



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
[www.chicityclerk.com](http://www.chicityclerk.com)

## Legislation Text

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File #: SO2019-332, Version: 1

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# Final for Publication

## ORDINANCE

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of B1-2 Neighborhood Shopping District symbols and indications as shown on Map 5-N in the area bounded by:

West North Avenue; North Harlem Avenue; West Wabansia Avenue and North Neva Avenue  
to those of a B3-2 Community Shopping District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the B3-2 Community Shopping District symbols and indications as shown on Map 5-N in the area bounded by:

West North Avenue; North Harlem Avenue; West Wabansia Avenue and North Neva Avenue  
to those of a Residential-Business Planned Development, 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 thereof and to no others.

SECTION 3. This Ordinance shall be in force and effect from and after its passage and due publication.

7152-7190 West North Avenue / 1601-1657 North Harlem Avenue / 7153-7191 West Wabansia Avenue / 1600-1636 North Neva Avenue, Chicago, Illinois

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## RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number \_\_\_\_\_, (Planned Development) consists of approximately 244,540 square feet of property which is depicted on the attached Planned Development Property Line and Boundary Map (the "Property") and is owned or controlled by the "Applicant," Seritage SRC Finance LLC.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

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

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

The Applicant acknowledges that the west side of the property includes the sidewalk and some parts of the curb and roadway on the east side of Harlem Ave. and will provide an easement to the city for this property to be occupied by public sidewalks and street infrastructure. Also the Applicant acknowledges that there are preliminary plans to provide enhanced bus service in the vicinity of the Property, including a potential new bus stop on the west side of the Property along the east side of N. Harlem Avenue. The Applicant shall reasonably cooperate with CDOT, Pace Suburban Bus,

and other applicable governmental entities in the implementation of such improvements and for the provision of public access to the sidewalk on the west side of North Harlem Avenue from curb to building facade, including for general public use as a sidewalk, access to public utilities for maintenance or replacement, and installation of transit station infrastructure (bus shelters, signage, etc.).

Prior to Part II Approval, the Applicant shall submit and CDOT and the Illinois Department of Transportation (IDOT) shall approve an updated traffic study, which may include the installation and implementation of a new traffic signal at the intersection of North Avenue and Neva Avenue. If such signal is warranted, the Applicant shall install the signal and any other related roadway modifications

Applicant Sentage SRC Finance LLC  
Address 7152-7190 West North Avenue / 1601-1657 North Harlem Avenue / 7153-7191 West Wabansia Avenue / 1600-1636  
North Neva Avenue, Chicago, Illinois  
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Plan Commission June 20, 2019

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at its sole cost. Any such signal shall be undertaken in accordance with plans approved by CDOT and IDOT. Further, to the extent any changes to the Plans approved herein are required to accommodate the traffic signal, such changes shall be permitted without requiring an amendment to the Planned Development.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between CDOT's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by CDOT's Division of Infrastructure Management:

Full width of streets Full width of  
alleys Curb and gutter Pavement  
markings Sidewalks  
ADA crosswalk ramps Parkway &  
landscaping

The Agreement must be executed prior to any CDOT and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow CDOT's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by CDOT.

4. This Plan of Development consists of 17 Statements: a Bulk Regulations Table and the following "Plans": a Planned Development Existing Zoning Map; a Planned Development Existing Use Map; a Planned Development Property Line and Boundary Map; a Planned Development Site Plan; a Planned Development Landscape Plan; and Planned Development Elevations (North, South, East and West)

prepared by Hirsch MPG Architecture + Planning and dated June 20, 2019, submitted herein. 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.

5. The following uses are permitted in the area delineated herein as a Planned Development :  
Dwelling Units located above the ground floor; Animal Services (Sales and Grooming); Artist Work or Sales Space; Business Support Services; Eating and Drinking Establishments (all) ; Small and Medium Venues; Financial Services (all, excluding Payday/Title Secured Loan Store and Pawn Shop); Food and Beverage Retail Sales; Liquor Sales (as accessory use); Medical Service; Office; Personal Service (all); Retail Sales; Indoor/Outdoor Participant Sports and Recreation; Limited

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Manufacturing, Production and Industrial Services; Co-Located Wireless Communication Facilities and accessory and incidental uses.

6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of the DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Chicago Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted floor area ratio (FAR) for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a net site area of 244,540 square feet and a FAR of 1.2.
9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, a Part II Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines, including Section 17-13-0800. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under

Section 13-32-085, or any other provision of the Municipal Code of Chicago.

12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A, by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces- operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points

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necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of (i) 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment

of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

16. The Applicant acknowledges and agrees that the approval of this Planned Development simultaneously with the approval of another residential planned development to its east triggers the requirements of Section 2-44-080 of the Municipal Code of Chicago (the "Affordable Requirements Ordinance" or "ARO"). Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project ("ARO Units") as affordable units; (ii) pay a fee in lieu of the development of the ARO Units; or (iii) any combination of (i) and (ii); provided, however, residential housing projects with 20 or more units must provide at least 25% of the ARO Units on-site ("Required Units"). The Property is located in a low-moderate income area within the meaning of the ARO, and the Planned Development has a total of 161 units. As a result, the Applicant's affordable housing obligation is 16 ARO Units (10% of 161 rounded down), 4 of which are Required Units (25% of 16). The Applicant has agreed to satisfy its affordable housing obligation by making a cash payment to the Affordable Housing Opportunity Fund in the amount of \$52,214 per unit, as adjusted in accordance with the ARO ("Cash Payment") for 12 units

Applicant.	Seritage SRC finance LLC
Address	7152-790 West North Avenue / 1601-1657 North Harlem Avenue / 7153-7191 West Wabansia Avenue / 1600-1636 North Neva Avenue, Chicago, Illinois
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and providing the 4 Required Units in the rental buildings to be constructed in the Planned Development, to be approved by the Department of Housing ("DOH"), as set forth in the Affordable Housing Profile Form attached hereto. The Applicant agrees that the ARO Units must be affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income ("AMI"), as updated annually by the City of Chicago. If the Applicant subsequently reduces (or increases) the number of housing units in the Planned Development, the Applicant shall update and resubmit the Affordable Housing Profile Form to DOH for review and approval, and DOH may adjust the requirements to reflect any such change without amending the Planned Development. Prior to the issuance of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must make the required Cash Payment and execute and record an affordable housing agreement in accordance with Section 2-44-080(L). The terms of the affordable housing agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the Planned Development, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement, including any breach of any 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.

17. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to the B3-2 Community Shopping District.

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

Gross Site Area (si):	341,363
Area of Public Rights-of-Way (si):	96,823
Net Site Area (si):	244,540
Maximum Floor Area Ratio:	1.2
Maximum Permitted Dwelling Units:	161
Minimum Off-Street Parking Spaces:	462
Maximum Building Height:	77'
Minimum Setbacks:	In accordance with plans

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                                     North Neva Avenue, Chicago, Illinois  
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## ARO Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO (all projects submitted to City Council after October 13, 2015). More information is online at [www.cityofchicago.org/ARO](http://www.cityofchicago.org/ARO) <<http://www.cityofchicago.org/ARO>>.

This completed form should be returned to the Department of Housing (DOH), 121 N LaSalle Street, 10th Floor, Chicago, IL 60602. E-mail. [ARO@cityofchicago.org](mailto:ARO@cityofchicago.org) <<mailto:ARO@cityofchicago.org>>

Date: May 30, 2019 DEVELOPMENT

### INFORMATION

Development Name: North & Harlem Development

Address: 7152 W North Avenue

Zoning Application Number, if applicable: 19947

Ward: 29th

If you are working with a Planner at the City, what is his/her name?      Fernando Espinoza

Type of City Involvement

☒ Q City Land

☐ Planned Development (PD)

check all that apply

☒ Q Financial Assistance

☐ Transit Served Location (TSL) project

☒ Q Zoning increase

**REQUIRED ATTACHMENTS:** the AHP will not be reviewed until all required docs are received 0 ARO Web Form



completed and attached-or submitted online on 4/3/2019 0 ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) 0 If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf) 0 If ARO units proposed are off-site, required attachments are included (see next page) D If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

#### DEVELOPER INFORMATION

Developer Name Seritage SRC Finance LLC Developer

Contact Jeff Martin

Developer Address 500 Fifth Avenue, Suite 1530 New York, NY 10110

Email jmartin@seritage.com <mailto:Emailjmartin@seritage.com> Developer Phone 216-264-5908

Attorney Name Rjch K|awiter & Katie jghnke Dale

Attorney Phone 312-368-7243 / -2153

#### TIMING

Estimated date marketing will begin 8/1/2020 Estimated date of building permit\* ASAP - 8/1 /2019 Estimated date ARO units will be complete 2/1/2021

\*the in-lieu fee, recorded covenant and \$5,000 per unit administration fee (for off-site units) are required prior to the issuance of any building permits, including the foundation permit.

PROPOSED UNITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

Jt s/g//^

Date

5ht/\\*

Date

# BTARO

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Last updated January 11, 2019

AFFORDABLE REQUIREMENTS ORDINANCE

#### Applicant Contact Information

Name: Katie Jahnke Dale Email:

katie.dale@dlapiper.com

<mailto:katie.dale@dlapiper.com>

#### Development Information

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: 2015 ARO REQUIREMENTS APPLY

Address

Submitted Date: 05/31/2019

Number From :7152    Number To: N/A    Direction: W

Street Numbennorth                      . Postal Code: 60707

### **Development Name**

### **Information**

Ward :29                      ARO Zone: Low / Moderate Income

### **Details**

ARO trigger :Zoning change

Total units: 313

Development type: Rent

TSL Project: TSL-or FAR doesn't exceed 3.5

Submitted date: 01/23/2019

### **Requirements**

Affordable units :31    'On-site aff. Units: 8

How do you intend to meet your required obligation

On-Site: 8 Off-Site: 0

On-Site to CHA or Authorized agency: 0    Off-Site to CHA or Authorized agency: 0 Total

Units: 0    In-Lieu Fee Owed: 1,200,922

Note: the Neva and Wabansia parcel of the project is 152 units, with an ARO obligation of 15. The North and Harlem parcel of the project is 161 units, with an ARO obligation of 16. The developer is placing 4 ARO units in the Neva and Wabansia parcel and 4 ARO units in the North and Harlem parcel, paying the rest of the obligation of 23 units in-lieu (total: \$1,200,922).

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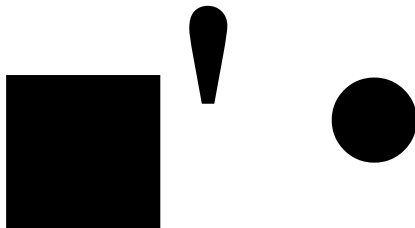
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