

PD 1053

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City of Chicago
Richard M. Daley, Mayor

Department of Planning and
Development

Arnold L. Randall
Commissioner

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312
236-7516

December 3, 2007

Mr. Andrew P. Scott
DLA Piper US LLP
203 North LaSalle Street
Suite 1900
Chicago, IL 60601-1263

Re: **Administrative Relief request for Residential Business Planned
Development No. 1053**

Dear Mr. Scott:

Please be advised that your request for a minor change to Residential Business Planned Development No. 1053 has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 13 of the Planned Development.

On September 24, 2007, you were issued as Administrative Relief to extend the date by which the Applicant must place \$500,000 into escrow for park improvements to the date upon which a full Part II letter is issued. Additionally, the Applicant was required to: (1) identify an alternative location within the boundaries of the Planned Development for a dog park, (2) follow-up on all pending matters (as outlined on the future foundation permit) and (3) complete Statement No. 11, prior to the issuance of a full Part II letter.

Due to the Department of Transportation's updated plans for future right of way improvements within Subarea B, performance of the Park Obligations may be unlikely. Therefore, you are now requesting the elimination of the Applicant's obligation to identify an alternate dog park site and the elimination of Statement 11 of the Planned Development in its entirety. Statement 11 will be replaced with the following italicized language:

11. Prior to the issuance of the full Part II (but specifically excluding any foundation Part II approval) for the improvements on Subarea A, Applicant shall (a) make, or cause to be made, a one time contribution of Eight Hundred Thousand Dollars (\$800,000) to the Chicago Public Schools Capital Fund and (b) place, or caused to be placed, Two Hundred Thousand Dollars (\$200,000) into escrow (the "Escrow Funds") pursuant to escrow instructions that are mutually acceptable to the Applicant and the Department. The Escrow Funds shall be used in furtherance of dog friendly amenities or other open park/open space uses in the Loop Community Area 32 (including but not limited to land acquisition, design and engineering of improvements on such open space, construction of such improvements and the maintenance of such improvements). Within one year of the deposit of the Escrow Funds, the Applicant and the Department shall cooperate in the identification of and agree upon dog friendly and/or other open space projects in Loop Community Area 32 for which the Escrow Funds may be spent. In the event



that the Escrow Funds are not withdrawn by the Department within 10 years of their deposit into escrow, then the Applicant shall have the right to withdraw and retain any Escrow Funds remaining in the escrow account and close the escrow account. Notwithstanding Statement No. 3 of the Planned Development, the aforementioned right to withdraw and retain Escrow Funds shall not inure to the benefit of the Applicant's successors or assigns, but shall remain with the Applicant, unless such right is expressly conveyed in writing by the Applicant. By passage of this Planned Development, the City, through the Department, is hereby authorized to execute any escrow instructions on terms that are acceptable to the Commissioner of the Department and the Applicant without further City Council action.

Notwithstanding any other provision of this Planned Development or the Zoning Ordinance, the net site area of the Property, for purposes of calculating maximum Floor Area Ratio, Minimum Lot Area Per Dwelling Unit and Overall Percentage of Site Coverage, shall be deemed to include those portions of Subarea B which are not either improved with public rights of way or dedicated as public rights of way as of the date of the passage of this Planned Development.

With regard to your request, the Department of Planning and Development has reviewed the request and has determined that these revisions will not create an adverse impact on the Planned Development or surrounding neighborhood and would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Business Planned Development No. 1053, I hereby approve the foregoing minor change, but no other changes to this Planned Development.

Sincerely,



Arnold L. Randall
Commissioner

ALR:HG:tm

cc: Terri Haymaker, Mike Marmo, Pat Haynes, Erik Glass, DPD files



City of Chicago
Richard M. Daley, Mayor

Department of Planning and
Development

Arnold L. Randall
Commissioner

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121 North LaSalle Street
Chicago, Illinois 60602
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September 24, 2007

Mr. Andrew P. Scott
DLA Piper US LLP
203 North LaSalle Street
Suite 1900
Chicago, IL 60601-1263

Re: **Administrative Relief request for Residential Business Planned
Development No. 1053, Escrow Extension and Dog Park Improvements**

Dear Mr. Scott:

Please be advised that your request for a minor change to Residential Business Planned Development No. 1053 has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of the Planned Development.

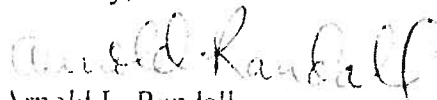
Specifically, you are requesting to extend the date by which the applicant must (1) place \$500,000 into escrow for payment of Subarea B park improvements and (2) enter into a maintenance agreement for a dog park to be constructed on Parcel 1 of Subarea B (collectively, the "Park Obligations").

Approval of this administrative relief request will allow the applicant to obtain a foundation permit only at this time. However, the applicant must (1) identify an alternative location within the boundaries of the Planned Development for a dog park, (2) follow-up on all pending matters (as outlined on the future foundation permit) and (3) complete Statement No. 11, prior to the issuance of a full Part II letter.

With regard to your request, the Department of Planning and Development has reviewed the request and has determined that extending the date by which the applicant must place \$500,000 into escrow for park improvements, and enter into a maintenance agreement, will not create an adverse impact on the Planned Development or surrounding neighborhood and would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Business Planned Development No. 1053, I hereby approve the foregoing minor change, but no other changes to this Planned Development.

Sincerely,


Arnold L. Randall
Commissioner



3/14/2007

REPORTS OF COMMITTEES

15912
101153

Numbers 16023, 16034, 16018, 16019, 15660, 15909, 15591 and 15172 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted,

(Signed) WILLIAM J. P. BANKS,
Chairman.

On motion of Alderman Banks, the said proposed ordinances and substitute ordinances transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Haithcock, Preckwinkle, Hairston, Lyle, Beavers, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, T. Thomas, Coleman, L. Thomas, Lane, Rugai, Troutman, Brookins, Muñoz, Zalewski, Chandler, Solis, Ocasio, E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 48.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following are said ordinances as passed (the italic heading in each case not being a part of the ordinance):

Reclassification Of Area Shown On Map Number 2-F.

(As Amended)

(Application Number 15912) *RBPD 10531*

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the DC-16 Downtown Core District symbols and indications as shown on Map Number 2-F in the area bounded by:

West Van Buren Street; the alley next west of and parallel to South Wells Street; a line approximately 120 feet south of and parallel to the south line of West Van Buren Street; South Wells Street; the north line of improved Congress Parkway/Eisenhower Expressway; and South Franklin Street,

to those of Residential-Business Planned Development.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development Statements attached to this ordinance read as follows:

Residential-Business Planned Development Number 1053.

Plan Of Development Statements.

1. The area delineated herein as Residential-Business Planned Development, (the "Planned Development") consists of approximately fifty-eight thousand four hundred ninety-three (58,493) net square feet (one and thirty-four hundredths (1.34) acres) of real property generally located at the southeast corner of South Franklin Street and West Van Buren Street and bounded as follows:

West Van Buren Street; the alley next west of and parallel to South Wells Street; a line approximately 120 feet south of and parallel to the south line of West Van Buren Street; South Wells Street; the north line of improved Congress Parkway/Eisenhower Expressway; and South Franklin Street, in Chicago, Illinois (the "Property").

The City of Chicago (the "City") holds legal title to a portion of the Property and, pursuant to a City Council ordinance, has authority to acquire fee simple title to another portion of the Property. 235 THC, L.L.C., an Illinois limited liability company ("THC"), is the owner of the remainder of the Property. 235 West Van Buren Development Corporation, an Illinois corporation (the "Applicant"), is the applicant for this Planned Development with the authorization of the City and THC.

2. The Applicant or its successors, assignees or grantees shall obtain all applicable official reviews, approvals or permits which are necessary to implement this Planned Development. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way shall require a separate submittal on behalf of the Applicant or its successors, assignees or grantees, and approval by the City Council. Certain areas within Subarea B, as described below, consist of City property which is unimproved or not dedicated. Portions of this City property are to be developed as a public park or future landscaped area and are included in

the calculation of net site area for the purposes of determining permitted floor area ratio, minimum lot area, and other development parameters. The proposed use of these portions of the City property are necessary, integral and appropriate to this Planned Development and is in the public interest.

3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors, lessees, designees and assignees and, if different than the Applicant, the legal titleholders and any ground lessors, except as specifically provided in this Statement 3. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors, lessees, designees and assignees and, if different than the Applicant, the legal titleholders and any lessees, designees, assignees and their respective successors and assignees. Pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or under single designated control. Single designated control for purposes of this paragraph shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) is made or authorized by all the owners of the Property and any ground lessees of the Property; provided, however, notwithstanding that the City owns a portion of the Property, no separate City consent shall be required in order to make an application for an amendment or modification to this Planned Development. For purposes of this Planned Development, where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein; provided, however, that for so long as the Applicant or any affiliate thereof owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the Applicant (but, for the purposes of this Statement 3 only, such right shall only extend to the Applicant but not its successors or assigns unless such right is specifically conveyed or assigned by Applicant). Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property so transferred, the term "Applicant" shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust)

and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder.

4. This Plan of Development consists of these seventeen (17) statements; a Bulk Regulations and Data Table; and the following plans prepared by Perkins + Will, all bearing a latest revision date of January 18, 2007 (collectively, the "Plans"): Subarea A Site Plan; Subarea B Site Plan; Landscape Plan; Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary, Property Line and Subarea Map; and Elevations. Full-sized copies of the Plans are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Chicago Building Code shall control. This Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, and all requirements thereof, and satisfies the established criteria for approval as a planned development.
5. The Property is divided into two (2) subareas (A and B), as indicated on the Planned Development Boundary, Property Line and Subarea Map. The following uses are permitted on the Property under this Planned Development:
 - Subarea A: Multi-unit residential dwelling units; residential support services; retail sales; business and professional offices; food and beverage retail sales; temporary construction staging, temporary storage of construction materials, and temporary buildings for construction purposes; accessory and non-accessory parking; accessory uses; and all permitted uses in the DC-16 Downtown Core District except hotels.
 - Subarea B: Parks, recreation and open space uses.
6. The Applicant has agreed to provide at least forty-four (44) residential dwelling units, consisting of not less than twenty-nine thousand four hundred eighty (29,480) square feet of floor area and not more than thirty-five thousand two hundred (35,200) square feet of floor area, which shall be designated as affordable units to serve households at or below one hundred percent (100%) of average median income reported for the Chicago Primary Metropolitan Statistical Area. Prior to the issuance of any permits for the Property, the Department of Housing must approve the Applicant's plan to provide affordable units. Even though such units are not being provided in order to obtain a floor area bonus, the provision of

such units shall be governed by the Affordable Housing provisions of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1004, et seq. (the "Zoning Ordinance") in effect as of September 29, 2006, notwithstanding any subsequent amendments to the Zoning Ordinance or Municipal Code with respect to the provision of affordable housing; provided, however, Section 17-4-1004-E(6) shall not apply to Applicant's provision of affordable units. The Affordable Housing Agreement required by Section 17-4-1004-E(9) is also incorporated into this Planned Development.

7. The Applicant shall reserve at least two (2) parking spaces for use by a not-for-profit car-sharing organization, such as I-Go; provided, however, that such organization shall be responsible for (a) procuring and maintaining insurance of such types and in such amounts as are reasonably acceptable to the Applicant and (b) maintaining such reserved spaces. If, at the time of issuance of the certificate of occupancy for Subarea A, no such car-sharing organization has committed to locating in the building to be constructed on Subarea A, then the Commissioner of the Department may grant administrative relief pursuant to Statement 13 to relieve Applicant of its obligations set forth in this Statement 7 at any time after the issuance of the certificate of occupancy.
8. Signs shall be subject to the reasonable review and approval of the Department of Planning and Development (the "Department"). No approvals shall be required for any signage located in and designed to be viewed solely from the interior of any improvements on the Property. Off-premise signs are prohibited.
9. The height of each building and free-standing structure located upon the Property, and any appurtenances attached thereto, shall be subject to the Bulk Regulations and Data Table as well as any height limitations established by the Federal Aviation Administration.
10. The improvements on the Property, the landscaping along adjacent rights-of-way and all entrances and exits to and from the parking and loading areas, shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement Number 4, above. Ingress and egress for the Property shall be provided in substantial compliance with the Plans, and no further approvals shall be required for such ingress and egress plans.
11. Prior to, and as a condition of, issuance of the certificate of occupancy for the improvements located on Subarea A, that portion of Subarea B identified on the Planned Development Boundary, Property Line and Subarea Map as Parcel 1, which consists of approximately six thousand three hundred (6,300) square feet, shall be developed by the Applicant as

a public park, at least one thousand (1,000) square feet of which shall be developed as a dog run. The park shall be open for use to the public during regular Chicago Park District hours for comparable parks. The Applicant shall be responsible for the costs of designing and constructing the park improvements on Parcel 1, which design shall be approved by the Department; provided, however, that the Applicant shall not be required to expend more than Five Hundred Thousand Dollars (\$500,000) for such improvements and their design. In the event that the Applicant expends less than Five Hundred Thousand Dollars (\$500,000) on design and construction costs, then the Applicant shall deposit the difference between the actual design and construction costs and Five Hundred Thousand Dollars (\$500,000) with the Property's condominium association, which funds shall be used exclusively for the operation and maintenance of the Parcel 1 park either by the Applicant or the condominium association based upon which party has the obligation to maintain and operate the Parcel 1 park.

The Applicant shall be responsible for the operation and maintenance of the six thousand three hundred (6,300) square foot public park. Prior to issuance of any Part II Approval for Subarea A, Applicant shall enter into an agreement with the City which memorializes these obligations. By passage of this Planned Development, the City, through the Department, is hereby authorized to enter into such agreement on terms that are acceptable to the Commissioner of the Department and the Applicant without further City Council action. The Applicant shall be permitted, without any consent of the City, to assign the rights and obligations of the operation and maintenance agreement to any condominium association established on the Property.

In addition, prior to the issuance of any Part II Approval for Subarea A, the Applicant shall place Five Hundred Thousand Dollars (\$500,000) (the "Parcel 2 Funds") into escrow, pursuant to escrow instructions that are mutually acceptable to the Applicant and D.P.D., to be applied to the cost of the City's construction of a passive park on Parcel 2 within Subarea B, in the event the expressway ramps currently located within Subarea B are buried or otherwise permanently removed. Except as hereinafter provided, the Parcel 2 Funds shall only be applied to the costs of installing sod, landscaping and other passive park improvements within Parcel 2. If burial, or permanent removal, of said expressway ramps has not commenced within ten (10) years of the effective date of this Planned Development, the Parcel 2 Funds may be withdrawn by the City and shall be utilized for other park improvements within one-half (½) mile of the Property. In the event that burial, or permanent removal, of said roadway improvements commences within ten (10) years of the date of approval of this Planned Development by the City Council, then the improvements to be funded by the Parcel 2 Funds shall be completed by the City within

eighteen (18) months of completion of burial or permanent removal of said roadway improvements. By passage of this Planned Development, the City, through the Department, is hereby authorized execute any escrow instructions on terms that are acceptable to the Commissioner of the Department and the Applicant without further City Council action.

Notwithstanding any other provision of this Planned Development or the Zoning Ordinance, the net site area of the Property, for purposes of calculating maximum floor area ratio, minimum lot area per dwelling unit and overall percentage of site coverage, shall be deemed to include those portions of Subarea B which are not either improved with public rights-of-way or dedicated as public rights-of-way.

12. Except as otherwise provided in this Planned Development, for purposes of floor area, floor area ratio ("F.A.R.") and building height calculations, the definitions of the Zoning Ordinance in effect as of the date hereof shall apply; provided, however, that in addition to the other exclusions from floor area for purposes of determining F.A.R. permitted by the Zoning Ordinance, such floor area shall not include (a) all floor area devoted to mechanical equipment which exceeds five thousand (5,000) square feet and (b) all floor area associated with parking and loading areas. The F.A.R. attributable to temporary structures with footing and/or foundations and principally dedicated to residential unit sales shall count against the maximum permitted F.A.R. so long as such structures remain on the Property. The calculation of F.A.R. shall be made based on the net site area of the Planned Development. In addition, the calculation of any building height shall not include elevator shafts, ingress/egress towers, mechanical penthouses and enclosures, telecommunications facilities or architectural design elements such as spires.
13. The requirements of the Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (the "Commissioner") upon application and a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of the Planned Development by the Commissioner shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance, notwithstanding the specific limitations of such section.
14. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Any changes to ingress and egress

as depicted in the Plans and as set forth below shall be subject to the review and approval of the Department of Transportation and the Department. Off-street parking and loading facilities shall be provided in compliance with this Planned Development. Handicapped parking shall be provided in accordance with applicable code.

15. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of natural resources. The Applicant shall use commercially reasonable efforts to design and maintain all buildings located on the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System. The Applicant shall provide a green roof consisting of at least twenty-five percent (25%) of the net roof area, which as of the date hereof is estimated to be five thousand (5,000) square feet.
16. The Applicant acknowledges that it is in the public interest to design, construct and maintain the improvements of the Property in a manner which promotes, enables, and maximizes universal access throughout the Property. Plans for all new buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities at the time of application for a building permit to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
17. Unless substantial construction has commenced within six (6) years of the date of City Council approval of this Planned Development ordinance, then the zoning of the Property shall automatically revert to the DC-16 Downtown Core District. Said six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that good cause for such an extension is shown.

[Subareas A and B Site Plan; Landscape Plan; Zoning Map;
Land-Use Map; Planned Development Boundary, Property
Line and Subarea Map; Building Elevations; Green
Roof Plan; and Parking Area Plan referred to
in these Plan of Development Statements
printed on pages 101162 through
101173 of this *Journal*]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

3/14/2007

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101161

Residential-Business Planned Development Number 1053.

*Plan Of Development Bulk Regulations
And Data Table.*

Gross Site Area, 160,062.53 square feet (3.66 acres) = Net Site Area, 58,493 net square feet (1.34 acres) + Area Remaining in Public Right-of-Way, 101,569 square feet (2.33 acres)

Maximum Floor Area Ratio:

Total:	13.9
Subarea A:	13.8
Subarea B:	0.10

Maximum Number of Dwelling Units:

Total:	714
Subarea A:	714
Subarea B:	0

Maximum Site Coverage: In accordance with the Site Plan

Minimum Building Setbacks: In accordance with the Site Plan

Minimum Number of Off-Street Parking Spaces:

Total:	550
Subarea A:	550
Subarea B:	0

Minimum Number of Off-Street Loading Berths: 2

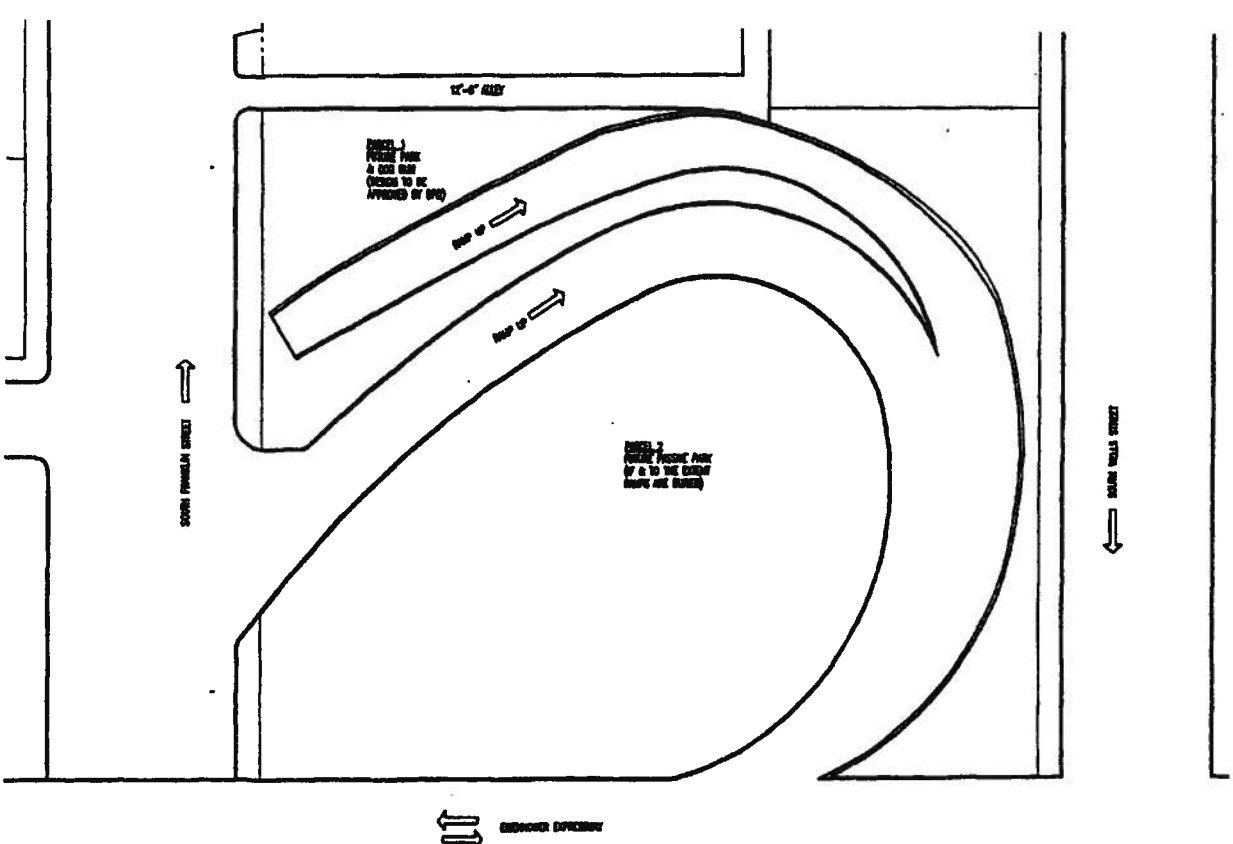
Maximum Building Height: 505 feet

3/14/2007

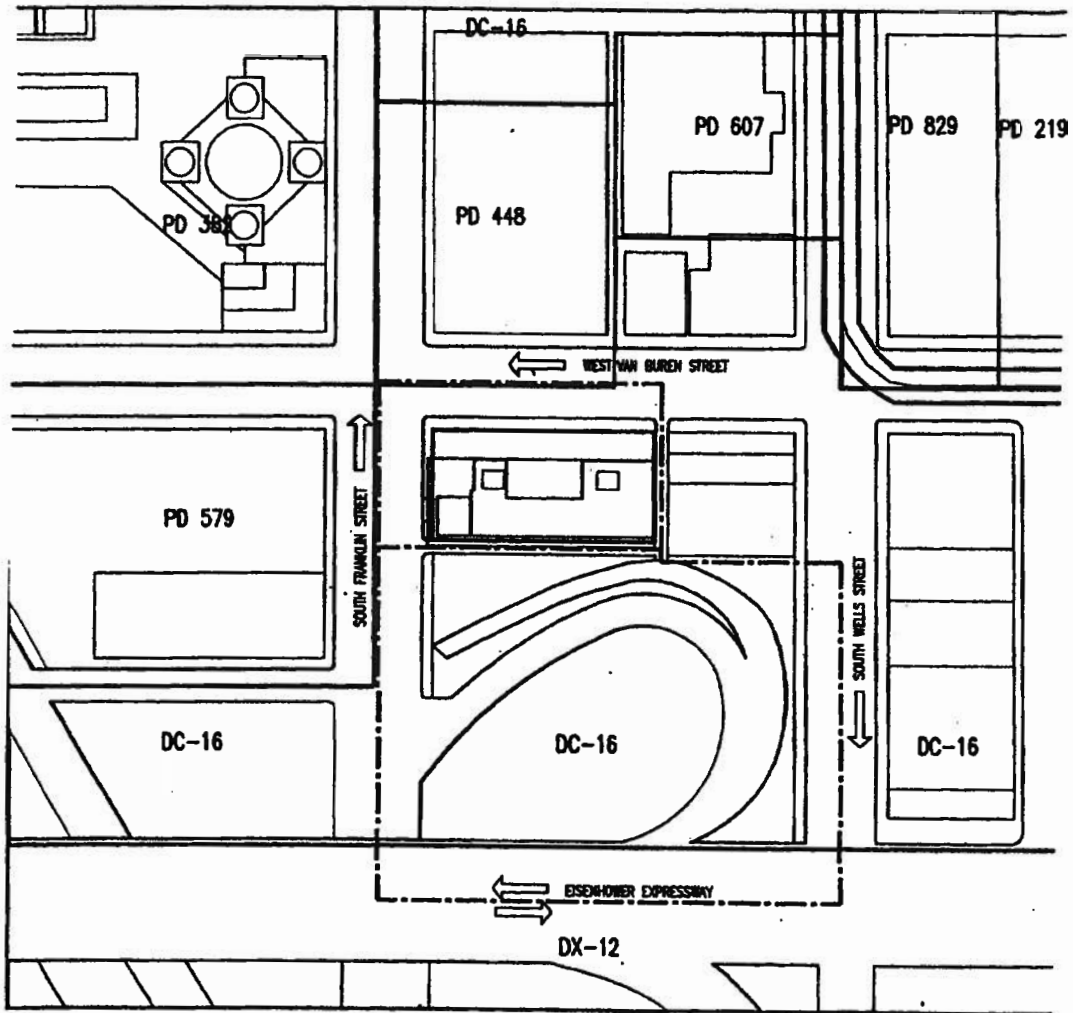
REPORTS OF COMMITTEES

101163

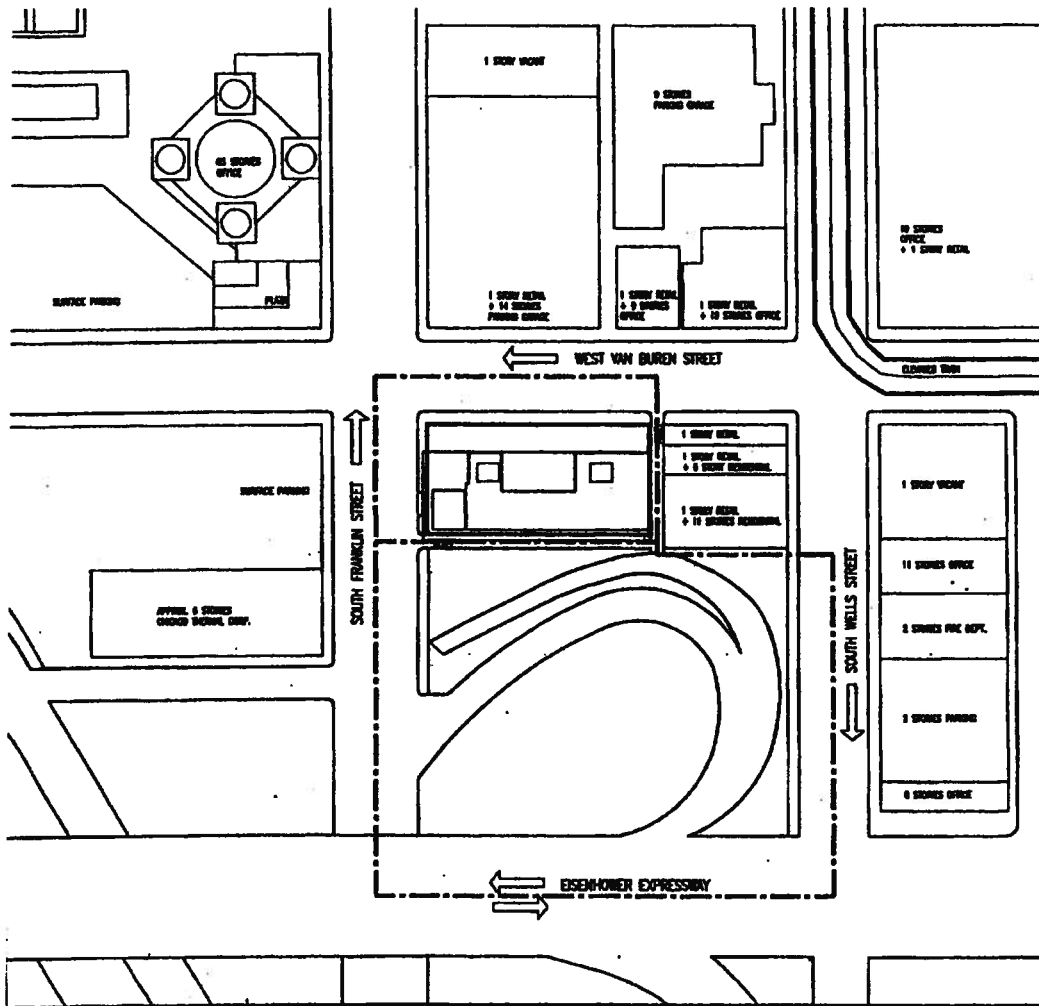
Subarea B Site Plan.



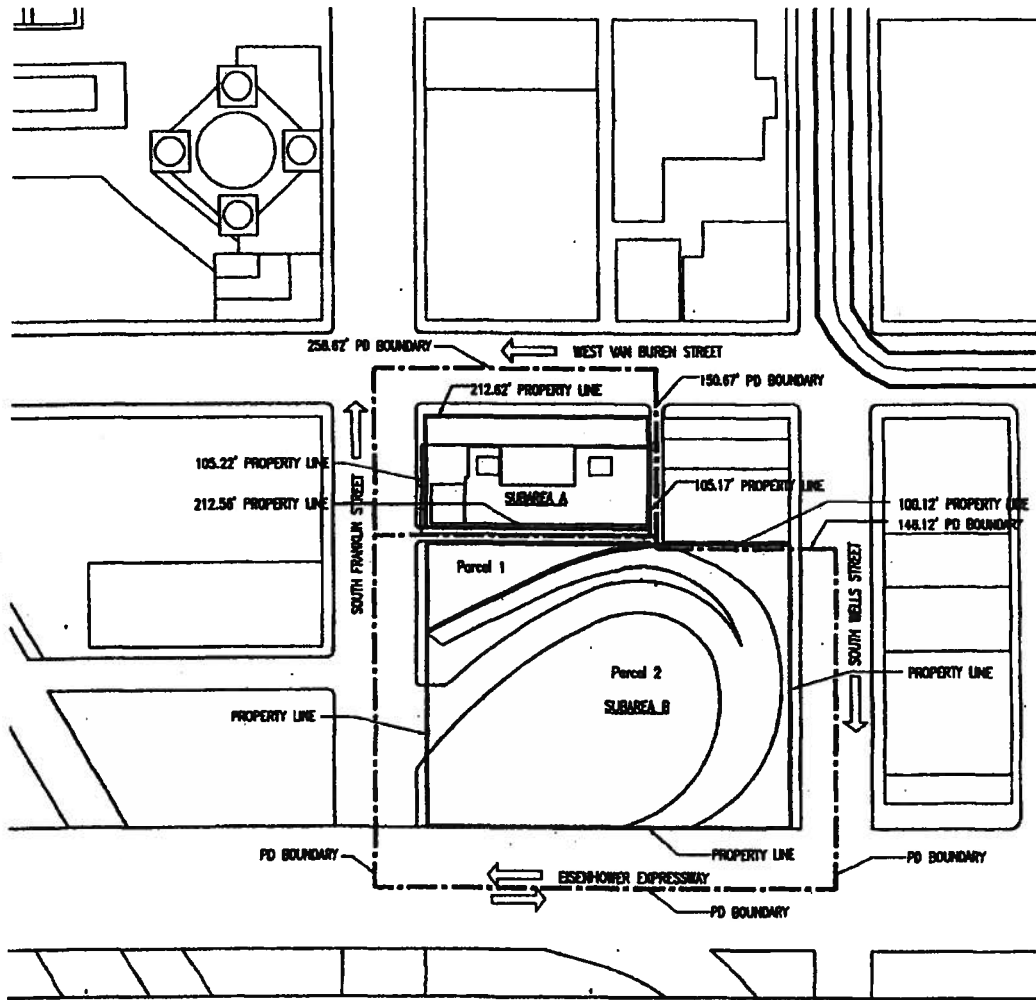
Zoning Map.



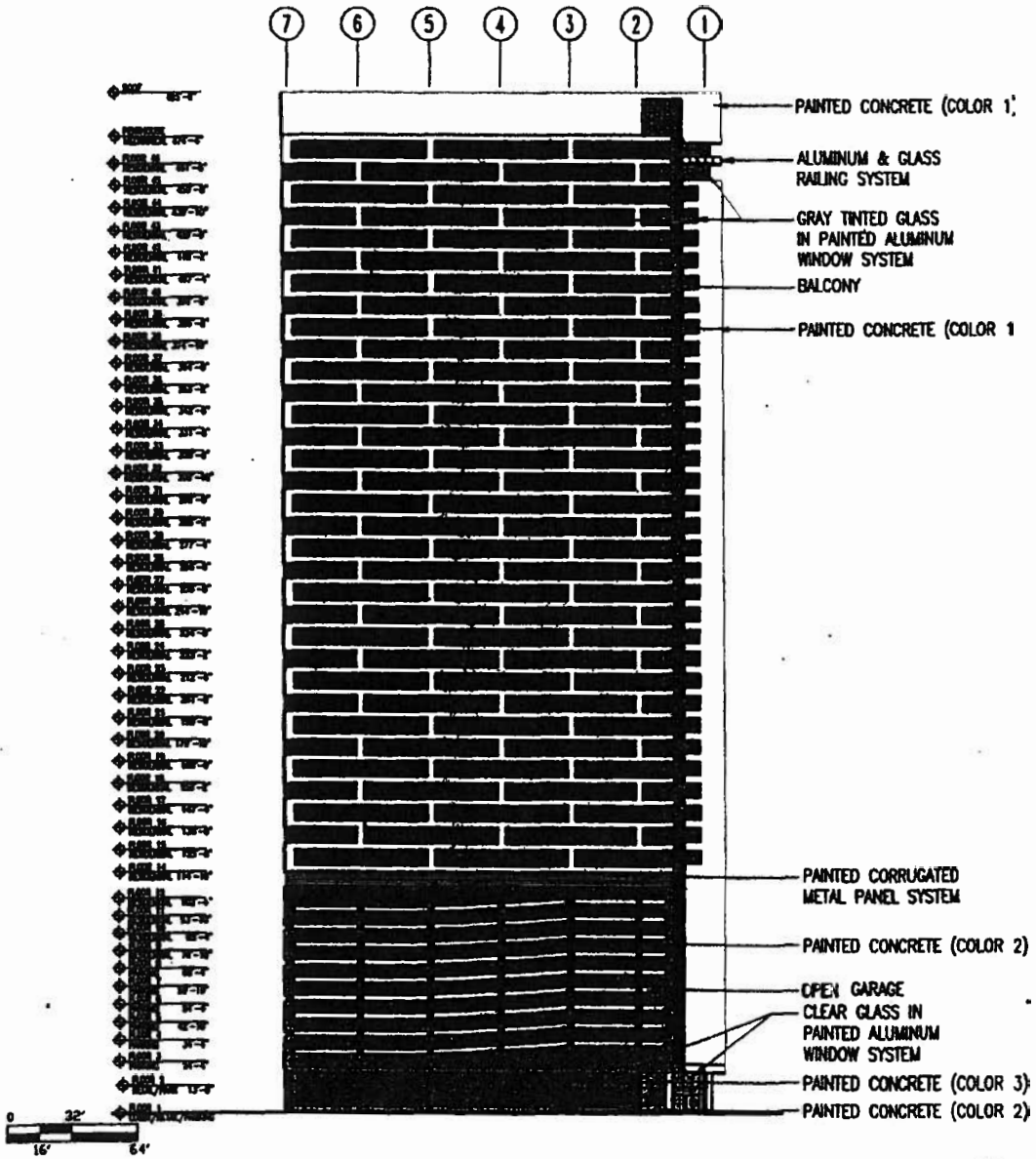
Land-Use Map.



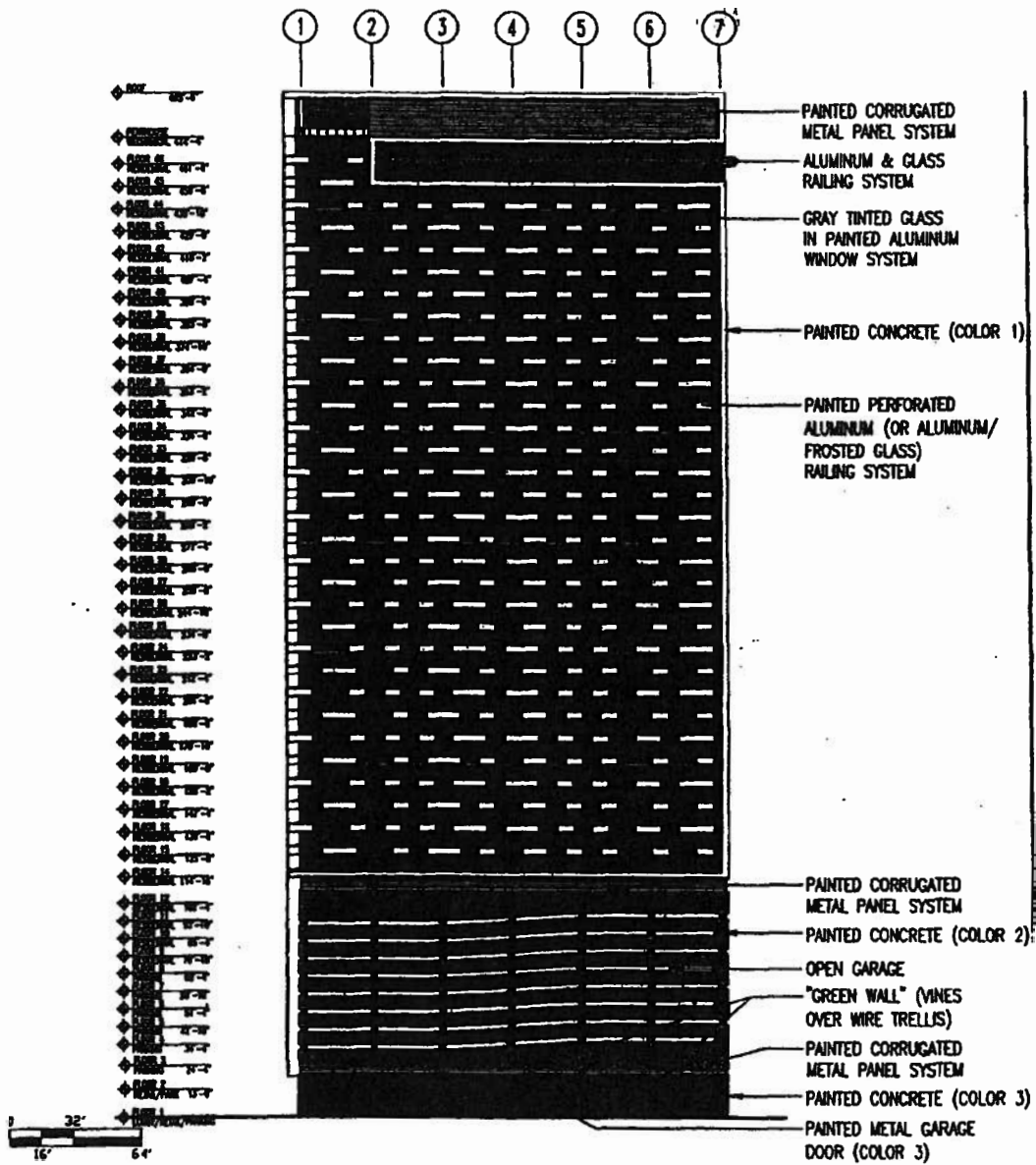
Planned Development Boundary,
Property Line Subarea Map.



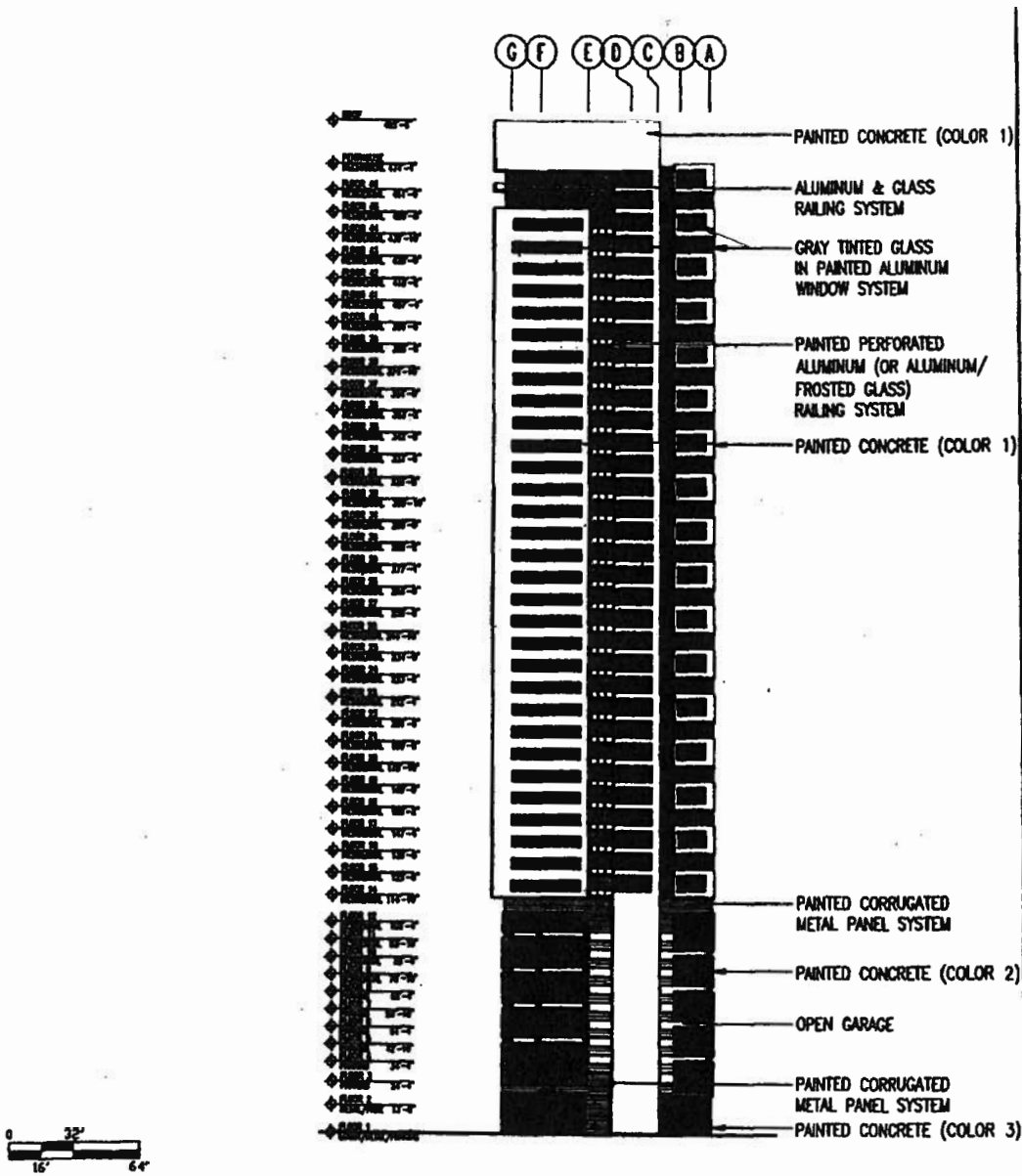
North Elevation.



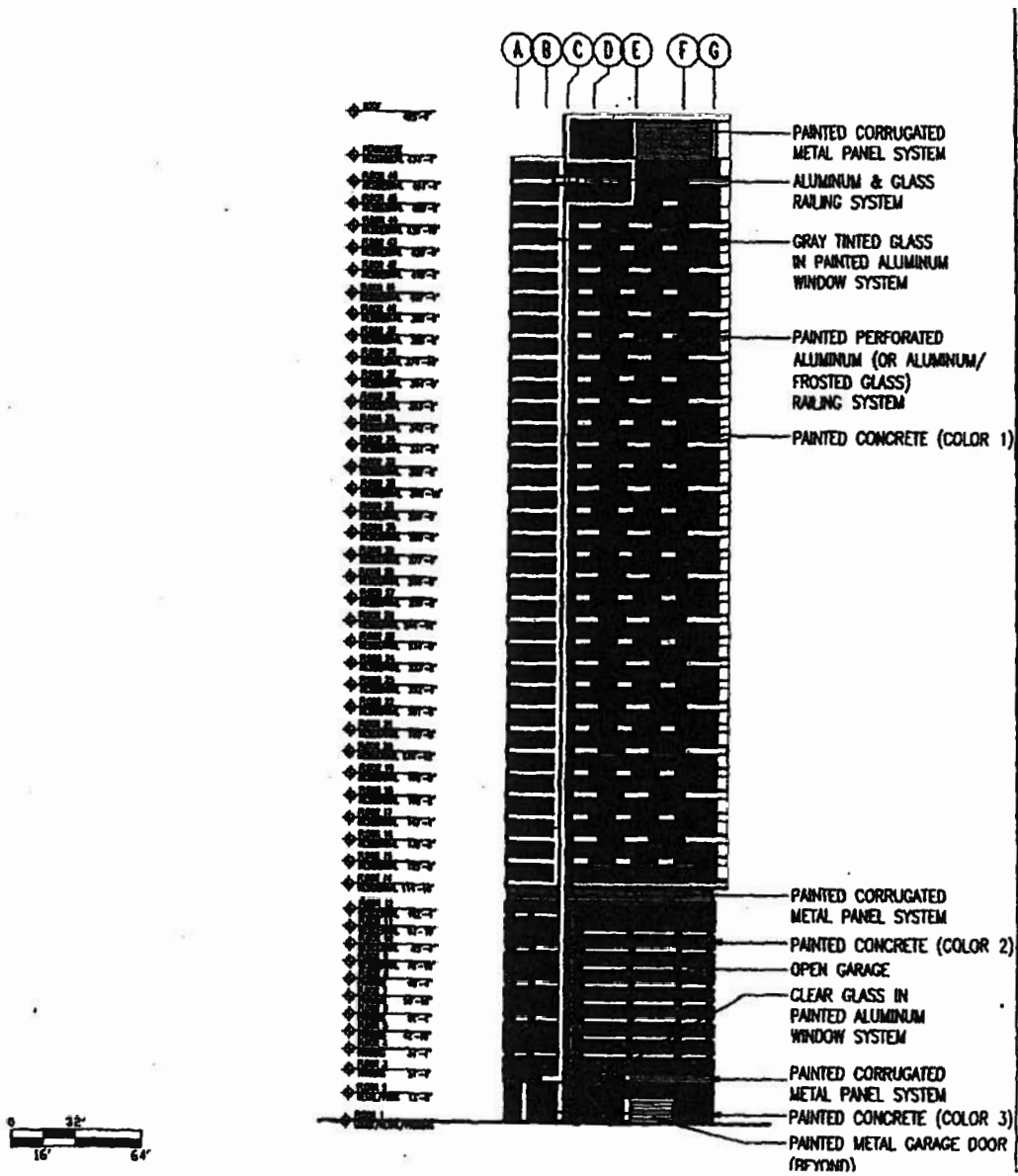
South Elevation.



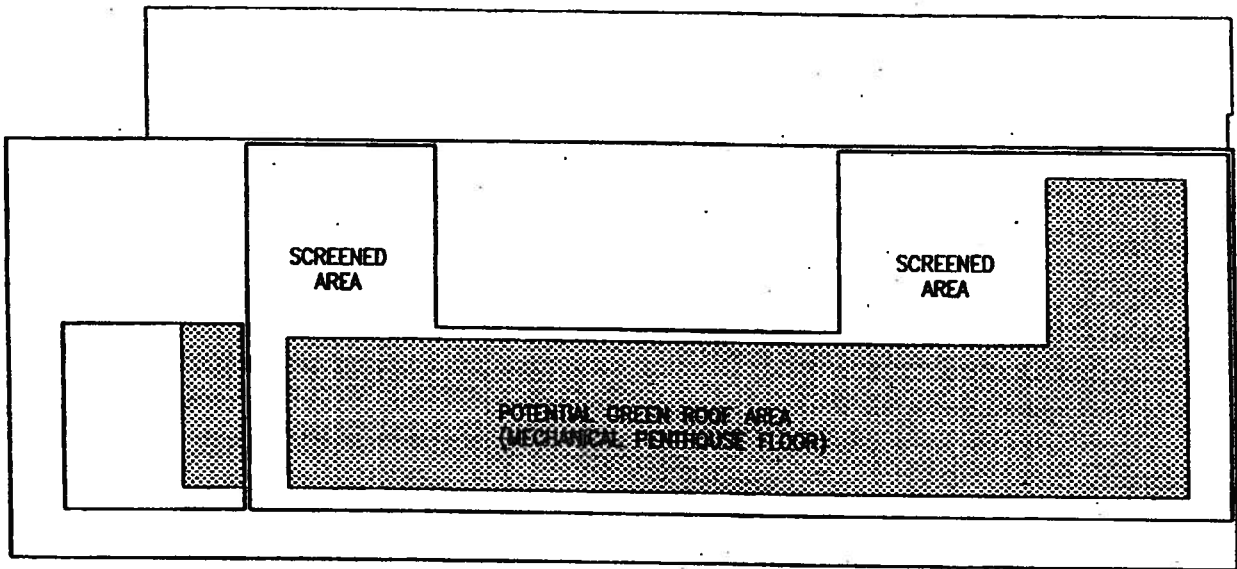
East Elevation.



West Elevation.



Green Roof Plan.



25% GREEN ROOF REQUIREMENT MET



3/14/2007

REPORTS OF COMMITTEES

101173

Partial Section Through Exterior
Wall At Typical Parking Area.

