

PD 1269

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DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

December 18, 2015

John J. George
Schuyler, Roche & Crisham, P.C.
Two Prudential Plaza
180 N. Stetson Ave., Suite 370
Chicago, IL 60601

**Re: Administrative Relief request for Residential Business Planned Development No. 1269
Sub-Area A, Green Globes certification for 400-410 W. Huron Street**

Dear Mr. George:

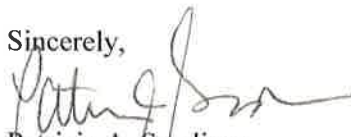
Please be advised that your request for a minor change to Residential Business Planned Development No. 1269 ("PD 1269"), Sub-Area A, has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 13 of PD 1269.

Your client and the owner of all of the property within Sub-Area A, FoodSmith Huron Associates LLC, is seeking administrative relief to substitute building certification under Green Globes rather than the LEED certification required in Statement No. 15, for the proposed building at 400-410 W. Huron Street. Green Globes is now an acceptable building certification for planned developments.

With regard to your request, the Department of Planning and Development has determined that allowing the substitute building certification will not create an adverse impact on the Planned Development or surrounding neighborhood, will not result in an increase in the bulk or density, and will not change the character of the development, and therefore, would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Business Planned Development No. 1269, I hereby approve the foregoing minor change, but no other changes to this Planned Development. This minor change is valid for twelve (12) months from the date of this letter unless action to implement the minor change is commenced within such time period and thereafter diligently pursued to completion, including, if applicable, construction consistent with the minor change as authorized by a building permit. If action to implement the minor change, including construction, does not begin within the time set forth, or does not proceed with reasonable diligence, then the approval will lapse and become null and void.

Sincerely,



Patricia A. Soudiero
Zoning Administrator

C: Mike Marmo, Erik Glass, Michael Berkshire, Dan Klaiber, Main file

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 No. 1-F. **RBPD 1269**
(As Amended)
(Application No. 18162)
(Common Address: 400 -- 420 W. Huron St. And 700 -- 708 N. Sedgwick St.)
[SO2014-6803]

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

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the DX5 Downtown Mixed-Use District symbols and indications as shown on Map Number 1-F in an area bounded by:

the alley next north of and parallel to West Huron Street; North Sedgwick Street; West Huron Street; and a line 216.22 feet west of and parallel to North Sedgwick Street,

to the designation of Residential Business Planned Development Number 1269, as amended, 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 thereof and to no others.

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

Plan of Development Statements referred to in this ordinance read as follows:

Residential Business Planned Development No. 1269.

Plan Of Development Statements.

1. The area delineated herein as Residential Business Planned Development Number 1269 consists of approximately 21,637 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). The area delineated herein as Subarea A is commonly known as 410 West Huron Street, is approximately 14,422 square feet, and is owned or controlled by the applicant, FoodSmith Huron Associates LLC. The area delineated herein as Subarea B is commonly known as 420 West Huron Street, is approximately 7,215 square feet, and is owned or controlled by CFLAT LLC. Applicant has made this application with the consent of CFLAT LLC.
2. The requirements, obligations and conditions contained within this planned development pertaining to each subarea shall be binding upon the applicant, its successors and assigns, or owner of each subarea, its successors and assigns, and, if different than the applicant or owner, the legal titleholders and any ground lessors. All rights granted hereunder pertaining to each subarea shall inure to the benefit of the

applicant and the owner of each subarea, its successors and assigns and, if different than the applicant or owner, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this planned development are made, each subarea shall be under single ownership or under single designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.

3. All applicable official reviews, approvals or permits are required to be obtained by the subarea owner or its successors, assignees, or grantees. Any dedication or vacation of streets or alleys, or grants of easements, or adjustments of right-of-way, shall require a separate submittal to the Department of Transportation on behalf of the subarea owner or its successors, assignees, or grantees. Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the plans, as defined below.

Ingress or egress shall be pursuant to the plans and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II Approval, the submitted plans must be approved by the Department of Transportation.

4. This plan of development consists of these sixteen (16) Statements; Bulk Regulations and Data Table; an Existing Land-Use Map; an Existing Zoning Map; a Planned Development Boundary and Property Line and Subarea Map; a Site Plan/First Floor/Landscape Plan; a Green Roof Diagram; and Building Elevations prepared by architect Antunovich Associates dated December 18, 2014 (collectively, the "Plans"). Full size copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. In any instance where a provision of this planned development conflicts with the Chicago Building Code, the Building Code shall control. This planned development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a planned development. In case of a conflict between the terms of this planned development ordinance and the Zoning Ordinance, this planned development ordinance shall control.
5. The following uses shall be allowed within the areas herein delineated as Subarea A and Subarea B of the residential business planned development: dwelling units located above the ground floor, eating and drinking establishments, office, retail sales and accessory parking. Any proposal to add dwelling units to the existing building located within Subarea B of this planned development or any proposal to erect a new building within Subarea B will necessitate an amendment to this planned development and shall not be permitted as a minor change to the planned development.

6. On-premises signs and temporary signs, such as construction and marketing signs, shall be permitted within the planned development, subject to the review and approval of the Department of Planning and Development. Off-premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of 21,637 square feet.

Base FAR: 5.0

The improvements to be constructed on the Property will utilize the following series of FAR Bonuses:

Affordable Housing: 1.0

Total FAR: 6.0

The project will be constructed as follows:

Subarea A: 100,961 square feet

Subarea B: 28,861 square feet (existing)

Total: 129,822 square feet

The calculation of the additional Floor Area Ratio obtained through the proposed Bonus is as follows:

Affordable Housing = Net site area x 1.0 FAR = 21,637 square feet of floor area as a result of Affordable Housing
= 21,637 square feet x 0.80 x \$43 = \$744,312.80

9. The applicant acknowledges and agrees that the rezoning of the Property from DX-5_ to this planned development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance" or "AHO"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). If a planned development is subject to the requirements of both sections (2-45-110 and 17-4-1004), the developer may elect to satisfy the AHO requirements by complying with the affordable housing floor area bonus

provided for in Section 17-4-1004. Applicant has elected to comply with Section 17-4-1004. Pursuant to Section 17-4-1004-B of the Zoning Ordinance, the applicant has requested an increase in the floor area ratio for the Property as set forth in the bonus worksheet required under Section 17-4-1003-D and attached hereto as Exhibit [] ("Bonus Worksheet"). In accordance with the formulas set forth in Section 17-4-1004-C and the Bonus Worksheet, the applicant acknowledges and agrees that it must provide either a minimum of 5,409.25 square feet of floor area (the "Affordable Units") in the building receiving the affordable housing floor area bonus ("Eligible Building"), with an affordable unit mix comparable to the overall mix and approved by DPD's density bonus project manager prior to issuance of the first building permit, or make a cash payment in lieu of providing affordable housing in the amount of \$744,312.80 ("Cash Payment"). Prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits, the applicant must either make the required Cash Payment or provide a performance bond or other security in the amount of the Cash Payment ensuring construction of the Affordable Units. If the applicant elects to construct the Affordable Units, it must also enter into an Affordable Housing Agreement with the City pursuant to Section 17-4-1004-E9 prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits. The terms of the Affordable Housing Agreement and any amendments thereto are incorporated herein by this reference. The applicant acknowledges and agrees that the Affordable Housing Agreement will be recorded against the Eligible Building and will constitute a lien against each Affordable Unit in an amount equal to the pro rata amount. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. In addition to the Affordable Housing Agreement, the applicant acknowledges and agrees that, pursuant to Section 17-4-1003-D3, the Bonus Worksheet will serve as an official record of bonuses and amenities. The applicant must comply with the applicable affordable housing standards and requirements set forth in Section 17-4-1004, the terms of which are incorporated herein by this reference. Notwithstanding anything to the contrary contained in Section 17-4-1003-E, the Commissioner of the Department of Planning and Development may enforce remedies for breach of the Affordable Housing Agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

10. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review fee shall be assessed by the Department of Planning and Development. The fee, as determined by staff at the time, is final and binding on the applicant and must be paid to the Department of Revenue prior to the issuance of any Part II Approval.
11. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of Planning and Development. Any interim reviews associated with site plan review or Part II Reviews, are conditional until final Part II Approval.

12. The applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, ~~Environment~~ and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
13. Subject to the provisions of Statement Number 2, the terms and conditions of development under this planned development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the applicant, its successors and assigns and, if different than the applicant, the legal titleholders and any ground lessors of either subarea.
14. The applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all new buildings and improvements on the Property constructed after the date hereof shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote accessibility.
15. The applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. At the time of a hearing before the Chicago Plan Commission, all developments must be in substantial compliance with the current City of Chicago Sustainable Development Policy set forth by the Department of Planning and Development. The new building to be located within Subarea A will be LEED certified and will provide a green roof to cover at least 50 percent of the new roof area of the building equaling 6,726 square feet. A green roof will not be required to be provided on the roof of the existing building located in Subarea B. If a new building is proposed within Subarea B, it will comply with the City of Chicago Sustainability Policy in effect at such time including any requirements for a green roof. "Net roof area" is defined as total roof area minus any required perimeter setbacks, roof top structures, and roof-mounted equipment.
16. This planned development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this planned development ordinance lapse, the Commissioner of the Department of Planning and Development shall initiate a zoning map amendment to rezone the Property to DX-5 Downtown Mixed-Use District.

[Existing Land-Use Map; Existing Zoning Map; Property Line and Subarea Map; Site/Landscape Plan; Green Roof Diagram; Existing Building South and East Elevations; Proposed North, South, East and West Building Elevations; and Affordable Housing Profile Form (Rental) referred to in these Plan of Development Statements printed on pages 102341 through 102352 of this *Journal*.]

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

Bulk Regulations Table.

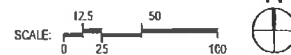
Gross Site Area:	35,928 square feet
Net Site Area:	
Subarea A:	14,422 square feet
Subarea B:	<u>7,215 square feet</u>
Total Net Site Area:	21,637 square feet
Maximum Allowable Base FAR:	5.0 FAR
Subarea A:	72,110 square feet
Subarea B:	<u>36,075 square feet</u>
Total:	108,185 square feet
Affordable Housing Bonus:	1.0 Bonus FAR
Total FAR with Bonuses:	6.0 FAR
Subarea A:	86,532 square feet
Subarea B:	<u>43,290 square feet</u>
Total:	129,822 square feet
Proposed Area:	
Subarea A:	100,961 square feet
Subarea B (Existing)*:	<u>28,861 square feet</u>
Total:	129,822 square feet
Proposed Number of Residential Units:	46 Units in Subarea A
Accessory Parking:	61 Spaces (2 HC): in Subarea A All Standard 8 feet, 6 inches by 18 feet
Loading Berths:	One 10 feet by 25 feet in Subarea A
Proposed Building Height:	196 feet, 0 inches in Subarea A
Bike Room:	36 bike spaces (minimum) in Subarea A

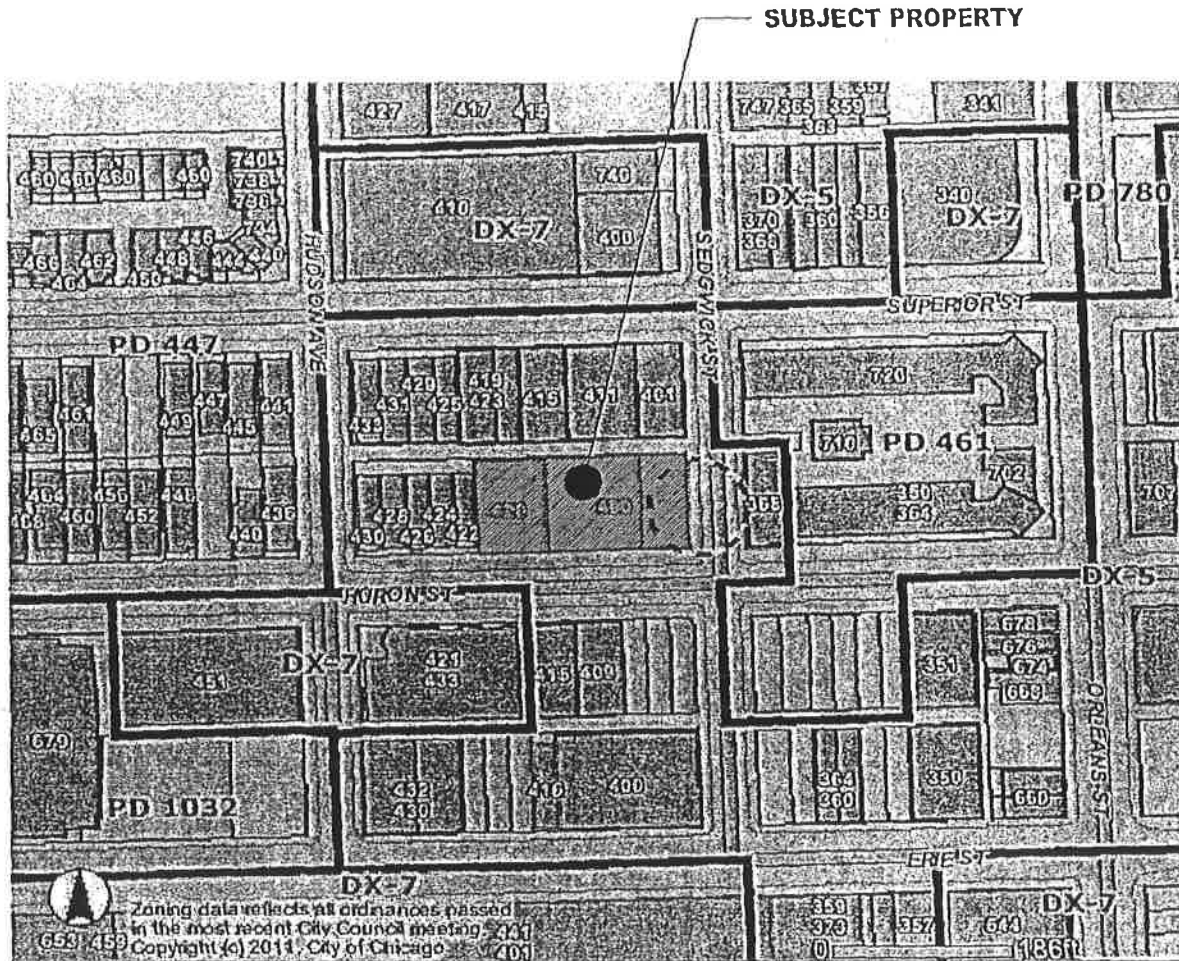


B. EXISTING LAND-USE MAP

400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
 Date of Introduction: September 25, 2014
 Chicago Plan Commission: December 18, 2014



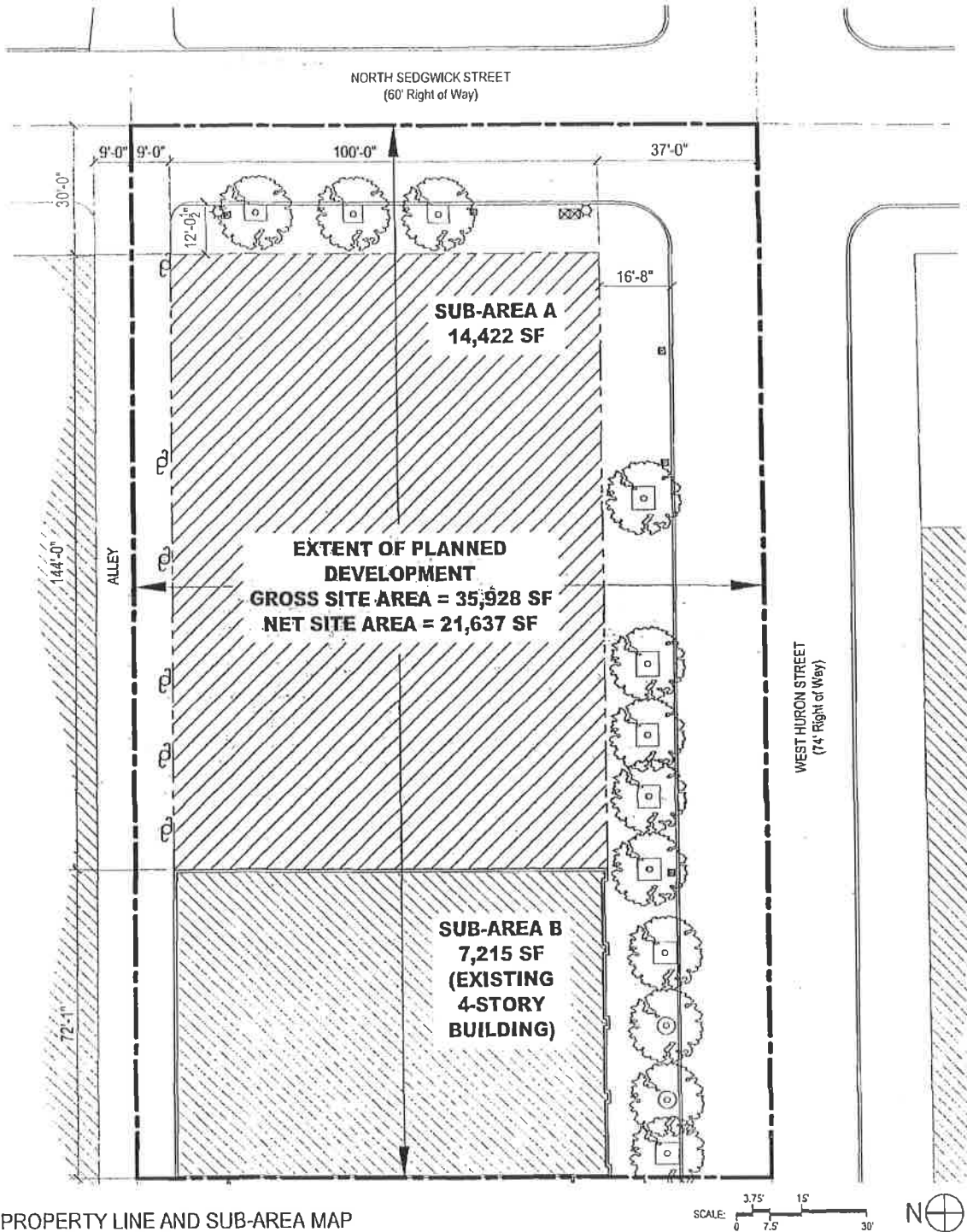


C. EXISTING ZONING MAP

400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
 Date of Introduction: September 25, 2014
 Chicago Plan Commission: December 18, 2014

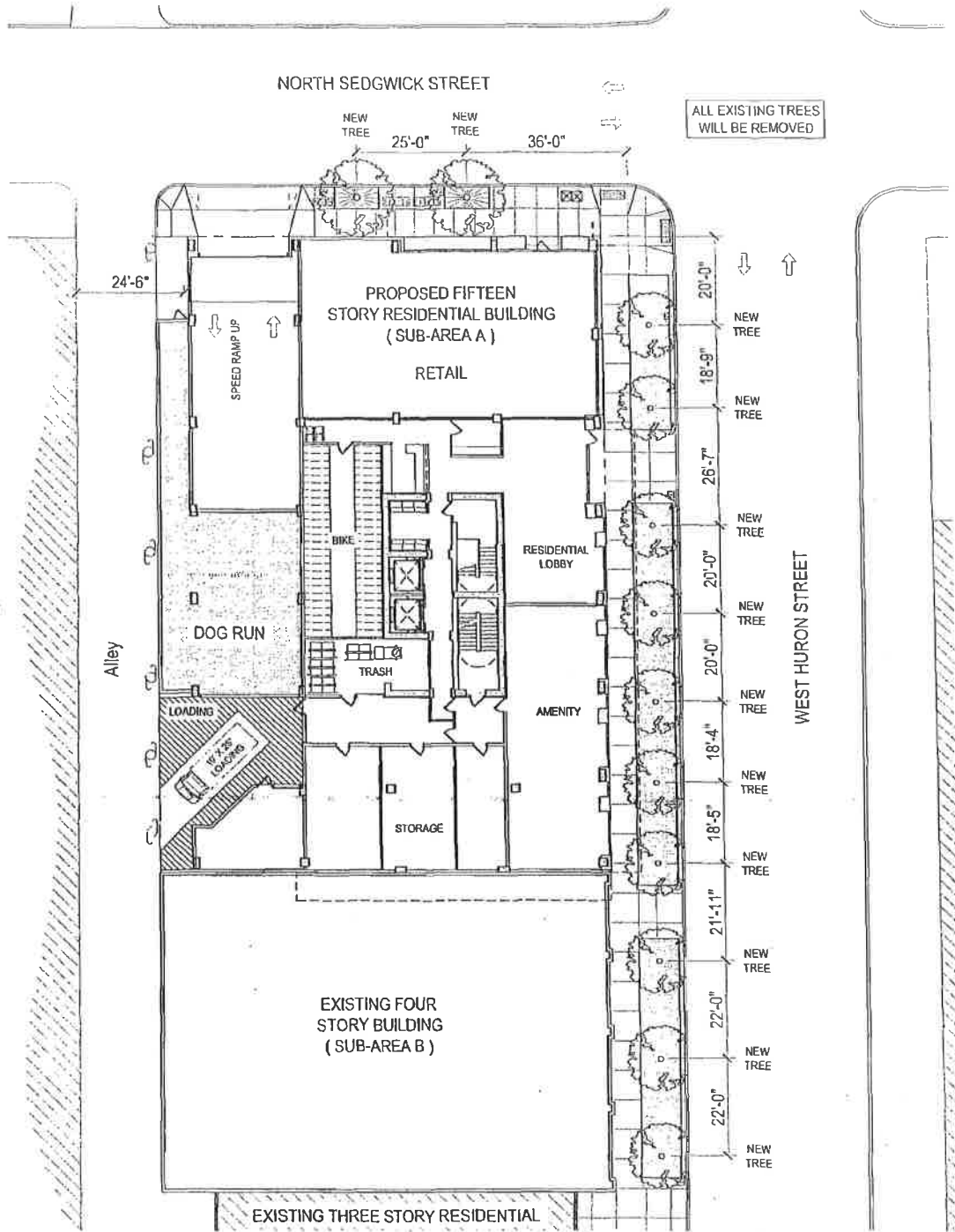




D. PROPERTY LINE AND SUB-AREA MAP

400 W. Huron - Planned Development Exhibits

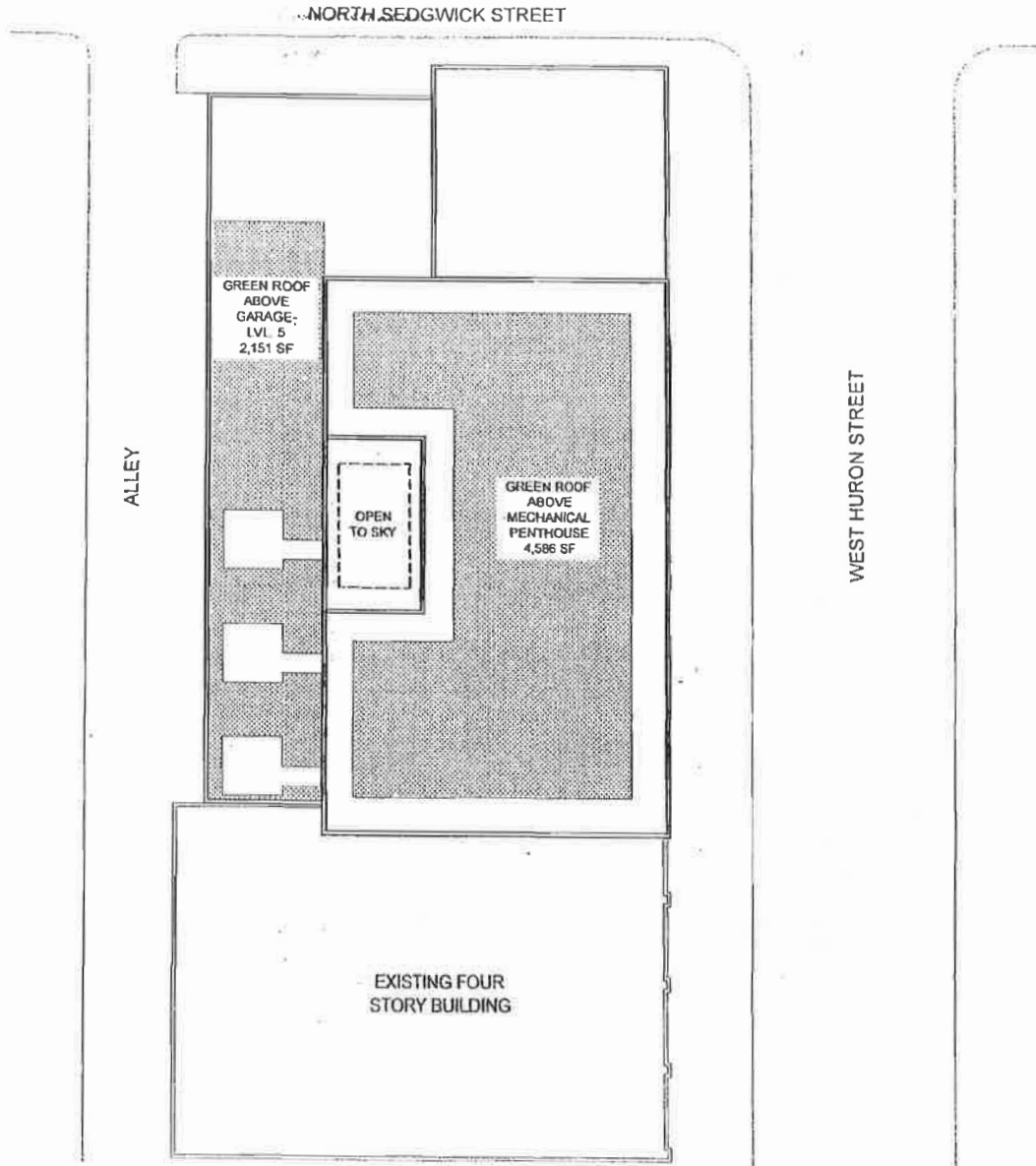
Applicant: FoodSmith Huron Associates, LLC
Address: 400 West Huron Street, Chicago, Illinois 60654
Date of Introduction: September 25, 2014
Chicago Plan Commission: December 18, 2014



E. SITE PLAN / LANDSCAPE PLAN

400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
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GREEN ROOF CALCULATIONS

TOTAL ROOF AREA: 13,451 SF

GREEN ROOF AREA PROPOSED

MECH. ROOF: (Sedum Mats): 4,586 SF
LEVEL 5 (Sedum Mats): 2,151 SF

REQUIRED (50% NET): 6,726 SF

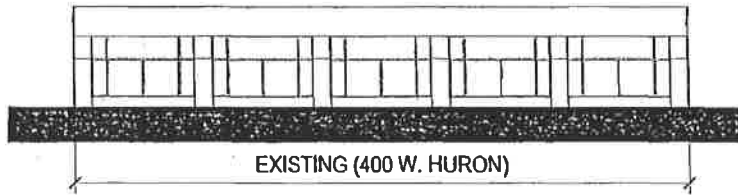
TOTAL GREEN ROOF PROPOSED: 6,737 SF

F. GREEN ROOF DIAGRAM



400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
Address: 400 West Huron Street, Chicago, Illinois 60654
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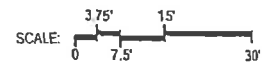


EXISTING BUILDING EAST ELEVATION



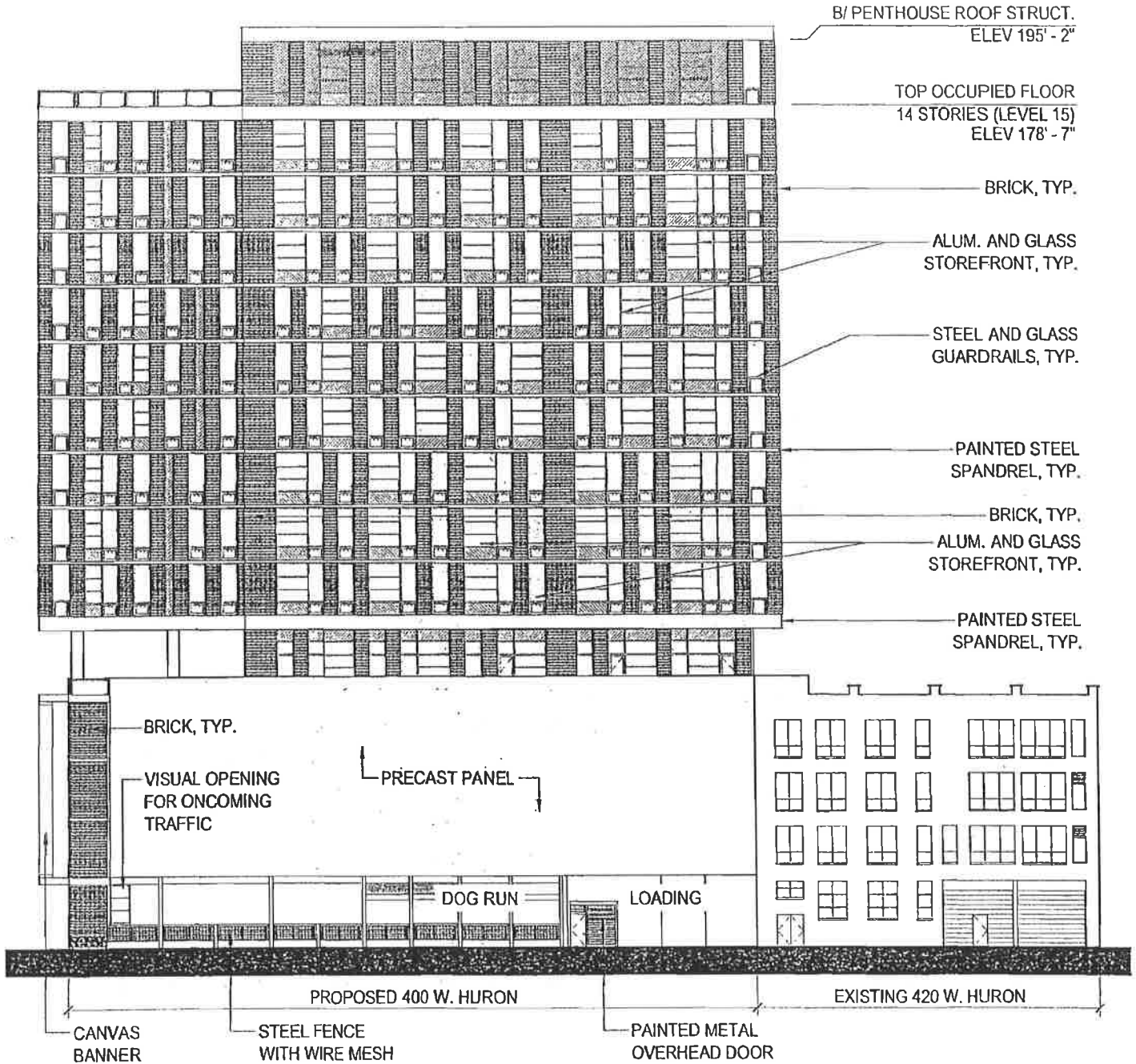
EXISTING BUILDINGS SOUTH ELEVATION

G1. EXISTING BUILDINGS SOUTH AND EAST ELEVATIONS



400 W. Huron - Planned Development Exhibits

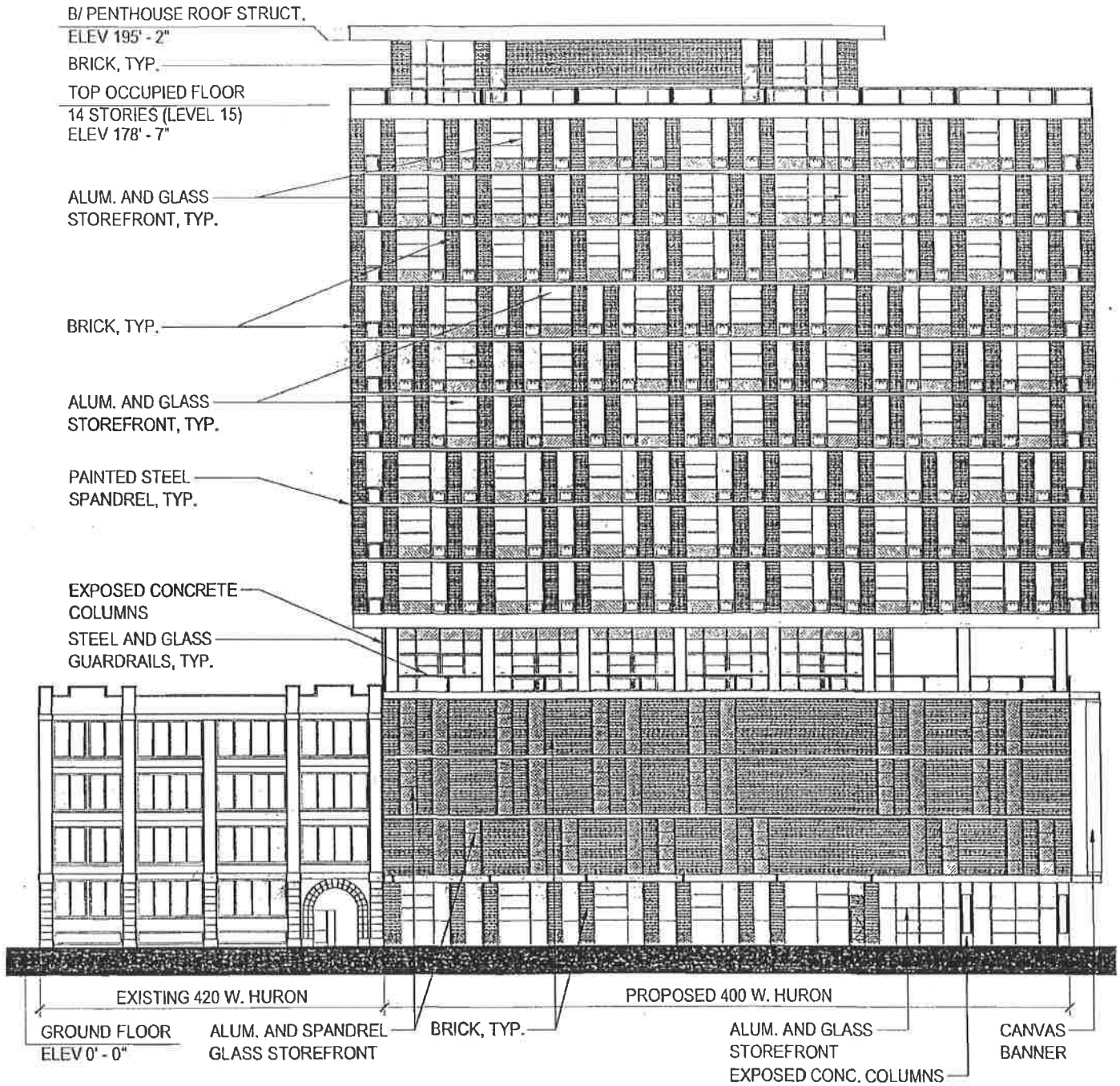
Applicant: FoodSmith Huron Associates, LLC
Address: 400 West Huron Street, Chicago, Illinois 60654
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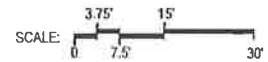
G4. PROPOSED BUILDING NORTH ELEVATION

400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
 Date of Introduction: September 25, 2014
 Chicago Plan Commission: December 18, 2014

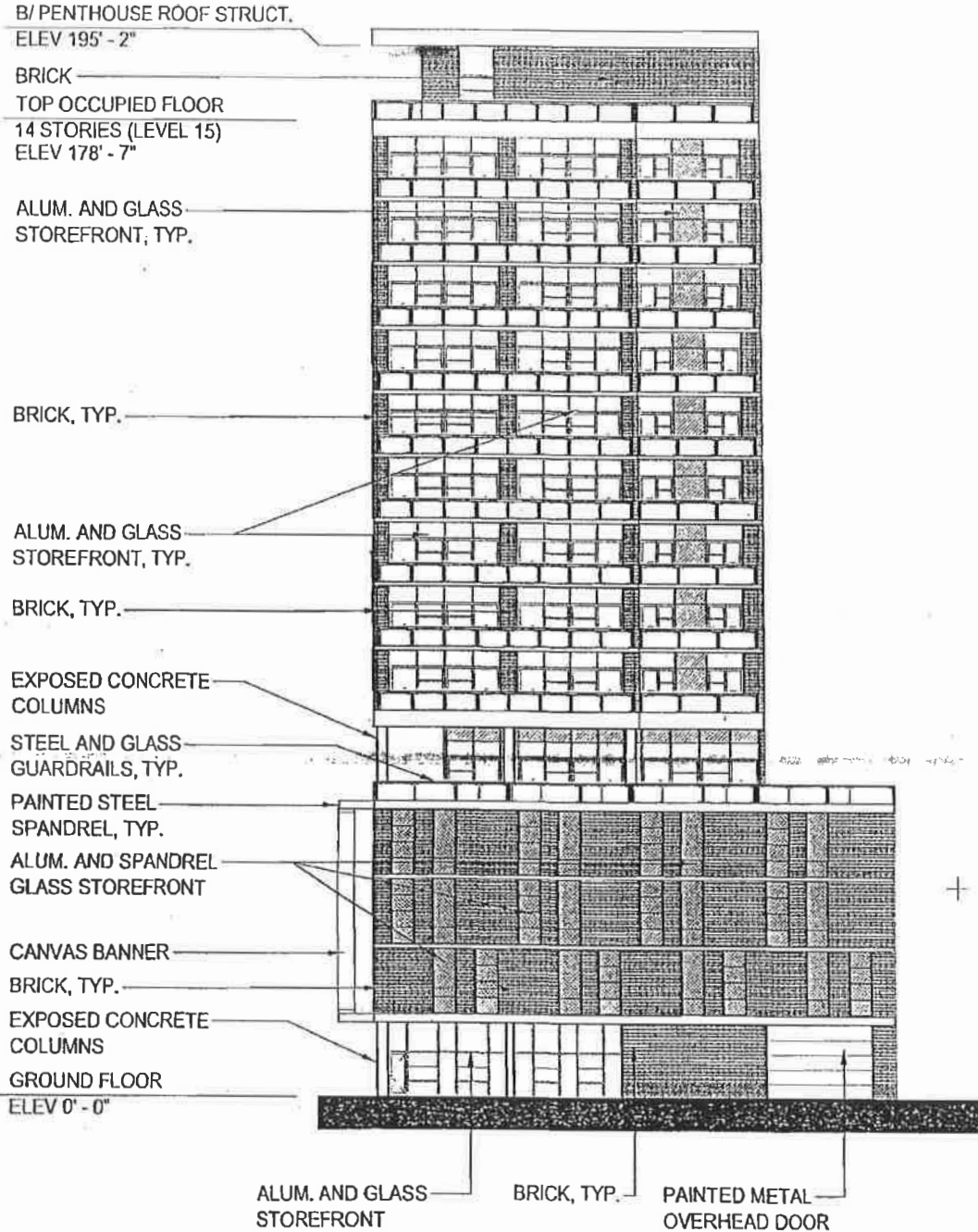


G2. PROPOSED BUILDING SOUTH ELEVATION

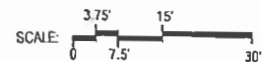


400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
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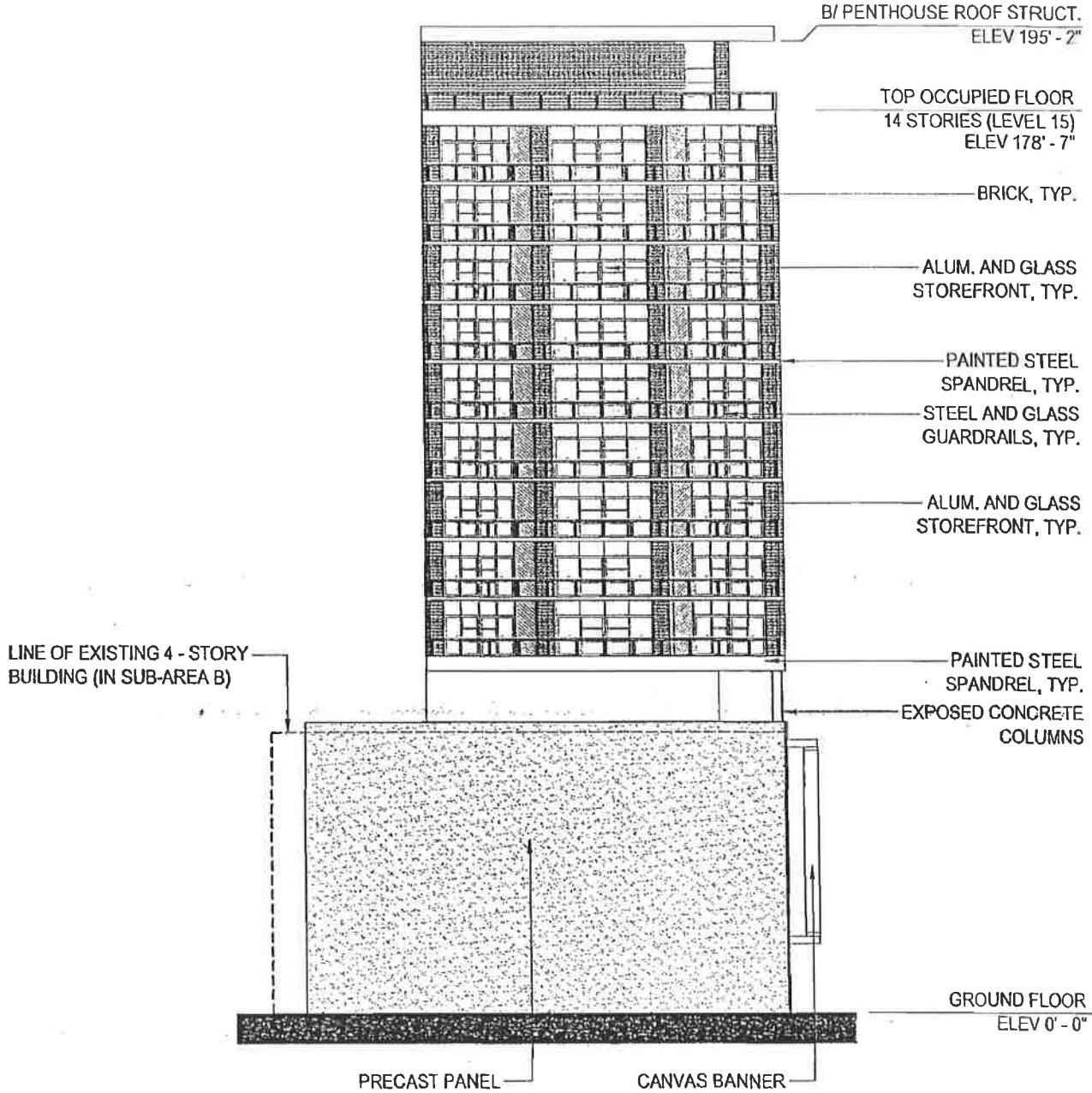


G3. PROPOSED BUILDING EAST ELEVATION

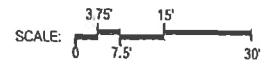


400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
 Date of Introduction: September 25, 2014
 Chicago Plan Commission: December 18, 2014



G5. PROPOSED BUILDING WEST ELEVATION



400 W. Huron - Planned Development Exhibits

Applicant: FoodSmith Huron Associates, LLC
 Address: 400 West Huron Street, Chicago, Illinois 60654
 Date of Introduction: September 25, 2014
 Chicago Plan Commission: December 18, 2014

Estimated date for completion of construction of the affordable units:

For each unit configuration, fill out a separate row, as applicable (see example).

	Unit Type*	Number of Units	Number of Bedrooms/Unit	Total Square Footage/Unit	Expected Market Rent	Proposed Affordable Rent*	Proposed Level of Affordability (60% or less of AMI)	Unit Mix OK to proceed?
Example	1bed/1 bath	1	1	800	\$1000	759	70%	
Affordable Units								
Market Rate Units						N/A	N/A	
						N/A	N/A	
						N/A	N/A	

*Rent amounts updated annually in the City of Chicago's Maximum Affordable Monthly Rent Chart

SECTION 4: PAYMENT IN LIEU OF UNITS

When do you expect to make the payment -in-lieu? _____
 (typically corresponds with issuance of building permits) Month/Year

For ARO projects, use the following formula to calculate payment owed:

$$\frac{\text{Number of total units in development}}{\text{Number of total units in development}} \times 10\% = \frac{\text{Amount owed}}{\text{Amount owed}} \times \$100,000 = \$ \text{Amount owed}$$

(round up to nearest whole number)


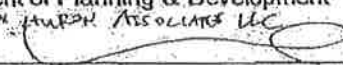
For Density Bonus projects, use the following formula to calculate payment owed:

$$\frac{21,637}{\text{Bonus Floor Area (sq ft)}} \times 80\% \times \$43 = \$744,312.80$$

(from table below)

Submarket (Table for use with the Density Bonus fees-in-lieu calculations)	Median Land Price per Base FAR Foot
Loop: Chicago River on north/west; Congress on south; Lake Shore Dr on east	\$31
North: Division on north; Chicago River on south/west; Lake Shore Dr. on east	\$43
South: Congress on north; Stevenson on south; Chicago River on west; Lake Shore Dr. on east	\$22
West: Lake on north; Congress on south; Chicago River on east; Racine on west	\$29

Authorization to Proceed (to be completed by Department of HED)


 Marcia Baxter, Kara Greene
 Department of Planning & Development
 HOUSING PARTNERS ASSOCIATES LLC
 by: 
 Developer/Project Manager

12/15/14
 Date
 1/3/15
 Date

W. Harris Smith
 President/Manager and
 Authorized Representative