



Chicago Avenue; and the east bank of the north branch of the Chicago River,

to those Residential-Business Planned Development Number 447, as amended, which is ' hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part hereof and to no others.

SECTION 2: This ordinance shall take effect upon its passage and due publication.

Common Address(es): 701 North Kingsbury Street

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Residential-Business Planned, Development No. 447, As  
Amended.

### Plan Of Development Statements.

1. The net site area delineated herein as Residential-Business Planned Development Number 447, as amended, consists of approximately one million two hundred fifty thousand one hundred eighty-six (1,250,186) square feet, or twenty-eight and seventy-one hundredths (28.71) acres (exclusive of public rights-of-way) of property which is depicted on the attached Boundary and Subarea Map (the "Property"). The applicant for this Planned Development Amendment is The Kingsbury Street Revocable Trust, with authorization from the owner of the property located at 701-721 North Kingsbury Street; 441-473 West Superior Street; 700-720 North Hudson Avenue; 440-472 West Huron Street ("Subarea A-3").
2. The person or entity as may then own or control the area delineated herein shall obtain all required views, approvals, licenses and permits which are necessary to implement this plan development. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way or consideration or resubdivision of parcels shall require a separate submittal on behalf of the Property owner or its successors, assignees or grantees and approval by the City Council. Any dedication or vacation of streets and alleys, or easements, or adjustments of rights-of-way require the approval of the Commissioner of Planning and Development, who shall then adjust the net site area calculations with the table of controls accordingly. The requirements,

obligations and conditions contained within this planned development shall be binding upon the applicant, its successors and assigns (including any condominium or homeowners association which is formed) and, if different than the applicant, the legal titleholders and any ground lessors. All rights granted hereunder to the applicant shall inure to the benefit of the applicant's successors and assigns (including any condominium or homeowners association which is formed) and, if different than the applicant, the legal titleholder and 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. 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 applicant, its successors and assigns unless control of a specific parcel is transferred in writing to another entity.

3. This planned development amendment consists of nineteen (19) statements and the attached:

- Bulk Regulations and Data Table
  - Existing Zoning Map
  - Site Plan - Subarea A-3, Parcel 701 N. Kingsbury
  - North/South Elevation - Subarea A-3, Parcel 701 N. Kingsbury
  - West Elevation - Subarea A-3, Parcel 701 N. Kingsbury
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- Design Exhibits set forth in the City Council Journal of Proceedings for March 16, 2016, pages 21249 to 21260 (inclusive);
  - Design Exhibits set forth in the City Council Journal of Proceedings for April 10, 2013, pages 51767 to 51772 (inclusive);
  - Design Exhibits set forth in the City Council Journal of Proceedings for October 3, 2001, pages 68768 to 68796 (inclusive); and
  - Also incorporated herein by reference are all site plan review and minor change approvals granted prior to the date of this amendment, and the exhibits attached thereto.

Full-sized copies of the above exhibits are on file with the Department of Planning and 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 Chicago Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Chicago Zoning Ordinance, this Planned Development shall control.

4. The following uses shall be permitted in this planned development subject to the restrictions contained in statement 9 and the Bulk Regulations and Data Table:

Subarea A-1A and A-1B: Multi-family residential; housing for the elderly; retail uses including restaurant uses (with or without the sale of liquor) and taverns; urban farm (outdoor and indoor) and its accessory uses, including greenhouses and hoop houses; offices (both business and professional); hotel; community centers; medical uses; health club; day care; storage; district cooling facilities; wireless communications facilities; including broadcast and telecommunications structures, equipment and

installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea A-2: Residential (including townhomes and multi-family residential); housing for the elderly; retail uses including restaurant uses (with or without the sale of liquor, live entertainment and dancing) and taverns; office (both business and professional); medical uses; health club; day care; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea A-3: Residential, including townhomes, condominiums and single-family dwellings; retail uses including restaurant uses (with or without the sale of liquor) and taverns; accessory parking; and accessory uses.

Subarea B-1: Multi-family residential; housing for the elderly; hotel; theaters; retail uses including restaurant uses (with or without the sale of liquor, live entertainment and dancing) and taverns; office (both business and professional); medical uses: health club; day care; parks and recreation uses; district cooling facilities; wireless communications

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facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea B-2: Multi-family residential; housing for the elderly; hotel; theaters; retail uses including restaurant uses (with or without the sale of liquor, live entertainment and dancing) and taverns; offices (both business and professional); medical uses; health club; day care; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; financial institutions; drive through facilities, for the sole purpose of serving a financial institution; accessory and non-accessory parking; and accessory uses.

Subarea C-1: Residential (including townhomes and multi-family residential); housing for the elderly; retail uses including restaurant uses (with or without the sale of liquor); offices (both business and professional); health club; day care; wireless and communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea C-2: Park and recreational uses; accessory uses.

Subarea D: Multi-family residential; day care centers; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea E-1: Multi-family residential; retail uses including restaurant uses with or without the sale of liquor, live entertainment and dancing and "taverns (including unenclosed or partially enclosed restaurants and taverns; offices (both business and professional); hotel; health club; day care centers;

amusement establishments; art galleries; arcades; marinas; telecommunications; high technology and new media uses; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea E-2: All uses permitted within a C3-5 Commercial-Manufacturing District (excluding animal hospitals; animal pounds; battery and tire service stations; Class I and II tire facilities; building materials sales; fuel and ice sales; house trailer sales; linen, towel, diaper and other similar supply services; machinery sales, monument sales, motor vehicle sales and rental; motorcycle sales; packing and crating; slaughtering and retail sale of live poultry; trailer sales and rental; community homes; automobile service stations; exterminating shops; feed stores; plumbing showrooms and shops; taxidermists; typewriter and adding machine sales and services; casket and casket supplies; undertaking establishments and funeral parlors); telecommunications, high technology and new media uses; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic

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transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

In addition, the following uses shall be excluded from the retail area adjacent to the public riverwalk at the basement level and the retail area at street level; astrology, card reading, palm reading or fortune telling in any form; auto accessory stores; currency exchanges; employment agencies; inter-track wagering facilities; laundry/laundrettes; loan offices; non-accessory office (business and professional), except for commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for purchase and removal from the premises by the purchaser; pawn shops; pay day loan stores; second hand stores and rummage shops; and tattoo parlors.

Subarea F: Intentionally deleted from the planned development.

Subarea G: Residential (including townhomes and multi-family residential); housing for the elderly; hotel uses; retail uses including restaurant uses (with or without the sale of liquor, live entertainment and dancing) and taverns; park and recreational uses; offices (both business and professional); medical uses; health club; day care; wireless communication facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses,

Subarea H: Residential (including townhomes and multi-family residential); housing for the elderly; hotel uses; retail uses including restaurant uses (with or without the sale of liquor, live entertainment and dancing) and taverns, marinas, boat house, and boat storage; park and recreational uses; offices (both business and professional); medical uses; health club; day care; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Subarea I: Residential (including townhomes and multi-family residential); housing for the elderly; hotel uses; retail use including restaurant uses (with or without the sale of liquor, live entertainment and dancing) and

taverns; park and recreational uses; offices (both business and professional); medical uses; health club; day care; wireless communications facilities, including broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving antennae; accessory and non-accessory parking; and accessory uses.

Additional Permitted Use Regulations: t

- a. Residential dwelling units, except for residential lobbies, shall not be permitted below the second floor in Subareas A-1, B-1, B-2 (northern one hundred twenty (120) feet and E-2 (southern one hundred twenty (120) feet).
- b. Residential uses shall be permitted below the second floor in Subareas A-2, C-1, D, E-1,G,HandI.

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- c. Existing interim surface parking lots may remain until such time as such property is developed. Any proposed new interim surface parking lots are subject to approval of the Commissioner of Planning and Development.
  - d. Hotel may be located within one hundred twenty-five (125) feet of a residential district.
5. In addition to the maximum heights of the buildings and any appurtenances attached thereto prescribed in this planned development, the height of any improvements shall also be subject to height limitations as certified and approved by the Federal Aviation Administration, and airport regulations as established by the Department of Planning and Development, the Department of Aviation and Department of Law and approved by the City Council.
  6. For purposes of maximum floor area ratio ("FAR") calculations, the definition contained in the Chicago Zoning Ordinance shall apply; provided, however, that (i) floor area in an office building dedicated to mechanical equipment which exceeds five thousand (5,000) square feet in any single location shall not be included, and (ii) floor area devoted to accessory off-street parking related to any use within this planned development shall not be included. Transfer of floor area and dwelling units from one subarea to another may be permitted by the Commissioner of Planning and Development if it meets the criteria for minor changes set forth in statement 8 hereof.
  7. 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 ("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. No approvals shall be granted until the Director of MOPD has approved detailed construction drawings for each proposed building or improvement.
  8. The terms, conditions and exhibits of this planned development may be modified administratively

by the Commissioner of Planning and Development upon the request of the owner and after a determination by the Commissioner that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated by this planned development. Any such modification shall be deemed a minor change in the planned development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.

9. Parking and loading improvement on the property shall be designed, constructed and maintained subject to the following development parameters:

- a. Off-Street Parking: Off-street parking shall be provided in accordance with the Bulk Regulations and Data Table attached to this planned development. New off-street parking areas must be carefully located and designed to be functional,

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% 'i compatible with immediately surrounding

uses, and architecturally compatible-with the surrounding neighborhood.

- b. To the extent required by the Illinois Accessibility Code, a minimum of two percent (2%) of all public parking spaces provided pursuant to this planned development shall be designated and designed for parking for the handicapped. Any parking for residential uses within existing structures in Subareas D, E-1 and E-2 shall be exempted from this requirement.
- c. Shared Parking: The parking facilities may be used, on a shared basis, to satisfy the accessory parking requirements for uses within this planned development. Accessory parking lots and structures may serve to provide the required parking for multiple uses, irrespective of location, within this planned development, subject to the approval of the Department of Planning and Development.
- d. Size: All required parking spaces shall meet the minimum size requirements as established by the Zoning Ordinance, except in existing buildings within Subareas D, E-1 and E-2 where because of column locations the size of the spaces may be reduced to compact car size.
- e. Within the existing building in Subarea E-1, tandem stalls, where one (1) car parks in front of another shall be permitted for spaces assigned to a single household or user.
- f. Lots: Interim surface parking lot shall be landscaped and fenced in accordance with the Chicago Landscape Ordinance by the third (3rd) anniversary of the effective date of this planned development.

- g. Off-Site Parking: Permitted uses may be served by parking facilities located on any land within this planned development, including land other than the zoning lot on which the building or use to be served is located. Off-site parking on land outside this planned development will only be permitted as a special use.
  - h. Off-Street Loading: Loading docks and related facilities shall be provided in accordance with the Bulk Regulations and Data Table attached to this planned development.
10. Vehicular and pedestrian circulation improvements shall be designed, constructed and maintained subject to the following development parameters:
- a. Public Roadways and Sidewalks: See statement 13, Public Improvements.
  - b. Curb Cuts: Private roadways, driveways, entrances to off-street parking and loading docks, openings for vehicular drop-offs and all other facilities requiring curb cuts shall be located to minimize conflicts with on-street traffic and with pedestrian circulations. All curb cuts shall be constructed in accordance with the standards of the City of Chicago. No curb cuts will be permitted on Chicago Avenue.

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- c. Private Roadways:
  - (i) Property owners are encouraged to minimize the use of private roadways and to construct and dedicate public roadways for the purpose of providing ingress, including emergency vehicle and service access, to residential units.
  - ii) Private roadway shall mean any drive or way designed and intended for use as vehicular access to or within any subarea.
  - iii) Private roadways may be constructed in any of the subareas for the purpose of providing ingress and egress, including emergency vehicle and service access, to residential units.
  - iv) Each private roadway must be shown on an approved Site Plan, and each segment of private roadway shall be adequately designed and paved in compliance with the Municipal Code of Chicago.
  - v) Fire Lanes, if required, shall be adequately designed and paved in compliance with the Municipal Code of Chicago to provide ingress and egress for emergency vehicles; there shall be no parking within such fire lane.
  - (vi) All private roadways shall be designed and configured to provide pathways to public street.



11. Design Guidelines: The improvements on the Property shall be designed, constructed and maintained in general conformance with the plans and exhibits attached hereto. In addition, the following guidelines shall apply:

A. Open Space:

- i) Publicly Accessible Open Space: The property owner(s) shall provide open space that is accessible to the public during normal Chicago Park District hours and that is substantially similar to that which is shown on the Open Space Plan attached hereto.
- ii) Open space shall be provided at a ratio of eighty-seven (87) square feet of open space per dwelling unit, provided, however that an overall minimum of one hundred forty-one thousand (141,000) square feet of open space (sixty-six thousand (66,000) square feet riverwalk, thirty-five thousand (35,000) square feet Subarea H and forty thousand (40,000) square feet Subarea C-2) as indicated on the Open Space Plan shall be provided. The amount of open space required for Subareas B-1 and B-2, as determined by the eighty-seven (87) square feet per unit ratio, shall be located on either or both subareas. The open shall be a minimum size of four thousand (4,000) contiguous square feet and shall have a minimum width of twenty-five (25) feet.

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- iii) Private and common open space shall be' provided...for the residential units in the form of private yards and landscaped common areas at grade, terraces, rooftop gardens, balconies with integral planter's boxes, landscaped setbacks or other spaces as appropriate. All townhouses shall comply with the Open Space requirements of the Townhouse Ordinance.
- iv) The^roperty owners shall comply with the applicable provisions of the City's Open Space Impact Fee Ordinance. The open space areas developed in accordance with the Open Space Plan and that meet the criteria described in these statements shall entitle the Property owner to a credit of Three and 60/100 Dollars (\$3.60), or the current rate, per square foot of open space against the impact fees due. Additional open space areas that meet the standards for on-site open space shall be established by the current Open Space Impact Fee. Administrative Regulations and Procedures may also entitle the owner to a credit.
- v) The public open spaces identified on the Open Space Plan (see 1 l.A(v) for the riverwalk within existing buildings in Subareas D, E-1 and E-2), shall include the following improvements as appropriate: internal pathways, planting beds, trees, benches, drinking fountains, bike racks, light fixtures, bollards, play equipment for tots and other children, fountains or other water features, or public art. At least one (1) of the public open spaces shall contain play equipment. Public streets: walkways or the riverwalk shall abut at least one (1) side of every public park. All open spaces identified on the Open Space Plan shall contain plaques at entrances to such open spaces stating that the park or open space is open to the public during normal Chicago Park District hours.

vi) In order to achieve the City's goal of increasing the continuity and accessibility of the riverwalk, space adjacent to and at the level of the river and within the existing buildings in Subareas D, E-1 and E-2 and areas leading to such spaces, shall be developed and maintained as publicly accessible riverwalk, as follows:

- a. Subarea D: The area within the first structural bay adjacent to the Chicago River at the basement level for the entire length of the existing building shall be dedicated to public riverwalk use. This area shall be adequately lit and finished per the exhibits attached. The Riverwalk shall connect to an existing tunnel under the Chicago Avenue bridge at the north end, where one (1) stair and one (1) elevator shall also provide access to Chicago Avenue. At the south end, the riverwalk shall open directly to the open-air walk in Subarea C-1.
- b. Subarea E-2: The area adjacent to the Chicago River for the entire length of the building (see Basement Floor Plan and Riverwalk Level for details) shall be dedicated to public riverwalk uses. Two

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(2) story space shall be provided in the area between column lines | 2 and 22, 29 and 35, and 38 to 41. The riverwalk shall be open-air riverwalk on its west facade. At a minimum, exposed concrete walls, columns and beams shall be sandblasted. Floors shall be stained concrete. Two (2) connections to the main building entrances on Larrabee Street shall occur from the riverwalk. An elevator and grand staircase shall provide access to the riverwalk from the street level of the building. Public toilets and drinking fountains shall be provided. Retail, restaurant, health club and other uses shall line the riverwalk and connections as per statement 4. The riverwalk shall connect to Chicago Avenue via a staircase at the south end, and to an existing tunnel under the Chicago Avenue bridge. The north end of the riverwalk shall connect to the riverwalk in Subarea E-1.

- c. Subarea E-1: The area adjacent to the Chicago River (see Ground Level Site Plan for details) for the entire length of the building shall be dedicated to public riverwalk uses. Two (2) story space shall be provided in the area between column lines 41 and 44, and 47 and 57. The riverwalk shall be an open-air riverwalk on its west facade. Finishes shall match the riverwalk in Subarea E-2. A grand staircase and elevator shall provide a connection to the first (1st) floor entrance on Kingsbury Street. The riverwalk shall open directly to the open-air riverwalk north of the existing building.

vii) All open areas of this planned development which are not otherwise devoted to permitted buildings, parking areas or pedestrian/vehicular circulation areas shall be maintained with the following: landscaping, which shall consist of grass, ground cover, shrubs, trees or other living plant materials; approximately designed public plazas; riverwalk; or with a harbor or docks.

In addition to the requirements of this planned development, any development within this planned development shall incorporate landscaping to the extent feasible to enhance the appearance of the development from the public street, to screen unsightly uses from the street and to provide compatible buffers between adjacent uses. All private property landscaping shall be properly and adequately maintained at all times. Parkway trees shall be provided and maintained in accord with the applicable provisions of the Chicago Zoning Ordinance and corresponding regulations and

guidelines.

- viii) The public open space to be provided within Subarea H shall be a minimum of thirty-five thousand (35,000) square feet and shall be open to existing or proposed public rights-of-way or to the riverwalk. The final design and configuration of this open space shall be subject to the review and approval of the Department of Planning and Development.

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- (ix) A pedestrian way/view corridor shall connect the open space area in Subarea H with Hobbie Street to the north and Kingsbury Street to the south. The pedestrian way shall be a minimum of twenty-five (25) feet wide and will align with Kingsbury Street. The pedestrian way shall be improved with decorative sidewalks, landscaping, lighting, and other amenities as appropriate and shall be open to the public during normal Chicago's District hours. If the pedestrian way contains a service drive, it shall be decoratively paved.

### Streetscape:

- i) A minimum of fifty percent (50%) of the linear frontage on Chicago Avenue of new structures shall be provided with retail or commercial uses or lobbies at the first (1st) floor level to provide for a lively pedestrian experience. New or existing developments facing other streets are encouraged to have retail, commercial, and office uses as well as residential uses, where permitted, at the first (1st) floor. It is acknowledged, however, that parking is a permitted use at the first (1st) floor level.
- ii) In general, new structures, except for the new structures to be built within Subarea C-1, shall have setbacks which match the predominant setback of adjacent structures on the street. Increased setbacks may be allowed or required for residential structures to provide adequate common landscaped areas or private yards, or in other circumstances where a larger setback area would permit additional landscaping, outdoor sidewalk cafe seating, or other amenities. Notwithstanding the above, setbacks shall not be required on Chicago Avenue.
- iii) The owner shall install new street trees, sidewalks, decorative lighting, parkway planting, benches, garbage containers, sculpture, or other elements as appropriate concurrent with the development of each site within any subarea and in general accordance with the Right-of-Way and Street Width Table.

### Urban Design:

- i) Building Entrances: For each building adjacent to a public right-of-way, a primary building entrance must be oriented to, accessible from and visible from the public right-of-way.
- ii) Garage Door: No single-family home or townhome shall have a garage door facing the public street.
- iii) Building Materials: The primary material for the facades of structures located within this planned development which are generally visible from the public right-of-way but are not otherwise devoted to windows or other openings shall be masonry (i.e., brickwork, stonework, terra cotta, et al.), metal (i.e., copper, tin, stainless steel, iron, et al.) or materials (such as

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concrete) which are articulated and colored to" give the appearance of, and which are compatible with, masonry. For business or commercial uses, aluminum and glass curtain wall system shall be permitted. Windows or courses of windows are to be provided on all sides of each building above its base. The colors and textures of materials used within any subarea are to be complementary and compatible. Mechanical equipment on rooftops shall be screened with quality materials and made a feature of the building design, where appropriate.

- iv) **Parking Structures:** Any new parking structures shall be constructed in accordance with the Parking Garage Ordinance and the Landscape Ordinance. In addition, any new structure adjacent to the Chicago River or to the Catalogue Building must be fronted with active-use spaces or predominantly enclosed with glazing with the minimal use of louvers, as necessary for ventilation. Any new parking structures adjacent to Chicago Avenue shall be fronted with active-use spaces or predominantly enclosed with glazing or other high-quality screening materials on the facade facing Chicago Avenue and wrapping the corner for the first twenty (20) feet. Garage facades which are enclosed with glazing shall be exempt from any requirements for landscaping in planters or baskets attached to the facade.
- v) **Streetfront Fences:** Fencing on private property adjacent to a public right-of-way shall be substantially open and shall not take the form of a wall which prevents views from the public right-of-way into the private property lying between the fence and the facade of the structure. Fencing adjacent to the public right-of-way shall not be of chain link or wood construction. Closed fences may be allowed if adjacent to noxious, unsightly uses (such as generators or loading docks), subject to the approval of the Department of Planning and Development.
- vi) **Lighting:** Lighting along private pedestrian ways shall be compatible with the lighting in the public right-of-way. Lighting in the public rights-of-way shall be subject to the future approval of the Department Planning and Development. The level or intensity of lighting shall be sufficient to permit reasonable safety in walking.
- vii) **Signage:** Except as delineated below, permitted signage within the planned development area shall include signs for buildings identified and information, business identification and information, and parking identification and information; however, all signage shall be subject to the approval of the Department of Planning and Development. The Department of Planning and Development shall review the design, materials, size, illumination level, and location of proposed signs to ensure their compatibility with the building design and with the neighborhood character prior to the issuance of Part II Approval for said signs.

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The Department of Planning and Development encourages signs with individually lit or

backlit letters, logos or other three-dimensional effects and strongly discourages box signs and painted or applied murals. Electronic message boards are prohibited. It is preferred that tenant identification signs on the facade of new buildings should be located in a sign bank area within the first (1st) floor level near the tenant's space and/or adjacent; however, the location of such signage shall be determined during the site plan approval process and alternate sign locations may be agreed upon during that process.

No posters or other two-dimensional images should be affixed directly to the glass. Any permitted posters (i.e., not affixed directly to the glass) should occupy no more than twenty percent (20%) of the window area.

Temporary signage for site identification and information purposes or for marketing (sales, rental, leasing) and directional purposes is permitted in all subareas, subject to the approval of the Department of Planning and Development.

Any proposed moving signs, rooftop signs or projecting signs will be reviewed on a case-by-case basis. Signage for the west side of the existing building within Subarea E-2 shall be allowed to contain individual illuminated letters similar in size and details to the historic Montgomery Ward's sign, subject to review by the Commission on Chicago Landmarks.

(viii) Facade Design: The wall of any new structure facing a public street (the "streetwall") shall be given texture and detail through the use of projections, recesses, offsets, variations to the parapet wall, variations in the type or color materials or other devices which contribute to an architectural character. A minimum of fifty percent (50%) of the streetwall at the ground level of any new structure containing retail, commercial or office uses at the ground level shall be finished with clear glass opening onto active internal uses. The remainder of that streetwall shall be architecturally compatible with adjacent structures.

D. Satellite dishes or other electronic receiving devices must be placed in an area minimally visible from the adjacent street; provided, however, that these provisions shall not apply to the existing equipment located on the existing building in Subarea B-2. Propane tanks, garbage receptacles, et cetera, must be within the building area and screened from view. Boats and other recreational equipment must also be stored inside and screened from view other than those allowed in the marina area.

E. Riverwalk (at non-existing buildings): To further the goals of the Chicago Zoning Ordinance (Section 17-01-0500) and the "Chicago River Urban Design Guidelines" for the downtown corridor, the owner shall set back all new buildings and parking areas from the existing river edge as depicted on the Riverwalk Plan

and Details. The publicly accessible portion of this setback area shall be improved with decorative paving and landscaping, special lighting, railings and seating. Prior to the issuance of any Part of II Approval, more specific plans for the public riverwalk shall be reviewed by the Department of Planning and Development with input from the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for physically disabled persons.

Existing Montgomery Ward Riverfront Structure.

- A. Subarea E-2. The existing structure located in Subarea E-2 has been designated a Chicago landmark by the City Council. In order to protect the historic and architectural character of this building, any proposed work on the building is subject to the review of the Commission on Chicago Landmarks, in accordance with the Chicago Landmarks Ordinance.
- B. Subareas E-1 And D. Along with the building in Subarea E-2, the existing structures in Subareas E-1 and D form the Montgomery Ward and Company Complex and are a National Historic Landmark. In order to protect the historic and architectural character of the buildings in Subareas E-1 and D, any exterior alterations and changes shall be consistent with the applicable Building Plans, Elevations and Riverwalk Sections, as set forth in statement 3 of this planned development. In particular:
- i) Projecting and recessed balconies shall be allowed in the locations shown on the Elevations, although recessed balconies may be substituted for projecting balconies as shown; provided, however, that as long as the total number of balconies and the basic patterns remain the same, the Applicant may change the location of the balconies as necessary by interior requirements and subject to the approval of the Department of Planning and Development. No additional balconies will be allowed. After the existing building's facades have been painted in either Subarea D or E-1, two (2) or more balconies shall be test painted in order for the Department of Planning and Development to review and approve the color selection in place.
  - ii) Habitable and non-habitable roof-top additions shall be limited to the locations and dimensions shown on the Elevations. No additional rooftop additions will be allowed.
  - iii) Window openings shall not be added, enlarged or closed up except as shown on the Elevations. On the second (2nd) level and above, the size of all window openings and the spandrels below the windows shall be maintained, except that the spandrels may be modified to accommodate two standard-width doors per each projecting balcony for access on the existing building in Subarea E-1 and one (1) standard-width door per each projecting balcony for access on the existing building in Subarea D.

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- iv) The tower and statute of the "Spirit of Progress" on the building in Subarea D shall be preserved. The top of the tower and the statue shall have architectural accent lighting.
- v) In addition to the design parameter set forth in statement 11 .A, signs and canopies on the buildings in Subareas D and E-1 shall be consistent with those approved by the Commission on Chicago Landmarks for the building in Subarea E-2.

Public Improvements:

- A. Prior, to the occupancy of any buildings, except as provided in statement 13(B), improvements necessary to serve or accommodate the building for use shall be in place and available for use. The

improvements shall be designed, constructed and installed in accordance with applicable City standards, laws and regulations, subject to the approval of the appropriate City departments and agencies as required, as well as in conformance with applicable state and federal standards, regulations and laws. Improvements necessary to serve uses of buildings on the property are the following: (i) the public roadway improvements depicted on the Proposed Right-of-Way Vacation Map, Right-of-Way Vacation Map, Right-of-Way Dedication Map, Right-of-Way and Street Width Table, and Street Cross Sections (including pavement, required turn lanes, curbs and gutters, and traffic signals); (ii) the utilities necessary to provide potable water, sewer facilities, electric, gas, telephone, cable and other private utility facilities and services to the Property; (iii) the streetscape improvements (including sidewalks, streetlights, street trees, and planters) depicted generally on the Street Cross Sections; and (iv) the publicly accessible parks or open spaces depicted on the Open Space Plan.

B. The following specific improvements shall be completed by the owner within the time periods described below. A "Development Parcel" means that portion of the Property located within a single subarea which is the subject of an application for Site Plan approval as described in statement 15 of this planned development:

- i) The new construction of, widening, narrowing, or other improvements to, Kingsbury Street, Larrabee Street, Superior Street, Chicago Avenue, Oak Street, Hudson Avenue, Huron Street, Cambridge Street, and Hobbie Street, shall be constructed and completed by the owner per Right-of-Way and Street Width Table and Street Cross Sections. The alignment of Cambridge Street with Kingsbury at the Chicago Avenue intersection and provision of a new traffic light shall be completed no later than initial occupancy of the first (1<sup>st</sup>) principal structure constructed within Subareas A-1 or B-1.
- ii) The roadway improvements (curb-to-curb) depicted generally on the Street Cross Sections and, on the Larrabee/Kingsbury Catalogue Building Streetscape Plan shall, for and to the extent such improvements are contiguous to a Development Parcel, be completed no later than six (6)

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months following initial occupancy of the first principal structure constructed or renovated upon said Development Parcel.

The improvements to the public open space within Subarea H shall be completed and available for public use, and a conservation easement dedicated, no later than six (6) months following initial occupancy of the first principal structure constructed within Subarea H.

- iii) The roadway improvements (curb-to-curb) depicted generally on the Street Cross Sections and on the Larrabee/Kingsbury Catalogue Building Streetscape Plan shall, for and to the extent such improvements are contiguous to a Development Parcel, be completed no later than, six (6) months following initial occupancy of the first principal structure constructed or renovated upon said Development Parcel.
- iv) The improvements to the public open space within Subarea H shall be completed and available for public use, and a conservation easement dedicated, no later than six (6) months following initial occupancy of the first (1<sup>st</sup>) principal structure constructed within Subarea H.

- v) Conveyance of the park within Subarea C-2 to the Chicago Park District, free and clear of all encumbrances inconsistent with public use, shall also occur prior to issuance of a Certificate of Occupancy for any structure in Subarea C-1. An easement to the City for the use of approximately two hundred eighty-six (286) square feet of space at the south end of Subarea C-2 to build an accessible ramp for a water taxi dock at the end of Erie Street shall be conveyed to the City within three (3) months of passage of this planned development amendment.
- vi) Improvements to the riverwalk depicted on the Open Space Plan, shall be completed as follows: In Subareas C-1 and H, the riverwalk shall be completed and available for public use no later than six (6) months following initial occupancy of the first principal structure constructed within such subarea. In Subarea E-1, the external riverwalk north of the Catalogue Building shall be completed at the time of occupancy of any new structure adjacent and to the east, or at the time of completion of the riverwalk in Subarea H, whichever comes first. The riverwalk internal to the existing building in Subarea D shall be completed and available for public use within six (6) months following initial occupancy of the building. The riverwalk internal to the existing buildings in Subareas E-1 and E-2 shall be completed and available for public use within one (1) year following fifty percent (50%) occupancy of the building.

It is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of energy resources. The owner shall use reasonable efforts to design, construct and maintain all buildings located within the Property in an energy efficient manner, generally consistent with the most energy

efficiency standards published by the American Society of Heating, Refrigeration and Air-Conditioning Engineers ("ASHRAE") and the Illuminating Engineers Society ("IES"). Copies of these standards may be obtained from the Department of Planning and Development.

15. Prior to issuance by the Department of Planning and Development of a determination pursuant to Section .4-7-13-0610 of the Chicago Zoning Ordinance ("Part II Approval") for development or redevelopment of any property included within this planned development, other than interior-only alterations to existing buildings, a site plan for proposed development, including parking areas (a "Site Plan") shall be submitted by the owner or with the owner's written approval to the Commissioner for approval; provided, however, that individual lot owners for properties located within Subarea A-3 may submit a Site Plan for approval pursuant to the requirements of this statement. Review and approval of the Site Plan by the Commissioner is intended to assure that specific development proposals substantially conform with this planned development and to assist the City in monitoring ongoing development. A Site Plan may be submitted for all or any part of the Property. Such Site Plan need only include that portion of the Property, including adjacent public right-of-ways, for which approval is being sought by the owner. No Part II Approval for any portion of the Property shall be granted until an applicable Site Plan has been approved. Provided, however, that prior to the Commissioner's approval of a Site Plan for development of



Subareas CI, C2 and H or for the development of the riverwalk through the improvements in Subareas E-1 and E-2, the Commissioner shall seek the review by the Chicago Plan Commission of the Site Plan with respect to Subareas C-1, C-2 and H and the riverwalk plans with respect to Subareas E-1 and E-2.

If a Site Plan substantially conforms to the provisions of this planned development, the Commissioner shall approve said Site Plan in writing within thirty (30) days of submission of a complete application for approval thereof. If the Commissioner fails to make a written determination on a Site Plan within thirty (30) days after the submission of a complete application, then the Site shall be deemed approved by the Commissioner.

If the Commissioner determines within said thirty (30) day period that the Site Plan does not substantially conform with the provisions of this planned development, the Commissioner shall advise the owner in writing of the specific reasons for such adverse determination and specific areas in which the Site Plan and supporting data and material do not substantially conform to the provisions of this planned development not later than fourteen (14) days after the expiration of the thirty (30) day period. The Commissioner shall thereafter make a final written determination of any resubmission within fourteen (14) days of its filing. The failure of the Commissioner to make final written determination of any resubmission within fourteen (14) days of its filing shall be deemed an approval of the Site Plan by the Commissioner. Provided, however, that this paragraph shall not apply to the Site Plan review described in the previous paragraph for Subareas CI, C2 and H and the review of the riverwalk plans with respect to Subareas E-1 and E-2 until reviewed by the Chicago Plan Commission, which review shall occur at the next scheduled Plan Commission hearing available after submittal of the applicable Site Plan or riverwalk plan to the Commissioner.

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Following approval of a Site Plan by the Commissioner, the approved Site Plan and supporting data and materials shall be kept on permanent file with the Commissioner and shall be deemed to be an integral part of this planned development.

After approval of a Site Plan by the Commissioner, the approved Site Plan may be changed or modified pursuant to the provisions of statement 8 hereof. In the event of any inconsistency between an approved Site Plan and the terms of this planned development in effect at the time of approval of such Site Plan or of the modifications or changes thereto, the terms of this planned development shall govern.

A Site Plan shall, at a minimum, provide the following information:

- a. the boundaries of the site;
- b. the footprint of the proposed improvements;
- c. all proposed landscaping, including species and size;
- d. all pedestrian circulation routes;

- e. elevations of the improvements;
- f. location and depiction of all parking spaces (including relevant dimensions);
- g. locations and depiction of all loading berths (including relevant dimensions);
- h. all drives, roadways and vehicular routes;
- i. all landscaping and buffer zones (including a description of all landscape materials);
- j. statistical information application to the Property limited to the following:
  - i) floor area and floor area ratio;
  - ii) floor area devoted to retail uses;
  - iii) number of dwelling units;
  - iv) number of parking spaces;
  - v) number of loading berths; and
  - vi) uses of parcels.
- k. parameters of building envelopes including: (i) maximum building height; and

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- (ii) setbacks, required and provided.

A Site Plan shall include such other information as may be necessary to illustrate substantial conformance to this planned development.

16. In order to develop the proposed improvements in Sub-Area A-3, the Applicant has acquired additional v floor area through the Neighborhood Opportunity Bonus. Said Development Rights shall be applicable solely to Sub-Area A-3 in accordance with the amounts shown on the Bulk Regulations and Data Table of this Planned Development. In no event shall such transfer of Development Rights cause the FAR or density limitations shown on the Bulk Regulations and Data Table to be exceeded.

In order to develop the proposed improvements in Sub-Area A-1A, a prior applicant contracted to acquire a portion of the unused floor area (for FAR purposes) and dwelling units from Sub-Area B-2 (the "Development Rights"). The prior applicant shall establish those Development Rights (i) prior to issuance of Part II approval for Sub-Area A-1 A and (ii) by delivery to DPD of an executed and recorded Agreement ("Agreement"). Said Agreement shall confirm the amount of Development Rights acquired for the benefit of Sub-Area A-1 A. Said Development Rights shall be applicable solely to Sub-Area A-1 A in accordance with the amounts shown on the Bulk Regulations and Data Table of this Planned Development. In no event shall such transfer of Development Rights cause the FAR or density limitations shown on the Bulk Regulations and Data Table to be exceeded. Delivery of the Agreement shall authorize DPD to issue Part II approval for Sub-Area A-1 A pursuant to the parameters set forth in the Bulk Regulations and Data Table of this Planned Development.

17. The Applicant acknowledges the city's ongoing and evolving initiatives to enhance awareness of, and support and encourage participation by, Minority and Women's Business Enterprise certified contractors and local city residents. To assist the city in promoting such MBE, WBE and local city resident involvement, the Applicant will work with the Department of Planning and Development on outreach plans designed to elicit MBE, WBE and local city resident participation, such submission may include copies of certified letters, and receipts of such, sent to MBE/WBE contractor associations and the ward office of the alderman in which this project is proposed to be located. In conjunction with the Applicant's submission for Part II permit reviews, the Applicant will provide DPD, and upon request, the full Plan Commission, with all responses to any outreach plans and certified letters, updates on any associated communications or meetings and anticipated percentages of MBE, WBE and local city resident participation. Prior to issuance of their Certificate of Occupancy, the Applicant will upon request provide DPD with the actual level of MBE and WBE certified contractor and local city resident participation. All such details will be provided in a form acceptable to the Zoning Administrator or Commissioner of the Department of Planning and Development.
18. Sunset the Property is intended to be developed in phases extending over periods of time. This statement describes the schedule for commencement of development over those phases.

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- A. Initial Period. Unless substantial construction or renovation has commenced upon a minimum of one million (1,000,000) square feet of floor area within six (6) years of the effective date of this amended planned development, this planned development expires pursuant to the foregoing provision, the zoning of the property shall automatically revert to the C3-5 Commercial-Manufacturing District classification. Such reversion shall not render any building existing at the time to be nonconforming.
- B. Subsequent Periods. Unless substantial construction or renovation has commenced and been diligently pursued after the initial period on two million (2,000,000) square feet of floor area (cumulative) within ten (10) years of the effective date hereof, and three million (3,000,000) square

feet of floor area (cumulative) within twenty (20) years of the effective date hereof (the "Subsequent Periods"), the department may decide to review and recommend modification of the provisions of this planned development in whole or in part; provided, however, that any such modification may not render any building existing at the time to be nonconforming. The department's determination that the planned development ordinance must be reviewed shall be reflected in an application filed by the City for a planned development amendment, with City being deemed the applicant and providing, such notice as may be required by law. If any subarea has been improved per the terms of this planned development and the planned development is amended pursuant to this statement 17, the amended planned development shall preserve the provisions applicable to the improved subarea. As of April 10, 2013, 3,082,324 square feet of development have been completed within the entire planned development and this section of the planned development is satisfied.

- C. Unless substantial construction has commenced for the three thousand (3,000) square foot bank building and ATM facility within six (6) years of the effective date of the April 10, 2013 amended planned development, this planned development expires pursuant to the foregoing provision, the zoning of the Property shall revert to Planned Development Number 447, last amended June 27, 2012. Should this planned development ordinance lapse, the Commissioner of the Department of Planning and Development shall initiate a Zoning Map Amendment to rezone the Property. Such reversion shall not render any building existing at the time to be nonconforming. As of July 16, 2015 the three thousand (3,000) square foot bank building and ATM facility have been completed within the entire planned development and this section of the planned development is satisfied.
- D. Unless substantial construction has commenced within Subarea A-1 A for the mixed-use building within six (6) years of this amended planned development, this planned development expires pursuant to the foregoing provision, the zoning of the Property shall revert to Planned Development Number 447, last amended April 10, 2013. Should this planned development ordinance lapse, the Commissioner of the Department of Planning and Development shall initiate a

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Zoning Map Amendment to rezone the Property. Such reversion shall not render any building existing at the time to be nonconforming.

- 19. Severability. It is hereby declared to be the intention of the City Council of the City of Chicago that the provisions of this planned development ordinance are severable. If any provision, clause, paragraph, or statement of this planned development shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, that judgment shall not affect, impair, or invalidate the remainder of this planned development.

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Parking and Loading Requirements referred to in these Plan of Development Statements read as follows:

Parking And Loading Requirements. Parking.

1. Residential:

- Multi-family - 1.0 parking space per dwelling unit; Except for Subarea A-1A, which shall have a minimum accessory parking requirement of 0.85 parking spaces per dwelling unit.
- Townhouse - 1.5 parking, spaces per dwelling unit.

- Single-family - 2.0 parking spaces per dwelling unit.
2. Commercial:
    - Telecommunications, high technology, data centers and new media - 0.25 parking spaces per 1,000 usable square feet.
    - Office ~ 1.5 parking spaces per 1,000 usable square feet.
    - Retail - 0.75 parking spaces per 1,000 usable square feet in excess of 10,000 square feet.
    - An 80% occupancy factor may be applied to the above requirements if they are all present in the same zoning lot and shared parking is allowed.
  3. Other uses ~ per C3-5 zoning requirements. Loading.
    1. Telecommunications, high technology, data centers and new media - 1 loading dock for every 500,000 square feet of usable floor area.
    2. Office - 1 loading dock for every 250,000 square feet of usable floor area up to 750,000 square feet after which 1 loading dock for every 500,000 square feet will be required.
    3. Multi-family Residential - 1 loading dock for every 200,000 square feet of floor area.
    4. Retail.
      - 0 to 10,000 square feet of usable area, no loading dock required provided that the retail is accessory to another use within the same zoning lot.
      - 10,000 to 25,000 square feet of usable area, 1 loading dock required.
      - 25,000 to 50,000 square feet of usable area, 2 loading docks required.
      - 50,000 to 75,000 square feet of usable area, 3 loading docks required.
      - 75,000 to 125,000 square feet of usable area, 4 loading docks required.
      - 125,000 to 250,000 square feet of usable area, 5 loading docks required.
      - 1 additional loading dock will be required for every 250,000 square feet thereafter.
  5. Loading dock requirement may be reduced through sharing arrangements by 15% for each of the above uses included within a zoning lot (e.g., if 10 loading docks would be required by the above calculations for a building that included retail, telecommunications and office, the required number of docks would

be reduced by 30% to 7 docks;  $15\% + 15\% = 30\%$  multiplied by 10 loading docks = 7 docks required).

6. Townhouses and Single-family Homes - no loading docks required.
7. Other uses - per C3-5 zoning requirements.

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## Planned Development 447, As Amended Bulk Regulations and Data Table

Su b-Ar ea	Net Site Area Sq.Ft.	(Net Site Area " (acres)(1)	Maximum F.A.R. (1)	Maximum Dwelling Units	Maximum Efficiency Units (%) (2)	Maximum Building Height (ft) (3)
A-1A	18,300	0.42	13.32	200	20	242
A-1B	40,890	0.94	7	100	20	140
A-2	94,062	2.16	7	282	20	240 on northern half 140 on southern half
A-3	74,376	1.71	2.225 (5)	20	0	55
B-1	71,739	1.65	7	175	20	140
B-2	96,647	2.22	6.8	325	0	Existing
C-1	72,203	1.66	8.5	350	20	140 on northern 70 feet 350 on remaining
C-1	40,000	0.92	0	0	0	0
D	71,527	1.64	6.5	241	20	Existing
E-1	135,317	3.11	8	290	20	160

E-2	169,488	3.89	8	0	0	160
F Deleted from Planned Deve			opment			
G	27,760	0.64	6	96	20	104
H	214,422	4.92	3	256	20	80/140 (4)
I	123,455	2.83	4	225	20	140
Total	1,250,186	28.71	5.5	2,560	N/A	N/A

- 1) Net Site Area is based on the Boundary and Sub-Area Map and may change based on actual vacations and dedications. If Net Site Area is adjusted, the permitted floor area shall be adjusted accordingly.
- 2) An "Efficiency Unit" shall have the definition provided in 3.2 of the Chicago Zoning Ordinance; provided, in addition, an "Efficiency Unit" shall mean any unit containing less than 600 square feet.
- 3) "Building Height" excludes mechanical penthouses and other appurtenances above the level of the highest habitable floor.
- 4) West of Kingsbury: 80 feet (excluding the parking structure and any units attached thereto, which shall be subject to the 140 foot height limit) the remaining height on the property east of Kingsbury Street shall be 140 feet.
- 5) Property owner at 701 North Kingsbury Street was granted an additional 1,853.5 square feet of floor area (representing a 0.5 F.A.R. increase for the 701 North Kingsbury Street site), which increased the overall maximum F.A.R. for Sub-Area A-3 by 0.025 - from 2.20 to 2.225. Property owner at 701 North Kingsbury Street is allowed to transfer floor area to other parcels in Sub-Area A-3 subject to the administrative authority of the Zoning Administrator.

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DEPARTMENT OF PLANNING AND DEVELOPMENT • AVW.CITY OF CHICAGO

**MEMORANDUM**

To:

Aldcmian,fi)aniel S. Solis Chan-mar ySUjf..ouncil Committee on Zoning

From:

David L.^otfrnan

Chicago Plan Commission Date: July'20, 2017 Rc: 701 North Kingsbury Street

On July 20, 2017, the Chicago Plan Commission recommended approval of the proposed amendment submitted by The Kingsbury Street Revocable Trust. A copy of the proposed amendment is attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-9476.

Cc: Steve Valenziano

PD Master File (Original PD, copy of memo)

121 NORTH LASALLE STREET, ROOM 1000, CHICAGO, ILLINOIS 60602