



City of Chicago
Richard M. Daley, Mayor

Department of Planning and
Development

Arnold L. Randall
Commissioner

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<http://www.cityofchicago.org>

May 7, 2008

Mr. Paul Ozaki
Project Manager
Centrum Properties Inc.
The Fairbanks at Cityfront Plaza
240 East Illinois
Suite 100
Chicago, IL 60611

Re: **Administrative Relief request for Residential Business Planned
Development No. 368, as amended, 200 East Illinois Street**

Dear Mr. Ozaki:

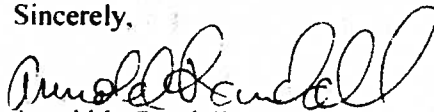
Please be advised that your request for a minor change to Residential Business Planned Development No. 368, as amended, has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 18 of the Planned Development.

According to the Planned Development, 25% of the roof area of Phase I (240 E. Illinois St.) and Phase II (200 E. Illinois St.) was to be a green roof. Furthermore, this area was allowed to be treated as a cumulative amount located on the Level 9 and 10 terrace areas of the Phase I building. However, the new green roof is approximately 13,900 square feet, or 950 square feet less than the 14,850 square feet required. Since it is not possible to fit an additional 950 square feet of planting on the Phase II building, you are requesting an Administrative Relief to allow the additional 950 square feet to be added to the Phase III planting area.

With regard to your request, the Department of Planning and Development has reviewed this request and has determined that the relocation of 950 square feet of green roof does not create an adverse impact on the Planned Development or surrounding neighborhood, does not result in an increase in the bulk or density, does 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. 368, as amended, I hereby approve the foregoing minor change, but no other changes to this Planned Development. **In the event the Phase III building is not constructed, the required 950 square feet of planting must be relocated somewhere on the site.**

Sincerely,


Arnold L. Randall
Commissioner

ALR:SA:HG:tm

cc: Robert McKenna, Mike Marmo, Pat Haynes, Erik Glass, **DPD files**



5/9/2007

REPORTS OF COMMITTEES

15979
105961

Once again, please let the record reflect that I abstain from voting on Application Numbers 16116, 16117, 16132, 16121, 16111, 16109, 16108, 15980 and 15665 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted,

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

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

Yeas -- Aldermen Flores, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, T. Thomas, Coleman, L. Thomas, Lane, Rugai, Brookins, Muñoz, Zalewski, Solis, Ocasio, Burnett, E. Smith, Reboyras, Suarez, Matlak, Mell, Austin, Colón, Banks, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Tunney, Levar, Shiller, M. Smith, Moore, Stone -- 44.

Nays -- None.

Alderman O'Connor moved to reconsider the foregoing vote. The motion was lost.

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

Reclassification Of Area Shown On Map Number 1-E.

(As Amended)

(Application Number 15979) RBPD 368,00

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 368 symbols and indications as shown on Map Number 1-E in the area bounded by:

a line 150 feet east of and parallel to North St. Clair Street; East Grand Avenue; North Lake Shore Drive; the centerline of Ogden Slip to a point 439.74 feet east of North Lake Shore Drive; the centerline of the Turning Basin; the north bank of the Chicago River and the line thereof extended eastward where said bank

does not exist; North Michigan Avenue; East North Water Street; North St. Clair Street (as now located); East Illinois Street; North St. Clair Street; and the alley next south of East Grand Avenue,

to the designation of a Residential-Business Planned Development Number 368, as amended, which is hereby established in the area above described, subject to the provisions of 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 368,
As Amended*

Plan Of Development Statements.

1. The area delineated herein as "Residential-Business Planned Development Number 368", as amended, consists of approximately one million four hundred ninety-four thousand two hundred fifty-six (1,494,256) square feet or thirty-four and thirty-hundredths (34.30) acres (exclusive of public rights-of-way and dedicated public open space) of real property as shown on the attached Planned Development Boundary Map (the "Property").
2. This plan of development consists of these twenty-one (21) statements and the following exhibits: Bulk Regulations and Data Table; an Existing Zoning Map; a Planned Development Boundary and Subareas Map; Development Parcels Map; Maximum Height Zones; Existing and Planned Open Spaces; Pattern of Vehicular Roadways; and Recommended Traffic Improvements. These and no other zoning controls shall apply to the area delineated herein. This Plan of Development is in conformity with the intent and purpose of the Chicago Zoning Ordinance and all requirements hereof, and satisfies the established criteria for approval as a planned development. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Building Code shall control.

Shelbourne North Water Street, L.P. (the "Applicant") owns or controls Subparcel E.3 within this Planned Development. This Plan of Development consists of the following exhibits related to the development

of Subparcel E.3: Site Landscape Plan; DuSable Landscape Plan; Ground Floor Plan Overview; Lower Lake Shore Drive Plan Overview; Building Elevations; South Building Elevation; Partial Enlarged South Elevation; Partial West/East Site Section; Partial Enlarged East Elevation; North/South Site Section at Lake Shore Drive; North/South Tower and Parking Section; West/East Parking Section; North/South Overview Section.

3. The current property owner or an authorized agent shall obtain all required reviews, approvals, licenses and permits in connection with this Plan of Development. The dedication or vacation of any streets or alleys shall require a separate submittal and approval by the City Council.
4. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the applicant, its successors and assigns (including any condominium association which is formed) 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 (including any condominium association which is formed) 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 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. Subject to the subarea/subparcel control provisions of Section 17-8-0400 of the Chicago Zoning Ordinance, 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 the Equitable Life Assurance Society of the United States or all its successors and assigns as zoning control party for property located west of Columbus Drive, and by all the successors and assigns to the Chicago Dock and Canal Trust, as zoning control parties for the property located east of Columbus Drive. The board of directors of any condominium association shall represent individual condominium owners.
5. Several subareas are delineated on the attached Planned Development Subarea Map for the purposes of establishing use and density controls in connection with this Plan of Development. Uses permitted below plus thirty-five (+35) feet Chicago City Datum plus or minus six (6) feet in respect of design conditions ("Plaza Level") shall be in general conformity with the Permitted and Special Uses of the DX-12, Downtown Mixed-Use District classification; uses permitted at and above the Plaza Level in the area hereinbefore defined shall be in general conformity with the Permitted

and Special Uses of the DX-12, Downtown Mixed-Use District classification, except that in that part of the subject area lying within two hundred (200) feet of North Michigan Avenue uses shall be in general conformity with the Permitted and Special Uses of the DX-16, Downtown Mixed-Use District classification; uses permitted where no Plaza Level exists shall be in general conformity with the Permitted and Special Uses of the DX-12, Downtown Mixed-Use District Classification. Earth station receiving and transmitting dishes, microwave relay dishes and transmitting or receiving dishes shall be permitted. Residential support services, physical fitness/indoor recreation center, and small venue theater are expressly permitted in Subparcel E.3. Non-accessory parking shall be a permitted use in Subarea F only. Underground accessory parking related to the improvements constructed upon Subparcel E.3 shall be a permitted use in Subparcel E.2. All other controls and regulations set forth herein are made applicable within the general application of this Statement. Uses permitted in DuSable Park (Subparcel E.1) shall be recreational and related uses including but not limited to marinas; tennis courts; and similar facilities. Temporary staging of construction materials and related equipment shall be a permitted use in Subparcel E.1 subject to the review and approval of the Commissioner of the Department of Planning and Development and the Chicago Park District. Day care and other community-oriented uses are expressly permitted and strongly encouraged in all areas of the planned development. Agreement on how space for a minimum of one new day-care center shall be provided within Subareas B, D or Subparcel E.3 to service new residents and employees of those subareas must be submitted and approved by the Department of Planning and Development prior to the issuance of any Part II approval for any improvement on Parcels P1, P3, P7, P7A, P8, P18, or P19.

6. For purposes of Floor Area Ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply, with the following exceptions: (1) In Subarea A, grade is herein established at plus thirty-five (+35) feet Chicago City Datum plus or minus six (6) feet in respect of design conditions ("Plaza Level"); (2) In Subarea B, grade is herein established as the curb level of Columbus Drive plus or minus six (6) feet in respect of design conditions. (3) Space devoted to heating, ventilation, and air conditioning equipment shall not be included in F.A.R. regardless of location.
7. Any service drives or other ingress or egress lanes shall be adequately designed and paved in accordance with the regulations of the Chicago Department of Transportation and in compliance with the Municipal Code of the City of Chicago to provide ingress and ingress for motor vehicles, including emergency vehicles. Fire lanes shall be adequately designed and paved in compliance with the Municipal Code of the City of Chicago and shall have a minimum of twenty feet to provide ingress and egress for

emergency vehicles. There shall be no parking within established fire lanes. 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. All work proposed in the Public Way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago.

8. Off-street parking and loading facilities shall be provided in compliance with this Plan of Development, subject to the review of the Chicago Department of Transportation and approval by the Department of Planning and Development. All parking spaces required to serve buildings or uses shall be located on the same parcel as the building or use served, or (i) if a residential use, within six hundred (600) feet walking distance, or (ii) if a non-residential use, within one thousand two hundred (1,200) feet walking distance. Parking to serve uses in Subarea E.1 or E.3 may be located underneath or west of Lake Shore Drive.
9. Business and business identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development and to the conditions of Statement 11(e). Off-premises signage is prohibited. Temporary signs such as construction and marketing signs may be permitted subject to the aforesaid approvals. Signage for retail and movie theater uses is a special concern. A general signage plan indicating the locations and dimensions of signage for these uses, including all interior signage which is visible from public streets, shall be submitted prior to part II approval in accord with Statement 16 hereof (Site Plan Review).
10. The height of buildings within the Planned Development and any appurtenance attached thereto shall be subject to the limitations on the attached exhibit labeled "Maximum Height Zones". Where maximum height zones have been established, building height shall be defined as follows:

"Building height" is the vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the under side of the ceiling beams of the highest habitable floor, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. (For the purpose of determining height, building tops of the other configurations may be considered to be the type described herein which most closely approximates the shape of the proposed design). However, in no case shall the "actual" height of a building exceed the "maximum height" by more than sixty-five (65) feet.

11. The improvements on individual development sites shall be designed, constructed and maintained in accordance with the exhibits attached hereto and the following general design standards:

(a) Buildings along Lake Shore Drive shall be designed to minimize building mass directly facing the Drive. The base along Lake Shore Drive of any such structure shall be limited to the height of Lake Shore Drive. The tower of such structures shall be set back a minimum of forty (40) feet from Lake Shore Drive although encroachments into such setback area for design reasons may be allowed by the Commissioner of Planning and Development as a minor change pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance. This forty (40) foot setback area shall be heavily landscaped with trees and other greenery so as to be visible from the Drive.

(b) Landscaping of buildings at terraces, rooftops, and balconies shall be provided wherever possible and appropriate. Buildings shall be designed with upper level architectural features that are lit at night wherever possible. Mechanical equipment on rooftops shall be screened with quality materials, and made a feature of the building design, where appropriate. Notwithstanding any statement to the contrary, this Planned

Development shall be subject to the provisions of Chapter 17-11 of the Chicago Zoning Ordinance governing landscaping and screening. In any instance where a provision of this Planned Development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance, the Chicago Zoning Ordinance shall control. Nothing in this Planned Development is intended to waive the applicability of the landscape and screening provisions of the Chicago Zoning Ordinance.

(c) Buildings shall be setback from the property line, if necessary, to achieve a minimum of twelve (12) feet, six (6) inches (except the building column may be setback ten (10) feet in Subarea E-3 along Ogden Slip) in sidewalk width to accommodate street trees. No awnings, canopies or other building projections shall be allowed that would interfere with street tree canopies except at entrances to hotels or movie theaters.

(d) Building designs that reflect divisions into base, middle, and top, that have setbacks, cornice lines, changes in plane or materials, articulated surfaces, or other methods of reducing the scale and mass are encouraged. Preferred building materials shall be stone,

manufactured stone, brick, finished metal such as stainless steel, or articulated pre-cast concrete in combination with glass at the base. Exposed structural concrete, dryvit or other stucco-like material, or reflective glass shall not be allowed. Materials of upper stories shall be similar to those of the lower, however, the level of detailing may be simplified.

- (e) Buildings shall be designed with clearly delineated signage bands. The quality and amount of signage shall be strictly controlled. The total square footage displayed on any building shall be limited to no more than six (6) times the street frontage on any given street. Preference shall be given to pin-mounted back lit signs with individual letters that are externally lit. Signs behind glass that are visible from the sidewalk shall count toward the permitted sign area. The area of a sign that consists of individual letters shall be measured by drawing a box around the letters. Graphic images which depict tenant logos or products or which may otherwise be construed as advertising shall count as signage in their entirety. Signage on awnings shall be allowed on the valance only, with a maximum of five (5) inch high letters limited to tenant identification or logos only. No electronic moving message board signs shall be allowed. Rooftop signs shall be prohibited.
- (f) No new surface parking lots except interim lots approved by the Commissioner of Planning and Development shall be allowed. No surface parking lot shall be allowed on the seventy thousand (70,000) square foot "Kraft" park site in Subarea F, except for that area not contained within any interim park. The maximum effort shall be made to contain parking in below-ground structures. Above-grade parking structures shall be enclosed, fronted by habitable space, or otherwise designed so as to have a similar appearance to habitable spaces in terms of finished materials, the shape and scale of openings, and the screening of ramps, car lights and ceiling fixtures. Any parking structures facing the Chicago River must be fronted by habitable space or completely enclosed and well articulated at all levels. The first floor of all structures facing Illinois Street, Grand Avenue, McClurg Court, Park Drive, or Columbus Drive shall maximize space with active uses such as retail, daycare, restaurants, et cetera. Parking structures shall also contain provisions for planting at the base, the roof, or at mid-height ledges.
- (g) Loading docks shall be concealed from public view through screening or landscaping. Curb cuts for loading docks shall be minimized.

- (h) The new roadway structure at upper level Illinois Street shall be finished in highly articulated stone, pre-cast concrete, or other quality material, with particular attention given to views of the structure from Columbus Drive. Terraced planting, pedestrian lighting, decorative railings, banners, and other features shall be used to create a major pedestrian amenity. A major water feature shall be installed at the intersection of upper-level Illinois Street and the NBC Plaza. The underside of upper Illinois shall be appropriately lit, structural columns shall be covered, and other elements shall be added to create a safe, well-lit connection to Michigan Avenue.
- (i) The completion of the riveredge esplanade shall be required of the developers of Parcels 14 and 16 and Parcel 18. Such public spaces shall be developed with the same quality and character of amenities as the existing esplanade adjacent to these areas. In addition, the developer of Parcel 18 shall be responsible for the development of pedestrian access to DuSable Park under Lake Shore Drive. Such access shall be well-lit, suitably paved, and finished so as to provide safe, attractive, and convenient access to the park from the river esplanade. All plans for pedestrian access to DuSable Park from Parcel 18 shall be subject to detailed review and approval by the Department of Planning before the issuance of any superstructure Part II approval letters.
- (j) The developer of Parcel 19 shall develop the following public improvements indicated on Exhibit 6 Existing and Planned Open Spaces concurrently with the development of Parcel 19: a pedestrian walkway from East North Water Street to Ogden Slip and an extension of the Ogden Slip promenade to Lake Shore Drive. The pedestrian walkway from East North Water Street to Ogden Slip shall be developed with the same quality and character of amenities as the existing walkway from the river esplanade to East North Water Street. The extension of the Ogden Slip promenade shall be developed with the same quality and character of amenities as the existing promenade adjacent to it. In the event that DuSable Park is developed before Parcel 19 is developed, the owner(s) of Parcel 19 shall construct and maintain a temporary pedestrian connection along the slip. These improvements shall consist of a paved (asphalt or better) pedestrian walkway, a minimum of twenty (20) feet in width. Metal railings shall be installed along either side of the pedestrian walkway near the slip edge and on the side adjacent to Parcel 19. The design of these improvements shall be subject to the approval of the Commissioner of Planning and Development.

In addition, pedestrian access along Ogden Slip under Lake Shore Drive to DuSable Park shall be constructed concurrently with the construction of DuSable Park. The owner(s) of Parcel 19 shall be solely responsible for the cost of improvements underneath Lake Shore Drive, subject to approval of the State of Illinois to make such improvements. Such access shall be well-lit, suitably paved, and finished so as to provide safe, attractive, and convenient access to the park from the Ogden Slip promenade. However, if Parcel 19 should be developed before the construction of DuSable Park, then the owner(s) of Parcel 19 shall, at the time of application for superstructure Part II, place in escrow money equivalent to the cost of constructing such a connection, as determined by the Commissioner of the Department of Planning and Development, unless an agreement between the applicant and the Chicago Park District as referenced in Statement Number 11(m) below provides otherwise.

All plans for these improvements shall be subject to detailed review and approval by the Department of Planning and Development before the issuance of any Part II approval letters.

- (k) All improvements to be constructed within this Planned Development for which Part II approval letters are issued after the March 29, 2006, date of City Council approval of the amended Planned Development shall comply with the Department of Planning and Development Building Green/Green Roof Matrix and the owners shall use best and reasonable efforts to design, construct and maintain all buildings located within this Planned Development in a manner generally consistent with the Leadership in Energy and Environmental Design Green Building Rating System ("L.E.E.D."). A dog-run shall be located within or adjacent to Subparcel E.3. As a result of the architectural design of the tower to be constructed within Subparcel E.3, a green roof is not feasible.
- (l) 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 x 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 of the City of Chicago Affordable Housing Opportunity Fund in the amount of Five Million Seven Hundred Thousand Three Hundred and no/100 Dollars (\$5,700,300.00). 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.

Pursuant to the Off-Site Park and Open Space Contributions provision of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1018, et seq., the Applicant has asked for an increase in the floor area ratio of 2.16 F.A.R. for the Property. The Applicant hereby acknowledges that according to Section 17-4-1018-C of the Zoning Ordinance, a cash payment must be made to the City of Chicago based on the increase in allowable floor area multiplied by eighty percent (80%) of the median cost of land per buildable square foot. Based on Section 17-4-1018-C, the Applicant has agreed to provide a cash payment to the City of Chicago in the amount of Four Million One Hundred Four Thousand Two Hundred Sixteen and no/100 Dollars (\$4,104,216.00). Prior to the issuance of permits, the Applicant will 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 sections of the Off-Site Park and Open Space contributions provisions of the Zoning Ordinance which sections are hereby incorporated into this Planned Development. The Off-Site Park and Open Space contribution Agreement required by Section 17-4-1018-B3 is also incorporated into this Planned Development.

- (m) The Applicant, the City of Chicago and the Chicago Park District shall enter into an agreement relating, in part, to the responsibility for the design, funding and construction phasing of DuSable Park, the pedestrian connections to DuSable Park and the Lakefront Trail.
- (n) The improvements contemplated for DuSable Park (Subparcel E.1) must be substantially completed by the Applicant prior to the issuance of Certificate of Occupancy for any dwelling unit exceeding the three-hundredth (300th) dwelling unit constructed with Subparcel E.3.

12. Publicly dedicated improvements, including streets, sidewalks, transit and open space amenities shall be designed, constructed and maintained in accordance with the exhibits described in Statement 2 hereof and the Cityfront Center Internal Design Standards: Section I: dated September 12, 1986.
13. The property owner(s) adjacent to the Chicago River shall develop a continuous pedestrian esplanade along the Chicago River's edge. Completion of the esplanade will occur as follows:
 - (a) The east right-of-way line of McClurg Court to the west right-of-way line of Lake Shore Drive shall be improved concurrently with development of adjacent parcels south of east North Water Street (Parcels 14, 16 and 18). In the event that DuSable Park is developed before Parcel 18 is developed, the owner(s) of Parcel 18 shall construct and maintain a temporary pedestrian connection along the river. These improvements shall consist of a paved (asphalt or better) pedestrian walkway, a minimum of ten (10) feet in width. Metal railings shall be installed along either side of the pedestrian walkway near the river's edge and on the side adjacent to the development parcel. The design of these improvements shall be subject to the approval of the Commissioner of Planning and Development; and
 - (b) The west right-of-way line of Lake Shore Drive to DuSable Park shall be constructed concurrently with the construction of DuSable Park. The owner(s) of Parcel 18 shall be solely responsible for improvements underneath Lake Shore Drive, subject to approval of the State of Illinois to make such improvements. Such access shall be well-lit, suitably paved, and finished so as to provide safe, attractive, and convenient access to the park from the river edge esplanade. However, if Parcel 18 should be developed before the construction of DuSable Park, then the owner(s) of Parcel 18 shall, at the time of application for superstructure Part II, place in escrow money equivalent to the cost of constructing such a connection, as determined by the Commissioner of the Department of Planning and Development, unless an agreement between the applicant and the Chicago Park District as referenced in Statement Number 11(m) above provides otherwise.
14. The Open Space Plan attached hereto (Exhibit 6) calls for a new seventy thousand (70,000) square foot park on Peshtigo Court between Illinois Street and Grand Avenue. The owners of the adjacent development parcel (Parcel P21) shall be responsible for developing this new publicly-accessible park concurrently with Parcel 21. Permanent

development of this park shall take place on top of an underground parking garage; however, should such development not be immediately feasible, a fully-appointed interim park shall be installed on the site until such time as the permanent park is constructed. This interim park shall be completed and open to the public by June 1, 2004, unless construction has started on permanent park and underground garage. The interim park may have an impermeable surface of asphalt or other material. The interim park is to be enclosed by a five (5) foot decorative metal fence which is to be located in the approximate footprint of the Kraft building, except along North Peshtigo Court where the fence is to be setback twelve (12) feet from the west curb of North Peshtigo Court. The interim park is to be no less than fifty thousand (50,000) square feet in size and is to be covered by at least seventy-five percent (75%) with landscape materials which may be located in raised planter boxes and other containers. The interim park shall be open to the public from sunrise to sunset. Within forty-five (45) days of the adoption and publication by City Council of this amendment to the Planned Development, the owner of the interim park site shall provide to the Commissioner a site plan for the interim park which complies with the provisions of this statement. The owner of the property on which the interim park is located shall be responsible for the maintenance of the interim park. The Commissioner of Planning and Development must approve the site plan for either a permanent or a interim park. The Commissioner of Planning and Development must approve the site plan for a permanent park before Part II approval is granted for Parcel P21. The City will not issue a final certificate of occupancy for Parcel P21 unless construction has started on the permanent park in accord with an approved site plan. After August 1, 2004, all surface parking lots in Sub-Area F shall be landscaped in accord with the Landscape Ordinance. All sidewalks in Sub-Area F shall remain open and be maintained in good condition.

15. Traffic studies completed by developers and the City of Chicago project significant peak hour traffic volume increases on Illinois Street and Grand Avenue in particular as a result of new development. Some excess roadway capacity is available to handle this increased traffic, but a number of geometric, signal timing and parking control measures are recommended in addition to active transportation management in the Illinois-Grand Corridor. Accordingly, no Part II submittal shall be approved without a firm agreement between the developer and the Chicago Department of Transportation regarding the timing and responsibility for any recommended traffic improvements described in Exhibit 8 hereof for streets adjoining the development site. Membership and participation in the Illinois-Grand Corridor Transportation Management Association shall also be required prior to the issuance of any Part II development approval.
16. Prior to the issuance by the Department of Planning and Development of a determination pursuant to Section 17-13-0610 of the Chicago Zoning

Ordinance ("Part II approval") for development or redevelopment of any development parcels within the Planned Development, other than alterations to existing buildings which do not increase their height or alter their footprint, a site plan for the proposed development, including parking areas, shall be submitted to the Commissioner of the Department of Planning and Development for approval. Review and approval of the site plan by the Commissioner is intended to assure that specific development proposals conform with the general design standards in Statement 11 and to ensure coordination of public improvements described in Statements 12 through 15 at an early stage. No Part II approval for work for which a Site Plan must be submitted to the Commissioner shall be granted until the Site Plan has been approved by the Commissioner. Further, all Part II submittals shall be in compliance with the Chicago Landscape Ordinance. At least thirty (30) days prior to the filing of the Applicant's request for Part II approval for the construction of the superstructure upon Subparcel E.3, the Applicant shall submit a detailed Landscape Plan and Elevations for the Subparcel E.3 property to the Department of Planning and Development for review and approval.

Following approval of a Site Plan by the Commissioner, the approved plan shall be kept on permanent file with the Department of Planning and Development and shall be deemed to be an integral part of this Planned Development. The approved Site Plan may be changed or modified pursuant to the minor change provisions of Section 17-13-0611 of the Chicago Zoning Ordinance.

A Site Plan shall, at a minimum, provide the following information with respect to the proposed improvements:

- (1) the boundaries of the Property;
- (2) the footprint of the improvements;
- (3) location and dimensions of all loading berths;
- (4) preliminary landscaping plan prepared by a landscape architect with final landscaping plan to be approved at Part II stage;
- (5) all pedestrian circulation routes;
- (6) the location of any adjacent public improvements;
- (7) a signage plan for any building where retail or theater uses would be present above the ground level;
- (8) preliminary elevations of the improvements; and

- (9) statistical information applicable to the Property limited to the following:
- (a) floor area and floor area ratio;
 - (b) uses to be established;
 - (c) building heights; and
 - (d) all setbacks, required and provided.

A Site Plan shall include such other information as may be necessary to illustrate conformance with the applicable provisions of this Planned Development.

17. If any provision of this planned development amendment shall, to any extent, be invalid or unenforceable, the remainder of this planned development amendment shall not be affected thereby, and each provision of the planned development amendment shall be valid and enforceable to the fullest extent of the law.
18. The terms, conditions and exhibits of this Planned Development Ordinance or of an approved Site Plan may be modified administratively by the Commissioner of the Department of Planning and Development upon the request of 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 the Planned Development and the purposes underlying the provisions hereof. Any such modification shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
19. 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 improvement 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.
20. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner that promotes and maximizes the conservation of natural resources. The Applicant shall use

best and reasonable efforts to design, construct and maintain all buildings located within the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System. Copies of these standards may be obtained from the Department of Planning and Development.

21. Unless substantial construction of the improvements contemplated within Subparcel E.3 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 Planned Development shall automatically revert to Residential-Business Planned Development Number 368, as amended on March 29, 2006.

[Existing Zoning Map referred to in these Plan
of Development Statements unavailable at
time of printing.]

[Exhibit 1 referred to in these Plan of Development Statements
printed on page 105979 of this *Journal*.]

[Exhibits 3 through 6, Exhibit 7, Exhibit 9 and Exhibits 10 through
23 referred to in these Plan of Development Statements printed
on pages 105983 through 106002 of this *Journal*.]

Exhibit 8 -- referred to in these Plan of Development Statements reads as follows:

Exhibit 8.

Recommended Traffic Improvements.

The following is a summary prepared by the Chicago Department of Transportation of the traffic impacts and proposed mitigation efforts for the River East, Grand Pier and North Bridge developments along the Illinois-Grand corridor, as described in traffic studies prepared by traffic consultants for the developers and the City (KLOA and Barton-Aschman, respectively):

General Impacts. The three (3) developments will generate roughly three thousand (3,000) trips (one thousand six hundred (1,600) inbound and one thousand four hundred (1,400) outbound) during the P.M. peak hour. About one thousand three hundred fifty (1,350) trips (seven hundred fifty (750) inbound, six hundred (600) outbound) will be generated during A.M. peak hour.

There will be traffic volume increases on Illinois and Grand, between State Street and Lake Shore Drive, of roughly five hundred (500) to seven hundred (700) vehicles per hour during the P.M. peak hour. During the A.M. peak hour, traffic volume will increase on Illinois and Grand by roughly two hundred (200) to three hundred (300) vehicles per hour. Existing peak volumes on Illinois and Grand range between one thousand (1,000) and one thousand five hundred (1,500) vehicles per hour; with these developments, volumes would range between one thousand five hundred (1,500) and two thousand (2,000) vehicles per hour.

Some excess capacity is available to handle this increased demand, but a number of geometric, signal timing and parking control measures are recommended to further accommodate this increase in traffic.

Geometric And Signal Operations Improvements. In order to increase overall intersection capacity and address heavy traffic circulation demand, it is proposed to widen McClurg Court between Illinois and Grand to provide double left turn lanes northbound at Grand and southbound at Illinois. McClurg would be further widened on the west side to provide a drop-off lane at the proposed residential building.

It is also proposed to widen McClurg, between Ohio and Grand to provide separate southbound right turn and through traffic lanes, and to provide a smoother northbound alignment through the Grand Avenue intersection. The right-of-way for this widening would need to be obtained from the adjacent property owners.

The traffic signals at McClurg-Grand and McClurg-Illinois would be modified to accommodate the street widening and to provide left turn arrow signal indications for northbound traffic at Grand and southbound traffic at Illinois.

On Grand Avenue at State Street, the C.T.A. subway entrances at the northeast and northwest corners will be relocated out of the Grand Avenue right-of-way. This will allow the widening of Grand Avenue at this intersection to provide four (4) westbound lanes compared with the three (3) lanes currently available at this "bottleneck" location.

Restriping of various street segments is proposed in an effort to make more efficient use of pavement space and increase traffic capacity. Striping of left turn lanes, where appropriate, would be done on State, Wabash and Rush at their intersections with Illinois, Grand, Ohio and Ontario. Illinois would be restriped at Columbus to provide three (3) through lanes, and separate left turn and right turn lanes.

Parking Controls. Metered on-street parking generally will need to be eliminated on Illinois and Grand from State Street to Lake Shore Drive in order to provide additional traffic capacity or to make the curb lane available for various pickup/drop-off activities. Sufficient off-street parking, provided as part of these developments, is intended to satisfy the demand for parking in the corridor.

It is proposed to eliminate parking on Illinois Street, from State Street to Michigan Avenue in order to provide three (3) eastbound traffic lanes, compared with the two (2) existing lanes. This increase in traffic capacity is needed to handle the increased demand on this segment of Illinois Street.

It is proposed to eliminate parking on the south side of Grand Avenue east of Columbus Drive to provide a separate left turn lane on Grand at the approach to the Columbus Drive signal. This would increase the through traffic capacity by removing the turning movements from the adjacent through traffic lane.

Parking would also be eliminated on both sides of Grand Avenue east of McClurg Court, in order to provide separate left turn and right turn lanes on the approach to the traffic signal. Again, traffic capacity would be increased by segregating the through and turning traffic movements.

The elimination of parking is also proposed on the south side of Ontario at Fairbanks in order to provide a westbound left turn lane on Ontario. The striping of an optional through-left lane was also recommended as a further capacity improvement, although conflicts between turning vehicles and pedestrians in the south crosswalk will require further analysis.

Transportation Management. Active traffic management in the corridor will be undertaken by the Transportation Management Association which has been established. The T.M.A. will meet to exchange information of traffic operations needs and problems, with changing development conditions, construction activities, special events and other factors which may affect transportation in the corridor. Various City agencies, including C.D.O.T., Planning, Police, Streets and Sanitation, and the C.T.A., will coordinate efforts with corridor property managers to address evolving transportation demands.

Strict enforcement of existing and proposed parking restrictions will be necessary to ensure that street space needed for traffic capacity is available. Of particular concern is the need to keep Illinois clear, east of Columbus; Grand Avenue, west of Michigan; Ohio Street, west of Michigan; and Ontario Street, west of St. Clair.

Improved public transit serve as appropriate to serve the needs of the corridor will be developed. C.D.O.T. and the T.M.A. will be reviewing service needs and developing strategies for best providing public transportation, whether through modifications of C.T.A. service or additional shuttle bus operations.

Site Specific Improvements.

Parcels 4 And 5. The proposed lower level loading dock layout requires a number of traffic control measures in order to mitigate the potential effect on Illinois Street traffic. These measures include prohibition of on-street loading, provision of a dock master during loading dock hours, limitation on loading dock hours to prohibit backing maneuvers between 7:00 A.M. and 9:00 A.M. and between 4:00 P.M. and 7:00 P.M., Monday through Friday, and implementation of loading dock control as part of an overall Traffic Management Plan to be implemented by the Illinois-Grand Corridor Transportation Management Association.

Parcels P7, P7A And P8. There should be no curb cuts on Illinois Street. Curb cuts providing access to loading docks should be located only on Lower North Water Street or New Street.

Parcels P9 And P13. The increase in hotel development along Columbus Drive between Grand Avenue and Illinois Street and along Park Drive between Illinois and North Water Streets will concentrate taxi and other traffic movement in this area. Signing and striping is needed to prevent traffic from driving across Illinois Street in order to access Park Drive rather than turning left onto eastbound Illinois Street. Vaulted sidewalks are also indicated in the public way on both Grand and Illinois. Although vaulted sidewalks are not generally recommended, they are acceptable in this instance to allow for the placement of parking underground.

Parcels P14 And P16. The vacation of River Drive east of McClurg may result in hundreds of residential units being accessed from a signal cul-de-sac street, North Water Street east of McClurg. The sewer on North Water is seven to eight feet below the pavement, and its reconstruction at some time in the future, or any other significant utility maintenance, could severely restrict access to these residences. Widening of North Water to forty-four (44) feet from its existing forty (40) foot width is recommended in order to provide more flexibility to maintain two-way traffic in the event of any future construction activities.

The Kraft Building Site. There is no objection to vacating Peshtigo Court in the future. If Peshtigo Court is eliminated and another north/south street is added, its location must be checked with respect to the location of the drop off lanes on Illinois at North Pier terminal. If Peshtigo Court is retained, adding another north/south street between Peshtigo and McClurg is not recommended.

Parcels P18 and P19. A.D.A. accessibility of any pedestrian bridge which may be built across Ogden Slip should be reviewed.

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Exhibit 1.

Residential Business Planned Development Number 368, As Amended.
Bulk Regulations And Data Table.

RESIDENTIAL BUSINESS PLANNED DEVELOPMENT No. 368, AS AMENDED

EXHIBIT 1: BULK REGULATIONS AND DATA TABLE

Sub Area	Net Site Area See note (1) Sq. Ft. Acres	Maximum Retail Sq. Ft. (1000's)	Maximum Commercial Sq. Ft. (1000's)	Maximum Hotel Rooms	Maximum Dwelling Units	Maximum F.A.R.
A	380,796 8.74	540 See note (5)	5,259	1,800	Permitted see Notes (2) & (3)	13.81 See note (6)
B	183,449 4.21	40	2,482	2,000	400 See note (8)	13.53 See note (7)
C	122,303 2.81	140	850	540	630	12.72
D	361,234 8.29	170	500	0	2,350	8.60
E	346,038 7.94	110 See note (9)	5 See note (4)	0	1,200	6.88
E.1	232,841 5.34	0	5 See note (4)	Not permitted	Not permitted	0.02
E.2	18,191.63 0.42	0	0	0	0	0
E.3	95,005 2.18	110 See note (9)	0	0	1,200	25.00 See note (10)
F	100,436 2.31	150	0	0	1,000	14.93
Total	1,494,256 34.30	1,040	9,096	4,340	5,580 See note (2)	11.03

Gross site Area = Net Site Area: 1,494,256 sq. ft. (34.30 acres) plus area in or proposed to be in public right of way: 940,843 sq. ft. (21.60 acres) plus area in or proposed to be in public parks or open space: 369,127 sq. ft. (8.48 acres) = 2,804,226 sq. ft. (64.38 acres).

OFF STREET PARKING	MINIMUM	MAXIMUM
BUSINESS USES	1:5,000 sq. ft.	As determined by DPD in consultation with CDOT
HOTEL USES	1:4 Rooms	
RESIDENTIAL USES	55% d.u.	
NON-ACCESSORY PARKING (Allowed in Sub-area F only)	200 spaces	500 spaces

OFF STREET LOADING: Per DX-12 Requirements
 MINIMUM PERIPHERAL SETBACKS: Sufficient to allow for street trees and pedestrian walkways (min 12'-6" from building to curb face)
 MINIMUM UPPER LEVEL SETBACKS: 40' from Lake Shore Drive at level of Upper Lake Shore Drive

APPLICANT: Shelbourne North Water Street, LP
 DATE: December 8, 2006
 REVISED: March 15, 2007
 April 19, 2007

Note (1) For the purpose of this Planned Development "Net Site Area" shall equal the entire land area (at Plaza Level where such is established, and otherwise at grade) within the boundaries of

the planned development, less the area now dedicated or proposed to be dedicated to public use.

- Note (2) Dwelling units shall be permitted in Subarea A of this Planned Development subject to the provisions of the DX-16 Downtown Mixed-Use District classification. Any such units so built will not affect the total of 5,580 dwelling units permitted in Subareas B, C, D, E and F dwelling units are permitted below the second (2) floor in all subareas except Subarea E.
- Note (3) For purposes of exchange of uses, a hotel room shall be equal to 0.5 dwelling units. This permissible number of hotel rooms within the planned development shall not exceed 4,340 rooms. Ballrooms, meeting rooms, exhibition space, restaurant facilities and hotel-associated retail shall be deemed "accessory hotel uses" and shall be charged against commercial uses.
- Note (4) Although Subarea E.1 (DuSable Park) has been dedicated to public park use, it is included in Net Site Area because a maximum of 5,000 square feet of park and recreation-related floor area may be constructed within its boundaries.
- Note (5) Assumes 410,000 square feet allocated to development parcels P4 and P5 and the remaining 130,000 square feet allocated to remaining development parcels within Subarea A.
- Note (6) Assumes floor area allocated to existing buildings as follows: 401 North Michigan Avenue (760,241 square feet), University of Chicago Gleacher Center (240,000 square feet), NBC Tower (912,000 square feet); and to future development parcels as follows: P1 (776,250 square feet); P3 (970,000 square feet) and P4/P5 (1,600,000 square feet).
- Note (7) Assumes floor area allocated to existing Sheraton Hotel at 860,379 square feet and future development Parcels P7, P7A and P8 at 1,621,290 square feet.
- Note (8) For purposes of exchange of uses, a hotel room shall be equal to 0.5 dwelling units above the 400 permitted. The permissible number of hotel rooms within the planned development shall not exceed 4,340 rooms. Ballrooms, meeting rooms, exhibition space, restaurant facilities and hotel-associated retail shall be deemed "accessory hotel uses" and shall be charged against commercial uses. Accessory hotel uses on Parcels P7, P7A and P8 combined shall not exceed 50,000 square feet.
- Note (9) Residential support services, physical fitness/indoor recreation center, and small venue theater (for building residents only) are expressly permitted in Subarea E.3.

Note (10) F.A.R. Bonus Calculations**Subarea E.3****(Parcels P18 and P19, combined)****Net Site Area = 95,005 square feet**

Base F.A.R.	10.00
Downtown Affordable Housing Zoning Bonus	3.00(a)
Off-site contribution to DuSable Park	2.16(b)
Public Plazas	5.44(c)
Chicago Riverwalk	0.40(d)
Water Features	1.00
Underground Parking and Loading	<u>3.00</u>
Total F.A.R.	25.00

- (a) Based on a contribution of \$5,700,300.00 to the City of Chicago Affordable Housing Opportunity Fund.
- (b) Based on a contribution of \$4,104,216.00 to City of Chicago for Off-Site Park Improvements (to DuSable Park).
- (c) Based on the provision of 51,730 square feet of on-site public plaza.
- (d) Based on the provision of improvements to 3,800 square feet at off-site open spaces.
- (e) Based on the provision of 48,669 square feet of water features in on-site public open spaces.
- (f) Based on the provision of 171 underground parking spaces on Lower Levels 1 and 2, at least 265 underground parking spaces on Lower Level 3 and lower, and 7 underground loading docks on Lower Level 1.

Exhibit 2.

Planned Development Number 368, As Amended.

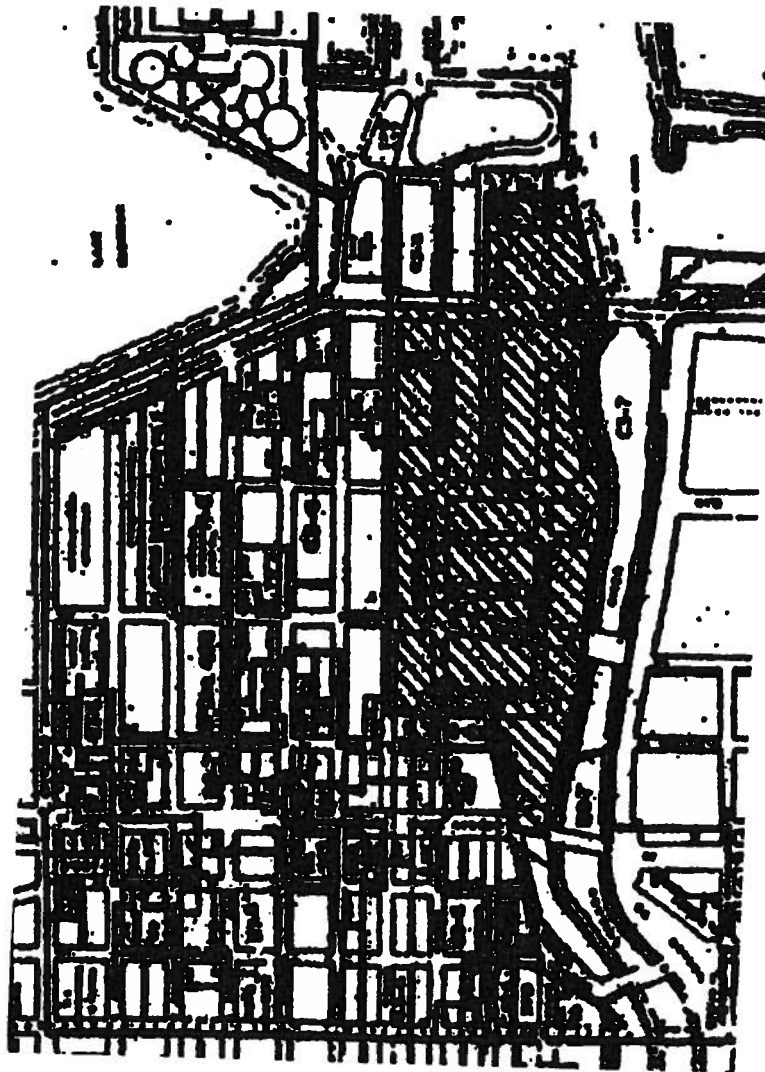


Exhibit 3.

Planned Development, Boundary
And Subarea Map.

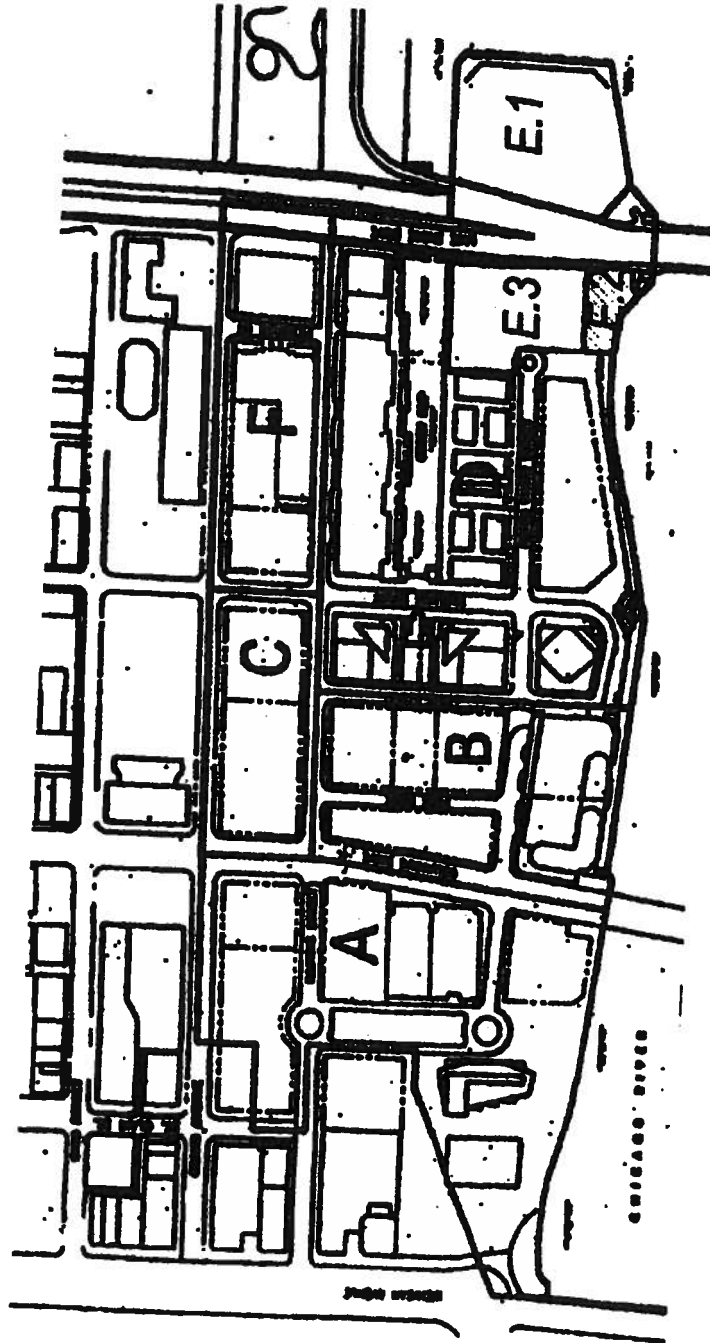


Exhibit 4.

Planned Development Parcels Map.

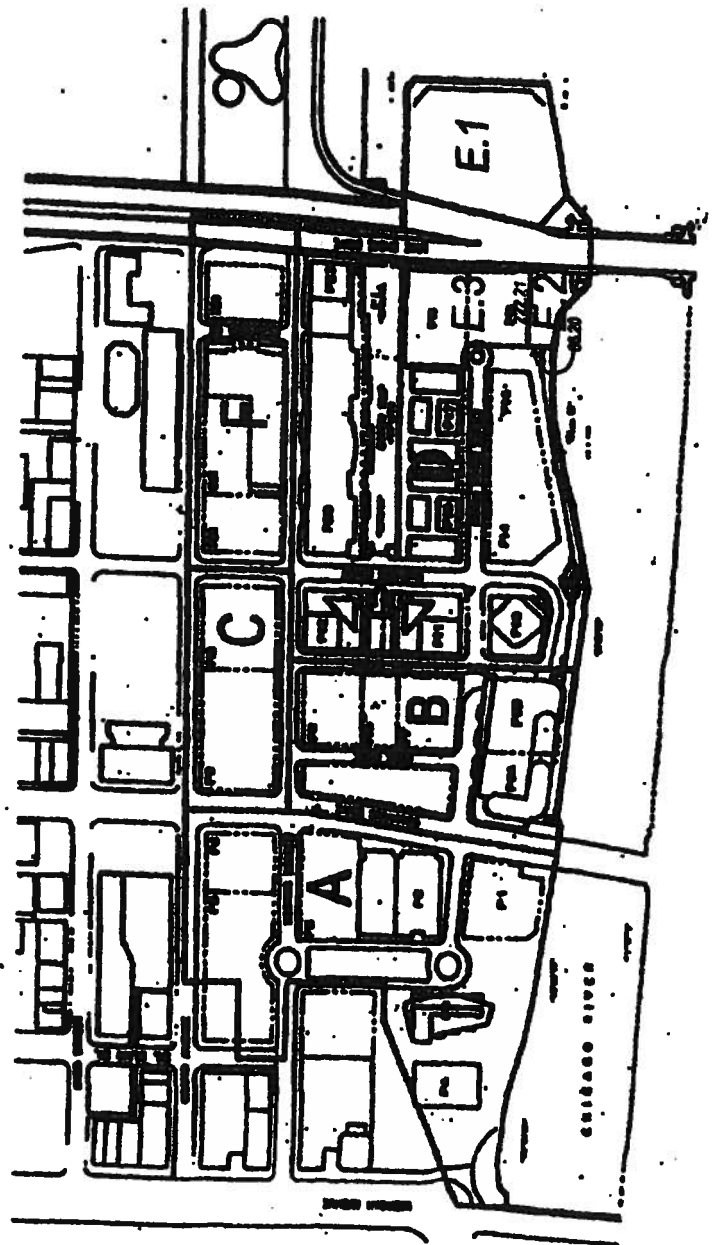


Exhibit 5.

Maximum Height Zones.

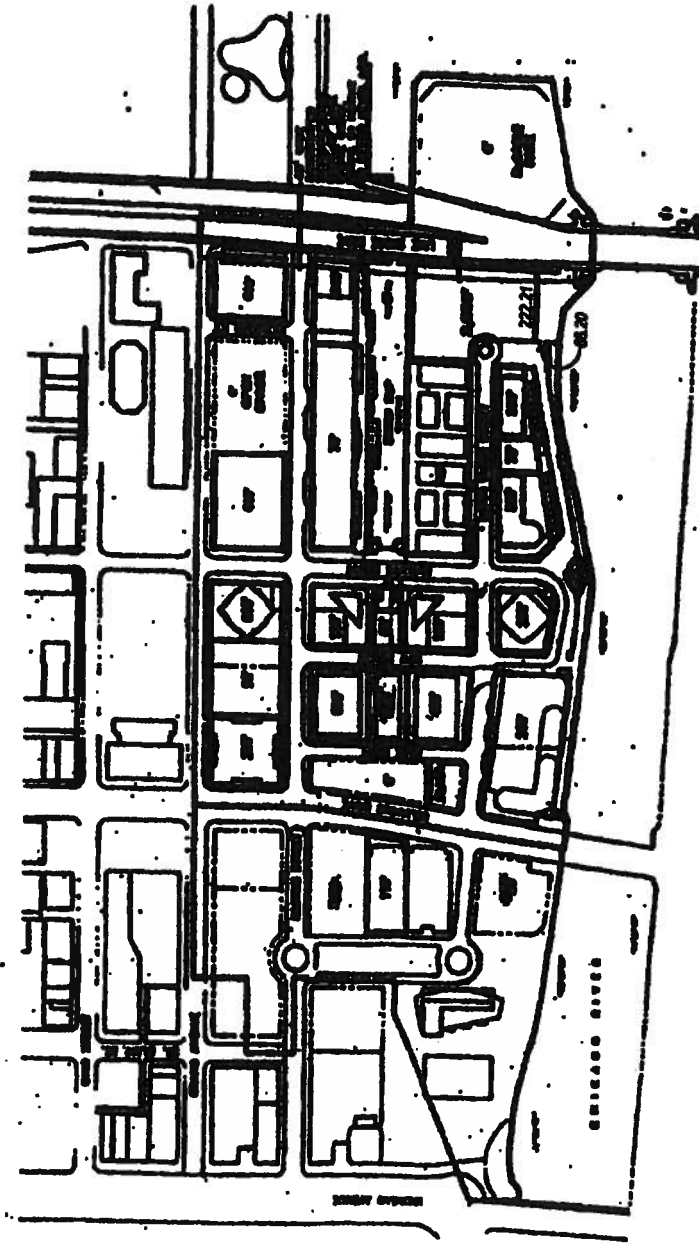


Exhibit 6.

Existing And Planned Open Spaces.

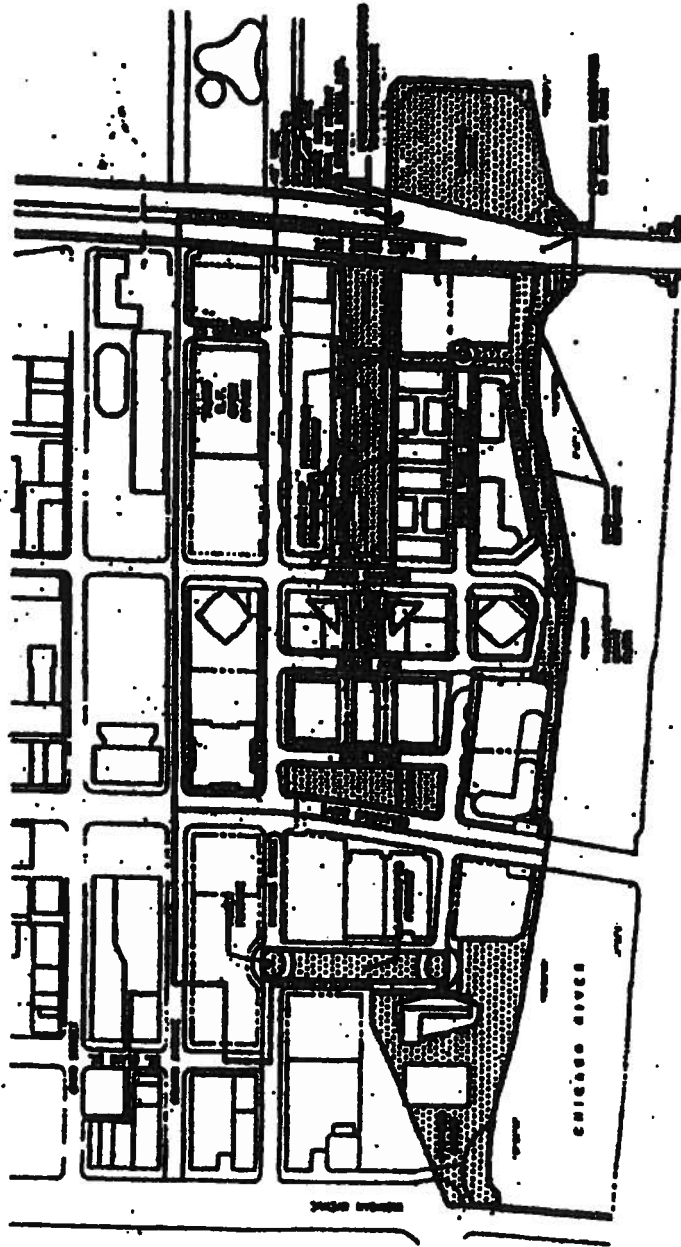


Exhibit 7.

Pattern Of Vehicular Roadways.

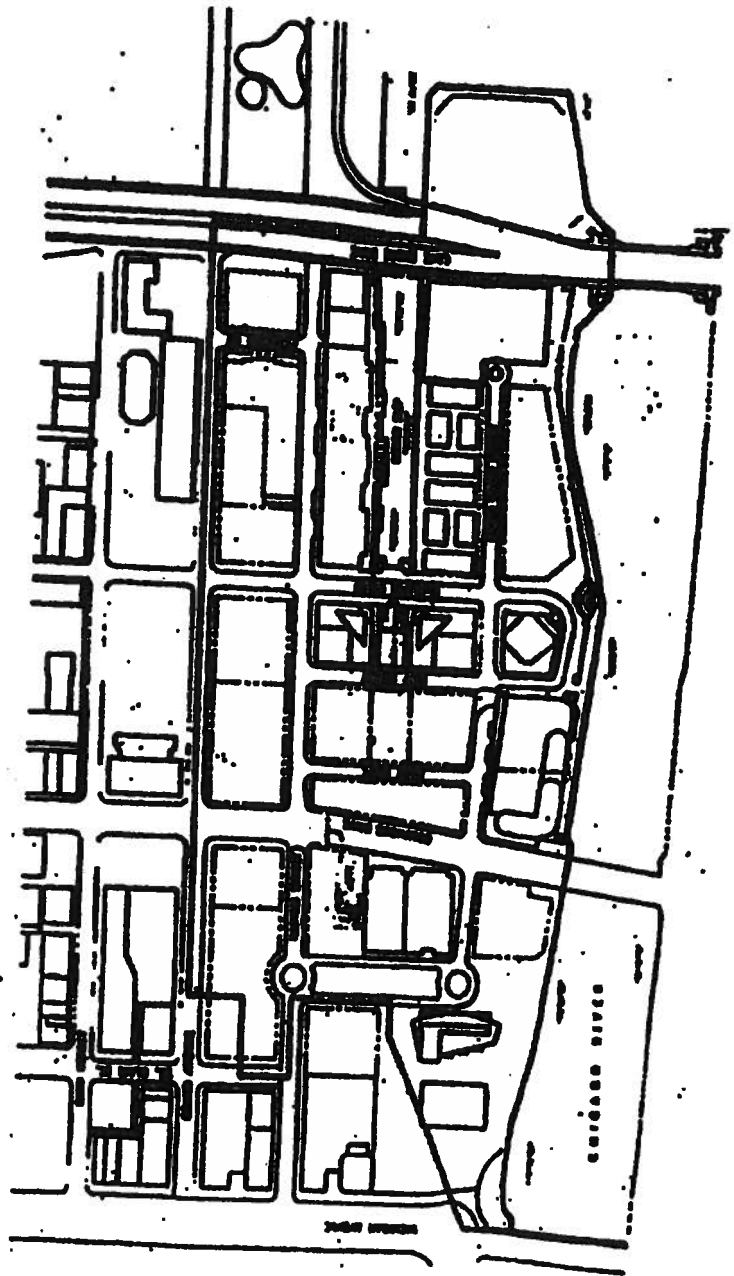


Exhibit 9.
Site/Landscape Plan.

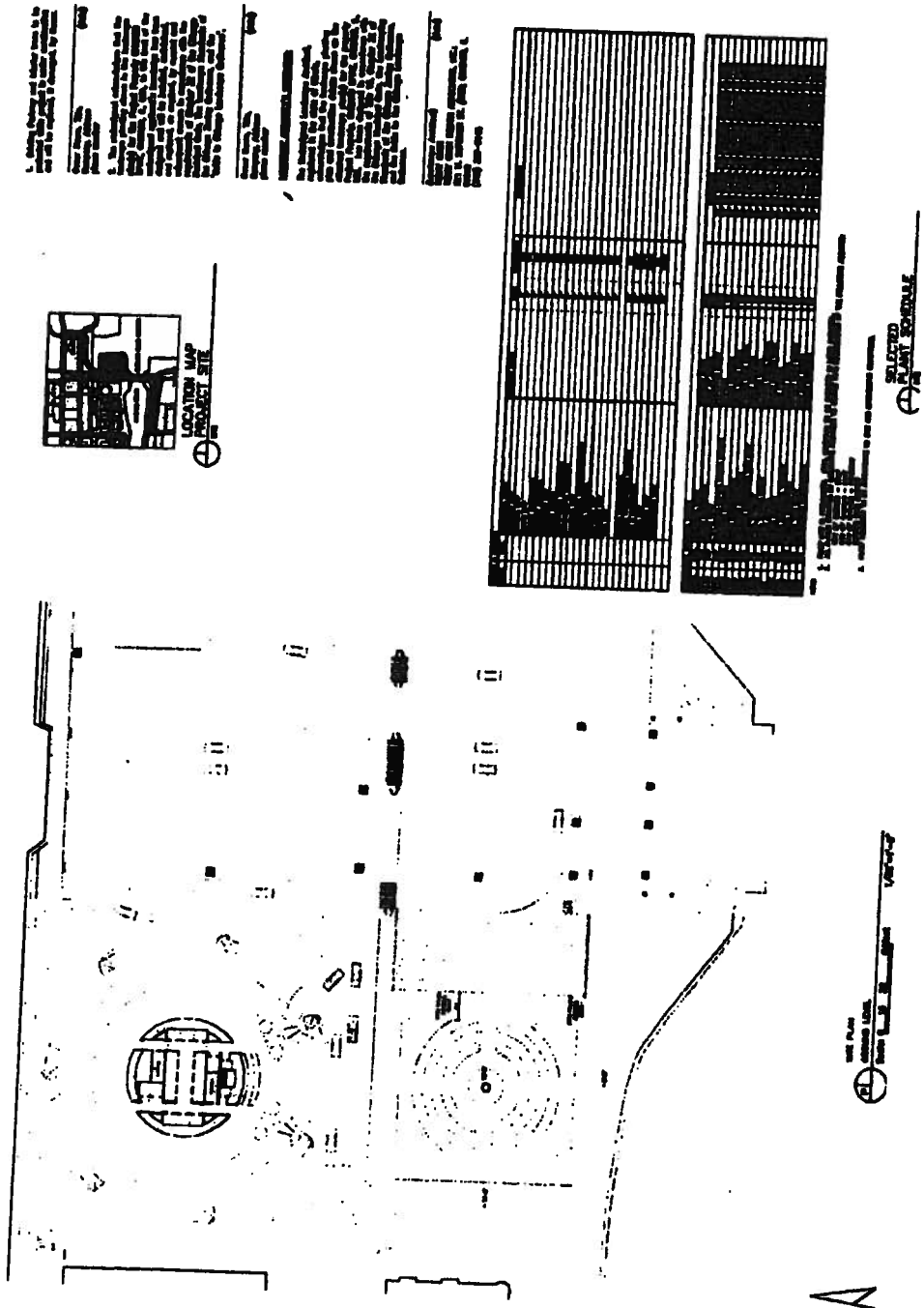


Exhibit 10.

DuSable Landscape Plan.

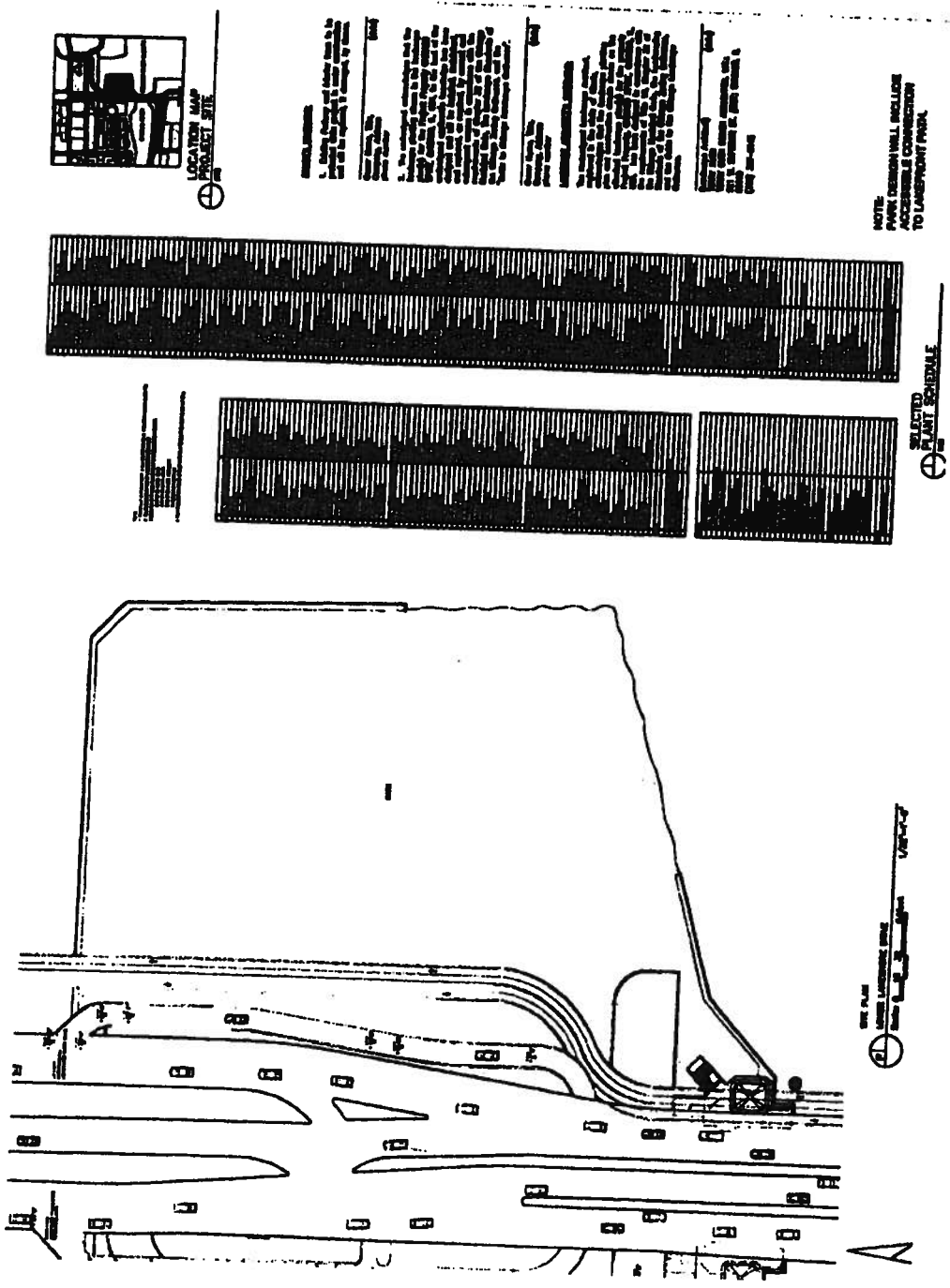
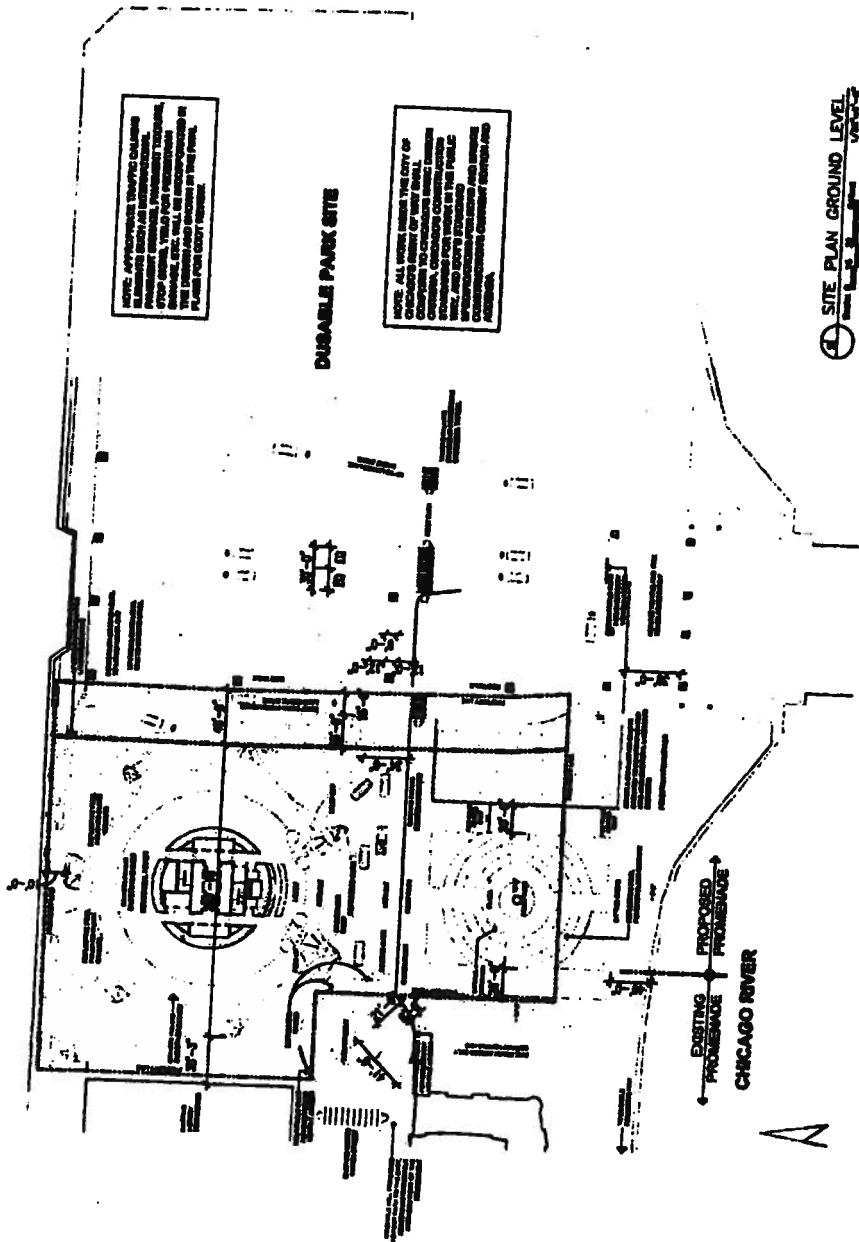


Exhibit 11.

Ground Floor Plan Overview.



NOTE: APPROXIMATE LOCATIONS OF EXISTING UTILITIES (ELECTRICITY, GAS, WATER, SEWER, TELEPHONE, CABLE, ETC.) ARE INDICATED BY DASHED LINES. ALL UTILITIES ARE TO BE DELETED OR RELOCATED TO ACCOMMODATE THE PROPOSED DEVELOPMENT.

NOTE: ALL UTILITIES SHALL BE THE RESPONSIBILITY OF THE OWNER. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.

DURABLE PARK SITE

NOTE: SITE PLAN GROUND LEVEL

EXISTING PROMENADE
PROPOSED PROMENADE
CHICAGO RIVER

A

Exhibit 13.
Building Elevations.

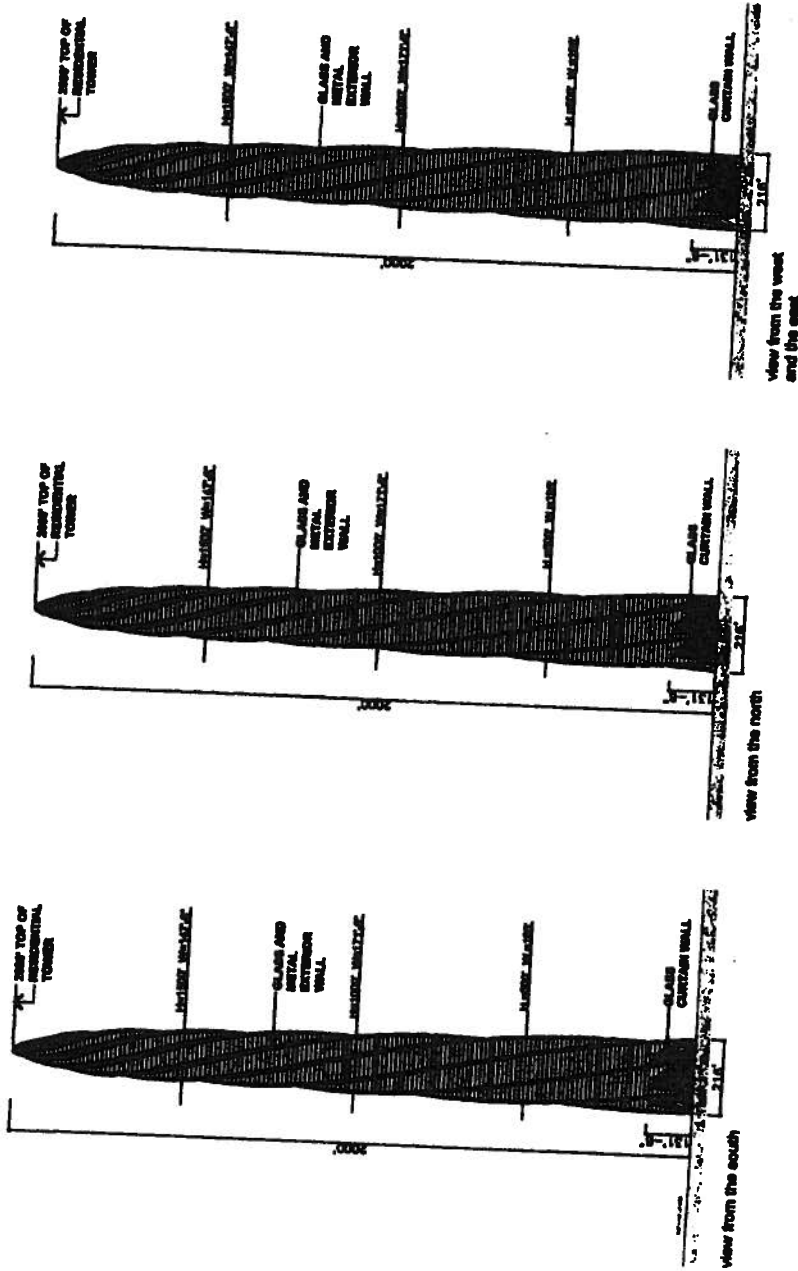


Exhibit 14.
South Building Elevation.

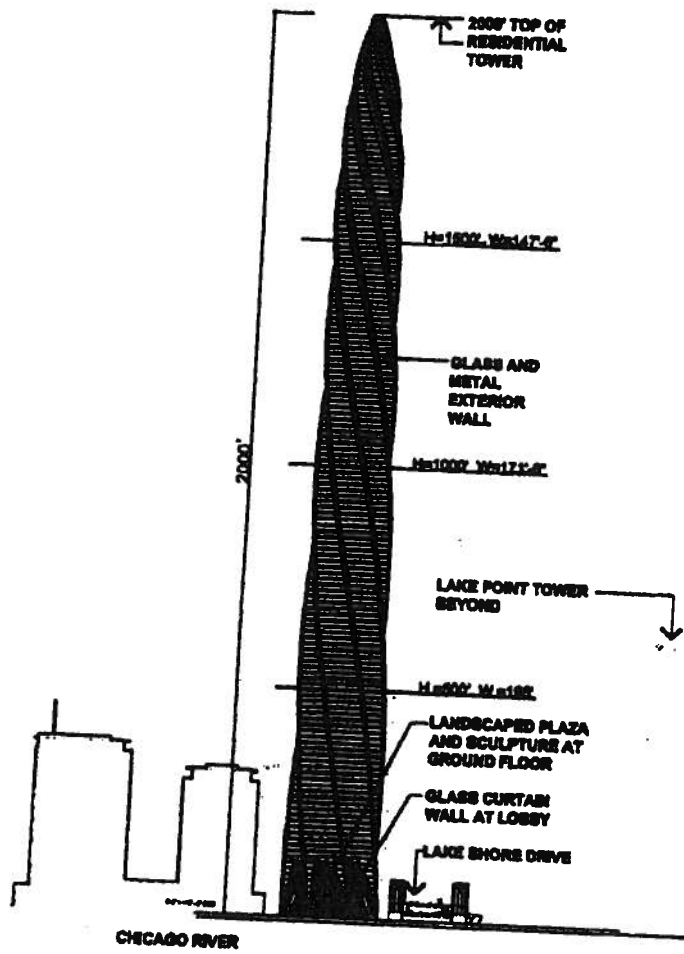


Exhibit 15.
Partial Enlarged South Elevation.

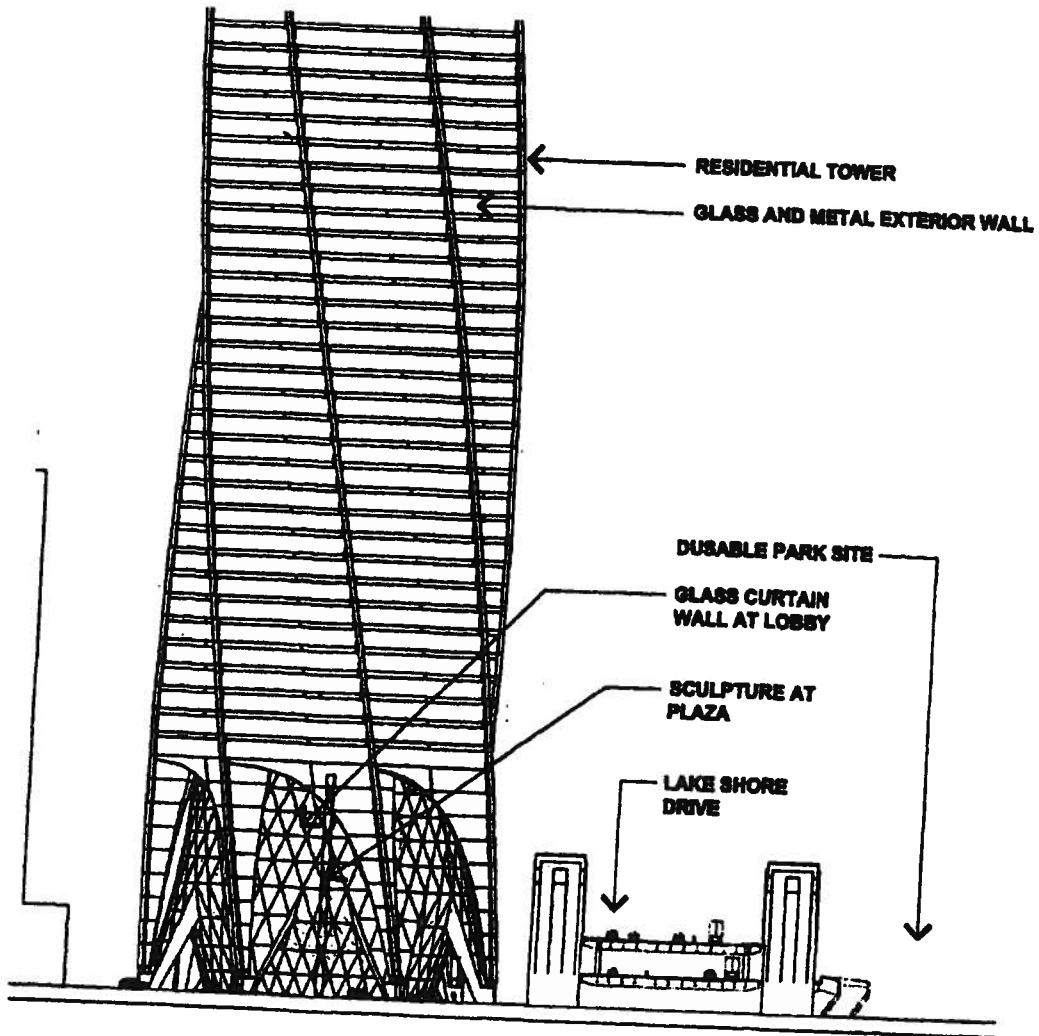


Exhibit 16.
Partial West/East Site Section.

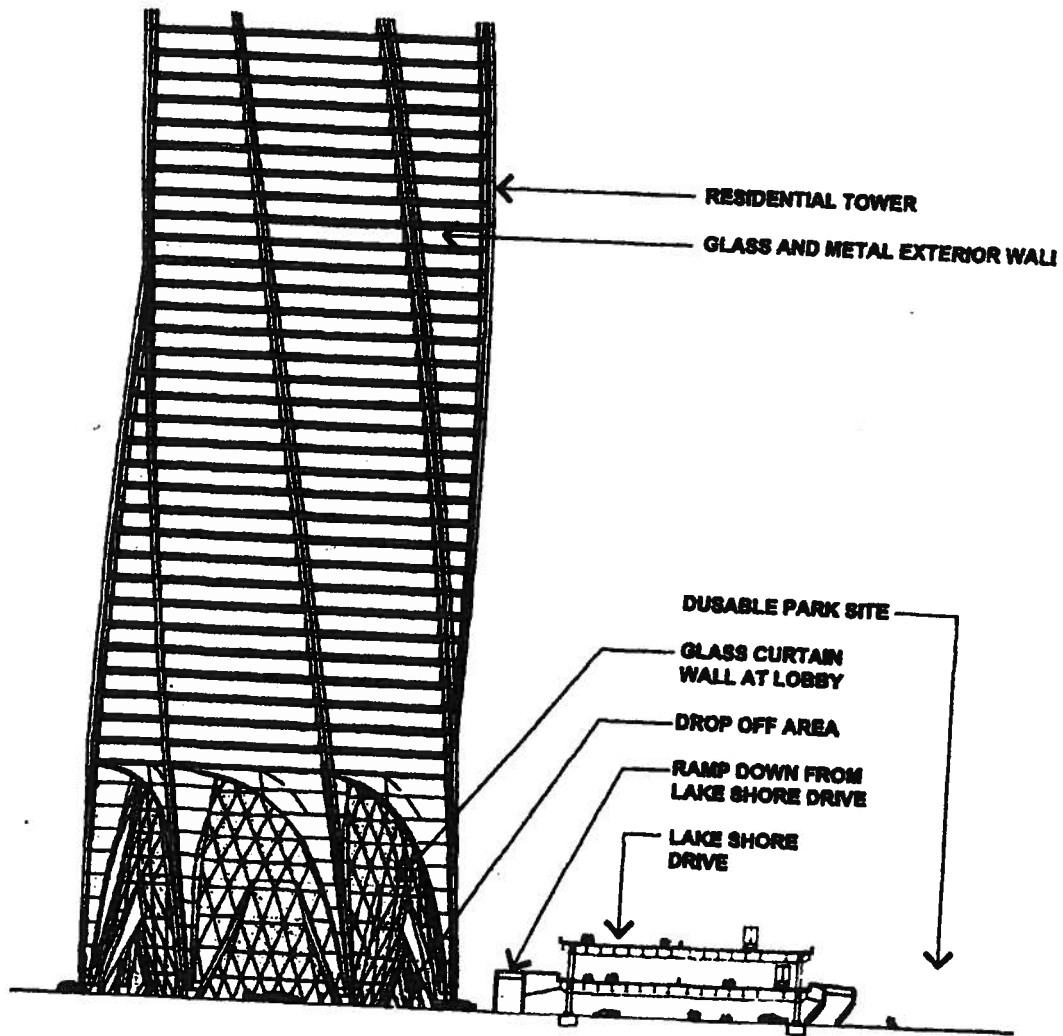


Exhibit 17.

Partial Enlarged East Elevation.

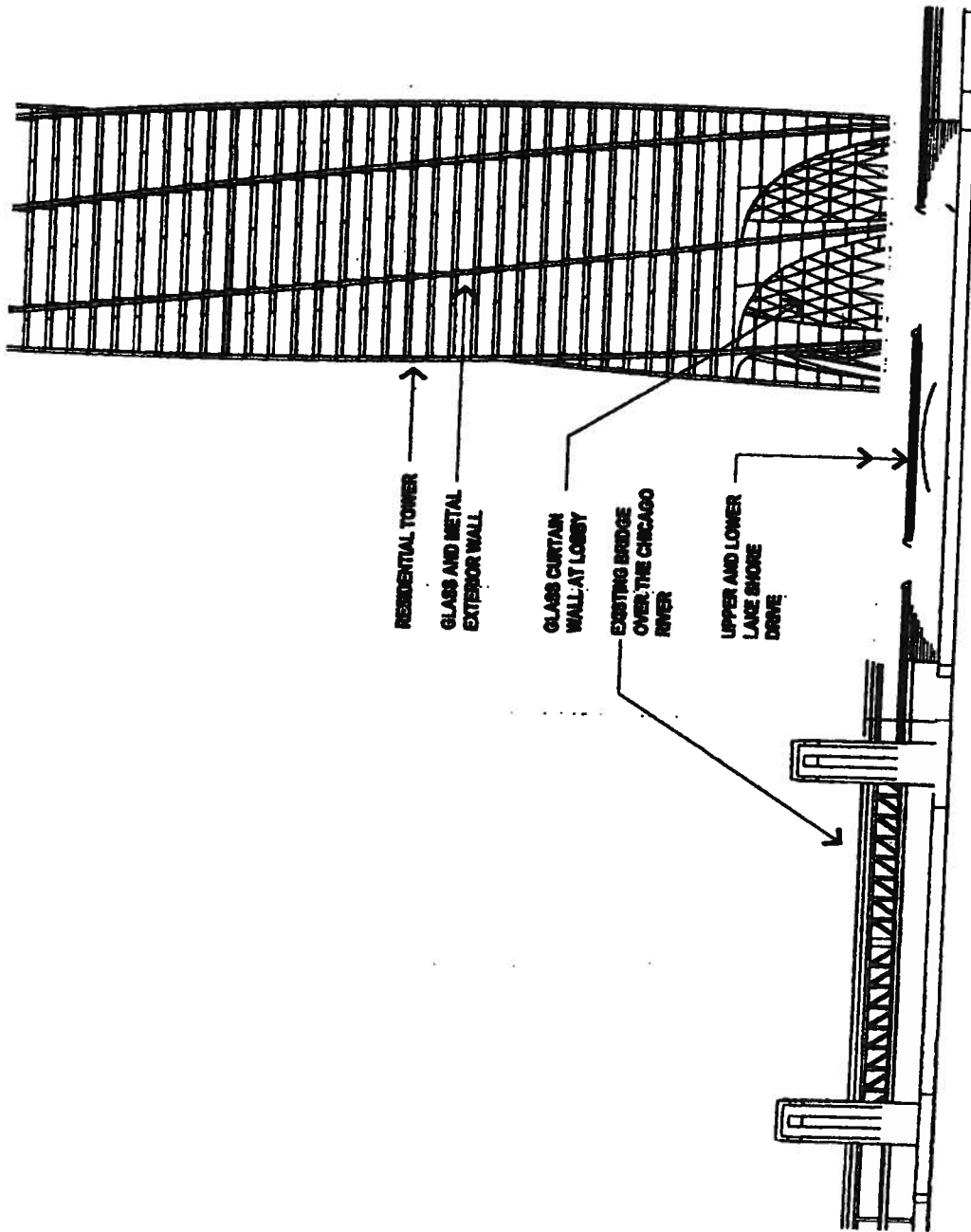


Exhibit 18.

North/South Site Section
At Lake Shore Drive.

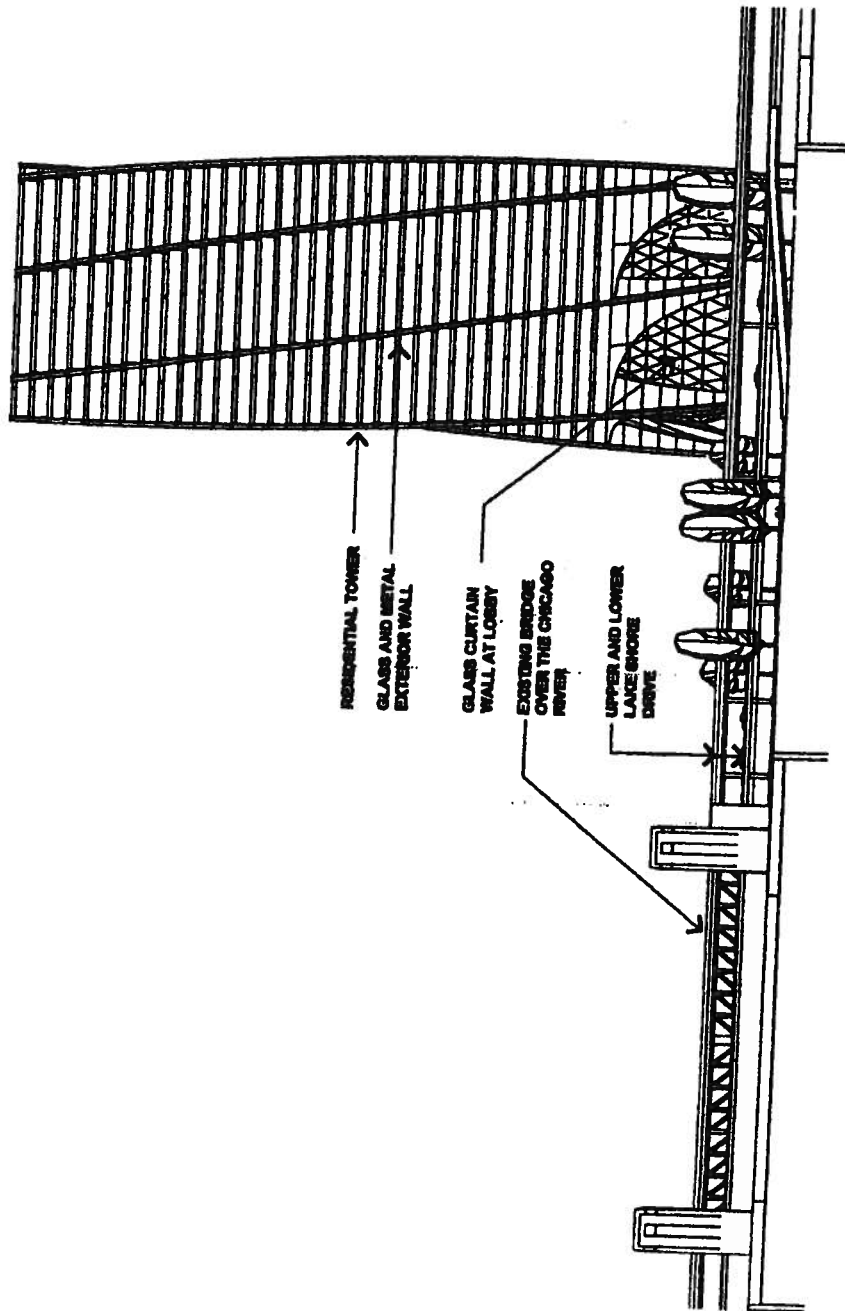
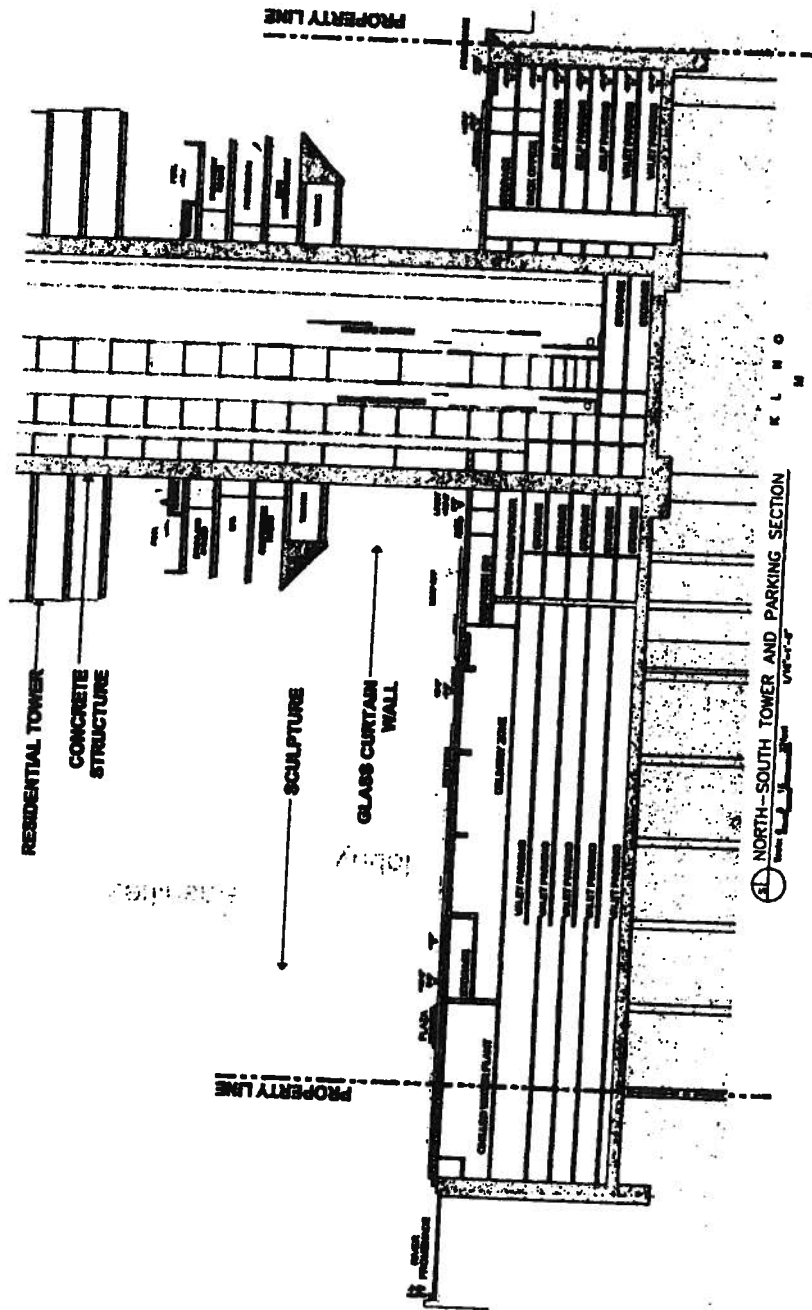


Exhibit 19.

North/South Tower And
Parking Section.



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Exhibit 20.

West/East Parking Section.

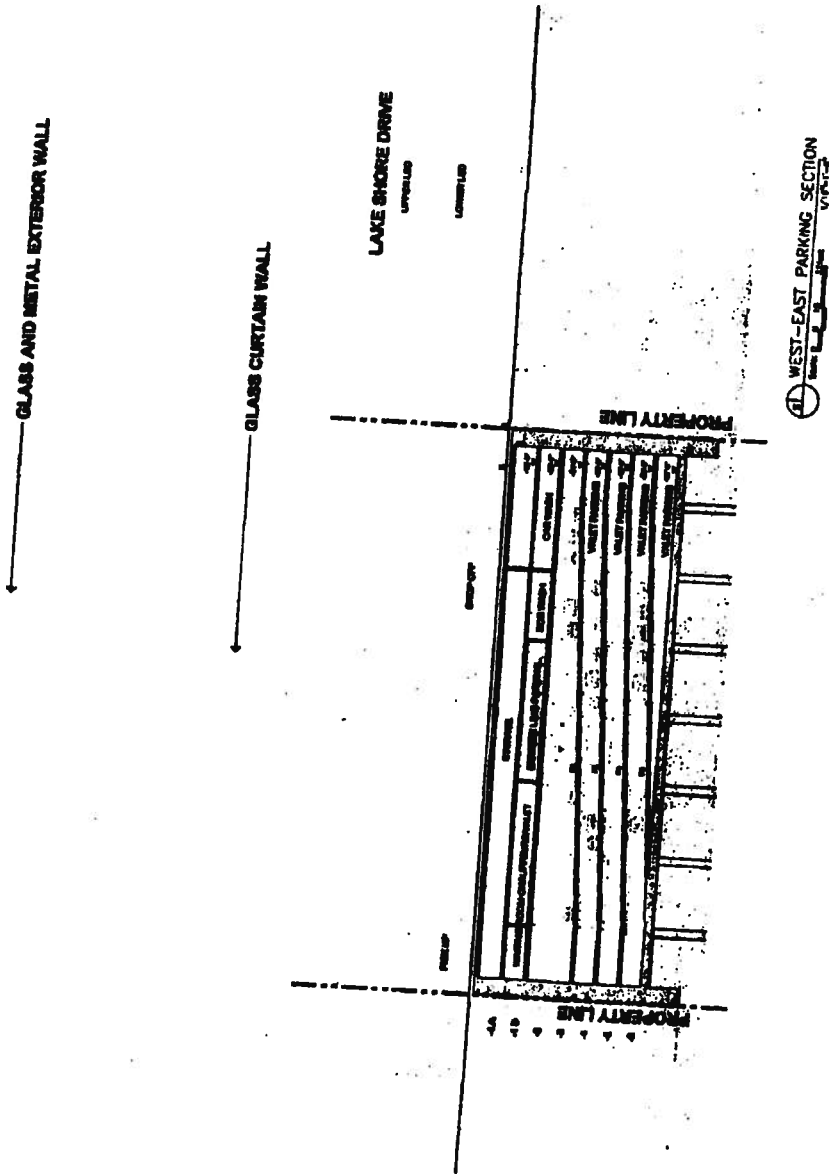
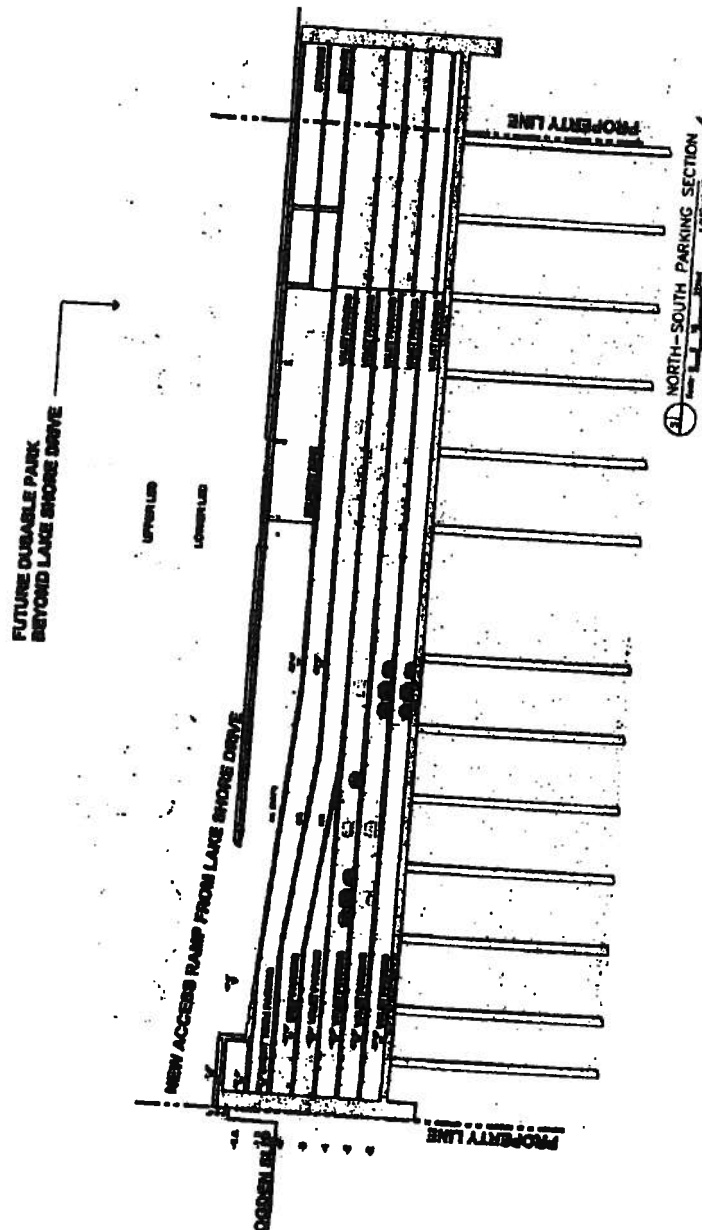


Exhibit 21.

North/South Overview Section.



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Exhibit 22.

Lake Front Trail Alignment Alternate 1.

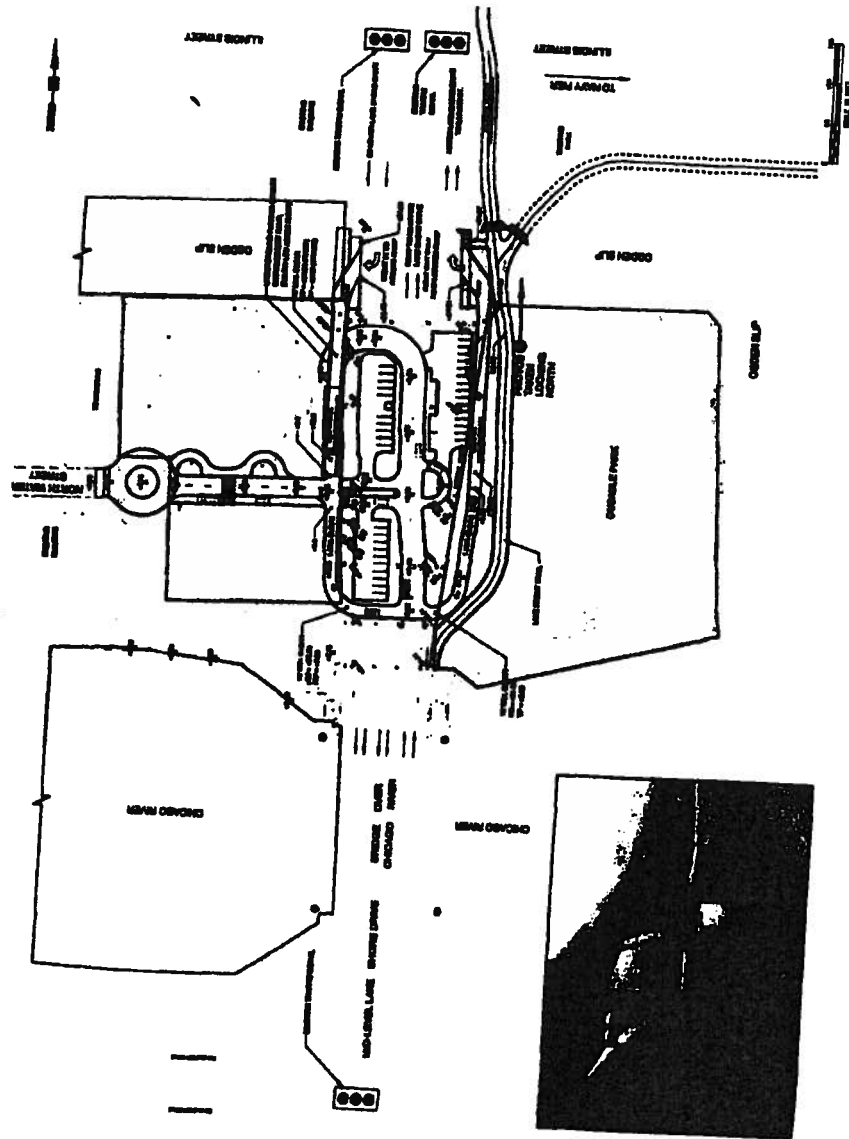


Exhibit 23.
Lake Front Trail Alignment Alternate 2.

