

City of Chicago



O2014-31

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 1/15/2014

Sponsor(s): City Clerk (transmitted by) (Clerk)

Type: Ordinance

Title: Zoning Reclassification App No. 17907 at 2601-2645 W

38th St, 3802-3852 S Rockwell St and 2614-2644 W

Pershing Rd

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

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 C1-2, Neighborhood Commercial District symbols and indications as shown on Map No. 8-12 in the area bound by:

West Pershing Road; a public alley next west of and parallel to South Rockwell Street; West 38th Street; South Rockwell Street; and South Archer Avenue

To those of a Business Planned Development, and a corresponding use district is hereby established in the area above described.

SECTION 1. This ordinance shall in force and effect from and after its passage and due publication.

Commonly known as: 2601-2645 West 38th Street; 3802-3852 South Rockwell Avenue; 2614-2644 West Pershing Road, Chicago, Illinois

#17907 INTRO DATE: 1-15-14

CITY OF CHICAGO

APPLICATION FOR AN AMENDMEN'T TO THE CHICAGO ZONING ORDINANCE

1.	ADDRESS of the property Applicant is seeking to rezone:
	2601-2645 West 38th Street; 3802-3852 South Rockwell Avenue; 2614-2644 West Pershing Road
2.	Ward Number that property is located in: 12 th Ward
3.	APPLICANT 39 th and Archer LLC c/o First American Properties
	ADDRESS 1731 North Marcey Street, Suite 520
	CITY Chicago STATE Illinois ZIP CODE 60614
	PHONE (847) 227-0004 CONTACT PERSON Josh Levy
4.	Is the applicant the owner of the property? YES X NO
	If the applicant is not the owner of the property, please provide the following information regarding the owner and attach written authorization from the owner allowing the application to proceed.
	OWNER
	ADDRESS
	CITYSTATEZIP CODE
	PHONE CONTACT PERSON
5.	If the Applicant/Owner of the property has obtained a lawyer as their representative for the rezoning, please provide the following information:
	ATTORNEY Bernard Citron of Thompson Coburn LLP
	ADDRESS 55 East Monroe Street, 37th Floor CITY Chicago
	PHONE (312) 580-2209 FAX (312) 782-1372

	If the applicant is a corporation please provide the names of all shareholders as disclosed on the Economic Disclosure Statements.								
	·								
	On what date did the owner acquire legal title to the subject property? October 18, 2013								
	Has the present owner previously rezoned this property? If yes, when?								
	Present Zoning District C1-2 Proposed Zoning District Business Planned Development								
-	Lot size in square feet (or dimensions) 274,758 Square Feet								
	Current Use of the property CTA Maintenance Facility/ Vacant								
	Reason for rezoning the property Construction of a retail center including health club								
	Describe the proposed use of the property after the rezoning. Indicate the number of dwelling units; number of parking spaces; approximate square footage of any commercial space; and height of the proposed building. (BE SPECIFIC)								
	The Applicant intends to construct a retail center including a health club of 40,000 square feet and								
	three other retail buildings providing a maximum of 33,500 square feet with a total of 366 surface								
	parking spaces.								
	On May 10, 2007, the Chicago City Council passed the Affordable Requirements Ordinance (ARO) that requires on-site affordable housing units or a financial contribution if residential housing projects receive a zoning change under certain circumstances. Based on the lot size of the project in question and the proposed zoning classification, is this project subject to the Affordable Requirements Ordinance? (See Fact Sheet for more information)								
	YESNOX_								

.....

COUNTY OF COOK STATE OF ILLINOIS	
statements and the statements contained in the doc	first duly sworn on oath, states that all of the above uments submitted herewith are true and correct.
	Signature of Applicant
Subscribed and Sworn to before me this day of January, 20 14. Motary Public	OFFICIAL SEAL KAREN E SCHELL NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:08/07/16
For Off	ice Use Only
Date of Introduction:	
File Number:	· · · · · · · · · · · · · · · · · · ·
Ward	

"WRITTEN NOTICE" AFFIDAVIT (Section 17-13-0107)

January 8, 2014

Honorable Daniel S. Solis Chairman, Committee on Zoning 121 North LaSalle Street Room 304, City Hall Chicago, Illinois 60602

The undersigned, Bernard Citron, being first duly sworn on oath deposes and states the following:

The undersigned certifies that he has complied with the requirements of Section 17-13-0107 of the Chicago Zoning Ordinance, by sending written notice to such property owners who appear to be the owners of the property within the subject area not solely owned by the applicant, and to the owners of all property within 250 feet in each direction of the lot line of the subject property, exclusive of public roads, streets, alleys and other public ways, or a total distance limited to 400 feet. Said "written notice" was sent by First Class U.S. Mail, no more than 30 days before filing the application.

The undersigned certifies that the notice contained the address of the property sought to be rezoned; a statement of the intended use of the property; the name and address of the applicant; the name and address of the owner; and a statement that the applicant intends to file the application for a change in zoning on approximately January 8, 2014.

The undersigned certifies that the applicant has made a bona fide effort to determine the addresses of the parties to be notified under Section 17-13-0107 of the Chicago Zoning Ordinance, and that the accompanying list of names and addresses of surrounding property owners within 250 feet of the subject site is a complete list containing the names and addresses of the people required to be served.

Signature

Subscribed and Sworn to before me this

,20 14

Votary Public

OFFICIAL SEAL MICHELLE EDELSTEIN NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:08/15/15 4 . 1 The state of the s

Dear Property Owner:

In accordance with the requirements for an Amendment to the Chicago Zoning Ordinance, specifically 17-13-0107, please be informed that on or about January 8, 2014 the undersigned will file an application for a change in zoning from C1-2, Neighborhood Commercial District to Business Planned Development for the property located at 2601-2645 West 38th Street; 3802-3852 South Rockwell Avenue; 2614-2644 West Pershing Road, Chicago, Illinois.

The Applicant for this Amendment proposes to construct a retail center including a health club of 40,000 square feet and three (3) other retail buildings providing a maximum of 33,500 square feet with a total of 366 surface parking spaces.

The Applicant for this Amendment is 39th and Archer LLC c/o First American Properties located at 1731 North Marcey Street, Suite 520, Chicago, Illinois 60614. The contact person for this application is Bernard Citron of Thompson Coburn LLP, 55 East Monroe Street, 37th Floor, Chicago, Illinois 60603, (312) 580-2209.

PLEASE NOTE THAT THE APPLICANT IS NOT SEEKING TO REZONE OR PURCHASE YOUR PROPERTY. THE APPLICANT IS REQUIRED BY LAW TO SEND THIS NOTICE BECAUSE YOU OWN PROPERTY WITHIN 250 FEET OF THE PROPERTY TO BE REZONED.

Very truly yours,

Bernard Citron
Attorney for Applicant

BUSINESS PLANNED DEVELOPMENT NO. **BULK REGULATIONS AND DATA TABLE**

332,770 square feet Gross Site Area:

Net Site Area:

Total: 274,759 square feet 143,246 square feet Sub-Area A: 131,513 square feet Sub-Area B:

Allowable Uses: Retail uses as permited in the C1-2 District,

> Health club, financial institution including drive through, restaurant including drive

through

Maximum Floor Area Ratio:

Total: 1 Sub Area A: .35 .35 Sub Area B:

Maximum Site Coverage: In accordance with the Site Plan.

Minimum Number of Accessory

Off Street Parking Spaces: 366 provided

> Sub Area A: 200 Sub Area B: 166

Minimum Bicycle

Parking Area: Equivalent of two (2) parking spaces shall be

allocated to bicycle parking.

Minimum Number of **Off-Street Loading Spaces:**

> 0, so long as Sub Area A is utilized as a health Sub Area A:

> > Club, otherwise 1

2 Sub Area B:

In accordance with the Site Plan. Minimum Building Setbacks:

In accordance with the Building Elevations. Maximum Building Height:

In accordance with the Site Plan. **On-Site Open Space:**

Applicant: 39th and Archer LLC c/o First American Properties

Address: 2601-2645 West 38th Street; 3802-3852 South Rockwell Avenue; 2614-2644 West

Pershing Road

Introduced: January 15, 2014 TBD

Plan Commission:

PLANNED DEVELOPMENT STATEMENT Business Planned Development No. ___

1.	The	area	delineated	herein	as	Planned	Develo	opment	Numbe	er	_, ("Pla	nned
Development") con	sists	of approxim	nately 2	74	,758 squa	re feet	of pro	perty w	hich is	depicte	d on
the attached P	lanne	d De	velopment	Boundar	уг	and Prope	rty Lin	ne Map	("Prope	erty") a	and is ov	vned
and controlled	by th	ie Ap	plicant, 39 th	^h and Ar	che	er LLC.		_				

2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant for each of the two (2) Sub-Areas shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors.

Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control if the change has a material adverse effect on one (1) or more other Sub-Areas. A change shall be deemed to have a material adverse effect if it results in, or would result in, any of the following (i) any limitation, restriction or diminution in the allowable uses, floor area, floor area ratio, density or other development entitlements of another Sub-Area as they exist under this Planned Development, or the Chicago Zoning Ordinance; (ii) any increase in another Sub-Area owner's obligations with regards to, or cost of, the development or maintenance of the improvements located, or which may in the future be located, in the Sub-Area owned by such other owner; (iii) any imposition of changes, conditions or requirements upon the use, development, construction or maintenance of the other owner's Sub-Area, the improvements located or to be located thereon or thereunder, which changes, conditions or requirements are not contained in this Planned Development, or (iv) any change in law sought by a Sub-Area owner which would result in any portion of the Property owned by another or the improvements located thereon becoming non-conforming. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.

If an amendment, modification or change (administrative, legislative or otherwise) does not have a material adverse effect, the amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development applicable to or in a given Sub-Area need only be made or authorized by the owners and/or ground lessees of such Sub-Area.

3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, assign or grantees.

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

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

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

- 4. This Plan of Development consists of 16 Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Sub-Area Map; Site Plan; Landscape Plan; a Green Roof Plan; Building Elevations (North, South, East and West) and dated (date of Plan Commission presentation), submitted herein. A Chicago Builds Green form prepared by the architect of record shall be provided prior to Plan Commission. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Housing and Economic Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance shall control.
- 5. In both Sub-Area A and B, the following uses shall be permitted and excluded in this Planned Development: All uses permitted within the C1-2 District, except as prohibited herein; health club including massage therapy as accessory thereto, bank including drive through facility, ATM, restaurant including drive through facility and the sale of alcohol, retail establishment in excess of 26,500 square feet, hair salon and barber salon even if within 1000 ft. of another such establishment, accessory parking. The following uses shall be prohibited: dwelling units, tavern, pawn shop, pay day loan store, funeral parlor, new or used car sales or repairs, tattoo parlor, currency exchange, day labor agency and adult uses as defined in the Chicago Zoning Ordinance.
- 6. Prior to the Part II Approval (per Section 17-13-0610 of the Zoning Ordinance) in Sub-Area(s) B, the Applicant shall submit a site plan, landscape plan and building elevations for the specific Sub-Area(s) for review and approval by the Department of Housing and Economic Development. Review and approval by the Department of Housing and Economic Development is intended to assure that specific development components substantially conform with the Planned Development and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals need only include that portion of the Property for which approval is being sought by the Applicant. If the Applicant is seeking approval for a portion of the Property that represents less than an entire Sub-Area, the Applicant shall also include a site plan for that area of the Property which is bounded on all sides by either public Rights-of-Way or the boundary of the nearest Sub-Area. The site plan provided shall include all dimensioned and planned street Rights-of-Way.

No Part II Approval for any portion of the Property shall be granted until Site Plan approval has been granted. If the Sub-Area Site Plan Approval Submittals substantially conform to the provisions of the Planned Development, the Department of Housing and Economic Development shall approve the submittal in a prompt and timely manner. Following approval by the Department of Housing and Economic Development, the approved Sub-Area Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the Planned Development.

After approval of the Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 2. In the event of any inconsistency between approved plans and the terms of the Planned Development, the terms of the Planned Development shall govern. Any Sub Area Site Plan Approval Submittals shall, at a minimum, provide the following information:

- fully-dimensioned site plan (including a footprint of the proposed improvements);
- fully-dimensioned building elevations;
- fully-dimensioned landscape plan(s); and,
- statistical information applicable to the subject Sub-Area, including floor area, the applicable FAR, uses to be established, building heights and setbacks.

Sub Area Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the Planned Development.

- 7. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of the Department of Housing and Economic Development. Off-Premise signs are prohibited within the boundary of the Planned Development.
- 8. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
- 9. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of TBD square feet.
- 10. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by the Department of Housing and Economic Development. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
- 11. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines as shown for Sub-Area A. Final Site and Landscaping Plans and Building Elevations shall be submitted at the time

of submission of Part II approval for Sub-Area B, and so long as they are in conformance with the provisions of this Planned Development Ordinance they shall be approved. Final landscape plan review and approval will be by the Department of Housing and Economic Development. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.

- 12. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
- 13. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
- 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 to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
- 15. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. A vegetative green roof shall be established on the buildings built on Sub Area A and B totalling 50% of net roof area.
- 16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of the Department of Housing and Economic Development shall initiate a Zoning Map Amendment to rezone the property to C1-2.

CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

SECTION I -- GENERAL INFORMATION

A. Legal	name of the Disclosing Party submitting this EDS. Include d/b/a/ if applicable:
39 th & Ar	cher LLC
Check O	NE of the following three boxes:
1. [X]	whether the Disclosing Party submitting this EDS is: the Applicant OR
2. [] a App	legal entity holding a direct or indirect interest in the Applicant. State the legal name of the blicant in which the Disclosing Party holds an interest: OR
3. [] a	legal entity with a right of control (see Section II.B.1.) State the legal name of the entity in the Disclosing Party holds a right of control:
B. Busine	ess address of the Disclosing Party: 1731 North Marcey Street, #520, Chicago, IL 60614
C. Teleph	one: 773/360-0300 Fax: 312/255-0405 Email: N/A
D. Name	of contact person: Max Plzak
E. Federa	l Employer Identification No. (if you have one):
	escription of contract, transaction or other undertaking (referred to below as the "Matter") to which pertains. (Include project number and location of property, if applicable):
•	ng Map Amendment for the property located at 2601-2645 West 38 th Street; 3802-3852 South Rockwel e; 2614-2644 West Pershing Road.
G. Which	City agency or department is requesting this EDS? Dept of Housing and Econ Development
	Matter is a contract being handled by the City's Department of Procurement Services, please ete the following:
Specif	ication # and Contract #

SECTION II -- DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF THE DISCLOSING PARTY

partnership or joint venture, list below the name a	and title of each general partner, managing member, manager to-day management of the Disclosing Party. NOTE: Each ts own behalf. Title Managing Member Managing Member
partnership or joint venture, list below the name a or any other person or entity that controls the day-legal entity listed below must submit an EDS on i Name Wayne Moretti	-to-day management of the Disclosing Party. NOTE : Each ts own behalf. Title Managing Member
partnership or joint venture, list below the name a or any other person or entity that controls the day legal entity listed below must submit an EDS on i	-to-day management of the Disclosing Party. NOTE : Each ts own behalf.
partnership or joint venture, list below the name a or any other person or entity that controls the day.	-to-day management of the Disclosing Party. NOTE: Each
partnership or joint venture, list below the name a or any other person or entity that controls the day.	-to-day management of the Disclosing Party. NOTE: Each
partnership or joint venture, list below the name a	
if the chitty is a general partnership, inflited pa	
• • • • • • • • • • • • • • • • • • • •	artnership, limited liability company, limited liability
the legal titleholder(s).	
NOTE: For not-for-profit corporations, also lis	st below all members, if any, which are legal entities. If "For trusts, estates or other similar entities, list below
B. IF THE DISCLOSING PARTY IS A LEGAL 1. List below the full names and titles of all	AL ENTITY: executive officers and all directors of the entity.
[] Yes [X] No	[] N/A
3. For legal entities not organized in the State of Illinois as a foreign entity?	of Illinois: Has the organization registered to do business
Illinois	
2. For legal entities, the state (or foreign co	ountry) of incorporation or organization, if applicable:
[] Limited partnership [] Trust	[] Yes [] No [] Other (please specify)
[] General partnership	(Is the not-for-profit corporation also a 501(c)(3))?
[] Privately held business corporation [] Sole proprietorship	[] Joint venture [] Not-for-profit corporation
•	[] Limited liability partnership
Publicly registered business corporation	[X] Limited liability company
 Indicate the nature of the Disclosing Par Person Publicly registered business corporation 	•

2. Please provide the following information concerning each person or entity having a direct or indirect beneficial interest (including ownership) in excess of 7.5% of the Disclosing Party. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture,

interest of a member or manager in a limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None." **NOTE**: Pursuant to Section 2-154-030 of the Municipal Code of Chicago ("Municipal Code"), the City may require any such additional information from any applicant which is reasonably intended to achieve full disclosure.

Name	Business Address	Percentage Interest in the		
	·	Disclosing Party		
Wayne Moretti	1731 N Marcey, Chicago, Illinois	33.33%		
Ronald Benach	1731 N Marcey, Chicago, Illinois	66.66%		

SECTION III -- BUSINESS RELATIONSHIPS WITH CITY ELECTED OFFICIALS

Has the Disclosing Party had a "business relationship," as defined in Chapter 2-156 of the Municipal Code, with any City elected official in the 12 months before the date this EDS is signed?

[] Yes	[X] No	٠.
If yes, please identify relationship(s):	below the name(s) of such City elected official(s) and describe such	

SECTION IV -- DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist, accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll.

"Lobbyist" means any person or entity who undertakes to influence any legislative or administrative action on behalf of any person or entity other than: (1) a not-for-profit entity, on an unpaid basis, or (2) himself. "Lobbyist" also means any person or entity any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure.

Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (indicate whether paid or estimated.) NOTE: "hourly rate" or "t.b.d." is not an acceptable response.
Bernard Citron of Thomps	son Coburn, LLP.	, 55 E Monroe, Chicago, IL, Attorney	
			,
(Add sheets if necessary)			
[X] Check here if the Dis	sclosing Party ha	as not retained, nor expects to retain,	any such persons or entities.
SECTION V CERTI	FICATIONS		
A. COURT-ORDERED	CHILD SUPPO	RT COMPLIANCE	
		5, substantial owners of business entit support obligations throughout the con	•
	•	y owns 10% or more of the Disclos by any Illinois court of competent juris	
[] Yes [X]		o person directly or indirectly owns closing Party.	10% or more of the
If "Yes," has the person e		ort-approved agreement for payment o	f all support owed and is the
[]Yes []N	Vo		
B. FURTHER CERTIFIC	CATIONS		

1. Pursuant to Municipal Code Chapter 1-23, Article I ("Article I")(which the Applicant should consult for defined terms (e.g., "doing business") and legal requirements), if the Disclosing Party submitting this EDS is the Applicant and is doing business with the City, then the Disclosing Party certifies as follows: (i) neither the Applicant nor any controlling person is currently indicted or charged with, or has admitted guilt of, or has ever been convicted of, or placed under supervision for, any criminal offense involving actual, attempted, or conspiracy to commit bribery, theft, fraud, forgery, perjury, dishonesty or deceit against an officer or employee of the City or any sister agency; and (ii) the Applicant understands and acknowledges that compliance with Article I is a continuing requirement for doing business with the City. NOTE: If Article I applies to the Applicant, the permanent compliance timeframe in Article I supersedes some five-year compliance timeframes in certifications 2 and 3 below.

- 2. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II.B.1. of this EDS:
 - a are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
 - b. have not, within a five-year period preceding the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;
 - c. are not presently indicted for, or criminally or civilly charged by, a governmental entity (federal, state or local) with committing any of the offenses set forth in clause B.2.b. of this Section V;
 - d have not, within a five-year period preceding the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and
 - e. have not, within a five-year period preceding the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.
 - 3. The certifications in subparts 3, 4 and 5 concern:
 - the Disclosing Party;
 - any "Contractor" (meaning any contractor or subcontractor used by the Disclosing Party in connection with the Matter, including but not limited to all persons or legal entities disclosed under Section IV, "Disclosure of Subcontractors and Other Retained Parties");
 - any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity); with respect to Contractors, the term Affiliated Entity means a person or entity that directly or indirectly controls the Contractor, is controlled by it, or, with the Contractor, is under common control of another person or entity;
 - any responsible official of the Disclosing Party, any Contractor or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Contractor or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Contractor or any Affiliated Entity (collectively "Agents").

Neither the Disclosing Party, nor any Contractor, nor any Affiliated Entity of either the Disclosing Party or any Contractor nor any Agents have, during the five years before the date this EDS is signed, or, with respect to a Contractor, an Affiliated Entity, or an Affiliated Entity of a Contractor during the five years before the date of such Contractor's or Affiliated Entity's contract or engagement in connection with the Matter:

- a bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;
- <u>b.</u> agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- c. made an admission of such conduct described in a. or b. above that is a matter of record, but have not been prosecuted for such conduct; or
- <u>d</u> violated the provisions of Municipal Code Section 2-92-610 (Living Wage Ordinance).
- 4. Neither the Disclosing Party, Affiliated Entity or Contractor, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging in violation of 720 ILCS 5/33E-3; (2) bid-rotating in violation of 720 ILCS 5/33E-4; or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.
- 5. Neither the Disclosing Party nor any Affiliated Entity is listed on any of the following lists maintained by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the Bureau of Industry and Security of the U.S. Department of Commerce or their successors: the Specially Designated Nationals List, the Denied Persons List, the Unverified List, the Entity List and the Debarred List.
- 6. The Disclosing Party understands and shall comply with the applicable requirements of Chapters 2-55 (Legislative Inspector General), 2-56 (Inspector General) and 2-156 (Governmental Ethics) of the Municipal Code.

7. If	the Disclosing Party	is unable to cer	tify to any of	the above	statements	in this	Part B	(Further
Certifica	ations), the Disclosing	g Party must expla	in below:					
					<u> </u>			
<u></u>					 -			
	· · · · · · · · · · · · · · · · · · ·							

)

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.
8. To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all current employees of the Disclosing Party who were, at any time during the 12-month period preceding the execution date of this EDS, an employee, or elected or appointed official, of the City of Chicago (if none, indicate with "N/A" or "none").
9. To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all gifts that the Disclosing Party has given or caused to be given, at any time during the 12-month period preceding the execution date of this EDS, to an employee, or elected or appointed official, of the City of Chicago. For purposes of this statement, a "gift" does not include: (i) anything made generally available to City employees or to the general public, or (ii) food or drink provided in the course of official City business and having a retail value of less than \$20 per recipient (if none, indicate with "N/A" or "none"). As to any gift listed below, please also list the name of the City recipient.
C. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION
1. The Disclosing Party certifies that the Disclosing Party (check one)
[] is [X] is not
a "financial institution" as defined in Section 2-32-455(b) of the Municipal Code.
2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:
"We are not and will not become a predatory lender as defined in Chapter 2-32 of the Municipal Code. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in Chapter 2-32 of the Municipal Code. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the City."
If the Disclosing Party is unable to make this pledge because it or any of its affiliates (as defined in Section 2-32-455(b) of the Municipal Code) is a predatory lender within the meaning of Chapter 2-32 of the Municipal Code, explain here (attach additional pages if necessary):

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements. D. CERTIFICATION REGARDING INTEREST IN CITY BUSINESS Any words or terms that are defined in Chapter 2-156 of the Municipal Code have the same meanings when used in this Part D. 1. In accordance with Section 2-156-110 of the Municipal Code: Does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter? []Yes [X] No NOTE: If you checked "Yes" to Item D.1., proceed to Items D.2. and D.3. If you checked "No" to Item D.1., proceed to Part E. 2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no City elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City (collectively, "City Property Sale"). Compensation for property taken pursuant to the City's eminent domain power does not constitute a financial interest within the meaning of this Part D. Does the Matter involve a City Property Sale? [] Yes [X] No 3. If you checked "Yes" to Item D.1., provide the names and business addresses of the City officials or employees having such interest and identify the nature of such interest:

Name Business Address Nature of Interest

4. The Disclosing Party further certifies that no prohibited financial interest in the Matter will be acquired by any City official or employee.

E. CERTIFICATION REGARDING SLAVERY ERA BUSINESS

Please check either 1. or 2. below. If the Disclosing Party checks 2., the Disclosing Party must disclose below or in an attachment to this EDS all information required by paragraph 2. Failure to

connection with the Matter voidable by the City.
1. The Disclosing Party verifies that the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves), and the Disclosing Party has found no such records.
2. The Disclosing Party verifies that, as a result of conducting the search in step 1 above, the Disclosing Party has found records of investments or profits from slavery or slaveholder insurance policies. The Disclosing Party verifies that the following constitutes full disclosure of all such records, including the names of any and all slaves or slaveholders described in those records:
SECTION VI CERTIFICATIONS FOR FEDERALLY FUNDED MATTERS
NOTE: If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII. For purposes of this Section VI, tax credits allocated by the City and proceeds of debt obligations of the City are not federal funding.
A. CERTIFICATION REGARDING LOBBYING
1. List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995 who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter: (Add sheets if necessary):
If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, t will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995 have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)
2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in Paragraph A.1. above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with the award of any federally funded contract, making any

federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew,

amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A.1. and A.2. above. 4. The Disclosing Party certifies that either: (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities" 5. If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A.1. through A.4. above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the City upon request. B. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations. Is the Disclosing Party the Applicant? [] Yes []No If "Yes," answer the three questions below: 1. Have you developed and do you have on file affirmative action programs pursuant to applicable federal regulations? (See 41 CFR Part 60-2.) [] Yes []No 2. Have you filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements? [] Yes []No 3. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause? [] Yes []No

If you checked "No" to question 1. or 2. above, please provide an explanation:

SECTION VII -- ACKNOWLEDGMENTS, CONTRACT INCORPORATION, COMPLIANCE, PENALTIES, DISCLOSURE

The Disclosing Party understands and agrees that:

A. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the City in connection with the Matter, whether procurement, City assistance, or other City action, and are material inducements to the City's execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.

B. The City's Governmental Ethics and Campaign Financing Ordinances, Chapters 2-156 and 2-164 of the Municipal Code, impose certain duties and obligations on persons or entities seeking City contracts, work, business, or transactions. The full text of these ordinances and a training program is available on line at www.cityofchicago.org/Ethics, and may also be obtained from the City's Board of Ethics, 740 N.

Sedgwick St., Suite 500, Chicago, IL 60610, (312) 744-9660. The Disclosing Party must comply fully with the applicable ordinances.

- C. If the City determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the City may pursue any remedies under the contract or agreement (if not rescinded or void), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other transactions with the City. Remedies at law for a false statement of material fact may include incarceration and an award to the City of treble damages.
- D. It is the City's policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided on this EDS and any attachments to this EDS may be made available to the public on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the City in connection with the public release of information contained in this EDS and also authorizes the City to verify the accuracy of any information submitted in this EDS.
- E. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the City takes action on the Matter. If the Matter is a contract being handled by the City's Department of Procurement Services, the Disclosing Party must update this EDS as the contract requires. **NOTE:** With respect to Matters subject to Article I of Chapter 1-23 of the Municipal Code (imposing **PERMANENT INELIGIBILITY** for certain specified offenses), the information provided herein regarding eligibility must be kept current for a longer period, as required by Chapter 1-23 and Section 2-154-020 of the Municipal Code.

The Disclosing Party represents and warrants that:

- F.1. The Disclosing Party is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, nor arc the Disclosing Party or its Affiliated Entities delinquent in paying any fine, fee, tax or other charge owed to the City. This includes, but is not limited to, all water charges, sewer charges, license fees, parking tickets, property taxes or sales taxes.
- F.2 If the Disclosing Party is the Applicant, the Disclosing Party and its Affiliated Entities will not use, nor permit their subcontractors to use, any facility listed by the U.S. E.P.A. on the federal Excluded Parties List System ("EPLS") maintained by the U.S. General Services Administration.
- F.3 If the Disclosing Party is the Applicant, the Disclosing Party will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in F.1. and F.2. above and will not, without the prior written consent of the City, use any such contractor/subcontractor that does not provide such certifications or that the Disclosing Party has reason to believe has not provided or cannot provide truthful certifications.

NOTE: If the Disclosing Party cannot certify as to any of the items in F.1., F.2. or F.3. above, an explanatory statement must be attached to this EDS.

CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS and Appendix A (if applicable) on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS and Appendix A (if applicable) are true, accurate and complete as of the date furnished to the City.

Sats & ARCHER LLC (Print or type name of Disclosing Party)	-	
By: (Sign here)		
(Print or type name of person signing)		
MANAGING MEMBER (Print or type title of person signing)	-	
Signed and sworn to before me on (date) at County, Hillows 3	1-7-14 (state).	,, , , , , , , , , , , , , ,
Commission expires: & 716	Notary Public.	OFFICIAL SEAL KAREN E SCHELL NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:08/07/16

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CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT APPENDIX A

FAMILIAL RELATIONSHIPS WITH ELECTED CITY OFFICIALS AND DEPARTMENT HEADS

This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5 percent. It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

Under Municipal Code Section 2-154-015, the Disclosing Party must disclose whether such Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently has a "familial relationship" with any elected city official or department head. A "familial relationship" exists if, as of the date this EDS is signed, the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof is related to the mayor, any alderman, the city clerk, the city treasurer or any city department head as spouse or domestic partner or as any of the following, whether by blood or adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister or half-brother or half-sister.

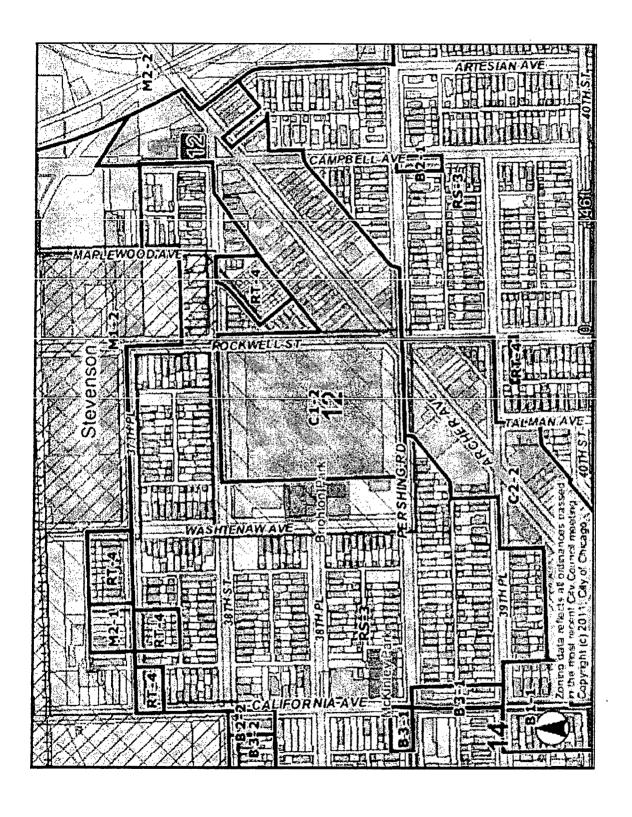
"Applicable Party" means (1) all executive officers of the Disclosing Party listed in Section II.B.1.a., if the Disclosing Party is a corporation; all partners of the Disclosing Party, if the Disclosing Party is a general partnership; all general partners and limited partners of the Disclosing Party, if the Disclosing Party is a limited partnership; all managers, managing members and members of the Disclosing Party, if the Disclosing Party is a limited liability company; (2) all principal officers of the Disclosing Party; and (3) any person having more than a 7.5 percent ownership interest in the Disclosing Party. "Principal officers" means the president, chief operating officer, executive director, chief financial officer, treasurer or secretary of a legal entity or any person exercising similar authority.

Does the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently have a "familial relationship" with an elected city official or department head?

TX1 No.

[] Yes

	L J				
If yes, please iden such person is conne person has a familial		d title of the e	elected city offi	cial or department	head to whom such
					- ·



EXISTING ZONING MAP C/O FIRST AMERICAN PROPERTIES

2601-2645 WEST 38TH STREET 3802-3852 SOUTH ROCKWELL 2614-3644 WEST PERSHING ROAD JANUARY 15, 2014

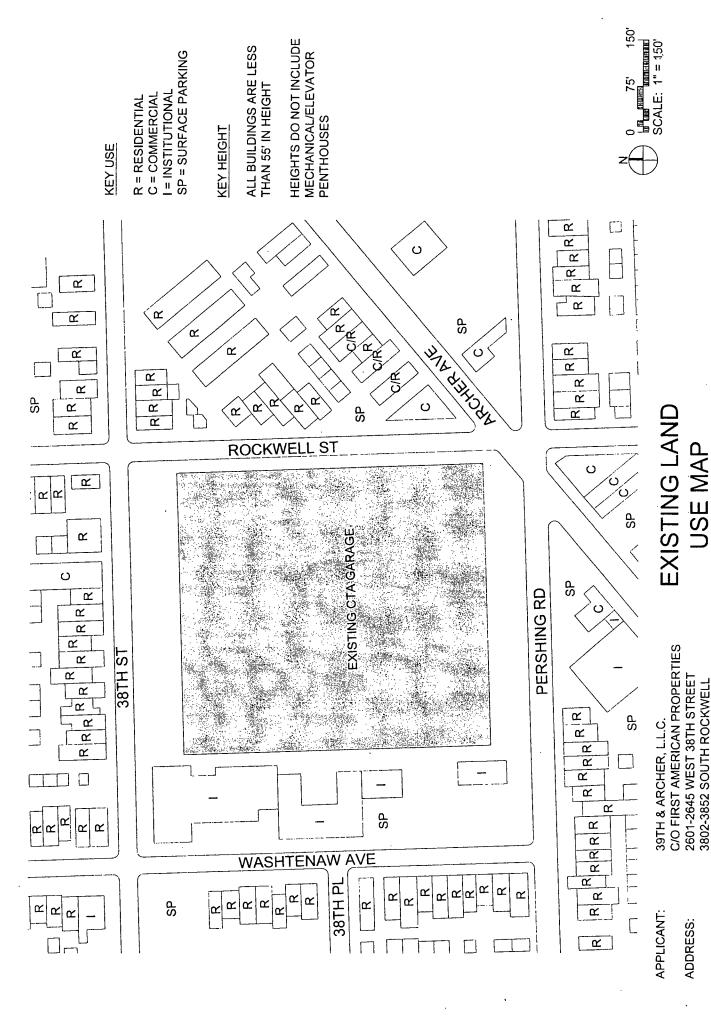
39TH & ARCHER, L.L.C.

APPLICANT:

ADDRESS:

INTRODUCED: PLAN COMMISSION:

TBD



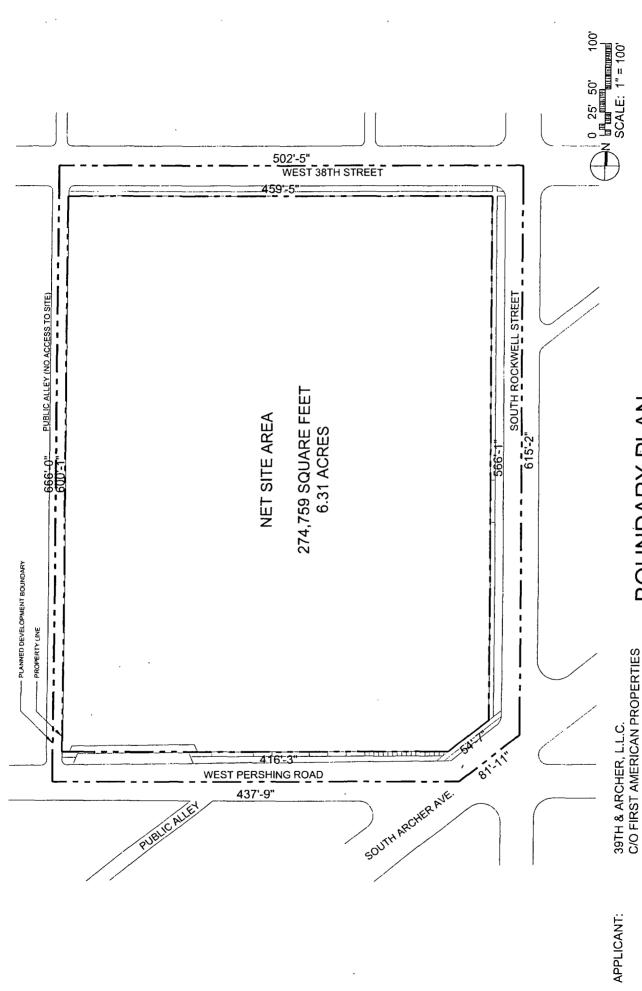
2614-244 WEST PERSHING ROAD

JANUARY 15, 2014

PLAN COMMISSION:

INTRODUCED:

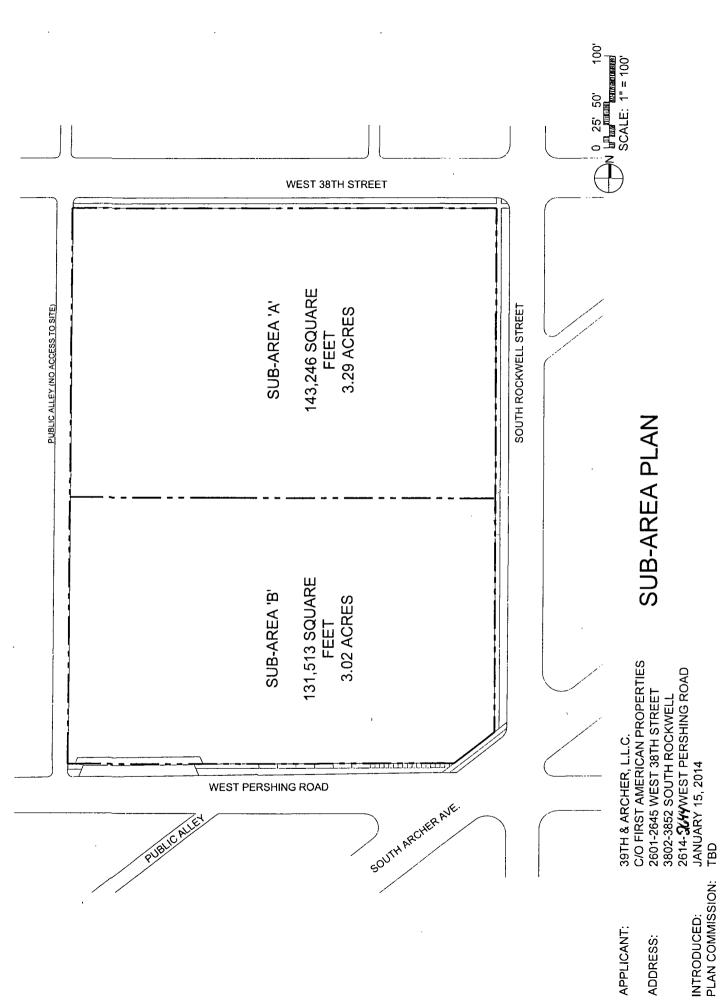
3802-3852 SOUTH ROCKWELL



BOUNDARY PLAN

2601-2645 WEST 38TH STREET 3802-3852 SOUTH ROCKWELL 2614-2649WEST PERSHING ROAD JANUARY 15, 2014 TBD INTRODUCED: PLAN COMMISSION:

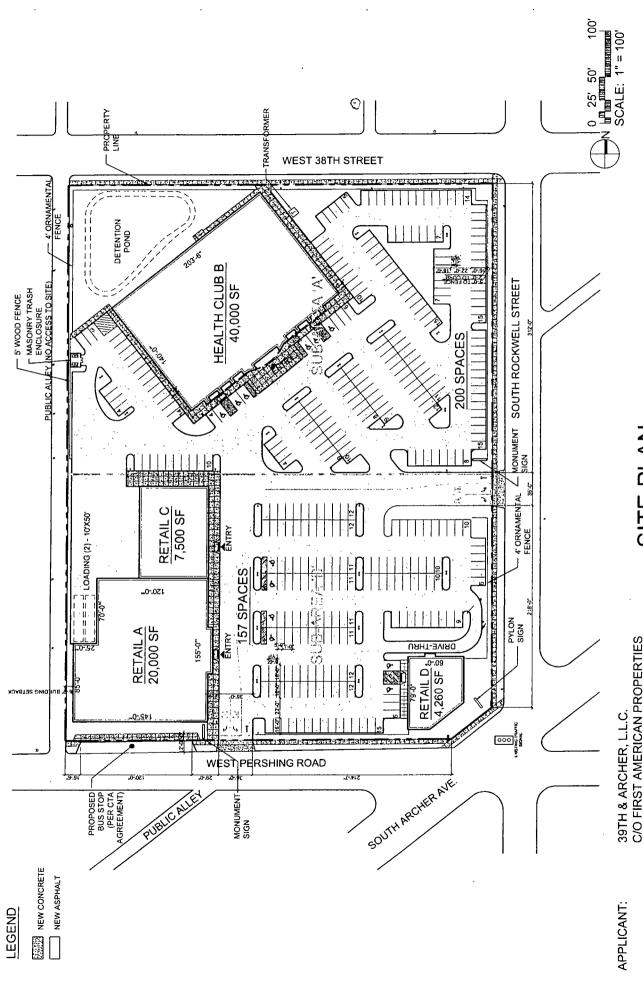
ADDRESS:



SUB-AREA PLAN

INTRODUCED: PLAN COMMISSION:

ADDRESS:



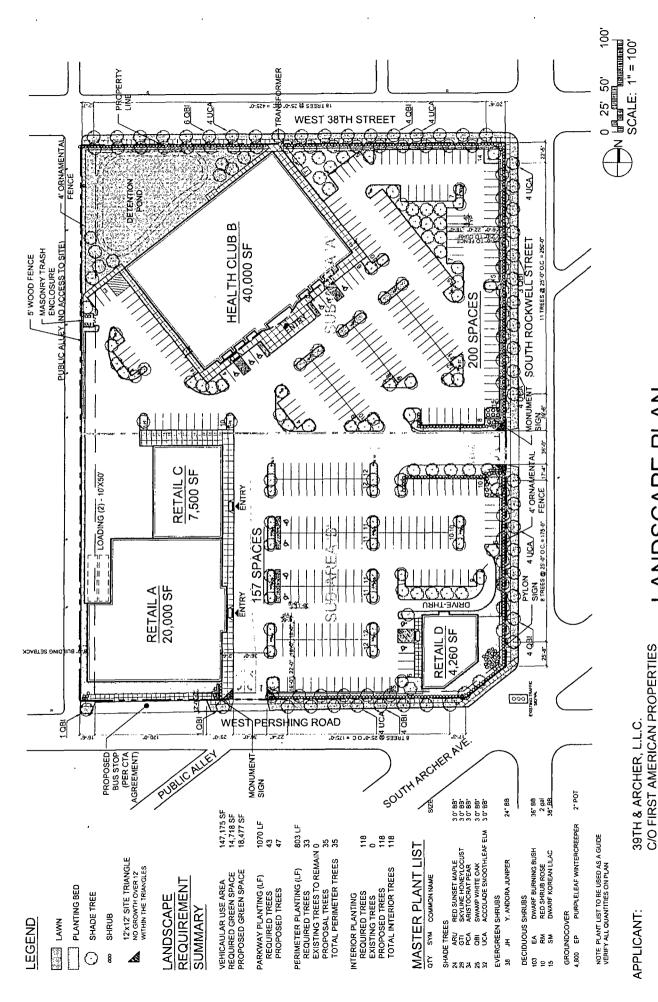
INTRODUCED:

PLAN COMMISSION:

3802-3852 SOUTH ROCKWELL 2614-3644WEST PERSHING ROAD JANUARY 15, 2014 TBD

2601-2645 WEST 38TH STREET

ADDRESS:



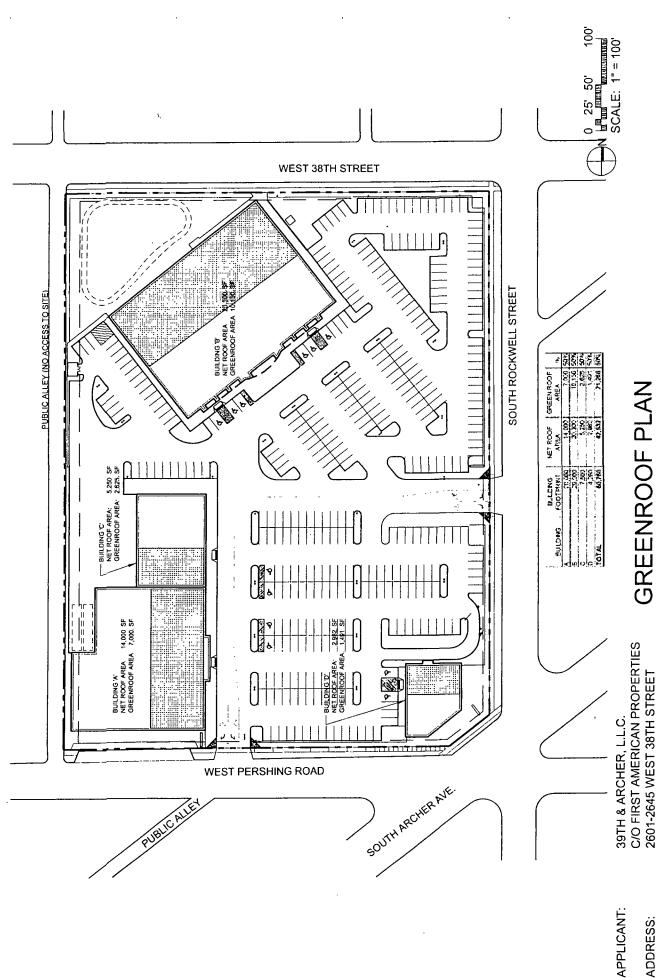
LANDSCAPE PLAN

2614-264¥WEST PERSHING ROAD **JANUARY 15, 2014**

2601-2645 WEST 38TH STREET 3802-3852 SOUTH ROCKWELL

ADDRESS:

TBD PLAN COMMISSION: INTRODUCED:

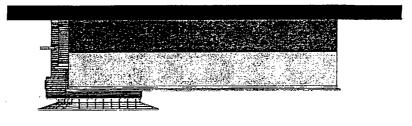


ADDRESS:

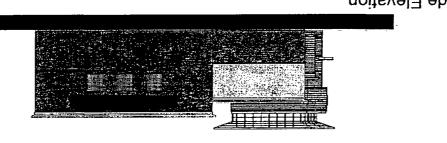
2601-2645 WEST 38TH STREET 3802-3852 SOUTH ROCKWELL

2614-26-44 WEST PERSHING ROAD **JANUARY 15, 2014**

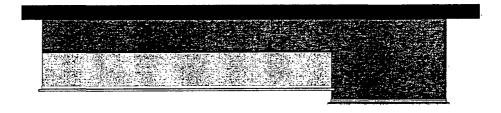
TBD INTRODUCED: PLAN COMMISSION:



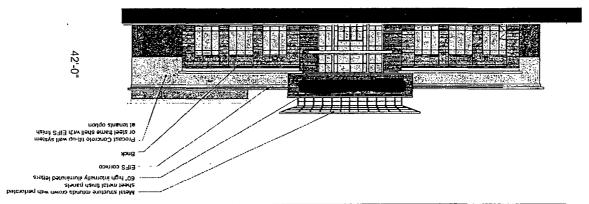
Side Elevation



Side Elevation



Rear Elevation



Front Elevation

39TH AND ARCHER LLC **APPLICANT**:

3802-3852 SOUTH ROCKWELL AVENUE 2601-2645 WEST 38TH STREET **ADDRESS:**

C/O FIRST AMERICAN PROPERTIES

JANUARY 15, 2014 INTRODUCED: 2614-304 WEST PERSHING ROAD

PLAN COMMISION: TBD

PLAT OF LEGAL DESCRIPTION

LEGAL DESCRIPTION

THAT PART OF BLOCK "C", BEING A CONSOLIDATION OF LOTS 141, 142, 143, 158, 159 AND 160 IN THE TOWN OF BRIGHTON, ALSO LOTS 1, 2, 3, 4, 15, 16, 17 AND 18 IN BLOCK 13, AND LOTS 1, 2, 3, 4, 15, 16, 17 AND 18 IN BLOCK 13, AND LOTS 1, 2, 3, 4, 15, 16, 17 AND 18 IN BLOCK 16 OF CORWITH'S RESUBDIVISION OF LOTS 81 TO 120, 124 TO 140, 144 TO 150, 152 TO 157, ALL INCLUSIVE IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH VACATED ALLEYS AND VACATED PORTION OF 38TH PLACE LYING BETWEEN SAID LOTS IN BLOCK 13 AND 16 IN CORWITH'S SUBDIVISION, ALL AS SHOWN UPON THE CERTAIN PLAT, RECORDED APRIL 4, 1910 IN PLAT BOOK 106, PAGE 33, AS DOCUMENT NUMBER 4535099, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHHEAST CORNER OF SAID BLOCK "C", THENCE SOUTH 01 DEGREES 52 MINUTES 26 SECONDS EAST, ON THE EAST LINE OF SAID BLOCK "C", 357.89 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 08 SECONDS WEST, 138.36 FEET; THENCE NORTH 01 DEGREES 54 MINUTES 29 SECONDS WEST, 12.69 FEET; THENCE SOUTH 88 DEGREES 05 MINUTES 31 SECONDS WEST, 144.60 FEET; THENCE NORTH 01 DEGREES 54 MINUTES 20 SECONDS WEST, 31.64 FEET; THENCE SOUTH 88 DEGREES 05 MINUTES 31 SECONDS WEST, 176 12 FEET TO THE WEST LINE OF SAID BLOCK "C"; THENCE NORTH 07 DEGREES 55 MINUTES 39 SECONDS WEST, ON SAID WEST LINE, 311.74 FEET TO THE NORTHWEST CORNER OF SAID BLOCK "C"; THENCE NORTH 87 DEGREES 52 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID BLOCK "C", 459.40 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

