



Office of the City Clerk

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

Legislation Text

File #: SO2022-2630, Version: 1

FINAL FOR PUBLICATION

ORDINANCE

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

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the Residential-Business Planned Development No. 1428 District symbols and indications as shown on Map No. 1-F in the area bounded by:

West Grand Avenue; North Orleans Street; the alley next south of and parallel to West Grand Avenue; a line extended south 215.61 feet west of and parallel to North Orleans Street; a line 109.21 feet south of and parallel to West Grand Avenue; and a line 359.06 feet west of and parallel to North Orleans Street

to the designation of Residential-Business Planned Development No. 1428, as amended, subject to the use and bulk regulations set forth in the Plan of Development attached hereto and made a part hereof.

SECTION 2. This ordinance takes effect after its passage and due publication.

Common Address. 369 West Grand Avenue

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RES 11) EN I I A L - B U S I N E S S P L A N N E D D E V E I A) P M E N T No. 1428. as amended

1. The area delineated herein as Residential-Business Planned Development Number 1428, (Planned Development) consists of approximately 37,260 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (Properly) and is under the single-designated control of the Applicant, Onni Grand Limited Partnership.
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 " ■ -"
- ADA crosswalk ramps
- Parkway & landscaping

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The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

4. This Plan of Development consists of Eighteen Statements: a Bulk Regulations Table; an Aerial Map; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Site Plan; Landscape and Roof Plan; Building Elevations (North, East, South and West); Large Detail Drawings prepared by Brininstool+Lynch dated October 18, 2018; and the Affordable Housing Profile Form, as published in the October 31, 2018 Journal of Proceedings of the City Council of the City of Chicago at pages 88157 to 88174. 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.

Also incorporated herein by reference are the following:
Minor change approvals dated September 27, 2019 and March 23, 2020.

5. The following uses are permitted in the area delineated herein as Planned Development 1428: Multi-Unit residential; Eating and Drinking Establishments; Motel; Office; Personal Service; Retail Sales; Daycare; Accessory Parking; Accessory and related uses. The following uses shall be prohibited: Taverns. The green space located along North Orleans Street shall be a park and will be maintained by the Applicant.
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

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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 37,260 square feet and a base FAR of 7.0.

9. The Applicant acknowledges that the project has received a bonus FAR of 4.5, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 1 1.5. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17-4-1003-B & C, 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 bonus payment 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 bonus payment will be recalculated at the time of payment (including partial payments for phased developments) and may be adjusted based on changes in median land values in accordance with Section 17-4-1003-C.3

The bonus payment will be split between three separate funds, as follows: <S0% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopt-a-Landmark Fund and 10% to the Local Impact Fund. In lieu of paying the City directly, the Department may: (a) direct developers to deposit a portion of the funds with a sister agency to finance specific local improvement projects; (b) direct developers to deposit a portion of the funds with a landmark property owner to finance specific landmark restoration projects; or, (c) approve proposals for in-kind improvements to satisfy the Local Impact portion of the payment.

In this case, the Applicant will contribute \$400,000.00 of the Local Impact portion of the bonus payment for Chicago Transit Authority Brown Line painting (the "Project"). The project is located within one mile of the Planned Development site, as required by Section 17-4-1005-C. The Applicant must make such payment, or the applicable portion thereof in the case of a phased development, prior to the issuance of the first building permit for the Planned Development or applicable phase thereof. The City must enter into an intergovernmental agreement regarding the manner in which funds will be used. The remainder of the Local Impact bonus payment will be allocated at a later date.

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

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Facility Management and Buildings, under Section 1.3-32-085, 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, pursuant to Section 17-13-061 1-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.
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 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

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thereof, and evidence of such participation. In addition to the foregoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

17. The Applicant acknowledges and agrees that the rezoning of the Property from DX-7 to this Planned Development (PD), triggers the requirements of Section 2-45-1 15 of the Municipal Code of Chicago ("Affordable Requirements Ordinance" or "ARO"). Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project (ARO Units) as affordable units, or with the approval of the Commissioner of the Department of Planning and Development (DPD), provide the ARO Units in an approved off-site location; (ii) pay a fee in lieu of the development of the ARO 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 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 downtown district within the meaning of the ARO, and the project has a total of 356 units. As a result, the Applicant's affordable housing obligation is 36 ARO Units (10% of 356 rounded up), 9 of which are Required Units (25% of 36). Applicant has agreed to satisfy its affordable housing obligation by making a cash payment to the Affordable Housing Opportunity Fund in the amount of \$179,857 per unit (Cash Payment) and/or providing 36 ARO Units in the rental building to be constructed in the Planned Development and/or 36 ARO Units in an off-site building located at a location to be determined and/or entering into an agreement with the Chicago Housing Authority ("CHA") to provide ARO Units in the Planned Development, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant agrees that the ARO 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 Planned Development, or elects to build a for-sale project instead, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and approval, and DPD may adjust the requirements and 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 2-45-115(E). 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 2-45-115. 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.

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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 Planned Development.

18. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development amendment ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to Residential-Business Planned Development No. 1428 dated October 3 1, ^2018.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1428, as amended BULK REGULATIONS AND DATA TABLE

Gross Site Area:	58,732 Square Feet
Area of Public Right-of-Way:	21,472 Square Feet
Net Site Area:	37,260 Square Feet
Maximum Floor Area Ratio:	11.5
Maximum Number of Dwelling Units:	356
Minimum Number of Off-Street Parking Spaces:	253
Minimum Number of Bicycle Parking Spaces:	125
Minimum Number of Loading Berths:	2 (10'x25')
Maximum Building Height:	452'
Minimum Setbacks:	In accordance with plans

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Application #21130 To: Clerk

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: November 17, 2022

Rc: Proposed Amendment to Residential Business Planned Development 1428 (369 West Grand Avenue)

On November 17, 2022, the Chicago Plan Commission recommended approval of the proposed amendment to Residential Business Planned Development 1428, submitted by Onni Grand Limited Partnership. The applicant proposed to amend Residential Business Planned Development 1428 to add "Day Care" as a permitted use. No changes are proposed to the exterior of the existing building in the Planned Development. A copy of the proposed ordinance, planned development statements, and bulk table 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 of the resolution. If you have any questions in this regard, please do not hesitate to contact Emily Thrun at 312-744-0756.

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

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