



City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Denise M. Casalino, P.E.
Commissioner

City Hall, Room 1000
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Chicago, Illinois 60602
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August 16, 2005

Ms. Leslie Ann Jones
Johnson, Jones, Snelling,
Gilbert & Davis, P.C.
36 South Wabash Avenue, Suite 1310
Chicago, Illinois 60603

RE: Request for minor change to Residential-Business Planned Development
No. 121

Dear Ms. Jones:

Please be advised that your request for a minor change to Residential-Business Planned Development No. 121, on behalf of Harold Washington Theater and Cultural Center, has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statements No. 2 and 7 of the Planned Development.

Specifically, you requested that the number of contemplated parking spaces mentioned in the October 1999, Part II letter be reduced to reflect the actual number of parking spaces constructed at the site. In the 1999 Part II letter, the construction of the Harold Washington Theater and Cultural center contemplated placing 27 parking spaces on site, 46 spaces off site, and an additional 90 spaces off site. During construction, the 27 on-site spaces were constructed. You also have an additional 150 off-site spaces available (lease agreement attached). The land to be used for the additional 90 spaces was City-owned and determined to be suited for a different use. Therefore, those 90 additional off-site spaces could not be constructed.

The Department has reviewed the request and has determined that the proposed change would be appropriate and consistent with Section 17-13-0611 of the Zoning Ordinance. The additional 90 spaces was a contemplated number in the Part II and not required specifically by the Planned Development. Accordingly, I hereby approve the requested minor change to Residential-Business Planned Development No. 121, but no other changes to this development.

Very truly yours,

Denise M. Casalino, P.E.
Commissioner

DMC:SRP:pas

cc: DPD Files



JOHNSON, JONES, SNELLING, GILBERT & DAVIS, P.C.

Attorneys At Law
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(312) 422-0708 Fax
Email: jsgd@jsgd.com

FAX TRANSMISSION

Number of pages including this one: 4

TO: Leonard McGee
FAX: 773-847-4501
FROM: Thomas Johnson
DATE: May 18, 2005

Re: Tobacco Road

On the parking issue you raised the other day, please note the attached parking agreement we entered into with East Lake in March of 2004. As you know, we use his facility to the north for parking at the Theater. The Alderman tells me that the City required this agreement and has been provided with the agreement. They would not let us open without it.

Please pass it on to whomever at the City is raising the parking issue. The Alderman is alerting the zoning commissioner directly.

We have still not heard anything from EZ about the propriety of the numbers on our sworn owners' statement. Who is it that has raised the banquet facility. The Alderman has dealt with EZ, and Planning on the banquet facility previously. She was stunned at the knowledge that anyone would think we could not get a C of O without the banquet facility complete. Who should she speak with?

Confidentiality Notice

This facsimile transmission is intended for the addressee(s) named above. It contains information that is privileged, confidential or otherwise protected from use and disclosure. If you are not the intended recipient, or the employee, or agent responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying or dissemination of this transmission, or the taking of any action in reliance on its contents, or other use is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for its return to us. Thank you for your cooperation.

TWO YEAR ACCESS AND USE AGREEMENT

This Two Year Access and Use Agreement ("Agreement") is entered into on March 17, 2004 by and between Tobacco Road, Inc. ("TRI") and East Lake Management Group, Inc. ("East Lake") as agent for the owner.

RECITALS

WHEREAS, TRI owns certain real property commonly known as the Harold Washington Cultural Center, located at 4701-17 S. King Dr. and 427,431-33 East 47th Street, Chicago, Illinois, for which parking spaces are needed to provide adequate parking for patrons of the Harold Washington Cultural Center;

WHEREAS, East Lake manages certain real property adjacent to Harold Washington Center, commonly known as 4747 South Martin Luther King Drive (the "Parking Garage") and ("Blacktop Parking"), Chicago, Illinois.

WHEREAS, East Lake, on behalf of the owner, has agreed to grant TRI a two year right of access to the Parking Garage for the use of permitting valet parking services to park up to one hundred (100) vehicles of patrons while these patrons are using the Harold Washington Cultural Center's facilities pursuant to the terms and conditions described below.

WHEREAS, East Lake, on behalf of the owner, has agreed to grant TRI a two year right of access to the Blacktop Parking for self-park for up to fifty (50) parking spaces for the use of patrons and staff while in the Harold Washington Cultural Center.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals.** The Recitals set forth above are incorporated into this Agreement and shall be deemed terms and provisions hereof, the same as if fully set forth in this Section 1.

2. **Access and Use. Parking Garage:** East Lake agrees to allow TRI, and its agents responsible for valet parking at the Harold Washington Cultural Center a two year right of access to park up to 100 vehicles at the Parking Garage, provided that

- (a) TRI shall provide East Lake with notice of TRI's expected use of the Parking Garage at least two weeks before such use.
- (b) TRI use shall be strictly limited to use by a valet parking service and such service shall keep the Parking Garage clean and safe.
- (c) East Lake shall, in advance, designate to TRI the spaces to be made available under this contract.

Blacktop Parking: East Lake agrees to allow TRI and its guests access the Black Top Parking for a period of two years for up to 50 vehicles at any one time.

3. **Costs.** The costs associated with this right of access and use shall be \$0 per month for the first six months of the agreement, commencing May 1, 2004; \$500 per month for the next six months of the agreement; and \$1000 per month for the balance of the agreement. In addition, TRI shall pay the difference in insurance which East Lake has to pay to provide parking pursuant to this contract, payable on the first of each month commencing May 1, 2004. East Lake shall list TRI as an additional insured on the liability insurance policy or policies it maintains for the parking facilities.

4. **Indemnity.** TRI hereby indemnifies and agrees to defend and hold East Lake free and harmless from any loss, injury, damages, claim, lien, cost or expense, including attorney's fees and costs arising from or relating to the exercise by TRI or its employees, agents or representatives of the rights granted hereunder or arising out of a breach of this Agreement by TRI.

5. **Mutual Waiver of Subrogation.** The parties mutually agree to waive their right and the right of their insurers to the subrogation of any and all claims arising out of this agreement.

6. **Damages.** In the event that any damages occur as a result of TRI's rights of access and use under this Agreement, TRI agrees at its own expense promptly to restore the property to the condition it was in prior to such damage, unless damages are covered by any applicable insurance.

7. **Binding Effect.** This Agreement shall be binding upon successive owners of the Parking Garage and Black Top Parking.

8. **Whole Agreement.** This contract represents the entire agreement between the parties with respect to the use of the parking facilities at 4747 S. King Dr., Chicago, IL

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed the day and year first written above.

TOBACCO ROAD INC.

By: Otis L. Clay

Name: Otis Clay

Its: President

Dated: March 18, 2004

EAST LAKE MANAGEMENT
GROUP, Inc.

By: Leroy Bannister

Name: Leroy Bannister

Its: Vice President

Dated: March 18, 2004

(continued from page 9070)

Reclassification of Area Shown on Map No. 11-G.

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 B4-3 Restricted Service District, and R5 General Residence District symbols and indications as shown on Map No. 11-G in the area bounded by

W. Wilson Avenue; the west line of the Chicago Transit Authority right of way, the north line of W. Sunnyside Avenue, and the north line thereof where no street exists; and N. Racine Avenue

to the designation of an Institutional Planned Development which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part hereof and to no others.

[Plan of Development printed on pages 9083 to 9087 of this Journal]

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

Reclassification of Area Shown on Map No. 12-E.

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 B3-4 General Retail District and B5-3 General Service District symbols and indications as shown on Map No. 12-E in the area bounded by

E. 47th Street; a line 290 feet east of S. Dr. Martin Luther King, Jr. Dr.; E. 48th Street; S. Dr. Martin Luther King, Jr. Drive

to the designation of a Residential-Business Planned Development which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part hereof and to no others.

[Plan of Development printed on pages 9088 to 9092 of this Journal]

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

Reclassification of Area Shown on Map No. 16-F.

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 B4-2 Restricted Service District and R4 General Residence District symbols and indications as shown on Map No. 16-F in the area bounded by

S. Harvard Avenue, CTA right of way, a line 187 feet west of S. Yale Avenue, a line 150 feet south of W. 63rd Street, S. Yale Avenue, a line 150 feet north of W. 64th Street, a line 120 feet west of S. Yale Avenue, W. 64th Street, S. Yale Avenue, a line 51 feet south of W. 64th Street, a line 187 feet west of S. Yale Avenue, W. 64th Street, a line 104 feet east of S. Harvard Avenue, a line 126 feet south of W. 64th Street, S. Harvard

Avenue, W. 64th Street, a line 263 feet west of S. Harvard Avenue, and a line 250 feet north of W. 64th Street

to those of an Institutional Planned Development, and a corresponding use district is hereby established in the area above described.

[Plan of Development printed on pages 9093 to 9097 of this Journal]

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

Reclassification of Area Shown on Map No. 17-G.

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 B4-2 Restricted Service District symbols and indications as shown on Map No. 17-G in the area bounded by

the alley next north of and parallel to W. Pratt Boulevard; N. Glenwood Avenue; W. Pratt Boulevard; and a line 95 feet west of N. Glenwood Avenue,

to those of an R4 General Residence District, and a corresponding use district is hereby established in the area above described.

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

Reclassification of Area Shown on Map No. 18-E.

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 B4-2 Restricted Service District symbols and indications as shown on Map No. 18-E in the area bounded by

78th Street; alley next East and parallel to S. State Street, 79th Street; S. State Street

to those of a C2-2 General Commercial District, and a corresponding use district is hereby established in the area above described.

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

Chicago Zoning Ordinance Amended to Reclassify Area Shown on Map No. 3-E (as amended).

On motion of Alderman Fitzpatrick the City Council took up for consideration the report of the Committee on Buildings and Zoning, deferred and published in the Journal of Proceedings of September 19, 1974, page 8897, recommending that the City Council pass a proposed ordinance for amendment of the Chicago Zoning Ordinance to reclassify a particular area.

Alderman Fitzpatrick moved to *Concur In* the committee's recommendation and pass said proposed ordinance.

Alderman Singer next moved to *Re-refer* said ordinance to the Committee on Buildings and Zoning.

(continued on page 9098)

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT #121

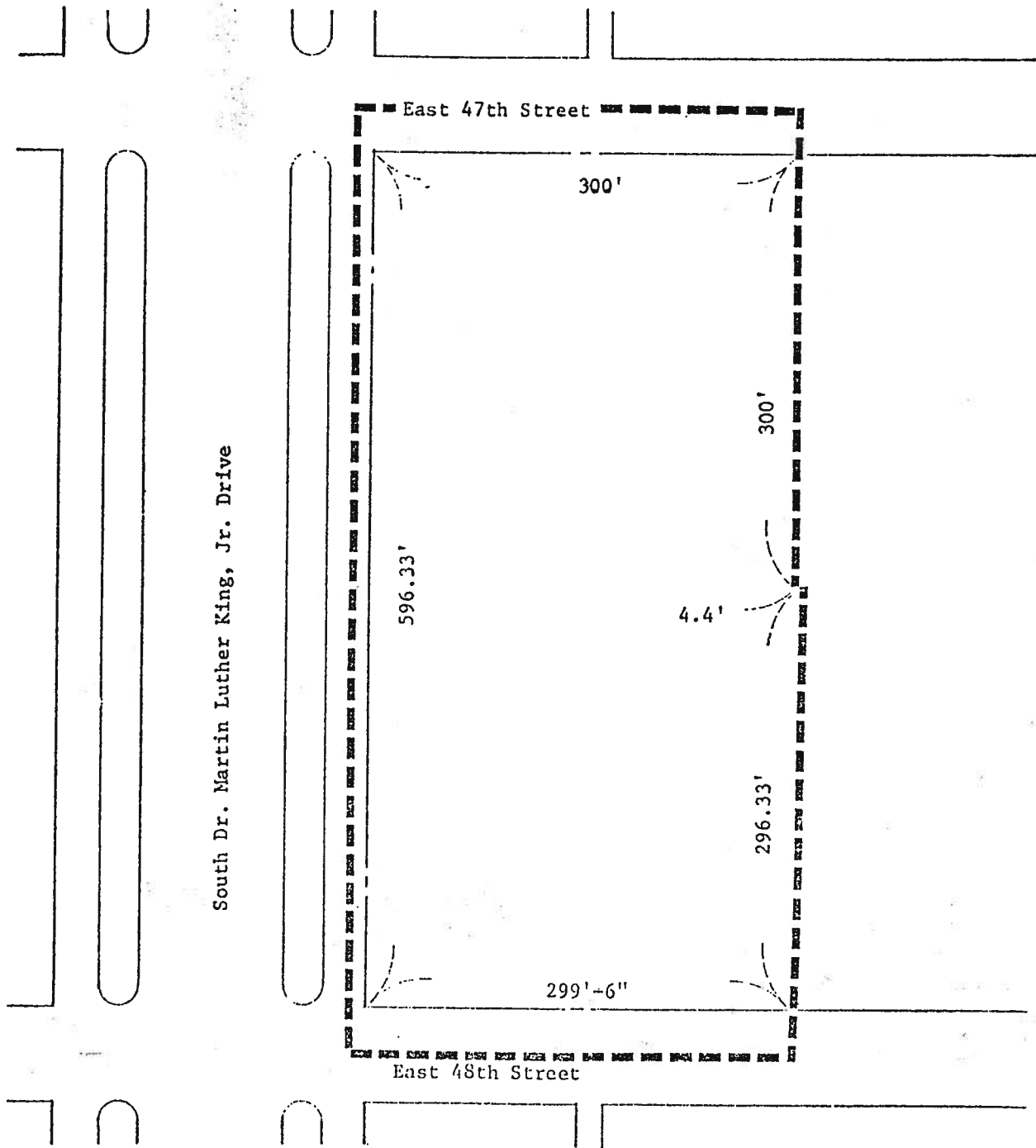
PLAN OF DEVELOPMENT

STATEMENT

1. The area delineated hereon as "Residential-Business Planned Development (except for public areas) is controlled by the 47th Street Venture between Minority Economic Development Systems, Inc., an Illinois not-for-profit corporation and King Drive Apartments Associates, an Illinois Limited Partnership, whose address is C/O John T. Black, 228 North LaSalle Street, Chicago, Illinois.
2. Off-Street parking and off-street loading facilities shall be provided in compliance with this Plan of Development, subject to the review of the Department of Streets and Sanitation and the approval of the Department of Development and Planning.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant 47th Street Venture or its Successors, Assignees or grantees.
4. Any dedication or vacation of streets and alleys, or easements, or adjustments of rights of way or consolidation or resub-division of parcels shall require a separate submittal on behalf of the Applicant or his Successors, Assignees, or grantees.
5. Any service drives or any other ingress or egress shall be adequately designed and paved in accord with the regulations of the Department of Streets and Sanitation and in compliance with the Municipal Code of Chicago, to provide ingress and egress for motor vehicles, including emergency vehicles; there shall be no parking within such paved areas. Fire lanes, if required, shall be adequately designed and paved in compliance with the Municipal Code of Chicago and shall have a minimum width of 20 feet to provide ingress and egress for emergency vehicles. There shall be no parking within such paved area.
6. The following uses shall be permitted within the area delineated herein as Residential-Business Planned Development. Elevator apartment building, community center, day care center, retail and service-type business uses, parking, and private recreation areas
7. The Plan of Development hereby attached shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Developments," as adopted by the Commissioner of Development and Planning.
8. Business and business identification signs may be permitted within the area delineated herein as Residential-Business Planned Development, subject to the review and approval of the Department of Buildings and Commissioner of Development and Planning.
9. The development of the area delineated herein as Residential-Business Planned Development shall be restricted to a maximum total net site coverage of 30% exclusive of parking and parking structures at grade level.
10. The information in the table attached hereto sets forth data concerning the generalized land use plan of the area delineated herein as "Residential-Business Planned Development", and illustrates that the development of such area will be in accordance with the intent and purpose of the Chicago Zoning Ordinance.
11. The Plan of Development should be subject to the "Rules, Regulations and Procedures in relation to Planned Developments as promulgated by the Commissioner of Development and Planning."

RESIDENTIAL PLANNED DEVELOPMENT

PROPERTY LINE MAP AND
RIGHT OF WAY ADJUSTMENTS

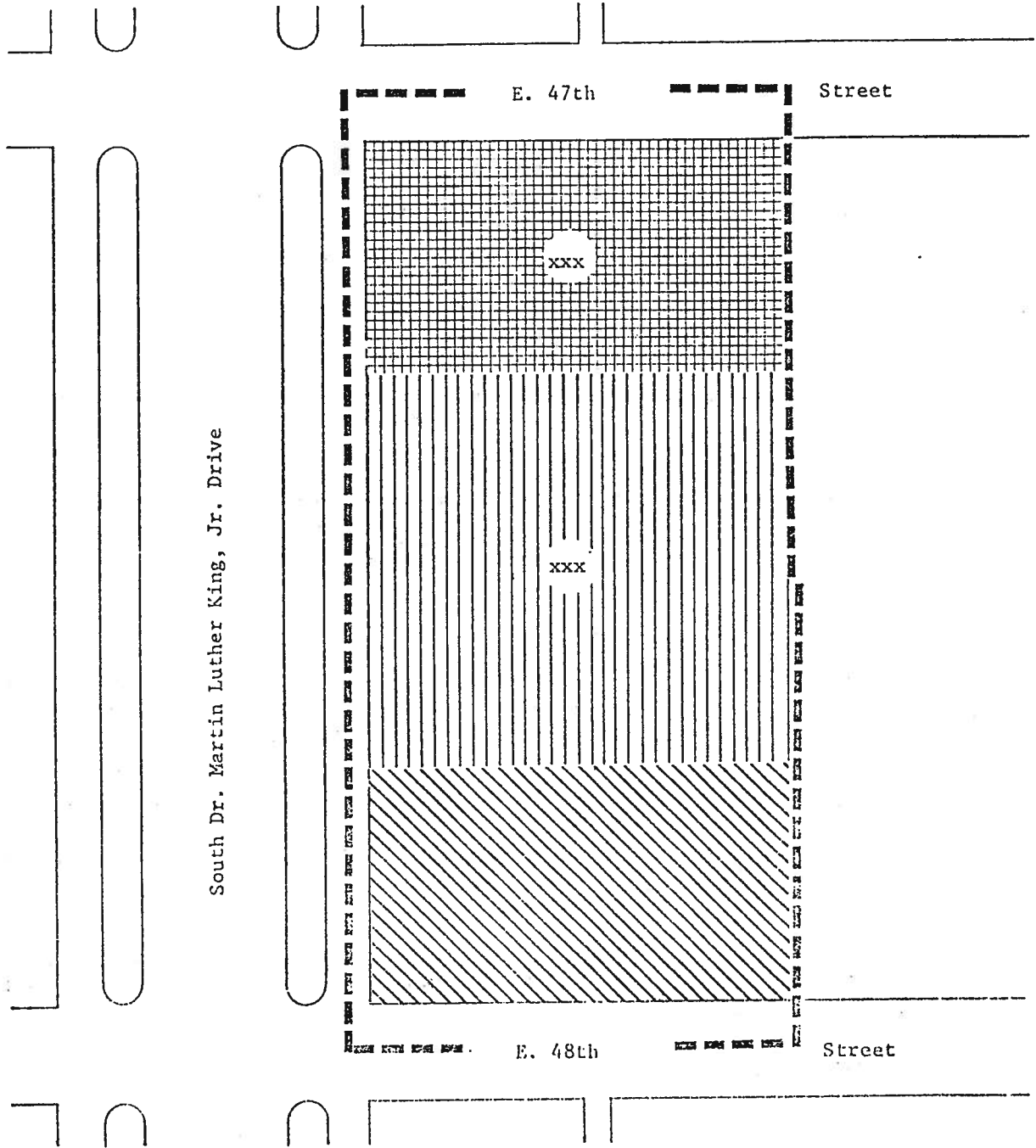


--- Planned Development Boundary

APPLICANT: 47th Street Venture

DATE: April 17, 1974

RESIDENTIAL PLANNED DEVELOPMENT
GENERALIZED LAND USE PLAN



South Dr. Martin Luther King, Jr. Drive

E. 47th

Street

E. 48th

Street



- Planned Development Boundary
- Elevator Apartment Building, Community Center, Day Care Center and Private Recreational Area
- Retail and Service-Type Business uses, Parking/w no. of Spaces
- Parking with No. of Spaces

APPLICANT: 47th Street Venture

DATE: April 17, 1974

RESIDENTIAL PLANNED DEVELOPMENT
USE AND BULK REGULATIONS AND DATA

Net Site Area		General Description of Land Use	No. of Dwelling Units	Maximum F.A.R.	Maximum % of Land Coverage
Sq. Ft.	Acres				
178,800	4.1	Elevator Apartment Building, Community Center, Retail and Service-Type Business Uses, Parking and Private Recreation Areas	315	4.0	30%

GROSS SITE AREA = NET SITE AREA (4.1 acres)
Plus Area of (2.3 acres) = 6.4 Acres

MAXIMUM PERMITTED F.A.R. FOR TOTAL NET SITE AREA 4.0

MINIMUM NUMBER OF PARKING SPACES REQUIRED 370

Off-Street loading spaces shall be provided in accordance with the Chicago Zoning Ordinance subject to the review of the Department of Streets and Sanitation and approval by the Department of Development and Planning.

MINIMUM SETBACKS:

	FRONT YARD	SIDE YARDS
Elevator Apartment	No Requirements	No Requirements
Retail & Service Business	No Requirements	No Requirements

Setbacks and yard requirements may be adjusted where required to permit conformance to the architectural arrangement of said development, subject to the approval of the Department of Development and Planning.

MAXIMUM PERCENTAGE OF LAND COVERAGE FOR TOTAL NET SITE AREA 30%

Applicant: John T. Black, Managing Partner Date: April 17, 1974
47th Street Venture
288 North La Salle Street
Chicago, Illinois