

10527

10/8/2008

REPORTS OF COMMITTEES

41007

Yeas-- Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allen, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 49.

Nays -- None.

Alderman Carothers 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 1-E.
(As Amended)
(Application Number 16527)*

RB PD 998, aa

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 Residential-Business Planned Development Number 998 symbols and indications as shown on Map Number 1-E in the area bounded by:

East Ohio Street; a line 50.00 feet east of and parallel to North St. Clair Street; a line 109.0 feet north of and parallel to East Grand Avenue; a line 216.33 feet east of and parallel to North St. Clair Street; East Grand Avenue; and North St. Clair Street,

to those of Residential-Business Planned Development Number 998, as amended, which is hereby established in the area described above, 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 2. This ordinance shall be in force and effect from and after its passage and due publication.

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

*Residential-Business Planned Development Number 998,
As Amended.*

Plan Of Development Statements.

1. The area delineated herein as Residential-Business Planned Development

Number 998, as amended, consists of approximately twenty-nine thousand thirty and thirty-hundredths (29,030.30) square feet (zero and sixty-seven hundredths (0.67 acre) and is owned or controlled by the applicant, 535 Saint Clair, Inc.

2. 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 easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the applicant or its successors, assignees, or grantees and approval by the City Council.
3. 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 titleholder 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, then to the owners of record title to all of the property and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the property, at the time any 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) shall be made or authorized by all the owners of the property and any ground lessors. An agreement among property owners, the board of directors of any property owners association, or a covenant binding property owners, may designate the authorized party for any future amendment, modification or change.
4. This plan of development consists of these sixteen (16) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site/Landscape Plan; and Building Elevations dated September 18, 2008 prepared by Brininstool + Lynch, Ltd.. Full size sets of the Site/Landscape Plan and Building Elevations are on file with the Department of Planning and Development. The planned development is applicable to the area delineated hereto and these and no other zoning controls shall apply.
5. The following uses shall be permitted within the area delineated herein as "Residential-Business Planned Development": hotel, residential uses, non-accessory parking, and related uses. Timeshare ownership and use shall be permitted and timeshare units shall be considered residential dwelling units. The non-accessory parking currently operated at the property shall be permitted to continue until construction commences of the improvements contemplated in this planned development.
6. On-premise business identification signs shall be permitted within the planned development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted, subject to the review and approval of the Department of Planning and Development. Off-premise signage is prohibited.

7. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standard for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation.
8. In addition to the maximum height of the building and any appurtenance thereto prescribed in this planned development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For purposes of floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply. The City of Chicago established a Part II Review Fee in the amount of Zero and 25/100 Dollars (\$0.25) per square foot for the total buildable square feet (floor area). The Part II Review Fee will be assessed by the Department of Planning and Development during the actual Part II Review. The fee as determined by the Department of Planning and Development staff at that time is final and binding on the applicant and must be paid to the Department of Planning and Development prior to the issuance of any Part II Approval.
10. The improvements on the property shall be designed, installed and maintained in substantial conformance with the Site/Landscape Plan and Building Elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. Prior to the issuance of a demolition permit for any of the existing improvements on the property, the applicant shall supply to the Commissioner of the Department of Planning and Development a copy of said application for demolition permit and commercially reasonable evidence of the applicant's financial capability to finance the construction of the improvements contemplated within this planned development. Unless construction of the improvements contemplated in this planned development is commenced within six (6) months from completion of demolition, the applicant shall provide to the Department of Planning and Development a plan and schedule for interim screening and/or landscaping. The applicant agrees to install a minimum of seventy percent (70%) (thirteen thousand seven hundred eighty (13,780) square feet) of the net roof area as a vegetative green roof upon the high-rise building to be constructed within this planned development and agrees to install a minimum of seventy-eight percent (78%) (three thousand eight hundred twenty-eight (3,828) square feet) of the net roof area as a vegetative green roof upon the four-story building to be rehabilitated within this planned development.
11. The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of twenty-nine thousand thirty and thirty-hundredths (29,030.30) square feet, a base F.A.R. of 12.0 and additional Floor Area Ratio for a series of proposed amenities, as follows:

Description	F.A.R.
Base F.A.R.	12.00
Affordable Housing Bonus	3.60
Chicago Public Schools Capital Improvement Fund	2.57
Green Roof	0.70
Total F.A.R.	18.87

The calculation of the additional floor area ratio ("F.A.R.") obtained through the series of proposed amenities is as follows:

Affordable Housing:

$$\text{Bonus F.A.R.} = 12.00 \times 0.30 = 3.60 \text{ F.A.R.}$$

$$3.60 \times 29,030.30 \text{ square feet} = 104,509.08$$

$$104,509.08 \text{ square feet} \times \$43.00 \text{ per square feet} \times 0.80 = \$3,595,112.35 \text{ contribution}$$

Chicago Public Schools Capital Improvement Fund:

$$\text{Bonus F.A.R.} = 12.00 \times 0.2142 = 2.57 \text{ F.A.R.}$$

$$2.57 \times 29,030.30 \text{ square feet} = 74,607.87 \text{ square feet}$$

$$74,607.87 \text{ square feet} \times \$43.00 \text{ per square feet} \times 0.80 = \$2,566,510.73 \text{ contribution}$$

Green Roof:

$$\text{Bonus F.A.R.} = 0.70 \text{ F.A.R.}$$

$$\text{Green Roof in excess of 50\%} = 5,641 \text{ square feet}$$

$$5,641 \text{ square feet} \div 29,030 \times 0.30 \times 12 = 0.70 \text{ F.A.R.}$$

The applicant, its successors or assigns, shall contribute the amount of Three Million Five Hundred Ninety-five Thousand One Hundred Twelve and 35/100 Dollars (\$3,595,112.35) to the City of Chicago's Affordable Housing Opportunity Fund and shall contribute the amount of Two Million Five Hundred Sixty-six Thousand Five Hundred Ten and 73/100 Dollars (\$2,566,510.73) to the Chicago Public Schools Capital Improvement Fund prior to the issuance of the "Part II Approval" for the construction of the foundation of the building contemplated in this planned development.

12. The terms, conditions and exhibits of this planned development ordinance maybe modified administratively by the Commissioner of the Department of Planning and Development upon the application for such a modification by the applicant and after a determination by the Commissioner of the Department of Planning and Development that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated in this planned development and the purposes underlying the provisions hereof. Any such modification of the requirements of this planned development by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the planned development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
13. 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 energy resources. The applicant shall use best and reasonable efforts to design, construct and maintain the building located within this planned development in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System. In addition, the applicant agrees to provide space for two (2) I-Go parking spaces in the garage.
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 buildings and improvements on the property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility. No building permit shall be issued by the Department of Construction and Permits until the Director of M.O.P.D. has approved detailed construction drawings for the building or improvement proposed to be constructed pursuant to the permit.
15. Pursuant to the Affordable Housing provision of the City of Chicago Zoning Ordinance, Title 17 Chapter 17-4-1004, et seq. ("Zoning Ordinance"), the applicant has asked for an increase in the floor area ratio of the property. The applicant hereby acknowledges that according to Section 17-4-1004D of the Zoning Ordinance, the total floor area devoted to affordable housing units must equal at least twenty-five percent (25%) of the total increase in floor area allowed under the Affordable Housing Bonus or a cash payment must be made to the City of Chicago Affordable Housing Opportunity Fund based on the increase in allowable floor area by eighty percent (80%) of the median cost of land per buildable square foot. Based on Section 17-4-1004D, the applicant has

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agreed to provide a cash payment to the City of Chicago Affordable Housing Opportunity Fund in the amount of Three Million Five Hundred Ninety-five Thousand One Hundred Twelve and 35/100 Dollars (\$3,595,112.35). Prior to the issuance of permits, the applicant will enter into an Affordable Housing Agreement with the Chicago Department of Housing or provide a letter of credit or other security device in an amount equal to the cash contribution. The applicant must comply with all of the applicable sections of the Affordable Housing Provision of the Zoning Ordinance which sections are hereby incorporated into this planned development. The Affordable Housing Agreement required by Section 17-4-1004-E9 is also incorporated into this planned development.

- 16. Unless substantial construction of the improvements has commenced within six (6) years following adoption of this planned development, and unless completion is thereafter diligently pursued, then this planned development shall expire and the zoning of the property shall automatically revert to the pre-existing DX-12 Downtown Mixed-Use District classification.

[Existing Zoning and Land-Use Map; Planned Development Boundary and Property Line and Right-of-Way Adjustment Map; Floor Plans; Building Elevations; and Chicago Builds Green Form referred to in these Plan of Development Statements printed on pages 41014 through 41029 of this *Journal*.]

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

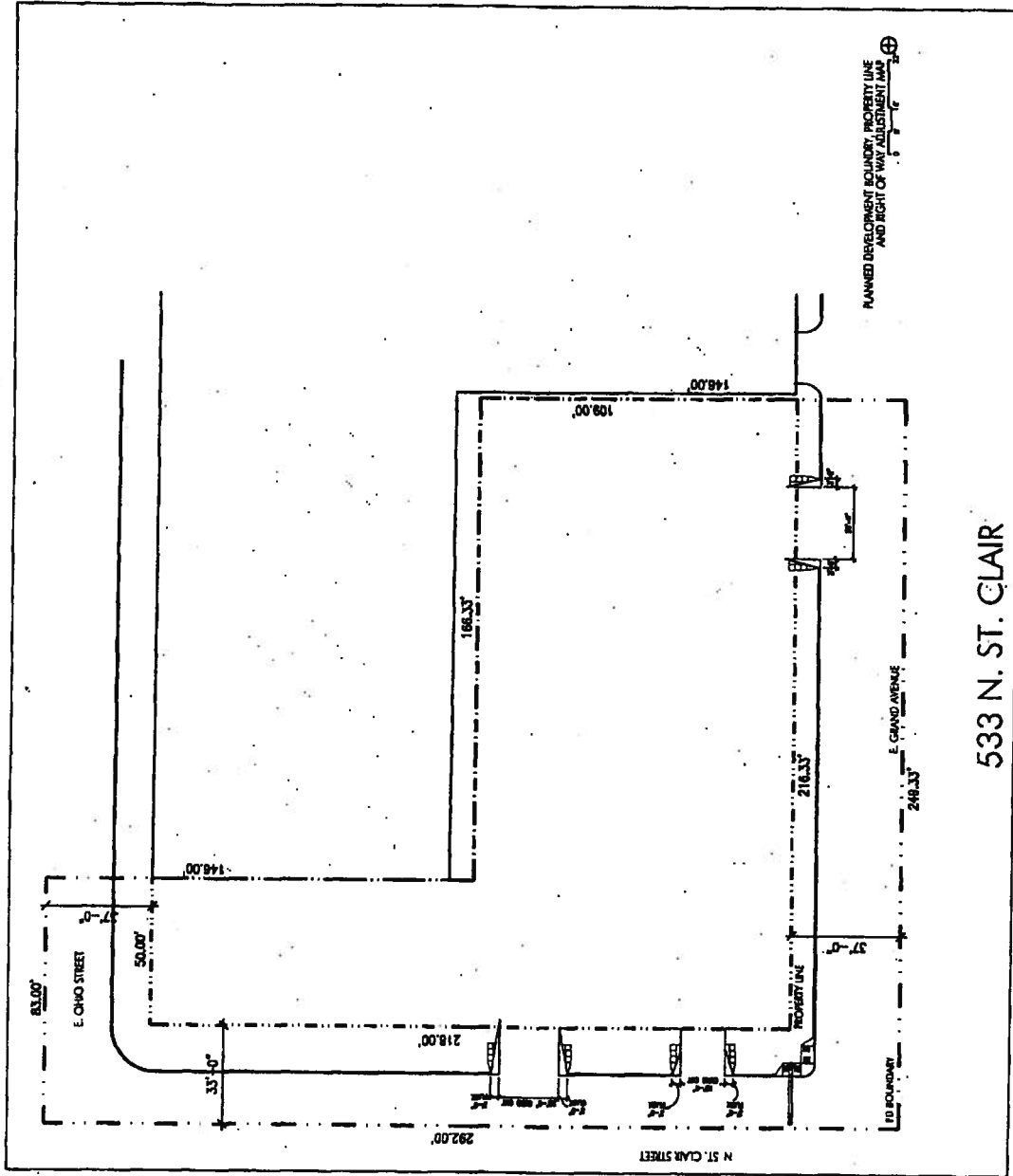
*Residential-Business Planned Development Number 998,
As Amended.*

Bulk Regulations And Data Table.

Net Site Area:	29,030.30 square feet (0.67 acre)
Area in Adjoining Right-of-Way:	17,048.00 square feet (0.39 acre)
Gross Site Area:	46,078.30 square feet (1.06 acres)
Maximum Number of Dwelling Units (including timeshares or vacation ownership):	135

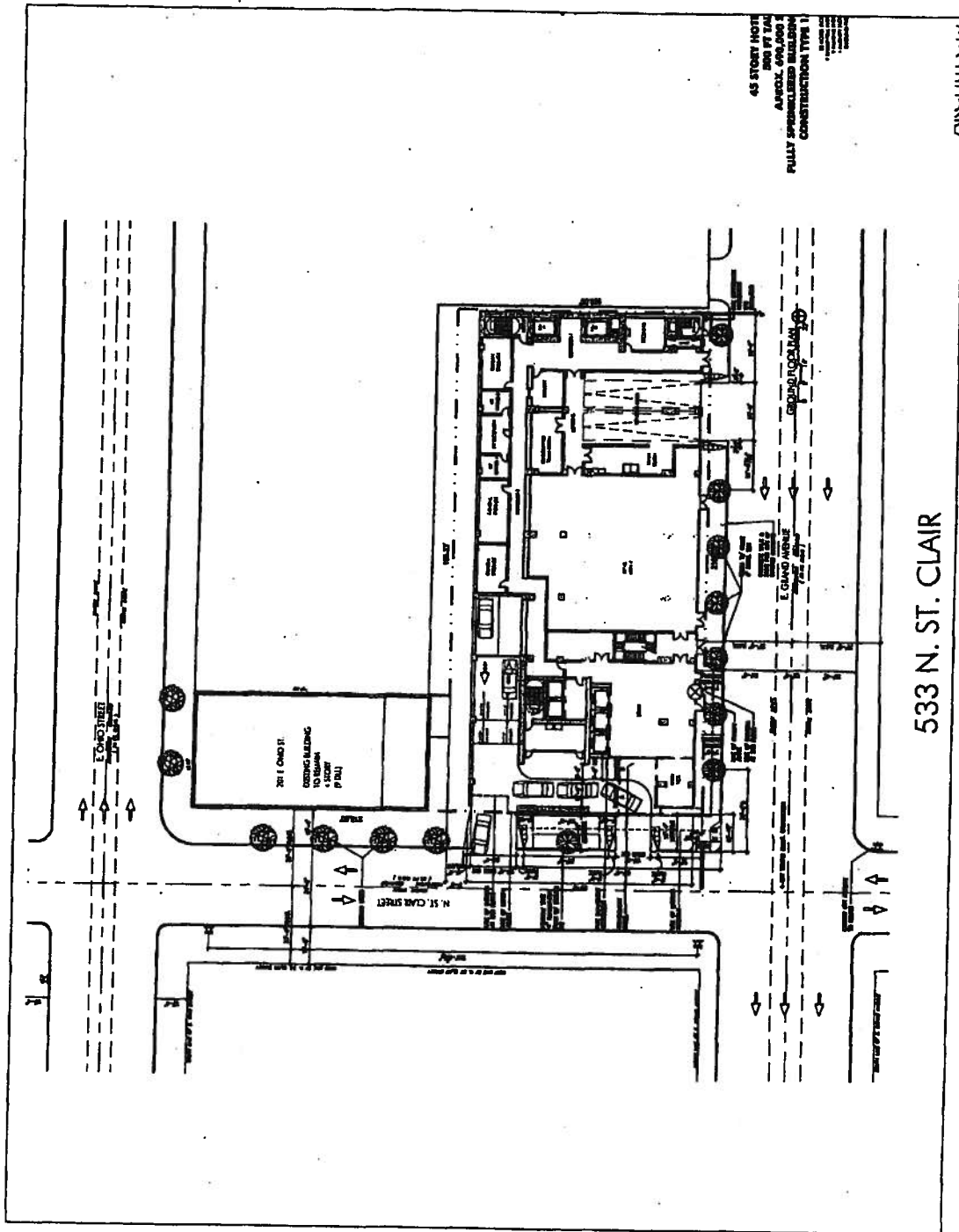
Maximum Number of Hotel Keys:	499
Maximum Floor Area Ratio:	18.87 F.A.R.
Base Floor Area Ratio:	12.00
Affordable Housing Bonus:	3.60
Chicago Public Schools	
Capital Improvement Fund:	2.57
Green Roof:	<u>0.70</u>
Maximum Floor Area Ratio:	18.87
Minimum Number of Accessory Parking Spaces:	250
Maximum Number of Non-Accessory Parking Spaces:	60
Maximum Permitted Building Height:	525 feet
Maximum Site Coverage:	per approved Site Plan
Minimum Periphery Setbacks:	per approved Site Plan
North Base to North Property Line:	9 feet
North Tower to North Property Line:	27 feet
East:	0 feet
West:	0 feet
South:	Columns -- 0 feet
	First Floor -- 3 feet, 10 inches
	Second Floor -- 0

Planned Development Boundary, Property
Line And Right-Of-Way
Adjustment Map.

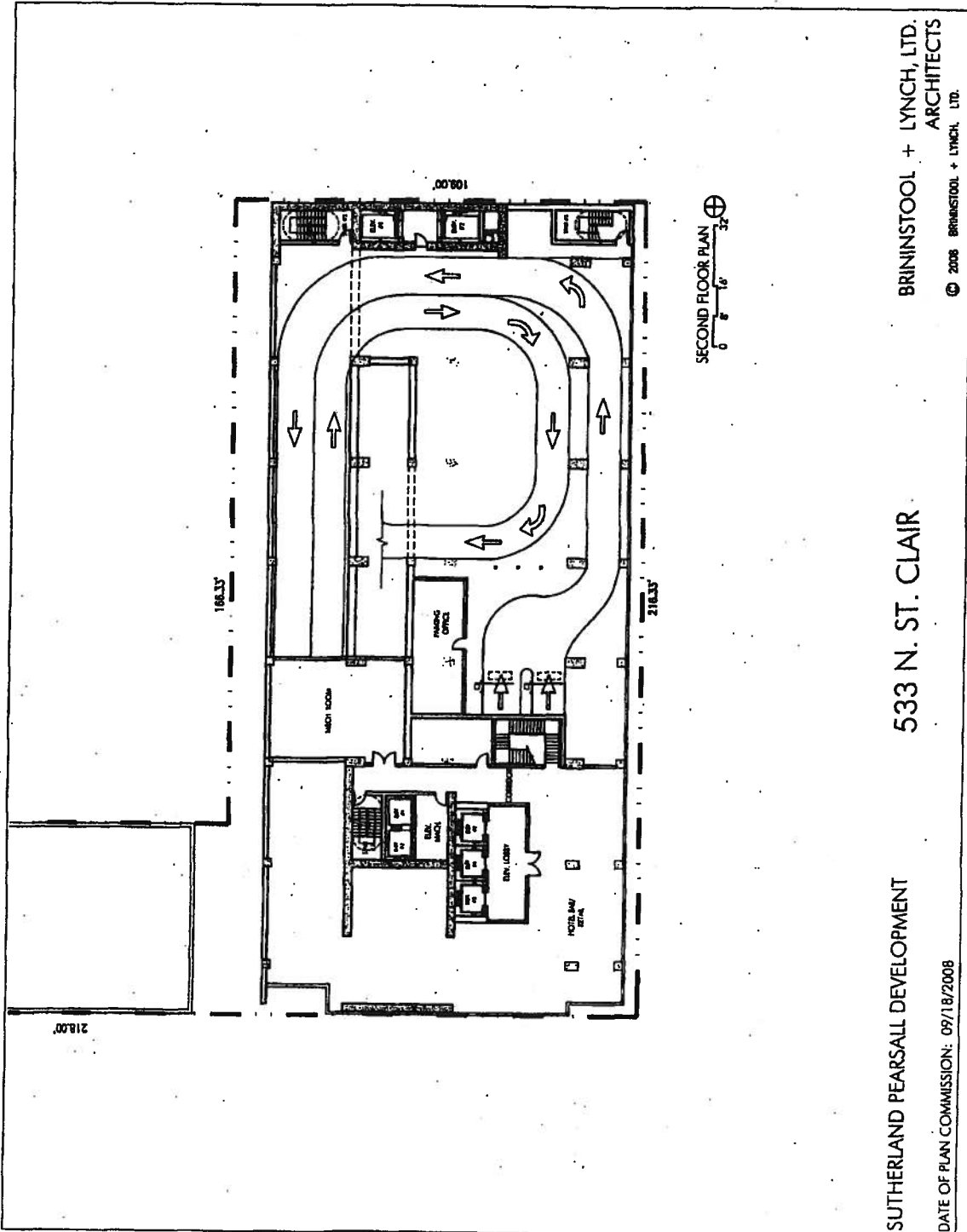


533 N. ST. CLAIR

Ground Floor Map.
(Page 1 of 2)



Second Floor Plan.



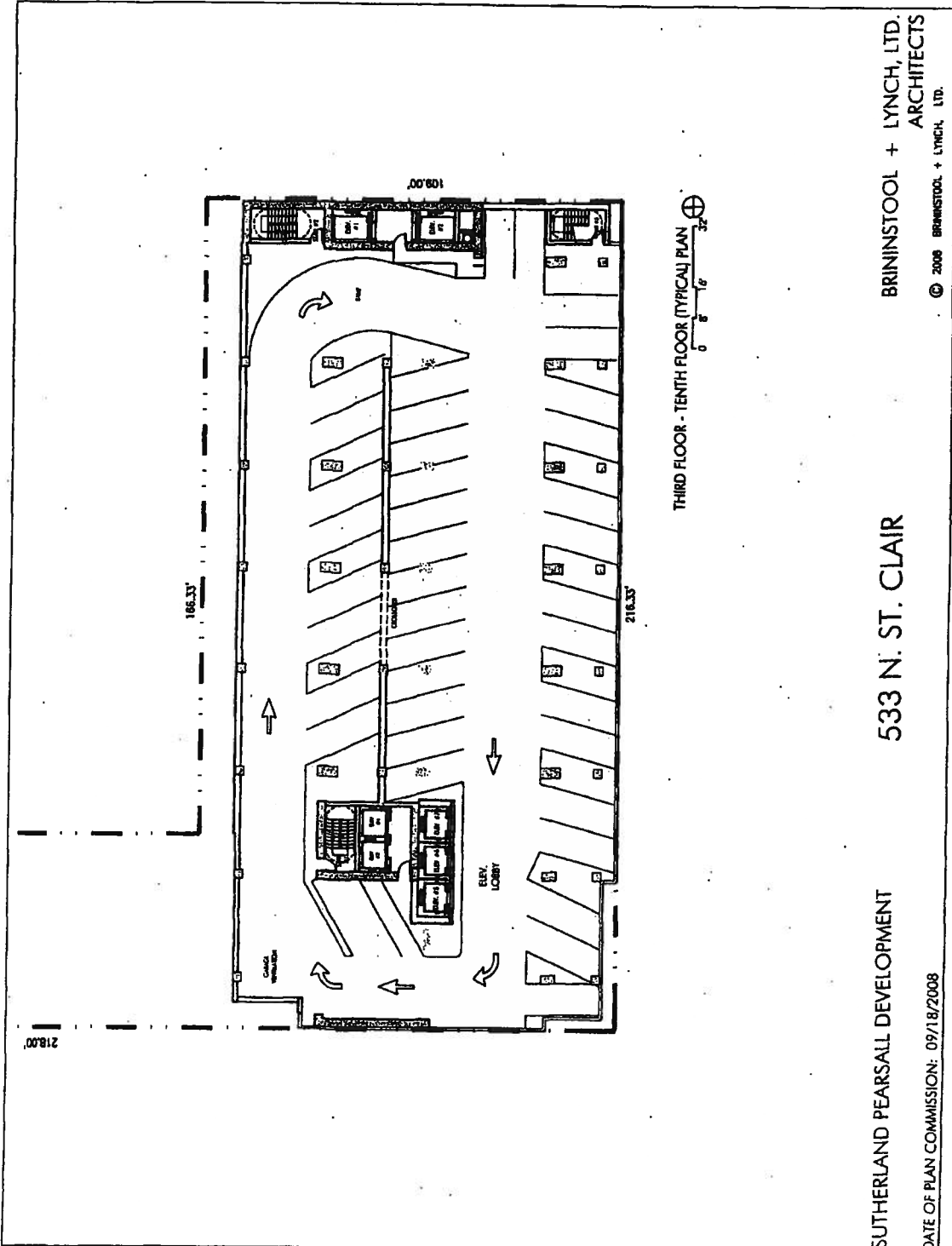
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533 N. ST. CLAIR

SUTHERLAND PEARSALL DEVELOPMENT

DATE OF PLAN COMMISSION: 09/18/2008

Third Floor -- Tenth Floor
(Typical) Plan.



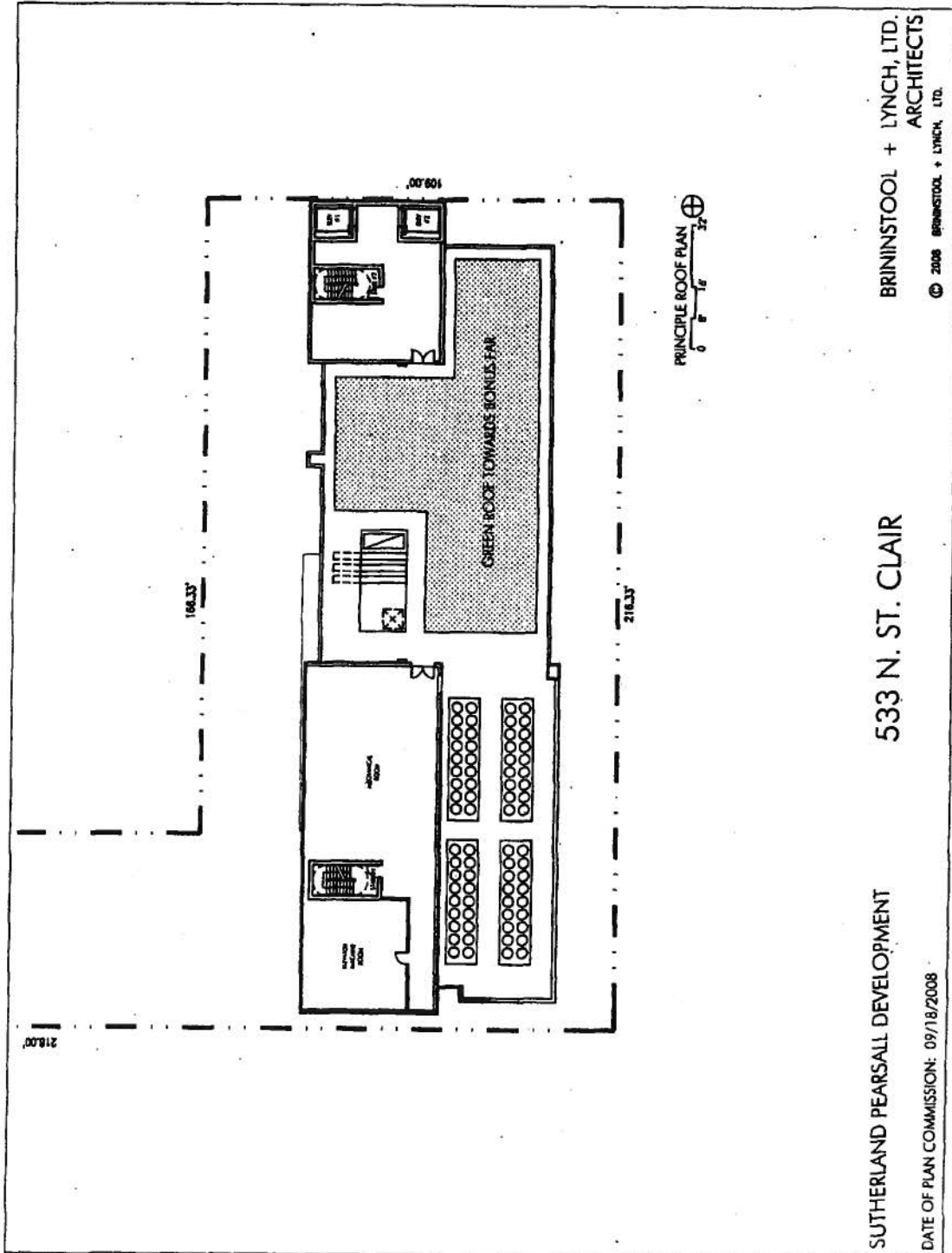
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SUTHERLAND PEARSALL DEVELOPMENT

DATE OF PLAN COMMISSION: 09/18/2008

Principal Roof Plan.



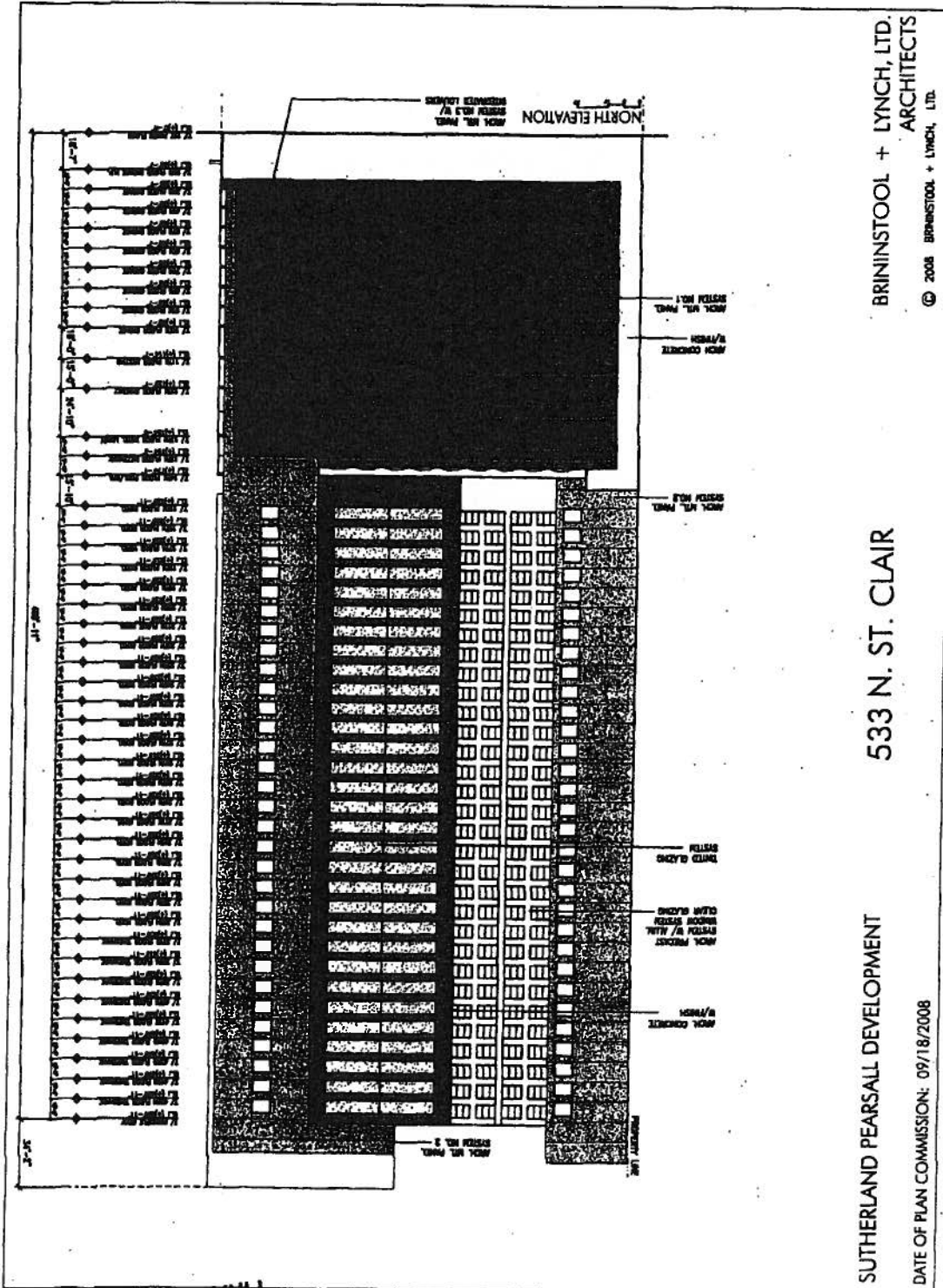
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SUTHERLAND PEARSALL DEVELOPMENT

DATE OF PLAN COMMISSION: 09/18/2008

North Elevation.



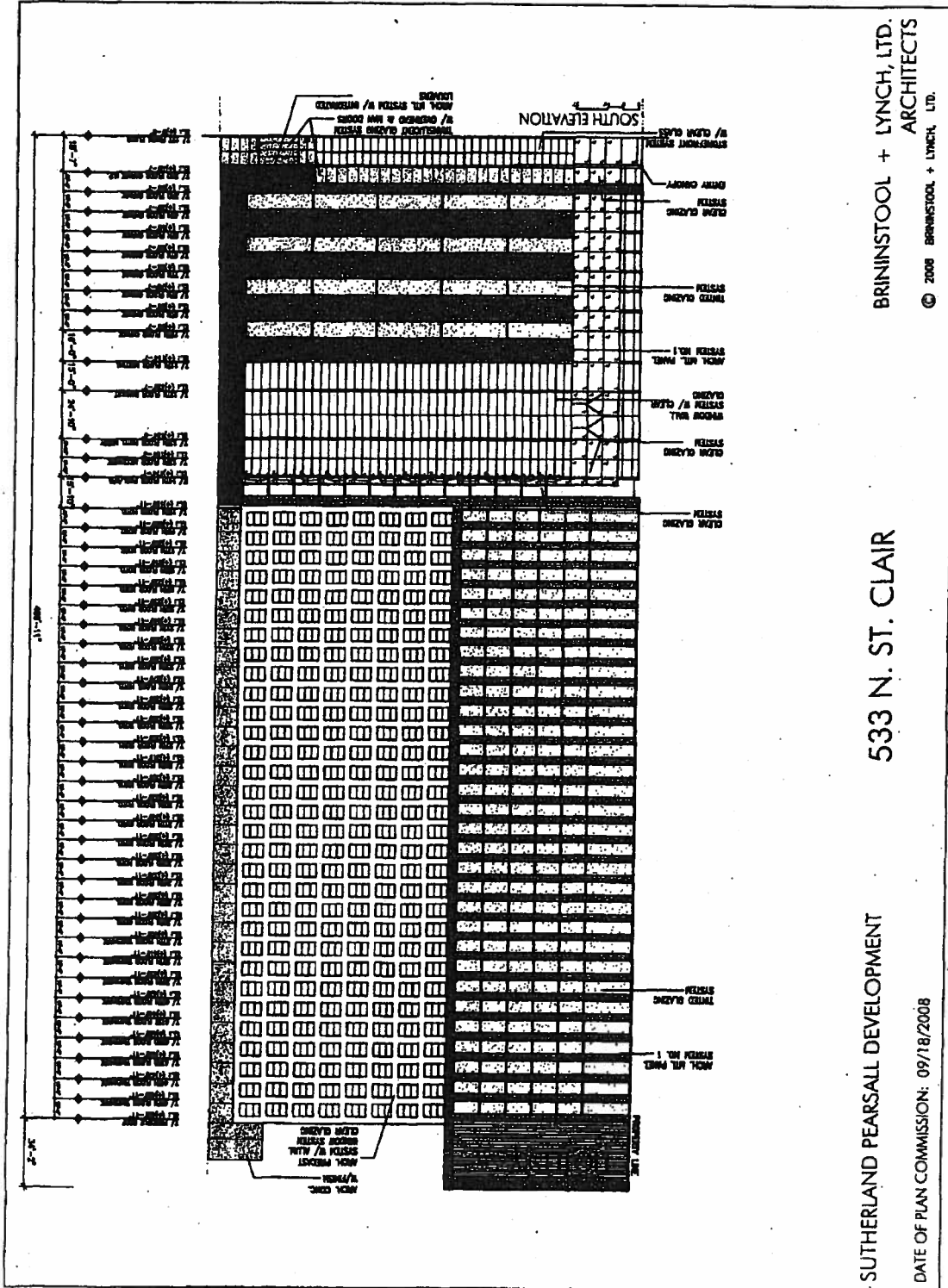
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SUTHERLAND PEARSALL DEVELOPMENT

DATE OF PLAN COMMISSION: 09/18/2008

South Elevation.



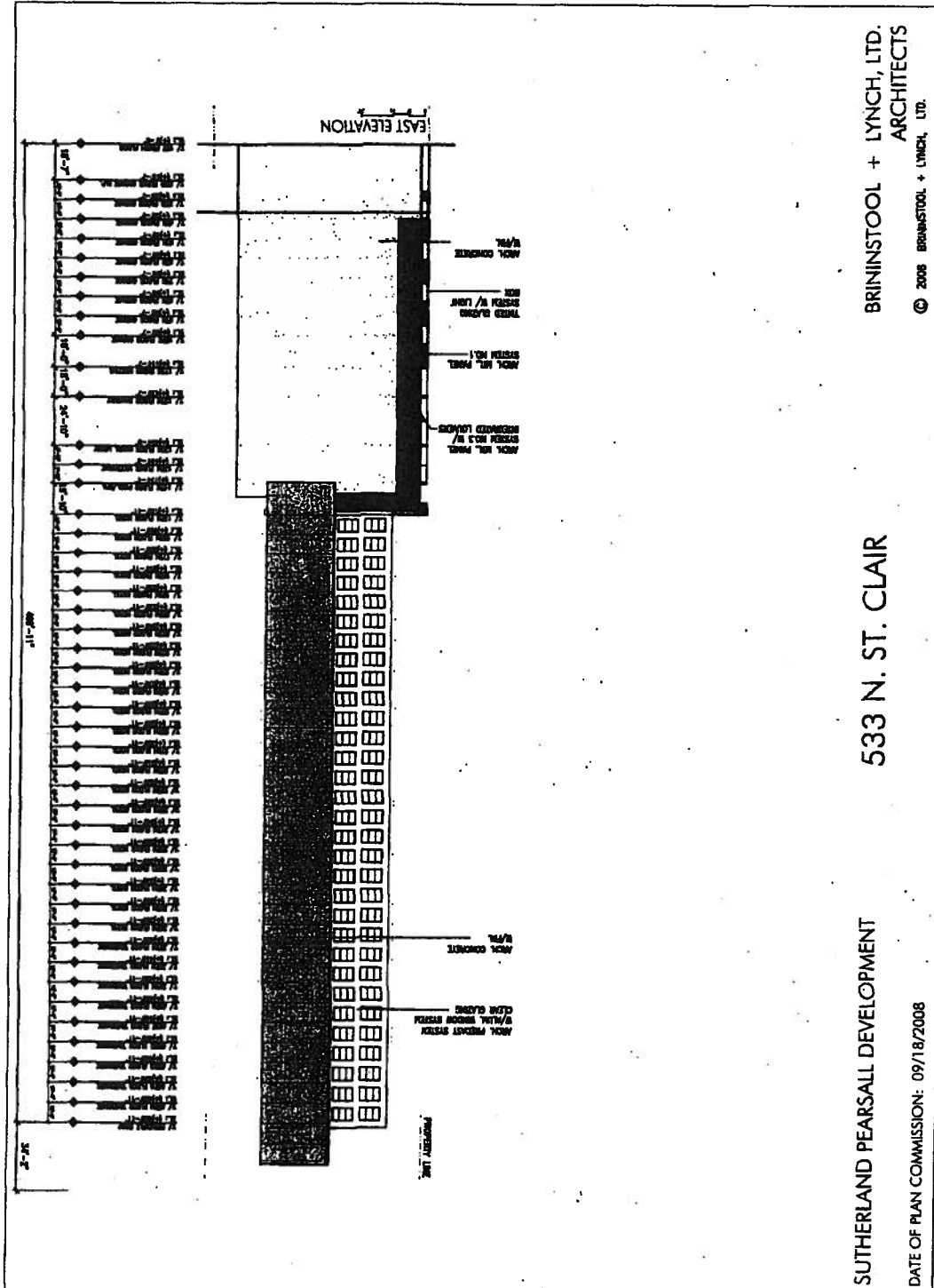
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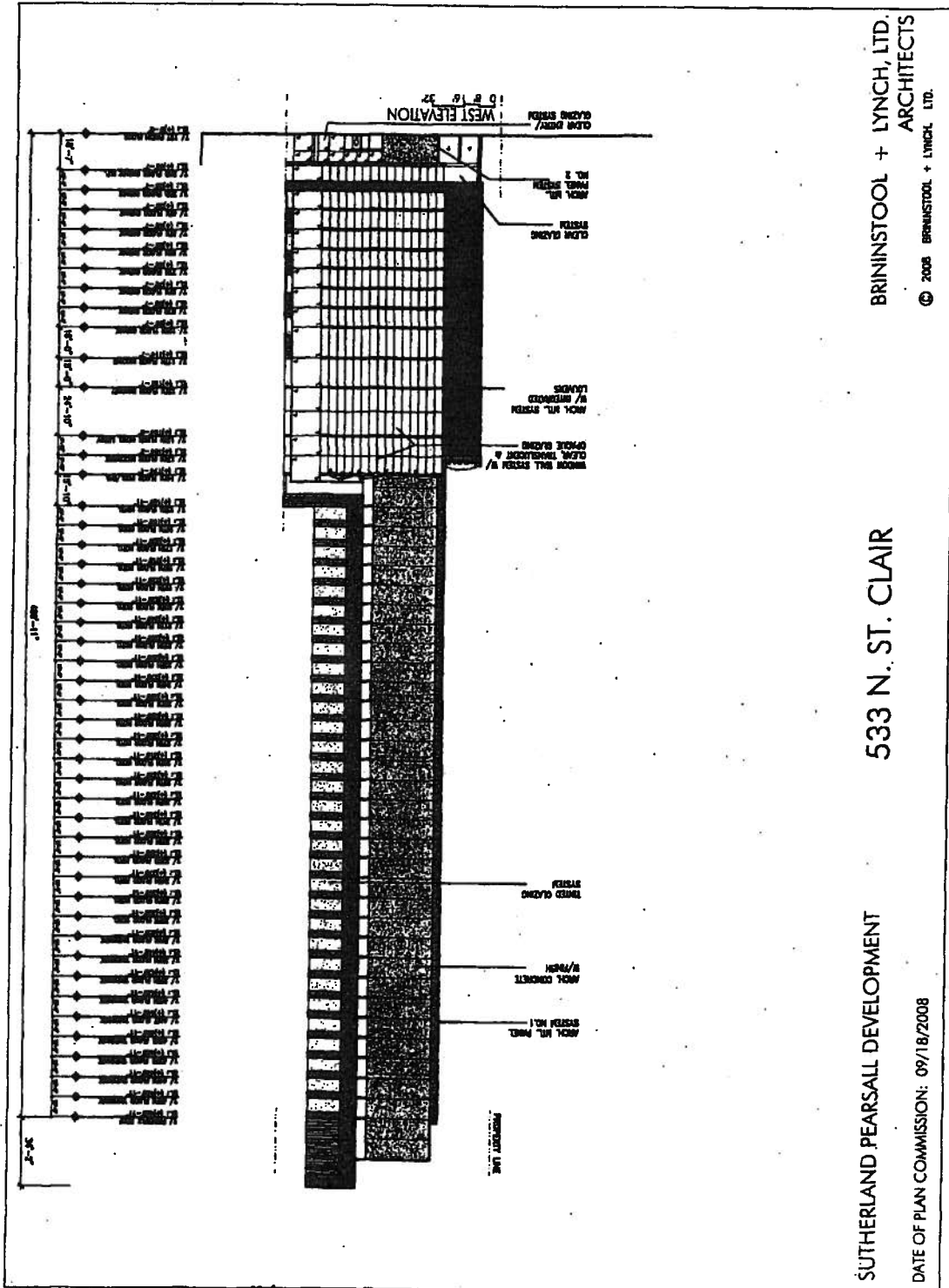
SUTHERLAND PEARSALL DEVELOPMENT

DATE OF PLAN COMMISSION: 09/18/2008

East Elevation:



West Elevation.



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SUTHERLAND PEARSALL DEVELOPMENT

DATE OF PLAN COMMISSION: 09/18/2008

Chicago Builds Green.
(Page 1 of 3)

CHICAGO BUILDS GREEN

Project Name:

533 N. St Clair

Project Location:

* Street Number (if the address only includes one street number, please fill only the cell "From"):
 From* To* Direction: Street Name: Select Street Type:
 531 549 N St. Clair Ave

Ward No: Community Area No:
 42

Project Type:

Check applicable:
 Planned Development Redevelopment Agreement Zoning Change
 PD No: 998 RDA No: From: To:
 Public project Landmark

Project Size:

Total land area in sq.ft.: Total building(s) footprint in sq.ft.: Total vehicular use area in sq.ft.:
 29,030 23,888 1420

DPD Project Manager:

Enter First Name Last Name
 Paul Zalmezak

BG/GR Matrix:

Select project category:
 Res. < 4 units (Market rate)

Financial Incentives:

Check applicable:
 TIF Empowerment Zone Grant Class L
 GRIF Ind. Dev. Revenue Bonds Class 6b
 SBIF Bank Participation Loan DOH
 Land Sale Write Down

Density Bonus:

Check applicable:
 Public plaza & pocket park Water features in a plaza or pocket park
 Chicago Riverwalk improvements Setbacks above the ground floor
 Winter gardens Lower level planting terrace
 Indoor through-block connection Green roof
 Sidewalk widening Underground parking and loading
 Arcades Concealed above-ground parking

Chicago Builds Green.
(Page 2 of 3)

Landscaping:

- 7' Landscape Setback
- Interior Landscape Area
- No. of Interior Trees
- No. of Parkway Trees

Required per Zoning Code or Green Roof Building Code. Max:

Please fill, if applicable

Square footage:	0	
Square footage:	0	
	0	
	0	

Open Space:

- River Setback
- Private Open Space
- Privately developed Public Open Space

Square footage:	0	
Square footage:	0	
Square footage:	0	

Stormwater Management (At-grade volume control):

- Permeable paving
- Raingarden
- Filter strip
- Bioswale
- Detention pond
- Native landscaping
- Rain-water collection cistern/barrel
- Total impervious area reduction

Square footage:	
Check applicable:	
Square footage:	
Gallons:	
Square footage:	

Other sustainable surface treatments:

- Green roof
- Energy Star roof
- High-albedo pavement

Square footage:	9,004	
Square footage:	0	
Square footage:		

Transportation:

- No. of accessory parking spaces
- Total no. of parking spaces (Accessory + Non-Acc.)
- No. of parking spaces dedicated to car sharing services (E.g.: I-Go, Zip-Car)
- No. of bicycle parking
- Within 600 ft of CTA or Metra station entrance

	90,315	
	0	
	0	
Check if applicable:		

Chicago Builds Green.
(Page 3 of 3)

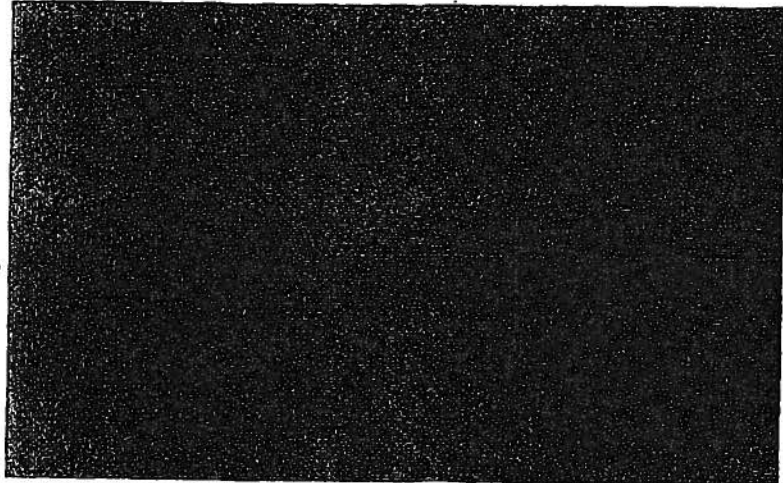
Building Certification:

- Energy Star building
- LEED certification
 - LEED Certified
 - LEED Silver
 - LEED Gold
 - LEED Platinum
- Chicago Green Homes
 - Chicago Green Homes [one-star]
 - Chicago Green Homes [two-star]
 - Chicago Green Homes [three-star]

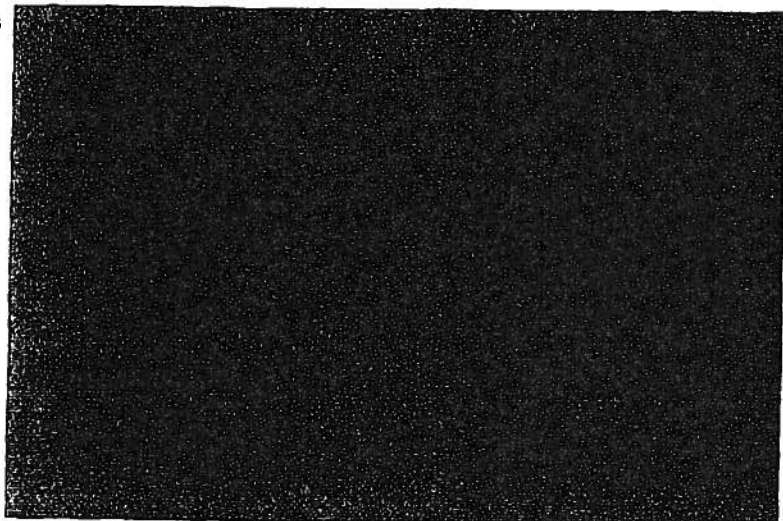
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<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	

Energy efficiency strategies not captured above:

-IE: Other than Energy Star Roof - or Energy Star Building Certification-



Other sustainable strategies and/or Project Notes:





City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Lori T. Healey
Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4190
(312) 744-2271 (FAX)
(312) 744-2578 (TTY)

<http://www.cityofchicago.org>

March 28, 2007

Mr. John J. George
Attorney at Law
Two First National Plaza
Suite 400
20 S. Clark Street
Chicago, IL 60603-1903

Re: **REVISED Administrative Relief request for Residential-Business Planned Development No. 998, E. Grand Avenue and N. St. Clair Street**

Dear Mr. George:

Please be advised that your request for further clarifications to an Administrative Relief which was issued on February 21, 2007, for Residential-Business Planned Development No. 998 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 the Planned Development.

Specifically, you are requesting to :

- **Reduce the number of permitted dwelling units from 340 to 328.** On January 8, 2007, an Administrative Relief was granted allowing you an increase from 325 to 340 dwelling units. However, since that time the number of condominium units has been reduced.
- **Reduce the number of condominium parking spaces from 275 to 200.** As originally stated in the Planned Development, there will also be 275 commercial parking spaces provided.
- **Confirm that proposed timeshare units are "dwelling units" within the meaning of Section 17-17-0248 of the Chicago Zoning Ordinance and are permitted under the Planned Development.** Wyndham Vacation Ownership ("Wyndham") intends to acquire from the developer of the building 120 to 140 of the 328 units with no parking spaces for a timeshare project. Each timeshare unit will have full kitchen facilities and will be either a studio, one bedroom or two bedroom unit. Wyndham will sell fee simple timeshare interests in the individual timeshare condominium units where typically each buyer would receive a deed to 1/52nd undivided tenants-in-common interest in a specific unit. Each buyer would pay a one-time purchase price for his timeshare interest and an annual maintenance fee to cover the cost of the condominium assessments, real estate taxes and other costs attributable to operating the



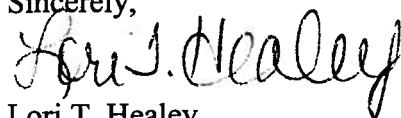
timeshare program at the property. No other fees, costs or charges would be due from the timeshare owner in connection with the use and ownership of the unit.

Each timeshare buyer would have the right to use his time in increments as small as a day and as large as a week at the Chicago project. Each unit would be fully cleaned prior to each occupancy and there would be a separate check-in facility/desk for the Wyndham timeshare project. Each timeshare buyer may also select to join an ancillary program offered by Wyndham to exchange his right to stay in the Chicago location for the right to stay at any other Wyndham timeshare or affiliated project (and conversely, owners at other Wyndham timeshare projects would have the right to exchange the rights to use their timeshare interest for the right to stay in the Chicago project).

With regard to your request, the Department of Planning and Development has determined that the decrease in dwelling units from 340 to 328, and the decrease in condominium parking spaces from 275 to 200, does not create an adverse impact on the Planned Development or surrounding neighborhood and would constitute a minor change. The Department of Planning and Development has also determined that the proposed timeshare units are "dwelling units" under Section 17-17-0248 of the Chicago Zoning Ordinance and the operation and sale of the proposed timeshare units in the manner described above is permitted under the Planned Development.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential-Business Planned Development No. 998, I hereby approve the foregoing minor change, but no other changes to Residential-Business Planned Development No. 998.

Sincerely,



Lori T. Healey
Commissioner

LTH:MRD:tm

cc: Kathleen Nelson, Terri Haymaker, Mike Marmo, Pat Haynes, DPD files



City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Lori T. Healey
Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
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(312) 744-2271 (FAX)
(312) 744-2578 (TTY)

<http://www.cityofchicago.org>

February 21, 2007

Mr. John J. George
Attorney at Law
Two First National Plaza
Suite 400
20 S. Clark Street
Chicago, IL 60603-1903

Re: **Administrative Relief request for Residential-Business Planned Development No. 998, E. Grand Avenue and N. St. Clair Street**

Dear Mr. George:

Please be advised that your request for a minor change to Residential-Business Planned Development No. 998 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 the Planned Development.

Specifically, you are requesting to :

- **Reduce the number of permitted dwelling units from 340 to 328.** On January 8, 2007, an Administrative Relief was granted allowing you an increase from 325 to 340 dwelling units and allowing 120 of these units to be leased through a time-share program. The number of leased time-share units (120) has not changed. However, the condominium units will be reduced from 220 to 208 units.
- **Reduce the number of condominium parking spaces from 275 to 200.** As originally stated in the Planned Development, there will also be 275 commercial parking spaces provided.

Per your client's request, the following information re: use/units within Planned Development 998 is detailed below:

- All of the 328 units will be sold as condominiums. Wyndham Vacation Ownership ("Wyndham") intends to acquire from the developer of the building 120 of these condominium units with no parking spaces for a timeshare project. Each timeshare unit will have full kitchen facilities and will be either a studio, one bedroom or two bedroom unit. Wyndham will sell fee simple timeshare interests in the individual timeshare condominium units where typically each buyer would receive a deed to 1:52nd undivided tenants-in-common interest in a specific unit. Each buyer would pay a one-time purchase price for his timeshare interest and an annual maintenance fee to cover the cost of the condominium assessments, real estate taxes and other costs attributable to operating the timeshare program at the property. No other fees, costs or charges



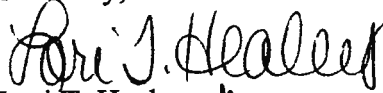
would be due from the timeshare owner in connection with the use and ownership of the unit.


- Each timeshare buyer would have the right to use his time in increments as small as a day and as large as a week at the Chicago project. Each unit would be fully cleaned prior to each occupancy and there would be a separate check-in facility/desk for the Wyndham timeshare project. Each timeshare buyer may also select to join an ancillary program offered by Wyndham to exchange his right to stay in the Chicago location for the right to stay at any other Wyndham timeshare or affiliated project (and conversely, owners at other Wyndham timeshare projects would have the right to exchange the rights to use their timeshare interest for the right to stay in the Chicago project).

With regard to your request, the Department of Planning and Development has determined that the decrease in dwelling units from 340 to 328 and the decrease in parking spaces from 275 to 200, does 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. 998, I hereby approve the foregoing minor change, but no other changes to Residential-Business Planned Development No. 998.

Sincerely,



Lori T. Healey 
Commissioner

LTH:MRD:tm

cc: Kathleen Nelson, Terri Haymaker, Mike Marmo, Pat Haynes, DPD files



City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Lori T. Healey
Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4190
(312) 744-2271 (FAX)
(312) 744-2578 (TTY)

<http://www.cityofchicago.org>

January 8, 2007

Mr. John J. George
Attorney at Law
Two First National Plaza
Suite 400
20 S. Clark Street
Chicago, IL 60603-1903

Re: **Administrative Relief request for Residential-Business Planned Development No. 998, E. Grand Avenue and N. St. Clair Street**

Dear Mr. George:

Please be advised that your request for a minor change to Residential-Business Planned Development No. 998 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 the Planned Development.

Specifically, you requested to increase the number of permitted dwelling units from 325 to 340. Additionally, instead of 100% condominium units, you are now proposing that 120 units shall be leased through a time-share program and the remaining 220 shall be condominium units.

With regard to your request, the Department of Planning and Development has determined that the increase in dwelling units from 325 to 340, 120 of which shall be leased as time-share units, does 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. 998, I hereby approve the foregoing minor change, but no other changes to Residential-Business Planned Development No. 998.

Sincerely,

Lori T. Healey
Commissioner

LTH:MRD:tm

cc: Kathleen Nelson, Terri Haymaker, Mike Marmo, DPD files



11/1/2005

REPORTS OF COMMITTEES

15123
60399

*Reclassification Of Area Shown On Map Number 1-E.
(As Amended)
(Application Number 15123)*

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 DX-12, Downtown Mixed-Use District symbols and indications as shown on Map Number 1-E in the area bounded by:

East Ohio Street; a line 50.00 feet east of and parallel to North St. Clair Street; a line 109.00 feet north of and parallel to East Grand Avenue; a line 216.33 feet east of and parallel to North St. Clair Street; East Grand Avenue; and North St. Clair Street,

to those of a Residential-Business Planned Development which is hereby established in the area described above, 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 and after its passage and due publication.

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

Residential-Business Planned Development Number 998.

Plan Of Development Statements.

1. The area delineated herein as a Residential-Business Planned Development consists of approximately twenty-nine thousand thirty and thirty-hundredths (29,030.30) square feet (zero and sixty-seven hundredths (0.67) acres) and is owned or controlled by the applicant, 535 St. Clair, Inc.
2. 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 easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, shall require

a separate submittal on behalf of the applicant or its successors, assignees or grantees and approval by the City Council.

3. 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 titleholder 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, then to the owners of record title to all of the property and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the property, at the time any 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) shall be made or authorized by all the owners of the property and any ground lessors. An agreement among property owners, the board of directors of any property owners association, or a covenant binding property owners, may designate the authorized party for any future amendment, modification or change. The applicant shall retain single designated control and shall be deemed to be the authorized party for any future amendment, modification or change until the applicant shall designate in writing the party or parties authorized to make application for any future amendment, modification or change.
4. This plan of development consists of these sixteen (16) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site/Landscape Plan; and Building Elevations dated October 20, 2005 prepared by Brininstool & Lynch, Ltd.. Full size sets of the Site/Landscape Plan and Building Elevations are on file with the Department of Planning and Development. The planned development is applicable to the area delineated hereto and these and no other zoning controls shall apply.
5. The following uses shall be permitted within the area delineated herein as "Residential Planned Development": all uses permitted in the DX-12 Downtown Mixed-Use District non-accessory parking and related uses. The non-accessory parking currently operated at the property shall be permitted to continue until construction commences of the improvements contemplated in this planned development.

6. Identification signs shall be permitted within the planned development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted, subject to the review and approval of the Department of Planning and Development.
7. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standard for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation.
8. In addition to the maximum height of the building and any appurtenance thereto prescribed in this planned development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For purposes of floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply.
10. The improvements on the property shall be designed, installed and maintained in substantial conformance with the Site/Landscape Plan and Building Elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. Prior to the issuance of a demolition permit for any of the existing improvements on the property, the applicant shall supply to the Commissioner of the Department of Planning and Development a copy of said application for demolition permit and commercially reasonable evidence of the applicant's financial capability to finance the construction of the improvements contemplated within this planned development. Unless construction of the improvements contemplated in this planned development is commenced within six (6) months from completion of demolition, the applicant shall provide to the Department of Planning and Development a plan and schedule for interim screening and/or landscaping. The applicant agrees to install a minimum of one hundred percent (100%) seventeen thousand two hundred eighty (17,280) square feet of the net roof area as a vegetative green roof upon the high-rise building to be constructed within this planned development and agrees to install a minimum of seventy-eight percent (78%) three thousand eight

hundred twenty-eight (3,828) square feet of the net roof area as a vegetative green roof upon the four (4) story building to be rehabilitated within this planned development.

11. The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a net site area of twenty-nine thousand thirty and thirty-hundredths (29,030.30) square feet, a base F.A.R. of twelve (12.0) and additional Floor Area Ratio for a series of proposed amenities, as follows:

Description	Floor Area Ratio
Base F.A.R.	12.00
Affordable Housing Bonus	3.60
Green Roof	2.00
Total F.A.R.	17.60

12. The terms, conditions and exhibits of this planned development ordinance may be modified administratively by the Commissioner of the Department of Planning and Development upon the application for such a modification by the applicant and after a determination by the Commissioner of the Department of Planning and Development that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated in this planned development and the purposes underlying the provisions hereof. Any such modification of the requirements of this planned development by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the planned development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
13. 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 energy resources. The applicant shall use best and reasonable efforts to design, construct and maintain the building located within this planned development in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System.

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 buildings and improvements on the property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility. No building permit shall be issued by the Department of Construction and Permits until the Director of M.O.P.D. has approved detailed construction drawings for the building or improvement proposed to be constructed pursuant to the permit.
15. Pursuant to the Affordable Housing provision of the City of Chicago Zoning Ordinance, Title 17 Chapter 17-4-1004, et seq. ("Zoning Ordinance") the applicant has asked for an increase in the floor area ratio of the property. The applicant hereby acknowledges that according to Section 17-4-1004D of the Zoning Ordinance, the total floor area devoted to affordable housing units must equal at least twenty-five percent (25%) of the total increase in floor area allowed under the Affordable Housing Bonus or a cash payment must be made to the City of Chicago Affordable Housing Opportunity Fund based on the increase in allowable floor area by eighty percent (80%) of the median cost of land per buildable square foot. Based on Section 17-4-1004D, the applicant has agreed to provide a cash payment to the City of Chicago Affordable Housing Opportunity Fund in the amount of Two Million Ninety Thousand One Hundred Eighty-one and 60/100 Dollars (\$2,090,181.60). Prior to the issuance of permits, the applicant will enter into an Affordable Housing Agreement with the Chicago Department of Housing or provide a letter of credit or other security device in an amount equal to the cash contribution. The applicant must comply with all of the applicable sections of the Affordable Housing provision of the Zoning Ordinance which sections are hereby incorporated into this planned development. The Affordable Housing Agreement required by Section 17-4-1004-E9 is also incorporated into this planned development.
16. Unless substantial construction of the improvements has commenced within six (6) years following adoption of this planned development, and unless completion is thereafter diligently pursued, then this planned development shall expire and the zoning of the property shall automatically revert to the pre-existing DX-12 Downtown Mixed-Use District.

15123

60404

JOURNAL--CITY COUNCIL--CHICAGO

11/1/2005

[Existing Zoning and Land-Use Map; Planned Development Boundary, Property Line and Right-of-Way Adjustment Map; Site Location Map; Tier Plans; Floor Plans; Roof Landscape Plan; Planter Plan and Elevation; and Building Elevations referred to in these Plan of Development Statements printed on pages 60405 through 60428 of this *Journal*.]

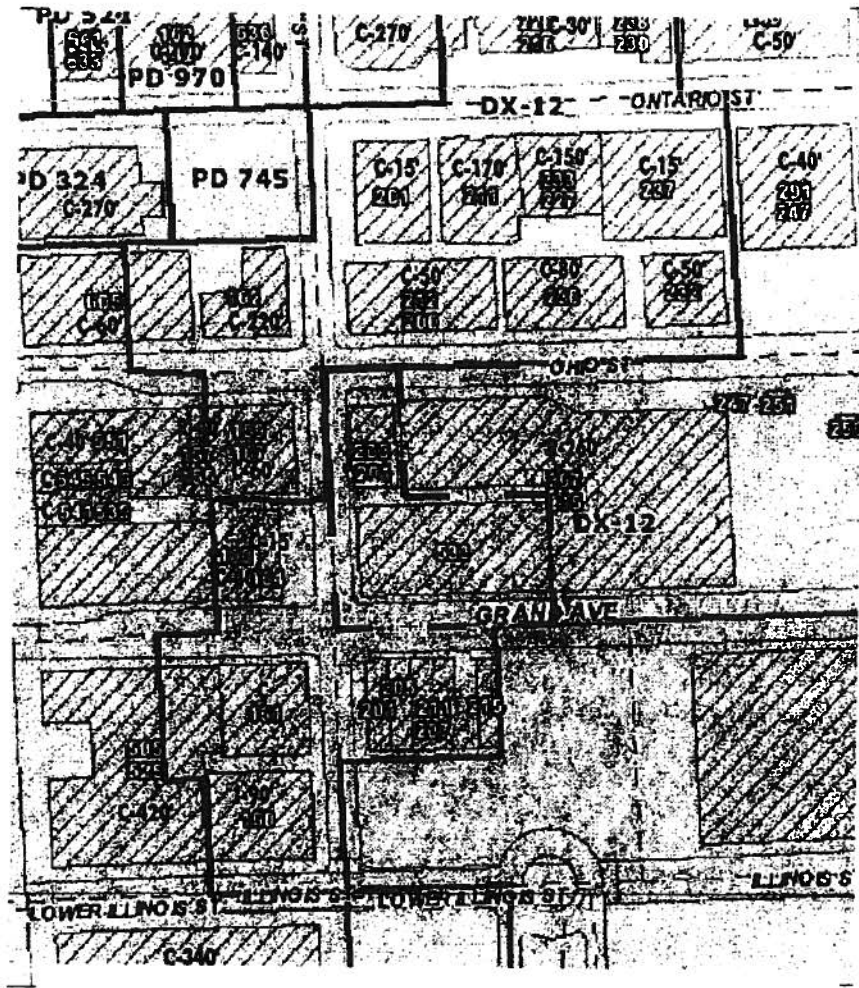
Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Residential-Business Planned Development Number 998.

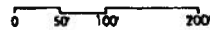
Bulk Regulations And Data Table.

Net Site Area:	29,030.00 square feet (0.67 acres)
Area in Adjoining Right-of-Way:	17,048.00 square feet (0.39 acres)
Gross Site Area:	46,078.30 square feet (1.06 acres)
Maximum Number of Dwelling Units:	325
Maximum Floor Area Ratio:	17.60
Minimum Number of Accessory Parking Spaces:	280
Maximum Number of Non-Accessory Parking Spaces:	265
Maximum Permitted Building Height:	Per approved Building Elevations
Maximum Site Coverage:	Per approved Site Plan
Minimum Periphery Setbacks:	Per approved Site Plan

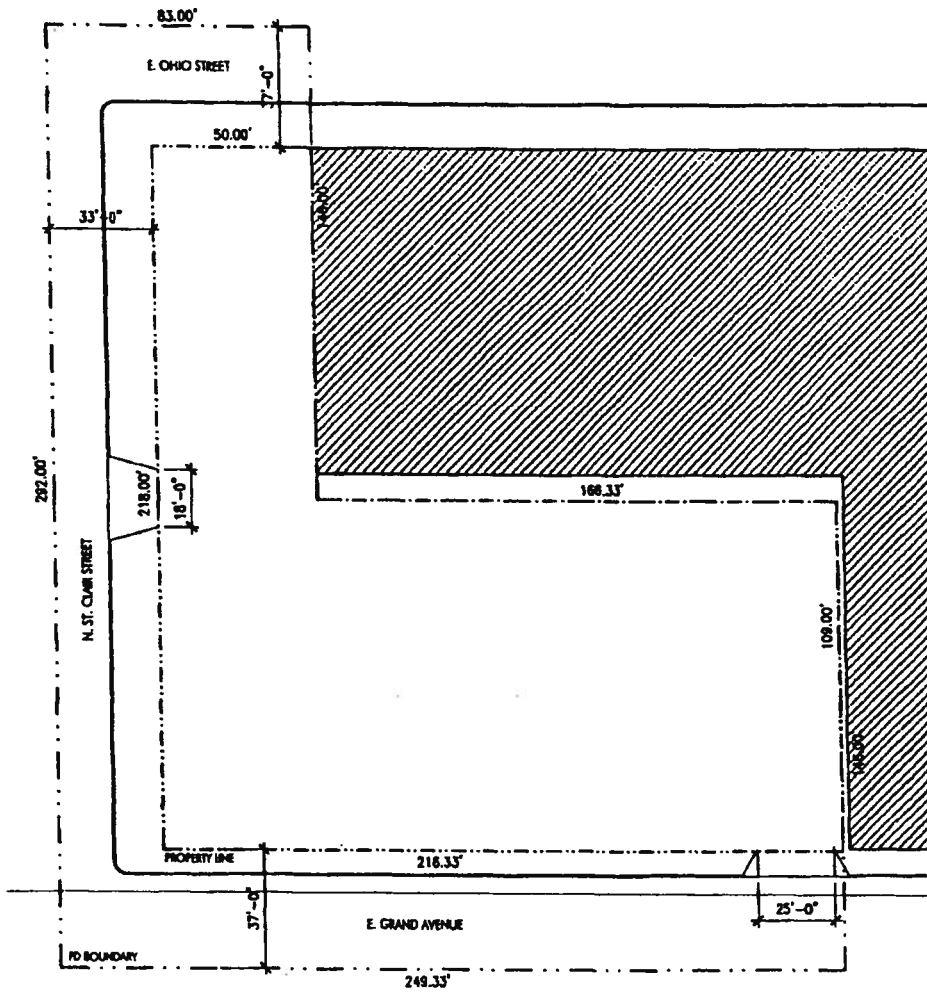
Existing Zoning And Land-Use Map.



EXISTING ZONING AND LAND USE MAP



Planned Development Boundary, Property Line
And Right-Of-Way Adjustment Map.

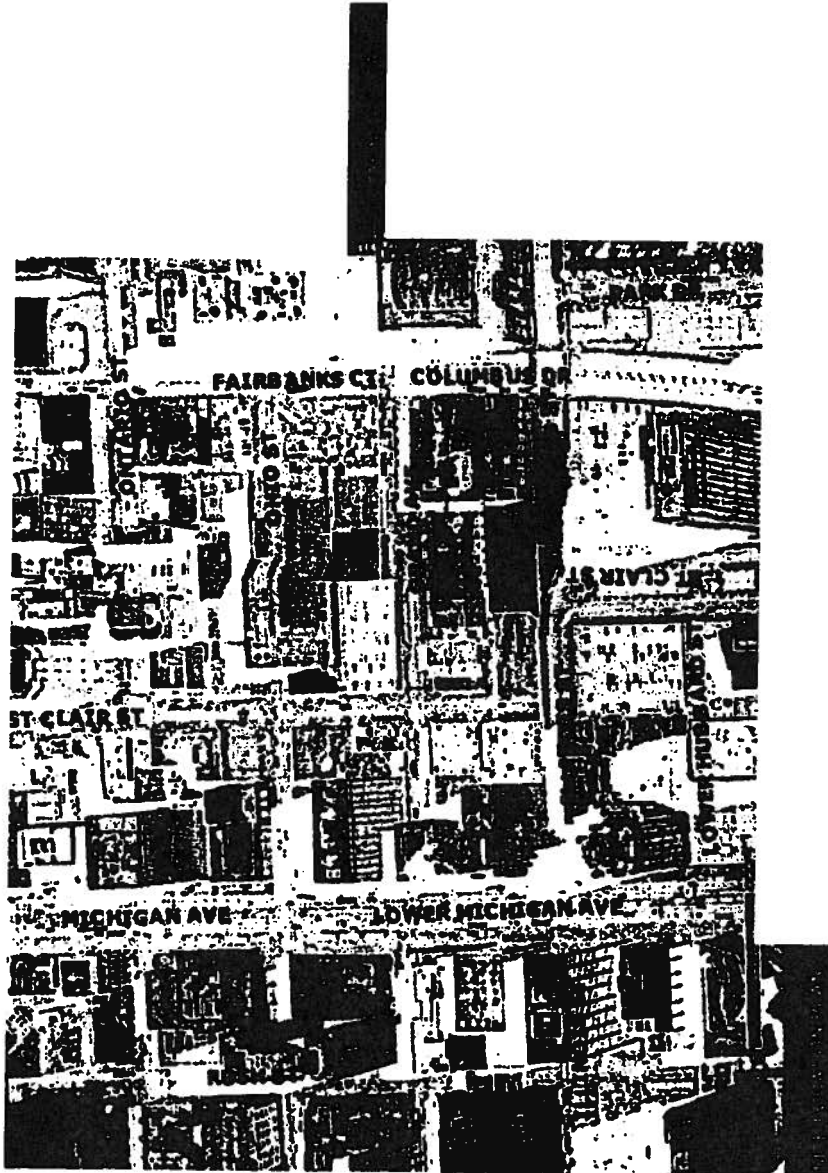


PLANNED DEVELOPMENT BOUNDARY, PROPERTY LINE
AND RIGHT OF WAY ADJUSTMENT MAP

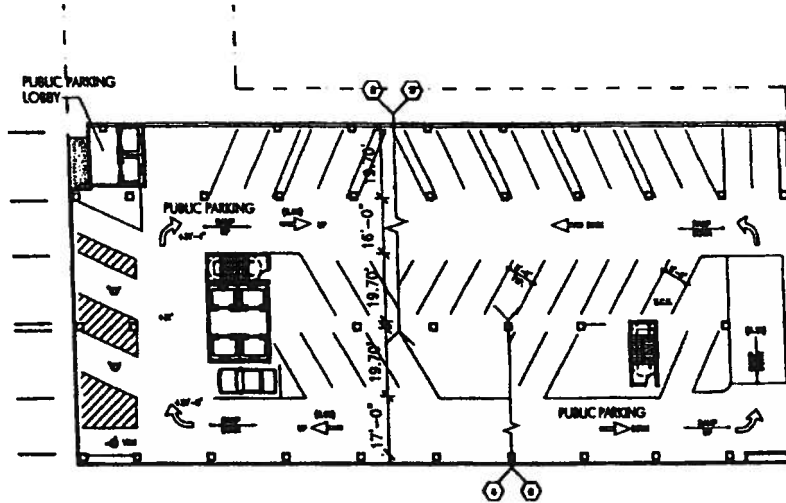


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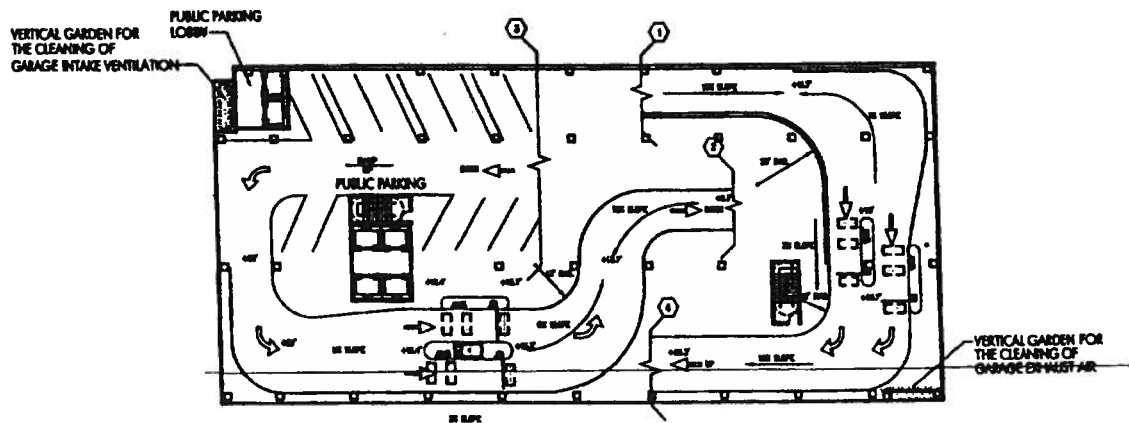
Site Location Plan.



Tier Plans.
(Page 1 of 7)

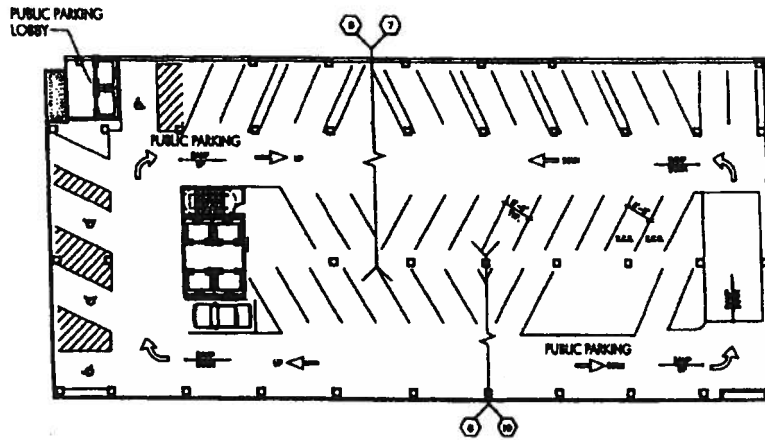


THIRD TIER PLAN
1
CT.3

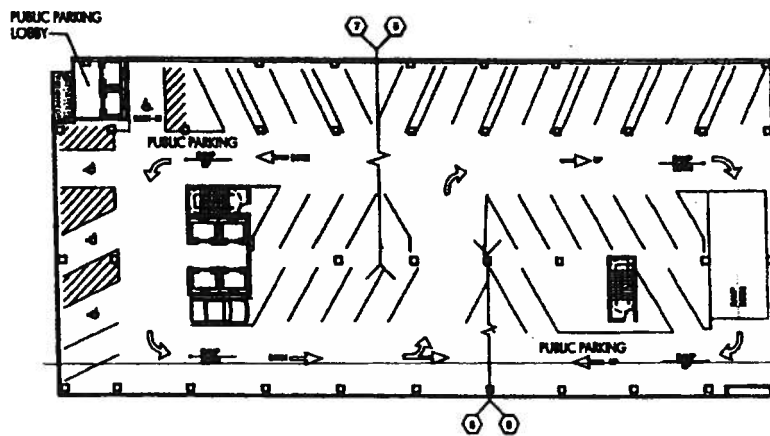


SECOND TIER PLAN
1
CT.2

Tier Plans.
(Page 2 of 7)

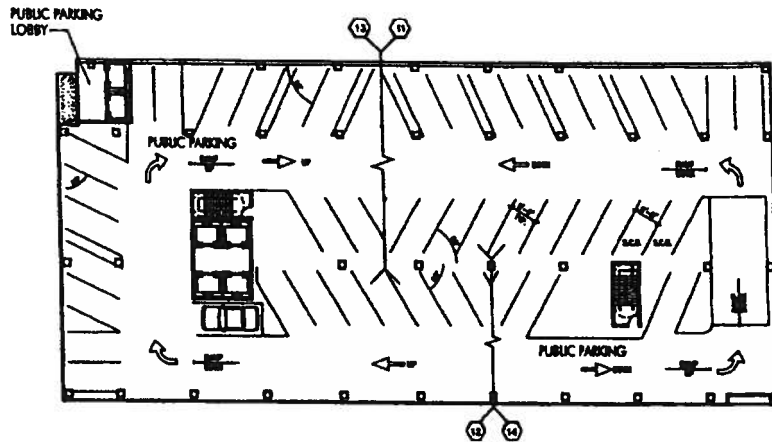


FIFTH TIER PLAN
1
CL. 4
1/8" = 1'

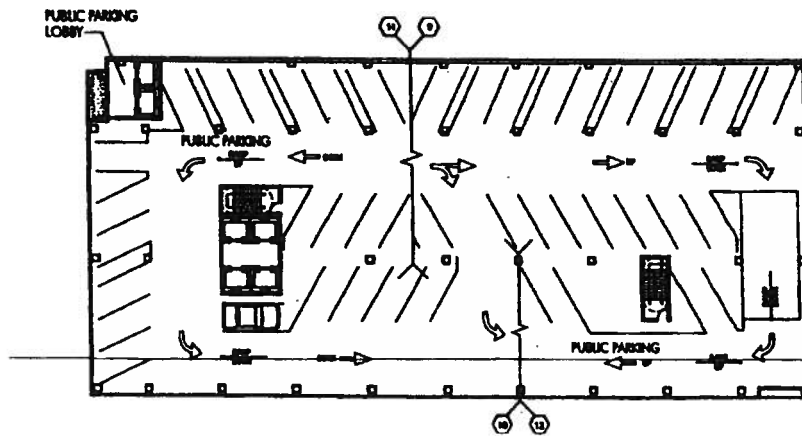


FOURTH TIER PLAN
1
CL. 0
1/8" = 1'

Tier Plans.
(Page 3 of 7)

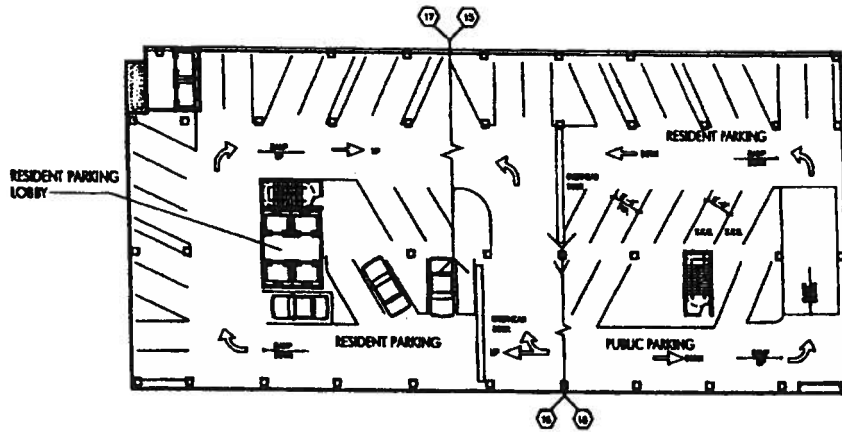


SEVENTH TIER PLAN
1 61.7
1/8" = 1'

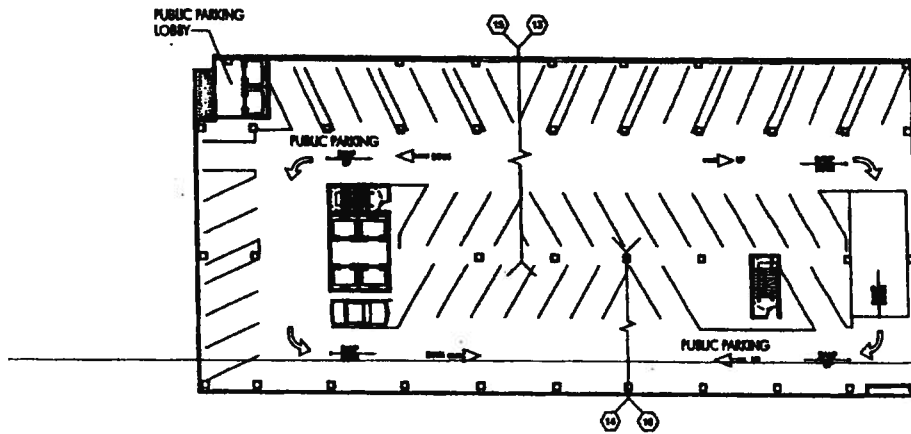


SIXTH TIER PLAN
1 61.6
1/8" = 1'

Tier Plans.
(Page 4 of 7)

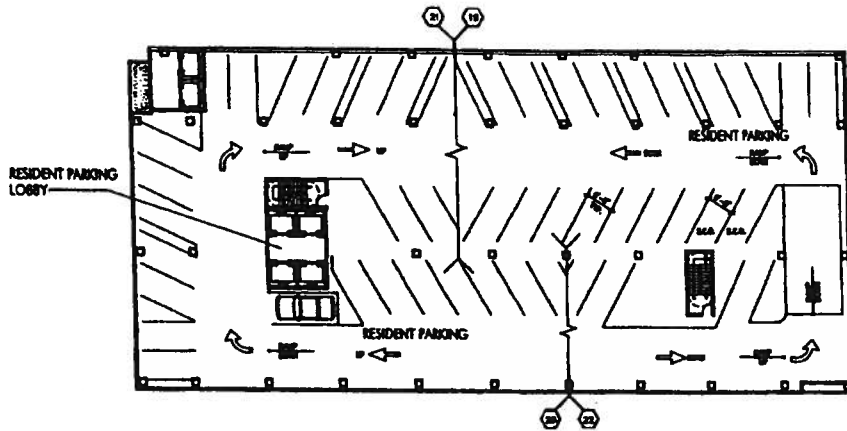


NINTH TIER PLAN
1
G1.3
1/4" = 1'

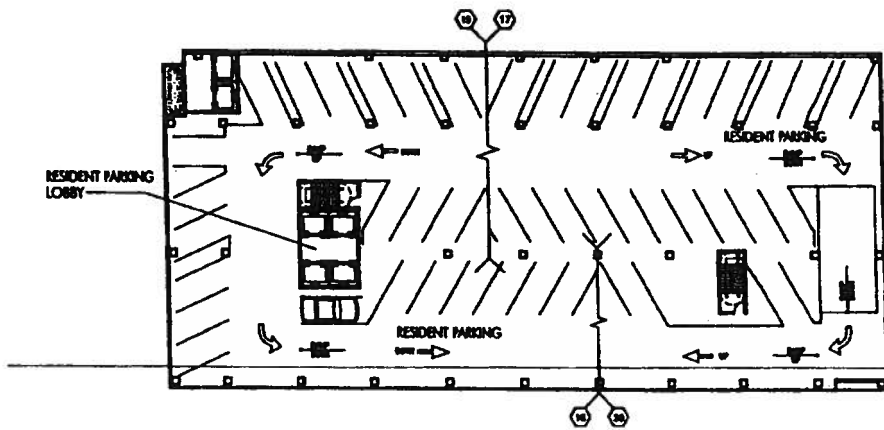


EIGHTH TIER PLAN
1
G1.4
1/4" = 1'

Tier Plans.
(Page 5 of 7)

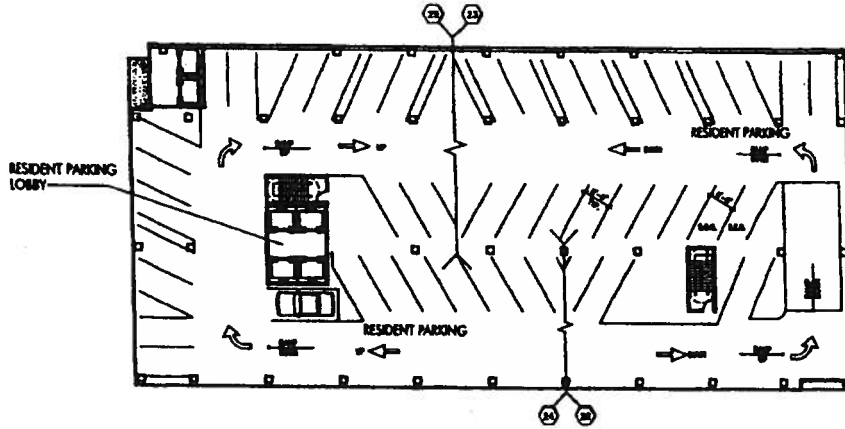


ELEVENTH TIER PLAN 1
CL11

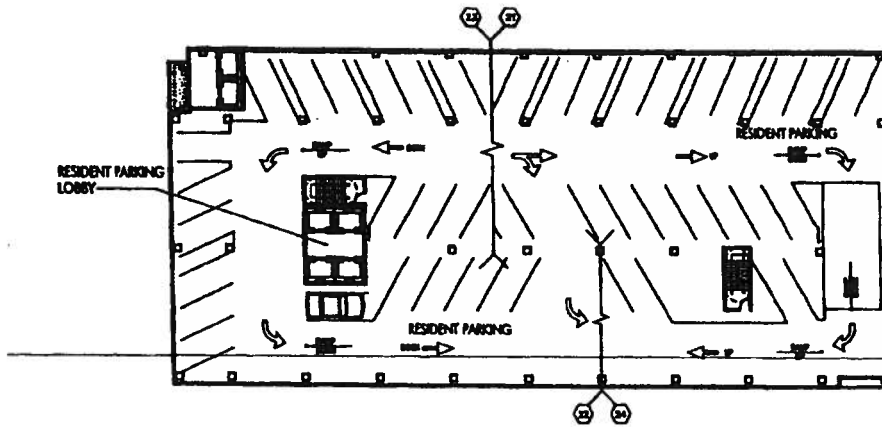


TENTH TIER PLAN 1
CL10

Tier Plans.
(Page 6 of 7)

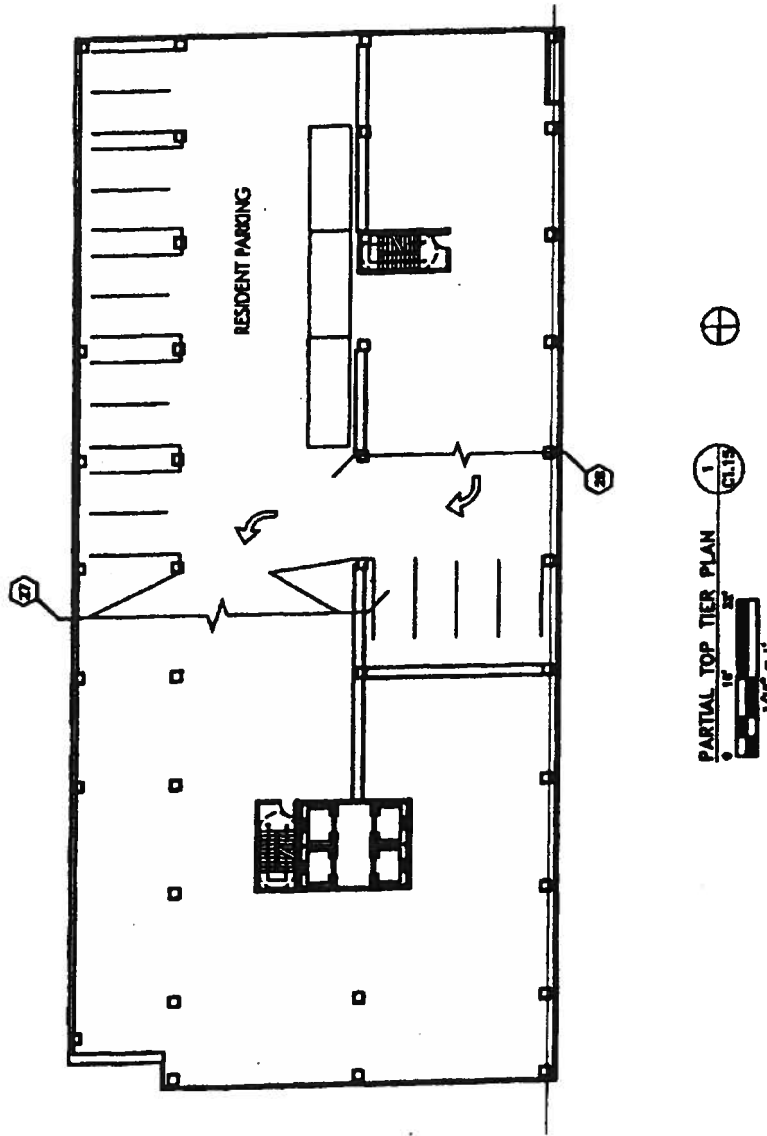


THIRTEENTH TIER PLAN
1
PL.13

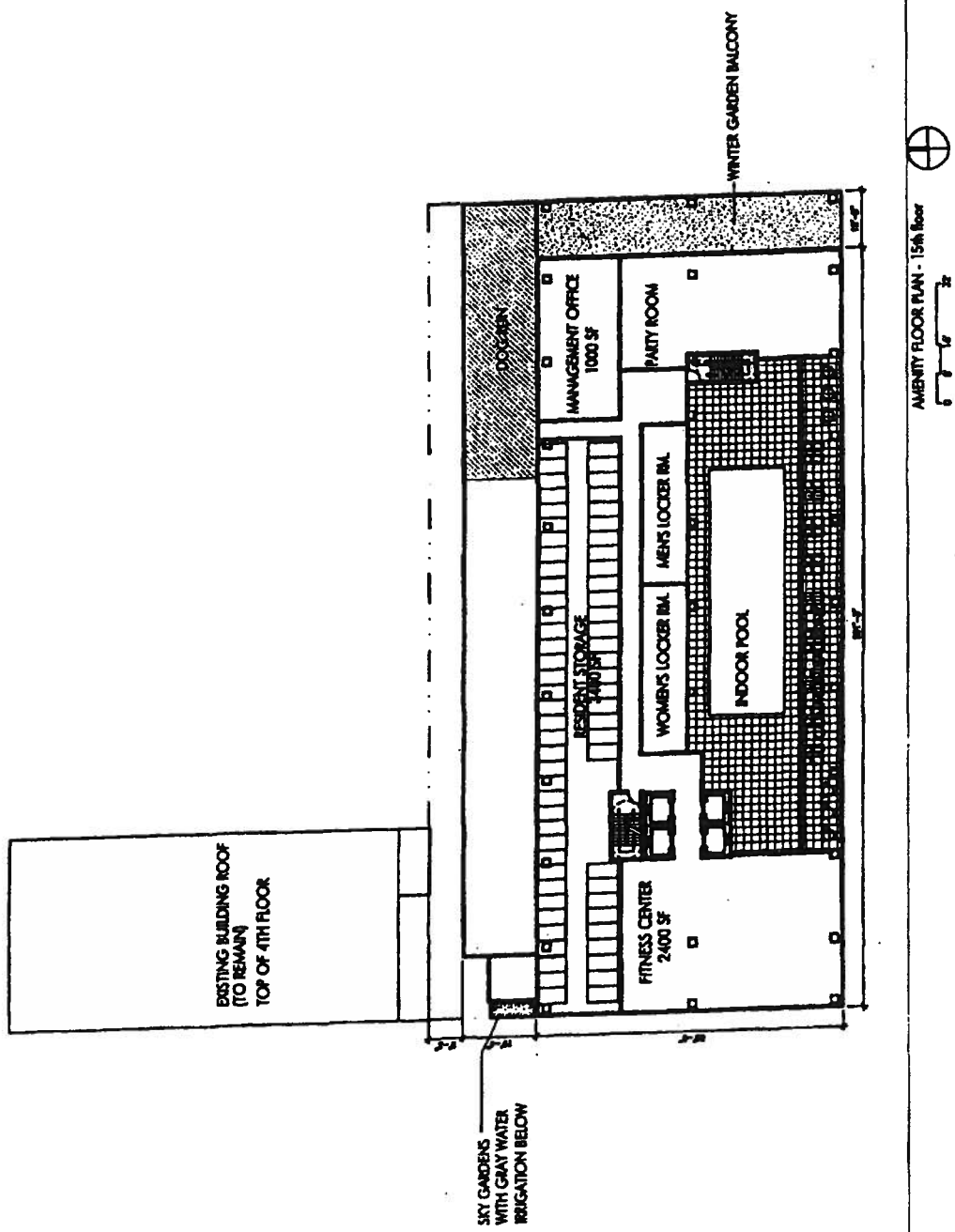


TWELFTH TIER PLAN
1
PL.12

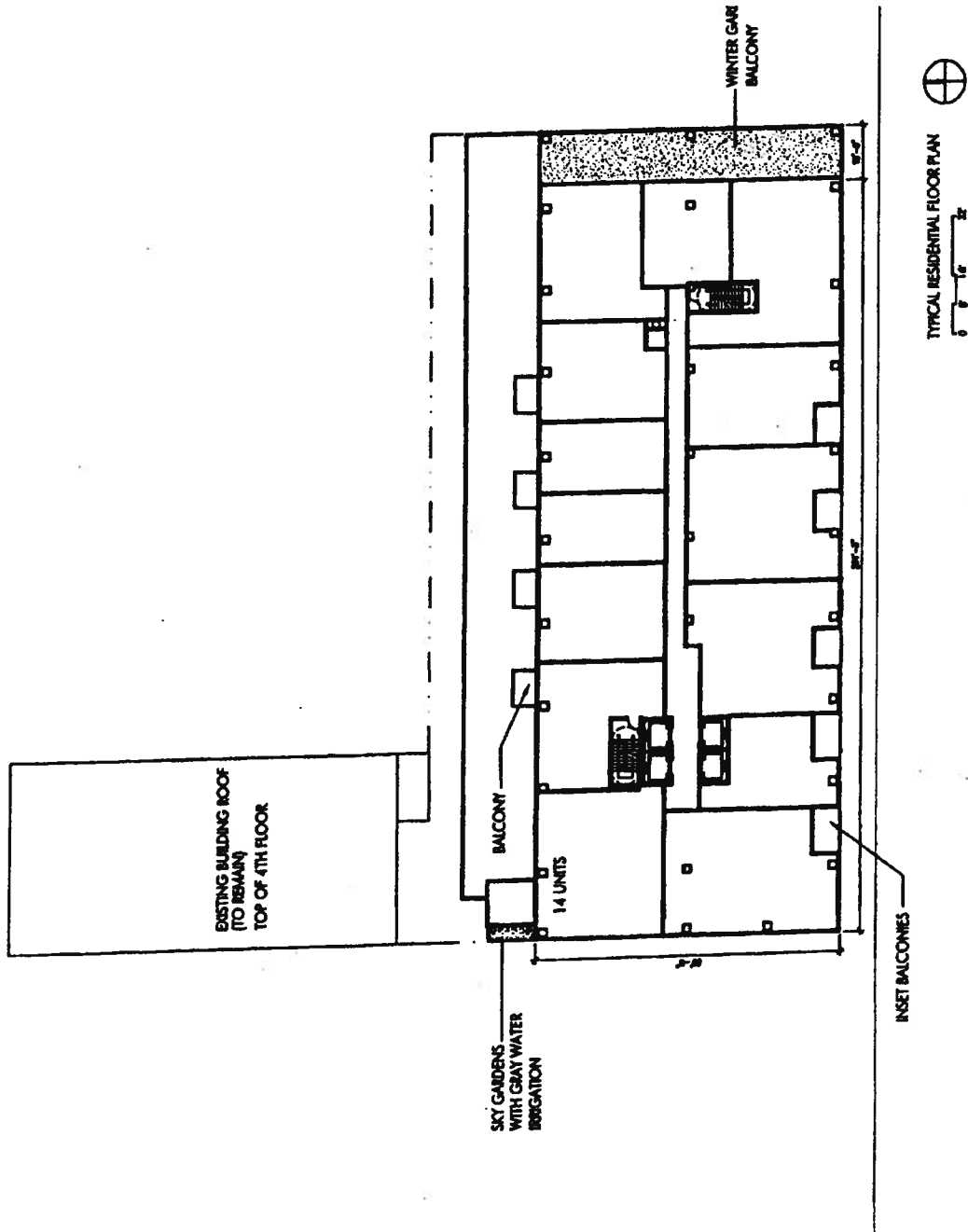
Tier Plans.
(Page 7 of 7)



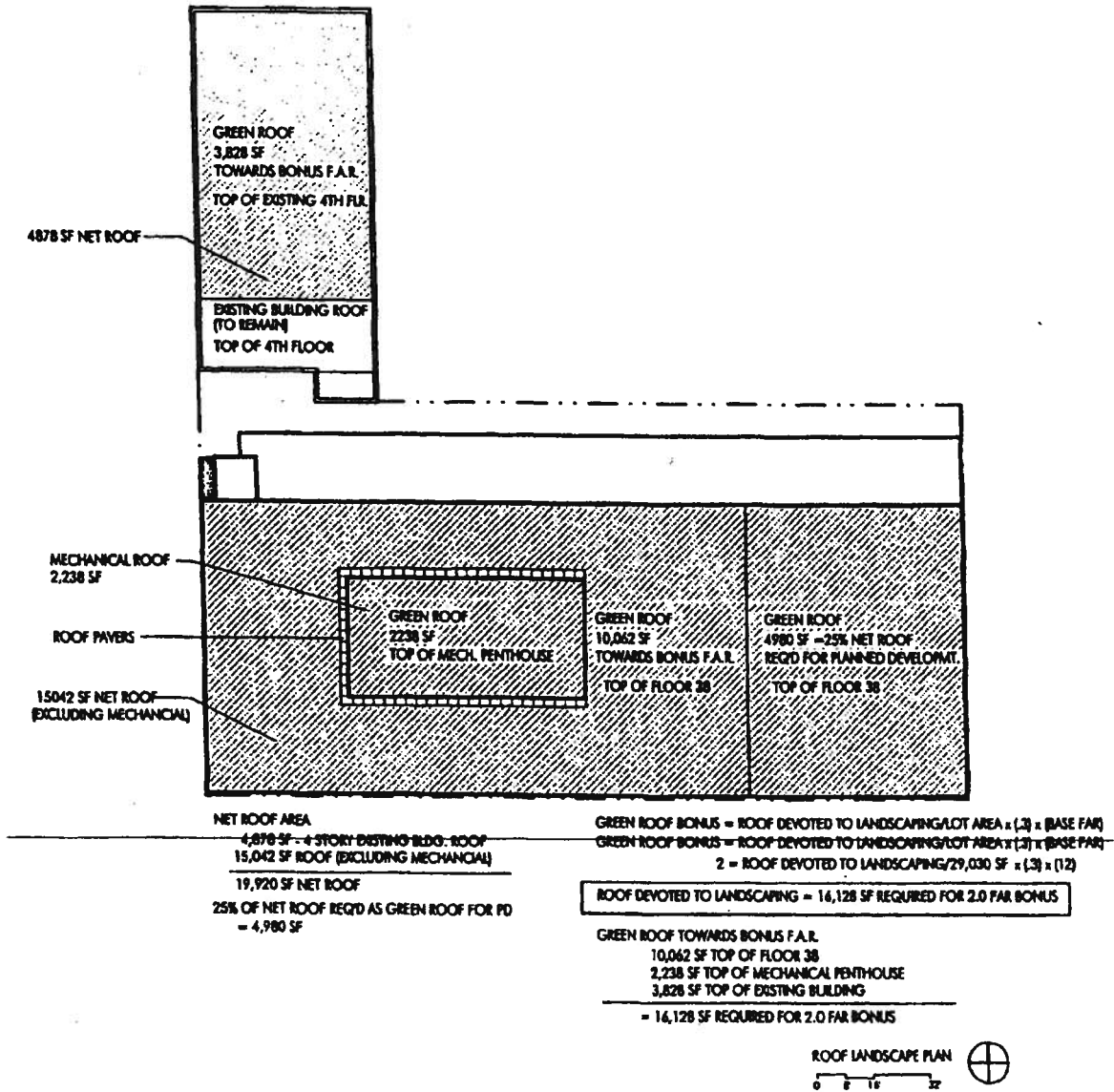
Floor Plans.
(Page 2 of 3)



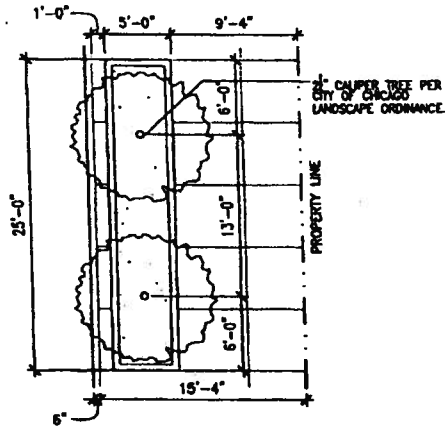
Floor Plans.
(Page 3 of 3)



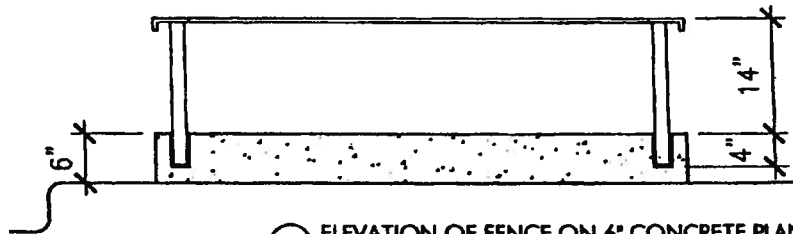
Roof Landscape Plan.



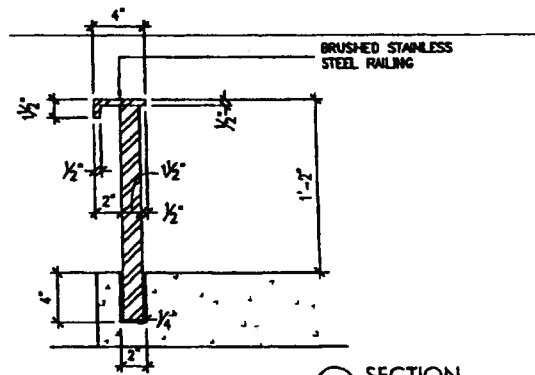
Planter Plan And Elevation.



① ENLARGED PLAN OF PARKWAY PLANTER

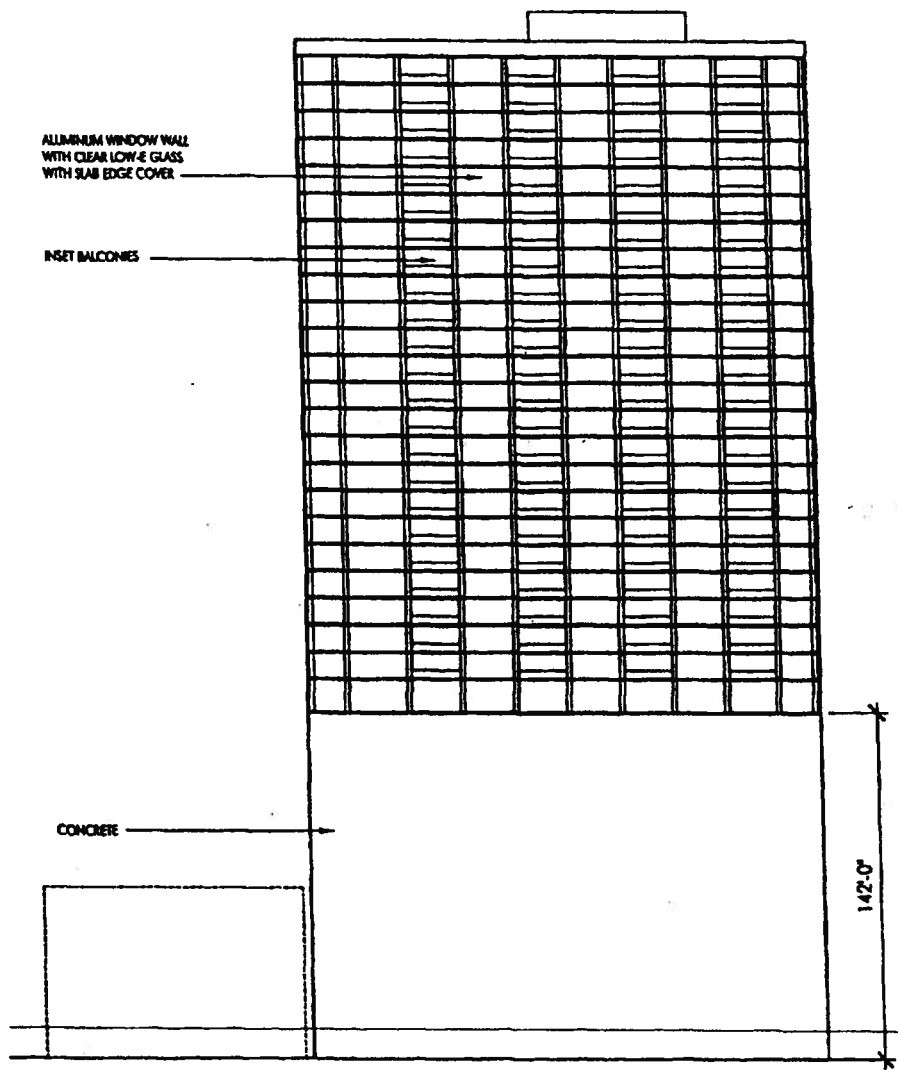


② ELEVATION OF FENCE ON 6" CONCRETE PLANTER CURB



③ SECTION

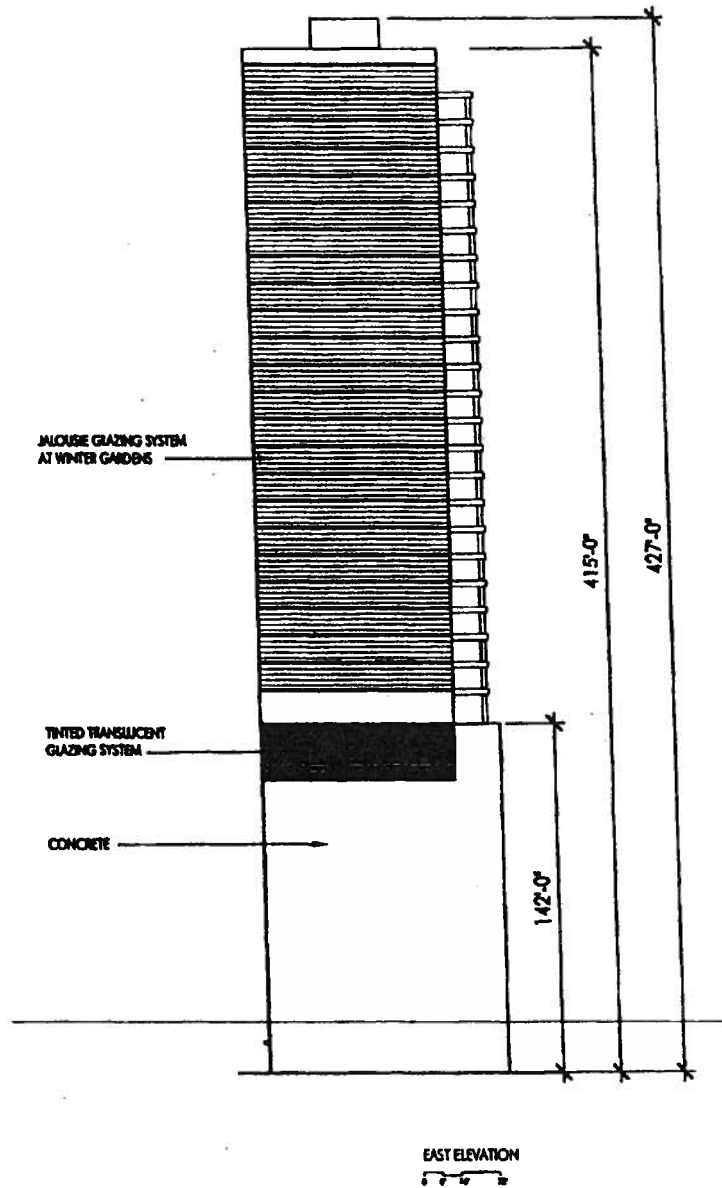
Building Elevations.
(Page 1 of 9)



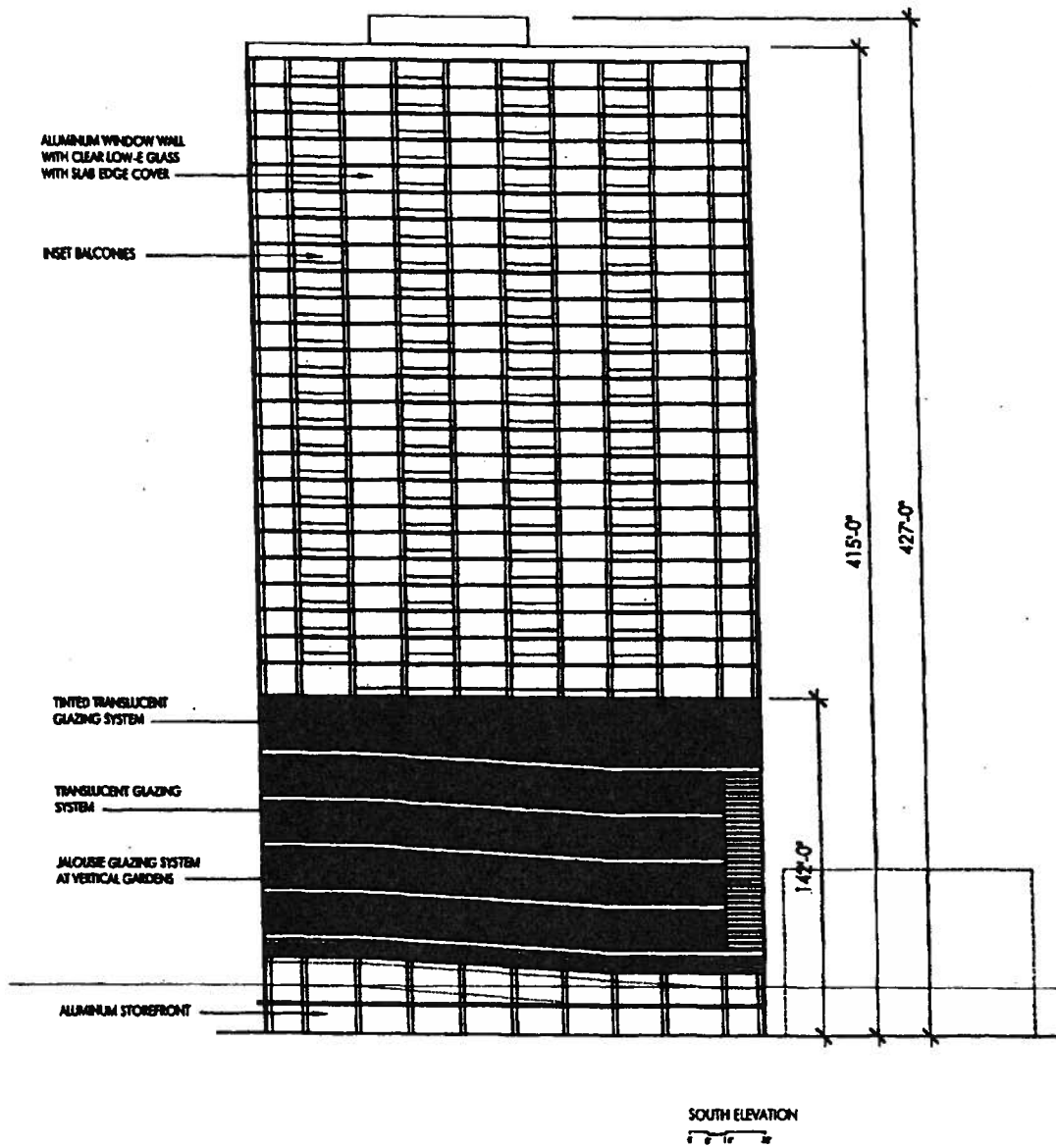
NORTH ELEVATION



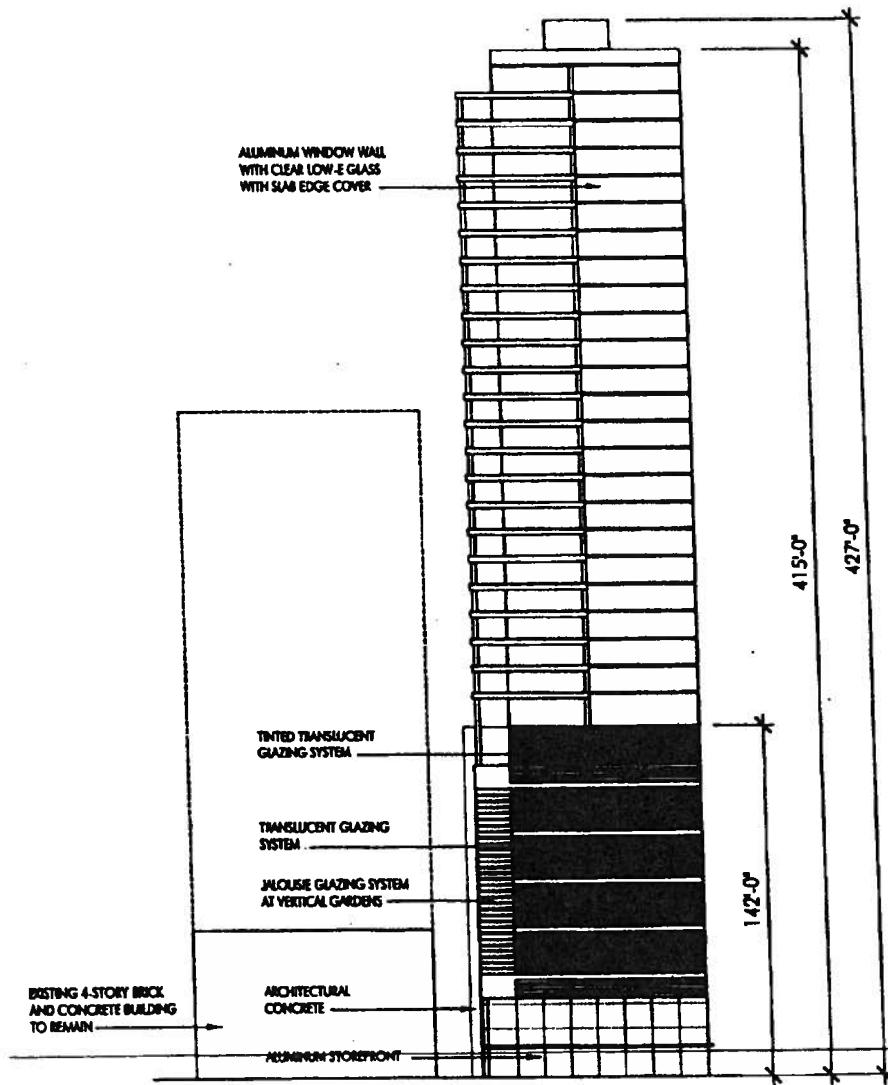
Building Elevations.
(Page 2 of 9)



Building Elevations.
(Page 3 of 9)

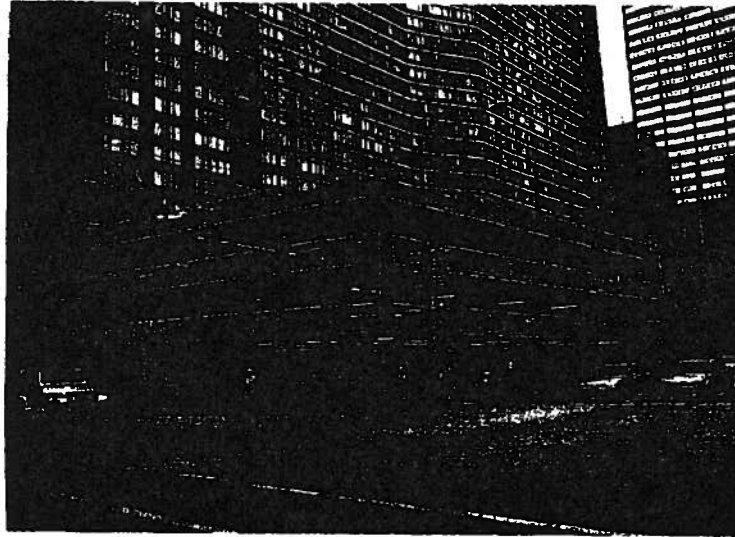


Building Elevations.
(Page 4 of 9)

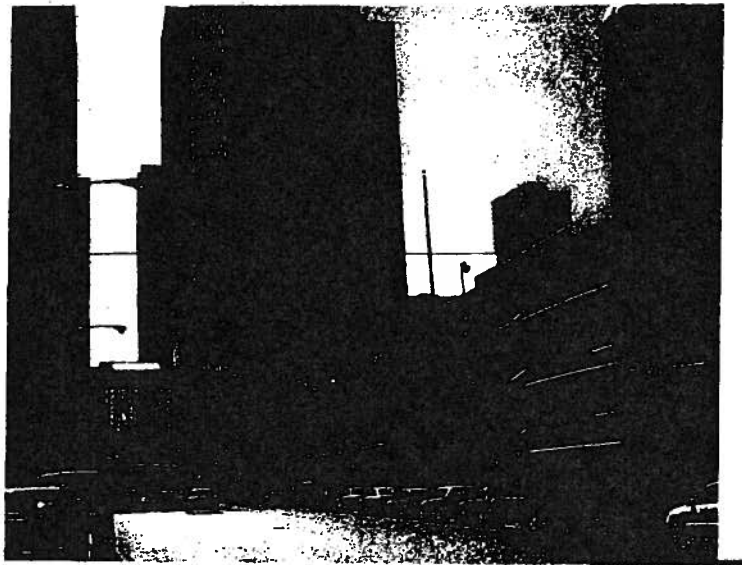


WEST ELEVATION
0 10 20

Building Elevations.
(Page 5 of 9)

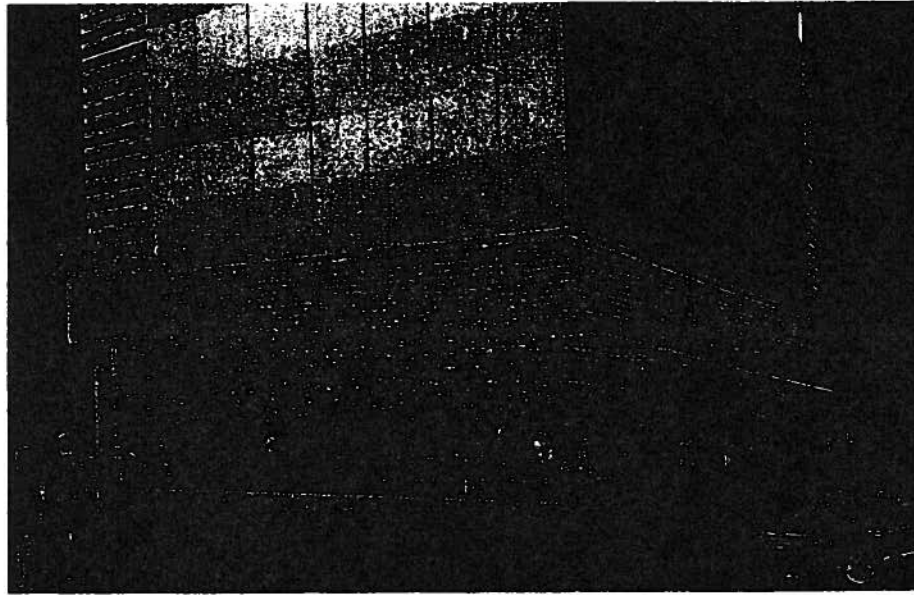


NORTH EAST CORNER OF ST. CLAIR AND GRAND

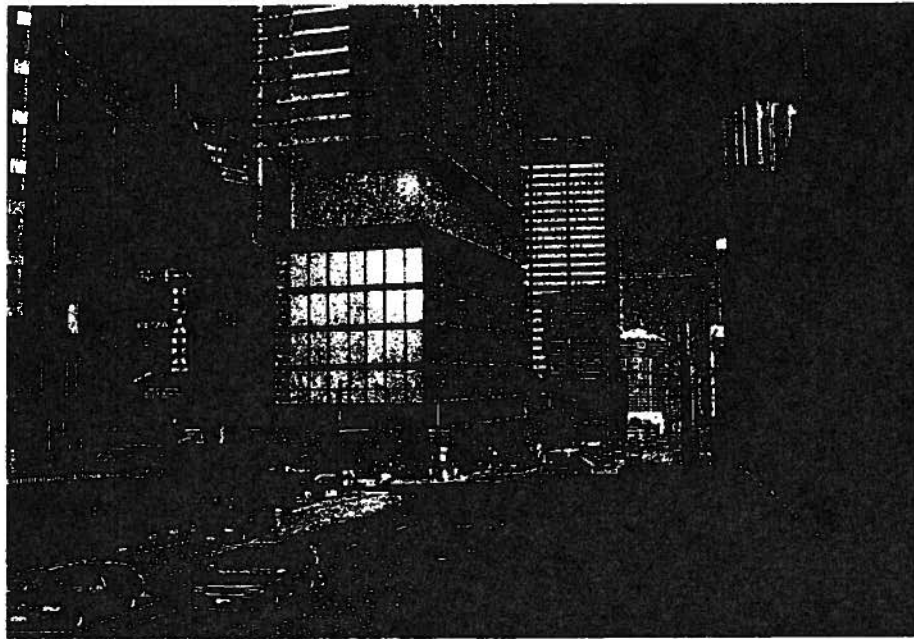


LOOKING WEST ON GRAND AVENUE

Building Elevations.
(Page 6 of 9)



SOUTH WEST PERSPECTIVE AT STREET LEVEL

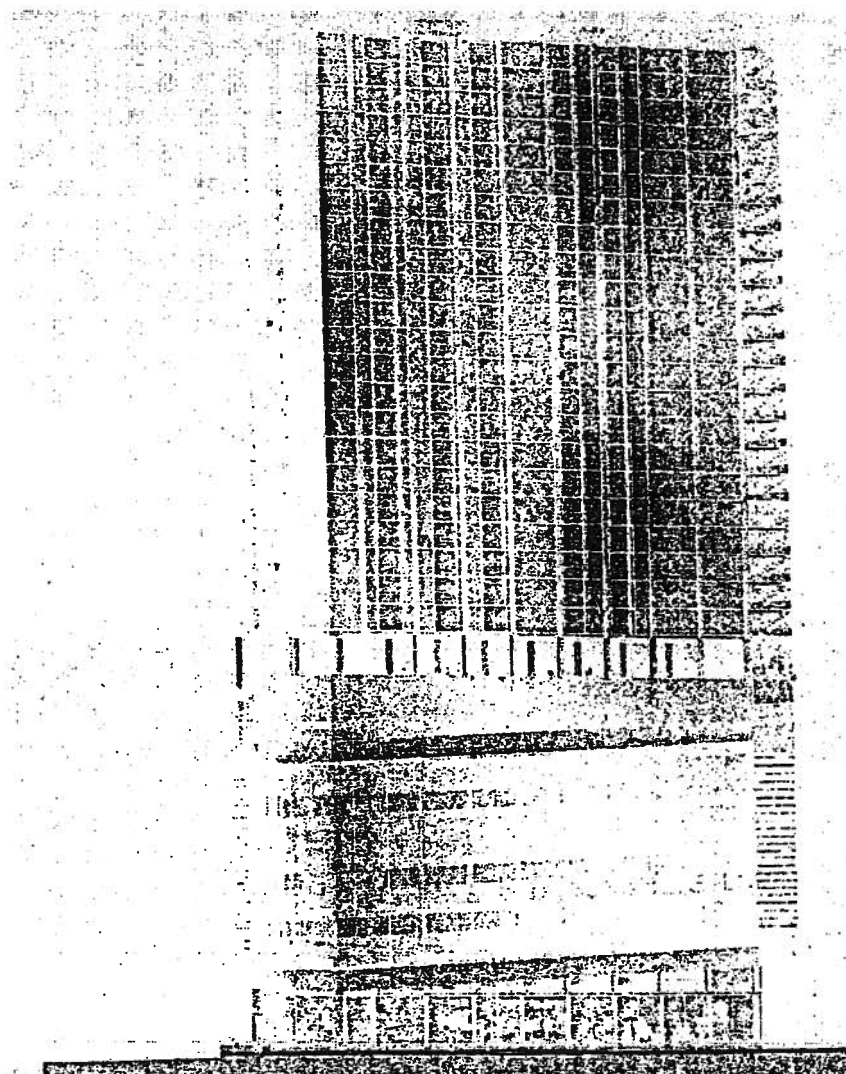


SOUTH WEST PERSPECTIVE IN SITE PHOTO

Building Elevations.
(Page 7 of 9)

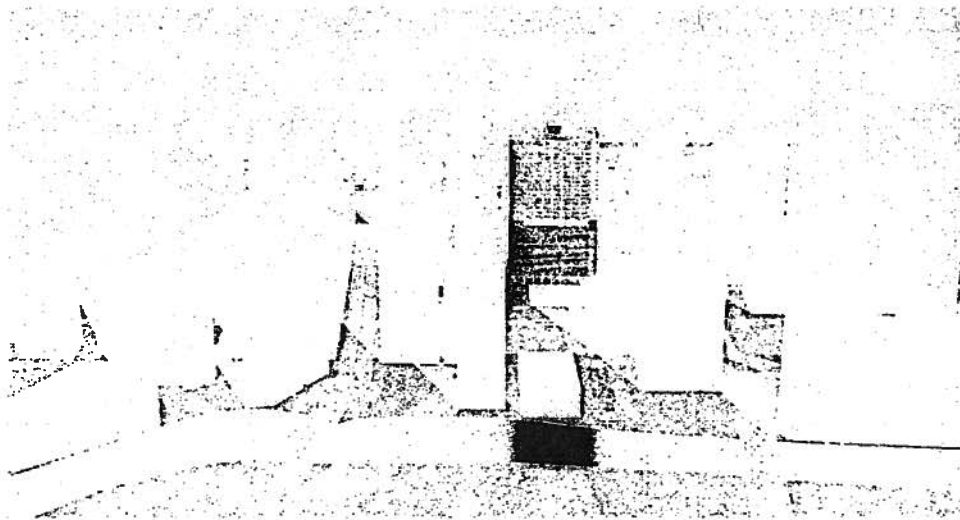


Building Elevations.
(Page 8 of 9)

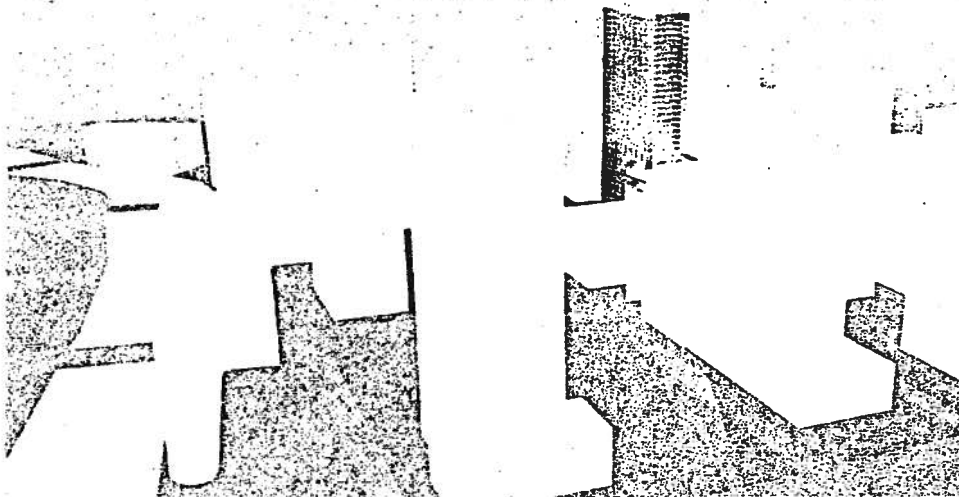


SOUTH PERSPECTIVE

Building Elevations.
(Page 9 of 9)



VIEW FROM SOUTH



VIEW FROM EAST

