



City of Chicago



O2022-2046

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/19/2022
Sponsor(s):	Dept./Agency
Type:	Ordinance
Title:	Amendment of ordinance (SO2022-1111) regarding Zoning Reclassification Map No. 16-D at 835-861 E 63rd St/6301- 6325 S Maryland Ave - App No. 20992
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

July 19, 2022

TO THE HONORABLE, THE CHAIRMAN AND
MEMBERS OF THE CITY COUNCIL COMMITTEE ON
ZONING, LANDMARKS AND BUILDING STANDARDS

Ladies and Gentlemen:

I transmit herewith an ordinance that corrects SO2022-1111 passed by the Committee on June 21, 2022, for application #20992, and passed by the City Council on June 22, 2022, by replacing pages that contain inaccurate information.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Maurice D. Cox,
Planning and Development Commissioner

ORDINANCE

WHEREAS, At the meeting of the City Council of the City of Chicago ("City Council") held on April 27, 2022, an ordinance was introduced at the request of the Commissioner of the Department of Planning and Development that sought to amend Planned Development #1518 for the redevelopment of a vacant site at 835-61 E. 63rd St./ 6301-25 S. Maryland Avenue [O2022-1111] (the "Ordinance"). The Ordinance was referred to the Committee on Zoning, Landmarks and Building Standards (the "Committee"); and

WHEREAS, Pursuant to Section 17-13-0600 of the Municipal Code of Chicago, any amendments to planned developments must be reviewed by the Chicago Plan Commission before they are voted on by the Committee; and

WHEREAS, On June 16, 2022, the Chicago Plan Commission recommended approval of the proposed Ordinance to Planned Development No. 1518 submitted by the applicant 63rd Maryland, LLC for property located at 835-61 E. 63rd St./6391-25 S. Maryland Ave.; and

WHEREAS, The documentation supporting the proposed Ordinance recommended for approval by the Chicago Planning Commission is attached and incorporated into this Ordinance as Exhibit A; and

WHEREAS, due to an administrative error, an older, incorrect version of the supporting documents was transmitted to the Committee, rather than the correct documents, which are contained in Exhibit A; and

WHEREAS, On June 20, 2022, the Committee held a hearing on the Ordinance, during which a Substitute Ordinance [SO2022-1111], which still contained several erroneous pages, was introduced to correct an error in the boundary description, and then voted in favor of passage of the Substitute Ordinance; and

WHEREAS, On June 22, 2022, The City Council voted on and passed the Substitute Ordinance containing the erroneously transmitted pages; and

WHEREAS, It is necessary to correct the above-described errors, to ensure that the Planned Development is correctly amended and the versions reviewed by the Chicago Plan Commission and the Committee are in alignment; now, therefore,

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

SECTION 1. SO2022-1111 is hereby amended by replacing all of the pages under the heading "STANDARD PLANNED DEVELOPMENT STATEMENTS" and the page under the heading "RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1518, AS AMENDED BULK REGULATIONS AND DATA TABLE" with the documents contained in Exhibit A.

SECTION 2. This ordinance shall be effective upon passage and approval.

Exhibit A

SUBSTITUTE ORDINANCE

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

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance be amended by changing all of the Residential-Business Planned Development Number 1518 symbols and indications as shown on Map. No. 16-D in the area bounded by

East 63rd Street; a line 192.43 feet east of and parallel to South Maryland Avenue; a line 103.25 feet south of and parallel to East 63rd Street; a line 180.43 feet east of and parallel to South Maryland Avenue; a line extending southwesterly from a point 125.57 feet south of East 63rd Street and 180.43 feet east of South Maryland Avenue to a point 129.63 feet north of East 63rd Place and 163.60 feet east of South Maryland Avenue; a line 129.63 feet north of and parallel to East 63rd Place; a line 140.84 feet east of and parallel to South Maryland Avenue; East 63rd Place; and South Maryland Avenue,

to the designation of Residential Business Planned Development Number 1518, as amended, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development attached and made a part thereto and to no others.

SECTION 2. This ordinance shall be in force and effect from and after its passage and approval.

Common address of property: 835-61 E. 63rd St./ 6301-25 S. Maryland Ave.

STANDARD PLANNED DEVELOPMENT STATEMENTS

The Planned Development Statements describe the legal regulations and conditions that will control the development of the proposed project. The following statements shall be included in the ordinance; any proposed changes to these statements must be discussed and reviewed with the Chicago Department of Planning and Development. Based on the scope of the project, additional statements (listed at the end of this document) may be required. The following statements must be included in the ordinance:

1. The area delineated herein as Planned Development Number 1518, as amended, consists of approximately 44,866 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, 63rd Maryland, 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, assignees or grantees.

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

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the 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.

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

- Full width of streets

Applicant:	63 rd Maryland, LLC
Address:	835-61 E. 63 rd St./6301-25 S. Maryland Ave.
Introduced:	May 26, 2021
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- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

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

4. This Plan of Development consists of twenty (20) Statements: a Bulk Regulations Table; an Existing Land Use Map; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; Floor Plans; a Roof Plan; and Building Elevations (North, South, East and West) prepared by Fitzgerald Architects and dated (date of Plan Commission presentation), 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. This Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Chicago Zoning Ordinance, this Planned Development shall control.
5. The following uses are permitted in the area delineated herein as a Planned Development 1518, as amended:

All residential uses (including accessory uses) allowed within the B3-3 District, Restaurant (General), Retail, Business Live/Work, Office and Accessory Parking.

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.

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7. For purposes of height measurement, the definitions in the Chicago Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted floor area ratio (FAR) for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a net site area of 44,866 square feet and a FAR of 1.74.
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 13-32-085, or any other provision of the Municipal Code of Chicago.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A, by the Zoning Administrator upon the application for such a modification by the Applicant; its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

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15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises (“M/WBEs”) and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process: First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant’s goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of (i) 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant’s proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant’s submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant’s preliminary outreach plan, (b) a description of the Applicant’s outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant’s outreach efforts, and (d) updates (if any) to the applicant’s M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.
16. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to B3-3 Community Shopping District.
17. The Applicant acknowledges and agrees that that the rezoning of the Property will maintain the Property’s existing B3-3 Community Shopping District as its underlying zoning district under its proposed Residential-Business Planned Development (PD). The proposed PD triggers the requirements of Section 2-45-1.15 of the Municipal Code of Chicago (Affordable Requirements Ordinance or ARO). Any developer of a “residential housing project” within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project (Required Units) as affordable units; (ii) pay a fee in lieu of the development of the Required Units; or, (iii) any combination of (i) and (ii); provided, however, that residential housing projects with 20 or more units must provide at least 25% of the Required

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Units on-site. The Property is located in a low-moderate income area, within the meaning of the ARO, and the project has a total of 58 units. As a result, the Applicant's affordable housing obligation is 6 affordable units (10% of 58 rounded up/down), 2 of which are Required Units (25% of 6, rounded up/down). The Applicant agrees that the affordable rental/for sale units must be affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago. If the Applicant subsequently reduces (or increases) the number of housing units in the PD, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and approval; DPD may adjust the number of required Affordable Units without amending the PD. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must make the required Cash Payment and/or execute and record an affordable housing agreement in accordance with Section 2-45-115(L). The terms of the affordable housing agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the PD, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner of DPD may enforce remedies for any breach of this Statement 17, 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 PD.

18. Notwithstanding the foregoing, the Applicant plans to apply for Low-Income Housing Tax Credits and other financial assistance whose affordability requirements exceed those of the Affordable Housing Ordinance from the City to develop affordable housing in any portion of the Planned Development (PD). Applicant's proposed PD includes a total of fifty-eight (58) housing units, of which forty-one (41) units will be affordable units. Of the forty-one (41) affordable units, a) nine (9) units must be affordable to households earning no more than 30% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago; b) nine (9) units must be affordable to households earning no more than 50% AMI; c) twenty-three (23) units must be affordable to households earning no more than 60% AMI for an overall total of forty-one (41) affordable units. The regulatory, redevelopment, loan or other agreement(s) to be executed by the City and the Applicant in connection with such tax credits or other financial assistance shall govern and control the Applicant's obligation to provide affordable housing for such subsidized portion of the PD.
19. Pursuant to a negotiated agreement with the City's Department of Planning and Development (DPD), the Applicant agrees to work on certain design revisions to the existing building, with the Planned Development, which would allow for the future review and approval of artistic paneling incorporated into the upper floor fenestration pattern. Final review and approval of this paneling design will be by the Department of Planning and Development (DPD).
20. 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,

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developers are encouraged to provide open space and recreational facilities on-site to serve new residents instead of paying open space impact fees.

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 Planning and Development (DPD), pursuant to Section 16-18-110.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT #1518, as amended
 BULK REGULATIONS AND DATA TABLE

Gross Site Area (sf):	66,546 sf
Area of Public Way (sf):	21,680 sf
Net Site Area (sf):	44,866 sf
Maximum Floor Area Ratio:	1.74
Allowed Uses:	All uses identified in Statement Number 5
No. of Residential Units:	56
No. of Live/Work Units:	2
Retail (sf):	3,500 sf
No. of Off-street Parking Spaces:	40 (total) <ul style="list-style-type: none"> • 32 (residential) • 8 (retail)
No. of Bicycle Parking Spaces	52 (total) <ul style="list-style-type: none"> • 50 (1st floor bike room) • 2 (exterior)
No. of Loading Berths:	One (1) 10' x 25' (residential) One (1) 10' x 25' (retail)
Maximum Building Height:	60 ft. as measured by 17-17-0311-A of the CZO
Setbacks from Property Line:	In accordance with Site Plan

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Planned Development No. 1518

EXISTING LAND USE / AERIAL MAP



LEGEND:

 PROPOSED PD BOUNDARY
 DENOTES # OF STORIES

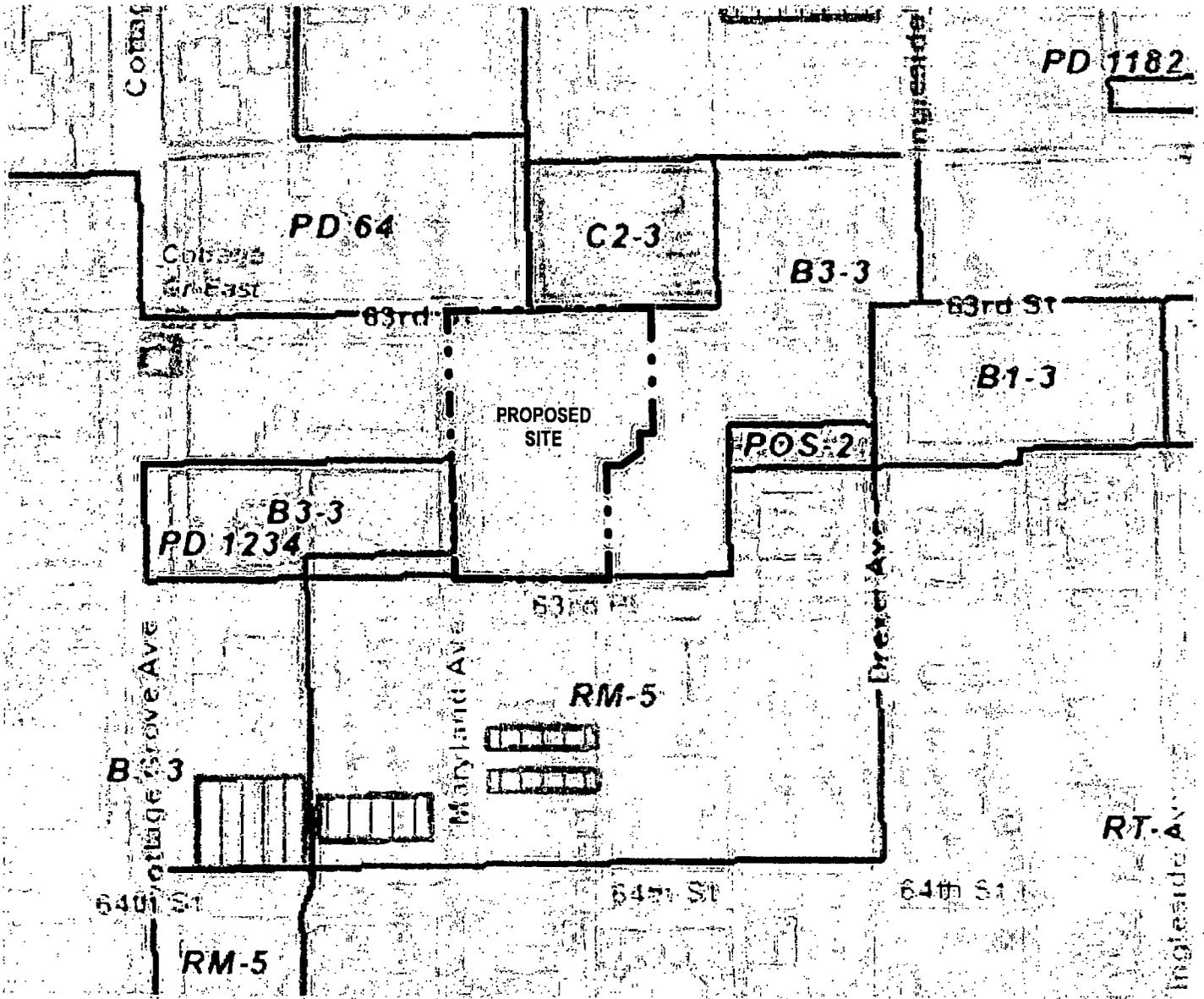
Applicant: 63rd Maryland LLC
 Address: 63rd Street and Maryland Ave.

Introduced: May 26, 2021
 CPC Date: August 26, 2021
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Planned Development No. 1518

EXISTING ZONING MAP



LEGEND:

 PROPOSED PD BOUNDARY

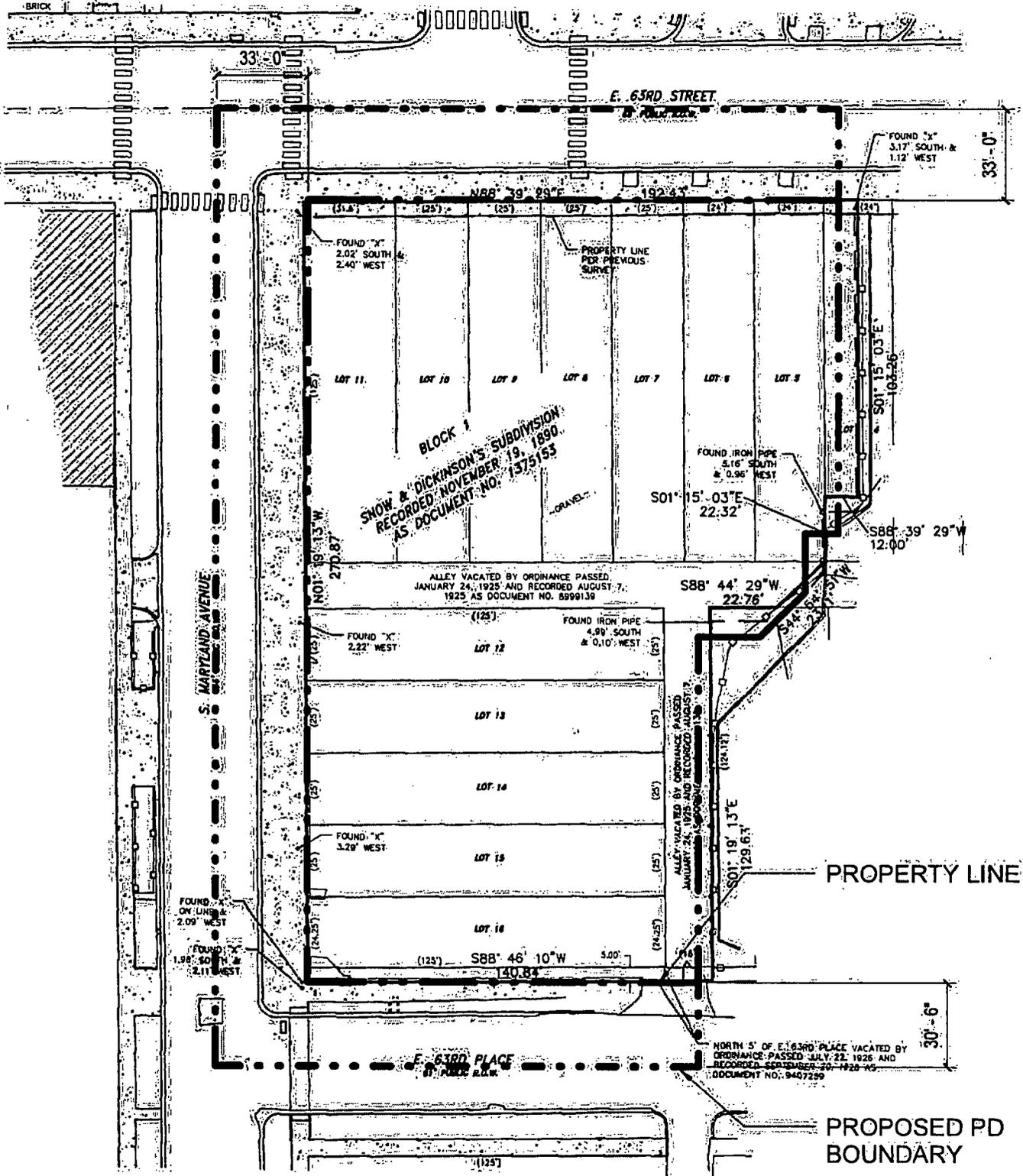
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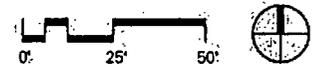
Planned Development No. 1518

PD PROPERTY LINE / BOUNDARY MAP



Applicant: 63rd Maryland LLC
 Address: 63rd Street and Maryland Ave.

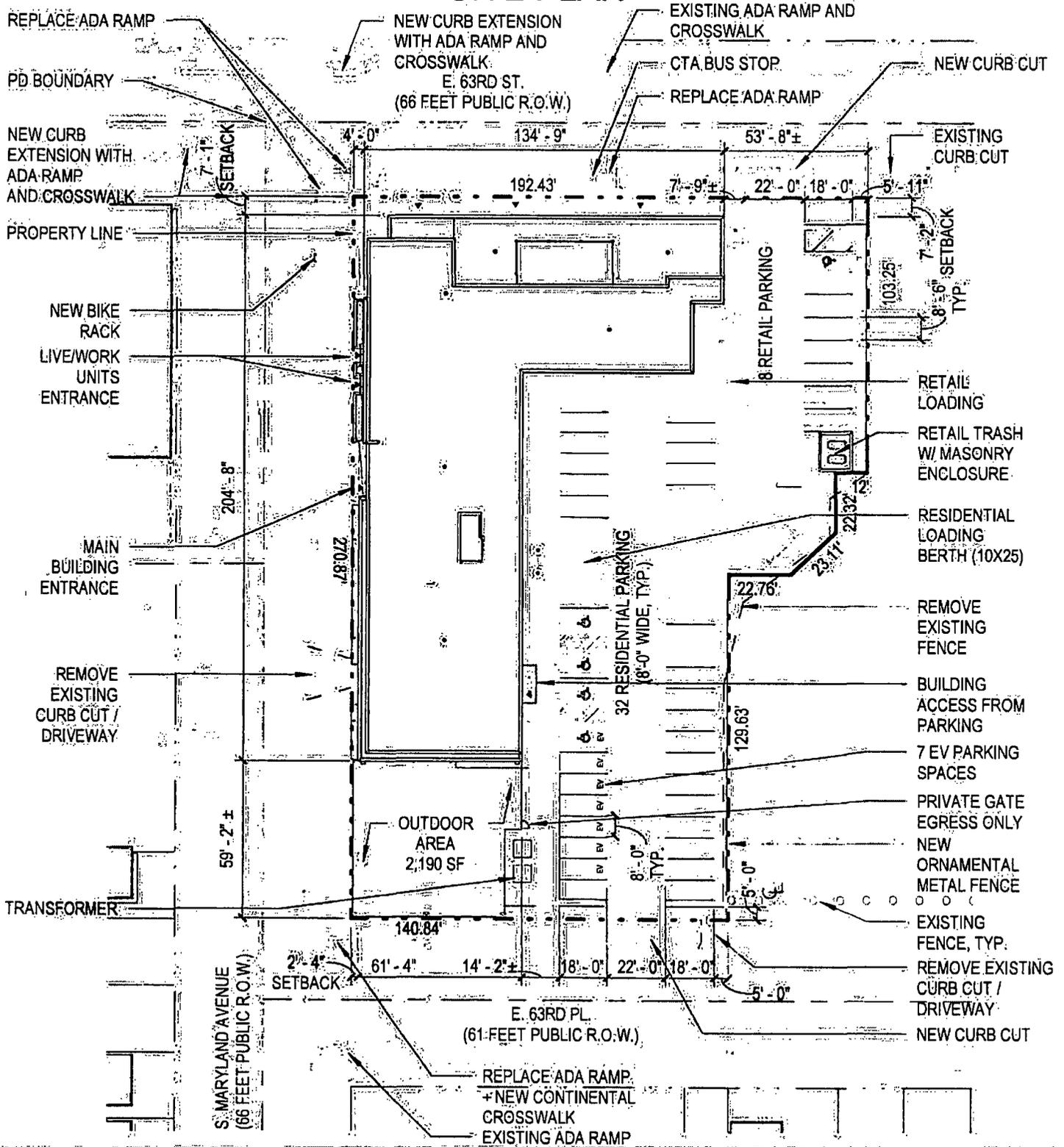
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PD-03

Planned Development No. 1518

SITE PLAN



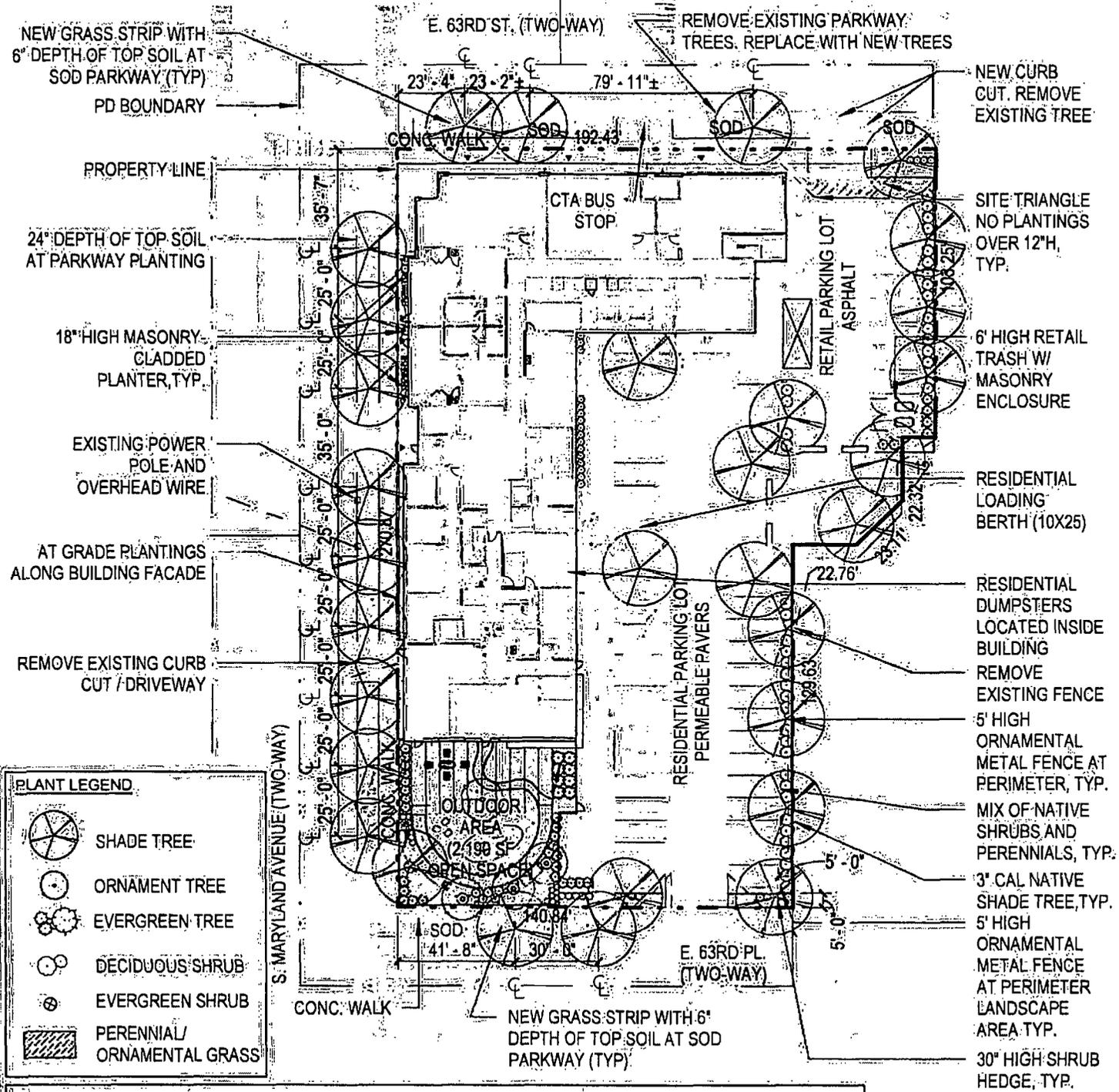
Applicant: 63rd Maryland LLC
 Address: 63rd Street and Maryland Ave.

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Planned Development No. 1518

LANDSCAPE PLAN



Applicant: 63rd Maryland LLC
Address: 63rd Street and Maryland Ave.



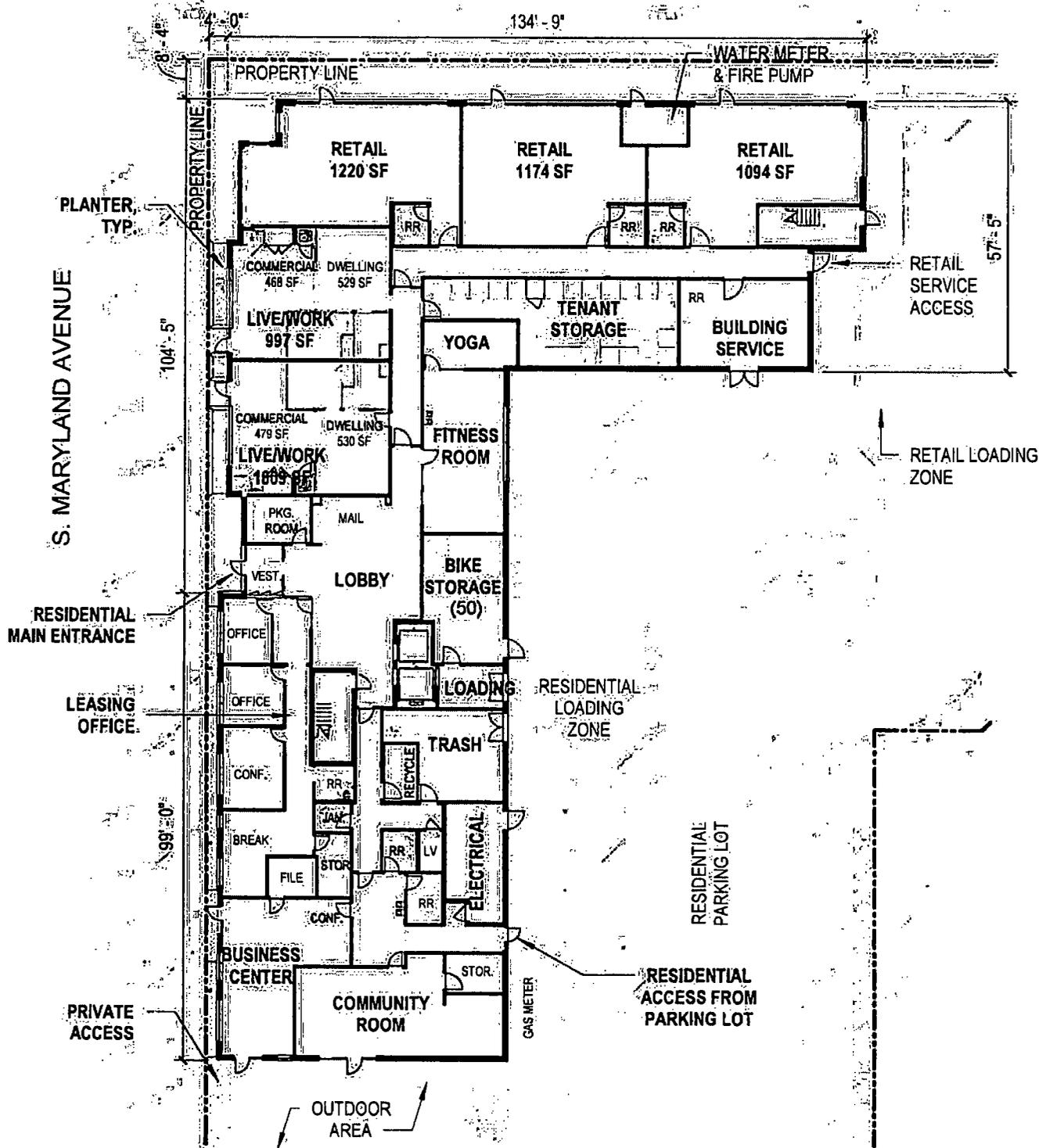
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PD-05

Planned Development No. 1518

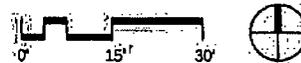
GROUND FLOOR PLAN

E. 63RD ST.



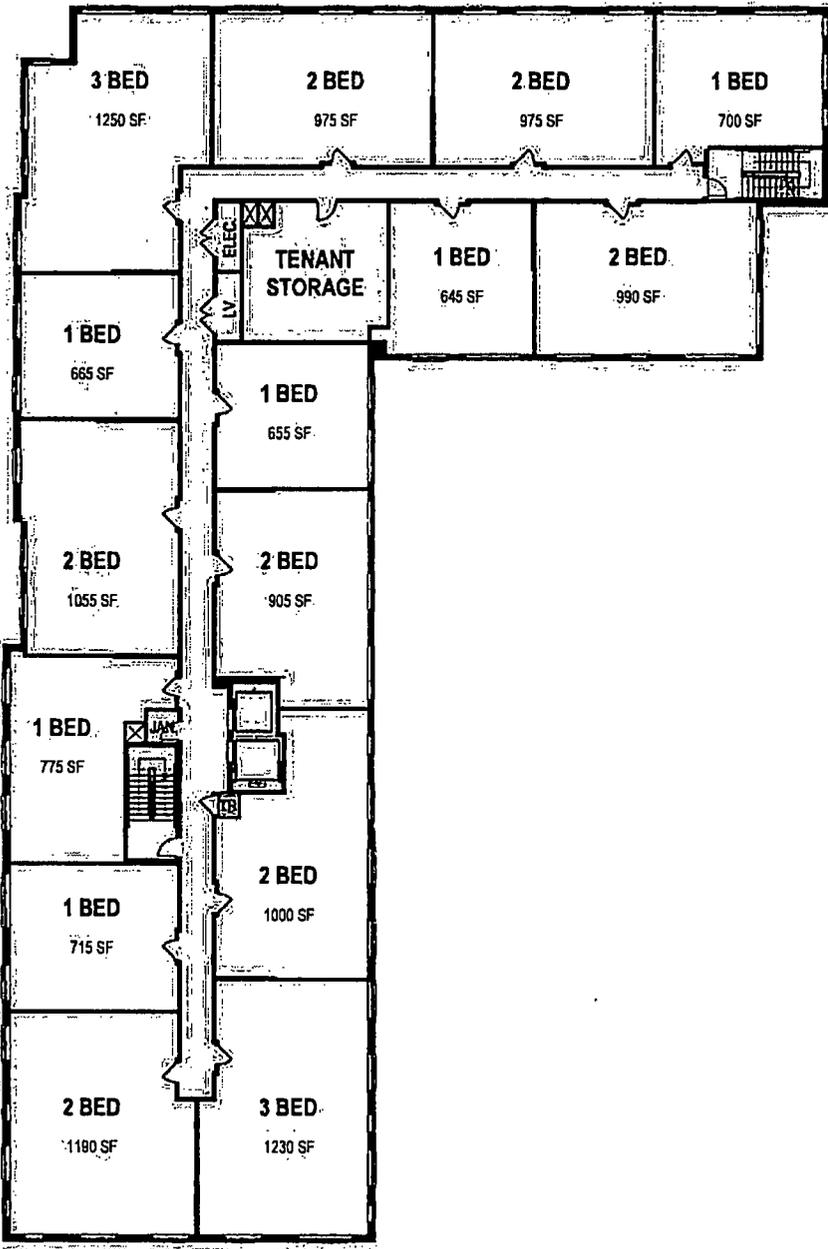
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Planned Development No. 1518

TYPICAL LEVELS 2-4 PLAN



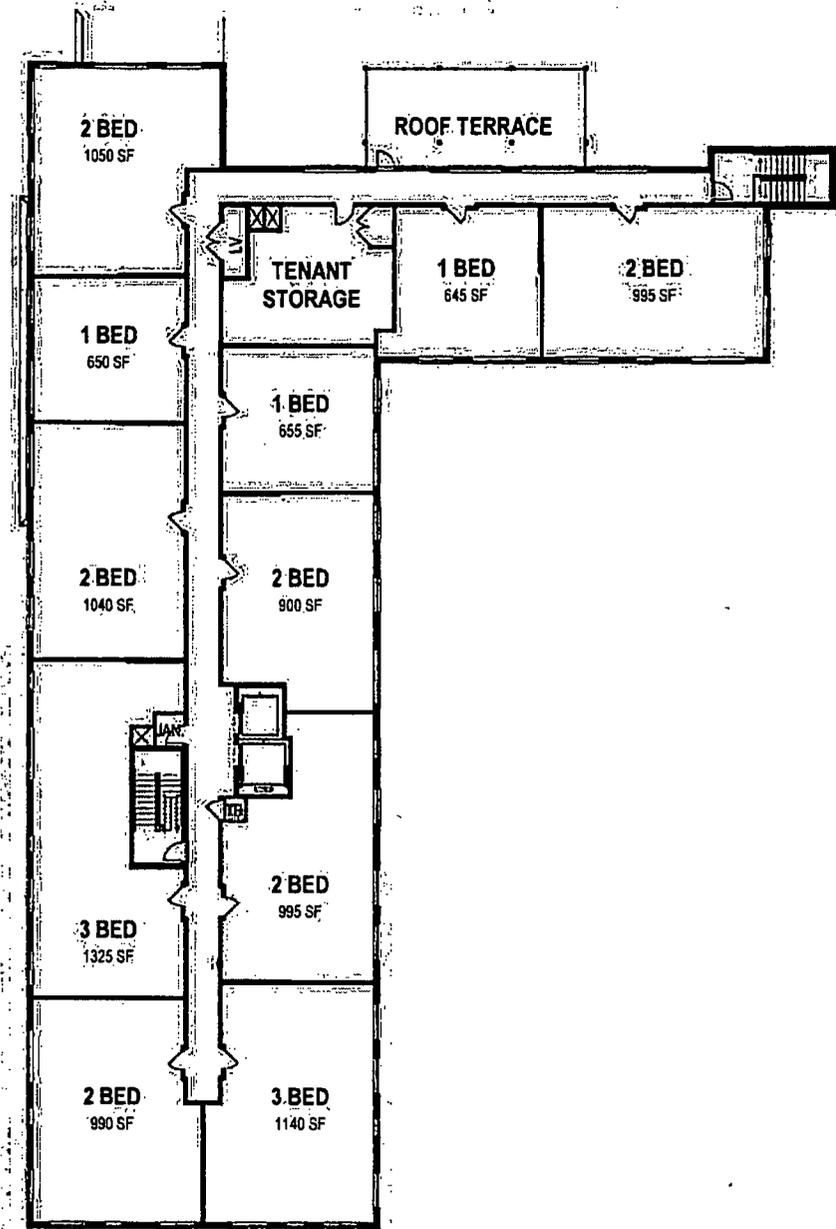
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Address: 63rd Street and Maryland Ave.

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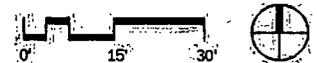


Planned Development No. 1518

LEVEL 5 PLAN



Applicant: 63rd Maryland LLC
Address: 63rd Street and Maryland Ave.

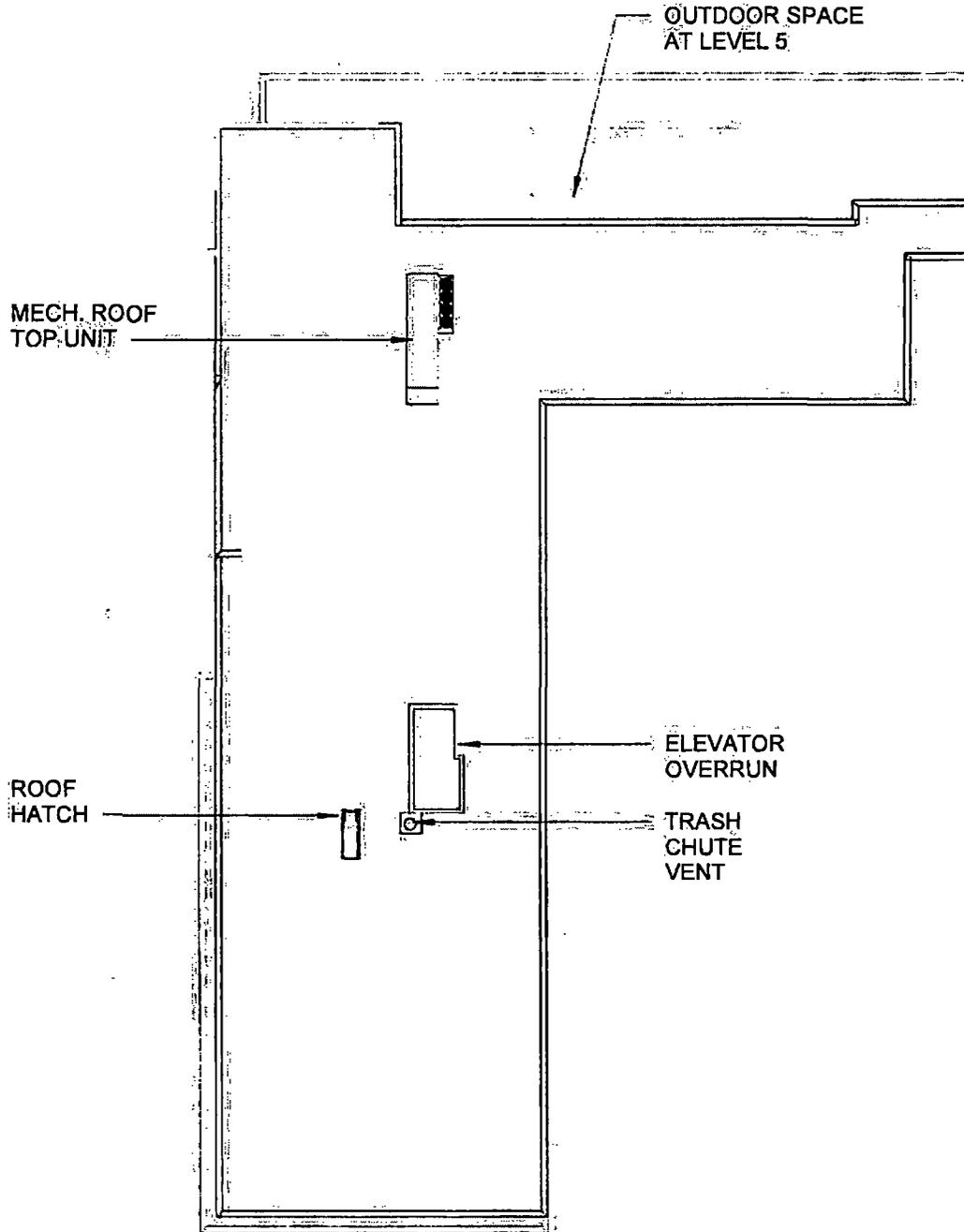


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PD-08

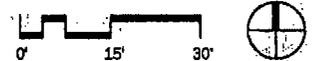
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ROOF PLAN



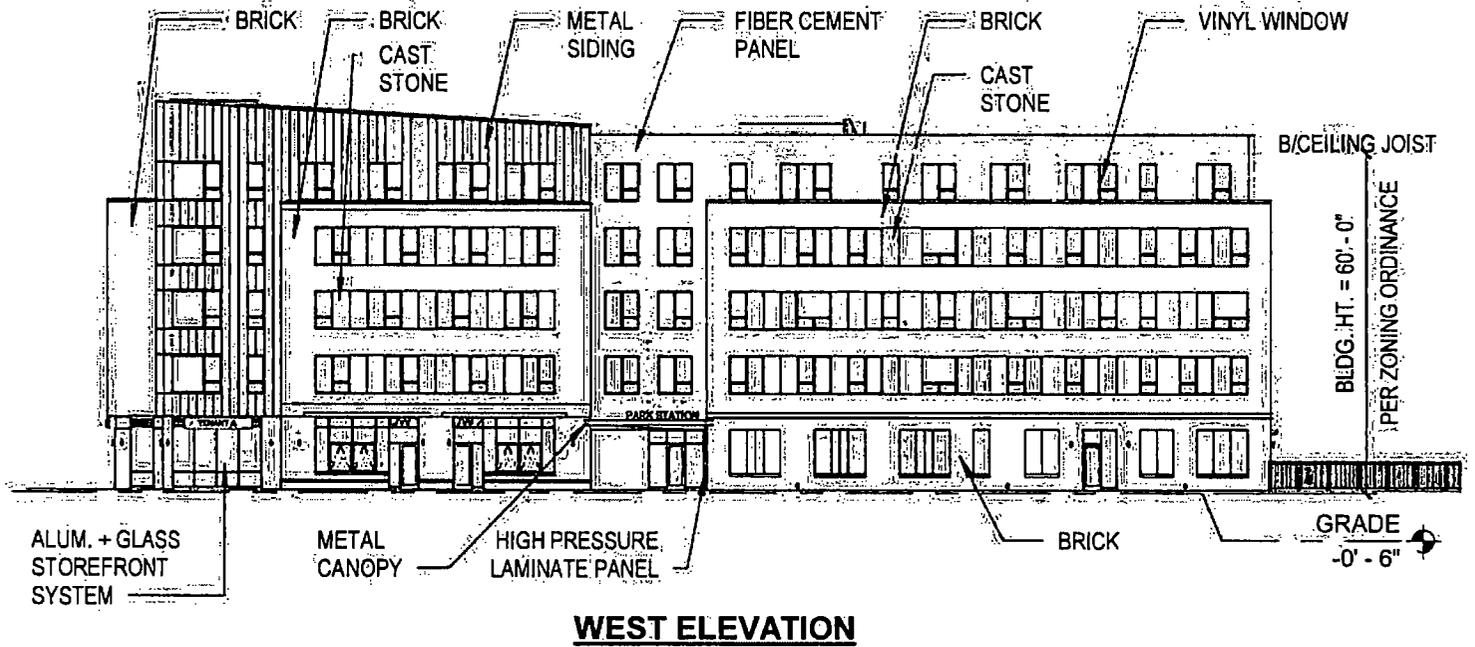
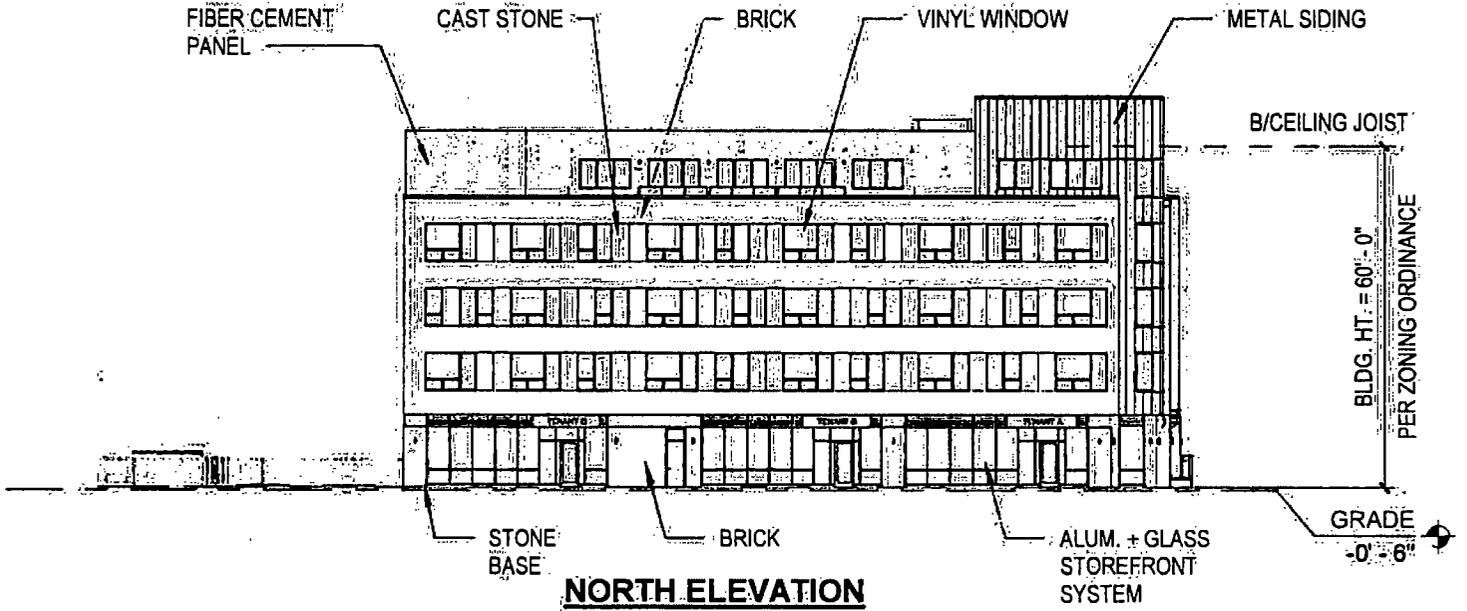
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Planned Development No. 1518

NORTH AND WEST ELEVATIONS



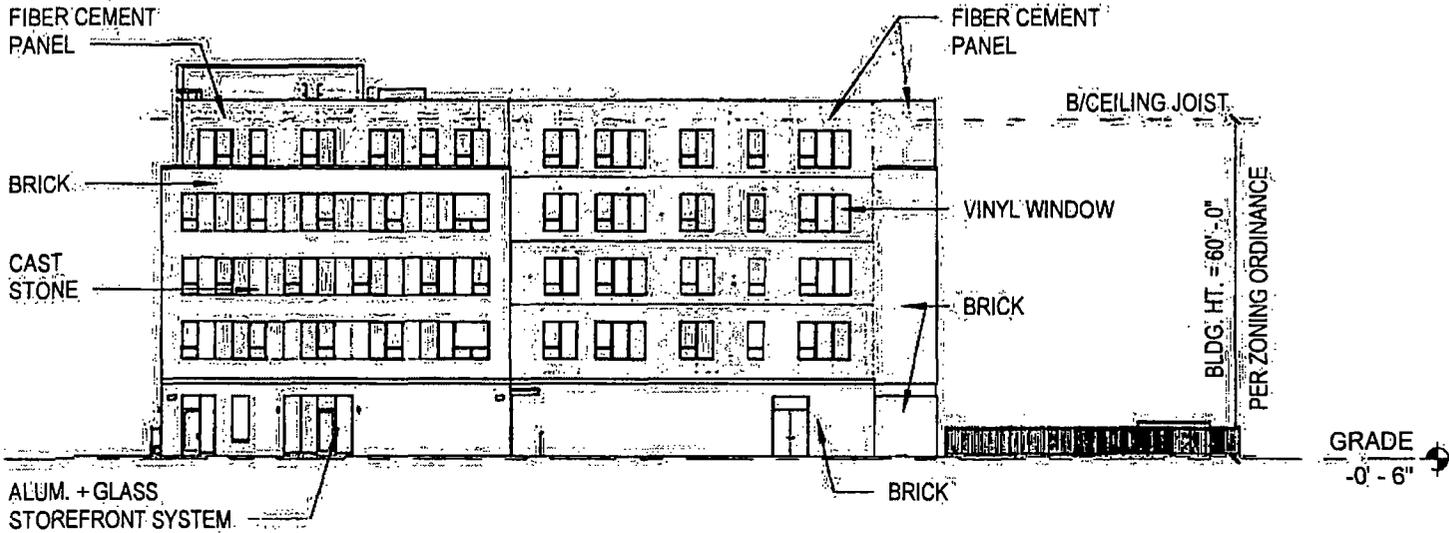
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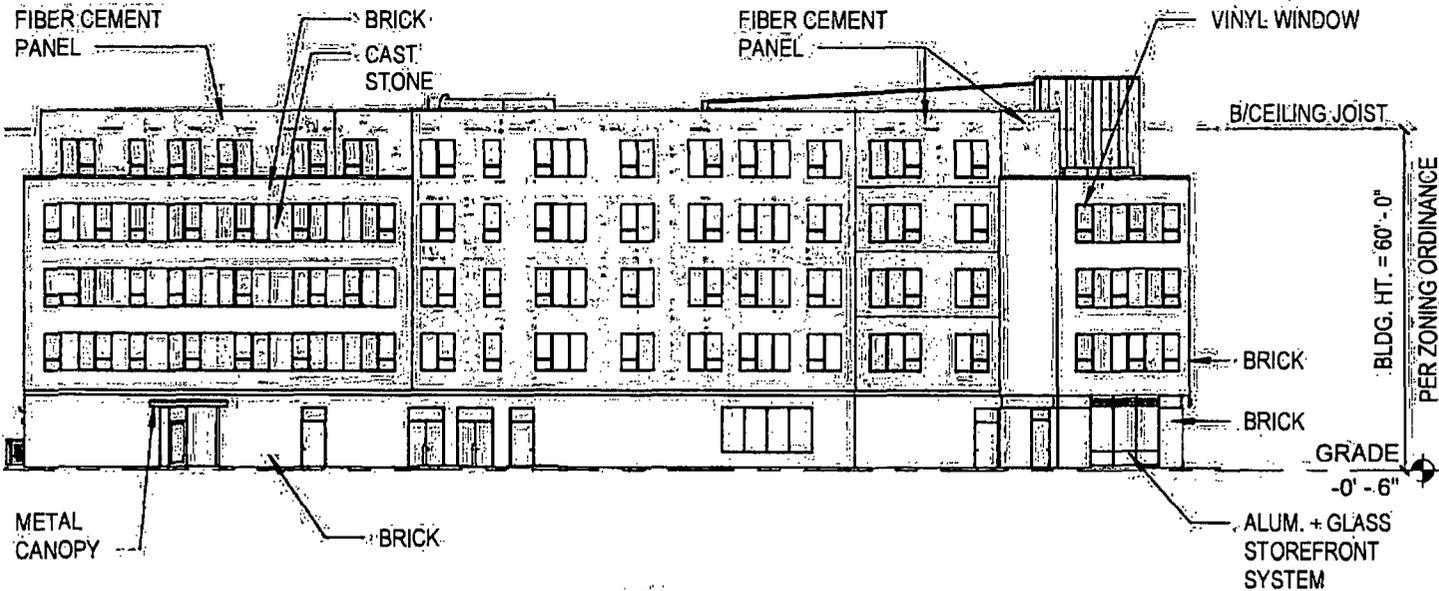


Planned Development No. 1518

SOUTH AND EAST ELEVATIONS



SOUTH ELEVATION



EAST ELEVATION

Applicant: 63rd Maryland LLC
Address: 63rd Street and Maryland Ave.

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