

PD 1299

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12/09/2015 PD Adoption **2**

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*Reclassification Of Area Shown On Map No. 11-I.
(As Amended)
(Application No. 18436)
(Common Address: 4618 -- 4620 N. Western Ave.)*

BBPD 1299

[SO2015-5313]

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the C2-1 Motor Vehicle-Related Commercial District symbols and indications as shown on Map Number 11-I in the area bounded by:

West Eastwood Avenue; North Western Avenue; a line 75.00 feet south of West Eastwood Avenue; and a line 108.00 feet west of North Western Avenue,

to those of a B2-3 Neighborhood Mixed-Use District.

SECTION 2. Changing all of the B2-3 Neighborhood Mixed-Use District symbols and indications shown on Map Number 11-I in the area bounded by:

West Eastwood Avenue; North Western Avenue; a line 75.00 feet south of West Eastwood Avenue; and a line 108.00 feet west of North Western Avenue,

to those of a Residential-Business Planned Development and a corresponding use district is hereby established in the area above described.

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

Plan of Development Statements referred to in this ordinance read as follows:

Residential-Business Planned Development No. 1299

Plan Development Statements.

1. The area delineated herein as Residential Business Planned Development Number 1299 ("Planned Development") consists of approximately 8,099 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, JAB Merger LLC. At the time of implementation of this Planned Development, the site has been zoned C2-1 and is located within 600 feet of an entrance to the CTA Brown Line Western Avenue station. Because the application reduces the number of parking spaces by (more than) 50 percent from the minimum otherwise required, it is eligible

for increased Floor Area Ratio (Section 17-3-0403-B), reduced Minimum Lot Area per Unit (Section 17-3-0402-B), and increased height (Section 17-3-0408-B). Due to the increase in Floor Area Ratio, the project was required to be a mandatory planned development pursuant to Section 17-3-0403-B at the time the planned development application was introduced to the Chicago City Council.

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, assigns 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 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.

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 16 Statements; a Bulk Regulations Table; an Existing Zoning Map; a Property Line and Right-of-Way Map; Landscape Plan; First Floor Plan; and Building Elevations (North, South, East and West) prepared by Sullivan Goulette Architects and dated November 19, 2015, submitted herein. 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: multi-family residential dwelling units located at and above the ground floor, eating and drinking establishments, financial services (excluding payday/title secured loan store and pawn shop), food and beverage retail sales, general retail sales, medical service, personal service, dry cleaning service, office, accessory parking and accessory uses.
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 Planning and 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. 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 FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 8,099 square feet.
9. 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.
10. 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 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 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The applicant acknowledges and agrees that the rezoning of the Property from C2-1 to B2-3 for construction of this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance"). 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). In accordance with these

requirements and the Affordable Housing Profile Form attached hereto as Exhibit A, the applicant has agreed to provide two (2) affordable housing units (for rental units, 10 percent of total if leased at prices affordable, at 60 percent AMI in the Residential Project for households earning up to 60 percent of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), and make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per unit ("Cash Payment") for two (2) additional units. At the time of each Part II Review for the Residential Project, applicant may update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. If the applicant subsequently reduces the number of dwelling units in the Residential Project, DPD may adjust the requirements of this Statement 12 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits for the Residential Project, including, without limitation, excavation or foundation permits, the applicant must either make the required Cash Payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2). 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 Residential Project and will constitute a lien against each Affordable Unit. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. The Commissioner of Planning and Development may enforce remedies for breach of the 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.

13. 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.
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, conserves energy and maximizes the preservation of natural

resources. At the time of a hearing before the Chicago Plan Commission, all developments must be in substantial compliance with the current City of Chicago Sustainable Development Policy set forth by the Department of Planning and Development. The applicant will achieve LEED or Energy Star certification for the Project and will have a green roof of 1,441 square feet (minimum 50 percent of net roof area).

16. 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 Planning and Development shall initiate a zoning map amendment to rezone the Property to B2-3.

[Existing Zoning Map; Property Line and Right-of-Way Map; Landscape Plan; First Floor Plan; and North, South, East and West Building Elevations referred to in these Plan of Development Statements printed on pages 15832 through 15841 of this *Journal*.]

Bulk Regulations and Data Table and 2007 Affordable Housing Profile Form (Rental) referred to in these Plan of Development Statements read as follows:

Net Site Area:	8,099 square feet (0.19 acre)
Area in the Public Right-of-Way:	9,818 square feet (0.22 acre)
Gross Site Area:	17,917 square feet (0.41 acre)
Maximum FAR:	3.5
Maximum Number of Units:	40
Maximum Building Height:	60
Minimum Off-Street Parking Spaces Required:	10
Minimum Off-Street Loading Spaces Required:	0
Minimum Bicycle Parking Spots:	40
Minimum Periphery Setbacks:	Per approved plan

2007 Affordable Housing Profile Form (Rental)

Submit this form to the Department of Planning & Development (DPD) for projects that are subject to the 2007 ARO. Projects submitted after October 13, 2015 – or that do not receive City Council approval by July 13, 2016 – will be subject to the 2015 ARO. More information is online at www.cityofchicago.org/ARO.

This completed form should be returned to: Kara Breems, DPD, 121 N. LaSalle Street, Chicago, IL 60602. E-mail: kara.breems@cityofchicago.org Telephone: (312) 744-6476

Date: November 5, 2015

SECTION 1: DEVELOPMENT INFORMATION

Development Name:

Development Address: 4618-20 North Western Avenue

Ward: 47

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

Type of City involvement:

(check all that apply)

- City Land
- Financial Assistance (If receiving TIF assistance, will TIF funds be used for housing construction?) *If yes, please provide copy of the TIF Eligible Expenses
- Zoning Increase and/or PD

SECTION 2: DEVELOPER INFORMATION

Developer Name: JAB Merger LLC

Developer Contact (Project Coordinator): James Jann

Developer Address: 1800 W. Berenice #200 Chicago 60613

Email address: jjann@jabrealestate.com

Telephone Number: 773.472.9600

SECTION 3: DEVELOPMENT INFORMATION

a) Affordable units required

For ARO projects: $\frac{40}{\text{Total units}} \times 10\% = 4$ (always round up)
total affordable units required

*20% if TIF assistance is provided

For Density Bonus projects: $\text{Bonus Square Footage} \times 25\% = \text{Affordable sq. footage required}$

*Note that the maximum allowed bonus is 20% of base FAR in dash-5; 25% in dash-7 or -10; and 30% of base FAR in dash-12 or -16 (www.cityofchicago.org/zoning for zoning info).

b) building details

In addition to water, which of the following utilities will be included in the rent (circle applicable):

Cooking gas electric gas heat electric heat other (describe on back)

Is parking included in the rent for the: affordable units? yes no market-rate units? yes no

If parking is not included, what is the monthly cost per space? \$150

Estimated date for the commencement of marketing: 4th quarter 2016

*Developer intends to fulfill the ARO requirement by constructing 2 ARO units on-site and contributing \$200,000 in lieu of fees.

Estimated date for completion of construction of the affordable units: 4th quarter 2016

For each unit configuration, fill out a separate row, as applicable (see example).

	Unit Type*	Number of Units	Number of Bedrooms/Unit	Total Square Footage/Unit	Expected Market Rent	Proposed Affordable Rent*	Proposed Level of Affordability (60% or less of AMI)	Unit Mix OK to proceed?
<i>Example</i>	1 bed/1 bath	24	1	800	\$1000	759	60%	<input checked="" type="checkbox"/>
Affordable Units	Studio	1	0	366			60%	<input type="checkbox"/>
	1 bedroom	1	1	527			60%	<input type="checkbox"/>
Market Rate Units	Studio	14	0	avg. 382	\$1,100	N/A	N/A	<input type="checkbox"/>
	1 bdrm	24	1	avg. 514	\$1,400	N/A	N/A	<input type="checkbox"/>
						N/A	N/A	<input type="checkbox"/>

*Rent amounts updated annually in the "City of Chicago's Maximum Affordable Monthly Rent Chart"

SECTION 4: PAYMENT IN LIEU OF UNITS

When do you expect to make the payment -in-lieu? March 2016
 (typically corresponds with issuance of building permits) Month/Year

For ARO projects, use the following formula to calculate payment owed:

$$\frac{40}{\text{Number of total units in development}} \times 10\% = \frac{4}{\text{(round up to nearest whole number)}} \times \$100,000 = \$400,000^*$$

Amount owed

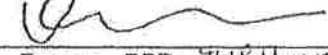
For Density Bonus projects, use the following formula to calculate payment owed:

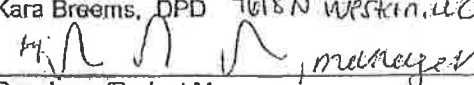
$$\text{Bonus Floor Area (sq ft)} \times 80\% \times \$ \text{median price per base FAR foot} = \$ \text{Amount owed}$$

(from table below)

Submarket (Table for use with the Density Bonus fees-in-lieu calculations)	Median Land Price per Base FAR Foot
Loop: Chicago River on north/west; Congress on south; Lake Shore Dr on east	\$31
North: Division on north; Chicago River on south/west; Lake Shore Dr. on east	\$43
South: Congress on north; Stevenson on south; Chicago River on west; Lake Shore Dr. on east	\$22
West: Lake on north; Congress on south; Chicago River on east; Racine on west	\$29

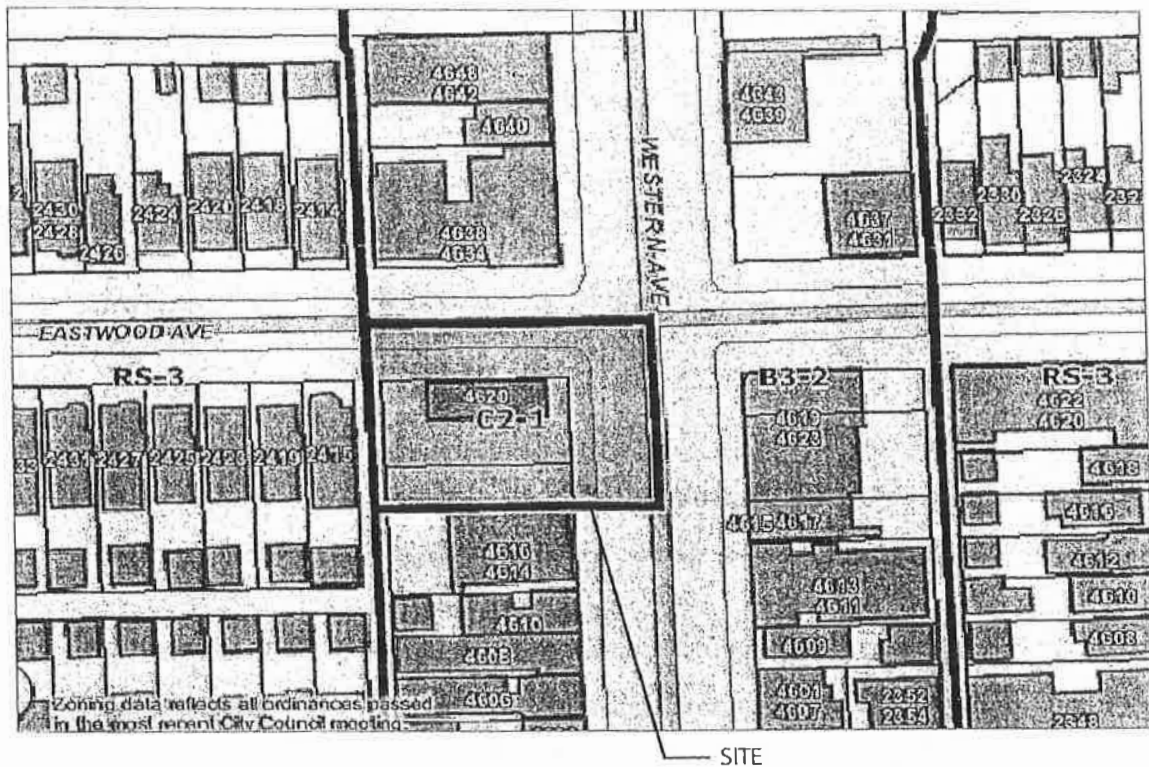
Authorization to Proceed (to be completed by Developer & DPD)


 Kara Brøems, DPD *TALAN WPKIN, LLC* 11-12-15
Date


 Developer/Project Manager 11/12/15
Date

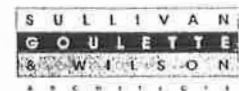
*Developer intends to fulfill the ARO requirement by constructing 2 ARO units on-site and contributing \$200,000 in lieu fees.

FINAL FOR PUBLICATION



EXISTING ZONING MAP

APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015

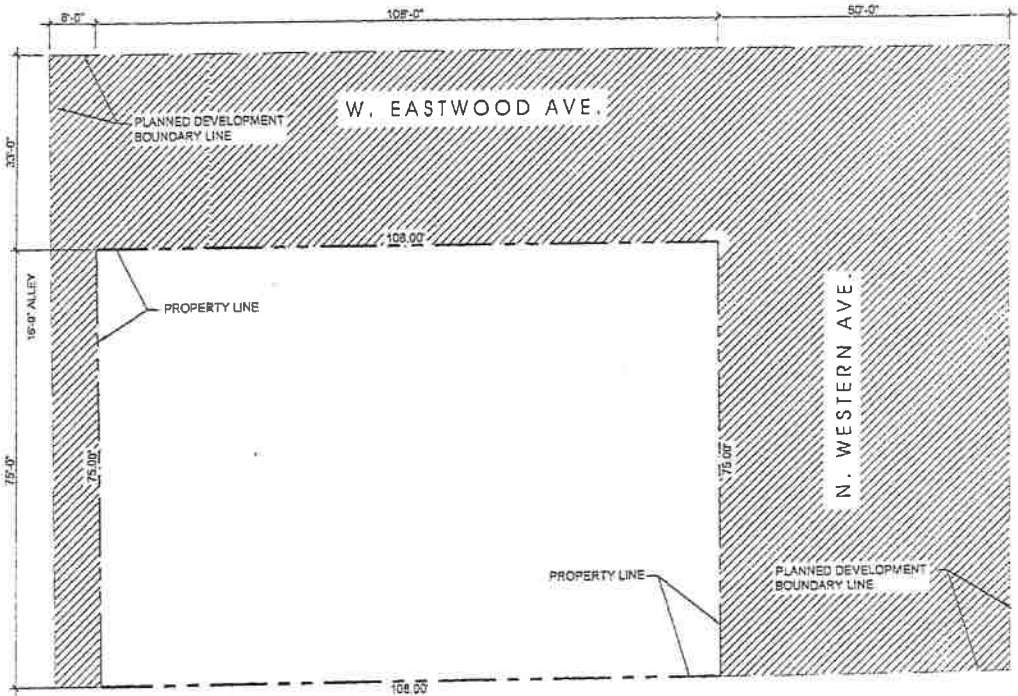


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REPORTS OF COMMITTEES

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GROSS AREA = 17,917 SQFT (.41 ACRE)
TO PD BOUNDARY LINE

NET AREA = 8,099 SQFT (.19 ACRE)
TO PROPERTY LINE



PROPERTY LINE & R.O.W. MAP

APPLICANT: JAB MERGER L.L.C.

ADDRESS: 4620 N WESTERN AVE

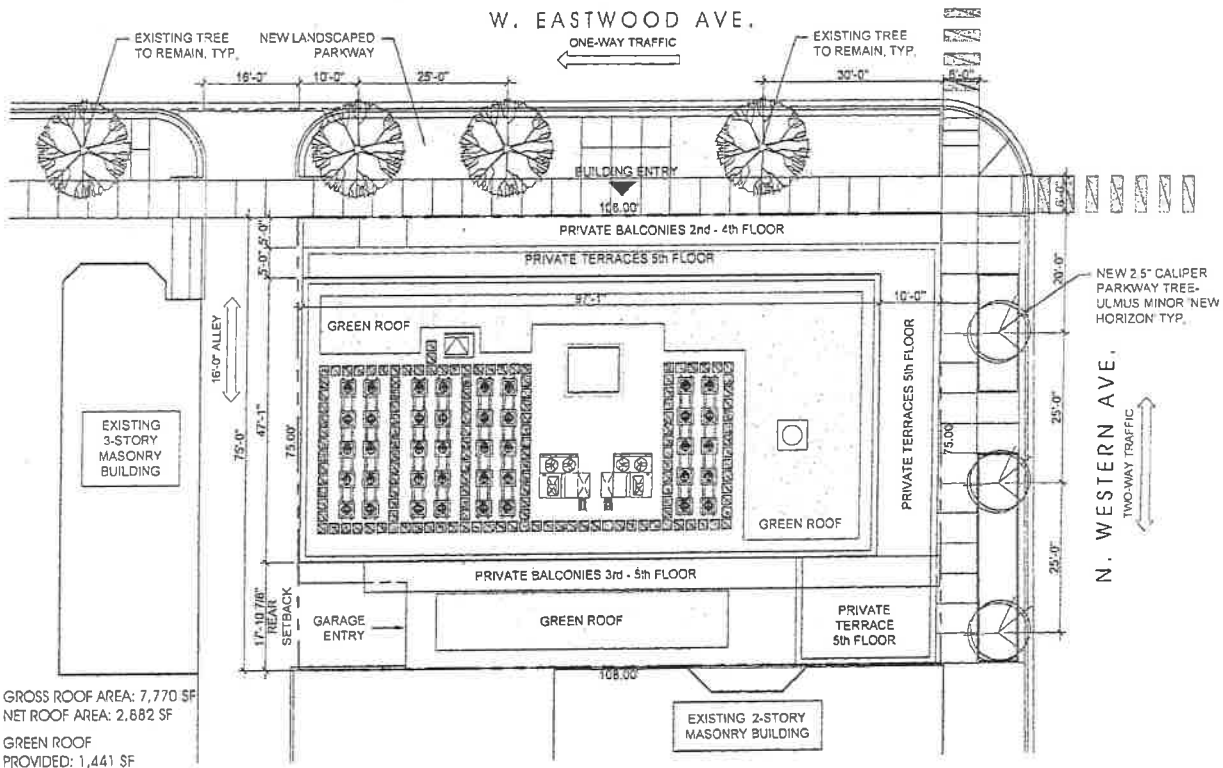
INTRODUCTION DATE: JULY 29, 2015

REVISED: NOVEMBER 11, 2015

PLAN COMMISSION DATE: NOVEMBER 19, 2015



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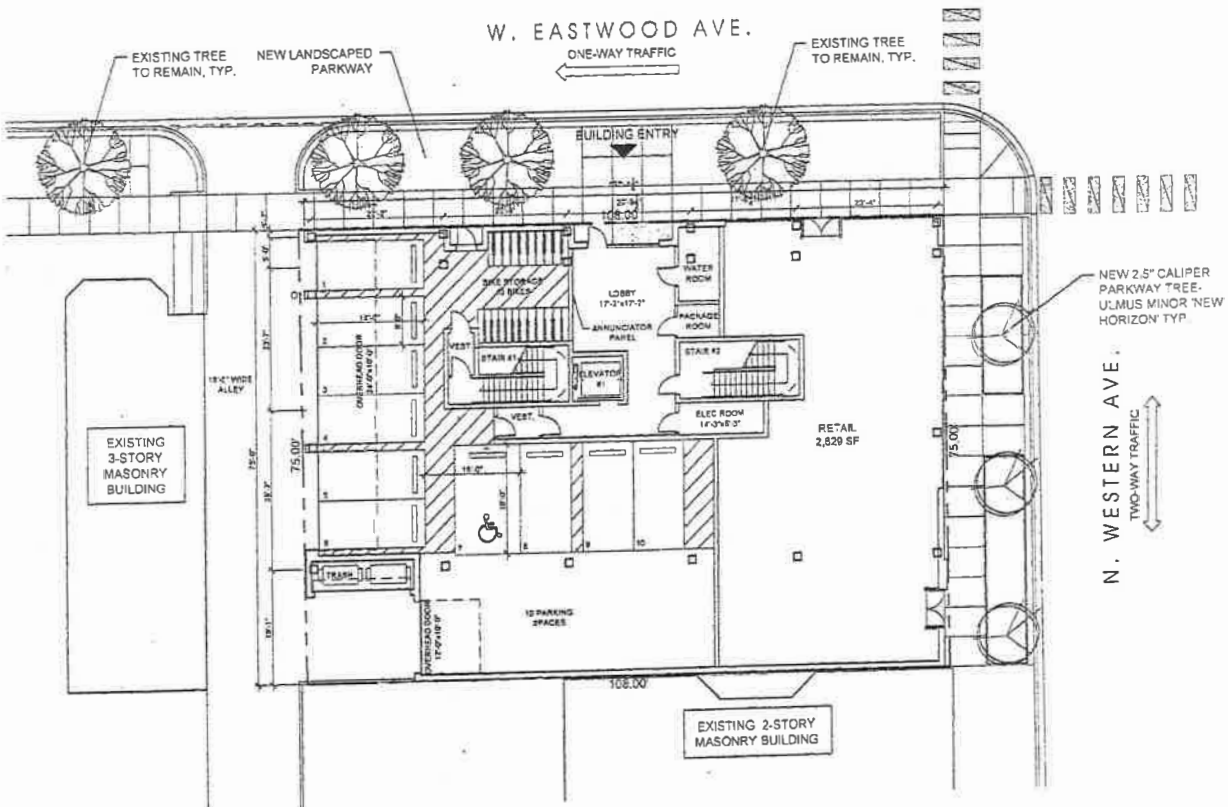


GROSS ROOF AREA: 7,770 SF
 NET ROOF AREA: 2,682 SF
 GREEN ROOF PROVIDED: 1,441 SF

LANDSCAPE PLAN
 APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015

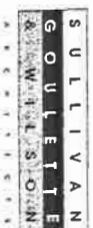


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FIRST FLOOR PLAN

APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015



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NORTH BUILDING ELEVATION

APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015



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SOUTH BUILDING ELEVATION

APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015





EAST BUILDING ELEVATION

APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015

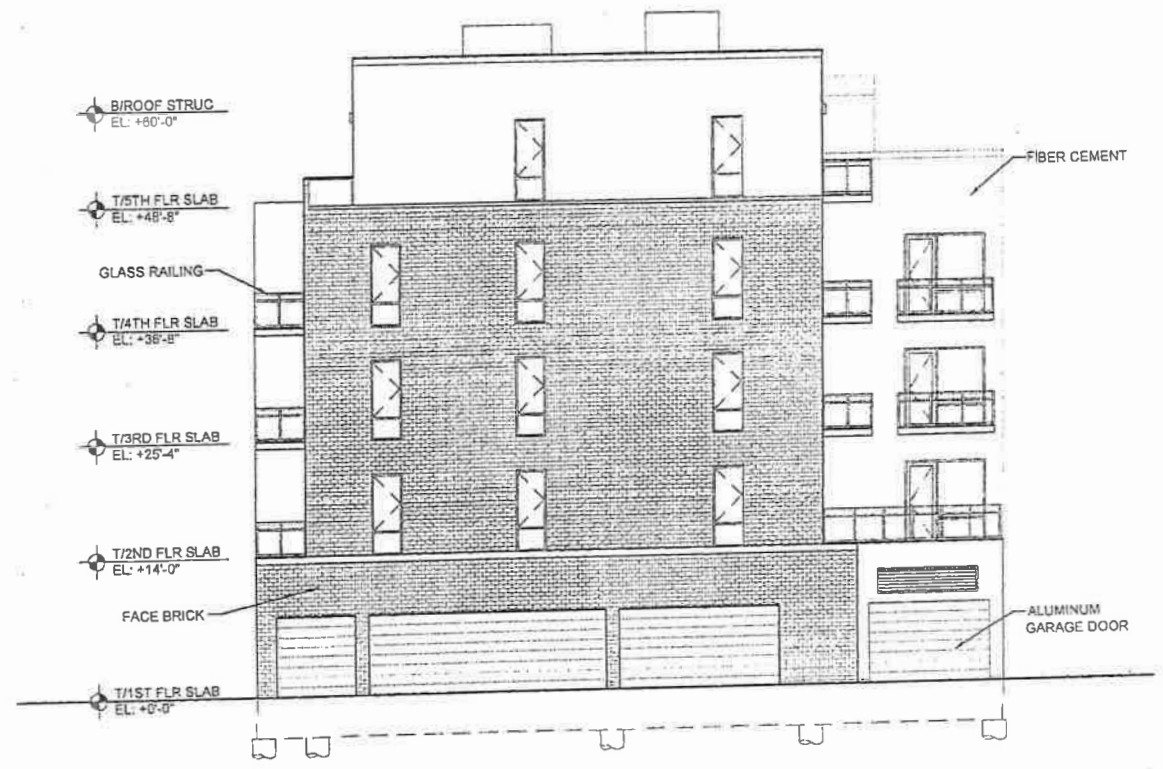


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WEST BUILDING ELEVATION

APPLICANT: JAB MERGER L.L.C.
 ADDRESS: 4620 N WESTERN AVE
 INTRODUCTION DATE: JULY 29, 2015
 REVISED: NOVEMBER 11, 2015
 PLAN COMMISSION DATE: NOVEMBER 19, 2015

