

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1396, AS AMENDED
PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number 1396, as amended (“Planned Development”), consists of approximately 28,344 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (“Property”) and is owned or controlled by the Applicant, 730 N Milwaukee 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 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 Plans.

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

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

4. This Plan of Development consists of 17 Statements: a Bulk Regulations Table; an Existing Land Use Map; an existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site/Ground Floor Plan; a Landscape/Green Roof Plan; and Building Elevations prepared by Tandem Development and dated March 20, 2024, submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations 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.

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This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Residential-Business Planned Development: multi-unit residential dwelling units, office, eating and drinking establishments (excluding drive through facilities), liquor store (packaged goods), liquor sales (as accessory use), artist work or sales space, dry cleaning drop-off or pickup (no on-premises plant), medical service, children's play center, financial services (excluding pawn shops, pay day loan stores, and drive through facilities), vacation rental, food and beverage retail sales, personal service, general retail sales, accessory uses, and accessory parking. A day care use may be permitted subject to site plan approval by the Department of Planning and Development and the Department of Transportation.

The applicant may lease to members of the public on an hourly, daily, weekly or monthly basis up to twenty-five percent (25%) of the minimum required residential parking spaces.

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 Department of Planning and Development. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 28,327 square feet and a base FAR of 5.0. The Applicant acknowledges that the project has received a bonus FAR of 2.5, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 7.5. In exchange for the bonus FAR, the Applicant has made a corresponding payment, pursuant to Sections 17.4-1003-B & C, prior to the issuance of the first building permit for any building in the Planned Development; provided, however, if the Planned Development is constructed in phases, the bonus payment may be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The bonus payment will be recalculated at the time of payment (including partial payments for phased developments) and may be adjusted based on changes in median land values in accordance with Section 17-4-1003-C.3.

The bonus payment will be split between three separate funds, as follows: 80% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopt-a-Landmark Fund and 10% to the Local Impact Fund. In lieu of paying the City directly, the Department may: (a) direct

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developers to deposit a portion of the funds with a sister agency to finance specific local improvement projects; (b) direct developers to deposit a portion of the funds with a landmark property owner to finance specific landmark restoration projects; or, (c) approve proposals for in-kind improvements to satisfy the Local Impact portion of the payment.

It is currently anticipated that the 10% to the Local Impact Fund shall be utilized for the future development of a Chicago Park District open space located at the southwest corner of North Milwaukee Avenue and West Erie Street. Any modification of the allocation of the Local Impact Fund shall be subject to Section 17-4-1005-G but in no event shall such modification cause a delay in the issuance of Part II approval, building permit or certificate of occupancy for the Planned Development.

9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, a Part II Review Fee shall be assessed by the Department of Planning and Development. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
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 the Department of Planning and Development. 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 13-32-125 of the Municipal Code, or any other provision of that Code.
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 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

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improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

15. The Applicant acknowledges and agrees that the rezoning of the Property from M1-3 to DX-5, and then to this Planned Development, for construction of the Project triggers the requirements of Section 2-45-115 of the Municipal Code (the “Affordable Requirements Ordinance” or the “ARO”). The Applicant further acknowledges and agrees that the Property is located in the Near North/Near West Pilot Area, as described in Section 2-45-117 of the Municipal Code (the “Near North/Near West ARO Pilot Area Ordinance” or the “Pilot”), and therefore is subject to the Pilot’s modified ARO requirements. Among other modifications to the ARO, the Pilot eliminates the option to pay a fee in lieu of the establishment of affordable units and increases the required percentage of affordable units. The Near North/Near West Pilot Area is divided into two zones: the Near North Zone and the Near West Zone. The Property is located in the Near North Zone. In the Near North Zone, the percentage of units in a residential housing project required to be affordable for a period of 30 years, whether rental or for-sale, is increased from 10% to 20%. Any developer of a residential housing project in the Near North Zone must provide the first 10% of units required to be affordable (the “First Units”) either: (i) in the residential housing project, or (ii) with the approval of the Commissioner of the Department of Planning and Development (the “Commissioner”), in an off-site location within two miles of the Property and in the same or a different higher income area or downtown district, or (iii) any combination of (i) and (ii). In addition, the developer must provide the second 10% of units required to be affordable (the “Additional Units”) either: (i) in the residential housing project, or (ii) with the Commissioner’s approval, in an off-site location anywhere within the Near North/Near West Pilot Area, regardless of distance from the project or income area, or (iii) any combination of (i) and (ii). The project has a total of 226 housing units. As a result, the Applicant’s affordable housing obligation is 45 affordable units (20% of 226, rounded down), consisting of 23 First Units and 22 Additional Units. Applicant has agreed to satisfy its affordable housing obligation by providing the First Units and the Additional Units in the rental building to be constructed in the Planned Development, as set forth in the Affordable Housing Profile Form attached hereto. In accordance with the requirements of the ARO, as modified by the Pilot, the Applicant is required to lease the First Units to households earning up to 60% of the Chicago Primary Metropolitan Statistical Area median income (“AMI”) at prices affordable to households at such income level, and the Additional Units to households earning up to 80% or 100% of AMI, as determined by rule and approved by the Commissioner at prices affordable to households at such income level. If the Applicant subsequently reduces (or increases) the number of housing units in the project, or elects to build a for-sale project instead of a rental project, or (with the Commissioner’s approval) elects to construct off-site units instead of on-site units, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development (“DPD”) for review and approval. DPD 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 execute and record an affordable housing agreement in accordance with Section 2-45-115(L). The terms of the

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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 may enforce remedies for any breach of this Statement 15, 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.

[ARO Statement for 2021 ARO].

16. 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.
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

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Amendment to rezone the property to (underlying zoning that formed the basis of this Planned Development).

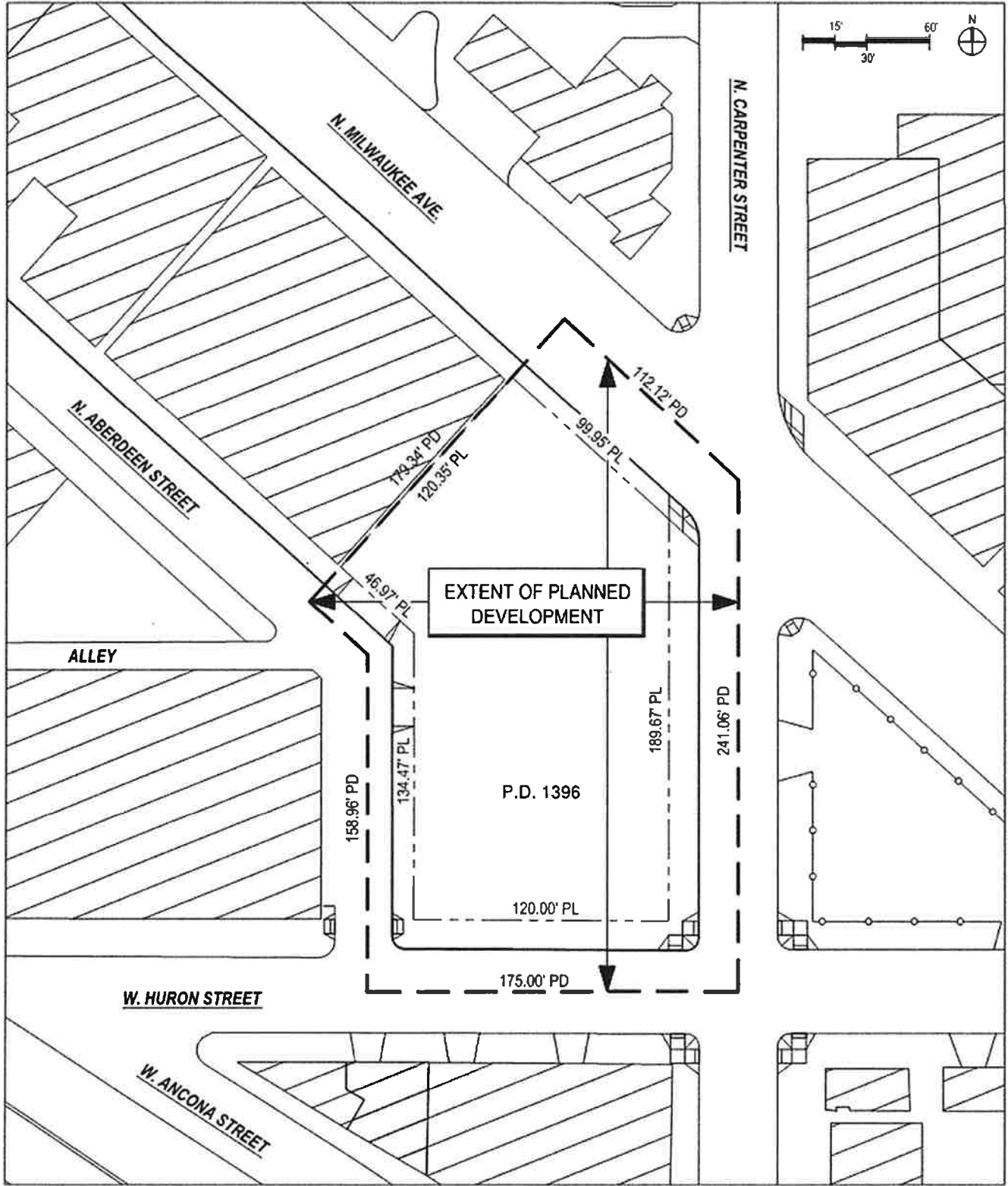
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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1396, as amended

BULK REGULATIONS AND DATA TABLE

GROSS SITE AREA:	48,392 sq. ft.
AREA IN PUBLIC RIGHT-OF-WAY:	20,048 sq. ft.
NET SITE AREA:	28,344 sq. ft.
Maximum FAR:	7.5
Maximum Dwelling Units:	228
Total Minimum Accessory Parking Spaces:	81
Minimum Bicycle Parking:	198 bike spaces
Off Street Loading Berths:	1
Building Height:	250.0 feet 271.0 feet (to top of mechanical equipment)

Applicant: 731 N Milwaukee LLC
Property: 734 N. Milwaukee, 736 N. Milwaukee; 700 N. Carpenter; 1040 West Huron
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- - - - - PROPERTY LINE (PL) BOUNDARY
 - - - - - PLANNED DEVELOPMENT (PD) BOUNDARY

Planned Development Exhibits A – PLANNED DEVELOPMENT BOUNDARY AND PROPERTY LINE MAP

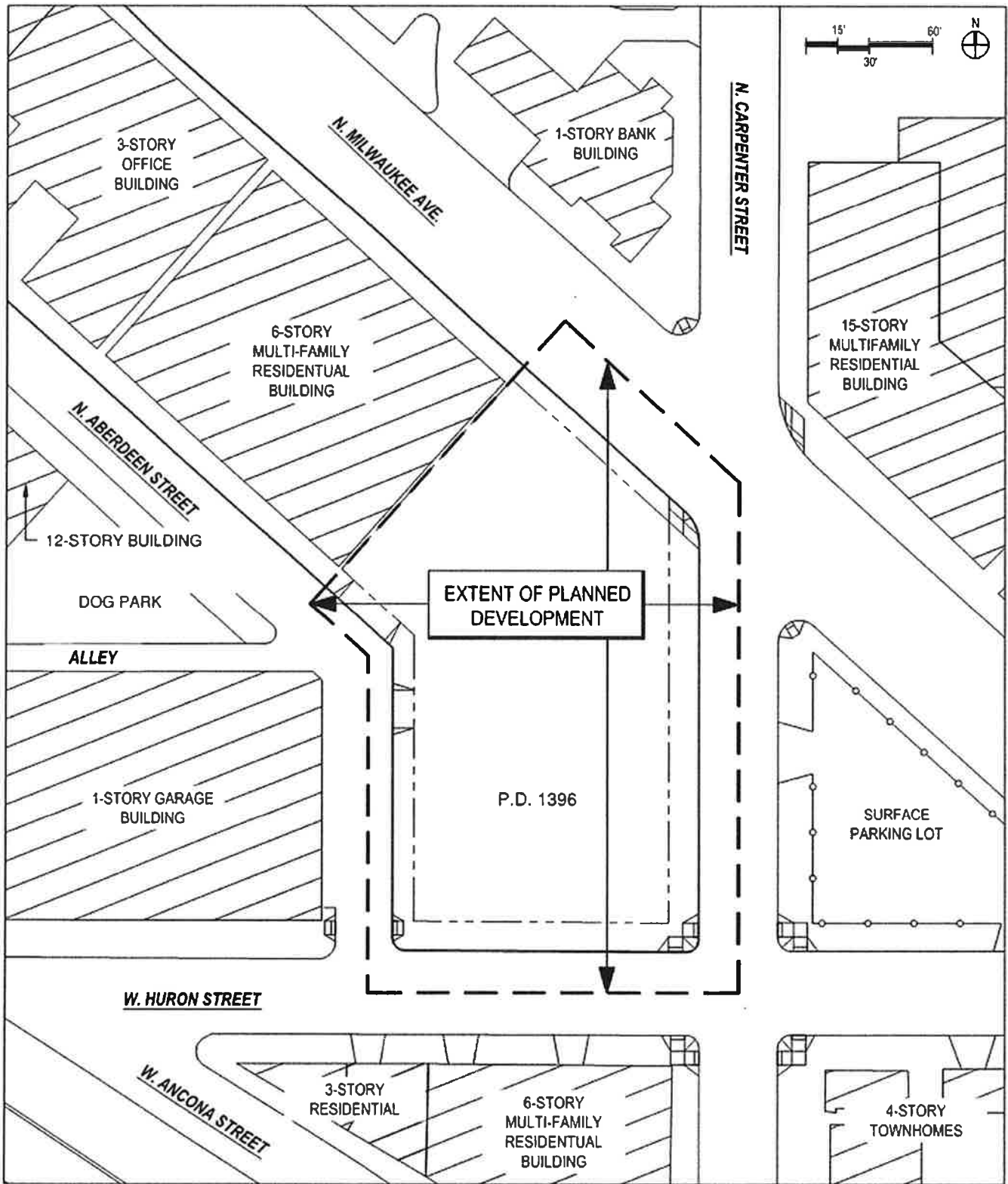
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--- PROPERTY LINE (PL) BOUNDARY
 - - - PLANNED DEVELOPMENT (PD) BOUNDARY

Planned Development Exhibits

B – EXISTING LAND USE PLAN

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--- PROPERTY LINE (PL) BOUNDARY
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Planned Development Exhibits

C – EXISTING ZONING MAP

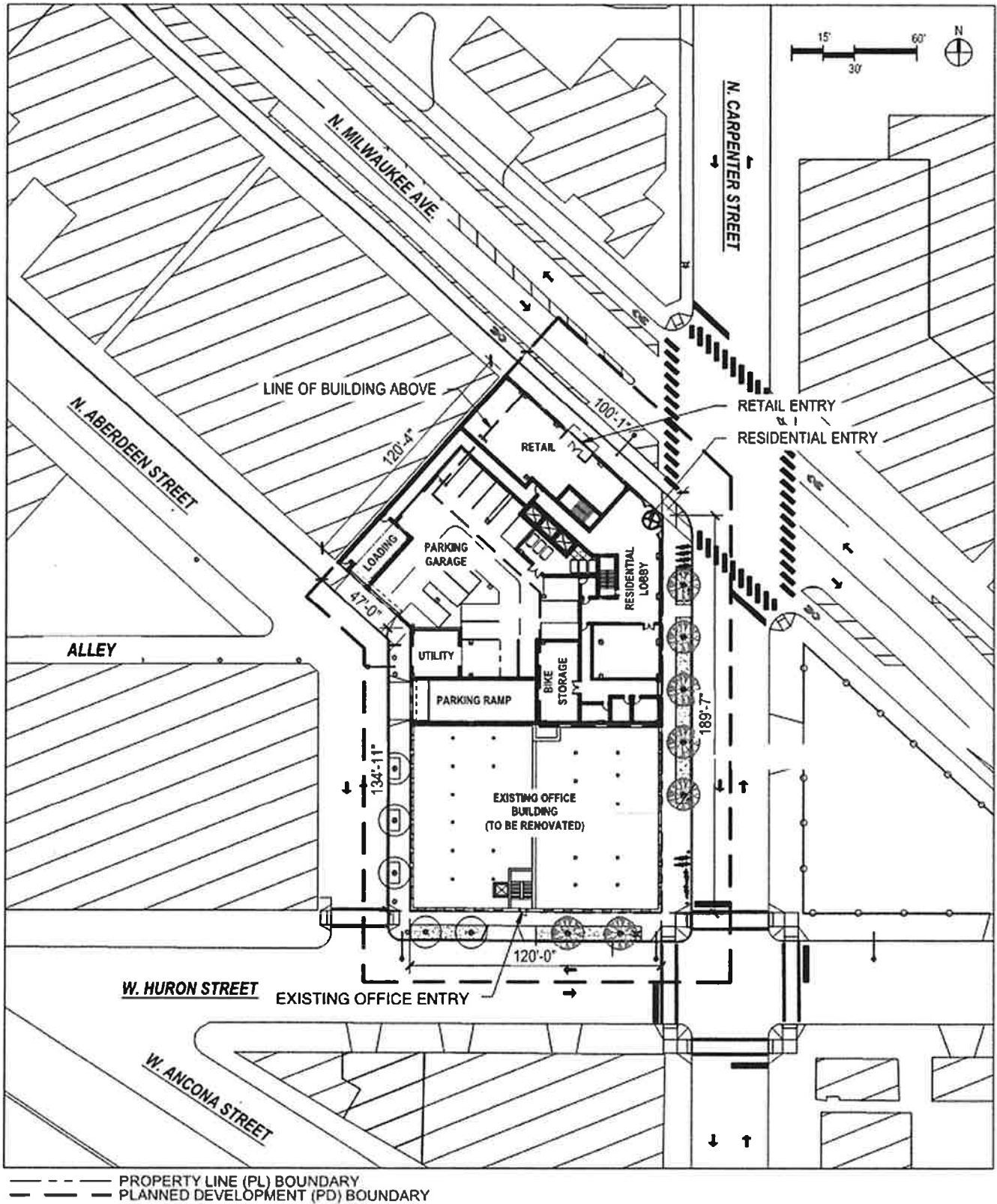
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Planned Development Exhibits

D – SITE PLAN / GROUND FLOOR PLAN

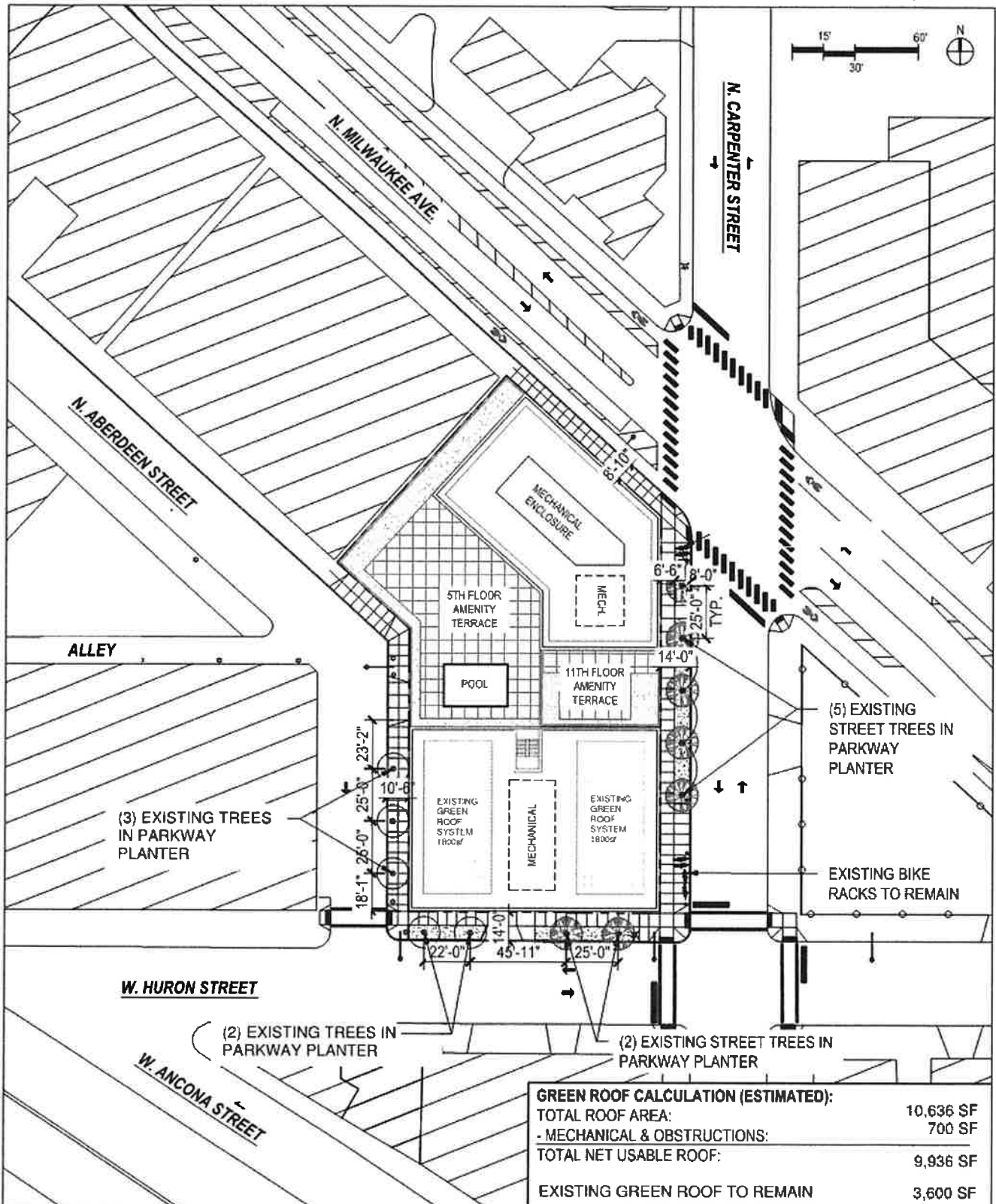
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Planned Development Exhibits

E – LANDSCAPE PLAN & GREEN ROOF PLAN

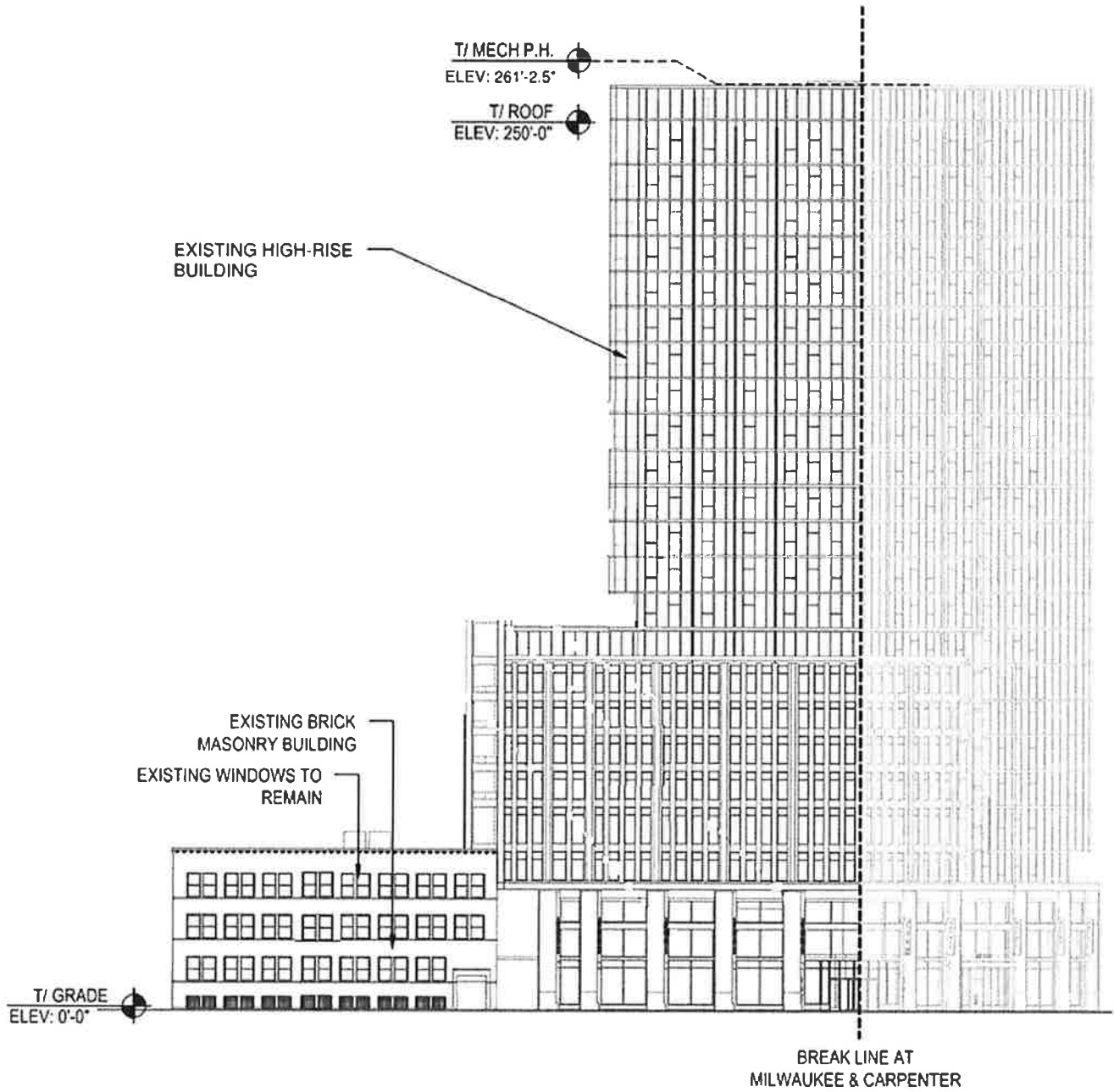
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Planned Development Exhibits

F.1 – EAST ELEVATION

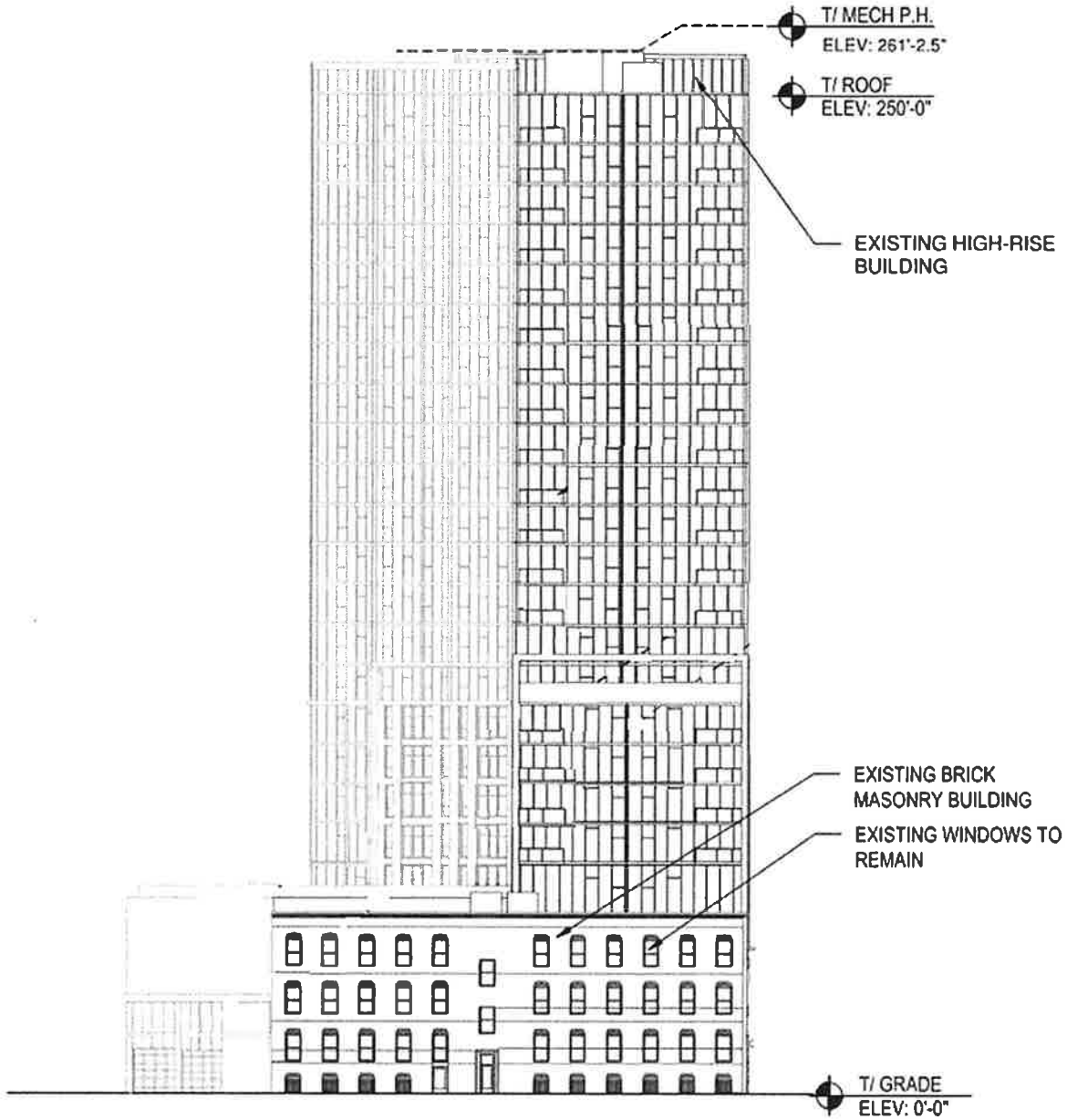
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Planned Development Exhibits

F.2 – SOUTH ELEVATION

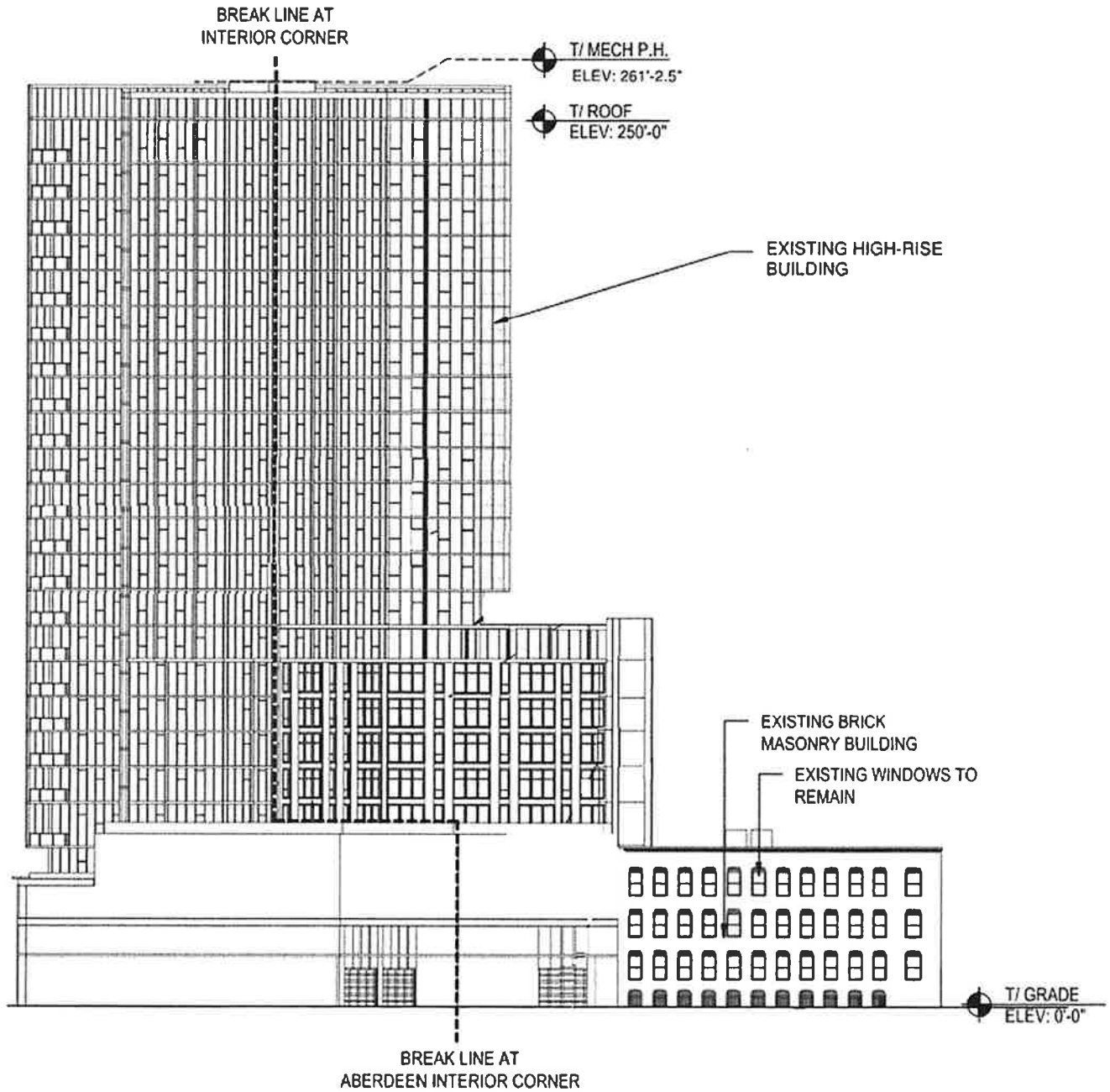
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Planned Development Exhibits

F.3 – WEST ELEVATION

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