



# Office of the City Clerk

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

## Legislation Text

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File #: SO2014-832, Version: 1

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**FINAL FOR  
PUBLICATION**

### **SUBSTITUTE ORDINANCE**

**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-16 Downtown Mixed-Use District symbols and indications as shown on Map 1-E in the area bounded by:

East Wacker Drive; North Michigan Avenue; North MacChesney Court; North MacChesney Court; and a line approximately perpendicular to the southeasterly line of East Wacker Drive, extending from a point on the southeasterly line of East Wacker Drive located approximately 180.94 feet southwest of the intersection of the southeasterly line of East Wacker Drive and the south line of East Wacker Drive; East Wacker Drive

to those of Planned Development.

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

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## PLANNED DEVELOPMENT NO. \_ PLAN OF DEVELOPMENT

### BULK REGULATIONS AND DATA TABLE

Net Site Area:

Area Remaining in Public Way: Gross Site Area:

21,103 square feet 36,342 square feet 57,445 square feet

Base FAR:

Upper-Level Setbacks: Affordable Housing:

Total FAR:

16.00 0.84 0.34

17.18

Maximum Site Coverage

Minimum Number of Off-Street Parking Spaces

Minimum Number of Off-Street Loading Berths

Maximum Building Height

Maximum Number of Hotel Keys

Maximum Number of Dwelling Units

\*In conjunction with statement number 9 of this planned development any request to approve dwelling units or a mix of dwelling units and hotel keys shall require Site Plan Review and approval by the Department of Planning and Development. In no instance shall the number of hotel keys exceed 475 and no more than 255 total dwelling units shall be permitted. The number of efficiency units in this planned development shall not exceed 127.

Applicant: Address:

Introduced.

Plan Commission.

AG-OCG 360 North Michigan, L.L.C 360 North Michigan Avenue 83-87 East Wacker Drive February 5, 2014 September 18,2014

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### **PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS**

1. The area delineated herein as Planned Development Number \_\_\_\_\_, ("Planned Development") consists of approximately 21,103 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). AG-OCG 360 North Michigan, L.L.C. is the "Applicant" for purposes of this Planned Development and is the owner of the Property.
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 Plans.

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.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation.

4. This Plan of Development consists of these 15 Statements, the attached Bulk Regulations and Data Table, and the following exhibits and plans attached hereto (the "Plans") prepared by Goettsch Partners and dated September 18, 2014: an Existing Land Use Map, an Existing Zoning Map, a Planned Development Boundary and Property Line Map, a Site Plan, a Landscape Plan, a Roof Plan, West Elevation, North Elevation and East Elevation. Full-sized copies of the Site Plan, Landscape Plan and Elevations are on file with the Department of Planning and Development. In any instance where a provision of this Planned

Applicant: AG-OCG 360 North Michigan, LLC.  
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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:  
Hotel/Motel, Eating and Drinking Establishments (including Taverns), Communication Service Establishments; Urban Farm (Rooftop Operation only); Personal Service; Repair or Laundry Service, Consumer; Food and Beverage Retail Sales; Retail Sales; Office; Financial Services, as permitted in the DX-16 District; Residential Dwelling Units located above the ground floor; and accessory parking and accessory uses.
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. 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 Floor Area Ratio identified in the Bulk Regulations Table has been determined using a Net Site Area of 21,103 square feet and a base FAR of 16. The improvements to be constructed on the Property will utilize the following series of FAR bonuses:

Base FAR:

Upper-Level Setbacks: Affordable Housing:

Total FAR:

16.00 0.84 0.34

17.18

Pursuant to the Affordable Housing Bonus provisions of Section 17-4-1004 of the Zoning Ordinance, the Applicant has requested an increase in the floor area of the Property. Prior to the issuance of any building permits authorizing the construction of any improvements in the Planned Development utilizing such bonus floor area, the Applicant shall make a cash payment to the City's Affordable Housing Opportunity Fund for the Affordable Housing floor area bonus in the amount of \$177,940.

8. Pursuant to the Chicago Zoning Ordinance (Sec. 17-8-0911), Planned Developments are to give priority to the preservation and adaptive reuse of Chicago Landmark buildings. The Planned Development includes the London Guarantee Building (the "Landmark Building"), which is designated as a Chicago Landmark. Work to designated Chicago Landmarks is subject to the review and approval of the Commission on Chicago Landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740.

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The Applicant acknowledges that the Planned Development project includes excavation, new foundations or other work to construct the proposed building addition to the London Guarantee Building. Pursuant to the Zoning Ordinance, Section 17-8-0911, the Applicant acknowledges that it is in the public interest to promote the preservation of historic resources. The Applicant shall submit a report, stamped by an engineer, identifying any protective measures that may be required for the historic building and those measures that will be incorporated during construction as part of the project, if any. The report shall be submitted as part of the Part II Review application to the Historic Preservation Division and be subject to the review and acceptance of the Department of Planning and Development.

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.

If the Applicant elects to establish or construct Residential Dwelling Units, and prior to any Part II approval for Residential Dwelling Units (per Section 17-13-0610 of the Zoning Ordinance), the Applicant shall submit a site plan and building elevations for the proposed development plan for such dwelling units to the Department of Planning and Development (the "Department") for review and approval. Review and approval by the Department is intended to assure that specific development components substantially conform with the Planned Development and to assist the City in monitoring ongoing development. Site Plan Approval Submittals need only include that portion of the Property for which approval is being sought

by the Applicant.

No Part II Approval for residential dwelling units on any portion of the Property shall be granted until Site Plan approval has been granted. If the Site Plan Approval Submittals substantially conform to the provisions of this Planned Development, the Department shall approve the submittal in a prompt and timely manner. Following approval by the Department, the approved Site Plan Approval Submittals, including supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of this Planned Development.

After approval of the Site Plan for such dwelling units, changes or modifications may be made pursuant to the provisions of Statement No. 12 of this Planned Development. In the event of any inconsistency between approved plans and the terms of this Planned Development, the terms of this Planned Development shall govern. Any 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 and floor plans;
- fully-dimensioned landscape plan(s); and,
- statistical information applicable to the subject site, including floor area, the applicable FAR, uses to be established, building heights and setbacks.

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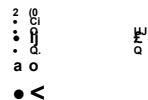
Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the Planned Development.

10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of 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 13-32-125 of the Municipal Code, or any other provision of that Code.
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.

- 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 building will exceed ASHRAE 90.1-2004 by approximately 14% and achieve LEED Certification.
- 15. This Planned Development shall lapse unless substantial rehabilitation of the Landmark Building and substantial construction of the proposed building addition have commenced within three years of the date of City Council approval of this Planned Development; provided that this three-year period may be extended by up to one additional year in accordance with Section 17-13-0612-B 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 the DX-16 Downtown Mixed-Use District.

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