



# Office of the City Clerk

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

## Legislation Text

File #: SO2021-4547, Version: 1

FINAL FOR PUBLICATION

#20850

### ORDINANCE

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

SECTION I. Title 17, of the Municipal Code of Chicago, the Chicago Zoning Ordinance be amended by changing all the B1-2 Neighborhood Shopping District symbols and indications as shown on Map No. 9-H in the area bounded by

beginning at a line 243.5 feet southeast of the intersection of North • Lincoln Avenue and North Damen Avenue as measured along the southwest right-of-way line of North Lincoln Avenue and perpendicular thereto; North Lincoln Avenue; a line 128.8 feet northwest of the intersection of North Lincoln Avenue and West Bryon Street as measured along the southwest right-of-way line of North Lincoln Avenue and perpendicular thereto; the alley next east of and parallel to North Damen Avenue; the alley next north of and parallel to West Byron Street; North Damen Avenue; and a line 243.5 feet south of the intersection of North Lincoln Avenue and North Damen Avenue as measured along the east right-of-way line of North Damen Avenue and perpendicular thereto (TOB),

to those of an B3-3 Community Shopping District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the B3-3 Community Shopping District symbols and indications as shown on Map No. 9-11 in the area bounded by

beginning at a line 243.5 feet southeast of the intersection of North Lincoln Avenue and North Damen Avenue as measured along the southwest right-of-way line of North Lincoln Avenue and perpendicular thereto; North Lincoln Avenue; a line 128.8 feet northwest of the intersection of North Lincoln Avenue and West Bryon Street as measured along the southwest right-of-way line of North Lincoln Avenue and perpendicular thereto; the alley next east of and parallel to North Damen Avenue; the alley next north of and parallel to West Byron Street; North Damen Avenue; and a line 243.5 feet south of the intersection of North Lincoln Avenue and North Damen Avenue as measured along the east right-of-way line of North Damen Avenue and perpendicular thereto (TOB),

to the designation of Residential-Business Planned Development Number No. ,  
which is hereby established in the area above described, subject to such use and bulk

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

SECTION 3. This ordinance shall be in force and effect from and after its passage and due publication.

Common Addresses of Properties: 3914-3930 North Lincoln Avenue and  
3909-3917 North Damen Avenue

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**PLANNED DEVELOPMENT STATEMENTS FOR RESIDENTIAL-BUSINESS**  
**PLANNED DEVELOPMENT NO.**

1. The area delineated herein as Planned Development Number \_\_\_\_\_, (Planned Development) consists of approximately 24,554 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (Properly) and is owned or controlled by the Applicant, 3914 N Lincoln 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:

Applicant: 3914 N Lincoln LLC  
Address- 3914-30 North Lincoln Avenue / 3909-13 North Damen Avenue  
Introduced  
Plan Commission'

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- 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 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: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Site Plan/Landscape plan; typical Floor Plans; a Green Roof Plan; and, Building Elevations ("North, South, East and West) prepared by Space Architects and Planning and dated November 18th, 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 Residential-Business Planned Development: multi-unit residential; Restaurants both Limited and General including outdoor patios; Financial Institutions (excluding Payday Loan and Pawn Shops), Automatic teller machines; animal Sales and grooming services (excluding Boarding and Kenneling); Food and Beverage Retail Sales; Liquor Sales (as accessory use); Medical Service; Office, Parking (accessory), Personal Services; Dry Cleaning drop-off or pick-up (no dry cleaning plants); General Retail Sales; and Indoor Sports and Recreation, Participant (including a Children's Play Center).
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.

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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 24,554 square feet with a base FAR of 3.0 and a maximum FAR of 4.0 pursuant to 17-3-0403-B and 17-03-0403-C.
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 and agrees that the rezoning of the Property from a B1-2 Neighborhood Shopping District, to a B3-3 Community Shopping District, and then to this Residential Business Planned Development ("PD") No. \_\_\_\_\_ is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in an inclusionary housing area within the meaning of the ARO and permits the

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construction of 68 dwelling units. The Applicant intends to construct a 68-unit rental building.

Developers of rental projects in inclusionary housing areas with 30 or more units must provide between 10% and 20% of the units in the residential development as affordable units, depending on the average depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project, developers must construct at least 25% of the affordable units on-site and another 25% on-site or off-site (collectively, the "Required Units"), and may satisfy the balance of their affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of on-site or off-site affordable units; or (c) any combination thereof. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary housing area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

The Applicant has elected the 10% option as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 6.8 affordable units (10% of 68), and half of those affordable units are Required Units. Pursuant to subsection (T) of the ARO, the Applicant must provide an additional unit to satisfy the fractional obligation of 0.5 or greater. The Applicant has agreed to satisfy its affordable housing obligation by providing seven (7) affordable units in the rental building in the PD, as set forth in the Affordable Housing Profile (AHP) attached hereto. The Applicant agrees that the affordable rental units must be affordable to households at 30% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually.

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this PD, DOH may adjust the AHP as requested, in accordance with the ARO, without amending the PD, provided however, the Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOH's request, provide an informational presentation to Plan Commission on such change. 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 execute and record an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against the PD, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 15, including any breach of any IHA, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

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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 of the Applicant's submission for Part 11 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. 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 a B3-3 Community Shopping District.

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Bulk Regulation and Data Table Project:

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**3914-3930 N. Lincoln + 3909-3917 N. Damen Ave**

Gross Site Area:	36,813.30 sq. ft.
Area in Right-of-way:	12,259.30 sq. ft.
Net Site Area: ' ■.	24,554.00 sq. ft. ....

Maximum Floor Area Ratio = base FAR 3.0, max FAR 4.0 pursuant to 17-3-0403-B and 17-3-0403-C

Maximum Permitted Dwelling Units: 68

Minimum Off-Street Parking: 28 (indoor]

Minimum Off-Street loading: One Berth IIO'-O" x 25 -0 T

Minimum Bike Parking- 76 spaces - indoors

Maximum Building Height: 61 -3" - measured according to CZO 17-17-0311-A

Minimum Setbacks.

In accordance with plans

# SPACE

ARCHITECTS + PLANNERS

## OFFICES

2149 North Talman Avenue Chicago Illinois 60647

## CONTACT

312 829 6666 info@spacearchplan.com

## ONLINE

spacearchplan.com @spacearchplan

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Date:

DEVELOPMENT INFORMATION /■

Development Name: 3^1^ ^ /~t -\ W

Development Address: 3 9/v - J 9^ /t/

Zoning Application Number, if applicable:

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Ward: Z< ?





## Development Information

### Address

Printed Date: 11/12/2021

Number From: 3914 Number To: 3930 Direction: N  
Street Name: Lincoln Avenue Postal Code: 60613

### Development Name

Are you rezoning to downtown?: No

### Is your project subject to the ARO Pilots?: Section 2-44-085 (2021 ARO) Information

Ward: 47 ARO Zone: Inclusionary Housing Area

### Details

ARO Trigger: ZC  
Total Units 68  
Development Type: Rent  
TSL Project: TSL-or FAR doesn't exceed 3.5  
Date Submitted: 10/28/2021

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### Requirements

Affordable Units: 7 \*On-site aff. Units: How do you intend to meet your

required obligation On-Site: 7 Off-Site: 0

On-Site to CHA or Authorized Agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 7 In-Lieu Fee

Owed: 0

The Applicant has elected the 10% option as set forth in the chart in subsection (F)(2) of the ARO.

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

**MEMORANDUM**

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

From: ^ - ^/f^ - ^ Q/J Maurice D. Cox / Chicago Plan  
Commission

Date: December 16, 2021

Re: Proposed Residential Business Planned Development at 3914-30 North Lincoln Avenue and 3909-17 North Damen Avenue

On December 16, 2021, the Chicago Plan Commission recommended approval of a proposed planned development submitted by 3914 N Lincoln LLC. A copy of the proposed planned development 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 recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 312-742-9442.

Cc: Steve Valenziano

PD Master File (Original PD, copy of memo)

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

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EXISTING ZONING MAP  
NTS

### 39UN. LINCOLN AVE.

39U-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE. CHICAGO, ILLINOIS 60613

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ARCHITECTS + PLANNERS |

BYRON ST.  
TWO WAY TRAFFIC

SPACE j

### 1 EXISTING LAND USE

### 39UN. LINCOLN AVE.

39U-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE. CHICAGO. ILLINOIS 60613

EXHIBIT

EXISTING LAND USE

11.03.2021

BYRON ST.

TWO WAY TRAFFIC

#### AREAS

GROSS SITE AREA = 36,813.3 SQ. FT.

AREA IN PUBLIC RIGHT-OF-WAY = 12,259.3 SQ. FT.

NET SITE AREA = 24,554.0 SQ. FT.

### 39K N. LINCOLN AVE.

39U-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE. CHICAGO, ILLINOIS 60613

EXHIBIT

BOUNDARY MAP

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NEW TREE & 5' X 10' GRATE - TYP ■ NEW DETECTABLE WARNINGS, MIRRORS AND WARNING LIGHTS AT ALLEY-

### LINCOLN AVE.

TWO WAY TRAFFIC

NOTE: TREES ON DAMEN AVE. ARE SUBJECT TO  
RELOCATING THE EXISTING OVERHEAD WIRES, WHICH IS  
AN ACTIVE DISCUSSION WITH COMED



1 2ND - 4TH FLOOR TYPICAL PLAN

1/32" = 1'.0"

3914 N. LINCOLN AVE.  
EXHIBIT

3914-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE.  
CHICAGO, ILLINOIS 60613

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SPRCE ■

arc.htects . planners ■ 2ND - 4TH  
1 FLOOR PLAN

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#20850

39UN. LINCOLN AVE.

39U-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE CHICAGO, ILLINOIS 60613

0 COPY-51 SPACE ARCHITECT, . P(AHWF)

EXHIBIT

5TH FLOOR PLAN

11 03.2021

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AREAS

GROSS ROOF AREA =	21,530 SQ. FT.
1 ST FLOOR ROOF=	1,166 SQ. FT.
5TH FLOOR ROOF=	20,364 SQ. FT.
SOLAR=	1,333 SQ.FT.
MECHANICAL=	7,915 SQ. FT.
STAIR/ ELEVATOR OVERRUN =	339 SQ. FT.
GREEN ROOF=	10,777 SQ FT.

•TOTAL GREEN ROOF REQUIRED (50%) = TOTAL GREEN ROOF PROVIDED =  
10,765 SQ. FT. 10,777 SQ.FT.



GREEN ROOF PLAN

39UN. LINCOLN AVE.

39U-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE. CHICAGO, ILLINOIS 60613

EXHIBIT

GREEN ROOF PLAN

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1/32" = 1'-0"

T/CEILING

61'-3"

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-I EAST ELEVATION

1/32" = 1'-0"

3914 N. LINCOLN AVE.

3914-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE.  
CHICAGO, ILLINOIS 60613

SPACE ! EXHIBIT

architects . planners i BUILDING  
:"IT.^Z ! ELEVATIONS

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■ 11.03.2021

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## 3914 N. LINCOLN AVE.

3914-30 N. LINCOLN AVE. + 3909-17 N. DAMEN AVE.

'11.03 2021

CHICAGO, ILLINOIS 60613

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\*\*\*\* \*\_ELEVATIONS