



# Office of the City Clerk

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

## Legislation Text

File #: SO2018-1906, Version: 1

**5<sup>^</sup>7**

***FINAL FOR PUBLICATION***      ***^T^o v/ne.***

ORDINANCE

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

SECTION 1: That Title 17 of the Municipal Code of Chicago, Chicago Zoning Ordinance, be amended by changing all the Residential Business Planned Development Number 1116 symbols and indications as shown on Map No. 1-E in the area bounded by:

East Lake Street; North Garland Court; East Benton Place; North Wabash Avenue; a line 64.85 feet north of and parallel to East Benton Place; and a line 100.48 feet west of and parallel to North Garland Court,

to the designation of Residential Business Planned Development Number 1116, 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 herewith and made a part thereof and to no others.

SECTION 2: This ordinance shall take effect upon its passage and due publication.

Applicant: CCA MDA II LLC Address:

171 N. Wabash Avenue

44173751;!

## r-'A'. FOR P'J<sup>9</sup>' 'CATION

### RESIDENTIAL BUSINESS PLANNED DEVELOPMENT NO. 1116, AS AMENDED PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as a Residential Business Planned Development No. 1116, as amended, consists of property commonly known as 73 E. Lake Street and 171 N. Wabash Avenue, Chicago Illinois ("the Property"). The Property consists of Sub-Area A of approximately 17,120 square feet and Sub-Area B of approximately 7,795 square feet for a total net site area of 24,915 square feet (0.5719 acres). The property in Sub-Area B is owned, controlled or zoning consent has been received by the Applicant, CCA MDA II LLC. This amendment only makes changes with respect to Sub-Area B.
2. 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 easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the Applicant or its successors, assignees, or grantees and approval by the City Council.
3. 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 then to the owners of record title to all of the Property and to any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time applications for amendments, modifications or

changes (administrative, legislative or otherwise) to this Planned Development are made,

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shall be under single ownership or under single designated control. Single designated control for purposes of this paragraph shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessors. An agreement among property owners or a covenant binding property owners may designate the authorized party for any future amendment, modification or change. Provided, however, that after the adoption of an ordinance wherein the Property is divided into specifically delineated subareas, each having its own bulk and density standards, or similar subarea specific development controls or requirements, the owners of or designated controlling party for each subarea may seek amendments, changes, or modifications for that subarea without the consent of the owners or designated controlling party of the other subareas.

4. This Plan of Development consists of Eighteen Statements; a Bulk Regulations and Data Table; an Existing Zoning Map; Existing Land Use Map; a Planned Development Boundary and Property Line and Sub-Area Map; a Site Plan; Landscape Plan, a Roof Plan, 6<sup>th</sup> Floor Bridge connection Plan; and Building Elevations prepared by Hartshorne Plunkard Architecture dated April 19, 2018. Full size sets of the Site Plan, Landscape Plan, Roof Plan and Building Elevations are on file with the Department of Planning and Development. The Planned Development is applicable to the area delineated hereto and these and no other zoning controls shall apply.
5. The following uses shall be permitted within the area herein delineated as Sub-Area A of the Residential Business Planned Development No. 1116, as amended: residential,

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commercial, retail, accessory parking, and related uses and services, and all uses permitted in the Commercial use group of the DX Downtown Mixed Use District. The following uses shall be prohibited in Subarea A: hotel, animal services, undertaking, entertainment cabaret, uses permitted under the vehicle sales and service, and industrial uses.

The following uses shall be permitted within the area herein delineated as Sub-Area B of the Residential Business Planned Development No. 1116, as amended: residential, business support services (excluding day labor employment agency), financial services (excluding payday/title secured loan stores and pawn shops), general retail sales, eating and drinking establishments, food and beverage retail sales (excluding package liquor stores), office, medical service, personal service, religious assembly and related facilities and accessory uses. The following uses shall be prohibited in Subarea B: hotel, animal services, undertaking, entertainment cabaret, and uses permitted under the vehicle sales and service, and industrial uses.

6. On premise Business Identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted, subject to the review and approval of the Department of Planning and Development. No off premise signs shall be permitted.
7. Ingress and egress shall be subject to the review and approval of the Department of Transportation Bureau of Traffic, and the Department of Planning and Development. All work proposed in the Public Way must be designed and constructed in accordance with

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the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation. The Sub-Area A Applicant will reimburse the City for the cost to retrofit existing traffic signals with up to 4 pedestrian countdown signals at the intersection of Lake Street and Michigan Avenue.

8. For the purposes of measuring height, the definition in the Chicago Zoning Ordinance shall apply. In addition to the maximum height of the building and any appurtenance thereto prescribed in this Planned Development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For purposes of Floor Area Ratio (F.A.R.) calculations, the definitions in the Chicago Zoning Ordinance shall apply. The maximum permitted floor area ratio ("F.A.R.") shall be in accordance with the attached Bulk Regulations and Data Table. The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of 24,915 square feet, a base F.A.R. of 16.0 and an additional Floor Area Bonus, as follows:

Description

Base F.A.R.

Affordable Housing Bonus

Total F.A.R.:

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The calculation of the additional floor area ratio ("F.A.R.") obtained through the proposed Affordable Housing Bonus is as follows:

$$\text{F.A.R.} = 16 \times 0.15 = 2.40 \text{ F.A.R.}$$

$$2.40 \times 24,915 \text{ square feet} = 59,796 \text{ square feet.}$$

$$59,796 \text{ square feet} \times \$31.00 \text{ per square foot} \times .80 = \text{a } \$1,482,941.00 \text{ contribution.}$$

10. 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.
11. The improvements shall be designed, installed and maintained in substantial conformance with the Site Plan, Landscape Plan and Building Elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. Notwithstanding any statement to the contrary, this Planned Development shall be subject to the provisions of Chapter 17-11 of the Chicago Zoning Ordinance governing landscaping and screening. In any instance where a provision of this Planned Development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance, the Chicago Zoning Ordinance shall control. Nothing in this Planned Development is intended to waive the applicability of the landscape and screening provisions of the Chicago Zoning Ordinance.
12. The terms, conditions and exhibits of this Planned Development Ordinance may be modified administratively pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance by the Zoning Administrator of the Department of Planning and Development,

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upon the application for such a modification by the Applicant and after a determination by the Zoning Administrator that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated in this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of this Statement by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.

13. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner that promotes and maximizes the conservation of natural resources. The buildings to be constructed in Sub-Area A shall be constructed under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. With respect to the buildings in Sub-Area A, the Applicant shall provide a vegetated ("green") roof on at least fifty percent (50%) of the building's net roof area. Sub-Area A will provide a green roof with (5,522) square feet. "Net roof area" is defined as total roof area minus any required perimeter setbacks, rooftop structures, and roof-mounted equipment. For Sub-Area B, 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.
14. 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

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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.

15. Pursuant to Section 17-4-1004 of the Zoning Ordinance, the Applicant has asked for an increase in the floor area ratio for Sub-Area A of the Property, as set forth in the bonus worksheet required under Section 17-4-1003-D ("Bonus Worksheet"). Projects receiving an affordable housing floor area bonus must either provide on-site affordable housing units or make a cash payment to the city's Affordable Housing Opportunity Fund in accordance with formulas set forth in Section 17-4-1004-D. The Applicant has elected to make a cash payment in lieu of providing on-site affordable housing units. In accordance with the formulas set forth in Section 17-4-1004-D and the Bonus Worksheet, the Applicant acknowledges and agrees that it must make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$1,482,941.00 ("Cash Payment"). The Applicant must make the required Cash Payment before the issuance of building permits for the construction of the building in Sub-Area A, and must comply with all applicable affordable housing standards and requirements set forth in Section 17-4-1004, the terms of which are incorporated herein by this reference.

16. As to Sub-Area B only, the Applicant acknowledges and agrees that the rezoning of the Property from Residential Business Planned Development No. 1116 to Residential Business Planned Development No. 1116, as amended, to add 21 additional residential

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units, triggers the requirements of Section 245-115 of the Municipal Code of Chicago (Affordable Requirements Ordinance or ARO) as to the 21 additional residential units.



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, 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. The Property is located in a downtown district, within the meaning of the ARO, and the project has a total of 21 additional units. As a result, the Applicant's affordable housing obligation is 2 affordable units (10% of 21 rounded down), one of which is a Required Unit (25% of 2, rounded up). Applicant has agreed to satisfy its affordable housing obligation by providing 2 affordable units in the rental building to be constructed in the PD, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant agrees that the affordable 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, or

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build a for-sale project instead, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and approval; DPD may adjust the requirements and 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 2-45115(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 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 PD.

17. As to Sub-Area B only, 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

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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 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

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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. 18. Unless substantial construction on Sub-Area B has commenced within six (6) years following adoption of this Planned Development, and unless completion is thereafter diligently pursued, then this Planned Development shall expire. If this Planned Development expires under the provisions of this section, then the zoning of Sub-Areas A and B of the Planned Development shall automatically revert to Residential Business Planned Development Number 1116, as amended on June 22, 2016.

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### Residential Business Planned Development No. 1116, As Amended Bulk Regulations and Data Table

Gross Site Area:

Area in Adjoining Right-of-Way:

Net Site Area:

39,482 square feet (0.9064 acres) 14,567 square feet (0.335 acres) 24,915 feet square feet (0.5710 acres)

17,120 square feet (0.3930 acres) (68.71 percent of Net site Area)

7,795 square feet (0.1789 acres) (31.29 percent of Net site Area)

Floor Area Ratio and Buildable Area Overall Maximum FAR:

Overall Maximum Buildable Area:

18.4

458,436 square feet (24,915 Net site Area by 18.40 FAR)

Subarea A:

Maximum FAR Buildable Square Footage Assigned to Subarea A:

Maximum FAR:

Subarea B:

Maximum FAR Buildable Square Footage Assigned to Subarea B:

Maximum FAR:

56,436 square feet 7.24

Maximum Height by Sub Area: Subarea A:

Subarea B:

494 feet (as measured by Chicago Zoning Ordinance)

99 feet (as measured by Chicago Zoning Ordinance)

Maximum Number of Residential Units: Subarea A: Subarea B:

Efficiency Units:

Dwelling Units:

332 Units 81 81 0

Setbacks: Subarea A:

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Subarea B:

Parking Spaces: Subarea A: Subarea B:

183 accessory parking spaces None

Loading Berths: Subarea A:

2 (10 feet by 25 feet) berths and 1 (10 feet by 50 feet) loading berth

1 (10 feet by 25 feet) loading berth

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### DEVELOPMENT INFORMATION

Development Name: "

Development Address: 171 N. Wabash Avenue

Zoning Application Number, if applicable: 19557

Ward: 42nd

If you are working with a Planner at the City, what is his/her name? p emanr.jo Espinoza

Type of City Involvement  City Land

0 Planned Development (PD)

check all that apply

g Financial Assistance  
r~j Zoning increase

rj Transit Served Location (TSL) project

**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 April 4, 2018 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 (pdf) [3 If ARO units proposed are off-site, required attachments are included (see next page) [~| If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)**

**DEVELOPER INFORMATION**

312-971-6610

Developer Phone Attorney Phone 312-870-8022

Developer	Name	CCA	MDA	II	LLC	Developer	Contact	Jonathan
Weiss	Developer	Address	328	S	Jefferson	St	Ste 570,	60661
Email							jweiss@cityclubapts.com	
<mailto:jweiss@cityclubapts.com>Attorney						Name	John	J.
George / Chris A. Leach								
June 2019								

**TIMING**

Estimated date marketing will begin Estimated date of building permit\*  
October 2018 Estimated date ARO units will be complete November 2019

\*the in-lieu fee and recorded covenant are required prior to the issuance of any building permits, including the foundation permit

PROPOSED\* UNITS MEET REQUIREMENTS (to be executed by Developer\* ARO Project Manager)

**\*\* - it - ie**

Kara Breems, DPD  
Developer/Project Manager

Date 04/05/2018

Date

AFFORDABLE REQUIREMENTS ORDINANCE



**ARO Web Form**

AFFORDABLE REQUIREMENTS ORDINANCE

**Applicant Contact Information**

Name: CCA MDA II LLC

Email: jholtzman@cityclubapts.com <mailto:jholtzman@cityclubapts.com>

### Development Information

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: 2015 ARO REQUIREMENTS APPLY

### Address

**Submitted Date: 04/04/2018**

Number From :171 Number To: N/A Direction: N  
Street Number:Wabash Avenue Postal Code: 60601

### Development Name

MDA II

### Information

Ward :42 ARO Zone: Downtown

### Details

ARO trigger :Downtown Planned Development

Total units: 21

Development type: Rent

TSL Project: TSL-or FAR doesn't exceed 3.5

**Submitted date: QMtISOiLLZr' 2 - Z 8 - K> / &C&S>>**

### Requirements

Affordable units :2 \*On-site aff. Units: 1

How do you intend to meet your required obligation

On-Site:2 Off-Site: 0

On-Sito to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0

Total Units: 2 In-Lieu Fee Owed: 0



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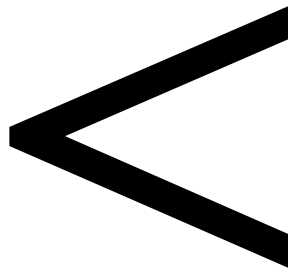
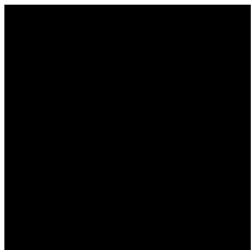
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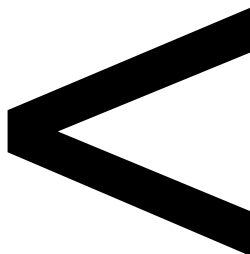
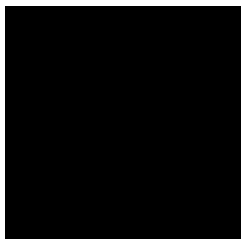
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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: Alderman Daniel S. Sculls  
Chairman,xf]ly Ctouncil Committee on Zoning

David Reifman  
Chicago Plan Commission

Date: April 19,2018

Re: 171 North Wabash Avenue - Planned Development No. 1116, As Amended

On January 18, 2018, the Chicago Plan Commission recommended approval of a proposed amendment to Planned Development by CCA MDA II LLC. A copy of the zoning application and proposal is 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 Planning and Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-9476.

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

*FPP C*

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