

# PD 1488

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12/16/2020

REPORTS OF COMMITTEES

20517  
25779

*Reclassification Of Area Shown On Map No. 3-F.  
(As Amended)*

BBPD 1488

(Application No. 20517)  
(Common Address: 46 -- 74 W. Oak St./1000 -- 1006 N. Dearborn St./  
1001 -- 1007 N. Clark St.)

[SO2020-4798]

*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 C2-5 Motor Vehicle-Related District symbols and indications as shown on Map Number 3-F in the area bounded by:

West Oak Street; North Clark Street; a line 100.2 feet north of and parallel to West Oak Street; the public alley east of and parallel to North Clark Street; the public alley north of and parallel to West Oak Street; and North Dearborn Street,

to those of the DX-10 Downtown Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the DX-10 Downtown Mixed-Use District symbols and indications as shown on Map Number 3-F in the area bounded by:

West Oak Street; North Clark Street; a line 100.2 feet north of and parallel to West Oak Street; the public alley east of and parallel to North Clark Street; the public alley north of and parallel to West Oak Street; and North Dearborn Street,

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 are 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.

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

*Residential-Business Planned Development No. 1488.*

*Planned Development Statements.*

1. The area delineated herein as Planned Development Number 1488 (the "Planned Development" or "P.D.") consists of approximately 29,616 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). 40 West Oak Owner LLC is the "Applicant" for this Planned Development pursuant to authorization from the property owner.

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.
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 and 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 and a Bulk Regulations Table; an Existing Land-Use Map; an Existing Zoning Map; a Property Line and Boundary Map; a Site Plan; a Landscape Plan; and Elevations prepared by Lucien Lagrange Studio and dated \_\_\_\_\_, 2020, 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 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:
  - Subarea A:

Dwelling units above the ground floor; assisted living; nursing home; public and civic uses; eating and drinking establishments; financial services (excluding payday loan stores and pawn shops); food and beverage retail sales; lodging; medical service; office; personal service; residential support service; and general retail sales.
  - Subarea B:

Dwelling units above the ground floor; elderly housing; assisted living; nursing home; office; medical service; co-located wireless communication facilities, incidental and accessory uses and accessory parking.
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 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 identified in the Bulk Regulations and Data Table has been determined using a net site area of 29,616 square feet and a base FAR of 10.0.

The Applicant acknowledges that the project has received a bonus FAR of 3.8 for Subarea B, pursuant to Section 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total overall FAR for the Planned Development is 11.34. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17-4-1003-B and 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: 80 percent to the Neighborhoods Opportunity Fund, 10 percent to the Citywide Adopt-a-Landmark Fund and 10 percent 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

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 titleholders 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 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 percent MBE and 6 percent WBE participation (measured against the total construction budget for the project or any phase thereof), and \*(ii) 50 percent 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

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\* Editor's Note: Numbering sequence error; (i) missing in original document.

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.

16. The Applicant acknowledges and agrees that the rezoning of the Property from C2-5 Motor Vehicle-Related District to DX-10 Downtown Mixed-Use District, and then to this Planned Development (P.D.), 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 percent 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 (here, the "Commissioner"); (ii) pay a fee in lieu of the development of the Required Units ("Cash Payment"); or, (iii) any combination of (i) and (ii). The Property is located in a downtown district within the meaning of the ARO, and the project has a total of 75 units. As a result, the Applicant's affordable housing obligation is 8 ARO Units (10 percent of 75 rounded up). Applicant has agreed to satisfy its affordable housing obligation by making a cash payment to the Affordable Housing Opportunity Fund in the amount of \$238,340 per unit ("Cash Payment"), as set forth in the Affordable Housing Profile Form attached hereto as Exhibit [\_\_\_\_]. If the Applicant subsequently reduces (or increases) the number of housing units in the Planned Development, or elects to build a rental project instead, 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 requirements or 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. 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 Commissioner of DOH may enforce remedies for any breach of this Statement 16 and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.
17. This Planned Development shall be governed by Section 17-13-0612. 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 the DX-10 Downtown Mixed-Use District.

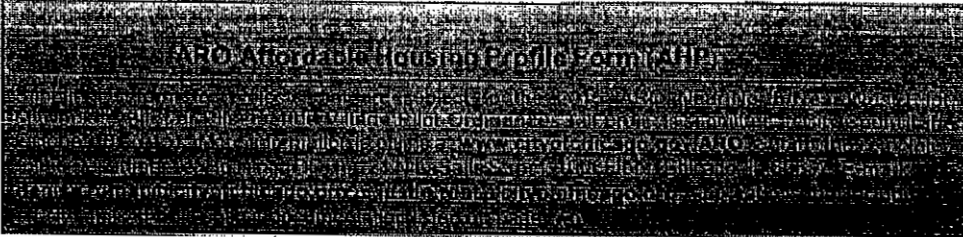
[Existing Zoning Map; Existing Land-Use Map; Property Line and Boundary Map; Subarea Plan; Subareas A and B Site Plans; Landscape Plan; and North, South, East and West Building Elevations referred to in these Plan of Development Statements printed on pages 25786 through 25799 of this *Journal*.]

Bulk Regulations and Data Table, ARO Affordable Housing Profile Form and ARO Web Form referred to in these Plan of Development Statements read as follows:

*Residential-Business Planned Development No. 1488.*

*Bulk Regulations And Data Table.*

Gross Site Area (square feet):	51,932
Area of Public Rights-of-Way (square feet):	22,316
Net Site Area (square feet):	29,616
Subarea A:	19,140
Subarea B:	10,476
Maximum Floor Area Ratio:	11.34
Subarea A:	6.94
Subarea B:	19.39
Maximum Number of Dwelling Units:	
Subarea B:	75
Parking Spaces:	
Subarea A:	0
Subarea B:	160
Minimum Loading Berths:	
Subarea B:	1 (10 feet by 25 feet)
Maximum Building Height:	Per Plans
Minimum Setbacks:	Per Plans



Date: 11/4/2020

**DEVELOPMENT INFORMATION**

Development Name: 40 W Oak

Development Address: 40 W Oak

Zoning Application Number, if applicable: 20517

Ward: 2nd

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

- Type of City Involvement *check all that apply*
- City Land
  - Financial Assistance
  - Zoning increase
  - Planned Development (PD)
  - Transit Served Location (TSL) project

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

- ARO Web Form completed and attached - or submitted online on 11/4/2020
- N/A  ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (*Excel*)
- N/A  If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (*pdf*)
- N/A  If ARO units proposed are off-site, required attachments are included (see next page)
- N/A  If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (*pdf*)

**DEVELOPER INFORMATION**

Developer Name 40 West Oak Owner LLC

Developer Contact Genghis Hadi

Developer Address 645 Madison Avenue, 21st Floor

Email genghis.hadi@nahlacapital.com

Developer Phone (212)433-3031

Attorney Name DLA Piper - Paul Shadle/Katie Jahnke Dale

Attorney Phone (312)368-3493 / -2153

**TIMING**

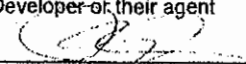
Estimated date marketing will begin N/A

Estimated date of building permit\* Q1 2022

Estimated date ARO units will be complete N/A

\*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.

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

\_\_\_\_\_  
 Developer or their agent  
  
 Justin Root or Denise Roman, DOH

\_\_\_\_\_  
 Date  
 November 12, 2020  
 \_\_\_\_\_  
 Date

**FINAL FOR PUBLICATION**



ARO Web Form

**Applicant Contact Information**

Name: Genghis Hadi  
Email: genghis.hadi@nahlacapital.com

**Development Information**

**Address** **Printed Date: 11/12/2020**

Number From: 40 Number To: N/A Direction: W  
Street Name: Oak Postal Code: 60610

**Development Name**

40 W Oak

Are you rezoning to downtown?: Yes  
Is your project subject to the ARO Pilots?: 2015 ARO REQUIREMENTS APPLY

**Information**

Ward: 2 ARO Zone: Downtown

**Details**

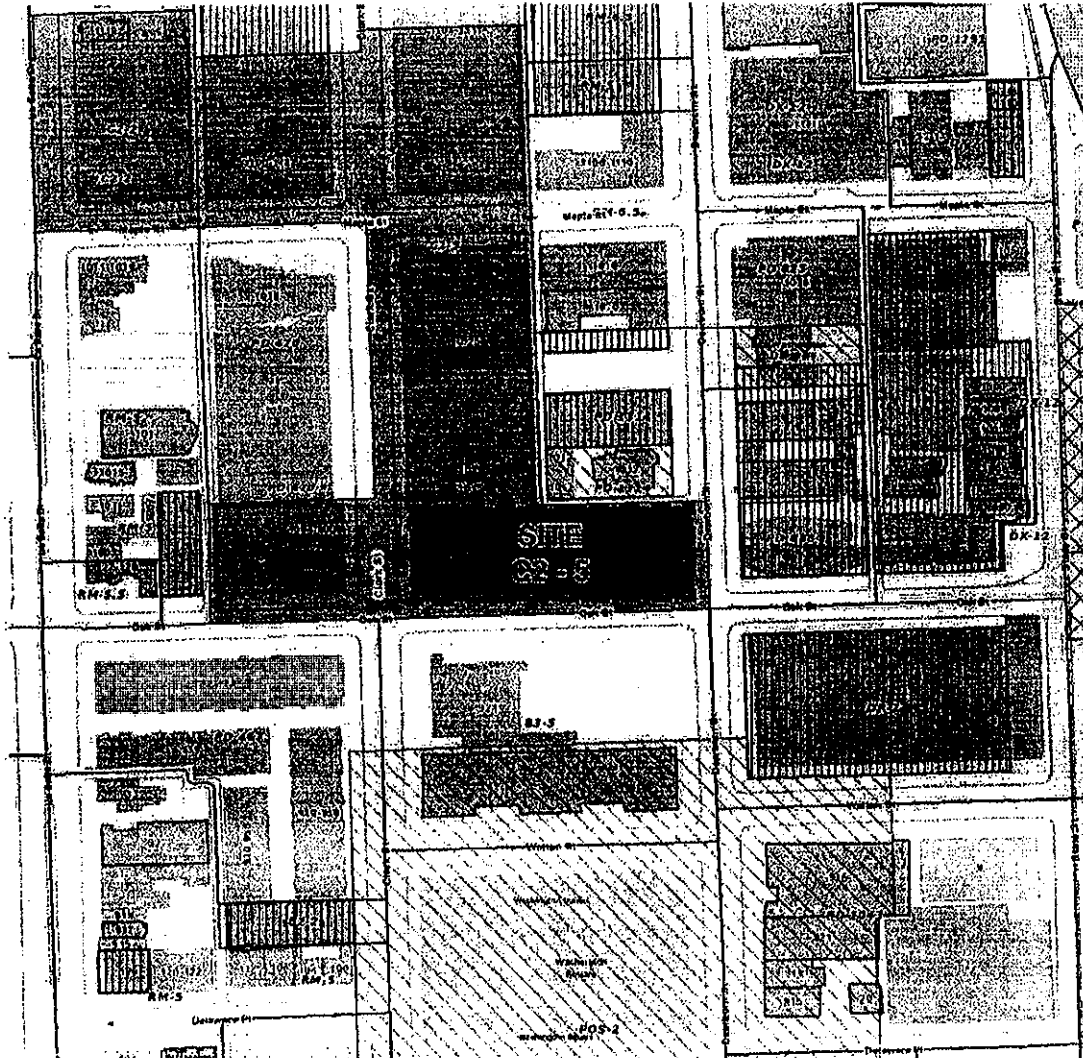
ARO trigger: ZC  
Total units 75  
Development type: Sale  
TSL project: TSL-or FAR doesn't exceed 3.5  
Date submitted: 10/07/2020

**FINAL FOR PUBLICATION**

<p><b>Requirements</b></p> <p>Affordable units: 8 *On-site aff. Units: 0</p> <p>How do you intend to meet your required obligation</p> <p>On-Site: 0 Off-Site: 0</p> <p>On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0</p> <p>Total Units: 0 In-Lieu Fee Owed: 1,906,720</p>
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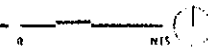
**FINAL FOR PUBLICATION**

# FINAL FOR PUBLICATION

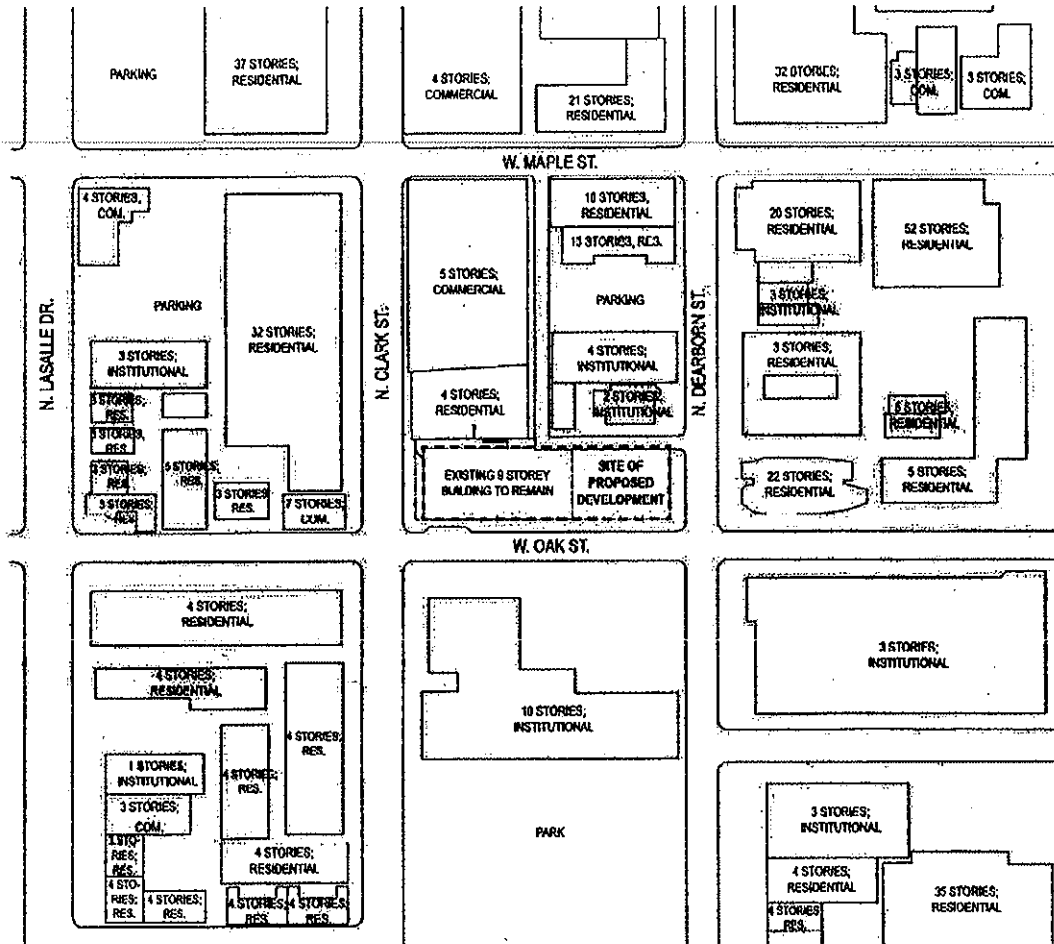


EXISTING ZONING MAP

Applicant : 40 West Oak Owner LLC  
Address : 46 - 74 W. Oak / 1000-1006 N. Dearborn / 1001-1007 N. Clark  
Introduced : October 7, 2020  
Plan Commission : November 19, 2020

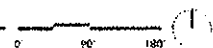


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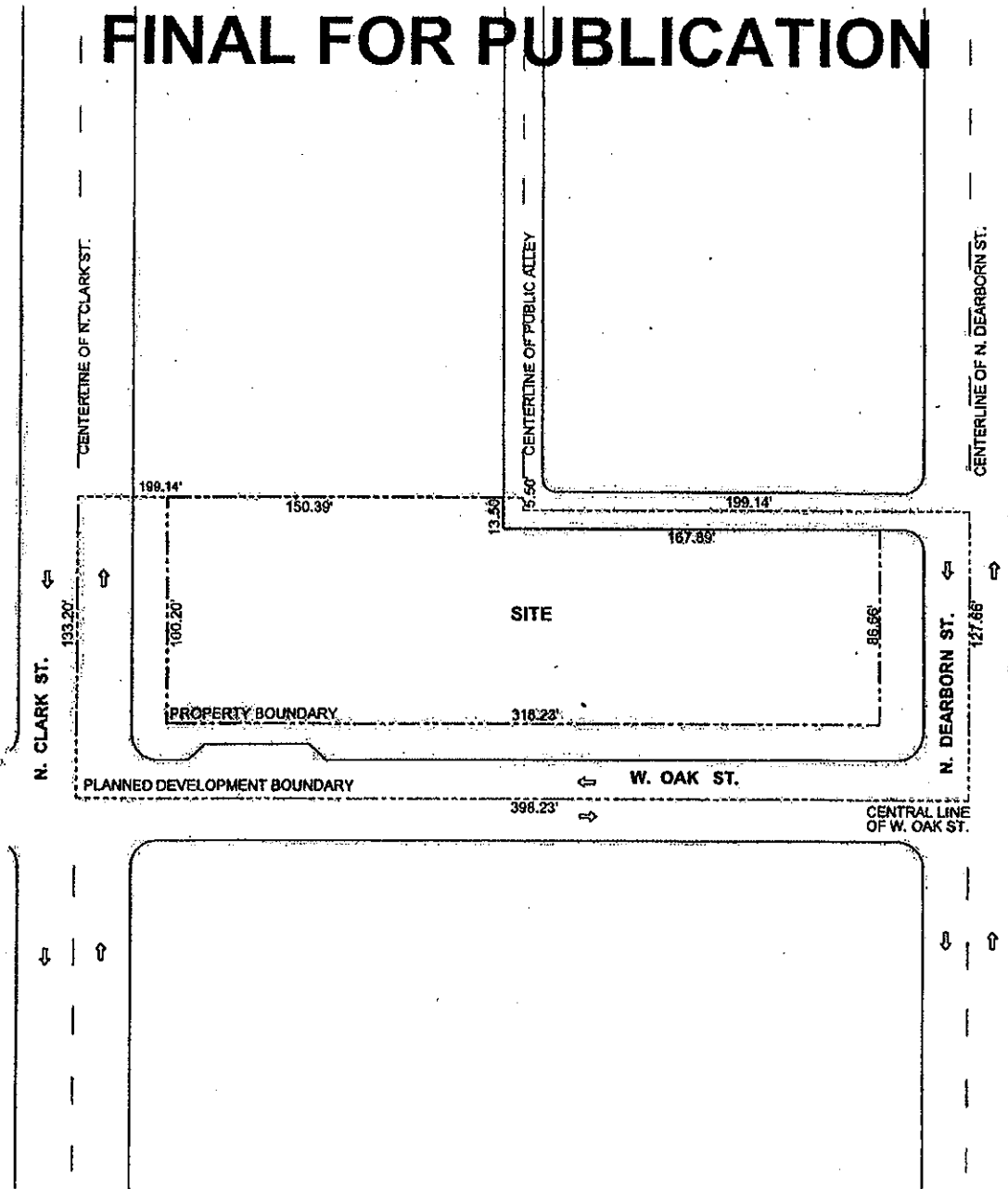


### EXISTING LAND USE MAP

Applicant: 40 West Oak Owner LLC  
 Address: 46 - 74 W. Oak/ 1000-1006 N. Dearborn/ 1001-1007 N. Clark  
 Introduced: October 7, 2020  
 Plan Commission: November 19, 2020

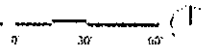


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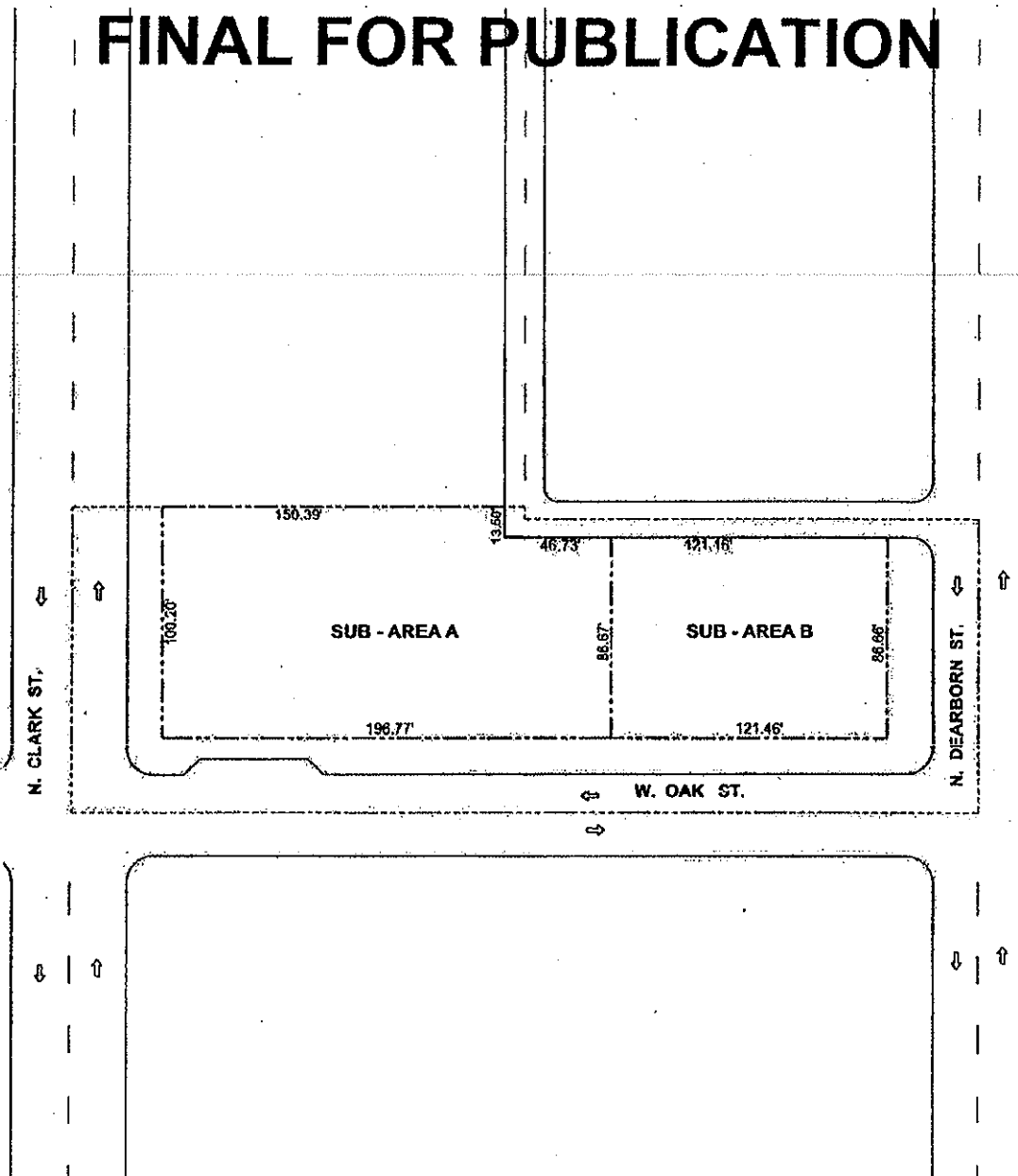


### PLANNED DEVELOPMENT PROPERTY LINE AND BOUNDARY MAP

Applicant : 40 West Oak Owner LLC  
 Address : 46 - 74 W. Oak/ 1000-1006 N. Dearborn/ 1001-1007 N. Clark  
 Introduced : October 7, 2020  
 Plan Commission : November 19, 2020

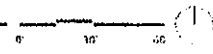


# FINAL FOR PUBLICATION



## PD SUB - AREA PLAN

Applicant: 40 West Oak Owner LLC  
Address: 46 - 74 W. Oak/ 1000-1006 N. Dearborn/ 1001-1007 N. Clark  
Introduced: October 7, 2020  
Plan Commission: November 19, 2020

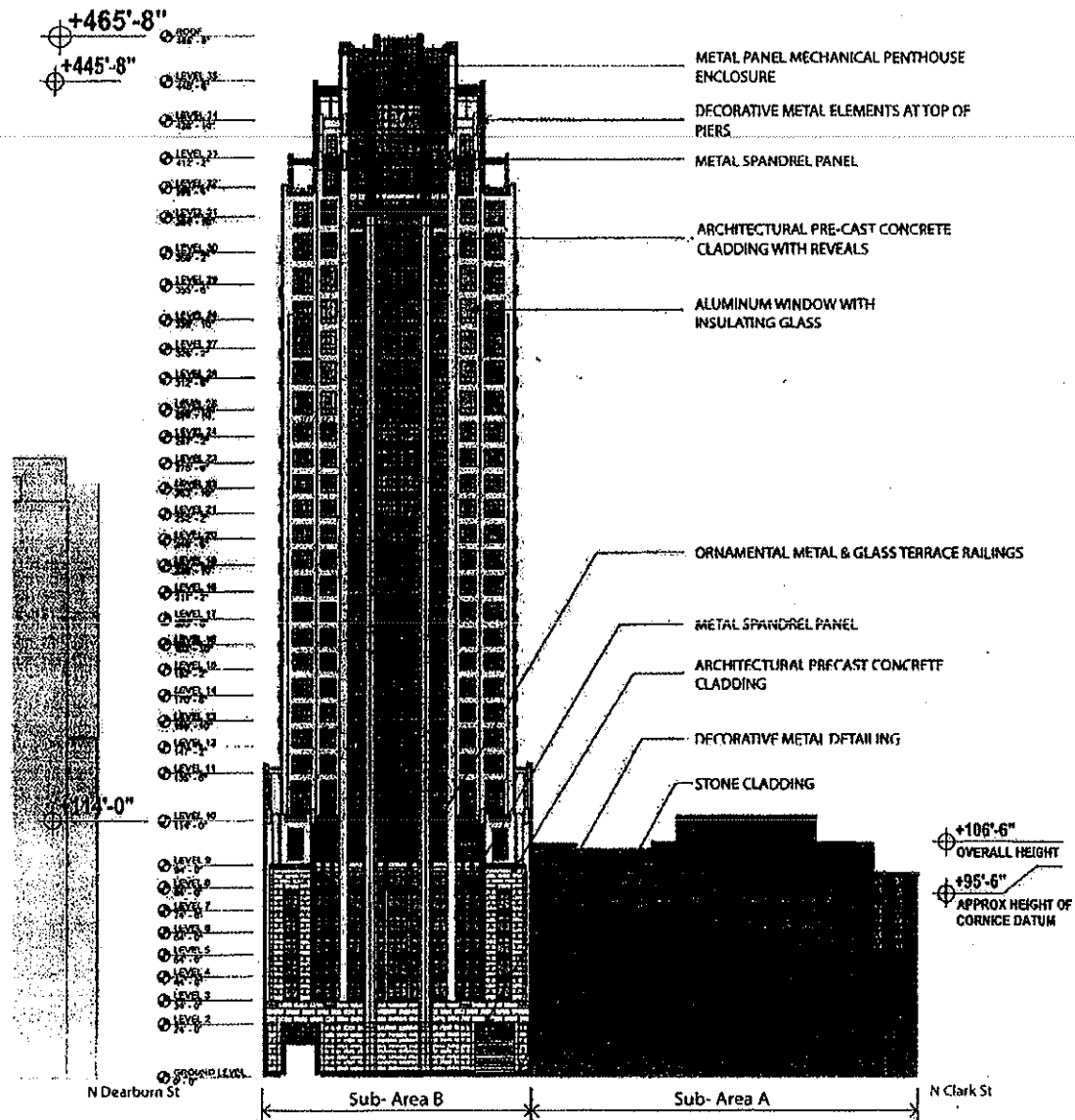






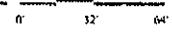


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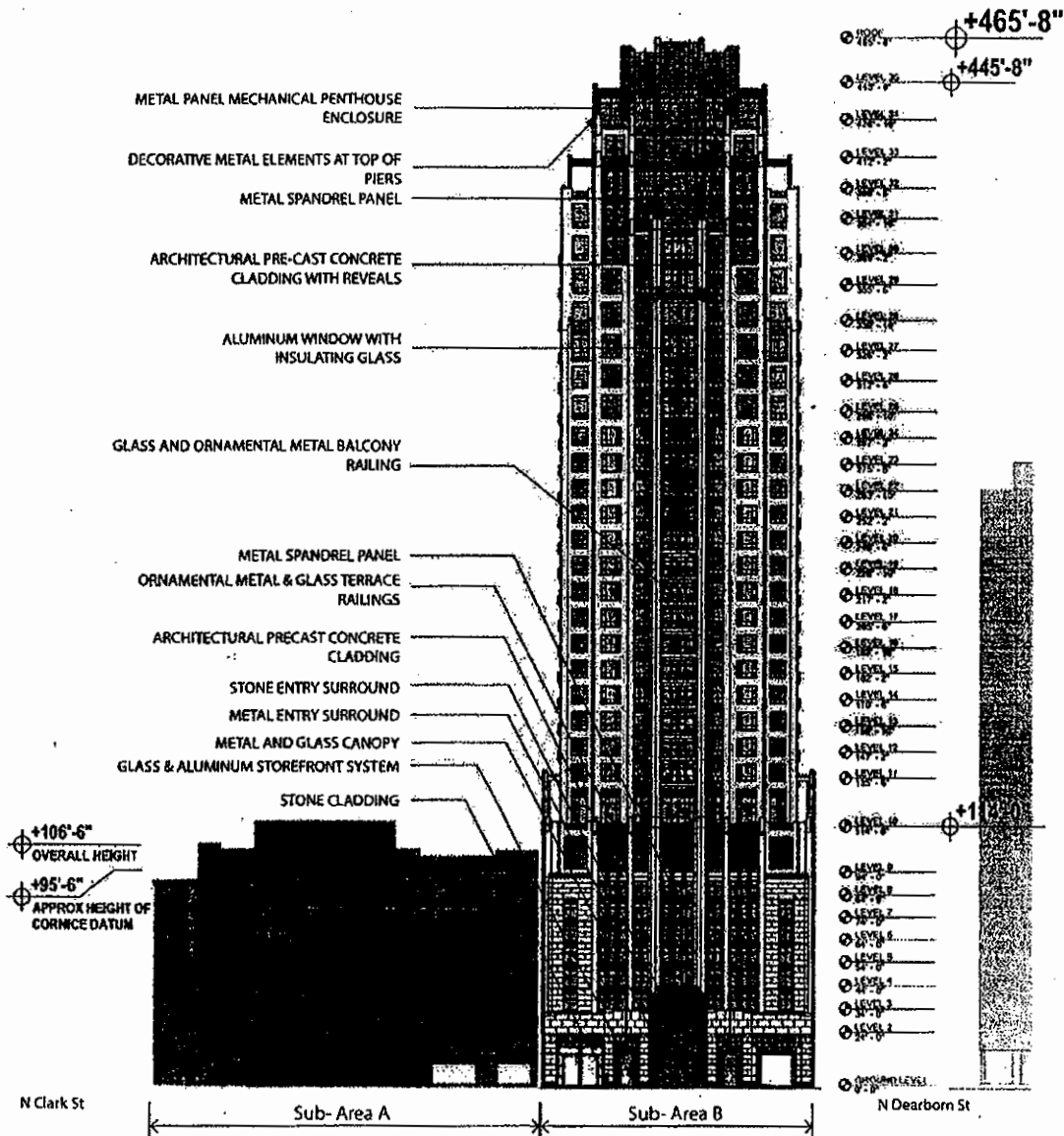


NORTH ELEVATION

Applicant : 40 West Oak Owner LLC  
 Address : 46 - 74 W. Oak / 1000-1006 N. Dearborn / 1001-1007 N. Clark  
 Introduced : October 7, 2020  
 Plan Commission : November 19, 2020



# FINAL FOR PUBLICATION

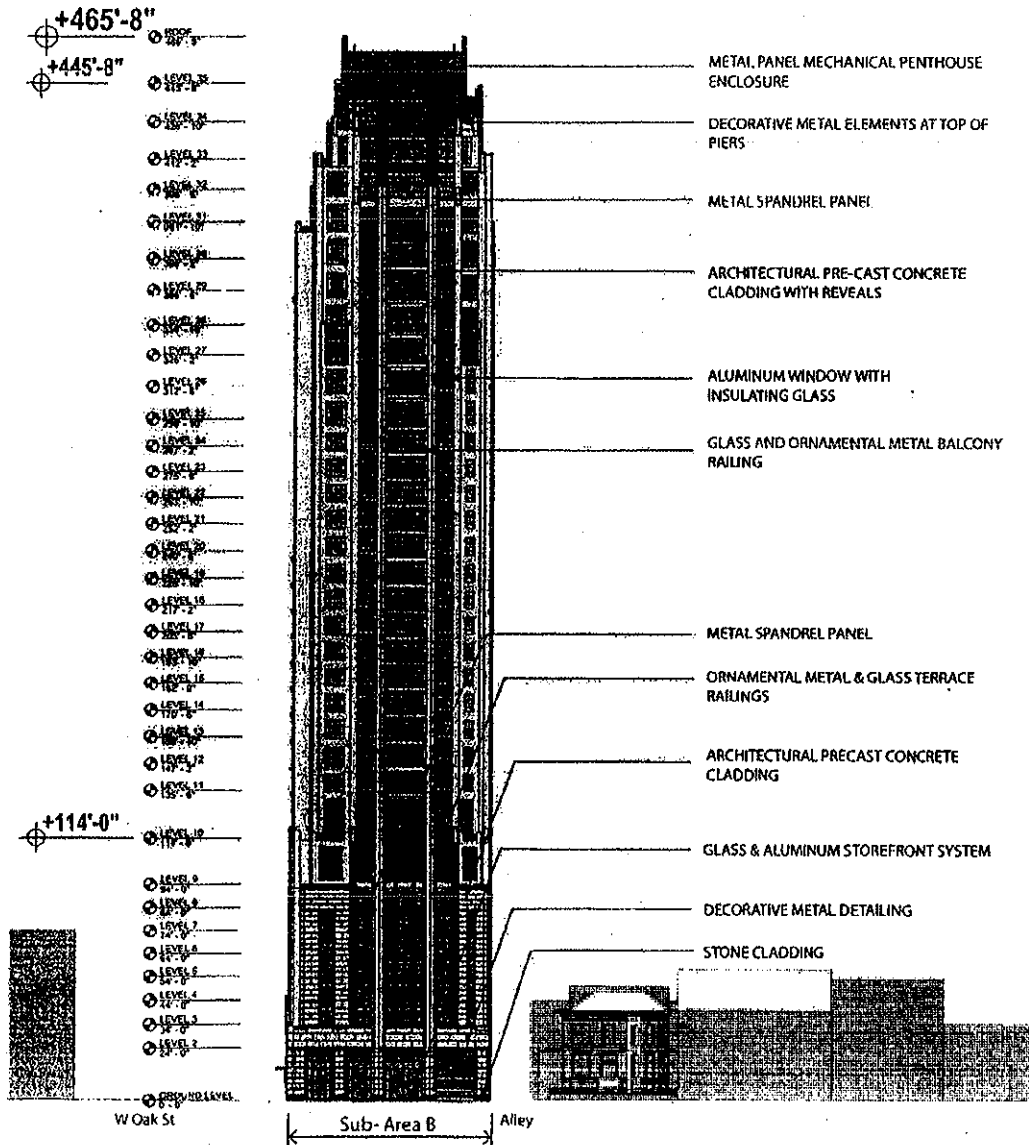


SOUTH ELEVATION

Applicant : 40 West Oak Owner LLC  
 Address : 46 - 74 W. Oak/ 1000-1006 N. Dearborn/ 1001-1007 N. Clark  
 Introduced : October 7, 2020  
 Plan Commission : November 19, 2020

0' 12' 6"

# FINAL FOR PUBLICATION

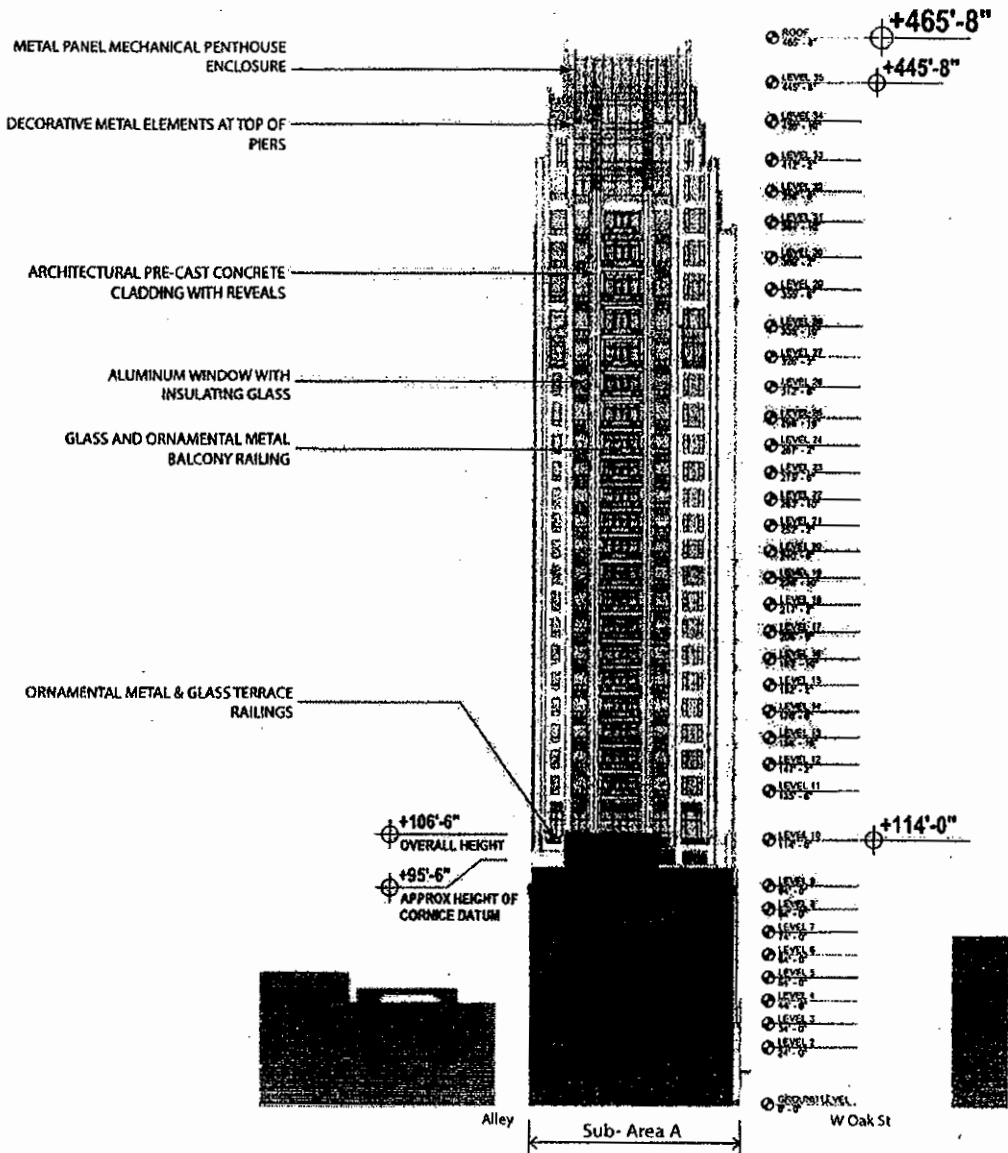


## EAST ELEVATION

Applicant: 40 West Oak Owner LLC  
 Address: 46 - 74 W. Oak/ 1000-1006 N. Dearborn/ 1001-1007 N. Clark  
 Introduced: October 7, 2020  
 Plan Commission: November 19, 2020

0 32 64

# FINAL FOR PUBLICATION



WEST ELEVATION

Applicant: 40 West Oak Owner LLC  
 Address: 46 - 74 W. Oak/ 1000-1006 N. Dearborn/ 1001-1007 N. Clark  
 Introduced: October 7, 2020  
 Plan Commission: November 19, 2020

0' 32' 64'