

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CABRINI-GREEN LOCAL ADVISORY COUNCIL,	)	
	)	
Plaintiff,	)	
	)	No. 96 C 6949
v.	)	
	)	Hon. Edmond E. Chang
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	
	)	

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 66 C 1459
v.	)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	
	)	

**INTERVENOR CITY OF CHICAGO’S RESPONSE TO PLAINTIFF’S
THIRD MOTION TO COMPEL ENFORCEMENT OF THE CONSENT DECREE**

Plaintiff’s Motion asks this Court to find that the City has violated the 2001 Consent Decree, and to order the City to acquire an approximately 11-acre parcel of land and “restrict [its] use . . . for housing development for displaced Cabrini-Green residents. . .” Plaintiff’s Motion is without merit. The City has not violated the Consent Decree, and no such relief is warranted.

I. The Pertinent Consent Decree Provisions

The Consent Decree (Pl. Motion Ex. A) runs to 26 pages of text. It deals with a myriad of issues surrounding the multi-year, still-ongoing redevelopment of portions of the Cabrini-Green public

housing development, and imposes different obligations on the Chicago Housing Authority (“CHA”) and the City of Chicago. Provisions specific to the CHA include, among others, limitations on disposition of CHA property (Consent Decree ¶ I.G.); required funding for development and operation of at least 700 public housing units (¶ II.A.), and provisions relating to demolition (section IV) and relocation (section V). There are different requirements for the contents of requests for proposals (RFP’s), depending on whether they are for development of CHA or City land. Section III. The decree’s overarching provisions with respect to replacement housing are that (a) such housing, if built on CHA- or City-owned land, should conform to a mixed-income ratio of 50% market rate, 30% public, and 20% affordable (defined with respect to area median income) (¶ II.D.); and (b) that, when all development is completed (at a date not specified), at least 700 replacement units of public housing and 270 affordable rental units should have been constructed (¶¶ II.A., II.C., II.D.1.).¹

The provision upon which Plaintiff’s instant Motion focuses, ¶ II.C., provides that:

The City will acquire additional land and/or impose additional restrictions and requirements on land owned by other persons or entities to make it possible to maintain the commitment by it and by CHA to construct at least 700 public housing units and at least 270 affordable rental units within the HOPE VI Planning Area . . . Land acquired, in the process of being acquired, or otherwise anticipated to be subject to appropriate restrictions and requirements for mixed-income development to date is described in Appendices B and C to the consent decree.

As is clear on the face of this paragraph, the requirement on the City is a general and flexible one. The decree envisioned that many pieces would be in play over the years to follow – CHA-owned land, City-owned land, and privately-owned land would be developed; privately-owned land could be

¹ The 700 units of public housing were to include those within the Old Town Square and Mohawk North projects, which had begun prior to the Consent decree and which were being built on private land and thus not subject to the 50/30/20 mix. Consent Decree ¶ II.A.

acquired by one of the relevant units of government, or it could be developed in private hands.

Developments are generally subject to a review process in which requests for proposals are issued, responded to, and reviewed by the Working Group which includes representatives of the parties and others; over the course of this process many details of the development are negotiated. Because of these variables, unit totals and mix might vary from those envisioned as of the date of the Consent Decree. The map and chart (Appendices B and C to the decree) were explicitly characterized in ¶ II.A as depicting land that was in the picture in one capacity or another “to date.” Similarly, Appendix C was captioned “Rough Estimates of Number of Dwelling Units based on Revised Map.”

II. The Present Situation

At present, several developments have been completed in the relevant area. In particular, 431 units of housing have been developed on City-owned land, including 102 public and 52 affordable units. On CHA land, another 444 units have been constructed, including 120 public and 48 affordable units. Declaration of Paul Zalmezak (attached hereto as Exhibit 1), ¶¶ 4, 5, and Ex. A). Additional private developments have contributed -- with the City’s encouragement and insistence -- another 173 public housing units within a mixed-income context. *Id.* at ¶ 5 and Ex. A. In the aggregate, 395 public units and 111 affordable units have been completed to date.²⁴re

This progress so far, combined with anticipated future development, is expected to meet the requirement of 700 public and 270 affordable units. *Id.* at ¶ 6. No residential development in the area

² Another 96 affordable units have been created in the Lakefront Mercy SRO. *See* Zalmezak Decl. at ¶ 6 n. 1 and Exh. B. Although these are not counted toward the 270 affordable units in the Consent Decree commitment, the SRO units are the subject of a separate Consent Decree preference for displaced Cabrini-Green residents. *See* Consent Decree, ¶ VI. M.

has proceeded in violation of the consent decree. *Id.* at ¶ 7.

The crux of Plaintiff's Motion is the parcel of land containing the old Near North High School ("NNHS"). Appendices B and C to the decree show that this is an approximately 11.6 acre parcel at Clybourn and Larrabee. Appendix C notes, with respect to this parcel, "to be sold by city for mixed income residential." The property was and still is owned by the Chicago Board of Education. As Plaintiff asserts, there was a tentative proposal in 2009 to locate the Chicago School for the Arts in the old NNHS building. As Plaintiff further admits, however, this project never went anywhere. Moreover, contrary to Plaintiff's implication, this would only have been an interim use of the building, and given the slow real estate market at the time, it would not have materially delayed long-term residential redevelopment of the parcel. *Id.* at ¶ 13. The City is committed to obtaining the NNHS parcel from the Chicago Public Schools/Board of Education, and thereafter to causing the redevelopment of the land at a 50/30/20 mix. The City intends to commence discussions about this with CPS in the near future. *Id.* at ¶ 9.

Plaintiff also complains that it was not invited to discuss the matter of the temporary placement of the arts high school in the NNHS building. Again, that was only a tentative proposal for an interim arrangement. As Plaintiffs admit, however, they were present at a meeting in which the then-schools CEO Ron Huberman directed that the land be transferred for residential development. Plaintiff neglects to mention that City representatives also attended that meeting and weighed in in favor of the transfer. *See Zalmezak Decl.* at ¶ 9.

The City was and still is committed to the ultimate development of the NNHS site with mixed-income residential. It is also committed to involving the Plaintiff and other members of the Working

Group in the process of reviewing such development, as provided for in the decree. It is not feasible to share every detail of every tentative proposal with the Working Group, but in such preliminary discussions the City has and will continue to emphasize that the site is subject to the Consent Decree and that ultimately residential housing should be developed on the site. Once the City has vetted proposals and determined that they are feasible and realistic, the City will share information with the Working Group. *Id.* at ¶ 12.

III. There Is No Consent Decree Violation With Respect to the NNHS Site.

Because the Consent Decree is a judicial order, Plaintiff is effectively arguing that the City is in contempt. Consequently, “the party asserting a violation of a judicial order has the burden of proof by clear and convincing evidence.” *Shakman v. Democratic Organization of Cook County*, 2009 WL 855633 at *2 (N.D.Ill., March 30, 2009). The asserted violation, of course, must be assessed with a view to the specific language of the decree that is argued to have been violated. A consent decree has many attributes of a contract and should be interpreted accordingly. *U.S. v. ITT Continental Baking Co.*, 420 U.S. 223, 236 (1975).

As noted above, the Decree paragraph in question provides that the City will choose from a smorgasbord of options toward the goal of causing the development of a certain number of housing units by an unspecified point in the future. This is not a situation in which the parties are arguing over whether there is “substantial compliance,” sufficient to justify termination of the consent decree. *See, e.g., Jeff D. v. Otter*, 2011 WL 2023251 at * 4 (9th Cir. May 25, 2011). Rather, the parties agree that the Decree’s performance is still in mid-stream. Not only does paragraph II.C. on its face vest the City with substantial discretion to choose from available options to achieve the targeted number of public

and affordable housing units within the broader context of overall redevelopment of the near north side community as a mixed-income one; such discretion in urban planning is an intrinsic attribute of the City's power to act for the public health, safety and welfare. *See generally Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 387 (1926); *Midland Electric Coal Corp. v. Knox County*, 1 Ill.2d 200, 209 (1953). Plaintiff obtained significant benefits from the Consent Decree, as evidenced by, *inter alia*, the progress to date recounted above with respect to replacement housing units and the right to substantial participation in the community-remaking process via the Working Group. Interpreting the Decree in context, there is no reason to assume that the City "bartered away important public interests merely to avoid the expense of a trial." *Alliance to End Repression v. City of Chicago*, 742 F.2d 1007, 1013 (7th Cir. 1984) (*en banc*).

Forcing the immediate development of 11 acres in a questionable housing market would intrude into the public urban planning prerogative, with no legal basis. The Decree simply does not establish a date certain by which the City will be in violation if it has not yet redeveloped one particular site. *See Henry Horner Mothers Guild v. Chicago Housing Authority*, 2010 WL 1417623 at * 5 (N.D.Ill. April 5, 2010) ("A reading of Paragraph 17 [of amended consent decree] imposes no affirmative duty upon CHA to grant family split requests"). *Cf. Consumer Advisory Board v. Harvey*, 2009 WL 1375230 at *9 (D.Me. May 15, 2009) ("I have previously noted the low threshold for compliance with this part of the Consent Decree, given its relative lack of specificity").

Still further, Plaintiff has not suggested a lack of good faith by the City to date in attempting to meet any of the many obligations of the consent decree. *See Covington-McIntosh v. Mount Glenwood Memory Gardens*, 2003 WL 22359626 at *5 (N.D.Ill. Oct. 15, 2003) (consent decree is

interpreted as a contract, and good faith efforts to perform obligations during the term of the contract is sufficient), citing *Employers Ins. of Wausau v. Browner*, 52 F.3d 656, 664 (7th Cir. 1995), *cert. denied*, 516 U.S. 1042 (1996).

CONCLUSION

Plaintiff has not demonstrated a violation of the Consent Decree. The City has proceeded and continues to proceed in good faith during the continuing unfolding of the massive and progressive community redevelopment effort which is the subject matter of that Decree. In reality, Plaintiff's Motion expresses an understandable frustration about the NNHS site's ultimate redevelopment as it factors into the ultimate number of public and affordable housing units that will come to be developed in the area. But, as outlined above, the City remains committed to the Consent Decree's ultimate number of housing units, and it and CHA are well on the way to meeting this goal. The City is further committed to causing the NNHS site to be transferred for residential development. Again, the fact that this has not happened yet is not a violation of the decree, but is rather simply an outgrowth of the fact that there have been and still are many, many pieces in motion in the major redevelopment of the area, coupled with the recent downturn in the housing market. Accordingly, the City respectfully requests that Plaintiff's Motion be denied.

DATED: June 22, 2011

Respectfully submitted,

Stephen R. Patton
Corporation Counsel for the City of Chicago

BY: /s/ Andrew S. Mine
One of the Attorneys for Defendant City of Chicago

City of Chicago Law Department
Constitutional and Commercial Litigation Division
30 N. LaSalle Street Suite 1230
Chicago, IL 60602
(312) 744-7220

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CABRINI-GREEN LOCAL ADVISORY COUNCIL,	)	
	)	
Plaintiff,	)	
	)	No. 96 C 6949
v.	)	
	)	Hon. Edmond E. Chang
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	
	)	

DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 66 C 1459
v.	)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	
	)	

DECLARATION OF PAUL ZALMEZAK

Under penalties of perjury as provided by 28 U.S.C. § 1746, I, Paul Zalmezak, certify that the following statements are true and correct and are based on my personal knowledge.

1. My name is Paul Zalmezak. I am currently employed as Coordinating Planner I in the Chicago Department of Housing and Economic Development. Since February 2008, I have had primary day-to-day authority for coordinating development in the near north side of Chicago, including the HOPE VI area which is the subject of the consent decree in the above-captioned actions (“Consent Decree”).

2. Although I am not an attorney, I am generally familiar with the requirements of the Consent Decree, including those pertaining to the required 50/30/20 income mix on City- and CHA-developed land and the total targeted numbers of housing units (at least 700 public housing units and 270 affordable rental units). I have also read the Plaintiff's Third Motion to Compel Enforcement of the Consent Decree.

3. Since the effective date of the Consent Decree, 431 units of housing have been developed on eight parcels of City-owned land. These include 102 units of public housing and 63 units of affordable housing. *See Exhibit A (Cabrini/Near North Dwelling Unit Estimates).*

4. In addition, 444 units of housing have been developed on CHA-owned land. These include 120 units of public housing and 48 affordable units. *See Exhibit A.*

5. In a number of additional private developments in the area, the City has played a role in causing the developers to provide for an income mix which includes a substantial number of public housing units. This has added another 173 public housing units to date. *See Exhibit A.* Additional sites in the area, including some that are privately owned, are being considered for mixed-income development.

6. The City's projections indicate that development to date, combined with anticipated future development, will meet the commitment in the Consent Decree for the City and CHA, in combination, to cause the development of at least 700 public housing units and 270 affordable rental units in the HOPE VI area.¹

¹ As reflected on Exhibit A hereto, an additional 96 affordable units were created in the Lakefront Mercy Single Room Occupancy building at Clybourn north of Division. *See Exhibit B hereto* (November

7. No residential development has occurred in the relevant geographical area contravention of the Consent Decree requirements. Every residential development project that has come to fruition since the effective date of the Consent Decree has been reviewed by the Working Group. During the course of completing some of those projects, in part because of the negotiations and comments of the Working Group, various aspects have changed between the initial phase and the final as-built stage, including densities and number of units.

8. The City is committed to obtaining control of the parcel of land on which the former Near North High School is located (NNHS Site”), and to cause that parcel to be developed with a substantial number of residential units at the 50/30/20 income mix required by the Consent Decree to contribute to the overall target of at least 700 public and 270 affordable units.

9. I was present at the March 2011 meeting with then-CPS CEO Ron Huberman which is referenced in Plaintiff’s Motion. At that meeting, I expressed the Department’s support for the transfer of the parcel for redevelopment with mixed-income residential uses. (The March 2011 meeting had originally been scheduled for December 2009 but was cancelled by CPS after our arrival. The original agenda is attached hereto as Exhibit C.) The City will renew discussions with the Chicago Public Schools and Chicago Board of Education in the near future, once their new administration is in place, with a view toward accomplishing this transfer.

10. Development of residential real estate is complicated in any situation, particularly where the development is restricted by terms such as those of the Consent Decree pertaining to mixed income and

5, 2006 New York Times Article).

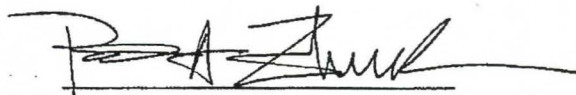
consultation with the Local Advisory Council. The recent recession and collapse of the real estate market have made facilitating and administering projects of this type even more challenging.

11. Because redevelopment projects of this nature are sensitive to competitive market pressures and financing requirements, preliminary discussions with potential interested developers are best pursued in confidence. In the past there have been preliminary discussions with developers concerning the redevelopment of the NNHS Site, and at all times in those preliminary discussions the City has emphasized that the site is subject to the terms of the Consent Decree and in the long term there must be mixed-income residential development on the site.

12. Once any preliminary proposal for redevelopment of the NNHS Site has been vetted by the City and is determined to be feasible and realistic, the City will share information concerning that proposal with the Working Group.

13. The tentative plan in 2009 to locate the Chicago Public Schools' High School for the Arts in the old NNHS building was envisioned as a temporary measure which would have occupied the site through the 2012-13 school year. *See* Exhibit D (ChiArts proposal), and Exhibit E (January 22, 2009 Aldermanic letter of support). Given the slow market for real estate development at that time, even if the arrangement had materialized (which it did not), it would not have materially delayed, much less precluded, potential redevelopment of the site with mixed-income residential housing.

DATE: June 8, 2011

A handwritten signature in black ink, appearing to read 'Paul Zalmezak', written over a horizontal line.

Paul Zalmezak

Cabrini / Near North Dwelling Unit Estimates [1]

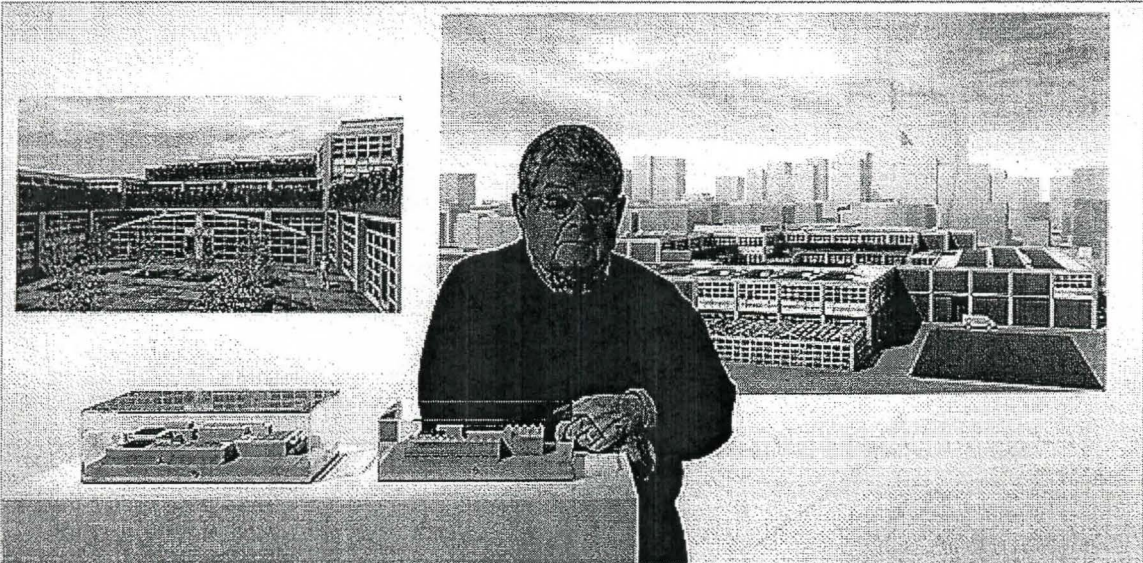
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				Estimated	Less	Net	Total	Non-	Consent	CHA	
M	Project Name	TIF Funds/Source	City/CHA/Private Land	Address	Acreage	Roads	Acres	Dwelling Units	consent Affordable units	>60% Affordable units	units
	Orchard Park Condos		CHA	1500 block of Clybourn			0	54		0	13
1	Parkside of Oldtown (Completed Phases) [2]	Near North	CHA	CHA property	18.4	4.0	14.4	390		48	107
#	Holsten/Kenard North Town Village	Near North	City	Halsted and Evergreen	6.83	1.53	5.30	261		51	79
	Mohawk North Partnership (five parcels formerly city-owned)		City	1400 block of Mohawk			0	15		0	5
#	Renaissance North - Nancy Kapp		City	North and Larrabee	0.6	0	0.6	59		12	18
#	Lakefront Mercy SRO	Near North	City	1234 to 1254 North Clybourn				96	96	0	
	MCL Homes of Mohawk North		Private	1400 block of Larrabee			0	92		0	16
	MCL Old Town Square RIPD #801		Private	Scott and Wells			0	113		0	16
5	MCL Old Town Village West		Private	Division and Crosby	5.3	1.3	3.9	134		0	38
	MCL Old Town Village East		Private	Sedgwick and Division	3.2		3.2	139		0	28
	Wards - River Village (site H)	Near North	Private	Kingsbury and Hobbie				180			25
	Wards - River Village South (Site I)	Near North	Private	Kingsbury and Oak				119			18
	Wards - River Village Point (Site G) (Chicago Kingsbury TIF)	Chicago Kingsbury	Private	Larrabee and Kingsbury				102			12
	Wards - Domain Lofts (Chicago Kingsbury TIF)	Chicago Kingsbury	Private	Chicago and Larrabee				298			16
	865 North Larrabee - SMB Development		Private	865 N. Larrabee	0.5		0.5	72		0	4
	Sub Total							2124		111	395
		CHA Parcels	2					CHA	444	0	48
		City Parcels	8 (includes five Mohawk Parcels)					City	431	96	63
		Private	9					Private	1249	0	173

[1] Total of completed units.
[2] Parkside of Old Town Phase IIA currently under construction will include 112 units (53 affordable, 39 CHA)

NATIONAL PERSPECTIVES

Social Improvement With Architecture



HOME IN CHICAGO Two prominent architects are working on projects for the homeless in Chicago. Stanley Tigerman has designed a new home for the Pacific Garden Mission.

By ROBERT SHAROFF
Published: November 5, 2006

CHICAGO



William Zbaren for The New York Times

THIS city, which is often described as one of the world's great architecture capitals, also has a strong tradition — dating back to 1889 when Jane Addams founded the Hull House settlement community — of innovative housing projects aimed at improving the lives of the disadvantaged.

These two traditions, architectural and social improvement, continue today in two projects by leading architects under way in the downtown area.

The first is the Near North SRO by Helmut Jahn, a 96-unit

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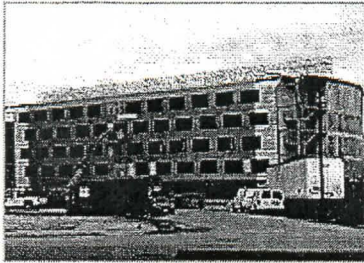
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REPRINTS

THE TREE OF LIFE

NOW PLAYING

Helmut Jahn stands next to the wind turbines on the roof of the Near North SRO, also shown below.



William Zbaren for The New York Times

project aimed at homeless people. (The project uses the phrase supportive housing, a social services term for housing that provides access to services like mental health assistance and vocational guidance, in addition to shelter.)

The second project is a new home for the city's largest and oldest homeless shelter, the Pacific Garden Mission, by Stanley Tigerman.

Both projects symbolize what some say is Chicago's leading role in housing the homeless and indigent.

"Chicago has the most vibrant nonprofit housing community in the country," said Henry G. Cisneros, the former housing secretary during the Clinton administration and a prominent advocate of affordable housing. "If you want to talk about a city with a comprehensive approach to housing and ending homelessness, Chicago kind of sets the pace right now."

The projects also showcase what is turning into another tradition in the city, that of sustainable, or green, design.

Over the last half-dozen years, the city has begun urging developers to incorporate sustainable elements into their projects. The city's efforts include expediting constructions permits for projects that meet the certification standards for the United States Green Building Council, and providing matching grants of up to \$100,000 for projects that involve green roofs, which use plantings to aid insulation. So far, the city has about 300 green roofs, more than any other American city.

Both the Near North SRO and Pacific Garden Mission expect to be meet the council's certification standards, called LEED, for Leadership in Energy and Environmental Design.

"These two buildings prove that even nonprofit organizations can have very cool sustainable designs without a huge capital investment," said Lori T. Healey, the city's planning commissioner.

Of the two projects, Mr. Jahn's is furthest along. The building, which is at the intersection of Clybourn Avenue and Division Street and within blocks of the notorious Cabrini Green public housing project, is being developed by Mercy Housing Lakefront, a division of Mercy Housing, a nonprofit group that owns and manages about 19,000 units of supportive housing nationwide.

Cindy M. Holler, director of Mercy Housing Lakefront, said one of the advantages of the building is the way it challenges traditional notions of what housing for the homeless should be. "Some very poor people are going to get beautiful views of downtown Chicago



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here, and that's O.K.," she said.

Charles Hoch, professor of urban planning at the University of Illinois at Chicago and a member of Mercy Housing Lakefront's board of directors, went even further. "The building is a stigma smasher," he said, "We are borrowing the cachet of Mr. Jahn to send a message to the larger society and that message is that homeless people have value, they have a role to play in society."

Indeed, the building, which will open early next year, promises to be one of the more distinctive apartment buildings in Chicago.

The loaf-shaped stainless-steel structure recalls an earlier project by Mr. Jahn: a student dormitory complex at the Illinois Institute of Technology in Chicago that he completed in 2003.

"I always looked at the I.I.T. building as kind of a prototype for low-rise urban housing," Mr. Jahn said. "The Mercy SRO project is a way to introduce the concept on the north side."

The units in the five-story building average about 300 square feet, and all are equipped with private baths and kitchenettes. Although finishes are basic, the overall feel is closer to a hip hotel than the numbing blandness one associates with subsidized housing. (In fact, a little too hip, according to Ms. Holler, who said Mr. Jahn's original color scheme of bright primary colors was toned down after research revealed the colors might be upsetting for some residents.)

One of the building's most interesting features is an elaborate network of wind turbines and solar panels on the rounded roof that together will generate about 15 percent of the building's power requirements. The building also has the city's first so-called gray water system, which captures and recycles runoff from sinks and showers.

The total cost of the building is about \$18 million, with the largest portion of financing coming from the National Equity Fund. The sustainable features accounted for about \$1 million of the total cost of the building.

"Because many of the sustainable features were funded by grants, we were able to try some things that would not be possible in a more commercially driven project," Mr. Jahn said.

Mr. Tigerman's Pacific Garden Mission project has a somewhat more complicated program. Pacific Garden, a faith-based nonprofit organization that began in 1877, currently has two locations, one for men and one for women and children.

Although the main activity is feeding and housing up to 1,000 homeless people a day, the

mission also provides an array of social services. In addition, it produces a weekly inspirational radio show, called "Unshackled," from a studio in the men's facility that is heard on about 1,600 radio stations around the world.

"We're the oldest continuously operating rescue mission in the United States," said David McCarrell, president of the mission. "Our goal is to take the overall man and create a new person who can be a contributing member of the community."

The new building will consolidate all of the mission's activities in a 156,000-square-foot structure at the corner of 14th and Canal Streets on the city's Near South Side.

Mr. Tigerman's design calls for a complex of four interconnected wings grouped around a landscaped courtyard that will also double as an outdoor chapel. Inside, in addition to large dormitories, there are classrooms and computer laboratories, workout rooms and lounges for families.

"Part of the building's mission is to give the homeless a sense of security and to improve their self-esteem," Mr. Tigerman said.

Probably the most distinctive feature is a large greenhouse complex that runs the length of the south facade where residents will grow vegetables for the mission's kitchen and for commercial distribution and sale.

"It creates a whole new area where people can work and learn skills and go out and become marketable," Mr. McCarrell said.

The building, which is costing about \$24 million, will also have a 16,000-square-foot green roof that is being designed by Peter Lindsay Schaudt, a leading landscape designer in the Chicago area. Other features include solar panels and energy-efficient heating and cooling systems.

"Sustainable design is exciting because all of a sudden architecture loses a lot of its frivolity," Mr. Tigerman said.

"Instead of worrying about Post Modernism and Deconstructivism," he said, sustainable design "is based on reason and the forms come out of that."

Mr. Tigerman said the project came along at the right time for him. "I no longer care about working on suburban villas for princes and princesses," he said. "I'd rather retire than do more of that. These are people who have real needs. It gave me a great feeling to do this."

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Near North High School Coordination Meeting

December 2, 2009 – 11:00 AM

Chicago Public Schools - 125 S Clark 17th Floor

PURPOSE

Meeting with new CPS Chief Facilities Officer Pat Taylor to determine CPS timeline for redevelopment of Near North High School as mixed income housing as required by the Federal Consent Decree.

In attendance will be representatives of the Cabrini Local Advisory Council, City of Chicago Departments of Community Development and Zoning/Land Use Planning, the Chicago Housing Authority, and CPS.

This is a critical meeting as we plan the next phases of redevelopment and communicate with local residents. The high school site represents approximately eleven acres and potentially 115 CHA units (out of 734 total CHA Units) - a significant percentage of the total replacement units required under the consent decree.

AGENDA

- I. Introduction
- II. Brief review of Consent Decree
- III. Brief review of Current Cabrini Redevelopment Efforts (e.g. two RFP's, William Green Homes)
- IV. Status of Near North High School building users- Jones High School and Police/Fire
- V. Status of Near North Athletic Field
- VI. Anticipated timeline for redevelopment
- VII. MOA/MOU for use of the site

EXHIBIT C

CHIARTS

CHICAGO HIGH SCHOOL
FOR THE ARTS

for the arts + minds of Chicago

EXHIBIT D

About ChiArts

The Chicago High School for the Arts (ChiArts) is a public high school opening in September 2009

- Maximum enrollment of 600 students, beginning with 150 freshmen students in the first year and adding 150 students each year
- Designed to provide intensive pre-professional training in the arts and comprehensive college preparatory academic instruction.
- Admission by audition and interview as well as a record of good attendance and successful academic achievement in eighth grade.
- Only Chicago residents may attend
- Governed by a not-for-profit Board of Directors

Background

- In 2004, The Elizabeth Morse Charitable Trust and the Elizabeth Morse Genius Charitable Trust formed a group to discuss the issue of diversity within mid- to large-sized arts organizations.
- The Diversity Working Group (DWG) conducted surveys and found an array of resources, but not a public institution that provided superior training at the high school level.
- DWG recommended that a public high school offering professional training in the fine and performing arts be created for Chicago students.

Are there schools like this elsewhere in the country?

Chicago is the only city of its size in the United States that does not have a public high school providing pre-professional training in the arts. There are schools of this kind in Milwaukee, Pittsburgh, Philadelphia, Boston, Los Angeles, San Francisco, Houston, Dallas, Washington DC, Miami and many other cities across the country. New York City has 3 such schools.

The Baltimore School for the Arts was founded over 25 years ago.

In New York, the High School of Performing Arts (est. 1947) merged in 1984 with the High School of Music & Art (est. 1936) to form LaGuardia Arts, resulting in a 73-year history!

Planning Phase

(October 2006 – December 2007)

- Over 70 community members participated on 5 subcommittees to plan the high school.
- An Executive Committee was established to lead the planning initiative.
- The Executive Committee researched and visited national models of arts high schools.
- A curriculum framework was created for the arts and academic programs.
- A proposal was submitted to Chicago Public Schools, Renaissance 2010.
- A nation-wide search was launched for an Executive Director.

Accomplishments to Date

- Obtained approval of Chicago Board of Education to open in September 2009
- Established Board of Directors
- Created organizational identity (e.g. logo, website, etc.)
- Hired Executive Director, Principal and Director of Administrative Services
- Launched an extensive student recruitment plan
- Obtained approval of admissions and audition process by Board of Education
- Secured over \$1,000,000 in private funding for planning phase and incubation year
- Enlisted 55 arts organizations as school partners
- Obtained approval of tax exempt status February 2009
- Conducted over 800 auditions and selected the class of 2013.

Arts Partners

- Actors Gymnasium
- Art Institute of Chicago
- Art Resources in Teaching
- Auditorium Theatre
- Black Ensemble Theater
- Chicago Arts Partnership in Education
- Chicago Chamber Musicians
- Chicago Children's Choir
- Chicago College of Performing Arts/Roosevelt University
- Chicago Shakespeare Theater
- Chicago Symphony Orchestra
- Chicago Youth Symphony Orchestras
- College of Architecture, UIC
- Columbia College
- Congo Square Theatre Company
- Dance Works Chicago
- DuSable Museum of African American History
- Ensemble Espanol Center for Spanish Dance and Music
- eta Creative Arts Foundation
- Goodman Theatre
- Hubbard Street Dance Chicago
- Hyde Park Art Center
- Joel Hall Dancers & Center
- Joffrey Ballet
- Lifeline Theatre
- Little Black Pearl
- Lookingglass Theatre Company
- Lou Conte Studios
- Lyric Opera of Chicago
- Marwen
- Merit School of Music
- Midwest Young Artists
- Muntu Dance Theatre
- Museum of Contemporary Art
- Music Institute of Chicago
- Music of the Baroque
- National Museum of Mexican Art
- Natya Dance Theatre
- Old Town School of Folk Music
- Pegasus Players
- Peoples Music School
- Piven Theatre Workshop
- Puerto Rican Arts Alliance
- Ravinia Festival
- Red Moon Theatre Company
- Remy Bumppo Theatre Company
- River North Chicago Dance Co.
- Ruth Page Foundation
- Sherwood Conservatory
- Sones de Mexico Ensemble
- Steppenwolf Theatre
- The Theatre School, DePaul University
- UIC- College of Education
- Urban Gateways
- Victory Gardens

Mission

The mission of the Chicago High School for the Arts (ChiArts) is to provide each uniquely gifted student with exceptional preparation in the fine or performing arts while providing a comprehensive college preparatory curriculum.

Values and Vision

- **For Our Students**

ChiArts would like to instill in our students a sense of professionalism, as well as respect for their colleagues, their field, and for society as a whole. We want our students to be critical, independent thinkers and good citizens. They should be motivated to apply their scholastic and artistic efforts to enlighten and improve the well being of society. The School recognizes that our students face a rigorous schedule in which equal dedication to work in the arts and academics is vital. Students are asked to meet high standards and are given the encouragement to succeed.

- **For The School**

ChiArts will provide an open and supportive environment in which young artists can grow and develop. The school will contribute to the artistic reputation of the city of Chicago, fulfilling its mission to educate and train the next generation of artists, and to provide mentors and role models for our students.

Academic Program

- The college preparatory curriculum of the academic program is research based and rooted in critical thinking, inquiry, and rigor.
- Students take courses in English, math, science, social science, Spanish, French, and physical education. There are plans to offer Italian, German, and Mandarin in the future.
- At the 9th and 10th grade years, students may take college prep or honors courses and at the 11th and 12th grade years, students may take college prep, honors, or advanced placement courses.
- Students who have completed high school courses in their 7th and 8th grade years will receive high school credit and have the opportunity to take advanced classes.
- Students who are in need of extra support, will take academic support classes in math and reading.
- Accommodations and modifications will be made for students in special education and bilingual programs.

ChiArts Graduation Requirements

4 English
4 Mathematics
4 Science
4 Social Sciences
3 World Language
4 Fine Arts
2 Physical Education
2 College-Career Pathways
1 Computer Science
Student Advisory
40 hours of Community Service

28 Credits

Arts Program

- In addition to a strong college preparatory curriculum, ChiArts will provide professional level training in the arts. The school day will be extended. Classes will be conducted from 8:00 a.m. until 5:00 p.m. with additional practice and rehearsal time after school hours.
- Each student will be enrolled in one of the following disciplines:
 - Dance (including both Ballet and Contemporary)
 - Music (including Instrumental and Choral -- classical and jazz)
 - Theatre (including Drama and Musical Theatre as well as technical production)
 - Visual Arts (including Painting, Drawing, Ceramics, Photography and Graphic Arts)
- Three hours of each student's day will be devoted to training in the chosen art discipline.
- Arts disciplines will be taught by professional artists and will be offered at the Advanced and Novice levels.

Admissions

- Admission is based on artistic and academic potential, ability and achievement as well as an audition or portfolio review.
- Students must have a minimum stanine score of 5 in reading and math and no more than 10 days of absence in the 7th grade.
- Students with special needs and students in bilingual programs are encouraged to apply. Students with reading and math stanines that total 10 (e.g., reading 3 and mathematics 7; reading 4 and mathematics 6, etc.) are eligible to apply for admission.

Student Recruitment

ChiArts recruitment activities seek to target several types of students:

- underserved and minority students interested in the arts who do not have access to advanced arts training;
- students planning to go to college who need a college preparatory academic program and hope that their artistic capabilities will improve their chances of gaining admittance to the college of their choice;
- and highly trained students who already receive training in the arts and who hope to enter conservatories or career placement in the arts

Student Recruitment

In 2008-09, recruitment activities reached into all areas of the city.

- Audition workshops were held in locations throughout the city to help prepare students for the auditions and answer parent's questions.
- ChiArts attended high school fairs at almost 40 elementary schools throughout the city
- 20,000 publicity materials were sent to over 250 Park District field houses
- Applications were sent to all counselors in all CPS elementary schools

Recruitment Results

Almost 600 applications were received

Ethnicity

Black or African American - 47%	261
Hispanic or Latino - 30%	166
White Non-Hispanic - 12%	69
Bi-Racial - 4%	24
Asian - 2%	11
Multi - 2%	10
not reported - 2%	9
American Indian or Alaska Native - .5%	3
Pacific Islander - .5%	2

Student Body

The first class of ChiArts comes from 44 wards and 93 elementary schools

Black or African American - 33%	46
Hispanic or Latino - 29%	40
White Non-Hispanic - 24%	33
Bi-racial - 7%	10
Asian - 4%	5
Multi Ethnic - 2%	3
American Indian or Alaska Native - .7%	1

Location

Construction of a new building is not an option given present building costs which would result in an investment exceeding available funds.

For over a year and a half, CPS has been seeking a building in which to locate this school. So far, no building has been found that fulfills the requirements for an arts-focused high school.

- Academic classrooms to accommodate 600 students
- Performance spaces for plays and concerts
- Display areas for art shows
- Large, high-ceilinged rooms for dance
- A centrally located near downtown Chicago and its many arts organizations
- Access to public transportation from all parts of the city

In view of the fact that no such building has become available, CPS has recommended that the former Near North Career Academy at 1450 N Larrabee Street be considered as a temporary home for the school.

Neighborhood Services & Outreach

The neighborhood in which the school is located will enjoy many advantages.

- Arts exhibits on campus and at local community organization sites
- Theatre, dance, and music performances and cultural events for all ages
- Special performances and camp opportunities for neighborhood children
- Student led Service-Learning initiatives to benefit the local community
- Student recruitment activities in nearby middle schools

Neighborhood Recruitment and Student Development

In addition to providing arts and cultural opportunities for the neighborhood at large, ChiArts is committed to providing special programs and opportunities for students in neighborhood elementary schools in order to increase neighborhood enrollment at ChiArts.

In particular, ChiArts plans to create opportunities to provide music instruction for local neighborhood students. In this way, ChiArts will develop strong applicants from the neighborhood for future classes.

ChiArts plans to target an increase in the number of local students in each class to the following percentages:

- Class of 2014 entering fall of 2010 - 15%
- Class of 2015 entering fall of 2011 - 20%
- Class of 2016 entering fall of 2012 - 25%

José Ochoa



Executive and Artistic Director

A nation-wide search led to the hiring of José Ochoa as ChiArts' Executive Director.

As Superintendent of Cultural Arts for Metro Parks and Recreation of Nashville, Tenn., from 2005-08, Mr. Ochoa supervised classes in dance, music, theatre and visual arts. These programs attracted more than 240,000 Nashville residents each year.

Mr. Ochoa has had extensive experience as a professional musician, actor, dancer and choreographer.

He is a graduate of the North Carolina School of the Arts where he received a degree in music performance and holds a master's degree in Interdisciplinary Studies (dance, music, theater) from West Texas A&M University.

Teresa Milsap

Principal and Chief Academic Officer



Terri Milsap has 11 years of teaching experience at the high school level and two years as principal of a Chicago charter school.

Ms. Milsap has a master's degree in school leadership from Concordia University and a bachelor's degree in English education from Governors State University and a bachelor's degree in speech communication from Illinois State University. She is currently working toward her doctorate in urban school leadership at the University of Illinois – Chicago.

Ms. Milsap is a member of the National Council of Teachers of English and the Association for Supervision and Curriculum Development.

For more information

Contact: José Ochoa, Executive Director

Mail: c/o TAMS Center
501 W. 35th Street, Third Floor
Chicago, IL 60616

Phone: (773) 535-8681

Website: www.chiarts.org



WALTER BURNETT, JR.

ALDERMAN, 27TH WARD
1463 W. CHICAGO AVENUE
CHICAGO, ILLINOIS 60622
TELEPHONE: 312-432-1995
FAX: 312-432-1049
E-MAIL: wburnett@cityofchicago.org

**CITY COUNCIL
CITY OF CHICAGO
COUNCIL CHAMBER**

CITY HALL, ROOM 300
121 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
TELEPHONE: 312-744-6124
FAX: 312-742-8489

COMMITTEE MEMBERSHIPS
SPECIAL EVENTS AND CULTURAL AFFAIRS
(CHAIRMAN)
BUDGET AND GOVERNMENT OPERATIONS
BUILDINGS
COMMITTEES, RULES AND ETHICS
EDUCATION
FINANCE
HEALTH
POLICE AND FIRE

January 22, 2009

James W. Mabie, Chairman
Chicago High School for the Arts
501 W. 35th St.
Chicago, IL 60616

Dear Mr. Mabie:

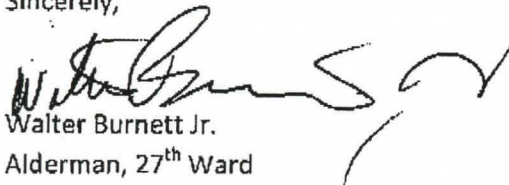
Please be advised that I am in support of Chicago High School for the Arts of Near North through the academic year of 2012-2013.

Additionally the target percent of students from the 27th Ward would be: Fall 2010, 15% of 9th graders, fall 2011, 20%, fall 2012, 25%. These targets are acceptable.

I look forward to Chicago High School for the Arts becoming an asset to the 27th Ward.

If you should need any additional information please contact my office at 312-432-1995.

Sincerely,


Walter Burnett Jr.
Alderman, 27th Ward

WBJ/adg

Cc: Hill Hammock, Chicago Public Schools; Sandra P. Guthman, Polk Bros. Foundation

EXHIBIT E



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CABRINI-GREEN LOCAL ADVISORY COUNCIL,	)	
	)	
Plaintiff,	)	
	)	No. 96 C 6949
v.	)	
	)	Hon. Edmond E. Chang
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	
	)	
DOROTHY GAUTREAUX, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 66 C 1459
v.	)	
	)	Hon. Marvin E. Aspen
CHICAGO HOUSING AUTHORITY, et al.,	)	
	)	
Defendants.	)	

NOTICE OF FILING

TO: Counsel Referenced on Attached Certificate of Service

PLEASE TAKE NOTICE that this 22nd^h day of June, 2011, the undersigned will cause to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the **Intervenor City of Chicago's Response to Plaintiff's Third Motion to Compel Enforcement of the Consent Decree**, a copy of which is attached and hereby served upon you,

Respectfully submitted,

Stephen R. Patton
Corporation Counsel for the City of Chicago

BY: /s/ Andrew S Mine
One of the Attorneys for Defendant City of Chicago

City of Chicago Law Department
Constitutional and Commercial Litigation Division
30 N. LaSalle Street Suite 1230
Chicago, IL 60602
(312) 744-7220

CERTIFICATE OF SERVICE

I, Andrew S. Mine, an attorney, certify that this 22nd day of June, 2011, I caused a copy of the foregoing **Intervenor City of Chicago's Response to Plaintiff's Third Motion to Compel Enforcement of the Consent Decree** to be served on counsel of record by electronic filing using the Court's CM/ECF system.

s/s Andrew S. Mine