

Ed Kus

Changing Chicago's Skyline

by Paul Dailing

Edward J. Kus, partner at **Taft Stettinius & Hollister LLP**, sometimes can't believe how different it is.

Kus spent the majority of his career working not at the Chicago office of Cincinnati-based Taft, but at the City of Chicago itself, enforcing, understanding and even creating the zoning processes he now guides developers through.

The change is not just in whom he represents. The change is also a cultural shift from working at the Hall to the glass and steel skyscraper offices of Taft.

"It's almost like being a physician in a well-known hospital where you have every tool at your disposal, and you are able to accomplish things with a lot of help," Kus says of his role at Taft.

"In city government, it's almost like being in a MASH unit. Because of my position in zoning and planning, I used to have 10 crises a day. If I have one crisis every two weeks in private practice, that's a lot."

But his focus is still on finding the best solutions to change the face of the city of Chicago.

"It's always about navigating through the maze of the land use and zoning rules and regulations of city government," he says. "Ninety-nine percent of my practice is centered in the city of Chicago."

He left the city in 2004, shortly after overseeing a massive overhaul and modernization of the city's zoning code.

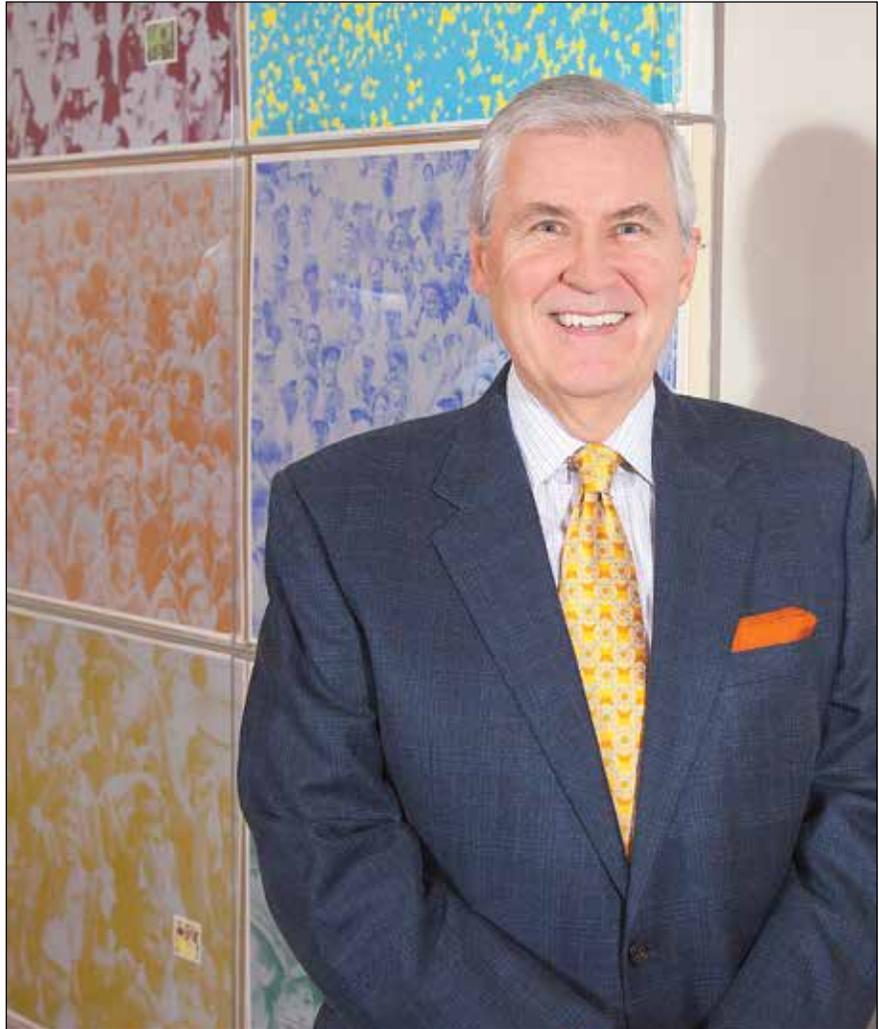
"I always joked with people, after the code was passed, I would like to stick around and be the first guy to screw it up," Kus says, laughing.

He joined Shefsky & Froehlich, which completed a merger with Taft in 2014.

Jack Guthman, partner emeritus at Taft, says firms throughout Chicago had heard Kus was planning to leave the city after the zoning code rewrite.

"Everyone in town who does this work was aware of it and would have welcomed him," Guthman says. "Conversations about his future evolved into 'Why don't you come and join us?' Everyone in our line of work, in our practice area, was aware of his capabilities, and it was very flattering that he would join the Shefsky & Froehlich firm."

His resume since joining the firm has been similarly storied. He has worked on completed and pending projects throughout the city, including a new 18-story hotel over the old Cedar Hotel on Rush Street, a 62-story office tower at 300 N. LaSalle, Atrium Village at Division and Wells, a boutique condominium



development at State and Elm, the new Apple Store by the Michigan Avenue Bridge, a hotel and entertainment complex at 1600 North Ave. and RH Chicago, The Gallery at the Three Arts Club.

"In his senior role as zoning administrator, he had developed a tremendous knowledge and familiarity with all the intricacies of the zoning code," says Tony Licata, the partner in charge at Taft's Chicago office. "There's nobody who knows the intricacies now and how those codes relate to each other better than he does."

Kus says his time at the city allowed him to be more effective at working with the various groups involved with bringing a new development from a plan on paper to a glass, steel or brick structure someone can walk right into.

"Since I had a hand in actually drafting them and implementing them in city government, it gives me a certain credibility when I go back to city government or even talking to developers or even neighborhood groups," Kus says.

Calm Amid the Chaos

Kus was born on Chicago's Southwest Side, one of six children. His father was an electrical contractor, a business he ran for 52 years. Kus' brother keeps the family business going.

"After having construction jobs during the summer, between school and during school, I decided I didn't want to work that hard," Kus says, joking.

His father encouraged the younger Kus' interest in law. Law was a profession the electrical contractor admired.

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After graduating from Brother Rice High School, an all-male Catholic college prep school in Chicago, Kus went to DePaul University and then on to the Northern Illinois University College of Law. He graduated and passed the bar in 1978, but was unsure where he wanted his career to take him.

“I tell young lawyers today that until you become a lawyer and start practicing law, you don’t really know what you want to do,” Kus says.

He got a job working for the city under Mayor Jane Byrne, prosecuting housing board and building code violations. He soon began working with an older attorney who handled zoning and land use for the city. When the attorney retired in the early 1980s, Kus stepped up to fill the small niche.

John Pikarski, principal of Gordon Pikarski, met Kus at this time, often going up against the young Zoning Division assistant corporation counsel.

“I tried several cases against him. He was a solid adversary but totally ethical as well,” Pikarski says. “His word was good. He was a problem-solver. He didn’t engage in needless legal activity. He was sensible.”

Another quality Pikarski says Kus exhibited was a strong commitment to honesty. He and the other attorneys Kus faced knew they would get a fair, honest response from Kus, Pikarski says.

At the city, Kus had to deal with all 50 aldermen, neighbors, developers, business owners and a mishmash of other people vying to either promote or derail pending developments. It was chaos. He loved it.

“I would not have given that up for the world,” Kus says. “It was personally and professionally very fulfilling.”

He developed a reputation in the city as a calm head amid the chaos, a professional who looked toward solutions rather than getting hung up on problems. It’s a quality he brought with him to his work at Taft, Licata says.

“You run into road blocks, you run into opposition, but Ed keeps calmly and patiently working on it,” Licata says.

In a project that would become Kus’ last major initiative in city government, Mayor Richard M. Daley gave him a simple request: Take the confusing, outdated and byzantine zoning code and fix it all.

“In 1999, Mayor Daley asked me to head the efforts to rewrite the 1957 zoning ordinance,” Kus says.

Kus became executive director of the Zoning Reform Commission, which kicked off in the summer of 2000. Over the next four years, he was also appointed zoning administrator and, in his last year, the first deputy commissioner of the Department of Planning.

“I was doing three jobs at once, but I was only getting one paycheck,” Kus jokes.

To get an idea of the mess the mayor

asked him to handle, Kus took out a heavy binder and a sheet of paper. He set the page on the desk and then put the binder down with a heavy thud.

The page was a spaghetti plate of lines, doodles and initials in a dozen different handwritings. Each mark and scribble was a hand-written change to individual lots’ zoning scrawled in the larger book.

“There are 500 zoning map changes a year and the city’s method of keeping track of the zoning changes was this, to take the pages from this book and make all these notations on whichever page it was,” Kus says.

The scribbles were not notes to be added to the law later. Before Kus modernized the system, those scribbles and handwritten marks *were* the law.

In addition to simplifying the code, part of the revamp Kus oversaw put the zoning ordinance and the zoning maps online, replacing the massive \$100 binder people would need to purchase just to know how their house was categorized.

Now, the map is updated online after every city council meeting with the click of a button. No more scribbles and spaghetti.

Views, Traffic and Parking

There are three parts to getting a proposal through city approval.

“You have to understand the process, which I certainly do because I wrote a lot of the process. You have to know what the law is, which I do because I wrote a lot of the zoning law,” Kus says.

The third part is imagination, finding creative solutions to the complicated and unpredictable problems that can pop up in seeing a building come to life.

“I know the law, I know the process, and if you add some creativity, if the first route you’re going down doesn’t work, you think of ‘OK what else can we do to get this project approved?’ Then sometimes there’s a second or third avenue to proceed to get approval for your project,” Kus says.

These creative solutions have included turning an alley in the ritzy Streeterville neighborhood into a parking port to keep traffic off the main road and allowing Hyde Park drivers to use a different hotel’s parking lot to alleviate already bad traffic in the area.

Although community support for a project is important in any area, it’s absolutely vital in Chicago.

“If you don’t get the community’s support, you’re not going to get the alderman’s support,” Kus says. “As you probably know, the system in Chicago is very parochial, and if the alderman doesn’t like something, you’re doomed.”

This can mean negotiation, changing plans, compromise — telling developers they’ll have to knock stories off their high rise, telling community groups they’re just plain wrong

about the traffic messes they expect.

“It’s tough. You have to present your traffic expert, who no one believes, quite frankly. They say, ‘Yeah, you guys could create your own numbers and your own conclusions,’” Kus says.

Guthman says this is where Kus’ well-deserved reputation for honesty comes into play.

“He’s a consummate professional, an extraordinarily able technician, had the reputation in the city of being thoughtful and balanced, and is a straight shooter. That’s valuable when you work with developers,” Guthman says. “Ed Kus always looks you in the eye and gives you a straight answer.”

In the City That Works, concerns by the neighbors of a proposed development mainly fall into one of two categories, Kus says.

“There are two things in Chicago that drive people crazy. It’s loss of views, which many people believe they have a right to. They’ll always preface their statements with ‘We know we don’t have a right to a view, but we’re going to lose our view and that upsets us.’ And the other issue is traffic and parking. ‘How is the traffic and parking going to work?’” Kus says.

After the two big concerns of views and cars, the next largest concern that comes to the fore is density. Will a project bring too many people to someone’s section of town?

“It’s kind of ironic people come to Chicago to see the big, tall buildings, but there always seems to be a faction of the neighbors that think the buildings are too tall and/or too dense,” Kus says.

To disprove the notion that denser developments hurt property values, Kus points at the luxury neighborhoods of Streeterville and the Gold Coast.

“They are the most dense neighborhoods in the city of Chicago, but they are also the most desirable neighborhoods,” Kus says. “People want to live there. They are also the neighborhoods that have the highest property values. I am a proponent of density.”

Kus has been married for 34 years to his wife Pat, a workers’ comp attorney with her own boutique practice. Although they are both lawyers, they try to keep work at work, preferring to plan their next vacation than relish case precedent over breakfast.

The two travel voraciously, always with a new destination planned somewhere around the world. This can make office chitchat more personally relevant, Licata says.

“Whenever something’s in the news and we talk about it, he’s probably been there,” Licata says.

Kus loves attending the community meetings where residents call for the developers’ heads. He says there is no place he would rather be in his practice than addressing neighbors’ concerns about how a new project will affect their property values or quality of life. ■