

## City of Chicago



SO2013-1596

# Office of the City Clerk

**Document Tracking Sheet** 

Meeting Date:

Sponsor(s): City Clerk (transmitted by)

Type: Ordinance

Title: Zoning Reclassification App No. 17700 at 1313-1339 S

Wabash Ave

3/13/2013

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

SUPSTITUTE ORDINANCE

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

Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the DX-7 Downtown Mixed-Use District and Residential-Business Planned Development No. 1029 symbols and indications as shown on Map No. 4-E in the area bounded by:

A line 237 feet south of the south line of E. 13<sup>th</sup> St.; a line 180.32 feet east of the east line of S. Wabash Ave.; a line 69.69 feet north of the north line of E. 14<sup>th</sup> St.; a line 56.85 feet east of the east line of S. Wabash Ave.; a line 69.57 feet north of the north line of E. 14<sup>th</sup> St.; S. Wabash Ave.; a line 173 feet north of the north line of E. 14<sup>th</sup> St.; a line 52 feet west of the west line of S. Wabash Ave.; a line 25 feet north of the north line of E. 14<sup>th</sup> St.; a line 145.87 feet west of the west line of S. Wabash Ave.; a line 50 feet north of the north line of E. 14<sup>th</sup> St.; a line 135.87 feet west of the west line of S. Wabash Ave.; a line 189.89 feet north of north line of E. 14<sup>th</sup> St.; a line 145.96 feet west of the west line of S. Wabash Ave.; a line 394.07 feet north of the north line of E. 14<sup>th</sup> St.; and S. Wabash Ave.

to those of Residential-Business Planned Development No. 1029, as amended.

This ordinance takes effect after its passage and due publication.

Common Address of Property: 1333 S. Wabash Ave., 1345 S. Wabash Ave. and

1328 S. Wabash Ave.

Address Range: 1327 to 1351 S. Wabash Ave., 1318 to 1336 S. Wabash Ave.

## RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1029, AS AMENDED **BULK REGULATIONS AND DATA TABLE**

#### **GROSS SITE AREA:**

Subarea A 42,306 sf Subarea B 16,794 sf Subarea C 55,799 sf

Total: 114,899 sf

#### AREA in the Public R-o-W

Subarea A 9,580 sf

Subarea B 3,785 sf

Subarea C 11,054 sf

Total: 24,419 sf

Subarea A 32,726 sf Subarea B 13,009 sf

Subarea C 44,745 sf

Total: 90,480

#### MAXIMUM PERMITTED FAR1:

Subarea A 7.0 + 2.755 = 9.755 (increased only upon

execution of Covenant A and delivery to the

Department)

Subarea B 7.0 + 4.319 = 11.319 (increased only upon

execution of Covenant B and delivery to the

Department)

Applicant: Address:

1333 S. Wabash, LLC 1333 South Wabash Avenue February 13, 2013

September 19, 2013

Introduced: Plan Commission:

<sup>&</sup>lt;sup>1</sup> Maximum FAR for each Subarea is calculated using the net site area of such Subarea. The total blended FAR for the Planned Development shall not exceed 7.0 unless bonuses are secured via an amendment and City Council approval. Covenants A + B are private agreements between the Applicant, owners of Subarea A+B and the owners (s) of Subarea C.

Subarea C

7.0; decreased by 2.015 upon execution of Covenant A and delivery to the Department; decreased by an additional 1.256 upon execution of Covenant B and delivery to the Department.

# MAXIMUM NUMBER OF DWELLING UNITS:

Subarea A Subarea B Subarea C

307 144 85

MINIMUM NUMBER OF OFF STREET PARKING SPACES:

Subarea A213Subarea B78Subarea C100

MINIMUM NUMBER OF OFF STREET LOADING BERTHS:

Subarea A2 10 x 25Subarea B1 10 x 25Subarea C1 (existing)

**SETBACKS FROM THE PROPERTY LINE:** 

Subarea A In accordance with the site plan.
Subarea B In accordance with the site plan.
Subarea C In accordance with the site plan.

**MAXIMUM SITE COVERAGE:** 

Subarea A 100% Subarea B 100%

Subarea C In accordance with the site plan.

**MAXIMUM BUILDING HEIGHT**:

Subarea A290 feetSubarea B170 feetSubarea C150 feet

Applicant: Address: Introduced:

Plan Commission:

1333 S. Wabash, LLC 1333 South Wabash Avenue February 13, 2013 September 19, 2013

#### RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1029, AS AMENDED

#### PLANNED DEVELOPMENT STATEMENTS

- 1. The area delineated herein as Residential-Business Planned Development Number 1029, as amended (the "Planned Development") consists of a net site area of approximately 90,480 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property"). The portion of the Property commonly known as 1333 South Wabash Avenue is owned by the Applicant. The portion of the Property commonly known as 1345 South Wabash Avenue is owned by 1345 S. Wabash THC, LLC. The portion of the Property commonly known as 1328 South Wabash Avenue is administered by and through The Filmworks Lofts Condominium Association on behalf of the condominium unit owners (the "Association"). Applicant makes this application with the consent of 1345 S. Wabash THC, LLC and the Association.
- 2. The requirements, obligations and conditions contained within this Planned Development pertaining to an individual Subarea shall be binding upon the title holder of such Subarea, its successors and assigns. All rights granted hereunder pertaining to an individual Subarea shall inure to the benefit of the titleholder of such subarea, its successors and assigns. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, the Property shall be under single ownership or under single designated control. Single designated control for purposes of this Statement shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessees of the Property, subject however to the following exceptions and conditions: (a) any changes or modifications to this Planned Development applicable to or in a given Subarea need only be made or authorized by the owners and/or any ground lessees of such Subarea provided there is no adverse effect (i.e., a diminution of development rights) on other Subareas; and (b) where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property so transferred, the term Applicant shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder with respect to the portion of the Property so transferred.

Applicant: Address: 1333 S. Wabash, LLC

1328, 1333 and 1345 South Wabash Avenue

Introduced: Plan Commission:

3. All applicable official reviews, approvals or permits are required to be obtained by the owner of the Property, or its successors, assigns or grantees, which require such reviews, approvals or permits. 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 Property owner, its successors, assign or grantees, seeking such action.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans, as defined below.

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Departments of Housing and Economic 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 19 Statements; a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Subarea Map; Site Plan (Subarea A); a Site Plan (Subarea B); a Site Plan (Subarea C); a Landscape Plan (Subarea A); a Landscape Plan (Subarea B); a Green Roof Plan (Subarea A); a Green Roof Plan (Subarea B); Building Elevations (North, South, East and West)(Subarea A); Building Elevations (North, South, East and West)(Subarea B); and Building Elevations (North, South, East and West)(Subarea C). Full-sized copies of the Site Plan (Subarea A); a Site Plan (Subarea B); a Site Plan (Subarea C); a Landscape Plan (Subarea A); a Landscape Plan (Subarea B); a Green Roof Plan (Subarea A); a Green Roof Plan (Subarea B); Building Elevations (North, South, East and West)(Subarea A); Building Elevations (North, South, East and West)(Subarea B); Building Elevations (North, South, East and West)(Subarea C) (collectively, the "Plans"), all dated September 19, 2013, are on file with the Department of Housing and Economic Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the 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 areas delineated as Subarea A, Subarea B and Subarea C of Residential-Business Planned Development No. 1029, as amended: Multiunit residential, all permitted uses in the DX Zoning District under the Public and Civic Use Category, all permitted uses in the DX Zoning District under the Commercial Use

Applicant:

1333 S. Wabash, LLC

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1328, 1333 and 1345 South Wabash Avenue

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Category, accessory parking, accessory uses, apiaries, and co-located wireless communication facilities.

- 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 Housing and Economic 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 90,480 square feet.
- 9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by the Department of Housing and Economic 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. Final landscape plan review and approval will be by the Department of Housing and Economic 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, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
- 12. Subject to the provisions of Statement No. 2 of this Planned Development, the terms and conditions of development under this Planned Development ordinance may be modified administratively pursuant to section 17-13-0611-A of the Zoning Ordinance 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 and agrees that the rezoning of the Property from DX-7 Downtown Mixed Use District to Residential-Business Planned Development No. 1029, as amended, for construction of a residential project triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance"). Any developer

Applicant: Address: 1333 S. Wabash, LLC

ddress: 1328, 1333 and 1345 South Wabash Avenue

Introduced: Plan Commission:

of a "residential housing project" within the meaning of the Affordable Housing Ordinance in Subarea A and Subarea B must: (i) develop affordable housing units as part of the residential housing project in Subarea B; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as Exhibit A, the Applicant has agreed to provide 11 affordable units in Subarea B at 100% AMI affordable housing units in the Residential Project for households earning up to 100% AMI of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units") or make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per required Affordable Unit ("Cash Payment"). At the time of each Part II review for the Residential Project, Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Housing and Economic Development for review and approval. If the Applicant subsequently reduces the number of dwelling units in the residential project, the Department of Housing and Economic Development may adjust the requirements of this Statement 13 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending this Planned Development. Prior to the issuance of any building permits for the residential housing project within Subarea B, including, without limitation, excavation or foundation permits, the Applicant must either make the required cash payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2), with respect to such Subarea. 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 Residential Project in Subarea B and will constitute a lien against each Affordable Unit. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. If the Applicant initially sells a housing unit required to be affordable at a price that renders the housing unit not affordable, or to a household that does not meet the eligibility criteria, the Applicant shall make a Cash Payment for each such affordable housing unit in accordance with Section 2-45-110(i)(2)(i) and the Affordable Housing Agreement. The Commissioner of Housing and Economic Development may enforce remedies for breach of the 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 ordinance.

14. 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 new buildings and improvements on the Property constructed after the date hereof 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.

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- 15. 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. In furtherance of this policy, improvements within Subarea A and Subarea B shall include the following sustainable features: (A) 50% Green Roof and (B) LEED certified.
- 16. The Applicant acknowledges that it is in the public interest to ensure that adequate open space and recreational facilities are provided to serve new residential developments. As stated in the Open Space Impact Fee Ordinance Section 16-18-080 of the Municipal Code of Chicago, in the case of larger developments which are processed as Planned Developments, developers are encouraged to provide open space and recreational facilities on-site to serve new residents instead of paying open space impact fees. DHED may approve a credit for such on-site facilities and open space at any time prior to Part II approval for a particular subarea provide that such facilities and/or open space meet the criteria for such credit.

All open spaces developed for use by the public must be in compliance with the Open Space Impact Fee Administrative Regulations and Procedures promulgated by the Commissioner of the Department of Housing and Economic Development, pursuant to Section 16-18-110.

Any open space to be dedicated to the Chicago Park District must meet Chicago Park District standards and, where applicable, the park must be designed and constructed to Chicago Park District standards. Any conveyance of open space to the Chicago Park District, measuring two or more acres, shall be approved by the Chicago Park District. A Board issued resolution must be provided to the Department of Housing and Economic Development prior to the issuance of any Part II approval. Any conveyance of open space to the Chicago Park District, measuring less than two acres, shall be formalized in a contract that shall be provided to the Department of Housing and Economic Development prior to the issuance of any Part II approval.

The Applicant acknowledges that the Planned Development includes a building commonly known as Filmworks Lofts and identified on the National Register of Historic Places as the Coca Cola Building as potentially significant in the Chicago Historic Resources Survey. Pursuant to the Zoning Ordinance, Section 17-8-0911 and Section 13-32-230 of the Municipal Code, the Applicant acknowledges that planned developments should give priority to the adaptive reuse of historic buildings which have been designated as a "Chicago Landmark" or color-coded red or orange in the Chicago Historic Resources Survey. It shall be the responsibility of the owners of Subarea C to retain and preserve the character-defining features of the building, which include the Wabash Avenue street façade. In general, the original features and materials of the street façade should be retained and preserved as much as reasonably possible, while any changes should be compatible with the building's historic character. Such work to the character-defining features shall be subject to the review and approval of the Department of Housing and Economic Development as a part of the Part II Review.

Applicant: Address: 1333 S. Wabash, LLC

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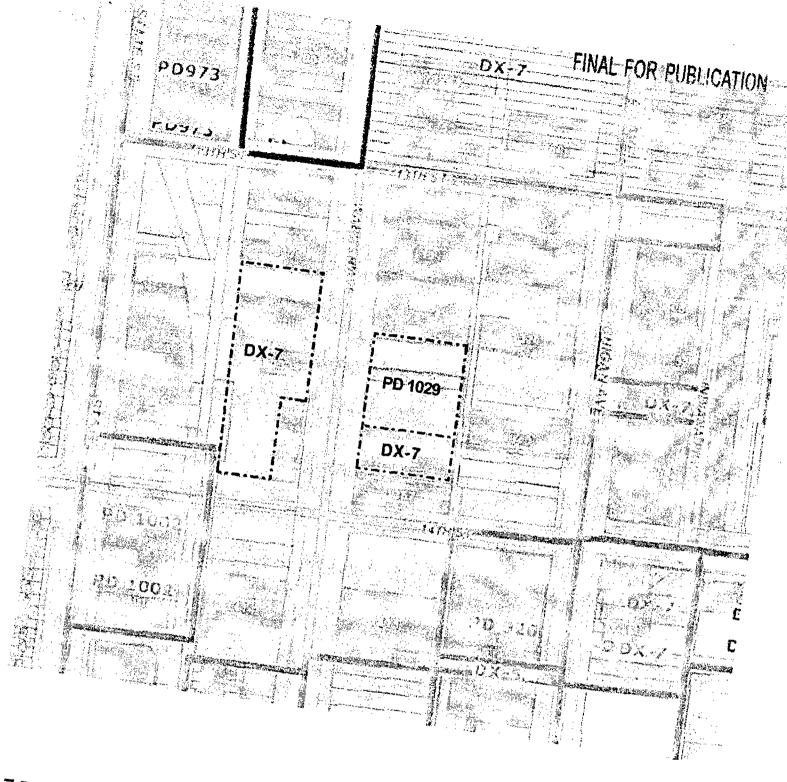
Introduced: Plan Commission:

- 18. In order to develop the proposed improvements in Subarea A and Subarea B, the Applicant has contracted to acquire unused FAR and square footage (for minimum lot area purposes) from Subarea C (the "Development Rights"). Because the Applicant has not acquired the Development Rights at the time of the approval of this Planned Development, each subarea will have an initial FAR of 7.0. At the time the Applicant acquires certain portions of the Development Rights to construct the improvements on Subarea A, the maximum permitted FAR for Subarea A shall, without amendment to this Planned Development, increase by 90,160 square feet (or 2.755 using the net site area of Subarea A), the maximum number of permitted dwelling units for Subarea A shall increase by 81 dwelling units, the maximum permitted FAR for Subarea C shall decrease by 90,160 square feet (or 2.015 using the net site area of Subarea C) and the maximum number of dwelling units for Subarea C shall decrease by 81 dwelling units, all as set forth in the Bulk Regulations and Data Table. Prior to Part II approval, Applicant shall deliver to the Department an executed and recorded Agreement of Covenants and Restrictions ("Covenant A") which shall set forth the amount of Development Rights acquired for the benefit of Subarea A. Delivery of Covenant A shall cause corresponding increases and decreases in FAR and permitted dwelling units in Subarea A and Subarea C. At the time the Applicant acquires certain portions of the Development Rights to construct the improvements on Subarea B, the maximum permitted FAR for Subarea B shall, without amendment to this Planned Development, increase by up to 56,186 square feet (or 4.319 using the net site area of Subarea B), the maximum number of permitted dwelling units for Subarea B shall increase by 54 dwelling units, the maximum permitted FAR for Subarea C shall decrease 56,186 square feet (or 1.256 using the net site area of Subarea C and the maximum number of dwelling units for Subarea C shall decrease by 54 dwelling units all as set forth in the Bulk Regulations and Data Table. Prior to Part II approval, Applicant shall deliver to the Department an executed and recorded Agreement of Covenants and Restrictions ("Covenant B") which shall set forth the amount of Development Rights acquired for the benefit of Subarea B. Delivery of Covenant B shall cause a corresponding increase and decrease in FAR and maximum permitted dwelling units Subarea B and Subarea C. The City of Chicago is not party to Covenant A or B and is not responsible for enforcing anything in said covenants other than the above provisions governing the transfer of floor area and dwelling units.
- 19. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of the Department of Housing and Economic Development shall initiate a Zoning Map Amendment to rezone the property to DX-7 Downtown Mixed-Use District.

Applicant: Address: 1333 S. Wabash, LLC

1328, 1333 and 1345 South Wabash Avenue

Introduced: Plan Commission:

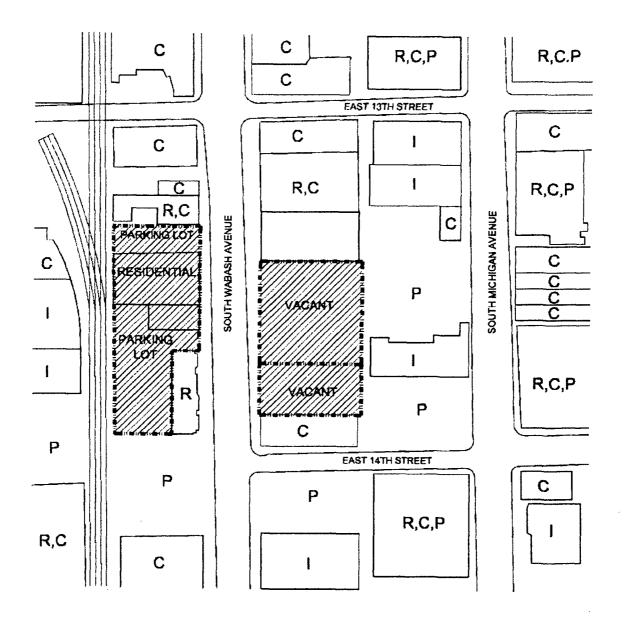


PROPERTY LINE

EXISTING ZONING MAP

NTS

Applicant: 1333 S. Wabash LLC ddress: 1328, 1333, 1345 S. Wabash Ave. troduced: March 13, 2013 an Commission: September 19, 2013



KEY
R RESIDENTIAL
I INSTITUTIONAL
C COMMERCIAL
P PARKING
O OFFICE
H HOTEL
PROPERTY LINE

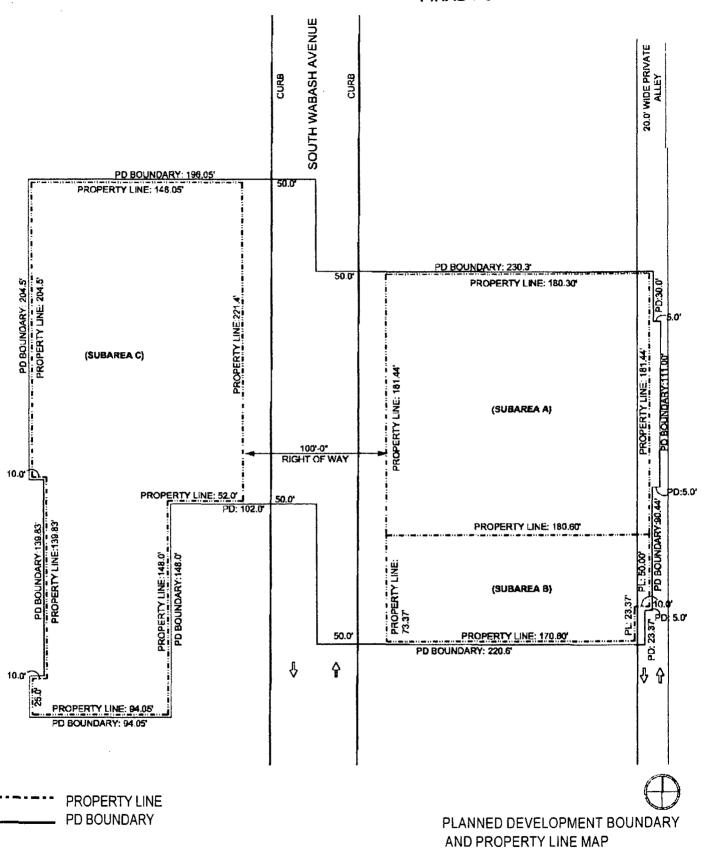
EXISTING LAND USE MAP
NTS

Applicant: 1333 S. Wabash LLC

Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013

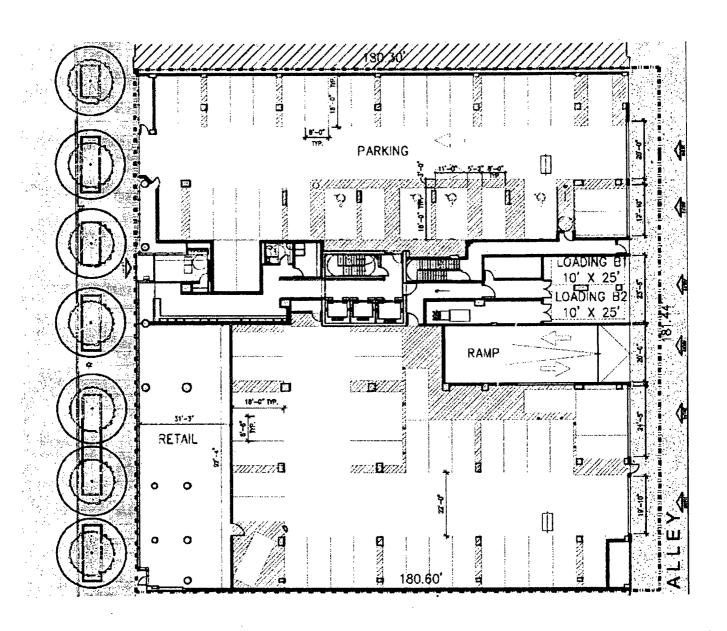


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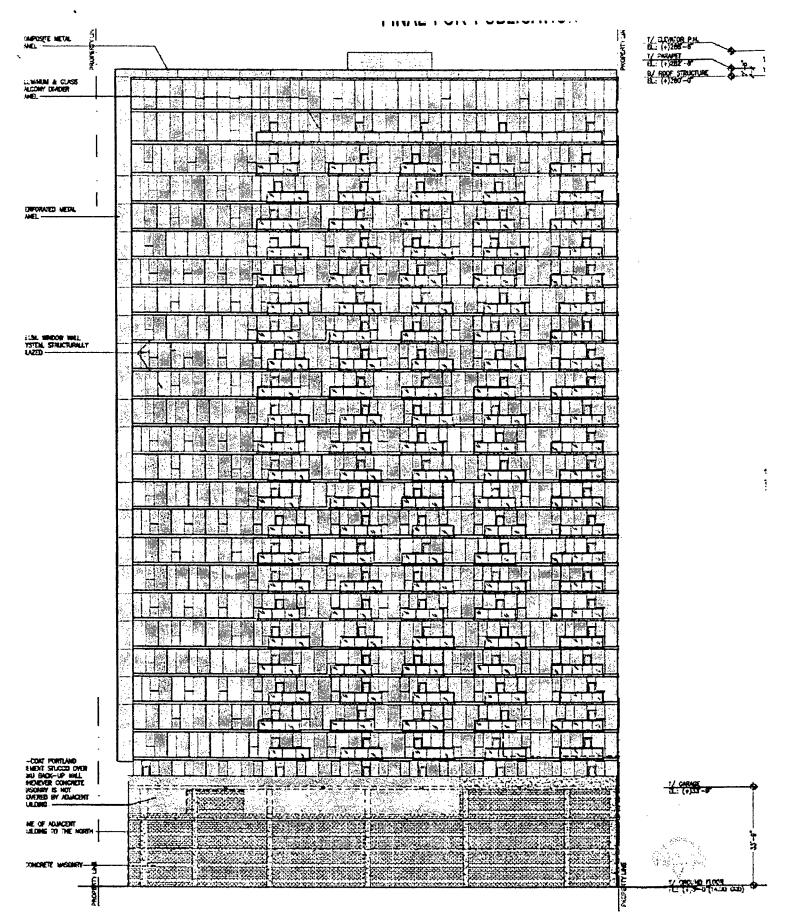




Address: 1328, 1333, 1345 S. Wabash Ave.

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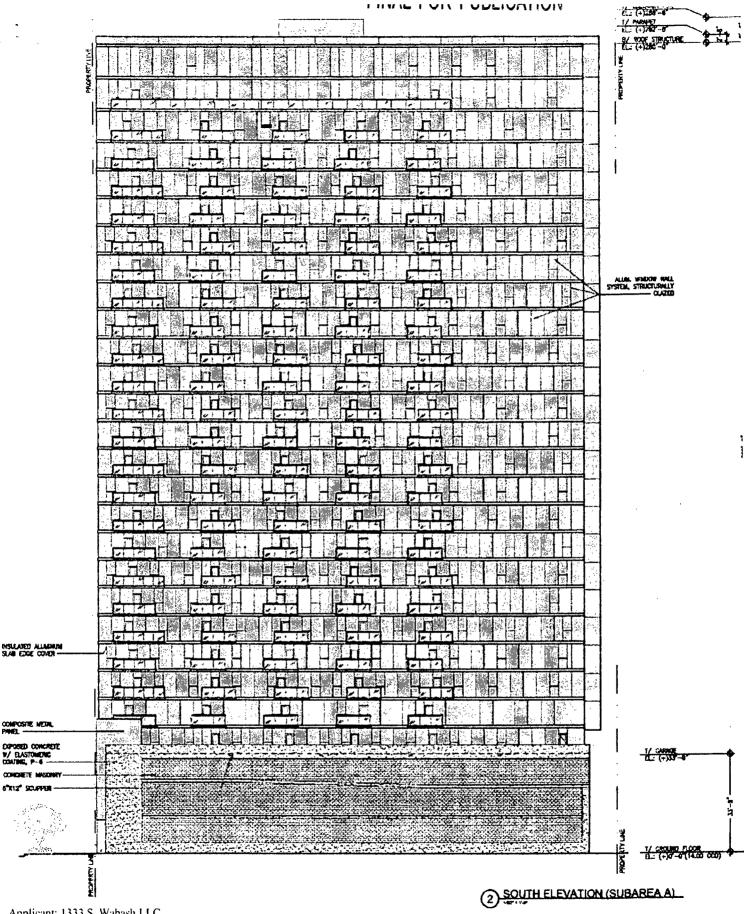


Address: 1328, 1333, 1345 S. Wabash Ave.

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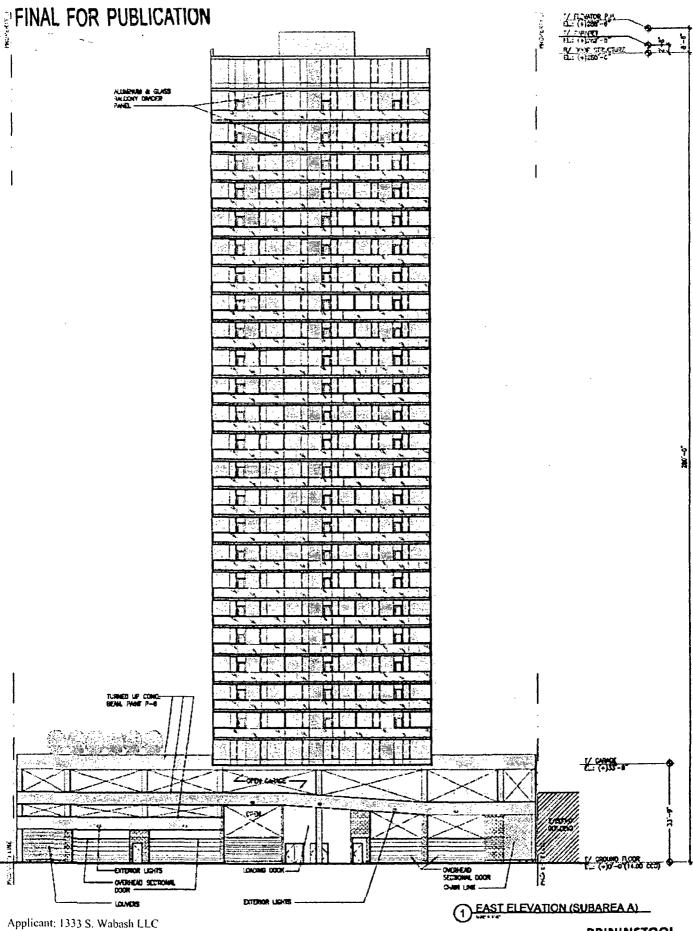
2 NORTH ELEVATION (SUBAREA A)



Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

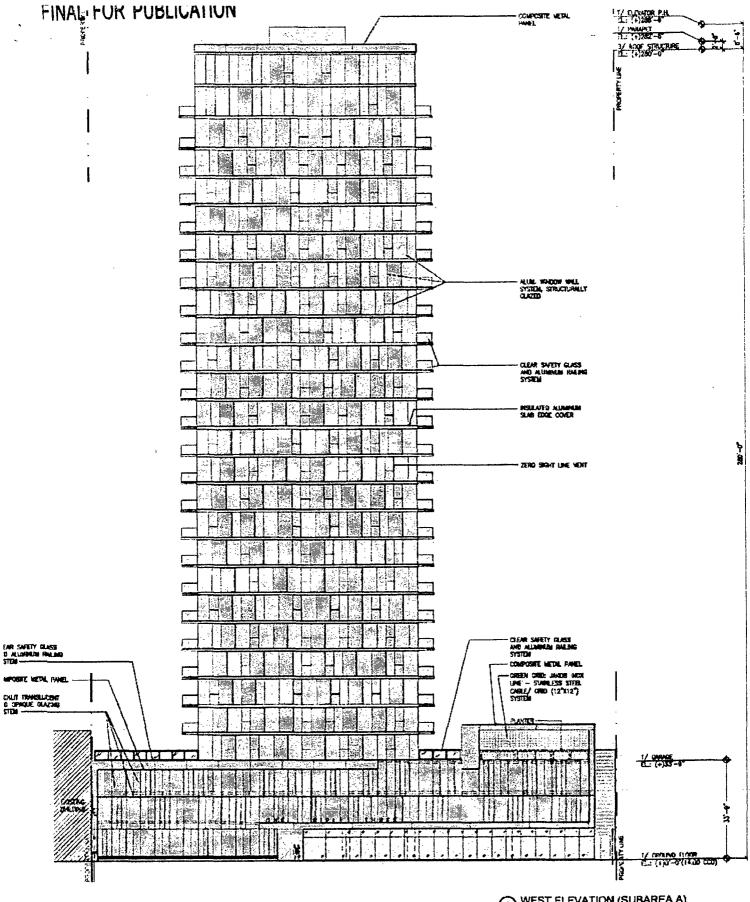
Plan Commission: September 19, 2013



Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013

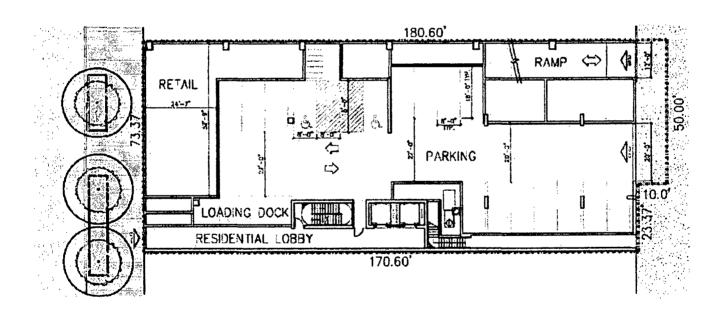


Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013

(1) WEST ELEVATION (SUBAREA A)



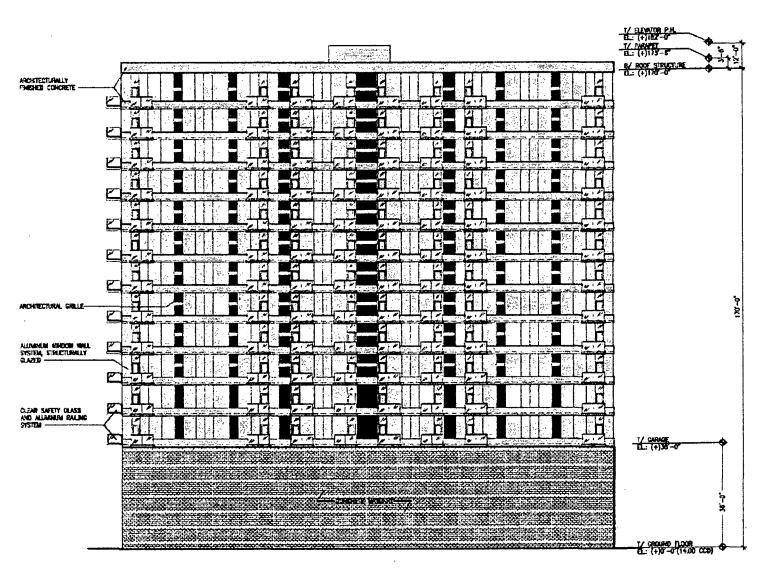
SITE PLAN (SUBAREA B)
1/32"=1'-0"

Applicant: 1333 S. Wabash LLC

Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013



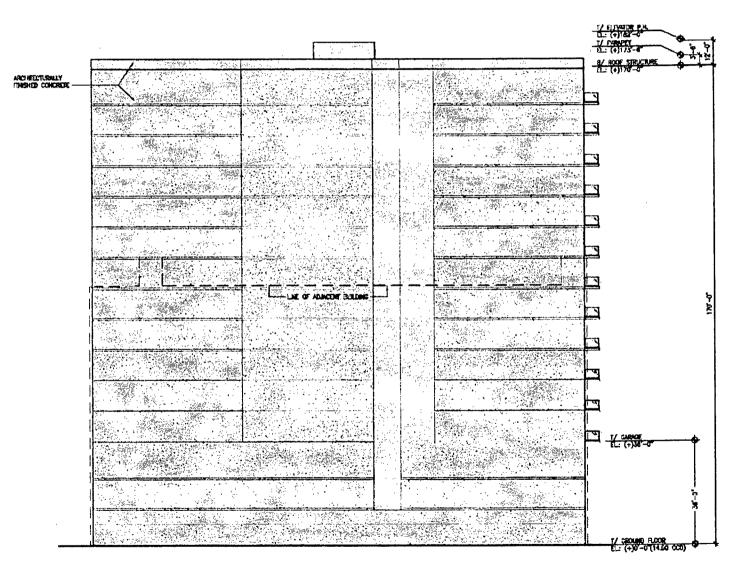
(2) NORTH ELEVATION (SUBAREA B)

Applicant: 1333 S. Wabash LLC

Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013



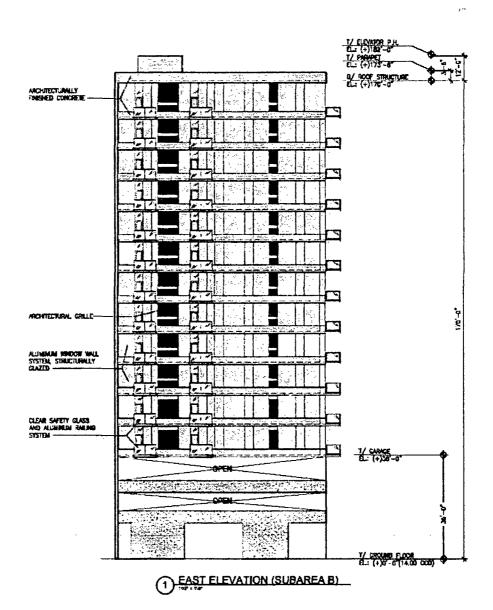
2 SOUTH ELEVATION (SUBAREA B)

Applicant: 1333 S. Wabash LLC

Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

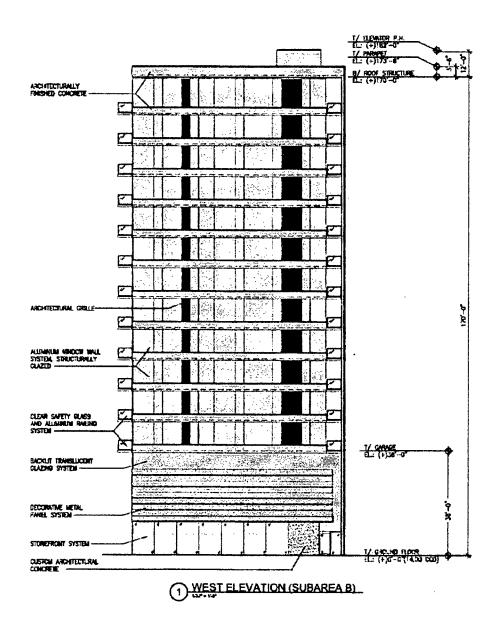
Plan Commission: September 19, 2013



Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

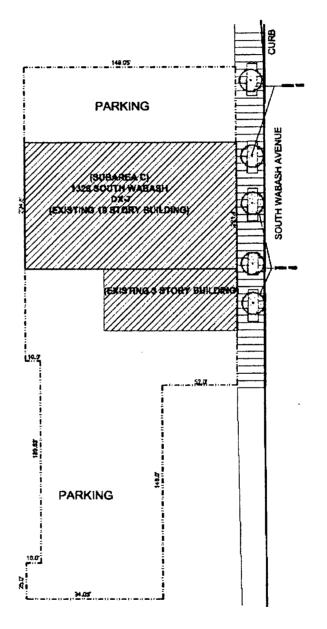
Plan Commission: September 19, 2013



Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013



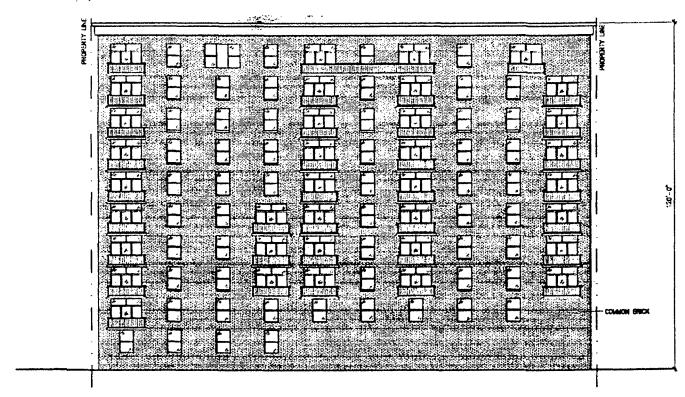
SITE PLAN (SUBAREA C) 1/64"=1'-0"

Applicant: 1333 S. Wabash LLC

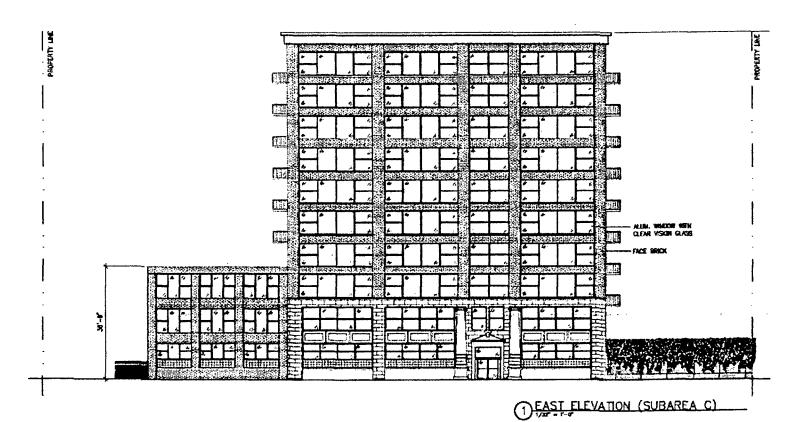
Address: 1328, 1333, 1345 S. Wabash Ave.

Introduced: March 13, 2013

Plan Commission: September 19, 2013



2 NORTH FLEVATION (SUBAREA C)



Applicant: 1333 S. Wabash LLC

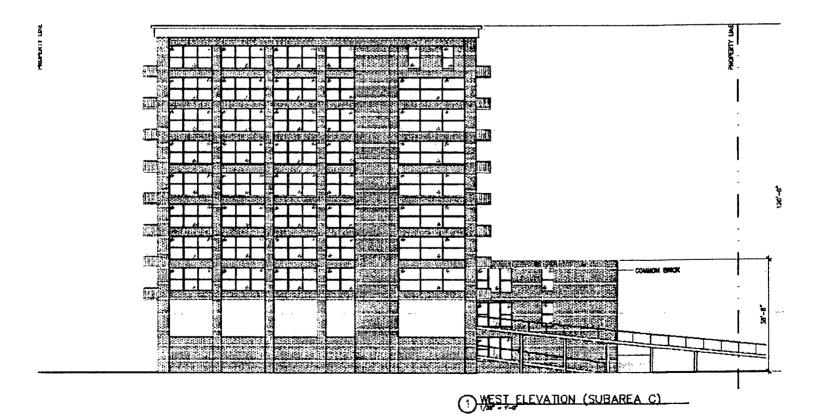
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2 SOUTH ELEVATION (SUBAREA C)



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