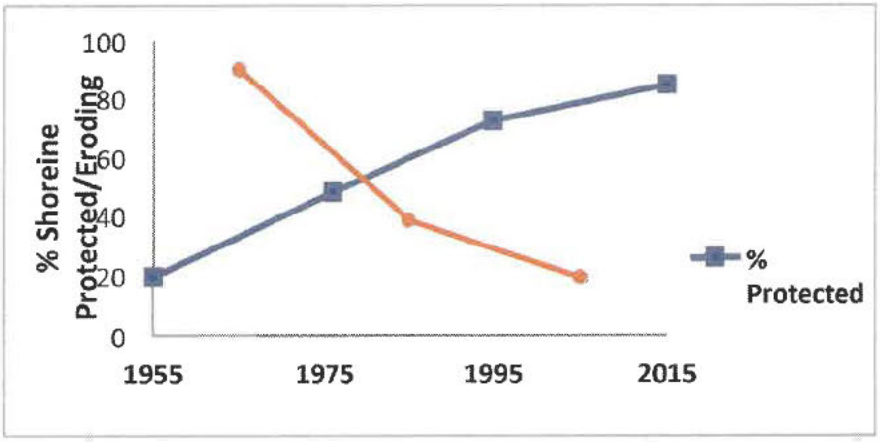


Figure 8. Comparison of the percentage of eroding and protected shoreline in southern Kenosha County from 1955-2015.

Local shoreline changes adjacent to coastal structures are often the result of disruptions of coastal sediment pathways and altered hydrodynamic conditions that may change bathymetry and sediment conditions (Jordan and Wu, 2017). Shoreline erosion was often most severe on the south (down-drift) side of coastal structures in the study area. Figure9 shows a box and whisker plot of shoreline changes for the areas 50 m north and south of structures from 1955-2015. Structure information is taken for the beginning of the shoreline change epoch (i.e., 1976 structures for the 1976-1995 period). Areas adjacent to groins show nearly even accretion and erosion, showing that characteristic updrift/downdrift behavior occurs. On the other, areas near revetments erode more frequently. Areas further than 50 m from structures show the greatest variability between epochs, reflecting the overall average shoreline change for the reach. From 2000-2015, little variation exists in shoreline change rates because of the nearly complete defense of the shoreline.



Figure 9. Box and whisker plot of shoreline change rates near different types of coastal structures.

4. Baseline Observations of the three Study Sites (Local Perspective)

The three study sites are: Southport Park, Kenosha Dunes State Natural Area, and Carol Beach (See Figure 1). Measurements were made in the summer and fall of 2016 and consisted of bathymetry/beach profiles, beach sediment characteristics, coastal structure conditions, and subsurface investigations, where appropriate. The following sections detail the baseline observations at the three study sites.

4.1 Kenosha Dunes

Kenosha Dunes State Natural Area is located in the northern portion of the study area. The park has a shoreline length of 860 m (~0.5 miles). The park contains important coastal wetlands and several rare and endangered species of plants. Kenosha Dunes S.N.A. also contains the rare ecological community type of unstable natural dunes. A revetment was built at the park between 1970 and 1975 in response to severe erosion of the dunes. That revetment began failing in the early 2000s. As of today, the middle 200 m of the revetment is completely failed (see Figure 10). Active failure of the unconsolidated sand bluff is occurring where the revetment has failed, and presents a danger to park-goers. Concerns at this area are focused on mitigating failures of the revetment and sand bluff in ways while considering economic, political, social, and ecological values.



Figure 10. Revetment failure and coastal erosion at Kenosha Dunes State Natural Area. Images obtained from Google Earth for 2015 and 2017.

4.1.1 Beach Profiles

Figure 11 shows the thirteen bluff, beach, and nearshore profiles measured at Kenosha Dunes State Natural Area in August 2016 (0). Profiles KD1-5 are along transects where the revetment is intact and erosion of the bluff or nearshore is not evident. Profiles KD6-10 were taken where the revetment is actively failing, and profiles KD11-13 were taken where the revetment is again intact. Figure 62 shows an example of the eroding transect KD-6.

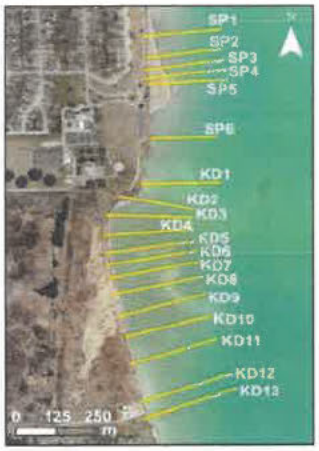


Figure 51. Map of beach profile transect locations at Southport Park and Kenosha Dunes

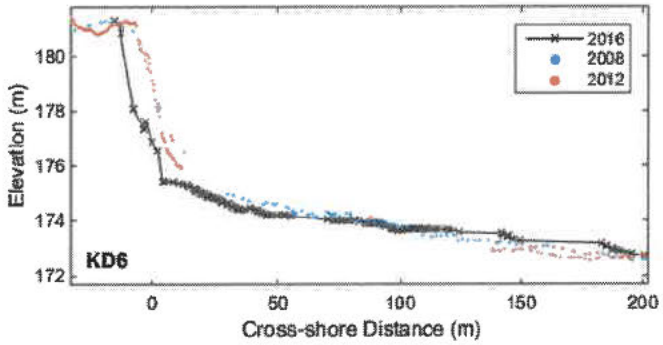


Figure 62. Example topographic/bathymetric profile from the failing section of the structure at Kenosha Dunes State Natural Area.

4.1.2 Beach and Dune Sediments

Figure 73 show an example of sediment particle size distribution at KD-6 transect. Beach and dune sediments were analyzed at Kenosha Dunes State Natural Area. Dune sand was found to be uniform fine and medium sand with a D_{50} of 0.27 mm (

Table 3). Where exposures of the eroded dunes were not covered with sloughed sediments, bedding was evident, suggesting aeolian deposition processes. Beach sediments were coarser and more poorly sorted in front of the revetment and failed revetment, with a D_{50} of 0.72 mm. The clayey glacial till underlying the dunes is exposed at the shoreline, and gravel and cobbles are the only sediments that remain on this exposed platform.

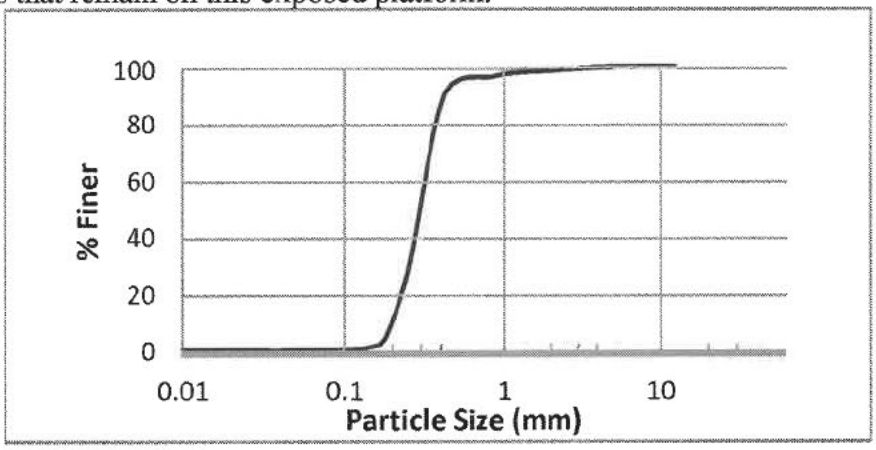


Figure 73. Grain size distribution curve at KD-6 transect

Table 3. Grain size characteristics of beach and dune sediments at Kenosha Dunes.

	D_{50} (mm)	D_{30} (mm)	D_{60} (mm)	D_{10} (mm)	C_c	C_u	Classification
Dune	0.27	0.23	0.30	0.19	0.94	1.57	SP
Nearshore	0.72	0.48	0.77	0.28	0.90	3.16	SP-SW

4.1.3 Subsurface Investigations

The ground-penetrating radar (GPR) investigation at Kenosha Dunes State Natural Area occurred on November 12th, 2016. Transects were measured parallel and perpendicular to the trend of the shoreline (Figure *1*14) surrounding the area where the revetment was failing. In all, twelve transects were recorded. The raw GPR outputs showing signal strength were analyzed to determine the elevation of the ground surface, groundwater table, and sand/clay interface every 5 m along the transects (**Error! Reference source not found.**15).

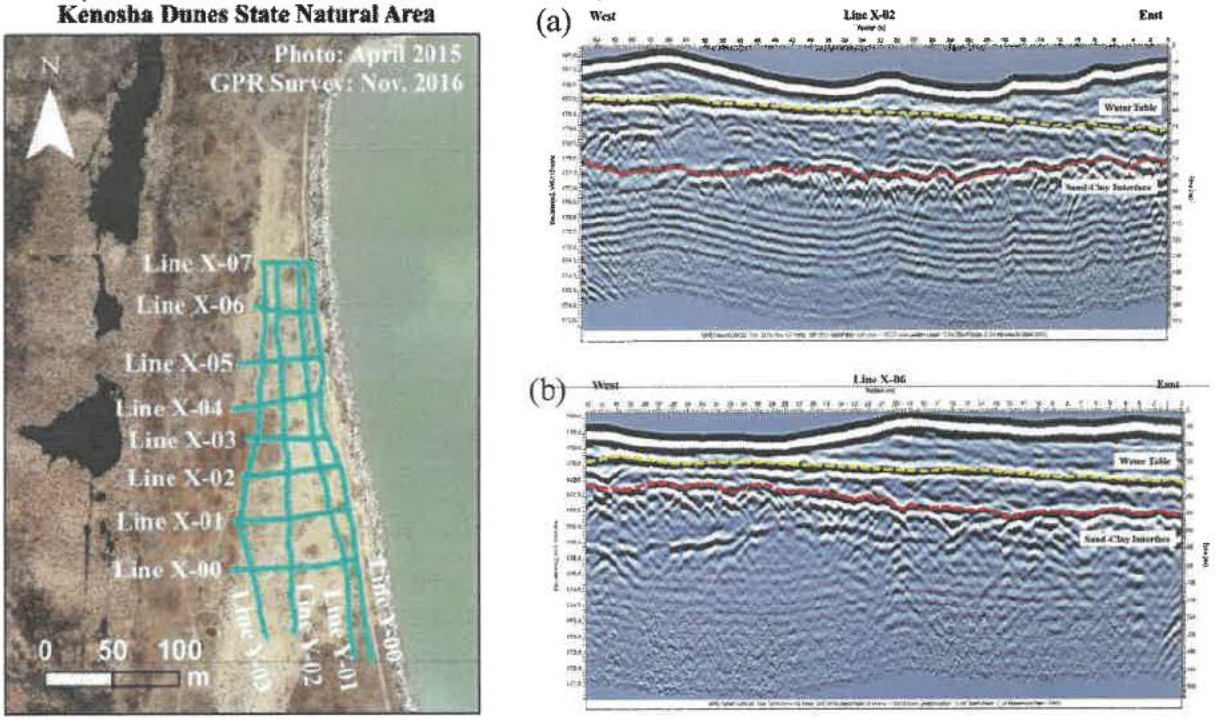


Figure 15 Raw GPR output with geologic interpretation for the transect line (a) X-02 and (b) X-06

The GPR results show a complete picture of the subsurface at Kenosha Dunes. The uniform medium sand that composes the dunes is present throughout the site, and appears to be slightly thicker to the east. The water table is present in the sandy layer and sits about 1.5 m above the lake at the easternmost edge of the dunes (Table 4). The gradient of the water table is 0.018 m/m. The grey clayey glacial till layer is present beneath the entire park. At the easternmost edge of the dunes, the sand/clay interface is about 0.5 m above lake level. The surface of the till is observed to be somewhat irregular beneath Kenosha Dunes. A thin (~5 cm thick) discontinuous peat layer is occasionally found in the lower sand and upper till layers along the exposed face.

Table 4. Average parameters of subsurface features at Kenosha Dunes.

	Kenosha Dunes Average
Lake Level	176.72 m above NAVD88
Water Table Elevation	178.31 m above NAVD88 (at dune crest)
Water Table Gradient (West to East)	0.018 m/m (to the east)
Clay Surface Elevation	177.14 m above NAVD88 (at dune crest)

4.1.4 Dune Recession

Dune recession and volumetric sediment losses from eroding dunes were measured at Kenosha Dunes State Natural Area. Recession rates and sediment volumes are calculated from historical shoreline change and dune crest measurements, beach profile surveys, and ground penetrating radar surveys. Historical changes of the shoreline were used as a proxy for dune crest recession in photos taken before 2000, when photo resolution limited identification and digitization of the dune crest. From 2000-2015, the dune crest was digitized from aerial photos. The dune crest line was measured with a differential GPS on November 12th, 2016. Statistics of dune crest recession rates are shown in Table 55.

Table 5. Dune crest recession rate statistics at Kenosha Dunes State Natural Area.

	Average Recession Rate (m/year)	Average Recession Rate of Eroding Transects (m/year)	Maximum Dune Recession Rate (m/year)	Recession Rate Uncertainty (m/year)
1955-1976	-2.33	-2.33	-2.98	+/- 0.8
1976-2000	-0.09	-0.14	-0.32	+/- 0.4
2000-2015	-0.06	-0.08	-0.29	+/- 0.3
April 2015-Nov. 2016	-0.55	-1.77	-6.89	+/- 0.4

Table 66 shows eroded sediment volumes for selected time periods and associated uncertainties. From 1955-1976, over 200,000 m^3 of dune sediments entered the nearshore, atrates of -100-150 m^3/m/year. From April 2015 to November 2016, 2386 m^3 of dune sediments eroded in the area where the revetments were failing. The maximum erosion rate for this time period is -230.9 m^3/m/year.

Table 6. Eroded sediment volumes and associated uncertainties at Kenosha Dunes State Natural Area.

	Total Eroded Sediment Volume (m^3)	Volume Uncertainty (m^3)	Maximum Dune Erosion Rate (m^3/m/year)	Volume Rate Uncertainty (m^3/m/year)
1955-1976	-200,959	+/- 74,960	-153.3	+/- 4.7
1976-2000	-2133	+/- 5950	-3.2	+/- 0.3
2000-2015	-3,842	+/- 1080	-15.5	+/- 0.1
April 2015-Nov. 2016	-2,386	+/- 1720	-230.9	+/- 4.4

Figure6 shows the alongshore distribution of volumetric erosion rates in Kenosha Dunes State Natural Area.

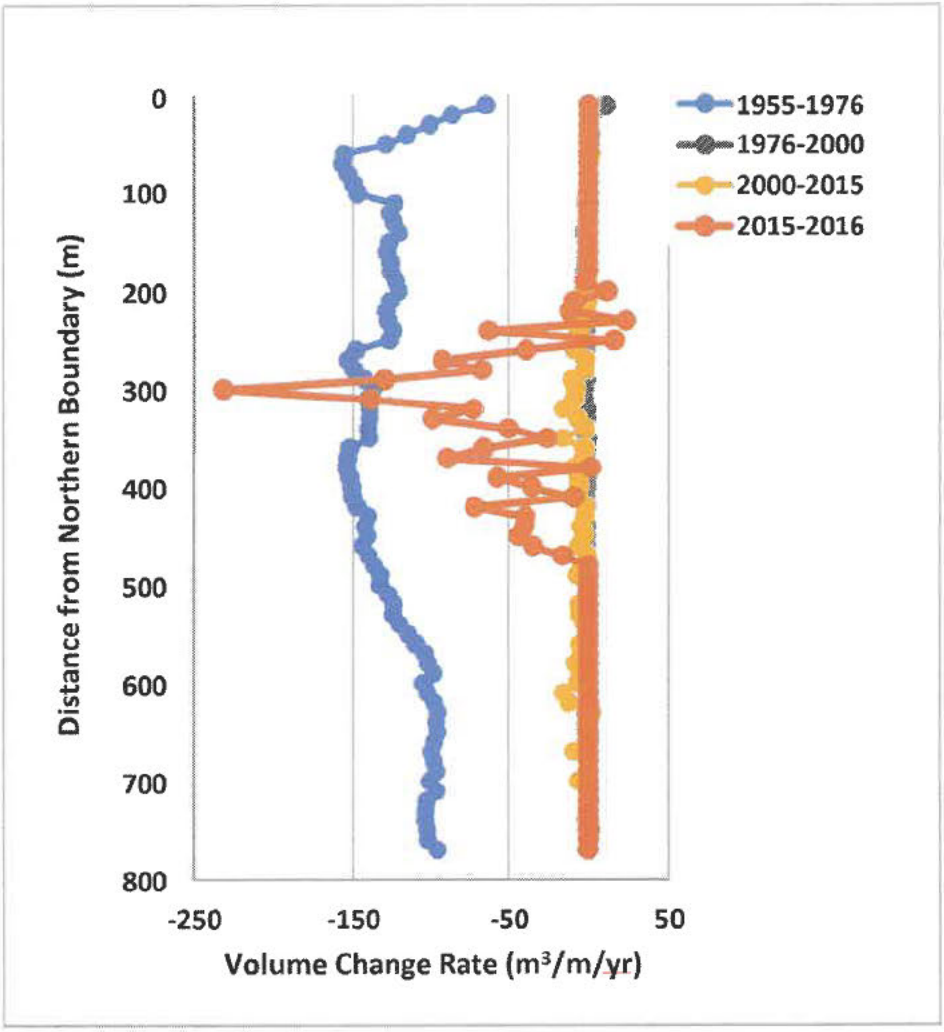


Figure 16. Volumetric erosion rates of dune sediments at Kenosha Dunes State Natural Area.

4.2. Carol Beach

Carol Beach is a popular recreational beach about 1 mile north of the Wisconsin/Illinois state line (Figure 17). The beach is about 600 m long. The northern half of the beach is not protected by shoreline structures, although a buried revetment lies near the road at the back of the beach. South of the small creek that divides the beach, a series of concrete groins serve to retain beach sediments. These groins were built in the 1990s. During the summer of 2016 (see Figure 18), the groin field appeared to be completely filled, and the shoreline is lakeward of the groins. Concerns at this area are focused on preserving beach health and beach width as surrounding areas develop and modify the shoreline.



Figure 97. Oblique aerial photo of Carol Beach in 2012. Image courtesy of USACE.



Figure 88. Photo of Carol Beach in August 2016. View is to the north

4.2.1 Shoreline Changes

Shoreline changes at Carol Beach follow trends that are similar to those of the overall reach. From 1955-1976, Carol Beach was the site of severe erosion as shoreline structures were built nearby. On average, the shoreline eroded at a rate of -1.92 m/year from 1955-1976. However, the shoreline accreted after 1976, including at a rate of 0.58 m/year from 1995-2015 (Table 7).

Table 7. Summary of shoreline change at Carol Beach.

Epoch	Mean Shoreline Change (m/yr)	Shoreline Change Std. Dev. (m/yr)	Max. Shoreline *Accretion* (m/yr)	Max. Shoreline *Erosion* (m/yr)
1955-1976	-1.92	0.50	--	-2.42
1976-1995	0.05	0.37	0.41	-0.46
1995-2015	0.58	0.34	1.04	--
1955-2015	-0.59	0.08	--	-0.67

The shoreline in the northern part of the reach continued to accrete from 2010-2015, despite a 1 m rise in water level between 2013 and 2014. The groin field at the southern portion of the reach is maintaining a relatively constant shoreline position (Figure 19)

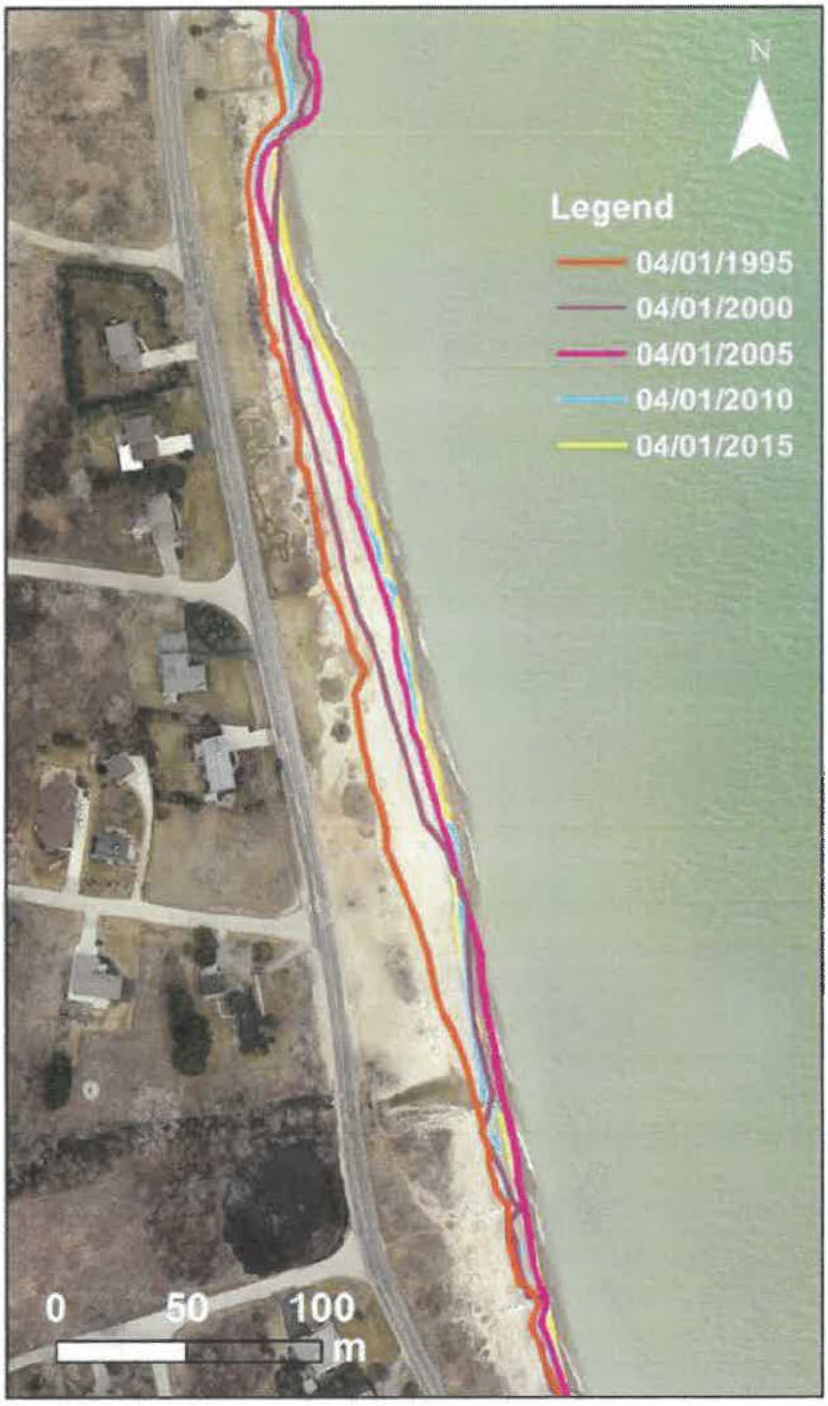


Figure 19. Shoreline positions at Carol Beach from 1995-2015.

4.2.2 Beach Profiles

Beach profiles were taken along three transects at Carol Beach. Beach surveys were taken from the back of the dry beach to about 2 m water depth. All profiles were taken in August 2016 and compared to Lidar-derived profiles obtained in 2012 and 2008. Figure 20 shows an example of a beach profile showing little erosion of the beach. Beach profiles taken at Carol Beach did not show signs of erosion between 2012 and 2016, consistent with aerial photo measurements taken between 2010 and 2015.

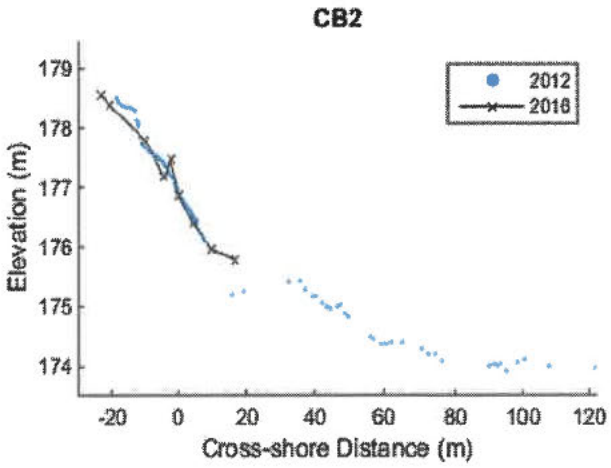


Figure 20. Beach profile taken at transect 2 at Carol Beach

4.2.3 Beach Sediments

Beach sediment samples were taken at the berm crest at Carol Beach along beach profile transects. Beach sediments were found to be uniform medium to fine sand (Figure 221 and Table 8). Sediment size distributions do not appear to be significantly influenced by the groins present at the southern end of Carol Beach.

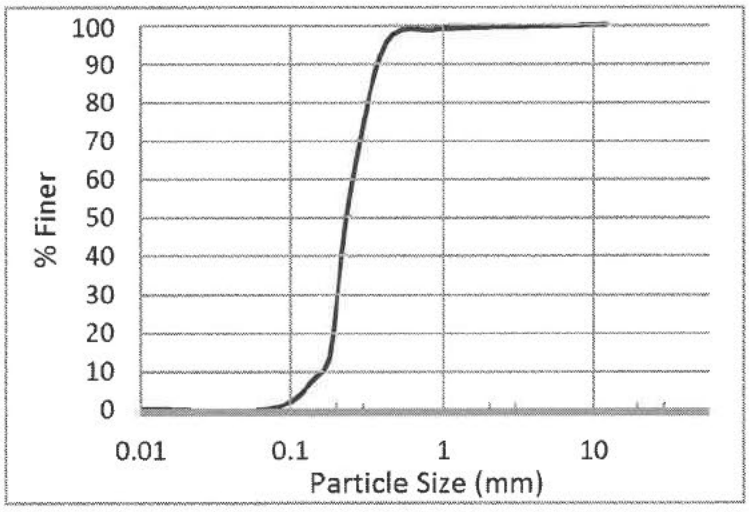


Figure 21. Grain size distribution for Carol Beach sediments.

Table 8. Statistics of grain size distribution for Carol Beach sediments.

	D_{50} (mm)	D_{30} (mm)	D_{60} (mm)	D_{10} (mm)	C_c	C_u	Classification
Carol Beach	0.38	0.25	0.36	0.18	0.73	4.05	SP-SW

4.3 Southport Park

Southport Park (**Error! Reference source not found.**22) is a popular park located at the northern boundary of the study area at the southern edge of the City of Kenosha. The shoreline of the park is about 850 m long. The park features an abandoned bathhouse and a large breakwater structure built in the 1920s. The breakwater originally served to protect a recreational beach, but was completely filled with sand after 2000, making shoreline access difficult in the area. The breakwater did create a large fillet beach to the north, which continues to be popular with recreational beachgoers. A series of long groins were built along the shoreline before 1955. All the groins have failed, and are present only a few feet beneath the water surface in many places. A revetment is present along the back of the beach north of the bathhouse. Several hundred feet of this revetment failed and was replaced in 2014 (Figure 23). South of the bathhouse a revetment protects the Kenosha Water Utility Wastewater Treatment Plant. The beach at Southport Park is popular, especially during the summer months. However, the beach is often contaminated with *E.coli* and other bacteria, and beach health and water quality is the primary concern.



Figure 22. Oblique aerial photo of Southport Park. Image courtesy of USACE



Figure 23. The breakwater structure in Southport Park.

4.3.1 Shoreline Changes

Shoreline changes at Southport Park have mostly been controlled by the shoreline structures present in the area. Much of the shoreline change at Southport Park is due to changing configuration of the breakwater structure, which has alternatively filled in and eroded. Overall, the shoreline change rate for this area is +0.13 m/year from 1955-2015 (Table 9).

Table 9. Summary of shoreline change at Southport Park

Epoch	Mean Shoreline Change (m/yr)	Shoreline Change Std. Dev. (m/yr)	Max. Shoreline *Accretion* (m/yr)	Max. Shoreline *Erosion* (m/yr)
1955-1976	0.01	0.47	0.87	-0.50
1976-1995	0.30	0.15	0.54	--
1995-2015	0.08	0.18	0.38	-0.18
1955-2015	0.13	0.22	0.55	-0.06

The fillet beach on the north side of the structure has remained relatively stable or slightly accreted since 1955 and has accreted since 1995 (Figure 24). Figure 25 shows the beach condition in 2016.



Figure 24. Shoreline position at Southport Park from 1995-2015.


Figure 25. Beach conditions at Southport Park in August 2016. View is to the northeast

4.3.2 Beach Profiles

Beach profiles were taken along six transects at Southport Park. Beach surveys were taken from the top of the berm crest to about 2 m water depth. All profiles were taken in August 2016 (see Figure 26) and compared to Lidar-derived profiles obtained in 2012 and 2008. Figure 24 shows an example of a beach profile showing little erosion of the beach. Beach profiles at Southport Park show little change between 2012 and 2016.

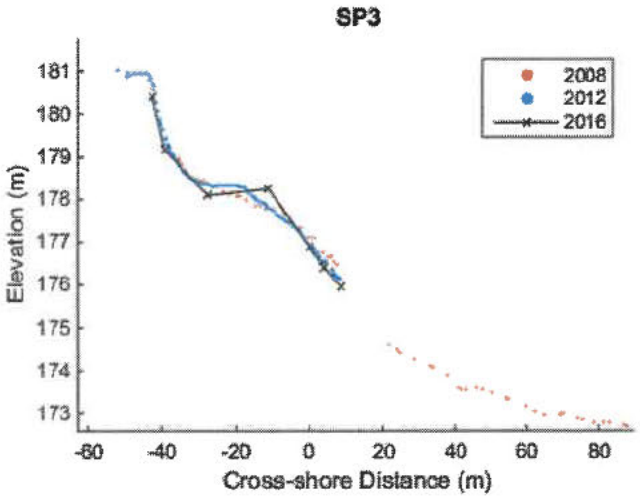


Figure 26. Beach profile taken at transect 3 at Southport Park.

4.3.3 Beach Sediments

Beach sediment samples were obtained from the berm crest at Southport Park where a beach was present on beach profile transects. Beach sediments include coarse sand, gravel, and cobbles, with little medium or fine sand (Figure 27). Table 10 summarizes the statistics off particle size distributions at transect 3 at Southport Park. In general, sediments farther north consisted of gravel and cobble while sediments nearer the breakwater consist mostly of coarse sand. Such spatial distribution suggests that longshore currents have transported easily mobilized sediments to the south, depleting northern reaches of sand.

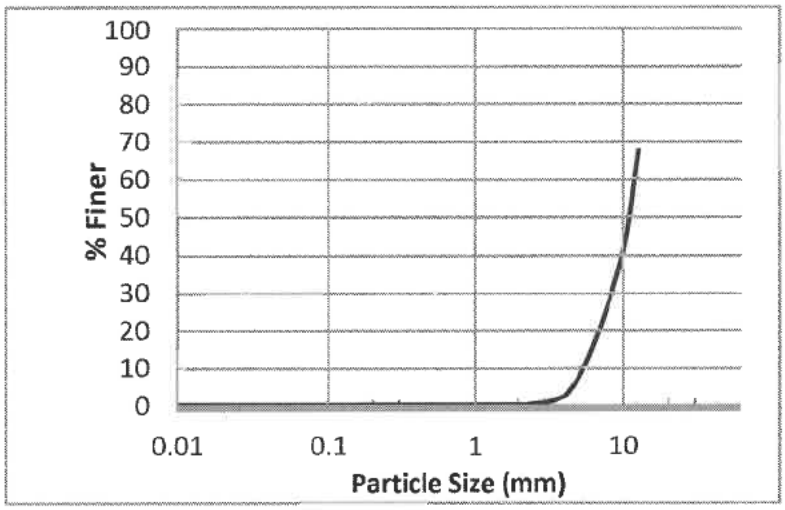


Figure 27. Grain size distribution of beach sediments at transect 3 at Southport Park.

Table 10. Statistics of grain size distributions for beach sediments at Southport Park.

	D_{50} (mm)	D_{30} (mm)	D_{60} (mm)	D_{10} (mm)	C_c	C_u	Classification
Southport Park	19.61	3.76	45.05	2.08	0.72	149.93	GP-GW

4.4 Summaries of the three study sites

Detailed coastal assessments have been conducted at three public shoreline areas in the larger Kenosha County study area. The three sites are affected to different degrees by nearby shoreline protection structures due to differences in coastal geology and shoreline protection measures.

Kenosha Dunes State Natural Area, is experiencing severe dune erosion where a revetment is failing. Dune crest recession between April 2015 and November 2016 has occurred at rates of up to 6.9 m/year where the revetment is failing. As a result, about 2400 m^3 of dune sediments have entered the nearshore system. The rates of dune recession are similar to dune recession rates that occurred before the dune system was protected by a revetment. Geological field investigations show a glacial till layer underlying the dunes. This till layer is more resistant to erosion than the unconsolidated sand, but is itself prone to lakebed downcutting in the nearshore. Action is urgently needed to protect fragile ecosystems at Kenosha Dunes from dune erosion.

Carol Beach is mostly unprotected, apart from a series of filled-in groins in the southern section of the beach. Since 1995, the beach has accreted sediments at an average rate of 0.58 m/year. Although the beach has been stable for over 20 years, shoreline position in this area is susceptible to fluctuations in lake level and potential impacts of nearby shoreline protection structures.

Southport Park is located at the far northern reaches of the study area. Several types of coastal structures are present in the area and have led to mostly stabilized shorelines. Shoreline stability is also likely due to the abundant gravel and cobble present on the beach. These materials create steeper beach slopes, leading to smaller shoreline position changes when lake levels fluctuate. The structures present at Southport Park are crumbling in some areas, and should be repaired before they fail. Failure of the breakwater structure would lead to significant up-drift beach erosion and the loss of an important recreational beach in Kenosha.

5. Modeling and Assessment for Hydrodynamics, Sediment, and Water Quality

5.1 Model validation

Validation of the WWMIII-SCHISM (coupled wave- 3D hydrodynamic model) model conducted for the month of July, 2016. In order to capture the nearshore hydrodynamic conditions, a detailed grid with a high-resolution interpolated bathymetry is constructed for Kenosha. In particular, grid sizes range from 800 m, in offshore deep areas of Lake Michigan, to 10 m in Kenosha shoreline. A bathymetry survey with lidar observations was employed to interpolate the high-resolution model mesh, which is crucial for accurate representation of the nearshore hydrodynamic conditions. The validation was conducted by comparing wave direction and significant wave height offshore and nearshore of Kenosha between the well validated Great Lakes Coastal Forecasting System (GLCFS) and our model (Figure 25).

Results indicate the well agreement between both models, offshore (Figure 28 a andb) and 100 m away from Kenosha shoreline at a depth of 7 m (Figure 28 c and d). A comparison at a location closer to shore was not possible given the low spatial resolution of the GLCFS in nearshore areas. Overall, WWMIII-SCHISM exhibits an excellent agreement with the well validated GLCFS model both in terms of wave direction and significant wave height, thus being a validated tool to investigate water quality in Kenosha shoreline.

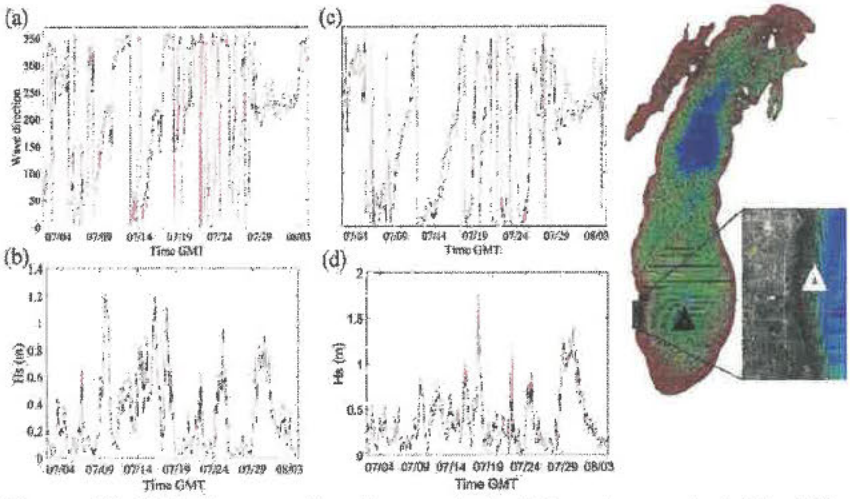


Figure 28. Wind wave direction and significant wave height of the Great Lakes Coastal Forecasting system (red) and WWMIII-SCHISM at offshore (a,b) and nearshore (c,d) locations.

5.2 Nearshore hydrodynamics

The nearshore of Kenosha Dunes, Carol Beach, and Southport Park exhibit shallow complex geometries were the interactions between wind waves and currents dictate the hydrodynamic conditions. Currents, which correspond to large-scale circulation patterns in the Great Lakes, are the major transport mechanism of dissolved nutrients, contaminants and sediments within the Great Lakes basins. Nevertheless, in the nearshore, where wind waves amplify due to nearshore transformations such as soaling or reflection and wave superposition, waves play a crucial role on the transport processes even modifying the circulation patterns induced by currents. In this study, we investigated the importance of wave-current interactions on hydrodynamic conditions in Kenosha nearshore by comparing the nearshore currents induced by a 3D hydrodynamic model (currents only) against a coupled 3D hydrodynamic – wave model (wave-currents interactions).

The difference of nearshore currents in Kenosha when the effect of waves is included in the analysis is illustrated in Figure 29. During a southerly (wind blowing from south to north) wind day the circulation pattern in the southern basin of Lake Michigan induce currents with a northward direction along the west coast (Figure 29a). The same northward pattern of the currents is obtained if we zoom in Kenosha shoreline (Figure 29b) when conducting the simulation with the hydrodynamic model only. In contrast, when coupling hydrodynamic and wave models that although the northward pattern remains present for the alongshore currents about 100 meters offshore, the currents in the very nearshore tend to reverse exhibiting a southward pattern. Additionally, a counterclockwise gyre is formed by South Port Park. This significant change of current patterns in Kenosha nearshore is caused by the effect of waves, which becomes more important as the bathymetry is shallower. These results indicate that to accurately assess the transport processes in Kenosha shoreline, wind-current interactions and the use of a precise bathymetry are necessary, and thus they will be included in the analysis.

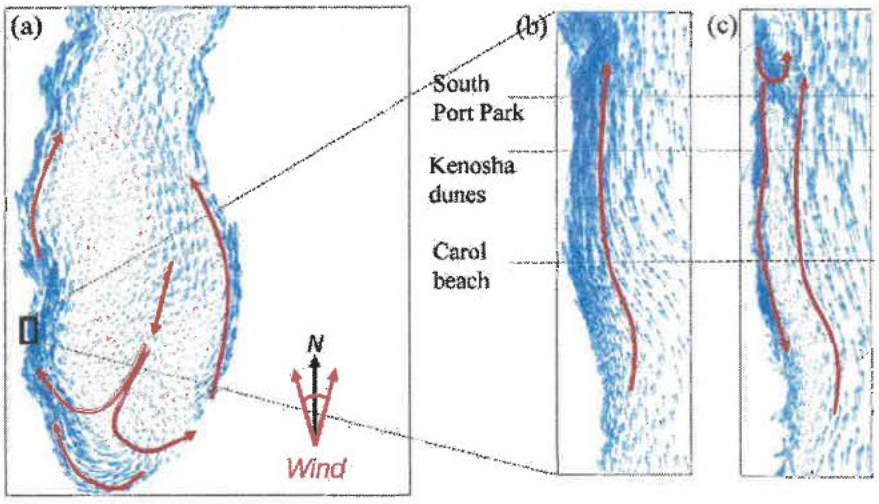


Figure 29. Currents induced by a southerly wind in (a) Lake Michigan basin. Currents in Kenosha modeled with (b) a hydrodynamic model and (c) a coupled hydrodynamic-wave model. Red lines indicate the major current direction.

5.3 Sediment transport assessment

Sediment transport in Kenosha Dunes, Carol Beach, and Southport Park is assessed with a sediment particle tracking model (PMT). The sediment PTM employs the hydrodynamic conditions as inputs and calculates the pathway of each particle. Ten thousand particles are initialized at each of the 3 locations under northerly and southerly wind conditions.

Under northerly wind conditions (Figure 30c), sediments at Southport Park are transported to Kenosha dunes and further south in about 2 – 3 days. Similarly, sediments at Carol Beach are transported southward. Interestingly, sediments at Kenosha dunes exhibit 2 types of behavior. Sediments located in the southern portion of Kenosha Dunes are transported rapidly, while sediments located in the northern portion tend to become trapped. Under southerly wind conditions (Figure 30d), sediments from Carol Beach are transported to

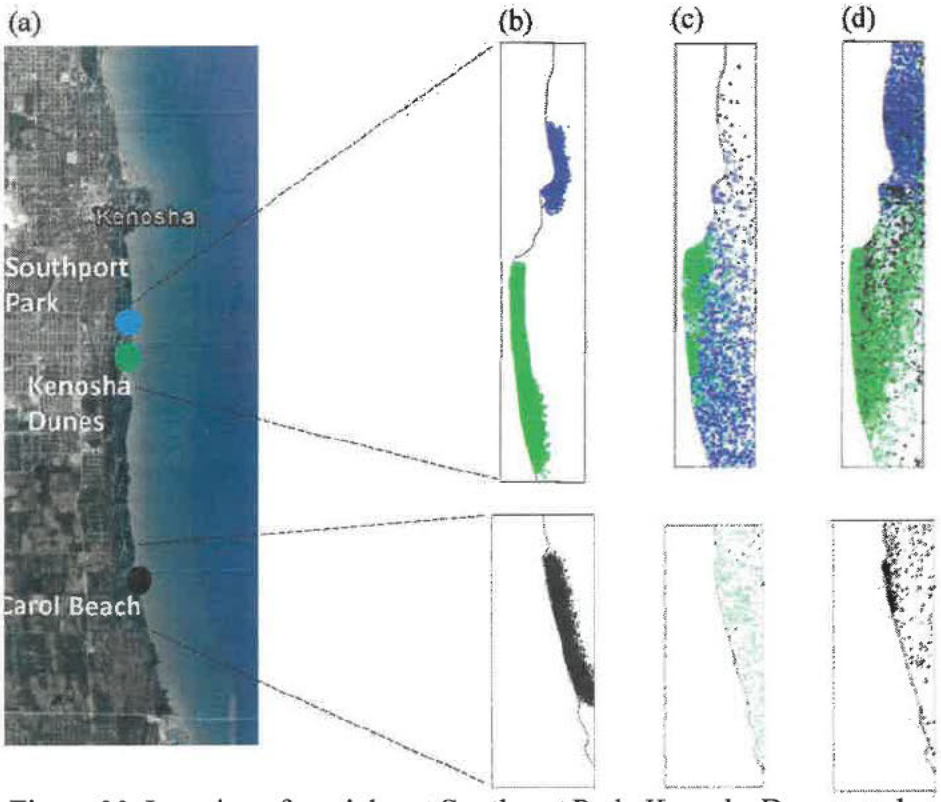


Figure 30. Location of particles at Southport Park, Kenosha Dunes, and Carol Beach at the initial time of the simulation (b), and after 4 days under northerly (c) and southerly (d) winds.

Kenosha Dunes, Southport Park, and further north in the order of 2 – 3 days. Part of the sediments in the southern portion of Kenosha Dunes are transported to Southport Park, where most part become trapped. The morphometry of the shoreline between Kenosha Dunes and Southport Park blocks the alongshore currents reducing the transport of sediments from Southport Park. Similarly, to the northerly wind case, sediments in the northern portion of Kenosha dunes are trapped exhibiting minimal transport. These results suggest that sediments located in the southern portion of Kenosha Dunes are more vulnerable to be eroded than sediments within the rest of the Dunes.

5.4 Water quality assessment

Water quality is assessed on the Kenosha nearshore by modeling the transport of dissolved particles from outfall locations that are present at the shoreline with the use of a particle tracking model. Outfalls are modeled as point sources by initializing hundreds of particles at each location. Figure 31 shows particle locations after 1 h of the initiation of the run under northerly (Figure 31c) and southerly winds (Figure 31d). Results indicate that dissolved particles such as nutrients or contaminants brought by the storm outfalls to Kenosha shoreline would rapidly mix and transport through long distances. For instance, dissolved particles coming from Carol Beach, Kenosha Dunes, and the Kenosha Water treatment plant are able to cross the Wisconsin-Illinois state line in only 1 h under northerly winds (Figure 31c). Note how the outfall particles from the Water treatment plant (gray) travel at similar speed than those from the nearshore (light blue) at Southport Park, even if the outfalls are located at different depths. Similarly, under southerly winds, particles coming from different outfalls mix and reach Kenosha harbor in about 1 h. Overall, this water quality assessment shows the rapid mixing of dissolved particles such as contaminants, and the long distances that they can dispersed in a matter of hours.

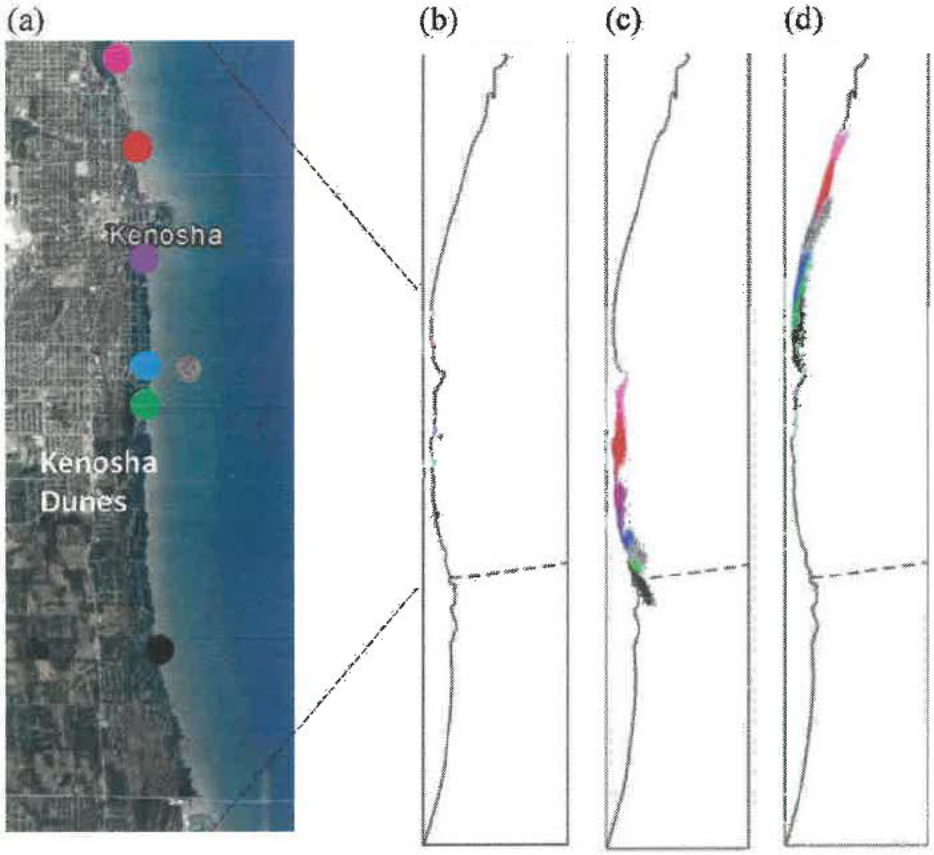


Figure 31. Location of particles at (from top to bottom) Alford Park outfall, Pennoyer Park outfall, 60th street outfall, Southport Outfall (light blue), water treatment plant outfall (gray), Kenosha Dunes, Carol Beach outfall at the initial time of the simulation (b), and after 1 day under northerly (c) and southerly (d) winds. Dashed line indicates the state border

⑤ - Last page

Red Barn Project Coastal Assessment

6. Summary and Suggestions

During the project period, we have addressed the activities (A) Framework planning workshop; (B) Baseline observations of coastal morphology; (C) Sediment budget analysis; (D) hydrodynamic modeling; and (E) Sediment and water quality modeling and assessment. Specifically, we have completed (A), (B) and (C). Nevertheless, a few more observations of wind and sediment transport are needed to further validate the hydrodynamic and sediment/water quality models. Furthermore, we suggest to develop a set of scenarios with longer time (monthly and yearly) to assess the sediment and water quality impacts.

The project teams are working with Red Barn Design Engineering to develop three alternative concept plans: (i) restoration of native dune and natural shoreline habitats; rehabilitation of existing stone revetments; (ii) underwater submerged structures perpendicular to the shoreline; sill structures and reef balls; (iii) peninsular hardened headlands forming large protected pocket beaches and shore-parallel segmented low profile breakwaters with scalloped beaches. All these conceptual planning to mitigate severe Kenosha Dune Erosion issue will be presented to the Kenosha-Chiwaukee Coastal Steering Committee in the fall 2017. After the meeting, we will develop a refined draft plan with recommendations for shoreline improvements, comparative cost estimates, and ecological impacts on both natural and hydrodynamic processes will be further done in the future.

6 - Discussion + Supporting Documentation

6. **WPD's variance request for purported "Dog Park" compliant fencing under Cook County's Animal Control ordinance and regulations, is misleading and wrong. The Cook County's Animal Control administrator's recent response to WPD's inquiry about whether a supposed "water barrier" would violate Cook County's four-sided fencing requirement for dog parks, described Centennial dog beach as a "dog friendly area," while saying, calling the water a "barrier" would not violate dog park provisions. WPD did not receive a waiver entitling it to qualify as a dog park. Cook County had previously informed WPD's Mr. Kutulas that its "Beck Lake Dog Park" is fenced on all four sides. It did not offer him any examples of permitted "dog parks" with less than four-sided fencing.**

In summary, WPD's variance request is based on flawed designs that are unsafe, unnecessary, unfounded, create nuisances, and violate the Village's 2040 Futures Plan.

Please do not grant the variance.

Sincerely,

Kristine Schriesheim

(6)

WPD's Centennial Dog Beach is a "Dog Friendly Area" according to Cook County Animal Control

Outlook

RE: Waiver Request - Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

From Mark Rosenthal (Animal Control) <Mark.Rosenthal@cookcountyil.gov>
Date Fri 9/13/2024 3:07 PM
To Shannon Nazzal <snazzal@winpark.org>
Cc Mamadou Diakhate (Animal Control) <Mamadou.Diakhate@cookcountyil.gov>; Mark Rosenthal (Animal Control) <Mark.Rosenthal@cookcountyil.gov>; Samantha May (Animal Control) <samantha.may@cookcountyil.gov>

Caution: External (mark.rosenthal@cookcountyil.gov)
First-Time Sender Details

EXCALTECH® Making IT Simple

Report This Email FAQ Protection by INKY

Dear Ms. Nazzal,

Thank you for your recent email regarding the Winnetka Park District dog friendly area.

We appreciate your notification and request.

Based on the information that you have provided to our department; we would not view the lake barrier as a violation of our current dog park ordinance.

Dr. Mamadou Diakhate

From: Shannon Nazzal <snazzal@winpark.org>
Sent: Wednesday, September 11, 2024 1:54 PM
To: Mamadou Diakhate (Animal Control) <Mamadou.Diakhate@cookcountyil.gov>; Mark Rosenthal (Animal Control) <Mark.Rosenthal@cookcountyil.gov>
Cc: Simon, Adam <ASimon@ancelglink.com>; Costa Kutulas <CKutulas@winpark.org>
Subject: Waiver Request - Cook County Animal and Rabies Control Ordinance, Regulation VIII. Dog Parks and Areas - Beaches

External Message Disclaimer

This message originated from an external source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dr. Diakhate,

I hope this message finds you well. I am reaching out on behalf of the Winnetka Park District regarding a waiver request for a portion of a Section in Regulation VIII – Dog Parks and Areas, from the Administrative Regulations of the Cook County Animal and Rabies Control Ordinance.

The Winnetka Park District is subject to the Cook County Animal and Rabies Control Ordinance, which, under Regulation VIII, last updated in 2010, stipulates in Section B, Number 2, that dog parks must be completely enclosed by a contiguous fence. As we are located along the lakefront, we, like many other lakefront communities, envision an off-leash dog area where the lake serves as the natural barrier, enclosing the park on three sides with the lake left open.

We are currently in the permitting process with the Village of Winnetka through their Special Use Permit process for our beach improvement project at Centennial Park & Beach (225 Sheridan Road, Winnetka). As part of this process, the Village has requested an opinion from Cook County regarding the full enclosure requirement as a stipulation of our application. The proposed area will meet all other requirements outlined in the Ordinance and Regulation VIII, and we are seeking this waiver to allow the lake to serve as a natural boundary.

We appreciate your consideration of this request and are happy to provide any additional information or answer questions to facilitate the process.

Thank you for your time and attention to this matter.

Sincerely,

Shannon Q. Nazzal, CPRE (she / her)
Executive Director

(6)

Cook County "Dog Parks" must be Fully Fenced. "Dog Friendly Areas" do not need such fencing.

Re: Dogs - Forest Preserves of Cook County

Costa Kutulas <CKutulas@winpark.org>
Wed 2/21/2024 1:03 PM
To:Shannon Nazzal <snazzal@winpark.org>

Shannon,

Cook County Dog Park is Fully Fenced

After speaking with one of their representatives and reviewing their website, I confirmed that the Beck Lake site is completely fenced off to secure the "off-leashed dogs" from leaving the designated area. The link below outlines this information as well.

https://fpdcc.com/things-to-do/dogs/#off-leash

Kris suggests we are out of compliance because we require leashes once a member is beyond the electronic gate on the beach.

Based on the outreach from David regarding the questions asked by Kris Schresheim, the Winnetka Park District is following the Cook County Animal Control Ordinance (https://library.municode.com/il/cook_county/codes/code_of_ordinances?nodeId=PTIGEOR_CH10AN) (Section 10.4 & Section 10.8_P), which requires pets to be leased, similar to the Village of Winnetka Ordnance. The current Centennial Beach site is not secured on all sides but only on the western border and allows dogs, if off-leashed, to travel either north or south beyond the boundaries of the Park District. For reference, the CCFPD Beck Lake Off-Leash Dog Park site is secured with a fence on all sides of the off-leash area.

Because of the inherent risk, the Park Board motioned to keep the dog beach operating as long as owners keep their pups on leash.

Please let me know if you need additional information to follow up with David.

I will note that our approved plan for Centennial Dog Beach does secure the "off-leash dog beach" per our 10/19/23 Park Board approved Schematic Design Plans and would conform with the Cook County Ordinance.

Thanks,

Costa Kutulas
Director of Parks and Maintenance

John William Root
326 Woodland Avenue
Winnetka, IL 60093
Telephone: [redacted]
Email: [redacted]

Sent by electronic mail: dschoon@winnetka.org

Mr. David Schoon
Village of Winnetka
Director of Community Development
510 Green Bay Road
Winnetka, IL 60093

November 4, 2024

Re: Case No. 24-08-SU
225 Sheridan Road – Centennial Park & Beach
Comments for 11/11/24 Hearing

Dear Mr. Schoon:

The following comments summarize my concerns about the 10/14/2024 ZBA review of the Centennial SUP beach design. I have also included comments on WPD's SUP for the Elder beach design and how this design conflicts with Village ordinances, particularly the Village zoning ordinances. I would appreciate your assistance in sharing my comments as part of the official packet to be delivered to the members of the Village of Winnetka Zoning Board of Appeals for the continued hearing on Case No. 24-08-SU to be held 11/11/24.

Comments on ZBA Review of Centennial SUP during October 14th Hearing

The WPD claims that Village staff have issued an opinion that the WPD's proposed Centennial Park vertical improvements of boardwalk and pier to be in the front yard setback are characterized as either a wall or a fence. In his presentation to the ZBA on October 14, 2024, David Schoon supported this position by claiming that an elevated boardwalk does not violate the 50' front yard setback if the boardwalk and fencing on the boardwalk does not exceed 6.5' in elevation. A member of the ZBA Board challenged Mr. Schoon's position stating that permitting an elevated boardwalk without a variance was at odds with the front yard setback ordinances. Mr. Schoon argued that the boardwalk is a "wall" topped by a fence. Figure 1 below is a cross section through the proposed boardwalk and ADA access ramp and illustrates Mr. Schoon's argument.

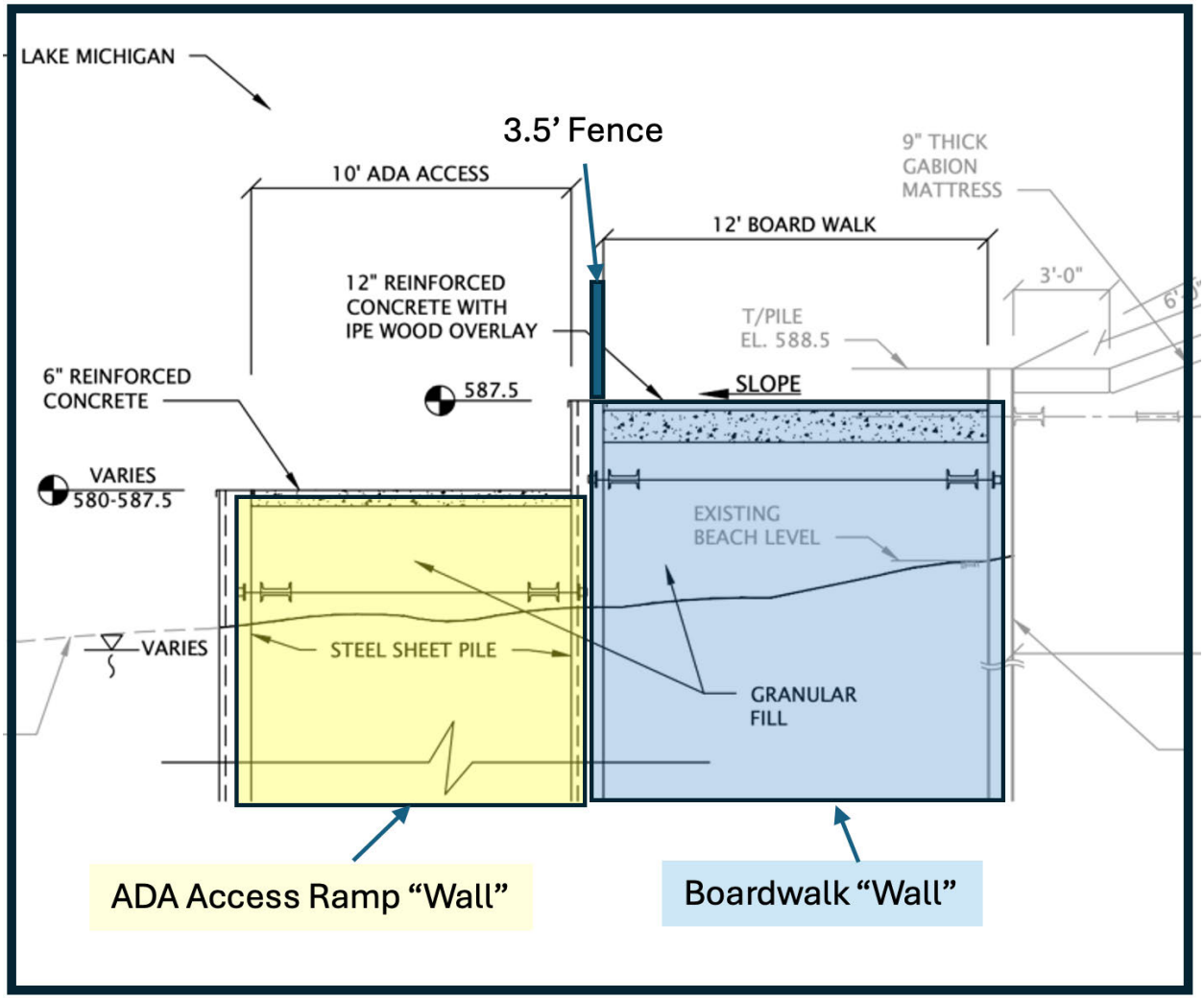


Figure 1: Cross section through ADA access ramp and boardwalk.

Mr. Schoon would have you believe an elevated boardwalk, the area shaded in blue, is a "wall". This "wall" consists of two steel sheet piles and is topped by a concrete deck. There are no definitions for "wall" or "fence" in the front yard setback sections of the code but the common meaning of wall in a front yard means a masonry fence around a garden, park, or estate. Characterizing all vertical improvements as a wall or fence would gut the front yard setback ordinances for all residential properties. The ZBA and Village Trustees should instruct Village Staff to follow Village ordinances.

In his October 14th presentation to the ZBA concerning the Centennial SUP Mr. Schoon also stated:

> "If a proposed development does require approval of some type of zoning entitlement relief, during Village staff's review of the zoning entitlement application we will conduct

> a preliminary review of the project for code requirements to determine if the development should be able to, in general terms, comply with administrative code requirements."

By his statement, Mr. Schoon has asserted that the elevated boardwalk and pier only require a variance for the guard rails and fences that are proposed to be installed on the top of these structures. He argues that the structures themselves do not violate the front yard setback ordinances. Assuming Mr. Schoon is correct, then one must assume that Village Staff has made a preliminary review of these structures and that these structures generally comply with the Lakefront Construction ordinances. I strongly disagree that these structures meet the test of what is minimally necessary to accomplish the purpose of the project. The proposed boardwalk and pier block sightlines and pose significant safety hazards to the public. There is little evidence in Village Staff's comments on the SUP that their preliminary review applied the Lakefront Construction ordinances. The only reference to the 'minimally necessary standard' was made by Mr. Nairn, the Village's consulting coastal engineer, when discussing the height of the pier. Mr. Nairn states that the pier, as designed, will be subject to overtopping (high waves washing over the pier) and the pier elevation would be what is minimally necessary for a pedestrian viewing pier. Mr. Nairn makes no acknowledgment of the existing Elder pier that is located 500' away from the proposed pier to be constructed at Centennial and that another viewing pier is not needed. Mr. Nairn also fails to discuss whether it is appropriate to build a massive 79' wide pier on Centennial for the primary purpose of separating the dog beach from the people beach, which is the WPD's justification for the pier.

WPD's Elder SUP

The Elder SUP was submitted to Village staff on 9/6/2024 and to my knowledge Staff has not yet submitted comments on the Elder SUP. Mr. Schoon stated at the Centennial SUP ZBA review that Centennial and Elder were two distinct parcels and the applicant had the right to submit separate permit applications. I agree with the ZBA board member who stated that the two SUPs should be considered together. This is particularly true when the WPD continues to assert that the Orchard 2020 Property Exchange Agreement is still valid such that when it awakens from its 'dormant' state and is performed the two beaches will be united. There should be nothing preventing ZBA board members from reading the Elder SUP application and from submitting questions to the WPD when they see relevant issues where design from Elder affects designs planned for Centennial. I have read the Elder SUP and I will share my comments and concerns with the ZBA.

Elder Lakefront Design Defects

Elder Stone Groins Design Defects

The WPD's October 2023 construction plan for Elder/Centennial includes a rubble stone pier on Centennial and two rubble stone groins on Elder (figure 2).

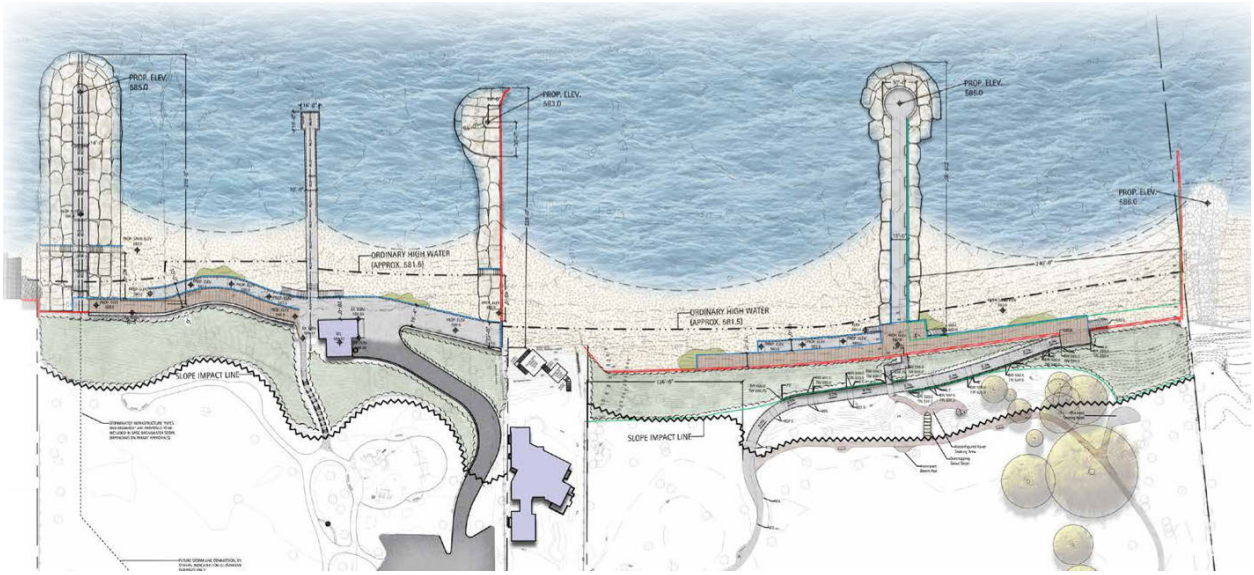


Figure 2: WPD's October 2023 plan

The proposed northern stone groin starts at the toe of the bluff with an elevation of 586' and extends 219' eastward into the lake with an elevation of 585' at its terminus. The proposed southern stone groin starts at the boardwalk with an elevation of 585' and extends 208' eastward into the lake with an elevation of 583' at its terminus. Both stone groins are less than 6.5' above grade within the front yard setback zone. Please note that the WPD is not seeking a variance for these structures. The WPD characterizes these structures as "walls" that are allowed in the front yard setback and refers to its August 2024 SUP permit for Centennial where it claims that Village staff have issued an opinion that the WPD's vertical improvements of boardwalk and pier in the front yard setback are characterized as either a wall or a fence:

> "As outlined in Chapter 17.30, Section 17.30.050(C)(7) Front yard setback for Lakefront Properties, it's noted that the required front yard setback is the toe of the bluff or 50 feet from the ordinary high-water mark, whichever results in the line farthest from the ordinary high-water mark. Nonetheless, Section 17.30.130(A) describes permitted obstructions in required yards. Village staff have issued an opinion that the District's vertical improvements in the front yard are characterized as either a wall or a fence, as described in Section 17.30.130(A)(10). (*highlighting for* emphasis). Based on the District's review of these sections and staff's code interpretation, we propose including the following project elements as variations since they exceed a height of 6.5' from grade." (August 2024 SUP permit for Centennial)"

The WPD may be correct in assessing Village staff's opinion. Mr. Schoon's comments on the elevated boardwalk to the ZBA on 10/14/24 (*that I have described above*) would appear to support WPD's interpretation.

In my opinion, the characterization of boardwalk and pier structures as a “wall” or “fence” is ludicrous. Section 17.30.130(A)(10) states which structures are permitted in the front yard setback:

> “ A. Obstructions Permitted in All Required Yards and Required Inner and Outer Courts. The following obstructions shall be permitted in all required yards, provided they comply with all other applicable standards of this Chapter:
> 10. Fences and walls not exceeding 6½ feet above natural grade located along a front or corner lot lines, except that no fence or wall shall extend within 10 feet of the intersection of a driveway and sidewalk or within 25 feet of the intersection of the street line of two intersecting streets: (17.30.130(A)(10)).”

There are no definitions for “wall” or “fence” in the zoning code. Section 17.30.130(A)(10) was passed on 4/2/96 long before the Lakefront Construction ordinances and the Steep-Slope Construction ordinances were passed. The context of the ordinance indicates that “wall” means a masonry fence around a garden, park, or estate. The elevated boardwalk, northern stone groin, and southern stone groin are not “walls” or “fences” within the meaning of the front yard setback ordinance. The boardwalk falls entirely in the front yard setback and 30’ of the northern stone groin and 40’ of the southern groin falls within the front yard setback. These structures require an SUP because they are structures that are prohibited by 17.30.130(A). The ZBA should require the WPD to file a variance in their SUP for Elder for the northern and southern stone groins and insist that Village staff follow 17.30.130(A)(10).

Elder North & South Stone Groin Defects

WPD’s October 2023 design for Elder (figure 3) in its SUP, the North and South rubble stone groins are perpendicular to shore and will cover a wide swath of beach.

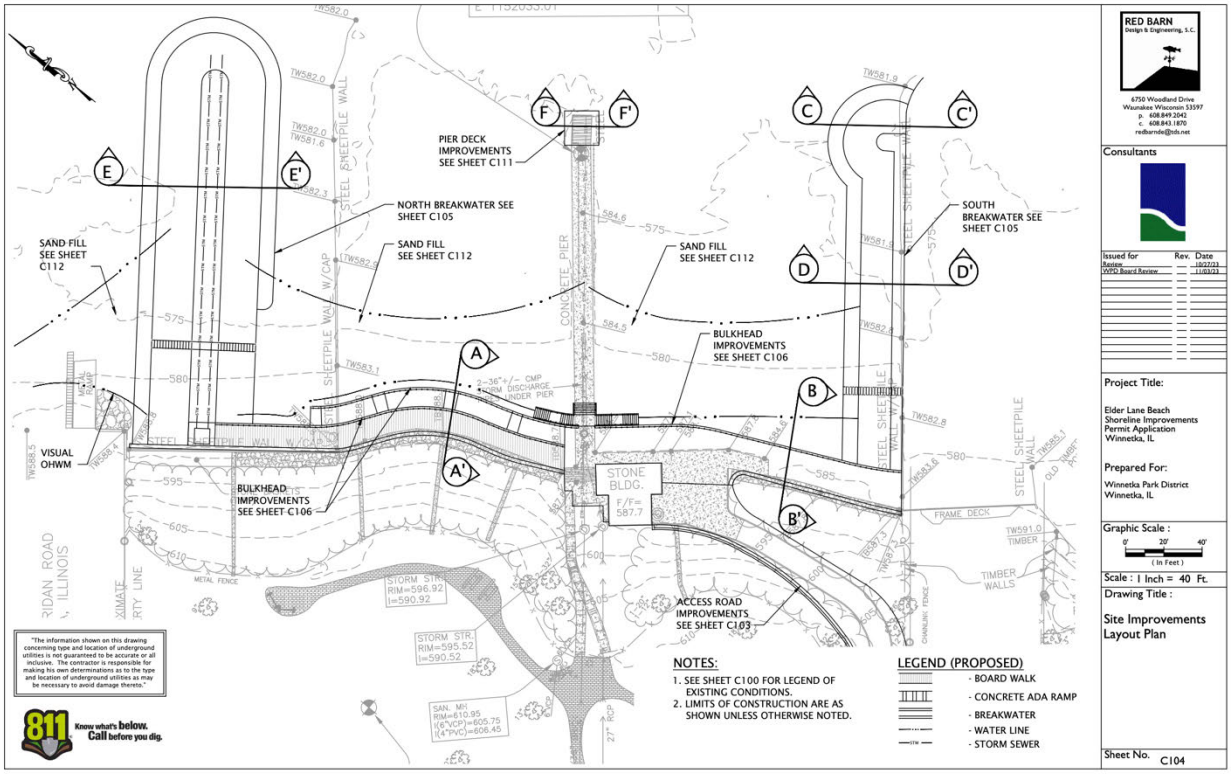


Figure 3: October 2023 Elder lakeshore construction plan

The massive Northern groin pier has a width of 61' (figure 4). A 61' swath of beach and lake will be covered with cement, steel, and stone and will be unavailable to swimmers.

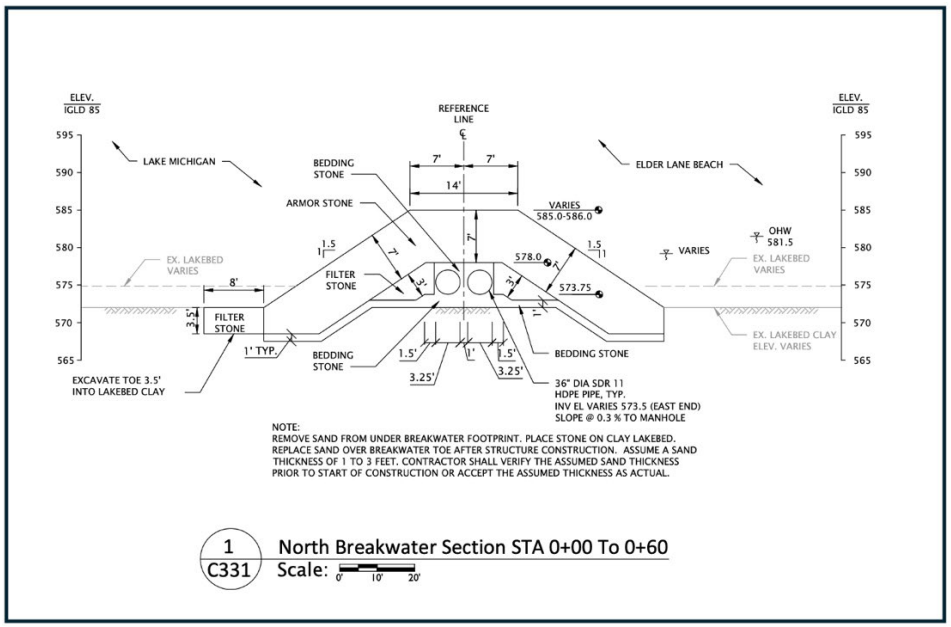


Figure 4: Cross section through proposed Northern groin

The Northern groin extends 219' into the lake and will cover an area of 13,359 square feet of lakebed and beach. The Southern stone extends 207' into the lake, is 31' wide and **will cover an area of 6,439 square feet of lakebed and beach.** (figure 5).

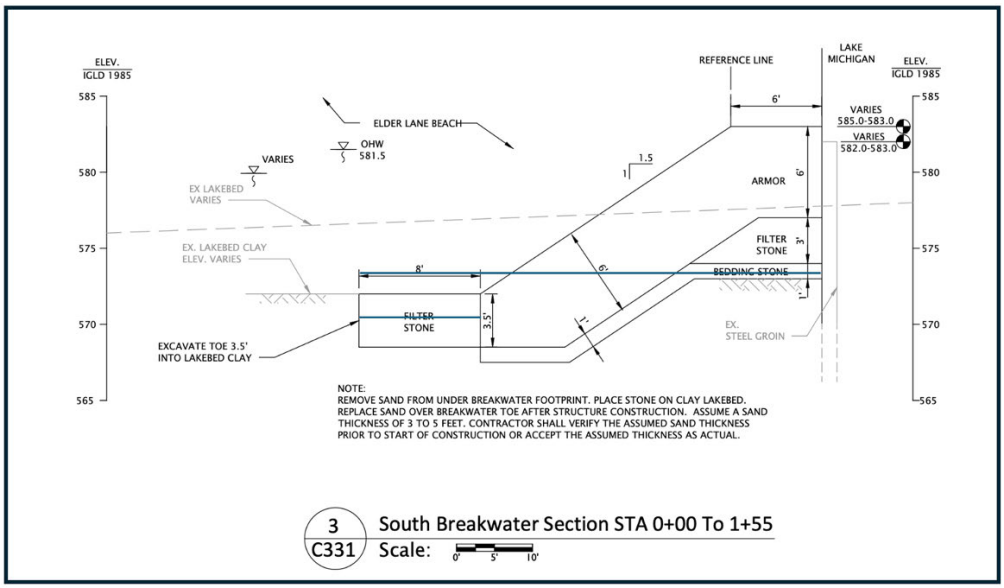


Figure 5: Cross section through proposed Northern groin

By covering so much area of the lake with the two stone groins the WPD is harming the lakefront environment and the welfare of the community by obstructing sight lines (Section 15.78.080(G)) with these massive structures.

The WPD claims in its Elder SUP that its design will provide shoreline stabilization:

> Shoreline Stabilization: Steel sheet pile repairs, armor stone groins with pedestrian access stairs, sheet piling boardwalk with intergraded concrete wave wall, duneland grass plantings, and native bluff land revegetation program.

The WPD makes further claims for the Southern stone groin:

> The stone groin is designed with a small 15-foot north buildout to allow for greater sand retention for the beach.

As I have noted in my objections to the Centennial SUP design, the Elder-Centennial beach design is not a headland beach system designed to retain sand on the beach. At the April 27, 2023, WPD board meeting, the board was reviewing and adopting a design concept for Elder/Centennial beaches that is the precursor for WPD's current design in the Elder & Centennial SUPs. The conceptual plan involved three phases: Phase 1 involved construction of one stone groin on Elder, a stone knub on Elder and a stone knub on Centennial (figure 6), Phase 2 involved construction of a stone groin on Centennial separating the dog beach from the people beach (figure 7) and, Phase 3 involved the construction of a stone groin parallel to shore between Elder and Centennial (figure 8).

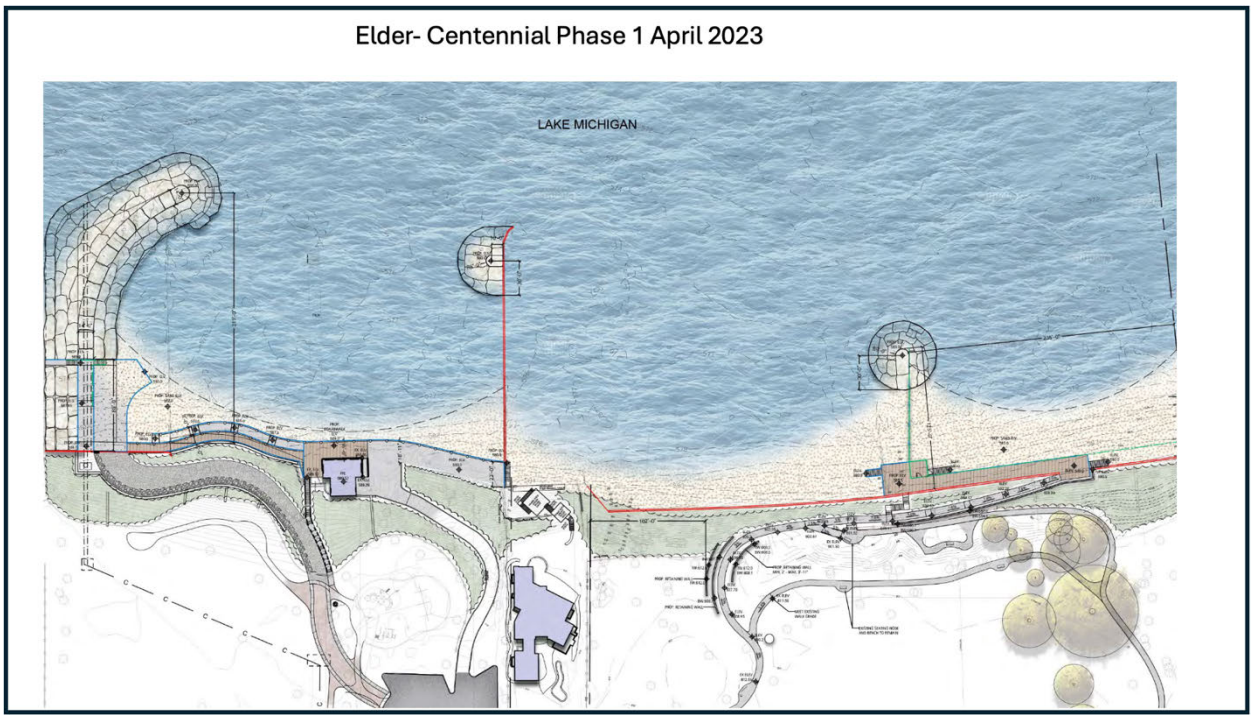


Figure 6: Phase 1 Elder-Centennial concept April 2023

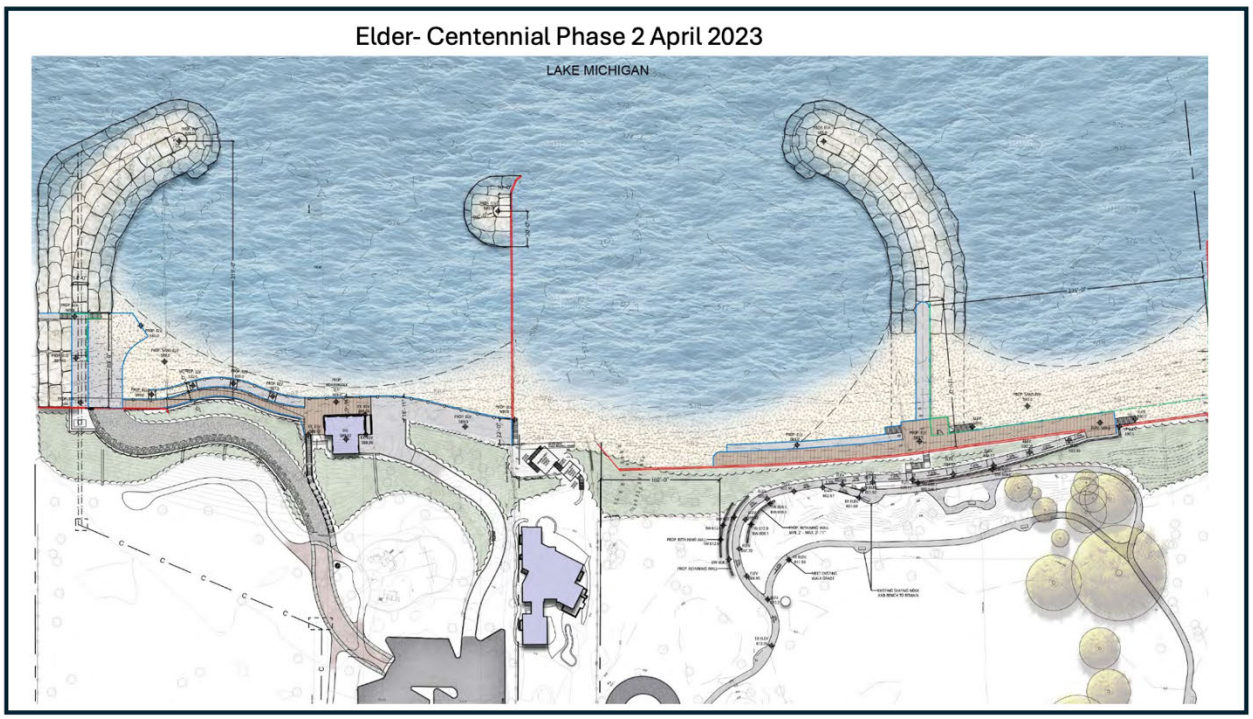


Figure 7: Phase 2 Elder-Centennial concept April 2023

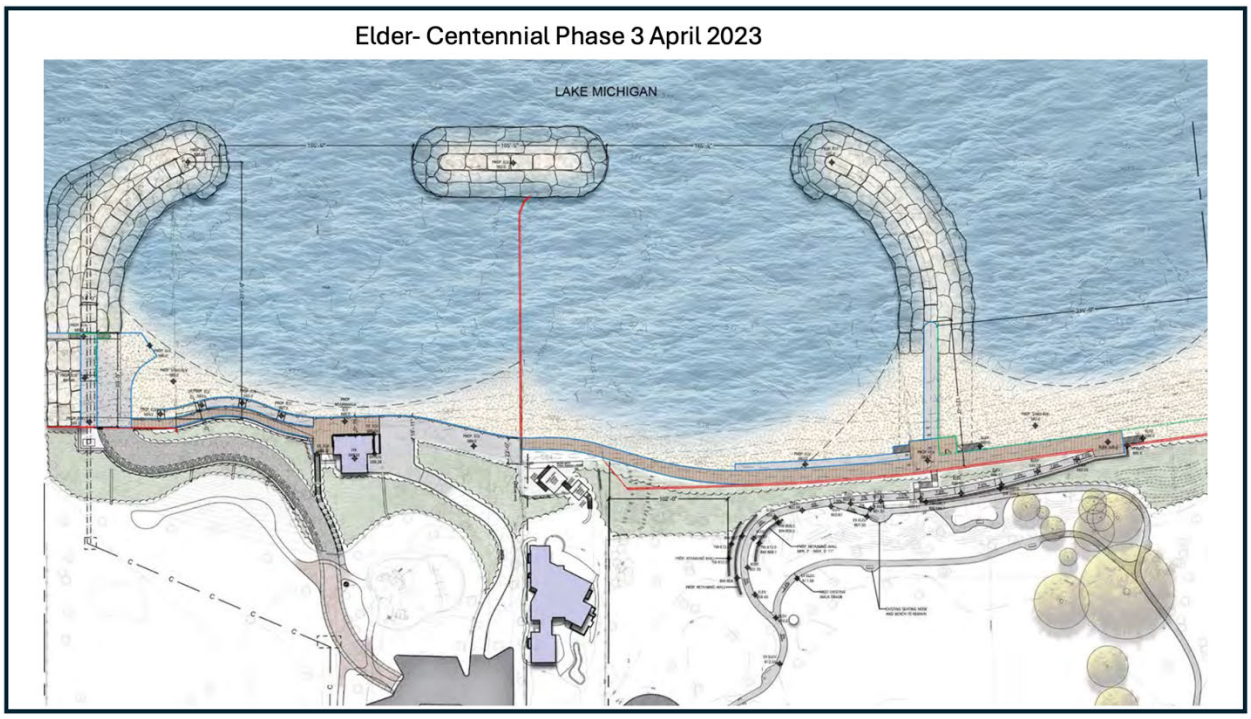


Figure 8: Phase 2 Elder-Centennial concept April 2023 – a Headland Beach System

Only Phase 1 of the Elder/Centennial beach plan was before the WPD Board at the April 27, 2023, meeting. Mathew Wright, the consulting civil engineer engaged by the WPD for the Elder-Centennial project, stated that the stone structures in the Phase 1 April 2023 plan would not retain sand (time stamp 4:21:10 https://youtu.be/pzXYUaceJCc?t=15668). Only upon the completion of Phase 3 of the April 2023 plan would protected beach cells be created that are capable of holding sand. Phase 3 of the April 2023 beach plan is a headland beach design. Mr. Wright also notes that it is the steel sheet piling that will be driven into the bluff that will provide bluff protection, not the stone groins. However, the WPD is unable to build the Phase 3 April 2023 plan without first acquiring 261 Sheridan, the property separating Elder & Centennial parks.

WPD staff and consultants continued work on the conceptual design for both Elder and Centennial beaches and finalized the design for both beaches in October 2023. It is this Phase 2 October 2023 plan that is currently before the ZBA for Centennial and is filed for review by Village staff at Elder (figure 9).

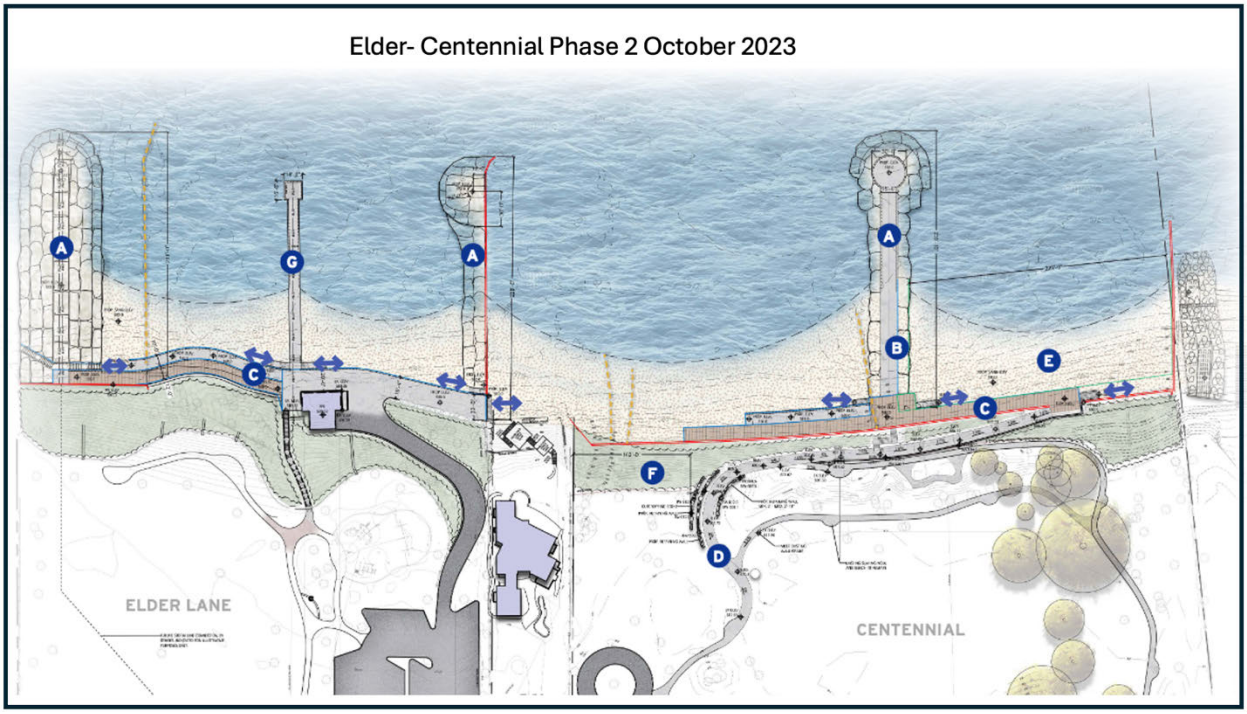


Figure 9: Phase 2 Elder-Centennial design October 2023

The Phase 2 October 2023 plan is not a headland beach design and the stone groins in the design should not hold sand better than the existing sheet metal groins on Elder & Centennial. Replacing existing steel sheet pile groins with stone groins with no added sand retention violates the Lakefront construction ordinances that require designs that are minimally necessary to achieve their intended proper purpose. In October of 2023, WPD staff also updated the Phase 3

design should the WPD acquire 261 Sheridan and this updated Phase 3 design retains some elements of a headland beach system (figure 10).

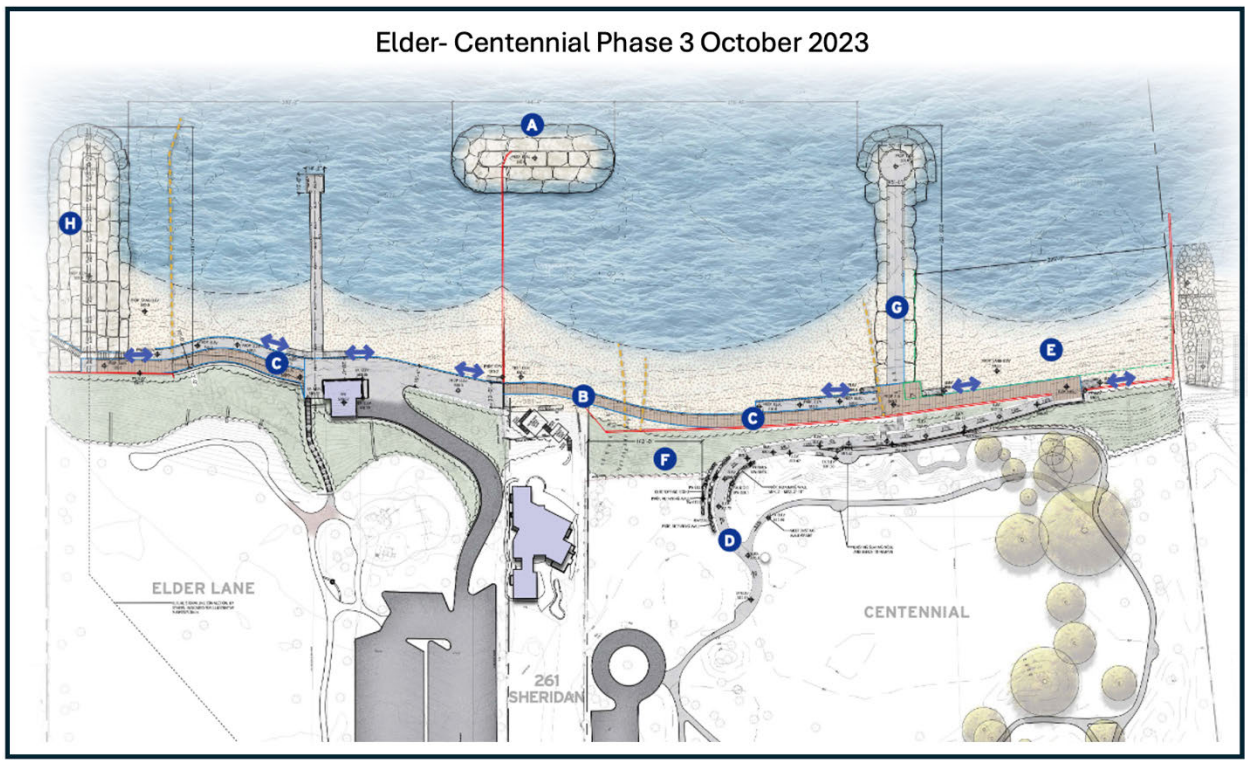


Figure 10: Phase 3 Elder-Centennial design October 2023.

As you can see the October 2023 Phase 3 Elder-Centennial design adds the stone groin parallel to shore that will retain sand. However, the October Phase 3 design provides less protection for the beach than the April 2023 Phase 3 concept. The WPD should have engaged a coastal engineer for its technical team to arrive at a beach design of what would have been minimally necessary. Both Phase3 - April 2023 and Phase 3 -October 2023 are not feasible unless and until WPD acquires 261 Sheridan.

The proposed North and South stone groins on Elder will create a public safety hazard for swimmers, paddle boarders, and kayakers, (Section 15.78.080 (E)). The South stone groin will obstruct sight lines between swimming beaches. This obstructed sight line will create a safety hazard if a swimmer on one beach is in distress and persons on the adjoining beach are unable to see the distressed swimmer. The rubble stone used to construct the North and South groins on Elder will create a hazard for swimmers, paddle boarders, and kayakers when waves wash them into the groins. Swimmers and wildlife are likely to climb on the stones and can injure themselves by falls. If the stone groins will not retain sand and if the steel sheet piling on the bluff will protect the bluff, how are the stone groins minimally necessary for this beach plan?

Elder Boardwalk & Plaza Design Defects

The WPD SUP for the boardwalk & plaza on Elder should not be granted because it violates the Special Use Permit Standards' prohibition against harming the general welfare of the community. The boardwalk & plaza covers the lake and blocks sight lines along the beach, degrading the environment of the lakeshore. Furthermore, the Special Use Permit Standards require that the special use conforms to all other Village ordinances and the boardwalk violates **Section 15.78.080 (D)'s** requirement that only designs that are minimally necessary to achieve their intended proper purpose are permissible on the Lakefront.

The elevated boardwalk-plaza-ramp (Figure 11) is 345' in length and has an average width of 20' and will cover approximately 6,960 square feet of Elder beach.

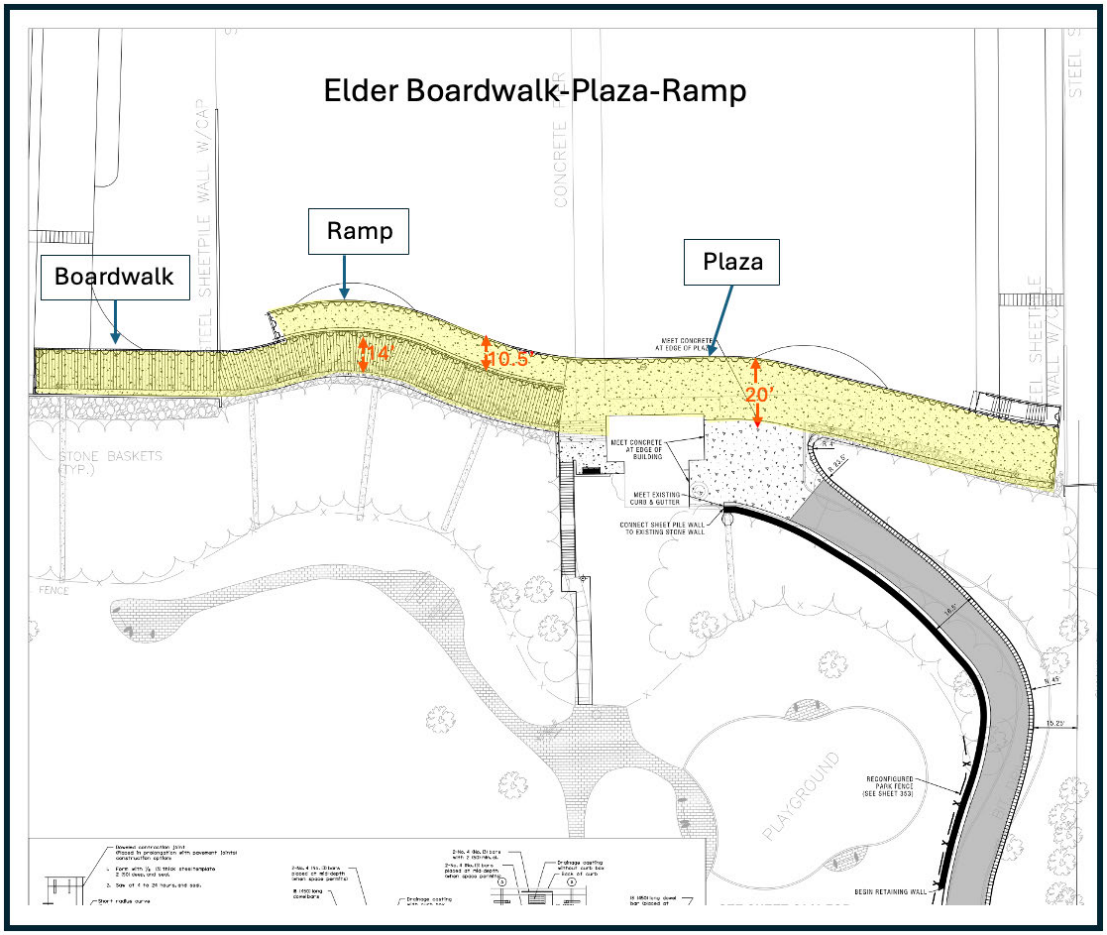


Figure 11: Elder elevated boardwalk, plaza, and ramp

The WPD has chosen to sacrifice useable beach for these amenities. The pier at Elder that provides excellent views of the lake renders a boardwalk-plaza viewing platform unnecessary. As with all the Elder designs, the WPD has not surveyed the public on whether they want this amenity nor have they submitted their plan for referendum to see if the public wishes to pay for it

despite numerous repeated requests for a referendum from the public during Public Comment at WPD meeting for the past three years.

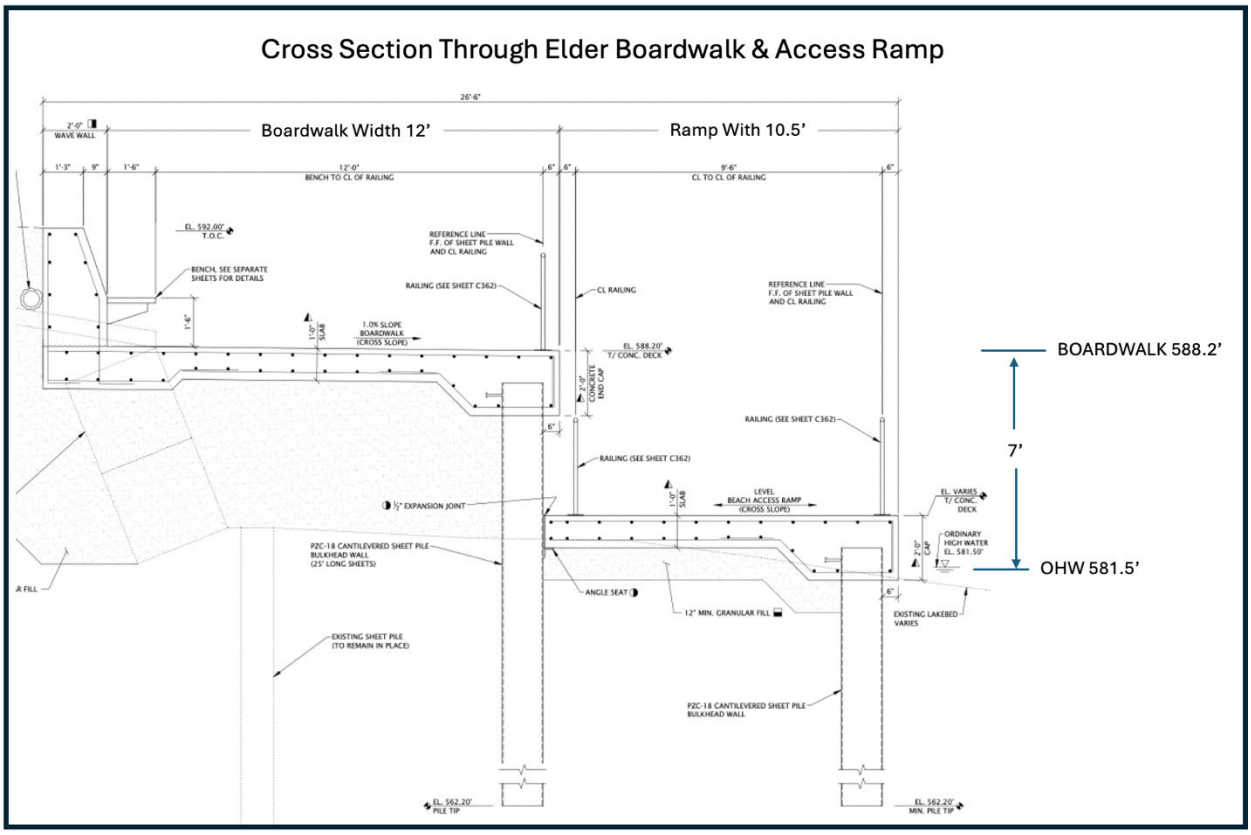


Figure 12: Cross section through boardwalk & access ramp

From figure 12 above, you can see that the boardwalk-plaza is elevated 7' above the OHW mark and requires steel sheet pile to be driven to support the boardwalk. There are boardwalks at Lloyd and Maple, and neither is elevated. Elevating the boardwalk goes counter to 15.78.080 (D) that permits only designs that are minimally necessary to achieve the intended proper purpose.

Montrose beach uses an alternate design of a Mobi-mat for pedestrians and mobility impaired individuals to access the lake (figure 13). A 6.5' wide Mobi-mat could serve the same function as the 20' wide 345' long boardwalk-plaza, but the Mobi-mat would cover 67% less beach area compared to the boardwalk-plaza.

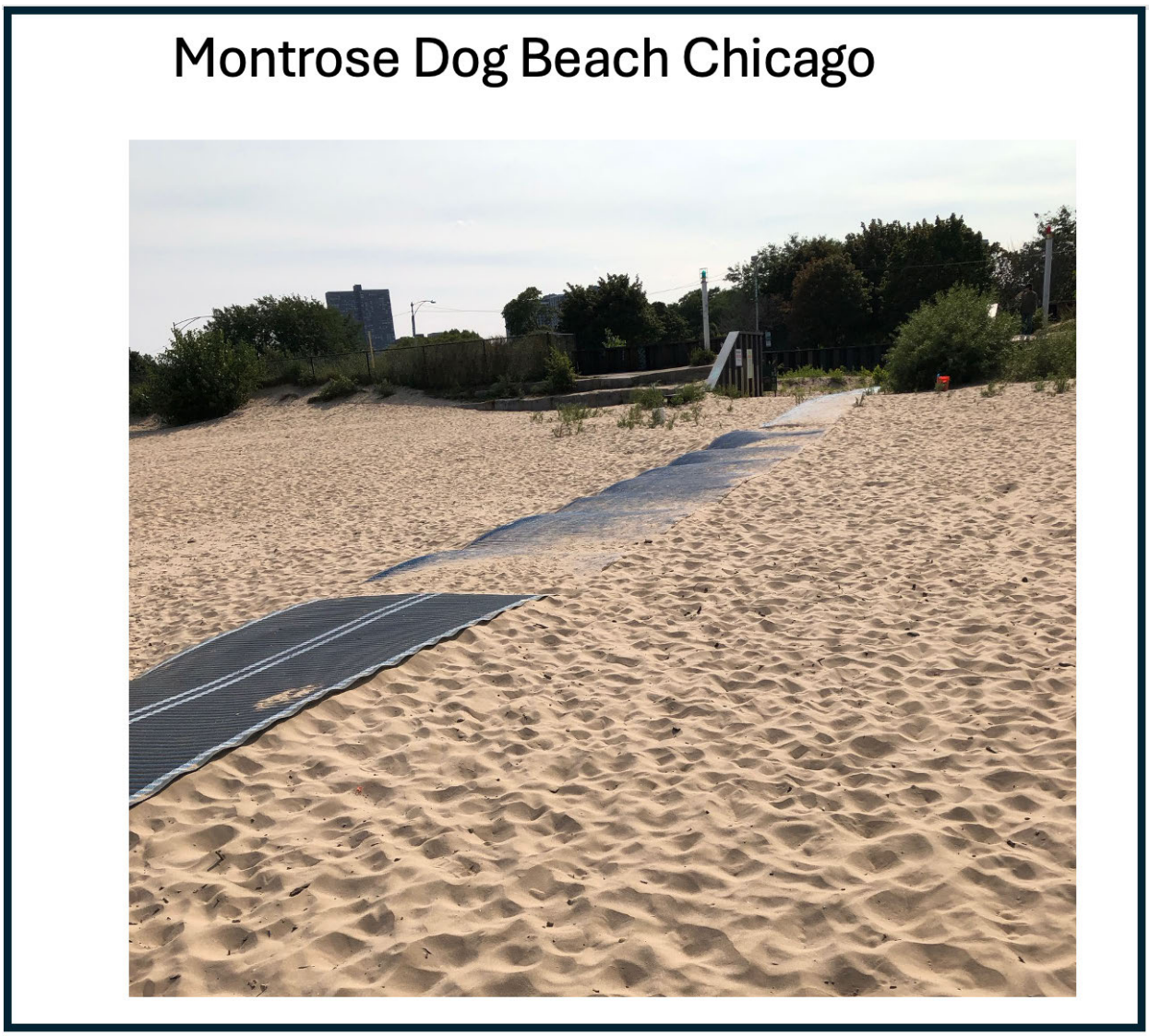


Figure 13: Mobi-mat utility mat

Elder Temporary Haul Road

The WPD has included a temporary haul access road in its SUP for Elder (figure 14).

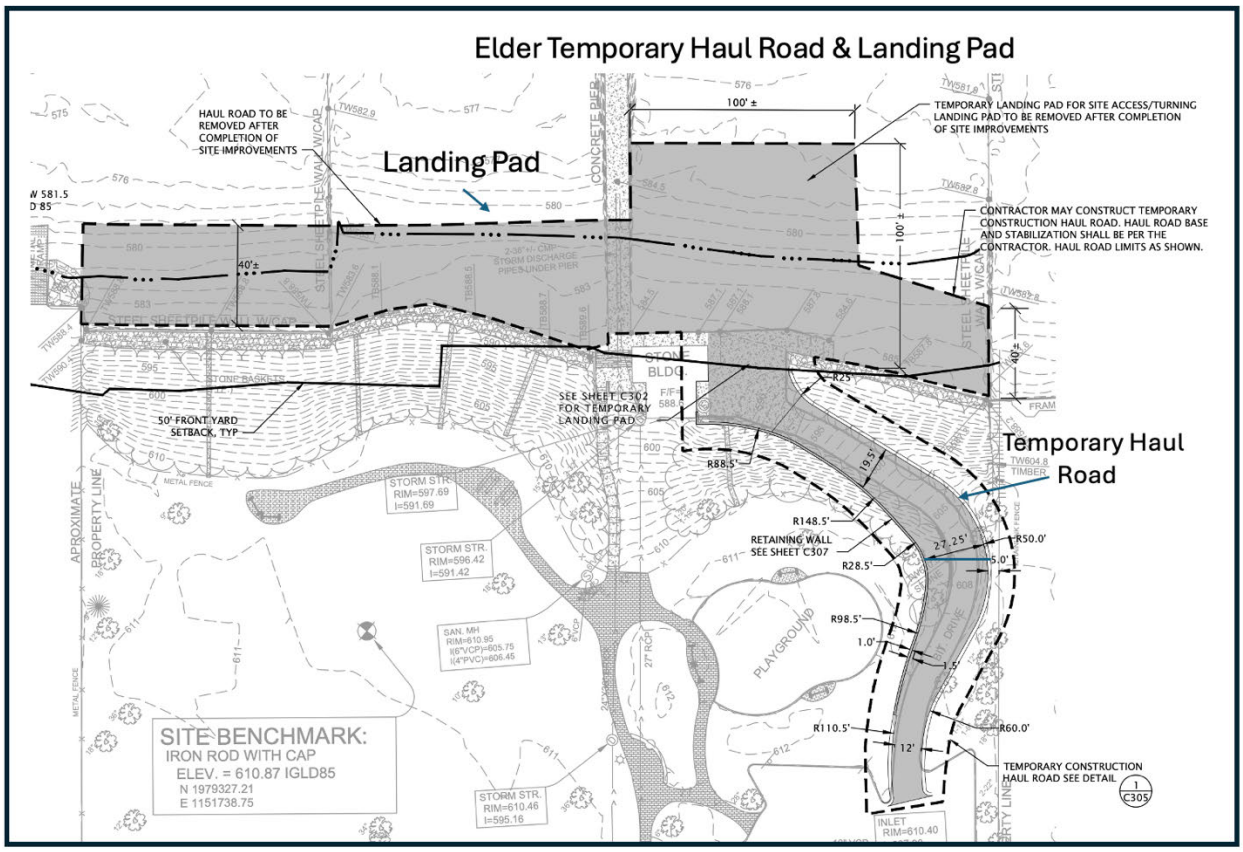


Figure 14: Elder temporary haul road & landing pad

The WPD plans to use land-based construction for Elder and will temporarily widen Elder's current access road from its current width of 12' to a maximum of 27' within the steep slope zone. The WPD's SUP for the temporary haul road should not be granted because the design proposed violates Special Use Permit Standards. Specifically, the temporary haul road harms the general welfare of the residents by degrading the bluff and the Lake Michigan shoreline. My calculations show that 1,200 sq. ft. of bluff will be disturbed to construct the temporary haul road. The large scope of this excavation and construction will detrimentally impact the ecology of the bluff and the bluff's structural integrity in contravention to SUP Standards. Road construction is not an authorized structure in the steep slope zone and alternatives for this road are available to the WPD. The WPD could use marine based construction instead of land-based construction for Elder. The WPD is already planning to use marine based construction for Centennial. Marine based construction will preserve the bluff, will require less diesel fuel to transport the stone for the rock groins, and will eliminate the need for trucks to haul the stone to Elder, and reduce air pollution and traffic congestion in Winnetka.

Stormwater Hazards Elder Beach

Discharge of stormwater from the 54" pipe at the pier at Elder creates a serious health risk for swimmers should the Elder swimming beaches be reopened. I have serious concerns for public health due to stormwater contaminated by E. Coli and PCBs that are discharged into the Lake from the Elder Lane stormwater outfall pipe. The WPD could mitigate this health risk by designating Elder as its dog beach and transforming Centennial Beach into a continuous swimming beach, moving the dog beach segment of the park currently planned from Centennial to Elder Lane Beach. However, the WPD intends to reopen Elder as a people swimming beach as evidence by their SUPs for Centennial & Elder. The Village should revoke WPD's SUP for a swimming beach at Elder until the stormwater contamination is resolved.

Elder Lane Beach Contamination from E. Coli

E. Coli. can cause a variety of diseases from gastro enteritis to skin infections, urinary tract infections, respiratory illnesses, and even pneumonia. Elder Lane Beach has a history as being one of the most polluted beaches on the North Shore of Lake Michigan. A beach is safe if the maximum E. coli level allowed – 235 colony-forming units per 100 milliliters (cfu/100mL) is not exceeded which is based on guidelines established by the U.S. Environmental Protection Agency for recreational waters. Below is Table 1 based on Illinois Department of Public Health data that shows the percentage of days Elder Lane Beach and five surrounding beaches exceeded the maximum E. Coli level for safe swimming.

PERCENTAGE OF DAYS WHERE E. COLI EXCEEDE 235 CFU/100ML								
	2014	2015	2016	2017	2018	2019	2020	2021
TOWER	11.9%	5.1%	2.2%	7.5%	8.1%	3.6%	0.0%	3.2%
LLOYD	9.8%	5.2%	4.5%	6.5%	8.7%	7.1%	CLOSED	4.3%
MAPLE ST	9.6%	8.2%	5.7%	10.0%	10.4%	6.8%	1.1%	3.2%
ELDER LN	16.4%	24.7%	7.5%	8.6%	11.6%	8.8%	CLOSED	CLOSED
CENTENNIAL	11.0%	16.2%	3.8%	8.6%	4.5%	4.4%	2.2%	4.3%
KENNELWORTH	12.0%	6.7%	2.9%	7.7%	9.4%	6.4%	0.0%	3.4%

Table 1: Percentage of days when E. coli. Exceeded 325CFU/100 ml

Note from the table above that in five of the six years data was collected for Elder Lane Beach (2014-2019), Elder Lane had the highest number of days of E. coli exceeding the safe level of 235 cfu/100mL. In 2015, this unsafe level of bacteria at Elder occurred 25% of the time. In a conversation with Mr. Costa Kutulas of the WPD on May 11, 2022, Mr. Kutulas stated that the cause of the high bacteria counts originated from the stormwater sewer discharge pipe at Elder Lane. Mr. Kutulas stated that the Village had done work on the stormwater sewer system in 2015 and had discovered a number of interconnections between the sanitary and stormwater systems and that these interconnections had been eliminated where identified. E. Coli did drop after the Village closed storm and sanitary interconnections that it discovered in 2015. However, bacteria levels remained high relative to surrounding beaches during the period from 2016-2019.

There was no sampling of Tower, Lloyd, Maple and Centennial beaches in 2020 through 2022 due to beach closure. Elder Lane beach has been officially closed from 2020 to present day. Some sporadic testing has occurred in 2023 and 2024 at Elder, however these tests are insufficient to make meaningful comparisons to nearby beaches. Also note, that apart from 2017, Centennial Beach has had significantly lower levels of bacteria than Elder Lane beach as seen in table 1 above. I believe this is due to the dilution of the stormwater discharge before it is carried by littoral currents towards Centennial. Figure 15 below shows the Elder/Centennial beach with the area of water currently affected by bacterial contamination from stormwater discharge at the end of the existing pier with red (high bacteria), orange (moderate bacteria), and yellow (low bacteria).

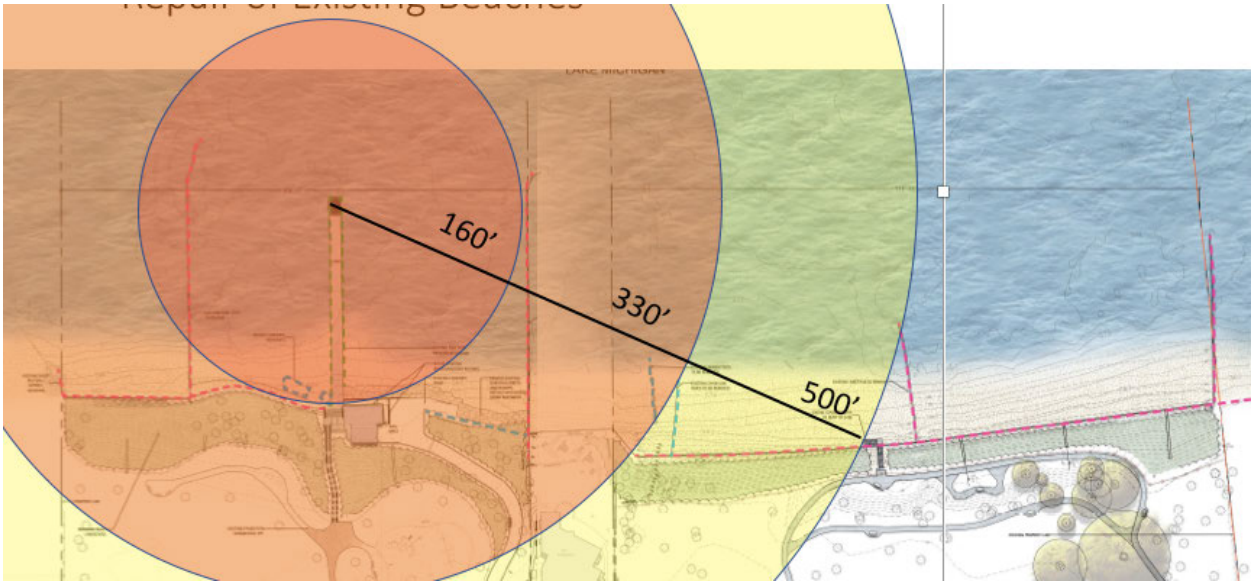


Figure 15: Zone of contamination from existing stormwater discharge

Elder Lane Contamination from PCBs

In 2018, the Illinois Environmental Protection Agency (IEPA) produced guidelines that mandate the reduction of polychlorinated biphenyls (PCBs). PCBs are a probable human carcinogen. Studies of PCBs in humans have found increased rates of melanomas, liver cancer, gall bladder cancer, biliary tract cancer, gastrointestinal tract cancer, and brain cancer, and may be linked to breast cancer. PCBs are known to cause a variety of types of cancer in rats, mice, and other study animals. Women exposed to PCBs during pregnancy can give birth to children with lower birth weight, lower IQ, and impaired psychomotor skill. PCBs have been shown to impair the immune system and disrupt hormones such as estrogen and testosterone.

In 2018, the IEPA developed Total Maximum Daily Loads (TMDL) for polychlorinated biphenyls (PCBs) in which it sets limits for the quantity of PCBs that can be discharged by municipal separate storm sewer systems (MS4S) into Lake Michigan. PCBs are present in a gaseous form in the atmosphere and then absorbed by rainwater and deposited in soil or can coat

external surfaces. Stormwater gathered by Winnetka's MS4S carries the PCBs and other pollutants and discharges these pollutants into the Lake. The IEPA's focus on PCBs has been the uptake of the chemical by wildlife that concentrates the compound up the food chain and endangers humans who then eat contaminated fish. However, a separate concern is for water quality at the discharge point into the Lake, specifically the discharge from the pipe at Elder Lane Park where swimming will occur once the park reopens.

The IEPA in its TMDL for PCBs, has estimated the concentration of PCBs in stormwater discharged into Lake Michigan from municipalities to be 7,270 pg/L. The Illinois Pollution Control Board sets Lake Michigan basin water quality standards for Human Health Standard at 26 pg/L for PCBs. **The Elder Lane concentration of PCBs is 280 times greater than the Human Health Standard** *(highlighting for emphasis).* The IEPA has adopted the Human Health Standard at 26 pg/L for PCBs for discharged stormwater in the Lake that will require a 99.6% reduction of PCBs from Winnetka's stormwater. Undiluted stormwater poses a health risk from PCBs. However, the stormwater discharged into Lake Michigan will be diluted by the Lake, but it is unknown how much time and distance from discharge will dilute stormwater to a "safe" level of 26 pg/L. As noted above, E. Coli contamination from the stormwater at Elder resulted in a closure rate for swimmers at twice the rate of surrounding parks. There is no testing program for PCBs by the WPD to see if Human Health Standards are being met at Elder Beach.

In April 2024, the Village selected Strand and Associates to make an evaluation of eastern Winnetka for flooding and ensure that water quality at its Lake Michigan stormwater discharge improves. The Strand proposed study notes that the Elder Lane area sub-watershed is the most problematic for flooding and for significant water quality concerns at the discharge into Lake Michigan. Strand makes the following observation in its proposal:

> "Prior recommendations for this (Elder) sub-watershed called for increasing pipe sizes and stormwater flow towards the outfall. We are concerned those increases will raise scrutiny and objections from the regulatory agencies. And prior recommendations to provide water quality treatment at the downstream end of the system are unreasonable. We have shown through our prior work with the Village implementing underground storage at Duke Childs and Little Duke fields that there is a viable option to tackle both flooding and water quality in a single project. The success of that project can be duplicated in this sub-watershed in a similar partnership with New Trier High School, who owns much of the open space in this sub-watershed. A similar design would provide significant pollutant capture in the underground storage and control flow rates to an appropriately sized water quality separator. This has the potential to maintain current pipe sizing and discharge rates, gaining public and regulatory support."

In its proposal, Strand does not list what pollutants it is planning to capture, nor does it outline what if any pollutants it would test in stormwater, but I believe PCBs would certainly be one the pollutants Strand would recommend targeting. To meet the IEPA's 26 pg/L for PCBs, discharged stormwater in the lake will require a 99.6% reduction of PCBs. We will have to see whether this ambitious target can be met as Strand's study proceeds. If the project is feasible and

achieves the 26 pg/L for PCBs, then Elder would have acceptable water quality as to PCBs at the point of discharge. However, stormwater pollution carries a strew of other petroleum products, heavy metals, insecticides, pathogens, and other chemicals that would have to be removed before Elder would be safe for humans to swim and as mentioned above Strand does not identify which pollutants it is targeting.

Another question that needs to be addressed is the timing of the East Winnetka stormwater improvements. Mr. Bernahl's cover letter for the Strand proposed study for East Winnetka stormwater notes the timing and process of the West Winnetka stormwater project:

> Due to the scale and severity of flooding in western and southwestern Winnetka, the Village Council prioritized this area for improvements. In 2015, the Council approved an agreement with Strand Associates, Inc. for a stormwater management study, which was substantially completed in 2016. Thereafter, four intergovernmental agreements and one license agreement were negotiated and approved by the Council with our area local governments to cooperatively design and construct stormwater improvements for the benefit of the community. To date, significant progress has been made and construction and design are ongoing. Given the progress that has been made in western Winnetka, we are now initiating a stormwater evaluation for eastern Winnetka, which also has areas where stormwater flooding is an ongoing issue to be addressed.

The west Winnetka stormwater project is now in its ninth year and Mr. Bernahl's comments describe some of the complexities of this project. All the complexities encountered in the west Winnetka project will again be revisited in the east Winnetka project together with issues of discharging stormwater into Lake Michigan and an ongoing lawsuit where the Village has sued Monsanto (*City of Evanston et al v. Monsanto)* to recover damages for expenses required to remove PCBs from the Village's stormwater.

Even if stormwater treatment brought all pollutants within Human Health Standards, there still might be danger from PCBs in the sediment at Elder. PCBs were discharged into Waukegan Harbor by Outboard Marine Corporation (OMC) and these PCBs contaminated the sediment which had to be dredged and capped in the cleanup of the harbor. As noted above, the six discharge points of East Winnetka's stormwater could be six hotspots for PCBs. The scale of OMC's PCB discharge is much greater than Winnetka's discharge of PCBs in its stormwater and Waukegan Harbor is a lower energy environment compared with the high energy littoral zone along Winnetka's shoreline. However, the pier on Elder was constructed in 1945 and discharge of stormwater with PCB pollutants has continued for 79 years. The WPD should test for PCBs or other pollutants in the sediment at Elder before reopening Elder for people to swim.

The National Institute of Safety and Health states that there may be no safe level of exposure to a carcinogen, so all contact should be reduced to the lowest level possible. The WPD should follow this policy and prohibit swimming at Elder due to PCBs and other pollutants from the stormwater outfall. I suggest that a dog beach would be a more appropriate use for Elder Lane Beach. Swimmers would then have an unobstructed 540-foot Centennial Beach to enjoy for

bathing recreation which would eliminate the need to construct a large pier in the center of Centennial Beach which Commissioner James has repeatedly stated in public meetings is necessary to separate swimmers from dogs.

On June 14, 2024, I sent the previous paragraphs above in a letter to Shannon Nazzal, Executive Director of the WPD, with a copy to each of the commissioners of the WPD. During the June 20, 2024, WPD Board Meeting Commissioner Root proposed that the WPD investigate the water quality issues at Elder and reconsider reopening Elder as a swimming beach suggesting that it might be more appropriate to move the dog beach from the southern part of Centennial Beach to Elder so that the public could swim in cleaner water and relegating canines to more contaminated water. The other commissioners at the meeting expressed no interest in Commissioner Root's proposal. WPD President Codo made the following statement in the discussion:

> Quality of the (storm) water is 100% in the wheelhouse of the Village. That is the Village's stormwater pipe, that is the Village's water quality. We will test water at swimming beaches. (June 20, 2024, WPD Board Meeting, link: https://winpark.diligent.community/document/12305/?splitscreen=true&media=true @ Time Stamp 1.01.11)

From the Park Commissioners' comments and SUP applications for Centennial and Elder it is apparent that the WPD intends to move forward to make Elder a swimming beach and will knowingly place the public in water polluted by stormwater effluent that is known to contain carcinogens, pathogens, and other hazardous chemicals. One would hope that the WPD would have the prudence to delay beach designs for both Elder and Centennial parks until the Village had completed its East Winnetka stormwater study and potentially the completed East Winnetka stormwater project as it impacts Elder and Centennial parks. Unfortunately, and for whatever reason, the WPD seems determined to aggressively move forward with its SUPs for Centennial and Elder. I believe that if the WPD is permitted to proceed with this plan, the health and safety of members of the public swimming at Elder will be endangered. I do concur with President Codo's assertion that the Village is responsible for the stormwater; however, I believe that the WPD and Village have joint responsibility for the health and safety of members of the public who choose to swim at Elder beach. The WPD has chosen to shirk their responsibility, but I hope that you as members of the ZBA, will inquire as to these health issues and that our Village Trustees will step-up and protect the public on Elder and prohibit swimming at Elder beach until health and safety issues are property investigated and addressed. In the interim and as suggested above, Centennial Beach could be opened as a swimming beach and dogs moved to Elder Lane Beach.

cc: *Courtesy Copy sent via email:* Mr. Robert Bahan, Winnetka Village Manager

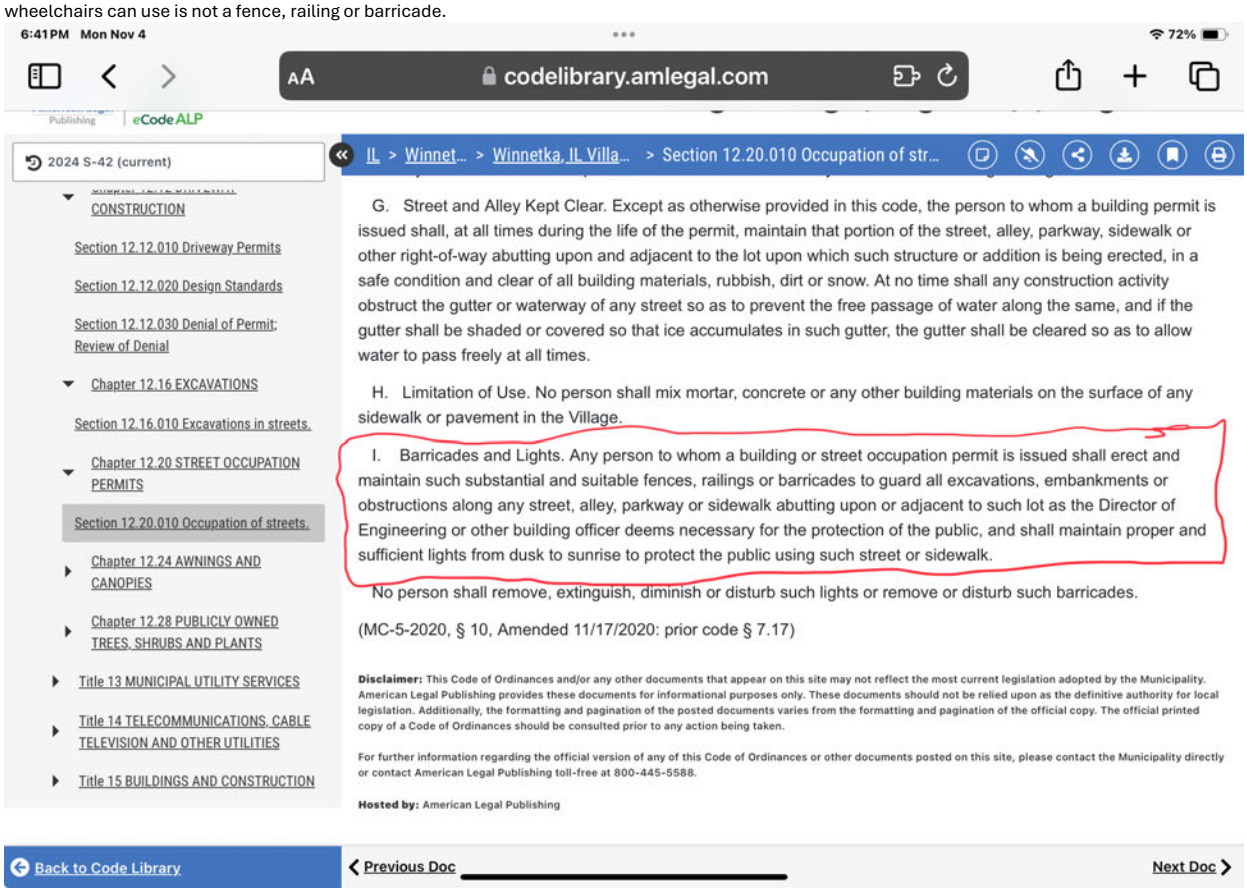
From: Ann Klaassen
To: Ann Klaassen
Subject: FW: Please add this to my Centennial SUP comments shared with ZBA, Trustees
Date: Tuesday, November 5, 2024 11:38:57 AM
Attachments: fema_tb5_free_obstruction_requirements.pdf

From: Kris Schriesheim <[redacted]>
Sent: Monday, November 4, 2024 9:09 PM
To: David Schoon <DSchoon@winnetka.org>; Ann Klaassen <AKlaassen@winnetka.org>; Robert Bahan <RBahan@winnetka.org>
Subject: Please add this to my Centennial SUP comments shared with ZBA, Trustees

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello:
I was remiss in not providing the Community Development Department and ZBA with some appropriate references for defining what a "fence" or "wall" is, versus a "structure."
There was considerable skepticism on 10/14/24 regarding how an enormous boardwalk that (1) would take up a large part of Centennial's existing sandy beach and (2) is being advanced as a means of access to reach the beach via concrete roadway, ramp or stairs, and/or provide elevated views, rather than (3) a means of delineating property lines or keeping people/animals/water in or out of a specific area, could (4) possibly be categorized as a "fence" or "wall." It cannot. Please read below.

> Here is a Village Code reference to what a fence is—akin to a "railing" or "barricade." A huge boardwalk that maintenance vehicles and persons in wheelchairs can use is not a fence, railing or barricade.



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> See also the Illinois "Fence Act"—a boardwalk designed to serve as a pathway, promenade and/or a "vantage point for viewing" (per WPD description at its last board meeting) would not fall into the "fence" categories described in the "Fence Act," which include a "division fence," an "inclosure," a "floodgate" or a "hedge fence." All of these things are designed to keep living things or water, in or out.

Finally, FEMA's floodplain guidelines clearly distinguish between "fences and walls," and other "structures" such as ramps, stairs, patios, decks, etc. Attachment to other structures does not define them. The boardwalk and its ancillary ramp and stairs would definitely not be a "fence" or "wall"—the

boardwalk appears to be an “elevated deck,” with stairs and a ramp intended to carry traffic.
It is incumbent upon the Village to correct its error and properly define the boardwalk, ramp and stairs, as a “structure” for zoning purposes.
Thank you.
Kristine Schriesheim



Free-of-Obstruction Requirements

For Buildings Located in Coastal High Hazard Areas in Accordance with the National Flood Insurance Program

NFIP Technical Bulletin 5 / *March* 2020

FEMA

Comments on the Technical Bulletins should be directed to:

DHS/FEMA
Federal Insurance and Mitigation Administration (FIMA) Risk Management Directorate
Building Science Branch
400 C Street, S.W., Sixth Floor
Washington, DC 20472-3020

NFIP Technical Bulletin 5 (2020) replaces NFIP Technical Bulletin 5 (2008), *Free-of-Obstruction Requirements.*

Cover photograph: Area beneath an elevated building that is free of obstruction.

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Please scan this QR code to visit the FEMA Building Science web page.

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boardwalk appears to be an “elevated deck,” with stairs and a ramp intended to carry traffic.
It is incumbent upon the Village to correct its error and properly define the boardwalk, ramp and stairs, as a “structure” for zoning purposes.
Thank you.
Kristine Schriesheim

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Acronyms

ASCE	American Society of Civil Engineers
BFE	base flood elevation
CFR	Code of Federal Regulations
DFE	design flood elevation
DHS	Department of Homeland Security
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
IBC	International Building Code®
ICC	International Code Council®
I-Codes	International Codes®
IRC	International Residential Code®
ISPSC	International Swimming Pool and Spa Code®
NFIP	National Flood Insurance Program
PFD	primary frontal dune
SEI	Structural Engineering Institute
SFHA	Special Flood Hazard Area

1 Introduction

This Technical Bulletin provides guidance on the National Flood Insurance Program (NFIP) free-of-obstruction requirements in Coastal High Hazard Areas, which are designated as Zone V (V, VE, V1-30, and/or VO) on a community's Flood Insurance Rate Map (FIRM), as well as the NFIP requirements for construction in Zone V to minimize flood damage potential that is applicable to construction in Zone V. The free-of-obstruction requirements were instituted to minimize the transfer of flood forces to an elevated building's foundation and also to minimize the diversion or deflection of floodwater or waves that could damage the elevated building or neighboring buildings.

This Technical Bulletin also discusses how the presence or absence of obstructions can affect NFIP flood insurance premiums.

Coastal waves and flooding can exert strong hydrodynamic forces on building elements in their path. Therefore, the NFIP requires that all new and Substantially Improved structures in Coastal High Hazard Areas (Zone V) be elevated on pilings or columns with the bottom of the lowest horizontal structural members of the lowest floor elevated to or above the base flood elevation (BFE). These open foundations allow floodwater and waves to pass beneath the elevated structure.

NFIP TECHNICAL BULLETIN 0

NFIP Technical Bulletin 0, *User's Guide to Technical Bulletins*, should be used as a reference in conjunction with this Technical Bulletin. Technical Bulletin 0 describes the purpose and use of the Technical Bulletins, includes common concepts and terms, lists useful resources, and includes a crosswalk of the sections of the NFIP regulations identifying the Technical Bulletin that addresses each section of the regulations and a subject index.

Readers are cautioned that the definitions of some of the terms that are used in the Technical Bulletins are not the same when used by the NFIP for the purpose of rating flood insurance policies.

EFFECTS OF OBSTRUCTIONS

The NFIP requires the area beneath elevated structures in Zone V to remain *free of any obstructions that would prevent the free flow of coastal floodwater and waves* during a base flood event. An area beneath a structure elevated on an open foundation is considered to be free of obstructions if flood flow and waves can pass through the area without significant ***flow diversion, wave reflection, or wave runup***.

- **Flow diversion.** Change in the course of flood flow when it encounters an object or structure. Diversion can be accompanied by an increase in the local flood level and/or flood velocity when the blockage is large relative to the area through which the flow would otherwise pass.
- **Wave reflection.** Return or redirection of a wave striking an object.
- **Wave runup.** Rush of water up a slope or structure following wave breaking.

Some flow diversion, wave reflection, and wave runup can occur even with open foundations, but if the guidance in this Technical Bulletin is followed, the effects should be minimized during flood conditions up to the base flood event.

Any element constructed below the BFE that is attached to a building in Zone V is considered part of the building and must meet the free-of-obstruction requirements.

Standard solid foundation walls, such as masonry, concrete, and wood-frame walls, are not permitted in Zone V because they would obstruct flow and be at risk of damage from high-velocity flood forces. In addition, solid foundations and other obstructions could cause wave runup or reflection or divert floodwater into the elevated portion of the building or nearby buildings.

The NFIP interprets the free-of-obstruction requirements to apply to certain site development practices that prevent the free flow of coastal floodwater and waves under or around buildings or increase flood loads on nearby buildings. Construction elements outside the perimeter (footprint) of and not attached to a coastal building (e.g., bulkheads, retaining walls, decks, swimming pools, accessory structures) and site development practices (e.g., addition of fill) may alter the physical characteristics of flooding or significantly increase wave or flood forces affecting nearby buildings. As part of the design certification process for a building in Zone V, the registered design professional must consider the effects these elements and practices will have on the building and on nearby buildings.

The NFIP requires buildings to be constructed using methods and materials that minimize the potential for flood damage. Therefore, any construction element placed on a building site in Zone V (see Sections 6 and 7) has the potential to affect the building and nearby buildings, which must be taken into account. In addition to potential wave and floodwater diversion effects, obstructions can break free and become floodborne debris that may strike and damage other buildings.

The building elements and site development issues in regard to obstruction that are discussed in this Technical Bulletin include:

Building elements below the BFE

- Access stairs and ramps
- Decks, porches, and patios
- Elevators
- Enclosed areas
  - Below elevated structures
  - Above-grade (elevated)
  - Two levels
- Equipment and tanks
- Foundation bracing
- Grade beams
- Shear walls
- Slabs

Site development: Practices and issues

- Accessory storage structures
- Detached garages
- Erosion control structures
- Fences and privacy walls
- Fill
- Ground elevations at or above the BFE
- On-site septic systems
- Restroom buildings and comfort stations
- Swimming pools and spas

Building elements and site development practices that are not specifically prohibited by the NFIP may be used as long as they will not adversely affect other structures. However, some building elements and site development practices may increase flood-related loading on the building where those practices are proposed. In such cases, the building must be designed to withstand the additional flood-related loading and the registered design professional must provide the required Zone V certification for the building.

Questions about free-of-obstruction requirements should be directed to the appropriate local official, NFIP State Coordinating Office, or Federal Emergency Management Agency (FEMA) Regional Office.

NFIP TERMS USED IN THIS TECHNICAL BULLETIN

- **Special Flood Hazard Area (SFHA):** Area subject to flooding by the base flood (1-percent-annual-chance flood) and shown on FIRMs as Zone A or Zone V.
- **Zone A:** Flood zones shown on FIRMs as Zone A, AE, A1-30, AH, AO, A99, and AR.
- **Zone V:** Flood zones shown on FIRMs as Zone V, VE, V1-30, and VO.
- **Coastal High Hazard Area:** Area shown on FIRMs and other flood hazard maps as Zone V, VO, VE, or V1-30.

2 National Flood Insurance Program Regulations

An important NFIP objective is protecting buildings constructed in Special Flood Hazard Areas (SFHAs) from damage caused by flooding. The SFHA is the land area subject to flooding by the base flood. SFHAs are shown on Flood Insurance Rate Maps (FIRMs) prepared by FEMA as Zones A and V. The base flood is the flood that has a 1 percent chance of being equaled or exceeded in any given year (commonly called the "100-year" flood).

The NFIP floodplain management regulations include minimum building design criteria that apply to:

- New construction
- Work determined to be Substantial Improvements such as improvements, alterations, and additions
- Repair of buildings determined to have incurred Substantial Damage

A defining characteristic of the NFIP regulations applicable in Zone V is the requirement for the lowest horizontal structural member of the lowest floor to be elevated to or above the BFE. This requirement applies to both residential and non-residential buildings. Furthermore, the area beneath elevated structures must be free of obstructions that would prevent the free flow of coastal floodwater and waves during a base flood event.

ZONE V CERTIFICATION OF STRUCTURAL DESIGN AND METHODS OF CONSTRUCTION

The NFIP regulations require communities to ensure that construction meets Zone V requirements, including the free-of-obstruction requirement. Registered professional engineers or architects must develop or review structural designs, specifications, and plans for new construction and Substantial Improvements and certify that designs and methods of construction are in accordance with the accepted standards of practice. Building engineers and architects should consult with communities on their certification requirements before starting design, and communities must obtain and retain the certifications.

Satisfying the NFIP free-of-obstruction requirement is part of the certification. Local officials should determine that construction and/or site plans show all proposed site improvement elements described in this Technical Bulletin. The NFIP requires Zone V certification prior to construction. The community must ensure that what is constructed is compliant; some jurisdictions may require post-construction certification by the registered design professional.

See Technical Fact Sheet 1.5 in the *Home Builder's Guide to Coastal Construction* (FEMA P-499) (2010a) for a discussion of Zone V certification requirements.

The NFIP regulations for Zone V construction are codified in Title 44 Code of Federal Regulations (44 CFR) Part 60 Criteria for Land Management and Use. Specific to this Technical Bulletin, Section 60.3(a)(3) of the NFIP regulations states:

> If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall … (iii) be constructed by methods and practices that minimize flood damages …

Section 60.3(e)(4) states that a community shall require (emphasis added):

> … that **all new construction and substantial improvements** in Zones V1 V30, VE, and also Zone V if base flood elevation data is available, on the community's **FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.** Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4)(i) and (ii) of this section.

Section 60.3(e)(5) further states that a community shall require (emphasis added):

> **… that all new construction and substantial improvements within Zones V1-V30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse,**

> **displacement, or other structural damage to the elevated portion of the building or supporting foundation system.** For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

Section 60.3(e)(6) states that a community shall "prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM."

Section 60.3(e)(7) states that a community shall "prohibit man-made alteration of sand dunes and mangrove stands within Zones V1–30, VE, and V on the community's FIRM which would increase potential flood damage."

For more information on NFIP regulations, refer to the following for:

- Guidance on coastal construction in the *Coastal Construction Manual* (FEMA P-55) (2011) and in the *Home Builder's Guide to Coastal Construction* (FEMA P-499) (2010a)
- Guidance on design considerations, buildings codes and regulations, and best practices for coastal communities in *Local Officials Guide for Coastal Construction* (FEMA P-762) (2009)
- Guidance on the breakaway wall requirements of Section 60.3(e)(5) of the NFIP regulations in NFIP Technical Bulletin 9, *Design and Construction Guidance for Breakaway Walls Below Elevated Buildings Located in Coastal High Hazard Areas*
- Guidance on the requirement that building materials used below the BFE must meet the flood damage-resistant materials requirement of Section 60.3(a)(3) of the NFIP regulations in NFIP Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas*

NFIP REQUIREMENTS AND HIGHER REGULATORY STANDARDS

State and Local Requirements. State or local requirements that are more restrictive or stringent than the minimum requirements of the NFIP take precedence. The Technical Bulletins and other FEMA publications provide guidance on the minimum requirements of the NFIP and describe best practices. Design professionals, builders, and property owners should contact local officials to determine whether more restrictive provisions apply to buildings or sites in question. All other applicable requirements of the state or local building codes must also be met for buildings in flood hazard areas.

Substantial Improvement and Substantial Damage. As part of issuing permits, local officials must review not only proposals for new construction but also for work on existing buildings to determine whether the work constitutes Substantial Improvement or repair of Substantial Damage. If the work is determined to constitute Substantial Improvement or repair of Substantial Damage, the buildings must be brought into compliance with NFIP requirements for new construction. Some communities modify the definitions of Substantial Improvements and/or Substantial Damage to be more restrictive than the NFIP minimum requirements. For more information on Substantial Improvement and Substantial Damage, see FEMA P-758, *Substantial Improvement/Substantial Damage Desk Reference* (2010b), and FEMA 213, *Answers to Questions About Substantially Damaged/Substantially Damaged Buildings* (2018a).

Higher Building Elevation Requirements. Some communities require that buildings be elevated above the NFIP minimum requirements. The additional elevation is called freeboard. Design professionals, builders, and property owners should check with local officials to determine whether a community has freeboard requirements. References to building elevations in this Technical Bulletin should be construed as references to the community's elevation requirement in areas where freeboard is required.

3 Building Codes and Standards

In addition to complying with the NFIP requirements, all new construction, Substantial Improvements, and repair of Substantial Damage must comply with applicable building codes and standards that have been adopted by states and communities.

The International Codes® (I-Codes®), published by the International Code Council® (ICC®), are a family of codes that includes the International Residential Code® (IRC®), International Building Code® (IBC®), International Existing Building Code® (IEBC®), and codes that govern the installation of mechanical, plumbing, fuel gas service, and other aspects of building construction. FEMA has deemed that the latest published editions of the I-Codes meet or exceed NFIP requirements for buildings and structures in flood hazard areas. Excerpts of the flood

I-CODES AND COASTAL A ZONES

The 2018 International Codes (I-Codes) treat Coastal A Zones like Zone V if a Limit of Moderate Wave Action (LiMWA) is delineated on FIRMs. If a community designates an area as a Coastal A Zone through its building code or floodplain management regulations, buildings in that area are required to comply with the Zone V requirements for foundations, including the free-of-obstruction requirement, with an exception that permits filled stem wall foundations.

Note: Per the I-Codes and ASCE 24-14, breakaway walls in the Coastal A Zone and Zone V must have flood openings.

provisions of the I-Codes are available on FEMA's Building Code Resource webpage (https://www.fema.gov/building-code-resources).

3.1 International Residential Code

The IRC applies to one- and two-family dwellings and townhomes not more than three stories above grade plane. The IRC's free-of-obstruction requirements are summarized in Table 1 and compared to NFIP requirements.

Table 1 refers to selected requirements of the 2018 IRC and notes changes from the 2015 and 2012 editions.

IRC COMMENTARY

ICC publishes companion commentary for the IRC. Although not regulatory, the commentary provides guidance that is useful in complying with, interpreting, and enforcing the requirements of the code.

Table 1: Comparison of Selected 2018 IRC Requirements and NFIP Requirements

Topic	Summary of Selected 2018 IRC Requirements and Changes from 2015 and 2012 Editions	Comparison with NFIP Requirements
Free of obstruction	**Section R322.3.3 Foundations.** Requires in Coastal High Hazard Areas (Zone V) and Coastal A Zones that areas below elevated buildings be either free of obstructions or constructed of breakaway walls. In Coastal A Zones, filled stem wall foundations must be designed to resist flood loads, erosion, and scour. Change from 2015 to 2018 IRC: Changes to subsection numbering due to insertion of new subsections expanding requirements for 322.3.4, Concrete slabs; R322.3.7, Stairways and ramps; and R322.3.8, Decks and porches. Change from 2012 to 2015 IRC: Applies Zone V requirements in Coastal A Zone, if delineated, with an exception that permits stem wall foundations.	Equivalent to NFIP 44 CFR §§ 60.3(e)(4) and (5), except that 2018 IRC applies in both Zone V and Coastal A Zones, with an exception that permits stem wall foundations in Coastal A Zones.
Use of fill	**Section R322.3.2 Elevation requirements [excerpt].** Prohibits the use of fill for structural support in Coastal High Hazard Areas (Zone V) and Coastal A Zones, while allowing minor quantities of nonstructural fill to be used for drainage and landscaping purposes under and around buildings and for support of parking slabs, pool decks, patios, and walkways. Change from 2015 to 2018 IRC: No change. Change from 2012 to 2015 IRC: No change.	Equivalent to NFIP 44 CFR § 60.3(e)(6), with more specificity for use of fill for specific, nonstructural purposes.
Enclosed areas	**Section R322.3.5 Walls below design flood elevation.** In Coastal High Hazard Areas (Zone V) and Coastal A Zones, (1) requires that enclosures below elevated buildings be designed to break away under certain wind and flood loads without damaging the elevated building or the building foundation and (2) prohibits mounting of electrical, mechanical, and plumbing system components on breakaway walls or penetration of the breakaway walls. Change from 2015 to 2018 IRC: No change. Change from 2012 to 2015 IRC: Clarifies that attachment or penetration by electrical, mechanical or plumbing systems to breakaway walls is not permitted.	Exceeds NFIP 44 CFR § 60.3(e)(5) by specifying components that are not to be mounted on or penetrate through breakaway walls and by requiring flood openings in breakaway walls.

Table 1: Comparison of Selected 2018 IRC Requirements and NFIP Requirements (continued)

Topic	Summary of Selected 2018 IRC Requirements and Changes from 2015 and 2012 Editions	Comparison with NFIP Requirements
Equipment and tanks	**Section R322.1.6 Protection of mechanical, plumbing, and electrical systems.** Requires that new electrical, plumbing, and mechanical system elements, along with replacements due to Substantial Improvements, be elevated to the design flood elevation (DFE) or if below the DFE, to be designed and installed to prevent water from entering or accumulating within the element and be able to withstand certain loads and stresses. Change from 2015 to 2018 IRC: No change. Change from 2012 to 2015 IRC: No change. **Section R322.3.7 Tanks.** Requires tanks to either be located underground or elevated to the DFE. When located underground, tanks must be anchored to resist flotation, collapse, and lateral movement during the base flood. If elevated, tanks must be on platforms that are cantilevered or knee-braced against the building or on a platform with a foundation that resists certain wind and flood loads. Change from 2015 to 2018 IRC: No change. Change from 2012 to 2015 IRC: Added requirements for tanks.	Equivalent to NFIP 44 CFR § 60.3(a)(3)(iv) but with more specificity: components are not to be mounted on or penetrate through breakaway walls and there are explicit requirements for tanks.
Concrete slabs	**Section R322.3.4 Concrete slabs.** Requires that slabs used for parking, floors of enclosures, landings, decks, walkways, patios, and similar uses that are beneath buildings or located such that they could be undermined or displaced and could cause damage be either (1) structurally independent of foundations and no more than 4 inches thick, have no turn-downed edges, have no reinforcing, and have isolation joints at pilings and columns and control or construction joints in both directions no more than 4 feet apart or (2) self-supporting and will remain intact under base flood conditions, taking into account scour and erosion, and have building foundations capable of resisting any added loads due to the presence of the slabs. Change from 2015 to 2018 IRC: Moved specifications for slabs from R322.3.3. to separate subsection. Change from 2012 to 2015 IRC: No change.	Exceeds NFIP 44 CFR § 60.3(e)(5) by specifying requirements for concrete slabs.
Swimming pools and spas	**Section R326.1 [Swimming Pools, Spas and Hot Tubs] General.** Requires pools and spas to comply with the *International Swimming Pool and Spa Code*® (ISPSC), which requires compliance with American Society of Civil Engineers (ASCE) 24. Change from 2015 to 2018 IRC: No change. Change from 2012 to 2015 IRC: Added requirement to comply with the ISPSC.	Exceeds NFIP 44 CFR § 60.3(e)(5) by specifying requirements for door at top of stairway.
Building envelope	**Section R322.3.6.1 Protection of building envelope.** Requires an exterior door at the top of stairs that provides access to the building. Change from 2015 to 2018 IRC: No change. Change from 2012 to 2015 IRC: Added requirement for door.	Exceeds NFIP 44 CFR § 60.3(e)(5) by specifying requirements for door at top of stairway.

Table 1: Comparison of Selected 2018 IRC Requirements and NFIP Requirements (continued)

Topic	Summary of Selected 2018 IRC Requirements and Changes from 2015 and 2012 Editions	Comparison with NFIP Requirements
Stairways and ramps	**Section R322.3.7 Stairways and ramps.** Provides four options for stairs and ramps located below the lowest floor elevation: (1) open or partially open risers and guards, (2) breakaway, (3) retractable, or (4) designed to resist flood loads. In all cases, the area below stairs and ramps must not be enclosed with walls unless the walls are designed to break away. Change from 2015 to 2018 IRC: New section for stairways and ramps incorporating language from R322.3.3.	Exceeds NFIP 44 CFR § 60.3(e)(5) by specifying requirements for stairways and ramps.
Decks and porches	**Section R322.3.8 Decks and porches.** Requires attached decks and porches to meet lowest floor elevation requirement and either have compliant foundations or be cantilevered from or knee-braced to the building. Self-supporting decks and porches must be designed to remain in place or break away and may be below the BFE if not enclosed by solid walls (including breakaway walls). Change from 2015 to 2018 IRC: New section for decks and porches incorporating language from R322.3.3.	Exceeds NFIP 44 CFR § 60.3(e)(5) by specifying requirements for decks and porches.
Elevators and foundation bracing	No explicit provisions; see free-of-obstruction requirement in the first row of this table (Table 1).	Meets NFIP 44 CFR § 60.3(e)(5), which has no specific requirements.

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3.2 International Building Code and ASCE 24

The flood provisions of the International Building Code® (IBC®) meet or exceed the NFIP requirements for buildings largely through reference to the ASCE 24, *Flood Resistant Design and Construction*. The IBC applies to all applicable buildings and structures. While primarily used for buildings and structures other than dwellings within the scope of the IRC, the IBC may be used to design dwellings. ASCE 24 applies to structures subject to building code requirements. The ASCE 24 requirements, summarized in Table 2, are more specific than the NFIP free-of-obstruction requirements.

IBC AND ASCE COMMENTARIES

ICC publishes companion commentary for the IBC, and ASCE publishes companion commentary for ASCE 24. Although not regulatory, the commentaries provide information and guidance that are useful in complying with, interpreting, and enforcing requirements.

Table 2: Comparison of Selected 2018 IBC and ASCE 24-14 Requirements with NFIP Requirements

Topic	Summary of Selected 2018 IBC / ASCE 24-14 Requirements and Changes from 2015 and 2012 IBC / ASCE 24-05	Comparison with NFIP Requirements
General design requirement	**2018 IBC Section 1612.2 Design and construction.** Requires design and construction of buildings and structures located in Coastal High Hazard Areas (Zone V) and Coastal A Zones to comply with Chapter 5 of ASCE 7 and ASCE 24. Change from 2015 to 2018 IBC: No change except renumbering of section. Change from 2012 to 2015 IBC: Applies Coastal High Hazard Area requirements in Coastal A Zones if delineated.	Exceeds NFIP 44 CFR § 60.3(e) by referring to ASCE 24, which has more specificity for some foundation elements and higher minimum building elevations, and which requires meeting Zone V design and construction standards in Coastal A Zones (which are not defined in the NFIP).
Obstruction	**ASCE 24-14 Section 1.2 Definitions.** "Obstruction – Any object or structural component attached to a structure below the DFE that can cause an increase in flood elevation, deflect floodwaters, or transfer flood loads to any structure." The DFE in the definition of obstruction is the Design Flood Elevation, which will be equal to or higher than the BFE. Change from ASCE 24-05: No change.	The NFIP does not define "obstruction."
Free of obstruction	**ASCE 24-14 Section 4.5.1 Foundation Requirements, General.** • Applies to foundation systems in Coastal High Hazard Areas (Zone V) and Coastal A Zones. • Requires foundations to be designed to minimize forces acting on foundations, to minimize damage to the foundations and the elevated structures, and to adequately transfer all loads imposed on the foundations and elevated structures to the supporting soils. With the exception of certain bracing and shear walls, requires foundation system to be free of obstructions that will restrict or eliminate free passage of high-velocity flood waters and waves during design flood conditions. Change from ASCE 24-05: No change.	Equivalent to NFIP 44 CFR § 60.3(e)(5).

Table 2: Comparison of Selected 2018 IBC and ASCE 24-14 Requirements with NFIP Requirements (continued)

Topic	Summary of Selected 2018 IBC / ASCE 24-14 Requirements and Changes from 2015 and 2012 IBC / ASCE 24-05	Comparison with NFIP Requirements
Use of fill	**2018 IBC Section 1804.5 Grading and fill in flood hazard areas.** Specifies that fill is only allowed where constructed and placed to avoid diversion of water and waves toward any building or structure. Where allowed, fill is required to be stable under conditions of flooding, including rapid rise and drawdown and wave action. Change from 2015 to 2018 IBC: Clarifies that fill where allowed must be stable under conditions of flooding. Change from 2012 to 2015 IBC: No change. **ASCE 24-14 Section 4.5.4 Use of Fill.** • Specifies that placement of nonstructural fill for minimal site grading and landscaping and to meet local drainage requirements is permitted. • Specifies that placement of nonstructural fill under and around a structure for dune construction or reconstruction is permitted if an engineering report documents that the fill will not result in wave runup, ramping, or deflection of floodwaters that can cause damage to structures. Change from ASCE 24-05: Clarifies that an engineering report is necessary to document the effect of fill, and the commentary clarifies that the intent is to allow minor amounts of nonstructural fill for specific purposes.	Equivalent to NFIP 44 CFR § 60.3(e)(6), with more specificity for use of fill for specific, nonstructural purposes.
Enclosed areas	**ASCE 24-14 Section 4.6 Enclosed Areas Below Design Flood Elevation.** Requires enclosed areas below DFE to be designed and constructed with breakaway walls, with flood openings in those walls, and requires stairways within the enclosed area to have an exterior door at the top of the stairs. Change from ASCE 24-05: Modified to refer to subsections for requirements and adds the requirement for an exterior door at the top of the stairs. **ASCE 24-14 Section 4.6.1 Breakaway Walls.** Change from ASCE 24-05: No change. **ASCE 24-14 Section 4.6.2 Openings in Breakaway Walls.** Change from ASCE 24-05: Modified to require flood openings in breakaway walls forming an enclosure.	Exceeds NFIP 44 CFR § 60.3(e)(5) by requiring flood openings in breakaway walls and a door at the top of stairways within enclosures.
Utilities and equipment	**ASCE 24-14 Section 7.1 General.** Requires attendant utilities and equipment to be at or above specified elevations or be specifically designed, constructed, and installed to prevent floodwaters from entering or accumulating within components. Change from ASCE 24-05: No change	Exceeds NFIP 44 CFR § 60.3(a)(3)(iv) with freeboard requirements for utility system platforms and equipment for most buildings.
Tanks	**ASCE 24-14 Section 9.7 Tanks.** Requires tanks in Coastal High Hazard Areas (Zone V) and Coastal A Zones to be (1) elevated on platforms meeting certain requirements or (2) installed and anchored below the eroded ground surface. Change from ASCE 24-05: Consolidated requirements for tanks in Section 9.7.	Exceeds NFIP 44 CFR § 60.3(a)(3)(iv) with specificity for platforms and requirements for tanks.

Table 2: Comparison of Selected 2018 IBC and ASCE 24-14 Requirements with NFIP Requirements (continued)

Topic	Summary of Selected 2018 IBC / ASCE 24-14 Requirements and Changes from 2015 and 2012 IBC / ASCE 24-05	Comparison with NFIP Requirements
Slabs	**ASCE 24-14 Section 9.3 Concrete Slabs.** Requires in Coastal High Hazard Areas (Zone V) and Coastal A Zones that concrete slabs be either (1) designed as frangible, not structurally connected to structure, and not capable of creating debris that would cause significant damage to other structures or (2) be self-supporting and remain in place and functional after the design flood. Change from ASCE 24-05: Slabs were moved from Section 4.8 to Section 9.3. New text permits (non-building-foundation) self-supporting structural slabs for parking/enclosure/deck/patio in Zone V and Coastal A Zone.	Exceeds NFIP 44 CFR § 60.3(e)(5) with requirements for concrete slabs.
Swimming pools and spas	**2018 IBC Section 3109.1 General.** Requires, within Coastal High Hazard Areas (Zone V) and Coastal A Zones, that the design and construction of swimming pools, spas, and hot tubs comply with the ISPSC, which requires pools to be designed in accordance with ASCE 24. Change from 2015 to 2018 IBC: No change Change from 2012 to 2015 IBC: Replaces specific requirements with reference to the ISPSC. **ASCE 24-14 Section 9.6.2 Pools in Coastal High Hazard Areas, Coastal A Zones and Other Flood Hazard Areas.** Requires pools to be (1) elevated, (2) designed to break away without producing damaging debris, or (3) designed to remain in the ground without obstructing flow that could cause damage. Pools must be structurally independent of buildings and structures unless located in or on elevated floors or roofs that are above the DFE. Change from ASCE 24-05: Clarifies pool requirements for pools within Coastal High Hazard Areas, Coastal A Zones, and other flood hazard zones.	Exceeds NFIP 44 CFR § 60.3(e)(5) with requirements for swimming pools and spas.
Elevators	**2018 IBC Section 3001.3 Referenced standards.** Requires the design, construction, installation, alteration, repair, and maintenance of elevators and conveying systems and their components to comply with the standard specified in 2018 IBC Section 3001.3, Table 3001.3, and ASCE 24 unless the code states otherwise. Change from 2015 to 2018 IBC: Standards moved to Table 3001.3. Change from 2012 to 2015 IBC: No change.	Exceeds NFIP 44 CFR § 60.3(e)(5) with requirements for elevators.
Access stairs and ramps	**ASCE 24-14 Section 8.1 General.** In Coastal High Hazard Areas (Zone V) and Coastal A Zones provides four options for the design and construction of stairways and ramps below the required elevation. Change from ASCE 24-05: Adds option for retractable stairways and ramps.	Exceeds NFIP 44 CFR § 60.3(e)(5) with requirements and alternatives for stairways and ramps.

Table 2: Comparison of Selected 2018 IBC and ASCE 24-14 Requirements with NFIP Requirements (continued)

Topic	Summary of Selected 2018 IBC / ASCE 24-14 Requirements and Changes from 2015 and 2012 IBC / ASCE 24-05	Comparison with NFIP Requirements
Decks and porches	**ASCE 24-14 Section 9.2 Decks and Porches** **9.2.1 Attached Decks and Porches.** In coastal high hazard areas (Zone V) and Coastal A Zones, specifies that attached decks and porches be elevated on certain foundations or cantilevered from the main structure. **ASCE 24-14 Section 9.2.2 Detached Decks and Porches.** In Coastal High Hazard Areas (Zone V) and Coastal A Zones, specifies that detached decks and porches be (1) designed and constructed to remain intact and in place during the base flood or (2) be designed to be frangible, minimizing debris capable of causing significant damage to any structure. Change from ASCE 24-05: Clarifications with no new requirements or limitations.	Exceeds NFIP 44 CFR § 60.3(e)(5) with requirements for decks and porches.
Foundation bracing	**ASCE 24-14 Section 4.5.11 Bracing.** Change from ASCE 24-05: No change.	Exceeds NFIP 44 CFR § 60.3(e)(5) with requirements for bracing.

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4 NFIP Flood Insurance Implications

Meeting the minimum NFIP floodplain management requirements does not necessarily result in the lowest NFIP flood insurance premium. NFIP flood insurance premiums depend on the presence, location, construction, size, age, and use of enclosures and other building components and equipment. Floodplain management regulations allow enclosures greater than 300 square feet, but structures with these enclosures have higher NFIP flood insurance premiums. Designers should consult a qualified insurance agent and review FEMA's *NFIP Flood Insurance Manual* to determine insurance implications of design and construction decisions.

EFFECT OF CONSTRUCTION BELOW THE BFE

Any construction or site development practice below the BFE (even piles and columns permitted by the NFIP) will cause a localized disruption of flow and waves during the base flood. The question is whether the localized disruption will be great enough to harm the elevated building or surrounding buildings.

NFIP floodplain management regulations allow certain construction elements below the BFE that may or may not break away during the base flood (e.g., stairwells, elevator shafts, shear walls). These elements may or may not be considered obstructions for NFIP flood insurance rating purposes. For example:

- The NFIP floodplain management regulations in 44 CFR § 60.3(e) allow open wood lattice, insect screening, and solid, non-load-bearing, breakaway walls below elevated buildings in Coastal High Hazard Areas. Even though floodplain management regulations permit solid breakaway walls, garage doors, and slats or lattice (with less than 40 percent of the area open), building designers and owners

should be aware that these elements can result in higher NFIP flood insurance premiums. See the text box "NFIP Flood Insurance Free-of-Obstruction Rate" below for details.

- The NFIP floodplain management regulations in 44 CFR § 60.3(e) restrict uses of space below the BFE to parking of vehicles, building access, and storage. Stairs, ramps, and elevators are permitted. However, depending on how stairs, ramps, and elevators are constructed, they may be considered obstructions for NFIP flood insurance rating purposes and could result in higher premiums.

DETERMINING FLOOD INSURANCE IMPLICATIONS BEFORE THE DESIGN

Design professionals and property owners may wish to contact a qualified insurance agent or the NFIP regarding the flood insurance rating and premium implications of obstructions before a building is designed.

NFIP FLOOD INSURANCE FREE-OF-OBSTRUCTION RATE

In order for a structure to qualify for the NFIP flood insurance free-of-obstruction rate, the space below the lowest elevated floor must be free of obstructions with the following exceptions:

- Insect screening provided that no additional supports are required for the screening
- Wooden or plastic lattice with at least 40 percent of its area open and constructed of material no thicker than ½ inch
- Wooden or plastic slats or shutters with at least 40 percent of their area open and constructed of material no thicker than 1 inch
- One solid breakaway wall or garage door with the remaining sides of the enclosure constructed of the above-mentioned insect screening, wooden or plastic lattice, slats, or shutters

5 Free-of-Obstruction Requirement Considerations

Some NFIP flood-resistant design and construction requirements, including free-of-obstruction requirements, are performance related and are not prescriptive. In other words, the expected building performance is stated, but how to achieve the performance is not specified. It is up to the design professional to create a design that complies with the free-of-obstruction performance requirements and up to the local official to determine whether the design satisfies the community's requirements.

It is not always clear whether a particular building element or a site development practice would create a significant obstruction that would prevent the free passage of floodwater and waves. "Significant" is used because *any* construction element or site development practice below the flood level would cause a localized disruption of flow and waves during the base flood. Determining whether the disruption would be significant is not always easy because in most cases, there are no analytical or readily usable numerical

tools to answer the question with certainty. Local experience, results of post-disaster assessments, and application of coastal processes and building science principles must be relied on to reach a conclusion.

Some local floodplain management regulations require potential obstructions below or near a building to be evaluated to determine their effects on flow and waves. Fluid mechanics and coastal engineering references, such as the U.S. Army Corps of Engineers *Coastal Engineering Manual* (2002), provide some guidance, but the methods in these references are not generally capable of evaluating the potential effects of small building elements or small amounts of fill on flooding and waves during a base flood. Numerical coastal storm surge and wave models used in Flood Insurance Studies do not have sufficiently detailed resolution to discern building-sized disruptions to flow and wave fields.

Currently, developing models with fine enough resolution is technically challenging, time consuming, and cost prohibitive. And although recently developed, sophisticated numerical models show some promise in analyzing flow around buildings, their use is not economically feasible for most communities, owners, or designers interested in examining the potential obstructions discussed in this Technical Bulletin.

6 Building Elements Below the Base Flood Elevation

This section discusses common building elements under elevated buildings that can impede the free passage of flood flow and waves. Following the guidance in this section will minimize potential obstructive effects and satisfy the NFIP free-of-obstruction requirement.

6.1 Access Stairs and Ramps

Access stairs and ramps that are attached to or beneath an elevated building may be enclosed with breakaway walls or unenclosed. However, like foundation bracing (see Section 6.8), stairs and ramps can impede breakaway walls from breaking away cleanly as intended. To minimize this possibility, unenclosed stairs and ramps are preferred, but if enclosures are used, the design should be such that the stairs and

ENTRY DOOR AT TOP OF ACCESS STAIRS

Access stairs to elevated buildings are often constructed inside a breakaway enclosure with an entry door at the bottom of the enclosure but no entry door into the building at the top of the stairs. The lack of an entry door at the top results in a large opening in the building envelope when enclosures break away. Numerous post-disaster damage assessments have shown that loss of breakaway enclosures exposes building interiors to higher internal wind pressures and wind-driven rain. Loss of breakaway enclosures can also provide an easy path for floodwater to enter buildings, resulting in damage that can be avoided when doors are provided at the top of the access stairs.

Beginning with the 2015 IRC and ASCE 24-14, solid entry doors capable of resisting all design loads are required to be installed at the top of access stairs inside breakaway enclosures.

ramps do not interfere with breakaway wall performance. Enclosing stairways also affects NFIP flood insurance rates.

Stairs and ramps are not required to break away, but it is a design option. Stairs and ramps must be designed and constructed to either:

- Resist flood loads and remain in place during floods up to and including the base flood. If this option is selected, the elevated building and its foundation must be designed to resist any flood loads that are transferred from the stairs or ramp to the building, or
- Break away during base flood conditions without causing damage to the building or its foundation.

Figure 1 shows an example of an elevated building that was damaged as a result of stairs that did not break away cleanly; the stairway pulled out the exterior wall of the elevated building as the stairway failed.

Figure 1:
Damage to an elevated building as a result of stairs that not break away cleanly



Constructing access stairs with open sides (open guards and railings) and risers, to the extent allowed by building codes, minimizes the potential for flood loads acting on the stairs, thereby minimizing flood damage and also minimizing transfer of flood loads to the elevated building. Open stairs should be considered whenever possible (see Figure 2). Note that building codes may have maximum opening size limits on stair risers and railings, necessitating a longer run. Check with the local jurisdiction for requirements.

Ramps must be designed and constructed to minimize the obstruction of floodwater and waves and configured so that floodwater and waves cannot flow directly up the ramp toward the elevated building. This means that ramps should be positioned to avoid a straight alignment from the elevated building to the likely direction of wave and surge approach.



Figure 2:
Open stairs, which minimize transfer of flood and wave forces

Massive exterior stairs are not permitted because they are inconsistent with the free-of-obstruction requirement and because other types of stairs can provide access. Figure 3 shows massive stairs that are attached to an elevated coastal home. These massive stairs will act as an obstruction and increase the likelihood of trapping or reflecting waves and flood flow beneath the elevated building.

In some cases, life-safety code requirements dictate that stairs and stairwells in structures of certain occupancy categories be constructed to be fire resistant and structurally stable even if portions of the adjacent structure fail. Stairs and stairwells that meet these requirements are usually constructed of some combination of steel, reinforced masonry, and reinforced concrete and will not break away under



Figure 3:
Massive stairs attached to an elevated coastal home, which act as an obstruction

expected base flood loads and conditions. These stairs and stairwells, typically found in mid- and high-rise buildings, must be designed to withstand all base flood loads, including flow, waves, and floodborne debris impacts.

6.2 Decks, Porches, and Patios

Decks, porches, and patios are typically outside the footprint of elevated residential and commercial buildings and may be constructed at grade, above grade but below the BFE, at the BFE, or above the BFE.

In Coastal High Hazard Areas, decks and porches outside the building footprint must meet one of the following conditions:

- If structurally attached to a structure, the bottom of the lowest horizontal structural member of the deck or porch must be at or above the BFE. Deck and porch supports that extend below the BFE (e.g., pilings, bracing) must comply with Zone V design and construction requirements, and the structure must be designed to accommodate any increased loads resulting from the attached deck or porch.
- If an attached deck or porch is located above the BFE but relies on support elements (posts, columns, braces) that extend below the BFE, the supports must comply with Zone V design and construction requirements.
- If a deck, porch, or patio (not counting its supports) lies in whole or in part below the BFE, it must be structurally independent from the structure and its foundation system.

Decks that are constructed within the building footprint between the ground and the elevated building are sometimes referred to as mezzanine decks. In Coastal High Hazard Areas, mezzanine decks should be treated similar to the floors of above-grade (elevated) enclosures (see Section 6.5). If directly below the footprint, a mezzanine deck that is structurally attached to the host building is treated as the lowest floor elevation for NFIP flood insurance rating purposes.

From a floodplain management perspective, mezzanine decks must meet building code requirements for dead, live, and other applicable loads and must be designed to either:

1) Break apart into small pieces without causing collapse, displacement, or other structural damage to the elevated building or the supporting foundation under flood loads less than those that occur during the base flood or

2) Along with the building foundation, accommodate flood loads transferred from the mezzanine deck to the building foundation during flooding up to and including base flood conditions.

Mezzanine decks may be independently supported on an open foundation and must be designed to either withstand flooding up to and including the base flood or break apart into small pieces under base flood or lesser conditions. Structurally independent decks below the BFE and below a structure's footprint are not considered the lowest floor for NFIP flood insurance purposes.

Decks, porches, and patios must not adversely affect the structure with which they are associated, or nearby structures, by diverting floodwater and waves during flood conditions up to and including the base flood. Some decks and patios, such as low-profile decks and patios constructed at natural grade or on minor quantities of fill necessary to level the site (see the textbox in Section 7.5), are deemed to comply by minimizing harmful diversion of floodwater or wave runup and reflection. A low-profile deck or patio, as used here, has a floor system depth of 12 inches or less, some of which may be below the

adjacent finished grade. The depth does not include railings, which should be open to allow water to flow through. Attaching seats, benches, tables, planters, or similar features will cause a deck or patio to lose its deemed-to-comply low-profile classification. These features may or may not be obstructions (depending on size, number, and configuration) and should be evaluated for potential effects on flow and waves.

Decks, porches, and patios must be designed and constructed so that when subject to flooding up to and including base flood conditions, they do not create debris capable of causing significant damage to nearby structures. This means that decks, porches, and patios must remain intact and in place during base flood conditions or break apart into small pieces so the resulting debris does not lead to structural damage to nearby structures.

Decks and porches that are structurally attached to structures in Zone V must be supported to resist the simultaneous action of design wind loads and base flood loads. Most attached decks and porches are supported on piles or columns embedded in the ground and are capable of surviving anticipated erosion and scour. Post-storm assessments frequently identify decks and porches that were elevated on posts whose diameters were too small or on structural elements without sufficient embedment into the ground. The result of inadequate support is loss of decks and porches and sometimes damage to elevated structures. Unless the building code or local community prescribes otherwise, the foundation for an elevated deck or porch attached to a structure in Zone V should be similar to the structure's foundation. Attached decks and porches may be cantilevered from main structures instead of supported on piles or columns.

6.3 Elevators

Elevators attached to or beneath elevated structures in Zone V must comply with building, fire, electrical, and mechanical code requirements. Elevators and elevator shafts are not required to break away but must meet flood damage-resistant material and equipment requirements.

NFIP FLOOD INSURANCE AND ELEVATOR SHAFTS AND ELEVATOR EQUIPMENT

Elevator shafts and elevator equipment below the BFE will result in higher NFIP flood insurance premiums. The presence of elevators always increases the premium, regardless of how the shafts are constructed.

Flood loads acting on elevator components, any non-breakaway shaft walls, and potential wave runup and reflection effects must be accounted for in the design of the elevated structure and its foundation system. Therefore, it is advantageous to minimize the size of elevators, especially residential elevators in one- and two-family structures. Elevators should be designed and installed to satisfy the requirements of ASCE 24, which FEMA has determined meets or exceeds the minimum NFIP requirements. Additional guidance can be found in NFIP Technical Bulletin 4, *Elevator Installation for Buildings Located in Special Flood Hazard Areas.*

6.4 Enclosed Areas

The types of enclosed areas that are discussed in this section are:

- Enclosed areas below elevated structures
- Above grade (elevated) enclosures
- Two-level enclosures

6.4.1 Enclosed Areas Below Elevated Structures

The use of enclosed areas below elevated structures is restricted to parking of vehicles, building access, and storage. Enclosed areas must not be used for habitable purposes. Enclosed areas, including foyers, must be constructed of flood damage-resistant materials and not be finished. All enclosed areas below elevated buildings will be considered when the NFIP flood insurance premium is determined.

The NFIP regulations in 44 CFR § 60.3(e)(5) state that the area beneath the elevated portion of a structure in Zone V may be enclosed only with open lattice, insect screening, or non-supporting breakaway walls (see NFIP Technical Bulletin 9, *Design and Construction Guidance for Breakaway Walls Below Elevated Buildings in Coastal High Hazard Areas*). However, while NFIP regulations permit all enclosure walls to be solid breakaway walls, construction of such will lead to a With-Obstruction rating by the NFIP.

FEMA guidance states that the following lattice and slats are acceptable:

- Wood or plastic lattice no thicker than ½ inch with at least 40 percent of its area open
- Wood or plastic slats or fixed louvers no thicker than 1 inch that, when installed, have at least 40 percent of their area open

Figure 4 and Figure 5 show examples of compliant slats, which are typically installed flat against foundation pilings (see Figure 4) or angled like louvers between the pilings (see Figure 5). Percent open area of a lattice or louver wall should be calculated based on the area through which water can flow through lattice or louvers, divided by the total area of the enclosure wall (see Figure 6).

PRIVACY SCREENING

Privacy screening around outdoor shower areas is permitted if the sides are open at top and bottom and the screening will break away under base flood or lesser conditions. If a space under the building footprint is enclosed with privacy screening, there will be an NFIP flood insurance premium increase.

SIZE OF ENCLOSURES AND NFIP FLOOD INSURANCE

The NFIP does not limit the size of enclosures under elevated structures. However, higher NFIP flood insurance premiums will generally be assessed for structures in Zone V with enclosed areas of any size (including stairwells and elevator enclosures), even if enclosed by breakaway walls. Annual NFIP premiums can be even higher when buildings have enclosures that are 300 square feet or larger. Some communities have adopted restrictions or prohibitions on enclosures. Designers, contractors, and owners should check local requirements prior to construction.

The NFIP does not require flood openings in the walls of enclosures in Zone V. However, beginning with ASCE 24-14 and the 2015 IRC and IBC, enclosures in Zone V require flood openings.



Figure 4:
Compliant wood slats installed flat against foundation pilings



Figure 5:
Compliant, fixed, wood louvers installed between pilings

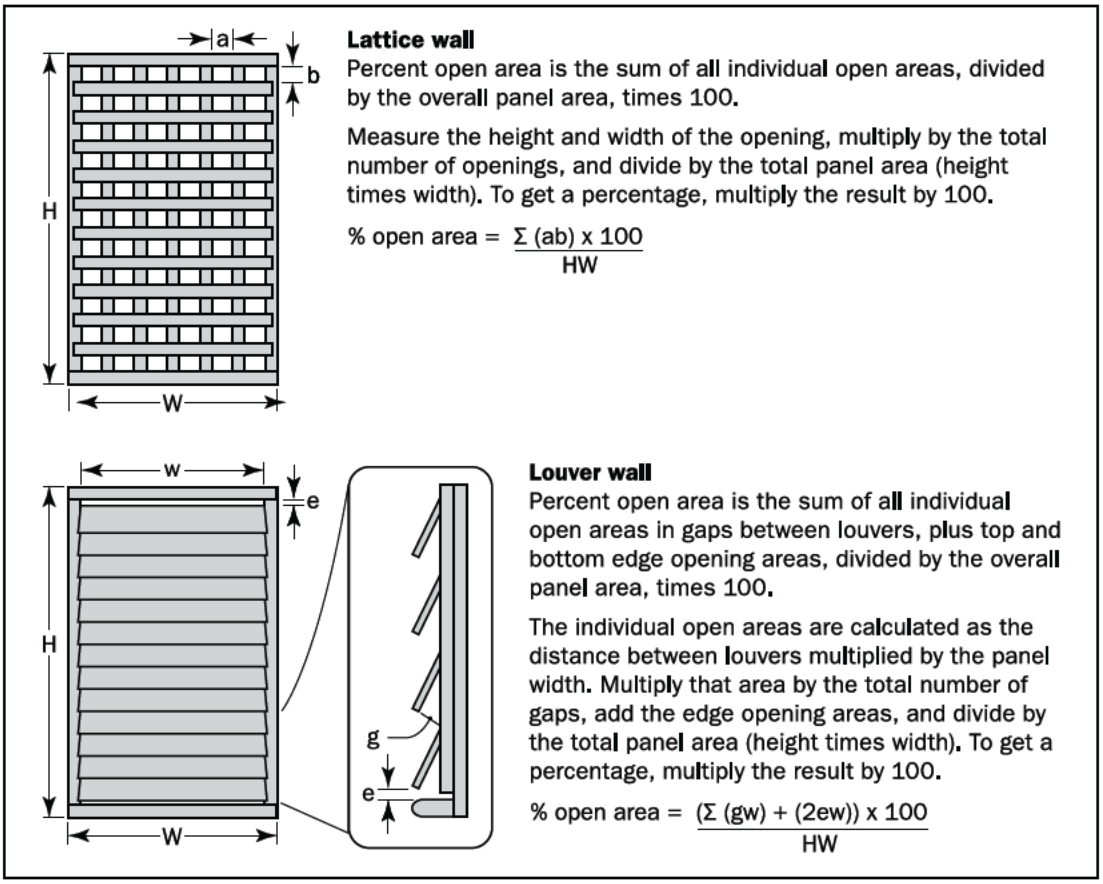


Figure 6: Determination of the percentage of open area for a lattice or louver wall

Figure 7 shows an elevated building in which a portion of a solid breakaway wall enclosure did not break away. Waves were not able to pass beneath the elevated structure, and wave runup against the enclosure wall likely caused damage above the elevated floor.

Figure 7:
Breakaway wall that did not break away, which led to wave runup and contributed to flood damage on the side of the elevated building



6.4.2 Above-Grade Enclosed Areas (Elevated)

Another enclosure option is to construct enclosures with floor systems that are elevated above grade and are not in contact with the ground (see Figure 8). Placing the enclosure floor above grade minimizes the potential for damage to the enclosure and contents during frequent, low-level flood events.



Figure 8:
Above-grade enclosure

An above-grade enclosed area (sometimes referred to as a hanging enclosure) is any enclosure with its floor system above grade. The enclosure may be supported by a foundation beneath the enclosure or by the elevated building and/or building foundation. A hanging floor is the lowest floor elevation for NFIP flood insurance rating purposes.

Above-grade enclosures may be used only for storage and building access and must meet all other requirements applicable to enclosures, including the use of breakaway walls and flood damage-resistant materials below the BFE. Additionally, mechanical and electrical systems in the enclosure must be elevated to or above the BFE. A floor grate should be installed in the enclosure floor, and flood openings should be installed in breakaway enclosure walls. The grate will reduce vertical uplift (buoyancy) loads on the enclosure floor before water flows through the openings in the enclosure walls and allow the elevated enclosure to drain fully, reducing the downward load caused by water that would otherwise be trapped above the enclosure floor.

ABOVE-GRADE ENCLOSURES AND NFIP FLOOD INSURANCE

NFIP flood insurance policies for elevated buildings with above-grade enclosures are rated assuming the floor of the above-grade enclosure is the lowest floor (or based on the elevation of the lowest horizontal structural member of the enclosure instead of the lowest horizontal structural member of the lowest floor of the elevated building). Owners should ask their insurance companies to submit requests to the NFIP for a special rating for buildings with above-grade enclosures.

The design of the foundation and enclosure floor system for above-grade enclosures that are in Zone V must meet one of the following conditions:

- The floor system is designed to break away under flood loads less than those that occur during the base flood without causing collapse, displacement, or other structural damage to the elevated building or the supporting foundation (see Figure 9), or
- The floor system is designed to remain in place and intact, and the building foundation is designed to accommodate flood loads transferred from the enclosure floor system to the foundation during flood conditions up to and including the base flood (see Figure 9), or
- The enclosure floor system is independently supported on an open foundation (see Figure 10).

Flood openings in above-grade enclosure walls are required by the building code but do not reduce NFIP flood insurance premiums for the enclosure.

6.4.3 Two-Level Enclosed Areas

In flood hazard areas where the BFE is very high above the ground or where owners elect to elevate buildings very high, some owners opt to build two-level enclosures (see Figure 11 and Figure 12). Two-level enclosures are permitted but not recommended due to their more complicated construction and increased potential for

TWO-LEVEL ENCLOSURES

Two-level enclosures are also known as two-story enclosures, double enclosures, and stacked enclosures.

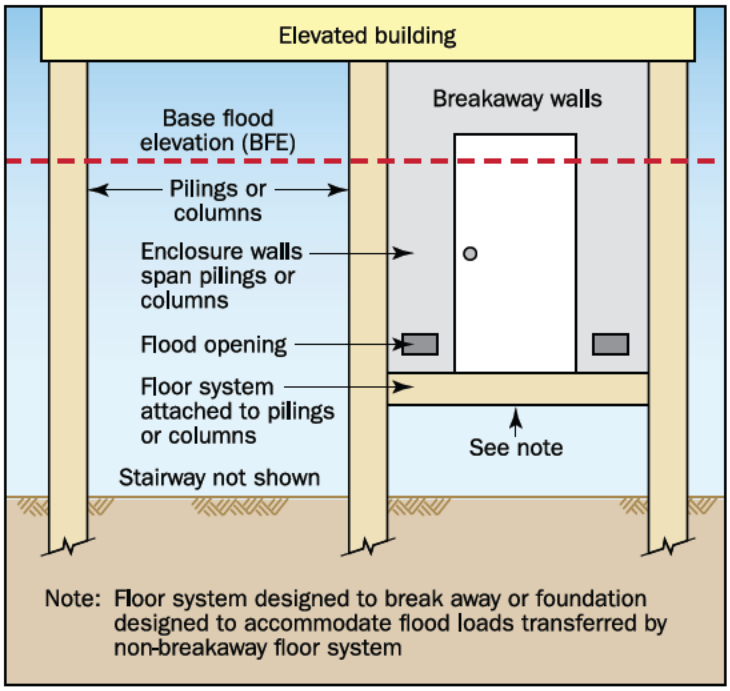


Figure 9: Above-grade enclosure floor system attached to building foundation

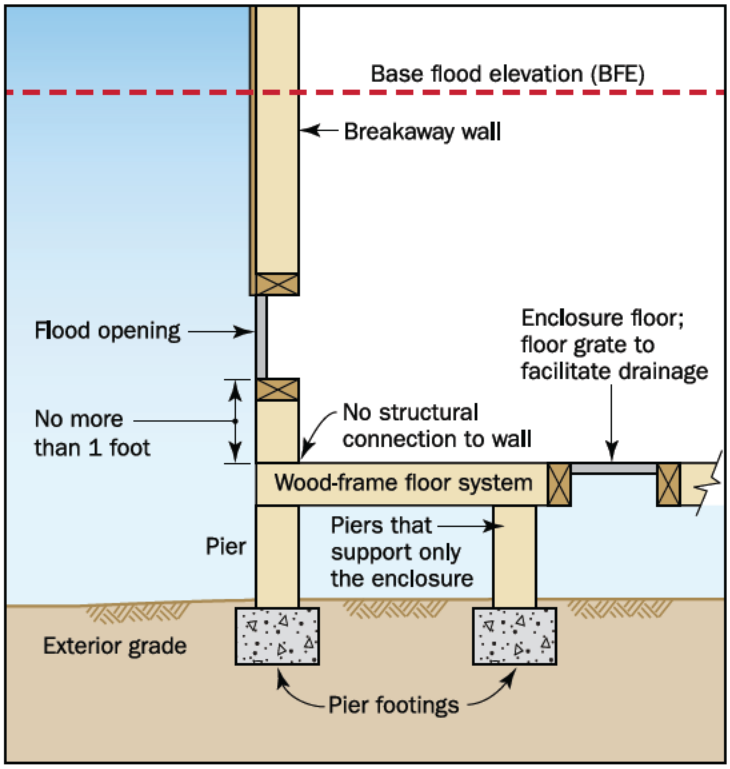


Figure 10: Above-grade enclosure supported by independent foundation



Figure 11:
Two-level enclosure

floodborne debris. Two-level enclosures could also result in the floor of the upper level being considered the lowest floor for NFIP flood insurance rating purposes.

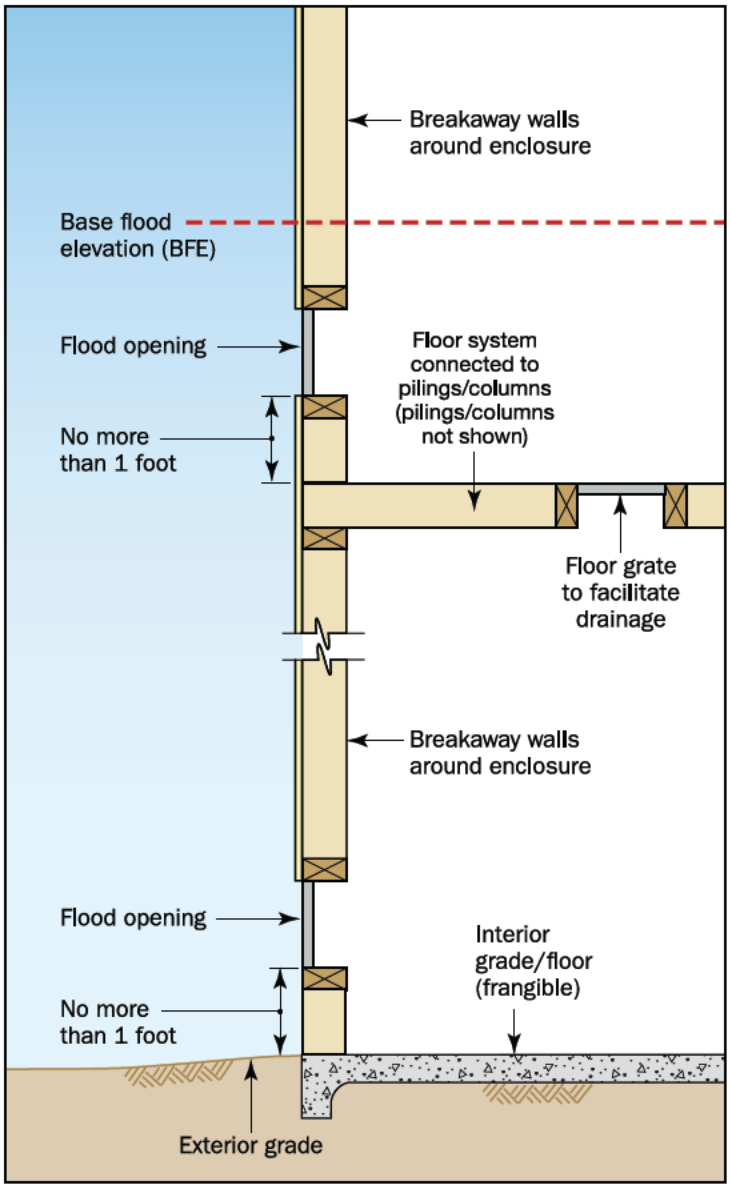
Both levels of the enclosure must meet all of the floodplain management and building code requirements for enclosed areas, including breakaway walls, elevated utilities, flood damage-resistant materials, and limitations on use (parking of vehicles, building access, and storage). The floor system of the upper enclosure level must be designed to meet one of the options for above-grade (elevated) enclosed areas (see Section 6.4.2).

Openings with grates should be installed in the floor to facilitate drainage from the upper level enclosure. In the event that floodwater enters the upper level but does not cause failure of the breakaway walls, the floor grates will allow trapped water to drain to the lower level and not overload the upper level floor system.

TWO-LEVEL ENCLOSURES AND NFIP FLOOD INSURANCE

Designers and owners should be aware that a building with a two-level enclosure, even if allowed by permit, could result in higher NFIP flood insurance premiums than if the building has a one-level enclosure. Even if a two-level enclosure complies with building code and floodplain management requirements for enclosures, the upper floor of the two-level enclosure could be deemed the lowest floor for NFIP flood insurance rating purposes (the lowest floor elevation for flood insurance purposes is the first floor elevated above ground). Owners should ask their insurance companies to submit requests to the NFIP for a special rating for buildings with two-level enclosures.

Figure 12:
Two-level enclosure schematic



6.5 Mechanical, Electrical, and Plumbing Equipment, Ducts, Tanks, and Fixtures

Mechanical, electrical, and plumbing equipment, ducts, tanks, and fixtures serving elevated buildings are required to be elevated to or above the BFE or protected from water entry during the base flood.

There are exceptions for elevator equipment that cannot be elevated (see NFIP Technical Bulletin 4, *Elevator Installation for Buildings Located in Special Flood Hazard Areas*, and ASCE 24).

EQUIPMENT BELOW AN ELEVATED BUILDING AND NFIP FLOOD INSURANCE

Designers and owners should be aware that elevator equipment and other equipment below an elevated building will result in higher NFIP flood insurance premiums, even if the equipment is allowed by permit.

Utility lines, pipes, risers, and chases may need to extend below the BFE but should be installed to minimize potential damage from flooding (some utility companies place meters below the BFE so they can be easily accessed). The following help minimize potential damage:

- Utility lines, pipes, risers, and chases are not allowed to be attached to or penetrate through breakaway walls (see Figure 13).
- Utility lines, pipes, risers, and chases should be located on the sides of piles and columns that are opposite the anticipated direction of flood flow and wave approach, where possible.

Fuel tanks and other tanks serving elevated buildings and located under or adjacent to the buildings must be in-ground or elevated above the BFE. In both cases, tanks should be anchored to prevent flotation or lateral movement during base flood conditions. Platforms supporting elevated tanks should resist flooding up to and including base flood conditions.

To satisfy free-of-obstruction requirements, above-ground tanks must not be located beneath elevated buildings or attached to elevated buildings below the BFE. This requirement also applies to permanently

UTILITY CHASES

For floodplain management and NFIP flood insurance purposes, utility chases designed to protect utility lines from freezing are not considered enclosures. Utility chases must be small and not allow access for a person to enter the space (access panels for servicing the lines are appropriate).

Because a utility chase is not considered an enclosure, it does not have to meet the requirement of breakaway walls, louvers, or open latticework; however, the chase may be breakaway under flood conditions.

The utility chase must be constructed of flood damage-resistant materials below the BFE, and the enclosed utility lines must meet the requirement to be watertight and capable of withstanding flood loads (hydrostatic, hydrodynamic, wave). Additionally, the portions of the utility system located below the BFE and the utility chase should not be attached to, mounted on, pass through, or be located along breakaway walls.



Figure 13:
Utilities mounted on wall, which prevented the wall from breaking away cleanly

installed fuel tanks for outdoor kitchens. Portable gas grills and associated propane fuel tanks and similar devices for which building permits are not required are not subject to these requirements. However, communities may have other fire and life-safety requirements that must be met. In addition, when flooding is anticipated, owners should move portable grills and propane fuel tanks to a safe location where they will not pose a hazard or become floodborne debris.

Additional guidance can be found in FEMA P-348, *Protecting Building Utilities from Flood Damage* (2017), and FEMA P-259, *Engineering Principles and Practices for Retrofitting Flood-Prone Residential Structures* (2012).

6.6 Foundation Bracing

Foundation bracing is often used to stiffen pile foundations and/or improve comfort and reduce sway in elevated buildings. However, foundation designs without bracing are preferred in coastal areas because they minimize obstructions to flow and waves.

Free-of-obstruction considerations call for using only the minimum amount of foundation bracing necessary to achieve a stable design, and such bracing should be designed to withstand flood conditions up to and including the base flood. Additional bracing may be used to improve the comfort of building occupants (i.e., reduce building sway under non-flood conditions), but the additional bracing should not be as strong as that required for structural stability and should not be relied on to yield a stable design, as it may be lost during a flood.

Many coastal construction experts and design references advise relying on shore-perpendicular bracing and minimizing the use of shore-parallel bracing. However, because wind and seismic loads can act in any direction, this alternative may not always provide the structural stability that is required in some locations. Increasing the number of piles (by decreasing horizontal spacing), detailing moment connections at the tops of the piles (in the case of concrete piles and beams), and using grade beams are accepted ways of eliminating or reducing the need for foundation bracing. Designers may determine other ways to minimize the amount and type of bracing.

Diagonal timber cross-bracing is the most common type of bracing used on foundations under coastal homes. Unfortunately, timber braces frequently fail during severe flood events as a result of wave or debris impacts. If they survive, they can interfere with breakaway wall failure, trap debris, and transfer lateral flood loads to the foundation. Metal rod braces, while less susceptible to failure, can also trap floating debris (see Figure 14). Knee braces at the tops of pilings are sometimes preferred (Figure 15) because their position higher up on the pilings will present less obstruction to flow and waves.

When foundation bracing below the BFE is used, it must be placed so as not to interfere with the intended failure of breakaway wall panels (see Figure 16). Avoiding interference may require eliminating breakaway walls, shifting the location of breakaway walls, or redesigning the foundation so the need for certain braces is eliminated. Breakaway walls and foundation bracing should not be placed close to each other if either could adversely affect the intended performance of the other.



Figure 14:
Floating debris trapped by metal rod cross bracing

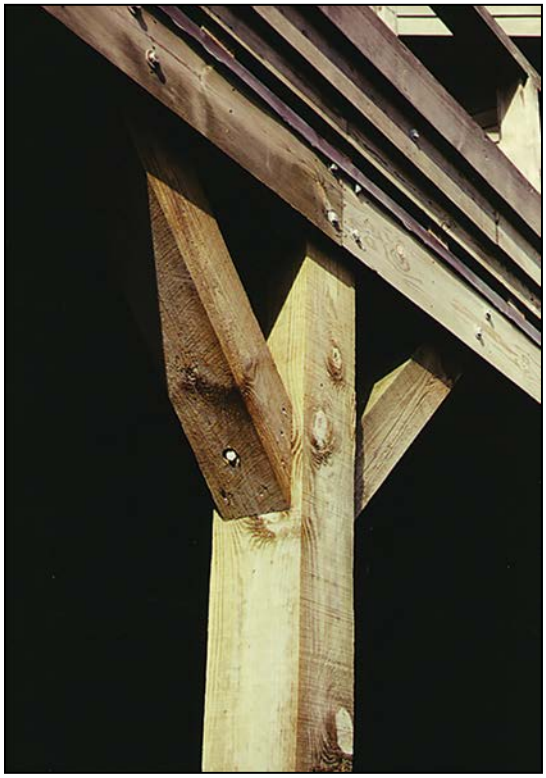


Figure 15: Knee bracing



Figure 16: Cross bracing that interfered with the failure of a breakaway wall

6.7 Grade Beams

Grade beams are horizontal elements at or below the ground surface that tie the foundation piles or columns together and provide additional lateral support. They are typically reinforced concrete or wood.

Grade beams that are placed with their upper surfaces flush with or below the natural grade (the grade before the site is altered by fill or grading, if any) are not considered obstructions and are allowed by NFIP. However, storm erosion and local scour can expose and undermine grade beams, sometimes leaving them suspended above the post-storm ground profile. Designers must anticipate this circumstance and design grade beams to resist flood, wave, and debris loads and to remain in place and functional when undermined by scour and erosion (see Figure 17). Grade beams must also be designed and constructed so the vertical thickness is minimized, thereby reducing the lateral flood, wave, and debris loads acting on the beam and minimizing the transfer of these loads to the foundation.

Figure 17:
Grade beams that were exposed to flood forces during hurricane-induced scour; grade beams must resist flood, wave, and debris loads when undermined



6.8 Shear Walls

The NFIP regulations in 44 CFR § 60.3(e) state that only pile and column foundations are permitted in Zone V. In practice, this requirement has been relaxed by the NFIP and building codes for mid- and high-rise structures to allow certain types of solid walls, called shear walls, if detailed engineering calculations demonstrate that such walls are required to transfer lateral loads acting on upper stories to the ground, particularly in extreme-wind zones (see Figure 18). Even in these cases, shear walls should be used only if foundations and buildings are designed to resist all base flood conditions, all other design loads, and all appropriate load combinations.

SHEAR WALLS

ASCE 24 contains flood-related requirements and limitations for shear walls used to support buildings in Zone V. Contact your local building department for rules and building code requirements for shear walls in Zone V.

Shear walls should be constructed parallel to the anticipated direction of flood flow and wave attack (typically perpendicular to the shoreline) to allow floodwater and waves to pass freely. In some cases, building designs require both shore-perpendicular and shore-parallel shear walls. Use of shore-parallel shear wall segments should be limited to the minimum length required to transfer upper-story loads to

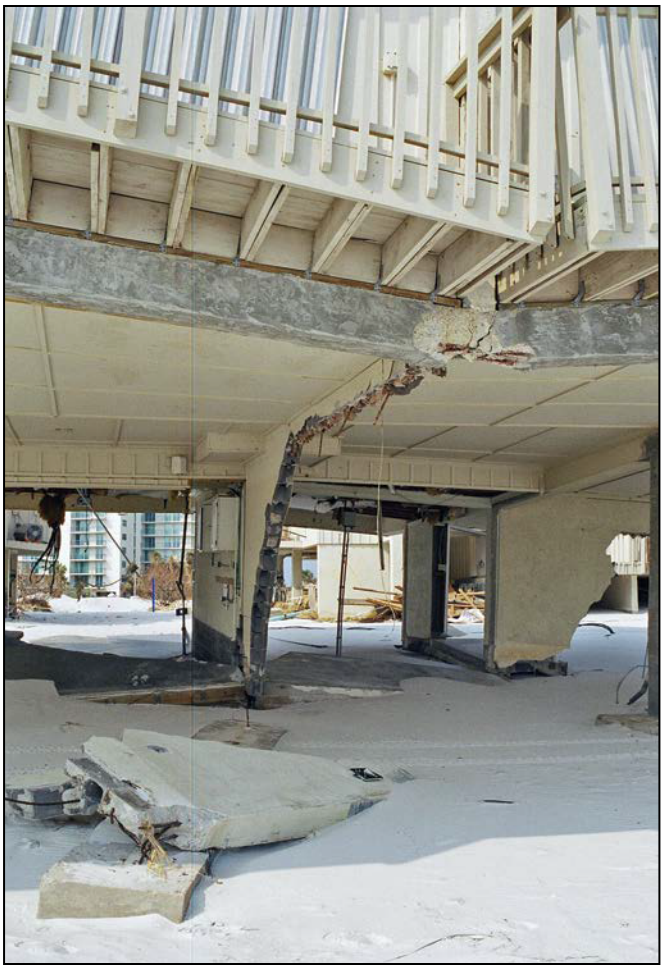


Figure 18:
High-rise buildings elevated on shore-perpendicular shear walls

the foundation. Shore-parallel shear walls should be designed with openings in the walls or gaps between shear wall segments to minimize trapping of floodwater, waves, and debris and minimize the total flood loads acting on the building. In any case, designs of these walls must be certified by registered design professionals as part of the requirement for certification of foundation designs.

Low-rise buildings in Zone V should be designed with pile or column foundations that are consistent with the NFIP regulations. Post-flood assessments have found that shear walls supporting older low-rise buildings often do not survive severe storm events. See Figure 19, which shows the failure of a wall section of a building supported on columns and shore-perpendicular walls. Wall failure led to failure of the elevated floor beam and floor. In this instance, the building was an older non-conforming building, and the solid walls rested on shallow footings (a means of support not permitted by the NFIP or building codes for buildings in Zone V). The wall failure was likely due to both lateral flood loads and foundation undermining.

Figure 19:
Failure of a shore-perpendicular solid foundation wall that supported a low-rise building, which resulted in failure of the beam and floor system that were supported by the shore-perpendicular wall



6.9 Slabs

Concrete slabs are commonly used beneath elevated buildings in Zone V for vehicle parking and as floors of enclosed storage or building access areas. The vertical elements elevating the building should not rest on the slab to avoid an NFIP flood insurance rating of "non-elevated."

SLABS AND NFIP FLOOD INSURANCE

There is no difference in NFIP flood insurance premiums between having a frangible slab or a self-supporting structural slab for two otherwise identical elevated buildings.

Post-disaster assessments conducted by FEMA have concluded that unreinforced slabs less than 4 inches thick tend to break up into small pieces without causing adverse effects to elevated buildings (see Figure 20). Reinforced concrete slabs thicker than 4 inches tend not to break up into small pieces, can become dislodged and act as obstructions, and can transfer unanticipated loads to building foundations (see Figure 21).



Figure 20:
Damage to building foundation caused in part by failure of the reinforced slab undermined by erosion



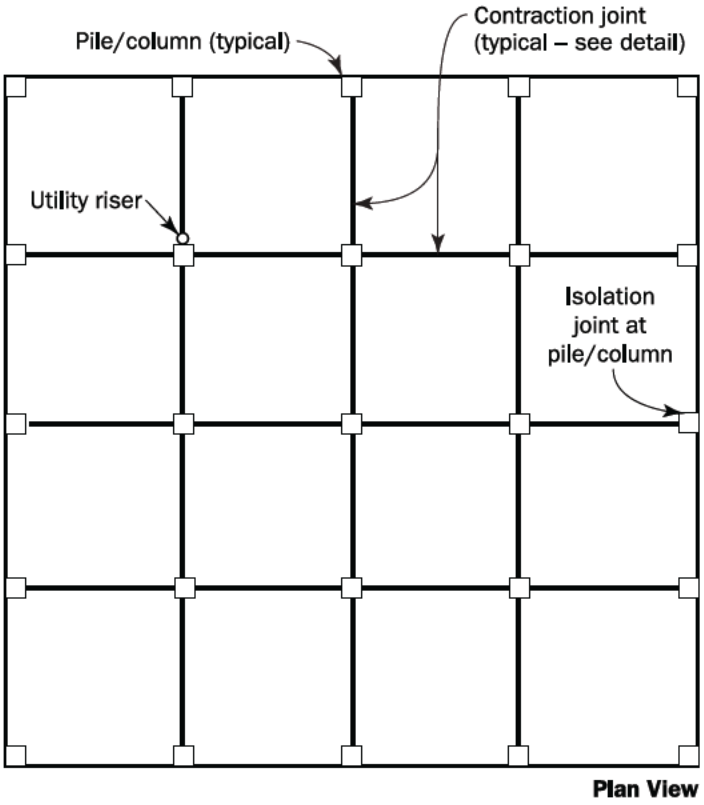
Figure 21:
Unreinforced slab that broke apart without imposing loads on the foundation

Post-disaster assessments have determined that slabs perform well if they meet the requirement in ASCE 24-14, Section 9.3, to either:

- Be frangible (break into small pieces), floating slabs supported by compacted soil, not attached to the building foundation, and designed and constructed with a maximum thickness (traditionally 4 inches), without reinforcement and without turned down edges, or
- Be designed and constructed as self-supporting structural slabs capable of remaining intact and functional during flooding up to and including base flood conditions, including expected erosion.

Building foundations must be capable of resisting any added loads and increase in local scour due to the presence of the slabs.

In most circumstances, and for low-rise buildings in Zone V (including residences), the best alternative is to use frangible slabs. This alternative is also appropriate for other uses of slabs, such as pool decks, sidewalks, and patios. Figure 22 illustrates one possible design for such a slab.



NOTE: Install expansion and isolation joints as appropriate in accordance with standard practice or as required by state and local codes.

Figure 22: Example of frangible slab design

Reinforced, self-supporting structural slabs below the BFE may be appropriate for large mid- and high-rise structures that are supported on deep piles because these structures are typically much heavier and less prone to damage from flood loads. If a frangible parking slab is constructed beneath such a structure, reoccupation of an otherwise intact and usable structure after a severe coastal storm event may be delayed due to loss of parking. A self-supporting structural slab could be considered in such situations.

Reinforced, self-supporting structural slabs and grade beams beneath large buildings should be designed to be only as thick as necessary to support vehicle loads and other design loads. The slabs and beams should be connected and integral to the foundations, and all below-BFE components should be designed to act together to resist flood loads and other design loads. Obstructive effects will be minimized as long as the slab systems remain intact and horizontal so floodwater and waves pass above and below the slabs.

7 Site Development: Practices and Issues

This section discusses common site development practices and issues that may significantly affect the free passage of flood flow and waves under or around elevated buildings. When these practices are undertaken in accordance with the guidance in this section, they will be deemed to satisfy the NFIP free-of-obstruction requirement, and the potential obstructive effects will be minimized.

7.1 Accessory Storage Structures

In Zone V, certain small accessories structures (as defined in a community's floodplain management ordinance, which has been approved by FEMA) may be permitted below the BFE. Small accessory structures include small storage structures such as metal, plastic, or wood sheds that are disposable. FEMA considers "small" to mean less than or equal to 100 square feet.

If accessory storage structures below the BFE do not meet the size considerations mentioned above, or if the structures are of significant size and made of material that is likely to create either damaging debris or flow and wave-diversion problems, communities could consider granting variances in accordance with their floodplain management ordinances and 44 CFR § 60.6. Alternatively, a best practice is to have accessory storage structures constructed and elevated in compliance with NFIP requirements.

ADDITIONAL ACCESSORY STRUCTURE CONSIDERATIONS

Some communities have FEMA-approved regulations that specify limitations on the size of accessory structures that are allowed in SFHAs without having to comply with elevation requirements. Other considerations for accessory structures are set forth in FEMA policies and guidance.

Local officials should consult NFIP State Coordinators or FEMA Regional Offices for additional guidance and for appropriate size limits and language to include in local regulations.

Small accessory storage structures that are not elevated must be anchored to resist wind loads (see Figure 23) and designed to resist flotation that may occur even under relatively shallow flood depths. However, because small accessory storage structures are unlikely to withstand wave loads, their loss should be anticipated during the base flood, and the effects that resultant debris may have on nearby structures must be considered.

Figure 23:
Small accessory structure that was moved by flood and wind forces



In addition, small accessory storage structures must be unfinished on the interior, constructed of flood damage-resistant materials, and used only for storage; moreover, if a structure is provided with electricity, the service must be above the BFE with all branch circuits descending below the BFE fed from ground-fault circuit interrupter breakers. Accessory storage structures must not be used for any habitable or other prohibited purpose.

Separate accessory storage structures must not be located directly under elevated buildings. An alternative is to create storage space below the elevated structure by enclosing an area with breakaway walls.

7.2 Detached Garages

Detached garages, such as those typically built for single-family homes or multi-family structures, are too large to qualify as accessory structures that are allowed below the BFE (see Section 7.1). Therefore, detached garages must be elevated on piles or columns and comply with other requirements for structures in Zone V.

Large, fully engineered, free-standing parking garages that satisfy Zone V design and construction requirements are permitted, even if portions lie below the BFE (e.g., vehicle ramps, stairwells, elevator shafts, parking spaces). These structures are not walled and roofed in the traditional sense and can be designed to allow the free passage of floodwater and waves.

ALTERNATIVE TO DETACHED GARAGES

Garages may be constructed under elevated buildings and enclosed with breakaway walls (see Technical Bulletin 9, *Design and Construction Guidance for Breakaway Walls*).

7.3 Erosion Control Structures

Erosion control structures, such as bulkheads, seawalls, retaining walls, and revetments, are obstructions when installed beneath elevated coastal buildings and are not permitted even if not attached to the building foundations. Erosion control structures can transfer damaging flood loads to building foundations and greatly increase the potential for redirecting flood flow and waves onto the elevated portions of coastal buildings). Figure 24 shows an example of waves running up and overtopping an erosion control structure. Figure 25 shows an example of timbers attached to a pile foundation (constituting a bulkhead), which is not permitted.

EFFECT OF EROSION CONTROL STRUCTURES ON WAVES

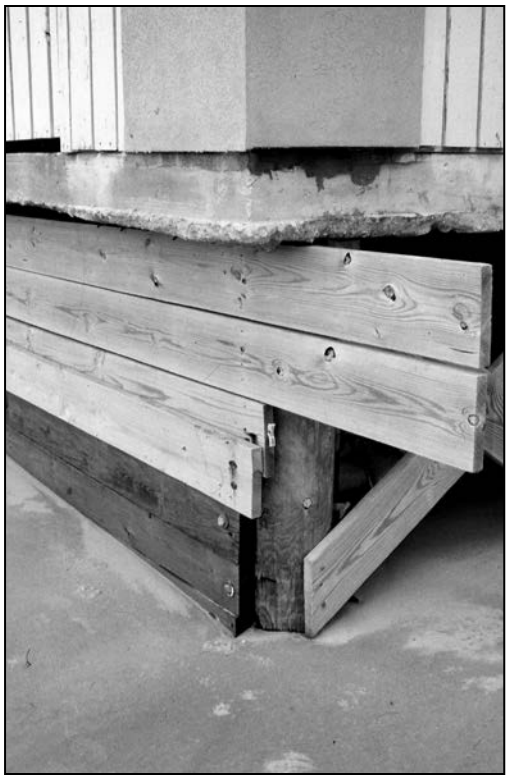
Guidance for evaluating potential effects of erosion control structures on waves is contained in the U.S. Army Corps of Engineers *Coastal Engineering Manual* (2002 and updates). Generally, erosion control structures with a steep face (1:2 [vertical to horizontal] or steeper) result in the greatest wave runup.



Figure 24: Wave runup and overtopping at an erosion control structure

Although the NFIP does not prohibit bulkheads, seawalls, retaining walls, or revetments outside a building's footprint, communities and design professionals must carefully consider the potentially significant effects of these structures. A general rule of thumb is the greater the horizontal distance between an erosion control structure and a building, the less likely that wave runup and overtopping will adversely affect the building. Although local or state regulations may prohibit the construction of erosion control structures until erosion is within a few feet of a building foundation (to maximize the recreational beach area seaward of the structure), the proximity of erosion control structures to buildings may contribute to wave runup and wave reflection damage.

Figure 25:
Shore-parallel timbers attached to a pile foundation that were intended to act as a bulkhead but constituted an obstruction and are not permitted



FEMA's coastal mapping guidance suggests that a 30-foot-wide "VE overtopping splash zone" (the area where waves breaking on or running up the seaward face of an erosion control structure land or splash down) be mapped landward of erosion control structures, but the guidance also contains site-specific calculations that can lead to a narrower splash zone. For floodplain management purposes, a 30-foot minimum splash zone width is desirable for new construction landward of existing erosion control structures, but this width may not be feasible for existing buildings situated close to erosion control structures. There is no established minimum distance between a building and an erosion control structure, but a reasonable minimum width is 10 to 15 feet. States and communities should take local conditions and observed building damage into account when establishing minimum distances.

7.4 Fences and Privacy Walls

Fences and privacy walls, including walls separating one property from another, may obstruct or divert flood flow and waves toward buildings. Their potential effects on buildings, including debris generation, should be evaluated. Open fences (e.g., wood, plastic, open masonry units, metal slat fencing with generous openings) are presumed to not cause harmful diversion of floodwater or wave runup and reflection. Fences with small openings and solid fences and walls may divert flow and waves and can trap debris.

Solid fences, privacy walls, and fences prone to trapping debris must be designed and constructed to fail under base flood conditions without causing harm to nearby buildings. Where building or fire codes require ground-level walls for tenant fire separation, designers should strive to satisfy code requirements while minimizing potential adverse effects from flood diversion.

Siting of new buildings near fences and privacy walls should be reviewed carefully given the impact that these structures could have on a building if they fail during a flood event. Figure 26 shows an example of a shore-perpendicular solid privacy wall that failed during a coastal flood event and damaged the pile foundation of an adjacent elevated building.

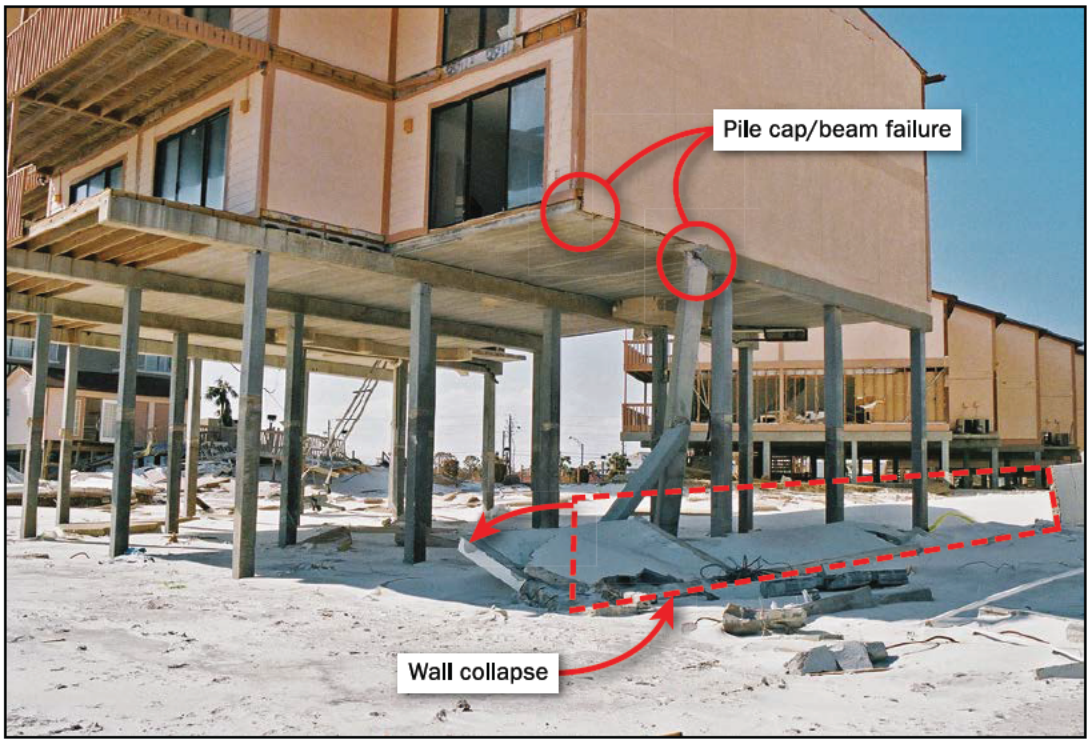


Figure 26: Shore-perpendicular reinforced masonry privacy wall that collapsed into the foundation of an adjacent building and contributed to failure of the corner foundation piling and pile cap/beam

7.5 Fill

NFIP regulations prohibit the use of fill for structural support of buildings in Zone V. Minor grading and the placement of minor quantities of nonstructural fill are allowed in Zone V but only for landscaping, drainage under and around buildings, and support of parking slabs, pool decks, patios, walkways, and similar site elements. Nonstructural fill should not prevent the free passage of floodwater and waves beneath elevated buildings, divert floodwater or waves such that building damage is exacerbated, or lead to damaging flood and wave conditions on a site or adjacent sites. Nonstructural fill should be assumed to wash away and should not be used in foundation design calculations.

Determining whether the placement and shaping of nonstructural fill will be detrimental is complicated. Therefore, some state and local

MINOR GRADING AND MINOR QUANTITIES OF NONSTRUCTURAL FILL

Minor grading: Minimum grading necessary to provide for landscaping and drainage purposes required or allowed by community regulations, subject to the limitations described in this Technical Bulletin.

Minor quantity of fill: Minimum quantity necessary to provide for adequate drainage of areas below and around elevated buildings; support of parking slabs, in-ground pool decks, decks, patios, walkways, and similar site elements; and for site landscaping, subject to the limitations described in this Technical Bulletin.

regulations essentially prohibit placement of any nonstructural fill in Zone V. However, such limits on nonstructural fill can also lead to problems such as ponding of rainfall around or under buildings. Other states and communities accept some (unspecified) amount of nonstructural fill provided an engineering analysis is performed and an engineer certifies that the fill will not lead to damaging flow diversion or wave runup and reflection. However, credible and defensible analyses are difficult to perform using current engineering methods and models for the small quantities of fill typically used on individual lots.

The placement of nonstructural fill in Zone V for landscaping, drainage, and slab support may be acceptable under certain circumstances using the evaluation criteria described below. Unless in conflict with state or local limitations, local officials are expected to apply these criteria using discretion to achieve the desired performance while giving deference to the general intent of the following criteria as described in the paragraphs that follow. Several criteria are listed, and they may not all agree, depending on specific circumstances.

7.5.1 Type of Fill

Fill placed on Zone V sites should be similar to natural soils in the area. In many coastal areas, natural soils are clean sand or sandy soils free of large quantities of clay, silt, and organic material. Nonstructural fill should not contain large rocks and debris. If the fill is similar to and compatible with natural soils, there is no need to require designers to investigate or certify whether the fill has a tendency for excessive natural compaction; an investigation or certification is a common requirement in many floodplain regulations. If the fill material is similar to natural soils, its behavior under flood conditions will be similar to the behavior of natural soils.

7.5.2 Fill Thickness

The addition of small thicknesses of site-compatible, nonstructural fill in Zone V is not likely to lead to adverse effects on buildings. There are no established rules as to what constitutes an acceptable fill thickness, so it must be addressed on a case-by-case basis and in some cases may require an engineering analysis of flow and wave effects of the fill. Designers should check with the community about fill thickness thresholds triggering engineering analyses.

Placement of up to 2 feet of fill under or around an elevated building can generally be assumed to comply with free-of-obstruction requirements and be acceptable without engineering analysis or certification, provided basic site drainage principles are not violated (see Section 7.5.4) and provided there are no other site-specific conditions or characteristics that would render the placement of the fill damaging to nearby buildings (e.g., if local officials have observed that the placement of similar quantities of fill has led to building damage during coastal storm events).

If fill is proposed for a site, the proposed final grade should be compared to local topography. If the proposed final fill configuration is below the threshold established by the community and the fill configuration is similar to grades and slopes in the immediate vicinity, a detailed analysis of the effects on flood flow and waves may not be needed. However, if the proposed fill configuration exceeds the community's configuration deemed to comply fill thickness threshold or the proposed fill configuration exceeds local grade heights and variations, an engineering analysis may be required by the community.

In cases where site development involves removing a layer of soil and fill is added to the site later, the fill thickness should be evaluated relative to the pre-removal soil elevation, not the removed soil elevation.

7.5.3 Prevention of Ponding

Most communities establish minimum floor elevations to ensure that water does not collect at or under buildings. Floor elevation requirements are frequently tied to nearby road elevations, and the quantity of fill required to raise building footprint areas typically falls within the fill height allowance mentioned in Section 7.5.2. There is no compelling reason to restrict the placement of site-compatible, nonstructural fill beneath buildings in Zone V if the fill will prevent ponding and saturated soil conditions, as long as other drainage requirements for grades and slopes can be satisfied.

7.5.4 Site Drainage Requirements

Most communities establish minimum slopes for building sites to facilitate drainage away from buildings (typically 1 unit vertical to 20 units horizontal [5 percent]). Slopes of 1 unit vertical to 3 units horizontal (or steeper) can produce appreciable wave runup. Conversely, slopes shallower than 1 unit vertical to 5 units horizontal (regardless of fill height) will probably not cause or worsen wave runup or wave reflection capable of damaging adjacent buildings. Figure 27 shows an example of fill placement that is considered acceptable because the fill depth is modest and the side slopes are gentle. FEMA's Hurricane Ivan Mitigation Assessment Team concluded that the presence and configuration of the fill did not cause additional flood or wave damage to either the elevated building or the nearby older non-elevated building (FEMA, 2005). The adjacent older, non-elevated building in Figure 27 would likely sustain structural damage during a coastal flood, even if the fill were not present. Swales and conventional site drainage practices should be used to mitigate potential effects of runoff from filled areas.



Figure 27: Post-hurricane photo showing an elevated building surrounded by gently sloping fill and an adjacent, damaged, older, non-elevated building

7.5.5 Vertical Clearance between Top of Fill and Bottom of Lowest Horizontal Structural Member of Lowest Floor

There are no established rules as to what constitutes acceptable vertical clearance, so it must be addressed on a case-by-case basis. Designers should check with the jurisdiction about minimum vertical clearance requirements.

When the BFE is above the existing ground, placement of nonstructural fill between the ground and the lowest horizontal structural member of the lowest floor may be permitted, but it is advisable to maintain some vertical clearance between the bottom of the lowest horizontal structural member and the top of the fill. Vertical clearance should be established to ensure that base flood flow and waves will pass beneath the elevated building and the fill will not contribute to wave runup and flood damage to the elevated building.

When the BFE is below the existing ground elevation (see Section 7.6), vertical clearance between the ground (including any nonstructural fill) and the lowest horizontal structural member of the lowest floor may not be needed as long as adequate site drainage is provided.

7.5.6 Fill Compaction

The NFIP regulations are explicit in that fill must not be used for structural support of buildings in Zone V. However, compaction of fill below and around elevated buildings used to support parking slabs, in-ground pool decks, patios, sidewalks, and similar site amenities is consistent with the intent of the regulations.

7.5.7 Dune Construction, Repair, and Reconstruction

Dunes are natural features in many coastal areas, and they can erode during storms and recover naturally over time. The natural recovery process can be accelerated by replacing the eroded dune with compatible sand, planting dune grasses, and installing sand fences (see Chapter 5 of *The Dune Book* [Rogers and Nash, 2003]). In general, these activities should not be considered detrimental even if part of the dune lies under a building's footprint. The addition of sand to restore a site to its pre-storm grades and stabilization with dune vegetation will likely do more good than harm in terms of flood damage reduction.

DUNE EXCAVATION MAY INCREASE POTENTIAL FLOOD DAMAGE

Communities must prohibit manmade alteration of sand dunes in Zone V if such alteration would increase potential flood damage (per 44 CFR § 60.3(e)(7)). Where the ground (dune) elevation is at or above the BFE, excavation to place the bottom of the lowest horizontal structural member of lowest floor at the BFE is not recommended and may in fact violate the limitation on alterations that increase potential flood damage.

Concerns about placement of nonstructural, clean sand under and around beachfront buildings should not be the basis for prohibiting dune maintenance and construction, beach nourishment, or similar activities. Dune construction, repair, and reconstruction under or around elevated buildings may be assumed to be acceptable as long as the scale and location of the dune work is consistent with local beach-dune morphology and reasonable vertical clearance is maintained between the top of the dune and the elevated building's floor system. ASCE 24-14 permits

dune construction and reconstruction under and around elevated buildings but requires an engineering report documenting that the fill placement will not cause building damage by wave runup or reflection or deflection of floodwater.

7.5.8 Timing of Fill Placement

Sometimes fill is placed on a site months or years before building construction begins. This can be problematic unless the community tracks site improvements and fill placement. If the original natural grade elevation is unknown, borings or other site investigations may be required to determine the depth of fill and ensure adequate foundation depth.

7.6 Ground Elevations At or Above the Base Flood Elevation

In some Zone V areas, ground elevations are at or above the BFE, particularly along shorelines with well-developed dune fields. Mapped Zone V areas with ground above the BFE seem counterintuitive, but they are possible because of two Zone V mapping considerations:

- **Dune erosion.** Dunes can erode during the base flood (or lesser floods), resulting in a substantial lowering of the pre-storm grade to a level below the BFE. The BFE is mapped based on surge and waves passing over the eroded and inundated ground surface.
- **Presence of a primary frontal dune (PFD).** Zone V is mapped at a minimum to the inland extent (heel) of the PFD, even where the dune elevation is higher than the BFE (FEMA, 2014).

A ground elevation at or above the BFE may complicate the need to comply with Zone V design and construction requirements but does not eliminate it. It does raise the question of how the free-of-obstruction requirement applies in this situation: Because the soil at the site may erode during a coastal flood event, the area under the building will be exposed, and the exposed area must be free of obstructions.

The same free-of-obstruction considerations that apply to buildings elevated above grade apply to buildings where the BFE is below grade. Buildings must still be designed and constructed on pile or column foundations that are embedded deep into the ground, and the bottoms of the lowest horizontal structural members supporting the lowest floor must still be at or above the BFE. Vertical clearance between the bottom of the lowest horizontal structural member and the ground (see Section 7.5.5) is not required by the NFIP where ground elevations are at or above the BFE; however, communities should be contacted because they may have vertical clearance requirements. Any lowest horizontal structural members that come in contact with the fill must be composed of materials that can resist ground contact moisture levels. Minor site grading to drain water away from the foundation will also be necessary.

7.7 On-Site Septic Systems

On-site buried septic systems and mounded septic systems in Zone V are frequently exposed and/or displaced. In addition to compromising their subsequent use, damage can cause release of contents. Septic systems are often destroyed if they are near a shoreline. Therefore, septic systems should be located outside areas subject to erosion during the base flood or, if placed in an area subject to erosion, installed below the depth of expected erosion. The latter stipulation may conflict with septic system groundwater considerations, in which case an on-site septic system is not appropriate for the area, and alternate designs may be necessary.

On-site septic system tanks serving elevated buildings must not be structurally attached to building foundations. Plumbing and piping connections are required, and these items are allowed in Zone V. However, plumbing and piping components must not be attached to or pass through breakaway wall panels.

If mounded septic systems are used, they can require significant volumes of fill, which, if placed under or immediately adjacent to buildings, may constitute obstructions that divert flood flow and waves. An analysis of flow and wave effects should be undertaken. Mounded septic systems may be allowed in Zone V if they will not worsen flood and wave conditions for the buildings they serve or nearby buildings (see Section 7.5.2 for guidance on evaluating mounded systems near elevated buildings).

An additional consideration for on-site septic systems in Zone V is stated in 44 CFR § 60.3(a)(6)(ii) of the NFIP regulations, which requires "on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding." FEMA P-348 provides additional guidance.

7.8 Restroom Buildings and Comfort Stations

Restroom buildings and comfort stations must be treated the same as other types of structures in Zone V and must meet the same elevation and design requirements as other buildings, even when the facilities are situated in public parks or recreation areas.

7.9 Swimming Pools and Spas

Three primary considerations relate to the placement of swimming pools and spas under or adjacent to buildings in Zone V:

- Whether the pool or spa will cause increased flood loads on buildings or exacerbate scour and erosion near buildings.
- Whether the pool or spa configuration is subject to NFIP use limitations for enclosed areas under elevated buildings.
- Whether a removable enclosure is placed around a pool or spa (usually in the winter) that will cause increased flood loads on buildings or exacerbate scour and erosion near buildings. NFIP flood insurance treats these enclosures as permanent enclosures even if they are only used seasonally or for short periods of time.

SWIMMING POOLS AND SPAS

Pools and spas adjacent to coastal buildings are allowed only if they will not act as obstructions that could lead to damage to nearby buildings. This effectively means that most pools and spas must be installed in-ground (either frangible or immovable) or completely elevated above the BFE. Swimming pools, spas, and related equipment are not covered by NFIP flood insurance.

Pools, pool decks, and walkways that are placed under or adjacent to coastal buildings must be structurally independent of the buildings and their foundations and must not contribute to building or foundation damage during the base flood. Three options, also recognized by ASCE 24-14, Section 9.6.2, satisfy this requirement:

- The pool can be elevated so the bottom of the lowest horizontal structural member supporting the pool (and the pool itself) is at or above the required flood elevation, or

- The pool can be designed and constructed to break away without producing debris capable of damaging nearby buildings, or
- The pool can be designed and constructed to remain in the ground and not divert flow or waves that can damage nearby buildings.

Registered design professionals must certify that pools or spas beneath or near buildings in Zone V will not be subject to flotation or displacement that will damage building foundations during a base flood or lesser event. In cases where pools are empty part of the year, flotation calculations should assume that pools are empty. Figure 28 shows a spa that was displaced and likely caused the failure of two piles that supported an elevated deck.



Figure 28:
Failure of two piles supporting an elevated deck that was likely caused by movement of a spa

The NFIP permits swimming pools and spas beneath elevated building only if the top of the pool or spa and accompanying deck or walkway are flush with the existing grade and the area around the pool or spa remains unenclosed. However, some states and communities may prohibit or restrict unenclosed pools and spas beneath elevated buildings. Designers should check with the local jurisdiction for any additional requirements.

The NFIP limits the use of enclosures under elevated buildings to parking of vehicles, building access, and storage. Because pools and spas do not satisfy these limitations, they are not allowed to be enclosed, even if enclosed by glass or breakaway walls. Use of lattice and insect screening is permitted around pools and spas below elevated buildings.

8 References

This section lists the references cited in this Technical Bulletin. Additional resources related to NFIP requirements are provided in Technical Bulletin 0.

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Technical Bulletin 0, *User's Guide to Technical Bulletins*

Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas*

Technical Bulletin 4, *Elevator Installation for Buildings Located in Special Flood Hazard Areas*

Technical Bulletin 9, *Design and Construction Guidance for Breakaway Walls Below Elevated Buildings Located in Coastal High Hazard Areas*

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From: [redacted]
To: David Schoon
Cc: Ann Klaassen
Subject: Inclusion of Dowding questions in the ZBA agenda pack
Date: Wednesday, November 6, 2024 11:28:25 PM
Attachments: image003.png
image004.png
Baird 2.pdf
AECOMShorelinePropertyLimits 14 Nov 2022.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr Schoon

Please include this letter in the agenda packet for the ZBA's meeting on 11 November 2024. Attached are the two documents cited in these materials but not part of the WPD's SUP application. They are separated from this agenda pack material so as to be in the possession of the Community Development office for your reference, but not increase the size of the ZBA's data pack. Baird 2 is the 12 Sept 2023 Winnetka Notice of Final Approval for 205 Sheridan Rd's IDNR permit application for beach reconstruction from which drawing CO2 was extracted. AECOMShorelinePropertyLimits...contains the photograph showing how the Ordinary High Water Mark was established for 205's application for beach reconstruction and that sand existed shoreward of the OHWM at the location the WPD claims it was later accreted. Please acknowledge receipt of these materials.

Charles Dowding
968 Elm St
Winnetka IL
[redacted]

1. When will the ZBA and staff address the photographic evidence below that sand existed shoreward of the elevation 582 "wrack" line all along 205's beach prior to construction of 205 Sheridan Rd's rock groin? It is thus not accreted and thus is not necessarily public as asserted by WPD. This information is contained in AECOM's 30 September letter to the IDNR that has been sent separately to Winnetka Community Development. The photo below and accompanying text was provided in the agenda packet for the 10-14 ZBA meeting.

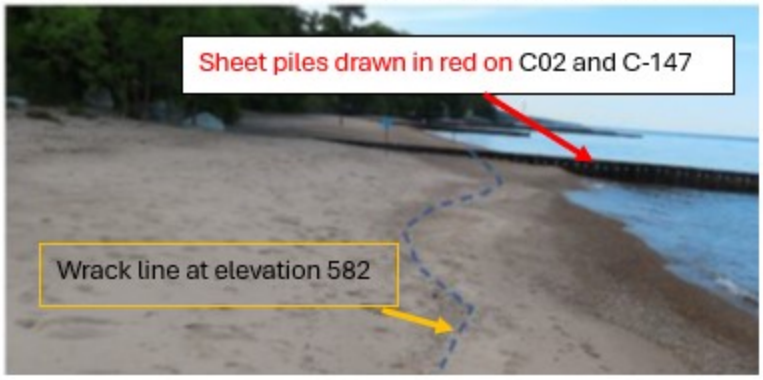
2. When will the ZBA and staff address the implication of WPD's failure to provide the required 6 foot of safe passage to adjacent pubic land within its own property as illustrated below on both 205 Sheridan's IDNR permit application (C-02) and WPD's SUP application (C-147) and required by
   Winnetka zoning ordinance 15.78.080 E and
   IDNR administrative law/procedures

When will the ZBA and staff address the photographic evidence below that sand existed shoreward of the elevation 582 "wrack" line all along 205's beach prior to construction of 205 Sheridan Rd's rock groin? It is thus not accreted and thus is not necessarily public as asserted by WPD. This information is contained in AECOM's 30 September letter to the IDNR that has been sent separately to Winnetka Community Development. The photo below and accompanying text was provided in the agenda packet for the 10-14 ZBA meeting.

When will staff address the implication of WPD's failure to provide the required 6 foot of safe passage to adjacent pubic land within its own property as illustrated below on both 205 Sheridan's IDNR permit application (C-02) and WPD's SUP application (C-147) required by

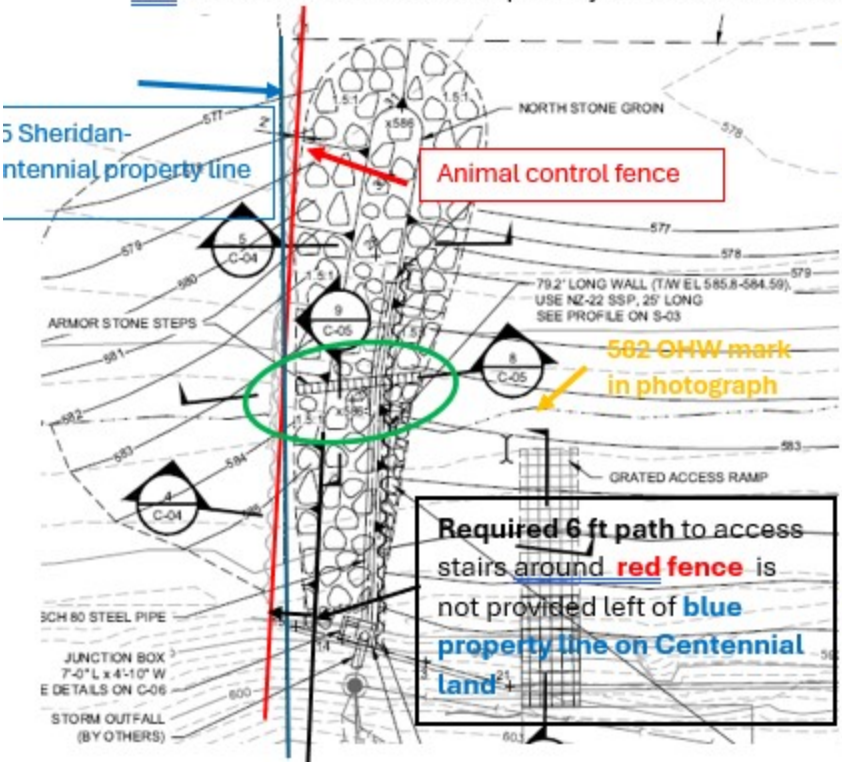
Winnetka zoning ordinance 15.78.080 E
IDNR administrative law/procedures

A) Verbatim copy of letter to IDNR from AECOM engineer, William Weaver, 30 Sept 2022 that defines the OHW Mark and annotated photograph.



"The High Water Mark for this site is currently 582.0. This elevation was observed in the field and surveyed. The line is estimated based on the impressions in the sand that indicate the current high-watermark limits. There are wrack lines where organic material, cobbles, and other debris that follow a consistent elevation along the beach. In addition, the beach slope flattens markedly above this line. The following photograph illustrates the location of the OHW line."

B) Figure C02 from 205's IDNR permit application with Winnetka's notice of final approval dated Sept 12, 2023 This document has been sent separately to Winnetka Community Development.



The sheet pile wall (wavy line with **red line for animal fence**) and the 205 Sheridan – Centennial **property line in blue** cross at the **access stairs to public land encircled in green**.

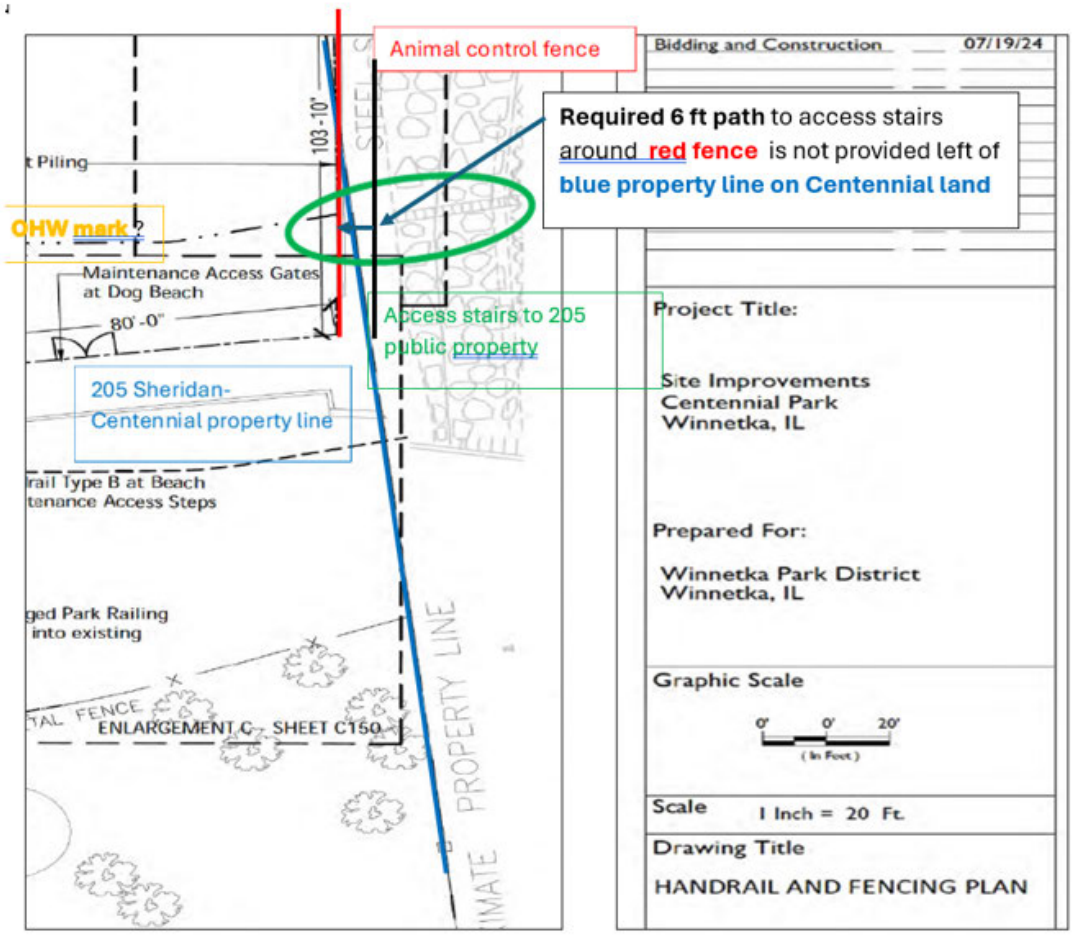
1) The animal fence prevents direct access the IDNR required access stairs

2) The WPD stipulates that access is provided by walking between the fence and the rock groin (shown a boulders) because this land is accreted and thus is public. **This stipulation is contrary to the 2022 photograph above showing sand in place shoreward of the elevation 582 OHW mark and left of the new rock groin. This non accreted land landward of 582 can be claimed by 205 as private.**

3) **The special line in C02 is elevation 582 at the time of the permit.** The public access stairs required by the IDNR are lakeward of the line, and the private, grated access ramp stops shoreward of that line.

4) The only land shoreward of 582 that belongs to the WPD lies between the red fence and blue property line, which virtually disappears at 205's IDNR required access stairs to public land. Thus
    a. The animal control fence prevents WPD from providing access to public land within the property owned by the WPD or adjacent public land and thus violates Winnetka ordinance 15.78.080 E
    b. The animal control fence violates IDNR requirements to provide access to adjacent land
5) This lack of access on WPD land is confirmed by Drawing C-147 in WPD's SUP application below, C).

C) Drawing C-147 of WPD SUP application annotated to show lack of provision of the required 6 foot of safe passage on either WPD land or any public land. As described by the AECOM 30 Sept letter and drawn in C02 of the Village's approved final notice of approval, the land shoreward of the elevation 582 "wrack" line is private. As shown in the photograph on page 1 of this letter, the sand north of the new rock groin existed before construction of the groin and therefore was not accreted.



Illinois Department of
Natural Resources
One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov
JB Pritzker, Governor
Colleen Callahan, Director

Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle St., S-703, Chicago, IL 60601

Illinois Department of Natural Resources, Office of Water Resources
Public Notice

Construction of Shore Protection System, in Lake Michigan,
at 205 Sheridan Road, Winnetka, IL 60093

Orchard 2020 Revocable Trust, 205 Sheridan Road, Winnetka, IL 60093 has applied for an Illinois Department of Natural Resources, Office of Water Resources permit for the construction of a shore protection system, in Lake Michigan, at 205 Sheridan Road, Winnetka, IL 60093.

The applicant has approximately 320 ft. of Lake Michigan shoreline which is currently protected by two steel sheet pile groins (central and south), a shore parallel stone breakwater and shore parallel steel sheet piling, and retaining walls. The applicant proposes a new shore protection system consisting of a stone shore perpendicular groin, a new steel sheet pile pier, and a stone shore parallel breakwater. Other work will include two stormwater infiltration galleries and a steel boat ramp. The proposed stone groin will be located along the north property line. The groin will be approximately 125 ft. long with a crest elevation of 591 ft. on the landward end tapering to 587 ft. on the lakeward end. A stormwater gallery will be encased in the proposed stone groin. This gallery will consist of three 2 ft. diameter perforated pipes. The existing center groin and existing shore parallel breakwater and sheet pile will be removed. The existing 70 ft. long south groin will be extended 35 ft. lakeward. A new 105 ft. long steel sheet pile groin will be installed 8 ft. north of the existing south groin. The area between the two sheet piles walls will be filled with crushed stone and capped with concrete creating a pier. The deck elevation will be approximately 591 ft. on the landward end tapering to 587 ft. on the lakeward end. A single perforated storm water pipe will be installed between the two steel sheet pile walls. The propose stone breakwater will start at the lakeward end of the existing south groin and travel north. The breakwater will have a crest elevation of approximately 587 ft. The proposed boat ramp will be approximately 55 ft. long by 12 ft. wide with a crest elevation of approximately 590 ft. The ramp will be built on steel H-piles with a steel grated deck. Approximately 2,332 cubic yards of clean sand will be placed as pre-mitigational fill. All elevations are in International Great Lakes Datum 1985 – Adjusted. The proposed project will be reviewed using the Department's Part 3704 Rules. A location map and plans are attached to this notice.

No work is to start on this project unless and until such a time that the permit is issued.

Plans for the work may be seen at the Office of Water Resources, Chicago Office, 100 W. Randolph Street 15th floor, Chicago, Illinois 60601. Inquiries and requests to review the plans may be directed to James Casey of the Chicago Office at james.casey@illinois.gov. An expanded version of the public notice can be viewed at http://www.dnr.illinois.gov/WaterResources/Pages/PublicNotices.aspx. You are invited to send comments regarding the work to the Chicago Office through December 13, 2022.

November 14, 2022

AECOM
303 East Wacker Drive, Suite 1400
Chicago, IL 60601-5276
www.aecom.com

312.373.7700 tel
312.373.6800 fax

September 30, 2022

Mr. Soren Hall
Senior Project Manager
U.S. Army Corps of Engineers
Chicago District Regulatory Branch
231 South LaSalle Street
Suite 1500
Chicago, IL 60604

Mr. James Casey
Illinois Department of Natural Resources
Office of Water Resources
Lake Michigan Management Section
160 N LaSalle Street
Suite S-703
Chicago, IL 60601

Subject: **Proposed Shoreline Protection Project**
Lake Michigan at 205 Sheridan Road, Winnetka, Illinois
Section 404/401, Section 10, and IDNR Navigable Waterway Permit Application
AECOM Project No. 60668091

Soren Hall & Jim Casey,

The attached permit application and report provide information that supports a permit application for a Regional Permit under the Regional Permit Program for the shoreline protection structures and sand nourishment at 205 Sheridan Road in Winnetka, Illinois. The project will address shoreline, beach erosion, coastal structure damage and bluff damage that has occurred at this site.

If you have any questions regarding this submittal, please contact Bill Weaver at (847) 323-2171.

Sincerely,

[redacted]

[redacted]

Samuel Shaffer
Project Engineer

William J. Weaver, P.E., D.WRE
Vice President – Sr. Principal Engineer

Attachments
Attachment A – Joint Permit Application
Attachment B – Project Plans
Attachment C – List of Neighboring Properties
Attachment D – Beach Nourishment Computations

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1.0 Project Introduction and Need

The shoreline at this property, located at 205 Sheridan Road in Winnetka, is approximately 320 feet long. Figure 1 illustrates the property location on an aerial photograph. A location map is also provided in the attached drawings. The shoreline has been significantly damaged during the recent prolonged period of high-water levels. The damage includes beach erosion, steel groin unraveling, armor stone damage bluff wall damage at the toe of bluff slope, and downcutting of the native clay soils in the nearshore areas.

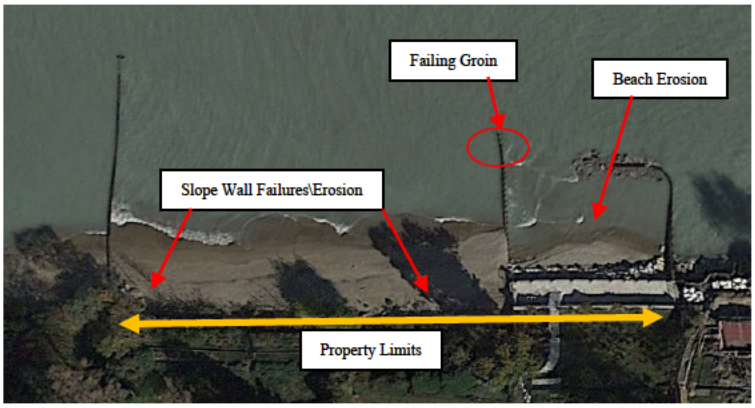


Figure 1: Aerial Photo

This application for a "Regional Permit" under the Regional Permit Program includes shoreline construction east of the existing toe of bluff slope. The project includes the following elements as illustrated on the attached plans:

- A stone groin at the north property line will address wind and wave erosion and support beach stability.
- A native vegetation area will be constructed south of the north breakwater.
- The removal of a failing steel groin in the middle portion of the property will be replaced with a shore parallel breakwater.
- The existing steel groin and damaged stone breakwater at the south end of the property will be replaced with a new steel sheet pile groin.
- Placement of beach sand nourishment with overfill to establish the stable beach position.
- Construction of a grated access ramp and stair from upland to the beach.
- Existing armor stone from the failing breakwater areas will be re-tasked in the proposed armor stone structures if the stone meets design specifications and quality.



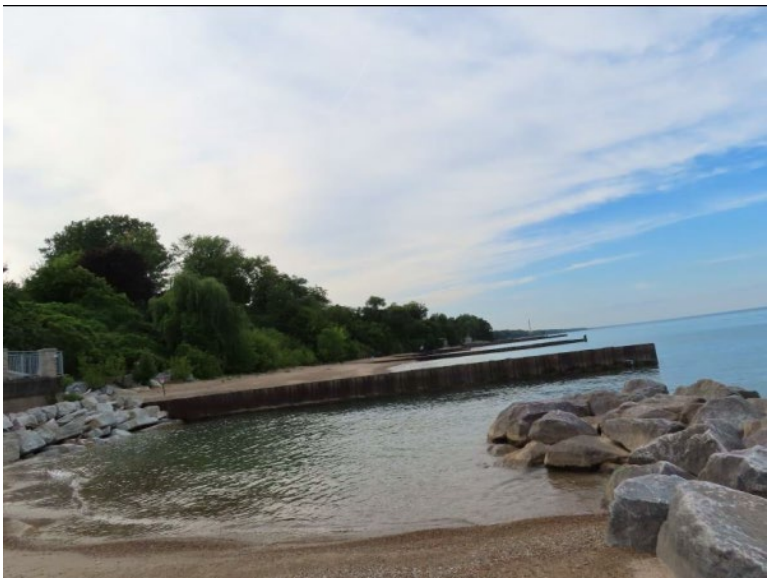
Bluff Toe Erosion and Damaged Retaining Walls



Existing South Groin, Beach Erosion and Damaged Breakwater



Existing Central Groin Structure Failure Progression



Beach Erosion

The proposed stone coastal structures will stabilize the beach, eliminate bluff toe erosion, and replace failing existing coastal structures. A stable beach provides a filter between land and lake and provides water quality benefits for the lake. It also provides a flexible buffer protecting the native clay soils that are an important foundation that helps keep adjacent bluffs stable. Proposed drawings are provided in Attachment B.

2.0 High Water Mark

The High Water Mark for this site is currently 582.0. This elevation was observed in the field and surveyed. The line is estimated based on the impressions in the sand that indicate the current high-water mark limits. There are wrack lines where organic material, cobbles, and other debris that follow a consistent elevation along the beach. In addition, the beach slope flattens markedly above this line. The following photograph illustrates the location of the OHW line.



VILLAGE·OF·WINNETKA

Incorporated in 1869

Date: September 12, 2023
From: James Bernahl, PE, CFM, Director of Engineering/Village Engineer
Obaid Khalid, PE, CFM, Assistant Village Engineer/Stormwater Manager
Re: 205 Sheridan, Winnetka, Illinois
Lakeshore Improvements – Notice of Final Approval

Per Chapter 15.78 of the Village Code, these comments pertain to the application for the Village permit for the shoreline protection project being proposed at 205 Sheridan as part of the new home construction. The shoreline protection plans, and accompanying documents were sent to a third-party Coastal Engineer for review. Comments for the project are included below:

1. The applicant shall reimburse the Village of Winnetka for all fees associated with the review by the third-party Costal Engineer. Attached is a copy of the final invoice for these fees totaling **$4,996,75**. Payments shall be made at the Village of Winnetka Finance office located at 510 Green Bay Road. Once payment has been made, please provide a copy of the receipt to the Engineering Department for confirmation.

2. Permitting Agency Permits: This is a requirement of Section 15.78.080 (A) of the Village Code that states that the applicant has received and provided the Village all required permits for the Covered Construction from the Permitting Agencies. It has been determined that all required regulatory permits have been received and meet these requirements. This approval shall apply to the final approved IDNR permit and attached plans dated September 1, 2023.

3. AS-BUILT REQUIREMENTS

   Important: An as built topographic survey (topographic survey after all construction grading and landscaping is completed) will be required to verify compliance with grading and drainage and floodplain requirements, prior to final inspection approval. If there are any grading/drainage disputes or disagreements, the Village of Winnetka reserves the right to require additional information, including a new storm sewer connection to the public storm sewer, and/or additional inlets or drainage swales.

Determination:

Based on the determination above, and upon payment to the Village of Winnetka for the reimbursement of Costal Engineering review fees, the Engineering Department officially approves the permit for the proposed lake front improvements.

The Village Engineer as part of this technical review has determined that the applicant has met the Village's requirements for the proposed lake front improvements and construction under the standards in Chapter 17.58 of the Village Code. This letter should be deemed as a final approval and permit of record for the proposed Covered Construction. This approval is based on the Village receiving the additional information noted above, and the agreement to submit certified AS-BUILT drawings for the completed lake front improvements.

Baird.

W.F. Baird & Associates Ltd.

Office | 2924 Marketplace Drive, Suite 200, Madison, WI 53719, USA
Phone | +1 608 273 0592 Email | madison@baird.com

Memorandum

Reference # 13918.101.M1.Rev0

Status: Correspondence

July 20, 2023

Attention:	**Robert Bahan,**
CC:	James Bernahl, P.E., CFM
From:	Caleb Barth, P.E.

RE: 205 SHERIDAN RD. – VILLAGE OF WINNTEKA PERMIT REVIEW

The Village of Winnetka (Village) has requested that W.F. Baird & Associates Ltd. (Baird) provide permit review services for a shoreline protection project at a private residence at 205 Sheridan Rd (Permittee). The permit application was reviewed for its conformance with Chapter 15.78 of the Village Code titled Lakefront Construction. The following memorandum summarizes the permit review process.

Permit Review 1

Initial Review and Request for Additional Information

The pertinent documents provided for the initial review consisted of the following:

- 20230309_AECOM_Revised Permit Drawings.pdf - received via FTP site upload from Village Engineering on 5/8/2023.
- Joint Permit Application - 20221104_IDNR_Public Notice.pdf - received via email from Village Engineering on 5/9/2023.

Baird provided eight (8) preliminary comments and requests for additional information which were delivered to the Village on May 11, 2023 (ref: 13918.101.L1.RevA) and sent to the Permittee on May 19, 2023. A summary of Permit Review 1 comments are as follows:

- North-South Breakwater: The documents provided for the initial review did not include adequate design information such as subsurface data, design water depth at structure, and design significant wave height required to determine if the proposed structure was in conformance with "what is minimally necessary to achieve the intended and proper purpose of the project" per Chapter 15.78 of the Village Code. Baird made assumptions on the missing data, estimated the design environmental conditions, evaluated the proposed structure design, and raised potential concerns. A request for additional information was included in the permit review response.
- North Stone Groin: The height of the north groin structure appeared in conflict with Chapter 15.78 of the Village Code. The permittee was requested to justify the design of the North Stone Groin. No major concerns were raised regarding the outfall structure.

- North Stone Groin Stairs: It is our opinion that the proposed location of the stairs will impede public and public safety operations access during above average water levels. The location of the stairs appear to be in conflict with Chapter 15.78 , "E. No Public Safety Hazard" and "F. Interference with Public Safety Operations." The permittee was requested to move the stairs landward.

Response from Permittee

The Permittee provided a response to the comments on May 22, 2023. The response included clarifications and some requested additional information. A conference call was conducted on June 1, 2023 to provide the Permittee an opportunity to discuss their response to the comments.

No changes to the design were proposed by the Permittee in the response to Permit Review 1.

Permit Review 2

Permit Review

With the additional requested data provided by the Permittee, Baird reevaluated the proposed project and the original 8 comments. A summary of Permit Review 2 comments are as follows:

- General: 4 of the 8 Permit Review 1 comments were closed out and 1 new comment was added.
- North-South Breakwater: In our opinion, the design of the North-South Breakwater meets the Village Code requirements for "what is minimally necessary to achieve the intended and proper purpose of the project". The height of the structure was reviewed using the ratio of the freeboard (F) (distance from the design water elevation to the structure crest elevation) to the significant wave height (Hs). Using the subsurface data provided by the Permittee, the relative freeboard (F/Hs) is approximately 0.3 under the design water level, wave conditions, and potential subsurface erosion/downcutting. A relative freeboard of 0.3 represents a low-crested breakwater that is subject to severe wave overtopping under the design conditions. For the goal of stabilizing the beach behind the breakwater and minimizing the formation of an embayment, a relative freeboard of 0.3 is reasonable.
- North Stone Groin: The response from the Permittee discussed the importance of the structure elevation for the stormwater outfall design/performance. The permittee did not provide an adequate response to justify the crest elevation of the North Stone Groin from a shore protection requirement. During this stage of the review, it appeared that the design of the storm water outfall was driving the elevation of the North Groin Structure. The height of the groin appeared to be in conflict with Chapter 15.78 , "D. Project Scope" and "G. Existing Sight Lines."
- North Stone Groin Stairs: No change to this comment. The location of the stairs appear to be in conflict with Chapter 15.78 , "E. No Public Safety Hazard" and "F. Interference with Public Safety Operations."
- South Steel Sheet Pile (SSP) Groin Access Stairs: A new comment was added regarding fall hazards near the stairs which appear to be in conflict with Chapter 15.78 , "E. No Public Safety Hazard."

Response from Permittee

The Permittee provided a response to the comments on June 9, 2023, provided revised drawings on June 12, 2023, and a conference call was held on June 13, 2023.

The revised drawings included changes to the height of the North Stone Groin (see Table 1), a reduced lakebed footprint of the North Stone Groin, and a 1-foot lower stormwater outfall pipe invert elevation to accommodate the new proposed groin crest elevation.

Permit Review 3

Permit Review

Baird evaluated the responses to the 5 open comments and the conformance of the revised plans with the Village Code. A summary of Permit Review 3 comments are as follows:

- North Stone Groin: The site line impacts were reduced with the changes to the plans, however, the height of the groin appeared to remain in conflict with Chapter 15.78 , "D. Project Scope" and "G. Existing Sight Lines." Our professional opinion was that the primary purpose of the proposed improvements (mitigate bluff toe erosion) could still be met with a lower crest elevation North Groin Structure.
- North Stone Groin Stairs: The location of the stone groin stairs was not changed in the revised plans. The location of the stairs appear to remain in conflict with Chapter 15.78 , "E. No Public Safety Hazard" and "F. Interference with Public Safety Operations."
- South Steel Sheet Pile (SSP) Groin Access Stairs: During the conference call held on June 13, the Permittee indicated that they were directed to remove the proposed handrail/guardrail by the Illinois Department of Natural Resources. This comment was no longer tracked in Baird's technical review.

Response from Permittee

The permittee provided a response to the comments and revised drawings on June 29, 2023.

The revised drawings included changes to the height of the North Stone Groin (see Table 1), a reduced lakebed footprint of the North Stone Groin (approximate 20-25% reduction from the original plans), a new stormwater outfall design to accommodate the new proposed groin crest elevation, and the relocation of the north stone groin stairs closer to the toe of the bluff.

Interim Approval

With the changes to the design provided in the permit drawing provided on June 29, 2023, it is our opinion that the project is in conformance with Chapter 15.78 of the Village Code titled Lakefront Construction, and the Village provided interim approval of the project on July 6, 2023.

Table 1: Changes to the Height of North Stone Groin in Response to Permit Reviews

Approx. distance from toe of bluff	Elevation of sand north of existing groin (NAVD88) [1]	Original Crest Elevation (NAVD88)	Original Site Line Impact		Permit Review 2 Revision - Proposed Crest Elevation (NAVD88)	Permit Review 2 Revision - Site Line Impact		Final Revised Crest Elevation (NAVD88)	Final Site Line Impact
0 ft	586 ft	591 ft	5 ft		589 ft	3 ft		588 ft	2 ft
40 ft	582 ft	591 ft	9 ft		589 ft	7 ft		586 ft	4 ft
70 ft	579 ft	587 ft	7.8 ft [2]		587 ft	7.8 ft [2]		586 ft	6.8 ft [2]
100 ft	577 ft	587 ft	7.8 ft [2]		587 ft	7.8 ft [2]		586 ft	6.8 ft [2]

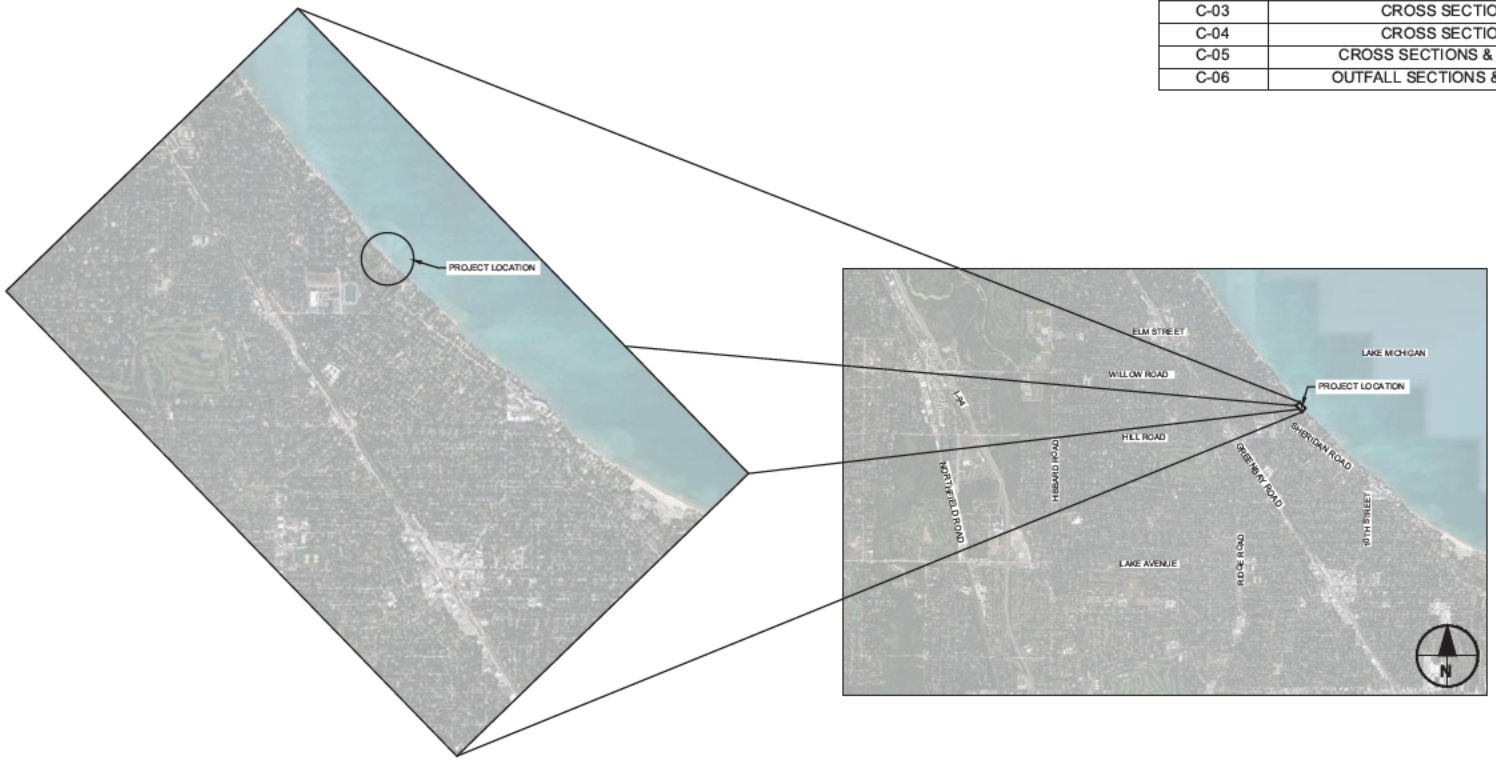
[1] The elevations provided for comparison are existing sand elevations according to the permit plans. The Permittee is expected to place sand north of the proposed North Stone Groin where sand is expected to accrete post-construction, which will reduce the site line impact.
[2] The Site Line Impact calculation for in-water sections of the groin is height above long-term average lake level (579.18 ft NAVD88).

Lake Michigan at 205 Sheridan Road
Winnetka, Illinois

PROPOSED SHORELINE PROTECTION

FINAL SUBMISSION TO VILLAGE OF WINNETKA FOR PERMIT
2023

Sheet List Table	
Sheet Number	Sheet Title
G-01	COVER SHEET
G-02	GENERAL NOTES
C-01	EXISTING CONDITIONS PLAN
C-02	PROPOSED PLAN
C-03	CROSS SECTIONS
C-04	CROSS SECTIONS
C-05	CROSS SECTIONS & DETAILS
C-06	OUTFALL SECTIONS & DETAILS



AECOM

PROJECT
PROPOSED SHORELINE PROTECTION
205 Sheridan Road
Winnetka, Illinois 60093

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REGISTRATION

ISSUE/REVISION

I/R	DATE	DESCRIPTION
12	2023-06-29	FINAL SUBMISSION TO VILLAGE OF WINNETKA FOR PERMIT
11	2023-05-16	ISSUED FOR BID
10	2023-04-28	MWRD ISSUED FOR PERMIT
9	2023-04-19	MWRD ISSUED FOR PERMIT
8	2023-04-17	MWRD ISSUED FOR PERMIT
7	2023-04-07	MWRD ISSUED FOR PERMIT
6	2023-03	MWRD ISSUED FOR PERMIT
5	2023-03-07	RE-ISSUE FOR IDNR/IEPA PERMIT
4	2023-01-31	RE-ISSUED FOR PERMIT
3	2022-11-02	RE-ISSUED FOR PERMIT
2	2022-10-28	RE-ISSUED FOR PERMIT
1	2022-09-30	ISSUED FOR PERMIT

KEY PLAN

PROJECT NUMBER
60668091

SHEET TITLE
COVER SHEET

SHEET NUMBER
G-01 1 OF 8

GENERAL NOTES:

1. VERIFY EXISTING CONDITIONS, DIMENSIONS, ELEVATIONS, AND QUANTITIES IN THE FIELD PRIOR TO BIDDING, FABRICATING AND INSTALLING ANY MATERIALS OR COMMENCEMENT OF ANY WORK. START OF WORK SHALL CONSTITUTE FINAL ACCEPTANCE OF QUANTITIES INDICATED. ANY DISCREPANCIES BETWEEN INFORMATION SHOWN ON THESE DRAWINGS AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.
2. ALL WORK AND MATERIALS SHALL CONFORM TO THE APPLICABLE SECTIONS OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, 2016 EDITION, ALL ADDENDA THERETO, AND SUPPLEMENTAL SPECIFICATIONS, WHICH SHALL BE REFERENCED AS STANDARD SPECIFICATIONS. CONTRACTOR SHALL OBSERVE THE SCOPE OF WORK, CONTROL OF WORK, CONTROL OF MATERIALS, LEGAL REGULATIONS AND RESPONSIBILITY TO THE PUBLIC, PROSECUTION AND PROGRESS, AND MEASUREMENT AND PAYMENT, IN CONFORMANCE WITH SECTIONS [**104**] THROUGH [**109**] INCLUSIVE OF THE STANDARD SPECIFICATIONS.
3. NO BURNING OR INCINERATION OF RUBBISH WILL BE PERMITTED ON THE SITE.
4. IDOT STONE MATERIAL CLASSIFICATIONS REFER TO GRADATION ONLY. ALL STONE MATERIAL SHALL MEET THE QUALITY CRITERIA REQUIRED PER SPECIFICATION SECTION**02485**.
5. NO CONSTRUCTION MATERIAL SHALL BE STORED ON SITE WITHOUT ENGINEER APPROVAL.
6. ALL PROPOSED ELEVATIONS ARE PROVIDED IN NAVD88 UNLESS INDICATED OTHERWISE.
7. CONTRACTOR SHALL NOTIFY UTILITY CLEARANCE SERVICE AND PROVIDE WRITTEN DOCUMENTATION OF CLEARANCE TO OWNER PRIOR TO COMMENCING WORK. CONTRACTOR SHALL IMPLEMENT AND MAINTAIN ALL EROSION AND SEDIMENTATION CONTROL MEASURES IN CONFORMANCE WITH THE 2016 VERSION OF THE ILLINOIS URBAN MANUAL AND THE DETAILS PROVIDED ON THE CONTRACT PLANS.
8. FACILITIES TO REMAIN SHALL BE PROTECTED FROM DAMAGE AND, IF DAMAGED, SHALL BE REPLACED TO THE SATISFACTION OF THE OWNER. ANY EXISTING FACILITY WHICH IS REMOVED TO ACCOMMODATE CONSTRUCTION ACTIVITY OR DAMAGED DURING CONSTRUCTION SHALL BE REPLACED IN KIND.
9. THE CONTRACTOR SHALL PERFORM AND BE RESPONSIBLE FOR ALL CONSTRUCTION LAYOUT AND STAKING.
10. ALL WORK SHALL BE COMPLETED TO THE SATISFACTION OF THE OWNER AND THE ENGINEER.
11. CONTRACTOR IS SOLELY RESPONSIBLE FOR QUALITY CONTROL OF THE WORK. INSPECTION AND TESTING BY THE ENGINEER OR THE OWNER'S TESTING AGENCY ARE SOLELY AT THE DISCRETION OF THE OWNER, AND IN NO WAY RELIEVE THE CONTRACTOR OF SOLE RESPONSIBILITY FOR MAINTAINING A QUALITY CONTROL PROGRAM.
12. CONTRACTOR SHALL USE ADEQUATE NUMBERS OF SKILLED WORKMEN WHO ARE THOROUGHLY TRAINED, QUALIFIED, AND EXPERIENCED IN THE NECESSARY CRAFT AND WHO ARE COMPLETELY FAMILIAR WITH THE SPECIFIED REQUIREMENTS AND METHODS NEEDED FOR PROPER PERFORMANCE OF THE WORK
13. CONTRACTOR SHALL PROVIDE ALL NECESSARY SUPERVISION, PLANNING, SCHEDULING, COORDINATION, INSPECTION, TESTING, AND CONTROL TO PERFORM THE WORK.
14. CONTRACTOR SHALL MAINTAIN AREAS FREE FROM ACCUMULATIONS OF WASTE, DEBRIS, AND RUBBISH CAUSED BY CONTRACTOR OPERATIONS.
15. CONTRACTOR SHALL REMOVE ALL CONSTRUCTION RELATED DEBRIS FROM AREAS OUTSIDE THE LIMITS OF THE CONTRACTOR'S WORK AREA ON A DAILY BASIS.
16. CONTRACTOR SHALL LEGALLY DISPOSE OF ALL WASTE DEBRIS, SOIL AND RUBBISH AT DUMP AREAS OFF OWNER'S PROPERTY.
17. THE ELEVATION SHOWN ON PLANS REFLECT PROPOSED FINISHED GRADES, UNLESS OTHERWISE INDICATED.
18. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN EXISTING FIELD CONDITIONS BEFORE BIDDING ON THE PROJECT, SPECIFICALLY AS THEY RELATE TO LUMP SUM ITEMS.
19. ALL GROUND SURFACE DRAINAGE THAT EXISTED PRIOR TO CONSTRUCTION SHALL BE RESTORED AS SHOWN ON THE PLANS AND/OR AS DIRECTED BY THE ENGINEER. ALL COSTS OF RESTORATION SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
20. THE STANDARD SPECIFICATIONS, THESE CONSTRUCTION PLANS, AND SUBSEQUENT DETAILS ARE ALL TO BE CONSIDERED AS PART OF THE CONTRACT DOCUMENTS. INCIDENTAL ITEMS OR ACCESSORIES NECESSARY TO COMPLETE THIS WORK MAY NOT BE SPECIFICALLY NOTED BUT ARE TO BE CONSIDERED A PART OF THE CONTRACT.
21. NO CONSTRUCTION PLANS SHALL BE USED FOR CONSTRUCTION UNLESS SPECIFICALLY MARKED "FOR CONSTRUCTION" PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AFFECTING THEIR WORK WITH THE ACTUAL CONDITIONS AT THE JOB SITE. IF THERE ARE ANY DISCREPANCIES FROM WHAT IS SHOWN ON THE CONSTRUCTION PLANS, HE MUST IMMEDIATELY REPORT SAME TO THE ENGINEER BEFORE DOING ANY WORK, OTHERWISE THE CONTRACTOR ASSUMES FULL RESPONSIBILITY. IN THE EVENT OF DISAGREEMENT BETWEEN THE CONSTRUCTION PLANS, STANDARD SPECIFICATIONS AND/OR SPECIAL DETAILS, THE CONTRACTOR SHALL SECURE WRITTEN INSTRUCTIONS FROM THE ENGINEER PRIOR TO PROCEEDING WITH ANY PART OF THE WORK AFFECTED BY OMISSIONS OR DISCREPANCIES. FAILING TO SECURE SUCH INSTRUCTION, THE CONTRACTOR WILL BE CONSIDERED TO HAVE PROCEEDED AT HIS OWN RISK AND EXPENSE. IN THE EVENT OF ANY DOUBT OR QUESTION ARISING WITH RESPECT TO THE TRUE MEANING OF THE CONSTRUCTION PLANS OR SPECIFICATIONS, THE DECISION OF THE ENGINEER SHALL BE FINAL AND CONCLUSIVE.
22. ALL WORK PERFORMED UNDER THIS CONTRACT SHALL BE GUARANTEED AGAINST ALL DEFECTS IN MATERIALS AND WORKMANSHIP OF WHATEVER NATURE BY THE CONTRACTOR AND HIS SURETY FOR A PERIOD OF 12 MONTHS FROM THE DATE OF FINAL ACCEPTANCE OF THE WORK BY THE OWNER AND OTHER APPLICABLE GOVERNMENTAL AGENCIES.
23. BEFORE ACCEPTANCE BY THE OWNER AND FINAL PAYMENT, ALL WORK SHALL BE INSPECTED AND APPROVED BY THE OWNER OR HIS REPRESENTATIVE. FINAL PAYMENT WILL BE MADE AFTER ALL OF THE CONTRACTOR'S WORK HAS BEEN APPROVED AND ACCEPTED, AND IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
24. WHENEVER, DURING CONSTRUCTION OPERATIONS, ANY LOOSE MATERIAL IS DEPOSITED IN THE FLOW LINE OF GUTTERS, DRAINAGE STRUCTURES, DITCHES, ETC. SUCH THAT THE NATURAL FLOW LINE OF WATER IS OBSTRUCTED, THIS LOOSE MATERIAL SHALL BE REMOVED AT THE CLOSE OF EACH WORKING DAY BY THE RESPONSIBLE PARTY. AT THE CONCLUSION OF CONSTRUCTION OPERATIONS, ALL DRAINAGE STRUCTURES AND FLOW LINES SHALL BE FREE FROM DIRT AND DEBRIS. THIS WORK SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ADEQUATE SIGNS, TRAFFIC CONTROL DEVICES AND WARNING DEVICES TO INFORM AND PROTECT THE PUBLIC DURING ALL PHASES OF CONSTRUCTION. BARRICADES AND WARNING SIGNS SHALL BE PROVIDED IN ACCORDANCE WITH THE IDOT STANDARD SPECIFICATIONS. ALL TRAFFIC CONTROL WORK SHALL BE DONE IN ACCORDANCE WITH THE IDOT "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
26. WHERE OVERHANGING BRANCHES INTERFERE WITH OPERATIONS OF CONSTRUCTION, SAID BRANCHES SHALL BE TRIMMED AND SEALED IN ACCORDANCE WITH SECTION 255.09 OF THE IDOT STANDARD SPECIFICATIONS, AND THE COST OF SAME SHALL BE INCIDENTAL TO THE CONTRACT. TREES SHALL BE REMOVED ONLY AFTER RECEIVING APPROVAL OF THE OWNER.
27. ALL FIELD TILE ENCOUNTERED DURING CONSTRUCTION OPERATIONS SHALL BE EXTENDED TO OUTLET INTO AN EXISTING DRAINAGE WAY. IF THIS CANNOT BE ACCOMPLISHED, THEN IT SHALL BE REPAIRED WITH NEW PIPE OR SIMILAR SIZE AND MATERIAL TO THE ORIGINAL LINE AND PUT IN ACCEPTABLE OPERATING CONDITION. A RECORD OF THE LOCATION OF ALL FIELD TILE FOR ON-SITE DRAIN PIPE ENCOUNTERED SHALL BE KEPT BY THE CONTRACTOR AND TURNED OVER TO THE ENGINEER UPON COMPLETION OF THE PROJECT. THE COST OF THIS WORK SHALL BE CONSIDERED AS INCIDENTAL TO THE CONTRACT AND NO ADDITIONAL COMPENSATION WILL BE ALLOWED.
28. DURING CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL INSURE POSITIVE SITE DRAINAGE AT THE CONCLUSION OF EACH DAY. SITE DRAINAGE MAY BE ACHIEVED BY DITCHING, PUMPING OR ANY OTHER ACCEPTABLE METHOD. THE CONTRACTOR'S FAILURE TO PROVIDE THE ABOVE WILL PRECLUDE ANY POSSIBLE ADDED COMPENSATION REQUESTED DUE TO DELAYS OR UNSUITABLE MATERIALS CREATED AS A RESULT THEREOF.
29. THE ENGINEER AND OWNER ARE NOT RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, TIME OF PERFORMANCE, PROGRAMS OR FOR ANY SAFETY PRECAUTIONS USED BY THE CONTRACTOR. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR EXECUTION OF HIS WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND SPECIFICATIONS.
30. THE CONTRACTOR SHALL COMPLY WITH ALL STATE AND FEDERAL SAFETY REGULATIONS AS OUTLINED IN THE LATEST REVISIONS OF THE FEDERAL CONSTRUCTION SAFETY STANDARDS (SERIES 1926) AND WITH APPLICABLE PROVISIONS AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) STANDARDS OF THE WILLIAMS STELGER OCCUPATIONAL HEALTH STATE SAFETY ACT OF 1970 (REVISED). THE CONTRACTOR, ENGINEER AND OWNER SHALL EACH BE RESPONSIBLE FOR HIS OWN RESPECTIVE AGENTS AND EMPLOYEES
31. THE CONTRACTOR SHALL KEEP A SET OF "APPROVED" CONSTRUCTION PLANS ON THE JOB SITE, AND SHALL MAINTAIN (AS INDICATED HEREIN AND ELSEWHERE WITHIN THESE CONSTRUCTION NOTES, SPECIFICATIONS, AND PLANS) A LEGIBLE RECORD ON SAID PLANS OF ANY FIELD TILE ENCOUNTERED, ANY MODIFICATIONS/ALTERATIONS TO ALIGNMENT AND/OR TO PLANS AND SPECIFICATIONS OF PROPOSED IMPROVEMENTS, ETC. UPON COMPLETION OF THE CONTRACTOR'S WORK, SAID PLANS AND INFORMATION SHALL BE PROVIDED TO ENGINEER. FINAL CONTRACT PAYMENT SHALL NOT COME DUE UNTIL THIS INFORMATION IS RECEIVED BY THE ENGINEER.
32. AECOM WILL PROVIDE THE CIVIL PLAN TO THE CONTRACTOR AS ELECTRONIC FILES (AUTOCAD 2018 FORMAT)
33. ALL ELECTRONIC FILES TRANSFERRED BY AECOM ARE PROVIDED SOLEY FOR THE CONVENIENCE OF THE CONTRACTOR AND ARE WARRANTED ONLY TO THE EXTENT THAT THEY CONFORM TO THE ORIGINAL, HARD COPY PLOT(S) OR OTHER ORIGINALLY SEALED DOCUMENT(S) PRODUCED BY AECOM. DEVIATION IN ANY RESPECT SHALL RENDER THE ENTIRE CONTENTS VOID AND ALL ELECTRONIC FILE(S) ARE TRANSMITTED IN TRUST FOR THE SOLE USE OF THE CONTRACTOR AND ACCEPTANCE CONSTITUTES ASSUMPTION OF RESPONSIBILITY FOR ITS USE AND SAFEKEEPING. ANY USE BY THIRD PARTIES SHALL BE AT THE SOLE RISK OF THE CONTRACTOR. ANY ALTERATIONS TO OR TAMPERING WITH THE FILES SHALL CONSTITUTE THE AGREEMENT OF THE CONTRACTOR TO RELEASE DEFEND AND HOLD HAMLESS AECOM, FROM ALL CLAIMS AND CAUSES OF ACTION BY SAID CONTRACTOR AND THIRD PARTIES.

TOPOGRAPHIC SURVEY NOTES:

1. HORIZONTAL COORDINATES BASED ON ILLINOIS STATE PLANE COORDINATES, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83).
2. VERTICAL DATUM BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. UTILITIES SHOWN ARE BASED ON PHYSICAL FEATURES.

WORK SEQUENCE AND COORDINATION:

1. CONTRACTOR SHALL NOTIFY JULIE FOR UTILITY CLEARANCE AND PROVIDE WRITTEN DOCUMENTATION OF CLEARANCE A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION ACTIVITIES.
2. PAVEMENT AND OTHER FACILITIES TO REMAIN SHALL BE PROTECTED FROM DAMAGE AND, IF DAMAGED, SHALL BE REPLACED TO THE SATISFACTION OF THE OWNER. ANY EXISTING PAVEMENT OR OTHER FACILITY WHICH IS REMOVED TO ACCOMMODATE CONSTRUCTION ACTIVITY OR DAMAGED DURING CONSTRUCTION SHALL BE REPLACED IN KIND.
3. CONTRACTOR SHALL IMPLEMENT AND MAINTAIN ALL EROSION AND SEDIMENTATION CONTROL MEASURES IN CONFORMANCE WITH PLAN AND DETAILS AND THE STANDARD SPECIFICATIONS.
4. CONSTRUCTION WORK LIMITS SHALL NOT EXTEND SOUTH OF THE SOUTH HIRSCH PROPERTY LINE. THE NORTH WORK LIMITS WILL EXTEND BEYOND THE HIRSCH PROPERTY LIMITS.

PROTECTION:

1. CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO AVOID DAMAGING EXISTING CONSTRUCTION INCLUDING LANDSCAPED AREAS. ALL CONSTRUCTION MATERIAL SPILLS SHALL BE REMOVED AS WORK PROGRESSES AND DAMAGED CONSTRUCTION REPLACED TO ORIGINAL CONDITION AT NO COST TO OWNER.
2. CONTRACTOR SHALL PROTECT ALL MATERIAL, IN-PROGRESS WORK, AND FINISHED WORK FROM DAMAGE.
3. CONTRACTOR SHALL PROVIDE TRAFFIC CONTROLS DURING CONSTRUCTION TO PREVENT VEHICLES AND PEDESTRIANS FROM ENTERING THE AREAS OF WORK.
4. PROTECT SLOPE AREAS, VEGETATION AND TREES THAT ARE BEYOND THE STONE AND EARTHWORK LIMITS AS PROVIDED FOR THE CITY, STATE AND FEDERAL CONSTRUCTION PERMITS FOR THIS PROJECT.

QUALITY ASSURANCE:

1. CONTRACTOR IS SOLELY RESPONSIBLE FOR QUALITY CONTROL OF THE WORK. INSPECTION AND TESTING BY THE ENGINEER ARE SOLELY AT THE DISCRETION OF THE OWNER, AND IN NO WAY RELIEVE THE CONTRACTOR OF SOLE RESPONSIBILITY FOR MAINTAINING A QUALITY ASSURANCE PROGRAM.
2. CONTRACTOR SHALL USE ADEQUATE NUMBERS OF SKILLED WORKMEN WHO ARE THOROUGHLY TRAINED, QUALIFIED, AND EXPERIENCED IN THE NECESSARY CRAFT AND WHO ARE COMPLETELY FAMILIAR WITH THE SPECIFIED REQUIREMENTS AND METHODS NEEDED FOR PROPER PERFORMANCE OF THE WORK.
3. CONTRACTOR SHALL PROVIDE ALL NECESSARY SUPERVISION, PLANNING, SCHEDULING, COORDINATION, INSPECTION, TESTING, AND CONTROL TO PERFORM THE WORK.

CLEANING:

1. CONTRACTOR SHALL MAINTAIN AREAS FREE FROM ACCUMULATIONS OF WASTE, DEBRIS, AND RUBBISH CAUSED BY CONTRACTOR OPERATIONS.
2. CONTRACTOR SHALL REMOVE ALL CONSTRUCTION RELATED DEBRIS FROM AREAS OUTSIDE THE LIMITS OF THE CONTRACTOR'S WORK AREA ON A DAILY BASIS.
3. CONTRACTOR SHALL LEGALLY DISPOSE OF ALL WASTE, DEBRIS, SOIL AND RUBBISH AT DUMP AREAS OFF OWNER'S PROPERTY.

EARTHWORK:

1. WORK UNDER THIS SECTION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:
   a. CLEARING AND REMOVAL OF DEAD TREES WITHIN AND ON THE WORKING FACE OF THE SLOPE AND AT THE WATER'S EDGE AND OTHER VEGETATIVE GROWTH WITHIN THE CONSTRUCTION AREA. TREES AND BRUSH SHALL BE DISPOSED OF OFFSITE. ANY TREES REMOVED TO ACCOMMODATE CONSTRUCTION ACCESS SHALL HAVE APPROVAL OF THE ENGINEER BEFORE THEY ARE REMOVED.
   b. EXCAVATION AND GRADING ARE PER PLAN AND INCLUDES OVER-EXCAVATION TO PROVIDE FOR PLACEMENT OF ROOTING MEDIA AS PROVIDED FOR IN THE TYPICAL CROSS SECTIONS.
   c. PLACEMENT AND COMPACTION OF FILL AND TOPSOIL TO THE DESIGN SUBGRADE ELEVATIONS AS REQUIRED BY THE STANDARDS AND DETAILS ON THE CONSTRUCTION PLANS. THE CONTRACTOR WILL NOTE THAT THE ELEVATIONS SHOWN ON THE CONSTRUCTION PLANS ARE FINISHED GRADE ELEVATIONS.
   d. PLACEMENT AND COMPACTION OF NON-STRUCTURAL FILLS.
   e. REMOVAL FROM SITE AND DISPOSAL OF ANY EXCESS OR UNSUITABLE MATERIAL UPON COMPLETION OF MASS GRADING.
   f. FINAL SHAPING AND TRIMMING TO THE LINES, GRADES, AND TYPICAL SECTIONS SHOWN IN THESE PLANS.
   g. SOIL EROSION CONTROL MEASURES IN ACCORDANCE WITH THE APPLICABLE SPECIFICATIONS.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE ALL MATERIAL QUANTITIES AND APPRISE HIMSELF OF ALL SITE CONDITIONS. THE CONTRACT PRICE SUBMITTED BY THE CONTRACTOR FOR EARTHWORK AND EXCAVATION SHALL BE CONSIDERED AS LUMP SUM FOR THE COMPLETE PROJECT. NO CLAIMS FOR EXTRA WORK WILL BE RECOGNIZED UNLESS ORDERED IN WRITING BY THE OWNER.
3. PRIOR TO ONSET OF MASS GRADING OPERATIONS, THE EARTHWORK CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SOIL EROSION AND SEDIMENT CONTROL PLAN. THE INITIAL ESTABLISHMENT OF EROSION CONTROL PROCEDURES SHALL OCCUR BEFORE GRADING BEGINS, AND IN ACCORDANCE WITH THE SOIL EROSION CONTROL CONSTRUCTION SCHEDULE.
4. THE GRADING OPERATIONS ARE TO BE CLOSELY MONITORED BY THE SOILS ENGINEER OR HIS REPRESENTATIVE.
5. THE GRADING AND CONSTRUCTION OF THE SITE IMPROVEMENTS SHALL NOT CAUSE PONDING OF STORMWATER. ALL AREAS ADJACENT TO THESE IMPROVEMENTS SHALL BE GRADED TO ALLOW POSITIVE DRAINAGE.
6. THE PROPOSED GRADING ELEVATIONS SHOWN ON THE PLANS ARE FINISH GRADES.
7. IT SHALL BE THE RESPONSIBILITY OF THE EXCAVATION CONTRACTOR TO REMOVE FROM THE SITE ANY AND ALL MATERIALS AND DEBRIS WHICH RESULT FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER.

Filename: Z:\CHICAGO-USCHG1\DCS\PROJECTS\WTR\60668091_ORCHARD_SHORELINE\800_CAD_GIS\910_CAD\20-SHEETS\GI60668091-G-SHT-NOTES.DWG Last saved by: KOSTAMOL Last Plotted: 2023-09-1 Project Management Initials: Designer: ___ Checked: ___ Approved: ___ ARCH D 24" x 36"
Printed on ___% Post-Consumer Recycled Content Paper

AECOM

PROJECT

PROPOSED SHORELINE PROTECTION
205 Sheridan Road
Winnetka, Illinois 60093

CLIENT

Peter Lee, Trustee
Orchard Revocable Trust
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CONSULTANT

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REGISTRATION



ISSUE/REVISION

12	2023-06-29	FINAL SUBMISSION TO VILLAGE OF WINNETKA FOR PERMIT
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I/R	DATE	DESCRIPTION

KEY PLAN

PROJECT NUMBER

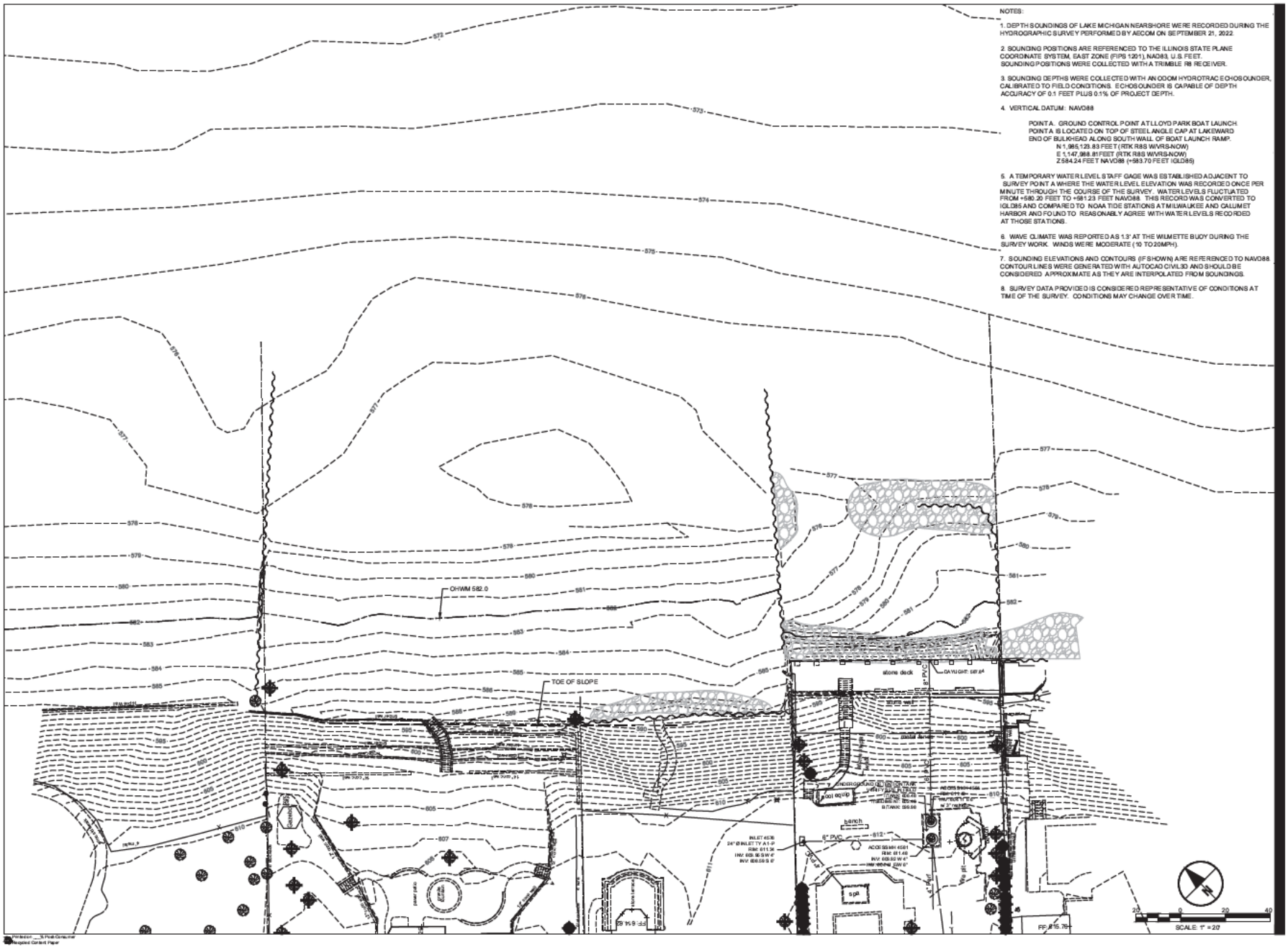
60668091

SHEET TITLE

GENERAL NOTES

SHEET NUMBER

G-02 2 OF 8



NOTES:

1. DEPTH SOUNDINGS OF LAKE MICHIGAN NEARSHORE WERE RECORDED DURING THE HYDROGRAPHIC SURVEY PERFORMED BY AECOM ON SEPTEMBER 21, 2022.

2. SOUNDING POSITIONS ARE REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE (FIPS 1201), NAD83, U.S. FEET. SOUNDING POSITIONS WERE COLLECTED WITH A TRIMBLE R8 RECEIVER.

3. SOUNDING DEPTHS WERE COLLECTED WITH AN ODOM HYDROTRAC ECHOSOUNDER, CALIBRATED TO FIELD CONDITIONS. ECHOSOUNDER IS CAPABLE OF DEPTH ACCURACY OF 0.1 FEET PLUS 0.1% OF PROJECT DEPTH.

4. VERTICAL DATUM: NAVD88

POINT A: GROUND CONTROL POINT AT LLOYD PARK BOAT LAUNCH. POINT A IS LOCATED ON TOP OF STEEL ANGLE CAP AT LAKEWARD END OF BULKHEAD ALONG SOUTH WALL OF BOAT LAUNCH RAMP.
N 1,985,123.83 FEET (RTK R8S WVRS-NOW)
E 1,147,988.81 FEET (RTK R8S WVRS-NOW)
Z 584.24 FEET NAVD88 (+583.70 FEET IGLD85)

5. A TEMPORARY WATER LEVEL STAFF GAGE WAS ESTABLISHED ADJACENT TO SURVEY POINT A WHERE THE WATER LEVEL ELEVATION WAS RECORDED ONCE PER MINUTE THROUGH THE COURSE OF THE SURVEY. WATER LEVELS FLUCTUATED FROM +580.20 FEET TO +581.23 FEET NAVD88. THIS RECORD WAS CONVERTED TO IGLD85 AND COMPARED TO NOAA TIDE STATIONS AT MILWAUKEE AND CALUMET HARBOR AND FOUND TO REASONABLY AGREE WITH WATER LEVELS RECORDED AT THOSE STATIONS.

6. WAVE CLIMATE WAS REPORTED AS 1.3' AT THE WILMETTE BUOY DURING THE SURVEY WORK. WINDS WERE MODERATE (10 TO 20MPH).

7. SOUNDING ELEVATIONS AND CONTOURS (IF SHOWN) ARE REFERENCED TO NAVD88. CONTOUR LINES WERE GENERATED WITH AUTOCAD CIVIL3D AND SHOULD BE CONSIDERED APPROXIMATE AS THEY ARE INTERPOLATED FROM SOUNDINGS.

8. SURVEY DATA PROVIDED IS CONSIDERED REPRESENTATIVE OF CONDITIONS AT TIME OF THE SURVEY. CONDITIONS MAY CHANGE OVER TIME.

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SHEET TITLE

EXISTING CONDITIONS PLAN

SHEET NUMBER

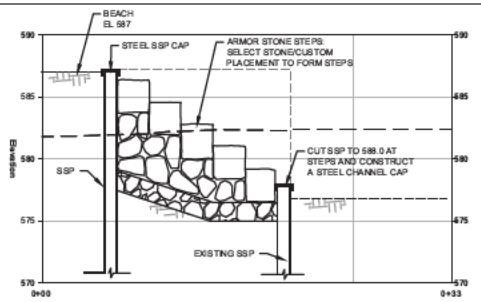
C-01 3 OF 8

WORK LIMITS COORDINATES		
Point #	Northing	Easting
1	1978811.00	1152484.38
2	1978699.76	1152594.09
3	1978685.80	1152608.08
4	1978668.06	1152640.74
5	1978659.65	1152674.77
6	1978603.39	1152732.42
7	1978511.82	1152647.28
8	1978577.76	1152579.73
9	1978567.49	1152569.98
10	1978565.47	1152560.45
11	1978589.01	1152519.14
12	1978625.30	1152482.11
13	1978701.26	1152411.79
14	1978716.64	1152403.08
15	1978725.53	1152398.05
16	1978496.07	1152632.83
17	1978521.64	1152597.21
18	1978547.22	1152561.78
19	1978576.44	1152531.98
20	1978612.95	1152494.71
21	1978685.44	1152420.74
22	1978587.65	1152717.79

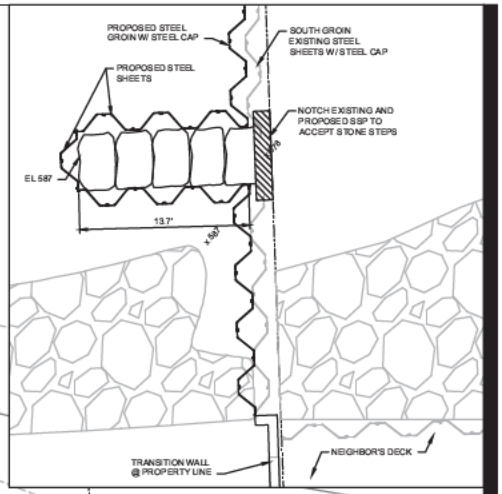
CREST COORDINATES		
Point #	Northing	Easting
23	1978600.50	1152703.32
24	1978634.18	1152668.97
25	1978641.85	1152659.93
26	1978650.69	1152625.37
27	1978667.13	1152599.15
28	1978686.13	1152580.78
29	1978750.14	1152439.61
30	1978787.88	1152464.01
31	1978777.70	1152477.86
32	1978785.90	1152489.58

NOTES

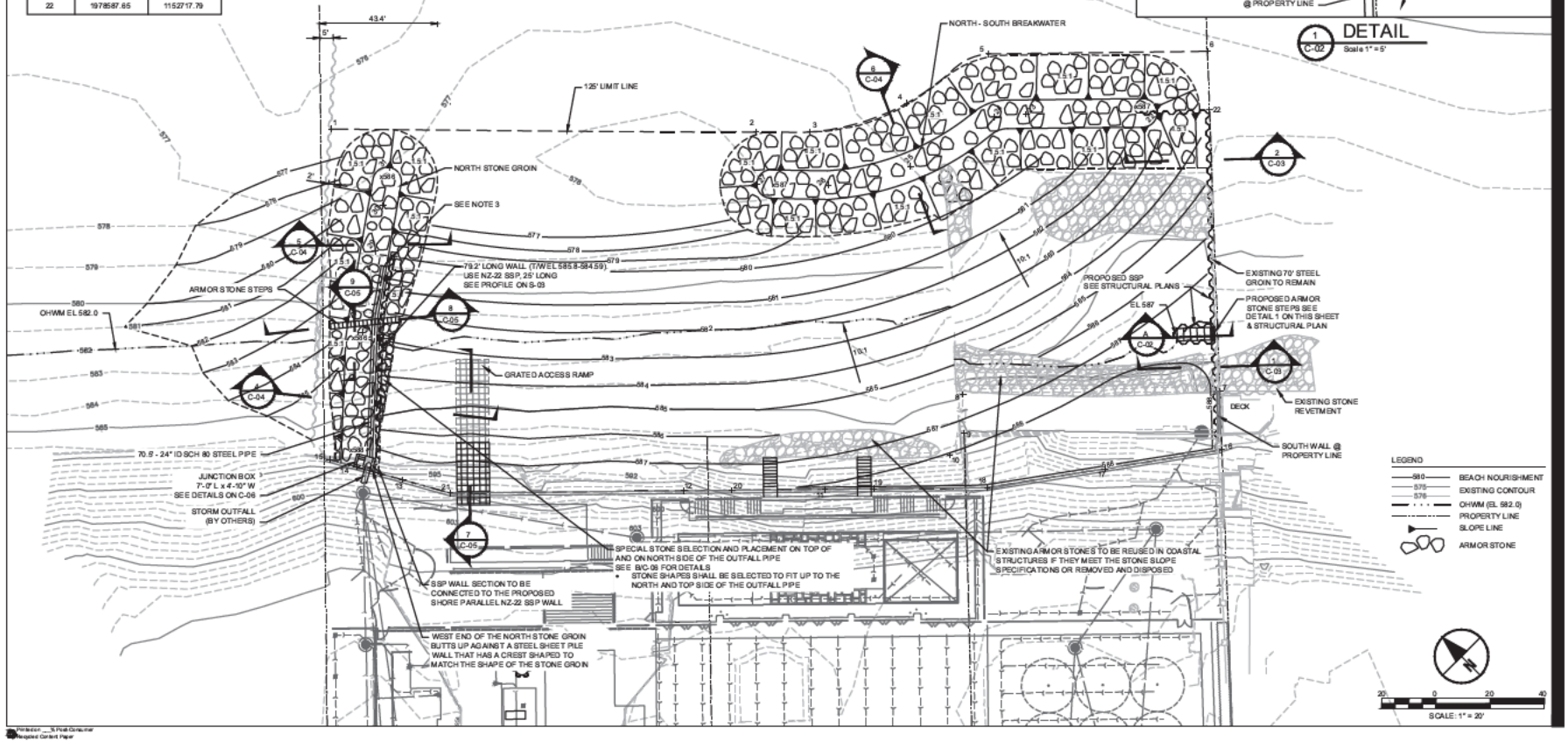
1. GILLEN MARINE SHALL PERFORM EXCAVATION FROM THE NEW TOE OF BLUFF AT THE PROPOSED STEEL SHEET PILE WALL AND FOR EVERYTHING EAST OF THE SSP ALONG THE TOE OF THE BLUFF AS SHOWN ON PLANS. KEND WILL EXCAVATE AS CALLED FOR ON THE PLANS TO THE PROPOSED SSP AT THE WEST SIDE OF BEACH WHICH FORMS THE NEW TOE OF SLOPE. THE EXCAVATION SHALL EXTEND TO THE ELEVATIONS SHOWN ON THE PLANS WHICH EXTENDS DOWN TO EL 584. THE UPLAND CONTRACTOR WILL PERFORM ALL EXCAVATION TO THE WEST OF THE NEW STEEL SHEET PILE WALL AT THE PROPOSED SLOPE TOE.
2. GILLEN MARINE TO PERFORM EXPLORATION TO LOCATE TOP OF CLAY ELEVATION AT EAST SIDE OF COASTAL TOE STRUCTURES, NORTH SIDE OF SOUTH GROIN, AND ALONG CENTERLINE OF NORTH STONE GROIN.
3. LEAVE A 4' EAST/WEST BY 3' NORTH/SOUTH AIR GAP AT THE END OF THE OUTFALL PIPE AS SHOWN ON DETAIL B/C-08. THIS AIR GAP PROVIDES ACCESS FOR PIPE MAINTENANCE AND INSPECTIONS. INTERLOCK STONES SO THAT STONE MOVEMENTS IN AND AROUND THIS AIR GAP ARE MINIMAL IN THE FUTURE



A C-02 SECTION
Scale 1" = 5'



1 C-02 DETAIL
Scale 1" = 5'



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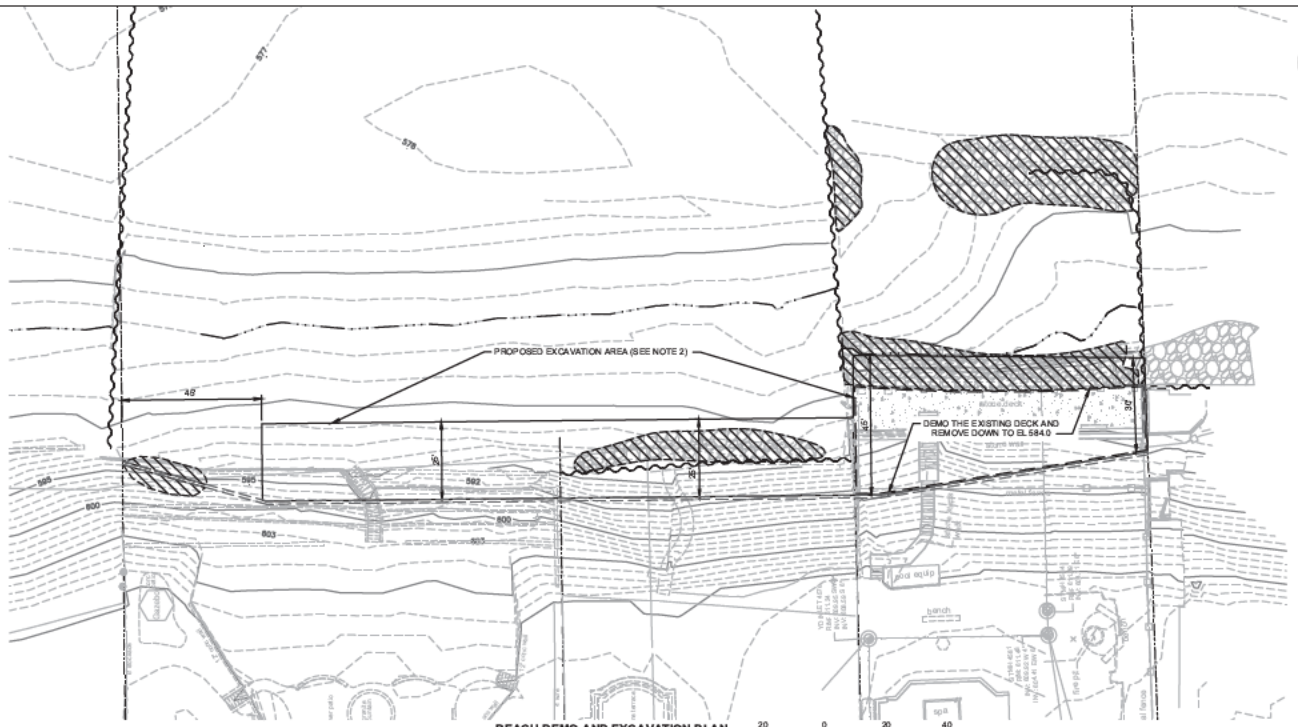
PROPOSED PLAN

SHEET NUMBER

C-02 4 OF 8



BEACH DEMO AND EXCAVATION PLAN
Scale 1"=20'

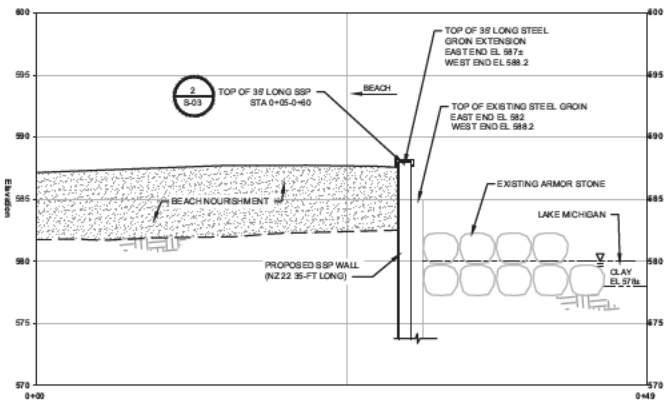
SCALE: 1" = 20'

LEGEND

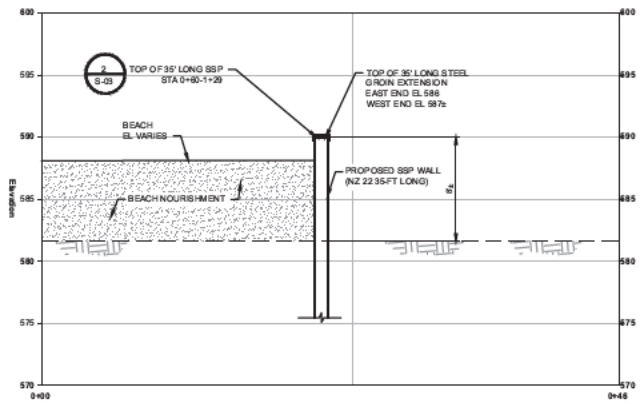
ARMOR STONE/REMOVAL/ REUSE AREAS (SEE NOTE 1)

NOTES

1. THE CONTRACTOR SHALL REMOVE THE EXISTING ARMOR STONE FROM THE 5 AREAS SHOWN IN CROSS HATCH. REUSE THOSE STONES IN THE PROPOSED ARMOR STONE STRUCTURES WHERE THEY FIT SPECIFIED PROPOSED STONE TYPES. DISPOSE OF THE REST OFFSITE.
2. THE CONTRACTOR SHALL EXCAVATE ALL EARTH STONE AND DEBRIS DOWN TO ELEVATION 584 AND DISPOSE. ALL CLEAN SAND SHALL BE PLACED ON THE BEACH.



1 C-03 SECTION
Scale 1" = 5'



2 C-03 SECTION
Scale 1" = 5'

NOTE:
PROPOSED SSP TOP OF WALL SHALL NOT BE LOWER THAN THE EXISTING SPP WALL AT ANY LOCATION.

SCALE: 1" = 5'

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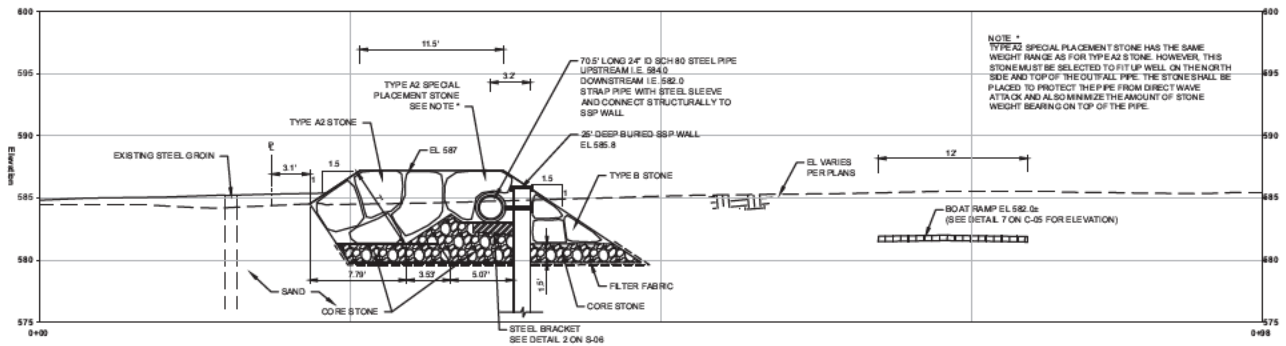
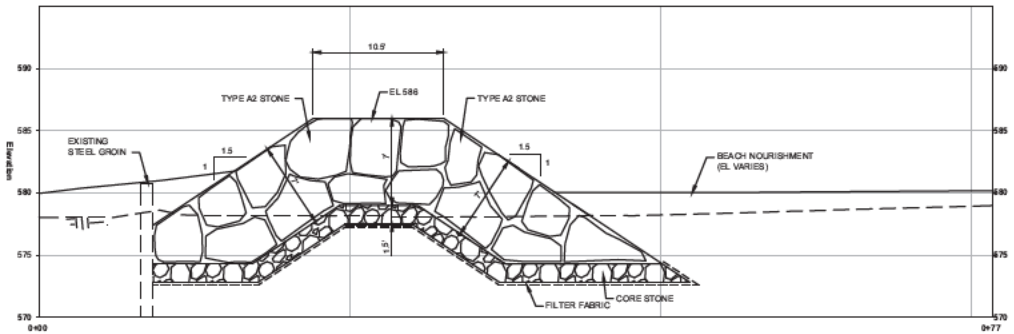
CROSS SECTIONS

SHEET NUMBER

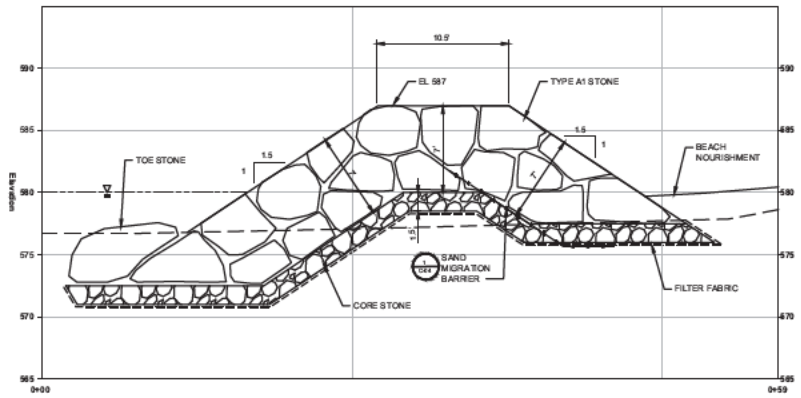
C-03 5 OF 8



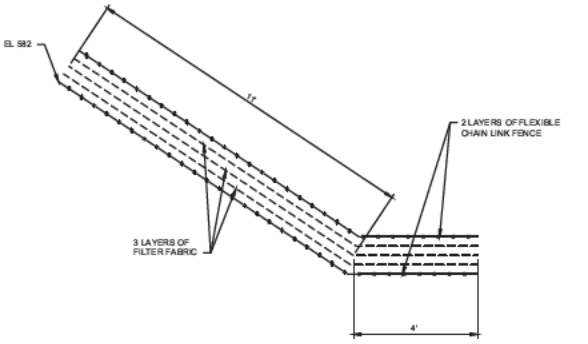
4 C-04 SECTION
Scale 1" = 5'



5 C-04 SECTION (NORTH STONE GROIN)
Scale 1" = 5'



6 C-04 SECTION
Scale 1" = 5'



1 C-04 SAND MIGRATION BARRIER DETAIL
Scale 1" = 2'

SCALE: 1" = 2

SCALE: 1" = 5

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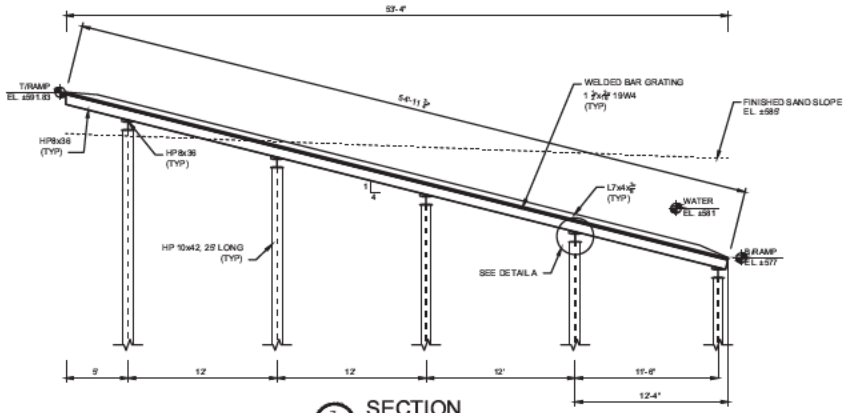
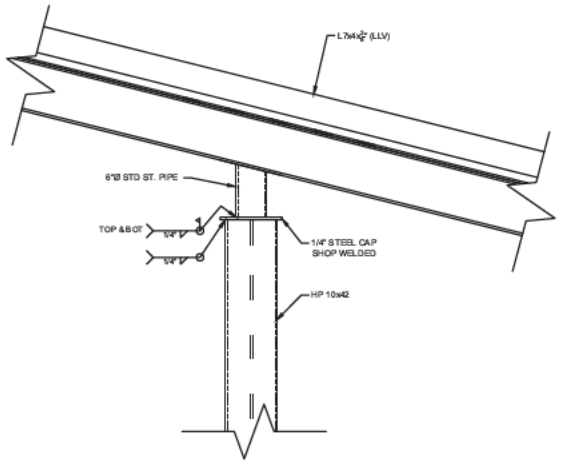
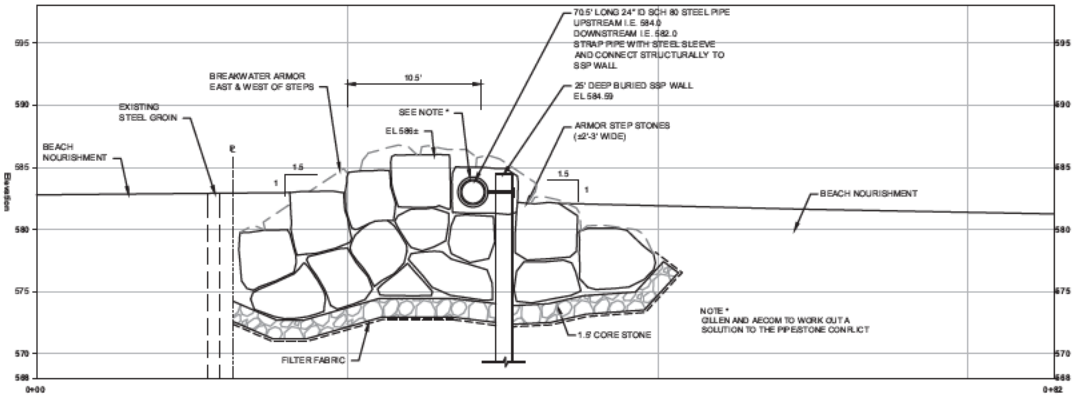
C-04 6 OF 8



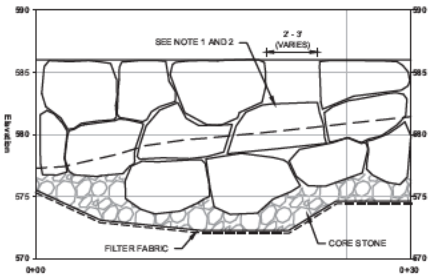
7 C-05 SECTION
Scale 1" = 5'



A C-05 DETAIL (TYP)
Scale 1" = 1'-0"



8 C-05 SECTION
Scale 1" = 5'



NOTES:
1. ARMOR STONE STEPS RECESS BELOW ADJACENT ARMOR STONES.
2. STEP STONE ARE TYPE E STONES.

9 C-05 SECTION
Scale 1" = 5'

5 0 5 10
SCALE: 1" = 5'

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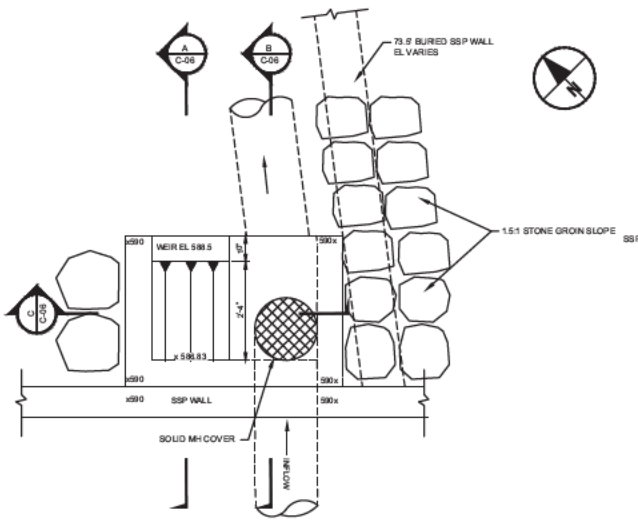
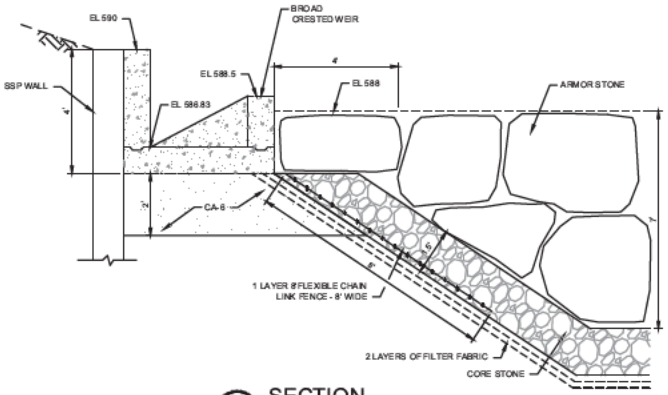
CROSS SECTIONS & DETAILS

SHEET NUMBER

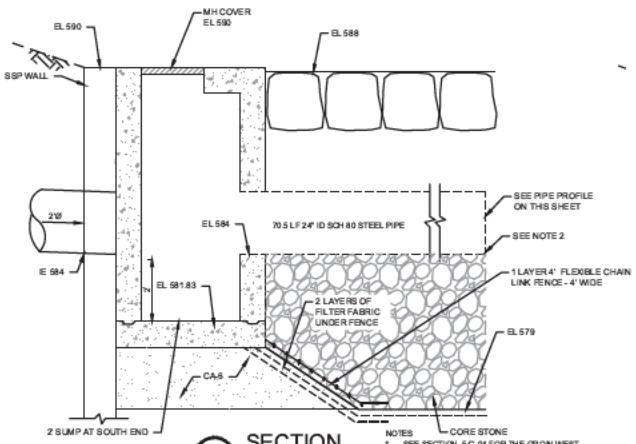
C-05 7 OF 8



1 C-07 **OUTFALL PLAN DETAIL**
Scale 1" = 2'

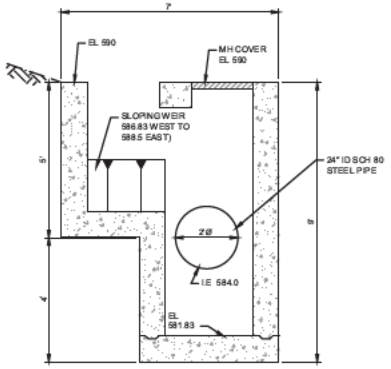


A C-06 **SECTION**
Scale 1" = 2'



B C-06 **SECTION**
Scale 1" = 2'

NOTES
1. SEE SECTION 5/C-04 FOR THE GROIN WEST OF THE HDPE PIPE EAST END WHERE THE BREAKWATER CREST VARIES FROM 588.0 TO 586.0.
2. SEE SECTION 4/C-04 GROIN SECTION



C C-06 **SECTION**
Scale 1" = 2'

SCALE: 1" = 2'

SCALE: 1" = 5'

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OUTFALL SECTIONS & DETAILS

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C-06 8 OF 8



2022 Elder Lane + Centennial Development Plan with Park District



IDNR Permit Submittal for 205 Sheridan Rd. Proposed Project - March, 2023



Approved 205 Sheridan Rd. Proposed Project - September, 2023

*All depicted elements are to scale

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BY:

Katie

Our pier at Elder was built in 1945 and is almost 80 years old. It is 15 feet wide and approximately 125 feet long. It has survived 80 years with the storm-water pipe below it with only resurfacing done 40 years later. The groins that are near the piers were built by the Army Corp of Engineers and have stood the test of time, they need minor repairs. The storm-water pipe below the pier had a thorough check by Matthew Wright of Red Barn, the Park District's consultant, in October, 2023. It was reported to be in good working order. Additionally, the Village did a scope 2 years ago, and the pipe was also reported to be in good condition. I have attached an article that Chris Rintz wrote. At the last Zoning Review board meeting, Costa stated that the pipe had not been scoped, however the Village has the video. The pier has endured high water marks and waves over time, and it allows ice and water to flow through as well as allows the ecosystem to reside there.

Both the pier and the beach have been neglected BY THE WPD for the last 4 years, but the storm-water pipe is fine! There is no need for a 76 foot wide PILE of rocks, in combination with the other 90 foot wide proposed breakwater on Elder would eliminate 166 feet of our beautiful Beach for no reason. Based on the calculation of 261 Sheridan Road, this property is worth $89K per lakefront foot. 166 feet of rocks equates to $15M of unusable beach frontage with nothing but rocks across the beach. Since 1945, engineering has come a long way, and rebuilding/REPAIRING the existing pier can last at least another 80 years. In August, 2022, the Park District estimated that the pier end could be repaired for $80K. TO FIX EVERYTHING IN 2022 THE WPD SAID ALL COULD BE REPAIRED AND REPLENISHED FOR 1.7 MIL AND WITH PIER REPAIR I WOULD EST. 2 MIL. THIS IS A WANTS VS. NEEDS PROJECT.

Pier one vs Pier 2 comparison

PIER ONE (Existing)	PIER TWO (Proposed)
15 feet wide, no rocks on either side nor under the water	76 Feet Wide (including 30 feet of rocks on each side
Storm-water pipe below	No Storm-water Pipe moved to a new 90 foot wide rock wall
Allows wildlife, water and ice to flow through	No Wildlife can pass through
Groins have held and need minimal repairs, no dangerous rocks. Lasted 80 years.	90 foot wall of rocks, difficult to access
125 feet long	242 feet long , swimming and rock hazard.

Kenilworth HAD A 2 MIL REFERENDUM and Glencoe 14 M REF. both presented their plans to the public with a far lower budget, I am not sure why the Winnetka Park district does not feel the need to call a referendum for spending $18M.

Phil and Matt

As a doctor I have great concerns over the health and safety of the Elder/ Centennial plan.
Any current or future Storm-water drainage pipe into the lake is known to have cross contamination from Sewers and lawn chemicals and all other debris in the outflow. With prevailing NE winds, the most contaminated water in the proposal from the Park district will be at the north end of Elder, which is the proposed swimming beach. The proposal presented by the park district actually increases the amount of potentially toxic water for the swimmers, while the dog beach would be the cleanestwater. I do not agree with spending $16 MIL PLUS WITH NO BIDS, on a proposal that not only does not address the issue, but makes it worse.
Here are the health and safety benefits of leaving the pier where it is and fixing it.
1. People should swim in the cleaner water north of the current Elder pier and drainage pipe, and the dogs should swim in the less clean water or not be on the beach at all.

2. We would be paying to move the pier north which would waste another 90 feet in width of our beach and cost millions and put swimmers at greater risk if they are south of the storm-water pipe.

3. We don't force pipes to make a left turn then a right turn which may cause a jam.

4. Views and Sight lines are blocked that could hamper any efforts to view someone in trouble (swimmer, paddle boarder, kayaker)

5. We need to keep our sight lines of Waukegan to Gilson, AND OF SWIMMERS PADDLE BOARDERS AND KAYAKERS. The walls are 10 feet high. You can't easily get help to anyone on the other side of the wall-10 feet high in the water you can't see people on the other side. (Show prop)

6. Beach-goers are locked out of the dog beach from walking at the water line. This is a violation of the Illinois Public Doctrine,it is the public's right to walk at the water line.
7. There are people who like to jump or dive into the lake, and this proposal would not allow that, but puts people at risk who would try it anyway. With 30 feet of rocks on either side of the proposed pier, this increases the risk immensely. (2 quadrapalegics this year).

8. You cannot see the rocks under the water, so if there are waves you are thrown into the rocks and can't get out of them-(show video they were sent)

9. We are putting our 16/17 year old lifeguards in peril by forcing them to swim out up to 242 feet, over the rocks no less.

10. People walk on the rocks, there will be no path on the rocks, it is jagged and has major gaps that people can twist their legs on, and then fall on the rocks or worse yet get stuck in the waves. YES PEOPLE BREAK THE RULES. See photo

11. The rocks become wet and have moss growing on them, they are slippery and dangerous, there are no hand rails, many of us cannot traverse the 25 feet over the LLoyd walkway on the rocks.

12. This is the riptide sign from TOWER BEACH, The riptides from the pier at Tower are tiny in comparison, there will be significantly greater riptides with a 242 foot pier, and underwater rocks that will inhibit rescue.

13. If there is an emergency at the dog beach there is no way for emergency responders to get from the WPD'S proposed ADA pathway to the dog beach with any type of vehicle because it only has stairss and they would not be able to use it. The design would definitely impede rescue efforts!!!
14. Kenosha has just created a new ordinance that make it a crime to swim within 50 feet of any jetty/breakwater or pier because the structures are so dangerous.
So to summarize, we have much larger riptides, 30 feet of underwater rocks on each side of the pier, rocks that have moss and are slippery, no handrails to cross over, we can't see swimmers over 10 foot walls on other beaches and worse yet lifeguards can't get to them, they will be in deeper water, larger waves, and we lose our views, we spend 16 PLUS million, people swim in the highest potential of wastewater, the dogs get the sunnier larger and cleaner beach.

SOLUTION

Open Elder, Save our Winnetkan's health and safety, and our views and sightlines. And we do not spend $16 PLUS M on Rocks and $15M of lost usable beachfront property.
1. We have a simple pier with a pipe below it JUST REBUILD/REPAIR IT. Have the sand replenished, .Gabion baskets repaired, and groins fixed, replace the railroad ties and the end of the pier and ALL FOR less than 2 MILLION DOLLARS significantly less than 16 -18 million dollars worth of rock WALLS. This is from the August 25th 2022 park board meeting.

2. We have a simple pier with a simple stormwater pipe below like it has been for 80 years. We keep our views, it is safer and healthier, and we don't spend 16 PLUS MILLION OF OUR taxpayers money, Lose 15MIL OF PROPERTY, and HAVE access to all in the waters, and no 26 tons of rocks in our lake, nor a loss of 166 foot wide wall of rocks. (90 feet wide at Elder and 76 at Centennial)

WHAT WE HAVE IS SIGNIFICANTLY SAFER. HEALTHIER and not a nuisance due

Zoning Board Meeting, Nov. 11, 2024
PE FAIA ASLA
Philip Enquist
476 Provident Avenue, Winnetka

RECEIVED
NOV 11 2024
BY:

I believe in having ambitious goals. But goals must come with good design.

We should create a Centennial shoreline that is engaging for the Winnetka community and sensitive to the ecology.

Instead, we have an over engineered, and over scaled proposal on the land and water. We have, if you will, our own Hoover Dam, out of scale with this Park and this community.

We are the stewards of the lakefront for all future generations
It is on our watch…to do the right thing.

A narrower ADA path and ramp would save bluff slope and the need for grading.
The concrete retaining walls proposed are 175' in length, 30' of it is between 6 1/2' and 8' high…taller than me, standing here tonight.

The Breakwater, my primary concern, is
192.5 feet in length, longer than Tower Road Pier or Maple Pier and 75' wide from toe to toe, as wide as the full right of way of Elm Street or Chestnut Street in downtown Winnetka.

The scale comparisons illustrate this clearly which I will leave with you. This is a massive project.

Conclusion

I would like to recommend the following design adjustments:
For Your Consideration…….

- **Avoid all retaining walls along the bluff**
- **Reduce the width of the walkways to what is reasonable**
- **Minimize the impact to topography and vegetation…AND**
- **Eliminate the stone rubble breakwater completely.**

See the beach as ONE.

The entire project, like the park itself, should be modest, quiet, and sensitive.

It does not need to be our "Hoover Dam". It does not need to be a +7 million dollar project.

We can do better
We must design better
Let's be better stewards

Cherry Street

Remarks from Warren James, WPD Commissioner to the Zoning Board of Appeals

To be delivered by Christina Code, President, Winnetka Park District

Mickey Archambeault

November 11, 2024

RECEIVED
NOV 11 2024
BY:

- Thank you for the opportunity to present these remarks regarding the proposed improvements at Centennial Park. As you are aware, the Village of Winnetka does not have separate zoning districts for Parks, Open Space or Institutional Uses. Instead, each of these public uses lie within Residential Zoning District and are allowed by virtue of a Special Use Permit. All of these public projects have been granted relief from the underlying residential zoning restrictions, recognizing the fundamental distinction between public and private uses.

- Each of the four other Winnetka Park District Beaches: Tower, Lloyd, Maple and Elder has access roads accomplishing three specific public purposes: ADA, maintenance and emergency access. None of those existing improvements is in compliance with the steep slope ordinance.

- Each of the four other Winnetka Park District Beaches has structures at the beach level to serve the public interest, including public restrooms, storage, meeting, management and maintenance facilities that are not in compliance with the newly enacted steep slope ordinance.

- Centennial Park is unique among the five public beaches in Winnetka by virtue of the low bluff and long expanse of shoreline, making it suitable for an ADA accessible path to the beach that embraces the principle of universal design.

- The Park District's plans for Centennial provides a continuous accessible pathway from Sheridan Road to the end of the new pier and viewing area on the lake. The plan preserves existing views and includes multiple opportunities to enjoy enhanced panoramic views of the lake, from the mid-bluff landing (currently not "accessible"), from the boardwalk level or all the way out to the lake on the new breakwater. In addition, the design includes an accessible ramp to the beach, where a beach mat may allow patrons with differing abilities to enter the lake directly.

- The Winnetka Park District has a mandate and a duty to the public to provide ADA compliant, Emergency and Maintenance access to its beaches, including Centennial Park, as stated in Section 2.04 titled **Purpose, Objectives and Policy** in the first paragraph. In the Winnetka Futures 2040 Plan, Initiative 6.1.1 on page 162 recommends " Continue to collaborate with the Park District, local school districts, Forest Preserve District of Cook County and others to create opportunities that enhance accessibility to the open spaces of Winnetka."

From: [redacted]
To: Robert Bahan; Ann Klaassen
Subject: ADA rules for beaches.
Date: Tuesday, November 12, 2024 5:18:29 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Bob and Ann,

I wanted you to be aware of the rules below. There's much more on the website, but I got to it after public comments last night. Would you please forward this email to the Village Trustees, the ZBA, and anyone else you think should read this.

I will also send you a photo in a second email.

Thank you so much.

Irene Smith
[redacted]

ADA Compliance in Outdoor Recreation - Parks Trails and Beaches - KNOW-THE-ADA



ADA Compliance in Outdoor Recreation - Parks Trails and Beaches - KNOW-T...

admin

Explore ADA compliance in outdoor recreation, focusing on parks, trails, and beaches. Learn the standards and st...

The Americans with Disabilities Act (ADA) has significantly influenced the landscape of accessibility in countless spheres of daily life. One area that has seen substantial improvements thanks to the ADA is outdoor recreation. Originally signed into law in 1990, the ADA ensures that individuals with disabilities have the same rights and access opportunities as everyone else. This includes facilities and amenities in parks, on trails, and at beaches across the United States.

Outdoor recreation is vital for physical health, mental well-being, and social interaction. Hence, it's crucial that these recreational spaces are accessible to all individuals, regardless of their physical capabilities. The ADA defines a framework that obligates outdoor recreation providers to implement accessible design and the inclusion of necessary features that facilitate easier access. As a result, a growing number of parks, trails, and beaches have been retrofitted or constructed to meet these stringent requirements.

The ADA's guidelines are not just legal obligations; they represent a commitment to inclusivity and equal opportunity. This article will delve into ADA compliance specifically as it pertains to outdoor recreation sites – focusing on the standards and requirements for parks, trails, and beaches. Additionally, we'll explore common challenges and solutions in creating these accessible environments.

The ADA Standards for Accessible Design outline the scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities. These standards cover a wide range of elements, including parking, walking surfaces, bathrooms, and signage. For outdoor recreation, these standards have been expanded to address the unique needs of parks, trails, and beaches.

Parks, for instance, must provide accessible routes from parking areas to facilities such as playgrounds, picnic areas, restrooms, and activity centers. These routes must have a firm, stable surface, with gentle slopes and cross-slopes to accommodate wheelchairs, walkers, and other mobility devices. Additionally, key features like picnic tables, benches, and drinking fountains must be accessible and strategically placed along these routes.

Trails present a different set of challenges. In 2013, the U.S. Access Board issued the final rule for the Architectural Barriers Act, aimed at setting accessibility guidelines for outdoor areas managed by federal agencies, including trails. These guidelines address trail surfaces, width, slopes, and obstacles, ensuring that a portion of trails within a park or nature preserve are accessible to individuals with disabilities.

Beaches also have specific requirements. They must provide accessible routes from parking lots or pathways to the water's edge. Beach wheelchairs, which have large, balloon-like tires for traversing sand, are often made available to visitors. Additionally, amenities such as accessible showers, changing rooms, and restrooms are essential components of an ADA-compliant beach.

****

Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression, and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

John Lewis, from the essay he wrote shortly before his death on July 17, 2020.

From: [redacted]
To: Robert Bahan; Ann Klaassen
Subject: Photo for you.
Date: Tuesday, November 12, 2024 6:08:21 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Dear Bob and Ann,

This photo was taken yesterday, 11/11/24, by Professor Phil Enquist. The photo was taken from the upper path / walkway at Centennial Park.

The view is about where the WPD's enormous breakwater would be. It is worth the effort to save this open sandy beach.

Please send this photo and my comments to the Village Trustees, the ZBA, and anyone else you think should see it.

Thanks so much.

Irene Smith

From: [redacted]
To: Ann Klaassen; Robert Bahan
Subject: Great Lakes Water Safety
Date: Friday, November 15, 2024 11:54:49 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

https://www.greatlakeswatersafety.org/beach-park-workers

Dear Ann and Rob,

This is a very interesting site with lots of information about beach safety and the problems with piers. I have also attached their wheel of safety.

Would you please forward this email to members of the ZBA, the Village Trustees, and anyone else you think might be interested.

Thank you very much.

Irene Smith
[redacted]

****

Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

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John Lewis, from the essay he wrote shortly before his death on July 17, 2020.

At a glance, here are some of our best, crowdsourced, lifesaving water safety tips. The full, detailed list is under Resources for Parents & Caregivers. Scroll down for more on what you can do to help keep your family and friends safe.



Laurie Morse
PO Box 321
Glencoe, Il 60022

1 December, 2024

Village of Winnetka
Attention: Zoning Board of Appeals
510 Green Bay Road 2nd Floor
Winnetka, IL 60093

Re: Winnetka Park District request for steep slope variances, Centennial beach and bluff

Dear ZBA Members:

Thank you for your careful and informed review of the Winnetka Park District's application for variances from Winnetka's steep slope ordinance for the development of Centennial Beach and the bluff above.

You've read hundreds of pages of comments relating to this project and heard verbal comments at two long meetings. I hope some of the below is useful to your work.

Your Board seems in agreement the Elder and Centennial beach and bluff developments should be reviewed together. It is one beach. All of Winnetka's masterplan visioning supports a unified waterfront. The fact that the upland parcel at 195 Sheridan doesn't belong to the Park District isn't relevant – the slice of beach from the north end of Elder to the south end of the new artificial beach lakeward of 205 Sheridan Road belongs to the people of Illinois and is one beach. As you know, the whole shoreline is the jurisdiction of the Illinois Department of Natural Resources (IDNR), held in trust for all people.

The Park District's bluff development proposal at Centennial chops up the beach and hinders public access. The ZBA needs the whole picture – plans for the entire beach. The Park District might soon submit plans for Elder. Please wait to see the WPD's complete Elder/Centennial plan before proceeding.

IDNR RULES AND PROCESSES:

Most elements in the Park District's Centennial design won't survive IDNR and federal review. The IDNR cannot permit fenced animal pens (dog area) on public trust land. Such fences do exist on some beaches (Montrose Beach), but they don't have permits. If anyone cared to object to the Montrose fence the IDNR would be compelled to enforce their regulations and order removal. In Winnetka's case, the dog pen is not an after-thought. It is part of the permit application. Federal and State regulations prevent its approval.

The Winnetka Park Board understands this. The neighbor who is donating $3 million for the right to impose a fenced dog beach on the Winnetka Park District for 50 years knows this. And yet they persist. The Park District may (wrongly) believe an OK of this design from the Village would strengthen its application to the IDNR. Perhaps the WPD and the donor think including a dog beach in the drawings would encourage public support of their proposal.

Whatever the reason, it appears the Winnetka Park Board is wasting your time.

I suggest your Chair approach Village leadership and determine if the Village sub-boards should continue reviewing these plans prior to state and federal review. Since IDNR can't permit a waterfront dog

enclosure and if the colossal rock breakwater is considered unsafe for swimmers by the Park District's own insurance agency without protective fencing in the water (fencing which the IDNR and the USACE can't approve either) what is left of the Centennial plan?

Having studied the IDNR and US Army Corps of Engineer's permitting process for more than a dozen years, I'd like to provide additional background for the ZBA. While my statements are reliable, Winnetka would benefit from confirming all with professionals:

1. In their reviews of applications for permits to fill Lake Michigan, the IDNR does not consider safety issues. The permits are for erosion control. Elements of erosion control design that provide for safety or enclosure– railings, fences, gates, etc. --are not permittable. Applications might include these features, but will be removed before a permit is awarded. Fences, etc can be included landward (up bluff) from public trust lands. For example, the current dog fence in Winnetka is on the bluff far from IDNR jurisdiction.

2. The folks at IDNR and the USACE do not review permit applications for recreational suitability. Both agencies allow extra fill to public park districts because they assume park district beach improvements enhance public access. The agencies are concerned with access, but not recreation. I see little evidence the Park Board has consulted recreational professionals on the pier or dog pen proposals. Folks who run and manage public beaches know getting people **into** the water is essential. The Centennial plan gets folks to the Lake but not into the water. And the current plan creates swimming hazards for all people, regardless of their abilities.

3. The folks at IDNR and USACE who approve Lake Michigan permit applications are not engineers. The agencies do NOT require engineering stamps on permit drawings. Under their regulations, one could submit a lake fill design on a paper plate. This demonstrates the usefulness of Winnetka's requirement that shoreline plans be independently reviewed by coastal engineers.

   IDNR regulations do require a project to be of "minimum size" to achieve shore protection. I have found IDNR permit review to be rigorous. The IDNR frequently sends projects back to applicants for re-design when features do not comply with state requirements.

4. While the Corps could require environmental impact studies for individual fill projects under the National Environmental Policy Act (NEPA), the Corps has not done so on the Illinois Shore. It has also declined to evaluate the cumulative impact of multiple permits issued in close geographic proximity on aquatic ecosystems and shoreline habitat. The Illinois Environmental Protection Agency does co-review Lake Michigan fill permits, but to date has not shown much investment in doing so. Any pollution control measures during construction must be specified by Winnetka.

   Local governments can minimize construction impact on nearshore species by prohibiting in-lake construction in spring, when minnows and invertebrates emerge and are living in the shallow water where it is warmer and food is generally available.

5. Federal and State regulators understand new stone breakwaters (the WPD is calling the Centennial rocks a pier, but it is a stone breakwater) interrupt natural down shore (littoral) drift of sand. To

offset injury to neighboring beaches to the south, the IDNR and USACE require the stones to be filled with 10% more sand than the structure's capacity. Effectiveness of the 10% overfill has not been tested. The IDNR, while requiring 5-year post-construction monitoring of sand fill in permitted structures, pointedly avoids monitoring sand loss or gain on neighboring beaches. As a result, there is little data proving the 10% the overfill is sufficient to protect neighboring properties from sand depletion.

We have seen breakwaters built in the warm season but not filled with sand until the following spring can have devastating effect on unprotected shorelines downdrift. Winnetka might prevent this by requiring new breakwaters to be filled prior to winter.

Thank you for your time and attention.

Respectfully submitted,

Laurie Morse

[redacted]

Theodore Wynnychenko
1086 Oak Street
Winnetka, IL 60093-2165

December 1, 2024

Matthew Bradley, Chairman
Zoning Board of Appeals
c/o Ann Klaassen, Staff Liaison
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

VIA EMAIL: aklaassen@winnetka.org

Chairman Bradley:

I am taking this opportunity to bring your attention to, what appear to be, functionally false statements made by Winnetka Park District ("WPD") representatives, after "promising to give truthful testimony," at the Zoning Board of Appeals' ("ZBA") meeting on November 11, 2024.

I request that this letter be distributed to all ZBA members. In addition, I wish to explicitly state that this letter is intended as a direct communication to you and other ZBA members. Certainly, this communication can be included in any agenda packet, as the ZBA decides. However, I request that this communication be transmitted immediately and directly to all ZBA members. It is my concern that, should this communication only be included in a packet numbering in the hundreds of pages, ZBA members will not have the opportunity to consider the import of the WPD's actions at its prior meeting.

During the November 11, 2024 meeting, at time index 2:04:07, the WPD's attorney stated to the ZBA that, in an email dated September 13, 2024, the Cook County Department of Animal and Rabies Control ("CCARC") informed the WPD that "based on the information you have provided to our department, we would not view the lake barrier as a violation of our current dog park ordinance."

This is a factually accurate statement.

Unfortunately, the WPD's attorney then concluded that "Cook County has told us that having an open fourth side on the lake would not be a violation of the Cook County Ordinance."

Based on the information available to the WPD at the time this statement was made, I believe that the WPD's attorney knew, or should have known, that this concluding statement was, and is, false.

As documented on page 195 of that meeting's agenda packet's Attachment C1, CCARC advised that the statement quoted by the WPD's attorney was not "intended" to provide any "affirmative permissions" to the WPD.

The WPD was in receipt of this document, as it was transmitted to them at the same time as it was transmitted to the ZBA. It is suspect that the WPD choose to misrepresent the "authority" granted by the CCARC on this matter when providing testimony under oath.

Shortly later, beginning at time index 2:18:27, a series of questions were posed to the WPD by Mr. Haller. Mr. Haller, in regards to dog areas, asked:

> Cook County doesn't require that that be accomplished by a fence, does it? They provide other means of delineating dog parks from other areas besides exclusively putting a fence into the water, from my understanding, can you comment on that? What options does Cook County provide for us, if any, other than the fence for the dog restrictions?

The WPD's Director responded that "I think its a case by case basis on what the County would authorize for that purpose."

Mr. Haller then responded with the statement: "But, it is a case by case, and there are other alternatives that may or may not be acceptable to Cook County."

The Director affirmed this, stating: "That would be an accurate statement."

However, these statements are not "accurate," and, I believe this inaccuracy was, or should have been, known to the Director when she incorrectly and/or falsely affirmed it.

On July 2, 2024, the WPD filed a FOIA request with CCARC requesting: "Most recent final document of Regulation VIII. Dog Parks and Areas from Administrative Regulations to the Cook County Animal and Rabies Control Ordinance - Any official opinions on VIII.B.2. as it relates to beach dog parks on Lake Michigan and fencing being required or not required on the water side since the date of last update to Regulation VIII."

On July 22, 2024, the WPD received a copy of the most recent Regulation from CCARC. Notably, the WPD did not receive "any official opinions on VIII.B.2" in response to is request under FOIA.

Additionally, I had previously provided the WPD a copy of these CCARC regulations on March 28, 2024, and have attached them to this correspondence.

On page 24 of the regulations, Regulation VIII.B.2 states: "A Dog Park must be <u>completely enclosed by a contiguous fence</u> with each entrance designed in such a manner as to secure against accidental opening. [Emphasis Added]"

While it may be reasonable to wish that the Regulation provides discretion in the construction of a "Dog Park," and that such areas would be considered on a "case by case" basis, the Regulation is clear and unambiguous. It does not.

Furthermore, there is no evidence, of any kind, that the CCARC has ever provided any proactive exemptions of any kind to this Regulation.

While the WPD would like to believe that its "dog beach" will be in compliance with CCARC regulations, it will not be.

I am highly troubled that the WPD would, in my opinion, knowingly spread misinformation and false statements, under oath, to advance a project that clearly violates current CCARC regulations.

Since[redacted]

Theodore Wynnychenko

FOREWORD

In most every community known to man there exists a relationship with animals. This relationship has been documented in many ways since the caveman first drew pictures on the walls of his cave. Problems occur in the urban community when lovers of animals forget that this kind of love is not necessarily shared by their neighbors. The animals that create most of the problems are cats and dogs. The Cook County Animal and Rabies Control Ordinance was developed and passed to establish guidelines in the development of harmonious relationships between animals and man. This Ordinance is the law in all municipalities within Cook County. Any municipality regardless of its population may pass an ordinance effective within its jurisdiction more strict than the County Ordinance. Rabies, while well controlled, still exists mainly in bats and skunks within Cook County. Prevention of rabies is the basic reason for the Animal Bite Report form. The guidelines offered in this booklet provide information for those most frequently involved with bites by animals.

Finally, Cook County is almost totally urbanized. Each municipality is responsible for the animals in the area under its jurisdiction. Part IV of this booklet outlines one way in which a municipality can establish an Animal Control program.

DEPARTMENT OF ANIMAL CONTROL

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.
The purpose of this chapter is to provide harmonious relationships in the interaction between man and animal by:
(1) Protecting the citizens of the County from rabies by specifying such preventive and control measures as may be necessary;
(2) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;
(3) Providing security to residents from annoyance, intimidation, and injury from cats, dogs and other animals;
(4) Encouraging responsible pet ownership;

(5) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter.
(Code 1980, § 20-1; Res. of 1-3-1977; Ord. No. 99-O-25, § 20-1, 10-5-1999.)

Sec. 10-2. Definitions.
The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Administrator means the licensed veterinarian appointed by the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.
Animal means any live vertebrate creature except man.
Animal capable of transmitting rabies means all animals classified as mammals.
Animal control warden means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.
Bird means any flying vertebrate that is covered with feathers.
Bite means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.
Cat means all members of the classification, *Felis catus* .
Confined means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.
Control means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.
Dangerous or *vicious animal* means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.
Dog means all members of the classification, *Canis familiaris* .
Domestic animal means any animal which has been domesticated by man so as to live and breed in a tame condition.
Guard dog means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.
Inoculation against rabies means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.
Owner means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.
Pound means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.
Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders

or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
Stray animal means any owned animal that is not controlled.
Tethering means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.
Tow chain or *log chain* means any chain that is more than one-quarter of an inch in width.
(Code 1980, § 20-2; Res. of 1-3-1977; Ord. No. 99-O-25, § 20-2, 10-5-1999; Ord. No. 04-O-44, § 1, 11-3-2004; Ord. No. 10-O-09, 1-26-2010.)

Sec. 10-3. Violations.
(a) Any person violating any provision of this chapter or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this chapter is guilty of a misdemeanor punishable by a fine not exceeding $500.00 or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this chapter is committed or permitted to continue and shall be punished as provided in this chapter.
(b) The Administrator or State's Attorney or any citizen of the County may maintain a complaint in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave their premises when not under the control of a leash and muzzle or other recognized methods of physical restraint.
(c) If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
(d) If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.
(Code 1980, § 20-11; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-11, 10-5-1999.)

Sec. 10-4. Administrator authority, dog parks or areas.
No person including a municipal corporation, forest preserve district or park district or park district shall designate within the County any outdoor area, even if fenced, as an area where dogs may run off leash unless such person, municipal corporation, forest preserve district or park district complies with such regulations as may be issued by the Administrator for the operation of outdoor off leash areas.
(Ord. No. 04-O-44, § 6, 11-3-2004.)

Sec. 10-5. Supervision by Department; rules and regulations.
The Administrator may issue regulations, consistent with the provisions of this chapter, for their administration and enforcement, and may prescribe forms which shall be used in connection therewith.
(Code 1980, § 20-15; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-15, 10-5-1999.)

Sec. 10-6. Duties of Administrator; police power; cooperation of Sheriff and police.

(a) It shall be the duty of the Administrator, through public education, rabies inoculation, stray control, impoundment, quarantine and other means deemed necessary to control and prevent the spread of rabies in the County.
(b) The Administrator and Animal Control Wardens are for the purpose of enforcing this chapter and the Animal Control Act (510 ILCS 5/1 et seq.), clothed with full police power.
(c) The Sheriff and Sheriff's Deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of the Animal Control Act (510 ILCS 5/1 et seq.).
(d) The Administrator shall be authorized to develop new programs to implement the animal control goals of this chapter and the Animal Control Act (510 ILCS 5/1 et seq.). Such programs may include but are not limited to; programs to aide in the elimination of uncontrolled and/or stray animals in the community, programs to educate the public on issues pertaining to animal control and rabies, programs to impound stray animals, and programs to fund surgical treatment to render animals unable to reproduce. The Administrator is further authorized, subject to annual budget approval by the Board of Commissioners to use Animal Control Funds collected from the issuance of annual animal tags as authorized in Section 10-41(b) of this chapter, to fund such programs.
(Code 1980, § 20-12; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-12, 10-5-1999.)

Sec. 10-7. Powers of municipalities and other political subdivisions to regulate animals.
Nothing in this chapter shall be held to limit, the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this chapter be construed to limit the power of any municipality or other political subdivision to further control and regulate animals in such municipality or other political subdivision by enacting stricter requirements, including a requirement of inoculation with rabies vaccine.
(Code 1980, § 20-13; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-13, 10-5-1999.)

Sec. 10-8. Animal care.
(a) No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
(b) No person shall beat, torment, overload, overwork or otherwise abuse an animal.
(c) No person shall own, keep, harbor, or otherwise maintain within the County, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
(d) No person shall use a tow or log chain as a collar, leash or tether.
(e) Restrictions on a dog that is tethered:
(1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.
(2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.
(3) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least ten feet long.
(4) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.
(5) No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.

(6) No dog shall be tethered within 200 yards of a school.
(7) No person shall permit at any time a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance.
(f) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
(g) No person shall hold a greased pig contest.
(h) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
(i) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
(j) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).
(k) No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
(l) No person shall bring or cause to have brought into the County, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
(m) No person may knowingly poison or cause to be poisoned any domesticated animal. The only exception will be written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for euthanasia shall be by or under the direction of a licensed veterinarian.
(n) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by Federal or State law. Birds that are regulated by the Illinois Department of Conservation are excluded from this restriction during the period of regulation.
(o) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.
(p) No person shall permit at any time their animal to:
(1) Run uncontrolled;
(2) Molest persons or vehicles by chasing, barking or biting;
(3) Attack other animals;
(4) Damage property other than the owner's.
(q) No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing animal.

(r) No person shall fail to remove feces deposited by the person's cat or dog, except service animals, upon the public ways or within the public places of the County or upon the premises of any person other than the owner without that person's consent.
(s) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 30 degrees Celsius (86 degrees Fahrenheit) or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.
(t) No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.
(u) Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private premises shall be removed, if possible, to the care of the Cook County Department of Animal and Rabies Control, to the nearest humane society, to the nearest municipal pound, or to the nearest veterinarian or veterinary hospital willing to accept same without guarantee of payment. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.
(v) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.
(w) Any person having a dead animal within their possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610/1 et seq.).
(x) Every person in possession or control of any stable or place open for public use where any animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to State fire prevention regulations.
(Code 1980, § 20-3; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-3, 10-5-1999; Ord. No. 04-O-44, § 2, 11-3-2004; Ord. No. 10-O-09, 1-26-2010.)

Sec. 10-9. Stray animals.
(a) Whenever an Animal Control Warden observes or is informed that an animal is a stray or is running-at-large and not under the control of the owner, the animal shall be immediately apprehended and impounded. Any person may apprehend a stray animal and inform the local police or the Administrator so that the stray animal can be impounded. Stray animals impounded by the Department of Animal and Rabies Control shall be kept at a location closest to the point at which the stray animal is apprehended. A minimum of two impoundment locations shall be used by the Department, one optimally convenient to that portion of the County outside the City of Chicago lying north of the Eisenhower Expressway and one optimally convenient to that portion of the County outside the City of Chicago lying south of the Eisenhower Expressway.
(b) All stray animals impounded shall have a record. The record shall include the owner's name, address and telephone number, if known; species or breed, color, sex, and physical condition of the animal; license or tag number, if known; and the time and date impounded.

(c) When owners of stray animals impounded are known, notice shall be given by mail to the last known address. Stray animals shall not be held less than seven days, if the owner is known. All unclaimed apprehended animals shall be placed for adoption, humanely euthanized or otherwise disposed of in accordance with the Illinois State Law.
(d) The stray animal owner is responsible for all costs relating to the apprehension and impoundment of the animal found not under control.
(Code 1980, § 20-7; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-7, 10-5-1999; Ord. No. 04-O-44, § 4, 11-3-2004.)

Sec. 10-10. Restrictions on controlled animals.
(a) Animals shall not be permitted to enter any place where food is processed for human consumption. Service animals and guard dogs used in food establishments are exempt from this restriction.
(b) Animals, except service animals, shall not be present at or upon any school premises, public playground or public swimming pool unless official written permission has been granted by the public agency or its agent owning the property. At no time shall animals be permitted in any sand box or sand piles in which children play.
(Code 1980, § 20-8; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-8, 10-5-1999; Ord. No. 04-O-44, § 5, 11-3-2004.)

Sec. 10-11. Female animals in heat.
The owner of any female animal in heat (estrus) shall confine such animal in a building or secure enclosure and shall attend the animal in such a manner that such female animal cannot come into contact with a male of the same species except for planned breeding.
(Code 1980, § 20-9; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-9, 10-5-1999.)

Sec. 10-12. Dangerous or vicious animals.
Dangerous or vicious animals shall be confined by the owner within a building or secure enclosure and shall be muzzled or caged whenever off the premises of its owner.
(Code 1980, § 20-10; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-10, 10-5-1999.)
Secs. 10-13--10-40. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 10-41. Rabies vaccination.

(a) Every owner, except animal shelters, animal impounding facilities, and laboratory animal facilities, of a dog, cat or ferret four months or more of age shall cause such animal to be inoculated with a rabies vaccine by a licensed veterinarian at such intervals as approved by the State Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the State Department of Agriculture.
(b) Evidence of such rabies inoculation shall be entered on a certificate approved by the County Board of Commissioners. Veterinarians who inoculate an animal shall procure from the County Department of Animal and Rabies Control serially numbered tags, one to be issued with each inoculation certificate. Only one animal shall be included on each certificate. Upon change of ownership application shall be made for a new inoculation certificate. Such tags shall be attached to the collar or harness worn by the animal for which the tag was issued when the

animal is off the property of the owner. The cost of the tags shall be as set out in Section 32-1 for a one-year tag and for a three-year tag. The tag fees shall be paid to the Department and transferred to the County Treasurer on the last day of each month.
(Code 1980, § 20-4; Ord. of 1-3-1977; Ord. No. 83-O-09, 2-28-1983; Ord. No. 99-O-25, § 20-4, 10-5-1999; Ord. No. 02-O-31, § 20-4, 9-19-2002; Ord. No. 04-O-44, § 3, 11-3-2004; Ord. No. 08-O-55, 11-19-2008.)

Sec. 10-42. Biting animal capable of transmitting rabies.

(a) It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within 24 hours, the police or other officer with the delegated authority who are responsible for the area in which the bite occurred.
(b) Except as otherwise provided by State law with respect to police dogs, when the Administrator receives information that any person has been bitten by an animal the Administrator shall have the owner confine the biting animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting incident. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person or animal if the animal is currently vaccinated with an approved rabies vaccine. Caged animals such as rats, guinea pigs, rabbits, etc., can be placed under home confinement.
(1) When the biting animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.
(2) When the biting animal is not currently inoculated with rabies vaccine the animal shall be confined for ten days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.
(c) Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department of Animal and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the Department.
(d) When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that an animal may have rabies, the owner or veterinarian shall notify the Administrator immediately by telephone or in person of these signs. The Administrator shall immediately notify the physician attending the bitten person or responsible health agency as soon as the Administrator receives notice of such signs and shall securely confine the animal.
(e) If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine. The animal owner shall show proof of rabies inoculation for the animal and shall pay any fee, charge or penalty including any fee for veterinary services attributed to the bite. A confined animal, when not redeemed by the owner may be disposed of in accordance with State law.
(f) It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the animal known to have bitten a person until it has been released from confinement for observation for rabies by the Administrator. It shall be unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person they shall be mailed to the owner of such animal by regular mail, postage prepaid, return receipt requested. The affidavit of testimony of the Administrator delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of their responsibilities.
(Code 1980, § 20-5; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-5, 10-5-1999.)

Sec. 10-43. Rabies case procedure.

(a) It shall be unlawful for the owner of an animal which shows signs of rabies or which acts in a manner which would lead a person to believe that such animal may have rabies to fail to notify the local police or the Administrator immediately by telephone or in person.
(b) The Administrator shall investigate each report of an animal which shows signs of rabies or acts in a manner which would lead a person to believe that the animal may have rabies. Upon determination by the Administrator or a licensed veterinarian that an animal may be infected with rabies, the owner of such animal shall be required by the Administrator to surrender the animal to the Administrator or a licensed veterinarian for confinement for a period of time as determined by the State Department of Agriculture.
(c) When the animal confined is determined to be infected with rabies by the examining veterinarian the Administrator shall order the animal humanely destroyed. A copy of this order shall be given to the owner of the animal or mailed to the last known address of the owner. Any animal capable of transmitting rabies in direct contact with the rabid animal whether or not the exposed animal has been inoculated with rabies shall be confined as recommended by the Administrator. The Administrator may order the exposed animal euthanized.
(d) If the animal confined is determined not to be infected with rabies at the end of the period of confinement it shall be released to the owner of such animal upon presenting proof of a current rabies inoculation certificate for the animal and payment of any fee, charge or penalty including any fee for veterinary services. If the animal is not redeemed by the owner, the animal may be disposed of in accordance with State law.
(e) Whenever a case of rabies has occurred in a locality, or whenever the proper officials of a government unit are apprehensive of the spread of rabies, the Administrator shall act as directed by the rules and regulations of the State Department of Agriculture.
(Code 1980, § 20-6; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-6, 10-5-1999.)
Secs. 10-44--10-75. Reserved.

ARTICLE III. VICIOUS AND DANGEROUS DOGS

Sec. 10-76. Confinement.

Dangerous or vicious animals shall be confined by the owner within a building or secure enclosure and shall be muzzled or caged whenever off the premises of its owner.
(Ord. No. 04-O-09, § 20-10, 1-22-2004.)

Sec. 10-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bodily organ includes but is not limited to skin, which is considered the largest of the human organs.

Cat means all members of the family *Felidae* .

Dangerous dog means any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

Dog means all members of the classification, *Canis Familiaris* .

Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog, within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal

from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

Ferret means all members of the classification, *Mustela putorius furo* .

Impounded means taken into the custody of the public animal control facility in the city, town, or county where animal is found.

Muzzle means a fastening or covering for the mouth of an animal used to prevent biting and eating.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or acts as its custodian, or who has it in his care.

Physical injury means the impairment of physical condition.

Police animal means an animal owned or used by a law enforcement department or agency in the course of the department's or agency's work.

Serious physical injury means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, serious impairment of health, impairment of the function of any bodily organ, or injury requiring plastic surgery, or injury or injuries that when viewed by a reasonable person are considered significant and substantial.

Vicious dog means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

(Ord. No. 04-O-09, § 20-10(A), 1-22-2004.)

Sec. 10-78. Declaration of a "vicious" dog.

(a) A dog may be declared vicious if the Court determines that without justification, the dog attacks a person causing serious physical injury or death, or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

(b) In order to have a dog deemed "vicious," the County Animal Control Administrator must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's office and the owner.

(c) A complaint may be filed in the Circuit Court of the County after a complete investigation by the County Animal Control Administrator, or designee. The County Department of Animal Control shall accept requests for investigation by any party. Such investigation shall follow these requirements:

(1) The investigation must be thorough and include interviews with witnesses to the conduct in question;

(2) Medical records concerning the injuries inflicted on the person of the alleged vicious conduct and veterinary records of the dog regarding behavioral evidence must be gathered and reviewed;

(3) A detailed report must be provided to the Office of the State's Attorney and the owner of the dog recommending a finding that the dog is or is not vicious;

(4) The Animal Control Administrator shall determine whether the dog shall be confined, and if so where, during the pendency of the case.

(d) In order to have a dog deemed "vicious" a complaint must be filed by the County Department of Animal Control, the Office of the State's Attorney, any citizen of the County, or any victim of a dog attack if such attack occurred within the County, in the Circuit Court of the County to deem a dog a "vicious" dog.

(e) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert, may be relevant to the court's determination as to whether the dog's behavior was vicious or justified.
(f) The petitioner must establish by clear and convincing evidence that the dog is vicious. If the burden of proof is met, the court shall deem the dog to be a vicious dog.
(g) A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:
(1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of the owner or custodian of the dog;
(2) The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
(3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian or member of its household, kennel, or offspring;
(4) No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties;
(5) Vicious dogs shall not be classified in a manner that is specific as to breed.
(h) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with this article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, the owner shall register the animal with the Administrator and keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
(Ord. No. 04-O-09, § 20-10(B), 1-22-2004.)

Sec. 10-79. Finding of a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered and microchipped within days of the finding at the expense of its owner. The dog shall be subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of the County Animal Control where he or she has relocated and the Administrator of the County Department of Animal Control.
(Ord. No. 04-O-09, § 20-10(C), 1-22-2004.)

Sec. 10-80. Confinement of a vicious dog.

(a) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:
(1) If it is necessary for the dog owner or keeper of the dog to obtain veterinary care for the dog;
(2) In the case of an emergency or natural disaster where the dog's life is threatened; or
(3) To comply with the order of a court of competent jurisdiction;

provided that the dog is securely muzzled and restrained with a leash not exceeding six feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.
(b) Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator or the law enforcement authority having jurisdiction in such area.
(c) If the owner of the dog has not appealed the impoundment order to the Circuit Court of the County within 15 working days, the dog may be euthanized.
(d) Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to the County Department of Animal Control, in writing.
(Ord. No. 04-O-09, § 20-10(D), 1-22-2004.)

Sec. 10-81. Dangerous dog determination.

(a) After a thorough investigation including: sending within three days of the Administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or designee, to deem a dog to be "dangerous." No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.
(b) A dog shall not be declared dangerous if the Administrator, or designee determines the conduct of the dog was justified because:
(1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of the owner or custodian of the dog;
(2) The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;
(3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
(4) The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this section.
(d) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with this article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
(Ord. No. 04-O-09, § 20-10(E), 1-22-2004.)

Sec. 10-82. Finding of a dangerous dog.

(a) If deemed dangerous, the Administrator, or designee, shall order the dog be spayed or neutered within ten days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
(1) Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
(2) Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
(b) The Administrator may order a dangerous dog to be muzzled whenever the animal is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
(Ord. No. 04-O-09, § 20-10(F), 1-22-2004.)

Sec. 10-83. Control of a dangerous dog; leash.

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.
(Ord. No. 04-O-09, § 20-10(G), 1-22-2004.)

Sec. 10-84. Appeal of dangerous dog determination.

(a) The owner of a dog found to be a dangerous dog pursuant to this ordinance by Administrator may file a complaint against the Administrator in the County Circuit Court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the Circuit Court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.
(b) The owner of a dog found to be a dangerous dog pursuant to this ordinance by the Director, may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules of application to formal administrative proceedings, 8 Ill. Admin. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the Circuit Court of the County. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.
(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.
(d) At any time after the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.
(Ord. No. 04-O-09, § 20-10(H), 1-22-2004.)

Sec. 10-85. Expenses of microchipping.

A clinic for microchipping companion animals of County residents should be conducted at least once a year under the direction of the Administrator at the animal control facility, animal shelter, or other central location within the County. The maximum amount that can be charged for microchipping an animal at this clinic shall be as set out in Section 32-1. Funds generated from this clinic shall be deposited in the County Animal Control Fund.
(Ord. No. 04-O-09, § 20-10(I), 1-22-2004.)

Sec. 10-86. Violations.

(a) Any person violating or aiding in or abetting the violation of any provision of this ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this ordinance, or refusing to produce for inoculation any dog in his possession or who removes a tag from a dog for purposes of destroying or concealing its identity, or who removes a tag, microchip, or tattoo, is guilty of a Class B misdemeanor. A second offense will constitute a Class A misdemeanor.
(b) Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this article shall cause appropriate proceedings to be instituted in the proper manner provided by law.
(Ord. No. 04-O-09, § 20-10(J), 1-22-2004.)

Sec. 10-87. Penalties; vicious dog.

If the owner of a vicious dog subject to enclosure:
(1) Fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog;
(2) The dog inflicts serious physical injury upon any other person or causes the death of another person; and
(3) The attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;
the owner shall be guilty of a Class 4 felony unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this section shall be in addition to any other criminal or civil sanction provided by law.
(Ord. No. 04-O-09, § 20-10(K), 1-22-2004.)

Sec. 10-88. Penalties; dangerous dog.

If the owner of a dangerous dog knowingly fails to comply with any order of the court or the Administrator regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.
(Ord. No. 04-O-09, § 20-10(L), 1-22-2004.)
Secs. 10-89--10-94. Reserved.

ARTICLE IV. MANAGED CARE OF FERAL CATS

Sec. 10-95. Definitions.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned Cat means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

Animal Control Officer or *ACO* means any person employed or appointed by the County or a municipality who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with Illinois law and this Code.

Department means the Cook County Department of Animal and Rabies Control.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

EAID means an electronic animal identification device.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral Cat means a cat that:

(1) Is born in the wild or is the offspring of an owned or feral cat and is not socialized;

(2) Is a formerly owned cat that has been abandoned and is no longer socialized; or

(3) Lives on a farm.

Feral Cat Caretaker means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

Feral Cat Colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a Colony may be feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

Feral Cat Colony Caretaker means any Feral Cat Caretaker who is approved by a Sponsor to care for a Feral Cat Colony.

Microchip means, for the purpose of this Ordinance, to implant an EAID (electronic animal identification device) in an animal.

Nuisance means, for purposes of this Ordinance, conduct by stray or feral cats that disturb the peace. Stray or feral cats may create a nuisance by:

(1) Habitually or continually howling, crying or screaming; or

(2) Habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a Feral Cat Colony Caretaker.

Sponsor is any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors and provides written notice to the Department that it will serve as a Sponsor.

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, microchipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this ordinance.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-96. Responsibilities of owners of domesticated cats.

(a) Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

(b) The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a Nuisance.

(c) Owners of domesticated cats shall not permit their cats to roam unsupervised off their property.

(d) An owner shall not abandon a domesticated cat.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-97. Feral cat colonies.

(a) *[Permitted.]* Feral Cat Colonies shall be permitted and Feral Cat Colony Caretakers shall be entitled to maintain and care for Feral Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral Cat Colonies are registered with a Department-approved Sponsor, as defined in Subsection 10-97(b), and that the Feral Cat Colony Caretaker takes all appropriate and available steps to meet the terms and conditions of this Ordinance.

(b) *Sponsorship of Colony TNR Programs.* Any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors shall be eligible to act as a Sponsor. Any Humane Society intending to undertake the responsibilities of Sponsor shall so advise the Department in writing and provide its address and telephone number, and electronic mail address if applicable.

(c) *Sponsor Requirements.* It shall be the duty of the Sponsor to:

(1) Review, and in its discretion, approve of Feral Cat Colony Caretakers.

(2) Help to resolve any complaints over the conduct of a Feral Cat Colony Caretaker or of cats within a colony.

(3) Maintain records provided by Feral Cat Colony Caretakers on the size and location of the colonies as well as the vaccination, microchipping, and spay and neuter records of cats in the Sponsor's colonies.

(4) Provide, at a minimum, written educational training for all Caretakers addressing uniform standards and procedures for colony maintenance.

(5) Report annually to the Department on the following:

a. Number and location by zip code of colonies for which it acts as a Sponsor in the County;

b. Total number of cats in each of its colonies;

c. Number of cats from its colonies microchipped, vaccinated, spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.

(6) Use due consideration to prevent Feral Cat Colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under the Illinois Endangered Species Protection Act;

(7) Provide any forms or other documentation necessary to allow Feral Cat Colony Caretakers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them;

(8) Provide to the Department the location, by address, of Feral Cat Colonies where Feral Cat Colony Caretakers have regularly failed to comply with this Ordinance or where the Sponsor has been unable to resolve a nuisance behavior situation.

(d) *Feral Cat Colony Caretaker Responsibilities.* In order to be an approved managed Feral Cat Colony Caretaker, said Caretakers shall be responsible for the following:

(1) Registering the colony with the Sponsor;

(2) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to update the vaccinations as warranted and mandated by law;

(3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian;

(4) Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered, so that colony cats can be readily identified;

(5) Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Sponsor and the Feral Cat Colony Caretaker shall be the named contacts for purposes of the EAID;

(6) Providing the Sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered;
(7) Providing food, water, and if feasible, shelter for colony cats;
(8) Obtaining proper medical attention for any colony cat that appears to require it;
(9) Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cat;
(10) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Caretaker requires access to provide colony care;
(11) Taking all reasonable steps to:
a. Remove kittens from the colony after they have been weaned;
b. Place the kittens in homes or foster homes for the purpose of subsequent permanent placement; and
c. Capture and spay the mother cat.
(12) Reporting semiannually in writing to the Sponsor on:
a. The location of the colony;
b. The number and gender of all cats in the colony;
c. The number of cats that died or otherwise ceased being a part of the colony;
d. The number of kittens born to colony cats and their disposition;
e. The number of cats placed in animal shelters or in permanent homes as companion cats;
f. The number of cats vaccinated;
g. The number of cats microchipped; and
h. The number of cats spayed or neutered.
(e) *Withdrawal of Feral Cat Colony Caretaker or Sponsor.* In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor. In the event a Sponsor is unable or unwilling to continue to perform its role, it shall so advise the Department. The Sponsor shall work with the Department to obtain a replacement Sponsor. If no new Sponsor is found within 30 days, the Sponsor shall notify the Department.
(f) *Disposition of Feral Cat Colony cats.*
(1) An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a Feral Cat Colony, shall scan the cat for an EAID. If an EAID is found, the Officer shall attempt to contact the Sponsor or Feral Cat Colony Caretaker. If an EAID is not found, the Officer shall take reasonable steps to notify a Sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The Sponsor shall then take all appropriate and available steps to identify the Feral Cat Colony Caretaker of this cat or a Feral Cat Colony Caretaker who will take responsibility for managing this cat.
(2) If the Feral Cat Colony Caretaker is not able to immediately take custody of the cat, the Officer shall transport the cat to the Sponsoring Humane Society's Animal Shelter or nearest Animal Shelter. The Feral Cat Colony Caretaker shall be responsible for retrieving the cat from the Shelter within three business days or advising the Shelter if he or she does not intend to retrieve the cat.
(3) The Department, its designee, or a licensed veterinarian, in accordance with Section 10-98, Ordinance Enforcement, shall be the only persons permitted to destroy a Feral Cat. No person may knowingly poison or cause to be poisoned, or cause the destruction by any other means, of a Feral Cat. In accordance with Subsection 10-8(k), Animal Care, the only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-98. Ordinance enforcement.

(a) The Department or its designee, in order to encourage the stabilization of the Feral Cat population in Cook County, shall have the following rights:

(1) The right to trap in a humane manner and remove any cats that:

a. Have not been vaccinated against rabies or which are demonstrating signs of the disease;

b. Are not spayed or neutered;

c. Are not identifiable through an EAID as belonging to a Feral Cat Colony that has a Sponsor and a Feral Cat Colony Caretaker; or

d. For public health or public safety concerns.

1. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a Sponsor can arrange to have the cat spayed or neutered, eartipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The Sponsor may then arrange for the cat to be adopted or placed in a Feral Cat Colony.

2. If a Feral Cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, that cat shall be humanely destroyed.

(2) The right to direct that a Sponsor remove a Feral Cat that is creating a nuisance if the Sponsor has failed to adequately resolve the nuisance within 30 days after being given written notice thereof. In the event that the Department directs the Sponsor to remove the cat, the Sponsor shall have 30 days to do so. Failure of the Sponsor to remove the cat within said time period (or such longer time as the Department may specify) shall constitute grounds for the Department to remove the cat.

(b) Animal Control Officers ("ACO") or police officers shall investigate any nuisance complaint allegedly caused by a Feral Cat.

(1) In the event that an ACO or police officer finds that a Feral Cat or Feral Cat Colony has created a nuisance, the ACO or police officer shall advise the Department and Sponsor in writing of the nuisance.

(2) The Sponsor shall have the right to review the matter with the Administrator of the Department. If the Sponsor is not able to satisfy the Administrator that a nuisance is not occurring, the Sponsor shall have 30 days to comply with the Administrator's direction with respect to correcting the nuisance. If the Sponsor fails to correct the nuisance, the Department shall have the right to remove the cat.

(c) If a Sponsor fails to perform its responsibilities as defined in Subsection 10-97(c) of this article, the Department may notify the Sponsor that it must comply with the requirements of this article within 30 days. If the Sponsor fails to do so, the Department may remove this Sponsor from the list of Department-approved Sponsors, and may reassign the Feral Cat Colonies from this Sponsor to another Sponsor.

(d) If a Feral Cat Colony Caretaker regularly fails to comply with this article, the Sponsor may notify the Feral Cat Colony Caretaker that he or she has 30 days to make all reasonable efforts to fulfill the responsibilities defined in Subsection 10-97(d) of this article. If the Feral Cat Colony Caretaker fails to comply within that time period, the Sponsor may identify and obtain replacement Feral Cat Colony Caretakers for the Feral Cat Colonies of the non-compliant Feral Cat Colony Caretaker. If no other Feral Cat Colony Caretaker can be found within 30 days, the Sponsor shall notify the Department, and the Department may humanely remove all, or parts of, the Feral Cat Colonies and dispose of them in accordance with Section 10-98 of this article.

(e) Feral Cats who were spayed or neutered and vaccinated for rabies prior to the date on which this article became effective, but did not have an EAID inserted or were marked as Feral by some indication other than a left eartip, such as but not limited to a tattoo, shall be deemed to

be in compliance with this article, if all other requirements in Subsection 10-97(d) are being met by their Feral Cat Colony Caretaker. Feral Cat Colony Caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this article within three years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.
(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-99. Effective date.

This Ordinance shall become effective 30 days after adoption.
(Ord. No. 07-O-72, 10-16-2007.)

Part II.

ADMINISTRATIVE REGULATIONS TO THE COOK COUNTY ANIMAL AND RABIES CONTROL ORDINANCE

Regulation I-Animal Bite Report Procedures

A. Animal Bite Report Form – The Cook County Department of Animal and Rabies Control shall be the official form used within the county for the recording of information when an animal capable of transmitting rabies bites a person.

B. Animal Bite Investigation Responsibilities – Municipal police or other municipal officers with the delegated authority or the Sheriff's Police in unincorporated Cook County shall investigate and complete each animal bite report. They shall notify the owner of the biting animal that the animal must be taken to a Veterinarian within twenty-four hours after the bite. All police departments and the Sheriff's Police shall accept bite reports from medical authorities, bite victims and their families, animal owners and any other person having knowledge of a bite.

C. Department Notification of Animal Bite – Time Limit – The animal bite report form shall be mailed and transmitted via facsimile to the Cook County Department of Animal and Rabies Control within 24 hours after the receipt of a report. The animal bite report shall be mailed to health departments recognized by the State of Illinois within Cook County also within 24 hours of the examination, when directed by the Administrator.

Regulation II – Biting Animal Examination Form – Procedures for Veterinarians

A. First Veterinary Examination – Exam Ten or More Days After Bite. Veterinarians performing the first examination of an animal that has bitten a person shall complete the county rabies observation confinement notice form. However, if the veterinarian has proof (police animal bite report) that the first examination is taking place ten or more days after the bite, and the animal is currently vaccinated against rabies, the veterinarian shall at that time also complete the county rabies observation confinement release form. All forms shall be mailed, preferably faxed to the Cook County Department of Animal and Rabies Control within 24 hours of the examination. If not currently vaccinated the animal must be confined for 10 days regardless of the date of the first examination.

B. Final Veterinary Examination – Failure to Return. Ten days after the bite, if known, or ten days after the first examination the veterinarian shall complete the county rabies observation confinement release form. If an owner of a biting animal fails to return on the final day of the rabies observation period the veterinarian shall return the signed form with the notation "Failure to Return" placed thereon. This form shall be mailed, but facsimile preferred to the County Department of Animal and Rabies Control within 24 hours of the release date.

All animals not currently vaccinated must be vaccinated prior to release from confinement.

Regulation III – Special Procedures for Groups of Unusual Biting Animals

A. Owned Animal to Owned Animal Bite. Any owned animal that bites a person or other owned animal which may contract rabies must be presented to a licensed veterinarian within 24 hours of the bite and if not currently vaccinated for rabies impounded for 10 days.

B. Caged Animals. Owners of caged rabbits, guinea pigs, gerbils, rats and mice that have been owned over thirty days shall not be required to obtain a veterinary examination when their caged animal has bitten a person, but shall report the health of the biting animal by telephone or in person to the County Department of Animal and Rabies Control on the first and tenth day following the bite.

C. Guard Dogs. Owners of guard dogs that have bitten a person in performance of guard duty and have been officially registered shall not be required to obtain a veterinary examination of the dog but shall report the health of the biting animal by telephone or in person to the County Department of Animal and Rabies Control on the first and tenth days following the bite. Guard dogs that are not officially registered shall be confined under observation of a licensed veterinarian for a period of 10 days within 24 hours of the biting incident. If the guard dog is currently vaccinated it may be confined on the premises of the owner in a manner which will prohibit it from biting any person or animal and the guard dog's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period. When the guard dog is not registered and not currently inoculated with rabies vaccine, the guard dog shall be confined for 10 days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.

D. Large Animals. Cattle, sheep swine and horses that have bitten a person shall be confined to the owner's property and examined by a veterinarian on the first and tenth days after a bite.

E. Stray Animals. Stray animals that have bitten a person shall be apprehended and held for ten days or less. When the biting stray animal is not held for ten days, it shall be humanely euthanized, unless otherwise directed by the Administrator and the head submitted for rabies examination.

F. Death Before Confinement Period Expires. Any animal, including caged animals, that has bitten a person and dies, is accidentally killed or is humanely euthanized, before the tenth day following the bite shall have the head removed and sent to the local public health laboratory for rabies virus analysis. (FRA Test).

Regulation IV – Guard Dog Registration Certificates

A. Eligibility – Application Form. Owners of dogs used in commercial business for the purpose of patrol and protection shall send a request to the County Department of Animal and Rabies Control for an application form for a Guard Dog Registration Certificate. To be eligible, guard dogs must be inoculated with rabies vaccine that is effective through 1 December of the year which the application is made, and must be subcutaneously injected with a microchip for identification purposes. All guard dogs shall be registered with the County Department of Animal Rabies and Control each and every year.

B. Registration Fee-Exceptions. Guard Dog Registration Certificates will be mailed upon the receipt of a properly completed form and a $10 registration fee. The fee will be waived for police and municipal departments.

C. Expiration Date. Registration certificates shall expire on 31 December of each year.

Regulation V. Rabies Vaccination Certificates

A. Filing of Certificates-Date Due. Veterinarians shall send to the County Department of Animal and Rabies Control Certificates of animals inoculated with rabies vaccine by the 15th and 30th of each month following information. Hospitals using the ACE program must back up certificate information daily.

B. Vaccination Certificate File in the Animal Hospital. Veterinarians shall maintain their own rabies vaccination file for three years past the date of inoculation.

Regulation VI. Submission of Specimens for Rabies Virus Analysis

A. Specimen to be Submitted. Only the head of animals that are capable of transmitting rabies and that have bitten a person, shall be submitted for rabies virus analysis except those in which the suspect animal weighs approximately five hundred grams or one pound (bats, mice, gerbils, hamsters, etc.) In the latter case the entire animal shall be submitted.

B. Time Limit for Submission: Specimens shall be submitted with 24 hours of the bite whenever possible or within 24 hours of the receipt of the specimen.

C. Refrigeration. All specimens shall be refrigerated (not frozen) until received by the public health laboratory.

D. Packaging. Specimens shall be shipped or sent by messenger only in leak proof (double wrapped in plastic) containers accompanied by an information card indicating the species and number of specimens submitted, name, address and telephone number of the bite

victim and the name, address and telephone number of the person submitting the specimen.

E. Location for Submission. Residents of the county shall submit specimens to the Illinois Public Health Laboratory at 2121 West Taylor in Chicago, during the hours of 8:30 a.m. and 4:40 p.m. on Monday through Friday. On weekends and holidays the specimens should be refrigerated and submitted to the Illinois Public Health Laboratory on the next working day. Emergency service on weekends and holidays is provided by calling the County Department of Animal and Rabies Control. A fee of $30 will be charged for this service, as set forth in subsection F.

F. Fee for Transporting Specimens. The County Department of Animal and Rabies Control will transport specimens to the Public Health Laboratory from facilities such as veterinary hospitals and humane societies and from individual residents of Cook County, for a fee of $30.

Regulation VII. Redemption of Apprehended Animals

A. Place of Impoundment. Animals apprehended by the County Department of Animal and Rabies Control shall be impounded in facilities designated by the department.

B. Duration of Impoundment. The impoundment period shall be four days at which time animals impounded become the property of the department.

C. Redemption of Impounded Animals-Conditions. Owners of apprehended animals prior to release of the animal shall present proof of current rabies inoculation for animals and pay the following redemption fee:

1. $25 to cover the pick-up service and the requirement under the Illinois Animal Control Act.

2. Boarding fees as determined by the holding facility for each day or part of day that the animal is held.

3. Rabies inoculation fee for animals as determined by the holding facility if no current rabies inoculation is present.

Regulation VIII. Dog Parks and Areas

A. Definitions

Terms not defined in this Regulation VIII shall be defined in Section II of the Cook County Animal and Rabies Control Ordinance.

Dog Park means an enclosed area of land where dogs are permitted to be off leash.

Leash means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

Operator means any Person who owns, operates or provides for use by patrons a Dog Park.

B. Requirements

1. No person shall be an Operator of a Dog Park unless such Dog Park is in compliance with this Regulation VIII.

2. A Dog Park must be completely enclosed by a contiguous fence with each entrance designed in such a manner as to secure against accidental opening.

3. There must be prominently displayed at each entrance to a Dog Park a sign that sets forth the Operator's rules for use of the Dog Park by patrons which rules shall not be inconsistent with these regulations.

4. Dogs must be on a Leash when entering into and leaving a Dog Park. They may be taken off a leash while within the Dog Park except as necessary for the safety of the dog or patrons.

5. The Operator must institute a plan (e.g. licensing/permitting and/or use of a key or keycard system) satisfactory to the Administrator for each Dog Park that reasonably ensures that access to the dog park is limited to dogs:

a. for whom there is written proof of an examination within the past year for any communicable diseases including an examination of a stool specimen for internal parasites, and current vaccinations for Distemper, Hepatitis, Leptospirosis, Para-influenza, Parvovirus and Bordetella (kennel cough) unless an exemption to this requirement has been granted by the Administrator upon the written recommendation from the Owner's veterinarian; and

b. who are in compliance with rabies vaccination requirements of the Illinois Animal Control Act (510 ILCS 5); and

c. who are currently licensed by the local government where the Dog's Owner lives.

6. The plan required by B (5) above shall be filed in writing with and must be approved by the Administrator prior to the Operator permitting patrons to use a Dog Park after the effective date of these regulations. Once approved by the Administrator, any proposed change in the plan must be approved by the Administrator prior to such change becoming effective.

7. The Operator must institute a system of periodic surveillance to monitor compliance by Dog Park Patrons with the Operator's Dog Park plan and rules. The Operator shall have a policy for those instances in which a patron does not observe the Operator's rules. The Operator shall permit the Administrator to monitor and enforce compliance by Dog Park Patrons with the Operator's Dog Park plan and rules.

8. The Dog Park must have covered leak-proof containers available for storage of waste materials for disposal to control vermin and insects, which containers shall be periodically emptied and maintained in a sanitary condition.

9. Patrons shall comply with the Operator's rules and regulations.

A. Violations

A Violation of these regulations by an Operator or Patrol shall be punishable as set forth in Section XI of the Cook County Rabies and Animal Control Ordinance.

Effective Date:

These regulations shall become effective on January 1, 2010

Part III.

WHEN AN ANIMAL BITES

1. These guidelines are based on requirements and recommendations of the Illinois Department of Agriculture and Public Health, the Illinois Animal Control Act and the Cook County Department of Animal and Rabies Control for:

    a. Biting Animal Owners
    b. Bite Victims
    c. Physicians and other Medical Personnel
    d. Police Officers
    e. Veterinarians

2. Animal bites can cause rabies and other serious infections and scarring. These truths should be known about rabies:

    a. Rabies is a fatal disease that affects all mammals including man.

    b. Rabies vaccination is safe for all animals. To be effective, rabies vaccine must be given at least four weeks before an animal is exposed to rabies.

    c. Rabies is decreasing as a human disease because there has been an increasing number of cats and dogs inoculated with the rabies vaccine and there are improved Public Health Programs stressing the need for stray control and rabies vaccination for cats and dogs.

    d. In spite of vaccination programs, rabies is still very prevalent in wildlife. It will continue to be a serious public health problem for many years to come.

Section I. Guidelines for Owners of Biting Animals

A. LAW ENFORCEMENT-LEGAL REQUIREMENTS

The Cook County Department of Animal and Rabies Control is the organization that is given the authority to enforce the laws relating to biting animals (510 ILCS 5/1 et seq.). The basis for these laws is protection of the health of the bite victim through the control of rabies. The health of the biting animal is determined by an examination and through the observation of the biting animal by a veterinarian for ten days following the bite.

The need to impound a biting animal is dependent upon the laws of the County in which the biting animal owner lives.

A more direct and effective method of determining rabies in the biting animal is through the examination of the brain of the killed animal. This method is less than pleasing to most animal owners.

B. REPORT EACH BITE

Owners of biting animals, regardless of the reason for the bite, must recognize that all bites must be reported to protect the bite victim's health. All confirmed cases of rabies in man have been fatal. All bite report forms are forwarded to the Cook County Department of Animal and Rabies Control. When the Department receives an Animal Bite Report form without the additional veterinary health evaluation of the biting animal, the biting animal owner is contacted by telephone or by mail and informed of this requirement.

C. LOCAL POLICE ACCEPT ALL BITE REPORTS-CORRECTED REPORTS

Police personnel are trained to complete the Animal Bite Report form. Information for this report form is supplied to the local police department in which the owner of the biting animal lives by: medical personnel, bite victims, animal owners and other persons who have knowledge of a bite. Whenever there is controversy about the Animal Bite Report, the local police district shall be called so that a corrected report can be filed. Disputes not resolved in the local police district will require the bite victim to request a court appearance by the owner of the biting animal.

D. EXCEPTION

Owners of biting caged rabbits, hamsters, guinea pigs, gerbils, rats and mice (if ownership can be established over thirty days duration) and biting registered guard dogs are only required to call the Cook County Department of Animal and Rabies Control on the first and tenth day after the bite and report the health of the biting animal.

E. DEATH OF BITING ANIMAL

Whenever a biting animal dies within ten days of the bite, the head of the animal must be submitted to the local public health laboratory for rabies virus analysis. If the death of a biting animal other than a dog or a cat occurs for any unspecified reason within thirty days of a bite, it is advisable for the animal owner to submit the animal head for laboratory evaluation.

F. COURT APPEARANCES

Owners of biting animals shall be required to appear in court for violation of the law whenever any of the following occur:

1. If the biting animal is not currently vaccinated against rabies.

2. If the biting animal is allowed to bite a person when under the ten day home confinement.

3. If the biting animal is given away or sold, is allowed to roam, escapes or is otherwise disposed of during confinement period.

4. If the biting animal is not submitted for the required veterinary examination after the bite.

Section II. Guidelines for Bite Victims

A. HOME CARE FOR BITE WOUNDS-MEDICAL ADVICE

Awareness of the importance of the care of animal bite wounds will help prevent infection and rabies and relieve much of the anxiety about animal bites. It is essential that all bite wounds receive immediate attention. An immediate thorough flushing of the wound with water while allowing the wound to bleed freely, followed by a scrubbing with soap or a good disinfectant agent will minimize serious side effects of a bite. Following the first aid treatment of the animal caused wound, medical advice should then be sought to determine the most effective final treatment.

B. REPORT ALL BITES TO LOCAL POLICE-CAPTURE OF THE BITING ANIMAL-SCRATCHES

All bites (breaks in the skin) shall be reported to the local police, but those bites caused by at large (stray) and high risk kinds (species) or wild animals, such as the skunk and bat, shall be immediately reported to the police while it is possible to capture the biting animal. Because of the risk involved, the at large (stray) or wild animal should be continually observed until it is captured by the local police or authorized officer.

C. REDUCE THREAT OF RABIES

The threat of rabies to the life of the bite victim also will be minimized if the biting animal is captured and placed under observation of a veterinarian. The bite victim must recognize that the medical decision to administer anti-rabies injections (shots) is based mainly on these facts:

1. Capture and clinical evaluation of the health status of the biting animal by a veterinarian.

2. Kind (species) of biting animal.

3. Circumstances surrounding the biting incident.

    a. Was the bite provoked?

    b. Was the wound caused by the animal's nails or claws?

In addition the bite victim must understand that any break in the skin caused by an animal should not be regarded lightly. Death is the result of clinical rabies in animals or humans.

Section III. Guidelines for Medical Doctors and Associated Medical Personnel

A. REQUIREMENT TO REPORT ANIMAL BITES-CONTENTS OF ANIMAL BITE REPORT FORM

All medical personnel are required under the Cook County Animal and Rabies Control Ordinance to report all animal bites. Within Cook County the animal bite incident is reported to the police or other authorized personnel in the area in which the biting animal owner lives. If the biting animal was a stray or wild animal, the bite report should be given to the police or other authorized personnel in the area in which the bite occurred. The Animal Bite Report form requires this information:

1. Name, address and telephone number of the animal owner;

2. Name, address and telephone number of the bite victim;

3. Address where the bite happened;

4. Type, breed, sex and color of the biting animal;

5. Rabies Vaccination status of the biting animals (Cook County Rabies Vaccination tag number is necessary);

6. Community animal license number (not a Cook County requirement);

7. The name of the veterinarian who examined or will examine the biting animal;

8. Date the bite occurred;

9. Notation if a ticket was issued for any violation.

B. RATIONALE OF TREATMENT FOR BITTEN PERSONS (As adapted from the U.S. Public Health Service) Every exposure to possible rabies infection must be individually evaluated. Over eight thousand (8,000) animal bites are reported each year in Cook County. The following factors should be considered before anti-rabies treatment is initiated:

1. Species of biting animal

Carnivorous animals (within Cook County, skunks, raccoons, coyotes, stray dogs, stray cats, ferrets) and bats are more likely than other animals to be infected with rabies. However, any warm blooded animal can be infected with the rabies virus.

2. Circumstances of the biting incident

An UNPROVOKED ATTACK is more likely to mean the animal is rabid. Bites inflicted on a person attempting to feed or handle an apparently healthy animal should generally be regarded as PROVOKED.

3. Types of exposure

Rabies is commonly transmitted by the inoculation of infectious saliva through the skin. The possibility infection will result from exposure to a rabid animal varies with the nature and extent of exposure. Two categories of exposures should be considered:

a. Bite, any penetration of the skin;

b. Non-bite, scratches, abrasions, open wounds or mucous membranes contaminated with saliva.

4. Vaccination status of the biting animal

A properly immunized animal has only a small chance of developing rabies and transmitting the virus.

5. Presence of rabies in the area

Cook County is endemic for skunk and bat rabies.

C. MANAGEMENT OF THE BITING ANIMAL

The Cook County Department of Animal and Rabies Control is the department that administers the Cook County Animal and Rabies Control Ordinance. Each animal, except as noted below, that bites a person must be examined within twenty-four hours of the bite and placed under observation of a veterinarian for ten days. Owners of laboratory type animal pets (rabbits, guinea pigs, hamster, gerbils, rates and mice) owned over thirty days and registered guard dogs are required to call the Cook County Department of Animal and Rabies Control on the first and tenth day following a bite. Strays or unwanted animals may be killed immediately and their heads submitted for rabies examination by fluorescent microscopy. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that bites or scratches a person shall be killed at once (without necessary damage to the head) and the brain examined for evidence of rabies.

D. RABIES CASE PROCEDURE

Whenever a biting animal develops signs suggestive of rabies, the animal will be euthanized and the head removed and taken to the Illinois Public Health Laboratory. In all cases positive for rabies the medical personnel or health facility reporting the bite will immediately be notified through a telephone call from the Administrator.

E. POST EXPOSURE PROPHYLAXIS

The latest recommendation for post exposure prophylaxis are published by the United States Public Health Service Advisory Committee on Immunization Practices found in the Morbidity and Mortality Weekly Report of the U.S. Department of Health Education and Welfare. The report is dated 31 December 1976 – Volume 25 – Number 51. If questions persist after reviewing these recommendations, consultation can be sought at the full time local Public Health Department or the Cook County Department of Public Health.

F. LOCAL TREATMENT OF WOUNDS

Immediate and thorough local treatment of all bite wounds and scratches is perhaps the most effective rabies preventive. The wound shall be thoroughly cleansed with soap and water. When the wound treatment is under the direction of a physician, tetanus prophylaxis and control of bacterial infection should be given as indicated. Experimentally, the incidence of rabies in animals can be markedly reduced with local therapy alone.

Section IV. Guidelines for Police Personnel

A. METHOD OF ENFORCEMENT

All police officers are sworn to uphold all Federal, State and Local Laws. Within Cook County, the local police are usually designated to investigate each animal bite. In some communities, special police officers are assigned to this duty.

B. PURPOSE OF ANIMAL BITE REPORTS

The purpose of the animal bite investigation is to determine if a bitten person has been exposed to rabies. The question of rabies exposure can best and most quickly be determined by killing the biting animal, removing the head and submitting it to an approved public health laboratory for rabies virus analysis. Killing of all biting animals, particularly domestic pets, is not generally acceptable. Therefore, the biting animal that is not killed and checked at the laboratory must be examined by a veterinarian within twenty-four hours of the bite.

C. ANIMAL BITE PROCEDURE

1. Assist the bite victim to a medical facility or advise the victim to seek medical advice.

2. Inform the owners of the biting animals that the animal must be examined by a veterinarian within twenty-four hours of the bite.

3. Capture or keep under continuous surveillance all wild animals and other biting animals that are at large (stray).

4. Complete and mail within twenty-four hours an Animal Bite Report form to the Cook County Department of Animal and Rabies Control. In Chicago the police officer must complete form CPD-34.226 and call 311 to report bite and make bite report available to the Cook County Department of Animal and Rabies Control.

D. CONTENTS OF AN ANIMAL BITE REPORT FORM

Information required to complete the Animal Bite Report form is as follows:

1. Name, address and telephone number of the animal owner

2. Name, address and telephone number of the bite victim

3. Address where the bite happened

4. Type, breed, sex and color of the biting animal.

5. Rabies Vaccination status of the biting animal (Cook County Rabies Vaccination Tag Number is necessary)

6. Community animal license number (not a Cook County requirement)

7. The name of the veterinarian who examined or will examine the biting animal

8. Date the bite occurred

9. Notation if a ticket was issued – for any violation.

E. LEGAL GUIDELINES FOR IMPOUNDMENT

The County Ordinance applies throughout Cook County including within a home rule municipality. Any municipality, regardless of its population may pass an Ordinance effective within jurisdiction more strict than the County ordinance.

F. FACTS ABOUT ANIMAL BITES AND RABIES

All animal bites involving a person must be reported, but the break-down into high risk and low risk bites is intended to aid the police officer in determining the need for animal capture and the urgency for rabies treatment of a bitten person.

1. High risk bites (victims commonly receive shots)

   a. Stray (at large) animals where ownership is not known.

   b. Wild animals. Within Cook County the bat and the skunk are the species most often involved.

   c. Sick animals not under the care of a veterinarian.

   d. Any pet animal that attacks a person for no known reason (UNPROVOKED BITE).

2. Low risk bites (victims rarely receive shots).

   a. Pet animals that bite as a result of an action of a person (PROVOKED BITE).

   b. Bites inflicted by rabbits, squirrels, guinea pigs, hamsters, gerbils, chipmunks, rats, mice and other rodents. Within the United States human rabies has never resulted from a bite from these animals.

   c. Bites that in fact are wounds caused by the animal's claws or nails (scratches) without contamination by the animal's saliva.

Section V. Guidelines for Veterinarians

A. VET EXAM REQUIRED – EXCEPTIONS

All biting animals except those listed below must receive a veterinary examination within twenty-four hours of a bite. Guard dogs registered with the Cook County Department of Animal and Rabies Control, and laboratory pet type animals (rabbits, hamsters, guinea pigs, gerbils, rats and mice) owned over thirty days are exempt from veterinary examination, but their owners must contact the Department within twenty-four hours after the bite.

B. PROCEDURE FOR RABIES OBSERVATION HOME CONFINEMENT AGREEMENT – SPECIAL PROCEDURES

1. Instruct the animal owner to read the Rabies Observation Home Confinement Agreement.

2. Complete the forms.

3. Have owners sign the Rabies Observation Confinement Notice.

4. Mail the Rabies Observation Confinement Notice within twenty-four hours after the time of the examination.

5. Mail the Rabies Observation Release Notice within twenty-four hours of the date listed as the tenth day on the Rabies Observation Confinement Agreement (Section 4B).

6. Details regarding special procedures are incorporated in Regulation 2 and Regulation 3 of the Cook County Animal and Rabies Control Ordinance.

C. RABIES IN ANIMALS

Rabies in animals is sporadic and found mainly in wild animals. Whenever wild animals lose their natural fear of people in the wild state and are involved in an animal or person bite, rabies should be considered a possibility. Specific symptoms of rabies in wild animals are varied so that there is not one reliable symptom to assist in the diagnosis. All biting wild animals should be killed, and the head should be removed and sent to the public health laboratory for rabies virus analysis.

Symptoms of rabies in domesticated animals are more reliable and include the following: un-coordination, lethargy, dilated pupils, futile attempts to eat and drink, excessive salivation with frothy accumulation about the mouth, change in voice, change in disposition, restlessness, progressive aggression, paralysis and death. While rabies transmission is possible because of a bite, in most cases, the animal is showing symptoms one or two days after the bite and is dead by the fifth day.

D. LEGAL GUIDELINES FOR IMPOUNDMENT

The County Ordinance applies throughout Cook County including within home rule municipalities. Any municipality regardless of its population may pass an ordinance effective within its jurisdiction more strict than the County ordinance.

Part IV.

ANIMAL CONTROL THROUGH THE FORMATION OF A COMMUNITY DEPARTMENT OF ANIMAL CONTROL

1. Introduction
2. Community Governmental Participation
3. Animal Control Advisory Committee
4. Department of Animal Control
5. Improvement of Local Animal Control Ordinance
6. Training of Police and/or Animal Control Personnel
7. Public Education in Animal Control
8. Summary

1. Introduction

Animal control is a term often misunderstood in most urban communities. It is frequently thought to be not more than a change from the expression of dog catcher-dog pound. In reality an Animal Control program of today is a multifaceted concept involving local government, public health, media cooperation, public education and citizen participation in cooperation with specialists in animal health, care and control. Communities within Cook County have many types of animal control programs varying from a sophisticated program to little or no program at all. The purpose of these guidelines is to present a workable formula which can be used by any community as pattern for establishing a sound functional Animal Control program. Innovations and variations of this formula, of course, would have to be adapted to each community's individual problems and peculiarities.

2. Community Governmental Participation

The first and most important step in the establishment of a good Animal Control program is to secure the interest and cooperation of the local governing body. A knowledgeable person should meet with the members of the local government and present to them a concise, explicit and comprehensive description of Animal Control and the animal control problems within their community. It is important that the governing body of a community be aware of the problems, purposes and goals of Animal Control. Since there are often many difficulties and differences of opinion concerning Animal Control, a carefully outlined program will help insure cooperation of local governmental officials.

3. Animal Control Advisory Committee

A community Animal Control program is a very new concept. Not all communities have people available who have enough real expertise to set up and direct a sound workable program. When this expertise or experience is not available, the community should appoint a small group of experts to act as an advisory committee. The Cook County Department of Animal and Rabies Control is willing and anxious to assist the local community in its search for individuals to fill these positions. This committee can assist in developing and organizing a complete Animal Control program. Impounding methods, licensing procedures, record keeping, training procedures for personnel, development of a humane educational program and the organization of a community Animal Control committee should be included in this program. The committee should be limited in number but should include such people as:

PURPOSE

a. A person knowledgeable in humane society work.

b. A person with expertise in animal care facility (dog pound) operations.

c. An interested veterinarian.

d. A public citizen interested in animal control work.

e. A community official responsible for the local program.

4. Department of Animal Control

Every community that is interested in a good Animal Control program must establish a Department of Animal Control. In most cases it is not necessary to have a separate department but the department can be placed under the administration of another governmental agency, such as the Health Department or Police Department. It is important, however, for the department to have its own title and identity for it to be effective in dealing with the public and other governmental agencies. At least one person should be given the responsibility and authority to carry out the duties of the Department.

5. Improvement of Local Animal Control Ordinances

In order to achieve a good Animal Control program in any community proper Animal Control Ordinances must be legislated. Local ordinances usually need to be updated, revised, or completely re-written to include changes in State and Federal Laws as they apply to the community. The Cook County Department of Animal and Rabies Control has available as a guideline its recently passed Cook County Animal and Rabies Control Ordinance that can be used with a few revisions in most areas of Cook County. No local Animal Control program should be without a sound basic Animal Control Ordinance from which to establish goals and guidelines.

6. Training of Police and/or Animal Control Personnel

All police officers are sworn to uphold all Federal, State and Local laws. The trend over the last several years is to separate the Animal Control Department from the local Police Department. However, within Cook County the local police officer is, most frequently, the person who investigates and completes the Cook County Animal Bite Report form.

Each officer, whether a police officer or an Animal Control officer, assigned the responsibility for Animal Control should be kept informed about the existing laws concerning animals. The Cook County Department of Animal and Rabies Control has the capability to provide training for the local police officer involved in Animal Control. Good cooperation between the police personnel and the Animal Control personnel is essential for the effective program.

7. Public Education in Animal Control

The real key to a successful Animal Control program involves the community resident. In actuality Animal Control in its simplest interpretation means keeping owned pets and unwanted stray pets from roaming in a community. At one time or other most all free roaming pets have had or have an owner. Consequently, an informed public is the answer to a successful program. Good public participation in Animal Control must be accomplished through education and pet identification. Most communities can produce a good educational program through these areas:

a. SCHOOLS

Children love pets and are very attentive and sensitive to pet problems. Children can be very effective in their approach at home relative to what they have learned in school about their pets needs and cares. The American Humane Society and the Chicago Anti-Cruelty Society have education programs as part of their services. There are many movies, posters and literature geared to grade school level that are effective in teaching Animal Control to your children. The Illinois Dog Clubs and Breeder's Association has formulated an excellent core curriculum which can be incorporated into the grade school (Grade K through 6) with great ease and success.

b. SERVICE CLUBS

Most local service clubs develop their meetings around a speaker oriented program. Through these programs responsible community leaders can be informed of responsible Animal Control. If this program is developed by many communities, the Cook County Department of Animal and Rabies Control will assist through the formation of a speaker's bureau.

c. MEDIA

There is no human story easier to sell to local newspapers than dog and cat stories. A good Animal Control program should include press releases and messages to the public relative to animal control problems.

d. PET IDENTIFICATION

Every community should have a pet identification program through effective licensing. If every pet that was picked up had a license tag on it for identification, the pet could be immediately returned to its owner. The pet owner should be charged a fee for this service. This kind of service would be well accepted in the community. The fee would reduce impounding cost, return most lost pets, and increase community revenues to help defray animal control expenses. Each community should establish as part of the Animal Control Officer's job description a door to door enforcement of the laws concerning inoculation of pet animals with rabies vaccine and the purchase of the community animal license.

8. Summary

Responsible ownership should become a goal of each community government. Involvement of the community residents in the creation of an Animal Control Department is the method suggested. Training of personnel involved in Animal Control and the development of a local educational program are necessary to help teach and assist the community's residents in effective Animal Control.

Approved As Amended
By The Board Of The Cook County Commissioners January 1, 2010

From: [redacted]
To: David Schoon; Ann Klaassen; Robert Bahan
Subject: December 9 2024 ZBA Meeting Comments
Date: Monday, December 2, 2024 11:59:28 AM
Attachments: DecemberZBAComments.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Schoon and Ms. Klaassen:
Would you please enter my email with attachments into the public record, and share with ZBA and the Village Trustees?

To: ZBA Members and Village Trustees
From: Kris Schriesheim
Re: WPD Centennial Permit Application
Date: December 2, 2024

Thank you in advance for reading through and examining my analysis of WPD's Centennial permit application, which identifies significant flaws that I believe weigh heavily against a recommendation to grant the Special Use Permit and Steep Slope Ordinance variance requests.

INTRODUCTION:
WPD has proposed an inflexible, non-minimal, unreasonable, and safety-threatening Centennial project, which would permanently block access across the shoreline as well as increase the amount of "hardening" and bluff cutting without appropriate studies or justification for the plan's designs. WPD's plan runs the risk of adding to the Winnetka lakefront's gradual transformation into a series of steel walls and rocks. Projects constructed in such an uncoordinated manner across the lakefront, with potentially multi-project driven environmentally destructive effects, violate the Steep Slope Ordinance's underlying purpose: [T]o protect slope stability in the Village, Lake Michigan, its coastline, beaches, bluffs, and other related lakefront features, provide unique resources to the Village and to its residents that must be preserved and protected. Lake Michigan, its coastline, beaches, bluffs, and other related lakefront features have special historical and community value to the Village and its residents . . . " I would also note that the Village values public green space and provided extra protection for lakefront green spaces including Centennial Park, by creating a Lakefront Overlay District. The Village should be loathe to "sacrifice" irreplaceable public green space in the name of paving, hardening, privatizing and potentially commercializing the lakefront.

DISCUSSION POINT 1:
WPD's Centennial plan does not provide ingress and egress solutions that will minimize pedestrian and vehicular traffic congestion, nor to address safety issues that arise in conjunction with the plan. WPD suggested that nearby Elder Lane parking will be available to Centennial users, which ZBA cannot consider since it is outside the scope of the permit application. Even so, upon checking New Trier's 2025-2026 school year calendar (attached) I saw that NTHS uses Elder's parking lot for all or part of 11 out of 12 months of the year, with only three regular and one or two ADA spaces fully available to the public during those eleven months. This shines a spotlight on meritless suggestions about parking availability at Elder.

DISCUSSION POINT 2:
ZBA has raised issues related to the public's health, safety and welfare in connection with WPD's assertion that Centennial beachgoers will have to wade through the waters of the Great Lakes to reach restroom facilities. The Illinois Swimming Facilities Act requires any newly constructed public beach to provide restroom facilities within 300 feet of the shoreline. WPD's Centennial Plan would openly violate this public health requirement. Illinois's Equitable Restroom Act contains further public facilities requirement, which WPD has failed to acknowledge. In addition, OSHA requires employers such as WPD to "provide" restroom facilities to employees. None of the examples in OSHA's discussion of how employers may "provide" such facilities appear to envision requiring employees to leave their workplace and enter the waters of the Great Lakes in order to reach a toilet. Can you imagine a young person getting his/her first hourly wage job at WPD, which Ms. Codo has said is often the case, and learning that WPD has decided you will not have access to restroom facilities during 6-7 hour shifts without swimming through the water? I personally cannot. The lack of public facilities is an unsafe public health threat.
I have not been able to make sense of WPD's testimony when asked about the lack of facilities. WPD knows where its water, service and electrical lines are and stated as much in its 2030 LMP draft. WPD's current Centennial plan proposes to move the dog wash station from the tabletop to the beach--and I believe it already did some of the water line work required to accomplish this (documentation attached). Its 1988 OSLAD/LWCF grant file has corresponding schematics showing utility lines and bathroom facilities. The 2030 LMP itself contains plans to construct restrooms at Centennial, both on the beach and on the upper-level. Given this, I suspect there are other reasons for WPD's failure to comply with applicable state law and Village Code provisions.

DISCUSSION POINT 3:
A major consequence of WPD's Centennial plan will be to permanently block public access at Centennial and to discriminate against challenged individuals and their families. By submitting designs that prevent overall shoreline as well as ADA access to Centennial dog beach for half a century, WPD proposes to build an inaccessible beach.
WPD's 2010 ADA Staff Report (included in November ZBA submission) lays out how to achieve ADA compliance at Centennial: by providing a route from the tabletop to the dog beach and then to the water line's "normal recreation level." WPD ignored this, and is deliberately making the beach adjacent to 205 Sheridan inaccessible by limiting it to persons who are able to go up and down stairs, which themselves may or may not comply with ADA stair guidelines--the public does not know because WPD failed to get an expert ADA report. Further, WPD's proposed inaccessible breakwater renders the entire shoreline inaccessible and impossible to traverse, which appears to violate not only the Village code, but potentially also new U.S. Department of Justice requirements for accessibility in the Public Right-of-Way. See also "The ADA and City Governments: Common Problems" at ada.gov. WPD should be required to address these concerns with expert reports--and not with ADA-irrelevant pitches touting the plan as including already existent panoramic views of the lake (not sufficient to satisfy ADA); ADA boardwalk level access (not sufficient to satisfy ADA); access "ONTO" the breakwater which sits in the lake (a boat does the same thing without the dangers; breakwater is non-ADA with respect to mandatory waterline access); and, maybe, a future beach route that will allow patrons with differing abilities to enter the lake directly (ADA at swimming beach; non-ADA at the separate dog beach for half a century under the Restrictive Covenant).
Easily anticipated WPD arguments against providing ADA access to the dog beach and permanently blocking public access to Centennial's entire 525' shoreline on the basis that they

are the "same beach" and that able-bodied persons can traverse the beach by using the boardwalk, which has a ramp to the sand on one side and stairs on the other, would fall flat. The Illinois Swimming Facilities Act provides that swimming and dog beaches are legally required to be separate because people and animals cannot share the same watershed. Separate public beaches constructed in 2024 must provide ADA access all the way to the water, and particularly those beaches that benefitted from government grants, as Centennial did.
Also, I question whether ADA requirements applicable to low vision persons have been considered by WPD. I do not recall WPD presenting information on whether various stairs in its designs are ADA compliant. Furthermore, the public does not have confidence that Centennial's one existing ADA spot is located properly in relation to WPD's mixed use roadway down the bluff to meet ADA parking requirements.
The Village should require WPD to produce professional ADA (and traffic) reports from experts, as our neighbors in Wilmette did. Without this, Winnetka's Centennial plans appear to represent WPD accession to a limited number of private citizens' influence on project designs, and raise questions as to whether they truly serve an overriding public purpose.

DISCUSSION POINT 4:
WPD's Centennial plan poses multiple safety threats, including drowning and injury risks associated with breakwater and associated fencing. WPD's proposed fence locations on the breakwater as well as on the existing steel groin located next to 205 Sheridan's northern breakwater raise public shoreline access issues and threats to safety. At ZBA's November meeting, WPD staff revealed that it knows the proposed breakwater-located fencing creates serious safety risks--stating it would create the risk of persons climbing onto the fencing to dive or jump off into the water. This is extremely unsafe--the same WPD staff member also said that "only" 1/4 of the breakwater will be visible above the waterline, so anyone climbing onto the fencing to jump or dive into the water will be doing so without knowing that 3/4 of the massive breakwater lies below the surface. Similarly, putting fencing on Centennial's southern groin, which crosses over onto property considered "private" for Village zoning purposes, will create a new risk there as well. It will allow beachgoers to use the fencing to climb up onto the groin and travel over 125' out into the lake, where they may jump or dive into the water, either into Centennial's lakefront, where WPD testified the steel groin creates dangerous rip currents, or into 205 Sheridan's, with structural and rip currents potentially present, and where large armored stones supporting that breakwater are embedded under the waterline as well.

DISCUSSION POINT 5:
WPD asserts that it expects decreased beach usage as a result of constructing a $6-$7 million project, and therefore will not build additional parking at Centennial. New Trier High School is visible in drone shots taken from Centennial's lakefront. The massive rubble mound breakwater with a large circular concrete gathering area that is as wide as Sheridan Road will be a magnet for kids. Centennial is within easy walking, skateboarding, biking or driving distance from New Trier's nearly 4,000 student body, and is also near bus stops and Elder's student parking. It seems highly likely that Village residents and non-residents alike will drive up the park's usage.

DISCUSSION POINT 6:
WPD's assertion that "some people" prefer to travel down a steeply pitched, multi-purpose roadway to reach a beach, is merely that--an assertion--with no publicly available supporting documentation or evidence. The Village should require WPD to establish the facts behind its assertion. From my own personal experience, I know that some challenged persons and low

vision individuals are quite fragile, which would make traveling on a shared roadway with vehicles, skateboarders, dogs, strollers, runners, etc., not only unsafe, but dangerous in a serious way. Please consider requiring WPD to provide safe ADA access to both sides of the beach--swimming and dog--via a lift, as Kenilworth does.

DISCUSSION POINT 7:
At ZBA's November meeting, The Lakota Group's Scott Freres called Centennial's bluffs "garbage." This clashes violently and in an extraordinary manner with the Village Code's position on coastal bluffs' importance, which does not assign value based on arbitrarily calling them "natural" or "unnatural," but because of their essential nature as coastal bluffs. It clashes with the U.S. Army Corps of Engineers' position on coastal bluffs' importance, with the U.S. Fish and Wildlife Services's position, with the Illinois Coastal Management Zone's position, with IDNR's position, with IEPA's position, with Village of Winnetka coastal/marine engineering consultant Baird's position, and even with WPD's historic position on the bluffs. The 2030 LMP does not describe the bluffs as "garbage" at any of our lakefront parks including Centennial's bluffs post-OSLD/LWCF grant-funded restoration project. To the contrary, it highlights the bluffs' importance to the Lake Michigan ecosystem (and in Centennial's case notes that existing steel sheet piling protects them).

DISCUSSION POINT 8:
Village Counsel Peter Friedman has determined that for zoning purposes the sand on the other side of Centennial's southernmost groin is the private property of 205 Sheridan. Although Mr. Friedman suggested WPD could potentially resolve the Centennial plan's public access issue by getting a public easement across 205 Sheridan's sand to the waterline, that seems unlikely. When I recently asked WPD Executive Director Nazzal about the prospect for such an easement, she said no negotiations were taking place.

DISCUSSION POINT 9:
I continue to object to WPD staff misrepresenting to the Village that Cook County's Animal Control Ordinance and Regulations require them to put up three-sided fencing at the dog beach. Multiple FOIA's by various persons, including myself, have not turned up any such mandate. Instead, Cook County provided WPD with an example of a fully-enclosed, contiguously fenced in dog park at Beck Lake; said Centennial beach is a "dog friendly area" such that WPD may call the waterline a "barrier," and also that no "affirmative permission" was implied regarding Centennial's status as a less than fully fenced "dog park" rather than a "dog friendly area." I think it is clear that Cook County not only rightly classifies Centennial as a "DFA," but also that the Administrator is aware that he does not have statutory authority to grant "waivers" to the four-sided fencing requirement for dog parks.

DISCUSSION POINT 10:
Property value diminution has been examined from the street-side, but not with respect to the breakwater's effects on downstream property owners' shorelines, and consequent loss of sandy beaches. It has not been examined from the perspective of construction-related damage to neighboring bluffs' stability, and to nearby property owners' homes' structural integrity when steel sheet piling is driven into the toe of the bluff, and other related construction heavy equipment work. The GZA report excerpt I have attached discusses these risks to neighboring properties. By the way, Winnetka resident and NU Engineering Professor Emeritus Chuck Dowding is internationally known as a leading expert on construction vibrations' impact on surrounding areas. I think the Village would be well-served by asking Professor Dowding to testify on the Centennial plan's potential property damage to neighbors.

DISCUSSION POINT 11:
Attached to this email is information from the 2030 LMP that calls breakwaters "suitable for harbors or marinas," as well as references to private operators doing business at Centennial. Given the many concerns raised as to what exactly the purpose of the massive breakwater is, I would question whether the plans are designed to create business and/or entertainment opportunities outside of suggested swimming and dog beach usage being discussed publicly. Also, the attached information contains Illinois requirements for harbors--if they allow boats with toilets to dock, they must provide waste pumping areas. I do not think anyone would seriously argue this would be consistent with the Sheridan Road neighborhood's R-2 zoning.

CONCLUSION:
Rather than embracing contemporary shoreline solutions, WPD's plan is based on outdated 19th and 20th century methodologies. The Village should look to the U.S. Army Corps of Engineers' initiative "Engineering with Nature," which offers contemporary, scientifically sound and forward-thinking shoreline solutions. It promotes "the intentional alignment of natural and engineering processes to efficiently and sustainably deliver economic, environmental, and social benefits through collaboration." Baird & Associates' "Illinois North Shore Coastal Resilience Plan" says "Resilient solutions should not aim to continue hardening the shoreline, as this only provides immediate relief to the problem while complicating public access to the shoreline and in some cases exacerbating the loss of recreational assets. For instance, shoreline hardening in combination with unmitigated lakebed downcutting eventually leads to the loss of shallow littoral features (including beaches) and associated aquatic habitat. Resilient solutions require longer-term planning to effectively incorporate a holistic strategy that protects a stretch of shoreline, maintains, or improves public access to the lake, and restores or creates habitat . . . "
Thank you again for reading through these materials and carefully considering a denial of WPD's SUP and SSO variance requests.

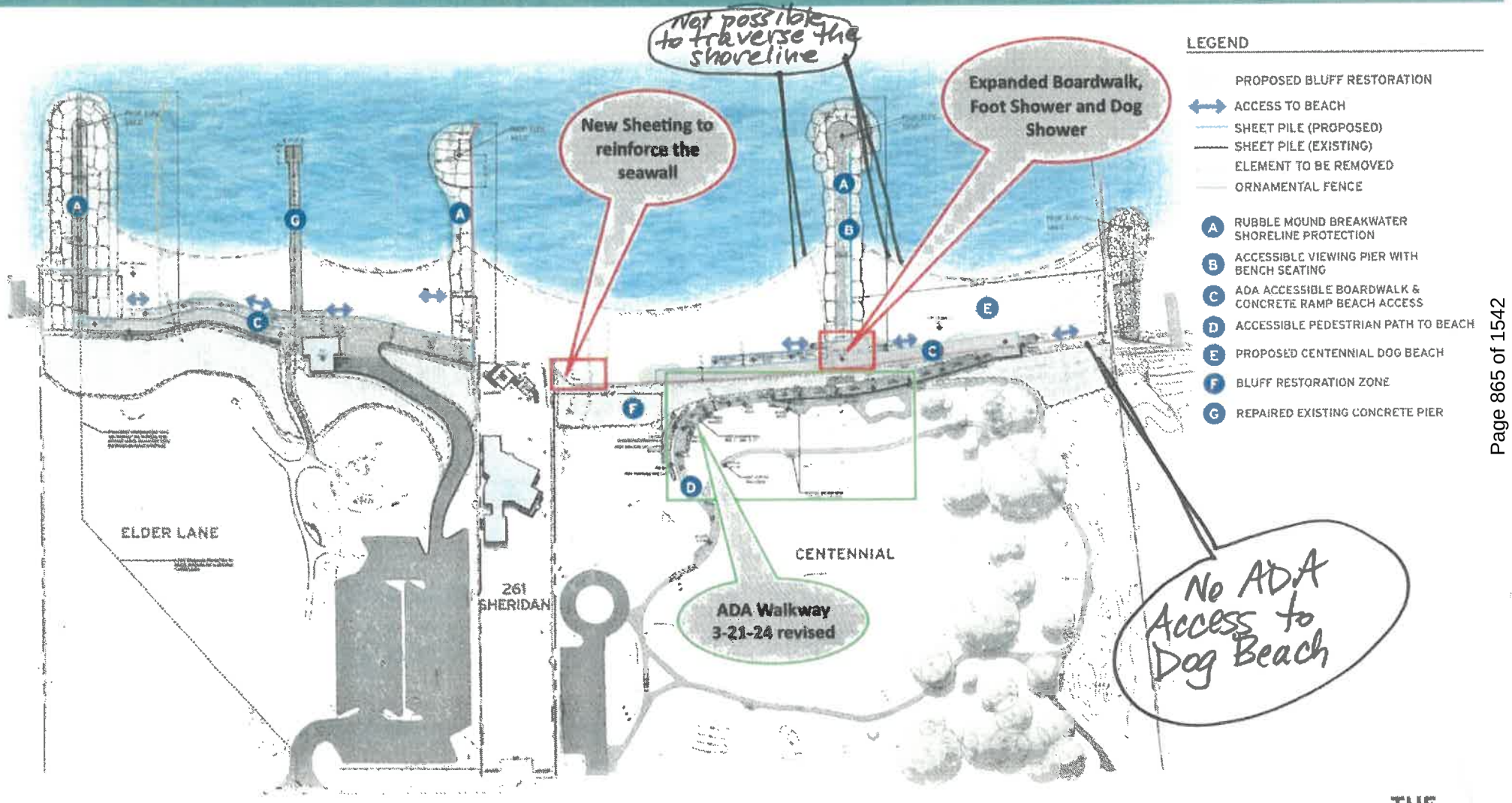
Sincerely,
Kris Schriesheim

Inflexible WPD Plan is Excessive and Unsafe

◀ Mail 1:18 PM Tue Aug 27 ••• 58%
winpark.diligent.community — Private

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



Elder + Centennial | Final Schematic Design

10/19/202

THE LAKOTA GROUP.

PEDESTRIAN AND TRAFFIC SAFETY ISSUES

NTHS - Parking at Elder Used August - June

NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203
2025-2026 SCHOOL YEAR CALENDAR

2025	**August**	18	Monday	Opening Teacher Institute – Day 1
		19	Tuesday	Opening Teacher Institute – Day 2
		20	Wednesday	First Day of Student Attendance
	September	1	Monday	Labor Day – **No School**
		23	Tuesday	Rosh Hashanah – **No School**
	October	2	Thursday	Yom Kippur – **No School**
		3	Friday	Fall Break – **No School**
	November	26-28	Wednesday – Friday	Thanksgiving – **No School**
	December	19	Friday	1st Semester Ends
		20	Saturday	Winter Break Begins
2026	**January**	5	Monday	School Resumes after Winter Break
		19	Monday	Martin Luther King Day – **No School**
	February	16	Monday	Presidents' Day – **No School**
	March	28	Saturday	Spring Break Begins
	April	6	Monday	**No School**
		7	Tuesday	School Resumes after Spring Break
	May	25	Monday	Memorial Day – **No school**
		31	Sunday	Graduation (NOW Arena; Time TBD)
	June	5	Friday	Last Day of Student Attendance
		8	Monday	Summer School Begins

LACK OF FACILITIES THREATENS PUBLIC HEALTH, SAFETY, WELFARE

WPD Had Plans for Restrooms at Centennial

2030 LMP—Plans to construct restrooms at Centennial

Centennial Park & Beach: Facility Improvements Matrix

0 - $250,000 $$$$$$

$250,000 - $500,000 $$$$$$

$500,000 - $1,000,000 $$$$$$

$1,000,000 - $3,000,000 $$$$$$

$3,000,000 - $5,000,000 $$$$$$

$5,000,000 + $$$$$$

"LAC Priority? (1 = highest priority)	Supports plan goals?		Cost (construction, soft costs)
Centennial Park Facility Improvements (Buildings)			
2	√	Construct a new upper-level restroom building	$$$$$$
2	√	Renovate single-family home into new beachfront event space	$$$$$$
3	√	New beach house (concessions, bathrooms, showers, lifeguard office, storage)	$$$$$$



WPD knows where water lines are located

Park Planning & Construction Projects:

Budget 2025: Staff continued to met and finalize the 2025 budget entries for the Parks Department and other funds supported by the department. Staff focused on cost containment and value engineering while inputting details into the budget.

Paving work at Tower, Maple, Green Bay Trail, and Service Center: Bids were opened on Tuesday at 10:00am. The Park District received five sealed bids for the paving work. Staff will review the bids and form a recommendation to bring to the committee meeting on the 12th of September.

Village Green Seating Area: The contractor completed the final saw cutting of control joints for the renovated seating areas at the Village Green. Staff rehabbed benches and re-installed them on the new pads. Staff also replaced the aging refuse receptacle with Victor Stanley matching recycling and garbage can pair.

Centennial Water line Replacement: Staff have finalized permits and scheduling for the replacement of the Centennial water service which is expected to be completed within the next two weeks.

Woodland Management: Staff received several estimates regarding woodland management at Crow Island prairie, Dunbaugh Park and the Lloyd west table land. The firm with the lowest estimate has been checked for references and qualifications. Staff is finalizing their recommendation for approval in order to proceed to scheduling.

Crow Island Stormwater Project: Staff received information from the Village regarding the restoration and is working to follow up with the Village soon.

Elder + Centennial Projects: Staff continues to review the project plans, schedule, and next steps. The staff has been in contact with Village staff regarding the timing and sequencing of upcoming meeting schedules for the Centennial Project. Staff is expecting the final Elder Plans on 8/30 and will complete a review next week as we prepare the SUP application for Elder Lane Park and Beach Project.

Happ Road Playground: Staff has received the contractor's paperwork and is finalizing the schedule and marketing outreach.

Nick Corwin Irrigation System: Staff is working on finalizing a project schedule with the contractor for the upcoming weeks.

Centennial Water Line Work



Centennial Utilities

11:32 AM Tue Nov 26 94%
calameo.com
Calaméo - Winnetka Waterfront 2030 Plan
Winnetka Waterfront 2030 Plan

Centennial Park & Beach

225 Sheridan Rd

Classification:
Neighborhood Park

Size:
5.22 acres

PIN:
05-21-403-013-0000
05-21-412-014-0000

Owner:
Winnetka Park District

Zoning:
R-2

Parking:
11 spaces

Centennial Beach is located immediately northeast of New Trier High School and immediately south of Elder Lane Park. Total area for the park is about 5.22 acres including about 550 feet of Lake Michigan shoreline.

Land cover includes mostly open space with a small number of trees. A buried foundation covers much of the parks open space footprint. This foundation will need to be considered if development is proposed in affected areas.

Centennial Beach is home to Winnetka's only off-leash dog area.

Two steel groins project from the beach into the lake.

The park does not include beach access for vehicles. The park includes approximately 11 parking spaces at the top of the bluff. Concrete stairs provide pedestrian access from the top of the bluff to beach level. This park has great potential for local bike riders as it is in line with access to the Green Bay Trail.

Survey information for this park includes limited information regarding underground utilities; however water, sanitary, and electrical utilities are available from Sheridan Road. It is also suspected that utilities were installed for a washroom near the east end of the existing parking lot.

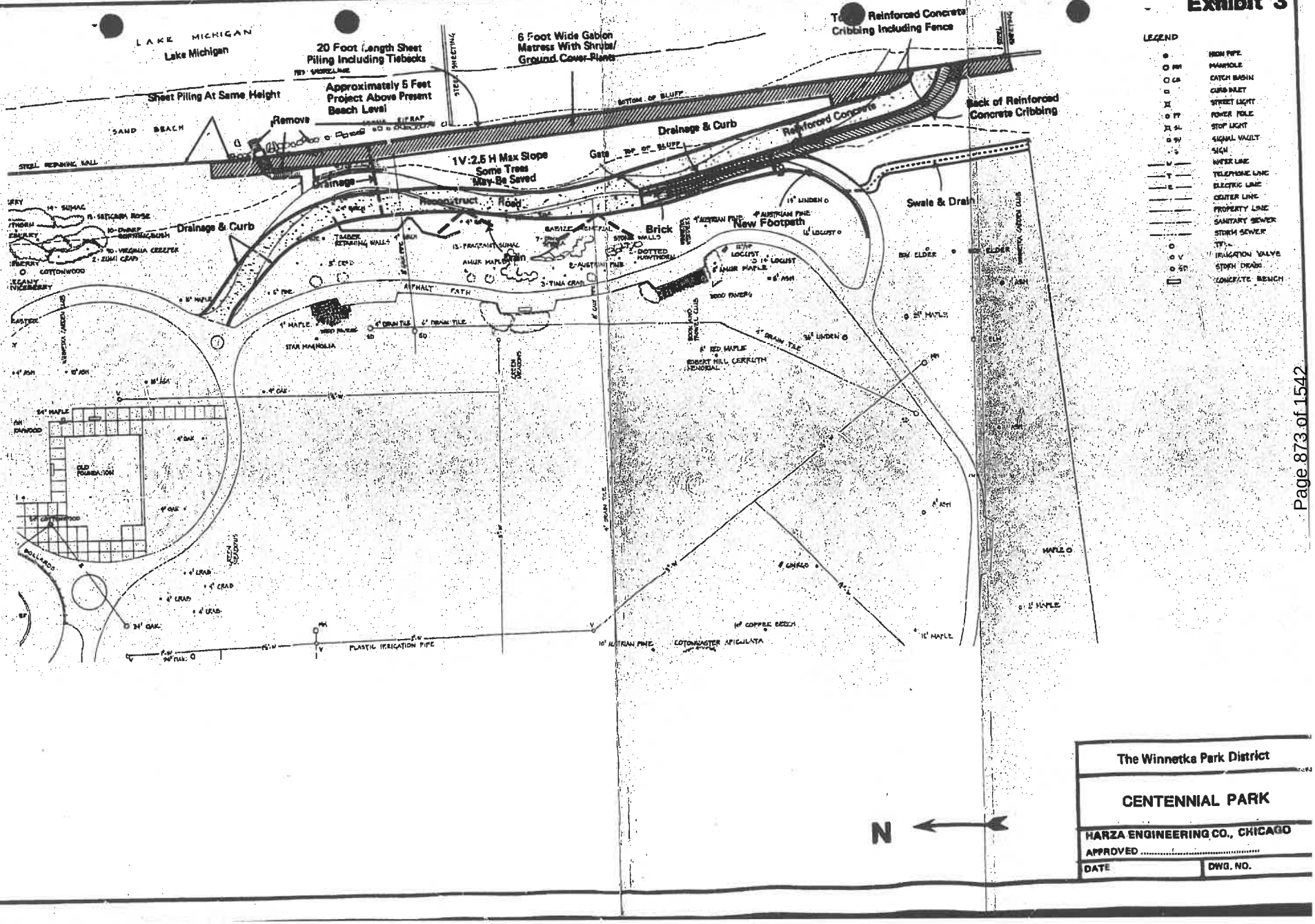


Centennial Park and Beach, c. 1997



Centennial Park and Beach, c. 2013

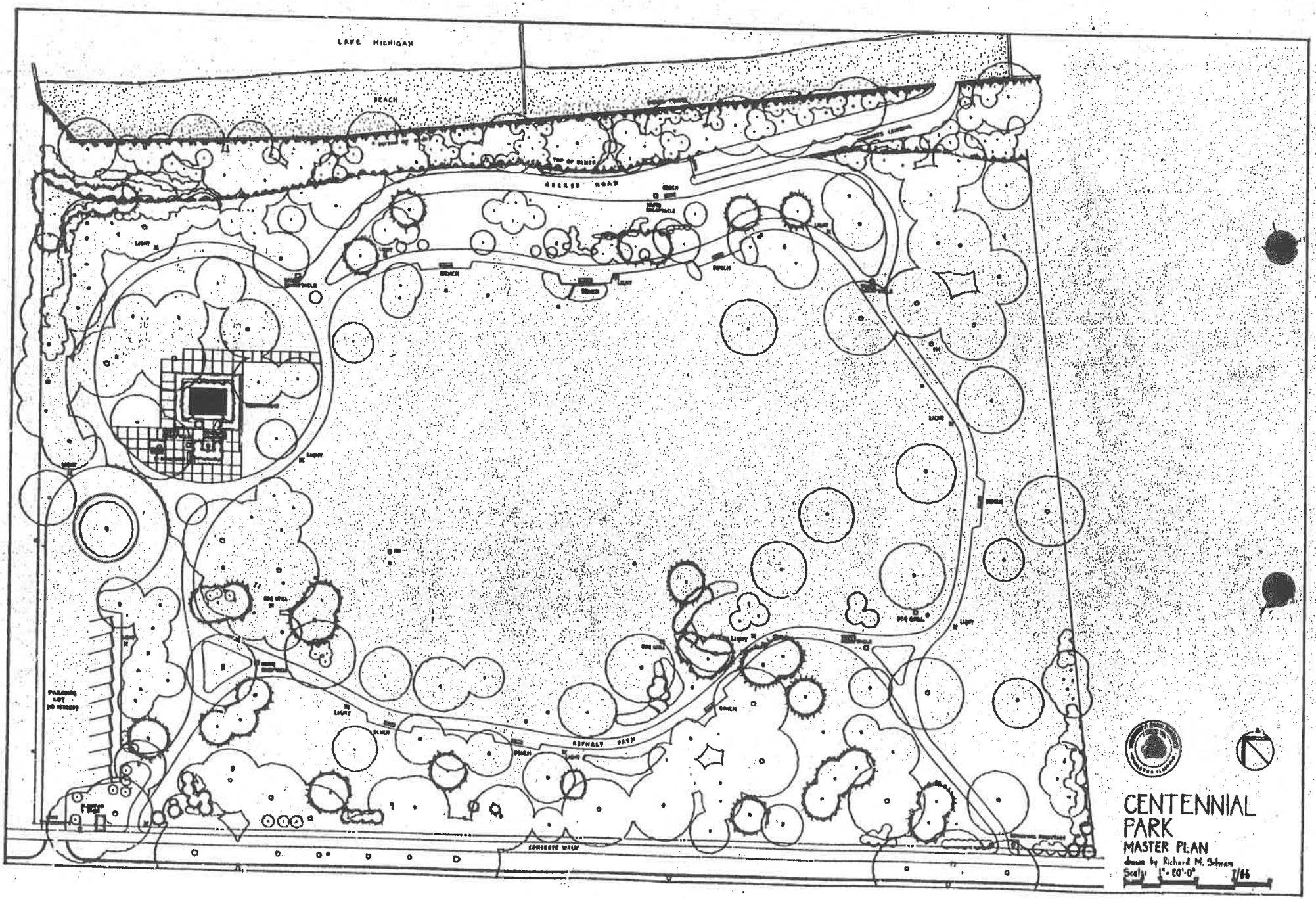
1988 Centennial OSLAD Grant File
4 pages

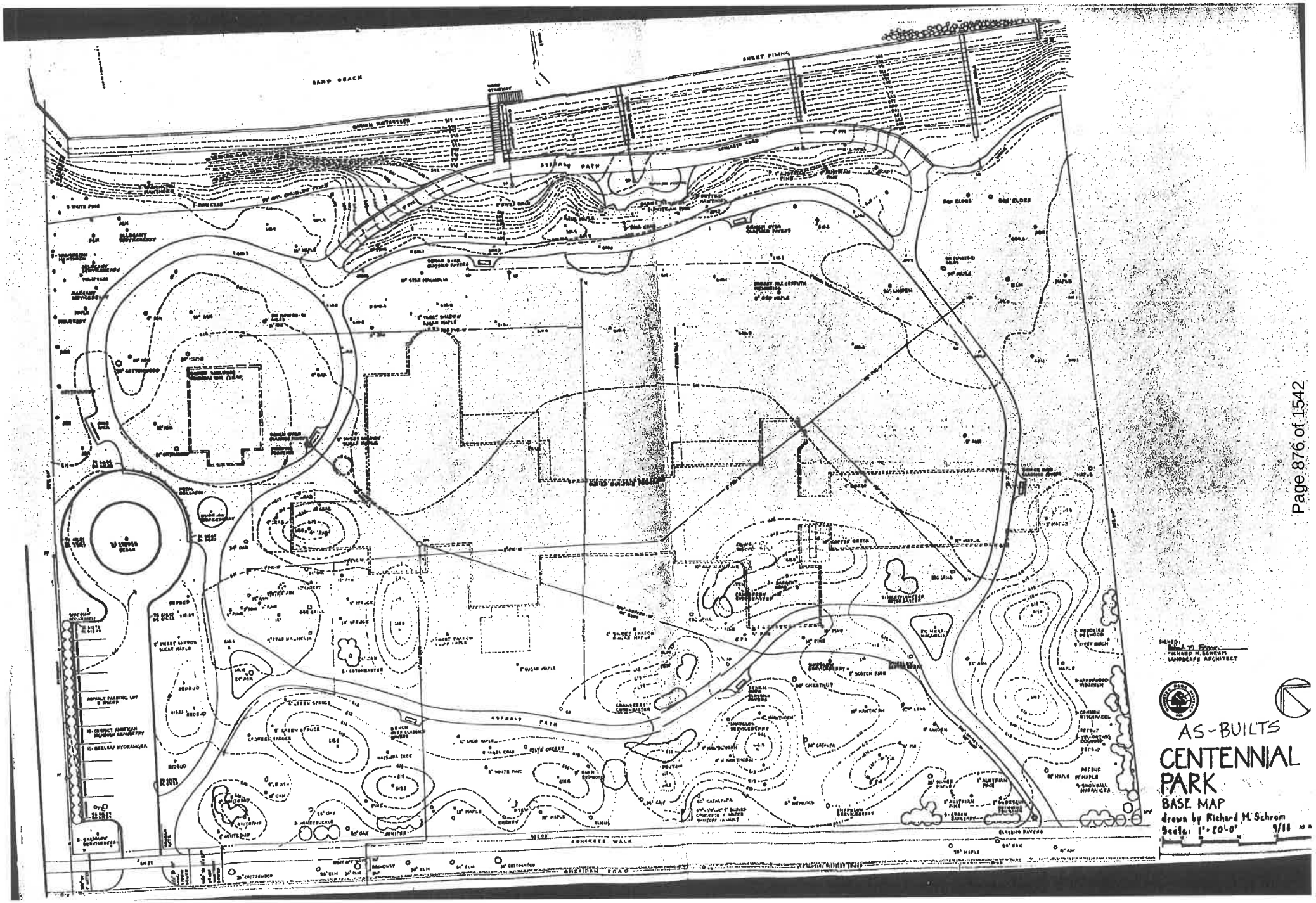


CENTENNIAL PARK

RESTROOM FACILITY

SCALE: 1/4"=1'-0" 8/86


LAKE MICHIGAN
BEACH
ACCESS ROAD
ASPHALT PATH
CONCRETE WALK
CENTENNIAL
PARK
MASTER PLAN
drawn by Richard M. Schram
Scale: 1"=20'-0"
7/86


SAND BEACH
SHEET PILING
ASPHALT PATH
ASPHALT PATH
CONCRETE WALK
GRECIAN ROAD
AS-BUILTS
CENTENNIAL PARK
BASE MAP
drawn by Richard M. Schrom
Scale: 1" = 20'-0"
RICHARD M. SCHREAM
LANDSCAPE ARCHITECT

MULTIPURPOSE, SHARED ROADWAY CREATES SAFETY RISKS FOR CHALLENGED AND LOW VISION PERSONS

ADA Accessibility for Persons with Low Vision

Crosswalk Treatments at Roundabouts. At provision R306.4.2, the final rule expands the crosswalk treatment options at multi-lane segments of roundabouts containing crosswalks to include: a traffic control signal with a pedestrian signal head, a pedestrian hybrid beacon, a pedestrian actuated rectangular rapid flashing beacon, or a raised crossing.

Visual Contrast at Stairs. To provide greater accessibility for people with low vision, the final rule requires visual contrast on stair treads and landings, as noted in R408.6.

Slopes Stated in Ratios and Percentages. In the NPRM, slope measurements were stated only in percentages, which in most cases had been rounded to whole numbers. For consistency with the 2004 Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) Accessibility Guidelines, which express slope only in ratios, the final rule provides slopes in both ratios and percentages. The practical effect of this change is that slopes stated as 2% in the proposed rule are now 1:48 (2.1%) in the final rule, which is the ratio used in the 2004 ADA and ABA Accessibility Guidelines.

Bypass at a Blended Transition. In the final rule, the Board added provision R304.4.3, which requires a bypass where a blended transition serving more than one pedestrian circulation path has a running slope greater than 1:48 (2.1%). This provision is provided so that a pedestrian with a disability may bypass the slope of a blended transition that the individual does not need to use. Without a bypass, an individual with a disability may be forced to unnecessarily traverse a corner at a 1:20 (5.0%) cross slope.

Identification of Places with No Pedestrian Crossing. In the final rule, the Board added provisions R203.6.1.1 and R203.6.1.2 to further clarify that where crossing is prohibited at an intersection or not intended midblock or at a roundabout, jurisdictions must take care to ensure that there is no crosswalk or curb ramp, and the pedestrian circulation path is separated from the roadway. In the NPRM, this information was stated in advisory R206.

Social Links

U.S. Access Board on YouTube
@AccessBoard on Twitter
U.S. Access Board on LinkedIn
U.S. Access Board on Facebook

Centennial Plan is not ADA Compliant



PLAN DOES NOT MEET ADA GUIDELINES

10:51 PM Tue Dec 12
dceo.illinois.gov

or to be on an accessible route.

WPD Centennial Stairs to Dog Beach do not meet ADA rules.

203.11 Water Slides. Water slides shall not be required to comply with these requirements or to be on an accessible route.

203.12 Animal Containment Areas. *Animal cages, pens, corrals, and similar areas in which animals are contained shall be on an accessible route but shall not otherwise be required to comply with these requirements. Public circulation routes where animals may travel, such as in*

petting zoos and passageways alongside animal pens in State fairs, are not eligible for this exception.

203.13 Raised Boxing or Wrestling Rings. Raised boxing or wrestling rings shall not be required to comply with these requirements or to be on an accessible route.

203.14 Raised Diving Boards and Diving Platforms. Raised diving boards and diving platforms shall not be required to comply with these requirements or to be on an accessible route.

adainfo.org

does not exceed 1:12 (8.33%). A trail segment can run for a distance of 30 feet at slopes between 1:2 and 1:10 (10%), and for 10 feet at slopes between 1:10 and 1:8 (12%).

WPD Centennial Plan Onto a Boardwalk is not ADA access

Highlights: Beach Access

When an entity that administers or manages a beach undertakes a beach nourishment project, or constructs or alters circulation paths or parking, toilet, or bathing facilities to serve the beach, at least one beach access route needs to be provided for each 1/2 mile of beach shoreline.

The entity does not have to spend more than 20% percent of the cost of the beach nourishment, construction, or alteration costs to provide beach access routes, and the number of beach access routes does not have to be greater than the number of pedestrian access points provided (pedestrian access points include parking facilities that serve the beach, dune crossings, and stairways or ramps leading from boardwalks to the beach).

Beach access routes should connect an entry point to the beach with the:

- Mean high water level at river beaches; or,
- Normal recreation water level at lake, pond, and reservoir beaches.

Beach access routes, like outdoor recreation access routes, can have steeper slopes or longer running segments than typical accessible routes or ramps. A beach access route can run for a distance of 50 feet at slopes between 1:20 (5%) and 1:12 (8.33%), and for a distance of 30 feet at slopes between 1:12 and 1:10 (10%).

Where the slope of a beach access route at a dune crossing is steeper than 1:20 (5%), handrails need to be provided, and curbs or other barriers to prevent the passage of a 2-inch diameter sphere.

Find Out More

These are just a few highlights of the new requirements. Visit the Access Board to find more details, background, and resources related to outdoor access.

Pack a picnic basket, air out the tent, and have a good summer!

This is a publication of the Mid-Atlantic ADA Center funded by the National Institute on Disability and Rehabilitation Research of the U.S. Dept. of Ed. (Grant # H133A110017). The opinions

2023/2024 Public Right of Way Access Guidelines



PROWAG – R302
Surfaces

MODULE 5

- Walking surface shall be stable, firm and slip resistant (R302.6)
- PROWAG does not specify a specific material
- Pervious pavement



PROWAG – R302
Surfaces – Brick and Paving Stones

MODULE 5

Centennial OSLAD/LWCF Grant Restrictions

7:29 PM Wed Oct 9

87%

Centennial1988OSLADGrant

Done



OSLAD GRANT TERMS

The State of Illinois, represented by the Director of the Department of Conservation, and the herein named project Sponsor, mutually agree to perform this Agreement in accordance with the Open Space Lands Acquisition and Development Act, as amended, (P.A. 84-711, effective January 1, 1986), and with the terms, promises, conditions, plans, specifications, procedures, project proposals, maps, and assurances contained in the approved project application, and, which by reference, is hereby made a part of this Agreement.

The State of Illinois hereby promises, in consideration of the promises and assurances made by the Sponsor herein, to obligate to the Sponsor the amount of money referred to herein, and to tender to the Sponsor that portion of the obligation which is required to pay the State of Illinois' share of the costs of the herein described project stage, based upon the herein stated percentage of assistance. Obligations of the State will cease immediately without penalty of further payment being required if in any fiscal year the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available sufficient funds for this Agreement.

The Sponsor hereby promises, in consideration of the promises made by the State of Illinois herein, to execute herein described project and operate and maintain the project site in accordance with the terms of this Agreement.

The following special project terms and conditions were added to this Agreement before it was signed by the parties thereto:

1. All overhead utilities on the project property, excepting electric lines over 15kv, must be buried or otherwise screened.
2. No easements or other land encumberances may be granted on the project property without the prior written approval of the Illinois Department of Conservation.
3. No portion of project property may be traded, sold or otherwise exchanged, nor converted from outdoor recreation use, without the prior written approval of the Illinois Department of Conservation.
4. No indoor buildings, exclusive of service/support structures or sanitary facilities may be constructed on the property acquired and/or developed hereunder.

In witness whereof, the parties hereto have executed this Agreement as of the date entered below.

STATE OF ILLINOIS

By: [redacted]
(Signature)

Director

SPONSOR

WINNETKA PARK DISTRICT
(Agency)

[redacted]

WPD Must Adhere to OSLAD/LWCF ...Grant Conditions

10:14 AM Fri Apr 26 58%

2024OSLADManual Done

18 of 57

develop lands for public park and outdoor recreation purposes may also be eligible for OSLAD consideration. Contact the IDNR grant staff to verify an agency's eligibility status if unsure

* Please note: Universities and other schools are NOT eligible for assistance.

C. Applicant Responsibilities

1. **Accessibility**
One of the goals of the OSLAD program is to provide and improve recreational access opportunities for people with disabilities. As such, all facilities assisted with OSLAD monies must conform to standards outlined by the Americans with Disabilities Act of 1990. https://www.ada.gov/2010ADAstandards_index.htm

2. **Ownership**
The local agency must possess adequate "control and tenure" over the project site (fee simple title or other property interest such as a lease or easement) to ensure compliance with the outdoor recreation use requirements of the OSLAD program for a period commensurate with the OSLAD program amortization schedule, unless approved otherwise by the IDNR. The IDNR will consider, on a case-by-case basis, lease arrangements for shorter periods when Illinois statute prohibits a unit of government from entering a lease, etc. for such a length of time OR other circumstances beyond the control of the project sponsor prohibit such arrangements.

These provisions apply only to the recreation areas listed in the project agreement. Non-resident fishing/hunting license fees are excluded from these requirements.

3. **Accessibility for the Disabled**

All facilities constructed with or later developed on property acquired with State OSLAD assistance must be developed and designed to accommodate full accessibility standards as per the Illinois Accessibility Code (April 1997) and the "Americans with Disabilities Act" Accessibility Guidelines (ADAAG). https://www.ada.gov/

Although the Illinois Accessibility Code standards do not address specific criteria for accessibility involving all outdoor recreational facilities, there is a reference to "Recreational Facilities" on Pg. 87 of the Code. A copy of the Illinois Accessibility Code may be obtained by calling 217/782-2864 (Springfield) or 312/814-6000 (Chicago) or at https://www.illinois.gov/cdb/business/codes/Pages/IllinoisAccessibilityCode.aspx.

To supplement this information, the U. S. Architectural and Transportation Barriers Compliance Board pursuant to ADA has developed final guidelines for recreation facilities and outdoor developed areas. Copies of the guidelines can be obtained by writing to: *Access Board, Recreation Report, 1331 "F" Street, N.W., Suite 1000, Washington, D.C. 2004-1111. Tele: 202/272-5434 or 800/514-0301 or contact their web site at www.access-board.gov.*

BREAKWATER AND FENCING THREATEN SAFETY AND LIVES

Submitted to WPD for the Public Record

Final, April 26, 2024

From the very beginning, the design modifications to Centennial Beach have been driven primarily by the Winnetka Park District's interest in designing a community beach that prevents public access along the shared Ishbia property line, (the south edge of Centennial Beach). The Winnetka community members have seen an array of proposals from fences to high, metal, louvered panels, to rose hedges and raised planters. A dog beach with fences and the addition of a major stone breakwater are now proposed. The stone breakwater has not been proven that it is needed. What purpose is it serving?

For many years now, the public has repeatedly asked for a simplified version of the beach design and a preservation of the openness and vast views that it currently offers today.

The evidence, or proof, of needing new stone breakwaters to prevent sand erosion has not been provided to the public. In fact, there is opposing evidence that stone breakwaters actually increase the erosion of sand beaches.

The cost of sand replenishment annually has not been defined. The high fences extending out along the proposed breakwater, defining an exclusive dog beach, is unprecedented. These proposed barriers and obstructions will continue to fragment our lakefront, challenge the visibility and safety of swimmers, and still may not protect our shoreline from the ongoing, future climate challenges we face in this region.

A 2022 American Geophysical Union study projected that baseline water levels for Lake Michigan will rise by a half a meter (19.68 inches) by mid-century due to increased rainfall.

My questions to the Board are:

- Has this proposed breakwater design been driven by the adjacent Ishbia property privacy issue or the more serious threat of the anticipated climate challenges that we face?
- Will the proposed breakwater help to protect the beaches from the projected lake level rise in this century?
- Can the Winnetka Park District Board communicate to the Winnetka general public the hydrologic data used to create this proposed breakwater design?
- Is it possible, that in a few years, we will face climate and lake level challenges which will underline the shortfall of this current design proposal?

Again, we ask the Winnetka Park District and its Board to investigate smarter and more resilient solutions and look beyond the driving challenge of creating privacy to an adjacent property. Much more is at stake for our Village's lakeshore.

Phil Enquist
Resident of Winnetka
Fellow, American Institute of Architect
Honorary Fellow, American Society of Landscape Architects
Adjunct Faculty, UIC College of Urban Planning and Public Administration


WPD proposed Centennial breakwater
will be largest structure in the lakefront
as seen from flight landing at O'Hare

WPD Centennial Breakwater Fails to Provide Steps to Get Up and Over

4:27 PM Mon Nov 18 ... winpark.org Private 92%

20. What is happening to the Centennial Dog Beach?

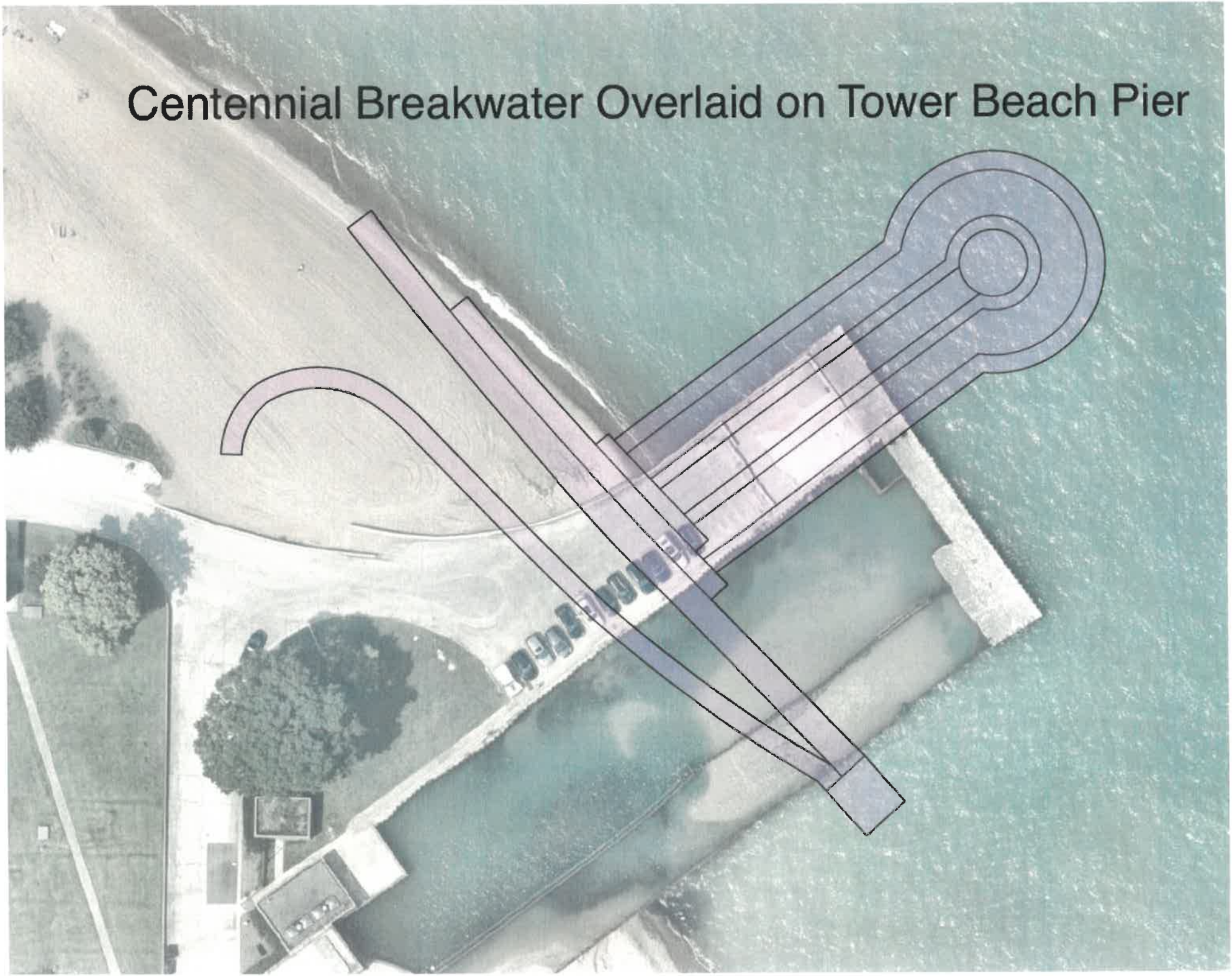
Plans are for the dog beach to be between 170' to 270' in length and located on the southern-most portion of Centennial Beach. The dog beach will be fenced and gated to meet Cook County regulations.

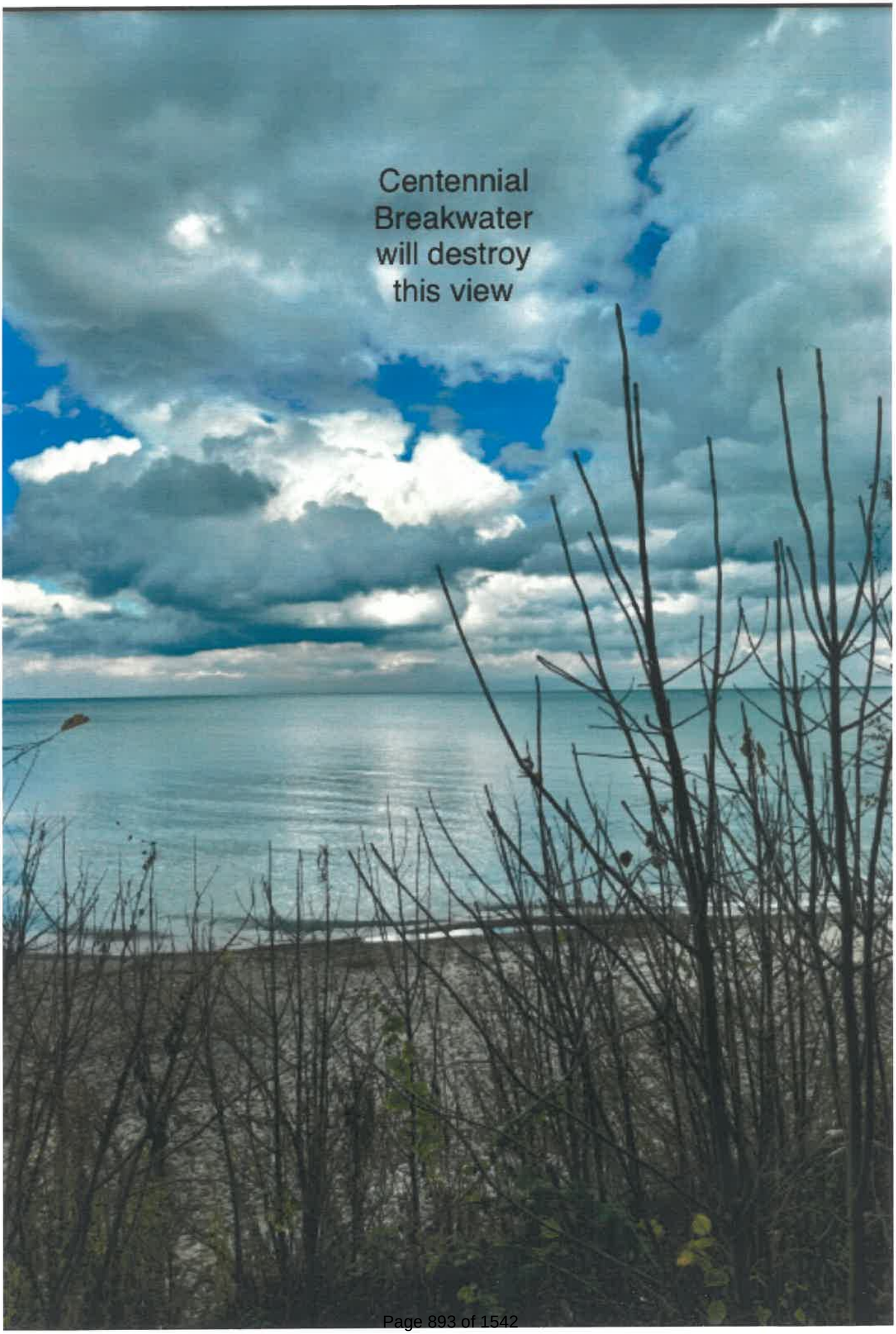
21. How will the Public Trust Doctrine be observed allowing water's edge walking?

The Park District is committed to honoring the principles of the Public Trust Doctrine. The current Elder Lane + Centennial Beach Project includes steps up and over the breakwater on the north end of Elder Lane Beach, as well as steps up and over the breakwater on the south end of Centennial Beach. These design elements allow visitors to traverse the shoreline according to the principles of the Public Trust Doctrine.

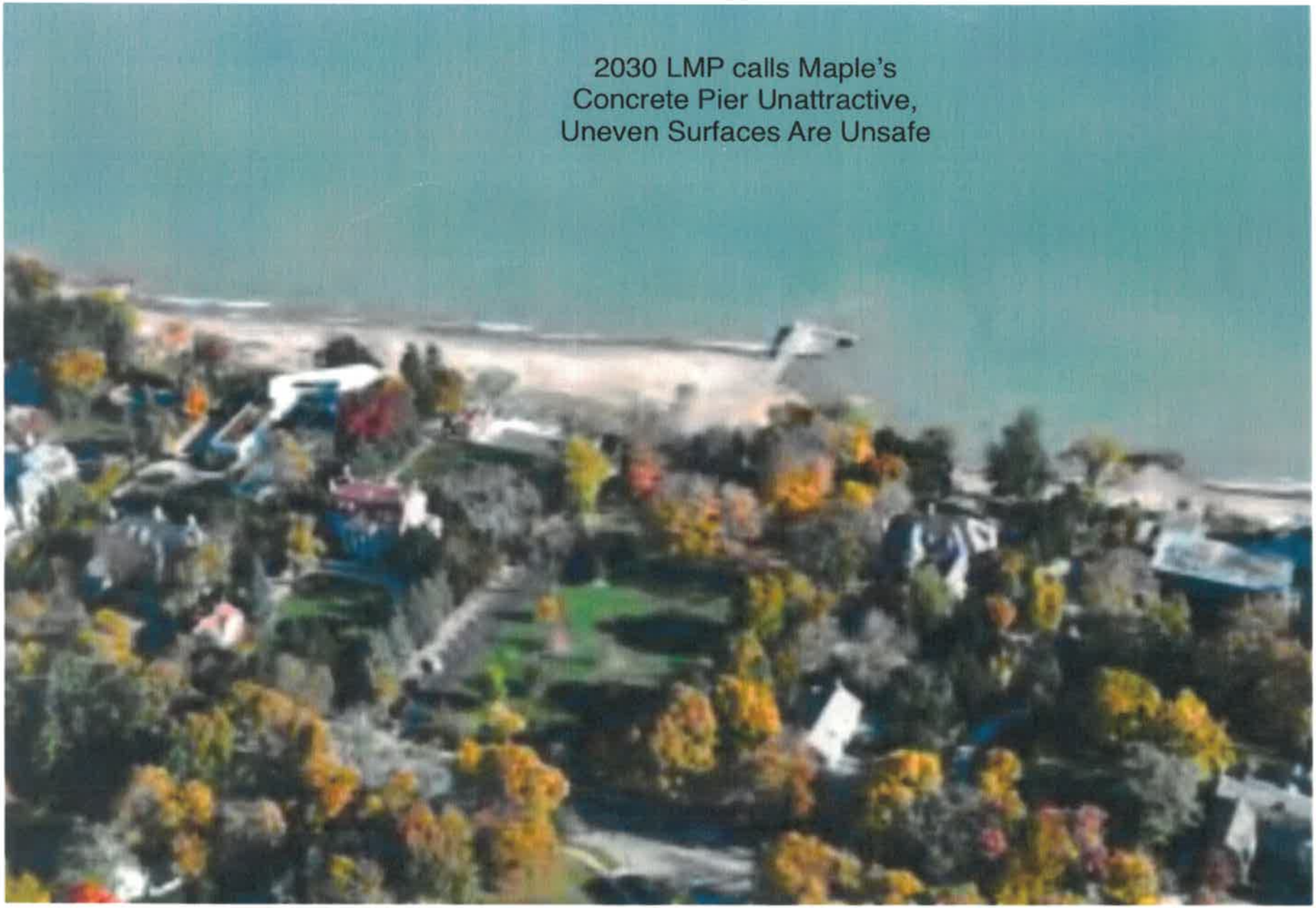


See Overlay - Centennial Breakwater Extends Farther Out Into Lake Than Tower Beach Pier


Centennial Breakwater Overlaid on Tower Beach Pier


Centennial
Breakwater
will destroy
this view


Centennial Boardwalk Alone
Would Be This Wide



The concrete pier is unattractive and its uneven surfaces pose a safety concern.

September 6
8:49 AM



2030 LMP — Breakwaters diminish lakefront's natural aesthetic

Erosion

While most people support improving the quality of beaches, there is concern among some residents about the appearance and effectiveness of shoreline structures such as rubble-mound breakwaters. Shoreline and beach erosion remains an issue that is not well-understood by the community.



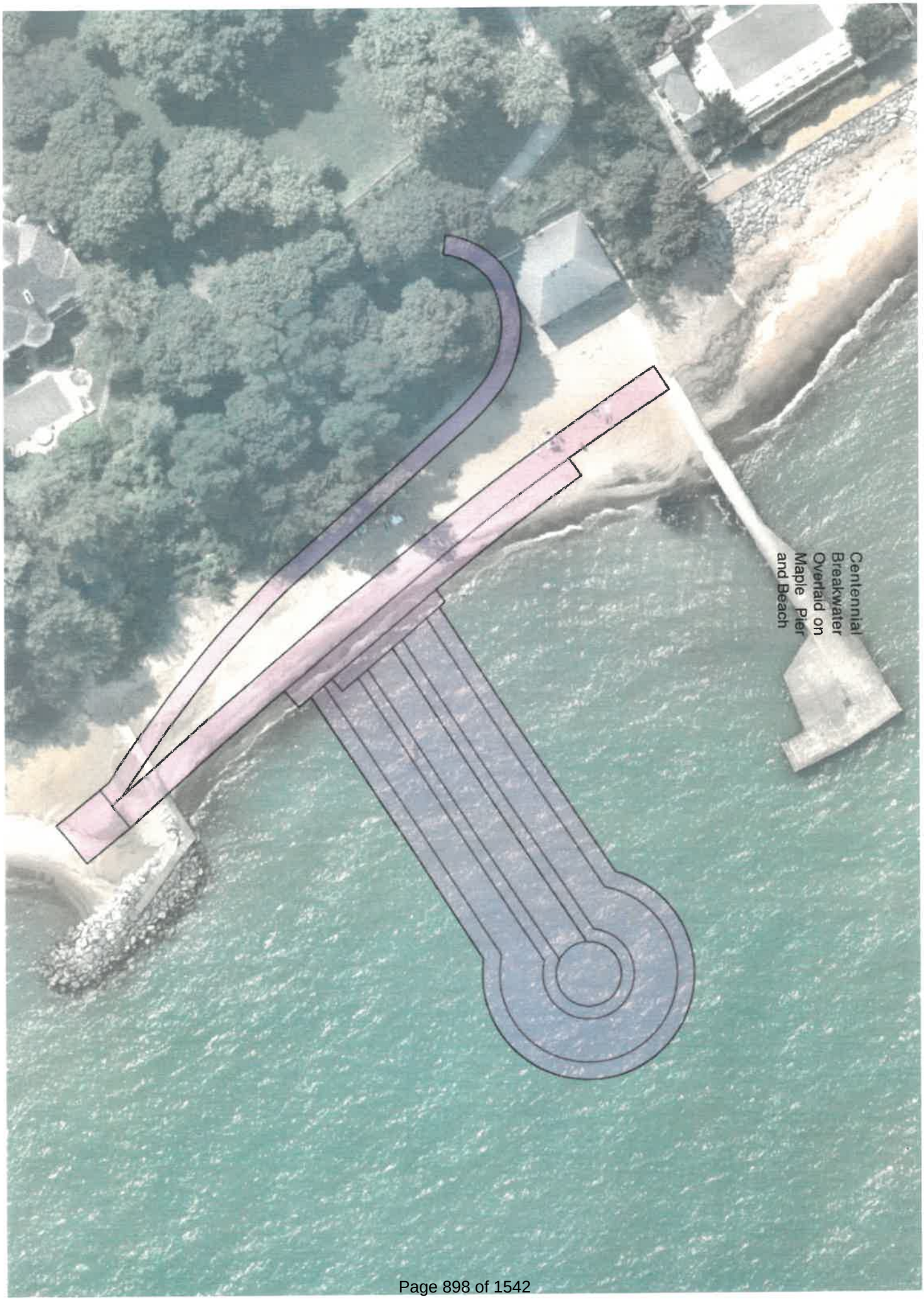
Inorganic shoreline structures diminish the lakefront's natural aesthetic.



Erosion and sand migration is often misunderstood.

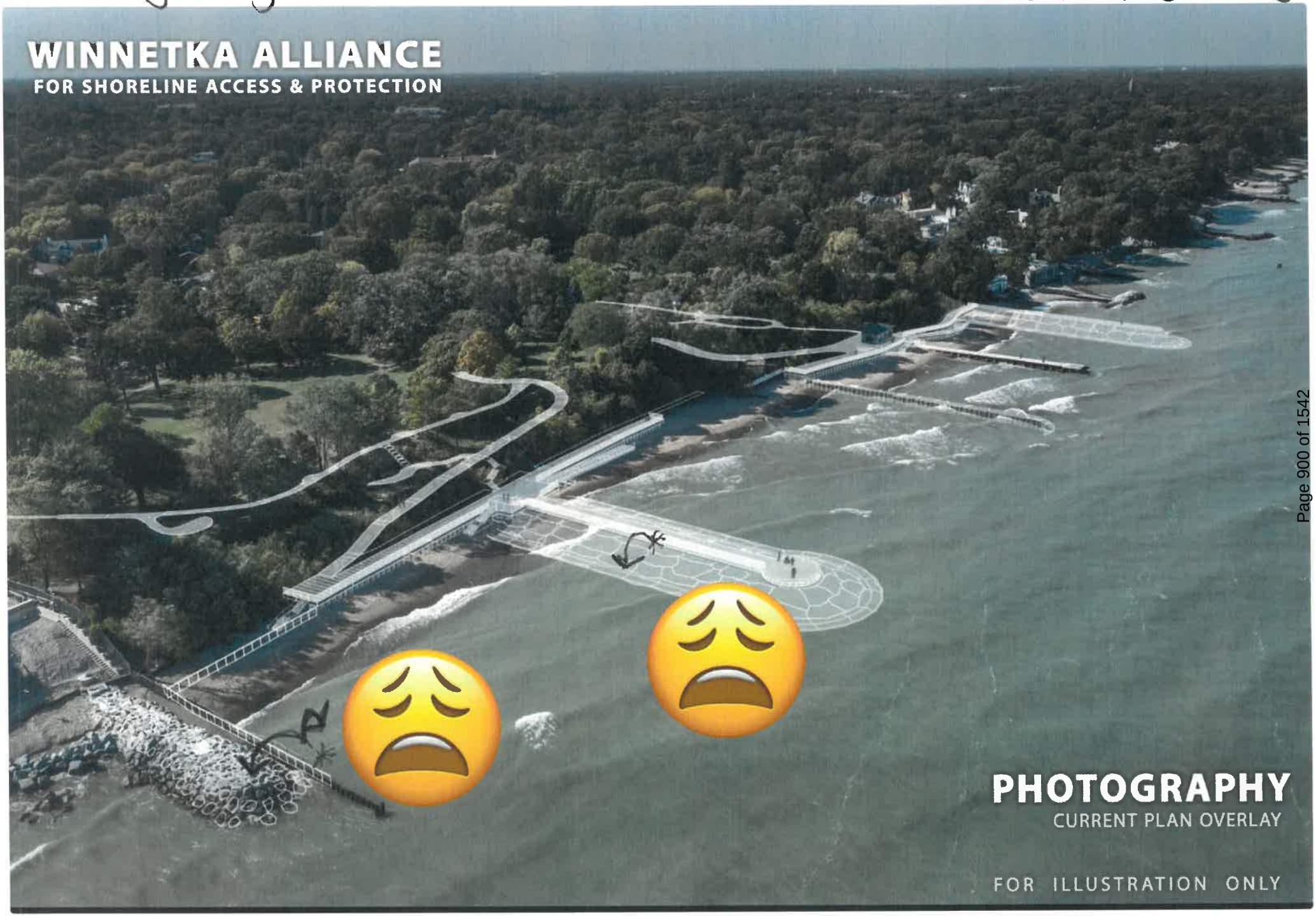


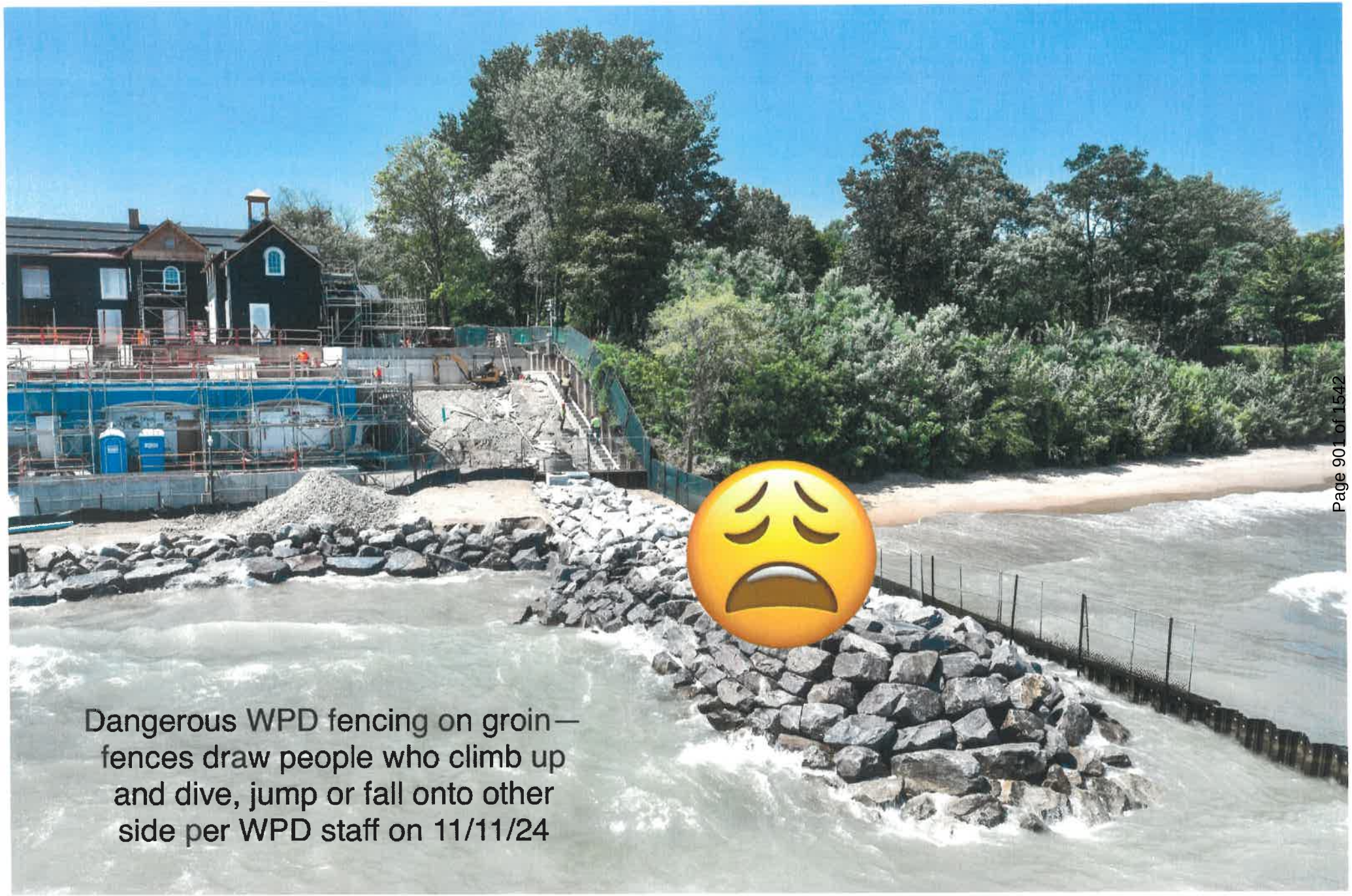
Existing shoreline structures are outdated and in need of improvement.


Centennial
Breakwater
Overlaid on
Maple Pier
and Beach

PLAN WILL DRAW PEOPLE TO THE BEACH AND BREAKWATER WITH NO PROVISION FOR INCREASED USE

*Fencing on groin and breakwater creates risk of climbing, jumping, diving



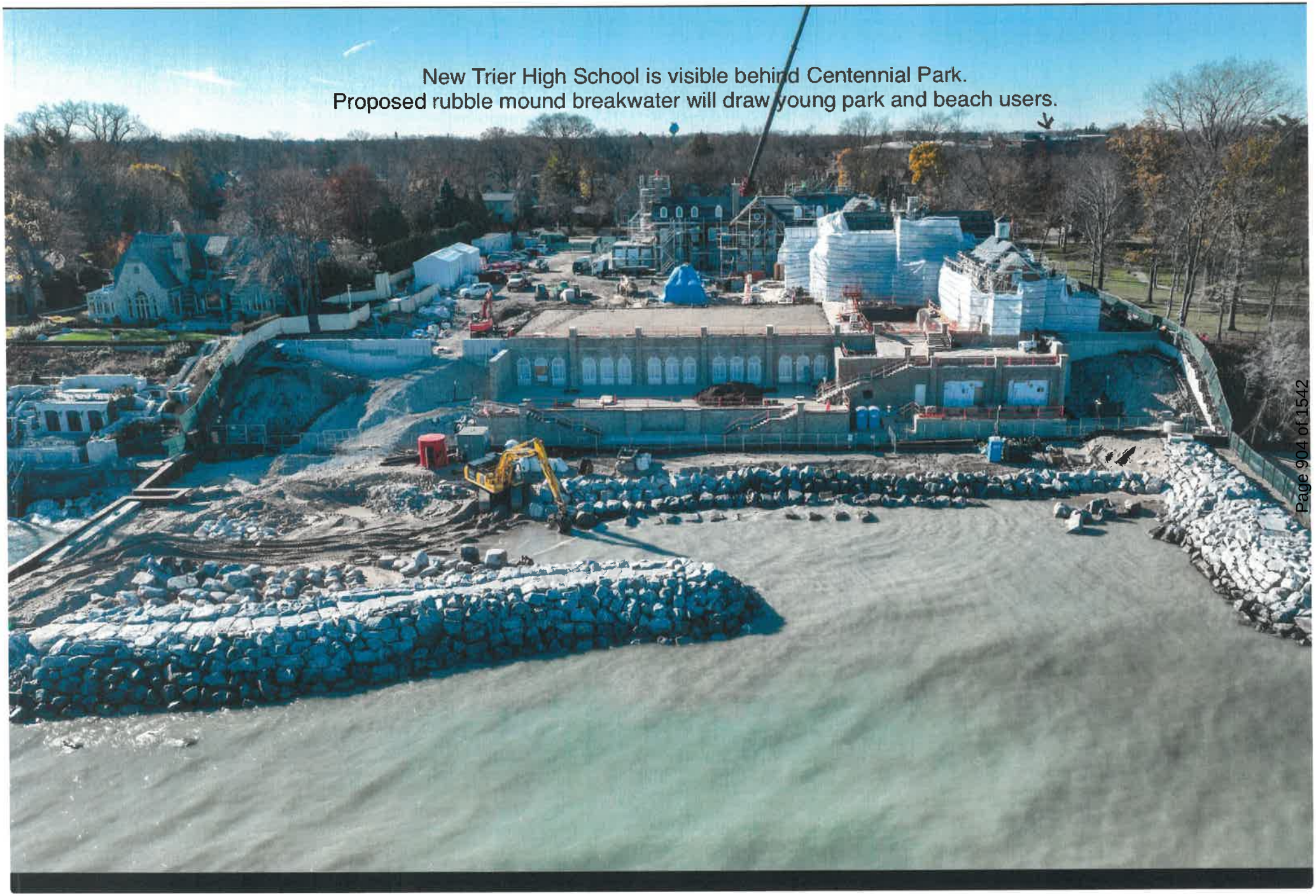


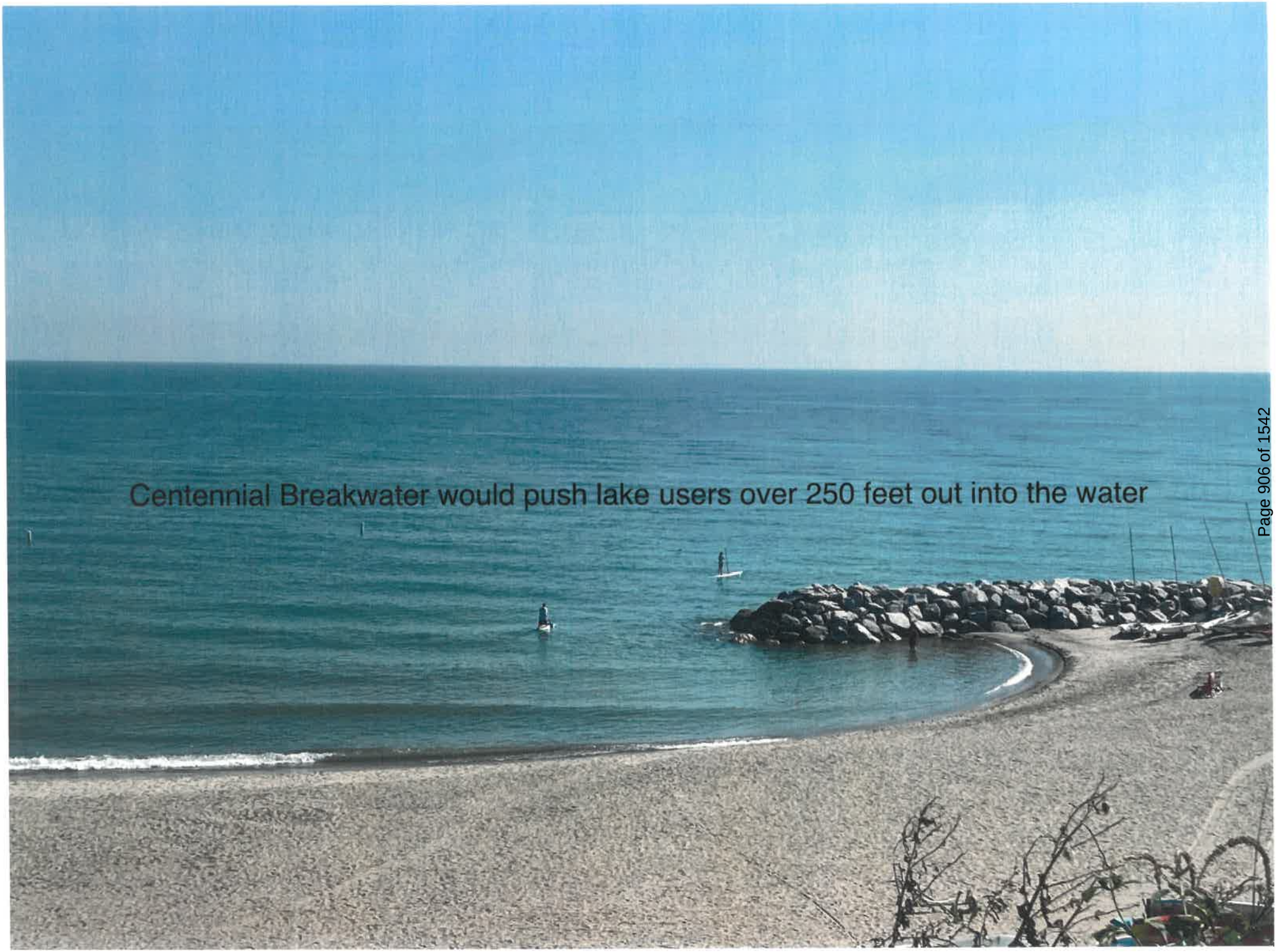
Dangerous WPD fencing on groin—fences draw people who climb up and dive, jump or fall onto other side per WPD staff on 11/11/24

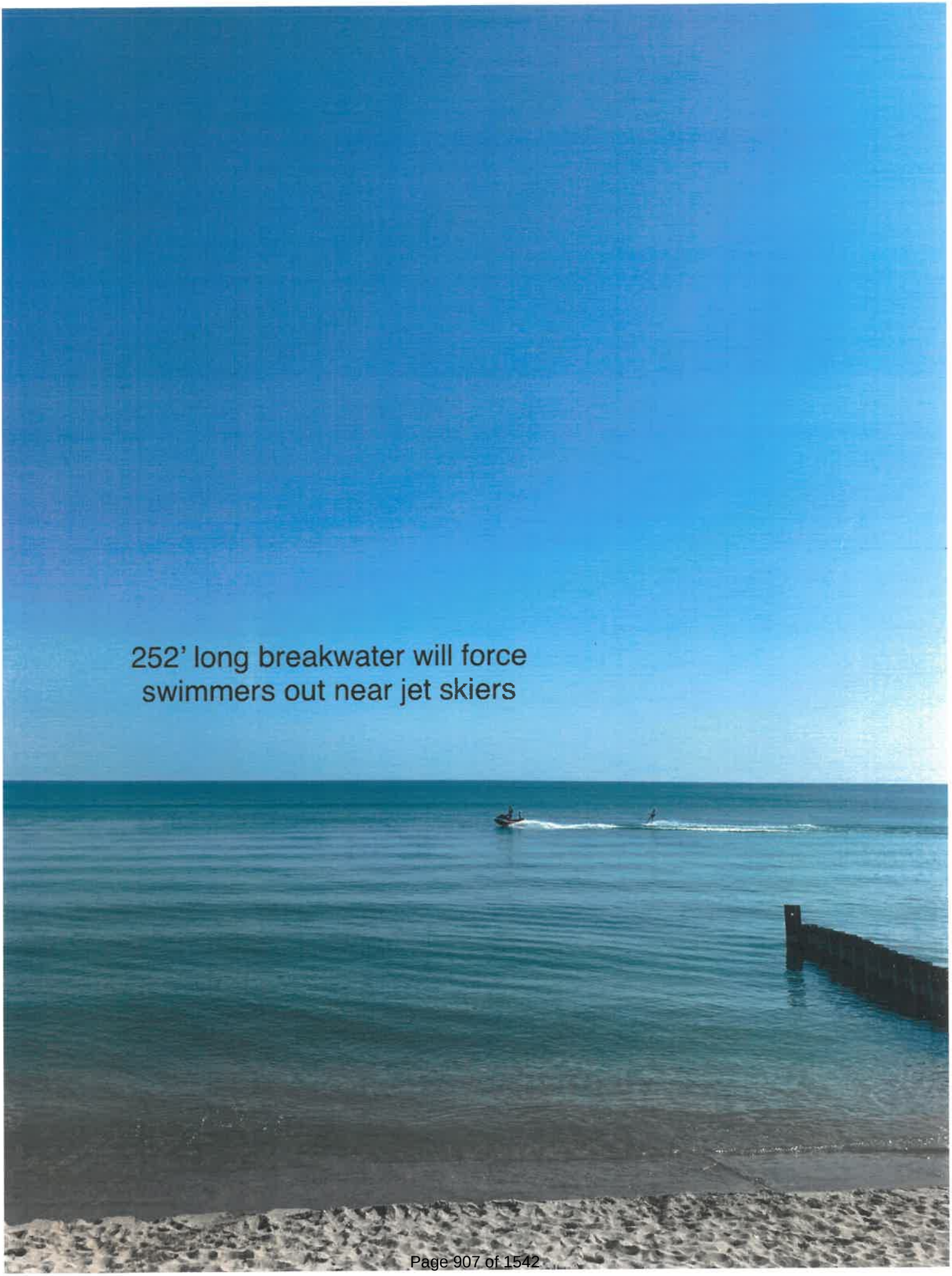
*Proposed Groin-Mounted Fencing will allow people to walk along groin over 125' to the lake, then jump or dive.



Jorge Nieto
abc


New Trier High School is visible behind Centennial Park.
Proposed rubble mound breakwater will draw young park and beach users.


Centennial Breakwater would push lake users over 250 feet out into the water


252' long breakwater will force
swimmers out near jet skiers

Great Lakes Surf Rescue Project



WPD website "Beach Safety" link goes to GLSRP

glsrp.org — Private

We are Great Lakes Surf Rescue Project

The Great Lakes Surf Rescue Project, Inc. (GLSRP) is a nonprofit 501c3 corporation that is about saving lives!

The GLSPR:

1. Tracks the Great Lakes drowning statistics (1,155+ drownings since 2010)
2. Performs "Great Lakes Water Safety" presentations and trainings (Over 970+ in 7 of the 8 Great Lakes states since 2011)
3. Works with family and friends of Great Lakes drowning victims to advocate water safety.
4. Performs In-service Training for Open Water Surf Lifeguards and First Responders
5. Leads the Great Lakes Water Safety Public Relations and Media Relations Campaigns
6. Leads many Great Lakes Water Safety "Special Projects", which often span multiple years

Please support the work of the Great Lakes Surf Rescue Project.

Your donations will support the Great Lakes Surf Rescue Project's administration activities to Track the Great Lakes Drownings, work with family and friends of drowning victims, public relations, media relations, and water safety "special projects".

You can make a charitable tax-deductible donation here.

For any questions about, please contact:
Dave Benjamin, GLSRP co-founder and executive director
dave.benjamin@glsrp.org
708-903-0166

Mission: To eradicate drownings by being the leader of Great Lakes water safety by providing training, public preparedness, and public awareness..

Vision: Everyone in the Great Lakes region, nationwide and worldwide, is knowledgeable, engaged and proactive in water

GLSRP warns of dangers produced by breakwaters

7:52 AM Tue Nov 12

88%

AA digitaledition.chicagotribune.com







2 of 2

‘It doesn’t get treated like a public health issue’

Visitors walk the shore of Lake Michigan on Aug. 7 at Beverly Shores, Indiana, amid search efforts for a Minnesota teen who was lost in the waves the previous day at Kemil Beach. The teen’s body was recovered a day later. Kyle Telechan/for the Post-Tribune

2024

7:52 AM Tue Nov 12

88%

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1 of 2

‘It doesn’t get treated like a public health issue’

A warning and information sign about dangerous currents is posted on a lifeguard stand on May 21 at Oak Street Beach in Chicago. JOHN J. Kim/Chicago Tribune

2024

◂ Mail 7:52 AM Wed Nov 20

84%

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1 of 1

Lake Michigan water levels drop to lowest in years

Two teenagers plunge into Lake Michigan as people cool off from the heat and humidity near Montrose Beach in Chicago on Aug. 27. Chris Sweda/Chicago Tribune

2024

◂ Mail 7:50 AM Wed Nov 20

86%

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Translate Close



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Page 913 of 1542

2024

Piers, jetties, & breakwaters are dangerous

'Life-Threatening' Swimming Conditions, High Waves, Currents Close Lake Michigan Beaches

The National Weather Service has issued a beach hazard statement for Illinois and Northwest Indiana through Wednesday.

Updated Tue, Aug 6, 2024 at 12:29 pm CT

An image captured from a monitoring buoy shows Lake Michigan conditions on Tuesday morning. (Illinois-Indiana Sea Grant and Purdue University)

CHICAGO — Officials urged the public to stay out of Lake Michigan in Illinois and Northwest Indiana to avoid life-threatening currents and hazardous boating conditions.

With expected waves between seven and 10 feet high, the National Weather Service issued a beach hazard statement from Tuesday morning through 3 p.m. Wednesday.

City and park district officials in Chicago and its northern suburbs have issued red flag warnings, indicating no lifeguards are on duty and no swimming is permitted.

"Swimming conditions will be life threatening, especially for inexperienced swimmers," according to the statement from the NWS's Chicago office.

Weather officials also advised residents to not to venture out onto piers, jetties, breakwalls or other shoreline structures.

The Chicago NWS issued a beach hazard statement Tuesday morning for all beaches in Illinois and Northwest Indiana. (National Weather Service)

Forecasts for Wednesday anticipate slightly lower waves of up to seven feet and mostly sunny weather, but the swim risk will remain high until the evening.

So far in 2024, at least 38 people have drowned in Lake Michigan, including 24 in July alone, according to the Great Lakes Surf Rescue Project.

6:50 PM Thu Aug 3

Rip Current Studies by Professor Wu, consulting coastal expert on Red Barn's Kenosha project.

76%

seagrant.wisc.edu — Private

2022 Balgooyen S, CK Remucal. Tributary Loading and Sediment Desorption as Sources of PFAS to Receiving Waters. ACES EST Water doi.org/10.1021/aceswater.1c00348

2022 Liu Y, C Wu. Drowning Incidents and Conditions Due to Hidden Flash Rips in Lake Michigan. Science of the Total Environment. DOI: 10.1016/j.scitotenv.2022.154314

2022 Liu Y, C Wu. Rip Currents Near Coastal Structures in Lake Michigan: Characterization and Assessment for Warnings. Journal of Great Lakes Research. DOI: 10.1016/j.glr.2022.03.001

2022 Liu Y, CH Wu. Rip Currents Near Coastal Structures in Lake Michigan: Characterization and Assessment for Warnings. Journal of Great Lakes Research. doi.org/10.1016/j.glri.2022.03.011

2022 Volpano CA, LK Zoet, JE Rawling, EJ Theuerkauf. Measuring and Modelling Nearshore Recovery of an Eroded Beach in Lake Michigan USA. Journal of Great Lakes Research. doi.org/10.1016/j.jglr.2022.03.012

2022 Peroff DM, DB Morais and E Sills. The Role of Agritourism Microentrepeneuership and Collective Action in Shaping Stewardship of Farmlands. Sustainability. 10.3390/su14138116

2022 Wu, Z, S Cai, S Won Cho, H Wei, M Quin. Laboratory Filter Membranes May



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CENTENNIAL DOG BEACH IS A DOG FRIENDLY AREA,



Fencing **separates the beach** from adjacent private property and Elder Beach.

2030 LMP


Centennial shoreline
available to boaters,
swimmers and dogs

NEIGHBORING PROPERTIES AT RISK FOR DIMINUTION IN VALUE, CONSTRUCTION-RELATED DAMAGE

Excerpt, pages 13-16
Impact of Construction



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LAKEFRONT DEVELOPMENT REGULATION STUDY
VILLAGE OF WINNETKA, ILLINOIS

November 10, 2023
File No. 20.0158121.10



GZA Coastal + Geotechnical Report in the Public Record p. 13-16

From our practical experience, the bluffs in Kenilworth and Glencoe are similar to those in the Village (height, slope, toe protection, vegetation). **Figures 8 and 9** were taken from the Kenilworth beach building for the existing bluffs.



Figure 8. Kenilworth Bluffs (GZA, July 2022)



Figure 9. Kenilworth Bluffs Vegetation (GZA, July 2022)

4.2 GEOTECHNICAL ENGINEERING CONSIDERATIONS

As noted above, changes in slope geometry and moisture content of the soil can have significant impacts on the stability of the bluff. Stability of slopes is often measured by a unitless Factor of Safety (FoS), which is a ratio of the available "resisting forces/strength" of the soil and/or rock (with or without improvements), divided by the "driving forces/pressure," generally, gravity at the slope. The FoS calculation provides an engineer with a basis for design and/or analysis when considering slope stability problems, and can be generally broken down as follows:

- FoSs less than 1 are generally considered to be critically unstable and unsafe.
- FoSs between about 1.1 and 1.3 are considered to be unstable and not safe in most cases.
- FoSs between about 1.3 and 1.5 are considered meta-stable and are generally stable but limitations to development within the slope zone of influence should be considered.
- FoSs greater than 1.5 are considered safe for most situations.

FoS calculations are subject to many assumptions and analyses on the part of the engineer. Soil and/or rock within a given slope is generally variable within the slope. Additionally, limited areas of perched groundwater may be present within the slope. For computer modeling purposes, most engineering analyses consider the soils to be generally homogeneous within a given soil layer. Additionally, temporary fluctuations in soil pore-water pressures may be impossible to predict and may act to either stabilize or destabilize the slope. The uncertainties incorporated into the geotechnical engineering design and analyses process is reflected in the generally acceptable FoSs used in design. A thorough analysis of slope stability may consider other parameters depending on the location and significance of a slope failure. Examples of additional parameters to consider may include: changes to the groundwater conditions, seismic acceleration design considerations (e.g. seismic design), changes to loading regimes along the slope top, face and base (e.g. current and future construction), temporary load considerations, time considerations (soil creep, relaxation of stresses), and parametric analyses.

A "one-size fits all" approach may generally be too conservative (limiting to development) and leaves itself open to interpretation by owners in the future. As an example, a blanket statement such as "regraded slopes shall have a calculated factor of safety of not less than 1.5" could be interpreted several ways by several designers by choosing what assumptions to make and what loading conditions to account for. The proposed bluff grades are generally easier to measure and therefore easier to establish and enforce.

Additionally, soil strength and stress regimes do not end at property lines. Changes to bluffs at one property can destabilize neighboring properties, leading to cascading failures of the bluff up and down the shoreline. Bluff stability is generally considered in a direction perpendicular to the bluff face. However, when failures occur, the resulting steepest portion of the slope may no longer be orientated perpendicular to the bluff face. Bluff failures may also trigger sudden changes to groundwater conditions and or soil strength regimes changing available strength of the soil from an "effective stress" to a "total stress" condition for fine-grained soils (clayey and/or silty soils), such as found along the Illinois lakefront. The semantics of the changes between effective and total stress analyses are beyond the scope of this document, but are a function of the reaction of the soil to rapid changes in pore water pressures.

4.3 CONSTRUCTION CONSIDERATIONS AND POTENTIAL IMPACTS

4.3.1 Construction Vibrations and Monitoring

Special considerations shall be given to construction-related vibrations due to the use of heavy machinery during construction activities, especially during pile and soil compaction efforts. Vibrations from construction activities can cause damage to structures, including enhanced cracking and settlement. A literature search was conducted to identify concerns during construction as potential impacts to neighboring properties. Several recommended construction vibration criteria are present in the literature and vary based on the location, type of construction to be monitored and type of vibrations expected. As a generally used example, the Construction Vibrations, 2nd Edition (December 2000), by Charles Dowding, Ph.D., is provided in **Table 6**. Note that both allowable vibration thresholds are a function of both frequency and

amplitude. Several other standards are available with each of them having their merits based on the location and type of vibrations generated.

Table 6. Frequency-Based PPV Controls (from Construction Vibrations, 2nd Edition)

Dominant Frequency (Hz)	Maximum Particle Velocity (in/sec)	Maximum Particle Velocity (mm/s)
5	1.0	25
10	1.0	25
20	1.0	25
40	1.2	31
60	1.8	45
80	2.4	61
100	3.0	76

The ground vibration is measured in terms of peak particle velocity (PPV), which is the actual speed at which a particle or wavelength will move during vibrations, in units of inches per second (ips) or millimeters per second (mm/s). This represents the ground movement of molecular particles and not surface movement. The frequency of vibration refers to the number of oscillations that occur in one second, with units in hertz, or 1 cycle per second. The ground vibration can be measured with limits set by the International Standard ISO 4866-1990 (for the assessment of vibration effects on different parts of buildings). ANSI S2.47-1990 is the U.S. counterpart of ISO 4866-1990. Both of these standards have recommendations for the maximum PPV as a function of frequency.

Frequency-based limits should be imposed and recommended, as shown in **Table 6**, for distances up to 100 feet from the vibration inducing equipment. We recommend a minimum of two calibrated vibration monitors be set up at or near the two closest structures within the area of concern (100 feet). If no structures are present within that area, we recommend that one monitor be established at or near the edge of the subject property to measure vibrations there.

In general, pile driving activities have the potential of creating relatively high PPVs at relatively low frequencies. Two types of pile drivers are typically used during construction: impact or vibratory hammers. The ground-induced vibrations are different for these machines and the contractor should carefully consider their option.

The impact hammer delivers blows (energy) via a heavy mass falling on a pile cap and thereafter to the pile, overcoming the soil resistance and pile inertia. In certain cases, the mass may be further accelerated by a diesel or gasoline explosion within the hammer. The ground vibrations by the impact hammer are generally transient and dissipate with distance.

A vibratory hammer has a static mass connected to an oscillating part, which creates a pulsating force, causing the pile to vibrate and liquefy the soils below the pile tip. The ground vibrations caused by the vibratory hammers are generally longer lasting and can propagate far from the source, depending on subsurface conditions and the frequency at which the hammer is operated. This can also be true of vibratory compaction equipment used during fill placement.

One of the challenges during construction is that the ground vibrations can increase in amplitude when the frequency of the vibration equals the natural (resonant) frequency of the soil layers in which the pile is driven (constructive interference). With the adoption of reasonable ordinances, it will become incumbent upon the contractor to determine and monitor vibration-generating construction activities to maintain vibrations below threshold levels. The process to estimate and monitor, and corrective actions for higher-than-allowable vibrations should be documented by the contractor in their permit application.

4.3.2 Support of Excavation and Settlement

The presence of support of excavations systems along or near neighboring properties allow for control of the soil deformations produced by the excavations and/or vibrations. The monitoring of soil displacement is recommended during the removal of the support systems, as the releases of stresses in the ground can induce soil deformation. **Figure 10** directly compares vibratory soil settlements with those resulting from loss of lateral support, as a function of distance from the excavation, using different methods. Typical settlements for 20-foot and 40-foot excavations are shown by solid lines, represented by braced (protected) excavations. The dashed lines represent the settlement from pile driving using different reported methods. Using the Holloway et. al curve, at a distance of 6 meters (20 feet) from the vibratory driving of an "H" steel pile, the settlement is approximately 40 millimeters (1.6 inches), with a PPV of 15 mm/s (0.6 in/s).

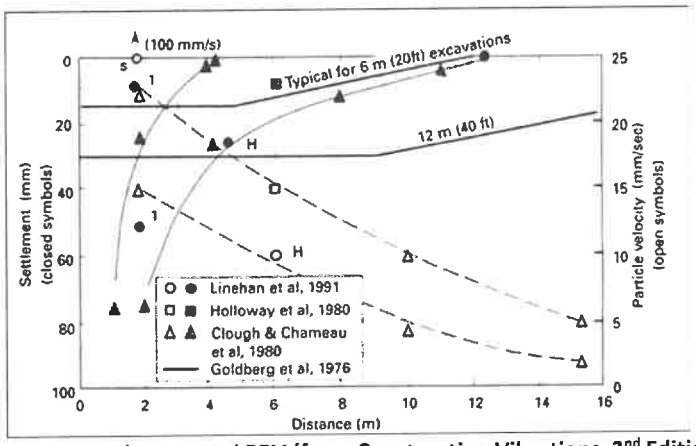


Figure 10. Settlement and PPV (from Construction Vibrations, 2nd Edition

5.0 PROPOSED VILLAGE OF WINNETKA ORDINANCE

On July 18, 2023, the Village Council adopted an ordinance (MC-08-2023) amending the text to establish a study and permit abeyance period for proposed construction in the steep slope area along Lake Michigan. The Village *"desires to ensure that construction on properties along Lake Michigan and the bluffs does not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village or otherwise create harm to the public health, safety, or welfare of the Village, its residents, or visitors to the Village."*

The ordinance is meant to pause construction activities in the steep slope zone to ensure the Village has time to analyze and adopt any necessary regulations and examine the effects of construction on the Village's bluffs along Lake Michigan. The steep slope zone in **Figure 11** includes all land between the bottom of the slope and top, with an additional 40 feet from the top of bluff (setback). The bluff steep slope is defined as 10%, or the rise: run (Vertical: Horizontal) is 1:10.


Domino effect of hard shoreline structures moving
south down the shoreline
Lakefront homes south of 205 Sheridan have no sandy beaches

No sandy beaches downstream

Illinois Beach State Park

WHERE IS THE BEACH GOING?



Waves and currents have carried sand from the southern Wisconsin Lake Michigan shoreline to Illinois Beach State Park for thousands of years. However, very little sand is transported here from Wisconsin today due to Wisconsin's beach protection measures and harbor jetties. With lake currents continuing to move Illinois Beach sand southward and little sand arriving from Wisconsin to replace it, our remaining beaches are eroding. Notice how the beach sand has moved further south over time in the aerial photographs shown above. Beach erosion endangers buildings and structures, unique landforms, and ecological habitats.

REPLENISHING





This project is funded under the Coastal Zone Management Act, by NOAA's Office for Coastal Management in conjunction with the Illinois Department of Natural Resources Coastal Management Program.

USACE BREAKWATER STUDY

MANISTIQUE, MI — The U.S. Army Corps of Engineers will install special equipment in the Upper Peninsula this fall to study the impact of waves on piers and breakwalls.

In October, the Army Corps says it will place an Integrated Radar Monitoring System (IRaMS) at Manistique Harbor to collect fall wave data over several months.

The system will "observe the interaction between waves and the harbor structures during storm events and validate numerical wave model simulations," the agency said.

The data collection will feed computer models used to design repairs to the harbor structures in Manistique, which protect a channelized Manistique River mouth.

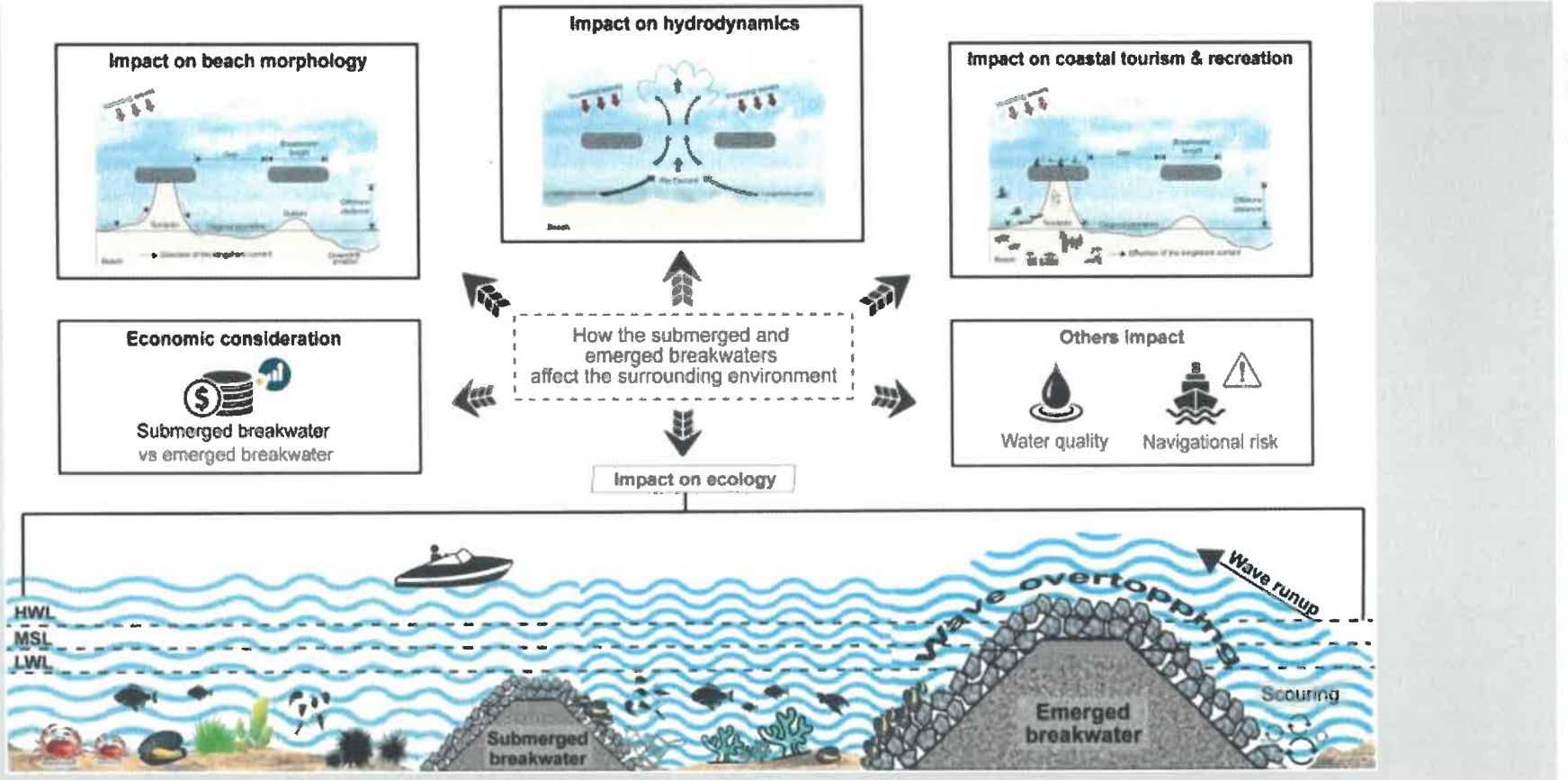
The installation is temporary and people are asked to avoid it.



An Integrated Radar Monitoring System (IRaMS).Army Corps

NIH - Submerged and Emerged Breakwaters

6:00 PM Fri Oct 25 ... 40%
AA ncbi.nlm.nih.gov
Environmental impact of submerged and emerged breakwaters - PMC
Click on image to zoom
Drag image to reposition. Double click to magnify further.



Variegated Colored Lake Water
- Lakebed disturbance
- Materials Deposited Into Lake

68%

views, lakefront photos

Dear Mrs. Schriesheim,

This email is being provided in response to your second email from June 4th, 2024, regarding the permitted and ongoing lake front improvement project at 205 Sheridan Road. I have inspected the site and offer the following comments to your inquiry:

1. I sent an additional photo file this morning for inclusion in the public record, which I feel depicts more clearly the grading changes on 205 Sheridan's side of the privacy fencing opposite Centennial (tabletop and beach).
   a. *Response: Email received with photos.*
2. I do not understand how this complies with the Village Code.
   a. *Response: I would direct you to my previous response to your first email from June 4, 2024, that discusses the findings in the field.*
3. Further, I request that the Village undertake an examination of the murky, turgid waters sweeping NE off 205 Sheridan's beach, into not only Centennial Park's waters, but also federal navigable waters. I realize determining the cause would likely involve a hydrologist's input and could take some time.
   a. *Response: The site was inspected to determine sources for the variated colored lake water. Field investigations note that there were no illicit discharges from the active construction site. The discoloration of the lake water was due to the disturbance of existing fines on the lake bottom due to ongoing construction activities. In addition, the discoloration appears also to come from some of the aggregate fines attached to the new quarried aggregate materials being used for the construction of the proposed lakefront improvements as they are being placed in the water.*

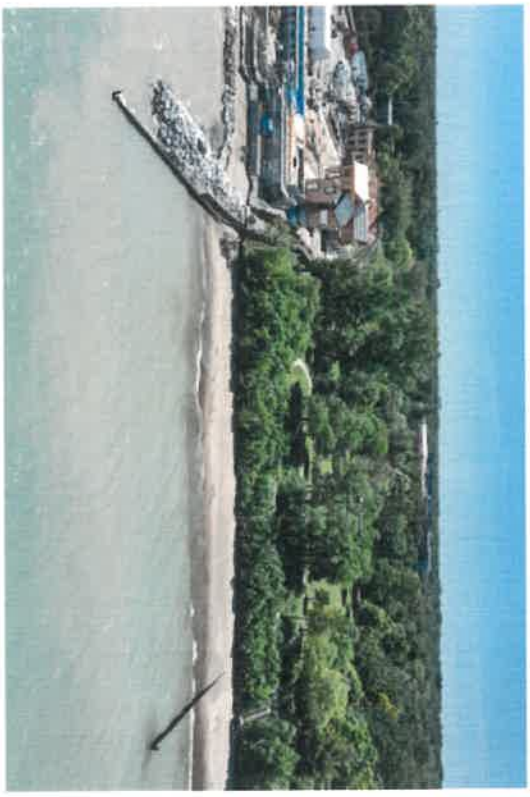
James J. Bernahl, P.E., CFM
Director of Engineering/Village Engineer
Village of Winnetka, Illinois
1390 Willow Road
Winnetka, IL 60093
Phone: (847) 716-3261
Email: jbernahl@winnetka.org


Note dirty water moving Northeast from Shoreline project
which is much
smaller in scale than
what WPD has
proposed at
Centennial











Walls of Steel and Armored Stone along Wimmerkas lakefront

WPD BREAKWATER IS SUITABLE FOR A MARINA OR A HARBOR

Questionable Breakwater Purpose

11:55 AM Tue Nov 26
83%
Winnetka%20Waterfront%202030%20Plan 2
Done









Grant opportunity?	Partnership opportunity?	Revenue generator?	"Level of effort"	Dependent on shoreline improvements?	Notes
	√	√	high		Partnership with private operator, local preference
	√	√	high	√	Partnership with private operator, local preference
√		√	low	√	May be eligible for Open Space Land Acquisition and Development Grants (OSLAD)*

*Grant source funded by State of Illinois

* Is Centennial plan design intended to create private revenue streams?



What is Driving the Centennial Breakwater Design?

DRAFT
3/9/2015

COASTAL DYNAMICS

As the master planning process evolves and various lakefront improvements are being considered for each site, it will be important to have an understanding of the site conditions, environmental design conditions and coastal dynamics. In particular, proposed beaches, breakwaters, marinas, dockage systems, shore protection, habitats and other waterfront improvements will be subject to various environmental factors, including wind, waves, water levels, ice, nearshore hydrodynamics and sediment transport. These factors can create significant challenges and limit the improvements that are technically and/or economically feasible, and can withstand the test of time. A brief overview of the challenges associated with site conditions, environmental design conditions and coastal dynamics is presented below.

Site Conditions

Comprehensive documentation and understanding of the site conditions is a critical first step in the planning and design of any waterfront improvement, including topography and bathymetry, shoreline and nearshore lakebed characteristics, subsurface conditions, and existing structures. For structures located in shallow water (at Winnetka, generally less than 30 ft), the nearshore lakebed bathymetry, along with water levels, will generally control the design wave conditions. The cost of coastal structures is extremely sensitive to water depth and wave conditions, with deeper water resulting in increased exposure (i.e. more severe wave conditions), more robust design requirements and increased material quantities to achieve a particular level of performance. Hence, the cost of coastal structures increases significantly as the water depth increases. As such, it is important to have reliable bathymetric data to allow the development of improvement concepts that are technically and economically feasible. Similarly, subsurface conditions may have a significant impact on the design and cost of coastal structures. In general, the southwestern shores of Lake Michigan are characterized by bluffs fronted by narrow beaches, with the nearshore area characterized by intermittent and variable sand cover over glacial till; however, silt, clay or bedrock may also be encountered. The presence, depth/thickness and extent of these sediments all present unique design challenges and have cost implications.

Of particular importance, along much of the western and southern shores of Lake Michigan including the Winnetka area, the lake bottom consists of glacial clay till, which is a cohesive mix of materials (sand and stone 15%) bound together by clay (85%). In shallow nearshore locations, wave energy can cause erosion of the glacial clay till if it is not protected by layer of sand cover thick enough to prevent wave energy from impacting the lakebed. Once the clay particles erode, the cohesive mixture has no means of staying together and can move freely in the littoral stream. The loss of lakebed material is called lakebed downcutting and is an irreversible process causing permanent deepening of the lakebed. The small quantity of sand and stone which remains in the littoral stream moves along shore and eventually settles in protected areas of the coast. This process results in larger stormwaves due to deeper water nearshore, a steeper lakebed profile and progressively narrower beaches as the nearshore lakebed continues to erode. The result is the requirement for larger, more robust structures for shoreline protection and other waterfront improvements. This process is an important consideration in the design of any waterfront improvements along the southwest shore of Lake Michigan.

FAQS

COASTAL STRUCTURES 101

"WHAT IS A SEAWALL?"

Seawalls are structures built of concrete, wood, steel or boulders that run parallel to the beach at the land/water interface. They may also be called bulkheads or revetments. They are designed to protect structures by stopping the natural movement of sand by the waves. If the walls are maintained they may hold back the ocean temporarily. The construction of a seawall usually displaces the open beach that it is built upon. They also prevent the natural landward migration of an eroding beach.

"WHAT IS A GROYNE?"

Groynes are hard shoreline structures designed as a solution to beach erosion. A groin is a shoreline structure that is perpendicular to the beach. It is usually made of large boulders, but it can be made of concrete, steel or wood. It is designed to interrupt and trap the longshore flow of sand. Sand builds up on one side of the groin (updrift accretion) at the expense of the other side (downdrift erosion).

"WHAT IS A BREAKWATER?"

A breakwater is a large pile of rocks built parallel to the shore. It is designed to block the waves and the surf. Some breakwaters are below the water's surface (a submerged breakwater). Breakwaters are usually built to provide calm waters for harbors and artificial marinas. Submerged breakwaters are built to reduce beach erosion. These may also be referred to as artificial "reefs." A breakwater can be offshore, underwater or connected to the land. As with groins and jetties, when the longshore current is interrupted, a breakwater will dramatically change the profile of the beach. Over time, sand will accumulate towards a breakwater.

"HOW COULD A NEW SHORELINE STRUCTURE LEND EFFICIENCY TO BEACH MAINTENANCE?"

Currently the Winnetka lakefront is experiencing the effects of storms, changing lake levels and a lack of native sand in the beach system. Installing stone breakwaters (where necessary) will help with the stability of the beach, help to minimize any potential rip currents around existing structures, reduce the amount of maintenance dredging, and are considered a best management practice for coastal habitat restoration (in place of the existing steel sheetpile and concrete structures).

Page 988 of 1542

* Breakwaters are usually for harbors and marinas

11:12 AM Wed Jul 26 ••• 70%
coast.noaa.gov — Private

to contain them and facilitate cleanup, which is in conformity with the fueling station design management measure.

Illinois addresses the two conditions related to the sewage facility management measure through two state regulations, Subpart L of the Illinois Department of Public Health Recreational Area Code (77 IAC 800) and the Illinois Accessibility Code (71 IAC 400). The sewage facility management measure requires the installation of pump-out, dump stations, and restroom facilities, where needed, at new and expanding marinas to reduce the release of sewage to surface waters. This management measure also requires these facilities to be designed to allow ease of access and the use of signage to promote their use by the boating public. Under Illinois' Public Health Recreational Area code, marinas are required to provide pump-out stations wherever boats equipped with toilets are permitted to dock in recreational areas (77 IAC 800.1300(a)). Marinas that provide docking facilities for overnight sleeping must also provide at least one shoreside restroom for men and women that is located within 500 feet of the boat docking area (77 IAC 800.1300(b)). The Illinois Accessibility Code further requires that restrooms and boat docks at public recreational facilities, including marinas, be accessible and

*

[24] Illinois Office of State Fire Marshal. 2019. *Application for Dispensing Aboveground Storage Tank Installation.* Accessed: 04/08/2022. https://www2.illinois.gov/sites/sfm/SFMDocuments/Documents/AST_DispensingApplication.pdf#search=Marinas

[25] Illinois Office of State Fire Marshal. 2013. *Summary of Requirements for Marinas* Accessed: 04/08/2022. https://www2.illinois.gov/sites/sfm/SFMDocuments/Documents/SummaryOfRequirementsForMarinas.pdf

* Marinas must provide pump-out/dump stations for sewage if boats with toilets can dock. Marinas must be ADA accessible for restrooms and boat docks.

COASTAL BLUFFS ARE VALUABLE

WPD Has Not Obtained Coastal or Geotechnical Studies

6. Low-crested offshore breakwaters;
7. Submerged nearshore reefs; and
8. High-crested offshore breakwaters.

Some of these suggestions, like stone groins and revetments, are more traditional structural protection measures, although there is always opportunity to incorporate habitat promoting features to restore lost littoral habitat into these traditional solutions. Others offer the opportunity to include softer design components that apply the practice of Engineering with Nature[3], an initiative led by the USACE that promotes "the intentional alignment of natural and engineering processes to efficiently and sustainably deliver economic, environmental, and social benefits through collaboration." A combination of solutions from the list above is often required from the onset or over time; for example, a new beach development likely requires additional shoreline protection measure(s) such as stone groins, low-crested or high-crested offshore breakwaters, and/or submerged nearshore reef construction as part of the project capital expenditure (CAPEX), with beach nourishment (and other maintenance) as an operating expenditure (OPEX). A unique focus of flood and erosion protection systems along the cohesive shores of the study area (i.e. south of the Zion Beach Ridge Plain) should be the restoration of littoral habitat that has been diminished through the long-term presence of shore protection coupled with ongoing lakebed downcutting.

Resilient solutions should not aim to continue hardening the shoreline, as this only provides immediate relief to the problem while complicating public access to the shoreline and in some cases exacerbating the loss of recreational assets. For instance, shoreline hardening in combination with unmitigated lakebed downcutting eventually leads to the loss of shallow littoral features (including beaches) and associated aquatic habitat. Resilient solutions require longer-term planning to effectively incorporate a holistic strategy that protects a stretch of shoreline, maintains, or improves public access to the lake, and restores or creates habitat native to

[3] https://ewn.erdc.dren.mil/about/

* USACE, IDNR, ICMZ, BAIRD: Engineering With Nature

Innovation Engineered.

the region. For example, of the "multi-purpose" solutions previously listed, beach nourishment is a more

Baird.

W.F. Baird & Associates Ltd.

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Phone | +1 608 273 0592 Email | madison@baird.com

Memorandum

Reference # 13918.M4.Rev0

Status: Final

September 7, 2023

Attention:	**Robert Bahan**
CC:	James Bernhal, David Schoon, Kristin Kazenas, Peter Friedman
From:	Caleb Barth

RE: TECHNICAL GUIDANCE ON COASTAL BLUFF ECOSYSTEM

The Village of Winnetka (Village) has requested that W.F. Baird & Associates Ltd. (Baird) assist in providing technical guidance to the Village Council for the development of lakefront regulations. The Village specifically requested guidance on the following topics:

- Role of bluffs along the lakefront ecosystem
- Bluff ecosystem in built and developed environment
- Impacts from development on erosion, the lake, etc.

Role of Bluffs Along the Lakefront Ecosystem

Coastal Lake Michigan's natural environment has undergone many changes since the glaciers retreated about 14,000 years ago. More than 90 percent of the land within the coastal zone was formerly moraine and old lakebed that over centuries evolved into gently rolling grasslands, savannas, bluffs, dunes, and the ravines, which were created by streams. The Village of Winnetka is located within the transition from the Lake Border moraine bluff coast[1] and the Chicago/Calumet lacustrine plain[2] (see Figure 1), which contributes to a variable bluff height. Since the arrival of permanent European settlers in the 1770s, the area's landscape and associated native plant communities underwent numerous changes induced by two centuries of rapid population growth. Additionally, the coastline was significantly modified with structures for shore protection, which permanently altered the littoral processes.

The Lake Michigan shoreline that remains consists of steep bluffs with narrow beaches at the base. The coastal bluffs consist of gray to brown glacial till interbedded with the glacial-lake sediments of clay, silt, sand, and sandy outwash. Silt and clay are the dominant bluff materials.

[1] A steep reach where the lake has eroded into the mass of rocks and sediment carried down and deposited by melting glaciers.
[2] A low-lying area which is an extension of the floor of ancestral Lake Michigan and has been submerged repeatedly during periods of high lake levels.

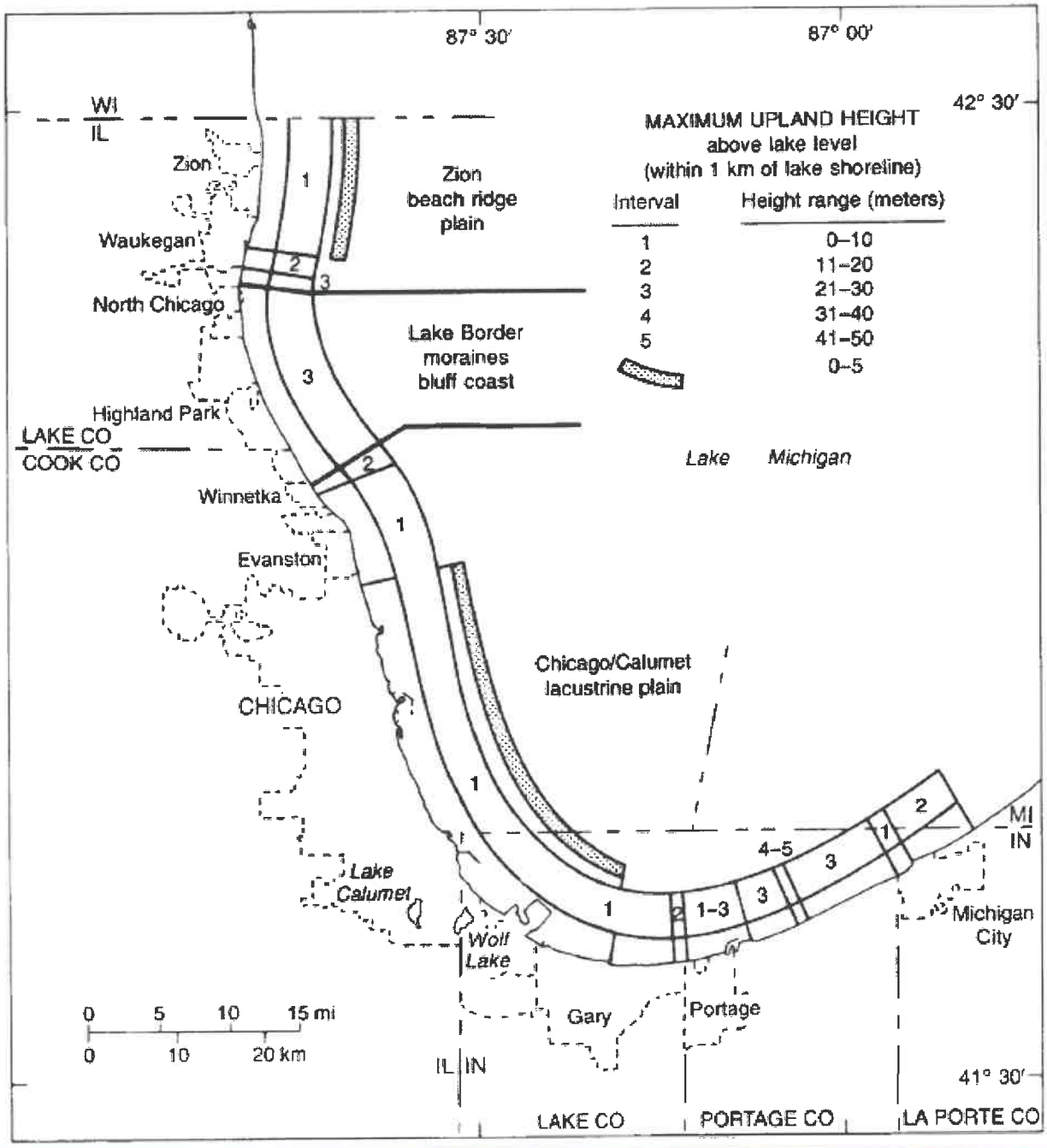

Figure 1: Generalized upland relief along the Illinois-Indiana coast and the extent and designation of the three coastal geomorphic areas (Chrzastowski, 1994).

The landward erosion of coastal bluffs is natural and occurs in response to processes acting from both the land and the water. From 1872-1987, the average measured bluff retreat rates along 30 km of the Lake Michigan shoreline from Wilmette to Waukegan were approximately 20-25 cm/yr (7.9-9.8 in/year) (Jibson, 1993). Development practices have significantly slowed the erosion of coastal bluffs due to forces from the lake.

The coastal bluffs in the Village provide habitat for specialized plants and wildlife within a heavily developed region. Migratory birds follow the coast of Lake Michigan and use the bluff area for foraging and breeding. Coastal bluffs provide suitable habitat for "urban" wildlife species, including whitetail deer, coyote, raccoon, possum, squirrel, rabbits, etc.

Bluff Ecosystem in Built and Developed Environment

The Lake Michigan coastal bluff ecological landscape in Illinois is highly variable and fragile, and has been heavily altered by development. Human-induced disturbances have had negative impacts to the bluff ecosystem through fire-suppression practices, altered hydrology and hydraulics, increased colonization of invasive species, and urbanization fragmentation[3] Private land ownership dominates the bluff ecosystem, and the stewardship of these bluffs is the responsibility of each property owner.

A healthy bluff ecosystem generally consists of a mix of a canopy of large trees, a middle layer of small trees and shrubs, and a ground floor covered with wildflowers, native grasses, and similar native plants. Too much or too little shade from the large tree canopy will have negative consequences on the survivability of native undergrowth. Undergrowth should consist of a diverse mix of native, deep-rooted herbaceous vegetation to prevent soil erosion and ensure slope ability. Poor planning or maintenance of bluffs have impacted biodiversity and led to an influx of invasive species with negative impacts to slope stability, plant diversity, and wildlife habitat. A bluff ecosystem is highly variable from site to site due to a number of factors, including steepness, sunlight, and moisture. A trained professional should be consulted with regarding any development or restoration project for site-specific best management practices.



Figure 2: Piping Plover
(chicagopipingplovers.org)

Beach and dune habitats at the toe of the bluff are rare, and where they do occur, are often used for recreation. There are a number of specialized or endangered species that rely on beach and dune habitats for survival (e.g., piping plovers, etc.).

Impacts from Development on Erosion, the Lake, etc.

Development near coastal bluffs has significantly impacted coastal processes. The major impacts of bluff development on the natural environment are as follows:

- **Slowed Bluff Erosion** – Before coastal development, net erosion dominated nearly all of the Illinois Lake Michigan coast. Over time, wave erosion of the bluffs has been significantly decreased by a variety of shore protection systems, such as revetments, breakwaters, groins, and seawalls. Bluff erosion does continue, largely due to impacts of poor planning during development on the bluff or deferred maintenance (see Figure 3), such as:

[3] The fragmentation of natural landscapes during urban expansion.

  - **Surface water runoff** – development on the table land or within the steep slope area can create additional impervious surfaces or alter drainage paths. Surface water runoff will create erosion if not managed correctly.
  - **Groundwater** – Excess groundwater will have negative effects on bluff stability. Development can impact groundwater levels and quality through poor surface water planning, septic system drainage, etc.
  - **Vegetation** – Vegetation plays a key role in bluff stability. Native, deep-rooted vegetation increases bluff stability by capturing and storing surface water and groundwater and strengthening bluff soil. Turf grass offers very little bluff stabilization benefits due to its shallow roots.
- **Sediment Transport Impacts –** The net littoral drift is from north to south along this section of the southwest coast of Lake Michigan. As a result, most or all of the sand moving along the shore towards the south has been trapped or diverted offshore by the two harbors at the north end of the study reach (Waukegan and Great Lakes Naval Training Center Harbors). The prevalence of shore protection along this reach has further reduced the supply of sand through the elimination or reduction of bluff retreat. These factors have contributed to an ongoing reduction of beaches protecting the bluffs and the protective sand cover over the underlying glacial sediment.
- **Lakebed Downcutting** – The ultimate outcome of impacts to sediment transport is a dramatic increase in irreversible erosion or downcutting of the glacial sediment lakebed along this reach of the Illinois shore. This downcutting threatens the stability, performance, and, eventually, feasibility of shore protection structures and devices that protect riparian, industrial, and public land along this reach. Also, the lowering of the lakebed contributes to a permanent disappearance of natural beaches. If nearshore lakebed downcutting continues, deeper water will occur closer to shore, which will allow greater wave energy to impact the shore. Nearshore coastal structures will become more susceptible to failure, which could cause severe wave-induced coastal bluff erosion.

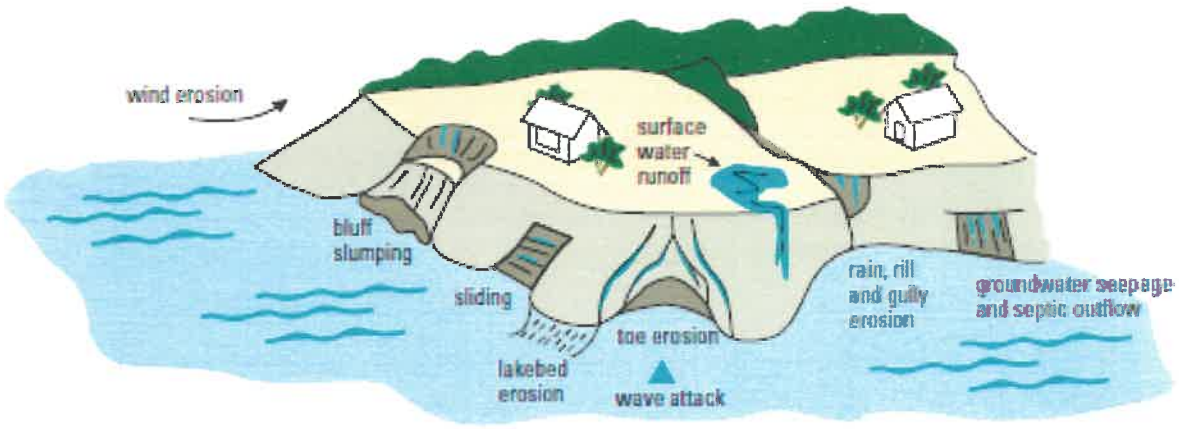

Figure 3: Causes and Effects of Coastal Erosion (UW Sea Grant, 2021)

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GZA Coastal Engineering Report on Coastal Bluffs



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September 18, 2023
File No. 20.P000407.24/20.0158121

Mrs. Kristine Schriesheim
656 Maple Street
Winnetka, Illinois 60093

Re: Lake Michigan Coastal Bluff Considerations

Dear Mrs. Schriesheim:

As a follow-up to out September 15, 2023 phone conversation, I am summarizing a few aspects of the Lake Michigan coastal bluffs, which we believe are very important.

My credentials include graduate degrees in Coastal Science and Engineering from the University of Michigan, and I have over 25 years of practical experience as a Coastal Engineer. GZA GeoEnvironmental, Inc. (GZA) is a specialized consulting engineering firm providing Geotechnical and Coastal Engineering services, with most of our projects being on Lake Michigan. We have worked on numerous coastal bluffs for private residential and public clients, and we understand their ecosystem relevance.

1. Shoreline Classification. The Illinois State Geological Survey (ISGS) classified the Lake Michigan coastal shoreline in three categories,[1] as shown in Figure 1.

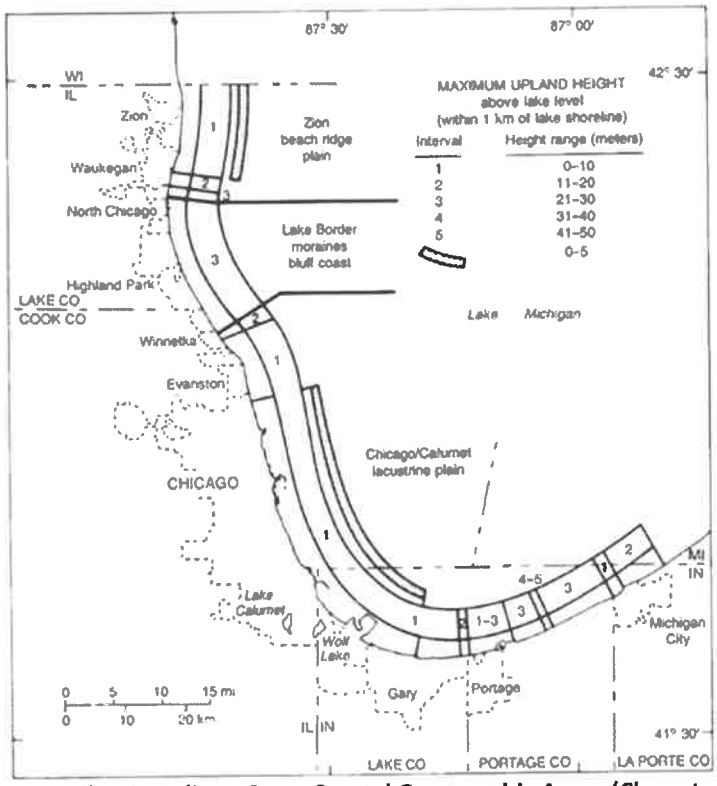

Figure 1. Illinois-Indiana Coast Coastal Geomorphic Areas (Chrzastowski, 1994)

[1] Chrzastowski, M.J.; Thompson, T.A.; Trask, C.B. Coastal geomorphology and littoral cell divisions along the Illinois-Indiana coast of Lake Michigan. J. of Great Lakes Res. 1994. 20(1):27-43.

Winnetka is part of the 15.5 miles of shoreline (16% of the total), providing the transition between the Lake Border moraine bluffs and the Chicago-Calumet lacustrine plain formations. The bluffs between North Chicago to Lloyd Park in Winnetka typically consist of gray to brown glacial till interbedded with glacial sediments (clay, silt, and sandy outwash) with silt and clay being the dominant materials.[2]

Along the shores of Winnetka, Kenilworth, and Wilmette, the coast intercepts a relic lake plain (old Lake Michigan bottom extension that has been submerged frequently at high water levels). The area between Winnetka and Wilmette is different from the bluffs to the north (Highland Park to Lake Forest) and has typical lower bluff heights between 20 and 25 feet.

2. Sediment Transport and Shoreline/Bluff Erosion Overview

Over two centuries of population growth after the European settlement resulted in permanent changes to the native landscape, hard shoreline armoring, modification to the littoral processes, and habitat impacts.

From the Illinois-Wisconsin state line to Wilmette, the shoreline has numerous in-water structures (e.g., harbors, jetties, detached breakwaters) creating significant littoral barriers. These barriers trap sediment, leaving major sections of the coast sediment-starved and vulnerable to erosion via beach and bluff recession and also lakebed downcutting. The shoreline has a negative budget deficit (net erosion), while the net sediment transport is from the north to the south.

Some of the bluff slopes became steeper after the construction development on the top of bluff and along the slope. Without any additional measures, this ultimately results in creating unstable bluff slopes and toe damages.

Based on the most recent Illinois sediment budget,[3] only 16,000 cubic yards per year (yd^3/year) move across the Wisconsin/Illinois state line to the south. This rate is significantly less than previous estimates in the 1950s, and a direct consequence of man-made armoring of the shoreline, not allowing bluff erosion as a source to the littoral transport, along with the depletion of the near-shore sediment cover. In recent years, we have observed multiple project areas from Lake Forest to Winnetka with exposed clay bed, as an indication of active lakebed erosion (also referred to downcutting) and loss of the upper sediment layer.

Currently, it is estimated that approximately 95% of the Illinois shoreline south of Waukegan Harbor[4] is armored. This does not allow a positive supply source to the littoral system. Current practices to balance this are improvements to the existing coastal structures in combination with beach nourishment, creating a stable near-shore system. This, in turn, helps with the bluff toe stability (assisting with maintaining a stable slope).

3. Coastal Bluffs as Ecological Resources

The Lake Michigan habitats are very important due their proximity to the lake, which creates opportunities not otherwise found in other parts of the State. Coastal habitats in the urban Illinois settings commonly include whitetail deer, squirrel, racoons, and squirrels, while flora includes various trees and shrubs, and low ground vegetation cover including native wildflowers (pollinator-friendly) and grasses. The established vegetation helps with the bluff slope stability and surface stormwater management.

Typical coastal bluff projects strive to create a stable system, with regrading, revegetation, trees, and reinforced toe. The stormwater management measures include both surface and groundwater measures (bluff draining). However,

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[2] Chrzastowski, M.J.; Trask, C.B. Nearshore Geology and Geologic Processes Along the Illinois Shore of Lake Michigan from Waukegan Harbor to Wilmette Harbor. 1995. Print.

[3] USACE Engineer Research and Development Center: Sediment Budget for the North Illinois Shore from the Wisconsin Border to Wilmette Harbor. August 2019.

[4] Ibid.

special considerations are given to creating/maintaining a healthy ecosystem, invasive species control, and how to develop resiliency and connectivity of habitats, so species can adjust to any landscape and environmental changes. In addition, the presence of the lake influences the migration of birds, bats, and various flying insects, directing them into a coastal corridor/zone through northeastern Illinois, which needs to be protected.

We believe that the bluffs in Winnetka are similar to the ones in Kenilworth, where there is an existing bluff development ordinance,[5] as follows:

According to the code, "*The topography of the Village of Kenilworth includes bluffs and other steep slope areas. These are valuable land resources that should be protected. Bluffs and other steep slope areas play a central role in the management of storm water throughout the village; they are also ecologically fragile and inherently unstable. Their proper care and maintenance are important to avoid degradation that could adversely affect the entire community.*" [6]

The ordinance states, "*Regulating proposed development according to the natural characteristics of steep slope terrain, such as degree of sloping, significant vegetation, soil stability, and existing drainage patterns will allow for development on top of steep slope areas, including bluffs, while minimizing the physical impact of such development. The public interest will be served by protecting people and property from the potentially hazardous geological and hydrological conditions characteristic of ravine and other steep slope areas.*" [7]

The adopted ordinance "*...further recognizes that maintenance of stable ecological relationships minimizes environmental degradation of the land and Lake Michigan. Due to improper and unnecessary development within these sensitive areas, conditions are created that jeopardize life, property, and the natural ecosystem. It is the intent of this chapter to establish appropriate controls. All land use and development on, within, and adjacent to the steep slope is controlled by this chapter.*"[8]

We believe that any proposed modification on the highly Lake Michigan urbanized shoreline is not an easy task. But, it is our responsibility to allow for the urban coastal habitat to continue to exist and try to alleviate the impact of human activity on the ecosystem. The quoted development ordinance for the Village of Kenilworth was shown for reference only. There are other applicable adopted codes in Illinois that recognize and protect the existing coastal bluffs as an important natural resource.

We appreciate the opportunity to submit this information. Please feel free to contact me at (224) 275-2123 or via email at dan.veriotti@gza.com with any further questions.

Very truly yours,

GZA GeoEnvironmental, Inc.

Dan Veriotti, P.E.
Coastal Engineer
Associate Principal/Vice President

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[5] https://codelibrary.amlegal.com/codes/kenilworth/latest/kenilworth_il/0-0-0-7649
[6] Ibid.
[7] Ibid.
[8] Ibid.

Chicago Tribune 12/1/24

The bottom of the Great Lakes remains a mystery

Oceanographer cites the need for answers amid climate change



The Chicago skyline is viewed from Lake Michigan in January. Brian Cassella/Chicago Tribune

BY KARINA ATKINS CHICAGO TRIBUNE

We know less about the bottom of the Great Lakes than we do about the surface of Mars, according to Jennifer Boehme.

The oceanographer is executive director of the Great Lakes Observing System, an Ann Arbor, Michigan-based nonprofit leading a concerted effort to fully map the world's largest freshwater body from coast to coast, surface to floor.

Only 15% of the lakebed has been documented to modern standards, which could have major consequences for coastal communities as climate change makes storms and floods more frequent and severe. Without an understanding of how the depth and contours of the lakebed are shifting, scientists cannot accurately predict how extreme weather will affect natural habitats and built infrastructure.

"There are questions that need to be answered about coastal safety for the Great Lakes, but we can't answer them because basic information is missing," Boheme said. "For me, it's very much a safety issue."

The Great Lakes, which nearly 40 million people in the United States and Canada depend on for drinking water, have already taken a beating from climate change. Water levels dropped this fall to the lowest in years, affecting shoreline ecosystems, access to docks and shipping routes.

Most of the imaging taken of the Great Lakes is decades old and low resolution. It does not show the pipelines, cables, shipwrecks and boulders that new technologies make visible.

Updated, high-resolution imaging has been taken piecemeal over the years, primarily to inform shipping routes and targeted research. When Boehme and her team began their concerted effort in 2019, 12% of the lakes had been mapped to modern standards.

They called the initiative Lakebed 2030, intending to complete the project in 2030. But in the last five years, the Great Lakes Observing system has only mapped another 3% of the lakebed.

Systematically creating a holistic picture of the lake's bathymetry — the underwater equivalent of topography — is a massive undertaking. The five Great Lakes have a combined surface area of 94,250 square miles, roughly the size of the United Kingdom. And they vary greatly, with depths ranging from 210 feet in Lake Erie to over 1,300 feet in parts of Lake Superior. If all that water was spread across the contiguous United

States, the nation would be evenly submerged in nearly 10 feet of water.

The primary roadblock is money. The Great Lakes Observing System estimates mapping all five lakes will cost $200 million. The money would be spent on a combination of advanced sound and light detection technologies over approximately a decade.

Halfway to 2030, they're rethinking the initiative name.

"What we've been calling Lakebed 2030 could morph into a more organized and concerted effort. We're calling it 'Building the Great Map,' " said Boheme.

Nevertheless, the time pressure remains as weather events become more extreme. The amount of rain falling in the heaviest 1% of storms in the Great Lakes region has increased by 35% over 66 years.

Earlier this year, Michigan U.S. Rep. Lisa McClain introduced the Great Lakes Mapping Act, a bipartisan bill directing the National Oceanic and Atmospheric Association to conduct high-quality mapping of the Great Lakes lakebeds.

"The Great Lakes generate ($)6 trillion to America's GDP and support over 51 million jobs, yet we have barely scratched the surface of understanding the depths of the lakes," said McClain, a Republican. "Investing in comprehensive exploration will offer an enhanced look at the potential these bodies of water offer to bolster our economy and inform efforts to protect one of America's greatest natural resources."

The bill sits in the House Natural Resources Committee, and McClain plans to reintroduce it next Congress should it not make it to the floor this year.

It's unlikely to pass in President-elect Donald Trump's Washington, however. Project 2025, a political framework affiliated with several of his recent Cabinet picks, aspires to abolish the federal agency in charge of weather forecasting and climate monitoring.

This isn't deterring Boheme, who said the team will continue seeking private funding to complete the ambitious project. At the end of the day, the oceanographer is confident the undertaking will pay dividends

beyond the intangible benefits of protecting wildlife and public safety.

Knowledge about lakebed movements could help industries, from shipping to recreation, better plan their activities. Mapping would also likely create permanent jobs; data would constantly need to be updated as climate change-induced weather events dramatically shift the lakebed.

Ultimately, the Great Lakes Observing System plans to make the lakebed map accessible to everyone and easy to use.

IDNR – Resilient Shorelines 2024

Saving the Shoreline at Illinois Beach State Park

Like a glittering belt, Illinois Beach State Park hugs Lake Michigan for six and a half miles in Zion, north of Waukegan. It's the only natural shoreline remaining in Illinois and boasts magnificent sand dunes, marshes, oak forests, and swales, or shallow channels. It also features a beautiful beach that attracts hundreds of swimmers on sunny weekends.

BY CHRISTOPHER JOHNSON



Rising waters in Lake Michigan and erosion have eaten away as much as 100 feet of shoreline at Illinois Beach State Park in Zion. (Photo by Christopher Johnson)

Ania Bayers, the Natural Resource Manager for the Coastal Management Program of the Illinois Department of Natural Resources (IDNR), says, "This is pretty much the last natural shoreline in the state of Illinois. We have natural communities there. We have wetlands, we have prairies, we have savannas. There are more than 650 plants and animal species. Overall, it is a very unique and special place."

The park, which contains of 4,160 acres and is divided into a North Unit and a South Unit, even contains prickly pear cactus, while the marshes boast a panoply of vegetation, including grasses, sedges, big bluestem, and cattails. Several hiking trails wind through the park and take the hiker past magnificent sand dunes and oak savannas. In the western portion of the park, a trail rises and falls along a picturesque stream called the Dead River, which eventually empties into Lake Michigan. All in all, it's an extraordinary setting, and it's only fifty miles from Chicago

Yet, this beautiful and unique state park is facing an ecological crisis. Slowly but surely, the rising waters of Lake Michigan and increasingly severe storms are eating away at the six and a half miles of fragile shoreline, diminishing the popular beaches and threatening precious natural habitats throughout the park. Bayers explains, "There are places where we have lost 100 feet of shoreline within one year. Especially with the higher lake levels, the erosion has become even worse. The receding shoreline takes away critical habitat at that park. People come to enjoy the beach, and they find that the beach is gone, so people can't enjoy Lake Michigan." According to the Illinois State Geological Survey, between 2012 and 2020, the North Unit of the park lost 670,570 cubic yards of sand and sediment.

In a report issued last year, the Environmental Law and Policy Center (ELPC)—a leading environmental legal advocacy organization located in Chicago—stated that climate change is causing more extreme changes in the water levels of Lake Michigan, as well as more powerful storms and destructive winds. The ELPC identified twelve places along the shoreline of the lake that are being strongly affected by rising water levels. Several of these "hot spots" are in the city of Chicago, but one of them is located in Waukegan, just south of the park. Howard Learner, the Executive Director of the ELPC, said, "We are going to see some very high water levels going forward. And if those happen to be high water levels at a time of intensive storms? We are looking at flooding."

Bayers emphasizes that the shoreline has always had some degree of erosion because of the wave action of Lake Michigan. However, she explains, "Especially with the higher lake levels, the erosion has become even worse." The problem is exacerbated by the fact that in the Milwaukee area, municipalities have built jetties and other structures that prevent the prevailing currents from carrying sand south to Illinois and replenishing the beaches in the Chicago area. Bayers adds, "We have several native species, and their habitat is getting lost. Once the habitat is gone, even when the lake level goes down, it's not going to be the same habitat over hundreds of years."

The IDNR realized that fundamental action was needed to change the hydrology of the shoreline to protect the park's precious and unique habitats. Consequently, on January 13, 2023, Governor J.B. Pritzker, the IDNR, and the Illinois Capital Development Board announced two innovative projects to stabilize the shoreline. At the time, the governor stated, "Illinois' lakefronts are a national treasure and one of our greatest natural resources, and it's essential that we preserve these spaces for future generations to love and learn from."

Both projects are worth exploring in some detail because they have gained national recognition as models to protect other Great Lakes shorelines that are threatened by rising water levels and more severe storms. The first project has been the construction of a system of offshore islands, or breakwaters, to protect and preserve shoreline at the park, at a cost of $73 million. Bayers explains, "The project has essentially involved creating 22 islands or breakwaters that are either submerged or low in the water, and they're located in three different places that have seen a lot of erosion. These 22 islands or breakwaters are affecting 2.2 miles of shoreline."

The human-made islands have been designed in a way to guide and direct the movement of the sand, mitigating the natural process of erosion that occurs along the shoreline. The offshore islands slow down the degree to which the wave action of the lake moves the sand along the shoreline. By slowing down and redirecting this movement, the islands stabilize the shoreline.



To stop erosion of the shoreline, the Illinois Department of Natural Resources has constructed 22 islands made of rock to protect the beaches from erosion. (Photo by Christopher Johnson)



Illinois Beach State Park has many wetlands west of the beach. Rising waters have flooded some of those wetlands. The offshore islands will stop erosion of the beaches and restore the wetlands to healthy water levels. (Photo by Christopher Johnson)

According to Bayers, "There was a lot of modeling to figure out how to position the islands to protect the shoreline but also allow the sand to move through. The idea is to redirect the currents and the wave energy that is affecting the shoreline" (Bayers, interview). The project contractors have utilized 250,000 pounds of rock to create these islands, and they have designed the placement of the rocks in such a way as to create additional habitat for birds.

The state collaborated with several consulting and engineering firms to design the project, obtain the necessary permits, and supervise the construction of the islands. The firms include Moffatt & Nichol, the SmithGroup, Edgewater Resources, Michels Construction, Collins Engineering, and Living Habitat. This portion of the stabilization project is scheduled to be finished in July or August of 2024.

In the second project, the state is installing "rubble ridges," or ridges built of stone, off the shoreline that runs along the southern end of the park. Contractors built three ridges, each of which were 750 feet long in shallow water that was approximately 500 feet from the shoreline. The crews built the ridges with more than 10,000 tons of stone. Together, the three ridges have reduced the effects of storm water, protecting the beach and natural habitats from erosion. The ridges are underwater, leaving views of the lake unimpaired.

According to Bayers, "By maintaining the beach and maintaining the ecosystem, we're providing the critical habitat for the species that are using that area."

In addition to protecting the shoreline, the projects are helping improve ecosystems located in the interior of the park. That's because streams like the Dead River, which are supposed to empty into Lake Michigan, have been blocked by sand that has been pushed along the beachfront. When those creeks are blocked, water backs up, causing flooding in some of the wetlands found to the west of the shoreline. As a result, the wetlands are artificially high, and invasive species have been moving into the wetlands. Managing the invasive species has become more difficult because of the high water levels.

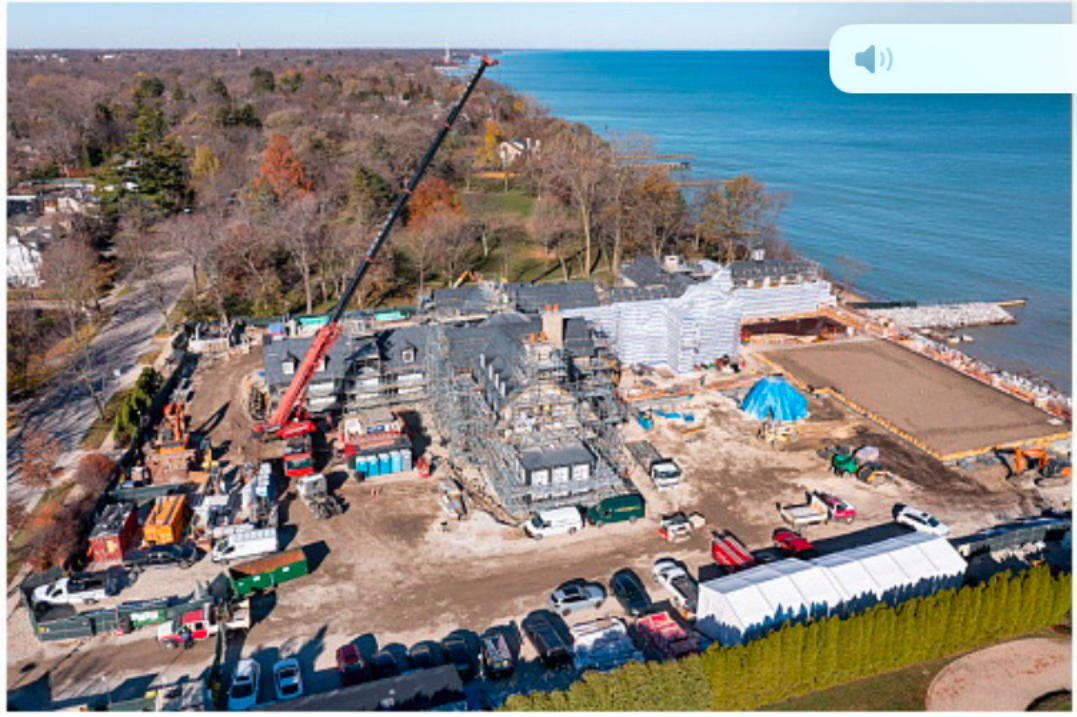
By restoring the natural movement of sand along the shoreline, the streams can once again flow into the lake, reducing the stress on the wetlands. "So it wasn't only habitat along the shore that was being affected," Bayers explains, "but also habitat further into the park because of the hydrology of the park. It's all connected."

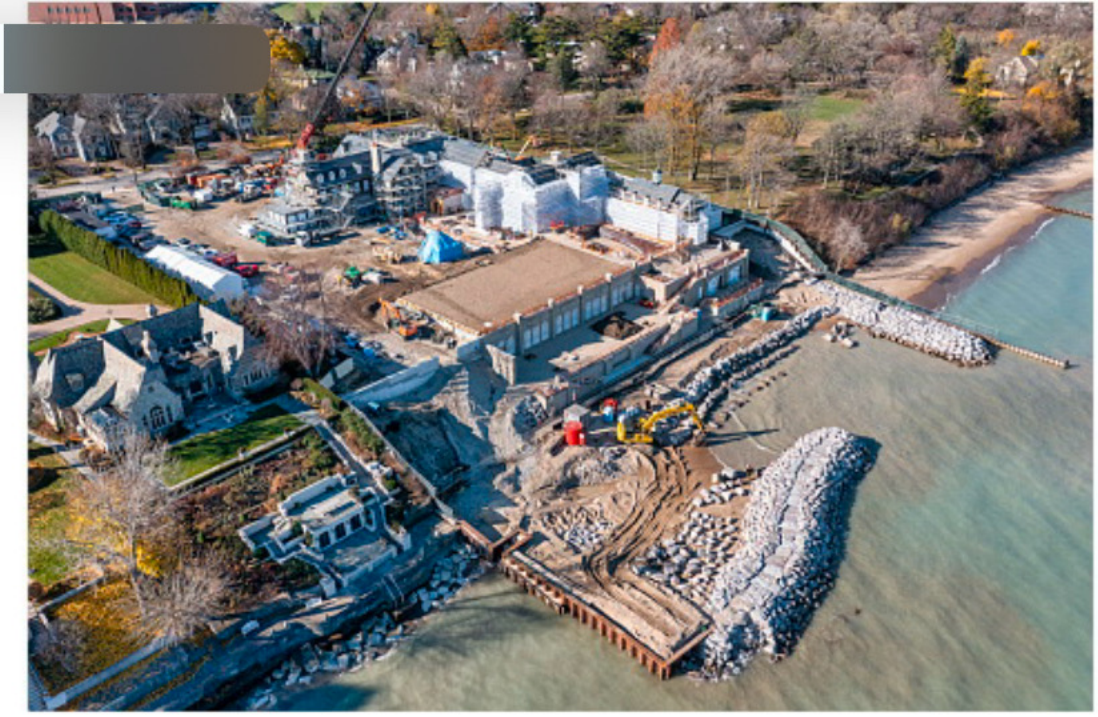
The two shoreline stabilization projects at the park have won national recognition for their environmental importance. In February of this year, the IDNR announced that the stabilization project has achieved Waterfront Edge Guidelines. WEDG is a national rating system for rating waterfront stabilization projects.

The Waterfront Alliance, a nonprofit devoted to the protection of shorelines, created the verification system to recognize and publicize local efforts to stabilize shorelines and protect habitat for flora and fauna. The stabilization project at Illinois Beach State Park was the first rural and freshwater project to receive this distinction.

The WEDG verification recognizes the positive impact that the two stabilization projects will have on natural habitats in the park. For example, the 22 offshore islands will provide habitat for several species of fish, including yellow perch, and birds such as terns. In addition, by improving the outflow of streams, the project will improve the health of the wetlands in the park and better connect the beach to the inland ecosystems. One beneficiary will be the piping plover, which will have more nesting habitats than it previously had.

The many users of the park will also see benefits. According to Bayers, "The project will also protect the beach so that people can come and enjoy it and the trails. The erosion has impacted some of the trails along the shoreline. We've been able to open up those trails so that people can use them again. Also, by protecting habitat, people can enjoy bird watching and the overall natural character of the park."

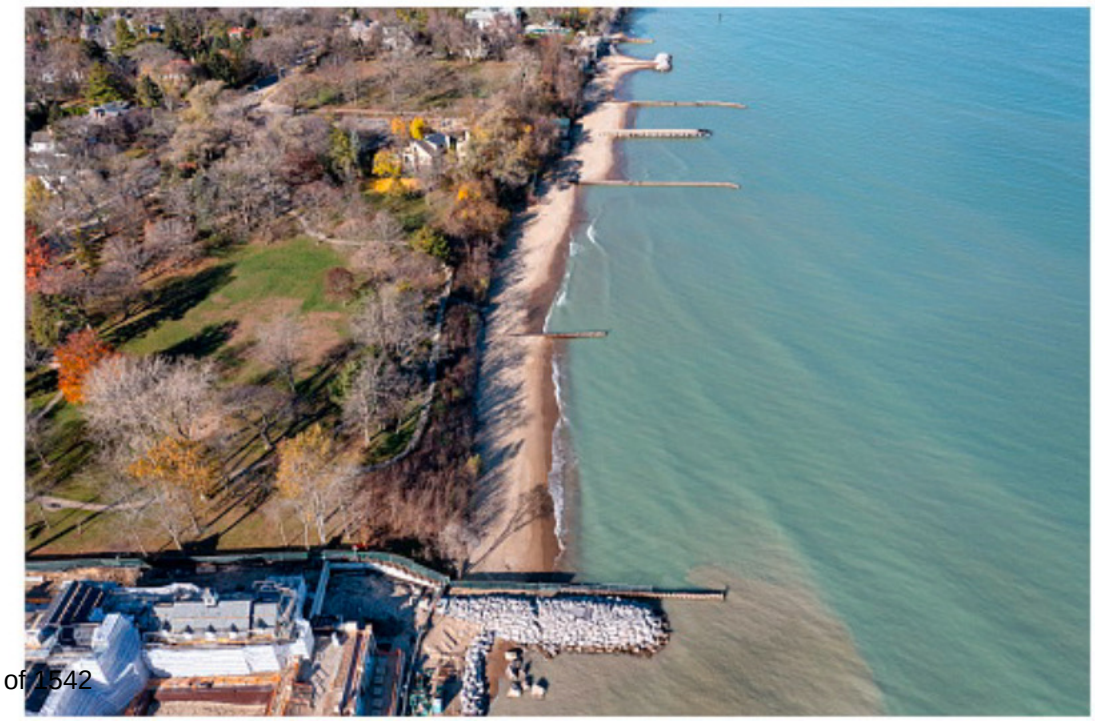




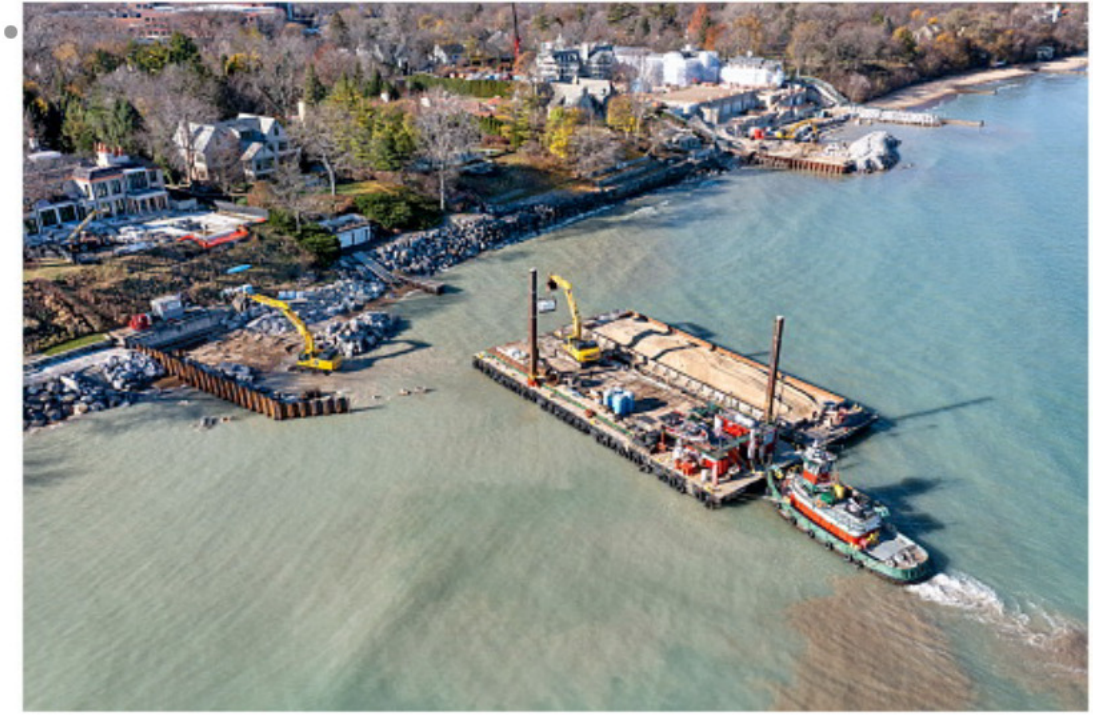














John William Root
326 Woodland Avenue
Winnetka, IL 60093
Telephone: [redacted]
Email: [redacted]

Sent by electronic mail: dschoon@winnetka.org

Mr. David Schoon
Village of Winnetka
Director of Community Development
510 Green Bay Road
Winnetka, IL 60093

December 2, 2024

Re: Case No. 24-08-SU
225 Sheridan Road – Centennial Park & Beach
Comments for 12/10/24 Hearing

Dear Mr. Schoon:

The following comments summarize my concerns about the 11/11/2024 ZBA review of the Centennial SUP beach design. I would appreciate your assistance in sharing my comments as part of the official packet to be delivered to the members of the Village of Winnetka Zoning Board of Appeals for the upcoming hearing on 12/10/24.

Centennial Pier & Boardwalk Exceptions

At the 11/11/2024 ZBA hearing, Commissioner Matthew Bradley polled the ZBA board relative to support for the WPD requested variances for the fence railings on the proposed Centennial pier and boardwalk. The board voted to instruct staff to draft documents that would be presented to the ZBA on 12/10/24 for a vote on these requested variances. With respect to WPD's Application for a Special Use Permit (SUP), Commissioner Bradley noted that the proposed Pier on Centennial had generated the most concern from the community and from ZBA members. Commissioner Bradley then suggested two alternatives for recommendations to Village Counsel concerning the Pier: i.) the ZBA could recommend denial and state the reasons for the denial; or, ii.) the ZBA could recommend approval conditioned on the resolution of certain concerns being resolved. Commissioner Bradley then polled the board. Three ZBA Commissioners voted to deny the pier and four ZBA Commissioners voted for pier approval subject to resolution of stated concerns. The ZBA then voted to continue this discussion at the hearing scheduled for 12/10/24.

For safety reasons, I fully support the ZBA's approval of the variances for a railing on top of the boardwalk and a fence on top of the Pier should the Pier be approved. However, I agree with those ZBA Commissioners who voted to recommend that Village Council disapprove the Pier subject to the ZBA's stated reasons for this disapproval. I also strongly encourage the ZBA to advise Village Counsel to send the WPD's application back to Village Staff because the WPD's

Application is incomplete. Village Staff should then review a completed application, when and if submitted, and provide their comments to the ZBA and Village Counsel for further review.

Among other defects with the WPD SUP Application, the following items are totally missing from WPD's application:

1. there is no request for an exception from the front yard setback ordinance for the Pier;
2. there is no request for an exception from the front yard setback ordinance for the boardwalk; and,
3. there is no request for an exception from the front yard setback ordinance for the southern and western dog beach fences.

WPD's application claims that the Pier and boardwalk are "walls." If they are less than 6.5' tall, the WPD argues that they are structures allowed in the front yard setback. WPD does not believe exceptions are required for the Pier, boardwalk, southern dog beach fence, or western dog beach fence, and, as a result, has not applied for these exceptions. By mischaracterizing these features as walls that are permissible in the front yard setback the WPD is attempting to achieve a "backdoor exception". Neither Village staff nor the ZBA has the authority to grant exceptions. Only Village Counsel has this authority through legislation by ordinances. When Village staff originally received WPD's SUP application, staff should have informed the WPD that its application was incomplete and should have further instructed the WPD to include requests for exceptions for the Pier, boardwalk, southern dog beach fence, or western dog beach fence within its application. Village Staff does not have the authority to disregard Village ordinances and thereby grant "backdoor exceptions.

One final note, the WPD in its SUP application asked for no zoning relief to reintroduce swimming on Centennial beach, nor has the SUP requested any zoning relief for operating a dog beach on Centennial.

> There is no zoning relief needed for the swimming beach, this was to provide perspective on operations.

It is important to note that the WPD has never obtained a SUP for Centennial. No Special Use Permit exists. Although Centennial beach has operated as a dog beach since 1995, changing the use of Centennial to mixed human and dog swimming is an entirely new use requiring zoning relief. The WPD has failed to seek this relief in their SUP and therefore their application is incomplete. The ZBA should advise Village Counsel that the SUP is incomplete and recommend that the SUP be sent back to Village Staff. Village Staff should then require the WPD to amend its application to seek approval to transform Centennial into a dual swimming and dog beach before further review can occur.

This is the first time the ZBA is reviewing a mixed beach use of swimming dogs beside swimming humans. The ZBA is justified in applying the SUP standards to this mixed use. Commissioner Bradley suggested that moving the dog beach north of the Pier and humans south

of the Pier would reduce interaction of dogs with humans and would be a safer design. I concur with Commissioner Bradley's suggestion and encourage the ZBA to consider other dog beach alternatives, including moving dogs to Elder thereby keeping humans and dogs separate. Conditioning the SUP on where the dogs are located is totally justified.

The WPD's SUP application for Centennial Beach is incomplete and fails to address critical zoning requirements. I urge the ZBA to recommend that the Village Council return the application to Village Staff for amendment by the WPD. Specific recommendations include:

- Explicit requests for all required zoning exceptions.
- Clear resolutions for the mixed-use design to separate human and dog swimming areas.
- A comprehensive review of Centennial Beach's current operations and uses in the context of zoning compliance.

Addressing these gaps will ensure that the SUP process adheres to zoning ordinances and community standards, providing a safer and more transparent outcome.

Please include my comments in the official record of Case No. 24-08-SU and in the packet for members of the ZBA for the continued hearing in the matter to be held on Monday, December 9th. Thank you for your attention to this request.

Sincerely,

/s/
John W. Root

cc: Members of the Winnetka Zoning Board of Appeals

By Email: rbahan@winnetka.org
Mr. Robert Bahan, Village Manager

Dian Eller
661 Spruce Street
Winnetka, IL 60093
Telep[redacted]
Email: [redacted]

Sent by electronic mail: dschoon@winnetka.org *for inclusion in the 12/9/24 ZBA Packet*

Mr. David Schoon
Village of Winnetka
Director of Community Development
510 Green Bay Road
Winnetka, IL 60093

December 2, 2024

Re: Case No. 24-08-SU
225 Sheridan Road – Centennial Park & Beach
Comments for 11/11/24 Hearing

Dear Mr. Schoon:

Comments to the Winnetka Zoning Board of Appeals

I have followed the hearing in the referenced case beginning on October 14, 2024, as continued November 11, 2024. By this letter, I strongly encourage Village Staff and Commissioners of the Winnetka Zoning Board of Appeals (ZBA) to return the referenced Application of the Winnetka Park District (WPD) as incomplete and defer any determination by the ZBA until you are in receipt of the information that you have requested from the WPD. Despite two hearing sessions—on October 14 and November 11—the WPD has consistently failed to provide requested information, hindering the ZBA's ability to make an informed decision to the detriment of the community.

Key Concerns:

1. **Lack of Comprehensive Vision**
   Multiple ZBA members, along with Winnetka residents, have asked the WPD to present its full vision for the combined Elder and Centennial beach projects. This includes potential plans for 261 Sheridan, should the District acquire the property. What are the long-term implications for these parks and beaches? How might such plans alter the neighborhood's character and the Winnetka shoreline? The WPD has not addressed whether the proposed ADA pathway and 242-foot pier—consuming 74 feet of beach—

serve as amenities for a public pocket park or whether they signal a broader agenda that would fundamentally change the character of the locale and Winnetka shoreline. Are there intentions to commercialize Centennial Park?

2. **Failure to Provide Engineering Data**
   Despite repeated requests, the WPD has not submitted critical engineering data or technical reports from its consultants to support its proposed beach features, pier, or pathway. Key questions remain unanswered:
   - What engineering analyses support the assertion that the pier will protect the bluff or preserve the beach?
   - Is the pier an essential feature or merely a discretionary amenity?

WPD's own consultants have stated the pier is not designed to protect the bluff but to separate dogs from swimmers. Other North Shore communities have managed dog beaches without constructing such massive structures. The WPD's lack of technical data to justify these claims is troubling.

3. **Unanswered Questions About Variances**
   The WPD has not justified its need for variances, such as:
   - A 10-foot-wide ADA pathway instead of the ordinance's limitation.
   - Six-foot outcropping stones, when only five feet are permitted.

ZBA members have asked what alternative ADA access solutions were explored by the WPD that might minimize the pathway's environmental impact. No substantive response has been provided by the District.

4. **Dog Beach Location and Impact**
   The WPD has not explained why the fenced dog beach is proposed for the southern portion of Centennial Beach. Relocation to the northern side of Centennial or another beach—such as Elder Lane—has been suggested repeatedly by residents as well as ZBA Commissioners. Elder Lane Beach offers a logical alternative for the location of the dog beach given its water quality concerns, yet the WPD has ignored these suggestions.

5. **Public Access and Legal Obligations**
   The WPD has not clarified how public beachgoers can traverse southward along the beach without crossing private property at 205 Sheridan, as required under the Public Trust Doctrine. Questions about fencing placement and access via stone steps at 205 Sheridan remain unanswered.

6. **Parking and Usage Concerns**
   Both those presenting public comment as well as ZBA Commissioners have requested information about a parking study to address the "extraordinary increase" in park usage expected with the proposed design. To date and to my knowledge, the WPD has not conducted a parking study or responded with specifics. The neighborhood surrounding Centennial Park and Beach already faces dense parking demands, particularly due to the presence of New Trier High School. Parking needs escalate further during Summer School at New Trier Winnetka. The WPD's failure to address these concerns risks creating significant strain on the area's already dense infrastructure.

7. **Private Funding and the Restricted Donation Agreement**
   ZBA members have asked whether private funding under the WPD Restricted Donation Agreement could be jeopardized if the ZBA sought recommended changes to the beach plan. In response, Park Counsel stated that the Centennial Plan was developed solely by the WPD, with no input from the private donor. However, the terms of the Donation Agreement suggest otherwise:

   - The Agreement includes an express condition requiring donor approval for any changes to the Project Elements that are expressly identified by Exhibit "A" to the Agreement before any funds are received by the WPD.
   - The Agreement imposes a $3 million liquidated damages provision if, within a 50-year period, the breakwater (I presume now termed the "Pier") is moved or fails to be maintained.
   - A specific performance clause binds the WPD to maintain the ADA Pathway and Dog Beach location and fencing for 50 years.

These conditions strongly imply that the private donor has exerted significant influence over the design, which raises questions about whether public interests have been subordinated to private agendas.

While the ZBA may view these concerns as outside its jurisdiction, it is important to emphasize that the ZBA is charged with protecting the public's general welfare. The degree of private control over public land, as reflected in the Donation Agreement, directly affects the community's ability to benefit from and adaptively manage this public resource over time. This issue warrants careful scrutiny to ensure that public welfare remains the guiding principle in decisions affecting Centennial Beach and Park, particularly for a period of fifty (50) years.

Conclusion:

The WPD's repeated failure to provide adequate responses to the ZBA and to public inquiries underscores the incomplete and problematic nature of its application. Given the unresolved concerns about coastal engineering, environmental impact, compliance with zoning ordinances, parking infrastructure, and the influence of private funding, I strongly recommend that the ZBA return the WPD's application until the District provides the required data and a comprehensive vision for its Centennial and Elder beach projects, as well as addresses the District's intentions with respect to the property in between the two parks should the District acquire the parcel. Without this candid transparency, approving the current plan risks setting a precedent for piecemeal development that may irreparably harm the character, accessibility, and integrity of Winnetka's lakefront and drastically impact the essential character of the surrounding locale.

I would appreciate your inclusion of my comments in the official record of Case No. 24-08-SU as well as including my comments in the packet for the continued hearing in the matter to be held on Monday, December 9th.

Sincerely yours,

Dian Eller

cc: Members of the Winnetka Zoning Board of Appeals

By Email: rbahan@winnetka.org
Mr. Robert Bahan, Village Manager

From: [redacted]
To: Ann Klaassen; Robert Bahan; David Schoon
Subject: Article for ZBA and Village Trustees
Date: Wednesday, December 4, 2024 2:41:37 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ann, Rob, and David,

Hope you had a good Thanksgiving. Would you please pass this along to members of the ZBA and the Village Trustees?

Ann - Would it be possible to print this and distribute to ZBA members? I assume it's too late to get the article into the packet for next week's meeting.

Thanks so much.

Irene Smith

New York City's 'Living Breakwaters' Brace for Stormier Seas



New York City's 'Living Breakwaters' Brace for Stormier Seas

Landscape architect Kate Orff's unique shoreline protection device off Staten Island is designed to both prevent...

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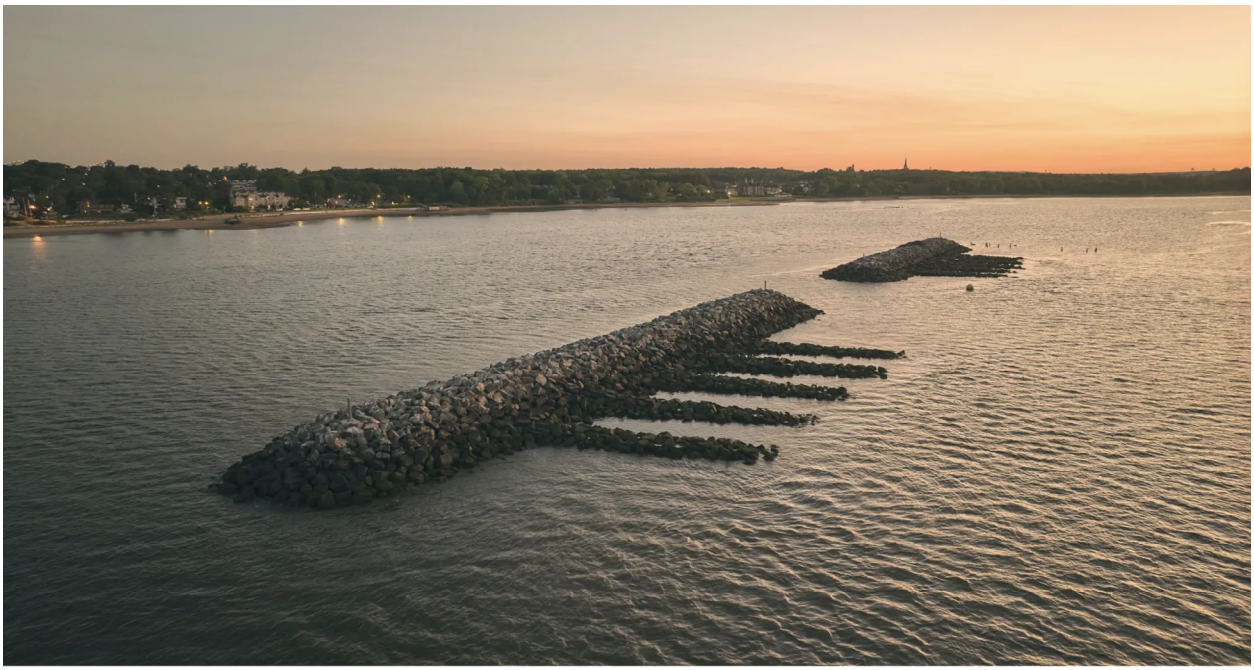
Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression, and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

John Lewis, from the essay he wrote shortly before his death on July 17, 2020.



A section of the Living Breakwaters project, an artificial reef built in New York's Raritan Bay. *Photo: SCAPE/Ty Cole*

Citylab + Green

New York City's 'Living Breakwaters' Brace for Stormier Seas

Landscape architect Kate Orff's unique shoreline protection device off Staten Island is designed to both prevent flooding and provide a new reef habitat.

By James S. Russell
November 25, 2024 at 7:00 AM CST

I arrived at Robinsons Beach at the southern tip of Staten Island to find a narrow band of sand, muted fall color and calm blue waters. Ahead of me, eight stoic-looking rows of stacked rocks ranged along the shoreline, perhaps quarter mile out in Raritan Bay.

Had I been standing on the beach 12 years ago, on Oct. 29, 2012, I would have been swept away by a wall of seawater 14 feet high as Superstorm Sandy struc the northern New Jersey coast and New York City. The storm pushed a gigant surge that inundated New Jersey shore towns and flowed up the New York Ba into the Hudson and East Rivers. More than 50 square miles of New York City were flooded, affecting the homes of 300,000 people. On Staten Island, floodwaters mangled shoreline houses and swept into the low-lying streets of Tottenville and other towns, killing 24 residents.

The piles of stones before me represent an innovative $111 million effort to make sure that disaster does not repeat itself. Called Living Breakwaters, it's a network of artificial reefs designed to shatter future storm surge waves, reducing their damaging height and momentum. Every stone of Living Breakwaters – 2,400 linear feet – has been carefully shaped and positioned. The spaces between the reefs were calibrated to so that floodwaters would nc get trapped inside, while waves pushing around them would collide with eacl other, depriving them of energy.



Completed in October, the $111 million project functions as both habitat restoration and flood protection. *Photo: SCAPE/Ty Cole*

The reefs vary in height from three to eight feet above low tide, their ragged profiles evoking giant caterpillars resting in the shallow waters. They don't look very formidable, but they could have a dramatic effect: Should a 100-yea storm occur in concert with 30 inches of sea level rise – an amount that is realistic in this century but no one wants to think about – Living Breakwaters should be able to reduce flooding of nearby buildings to not more than 1.5 fee

The project is the brainchild of Kate Orff, founder of the landscape architecture firm SCAPE, who has been looking at remedies for polluted and flood-vulnerable coastal landscapes since the 2000s. It's among the largest ar most extensive urban examples of an idea that has been gaining ground in climate resiliency: Rather than trying to contain rising seas with concrete or steel walls, Orff and other practitioners create infrastructure that mimics

naturally protective features like oyster reefs and marshes, which can break u waves and blunt their devastation.

"They reduce risk but don't eliminate it," Orff said. "We can't just keep on building bulkheads and piling excavated sand on beaches. These tactics don't work as we face multiple threats."

Help From Nature

Those threats are rapidly intensifying. Rising seas produce chronic tidal flooding – known as sunny day flooding – with growing frequency. Beyond th devastation of hurricane-force winds, a warmer atmosphere carries unprecedented torrents of rain, the source of the shocking inland floods of Hurricane Helene in western North Carolina or 2017's Hurricane Harvey, which dumped 50 inches on the Houston metro area.

Though New York City had not prepared for such an intense storm, it had developed a cadre of local experts who saw worse flooding as inevitable.



A flooded street in Staten Island after Superstorm Sandy in 2012. *Photographer: John Moore/Get Images North America*

In 2009, with Hurricane Katrina's flooding of New Orleans in 2005 still fresh i peoples' minds, Barry Bergdoll, then chief curator of architecture at the Museum of Modern Art, charged five teams of architects, landscape architect engineers and ecological experts to devise projects that rethink the city's relationship to water. In the exhibition that came out of those workshops, called Rising Currents, Orff introduced the idea of "oystertecture," which entailed restoring the extensive oyster reefs that once protected the city's shorelines.

Orff refined the idea further after Sandy, when the Obama administration's Department of Housing and Urban Development sponsored a design competition called Rebuild By Design. It solicited innovative solutions for eigh sites in the New York City metro area, addressing storm surge as well as other threats intensified by climate change.

Living Breakwaters, one of seven funded projects to emerge from the competition, addresses more than storm surge. It is designed to slow currents flowing along the shore, which allows sand to accumulate, restoring the beac and replenishing plant and animal habitat. A new dune line is already formin anchored by driftwood and new grasses. A flock of black brants nibbled vegetation along the water's edge.

Storm damage is worsened, Orff says, by the loss of protective ecosystems lik New York's once-abundant oyster reefs, which also scrub pollutants. Naturall protective dunes that renewed beaches by capturing blowing sand have been replaced by bulkheads, which encourage beach erosion, while wetlands that can act as a reservoir for floodwaters were drained and paved over.

Orff calls her breakwaters "living," because they are designed as "structures that recruit organisms," she said. Above the waves, the rocks offer space for seals to sun themselves and for seabirds to visit; blocks made out of a low-impact material called ECOncrete have tidepool-shaped hollows on their top surface. But most of the habitat action is below the waterline, where underse alcoves and aquatic alleys dubbed "reef streets" encourage invertebrate growth, host crabs and lure fish. "We worked with fishermen and others to select target species and design for them," said Pippa Brashear, a partner at SCAPE.



Underwater "reef streets" provide additional fish habitat. *Photo: SCAPE/Ty Cole*



An artificial tidepool is cast into blocks of ECOcrete. *Photo: SCAPE/Ty Cole*

To refine the Living Breakwaters concept, Orff's team used digital modeling t optimize the distance of the installations from shore and how far apart the segments should be. They also tested detailed physical models of the full reef in an Ontario wave tank. Now, with installation complete, variations in reef configuration will be monitored to see how they perform in real-world conditions.

Ultimately, the structures should serve as a foundation for creatures that can build the reef further: The Billion Oyster Project, a nonprofit that aspires to restore the once-plentiful beds around New York City, will seed larval oysters on the shore side of Living Breakwaters, where waters calmed by the installations provide a more nurturing environment for baby bivalves.

Read more: New York City Is Building a Wall of Oysters to Fend Off Floods

With its emphasis on delivering multiple benefits, the Living Breakwaters project appears to be unique among US offshore flood infrastructure. But the idea of restoring natural features has parallels to the approach used in the Netherlands, much of which is below sea level. There, engineering water control solutions also means expanding wildlife habitat.

"We not only face a climate crisis but a biodiversity crisis," the Dutch architec Matthijs Bouw told me. His firm One Architecture, based in Amsterdam and New York, is involved in several nature-based projects in the US, the Netherlands, and elsewhere. In Northern Java, locals are building 40 kilometers (25 miles) of shoreline bamboo fences to capture sediments that can restore mangroves, whose networked root systems dissipate storm surge

The Next Big One

Returning to Manhattan via the Brooklyn Bridge, I looked down on the site of another Rebuild by Design winner, then called the BIG U (named both for its horseshoe shape – wrapping Lower Manhattan – and for the architecture firı that led the design, the Bjarke Ingels Group).

Read more: Behind a Billion-Dollar Bid to Save Lower Manhattan

That proposal called for a suite of tactics to protect this extraordinarily valuable real estate. Now known as the Lower Manhattan Coastal Resiliency plan, the $2.7 billion megaproject has been split into five major elements, eac entailing planted berms, walls and movable panels intertwined with park space. The 2.4-mile East Side Coastal Resiliency Project, the furthest along, is well into construction; the city broke ground the first phase of the Battery Pa City Resiliency Project in May.

The BIG U's progeny are all protection strategies, intended, like conventional bulkheads, to wall-off floodwaters. There's little space in these densely built-u neighborhoods for tactics like constructed marshlands, sponge parks or wate squares.

Bouw recognizes the limitations. "The logic is that even though there might b a moment when protection becomes impossible, for now it is still very much possible." (Bouw works on each of the BIG U components in different capacities.) In the Netherlands, "we seek protection from events expected to happen once every 10,000 years." The BIG U projects, in contrast, "are designed for a one-in-100-year event. But they buy us time."

The task ahead is to do more at a much larger scale, and faster. Projects involving developing public shorelines typically entail a half dozen regulatory agencies. "We went from idea to implementation in eight to 10 years, which i like fast-tracking in this context," said Orff.

"For 50 years the regulatory process has focused on *not* building in water," said Amy Chester, the director of Rebuild by Design, because so much damag has been done to habitats via waterfront development. "Now that is being reconsidered."



From the shore, the breakwaters are inconspicuous. *Photo: James S. Russell/Bloomberg CityLab*

The bureaucratic sclerosis is an example of how innovation struggles to alter business as usual. The Dutch water expert Henk Ovink, a senior fellow at the World Resources Institute and the executive director of the Global Commissic on the Economics of Water, watched as Rebuild projects got sliced and diced so that the pieces could be built with varying degrees of enthusiasm and cooperation by a variety of public agencies. Though the Rebuild plan in Hoboken, New Jersey, across the Hudson River from Lower Manhattan, has been lauded, others proceeded in bowdlerized form, or not at all. "When the took these plans apart, the designs lost their transformative capacity, said Ovink.

Americas

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Given a US election that put an administration hostile to environmental programs in charge, climate adaptation efforts face an even more challenging road. But Shaun Donovan, who led HUD when it sponsored Rebuild By Desig also sees opportunities. "Whatever your beliefs about climate change, people see with their own eyes the human costs and the costs to communities," he said, referring to the recent run of increasingly frequent and intense natural disasters. There's also, he added, "a growing bipartisan recognition that it is too hard to build things. That's very much on both sides of the aisle."

Donovan, now president of the housing nonprofit Enterprise Community Partners, points out a more prosaic driver of innovative thinking. The Maryland-based developer and operator of affordable housing complexes has seen its latest insurance bill triple. Rapidly rising rates for renters and owners "are pushing officials at all levels to take action," he said.

The Netherlands has long been a global leader in water management, having several hundred years of experience with the problem. Their timeframes reflect the complexity of reengineering nature: They fund projects in 15-year increments and have a think tank looking ahead 100 years, said Ovink. Room

for the River, an expansion of the Rhine River flood plain, included moving levees back, building marshes and adding meandering channels and islands t slow stormwater flows. "It took about 25 years to get done," said Ovink.

Two years ago, when heavy rains in Germany sent torrents toward the Netherlands, the system worked. "I don't like the idea of disasters showcasin success," he said, "but it helped people realize that it wasn't such a bad idea t be forced to move their house."

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ATTACHMENT D

From: [redacted]
To: David Schoon; Ann Klaassen
Subject: Handouts for tomorrow"s ZBA meeting
Date: Sunday, December 8, 2024 11:11:45 PM
Attachments: jpgProperty Line Wall Before and After Views Looking South copy.zip
jpgShoreline Before and After Views Looking South.zip
jpgPetition Before and After Beachfront Construction copy.zip
jpgSouth Views Before and After Beachfront Construction .zip
jpgNorth Views Before and After Beachfront Construction.zip
jpgCumulative Effects of Mass Construction - Impact Studies.zip

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Hi David and Ann -
Hope you had a good weekend.
Would you please make copies of the following documents for the ZBA members to have prior to public comments? They are each one page and there are 6 total pages.
Thank you very much for your help.
Vicki
Vicki Apatoff
[redacted]

Protect Our Beaches and Their Ecosystem
Save Our Views and Property Values
Prevent Unsafe Structures along Lake Michigan

Shoreline **Before** 205 Construction Looking South



Shoreline Looking South **after** 205 Construction



Protect Our Beaches and Their Ecosystem
Save Our Views and Property Values
Prevent Unsafe Structures along Lake Michigan

191 Sheridan View **Before** 205 Construction Looking North

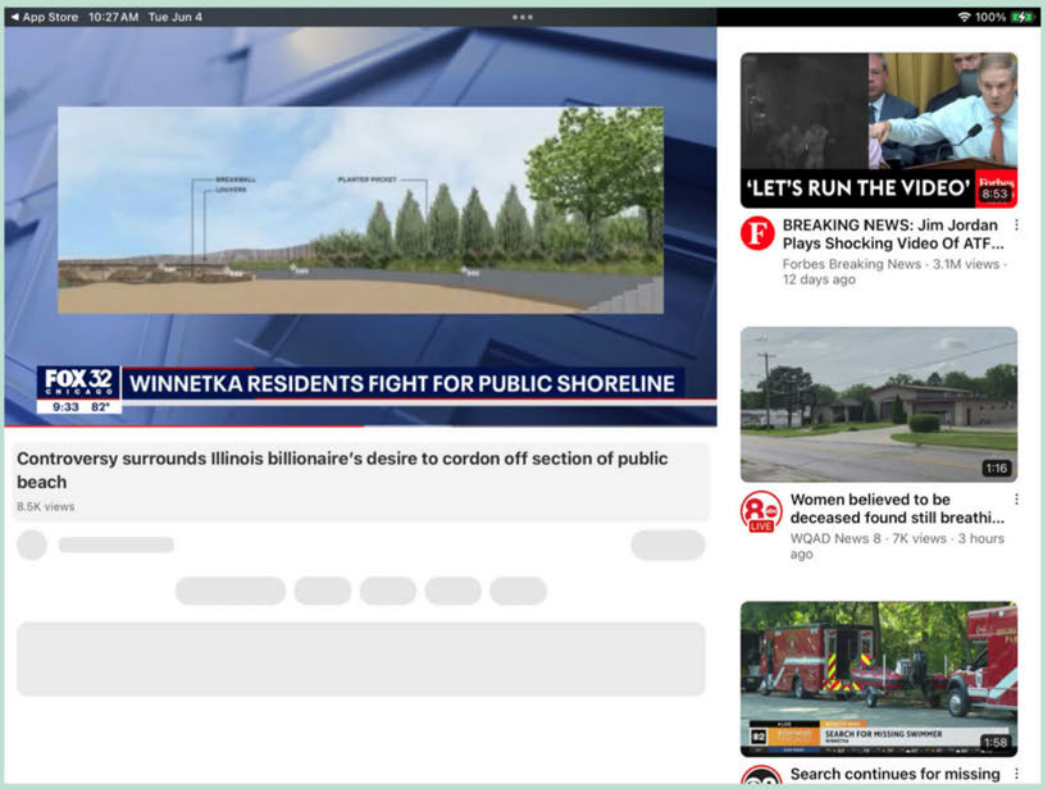


191 Sheridan Shoreline Looking North **after** 205 Construction -
Changing the Character of the Locality



Protect Our Beaches and Their Ecosystem
Save Our Views
Prevent Unsafe Structures along Lake Michigan

1700 Residents Signed a Petition Against Walls on Our Beaches



View looking south **after** 205 Construction
WPD plan proposes to add **2 more walls** to open shoreline above creating:
Public Safety Hazards, Impaired Property Values, Impeded Ingress and Egress, Adequate Light and Air, Altering Essential Character of Locality



Protect Our Beaches and Their Ecosystem
Save Our Views
Prevent Unsafe Structures along Lake Michigan

View looking South **before** 205 Construction



View looking south **after** 205 Construction -
WPD plan proposes to add **2 more walls** to open shoreline above creating:
Public Safety Hazards, Impaired Property Values, Impeded Ingress and Egress, Adequate Light and Air, Altering Essential Character of Locality

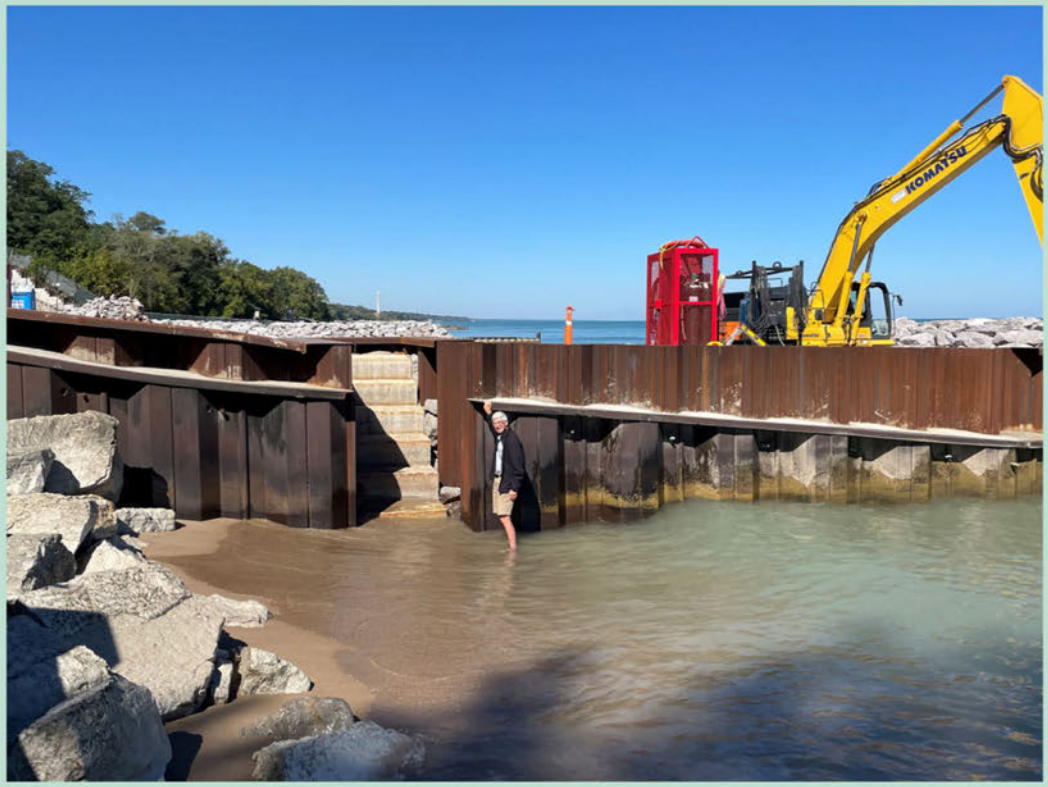


Protect Our Beaches and Their Ecosystem
Save Our Views
Prevent Unsafe Structures along Lake Michigan

View looking North **before** 205 Construction



View looking north **after** 205 Construction -
WPD plan proposes to add **2 more walls** to open shoreline above creating:
Public Safety Hazards, Impaired Property Values, Impeded Ingress and Egress, Adequate Light and Air, Altering Essential Character of Locality



Protect Our Beaches and Their Ecosystem
Save Our Views and Property Values
Prevent Unsafe Structures along Lake Michigan

Current Elder Centennial Shoreline



Before and After of Shoreline South of Centennial - Impact Studies?
Cumulative Effects? Trees? Native Species? Migration? Water Quality?



Before and after consolidation of 3 parcels into 205 Sheridan Road



From: [redacted]
To: David Schoon
Subject: Dowding"s verbatim comments at the 9 Dec ZBA meetiung
Date: Wednesday, December 11, 2024 9:41:57 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dave

Below is the promised electronic copy my comments read at the 9 Dec meeting of the ZBA for inclusion in the meeting's minutes.

Chuck

The proposed 220 ft long and 65 ft wide rock groin structure violates two ordinances. First, 15.78.080 D is violated because the large groin exceeds that minimally necessary to protect the Centennial Park bluff. No rock groin is necessary at all. The existing steel sheet pile wall, installed after the 1987 high water event, protected the Centennial bluff and beach during the 2020 high water event. Even the lakeward access stairs are still in use, which shows that there has been no erosion of the clay lake bottom there. Second, 15.78.010 is violated because of environmental harm and possible property damage caused by this large groin. It and/or its Elder analog will trap large volumes of sand as it moves by littoral drift from the north to the south as shown on Google earth photographs on page 249 of the agenda pack for the 14 Oct. meeting. Trapped sand is not available to replenish down drift beaches to the south when their pre-construction sand drifts away. Storm waves will now have greater potential to break closer to and erode the southern beach bluffs because the beach sand is no longer present.

Chales Dowding, 968 Elm, Winnetka

From: [redacted]
To: David Schoon
Subject: Fwd: ZBA Testimony
Date: Monday, December 9, 2024 9:49:53 PM

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David - please give the comments from Kim Mulligan below to the ZBA. This was the information I had hoped to read in addition to my own comments.

Thanks.

Irene Smith

****

Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression, and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

John Lewis, from the essay he wrote shortly before his death on July 17, 2020.

Begin forwarded message:

> **From:** Irene Smith [redacted]>
> **Date:** December 9, 2024 at 9:06:39 PM CST
> **To:** Kim Mulligan <[redacted]>
> **Subject: Re: ZBA Testimony**
>
> Will do my best.
>
> Irene
> **********
>
> Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can

to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression, and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.

John Lewis, from the essay he wrote shortly before his death on July 17, 2020.

On Dec 9, 2024, at 9:03 PM, Kim Mulligan [redacted]> wrote:

Hi Irene,

Notes are below, feel free to edit and delete as you see fit, or don't read at all-- I know it's late. The ZBA seems to be disinclined to approve, at least tonight.

Thanks so much for ALL you do!

My name is Kim Mulligan
Pelham Road

Winnetka Park District is blessed with 5 beaches. As a governing agency, I believe the Park District has a mandate to manage parkland in a cost-effective and reasonable fashion consistent with State and Federal laws and which prioritizes safety-- all while maximizing the preservation of these lands for their natural beauty for *this* generation *and* those to come.

The zoning changes requested by the Park District will facilitate a project which has generated significant community concern and controversy—much of which has already been addressed. I'll limit my comment to the

accessibility issue. It is my understanding that accessibility for the Centennial Beach had not previously been a Park District priority nor a consideration in revamping Elder Lane Beach. Nor do I believe it was a priority issue in the Park District's 2030 Beachfront plan until the Donation Agreement arose.

As to the accessibility of the beach to persons with mobility limitations, I believe that we have a near perfect solution in the access to Tower Road Beach with several close-in parking spots at beach level, bathrooms, some boardwalk and a pier that is already in need of repair and significant upgrading (while I'm not sure who owns that pier, an intergovernmental agreement could, presumably, resolve the issue).

We also have Lloyd Beach which provides for easy automobile access to the lake level, bathrooms and, if need be, parking—as well as a boardwalk to enjoy the beach. Use of this large beachfront park could be modified at least to provide viewing access for persons with limited mobility.

Elder has some available lake level parking and bathrooms and room for drop-offs at the lake level—and, if the WPD is seriously considering shuttles, this is a clearly preferable location. As I understand it, the ADA requires only 1 of our beaches to have access—and while we all value accessibility and inclusiveness we have at least 3 good options already. With the addition of shuttles and ADA seasonal restroom options like mentioned tonight, the Park District can meet these needs without a Special Use Permit.

The Park District representatives spoke only of safety considerations during seasonal, guarded periods. Practically speaking, all of the beaches are accessed throughout the year. The safety solutions proposed tonight with increased staffing at a one guard beach and cordoned off swim areas does not seem realistic either during the season or off season.

I would ask that the ZBA deny the Special Use Permit as the WPD cannot show that it has reasonable, attractive, and less costly alternatives.

Thank you for this opportunity to address the Board.

From: [redacted]
To: Planning; David Schoon; Ann Klaassen
Subject: Centennial Park Accessibility
Date: Monday, December 9, 2024 11:19:09 AM

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Hi Ann, David, and ZBA members,

I can't make tonight's meeting to speak during public comments, but I have a few thoughts that I would like to share with the ZBA board (please forward to them) with regards to what was discussed at the last meeting—especially relating to ADA access.

I'm glad this topic came up. It's very important that the Village and Park District work together to make accessibility a priority. One of the things that may be missed in the discussion about ADA access is that it affects far more Winnetka families than just those who use wheelchairs, walkers/canes, or scooters. For many families in Winnetka, walking to the beach without a stroller or cart is essentially impossible. Without wheels, we aren't taking our kids very far. Luckily, ADA access almost always also works for strollers.

With that said, I think that the Winnetka Park District is presenting their plans for ADA access at Centennial Park/Beach in bad faith.

Here is why:

1. Elder Park/Beach is currently ADA accessible. It certainly has its flaws (mostly the steep hill), but it does offer wheeled access to the pier and beach along with a handicapped parking spot at beach level. The Park District has kept this access closed for four years now. They only seem to prioritize ADA access when it is convenient and aligns with their greater vision. Keeping Elder closed so long is inexcusable, but I think it's also inexcusable to point to Elder when people bring up parking concerns but to ignore Elder when we are talking about accessibility.

2. The WPD shot down the idea of lift because "Lifts are typically designed for low-volume, individual use, which can lead to wait times during peak
usage periods." It sounds like they expect this to be a medium to high volume access, yet Centennial Park has a handful of parking spots and one handicapped parking spot. It's hard to understand how a lift would be a bottleneck when there is only parking for one handicapped accessible vehicle, and very little parking overall. Basically, they are asking for a variation because of an increase in intensity of use, but then they claim that the same increase in intensity of use is irrelevant when it comes to parking, congestion, and safety. Additionally, the parking lot is a terrible situation for someone dropping off a person in a wheelchair or a car load of kids and a stroller. Any congestion in the Centennial parking lot immediately backs up into Sheridan Road.

3. The WPD has overlooked the second order effects of building a more accessible park. It will draw more people! This is a good thing, but it is only good if they properly plan for it throughout the entire project. They have hand waved away every parking, safety, and

congestion concern, yet when it comes to the width of the ADA ramp, they want to build to:

> an accommodate multiple users at once, including those using wheelchairs, walkers/canes, strollers, or scooters – ensuring inclusive access for all visitors. Furthermore, patrons do not need to suspend their use while emergency responders use the ramp – there is sufficient breadth so that visitors can continue their ingress and egress without jeopardizing access by EMTs or the police.

The situation described above represents a massive increase in intensity of use. If this is the crux of a request for a variation, then all other parts of the project must also consider this level of use. I think that it is abundantly clear that parking, congestion, and safety have not been considered for this use level. I live across the street and never seen congestion on the current pathway at Centennial. If we expect future congestion on the pathway, then where else may we expect congestion?

4. Accessibility is much more than just a ramp. Traffic, congestion, and safety concerns are all intertwined with accessibility. Building a more accessible park is a great goal, but I fear that the current WPD plan will actually reduce accessibility by making traffic, congestion, and parking a nightmare for park patrons and the neighborhood. Furthermore, I fear that the additional congestion will create safety issues—especially for people with disabilities and young families. I cross Sheridan with a stroller many times a week to get to Centennial Park, it's already a bad situation. This plan will only make it worse. The Centennial parking lot will also be a massive issue with any more added traffic. I have already watched a pedestrian almost get hit while someone was pulling out. I've seen a car rear ended while someone was waiting to turn in to Centennial. A ramp to the beach is only truly accessible if it is easy and safe to get to from home, work, etc.

I hope you have a productive meeting this evening. I think I have made a strong case for why this proposal does not meet the standards for a Special Use Permit or a Steep Slope Exception.

Thank you,

Willy Franzen
232 Sheridan Rd.

From: [redacted]
To: ContactCouncil; Planning; wpdboard@winpark.org
Subject: Centennial beach
Date: Monday, December 9, 2024 4:20:55 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Village Trustees, Members of the Zoning Board and Commissioners of Park Board,

First, I want to extend my gratitude to the Park Board for their work in making Lloyd Beach such a beautiful and integral part of Winnetka life, with special thanks to the efforts of Warren James, Brad McLane, and Joe Dooley. Their time and efforts are greatly appreciated.

By way of introduction, my name is Michael Holmberg. My wife Louise and I moved here in 1992 to raise our four children. We both grew up here and went to New Trier. We have always been an active users of the Winnetka beaches—swimming, sailing and the dog beach at Centennial. We spend a great deal of time at Centennial with our dog, Murray. It is a serene, natural space that holds immense value for us and many others in our community.

Centennial Beach is unique among Winnetka's beaches. Unlike Tower, Lloyd, Maple, or Elder, all which feature large concrete piers protruding out into the lake, Centennial retains a tranquil, natural character. In addition to dog owners—it's a haven for walkers, runners, bikers, and anyone seeking peace and beauty. The sunsets, sunrises, and lake views make it a calming and reflective place, ideal for picnics, conversations, or simply appreciating nature.

In researching the proposed project and process, I found the letters from John Root (10/1/24), Angie Dahl (10/624) and on behalf of Robert and Carol Rasmus (12/30/22) raised significant issues with the project which I hope will be addressed and answered in keeping with Winnetka's transparent caucus style before any further approvals are granted.

I also question the need to alter the nature of Centennial Beach. Tower and Lloyd already offer direct lake access for everyone via car, bike or foot traffic. Maple Beach already has a beautiful pier with benches, which could be made fully accessible with minimal investment. And Elder has a driveway which leads down to the water that could also be accessible. With those needs already being met by our other facilities, I am not in favor of constructing a another massive concrete pier at Centennial. The cost of such a project could be better allocated to other community improvements, and it risks losing the unique serenity of Centennial beach. Centennial's distinctiveness lies in its natural and unsculpted character, making it a special part of Winnetka's waterfront.

I deeply appreciate the work you do on behalf of our community and am happy to answer any questions you may have.

Thank you for your time and consideration.

Respectfully,

Michael Holmberg
435 Linden Street

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From: [redacted]
To: Planning
Subject: Centennial and Elder Beaches
Date: Monday, December 9, 2024 5:09:58 PM

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December 9, 2024
Dear Zoning Board of Appeals Members:
We are writing to offer our enthusiastic support for the repairs and improvements of the Centennial and Elder Beachs, two vital assests of the Winnetka community, as proposed by the Winnetka Park District Board.
Respectfully,
JoEllen and Thomas O'Keefe
680 Green Bay Road #208
Winnetka, IL 60093

From: [redacted]
To: David Schoon; Ann Klaassen
Subject: Please provide to ZBA re: WPD Elder-Centennial permit reviews
Date: Monday, December 9, 2024 10:09:40 AM
Attachments: 10.29.24_IL-Leadership-Luncheon.pdf

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Good morning David and Ann:
Related to my December 2, 2024 submission, would you please provide this information to ZBA? Thank you.
Sincerely,
Kris Schriesheim



Sent from my iPad

PRESS RELEASE

FOR IMMEDIATE RELEASE

Illinois Leaders Unite to Bolster Coastal Resilience at Illinois Leadership Luncheon

Cities Initiative Hosts Event to Strengthen Coastal Resilience on Illinois' Lake Michigan Shoreline

Deerfield, IL – November 1, 2024 – The Great Lakes and St. Lawrence Cities Initiative hosted the RCPI Illinois Leadership Luncheon this week, convening local leaders, environmental experts, and coastal stakeholders to celebrate the achievements of the Resilient Coastal Projects Initiative (RCPI) and to map out a shared vision for enhancing resilience along the Illinois Lake Michigan shoreline.

The luncheon brought together leaders from municipalities across Illinois, including notable remarks from Mayor Leon Rockingham of North Chicago, Mayor Billy McKinney of Zion, and Mayor Ann B. Taylor's office from Waukegan. Various Illinois District Representatives also spoke alongside staff from the Illinois Department of Natural Resources (IDNR) and partners from Stantec. Together, they provided an exclusive look at the recently developed Illinois North Shore Coastal Resilience Plan, a data-driven framework designed to address issues such as shoreline erosion, flooding, and habitat degradation.

"Communities along Illinois' Lake Michigan shoreline face increasing threats from climate change, with stronger storms, rising lake levels, and accelerated erosion posing risks to homes, infrastructure, and natural habitats," said Jonathan Altenberg, President and CEO of the Cities Initiative. "The RCPI provides local leaders with practical and innovative strategies to counter these impacts, safeguarding our coastlines and ensuring a resilient future for generations to come."

The event celebrated an initial draft release of a report, the Illinois North Shore Coastal Resilience Plan, developed through a partnership between the Cities Initiative, IDNR, Stantec, Baird, and funded by the National Fish and Wildlife Foundation (NFWF). The report identifies key vulnerabilities and offers sustainable resilience strategies to address climate-related hazards affecting the Illinois lakeshore.

The RCPI Illinois Leadership Luncheon underscored the essential role of collaborative action among communities, organizations, and funding partners in protecting Illinois' Lake Michigan shoreline. The Cities Initiative's Resilient Coastal Projects Initiative remains committed to supporting Illinois municipalities in developing and implementing coastal resilience strategies to foster a sustainable, resilient future for the region.

"Protecting the Great Lakes and our coastal lands is more than just an environmental responsibility—it's an investment in the well-being and future of our communities. Our shoreline supports everything from recreation and natural habitats to critical infrastructure and economic vitality," said Joyce Mason, State Representative, IL-61. I am deeply grateful for the visionary leadership of the Cities Initiative and the commitment of all stakeholders who have come together to make this Coastal Resilience Plan a reality. Together, we are paving the way for a sustainable and resilient future for Illinois."

"Solving the challenges facing our Lake Michigan shoreline requires a shared commitment from all levels of government. This isn't an issue that can be tackled by the federal government alone—the State of Illinois plays a vital role in bringing resources and support to our communities," said Bob Morgan, State Representative, IL-58. Through collaboration with local leaders, environmental experts, and organizations like the GLSLCI, we are making meaningful strides to protect our coast and ensure a resilient future for all who call this region home."

For more information about the RCPI and the Illinois North Shore Coastal Resilience Plan, please contact Zoë Kuntze, Coastal Programs Manager, at zoe.kuntze@glslcities.org.

About the Resilient Coastal Projects Initiative (RCPI)

The RCPI supports local communities in planning sustainable, fundable projects that protect shorelines and community assets. These projects address coastal hazards like flooding or erosion, while adding community benefits such as public spaces, recreation, wildlife habitat, and improved water quality. More information on the Resilient Coastal Projects Initiative is available on the Cities Initiative's website (https://glslcities.org/initiatives/resilient-coastal-projects-initiative).

About the Great Lakes and St. Lawrence Cities Initiative

The Great Lakes and St. Lawrence Cities Initiative is a multinational coalition of U.S. and Canadian mayors, and chief elected officials dedicated to the environmental, social and economic health of communities in the Great Lakes and St. Lawrence River Basin. With more than 260 members, the Cities Initiative is the largest local government driven organization in the basin focused on issues impacting residents.

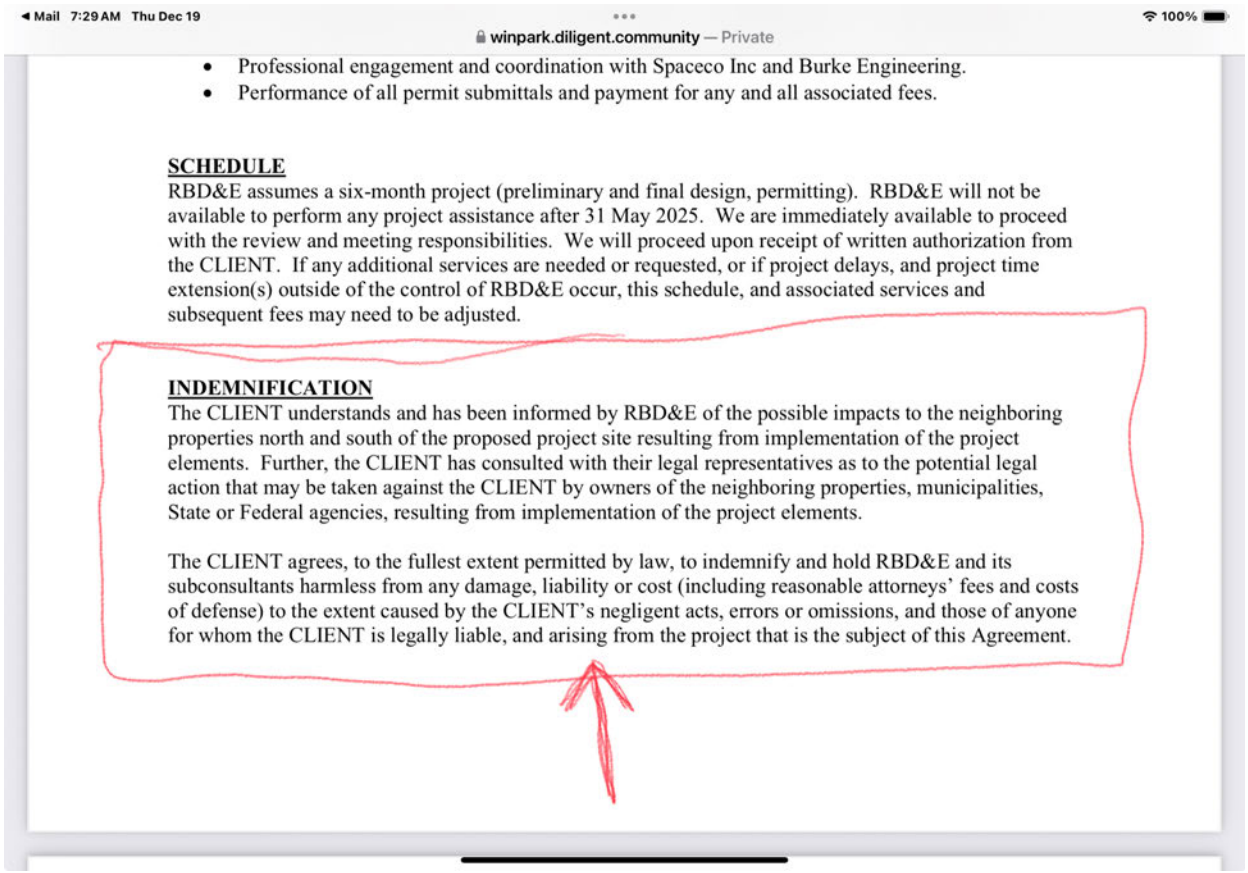
Media Contact
Christine Maydossian
Director of Government Relations
Leliken Strategy Advisors
cmaydossian@leliken.com

From: Ann Klaassen
To: Ann Klaassen
Subject: FW: Please share with Village Trustees, ZBA, Plan and Design Commissions and EFC
Date: Thursday, December 19, 2024 3:12:10 PM
Attachments: preview.png
Soil samples to be taken at Elder, Centennial beaches.pdf

From: Kris Schriesheim [redacted]>
Sent: Thursday, December 19, 2024 8:55 AM
To: David Schoon <DSchoon@winnetka.org>; Ann Klaassen <AKlaassen@winnetka.org>
Subject: Please share with Village Trustees, ZBA, Plan and Design Commissions and EFC

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning:
I am concerned about certain indemnification language contained in Red Barn Design & Engineering's (RBD & E) proposed agreement with the Winnetka Park District, under which it will work on the Elder Lane Park and Beach IGA project until May 31, 2025.
Attached is the entire agreement, and a screenshot highlighting possible impacts to the park's northern and southern neighbors, in connection with which WPD has consulted with its attorneys.
As a reminder, although RBD & E's and WPD's exact concerns are unspecified, you will recall that 205 Sheridan's removal of timbers at the toe of its bluffs destabilized Centennial's bluffs and required driving in steel sheet piling.
Thank you in advance for sharing this with the Trustees, ZBA, Plan and Design Commissions, and the EFC.
Sincerely,
Kris Schriesheim



WINNETKA PARK DISTRICT
PARKS AND MAINTENANCE DEPARTMENT
INTEROFFICE MEMORANDUM

TO: Board of Park Commissioners
VIA: Shannon Q. Nazzal, Executive Director
FROM: Costa Kutulas, Director of Parks and Maintenance
DATE: December 19, 2024
SUBJECT: Elder Lane Stormwater Inter Government Agreement Scope of Services Proposals

Background:
Through the development of the Elder Lane Park and Beach Project there has been a suggestion to complete the stormwater element of the project through a Inter Governmental Agreement (IGA) with the Village of Winnetka (VoW) to address this critical infrastructure.

Discussion:
To advance the development of a possible IGA for the Elder Lane Stormwater Outfall, as directed by the Park Board, previous Stormwater Liaison James Hemmings (former Park Board Commissioner) met with the Village President. They reviewed the potential for an IGA between the Park District and the VoW regarding Elder Lane stormwater. As a result, staff was directed to secure proposals from project consultants to assist with the development of this IGA.

Following this direction, staff and liaisons met with the previous stormwater design team, including Red Barn Design and Engineering, S.C., SpaceCo Civil Engineering, Christopher B. Burke Engineering, Ltd., and The Lakota Group, to review the project. The consultants then worked with staff to prepare proposals outlining the work necessary to secure an IGA with the VoW.

Proposals were received from the individual firms, with SpaceCo and Burke Engineering providing a combined scope of services (attached), broken down as provided in the scope and in Appendix A. The combined total for the engineering services for both SpaceCo and Burke is $27,000. Additionally, Red Barn Design and Engineering submitted a proposal for $16,335 (attached), broken down as provided in the scope and in Appendix A. A proposal was received from The Lakota Group to help support the integration of the final plan design to the existing development plans. This proposal includes the services necessary for the integration and coordination of designs, with a total cost of $7,220. Their proposal is attached.

Fiscal Impact:
The total combined cost related to the IGA as presented is not to exceed $50,555. Services will only be billed for hours actually worked. If the Park District and VoW cannot reach an agreement on the IGA, Phase 2 services will not be executed. Funding is currently available in the capital project fund for Elder and Centennial Beach projects.

Conclusion/Recommendation:
Staff recommends that the Board approve the proposals for the Elder Lane Stormwater IGA work, as provided, not to exceed $50,555 allocated within the current capital budget for Elder and Centennial projects.

26436fac-5b9d-444a-a753-edc14b882c42
PDF Document · 1.4 MB

KS **Kris Schriesheim** 8/3/23
To: David Schoon >

Soil samples to be taken at Elder, Centennial beaches-Chicago Tribune

https://www.chicagotribune.com/suburbs/winnetka/ct-wtk-wpd-update-tl-0622-20230616-x4oht5ex3rga3ofbeukziupnpq-story.html

David:
This is the article I mentioned to you on Centennial Park bluff stabilization work now required and also being performed by the private landowner's contractor's own destabilizing work at 205 Sheridan. I searched it up using the inquiry "Soil Samples Winnetka."
Kristine Schriesheim
Sent from my iPad

LOCAL NEWS

Soil samples to be taken at Elder, Centennial beaches for beach rebuild project

By ALEX HULVALCHICK | Chicago Tribune
UPDATED: June 16, 2023 at 11:28 PM CST

Winnetka Park District Director of Parks and Maintenance Costa Kutulas informed the Park Board at its June 7 meeting of plans to take 10 soil boring samples across both Elder and Centennial beaches in order to gather information for the planned rebuild of the area.

The samples, according to Kutulas, are part of the process and are needed to move forward with the project. The sampling will go down 60 feet below the sand and is expected to take about 10 days.

Testing would cost $46,300 and is included in the soft costs that have already been budgeted for the project.

Commissioner Colleen Root questioned the need for samples to be taken at Centennial since there aren't plans to do large scale building into the beach in line with phase one of the project. Kutulas explained that if, in the future, the Park Board chooses to continue on into phases two or three, those samples will be needed.

"This data will never change," Commissioner Warren James said. "The sand might but the composition of the sub-grade materials is valuable data, now and forever."

He said the data will be used by engineers on the project to ascertain how deep sheet piling would need to be driven into the ground for stability.

"My only problem with this is we told the public we are working on Elder," Root said. "Much of this could change depending on what happens with the property exchange agreement." That comment references a possible land swap with billionaire Justin Ishbia, who owns several houses near the beaches, including one between Elder and Centennial.

There are improvements to Centennial in phase one of the project, mainly a round offshore breakwater and fencing for the dog beach as required by Cook County.

An updated design for the Elder and Centennial beach project takes into account the funding available to the Park District.

Commissioner Cynthia Rapp expressed concern about the rising amount of the soft costs of the project, saying with contracts already approved she worries funding will run short. New Board President Christina Codo said that even though the board has entered contracts, it isn't paid out all at once.

"We have room within the contracts that we've signed that we have not yet expensed," Codo said. "This (the samples) is an immediate cash expense and the contracts are definitely contracted future expenses but we're not paying them out tomorrow."

No official vote was made during the meeting as the item was not included in the agenda, but the board did OK going forward with the sampling saying it would vote in favor of the proposal at a yet-to-be-scheduled special meeting before July 20. Kutulas said the proposal wasn't received in time to include on the budget and with such a large time span between meetings, he hoped to get a sense of the board's thoughts.

James said because the board only meets once a month during the summer months, it causes a timing issue. The June 7 meeting was also moved up from the originally scheduled June 15 meeting due to scheduling conflicts.

"I want to be respectful of the community. I wasn't intending to make this a point of controversy," Kutulas said. "I'm open to whatever needs to be done. I just want to be mindful of the timeline trying to work toward getting the beach open, getting the project ongoing, trying to get things started next year potentially."

Justin Ishbia, owner of the property at 261 Sheridan and several properties south of Centennial, has offered to work alongside the Park District to shore up the bluff at the property line. Ishbia plans to remove the timber retaining wall and replacing it with steel sheet piling. Doing so, according to Kutulas, could cause the portion of the wall owned by the Park District to fail. Ishbia has offered to place steel sheet piling behind the portion of the timber wall owned by the Park District to support it.

Kutulas spoke with Village Engineer James Bernahl who OK'd the plan from Ishbia's team and Warren said the solution is practical and if it isn't done, there will be a gap between Ishbia's property and the Park District's that would need to be filled.

The Army Corps of Engineers and the Illinois Department of Natural Resources both informed Kutulas the project would be out of their jurisdiction and no permits would be required. Matt Wright, founder of Red Barn Design & Engineering, who is working on the Park District project, approved the plan saying it is a no brainer since the improvements would come at no cost to the Park District.

"It's a gift that comes with no strings and that will be documented," Codo said.

Originally Published: June 16, 2023 at 7:28 PM CST

TRENDING NATIONALLY

1. Highest earning NYPD cop with OT-fueled $400K salary retires following New York Daily News expose
2. California governor proclaims state of emergency in response to bird flu
3. Amazon delivery drivers in 7 facilities set to strike Thursday
4. Former South Florida congressman indicted in lobbying case
5. SpaceX delay means Boeing Starliner astronauts will get an even longer stay on the ISS

2023 > June > 16

From: [redacted]
To: Ann Klaassen
Subject: Protecting Centennial and Elder Parks – Preserving Winnetka's Legacy
Date: Wednesday, January 8, 2025 12:20:53 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ann,

Coming home for the first time in six months was supposed to feel like stepping back into the comfort of familiarity. As I drove down Sheridan Road, a wave of nostalgia swept over me. I was reminded of the countless childhood memories tied to this place—the laughter shared at Elder Beach, the hours spent at the dog beach, and the timeless beauty of Centennial Park, its greenery framing so many meaningful moments with my closest friends. But as I passed that new structure, towering and out of place, I felt a pang of disappointment. It felt wrong, out of sync with everything that makes Winnetka special.

The only thing softening the blow was the sight of Centennial Park beside it, still standing as a reminder of what this town represents. I can't imagine losing that, too. It's not just a park; it's a piece of history, a cornerstone of our community, and a space that ties generations together.

Though I now live in New York City, my heart is still very much here. This place shaped me, and I've talked with so many friends from Winnetka who feel the same. They are mortified to think the district might allow Centennial and Elder Park to be lost to private interests. Those parks are not just land—they're memories, tradition, and community.

I truly hope the village of Winnetka will stand firm and protect these spaces for the generations to come. Winnetka's beauty is in its ability to remain timeless, a sanctuary where people can connect with nature and each other. Please don't let that slip away.

Kind regards,

Amara Anwar

Sent from my iPhone

From: [redacted]
To: David Schoon
Subject: Dowding submission to agenda pack for Planning Commission meeting on 22 Jan
Date: Thursday, January 9, 2025 10:22:43 PM
Attachments: lack of access to adjacent public land.docx
2040 comprehensive plan + grahics.docx

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Hi David

Please add to the agenda pack for the Jan 22 meeting of the Planning Commission the two attached, one page descriptions of WPD failures to comply with the 2040 comprehensive plan and violation of Winnetka ordinances.

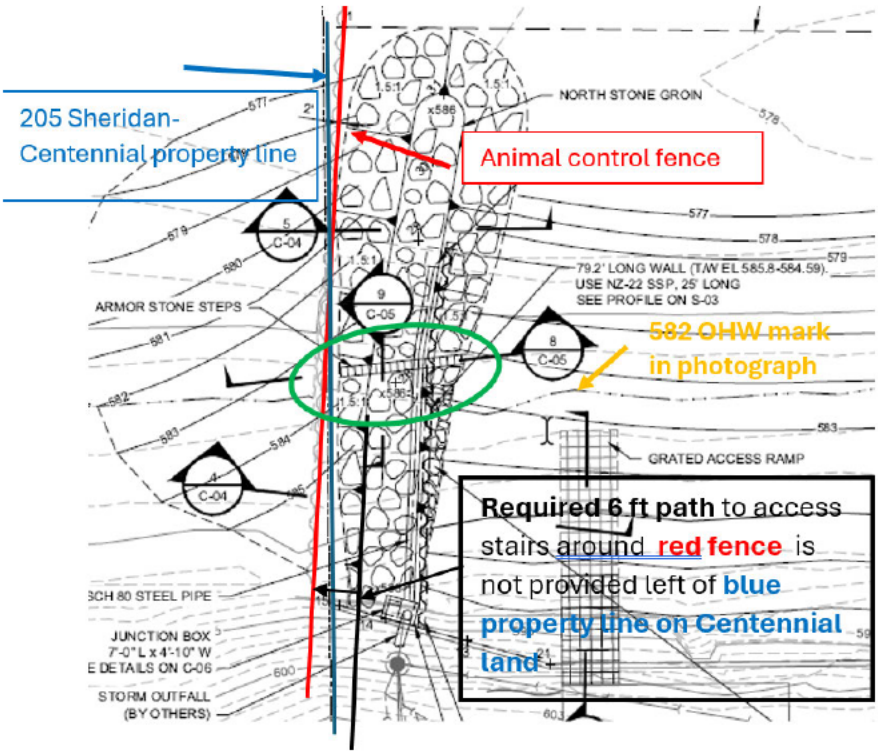
1. The Elder-Centennial project explicitly prohibits access to adjacent public land by fencing off the IDNR access stairs on 205's rock groin. Thus it is contrary to the goals and objectives of the 2040 Comprehensive Plan (6.1.1, 6.4.3) AND it violates Winnetka Ordinance 15.78.080E
2. The Elder Centennial beach project opposes 2040 Comprehensive Plan goals and initiatives adopted by the Village Council to increase and enhance access to open space and public land as well as protect the environment (6.1.1, 6.4.3, 6.5.1, 6.5.2).

Please confirm these additions.

Thanks

Chuck

The Elder-Centennial project explicitly prohibits access to adjacent public land by fencing off the IDNR access stairs on 205's rock groin. Thus it is contrary to the goals and objectives of the 2040 Comprehensive Plan (6.1.1, 6.4.3) AND it violates Winnetka Ordinance 15.78.080E & IDNR administrative law. It also violates the Public Trust Doctrine that no government agency can convert public land to private land by conveyance or denial of access. Details of this blockage are shown in the graphic below.



The sheet pile wall (wavy line with **red line for animal fence**) and the 205 Sheridan – Centennial **property line in blue** cross at the **access stairs to public land encircled in green**.

1) The animal fence prevents direct access the IDNR required access stairs
2) The WPD stipulates that access is provided by walking between the fence and the rock groin (shown a boulders) because this land is accreted and thus is public. **This stipulation has been refuted by the Village Council Lawyer.**
3) **The special line in C02 is elevation 582 or ordinary high water mark at the time of the permit by Winnetka and IDNR.** The public access stairs required by the IDNR are lakeward of the line, and the private, grated access ramp stops shoreward of that line.
4) The only land shoreward of 582 that belongs to the WPD lies between the red fence and blue property line, which virtually disappears at 205's IDNR required access stairs to public land. Thus
    a. The animal control fence prevents WPD from providing access to public land within the property owned by the WPD or adjacent public land and thus violates Winnetka ordinance 15.78.080 E
    b. The animal control fence violates IDNR requirements to provide access to adjacent land

Charles Dowding 968 Elm St.

The Elder Centennial beach project opposes 2040 Comprehensive Plan goals and initiatives adopted by the Village Council to increase and enhance access to open space and public land as well as protect the environment (6.1.1, 6.4.3, 6.5.1, 6.5.2).

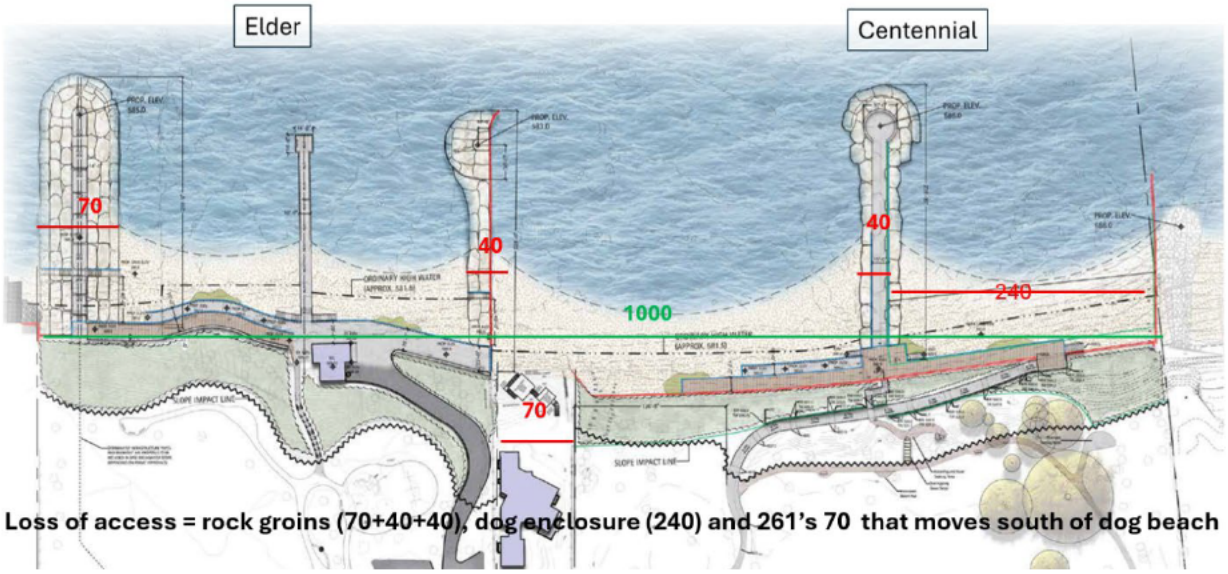
First consider access. Elder-Centennial project reduces beach access by 46% for those who do not have a dog fob, some 99% of Winnetkans. As shown by the graphic in green today we can walk and swim along 1000 feet of beach[1]. As shown in red, after 261 is swapped for 70 feet adjacent to 205, the 240 foot wide fenced animal enclosure is erected, and more than 110 feet of rock is piled along the shore line, only 540 feet – not 1000 is available. That is a 46 % loss of access [loss/available] or (70+390)/1000 to lake and beach.

Now consider the environmental harm and possible property damage caused by the Elder or Centennial rock groin(s) that extends 220 feet into the lake. As shown by the graphic below it will trap large volumes of sand similar to that trapped at Tower beach as sand moves by littoral drift from the north to the south. This trapped sand will not be available to replenish down drift beaches to the south when their pre-construction sand drifts away. Storm waves will then have greater potential to break closer to and erode the beach bluffs of Winnetkans to the south because the beach sand is no longer present.

[1] It is legal to walk in front of 261 at the high water mark

Charles Dowding, 968 Elm, Winnetka, IL

Improvement?
Reduces Access to Beach and Swimming by 46 %



Loss of access = rock groins (70+40+40), dog enclosure (240) and 261's 70 that moves south of dog beach



From: [redacted]
To: Ann Klaassen
Subject: Letter to Plan Committee/January 22 meeting
Date: Monday, January 13, 2025 11:07:12 PM

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Hi Ann,
Would you please put the below letter into the packet which the Plan Committee members will receive in advance of the January 22, 2025 meeting. I understand that the deadline for inclusion in the packet is this Wednesday morning at 8:00. Can you please confirm that is correct?
Thank you for your help,
Carol Rasmus

To the Member of the Winnetka Plan Commission:

My name is Carol Rasmus. I reside at 175 Sheridan Road. My residence is located on Lake Michigan, four properties down from the southern end of Centennial Park. I urge the Plan Commission to deny the Winnetka Park District's application for the development of Centennial Park.

The proposed project is an expensive boondoggle which is unneeded, unwanted, unsafe and unsightly. If the WPD's existing plan was to be submitted for Referendum, it is very doubtful the Winnetka Village residents would approve the project!

The massive proposed pier extending into the lake would interfere with the natural littoral drift of lake sand. Since construction of the breakwater/rock pile (or whatever term is appropriate) commenced at 205 Sheridan Rd, our beach has disappeared entirely. The proposed pier, which if approved, would extend even farther into the lake. This in turn would further inhibit the replenishment of sand and degrade the ability or likelihood for ourselves and our neighbors south of Centennial to have and maintain a natural beach.

Mathew Wright, the consulting civil engineer engaged by the Winnetka Park District, stated that the pier would not provide bluff protection from erosion. Mr. Wright's own words described the main function of the pier as an 'amenity'. The pier is not an amenity or even an expensive luxury. It is a white elephant and the

application should be denied!

John William Root
326 Woodland Avenue
Winnetka, IL 60093
Telephone: [redacted]
Email: [redacted]

Sent by electronic mail: dschoon@winnetka.org
AKlaassen@winnetka.org

Mr. David Schoon
Director of Community Development
Ms. Ann Klaassen
Assistant Director
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

January 14, 2025

Re: Case No. 24-08-SU
225 Sheridan Road – Centennial Park & Beach
Comments for 1/22/25 Plan Commission Hearing

Dear Ms. Klaassen and Mr. Schoon:

The following comments summarize my concerns about the proposed WPD Centennial beach design and how that design conflicts with the Village 2040 Comprehensive Plan and the Village ordinances, particularly the Village zoning ordinances. I would appreciate your assistance in sharing my comments as part of the official packet to be delivered to the members of the Village Plan Commission in preparation for the hearing of January 22, 2025.

Comprehensive 2040 Plan

In April of 2023 Village Counsel adopted the Comprehensive 2040 Plan, a planning document that describes a cohesive community vision and roadmap for Winnetka's future physical, economic, and social development over the next twenty years. Three of these goals focus on Lake Michigan shoreline, bluffs and open spaces:

> *Goal 6.1: The Village will continue to promote and encourage partnerships with other units of government and agencies to conserve, restore, and enhance natural features and ecosystems, to ensure accessibility to natural areas, parks, and other open or public spaces, and to support recreational facilities and programs that support the health of residents of all ages and abilities.*

Goal 6.4: The Village will support health and wellness through innovative and diversified recreational, learning, and cultural opportunities in its public parks, plazas, trails, and open spaces.

Goal 6.5: The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs. (Comprehensive 2040 Plan. Page 154)

Since the adoption of the Comprehensive 2040 Plan, Village counsel has adopted the Lakefront Construction ordinances, the Steep Slope ordinances, and the Lakefront Overlay Preservation District with the objective of realizing the goals stated above from the 2040 Plan. Unfortunately, the WPD's design in its application for a Special Use Permit for Centennial Park violates these ordinances and the spirit of the Comprehensive 2040 Plan, and it is for this reason that I submit my formal objection to their proposed plan and ask that the Plan Commission deny the WPD's request for a SUP permit.

Steep Slope Design Defects

Within its SUP application the WPD states that its design includes a compliant American with Disabilities Act (ADA) accessible pedestrian path that connects Centennial table land with an ADA accessible boardwalk on Centennial beach (see figure 1 below).

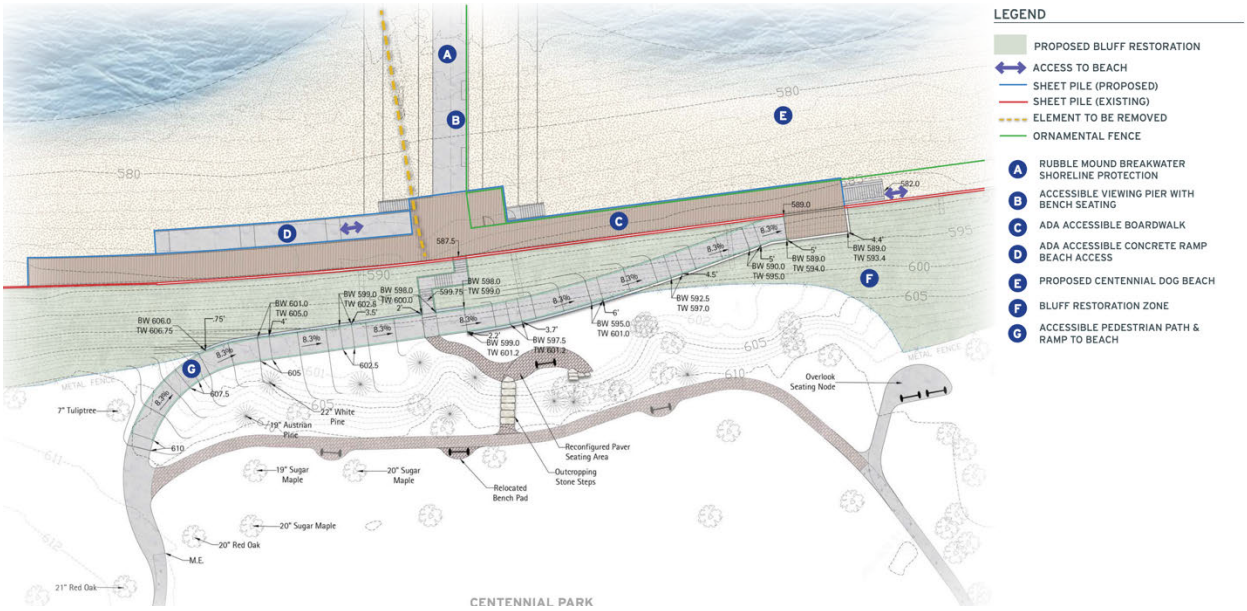


Figure 1: Centennial ADA Accessible Pedestrian Path

The purpose of the Village's recently passed Steep Slope ordinances, Section 17.82.010, Purpose is to:

A. Protect people and property against destruction or damage caused by bluff erosion resulting from significant development activities in or around the bluffs;

B. Protect bluffs and adjacent land areas against destruction or damage caused by significant development activities;

C. Encourage building and engineering techniques that increase slope stability;

D. Reduce uncontrolled storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the preservation of the bluff's habitat and in some cases where necessary, requiring revegetation;

E. Preserving and enhancing the bluffs and their environment through the retention of dominant steep slopes; and

F. Encouraging innovative site and architectural design- including restoration of graded areas to reduce the physical impact on steep slope areas.

The steep slope ordinances are designed to protect against adjoining development from harming the individual properties of surrounding neighbors. The steep slope ordinances were also legislated to safeguard the public at large by protecting the environment and ecosystem of the Lake Michigan bluffs. The WPD's SUP application for the ADA pathway should not be granted because the design proposed violates Special Use Permit Standards. Specifically, the ADA path harms the general welfare of the residents by degrading the bluff and the Lake Michigan shoreline. My calculations show that 9,000 cubic feet of bluff will need to be excavated to construct this ADA path. An additional 1,615 sq. ft of bluff will be covered with concrete, and an additional 855 sq. ft of table land will be covered by concrete when the current path is widened from 5' to 10'. The large scope of this excavation and construction will detrimentally impact the ecology of the bluff and the bluff's structural integrity in contravention of Section 17.82.040 of the Steep Slope ordinance and is counter to goal 6.5 of the Village Comprehensive 2040 Plan to preserve and protect the unique natural resources of Lake Michigan.

I support access to all the beaches in Winnetka for disabled individuals; however, this access need not come at the expense of the environment. A First Alternative to the ADA pathway on Centennial would be to use an existing access road down to the beach at Elder Lane Park with a handicap parking space on the Elder Lane beach. This plan would require that the WPD acquire title to 261 Sheridan to unify Centennial and Elder beaches. The WPD has attempted to acquire 261 Sheridan through a property exchange agreement with the Orchard 2020 Trust but the District has failed to complete the swap after four years of negotiation. The WPD should face reality and acknowledge that the property exchange agreement is dead. If there is a governmental need to acquire 261 Sheridan, then the WPD should move forward with an eminent domain action and condemn 261 Sheridan. Once the beaches are unified, the WPD could provide an all-terrain wheelchair, like the wheelchair currently available at Tower beach, that would permit a disabled person to traverse both beaches. The WPD could place Mobi-mats (figure 22) and could build ramps over the existing sheet pile groins on Elder and Centennial. If

these mats were made available, a handicapped person would be able to traverse both beaches eliminating the need for the ADA path on Centennial. Consideration of this First Alternative requires no bluff construction and no construction on the table land.

The WPD has another authorized alternative of the use of a mechanical or electrical lift (Section 17.82.040(G)) to WPD's proposed ADA pathway. This Second Alternative of an electric lift will cover 250 sq.ft. of bluff and decrease or eliminate the need to excavate the bluff (figure 2).

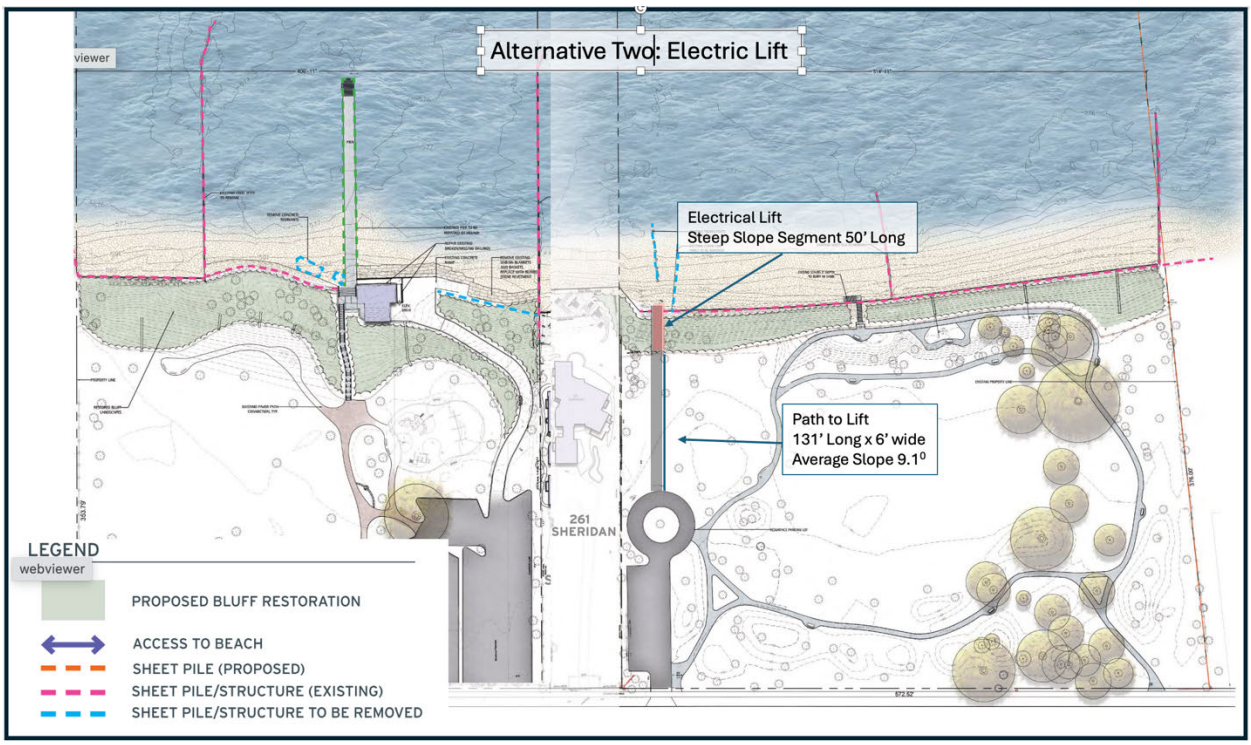


Figure 2: Alternative Two Electric Lift

By comparison WPD's ADA path would cover 1,615 sq.ft. of bluff, 6.5 times more bluff area than Alternative Two. Alternative Two will require a path 6' wide by 131' long from the traffic circle in the parking lot to the electric lift and will cover 786 sq.ft. of table land compared to 855 sq.ft. of table land to be covered by WPD's ADA path.

A Third Alternative to the ADA pathway would be to construct an access road from the current traffic circle in Centennial's parking lot down to Centennial beach (figure 3) with handicap spaces like the access roads and handicap spaces at Tower, Lloyd, Maple and Elder beaches.

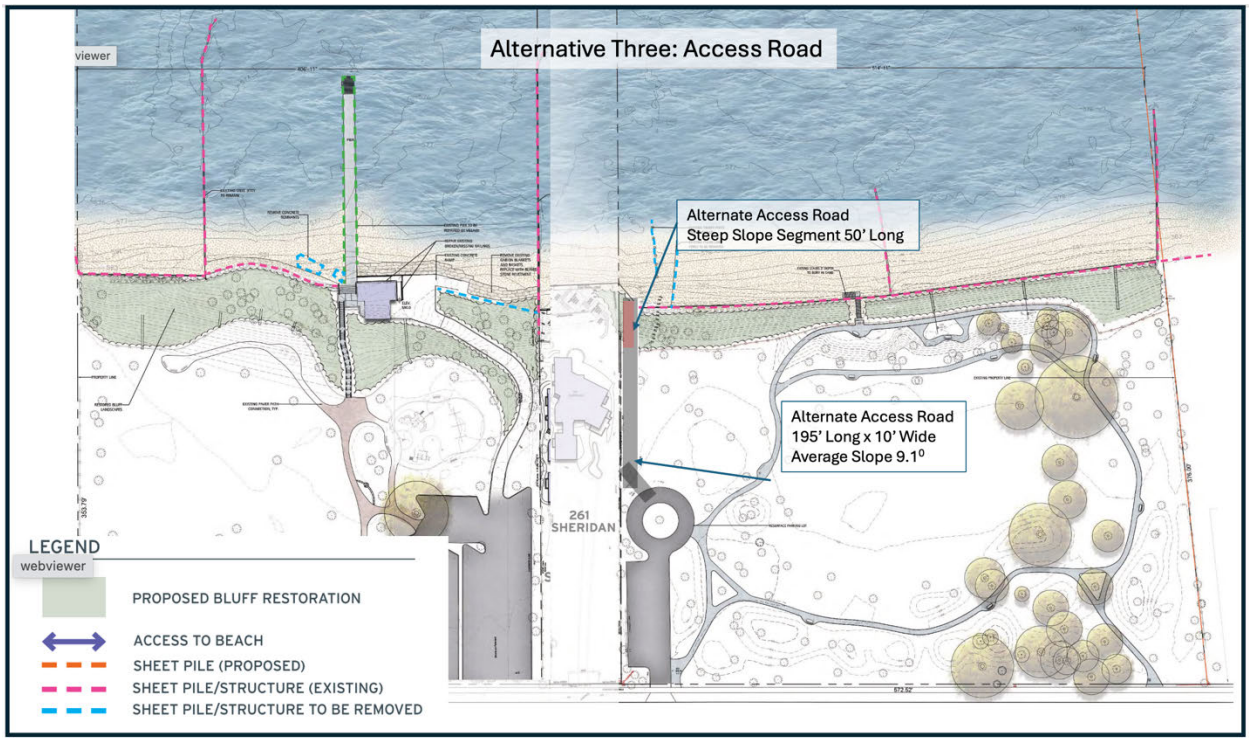


Figure 3: Alternative Three Access Road

The Centennial access road would be 10' wide and 195' long and would cover an area of 500 sq. ft. of bluff (figure 3). By comparison WPD's ADA path would cover 1,615 sq.ft. of bluff, 3.2 times more bluff area than Alternative Three (figure 3). One should note that Alternative Three's access road will cover 1,400 sq.ft. of table land compared to 855 sq.ft. of table land to be covered by WPD's ADA path. The slope of Alternate 3 would be 9.1^0, which is greater than the 7.9^0 slope of the ADA path. Alternative 3 will require an exception to the Steep Slope Ordinance.

A fourth alternative to the ADA pathway would be to construct an access road from Sheridan Road down to Centennial beach (figure 4) with handicap spaces similar to the access roads and handicap spaces at Tower, Lloyd, Maple and Elder beaches.

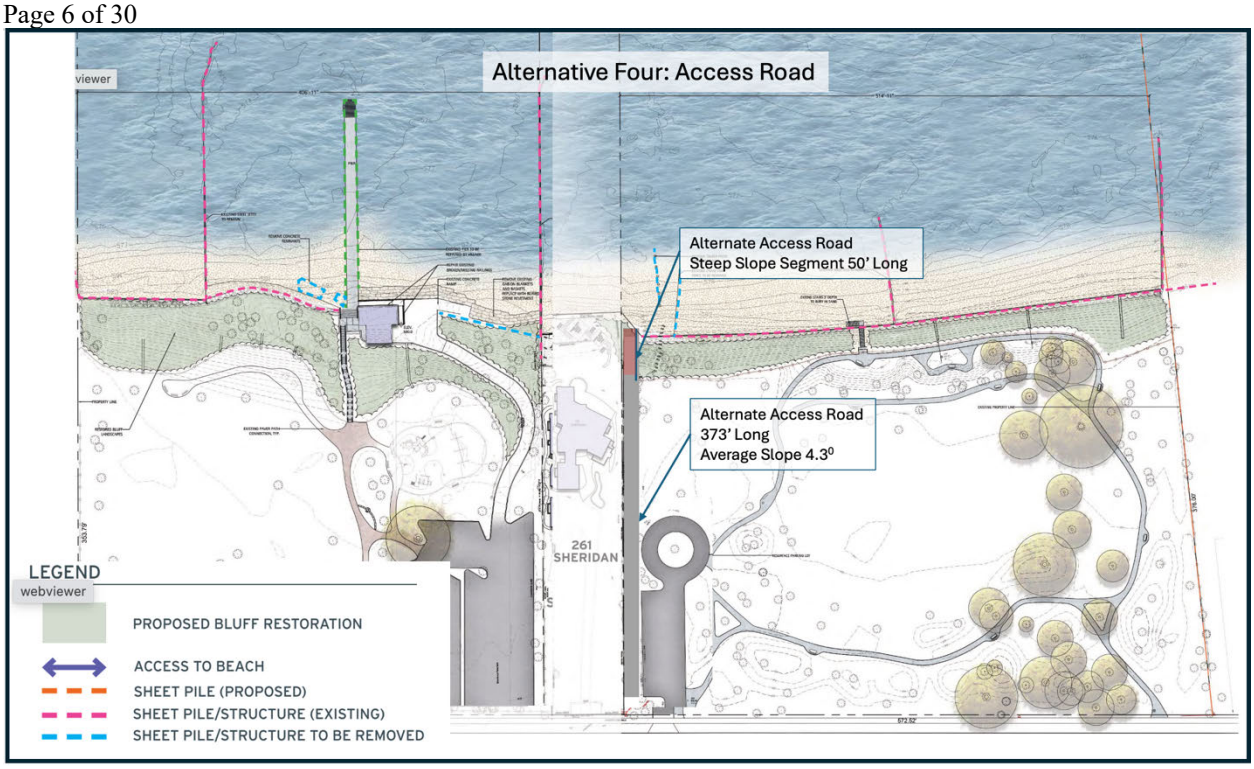


Figure 4: Alternative Four Access Road

This Centennial access road would be 10' wide and 362' long and would cover an area of 500 sq. ft. of bluff (figure 4). By comparison WPD's ADA path would cover 1,615 sq.ft. of bluff, 3.2 times more bluff area than Alternative Four. One should note that Alternative Four's access road will cover 3,055 sq.ft. of table land compared to 855 sq.ft. of table land to be covered by WPD's ADA path. The slope of Alternate Four would be 4.3^0, which is less steep than the 7.9^0 slope of WPD's ADA path. Alternative 3 will require an exception to the Steep Slope Ordinance.

One can see that WPD's plan for an ADA path is the most destructive to the bluff of all the alternatives listed above. Figure 5 below is a summary of the areas disturbed by each plan.

Design	Area of Bluff Coveed	Area of Table Land Covered	Average Slope Degrees
WPD's ADA Path	1,615	855	7.9
Alternative One: Eminent Domain	0	0	N.A.
Alternative Two: Electric Lift	250	786	N.A.
Alternative Three: Access Road	500	1,400	9.1
Alternative Four: Access Road	500	3,055	4.3

Figure 5: Comparison of Plans for Beach Access

Lakefront Design Defects

Brief History of the Elder/Centennial Beach Plan

Since 1969 when Centennial Park was first obtained through eminent domain many residents in Winnetka have dreamed of uniting Elder and Centennial parks by acquiring 261 Sheridan, the property separating the two parks. In 2005, Public Lands surveyed the community on whether the public was willing to finance the acquisition of 261 Sheridan, and the public rejected the acquisition. In 2016, the WPD in its Waterfront 2030 Plan again proposed the goal of a united Elder/Centennial beach; however, no plan was proposed on how to acquire 261 Sheridan in the 2030 Waterfront Plan. The Waterfront 2030 Plan included a conceptual plan as shown in figure 6 below.



Figure 6: Concept for Elder-Centennial headland beach design in the 2030 Plan

The 2030 plan proposed a headland beach system (figure 6). A headland beach or cove beach requires a natural or artificial structure parallel to shore that breaks incoming wave energy and protects the shoreline from erosion and aides in the retention of sand.

In October of 2020, the WPD entered a property exchange agreement with Orchard 2020, a trust that is the current owner of 261 Sheridan of whom Mr. Justin Ishbia is the sole trust beneficiary, in which the parties agreed to exchange 70’ of Centennial park for 261 Sheridan. Orchard 2020 on behalf of Justin Ishbia and the WPD jointly submitted a beach design plan in their 2022 application for permits that were filed in February of 2022 with the IDNR and USACE as seen below in Figure 7.

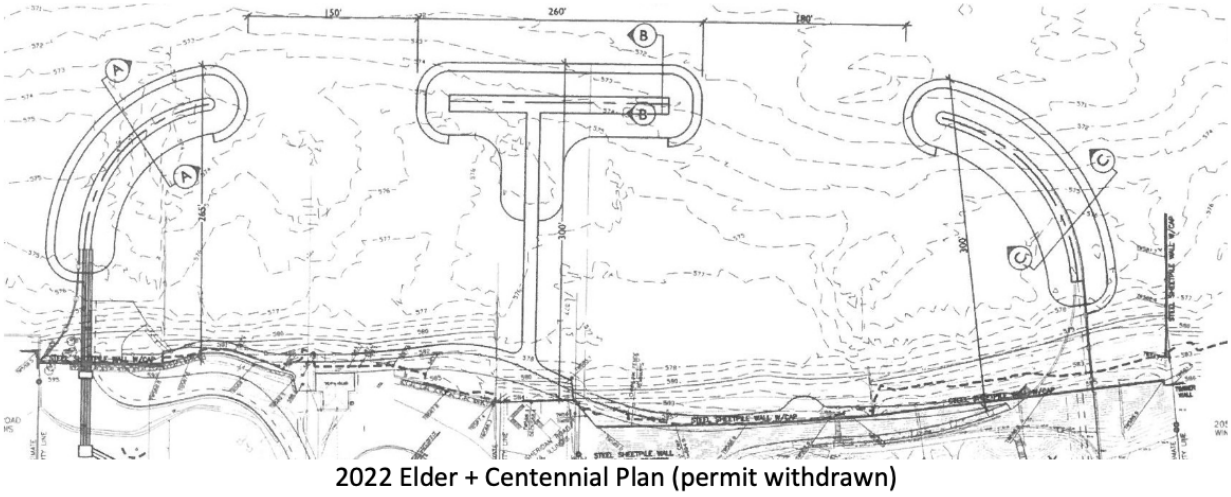


Figure 7: Elder + Centennial beach plan

The 2022 plan was a headland beach system that united the beaches but required the WPD to sacrifice 70' of Centennial Park and was a joint venture design between Mr. Ishbia, his technical team and the WPD. The public was outraged by the design when they became aware of it on or about May of 2022, and the WPD withdrew its permits as result of public petitions and protests. The public's main objections were to louvers on top of the breakwaters and planter pockets that obstructed views on the beach and impeded the public from walking the beach of adjoining properties. The WPD made a series of designs, all without louvers and planter pockets after the withdrawal of the 2022 permits. In October 2023, the WPD approved the designs for Elder and Centennial (figure 8 below). The Centennial portion of this plan has been submitted to the Village in WPD's SUP application.

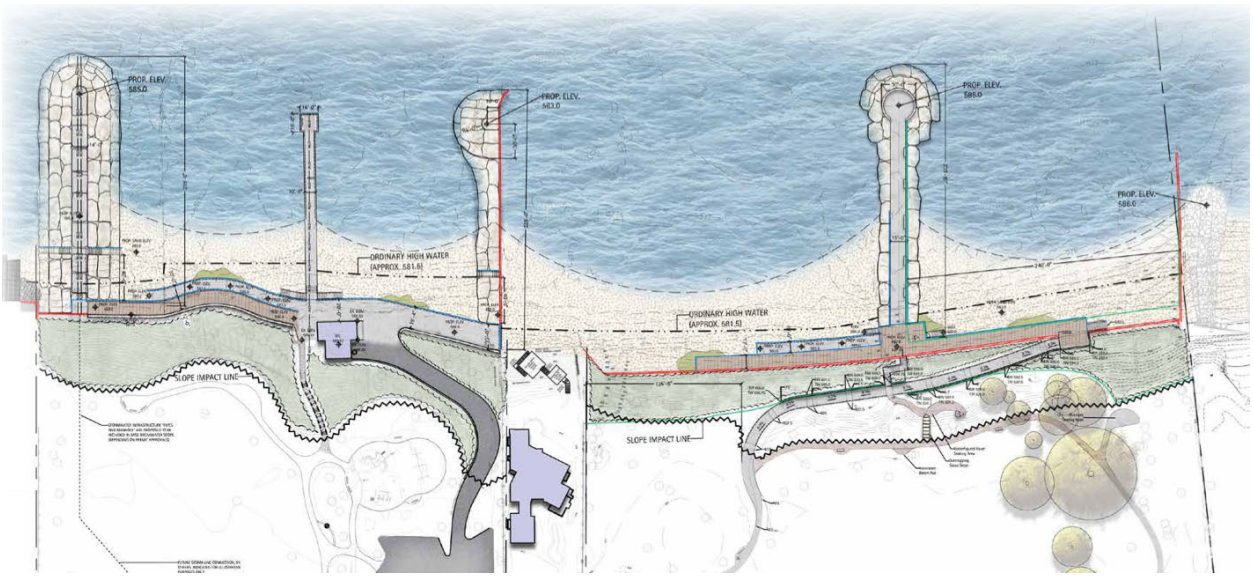


Figure 8: WPD's October 2023 Elder/Centennial plan

One can see that the October 2023 plan design is a radical departure from that proposed by the Waterfront 2030 Plan. This new plan is no longer a headland beach system as originally proposed by the 2030 plan (Figure 6) or as proposed in the joint WPD/Ishbia design that was withdrawn from the IDNR and USACE in 2022 (Figure 7). Unlike the 2030 plan, or the 2022 plan, no workshops, surveys or interviews were conducted with the public seeking their input for this newly revised plan of October 2023. It appears that the only resident outside of the WPD board that had input into this plan was Mr. Justin Ishbia, as evidenced by a contribution agreement that was signed by the Ishbia Family Foundation that requires the WPD to strictly follow the October 2023 beach design for Centennial. That donation agreement restricts any changes from this beach design and grants Mr. Ishbia and his foundation a 50-year restrictive covenant. This covenant is a conveyance of interest of public land in Centennial Park to a private entity and individuals for a period of 50 years, maintenance for which will be undertaken at the sole expense of the Winnetka taxpayer. 49.2% of those residents completing the 2024 Winnetka Caucus Survey stated that this covenant was unacceptable and should be renegotiated by the WPD.

Centennial Design Defects

The goals 6.1, 6.4, and 6.5 of the Village Comprehensive 2040 Plan that seek to conserve, restore, and enhance natural features and ecosystems, to ensure accessibility to natural areas along the bluffs and shoreline of Lake Michigan were codified in the Village's recently passed Lakefront Construction ordinance stated in Section 15.78.010 below:

> *.... to provide that construction in and adjacent to Lake Michigan and its shoreline will not cause environmental or ecological damage to the lake or surrounding areas of the Village or otherwise adversely impact the health, safety, and welfare of the Village or its residents.*

The Lakefront Construction ordinances protect individual property owners from harm from adjoining development and protect the public at large by protecting the environment of Lake Michigan shoreline and adjacent waters. The Lakefront Construction ordinances protect the health and safety of the public by prohibiting dangerous structures and assuring public access along the Lakefront. The WPD SUP for the pier, boardwalk, and dog beach fence should not be granted because it violates Special Use Permit Standards. Specifically, the pier, boardwalk, and dog beach fence harm the general welfare of the residents by covering the lake and beach, blocking sight lines along the beach, degrading the environment of the lakeshore preventing free passage of the public along the beach, creating a safety hazard for swimmers, and in the event of a water emergency, rescue responders from both seeing an individual in distress and in reaching that individual. Furthermore, the Special Use Permit Standards provide:

> *That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.*

The proposed SUP structures violate the Special Use Permit Standards because the SUP violates the following Lakefront Construction ordinances: their design includes more than is minimally

necessary to achieve the project intended purpose (Section 15.78.080(D)); the design interferes with access to adjoining public property (Section 15.78.080(E)); the designs create a public safety hazard (Section 15.78.080(E)); the design will obstruct public safety operations; and, the design will alter existing sight lines (Section 15.78.080(G)).

> *Section 15.78.080(D). Project Scope. The covered construction and any related structures include only what is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.*
>
> *Section 15.78.080(E). No Public Safety Hazard. The covered construction and any related structures will not create any public safety hazards, including, without limitation, by unreasonably obstructing or otherwise interfering with ingress or egress to adjacent public beaches or private property.*
>
> *Section 15.78.080(F). Interference with Public Safety Operations. The covered construction and any related structures will not block or otherwise unreasonably interfere with the ability of public safety personnel to conduct search and rescue or other public safety operations.*
>
> *Section 15.78.080(G). Existing Sight Lines. The covered construction and any related structures will alter existing sight lines along the Lake Michigan shoreline no more than is minimally necessary to achieve the intended and proper purpose of the project and to be consistent with the purposes set forth in Section 15.78.010 of this chapter.*

Centennial Pier Design Defects

WPD's October 2023 design for Centennial (figure 9) in its SUP has a rubble stone groin that is perpendicular to shore that will not dissipate the wave energy from the major storms in the Lake and will not retain substantially more sand than the sheet pile metal groin it is replacing.

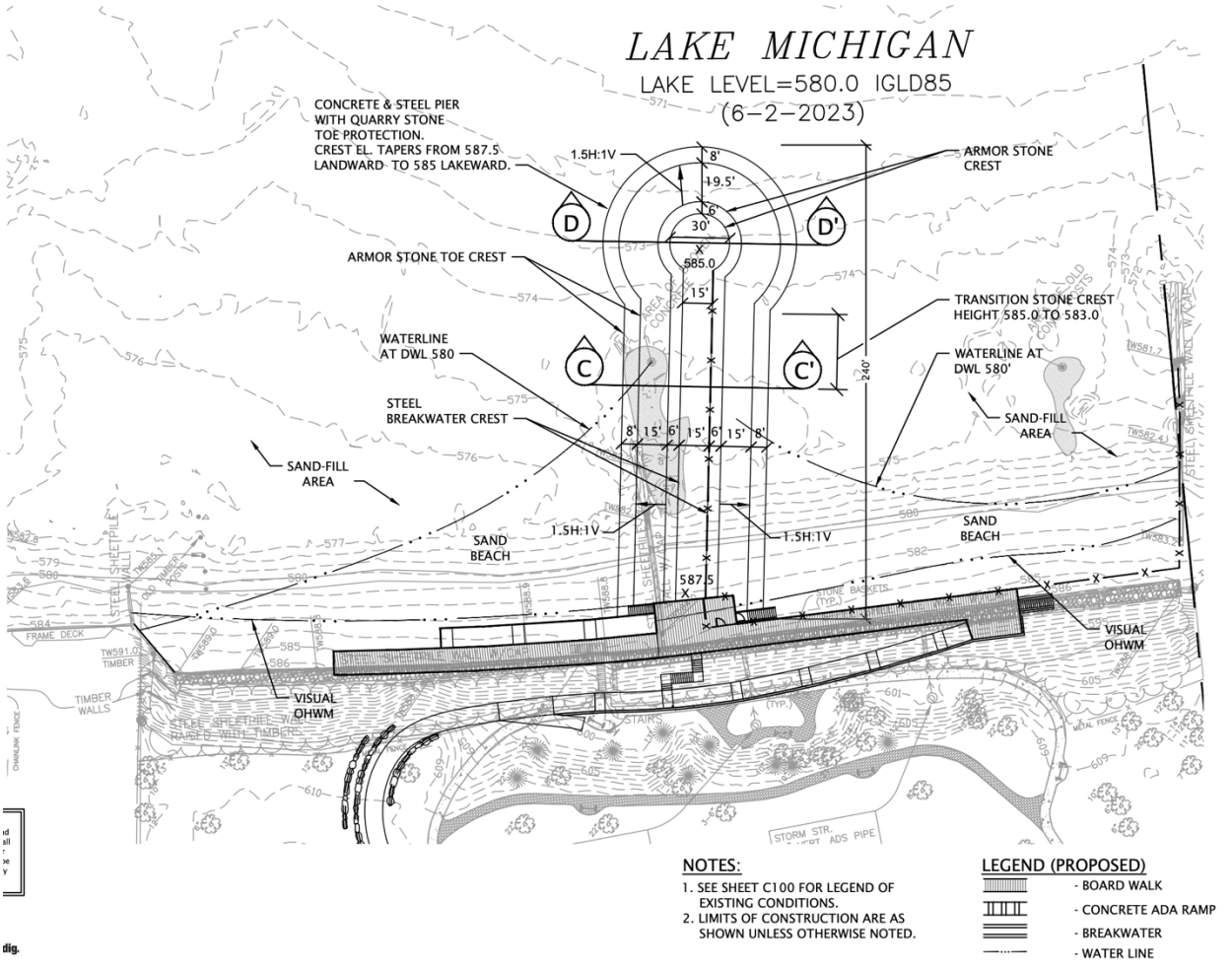


Figure 9: October 2023 Centennial lakeshore construction plan

In WPD's revised application of August 5, 2024, the District states the purpose of the pier:

> *"The proposed pier structure was designed to serve several purposes on site.* ***The main purpose of the pier is to more substantially delineate the two distinctive swimming beach and dog beach uses, north and south respectively****. (*highlighting for emphasis).*Furthermore, the pier provides additional shore protection by diffusing wave energy and helps hold sand for both beaches from erosion and littoral drift. Finally, the pier provides an additional recreational use allowing visitors greater interaction with the lake."*

This massive pier has a width of 79' (figure 10). A 79' swath of beach and lake will be covered with cement, steel, and stone and will be unavailable to swimmers or park patrons with dogs.

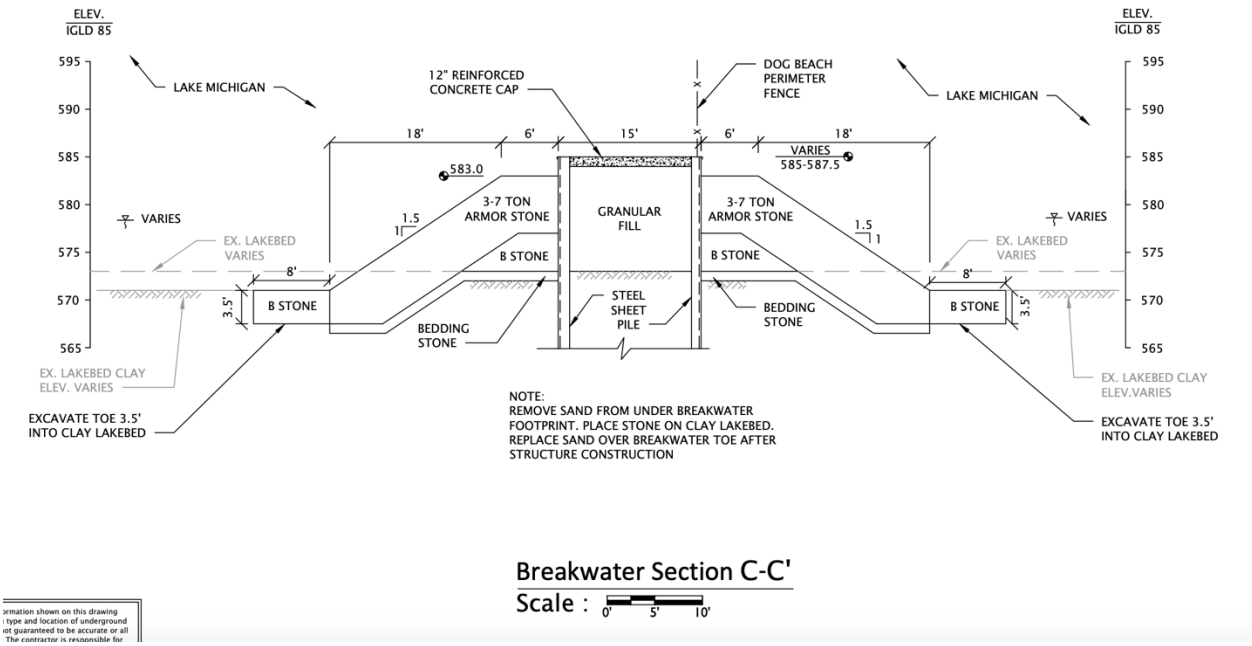


Figure 10: Cross section through proposed pier

It should be noted that the width of 261 Sheridan, the property desired by the WPD in the property exchange agreement is only 70'. The pier extends 239' into the lake and will cover an area of 18,960 square feet of lakebed and beach. A chain link fence would just as effectively separate dogs from swimmers and will only cover a 2" width of beach and lakebed for a total area of 40 square feet *(highlighting for emphasis*). Use of a massive pier to delineate a dog beach from a swimming beach is not a proper use for Lakefront construction (see Section 15.78.080(D)). By covering so much area of the lake with pier the WPD is harming the lakefront environment and the welfare of the community by obstructing sight lines (see Section 15.78.080(G)) with a structure that exceeds what is minimally necessary (see Section 15.78.080(D)) to delineate the dog beach from the people beach.

I have catalogued all of the dog beaches on Illinois' Lake Michigan shoreline and how dogs are confined to these beaches

Sunset Dog Beach & Adjacent Swimming Beach

Sunset Dog Beach is bounded on the north by private property and on the south by a public swimming beach (figure 11).

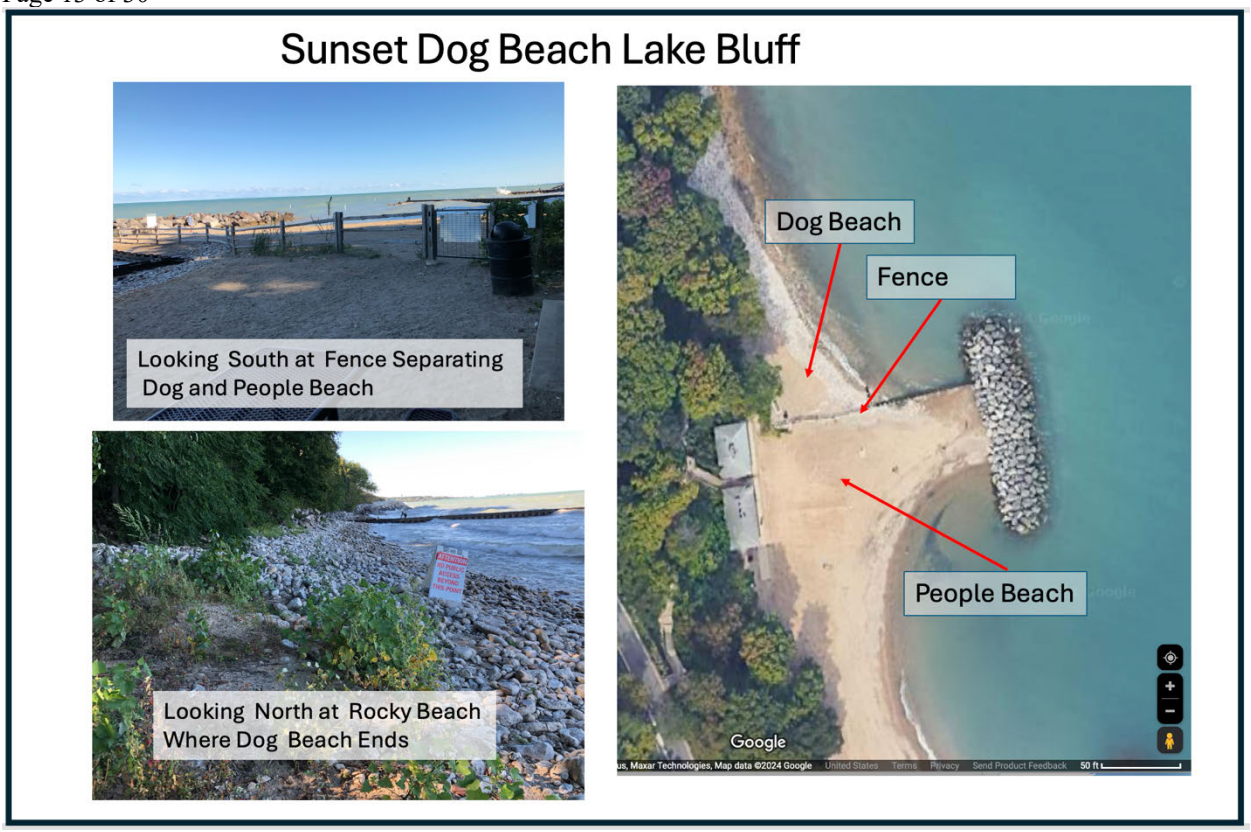


Figure 11: Sunset dog beach Lake Bluff

There is a 4’ high split rail fence covered in wire mesh on the southern boundary of the dog park that separates the dog beach form the people swimming beach and a rocky shore to the north keeps the dogs confined to the beach.

Gillson Dog Beach & Adjacent Swimming Beach

Gillson Dog Beach is bounded on the north by Gillson Swimming Beach and bounded to the south by Wilmette Harbor. (figure 12).



Figure 12: Gillson dog beach Wilmette

The chain link fence 4'-5' high on the northern boundary separates the dog beach from the people swimming beach and the Wilmette Harbor to the south keeps the dogs confined to the dog beach. A plastic safety barrier fence keeps dogs off the rubble stone lining the harbor. In fact, the chain link fence are panels that are removed from the park upon the conclusion of the Summer swimming season.

Evanston Dog Beach & Adjacent Swimming Beach

Evanston Dog Beach is bounded on the north by Clark Street Swimming Beach and bounded to the south by Church Street Power Boat Ramp (figure 13).



Figure 13: Evanston dog beach Evanston

There is a 4’ high chain link fence on top of a 3’ high steel groin on the northern boundary separating human swimmers from dogs and the Church Street Power Boat Ramp to the south keeps the dogs confined to the dog beach.

Montrose Dog Beach & Adjacent Swimming Beach

Montrose Dog Beach is bounded on the north by a concrete revetment and bounded to the south by a chain link fence that separates it from Montrose Swimming Beach (figure 14).



Figure 14: Montrose dog beach Chicago

The chain link fence is 4’ to 5’ high on the southern boundary and the revetment to the north keeps the dogs confined to the dog beach.

Belmont Dog Beach

Belmont Dog Beach, located in Belmont Harbor in Chicago, does not border a public swim beach or private property. The western boundary of the dog park is an iron fence 4’ high and the remaining three sides of the beach are bordered by the harbor (figure 15).



Figure 15: Belmont dog beach Chicago

North Shore Public Dog Beaches Adjoining Private Property

On the north shore of Illinois there are only two dog beaches that adjoin private property, Moraine Dog Beach in Highland Park and Centennial Dog Beach in Winnetka. Moraine Dog beach is bound to the north by a ravine on private property and bound to the south by private property (Figure 16).

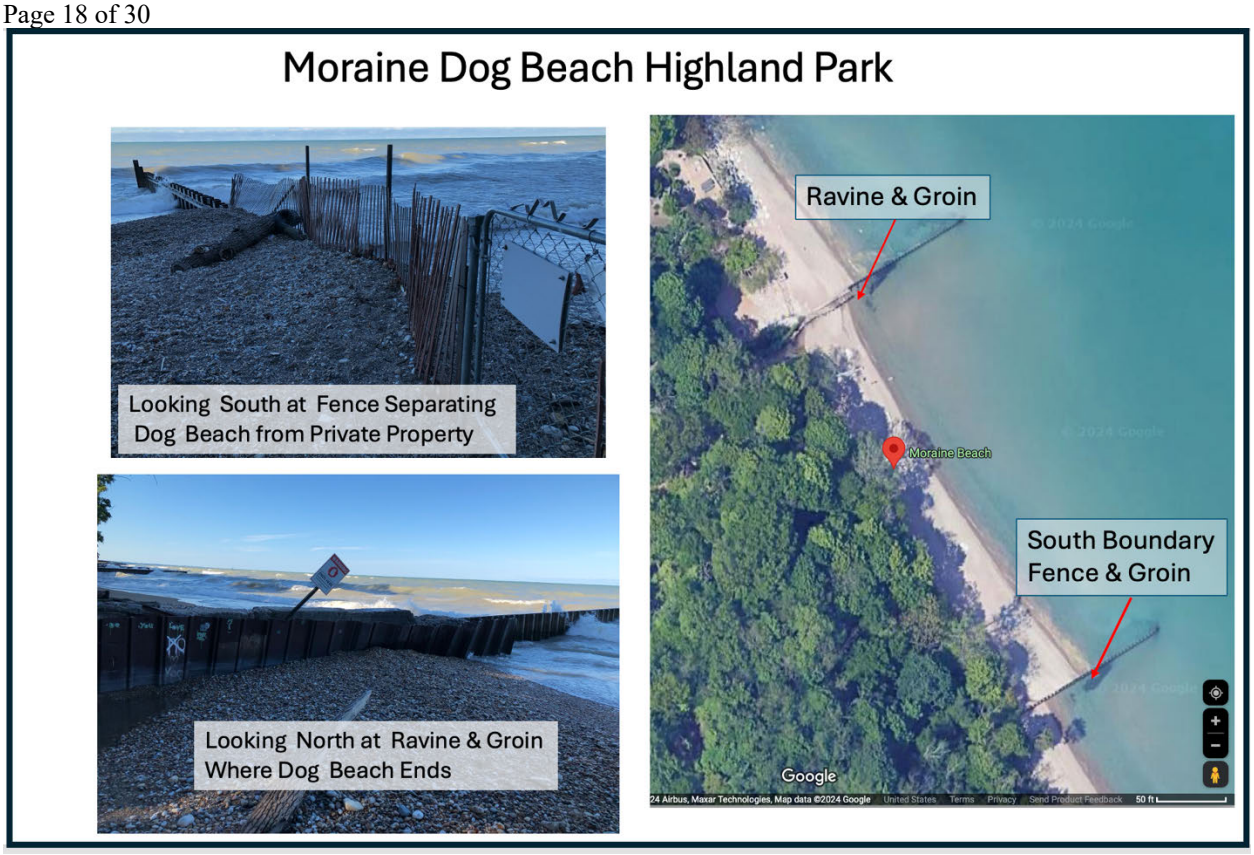


Figure 16: Moraine dog beach Highland Park

A ravine confines the dogs to the north **and a 4' high wooden slat snow fence confines the dogs to the south** *(highlighting for emphasis*).

Current Status of Centennial Dog Beach

Centennial Dog Park, the location for the SUP, currently has no permanent fencing that confines dogs to the park (figure 17).



Figure 17: Centennial dog beach Winnetka

The property bounding Centennial on the south, 205 Sheridan, owned by Mr. Justin Ishbia, has erected a temporary chain link fence that prevents dogs and owners from entering the property that is under construction. There is no fence between 261 Sheridan, the property bounding Centennial on the north. Elder Lane Park is a swimming beach located on the northern boundary of 261 Sheridan and there is no fencing between these two properties. Winnetka beachgoers can now walk the 71' between the parks with only low-profile sheet pile groins creating little obstruction that can be easily navigated.

This review of all the North Shore Lake Michigan dog beaches in Illinois shows that fencing is the most popular method used to separate, confine, and "delineate" dog beaches from human beaches. Municipalities also use natural boundaries such as ravines and rocky shorelines to confine the dogs and separate them from people. Artificial structures such as stone lined harbors and boat launches also serve a secondary purpose of confining dogs and separating them from humans on the beaches. There is no example where a massive pier or rubble stone breakwater has been built for the primary purpose to "delineate" a dog beach from a human beach in Illinois. I believe that no municipality has done such construction because of the expense of stone breakwaters or piers, the environmental damage to the lake, the impairment of lakefront vistas, and the safety problems these stone structures cause, when the simple solution of a fence is available without the associated problems.

Suggested Alternative

Centennial Dog Beach opened in 1995 and a 71' strip of beach (261 Sheridan) between the parks has provided an adequate buffer that "delineates" dog beach from swimming for the past 29 years. The WPD plan splits the current Centennial Dog Beach between dogs and swimmers and keeps Elder as a swimming beach. As an alternative the WPD could move the dogs to Elder north of the Elder pier. The Elder pier would provide the "delineation" between an Elder dog beach north of the pier and a swim beach south of the pier (figure 18) without having to build a massive pier on Centennial.

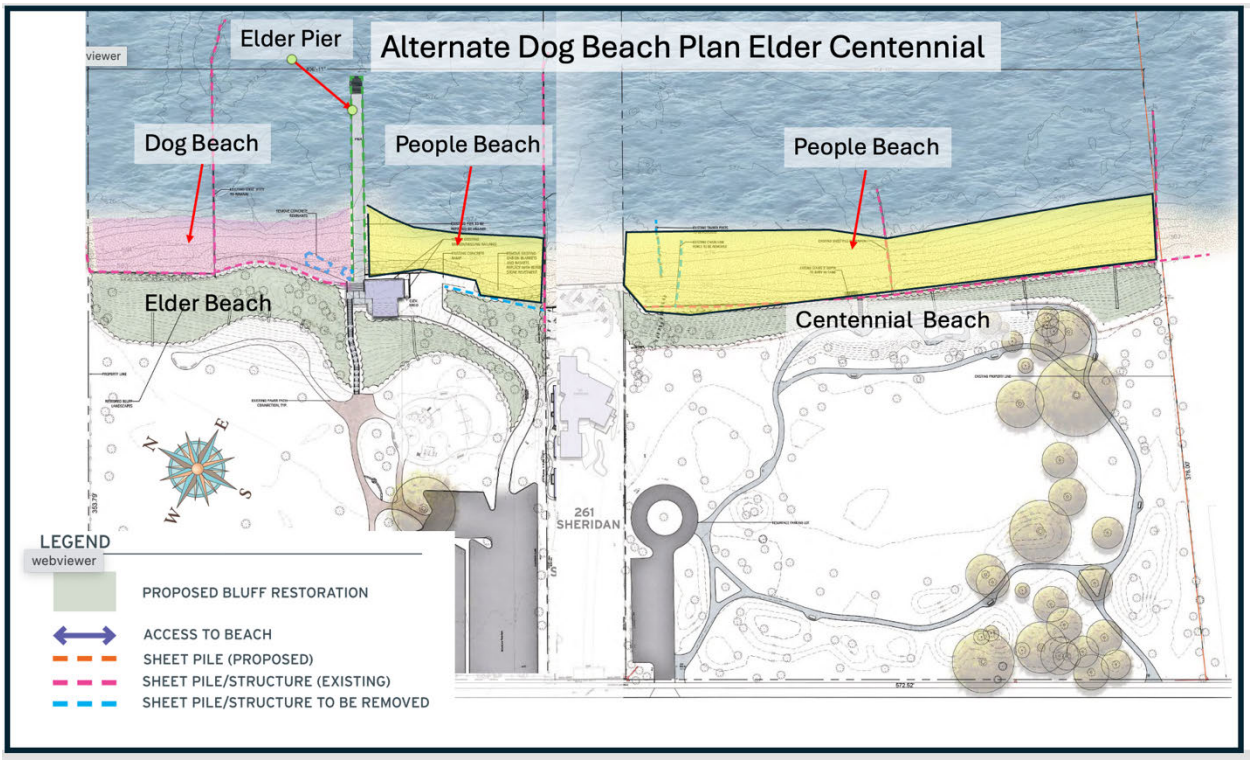


Figure 18: Alternate dog beach plan Elder Centennial

The WPD states that a secondary purpose of the pier is to provide an additional recreational use allowing visitors greater interaction with the lake. At first blush this objective would appear to satisfy **Section 15.78.080 (D)'s** requirement that only designs that are minimally necessary should be approved. The Village's consulting coastal engineer states the following after reviewing the plan for the pier:

2. *Elevation of proposed pier (585' IGLD) seems justifiable since it is for pedestrian access. As conceptually submitted, this meets the "minimally necessary to achieve the intended and proper purpose" requirements in the lakefront construction ordinance. However, the proposed pier will be frequently overtopped by waves and the concrete promenade should be detailed accordingly*

However, the engineer does not address the fact that Centennial pier is only 500’ away from the existing Elder pier (figure 19).

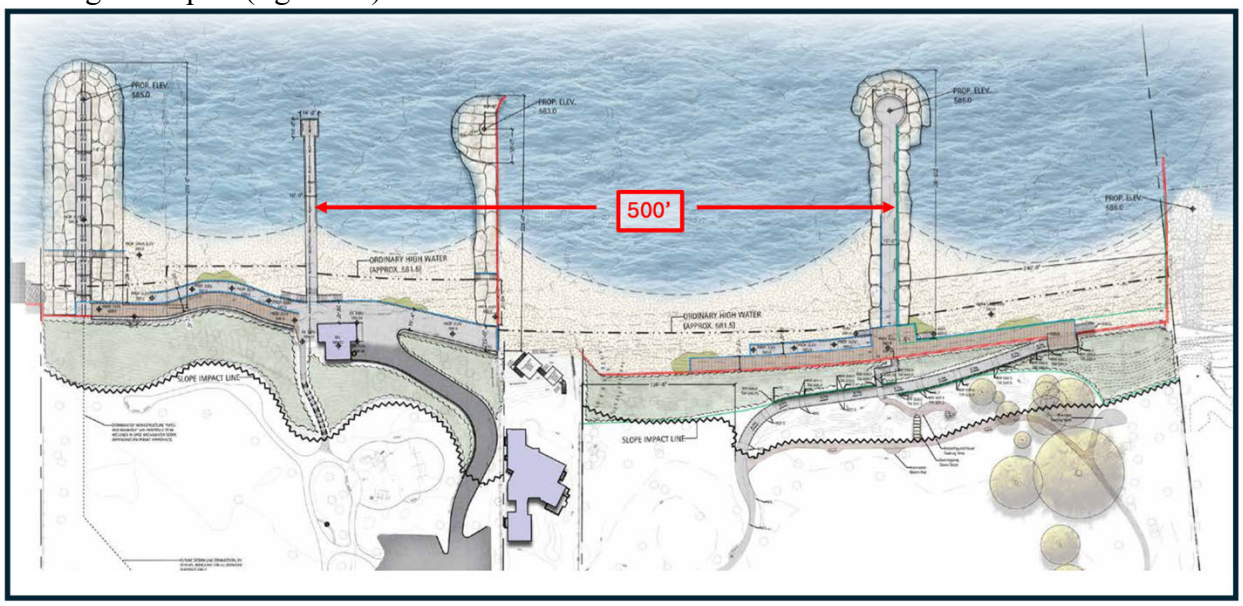


Figure 19: WPD’s October 2023 plan with 500’ separation between Elder and Centennial piers

The WPD does not need two viewing piers so close together. Having the piers in such close proximity will cause each pier to interfere with the other pier’s views. The Elder Lane pier provides an adequate platform for viewing the lake making the Centennial pier redundant and violates Section 15.78.080 (D) prohibition against designs that are not minimally necessary. Building an observation pier so close to an existing pier would not be a proper purpose under Section 15.78.080 (D).

The WPD claims in its SUP that the pier provides additional shore protection and helps hold sand from erosion and littoral drift. During the November 16, 2023, WPD Board Meeting[1], Commissioner Warren James, a WPD board member and the leader of the Elder Centennial design team, stated that the design was no longer a headland system (Time Stamp 1:02:10). The previous Elder-Centennial beach plan was a headland beach system designed to protect the bluffs and retain sand (figure 7). Mr. James stated that the October 2023 design has been revised to prioritize the preservation of views over retention of sand following the directives of the new Lakefront ordinances (Time Stamp 1:02:10). It should be noted that the Village had already approved a permit application for a headland beach system design under its new Lakefront Construction ordinances for 205 Sheridan (205 Sheridan is on Centennial’s southern boundary and owned by Mr. Justin Ishbia) on July 6, 2023. The elevation of 205 Sheridan’s breakwaters varied from 585’-587’ elevation and the proposed pier on Centennial in the SUP varies from 585’ to 587.5. Both 205 Sheridan’s breakwater and WPD’s pier on Centennial should have similar effects on sight lines along the horizon. The WPD could have retained a headland beach design that would have retained sand on the shoreline and still conform to the Lakeshore

[1] Video link to the meeting can be found at: https://www.youtube.com/watch?v=emAfgjqGLWI&list=PLgOxGHUtn2rNYsAjFCvxqgZclngd8wS8x&index=26&t=854s.

Construction ordinances. As I have noted above there are no approved structures for lakeshore construction in the new ordinances, conversely there are no prohibited structures in the Lakefront Construction ordinances. At the November 16, 2023, Mathew Wright, the consulting civil engineer engaged by the WPD for the Centennial project stated that the pier would not add protection for the bluff and that existing steel sheet-pile revetment and planned steel sheet-pile revetments would provide the bluff protection (Time Stamp 1:15:06). When asked by Commissioner Root why no coastal analysis had been done to explain the need for the pier, Mr. Wright replied that the main function of the pier was to separate the dog beach from the people beach and to provide an amenity to the public for viewing the lake (Time Stamp 1:33:12). Mr. Wright also provided that beyond the separation of dog and human beaches and viewing amenity for the public, there is no need for the pier and therefore no need further coastal analysis (Time Stamp 1:33:12).

The coastal engineer, Rob Nairn, hired by the Village to review this design made the following comment about shoreline protection by the proposed pier in the Village's engineering review:

2. *Proposed pier extends deeper/ further lakeward than existing steel sheet pile groin, will impact the shoreline shape, and should improve the shoreline/bluff protection in the immediate vicinity. The beach cells should be prefilled to minimize impacts to longshore sediment transport. I would expect the permit application to include an analysis of the impacts to sediment transport and how the proposed shape of the beach fill was determined.*

Mr. Nairn states that the pier "should" have a positive effect on the shoreline, but he does not state the magnitude of the impact nor how much an alternate design would better protect the bluff and beach compared to the existing steel groin it would replace. Without a coastal engineering analysis there is no way to predict whether sand used to prefill the beach cells will remain or quickly be eroded by storms and littoral drift. The Centennial beach design is not a headland beach design designed to protect the beach and bluff. The bluff at Centennial is currently protected by a steel sheet pile revetment and the pier is not needed for bluff protection. The minimal unquantified beach protection that the pier may provide does not justify the damage to the lake and shoreline environment caused by dumping massive amounts of rock concrete into the lake to construct the pier.

The proposed pier creates a public safety hazard for swimmers, paddle boarders, kayakers, and dogs (see Section 15.78.080 (E)). The pier will obstruct sight lines between swimming beach and the dog beach. This obstructed sight line will create a safety hazard if a swimmer or dog is in distress and persons on the adjoining beach are unable to see it. The rubble stone used to construct the pier will create a hazard for swimmers, paddle boarders, dogs, and kayakers when waves wash them into the rubble stone pier. Swimmers, dogs, and wildlife are likely to climb on the stones and can injure themselves by falls.

Centennial Boardwalk Design Defects

The WPD SUP application for the boardwalk should not be granted because it violates Special Use Permit Standards prohibition against harming the general welfare of the community. The

boardwalk covers the beach and blocks sight lines along the beach, degrading the environment of the lakeshore. Furthermore, the Special Use Permit Standards require that the special use conforms to all other Village ordinances and the boardwalk violates **Section 15.78.080 (D)'s** requirement that only designs that are minimally necessary to achieve their intended proper purpose are permissible on the Lakefront.

The elevated boardwalk (Figure 20) is 330' in length and is 12' wide and will cover 3,960 square feet of Centennial beach.

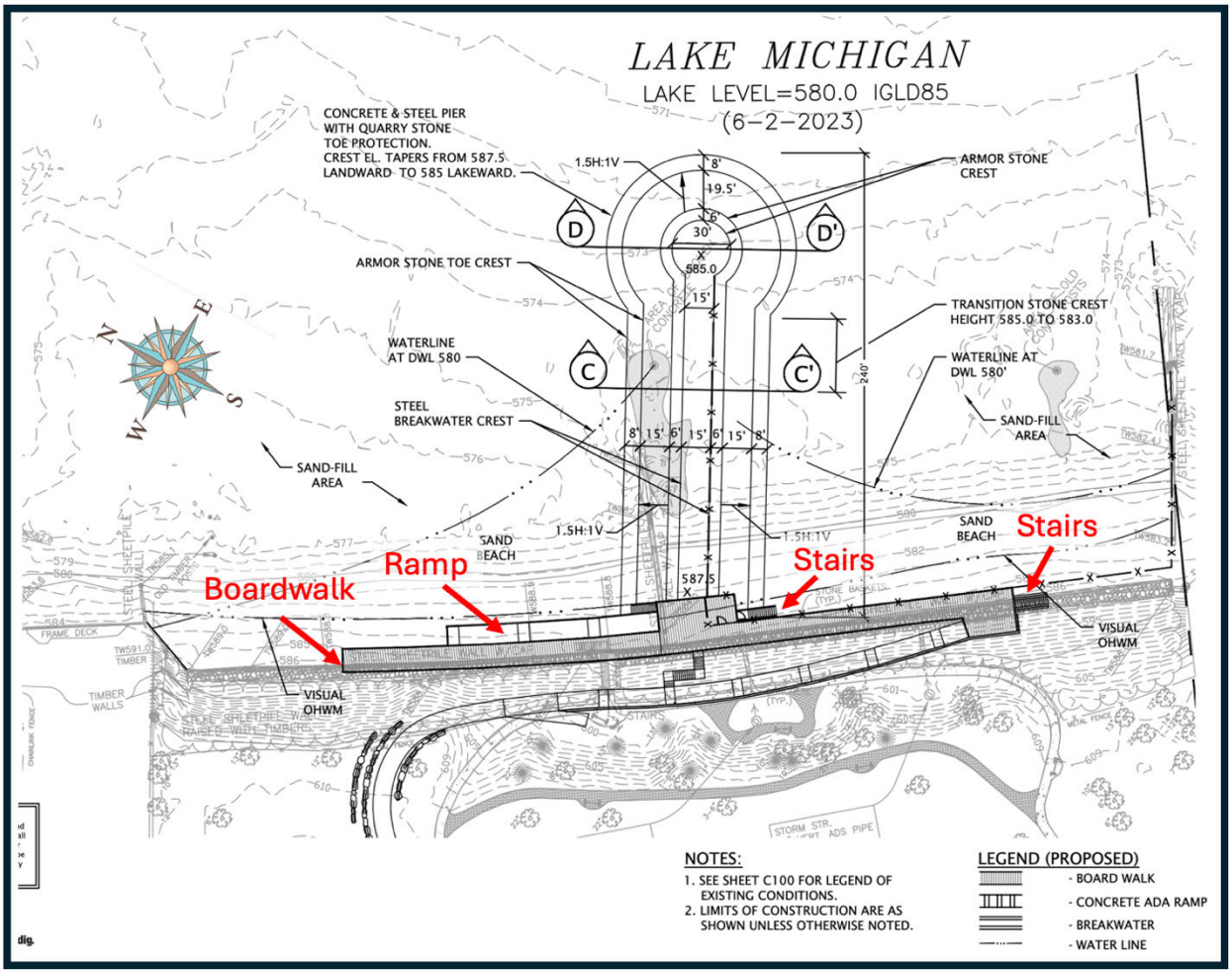


Figure 20: WPD's Centennial elevated boardwalk

The WPD has chosen to sacrifice useable beach for this amenity. As mentioned above, there is already a pier at Elder that provides excellent views of the lake rendering a boardwalk viewing platform unnecessary. As with all the Centennial designs, the WPD has not surveyed the public on whether they want this amenity nor have they submitted their plan for referendum to see if the public wishes to pay for it despite numerous repeated requests for a referendum during Public Comment at WPD meeting for the past 2 ½ years.

The boardwalk terminates to the south with a set of stairs to the beach which will permit pedestrians to walk to the adjoining property to the south but will deny access to those with disabilities (Figure 20). In the center of the boardwalk there will be a set of steps to the dog beach that will deny access to the dog beach for those with disabilities (Figure 20).

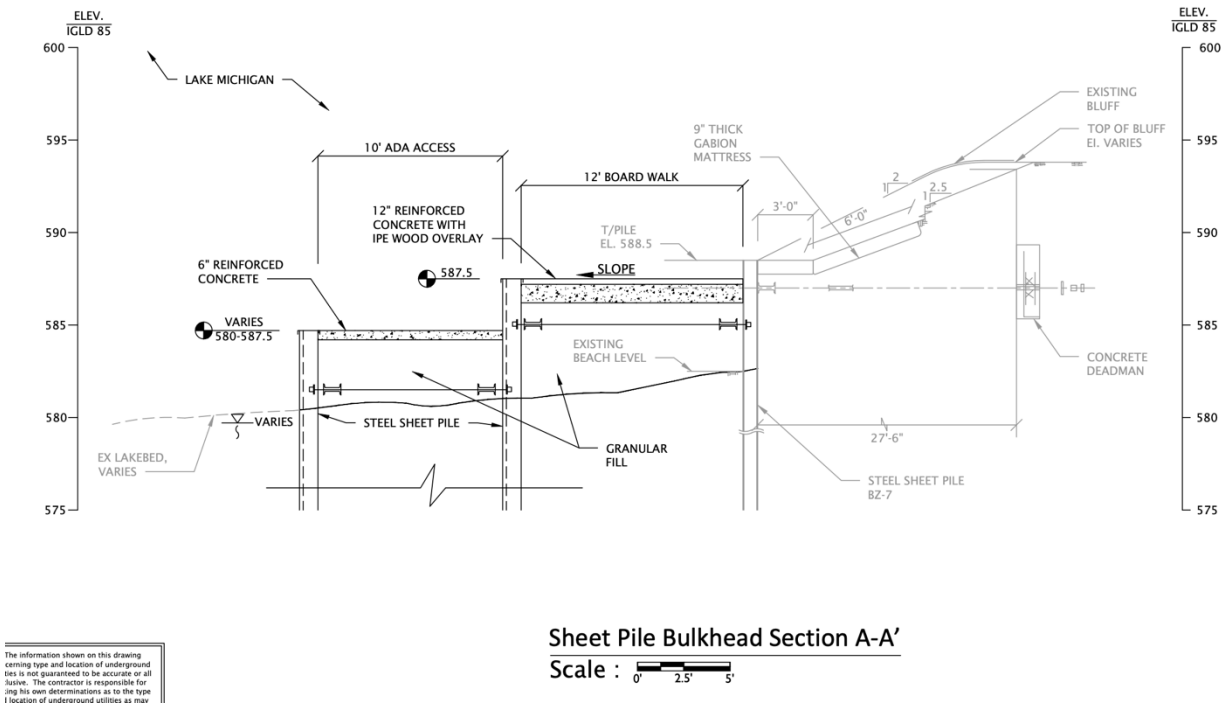


Figure 21: Cross section through boardwalk

From figure 21 above, you can see that the boardwalk is elevated 6’ above the beach and requires steel sheet pile to be driven to support the boardwalk. The boardwalk is 2’higher than the pier which will permit public views unobstructed by the Centennial pier. However as noted above, the pier serves no valid engineering purpose and there will be no need to elevate the boardwalk if the pier is absent. There are boardwalks at Lloyd and Maple, and neither is elevated. Elevating the boardwalk goes counter to 15.78.080 (D) that permits only designs that are minimally necessary to achieve the intended proper purpose.

Montrose beach uses an alternate design of a Mobi-mat for pedestrians and mobility impaired individuals to access the lake (figure 22). A 6.5’ wide Mobi-mat could serve the same function as the 12’ wide 330’ long boardwalk, but the Mobi-mat would cover 46% less beach area compared to the boardwalk.

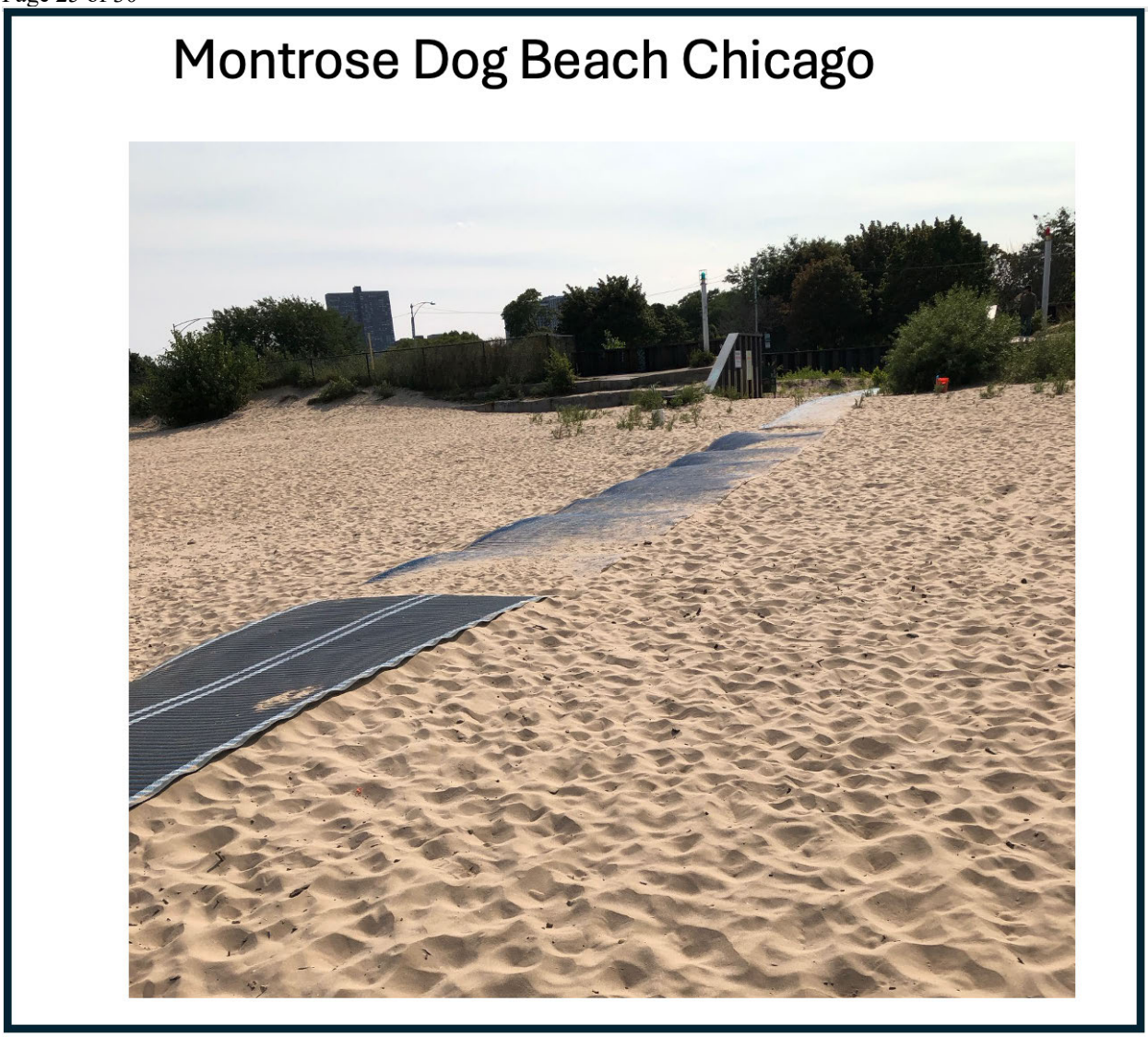


Figure 22: Mobi-mat utility mat

The Boardwalk and ADA ramp also violates Steep Slope ordinance Section 17.82.040

Section 17.82.040 Development in Steep Slope Zone.

A. Any development that is authorized pursuant to the Village Code, this Title, or other ordinance or regulations of the Village, may occur in the steep slope zone if approved by the Director, upon review of an application in accordance with this Chapter: provided, however that only the following structures are permitted within the steep slope zone.

B. Retaining walls and other structures that are necessary for slope stabilization if constructed in a manner approved by the Director and in accordance with the following standards:

1. Retaining walls cannot be used to increase table land;

2. Retaining walls cannot be used to create a shelf or other table area within the steep slope zone, unless it is necessary for slope stabilization; and

3. Backfilling of a retaining wall is not permitted, unless it is necessary for slope stabilization.

The boardwalk is constructed by driving a sheet pile retaining wall parallel to the existing retaining wall at the toe of the bluff creating a gap that is then backfilled with granular fill (figure 21). The new retaining wall and fill is covered by a concrete slab creating the boardwalk shelf. The newly created boardwalk is not necessary for slope stabilization and therefore violates Section 17.82.040 B.2 & Section 17.82.040 B.3. It should be noted that Boardwalk and ramp extend the bluff and sand filling of the beach will move the Ordinary High Water to the east as well as the front lot line of Centennial thereby increasing the lot size of Centennial (figure 23.)

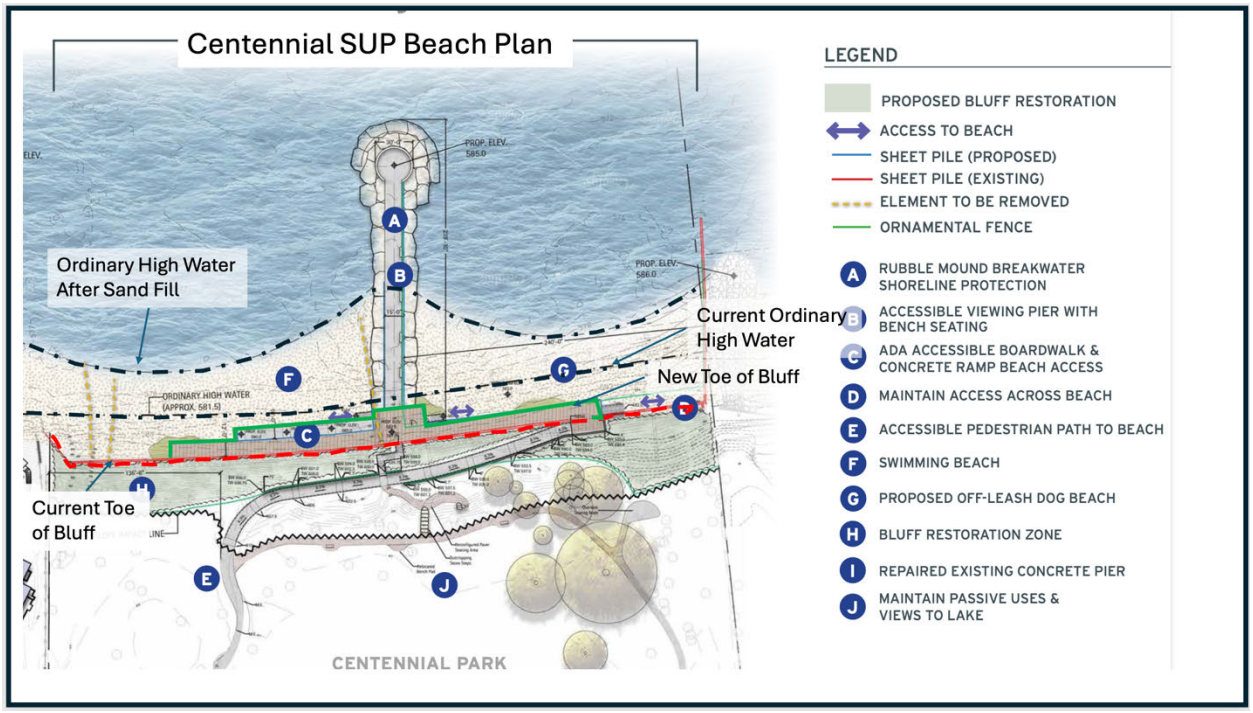


Figure 23: Current Ordinary High Water and Ordinary High Water After Sand Fill

Lakefront Overlay Preservation District Violations

On January 19, 2024, WPD entered into an agreement, (the WPD/Ishbia Family Foundation Donation Agreement), with the Ishbia Family Foundation (IFF) where the WPD has agreed to build on Centennial an ADA pathway, armored-stone pier, and fencing for a dog park (all structures in the SUP application, as expressly identified by the beach design of the SUP application, which design is an Exhibit and requirement for funding of the Donation Agreement). IFF has agreed to pay $3,000,000 in return for these designated beach design amenities. In

addition to building the agreed structures, the WPD has also agreed to grant a restrictive covenant to IFF tied to the agreed structures for a minimum period of fifty (50) years:

> 7. *Restrictive Covenant. The Parties agree this Restricted Donation is to be used to make possible the construction of the Project, as described in Exhibit A. It is the intention of the Parties the Project remains in place in the same location where the Project Elements are located on Exhibit A and, except for ordinary wear and tear, will remain there for fifty years from the execution of this Agreement by both Parties, regardless of the ownership of the underlying property. (the "Restricted Period"). A Restrictive Covenant (attached as Exhibit B) will be recorded against the land to ensure the Project Elements remain in their as-built locations for the Restricted Period. The WPD, or its successor owner, will not be in violation of this Agreement or the Restrictive Covenant so long as it performs ordinary and usual maintenance on the Project Elements and does not move or destroy, or instruct or permit any third party to move or destroy, any Project Elements during the Restricted Period. (WPD/Ishbia Family Foundation Donation Agreement*)

The restrictive covenants give control of 51% of the beach on Centennial to the IFF as seen in figure 24 below.

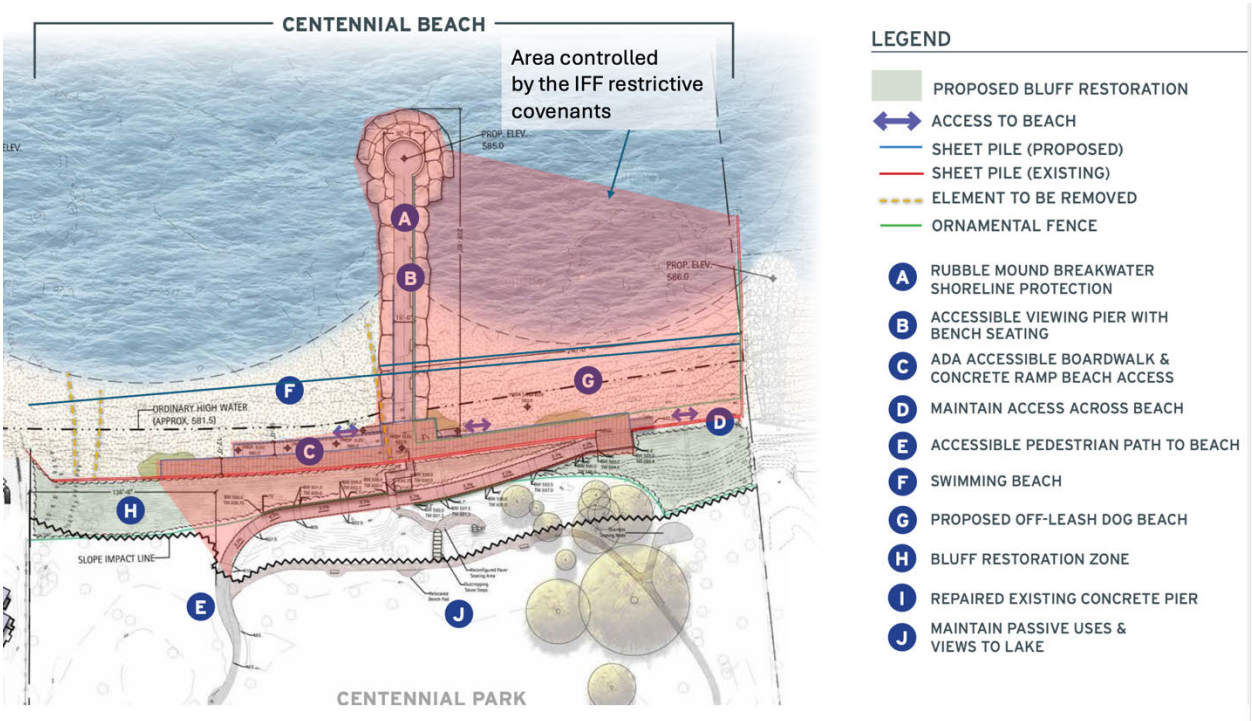


Figure 24: Area of restrictive covenants conveyed from WPD to IFF

The WPD's SUP for the Centennial improvements should not be granted because it violates Special Use Permit Standards and Goals 6.1, 6.4, and 6.5 of the Comprehensive 2040 Plan that seek to conserve open lands and to ensure accessibility to natural areas along the bluffs and shoreline of Lake Michigan. Specifically, the structures covered by the Donation Agreement

harm the general welfare of the residents by placing public lands under the control of a private entity, the IFF, for half a century. By granting the restrictive covenant in the Donation Agreement the WPD is conveying an interest in real estate of park land that is subject to the Lakefront Preservation Overlay District and therefore violates Special Use Permit Standards by violating Section 17.50.010 E:

> *E. Prohibited Activities and Uses. Notwithstanding any other regulations in the Village Code or the Zoning Ordinance, including, without limitation, the regulations in the applicable underlying zoning district, the following regulations shall apply to all Regulated Property in the Lakefront Preservation Overlay District:*
>
> *1. No new buildings, signs, fences, or other structures shall be erected or materially altered.*

The structures that will be built for the benefit of IFF and will be controlled by the IFF clearly violate Section 17.50.010 E. The Village should deny the SUP and condition any future permits for Centennial on cancelation of the restrictive covenants in the Donation Agreement.

Loss of Beach and Lakeshore Vistas

The WPD's Elder/Centennial beach plans will cover 52,127 square feet (26,082 square feet on Centennial and 26,045 square on Elder) of bluff, beach, and lakebed with concrete ADA path, massive stone groins, boardwalks, and a massive pier. The Menkaure pyramid in Giza covers 54,878 square feet, similar to the area covered by the proposed structures for Elder/Centennial. I have overlain Menkaure pyramid over a rendering of Centennial pier to give a sense of the bluff, beach and lakebed that will be consumed by WPD's plans (figure 25).

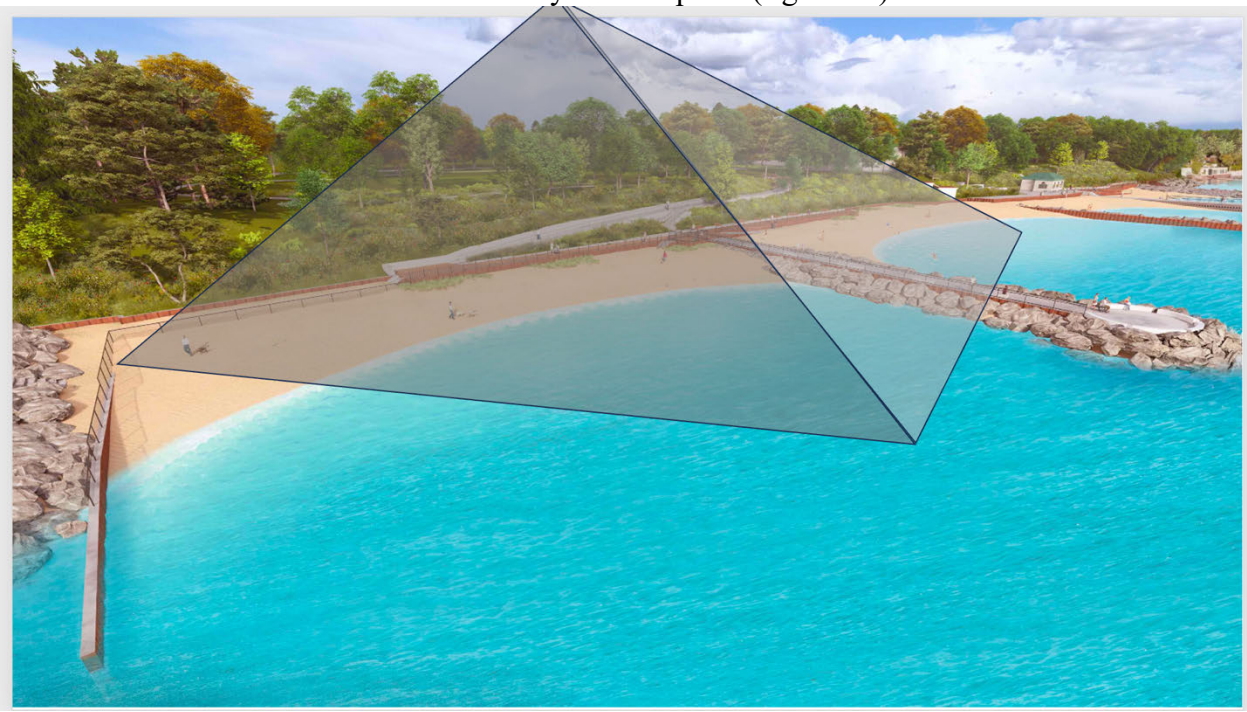


Figure 25: View of proposed Centennial pier overlain by Menkaure pyramid

The Elder/Centennial beach plan structures, like the pyramids, have no practical value and there has been no consideration of the environmental toll that this construction will have on a lakefront that is already seeing substantial impact from the construction at 205 Sheridan.

The following aerial view of Centennial Park on which the proposed plan construction has been superimposed graphically shows how very massive and environmentally invasive this proposed plan will be to the Centennial Park ecosystem and more importantly to the Winnetka lakefront shoreline and lake, filling the lake with unnecessary steel, concrete and stone.



Conclusion

In July of 2023 the Village passed an ordinance imposing a moratorium on bluff construction. Despite this moratorium the WPD continued its design work for its October 2023 Centennial and Elder beach plans without regard to the Village's efforts.

The Village passed the bluff regulations in February of 2024. The WPD determined to make no revisions to their October 2023 design to conform with the bluff regulations. Instead, the WPD chose to submit an SUP application and ignore the policies outlined in the new bluff regulations and the goals of the Village enumerated in the Comprehensive 2040 Plan.

The Lakefront Construction ordinances were passed in March of 2023. In October of 2023, the WPD chose to pursue designs that are markedly more than what is minimally necessary, that block sight lines of the lake, obstruct passage along the lake, and create safety hazards for the

public but are expressly required by the WPD/Ishbia Family Foundation Donation Agreement that the WPD Board approved in a 4 to 3 vote in January of 2024. The Village should deny WPD's SUP permit for its October 2023 design and require the WPD to follow the new regulations that uphold the new policies enumerated in their Lakefront Construction ordinances, Steep Slope ordinances, and the goals enumerated in the Comprehensive 2040 Plan. In my opinion, the proposed beach design is detrimental to the use and enjoyment of properties in the immediate vicinity of Centennial Beach and endangers the health, safety and general welfare of the public. It should be denied.

Sincerely,

/s/

John W. Root

cc: Members of the Village of Winnetka Plan Commission

By Email: rbahan@winnetka.org
Mr. Robert Bahan, Village Manager

Village Role in Protecting Lake Michigan Shorelines

The Village of Winnetka has a profound responsibility to protect the public's interest in our shared Lake Michigan shoreline, and to decline approval of the Centennial project plans now before you.

The Winnetka Park District is the state's second oldest park district, established in 1903 as a Submerged Land Park District. With support from the public, WPD opened Lakefront (now Maple) Park in 1905, proudly describing its establishment as " [A] more peaceful achievement of freedom in the opening up to our citizens of this, our Lake Front Park, in which to the lovers of freedom those objectionable signs, "No boating", "No bathing", "No trespassing", have been forever abolished and new and more liberal motives are forming . . . "Come and welcome", "Make yourselves at home", "Do as you please", provided only that you please do right.

There are now four additional lakefront parks in Winnetka: Tower, Lloyd, Elder and Centennial, its beloved "crown jewel."

In 2020 the park district incongruously struck an agreement to transfer 70 feet of Centennial Park to a private party, while refusing to go to referendum over either the deal or its multi-million dollar plan to develop and build a lakefront entertainment venue cutting into the bluffs and beaches with view-blocking armored stone breakwaters, concrete structures and impassable fencing extending into Lake Michigan. The building plans would forever threaten people's rights to traverse the shoreline, whether on foot or by wheelchair, and embolden those arguing that their beaches are private to pursue criminal and civil charges against the public.

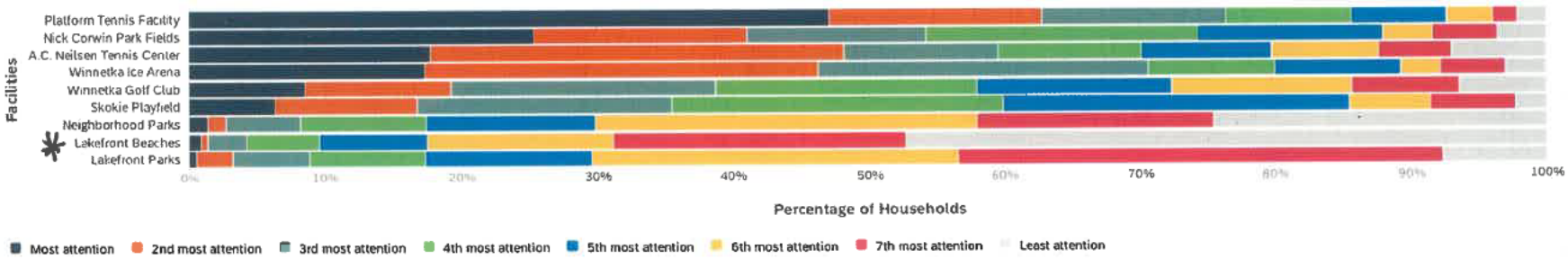
As Winnetka's park district leans toward out of favor lakefront building practices, the State of Illinois is looking forward. Governor Pritzker has stated, "Illinois' lakefronts are a national treasure and one of our greatest natural resources, and it's essential that we preserve these spaces for future generations to love and learn from." His statement was made in connection with IDNR's realization that jetties and other structures that prevent currents from replenishing our beaches, was a solvable problem. IDNR worked with scientists to come up with human-made offshore islands at Illinois State Beach Park in ways that will stabilize shorelines. Its project scientists also endorsed the installation of underwater ridges built of stone to reduce the effects of storm water, which will protect beaches and natural habitats from erosion while preserving views.

The Winnetka Park District holds Lake Michigan's waters in trust for the public. Now is the time to reaffirm its founding principles and remind those who would revert to outdated 19th

and 20th century mindsets—blocking off views and access, developing and privatizing public shorelines—that protecting lakefront access is critical for future generations. As Horace Greeley himself said on July 4, 1923, Winnetka's parks are gems; each one a "thing of beauty and a joy forever. They appeal to and stimulate our esthetic sense," adding: "Who now would be willing to raise a voice in protest on the continuance of the areas as Parks?" Who indeed.

Kristine Schriesheim
January 2025

21) Parks + facilities households believe should receive the most attention - 5yrs 393



To: Village of Winnetka Plan Commission

The Winnetka Park District Board's disturbing inconsistencies and ongoing hostility toward public input in the Elder-Centennial Beach controversy lead me to respectfully request that you apply strict scrutiny to all Winnetka Park District statements and actions, and avoid relying on the Commissioners' standing as neighbors and friends for assurance that their actions are in good faith.

As you know, neither the Village Council nor the public was made aware of WPD's submittal of a joint permit with a private individual in 2022 that would have put a massive steel wall on Centennial beach in connection with transferring title to public parkland to a private individual, including accreted beach and lakebed which are held in trust for the public. WPD made said joint permit application to the Illinois Department of Natural Resources (IDNR) and the U.S. Army Corps of Engineers (USACE) in order to receive permission for the construction of barriers benefiting the private individual, but not the public. Upon learning of this breach of public trust, the community rallied against it; the Village Council opposed the construction of a wall on the beach as well; in June 2022 WPD withdrew the permit request. Since that time, I have noted WPD's inconsistency in many of its statements, hostility towards public input, and have come across alarming information about its interactions with private individuals. These irregularities and hostility seem to have led to WPD's approval of a plan featuring massive structures blocking access to Centennial Beach and Lake Michigan itself, on and over the park's southern property line using taxpayer funds, as WPD continues to pursue a "dormant" land swap that would knowingly violate agreed-upon state and federal grant conditions involving public parkland and beach.

Please see as follows:

1. Irregular relationship with private individual's team; by way of illustration, the consultant openly and in writing instructing WPD on its actions at Elder-Centennial.

Attachment A (G&R Public Law Letter dated September 19, 2022 and attachments thereto).

2. At WPD's board meeting of October 27, 2022--video recorded Mr. James saying there would be no Village Council or IDNR/USACE review of the Elder Beach stormwater project, or of the placement of a 170-270' three-sided, fenced in dog cage at Centennial Beach. Prior Village Council and WPD statements set forth USACE's ongoing role in Winnetka's stormwater management at Elder. This potentially flagrant departure from proper protocols for coastal water management and beach protection demands strict scrutiny and oversight from the Village.

Attachment B, Highland Park Moraine Dog Beach reconstruction with USACE involvement--illustrates proper park district involvement with USACE to rebuild damaged dog beach, make it ADA accessible, invite competitive, responsive bids, to ensure high standards, comply with the law, and maintain the park district's reputation.

3. WPD appears indifferent to the Illinois Bathing Beach Code despite signs posted at Winnetka beaches containing Beach Code rules, such as bathroom requirements and the prohibition of pets at beaches designated for human swimming.

See Attachment C, IL Bathing Beach Code

Refer again to Attachment A, noting private consultant's role in formulating public park designs.

WPD's plan includes unprecedented fencing stretching 252' from the toe of Centennial's bluffs into the lake, mounted to a dangerous, industrial-like concrete pier that widens to 30' at almost a football field's length. The pier itself would sit within a huge armored stone breakwater stretching 76'-79' wide, three-quarters of which will be below the surface—obscured from unsuspecting water goers who would risk serious injury and death as a result.

I believe WPD wants the massively unsafe, industrial, inflexible, hugely oversized, fenced breakwater that (1) its design engineer has stated serves no coastal purpose, and (2) 2030 Lakefront Master Plan (2030 LMP) documentation describes as suitable for a marina or harbor, both because the private interest wants it, and because WPD may have ulterior motives for its project such as creating an entertainment-focused harbor/marina that will generate private contracts. That plan would be

inconsistent with the Centennial neighborhood's dignified residential character. Maintenance costs over half a century regardless of circumstances will be burdensome. The Village should flesh out the true motivations behind WPD's proposed construction of a massively oversized, dangerous, access-blocking, unsightly, expensive, inappropriate structure that they expect taxpayers to pay for and maintain for half a century.

4. Please carefully scrutinize WPD board president Codo's 2024 execution of a presumptively unlawful 50 year Restrictive Covenant over all 5.22-5.3 acres of Centennial Park and beach, agreeing never to alter "design elements" for half a century, in exchange for a conditional $3 million payment. The Restrictive Covenant creates a right to sue WPD for liquidated damages, and/or possibly ownership of the park itself. This would be immutable, regardless of demographic changes, the effects of climate change, future needs, costs and/or usefulness, and/or damage to this or Winnetka's other beaches—again, in exchange for a conditional $3 million payment which coincidentally or not, is the amount of the agreed upon appraised value laid out in the purportedly "dormant" WPD-private individual swap agreement for "only" a 70 foot section of the park and beach, and resultant income tax deduction.

5. Given the magnitude of the private individual's rights to control Centennial Park's future, perhaps the Village should consider requiring it to apply for a permit jointly with WPD.

   See Attachment D, Donation Agreement and Restrictive Covenant

6. Multiple WPD agents, staff and commissioners have asserted publicly that Cook County's Animal Control "Dog Park" guidelines call for them to erect a three sided fenced-in dog cage on Centennial Beach and over 125' out into Lake Michigan, one of the immutable "design elements" covered by the Restrictive Covenant. Based on research into the Cook County Dog Park Ordinance, including email correspondence from the Animal Control Administrator, this does not appear to be a factual statement. The Administrator considers Centennial Beach a "Dog Friendly Area," which has no specific fencing requirements, and said directly he did not imply affirmative permission for WPD's Centennial designs to qualify as a "Dog Park," which WPD continues to misrepresent.

For further information please consult Public Comments contained in Village ZBA October, November and December 2024 meeting packets.

7. You should also be aware that in 2023 the Illinois Attorney General's Office initiated an Open Meetings Act investigation into WPD based on information it received regarding its failure to comply with the law.

8. As presented in his most recent Cook County Statement of Economic Interest, WPD Commissioner James has a private business relationship with The Lakota Group, including in Colorado. Unlike certain other municipalities, WPD has refused to use strictly independent consultants or to require Lakota to bid for the many hundreds of thousands of dollars it is making off WPD business. A Reva Development LLC (Warren James business) private project named "Avere on the High Line," for which The Lakota Group is architect of record, was sold in October 2023. As a taxpayer, I find it concerning that FOIA'd WPD staff, board member and Lakota Group employee communications from that time indicate group congratulations on a redacted matter, presumably a private business transaction between the aforementioned and references to private design input, followed by a sign-off on purportedly final designs for the Centennial project within a week of the Denver real estate closing. 1850 Quebec Way, LLC was the Denver property's buyer, represented by Holland & Knight's Nashville office. How was this relevant to Centennial project staff discussions in Winnetka involving the expenditure of taxpayer dollars? The FOIA'd documents are available on WPD's website.

Factual items leading to ever-greater concerns about WPD's motivations and the need for the Village to decline recommending granting a permit for plans that do not conform to Village standards are:

1. WPD misrepresented to the Village that it had an existing Special Use Permit for Centennial Park and Beach in its application, despite Mr. Schoon's explanation to me that the Village lacked SUP requirements when the public acquired Centennial via eminent domain in 1969, on top of the absolute lack of WPD documentation supporting this false claim.

2. In January 2023 WPD unlawfully erected an illegal fence along Centennial's beach stretching into the water, which it paid for using taxpayer funds. Following calls to the police and the Village because WPD's actions did not comply with Village fence permit requirements, WPD was forced to remove the fence.

3. In August 2024 WPD unlawfully cleared a broad section of Elder's bluffs during the pendency of the Village's review of its Centennial SUP permit application including bluff-based work. I feel this is indicative of its mindset toward Village zoning regulations with which other public applicants, such as schools and the library, routinely comply.

3. WPD claims its Centennial designs would provide "universal ADA access," yet they lack a critical component for public beaches: an accessible path to the normal recreational water level. WPD's only ADA report—prepared by staff in 2010–says access to the dog beach and waterline is a requirement. Nonetheless, WPD's current plans would prevent ADA access to the dog beach for half a century, violating not only applicable ADA requirements, but its OSLAD/LWCF grant conditions as well. WPD misrepresents that naturally occurring views currently available on the beach would morph into an ADA accessible feature, forcing persons who wish to traverse the beach onto a huge and potentially crowded boardwalk and/or rubble mound breakwater/pier. The boardwalk has a ramp only on its north side, with inaccessible stairs facing the private property owner to the south. The likely windy, possibly dirty (bird droppings), industrial looking, concrete-topped armored stone breakwater, which the Winnetka police chief said will be overtopped with waves, does not have steps that would allow patrons to traverse the beach. And, to date WPD has not agreed to follow the chief's safety requirements.

Summarily, in addition to not including access to the recreational water line, Illinois ADA design violations appear to be: (a) failure to provide an accessible route from the boardwalk to the dog beach/"animal pen"; (b) lack of ADA accessible drinking fountains (WPD proposes merely to move the two old fountains); (c) lack of a professional ADA review to see if parking spots are properly located; (d) potential lack of ADA-mandated lighting for low vision individuals; and (e) potential lack of properly sized ADA stairs, hand-railings and fencing. There could be other ADA issues

with WPD's designs that an expert would be able to identify, but one was never hired for this plan.

4. Now is not the time for Winnetka to create the North Shore's first open air restroom and facilities-free public beach along Winnetka's Sheridan Road. WPD claims that some nebulous 1980s sentiment is the reason for its designs not providing legally required bathrooms/facilities at Centennial. In doing so it is abandoning the 2030 LMP's plans to have restroom and changing facilities at Centennial, obviously plans created after the 1980s. I think it is clear that WPD's no-facilities plan is not based on anything but questionable input into designs and/or money constraints. Winnetka's Lakefront/Maple Street's first beach house was constructed in the 1910s—yet over a century later, WPD plans a swimming beach without following laws in existence beginning in the late 1890s to prevent both public nudity and unhygienic conditions, all highly inconsistent with Winnetka's character.

5. WPD's indifference to the neighborhood, the Village, and the public at large, is evident in its refusal to plan for increased parking needs at Centennial. At ZBA's December 2024 meeting, a WPD rep suggested that running shuttles from New Trier High School's campus to Centennial Park would not result in greater park usage. Nearly 4,000 students attend NTHS, and many teenagers would love to jump on a shuttle to get to a sloped roadway with their skateboards, bikes, etc., to ride down the shared maintenance vehicle "racetrack"-like course in the midst of excited, wet, sandy dogs, children in strollers, low vision-challenged and other people, out to a concrete pier wide as Sheridan Road. The lack of thought and planning behind all of these important safety issues is breathtaking.

6. WPD's massive armored stone breakwater would create rip currents, structural currents, endanger swimmers, kayakers, paddle boarders, boaters and those charged with monitoring their safety—our very young lifeguards. WPD's current beach job openings posting indicates that it is hiring children as young as 15 years old for beach attendant positions, and 16 year olds for lifeguard positions. Children and college students who seasonally staff the beaches during summer breaks are not professionals who can reliably assess and manage a heightened risk environment involving stones, steel and concrete stretching almost a football field's length into Lake Michigan. The Great Lakes Safety Coalition's publicly

available safety information states that: "Many drownings occur when kids jump off or are swept off piers by wind and waves. There is often cement or rocks below and the colliding waves and currents create a washing machine effect that takes swimmers and would-be rescuers every year."

7. I am shocked that the WPD pay scale for young lifeguards whose job involves much greater risk is lower than for summer camp counselors.

8. Three of my children lifeguarded at Winnetka's beaches. I asked one about going through the waters of Lake Michigan to reach Elder's facilities, regardless of season or conditions, or using a typically dank porta-potty in a wet, sandy bathing suit or bundled up against the cold. She said she would never take the job under those circumstances. WPD representatives have testified publicly and under oath, that they expect everyone—able-bodied, challenged, vision-impaired, employees working 6-7 hour shifts or even double-shifts, to slog through Lake Michigan—which from late May-July is freezing cold—to get to Elder's bathrooms, or to leave the park and travel well above the 300 foot legal maximum distance to get to Elder's bathrooms. Would WPD really put a porta-potty on Centennial's tabletop to avoid violating Illinois's public health laws and/or following its 2030 LMP's bathroom plans? Given the lack of publicly provided porta-potties anywhere in Winnetka, how could that possibly meet the Plan Commission's approval standards?

9. Village Attorney Peter Friedman stated that WPD's plan would violate the Code by forcing people who wish to exercise their right to traverse the beach to cross onto 205 Sheridan's lot, upon which they will potentially face legal action involving quasi-criminal trespassing charges. This alone should be dispositive to deny WPD's permit application.

10. In attempting to justify its plans, WPD continues to feature outdated photos of the lakefront both to the public and the Village. Today's lake levels are historically low, and climate change is predicted to keep them lower due to higher Lake Michigan water temperatures and less ice cover, leading to more evaporation. Centennial Beach is simply not at risk of being covered by high waters outside of normal lake level fluctuations. USACE and other Great Lakes experts have made statements that armored stone breakwaters like the one WPD is proposing become increasingly dangerous when lake levels are low because people and

animals are more likely to become trapped in exposed rock crevices. USACE is currently studying the impact of wave action on breakwaters, which the Village should wait for to learn more about permanent, huge structures that require digging down into the lakebed. For decades, Dr. Charles Shabica has stated that shore perpendicular breakwaters increase scouring and downcutting, diminishing beaches and damaging the lakefront. In short, there is no compelling or even valid reason for WPD's anachronistic breakwater designs.

11. In 2023, WPD conducted a community-wide survey that ranked the beaches among the public's lowest WPD priorities. In 2024, it initiated and then jettisoned an unscientific survey, because the board did not vote to conduct it. This is an alarming fact pattern.

12. In October-November 2024, the Winnetka Caucus Council conducted and reported on community survey results showing over 60% of respondents wish to re-open Elder Beach as a "temporary solution" to the Elder-Centennial project quagmire. Likewise, with respect to WPD's "Donation Agreement" and Restrictive Covenant granted to the Ishbia Family Foundation, 50% of all respondents agreed that WPD should renegotiate the Donation Agreement, rising to 63% if "No Opinion" non-responses were excluded, and strongly want to "eliminate the Restrictive Covenant, or pursue alternative funding if necessary."

Based on the foregoing inconsistencies, public hostilities, grandiose claims, WPD's refusal to survey the public regarding its actions, its refusal to put the multi-million dollar cost of its proposed actions to referendum, the public's desire to re-negotiate the donation agreement and get rid of the Restrictive Covenant, please follow the excellent work of the Zoning Board and deny approval of WPD's poorly conceived Centennial permit application.

Respectfully submitted,
Kristine Schriesheim

ATTACHMENT A

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September 19, 2022

VIA ELECTRONIC MAIL

Board of Commissioners, Winnetka Park District
Mr. Warren James, President, wjames@winpark.org
Ms. Christina Codo, Vice President, ccodo@winpark.org
Mr. Mickey Archambault, Commissioner, marchambault@winpark.org
Mr. Eric Lussen, Commissioner, elussen@winparkorg
Ms. Cynthia Rapp, Commissioner, cyrapp@winpark.org
Ms. Colleen Root, Commissioner, croot@winpark.org
Mr. David Seaman, Commissioner, dseaman@winpark.org

Re: Legal violations stemming from the Winnetka Park District's Centennial Park Land Swap

Commissioners of the Winnetka Park District,

On behalf of our clients Kris and Rob Schriesheim, we submit the following.

The Winnetka Park District's ("WPD") proposed land swap with Justin Ishbia of Centennial Park land for 261 Sheridan (the "Land Swap") violates the law. In the process of pursuing the Land Swap, the WPD has violated the Open Meetings act and its own policies. The WPD should cease efforts to engage in the Land Swap.

As Commissioners of the WPD, you are bound "to the betterment of the Winnetka Park District's residents and stakeholders." WPD Policy Manual 2.05. You also "[r]epresent all those whom [the WPD] serves, not just a particular . . . interest group." *Id.* at 4.14.I.11. These duties are owed to *all* of Winnetka's residents and stakeholders.

Despite these clear duties and responsibilities owed to all residents, the WPD has, over a period of *years*, (i) acted as a co-applicant to the United States Army Corps of Engineers and Illinois Department of Natural Resources for a permit that violated the Public Trust Doctrine; (ii) violated the Illinois Park District Code; and (iii) disregarded clear public sentiment and violated the Illinois Open Meetings Act ("OMA") by strategizing and negotiating with a private party in Executive Sessions of WPD meetings.

Public Trust Doctrine. As discussed in our September 8, 2022 memo to the WPD, the Public Trust Doctrine is a well-established legal concept dictating that the submerged lands of Lake Michigan belong to the State of Illinois. Title to those submerged lands is held in trust for the people of the State of Illinois. Neither the State nor any municipality may sell submerged

lands or transfer those lands to a private party, because those lands do not belong to the government to sell. The rights of landowners adjacent to Lake Michigan are limited. Their private property may not be accreted, or increased, at the expense of the lakebed through their intentional acts or collusion with others. Any beach area that is artificially accreted beach is *legally public*. It is not private property. Public land may not be walled off from the public. And any demand for "privacy and security" from public land is unjustified and misplaced, at best. For the WPD to acquiesce to any such demand would constitute a breach of the public trust and would be actionable at law.

Park District Code. The Illinois Park District Code permits the WPD to exchange property with a private party so long as the exchange is of property that is of substantially the same or greater suitability for park purposes without additional cost to such district. The WPD may not pass title to formerly submerged lands held in public trust to a private party, but even to the other lands, given the lush beauty of the Centennial Park parcel to be traded, the arduous demands placed on the WPD by Mr. Justin Ishbia, and never-ending expenses incurred behind closed doors for two years, it is highly unlikely that the WPD can demonstrate that (i) the exchange of the Centennial Park parcel is for "other property of substantially equal or greater value" or that (ii) the Land Swap will occur "without additional cost" to the WPD.

Public Sentiment and Open Meetings Act. As evidenced by petitions and public comments in opposition, there is overwhelming opposition to the Land Swap. While the Land Swap alone is objectionable, the opposition to the Land Swap has been heightened by the WPD's failure to abide its duties to the Winnetka public. The years of negotiations in support of the Land Swap are marked by a lack of transparency and genuine public engagement, in what appears to have been an intentional attempt to avoid revealing to the Winnetka public the intention to relinquish the most desirable part of Centennial Park or that the Land Swap would include walls, fences, and otherwise restrict public access. Moreover, it appears that the WPD Board of Commissioners relied upon a tenuous and overly broad interpretation of the OMA's exemptions to conduct most of the conversations related to the Land Swap in closed session outside the ears and eyes of the public.

To be clear, we do not oppose a combined Elder Lane and Centennial Park as a matter of principle. But there are other tools the Winnetka Park District has at its disposal. The WPD owns Centennial Park in fee simple. The acquisition of the park was made possible through the actions of citizens of Winnetka who understood that the Village's lakefront should be available to the public. With the support of its citizens, the WPD brought a condemnation action against the owner of 225 Sheridan Road. The same path is available here. The WPD has offered to pay $5.2 million to secure 261 Sheridan Road. Certainly, this amount is sufficient compensation to Mr. Ishbia for the public use of the parcel. If the WPD believes the 261 Sheridan Road parcel is critical to its plans and Mr. Ishbia refuses to sell it voluntarily, the WPD should exercise its power of Eminent Domain to compel a sale. Under the Park District Act, it has the express statutory authority to do so. *See* 70 ILCS 1205/8-1(b)(1).This is exactly the path Winnetka pursued to obtain the land that now makes up Centennial Park. *See Winnetka Park District v. North Shore Hospital, Inc.*, No. 68 L. 16116, Petition to Condemn (Nov. 7, 1968, Cook County, Law Division).

Set out below is a recitation and analysis of the WPD's actions and violations of law and policy in its pursuit of the Land Swap.

I. Background

At the WPD Committee of the Whole meeting on September 8, 2022, certain Commissioners expressed a desire to approve the illegal Land Swap because consideration of the issue has "gone on long enough." While closed door discussion with Mr. Ishbia has been protracted, there has not been nearly enough public process. More than two years of closed-door meetings and subterfuge obscured the true and disturbing details of the WPD dealing with Mr. Ishbia. The relevant factual background below, which has been pieced together using publicly available documents, paints a concerning picture.

A. Origins of the Land Swap

In 2016, the WPD released the Winnetka Waterfront 2030 master plan ("2030 Master Plan" or the "Plan"). A part of the 2030 Master Plan envisioned combining Elder Lane Park and Centennial Park beaches. The Plan made clear that such a combination envisioned and discussed acquiring the parcel located at 261 Sheridan Road ("261 Sheridan"), which then and now separate the two parks/beaches. But, there was no mention or discussion of a "land swap" as a means to accomplish the combination. Nor was there any mention or disclosure that such a land swap would require the WPD to surrender 70' (or any portion) of Centennial Park, or nearly 15% of Centennial Park by acreage.

In 2019, WPD began negotiating to acquire 261 Sheridan. However, in August 2020, the WPD learned that another buyer had contracted to acquire 261 Sheridan Road and had agreed to pay an amount "substantially exceeding the WPD offer." *See* WPD, Minutes of Closed Meeting at 1, Aug. 21, 2020. That buyer was Orchard 2020 Revocable Trust ("Orchard 2020"), which was subsequently revealed to be controlled by Mr. Ishbia. Mr. Ishbia, through Orchard 2020, had recently purchased two properties to the south of Centennial Park, 203 Sheridan Road ("203 Sheridan") and 205 Sheridan Road ("205 Sheridan"). Orchard 2020 purchased 261 Sheridan for $6.1 million (almost $1 million more than the price that the resident to the north of Elder Lane Park had negotiated shortly before.)[1] Mr. Ishbia purchased 261 Sheridan (with a parcel width of 70') for the purpose of swapping it for 70' of park/beach front property of the southern part of Centennial Park.

[1] Recently, Mr. Ishbia has purchased a third property to the south of Centennial Park, 195 Sheridan Road.

B. Exchange Agreement and Related Negotiations

On October 10, 2020, the WPD and Orchard 2020 entered into a Real Property Exchange Agreement to exchange the southern portion of Centennial Park for 261 Sheridan Road (the "Exchange Agreement"). The WPD owns the Centennial Park land in fee simple.[2]

Prior to entering into the Exchange Agreement, on September 29, 2020, the WPD held a special board meeting the purpose of which, "was to provide the public with notice of the Park District's plan to exchange real estate owned by the Park District of other land along the lakefront between Elder Lane Park and Centennial Park." *See* Minutes of Special Board Meeting of the Commissioners and Officers of the Winnetka Park District, September 29, 2020.[3]

Notwithstanding the clear complexities related to the proposed exchange and the terms of the Exchange Agreement, "Commissioner James added **that the property exchange** will be a **typical real estate transaction** and normal steps are taken." *Id.* (emphasis added).

Under the Exchange Agreement, the only benefit that the WPD would receive is the conveyance of 261 Sheridan. *See* Exchange Agreement Recital F (emphasis added). As for the benefit to Mr. Ishbia, the Exchange Agreement includes a recital that: "Orchard **would benefit** from the exchange by the acquisition of undeveloped land adjacent to other property owned by Orchard, which additional land will **consolidate with the existing single family lot to the south to create one lot and will facilitate Orchard's use and enjoyment of a combined parcel** capable of residential development consistent with applicable law." *See Id.* Recital G (emphasis added).

In addition to the required conveyance of the Centennial Park parcel to Mr. Ishbia, the WPD "agreed" to the approximate fair market value of 261 Sheridan ($6.2 million) "based on Orchard's **arm's length purchase agreement** for 261 and related appraisals." *See* Exchange Agreement Section 3.B. (emphasis added). Also, regarding the value of the parcels, the Exchange Agreement states that "the Parties have commissioned two appraisals of the Centennial Parcel to be completed prior to the Exchange Closing . . . The Parties have commissioned two appraisals of 261 Sheridan to be completed before the Exchange Closing. . ." *Id.* §§ 3.A. and B. Notwithstanding a statutory requirement to obtain the appraisals, the Exchange Agreement stated that: "The approximate fair market value of the Centennial Parcel is $3,075,000 . . . The approximate fair market value of 261 Sheridan is $6,200,000. . ." *Id.* Given that appraisals were contemplated for both parcels (as required by law), it is unclear why the Parties agreed to the

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[2] In 1968, the WPD acquired the Centennial Park parcel as a part of the settlement of a condemnation action brought to prevent the construction of private homes on the shore of Lake Michigan.

[3] The audio recording of this meeting was difficult to hear or completely inaudible. It was easier to hear the resident comments than the Commissioner comments (most of which were inaudible). Moreover, some of the Minutes of the September 29, 2020 Special Board Meeting appear perhaps to fail to capture the full intent of resident comments. For example, the Minutes summarize that a resident "felt it's disconcerting that there has been no communication . . . Would like to see a bigger audience." The audio recording reveals the resident stated: with the swap, "25 trees would just be blipped out of existence . . . would like to continue this conversation with a larger audience." *Id.*

"approximate fair market" values under the Exchange Agreement before obtaining any appraisals.[4]

Under the Exchange Agreement, the WPD also ceded substantial control, power and benefit to Mr. Ishbia. The Exchange Agreement states that the WPD and Mr. Ishbia will not exchange the properties until each party secures "such governmental approvals as such Party may reasonably deem necessary to comply with zoning [and] intended use[.]" Exchange Agreement § 4.A. The WPD and Mr. Ishbia also bound themselves "to reasonably work together to submit joint applications for Government Approvals." *Id.* Moreover the Exchange Agreement provided: "**[f]or the avoidance of doubt**, in the event the Village of Winnetka puts in place **any conditions impacting** the Centennial Parcel that are **unacceptable to Orchard in its sole discretion, Orchard will have the right to terminate this Agreement.**" *Id.* (emphasis added).

Surprisingly for a public body, the WPD agreed to take steps to prevent disclosure of Mr. Ishbia's role: Section 20 of the Exchange Agreement contains an exceedingly broad confidentiality provision ("Confidentiality Provision"):

> Prior to Exchange Closing, except as may be required by law or subpoena, or in the event that Park District reasonably believes the disclosure would be compelled by the office of the Illinois Attorney General's Public Access Counselor . . . neither party **shall disclose to any third party any records containing any term or condition hereof** without the prior written consent of the non-disclosing Party. Unless and until the Exchange Closing occurs, **the results of any inspections or studies undertaken in connection herewith shall not be disclosed** . . . each Party agrees to keep confidential and not to use . . . any of the documents, material or information regarding either parcel supplied to such Party by the other Party . . . The Park District, subject to the requirements of applicable law, **agrees to use commercially reasonable efforts to maintain the confidentiality of the identity of Orchard's beneficiaries."**

(Emphasis added.)

C. Secret Negotiations and Additional Demands

As soon as the Exchange Agreement was signed, documents reveal Ishbia used his leverage to make additional demands. In response, the WPD repeatedly conceded to those demands, while shielding its concessions and Mr. Ishbia's role in them from public scrutiny.

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[4] Also, by providing "approximate" market values, the appraisers would have been aware of these values, which may have influenced the ultimate appraised values, which coincidentally ended up being the same values that were "agreed" to in the Exchange Agreement. Moreover, at this time the appraisals are over two years old and are stale.

In November 2020, WPD staff, representatives of Mr. Ishbia, and engineering consultants from Shabica & Associates, began design work on a contemplated south breakwater that would be shared between the WPD and Mr. Ishbia.[5]

Mr. Ishbia had an extensive list of demands (not included in the Exchange Agreement) that demonstrated either a misunderstanding of the Public Trust Doctrine and IDNR regulations or a callous disregard for the law that binds the governments and citizens of Illinois.[6] *See, generally*, WPD Redacted Closed Meeting Minutes, 2019-22. Primarily, Mr. Ishbia demanded a breakwater that prioritized "privacy and security," for what he considers to be his private property, above any other concern. An initial Orchard 2020 design for the breakwater called for a "masonry wall extending 100' lakeward of the seawall" with the top of the wall reaching 17' above the normal height of the water. *See* WPD, Minutes of Closed Meeting at 1-2, May 13, 2021. WPD minutes record having informed Orchard 2020 that such a wall "would never be permitted or approved." *Id.* at 2. Further, the minutes indicate that Mr. Ishbia was seeking "restrictive covenants over the lakebed," which the WPD noted was something it could not grant because "it is land it does not own." *Id.* at 2. Further, in response to the proposed designs contemplated for the south shared breakwater, which included louvers—a deceptively vague term for what is effectively a steel wall—at the top of the structure, the IDNR stated "pedestrian access needs to be allowed." *Id.*

In response to Mr. Ishbia's demands, WPD staff noted that "although the park district has been told on several occasions by individuals with extensive background that the permit should be submitted without the louvers, the process is moving forward with the path chosen by Orchard 2020." *See* WPD, Minutes of Closed Meeting at 1, July 22, 2021. WPD minutes reflect that a Commissioner later noted that "the design to provide privacy to Orchard is unique, has not been done anywhere else, and is being done for one purpose which is to provide Orchard security and privacy." *See* WPD, Minutes of Closed Meeting at 2, Mar. 24, 2022. Commissioner concerns were also raised about the property exchange process and the park district's duty to the public

[5] Although not provided for in or contemplated by the Exchange Agreement, Mr. Ishbia made additional demands and some concessions in a so-called "Master Agreement." These demands were not well received by the WPD. Commissioner Warren characterized these demands and Mr. Ishbia's proposed "Master Agreement" containing the demands as: "a document that had no precedent and no basis to be found in the Exchange Agreement. After rejecting the absurd demands contained in the Master Agreement, we spent severa[l] weeks in hours [l]ong negotiations whitt[l]ing away to arrive at the three draft anci[ll]ary agreements." *See* Email from Warren James to Steven Adams, John Peterson and Christina Codo, dated April 3, 2022, 12:00 A.M. As a concession, Mr. Ishbia proposed "[to] pay for 50% of the south breakwater", a smaller version of which had been contemplated as part of the shore renovations since the Winnetka Waterfront 2030 Plan was issued. *See* WPD, Minutes of Closed Meeting, at 2, Aug. 21, 2020

[6] In August 2021, *one year* after Orchard 2020 entered into an agreement to purchase the lakefront property at 261 Sheridan, WPD minutes state: "Orchard 2020 has completed their own research and now has a better understanding of the regulatory authority, jurisdiction and permit process of the [USACE] and [IDNR]." *See* WPD, Minutes of Closed Meeting at 1, Aug. 26, 2021.

and the public trust doctrine. *Id.* at 2; *see also* WPD, Minutes of Closed Meeting at 1, Sept. 22, 2021.[7]

Despite these concerns, the WPD and Orchard 2020 submitted a joint permit application to the USACE and IDNR for the shore project. The application was submitted jointly at the request of the IDNR because the "proposed improvements extend to [Isbhia's] property." *See* WPD, Minutes of Closed Meeting at 1, Feb. 10, 2022. Subsequent negative public reaction from Village of Winnetka citizens led the WPD to withdraw the application.

On June 16, 2022, following the withdrawal of the application, the WPD held a public meeting at which the Exchange Agreement and related details were discussed. Mr. Ishbia appeared and reiterated certain demands. *See* Winnetka Park District Committee of the Whole and Regular Board Meeting June 16, 2022, video available at https://youtu.be/Y1zQk5SVfaw, last accessed August 10, 2022. Mr. Ishbia stood fast on his demand that the breakwater that is sited to be built on land currently owned by the WPD have planter boxes with plantings found objectionable by Commissioners and Village Citizens. Mr. Ishbia's reasoning was the same as it had been since the start of negotiations.[8]

For Mr. Ishbia, "it was really important to have there be something that signifies: end of public property. The public beach has to end." *See* Winnetka Park District Meeting, June 16, 2022, https://youtu.be/Y1zQk5SVfaw, at 2:37:00 – 38:35. When asked about whether he would agree to a revised design that incorporated the IDNR's guidelines for access atop the breakwater, similar to access at other Winnetka parks, Mr. Ishbia stated: "That's not your park, that's my house." *Id.* at 2:54:30 – 3:03:06, at 3:01:15. (The reclaimed beach adjoining his property is not and never can be Mr. Isbhia's beach.) In considering land that currently constitutes Centennial Park, WPD Commissioners then discussed whether passage was currently possible beyond the proposed site of the breakwater and across the full length of the property held by Mr. Ishbia. *Id.* There was no dispute that it was possible to access the engineered, accreted beaches of 205/209 Sheridan Road and 203 Sheridan Road.

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[7] *See also* WPD, Minutes of Closed Meeting at 1, July 22, 2021, "Orchard decided he would like to proceed with the permit to include the fence, as proposed . . . Orchard has chosen the riskier, public safety path to permitting and is willing to work with the park district should the permit be rejected. The attorney for Orchard 2020 and Steve Adams, attorney for the park district, will collaborate on a legal brief to make the most persuasive case to have the plans approved as proposed." Aside from privilege issues, it is a concern that the WPD and Mr. Ishbia's attorney appear to be working together to violate the public trust doctrine discussed below for Mr. Ishbia's benefit.

[8] It appears that the idea for the so-called "planter boxes" originated from WPD leadership. *See* April 29, 2021 email from John Peterson (WPD Executive Director) to a private citizen who is the owner of the property to the north of Elder Lane Park: "Warren James has been a warrior in working to design a first-of-its-kind planter pocket and breakwater for use at Elder Lane Beach and Centennial Beach. The collaboratively-developed plans include hard work and expertise from Orchard 2020, Orchard 2020's owner's representative, Mariani Landscape, Jon and Charlie Shabica, The Lakota Group team members, and others. . . ."

D. Coordinated Communications, Lobbying, and the Public's Negative Opinion

While conceding to Mr. Ishbia's unprecedented demands, the WPD teamed up with him to develop and implement a public relations campaign and garner public support for his changes. Throughout this process, WPD Commissioners and Winnetka public employees took directions from the paid consultants of their counterparty, Mr. Ishbia.

One example includes an email, dated March 25, 2022, from Tricia Charbonneau (of Seiler Consulting, Ltd.) to Warren James, John Peterson, Steven Adams, David Williams, Andrew Arons and Greg Seiler. (Mr. Ishbia hired Seiler Consulting, Ltd. ("Seiler") as his project manager.) In that email, Ms. Charbonneau wrote:

> Below please find some feedback, being shared to supplement the content and strategies for future open houses and successful public comment period . . . [with regard to Shabica] Take out language in his slides that note the IDNR and the Corps guidance about access up and over lakeward structures. **No reason to write this or publicly discuss the grey area unless asked.** Nor is there any reason for him [Shabica] to ever mention again the idea of permitting the project without the fence. **It's not helpful to anyone except the opposition. Please coach Jon** on what topics to address in future forums . . . [with regard to Scott Freres] **Change all language about 'louvered air screens' to louvers** . . . Furthermore, the louvers look 100% monolithic in this view and doesn't help the cause. **Oblique views** that show the water line through and the horizon **are much more effective** . . . When Colleen [Root] asked last night if the planting pockets (and she implied fences) had been installed anywhere else, I was dying [underline in original] for someone to mention Lee Street Beach . . . **Armed with the right script,** this could be a good thing for Jon to speak to . . . Would it make sense to build a portion of the presentation to somehow say no plan is perfect . . . and the Board won't let 'perfect [sic] the enemy of good' . . . In the continued push to reach more groups to get their support now and before public opinion-we'd like to discuss a strategy for this next Tuesday. **What groups does WPD have access to and what's the strategy to contact them to garner support?"**

See March 25, 2022 email from Tricia Charbonneau (Seiler Consulting) to Costas Kutulas with copies to Warren James, John Peterson, Steven Adams, David Williams (counsel to Mr. Ishbia), Andrew Arons, and Gregg Seiler (emphasis added), attached hereto as Exhibit A. As a general matter, it does not seem appropriate for the WPD to be partnering with a private citizen's consultant in these matters. More egregiously, however, Mr. Ishbia's consultants are coordinating with WPD Commissioners regarding how best to obfuscate the true impact of the Land Swap from Winnetka citizens. Moreover, Seiler is advising the WPD President, WPD Counsel and WPD Executive Director about how to beat back questions from another WPD Commissioner.

Shockingly, even as the WPD conceded to his demands, Mr. Ishbia's disrespected and bullied the WPD and its members. For example, during an April 9, 2021 telephone call between

WPD Executive Director John Peterson and Mr. Ishbia, Mr. Peterson informed Mr. Ishbia that the WPD is "going into a 14-day cooling off period regarding work associated with the main segment of the current draft of the Lakefront Structure and Boundary Wall agreement." John Peterson Notes from the April 9, 2021 telephone call between WPD Executive Director John Peterson and Mr. Ishbia (referred to as "Orchard 2020"), include:

> I recognized Orchard 2020 was taking the call while spending time with his oldest child and that I appreciated hearing his son's voice in the background.
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> ***
>
> I noted Warren James continues to invest incredible energy and effort to address all issues with the breakwater design to benefit Orchard 2020 and the Winnetka Park District. I cited:
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> ***
>
> > Warren's work on Thursday April 8th with Jon and Charlie Shabica to address sand elevation issues which may result in a larger wall. A larger wall could benefit Orchard 2020 given his interest in security and privacy. . .
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> ***
>
> I stated that, in summary, the Park District's best course of action for the near term is . . . for Warren to finalize a mutually acceptable Plan A breakwater design, so in collaboration with Tricia, Jon Shabica, and The Lakota Group.
>
> ***
>
> He said we've essentially ruined the property exchange opportunity and that he would start working on his plan to acquire the property south of 203 Sheridan Road so he never will need the parkland on the south end of Centennial . . . I asked if the home was for sale . . . Orchard 2020 replied that the home is not listed for sale, but that everything is for sale because everybody and everything has a price.
>
> He said he would issue a press release . . . [that] would make the District look very bad.
>
> ***
>
> He stated that he is not allowing the WPD to discuss the breakwater design with IDNR.
>
> He stated we are acting like little girls with a 14-day cooling off period.

He said the Winnetka Park District leadership is not to be trusted.

He said he will talk with John Edwardson to tell him we are bad people and that John should never negotiate with us and, in addition, tell John not to donate any money to the Winnetka Park District because he . . . never will give any money to the Park District - - ever. [Note: possible defamation lawsuit]

He said he'd never seen anything like a 14-day cooling off period in his entire business career . . . it's like breaking up with a high school girlfriend.

***

He said he felt abused and taken for granted. He said we are acting in bad faith.

***

Orchard 2020 was not energized (yelling or threatening) like he's been in the past - - - he generally was calm, which I believe was influenced by family in very close proximity.

I thanked him for his time and ended the call.

See April 10, 2021 email from John Peterson to Warren James, with copy to Steven Adams re: FW Notes from Friday, April 9, 2021, attached hereto as Exhibit B.

Despite Mr. Ishbia's threatening statements and tactics, the WPD partnered with Mr. Ishbia on public relations and lobbying efforts. In a meeting on August 23, 2021, the WPD President, Executive Director, and Park Superintendent met with David Williams and Andrew Arons (both counsel for Mr. Ishbia) and Tricia Charbonneau from Seiler for a "working meeting." Apparently, although Mr. Ishbia's representatives included two lawyers, the WPD's counsel was not present at the meeting.[9] *See* August 20, 2021 email from Tricia Charbonneau (Seiler Consulting) to John Peterson, Costas Kutulas, David Williams (counsel to Mr. Ishbia) and Andrew Arons (counsel to Mr. Ishbia) with August 23, 2021 Agenda, attached hereto as Exhibit C. Some of what was discussed at that meeting included:

Figure out the optimal way to **engage public officials** in a manner that will be productive, not backfire, and **get to 'yes with fence.'**

[9] It should be noted that Mr. Ishbia's lawyers prepared so-called legal "white papers" regarding the applicability of the public trust doctrine and the authority and jurisdiction of the United States Army Corps of Engineers. *See* August 27, 2021 email from John Peterson to Eric Lussen with white papers attached. To the extent that the WPD relied on the white papers is very concerning. The white paper discussing the public trust doctrine is cursory, barely contains a discussion of the facts and law, and is woefully incomplete.

> Best message for all to carry is likely 'this is a beautiful park, the **fences are absolutely necessary** for safety, here's why".
>
> [With regard to lobbyists] Are these agents the right ones to **'thread the needle' with communications to garner support** for the plan . . . .[10]
>
> **Demonstrate the public process followed** to generate this design – **can we substantiate that the project was 'designed in coordination with the public'** and/or that 'there is public support for the project including the louvers'?
>
> 1. Winnetka Waterfront 2030 Plan - **How can we indicate this was the public comment period where the plan was approved**, voted on, and heard by stake holders as part of this process? And that the **fence is a micro engineering detail in this process**?

Id. at 1-2 (emphasis added). The 2030 Master Plan did not propose a land swap that would give up part of Centennial Park, fencing, or walls, yet WPD and Mr. Ishbia's consultants and lawyers were attempting to use the 2030 Master Plan to "indicate this was the public comment period where the plan was approved." There had been no such public comment period and the fence was not a "micro engineering detail." Further, while Mr. Ishbia's consultants directed the WPD and its agents to use the term "louvers" when discussing the design elements externally, internally, they called it what it was: "the fence."

E. Continuing Exploration of Land Swap

When the public discovered the WPD plans to build a fence and breakwater at the south end of Centennial Park, the public responded forcefully, opposing both the fence and the Land Swap. On May 26, 2022, a petition opposing the swap including over 1,700 signatures was presented to the WPD (Winnetka has a population of 12,475 according to the 2021 census).

Yet, despite the public opposition, on September 8, 2022, the WPD held a meeting of a Committee of the Whole furthering the Land Swap. The agenda for that meeting was posted 48 hours in advance of the meeting. At the meeting, without the requisite notice, let alone any notice whatsoever, the WPD announced that Mr. Ishbia was in attendance, desired to speak, and would be added to the agenda (Unfinished Business). Mr. Ishbia suggested and some members of the WPD appeared to continue to support proceeding with the Land Swap.

But under its own terms the Exchange Agreement is no longer legally binding. Section 4.F. of the Exchange Agreement provides in pertinent part:

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[10] Apparently, Mr. Ishbia retained former Illinois Senate President, John Cullerton, as a lobbyist to lobby Mr. Cullerton's former chief of staff and current Deputy Governor, Andy Manar "who currently oversees IDNR." *Id.*

> In the event that the conditions contained in this Section 4 are not satisfied or waived on or before One Hundred Twenty (120) days after Effective Date ('Contingency Period'), either party may give notice of termination to the other Party not later than fourteen (14) days after the expiration of the Contingency Period, and this Agreement shall become null and void. Notwithstanding the foregoing, either Party shall have the right to extend such deadline by an additional one hundred twenty (120) days by delivery of written notice to the other Party prior to the expiration of the Contingency Period if Government Approvals have not been granted by such date.

Under Section 4.F. of the Exchange Agreement, the latest date to which such extensions would have run was May 12, 2021. In fact, counsel for the WPD sent a letter to Orchard's counsel dated June 18, 2021, in which WPD's counsel stated:

> As we previously stated both verbally and in writing, **the October 2020 Property Exchange Agreement cannot be extended or terminated by your client at this time.** Your June 4, 2021 **purported extension of the Exchange Agreement is not timely and not effective** . . . To be clear, the Park District does not agree with your assertion about a prior extension. As you know, the Park District believes that the parties mutually agreed to extend the Exchange Agreement through February 19, 2021, which was confirmed by Steve Adams' February 10, 2021 email to you. **However, there have been no other timely notices or agreements for any additional extensions of the Exchange Agreement in writing or verbally.**

(Emphasis added.) As the WPD counsel wrote, the Exchange Agreement is dead, and it should not be resuscitated.

II. Legal Violations

The WPD's continued pursuit of the Land Swap has run afoul of the law in at least three respects. The Land Swap itself violates the Public Trust doctrine and the Park District Act. Moreover, the process the WPD has followed in pursuing the Land Swap violated the Illinois Open Meetings Act.

A. The Land Swap Violates the Public Trust Doctrine

First, the Land Swap violates the Public Trust doctrine. As our memorandum addressing Winnetka lakefront property and the public trust doctrine, dated September 8, 2022, discusses in greater detail, Mr. Ishbia has no right to exclude people from the public beaches in front of his newly acquired property. The rights of landowners adjacent to Lake Michigan are limited. Their private property may not be accreted, or increased, at the expense of the lakebed through their intentional acts or collusion with others. Neither the State nor any municipality may sell submerged lands or transfer those lands to a private party, because they belong to the public itself and cannot be sold.

When Mr. Ishbia stood up in front of his soon to be Winnetka neighbors and demanded the ability to fence off the beach, he argued that "[i]t was really important to have there be something that signifies the end of public property. The public beach has to end." This statement signals two things—either Mr. Ishbia does not understand the law that governs the land he just bought, or he does not believe the law should apply to him. Having made the decision to acquire land adjoining a public beach reclaimed from the lake, Mr. Ishbia now seeks to contort the WPD's processes to shield himself from the obvious consequences of his own decisions.

All of the beaches stretching from Centennial Park to 195 Sheridan Road have been enhanced through structures built by the owners of the property. Any beach area that is artificially accreted beach is *legally public*. It is not private property. Public land may not be walled off from the public. Any demand for "privacy and security" from public land is misplaced, at best. For the WPD to acquiesce to any such demand would constitute a breach of the public trust and would be actionable at law.

B. The WPD's Land Swap violates the Park District Act

Second, proceeding with the Land Swap as currently contemplated would violate the Park District Act. The Illinois Park District Code requires that:

> Any park district owning or holding any real estate is authorized to convey such property to a nongovernmental entity in exchange for other real property of substantially equal or greater value as determined by 2 appraisals of the property and **of substantially the same or greater suitability for park purposes without additional cost to such district.**

70 ILCS 1205/10-7(b) (emphasis added).

In addition to the fact that the appraisals are now stale, it seems highly questionable that the WPD can meet the requirement that the exchange of the Centennial Park parcel is for "other property of substantially equal or greater value" as the Centennial Park parcel does appear to be much nicer than the 261 Sheridan parcel and is already a park.

Regardless, the WPD has never provided the public with a budget, analysis or itemization of the additional costs that will result from the land swap. Instead, the WPD simply made conclusory findings in the Ordinance and the Exchange Agreement that, "[b]ased upon the information provided at the public meeting held September 29, 2020, the Park Board hereby determines that the substantially the same or greater suitability for park purposes without additional cost to the Park District." In fact, the WPD has not and will not be able to show that the 261 Sheridan parcel is "substantially the same or greater suitability for park purposes" as 261 Sheridan has a house on it and is objectively not as desirable park space.

Moreover, it appears beyond dispute that there will be additional costs associated with whatever the plan ultimately is for 261 Sheridan.[11] It must either be maintained or demolished. Even if the residence is demolished, there will be costs beyond the demolition that must be considered and itemized.[12]

To date, the WPD has already expended enormous resources including staff time, legal and consultant fees, fees and costs associated with responding to Mr. Ishbia's demands and requests from his consultants and other costs that have not been publicly disclosed and listed.[13] The WPD also must consider the additional costs associated with the infrastructure that Mr. Ishbia has, at times, demanded be built as a condition of the land swap closing. The fact that the WPD has agreed to the Land Swap without a solid plan for the residence alone demonstrates that the WPD does not yet even have the information available to conclude it will be "without additional cost" to the WPD.

C. The WPD's Excessive Use of Executive Sessions Violate the Open Meetings Act

Third, and finally, whatever path the WPD chooses, it must stop acting in secret—in violation of the Illinois Open Meetings Act. The WPD has relied upon the following exceptions to justify its secret discussions of the Land Swap for: "The purchase or lease of real property of the use of the public body, including meetings held for the **purpose of discussing whether a particular parcel should be acquired.**" and "[t]he **setting of a price** for sale or lease of property owned by the public body." OMA §§ 2(c)(5) and (6) (emphasis added). But the Illinois Open Meetings Act, 5 ILCS 120/2 provides that any exceptions to the OMA "are to be **strictly construed**, extending only **to subjects clearly within their scope.**" (Emphasis added.) Moreover, the "exceptions **authorize but do not require** the holding of a closed meeting to discuss a subject within an enumerated exception." *Id.* (emphasis added).

The WPD closed meeting minutes are replete with examples of topics and discussions that went far beyond discussing the purchase of real property (whether a particular parcel should be acquired) or the setting of a price for sale of property owned by the district. For example, the June 24, 2021 Winnetka Park District Closed Meeting Minutes provide that:

> Mr. James also reported a meeting was held June 10th with State Representative Gabel, Gabel's chief of state . . . and Senator Laura Fine at the lakefront. Costas

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[11] Even if Mr. Ishbia were to fund the demolition costs, it would not cover the "additional costs" incurred to date or in the future. At the very least, the WPD should have requested that all of its costs associated with satisfying Mr. Ishbia's demands were covered by him. Moreover, to protect itself from any future "additional costs", the WPD should request an indemnification and escrow for any such additional costs.

[12] There has also been some discussion of converting the residence into a restaurant, which would obviously entail significant financial investment.

[13] According to the WPD, from 2019 through mid-June, 2022, the WPD has spent $207,089.85 on the property exchange alone. Including the Breakwater Project, Stormwater at Elder, Dog Park, and other costs, from 2019-mid-June, 2022, the WPD has incurred costs in the total amount of $521,934.82.

> Kutulas joined the meeting, Tricia Charbonneau [Mr. Ishbia's consultant from Seiler Consulting], the **owner's representative for Orchard 2020, also participated.** Representative Gabel and Senator Fine have agreed to sign letters in support of the project. **A draft letter was shared with Orchard 2020 and Ms. Charbonneau to seek their input** . . . Commissioner Root expressed concern about the amount of money spent since September 2019 on legal fees and consultants attributable to the property exchange . . . Commissioner Seaman inquired if there is an expectation to continue incurring monthly legal bills in excess of $15,000. Commissioner James replied probably not.

(Emphasis added.)

Another example is from the September 22, 2021 Winnetka Park District Closed Meeting Minutes:

> Commissioner James added there is **refined design** to be proud of, and aesthetics have been carefully considered . . . Commissioner Archambault concurred with Commissioner James noting that **every decision was discussed and decided on by the board during closed session meetings** . . . Executive Director Peterson explained the **design elements proposed for Elder-Centennial** evolved from what was learned from Lloyd and are significantly better than the original desire of Orchard 2020 for a brick wall.

(Emphasis added.)

These WPD closed meeting discussions (design elements and meeting with public officials), of which there are many more examples, clearly do not fall within the OMA exceptions relied upon by the WPD. Moreover, Mr. Ishbia's representatives were being apprised of and participated in the process while the public was excluded. *See People ex rel. Ryan v. Village of Villa Park*, 212 Ill.App.3d 187, 570 N.E.2d 882 (1991) (closed session of village board of trustees did not fall within exception for open meetings where the acquisition of real property is being considered as the board was not discussing formulating terms of offer to purchase specific real estate or discussing seller's terms and was not considering strategy for obtaining specific real estate and the court noted "[t]he exemption in section 2(c) of the Act only applies if public agencies are discussing formulating the terms of an offer to purchase specific real estate or discussing seller's terms, or if it is considering strategy for obtaining specific real estate.") *Id.* at 886-887.

III. Conclusion

The Winnetka Waterfront 2030: Elder Lane + Centennial Project is an ambitious vision for a leading community in the State of Illinois. Unfortunately, the desire to realize that vision has rendered the WPD unable to recognize the many failings of its actions. Over more than two years, the WPD has sought permission from the IDNR and USACE to build a fence for Mr. Ishbia to privative public land; violated the Park District Code by agreeing to a property exchange that requires substantial additional costs by the District; and wrongfully shielded its work from the public through extraordinary Executive Sessions.

Publicly disclosed WPD internal communications reveal that the WPD leadership has apparently been coopted by Mr. Ishbia's agents and make it clear that the WPD has lost its perspective. The Winnetka public opposes the Land Swap. Any continued pursuit would raise grave concerns.

If the WPD chooses to move forward with the Land Swap, ceding to Mr. Ishbia public property, the citizens of Winnetka will be forced to seek legal relief to redress these violations of the Public Trust Doctrine, the Park District Code, and the Open Meetings Act.

To be clear, we do not oppose a combined Elder Lane and Centennial Park as a matter of principle. But the Winnetka Park District has other statutory tools at its disposal. In 1968, the acquisition of the park was made possible through the actions of citizens of Winnetka who understood that the Village's lakefront should be available to the public. With the support of its citizens, the WPD brought a condemnation action against the owner of 225 Sheridan Road and was able to settle the dispute for just compensation. That same path is available here.

Very truly yours,

G&R Public Law and Strategies, LLC

[redacted]

Paul J. Gaynor

EXHIBIT A

Sent: 3/25/2022 12:00:00 AM
From: Warren James <WJames@winpark.org
To: "Tricia Charbonneau" "Costa Kutulas"
Cc: "John Peterson" "Steven Adams" williams@wbs-law.com "Andrew Arons" "Gregg Seiler"
Bcc:
Importance: Normal
Subject: Re: Orchard - notes on last night's presentation

Thanks for the feedback Tricia. Very helpful. Will respond more fully before Tuesday.

Warren James
Commissioner

P: (847) 501-2040
E: wjames@winpark.org

Winnetka Park District | winpark.org

From: Tricia Charbonneau <tc@seilerconsulting.com>
Sent: Friday, March 25, 2022 1:26:42 PM
To: Costa Kutulas
Cc: Warren James; John Peterson; Steven Adams; williams@wbs-law.com; Andrew Arons; Gregg Seiler
Subject: Orchard - notes on last night's presentation

Team,

Thank you again for the prep and presentation last night. Below please find some feedback, being shared to supplement the content and strategies for the future open houses and successful public comment period.

1. Shabica
    a. Take out the language in his slides that note the IDNR and Corps guidance about access up and over lakeward structures. No reason to write this or publicly discuss the grey area unless asked.
    b. Nor is there any reason for him to ever mention again the idea of permitting the project without the fence. It's not helpful to anyone except the opposition.
    c. Please coach Jon on what topics to address in future forums. It would likely be best if answers only questions directed to him.

2. Scott Freres
    a. His opening comments about "this conversation happening in communities all up and down the lake" and "looking for creative solutions, new ideas, greater community benefit" and "focus on access - for more residents, for seniors, more with alternative abilities" is fantastic.
    b. However, as discussed with Warren, he was not in top form last night. For the future, please make sure he is more versed in the technical details of the project and nomenclature (use 'planting pocket' and other terms correctly).
    c. Graphics
        i. Change all language about "louvered air screens" to "louvers". All presentations need to speak the same language.
        ii. The new elevation diagrams shown - the unfolded breakwater views - were not helpful in my opinion. First, they did not show the water line (they just showed the beach/lakebed) and this made the breakwater look super tall when further out in the lake. Furthermore, the louvers look 100% monolithic in this view and don't help the cause. Oblique views that show the water line through and the horizon are much more effective. Is this new drawing conveying something essential?
        iii. One graphic showed a dimension string of 169'-9" as the length of the louvers (I think). This dimension relates to nothing else we show - does that drawing and dimension have a specific purpose?

3. When Colleen asked last night if the planting pockets (and she implied fences) had been installed anywhere else, I was dying for someone to mention Lee Street Beach - and that it's similar to what's proposed here, but this project will be so much better (this kind of came up). Lee Street doesn't have planting pocket but is one of many precedents for fence on a breakwater structure. And we keep saying that other municipalities have this, but I don't think this has actually been shown much to the public. Slides that show a photo of Lee Street on the left, and they this project on the right - will demonstrate how much better this project is. And roll through all the cities - show the beat up Kenilworth stuff, yucky Lake Bluff, etc. to pound it home. Armed with the right script, this could be a good thing for Jon to speak to.

4. I was thinking more about the questions that Colleen Root raised last night and how to get in front of those and expose them rather than feel like they need to be defended against. Would it make sense to build a portion of the presentation to somehow say no plan is perfect, and thousands of hours of work have gone into building the best and current plan possible, and the Board won't let "perfect the enemy of good".
    a. Therefore, the PD has thoughtfully addressed some of the parts that aren't perfect and here's how:
        i. Make a slide that shows the pros versus cons in a side by side table; and then present that data.
    b. Write a one page "Frequently Asked Questions" document to answer some of these questions (*I'm offering sample answers for a couple of them*).
        i. Is beach and lake access being improved or reduced by this project?
        ii. What new or improved amenities are made possible by this project?
        iii. Why isn't there access up and over the breakwaters?
        iv. Why are the louvers needed and why are they so tall?
        v. Why is there a planting pocket in the project?
        vi. Do structures or barriers like this exist anywhere else on the north shore? *Yes, other municipalities in the north shore have barriers*

installed at the edges of their lakefront parts for a variety of reasons. Examples can be found in Glencoe, Kenilworth, multiple places in Evanston, Lake Bluff.

vii. Is the ability to look up and down the shoreline being lost? *Some shoreline views will be lost simply by the installation of the breakwater itself and the dimensions it must be to perform correctly. So yes, some shoreline views will be lost, mostly those closest to the toe of the bluff. To minimize this, the proposed project offers two strategies. First, the height of the stone breakwater is being lowered, and that material replaced with angled louvers. When past the planting pocket, most users will be able to see over the top of the stone and through the louvers. The louvers are angled so users can look through them to the shoreline and the lake horizon. Second, the proposed project will provide brand new shoreline vistas for thousands of users (including seniors and persons with disabilities) at the new middle pier, which is situated in the center of the new park and located 300' into the lake. This vantage point exists in no other north shore community and is only made possible by the consolidation of Elder and Centennial.*

5. In the continued push to reach more groups to get their support now and before public opinion - we'd like to discuss the strategy for this next Tuesday. What groups does WPD have access to and what's the strategy to contact them to garner support? The time before public comment is likely to go by quickly, people will be out of town, etc. so getting going now with after school groups, kid's groups, special ed groups, senior citizen groups, etc. is critical.

Best regards,
Tricia

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EXHIBIT B

Sent: 4/10/2021 12:00:00 AM
From: John Peterson <JPeterson@winpark.org
To: "Warren James"
Cc: "Steven Adams"
Bcc:
Importance: Normal
Subject: FW: Notes from Friday, April 9, 2021
Attachments: image002.png

Good evening, Warren.

Attached are notes from my telephone conversation with Orchard 2020 Friday evening, April 9th. Am sharing the notes with you given the board instructions to talk with Orchard 2020.

Please call / email should you have any questions or require additional information.

Thank you, Warren.

Kind regards,

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org

From: John Peterson
Sent: Saturday, April 10, 2021 5:38 PM
To: Steven Adams <sadams@robbins-schwartz.com>
Subject: Notes from Friday, April 9, 2021

Notes for communication Friday, April 9, 2021 with Orchard 2020:

9:30 a.m. Orchard 2020 tried reaching me on my mobile telephone at 9:30 a.m. I was not able to accept the telephone call due to other commitments.
9:30 a.m. JLP: I auto-texted Orchard 2020, "I'll call you back."
9:30 a.m. Orchard 2020 texted: "Ok".
9:31 a.m. JLP texted: "On a call with Village officials on a totally different matter. Thanks for your patience."
9:46 a.m. Orchard 2020: "Liked" my text.
10:11 a.m. Orchard 2020 texted: "Can I call you later?"
10:31 a.m. JLP texted: "Sure thing. Train wreck of schedule until 3:00 p.m."
10:32 a.m. Orchard 2020 texted: "Ok no rush, is Adams sending issues list today to us? Need to figure out a plan now that your meeting is over."
3:51 p.m. Orchard 2020 tried calling and I was not able to take the call.
5:02 p.m. I telephoned Orchard 2020 at 5:02 p.m. The call lasted for 23 minutes and two seconds.

The call started with recognition of Orchard 2020's travel Thursday, April 8th for a funeral. The general comments lasted six or seven minutes. We also talked about how an individual's life weaves with other lives - - I highlighted an example of my daughter interviewing Taylor Swift for five minutes as an example.

I recognized Orchard 2020 was taking the call while spending time with his oldest child and that I appreciated hearing his son's voice in the background.

We then shifted to business matters. I explained to Orchard 2020 the Winnetka Park District board has made the following near-term decisions and here is what I am instructed to communicate to Orchard 2020:

- We are going into a 14-day cooling off period regarding work associated with the main segment of the current draft of the Lakefront Structure and Boundary Wall agreement, that being the core agreement and key exhibits that link to key issues in the agreement.
- I noted Steve Adams is working to finalize a draft of a number of the not-so-key exhibits associated with the draft agreement, namely Exhibit D. Temporary License to Trusts for Construction of the Boundary Wall, Exhibit G. Sculptures, and Exhibit H. Transformer, and that the WPD will make sure we are ready to go with relocating the drinking fountain and the historical marker.
- I noted Warren James continues to invest incredible energy and effort to address all issues with the breakwater design to benefit Orchard 2020 and the Winnetka Park District. I cited:
    - Warren's work Thursday morning, April 8th, when he spent more than an hour working with four representatives of The Lakota Group addressing to, among other things, address key design issues to move a sidewalk well away from the proposed 25' easement;
    - Warren's work Thursday, April 8th with Tricia Charbonneau to learn of the initial design of the "Plan B" breakwater;
    - Warren's work Thursday, April 8th with Jon and Charlie Shabica to address sand elevation issues which may result in a larger wall. A larger wall could benefit Orchard 2020 given his interest in security and privacy; and
    - Warren being scheduled Monday, April 12th to work with Tricia to continue working to perfect the breakwater design.
- I also noted the WPD board of commissioners is unwilling and unable to cede control of parkland rights and/or improvements to a private property owner . . . that it is not legal. That said, we are trying to determine various options.
- I stated that, in summary, the Park District's best course of action for the near-term is for Steve to advance the exhibits to the core document and for Warren to finalize a mutually acceptable Plan A breakwater design, doing so in collaboration with Tricia, Jon Shabica, and The Lakota Group.
- Orchard 2020 expressed a very high level of disappointment. "First of all, I am very, very disappointed . . ." He acknowledged I simply am providing the message. He was calm in his delivery.
    - He said he's never heard of a 14-day cooling off period. What's a 14-day cooling off period? I re-stated the board's position, Steve's focused work, and Warren's focused work.
    - He asked, "What happens after 14 days?" I said we have to work through the next 14 days to understand what happens after 14 days and that we have another board meeting April 22nd.
    - He stated a 14-day cooling off period is what little girls say. It's like when he broke up with his high school girlfriend.
    - He continued to seek insight, for which I simply replied, "Here is what I've been instructed to communicate . . ."
    - He asked why Warren, Steve, and I could not make time to tell David and Orchard 2020 what we believe to be the key issues with the draft as provided Tuesday night by David Williams. He said he knew we were not happy with the definition of "Park" and that it would be easy to define "Park" as only Centennial Park. He said we all committed to a call Wednesday night and that he was disappointed Warren did not participate. I clarified that our collective commitment to the call was made Tuesday evening BEFORE Steve, Warren, and I had a chance to read David Williams' most recent draft, and after reading the draft, Warren opted not to participate Wednesday night after reading the terms drafted by David. He said Warren's actions were in poor taste and Steve and I at least had the courage to participate Wednesday night.
    - He again asked why Steve and I could not tell David and Orchard 2020 the key issues. I said, "Hey . . . dude . . . I've been instructed to communicate . . ."
    - He asked what I meant by "park improvements" or "park rights" - - I responded by referencing the Right of First Refusal and the parkland restrictive covenants as two key examples.
    - He said we should simply tell David and Orchard 2020 all of our issues and work out the language.
    - He said we've essentially ruined the property exchange opportunity and that he would start working on his plan to acquire the property south of 203 Sheridan Road so he never will need the parkland on the south end of Centennial. When he made that statement, I thought I heard him say he was going to purchase the "homes" south of 203 Sheridan Road - - I said, "Are you purchasing two homes south of 203 Sheridan?" Orchard 2020 said it's only the one home south of 203 Sheridan Road. I asked if the home was for sale (remembering the home is relatively new / newly built). Orchard 2020 replied that the home is not listed for sale, but that everything is for sale because everybody and everything has a price.
    - He said he would issue a press release so Winnetka residents would understand the deal they (the residents) thought they would be getting would, in fact, not happen and that the Park District, despite what it's been saying to people, would not be able to deliver a large, single park or beach. That he the press release would

be professional, but the press release would make the Park District look very bad.

- He asked, somewhat rhetorically, "Why should I waste another penny with my team to finalize a deal?" I said it was his decision regarding what to do next . . . that I had not, am not, nor ever will control his decisions . . . but, having some level of influence or control with the Park District's efforts and decisions, we have decided to continue to invest in, and pay the costs for, legal expertise, the expertise of The Lakota Group, and the expertise of Jon Shabica accordingly . . . that we are not stopping our work at this time - - but for stopping our work as it relates to the core segment of the Lakefront Structure and Boundary Wall Agreement for the 14-day period. Orchard 2020 said he would think about what he would instruct Tricia to do (although the tone of his voice led me to believe he would ask her to stop working with Warren).
- He stated he is not allowing the WPD to discuss the breakwater design with the IDNR.
- He stated we are acting like little girls with a 14-day cooling off period.
- He said the Winnetka Park District leadership is not to be trusted.
- He said he will talk with John Edwardson to tell him we are bad people and that John should never negotiate with us and, in addition, tell John not to donate any money to the Winnetka Park District because he (Orchard 2020) never will give any money to the Park District - - ever. [Note: possible defamation lawsuit]
- He said he'd never seen anything like a 14-day cooling off period in his entire business career . . . it's like breaking up with a high school girlfriend.
- He said there will be consequences because there are re-trade that never really go well.
- He said he felt abused and taken for granted. He said we are acting in bad faith.

- I expressed that I knew Orchard 2020 would not take well to the news and that I would be back in touch as soon as I had an update.
- Orchard 2020 was not energized (yelling or threatening) like he's been in the past - - he generally was calm, which I believe was influenced by family in very close proximity.
- I thanked him for his time and we ended the call.

John Peterson
Executive Director
Winnetka Park District
+1.847.501.2074
jpeterson@winpark.org
www.winpark.org


MINNETKA PARK DISTRICT
1924

EXHIBIT C

Sent: 8/20/2021 12:00:00 AM
From: Tricia Charbonneau <tc@seilerconsulting.com
To: "John Peterson" wjames@winpark.org "Costa Kutulas" <(CKutulas@winpark.org)> williams@wbs-law.com "Andrew Arons"
Cc:
Bcc:
Importance: Normal
Subject: Orchard - agenda for Monday
Attachments: 2021-08-23 Meeting Agenda.docx

To all,
Attached is the agenda for our Monday call.

Best,
Tricia

TRICIA CHARBONNEAU
SENIOR PROJECT MANAGER
C 312.438.0005
O 312.836.0540
tc@seilerconsulting.com

SEILER CONSULTING, LTD.
116 W Illinois Street
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Chicago, IL 60654
seilerconsulting.com

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CONSULTING, LTD

8/23/21 WPD working meeting Agenda

(JP, WJ, CK, DW, AA, TC)

12:30 - 1:30pm

Clarify contact points, communication paths, and goals of the various entities involved

- Figure out the optimal way to engage elected officials in a manner that will be productive, not backfire, and get to "yes with fence".
- Best message for all to carry is likely "this is a beautiful park, the fences are absolutely necessary for safety, here's why".

1. IDNR
    a. Who is talking to who?
    b. When was last point of contact and message?
2. Corps
    a. Who is talking to who?
    b. When was last point of contact and message?
3. Representatives
    a. Dick Durbin
    b. Tammy Duckworth
    c. Laura Fine
    d. Robyn Gabel
    e. Pritzker?
    f. How does Chris Rintz fit into this? If at all?
    g. Do we have all the key people targeted?
4. Lobbyists
    a. Are these agents the right ones to "thread the needle" with communication to garner support for the plan (e.g. "this is a beautiful park, the fences are absolutely necessary, here's why") and make clear that generous donation makes park possible but requires fence.
    b. What path do we want them to take? What's the route to get back to Soren or Jim?
    c. John Cullerton
        i. Is WPD comfortable engaging him?
        ii. Who will he communicate with?
            1. Andy Manar - currently oversees IDNR, used to be Cullerton's COS.
    d. Mike Reummler
        i. David is the contact.
        ii. Update on last activities?
        iii. Who is he communicating with?
5. Engineers

a. Key firms that the IDNR/Corps decision makers respect; get their input on how the application can be best presented, not backfire, and get to "yes with fence".
b. Jon Shabica
    i. Communication channels and influence should be powerful.
    ii. Would WPD apply some pressure to Shabica to utilize that?
c. Bill Weaver at AECom

6. Consultants
    a. Benesch
        i. Evidence, evidence, evidence will convince the Corps... spoon feed them.
        ii. Corps does not want to be embarrassed in public forum.
        iii. Felt the impact on the view corridors is likely to be important to the Corps.
        iv. Demonstrate the public process followed to generate this design - can we substantiate that the project was "designed in coordination with the public" and/or that "there is public support for the project including the louvers"?
            1. **Winnetka Waterfront 2030 Plan** - How can we indicate this was the public comment period where the plan was approved, voted on, and heard by stake holders as part of this process? And that the fence is a micro engineering detail in this process?
    b. Tim Dart
    c. Justin's cousin and business partner
    d. Others?
7. With whom, if anyone, has the WPD shared the proposed plans? Could you build a list of endorsements?

1:30 pm - 2:00 pm
Revisit comments by Soren Hall and Jim Casey

1. Content
    a. Provide clear answers to Soren's comments, including rationale.
        i. Provide surveyed OHWM based upon site characteristics.
        ii. Provide a detailed discussion of:
            1. *the project purposes such as shoreline protection, providing a stable beach for recreation usage, accommodations for non-motorized boat usage, pier construction, etc.*
            2. *What needs are being addressed by each of the project purposes?*
            3. *This establishment of purpose and need will be the basis for your analysis of alternatives considered.*

iii. *We have substantial concerns with the proposed louvered wall with regard to blocking access along the shoreline and aesthetics.*
    1. *We have historically required **reasonable accommodations for pedestrian movement along the shoreline** and anticipate doing so on this project as well.*
    2. *Although we acknowledge that efforts have been made to design the wall to limit **visual obstructions**, it could still potentially block views along the shoreline, particularly for individuals outside of the park boundaries.*
    3. *If the application includes a proposal for a louvered wall, the **purposes of the wall must be explained as to how it satisfies defined needs.***
    4. ***Alternative measure for meeting these needs must also be discussed and considered.***
        a. *For example, one of the stated needs was ensuring safety of beach patrons due to the elevation difference on either side of the wall.*
        b. *As part of the permit review, alternative measures for addressing this safety concern must be considered.*
        c. *A final determination on the wall cannot be made until after public comments have been addressed.*

iv. *I will just reiterate that we will be looking for a **discussion of alternative concepts for achieving the desired goals of the wall** in the permit application.*

v. *Kathy (my supervisor) and I just spoke and she also noted the **potential for the fence to affect the littoral movement of sand, whether in the water or wind-blown**. Although the proposed wall will have gaps, there still may the potential that the movement of sand through the gaps would be reduced. This should also be assessed.*

b. Provide clear answers to Jim's comments, including rationale.

i. *Thank you for your email dated April 28, 2021 concerning the Winnetka Park District's proposed plan to construct a breakwater protected public beach, in Lake Michigan, at Elder/Centennial Parks. The Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) has reviewed the submitted plans and in general has no concerns with the Winnetka Park District's plan to construct a public beach in Lake Michigan. However, the proposed construction of the louvered fence/wall on the north and south sides of the proposed beach does cause some concern. The IDNR/OWR's Part 3704 Rules "REGULATION OF PUBLIC WATERS" allows for fill to be placed in Lake Michigan for the purpose of shore protection, **it is unclear how the construction of the louvered fences are necessary to protect the existing shoreline**. Also, it has long been the IDNR/OWR's policy that shore protection projects along Lake Michigan provide pedestrian access over and across any shore perpendicular structures. The proposed fences will clearly impede the public's access along this stretch of shoreline.*

c. Anticipate points of pushback.

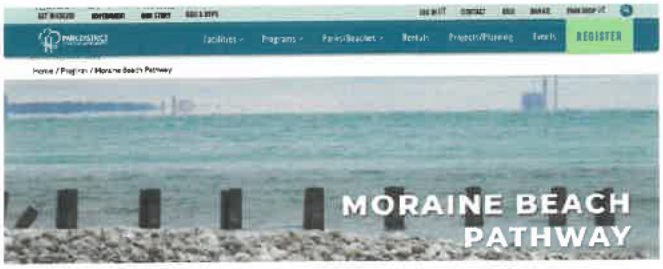
2. Presentations
    a. Consider all audiences and best vehicle to reach each
        i. IDNR/Corps
        ii. Representatives
        iii. Lobbyists
        iv. General Public
    b. Powerpoint
        i. How to polish?
    c. Renderings
        i. Are Lakota's sketch up renderings the best vehicle or should there be something with more reaslism?
    d. Professionally built video

TBD

Content that needs to be gathered, questions to formulate answers to.

1. Comparison with Lloyd
    a. What are the dimensions/elevations of Lloyd and how are they different than Centennial?
    b. Why was WPD ok with Lloyd design before and without fence but wants one now?
    c. Why is this project different than Lloyd or any other Winnetka or Lakefront beach such that it requires a fence?
2. Winnetka Waterfront 2030 Plan
    a. What do you see as substantially different in the current plan from what the public saw before?
    b. Read in detail and look for info to substantiate WPDs positions and to demonstrate "public comment" as already happened.
    c. If more public support is required, what do we think about holding a public forum to present the current project to generate support and excitement to give the agencies comfort the project will be well received by the community and not make them look bad?
    d. Can WPD say they didn't know the fence would be required until they got to engineering?
3. Safety
    a. Do you have better data and technical imagery for hazards, fences, etc. for the PPT or does this need to be acquired?
    b. Should an artist be hired to generate example drawings or sketches?
4. FOIA requests have been made on other breakwaters that have fences in place: Status

Attachment B



About the Project

Record-setting heavy rainfall in spring 2019 caused portions of the ravine path leading to beach to fail. For our residents and dog beach passholders' safety, the path and access to the dog beach were closed.

In summer 2019 Park District began working with engineering firms, contractors, and the US Army Corps of Engineers to investigate numerous repair approaches and reopen the path and Dog Beach. In early 2020, an engineering firm was hired to develop preliminary site improvement plans. These plans were presented to the Park Board in August 2020. After careful consideration, the Park Board elected to defer the final design phase to a future year.

Repair of the beach access path is a goal in the Lakefront Master Plan Update. The project's final design is included in the 2021 Capital Plan, with construction starting as scheduled in 2022.

CONTACT US
For additional comments, questions and feedback please send us an email

PROJECT UPDATES



Crews have completed the toe of the path and are currently working to stabilize the toe of slope along the ravine.



Crews are currently removing the flagstone path and retaining walls and have begun stabilization work at the toe of the slope. The boardwalk sections are currently being fabricated offsite. Additional equipment and materials will be delivered over the next several days. Once received, on-site work will resume.

Supply chain issues, contractor availability, and a recent trucker strike delayed the start of construction, but we are pleased to announce that the Park District's Contractor, Team Rock, has begun site mobilization and will begin demolition after Labor Day.



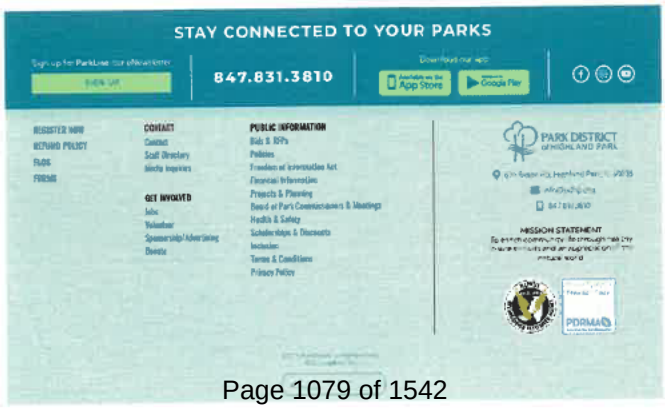
In preparation for the new ravine boardwalk, Moraine Park natural areas staff and volunteers relocated spring wildflowers to a safe spot down the path where they will be out of the way of construction.

The Park Board approved a contract with Team Rock, Inc. for repair of the Moraine Park beach access path. Construction is planned to take place mid-summer through mid-fall and will include the construction of a boardwalk along the path and stabilization work along the toe of the ravine slope.

Staff reported to the Finance Committee that four unresponsive bids were received on March 9, 2022 for the repair of the Moraine Park beach access path. Adjustments will be made to the construction documents and the bid solicitation will be re-released in late March. Staff anticipates requesting contract approval from the Park District Board of Commissioners on April 27, 2022. If approved, construction would begin in June.

Staff reported to the Lakefront, Parks and Natural Areas Committee that construction documents are nearing completion for the repair of the Moraine Park beach access path. The work will include the construction of a raised boardwalk over the path. A bid solicitation for construction will be released in mid-February and work is anticipated to take place in summer.

On June 8, 2021, the Park District Board of Commissioners approved moving forward with the final design for the project. Staff is currently working with an engineering firm to develop construction documents. Construction of a boardwalk to restore lakefront access is scheduled for 2022.



[Attachment C]

ADMINISTRATIVE CODE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIES
PART 820 SWIMMING FACILITY CODE
SECTION 820.400 MINIMUM SANITARY REQUIREMENTS FOR BATHING BEACHES

Section 820.400 Minimum Sanitary Requirements for Bathing Beaches

a) Initial Sanitary Survey. Prior to the issuance of a construction permit, the Department shall conduct a sanitary survey of the proposed beach. This survey shall include an evaluation of the physical, chemical and bacteriological characteristics of the bathing beach area, as well as any potential or actual sources of contamination in the watershed that could affect the beach. The presence of any sources of contamination shall constitute grounds to deny the permit.

1) Physical Quality. The following characteristics shall not be present in the beach area or watershed:

A) Sludge deposits, solid refuse, floating waste solids, oils, grease or scum; or

B) Hazardous substances being discharged into bathing beach water or watershed.

2) Bacteriological Quality. The bacteriological quality of water at bathing beaches shall comply with the following criteria:

A) At least two samples shall be collected from the proposed beach area, and additional samples shall be collected from any tributaries as they enter the lake. Fecal coliform bacteria counts of 200 colonies/100 ml or an E. coli density of 126 colonies/100 ml in one or more samples shall require additional investigation, survey, special analysis and correction of any problems determined to be causing the high counts. Subsequent evaluation and satisfactory bacteriological results shall be obtained before a construction permit will be issued.

B) There shall be no sanitary or combined sewer discharges or other raw or partially treated sewage discharges to the bathing beach area or immediate watershed.

3) Chemical Quality. There shall be no discharges of chemical substances capable of creating toxic reactions, or irritations to the skin or mucous membranes of a bather.

b) Design

1) Bather Load. The bather load shall be established at all beaches constructed after May 28, 1997, by the project designer who designed the project.

2) Beach and Swimming Areas. The wading areas at all beaches shall be separated from swimming and diving areas by lines securely anchored and buoyed. The slope of the bottom of any portion of the beach having a water depth of less than 5 feet shall not exceed 1 foot vertical for 10 feet horizontal. The slope shall be uniform. The bottom of the wading and swimming area shall consist of sand or gravel. If disinfection or filtration is provided, it must comply with the requirements in Section 820.210.

3) Diving Facilities

A) Where diving facilities are provided, the following minimum water depth shall be maintained for a distance of at least 12 feet beyond the end and sides of the platform or board:

Height of Platform or Board Above Water	Minimum Water Depth
0 - ½ Meter	9.5 feet
1 Meter	10 feet
3 Meters	12 feet

B) Handrails, guardrails and steps shall comply with Section 820.200.

4) Safety Boundaries. The wading area shall be separated from swimming and diving areas by a line securely anchored and buoyed at a water depth of 5 feet or less. The limits of the swimming area shall be marked by buoys, poles, or other markers located not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within the limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards that may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing the markers and stating that they indicate the limits of the swimming area.

5) Slides. Slides shall comply with Section 820.250.

c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

d) Bather Preparation Facilities/Toilets

1) Requirements for Beaches Established After May 28, 1997. For all beaches established after May 28, 1997, a bather preparation facility shall be provided within 300 feet of the shoreline unless the beach is intended to serve only a residential development located around the lake, and 50 or fewer bathers are anticipated to be present per day. In those cases, at least one toilet or privy shall be provided within 300 feet of the shoreline. Bather preparation facilities shall be designed in accordance with Section 820.220(b) and (c) and Appendix B, Table E. The bather load to be used to determine the required numbers of fixtures shall be provided by the project designer who designed the project.

2) Requirements for Beaches Established Before May 28, 1997. All beaches established before May 28, 1997 shall comply with the bather preparation facility/toilet facility requirements in effect at the time they were constructed, but at least one toilet or privy shall be provided when the number of bathers present per day is 50 or fewer. Two toilets or privies shall be provided when the number of bathers present per day is 51 to 100. An additional toilet or privy shall be provided for each 100 additional bathers. The maximum number of toilets or privies required is 10. The required toilets or privies shall be located within 300 feet of the shoreline.

e) Bathing Beach Operation

1) The licensee or manager/operator shall collect samples of bathing beach water and submit the samples to the Department. The Department will notify the licensee or owner/manager of the times and points for sample collection within the area used for bathing or swimming purposes. Failure of the bathing beach licensee or manager/operator to submit required water samples within 7 days after notification shall be cause for the Department to order the beach to be closed until samples are analyzed. Additional samples shall also be obtained at any critical point subject to possible pollution as determined by a sanitary survey.

2) During operation, the following bacteriological water quality results shall warrant the actions described:

A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two-sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

3) If a survey determines that there are discharges of sanitary or combined sewers, other raw or partially treated sewage, or other hazardous substances to the beach or immediate watershed, or if hazardous materials are found at the beach, the bathing beach shall be closed by written order of the Department.

4) If schistosome dermatitis (swimmers' itch) is known to exist, appropriate measures shall be taken to protect the bathers, including, but not limited to, posting warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all federal, State and local requirements, including prior approval of the Department or its agents.

5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any facilities that do not comply with the minimum water depth requirements of subsection (b)(3).

6) For all beaches established after May 28, 1997, the beach manager/operator shall enforce the bather load established in subsection (b)(1). For all beaches, the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.

7) The beach area shall be kept free of any debris, including wastes from waterfowl or other wildlife.

8) Leakproof covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied when necessary to avoid odors and insect breeding.

9) At times when the beach is closed seasonally or during normal hours of operation during the operating season, signs proclaiming the closing of the beach shall be prominently posted at the beach unless an effective barrier to prevent access to the beach area is in place.

f) Lifeguards. Lifeguards shall be provided at bathing beaches that allow bathers less than 16 years of age to enter the beach without a responsible person 16 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

g) Safety Requirements

1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach when bathers are present.

2) A telephone shall be available within 500 feet of the beach when bathers are present. The numbers of the local police, fire department, rescue squad and ambulance, or 911 numbers shall be posted near the telephone. A portable phone may be used to meet this requirement. The phone may be located in a residence within 500 feet of the beach, provided that it will be accessible at all times the beach is in operation. Unless the phone is located in the immediate beach area, a sign shall be posted indicating the location of the phone.

3) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours after the occurrence. A written report, on forms provided by the Department, shall be completed and submitted within 7 days after the occurrence.

h) Waiver

1) A homeowner's association may apply to the Department for a waiver of the requirements of subsection (d)(2) by making a written request signed by an officer of the association. The request shall contain the following information:

A) The requirements from which the homeowner's association seeks a waiver;

B) Certification that a majority of the members of the homeowner's association or a majority of the board of directors representing the homeowner's association agreed to be exempt from the requirements requested. If the application for waiver is based on a decision of the board of directors rather than a majority vote of the members, the

waiver request shall also indicate that all members of the association were notified in writing of the decision to request a waiver and of the requirements from which the association is requesting a waiver. A copy of the notification to members shall be included with the waiver request;

C) Certification that the beach normally serves 50 or fewer bathers per day; and

D) Certification that the use of the beach is intended only for members of the homeowner's association and their guests.

2) Upon submission of the waiver application, a waiver shall be granted only if the following conditions are met:

A) All water samples were submitted during the current or previous year as required by subsection (e)(1); and

B) The closure standards set forth in subsection (e)(2) were not exceeded during the current or previous year or, if the closure standards were exceeded, the Department or local health department determined that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach.

3) A waiver granted by the Department shall be valid indefinitely, except as provided in this subsection:

A) A waiver shall become invalid immediately if the beach is closed due to a violation of the standards set forth in subsection (e)(2), unless the Department or local health department determines that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach;

B) If the applicant or manager/operator fails to comply with a written order of the Department to submit water samples required by subsection (e)(1), the waiver shall become invalid on the date that the samples were specified to be submitted;

C) A waiver shall not apply on any day that the homeowner's association anticipates that the number of bathers will exceed 50 (for example, holiday weekends, special events, or parties).

4) When a waiver becomes invalid, the required toilet facilities shall be provided before the beach is allowed to operate. If a waiver is invalidated

due to the conditions described in subsection (h)(3)(A) or (B), a new waiver application shall be filed with the Department.

i) Rules governing the use of the beach and instructions to patrons shall be displayed on placards at the entrance to bather preparation facilities or other conspicuous locations and shall be enforced by the beach manager/operator. The beach management has the authority to implement and enforce rules that are more stringent or that supplement those listed in this subsection (i). Posting of rules and other instructions shall provide that:

1) Admission to the beach shall be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition that has the appearance of being infectious. Persons with excessive sunburn, abrasions that have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind shall also be refused admittance because of the potential for transmittable disease. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area.

2) The beach water is not suitable for drinking. Patrons should avoid swallowing beach water.

3) Littering is prohibited. No food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.

4) No one should swim alone.

5) Personal conduct within the beach shall not jeopardize the safety of self and others.

6) Persons less than 16 years of age must be accompanied by a responsible person 16 years of age or older unless a lifeguard is present.

7) Spitting, spouting of water, blowing the nose or otherwise introducing contaminants into the beach water is not permitted.

8) Glass, soap or other material that might create hazardous conditions or interfere with efficient operation of the bathing beach shall not be permitted in the beach area.

9) If present, lifeguards are responsible for enforcing safety rules and responding to emergencies. Parents or guardians should supervise their children.

10) All children who are not toilet trained shall wear tightly fitting disposable swim diapers.

11) Diving in shallow water is not permitted.

12) Caution shall be exercised in the use of diving facilities.

13) Swimming is prohibited after sunset or before sunrise, or when thunder is heard or lightning is seen, including a 15-minute period after the last lightning or thunder is detected.

14) No pets are permitted in the beach area.

15) Feeding of wildlife or other actions that encourage their presence is prohibited.

(Source: Amended at 37 Ill. Reg. 16539, effective October 4, 2013)

HISTORY OF PUBLIC BEACH FACILITIES

Lincoln Park Beach, n.d.



The Lincoln Park Board voted to open the city's first public bathing beach on July 1, 1895. The following day, more than three hundred working-class boys from Chicago's North Side, referred to by the papers as "Arabs," went swimming in the lake at the new public beach, most without swimming suits. The Park Commissioners quickly drafted a list of rules and regulations and initiated a plan to construct dressing rooms, lockers, and a pier for the bathers.

Photographer: Unknown
Source: Chicago Historical Society (ICHi-37325)

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Existing public piers date to early - mid 1900s.

UNITED STATES ENGINEER OFFICE
Room 520 Merchandise Mart
Chicago 54, Illinois

Refer to GLWKP

12 June 1946

PUBLIC NOTICE

Proposed permeable concrete groins and timber groin,
Lake Michigan, Winnetka, Illinois

When an application is received for a War Department permit to authorize proposed work in or over a navigable water of the United States, Department regulations state that notices regarding the matter shall be sent to all persons deemed likely to be interested in order that any protests from the standpoint of navigation may be received.

This notice is to inform interested persons that the North Shore Health Resort Co., 225 Sheridan Road, Winnetka, Illinois, acting through Mr. Richard E. Schmidt, President, has made application for a permit to construct two permeable concrete groins and one permeable timber groin in Lake Michigan adjacent to their property at 225 Sheridan Road, Winnetka, Illinois.

The plans show the two permeable concrete groins to be 100 feet in length, one being located about 50 feet northerly of the south property line and the second about half way between the northerly and the southerly property line, and the third groin to be of wood piles driven in open formation, extending about 50 feet lakeward of the shoreline at a location approximately 35 feet southerly of the north boundary line of their property. The plans may be seen at the office of the undersigned and will be mailed to interested persons upon request.

Any objection to the proposed work from the standpoint of navigation should be mailed to reach the undersigned within ten (10) days from the date of this notice.

W. P. TROWER
Colonel, Corps of Engineers
District Engineer

ATTACHMENT-D

RESTRICTED DONATION AGREEMENT BETWEEN THE WINNETKA PARK DISTRICT AND ISHBIA FAMILY FOUNDATION, INC. FOR THE CENTENNIAL PARK IMPROVEMENT PLAN

THIS AGREEMENT (**"Agreement"**) is entered into as of the 19th day of January 2024, by and between the Winnetka Park District (**"WPD"**), an Illinois municipal corporation and Ishbia Family Foundation, Inc. (**"IFF"**) (each a "Party" and collectively the "Parties").

RECITALS

WHEREAS, the purpose of this restricted Donation is to create access for citizens of all abilities to Winnetka's Centennial Beach and to improve and re-establish a long-term dog beach at the southernmost portion of Centennial Park's beachfront;

WHEREAS, the WPD owns, operates, controls and maintains properties covering nearly five square miles, consisting of twenty-six parks, five beaches, a boat launch, two golf courses, a tennis center, an ice arena, platform tennis courts, and athletic fields;

WHEREAS, the WPD provides a full range of year-round recreation programs, including athletics, fitness programs, education programs, summer camps, and special events;

WHEREAS, specific among these properties the WPD owns and operates is Centennial Park and Beach located at 225 Sheridan Rd, Winnetka, IL 60093 (**"Centennial Park"**);

WHEREAS, the WPD is a municipal corporation and a unit of local government organized, established and existing under the laws of the State of Illinois, 70 ILCS 1505 *et. seq.;*

WHEREAS, in conjunction with Winnetka residents and lakefront experts, the WPD developed and adopted the Winnetka Waterfront 2030 plan in 2016. This plan was and continues to serve as a conceptual guide for future projects that preserve and enhance WPD's five beaches;

WHEREAS, pursuant to, in keeping with and consistent with its core mission, the WPD desires to renovate Centennial Park to provide high quality recreational opportunities, and will do so per the Centennial Park renovation plan approved by the WPD Board on October 19, 2023, as depicted on **Exhibit A** and referred to herein as either **"Exhibit A" or** the **"Plan"**, and fully incorporated into this Agreement;

WHEREAS, at the May 25, 2023, WPD Board Meeting, the WPD Board passed Resolution 23-5-25, which included Findings of Fact Concerning Elder Lane + Centennial

Park Beaches and Authorization and Direction for Preparation of Permit Plans and Specifications for Elder + Centennial Lakefront Improvements and Permit Applications to Permitting Authorities;

WHEREAS, between May 25, 2023 and October 19, 2023, the WPD refined its plans for the Elder + Centennial Lakefront Improvements, and this Plan is embodied in Exhibit A;

WHEREAS, because of age, deterioration and weather-related damage to local improvements and infrastructure, the beaches at Elder Lane and Centennial Parks have not been fully open and available for residents and their families to enjoy since 2020;

WHEREAS, residents of the Winnetka community have repeatedly voiced their desire for the Park District to accelerate the execution of the Elder and Centennial improvement plans so they and their families can enjoy the lakefront;

WHEREAS, IFF has had the opportunity to review the Plan;

WHEREAS, the WPD's current budgeting would only allow for the execution of a portion of the approved Plan in Exhibit A and capital restraints would hinder the completion of all the WPD approved Plan in Exhibit A;

WHEREAS, executing the entire Plan concurrently would save taxpayer dollars in a meaningful way and expedite the completion of the Plan in Exhibit A;

WHEREAS, IFF wishes to make a restricted donation to the WPD for the express and sole purpose of helping to fund the following WPD Board approved beach improvements in the Plan, as set forth in Exhibit A: (1) the ADA-accessible pathway from the Centennial parking lot to the beach (the "ADA Pathway"); (2) the off-leash dog park on the southernmost portion Centennial Beach, compliant with all laws and regulations (the "Dog Beach"); (3) with the fences extending into Lake Michigan a distance of 112 feet, as measured from the toe of the bluff as depicted in Exhibit A (the "Dog Beach Perimeter Safety Fence"); (4) a pedestrian bypass around the dog beach to permit transit north and south (the "Bypass"); and (5) the stone breakwater system at the Centennial Park beachfront located approximately 200 feet north of the Centennial Park's southern-most property line (collectively, the "Project" and the five elements described above are collectively the "Project Elements");

WHEREAS, creating an environment where people of all abilities can enjoy the lakefront has been a long-time priority for the WPD and the Winnetka community, which the IFF is pleased to support;

WHEREAS, improving and re-establishing a Dog Beach, Dog Beach Perimeter Safety Fence and Bypass has been a long-time priority for the WPD and the Winnetka community, which the IFF is pleased to support;

WHEREAS, the IFF agrees to donate the restricted funds described herein for the Project as described in Section 6 herein and the WPD agrees to complete the Project subject

to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and of the above recitals which are made a contractual part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereto agree as follows:

TERMS AND CONDITIONS

1. Description of Contribution. IFF will donate Three Million Dollars ($3,000,000.00) (the "**Restricted Donation**" or "**Donation**") to WPD, as set forth herein, solely for the purpose of paying for the costs of the WPD's construction of the Project, as described in Section 6 herein. As described in Section 6, this Restricted Donation will be used solely for the construction of the Project, and if used for any other purpose, IFF in its discretion may require the WPD to return all or a portion of the funds which are used for any purpose other than the construction of the Project.

2. Representations and Warranties.

a. WPD hereby makes the following representations and warranties as of the date hereof and as of each date WPD endorses and deposits any check or accepts the wire transfer of any Donation installment from IFF:

1) WPD is a political subdivision of the State of Illinois which is eligible to receive tax-deductible, charitable donations.

2) The Donation shall be used exclusively in furtherance of WPD's government purposes and shall not be used for lobbying, political contributions or to support political campaigns.

3) The Donation will serve a public purpose.

4) No tangible benefit, goods or services will be provided to IFF or any individuals or entities connected with the IFF as a condition of the Donation.

5) This Agreement has been duly authorized, executed and delivered by WPD, and the representatives executing this Agreement on behalf of WPD are duly authorized to execute this Agreement.

6) There is no pending or threatened claim, action, suit, proceeding, investigation or criminal proceeding, the outcome of which could have a material adverse effect on the ability of WPD to perform the Project.

7) WPD does not and will not knowingly provide financial support or other resources to any individual or entity to further unlawful acts including acts of violence or terrorism, and WPD is in compliance with all laws, statutes, and regulations restricting U.S. persons from dealing with any individuals,

entities, groups, or countries subject to Office of Foreign Assets Control sanctions.

8) WPD is in compliance with all applicable federal, state and local laws and regulations.

9) WPD represents the Donation is not being used to satisfy the payment of a pledge or any other personal or corporate financial obligation on behalf of IFF.

b. IFF hereby makes the following representations and warranties as of the date hereof and as of each date IFF presents any check or wire transfers any Donation installments to WPD:

1) This Agreement has been duly authorized, executed and delivered by IFF and the representatives executing this Agreement on behalf of IFF are duly authorized to execute this Agreement.
2) At all times during the Term of this Agreement, IFF shall have lawful access to sufficient funds for IFF to make all installment payments required by this Agreement and no approvals or consents from any third parties are necessary as a condition for IFF to make the Donation.
3) IFF does not and will not knowingly provide financial support or other resources to any individual or entity to further unlawful acts including acts of violence or terrorism, and IFF is in compliance with all laws, statutes, and regulations restricting U.S. persons from dealing with any individuals, entities, groups, or countries subject to Office of Foreign Assets Control sanctions.
4) IFF is not barred from contracting with any unit of local government by reason of Article 33E of the Illinois Criminal Code.
5) IFF is in compliance with all applicable federal, state and local laws and regulations.
6) IFF is recognized by the Internal Revenue Service as a tax-exempt organization and has filed all relevant applications and returns for its most recently completed fiscal year for which such applications or returns are due.

3. Arbiter. John Peterson is appointed as a third-party decision maker for the reasons herein described (the "Arbiter"). The Arbiter shall base its opinions and decisions on its independent, judgment. In the event of a vacancy in the role of Arbiter, or if the Arbiter has a Conflict of Interest, decisions and dispute resolution authority otherwise delegated to the Arbiter will be delegated to an arbitrator under the Uniform Arbitration Act, 710 ILCS 5/1, et seq. A "Conflict of Interest" exists when the Arbiter's pecuniary interests compromise the Arbiter's judgment, actions or decisions. The Arbiter is granted authority to engage design professionals to the extent reasonably necessary for the Arbiter to make an informed judgment about the issues herein described. IFF and WPD shall evenly share the cost for any third-party design professionals engaged by the Arbiter in its reasonable discretion. The WPD and IFF shall hold harmless the Arbiter from all claims arising from this Agreement except to the extent arising from the Arbiter's gross negligence or intentional misconduct.

4. Timing of Restricted Donation. IFF will make the Restricted Donation to WPD in two (2) installments for the Project as follows: (a) $1,000,000.00 within 10 (ten) days of: (i) the receipt by IFF of a notice to proceed ("NTP") for construction; (ii) the WPD's receipt of all applicable permits required in order to start construction of the Project showing the Project Elements will be constructed the same as depicted in the Plan in Exhibit A; and (b) $2,000,000.00 within thirty (30) days of completion of the Project and the Arbiter's review and confirmation, in his/her/its sole discretion, that the Project Elements have been constructed the same as provided in the permits issued for the Project.

5. Term. The duration of this Agreement shall begin upon the execution by both Parties and shall terminate on upon the end of fifty (50) years from the execution of this Agreement by both Parties.

6. Restricted Donation.

a. WPD agrees the amount contributed to WPD pursuant to Sections 1 and 4 shall be a restricted donation that shall not be repayable to IFF except as otherwise provided herein. All Parties expressly agree and acknowledge the donated funds shall be used exclusively toward funding the Project and this Restricted Donation will be used to help make possible the Project, as set forth in Exhibit A. The Parties agree the plans attached as Exhibit A may be modified to the extent necessary to conform to regulatory requirements and permit conditions enforced by applicable Federal, State and local agencies, but if any of the Project Elements are modified from Exhibit A in any manner without IFF's written consent, IFF will not be obligated to make any portion of the donation contemplated by this Agreement. Before any portion of the Restricted Donation is funded, the Parties will review the final Project construction drawings for which permits have been issued to ensure only that the each of the foregoing approved Project Elements are included the same as depicted in the final plans to be constructed as set forth in Exhibit A. For avoidance of doubt, IFF's ability to elect not to fund the donation if the Plan is modified will supersede any other provision in this Agreement.

b. The WPD confirms any funds received by it from IFF under this agreement will be used exclusively for governmental purposes and will not be used for any activities that would cause the donation not to qualify as a charitable contribution under 26 USC 170(c)(1). Each of the IFF and the WPD agree it will comply with all applicable federal, state, and local laws. The WPD further agrees it is responsible for the proper expenditure of the Restricted Donation and for the maintenance of adequate supporting records consistent with generally accepted accounting principles. WPD shall provide IFF a general ledger describing the Project expenses within ninety (90) days after the Project is completed. WPD shall retain all records related to the Project for not less than seven (7) years.

c. IFF reserves the right to refuse a request for disbursement of funds to the WPD and to require the refund of expended funds used for any purpose other than the construction of the Project as specified in this Agreement, or both, in the event the Arbiter, in his/her/its sole discretion, finds WPD has used any funds for a purpose other than

specified in paragraph 6 of this Agreement.

7. Restrictive Covenant. The Parties agree this Restricted Donation is to be used to make possible the construction of the Project, as described in Exhibit A. It is the intention of the Parties the Project remains in place in the same location where the Project Elements are located on Exhibit A and, except for ordinary wear and tear, will remain there for fifty (50) years from the execution of this Agreement by both Parties, regardless of the ownership of the underlying property. (the "Restricted Period"). A Restrictive Covenant (attached as Exhibit B) will be recorded against the land to ensure the Project Elements remain in their as-built locations for the Restricted Period. The WPD, or its successor owner, will not be violation of this Agreement or the Restrictive Covenant so long as it performs ordinary and usual maintenance on the Project Elements and does not move or destroy, or instruct or permit any third party to move or destroy, any Project Elements during the Restricted Period.

WPD and IFF agree that it is their desire to efficiently and quickly resolve any disputes that arise, and that any Dispute (as hereinafter defined) shall be submitted to the Arbiter, who will make a determination with respect to the Dispute, in his sole discretion or, if the Arbiter does not still exist, to binding arbitration pursuant to the Uniform Arbitration Act, 710 ILCS 5/1, et seq., and except for a claim for specific performance not a court of law or equity. For purposes hereof, "Disputes" shall include any and all controversies, disputes or claims arising out of or relating to the enforcement of the provisions of the Restrictive Covenant.

The Parties agree the restrictive covenant shall not result in and shall disclaim any express or implied limitation on the WPD's discretion with respect to the use or improvement of any part of Centennial Park which does not comprise a Project Element. The Parties further agree the restrictive covenant is not intended to convey any interest in property whatsoever. IFF agrees to record a release of the Restrictive Covenant within thirty (30) days following the occurrence of any of the following events: (a) the Restricted Donation is not paid in full after the Arbiter finds it fully due and payable, or (b) the expiration of the Restricted Period.

If: (a) the WPD is in breach of this Restrictive Covenant; (b) the WPD fails to cure such violation with the application of diligent and continuous effort; and (c) the WPD has moved or destroyed, or instructed or permitted any third party to move or destroy the stone breakwater system at the Centennial Park beachfront, the WPD's liability shall be liquidated damages in the sum of Three Millions Dollars ($3,000,000.00). If, for any reason, the Arbiter, in his/her/its sole discretion, finds the ADA Pathway, Dog Beach, or Dog Beach Perimeter Safety Fence do not remain in their as-built locations for the Restricted Period, IFF may file a specific performance claim in order to have the WPD restore them to their respective, as-built locations.

8. IFF Recognition. Intentionally omitted.

9. Coordination of Events. The WPD and IFF shall coordinate mutually agreeable schedules and activities in connection with groundbreaking and ribbon cutting ceremonies for the Project as well as the announcement and any publicity concerning the Project. WPD shall either own, or be assigned an irrevocable license to use, any intellectual property created related to the Project or publicity therefor.

10. Coordination of Publicity. Neither IFF nor WPD shall use the name or marks of the other party, or any related party, in any publicity or news release without the prior approval of the other party or any related party whose name will be used.

11. Responsibility. At all times, the WPD, or its successor property owner, will assume all responsibility for the operation, maintenance and repair of any Project Element owned by such party under the same standards of care applicable to other WPD facilities to ensure that the Project will serve its intended purpose. Except as provided in the preceding sentence, in no event shall IFF be responsible for any payments of any type other than its contributions described in Section 1 and 4.

WPD shall not act as or be an agent of IFF nor shall IFF act or be an agent of WPD. All of WPD's activities will be at WPD's own risk and liability, and WPD shall not be entitled to insurance protection from IFF for WPD's own acts or omissions. WPD will have no authority, and will not represent to any person it has any authority, to bind IFF to any agreement with any third party, or to otherwise commit IFF to any proposal. Nor shall IFF have any authority or represent to any person it has any authority to bind the WPD to any agreement. In no event shall IFF at any time be construed as an expert in, knowledgeable about, or engaged in the business of constructing Projects.

WPD shall be responsible for the payment of all taxes, if and as applicable, associated with the Project initiative and the Donation by IFF hereunder, and shall indemnify and hold IFF and its affiliates harmless therefrom. WPD shall also be responsible for ensuring all work is in full compliance with all legal standards. So long as WPD is the owner of the property on which the respective Project Element is located, WPD shall indemnify, defend and hold harmless IFF and his/her respective employees, agents and representatives from and against any and all claims of any nature arising from or related to the Project initiative or use of the Project (including but not limited to any personal injury, property damage, activity, work or things done, or permitted by WPD or its agents) or arising from or related to any negligence of WPD or any of WPD's agents; and in case any action or proceeding be brought against IFF by reason of any such claim, WPD shall defend the same at WPD's expense by counsel reasonably satisfactory to IFF, which approval will not be unreasonably conditions, denied or delayed. WPD, as a material part of the consideration to IFF, hereby assumes all risk of damage to property or injury to persons in, on or about the Project arising from any cause attributable to WPD and WPD hereby waives all claims in respect thereof against IFF.

This Section 11 shall survive the expiration or termination of this Agreement and the expiration or termination of any obligation owing to any Party under this agreement.

12. Termination of Obligations. The Parties agree once this Agreement has been executed by IFF and WPD, and once the Project is completed consistent with the plans in Exhibit A, and once all donations due under this Agreement have been funded by IFF, IFF shall not be able to require any refund of donated funds except as otherwise set forth in this Agreement. The WPD may choose to terminate the Project at any time at its sole discretion and refund IFF, as the case may be, the monies paid to WPD in their entirety before the completion of the Project. In the event the Project is terminated, IFF's continued obligation to make any contributions shall automatically terminate. If all or a portion of the Project is destroyed beyond repair due to a *force majeure* event, or any other circumstance, then the WPD will, as soon as possible, restore any of the Project Elements effected to their respective prior conditions and locations and compliant with all laws prior to the event. This *force majeure* clause will not apply to the stone breakwater system at the Centennial Park beachfront.

13. Acknowledgement of Donation. WPD shall complete and sign a charitable contribution receipt acknowledgement as required under the tax law in form and substance satisfactory to IFF. WPD does not warrant any tax consequence as a result of the Donation and this Agreement shall not be subject to termination as a result of any particular tax consequence. WPD shall not indemnify, defend or hold harmless IFF from any orders, decisions or rulings made by the IRS related to the Donation except to the extent caused solely by reason of the WPD's acts or omissions.

14. Miscellaneous.

a. Notices. Unless otherwise specified, any notice, demand or request required under this Agreement must be given in writing at the addresses set forth below by any of the following means: personal service, overnight courier or first-class mail.

If to Winnetka Park District:	Winnetka Park District 540 Hibbard Rd Winnetka, Illinois 60093 Attn: Executive Director
With Copies to:	Adam B. Simon Ancel Glink 175 East Hawthorn Parkway, Suite 145 Vernon Hills, IL 60061 Attn: WPD General Counsel
If to IFF:	David B.H. Williams Williams, Bax & Saltzman, PC 221 N. LaSalle St., Suite 3700 Chicago, IL 60601

15. Governing Law. This Agreement will be governed by and construed in accordance with the internal laws of the State of Illinois, without regard to the principles of conflicts of law thereof. If there is a lawsuit under this Agreement, each Party hereto agrees to submit

to the jurisdiction of the courts of Cook County in the State of Illinois.

16. Severability. In the event any provision of this Agreement is deemed to be invalid by reason of the operation of any law or by reason of the interpretation placed thereon by any court or any other governmental body, this Agreement shall be construed as not containing such provision and any and all other provisions hereof which otherwise are lawful and valid shall remain in full force and effect.

17. Integration. All exhibits to this Agreement are expressly incorporated herein by this reference thereto. This Agreement constitutes the entire agreement between the Parties, merges all discussions between them and supersedes and replaces any and every other prior or contemporaneous agreement, negotiation, understanding, commitments and writing with respect to the subject matter hereof.

18. Assignment. This Agreement, or any portion thereof, shall not be assigned by any Party without the prior written consent of the others.

19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which when taken together shall be deemed to be one and the same instrument.

20. Parties' Interest/No Third-Party Beneficiaries. This Agreement shall be binding upon the Parties and their respective successors and permitted assigns and shall inure to the benefit of the Parties, and their respective successors and permitted assigns. This Agreement shall not run to the benefit of, or be enforceable by, any person or entity other than a Party and its successors and permitted assigns. This Agreement should not be deemed to confer upon third parties any remedy, claim, right of reimbursement or other right. Nothing contained in this Agreement, nor any act of the Parties, shall be deemed or construed by any of the Parties hereto or by third parties, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving any of the Parties.

21. Modification or Amendment. This Agreement may not be altered, modified or amended except by a written instrument signed by all the Parties.

22. No Implied Waivers. No waiver by any Party of any breach of any provision of this Agreement will be a waiver of any continuing or succeeding breach of the breached provision, a waiver of the breached provision itself, or a waiver of any right, power or remedy under this Agreement. No notice to, or demand on, any Party in any case will, of itself, entitle that Party to any further notice or demand in similar or other circumstances.

23. Titles and Headings. Titles and headings to paragraphs contained in this Agreement are for convenience only and are not limited to limit, vary, define or expand the content of this Agreement.

24. No Personal Liability. IFF expressly agrees no member, Commissioner, official, employee or agent of the WPD, and the WPD expressly agrees no officer, director, employee or contractor of IFF, will be individually or personally liable to it, its successors

or assigns under any term or provision of this Agreement or because of his or her execution of this Agreement or in the event of any default or breach by any party under this Agreement. The limitations on liability in this Section 24 shall survive the expiration or termination of this Agreement and the expiration or termination of any obligation owing to any Party under this Agreement.

25. Ethics. IFF hereby represents and affirms its decision to contribute to the WPD pursuant to this Agreement is entirely voluntary and is completely unrelated to any past or future government decision relating to the award of contracts or any other action. IFF further represents and affirms no representative of IFF has had any conversation with any representative of the WPD, or with any government official or employee in any way links this contribution to any past or future government decision relating to the award of contracts or any other matter.

26. Attorneys' Fees. In the event of a Dispute arising under this Agreement or the Restrictive Covenant, the party which receives an arbitration award or judgment will be awarded, as part of such award or judgment, its reasonable fees and costs of obtaining such award or judgment, including reasonable attorneys' fees, witness fees and court costs.

Signature page to follow

IN WITNESS WHEREOF, the WPD and IFF have caused this Agreement to be executed as of the date first written above.

WINNETKA PARK DISTRICT

By [redacted]

Christina Codo
President, Board of Commissioners

Attest [redacted]

Secretary to the Board

ISHBIA FAMILY FOUNDATION, INC.

By: _____

Name: Justin R. Ishbia. Vice President

IN WITNESS WHEREOF, the WPD and IFF have caused this Agreement to be executed as of the date first written above.

WINNETKA PARK DISTRICT

By: _____
Christina Codo
President, Board of Commissioners

Attest: _____
Secretary to the Board

ISHBIA FAMILY FOUNDATION, INC.

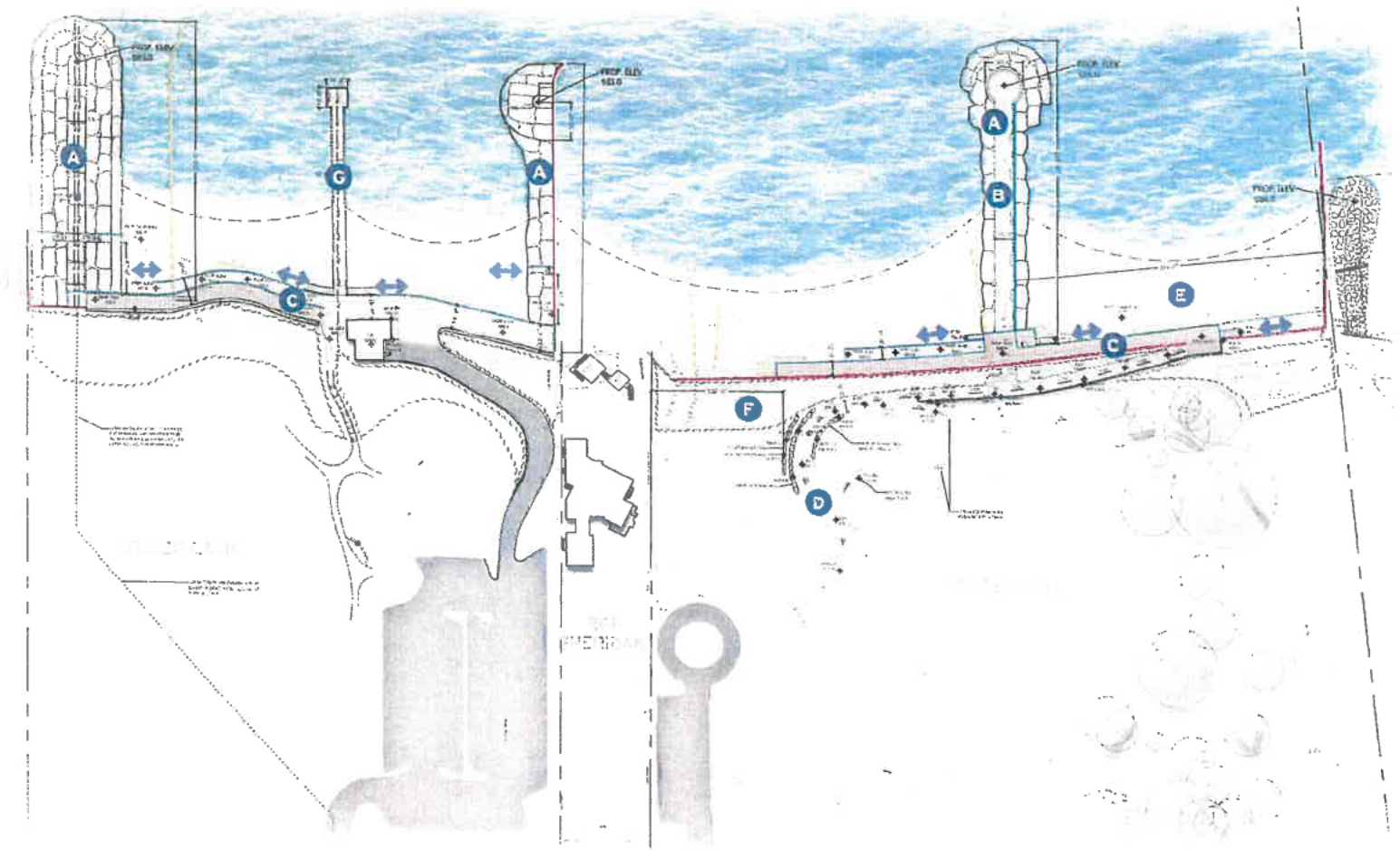
By: [redacted]

Name: Justin R. Ishbia. Vice President

Exhibit A
Centennial Park Renovation Plan

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

- A RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
- B ACCESSIBLE VIEWING PIER WITH BENCH SEATING
- C ADA ACCESSIBLE BOARDWALK & CONCRETE RAMP BEACH ACCESS
- D ACCESSIBLE PEDESTRIAN PATH TO BEACH
- E PROPOSED CENTENNIAL DOG BEACH
- F BLUFF RESTORATION ZONE
- G REPAIRED EXISTING CONCRETE PIER

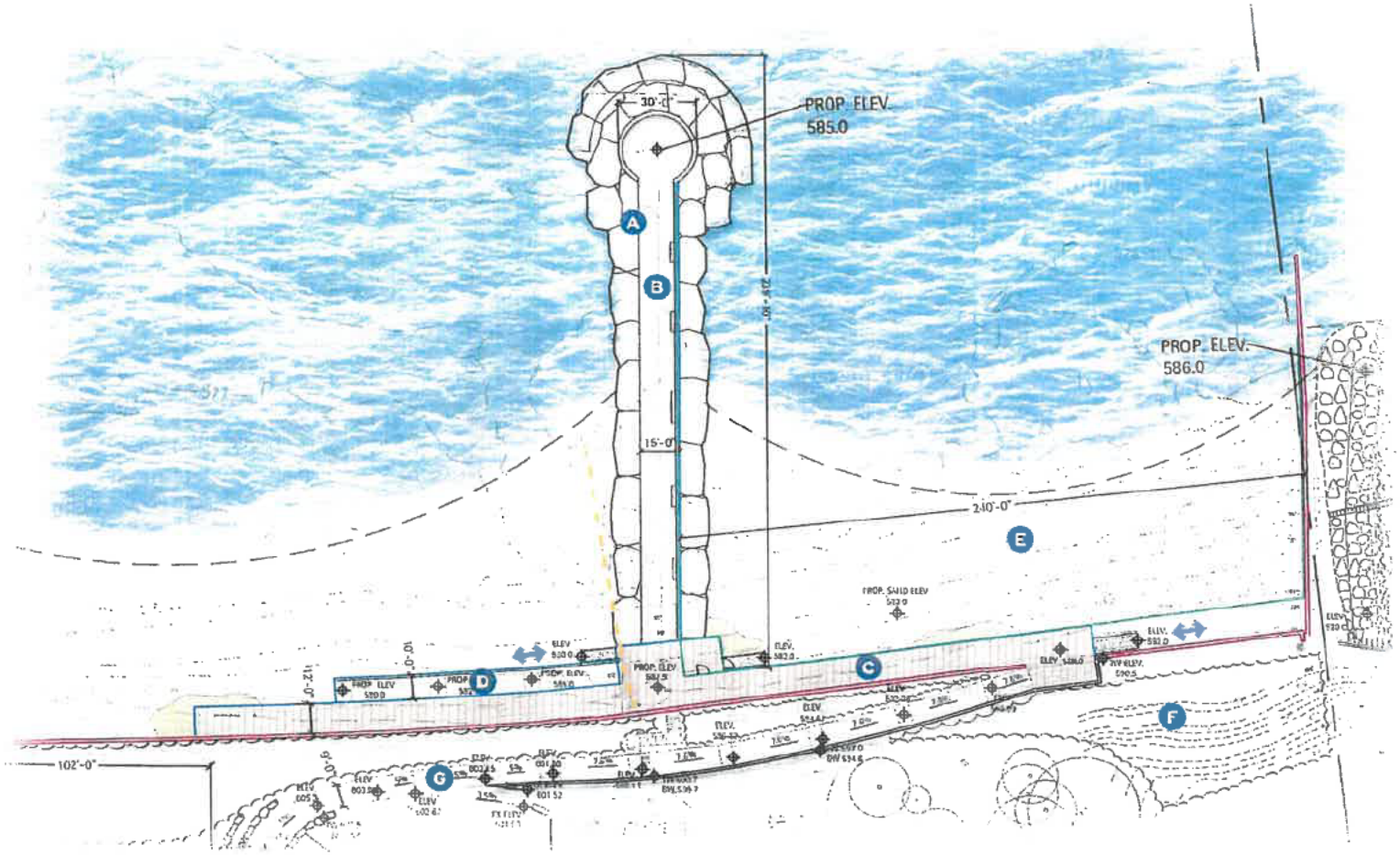
Elder + Centennial | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
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- SHEET PILE (EXISTING)
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C ADA ACCESSIBLE BOARDWALK
D ADA ACCESSIBLE CONCRETE RAMP BEACH ACCESS
E PROPOSED CENTENNIAL DOG BEACH
F BLUFF RESTORATION ZONE
G ACCESIBLE PEDESTRIAN PATH & RAMP TO BEACH

Centennial Enlargement | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

Exhibit B
Form of Restrictive Covenant

After recording, mail to:

Adam B. Simon
Ancel Glink
175 East Hawthorn Parkway, Suite 145
Vernon Hills, IL 60061
Attn: WPD General Counsel

Property Identification Numbers:
05-21-412-004-0000
05-21-412-005-0000
05-21-412-006-0000

Common addresses:
225 Sheridan Road
Winnetka, Illinois 60093

FOR RECORDER'S USE

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (**"Restrictive Covenant"**) is made this 19th day of January, 2024 (the **"Effective Date"**) by Winnetka Park District, an Illinois park district and unit of local government (**"WPD"**).

WHEREAS, the WPD is a political subdivision and a unit of local government organized, established and existing under the laws of the State of Illinois, 70 ILCS 1205 *et. seq.;*

WHEREAS, WPD is the sole owner in fee simple of certain real property known as Centennial Park and Beach, located at 225 Sheridan Road, Winnetka, Illinois, identified as of the Effective Date as Cook County Parcel Identification Numbers 05-21-412-004-0000, 05-21-412-005-0000, and 05-21-412-006-0000 and legally described in **Schedule A** (**"Centennial Park"**);

WHEREAS, Centennial Park currently is partially improved for lawful passive and active recreational uses;

WHEREAS, pursuant to, in keeping with and consistent with its core mission, the WPD desires to renovate Centennial Park to provide high quality recreational opportunities, and will do so per the Centennial Park renovation plan for which all necessary permits have been issued as depicted on **Schedule B** and referred to herein as either **"Schedule B" or the "Plan"**, and fully incorporated into this Agreement;

WHEREAS, the WPD executed a Restricted Donation Agreement between the WPD and the Ishbia Family Foundation, Inc. (the **"IFF"**) for the Centennial Park

Improvements Plan, (the "**Restricted Donation Agreement**") pursuant to which the IFF agreed to make a restricted donation to the WPD for the express and sole purpose of helping to fund the following WPD Board approved lakefront improvements, as set forth in Schedule B: (1) the ADA-accessible pathway from the Centennial Park parking lot to the beach (the "**ADA Pathway**"); (2) the off-leash dog park located at the southernmost portion of Centennial Beach, compliant with all laws and regulations (the "**Dog Beach**"); (3) Dog Beach fences extending 112 feet into Lake Michigan (measured from the toe of the bluff) as depicted in Schedule B (the "**Dog Beach Perimeter Safety Fence**"); (4) a pedestrian bypass around the Dog Beach and Dog Beach Perimeter Fence to permit transit north and south (the "**Bypass**"), and (5) the stone breakwater system at the Centennial Park beachfront located approximately 200 feet north of the Centennial Park's southern-most property line (the "**Park Breakwater**" and together with the ADA Pathway, the Dog Beach, the Dog Beach Perimeter Safety Fence and the Bypass, collectively the "**Project Elements**");

WHEREAS, the WPD agreed to be bound by certain obligations and restrictions related to the Project Elements in accordance with the Restricted Donation Agreement;

WHEREAS, the WPD desires to place a restrictive covenant on Centennial Park to evidence the obligations and restrictions pursuant to the Restricted Donation Agreement to ensure the long-term recreational use and enjoyment of the Project Elements;

WHEREAS, WPD intends this Restrictive Covenant shall be recorded as a covenant running with the land and shall be binding on WPD and all future owners of all or any part of Centennial Park where the Project Elements are located; and

NOW, THEREFORE, in consideration of the above recitals and the covenants, terms, conditions and restrictions contained herein, WPD does hereby establish a restrictive covenant on Centennial Park as follows:

1. Purpose. The purpose of this Restrictive Covenant is to preserve the Project Elements for public recreational uses consistent with applicable law.

2. Continued Existence of Project Elements. Regardless of the owner of the underlying property, the Project Elements shall remain in place in the same location where the Project Elements are located in Schedule B and, except for ordinary wear and tear, will remain there for fifty (50) years after the grand opening of Centennial Beach (the "Restricted Period"). The WPD, or its successor owner, will not be in violation of this Restrictive Covenant so long as the WPD, or its successor owner, performs ordinary and usual maintenance on the Project Elements and does not move or destroy, nor instruct or permit any third party to move or destroy, any Project Elements during the Restricted Period. IFF and WPD agree to record a release of the Restrictive Covenant within thirty (30) days following the expiration of the Restricted Period.

3. Park District Reservation of Rights. The WPD expresses this restrictive covenant shall not result in and disclaims any express or implied limitation to the WPD's

discretion with respect to the use or improvement of any part of Centennial Park which does not comprise a Project Element. The WPD further expresses nothing herein is intended to convey any interest in real property whatsoever.

4. Covenant Running with the Land. The restrictions and covenants contained in this Restrictive Covenant shall run with the land defined herein as Centennial Park, and are binding upon and inure to the benefit of the IFF, WPD and its successor landowners, and their respective heirs, executors, administrators, successors, assigns, agents, licensees, invitees, and representatives. This restrictive covenant shall be recorded against Centennial Park.

5. WPD Breach. If, for any reason (a) the WPD violates this Restrictive Covenant; and (b) the WPD fails to cure such violation with the application of diligent and continuous effort, the WPD will be in breach of this Restrictive Covenant.

If (a) the WPD is found to be in breach of this Restrictive Covenant; (b) the WPD fails to cure such violation with the application of diligent and continuous effort; and (c) the WPD has moved or destroyed, or instructed or permitted any third party to move or destroy the stone breakwater system at the Centennial Park beachfront, the WPD's liability shall be liquidated damages to IFF in the sum of Three Millions Dollars ($3,000,000.00). If, for any reason, the Arbiter, in his sole discretion, determines the ADA Pathway, Dog Beach, or Dog Beach Perimeter Safety Fence do not remain in their as-built locations for the Restricted Period, IFF may file a specific performance claim in order to have the WPD restore them to their respective, as-built locations.

WPD and IFF agree that it is their desire to efficiently and quickly resolve any disputes that arise, and that any Dispute (as hereinafter defined) shall be submitted to the Arbiter, who will make a determination with respect to the Dispute, in his sole discretion, or, if the Arbiter does not still exist, to binding arbitration pursuant to the Uniform Arbitration Act, 710 ILCS 5/1, et seq., and except for a claim for specific performance not a court of law or equity. For purposes hereof, "Disputes" shall include any and all controversies, disputes or claims arising out of or relating to the enforcement of the provisions of this Restrictive Covenant.

6. Miscellaneous.

A. Promptly after IFF's payment of the second installment of the Restricted Donation, this Restrictive Covenant shall be recorded against title to Centennial Park and shall run with the land and bind Centennial Park and all future owners of all or any part of Centennial Park during the Restricted Period, but only with respect to the Project Elements.

B. This Restrictive Covenant shall be binding on the WPD, and its respective successors, assignees, and heirs, including any successor owners of all or any part of Centennial Park.

C. If any provision of this Restrictive Covenant is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, that finding shall not affect the validity, legality, or enforceability of the remaining provisions.

IN WITNESS WHEREOF, the WPD has executed this Restrictive Covenant on the date first written above.

WINNETKA PARK DISTRICT

[redacted]

President, Board of Park Commissioners
Winnetka Park District

ATTEST:

By: [redacted]

Secretary, Board of Park Commissioners
Winnetka Park District

Prepared by:
David B.H. Williams
Williams, Bax & Saltzman, P.C.
221 N. LaSalle St., Suite 3700
Chicago, IL 60601

WINNETKA PARK DISTRICT ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Christina Codo and John Peterson, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 9th day of January, 2024.

[redacted]

Notary Public

OFFICIAL SEAL
DENISE L KAUFFMAN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 12/9/25

My Commission expires: 12/9/25

SCHEDULE A

Centennial Park Legal Description

LOT 6 IN THE RESUBDIVISION OF BLOCKS 1 THROUGH 4 AND VACATED STREET KNOWN AS BELLVIEW PLACE, LYING BETWEEN BLOCKS 1 AND 2 ON THE EAST AND BLOCKS 3 AND 4 ON THE WEST IN LAKE SHORE SUBDIVISION OF LOT 1 IN NICHOLAS SIMON AND OTHERS' SUBDIVISION OF PART OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION 21 AND FRACTIONAL SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

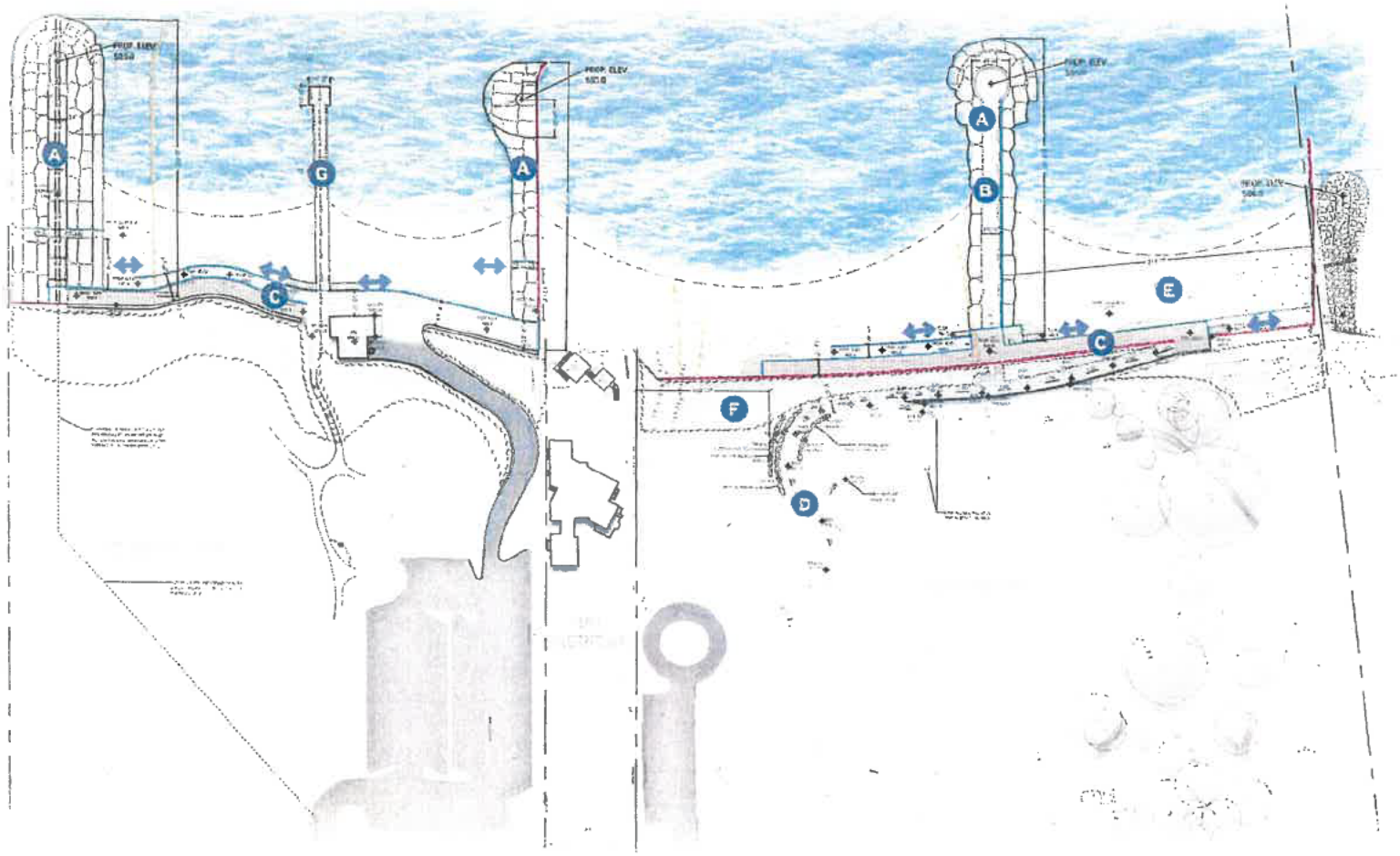
P.I.N.: 05-21-412-004-0000, 05-21-412-005-0000, and 05-21-412-006-0000

SCHEDULE B

Plan of Project Elements

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

- A RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
- B ACCESSIBLE VIEWING PIER WITH BENCH SEATING
- C ADA ACCESSIBLE BOARDWALK & CONCRETE RAMP BEACH ACCESS
- D ACCESSIBLE PEDESTRIAN PATH TO BEACH
- E PROPOSED CENTENNIAL DOG BEACH
- F BLUFF RESTORATION ZONE
- G REPAIRED EXISTING CONCRETE PIER

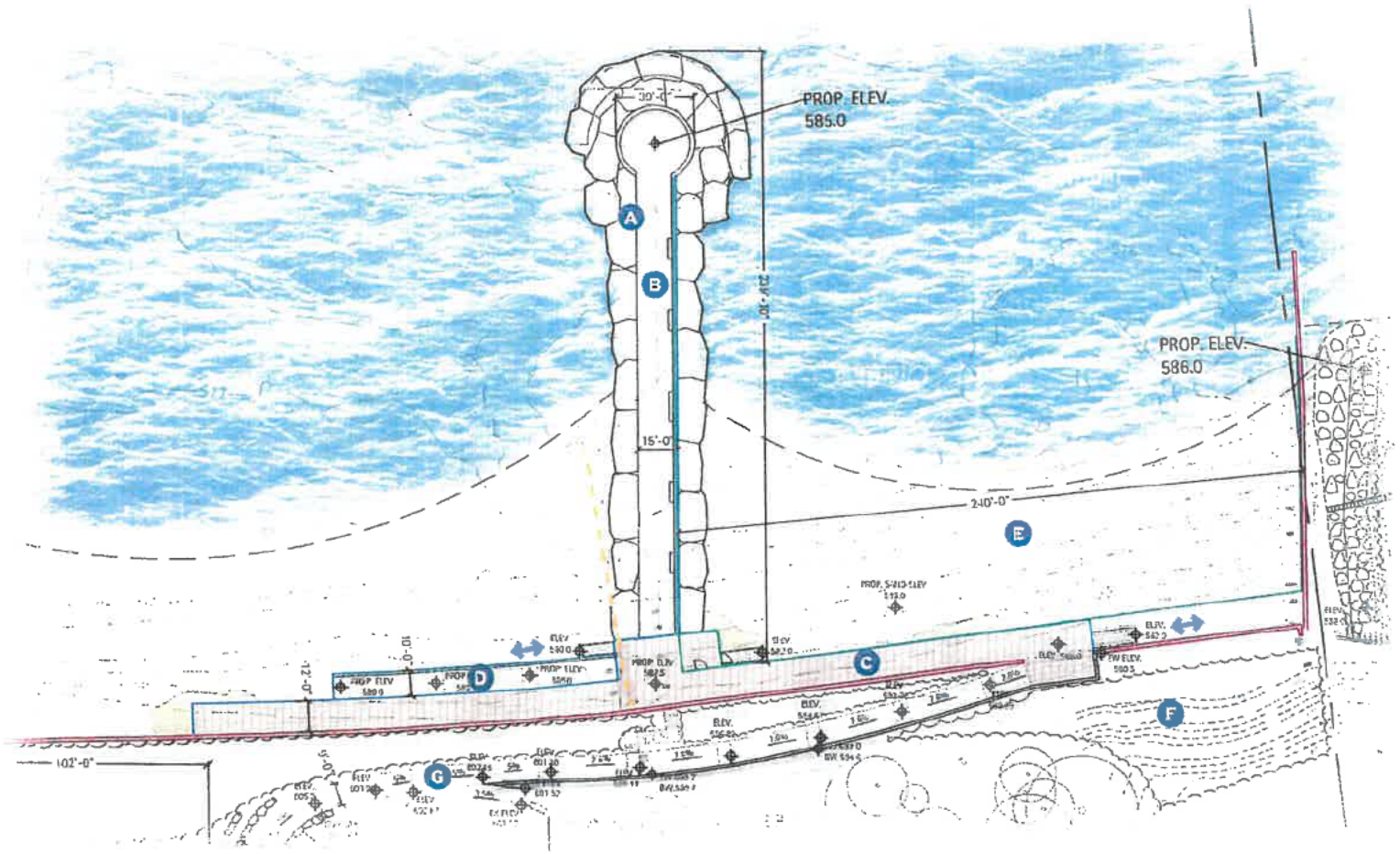
Elder + Centennial | Final Schematic Design

10/19/2023

THE LAKOTA GROUP.

Elder + Centennial | Schematic Design

ELDER | CENTENNIAL
BEACH FEASIBILITY STUDY



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE

A. RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
B. ACCESSIBLE VIEWING PIER WITH BENCH SEATING
C. ADA ACCESSIBLE BOARDWALK
D. ADA ACCESSIBLE CONCRETE RAMP BEACH ACCESS
E. PROPOSED CENTENNIAL DOG BEACH
F. BLUFF RESTORATION ZONE
G. ACCESIBLE PEDESTRIAN PATH & RAMP TO BEACH

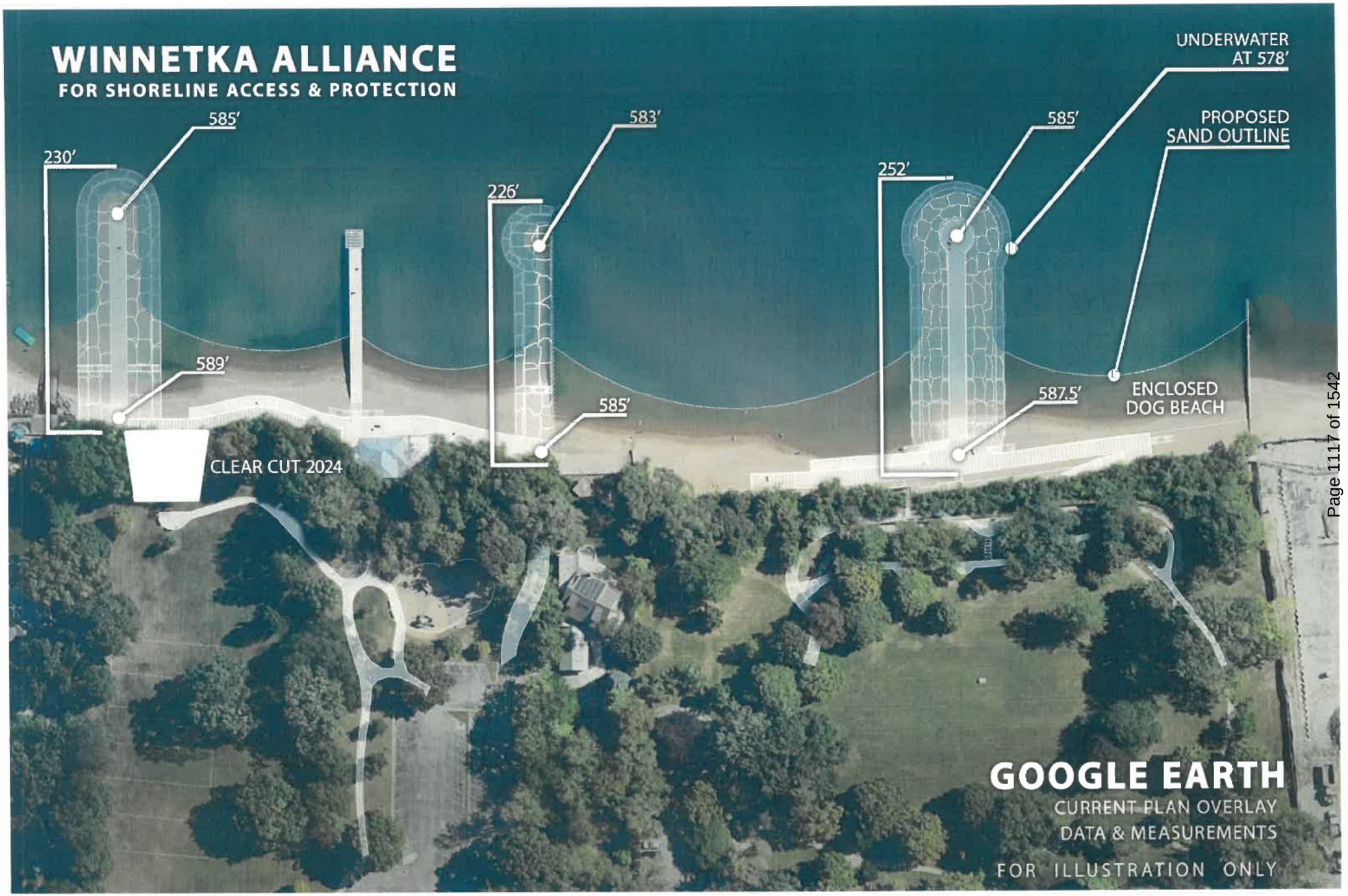
Centennial Enlargement | Final Schematic Design

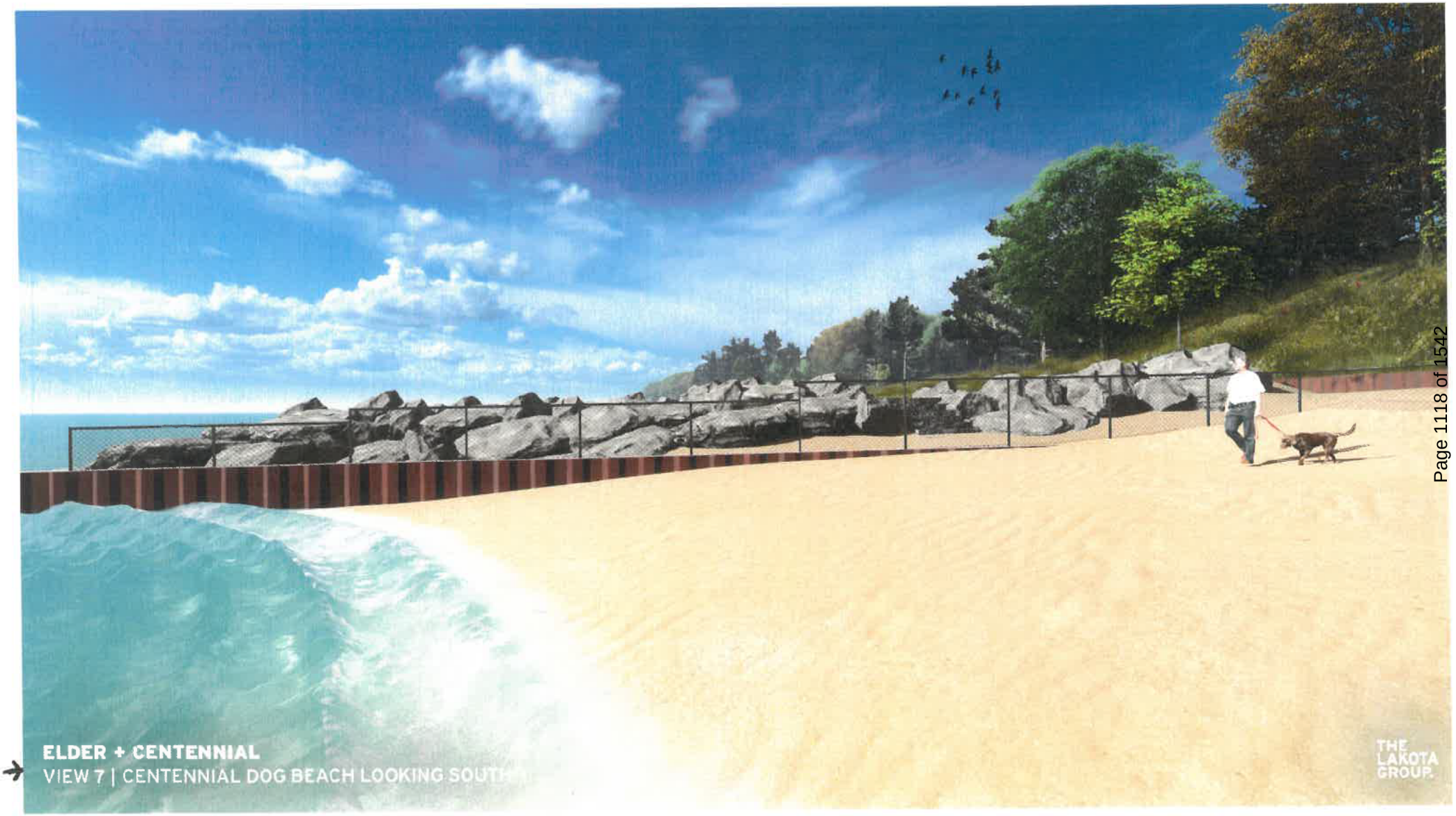
10/19/2023

THE LAKOTA GROUP.

Winnetka Futures 2040 Plan Ten Community Pillars, Goal 1.7: The Village will continue to ensure that open space uses, such as Park District parks, beaches, and facilities, are compatible with the residential neighborhoods in which they are located.


NO
ADA
ENCLOSED
DOG BEACH
Danger zone
Danger
zone
252'
Danger zone


WINNETKA ALLIANCE
FOR SHORELINE ACCESS & PROTECTION
585′
230′
589′
CLEAR CUT 2024
583′
226′
585′
585′
252′
587.5′
UNDERWATER
AT 578′
PROPOSED
SAND OUTLINE
ENCLOSED
DOG BEACH
GOOGLE EARTH
CURRENT PLAN OVERLAY
DATA & MEASUREMENTS
FOR ILLUSTRATION ONLY


ELDER + CENTENNIAL
VIEW 7 | CENTENNIAL DOG BEACH LOOKING SOUTH
THE LAKOTA GROUP.

SITE LOCATION

Uninviting, barrier heavy, out of character, cage-like pen on Centennial Beach, with fencing designed to block access to the south



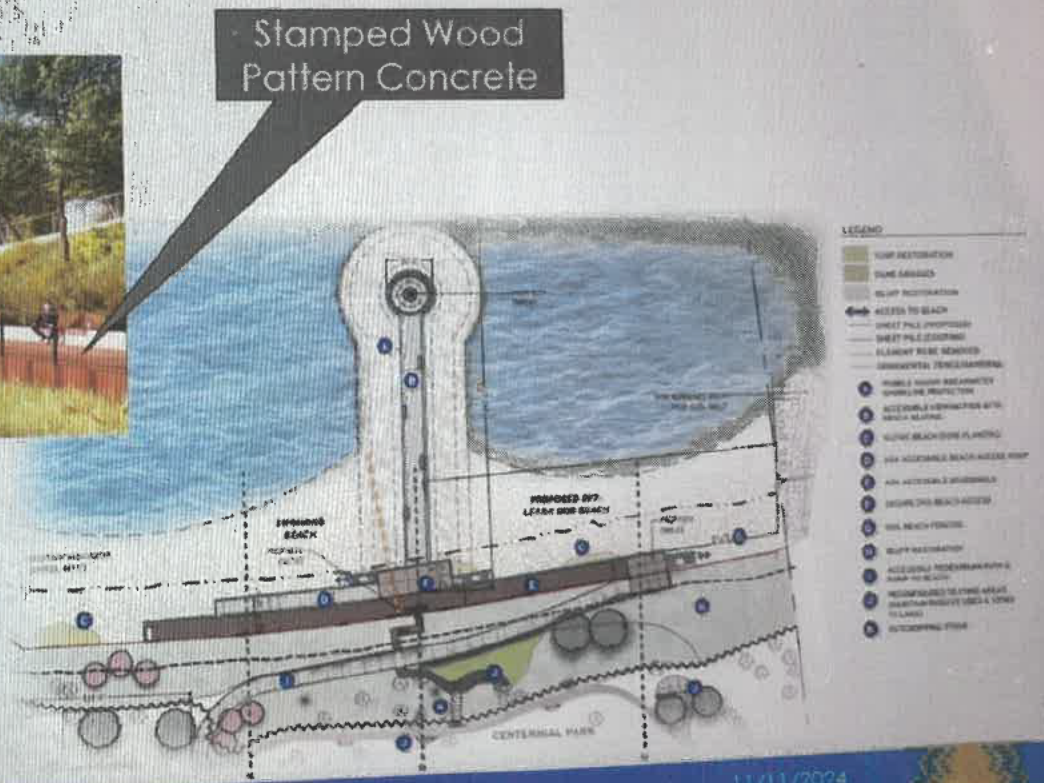


PROPOSED HANDRAIL

YouTube
Search
November 11, 20

WALL & FENCE ASSOCIATED WITH BOARDWALK & PIER





510 Green Bay Road | Winnetka, IL 60093 | 847-501-6000 | www.villageofwinnetka.org

11/11/2024

November 11, 2024 - Zoning Board of Appeals

Village of Winnetka
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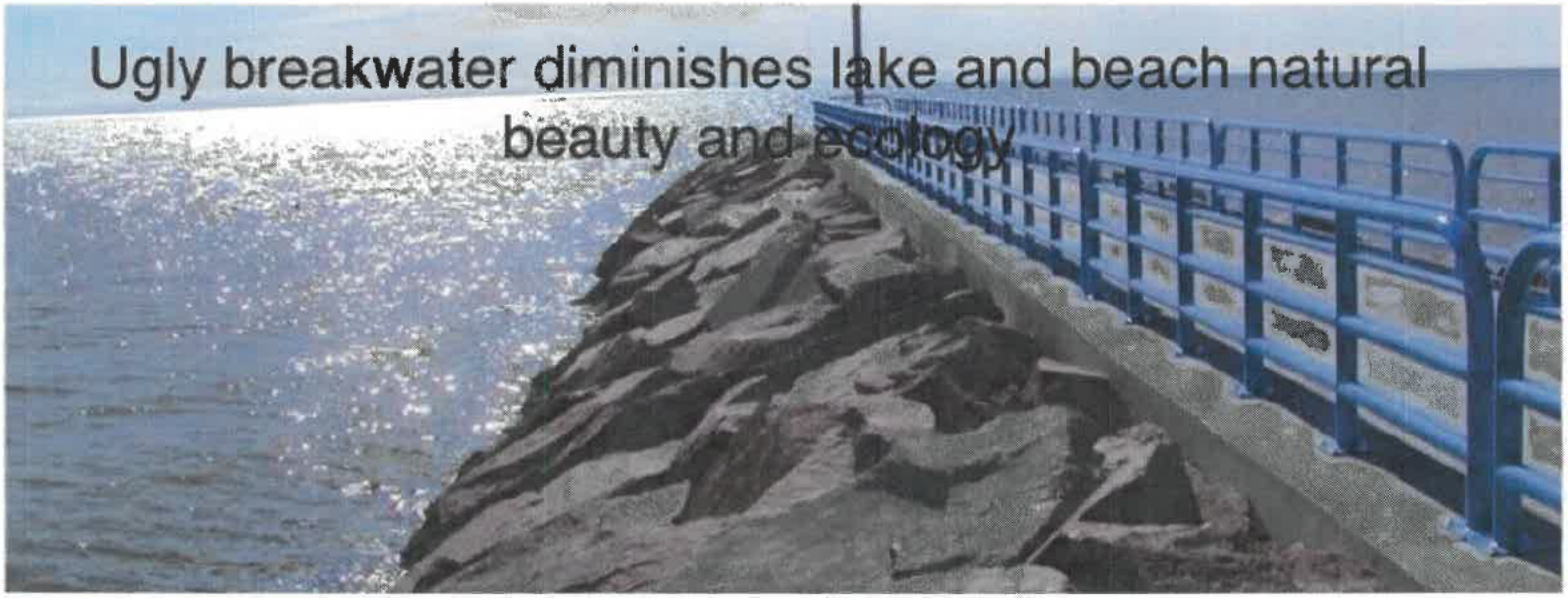
Breakwaters, Groins, and Shoreline Structures

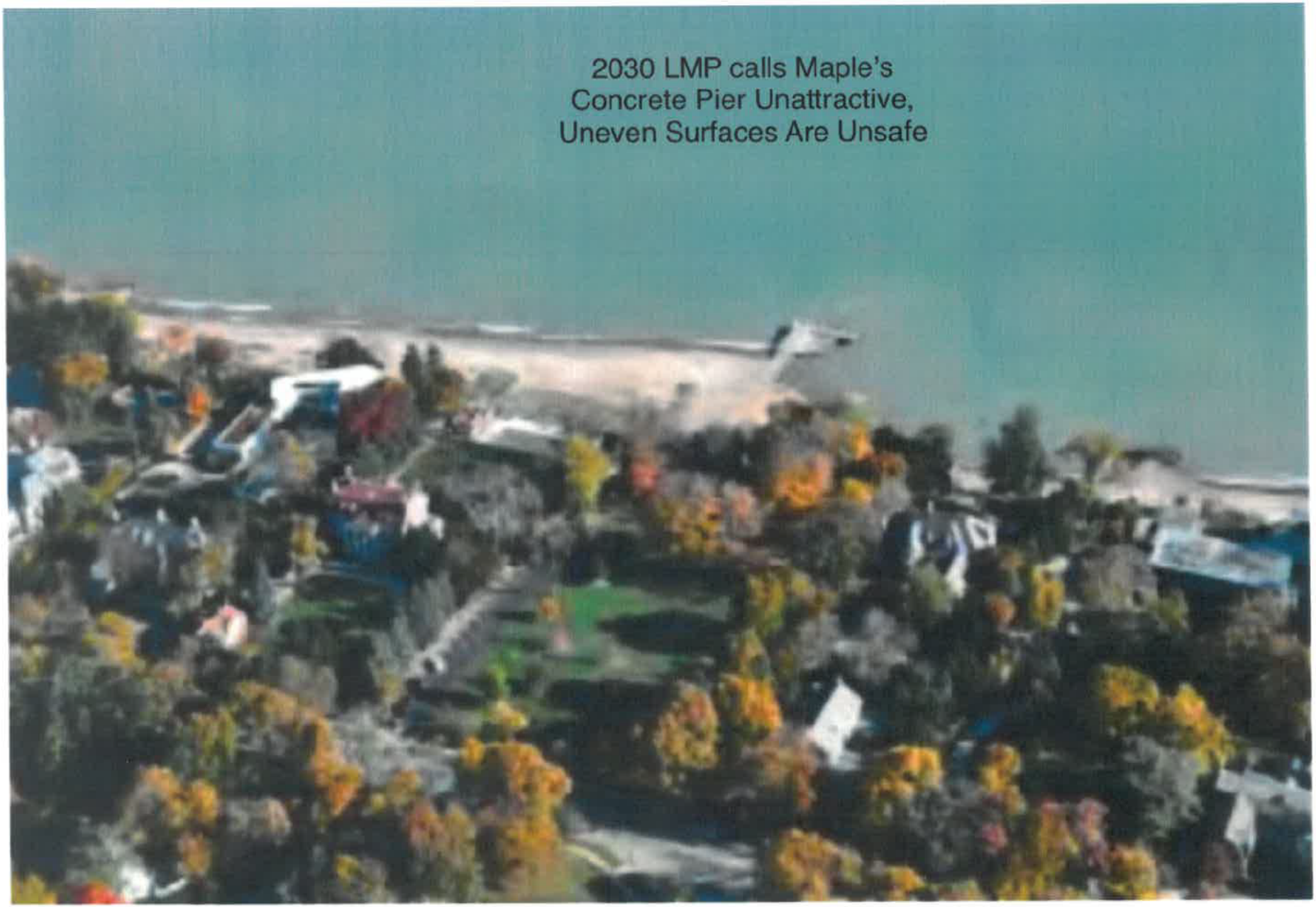
There was concern expressed over the proposed breakwaters, especially that they will diminish the beaches' natural beauty and ecology.

Erosion

While most people support improving the quality of beaches, there is concern among some residents about the appearance and effectiveness of shoreline structures such as rubble-mound breakwaters. Shoreline and beach erosion remains an issue that is not well-understood by the community.



Inorganic shoreline structures diminish the lakefront's natural aesthetic.



The concrete pier is unattractive and its uneven surfaces pose a safety concern.

WINNETKA POLICE CHIEF - SAFETY REQUIREMENTS

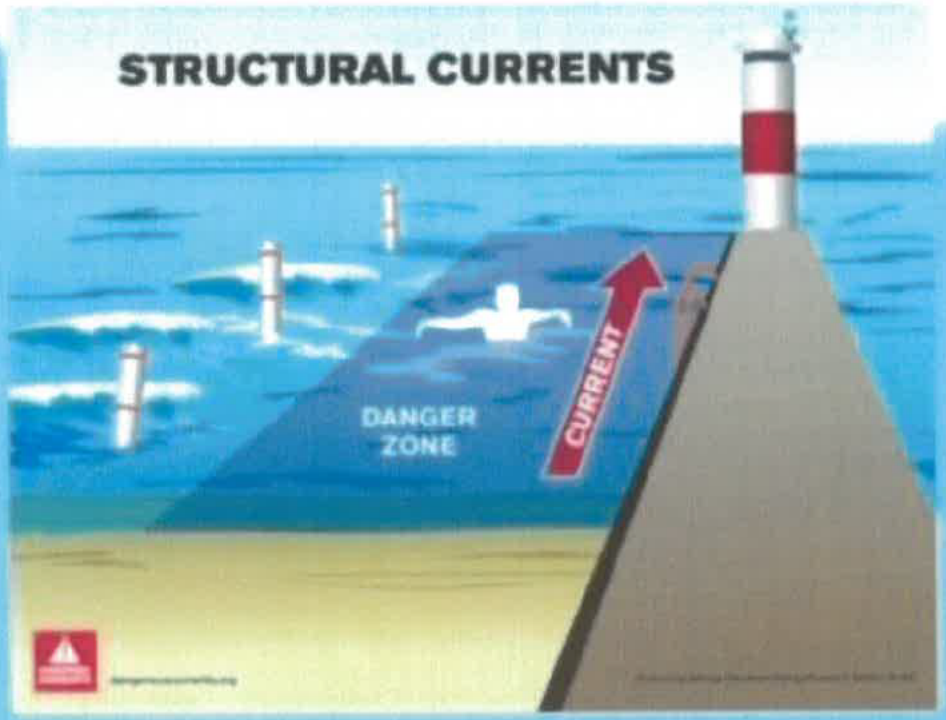
STAFF & CONSULTANT REVIEW

The Police Department recommends the installation of security cameras for the Centennial Park and Beach areas. These improvements are likely to draw large volumes of visitors and guests to enjoy the lakefront. The presence of security cameras not only provides safety for the patrons visiting this location, but also is a highly visible deterrent of potential crimes. Over the last several years, the safety and security of some of the Winnetka beaches and parks have been monitored by the presence of security cameras. These cameras have assisted law enforcement in several areas related to safety, security, and follow-up investigations; most notably with a recent drowning. Through security camera footage, public safety was able to identify how many people accessed the property and how many may have succumbed to the rough waters.

Various types of security camera systems are available ranging from those that require a hardwire connection between the security cameras and nearby data storage equipment to others that wirelessly transmit data from the cameras to the storage equipment located some distance from the site, such as the security camera equipment the Village uses in our commercial districts. The security camera system should provide adequate coverage of the property, function properly during day and nighttime hours (low or minimal light), and footage saved should be easily accessible to park district staff for efficient and timely collaboration with public safety when an incident needs further investigation or follow-up.

Given the design of the proposed breakwater/pier elevation will allow wave action over the top, the Applicant has stated that they will have interchangeable signage as they have for other swimming beaches that will inform the public of the lake conditions. These signs will be monitored and changed as needed throughout the season. In addition to the signage, they anticipate installing type 2 barricades at the western pier entrance as necessary to prevent the use of the pier during the high lake conditions where there could be an opportunity for waves to top the pier. The Director of Engineering recommends the installation of a more robust permanent solution to ensure public safety at all times. As weather events can change very quickly, the installation of temporary safety measures can leave opportunities for avoidable accidents to occur and heavy weather events can disturb temporary type 2 barricades.

The Applicant has not incorporated these two recommendations, the installation of security cameras on



AVOID DROWNING

Tip 4: Steer Clear of the Pier

Keep the kids away from piers, breakwalls/breakwaters, jetties, and other structures during high water and wave conditions.

45% of current-related drownings and rescues occur near structures.

Many drownings occur when kids jump off or are swept off piers by wind and waves. There is often cement or rocks below and the colliding waves and currents create a washing machine effect that takes swimmers and would-be rescuers every year.

7:49 PM Thu Nov 28

58%

September 6

8:49 AM



PIER-RELATED INJURIES

John Peterson, executive director of the district, said the park district is aware of both incidents. Scherb's injury, he said, caused the district to review safety measures at Lloyd Beach and its boat launch, the area where the accident occurred. Peterson did not say if any changes had been made.

He said the park district does not have firsthand knowledge of Gilchrist's incident and cannot comment; though, he did confirm that the beach was closed at the time and did not have park district employees on duty. Winnetka beaches open to public swimming in early June.

Sara Gilchrist said on the day of the accident, April 12, Pato was at the beach with a group of friends, many of whom were jumping into the water. She said even though it was a horrible accident, everyone needs to be careful in that situation.

"People should watch out when they dive," she said. "It was something I've done a million times and so has Pato and it was just bad luck, but you just need to know what you're diving into."

SHORELINE DAMAGE TO COMMUNITY

https://www.harborcountry-news.com/news/more-than-60-people-weigh-in-on-draft-version-of-chikaming-shoreline-anti-armoring-ordinance/article_f38b3fb8-ea0b-5b47-94f3-699988326124.html

More than 60 people weigh in on draft version of Chikaming shoreline anti-armoring ordinance

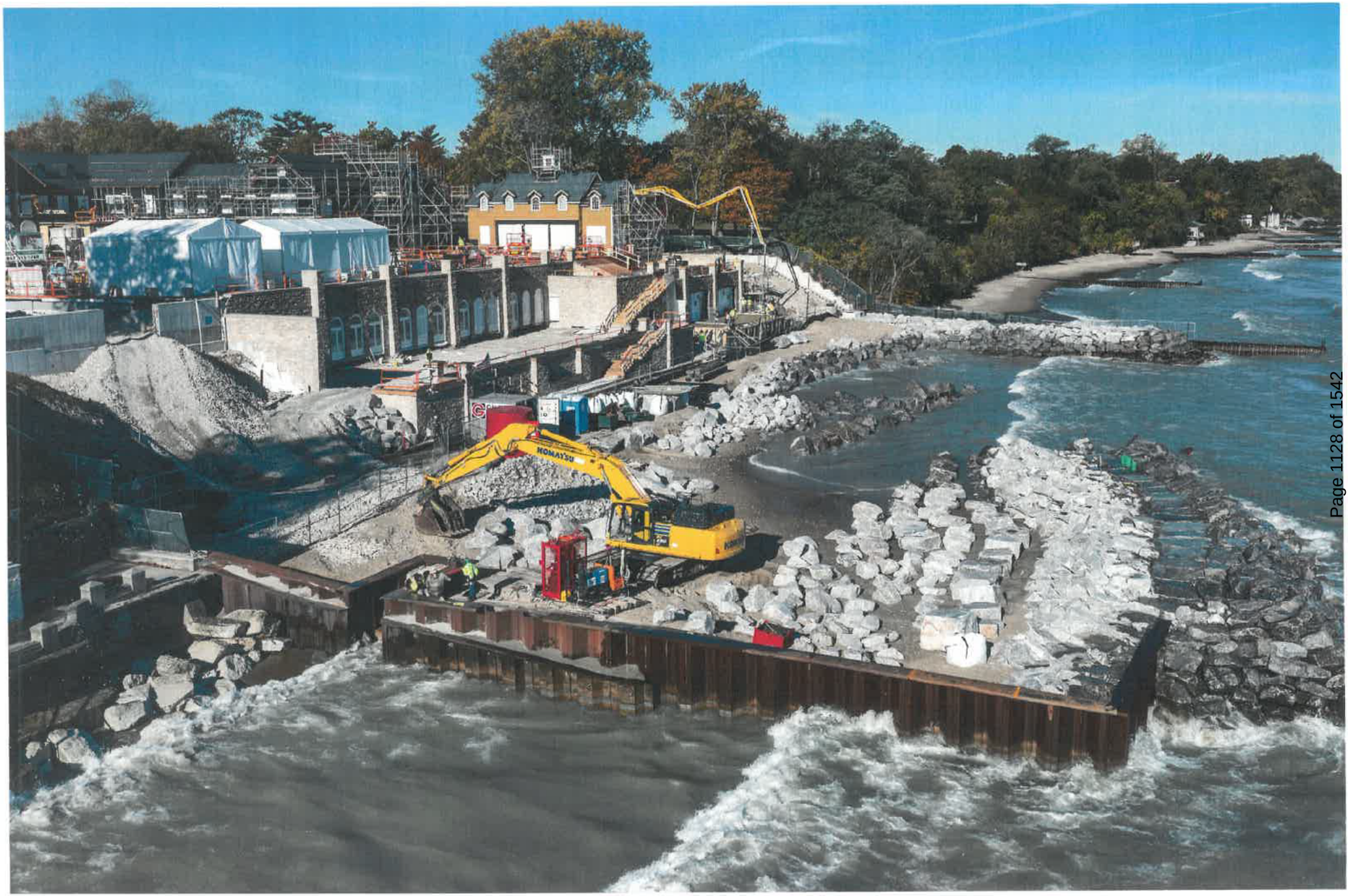
By David Johnson News Editor
Feb 9, 2021

1 of 4



Michigan community responding to damage caused by breakwaters

VIEW OF LAKEFRONT STEEL SHEET PILING AND ROCKS



AERIAL VIEW OF
BREAKWATERS • STEEL AND ROCK PILES




NOTE DEBRIS IN WATER SOUTH
OF 205 SHERIDAN

SHORELINE VIEW

SHORELINE VIEW


WINNETKA ALLIANCE
FOR SHORELINE ACCESS & PROTECTION
ENCLOSED
DOG BEACH
PROPOSED
SAND OUTLINE
UNDERWATER
AT 578'
PHOTOGRAPHY
CURRENT PLAN OVERLAY
DATA & MEASUREMENTS
FOR ILLUSTRATION ONLY

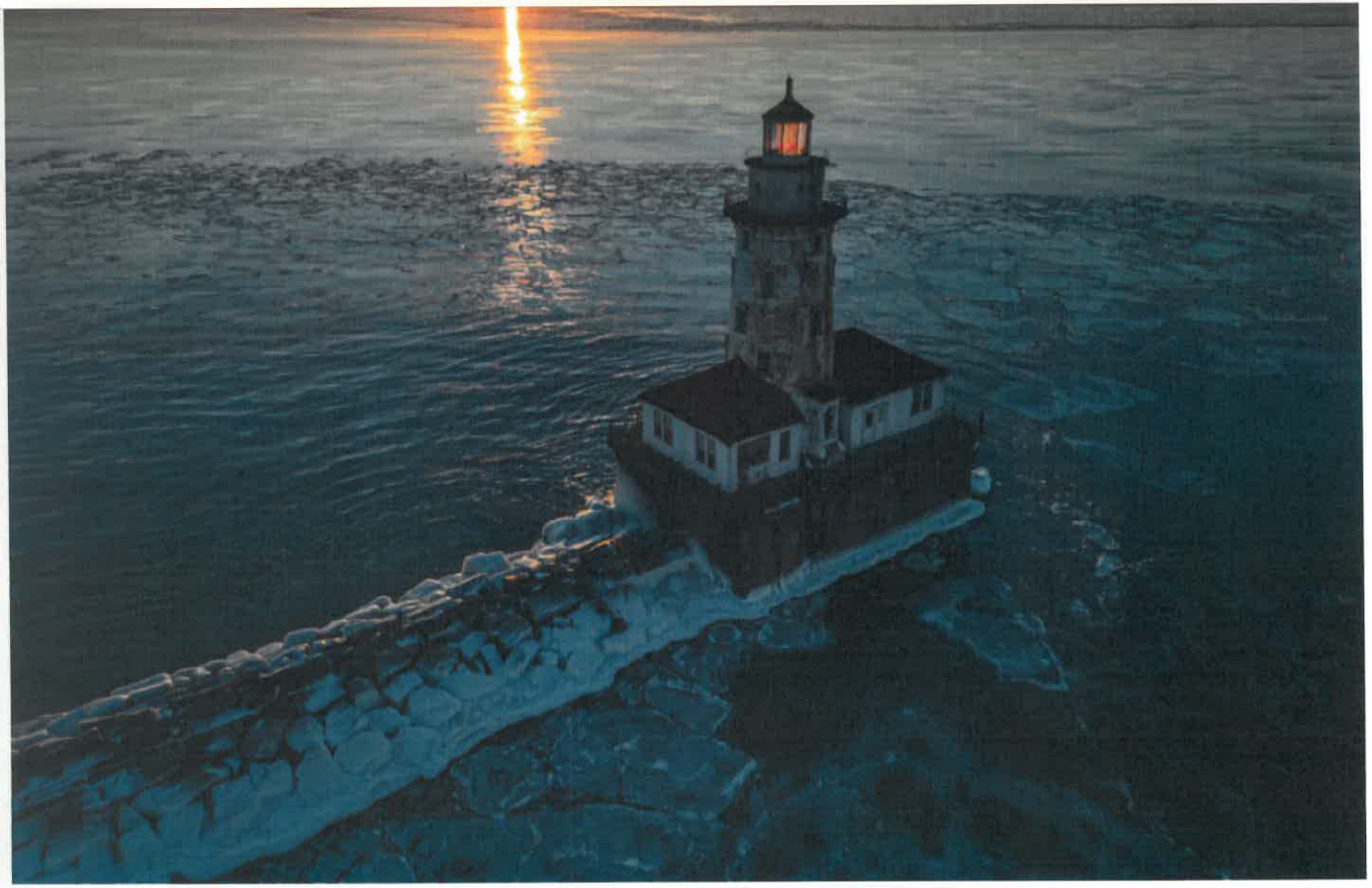
Here are photos capturing the industrial nature of concrete and steel sheet piling piers, typically used for harbors, marinas per 2015 draft of 2030 LMP, and even commercial ports used for shipping/receiving goods.



Waves crash against a pier near Oakwood Beach as frigid temperatures and a winter storm move through Chicago area Monday. | Ashlee Rezin/Sun-Times

9:01 AM Sun Dec 15

digitaledition.chicagotribune.com



JAN. 21

Ice forms around the Chicago Harbor Lighthouse on Lake Michigan after sunrise following a week with temperatures around zero.
BRIAN CASSELLA/CHICAGO TRIBUNE

WINTER CONDITIONS

INDUSTRIAL NATURE OF PIERS AND SHORE-PERPENDICULAR BREAKWATERS

48%

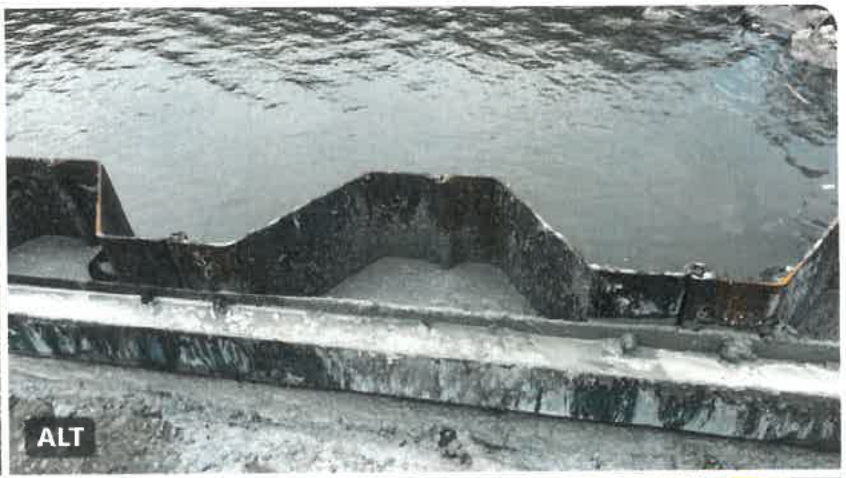
USACE Buffalo
@USACE_Buffalo

Follow

The pier & a small portion of the east end of Wendy Park will remain closed to foot traffic during construction.

Repairing the pier ensures safe navigation in addition, visitors & the Cleveland community continue to have this great place to walk & enjoy the waterfront.









Tourist Town



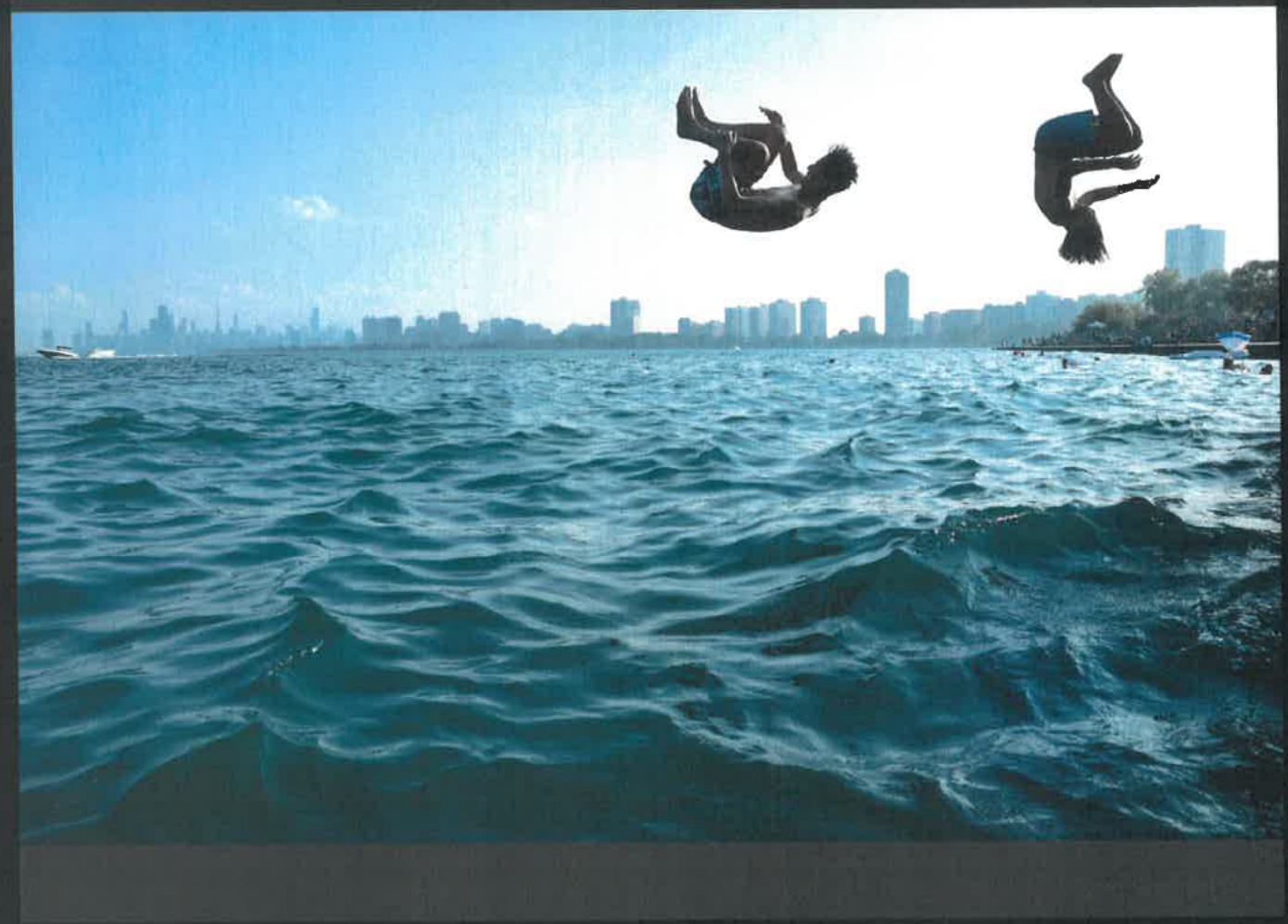
LOW LAKE LEVELS - CLIMATE CHANGE



Armando L. Sanchez/Chicago Tribune

People walk on West Wacker Drive as winter weather moves through the area on Monday. National Weather Service expected Chicago to receive some lake-effect snow on Monday. So-called lake-effect snowfall happens when cold, dry air from the north moves across relatively warmer open water where it picks up moisture and heat. As the planet has warmed, so have the Great Lakes — Lake Michigan recently had its warmest November in 30 years. These higher water temperatures and a reduced ice cover enhance evaporation from the lake, increasing its snow effect.

7:28 AM Wed Nov 20 ••• 96%
AA digitaledition.chicagotribune.com



1 of 1

Lake Michigan water levels drop to lowest in years

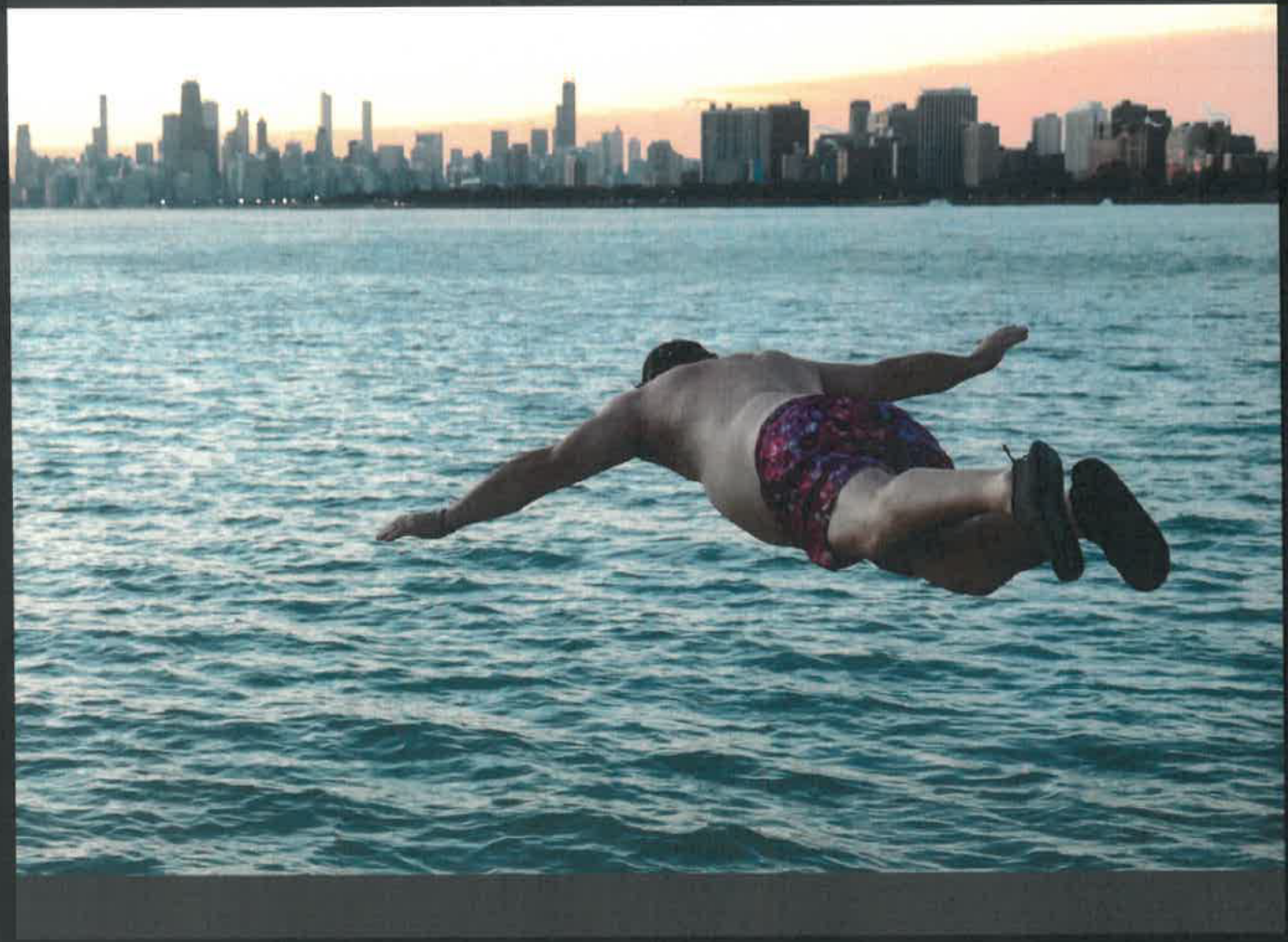
Two teenagers plunge into Lake Michigan as people cool off from the heat and humidity near Montrose Beach in Chicago on Aug. 27. Chris Sweda/Chicago Tribune



7:46 AM Mon Dec 16

97%

digitaledition.chicagotribune.com



1 of 1

Lake sees its warmest November in 30 years

Dan O'Conor, the "Great Lake Jumper," makes his daily leap into Lake Michigan on Thursday during a below-zero wind chill. Antonio Perez/Tribune

From: [redacted]
To: Ann Klaassen
Subject: Centennial Beach Ishbia Family Foundation's restrictive covenants comments for Winnetka Plan Commission
Date: Tuesday, January 14, 2025 11:55:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ann,
Has the Plan Commission already been given the full donation agreement between the WPD and the IFF regarding Centennial beach? If not, I believe they should have it and will be happy to provide a copy if needed. My comment to the Plan Commission for consideration at their next meeting is below. Please confirm receipt :

Dear Members:
The Plan Commission is asked to review a Winnetka Park District Proposal to develop Centennial Beach. The plan has shortcomings, which you will recognize and which may come up in other's comments.

I'd like to question the status of the applicant to petition the Commission. While the Winnetka Park District is the landowner, District leadership has submitted to restrictive covenants over the beach. Those covenants give the Ishbia Family Foundation control over the development of; access to and maintenance of the beach and proposed built features for a least 50 years.

Should the IFF be co-applicant in these proceedings? It appears the IFF control per the Donation Agreement subsumes the District's ability to change the development plans you review. Only the IFF can adjust the plan. I encourage the Commission, and the Village, to inspect the validity of the agreement (can a public body give a private entity control over public lands and waters of the United States?) and determine if the Foundation needs to be co-applicant. This is a matter for your attorneys.

Next, the District's development plan and the donation agreement require fences (animal pen) extending into the waters of the US and across public trust land adjacent to the water. These lands and waters fall into the jurisdiction of State and Federal regulators.

There is an established body of law in our state that prohibits fences on beaches; animal pens on beaches; fences into the water, and hand rails, gates or any other safety features on breakwaters. If submitted in a design, as was done for the Isbia breakwater permit, those features are removed before a permit is issued.

Given state and federal regulatory realities and the WPD's inability to effect even the smallest changes in plan due to the restrictive covenants they've agreed to, I suggest the Plan Commission dismiss these proceedings until the Village determines who rightfully has control of the project. And what features can lawfully be included on the breakwater. That thing is massive, and without gates or rails the Park district Board and its insurers may not want to go forward on that part of the proposal.

Your time and expertise is valuable. Why waste it with such a hash? Get the attorneys to clarify the above before proceeding, or deny approval outright and ask the applicant or applicants to return with a design compatible with State and Federal regulations.
Most sincerely,
Laurie Morse
[redacted]

Because it's a natural world

Subject: Request for Denial of the Proposed Centennial Renovation Plan

Dear Members of the Plan Commission,

Thank you for your time, concern, and effort in reviewing the proposed Centennial Park renovation plan requested by the Winnetka Park District (WPD).



The aerial photo provided above highlights the over-engineered design of the proposed plan. This excessive use of stone, steel, and concrete would destroy the natural bluff and beach currently in place. Such a transformation should be a significant concern for our village, as it fails to protect our bluffs and instead encroaches upon our lake, beach, and park, all in violation of the focus of maintaining the Winnetka ecosystem as set forth in the Village of Winnetka's 2040 Plan.

Key Concerns with the Proposal:

1. **Dog Beach and Safety Issues**
    - The southern section of Centennial includes a proposed cyclone-enclosed fence for the dog beach. However, the dog beach will be directly adjacent to the people's beach.
    - Under the proposed plan, all visitors—dogs and humans alike—will share a common ADA-compliant pathway. This creates a potentially hazardous environment, particularly with excited dogs eager to reach the beach, increasing the risk of accidents.

2. **Special Use Permit (SUP) Concerns**
    - The WPD seeks an amendment to the Centennial Special Use Permit, yet the original SUP cannot be located by either the Village of Winnetka or the WPD.
    - Without the original SUP, the Plan Commission has every right to deny this application. The WPD should be required to refile their request as a new application.
3. **Massive Breakwater ("Pier") Risks**
    - The proposed breakwater, referred to as a "pier" by the WPD, poses significant public safety risks. Signs are insufficient to prevent accidents, especially for youth, during both summer and winter. This structure should be reconsidered for the safety of all residents.
4. **ADA Platform/Ramp Design Flaws**
    - While ADA compliance is mandatory, the proposed ramp design is unsafe for all users, including individuals with physical or sensory disabilities, young children, and the elderly.
    - The design creates a dangerous, enclosed space where users in strollers, wheelchairs, or walkers may interact with eager dogs, increasing the risk of accidents.
    - Additionally, the ramp may attract skateboarders and bicyclists, making it an "attractive nuisance." The platform is accessible 24/7, raising further safety concerns.
5. **Impact on Centennial Bluff**
    - The proposed ramp and platform design could destabilize Centennial's bluff, which is protected under lakefront protection ordinances passed by the Village Board of Trustees.
6. **Lack of a Comprehensive Plan**
    - The proposal does not include plans for Elder Lane Beach, a beloved neighborhood swimming spot that has been closed for four seasons. Community feedback has consistently called for the reopening of Elder Beach. A piecemeal approach does not serve the public interest and can you, the Plan Commission, commit that you understand only 1/3rd of a full beach plan that includes Elder Lane Beach, Centennial Beach, and the property located between the two parks?
7. **Neighborhood Impact**
    - The proposal will negatively impact the surrounding neighborhood, leading to increased traffic, parking issues, emergency calls, noise, trash, and late-night loitering. Winnetka's neighborhood parks are meant to be passive and family-friendly, but this plan disrupts that balance.

In conclusion, the current plan fails to address health, safety, and welfare concerns. The proposed plan does not conform with the objectives of the Village's 2040 Plan, and it does not demonstrate prudent use of taxpayer funds. For these reasons, I respectfully request that the Plan Commission deny the Winnetka Park District's incomplete proposal for Centennial Park.

Thank you for your consideration.

Sincerely,

Mary Garrison [redacted]

Past President & Commissioner

Winnetka Park District

From: [redacted]
To: Planning; David Schoon; Ann Klaassen
Subject: Centennial Park - Plan Commission Meeting
Date: Tuesday, January 14, 2025 3:48:31 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ann, David Schoon, and Plan Commission members,

As an "interested person," I'd like to comment on whether the proposed Centennial Park/Beach project meets the standards for a Special Use Permit that they have applied for. I have already made similar comments during the ZBA process, but I'm not sure if that packet and the proceedings from those meeting are included in the materials provided for the Plan Commission. Please include this letter in the packet for the upcoming meeting.

I currently reside at 226 Sheridan Rd. and will shortly be moving into 232 Sheridan Rd. My neighborhood is a hub of essential infrastructure for the Village of Winnetka. We have a state highway. We have an enormous high school. We have an elementary school. We have two public parks and two public beaches. And we will also likely be in the middle of a major future stormwater project. These are all good things—some of them are why we chose to live here! But they come with trade offs. Traffic, congestion, parking, and safety are constant issues. That is why I think it is essential that the Plan Commission looks very carefully at the Winnetka Park District's proposal and how it will affect a neighborhood that is already stretched in its current state.

The Park District says they are seeking a Special Use Permit to "ratify and expand the public recreational use of Centennial Park and Beach within the R-2 single-family residential district." However, when you look at their narrative in response to the Standards for Granting of Special Use Permits, you will see that they repeatedly insist that there will be no increase in intensity of use. The level of investment that they are making in this park tells you everything that you need to know about their plans for use. Below I have included my responses to the project as they pertain to each of the six standards:

Section 17.56.120 Standards for Granting of Special Use Permits.

A. General Standards for the Granting of Special Use Permits. No special use permit shall be granted unless it is found:

1. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;

The proposed rock structures are inherently more dangerous for people on land and water. As an avid paddle boarder, I find navigating the lake much more difficult around these rock

structures than around the existing steel structures. The way that waves bounce off of them is very dangerous for swimmers, kayakers, paddle boarders and boaters. The rock structures also offer far more opportunity for children to slip, fall, or go out of the line of sight of their parents.

The line of sight issue is also very important from a safety standpoint. My wife was the person who called 911 during an emergency situation last year. She was hesitant to call because it didn't really look like an emergency, but something looked off, so she called out of an abundance of caution. Unfortunately, the incident resulted in the tragic death of one of our community members, but the response from our first responders was very fast. The proposed rock structures would block this line of sight, and my wife would not have seen the dangerous situation unfolding. It would have taken far longer for first responders to arrive.

The Park District has proposed signage and temporary barricades as a solution for keeping people off of the pier during dangerous conditions. If the structures are inherently dangerous, maybe they should leave what exists and not build anything new. Signs and barriers are not sufficient for these types of structures.

I also think that John Root has done an excellent job of outlining the public health and safety issues surrounding the proposed designs.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

We purchased our home largely because of Centennial Park as it exists. We see it as providing immense value to us, our neighbors, and the community. The proposed changes to the park are a net negative that will make living in near proximity to Centennial Park less desirable. The Park District points to the neighbor to the south as proof that their plan is not injurious to neighbors, yet here I am, a direct neighbor to the park saying that I invested in my home with the hope that Centennial will be preserved largely as it is now, not improved based on restrictive covenants and design input from a single neighbor. What is favorable for that one neighbor is not favorable for the majority of close neighbors.

The Park District alleges that "the Proposed Improvements will not increase vehicular traffic or parking demand in a manner that would be injurious to the use or reduce the property values of neighboring properties." Later in this letter, I will demonstrate why that is completely untrue.

3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

The proposed rock structures will deprive neighbors to South of sand flow and keep them from having beaches in front of their homes.

The Park District claims that the project at 205 Sheridan is "an investment that would not occur if the Project impeded the normal and orderly development in the immediate vicinity." Nothing about what has happened at 205 Sheridan is normal and orderly. If anything, it is now quite clear that the WPD Project has promoted abnormal and disorderly development in the neighborhood.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;

"The Applicant does not expect the Proposed Improvements to create new parking demand or materially increase traffic." To add any more pavement or non-permeable surfaces to this beautiful parkland would be a huge mistake, but the Park District is asking to drastically increase the intensity of use by offering both a swimming and a dog beach. This neighborhood is already inundated with traffic 7 days a week. During the school year we have New Trier students coming and going (and often driving irresponsibly) from 7 AM to 7 PM. Sheridan Road is also a state highway, and there is a constant flow of drivers speeding and looking at their phones. Centennial Park and its beach are a destination that many people walk to, but even crossing the street to get to the park is hazardous and often takes many minutes of waiting if you are not at the crosswalk by Elder. There is no crosswalk option to the south unless you include the one all the way at Winnetka Ave. (which is also very difficult to cross because of the congestion at this intersection). We already have a congestion problem, and these proposed changes are not accounting for an increased intensity of use.

The Park District has claimed that there will be no increase in intensity of use. This is impossible with the proposal to going from solely a Dog Beach to a Dog Beach and a Swimming Beach. How can they propose spending millions of dollars on "improvements" without the expectation that they will increase the intensity of use? Additionally, the fact that Elder has been closed and will seemingly remain closed will put more pressure on Centennial. This is a de facto increase in intensity of use by restricting access to one of our beaches for dubious safety concerns. I am convinced that the proposed changes to both Elder and Centennial will be far more dangerous than any existing conditions at the beaches.

I have seen multiple car and bike accidents on Sheridan near Centennial. These will likely increase if the park is "improved" and receives more use—whether people are arriving by car, bike, or foot.

My family chose to live in a busier part of town. We are ok with people coming and going to school, parks, and up and down the North Shore; however, there is a point where it will be too much and create both congestion and safety hazards. If the Park District is going to propose a plan to dramatically change how these parks are used, then they must provide a plan for how they will prevent congestion without paving over large swathes of existing green space in one of the most important areas to have permeable surfaces.

5. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided;

There is no plan for additional parking in any of the documents that I have seen. While I am happy about that specifically (please no more parking lots!), it must be viewed in the context of the proposed plan. The Park District can't just hand wave and say that there will be sufficient parking at Elder when that lot is entirely full much of the year. Residents in our neighborhood barely have enough parking for themselves, construction workers are forced to park streets away (or be bussed in), and students are paying many thousands of dollars a year to park in our neighborhood to be close to New Trier. There is no parking on Sheridan. There isn't really parking on Fuller Lane. Elder Lane and all of the other surrounding streets have restricted parking during the school year. The Park District can't propose a project of this magnitude and at this cost level, and then say they expect no increase in intensity of use.

Additionally, the Village is in the process of planning its storm sewer projects. The direction that they choose may have significant impact on drainage in our neighborhood that will have to go through Elder/Centennial. How can we approve these plans before we have figured out how to deal with the stormwater. I am certain that adding more concrete to the bluff where the water seeps out into Lake Michigan is not the solution.

Finally, the proposed swimming beach has no toilets or changing areas. The Park District will point to Elder and say that those will be provided there, but then both projects should be considered together—not separately.

6. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.

I'm not sure if this is the best place to make this point, but it must be considered that a significant portion of the land that is being considered for this Special Use Permit is subject to a Land Swap Agreement. This means that some of the land that is planned to be improved could be conveyed to a private party at any time. It seems untruthful to apply for this permit with a plan that includes land that the Park District has agreed to give to another party at some unclear time in the future. If this land is conveyed to a private party, it would be subject to the Lakefront Preservation Overlay District which would require the land to be open and unobstructed from ground to sky. This proposal does not provide for that.

Additionally, all zoning calculations for Centennial Park include this parcel of land, but should they? If the Park District is going to potentially swap this land, then the land subject to the Land Swap Agreement should be excluded from Special Use Permits, Zoning Variations, and Steep Slope Exceptions until that agreement is nullified or completed.

I truly love Centennial Park as it exists right now. The Park District is not being honest in claiming that they don't intend to increase the intensity of use. Why else would they aim to spend many millions of dollars to improve a park with no clear deficiencies? An increase in intensity of use affects each of the six standards, and the WPD's denial that there will be an increase in intensity of use shows that they have not planned this project in a way that conforms to these standards.

Thank you,

Willy Franzen
226 + 232 Sheridan Rd.

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Village of Winnetka Plan Commission
Jan. 22, 2025



AGENDA

NATURAL SYSTEMS

HISTORY OF THE MASTER PLAN

LAKEFRONT IMPLEMENTATION PLAN

CENTENNIAL EVOLUTION

WHY WE ARE HERE

PROPOSED DESIGN

Natural Systems

Lake Michigan Conditions

ESTABLISHING THE FACTS

Coastal Processes at Play

- Lake Level
- Waves
- Ice Climatology
- Sediment Transport

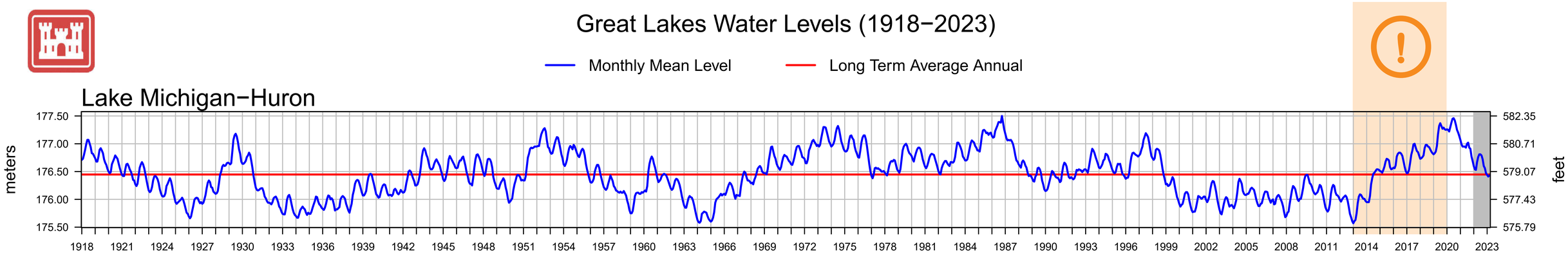
Risks to WPD Beaches and Bluffs

- Fluctuating Water Levels
- Extreme Storms and High Wave Action
- Loss of Ice Coverage in a Warming Climate
- LST/Littoral Drift
- Lakebed Downcutting
- Flooding, Erosion, and Sedimentation
- Human Influence (Littoral Barriers)
- Climate Change



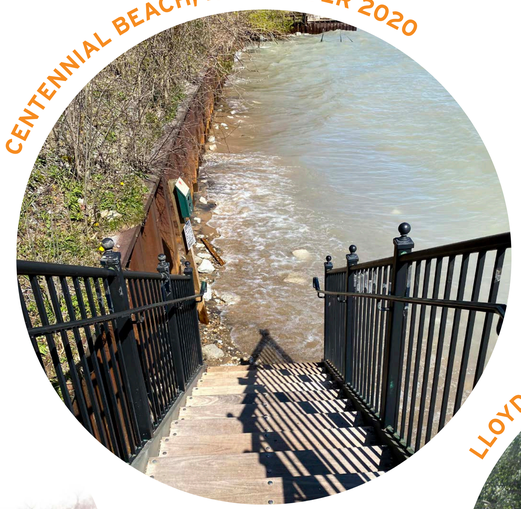
Natural Systems

Lake Michigan Conditions



DATA PROVIDED BY: US ARMY CORPS OF ENGINEERS

SEE THE IMPACT AT THE BEACHES BELOW







In January **2013**, Lake Michigan water dropped to its **lowest level** in more than 100 years, declining to **576.02** (IGLD 1985)

Subsequent years were marked by rapidly rising lake levels.

By **2020**, the Lake Michigan water level rebounded and neared the **100-year record high water** levels from January through August, reaching a peak of **582.22 i**n July of 2020.

The increase in water level of more than **6 feet** in just **seven years** was unprecedented.

Winnetka Park District determined that the future of the bluffs and beaches is not secure and sought to plan for the future.

Further planning studies revealed erosion control measures and beach improvements need to be designed to protect against erosion and afford usable public access at varying lake levels.

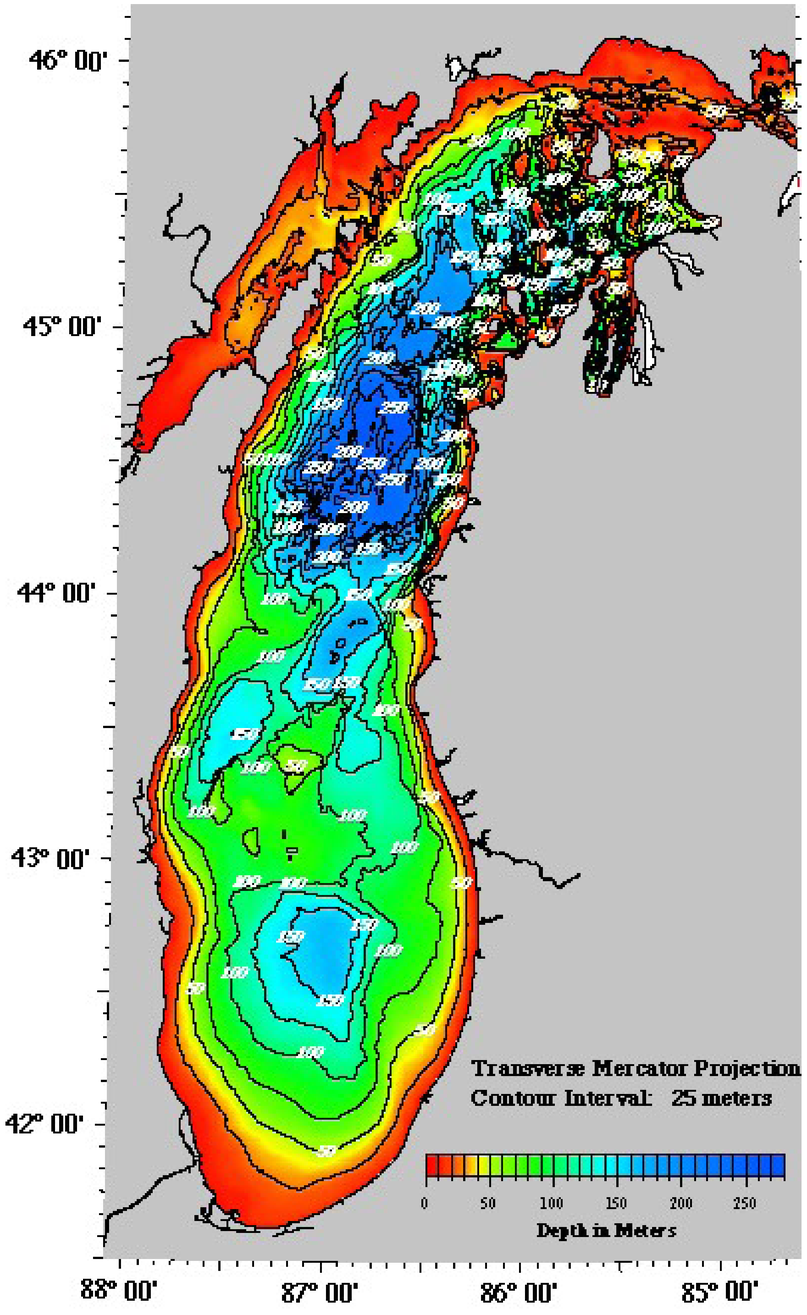
Natural Systems

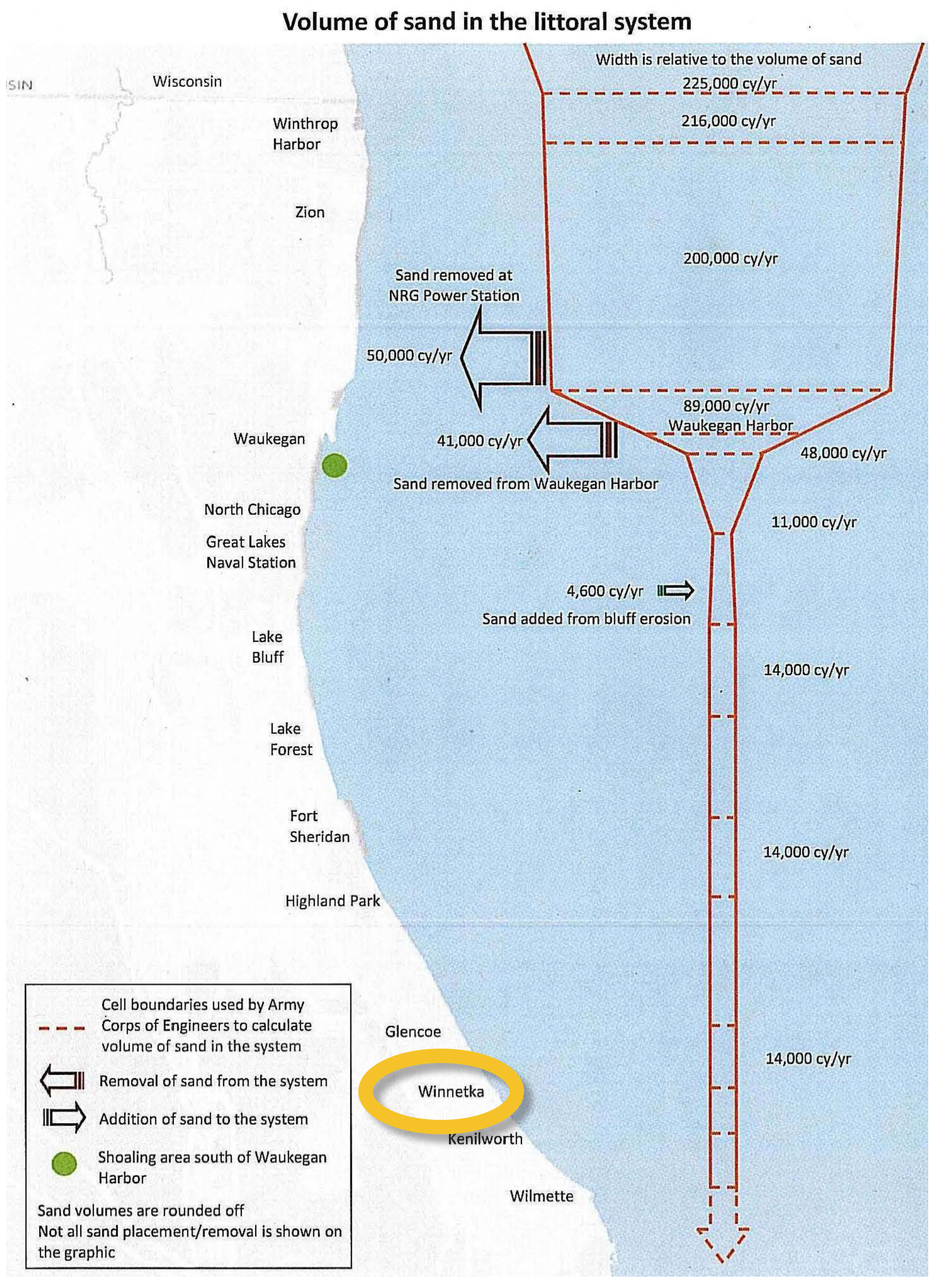
Lake Michigan Conditions

SOURCES: SHABICA ASSOCIATES PRESENTATION - LAKE MICHIGAN SHORELINE, 3/24/2023

Littoral Drift

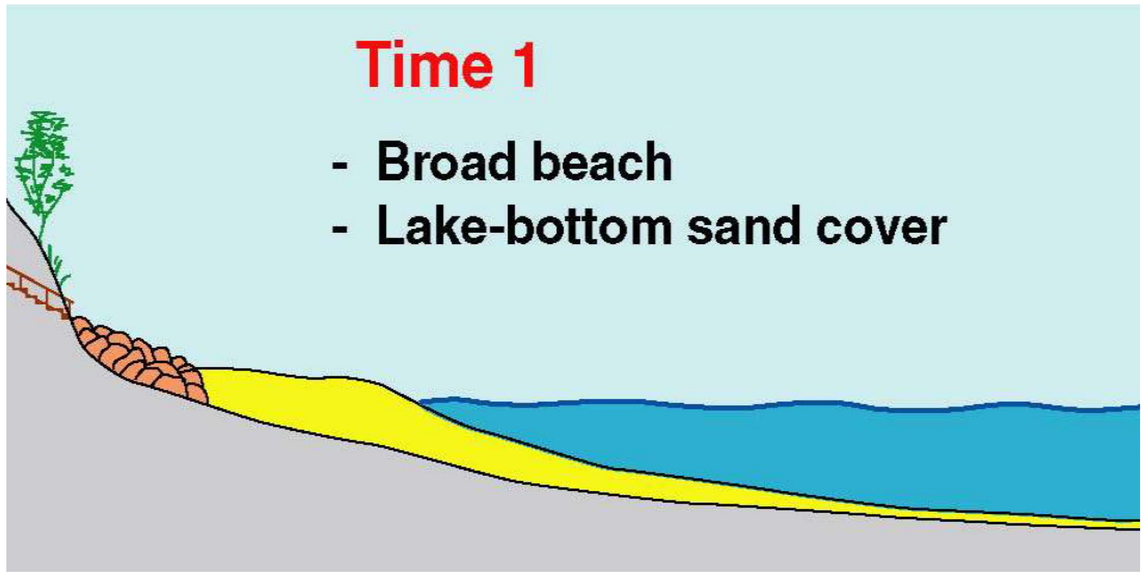
The movement of sand controlled by wave climate, bathymetry, shoreline orientation, and natural or artificial headlands that deflect waves and currents.





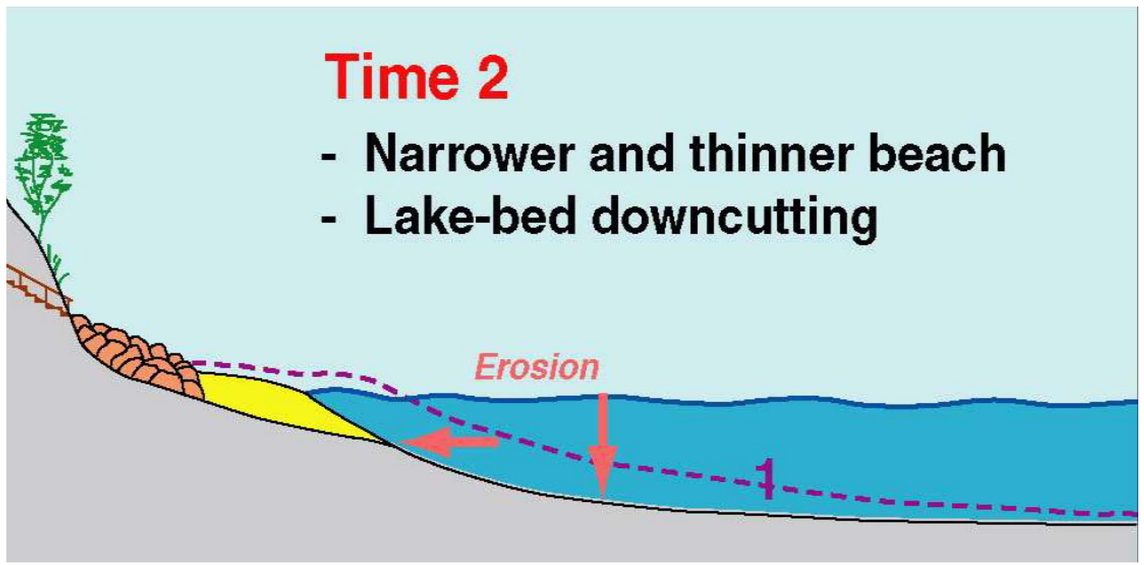
Natural Systems

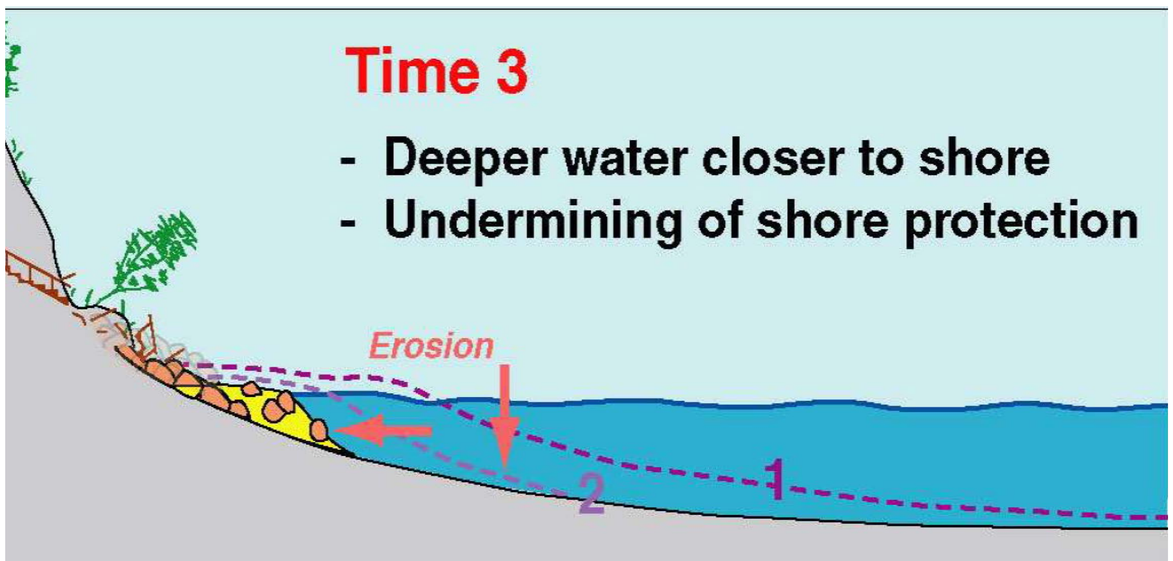
Lake Michigan Conditions



Lake-bed Downcutting

Lake-bed Downcutting is the process of waves crashing into shore, which over time, causes erosion that deepens a lake by removing lake-bed clay. This process creates dangerous beach environments creating deeper near shore waters allowing for accelerated erosion.





Natural Systems

Lake Michigan Conditions

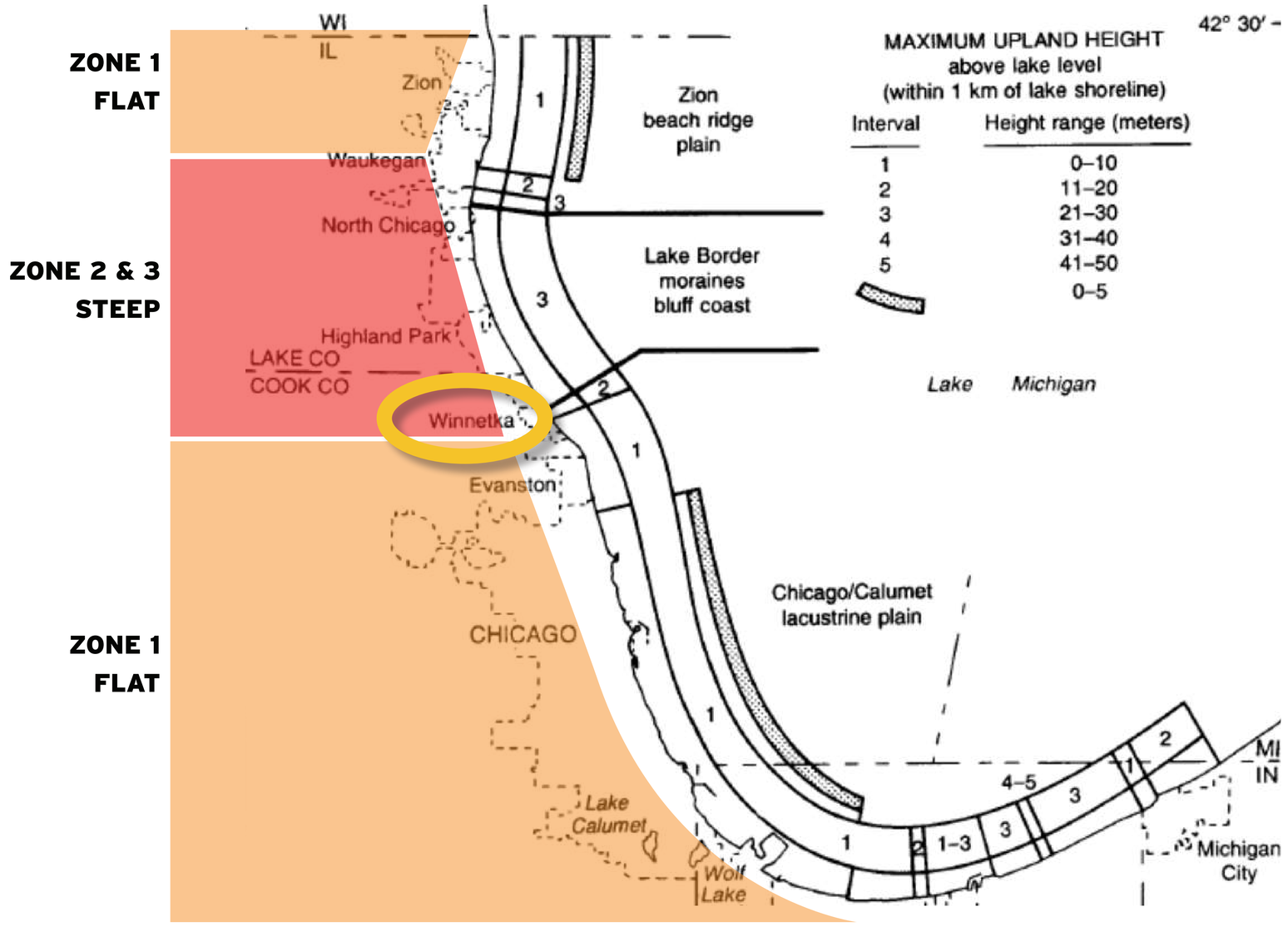
SOURCES: SHABICA ASSOCIATES PRESENTATION - LAKE MICHIGAN SHORELINE, 3/24/2023
BAIRD MEMORANDUM - TECHNICAL GUIDANCE ON COASTAL BLUFF ECOSYSTEM, 9/7/2023

Bluff Characterization

- *Winnetka's bluff are within **Zone 2 - Marine bluff coast** & **Zone 3 - Lacustrine (lake) plain**, predominantly characterized by steep bluffs*
- *The natural landscape and native plant communities have been signficantly altered by human impact (population growth, urban development/sprawl, fire-suppression, water management, invasive species, and littoral barriers)*

Littoral Barriers

- *Obstacles to littoral drift (migration of material along the shore)*
- *Littoral barriers may be natural rocky headlands or man-made coastal structures such as jetties, breakwaters or dredged channels. These hinder the normal drift of material along the shore*



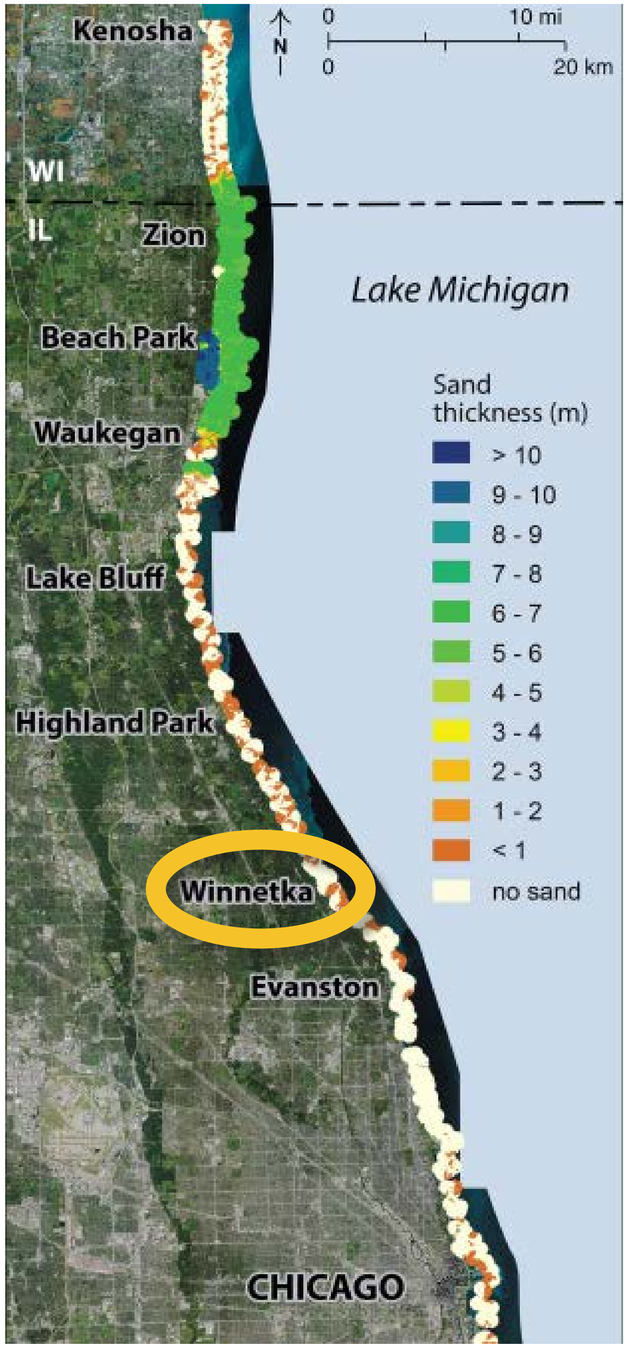
Natural Systems

Lake Michigan Conditions

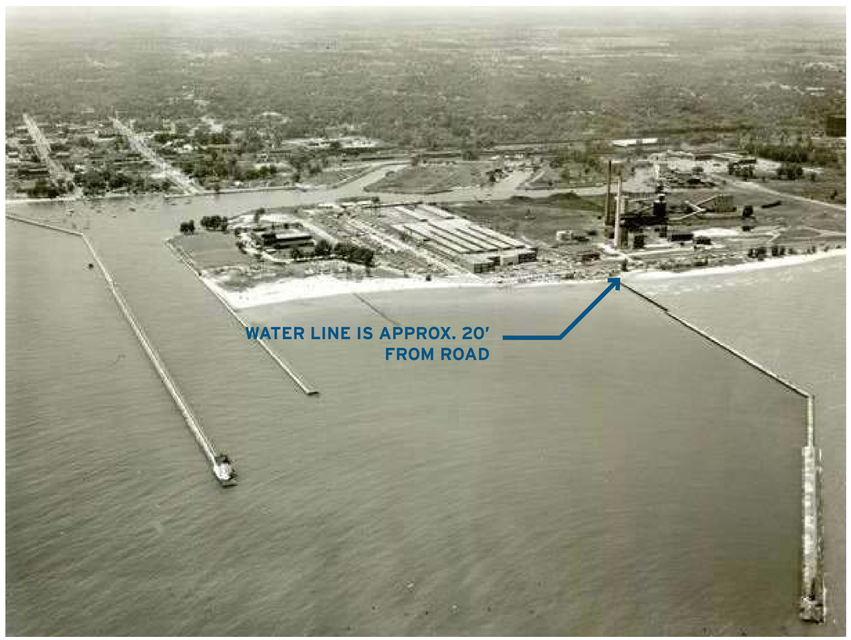
SOURCES: SHABICA ASSOCIATES PRESENTATION - LAKE MICHIGAN SHORELINE, 3/24/2023
JOURNAL OF GREAT LAKES RESEARCH - DELINEATING SPATIAL DISTRIBUTION AND THICKNESS OF UNCONSOLIDATED SAND ALONG THE SOUTHWEST LAKE MICHIGAN SHORELINE USING TEM AND ERT GEOPHYSICAL METHODS, 2020

What This Means for Us

- *Much of the North Shore shoreline, south of Waukegan, is sediment starved putting it at greater risk of lakebed downcutting - increasing nearshore depths (safety issue) - and coastal damage including erosion, flooding, and destabilized coastal structures and loss of beaches.*



WAUKEGAN HARBOR (1939)



WAUKEGAN HARBOR (2022)



Natural Systems

Lake Michigan Conditions

What We Learned from the Village Council Study Sessions

January 10, 2023

Speakers:

- *Soren Hall, Regulatory Branch (USACE)*
- *Steve Altman, Division Manager (IDNR)*
- *Peter Friedman, Village Attorney*
- *David Schoon, Director of Community Development (VOW)*
- *James Bernahl, Director of Engineering (VOW)*

*A tremendous amount of information regarding **protection measures of the Lake Michigan Shoreline**, and how **revetments, groins, and breakwaters all protect the shoreline and bluffs**. The **permitting process for shoreline improvements** was also reviewed from all levels of government, and review of lake front zoning, regulations and provisions around the development of the shoreline and bluffs.*

September 12, 2023

Speakers:

- *David Schoon, VOW*
- *James Bernahl, VOW*
- *Caleb Barth, Baird Associates*

*Information regarding the **Bluff Steep Slope Regulations**, other community zoning and development regulations, and **technical guidance on coastal bluff ecosystems**.*

History of the Master Plan

Background Info

What drove the need for Master Plan study?

- Effects of fluctuating Lake Michigan water levels and damage from extreme lake events
- New policy at a regional level provided clear, holistic, actionable approach and grant opportunities for lakefront communities
- IDNR Coastal Management Program as funded by NOAA

Master Planning Efforts

- Lakefront 2030 Master Plan (WPD, 2016)
- Bluff Restoration Plan (WPD, 2019)
- Strategic Comprehensive Plan (VOW, 2023)

Winnetka Park District and the Village of Winnetka have an aligned mission to improve resident access to open spaces and natural areas including the lakefront beaches.

"Our mission is to provide a balance of quality recreation and leisure opportunities while protecting assets, natural resources, and open space to benefit present and future generations."



History of the Master Plan

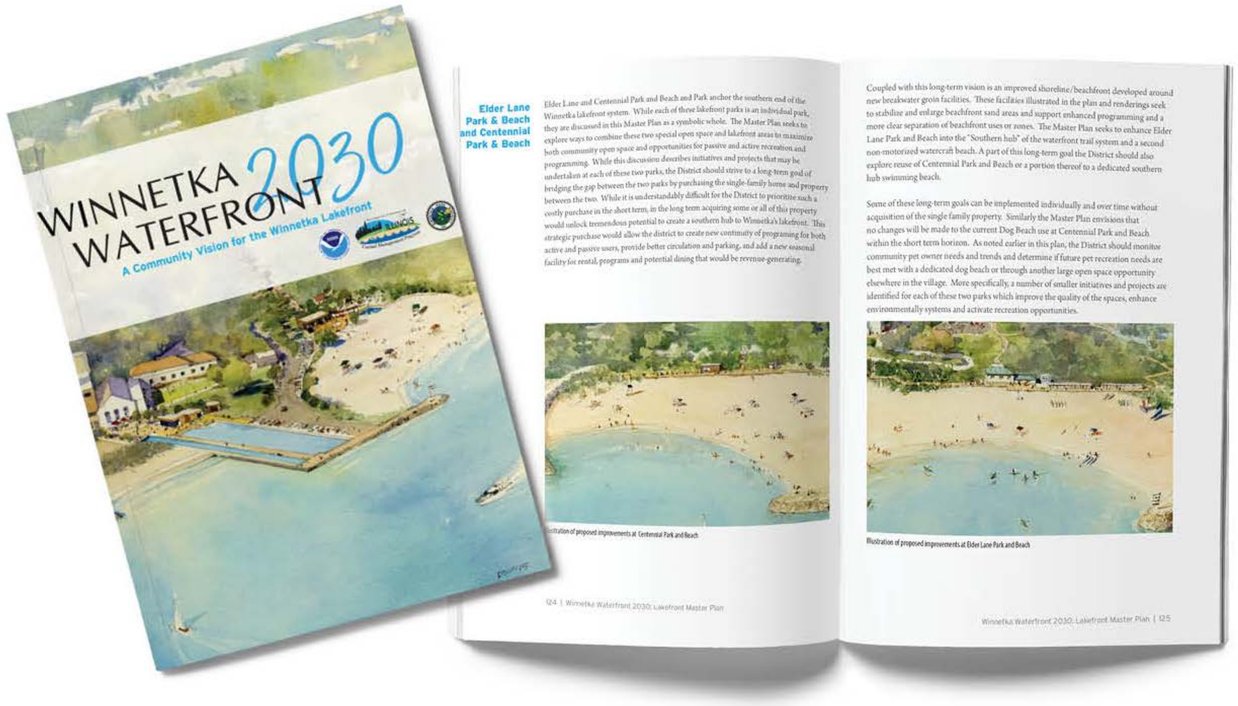
Lakefront 2030 Master Plan

PURPOSE AND MISSION

As the stewards of the Winnetka natural areas, resources, and open space recreation areas, the Park District initiated a comprehensive waterfront plan in 2014, to:

- Assess the recreational beach system
- Address the continuing beach erosion
- Expand recreational uses
- Enhance ADA accessibility

- The purpose of the plan was "to create a strategic and unified community vision for the future of Winnetka's shoreline."
- The Plan's Mission Statement was to "provide a long-term, sustainable strategy for the preservation, protection, restoration, and enhancement of Winnetka's lakefront for both Winnetka residents and a broad range of Lake Michigan user groups."



History of the Master Plan

Lakefront 2030 Master Plan



PROJECT GUIDING PILLARS

To support the mission, the planning team established seven plan goals:

1. Enhance recreation and open space facilities and programming for Winnetka residents.
2. Develop facilities with intergenerational appeal.
3. Facilitate safe and convenient access.
4. Support and enhance Lake Michigan ecosystems.
5. Adopt a sustainable operations model.
6. Expose and inform Winnetka residents to the value of the public lakefront.
7. Encourage and seek partnerships (public and private).

LAKEFRONT MASTER PLAN PROJECT TEAM

THE LAKOTA GROUP.
GHA GEWALT HAMILTON ASSOCIATES, INC. CONSULTING ENGINEERS
OKW Architects
Baird. Innovation Engineered.
Shabica & Associates, Inc.

History of the Master Plan

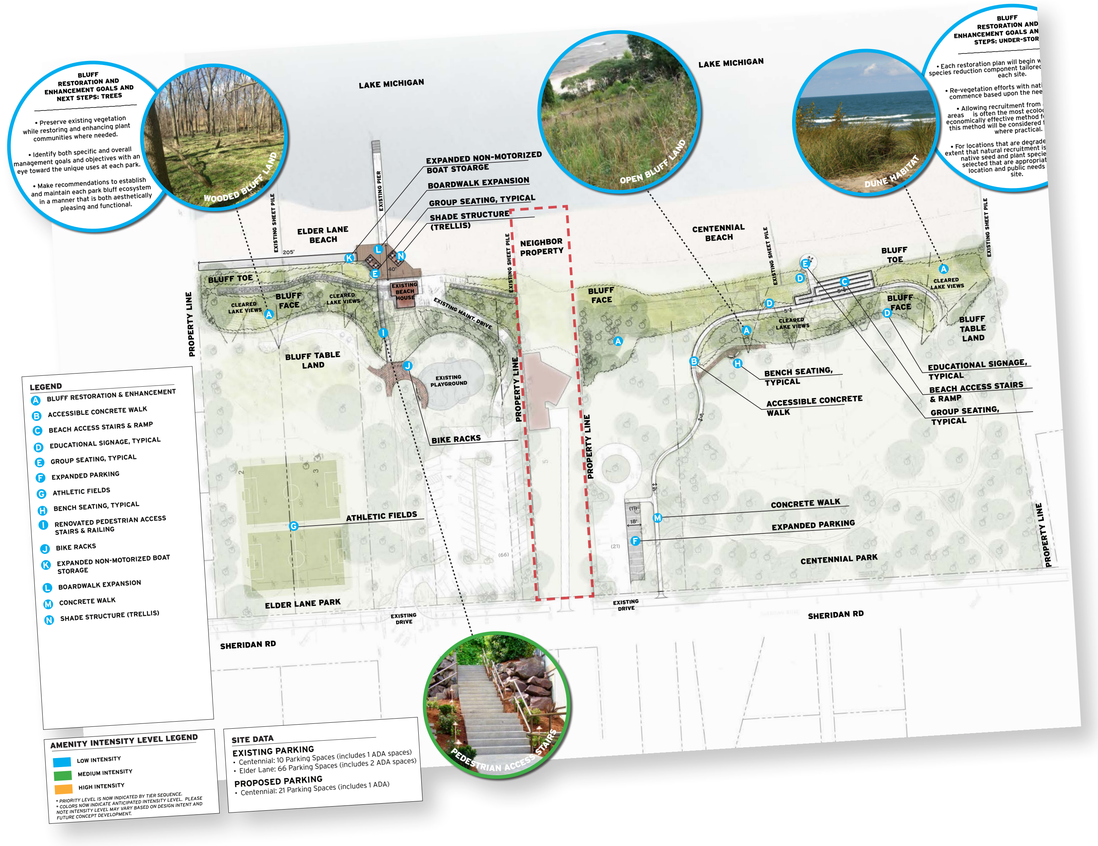
Bluff Restoration Master Plan

PURPOSE AND MISSION

In 2018, the Park District initiated a comprehensive study of bluff lands at all five lakefront parks to:

- Establish bluff vegetation and habitat creation goals
- Address slope instability and erosion
- Further define park recreational uses
- Improve views to the lake and provide bluff and beach access
- Establish phasing and timeline for implementation

- The purpose of the plan was to "clearly articulate the desired character and goals for each park and establish the right balance of natural habitat, open space, viewshed opportunities, and active and passive recreational pursuits."
- The Plans were shared with the community through public meetings and virtual surveys with feedback from over 160 participants



FAVORITE AMENITIES FROM THE ELDER & CENTENNIAL PARK MASTER PLAN

Indicated below...

SWIMMING BEACH



31

22 ONLINE / 9 IN-PERSON

BLUFF LAND HABITAT



16

11 ONLINE / 5 IN-PERSON

NON-MOTORIZED BOAT STORAGE



12

8 ONLINE / 4 IN-PERSON

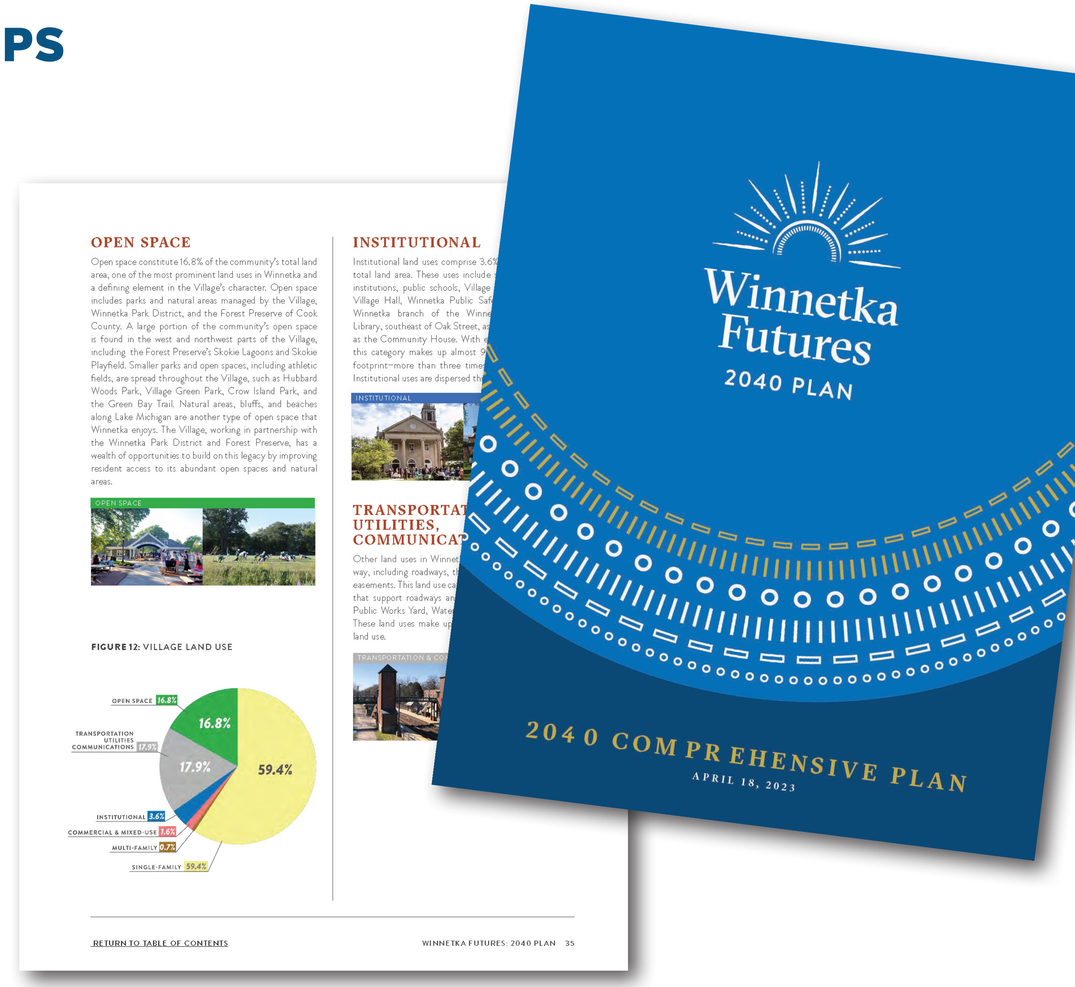
History of the Master Plan

Village of Winnetka 2040 Comprehensive Plan

OVERVIEW AND IMPORTANCE OF PARTNERSHIPS BETWEEN INTERGOVERNMENTAL AGENCIES

- On April 18, 2023 the Village of Winnetka adopted the Winnetka Futures 2040 Plan (Comprehensive Plan for the Village of Winnetka).
- The Village Comprehensive Plan recognized the important role that the Park District plays in creating a sense of place that is different from surrounding communities.
- The Village acknowledged the "wealth of opportunities it has working in partnership with the Park District to improve resident access to its abundant open spaces and natural areas."

see page 35 of the Comprehensive Plan



History of the Master Plan

Village of Winnetka 2040 Comprehensive Plan

SHARED PURPOSE AND MISSION

- The Village Comprehensive Plan supports the Lakefront Master Plan's shoreline and bluff stabilization goals and visions

  see page 157 of the Comprehensive Plan

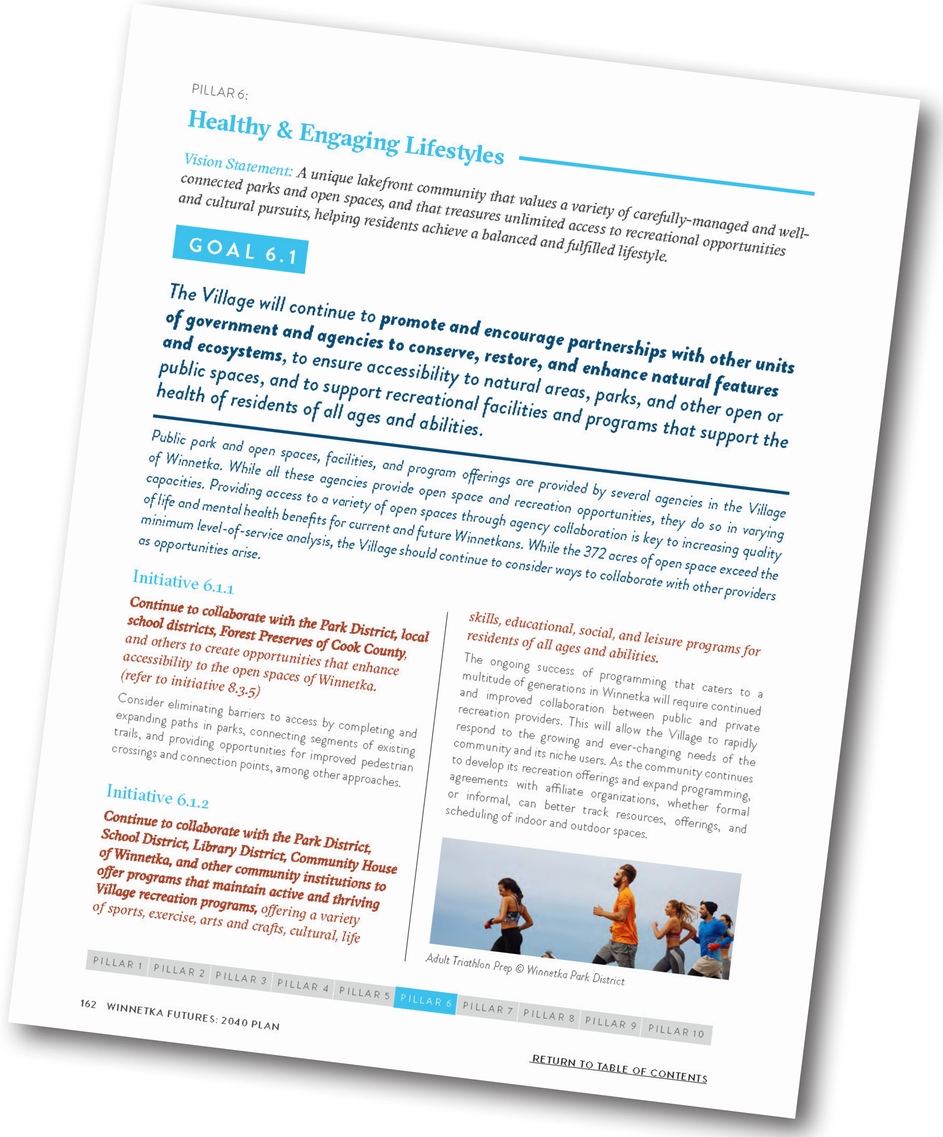
- Acknowledges that shorelines along Lake Michigan are experiencing erosion and significant destruction and that Winnetka's lakefront, both publicly and privately owned, has been negatively impacted by shoreline erosion

  see page 157 of the Comprehensive Plan

- Acknowledges the Park District's recent efforts to monitor and restore its parkland

  see page 158 of the Comprehensive Plan

"Our mission is to provide a balance of quality recreation and leisure opportunities while protecting assets, natural resources, and open space to benefit present and future generations."



PILLAR 6:

Healthy & Engaging Lifestyles

Vision Statement: A unique lakefront community that values a variety of carefully-managed and well-connected parks and open spaces, and that treasures unlimited access to recreational opportunities and cultural pursuits, helping residents achieve a balanced and fulfilled lifestyle.

GOAL 6.1

*The Village will continue to **promote and encourage partnerships with other units of government and agencies to conserve, restore, and enhance natural features and ecosystems**, to ensure accessibility to natural areas, parks, and other open or public spaces, and to support recreational facilities and programs that support the health of residents of all ages and abilities.*

Public park and open spaces, facilities, and program offerings are provided by several agencies in the Village of Winnetka. While all these agencies provide open space and recreation opportunities, they do so in varying capacities. Providing access to a variety of open spaces through agency collaboration is key to increasing quality of life and mental health benefits for current and future Winnetkans. While the 372 acres of open space exceed the minimum level-of-service analysis, the Village should continue to consider ways to collaborate with other providers as opportunities arise.

Initiative 6.1.1

***Continue to collaborate with the Park District, local school districts, Forest Preserves of Cook County,** and others to create opportunities that enhance accessibility to the open spaces of Winnetka. (refer to initiative 8.3.5)*

Consider eliminating barriers to access by completing and expanding paths in parks, connecting segments of existing trails, and providing opportunities for improved pedestrian crossings and connection points, among other approaches.

Initiative 6.1.2

***Continue to collaborate with the Park District, School District, Library District, Community House of Winnetka, and other community institutions to offer programs that maintain active and thriving Village recreation programs,** offering a variety of sports, exercise, arts and crafts, cultural, life skills, educational, social, and leisure programs for residents of all ages and abilities.*

The ongoing success of programming that caters to a multitude of generations in Winnetka will require continued and improved collaboration between public and private recreation providers. This will allow the Village to rapidly respond to the growing and ever-changing needs of the community and its niche users. As the community continues to develop its recreation offerings and expand programming, agreements with affiliate organizations, whether formal or informal, can better track resources, offerings, and scheduling of indoor and outdoor spaces.

Adult Triathlon Prep © Winnetka Park District

PILLAR 1 | PILLAR 2 | PILLAR 3 | PILLAR 4 | PILLAR 5 | PILLAR 6 | PILLAR 7 | PILLAR 8 | PILLAR 9 | PILLAR 10

162 WINNETKA FUTURES: 2040 PLAN

RETURN TO TABLE OF CONTENTS

Lakefront Parks Implementation Plan

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

PLANNING

LAKEFRONT 2030 MASTER PLAN 2014 - 2017

Project
- Create a strategic and unified community vision for the future of Winnetka's shoreline parks

Tasks
- Community Engagement/Analysis
- Site Planning and Programming
- Final Master Plan Report

BLUFF RESTORATION PLANS 2018 - 2019

Project
- Comprehensive study of bluff lands to protect and enhance natural assets and further define park/beach character and recreational pursuits

Tasks
- Community Engagement
- Design and Visioning
- Final Site Plans & Presentation

DESIGN & IMPLEMENTATION, PHASES 1-3

TOWER 2019-2020

Project(s)
- Design development and Construction of bluff restoration and park/beach enhancements that align with planning goals & visions

Tasks
- Develop CDs for site enhancements and bluff restoration
- Bidding & Permitting
- Construction Implementation

LLOYD 2021

MAPLE 2021

WE ARE HERE

DESIGN & IMPLEMENTATION, PHASE 4

ELDER & CENTENNIAL 2020 - 2022

Project
- Design development and Construction of bluff restoration and park/beach enhancements that align with planning goals & visions

Tasks
- Develop CD's for site enhancements and bluff restoration
- Bidding & Permitting
- June, 2022 withdrew permit applications due to public opposition

2023 - 2024

Project
- Reaffirm project goals. Design development and Construction of bluff restoration and park/beach enhancements that align with planning goals & visions

Tasks
- Public Engagement
- Design and Visioning
- Develop CD's for site enhancements and bluff restoration
- Bidding & Permitting
- Anticipated Construction Implementation, Fall 2024. Delayed due to new bluff ordinance and steep slope regulations (Adopted February 6, 2024)

2025

Project
- Anticipated Construction begins Spring/Summer 2025

Tasks
- Bidding and Permitting
- Further delays could push construction into Spring 2026.

Lakefront Parks Implementation Plan

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Investments Realized - Securing Our Shoreline's Future



Long-Term Investment

- *Costs allocated for beach and bluff implementation projects represent critical, long-term investments in the **sustainability of Lake Michigan's shoreline** and Winnetka's **environmental and recreational assets.***

Shared Responsibility

- *While the State designates these assets as the **responsibility of individual** property owners, they are **interconnected parts of a larger natural system.***

Community Stewardship

- *The WPD has a duty to **protect and invest** in these public infrastructure assets to **preserve their use and value for the community.***

Extended Lifespan

- *With proper care and maintenance, these improvements are designed to endure for the next 70+ years, **ensuring their benefits are realized across generations.***

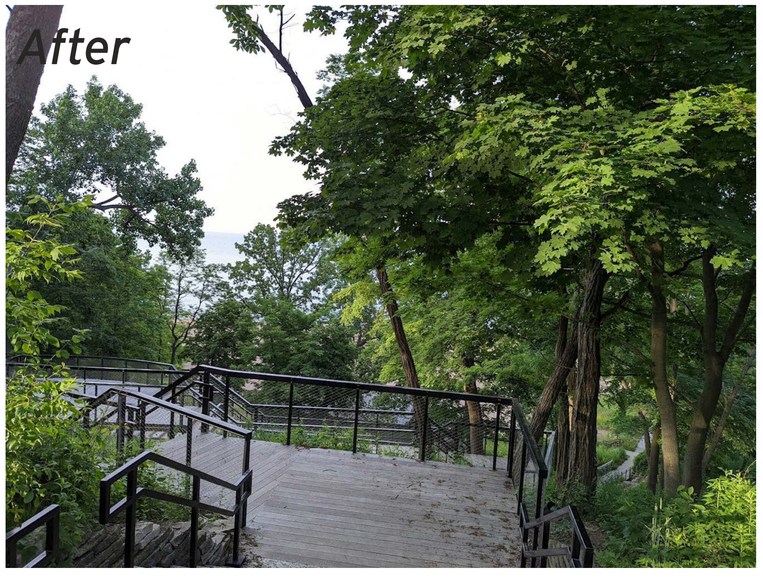
Lakefront Parks Implementation Plan

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Project completion and ongoing progress

Tower Bluff, 2019 - 2020





Tower

- New staircase from parkland to beach
- New ADA lookout at top of bluff
- New overlook platform along staircase
- Bluff "restoration" & ongoing maintenance
- Parking lot entry plaza and sidewalk renovations

Lloyd

- Shoreline protection and beach creation
- Retaining wall for bluff erosion protection
- Pedestrian access ramp
- Bluff "restoration" & ongoing maintenance
- Hardwood boardwalk

Lloyd Bluff & Beach, 2021





Lakefront Parks Implementation Plan

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Project completion and ongoing progress

Maple Bluff & Beach, 2021



Maple

- New boardwalk
- Bluff "restoration" & ongoing maintenance
- Repair gabion retaining wall for bluff erosion protection

Centennial Bluff & Beach, 2020 - Now





Centennial

- Shoreline protection and beach creation
- Dog vs. swimming beach delineation
- Breakwater and pier structure
- Pedestrian ADA access ramp / staircases
- Bluff "restoration" & ongoing maintenance
- Hardwood boardwalk



...Elder To Come

Centennial Evolution

A Comprehensive Systemic Approach

- *Winneta's beaches are part of a larger environmental system* ***as well as a district managed asset.***
- *The planning team considered* ***ALL five*** *beach parks together as a* ***combined system with shared goals, finances, and operational/maintenance resources.***
- *An achievable, phased implementation plan was developed with individual park master plan design schemes that* ***work together and build upon each other*** *to ensure both environmental and human-centric community needs are being met.*
- *Design solutions include a variety of gray to green measues such as* ***beach nourishment, stone groins/revetments, offshore breakwates, native planting and invasive species management,*** *known to provide measurable benefits to shoreline & bluff stabilization and beach sand retention*

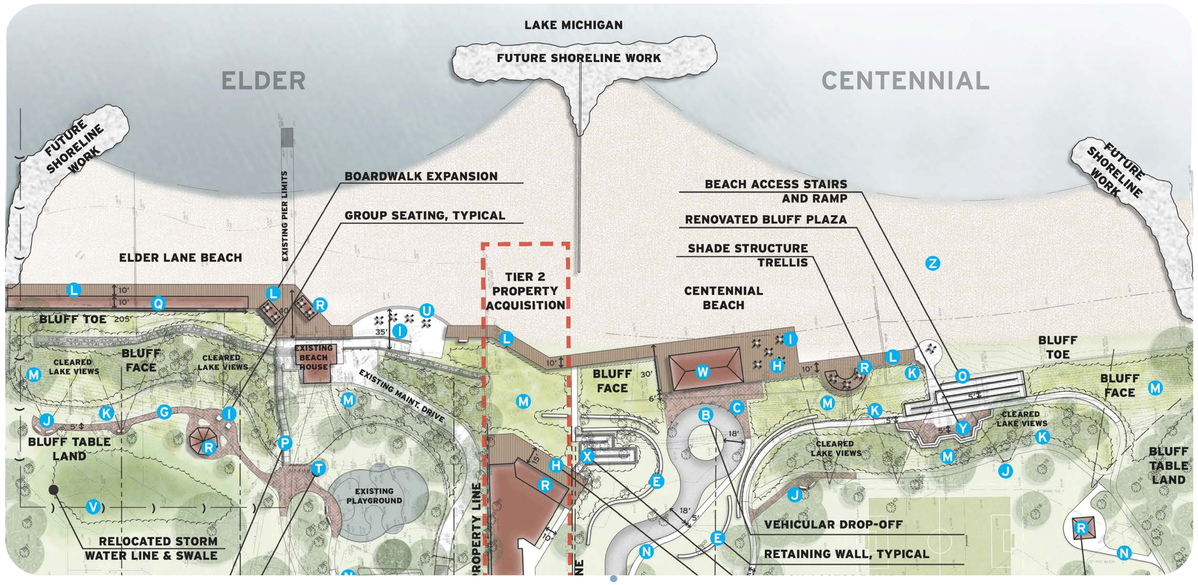


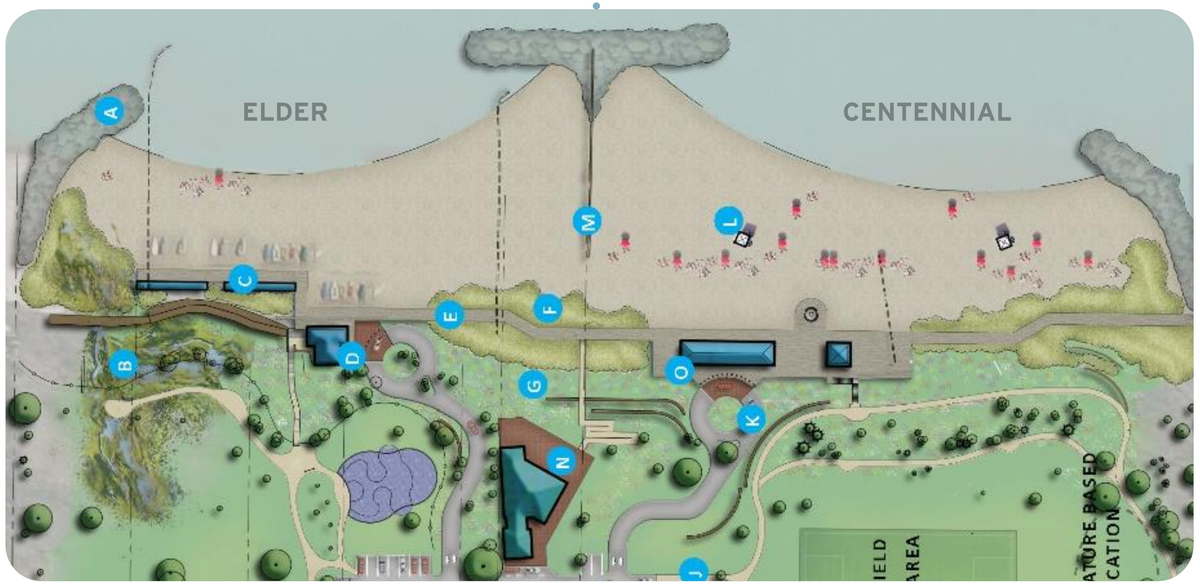
Centennial Evolution

An Iterative Process - Site Plan Development Timeline

2016
LAKEFRONT MASTER PLAN

This plan prioritized a three-element headland beach system to protect and resolve chronic beach erosion and support a variety of recreational amenities





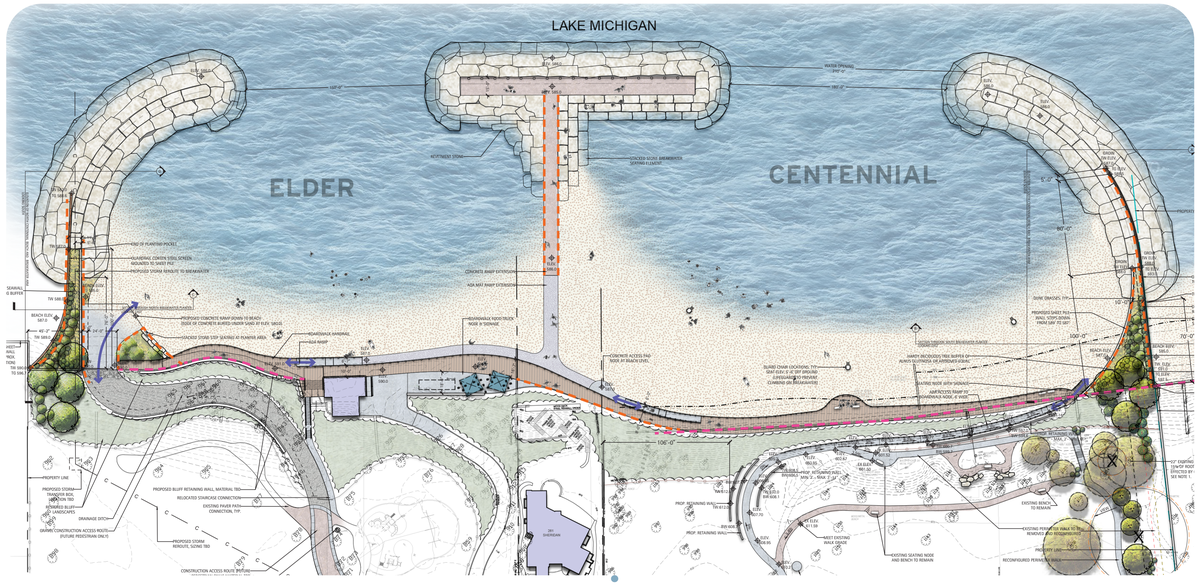
2019
BLUFF RESTORATION PLAN

This plan further defined the beach and site program and explored appropriate bluff restoration and invasive species management practices to meet project environmental goals

Centennial Evolution

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

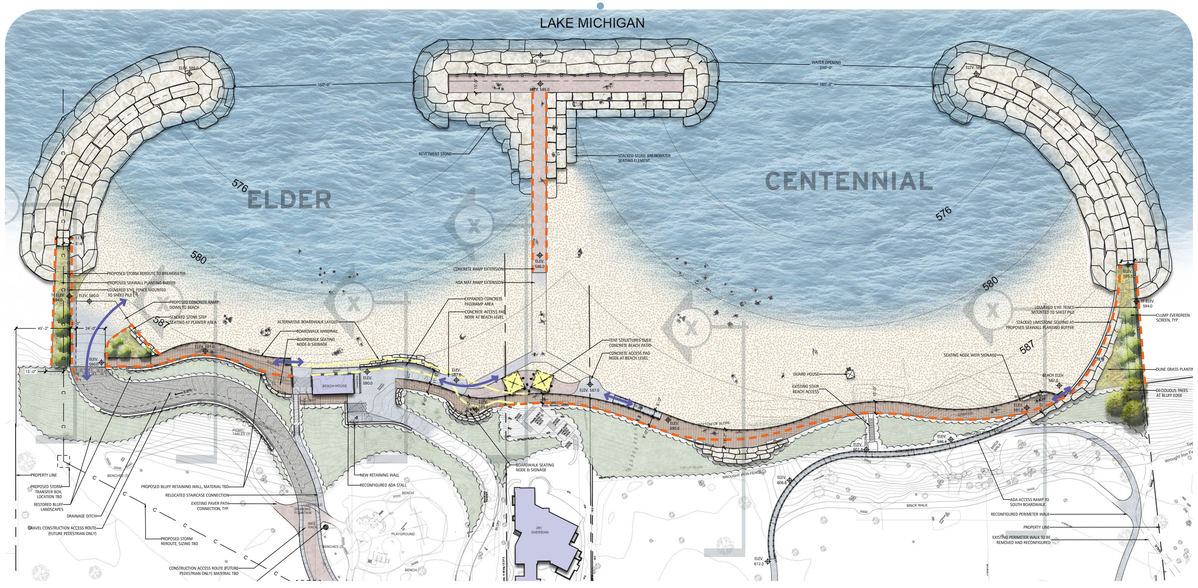
An Iterative Process - Site Plan Development Timeline



2021
DESIGN DEVELOPMENT

Design development and preliminary engineering for a site layout and breakwater system consistent with the original Master Plan approach for Elder and Centennial

MARCH



FEBRUARY

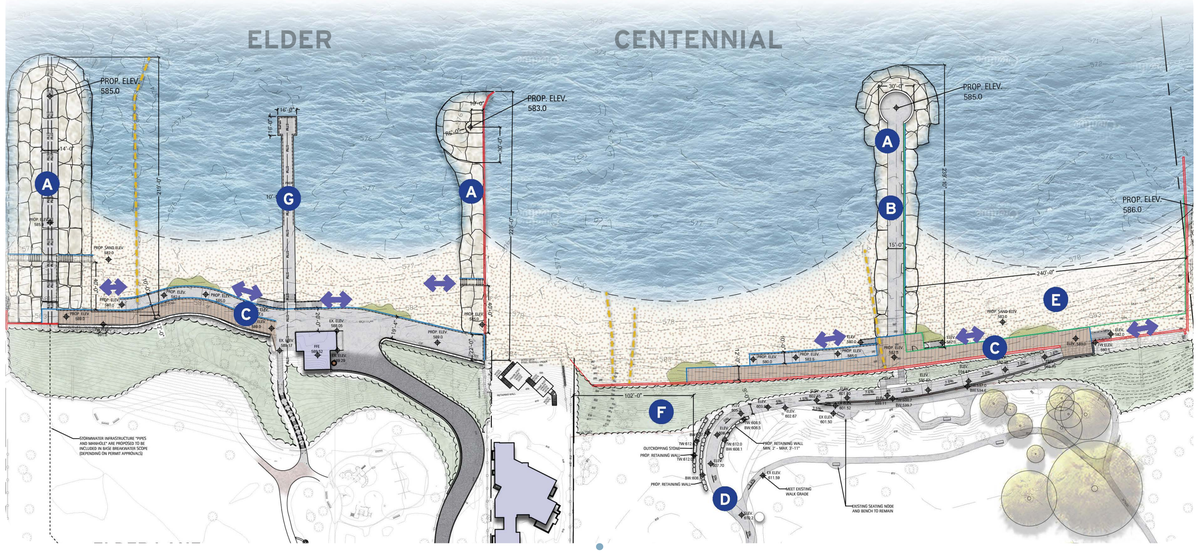
2022
DESIGN DEVELOPMENT

A permit was submitted to USACE and IDNR in February, 2022 for this breakwater design, but due to public opposition, the Park District voted to withdraw the application in June, 2022

Centennial Evolution

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

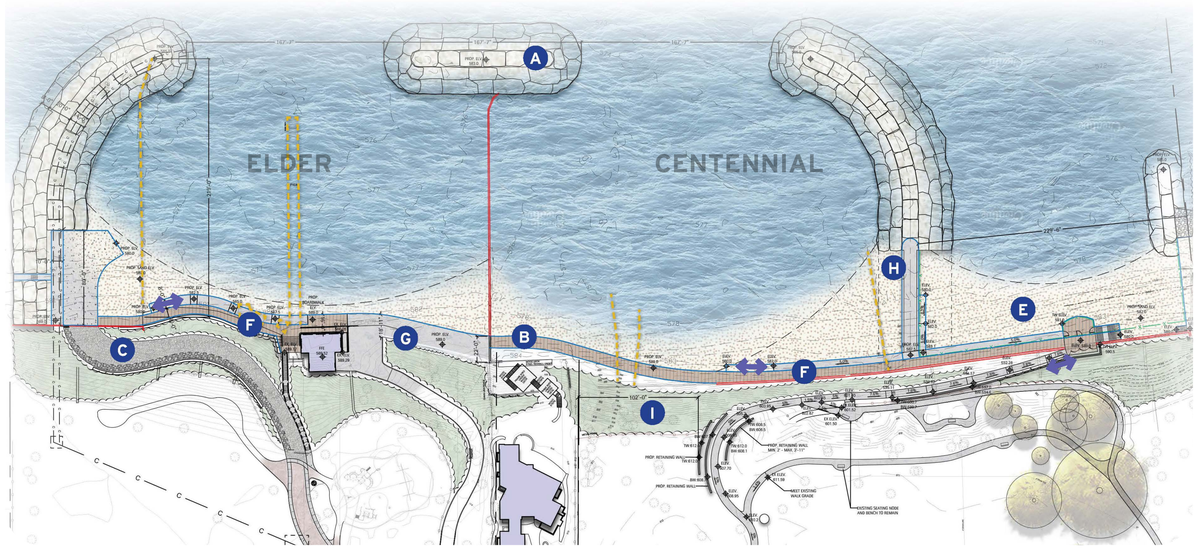
An Iterative Process - Site Plan Development Timeline



MARCH

2023
DESIGN DEVELOPMENT

After significant public engagment and re-engagement framework the Park District resumed designs for Elder and Centennial that would prioritize accessibility, views to the lake, and include a dog beach at Centennial



OCTOBER

2023
DESIGN DEVELOPMENT

The final approved plan incorporates ADA access at Centennial from parking lot to boardwalk, allows pedestrians to access across the beachfront beyond Park District property, and limits heights of shoreline structures to maintain key views and vistas

Centennial Evolution

Our Current Focus

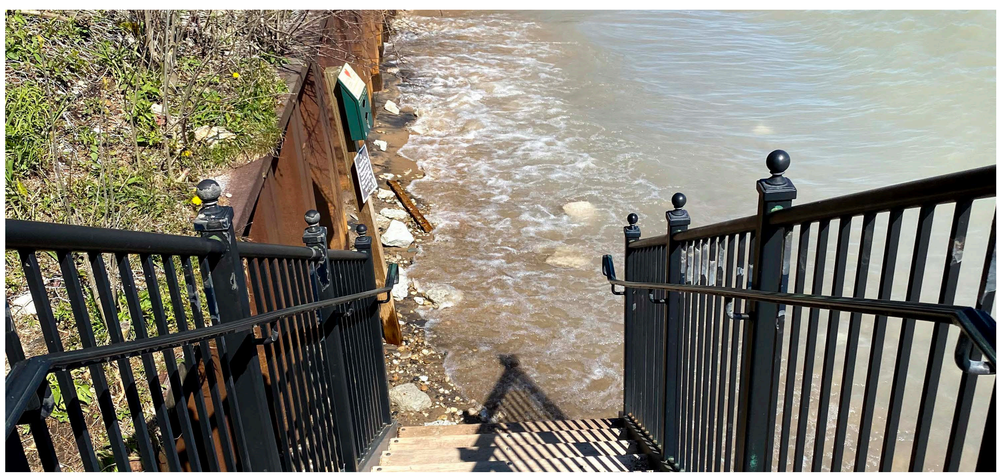
1. Long-term reinvestment in public open space
2. Increased stewardship and natural resource management
3. Improve operational efficiencies
4. Responding to public input

- Preserve views to Lake Michigan
- Maintain existing Dog Beach use
- Caucus survey and four public open house meetings indicated strong community desire for reinvestment in Elder & Centennial Beaches.



Centennial Evolution

Centennial Beach Conditions







- More recent high-water conditions have impacted lakefront infrastructure including:
  - Dog beach fence damage
  - Primary shore potection repairs
  - Fluctuating beach sand levels (causing erosion)
- The existing steel groins installed circa August 1953 to arrest littoral drift and sustain the beaches are damaged
- Centennial Beach includes remnants of wooden piles at or below the surface
- Attempts at installing a chain link fence at Centennial Beach to establish the off-leash dog beach were destroyed by waves

Why We Are Here

Value of Regulatory Review & Control

PLANNING & ZONING

PLAN COMMISSION
RECOMMENDATION TO COUNCIL

VILLAGE OF WINNETKA

Our plan is seeking special use exceptions and variance approval for Zoning and Steep Slope regulations.

- ✓ ~~Zoning Board of Appeals~~
- Plan Commission
- Design Review Board
- Village Council

ENGINEERING

IDNR & US ARMY CORPS OF ENGINEERS

Our plan will obtain required permits from the USACE for shoreline improvements. and adheres to core tenets of the IDNR Coastal Management Program:

1. Public access & recreation
2. Headland beach systems
3. Preserve, protect, restore, and enhance coastal resources for this and succeeding generations

VILLAGE OF WINNETKA

- Lakefront Construction Permits
- Building Permits

Why We Are Here

Seeking a favorable recommendation from **PLAN COMMISSION** for:

1. A special use permit to allow construction of proposed improvements to new and existing uses as outlined in plans | *per Zoning Ordinance*
See chart of Proposed Project Elements.

2. **An exception to permit Development in the Steep Slope Zone** | ***Section 17.82.040***
See chart of Proposed Project Elements.

Why We Are Here

Special Uses (Chapter 17.56)

SPECIAL USE PERMIT STANDARDS

Park District requests that it's proposed findings of fact be admitted as evidence in support of this application.

1. That the establishment, maintenance, and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;

5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exists or are to be provided; and

6. That the special use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

Proposed Design

Site Program and Mission Alignment

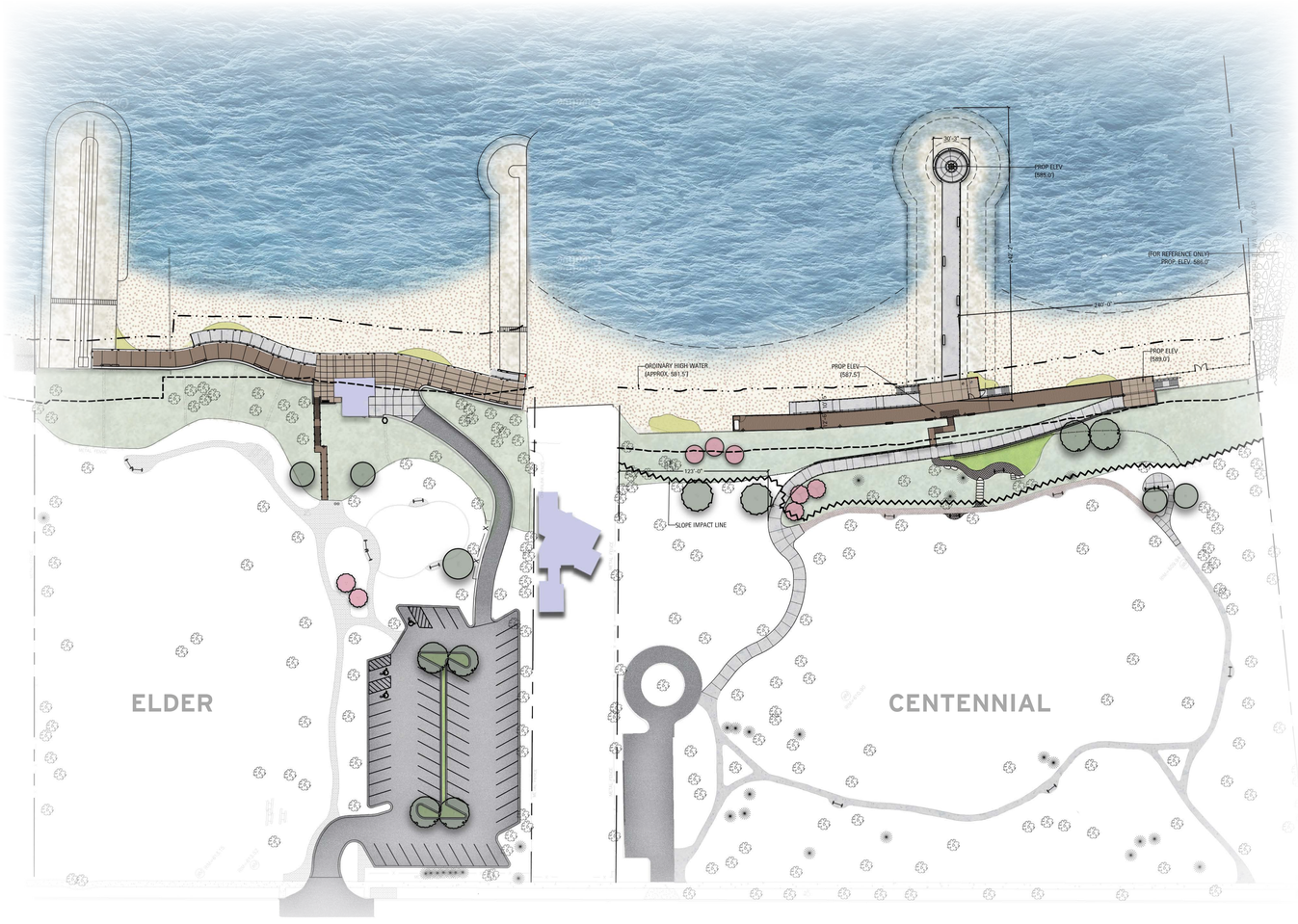
SHARED PURPOSE AND MISSION

- The core functions and active & passive site uses align with Winnetka Park District Lakefront Master Plan Mission & Village of Winnetka Comprehensive Plan Pillars:

Active (Centennial):
- all access swimming beach
- off-leash dog beach
- ADA park and beach access
- all access viewing pier

Passive (Centennial):
- sand beach
- boardwalk and seating
- views to Lake Michigan
- bluff & beach vegetative habitat creation

- Changing demographics demonstrate a community that values open space, health, and happiness.

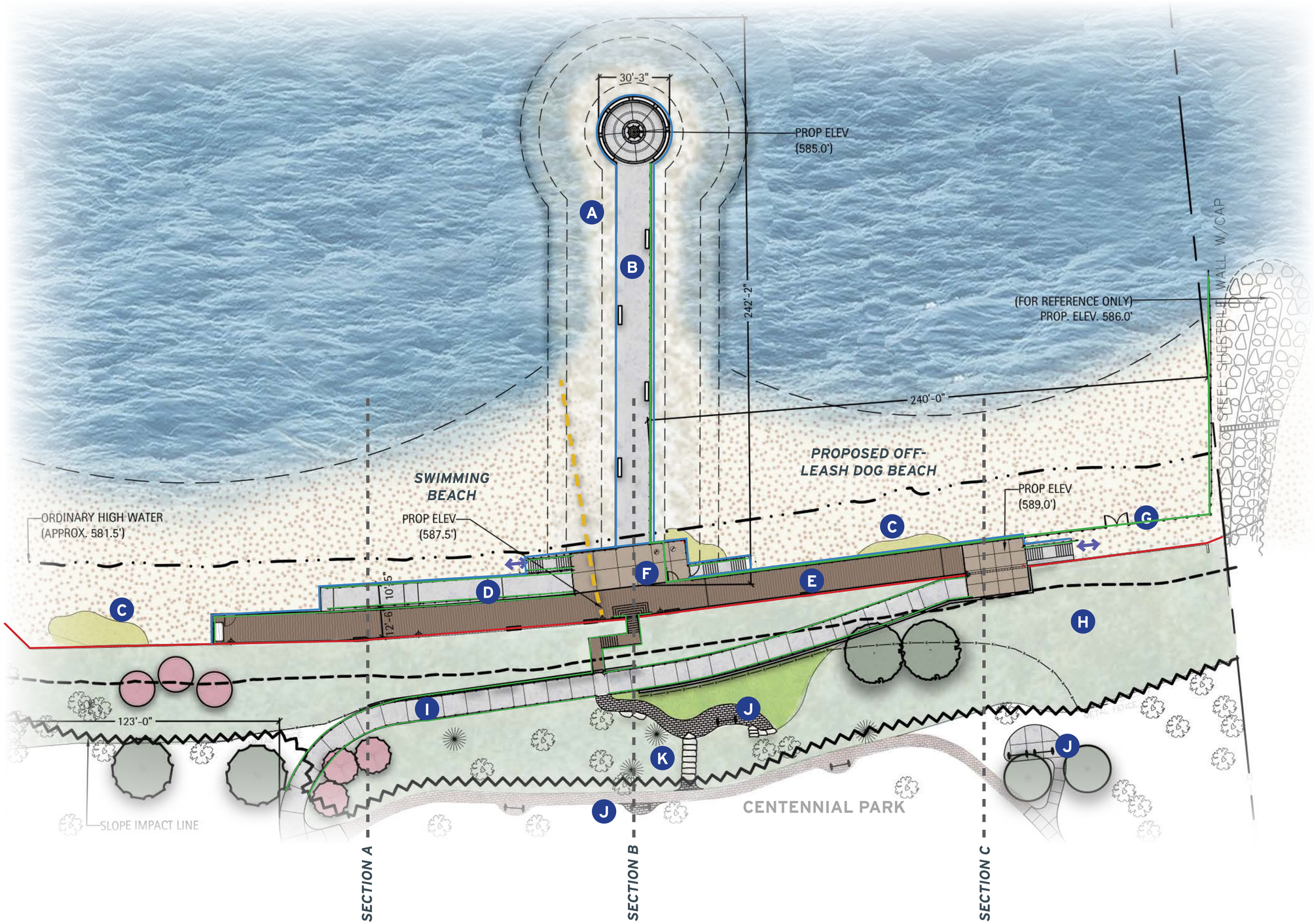


"Our mission is to provide a balance of quality recreation and leisure opportunities while protecting assets, natural resources, and open space to benefit present and future generations."

Proposed Design

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Centennial Plan Render



LEGEND

- TURF RESTORATION
- DUNE GRASSES
- BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ELEMENT TO BE REMOVED
- ORNAMENTAL FENCE/HANDRAIL

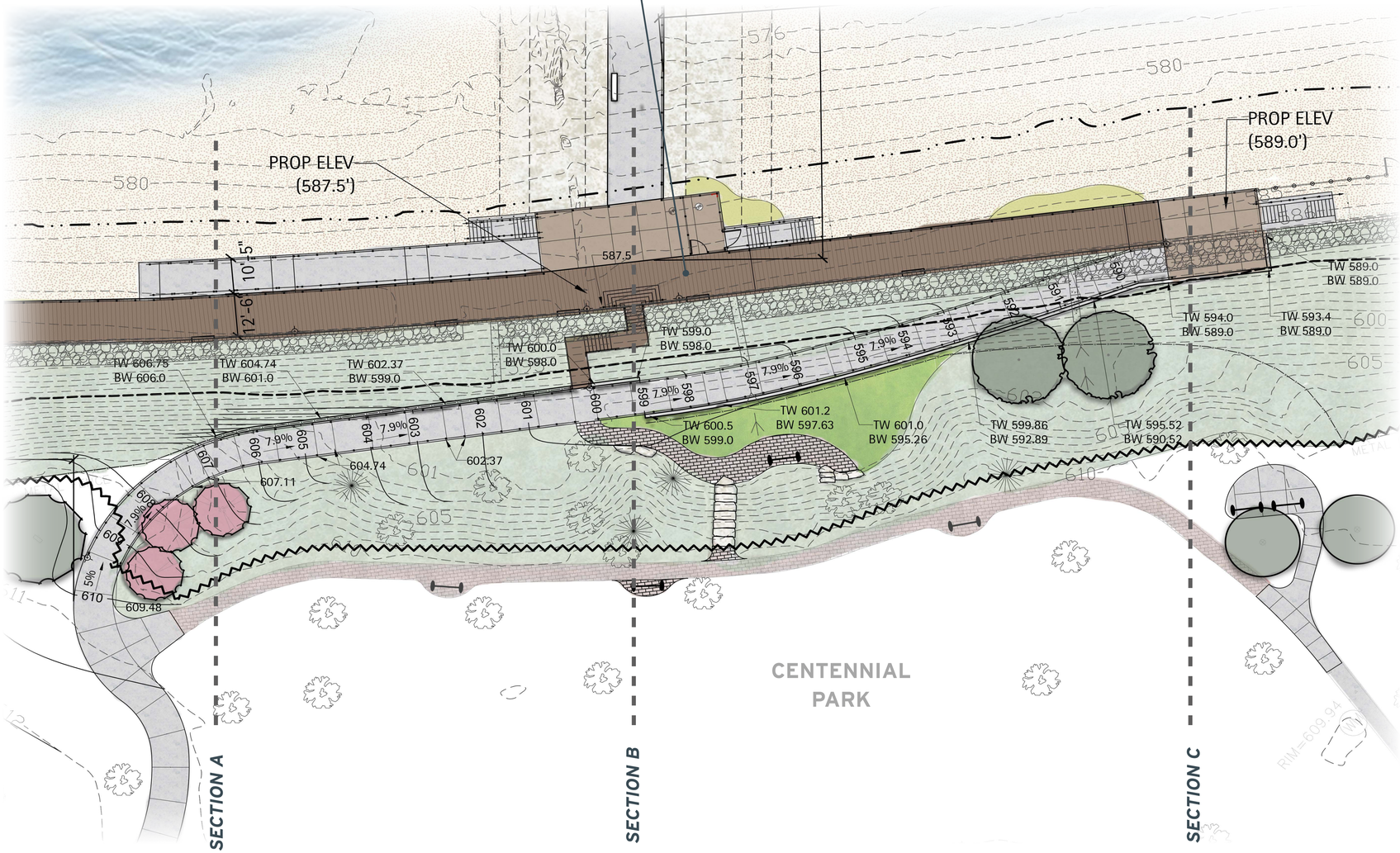
- **A** RUBBLE MOUND BREAKWATER SHORELINE PROTECTION
- **B** ACCESSIBLE VIEWING PIER WITH BENCH SEATING
- **C** NATIVE BEACH DUNE PLANTING
- **D** ADA ACCESSIBLE BEACH ACCESS RAMP
- **E** ADA ACCESSIBLE BOARDWALK
- **F** SECURE DOG BEACH ACCESS
- **G** DOG BEACH FENCING
- **H** BLUFF RESTORATION
- **I** ACCESSIBLE PEDESTRIAN PATH & RAMP TO BEACH
- **J** RECONFIGURED SEATING AREAS (MAINTAIN PASSIVE USES & VIEWS TO LAKE)
- **K** OUTCROPPING STONE

Proposed Design

Centennial Park Pedestrian Access

PARK PEDESTRIAN ADA ACCESS WALK

- *ADA ACCESSIBLE*
- *TIE INTO EXISTING PEDESTRIAN WALKS*
- *MAINTAIN EXISTING MID-BLUFF STAIRCASE*
- *CONNECTS PARK (TABLE LAND) TO THE TOE OF THE BLUFF (CENTENNIAL BEACH) WHILE PRESERVING BREATHTAKING VIEWS TO LAKE MICHIGAN.*
- *MAINTENANCE ACCESS*



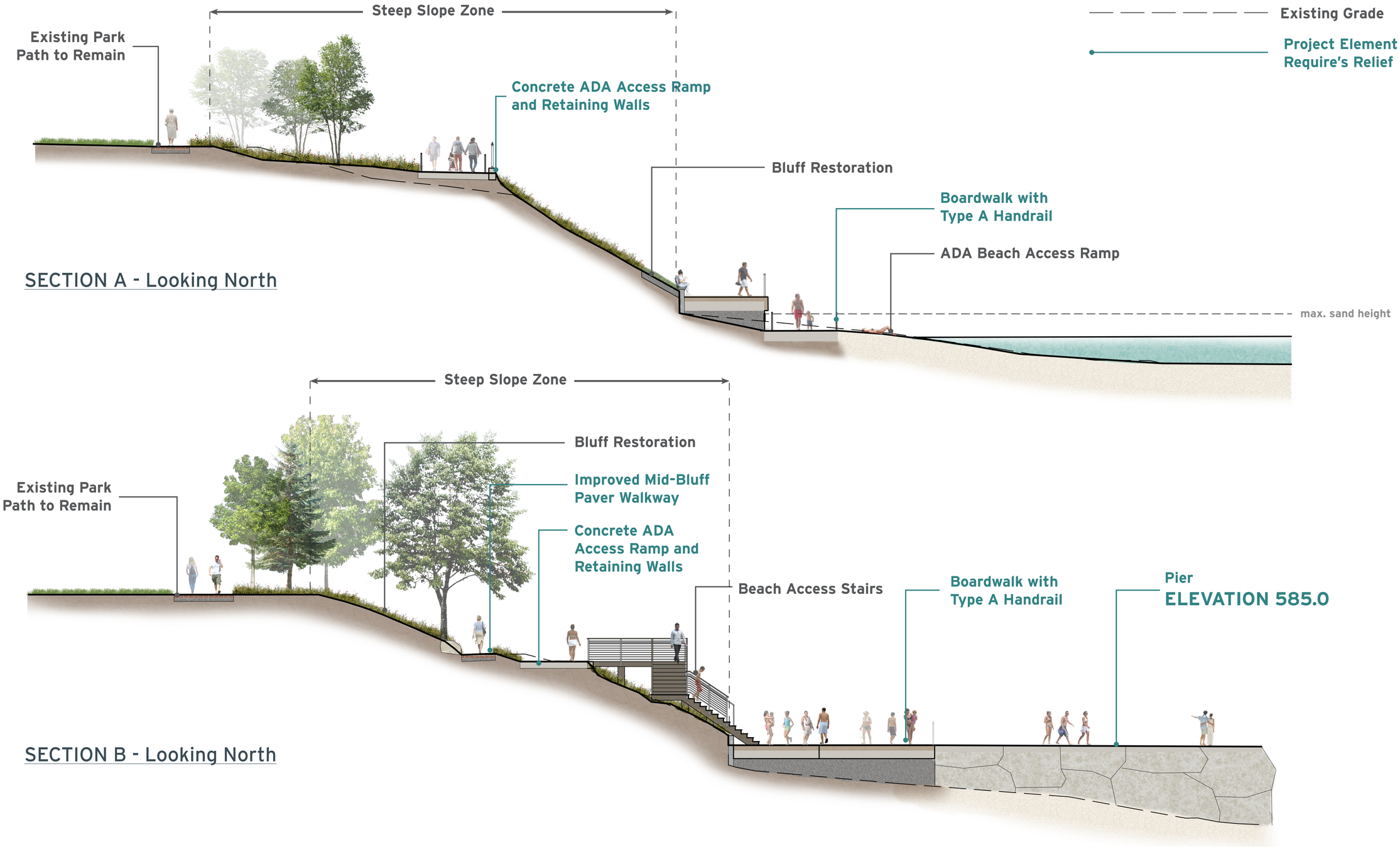
10/27/22 WPD BOARD MOTION

- MOTION #5 INCORPORATE PEDESTRIAN ACCESS DOWN TO CENTENNIAL BEACH



Proposed Design

Centennial Section Cuts



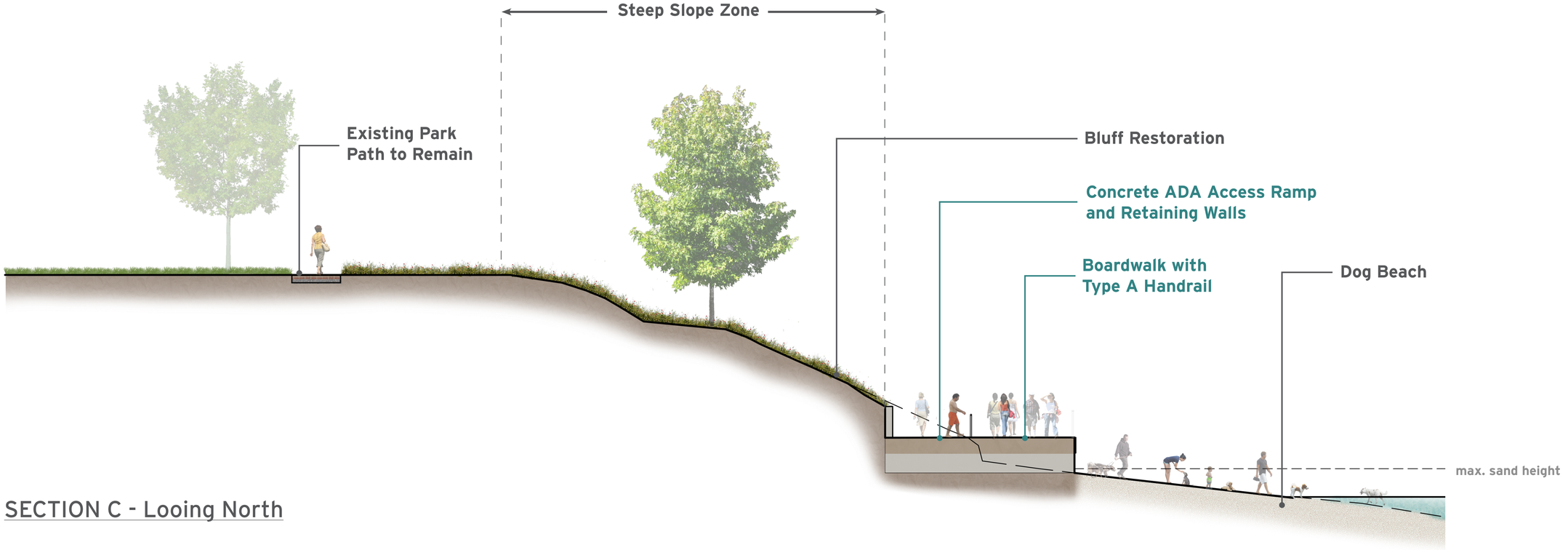
Proposed Design

Centennial Section Cuts

LEGEND

Existing Grade

Project Element Require's Relief



SECTION C - Looing North

Proposed Design

A Look at Elevation

ELDER PIER (FOR REFERENCE)



Proposed Design

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Centennial Beach & Park - Proposed Project Elements

CODE SECTION: Development in Steep Slope Zone Section 17.82.040

Proposed improvements must meet the requirements for Ordinance No. MC-01-2024, Steep Slope Area Along Lake Michigan and required Zoning Requirements as noted in Section 17.82.040.

The ZBA has granted approval of these exceptions provided the project is granted the special use permit.

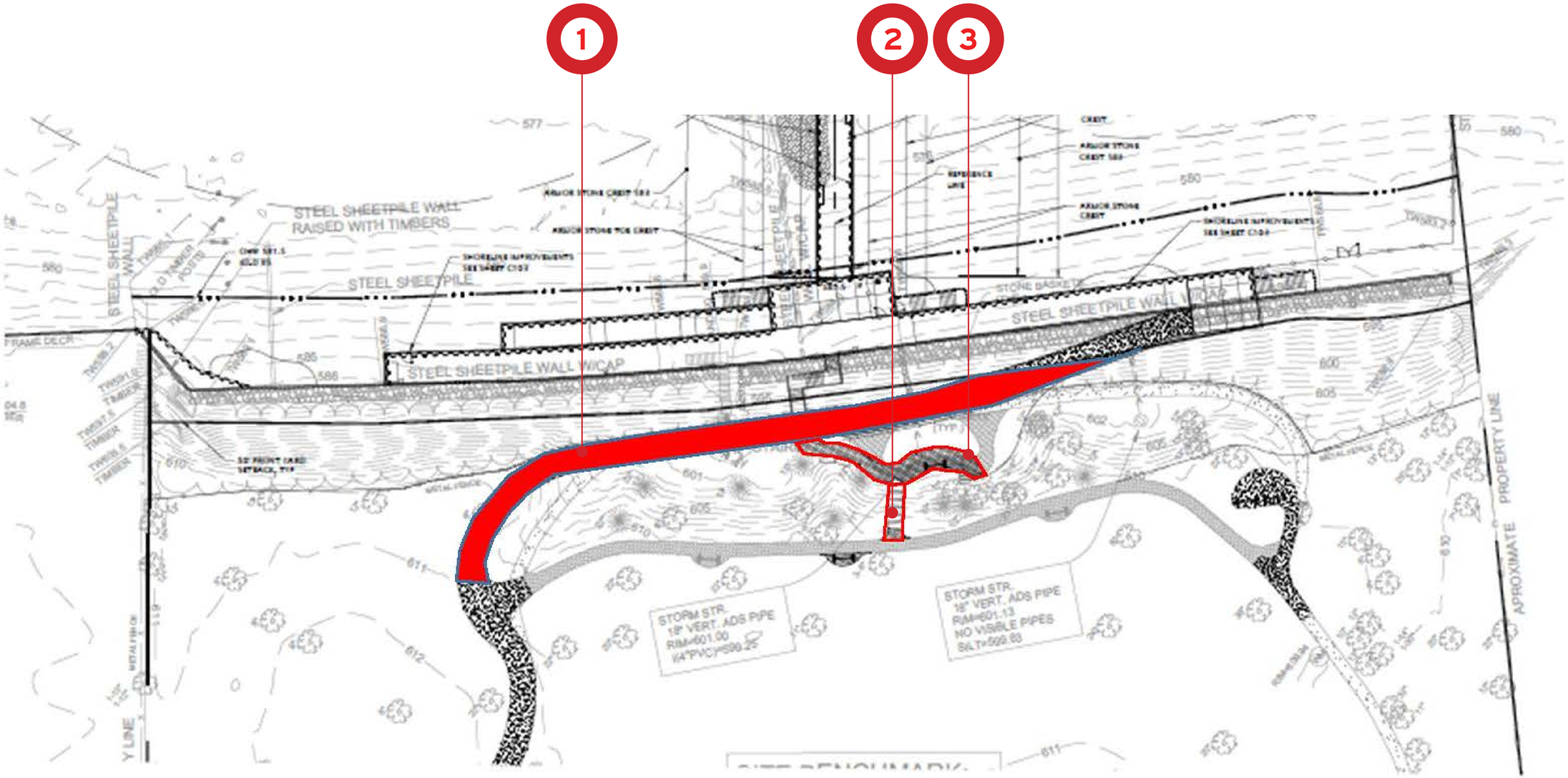
	Project Element	Exception Required	Rationale
1	Concrete ADA Access Ramp and required retaining walls to support the ramp	The Park District is looking for **exception of this improvement** from the Slope Impact Area, **to allow for the accessible connection** to the Centennial Beach Level amenities.	ADA Universal Design and site connectivity.
2	Outcropping Stone Steps	The proposed stair width is 1' greater than the allowable limit. We are requesting an **exception for this improvement** to accommodate the **additional 1 foot width** of the outcropping stone staircase.	Recreational Asset and Site Connectivity
3	Improved Mid-Bluff paver walkway and seating area	The proposed paver walkway is being reconfigured and not following the current footprint, which makes it a new improvement. Since the **new area is wider than 5' we are requesting a exception.**	Recreational Asset and Site Connectivity

Please note that all of these elements serve two main purposes; ***Maintain and Preserve the Bluff*** *and* ***Provide ADA Access from the Public ROW****.*

Proposed Design

Code Section: Development in Steep Slope Zone Section 17.82.040

PROJECT ELEMENT SITE LOCATION - *EXCEPTION REQUESTS*

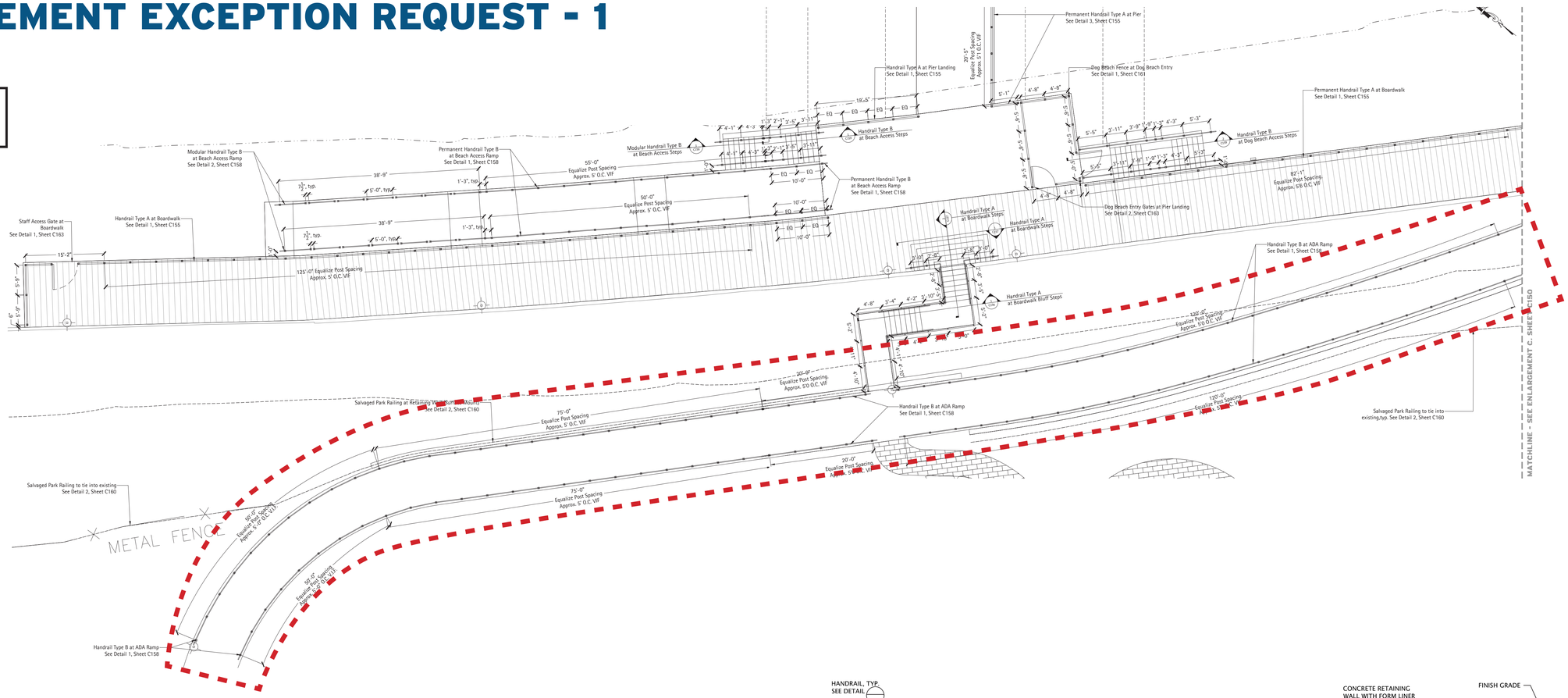


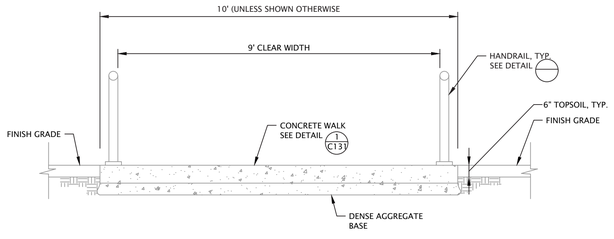
Proposed Design

Code Section: Development in Steep Slope Zone Section 17.82.040

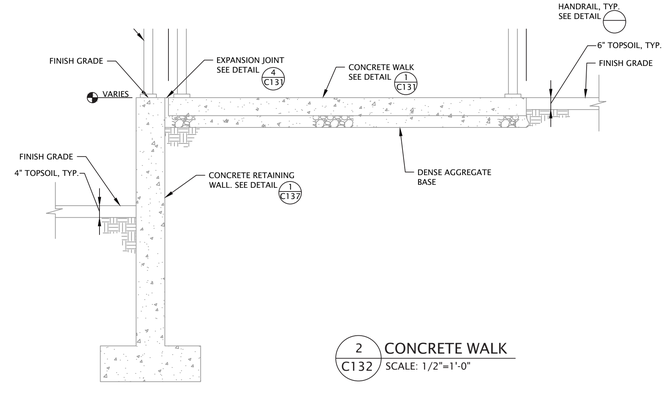
PROJECT ELEMENT EXCEPTION REQUEST - 1

REQUEST: ALLOW THE PUBLIC ACCESS RAMP

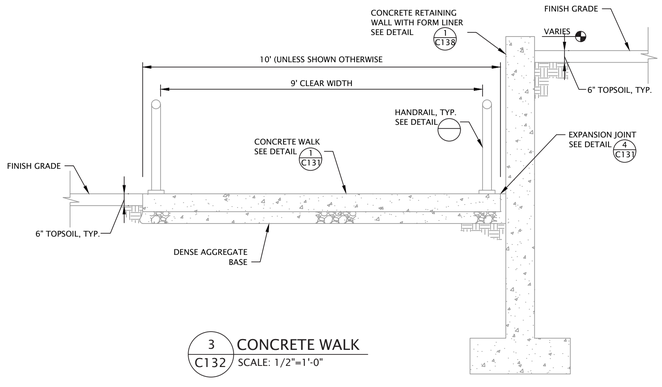




1 C132 CONCRETE WALL
SCALE: 1/2"=1'-0"



2 C132 CONCRETE WALK
SCALE: 1/2"=1'-0"



3 C132 CONCRETE WALK
SCALE: 1/2"=1'-0"

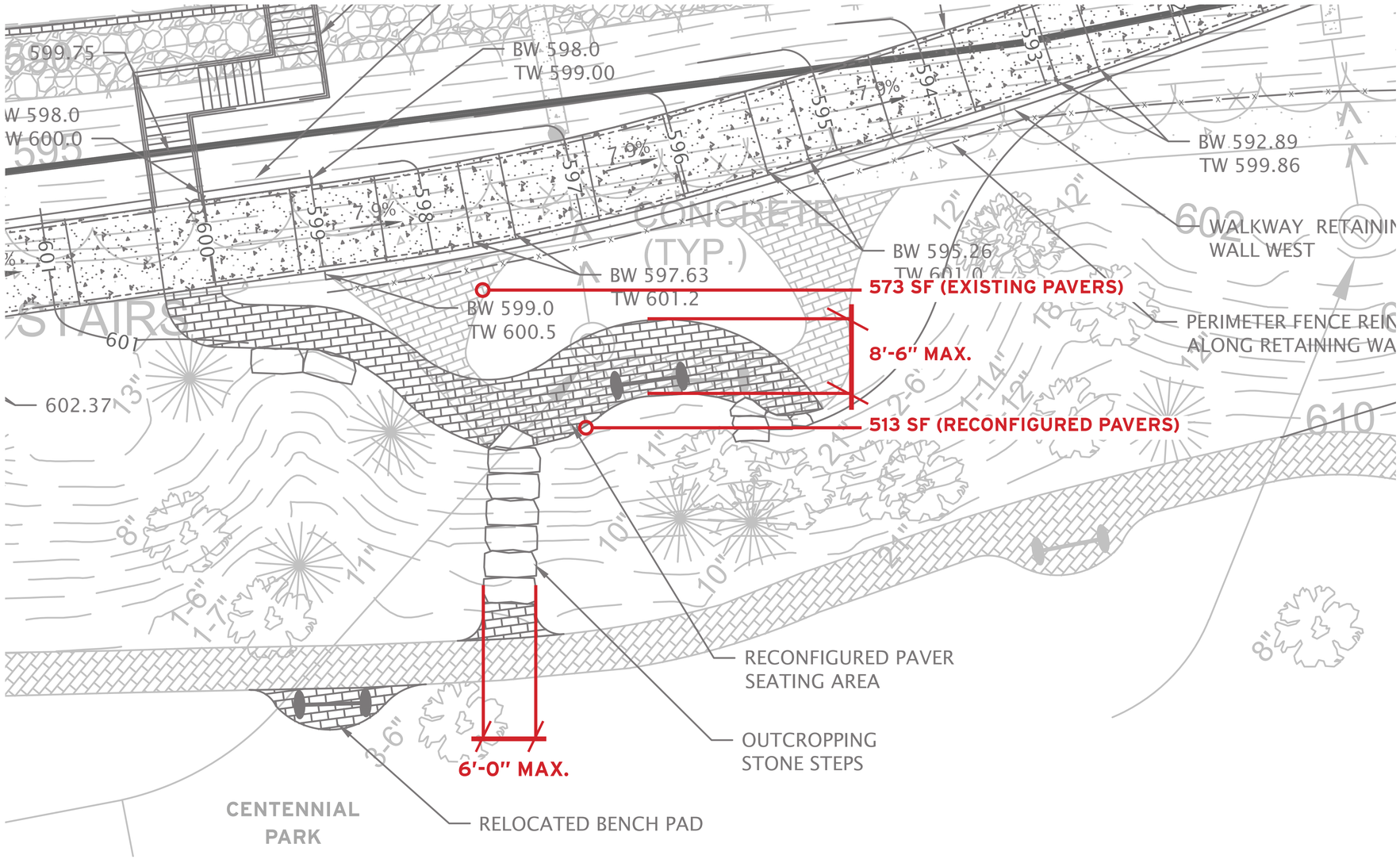
Proposed Design

Code Section: Development in Steep Slope Zone Section 17.82.040

PROJECT ELEMENT EXCEPTION REQUEST - 2 & 3

REQUEST: ALLOW THE IMPROVED MID-BLUFF PAVER / SEATING AREA AS DESIGNED (OVER 5' WIDTH)

REQUEST: ALLOW THE OUTCROPPING STONE STEPS AS DESIGNED (OVER 5' WIDTH)



Proposed Design

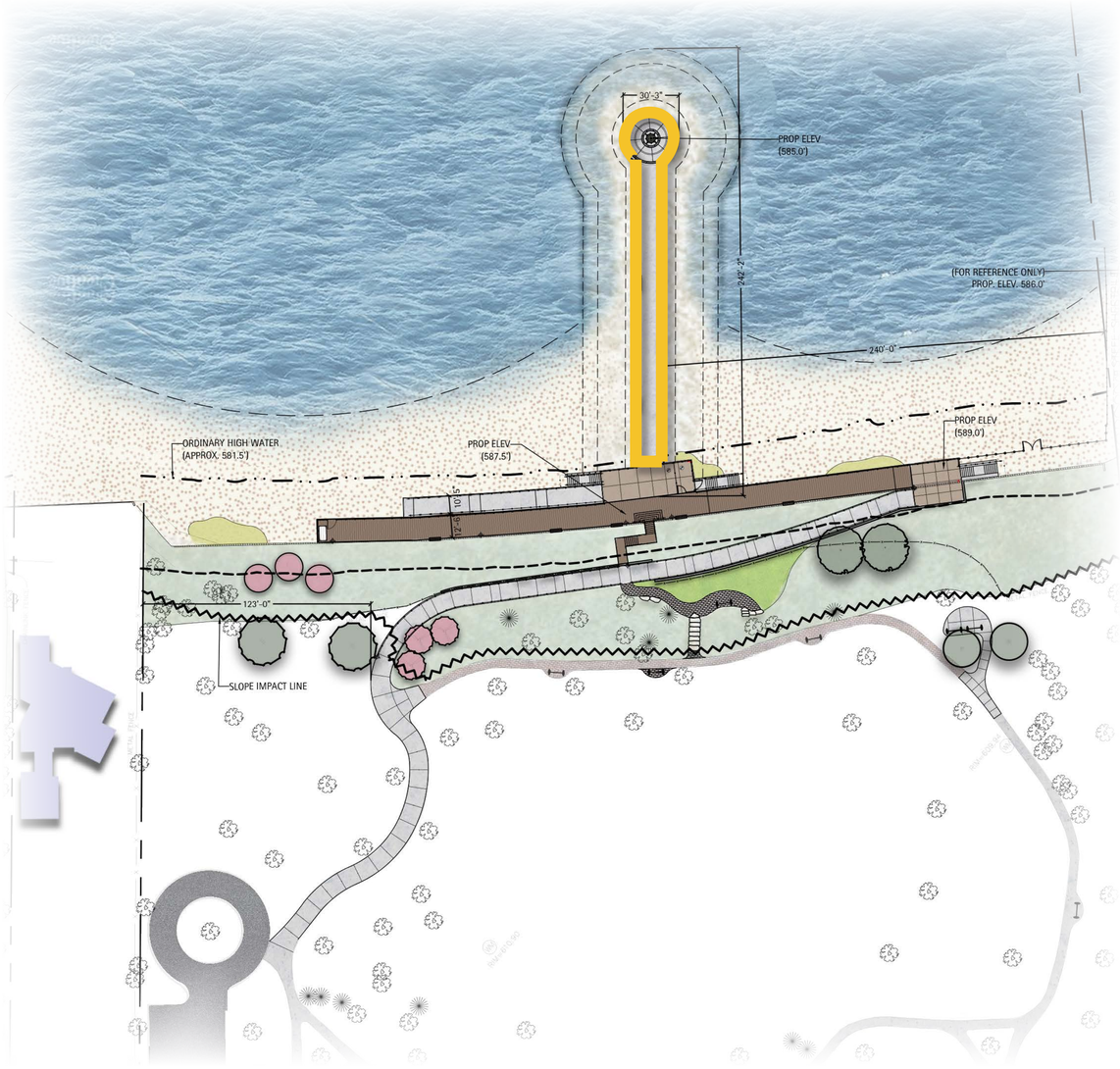
Coastal Engineering

Design Criteria

- ***Coastal Engineering***

Lake Bed Downcutting and Littoral Drift are natural processes that cause concerns for beaches along the Winnetka Shoreline.

*The design facilitates protection of the at-risk beaches by **limiting lake-bed down-cutting**; **retaining sand** in an eroded, sand-starved environment; and providing accessible walkways to allow for **greater public access to Lake Michigan**.*

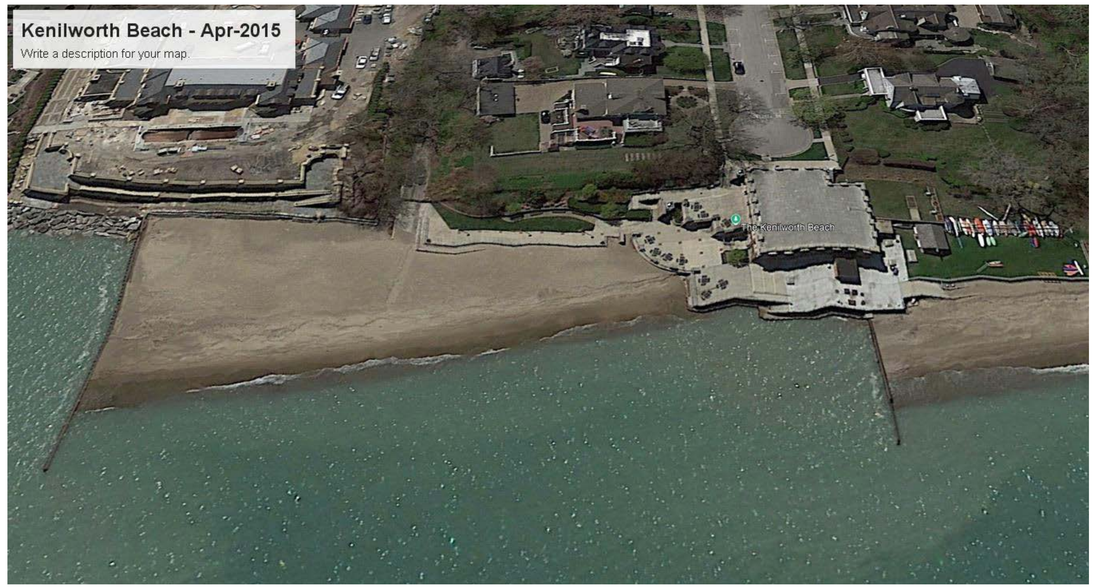


Proposed Design

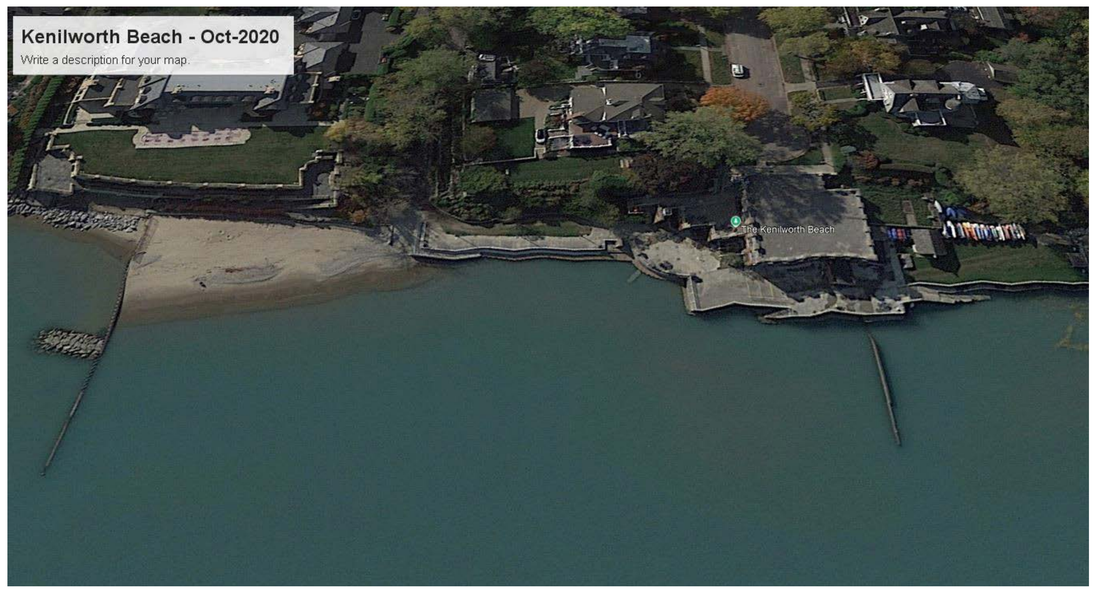
Coastal Engineering

Littoral Barriers

An obstacle to littoral drift or migration of material along the shore. Littoral barriers may be natural, for example, rocky headlands or man made jetties, breakwaters or dredged channels. These hinder the normal drift of material along the shore



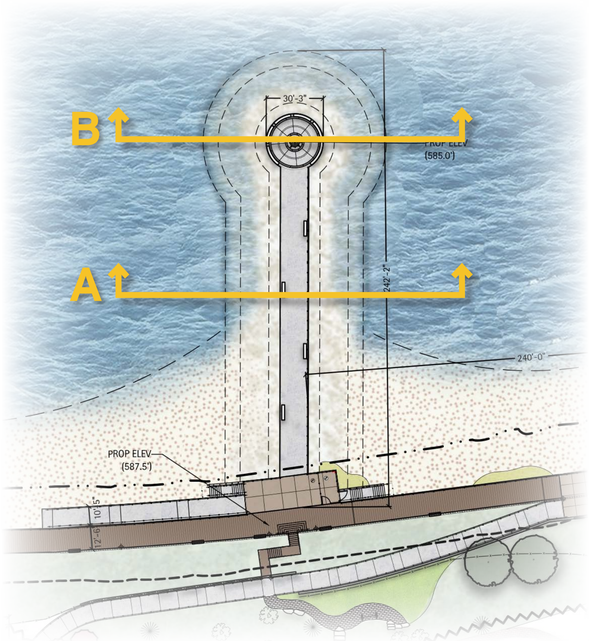


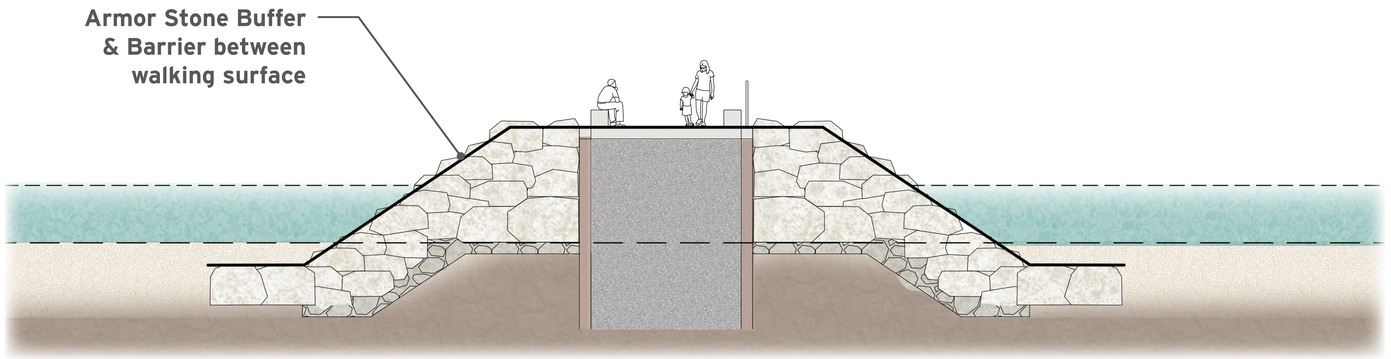


Proposed Design

Coastal Engineering

KEY MAP

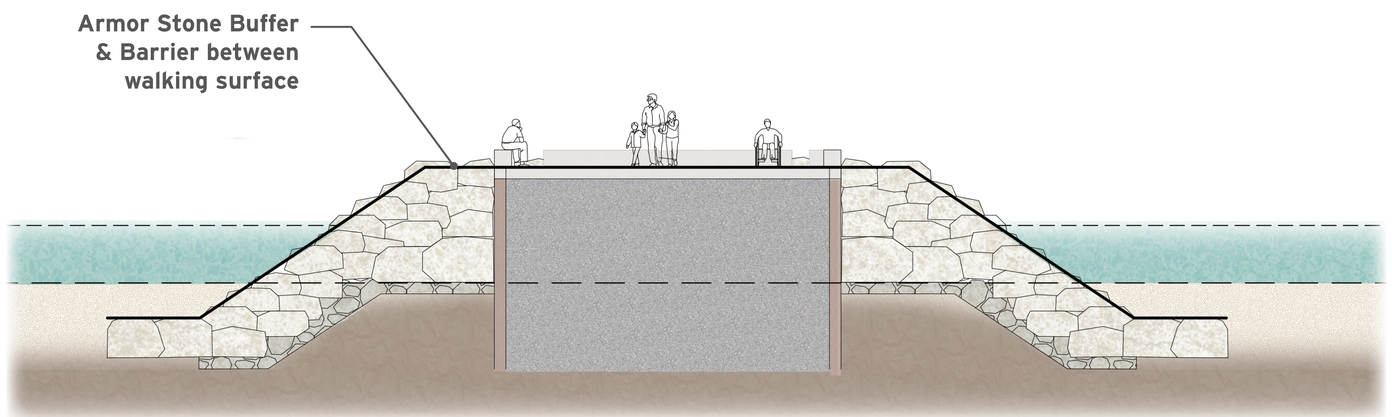




SECTION A - Looking East

Rubble Mound Breakwater with Pier Surface

- *Length: Promotes sand retention*
- *Height x Width (shape): Reduces wave energy leading to fewer rip currents*



SECTION B - Looking East

Proposed Design

Coastal Engineering

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Coastal Engineering Design Criteria

- *Balances environmental sustainability and industry standard engineering, while being responsive to community feedback.*
- *[Pier] structure serves as an improvement over the existing steel groin as it relates to reduction of any existing rip currents currently experienced along the steel groin, while performing additional sand retention and seasonal accretion at the beach areas.*
- *Length and width [of the pier] were carefully selected to ensure it provides the right scale for the site while achieving vital environmental goals.*
- *Length of the pier aligns with the dimensions of other piers along the Winnetka shoreline*

RED BARN
Design & Engineering, S.C.

6750 Woodland Dr.
Waunakee, WI 53597

p. 608.849.2042
c. 608.843.1870

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6 December 2024

DESIGN STATEMENT: Site Improvements Centennial Park and Beach Project

The design elements and project components, and project documents for the Centennial Park and Beach site, have been prepared and under the direction of the Winnetka Park District (WPD). These documents were prepared in accordance with current State and Federal codes, regulations, and industry standards for site improvement projects along the Great Lakes shoreline.

The projects incorporate elements that reflect a balance of environmental sustainability, and industry standard engineering, while being responsive to community feedback. These elements, combined with input received from local stakeholders and the requirements outlined in the Village's Amended Lakefront Construction Ordinance, have shaped the project design now presented for Special Use Permitting for Centennial Park and Beach.

A key feature of the proposed design is the new pier structure, which features a steel sheet pile core bordered by a rubble mound revetment structure. This structure serves as an improvement over the existing steel groin as it relates to reduction of any existing rip currents currently experienced along the steel groin, while performing additional sand retention and seasonal accretion at the beach areas. These improvements provide enhanced public space at the park beachfront. The pier's length and width were carefully selected to ensure it provides the right scale for the site while achieving vital environmental goals.

The crest elevations of both the pier core and rubble mound revetment were selected to follow the Village's Lakefront Ordinance, while adhering to the principle of minimal intervention necessary to fulfill these objectives.

The chosen length of the pier aligns with the dimensions of other piers along the Winnetka shoreline, ensuring consistency with the area's existing shoreline improvements. This thoughtful consideration allows the design to blend harmoniously with the surrounding environment while enhancing the functionality of the beach.

The project documents were prepared by a collaborative team including the WPD, RED BARN Design & Engineering, The Lakota Group, Spaceco Inc., Shabica & Associates, and Christopher Burke Engineering. Documents for State and Federal permitting, and project documents for bidding and construction have been prepared as part of this coordinated effort.

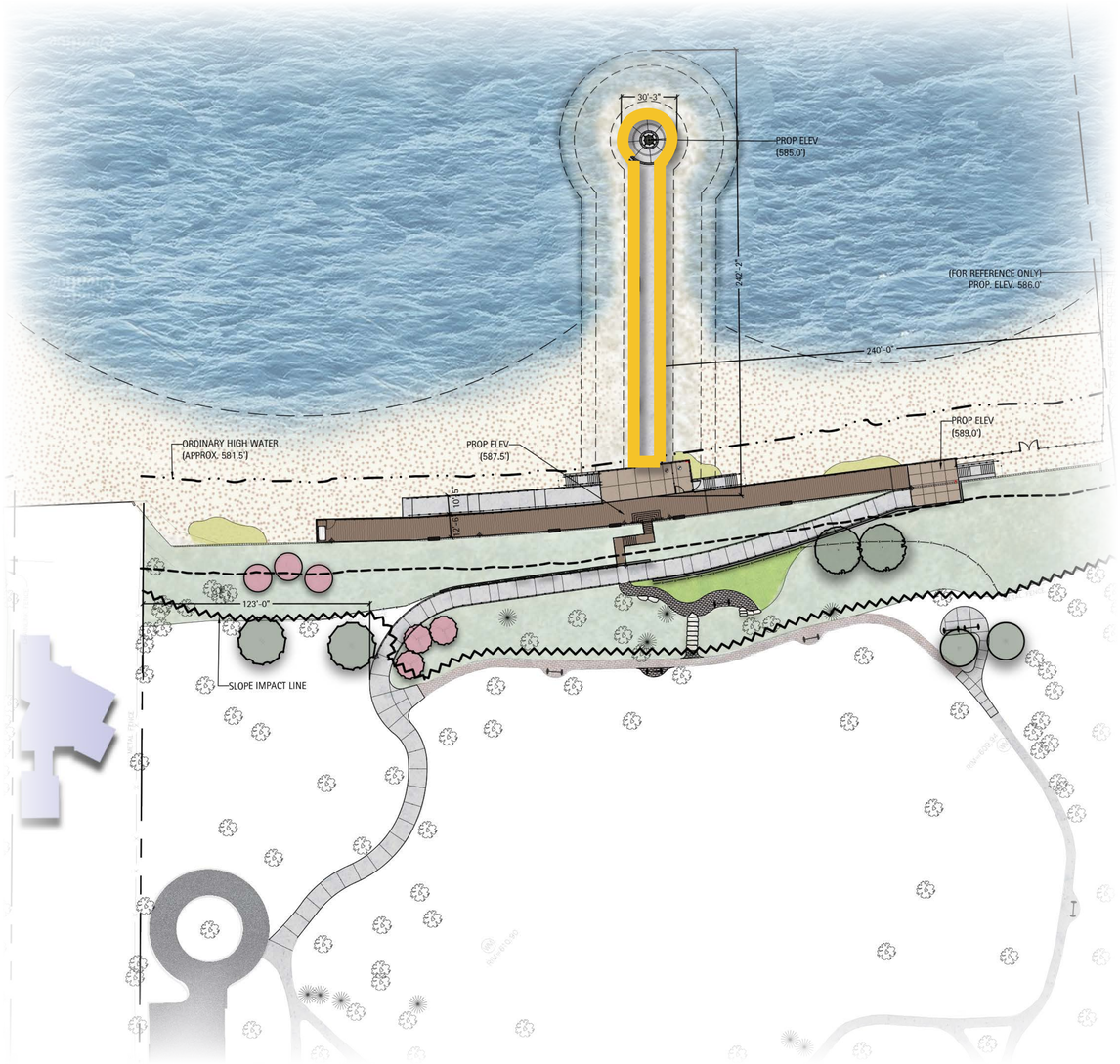
Proposed Design

Safety

Safety of the Pier

- ***Improved Public Amenity***
- ***Training & Operations***

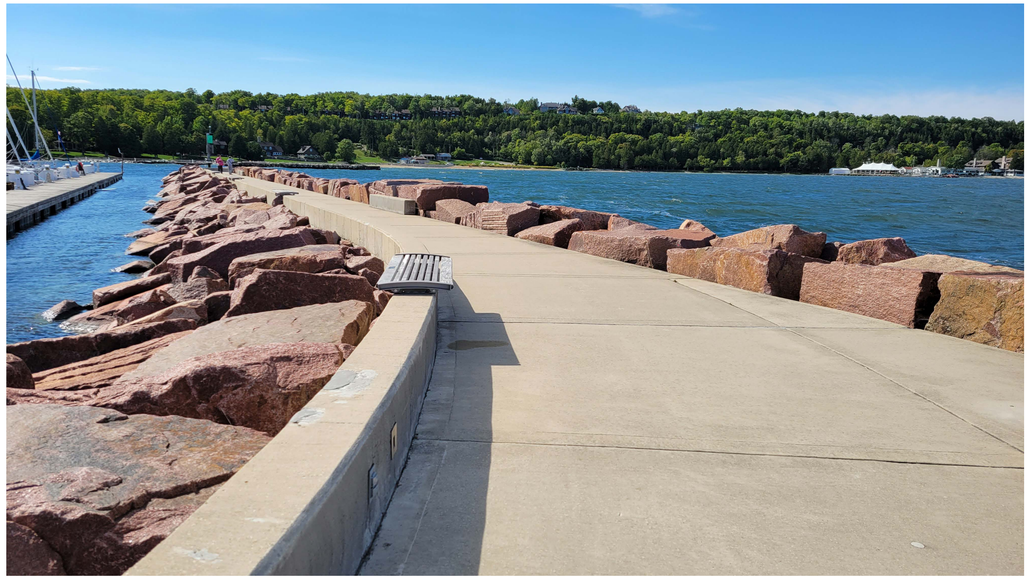
Improved Public Amenity with safe accessible access to the proposed pier. The pier design itself promotes a safer beach environment with reduced rip currents, while the armour stone surround highlights a visual and physical barrier to prevent diving. Suggested barriers and signage will be included to close the pier and boardwalk as needed during high wind and/or lake levels.



Proposed Design

Safety

EGG HARBOR MARINA - DOOR COUNTY, WI



PERE MARQUETTE - MUSKEGON, MI



PETOSKEY HARBOR - PETOSKEY, MI



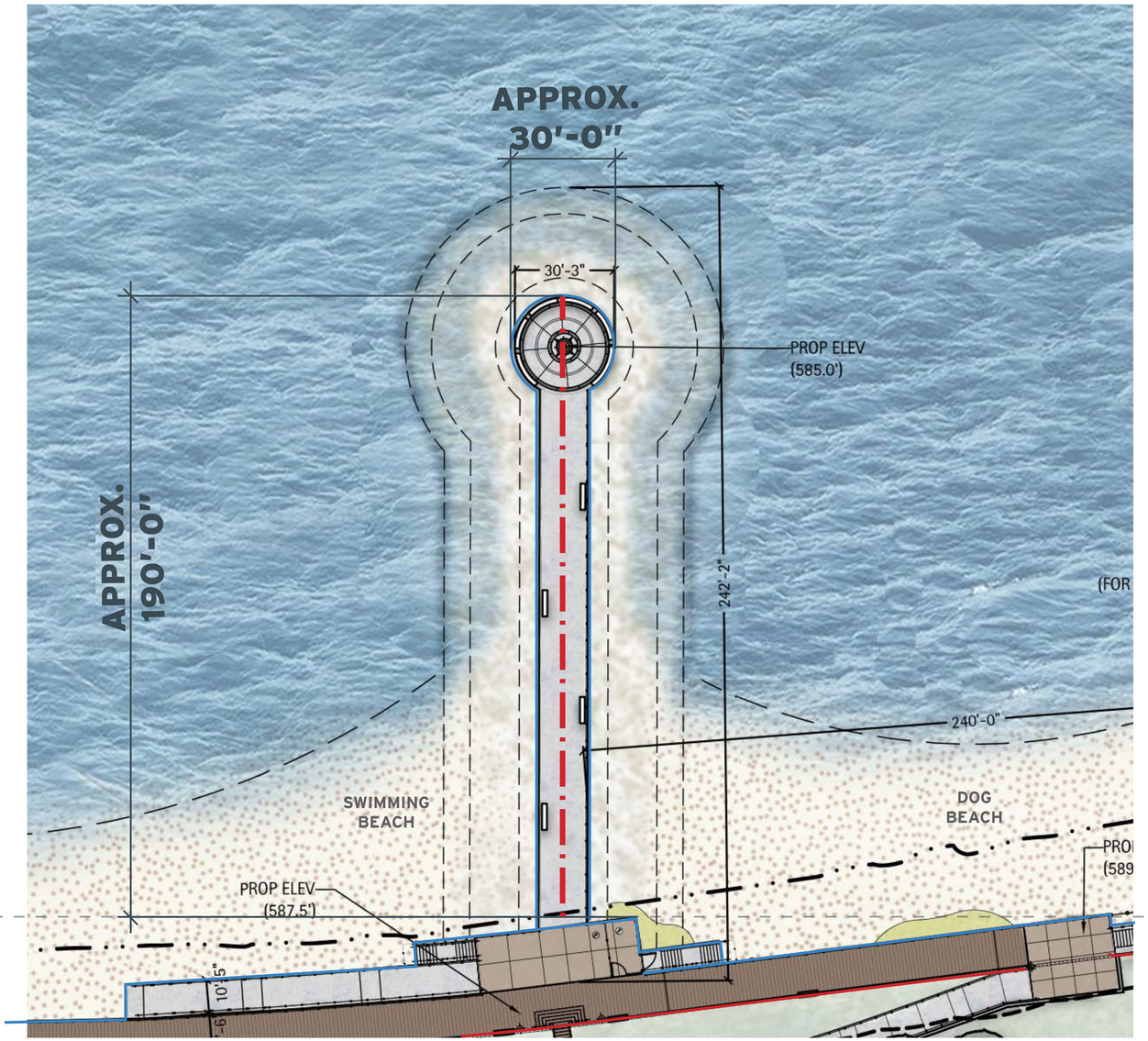
FRANKFORT NORTH PIER - FRANKFORT, MI



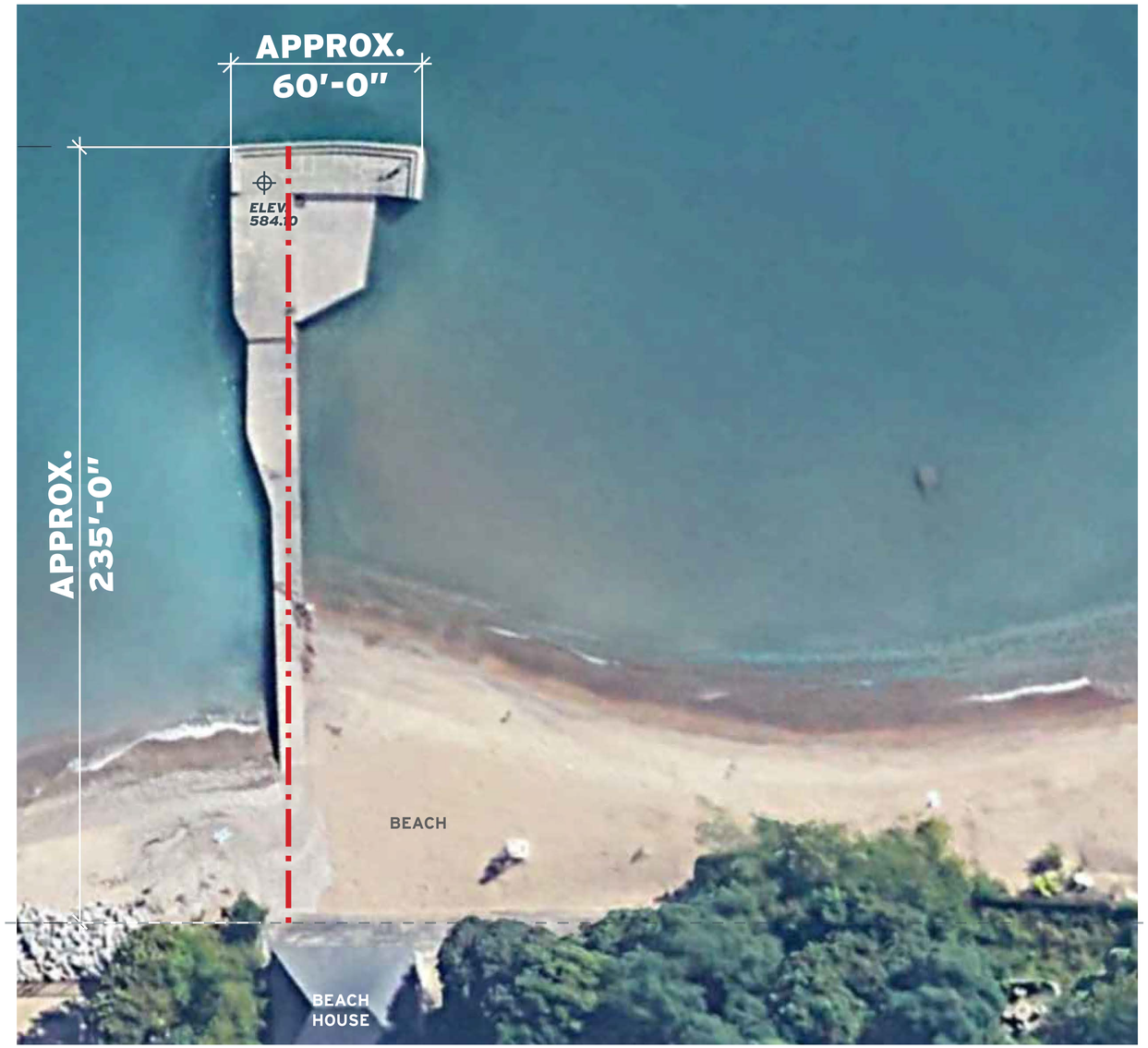
Proposed Design

Safety

PROPOSED CENTENNIAL BEACH

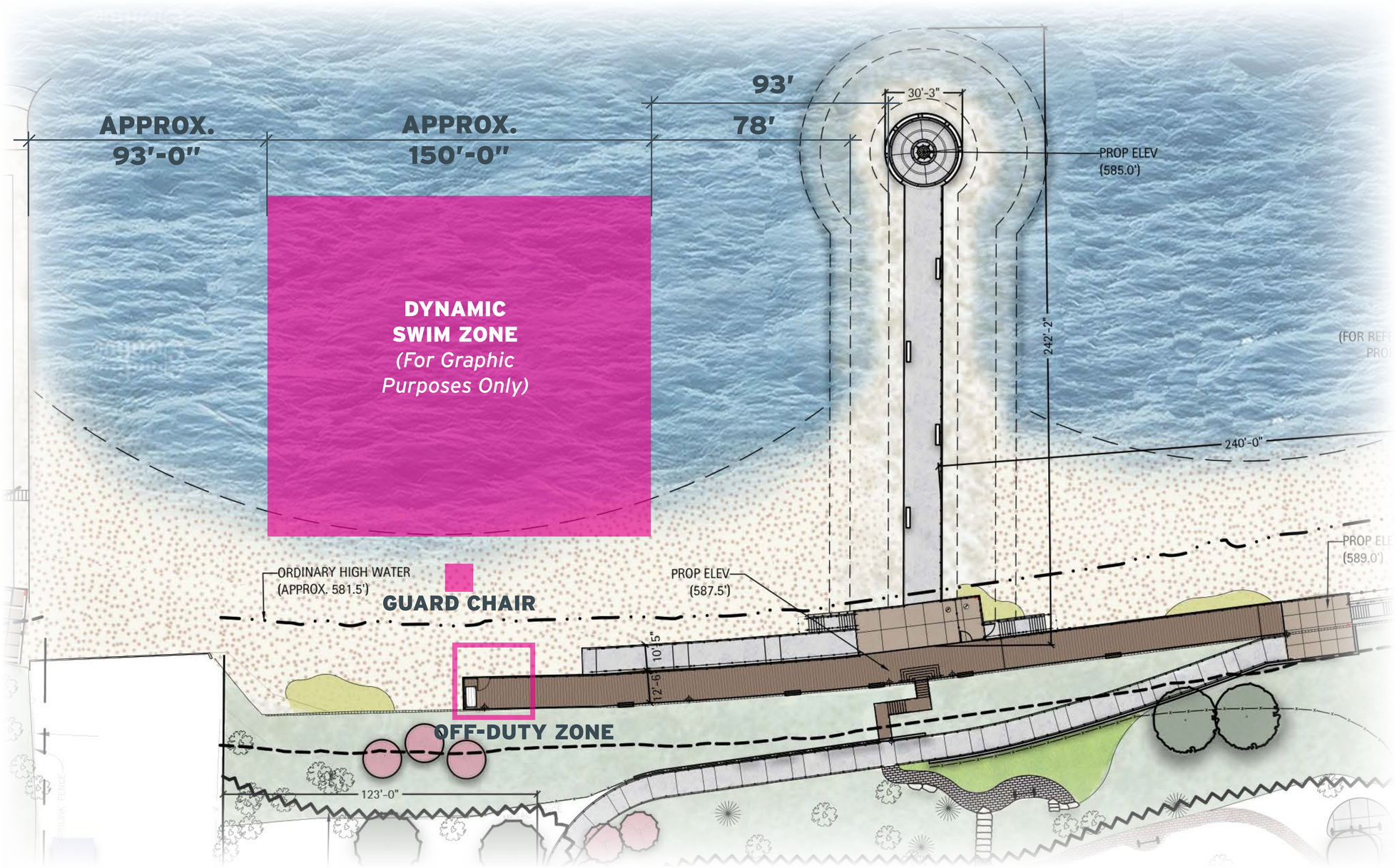


MAPLE STREET BEACH



Proposed Design

Safety



Proposed Design

Pier Safety

<u>Becoming a Lifeguard at WPD</u>

- ***American Red Cross Lifeguard Professional Rescuers Certified:***

(7) hours of online and (20) hours of in-water training. Certification includes: Professional Rescuer CPR/AED/1st Aid lifesaving skills including multi-person active rescues and passive (unconscious) rescues

- ***Waterfront Certification:***

Additional (4) hours training at the beach required for beachfront lifeguards Training includes: Beach entry and water searches

- ***WPD also incorporates 2-part physical fitness test that all incoming guards must pass***







Proposed Design

Pier Safety

Lifeguards on duty will be in a guard chair, walking the shoreline and/or on a rescue board in water.

Lifeguards rotate on/off every 20-30 minutes. Lifeguards are required time away from duty and will sit behind active guards while on break.

Training requirements throughout summer include:

- *Daily on-shift skill reviews*
- *Monthly training (2) hours mandatory in-service training hours to maintain certification*
- *PDRMA (3) unannounced audits throughout the summer assessing lifeguard observations in-chair and lifesaving skills and administrative operation review*







Proposed Design

Pier Safety

BEach SAFE Water Safety Campaign

- ***Launched in May, 2024***
- ***Summer Kickoff Event:*** *Held water safety scavenger hunt, community education event*
- ***Promoted campaign at every special even this summer with handouts***
- ***Spoke to over 700 District 36 Students***
- ***Signage posted at Beaches***
- ***Beach Safety web page created on winpark.org website***





Proposed Design

Parking

Existing Parking

Centennial Park

- *11 Spaces*
- *Limited to Dog Beach Pass Holders and Residents*

Elder Lane Park

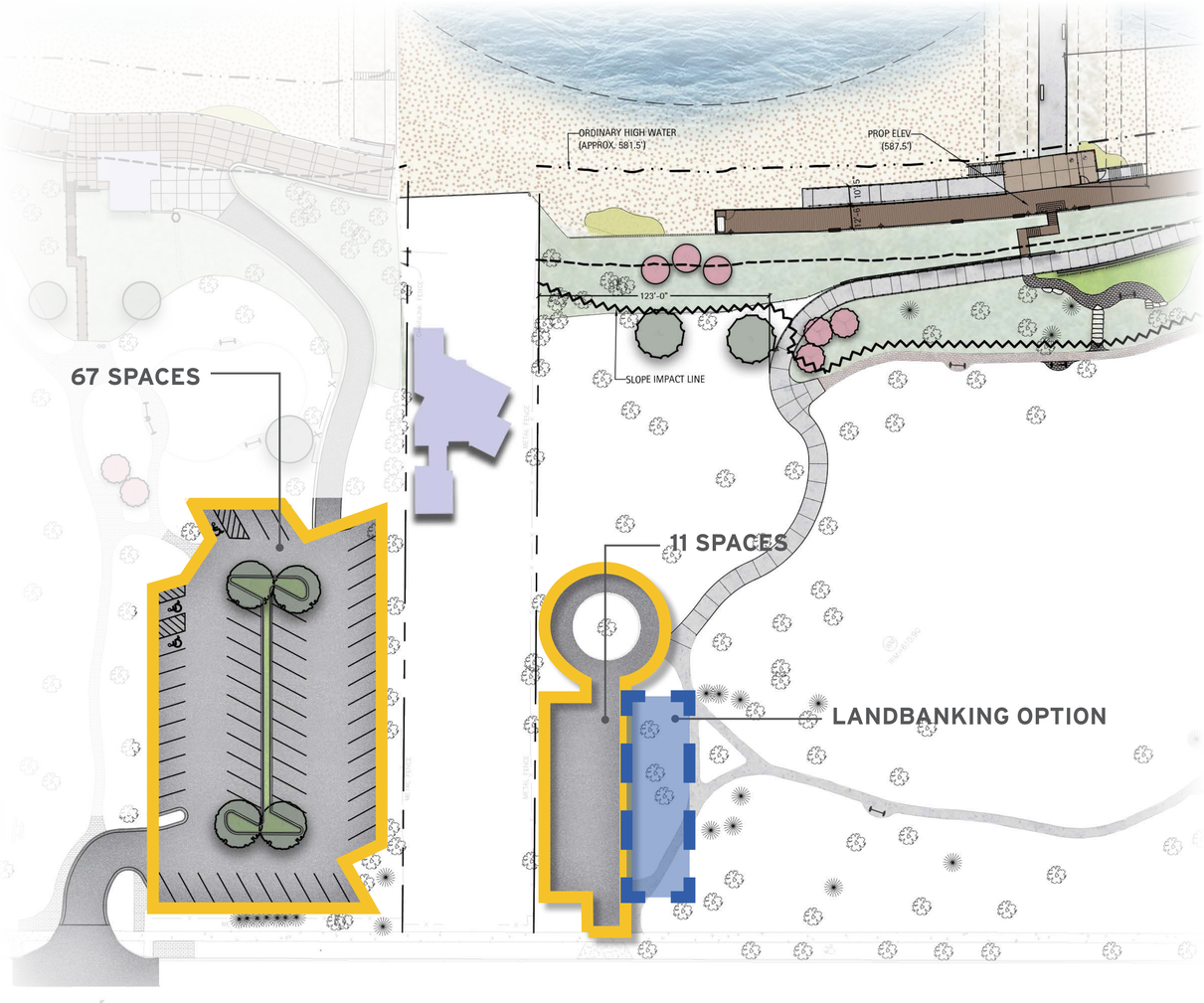
- *67 Spaces (1 Additional ADA Space at Beach House-Seasonal)*
- *4 Spaces Reserved for Park Patrons*
- *63 Spaces for New Trier Permits (7AM-4PM Weekdays)*

Parking Review from Kimley Horn

Land Bank Parking Options

- *Willingness to expand parking in lieu of existing green space and trees*

Off-Site Parking Options



Proposed Design

Parking - Transportation Review from Kimley Horn

Plan Evaluation

- ***Traffic Generation***

»*Is typically driven by industry resources, due to the unique use of Park Space, they are not always the same, so* ***there is not specific standard to follow*** *making it difficult to reference traditional resources.*

»*Data was collected from the previous three year's* ***beach season pass sales, daily fee visits and dog beach pass sales*** *helping to create the snap shot of users along the WPD beaches.*

»*Assumptions consider the improvements for Centennial and Elder Lane Beaches, expecting an* ***initial uptick in users over the course of the first season or two****, normalizing afterward.*

»*Several beach options along the Winnetka shoreline* ***help disburse the desire to use Centennial and Elder Lane*** *due to parking access and may instead visit one of the other beaches.*

- ***Access***

»*Access and Parking for these two sites is consistent with* ***the current conditions.***

»*Centennial Parking functions well, with the 11 current parking places* ***the lot itself should not have significant issues or congestion*** *when entering or leaving the park.*

»*The additional parking available at* ***Elder Lane Park is within close proximity*** *to Centennial and has a* ***traffic signal which provides a controlled crossing for the neighborhood.***

- ***Parking***

»***The proposed plans allow for*** *78 combined parking places, which is* ***more than the combined 64 spaces between Tower and Maple Parks.*** *As a system, the Winnetka Park District provides 142 parking spaces for the swimming beaches, Lloyd provides another 56 for the boating beach and launch with an overall total parking of 198 Park District owned spaces.*

Proposed Design

Parking - Transportation Review from Kimley Horn

Potential Parking Measures

- *Installation of signs directing visitors to other lakefront parks and beaches if full*
- *Resident parking only in parking lots*
- *Secure overflow parking at New Trier (or another site near the Beaches)*
- *Future expansion of parking in exchange for green space and trees (Land Bank)*

Table 4. Comparable Beach Characteristics

Location	Town	Parking	Access	Beachfront[1]	Park Features
Centennial Park	Winnetka	Parking Lot 11 spaces	Season Dog Beach Pass	520 feet	Park / Open Space Dog Beach Swimming Beach[2]
Elder Lane Park	Winnetka	Parking Lot 67 spaces[3]	Currently Closed	400 feet	Park / Open Space Swimming Beach[4] Playground
Maple Street Park	Winnetka	Parking Lot 14 spaces	Season Pass Daily Fee	175 feet	Park / Open Space Swimming Beach
Tower Road Park	Winnetka	Parking Lot 50 spaces	Season Pass Daily Fee	500 feet	Park / Open Space Swimming Beach Playground
Glencoe Beach	Glencoe	On-Street 94 spaces	Season Pass Daily Fee (only available on weekdays after 12 PM)	550 feet	Park / Open Space Swimming Beach Sailing Tennis Courts Playground
Rosewood Beach	Highland Park	2 Parking Lots (resident only with decal) 87 spaces	Residents: Free Pass Non-Residents: Season Pass or Daily Fee	1,000 feet	Park / Open Space Swimming Beach Playground
Forest Beach Park	Lake Forest	3 Parking Lots (resident only) 208 spaces Metra Station (non-residents) ¾-mile walk	Residents: Free Pass Non-Residents: Daily Fee	1,770 feet	Park / Open Space Swimming Beach Boat Launch Sailing Playground
Sunrise Beach	Lake Bluff	On-Street in Neighborhood	Residents: Free Pass Non-Residents: Daily Fee	950 feet + 250 feet dog beach	Swimming Beach Playground

1 Approximate length
2 Proposed for southern ½
3 Proposed parking capacity
4 Beach has been closed since 2020

Proposed Design

Parking - Transportation Review from Kimley Horn

Summary

Based on review of current conditions, the proposed plans for Centennial and Elder Lane Parks, and data relating to beach passes and daily fee visits, the transportation and parking elements of the proposed plan are expected to continue to adequately serve the two park sites.

Special Use Standard #4

That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;

- *Access to both Centennial Park and Elder Lane Park are proposed to remain as existing. Given the traffic volume along Sheridan Road, and the size of the parking lots, and the configurations and traffic control at the two intersections, vehicle traffic should not have issues or cause meaningful congestion when entering or exiting the parks.*
- *The traffic signal at Sheridan Road/Elder Lane provides a controlled crossing for pedestrians walking between the lakefront and the neighborhood west of Sheridan Road. Elder Lane Park is immediately east of this signal and Centennial Park is located just over 200 feet south of this traffic signal, so this crossing supports pedestrians walking to/from either park.*
- *Pedestrian sidewalk currently exists along the park frontages on Sheridan Road exiting vehicles maintain good visibility of pedestrians as they approach the respective access drives. The proposed plans do not negatively impact these sight lines.*
- *Upon further validation of the findings in this evaluation, supplemental data collection and review planned in Summer 2025 will inform whether additional measures may be warranted. This data collection and review will be coordinated with the Village Engineer.*

Special Use Standard #5

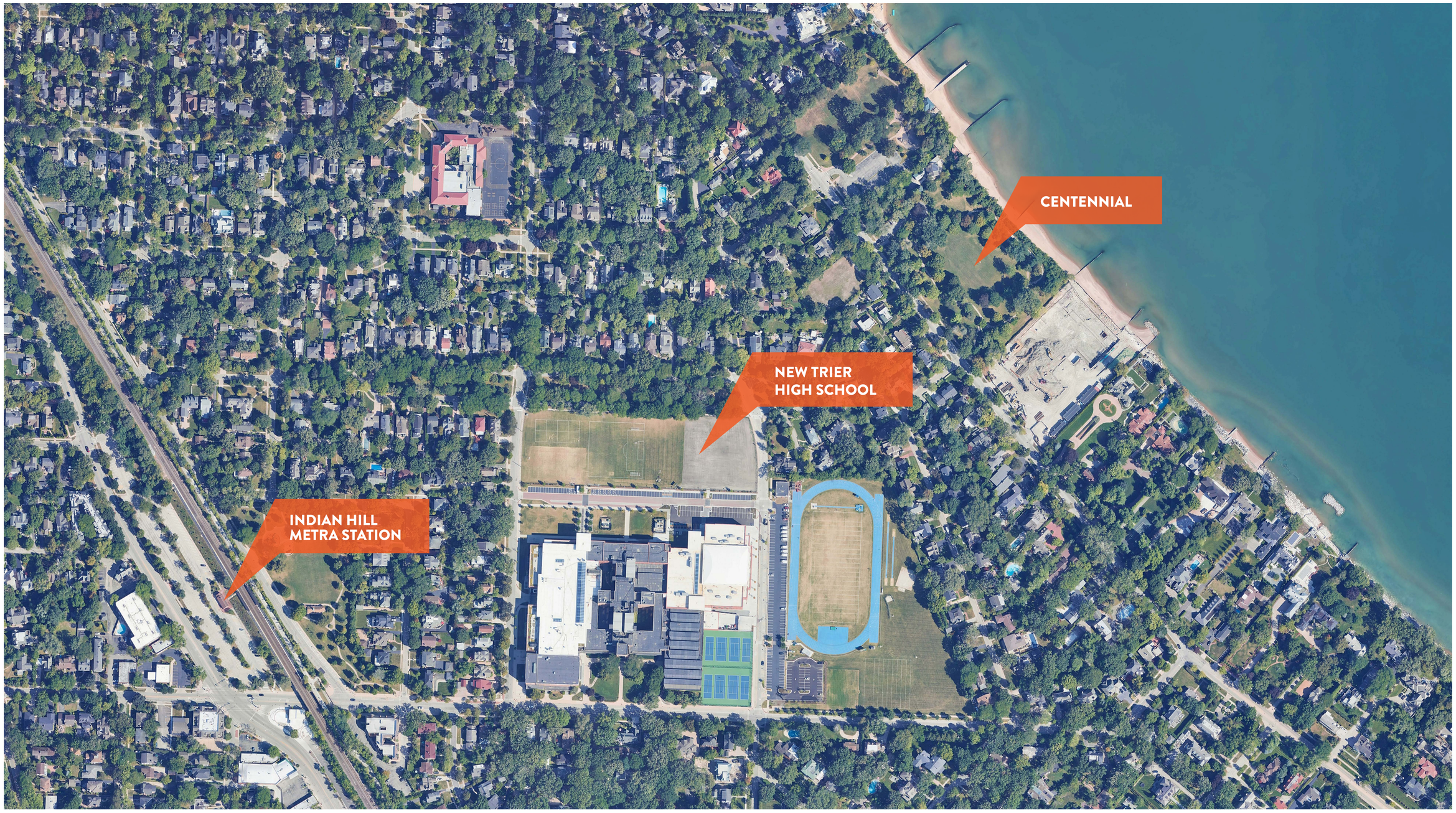
That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exists or are to be provided;

- *The parking at Elder Lane Park is available to supplement Centennial Park needs and is easily accessible via a short walk (approximately 200 feet between access points) along Sheridan Road's public sidewalk.*
- *The 78 spaces at Elder Lane and Centennial Parks offer more parking more than Tower Road and Maple Street Parks combined. As a system, the lakefront parks with swimming beaches would provide 142 off-street parking spaces. This capacity is expected to adequately serve the collective vehicle parking demand as patrons can distribute among the beaches if one is too crowded.*
- *The combined 78 spaces at Elder Lane and Centennial Parks is generally in line with parking provided at other comparable lakefront parks/beaches along the North Shore.*
- *Additional parking measures are possible to provide overflow parking and/or limit use of off-street lots to residents only, if needed.*
- *Upon further validation of the findings in this evaluation, supplemental data collection and review planned in Summer 2025 will inform whether additional parking measures may be warranted. This data collection and review will be coordinated with the Village Engineer.*

Proposed Design

Off-Site Parking Options

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS



Proposed Design

Perspective - Centennial Breakwater Looking West

EYE-LEVEL APPROX. 65.5" HT (ASSUMES APPROX. 5'-10" HT. INDIVIDUAL)



KEY MAP

Proposed Design

Perspective - Centennial Swimming Beach Looking South

EYE-LEVEL APPROX. 65.5" HT (ASSUMES APPROX. 5'-10" HT. INDIVIDUAL)



KEY MAP

Proposed Design

Perspective - Bird's Eye View at South Centennial Looking W/NW

BIRDS EYE-LEVEL



KEY MAP

Proposed Design

Perspective - Centennial Access Path Looking E/SE

EYE-LEVEL APPROX. 65.5" HT (ASSUMES APPROX. 5'-10" HT. INDIVIDUAL)



KEY MAP

Proposed Design

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

Perspective - Centennial Access Path Looking N/NE

EYE-LEVEL APPROX. 65.5" HT (ASSUMES APPROX. 5'-10" HT. INDIVIDUAL)



KEY MAP

Proposed Design

Perspective - Centennial Dog Beach Looking South

EYE-LEVEL APPROX. 65.5" HT (ASSUMES APPROX. 5'-10" HT. INDIVIDUAL)



KEY MAP

Proposed Design

Seeking a favorable recommendation from **PLAN COMMISSION** for:

1. A special use permit to allow construction of proposed improvements to new and existing uses as outlined in plans | *per Zoning Ordinance*
See chart of Proposed Project Elements.

2. An exception to permit Development in the Steep Slope Zone | *Section 17.82.040*
See chart of Proposed Project Elements.

THANK YOU

Questions?

Appendix A - Supplemental Info

Special Use Permit Standard #1

That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;

We believe the standard is met, as the proposed improvements align with community needs and support public health, safety, and welfare. The project enhances existing amenities without expanding programming, while strategically minimizing impacts on surrounding areas. Additionally, the improvements contribute and address environmental concerns like erosion to protect and enhance the shoreline and surrounding community spaces as identified as a priority in various Park District plans as well as the Village 2040 Comprehensive Plan.

Appendix A - Supplemental Info

Special Use Permit Standard #2

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

We believe the standard is met, as the proposed improvements align with the established use and character of the area and will not diminish the enjoyment or property values of nearby properties. The beach and park have been longstanding community assets with no negative impact on adjacent properties, as shown by nearby property investments. The design also complements surrounding structures and is compatible with district guidelines without increasing traffic or parking demands.

Appendix A - Supplemental Info

Special Use Permit Standard #3

That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

We believe the standard is met, as the proposed improvements maintain the park's established role in the community and will not disrupt future development in the area. The improvements retain the property's character and do not negatively impact surrounding properties or discourage future investments, as demonstrated by ongoing nearby developments.

Appendix A - Supplemental Info

Special Use Permit Standard #4 & #5

That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;

We believe both standards are met, as existing infrastructure supports safe and efficient access and parking for the proposed improvements. Current parking, utilities, and access roads are sufficient, with the park being primarily accessible on foot for local residents and the proximity to Elder for supplemental parking nearby. The reduction in dog beach scale further ensures minimal impact on traffic and parking, while drainage and utility needs are adequately met by existing facilities.

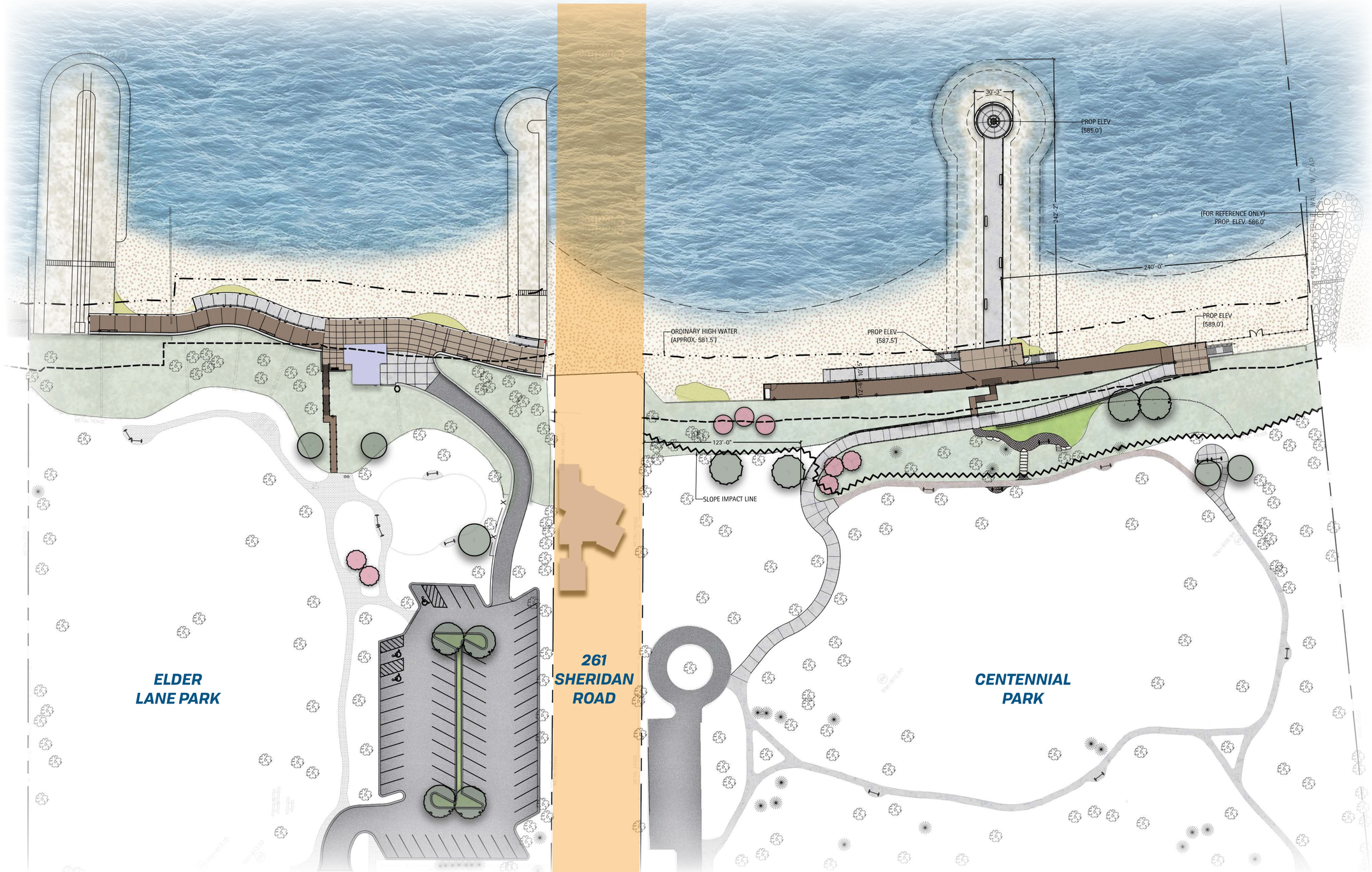
Special Use Permit Standard #6

That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.

We believe the standard is met, as the proposed improvements comply with all relevant Village ordinances and codes, aside from the specific variations and exceptions outlined. Additionally, the Zoning Ordinance allows for nonessential public uses as special uses across all Village districts, ensuring alignment with Village requirements.

Appendix A - Supplemental Info

Elder & Centennial Site Plans

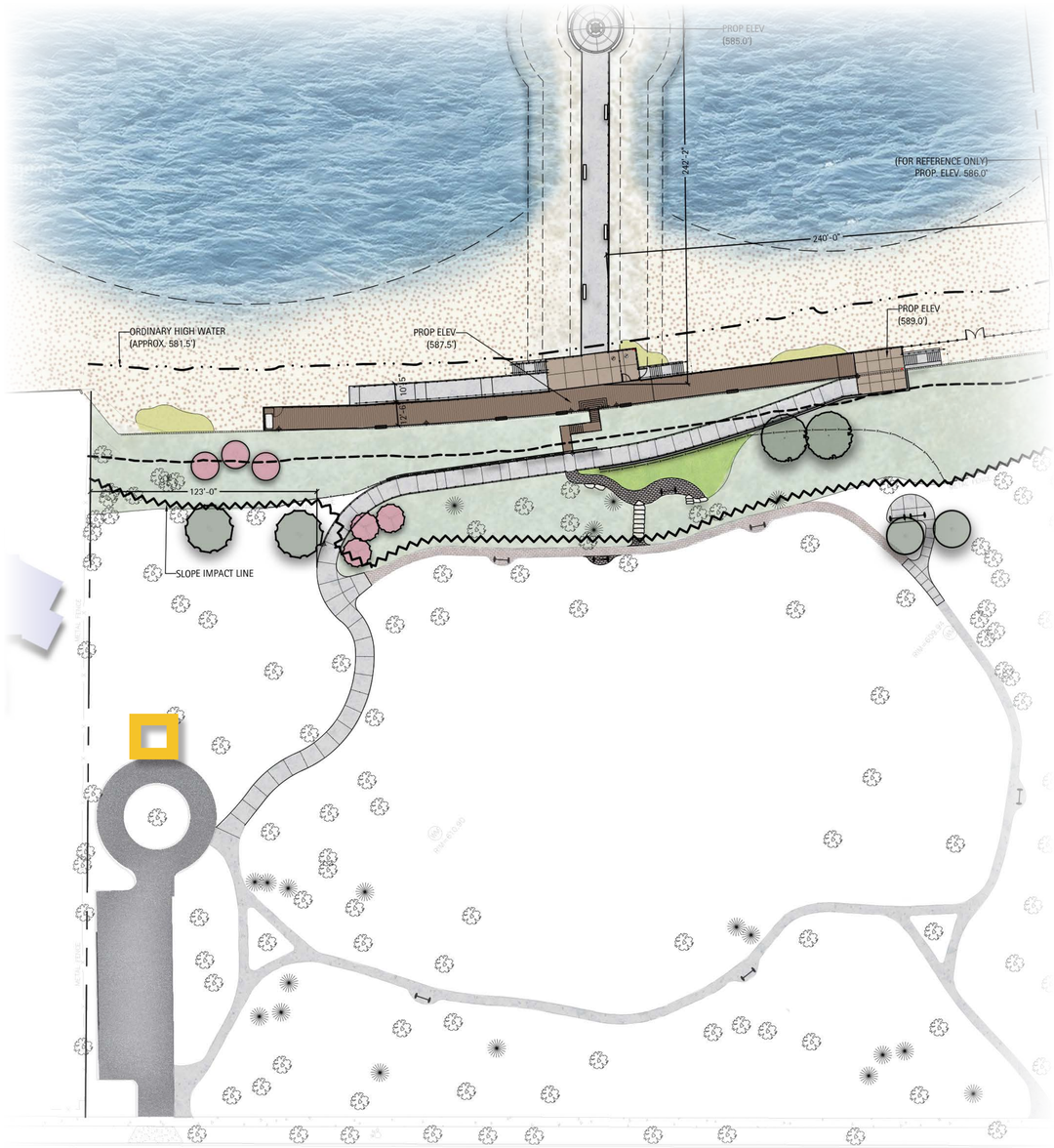


Appendix A - Supplemental Info

Restrooms

Restrooms

- *WPD can provide ADA accessible portable restrooms on the park table land for in-season use*



Appendix A - Supplemental Info

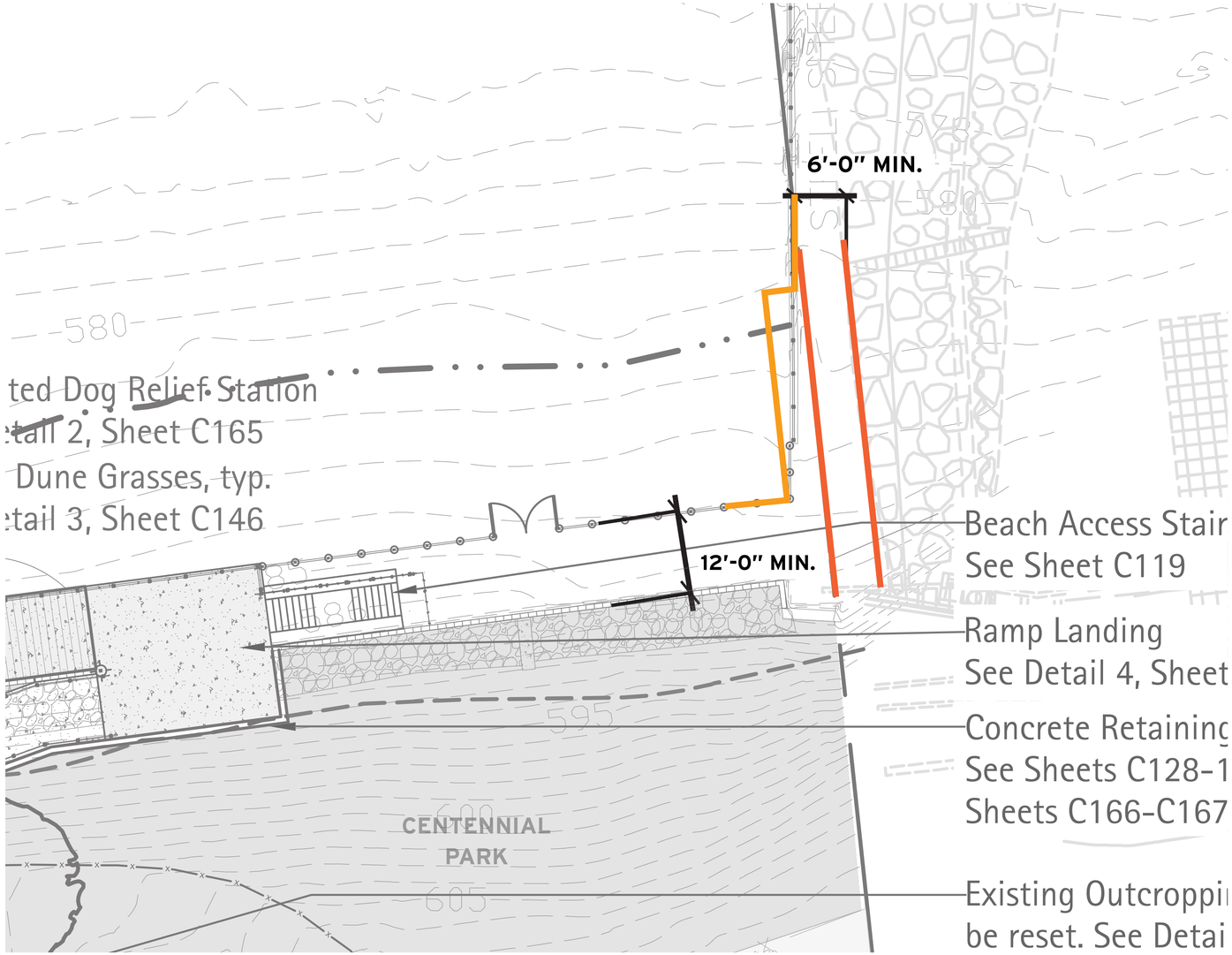
Public Beach Access Enlargement Diagram

Pedestrian Bypass

- *The current design provides the ability for someone to be able to walk the shoreline at the OHWM*
- *To allow for passage onto the next property a pedestrian bypass area is provided*
- *Additional consideration can be given to:*

OPTION 1 - EASEMENT

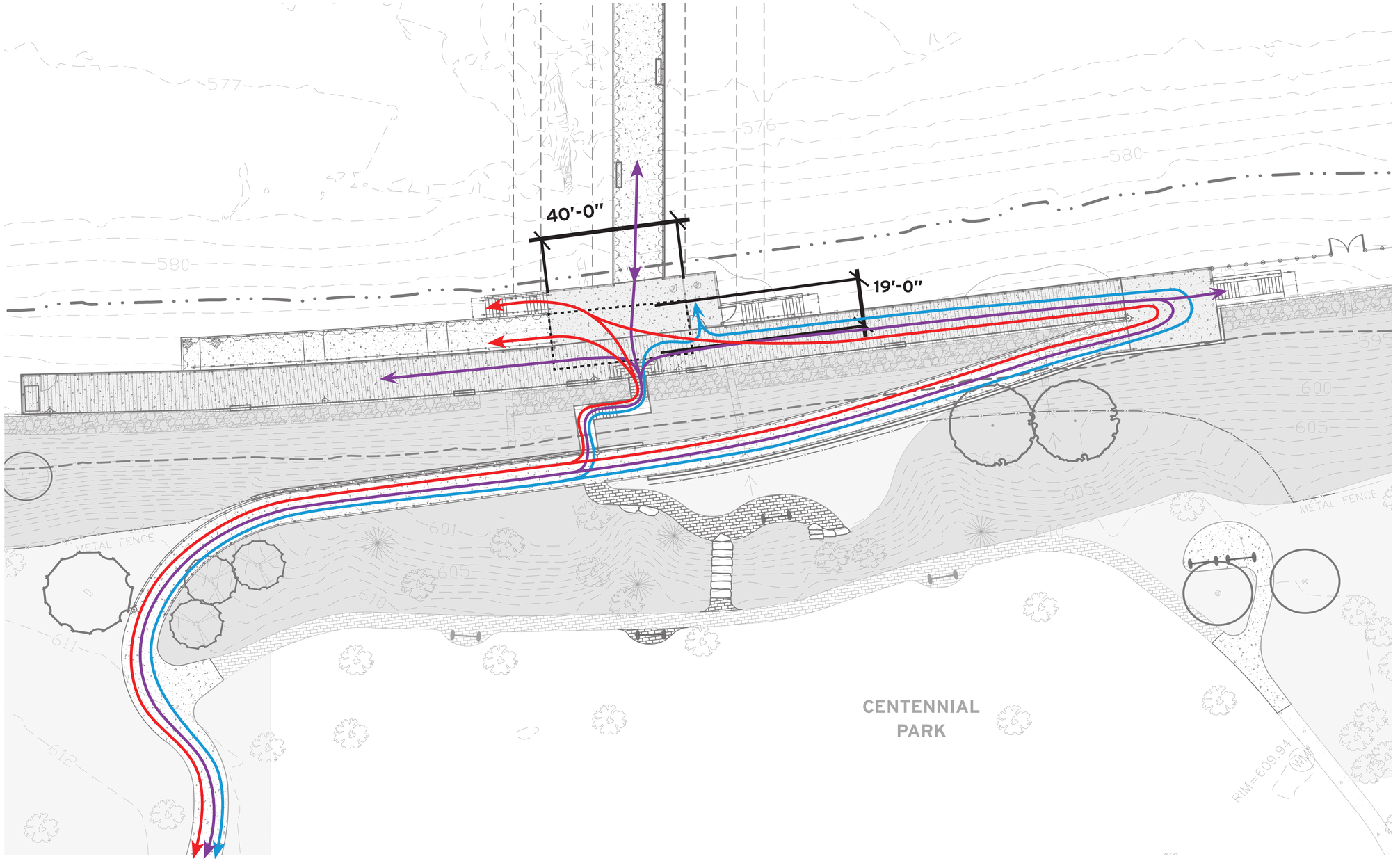
OPTION 2 - MODIFIED FENCELINE



Appendix A - Supplemental Info

CENTENNIAL
BEACH & BLUFF IMPROVEMENTS

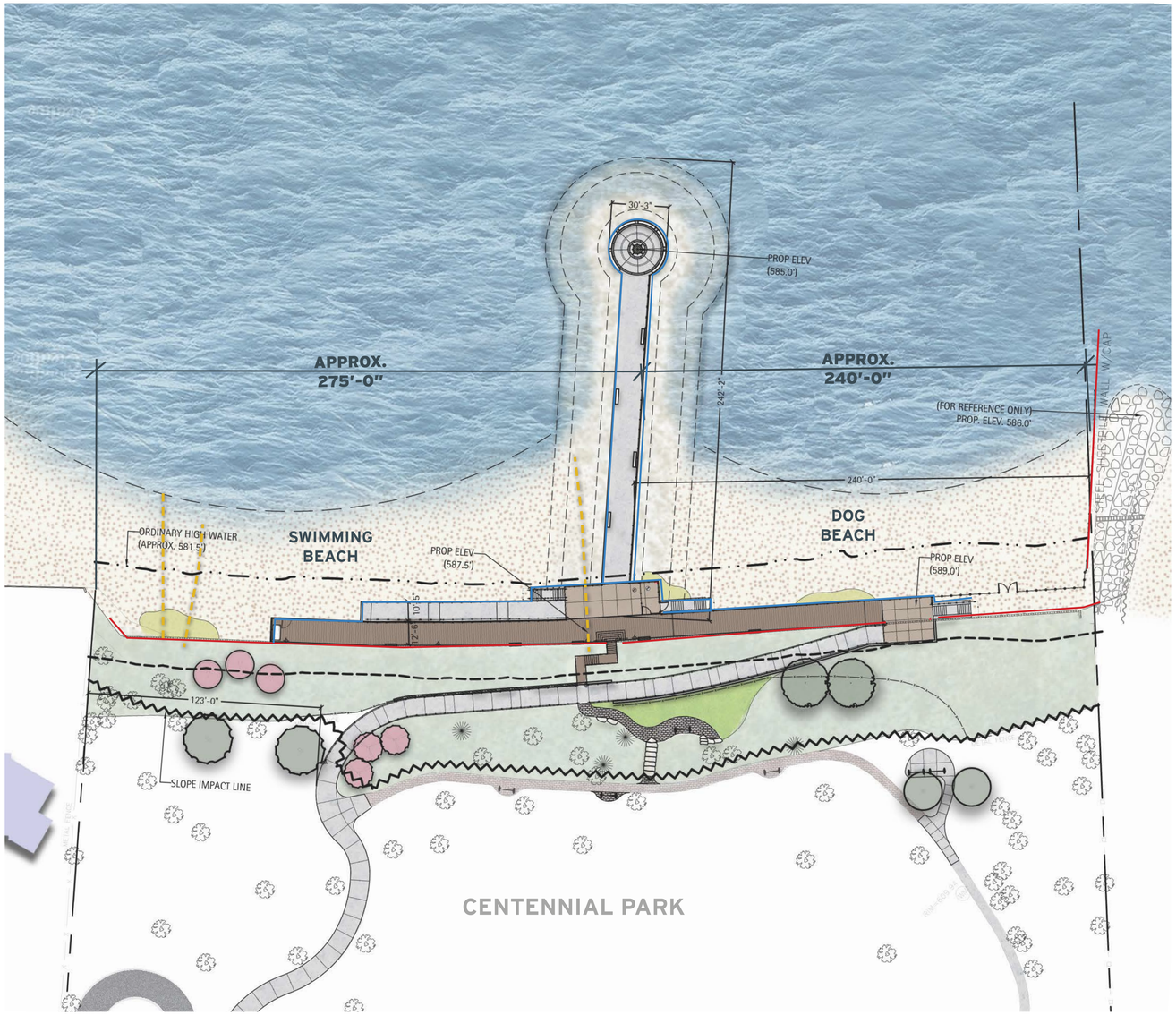
Centennial Park Access Circulation



Appendix A - Supplemental Info

Design Comparison

PROPOSED CENTENNIAL DOG BEACH

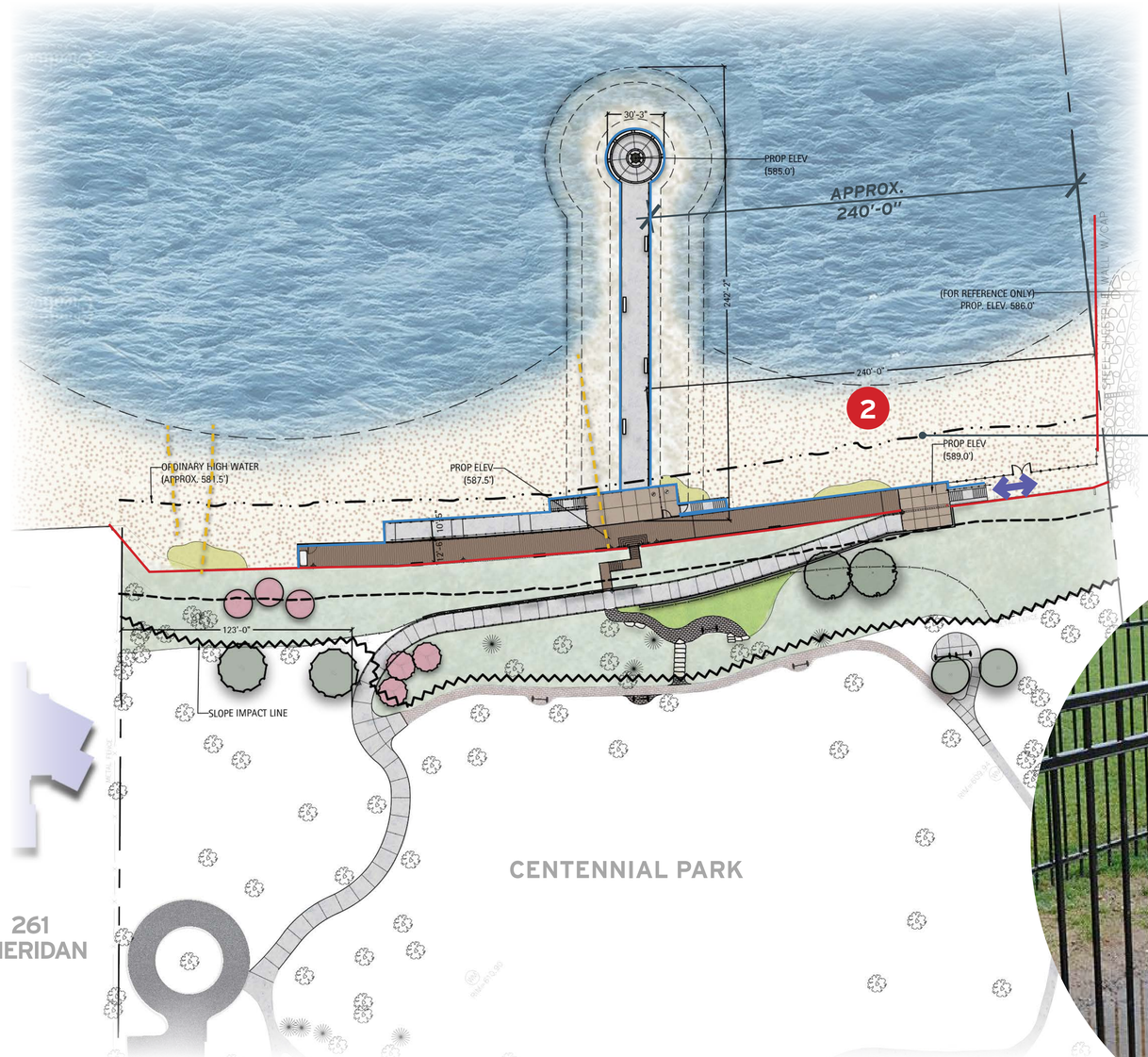


GILLSON DOG BEACH



Appendix A - Supplemental Info

Dog Beach



LEGEND

- PROPOSED BLUFF RESTORATION
- ACCESS TO BEACH
- SHEET PILE (PROPOSED)
- SHEET PILE (EXISTING)
- ITEM TO BE REMOVED

2 10/27/22 WPD BOARD MOTION

AMEND WINNETKA WATERFRONT 2030 LAKEFRONT MASTER PLAN TO INCLUDE A DOG BEACH AT THE SOUTH END OF CENTENNIAL BEACH

BLACK VINYL COATED CHAINLINK FENCE

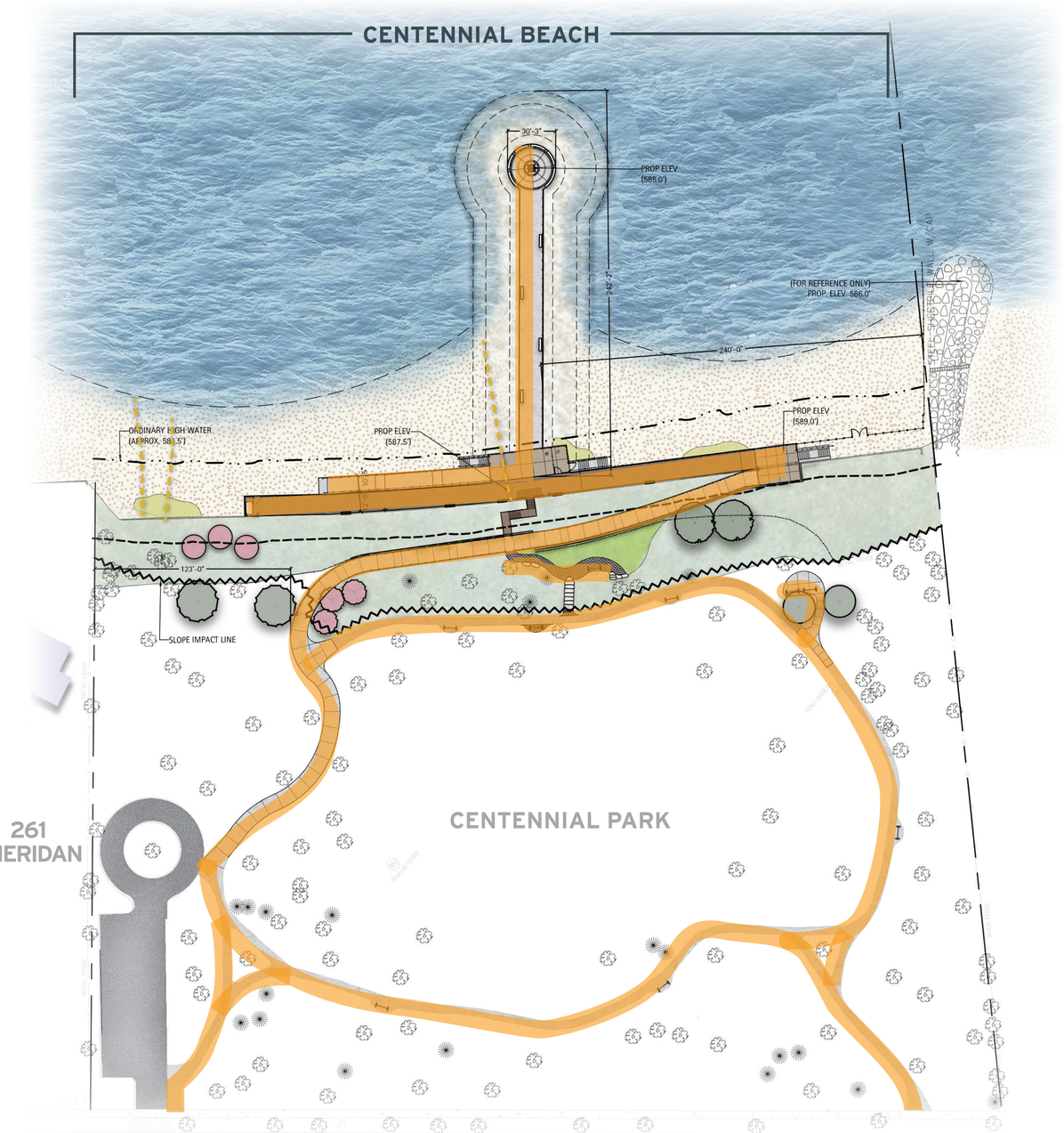


METAL PICKET FENCE AT SECURE ENTRANCE



Appendix A - Supplemental Info

Centennial Accessibility



LEGEND

ADA ACCESSIBLE ROUTES

Appendix A - Supplemental Info

Steep Slope Regulations (Chapter 17.82)

PURPOSE

- "...this Chapter is intended to protect the bluffs and ensure that construction on the bluffs of Lake Michigan within the Village do not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village, or otherwise create harm or risk to the public health, safety, and welfare of the Village, its residents, or visitors."
- "... the intent of this Chapter is to accomplish the following goals:

A. Protect people and property against destruction or damage caused by bluff erosion resulting from significant development activities in or around the bluffs;

B. Protect bluffs and adjacent land areas against destruction or damage caused by significant development activities;

C. Encourage building and engineering techniques that increase slope stability;

D. Reduce uncontrolled storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the preservation of the bluff's natural habitat and in some cases where necessary, requiring revegetation;

E. Preserving and enhancing the bluffs in their natural state and their environment through the retention of dominant steep slopes; and

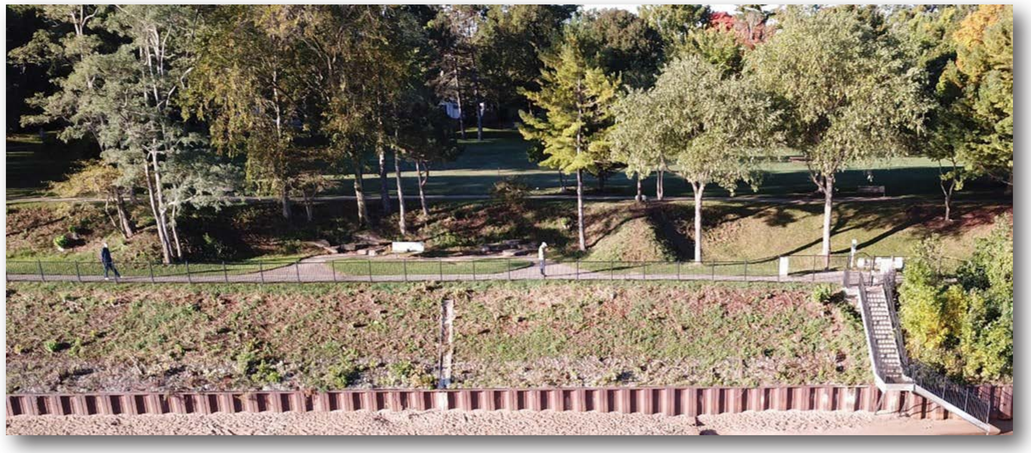
F. Encouraging innovative site and architectural design, including restoration of graded areas to reduce the physical impact on steep slope areas.

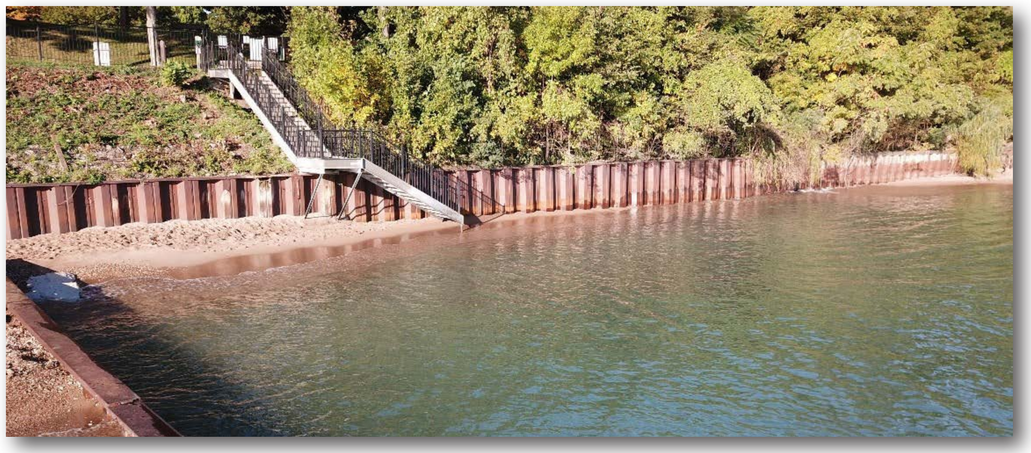
Appendix A - Supplemental Info

ADA & Dog Park Regulations

BEST PRACTICE

- Currently, the pedestrian path from the parking lot to the dog beach access gate is not ADA compliant and should be re-designed
- The existing dog beach does not conform to Cook County or Village regulations regarding off-leash dogs because it lacks the required fencing
- Centennial Beach currently has no ADA-compliant access from the bluff to the beach; access consists of stairs only
- Centennial Beach is the only Park District beach that presently does not afford ADA compliant access
- By virtue of its length and the comparatively low bluff elevation, Centennial is the only Park District beach that could feasibly provide ADA access from Sheridan Road to the boardwalk level without extensive switchbacks
- Our proposed plan meets ADA requirements and aligns the Cook County Dog Regulations





Appendix A - Supplemental Info

Timeline

History of Designs

- November, 2020 the Park District began considering design options for a breakwater system at Elder and Centennial consistent with Phase Two of the Lakefront Master Plan
- February, 2022 the Park District submitted a breakwater design to USACE, IDNR, and other agencies for permit on the "south groin" which would be located just north of the current property line where it would exist if Orchard and Park District were to exchange properties.
- While the permits were pending, public opposition to the breakwater design began to spread through the community and was communicated to the Park Board through meetings in May and June of 2022
- June 9, 2022 the Park District voted to withdraw the application

Appendix A - Supplemental Info

Timeline

Summary of Public Engagement (As of May, 2023)

- Park District has **regularly sought and received** extensive **public engagement** supplying **hours of comments** and opinions on all aspects of Elder and Centennial improvements through:
  - **Ten** regular board meetings between June, 2022 – March, 2023 (totaling more than **78 hours** of meetings)
  - **Seven** Committee of the Whole meetings
  - **Two** special board meetings
  - **Seven** "Chats with Commissioners" (totaling more than 11 hours)
  - **Five** Open house / workshop meetings

Appendix A - Supplemental Info

Timeline

Summary of Public Engagement (As of May, 2023)

- Solicited feedback at Public Open House / Workshop Meetings:
  1. July 18, 2022 – Focus Centennial Beach designs
  2. August 25, 2022 – Focus Centennial Beach designs
  3. January 21, 2023 – Focus Elder and Centennial improvements
  4. March 18, 2023 – Focus Elder and Centennial improvements
  5. April 15, 2023 – Focus Elder and Centennial improvements
- Expressed opinions through **written documents** submitted to the Park District

Appendix A - Supplemental Info

Timeline

October 19, 2023 Park Board Motions Adopted as Framework for Re-engagement

- Amended the Lakefront Master Plan to include a Dog Beach at Centennial
- Reaffirm use of a headland beach system
- Authorized resubmittal for all permits necessary and process with plan subject to the following provisions:
- Include vehicular access for maintenance and emergency vehicles to Elder beach from parking lot
- Replacement / re-route of storm sewer pipe within rubble mound
- Adjust height of rubble mounds to maximize panoramic views while ensuring shoreline protection
- Remove viewing area atop rubble mound at Elder, consider inclusion of ADA accessible viewing area atop future rubble mound at Centennial separating public swimming from dog beach uses
- Remove proposed rubble mound at steel on 261 Sheridan until final determination on exchange agreement

Appendix A - Supplemental Info

Timeline

October 19, 2023 Park Board Motions Adopted as Framework for Re-engagement

- Incorporate ADA pedestrian access at Centennial from parking lot to boardwalk
- Engage (through Request for proposals) design professionals
- Engage (through Request for proposals) a licensed coastal engineer
- Must allow pedestrian access across the beachfront beyond Park District property
- Must limit barriers or impediments to views and vistas from all beachfront vantage points

Appendix A - Supplemental Info

Timeline

Re-engagement Timeline

- Engaged a licensed professional engineer not previously associated with the project
- Design Team continued plan development in accordance with:
  - October 27, 2022 Motions
  - Park Board input
  - Re-usable elements of original designs
  - Aspects of public input as shared in meetings from June, 2022 through October, 2022
  - Perspective of new coastal engineer
- Engaged an attorney / accessibility consultant to assist with development of accessibility features
- Conducted Workshops
  - January 21, 2023
  - March 18, 2023

Appendix A - Supplemental Info

Timeline

March 23, 2023 Park Board Directives and Authorizations

- Voted to authorize preparation of permit plans (now including Village of Winnetka Ordinance)
- Acknowledged plans dated March 18, 2023
- Directed team to continue per Park Board Motions as follows:
  - Further plan refinements
  - Prepare estimate of probable cost
  - Proposed rubble mound at steel on 261 Sheridan to be re-incorporated as recommended by coastal engineer
  - Park District shall enter into agreement with Village of Winnetka to address responsibilities of each part with respect to the removal, relocation, and improvements to storm sewer outfall

Lake Michigan Shoreline



Shabica & Associates, Inc.

Need to establish some facts…

- Erosion is a dynamic process influenced by waves, lake levels and shoreline profile
- Shoreline hardening has been going on for over 100+ years
- People become passive during times of low lake levels and ***PANICKED*** at highs!
- This process has gone on as long as people have lived along the shoreline

Review 4 Key Factors:

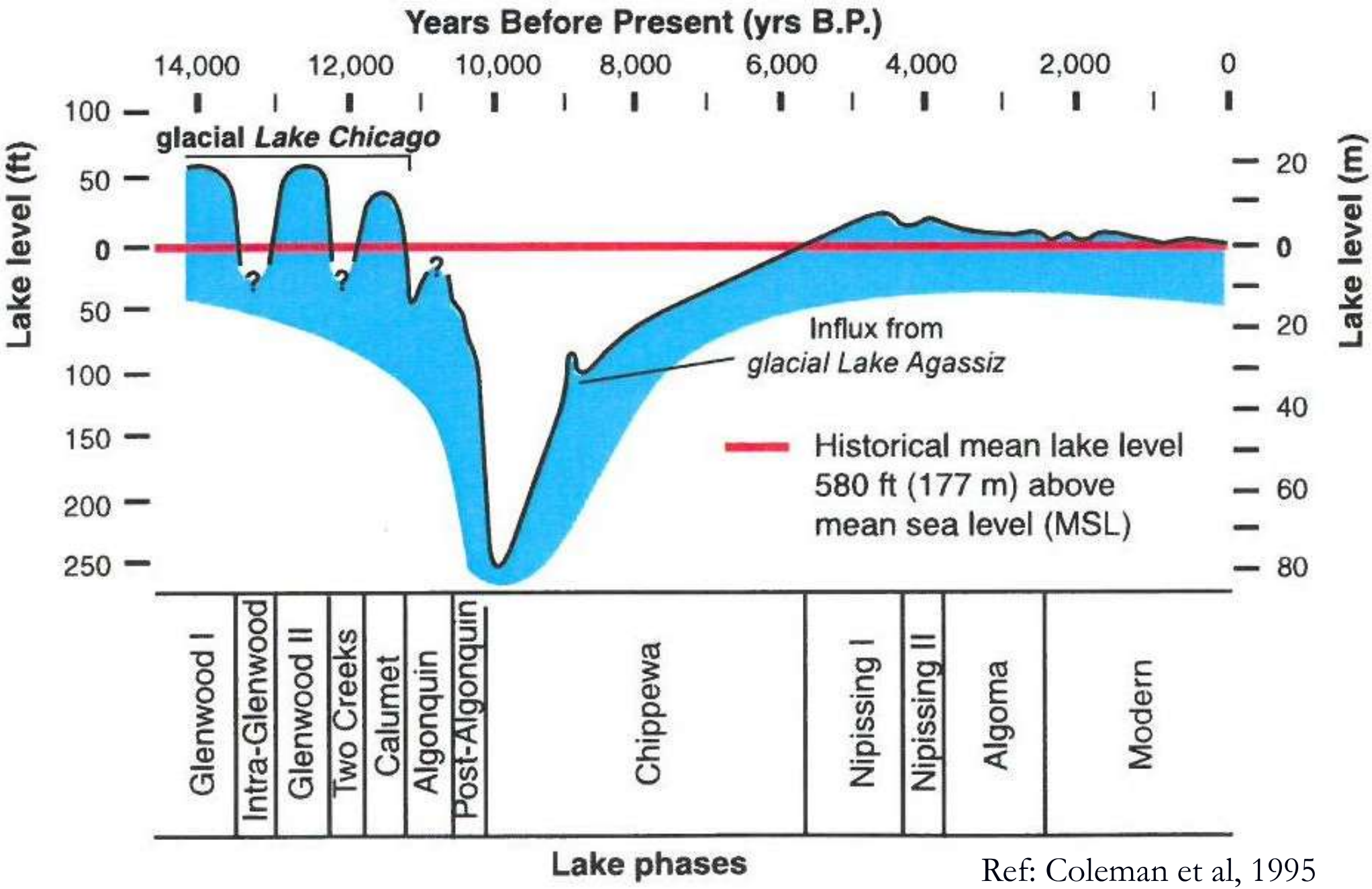
- Dynamic and fluctuating Lake Michigan water levels
- Effects of lakebed downcutting
- Sand movement/longshore transport challenges
- History and coastal structures



Fluctuating Water Levels

- Lake Michigan recently has fluctuated ~6.5' between low and high lake levels
- Evaporation is typically balanced by precipitation, making the level of the lakes fairly consistent
- Number of factors that impact lake levels make forecasting basically impossible
- Seasonally we anticipate a 1' fluctuation

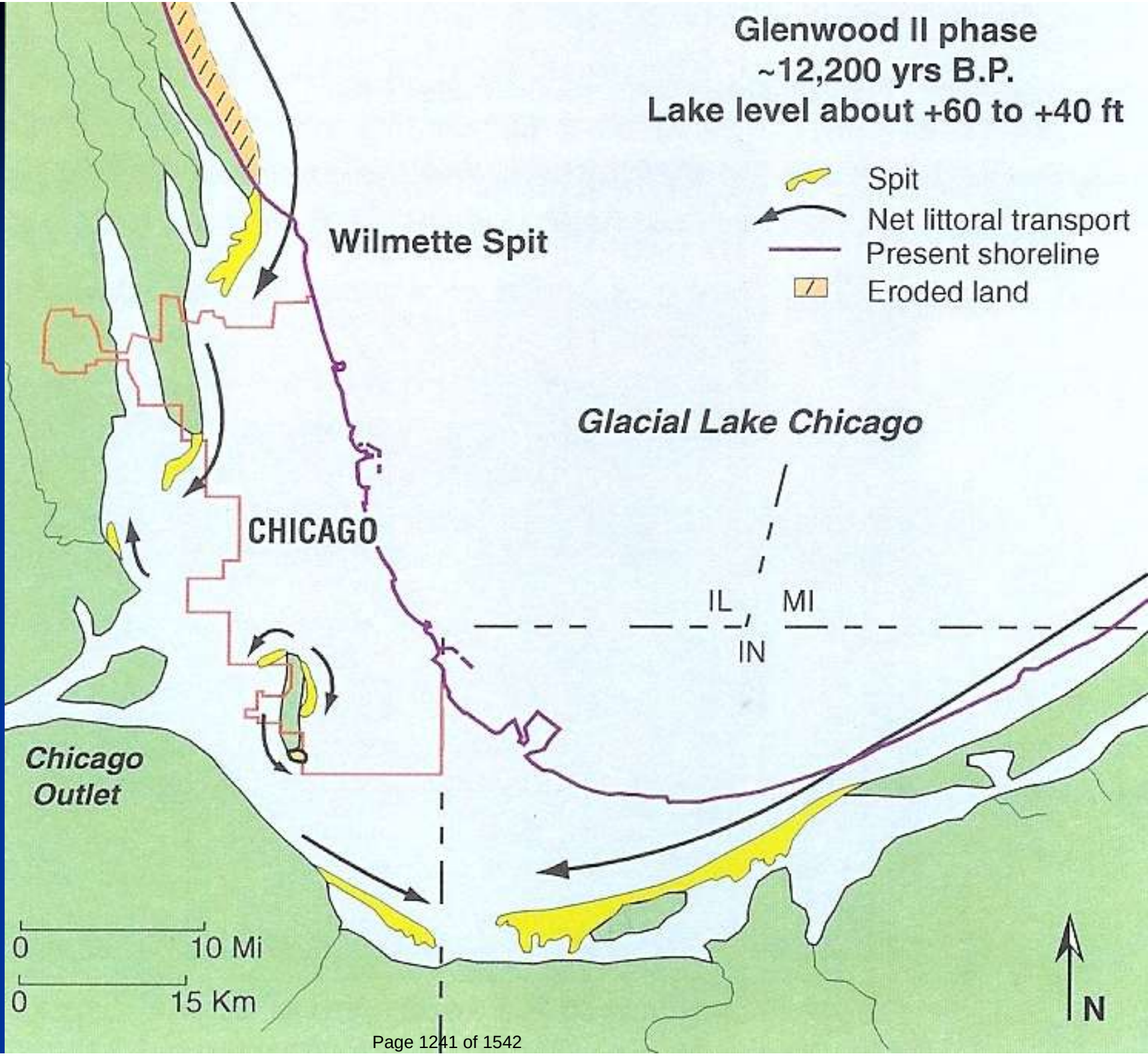
14,000 years of Lake Michigan water levels

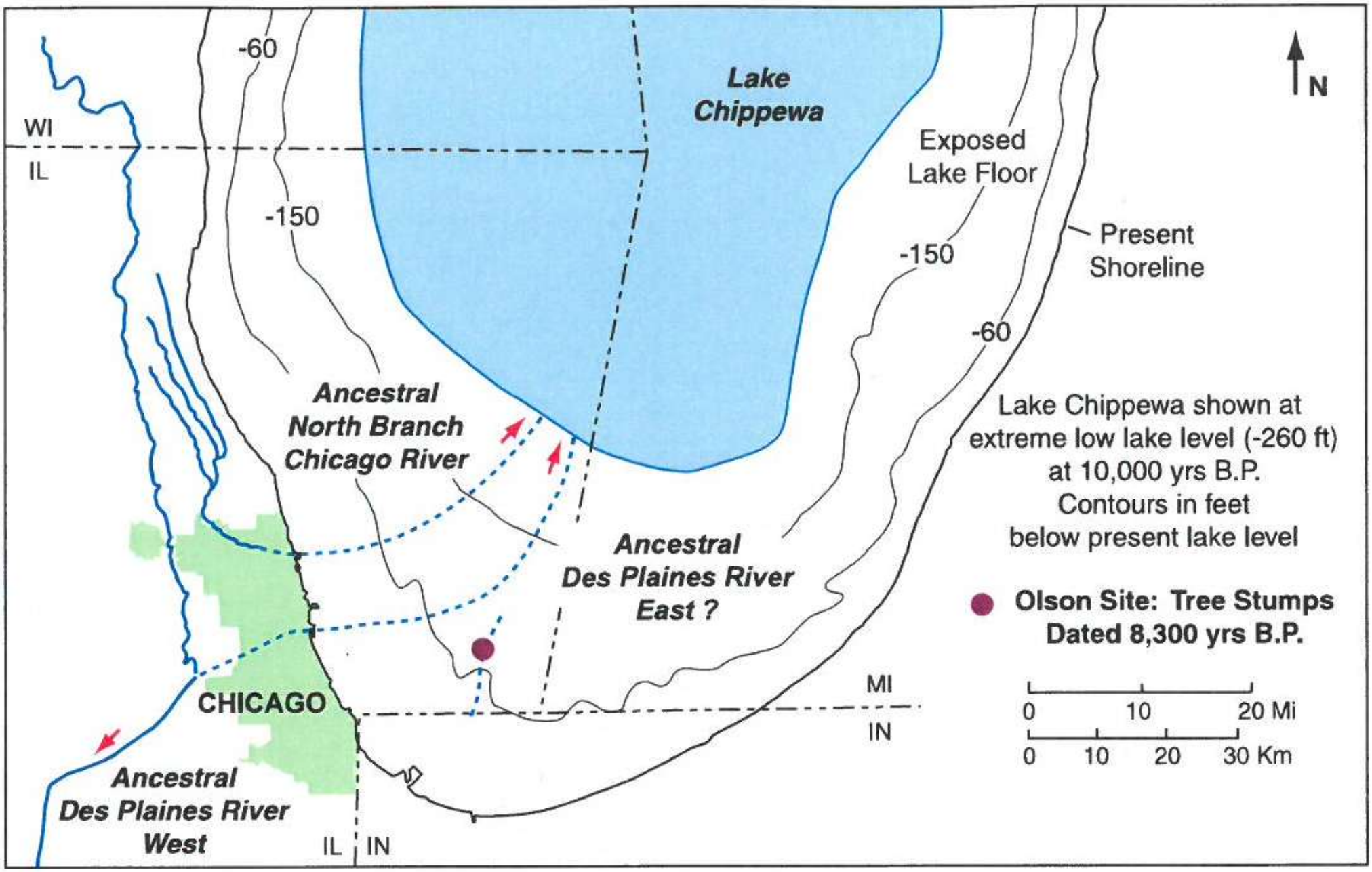


Ref: Coleman et al, 1995

12,000 YBP Glacial Lake Chicago.

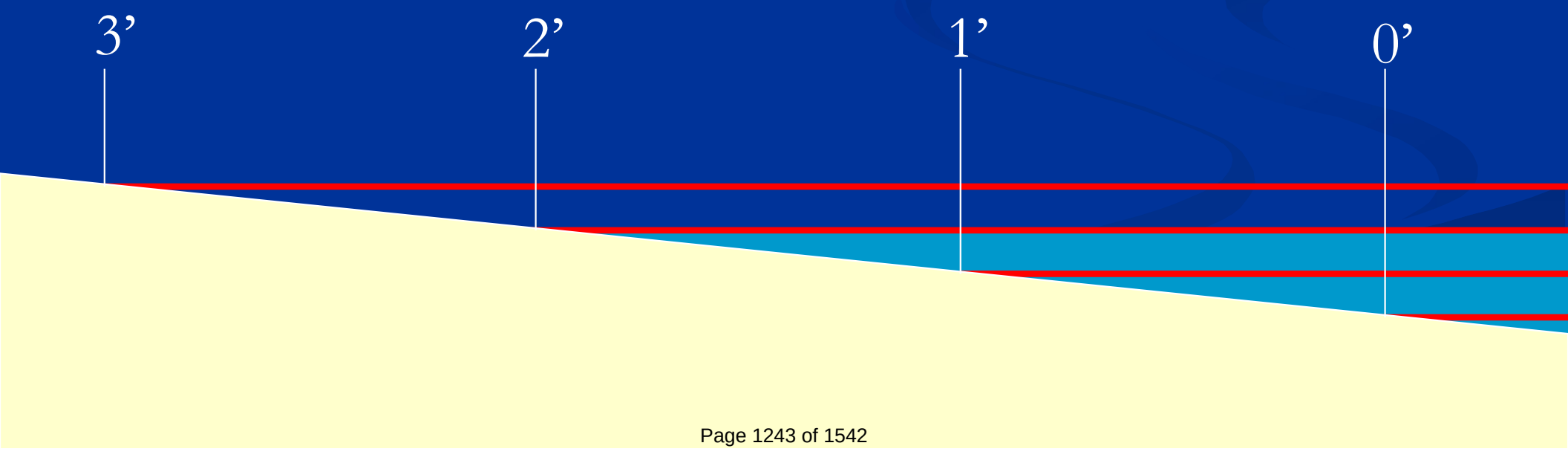
Ridge Road in Wilmette is an old beach ridge - evidence for a lake elevation about 50 feet higher than today.




-60
Lake
Chippewa
N
WI
IL
Exposed
Lake Floor
-150
-150
Present
Shoreline
-60
Ancestral
North Branch
Chicago River
Lake Chippewa shown at
extreme low lake level (-260 ft)
at 10,000 yrs B.P.
Contours in feet
below present lake level
Ancestral
Des Plaines River
East ?
Olson Site: Tree Stumps
Dated 8,300 yrs B.P.
MI
IN
CHICAGO
0 10 20 Mi
0 10 20 30 Km
Ancestral
Des Plaines River
West
IL
IN

How does the lake level affect the size of the sandy beach?

- Beaches typically vary from a 1’ vertical:12’ horizontal slope to a 1’:65’
- For example, with ~4’ of lake level rise you can expect to submerge roughly 48’ of beach




2013
Native bluff at low lake water levels…


2014



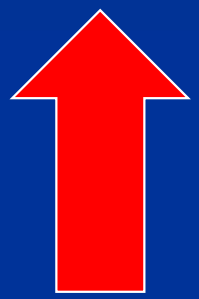
2016

Average lake water levels

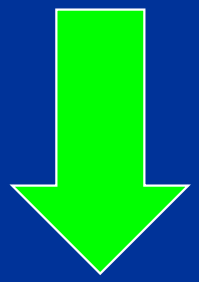

2021



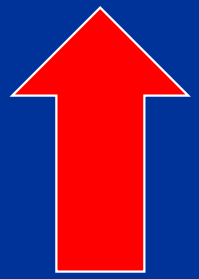
Does Lake Michigan's record low mark beginning of a new era for the Great Lakes – Chicago Tribune



Rising Lake Michigan waters threaten shoreline homes– Chicago Tribune



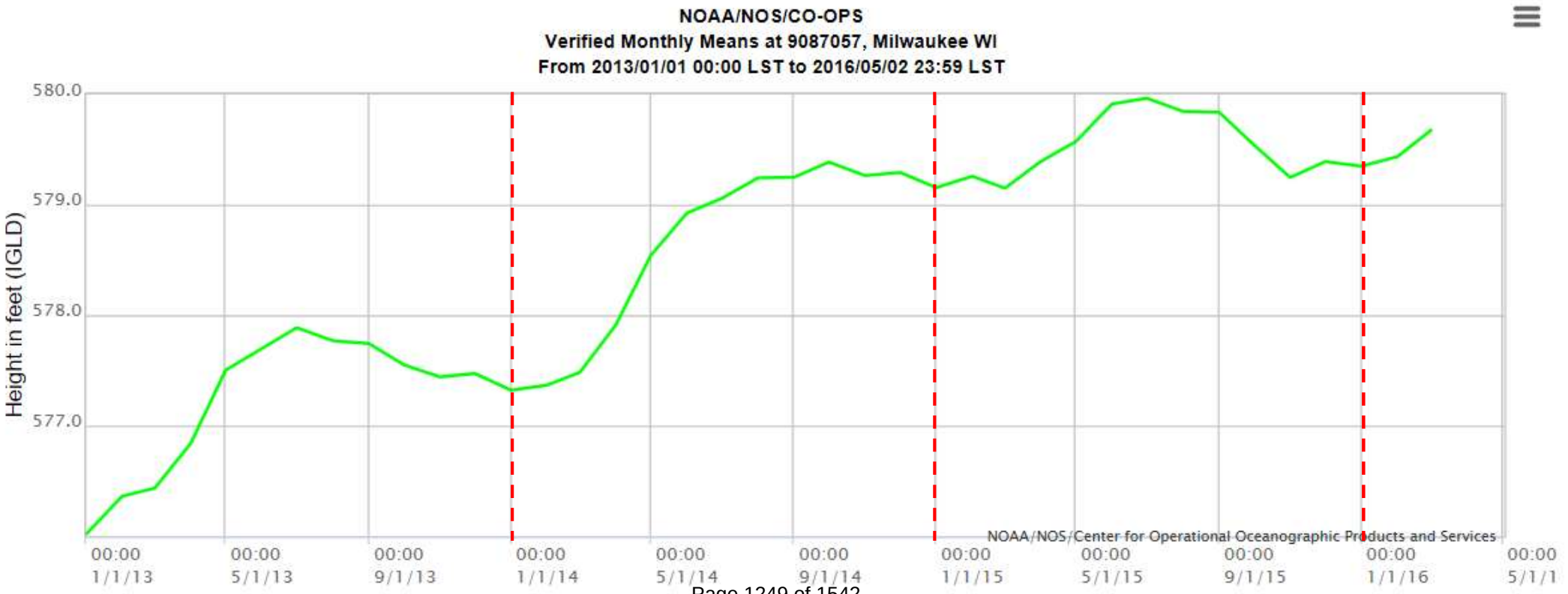
Lake Michigan below- average water levels for 14 years – Milwaukee Sentinel



Lake Michigan levels, erosion is a "very big" concern - Milwaukee Sentinel


2013


2014


NOAA/NOS/CO-OPS
Verified Monthly Means at 9087057, Milwaukee WI
From 2013/01/01 00:00 LST to 2016/05/02 23:59 LST
Height in feet (IGLD)
580.0
579.0
578.0
577.0
00:00 1/1/13
00:00 5/1/13
00:00 9/1/13
00:00 1/1/14
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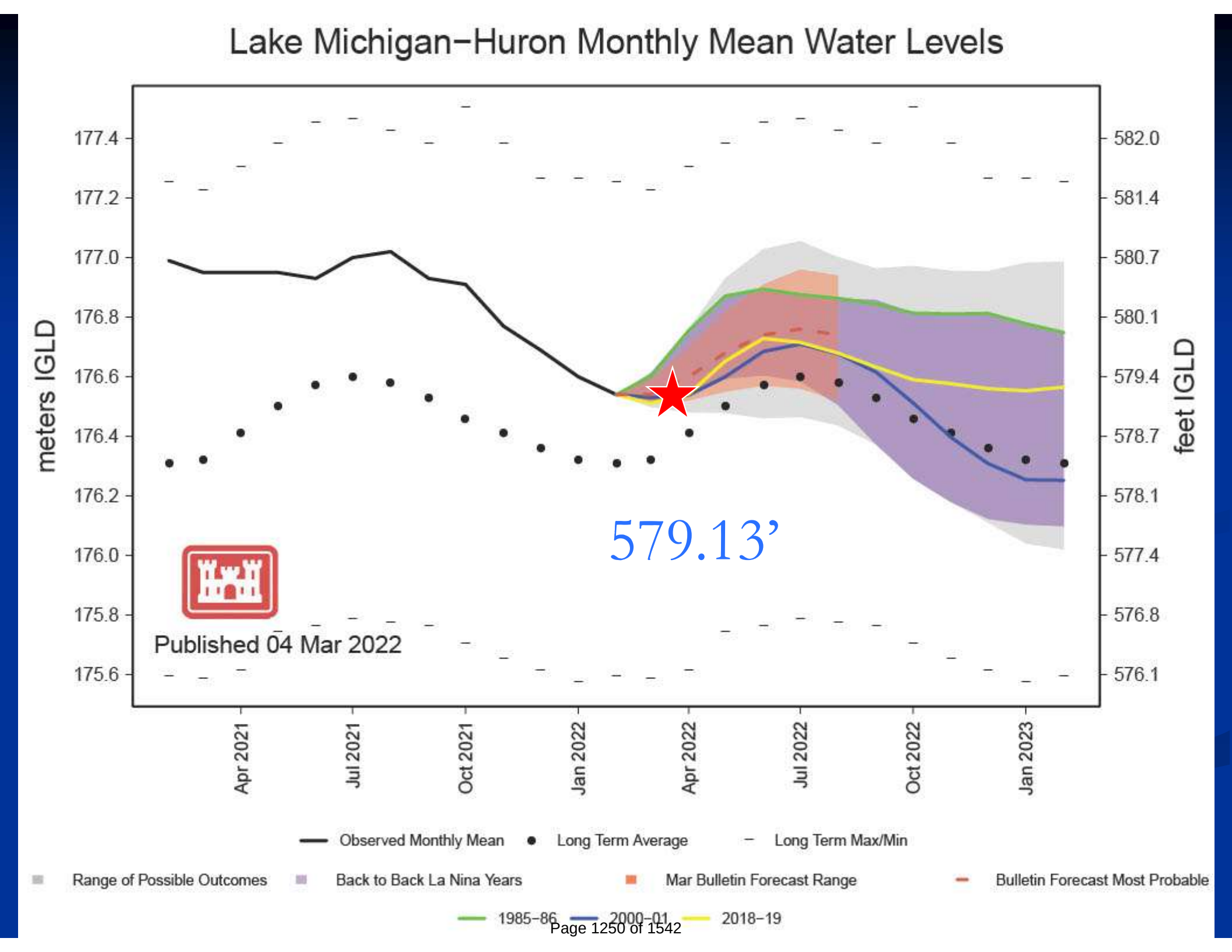
00:00 9/1/15
00:00 1/1/16
00:00 5/1/1
NOAA/NOS/Center for Operational Oceanographic Products and Services


Lake Michigan–Huron Monthly Mean Water Levels
meters IGLD
feet IGLD
177.4
177.2
177.0
176.8
176.6
176.4
176.2
176.0
175.8
175.6
582.0
581.4
580.7
580.1
579.4
578.7
578.1
577.4
576.8
576.1
Apr 2021
Jul 2021
Oct 2021
Jan 2022
Apr 2022
Jul 2022
Oct 2022
Jan 2023
579.13’
Published 04 Mar 2022
Observed Monthly Mean
Long Term Average
Long Term Max/Min
Range of Possible Outcomes
Back to Back La Nina Years
Mar Bulletin Forecast Range
Bulletin Forecast Most Probable
1985–86
2000–01
2018–19

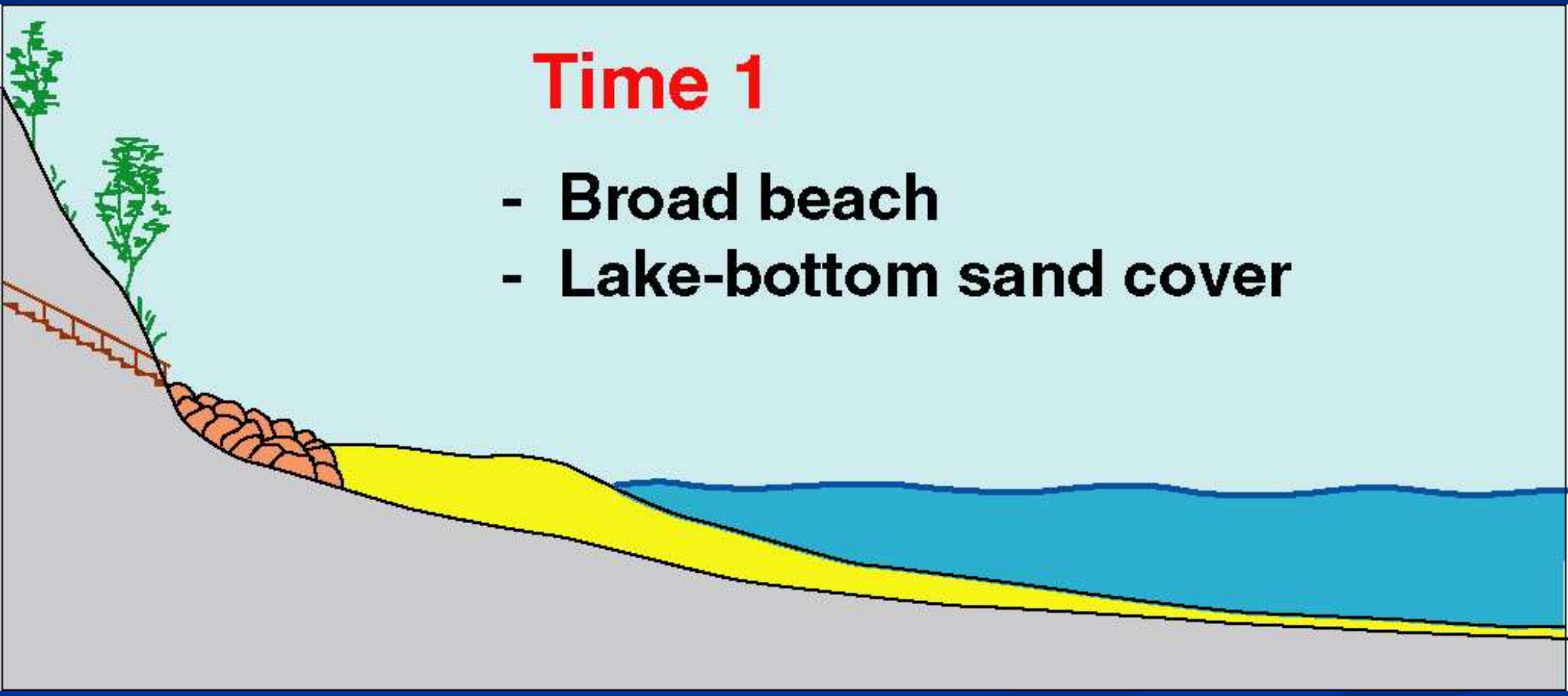
Water levels will always fluctuate

- Lake Michigan came near the all-time high water level record of 582' in July, 2020
  - ~6.5' Higher than January, 2013
- Seeing the affects of climate change:
  - Record monthly rainfall – May 2020
  - September 2021 drought almost set a record
- Established a shorter duration metric between low and high water levels

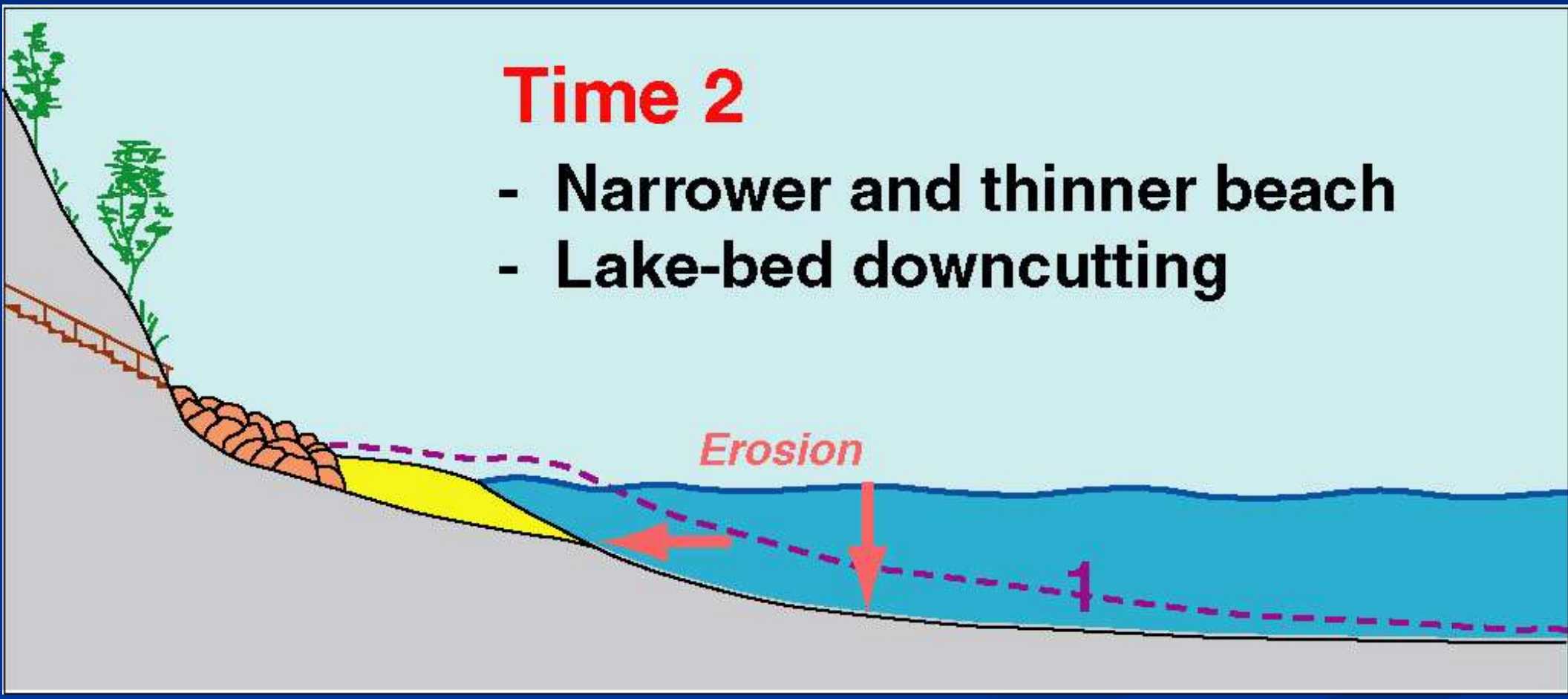
Lakebed Downcutting

- Lakebed downcutting is a geological process by hydraulic action (waves) that deepens a lake by removing cohesive material from the lakebed (lakebed clay)
- The speed of downcutting depends on the lake's base water level, the lowest point to which the lake can erode

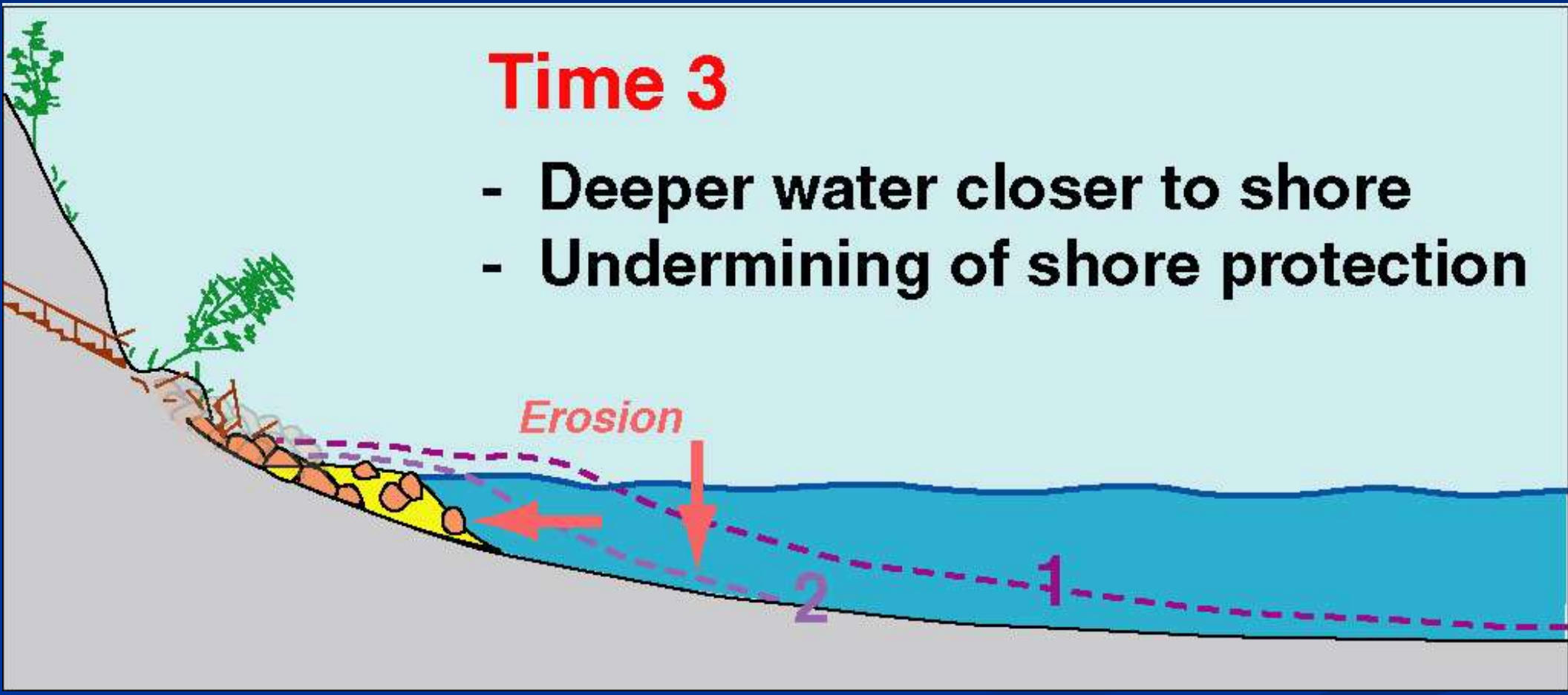
Low Lake Levels



Eroding Lakebed Clay



Bigger waves at average conditions



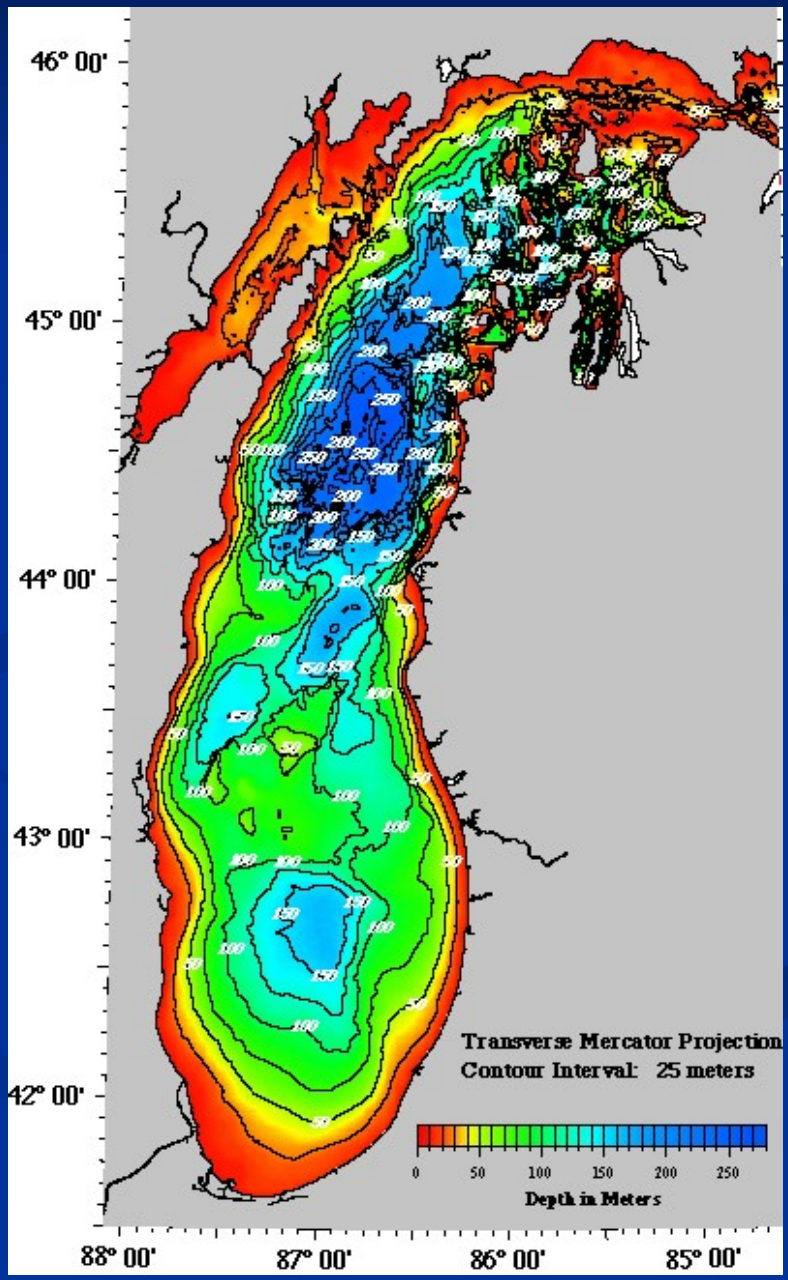
It is estimated that in areas where sand deposits are thin, the nearshore lakebed may erode at a rate up to 8 inches per year (Nairn, 1997)

Wilmette

2020

How does sand move?

- In many places there is a net movement of sand in one direction
- This is controlled by wave climate, bathymetry, shoreline orientation and natural or artificial headlands that deflect waves and currents
- Called littoral drift



Door County



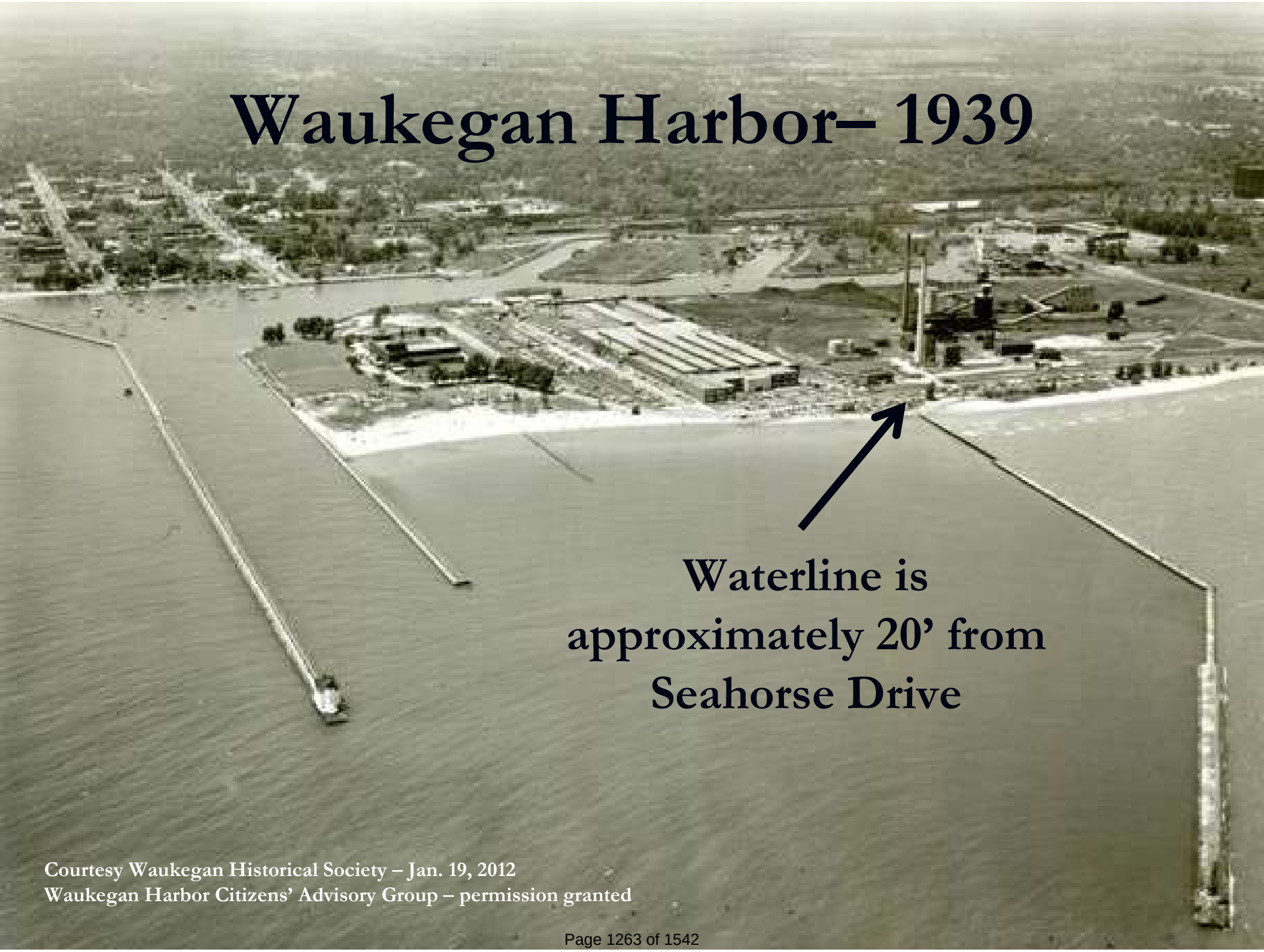

Chicago
South Lagoon
Simmons Island
41
South Pond


Indiana Dunes

Littoral Barriers

- An obstacle to littoral drift or migration of material along the shore
- Littoral barriers may be natural, for example, rocky headlands or man made such as jetties, breakwaters or dredged channels. These hinder the normal drift of material along the shore

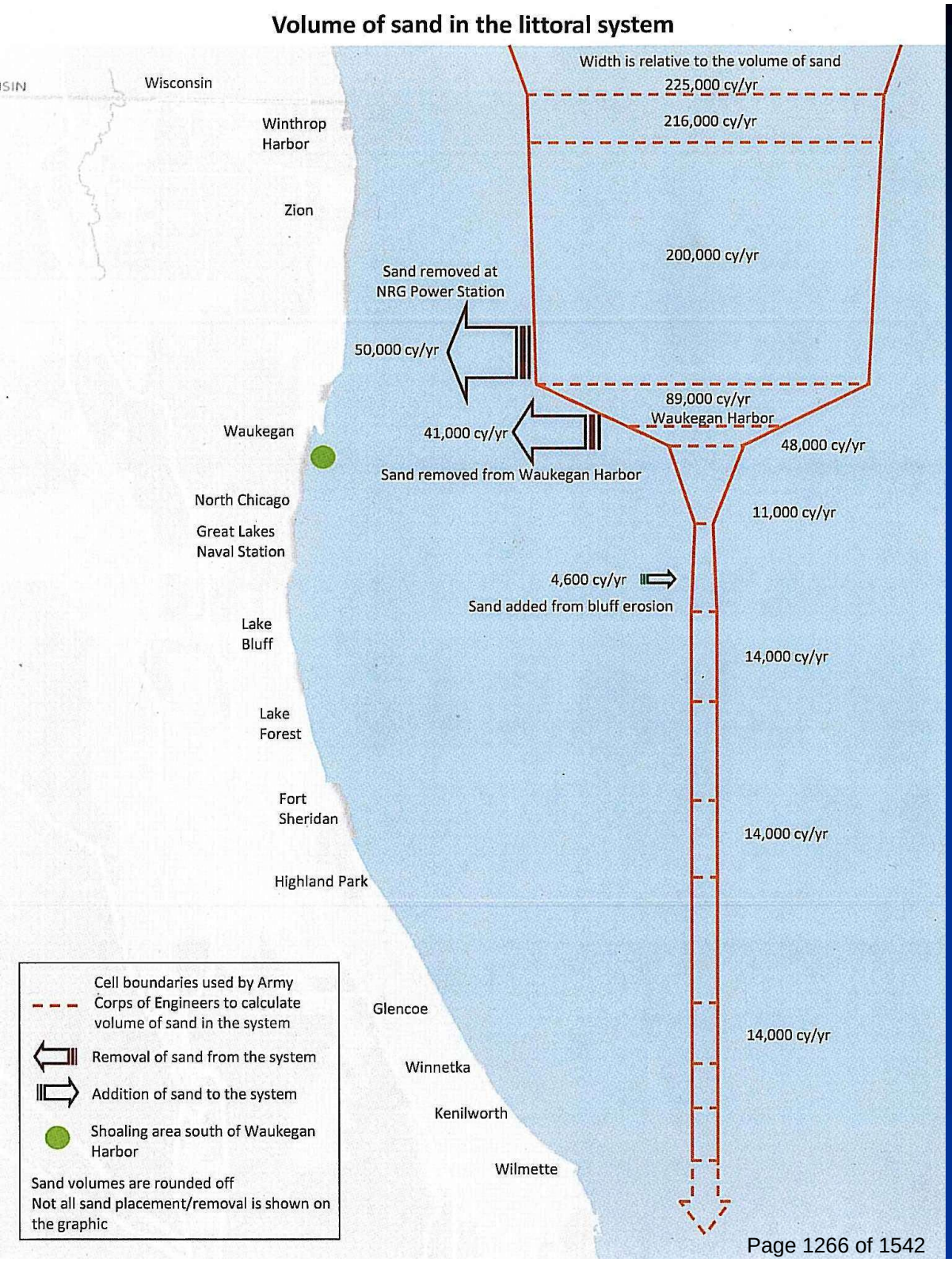
Waukegan Harbor– 1939



Courtesy Waukegan Historical Society – Jan. 19, 2012
Waukegan Harbor Citizens’ Advisory Group – permission granted

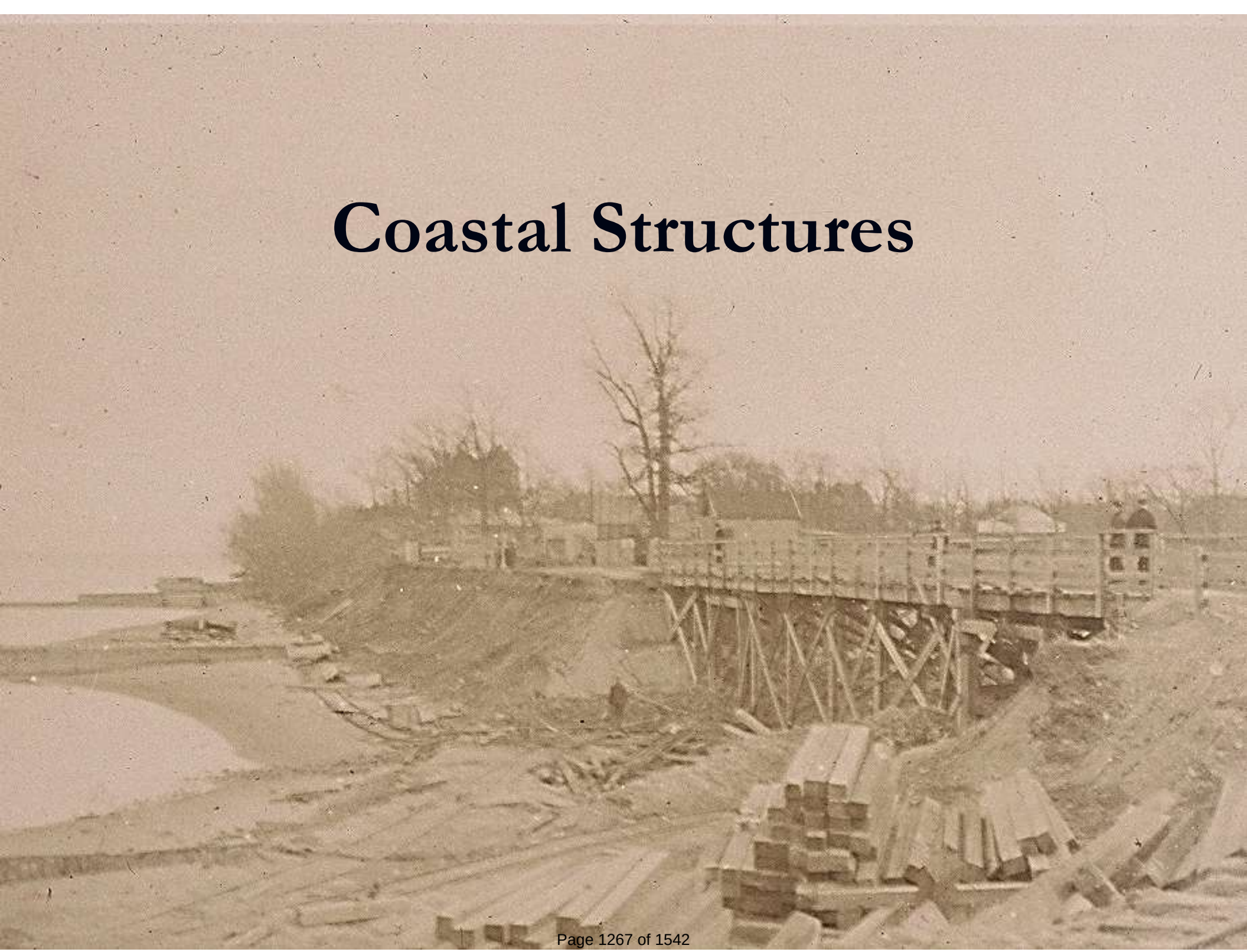

Waterline is
approximately 1,150’ from
Seahorse Drive today


4/2013



Corps of Engineers estimate that ~225,000 cy/yr of sand cross the Illinois border and only ~14,000 cy/yd of sand are in the littoral system south of Waukegan

Coastal Structures




1897 Winnetka





1907 Northwestern University

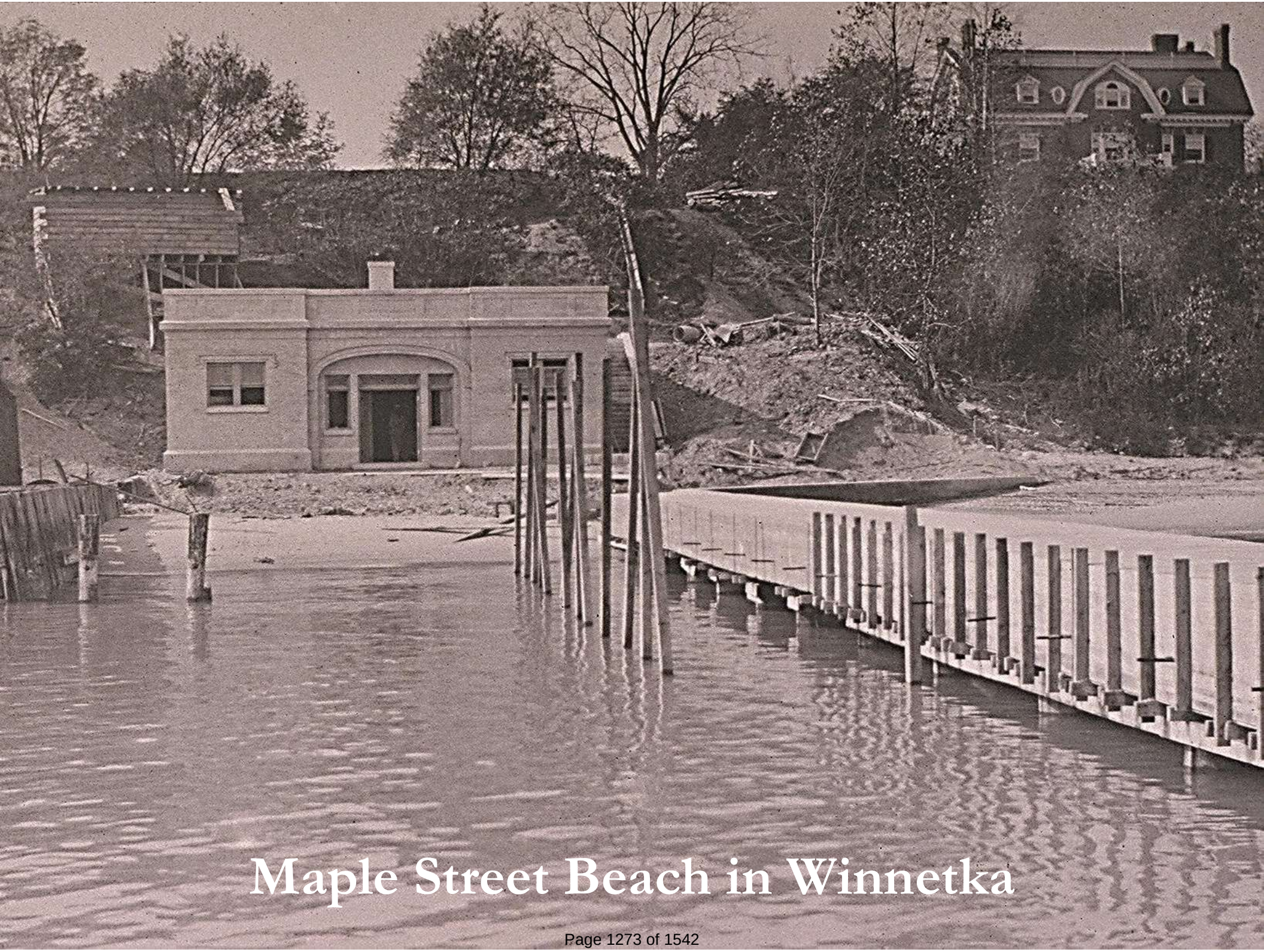
Edgewater Beach Hotel - 1916



Burnham Plan for Chicago:

First large scale environmental management plan in USA





Maple Street Beach in Winnetka



1977



1985 Elder Beach



1985 Maple Street



1987


2020



2021


2021

Engineered Shorelines Today

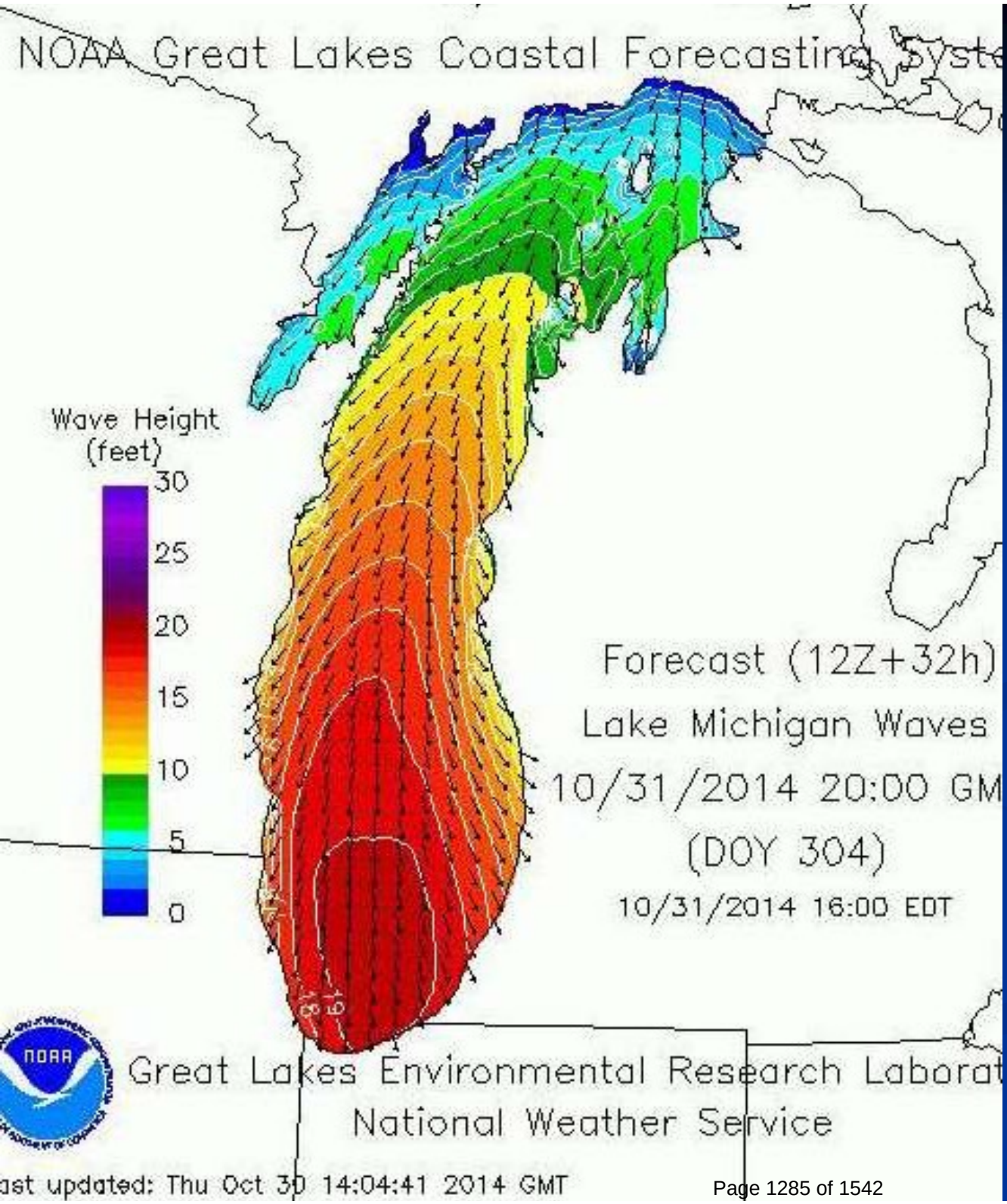
- Have new metrics as it relates to coastal design due to the recent high water levels
- Still balancing the cost benefit of constructing larger structures in response to the recent high lake levels
- Access to the beach and along the shoreline is not clearly defined by the Army Corps of Engineers and Illinois DNR

- Army Corps of Engineers outlines in the Lake Michigan Regional General Permit (LMRGP) application the following:
  - "Structures must provide reasonable accommodations, as determined by this office, to maintain public access to the shoreline."
- The Illinois DNR in the 2008 permitting guidelines for coastal structures state:
  - "Where possible, notably in areas where existing access along the lakeshore is available, the project should provide some type of reasonable access over or around it on the landward side."

Lloyd Boat Launch




2014



Tom Skilling, WGN9 Weather Center, reported 72mph peak winds at the Harrison-Dever Crib, 3 miles off Chicago.

"So strong were Friday's winds that waves reached heights of 21.7 ft. at the NOAA mid-lake buoy east of Kenosha around 11am."


Spring 2020

Winnetka Park District
Lakefront Master Plan





October, 2020

2021



Presque Isle, Pennsylvania - Lake Erie





Municipal Option? 1986 Highland Park

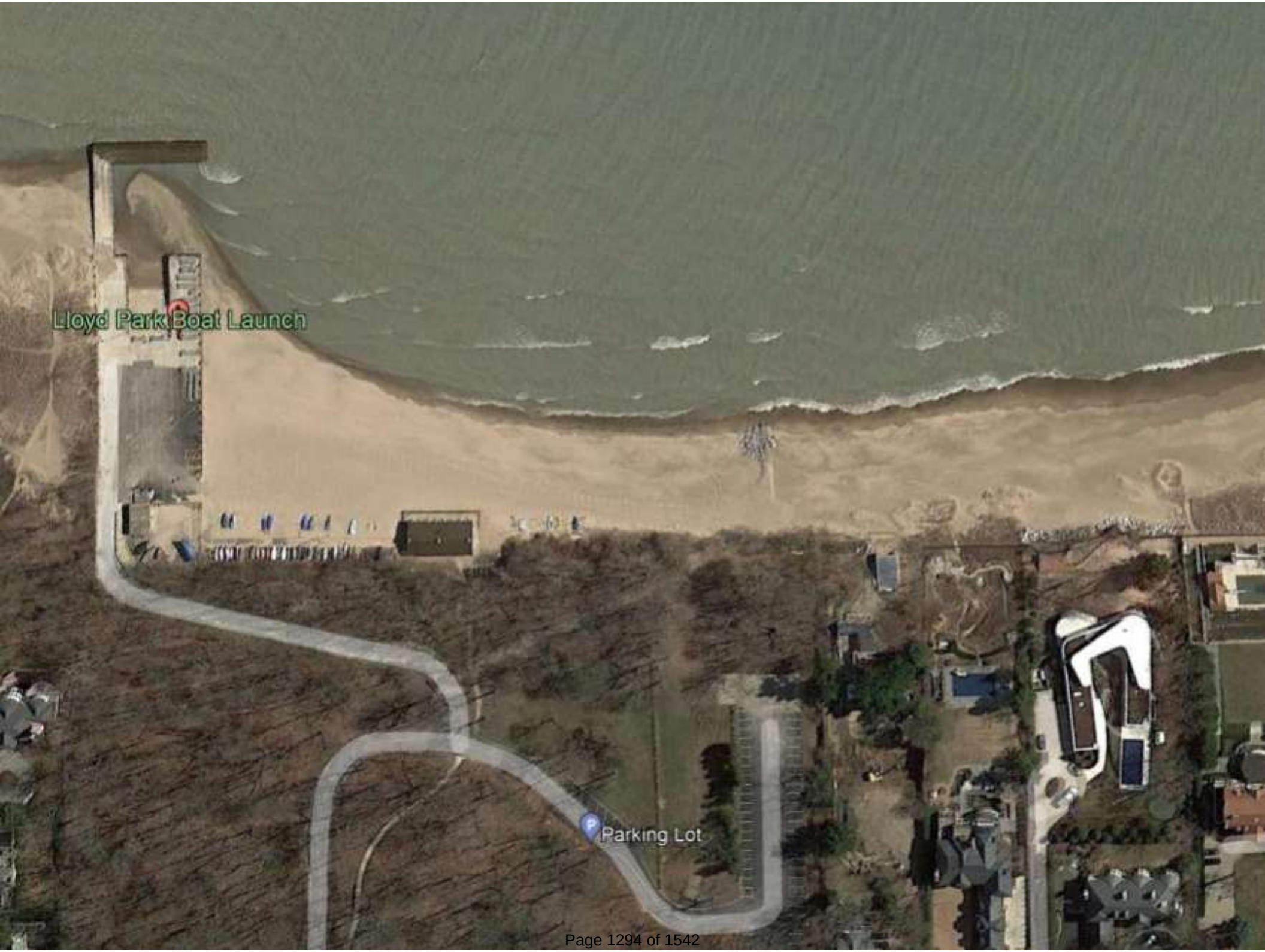
Recognize times are changing!

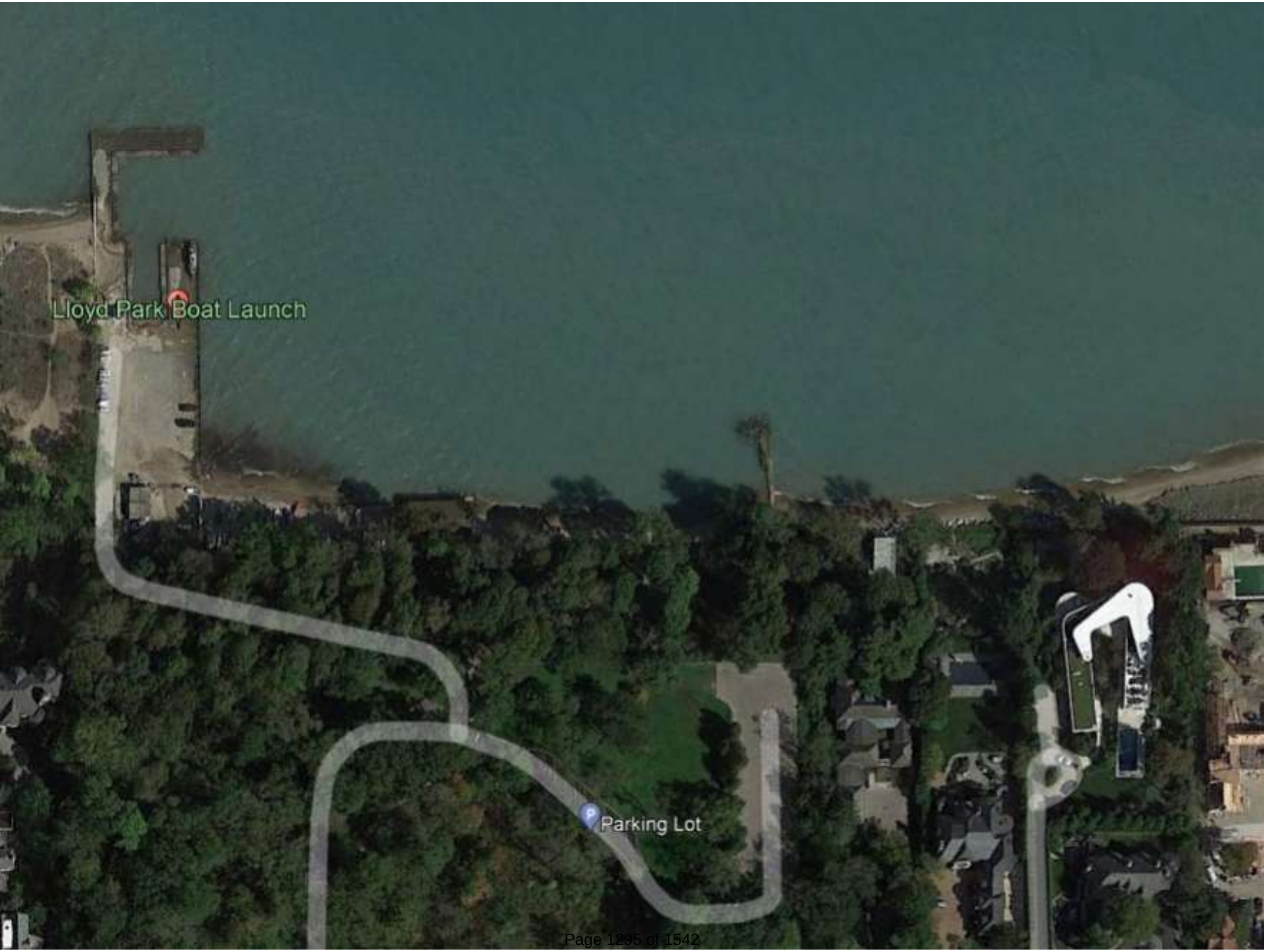
- Acknowledge that we are dealing with a dynamic and changing environment
  - Climate change models are unpredictable
  - Extreme storm events are becoming common
  - Seeing changes in habitats, impacts of invasive species, varying water quality
  - Science and engineering are changing regularly as we continue to exceed historic conditions

Questions?



Shabica & Associates, Inc.


Lloyd Park Boat Launch
Parking Lot


Lloyd Park Boat Launch
Parking Lot


Lloyd Park Boat Launch
Parking Lot


CENTENNIAL PARK & BEACH – AUGUST 26, 2020

Centennial Park was established in 1969 by acquisition of the North Shore Hospital



The North Shore Health Resort was one of only a few buildings along the shore of Lake Michigan when this postcard photo was taken c. 1910.



The North Shore Hospital, a familiar Winnetka landmark for close to 70 years was demolished in 1969, making way for Centennial Park. Winnetka Talk February 24, 1969.

Pictures & Captions excerpted from Winnetka Historical Society Website

North Shore Health Resort a/k/a North Shore Hospital

1962



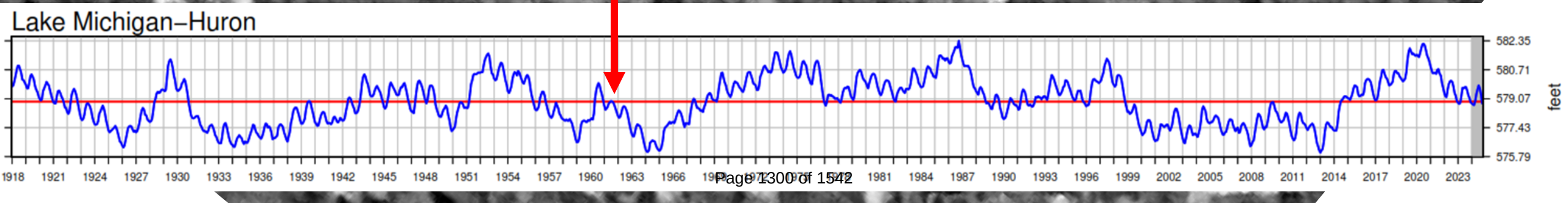
Single Family Home Between Hospital and Elder Lane Park

Elder Beach & future Centennial Beach

Steel Jetties & Pier are the same today as in 1962

1962

1962 Lake levels were down and heading lower.



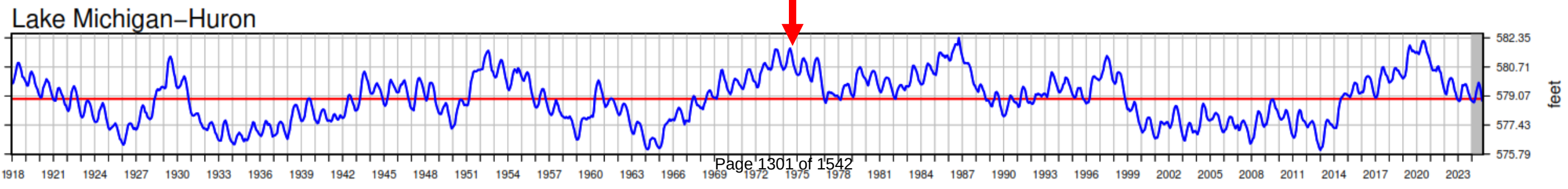
Elder & Centennial Parks and Beaches

1974 - Natural Bluffs with little if any bluff protection

1974

Centennial Park

1974 Lake Levels were above average



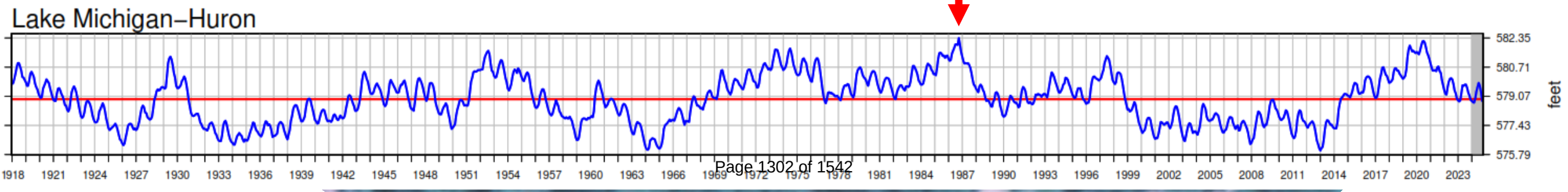
Elder & Centennial Parks & Beaches

By 1987, record high lake levels caused Centennial bluff to collapse

Note disturbed areas - work in progress to restore eroded bluffs in keeping with Harza Engineering Plans prepared for Winnetka Park District

1987

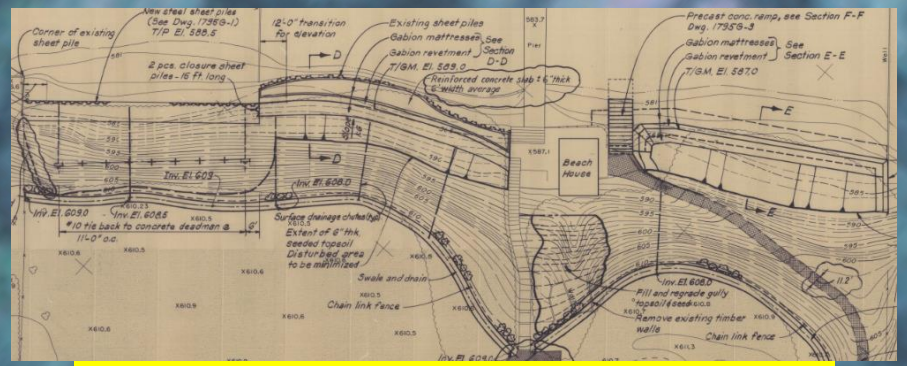
OCT-87 RECORD HIGH WATER



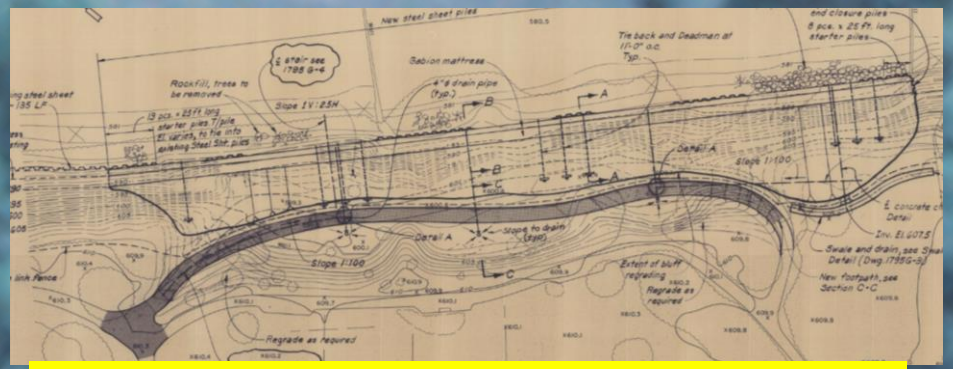
Steel Sheet Pile Bulkheads were installed at both Elder and Centennial

to prevent further erosion and restore collapsed bluffs

1987



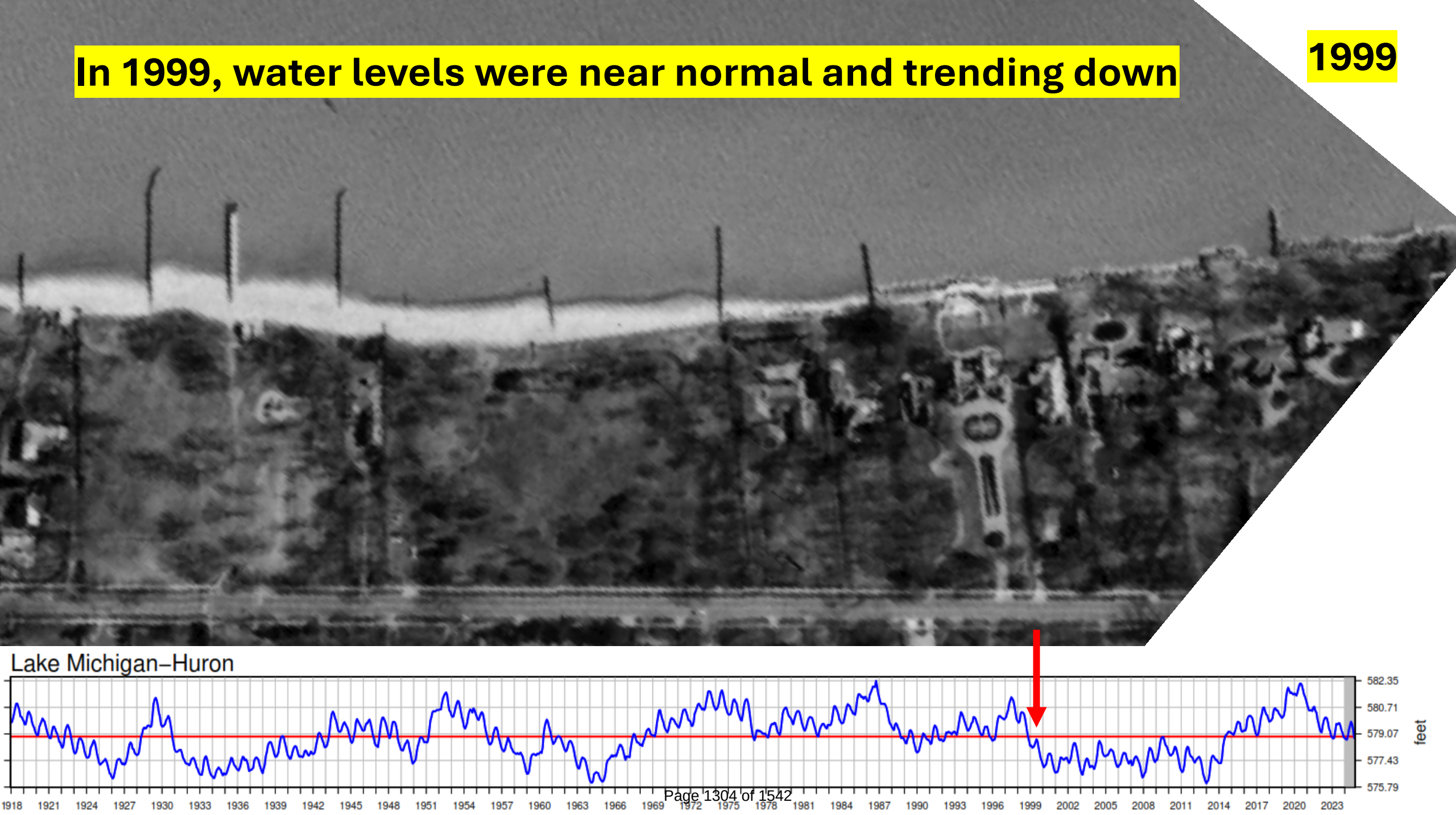
Harza Plan Excerpt for Elder Beach



Harza Plan Excerpt for Centennial Beach

In 1999, water levels were near normal and trending down

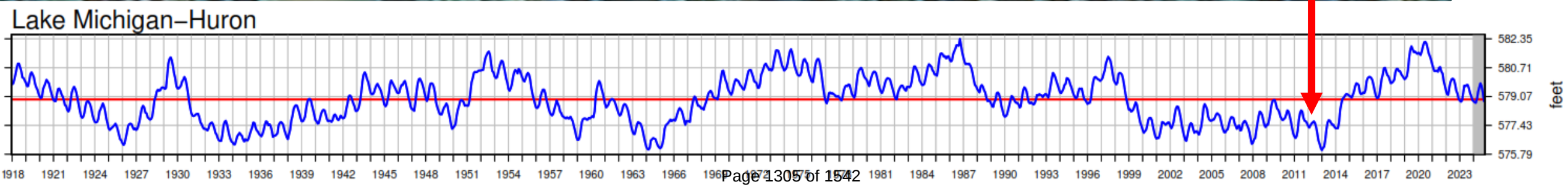
1999



By 2012, an extended period of low lake levels allowed sand to accrete along the lakefront

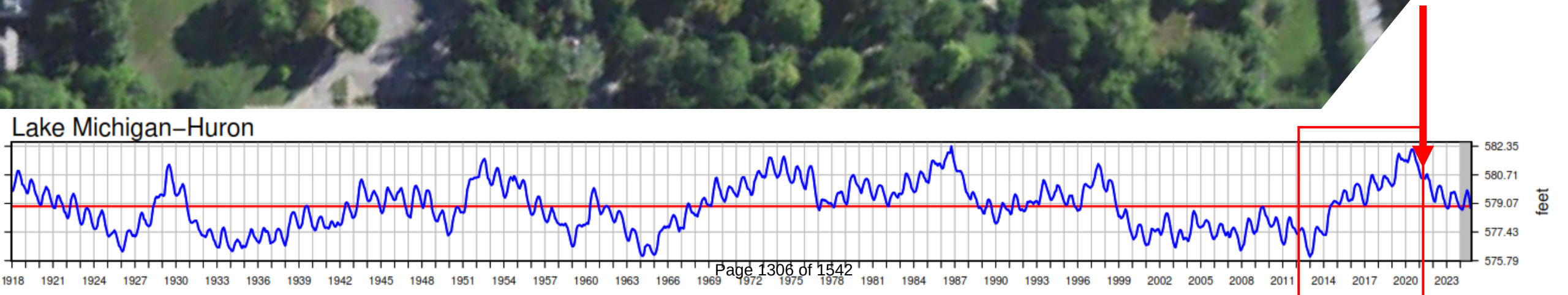
2012





Lake Levels rebounded from a record low in Jan-2013 to record highs Jan-Aug of 2020 causing loss of sand beach

2021



WINNETKA PARK DISTRICT
WINNETKA, ILLINOIS

SHORE PROTECTION PROJECT	CONTRACT 1795G

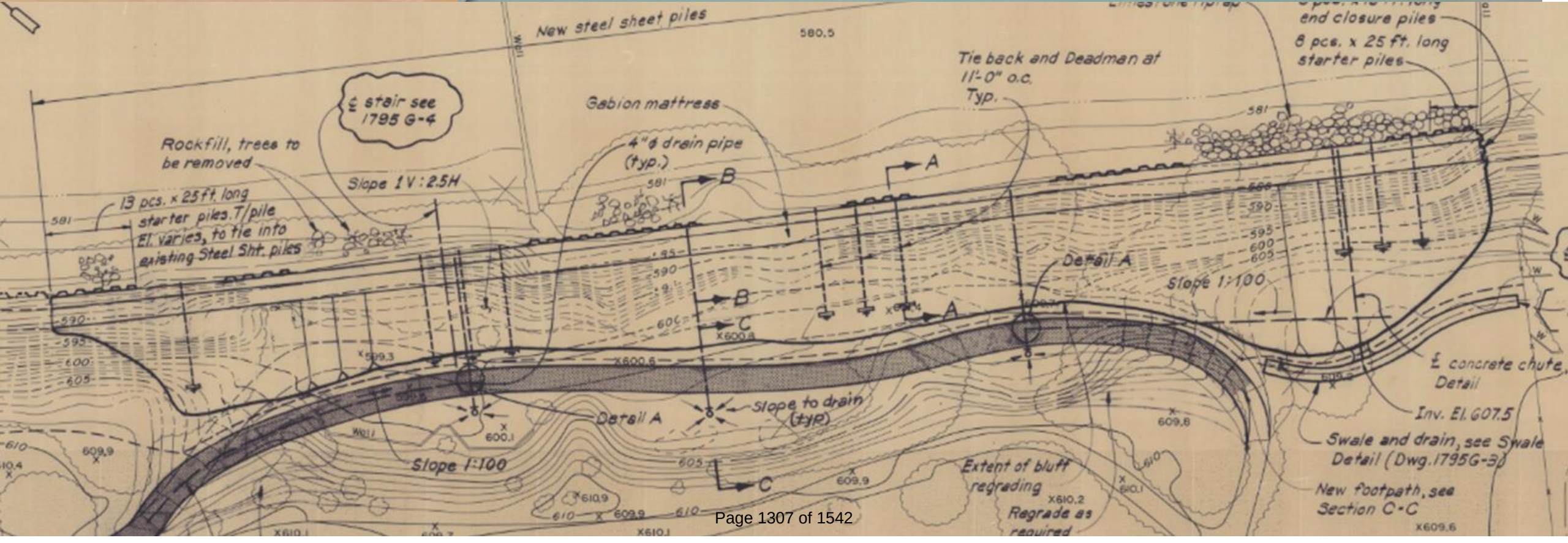
CENTENNIAL PARK
PLAN AND SECTIONS

CONSULTING ENGINEERS
HARZA ENGINEERING COMPANY
APPROVED _____

CHICAGO, ILLINOIS	DATE APRIL 1987	DWG.NO. 1795G-1

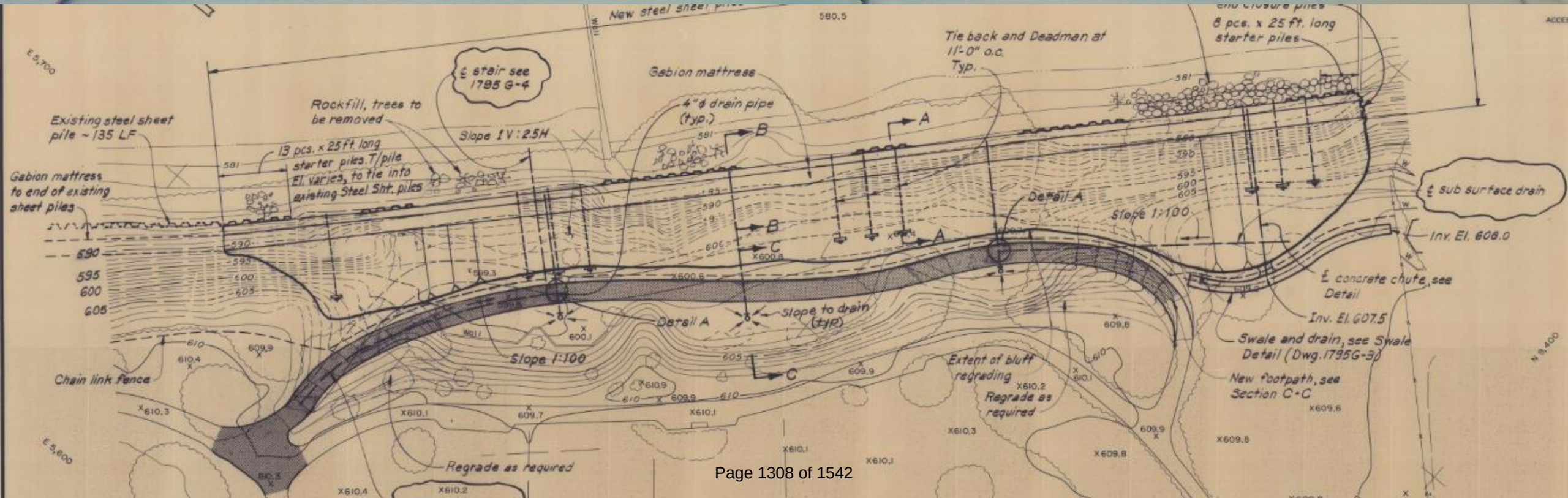


Steel sheet pile bulkhead along Centennial bluff



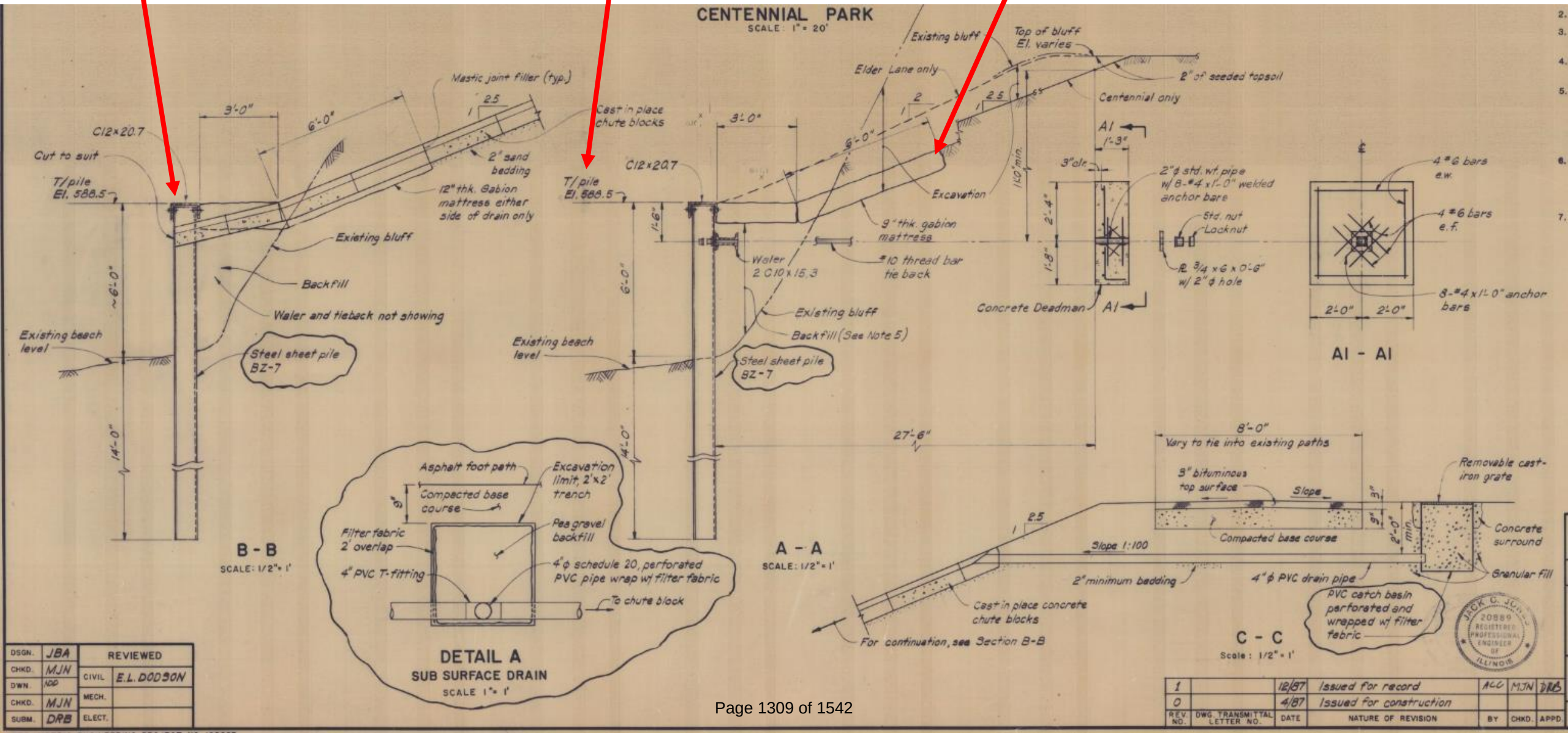


1987 Harza Engineering Plan for Centennial Park - Steel Bulkhead remains in good condition today



1987 Harza Engineering Profile for Centennial Park

Top of Steel Pile Bulkhead: Elevation 588.5 - Gabion Mattresses extending up bluff to Elevation 591.5



WINNETKA PARK DISTRICT
WINNETKA, ILLINOIS

SHORE PROTECTION PROJECT	CONTRACT 1795G

ELDER LANE PARK
PLAN AND SECTIONS

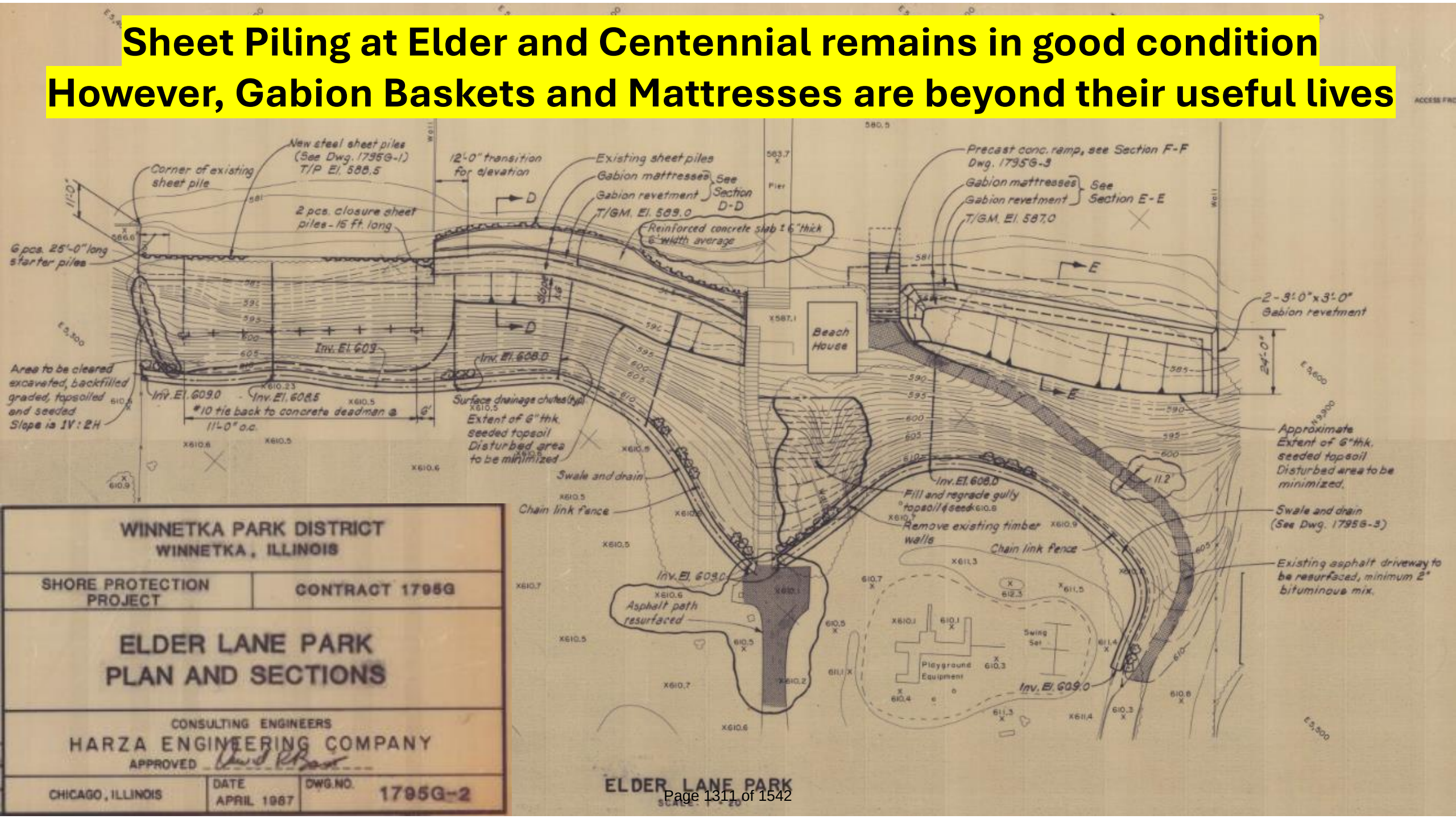
CONSULTING ENGINEERS
HARZA ENGINEERING COMPANY
APPROVED _____

CHICAGO, ILLINOIS	DATE APRIL 1987	DWG.NO. 1795G-2

At Elder, Harza specified a combination of Steel Sheet Pile at the North End And Gabion Baskets and Gabion Mattresses on either side of the Elder Beach House



Sheet Piling at Elder and Centennial remains in good condition
However, Gabion Baskets and Mattresses are beyond their useful lives



WINNETKA PARK DISTRICT
WINNETKA, ILLINOIS

SHORE PROTECTION PROJECT	CONTRACT 1795G

ELDER LANE PARK
PLAN AND SECTIONS

CONSULTING ENGINEERS
HARZA ENGINEERING COMPANY
APPROVED _____

CHICAGO, ILLINOIS	DATE APRIL 1987	DWG. NO. 1795G-2

The Gabion Mattresses along the Elder shoreline have broken open creating hazardous conditions and destabilizing the bluff protection

WINNETKA PARK DISTRICT
WINNETKA, ILLINOIS

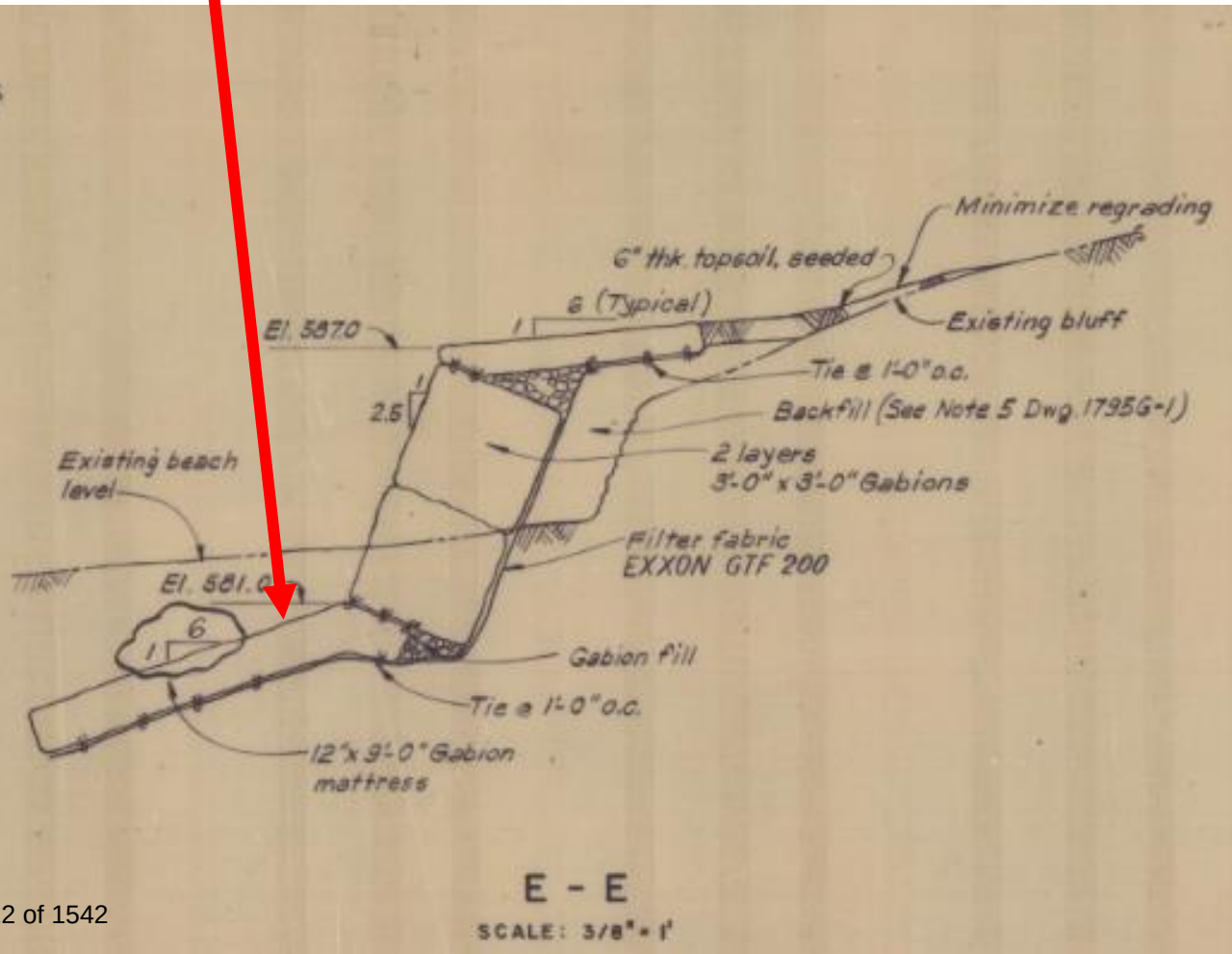
SHORE PROTECTION PROJECT	CONTRACT 1795G

ELDER LANE PARK
PLAN AND SECTIONS

CONSULTING ENGINEERS
HARZA ENGINEERING COMPANY
APPROVED

CHICAGO, ILLINOIS	DATE APRIL 1987	DWG.NO. 1795G-2

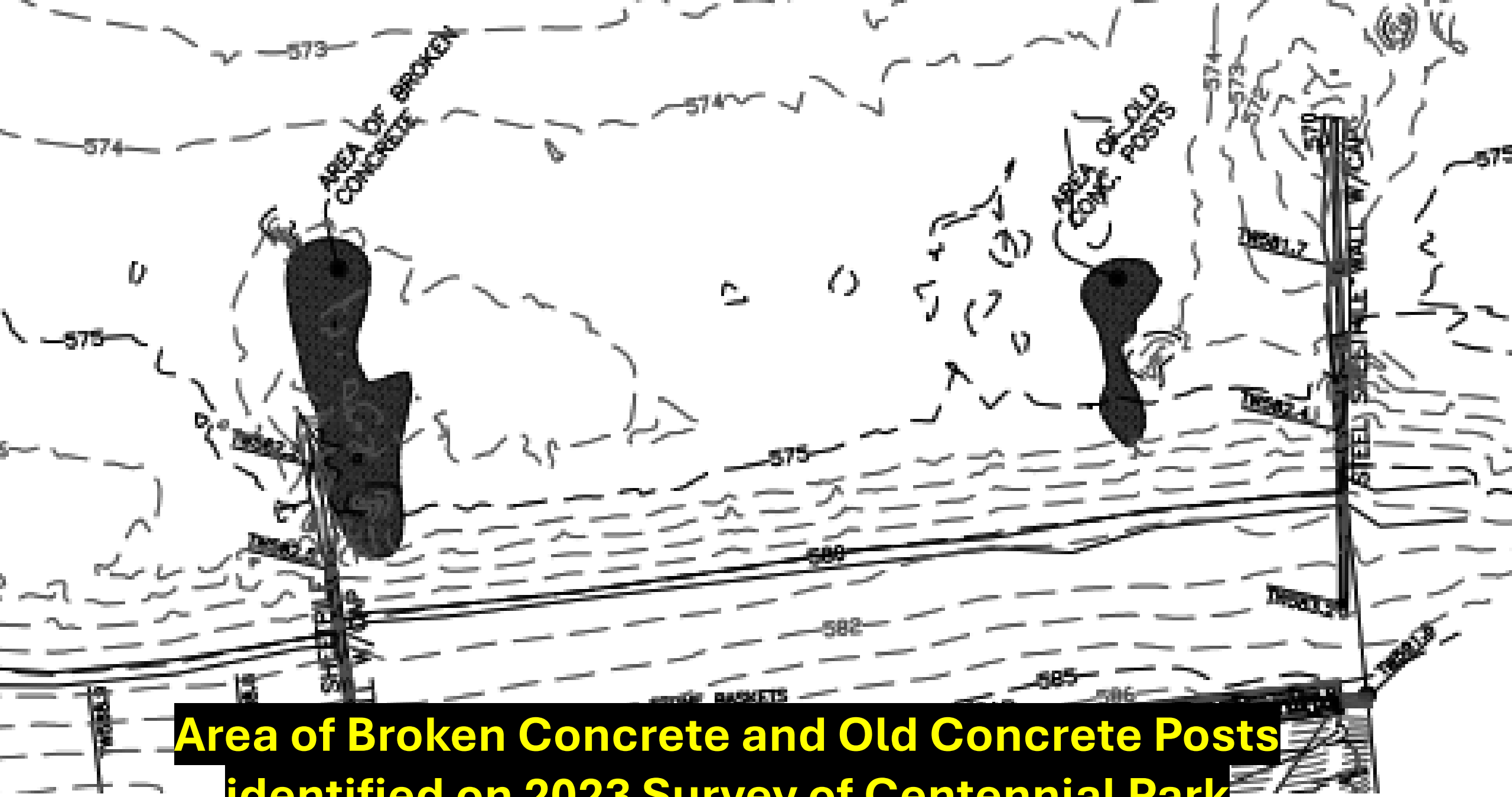




E - E
SCALE: 3/8" = 1'



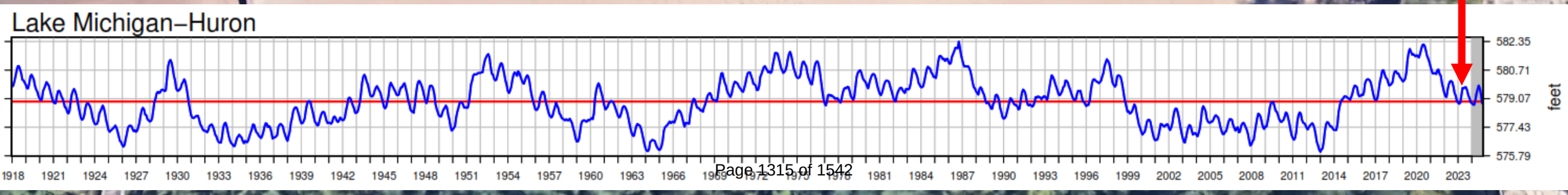
Accreted sand continues to be washed away, a result of the high water
As of 09-29-2020, submerged hazards are still covered by accreted sand

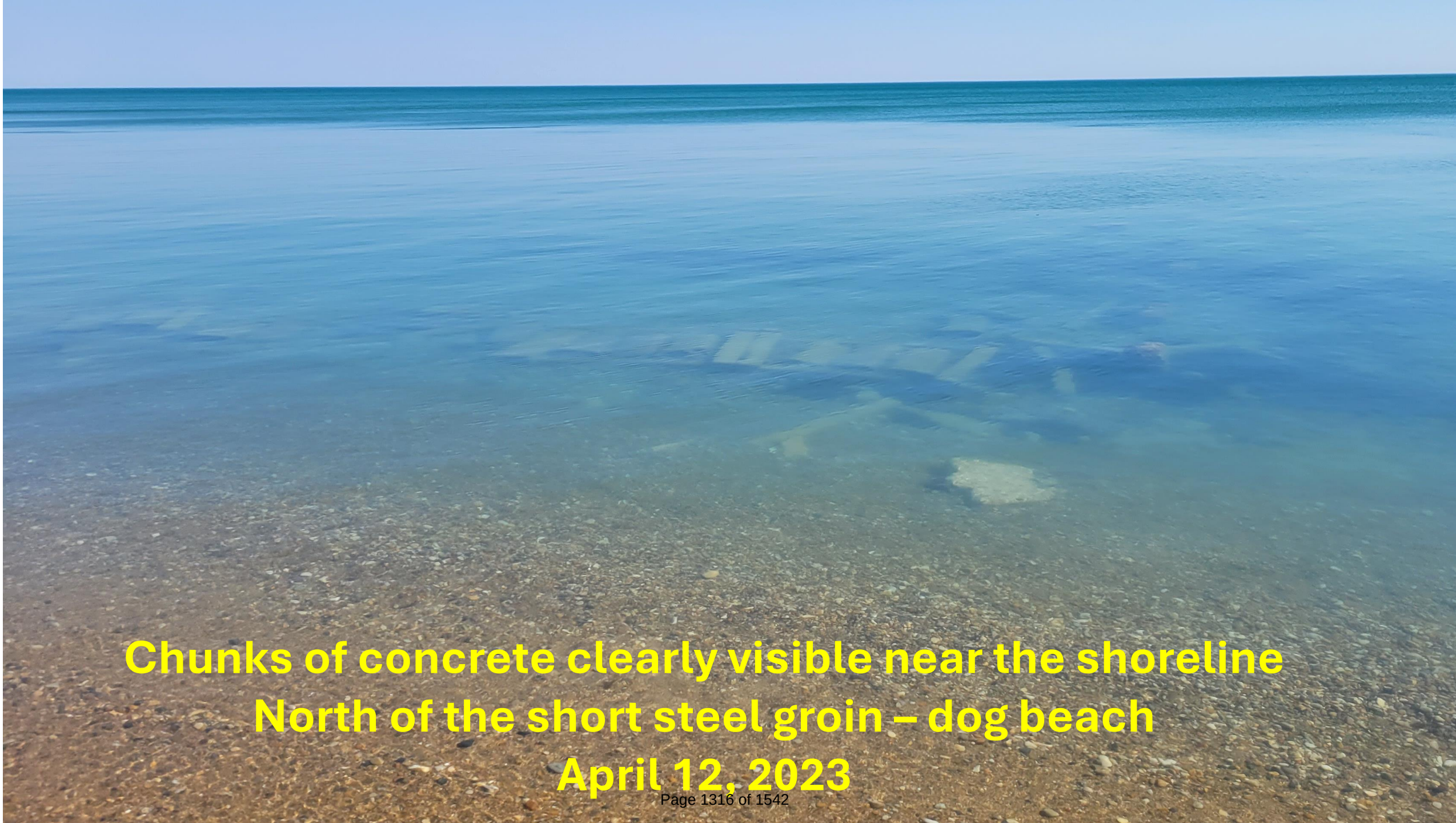


Area of Broken Concrete and Old Concrete Posts identified on 2023 Survey of Centennial Park

Centennial Beach - June of 2023

Water levels continue to subside, sand loss continues revealing submerged hazards: concrete posts & other debris of unknown origin




Chunks of concrete clearly visible near the shoreline
North of the short steel groin – dog beach
April 12, 2023

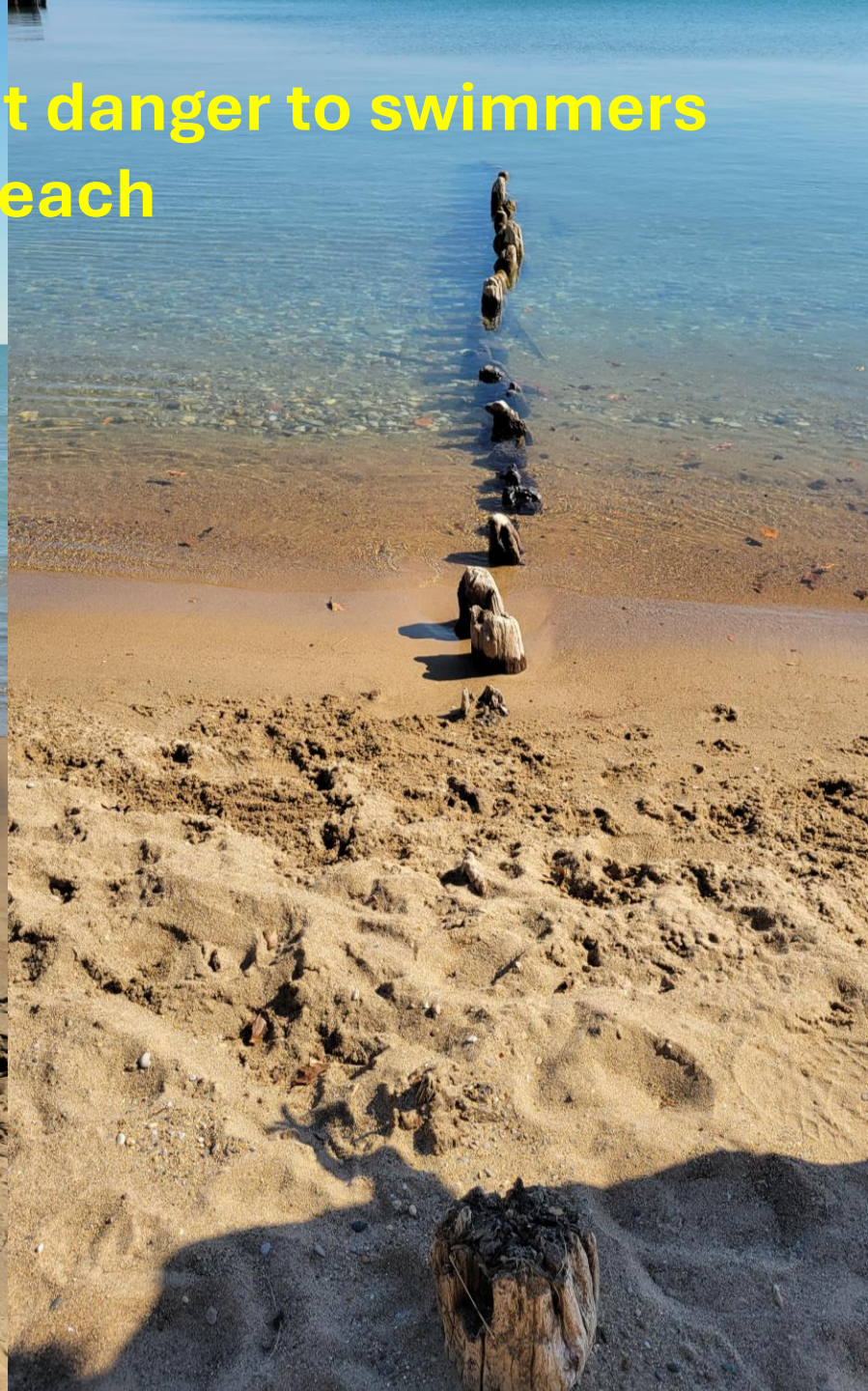

Chunks of concrete clearly visible near the shoreline
Just north of the short steel groin – dog beach
April 12, 2023



Chunks of concrete and two remaining steel fence posts, remnants from the chain link dog beach fence – north end of Centennial Beach
April 12, 2023

Pre-1960's Wood Pilings – clear and present danger to swimmers
North End of Centennial Beach






1962
1974
1987
1999
2012
2021

CENTENNIAL AND ELDER PARKS AND BEACHES – SEPTEMBER 2020



1947 Pier & Storm Sewer - 1950s Steel Groins – 1987 Steel Bulkheads & Gabion Baskets

No substantial investments in Elder Centennial Lakefront Improvements since 1987

ELDER AND CENTENNIAL PARKS AND BEACHES



- Submerged hazards must be removed before safely reopening beaches
- Bluff Protection at Elder to be completed before lake levels rise again
- Remove and replace Elder Storm Sewer Discharge in Cooperation with Village – part of solution to S.E. Winnetka Storm Sewer Improvements
- Maintain Dog Beach at South End of Centennial with Universal ADA accessibility
- ADA Accessible swimming beach at Centennial further away from Storm Discharge

Edler-Centennial Shoreline

April 2013 through June 2023

Google Earth Imagery

Water Level Data from U.S. Army Corps of Engineers

Coordinated Monthly Mean Lakewide Average Water Levels

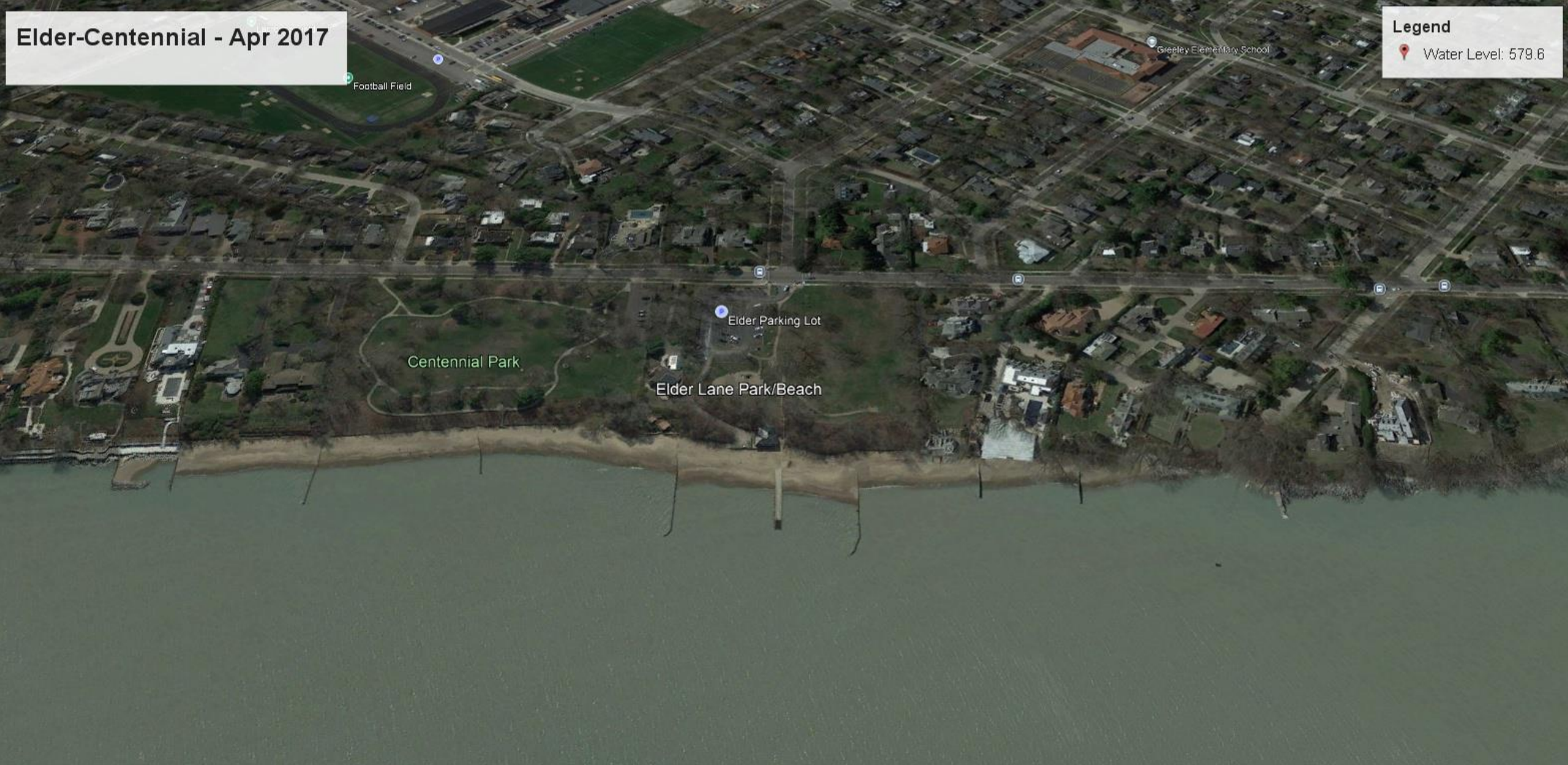
Units: Feet, International Great Lakes Datum 1985 (IGLD 1985)



April 2013 – Water Level 576.6 – Rebounding from record low of 576.02 set in January 2013



June 2015 - Water Level 579.7 –Near Long Term Average



April 2017 - Water Level 579.6 – Near Long Term Average



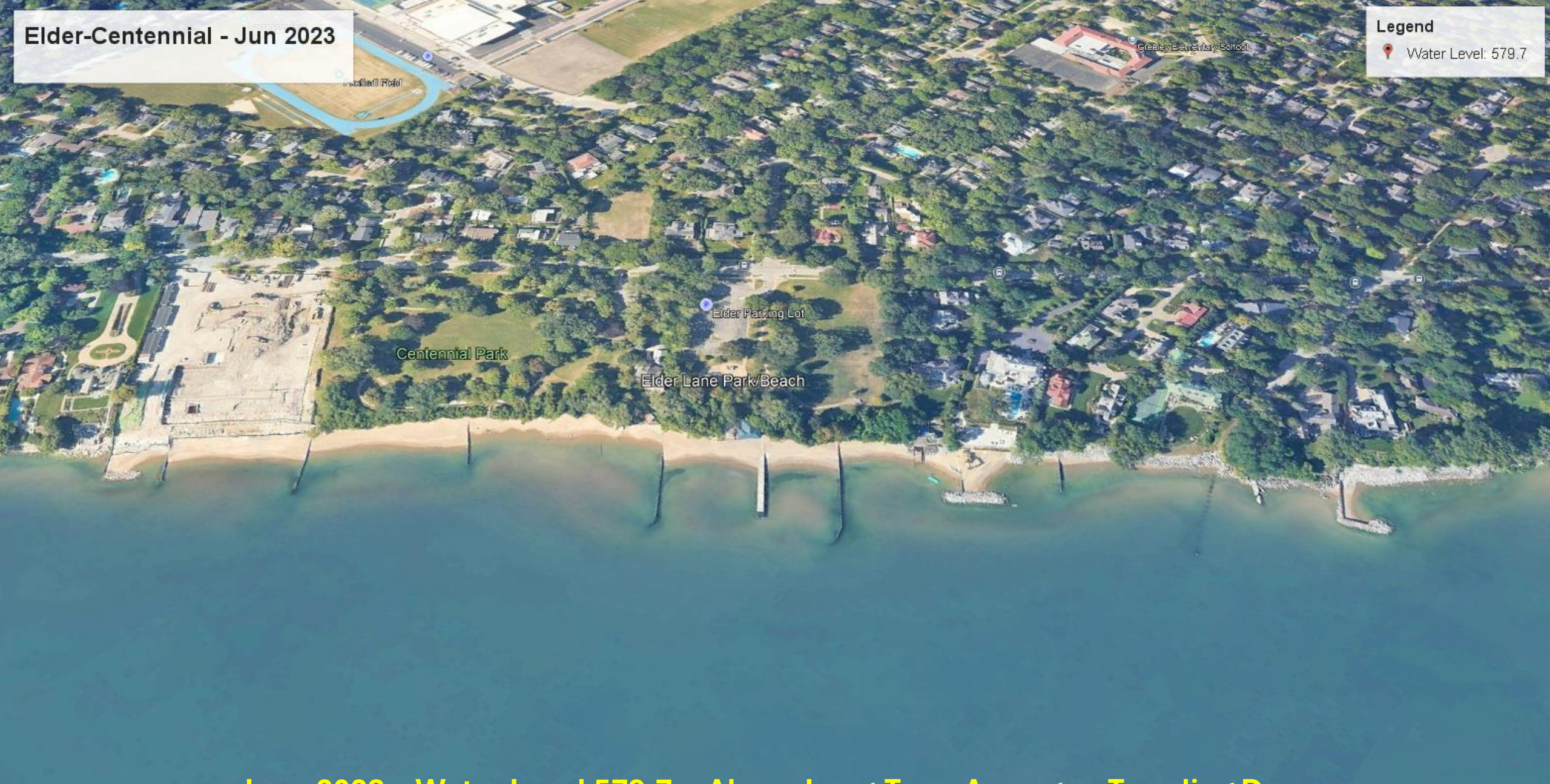
October 2019 - Water Level 581.7 – Rising Well Above Long Term Average



October 2020 - Water Level 581.5 – Well Above Long Term Average



May 2021 - Water Level 580.5 – Above Long-Term Average – Trending Down



June 2023 - Water Level 579.7 – Above Long-Term Average – Trending Down


Elder Parking Lot
Centennial Park
Elder Lane Park/Beach
2013


Elder Parking Lot
Centennial Park
Elder Lane Park/Beach
Regardless of Water Level
IMPASSIBLE CONDITIONS EXIST NORTH & SOUTH OF ELDER-CENTENNIAL
2017


Elder Parking Lot
Centennial Park
Elder Lane Park/Beach
2019



IMPASSIBLE CONDITIONS EXIST NORTH & SOUTH OF ELDER-CENTENNIAL

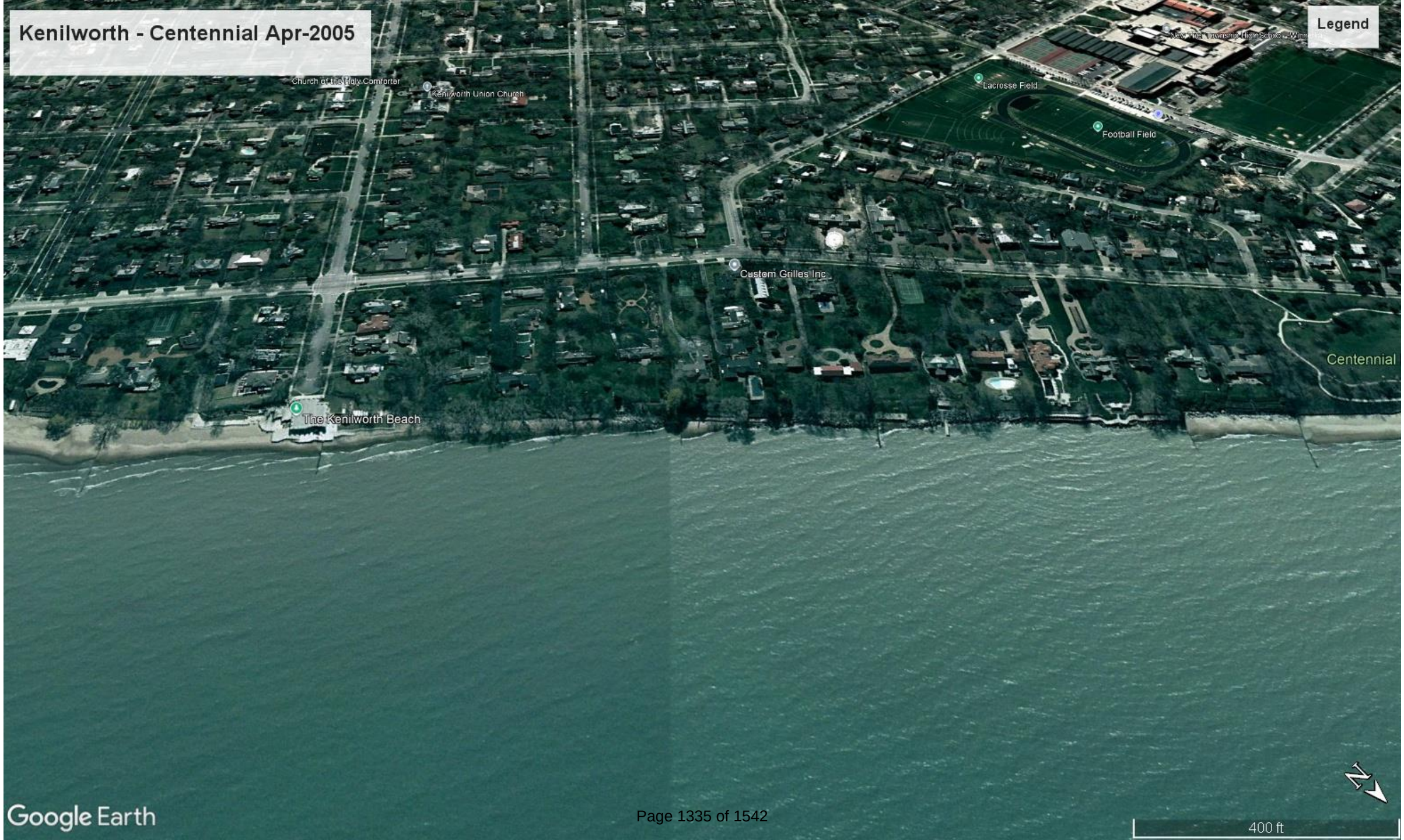
Regardless of Water Level

Lake Michigan Shoreline

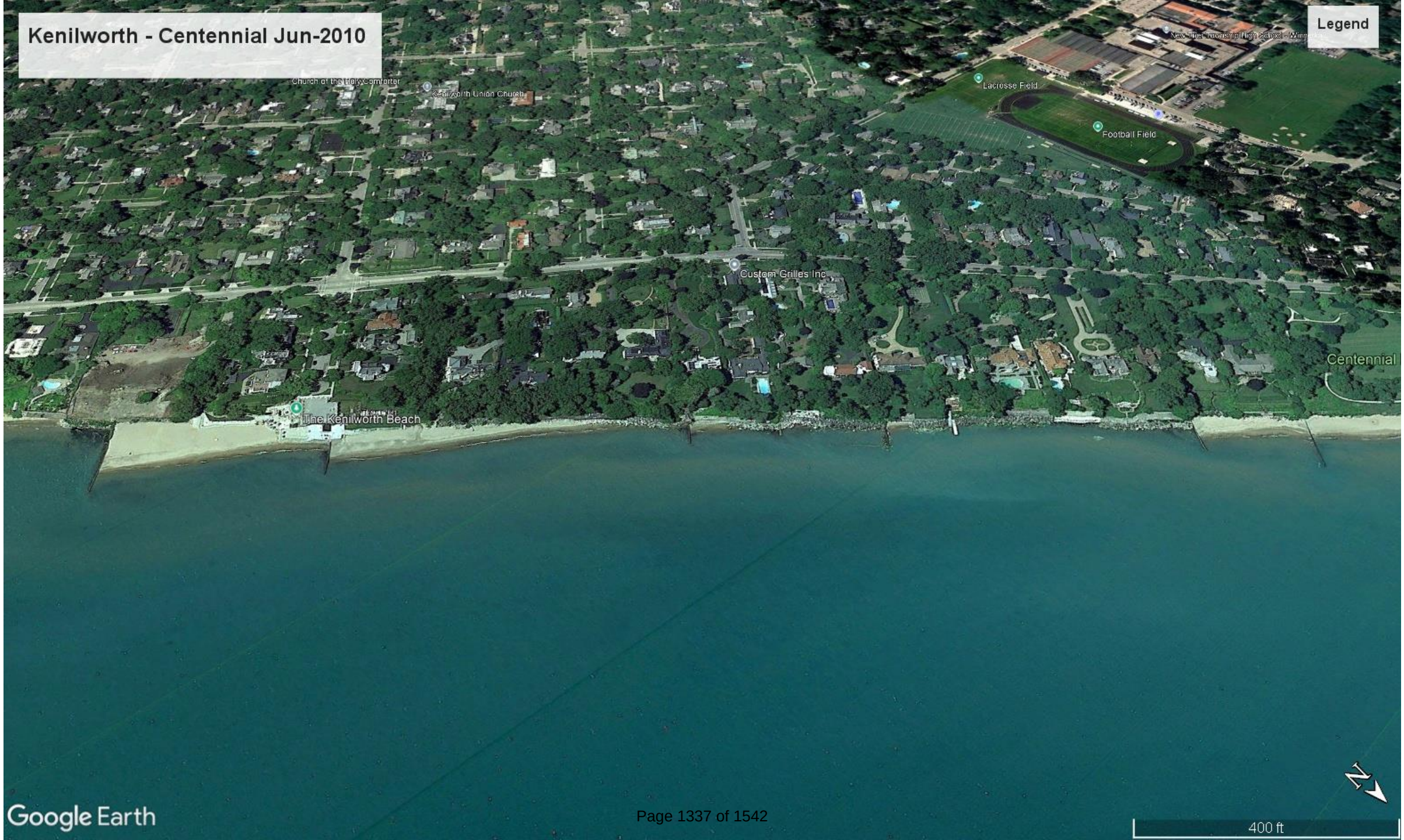
Kenilworth Beach to Centennial Beach

2002-2024

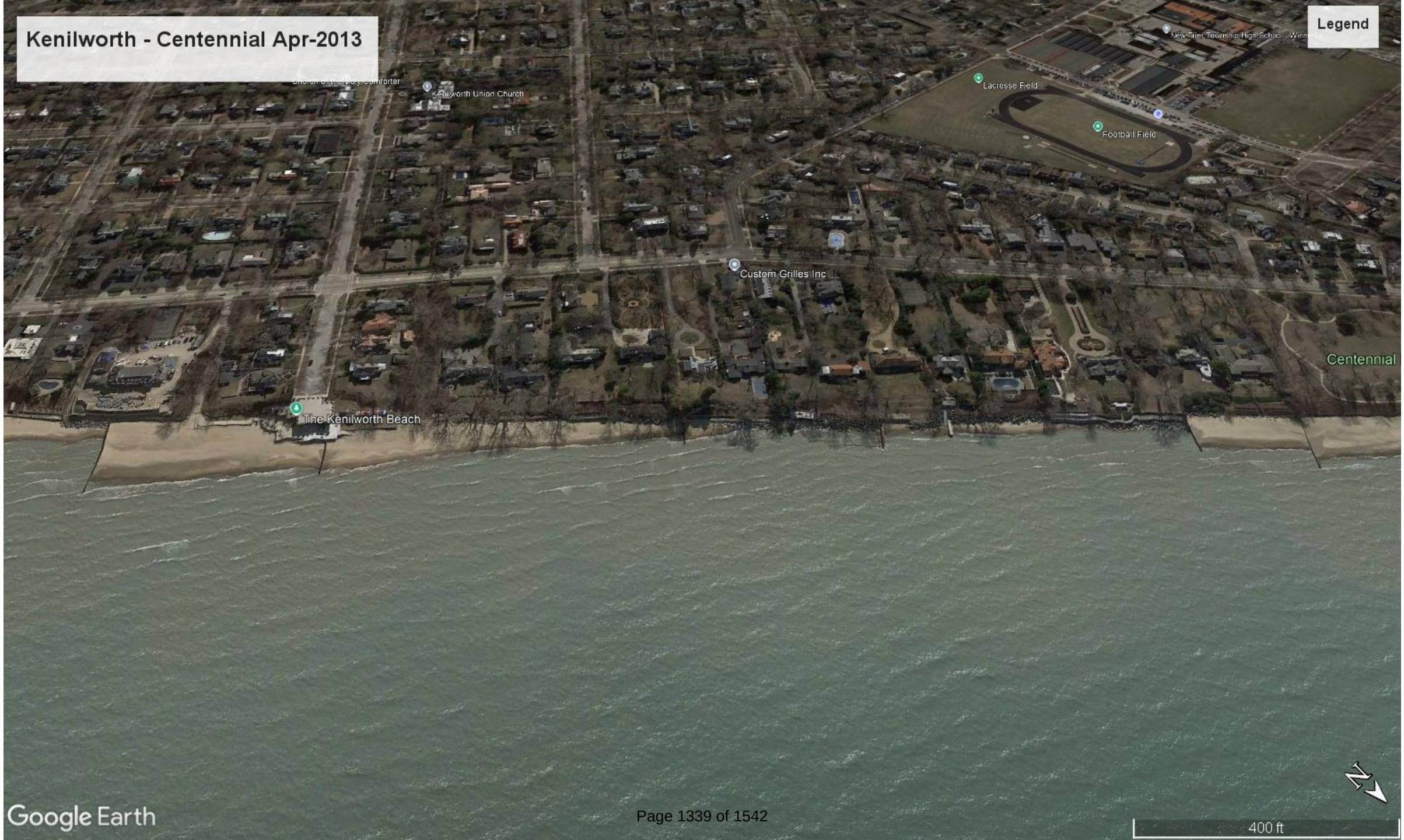

Kenilworth - Centennial Mar-2002
Legend
Church of the Holy Comforter
Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial
The Kenilworth Beach
Google Earth
Image U.S. Geological Survey
400 ft

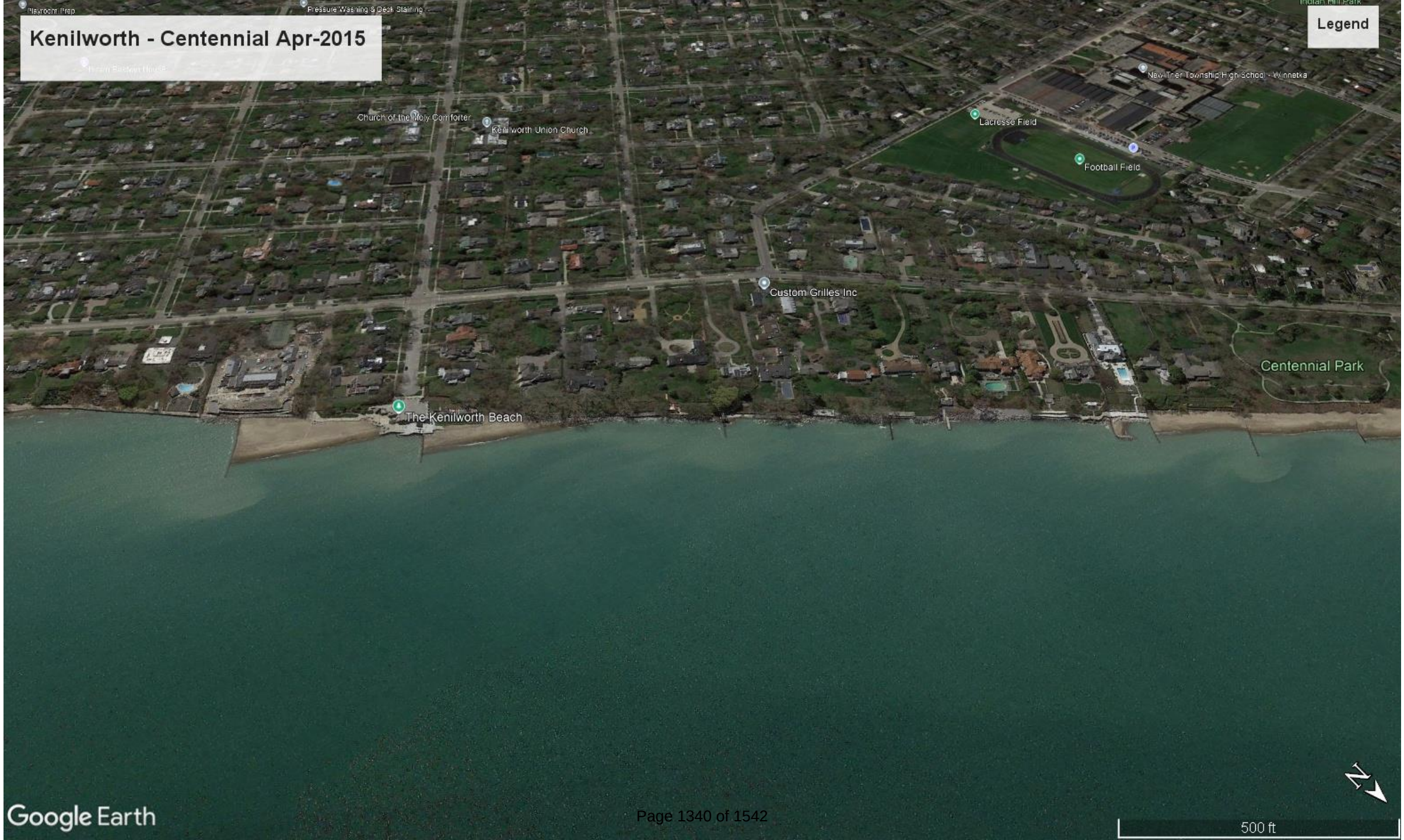

Kenilworth - Centennial Apr-2005
Legend
Church of the Holy Comforter
Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial
The Kenilworth Beach
Google Earth
400 ft


Kenilworth - Centennial Oct-2007
Legend
Church of the Holy Comforter
Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial
The Kenilworth Beach
Google Earth
400 ft


Kenilworth - Centennial Jun-2010
Legend
Church of the Holy Comforter
Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial
The Kenilworth Beach
Google Earth
400 ft


Kenilworth - Centennial Mar-2012
Legend
Church of the Holy Comforter
Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial
The Kenilworth Beach
Google Earth
400 ft


Kenilworth - Centennial Apr-2013
Legend
Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial
The Kenilworth Beach
Google Earth
400 ft


Kenilworth - Centennial Apr-2015
Legend
Pressure Washing & Deck Staining
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Kenilworth Union Church
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial Park
The Kenilworth Beach
Google Earth
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Kenilworth - Centennial Apr-2017
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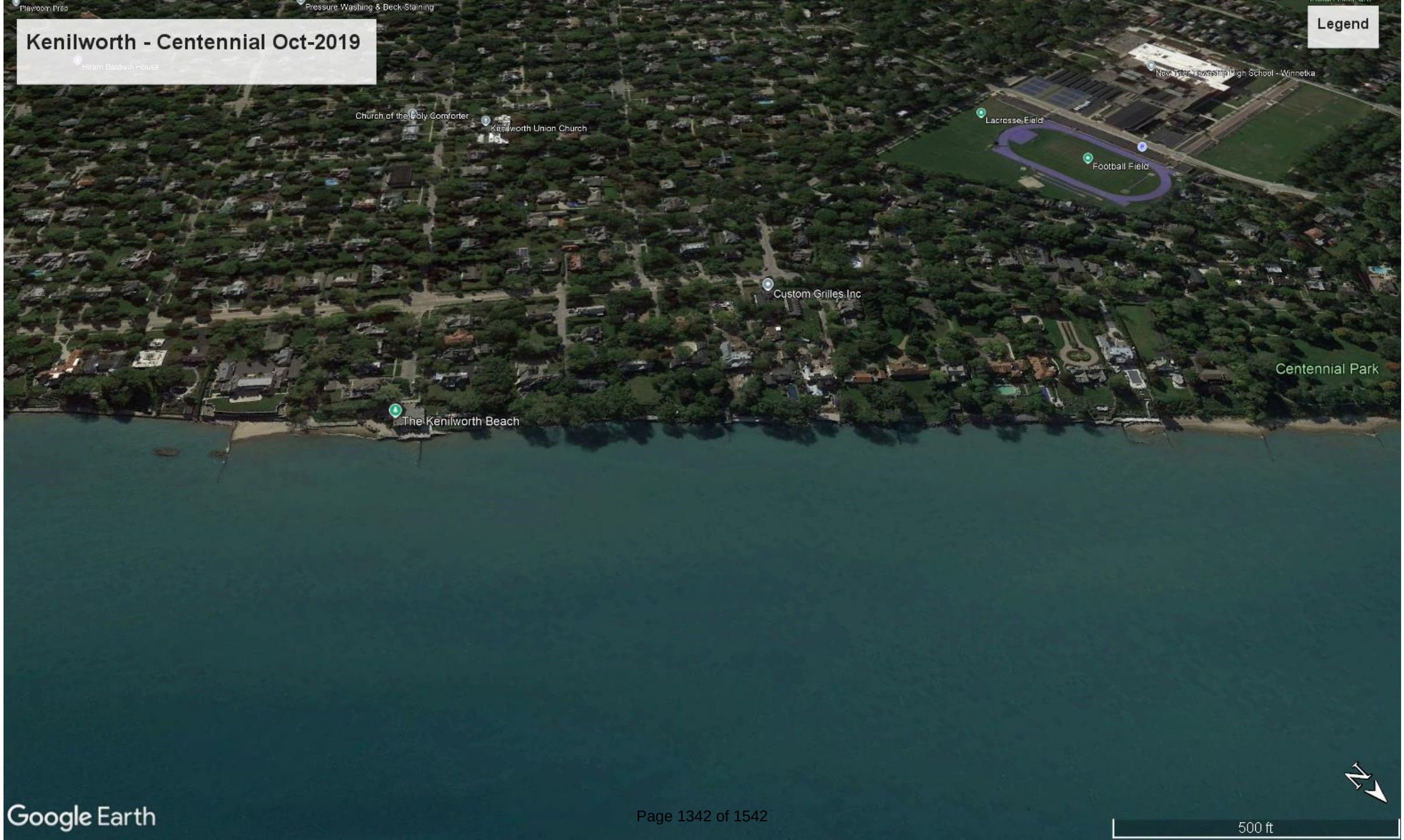
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The Kenilworth Beach
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Kenilworth - Centennial Oct-2020
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Pressure Washing & Deck Staining
Hiram Baldwin House
Church of the Holy Comforter
Kenilworth Union Church
New Trier Township High School - Winnetka
Lacrosse Field
Football Field
Custom Grilles Inc
Centennial Park
The Kenilworth Beach
Google Earth
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Kenilworth - Centennial May-2021
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New Trier Township High School - Winnetka
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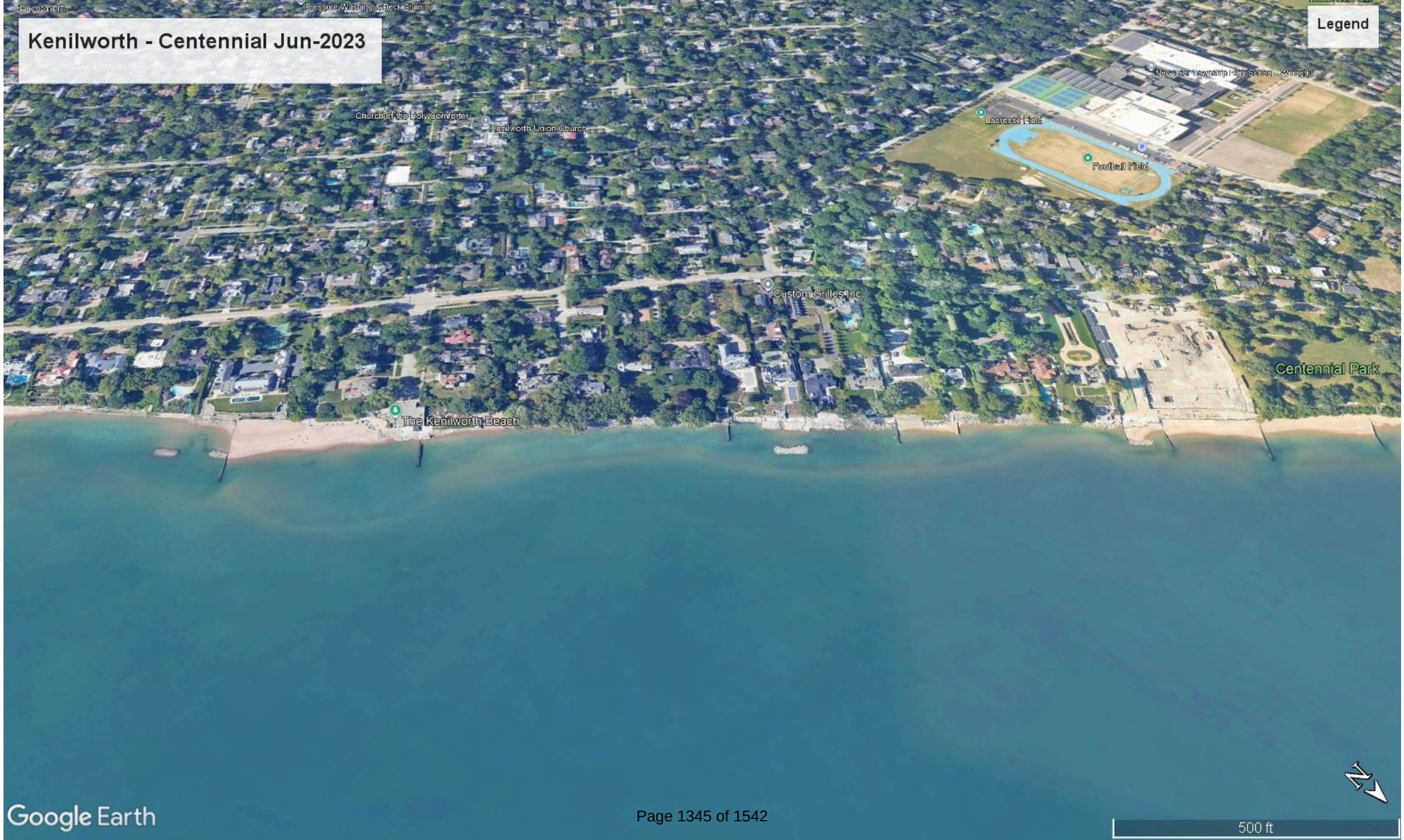
Kenilworth - Centennial Jun-2023
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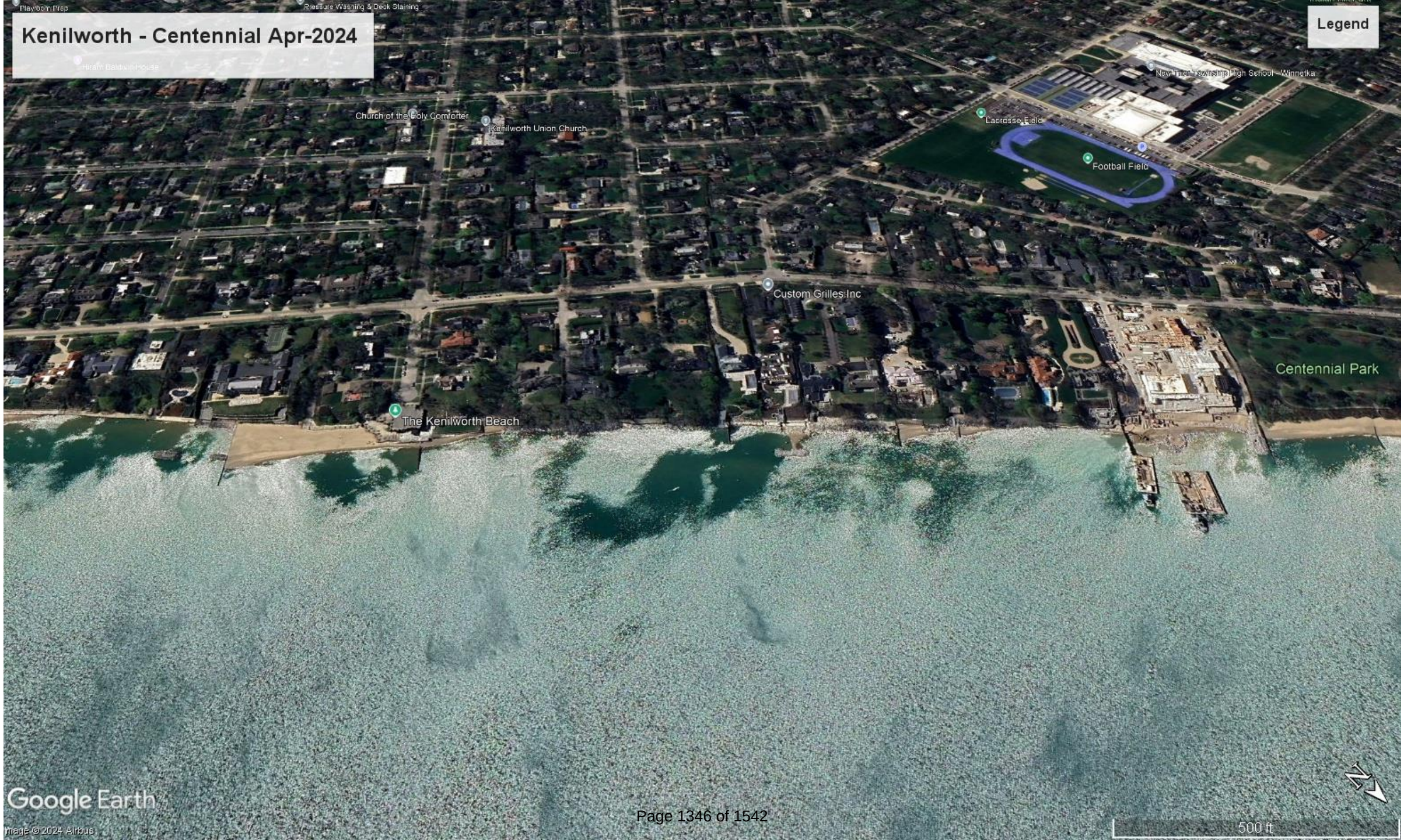
Kenilworth - Centennial Apr-2024
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Football Field
Custom Grilles Inc
Centennial Park
The Kenilworth Beach
Google Earth
Image © 2024 Airbus
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500 ft

Illinois Department of
Natural Resources
One Natural Resources Way Springfield, Illinois 62702-1271
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Bruce Rauner, Governor
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Office of Water Resources, Michael A. Bilandic Building, 160 N. LaSalle Street, Suite S-703, Chicago, IL 60601 Phone: 312/793-5947 Fax: 312/793-5968

November 2015

GUIDELINES FOR THE SUBMITTAL OF APPLICATIONS FOR ILLINOIS DEPARTMENT OF NATURAL RESOURCES, OFFICE OF WATER RESOURCES PERMITS FOR SHORE PROTECTION PROJECTS IN LAKE MICHIGAN

Introduction

Both private and public construction activities in Lake Michigan require Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) authorization pursuant to the Rivers, Lakes and Streams Act of 1911 [615 ILCS 5] and IDNR/OWR Part 3704 "Regulation of Public Waters" Rules (http://dnr.state.il.us/owr/publications/resman/3704RULE.htm). A copy of the Part 3704 Rules is attached to this guidance document.

The purpose of this guidance document is to aid applicants for shore protection projects in Lake Michigan and their agents/consultants in understanding the Part 3704 Rules, and to assist them in their efforts to demonstrate compliance with the rules, particularly Sections 3704.80 and 3704.90. It is important to note that while this guidance does not supplant the rules, preparation of permit applications following these guidelines will help IDNR staff understand the proposed shore protection project as well as help both the applicant and the reviewer to assess the project's impacts, thus making a timely and favorable review more likely.

General Information and Types of Shore Protection Permits

Any activity along the Lake Michigan shoreline that is located at or below the Ordinary High Water Mark (OHWM) requires a permit from the Department. In cases where the OHWM is lakeward of the existing bluff, the toe of the bluff will be used to determine the Department's jurisdiction. Both the IDNR/OWR and the U.S. Army Corps of Engineers define the OHWM as a water elevation of 581.5 ft. International Great Lakes Datum-1985 (IGLD-85). IDNR/OWR permits are issued jointly with the Illinois Environmental Protection Agency (IEPA). The following two types of shore protection permits are issued for work in Lake Michigan:

General Permit No. 1-LM

This permit is issued for minor shore parallel protection projects that do not exceed a length of 300 ft., and which meet the special conditions of that general permit. Examples of these projects would be stone revetments or steel sheet pile bulkheads built at the toe of a bluff. This permit does not require the issuance of a public notice but does require IEPA approval. A copy of the terms and special conditions of this permit can be obtained by contacting the Department's Lake Michigan

Management Section at (312) 793-5947 http://dnr.state.il.us/owr/publications/GenPermit1-LM.pdf
Regular Permits

All other types of shore protection projects proposed within or adjacent to the waters of Lake Michigan require a regular permit from the Department. Examples of these types of projects include but are not limited to:

- Revetments (longer than 300 ft.)
- Seawalls/Bulkheads (longer than 300 ft.)
- Groins
- Breakwaters/Offshore Structures
- Beach Nourishment
- Piers
- Modifications to existing structures

These types of projects require the issuance of a public notice as specified in Section 3704.60. While this Section specifies a public notice period of at least 21 days, IDNR/OWR will extend the public notice period for shore protection projects to 30 days. These projects are reviewed by IDNR/OWR personnel for compliance with Part 3704 Rules, and also require IEPA approval prior to a permit being issued.

Projects That Do Not Require A Permit

Projects proposed outside the waters or the influence of the coastal processes of Lake Michigan do not require a permit. These include projects on a bluff and areas upslope, or landward of the existing bluff toe or bluff toe protecting structure. Also, maintenance work associated with the restoration of an existing permitted project to its original specifications does not require a new permit.

Applying For A Permit

A copy of the Department's application form "Protecting Illinois Waters" can be found at http://dnr.state.il.us/owr/publications/ResmanAppform.pdf. This is a joint application form used by the Department, the U.S. Army Corps of Engineers and the IEPA. The joint application form includes instructions for completing the application for submittal to the three reviewing agencies. This application-for-permit form needs to be submitted separately to each of the above mentioned agencies for all work in Lake Michigan. The Department's copy should be sent to:

Illinois Department of Natural Resources
Michael A. Bilandic Building
160 N. LaSalle Street, Suite S-703
Chicago, Illinois 60601

To ensure that adequate notice is provided to adjacent property owners when completing item 7 on the application, if the project is in a residential area, the names, addresses, and phone numbers of at least three north and 10 south adjacent property owners should be listed.

Plans and Other Supporting Information

- A scaled vicinity map should be included in the submittal, showing the site of the project on Lake Michigan, along with any nearby harbors, community borders, existing lakeshore

structures, beaches, water intake plants, roadways or any other identifiable geographic features. A graphic scale and a north arrow should be included.

- A scaled plan view of the site showing existing and proposed conditions, including dimensions of the work or structure, grade changes, adjacent property lines and ownership, a graphic scale and north arrow.

- As many scaled cross-section plans as needed to represent the proposed project. These cross-sections should show existing and proposed conditions including dimensions of the structure, grade changes, and both horizontal and vertical graphic scales.

- All plans should clearly delineate the Ordinary High Water Mark of 581.5 IGLD-85 and verify the datum being used.

- It should be kept in mind that shore protection is the primary reason the Department allows limited construction to occur on the bed of Lake Michigan. Applicants should provide a detailed explanation of the purpose and need of the proposed project.

- Include an evaluation of the project's potential impact on public uses in the affected area, including boating, swimming, wading and fishing.

- Include an evaluation of the project's potential impact on the natural resources of the nearshore area, including at a minimum, fisheries, waterfowl, wildlife and vegetation.

- Include a descriptive or narrative explanation of any project components that will minimize, mitigate or offset any project-induced negative impact.

- Include a stabilization plan for all disturbed areas.

General Guidance for Shore Protection Projects

As noted earlier, IDNR/OWR personnel must determine whether a proposed shore protection project complies with the Department's Part 3704 Rules. Section 3704.70 specifically prohibits the conversion of public waters to private land by filling; however fill material may be placed in public waters for such things as bank, shore or bluff protection and beach nourishment. Section 3704.80(a) specifies that the proposed activity must not: 1) cause an obstruction to, or interference with, the navigability of a public body of water, 2) result in an encroachment on a public body of water, 3) cause an impairment of any rights, interests or uses of the public in any public body of water or to its natural resources, and 4) cause bank or shoreline instability on other properties. Section 3704(b) outlines the additional information an applicant should submit if the proposed activity might cause one or more of these impacts. Section 3704.90 contains the standards the Department uses to determine whether a permit should be issued.

To assist the applicant in providing the information needed for IDNR/OWR personnel to evaluate proposed projects for compliance with the Part 3704 Rules, the following additional guidance is provided for the two primary categories of shore protection projects.

Shore-Parallel Revetments and Bulkheads

- The structure should be located as close to the existing toe of the bluff as is practicable, and should be the minimum size needed to provide shore protection.

- The materials to be used should consist of clean material, e.g., steel, wood, poured or pre-cast concrete, or stone.

Shore-Perpendicular or Offshore Structures

- Proposed offshore structures should be located as close to shore as possible and be no larger, or extend further offshore than needed to provide a reasonable level of beach area for shore protection. As a guiding principle private offshore structures should not extend more than 125 feet offshore from the base of a bluff.

- The size of the structure including its height, length, offshore extent, etc. should be comparable to adjacent structures in the area. In general, structures within 1000 feet of the project area should be considered as adjacent.

- The materials to be used should consist of clean material, e.g., steel, wood, poured or pre-cast concrete, or stone.

- Where possible, notably in areas where existing access along the lakeshore is available, the project should provide some type of reasonable access over or around it on the landward side.

Specific Guidance for Shore-Perpendicular or Offshore Structures

As a general principle, shore-perpendicular/offshore structures have the ability to trap sand from the littoral drift. To assist in the evaluation of whether a proposed structure will result in bank or shoreline instability on other properties, applications for these types of projects should address the following:

- The submittal should include an analysis of the proposed structure on the wave climate and impacts to the movement of sand (littoral drift). The analysis should include a review of the proposed structure individually and cumulatively with adjacent structures. Professionals with experience in this area should be utilized for this work.

- To ensure that these types of projects will not trap sand moving along the shoreline (littoral drift), the project should include the placement of clean sand in an amount equal to 120% of its potential capacity to retain sand. The grain size of the sand to be placed should be comparable with the natural sand and be of equal or larger grain size. Volume calculations should be included with the application submittal. Additional volume calculations may be required if shoreline changes occur between the time of application and construction of the proposed project. Applicants are reminded that any beach area artificially created as part of a shoreline protection project does not become private property for the exclusive use of the owner. Although standard condition #2 of the Department's permit covers this, a special condition will be added to any permit issued for a shore perpendicular or offshore structure to specifically impress upon the applicant that any artificially created beach area is considered to be public property and the owner of the upland property may not do anything to impair or prohibit lawful public use of such created beach area.

- Perpendicular or offshore-shore protection structures with the ability to trap littoral sediments will be expected to show, by survey, that the completed project is not trapping littoral drift sand (see Hydrographic Survey Guidelines Section).

Hydrographic Survey Guidelines

- A pre-construction hydrographic (i.e., water depth and location) survey should be completed just before construction begins.

- One post-construction hydrographic survey should be completed as soon as construction has been completed, preferably within one month.

- A second post-construction hydrographic survey should be completed approximately one year after the date of the first post-construction survey.

- A third post-construction hydrographic survey should be completed approximately five years after the date of the first post-construction survey.

- Hydrographic surveys should be performed by a licensed surveyor with experience working in coastal environments.

- Surveys should only be performed on water when wave conditions are less than one foot. Flat calm conditions are preferred.

- Surveys should begin at the Ordinary High Water Mark (581.5 ft. IGLD-85), progress down to the edge of water and then continue an additional 300 ft. lakeward of the lakeward end of the proposed structure.

- For shoreline properties with less than 100 lineal feet of shoreline, the survey line spacing should not exceed 25 ft. For shoreline properties with more than 100 lineal feet of shoreline, the survey line spacing should not exceed 50 feet. A minimum of three survey lines is necessary, regardless of the length of the project.

- Survey cross-sections should have a graphic vertical scale of 1 in. = 5 ft. and a graphic horizontal scale of 1 in. = 50 ft.

- Survey lines should be parallel and their orientation should be perpendicular to the general trend of the shoreline.

- Surveys should be submitted using IGLD-85 as the datum and may be referenced to the Low Water Datum (577.50 IGLD-85).

- Upon completion of the first post-construction survey, the applicant should submit both the pre and post-construction survey data to the Department. The presentation should include a direct comparison of pre and post-construction profiles.

- Upon completion of the second post-construction survey (one year after construction has been completed), the applicant should submit that survey, along with an updated comparison of all survey profiles.

- Upon completion of the third post-construction survey (five years after construction has been completed), the applicant should submit that survey, along with an updated comparison of all survey profiles.

If either the second or third post-construction surveys indicate that the project appears to be trapping littoral drift sand, the Department will determine, on a case-by-case basis, what additional

action, if any, may be required. This could include a requirement to undertake additional surveys to better ascertain the impact of the project and/or the placement of additional sand as mitigation.

Permit Processing

Upon receipt of an application, an initial review will determine the need for clarification or additional information, if any. At the same time, the application is forwarded to the Illinois Department of Natural Resources, Office of Realty and Environmental Planning for their review. The applicant is responsible for contacting the Illinois Historic Preservation Agency at (217) 782-4836 for any requirements they may have.

If the initial review determines that a project will not require a permit, the Department will inform the applicant by letter, and will also advise the applicant of the required non-refundable permit application review fee.

If a project requires a Regular Permit, a public notice will be issued. For shore protection projects, the minimum public notice period will be 28 days. This public notice period may be extended if needed to allow interested parties the opportunity to prepare and submit comments.

The purpose of the public notice is to solicit comments on the project from interested parties, including property owners, local, state and federal government agencies and officials as well as the general public. Objections received during the public notice period are provided to the applicant for comment and possible resolution.

Once the Department has received all the required information, including public notice comments and responses, it will determine whether the proposed project is in compliance with the provisions of the Part 3704 Rules. Proposed projects complying with the Part 3704 Rules will be permitted. Proposed projects not in compliance with the Part 3704 Rules will be denied. All denials are issued without prejudice and include a detailed explanation.

For assistance with application preparation or to request additional information, call the Lake Michigan Management Section at (312) 793-5947.

FOREWORD

In most every community known to man there exists a relationship with animals. This relationship has been documented in many ways since the caveman first drew pictures on the walls of his cave. Problems occur in the urban community when lovers of animals forget that this kind of love is not necessarily shared by their neighbors. The animals that create most of the problems are cats and dogs. The Cook County Animal and Rabies Control Ordinance was developed and passed to establish guidelines in the development of harmonious relationships between animals and man. This Ordinance is the law in all municipalities within Cook County. Any municipality regardless of its population may pass an ordinance effective within its jurisdiction more strict than the County Ordinance. Rabies, while well controlled, still exists mainly in bats and skunks within Cook County. Prevention of rabies is the basic reason for the Animal Bite Report form. The guidelines offered in this booklet provide information for those most frequently involved with bites by animals.

Finally, Cook County is almost totally urbanized. Each municipality is responsible for the animals in the area under its jurisdiction. Part IV of this booklet outlines one way in which a municipality can establish an Animal Control program.

DEPARTMENT OF ANIMAL CONTROL

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose.

The purpose of this chapter is to provide harmonious relationships in the interaction between man and animal by:

(1) Protecting the citizens of the County from rabies by specifying such preventive and control measures as may be necessary;

(2) Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies;

(3) Providing security to residents from annoyance, intimidation, and injury from cats, dogs and other animals;

(4) Encouraging responsible pet ownership;

(5) Providing for the assessment of penalties for violators and for the enforcement and administration of this chapter.

(Code 1980, § 20-1; Res. of 1-3-1977; Ord. No. 99-O-25, § 20-1, 10-5-1999.)

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the licensed veterinarian appointed by the County Board, pursuant to the Illinois Animal Control Act (510 ILCS 5/1 et seq.) or authorized representative.

Animal means any live vertebrate creature except man.

Animal capable of transmitting rabies means all animals classified as mammals.

Animal control warden means an employee of the County appointed by the Administrator to powers in the enforcement of this chapter.

Bird means any flying vertebrate that is covered with feathers.

Bite means seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

Cat means all members of the classification, *Felis catus* .

Confined means the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

Control means any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

Dangerous or *vicious animal* means any animal which has known vicious propensities or which has been known to attack or injure any person who was peacefully conducting themselves in any place where they may lawfully be.

Dog means all members of the classification, *Canis familiaris* .

Domestic animal means any animal which has been domesticated by man so as to live and breed in a tame condition.

Guard dog means a dog used in a commercial business or by a municipal or police department for the purposes of patrol and protection.

Inoculation against rabies means the injection of a rabies vaccine approved by the Illinois Department of Agriculture and administered by a licensed veterinarian in accordance with the company's recommendations for the vaccine used.
Owner means any person having the right of property in an animal, who keeps or harbors an animal, who has it in their care, acts as its custodian or who knowingly permits an animal to remain on or about any premises occupied by them unless possession is prohibited by Federal or State laws. Native wildlife remaining on or about any premises shall not be included in this definition.
Pound means any facility licensed by the Illinois Department of Agriculture and approved by the Administration for the purpose of enforcing this chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.
Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
Stray animal means any owned animal that is not controlled.
Tethering means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, shed, [or] clothes line by any means, including without limitation a chain, rope, cord, leash or running line.
Tow chain or *log chain* means any chain that is more than one-quarter of an inch in width.
(Code 1980, § 20-2; Res. of 1-3-1977; Ord. No. 99-O-25, § 20-2, 10-5-1999; Ord. No. 04-O-44, § 1, 11-3-2004; Ord. No. 10-O-09, 1-26-2010.)

Sec. 10-3. Violations.
(a) Any person violating any provision of this chapter or counterfeiting or forging any certificate, permit or tag, or resisting, obstructing or impeding any authorized officer in enforcing this chapter is guilty of a misdemeanor punishable by a fine not exceeding $500.00 or by imprisonment for a period not exceeding six months or both such fine and imprisonment. Each person shall be guilty of a separate offense for every day in which any violation of any of the provisions of this chapter is committed or permitted to continue and shall be punished as provided in this chapter.
(b) The Administrator or State's Attorney or any citizen of the County may maintain a complaint in the Circuit Court of Cook County to enjoin all persons in the control of a dangerous animal from allowing or permitting such animal to leave their premises when not under the control of a leash and muzzle or other recognized methods of physical restraint.
(c) If any owned animal injures another animal which is under control, the owner of the attacking animal is liable for the full amount of the injuries sustained.
(d) If any owned animal, without provocation, attacks or injures any person who is peacefully conducting himself in any place where he may lawfully be, the owner of such animal is liable for damages to such person for the amount of the injury sustained.
(Code 1980, § 20-11; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-11, 10-5-1999.)

Sec. 10-4. Administrator authority, dog parks or areas.
No person including a municipal corporation, forest preserve district or park district or park district shall designate within the County any outdoor area, even if fenced, as an area where dogs

may run off leash unless such person, municipal corporation, forest preserve district or park district complies with such regulations as may be issued by the Administrator for the operation of outdoor off leash areas.
(Ord. No. 04-O-44, § 6, 11-3-2004.)

Sec. 10-5. Supervision by Department; rules and regulations.
The Administrator may issue regulations, consistent with the provisions of this chapter, for their administration and enforcement, and may prescribe forms which shall be used in connection therewith.
(Code 1980, § 20-15; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-15, 10-5-1999.)

Sec. 10-6. Duties of Administrator; police power; cooperation of Sheriff and police.
(a) It shall be the duty of the Administrator, through public education, rabies inoculation, stray control, impoundment, quarantine and other means deemed necessary to control and prevent the spread of rabies in the County.
(b) The Administrator and Animal Control Wardens are for the purpose of enforcing this chapter and the Animal Control Act (510 ILCS 5/1 et seq.), clothed with full police power.
(c) The Sheriff and Sheriff's Deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of the Animal Control Act (510 ILCS 5/1 et seq.).
(d) The Administrator shall be authorized to develop new programs to implement the animal control goals of this chapter and the Animal Control Act (510 ILCS 5/1 et seq.). Such programs may include but are not limited to; programs to aide in the elimination of uncontrolled and/or stray animals in the community, programs to educate the public on issues pertaining to animal control and rabies, programs to impound stray animals, and programs to fund surgical treatment to render animals unable to reproduce. The Administrator is further authorized, subject to annual budget approval by the Board of Commissioners to use Animal Control Funds collected from the issuance of annual animal tags as authorized in Section 10-41(b) of this chapter, to fund such programs.
(Code 1980, § 20-12; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-12, 10-5-1999.)

Sec. 10-7. Powers of municipalities and other political subdivisions to regulate animals.
Nothing in this chapter shall be held to limit, the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this chapter be construed to limit the power of any municipality or other political subdivision to further control and regulate animals in such municipality or other political subdivision by enacting stricter requirements, including a requirement of inoculation with rabies vaccine.
(Code 1980, § 20-13; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-13, 10-5-1999.)

Sec. 10-8. Animal care.
(a) No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
(b) No person shall beat, torment, overload, overwork or otherwise abuse an animal.
(c) No person shall own, keep, harbor, or otherwise maintain within the County, any breeds of fowl that are or will be used in the pursuit of and staging of cockfighting on any premises.
(d) No person shall use a tow or log chain as a collar, leash or tether.

(e) Restrictions on a dog that is tethered:
(1) A tethered dog must have access at all times to water, adequate shelter, and dry ground.
(2) If there are multiple dogs, each dog must be tethered separately and each dog must have separate food, water, and shelter.
(3) A dog must be tethered in such a manner as to prevent injury or strangulation and the tether must be at least ten feet long.
(4) The tether must be attached to the dog by a properly fitting collar or harness with a rotating toggle attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck.
(5) No dog may be tethered in the case of extreme weather conditions, including when a heat advisory, a wind chill warning or tornado warning has been issued by local, state, or national authority.
(6) No dog shall be tethered within 200 yards of a school.
(7) No person shall permit at any time a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance.
(f) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
(g) No person shall hold a greased pig contest.
(h) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act (510 ILCS 70/1 et seq.) or the Animal Welfare Act (225 ILCS 605/1 et seq.).
(i) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.
(j) No person shall keep any animal within a building or upon any premises without food, water, or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstances, it shall be the duty of the Administrator or a Humane Investigator to act upon the complaint as directed by the Humane Care for Animals Act (510 ILCS 70/1 et seq.).
(k) No person shall give away or use any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such animal as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
(l) No person shall bring or cause to have brought into the County, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl or rabbits which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or give away as pets or sell, offer for sale, barter or give away at no cost or as novelties or prizes. Nothing in this section shall be construed to prohibit legitimate commerce in poultry for agricultural or food purposes.
(m) No person may knowingly poison or cause to be poisoned any domesticated animal. The only exception will be written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for euthanasia shall be by or under the direction of a licensed veterinarian.

(n) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by Federal or State law. Birds that are regulated by the Illinois Department of Conservation are excluded from this restriction during the period of regulation.
(o) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.
(p) No person shall permit at any time their animal to:
(1) Run uncontrolled;
(2) Molest persons or vehicles by chasing, barking or biting;
(3) Attack other animals;
(4) Damage property other than the owner's.
(q) No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing animal.
(r) No person shall fail to remove feces deposited by the person's cat or dog, except service animals, upon the public ways or within the public places of the County or upon the premises of any person other than the owner without that person's consent.
(s) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 30 degrees Celsius (86 degrees Fahrenheit) or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.
(t) No person shall own any animal which is known to be infected with any disease transmissible to other animals or man, including severe parasitism, unless such animal shall be confined in such a manner as not to expose other animals or man.
(u) Any animal which is on any public way or public place and which appears to be injured or severely diseased and for which care is not being provided on the scene by the owner or any injured or severely diseased animal that has strayed onto private premises shall be removed, if possible, to the care of the Cook County Department of Animal and Rabies Control, to the nearest humane society, to the nearest municipal pound, or to the nearest veterinarian or veterinary hospital willing to accept same without guarantee of payment. If immediate removal shall not appear practical or possible or if the removed animal is in critical condition such animal may be deprived of life by the most humane method available on the scene unless the owner shall come forward beforehand and assume responsibility for immediate removal and care.
(v) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.
(w) Any person having a dead animal within their possession or control or upon any premises owned or occupied by such person without the proper permit shall dispose of the dead animal in compliance with the Illinois Dead Animal Disposal Act (225 ILCS 610/1 et seq.).
(x) Every person in possession or control of any stable or place open for public use where any animals are kept, shall maintain the stable or place at all times in a clean, sanitary condition and conform to State fire prevention regulations.
(Code 1980, § 20-3; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-3, 10-5-1999; Ord. No. 04-O-44, § 2, 11-3-2004; Ord. No. 10-O-09, 1-26-2010.)

Sec. 10-9. Stray animals.

(a) Whenever an Animal Control Warden observes or is informed that an animal is a stray or is running-at-large and not under the control of the owner, the animal shall be immediately apprehended and impounded. Any person may apprehend a stray animal and inform the local police or the Administrator so that the stray animal can be impounded. Stray animals impounded by the Department of Animal and Rabies Control shall be kept at a location closest to the point at which the stray animal is apprehended. A minimum of two impoundment locations shall be used by the Department, one optimally convenient to that portion of the County outside the City of Chicago lying north of the Eisenhower Expressway and one optimally convenient to that portion of the County outside the City of Chicago lying south of the Eisenhower Expressway.

(b) All stray animals impounded shall have a record. The record shall include the owner's name, address and telephone number, if known; species or breed, color, sex, and physical condition of the animal; license or tag number, if known; and the time and date impounded.

(c) When owners of stray animals impounded are known, notice shall be given by mail to the last known address. Stray animals shall not be held less than seven days, if the owner is known. All unclaimed apprehended animals shall be placed for adoption, humanely euthanized or otherwise disposed of in accordance with the Illinois State Law.

(d) The stray animal owner is responsible for all costs relating to the apprehension and impoundment of the animal found not under control.

(Code 1980, § 20-7; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-7, 10-5-1999; Ord. No. 04-O-44, § 4, 11-3-2004.)

Sec. 10-10. Restrictions on controlled animals.

(a) Animals shall not be permitted to enter any place where food is processed for human consumption. Service animals and guard dogs used in food establishments are exempt from this restriction.

(b) Animals, except service animals, shall not be present at or upon any school premises, public playground or public swimming pool unless official written permission has been granted by the public agency or its agent owning the property. At no time shall animals be permitted in any sand box or sand piles in which children play.

(Code 1980, § 20-8; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-8, 10-5-1999; Ord. No. 04-O-44, § 5, 11-3-2004.)

Sec. 10-11. Female animals in heat.

The owner of any female animal in heat (estrus) shall confine such animal in a building or secure enclosure and shall attend the animal in such a manner that such female animal cannot come into contact with a male of the same species except for planned breeding.

(Code 1980, § 20-9; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-9, 10-5-1999.)

Sec. 10-12. Dangerous or vicious animals.

Dangerous or vicious animals shall be confined by the owner within a building or secure enclosure and shall be muzzled or caged whenever off the premises of its owner.

(Code 1980, § 20-10; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-10, 10-5-1999.)

Secs. 10-13--10-40. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 10-41. Rabies vaccination.

(a) Every owner, except animal shelters, animal impounding facilities, and laboratory animal facilities, of a dog, cat or ferret four months or more of age shall cause such animal to be inoculated with a rabies vaccine by a licensed veterinarian at such intervals as approved by the State Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the State Department of Agriculture.

(b) Evidence of such rabies inoculation shall be entered on a certificate approved by the County Board of Commissioners. Veterinarians who inoculate an animal shall procure from the County Department of Animal and Rabies Control serially numbered tags, one to be issued with each inoculation certificate. Only one animal shall be included on each certificate. Upon change of ownership application shall be made for a new inoculation certificate. Such tags shall be attached to the collar or harness worn by the animal for which the tag was issued when the animal is off the property of the owner. The cost of the tags shall be as set out in Section 32-1 for a one-year tag and for a three-year tag. The tag fees shall be paid to the Department and transferred to the County Treasurer on the last day of each month.

(Code 1980, § 20-4; Ord. of 1-3-1977; Ord. No. 83-O-09, 2-28-1983; Ord. No. 99-O-25, § 20-4, 10-5-1999; Ord. No. 02-O-31, § 20-4, 9-19-2002; Ord. No. 04-O-44, § 3, 11-3-2004; Ord. No. 08-O-55, 11-19-2008.)

Sec. 10-42. Biting animal capable of transmitting rabies.

(a) It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within 24 hours, the police or other officer with the delegated authority who are responsible for the area in which the bite occurred.

(b) Except as otherwise provided by State law with respect to police dogs, when the Administrator receives information that any person has been bitten by an animal the Administrator shall have the owner confine the biting animal under observation of a licensed veterinarian for a period of ten days beginning within 24 hours of the biting incident. The biting animal may be confined in the house of its owner in a manner which will prohibit it from biting any person or animal if the animal is currently vaccinated with an approved rabies vaccine. Caged animals such as rats, guinea pigs, rabbits, etc., can be placed under home confinement.

(1) When the biting animal is currently inoculated with rabies vaccine the animal's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period for rabies.

(2) When the biting animal is not currently inoculated with rabies vaccine the animal shall be confined for ten days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.

(c) Confirmation of the health of the biting animal shall be sent by the veterinarian to the Cook County Department of Animal and Rabies Control within 24 hours of the first and final examinations. Official forms shall be provided by the Department.

(d) When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that an animal may have rabies, the owner or veterinarian shall notify the Administrator immediately by telephone or in person of these signs. The Administrator shall immediately notify the physician attending the bitten person or responsible health agency as soon as the Administrator receives notice of such signs and shall securely confine the animal.

(e) If the animal confined is determined not to be infected with rabies at the end of the period of confinement, it shall be released from quarantine. The animal owner shall show proof of rabies inoculation for the animal and shall pay any fee, charge or penalty including any fee for

veterinary services attributed to the bite. A confined animal, when not redeemed by the owner may be disposed of in accordance with State law.
(f) It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the animal known to have bitten a person until it has been released from confinement for observation for rabies by the Administrator. It shall be unlawful for the owner of such animal to refuse or fail to comply with the written or printed instructions made by the Administrator. If such instructions cannot be delivered in person they shall be mailed to the owner of such animal by regular mail, postage prepaid, return receipt requested. The affidavit of testimony of the Administrator delivering or mailing such instructions is prima facie evidence that the owner of such animal was notified of their responsibilities.
(Code 1980, § 20-5; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-5, 10-5-1999.)

Sec. 10-43. Rabies case procedure.

(a) It shall be unlawful for the owner of an animal which shows signs of rabies or which acts in a manner which would lead a person to believe that such animal may have rabies to fail to notify the local police or the Administrator immediately by telephone or in person.
(b) The Administrator shall investigate each report of an animal which shows signs of rabies or acts in a manner which would lead a person to believe that the animal may have rabies. Upon determination by the Administrator or a licensed veterinarian that an animal may be infected with rabies, the owner of such animal shall be required by the Administrator to surrender the animal to the Administrator or a licensed veterinarian for confinement for a period of time as determined by the State Department of Agriculture.
(c) When the animal confined is determined to be infected with rabies by the examining veterinarian the Administrator shall order the animal humanely destroyed. A copy of this order shall be given to the owner of the animal or mailed to the last known address of the owner. Any animal capable of transmitting rabies in direct contact with the rabid animal whether or not the exposed animal has been inoculated with rabies shall be confined as recommended by the Administrator. The Administrator may order the exposed animal euthanized.
(d) If the animal confined is determined not to be infected with rabies at the end of the period of confinement it shall be released to the owner of such animal upon presenting proof of a current rabies inoculation certificate for the animal and payment of any fee, charge or penalty including any fee for veterinary services. If the animal is not redeemed by the owner, the animal may be disposed of in accordance with State law.
(e) Whenever a case of rabies has occurred in a locality, or whenever the proper officials of a government unit are apprehensive of the spread of rabies, the Administrator shall act as directed by the rules and regulations of the State Department of Agriculture.
(Code 1980, § 20-6; Ord. of 1-3-1977; Ord. No. 99-O-25, § 20-6, 10-5-1999.)
Secs. 10-44--10-75. Reserved.

ARTICLE III. VICIOUS AND DANGEROUS DOGS

Sec. 10-76. Confinement.

Dangerous or vicious animals shall be confined by the owner within a building or secure enclosure and shall be muzzled or caged whenever off the premises of its owner.
(Ord. No. 04-O-09, § 20-10, 1-22-2004.)

Sec. 10-77. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bodily organ includes but is not limited to skin, which is considered the largest of the human organs.

Cat means all members of the family *Felidae* .

Dangerous dog means any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

Dog means all members of the classification, *Canis Familiaris* .

Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog, within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

Ferret means all members of the classification, *Mustela putorius furo* .

Impounded means taken into the custody of the public animal control facility in the city, town, or county where animal is found.

Muzzle means a fastening or covering for the mouth of an animal used to prevent biting and eating.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or acts as its custodian, or who has it in his care.

Physical injury means the impairment of physical condition.

Police animal means an animal owned or used by a law enforcement department or agency in the course of the department's or agency's work.

Serious physical injury means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, serious impairment of health, impairment of the function of any bodily organ, or injury requiring plastic surgery, or injury or injuries that when viewed by a reasonable person are considered significant and substantial.

Vicious dog means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

(Ord. No. 04-O-09, § 20-10(A), 1-22-2004.)

Sec. 10-78. Declaration of a "vicious" dog.

(a) A dog may be declared vicious if the Court determines that without justification, the dog attacks a person causing serious physical injury or death, or any individual dog that has been found to be a "dangerous dog" upon three separate occasions.

(b) In order to have a dog deemed "vicious," the County Animal Control Administrator must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the State's Attorney's office and the owner.

(c) A complaint may be filed in the Circuit Court of the County after a complete investigation by the County Animal Control Administrator, or designee. The County Department of Animal Control shall accept requests for investigation by any party. Such investigation shall follow these requirements:

(1) The investigation must be thorough and include interviews with witnesses to the conduct in question;

(2) Medical records concerning the injuries inflicted on the person of the alleged vicious conduct and veterinary records of the dog regarding behavioral evidence must be gathered and reviewed;
(3) A detailed report must be provided to the Office of the State's Attorney and the owner of the dog recommending a finding that the dog is or is not vicious;
(4) The Animal Control Administrator shall determine whether the dog shall be confined, and if so where, during the pendency of the case.
(d) In order to have a dog deemed "vicious" a complaint must be filed by the County Department of Animal Control, the Office of the State's Attorney, any citizen of the County, or any victim of a dog attack if such attack occurred within the County, in the Circuit Court of the County to deem a dog a "vicious" dog.
(e) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert, may be relevant to the court's determination as to whether the dog's behavior was vicious or justified.
(f) The petitioner must establish by clear and convincing evidence that the dog is vicious. If the burden of proof is met, the court shall deem the dog to be a vicious dog.
(g) A dog shall not be declared vicious if the court determines the conduct of the dog was justified because:
(1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of the owner or custodian of the dog;
(2) The injured, threatened, or killed person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted, or physically threatened the dog or its offspring; or
(3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian or member of its household, kennel, or offspring;
(4) No dog shall be deemed vicious if it is a professionally trained dog for law enforcement or guard duties;
(5) Vicious dogs shall not be classified in a manner that is specific as to breed.
(h) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with this article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, the owner shall register the animal with the Administrator and keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
(Ord. No. 04-O-09, § 20-10(B), 1-22-2004.)

Sec. 10-79. Finding of a vicious dog.

If a dog is found to be a vicious dog, the dog shall be spayed or neutered and microchipped within days of the finding at the expense of its owner. The dog shall be subject to enclosure. A dog found to be a vicious dog shall not be released to the owner until the Administrator approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without court approval. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of the County Animal Control where he or she has relocated and the Administrator of the County Department of Animal Control.
(Ord. No. 04-O-09, § 20-10(C), 1-22-2004.)

Sec. 10-80. Confinement of a vicious dog.

(a) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(1) If it is necessary for the dog owner or keeper of the dog to obtain veterinary care for the dog;

(2) In the case of an emergency or natural disaster where the dog's life is threatened; or

(3) To comply with the order of a court of competent jurisdiction;

provided that the dog is securely muzzled and restrained with a leash not exceeding six feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

(b) Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator or the law enforcement authority having jurisdiction in such area.

(c) If the owner of the dog has not appealed the impoundment order to the Circuit Court of the County within 15 working days, the dog may be euthanized.

(d) Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to the County Department of Animal Control, in writing.

(Ord. No. 04-O-09, § 20-10(D), 1-22-2004.)

Sec. 10-81. Dangerous dog determination.

(a) After a thorough investigation including: sending within three days of the Administrator becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or designee, to deem a dog to be "dangerous." No dog shall be deemed a "dangerous dog" without clear and convincing evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

(b) A dog shall not be declared dangerous if the Administrator, or designee determines the conduct of the dog was justified because:

(1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or upon the property of the owner or custodian of the dog;

(2) The threatened person was tormenting, abusing, assaulting, or physically threatening the dog or its offspring;

(3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.

(c) Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this section.

(d) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for

exemption under this section, each such dog shall be currently inoculated against rabies in accordance with this article. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of such exempted dogs, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
(Ord. No. 04-O-09, § 20-10(E), 1-22-2004.)

Sec. 10-82. Finding of a dangerous dog.

(a) If deemed dangerous, the Administrator, or designee, shall order the dog be spayed or neutered within ten days at the owner's expense and microchipped, if not already, and one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
(1) Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
(2) Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.
(b) The Administrator may order a dangerous dog to be muzzled whenever the animal is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
(Ord. No. 04-O-09, § 20-10(F), 1-22-2004.)

Sec. 10-83. Control of a dangerous dog; leash.

It is unlawful for any person to knowingly or recklessly permit any dangerous dog to leave the premises of its owner when not under control by leash or other recognized control methods.
(Ord. No. 04-O-09, § 20-10(G), 1-22-2004.)

Sec. 10-84. Appeal of dangerous dog determination.

(a) The owner of a dog found to be a dangerous dog pursuant to this ordinance by Administrator may file a complaint against the Administrator in the County Circuit Court within 35 days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedure, including the discovery provisions. After hearing both parties' evidence, the court may make a determination of dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the Circuit Court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.
(b) The owner of a dog found to be a dangerous dog pursuant to this ordinance by the Director, may, within 14 days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture's rules of application to formal administrative proceedings, 8 Ill. Admin. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the Department may be reviewed judicially by the Circuit Court of the County. If the plaintiff in a review proceeding is not a resident of Illinois, the venue shall be in Sangamon County. The Administrative Review Law and all amendments and modifications

thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.
(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director.
(d) At any time after the final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.
(Ord. No. 04-O-09, § 20-10(H), 1-22-2004.)

Sec. 10-85. Expenses of microchipping.

A clinic for microchipping companion animals of County residents should be conducted at least once a year under the direction of the Administrator at the animal control facility, animal shelter, or other central location within the County. The maximum amount that can be charged for microchipping an animal at this clinic shall be as set out in Section 32-1. Funds generated from this clinic shall be deposited in the County Animal Control Fund.
(Ord. No. 04-O-09, § 20-10(I), 1-22-2004.)

Sec. 10-86. Violations.

(a) Any person violating or aiding in or abetting the violation of any provision of this ordinance, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this ordinance, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this ordinance, or refusing to produce for inoculation any dog in his possession or who removes a tag from a dog for purposes of destroying or concealing its identity, or who removes a tag, microchip, or tattoo, is guilty of a Class B misdemeanor. A second offense will constitute a Class A misdemeanor.
(b) Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this article shall cause appropriate proceedings to be instituted in the proper manner provided by law.
(Ord. No. 04-O-09, § 20-10(J), 1-22-2004.)

Sec. 10-87. Penalties; vicious dog.

If the owner of a vicious dog subject to enclosure:
(1) Fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog;
(2) The dog inflicts serious physical injury upon any other person or causes the death of another person; and
(3) The attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;
the owner shall be guilty of a Class 4 felony unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 3 felony. The penalty provided in this section shall be in addition to any other criminal or civil sanction provided by law.
(Ord. No. 04-O-09, § 20-10(K), 1-22-2004.)

Sec. 10-88. Penalties; dangerous dog.

If the owner of a dangerous dog knowingly fails to comply with any order of the court or the Administrator regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class A misdemeanor. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 4 felony.
(Ord. No. 04-O-09, § 20-10(L), 1-22-2004.)
Secs. 10-89--10-94. Reserved.

ARTICLE IV. MANAGED CARE OF FERAL CATS

Sec. 10-95. Definitions.

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned Cat means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

Animal Control Officer or *ACO* means any person employed or appointed by the County or a municipality who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with Illinois law and this Code.

Department means the Cook County Department of Animal and Rabies Control.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

EAID means an electronic animal identification device.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral Cat means a cat that:

(1) Is born in the wild or is the offspring of an owned or feral cat and is not socialized;
(2) Is a formerly owned cat that has been abandoned and is no longer socialized; or
(3) Lives on a farm.

Feral Cat Caretaker means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

Feral Cat Colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a Colony may be feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

Feral Cat Colony Caretaker means any Feral Cat Caretaker who is approved by a Sponsor to care for a Feral Cat Colony.

Microchip means, for the purpose of this Ordinance, to implant an EAID (electronic animal identification device) in an animal.

Nuisance means, for purposes of this Ordinance, conduct by stray or feral cats that disturb the peace. Stray or feral cats may create a nuisance by:

(1) Habitually or continually howling, crying or screaming; or
(2) Habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a Feral Cat Colony Caretaker.

Sponsor is any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors and provides written notice to the Department that it will serve as a Sponsor.

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, microchipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this ordinance.

(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-96. Responsibilities of owners of domesticated cats.

(a) Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
(b) The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a Nuisance.
(c) Owners of domesticated cats shall not permit their cats to roam unsupervised off their property.
(d) An owner shall not abandon a domesticated cat.
(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-97. Feral cat colonies.

(a) *[Permitted.]* Feral Cat Colonies shall be permitted and Feral Cat Colony Caretakers shall be entitled to maintain and care for Feral Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral Cat Colonies are registered with a Department-approved Sponsor, as defined in Subsection 10-97(b), and that the Feral Cat Colony Caretaker takes all appropriate and available steps to meet the terms and conditions of this Ordinance.
(b) *Sponsorship of Colony TNR Programs.* Any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors shall be eligible to act as a Sponsor. Any Humane Society intending to undertake the responsibilities of Sponsor shall so advise the Department in writing and provide its address and telephone number, and electronic mail address if applicable.
(c) *Sponsor Requirements.* It shall be the duty of the Sponsor to:
(1) Review, and in its discretion, approve of Feral Cat Colony Caretakers.
(2) Help to resolve any complaints over the conduct of a Feral Cat Colony Caretaker or of cats within a colony.
(3) Maintain records provided by Feral Cat Colony Caretakers on the size and location of the colonies as well as the vaccination, microchipping, and spay and neuter records of cats in the Sponsor's colonies.
(4) Provide, at a minimum, written educational training for all Caretakers addressing uniform standards and procedures for colony maintenance.
(5) Report annually to the Department on the following:
a. Number and location by zip code of colonies for which it acts as a Sponsor in the County;
b. Total number of cats in each of its colonies;
c. Number of cats from its colonies microchipped, vaccinated, spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
(6) Use due consideration to prevent Feral Cat Colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under the Illinois Endangered Species Protection Act;
(7) Provide any forms or other documentation necessary to allow Feral Cat Colony Caretakers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them;
(8) Provide to the Department the location, by address, of Feral Cat Colonies where Feral Cat Colony Caretakers have regularly failed to comply with this Ordinance or where the Sponsor has been unable to resolve a nuisance behavior situation.
(d) *Feral Cat Colony Caretaker Responsibilities.* In order to be an approved managed Feral Cat Colony Caretaker, said Caretakers shall be responsible for the following:
(1) Registering the colony with the Sponsor;

(2) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to update the vaccinations as warranted and mandated by law;
(3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian;
(4) Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered, so that colony cats can be readily identified;
(5) Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Sponsor and the Feral Cat Colony Caretaker shall be the named contacts for purposes of the EAID;
(6) Providing the Sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered;
(7) Providing food, water, and if feasible, shelter for colony cats;
(8) Obtaining proper medical attention for any colony cat that appears to require it;
(9) Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cat;
(10) Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Caretaker requires access to provide colony care;
(11) Taking all reasonable steps to:
a. Remove kittens from the colony after they have been weaned;
b. Place the kittens in homes or foster homes for the purpose of subsequent permanent placement; and
c. Capture and spay the mother cat.
(12) Reporting semiannually in writing to the Sponsor on:
a. The location of the colony;
b. The number and gender of all cats in the colony;
c. The number of cats that died or otherwise ceased being a part of the colony;
d. The number of kittens born to colony cats and their disposition;
e. The number of cats placed in animal shelters or in permanent homes as companion cats;
f. The number of cats vaccinated;
g. The number of cats microchipped; and
h. The number of cats spayed or neutered.
(e) *Withdrawal of Feral Cat Colony Caretaker or Sponsor.* In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor. In the event a Sponsor is unable or unwilling to continue to perform its role, it shall so advise the Department. The Sponsor shall work with the Department to obtain a replacement Sponsor. If no new Sponsor is found within 30 days, the Sponsor shall notify the Department.
(f) *Disposition of Feral Cat Colony cats.*
(1) An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a Feral Cat Colony, shall scan the cat for an EAID. If an EAID is found, the Officer shall attempt to contact the Sponsor or Feral Cat Colony Caretaker. If an EAID is not found, the Officer shall take reasonable steps to notify a Sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The Sponsor shall then take all appropriate and available steps to identify the Feral Cat Colony Caretaker of this cat or a Feral Cat Colony Caretaker who will take responsibility for managing this cat.
(2) If the Feral Cat Colony Caretaker is not able to immediately take custody of the cat, the Officer shall transport the cat to the Sponsoring Humane Society's Animal Shelter or nearest Animal Shelter. The Feral Cat Colony Caretaker shall be responsible for retrieving the cat from the Shelter within three business days or advising the Shelter if he or she does not intend to retrieve the cat.

(3) The Department, its designee, or a licensed veterinarian, in accordance with Section 10-98, Ordinance Enforcement, shall be the only persons permitted to destroy a Feral Cat. No person may knowingly poison or cause to be poisoned, or cause the destruction by any other means, of a Feral Cat. In accordance with Subsection 10-8(k), Animal Care, the only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.
(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-98. Ordinance enforcement.

(a) The Department or its designee, in order to encourage the stabilization of the Feral Cat population in Cook County, shall have the following rights:
(1) The right to trap in a humane manner and remove any cats that:
a. Have not been vaccinated against rabies or which are demonstrating signs of the disease;
b. Are not spayed or neutered;
c. Are not identifiable through an EAID as belonging to a Feral Cat Colony that has a Sponsor and a Feral Cat Colony Caretaker; or
d. For public health or public safety concerns.
1. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a Sponsor can arrange to have the cat spayed or neutered, eartipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The Sponsor may then arrange for the cat to be adopted or placed in a Feral Cat Colony.
2. If a Feral Cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, that cat shall be humanely destroyed.
(2) The right to direct that a Sponsor remove a Feral Cat that is creating a nuisance if the Sponsor has failed to adequately resolve the nuisance within 30 days after being given written notice thereof. In the event that the Department directs the Sponsor to remove the cat, the Sponsor shall have 30 days to do so. Failure of the Sponsor to remove the cat within said time period (or such longer time as the Department may specify) shall constitute grounds for the Department to remove the cat.
(b) Animal Control Officers ("ACO") or police officers shall investigate any nuisance complaint allegedly caused by a Feral Cat.
(1) In the event that an ACO or police officer finds that a Feral Cat or Feral Cat Colony has created a nuisance, the ACO or police officer shall advise the Department and Sponsor in writing of the nuisance.
(2) The Sponsor shall have the right to review the matter with the Administrator of the Department. If the Sponsor is not able to satisfy the Administrator that a nuisance is not occurring, the Sponsor shall have 30 days to comply with the Administrator's direction with respect to correcting the nuisance. If the Sponsor fails to correct the nuisance, the Department shall have the right to remove the cat.
(c) If a Sponsor fails to perform its responsibilities as defined in Subsection 10-97(c) of this article, the Department may notify the Sponsor that it must comply with the requirements of this article within 30 days. If the Sponsor fails to do so, the Department may remove this Sponsor from the list of Department-approved Sponsors, and may reassign the Feral Cat Colonies from this Sponsor to another Sponsor.

(d) If a Feral Cat Colony Caretaker regularly fails to comply with this article, the Sponsor may notify the Feral Cat Colony Caretaker that he or she has 30 days to make all reasonable efforts to fulfill the responsibilities defined in Subsection 10-97(d) of this article. If the Feral Cat Colony Caretaker fails to comply within that time period, the Sponsor may identify and obtain replacement Feral Cat Colony Caretakers for the Feral Cat Colonies of the non-compliant Feral Cat Colony Caretaker. If no other Feral Cat Colony Caretaker can be found within 30 days, the Sponsor shall notify the Department, and the Department may humanely remove all, or parts of, the Feral Cat Colonies and dispose of them in accordance with Section 10-98 of this article.
(e) Feral Cats who were spayed or neutered and vaccinated for rabies prior to the date on which this article became effective, but did not have an EAID inserted or were marked as Feral by some indication other than a left eartip, such as but not limited to a tattoo, shall be deemed to be in compliance with this article, if all other requirements in Subsection 10-97(d) are being met by their Feral Cat Colony Caretaker. Feral Cat Colony Caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this article within three years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.
(Ord. No. 07-O-72, 10-16-2007.)

Sec. 10-99. Effective date.

This Ordinance shall become effective 30 days after adoption.
(Ord. No. 07-O-72, 10-16-2007.)

Part II.

ADMINISTRATIVE REGULATIONS TO THE COOK COUNTY ANIMAL AND RABIES CONTROL ORDINANCE

Regulation I-Animal Bite Report Procedures

A. Animal Bite Report Form – The Cook County Department of Animal and Rabies Control shall be the official form used within the county for the recording of information when an animal capable of transmitting rabies bites a person.

B. Animal Bite Investigation Responsibilities – Municipal police or other municipal officers with the delegated authority or the Sheriff's Police in unincorporated Cook County shall investigate and complete each animal bite report. They shall notify the owner of the biting animal that the animal must be taken to a Veterinarian within twenty-four hours after the bite. All police departments and the Sheriff's Police shall accept bite reports from medical authorities, bite victims and their families, animal owners and any other person having knowledge of a bite.

C. Department Notification of Animal Bite – Time Limit – The animal bite report form shall be mailed and transmitted via facsimile to the Cook County Department of Animal and Rabies Control within 24 hours after the receipt of a report. The animal bite report shall be mailed to health departments recognized by the State of Illinois within Cook County also within 24 hours of the examination, when directed by the Administrator.

Regulation II – Biting Animal Examination Form – Procedures for Veterinarians

A. First Veterinary Examination – Exam Ten or More Days After Bite. Veterinarians performing the first examination of an animal that has bitten a person shall complete the county rabies observation confinement notice form. However, if the veterinarian has proof (police animal bite report) that the first examination is taking place ten or more days after the bite, and the animal is currently vaccinated against rabies, the veterinarian shall at that time also complete the county rabies observation confinement release form. All forms shall be mailed, preferably faxed to the Cook County Department of Animal and Rabies Control within 24 hours of the examination. If not currently vaccinated the animal must be confined for 10 days regardless of the date of the first examination.

B. Final Veterinary Examination – Failure to Return. Ten days after the bite, if known, or ten days after the first examination the veterinarian shall complete the county rabies observation confinement release form. If an owner of a biting animal fails to return on the final day of the rabies observation period the veterinarian shall return the signed form with the notation "Failure to Return" placed thereon. This form shall be mailed, but facsimile preferred to the County Department of Animal and Rabies Control within 24 hours of the release date.

All animals not currently vaccinated must be vaccinated prior to release from confinement.

Regulation III – Special Procedures for Groups of Unusual Biting Animals

A. Owned Animal to Owned Animal Bite. Any owned animal that bites a person or other owned animal which may contract rabies must be presented to a licensed veterinarian within 24 hours of the bite and if not currently vaccinated for rabies impounded for 10 days.

B. Caged Animals. Owners of caged rabbits, guinea pigs, gerbils, rats and mice that have been owned over thirty days shall not be required to obtain a veterinary examination when their caged animal has bitten a person, but shall report the health of the biting animal by telephone or in person to the County Department of Animal and Rabies Control on the first and tenth day following the bite.

C. Guard Dogs. Owners of guard dogs that have bitten a person in performance of guard duty and have been officially registered shall not be required to obtain a veterinary examination of the dog but shall report the health of the biting animal by telephone or in person to the County Department of Animal and Rabies Control on the first and tenth days following the bite. Guard dogs that are not officially registered shall be confined under observation of a licensed veterinarian for a period of 10 days within 24 hours of the biting incident. If the guard dog is currently vaccinated it may be confined on the premises of the owner in a manner which will prohibit it from biting any person or animal and the guard dog's health shall be reported by the veterinarian to the Cook County Department of Animal and Rabies Control on the first and tenth days of the observation period. When the guard dog is not registered and not currently inoculated with rabies vaccine, the guard dog shall be confined for 10 days in a veterinary hospital or animal control or humane shelter provided there is a veterinarian daily on the premises.

D. Large Animals. Cattle, sheep swine and horses that have bitten a person shall be confined to the owner's property and examined by a veterinarian on the first and tenth days after a bite.

E. Stray Animals. Stray animals that have bitten a person shall be apprehended and held for ten days or less. When the biting stray animal is not held for ten days, it shall be humanely euthanized, unless otherwise directed by the Administrator and the head submitted for rabies examination.

F. Death Before Confinement Period Expires. Any animal, including caged animals, that has bitten a person and dies, is accidentally killed or is humanely euthanized, before the tenth day following the bite shall have the head removed and sent to the local public health laboratory for rabies virus analysis. (FRA Test).

Regulation IV – Guard Dog Registration Certificates

A. Eligibility – Application Form. Owners of dogs used in commercial business for the purpose of patrol and protection shall send a request to the County Department of Animal and Rabies Control for an application form for a Guard Dog Registration Certificate. To be eligible, guard dogs must be inoculated with rabies vaccine that is effective through 1 December of the year which the application is made, and must be subcutaneously injected with a microchip for identification purposes. All guard dogs shall be registered with the County Department of Animal Rabies and Control each and every year.

B. Registration Fee-Exceptions. Guard Dog Registration Certificates will be mailed upon the receipt of a properly completed form and a $10 registration fee. The fee will be waived for police and municipal departments.

C. Expiration Date. Registration certificates shall expire on 31 December of each year.

Regulation V. Rabies Vaccination Certificates

A. Filing of Certificates-Date Due. Veterinarians shall send to the County Department of Animal and Rabies Control Certificates of animals inoculated with rabies vaccine by the 15th and 30th of each month following information. Hospitals using the ACE program must back up certificate information daily.

B. Vaccination Certificate File in the Animal Hospital. Veterinarians shall maintain their own rabies vaccination file for three years past the date of inoculation.

Regulation VI. Submission of Specimens for Rabies Virus Analysis

A. Specimen to be Submitted. Only the head of animals that are capable of transmitting rabies and that have bitten a person, shall be submitted for rabies virus analysis except those in which the suspect animal weighs approximately five hundred grams or one pound (bats, mice, gerbils, hamsters, etc.) In the latter case the entire animal shall be submitted.

B. Time Limit for Submission: Specimens shall be submitted with 24 hours of the bite whenever possible or within 24 hours of the receipt of the specimen.

C. Refrigeration. All specimens shall be refrigerated (not frozen) until received by the public health laboratory.

D. Packaging. Specimens shall be shipped or sent by messenger only in leak proof (double wrapped in plastic) containers accompanied by an information card indicating the species and number of specimens submitted, name, address and telephone number of the bite

victim and the name, address and telephone number of the person submitting the specimen.

E. Location for Submission. Residents of the county shall submit specimens to the Illinois Public Health Laboratory at 2121 West Taylor in Chicago, during the hours of 8:30 a.m. and 4:40 p.m. on Monday through Friday. On weekends and holidays the specimens should be refrigerated and submitted to the Illinois Public Health Laboratory on the next working day. Emergency service on weekends and holidays is provided by calling the County Department of Animal and Rabies Control. A fee of $30 will be charged for this service, as set forth in subsection F.

F. Fee for Transporting Specimens. The County Department of Animal and Rabies Control will transport specimens to the Public Health Laboratory from facilities such as veterinary hospitals and humane societies and from individual residents of Cook County, for a fee of $30.

Regulation VII. Redemption of Apprehended Animals

A. Place of Impoundment. Animals apprehended by the County Department of Animal and Rabies Control shall be impounded in facilities designated by the department.

B. Duration of Impoundment. The impoundment period shall be four days at which time animals impounded become the property of the department.

C. Redemption of Impounded Animals-Conditions. Owners of apprehended animals prior to release of the animal shall present proof of current rabies inoculation for animals and pay the following redemption fee:

1. $25 to cover the pick-up service and the requirement under the Illinois Animal Control Act.

2. Boarding fees as determined by the holding facility for each day or part of day that the animal is held.

3. Rabies inoculation fee for animals as determined by the holding facility if no current rabies inoculation is present.

Regulation VIII. Dog Parks and Areas

A. Definitions

Terms not defined in this Regulation VIII shall be defined in Section II of the Cook County Animal and Rabies Control Ordinance.

Dog Park means an enclosed area of land where dogs are permitted to be off leash.

Leash means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

Operator means any Person who owns, operates or provides for use by patrons a Dog Park.

B. Requirements

1. No person shall be an Operator of a Dog Park unless such Dog Park is in compliance with this Regulation VIII.

2. A Dog Park must be completely enclosed by a contiguous fence with each entrance designed in such a manner as to secure against accidental opening.

3. There must be prominently displayed at each entrance to a Dog Park a sign that sets forth the Operator's rules for use of the Dog Park by patrons which rules shall not be inconsistent with these regulations.

4. Dogs must be on a Leash when entering into and leaving a Dog Park. They may be taken off a leash while within the Dog Park except as necessary for the safety of the dog or patrons.

5. The Operator must institute a plan (e.g. licensing/permitting and/or use of a key or keycard system) satisfactory to the Administrator for each Dog Park that reasonably ensures that access to the dog park is limited to dogs:

   a. for whom there is written proof of an examination within the past year for any communicable diseases including an examination of a stool specimen for internal parasites, and current vaccinations for Distemper, Hepatitis, Leptospirosis, Para-influenza, Parvovirus and Bordetella (kennel cough) unless an exemption to this requirement has been granted by the Administrator upon the written recommendation from the Owner's veterinarian; and

   b. who are in compliance with rabies vaccination requirements of the Illinois Animal Control Act (510 ILCS 5); and

c. who are currently licensed by the local government where the Dog's Owner lives.

6. The plan required by B (5) above shall be filed in writing with and must be approved by the Administrator prior to the Operator permitting patrons to use a Dog Park after the effective date of these regulations. Once approved by the Administrator, any proposed change in the plan must be approved by the Administrator prior to such change becoming effective.

7. The Operator must institute a system of periodic surveillance to monitor compliance by Dog Park Patrons with the Operator's Dog Park plan and rules. The Operator shall have a policy for those instances in which a patron does not observe the Operator's rules. The Operator shall permit the Administrator to monitor and enforce compliance by Dog Park Patrons with the Operator's Dog Park plan and rules.

8. The Dog Park must have covered leak-proof containers available for storage of waste materials for disposal to control vermin and insects, which containers shall be periodically emptied and maintained in a sanitary condition.

9. Patrons shall comply with the Operator's rules and regulations.

A. Violations

A Violation of these regulations by an Operator or Patrol shall be punishable as set forth in Section XI of the Cook County Rabies and Animal Control Ordinance.

Effective Date:

These regulations shall become effective on January 1, 2010

Part III.

WHEN AN ANIMAL BITES

1. These guidelines are based on requirements and recommendations of the Illinois Department of Agriculture and Public Health, the Illinois Animal Control Act and the Cook County Department of Animal and Rabies Control for:

    a. Biting Animal Owners
    b. Bite Victims
    c. Physicians and other Medical Personnel
    d. Police Officers
    e. Veterinarians

2. Animal bites can cause rabies and other serious infections and scarring. These truths should be known about rabies:

    a. Rabies is a fatal disease that affects all mammals including man.

    b. Rabies vaccination is safe for all animals. To be effective, rabies vaccine must be given at least four weeks before an animal is exposed to rabies.

    c. Rabies is decreasing as a human disease because there has been an increasing number of cats and dogs inoculated with the rabies vaccine and there are improved Public Health Programs stressing the need for stray control and rabies vaccination for cats and dogs.

    d. In spite of vaccination programs, rabies is still very prevalent in wildlife. It will continue to be a serious public health problem for many years to come.

Section I. Guidelines for Owners of Biting Animals

A. LAW ENFORCEMENT-LEGAL REQUIREMENTS

The Cook County Department of Animal and Rabies Control is the organization that is given the authority to enforce the laws relating to biting animals (510 ILCS 5/1 et seq.). The basis for these laws is protection of the health of the bite victim through the control of rabies. The health of the biting animal is determined by an examination and through the observation of the biting animal by a veterinarian for ten days following the bite.

The need to impound a biting animal is dependent upon the laws of the County in which the biting animal owner lives.

A more direct and effective method of determining rabies in the biting animal is through the examination of the brain of the killed animal. This method is less than pleasing to most animal owners.

B. REPORT EACH BITE

Owners of biting animals, regardless of the reason for the bite, must recognize that all bites must be reported to protect the bite victim's health. All confirmed cases of rabies in man have been fatal. All bite report forms are forwarded to the Cook County Department of Animal and Rabies Control. When the Department receives an Animal Bite Report form without the additional veterinary health evaluation of the biting animal, the biting animal owner is contacted by telephone or by mail and informed of this requirement.

C. LOCAL POLICE ACCEPT ALL BITE REPORTS-CORRECTED REPORTS

Police personnel are trained to complete the Animal Bite Report form. Information for this report form is supplied to the local police department in which the owner of the biting animal lives by: medical personnel, bite victims, animal owners and other persons who have knowledge of a bite. Whenever there is controversy about the Animal Bite Report, the local police district shall be called so that a corrected report can be filed. Disputes not resolved in the local police district will require the bite victim to request a court appearance by the owner of the biting animal.

D. EXCEPTION

Owners of biting caged rabbits, hamsters, guinea pigs, gerbils, rats and mice (if ownership can be established over thirty days duration) and biting registered guard dogs are only required to call the Cook County Department of Animal and Rabies Control on the first and tenth day after the bite and report the health of the biting animal.

E. DEATH OF BITING ANIMAL

Whenever a biting animal dies within ten days of the bite, the head of the animal must be submitted to the local public health laboratory for rabies virus analysis. If the death of a biting animal other than a dog or a cat occurs for any unspecified reason within thirty days of a bite, it is advisable for the animal owner to submit the animal head for laboratory evaluation.

F. COURT APPEARANCES

Owners of biting animals shall be required to appear in court for violation of the law whenever any of the following occur:

1. If the biting animal is not currently vaccinated against rabies.

2. If the biting animal is allowed to bite a person when under the ten day home confinement.

3. If the biting animal is given away or sold, is allowed to roam, escapes or is otherwise disposed of during confinement period.

4. If the biting animal is not submitted for the required veterinary examination after the bite.

Section II. Guidelines for Bite Victims

A. HOME CARE FOR BITE WOUNDS-MEDICAL ADVICE

Awareness of the importance of the care of animal bite wounds will help prevent infection and rabies and relieve much of the anxiety about animal bites. It is essential that all bite wounds receive immediate attention. An immediate thorough flushing of the wound with water while allowing the wound to bleed freely, followed by a scrubbing with soap or a good disinfectant agent will minimize serious side effects of a bite. Following the first aid treatment of the animal caused wound, medical advice should then be sought to determine the most effective final treatment.

B. REPORT ALL BITES TO LOCAL POLICE-CAPTURE OF THE BITING ANIMAL-SCRATCHES

All bites (breaks in the skin) shall be reported to the local police, but those bites caused by at large (stray) and high risk kinds (species) or wild animals, such as the skunk and bat, shall be immediately reported to the police while it is possible to capture the biting animal. Because of the risk involved, the at large (stray) or wild animal should be continually observed until it is captured by the local police or authorized officer.

C. REDUCE THREAT OF RABIES

The threat of rabies to the life of the bite victim also will be minimized if the biting animal is captured and placed under observation of a veterinarian. The bite victim must recognize that the medical decision to administer anti-rabies injections (shots) is based mainly on these facts:

1. Capture and clinical evaluation of the health status of the biting animal by a veterinarian.

2. Kind (species) of biting animal.

3. Circumstances surrounding the biting incident.

    a. Was the bite provoked?

    b. Was the wound caused by the animal's nails or claws?

In addition the bite victim must understand that any break in the skin caused by an animal should not be regarded lightly. Death is the result of clinical rabies in animals or humans.

Section III. Guidelines for Medical Doctors and Associated Medical Personnel

A. REQUIREMENT TO REPORT ANIMAL BITES-CONTENTS OF ANIMAL BITE REPORT FORM

All medical personnel are required under the Cook County Animal and Rabies Control Ordinance to report all animal bites. Within Cook County the animal bite incident is reported to the police or other authorized personnel in the area in which the biting animal owner lives. If the biting animal was a stray or wild animal, the bite report should be given to the police or other authorized personnel in the area in which the bite occurred. The Animal Bite Report form requires this information:

1. Name, address and telephone number of the animal owner;

2. Name, address and telephone number of the bite victim;

3. Address where the bite happened;

4. Type, breed, sex and color of the biting animal;

5. Rabies Vaccination status of the biting animals (Cook County Rabies Vaccination tag number is necessary);

6. Community animal license number (not a Cook County requirement);

7. The name of the veterinarian who examined or will examine the biting animal;

8. Date the bite occurred;

9. Notation if a ticket was issued for any violation.

B. RATIONALE OF TREATMENT FOR BITTEN PERSONS (As adapted from the U.S. Public Health Service) Every exposure to possible rabies infection must be individually evaluated. Over eight thousand (8,000) animal bites are reported each year in Cook County. The following factors should be considered before anti-rabies treatment is initiated:

1. Species of biting animal

Carnivorous animals (within Cook County, skunks, raccoons, coyotes, stray dogs, stray cats, ferrets) and bats are more likely than other animals to be infected with rabies. However, any warm blooded animal can be infected with the rabies virus.

2. Circumstances of the biting incident

An UNPROVOKED ATTACK is more likely to mean the animal is rabid. Bites inflicted on a person attempting to feed or handle an apparently healthy animal should generally be regarded as PROVOKED.

3. Types of exposure

Rabies is commonly transmitted by the inoculation of infectious saliva through the skin. The possibility infection will result from exposure to a rabid animal varies with the nature and extent of exposure. Two categories of exposures should be considered:

a. Bite, any penetration of the skin;

b. Non-bite, scratches, abrasions, open wounds or mucous membranes contaminated with saliva.

4. Vaccination status of the biting animal

A properly immunized animal has only a small chance of developing rabies and transmitting the virus.

5. Presence of rabies in the area

Cook County is endemic for skunk and bat rabies.

C. MANAGEMENT OF THE BITING ANIMAL

The Cook County Department of Animal and Rabies Control is the department that administers the Cook County Animal and Rabies Control Ordinance. Each animal, except as noted below, that bites a person must be examined within twenty-four hours of the bite and placed under observation of a veterinarian for ten days. Owners of laboratory type animal pets (rabbits, guinea pigs, hamster, gerbils, rates and mice) owned over thirty days and registered guard dogs are required to call the Cook County Department of Animal and Rabies Control on the first and tenth day following a bite. Strays or unwanted animals may be killed immediately and their heads submitted for rabies examination by fluorescent microscopy. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that bites or scratches a person shall be killed at once (without necessary damage to the head) and the brain examined for evidence of rabies.

D. RABIES CASE PROCEDURE

Whenever a biting animal develops signs suggestive of rabies, the animal will be euthanized and the head removed and taken to the Illinois Public Health Laboratory. In all cases positive for rabies the medical personnel or health facility reporting the bite will immediately be notified through a telephone call from the Administrator.

E. POST EXPOSURE PROPHYLAXIS

The latest recommendation for post exposure prophylaxis are published by the United States Public Health Service Advisory Committee on Immunization Practices found in the Morbidity and Mortality Weekly Report of the U.S. Department of Health Education and Welfare. The report is dated 31 December 1976 – Volume 25 – Number 51. If questions persist after reviewing these recommendations, consultation can be sought at the full time local Public Health Department or the Cook County Department of Public Health.

F. LOCAL TREATMENT OF WOUNDS

Immediate and thorough local treatment of all bite wounds and scratches is perhaps the most effective rabies preventive. The wound shall be thoroughly cleansed with soap and water. When the wound treatment is under the direction of a physician, tetanus prophylaxis and control of bacterial infection should be given as indicated. Experimentally, the incidence of rabies in animals can be markedly reduced with local therapy alone.

Section IV. Guidelines for Police Personnel

A. METHOD OF ENFORCEMENT

All police officers are sworn to uphold all Federal, State and Local Laws. Within Cook County, the local police are usually designated to investigate each animal bite. In some communities, special police officers are assigned to this duty.

B. PURPOSE OF ANIMAL BITE REPORTS

The purpose of the animal bite investigation is to determine if a bitten person has been exposed to rabies. The question of rabies exposure can best and most quickly be determined by killing the biting animal, removing the head and submitting it to an approved public health laboratory for rabies virus analysis. Killing of all biting animals, particularly domestic pets, is not generally acceptable. Therefore, the biting animal that is not killed and checked at the laboratory must be examined by a veterinarian within twenty-four hours of the bite.

C. ANIMAL BITE PROCEDURE

1. Assist the bite victim to a medical facility or advise the victim to seek medical advice.

2. Inform the owners of the biting animals that the animal must be examined by a veterinarian within twenty-four hours of the bite.

3. Capture or keep under continuous surveillance all wild animals and other biting animals that are at large (stray).

4. Complete and mail within twenty-four hours an Animal Bite Report form to the Cook County Department of Animal and Rabies Control. In Chicago the police officer must complete form CPD-34.226 and call 311 to report bite and make bite report available to the Cook County Department of Animal and Rabies Control.

D. CONTENTS OF AN ANIMAL BITE REPORT FORM

Information required to complete the Animal Bite Report form is as follows:

1. Name, address and telephone number of the animal owner

2. Name, address and telephone number of the bite victim

3. Address where the bite happened

4. Type, breed, sex and color of the biting animal.

5. Rabies Vaccination status of the biting animal (Cook County Rabies Vaccination Tag Number is necessary)

6. Community animal license number (not a Cook County requirement)

7. The name of the veterinarian who examined or will examine the biting animal

8. Date the bite occurred

9. Notation if a ticket was issued – for any violation.

E. LEGAL GUIDELINES FOR IMPOUNDMENT

The County Ordinance applies throughout Cook County including within a home rule municipality. Any municipality, regardless of its population may pass an Ordinance effective within jurisdiction more strict than the County ordinance.

F. FACTS ABOUT ANIMAL BITES AND RABIES

All animal bites involving a person must be reported, but the break-down into high risk and low risk bites is intended to aid the police officer in determining the need for animal capture and the urgency for rabies treatment of a bitten person.

1. High risk bites (victims commonly receive shots)

   a. Stray (at large) animals where ownership is not known.

   b. Wild animals. Within Cook County the bat and the skunk are the species most often involved.

   c. Sick animals not under the care of a veterinarian.

   d. Any pet animal that attacks a person for no known reason (UNPROVOKED BITE).

2. Low risk bites (victims rarely receive shots).

   a. Pet animals that bite as a result of an action of a person (PROVOKED BITE).

   b. Bites inflicted by rabbits, squirrels, guinea pigs, hamsters, gerbils, chipmunks, rats, mice and other rodents. Within the United States human rabies has never resulted from a bite from these animals.

   c. Bites that in fact are wounds caused by the animal's claws or nails (scratches) without contamination by the animal's saliva.

Section V. Guidelines for Veterinarians

A. VET EXAM REQUIRED – EXCEPTIONS

All biting animals except those listed below must receive a veterinary examination within twenty-four hours of a bite. Guard dogs registered with the Cook County Department of Animal and Rabies Control, and laboratory pet type animals (rabbits, hamsters, guinea pigs, gerbils, rats and mice) owned over thirty days are exempt from veterinary examination, but their owners must contact the Department within twenty-four hours after the bite.

B. PROCEDURE FOR RABIES OBSERVATION HOME CONFINEMENT AGREEMENT – SPECIAL PROCEDURES

1. Instruct the animal owner to read the Rabies Observation Home Confinement Agreement.

2. Complete the forms.

3. Have owners sign the Rabies Observation Confinement Notice.

4. Mail the Rabies Observation Confinement Notice within twenty-four hours after the time of the examination.

5. Mail the Rabies Observation Release Notice within twenty-four hours of the date listed as the tenth day on the Rabies Observation Confinement Agreement (Section 4B).

6. Details regarding special procedures are incorporated in Regulation 2 and Regulation 3 of the Cook County Animal and Rabies Control Ordinance.

C. RABIES IN ANIMALS

Rabies in animals is sporadic and found mainly in wild animals. Whenever wild animals lose their natural fear of people in the wild state and are involved in an animal or person bite, rabies should be considered a possibility. Specific symptoms of rabies in wild animals are varied so that there is not one reliable symptom to assist in the diagnosis. All biting wild animals should be killed, and the head should be removed and sent to the public health laboratory for rabies virus analysis.

Symptoms of rabies in domesticated animals are more reliable and include the following: un-coordination, lethargy, dilated pupils, futile attempts to eat and drink, excessive salivation with frothy accumulation about the mouth, change in voice, change in disposition, restlessness, progressive aggression, paralysis and death. While rabies transmission is possible because of a bite, in most cases, the animal is showing symptoms one or two days after the bite and is dead by the fifth day.

D. LEGAL GUIDELINES FOR IMPOUNDMENT

The County Ordinance applies throughout Cook County including within home rule municipalities. Any municipality regardless of its population may pass an ordinance effective within its jurisdiction more strict than the County ordinance.

Part IV.

ANIMAL CONTROL THROUGH THE FORMATION OF A COMMUNITY DEPARTMENT OF ANIMAL CONTROL

1. Introduction
2. Community Governmental Participation
3. Animal Control Advisory Committee
4. Department of Animal Control
5. Improvement of Local Animal Control Ordinance
6. Training of Police and/or Animal Control Personnel
7. Public Education in Animal Control
8. Summary

1. Introduction

Animal control is a term often misunderstood in most urban communities. It is frequently thought to be not more than a change from the expression of dog catcher-dog pound. In reality an Animal Control program of today is a multifaceted concept involving local government, public health, media cooperation, public education and citizen participation in cooperation with specialists in animal health, care and control. Communities within Cook County have many types of animal control programs varying from a sophisticated program to little or no program at all. The purpose of these guidelines is to present a workable formula which can be used by any community as pattern for establishing a sound functional Animal Control program. Innovations and variations of this formula, of course, would have to be adapted to each community's individual problems and peculiarities.

2. Community Governmental Participation

The first and most important step in the establishment of a good Animal Control program is to secure the interest and cooperation of the local governing body. A knowledgeable person should meet with the members of the local government and present to them a concise, explicit and comprehensive description of Animal Control and the animal control problems within their community. It is important that the governing body of a community be aware of the problems, purposes and goals of Animal Control. Since there are often many difficulties and differences of opinion concerning Animal Control, a carefully outlined program will help insure cooperation of local governmental officials.

3. Animal Control Advisory Committee

A community Animal Control program is a very new concept. Not all communities have people available who have enough real expertise to set up and direct a sound workable program. When this expertise or experience is not available, the community should appoint a small group of experts to act as an advisory committee. The Cook County Department of Animal and Rabies Control is willing and anxious to assist the local community in its search for individuals to fill these positions. This committee can assist in developing and organizing a complete Animal Control program. Impounding methods, licensing procedures, record keeping, training procedures for personnel, development of a humane educational program and the organization of a community Animal Control committee should be included in this program. The committee should be limited in number but should include such people as:

PURPOSE

a. A person knowledgeable in humane society work.

b. A person with expertise in animal care facility (dog pound) operations.

c. An interested veterinarian.

d. A public citizen interested in animal control work.

e. A community official responsible for the local program.

4. Department of Animal Control

Every community that is interested in a good Animal Control program must establish a Department of Animal Control. In most cases it is not necessary to have a separate department but the department can be placed under the administration of another governmental agency, such as the Health Department or Police Department. It is important, however, for the department to have its own title and identity for it to be effective in dealing with the public and other governmental agencies. At least one person should be given the responsibility and authority to carry out the duties of the Department.

5. Improvement of Local Animal Control Ordinances

In order to achieve a good Animal Control program in any community proper Animal Control Ordinances must be legislated. Local ordinances usually need to be updated, revised, or completely re-written to include changes in State and Federal Laws as they apply to the community. The Cook County Department of Animal and Rabies Control has available as a guideline its recently passed Cook County Animal and Rabies Control Ordinance that can be used with a few revisions in most areas of Cook County. No local Animal Control program should be without a sound basic Animal Control Ordinance from which to establish goals and guidelines.

6. Training of Police and/or Animal Control Personnel

All police officers are sworn to uphold all Federal, State and Local laws. The trend over the last several years is to separate the Animal Control Department from the local Police Department. However, within Cook County the local police officer is, most frequently, the person who investigates and completes the Cook County Animal Bite Report form.

Each officer, whether a police officer or an Animal Control officer, assigned the responsibility for Animal Control should be kept informed about the existing laws concerning animals. The Cook County Department of Animal and Rabies Control has the capability to provide training for the local police officer involved in Animal Control. Good cooperation between the police personnel and the Animal Control personnel is essential for the effective program.

7. Public Education in Animal Control

The real key to a successful Animal Control program involves the community resident. In actuality Animal Control in its simplest interpretation means keeping owned pets and unwanted stray pets from roaming in a community. At one time or other most all free roaming pets have had or have an owner. Consequently, an informed public is the answer to a successful program. Good public participation in Animal Control must be accomplished through education and pet identification. Most communities can produce a good educational program through these areas:

a. SCHOOLS

Children love pets and are very attentive and sensitive to pet problems. Children can be very effective in their approach at home relative to what they have learned in school about their pets needs and cares. The American Humane Society and the Chicago Anti-Cruelty Society have education programs as part of their services. There are many movies, posters and literature geared to grade school level that are effective in teaching Animal Control to your children. The Illinois Dog Clubs and Breeder's Association has formulated an excellent core curriculum which can be incorporated into the grade school (Grade K through 6) with great ease and success.

b. SERVICE CLUBS

Most local service clubs develop their meetings around a speaker oriented program. Through these programs responsible community leaders can be informed of responsible Animal Control. If this program is developed by many communities, the Cook County Department of Animal and Rabies Control will assist through the formation of a speaker's bureau.

c. MEDIA

There is no human story easier to sell to local newspapers than dog and cat stories. A good Animal Control program should include press releases and messages to the public relative to animal control problems.

d. PET IDENTIFICATION

Every community should have a pet identification program through effective licensing. If every pet that was picked up had a license tag on it for identification, the pet could be immediately returned to its owner. The pet owner should be charged a fee for this service. This kind of service would be well accepted in the community. The fee would reduce impounding cost, return most lost pets, and increase community revenues to help defray animal control expenses. Each community should establish as part of the Animal Control Officer's job

description a door to door enforcement of the laws concerning inoculation of pet animals with rabies vaccine and the purchase of the community animal license.

8. Summary

Responsible ownership should become a goal of each community government. Involvement of the community residents in the creation of an Animal Control Department is the method suggested. Training of personnel involved in Animal Control and the development of a local educational program are necessary to help teach and assist the community's residents in effective Animal Control.

Approved As Amended
By The Board Of The Cook County Commissioners January 1, 2010

Dog Access to Park and Recreation Areas Guide

Background

Dog enthusiasts periodically request that park and recreation agencies provide greater dog access and training opportunities beyond the occasional dog obedience class. Understandably, dog lovers expect their concerns to be afforded serious consideration, no different than other special interest groups such as: skate boarders, in-line skaters, bicyclists, joggers, etc. The most frequent requests are for leashed access to the parks and/or the development of designated dog parks. Therefore, in exploring the feasibility and utility of expanding recreational opportunities for dog enthusiasts, agencies must consider various risk management issues and reevaluate existing ordinances and park planning.

Dog Access Area Options

In exploring various options, agencies must consider the compatibility of dog activities with other patron use of facilities; available locations to safely conduct dog activities; potential liability exposure, and additional maintenance responsibilities. Traditionally, there are three dog access area options or combinations thereof available for agencies to review or implement. The three options are:

1. Prohibit dog access in parks
2. Allow leashed dogs in parks
3. Create a dog exercise/training area (fenced area specially designated for dogs off-leash)

Each option or combination thereof should be reviewed to meet the needs of the agency, community, patron, and environment.

Prohibit Dog Access to Parks

Despite their label as “mans’ best friend”, it is impossible to guarantee absolute safety in an open and public environment. A dog’s behavior or actions, no matter how well trained, if startled or scared, can be unpredictable and potentially life threatening. Mindful of the inability to predict a dog’s reaction to sound, movements, objects, persons, or other animals; and actions by the dog due to fright, anger, stress, or insect bites, a well-behaved dog could attack a patron, another dog, park wildlife or a curious child without provocation or notice. Other risks include dogs’ natural reactions such as jumping, pulling, resisting and biting; and the negligence or irresponsibility of a dog’s owner/handler.

Under Illinois law, park and recreation agencies may prohibit or limit any pet access to public park and recreation facilities. Prohibiting or limiting dog access to park facilities reduces the risk of a dog injuring a patron, another dog, and wildlife or damaging plant life. Prohibiting or limiting dog access further impacts maintenance responsibilities due to a lesser need for inspections, repair, and clean up of fecal matter, which in turn reduces the risk of diseases and provides a cleaner recreation environment.

Limiting access may simply include prohibiting dogs from certain park areas, requiring dogs to be on leashes at all times, and patron pick up of all feces. When prohibiting or limiting dog access to public areas, patrons and visitors should be notified of any and all restrictions by signage posted throughout the park, notification in agency brochures, and enforcement of park ordinances.

Leashed Access Areas

A leashed access area would allow dogs and their owner/handler access to the park only if the dog is

leashed at all times. On-leash areas provide valuable opportunities for exercise, socialization and certain forms of training, while minimizing dangerous animal behavior and damage to property. Many dog owners/handlers understand and appreciate that dogs do not necessarily need to be exercised off-leash and are often perfectly happy to be on a lead. Therefore, agencies contemplating leashed dog access areas should consider the following loss control and risk management procedures:

- Patrons should be informed as to which parks allow on-leash dog access. This can be accomplished through articles in the local paper, program brochures, public meetings, and facility signage.
- On leash parks should be located away from activity centers such as sporting fields, preschools, horse trails, and day camps. Certain movements or activities might excite the dog.
- Dog owners/handlers should be required to pick-up and dispose of dog feces.
- On-leash parks should be designed in a linear format to emphasize distance rather than short paths. Short paths may tempt dog owners to disregard posted rules and unleash their pets.
- Frequent park inspection and disposal of waste receptacles.
- Increased enforcement of on-leash ordinances.
- Prompt follow-up on reported incidents of dog or owner misbehavior.
- Dog owners are encouraged to register themselves and their dog at the agency.
- Dogs must wear a current dog license tag.

Fenced Dog Exercise Area

Also known as off-leash areas, exercise areas for dogs, dog parks, dog zones, etc., they allow dog's access to parks off-leash. They are usually fenced-in areas separated from other recreational activities.

Free-running areas provide the opportunity for unstructured play and specific forms of training. They allow for a form of interaction with their owners/handlers that is not possible when they remain leashed, e.g., "off-lead" training or tracking, playing Frisbee or "fetch", swimming, and interaction with other dogs. Once allowed in the park, the dogs are allowed to run un-leashed. In most cases, dogs are required to remain "under the effective control of the owner/handler", which is taken to mean voice control – the dog is under effective control that responds to the person's command by the second call, or if it is anyway behaving in an orderly manner.

Risk Management Considerations

Problems commonly attributed to fenced dog exercise areas or free-running areas include a greater potential for the risk of injury to person or animal from attack, and a greater potential for damage to plants and property. Absolute safety can never be attained. However, studies have indicated that dogs are less likely to be aggressive outside of their home territory and that most dog injuries occur within their home territory. At a free-run dog park, most dogs are happy to run, explore, sniff, etc. and are less likely to attack another animal or patron.

Nonetheless, not all dog owners/handlers are responsible and exercise good judgment and common sense. In addition, a particular dog's behavior and actions will remain unpredictable. As discussed earlier in this document, even the best-behaved dog can react to other animals, persons and the environment. Therefore, when contemplating a free-running facility, the following risk management procedures should be considered:

- Requiring users to obtain, complete, and meet the requirements of a permit.
- Requiring dog owners to sign a waiver and indemnification agreement.
- Fencing the dog exercise area.

- Limiting access to the park to registered users/permit holders.
- Posting signage indicating rules and responsibilities.
- Separating the location from other recreation activities, playground, horse trails, etc.
- Requiring owners/handlers to supervise their pets at all times.
- Prohibiting children under the age of 10 years of age from using/visiting the facility.
- Dogs must remain leashed until inside the facility.
- Dog owners should be required to pick-up and dispose of dog feces.
- Frequent park inspection and disposal of waste receptacles.
- Prompt follow-up on reported incidents of dog or owner misbehavior.
- Dogs must wear a current dog license tag.

Liability

Illinois recognizes that the primary responsibility and legal liability rests with the individual dog owner/handler. Mindful of available common law defenses and statutory immunities, public agencies are generally free to exercise their discretion without fear of significant liability exposure. By implementing and enforcing the recommended risk management measures, public park and recreation agencies will significantly maximize public safety while minimizing liability exposure.

Park Rules and Signage

The park rules/signage should be incorporated into all phases of the implementation of a dog access area. This includes informing users during public meetings, during the registration process, within brochures, and at the entrances and throughout designated dog access areas.

Sample Signage – Free Run Area

- You are solely responsible for the actions of your dog.
- Keep an eye on your dog and keep your dog's leash with you at all times.
- Leash your dog immediately if aggressive behavior is observed.
- For safety reasons children must be at least 10 years of age to use the park and they must be closely supervised.
- Children will be expected to behave in an appropriate manner: no running, no chasing dogs, no petting of other dogs unless permission is requested from the owner first.
- Be polite: pick up dog feces and dispose the dog feces in the waste receptacles, which are available throughout the park.
- Dogs must wear current license tag and be up-to-date on shots.
- Cover any holes your dog digs.
- No more than 2 dogs per person on any one visit.
- Check with your veterinarian before bringing a puppy under the age of four months to the park.
- Dogs should be on a leash in a parking lot.
- No dogs known to be aggressive toward other dogs or people may enter the area.
- Owners/handlers are asked to closely supervise their dogs and at no time should anyone leave the area without his/her dog(s).
- Do not bring rawhide or food into the dog area as dogfights may result.
- Please remove pinch and spike collars from your dog prior to entering the dog run.
- Add agency telephone number
- Hours: sunrise to sunset

Sample Signage - Leashed Area

- Please register your dog with the agency.
- You are responsible for the actions of your dog.
- Keep your dog leashed at all times.
- Leashes must not exceed 8 feet.
- No dog's known to be aggressive toward other dogs or people may enter the area.
- Be polite: pick up dog feces and dispose the dog feces in the waste receptacles, which are available throughout the park.
- Dogs must wear current license tag and be up-to-date on shots.
- No more than 2 dogs per person on any one visit.
- Add agency telephone number.
- Hours: sunrise to sunset.

Conclusion

It is important to note that all recreational activities have some level of risk. The objective of the park and recreation agency is to identify the risks associated with the activity, needed loss prevention measures to reduce the risks, and make a management decision based on the level of risk and responsibility the agency is willing to accept. It is also important to conduct research into what other parks and recreation agencies have done with dog access areas to evaluate successes and avoid failures.

Dog enthusiasts expect respect and consideration in relation to their desire for greater public access and recreational opportunities for their pets. With this in mind, agencies should periodically review their current dog access policies and ordinances, park properties, and future development plans. When exploring the utility and feasibility of such opportunities, public park and recreation agencies must carefully consider the above risk management recommendations.

Winnetka Park District

Elder and Centennial Park and Beach Project Presentation

October 13, 2021

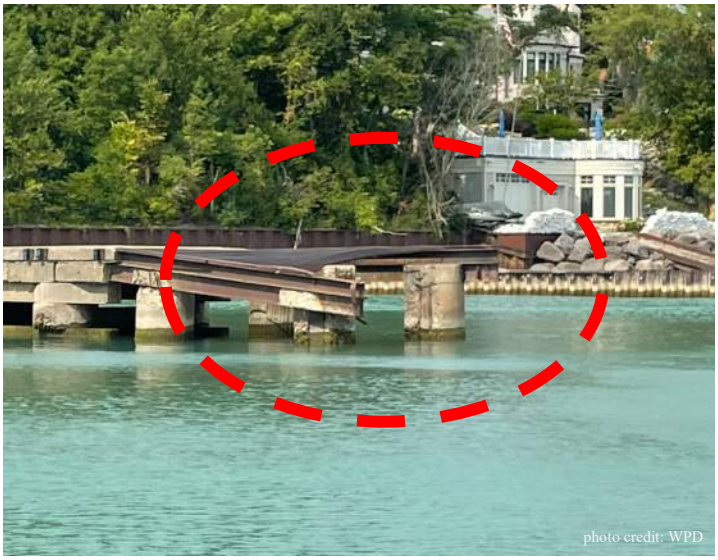
ABRIDGED VERSION - JANUARY 30, 2023

Existing Conditions - Lakefront Images



EXISTING CONDITIONS

Elder Park and Beach and its 400 feet of shoreline have experienced water quality issues, erosion and soil breakaway, bluff management challenges, and sea wall damage through the years. The existing steel groins intended to help hold the beach are deteriorating and tipping. The public beach house is regularly flooded by lake water and runoff. The Village's pier and stormwater outfall pipe have suffered significant damage. <u>This beach is currently closed because the existing lakefront structures are unsafe to use.</u>



Damaged pier



Damaged pier

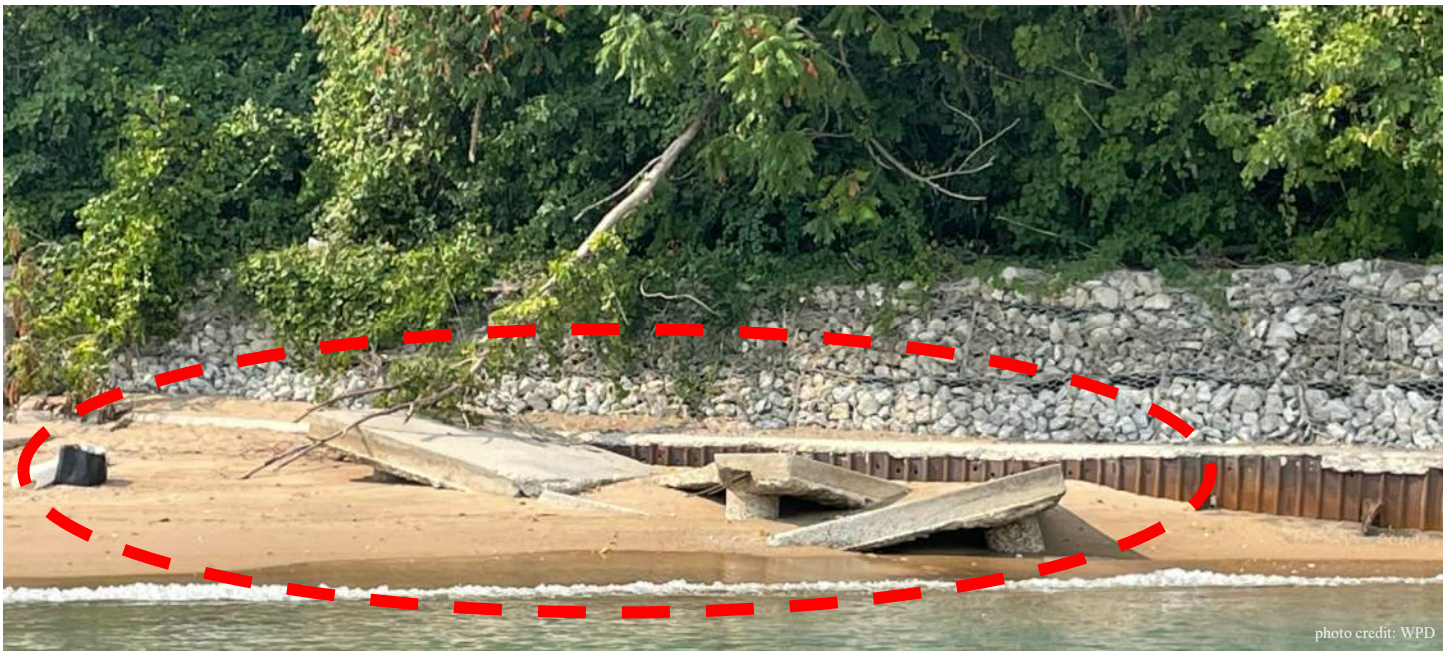


Damaged pier

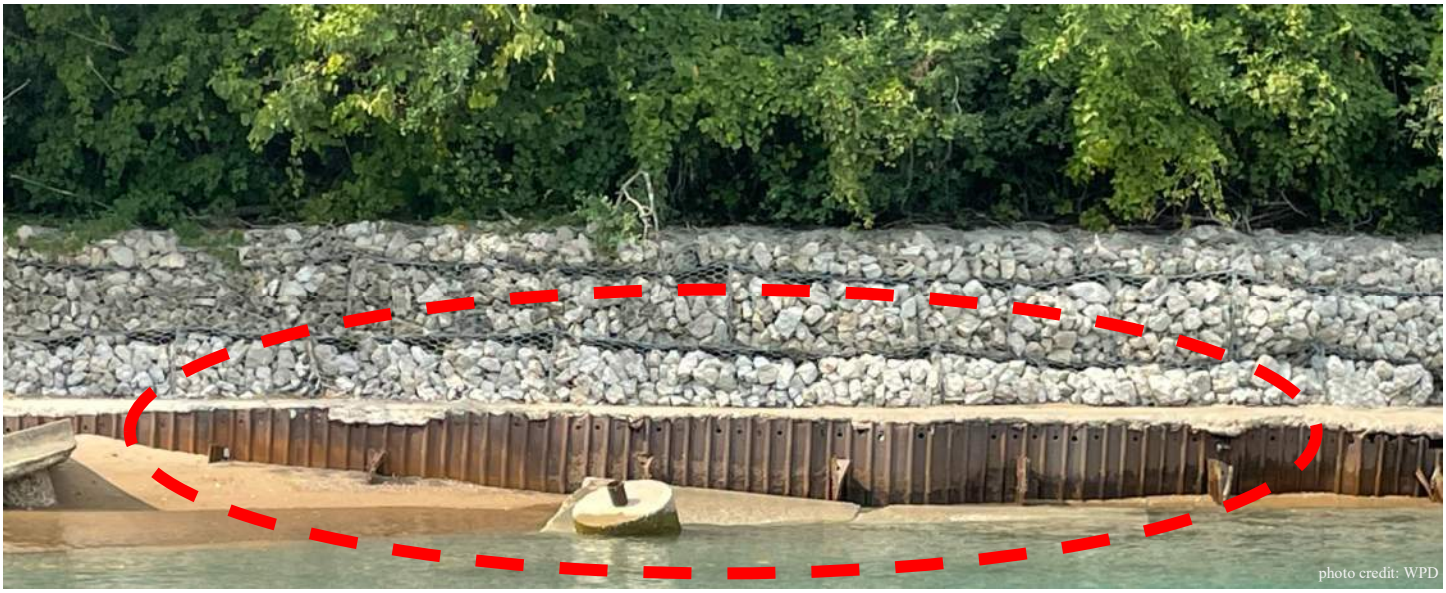


Damaged gabion baskets

Elder Park and Beach (continued)



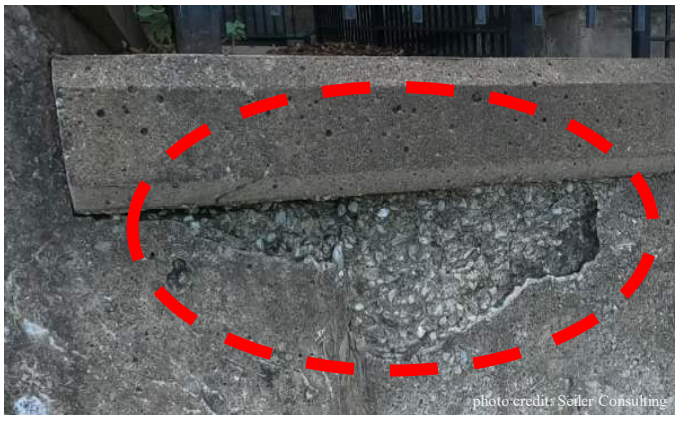
Damaged kayak storage rack foundations



Damaged steel sea wall

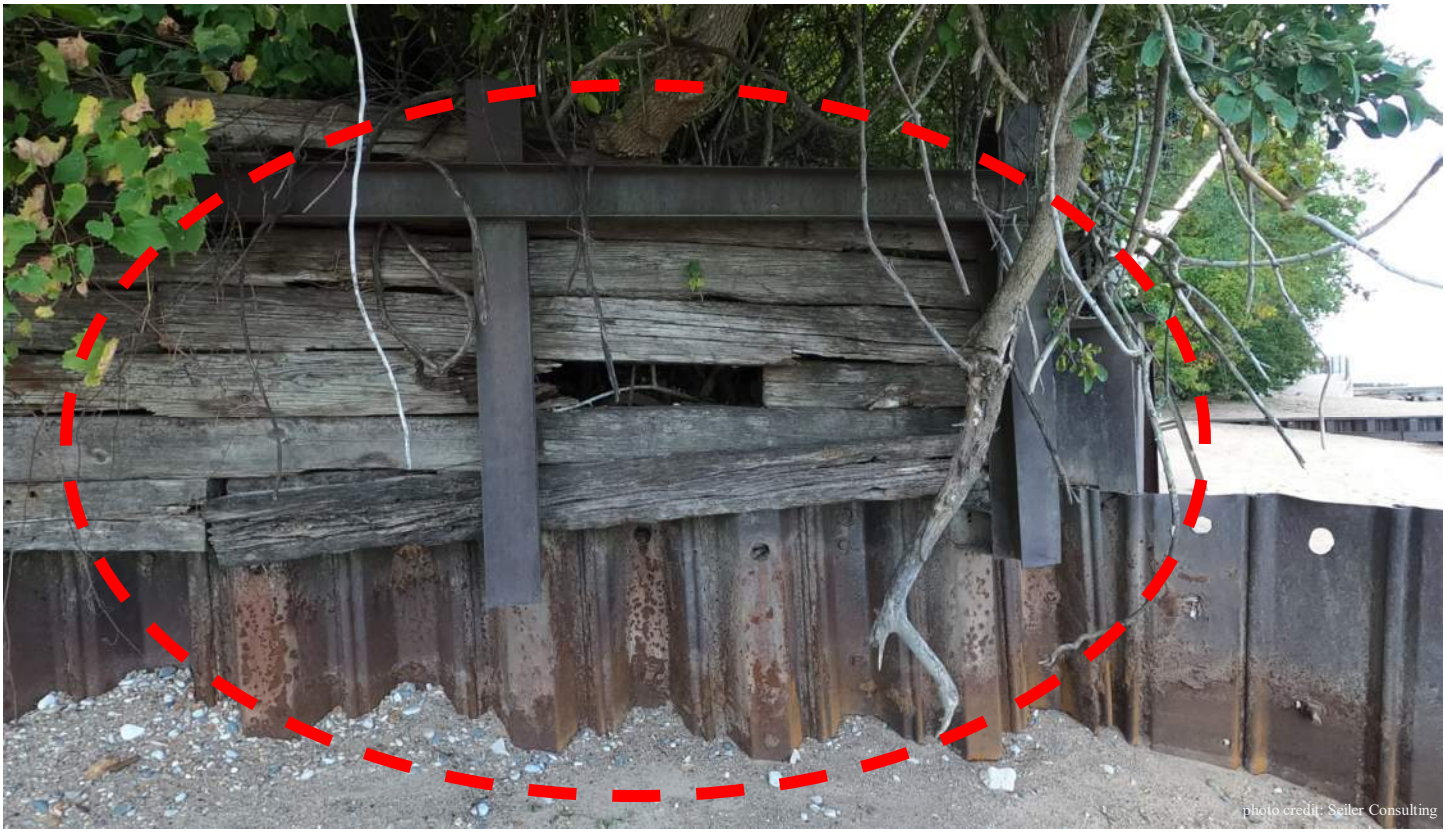


Damaged gabion basket

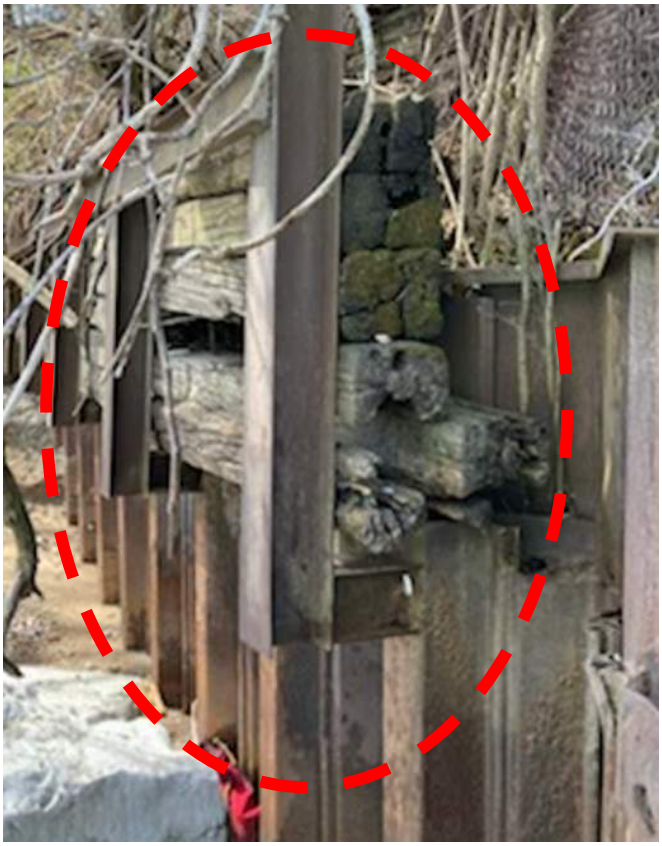


Spalling concrete sea wall

261 Sheridan Road is a 0.64-acre lakefront property with an existing 5,400 square foot home situated on the eastern portion of the lot. Its steel and timber groins are damaged and failing. The existing steel sheet pile structures on this property prohibit access from Elder to Centennial.



Damaged sea wall



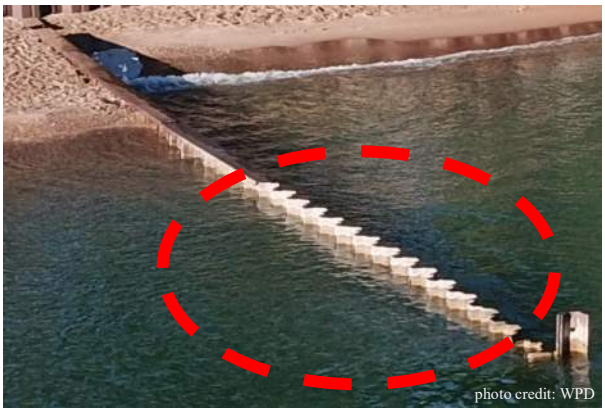


Damaged sea wall

Centennial Park and its 550 feet of shoreline represent the largest and highest quality beach in Winnetka, with a shallow lakebed profile and easy access. The existing steel groins that help hold the beach have deteriorated, are damaged, missing parts and need to be replaced. The beach needs protection against storm surges and high water to prevent future sand washout.



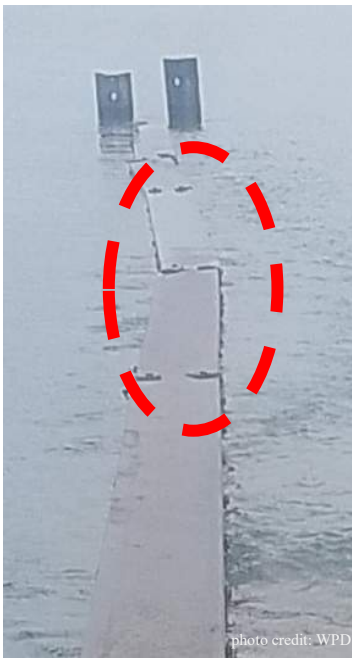
High water and extreme weather conditions have damaged existing infrastructure, causing beach and bluff erosion



Damaged groin





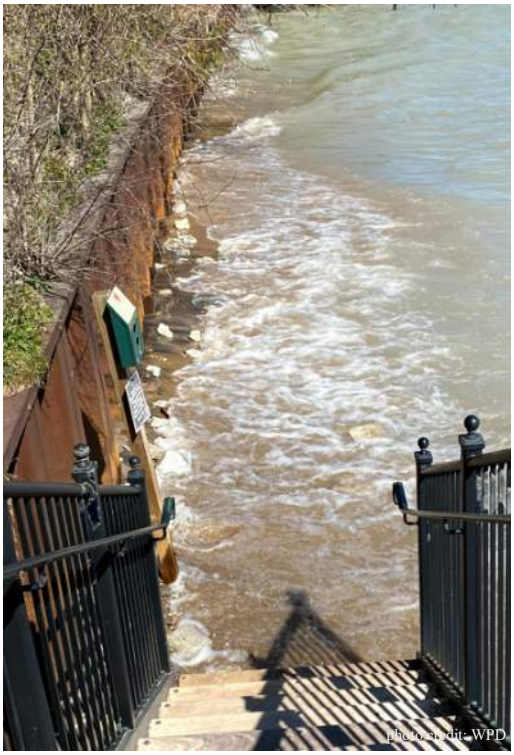


Damaged groin

Centennial Park (continued)



Beach erosion in 2020 meant stairs ended 24” above the beach level





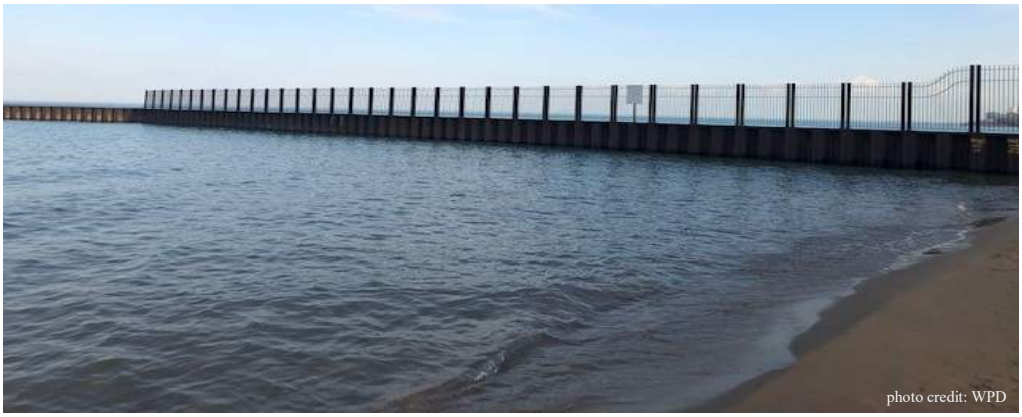


Response to #4 (aesthetics - continued):

Other municipalities have not been as thoughtful or considerate in their solutions to protect beach patrons - and the beach experience is negatively impacted as a result.





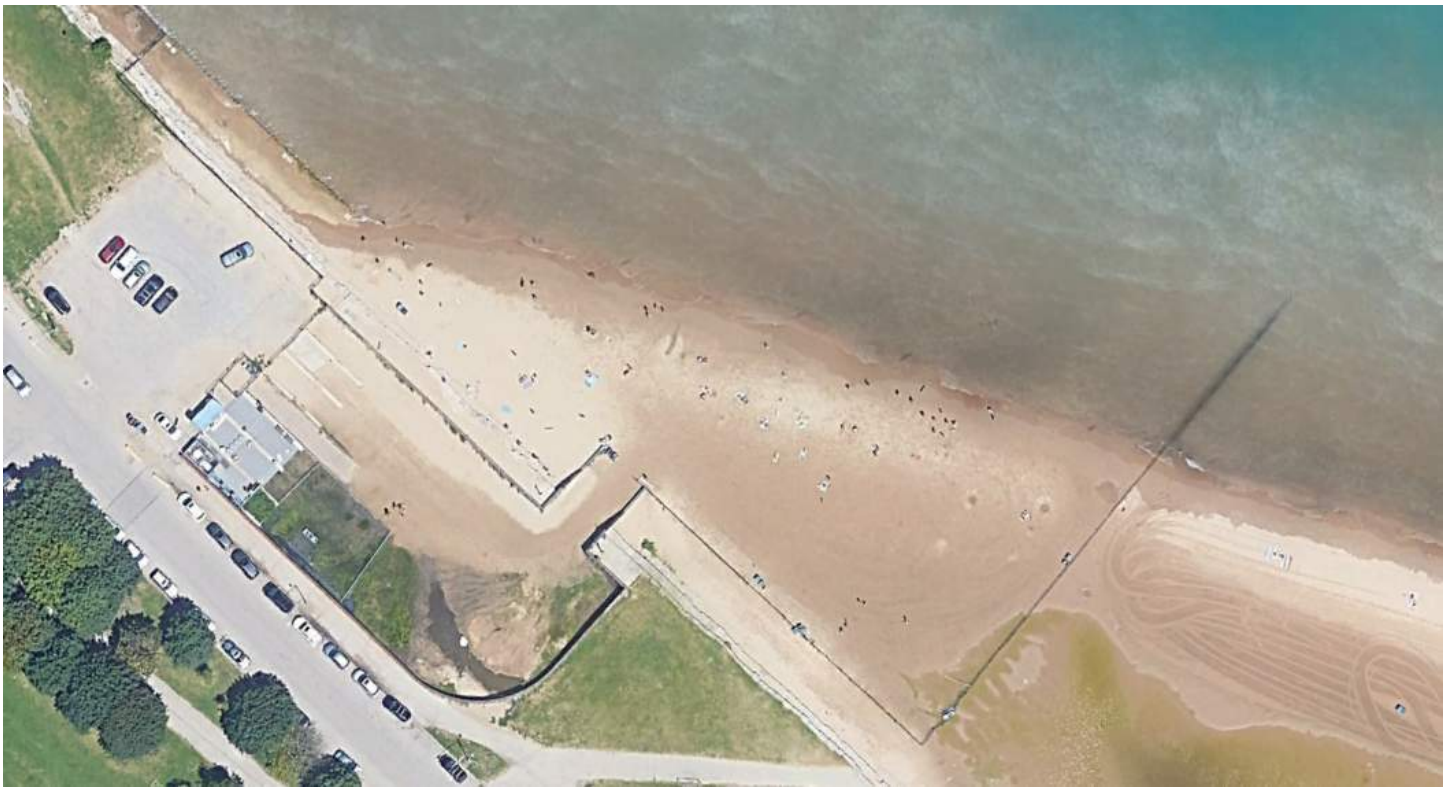






Safety measures by other municipalities that are not aesthetically considerate

Response to #9 (access – continued):





Montrose Dog Beach, Chicago



EXISTING PUBLIC PROJECTS with SAFETY STRUCTURES

Glencoe, Beach and Pier

This public beach has a 320’ long pier with a 4-foot-tall white metal safety guardrail along the lakeward sides. This public pier is a shore perpendicular structure that does not have pedestrian access over, across, around, or through it.





Glencoe Beach and Pier (continued)





Kenilworth, Kenilworth Beach

This public beach has a 75-foot-long steel groin with a 4-foot-tall metal chain link fence on top of it that functions as a guardrail. This guardrail protects beach patrons from the fall risk and vertical drop created by the inherent but uneven natural accumulation of sand on the northern and southern faces of a groin – the same safety issue the Park District will face at the New Park and Beach.

This public groin and fence are shore perpendicular structures that do not have pedestrian access over and across them.



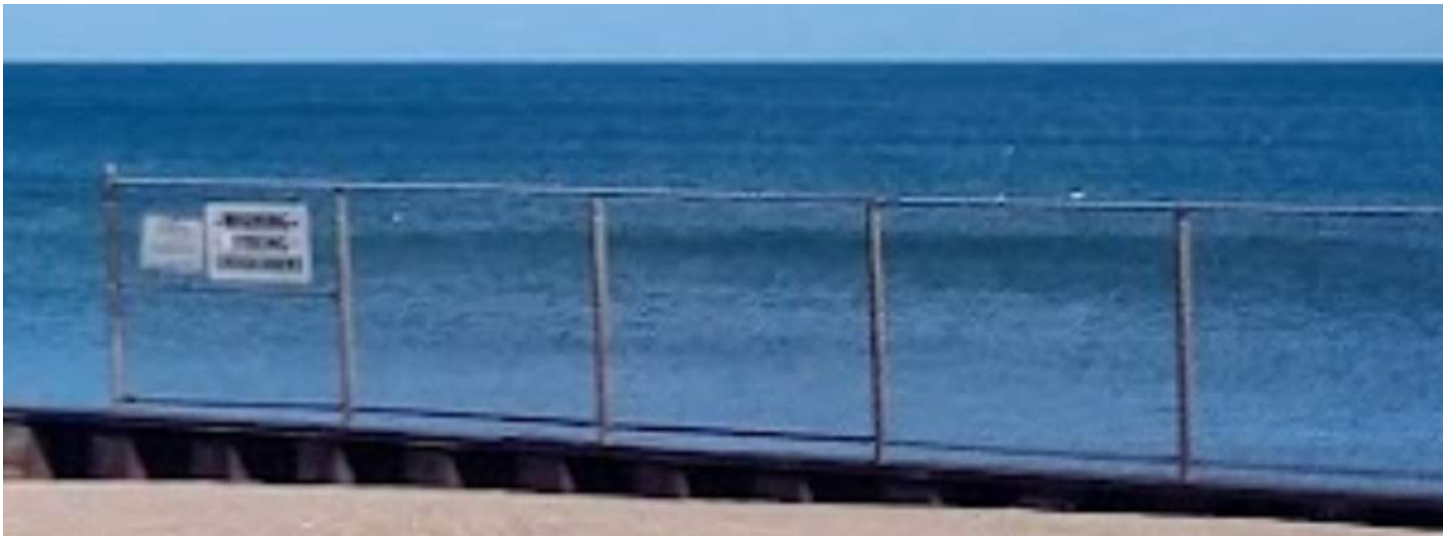


Evanston, South Boulevard Beach

This public beach has a 420-foot-long steel groin with a 4-foot tall chain link fence on top of it that functions as a guardrail. This guardrail protects beach patrons from the fall risk and vertical drop created by the inherent but uneven natural accumulation of sand on the northern and southern faces of the groin – the same safety issue the Park District will face at the New Park and Beach.

This public groin and fence are shore perpendicular structures that do not have pedestrian access over and across them.





Evanston, Lee Street Beach

This public beach has a 260-foot-long steel groin with a combination of 6-foot and 8-foot tall metal fence on top of it that functions as a guardrail. This guardrail protects beach patrons from the fall risk and vertical drop created by the inherent but uneven natural accumulation of sand on the northern and southern faces of the groin – the same safety issue the Park District will face at the New Park and Beach.

This public groin and fence are shore perpendicular structures that do not have pedestrian access over and across them.

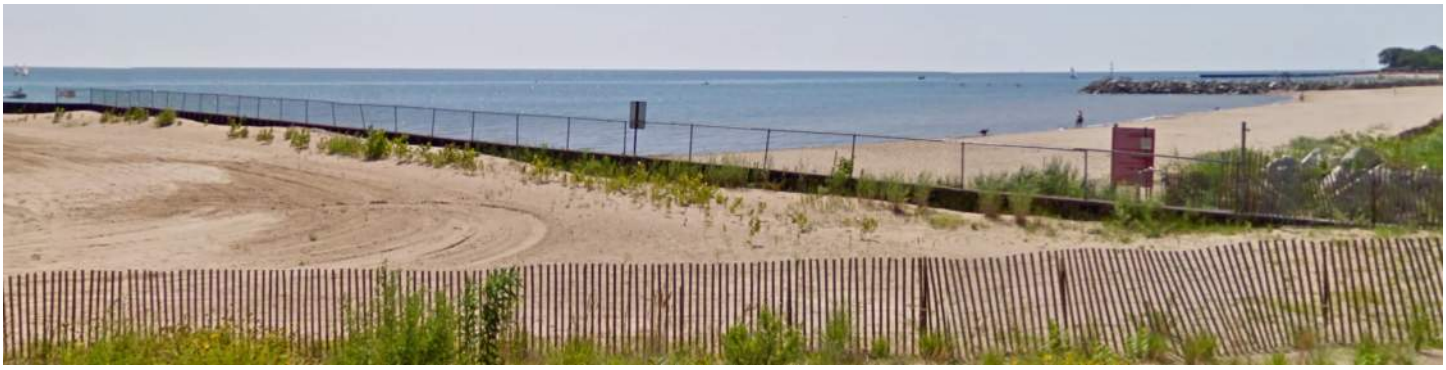




Evanston, Clark Street Beach

This public beach has a 585-foot-long steel groin with a 4-foot tall chain link fence on top of it that functions as a guardrail. This guardrail protects beach patrons from the fall risk and vertical drop created by the inherent but uneven natural accumulation of sand on the northern and southern faces of the groin – the same safety issue the Park District will face at the New Park and Beach.

This public groin and fence are shore perpendicular structures that do not have pedestrian access over and across them.





Lake Bluff, Sunrise Beach

This public beach has a 50-foot-long steel groin with a 4-foot-tall metal chain link fence on top of it that functions as a guardrail. This guardrail protects beach patrons from the fall risk and vertical drop created by the inherent but uneven natural accumulation of sand on the northern and southern faces of a groin – the same safety issue the Park District will face at the New Park and Beach.

This groin and fence are shore perpendicular structures that do not have pedestrian access over and across them.

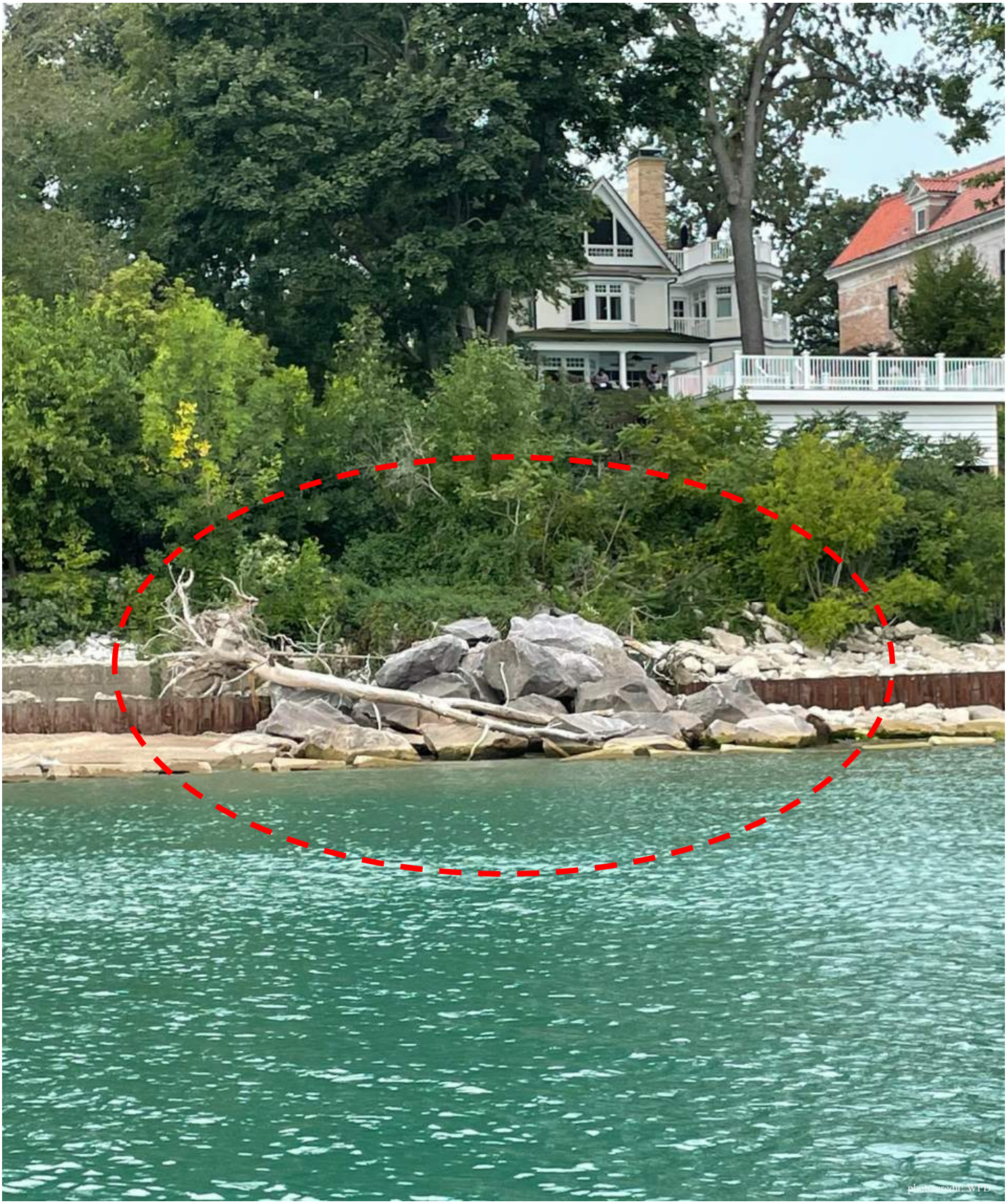



EXISTING IMPASSABLE LAKFRONT STRUCTURES

This Village of Winnetka stormwater outfall breakwater completely blocks pedestrian movement along the shoreline.



This Village of Winnetka stormwater outfall breakwater completely blocks pedestrian movement along the shoreline.



This Village of Winnetka stormwater outfall breakwater and planting pocket completely block pedestrian movement along the shoreline.



This section of shoreline has multiple structures that completely block pedestrian movement along the shoreline.

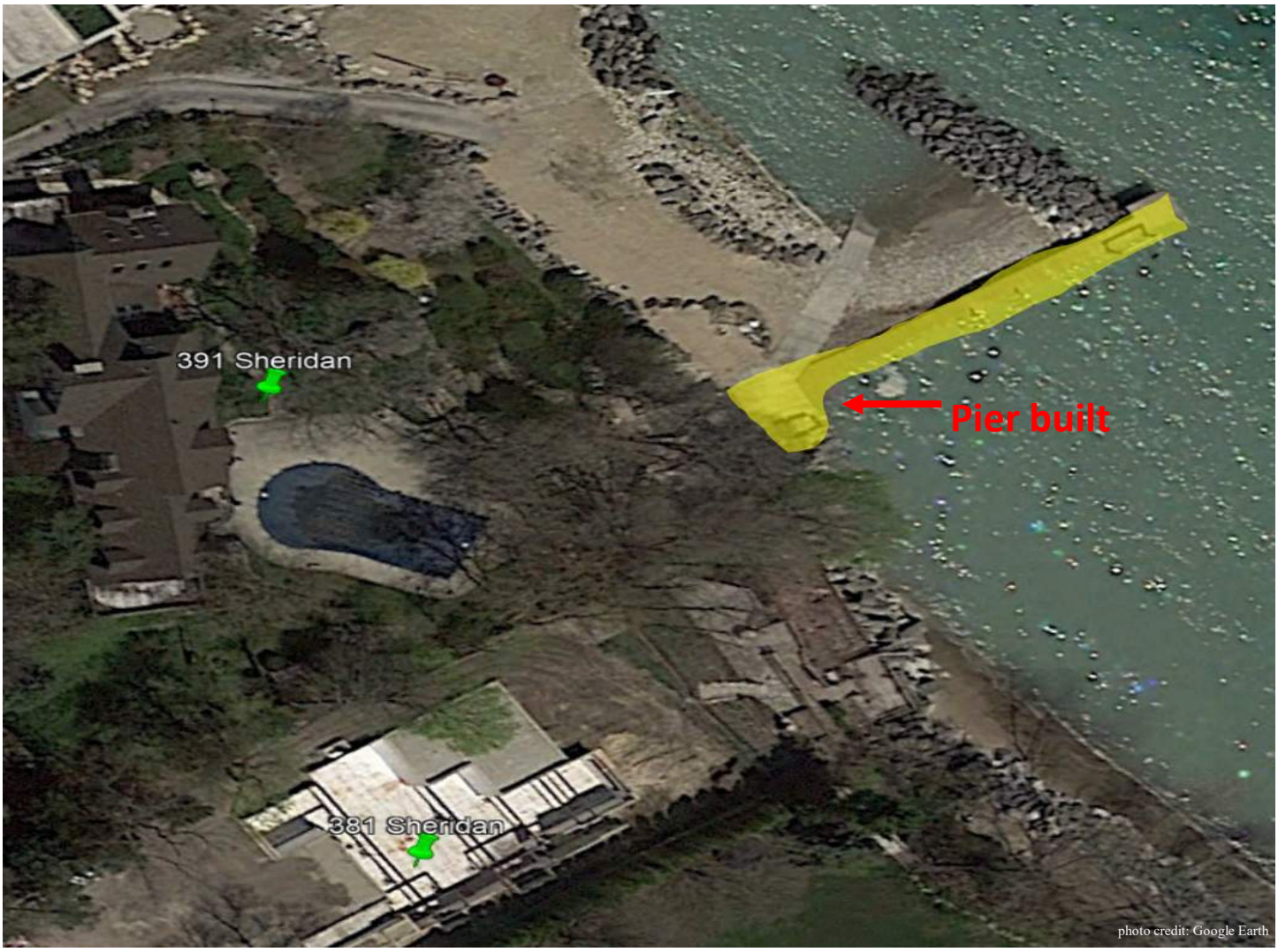




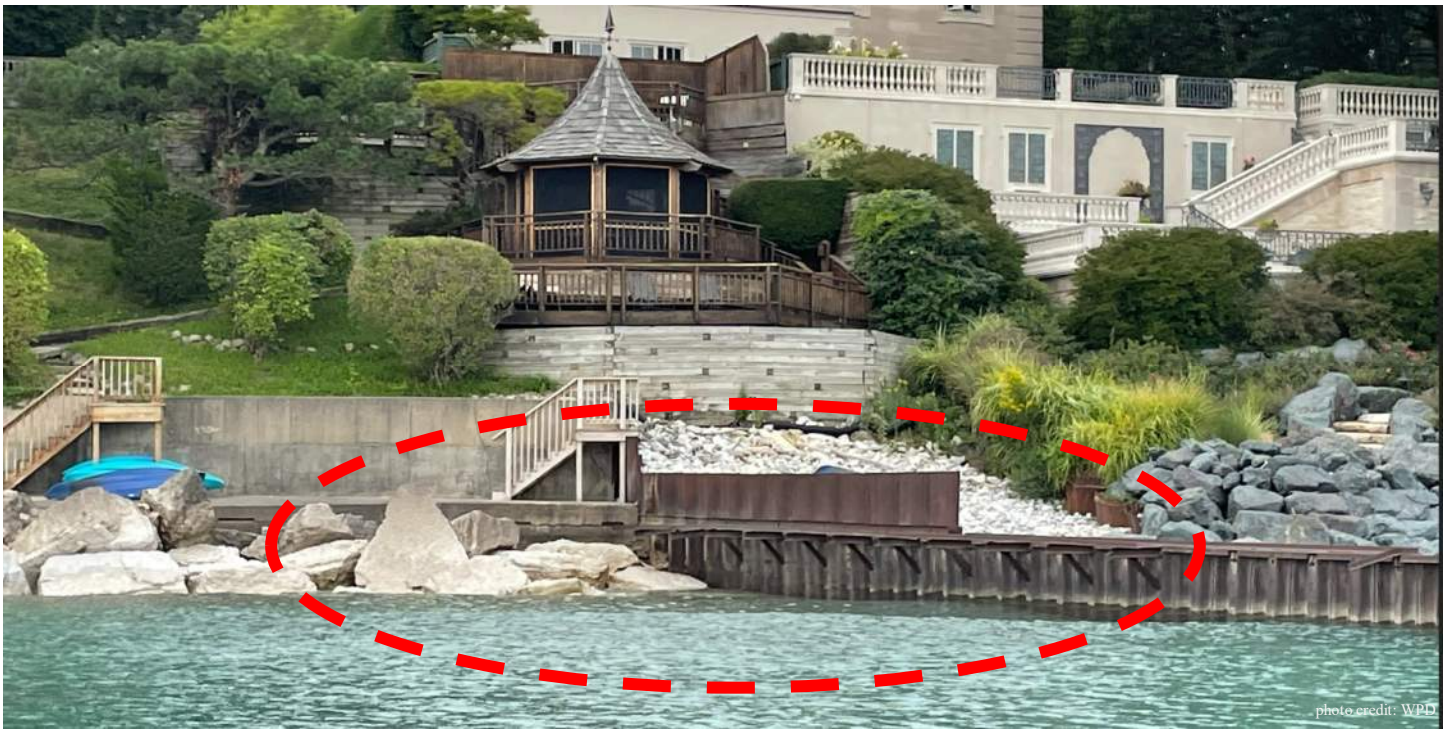


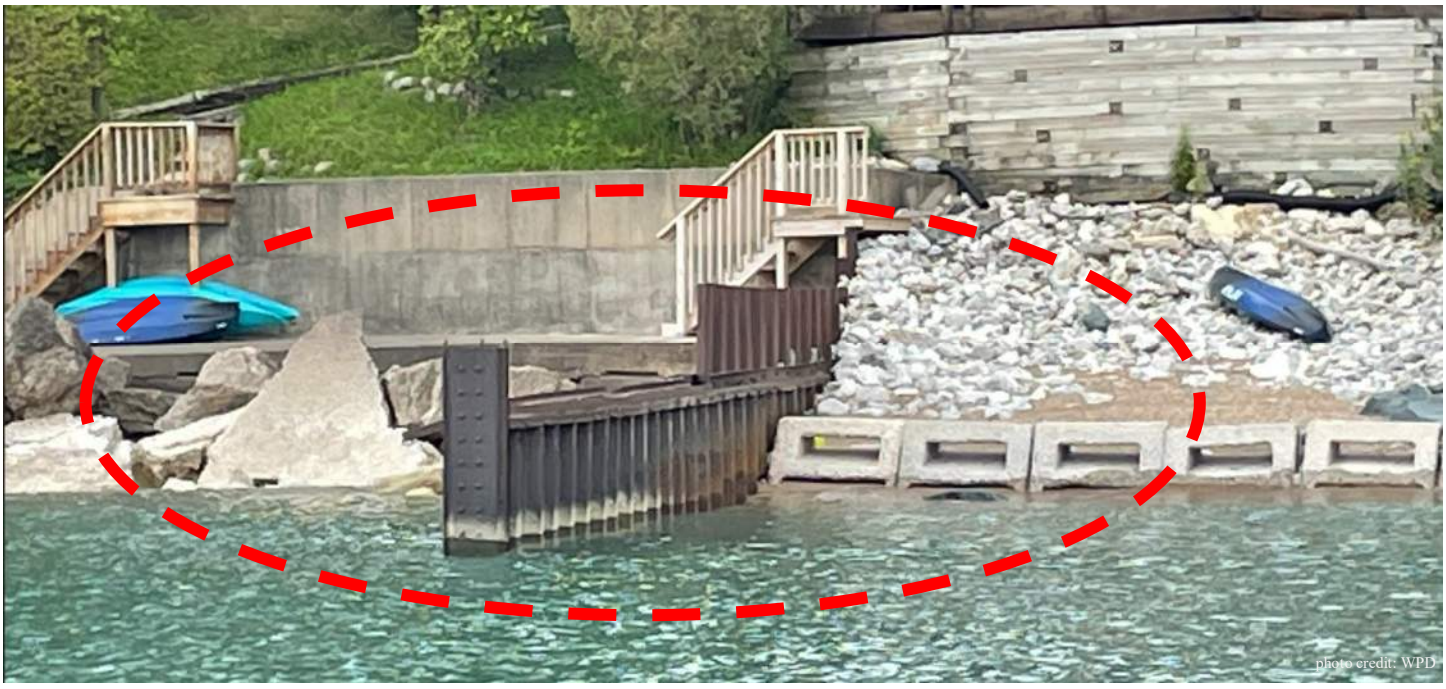
The private pier is approximately 54” above the current water line and completely blocks pedestrian movement along the shoreline.





This section of shoreline has multiple structures that completely blocks pedestrian movement along the shoreline.

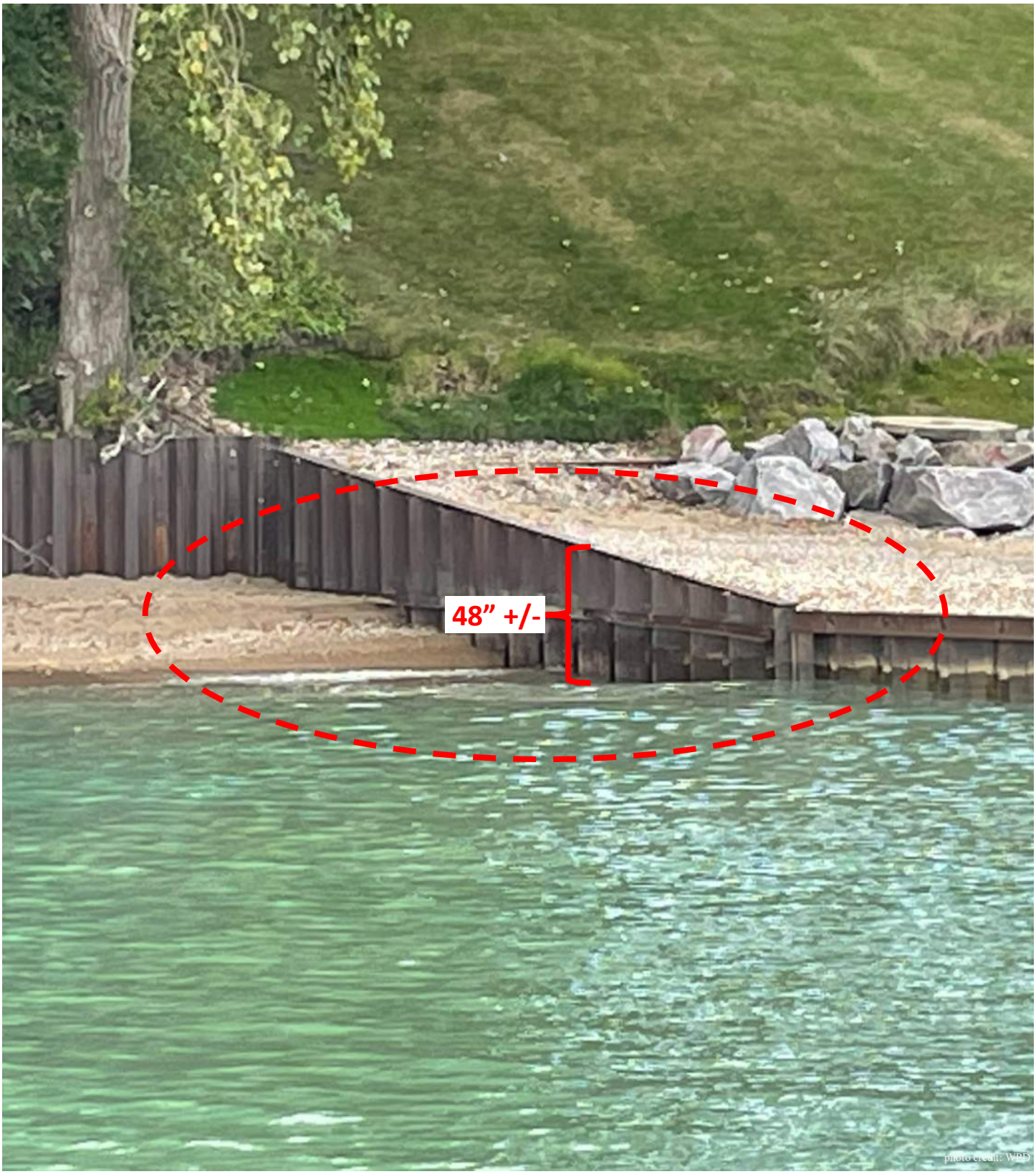





2013 water line
480 Sheridan
473 Sheridan
photo credit: Google Earth

The top of the groin is approximately 48” above the water line on the south face. This structure blocks pedestrian movement along the shoreline. Furthermore, this structure presents a fall risk for any pedestrian who should attempt to move along the shoreline from north to south.




48” +/-
photo credit: WPD

This breakwater and groin completely block pedestrian movement along the shoreline.



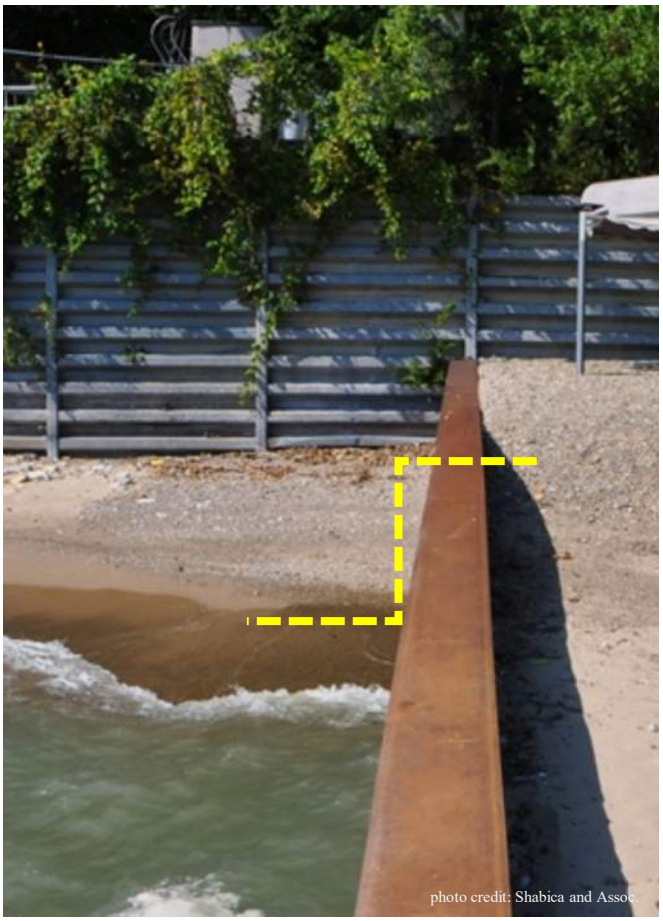
photo credit: WPD

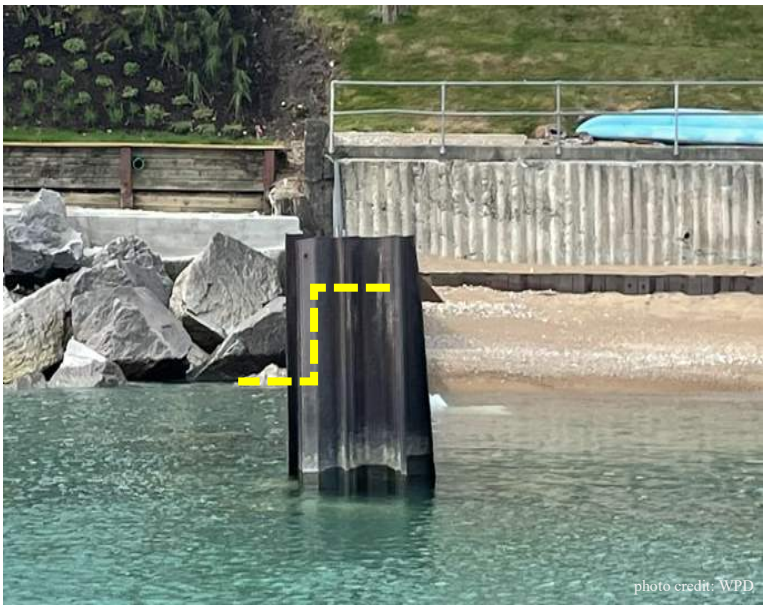

SAFETY CONCERNS OUTSIDE the PROJECT

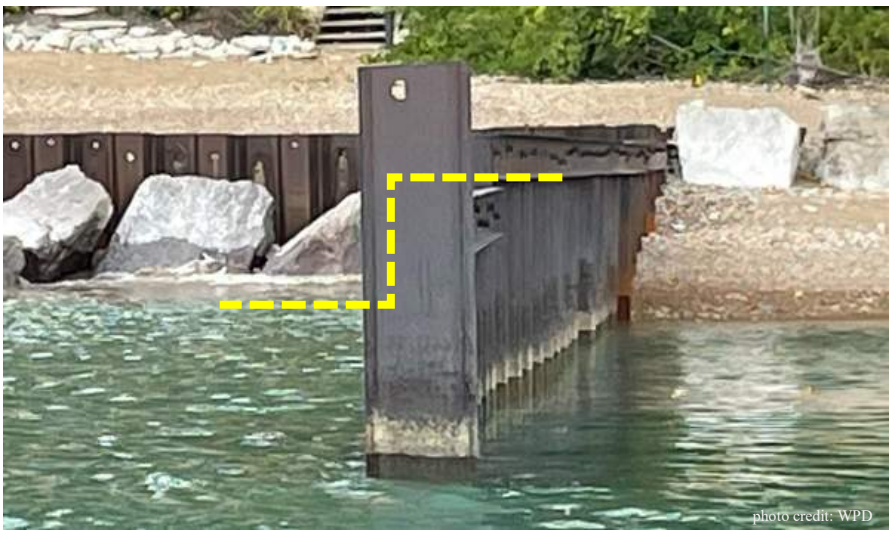
Safety for all patrons is paramount of importance in the project. The Park District wants all users to embrace the New Park and Beach and comfortably enjoy the improved facilities. Paramount to this effort is assuring all users they are safe and secure while on site, and clearly indicating the edges of the park. There are many safety concerns outside park boundaries - over which the Park District has no control.

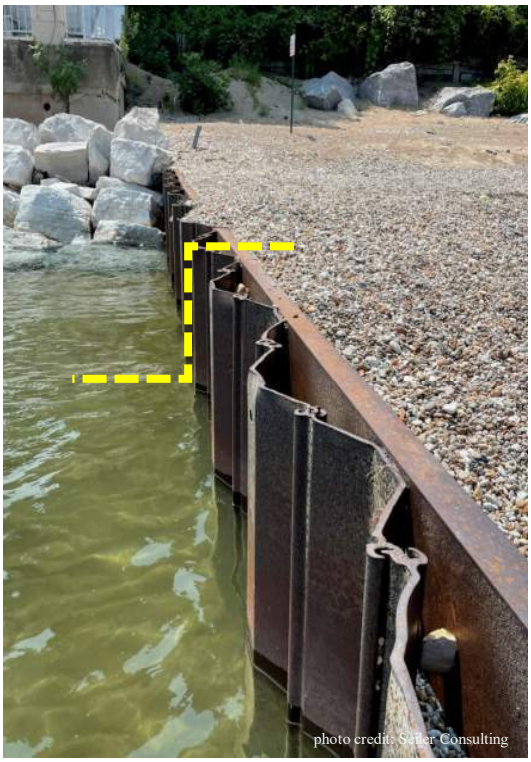
Concern #1 – Fall Risk

The Park District understands through time and because of storm events, large amounts of sand will move and create unsafe conditions (including substantial grade change) on opposite sides of groins which create fall hazards. The proposed groin extension guardrail will function as a safety railing, protecting users from falling over this edge.









Concern #1 – Fall Risk (continued)



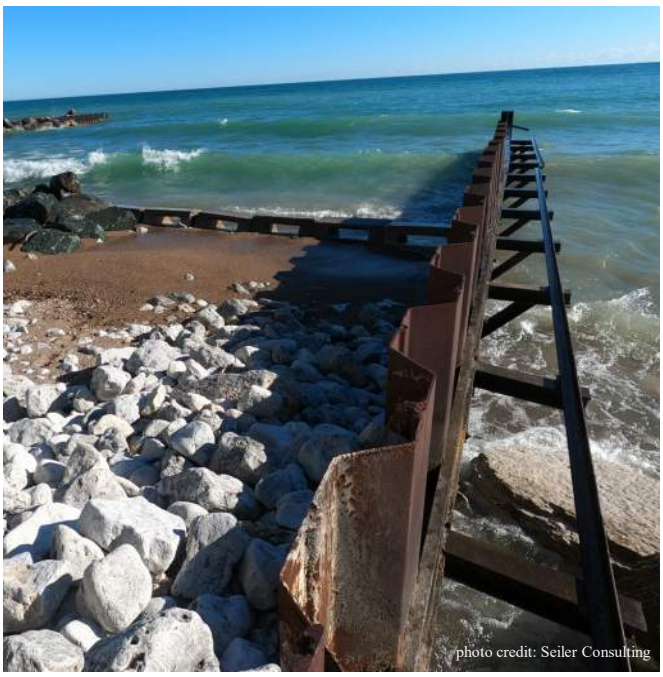
Concern #1 – Fall Risk (continued)



Concern #2 – Physical Hazards

The shoreline to the north and south has hazardous conditions from which the Park District must protect its patrons. Unsafe rock formations, damaged sharp steel groin sections and unmaintained major debris are present in both directions. The Park District seeks to avoid needing to defend themselves should a beach patron, wandering from the beach and encountering one of these items, get injured.



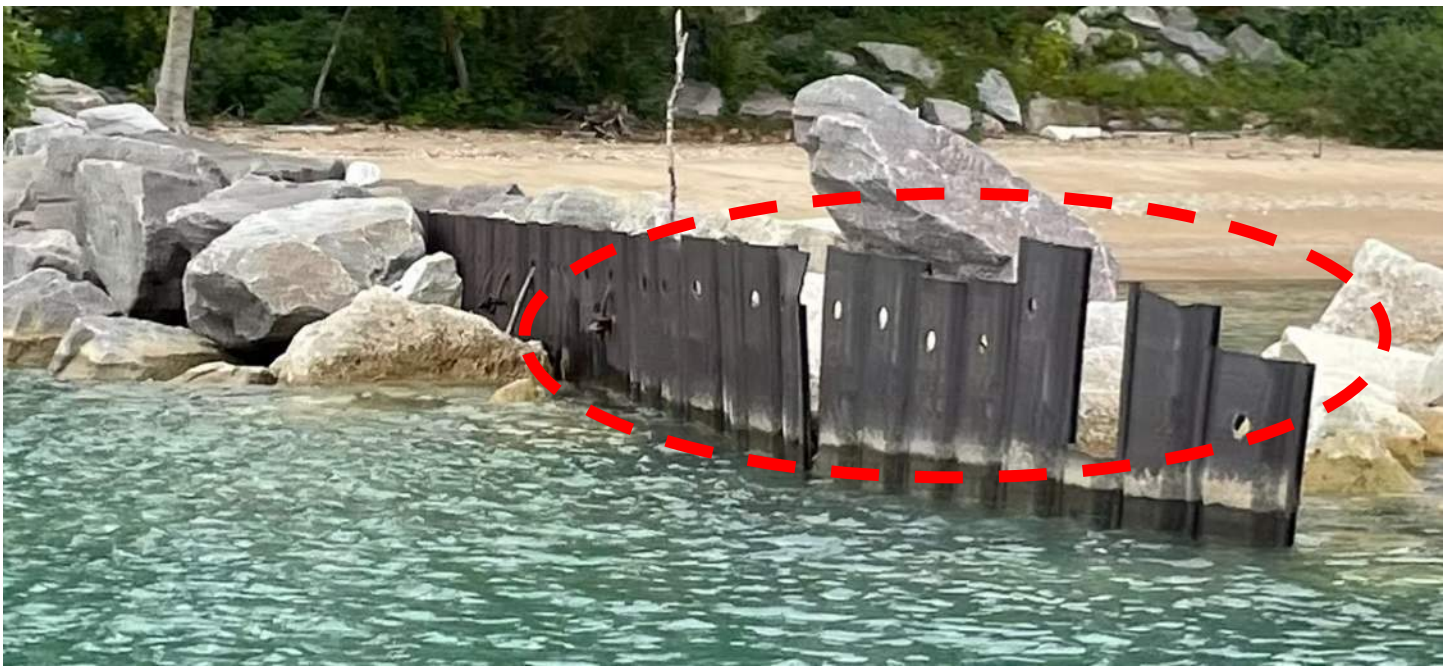






Concern #2 – Physical Hazards (continued)





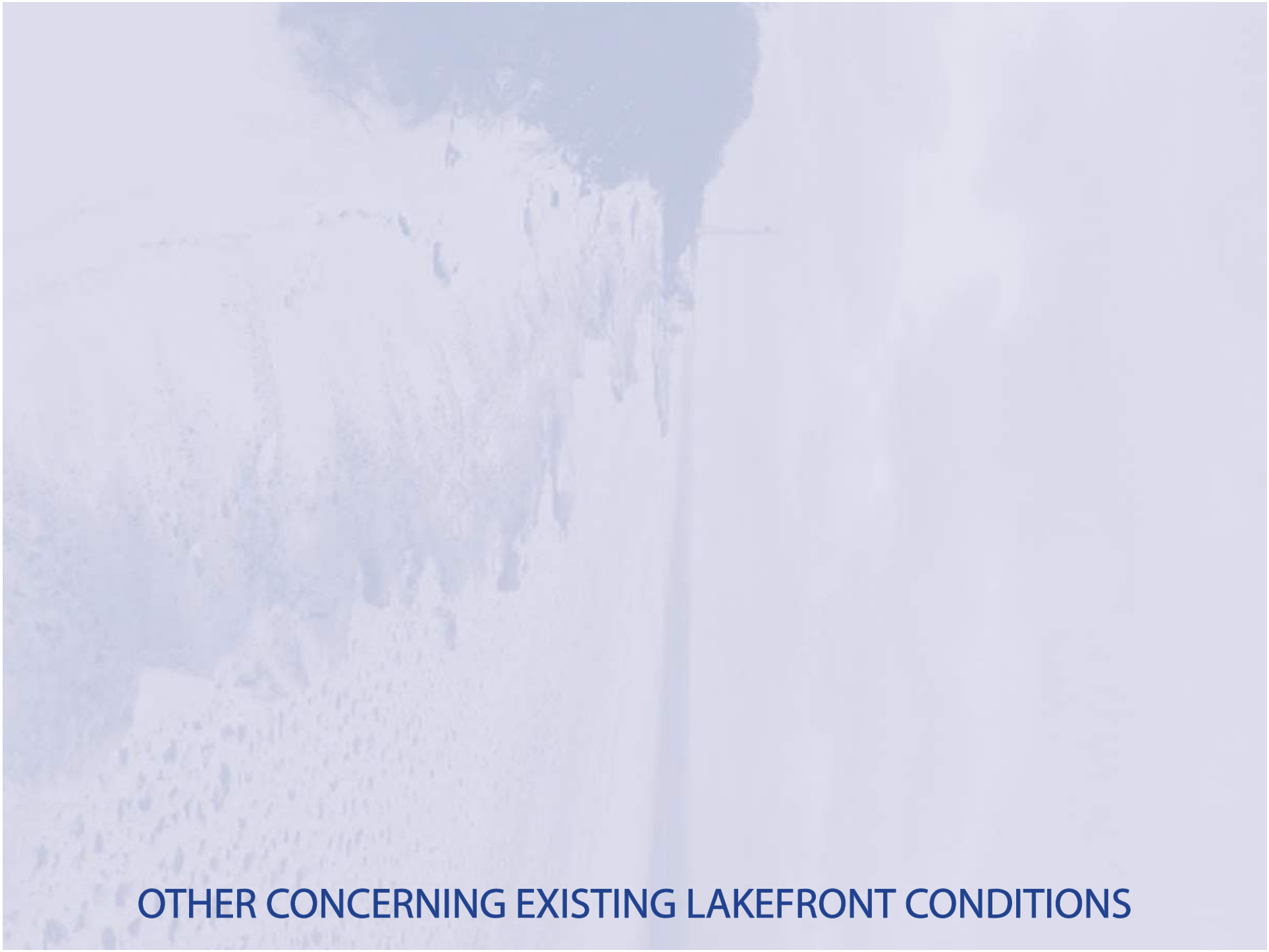
Concern #3 – Dangerous pathways

In multiple locations up and down the shorelines, lakefront users are subject to significant obstacles and structures which significantly inhibit safe movement. Again, the Park District seeks to keep park patrons safe and free from injury. The planting pockets and groin extensions will encourage patrons to safely enjoy the beach and amenities the New Park and Beach offers.


photo credit: Seiler Consulting


photo credit: Seiler Consulting

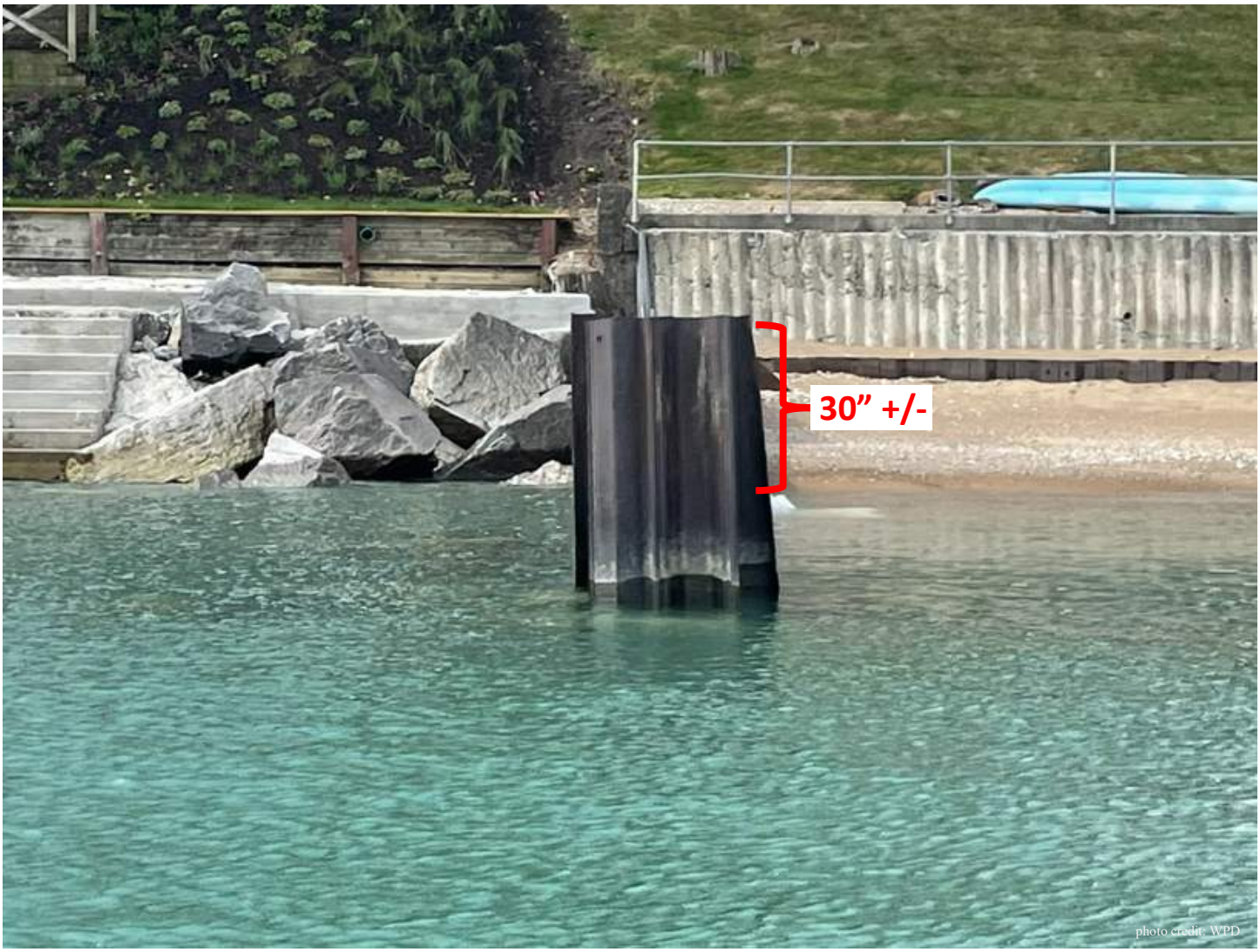

photo credit: Shabica and Assoc.



OTHER CONCERNING EXISTING LAKEFRONT CONDITIONS

The top of the groin is approximately 30” above the water line on the north face. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this unsafe structure in order to safely walk the beach below the OHWM.





The top of the private pier is approximately 30” above the beach grade at the water line. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this structure in order to safely walk the beach below the OHWM. Furthermore, this structure presents a fall risk for any pedestrian who should attempt to scale it. Even when the lake level was low in 2013, the pier blocked pedestrian movement along the shoreline.

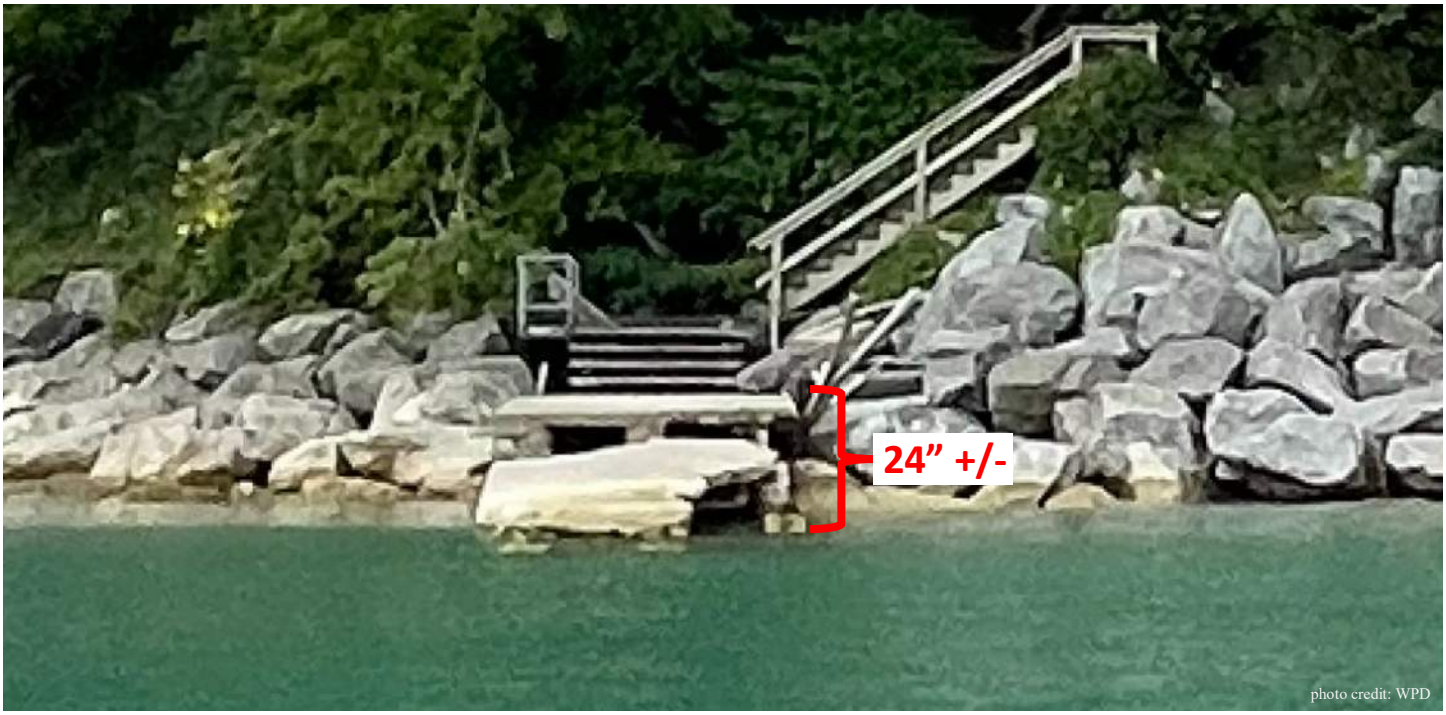


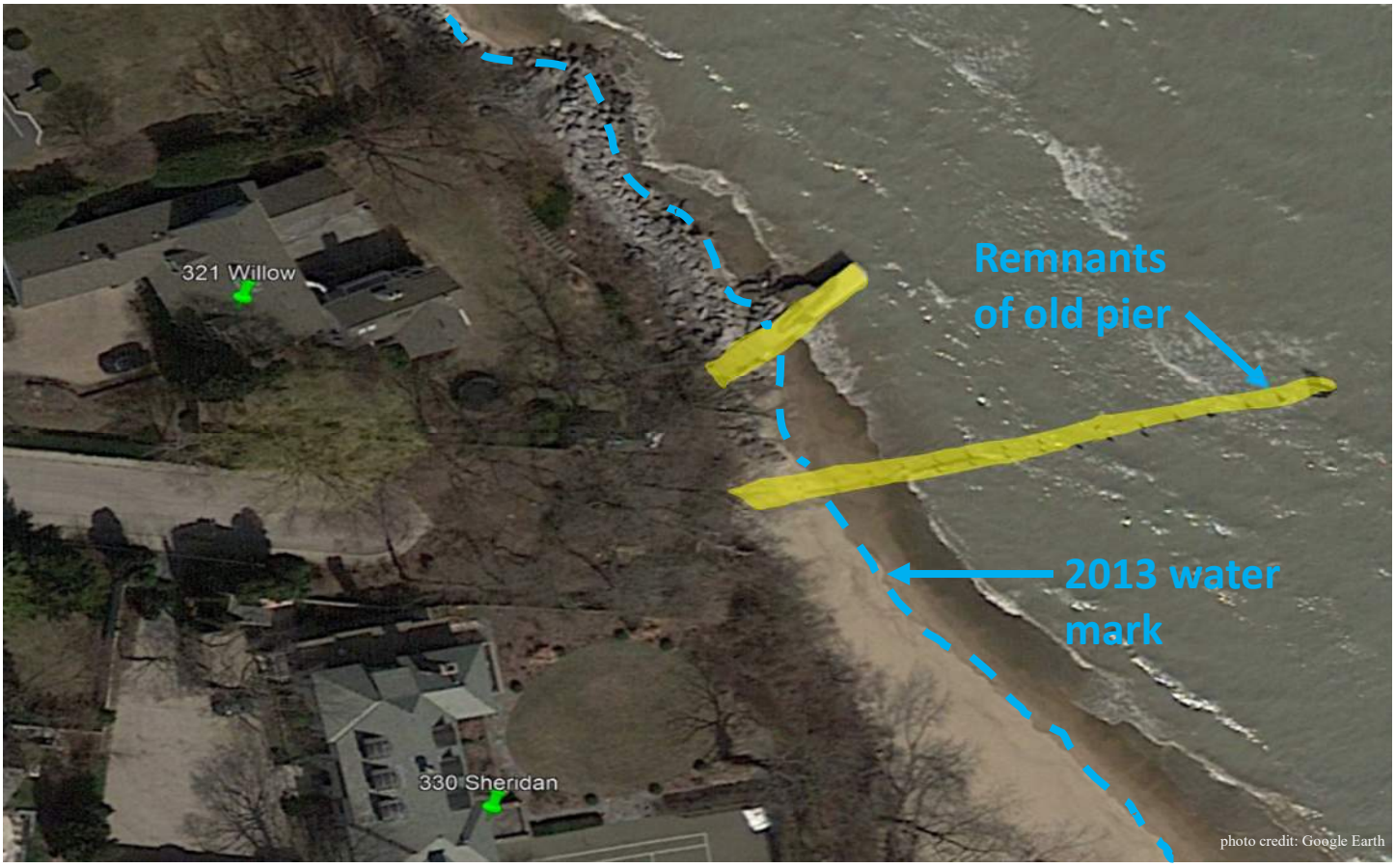


The top of the groin is approximately 30” above the water line on the south face. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this unsafe structure in order to safely walk the beach below the OHWM.



The top of this damaged private pier is approximately 24” above the beach grade at the water line. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this structure in order to safely walk the beach below the OHWM. Even when the lake level was low in 2013, the pier blocked pedestrian movement along the shoreline. In addition, there are scattered remnants of an old pier which are only visible during low lake levels – these are dangerous under foot.



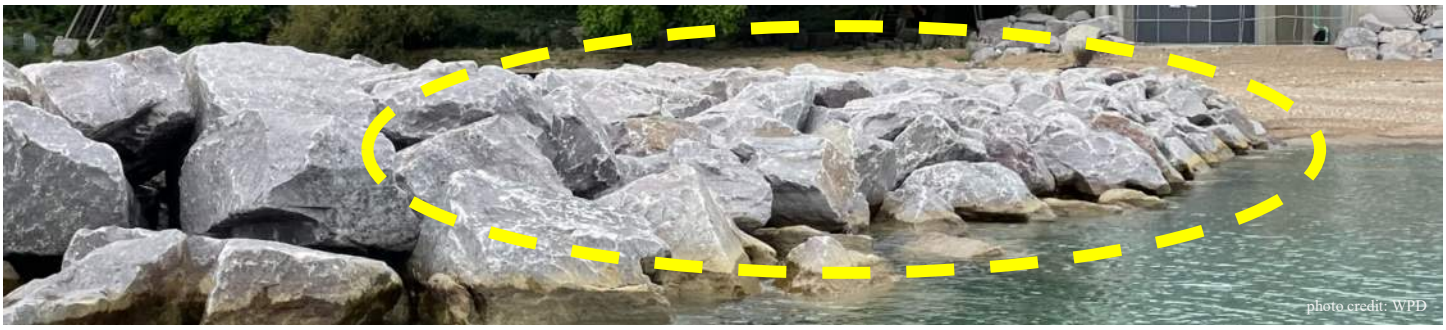


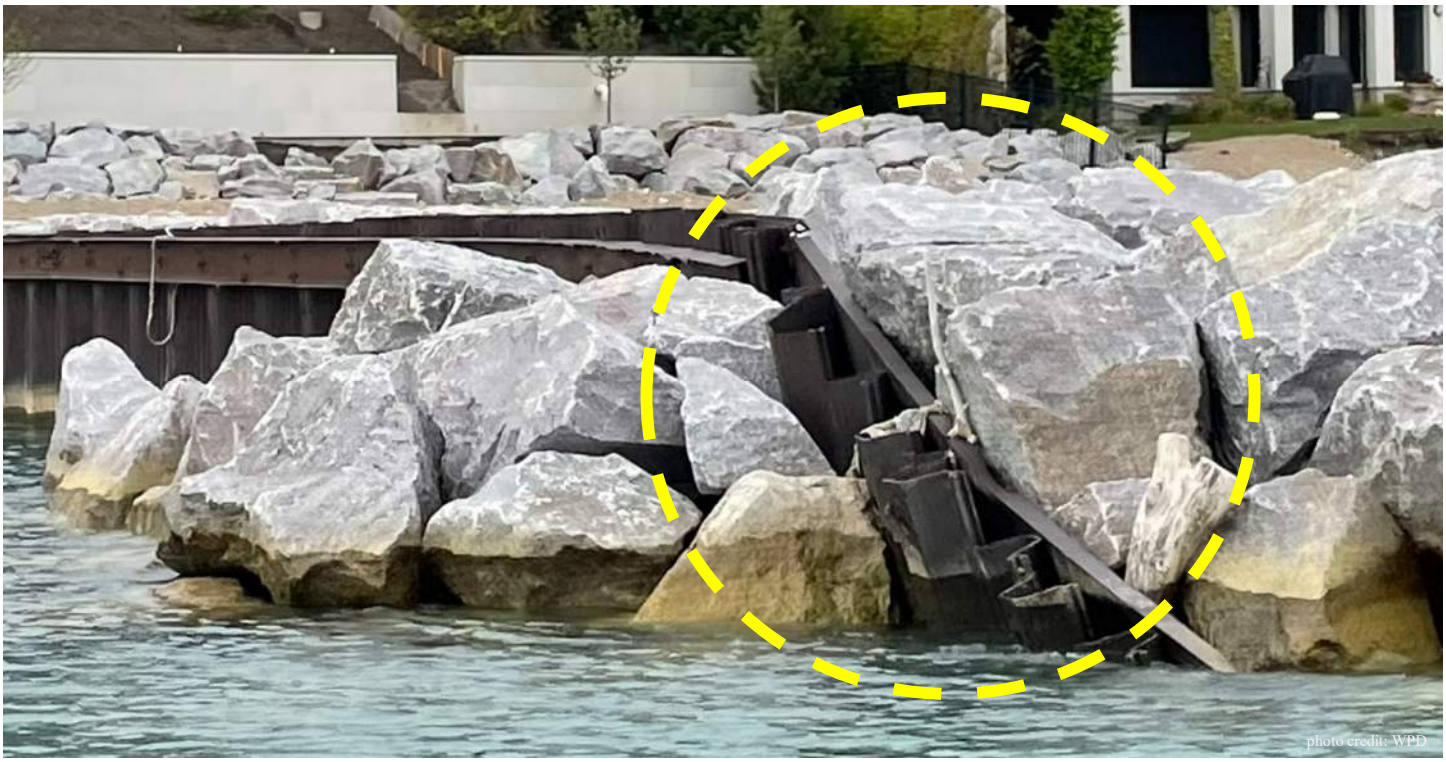
The top of the groin is approximately 24” above the water line on the south face. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this unsafe structure in order to safely walk the beach below the OHWM.



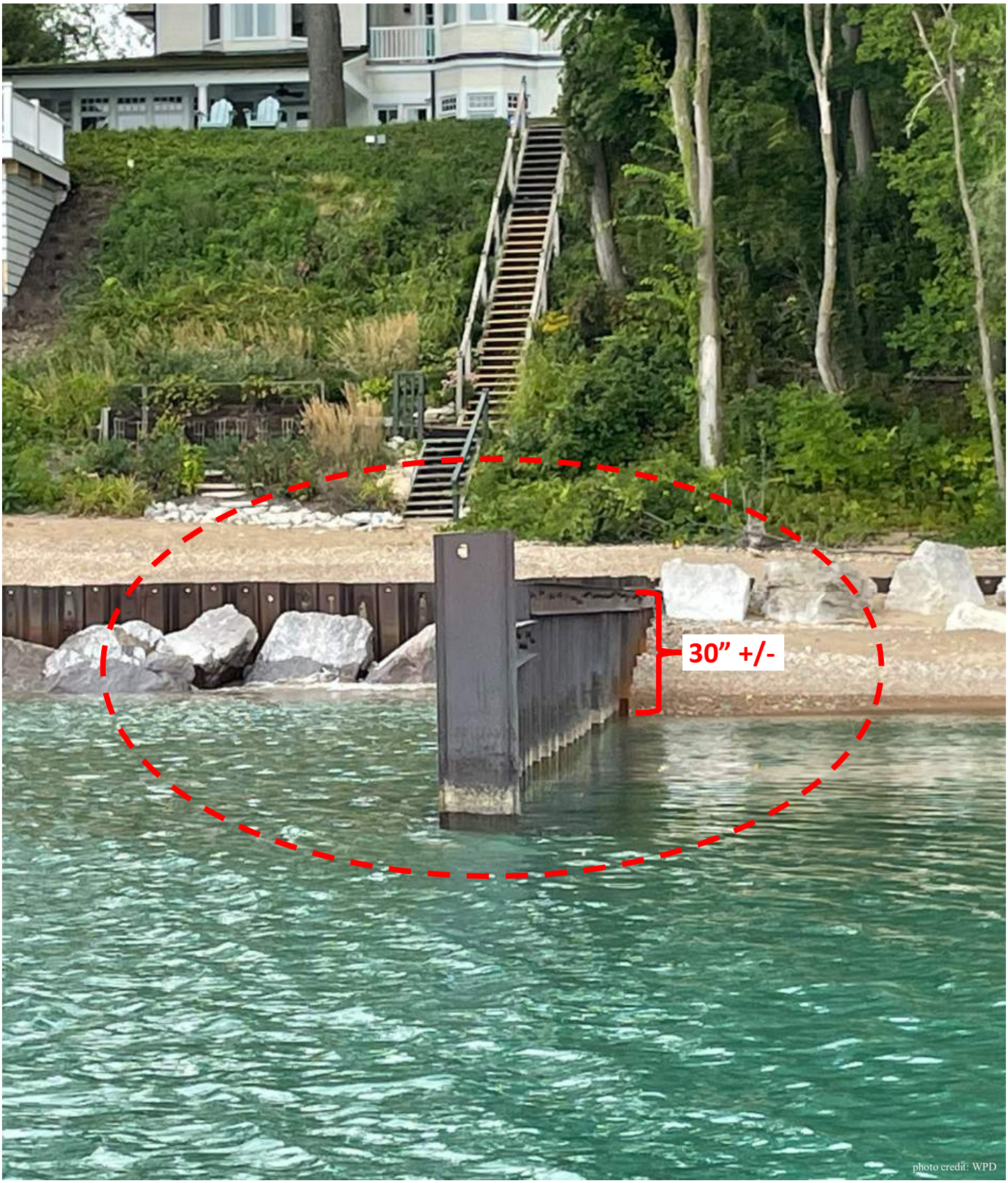
The top of the groin is approximately 36” above the waterline on the south face. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this unsafe structure in order to safely walk the beach below the OHWM. Additionally, there are stones on the north side of the groin, making climbing up and over even more treacherous. The steel groin is damaged and has been displaced by the stone revetment.







The top of the groin is approximately 30” above the water line on the north face. This structure blocks pedestrian movement along the shoreline. A pedestrian would need to scale this unsafe structure in order to safely walk the beach below the OHWM.



667 Sheridan

The top of this pier is approximately 30” above the water line on the north face. This structure, in addition to the fence, blocks pedestrian movement along the shoreline. Furthermore, this structure presents a fall risk for any pedestrian who should attempt to move along the shoreline from north to south.



ORDINANCE NO. MC-05-2023

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE WINNETKA VILLAGE CODE RELATING TO LAKEFRONT CONSTRUCTION

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Winnetka Village Code, as amended (***"Village Code"***), contains regulations which, among other things, broadly protect public health, safety and welfare, including specific regulations relating to impermeable surfaces, fences, plants and structures on private or public property or impacting public places (***"Existing Regulations"***); and

WHEREAS, the Village desires to amend and supplement the Existing Regulations to more specifically address structures in and along Lake Michigan and the permit requirements for those structures; and

WHEREAS, the limited amendments to the Existing Regulations enacted by this Ordinance are intended to be in place while the Village undertakes a more thorough study, review, and consideration of more comprehensive lakefront and steep slope regulations; and

WHEREAS, the Village Council has determined that amending and supplementing the Existing Regulations as set forth in this Ordinance is in the best interests of the Village;

NOW, THEREFORE, the Council of the Village of Winnetka does ordain as follows:

SECTION 1: RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2: AMENDMENT TO SECTION 1.04.020 OF THE VILLAGE CODE. Section 1.04.020, titled "Corporate limits--Jurisdiction," of Chapter 1.04, titled "General Provisions," of Title 1, titled "General Provisions," of the Village Code shall be amended to read as follows:

"**Section 1.04.020 Corporate limits--Jurisdiction.**

The corporate limits of the Village **are** ~~shall be as~~ ~~provided~~ **illustrated** on the Official Village of Winnetka Zoning Map, which is appended to Title 17 of this Code **and, as provided in the Village Charter, includes the bed and water of Lake Michigan to the width of one-half mile adjoining and contiguous to the Village.** Unless otherwise specifically provided in this Code, the provisions of this Code apply to persons and property located within the Village's corporate limits and to acts performed within those corporate limits."

SECTION 3: NEW CHAPTER 15.78 OF THE VILLAGE CODE. Title 15, titled "Buildings and Construction," of the Village Code shall be amended to add a new Chapter 15.78, titled "Lakefront Construction," to read as follows:

"**Chapter 15.78**
LAKEFRONT CONSTRUCTION

Sections:

15.78.010 Purpose.
15.78.020 Application of Provisions.
15.78.030 Permit Requirement.
15.78.040 Application Requirements.
15.78.050 Permit Issuance.
15.78.060 Decision of Village Engineer.
15.78.070 Appeal to Village Council.
15.78.080 Criteria for Permit Approval.
15.78.090 Inspection.

Section 15.78.010 Purpose.

The purpose of this Chapter is to create permitting requirements for construction along, adjacent to and within Lake Michigan. Lake Michigan, its coastline and beaches provide a unique natural resource to the Village and to its residents that must be preserved and protected. Some development and construction activity in and around Lake Michigan may be hazardous to people and property and may accelerate the erosion process and alter natural drainage patterns. This Chapter is intended to attempt to preserve those portions of Lake Michigan, its coastline and vegetation within the Village's boundaries, while protecting the value of properties along the Lake through the establishment of narrow, reasonable permitting regulations. The regulations in this Chapter are further intended to provide that construction in and adjacent to Lake Michigan and its shoreline will not cause environmental or ecological damage to the Lake or surrounding areas of the Village.

Section 15.78.020 Application of Provisions.

A. This Chapter provides regulations and requirements for construction of structures in and adjacent to Lake Michigan and its shoreline. Specifically, this Chapter applies to (i) that portion of Lake Michigan that lies within the Village's corporate limits as set forth in Section 1.04.020 of this Code, as well as that portion of Lake Michigan three miles beyond the Village

corporate limits ("*Lake Michigan*"), and (ii) public and private property adjacent to Lake Michigan (collectively, "*Lake Michigan regulated areas*").

B. This Chapter applies cumulatively with the other provisions of this Title and the Village Subdivision regulations and Building Codes. No approvals or permits issued pursuant to those other regulations or Codes authorize any activity that does not also comply with the applicable provisions of this Chapter. If a provision of this Chapter and a provision in this Title or in the Village Subdivision regulations or Building Codes are inconsistent, the provision resulting in the maximum protection and preservation of the Lake Michigan regulated areas shall govern.

C. The Village Engineer, or the Village Engineer's designee ("*Village Engineer*"), is the Village official principally responsible for the administration of the requirements of this Chapter. The Village Engineer may utilize other Village officials and third-party consultants such as a coastal engineer to assist in, among other things, the review and analysis of permit applications and inspections required under this Chapter.

Section 15.78.030 Permit Requirement.

A. A permit pursuant to this Chapter ("*Required Permit*") is required for any construction activity within the Lake Michigan regulated areas that requires a permit from any of the following government agencies ("*Permitting Agencies*"): the United States Army Corps of Engineers, the Illinois Department of Natural Resources, the Metropolitan Water Reclamation District of Greater Chicago, or the Illinois Environmental Protection Agency (collectively, "*Covered Construction*"). No person shall undertake any Covered Construction without a Required Permit issued by the Village pursuant to this Chapter.

B. Any person who engages in any Covered Construction without the Required Permit will be subject to additional fees and penalties as may be set from time to time by resolution of the Village Council or as otherwise provided in this Code.

Section 15.78.040 Application Requirements.

The submittal requirement for an application for a Required Permit will be to submit all documents and application materials required by or submitted to the Permitting Agencies for the Covered Construction. An application must be supplemented to include any updates to the corresponding applications to the Permitting Agencies. The applicant with apprise and consult with the Village on the progress of the review of the Covered Construction by the

Permitting Agencies so the Village can (i) fully understand exactly what type of construction or activity is being proposed by the application, (ii) provide comments and feedback on the application and project throughout the federal and state review process, and (iii) make a decision on the Required Permit within the time period provided under Section 15.78.50 of this Chapter. Applicants must meet with the Village Engineer in advance of filing an application with any of the Permitting Agencies for Covered Construction to allow the Village an opportunity to identify any issues or concerns related to the Covered Construction, including any aspects of the Covered Construction that may not comply with the permit requirements of this Chapter.

Section 15.78.050 Permit Issuance.

The applicant must provide to the Village Engineer a copy of all permits for the Covered Construction received from the Permitting Agencies. The Village Engineer will make its final permit decision within 14 days after all of the permits from the Permitting Agencies for the Covered Construction have been provided to the Village, unless the applicant and the Village agree to additional time. The applicant will notify the Village Engineer within 48 hours if any of the Permitting Agencies deny a permit for the Covered Construction.

Section 15.78.060 Decision of Village Engineer.

The Village Engineer will take one of the following actions on each permit application within the 14-day period provided in Section 15.78.050 of this Chapter. The Village Engineer may (i) grant the permit, (ii) grant the permit with conditions, or (i) deny the permit. The issuance of any Required Permit will be conditioned on the applicant reimbursing the Village for any cost incurred by the Village in utilizing a coastal engineer or other third-party consultant to review the proposed Covered Construction and to participate in any subsequent inspections as provided in Section 15.78.090 of this Chapter. The applicant may appeal a decision of the Village Engineer directly to the Village Council by filing a written appeal with the Village Clerk within 14 days after receipt of the Village Engineer's decision on the Required Permit.

Section 15.78.070 Appeal to Village Council.

The Village Council will hear and decide an appeal within 60 days after receipt of the appeal, unless the applicant and the Village agree to additional time. The Village will provide notice of the date on which the Village Council will first consider an appeal by (i) notice on the Village website, (ii) posting notice on the Covered Construction property, and (iii) mailing notice to properties within 500 feet from the Covered Construction property. The Village will provide an opportunity for the applicant and other interested

parties to be heard on the appeal at a public meeting. The decision of the Village Council will be a final decision by resolution duly adopted.

Section 15.78.080 Criteria for Permit Approval.

The Village Engineer (and, if applicable on appeal, the Village Council) will issue a permit (with or without conditions) only if the following requirements are satisfied:

A. Permitting Agency Permits. The applicant has received and provided to the Village all required permits for the Covered Construction from the Permitting Agencies.

B. Height. The height of the Covered Construction and any related structures will be no greater than what is minimally necessary to achieve the intended purpose of the project.

C. Conformity with Code. The Covered Construction and any related structures comply with all other applicable provisions of the Village Code, including, without limitation, the construction permitting requirements of Chapter 15.32 of this Title.

D. Project Scope. The Covered Construction and any related structures include only what is minimally necessary to achieve the intended purpose of the project.

E. No Public Safety Hazard. The Covered Construction and any related structures will not create any public safety hazards, including, without limitation, by unreasonably obstructing or otherwise interfering with ingress or egress to adjacent public beaches or private property.

F. Interference with Public Safety Operations. The Covered Construction and any related structures will not block or otherwise unreasonably interfere with the ability of public safety personnel to conduct search and rescue or other public safety operations.

G. Existing Site Lines: The Covered Construction and any related structures will alter existing site lines along the Lake Michigan shoreline no more than is minimally necessary to achieve the intended purpose of the project.

Section 15.78.090 Inspection.

A. Construction Inspections. All Covered Construction will be subject to inspection by the Village Engineer periodically during the course of the work. The purpose of these inspections will be to confirm that the Covered Construction complies with the Required Permit and this Code. The Village Engineer may require that the Covered Construction, or any part of the Construction, be inspected at one or more specific points during the project before further work can proceed.

B. Final Inspection. Upon completion of the Covered Construction, the Village Engineer will make a final inspection to confirm that the Covered Construction complies with the Required Permit and this Code. The applicant must submit as-built plans for the project to the Village Engineer prior to the final inspection."

SECTION 4: AMENDMENT TO SECTION 15.32.050 OF THE VILLAGE CODE. Section 15.32.050, titled "Applications for Permit," of Chapter 15.32, titled "Construction Permits," of Title 15, titled "Buildings and Construction," of the Village Code shall be amended to read as follows:

"Section 15.32.050 Applications for permit

* * *

M. Permits for Lakefront Construction. All applications for a permit for construction activities within Lake Michigan regulated areas, as defined in Section 15.78.020 of this Code, must also satisfy the requirements of Chapter 15.78 of this Title."

SECTION 5: AMENDMENT TO SECTION 9.16.020 OF THE VILLAGE CODE. Section 9.16.020, titled "Public Nuisances Defined," of Chapter 9.16, titled "Nuisances," of Title 9, titled "Public Peace, Morals and Welfare," of the Village Code shall be amended to read as follows:

"Section 9.16.020 Public nuisances defined.

* * *

D. Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection A of this section:

* * *

22. Any construction activity and related structures that do not comply with the provisions of Chapter 15.78 of this Code.

* * *"

SECTION 6: AMENDMENT TO SECTION 12.04.100 OF THE VILLAGE CODE. Section 12.04.100, titled "Improvements--Permit," of Chapter 12.04, titled "Streets and Sidewalks Generally," of Title 12, titled "Streets, Sidewalks and Public Places," of the Village Code shall be amended to read as follows:

"**Section 12.04.100 Improvements--Permit.**

No sewer, water pipe, oil pipe, conduit pipe, gas pipe, wire or cable for conveying electric current, nor any street or alley, pavement, sidewalk or other like improvement shall be placed, laid or maintained in, under or upon any proposed or existing public street, alley or other public place in the Village or in any proposed addition, subdivision or dedication of any lands within the boundaries of the Village, **including the portion of Lake Michigan within the boundaries of the Village,** except improvements constructed under special assessment proceedings, unless a permit authorizing the same shall have been duly issued by the Director of Engineering."

SECTION 7: AMENDMENT TO SECTION 12.04.140 OF THE VILLAGE CODE. Section 12.04.140, titled "Rules and Regulations," of Chapter 12.04, titled "Streets and Sidewalks Generally," of Title 12, titled "Streets, Sidewalks and Public Places," of the Village Code shall be amended to read as follows:

"**Section 12.04.140 Rules and regulations.**

The Director of Public Works shall be authorized to promulgate such standards, rules and regulations for any work in, on or above any public street, sidewalk or dedicated right-of-way**, or in or adjacent to Lake Michigan,** as he or she may determine to be necessary and appropriate to implement the provisions of this Code and to provide for the public safety. Any person doing any work in, on or above any public street, sidewalk or dedicated right-of-way**, or in or adjacent to Lake Michigan,** shall be responsible for bearing all costs of complying with the provisions of any standards, rules or regulations promulgated pursuant to this section."

SECTION 8: SEVERABILITY. If any provision of this Ordinance or part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage and approval in the manner provided by law.

PASSED this _____of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

Signed:

_____

Village President

Countersigned:

_____

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2023.

Introduced: March 7, 2023
Passed and Approved: _____ , 2023

Village of
WINNETKA, IL

Agenda Item Executive Summary

TITLE: Ordinance No. MC-07-2023: Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District (Public Hearing and Introduction/Adoption)

PRESENTER: David Schoon

AGENDA DATE: July 6, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:
None

EXECUTIVE SUMMARY:
On Thursday, July 6, 2023, the Village Council is scheduled to hold public hearings on and consider introduction and, if the Village Council desires, adoption, of the following two ordinances:

- MC-07-2023 – An Ordinance Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District, and
- M-09-2023 – An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") concerning regulation of certain land, currently publicly owned, along Lake Michigan in Winnetka.

The general purpose of the proposed text amendments is to establish a Lakefront Preservation Overlay (LPO) District and use regulations for properties located within the new overlay district, which are further summarized in this report. Under consideration are map amendments to the Village Zoning Map to apply the new Overlay District to certain land that is publicly owned as of July 6, 2023, which properties are identified later in this report.

Attached is a separate staff report regarding the proposed amendments.

RECOMMENDATION:
The Council is scheduled to hold a public hearing and consider introduction and, if the Village Council desires, adopt, Ordinance MC-07-2023, An Ordinance Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District, and Ordinance M-09-2023, An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

ATTACHMENTS:

1. Staff Report - Lakefront Preservation Overlay District
2. Ordinance MC-07-2023, An Ordinance Amending the Text of the Winnetka Zoning Ordinance to establish a Lakefront Preservation Overlay District

MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-07-2023 & M-09-2023: ZONING ORDINANCE TEXT & MAP AMENDMENTS TO ESTABLISH A NEW LAKEFRONT PRESERVATION OVERLAY DISTRICT

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to hold public hearings on and consider introduction and, if the Village Council desires, adoption, of the following two ordinances:

- MC-07-2023 – An Ordinance Amending the Text of the Winnetka Zoning Ordinance to establish a Lakefront Preservation Overlay District, and
- M-09-2023 – An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") concerning regulation of certain land, currently publicly owned, along Lake Michigan in Winnetka.

The general purpose of the proposed text amendments is to establish a Lakefront Preservation Overlay (LPO) District and use regulations for properties located within the new overlay district, which are further summarized in this report. Under consideration are map amendments to the Village Zoning Map to apply the new Overlay District to certain land that is publicly owned as of July 6, 2023, which properties are identified later in this report.

The hearings were properly noticed in the *Chicago Tribune* on June 21, 2023. A mail notice was sent to owners of property affected by the proposed map and text amendments. A mailed notice was also sent to property owners within 250 feet of the affected properties, in compliance with the Zoning Ordinance. As of the date of this memo, staff has not received any written comments from the public regarding this application.

PROPOSED TEXT AMENDMENTS & MAP AMENDMENTS

Zoning Ordinance Text Amendment. The text amendments establish a Lakefront Preservation Overlay ("LPO") District and use regulations for properties located within the new overlay district.

An overlay district is a geographic zoning district layered onto another existing zoning district, or districts, and which implements additional regulations for that geographic area. Overlay districts are frequently used in zoning codes to protect environmental features, preserve historic buildings, prevent development on vulnerable land features, or promote specific types of development.

The Village currently has two overlay districts. One is the C-2 Commercial Overlay District which promotes the location of retail and restaurant uses on portions of the ground floor of properties located within the underlying C-2 General Retail Commercial District. The other overlay district is the Wireless Telecommunications Service Facilities (WTSF) Overlay District, which identifies the preferred location for cell towers and cell antennas in the community and which overlays many different zoning districts in the community.

The purposes of the proposed Lakefront Preservation Overlay District is set forth in the proposed ordinance and can be summarized as intending to preserve and maintain the character of property that is currently ***publicly owned along Lake Michigan*** in the event that those properties are no longer publicly owned, to promote the preservation of existing open space and existing landscaped areas along Lake Michigan, and to conserve and encourage the use of land adjacent to Lake Michigan for open space preservation and enhancement; to protect natural resources, and to save scenic vistas.

The LPO District would achieve this purpose by identifying a specific set of permitted uses (those allowed by right) in the Overlay District should a property within the Overlay District no longer be publicly owned, which property the proposed ordinance calls a "Regulated Property." Permitted uses, those allowed by right on a Regulated Property, would be:

- Publicly owned utilities;
- Limited recreational uses (as defined in the proposed ordinance);
- Open space (as defined in the proposed ordinance).

In addition, the proposed ordinance would allow, on a Regulated Property by special use approval, any use allowed in the underlying zoning district. An applicant for a special use would need to demonstrate that the proposed use would comply with the applicable special use standards and be consistent with the purposes of the LPO District. As noted in the following section, the underlying zoning district of the properties proposed to be placed in the LPO District pursuant to the Zoning Map amendment is the R-2 Single Family Residential District, and the uses allowed in the R-2 District are as follows:

1. Permitted Uses
    a. Single-family detached dwelling and permitted accessory buildings and uses.
    b. Essential Public Use (Police, fire, water, electric and emergency services provided by the Village)
2. Special Uses
    a. Church or temple
    b. Public or private elementary or high school
    c. Library
    d. Non-essential public uses (which includes parks and recreational facilities) per Section 17.56.020 of Chapter 17.56, Special Uses, of the Zoning Ordinance.

To be clear, a publicly owned property located within the LPO District would continue to be governed by the zoning regulations of the underlying zoning district. Once such a property is no longer publicly owned, the property would then also be regulated by the zoning regulations of the LPO District. Once that occurs, the Regulated Property would be subject to the following additional regulations:

1. No new building, sign, fence, or other structures shall be erected or materially altered.
2. New landscaping shall not exceed three feet at mature height, except new landscaping may exceed three feet at mature height with approval by the Village Council as long as it

can be demonstrated that the proposed vegetation at mature height will not materially impact the existing view of the lake from abutting public rights-of-way or abutting publicly owned land.

3. Tree removal and replacement is subject to the provisions of Chapter 15.28 Tree Enhancement and Preservation of the Village Code, which removal and replacement requires the approval of the Village Forester.

4. No portion of a Regulated Property will be considered in determining or calculating any of the applicable bulk regulations for adjacent property, including, without limitation, the applicable lot area, lot width, maximum building height, setbacks, building size, intensity of lot use, maximum impermeable surface, and maximum gross floor area.

5. No portion of any Regulated Property may be considered part of adjacent property for purposes of determining a zoning lot.

Zoning Map Amendment. The proposed Lakefront Preservation Overlay District would overlay publicly owned property along the lakefront. As previously noted, the underlying zoning district for all these properties is the R-2 Single Family Residential District. The map on the following page visually identifies the properties to which the LPO District would apply. They are commonly referred to as: 1) Tower Road Park & Beach; 2) Village of Winnetka Water and Electric Plants; 3) Lloyd Park & Beach; 4) Maple Street Park & Beach; 5) Elder Lane Park & Beach; 6) Centennial Park & Beach; and 7) the following street ends, located east of Sheridan Road (a) Sheridan Road at the ravine; (b) Spruce Street; (c) Elm Street; (d) Oak Street; (e) Cherry Street; and (f) Willow Road.

Zoning Map Amendment – Lakefront Preservation Overlay District Designations



Subject Parcels





Throughout the Winnetka Futures 2040 Plan, which is the Comprehensive Plan for the Village, the importance of the lakefront is mentioned. The overall vision for the community mentions that the Village is a lakefront community.

> *Winnetka, the "Beautiful Land," is a treasured North Shore **lakefront** Village with easy access to the Chicago metropolitan center. Our community is committed to the stewardship of all its natural resources, its built environment, and to its family-friendly heritage of:*
>
> - *Primary and secondary school educational excellence.*
> - *Vibrant and walkable core areas for commerce and community gathering.*
> - *Active and engaged multi-generational citizenry.*
> - *Housing for all stages of one's life.*
> - *Pedestrian-friendly, safe, and tree-lined street.*

The Plan most directly addresses the lakefront in Pillar 6 Healthy & Engaging Lifestyles. The Vision Statement for Pillar 6 states the following about the Village:

> *A unique lakefront community that values a variety of carefully-managed and well-connected parks and open spaces and that treasures access to natural resources, recreational opportunities, and cultural pursuits, helping residents achieve a balanced and fulfilled quality of life.*

The Healthy & Engaging Lifestyles Pillar includes the following goal that would be applicable to the request at hand:

> *Goal 6.5 - The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs.*

In considering the proposed amendments, the Council should consider the goals set forth in the Comprehensive Plan. A copy of the plan can be found at www.villageofwinnetka.org/planning.

TEXT AMENDMENT & MAP AMENDMENT PUBLIC HEARING PROCESS

The Zoning Ordinance allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings itself. For this reason, the public hearings on the proposed zoning ordinance text amendment and the zoning map amendments have been scheduled for the Village Council's consideration at its July 6 meeting. At that meeting, the Council has at its discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or to hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider introduction and, if the Village Council desires, adopt, Ordinance MC-07-2023, An Ordinance Amending the Text of the Winnetka Zoning Ordinance to establish a Lakefront Preservation Overlay District, and Ordinance M-09-2023, An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

ORDINANCE NO. MC-07-2023

AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING ORDINANCE TO ESTABLISH A LAKEFRONT PRESERVATION OVERLAY DISTRICT

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, as of the effective date of this Ordinance, and within the corporate boundaries of the Village, there exists publicly-owned land located along Lake Michigan (***"Subject Parcels"***); and

WHEREAS, pursuant to Section 17.72.040 of the "Winnetka Zoning Ordinance," as amended (***"Zoning Ordinance"***), the Village Manager submitted applications for a text amendment to the Zoning Ordinance (***"Text Amendment"***) to create a Lakefront Preservation Overlay District (***"Lakefront Overlay District"***) and a map amendment to the Official Zoning Map of the Village of Winnetka (***"Map Amendment"***) to apply the Overlay District to the Subject Parcels; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of public hearings by the Winnetka Village Council to consider the Text and Map Amendments by publication in the *Chicago Tribune* on June 21, 2023, by mail to the owners of the Subject Parcels, and by mail to owners of real property located within 250 feet of the Subject Parcels; and

WHEREAS, the Village Council has determined that establishment of the Lakefront Overlay District and related regulations and requirements as provided in this Ordinance satisfies all of the findings and other requirements in Section 17.72.040 of the Zoning Ordinance; and

WHEREAS, pursuant to its home rule powers and all other applicable law and authorities, the Village Council finds and determines that it is in the best interests of the Village and its residents to amend the text of the Zoning Ordinance to establish the Lakefront Preservation Overlay District, as set forth in, and subject to, the provisions of this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1: RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2: LAKEFRONT PRESERVATION OVERLAY DISTRICT. The Zoning Ordinance is hereby amended to add a new Chapter 17.50, titled "Lakefront Preservation Overlay District," as follows:

"**Chapter 17.50. Lakefront Preservation Overlay District**

Section 17.50.010 Lakefront Preservation Overlay District.

A. Purpose. Lake Michigan, its coastline and beaches, and the adjacent properties and vistas provide a unique natural resource to the Village and its residents that must be preserved and protected. This Chapter recognizes the current public ownership of certain properties along Lake Michigan and is intended to preserve and maintain the character of those properties in the event they are no longer publicly owned, specifically including, without limitation, the open space and open vistas provided by properties along Lake Michigan in the Lakefront Preservation Overlay District and to otherwise promote the preservation of existing open space and existing landscaped areas along Lake Michigan. This Chapter is further intended to conserve and encourage the use of land adjacent to Lake Michigan for open space preservation and enhancement; to protect natural resources; and to save scenic vistas.

B. Mapping of Lakefront Preservation Overlay District. The areas shown on the Appendix to the Official Village of Winnetka Zoning Map are zoned in the Lakefront Preservation Overlay District, which Overlay District includes all publicly owned land located along Lake Michigan in the Village as of July 6, 2023. In the event additional land along Lake Michigan becomes publicly owned after July 6, 2023, the Village Manager will initiate a map amendment application to apply the Lakefront Preservation Overlay District to that additional land.

C. Permitted Uses. Notwithstanding any other regulations in the Village Code or the Zoning Ordinance, including, without limitation, the regulations in the applicable underlying zoning district, the following uses are the only permitted uses for properties in the Lakefront Preservation Overlay District that are no longer publicly owned ("*Regulated Property*"):

1. Publicly-owned utilities;

2. Limited recreational uses, which for purposes of this Section means recreational activities that do not involve or require structures or prepared facilities, such as sports fields, courts, tracks, or pavilions. Limited recreational uses include, without limitation, nature studies, hiking, cross-country skiing, walking, jogging, picnicking, and other similar activities; and

3. Space that is open and unobstructed from ground to sky except by landscaping designed, arranged, and intended for use in conjunction with limited recreational uses or relaxation.

D. **Special Uses. Any use allowed in the underlying zoning district on any Regulated Property other than a use set forth in Subsection C of this Section requires a special use granted by the Village Council pursuant to the requirements and procedures set forth in Chapter 17.56 of this Title and consistent with the purposes of this Chapter.**

E. **Prohibited Activities and Uses. Notwithstanding any other regulations in the Village Code or the Zoning Ordinance, including, without limitation, the regulations in the applicable underlying zoning district, the following regulations shall apply to all Regulated Property in the Lakefront Preservation Overlay District:**

1. **No new buildings, signs, fences, or other structures shall be erected or materially altered.**

2. **New landscaping shall not exceed three feet at mature height, except new landscaping may exceed three feet at mature height with approval by the Village Council as long as it can be demonstrated that the proposed vegetation at mature height will not materially impact the existing view of the lake from abutting public rights-of-way or abutting publicly-owned land.**

3. **Tree removal and replacement is subject to the provisions of Chapter 15.28 Tree Enhancement and Preservation of the Village Code, which removal and replacement requires the approval of the Village Forester.**

4. **No portion of a Regulated Property will be considered in determining or calculating any of the applicable bulk regulations for adjacent property, including, without limitation, the applicable lot area, lot width, maximum building height, setbacks, building size, intensity of lot use, maximum impermeable surface, and maximum gross floor area.**

5. **No portion of any Regulated Property may be considered part of adjacent property for purposes of determining a zoning lot.**"

SECTION 3: ZONING MAP. Subsection A, titled "District Boundaries," of Section 17.08.020, titled "Zoning Map," of Chapter 17.08, titled "Zoning Districts and Official Map," of the Zoning Ordinance is hereby amended to add the following new Paragraph 4 to said Subsection A:

"**4. The boundaries of the Lakefront Preservation Overlay District are as shown on the Appendix to the Official Village of Winnetka Zoning Map.**"

SECTION 4: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

PASSED this_____day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of _____, 2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-09-2023: ZONING ORDINANCE TEXT AMENDMENTS REGARDING SPECIAL USE AMENDMENTS

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to a hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") regarding adjustments, modifications, and amendments to special use permits within the Village of Winnetka and related procedures. The general purpose of the proposed text amendments is to more clearly define the process and procedures for adjustments, modifications, and amendments to special use permits.

The hearing was properly noticed in the *Chicago Tribune* on June 21, 2023. As of the date of this memo, staff has not received any written comment from the public regarding this application.

SUMMARY OF PROPOSED ORDINANCE AMENDMENT

Currently, the Village's Zoning Ordinance does not define when a change to a special use is considered minor and can be administratively approved by staff, and when a change is considered major and an applicant must seek an amendment to the special use by submitting the same application materials to the Village as required to initially obtain a special use. The Village's practice has been for the Zoning Administrator to make a determination (interpretation) as to when a change to a special use is considered minor or major and when it would need to go through the Village's full special use permit process as an amendment. The Zoning Ordinance gives the authority to make determinations regarding the text of the Zoning Ordinance to the Zoning Administrator, and allows any "person aggrieved" by such a determination to file an appeal with the Zoning Board of Appeals.

The proposed ordinance amendment would define what would be considered a minor change and a major change to a special use. A minor change could be approved by the Village Manager following receipt of a report or recommendation of the Community Development Director, while a major change would require an amendment to the special use through the applicable special use process.

As the Council considers clarifications to minor and major changes to special uses, staff thought it would be appropriate to remind the Council regarding the Village bodies that are involved with the special use amendment process.

Village Bodies Involved with Various Village Special Uses – Original Requests & Amendment Requests

Special Uses within the C-2 Overlay District	Special Uses Outside of the C-2 Overlay District[2]	Planned Development Special Uses[3]
• Plan Commission • Design Review Board [1] • Village Council	• Plan Commission • Zoning Board of Appeals • Design Review Board[1] • Village Council	• Planned Development Commission • Design Review Board • Village Council

1) Design Review Board is involved if request includes exterior building, landscaping, or signage changes.

2) Special uses outside of the C-2 Overlay District include commercial land uses located outside of the Overlay District that require special use approval as well as institutional uses (such as schools, parks, libraries, etc.), all of which require special use approval.

As noted in the above table, a planned development is approved as a special use. The new planned development regulations that were adopted in 2019, include definitions for major and minor changes. The proposed amendments reference those code sections.

The proposed ordinance amendment defines a minor change and a major change as follows:

> "**Minor Change**" means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:
>
> 1. increase the special use's density;
> 2. increase the special use's operational intensity;
> 3. change programming in a way that alters the fundamental character of the existing special use;
> 4. change the use or add new uses;
> 5. increase the extent of the measurement of any applicable bulk regulation;
> 6. reduce open space;
> 7. expand, relocate, or add new parking areas;
> 8. relocate pedestrian walkways or access points;
> 9. alter alignment of roads, utilities, or drainage; or
> 10. change or conflict with any standard or condition imposed by the Village Council in approving the special use.
>
> "**Major Change**" means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

As previously mentioned, a minor change could be approved administratively by staff, while a major change would require an amendment to the special use through the applicable special use process.

TEXT AMENDMENT PROCESS

The Zoning Ordinance also allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings themselves. For this reason, the public hearing on the proposed text amendment has been scheduled for the Village

Council's consideration at its July 6 meeting. At that meeting, the Council has at its discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or it may hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider the introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

ATTACHMENTS

Attachment: Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

ORDINANCE NO. MC-09-2023

AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING ORDINANCE REGARDING AMENDMENTS TO SPECIAL USES

WHEREAS, the Village of Winnetka is an Illinois home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village's procedures and standards for special uses are contained in Chapter 17.56 of the "Winnetka Zoning Ordinance," as amended (***"Zoning Ordinance"***); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance to amend Chapter 17.56 of the Zoning Ordinance to update the standards and procedures regarding amendments to special uses (***"Proposed Text Amendments"***); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Proposed Text Amendments by publication in the *Chicago Tribune* on June 21, 2023; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, on July 6, 2023, after due notice thereof, the Village Council held a public hearing to consider the Proposed Text Amendments; and

WHEREAS, pursuant to its home rule powers and all other applicable law and authorities, the Village Council finds and determines that it is in the best interests of the Village and its residents to adopt the Proposed Text Amendments, as set forth in this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. AMENDMENT TO CHAPTER 17.56 OF THE ZONING ORDINANCE. Chapter 17.56, titled "Special Uses," of the Village Zoning Ordinance is amended to add a new Section 17.56.130, titled "Amendments to Special Use Permits," which new Section 17.56.130 will read as follows:

"**Section 17.56.130 Amendments to Special Use Permits.**

A. Definitions. For purposes of this Section, the following terms are defined as follows:

***"Minor Change"* means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the**

standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:

1. **increase the special use's density;**
2. **increase the special use's operational intensity;**
3. **change programming in a way that alters the fundamental character of the existing special use;**
4. **change the use or add new uses;**
5. **increase the extent of the measurement of any applicable bulk regulation;**
6. **reduce open space;**
7. **expand, relocate, or add new parking areas;**
8. **relocate pedestrian walkways or access points;**
9. **alter alignment of roads, utilities, or drainage; or**
10. **change or conflict with any standard or condition imposed by the Village Council in approving the special use.**

"*Major Change*" means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

B. Procedures for Granting Amendments to Special Use Permits.

1. Major Change. An applicant seeking a Major Change to an approved special use must seek an amendment to the special use by submitting the same application materials as required to initially obtain a special use, as established in Section 17.56.030 of this Code, and by following the same procedures required to obtain the initial special use set forth in Sections 17.56.040 through 17.56.070 of this Code. A Major Change to a special use must meet the standards in Section 17.56.120 of this Code and be approved by the Village Council by Ordinance. A Major Change to a special use for a planned development is also subject to the application requirements and procedures set forth in Sections 17.58.070, 17.58.090, and 17.58.130 of this Code.

2. Minor Change. An applicant seeking a Minor Change to an approved special use must apply to the Director of Community Development by providing any items set forth in Section 17.56.030 of this Code deemed necessary by the Director. A Minor Change in a special use may be approved by the Village Manager, following receipt of a report and recommendation from the Director of Community Development. A Minor Change does not require separate approval by the Village Council, provided that the Minor Change meets the standards in Section 17.56.120 of this Code. A Minor Change to a special use for a planned development is also subject to the application

requirements and procedures set forth in Sections 17.58.070, 17.58.090, and 17.58.130 of this Code."

SECTION 3. EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

PASSED this_____day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of _____, 2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

Village of
WINNETKA, IL

Agenda Item Executive Summary

TITLE: Ordinance No. MC-08-2023: Amending the Text of the Winnetka Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan (Public Hearing and Introduction/Adoption)

PRESENTER: David Schoon

AGENDA DATE: July 6, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:
1/10/2023 - Village Council held a study session regarding lakefront development regulations.
1/31/2023 - Village Council held a study session regarding lakefront development regulations.
3/7/2023 - Village Council introduced Ordinance MC-05-2023, an ordinance that establishes more clearly the nature and extent of Village permit requirements for construction of structures in and adjacent to Lake Michigan.
3/21/2023 - Village Council adopted Ordinance MC-05-2023.

EXECUTIVE SUMMARY:
On Thursday, July 6, 2023, the Village Council is scheduled to a hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-08-2023, An Ordinance Amending the Text of the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") establishing a study period for construction in the steep slope zone along Lake Michigan bluffs in the Village and suspending the issuance of building permits during that study period. The general purpose of the proposed amendments is to establish a study period from July 6, 2023, to April 6, 2024, to pause construction activity in the steep slope zone to ensure the Village has time to adequately analyze and adopt any necessary regulations and examine the effects of construction on the Winnetka bluffs along Lake Michigan (the "Permit Abeyance Period"). During the Permit Abeyance Period, the Village will not accept applications for, and will not issue, any permits for any construction within the steep slope zone that requires a permit.

Attached is a separate staff report regarding this item.

RECOMMENDATION:
The Council is scheduled to hold a public hearing and consider introduction, and, if the Council desires, adoption, of Ordinance MC-08-2023 - An Ordinance Amending the Village Zoning Ordinance

to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan.

ATTACHMENTS:

1. Staff Report - Bluff Steep Slope Permit Abeyance Period
2. Ordinance MC-08-2023 - Amending Zoning Ordinance to Establish a Study & Permit Abeyance Period for Construction in the Steep Slope Area along Lake
3. Public Comments

MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-08-2023: ZONING ORDINANCE TEXT AMENDMENTS TO ESTABLISH A STUDY AND PERMIT ABEYANCE PERIOD FOR CONSTRUCTION IN THE STEEP SLOPE AREA ALONG LAKE MICHIGAN

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to a hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-08-2023, An Ordinance Amending the Text of the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan. (Attachment 1)

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") establishing a study period for construction in the steep slope zone along Lake Michigan bluffs in the Village and suspending the issuance of building permits during that study period. The general purpose of the proposed amendments is to establish a study period from July 6, 2023, to April 6, 2024, to pause construction activity in the steep slope zone to ensure the Village has time to adequately analyze and adopt any necessary regulations and examine the effects of construction on the Winnetka bluffs along Lake Michigan (the "Permit Abeyance Period"). During the Permit Abeyance Period, the Village will not accept applications for, and will not issue, any permits for any construction within the steep slope zone that requires a permit.

The hearing was properly noticed in the *Chicago Tribune* on June 21, 2023, in compliance with the Zoning Ordinance. A courtesy mail notice was sent to affected property owners and property owners within 250 feet of the affected properties. As of the date of this memo, the Village has received a couple of written comments from the public regarding this application. (Attachment 2)

SUMMARY OF PROPOSED ORDINANCE AMENDMENT

The purpose of the proposed ordinance amendment is to establish a study and permit abeyance period to ensure the Village has time to adequately analyze and adopt any necessary code amendments, regulations, and related procedures, and to examine the effects of construction on the bluffs located along Lake Michigan that are in the Village.

The proposed ordinance defines what is a "steep slope zone," which will be the area in which the Village will suspend the issuance of building permits during the Permit Abeyance Period. A "steep slope" is defined as land comprising or adjacent to a Bluff where the slope in ascent or descent exceeds ten percent from the horizontal. Figure 1 illustrates a steep slope.

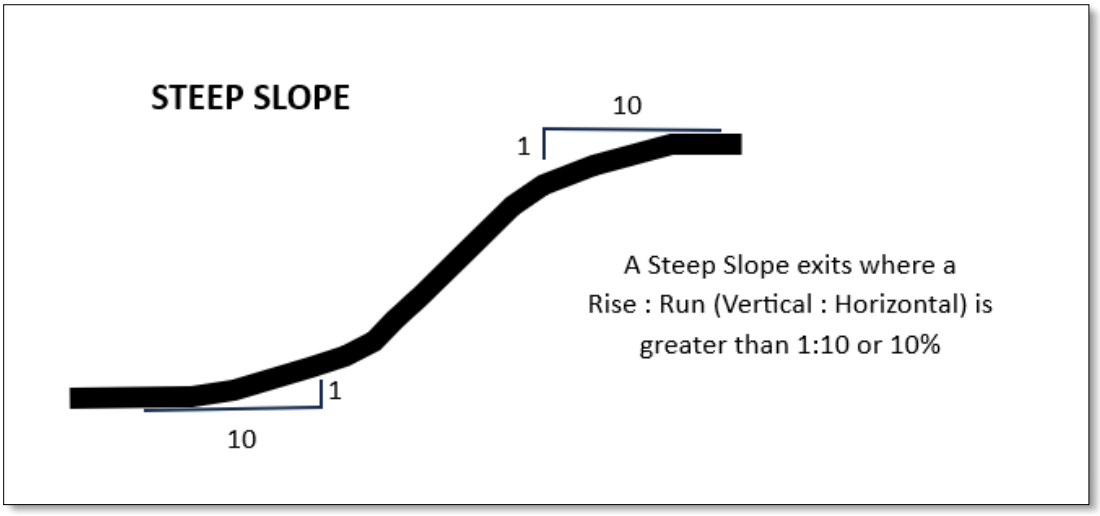


Figure 1 – Steep Slope

"Steep Slope Zone" is defined as "all land between the bottom of a Steep Slope and the top of the Steep Slope, and also the land that is 40 feet landward from the top of a Steep Slope." Figure 2 illustrates the Steep Slope Zone.

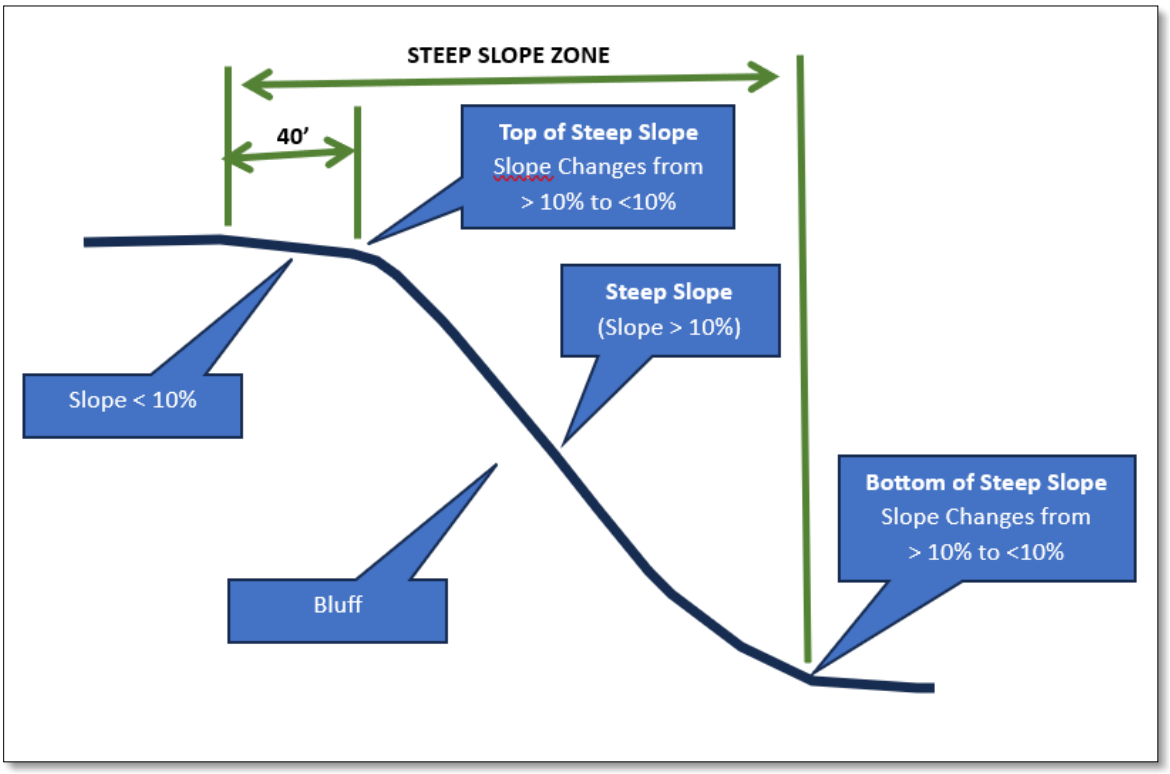


Figure 2 – Steep Slope Zone

During the Permit Abeyance Period, "Construction Activity" would be prohibited within the Steep Slope Zone, which is the area that is comprised of Steep Slopes in the Village. "Construction Activity" is defined as:

> "any act or process involving (i) the construction, alteration, modification, demolition, or removal of any new or existing structure or (ii) the adding, dumping, grading, or removing of soil, dirt, sand, rocks, fill, or vegetation."

The Zoning Ordinance currently defines "structure" as:

> "anything constructed or erected which, or the use of which, requires permanent or temporary location on or in the ground, or attached to something having permanent or temporary location on the ground, including but not limited to, buildings, pavements, signs, backstops, tennis courts, swimming pools, trampolines, wireless telecommunication service facilities, and radio and television antennas (including supporting structures), and the like."

The temporary prohibition on permit issuance would not apply to Construction Activity that already received all applicable Village permits prior to July 6, 2023, provided that those permits do not expire or are terminated in accordance with the Village Code.

Also, during the Permit Abeyance Period, the Village would not accept and would not grant any permits for Construction Activity within the Steep Slope Zone. However, the Village will continue to accept permit applications and issue permits for Construction Activity that is proposed on a portion of a lot that is located outside of the Steep Slope Zone.

The proposed ordinance amendment provides exceptions for Construction Activity during the Permit Abeyance Period. Those exceptions would allow emergency repairs or general maintenance for structures and utility facilities existing as of July 6, 2023.

It should be noted that the "steep slope zone" definition is for the Permit Abeyance Period. If, during that period, the Village Council determines that the Village should adopt steep slope regulations, the definition of what constitutes a "steep slope zone" may be similar to or different from what would be used during the Permit Abeyance Period.

The proposed ordinance amendment would support the following goal and initiative identified in the Winnetka Futures 2040 Plan, which is the Comprehensive Plan for the Village.

> *Goal 6.5 - The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs.*
>
> > *Initiative 6.5.2 - Study and consider establishing development regulations that requires construction on and adjacent to the bluffs along the Lake Michigan shoreline that protects, restores, and manages the stability of the bluffs and natural shoreline and that are contextually sensitive to the natural features of the bluffs.*

In considering the proposed amendments, the Council will want to consider goals from the Comprehensive Plan. A copy of the plan can be found at www.villageofwinnetka.org/planning.

TEXT AMENDMENT & MAP AMENDMENT PUBLIC HEARING PROCESS

The Zoning Ordinance also allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings itself. For this reason, the public hearing on the proposed zoning ordinance text amendment has been scheduled for the Village Council's consideration at its July 6 meeting. At that meeting, the Council has at its

discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or it may hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-08-2023 - An Ordinance Amending the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan.

ATTACHMENTS

Attachment 1: Ordinance MC-08-2023 - An Ordinance Amending the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area along Lake Michigan.

Attachment 2: Public Comments

ORDINANCE NO. MC-08-2023

AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING ORDINANCE TO ESTABLISH A STUDY AND PERMIT ABEYANCE PERIOD FOR CONSTRUCTION IN THE STEEP SLOPE AREA ALONG LAKE MICHIGAN

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Lake Michigan and the lakefront of the Village have special environmental, recreational, cultural, historical, community, and aesthetic interests and values; and

WHEREAS, the preservation and protection of Lake Michigan and its Winnetka lakefront and adjoining lands and bluffs is critically important to the Village and its residents; and

WHEREAS, as set forth in Chapter 15.78, Lakefront Construction, of the "Winnetka Village Code," as amended (***"Village Code"***), the Village adopted on March 21, 2023, building and other Village Code amendments and enforcement measures to ensure appropriate and necessary protections to preserve and protect Lake Michigan and its shoreline; and

WHEREAS, the Village now desires to ensure that construction on properties along Lake Michigan and the bluffs does not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village or otherwise create harm to the public health, safety, or welfare of the Village, its residents, or visitors to the Village; and

WHEREAS, the further purposes of this Ordinance are as follows:

- To protect the natural environment and the integrity of the Lake Michigan coastal area that is a distinctive and valuable natural feature of the Lake Michigan shoreline;
- To recognize the potential for hazards that could affect health and safety to persons and property from bluff and shoreline development;
- To maintain the stability of the coastal bluffs and shorelines and to reduce the risks of coastal erosion, undermining, slumping, or collapse of the bluffs, and to protect the waters of Lake Michigan from unnatural sedimentation;
- To promote the recommendations of the Village of Winnetka's Comprehensive Plan relative to the constraints that should be considered in developments that impact coastal areas and environments; and

WHEREAS, the Village plans to retain the services of a coastal engineer, hold public meetings and hearings, and develop more comprehensive amendments to the Village Code and provide related procedures to ensure that construction on the bluffs and the steep slope areas of the bluffs are consistent with the Village's goals and policies; and

WHEREAS, the Village has determined a study and permit abeyance period is necessary to analyze the designated bluff areas that need to be protected (***"Permit Abeyance Period"***); and

WHEREAS, the study and development of more comprehensive amendments and related procedures will take a significant amount of time and effort on the part of Village staff; and

WHEREAS, construction on new or existing structures in or around the bluffs and the steep slope areas during the Permit Abeyance Period may irreversibly impair or otherwise damage the Village's shoreline, bluff, and adjacent properties to the detriment of the Village and its residents; and

WHEREAS, to prevent that impairment and damage, and to ensure that the Village is able to undertake a thorough examination of this complex issue during the Permit Abeyance Period, this Ordinance amends the "Winnetka Zoning Ordinance," as amended (***"Zoning Ordinance"***), to confirm and further promulgate the Village's regulatory authority of the Winnetka bluffs along Lake Michigan and adjacent property, and to impose a temporary pause on the issuance of building permits for construction on new or existing structures in and around the bluffs during the Permit Abeyance Period; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance to impose the Permit Abeyance Period and provide the Village time to study bluff and steep slope regulations; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Permit Abeyance Period and related amendments to the Zoning Ordinance by publication in the *Chicago Tribune* on June 21, 2023, and by mail to lakefront property owners as well as property owners within 250 feet of lakefront properties; and

WHEREAS, the Village Council conducted a public hearing on July 6, 2023, regarding the imposition of a temporary pause on construction during the Village's Permit Abeyance Period; and

WHEREAS, Section 11-48.2-2 of the Illinois Municipal Code, 65 ILCS 5/11-48.2-2, provides that the Village is empowered to adopt ordinances identifying areas of special historical, community, or aesthetic interest or value and to impose regulations within these areas on construction, alteration, demolition and use, and designed to preserve, protect, and enhance the unique and important aspects of the identified areas; and

WHEREAS, pursuant to these and other applicable authorities and the Village's home rule powers, the Village Council has determined that it is necessary and in the best interests of the Village and its residents to adopt amendments to the Zoning Ordinance as set forth in this Ordinance and to impose a temporary pause on the issuance of building permits for construction on or around the bluffs along Lake Michigan in Winnetka during the Permit Abeyance Period;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. NEW CHAPTER 17.80 OF THE ZONING ORDINANCE. Title 17, titled "Zoning," of the Village Zoning Ordinance is amended to add a new Chapter 17.80, titled "Bluff Construction Permit Abeyance Period," which new Chapter 17.80 will read as follows:

"**Chapter 17.80**
BLUFF CONSTRUCTION PERMIT ABEYANCE PERIOD

Section 17.80.010 Purpose.

The purpose of this Chapter is to establish a study and permit abeyance period to ensure the Village has time to adequately analyze and adopt any necessary code amendments, regulations, and related procedures, and to examine the effects of construction on the bluffs in the Village located along Lake Michigan. Lake Michigan, its coastline and beaches, and its bluffs, provide a unique natural resource to the Village and to its residents that must be preserved and protected. This Chapter is intended to protect the bluffs and ensure that construction on the bluffs of Lake Michigan in the Village do not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village, or otherwise create harm or risk to the public health, safety, and welfare of the Village, its residents, or visitors to the Village.

Section 17.80.020 Definitions.

For purposes of this Chapter, the following terms are defined as follows:

"Bluff" means an elevated segment of the Lake Michigan shoreline above the beach (or in the absence of the beach, the waterline) that normally has a precipitous front that is inclining steeply on the lakeward side.

"Construction Activity" means any act or process involving (i) the construction, alteration, modification, demolition, or removal of any new or existing structure or (ii) the adding, dumping, grading, or removing of soil, dirt, sand, rocks, fill, or vegetation.

"Lake Michigan" means that portion of Lake Michigan that borders the Village, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

"Permit Abeyance Period" means the period of nine months commencing on July 6, 2023, and ending on April 6, 2024, during which time the Village will be analyzing Bluff and other areas that require protection.

"Steep Slope" means land comprising or adjacent to a Bluff where the slope in ascent or descent exceeds ten percent from the horizontal.

"Steep Slope Zone" means all land between the bottom of a Steep Slope and the top of the Steep Slope, and also the land that is 40 feet landward from the top of a Steep Slope.

Section 17.80.030 Permit Abeyance Period.

A. Notwithstanding any other provision to the contrary in the Village Code (but subject to Section 17.80.040 of this Chapter), all Construction Activity is prohibited in the Steep Slope Zone during the Permit Abeyance Period. This prohibition does not apply to Construction Activity that received all applicable Village permits prior to July 6, 2023, provided those permits do not expire or are terminated in accordance with the Village Code.

B. Notwithstanding any other provision to the contrary in the Village Code (but subject to Section 17.80.040 of this Chapter), the Village will not accept any application, and will not grant any permits, for any Construction Activity within the Steep Slope Zone during the Permit Abeyance Period.

Section 17.80.040 Exceptions

The provisions of Section 17.80.030 of this Chapter will not apply to the following Construction Activities:

A. Emergency repairs or general maintenance for structures existing as of July 6, 2023.

B. Emergency repairs or general maintenance of utility facilities, including, without limitation, stormwater outfalls, existing as of July 6, 2023.

Section 17.80.050 Severability.

If any provision of this Chapter or any part of this Chapter is held invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be possible, the purpose and intent of this Chapter to the greatest extent permitted by law."

SECTION 3. EFFECTIVE DATE. This Ordinance will be in full force and effect upon passage, approval, and publication of this Ordinance in pamphlet form in the manner provided by law.

PASSED this_____day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of _____, 2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

MEMORANDUM
VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-09-2023: ZONING ORDINANCE TEXT AMENDMENTS REGARDING SPECIAL USE AMENDMENTS

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to a hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") regarding adjustments, modifications, and amendments to special use permits within the Village of Winnetka and related procedures. The general purpose of the proposed text amendments is to more clearly define the process and procedures for adjustments, modifications, and amendments to special use permits.

The hearing was properly noticed in the *Chicago Tribune* on June 21, 2023. As of the date of this memo, staff has not received any written comment from the public regarding this application.

SUMMARY OF PROPOSED ORDINANCE AMENDMENT

Currently, the Village's Zoning Ordinance does not define when a change to a special use is considered minor and can be administratively approved by staff, and when a change is considered major and an applicant must seek an amendment to the special use by submitting the same application materials to the Village as required to initially obtain a special use. The Village's practice has been for the Zoning Administrator to make a determination (interpretation) as to when a change to a special use is considered minor or major and when it would need to go through the Village's full special use permit process as an amendment. The Zoning Ordinance gives the authority to make determinations regarding the text of the Zoning Ordinance to the Zoning Administrator, and allows any "person aggrieved" by such a determination to file an appeal with the Zoning Board of Appeals.

The proposed ordinance amendment would define what would be considered a minor change and a major change to a special use. A minor change could be approved by the Village Manager following receipt of a report or recommendation of the Community Development Director, while a major change would require an amendment to the special use through the applicable special use process.

As the Council considers clarifications to minor and major changes to special uses, staff thought it would be appropriate to remind the Council regarding the Village bodies that are involved with the special use amendment process.

Village Bodies Involved with Various Village Special Uses – Original Requests & Amendment Requests

Special Uses within the C-2 Overlay District	Special Uses Outside of the C-2 Overlay District[2]	Planned Development Special Uses[3]
• Plan Commission • Design Review Board [1] • Village Council	• Plan Commission • Zoning Board of Appeals • Design Review Board[1] • Village Council	• Planned Development Commission • Design Review Board • Village Council

1) Design Review Board is involved if request includes exterior building, landscaping, or signage changes.

2) Special uses outside of the C-2 Overlay District include commercial land uses located outside of the Overlay District that require special use approval as well as institutional uses (such as schools, parks, libraries, etc.), all of which require special use approval.

As noted in the above table, a planned development is approved as a special use. The new planned development regulations that were adopted in 2019, include definitions for major and minor changes. The proposed amendments reference those code sections.

The proposed ordinance amendment defines a minor change and a major change as follows:

> "**Minor Change**" means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:
>
> 1. increase the special use's density;
> 2. increase the special use's operational intensity;
> 3. change programming in a way that alters the fundamental character of the existing special use;
> 4. change the use or add new uses;
> 5. increase the extent of the measurement of any applicable bulk regulation;
> 6. reduce open space;
> 7. expand, relocate, or add new parking areas;
> 8. relocate pedestrian walkways or access points;
> 9. alter alignment of roads, utilities, or drainage; or
> 10. change or conflict with any standard or condition imposed by the Village Council in approving the special use.
>
> "**Major Change**" means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

As previously mentioned, a minor change could be approved administratively by staff, while a major change would require an amendment to the special use through the applicable special use process.

TEXT AMENDMENT PROCESS

The Zoning Ordinance also allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings themselves. For this reason, the public hearing on the proposed text amendment has been scheduled for the Village

Council's consideration at its July 6 meeting. At that meeting, the Council has at its discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or it may hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider the introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

ATTACHMENTS

Attachment: Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

ORDINANCE NO. MC-09-2023

AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING ORDINANCE REGARDING AMENDMENTS TO SPECIAL USES

WHEREAS, the Village of Winnetka is an Illinois home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village's procedures and standards for special uses are contained in Chapter 17.56 of the "Winnetka Zoning Ordinance," as amended (***"Zoning Ordinance"***); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance to amend Chapter 17.56 of the Zoning Ordinance to update the standards and procedures regarding amendments to special uses (***"Proposed Text Amendments"***); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Proposed Text Amendments by publication in the *Chicago Tribune* on June 21, 2023; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, on July 6, 2023, after due notice thereof, the Village Council held a public hearing to consider the Proposed Text Amendments; and

WHEREAS, pursuant to its home rule powers and all other applicable law and authorities, the Village Council finds and determines that it is in the best interests of the Village and its residents to adopt the Proposed Text Amendments, as set forth in this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. AMENDMENT TO CHAPTER 17.56 OF THE ZONING ORDINANCE. Chapter 17.56, titled "Special Uses," of the Village Zoning Ordinance is amended to add a new Section 17.56.130, titled "Amendments to Special Use Permits," which new Section 17.56.130 will read as follows:

"**Section 17.56.130 Amendments to Special Use Permits.**

A. Definitions. For purposes of this Section, the following terms are defined as follows:

***"Minor Change"* means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the**

standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:

1. **increase the special use's density;**
2. **increase the special use's operational intensity;**
3. **change programming in a way that alters the fundamental character of the existing special use;**
4. **change the use or add new uses;**
5. **increase the extent of the measurement of any applicable bulk regulation;**
6. **reduce open space;**
7. **expand, relocate, or add new parking areas;**
8. **relocate pedestrian walkways or access points;**
9. **alter alignment of roads, utilities, or drainage; or**
10. **change or conflict with any standard or condition imposed by the Village Council in approving the special use.**

"*Major Change*" means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

B. Procedures for Granting Amendments to Special Use Permits.

1. Major Change. An applicant seeking a Major Change to an approved special use must seek an amendment to the special use by submitting the same application materials as required to initially obtain a special use, as established in Section 17.56.030 of this Code, and by following the same procedures required to obtain the initial special use set forth in Sections 17.56.040 through 17.56.070 of this Code. A Major Change to a special use must meet the standards in Section 17.56.120 of this Code and be approved by the Village Council by Ordinance. A Major Change to a special use for a planned development is also subject to the application requirements and procedures set forth in Sections 17.58.070, 17.58.090, and 17.58.130 of this Code.

2. Minor Change. An applicant seeking a Minor Change to an approved special use must apply to the Director of Community Development by providing any items set forth in Section 17.56.030 of this Code deemed necessary by the Director. A Minor Change in a special use may be approved by the Village Manager, following receipt of a report and recommendation from the Director of Community Development. A Minor Change does not require separate approval by the Village Council, provided that the Minor Change meets the standards in Section 17.56.120 of this Code. A Minor Change to a special use for a planned development is also subject to the application

requirements and procedures set forth in Sections 17.58.070, 17.58.090, and 17.58.130 of this Code."

SECTION 3. EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

PASSED this_____day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of _____, 2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

Village of
WINNETKA, IL

Agenda Item Executive Summary

TITLE: Ordinance No. MC-1-2024: Amending the Winnetka Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area Along Lake Michigan (Adoption)

PRESENTER: David Schoon

AGENDA DATE: February 6, 2024

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

01/10/2023 Village Council held a study session regarding lakefront development regulations.
01/31/2023 Village Council held a study session regarding lakefront development regulations.
03/07/2023 Village Council introduced Ordinance MC-05-2023, an ordinance that establishes more clearly the nature and extent of Village permit requirements for construction of structures in and adjacent to Lake Michigan.
03/21/2023 Village Council adopted Ordinance MC-05-2023.
07/06/2023 Village Council held public hearings and introduced the following ordinances:

- Ordinance No. MC-07-2023, an ordinance creating the Lakefront Preservation Overlay District;
- Ordinance No. M-09-2023, an ordinance rezoning property along Lake Michigan in the Lakefront Preservation Overlay District;
- Ordinance No. MC-08-2023, an ordinance establishing a study and permit abeyance period for construction in the steep slope area along Lake Michigan; and
- Ordinance No. MC-09-2023, an ordinance amending the Zoning Ordinance regarding amendments to special uses.

07/18/2023 Village Council adopted Ordinance No. MC-07-2023, Ordinance No. M-09-2023, Ordinance No. MC-08-2023, and Ordinance No. MC-09-2023.
09/12/2023 Village Council held a study session regarding zoning and development regulations related to properties located on or near the bluffs of Lake Michigan.
11/14/2023 Village Council held a study session regarding bluff steep slope regulations and the creation of large lots through the consolidation process.
12/05/2023 Village Council introduced Ordinance No. MC-12-2023, an ordinance amending the Zoning Ordinance and Subdivision Ordinance regarding large lot consolidations.
12/19/2023 Village Council adopted Ordinance No. MC-12-2023.
01/09/2024 Village Council held a public hearing on and approved introduction of Ordinance MC-1-2024.

EXECUTIVE SUMMARY:

INTRODUCTION

On Tuesday, February 6, 2024, the Village Council is scheduled to consider adoption of Ordinance No. MC-1-2024 – An Ordinance Amending the Winnetka Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area Along Lake Michigan. (**Attachment 1**)

The Village President and the Village Council have initiated an application to consider amending Title 17, "Zoning" of the Winnetka Code of Ordinances ("Zoning Ordinance") concerning establishing bluff regulations for development in the steep slope area along Lake Michigan and to amend the definitions for the lot line and the front yard setback along Lake Michigan ("Code Amendments").

In addition to Ordinance MC-1-2024, the Village Council will consider adoption of Resolution No. R-6-2024, A Resolution Establishing the Fees for the Processing of Lakefront Construction Permit Applications and Steep Slope Regulations Permit Applications (**Attachment 4**). The proposed ordinance and the recently adopted Lakefront Construction Ordinance (MC-05-2023), each allows the Village to charge an applicant the Village's cost of hiring a third-party consultant to review permit applications for work regulated by the proposed ordinance and the Lakefront Construction Ordinance. Resolution No. R-6-2024 establishes the collection of fees to cover such expenses.

As of the date of this memo, the Village has received written comments from the public since the January 9, 2024, public hearing on this item, and these comments are provided in **Attachment 3**.

JANUARY 9, 2024, VILLAGE COUNCIL MEETING

On Tuesday, January 9, 2024, the Village Council held a public hearing on and approved introduction of Ordinance No. MC-1-2024, Amending the Winnetka Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area Along Lake Michigan.

After hearing from members of the public and the Council discussing the Code amendments among themselves, the Council requested that staff revise the proposed ordinance as follows:

1. Clarify recital language regarding the historical and present conditions and status of the bluffs along the lake.
2. Clarify the applicability and scope of the Director of Engineering's authority to waive "certain standards" pursuant to Section 17.82.050, Development Standards, of the proposed ordinance. (The proposed ordinance now clarifies such as well as states that the Director of Engineering will confer with the Village Manager and the Director of Community Development before finalizing any waiver.)
3. Include language that decisions by the Director of Engineering to waive any standards for a particular project would be memorialized in a written decision.
4. Clarify Section 17.82.100, Variations, of the proposed ordinance to make it clear that a property owner may seek variations from the zoning provisions of the proposed ordinance. The ordinance continues to confirm that a property owner may seek variations from otherwise applicable zoning regulations affecting the owner's property. Also, it has been clarified in other provisions of the Zoning Ordinance that the Zoning Board of Appeals is a recommending body regarding variations from the zoning provisions of the proposed ordinance and that the Village Council has final authority to grant or deny those variations.

These revisions have been made to the proposed ordinance. **Attachment 2** includes a comparison of the current version of the ordinance against the proposed ordinance the Council considered at the January 9, 2024, Council meeting.

This staff report further addresses two other issues that were discussed at the January meeting. Property owners raised concerns regarding the future of existing structures that would become non-conforming structures should the proposed ordinance be adopted. The other issue raised by a trustee and discussed by the Village Council was regarding the minimum required front yard setback for boathouses.

Based upon additional feedback received from Council members as well as items identified by staff, additional changes have been made to the proposed ordinance to better clarify these code provisions. These will be summarized later in the staff report.

EXISTING STRUCTURES LEGAL NON-CONFORMING STATUS

As a reminder to the Council, the proposed steep slope ordinance amendments are amendments to Title 17, Zoning, of the Village Code. Therefore, any existing structure on a property subject to the proposed ordinance that becomes non-conforming due to the proposed code amendments would need to comply with the nonconformity chapter of the Zoning Ordinance, unless the Council provides specific language in the proposed ordinance addressing such situations. During the January 9, 2024, public hearing, property owners or their representatives expressed concerns regarding the existing improvements on their property becoming non-conforming structures under the proposed steep slope ordinance presented to the Council at that evening. They stated they have made significant investments in these improvements located within the proposed steep slope zone, and they think it would only be fair that they be allowed to rebuild these structures in the future whether or not they are able to use the exact foundation of a previously existing structure, without having to seek a zoning variation.

The following table summarizes (a) current non-conforming structure requirements that apply to all non-conforming structures throughout the community, (b) requirements under the January 9 version of the proposed steep slope ordinance, and (c) the proposed language now included in the current version of the proposed ordinance. **The current proposed language is intended to allow a property owner to maintain and rebuild any existing structure within its current location and form within the steep slope zone.** The text in bold is intended to highlight the difference between the language presented at the January 9 Village Council meeting and the current proposed language.

Table 1 – Non-Conforming Structure Requirements

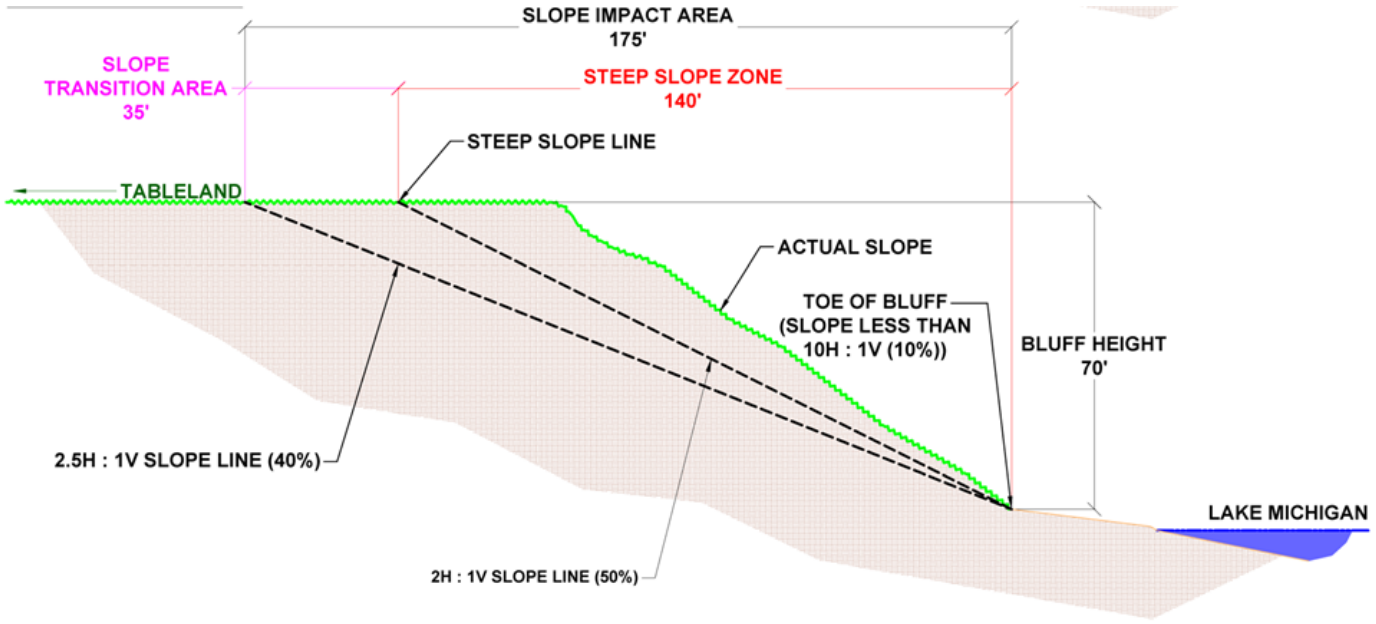
	Non-Conforming Structure Standards
Current Zoning	Chapter 17.64 of the Zoning Ordinance provides that pre-existing structures that become non-conforming may remain and continue to be maintained and used so long as certain triggering events do not occur. If a non-conforming structure is destroyed or damaged so that the repair or restoration would exceed 50 percent of the cost of construction of such structure, the structure could not be repaired or reconstructed unless such repair or reconstruction brought the structure into conformance with the new regulations. The other general limitation is that a property owner cannot enlarge or add to an existing nonconforming building or structure so as to either create an additional nonconformity or increase the extent or degree of any existing nonconformity.

January 9, 2024, Proposed Steep Slope Ordinance Language	*Structures on the **exact foundation** of a previously existing structure may be rebuilt and maintained, provided that **the rebuilt or remodeled structure**:* 1. *does not extend beyond **the existing foundation** within the steep slope zone; and* 2. *is constructed according to plans of an architect or structural engineer who certify that the **existing foundation** (with appropriate engineering modifications and repairs, if any) will support the rebuilt, repaired or remodeled structure without material adverse impact on the steep slope zone.* Otherwise, non-conforming structures would have to comply with the current non-conforming structure requirements (see **Current Zoning** above).
Current Proposed Steep Slope Ordinance Language	*Notwithstanding anything to the contrary in Chapter 17.64 of this Title, structures existing as of February __, 2024, being the effective date of this Chapter and located within the steep slope zone may be rebuilt and maintained, provided that:* 1. *the **rebuilt, repaired or remodeled structure does not extend beyond the footprint** of the previously existing structure located within the steep slope zone;* 2. *the **rebuilt, repaired or remodeled structure may extend to the structure's previous dimensions, even if those dimensions do not comply with the other applicable regulations of this Title**, including but not limited to minimum setback requirements; and* 3. *the rebuilt, repaired or remodeled structure is constructed according to plans of an architect or structural engineer who certify that **the new foundation or existing foundation** (with appropriate engineering modifications and repairs, if any) will support the rebuilt, repaired or remodeled structure without any material adverse impact on the steep slope zone.*

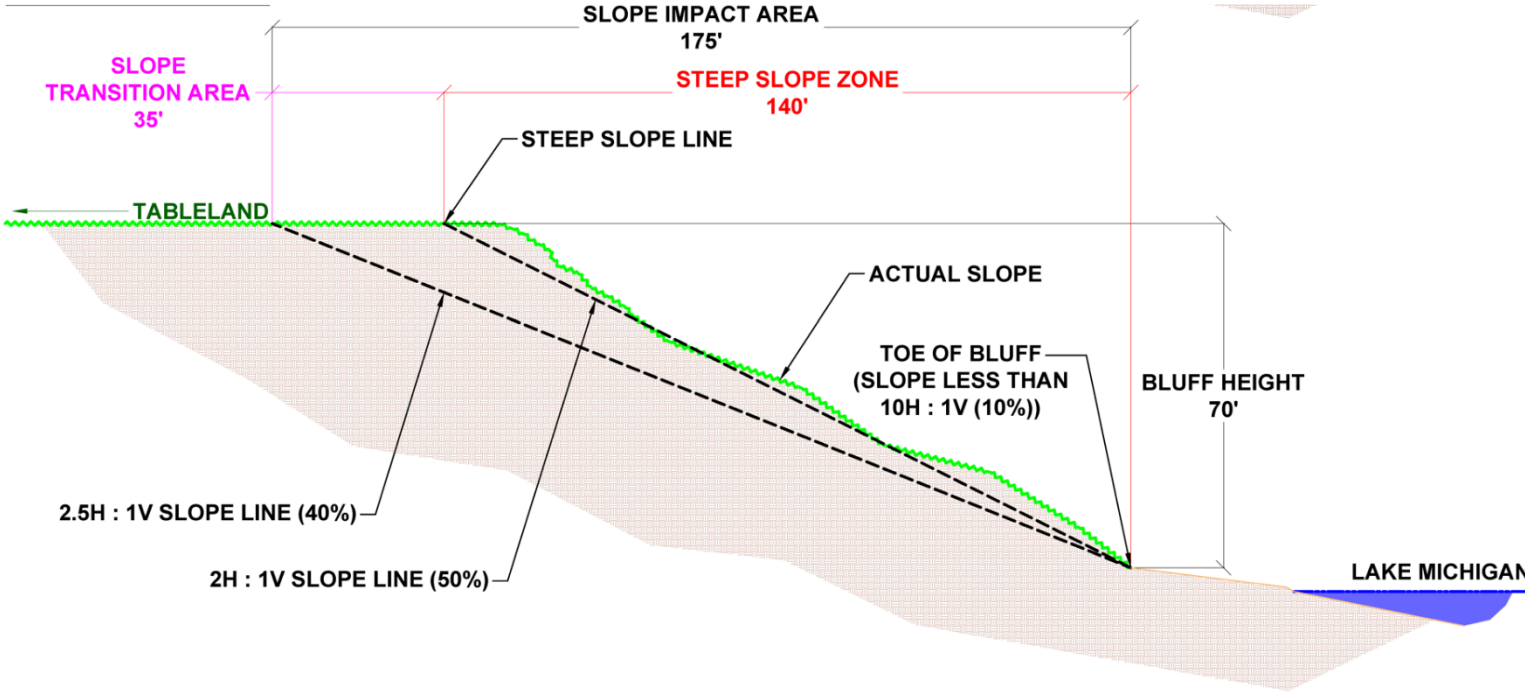
The proposed ordinance includes definitions for footprint and dimensions to clarify what can be maintained, rebuilt, or repaired.

As a reminder, the proposed Steep Slope Ordinance has three components to it. As illustrated below, the slope impact area consists of both the slope transition area and the steep slope zone. Under the proposed ordinance any structure allowed by zoning may be built in the slope transition area subject to adhering to development standards of the proposed ordinance. Existing conforming structures within the slope transition area would not become non-conforming structures under the proposed ordinance as they are allowed; however, should the structure and its foundation ever need to be rebuilt, they

would need to be constructed adhering to the development standards of the proposed ordinance.



70-Foot Bluff Height; 1.5H:1V Actual Slope (33.8 degrees)



70-Foot Bluff Height; 2H:1V Actual Slope (27 degrees)
Figure 1

MINIMUM REQUIRED FRONT YARD SETBACK & BOATHOUSES
During the January 9 Village Council meeting, the Council had questions regarding the applicability of the proposed front yard setback requirement for boathouses. Council members expressed an interest in allowing property owners to construct a boathouse within the proposed required front yard setback but no closer than the toe of the bluff. The following table summarizes (a) current regulations, (b) the

requirements under the January 9 proposed steep slope ordinance language, and (c) the current proposed steep slope ordinance language.

Table 2 – Minimum Front Yard Setback Requirements

	Front Lot Line	**Minimum Front Yard Setback Requirement**
Current Regulations	Water's edge	The minimum required front yard setback is 50 feet from the water's edge.
January 9, 2024, Proposed Steep Slope Ordinance Language	Ordinary high-water mark	*Front Yard Setbacks for Lakefront Properties. Development on lots abutting Lake Michigan between the ordinary high water mark of Lake Michigan and the tableland as defined by Section 17.82.020 will also comply with Chapter 17.82, Steep Slope Regulations and Chapter 15.78 Lakefront Construction. For lots abutting Lake Michigan, the required front yard setback is the toe of the bluff or 50 feet from the ordinary high water mark, whichever results in the line farthest from the ordinary high water mark.*
Current Proposed Steep Slope Ordinance Language	Ordinary high-water mark.	The front yard setback for lakefront properties included in the January 9 version of the ordinance remains; however, an exception is provided for boat houses. The following language is included in the current proposed ordinance: *Notwithstanding the otherwise applicable minimum front yard setback requirement, boat houses may be located in the required front yard, but no closer than the toe of the bluff.*

The front yard setback exception for boathouses, joins the other front yard setback exceptions allowed in a required front yard along the lake:
Certain building elements with specific limitations (e.g., eaves, bay windows, chimneys, etc.)

- Fences & walls no more than 6.5' tall
- Walkways & stairs
- Open patios, open terraces, front porches
- Docks
- Boat launches without buildings/ structures

As a reminder to the Council, the language regarding the front yard setback along the lakefront was revised from the original proposed ordinance presented last November. The Village Council requested that staff address a potential regulation gap between the current minimum 50'-front yard setback requirement using the USACE administrative OHWM benchmark of 581.5' and the proposed steep

slope zone. This potential regulation gap was addressed with belts and suspenders as current United States Army Corp of Engineers, Illinois Department of Natural Resources, floodplain requirements, and the Village's recently adopted Lakefront Construction ordinance also regulates what limited improvements can occur lakeward of the toe of the bluff.

OTHER CHANGES TO PROPOSED ORDINANCE

As previously mentioned, based upon additional feedback received from Council members as well as items identified by staff, additional changes have been made to the proposed ordinance to further clarify code provisions. They are summarized as follows:

- To provide staff with time to prepare for the implementation of the ordinance, the permit abeyance ordinance (Chapter 17.80 of the Village Code) will not be repealed until March 18, 2024. The proposed steep slope ordinance will continue to become effective upon its passage, approval, and publication.
- The proposed steep slope ordinance includes a reference that the Zoning Ordinance (Title 17) currently would prohibit a boathouse from also being used as a dwelling unit.
- As with the recently adopted Lakefront Construction ordinance, the intent of the proposed ordinance was for an applicant to be granted the ability to appeal determinations of the Director of Engineering. The proposed ordinance has been clarified.

WINNETKA PARK DISTRICT COMMENTS

The Park District provided a letter that has been distributed to the Council that raises a number of policy issues for the Council to consider. Apart from that, the Park District identified two issues that staff thinks may warrant additional minor language changes to the ordinance, as explained below.

Backfilling of Retaining Walls. The Park District expresses concerns regarding the proposed ordinance not permitting the backfilling of a retaining wall as well as what is meant by a "shelf". In their letter they state "Eliminating the backfilling of retaining walls unreasonably eliminates an economic and efficient means to perform construction without adding any commensurate public benefit by comparison to the increased costs. A backfilled retaining wall can equally protect and enhance slope stability."

Both Sections 17.82.030 and 17.82.040 of the current proposed ordinance states the following regarding standards related to retaining walls and other structures necessary for slope stabilization (bold added for emphasis):

Retaining walls and other structures that are necessary for slope stabilization are permitted in the slope transition area (steep slope zone) if approved by the Director and are built in accordance with the following standards:

1. Retaining walls cannot be used to increase table land;
2. Retaining walls cannot be used to create a shelf or other table area within the slope transition area (steep slope zone); and
3. **Backfilling of a retaining wall is not permitted.**

As currently structured, the proposed ordinance would require an applicant to request a zoning variation (or if part of a special use request, a zoning exception) to allow the back filling of a retaining wall.

Staff acknowledges that conditions may exist within a slope transition area or steep slope zone when

recognized engineering practices would find it appropriate to use retaining walls that involve backfilling and the creation of shelves for slope stabilization. The proposed ordinance development standards require any filling and grading be kept at an absolute minimum. If the Council wishes to include the below bold language in the ordinance, a trustee would need to make a motion to make such a change.

Retaining walls and other structures that are necessary for slope stabilization are permitted in the slope transition area (steep slope zone) if approved by the Director and are built in accordance with the following standards:

1. Retaining walls cannot be used to increase table land;
2. Retaining walls cannot be used to create a shelf or other table area within the slope transition area (steep slope zone), **unless it is necessary for slope stabilization;** and
3. Backfilling of a retaining wall is not permitted, **unless it is necessary for slope stabilization**.

Exceptional Engineering. The Park District states in its letter that the term "exceptional engineering" is not a recognized professional standard. During previous Council sessions and the Council's initial discussion of the proposed ordinance, staff explained to the Council what staff meant by this phrase. Given the term is only used twice in the ordinance and it appears not to be clear to the public, the Council may wish to replace the use of the term in the following two sections of the proposed ordinance.

Section 17.82.040 Development in Steep Slope Zone.

******

G.Decks can be no larger than 50 square feet unless the applicant provides ~~exceptional~~**additional** engineering **as required by the Director**, including stormwater management and vegetation, so that such deck will not jeopardize slope stability.

******

I. Boat houses, provided that no boat house shall exceed 860 square feet of gross floor area. A boat house shall be no taller than 15 feet from the top of the finished floor to the highest point of the building, including any appurtenances; provided, however, guardrails around a boat house rooftop deck may extend an additional three feet from the highest point of the building. Only one boat house is permitted per zoning lot. A boat house may include space for auxiliary storage, a toilet, and a shower; provided, however, a boat house may not be used as a dwelling unit as defined by this Title. All boat houses, regardless of size, must use ~~exceptional~~**additional** engineering **as required by the Director**, including stormwater management and vegetation, so that a boat house will not jeopardize slope stability, and the Director has determined that the structure of any boat house will not adversely impact the stability of the property or adjacent property. Notwithstanding the otherwise applicable minimum front yard setback requirement, boat houses may be located in the required front yard, but no closer than the toe of the bluff.

If the Council chooses to make the above changes to the proposed ordinance, a trustee would need to make such a motion.

RECOMMENDATION:

The Village Council is scheduled to consider adoption of Ordinance No. MC-1-2024 and adoption of Resolution No. R-6-2024.

ATTACHMENTS:

1. Ordinance No. MC-1-2024: Amending the Winnetka Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area
2. Ordinance No. MC-1-2024: Amending Zoning Ordinance to Establish Bluff Regulations for Development in the Steep Slope Area - Blackline Version
3. Written Public Comments
4. Resolution No. R-6-2024: Establishing the Fees for the Processing of Lakefront Construction Permit & Steep Slope Regulations Permit Applications

ORDINANCE NO. MC-01-2024

AN ORDINANCE AMENDING THE WINNETKA ZONING ORDINANCE TO ESTABLISH BLUFF REGULATIONS FOR DEVELOPMENT IN THE STEEP SLOPE AREA ALONG LAKE MICHIGAN

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village has a history of respect for the private property rights of its residents; and

WHEREAS, the Village enjoys an abundance of lakefront areas that contribute to the character of the Village and play important functions in the overall drainage system serving the Village and its residents; and

WHEREAS, bluffs are a critical part of the overall ecology of the Village and may be susceptible to degradation and erosion that could threaten certain lakefront properties and adjacent properties, as well as their improvements; and

WHEREAS, the Village enacted a study and permit abeyance period (***"Permit Abeyance Period"***) to analyze the bluffs located in the Village along the lakefront; and

WHEREAS, during the Permit Abeyance Period, the Village worked with a coastal engineer, and held public meetings and hearings to develop more comprehensive amendments to the Winnetka Village Code, as amended (***"Village Code"***) and the "Winnetka Zoning Ordinance", as amended (***"Zoning Ordinance"***) and provide related procedures to attempt to balance the rights and privileges of private property owners and the desire to ensure that construction on the bluffs and the steep slope areas of the bluffs are consistent with the Village's goals and policies; and

WHEREAS, the Permit Abeyance Period provided Village staff time to review various regulatory approaches that would protect the bluff areas and individual property rights; and

WHEREAS, the further purposes of this Ordinance are as follows:

- To protect the environment and the integrity of the Lake Michigan coastal area that is a distinctive and valuable feature of the Lake Michigan shoreline;
- To recognize the potential for hazards that could affect health and safety to persons and property from significant bluff and shoreline development;
- To maintain the stability of the coastal bluffs and shorelines and to reduce the risks of coastal erosion, undermining, slumping, or collapse of the bluffs, and to protect the waters of Lake Michigan from unnatural sedimentation;

- To promote the recommendations of the Village of Winnetka Comprehensive Plan relative to the constraints that should be considered in developments that impact coastal areas and environments; and

WHEREAS, this Ordinance amends the Zoning Ordinance to create certain construction regulations in the steep slope zone area in the bluffs (***"Steep Slope Regulations"***); and

WHEREAS, this Ordinance also amends the Zoning Ordinance to establish a new front lot line standard for lakefront properties that can be consistently and efficiently applied over time (***"Lakefront Lot Line Regulations"***); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance for the Steep Slope Regulations and the Lakefront Lot Line Regulations; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Steep Slope Regulations and the Lakefront Lot Line Regulations and related amendments to the Zoning Ordinance by publication in the *Winnetka Talk* on December 21, 2023, and by mail to lakefront property owners as well as property owners within 250 feet of lakefront properties; and

WHEREAS, the Village Council conducted a public hearing on January 9, 2024, regarding the Steep Slope Regulations and the Lakefront Lot Line Regulations; and

WHEREAS, pursuant to these and other applicable authorities and the Village's home rule powers, the Village Council has determined that it is necessary and in the best interests of the Village and its residents to adopt the Steep Slope Regulations and the Lakefront Lot Line Regulations as set forth in this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. NEW CHAPTER 17.82 OF THE ZONING ORDINANCE. Title 17, titled "Zoning," of the Village Zoning Ordinance is amended to add a new Chapter 17.82, titled "Steep Slope Regulations," as set forth in Exhibit A attached to, and by this reference, made a part of this Ordinance.

SECTION 3. AMENDMENT TO SECTION 17.04.030 OF THE ZONING ORDINANCE. Section 17.04.030, titled "Definitions," of Chapter 17.04, titled "Introductory Provisions and Definitions," of the Village Zoning Ordinance is amended to read as follows and to be inserted in their correct alphabetical order:

"Section 17.04.030 Definitions.

* * *

F.

* * *

7. Front Base Line. “Front base line” means a line passing through the two termini of the front lot line. On through lots abutting Lake Michigan, the front base line shall be a line passing through the two termini of the front lot line opposite the ~~water's edge~~ **ordinary high water mark**, and the lot depth shall be no greater than the distance from the front base line of the lot to the ~~water's edge~~ **ordinary high water mark** of Lake Michigan.

8. Front Lot Line. “Front lot line” means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the “front lot line.” On through lots, both street lines shall be deemed “front lot lines,” except where no setback requirement is applicable. For lots abutting Lake Michigan, the ~~water's edge~~ **ordinary high water mark** of the lake shall be deemed a "front lot line."

* * *

L.

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3. Zoning Lot. "Lot" or "zoning lot" means a lot of record, or a combination of contiguous lots of record under common ownership or control, used or to be used by the owner or occupant for a single principal building, except to the extent that this title expressly permits such lot or lots to be used for more than one principal building or principal use. As used in this title, "lot" or "zoning lot" shall not include any part of a platted lot that lies beyond the ~~water's edge~~ **ordinary high water mark** of Lake Michigan or with the boundaries of any other river, lake or stream that is under the ownership and control of the state of Illinois.

4. Lot Area. "Lot area" means the area of any lot within its exterior lot lines, not including any area lying within a street. As used in this title, "lot area" shall not include any part of a platted lot that lies beyond the ~~water's edge~~ **ordinary high water mark** of Lake Michigan or within the boundaries of any other river, lake or stream that is under the ownership and control of the state of Illinois. For flag lots, the access corridor (“flagpole”) shall not be included in calculating the lot area.

* * *

O.

1. **Ordinary High Water Mark. "Ordinary high water mark" means the line on the shore of Lake Michigan consistent with the U.S. Army Corps of Engineers' administrative benchmark set at 581.5' per the International Great Lakes Datum (IGLD) of 1985 or such future administrative benchmarks set by the U.S. Army Corps of Engineers based upon updated IGLD.**

* * *

S.

* * *

2. Street Line. "Street line" means the outermost limits of a public or private street. The ~~water's edge~~ **ordinary high water mark** of Lake Michigan shall be deemed the outermost limits of that public street.

* * *

T.

* * *

4. Through Lot. "Through lot" means having two opposite lines along two more or less parallel streets, or along one street and **the ordinary high water mark of** Lake Michigan or some other body of water, and which is not a corner lot."

* * *

SECTION 4. AMENDMENT TO SECTION 17.30.050 OF THE ZONING ORDINANCE. Section 17.30.050, titled "Front and Corner Yard Setbacks," of Chapter 17.30, titled "Lot, Space, Bulk and Yard Regulations for Single-Family Residential Districts," of the Village Zoning Ordinance is amended by adding a new subsection (c)(7) to Section 17.30.050, which new subsection (c)(7) shall be as follows:

"Section 17.30.050 Front and Corner Yard Setbacks.

* * *

C. Exceptions and Limitations.

* * *

7. **Front Yard Setbacks for Lakefront Properties. Development on lots abutting Lake Michigan between the ordinary high water mark of Lake Michigan and the tableland as defined by Section 17.82.020 will also comply with Chapter 17.82, Steep Slope Regulations and Chapter 15.78 Lakefront Construction. For lots abutting Lake Michigan, the required front yard setback is the toe of the bluff or 50 feet from the ordinary high water mark, whichever results in the line farthest from the ordinary high water mark.**"

SECTION 5. AMENDMENT TO SECTION 17.60.020 OF THE ZONING ORDINANCE. Section 17.60.020, titled "Jurisdiction of the Zoning Board of Appeals; Decisions by Resolution," of Chapter 17.60, titled "Variations," of the Village Zoning Ordinance is amended by adding a new subsection (B)(4) to Section 17.60.020, which new subsection (B)(4) shall be as follows:

"Section 17.60.020 Jurisdiction of the Zoning Board of Appeals; Decision by Resolution.

* * *

B. Advisory Decision-making Authority. Except as provided in the following subsection C, the decisions of the Zoning Board of Appeals on all zoning variation applications shall be advisory to the Village Council. In addition, notwithstanding anything in Subsection C to the contrary, the Board's decisions shall be advisory to the Village Council in all of the following instances:

* * *

4. **Applications for any variations that are related to the steep slope regulations, as provided in Chapter 17.82 of this Code.**"

SECTION 6. AMENDMENT TO SECTION 17.60.030 OF THE ZONING ORDINANCE. Section 17.60.030, titled "Jurisdiction of the Village Council; Variations by Ordinance," of Chapter 17.60, titled "Variations," of the Village Zoning Ordinance is amended by adding a new subsection (A)(4) to Section 17.60.030, which new subsection (A)(4) shall be as follows:

"Section 17.60.030 Jurisdiction of the Village Council; Variations by Ordinance.

* * *

A. Final Decision-making Authority. The Village Council reserves for itself the authority to make the final decision to grant or deny any and all variations that have not been delegated to the Zoning Board of Appeals in Section 17.60.010 of this chapter, and any and all variations related to the following types of applications and

uses, regardless of whether any of such variations have been delegated to the Zoning Board of Appeals in Section 17.60.010:

* * *

4. Applications for any variations that are related to the steep slope regulations, as provided in Chapter 17.82 of this Code."

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. REPEAL OF CHAPTER 17.80. Effective March 18, 2024, Chapter 17.80 of the Village Code is hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance will be in full force and effect upon passage, approval, and publication of this Ordinance in pamphlet form in the manner provided by law.

PASSED this 6 day of February, 2024, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2024.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of ___, 2024.

Introduced: January 9, 2024

Passed and Approved: _____, 2024

DRAFT

Exhibit A

(New Chapter 17.82 of Title 17)

"**Chapter 17.82**
STEEP SLOPE REGULATIONS

Section 17.82.010 Purpose.

The purpose of this Chapter is to regulate development along or near steep slope areas to protect slope stability in the Village. Lake Michigan, its coastline, beaches, bluffs, and other related lakefront features, provide unique resources to the Village and to its residents that must be preserved and protected. Bluffs are inherently fragile and subject to erosion. Development and construction activity in and around bluffs could be hazardous to people and property and could accelerate the erosion process. This Chapter is not intended to regulate the aesthetic qualities of the bluffs. Instead, this Chapter is intended to protect the bluffs and ensure that construction on the bluffs of Lake Michigan within the Village do not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village, or otherwise create harm or risk to the public health, safety, and welfare of the Village, its residents, or visitors. This Chapter provides reasonable development guidelines to provide for a controlled use of the steep slope area and related lands to protect the public health, safety and welfare of the Village. Further, the intent of this Chapter is to accomplish the following goals:

A. **Protect people and property against destruction or damage caused by bluff erosion resulting from significant development activities in or around the bluffs;**

B. **Protect bluffs and adjacent land areas against destruction or damage caused by significant development activities;**

C. **Encourage building and engineering techniques that increase slope stability;**

D. **Reduce uncontrolled storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the preservation of the bluff's habitat and in some cases where necessary, requiring revegetation;**

E. **Preserving and enhancing the bluffs and their environment through the retention of dominant steep slopes; and**

F. **Encouraging innovative site and architectural design, including restoration of graded areas to reduce the physical impact on steep slope areas.**

Section 17.82.020 Definitions.

For purposes of this Chapter, the following terms are defined as follows:

"Bluff" means an elevated segment of the Lake Michigan shoreline above the beach that normally has a precipitous front that is inclining steeply on the lakeward side.

"Cantilever" means any portion of a principal structure that extends laterally beyond the foundation it supports.

"Development" means any man-made change (other than maintenance of existing structures, paved areas, or utilities) to improved or unimproved real estate, including without limitation, the construction or installation of new or enlargement or demolition of existing structures, paved areas or utilities; dredging, filling, drilling, mining, grading, paving, or excavation operations; and open storage of equipment or materials.

"Dimensions" means the space, bulk, and yard measurements for a structure as defined by this Title.

"Director" means the Village's Director of Engineering.

"Footprint" means the land area outline of a structure on the ground and any portions of the structure underground.

"Lake Michigan" means that portion of Lake Michigan that borders the Village, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

"Slope Impact Area" means for a lot that includes or is adjacent to a bluff, that portion of the lot lying between:

(1) The toe of the bluff; and

(2) The line representing the intersection of the table land (or if no such intersection, the table land extended) of such lot with a 22 degree slope (2.5H;1V ratio) extending upward from the toe of the bluff. If a lot lacks

table land, the Director will utilize the horizontal projection of the street line of the lot as the table land to identify the slope impact area. The slope impact area also includes the area of the lot where the slope of the lot is steeper than 5.7 degrees (10H;1V ratio).

"Slope Transition Area" means that portion of the slope impact area of a lot lying outside the steep slope zone.

"Steep Slope Line" means a line representing the intersection of the table land (or if no such intersection, the table land extended) with a 27 degree slope (2H;1V) extended upward from the toe of a bluff. If a lot lacks table land, the Director will utilize the horizontal projection of the street line of the lot as the table land.

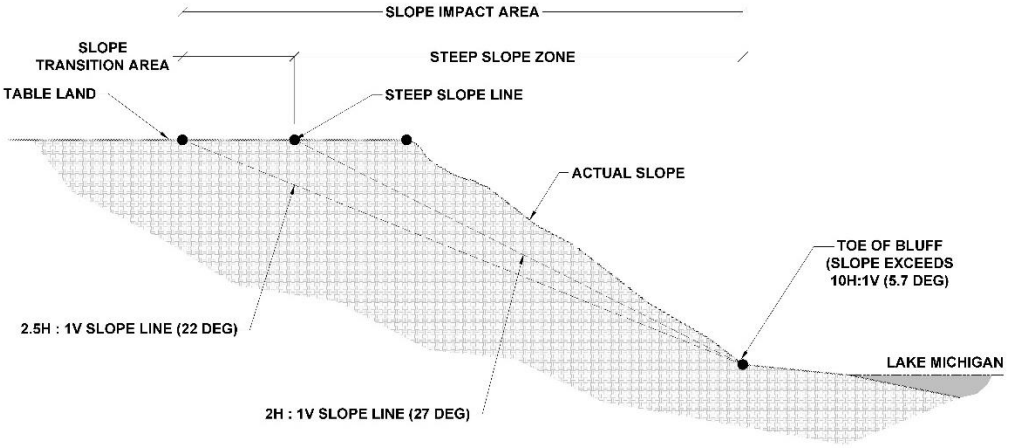
"Steep Slope Zone" means that portion of the slope impact area of a lot that lies between the steep slope line and the toe of the bluff.

"Table Land" means land at the top of a bluff where the slope is less than a 5.7 degree slope (10H: 1V ratio).

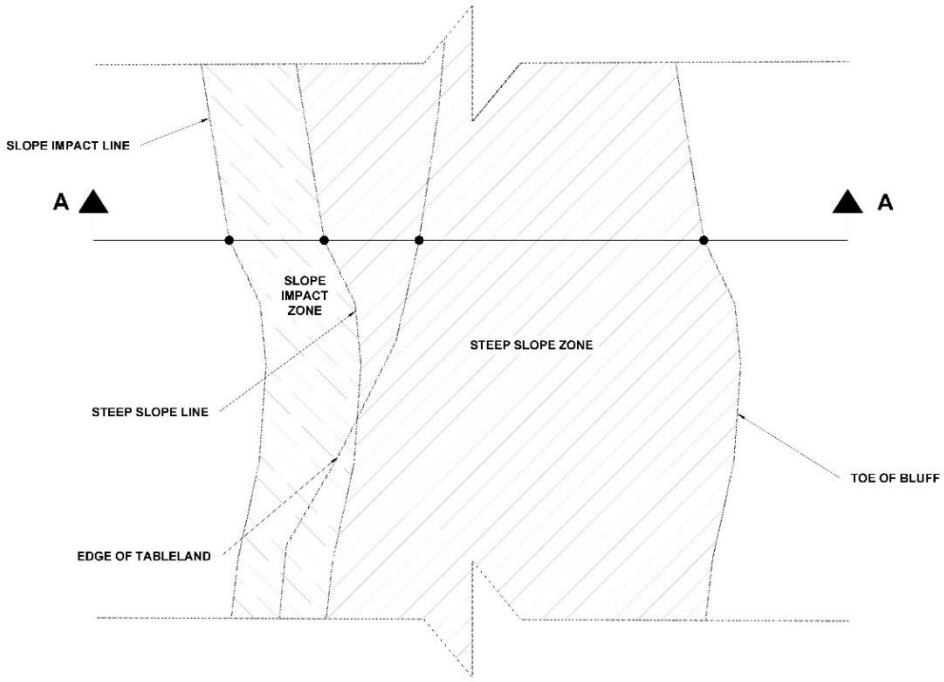
"Toe of the Bluff" means the point in the bluff landward where the slope is less than a 5.7 degree slope (10H;1V) or where the slope reverses direction. On compound slopes where there may be more than one possible toe location, the controlling point will be whichever toe that provides the greatest slope impact area. In plan view, the toe of the bluff is depicted as a continuous line, and is referred to as the toe line.

DRAFT

DETERMINING SLOPE IMPACT AREA FOR BLUFF WITH SIMPLE SLOPE
CROSS SECTION A-A

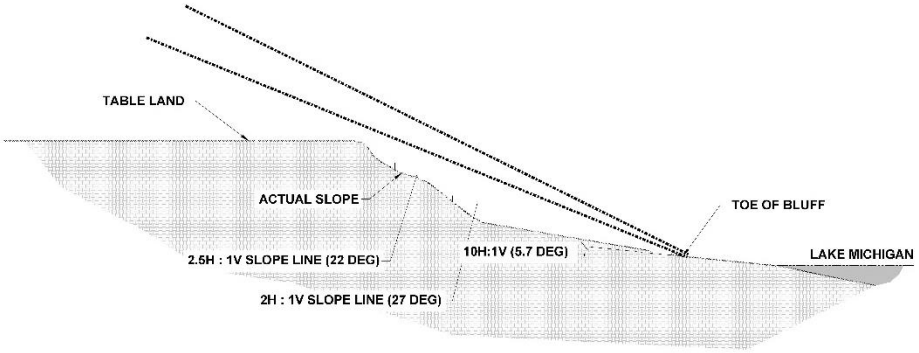


DETERMINING SLOPE IMPACT AREA FOR BLUFF WITH SIMPLE SLOPE
PLAN VIEW

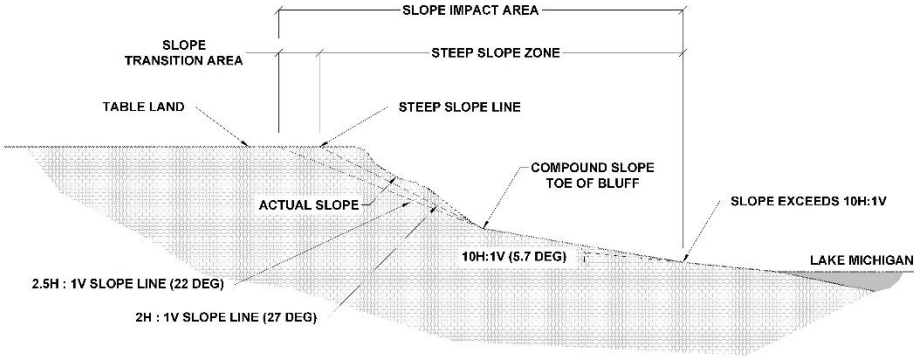


Additions are bold and double-underlined; ~~deletions are struck through~~

DETERMINING SLOPE IMPACT AREA FOR BLUFF WITH COMPOUND SLOPE



If the Steep Slope Line does not intersect the Table Land as illustrated above, the Steep Slope Line is moved up the slope to a point where it will intersect with the Table Land as illustrated below.



Section 17.82.030 Development in Slope Transition Area.

A. Any development that is authorized pursuant to the Village Code, this Title, or other ordinance or regulations of the Village, may occur in the slope transition area if approved by the Director, upon review of an application in accordance with this Chapter. Further, any structure or addition that meets all applicable zoning requirements may be built in the slope transition area upon obtaining the necessary permits as set forth in Section 17.82.060 and adhering to the development standards set forth in Section 17.82.050.

B. Retaining walls and other structures that are necessary for slope stabilization are permitted in the slope transition area if approved by the Director and are built in accordance with the following standards:

(1) Retaining walls cannot be used to increase table land;

(2) Retaining walls cannot be used to create a shelf or other table area within the slope transition area; and

(3) Backfilling of a retaining wall is not permitted.

Section 17.82.040 Development in Steep Slope Zone.

A. **Any development that is authorized pursuant to the Village Code, this Title, or other ordinance or regulations of the Village, may occur in the steep slope zone if approved by the Director, upon review of an application in accordance with this Chapter; provided, however that only the following structures are permitted within the steep slope zone:**

B. **Retaining walls and other structures that are necessary for slope stabilization if constructed in a manner approved by the Director and in accordance with the following standards:**

(1) **Retaining walls cannot be used to increase table land;**

(2) **Retaining walls cannot be used to create a shelf or other table area within the steep slope zone; and**

(3) **Backfilling of a retaining wall is not permitted.**

C. **Notwithstanding anything to the contrary in Chapter 17.64 of this Title, structures existing as of February __, 2024, being the effective date of this Chapter and located within the steep slope zone may be rebuilt and maintained, provided that: (i) the rebuilt, repaired or remodeled structure does not extend beyond the footprint of the previously existing structure located within the steep slope zone; (ii) the rebuilt, repaired or remodeled structure may extend to the structure's previous dimensions, even if those dimensions do not comply with the other applicable regulations of this Title, including but not limited to minimum setback requirements; and (iii) the rebuilt, repaired or remodeled structure is constructed according to plans of an architect or structural engineer who certify that the new foundation or existing foundation (with appropriate engineering modifications and repairs, if any) will support the rebuilt, repaired or remodeled structure without any material adverse impact on the steep slope zone.**

D. **Cantilevering any portion of a principal structure not exceeding four feet horizontal over a steep slope zone is permitted unless otherwise limited by code. Such cantilevering cannot block natural sunlight or alter natural stormwater drainage in a way that jeopardizes slope stability.**

E. **Mechanical or electrical lifts, which do not obstruct the flow of light and water, and utility service lines, provided that it conforms to the provisions of this Chapter.**

F. **Stairs can be no greater than five feet in width. Stair landings can be no larger than 50 square feet. Stair landings for the purpose of this**

Chapter are defined as an intermediate platform on a flight of stairs, greater than 10 square feet, constructed for the purpose of allowing a change in stair direction down the steep slope zone or to break up ten or more stair steps.

G. **Decks can be no larger than 50 square feet unless the applicant provides exceptional engineering, including stormwater management and vegetation, so that such deck will not jeopardize slope stability.**

H. **Fences, provided that all fences must comply with all applicable Village Codes, ordinances, and regulations including, without limitation Section 15.44.060.**

I. **Boat houses, provided that no boat house shall exceed 860 square feet of gross floor area. A boat house shall be no taller than 15 feet from the top of the finished floor to the highest point of the building, including any appurtenances; provided, however, guardrails around a boat house rooftop deck may extend an additional three feet from the highest point of the building. Only one boat house is permitted per zoning lot. A boat house may include space for auxiliary storage, a toilet, and a shower; provided, however, a boat house may not be used as a dwelling unit as defined by this Title. All boat houses, regardless of size, must use exceptional engineering, including stormwater management and vegetation, so that a boat house will not jeopardize slope stability, and the Director has determined that the structure of any boat house will not adversely impact the stability of the property or adjacent property. Notwithstanding the otherwise applicable minimum front yard setback requirement, boat houses may be located in the required front yard, but no closer than the toe of the bluff.**

Section 17.82.050 Development Standards.

A. **Any application for development in the slope impact area will be reviewed by the Director, who will consider such application in light of the standards of this section relating to landscape planning, soil mechanics engineering, hydrology, geology, environmental design, structural and coastal engineering, and structural architecture. The Village recognizes each slope impact area may have different characteristics and features that affect its stability and preservation. Therefore, the Director may determine that certain standards of this Section do not apply to every application. Whenever the Director waives or alters otherwise applicable requirements in this Section, the waiver or alteration will be memorialized in a written decision that provides the rationale for the waiver or alteration. Before the Director finalizes the waiver or alteration, the Director will confer with the Village Manager and the Director of Community Development. The Director will have the authority to determine if the application in its**

totality satisfies the purposes of this Chapter to a substantial degree without creating an economic hardship as provided in Section 17.82.090.

B. Development standards for the slope impact area are as follows:

(1) Safety control of steep slopes.

a. The development will not jeopardize slope stability on the subject site or neighboring properties.

b. Except as necessary for an approved development, no filling, grading, or earth moving is permitted in a slope impact area.

c. A fence must be erected temporarily along the top edge of the steep slope zone, during any construction or demolition activity in the steep slope zone or adjacent to the steep slope zone.

(2) Construction techniques. All proposed structures must have foundations designed in a matter consistent with sound engineering and geological principals. Additionally, the following techniques must be used to enhance bluff stabilization:

a. Planning the development to recognize and fit the natural topography, soils, geology, hydrology, and other existing conditions on the proposed sites;

b. Orienting development so that filling, grading, and earth moving, landscaping and other site preparation is kept to an absolute minimum;

c. Preserving and enhancing the landscape through minimized disruption of natural terrain and existing vegetation;

d. Minimizing disruption or alteration of natural drainage ways;

e. Minimizing the time during which areas are bare and exposed;

f. Designing and properly locating structures so that the structure's weight does not negatively impact slope stability; and

g. **Considering the effect of undercutting at the base of a slope impact area caused by wave action, storm water flow, erosion, or channel changes.**

(3) **Hydrological controls.**

a. **Natural channels. Natural drainage ways must be preserved to the maximum extent possible.**

b. **Controlled runoff. Concentrated runoff from impervious surfaces will be collected and transported in a pipe or other approved manner to a municipal storm sewer system, if available or to the toe of the bluff as determined by the Director.**

c. **Water discharge into steep slope. Whenever stormwater is transported across a property for discharge into a sleep slope zone, the conveyance pipe material must be installed below ground by directional boring where possible.**

d. **Trenching. No pipe can be installed within a steep slope zone by excavating a trench unless such trench is approved by the Director.**

e. **Pipe materials. Flexible corrugated pipes may not be used within a slope impact area unless directional boring is found to be infeasible in the sole determination of the Director.**

f. **Water Quality. The Director will determine the appropriate water quality requirements for all stormwater that is discharged to Lake Michigan.**

g. **Interceptor ditches. When required by the Director pursuant to sound professional engineering principles, interceptor ditches will be established above steep slopes in order that soil will not become saturated and the intercepted water will be conveyed in a pipe or other approved manner to a municipal storm sewer system, if available, or to the toe of the bluff as determined by the Director.**

h. **Discharge point stabilization. Natural drainage ways will be stabilized by landscape integration and rip-rap or other means consistent with sound professional**

engineering practice, to a distance below drainage and culvert discharge points sufficient to convey the discharge without channel erosion and in such a manner as to dissipate the energy of the discharge as approved by the Director.

i. Energy dissipater. All outflow from a stormwater conveyance pipe must discharge into an energy dissipater.

j. Early completion. The overall drainage system must be completed and made operational at the earliest possible time during construction, the schedule of which will be approved by the Director.

k. Impact on adjacent property. The natural or usual flow of surface or subsurface water must not be altered or obstructed in any way by grade changes that may adversely affect the property of another by contributing either to pooling or collection of waters or to the concentration or intensification of surface water discharge. However, development which might otherwise be prohibited hereinabove may be allowed if such waters are properly drained by a pipe or other approved manner to a municipal storm sewer system, if available, or to the toe of the bluff as determined by the Director. All grade changes must comply with the Village Code.

(4) Vegetation and revegetation.

a. Native vegetation will be maintained to the greatest extent possible within the slope impact area.

b. Smallest area. At all times, the smallest practical area of raw soil will be exposed for as short a duration of time as practical.

c. Revegetation. A mixed planting of native perennial grasses and woody species with deep root systems will be used to landscape steep slope areas disturbed by construction, demolition or earth moving. When sound engineering practices dictates and when required by the Director, temporary vegetation, or other acceptable cover shall be used to protect areas of raw soils exposed during development and to prevent erosion.

d. **Erosion control mat. Temporary erosion control matting properly staked and trenched must be provided over raw soil areas until new vegetation is established.**

(5) **Filling, grading, and earth moving.**

a. **Minimum alterations. Filling, grading, and earth moving will be limited to the minimum required for building foundations, driveways, drainage control structures, and immediate yard areas. With the exception of restoration efforts, substantial filling, grading, and earth moving is prohibited.**

b. **Erosion control. All filling, grading, and earth moving will be accomplished in a manner that will create the lowest possible potential for airborne or waterborne transportation of soil.**

c. **Soil fill in steep slope zone. All fill in steep slope zone is prohibited, other than back-fill which will be determined by the Director to be necessary for slope stabilization or re-establishment of the steep slope zone as part of general maintenance.**

d. **Soil fill on table land. In conformance with generally accepted engineering standards, all fill on table land will be stabilized to at least 90% of maximum dry density as determined in ASTM procedure D-1557 or equivalent.**

e. **Prompt completion. All filling, grading, and earth moving will be accomplished in the shortest practical period of time, the schedule of which will be approved by the Director. All excavated material must be removed from the slope impact area and no temporary or permanent material storage will be permitted within the slope impact area. No existing natural vegetation will be destroyed, removed or disturbed prior to the commencement of development activities.**

Section 17.82.060 Required Plans and Permits.

A. **Required plans. Any development or other activity in the slope impact area requiring a permit pursuant to the Village Code and applicable regulations must be accompanied by the following plans and reports. Said plans and reports must be submitted to and approved by the**

Director prior to issuance of any permit or commencement of the proposed development.

(1) **All permit applications must identify the slope impact area, the slope transition area, the steep slope zone, the toe of the bluff, and the ordinary high water mark in the drawings.**

(2) **All permit applications must contain a written description of the proposed means and methods of accomplishing such work (including without limitation the sequencing and timing of work, the equipment to be used, interim protective measures, and activities to monitor potential adverse impacts on the slope impact area), which means and methods will be designed to minimize slope damage. Upon approval of the permit by the Director, such approved written description will be the enforceable means and method of the authorized development activities.**

(3) **Professional engineering. All structures within the slope impact area must be designed by a licensed structural engineer or geotechnical engineer, or both, and must bear the engineers license seal on submitted drawings and specifications satisfying good engineering practices and the standards of this Chapter, unless the Director otherwise waives this requirement in writing.**

(4) **Subsoil investigation. Every application for a development permit in the slope impact area must be accompanied by a report, prepared by a licensed professional civil engineer or structural engineer, or both, trained and experienced in the practice of geotechnical engineering, which report must include the following:**

a. **Soil types and subsurface materials. A description (the result of a thorough subsurface investigation using techniques such as borings, test pits, site tests, laboratory tests, or other procedures performed to a depth sufficient to determine foundation conditions for the proposed construction) of the soil and subsurface materials found on the subject site (with particular emphasis on the area to be impacted by the proposed development) to a depth extending below any proposed excavation as well as the engineering properties of the subsurface soil materials.**

b. **Observations. A description of existing observable slide areas, scarps, tension cracks, eroded areas, leaning trees, etc.**

c. **History. A historical review of bluff stability considering owner photographs, previous reports and topographic**

surveys; air photos, U.S. Army Corps of Engineers' studies, Village of Winnetka information, etc.

d. Drainage. A description of surface patterns of water flow and seeps as well as indication of the presence or absence of permeable zones in underlying soils.

e. Stability. A geotechnical stability analysis of the slope and structure with factors of safety calculated for the existing and proposed conditions by a method that satisfies both force and moment equilibrium for long-term and short-term soil strength parameters.

f. External influences. A description of any existing or anticipated problems from undercutting at the base of a slope impact area caused by wave action, erosion, or channel changes.

g. Absence of special hazards. An opinion that the soil types, soil stability, subsurface hydrology, and external influences affecting the site will not cause any significant hazards for the proposed use; or if they may cause such hazards, an opinion that such hazards can be overcome, together with a reasonably detailed description of how it is proposed to overcome them.

(5) Grading plan. In addition to any other permit requirements, each application for a permit involving development under this Chapter must be accompanied by a grading plan, which plan will include the following:

a. A topographic survey, showing property contours at one foot intervals for table land and five foot intervals for steep slopes, including special notes and details of the existing terrain;

b. Proposed filling, grading, and earth moving details, including the dimensions, elevations, and contours of any proposed filling, grading, and earth moving;

c. A schedule of when each stage of the project will be completed, including the estimated starting and completion dates; and

d. A provision requiring the placement of a temporary fence on the table land at the top edge of steep slope zone until construction is completed.

(6) **Hydrological control plan. Applications for any development permits will include a plan for intercepting and containing drainage at the site and from the structure.**

(7) **Vegetation plan. A vegetation plan, subject to the tree removal provisions of the Village Code, will be submitted with each application for a development permit, which plan will include the following:**

a. **A description of proposed revegetation of disturbed areas, specifying the materials to be used;**

b. **An inventory describing the existing vegetation and tree cover of the site showing those areas where the vegetation will be removed as part of the proposed development;**

c. **A maintenance and monitoring plan for native vegetation and soil erosion and sediment controls in the steep slope zone;**

d. **A written description detailing methods of slope stabilization and revegetation, together with the rationale for selecting the plant materials and planting techniques proposed to be used; and**

e. **A timetable and sequencing program for implementing the vegetative plan.**

(8) **Additional submittals; waivers. The Director may require additional plans as needed for review. The Director may release an applicant from any element of the aforementioned plan submittals to the extent that the Director determines that such element(s) will not materially assist in the evaluation of the proposed action's impact on slope stability. Whenever the Director waives or alters otherwise applicable requirements in this Section, the waiver or alteration will be memorialized in a written decision that provides the rationale for the waiver or alteration. Before the Director finalizes the waiver or alteration, the Director will confer with the Village Manager and the Director of Community Development.**

B. **Permit issuance; terms. Each permit application for development must comply with the Title 15 of the Village Code, this Title, and other applicable codes, ordinances, or regulations, including this Chapter. The seal of an Illinois licensed structural or geotechnical engineer, or both, will appear on all plans and specifications included as part of a permit application. Upon the Director determining that an application satisfies the requirements of this Chapter, the Director will cause a permit to be issued for development within the slope impact area. The**

following provisions will be incorporated into and made a part of any such permit:

(1) Limited obligation. Compliance with the procedures of this Chapter and the issuance of any related permits will not be construed to impose any legal or other obligation upon the Village of Winnetka or its elected or appointed officials, employees, agents, attorneys, or representatives. Any permit issued pursuant to this Chapter is for the benefit of the public and not for the benefit of any individual.

(2) Civil claims. Compliance with the procedures of this Chapter and the issuance of related permits will not relieve the permittee and the property owner from civil liability claims.

(3) Endorsement. Compliance with the procedures of this Chapter and the issuance of related permits do not imply approval of the need for, or the benefit or efficacy of, the proposed development; nor does it constitute any assertion that the proposed development will not result in damage to the property in question or to adjoining property.

(4) Closing report. A licensed professional structural engineer or geotechnical engineer, or both, must inspect all work in the steep slope zone while in progress and, upon completion of the work, deliver to the Director a written report bearing the engineer's license seal, stating that all development is in accordance with the approved plan and specifications for the project. Such a report must be delivered prior to the Village's final inspection, acceptance, and closing of the project.

(5) Special terms. In connection with the issuance of a permit pursuant to this Chapter, the Director may impose special conditions as deemed necessary to ensure the effectiveness of plans for development on a property, and to protect the long-term stability of a bluff, or otherwise to notify future owners of the bluff conditions of such property.

C. Other Regulatory Agency Plans. The Director has the discretion to determine whether review by any other agencies will be required as part of the Director's review.

Section 17.82.070 Steep Slope Stabilization.

A. General standards.

(1) **In order to provide for long-term slope stability and to prevent failure of slope stability that may adversely impact neighboring properties, all property owners whose property includes or is adjacent to a slope impact area are required to comply with the provisions of this Chapter. To the extent of any conflict between the requirements or regulations of this Chapter and any otherwise applicable requirements or regulations set forth elsewhere in the Village Code, the requirements and regulations of this Chapter will control to the extent of the conflict.**

(2) **Any development within the slope impact area must comply with all requirements in accordance with this Chapter.**

(3) **Private storm drainage lines conveying storm water runoff either to a public storm sewer or the toe of the bluff must be maintained by the owner thereof. Private drainage lines which leak water onto the surface of a steep slope must be repaired within 30 days of notification by the Village.**

(4) **Intentionally depositing garbage, construction debris, or landscaping materials in a slope impact area is prohibited.**

(5) **Swimming pool discharge cannot be directed toward or directly discharge into a slope impact area.**

B. **Maintenance and upkeep.**

(1) **Authorized structures in the slope impact area may be repaired, maintained and altered, but only in compliance with the Village Code and this Title.**

(2) **Landscape maintenance or routine arboreal activities are permitted in the slope impact area.**

C. **Restoration. All governmental entities, private property owners, and all other private entities that have authorized access to bluff steep slopes and engage in the maintenance, repair, or construction of utilities or other structures within a slope impact area, or engage in any modifications to a steep slope, will adhere to the applicable provisions of the Village Code and utilize best management practices.**

D. **Emergency activities. Nothing in this Chapter will prevent the Village from permitting development activities on an emergency basis when deemed necessary by the Director to remediate an unstable or insecure slope that presents an immediate threat to health, safety, and welfare, or stability of an authorized structure. Emergency development activity (including installation or construction of structures) will only**

be permitted provided: (i) the remedial action involves the least possible disruption of the natural features of the site as possible and is in conformance with this Chapter; and (ii) the remedial action is the most reasonable action to address the emergency situation under the circumstances.

Section 17.82.080 Tree Removal in Slope Impact Area.

A. **All trees removed in the slope impact area must comply with Chapter 15.28 of the Village Code, unless the Village Arborist determines otherwise.**

B. **The Village Arborist will review each tree permit in the slope impact area to determine whether the proposed tree removal will jeopardize slope stability and ensure removal is consistent with good forestry practices.**

Section 17.82.090 Appeals of Director's Decisions.

A. **Any determination of the Director under this Chapter may be appealed by the applicant to the Village Manager by filing a request for review in writing within 35 days after the Director issues his or her determination. Any decision of the Village Manager will be in writing and may be further appealed by the applicant to the Village Council by filing a request for review in writing within 35 days after the issuance of the Village Manager's decision. The decision of the Village Council will be final.**

B. **In reviewing the determination of the Director, the Village Manager or the Village Council (as the case may be) will consider only whether the determination of the Director in applying the regulations of this Chapter imposes an unreasonable and undue economic hardship that materially limits the property owner from making reasonable use of such owner's property or otherwise imposes requirements which are unreasonably burdensome to the property owner given the benefits thereof to the Village. After receiving written submittals from the property owner and the Director (and after a hearing if the Village Manager or Village Council determines that such a hearing will be instructive), a decision on such appeal must be issued in writing no more than 60 days after the delivery of the final submittal by the applicant or Director or after the close of the hearing, whichever is later.**

C. **In considering an appeal under this section, the Village Manager or Village Council may reverse, affirm, or modify the determination of the Director, or remand the determination back to the Director for further consideration, with or without instructions.**

D. **The Village Manager or Village Council may issue further procedural rules governing appeals under this section.**

Section 17.82.100 Variations.

An applicant may seek variations from Section 17.82.030 and Section 17.82.040 of this Chapter in accordance with Chapter 17.60. Nothing in this Chapter is intended to limit the ability of an applicant from seeking a variation from the otherwise applicable zoning regulations affecting the owner's property. To the extent that the regulations of this Chapter materially restrict the ability of a property to be developed or materially increase the cost of such development, the Zoning Board of Appeals may, as part of its recommendation, conclude that the effects of this Chapter can, in appropriate circumstances, constitute a practical difficulty or unreasonable hardship.

Section 17.82.110 Exceptions.

If a development that requires a special use permit includes construction activity that does not comply with the requirements of this Chapter, the Village Council may grant exceptions to the regulations set forth in this Chapter as part of granting the special use permit.

Section 17.82.120 Enforcement and Penalties.

A. **For any property affected by the provisions of this Chapter, the property owner, any developer, and their agents, employees, contractors, subcontractors, licensees, and invitees are each jointly and severally responsible for compliance with the terms of this Chapter.**

B. **In the event any violation of any provision of this Chapter occurs, the property owner will be responsible for the violation, its correction, and for otherwise bringing the property into compliance with the terms of this Chapter. Such compliance may require restoration of the site as closely as possible to its original undisturbed condition, topography, and vegetation in order to eliminate the violation.**

C. **Whoever violates any provision of this Chapter, or who interferes with the enforcement of the same, will be fined in an amount of not less than $100 nor more than $750 per each violation of any Section of this Chapter. Every day that a violation continues will be deemed a separate punishable violation.**

D. **The Village will have the right to issue a stop work order for any work that is performed in the slope impact area either (i) without all permits**

that are required under this Chapter or (ii) in violation of the permits so issued.

Section 17.82.130 Corrective Measures.

In addition to the monetary penalties provided for herein, the Village may apply to a court of competent jurisdiction for an order against the parties responsible to re-establish or restore the grade, slope, stability, vegetation, or drainage systems of a slope impact area in order to eliminate or prevent an adverse impact upon any adjacent or subservient property, and for such other and further relief as may be appropriate in the circumstances.

Section 17.82.140 Administration; Fees; Conflicting Regulations.

A. **Except as otherwise provided, the Director is hereby authorized and directed to prepare any necessary or desirable forms and procedures in order to implement the provisions of this Chapter.**

B. **As part of any application, and as a condition of any permit, an applicant will be required to pay all fees and charges due under this Chapter. The Village Council may from time-to-time establish and publish application, permit, and inspection fees in furtherance of the administration of this Chapter. To the extent that the Village incurs third-party expenses in connection with the administration of this Chapter with respect to a particular application, such third-party expenses will be additional fees chargeable to such application.**

C. **To the extent that there are conflicting regulations in Title 15 of the Village Code or elsewhere in the Village Code, the provisions of this Chapter will control.**

Section 17.82.150 Effective Date.

Nothing in this Chapter will be applied to prevent the completion, in accordance with previously issued permits or approvals, of any development that has received all required permits and approvals prior to_____, 2024 (the effective date of this Chapter), provided that such development is completed in compliance with all such permits, approvals, and other requirements of law."

ORDINANCE NO. ~~_____~~MC-01-2024

AN ORDINANCE AMENDING THE WINNETKA ZONING ORDINANCE TO ESTABLISH BLUFF REGULATIONS FOR DEVELOPMENT IN THE STEEP SLOPE AREA ALONG LAKE MICHIGAN

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village has a history of respect for the private property rights of its residents; and

WHEREAS, the Village enjoys an abundance of ~~bluff~~lakefront areas that contribute to the character of the Village and play important functions in the overall drainage system serving the Village and its residents; and

WHEREAS, bluffs are a critical part of the overall ecology of the Village and may be susceptible to degradation and erosion that could threaten certain lakefront properties and adjacent properties, as well as their improvements; and

WHEREAS, the Village enacted a study and permit abeyance period (***"Permit Abeyance Period"***) to analyze the bluffs located in the Village along the lakefront; and

WHEREAS, during the Permit Abeyance Period, the Village worked with a coastal engineer, and held public meetings and hearings to develop more comprehensive amendments to the Winnetka Village Code, as amended (***"Village Code"***) and the "Winnetka Zoning Ordinance", as amended (***"Zoning Ordinance"***) and provide related procedures to attempt to balance the rights and privileges of private property owners and the desire to ensure that construction on the bluffs and the steep slope areas of the bluffs are consistent with the Village's goals and policies; and

WHEREAS, the Permit Abeyance Period provided Village staff time to review various regulatory approaches that would protect the bluff areas and individual property rights; and

WHEREAS, the further purposes of this Ordinance are as follows:

- To protect the ~~natural~~ environment and the integrity of the Lake Michigan coastal area that is a distinctive and valuable ~~natural~~ feature of the Lake Michigan shoreline;
- To recognize the potential for hazards that could affect health and safety to persons and property from significant bluff and shoreline development;

- To maintain the stability of the coastal bluffs and shorelines and to reduce the risks of coastal erosion, undermining, slumping, or collapse of the bluffs, and to protect the waters of Lake Michigan from unnatural sedimentation;

- To promote the recommendations of the Village of Winnetka Comprehensive Plan relative to the constraints that should be considered in developments that impact coastal areas and environments; and

WHEREAS, this Ordinance amends the Zoning Ordinance to create certain construction regulations in the steep slope zone area in the bluffs (***"Steep Slope Regulations"***); and

WHEREAS, this Ordinance also amends the Zoning Ordinance to establish a new front lot line standard for lakefront properties that can be consistently and efficiently applied over time (***"Lakefront Lot Line Regulations"***); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance for the Steep Slope Regulations and the Lakefront Lot Line Regulations; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Steep Slope Regulations and the Lakefront Lot Line Regulations and related amendments to the Zoning Ordinance by publication in the *Winnetka Talk* on ~~_____~~December 21, 2023, and by mail to lakefront property owners as well as property owners within 250 feet of lakefront properties; and

WHEREAS, the Village Council conducted a public hearing on ~~_____~~January 9, 2024, regarding the Steep Slope Regulations and the Lakefront Lot Line Regulations; and

WHEREAS, pursuant to these and other applicable authorities and the Village's home rule powers, the Village Council has determined that it is necessary and in the best interests of the Village and its residents to adopt the Steep Slope Regulations and the Lakefront Lot Line Regulations as set forth in this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. NEW CHAPTER 17.82 OF THE ZONING ORDINANCE. Title 17, titled "Zoning," of the Village Zoning Ordinance is amended to add a new Chapter 17.82, titled "Steep Slope Regulations," as set forth in Exhibit A attached to, and by this reference, made a part of this Ordinance.

SECTION 3. AMENDMENT TO SECTION 17.04.030 OF THE ZONING ORDINANCE. Section 17.04.030, titled "Definitions," of Chapter 17.04, titled "Introductory

Provisions and Definitions," of the Village Zoning Ordinance is amended to read as follows and to be inserted in their correct alphabetical order:

"Section 17.04.030 Definitions.

* * *

F.

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7. Front Base Line. "Front base line" means a line passing through the two termini of the front lot line. On through lots abutting Lake Michigan, the front base line shall be a line passing through the two termini of the front lot line opposite the ~~water's edge~~ **ordinary high water mark**, and the lot depth shall be no greater than the distance from the front base line of the lot to the ~~water's edge~~ **ordinary high water mark** of Lake Michigan.

8. Front Lot Line. "Front lot line" means the front street line. If the front street line is less than fifty (50) feet long and if the lot is at least seventy-five (75) feet wide at its widest point, then the front lot line shall be the lot line from which the front setback is measured, as determined by the Zoning Administrator. The shortest street line of a corner lot shall be the "front lot line." On through lots, both street lines shall be deemed "front lot lines," except where no setback requirement is applicable. For lots abutting Lake Michigan, the ~~water's edge~~ **ordinary high water mark** of the lake shall be deemed a "front lot line."

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3. Zoning Lot. "Lot" or "zoning lot" means a lot of record, or a combination of contiguous lots of record under common ownership or control, used or to be used by the owner or occupant for a single principal building, except to the extent that this title expressly permits such lot or lots to be used for more than one principal building or principal use. As used in this title, "lot" or "zoning lot" shall not include any part of a platted lot that lies beyond the ~~water's edge~~ **ordinary high water mark** of Lake Michigan or with the boundaries of any other river, lake or stream that is under the ownership and control of the state of Illinois.

4. Lot Area. "Lot area" means the area of any lot within its exterior lot lines, not including any area lying within a street. As used in this title, "lot area" shall not include any part of a platted lot that lies beyond the ~~water's edge~~ **ordinary high water mark** of Lake Michigan or within the boundaries of any other river, lake or

stream that is under the ownership and control of the state of Illinois. For flag lots, the access corridor ("flagpole") shall not be included in calculating the lot area.

* * *

O.

1. **Ordinary High Water Mark. "Ordinary high water mark" means the line on the shore of Lake Michigan consistent with the U.S. Army Corps of Engineers' administrative benchmark set at 581.5' per the International Great Lakes Datum (IGLD) of 1985 or such future administrative benchmarks set by the U.S. Army Corps of Engineers based upon updated IGLD.**

* * *

S.

* * *

2. Street Line. "Street line" means the outermost limits of a public or private street. The ~~water's edge~~ **ordinary high water mark** of Lake Michigan shall be deemed the outermost limits of that public street.

* * *

T.

* * *

4. Through Lot. "Through lot" means having two opposite lines along two more or less parallel streets, or along one street and **the ordinary high water mark of** Lake Michigan or some other body of water, and which is not a corner lot."

* * *

SECTION 4. AMENDMENT TO SECTION 17.30.050 OF THE ZONING ORDINANCE. Section 17.30.050, titled "Front and Corner Yard Setbacks," of Chapter 17.30, titled "Lot, Space, Bulk and Yard Regulations for Single-Family Residential Districts," of the Village Zoning Ordinance is amended by adding a new subsection (c)(7) to Section 17.30.050, which new subsection (c)(7) shall be as follows:

"Section 17.30.050 Front and Corner Yard Setbacks.

* * *

C. Exceptions and Limitations.

* * *

7. Front Yard Setbacks for Lakefront Properties. Development on lots abutting Lake Michigan between the ordinary high water mark of Lake Michigan and the tableland as defined by Section 17.82.020 will also comply with Chapter 17.82, Steep Slope Regulations and Chapter 15.78 Lakefront Construction. For lots abutting Lake Michigan, the required front yard setback is the toe of the bluff or 50 feet from the ordinary high water mark, whichever results in the line farthest from the ordinary high water mark."

SECTION 5. AMENDMENT TO SECTION 17.60.020 OF THE ZONING ORDINANCE. Section 17.60.020, titled "Jurisdiction of the Zoning Board of Appeals; Decisions by Resolution," of Chapter 17.60, titled "Variations," of the Village Zoning Ordinance is amended by adding a new subsection (B)(4) to Section 17.60.020, which new subsection (B)(4) shall be as follows:

"Section 17.60.020 Jurisdiction of the Zoning Board of Appeals; Decision by Resolution.

* * *

B. Advisory Decision-making Authority. Except as provided in the following subsection C, the decisions of the Zoning Board of Appeals on all zoning variation applications shall be advisory to the Village Council. In addition, notwithstanding anything in Subsection C to the contrary, the Board's decisions shall be advisory to the Village Council in all of the following instances:

* * *

4. Applications for any variations that are related to the steep slope regulations, as provided in Chapter 17.82 of this Code."

SECTION 6. AMENDMENT TO SECTION 17.60.030 OF THE ZONING ORDINANCE. Section 17.60.030, titled "Jurisdiction of the Village Council; Variations by Ordinance," of Chapter 17.60, titled "Variations," of the Village Zoning Ordinance is amended by adding a new subsection (A)(4) to Section 17.60.030, which new subsection (A)(4) shall be as follows:

"Section 17.60.030 Jurisdiction of the Village Council; Variations by Ordinance.

* * *

A. Final Decision-making Authority. The Village Council reserves for itself the authority to make the final decision to grant or deny any and all variations that have not been delegated to the Zoning Board of Appeals in Section 17.60.010 of this chapter, and any and all variations related to the following types of applications and uses, regardless of whether any of such variations have been delegated to the Zoning Board of Appeals in Section 17.60.010:

* * *

4. Applications for any variations that are related to the steep slope regulations, as provided in Chapter 17.82 of this Code."

SECTION ~~5~~7: SEVERABILITY. If any provision of this Ordinance or part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION ~~6~~8. REPEAL OF CHAPTER 17.80. ~~Upon the effective date of this Ordinance~~Effective March 18, 2024, Chapter 17.80 of the Village Code is hereby repealed.

SECTION ~~7~~9. EFFECTIVE DATE. This Ordinance will be in full force and effect upon passage, approval, and publication of this Ordinance in pamphlet form in the manner provided by law.

PASSED this 9 day of January, 2024, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2024.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Additions are bold and double-underlined; ~~deletions are struck through~~

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ___ day of ___, 2024.

Introduced: ~~_____~~January 9, 2024

Passed and Approved: _____, 2024

Exhibit A

(New Chapter 17.82 of Title 17)

"**Chapter 17.82**
STEEP SLOPE REGULATIONS

Section 17.82.010 Purpose.

The purpose of this Chapter is to regulate development along or near steep slope areas to protect slope stability in the Village. Lake Michigan, its coastline ~~and~~, beaches, ~~and its~~ bluffs, and other related lakefront features, provide ~~a~~ unique ~~natural resource~~resources to the Village and to its residents that must be preserved and protected. Bluffs are inherently fragile and subject to erosion ~~due to glacially formed soils containing unstable sediment, rock and silt~~. Development and construction activity in and around bluffs could be hazardous to people and property and could accelerate the erosion process. This Chapter is not intended to regulate the aesthetic qualities of the bluffs. Instead, this Chapter is intended to protect the bluffs and ensure that construction on the bluffs of Lake Michigan within the Village do not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village, or otherwise create harm or risk to the public health, safety, and welfare of the Village, its residents, or visitors. This Chapter provides reasonable development guidelines to provide for a controlled use of the steep slope area and related lands to protect the public health, safety and welfare of the Village. Further, the intent of this Chapter is to accomplish the following goals:

A. **Protect people and property against destruction or damage caused by bluff erosion resulting from significant development activities in or around the bluffs;**

B. **Protect bluffs and adjacent land areas against destruction or damage caused by significant development activities;**

C. Encourage building and engineering techniques that increase slope stability;

D. Reduce uncontrolled storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the ~~perseveration~~preservation of the bluff's ~~natural~~ habitat and in some cases where necessary, requiring revegetation;

E. Preserving and enhancing the bluffs ~~in their natural state~~ and their environment through the retention of dominant steep slopes; and

F. Encouraging innovative site and architectural design, including restoration of graded areas to reduce the physical impact on steep slope areas.

Section 17.82.020 Definitions.

For purposes of this Chapter, the following terms are defined as follows:

"Bluff" means an elevated segment of the Lake Michigan shoreline above the beach that normally has a precipitous front that is inclining steeply on the lakeward side.

"Cantilever" means any portion of a principal structure that extends laterally beyond the foundation it supports.

"Development" means any man-made change (other than maintenance of existing structures, paved areas, or utilities) to improved or unimproved real estate, including without limitation, the construction or installation of new, or enlargement or demolition of existing, structures, paved areas or utilities; dredging, filling, drilling, mining, grading, paving, or excavation operations; and open storage of equipment or materials.

"Dimensions" means the space, bulk, and yard measurements for a structure as defined by this Title.

"Director" means the Village's Director of Engineering.

"Footprint" means the land area outline of a structure on the ground and any portions of the structure underground.

"Lake Michigan" means that portion of Lake Michigan that borders the Village, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

"Slope Impact Area" means for a lot that includes or is adjacent to a bluff, that portion of the lot lying between:

(1) The toe of the bluff; and

(2) The line representing the intersection of the table land (or if no such intersection, the table land extended) of such lot with a 22 degree slope (2.5H;1V ratio) extending upward from the toe of the bluff. If a lot lacks table land, the Director will utilize the horizontal projection of the street line of the lot as the table land to identify the slope impact area. The slope impact area also includes the area of the lot where the slope of the lot is steeper than 5.7 degrees (10H;1V ratio).

"Slope Transition Area" means that portion of the slope impact area of a lot lying outside the steep slope zone.

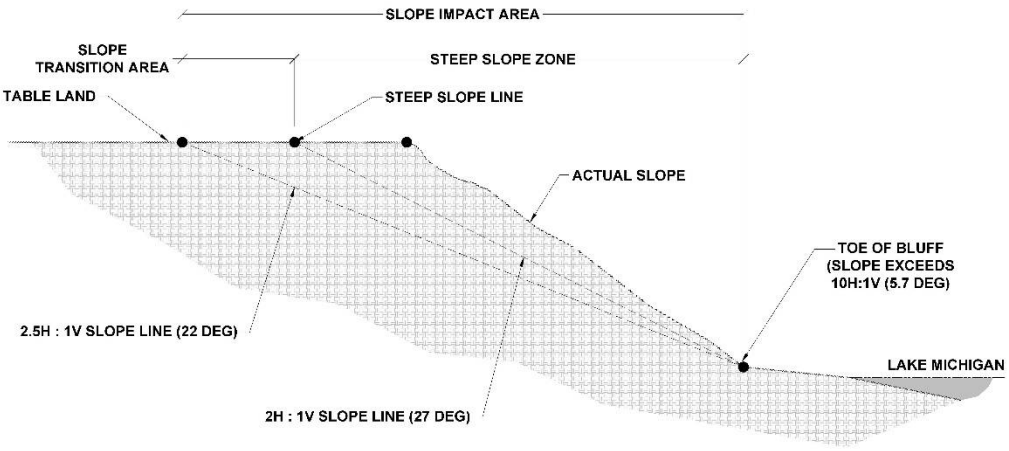
"Steep Slope Line" means a line representing the intersection of the table land (or if no such intersection, the table land extended) with a 27 degree slope (2H;1V) extended upward from the toe of a bluff. If a lot lacks table land, the Director will utilize the horizontal projection of the street line of the lot as the table land.

"Steep Slope Zone" means that portion of the slope impact area of a lot that lies between the steep slope line and the toe of the bluff.

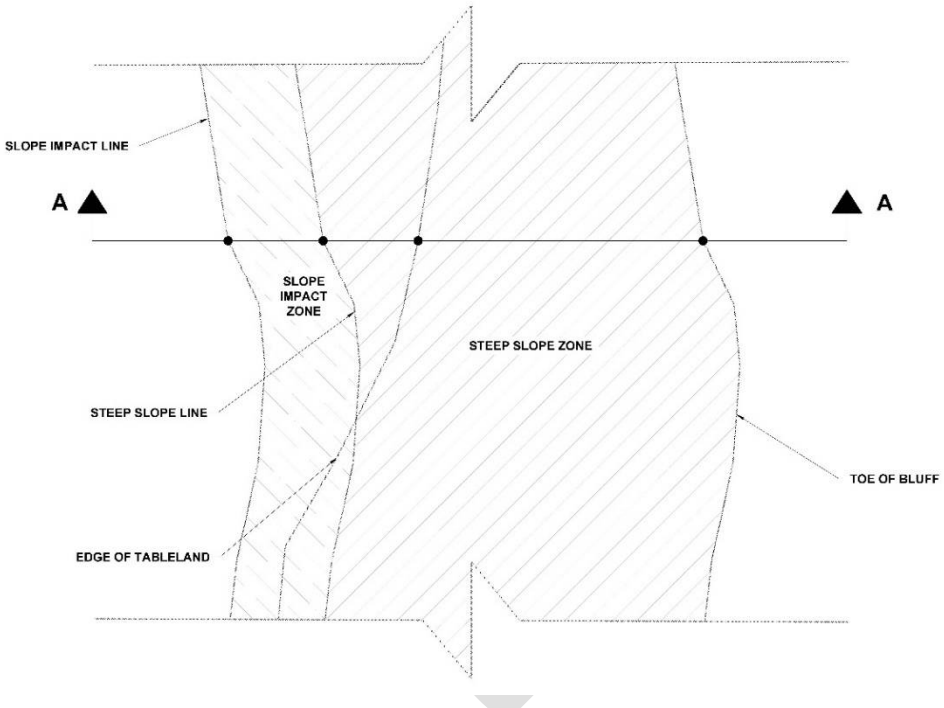
"Table Land" means land at the top of a bluff where the slope is less than a 5.7 degree slope (10H: 1V ratio).

"Toe of the Bluff" means the point in the bluff landward where the slope is less than a 5.7 degree slope (10H;1V) or where the slope reverses direction. On compound slopes where there may be more than one possible toe location, the controlling point will be whichever toe that provides the greatest slope impact area. In plan view, the toe of the bluff is depicted as a continuous line, and is referred to as the toe line.

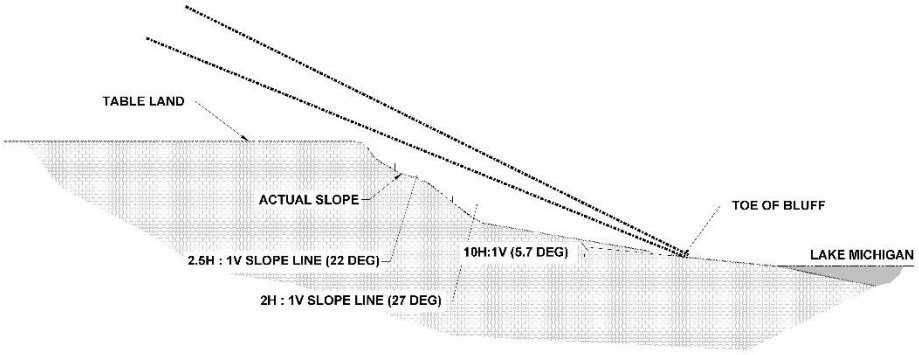
DETERMINING SLOPE IMPACT AREA FOR BLUFF WITH SIMPLE SLOPE CROSS SECTION A-A



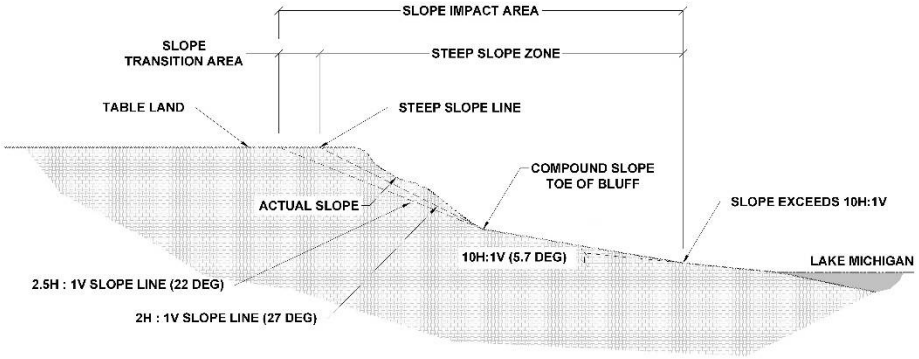
DETERMINING SLOPE IMPACT AREA FOR BLUFF WITH SIMPLE SLOPE PLAN VIEW



DETERMINING SLOPE IMPACT AREA FOR BLUFF WITH COMPOUND SLOPE



If the Steep Slope Line does not intersect the Table Land as illustrated above, the Steep Slope Line is moved up the slope to a point where it will intersect with the Table Land as illustrated below.



Section 17.82.030 Development in Slope Transition Area.

A. **Any development that is authorized pursuant to the Village Code, this ~~code, the Zoning Ordinance~~Title, or other ordinance or regulations of the Village, may occur in the slope transition area if approved by the Director, upon review of an application in accordance with this Chapter. Further, any structure or addition that meets all applicable zoning requirements may be built in the slope transition area upon obtaining the necessary permits as set forth in Section 17.82.060 and adhering to the development standards set forth in Section 17.82.050.**

B. **Retaining walls and other structures that are necessary for slope stabilization are permitted in the slope transition area if approved by the Director and are built in accordance with the following standards:**

(1) **Retaining walls cannot be used to increase table land;**

(2) **Retaining walls cannot be used to create a shelf or other table area within the slope transition area; and**

(3) **Backfilling of a retaining wall is not permitted.**

Section 17.82.040 Development in Steep Slope Zone.

A. Any development that is authorized pursuant to the Village Code, this ~~code, the Zoning Ordinance~~Title, or other ordinance or regulations of the Village, may occur in the steep slope zone if approved by the Director, upon review of an application in accordance with this Chapter; provided, however that only the following structures are permitted within the steep slope zone:

B. Retaining walls and other structures that are necessary for slope stabilization if constructed in a manner approved by the Director and in accordance with the following standards:

(1) Retaining walls cannot be used to increase table land;

(2) Retaining walls cannot be used to create a shelf or other table area within the steep slope zone; and

(3) Backfilling of a retaining wall is not permitted.

C. ~~Structures on the exact foundation of a previously existing structure~~Notwithstanding anything to the contrary in Chapter 17.64 of this Title, structures existing as of February __, 2024, being the effective date of this Chapter and located within the steep slope zone may be rebuilt and maintained, provided that: (i) the rebuilt, repaired or remodeled structure~~: (i)~~ does not extend beyond the footprint of the previously existing ~~foundation~~structure located within the steep slope zone; ~~and~~ (ii) the rebuilt, repaired or remodeled structure may extend to the structure's previous dimensions, even if those dimensions do not comply with the other applicable regulations of this Title, including but not limited to minimum setback requirements; and (iii) the rebuilt, repaired or remodeled structure is constructed according to plans of an architect or structural engineer who certify that the new foundation or existing foundation (with appropriate engineering modifications and repairs, if any) will support the rebuilt, repaired or remodeled structure without any material adverse impact on the steep slope zone.

D. Cantilevering any portion of a principal structure not exceeding four feet horizontal over a steep slope zone is permitted unless otherwise limited by code. Such cantilevering cannot block natural sunlight or alter natural stormwater drainage in a way that jeopardizes slope stability.

E. Mechanical or electrical lifts, which do not obstruct the flow of light and water, and utility service lines, provided that it conforms to the provisions of this Chapter.

F. Stairs can be no greater than five feet in width. Stair landings can be no larger than 50 square feet. Stair landings for the purpose of this Chapter are defined as an intermediate platform on a flight of stairs, greater than 10 square feet, constructed for the purpose of allowing a change in stair direction down the steep slope zone or to break up ten or more stair steps.

G. Decks can be no larger than 50 square feet unless the applicant provides exceptional engineering, including stormwater management and vegetation, so that such deck will not jeopardize slope stability.

H. Fences, provided that all fences must comply with all applicable Village Codes, ordinances, and regulations including, without limitation Section 15.44.060.

I. Boat houses, provided that no boat house shall exceed 860 square feet of gross floor area. A boat house shall be no taller than 15 feet from the top of the finished floor to the highest point of the building, including any appurtenances; provided, however, guardrails around a boat house rooftop deck may extend an additional three feet from the highest point of the building. Only one boat house is permitted per zoning lot. A boat house may include ~~limited additional~~ space for auxiliary storage, a toilet, and a shower; provided, however, a boat house may not be used as a dwelling unit as defined by this Title. All boat houses, regardless of size, must use exceptional engineering, including stormwater management and vegetation, so that a boat house will not jeopardize slope stability, and the Director has determined that the structure of any boat house will not adversely impact the stability of the property or adjacent property. Notwithstanding the otherwise applicable minimum front yard setback requirement, boat houses may be located in the required front yard, but no closer than the toe of the bluff.

Section 17.82.050 Development Standards.

A. Any application for development in the slope impact area will be reviewed by the Director, who will consider such application in light of the standards of this section relating to landscape planning, soil mechanics engineering, hydrology, geology, environmental design, structural and coastal engineering, and structural architecture. The Village recognizes each slope impact area may have different characteristics and features that affect its stability and preservation. Therefore, the Director may determine that certain standards of this Section do not apply to every application. Whenever the Director waives or alters otherwise applicable requirements in this Section, the waiver or alteration will be memorialized in a written decision that provides the rationale for the waiver or alteration. Before the Director finalizes the waiver or alteration, the Director will confer with the Village Manager and the Director of Community Development. The Director will have the authority to determine if the application in its totality satisfies the purposes of this Chapter to a substantial degree without creating an economic hardship as provided in Section 17.82.090.

B. Development standards for the slope impact area are as follows:

(1) Safety control of steep slopes.

a. **The development will not jeopardize slope stability on the subject site or neighboring properties.**

b. **Except as necessary for an approved development, no filling, grading, or earth moving is permitted in a slope impact area.**

c. **A fence must be erected temporarily along the top edge of the steep slope zone, during any construction or demolition activity in the steep slope zone or adjacent to the steep slope zone.**

(2) **Construction techniques. All proposed structures must have foundations designed in a matter consistent with sound engineering and geological principals. Additionally, the following techniques must be used to enhance bluff stabilization:**

a. **Planning the development to recognize and fit the natural topography, soils, geology, hydrology, and other existing conditions on the proposed sites;**

b. **Orienting development so that filling, grading, and earth moving, landscaping and other site preparation is kept to an absolute minimum;**

c. **Preserving and enhancing the landscape through minimized disruption of natural terrain and existing vegetation;**

d. **Minimizing disruption or alteration of natural drainage ways;**

e. **Minimizing the time during which areas are bare and exposed;**

f. **Designing and properly locating structures so that the structure's weight does not negatively impact slope stability; and**

g. **Considering the effect of undercutting at the base of a slope impact area caused by wave action, storm water flow, erosion, or channel changes.**

(3) **Hydrological controls.**

a. **Natural channels. Natural drainage ways must be preserved to the maximum extent possible.**

b. **Controlled runoff. Concentrated runoff from impervious surfaces will be collected and transported in a pipe or other approved manner to a municipal storm sewer system, if available or to the toe of the bluff as determined by the Director.**

c. **Water discharge into steep slope. Whenever stormwater is transported across a property for discharge into a sleep slope zone, the conveyance pipe material must be installed below ground by directional boring where possible.**

d. **Trenching. No pipe can be installed within a steep slope zone by excavating a trench unless such trench is approved by the Director.**

e. **Pipe materials. Flexible corrugated pipes may not be used within a slope impact area unless directional boring is found to be infeasible in the sole determination of the Director.**

f. **Water Quality. The Director will determine the appropriate water quality requirements for all stormwater that is discharged to Lake Michigan.**

g. **Interceptor ditches. When required by the Director pursuant to sound professional engineering principles, interceptor ditches will be established above steep slopes in order that soil will not become saturated and the intercepted water will be conveyed in a pipe or other approved manner to a municipal storm sewer system, if available, or to the toe of the bluff as determined by the Director.**

h. **Discharge point stabilization. Natural drainage ways will be stabilized by landscape integration and rip-rap or other means consistent with sound professional engineering practice, to a distance below drainage and culvert discharge points sufficient to convey the discharge without channel erosion and in such a manner as to dissipate the energy of the discharge as approved by the Director.**

i. **Energy dissipater. All outflow from a stormwater conveyance pipe must discharge into an energy dissipater.**

j. **Early completion. The overall drainage system must be completed and made operational at the earliest possible time during construction, the schedule of which will be approved by the Director.**

k. **Impact on adjacent property. The natural or usual flow of surface or subsurface water must not be altered or obstructed in any way by grade changes that may adversely affect the property of another by contributing either to pooling or collection of waters or to the concentration or intensification of surface water discharge. However, development which might otherwise be prohibited hereinabove may be allowed if such waters are properly drained by a pipe or other approved manner to a municipal storm sewer system, if available, or to the toe of the bluff as determined by the Director. All grade changes must comply with the Village Code.**

(4) **Vegetation and revegetation.**

a. **Native vegetation will be maintained to the greatest extent possible within the slope impact area.**

b. **Smallest area. At all times, the smallest practical area of raw soil will be exposed for as short a duration of time as practical.**

c. **Revegetation. A mixed planting of native perennial grasses and woody species with deep root systems will be used to landscape steep slope areas disturbed by construction, demolition or earth moving. When sound engineering practices dictates and when required by the Director, temporary vegetation, or other acceptable cover shall be used to protect areas of raw soils exposed during development and to prevent erosion.**

d. **Erosion control mat. Temporary erosion control matting properly staked and trenched must be provided over raw soil areas until new vegetation is established.**

(5) **Filling, grading, and earth moving.**

a. **Minimum alterations. Filling, grading, and earth moving will be limited to the minimum required for building foundations, driveways, drainage control structures, and immediate yard areas. With the exception of restoration efforts, substantial filling, grading, and earth moving is prohibited.**

b. **Erosion control. All filling, grading, and earth moving will be accomplished in a manner that will create the lowest possible potential for airborne or waterborne transportation of soil.**

c. **Soil fill in steep slope zone. All fill in steep slope zone is prohibited, other than back-fill which will be determined by the Director to be necessary for slope stabilization or re-establishment of the steep slope zone as part of general maintenance.**

d. **Soil fill on table land. In conformance with generally accepted engineering standards, all fill on table land will be stabilized to at least 90% of maximum dry density as determined in ASTM procedure D-1557 or equivalent.**

e. **Prompt completion. All filling, grading, and earth moving will be accomplished in the shortest practical period of time, the schedule of which will be approved by the Director. All excavated material must be removed from the slope impact area and no temporary or permanent material storage will be permitted within the slope impact area. No existing natural vegetation will be destroyed, removed or disturbed prior to the commencement of development activities.**

Section 17.82.060 Required Plans and Permits.

A. **Required plans. Any development or other activity in the slope impact area requiring a permit pursuant to the Village Code and applicable regulations must be accompanied by the following plans and reports. Said plans and reports must be submitted to and approved by the Director prior to issuance of any permit or commencement of the proposed development.**

(1) **All permit applications must identify the slope impact area, the slope transition area, the steep slope zone, the toe of the bluff, and the ordinary high water mark in the drawings.**

(2) **All permit applications must contain a written description of the proposed means and methods of accomplishing such work (including without limitation the sequencing and timing of work, the equipment to be used, interim protective measures, and activities to monitor potential adverse impacts on the slope impact area), which means and methods will be designed to minimize slope damage. Upon approval of the permit by the Director, such approved written description will be the enforceable means and method of the authorized development activities.**

(3) **Professional engineering. All structures within the slope impact area must be designed by a licensed structural engineer or geotechnical engineer, or both, and must bear the engineers license seal on submitted drawings and specifications satisfying good engineering practices and the standards of this Chapter, unless the Director otherwise waives this requirement in writing.**

(4) **Subsoil investigation. Every application for a development permit in the slope impact area must be accompanied by a report, prepared by a licensed professional civil engineer or structural engineer, or both, trained and experienced in the practice of geotechnical engineering, which report must include the following:**

a. **Soil types and subsurface materials. A description (the result of a thorough subsurface investigation using techniques such as borings, test pits, site tests, laboratory tests, or other procedures performed to a depth sufficient to determine foundation conditions for the proposed construction) of the soil and subsurface materials found on the subject site (with particular emphasis on the area to be impacted by the proposed development) to a depth extending below any proposed excavation as well as the engineering properties of the subsurface soil materials.**

b. **Observations. A description of existing observable slide areas, scarps, tension cracks, eroded areas, leaning trees, etc.**

c. **History. A historical review of bluff stability considering owner photographs, previous reports and topographic surveys; air photos, U.S. Army Corps of Engineers' studies, Village of Winnetka information, etc.**

d. **Drainage. A description of surface patterns of water flow and seeps as well as indication of the presence or absence of permeable zones in underlying soils.**

e. **Stability. A geotechnical stability analysis of the slope and structure with factors of safety calculated for the existing and proposed conditions by a method that satisfies both force and moment equilibrium for long-term and short-term soil strength parameters.**

f. **External influences. A description of any existing or anticipated problems from undercutting at the base of a slope impact area caused by wave action, erosion, or channel changes.**

g. **Absence of special hazards. An opinion that the soil types, soil stability, subsurface hydrology, and external influences affecting the site will not cause any significant hazards for the proposed use; or if they may cause such hazards, an opinion that such hazards can be overcome, together with a reasonably detailed description of how it is proposed to overcome them.**

(5) **Grading plan. In addition to any other permit requirements, each application for a permit involving development under this Chapter must be accompanied by a grading plan, which plan will include the following:**

a. **A topographic survey, showing property contours at one foot intervals for table land and five foot intervals for steep slopes, including special notes and details of the existing terrain;**

b. **Proposed filling, grading, and earth moving details, including the dimensions, elevations, and contours of any proposed filling, grading, and earth moving;**

c. **A schedule of when each stage of the project will be completed, including the estimated starting and completion dates; and**

d. **A provision requiring the placement of a temporary fence on the table land at the top edge of steep slope zone until construction is completed.**

(6) **Hydrological control plan. Applications for any development permits will include a plan for intercepting and containing drainage at the site and from the structure.**

(7) **Vegetation plan. A vegetation plan, subject to the tree removal provisions of ~~this code~~the Village Code, will be submitted with each application for a development permit, which plan will include the following:**

a. **A description of proposed revegetation of disturbed areas, specifying the materials to be used;**

b. **An inventory describing the existing vegetation and tree cover of the site showing those areas where the vegetation will be removed as part of the proposed development;**

c. **A maintenance and monitoring plan for native vegetation and soil erosion and sediment controls in the steep slope zone;**

d. **A written description detailing methods of slope stabilization and revegetation, together with the rationale**

for selecting the plant materials and planting techniques proposed to be used; and

e. A timetable and sequencing program for implementing the vegetative plan.

(8) Additional submittals; waivers. The Director may require additional plans as needed for review. The Director may release an applicant from any element of the aforementioned plan submittals to the extent that the Director determines that such element(s) will not materially assist in the evaluation of the proposed action's impact on slope stability. Whenever the Director waives or alters otherwise applicable requirements in this Section, the waiver or alteration will be memorialized in a written decision that provides the rationale for the waiver or alteration. Before the Director finalizes the waiver or alteration, the Director will confer with the Village Manager and the Director of Community Development.

B. Permit issuance; terms. Each permit application for development must comply with the ~~Building~~Title 15 of the Village Code, ~~the Zoning Ordinance~~this Title, and other applicable codes, ordinances, or regulations, including this Chapter. The seal of an Illinois licensed structural or geotechnical engineer, or both, will appear on all plans and specifications included as part of a permit application. Upon the Director determining that an application satisfies the requirements of this Chapter, the Director will cause a permit to be issued for development within the slope impact area. The following provisions will be incorporated into and made a part of any such permit:

(1) Limited obligation. Compliance with the procedures of this Chapter and the issuance of any related permits will not be construed to impose any legal or other obligation upon the Village of Winnetka or its elected or appointed officials, employees, agents, attorneys, or representatives. Any permit issued pursuant to this Chapter is for the benefit of the public and not for the benefit of any individual.

(2) Civil claims. Compliance with the procedures of this Chapter and the issuance of related permits will not relieve the permittee and the property owner from civil liability claims.

(3) Endorsement. Compliance with the procedures of this Chapter and the issuance of related permits do not imply approval of the need for, or the benefit or efficacy of, the proposed development; nor does it constitute any assertion that the proposed development will not result in damage to the property in question or to adjoining property.

(4) Closing report. A licensed professional structural engineer or geotechnical engineer, or both, must inspect all work in the steep slope zone while in progress and, upon completion of the work, deliver to the Director a written report bearing the engineer's license seal, stating that all development is in accordance with the approved plan and specifications for the project. Such a report must be delivered prior to the Village's final inspection, acceptance, and closing of the project.

(5) Special terms. In connection with the issuance of a permit pursuant to this Chapter, the Director may impose special conditions as deemed necessary to ensure the effectiveness of plans for development on a property, and to protect the long-term stability of a bluff, or otherwise to notify future owners of the bluff conditions of such property.

C. Other Regulatory Agency Plans. The Director has the discretion to determine whether review by any other agencies will be required as part of the Director's review.

Section 17.82.070 Steep Slope Stabilization.

A. General standards.

(1) In order to provide for long-term slope stability and to prevent failure of slope stability that may adversely impact neighboring properties, all property owners whose property includes or is adjacent to a slope impact area are required to comply with the provisions of this Chapter. To the extent of any conflict between the requirements or regulations of this Chapter and any otherwise applicable requirements or regulations set forth elsewhere in the Village Code, the requirements and regulations of this Chapter will control to the extent of the conflict.

(2) Any development within the slope impact area must comply with all requirements in accordance with this Chapter.

(3) Private storm drainage lines conveying storm water runoff either to a public storm sewer or the toe of the bluff must be maintained by the owner thereof. Private drainage lines which leak water onto the surface of a steep slope must be repaired within 30 days of notification by the Village.

(4) Intentionally depositing garbage, construction debris, or landscaping materials in a slope impact area is prohibited.

(5) Swimming pool discharge cannot be directed toward or directly discharge into a slope impact area.

B. Maintenance and upkeep.

(1) Authorized structures in the slope impact area may be repaired, maintained and altered, but only in compliance with the Village Code and ~~Village Zoning Ordinance~~this Title.

(2) Landscape maintenance or routine arboreal activities are permitted in the slope impact area.

C. Restoration. All governmental entities, private property owners, and all other private entities that have authorized access to bluff steep slopes and engage in the maintenance, repair, or construction of utilities or other structures within a slope impact area, or engage in any modifications to a steep slope, will adhere to the applicable provisions of the Village Code and utilize best management practices.

D. Emergency activities. Nothing in this Chapter will prevent the Village from permitting development activities on an emergency basis when deemed necessary by the Director to remediate an unstable or insecure slope that presents an immediate threat to health, safety, and welfare, or stability of an authorized structure. Emergency development activity (including installation or construction of structures) will only be permitted provided: (i) the remedial action involves the least possible disruption of the natural features of the site as possible and is in conformance with this Chapter; and (ii) the remedial action is the most reasonable action to address the emergency situation under the circumstances.

Section 17.82.080 Tree Removal in Slope Impact Area.

A. All trees removed in the slope impact area must comply with Chapter 15.28 of the Village Code, unless the Village Arborist determines otherwise.

B. The Village Arborist will review each tree permit in the slope impact area to determine whether the proposed tree removal will jeopardize slope stability and ensure removal is consistent with good forestry practices.

Section 17.82.090 Appeals of Director's Decisions.

A. Any determination of the Director under this Chapter may be appealed by the applicant to the Village Manager by filing a request for review in writing within 35 days after the Director issues his or her determination. Any decision of the Village Manager will be in writing and may be further appealed by the applicant to the Village Council by filing a request for review in writing within 35 days after the issuance of the Village Manager's decision. The decision of the Village Council will be final.

B. **In reviewing the determination of the Director, the Village Manager or the Village Council (as the case may be) will consider only whether the determination of the Director in applying the regulations of this Chapter imposes an unreasonable and undue economic hardship that materially limits the property owner from making reasonable use of such owner's property or otherwise imposes requirements which are unreasonably burdensome to the property owner given the benefits thereof to the Village. After receiving written submittals from the property owner and the Director (and after a hearing if the Village Manager or Village Council determines that such a hearing will be instructive), a decision on such appeal must be issued in writing no more than 60 days after the delivery of the final submittal by the ~~owner~~applicant or Director or after the close of the hearing, whichever is later.**

C. **In considering an appeal under this section, the Village Manager or Village Council may reverse, affirm, or modify the determination of the Director, or remand the determination back to the Director for further consideration, with or without instructions.**

D. **The Village Manager or Village Council may issue further procedural rules governing appeals under this section.**

Section 17.82.100 Variations.

An applicant may seek variations from Section 17.82.030 and Section 17.82.040 of this Chapter in accordance with Chapter 17.60. Nothing in this Chapter is intended to limit the ability of an ~~owner~~applicant from seeking a variation from the otherwise applicable zoning regulations affecting the owner's property. To the extent that the regulations of this Chapter materially restrict the ability of a property to be developed or materially increase the cost of such development, the Zoning Board of Appeals may ~~determine~~, as part of its recommendation, conclude that the effects of this Chapter can, in appropriate circumstances, constitute a practical difficulty or unreasonable hardship.

Section 17.82.110 Exceptions.

If a development that requires a special use permit includes construction activity that does not comply with the requirements of this Chapter, the Village Council may grant exceptions to the regulations set forth in this Chapter as part of granting the special use permit.

Section 17.82.120 Enforcement and Penalties.

A. **For any property affected by the provisions of this Chapter, the property owner, any developer, and their agents, employees, contractors, subcontractors, licensees, and invitees are each jointly and severally responsible for compliance with the terms of this Chapter.**

B. **In the event any violation of any provision of this Chapter occurs, the property owner will be responsible for the violation, its correction, and for otherwise bringing the property into compliance with the terms of this Chapter. Such compliance may require restoration of the site as closely as possible to its original undisturbed condition, topography, and vegetation in order to eliminate the violation.**

C. **Whoever violates any provision of this Chapter, or who interferes with the enforcement of the same, will be fined in an amount of not less than $100 nor more than $750 per each violation of any Section of this Chapter. Every day that a violation continues will be deemed a separate punishable violation.**

D. **The Village will have the right to issue a stop work order for any work that is performed in the slope impact area either (i) without all permits that are required under this Chapter or (ii) in violation of the permits so issued.**

Section 17.82.130 Corrective Measures.

In addition to the monetary penalties provided for herein, the Village may apply to a court of competent jurisdiction for an order against the parties responsible to re-establish or restore the grade, slope, stability, vegetation, or drainage systems of a slope impact area in order to eliminate or prevent an adverse impact upon any adjacent or subservient property, and for such other and further relief as may be appropriate in the circumstances.

Section 17.82.140 Administration; Fees; Conflicting Regulations.

A. **Except as otherwise provided, the Director is hereby authorized and directed to prepare any necessary or desirable forms and procedures in order to implement the provisions of this Chapter.**

B. **As part of any application, and as a condition of any permit, an applicant will be required to pay all fees and charges due under this Chapter. The Village Council may from time-to-time establish and publish application, permit, and inspection fees in furtherance of the administration of this Chapter. To the extent that the Village incurs third-party expenses in connection with the administration of this Chapter with respect to a particular application, such third-party expenses will be additional fees chargeable to such application.**

C. To the extent that there are conflicting regulations in Title 15 of the Village~~'s Building~~ Code or elsewhere in the Village Code, the provisions of this Chapter will control.

Section 17.82.150 Effective Date.

Nothing in this Chapter will be applied to prevent the completion, in accordance with previously issued permits or approvals, of any development that has received all required permits and approvals prior to_____, 2024 (the effective date of this Chapter), provided that such development is completed in compliance with all such permits, approvals, and other requirements of law."

DRAFT