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Legislation Details (With Text)

File #: SO2021-4545
Type: Ordinance **Status:** Passed
File created: 10/14/2021 **In control:** City Council
Final action: 1/26/2022
Title: Zoning Reclassification Map No. 4-J at 3401-3423 W Ogden Ave, 1842-1854 S Homan Ave and 1901-1909 S Trumbull Ave - App No. 20852
Sponsors: Misc. Transmittal
Indexes: Map No. 4-J
Attachments: 1. O2021-4545.pdf, 2. SO2021-4545.pdf

Date	Ver.	Action By	Action	Result
1/26/2022	1	City Council	Passed as Substitute	Pass
1/25/2022	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
10/14/2021	1	City Council	Referred	

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ORDINANCE

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

SECTION 1: Title 17 of the Municipal Code of Chicago, Chicago Zoning Ordinance, is amended by changing all the Institutional Planned Development Number 833 symbols and indications as shown on Map No. 4-J in the area bounded by:

West Ogden Avenue; South Homan Avenue;

the alley next southeast of and parallel to West Ogden Avenue; the alley next north of and parallel to West 21st Street; and South Trumbull Avenue;

to those of B3-3 Community Shopping District, which is hereby established in the area above described.

SECTION 2: Title 17 of the Municipal Code of Chicago, Chicago Zoning Ordinance, is amended by changing all the RM4.5 Residential Multi-Unit District symbols and indications as shown on Map No. 4-J in the area bounded by:

West Ogden Avenue; South Homan

Avenue;

the alley next southeast of and parallel to West Ogden Avenue; the alley next north
of and parallel to West 21st Street; and South Trumbull Avenue;

to those of Residential Business Planned Development Number _____, 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 herewith attached and made a part hereof and to no others.

SECTION 3: This ordinance shall take effect upon its passage and due publication.

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*Residential-Business
Planned Development No.*

PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number _____ ("Planned Development") consists of approximately 26,792 net square feet (0.615 acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, East Lake Management and Development Corp.
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 of the Zoning Ordinance.
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, assign 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

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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
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway and 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 18 Statements and:

- Bulk Regulations and Data Table;

- Existing Zoning Map;
- Existing Land Use Map;
- Existing Conditions Map;
- Property Line and Planned Development Boundary Line Map;
- Site Plan;
- Landscape Plan;
- o Green Space Requirements Plan;
- Tree Requirements Plan;
- West Street Elevation;
- East Street Elevation;
- ' South & North Street Elevation;

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all prepared by Juan Gabriel Moreno Architects and dated January 20, 2022, submitted herein, 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 Residential-Business Planned Development:

Dwelling Units; Eating and Drinking Establishments (all); Food and Beverage Retail Sales; General Retail Sales; Office; Personal Service; Financial Services (excluding pawn shops); and related, incidental and accessory uses including but not limited to accessory parking.
6. On-premises 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-premises signs are prohibited within the boundary of the Planned Development.
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 26,792 square feet and a base FAR of 3.2.

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

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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 titleholders 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.
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 percent MBE and 6 percent WBE

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participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50 percent 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 foregoing, 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.

The Applicant acknowledges and agrees that the rezoning of the Property from PD 833, to a B3-3 Community Shopping District, and then to this Residential Business Planned Development ("PD") No. _____ is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in a "low-moderate area" within the meaning of the ARO and permits the construction of 65 dwelling units. The Applicant intends to construct a 65-unit development.

Developers of rental projects in low-moderate income areas must provide 10% of the units in the residential development as affordable units at a weighted average of 60% of the AMI, as described in subsection (F)(1) of the ARO. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. Developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules.

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As a result, the Applicant's affordable housing obligation is 6.5 affordable units (10% of 65). Pursuant to subsection (T) of the ARO, the Applicant must provide an additional unit to satisfy the fractional obligation of 0.5 or greater. The Applicant has agreed to satisfy its affordable housing obligation by providing 7 affordable units in the rental building in the PD. The Applicant agrees that the affordable rental units must be affordable to households with a range of incomes averaging 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that (x) the maximum income level for any affordable unit may not exceed 80% of the AMI, (y) at least one-third must be affordable to households at or below 50% of the AMI, of which one-sixth must be affordable to households at or below 40% of the AMI, and (z) all income levels must be multiples of 10% of the AMI.

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this PD, DOH may adjust the AHP as requested, in accordance with the ARO, without amending the PD, provided however, the Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOM's request, provide an informational presentation to the Plan Commission on such change. 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 execute and record an Inclusionary Housing Agreement (IHA), in accordance with subsection (N) of the ARO. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against all Subareas of the PD and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any

breach of this Statement, including any breach of any IHA, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

Notwithstanding the foregoing, if the Applicant receives Low-Income Housing Tax Credits or other financial assistance from the City, and the affordability requirements for such financing (the "Financing Requirements") exceed the ARO requirements, then the Financing Requirements shall govern the Applicant's obligation to provide affordable housing in such subsidized portions of the PD.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any

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conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

17. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to the B3-3 Community Shopping District.

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Residential-Business Planned Development No.

Bulk Regulations and Data Table

Net Site Area:	26,792 sq. ft. (0.61 acres)
Gross Site Area:	59,256 sq. ft. (1.36 acres)
Maximum Floor Area Ratio (FAR):	3.2
Maximum Number of Dwelling Units:	65 dwelling units
Minimum Number of Parking Spaces:	18 parking spaces
Minimum Number of Bicycle Spaces:	140 bicycle spaces
Minimum Number of Loading Berths:	1 berth(s) (10'x 25')
Maximum Building Height:	72 feet, 0 inches
Minimum Setbacks from Periphery Property Lines (PD):	
North:	Per site plan.
East:	Per site plan.
South:	Per site plan.
West:	Per site plan.

APPLICANT: East Lake Management & Development Corp.
ADDRESS: 3401 W Ogden Avenue
INTRODUCTION DATE: January 20, 2022
REVISED / CPC DATE:

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MEMORANDUM

To: Alderman Thomas Tunney
Chairman, City Council Committee on Zoning

From: ^\ p^e**- ^\ G'-ZT/ Maurice D. Cox Chicago
Plan Commission

Date: January 20, 2022

Re: Proposed rezoning and Residential-Business Planned Development for the property generally located at 3401-23 W. Ogden Ave.

On January 20, 2022, the Chicago Plan Commission recommended approval of the Zoning Map Amendment submitted by East Lake Management and Development Corp. A copy of the proposed Zoning Map Amendment is attached. I would appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 312-744-9476

Cc: Steve Valenziano

PD Master File (Original PD, copy of memo)