18896

Reclassification Of Area Shown On Map No. 5-I. RBPD 1435
(As Amended)
(Application No. 18896)
(Common Address: 2117 -- 2163 N. Milwaukee Ave./2117 -- 2125 N. Rockwell St./
2120 -- 2132 N. Rockwell St.)

[SO2016-5571]

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 B3-1 Community Shopping District and C1-1 Neighborhood Commercial District symbols and indications as shown on Map Number 5-I in the area bounded by:

the public alley next northeast of and parallel to North Milwaukee Avenue; North Rockwell Street; the public alley next north of North Milwaukee Avenue; the public alley next east of North Rockwell Street; North Milwaukee Avenue; and a line 187.77 feet northwest of North Rockwell Street as measured along the northeasterly line of North Milwaukee Avenue,

to those of a B3-3 Community Shopping District which is hereby established in the area described above.

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 Number 5-I in the area bounded by:

the public alley next northeast of and parallel to North Milwaukee Avenue; North Rockwell Street; the public alley next north of North Milwaukee Avenue; the public alley next east of North Rockwell Street; North Milwaukee Avenue; and a line 187.77 feet northwest of North Rockwell Street as measured along the northeasterly line of North Milwaukee Avenue,

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

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

Planned Development Statements attached to this ordinance read as follows:

Residential-Business Planned Development Statements.

1. The area delineated herein as Planned Development Number 1435 ("Planned Development") consists of approximately 73,919 square feet of property which is depicted on the attached Planned Development Boundary, Property Line and Subarea Map ("Property") and is owned or controlled by the Applicant, New Congress 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 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.

   The Applicant shall provide an upgraded traffic signal at Francis Place and Milwaukee Avenue in accordance as reviewed and approved by the Department of Transportation. In addition, the Applicant shall prepare and submit to the Department of Transportation for its review and approval a traffic management plan to be implemented during events in the theatre within Subarea A.

4. This plan of development consists of seventeen (17) Statements; a Bulk Regulations Table; an Existing Zoning Map; a Planned Development Boundary, Property Line and Subarea Map; an Overall Site Plan; a Site Plan, Roof Plan and Elevations for Subarea A; and a Site Plan, Roof Plan and Elevations for Subarea B, all submitted herein. Full-sized copies of the Plans 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 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:

Subarea A:

large venue; residential units; hotel; day care; artist work or sales space; business equipment sale and service; eating and drinking establishments (including the incidental sale of alcohol, live entertainment and outdoor patios at-grade and roof-top); financial services (except payday/title secured loan stores and pawn shops); food and beverage retail sales (including accessory liquor sales); medical service; office; personal service (including hair salons, nail salons, barbershops and massage establishments); consumer repair and laundry services (including dry cleaning drop-off/pick-up); retail; entertainment cabaret; wireless communications facilities; and accessory uses.

Subarea B:

residential units; day care; artist work or sales space; business equipment sale and service; eating and drinking establishments (including the incidental sale of alcohol and outdoor patios at-grade); financial services (except payday/title secured loan stores and pawn shops); food and beverage retail sales (including accessory liquor sales); medical service; office; personal service (including hair salons, nail salons, barbershops and massage establishments); consumer repair and laundry services (including dry cleaning drop-off/pick-up); retail; wireless communications facilities; and loading, including loading associated with Subarea A uses; 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. Notwithstanding any provision of the Zoning Ordinance, on the Subarea A property the previously existing projecting two-sided on-premises sign indicating "Congress" may be re-established, provided that it does not exceed 580.0 square feet with a maximum height of 138 feet and the existing marquee sign also may be re-established provided that its total area does not exceed 250 square feet (consisting of a 100 square feet center panel and two 75 square feet side panels) and further provided that the design of the "Congress" sign and the marquee sign is approved pursuant to the applicable provisions of the Chicago Commission on Chicago Historical and Architectural Landmarks Ordinance. The balance of the signs on the property shall conform to the total sign area limitations applicable to the property under Zoning Ordinance, excluding from such total sign area calculations the area of the "Congress" sign and the marquee sign both referenced above in the immediately preceding sentence of this statement.

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 Floor Area Ratio identified in the Bulk Regulations Table has been determined using a net site area of 73,919 square feet and a base FAR of 3, increased pursuant to Section 17-3-0403-B to 3.5 FAR.

9. The Applicant acknowledges and agrees that the rezoning of the Property from B3-1 to B3-3, and then to this Residential-Business Planned Development, for construction of the Planned Development triggers the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or the "ARO"). The Applicant further acknowledges and agrees that the Property is located in the Milwaukee Corridor Pilot Area, pursuant to Section 2-45-119 of the Municipal Code (the "Milwaukee Corridor ARO Pilot Area Ordinance" or the "Pilot"). Notwithstanding the foregoing, it is anticipated that the affordability requirements for this Planned Development will be governed by a separate redevelopment agreement to be entered into between the Applicant, or its successors or assigns, and the City.

10. 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.

11. 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. Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) in Subarea B, the Applicant shall submit a site plan, landscape plan and building elevations for Subarea B for review and approval by the Department of Planning and Development. Review and approval by DPD is intended to assure that specific development components substantially conform with the Planned Development and to assist the City in monitoring ongoing development. The site plan provided shall include all dimensioned and planned street rights-of-way. No Part II Approval for any portion of the Property shall be granted until Site Plan approval has been granted. Following approval by DPD, the approved Subarea B Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the P.D. After approval of the Subarea B Site Plan, changes or modifications may be made pursuant to the provisions of Statement 13. In the event of any inconsistency between approved plans and the terms of the Planned Development, the terms of the Planned Development shall govern. Any Subarea B Site Plan Approval Submittals shall, at a minimum, provide the following information:

    -- fully-dimensioned Site Plan (including a footprint of the proposed improvements);

    -- fully-dimensioned building elevations;

    -- fully-dimensioned landscape plan(s); and

-- statistical information applicable to the subject subarea, including floor area, the applicable floor area ratio, uses to be established, building heights and setbacks. Subarea Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the Planned Development.

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, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

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. The Applicant may continue to evolve the design of the buildings elevation for the building to be located in Subarea B. If the Department of Planning and Development is in agreement with the design of such further evolved building elevations, it may approve them administratively as a minor change.

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 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 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 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 a B3-3 Commercial Shopping District.

[Existing Zoning Map; Boundary, Property Line and Subarea Map; Overall Site Plan; Subareas A and B Site Plans; Subareas A and B Roof Plans; Building Elevations; Subarea A Theaters 2 and 3 Plans; and Second, Third, Fourth, Fifth and Sixth ARO Units referred to in these Plan of Development Statements printed on pages 95150 through 95170 of this *Journal*.]

Bulk Regulations and Data Table, 2015 ARO Affordable Housing Profile Form (AHP) and ARO Web Form referred to in these Plan of Development Statements read as follows:

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

18896

Residential-Business Planned Development No. 1435.

Bulk Regulations And Data Table.

Subarea A Net Site Area:	58,518.00 square feet
Subarea B Net Site Area:	15,401.00 square feet
Total Net Site Area:	73,919.00 square feet
Area Remaining in the Public Right-of-Way:	30,955.44 square feet
Gross Site Area:	104,874.44 square feet
Maximum Floor Area Ratio:	
Subarea A:	1.88
Subarea B:	4.63
Overall:	2.46
Maximum Number of Hotel Rooms:	50 keys
Maximum Number of Residential Units:	
Subarea A:	14
Subarea B:	72
Minimum Setbacks:	Per Site/Landscape Plan
Minimum Number of Parking Spaces:	None
Minimum Number of Off-Street Loading:	
Subarea A:	None
Subarea B:	Three, of which two may be used for Subarea A
Maximum Building Height:	
Subarea A:	95 feet, 11 inches
Subarea B:	88 feet

2015 ARO Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO (all projects submitted to City Council after October 13, 2015). More information is online at [illegible]
This completed form should be returned to: Kara Breems, Department of Planning & Development (DPD), 121 N. LaSalle Street, Chicago, IL 60602. [illegible]

Date: December 10, 2018

DEVELOPMENT INFORMATION

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Development Name: Congress Theatre
Development Address: 2115 - 63 N. Milwaukee Ave., Chicago, IL
Zoning Application Number, if applicable: 18896 Ward: 1
If you are working with a Planner at the City, what is his/her name? Noah Szafraniec

Type of City Involvement *check all that apply*

- ☐ City Land
- ☑ Financial Assistance
- ☑ Zoning Increase
- ☐ Planned Development (PD)
- ☐ Transit Served Location (TSL) projec

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

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

DEVELOPER INFORMATION

Developer Name New Congress, LLC
Developer Contact Michael Moyer
Developer Address 180 N. Stetson, Chicago, IL 60601
Email mamoyer@msn.com Developer Phone 312-952-1194
Attorney Name Rolando R. Acosta Attorney Phone 312-636-6937

TIMING

Estimated date marketing will begin Phase I - 10-1-20
Estimated date of building permit* Phase I-3-1-19/Phase II - 3-1-20
Estimated date ARO units will be complete Phase I - 12-31-20/Phase II - 8-1-21

*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 DEED REQUIREMENTS (to be executed by Developer & ARO Project Manager)

[illegible] Revised 1/14/19
[illegible], DPD Date

Developer/Project Manager 12-14-18
Date

ARO

Last updated September 4, 2018

ARO
AFFORDABLE REQUIREMENTS ORDINANCE

ARO Web Form

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Applicant Contact Information
Name: Rolando R. Acosta
Email: rolando@acostaezgur.com

Development Information

Address **Submitted Date: 12/12/2018**

Number From: 2115 Number To: 2163 Direction: N
Street Name: Milwaukee Postal Code: 60647

Development Name
Congress Theatre

Are you rezoning to downtown?: No
Is your project subject to the ARO Pilots?: PILOTS APPLY

Information

Ward: 1 ARO Zone: Higher Income Pilot Area: Milwaukee Corridor

Details
ARO trigger: Financial assistance
Total units: 86
Development type: Rent

Requirements

Onsite Units: 0 Off-Site units: 0

How do you intend to meet your ARO Unit obligations?
On-Site: 0 Off-Site: 0
On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0
Total Units: 0

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Requirements
Onsite Units: 17
How do you intend to meet your required obligation? On-Site: 26 On-Site to CHA or Authorized agency: 0 Total Units: 26

Note: Developer is offering 26 affordable units (30%) instead of 15% due to its receiving TIF funds and its RDA with the City

Project is going in two phases

1. Phase I: Restoration of the theater: 50 hotel rooms + 14 units
   At construction, ALL 14 units will be ARO units

2. Phase II: 72-unit residential building
   If this building is constructed, 30% of these units must be affordable

   At that point, ARO units in the Phase I building (Theater) may be converted to hotel units: if that happens, the 30% ARO requirement will be calculated off the units (currently proposed as 72) in the Phase II building.

   If the residential units in Phase I remain; the 30% ARO requirement will be based off of the total unit count, or 14+72=86 x 30% = 26 units. In other words, if the 14 residential units in the Congress theater remain as residential, not all ARO units as currently designated in the Theater as ARO will continue to be ARO units.

   In that scenario, DPD/DOH would need to review and sign off on the final mix.

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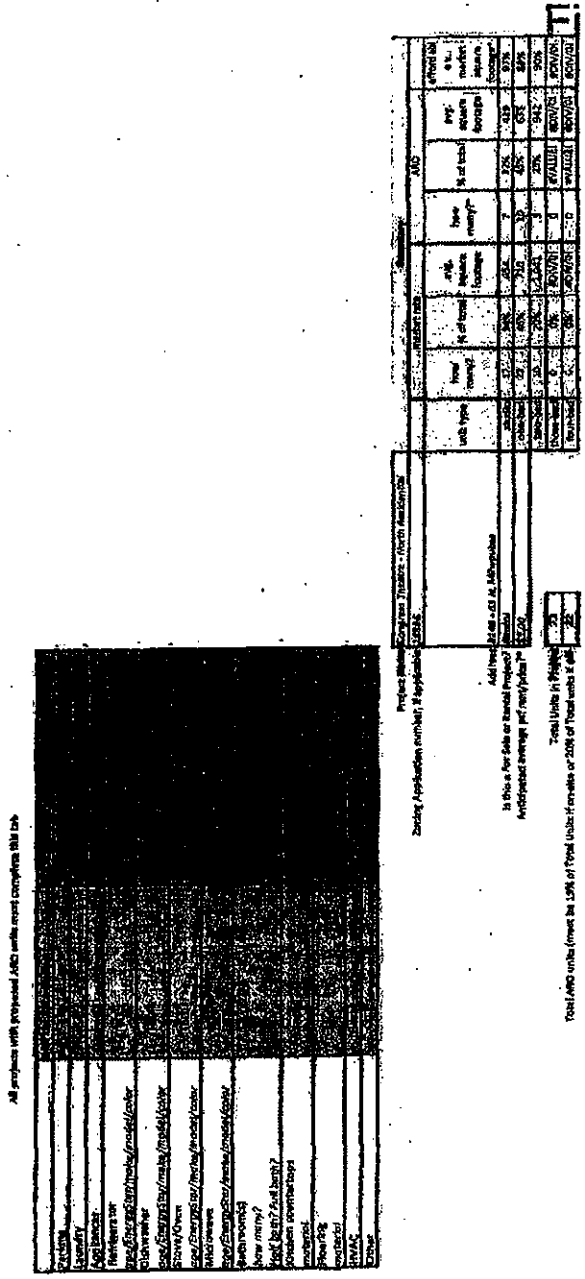

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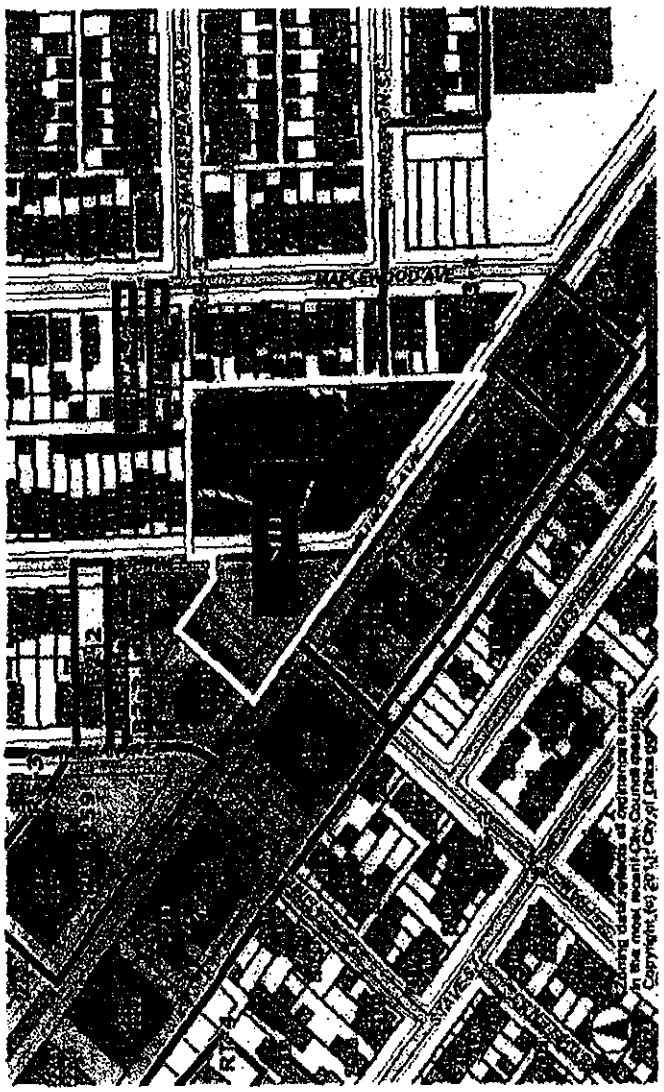
EXISTING ZONING MAP



APPLICANT: NEW CONGRESS LLC
ADDRESS: 2117 - 63 North Milwaukee Avenue/2117 - 25 North Rockwell Street/
2120 - 32 North Rockwell Street
INTRO DATE: 7/20/16
PLAN COMMISSION DATE: 12/20/18

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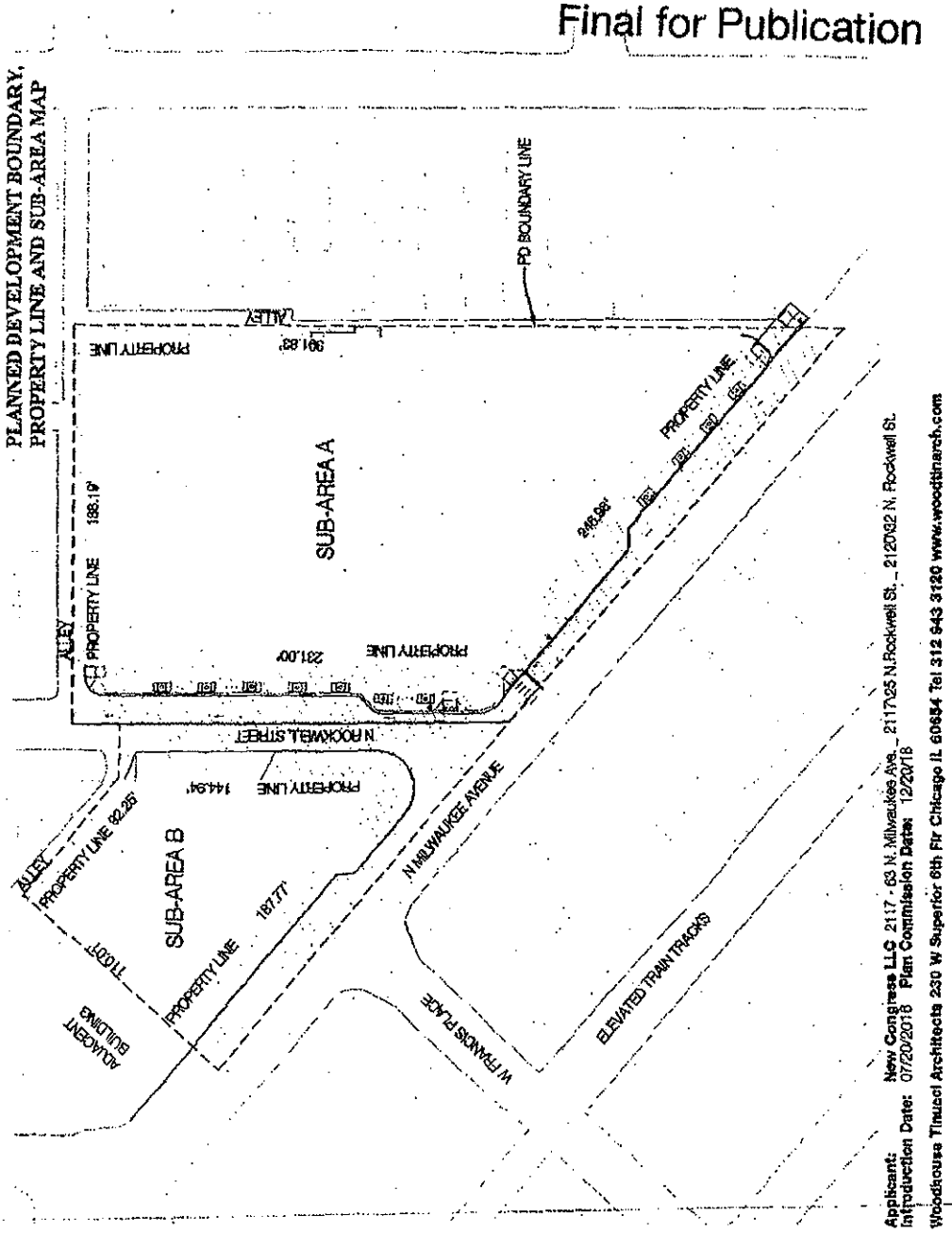

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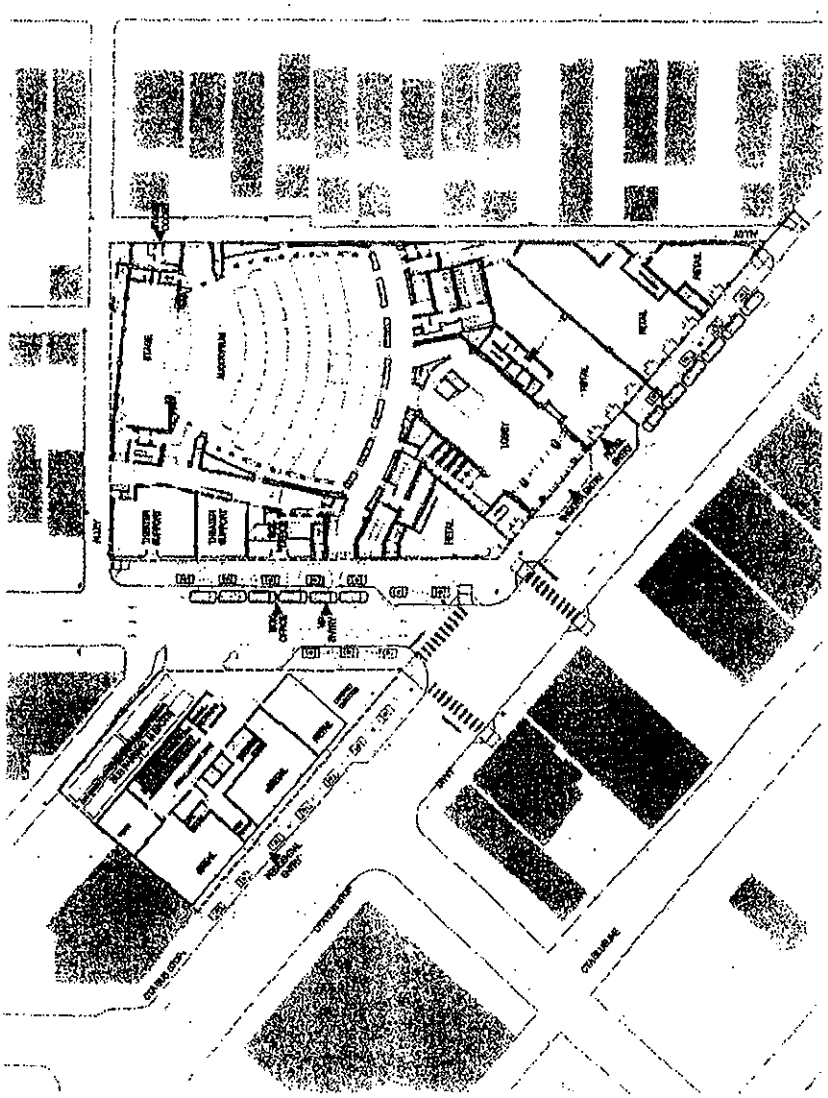
OVERALL SITE PLAN



Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave. _ 2117-25 N.Rockwell St. _ 2120-32 N. Rockwell St.
Introduction Date: 07/20/2016 Plan Commission Date: 12/20/18

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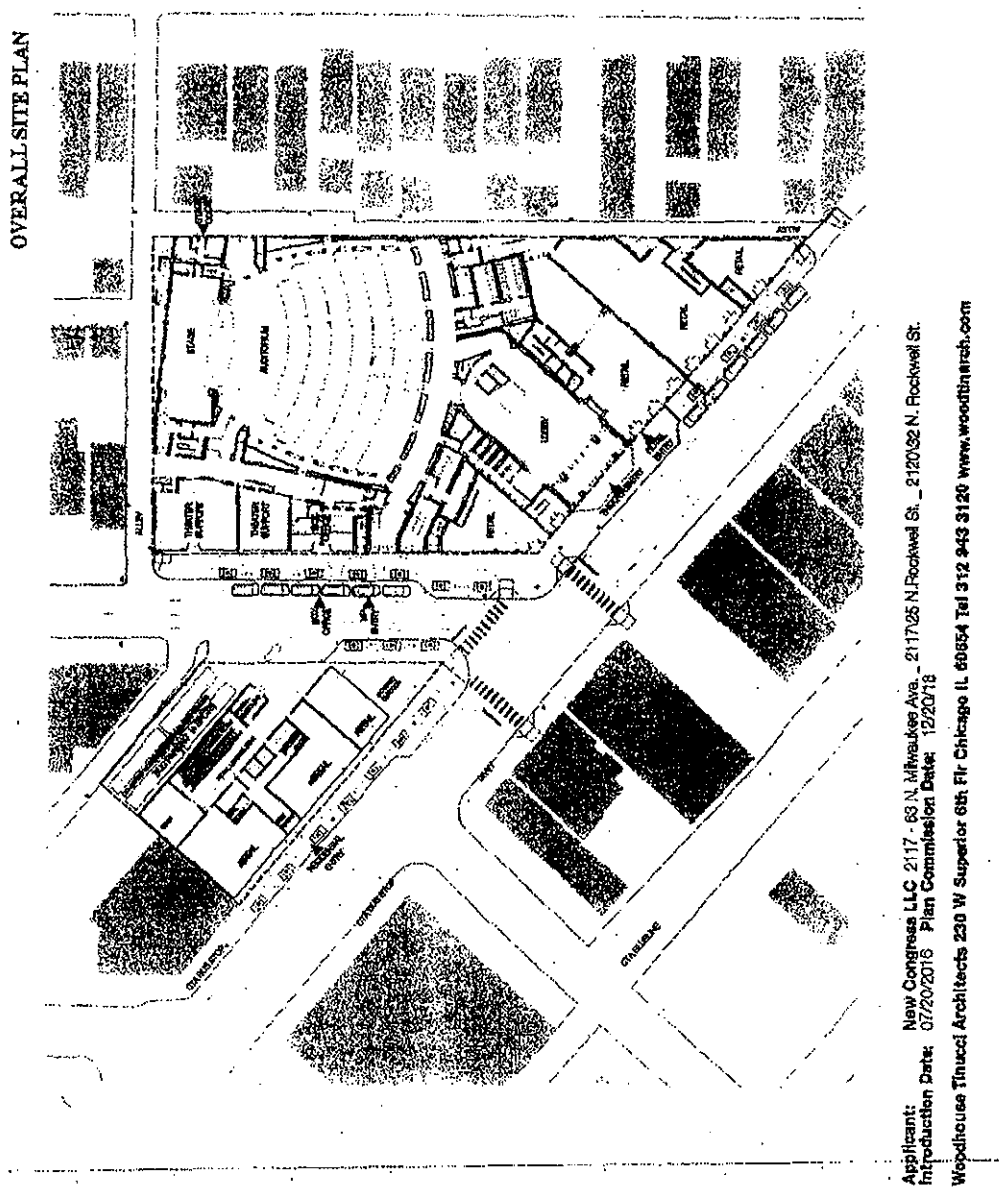

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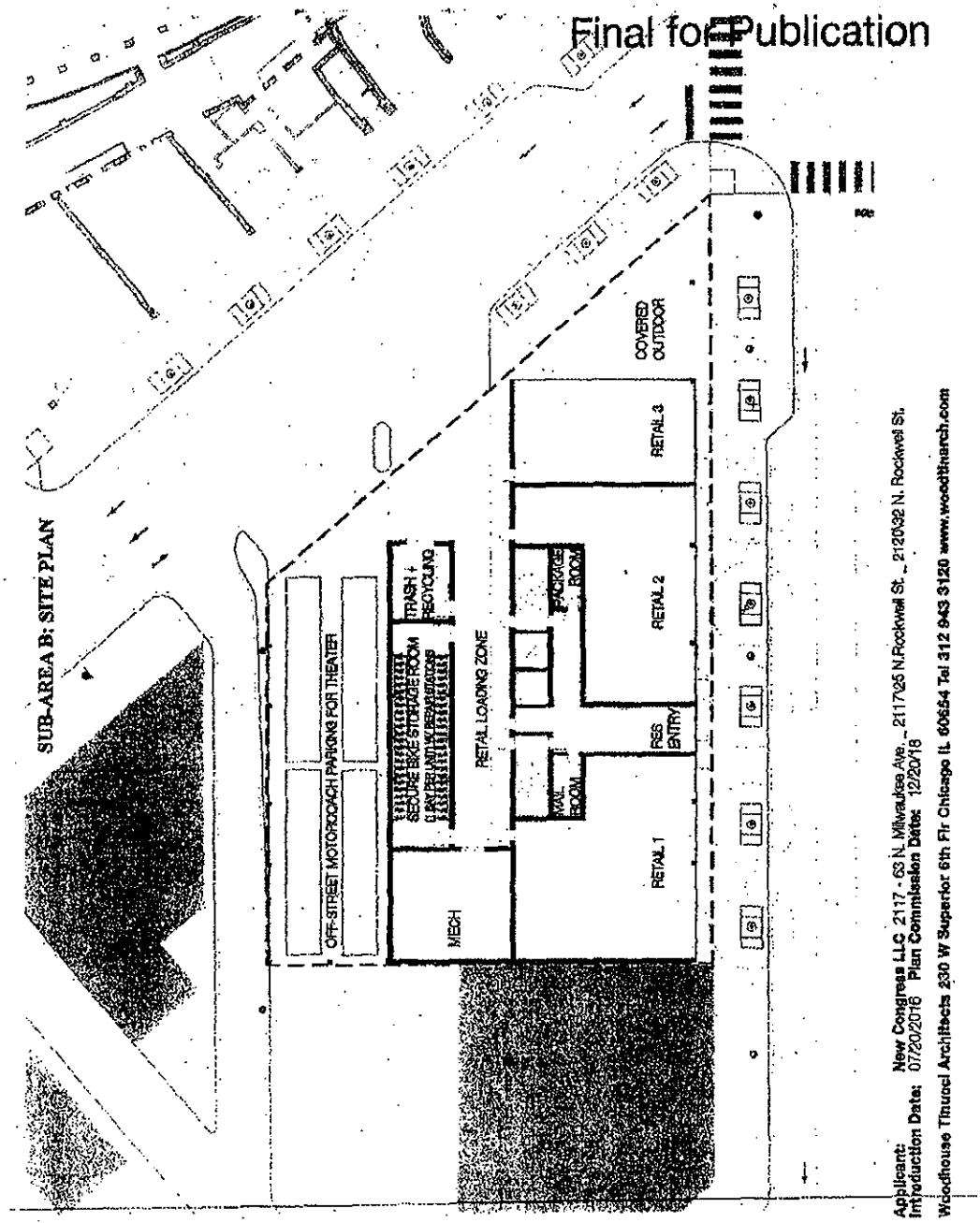

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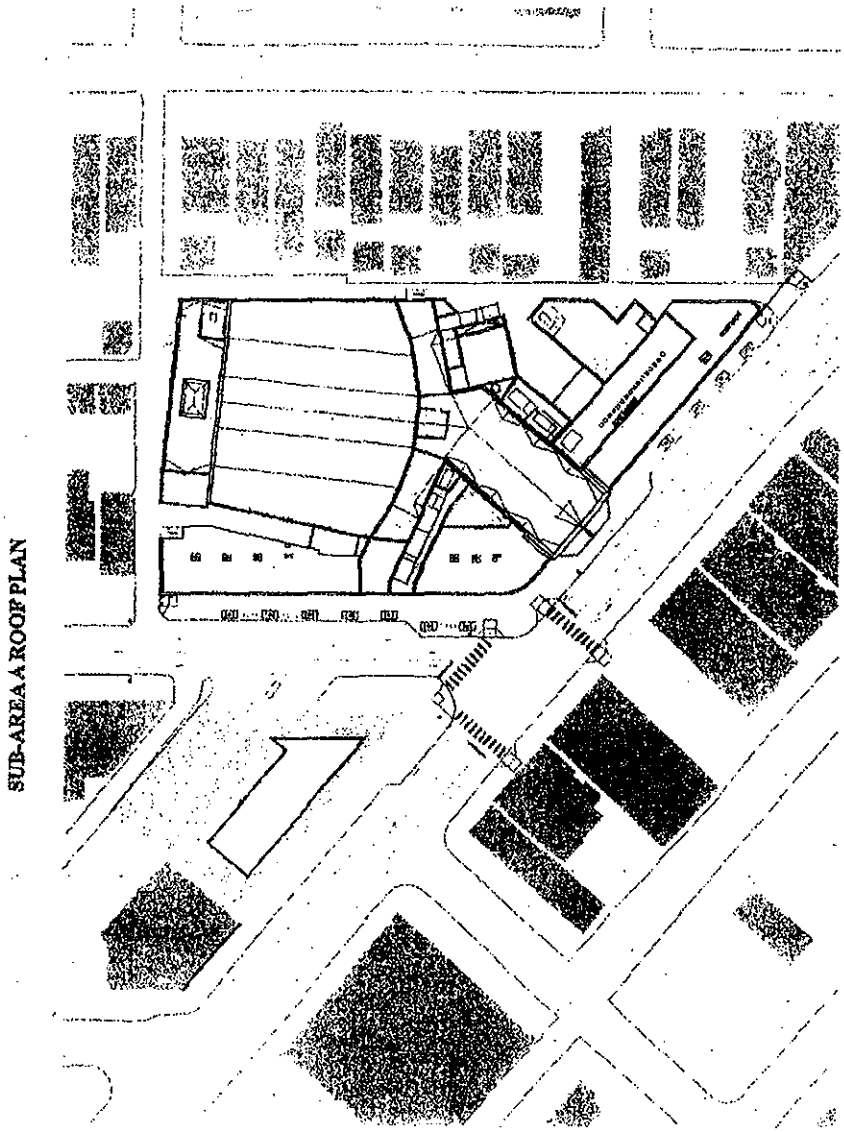

SUB-AREA A ROOF PLAN

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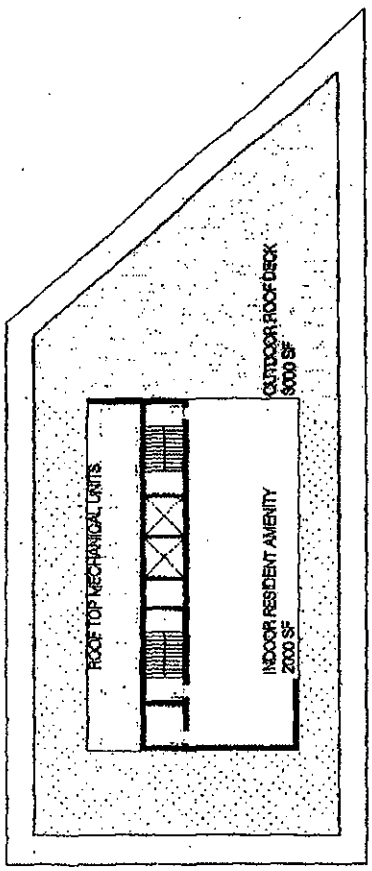

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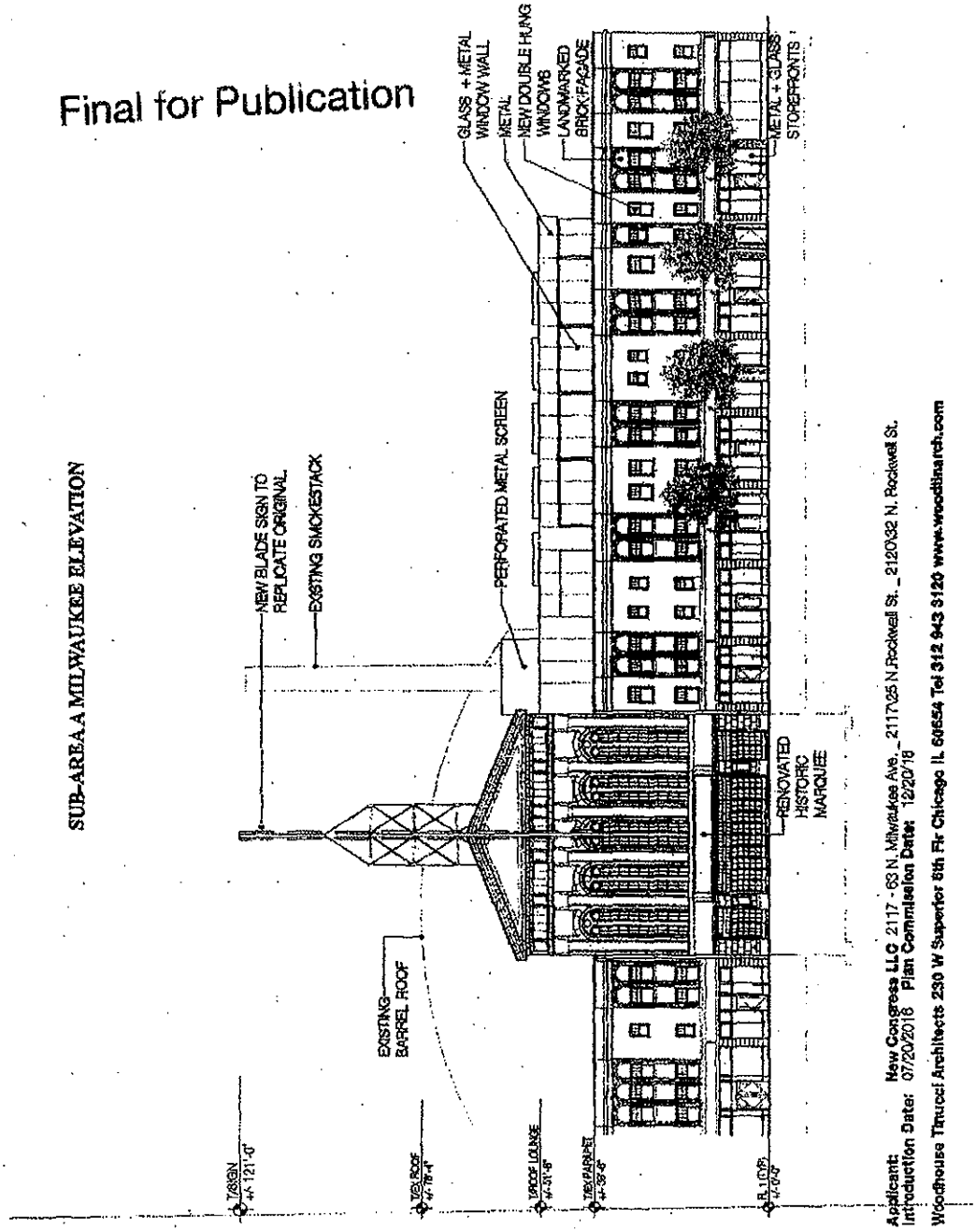
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SUB-AREA A MILWAUKEE ELEVATION
NEW BLADE SIGN TO REPLICATE ORIGINAL
EXISTING SMOKESTACK
PERFORATED METAL SCREEN
GLASS + METAL WINDOW WALL
METAL
NEW DOUBLE HUNG WINDOWS
LANDMARKED BRICK FACADE
METAL + GLASS STOREFRONTS
RENOVATED HISTORIC MARQUEE
EXISTING BARREL ROOF
Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave. - 2117-25 N.Rockwell St. - 2120-32 N. Rockwell St.
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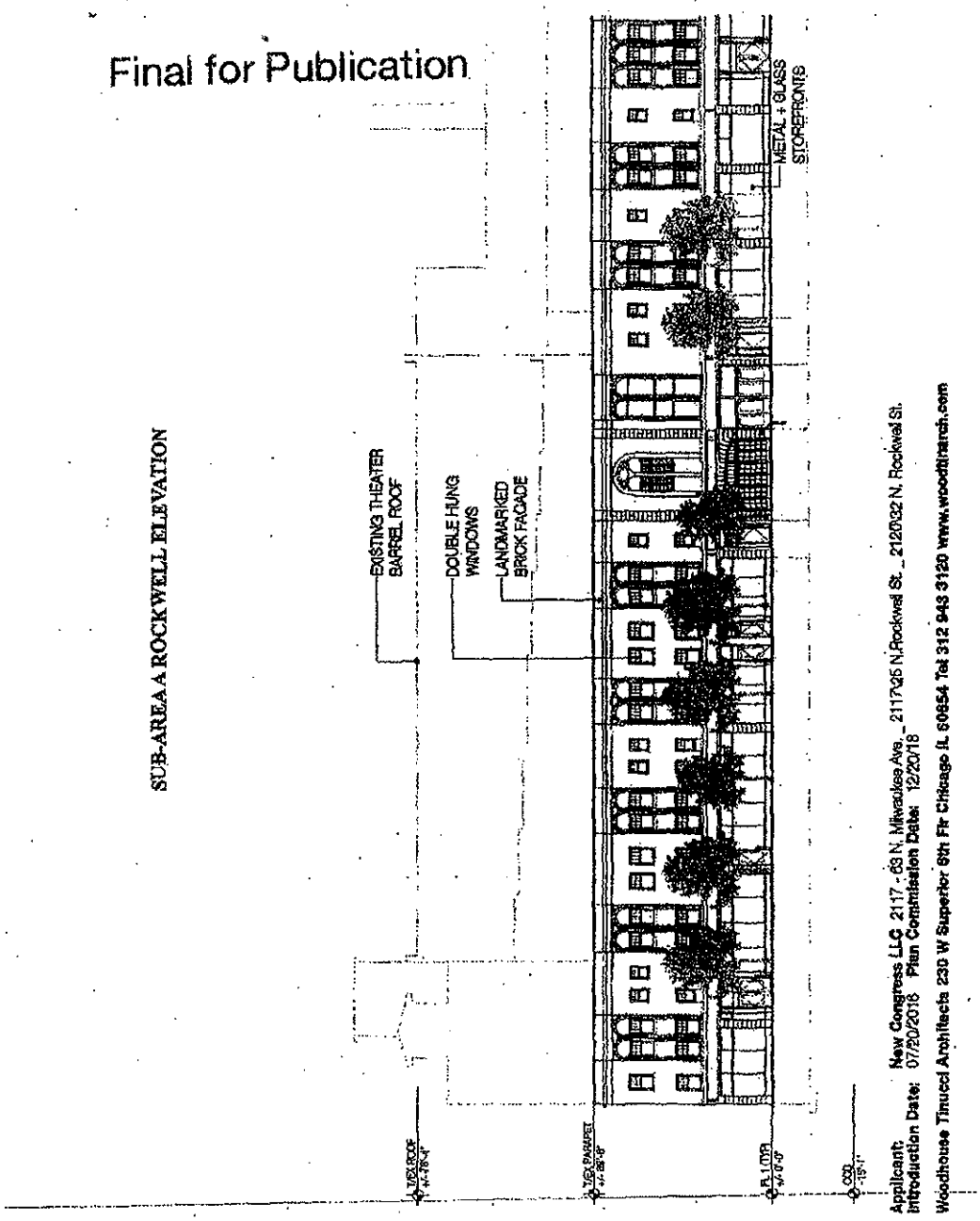

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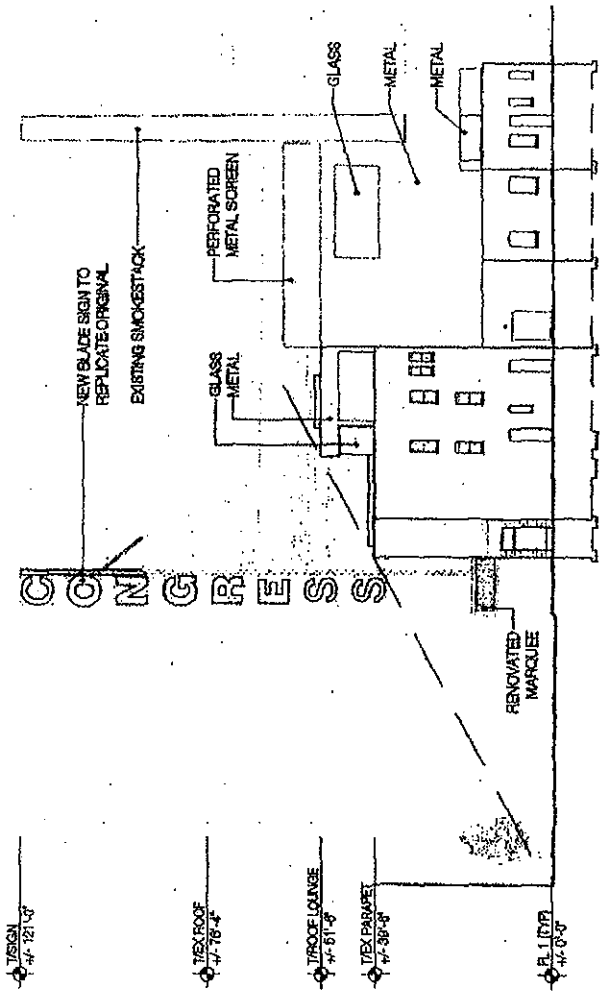
SUB-AREA A EAST ALLEY ELEVATION



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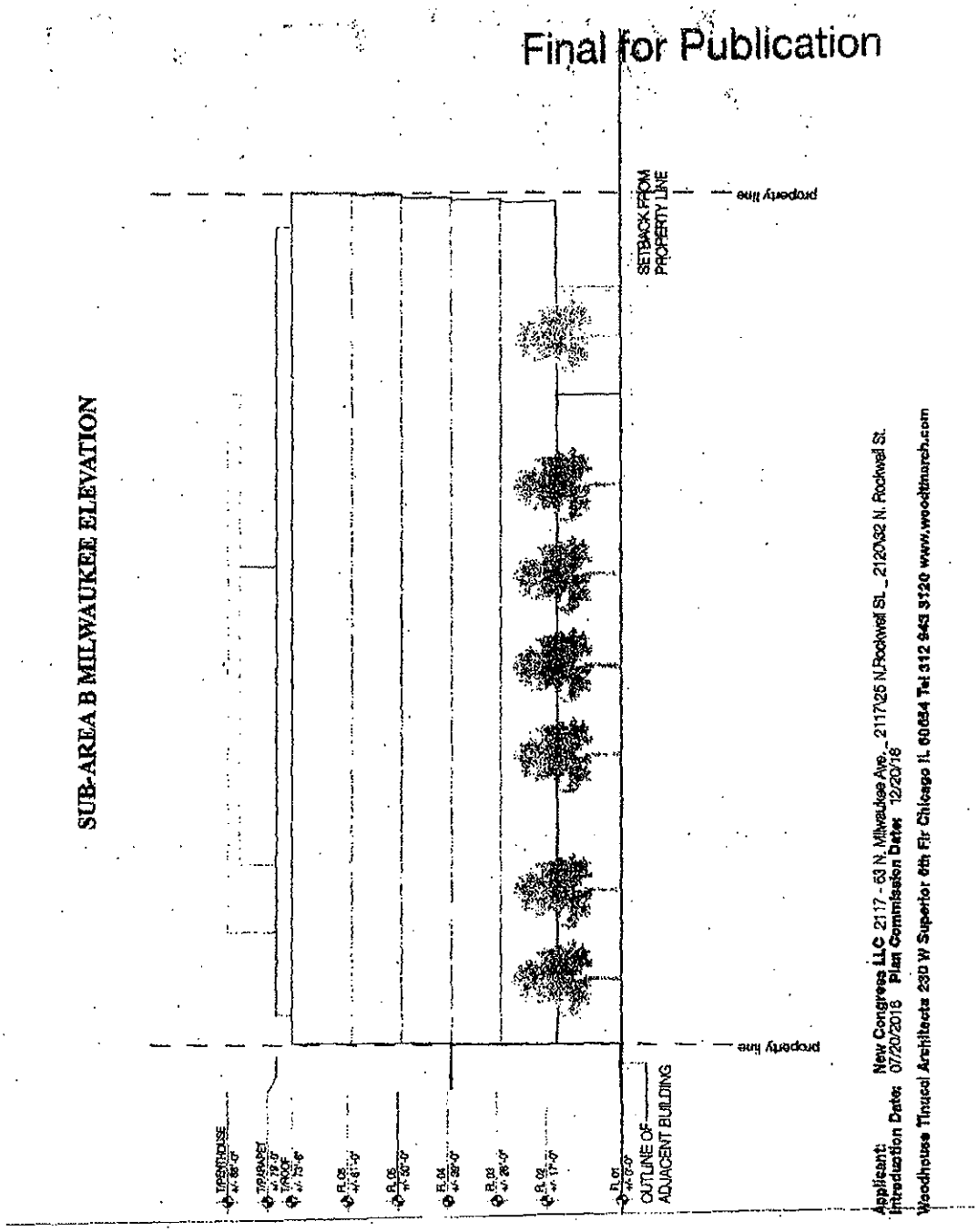

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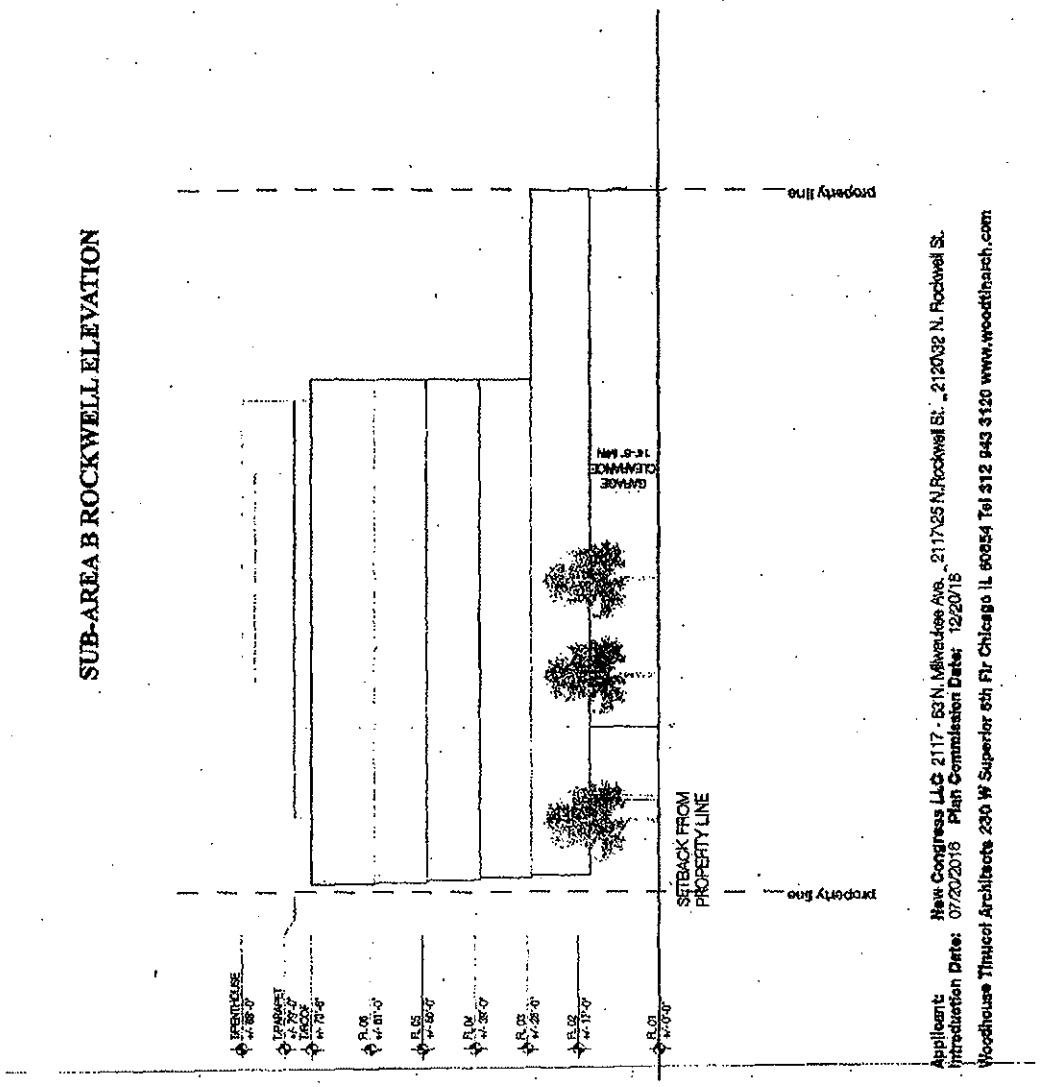

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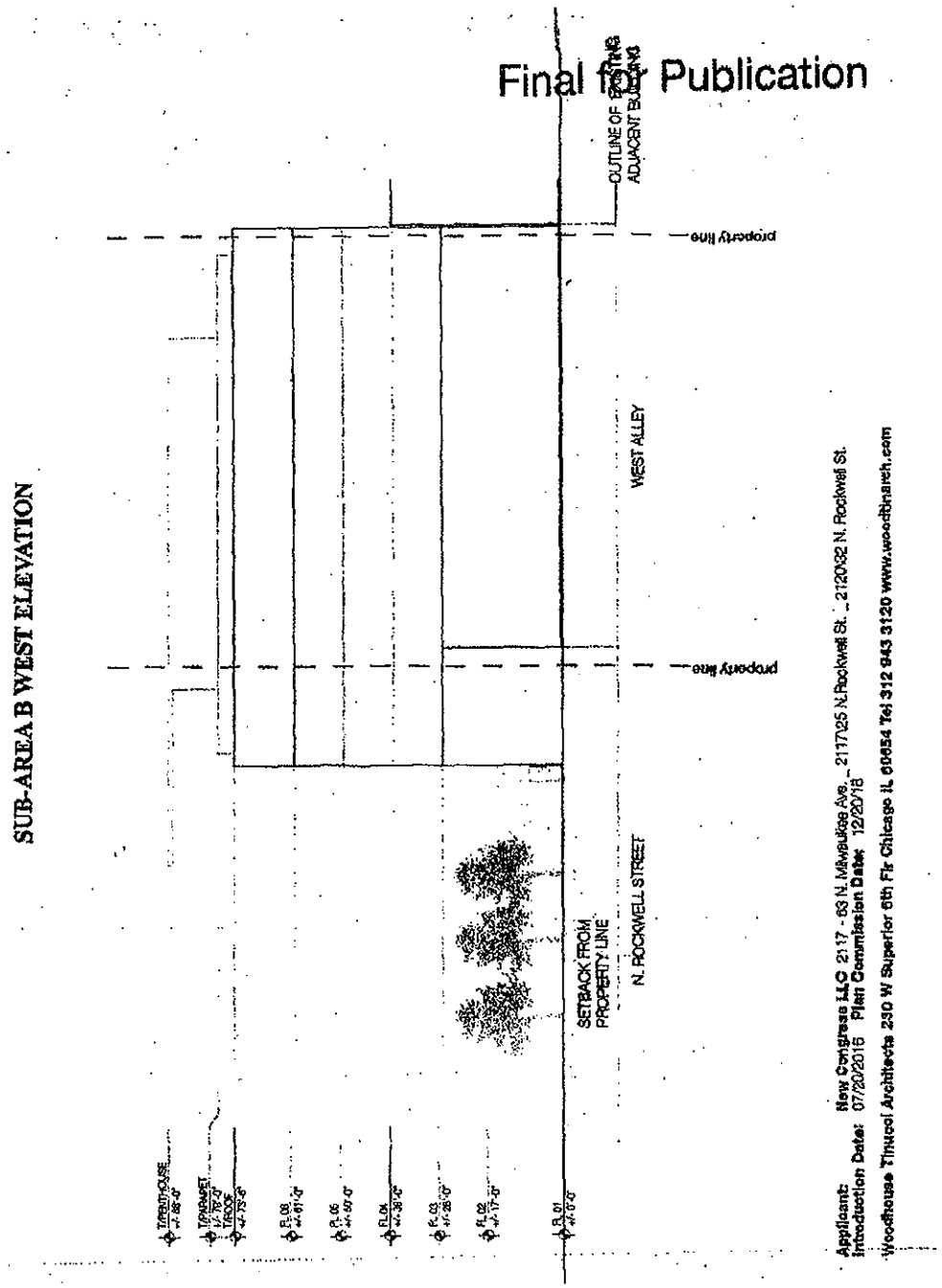

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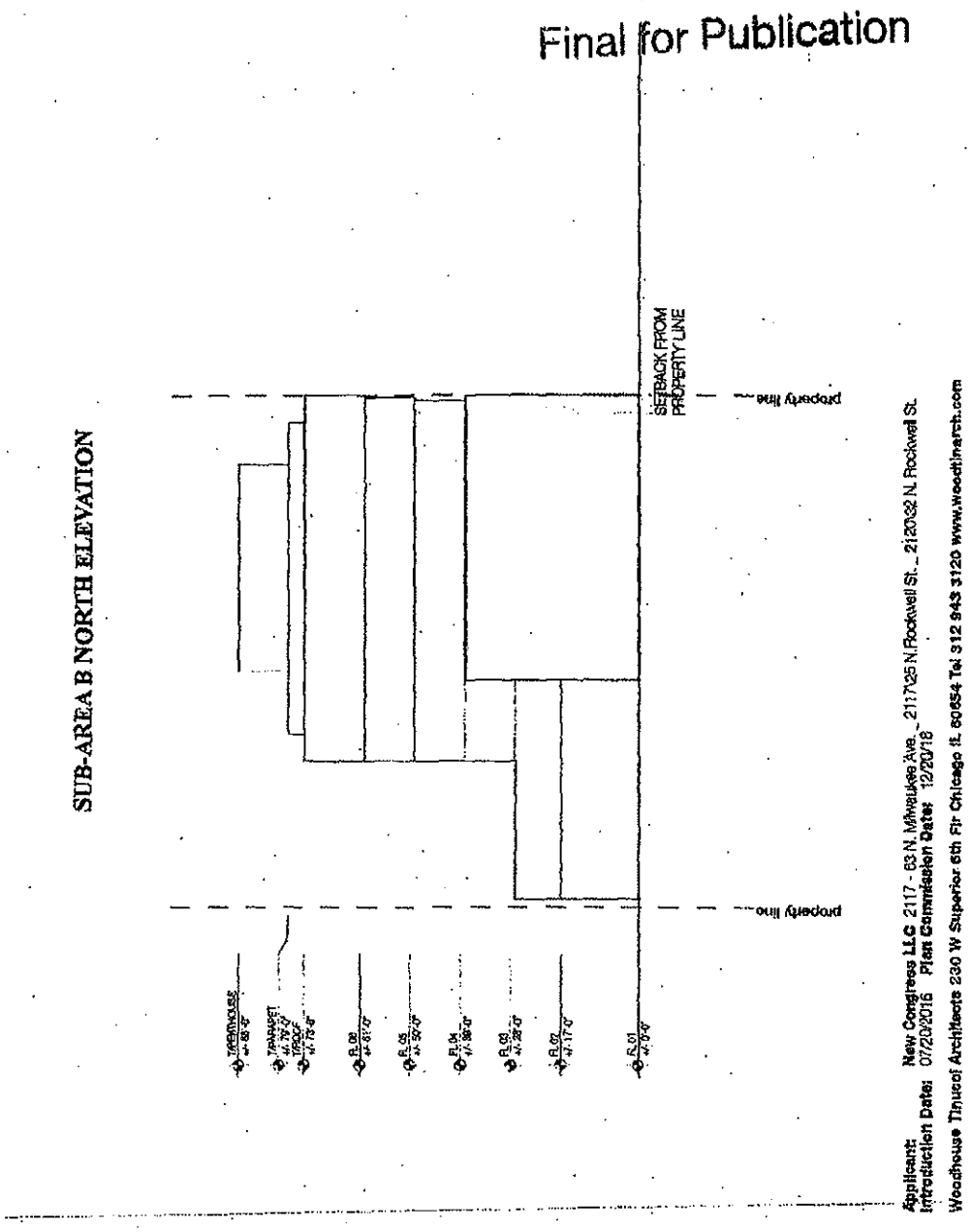

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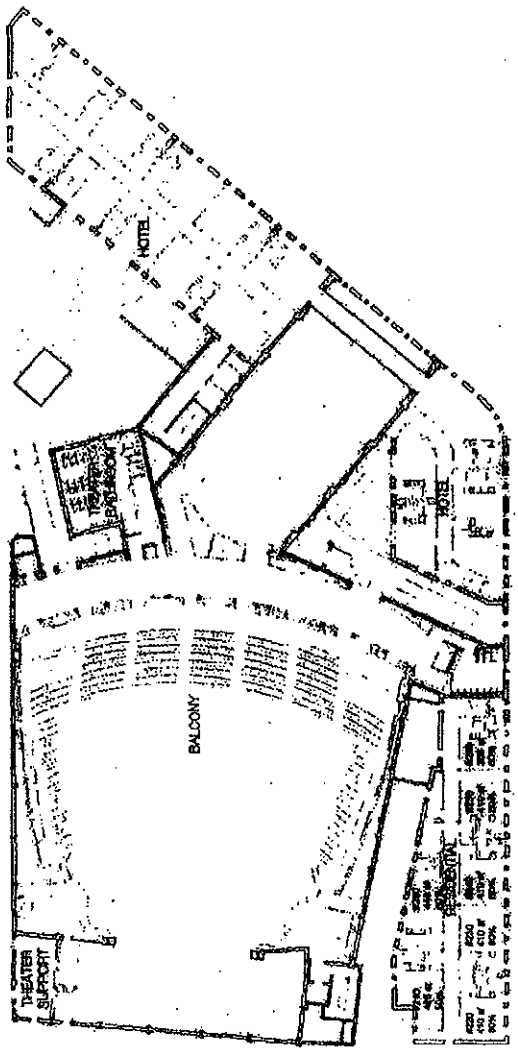

Subarea A_theater plan 02

PD-15

Applicant: New Congress LLC 2117 - 83 N. Milwaukee Ave._2117025 N.Rockwell St._2120932 N. Rockwell St.
Introduction Date: 07/20/2018 Plan Commission Date: 10/18/18

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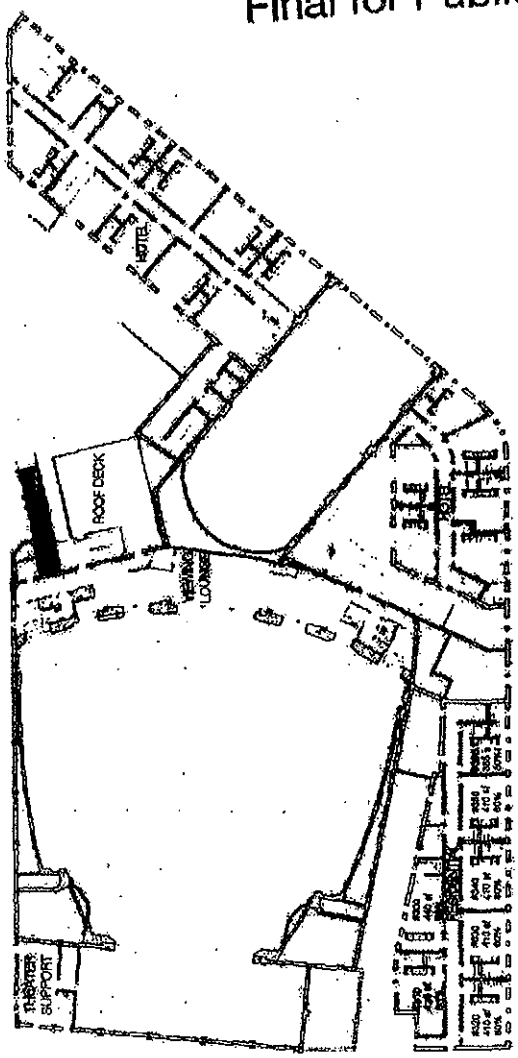

Subarea A_theater plan 03

PD-16

Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave. - 2117-25 N. Rockwell St. - 2120-32 N. Rockwell St.
Introduction Date: 07/20/2016 Plan Commission Date: 10/18/18

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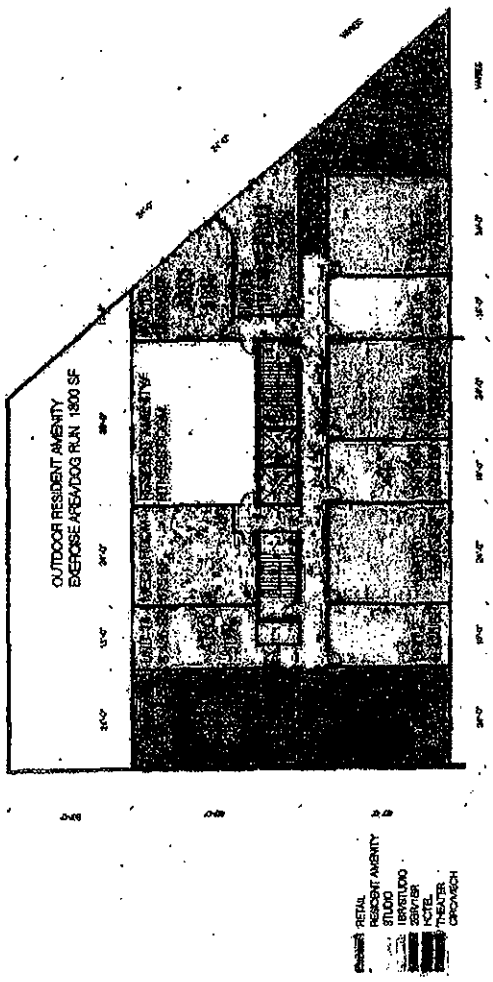
PD-23

2nd Floor ARO Units



Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave., 2117-25 N.Rockwell St., 2120-32 N. Rockwell St.
Introduction Date: 07/20/2016 Plan Commission Date: XXXX/XX

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3rd Floor ARO Units

Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave._2117-25 N.Rockwell St._2120-32 N. Rockwell St.
Introduction Date: 07/20/2016 Plan Commission Date: XX/XX/XX

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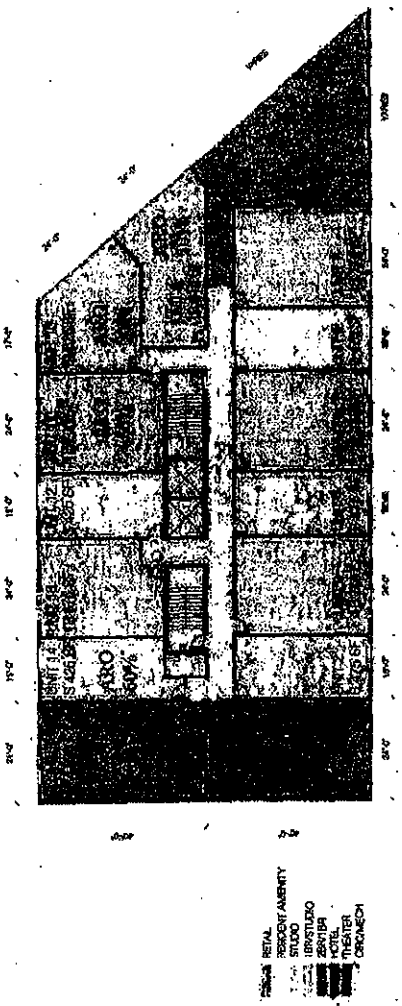
PD-24



4th Floor ARO Units

Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave., 2117-25 N.Rockwell St., 2120-32 N. Rockwell St.
Introduction Date: 07/20/2018 Plan Commission Date: XX/XX/XX

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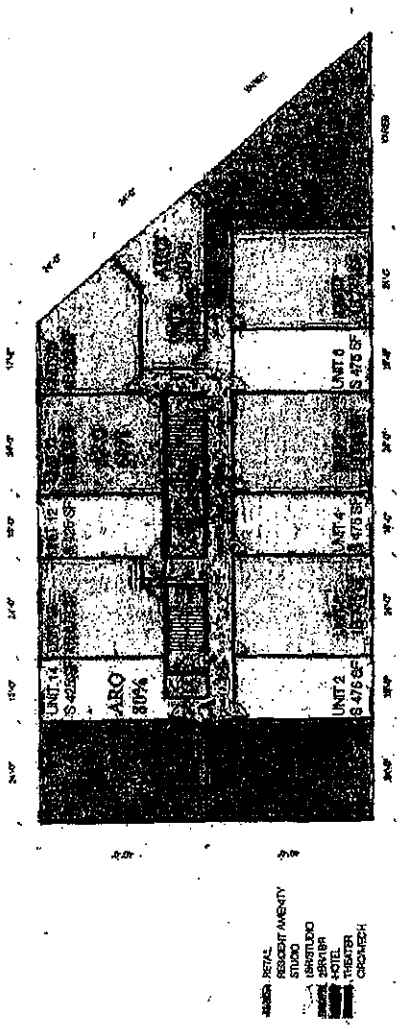
PD-24

5th Floor ARO Units



Applicant: New Congress LLC 2117 - 63 N. Milwaukee Ave., 2117-25 N.Rockwell St., 2120-32 N. Rockwell St.
Introduction Date: 07/20/2016 Plan Commission Date: XX/XX/XX

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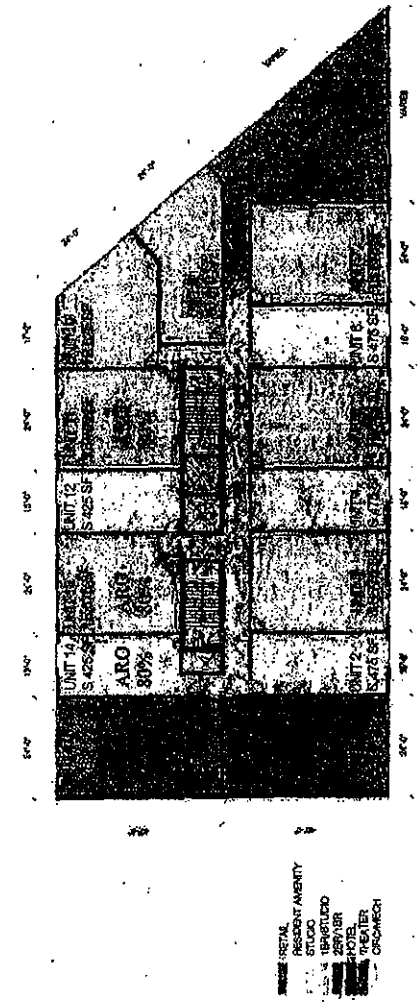
PD-24

6th Floor ARO Units



Applicant: New Congress LLC 2117 - 33 N. Milwaukee Ave._2117-25 N.Rockwell St._2120-32 N. Rockwell St.
Introduction Date: 07/20/2016 Plan Commission Date: XX/XX/XX

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