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

SECTION 1. Title 17 ofthe Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all ofthe M3-3 Heavy Industry District symbols and indications as shown on Map Number 5-G in the area bounded by:

North Besly Court; a 111.33 foot long line perpendicular to N. Besly Court to its intersection with North Elston Avenue at a point 173.51 feet southeast of the south line of W. Cortland Avenue; North Elston Avenue; a 113.53 foot long line perpendicular to North Elston Avenue to its intersection with North Besly Court

To those of a B3-3 Community Shopping District;

SECTION 2. Changing all of the B3-3 Community Shopping District symbols and indications as shown on Map Number 5-G in the area bounded by:

North Besly Court; a 111.33 foot long line perpendicular to N. Besly Court to its intersection with North Elston Avenue at a point 173.51 feet southeast of the south line of W. Cortland Avenue; North Elston Avenue; a 113.53 foot long line perpendicular to North Elston Avenue to its intersection with North Besly Court

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 set forth in the Plan of Development herewith attached and made a part thereof and to no others.

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

Common Address ofthe Property: 1838-1842 N. Elston Avenue/1839-1843 N. Besly Court

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO,
PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number , (Planned Development) consists of approximately 8,488.78 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, 1838 Elston Avenue 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

Applicant'
Address:
Introduced
(Man Commission
1838 Elston Avenue LLC 1838-42 N Elston Avenue September 18,2019 June 17,2021

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- 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 18 Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Site Plan; Roof and Landscape Plan; and, Building Elevations (North, South, East and West) prepared by Fitzgerald Associates Architects and dated June 17, 2021 and an Affordable Housing Profile Exhibit, submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. 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 Planned Development; multi-family dwelling units above the ground floor; animal services sales and grooming; artist work or sales space; business equipment sales and service; restaurants (limited and general); financial services (excluding payday/title secured loan stores and pawn shops); food and beverage retail sales; vacation rental; office; personal service; dry cleaning drop-off or pick-up (no on premise plant); retail sales; indoor sports and recreation; 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 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

Applicant[1] 1838 Elston Avenue I.I.C
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identified in the Bulk Regulations and Data Table has been determined using a net site area of 8,488.78 square feet and a base FAR of 3.0.

The improvements to be constructed on the Property will be subject to the following North Branch Corridor Overlay Subdistrict A floor area bonus criteria; otherwise more specifically described in Section 17-7-0407 and other referenced portions of the Municipal Code of Chicago.

9. The Applicant acknowledges that the Property is located in the North Branch Industrial Corridor Conversion Area, and has undergone a "rezoning" within the meaning of Chapter 16-8 of the Municipal Code (the "Industrial Corridor System Fund Ordinance"). As a result of this rezoning, the Planned Development is subject to the conversion fee provisions ofthe Industrial Corridor System Fund Ordinance. The purpose of the conversion fee is to mitigate the loss of industrial land and facilities in conversion areas by generating funds for investment in receiving industrial corridors in order to preserve and enhance the city's industrial base, support new and expanding industrial uses, and ensure a stable future for manufacturing and industrial employment in Chicago. The Applicant is required to pay the conversion fee in full 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 conversion fee 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 amount of the conversion fee due prior to the issuance of a building permit shall be calculated based on the fee rate in effect at the time of payment. The Applicant shall record a notice against the Property to ensure that the requirements of the Industrial Corridor System Fund Ordinance are enforced in accordance with Section 16-8-100.

10. 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.

11. 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.

12. 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.

13. The terms and conditions of development under this Planned Development ordinance may be modified administratively,

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pursuant to Section 17-13-0611-A, by the Zoning Administrator

Applicant. 1838 Elston Avenue LLC
Address. 1838-42 N. Elston Avenue
Introduced' September 18, 2019
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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.

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 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. 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.

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 process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of (i) 26% 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 ofthe 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

Applicant. 1838 Elston Avenue LLC
Address 1838-42 N Elston Avenue
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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 M3-2 to B3-3, and then to this Planned Development (PD), triggers the requirements of Section 2-44-080 of the Municipal Code (the "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 ("ARO Units") as affordable units, or with the approval of the commissioner of the Department of Housing ("DOH") (subject to the transition provisions of Section 2-44-040(c)), in consultation with the commissioner of the Department of Planning and Development ("DPD") as appropriate; (ii) pay a fee in lieu of the development of the ARO Units (Cash Payment); 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 ARO Units on-site or off-site (Required Units). If the developer elects to provide ARO Units off-site, the off-site ARO 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 higher income area within the meaning ofthe ARO, and the project has a total of thirty-four (34) units. As a result, the Applicant's affordable housing obligation is three (3) ARO Units (10% of 34 rounded down), one (1) of which are Required Units (25% of 34, rounded up. Applicant has agreed to satisfy its affordable housing obligation by providing 3 ARO Units in the rental building to be constructed in the Planned Development, to be approved by the Department of Housing in consultation with DPD as appropriate, as set forth in the Affordable Housing Profile Form attached hereto as an Exhibit. The Applicant agrees that the ARO rental 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 ARO Units in the Planned Development, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Housing for review and approval, and DOH may adjust the number of required ARO Units 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 make the required Cash Payment and/or execute and record an affordable housing agreement in accordance with Section 2-44-080(L). The cash payment will be recalculated at the time of payment (including partial payments for phased developments) and may be adjusted based on changes in the consumer price index in accordance with Section 2-44-080. 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 17, 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.

Applicant 1838 Elston Avenue LLC
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18. 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 B3-3.

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Applicant'	1838 Elston Avenue LLC
Address.	1838-42 N. Elston Avenue
Introduced	September 18, 2019
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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.

BULK REGULATIONS AND DATA TABLE

GROSS SITE AREA:	12,870.32 sq. ft.
AREA IN PUBLIC RIGHT-OF-WAY:	4,381.54 sq. ft.
NET SITE AREA:	8,488.78 sq. ft.
MAXIMUM OVERALL FAR:	4.4

Maximum Base FAR:	3.0
Industrial Corridor Bonus FAR:	1.4
Maximum Dwelling Units:	34
Total Minimum Accessory Parking Spaces:	0
Minimum Bicycle Parking:	34
Off Street Loading Berths:	1 (10' x 25')
Building Height:	74.0 feet 77.0 feet (to top of parapet)

Applicant: 1838 Elston Avenue LLC Property: 1838-42 North Elston Avenue Introduced: September 18, 2019
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Planned Development No. -

EXISTING LAND USE MAP

3-STORY OFFICE

1-STORY COMMERSIAL -
2-STORY STORAGJ
2-STORY COMMERCIAL
2-STORY WAREHOUSE
4-STORY WAREHOUSE

1-STORY^ WAREHOUSE

1-STORY^ ELECTRICAL SUBSTATION

1-STORY COMMERCIAL
3-STORY COMMERCIAL
3-STORY COMMERCIAL / INDUSTRIAL^

1-STORY COMMERCIAL/ INDUSTRIAL

1-STORY INDUSTRIAL

Applicant: Address:
1838 Elston Avenue LLC 1838 - 1842 N. Elston Avenue

Introduced: September 19, 2019 CPC Date. June 17, 2021 Amended.

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EXISTING ZONING MAP

PLANNED DEVELOPMENT SITE

Applicant: 1838 Elston Avenue LLC Address- 1838 - 1842 N. Elston Avenue
Introduced: September 19, 2019
CPC Date: June 17,2021 Dp. Amended: KU-UZ

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PD PROPERTY LINE AND BOUNDARY MAP

Applicant: Address

Introduced: CPC Date: Amended:

1838 Elston Avenue LLC 1838 - 1842 N. Elston Avenue

September 19, 2019 June 17, 2021

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SITE PLAN

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Applicant: Address:

1838 Elston Avenue LLC 1838 - 1842 N Elston Avenue

Introduced: September 19, 2019 CPCDate: June 17, 2021 Amended:

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east elevation

METAL CANOPY

METAL AND GLASS
STOREFRONT
AND ENTRANCE
SYSTEM

METAL PANEL CLADDING -

METAL AND

GLASS WINDOW

SYSTEM

METAL LOUVER METAL CANOPY

METAL AND GLASS
STOREFRONT
AND ENTRANCE
SYSTEM

MASONRY

N ELSTON AVENUE

Applicant[1] Address:
1838 Elston Avenue LLC 1838 - 1842 N Elston Avenue

Introduced: CPC Date-Amended:
September 19, 2019 June 17, 2021

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NORTH ELEVATION

PARAPET HEIGHT

nw^

METAL AND GLASS WINDOW SYSTEM
METAL PANEL CLADDING

MASONRY DETAILING

METAL CANOPY

BUILDING HEIGHT ,
Applicant Address:
1838 Elston Avenue LLC 1838 - 1842 N Elston Avenue

Introduced- September 19, 2019 CPCDate- June 17,2021 Amended

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WEST ELEVATION

METAL AND GLASS
METAL PANEL CLADDING
MASONRY
STOREFRONT AND ENTRANCE SYSTEM

PARAPET HEIGHT ,

METAL PANEL

CLADDING

Applicant: Address:
1838 Elston Avenue LLC 1838 - 1842 N Elston Avenue

Introduced: September 19, 2019 CPCDate: June 17, 2021 Amended.

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SOUTH ELEVATION

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PARAPET HEIGHT

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1838 Elston Avenue LLC 1838 - 1842 N. Elston Avenue

September 19, 2019 June 17, 2021

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ROOF AND LANDSCAPE PLAN

Applicant: Address:
1838 Elston Avenue LLC 1838 - 1842 N. Elston Avenue
Introduced: September 19, 2019 CPCDate: June 17,2021 Amended'

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PD-09

ARO Affordable Housing Profile Form (AHP)

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. 5/20/2021

DEVELOPMENT INFORMATION

Development Name: 1838 N Elston Development Address: 1838-1842 N. Elston

Zoning Application Number, if applicable: 20195 Ward: 1838 N Elston

If you are working with a Planner at the City, what is his/her name? Emily Thrun

Type of City Involvement □ City Land [TJ Planned Development (PD)

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

JJ Zoning increase

REQUIRED ATTACHMENTS: the AHP will not be reviewed until all required docs are received

|7J ARO Web Form completed and attached - or submitted online on | May 20, 2021 |

[7J ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel)

[7J if ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached {pdf)

\J If ARO units proposed are off-site, required attachments are included (see next page)

fj] If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

DEVELOPER INFORMATION

Developer Name 1838 Elston Avenue LLC.

Developer Contact Frank Campise

Developer Address 1800 W Berenice, Suite 200

Email fcampise@jabrealestate.com <mailto:fcampise@jabrealestate.com> Developer Phone 773 472-9600

MtorneyName Katriina S. McGuire Attorney Phone 312-580-5042

TIMING

Estimated date marketing will begin November 2022 Estimated date of building permit*

October 2021 Estimated date ARO units will be complete May 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.

UNITS MEET REQUIREMENTS (to be executed by, Developer & ARO Project Manager)

^evfitope/Cef-meit. agent Date

Q UNITS

^agent ^

Justin Roql-oT Denise Roman, DOH Date

June 11, 2021

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Applicant Contact Information

Name: Talar Berberian

Email: tberberian@thompsoncoburn.com <mailto:tberberian@thompsoncoburn.com>

Development Information

Are you rezoning to downtown?: No

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

Address Submitted Date: 05/20/2021

Number From :1838 Number To: 1842 Direction: N

Street Number:Elston Postal Code: 60642

Development Name
1838 N Elston

Information

Ward :32 ARO Zone: Higher Income

Details
ARO trigger :Zoning change
Total units: 34
Development type: Rent
TSL Project: TSL-or FAR doesn't exceed 3.5
Submitted date: 09/18/2019

Requirements PUBLICATION

Affordable units :3 'On-site aff. Units: 1
How do you intend to meet your required obiligation

On-Site:3 Off-Site: 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 3 In-Lieu Fee

Owed: 0

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

Alderman Tom Tunney
Chairman, City Council Committee on Zoning

From

Maurice D. Cox Chicago Plan Commission

Date: June 17,2021

Re: Proposed Residential Business Planned Development and Industrial Corridor Map Amendment - 1838 North Elston Avenue

On June 17, 2021, the Chicago Plan Commission recommended approval of the proposed Residential Business Planned Development and Industrial Corridor Map Amendment within the North Branch Industrial Corridor, submitted by 1838 Elston Avenue LLC. The applicant proposes to rezone the site from M3-3 (Heavy Industry District) to B3-3 (Community Shopping District) and then to a Residential Business Planned Development to construct a 74'-tall building (77' to top of parapet) with 34 residential units and ground floor commercial space. A 1.4 FAR (Floor Area Ratio) bonus will be taken and the overall FAR of the planned development will be 4.4. 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 ofthe resolution. If you have any questions in this regard, please do not hesitate to contact Emily Thrun at 312-744-0756.

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

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

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