City of Chicago

SO2015-1419

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	3/18/2015
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Zoning Reclassification Map No. 1-E Residential-Business Planned Development No. 368 - amend
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

MA-192

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

Initial Final-LW

SECTION: That the Chicago Zoning Ordinance be amended by changing all the Residential Business Planned Development No. 368 symbols and indications as shown on Map No. 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 center line of Ogden Slip to a point 439.74 feet east of North Lake Shore Drive, the center line 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; the alley next south of East Grand Avenue;

to the designation of a Residential-Business Planned Development No. 368, as amended, which is hereby established in the area above described, subject to the provisions at the Plan of Development Statements herewith attached and made a part thereof and to the Bulk Regulations and Data Table and Planned Development Exhibits approved and attached to Residential-Business Planned Development No. 368, as amended January 21, 2015, to no others.

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

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 368, AS AMENDED
PLAN OF DEVELOPMENT
STATEMENTS

1. The area delineated herein as "Residential-Business Planned Development Number 368", as amended, consists of approximately 1,560,904 square feet or 35.83 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 for the entire Planned Development: Bulk Regulations and Data Table for the entire Planned Development; an Existing Zoning Map; 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. 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.

   This plan of development consists of the following exhibits related to the development of Subparcel E.3: Bulk Regulations and Data Table Note 10; 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 East/West Site Section; Partial Enlarged East Elevation; North/South Site Section at Lake Shore Drive; North/South Tower and Parking Section; East/West Parking Section; North/South Overview Section; and Lake Front Trail Alignment Alternate 1 and Alternate 2.

   This plan of development consists of the following exhibits related to the development of Subarea B Parcels 7 and 7A: Bulk Regulations and Data Table Note 11; View Corridor Program; Overall Site Plan; Lower East North Water Street Plan, North Park Drive Street Plan, North Park Drive Wayfinding Plan; Upper East North Water Street Plan; Upper East North Water Street Wayfinding Plan; Terrace Level Plan; Landscape Plan; Green Roof Plan; Overall Section A Plan and Partial North Elevation; West Elevation at tower and Partial North/South Section B Plan; Building Elevations (North, South, East and West) prepared by Solomon Cordwell Buenz dated May 24, 2012.

   This plan of development consists of the following plans and exhibits related to the development of Parcels P21B and P21C (the Kraft Parcel): Bulk Regulations and Data Table Note 12; Site Plan; Ground Floor Plan; Recreation Deck Level Plan; Green Roof Plan; Building Elevations (North and East, and South and West); Landscape Plan; Pocket Park Bonus Landscape Plan; Landscape Sections (A/B and C/D); and Landscape Plant List prepared by GREC Architects, LLC and dated December 18, 2014 (the "Plans").

Applicant: Mayor Rahm I. Emanuel
Address: 400 North Lake Shore Drive
Introduced Date: March 18, 2015
Plan Commission Date: April 16, 2015

All of the exhibits cited, above, shall be those approved with Residential-Business Planned Development No. 368, as amended January 21, 2015.

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 each property owner, its successors and assigns (including any condominium association which is formed) and the legal titleholders and any ground lessors. All rights granted hereunder shall inure to the benefit of each property owner, its successors and assigns (including any condominium association which is formed) and 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 +35 feet Chicago City Datum plus or minus 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 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. Daycare 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 daycare 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 ("FAR") 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 the building entrance on upper East North Water Street plus or minus six (±6) feet in respect of design conditions; and (3) space devoted to heating, ventilation, and air-conditioning equipment shall not be included in FAR 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 egress 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 20 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 600 feet walking distance, or (ii) if a non-residential use, within 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 aforestated 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, grade, or its equivalent, opposite the center of the front of a building to the highest point of the underside 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 underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. For the purpose of determining height in Subarea B Parcels 7 and 7A, grade is herein established as the curb level of the building entrance on upper East North Water Street plus or minus 6 feet in respect of design conditions. (For the purpose of determining height, building tops of 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 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 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 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 12 feet, 6 inches (except the building column may be setback 10 feet, 0 inches in Subarea E-3 along Ogden Slip and the building located in Subarea B, Parcels 7 and 7A, may be located at the property line along North New Street, North Park Drive, Upper East North Water Street and Lower East North Water Street) 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, residential entrances 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 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 Zoning Administrator, shall be allowed. No surface parking lot shall be allowed on the Parcel P21B ("Kraft") park site in Subarea F. 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 finish 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 and Development 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 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 Developer of Parcel E.3 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 Chicago Sustainable Development Policy in effect at the time of application for Part II approval, 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 (LEED). 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. The development of the improvements on Parcel P21C contemplated by this Planned Development amendment shall be LEED certified and have a green roof of approximately 2,177 square feet and a rain water collection system as described in the attached Green Roof Plan.

(l) Pursuant to the Affordable Housing provision of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1004, et seq. ("Zoning Ordinance") Developer of Parcel E.3 has asked for an increase in the Floor Area Ratio of 3.00 FAR for

the Property. The Developer of Parcel E.3 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 25 percent 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 multiplied by 80 percent of the median cost of land per buildable square foot. Based on Section 17-4-1004D, the Developer of Parcel E.3 has agreed to provide a cash payment to the City of Chicago Affordable Housing Opportunity Fund in the amount of $5,700,300.00. Prior to the issuance of permits, the Developer of Parcel E.3 will enter into an Affordable Housing Agreement with the Chicago Department of Planning and Development or provide a letter of credit or other security device in an amount equal to the cash contribution. The Developer of Parcel E.3 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 Developer of Parcel E.3 has asked for an increase in the Floor Area Ratio of 2.16 FAR for the Property. The Developer of Parcel E.3 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 80 percent of the median cost of land per buildable square foot. Based on Section 17-4-1018-C, the Developer of Parcel E.3 has agreed to provide a cash payment to the City of Chicago in the amount of $4,104,216.00. Prior to the issuance of permits, the Developer of Parcel E.3 will provide a letter of credit or other security device in an amount equal to the cash contribution. The Developer of Parcel E.3 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 Developer of Parcel E.3, 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 Developer of Parcel E.3 prior to the issuance of Certificate of Occupancy for any dwelling unit exceeding the three hundredth (300th) dwelling unit constructed with Subparcel E.3.

(o) The amendment of this Planned Development concerning development of Parcels P21B and P21C triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Requirements Ordinance" or "ARO"). Any developer of a "residential housing project" within the meaning of the Affordable Requirements Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). Further, the amendment of this Planned Development is subject to Section 17-4-1004-D of the Zoning Code, which also requires on-site affordable housing or payment of a fee in lieu of providing affordable housing for rezonings in DC, DX and DR districts that increase the base floor area ratio. If a planned development is subject to the requirements of both sections (2-45-110 and 17-4-1004-D), the developer may elect to satisfy the ARO requirements by complying with the affordable housing floor area bonus provided for in Section 17-4-1004. The owner of Parcels P21B and P21C has elected to comply with Section 17-4-1004. Pursuant to Section 17-4-1004-B of the Zoning Ordinance, the owner of Parcels P21B and P21C has requested an increase in the floor area ratio for the Property, as set forth in the bonus worksheet required under Section 17-4-1003-D and attached hereto as an Exhibit ("Bonus Worksheet"). In accordance with the formulas set forth in Section 17-4-1004-C and the Bonus Worksheet, the owner of Parcels P21B and P21C acknowledges and agrees that it must provide either a minimum of at least 21,680 square feet of floor area (the "Affordable Units") in the building receiving the affordable housing floor area bonus ("Eligible Building"), with an affordable unit mix comparable to the overall mix and approved by the Department of Planning and Development prior to issuance of the first building permit, or make a cash payment in lieu of providing affordable housing in the amount of $2,983,168 ("Cash Payment"), or $100,000 per unit ("Pro Rata Amount"). Prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits, the owner of Parcels P21B and P21C must either make the required Cash Payment or provide a performance bond or other security in the amount of the Cash Payment ensuring construction of the Affordable Units. If the owner of Parcels P21B and P21C elects to construct the Affordable Units, it must also enter into an Affordable Housing Agreement with the City pursuant to Section 17-4-1004-E9 prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits. The terms of the Affordable Housing Agreement and any amendments thereto would be incorporated herein by this reference. The owner of Parcels P21B and P21C acknowledges and agrees that the Affordable Housing Agreement would be recorded against the Eligible Building and would constitute a lien against each Affordable Unit in an amount equal to the Pro Rata Amount. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or

similar instrument against such Affordable Unit. In addition to the Affordable Housing Agreement, the owner of Parcels P21B and P21C acknowledges and agrees that, pursuant to Section 17-4-1003-D3, the Bonus Worksheet will serve as an official record of bonuses and amenities. The owner of Parcels P21B and P21C must comply with the applicable affordable housing standards and requirements set forth in Section 17-4-1004, the terms of which are incorporated herein by this reference. Notwithstanding anything to the contrary contained in Section 17-4-1003-E, the Commissioner of the Department of Planning and Development may enforce remedies for breach of the Affordable Housing Agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

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 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

Developer of Parcel E.3 and the Chicago Park District as referenced in Statement Number 11(m) above provides otherwise.

14. The developer of Parcels P21B and P21C (the Kraft Parcel), shall substantially renovate the existing 70,000 square foot park on Parcel P21B in accordance with the Landscape Plan, the Landscape Sections, and the Landscape Plant list. Such renovation shall be commenced no later than three (3) months following issuance of the first occupancy permit for the residential building to be constructed on Parcel P21C as permitted by this Planned Development, and shall be completed no later than one (1) year thereafter. The park, as renovated, shall continue to be privately owned, maintained and subject to occasional partial closure for private use but, subject to the foregoing, shall remain accessible to the public during hours in which public parks are accessible to the public. The public shall have use of the Dog Run indicated on the Landscape Plan subject to any regulations, if imposed, that conform to the protocols of the Chicago Park District for Dog Friendly Areas. The owner(s) of Parcels P21B and P21C (the Kraft Parcel) shall be responsible for the costs and performance of maintenance of the park in conformance with the Landscape Plan and the Open Space Plan. Nothing contained herein shall preclude residents or other individuals from using the park for other private uses, provided that they obtain permission from the owner(s) of the Kraft Parcel and all necessary governmental approvals and permits.

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 or construction in accordance with the Plans approved herein, a site plan for the proposed development, including parking areas, shall be submitted to the Zoning Administrator for approval. Review and approval of the site plan by the Zoning Administrator 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 Zoning Administrator

shall be granted until the Site Plan has been approved by the Zoning Administrator. 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 Developer of Parcel E.3's request for Part II approval for the construction of the superstructure upon Subparcel E.3, the Developer of Parcel E.3 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 Zoning Administrator, 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.

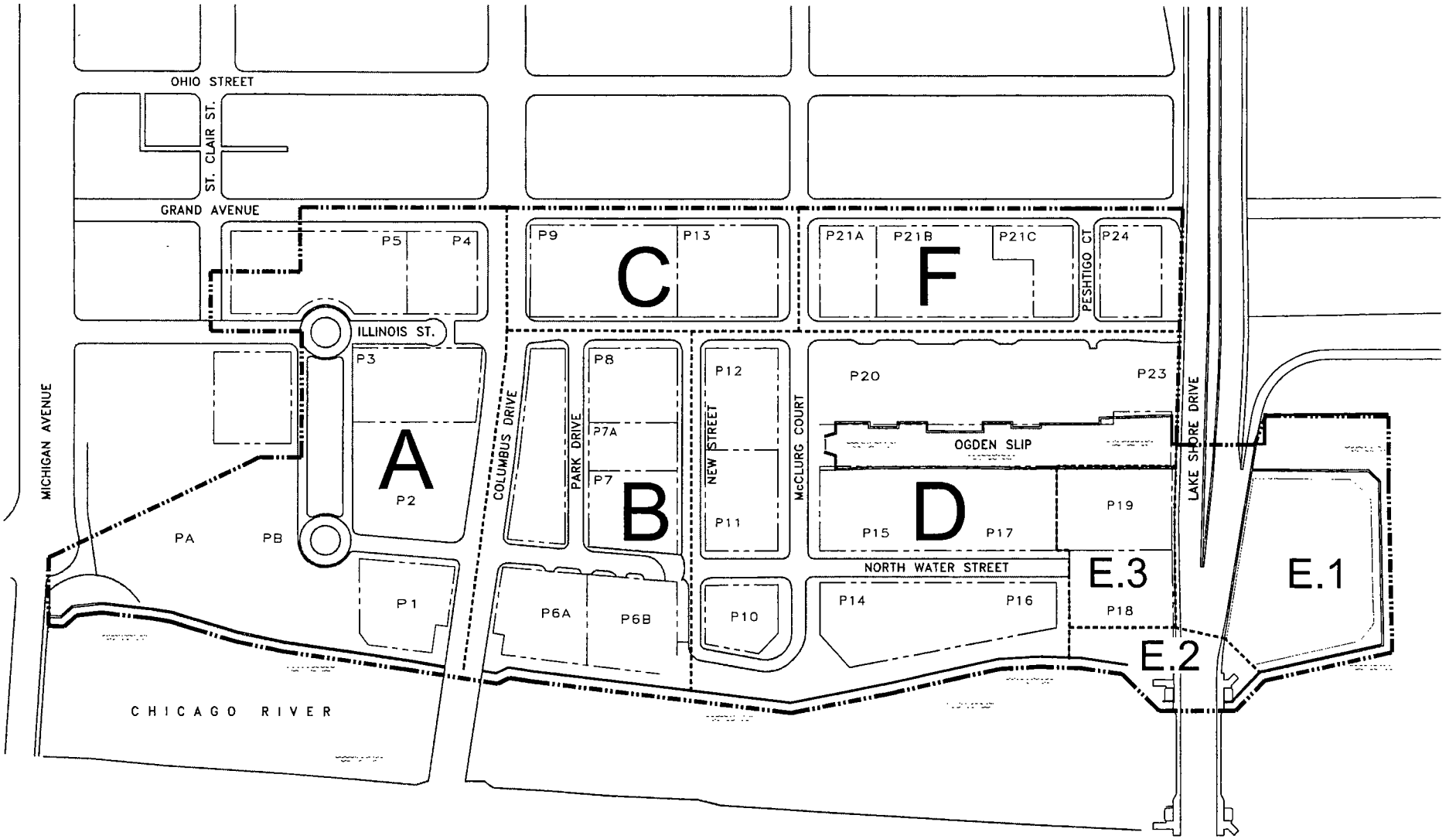
18. The terms, conditions and exhibits of this Planned Development Ordinance or of an approved Site Plan may be modified administratively by the Zoning Administrator upon the request of the applicant and after a determination by the Zoning Administrator that such a modification is minor, appropriate 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 ("MOPD") 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. 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. All improvements to be constructed within this Planned Development for which Part II approval letters are issued after the March 29, 2006, date of the City Council approval of the amended Planned Development shall comply with the Department of Planning and Development Chicago Sustainable Development Policy in effect at the time of application for Part II approval. The owners of all such improvements shall use best and reasonable efforts to design, construct and maintain all buildings located within the Planned Development in a manner generally consistent with the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System. Copies of these standards may be obtained from the Department of Planning and Development. The development of the improvements on Parcel P21C contemplated by this Planned Development amendment shall be LEED certified and have a green roof of approximately 2,177 square feet and a rain water collection system as described in the attached Green Roof Plan.

21. Unless substantial construction of the improvements contemplated within Subparcel E.3 has commenced within three (3) years following adoption of this planned development amendment, and unless completion is thereafter diligently pursued, then this planned development shall expire as it relates to Subparcel E.3 and the zoning of Subparcel E.3 of the planned development shall automatically revert to Residential-Business Planned

Development Number 368, as amended on March 29, 2006. Unless substantial construction of the improvements contemplated within Subparcels 7 and 7A has commenced within six (6) years following adoption of this planned development on May 6, 2012, and unless completion is thereafter diligently pursued, then this planned development shall expire as it relates to Subparcels 7 and 7A and the zoning of Subparcels 7 and 7A of the planned development shall automatically revert to Residential-Business Planned Development Number 368, as amended on July 9, 2008. Unless substantial construction of the improvements contemplated within Parcels P21B and P21C (the Kraft Parcel) has commenced within three (3) years following adoption of this planned development on January 21, 2015, and unless completion is thereafter diligently pursued, then this planned development shall expire as it relates to Parcels P21B and P21C (the Kraft Parcel) and the zoning of Parcels P21B and P21C (the Kraft Parcel) shall automatically revert to Residential-Business Planned Development Number 368, as amended on May 6, 2012.



Applicant: RMW Streeterville, LLC
Address: 451 East Grand Avenue, Chicago IL 60611
Introduction Date: September 10, 2014
Plan Commission: TBD

EXHIBIT 4
PD PARCELS MAP
SCALE: NTS

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FINAL FOR PUBLICATION