



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: SO2018-9261, Version: 1

FINAL FOR

PUBLICATION

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the DX-5 Mixed-Use District symbols and indications as shown on Map 2-G in the area bounded by:

South Sangamon Street, a line 195 feet north of and parallel to West Monroe Street, a line 125 feet east of and parallel to South Sangamon Street, West Monroe Street,

to those of a Residential-Business Planned Development 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 thereof and to no others.

SECTION 2. This Ordinance shall be in force and effect from and after its passage and due publication.

Address: 37 South Sangamon, Chicago, Illinois

EASTW 62766318.6

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS
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1. The area delineated herein as Planned Development Number _____ (the "Planned Development") consists of approximately 24,375 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, Sangamonroe 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, assigns 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
- 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

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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 17 Statements and a Bulk Regulations Table; a Zoning Map, Existing Land Use Map; a PD Boundary Map; a Site Plan; a Landscape Plan; Floor Plans; Building Elevations (North, South, East, West); and Facade Sections prepared by GREC and dated March 18, 2021, and an Affordable Housing Profile Form 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 Above the Ground Floor, Eating and Drinking Establishments (all, including Taverns), General Retail, Food and Beverage Retail Sales, Liquor Sales (as an accessory use), Medical Service, Office, Personal Service, Co-located Wireless Communication Facilities, incidental and accessory uses 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.
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 24,375 square feet and a base FAR of 5.0.

The Applicant acknowledges that the project has received a bonus FAR of 3.1, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 8.1. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17-4-1003-B & C, prior to the issuance of the first building permit for any building in the Planned Development; provided, however, if the Planned Development is constructed in phases, the bonus payment may be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The bonus payment will be recalculated at the time of payment (including partial payments for phased developments) and may be adjusted based on changes in median land values in accordance with Section 17-4-1003-C.3

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The bonus payment will be split between three separate funds, as follows: 80% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopt-a-Landmark Fund and 10% to the Local Impact Fund. In lieu of paying the City directly, the Department may: (a) direct developers to deposit a portion of the funds with a sister agency to finance specific local improvement projects; (b) direct developers to deposit a portion of the funds with a landmark property owner to finance specific landmark restoration projects; or, (c) approve proposals for in-kind improvements to satisfy the Local Impact portion of the payment

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.
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

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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. The Applicant acknowledges and agrees that the rezoning of the Property from the DX-5 Downtown Mixed-Use District to this Planned Development, for construction of the Project triggers the requirements of Section 2-44-080 of the Municipal Code (the "Affordable Requirements Ordinance" or the "ARO"). The Applicant further acknowledges and agrees that the Property is located in the Near North/Near West Pilot Area, pursuant to Section 2-44-090 of the Municipal Code (the "Near North/Near West ARO Pilot Area Ordinance" or the "Pilot"). The Near North/Near West Pilot Area is divided into two zones: the Near North Zone and the Near West Zone. The Property is located in the

Near North Zone. In the Near North Zone, pursuant to the Pilot, the percentage of units in a residential housing project required to be affordable for a period of 30 years, whether rental or for-sale, is increased from 10% to 20%. Any developer of a residential housing project in the Near North Zone must provide the first 10% of units required to be affordable (the "First Units") either: (i) in the residential housing project, or (ii) with the approval of the commissioner of the Department of Housing ("DOH"), in consultation with the commissioner of the Department of Planning and Development ("DPD") as appropriate, in an off-site location within two miles of the Property and in the same or a different higher income area or downtown district, or (iii) any combination of (i) and (ii). In addition, the developer must provide the second 10% of units required to be affordable (the "Additional Units") either: (i) in the residential housing project, or (ii) with the approval of the commissioner of DOH, in consultation with the commissioner of DPD as appropriate, in an off-site location anywhere within the Near North/Near West Pilot Area, regardless of distance from the project or income area, or (iii) any combination of (i) and (ii). The project has a total of 80 housing units. As a result, the Applicant's ARO obligation is 16 affordable units (20% of 80), consisting of 8 First Units and 8 Additional Units. The Applicant has agreed to satisfy its ARO obligation by

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providing the First Units and the Additional Units off-site, subject to further approval by DOH in consultation with DPD as appropriate, as set forth in the Affordable Housing Profile Form attached hereto.

The Applicant plans to fulfill its ARO obligation by providing off-site units through a partnership with the Pilsen Housing Cooperative (PIHCO) in the Pilsen neighborhood, which is experiencing the effects of displacement due to gentrification. Due to the partnership between the Applicant and PIHCO, which promotes DOH's goal of preserving affordable housing in rapidly gentrifying neighborhoods, like Pilsen, the City and the Applicant have agreed to establish modified affordable housing requirements with respect to the locations of the First Units and the Additional Units. Except as modified herein, the requirements in the ARO, including the Pilot, shall remain in full force and effect. The Applicant may provide its First Units and Additional Units anywhere in the boundaries in which PIHCO operates (subject to the commissioner of DOH's approval under subsection (V) of the ARO). The Applicant shall undertake the development of new off-site ARO units or purchase and convert existing off-site market-rate units to ARO units, as set forth and in accordance with the ARO. The Applicant's financial contribution to the construction of each ARO unit will be no less than the fee in lieu amount for the downtown district (for each ARO unit) and will be based on the then-applicable in lieu fee, as such fee may be adjusted based on changes in the consumer price index in accordance with the ARO.

If the Applicant subsequently reduces (or increases) the number of housing units in the project, elects to build a rental project instead of a for-sale project, elects to end its partnership with PIHCO (and instead fulfill any remaining ARO obligation in accordance with the Pilot), or elects to construct on-site units instead of off-site units or elects to subject the project to a subsequently-adopted ARO, the Applicant shall update and resubmit the Affordable Housing Profile Form to DOH for review and approval. DOH may adjust the requirements to reflect any such change without amending the Planned Development. Prior to the issuance of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-44-080(L). The Applicant acknowledges that Section 2-44-080 (U)(7) of the ARO requires ARO units to be constructed, completed, ready for occupancy, and marketed concurrently with or prior to the market rate units in a residential housing project or phase thereof.

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 Planned Development, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 16, 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 Planned Development.

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 DX-5 Downtown Mixed-Use District.

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**RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.
BULK REGULATIONS AND DATA TABLE**

Gross Site Area (sf):	36,024
Area of Public Rights-of-Way (sf):	11,649
Net Site Area (sf):	24,375
Maximum Floor Area Ratio:	8.1
Maximum Number of Dwelling Units:	80
Parking Spaces:	115
Bicycle Parking:	50
Loading Berth:	2 (10'x 25')
Maximum Building Height:	258'
Minimum Setbacks:	Per plans

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ARO Affordable Housing Profile Form (AHP) PUBLICATION**

Submit this form for projects that are subject to the 2015 ARO, Near North/Near West Pilot, Milwaukee Pilot or Pilsen/Little Village Pilot Ordinances (all projects submitted to City Council after October 13, 2015). More information is online at www.cityofchicago.gov/ARO <<http://www.cityofchicago.gov/ARO>>. Submit the .completed to the Department of Housing (DOH), 121 N LaSalle Street, 10th Floor, Chicago, IL 60602. E-mail: denise.roman@cityofchicago.org <<mailto:denise.roman@cityofchicago.org>> or justin.root@cityofchicago.org <<mailto:justin.root@cityofchicago.org>>. Applications that include off-site units should submit documentation listed on page two.

Date: 2/19/21

DEVELOPMENT INFORMATION

Development Name: 23 S Sangamon Street Development Address:
23 S Sangamon Str^o*

Zoning Application Number, if applicable: Ward: 25th

If you are working with a Planner at the City, what is his/her name? 23 S Sangamon Street

Type of City Involvement City Land 0 Planned Development (PD)

check all that apply Financial Assistance rj Transit Served Location (TSL) project

rj Zoning increase

REQUIRED ATTACHMENTS: the AHP will not be reviewed until all required docs are received 0 ARO Web Form completed and attached - or submitted online on

0 ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) 0 If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdt) 0 If ARO units proposed are off-site, required attachments are included (see next page) 0 If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

DEVELOPER INFORMATION

Developer Name Sangamonroe LLC

Developer Contact Michael Ellen

Developer Address 160 N Wacker Dr, 4th Floor

OHO col.

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Email mike@fernhillcompany.com <<mailto:mike@fernhillcompany.com>> Developer Phone

Attorney Name Katie Jahnke Dale Attorney Phone 312-368-2133

TIMING

Estimated date marketing will begin June, 2021

Estimated date of building permit* January, 2022

Estimated date ARO units will be complete July 2023

*the in-lieu fee, recorded covenant and \$5,000 per unit administration fee (for off-site units) are required prior to the issuance of any building permits, including the foundation permit.

PROPOS^D^UNITSjVIEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

2/19/2021

Date

Justin R^ot or Denise Roman7DOH Date

April 13, 2021

Required Attachments: For Off-Site Units Only

Your application will be reviewed when required documentation has been received. Off-Site Units fall into one of three categories: New Construction (NC); Significant Rehab (SR) and Prior Rehab (PR). Documentation is also required for the Subject Property (SP); the property that triggered the ARO Requirement. The documents required for each are listed below:

SP NC SR PR

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- Evidence of Site Control PUBLICATION
- D D D Project Budget, with per-unit cost breakdown & documentation
- D D D CMA or appraised value of proposed, for sale, off-site units
- rj rj Description + Schedule of anticipated building permits
- rj Certificate of Occupancy + Approved Plans & Permits (CofO must be <3 years old, or <1 year, if low-mod zone) D D D
- Management Plan for off-site building that includes ARO units and a Marketing Brochure rj rj Signed Statement attesting that units are currently vacant -OR-
- rj rj Income Qualification packets, if current tenants are income-qualified & intend to lease ARO units D D D
- Completed ARO Unit Evaluation Table
- D D D Recent permits: most recent permits for all major systems; plumbing, electrical, HVAC, Mechanicals and building envelope.

Does the proposed off-site project require a zoning change or financial assistance from the City?

Yes No

Construction Drawings/Submissions

The Development team and the Architect of Record should prepare and submit the following information for review. One hard copy and one electronic pdf of all materials, plans, sketches, and photos should be submitted for review. Label each attachment to correspond to the requirement below (ie "Master Plan" etc)

- All Projects: rj Project narrative: should briefly summarize (one page, double-spaced) the project work scope, development objectives, site, building construction systems (identify wall, floor and roof construction), building design concepts and environmental
 - Q Master plan: should locate the project site(s), depict the adjacencies to existing properties and, in the case of larger developments, illustrate proximity of proposed multiple sites.
 - rj Context photographs and drawings: photos of al sites and existing buildings, photos should include nearest adjacent buildings.
 - Q Floor plans: should clearly depict room designations, dimensions and typical furniture layout
 - rj Building section (optional): should identify building materials, structural framing, depth of footings/foundations, ceiling heights of interior spaces and general floor and roof framing.
 - 0 Site/ Landscape plan: conceptual site plan should identify setbacks, easements, number of parking spaces provided/required; refuse pick-up areas, utilities and pedestrian environment issues. Illustrate the type of plant materials, location of shrubs and trees, ground treatment, security fencing and other site features.
 - Q Front, side and rear elevations: Illustrate selection and location of materials, doors, fenestration and roof configuration. Drawings should also indicate vertical heights and depth of foundations when a section drawing is not provided. For existing buildings, provide photographs of all exterior elevations.

Additional documents may be requested during the review by Construction & Compliance staff. A \$5,000/unit fee is required for prior to the issuance of the building permit for the ARO-triggering property.

ARO Web Form

AFFORDABLE REQUIREMENTS ORDINANCE

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Applicant Contact Information

Name: Michael Ellen

Email: mike@fernhillcompany.com <mailto:mike@fernhillcompany.com>

Development Information

Address

Submitted Date: 04/13/2021

Number From: 23

Number To: N/A

Direction: S

Street Name: sangamon

Postal Code: 60607

Development Name

23 S Sangamon

Are you rezoning to downtown?: Yes

Is your project subject to the ARO Pilots?: PILOTS APPLY

Information

Ward: 25

ARO Zone: Downtown

Pilot Area: Near North

Details

ARO Trigger: Downtown Planned Development Total Units: 80 Development

Type: Sale Date Submitted: 04/13/2021

Requirements

First ARO Units: 8 Additional ARO Units: 8

How do you intend to meet your ARO obligation for the First ARO Units?

On-Site: 0

Off-Site: 8

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 8

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Off-Site Unit Information for First ARO Units Address

Will the Off-Site Units be for Rental or For-Sale? Sale

Number: 1716 Direction: S

Street Name: morgan Postal Code: 60608

Information

Zone of Off-site Units: Higher Income Pilot Area: Pilsen Ward of Off-site Units: 25

Distance to Primary Development: 1.6 Miles Off-site Administrative Fee: 40000

How do you intend to meet your ARO obligation for the Additional ARO Units?

Will the Units be 80% AMI or 100% AMI: null

On-Site: 0 Off-Site: 8

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 8

Off Site Unit Information for Additional ARO Units

Will the Off-Site Units be for Rental or For-Sale? Sale Address

Number: 2542 Direction: W

Street Name: monroe Postal Code: 60612

Information

Zone of Off-site Units: Higher Income Pilot Area: Near West Ward of Off-site Units: 25

Distance to Primary Development: 2.1 Miles Off-site Administrative Fee: 40000

All Off-site units are to be approved by DOH prior to the execution of the Affordable Housing Agreement, which precedes construction at either the Triggering Project or any Off-site project. This is a preliminarily approved AHP. Off-site addresses provided above are preliminary and incomplete in nature and may not reflect the final location(s) of some/all Off-site units.

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Application: 19880 To: Clerk

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

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

From: ...->■- ^/_y
Maurice D. Cox 7 Chicago Plan Commission

Date: April 15,2021

Re: Proposed Planned Development (37 South Sangamon Street)

On April 15, 2021, the Chicago Plan Commission recommended approval of the proposed Planned Development, submitted by Sangamonroe LLC. The applicant proposes to rezone the site from DX-5 (Downtown Mixed-Use District) to a Residential Planned Development. The applicant proposes to construct a 258'-tall building with 80 residential units, 115 accessory vehicular parking spaces, and ground floor commercial space. A 3.1 FAR (Floor Area Ratio) bonus will be taken and the overall FAR of the planned development will be 8.1. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are attached. I would very much 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 recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Emily Thrun at 312-744-0756.

Cc: PD Master File (Original PD, copy of memo)

121 NORTH LASALLE STREET, ROOM 1000, CHICAGO, ILLINOIS 60602