Hearing Date: 3/13/2026 9:30 AM
Location: Court Room 2308
Judge: Cohen, Neil H

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IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION

2026CH00265

EDGEWATER RESIDENTS FOR RESPONSIBLE DEVELOPMENT, WILSON H. HARTZ III , PATRICIA STASZAK, RAE ANN CECRLE, DENA ISAACSON, CHRISTINA KIAER, NAN ROTHROCK, DOUGLAS SNIDER MARJORIE FRITZ-BIRCH, STEVE HUTTON BARBARA CULLEN, KIMBERLY ABE, DONNA ISAACSON and MARSHALL ISSAACSON

Plaintiffs,

v.

CITY OF CHICAGO,

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Introduction

1. On October 16, 2025, the City of Chicago enacted two ordinances – Ordinance No. 0002025-0016710 and Ordinance No. 002025-0017512. These two ordinances, sponsored by the local Alderwoman, upzoned hundreds of properties along both sides of N. Broadway Avenue, from Foster Avenue to Devon Avenue, as well as on corresponding side streets, in the Edgewater Community Area #77. These properties were upzoned from their existing zoning classifications, primarily B1-2 on the West side and B1-3 on the East side, to a uniform B3-5 zoning classification (except with respect to two blocks on the West side which were upzoned to the B3-3 classification).

2. The new B3-5 classification allows: (i) buildings as tall as 80 feet, (ii) a floor area ratio (FAR) of 5.0, and (iii) a series of uses that are incompatible with the existing neighborhood, including gas stations, hotels, large entertainment venues, recycling facilities, and crematoriums. The B3-3 classification in a Transit Oriented District ("TOD"), such a Broadway in Edgewater, allows the same except the FAR is 4.0.

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3. In contrast, the prior B1-2 classification allowed: (i) building heights up to 50 feet; (ii) a FAR of 2.2 and (iii) prohibited or regulated many uses now allowed as-of-right or by Special Permit in the B3-5 and B3-3 districts.

4. This Edgewater upzoning was unprecedented in terms of the distance covered (approximately 1.5 miles) and the sheer number of properties affected. Further, the change in the allowed bulk and height of new buildings, as compared to what had been allowed on these blocks and as compared to the current as-built environment, encourages a radical reconfiguration of the neighborhood. This City action threatens to significantly alter the long-standing fabric of the neighborhood, injuring property owners and renters.

5. Plaintiffs are a local not-for-profit 501(c)(4) social welfare organization and individual residential and business property owners injured by the upzoning. Plaintiffs allege that they were denied **procedural due process** as a consequence of the City's failure to adhere to its own Zoning Code, and State of Illinois standards, regarding notice to affected parties and the manner in which the City conducted the public hearing regarding the proposed upzoning.

6. With respect to pre-enactment procedures, the City's own Zoning Code as well as general principles of procedural due process required the City to provide Written Notice to affected property owners, including both property owners whose zoning would be changed and neighboring property owners within 250 feet of any property proposed to be rezoned ("Affected Property Owners"). In addition, the City's statutory Posted Notice requirement mandated the placement of clearly visible signage on the properties proposed to be upzoned, with specific information regarding the proposed rezoning.

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7. Despite multiple attempts, the City failed to comply with its own standards for providing Written Notice and Posted Notice to Affected Property Owners and neighbors. This was a violation not only of the City's requirements, but also procedural due process as required by Illinois law.

8. In addition, Plaintiffs challenge the City's inclusion of dozens of buildings and hundreds of individual properties on east-west cross streets which were included in O2025-0016710 and O2025-0017512 with no notification whatsoever to Affected Property Owners. As to these properties, the City's Written and Posted Notice identified the proposed rezoning as being limited to properties on Broadway, but the legal description contained in O2025-0016710 and O2025-0017512 upzones these cross-street properties. This bait and switch effectively denied these owners of any notice that their properties would be upzoned.

9. Further, when scores of residents came to the public hearing conducted by the Committee on Zoning to articulate their objections to the proposed rezoning, the Committee used an entirely inappropriate "lottery" procedure, which denied all but a few directly affected residents and businesses the ability to speak before the Committee.

10. The individuals denied an opportunity to speak or question City witnesses included dozens of persons in the audience whose property was being upzoned against their will and owners of property directly adjacent to the upzoned properties – including some of the Plaintiffs in this case. These citizens were denied due process in violation of well-established Illinois law governing the rights of property owners to speak before the zoning authority when their property, or property within 250 feet, is being rezoned.

11. The City also violated Plaintiffs' **substantive due process** rights as established under Illinois law and evaluated by the familiar *LaSalle-Sinclair* factors.

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12. For example, application of the first *LaSalle-Sinclar* factor demonstrates that the chosen B3-5 and B3-3 classifications are incongruent and incompatible with the existing as-built neighborhood. Further, if the upzoned blocks are built out to the limits allowed by the B3-5 and B3-3 classifications, with 80 ft. buildings and up to 7 times the number of units all along Broadway Ave., this level of development would result in significant negative impact on existing owners, renters and surrounding property owners, effectively destroying the character and harmony of uses in a long-established Chicago neighborhood.

13. Application of the other *LaSalle-Sinclar* factors demonstrate that the upzoning of the challenged blocks/properties was unwarranted, counterproductive, and carried out without employing the panoply of studies and planning tools normally used by the City to identify and mitigate the impacts of even much smaller changes in Chicago neighborhoods.

14. With respect to the challenged blocks and properties, application of the *LaSalle-Sinclar* factors demonstrate that there was no rational basis for overturning the zoning and planning of the past 20 years in favor of an unstudied and unplanned mass conversion of this neighborhood "main street" shopping district to a canyon of high-rises.

15. Plaintiffs ask the court to declare that the rezoning of the challenged properties: (i) violated Plaintiffs' rights to procedural due process and (ii) violated Plaintiffs' rights to substantive due process as prescribed by the *LaSalle-Sinclair* standards. As relief, Plaintiffs ask the court to invalidate the upzoning ordinances and return the properties to their prior classifications.

FACTS COMMON TO ALL COUNTS

The Plaintiffs

16. Plaintiff Edgewater Residents for Responsible Development ("ERRD") is a registered 501(c)(4) organization. whose purposes include educating and advocating for orderly, planned, and community-based development in the Edgewater Community of the City of Chicago.

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ERRD and its constituents reside, own property, and/or operate businesses in and around the re-zoned area and, therefore, are directly affected by the Broadway upzoning challenged in this action.

17. Plaintiff Dr. Wilson H. Hartz III owns and resides in a historic single-family residence at 5303 N. Magnolia Avenue in the Lakewood Balmoral Historic District which is located within 250 feet of properties rezoned to B3-5 on the East side of Broadway and B3-3 on the West side of Broadway. Dr. Hartz did not receive a Written Notice of the October 14, 2025 hearing nor did he see any Posted Notice of the upzoning. He attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

18. Plaintiff Patricia Staszak is the Managing Member of 5414 N. Broadway, LLC which owns the historic commercial building located at 5414 N. Broadway. Over her opposition, 5414 N. Broadway was rezoned to B3-5. Ms. Staszak did not receive Written Notice of the October 14, 2025 hearing and did not see any Posted Notice pertaining to the upzoning. She attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

19. Plaintiff Rae Ann Cecrle resides at 1232 W. Bryn Mawr Avenue, within 250 feet of multiple properties that were upzoned to B3-5. Mrs. Cecrle is also the Managing Member of 1127 Granville, LLC which owns the commercial property at 1127 - 1137 W. Granville Avenue. Over her opposition, this property was upzoned to B3-5. She received no written or Posted Notice of the proposed rezoning. She attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

20. Plaintiff Dena Isaacson is the President of the Exposition Flooring Design Center, a family-owned business that has operated for over 50 years in a historic building at 5718 N. Broadway. This property was upzoned by the City to B3-5. Ms. Isaacson did not receive Written

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Notice of the October 14, 2025 hearing and did not see any Posted Notice pertaining to the upzoning. Ms. Isaacson was unable to attend the Zoning Committee hearing, however her employee, Brett Barnes, attended the hearing on her behalf and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

21. Plaintiffs Donna and Marshall Isaacson own the historic commercial building at 5718 N. Broadway which was upzoned by the City to B3-5 and is also within 250 feet of multiple other properties that were upzoned to B3-5. They relied on Brett Barnes, an employee of Exposition Flooring Design Center, to speak for them at the Zoning Committee hearing. Mr. Barnes attended the hearing on their behalf and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

22. Plaintiff Dr. Christina Kiaer owns and resides in an historic single-family residence at 5724 N. Magnolia Avenue in the Magnolia Glen area of Edgewater. Her home is located within 250 feet of multiple properties that were upzoned to B3-5. Dr. Kaier did not receive Written Notice of the October 14, 2025 hearing, nor did she see any Posted Notice pertaining to the upzoning. She attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

23. Plaintiffs Nan Rothrock and Douglas Snider own and reside in an historic single-family home at 5921 N. Magnolia in the E.P.I.C. neighborhood of Edgewater. Their home is within 250 feet of multiple properties that were upzoned to B3-5. Their property shares an alley with the 5th/3rd Bank which is at risk of teardown and redevelopment due to the City's upzoning. They did not receive Written Notice of the October 14, 2025 hearing and did not see any Posted Notice of the upzoning.

24. Plaintiff Marjorie Fritz-Birch owns and lives in a condominium in the historic 6-Flat 1226 W. Norwood, Unit #3-E, in the Edgewater Glen Historic District. Her home is within 250 feet

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of multiple properties which were upzoned to B3-5. She did not receive Written Notice of the October 14, 2025 hearing. She attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

25. Plaintiff Stephen Hutton owns and resides in an historic single-family residence at 6228 N. Magnolia Avenue in the Edgewater North Neighbors neighborhood. His home is located within 250 feet of multiple properties that were upzoned to B3-5. Mr. Hutton did not receive a Written Notice of the October 14, 2025 hearing. The only Posted Notice he saw was illegible. He attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

26. Plaintiff Barbara W. Cullen owns and resides in an historic 6-flat building at 6310 - 6312 Magnolia Avenue in the Edgewater North Neighbors area. Her home is located within 250 feet of multiple properties that were upzoned to B3-5. Ms. Cullen did not receive a Written Notice of the October 14, 2025 hearing, nor did she see any Posted Notices.

27. Plaintiff Kimberly Abe owns the buildings located at 6304 N. Magnolia and 6312 N. Magnolia Avenue in the Edgewater North Neighbors neighborhood. Her buildings are located within 250 feet of properties that were re-zoned to B3-5. Ms Abe did not receive a Written Notice of the October 14, 2025 hearing, nor did she see any Posted Notices. She attended the Zoning Committee hearing and requested an opportunity to testify but was denied that right due to the Zoning Committee's lottery procedure.

Jurisdiction and Venue

28. This court has jurisdiction over the City of Chicago, a municipal corporation. Venue is appropriate in the Circuit Court of Cook County. Plaintiffs have filed this lawsuit within the timeframe established by 65 ILCS 5/11-13-25, i.e., within 90 days of passage of the challenged ordinances. At a cost of over $20,000, Plaintiffs have complied with the notice and certification

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requirements of 65 ILCS 11-13-8. See Certification of Compliance With 65 ILCS 5/11-13-8 filed on January 14, 2026.

Introduction of The Challenged Ordinances

29. On April 16, 2025, and May 21, 2025, 48th Ward Alderwoman, Leni Manna-Hoppenworth introduced Ordinances No. 002025-0016710 and No. 002025-001751 ("O2025-0016710" and "O2025-0017512" respectively) in the City Council which contained a series of proposed Map Amendments (i.e., ordinances that change zoning designations) intended to upzone a large swarth of properties in the 48th Ward, in the City's Edgewater Community[1].

30. Relevant to this case[2], Ald. Manna-Hoppenworth introduced proposed Map Amendments O2025-0016710 in April 2025 and O2025-0017512 in May 2025. Alone, proposed Map Amendment O2025-0016710 sought to change the zoning of hundreds of properties in Edgewater along a 1.5 mile stretch of N. Broadway Ave. - from W. Foster Ave. (5200 N. Broadway) to Devon Ave. (6400 N. Broadway) - from their then-current zoning classifications to the B3-5 zoning classification. On information and belief, the scope of this single Map Amendment affecting both sides of Broadway in Edgewater was unprecedented.

31. O2025-0017512, a subsequent "carve-out" from O2025-0016710, proposed to change the zoning of properties on two blocks of N. Broadway between Foster Ave. (5200 N. Broadway) and W. Balmoral Ave. (5400 N. Broadway Ave.) from their then-current B1-2 zoning classifications to the B3-3 zoning classification.

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[1] "Edgewater" is one of the 77 "Community Areas" recognized by the City for urban planning purposes. Broadway Avenue is one of the main north-south streets that traverse the area.

[2] In addition to the two Map Amendments challenged in this case, other rezoning ordinances were introduced and passed as part of an even more sweeping re-zoning along N. Broadway and side streets. Plaintiffs are not challenging these other ordinances, including ordinances that re-zoned property in the 46th and 47th Wards.

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32. On October 16, 2025, the proposed Map Amendment for O2025-0016710 was enacted by the Chicago City Council through Substitute Ordinance No. O2525-0016710 and the proposed Map Amendment for O2025-0017512 was enacted through Ordinance No. O2025-0017512. The Ordinances in question are attached hereto as **Exhibit 1.**

33. An map prepared by the City of Chicago, which shows the then-existing zoning classification of properties affected by the Ordinances and the new B3-5 and B3-3 zoning classifications, is attached here as **Exhibit 2.**

COUNT I – PROCEDURAL DUE PROCESS – THE CITY FAILED TO GIVE PROPER NOTICE TO OWNERS AND NEIGHBORS ENTITLED TO NOTICE OF THE PROPOSED REZONING

The City's Statutory Notice Requirements – An Overview

34. Section 17-13-0107 of the City of Chicago Zoning Ordinance describes three types of notice – written (mailed) notice, published notice, and Posted Notice -- that must be given when a party, including an Alderperson, seeks to change a zoning classification through a Map Amendment.

35. Section 17-13-0107-A describes the requirements for all Written Notices and Section 17-13-0107-A(8) describes the Written Notice required when the applicant is an Alderperson (i.e., "a member of the City Council").

36. Section 17-13-0107-B describes the published notice required.

37. Section 17-13-0107-C generally describes the Posted Notice required and Section 17-13-107-C(7) provides that when an Alderperson is the applicant, the Office of the Zoning Administrator is responsible for the Posted Notice.

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The City Failed to Comply With its Own Notice Requirements[3]

Written Notice Requirements

38. When an application for a map amendment is filed, Written Notice consists of mailed notice sent to the owners of the property proposed to be rezoned (the "subject property"), as well as property owners within 250 feet of the subject property ("Written Notice"). See 17-13-0107-A(2)(a) and 17-13-0107-A(8).

The Written Notice must contain, inter alia, "the common street address of the subject property." See 17-13-107-A(5)(a).

39. At the time the application is filed, the applicant must furnish a complete list of the names and addresses of property owners entitled to, and provided with, notice and "furnish a written affidavit certifying compliance with all applicable Written Notice requirements." See 17-13-0107(A)(7).

40. Per 17-13-0107-A(8), when an Alderperson introduces a proposed re-zoning the following additional notice requirements apply: The Written Notice must be sent at least 15 days before an advertised public hearing. 17-13-0107-A(8)(a). The City Council Committee on Zoning is responsible for sending the Written Notice. 17-13-0107-A(8)(c).

41. In an Aldermanic-sponsored rezoning, the Office of the Zoning Administrator is responsible for supplying the Zoning Committee with the complete list of the names and addresses of property owners entitled to, and provided with, notice and the written affidavit certifying compliance with all applicable Written Notice requirements. See 17-13-0107(A)(7).

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[3] With respect to their procedural due process challenges, Plaintiffs challenge the upzoning to B3-5 and B3-3 of the following blocks and properties: (i) the entirety of the West side of N. Broadway; (ii) the 5500 and 5600 blocks on the East side of N. Broadway; (iii) East-West cross streets, including W. Granville Ave., W. Hollywood Ave., W. Victoria Street, W. Foster Ave., W. Thorndale Ave., and W. Bryn Mawr Ave. A complete list of the properties covered by Plaintiffs' procedural due process challenges is attached hereto as **Exhibit 3.** Because 1134 W. Granville Ave. is a large condominium building, the list includes all of the units in this building

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42. Per 17-13-0107-A(7)(b), the Zoning Committee hearing cannot be scheduled or conducted until the applicant complies with all applicable requirements regarding Written Notice.

The City Failed to Comply With Its Own Written Notice Requirements

43. The City initially scheduled the Zoning Committee hearing on the 48th Ward proposed map amendments for June 17, 2025. On June 10, 2025, ERRD's attorney sent a letter to the Zoning Committee's Chair and Vice-Chair setting forth a litany of problems with the written and Posted Notices provided by the City and the Zoning Administrator's failure to provide an affidavit certifying compliance with the Zoning Code's Written Notice requirements. Thereafter, the June 17 hearing was cancelled.

44. On or about June 27, 2025, new Written Notices were mailed with a new hearing date of July 15, 2025. On July 8, 2025, ERRD's attorney sent a second letter to the Zoning Committee's Chair and Vice-Chair describing a variety of problems with this new Written Notice as well as the Posted Notice and Certification requirements. Thereafter, the July 8, 2025 hearing was cancelled.

45. In late September 2025, the City mailed new Written Notices with a new hearing date of October 14, 2025. **See Exhibit 4.** Once again, ERRD counsel sent a letter to the Zoning Committee's Acting Chair advising the Acting Chair about problems with the Written Notice andother continuing deficiencies. The Zoning Committee ignored these concerns and chose to move forward with the October 14 hearing.

46. This third set of Written Notices was defective in the following ways: The third and final notice sent by the City was not sent to all owners of subject properties and all owners within 250 feet of the subject properties. Rather, the City has admitted that it sent this third notice only to the subset of subject property owners and neighboring property owners who were left out of the first two notices. **Exhibit 5.**

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47. As to all other owners of subject properties and neighboring properties, the City stated that it considered notice of the cancelled June 17 meeting and/or the cancelled July 15 meeting to be sufficient. Plaintiffs include owners of subject properties and/or neighboring properties who did not receive Written Notice of the October 14 Zoning Committee hearing. On information and belief, there are many additional owners of subject properties and neighboring owners who were entitled to Written Notice of the October 14, 2025 hearing date but who never received such notice.

48. The Written Notice, **Exhibit 4,** was also inaccurate and defective in that the "common address of property" set forth in the Written Notice did not correspond to the legal descriptions in the upzoning ordinance as enacted. **See Exhibit 1.**

49. Specifically, the Written Notice associated with O2025-0016710 and O2025-0017512 exclusively identifies properties on Broadway Ave., **Exhibit 4,** but the legal description in the enacted ordinance, **Exhibit 1,** encompasses many properties on Broadway's East-West cross-streets – Granville, Bryn Mawr, Hollywood, Victoria, Foster, Thorndale, Ardmore, Rosemont, Catalpa, Balmoral, Ridge and Magnolia - that do not have an address on Broadway.

50. Plaintiff Rae Ann Cecrle, the Managing Member of an LLC that owns a property at 1127-1137 W. Granville Ave. is one such owner who was misled by the Written Notice and did not realize that her commercial property was being re-zoned.

51. Plaintiffs have identified many residential and commercial properties on Broadway cross-streets, including over 200 individual PINs and large condominium buildings, that do not have addresses on Broadway Ave. but are subsumed in the legal descriptions of the upzoned areas contained in O2025-0016710 and O0225-0017512. These properties include, for example, the commercial building in which the Alderwoman's local 48th Ward office is located, 1129 W. Bryn Mawr, as well as other buildings on Bryn Mawr and Granville that are the subject of this lawsuit. See

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Exhibit 6.

52. Because the notice provided to these owners, and to property owners within 250 feet, failed to identify these properties as part of the O2025-0016710 and O2025-0017512 upzonings, score of owners and neighbors were never properly notified that their properties, or neighboring properties, would be upzoned.

Published Notice

53. The notice published by the City was also entirely deficient in that it contained the same incomplete and misleading description of the properties that were actually being upzoned by O2025-0016710 and O2025-0017512..

Posted Notice Requirements

54. The City's Posted Notice requirements are set forth in Section 17-13-0107-C Posted Notice is carried out by placing a sign **on the subject property**, i.e., the property proposed to be rezoned. See 17-13-107-C.

55. The sign in question is a form cardboard sign, approximately 24 inches by 36 inches, provided to the applicant by the Office of the Zoning Administrator.

56. It is the applicant's responsibility to fill in information regarding the proposed rezoning. See 17-13-107-C(2). The information required on the sign is set forth in 17-13-107-C(4) and includes "the common street address of the subject property.".

57. Per 17-13-107-C(3), "the sign must be posted in such a way as to be plainly visible from each roadway or right-of-way abutting the property."

58. When, as here, the applicant is an Alderperson, the Office of the Zoning Administrator is responsible for posting the sign(s), 17-13-107-C(7), and must "furnish a written affidavit certifying compliance with all Posted Notice requirements, along with a photograph depicting the sign as posted." See 17-13-107-C(6).

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59. A Zoning Committee hearing cannot be scheduled unless and until the applicant complies with all applicable notice requirements. 17-13-0107-C(6)(b)

60. The purpose of the City's Posted Notice requirement is to inform not only Affected Property Owners, but also tenants of the property and others who may be affected by the zoning change who are not entitled to Written Notice, or who do not receive a Written Notice and give them an opportunity to act on the proposed rezoning.

61. The City's Zoning Code has no provision that modifies the posting/sign requirements when multiple properties are the subject of the proposed rezoning. Nor does the Zoning Code exempt or provide alternate Posted Notice requirements for the situation in which the City or an Alderperson is the applicant or in which the City has chosen to upzone 12 blocks of a street like Broadway in a single ordinance.

62. On information and belief, neither the Office of the Zoning Administrator nor the Zoning Committee has written rules or guidelines regarding Posted Notice when multiple properties – let alone 12 city blocks - are at issue.

The City Failed to Comply With its Posted Notice Requirements

63. On information and belief, as with the Written Notice, the Office of the Zoning Administrator never submitted to the Zoning Committee a signed affidavit certifying compliance with all Posted Notice requirements, along with photographs depicting the sign(s) as posted. See 17-13-107-C(6) & C(7).

64. On information and belief, no affidavit was filed because the Zoning Administrator knew that the City's attempts at Posted Notice failed woefully to meet the statutory requirements.

65. With respect to the challenged map amendments, the City never attempted to post the required signs on all the "subject properties" covered by the Alderwoman's proposed map amendments as required by 17-13-107-C.

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66. Not only did the City fail to post a sign notice on every property it was seeking to upzone, it failed to post a notice on even a single property. The City didn't even post a sign on every light pole or at every intersection of this 12-block stretch.

67. Rather, than comply with 17-13-107-C, the City's Posted Notice consisted of wrapping the signs around light poles scattered randomly thorough the affected area.

68. In advance of the October 14 hearing, Plaintiff ERRD surveyed the status of the posted signs and found no more than 20 signs (or, often, remnants thereof), on light poles at some intersections. Further, where description of the subject properties was included and legible, the signs that were wrapped around light poles often failed to contain the information required by 17-13-0170-C(4), including the common street address of the properties at issue, a description of the proposed re-zoning, and a source for additional information. **Exhibit 7.**

Violation of Procedural Due Process

69. As stated above, the City failed to comply with its own statutory notice procedures set forth in Sections 17-13-0107-A, B and C, of the Zoning Code

70. The City's failure to provide proper Written Notice, proper published notice and proper posted written deprived Plaintiffs, including ERRD constituents, of procedural due process.

71. Sections 17-13-0107 A, B, and C, taken together, constitute the City's legislative scheme for providing due process to Affected Property Owners, tenants, neighbors, and the public.

72. The fact that the City chose to initiate on its own a very large upzoning does not excuse trampling on Affected Property Owners and the public's due process rights. In fact, it makes compliance with all the elements of the City's duly enacted package of due process requirements even more important. The very large, impersonal, broadbrush nature of this upzoning and the City's failure to follow its own due process procedures left Affected Property Owners, tenants, and other affected members of the public in the dark and confused as to both the public process and as to

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which properties were actually being upzoned.

73. Further, even if the City's failure to comply with its own Zoning Code is not, in and of itself, a violation of procedural due process, the methods (or lack thereof) that the City used to notify Affected Property Owners and others affected by the proposed re-zoning violated State of Illinois standards for procedural due process. See 65 ILCS 5/11-13-25(b) ("The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.").

WHEREFORE, Plaintiffs ask that this court:

1. Find that the City's notification procedures violated procedural due process, and

2. Declare that the challenged map amendments are invalid and that the zoning of these properties revert to their prior classifications.

COUNT II – PROCEDURAL DUE PROCESS – THE CITY FAILED TO ALLOW OWNERS AND NEIGHBORS THE RIGHT TO SPEAK AT THE ZONING COMMITTEE HEARING

74. Plaintiffs incorporate the allegations contained in Paragraphs 1-33 as Paragraph 74.

75. Prior to passage of any proposed map amendment, the City of Chicago Committee on Zoning, Landmarks and Building Standards ("Zoning Committee") must conduct a public hearing on the proposed amendment. See City Zoning Code, Section 17-13-0306.

76. The public hearing must comport with general principals of due process. See 65 ILCS 5/11-13-25(b) ("The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.").

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77. Owners of subject properties and owners of neighboring properties neighbors who received Written Notice of the October 14 Zoning Committee hearing were specifically promised "If you have any objection to the application you will have an opportunity to address the Committee." **Exhibit 4.**

78. The Zoning Committee shattered this promise of participation by actual procedures it employed on October 14.

79. The published agenda for the October 14, 2025 Zoning Committee meeting ran thirty pages and contained over 100 separate proposed map amendments. Alone, Alderwoman Manna-Hoppenworth's proposed re-zonings on Broadway, and in other parts of the 48th Ward, consisted of eleven different proposed zoning ordinances.

80. Given ERRD's prior communication with the Zoning Committee, the Zoning Committee knew that Alderwoman Manna-Hoppenworth's proposed re-zonings were controversial and would draw a multitude of objectors (and some supporters) to the Committee hearing.

81. Rather than make efforts to accommodate all speakers, including property owners, lessees, neighbors and Community groups, the Zoning Committee only shortly before the hearing issued a "Supplemental Notice" for the October 14 public hearing. **Exhibit 8.** The Supplemental Notice set forth constraints on speakers at the Committee Hearing as follows:

(i) Public comment on **all agenda items** would be limited to a total of thirty minutes;

(ii) If more than 15 members of the public signed up to speak, 15 members would be "chosen by lottery" and each of those speakers would be limited to two minutes;

(iii) No preference was given to any item on the agenda;

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82. No preference was given to owners of property or those who received the required Written Notice (which promised them the opportunity to speak) as distinct from interest groups or general members of the public.

83. Rather than issue these draconian restrictions on speech and property rights, the Committee had other options for conducting the hearing. Those options included the Committee's ability to hold a special meeting on the large package of Broadway map amendments or a separate special meeting to consider the controversial proposed map amendments for hundreds of properties in the 48th Ward.

84. On the day of the hearing, many more than 15 people showed up to speak on the 100+ agenda items. Approximately 50 individuals associated with ERRD or otherwise opposed to the ordinances challenged in this case. Of the approximately 50 ERRD-affiliated people who signed up to speak only 10 were chosen to speak. Those denied the ability to speak include Plaintiffs Hartz, Staszak, Cecrle, Kiaer, Fritz-Brich, Hutton, Abe and a representative for Plaintiffs Dena Isaacson and Donna and Marshall Isaacson.

85. Many of the others who appeared and signed up to speak, but were denied an opportunity to address the Committee, owned property being upzoned or owned property within 250 feet of an upzoned property.

86. The Committee's conduct of the public hearing on these rezoning ordinances violated both the City's promise to Affected Property Owners, **see Exhibit 4** ("If you have any objection the application you will have the opportunity to address the Committee."), and Illinois' basic standards of procedural due process, including the right of a property owner to be heard as to the proposed rezoning of their own property.

WHEREFORE, Plaintiffs ask that this court:

1. Find that the City's public hearing procedures violated procedural due process, and

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2. Declare that the challenged map amendments are invalid and the zoning of these properties revert to their prior classifications.

COUNT III – SUBSTANTIVE DUE PROCESS – APPLICATION OF THE *LASALLE-SINCLAIR* FACTORS DEMONSTRATE THAT THE UP-ZONINGS TO B3-5 and B3-3 VIOLATED PLAINTIFFS' RIGHTS TO SUBSTANTIVE DUE PROCESS

87. Plaintiffs incorporate the allegations contained in Paragraphs 1-33 as Paragraph 87.

88. Under Illinois law, when the zoning classification assigned to a property is challenged by the owner of the property, or by neighboring property owners, a court evaluates the chosen classification with respect to the *LaSalle-Sinclair* factors.

89. The factors are as follows: (1) existing uses and zoning of nearby property; (2) the extent of diminution in property value; (3) the relationship of that diminution to public health, safety, morals or welfare; (4) the relative gain to the public compared to the hardship imposed on the property owner; (5) suitability of property for zoned purposes; (6) length of vacancy; (7) community need for proposed use; (8) care in planning.

90. With respect to substantive due process, Plaintiffs challenge the rezoning on all 12 blocks of the West side of Broadway. Plaintiffs also challenge the re-zoning of properties on the 5600 block on the East side of Broadway and on the 1100 block of cross-streets Granville Ave. and Bryn Mawr Ave. from Broadway to the Red Line.

91. The **first factor – the existing uses and zoning of nearby property** – is often considered the most important factor. With respect to properties on the West side of Broadway, prior to the upzoning, most of the properties on the West side of Broadway between Foster and Devon were zoned B1-2. The "B1" part of the designation controls the type of uses allowed. The B1 classification allows specified retail uses on the ground floor (i.e., uses considered by the City to be compatible with a neighborhood business district and adjacent low-density residential

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neighborhoods) and allows residential uses on upper floors. The "-2" part of the designation specifies the height and density of the building. The "-2" designation generally allows buildings up to 50 feet (four stories).

92. The as-built environment (i.e., the buildings that actually exist) was consistent with the B1-2 classification zoning in terms of use, height and density. The West side of Broadway from Foster to Devon is generally characterized by 1-4 story buildings with businesses on the ground floor and apartments (of the type referred to as "naturally occurring affordable housing") on the upper floors. Many of these businesses along the West side of Broadway are small, family-owned businesses, and many are owned by first and second generation Americans.

93. Importantly, the B1-2 classification on the West side of Broadway acknowledged and respected the residential neighborhoods directly across the alleys to the West, including residential properties on the East side of Magnolia Ave.

94. The residential neighborhoods abutting or adjacent to the West side of Broadway include neighborhoods with historic roots and long-standing Block Clubs or Neighborhood Associations:

> *Lakewood-Balmoral, a neighborhood designated as the Lakewood-Balmoral Historic District in the National Register of Historic Places, has a long-standing neighborhood association and runs from Foster Ave. to Bryn Mawr Ave.;
>
> *Magnolia Glen, another historic neighborhood, is in the Broadway-Ardmore-Ridge-Glenwood-Early ("BARGE") Block Club area, which runs from Bryn Mawr Ave. to Ardmore Ave.
>
> *The EPIC ("Every Person is Concerned") neighborhood Block Club area runs from Ardmore Ave. to Elmdale Ave.
>
> * Edgewater Glen, a neighborhood designated as the Edgewater Glen Historic District in the National Register of Historic Places, has a long-standing neighborhood association and runs from Norwood to Granville."
>
> *Edgewater North Neighbors neighborhood served by the Edgewater North Neighbors - North Edgewater Organization of Neighbors (ENN-NEON) Block Club, runs from Granville Ave. to Devon Ave.

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95. These residential neighborhoods to the west of Broadway are mostly zoned RS-3, RT 3.5, or RT-4 and are made up of two to three story walk-ups, generally single-family, two, three and six flat buildings. Because the lots on the West side of Broadway are generally 125 feet deep and share an alley with the residential neighborhood to the west, any development on the West side of Broadway immediately impacts the residential neighbors to the west.

96. The previous B1-2 zoning on the West side of Broadway, enacted in 2006 after two years of Aldermanic and community review, purposefully limited the height of buildings to four stories (50 ft), in consideration of the lot size and so as not to dwarf the adjacent residential neighborhoods to the West. The B1-2 zoning also helped preserve buildings on Broadway designated as "Heritage Buildings" by the Edgewater Historical Society.

97. Importantly, the B1-2 zoning did not prevent new development, including the development of new mixed-use residential buildings on the West side of Broadway. To give just two examples, 5858-5868 N. Broadway is a 6-story, 60 ft. tall, 34-Unit condominium constructed in the 2008. 5800 N. Broadway is a 5-story, 60 ft. tall condominium building constricted around the same time. In the last 20 years, the West side of Broadway has seen a multitude of new and rehabbed commercial and mixed-use development, alongside legacy buildings and businesses.

98. However, lots with a depth of 250 feet on the East side of Broadway backing up to the Red Line are far more appropriate for the taller and denser development allowed by the B3-5 and B3-3 zoning.

99. The B3-5 and B3-3 blanket upzoning of 12 blocks of Broadway in Edgewater to two of the highest, densest, "Business" classifications in the Chicago Zoning Code is not consistent with the as-built environment. on the West side of Broadway.

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100. Rather, the new B3-5 and B3-3 classifications are specifically intended to provide economic incentives for developers to purchase and demolish buildings on the West side of Broadway and construct a set of new, oversized buildings. The B3-5 and B3-3 classifications place a bullseye on West side of Broadway and calls for bulldozers to carry out the job.

This "vision" for the West side of Broadway, encourages, *inter alia*:

*The sale and demolition of existing 1-3 story buildings;

*The closure of existing small businesses;

*The loss of "naturally occurring affordable housing "on the second, third and fourth floors of existing buildings; and

*The construction of monolithic 80 ft. tall buildings directly across the alley from low density residential neighborhoods.

101. To the authors of the B3-5 and B3-3 upzonings, these consequences are not glitches, rather they are exactly what the upzoning is intended to accomplish. Because there are very few vacant lots on Broadway in Edgewater, the "success" of the B3-5 upzoning hoped for by the City relies on the widespread demolition and displacement of existing affordable housing and locally owned and operated small businesses.

102. The City's blanket B3-5 and B3-3 upzoning on the West side of Broadway fails the first *LaSalle* factor because the designated classification wholly ignores and is inconsistent with the existing uses and zoning of nearby property.

103. Plaintiffs also challenge the re-zoning of the 1100 block of Bryn Mawr Ave. (between the East side of Broadway and the Red Line) and the East side of the 5600 block of Broadway. These blocks are part of, and adjacent to, the City-recognized Bryn Mawr Historic District, which is on the National Register of Historic Places. This is also the oldest commercial block in Edgewater and includes the first commercial building on Broadway.

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104. With respect to the first *LaSalle* factor, these blocks are composed of low-rise historic buildings. . The B3-5 classification is not only incompatible with existing development, but it would also encourage the wholesale tear down of a recognized historic district. The upzoning of properties such as these within the Bryn Mawr Historic District and targeting them for teardown and redevelopment could result in the loss of that District's historic designation and is obviously antithetical to the historic nature of those buildings and the years of planning that went into gaining national historic recognition.

105. The **second and third LaSalle-Sinclair factors** are usually analyzed together. They ask **whether the chosen zoning classification diminishes property values and whether that diminution is offset by benefits to health, safety and welfare.**

106. There is no doubt that property values on East side of Magnolia Ave., the street directly West of Broadway, will drop. These single-family, two-flat, and three-flat houses will be across the alley from new 80-foot-tall buildings.

107. Similarly, the single-family homes and two, three and six flat homes adjacent to Broadway on intersecting side streets such as Bryn Mawr, Elmwood, Norwood, Glenwood, Hood, Granville, and Rosemont will lose value as they become dwarfed and overwhelmed by the traffic, parking, and other unmitigated side effects of the height and density of a canyon of B3-5 buildings on Broadway. The diminution in property value is likely to spread further West into these long-standing residential communities as wholesale changes are brought to Broadway.

108. As to the rezoned properties in the upzoned area, the City may argue that property values will increase. But this is true only if the value of a property as a tear-down exceeds its value as going concern, i.e., the property is sold to a developer as a tear-down. For those property owners whose businesses depend on their location or the availability of parking and infrastructure, who have made investments in their location and customer base, or who can't sell without losing their business

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altogether, the B3-5 and B3-3 designations will bring no value and will only increase their property taxes. Notably, none of these building owners sought this upzoning – rather it was forced on them by the City.

109. This diminution in property values is not offset by any benefits to health, safety and welfare. As discussed above, any benefits to the Community brought about by the B3-5 zoning depend on the wholesale demolition of a thriving small business corridor and the loss of several hundred units of naturally occurring affordable housing in the heart of a Chicago Community.

110. The realization of the City's redevelopment goal by upzoning not just some lots, but 12 full blocks of Broadway, will bring the loss of needed service and retail shopping, the loss of iconic and longstanding family-owned restaurants, such as Ethiopian Diamond, and Patio Beef and businesses such as Exposition Flooring, the loss of affordable commercial spaces and the most affordable housing in Edgewater. All of this will be accompanied by the loss of ethnic, racial and economic diversity, the loss of open space, the increase in traffic congestion and pollution, and the loss of parking for businesses and residents.

111. **The fourth LaSalle-Sinclair factor is the relative gain to the public compared to the hardship imposed on the property owner.** In the context of this factor, the "property owner" means both the owners of rezoning property and their neighbors within 250 feet.

112. No gain to the public has been demonstrated by any studies performed by the City. Indeed, City's justification for this upzoning is based on conjecture and theory rather than any actual studies of the benefits or impact of unleashing the private market to build 8-story buildings "as of right" in an already dense urban Community.

113. When 10 Edgewater Block Clubs asked the Department of Planning if DPD had any examples of where B3-5 zoning had been applied in this blanket fashion, so that one could observe and judge the impact of this zoning classification, the Department admitted it had no such examples.

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In other words, the existing cohesive and thriving Edgewater Community is being used as an experiment.

114. **The fifth LaSalle-Sinclair factor is the suitability of property for zoned purposes**. As discussed above, the West side of Broadway, and the properties within the Bryn Mawr Historic District and many of the other cross street locations, are not suitable for the intense development promoted by the R3-5 classification.

115. Most of the lots on the West side of Broadway have a depth of 125 feet. These lots are generally not suitable for 80-foot-tall buildings that back up to low-rise residential neighborhoods.

116. "Gradual Transition" is a standard zoning principle that calls for a gradual change in zoning classifications. Allowing 80-foot buildings on Broadway across the alley from single-family and two-flat buildings on Magnolia Ave. violates this principle and threatens to destroy the fabric of a long-standing residential neighborhood.

117. In addition, many of the 36 new uses allowed as a result of the change from "B1" to "B3" including gas stations, large entertainment venues, hotels, recycling facilities and crematoriums, are wholly incompatible with the adjacent low density residential areas on the West side and the current "B1" uses on both sides of Broadway. With respect to the Bryn Mawr Historic District and the other small cross-streets, these heavier "B3" uses are incompatible with their existing and intended transportation district pedestrian orientation.

118. **The sixth factor is length of vacancy, which essentially asks "was a zoning change necessary to encourage the development of a long-vacant lots"?.** With respect to the West side of Broadway, there are very few vacant lots to fill. And even if the concept of "vacant" is expanded to include lots that have buildings but are not in use (i.e., have no residents or tenants), the West side of Broadway has very few of these building. Further, as discussed in Paragraph 97

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development on the West side of Broadway has been healthy, not stagnant.

119. To put it another way, the B1-2 classification was not stifling development and DPD has admitted it has done no study of Broadway to support the theory that an upzoning to was necessary to spur new development.

120. **The seventh LaSalle-Sinclair factor is the community need for proposed use.** Here, the question is whether the Edgewater Community needs the type of development that the R3-5 and R3-3 zoning is intended to promote. As discussed in Paragraphs 100 and 101, the answer to that question is "no." As discussed in those Paragraphs, the redevelopment encouraged by B3-5 and B3-3 zoning is counterproductive and will destroy the fabric of the neighborhood.

121. The **eighth LaSalle-Sinclair factor is the care in planning**. In this case, this factor focuses on the care that the City took when it re-zoned twelve blocks in Edgewater -- over 250 properties – to the B3-5 and B3-3 zoning classifications.

122. The history of the B1-2 zoning on the West side of Broadway helps explain why the up-zoning to B3-5 is inappropriate. The B1-2 zoning was carefully and thoughtfully selected in 2006, after an extensive (two-year) community planning process that included residents, block clubs, community groups, and the Alderwoman's office.

123. The choice of the B1-2 zoning was reaffirmed in the 2022 Broadway Visioning Statement following community process conducted by the then 48th Ward Alderman. This Statement acknowledged the need for increased density along Broadway but specifically warned against a "canyon of tall buildings" and called for the adaptive reuse of buildings rather than demolition. It anticipated future Community-level planning and made no mention of need for a broadbrush rezoning of Broadway.

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124. In direct opposition to the 2006 zoning process and the 2022 Broadway Visioning Statement, B3-5 classification is intended to promote widespread private market demolition and displacement and the construction of dense, 80-foot buildings "as-of-right" (i.e., with no Community input and no need for review or approval of such individual projects by the City's DPD).

125. Further, prior to recommending the upzoning to B3-5 and B3-3, the DPD failed to conduct the type of studies that would generally precede the re-zoning of a 12-block area and inform DPD's recommendations. These studies, which typically include an analysis of development history, traffic, parking, open space, and impact on existing businesses and surrounding residential neighborhoods, were not conducted by DPD.

126. Further, DPD entirely failed to study, plan or even discuss the impact of allowing 36 new uses "as of right" by when the zoning designated changed from "B1" to "B3" up and down Broadway.

127. Rather, DPD endorsed the re-zoning to B3-5 and B3-3 based upon the sheer number of new housing units it could be expected to produce without any review of the negative consequences or externalities.

128. As discussed in Paragraph 113, DPD has admitted that the impact of B3-5 and B3-3 zoning on any community, let alone a healthy, cohesive community like Edgewater, is an untested experiment.

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WHEREFORE, Plaintiffs ask that this court:

1. Find that the City's selection of B3-5 zoning classification through O2025-0016710 and the B3-3 zoning classification through O2025-0017512 violates Plaintiffs' right to substantive due process as evaluated by the *LaSalle-Sinclar* factors; and

2. Declare that the challenged Map Amendments are invalid and the zoning of these properties revert to their prior classifications.

EDGEWATER RESIDENTS FOR RESPONSIBLE DEVELOPMENT, WILSON H. HARTZ III , PATRICIA STASZAK, RAE ANN CECRLE, DENA ISAACSON, CHRISTINA KIAER, NAN ROTHROCK, DOUGLAS SNIDER MARJORIE FRITZ-BIRCH, STEVE HUTTON BARBARA CULLEN, KIMBERLY ABE DONNA ISAACSON and MARSHALL ISSAACSON

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