

# PD 1406

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DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF CHICAGO

January 8, 2019

Mara S. Georges  
Daley & Georges  
20 S. Clark Street  
Suite 400  
Chicago, IL 60603-1835

**Re: Minor change request for PD No. 1406, 335 W. Schiller St./1355 N. Segwick St.**

Dear Ms. Georges:

Please be advised that your request for a minor change to Residential Business Planned Development No. 1406 ("PD 1406") has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 12 of PD 1406.

Your client and the owner of all of the property within PD 1406, 335 Schiller LLC, is seeking a minor change to allow for the following modifications to the proposed nine-story residential building to be located at 335 W. Schiller St. and 1355 N. Sedgwick St.:

1. The elimination of the balconies on the south elevation at the third through seventh floors only. Based on the proximity of the proposed building to an existing residential building to the south, you are seeking to eliminate the lower balconies while still keeping the balconies on the eighth and ninth floors.
2. Replace the brick ground floor wall on the east elevation with a wood fence.

With regard to your first request, the Department of Planning and Development has determined that allowing the elimination of the balconies on floors three through seven on the south elevation 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 PD 1406, I hereby approve this 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.

With regard to your second request, the Department of Planning and Development does not support the proposed substitution of a 6' tall wood fence in place of the approved, approximately 14' tall brick wall. The appearance of parking structures and the screening of light, noise, exhaust, etc. has long been a concern of ours. Additionally, the location of the screening wall is within close proximity to an adjacent residential building. Based on the authority granted by the Chicago Zoning Ordinance and PD 1406, the substitution of wood in place of brick and the opening up of the garage on the east elevation is hereby denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Murphey', with a long, sweeping horizontal flourish extending to the right.

Patrick Murphey  
Zoning Administrator

PM:tm

C: Rich Toth, Mike Marmo, Erik Glass, Emily Thrun, Main file

*Reclassification Of Area Shown On Map No. 3-F.*  
 (As Amended)  
 (Application No. 19401)  
 (Common Address: 335 -- 345 W. Schiller St.  
 And 1355 -- 1369 N. Sedgwick St.)

RBPD 1406

[SO2017-7054]

*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 amended by changing all the B3-3 Community Shopping District and RM5 Residential Multi-Unit District symbols and indications as shown on Map Number 3-F in the area bounded by:

West Schiller Street; a line 110.2 feet east of and parallel to North Sedgwick Street; a line 116 feet south of and parallel to West Schiller Street; a line 134.6 feet east of and parallel to North Sedgwick Street; a line 141 feet south of and parallel to West Schiller Street; the public alley next east of and parallel to North Sedgwick Street; a line 166 feet south of and parallel to West Schiller Street; and North Sedgwick Street,

to those of B3-5 Community Shopping District, which is hereby established in the area above described.

SECTION 2. Title 17 of the Municipal Code of Chicago, Chicago Zoning Ordinance, is amended by changing all the B3-5 Community Shopping District symbols and indications as shown on Map Number 3-F in the area bounded by:

West Schiller Street; a line 110.2 feet east of and parallel to North Sedgwick Street; a line 116 feet south of and parallel to West Schiller Street; a line 134.6 feet east of and parallel to North Sedgwick Street; a line 141 feet south of and parallel to West Schiller Street; the public alley next east of and parallel to North Sedgwick Street; a line 166 feet south of and parallel to West Schiller Street; and North Sedgwick Street,

to those of Residential-Business Planned Development Number 1406, 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.

SECTION 3. This ordinance shall take effect upon its passage and due publication.

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

Residential-Business Planned Development No. 1406.

*Planned Development Statements.*

1. The area delineated herein as Residential-Business Planned Development Number 1406 ("Planned Development"), consists of approximately 19,559 net square feet (0.449 acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by 335 Schiller LLC.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or 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 applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, assign or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Planned Development.

Ingress or egress shall be pursuant to the Planned Development 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.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway and landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II Review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

4. This plan of development consists of these 17 Statements and the following; Bulk Regulations and Data Table; Existing Zoning Map; General Land-Use Map; Planned Development Boundary and Property Line Map; Site Plan; Landscape and Roof Plan; Building Elevation (West Building Elevation); Building Elevation (North Building Elevation); Building Elevation (East Building Elevation); Building Elevation (South Building Elevation); Axonometric Views (Typical Base, Building, and Building Top); and Affordable Housing Profile Form, prepared by Brininstool + Lynch, Ltd. and dated March 15, 2018, submitted herein.

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 Chicago 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 Chicago Zoning Ordinance, this Planned Development shall control.

5. The following uses shall be permitted in this Planned Development:

Dwelling Units located above the ground floor; cultural exhibits and libraries; day care; postal service; artist work or sales space; business support services; communication service establishments; eating and drinking establishments; financial services (excepting payday/title secured loan stores and pawn shops); food and beverage retail sales including liquor stores and liquor sales; medical service; office; personal service (all, excepting massage establishment); repair or laundry service, consumer; retail sales (general); children's play center; and related, incidental and accessory uses including but not limited to accessory parking.

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-premises signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Chicago 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 Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose 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 19,559 square feet and a base FAR of 5.0.
9. Upon review and determination, and pursuant to Section 17-13-0610 of the Zoning Ordinance, Part II Review shall be assessed a fee by the Department of Planning and Development. The fee, as determined by staff at the time of its submission, 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.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines, including Section 17-13-0800 of the Zoning Ordinance. 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.

11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Department of Streets and Sanitation, and the Department of Fleet and Facility Management, under Section 13-32-085 of the Municipal Code, or any other provision of the Municipal Code.
12. 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.
13. 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 buildings and improvements on the Property 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 the highest standard of accessibility.
14. 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. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II Review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.
15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and City residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the City in promoting and tracking such M/WBE and City resident participation, an applicant for planned development approval shall provide information at three points in the City approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of City residents in the construction work. The City encourages goals of 26 percent MBE and 6 percent WBE participation (measured against the total construction budget for the project or any phase thereof), and \*(ii) 50 percent City resident hiring (measured against the

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\* Editor's Note: Numbering sequence error; (i) missing in original document.

total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and City residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II Permit Review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan; (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts; and (d) updates (if any) to the applicant's M/WBE and City resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and City resident participation in the project or any phase thereof, and evidence of such participation. In addition to the foregoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and City residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and City residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

16. The Applicant acknowledges and agrees that the rezoning of the Property from various underlying zoning districts to uniform underlying zoning district B3-5 Community Shopping District, and then to this Planned Development ("PD"), for construction of the Project triggers the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or the "ARO"). The Applicant further acknowledges and agrees that the Property is located in the Near North/Near West Pilot Area, as described in Section 2-45-117 of the Municipal Code (the "Near North/Near West ARO Pilot Area Ordinance" or the "Pilot"), and therefore is subject to the Pilot's modified ARO requirements. Among other modifications to the ARO, the Pilot eliminates the option to pay a fee in lieu of the establishment of affordable units and increases the required percentage of affordable units. The Near North/Near West Pilot Area is divided into two zones: the Near North Zone and the Near West Zone. The Property is located in the Near North Zone. In the Near North Zone, the percentage of units in a residential housing project required to be affordable for a period of 30 years, whether rental or for-sale, is increased from 10 percent to 20 percent. Any developer of a residential housing project in the Near North Zone must provide the first 10 percent of units required to be affordable (the "First Units") either: (i) in the residential housing project, or (ii) with the approval of the Commissioner of the Department of Planning and Development (the "Commissioner"), in an off-site location within two miles of the Property and in the same or a different higher income area or downtown district, or (iii) any combination

of (i) and (ii). In addition, the developer must provide the second 10 percent of units required to be affordable (the "Additional Units") either: (i) in the residential housing project, or (ii) with the Commissioner's approval, in an off-site location anywhere within the Near North/Near West Pilot Area, regardless of distance from the project or income area, or (iii) any combination of (i) and (ii). The project has a total of 105 housing units. As a result, the Applicant's affordable housing obligation is 21 affordable units (20 percent of 105, rounded down), consisting of 11 First Units and 10 Additional Units. Applicant has agreed to satisfy its affordable housing obligation by providing the First Units and the Additional Units in the rental building to be constructed in the Planned Development, as set forth in the Affordable Housing Profile Form attached hereto. In accordance with the requirements of the ARO, as modified by the Pilot, the Applicant is required to lease the First Units to households earning up to 60 percent of the Chicago Primary Metropolitan Statistical Area median income ("AMI") at prices affordable to households at such income level, and the Additional Units to households earning up to 80 percent or 100 percent of AMI, as determined by rule and approved by the Commissioner at prices affordable to households at such income level. If the Applicant subsequently reduces (or increases) the number of housing units in the project, or elects to build a for-sale project instead of a rental project, or (with the Commissioner's approval) elects to construct off-site units instead of on-site units, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. DPD may adjust the requirements to reflect any such change without amending the Planned Development. Prior to the issuance of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-45-115(L). 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 Planned Development, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner may enforce remedies for any breach of this Statement 16, including any breach of any 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.

17. This Planned Development shall be governed by Section 17-13-0612. 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 the pre-existing B3-5 Community Shopping District.

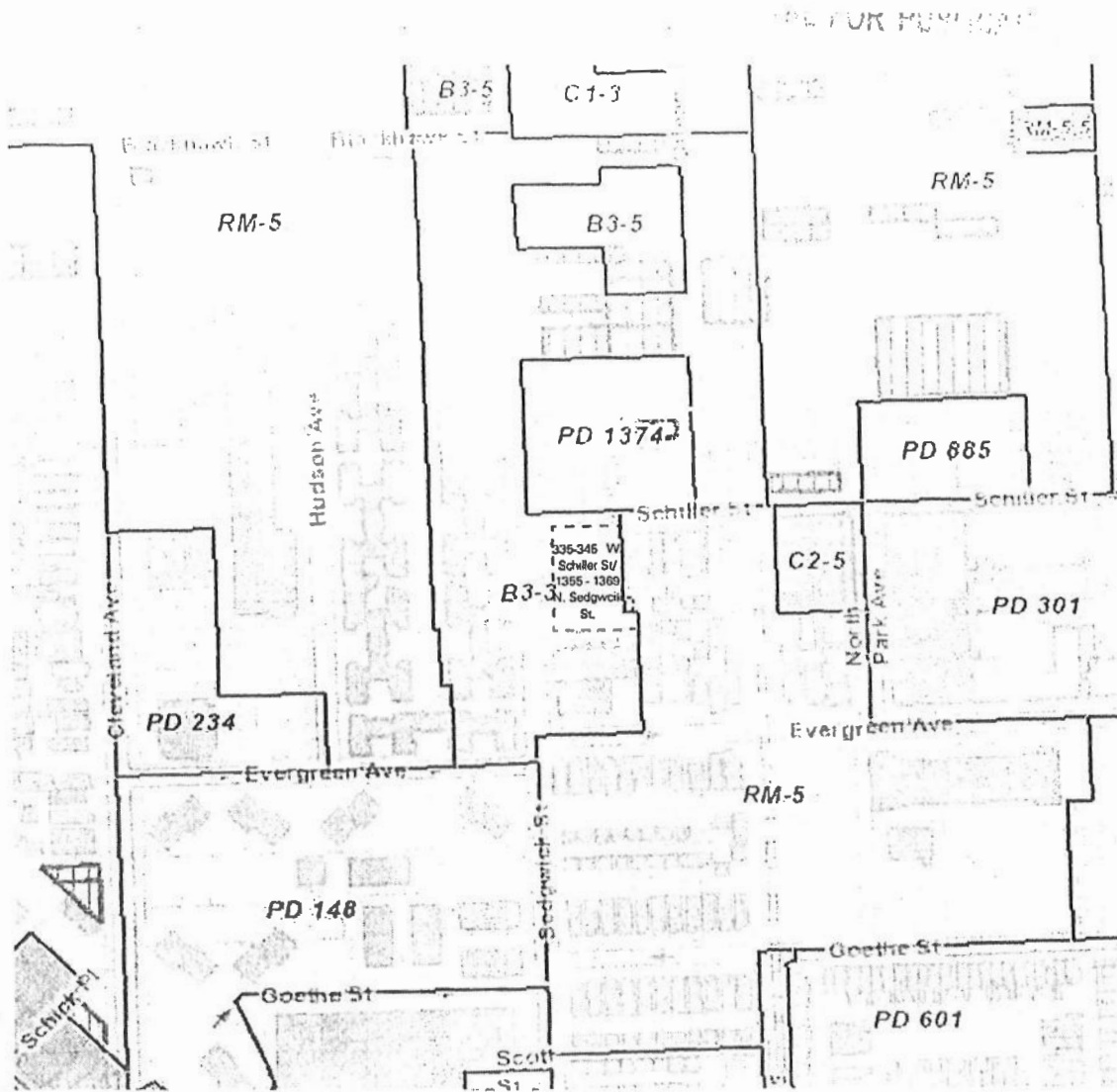
[Existing Zoning Map; Existing Land-Use Map; Boundary and Property Line Map; Site Plan -- Ground Floor; Landscape and Roof Plan; North, South, East and West Building Elevations; Millennium Tiles Reflected Metal Light; Oko Skin Modular Masonry Medium; and Oko Skin Monolithic Panels Park referred to in these Plan of Development Statements printed on pages 74551 through 74560 of this *Journal*.]

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

*Residential-Business Planned Development No. 1406.*

*Bulk Regulations And Data Table.*

Net Site Area:	19,559 square feet (0.449 acre)
Area in the Public Right-of-Way:	8,244 square feet (0.189 acre)
Gross Site Area:	27,803 square feet (0.638 acre)
Maximum Floor Area Ratio (FAR):	5.00
Maximum Number of Dwelling Units:	105 dwelling units
Minimum Number of Parking Spaces:	39 parking spaces
Minimum Number of Loading Berths:	1 berth(s) (10 feet by 25 feet)
Maximum Building Height:	96 feet, 0 inches
Minimum Setbacks from Property Lines:	
North:	0 feet
East:	0 feet
South:	0 feet
West:	0 feet



Legend

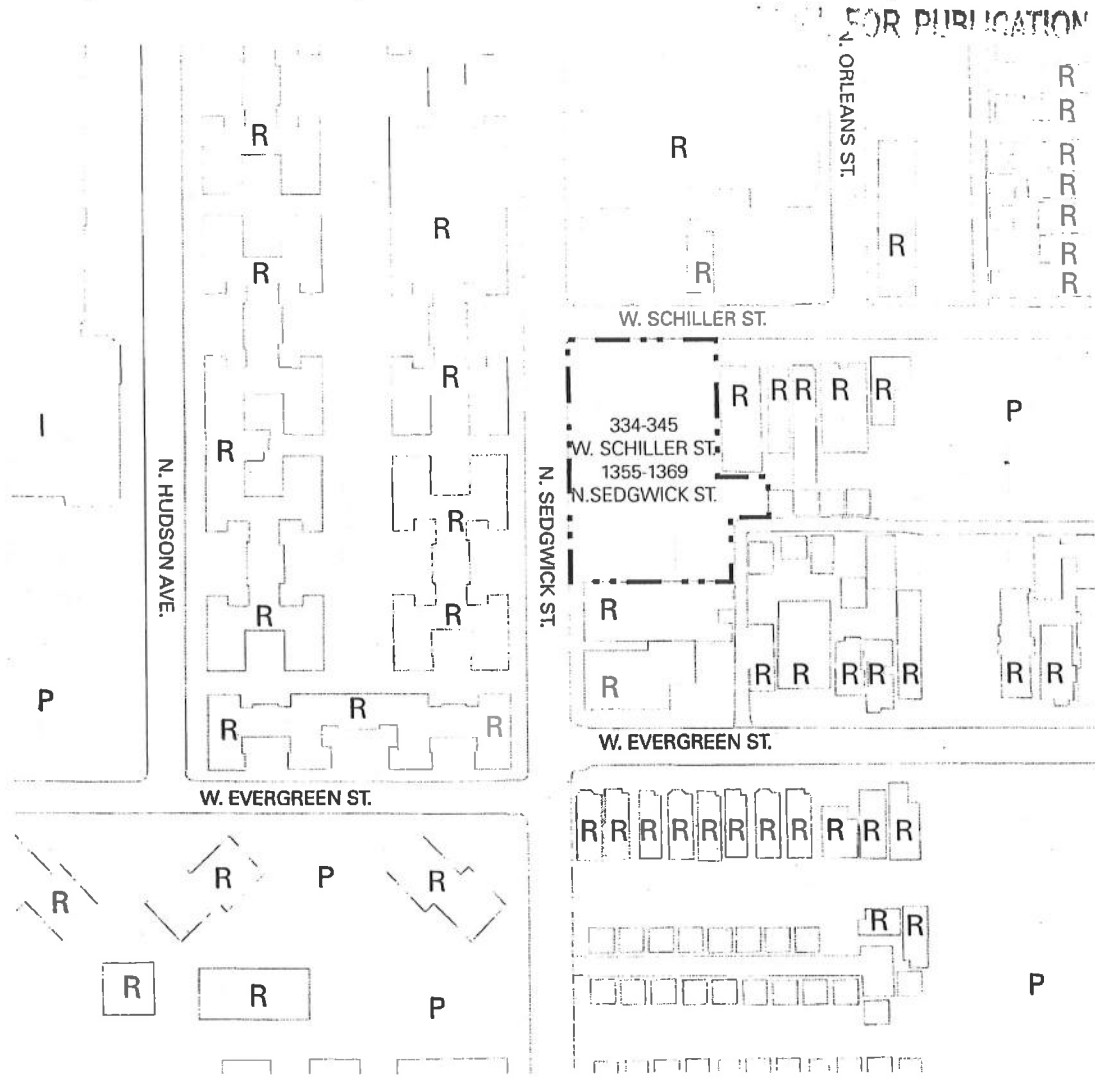
----- Property Line

Applicant: 355 Schiller LLC  
 Address: 335-345 West Schiller Street / 1355 - 1369 North Sedgwick Street  
 Introduced: October 11, 2017  
 Revised / CPC Date: March 15, 2018



EXISTING ZONING MAP  
 Scale: NTS


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**Legend**

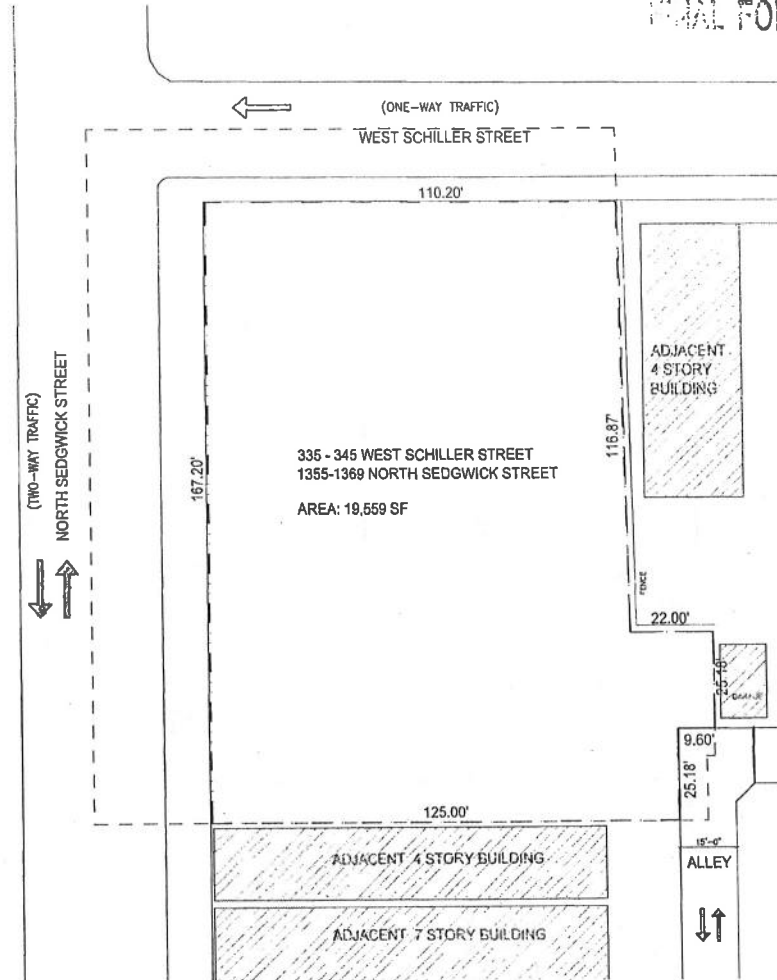
-----	Property Line
R	Residential
C	Commercial
P	Parking
I	Institutional

Applicant: 355 Schiller LLC  
 Address: 335-345 West Schiller Street / 1355 - 1369 North Sedgwick Street  
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 EXISTING LAND USE MAP  
 Scale: NTS

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FINAL FOR PUBLICATION



Legend

- PD Boundary Line
- Property Line

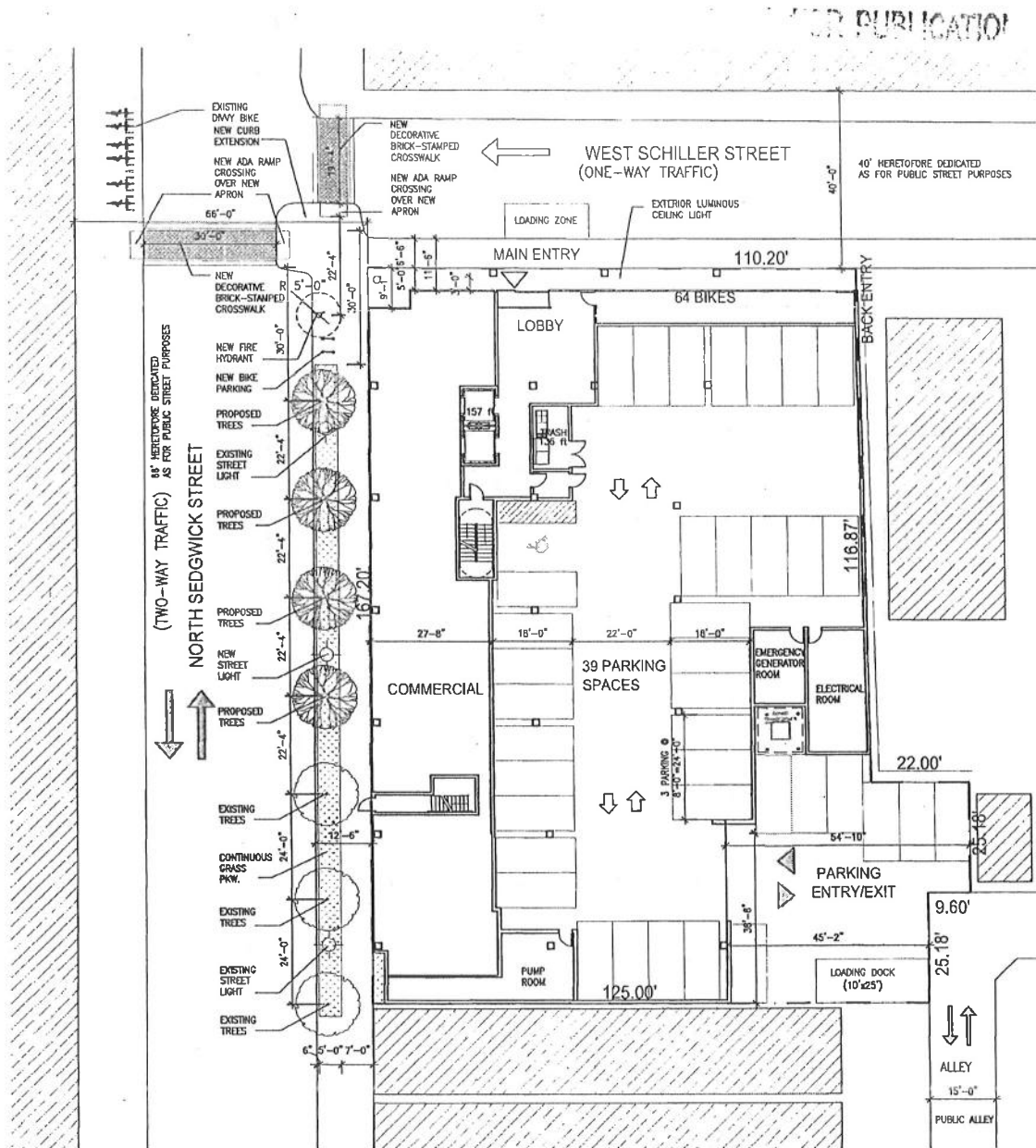
Net Site Area : 19,559 SF  
 Area in Right of Way: 8,253 SF  
 Gross Site Area: 27,806 SF

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PLANNED DEVELOPMENT BOUNDARY  
 AND PROPERTY LINE  
 Scale: 1" = 40'-0"

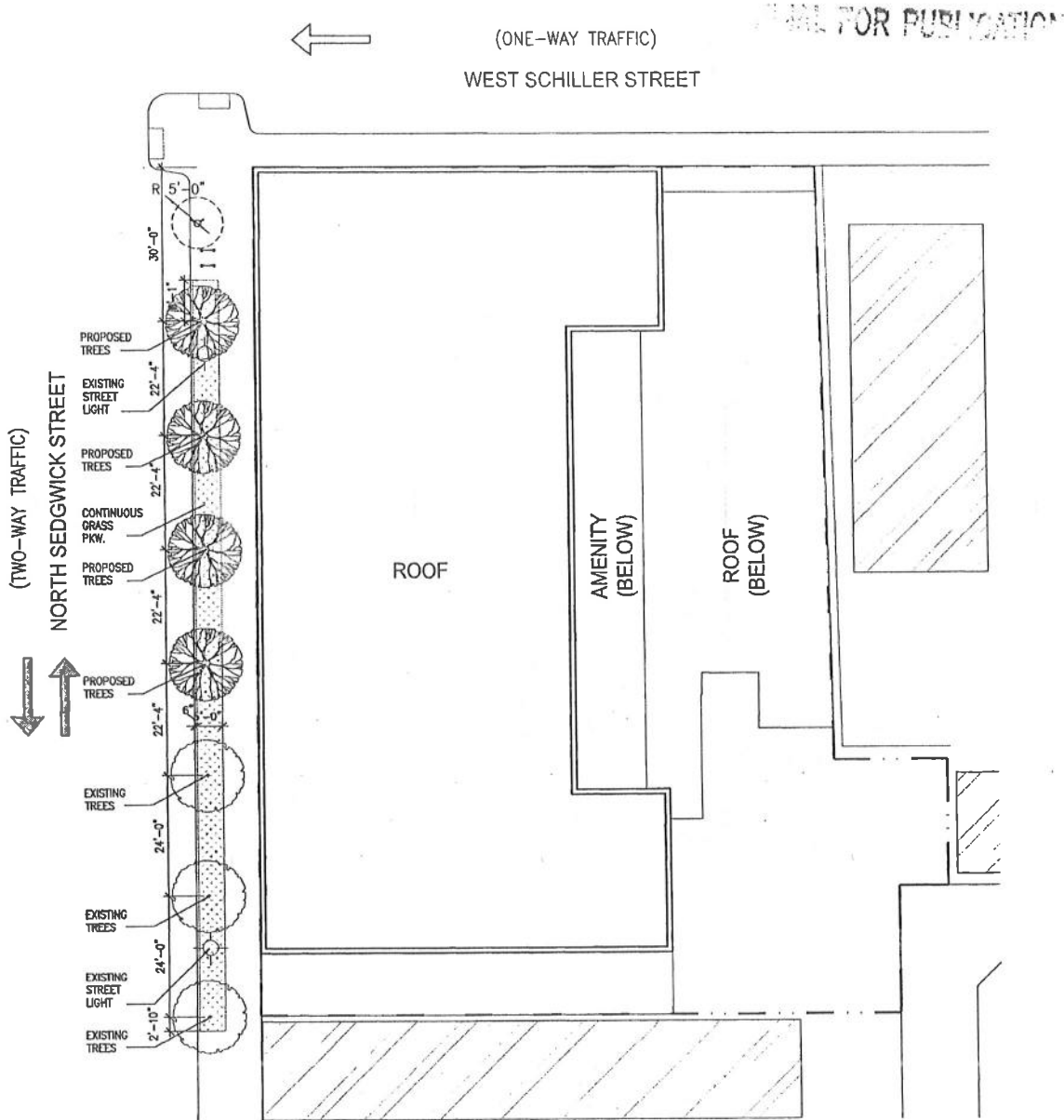
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 SITE PLAN - GROUND FLOOR  
 Scale: 1" = 30'-0"

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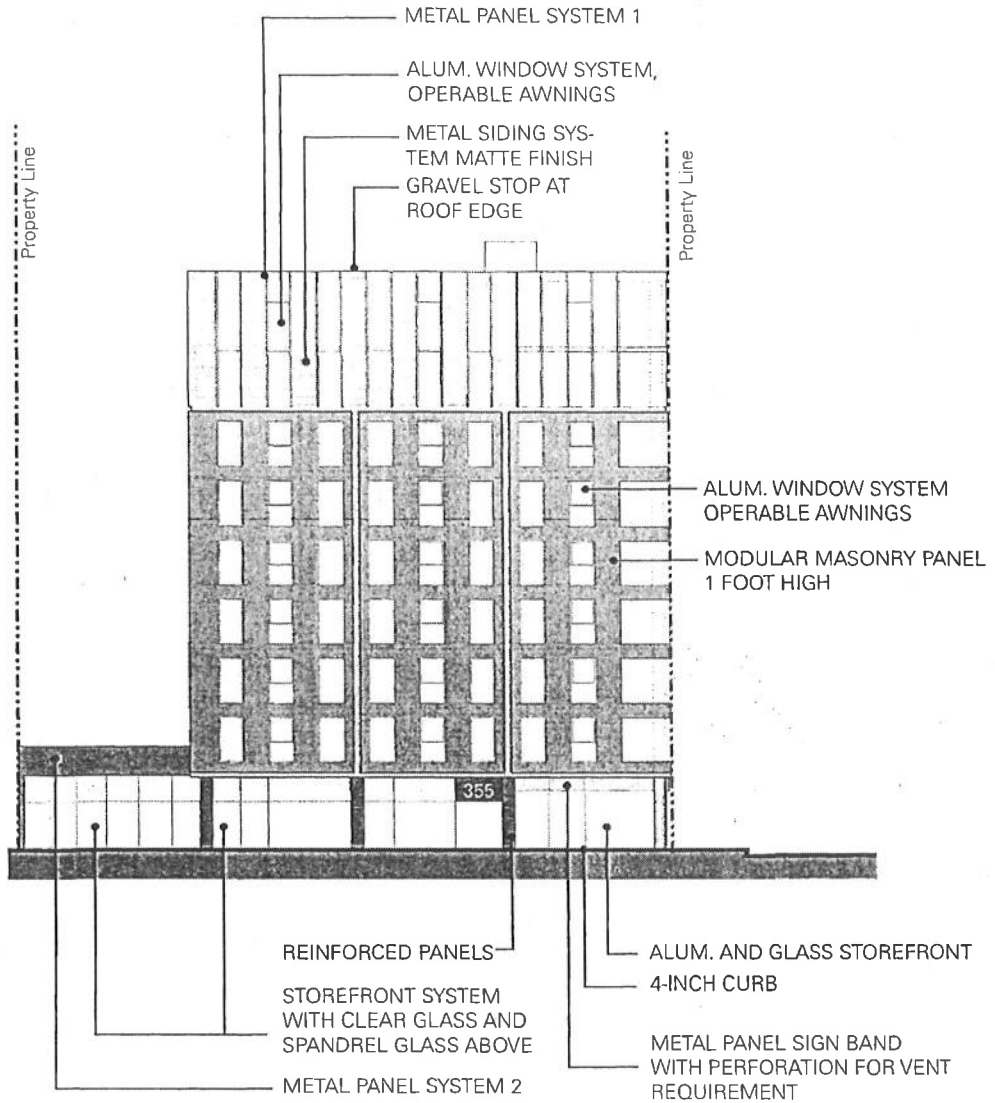


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LANDSCAPE AND ROOF  
 Scale: 1" = 30'-0"

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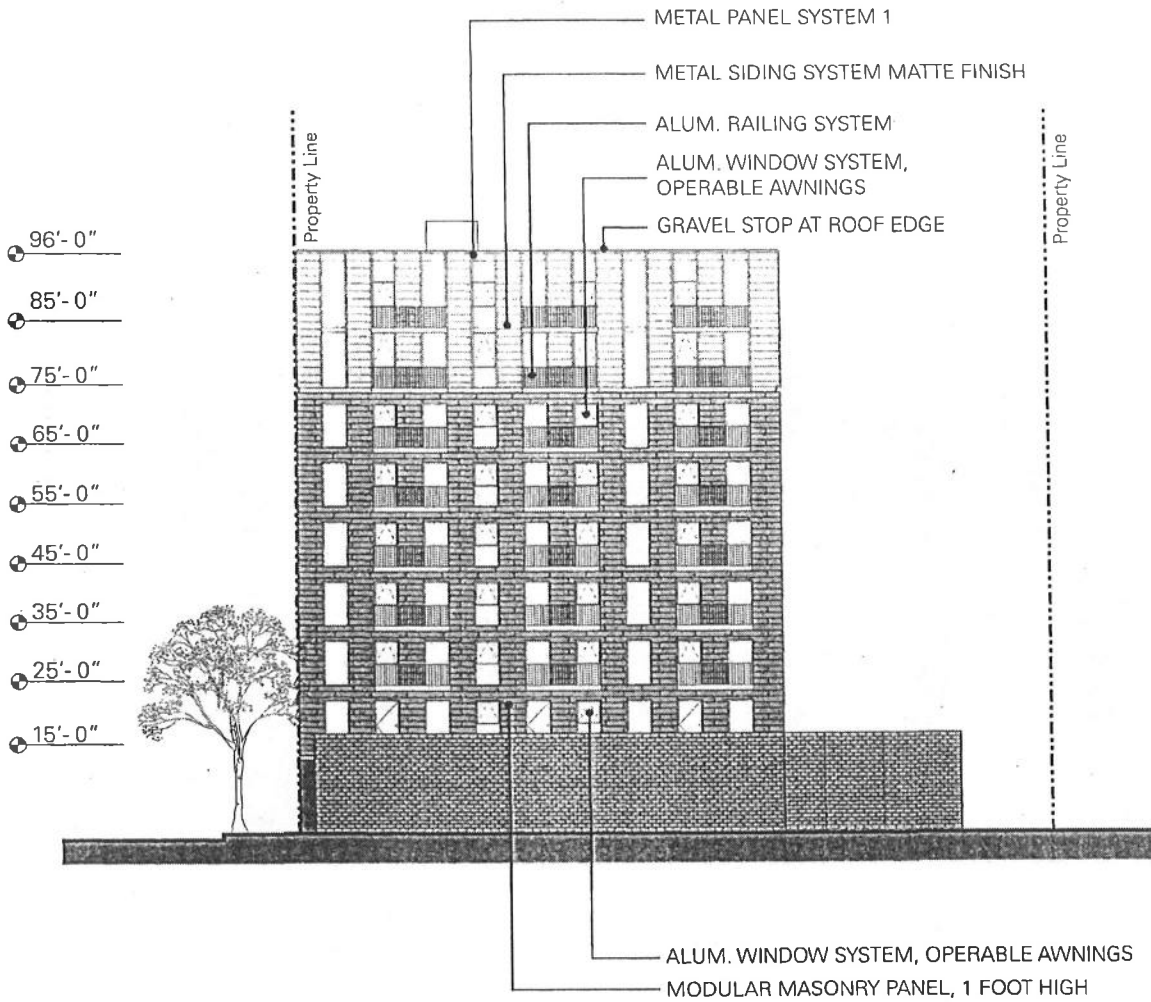


NORTH ELEVATION  
Scale: 1" = 25'-0"

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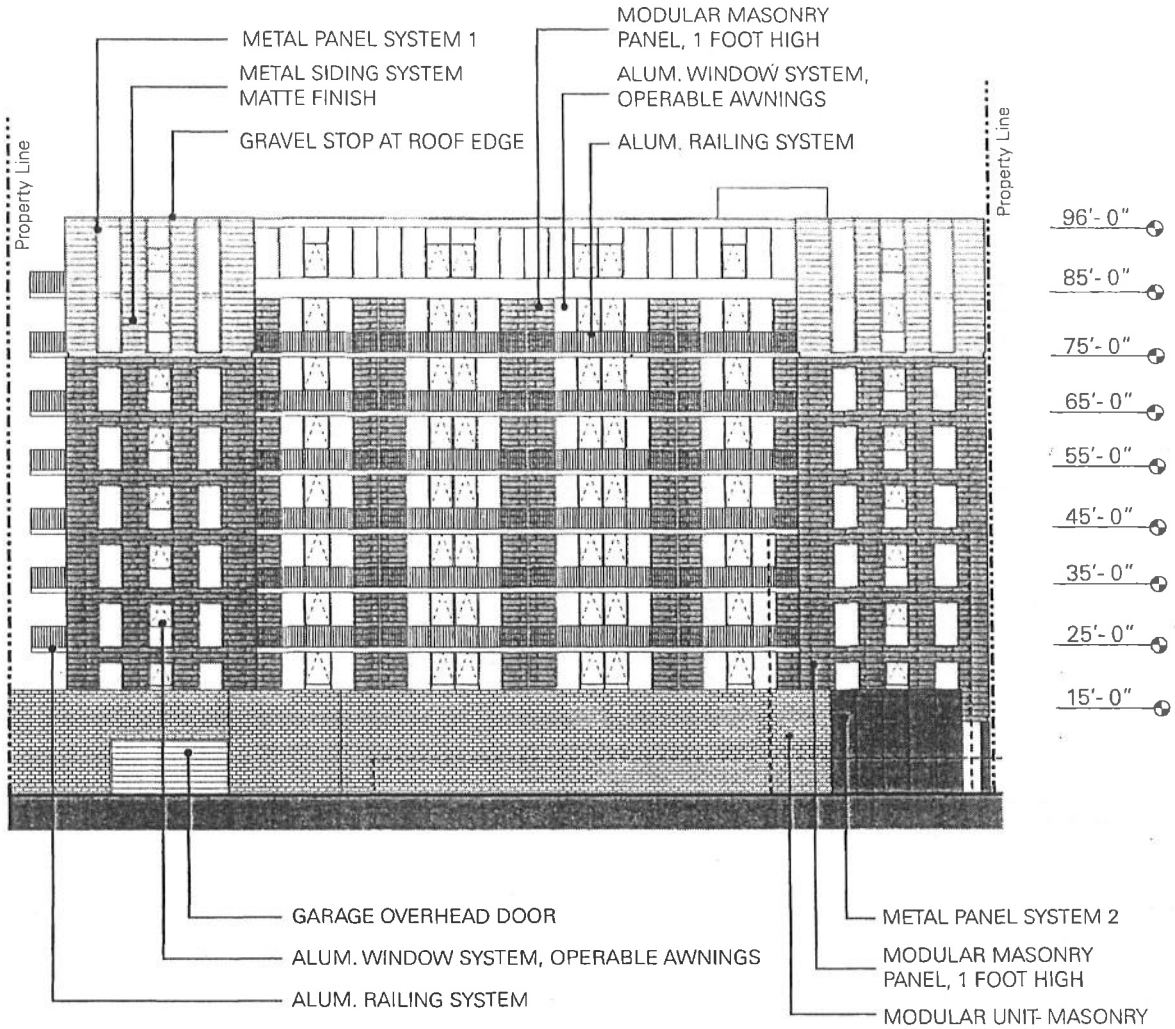


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SOUTH ELEVATION  
 Scale: 1" = 25'-0"

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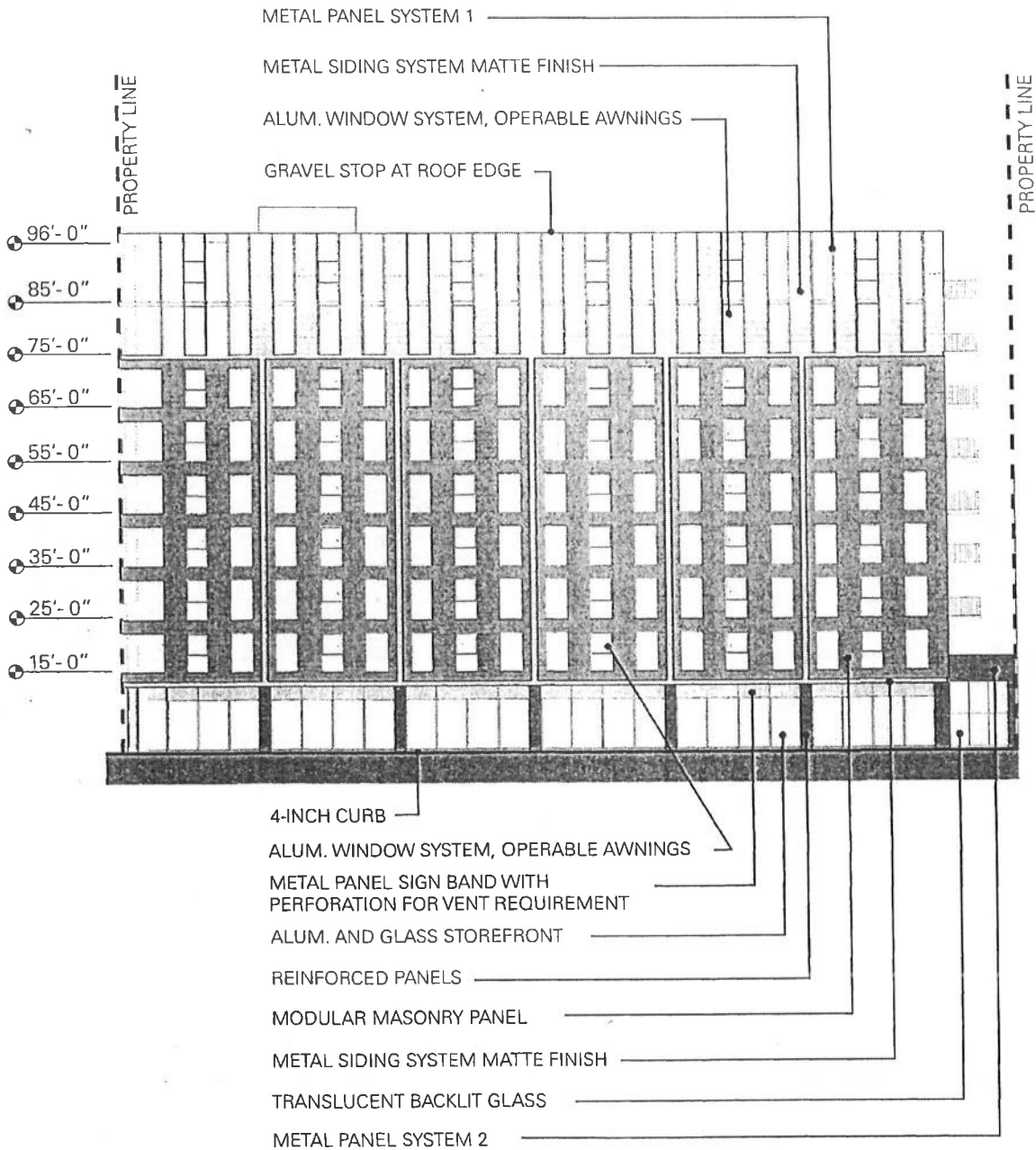


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 Introduced: October 11, 2017  
 Revised / CPC Date: March 15, 2018

EAST ELEVATION  
 Scale: 1" = 25'-0"

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NOT FOR PUBLICATION

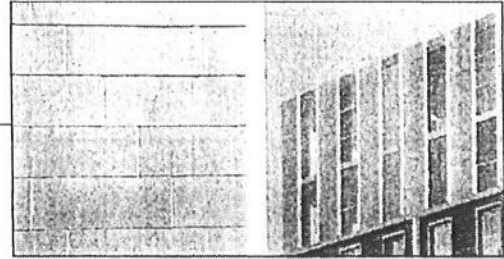
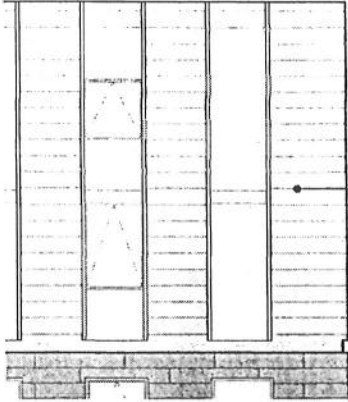


WEST ELEVATION  
Scale: 1" = 25'-0"

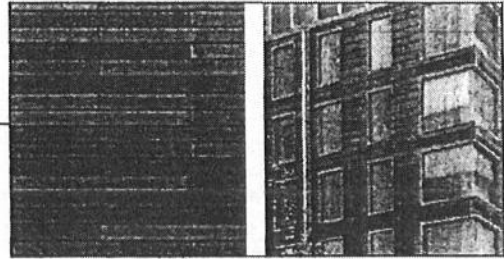
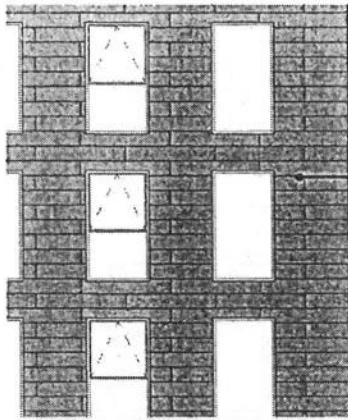
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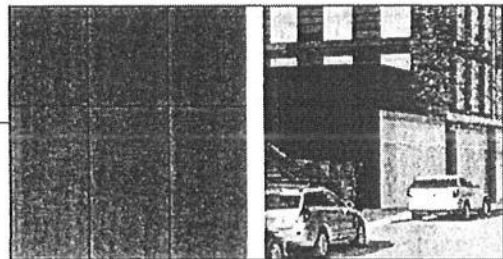
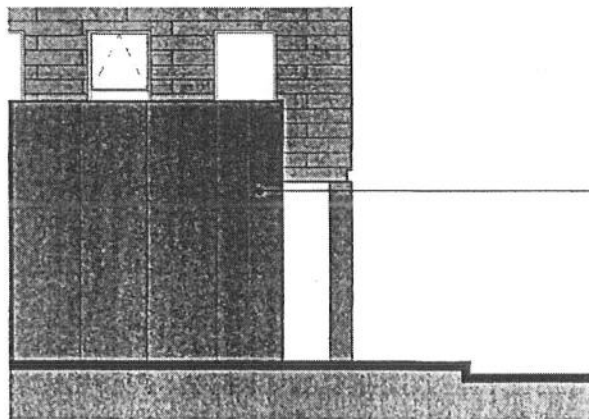
FOR PUBLICATION



MILLENNIUM TILES  
REFLECTED METAL  
LIGHT



OKO SKIN  
MODULAR MASONRY  
MEDIUM



OKO SKIN  
MONOLITHIC PANELS  
DARK

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