



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2020-3720
Type: Ordinance **Status:** Passed
File created: 7/22/2020 **In control:** City Council
Final action: 3/24/2021
Title: Zoning Reclassification Map No. 1-H at 1939-1959 W Lake St, 115-159 N Damen Ave, 1900-1958 W Maypole Ave, 1901-1959 W Maypole Ave, 1900-1948 W Washington Blvd and 100-146 N Wolcott Ave - App No. 20439
Sponsors: Misc. Transmittal
Indexes: Map No. 1-H
Attachments: 1. SO2020-3720.pdf, 2. O2020-3720.pdf

Date	Ver.	Action By	Action	Result
3/24/2021	1	City Council	Passed as Substitute	Pass
3/23/2021	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
7/22/2020	1	City Council	Referred	

F i n a J . f o r P u b I c a t i o n

#20439

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, is hereby amended by changing all of the Residential Planned Development Number 1097 symbols and indications as shown on Map No. 1-H in the area bounded by

West Lake Street; the public alley next east of and parallel to North Damen Avenue; the public alley next south of and parallel to West Lake Street; North Wolcott Avenue; West Washington Boulevard; a north/south line approximately 95.12 feet east of and parallel to North Damen Avenue; the public alley next north of and parallel to West Washington Boulevard; North Damen Avenue,

to those of a B2-5 Neighborhood Mixed-Use District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B2-5 Neighborhood Mixed-Use District symbols and indications as shown on Map No. 1-H in the area bounded by

West Lake Street; the public alley next east of and parallel to North Damen Avenue; the public alley next south of and parallel to West Lake Street; North Wolcott Avenue; West Washington Boulevard; a north/south line approximately 95.12 feet east of and parallel to North Damen Avenue; the public alley next north of and parallel to West Washington Boulevard; North Damen Avenue,

to those of Planned Development Number 1097, as amended, which is hereby established in the

area described above and subject to such use and bulk regulations set forth in the Plan of

Development attached hereto and to no others.

SECTION 3. This ordinance takes effect after its passage and due publication.

Common Street Address: 1939-1959 West Lake Street; 115-159 North Damen; 1900-1958
West Maypole; 1901-1959 West Maypole; 1900-1948 West Washington;
100-146 North Wolcott

25-177K

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**PLANNED DEVELOPMENT NUMBER 1097, AS AMENDED BULK
REGULATIONS AND DATA TABLE**

Gross Site Area:

Area Remaining in Public Right of Way Net Site Area:

Sub-Area A:

Gross Site Area:

Net Site Area:

Sub-Area B:

Gross Site Area:

Net Site Area: Maximum Number of Dwelling Units:

1 (10' x 25') - In Sub-Area A for proposed building

0'

141'

254896.8

Applicant: BMI-I, LLC

Address: 1919-1929 West Lake Street, 115-159 North Lumen 1900-195N West Maypole, 1929-1935 West Maypole, 1900-194* West Westlimestone: 100-110 North Wolcott

Initiated: July 22, 2021

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Planned Development 1097, as amended Plan of

Development Statements

1. The area delineated herein as Planned Development Number 1097, as amended, ("Planned Development") consists of approximately 250,988 square feet (5.76 acres) of Net Site Area which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Chicago Housing Authority. The Chicago Housing Authority has given consent to the Applicant, BMH-I, LLC, an Illinois limited liability company, to file this application.

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, 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 Plans 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 KM11-I. I.1.L

Address 19J9-1959 Wesl Lake Steel, I 15-150 Nuiil, Damen. 1900-195* West Maypole. 1901-1959 Wesi Maypole. 1900-19-18 Wesl Washington. 100-Mfi Norih Woleoil

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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 eighteen (18) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Property Line and Boundary Map; a Site Plan; a Landscape Plan; West Elevation; South and North Elevation; and East Elevation prepared by Landon Bone Baker 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 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 shall be permitted in this Planned Development: Multi-unit residential Dwelling Units located above and on the ground floor; Cultural Exhibits and Libraries; Community Centers; Postal Service; Animal Services (Sales and Grooming excluding kenneling); Artist Work or Sales Space; Business Support Services; Restaurant, Limited; Outdoor patio (if located at grade level); Indoor Special Event including incidental liquor sales; Bank, Savings Bank, Savings and Loan Association, Currency Exchange, and Credit Union (excluding drive-throughs, Payday/title secured loan stores and pawn shops); Automated Teller Machine Facility (walk up only); Food and Beverage Retail Sales; Liquor Sales (as accessory use); Medical Service; Office; Personal Service (Hair Salon, Nail Salon, or Barbershop); Repair or Laundry Service, Consumer; Dry cleaning drop-off or pick-up (no on-premise plant); Retail Sales, General; Sports and Recreation, Participant (Children's Play Center), Wireless Communication Facilities (Co-located); Accessory Parking and Accessory Uses.

Applicant- BiVill-I. LLC.

Address 1939-1959 West Lake Street, 115-159 North Damen, 1900-195N West Maypole, 1901-1959 West Maypole, 1900-194S West Washington, 100-140 North Wolcott

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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 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 250,988 square feet and a base FAR of 1.5.
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 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, Environment 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 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 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.

Applicant BMII-I, LLC.

Address 1939-1959 West Lake Street, 1 15-15' North Danieii, 190H-1958 West Maypole. 1901-1959 West Maypole. 1900-1948 West Washington. 100-146 North Wolcott
Introduced: July 22, 2020

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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. Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) for any future development in Sub-Area B, the Applicant shall submit a site plan, landscape plan and building elevations for the specific Sub-Area (s) for review and approval by the Department of Planning and Development (DPD). Review and approval by DPD is intended to assure that specific development components substantially conform with the Planned Development (PD) and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals (Section 17-13-0800) need only include that portion of the Property for which approval is being sought by the Applicant. If the Applicant is seeking approval for a portion of the Property that represents less than an entire Sub-Area, the Applicant shall also include a site plan for that area of the Property which is bounded on all sides by either public Rights-of-Way or the boundary of the nearest Sub-Area. The site plan provided shall include all dimensioned and planned street Rights-of-Way.

No Part II Approval for any future development in Sub-Area B shall be granted until Site Plan approval has been granted. Following approval by DPD, the approved Sub-Area Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the PD.

After approval of the Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement TBD. In the event of any inconsistency between approved plans and the terms of the PD, the terms of the PD shall govern. Any Sub Area Site Plan Approval Submittals shall, at a minimum, provide the following

information:

- fully-dimensioned site plan (including a footprint of the proposed improvements);
- fully-dimensioned building elevations;
- fully-dimensioned landscape plan(s); and,
- statistical information applicable to the subject Sub-Area, including floor area, the applicable floor area ratio, uses to be established, building heights and setbacks.

Sub Area Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the PD.

16. 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

Applicant: BMIL-I, LLC

Address: 1V39-1959 West Lake Street, 115-159 North Damen, 19(10-1958 West Maypole, 1901-1951 West Maypole, 1900-194X West Washington 100-140 North Wolcott
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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 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 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.

17. The Applicant acknowledges and agrees that the rezoning of the Property from Residential Planned Development 1097 to B2-5 Neighborhood Mixed-Use District, and then to this Planned Development, triggers the requirements of Section 2-45-115 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 (the Required Units) as affordable units, or with the Commissioner of the Department of Planning and Development's (DPD) approval, provide the Required Units in an approved off-site location; (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 Units on-site or off-site. If the developer elects to provide affordable units off-site, the off-site affordable units must be located within a two-mile radius from the residential housing project and in the same or a different higher income area or downtown district, if the Property is located in a higher income area, within the meaning of the ARO. As a result, the Applicant's affordable housing obligation is 29 affordable units, (10% of 288 total units rounded up), 8 of which are Required

Applicant RMII-I, LLC

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Units (25% of TBD, rounded up). Applicant has agreed to satisfy its affordable housing obligation by providing all required affordable units in the rental/for sale buildings to be constructed in the PD, as set forth in the Affordable Housing Profile Form attached hereto as

Exhibit _____. 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 TBD, 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

Notwithstanding the foregoing, if the Applicant receives Low-Income Housing Tax Credits, tax increment financing or 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, 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 Planned Development.

18. 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 Planning and Development shall initiate a Zoning Map Amendment to rezone the property to B2-5 Neighborhood Mixed-Use District.

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