

# PD 1221

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17670

58330

JOURNAL--CITY COUNCIL--CHICAGO

7/24/2013

Alderman Burke invoked Rule 14 of the City Council's Rules of Order and Procedure, disclosing that he had represented parties to this ordinance in previous and unrelated matters.

The following are said ordinances as passed (the italic heading in each case not being a part of the ordinance).

*Reclassification Of Area Shown On Map No. 2-F.*

(As Amended)

(Application No. 17670)

(Common Address: 407 -- 415 S. Dearborn St./35 -- 39 W. Van Buren St.)

[SO2013-788]

RBPD 1221

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the current DC-16 Downtown Core District symbols and indications as shown on Map Number 2-F in the area bounded by:

West Van Buren Street; South Plymouth Court; a line 148.77 feet south of West Van Buren Street; and South Dearborn Street,

to those of a Residential Business Planned Development which is hereby established in the area described above.

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

Plan of Development Statements attached to this ordinance read as follows:

*Residential-Business Planned Development Statements.*

1. The area delineated herein as Planned Development Number 1221 ("Planned Development") consists of approximately 10,174 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, MCJ Development 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 titleholders 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 titleholder and any

ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.

3. All applicable official reviews, approvals or permits are required to be obtained by the applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the applicant or its successors, assign or grantees. Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the plans.

Ingress or egress shall be pursuant to the plans and may be subject to the review and approval of the Departments of Housing and Economic Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

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

4. This plan of development consists of seventeen (17) statements: a Bulk Regulations Table; an Existing Land-Use Map; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site/Landscape Plan; a Green Roof Plan and Building Elevations submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Housing and Economic 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 Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.
5. The following uses are permitted in the area delineated herein as a Residential Business Planned Development: residential units; day care; permitted uses in the Commercial Use Group; wireless communications facilities; and accessory uses. The following uses are prohibited: undertaking, lodging and free-standing communication towers.

6. On-Premises 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 Housing and Economic Development. Off-Premises signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. Pursuant to the Chicago Zoning Ordinance (Section 17-8-0911), planned developments are to give priority to the preservation and adaptive reuse of Chicago landmark buildings. The Planned Development includes The Old Colony Building, which is designated as a Chicago landmark. Work to designated Chicago landmarks is subject to the review and approval of the Commission on Chicago landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740.
9. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted Floor Area Ratio identified in the Bulk Regulations Table has been determined using a Net Site Area of 10,174 square feet and a base FAR of 16. For purposes of this development the definition of an Efficiency Unit, as defined in Section 17-17-0249 of the Zoning Ordinance, applies and furthermore an area enclosed by a wall that does not exceed seven feet in height above the floor and that has an opening of at least 60 inches shall not be considered a second room.

The improvements on the Property will utilize the following FAR bonuses:

Description	FAR
Base FAR:	16.00
Affordable Housing:	2.40
Total FAR:	18.40

The calculation of the additional Floor Area Ratio obtained through the series of proposed Bonuses is as follows:

$$\text{Affordable Housing} = 24,417.6 \text{ square feet} \times 0.80 \times \$31 = \$605,556.48$$

10. The applicant acknowledges and agrees that the rezoning of the Property from DX-16 for this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance" or "AHO"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). The applicant further acknowledges and agrees that this planned development is subject to Section 17-4-1004-D of the Zoning Code, which also requires on-site affordable housing or payment of a fee in lieu of providing affordable housing for rezonings in DC, DX and DR districts that increase the base floor area ratio. If a planned development is subject to the requirements of both Sections (2-45-110 and 17-4-1004-D), the developer may elect to satisfy the AHO requirements by complying with the affordable housing floor area bonus provided for in Section 17-4-1004. Applicant has elected to comply with Section 17-4-1004. Pursuant to Section 17-4-1004-B of the Zoning Ordinance, the applicant has requested an increase in the floor area ratio for the Property, as set forth in the bonus worksheet required under Section 17-4-1003-D and attached hereto as Exhibit A ("Bonus Worksheet"). In accordance with the formulas set forth in Section 17-4-1004-C and the Bonus Worksheet, the applicant acknowledges and agrees that it must provide a cash payment in lieu of providing affordable housing in the amount of \$605,556.48 ("Cash Payment"), or \$2,968.41 per unit ("Pro Rata Amount"). Prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits, the applicant must make the required Cash Payment. The applicant acknowledges and agrees that, pursuant to Section 17-4-1003-D3, the Bonus Worksheet will serve as an official record of bonuses and amenities. Notwithstanding anything to the contrary contained in Section 17-4-1003-E, the Commissioner of the Department of Housing and Economic Development may enforce remedies for breach of the provisions of this statement 9, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.
11. 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 Housing and Economic 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.
12. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of Housing and Economic Development. Any interim reviews associated with site plan review or Part II Reviews, are conditional until final Part II Approval. The applicant may lease to members of the public on an hourly, daily, weekly or monthly basis up to 45 percent of the minimum required residential parking spaces, and any accessory parking spaces above the minimum required.

13. The applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
14. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the applicant, its successors and assigns and, if different than the applicant, the legal titleholders and any ground lessors.
15. 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.
16. 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 has agreed to provide a 50 percent green roof over the net roof area and achieve Energy Star Certification to comply with the City of Chicago's Sustainable Matrix.
17. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this planned development ordinance lapse, the Commissioner of the Department of Housing and Economic Development shall initiate a Zoning Map Amendment to rezone the property to a DC-16 Downtown Core District.

[Surrounding Land-Use Map; Zoning Map; Site Planned Development Boundary and Property Line Map; Site Plan; Roof Plan; and North, South, East and West Building Elevations referred to in these Plan of Development Statements printed on pages 58336 through 58344 of this *Journal*.]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

*Residential Business Planned Development**Plan Of Development**Bulk Regulations And Data Table.*

Gross Site Area = Net Site Area + Area Remaining in the Public Right-of-Way

23,599.13 square feet (0.54 acre) = 10,174 square feet (0.23 acre) + 13,425.13 square feet (0.31 acre)

FAR: 18.40

Setbacks From Property Line

Van Buren Street: None

Plymouth Court: None

South Property Line: None

Dearborn Street: None

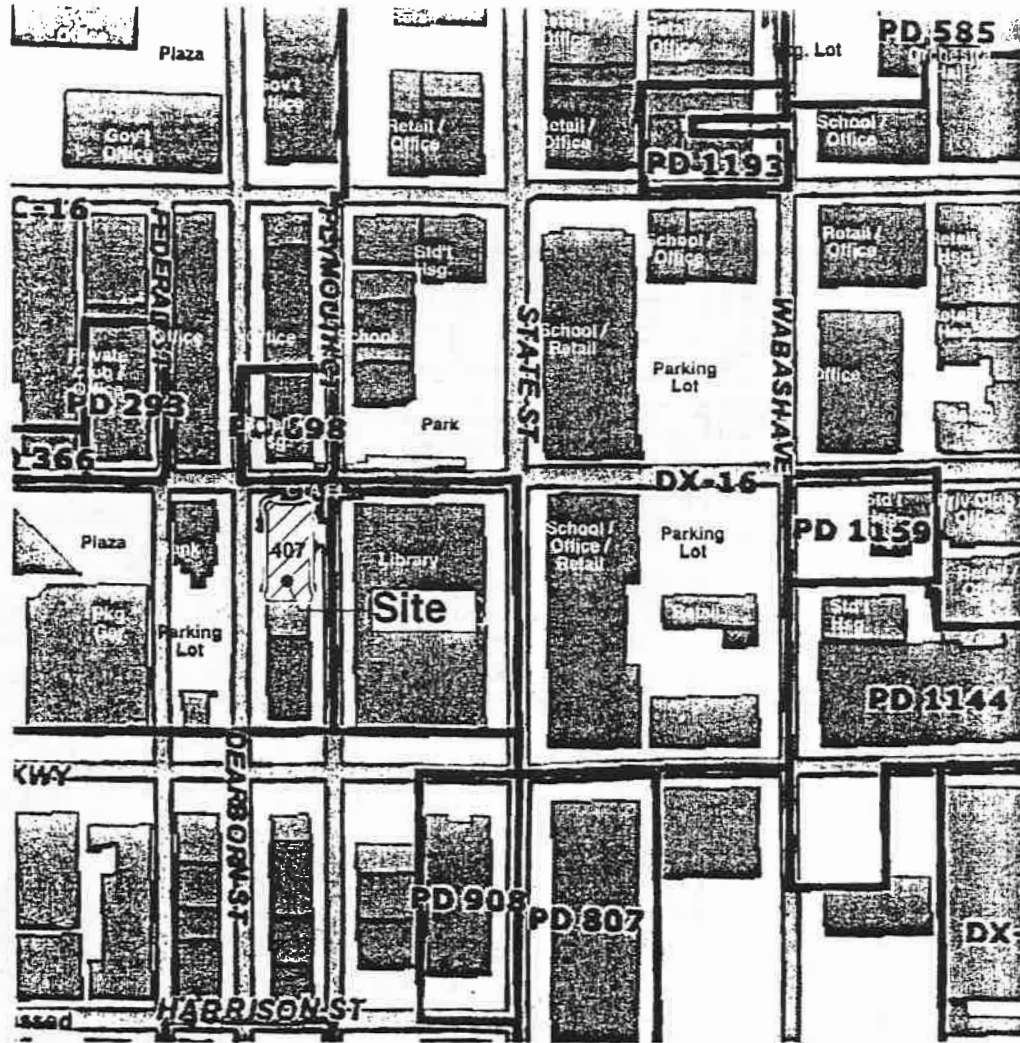
Maximum Percentage of Site Coverage: Per Site Plan

Maximum Number of Units: 204

Minimum Number of Off-Street Parking: None

Minimum Number of Off-Street Loading: None

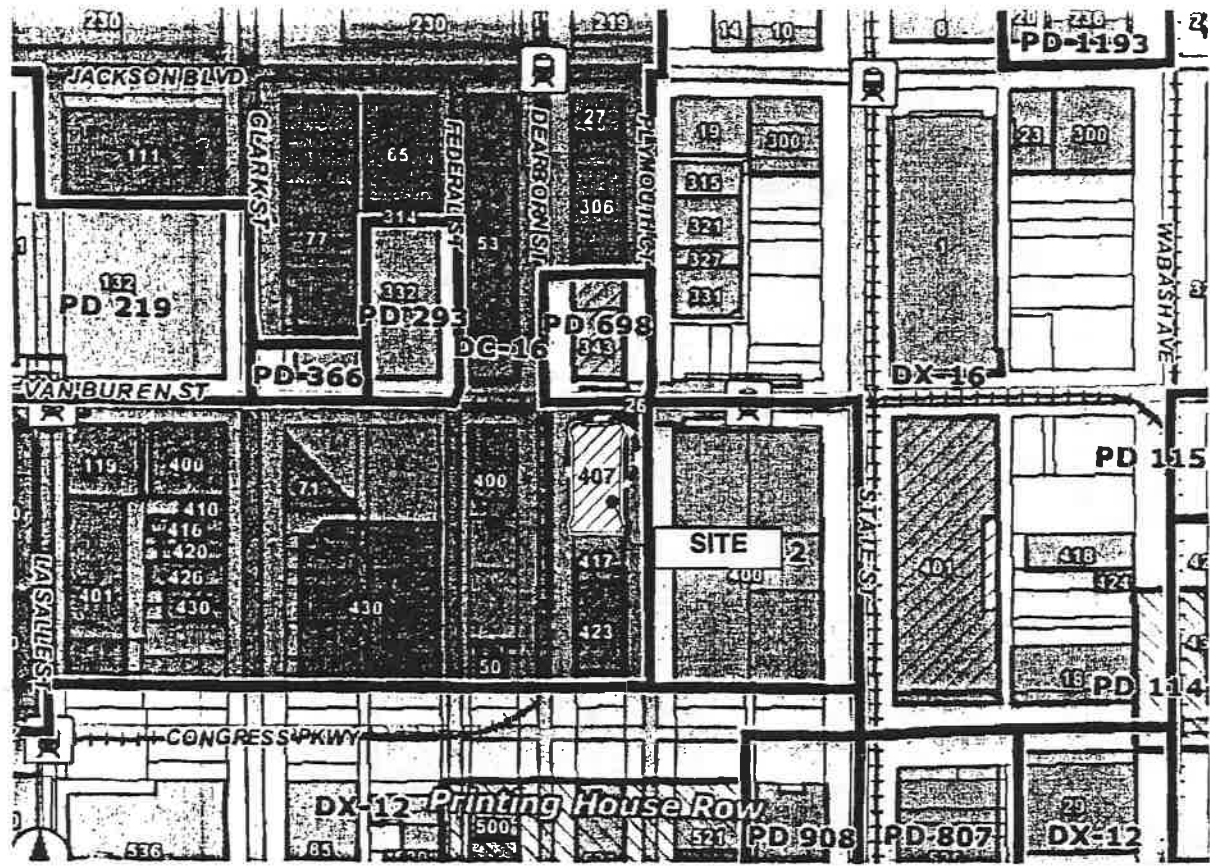
Maximum Building Height: 241 feet



Surrounding Land-Use Map.

**Surrounding Land Use Map**

Applicant: MCJ Development LLC  
 Address: 407-15 S. Dearborn/35-39 W. Van Buren  
 Introduced: February 13, 2013  
 Plan Commission: July 18, 2013



- Zoning
- Business
  - Commercial
  - Manufacturing
  - Residential
  - Planned Development
  - Planned Manufacturing
  - Downtown Core
  - Downtown Science
  - Downtown Mixed
  - Downtown Residential
  - Transportation
  - Parks & Open Space
  - Zoning Boundaries
- Historic Preservation
- CHICAGO LANDMARKS
  - Chicago Landmarks
  - Landmark Districts
- Chicago Historic Resources Survey - Buildings subject to Demolition-Delay Ordinance
- Red
  - Orange
- Parcels
  - CTA Line
  - CTA Station
  - Streets
  - Curbs

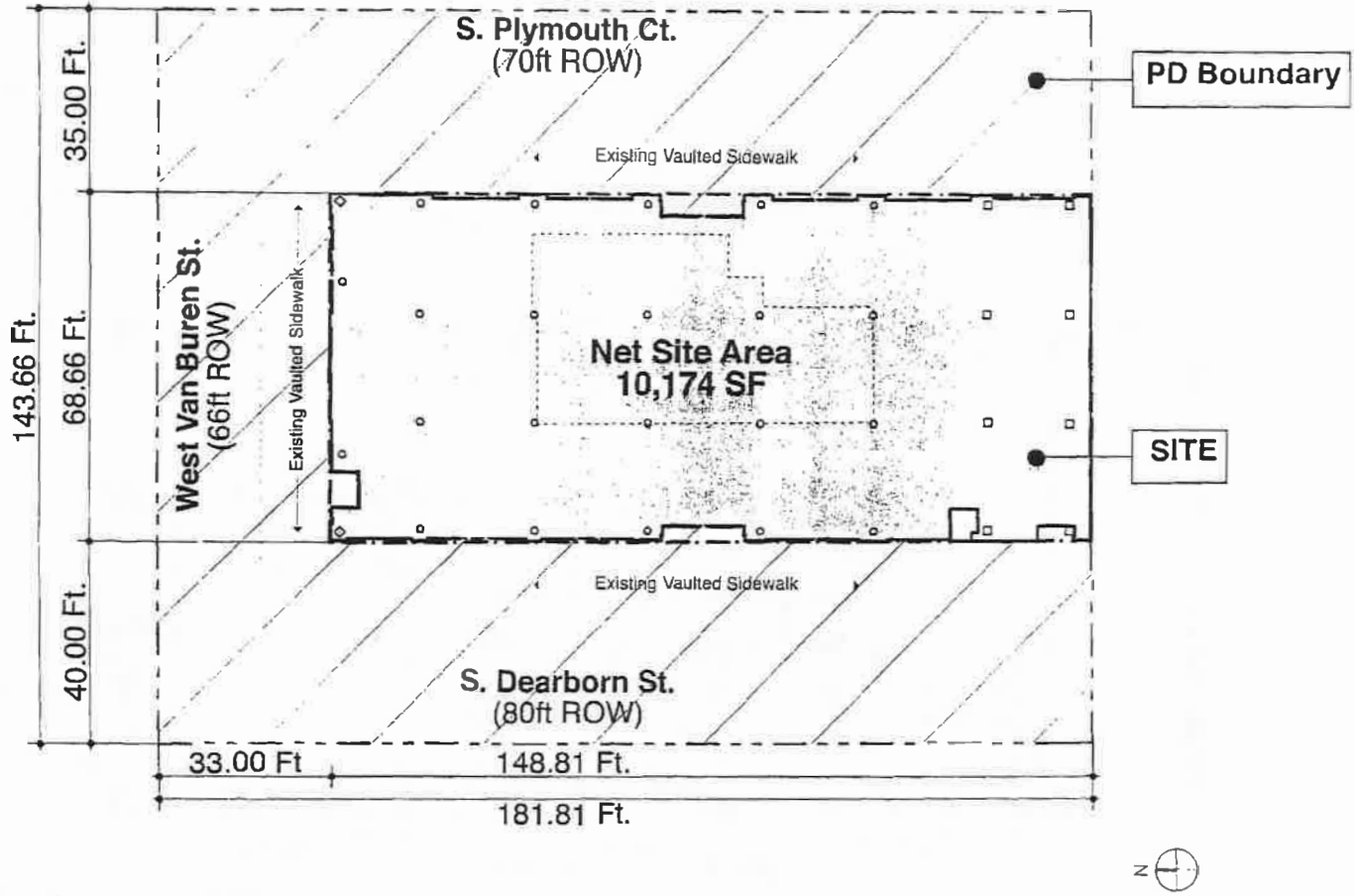
Zoning Map



**Zoning Map**

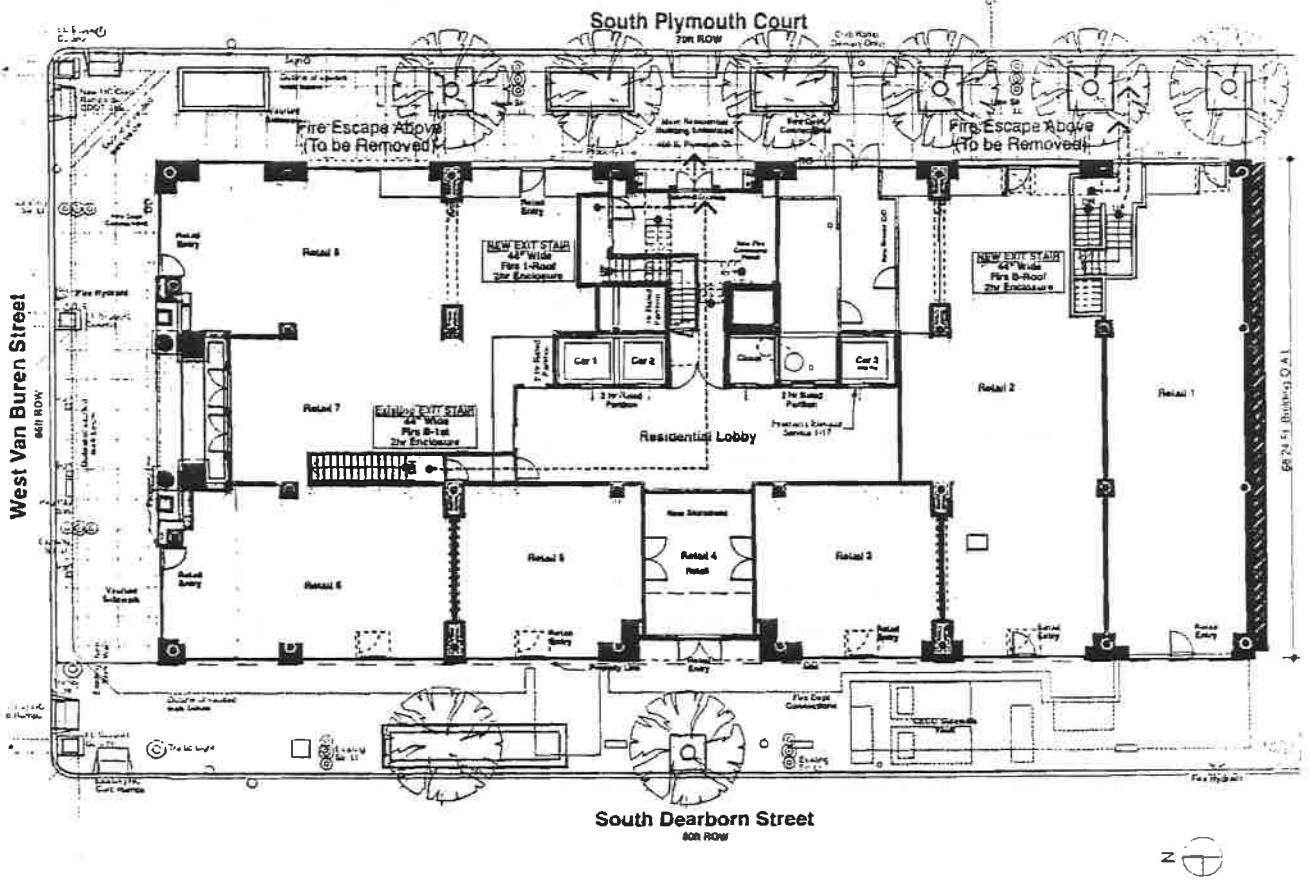
Applicant: MCJ Development LLC  
 Address: 407-15 S. Dearborn/35-39 W. Van Buren  
 Introduced: February 13, 2013  
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Site Planned Development Boundary And Property Line Map.



Site PD Boundary and Property Line

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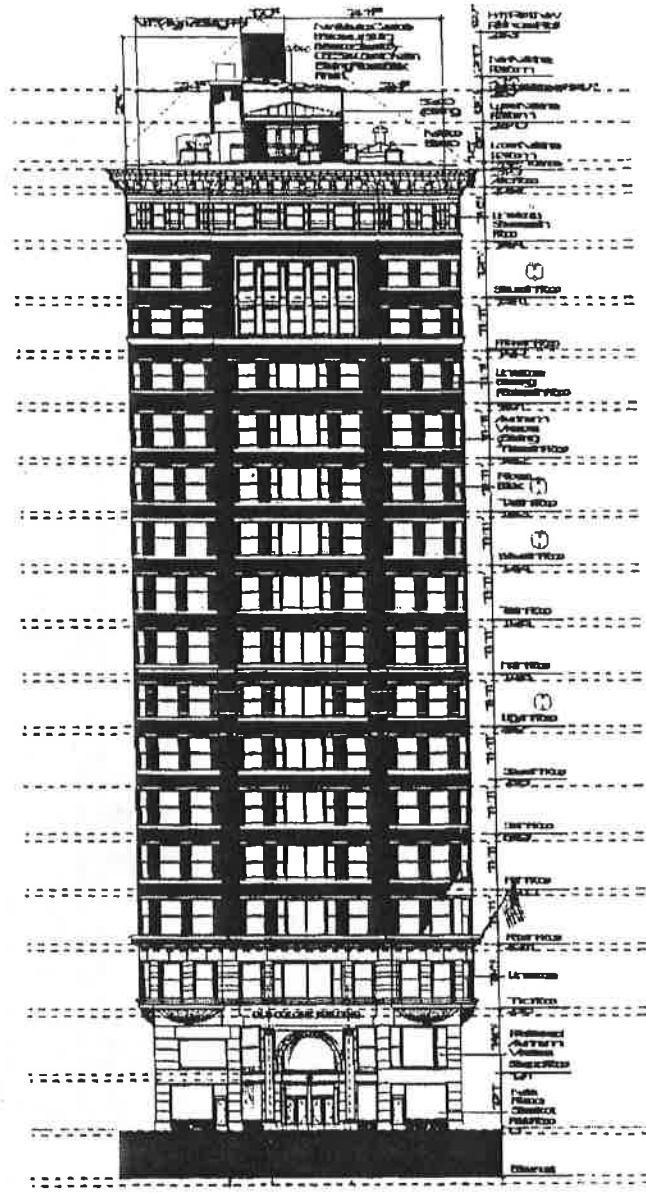


Site Plan.

Site Plan  
 Applicant: MCJ Development LLC  
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North Elevation.



**Proposed North Elevation**

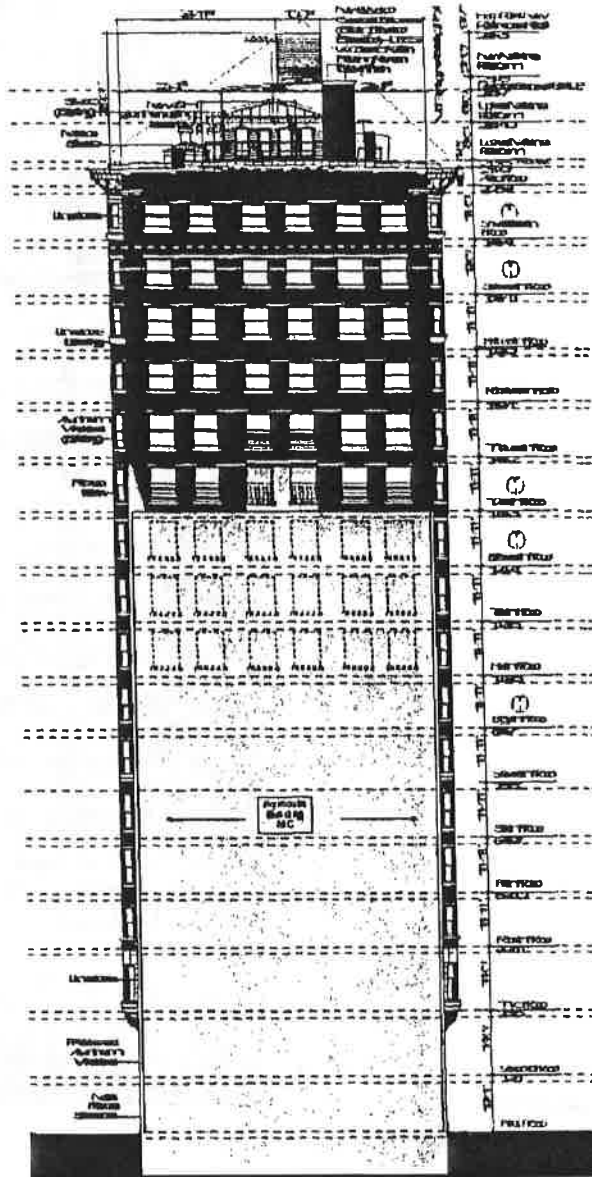
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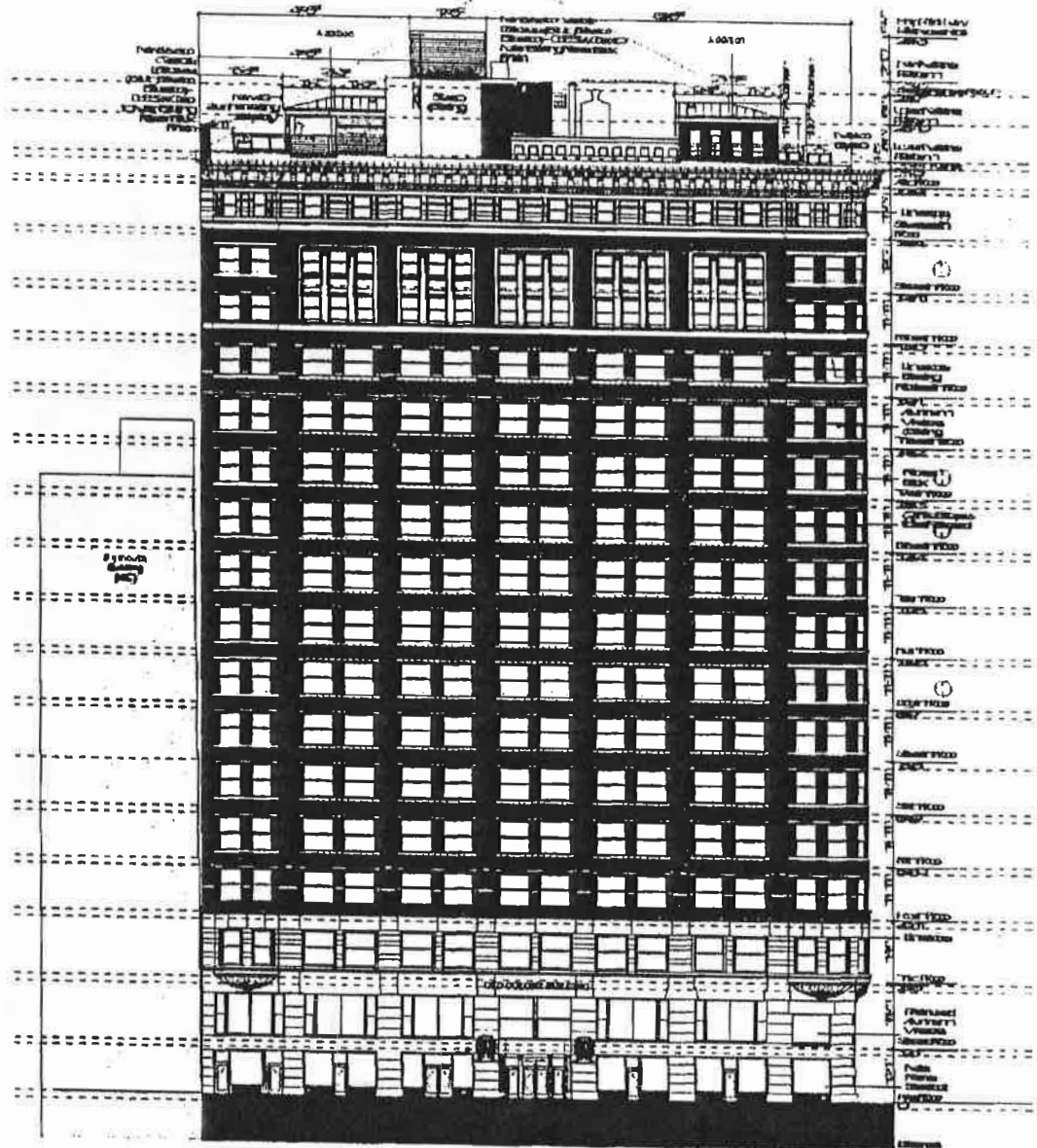
South Elevation.



**Proposed South Elevation**

Applicant: MCJ Development LLC  
Address: 407-15 S. Dearborn/35-39 W. Van Buren  
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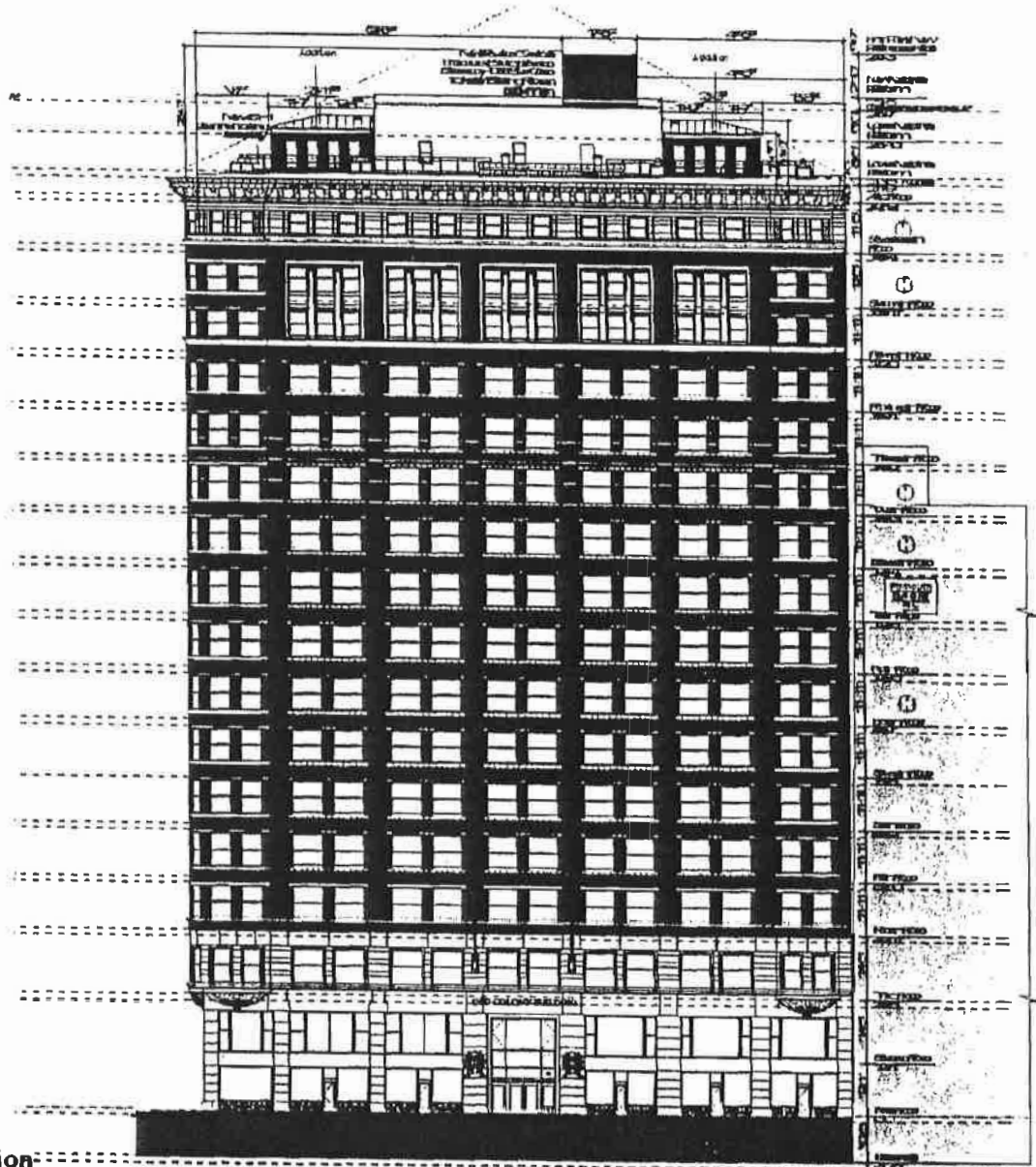
East Elevations.



**Proposed East Elevation**

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West Elevation.



**Proposed West Elevation**

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Introduced: February 13, 2013  
Plan Commission: July 18, 2013