

PLANNED DEVELOPMENT No. 136, as amended

1. The area delineated herein as Planned Development Number 136, as amended, (Planned Development) consists of approximately 370,789 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (Property). The Planned Development includes two Subareas – Subarea A and Subarea B. It is the intent of this ordinance to amend Subarea A only. Subarea A is under the single-designated control and ownership of the Applicant, Onni Atrium Development No. 1 Limited Partnership.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant’s successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Planned Development.

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

Pursuant to a negotiated and executed Perimeter Restoration Agreement (“Agreement”) by and between the Department of Transportation’s Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation’s Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division/1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

- ADA crosswalk ramps
- Parkway & 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 the 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.

The Applicant acknowledges that the site traffic impact study completed by KLOA, Inc. on behalf of the Applicant identifies the need for certain traffic control improvements in the immediate vicinity. Accordingly, the Applicant agrees, subject to approval of CDOT, to fund the design and installation of left-turn arrows on the east and west approaches of West Division Street at North Wells Street; to fund the installation of countdown pedestrian signals at the intersections of Division Street and Wells Street; and Division Street and Orleans Street; and to fund the modification of pavement markings on Division Street necessary to provide left-turn lanes at Wells Street. This work must be completed prior to the completion of Phase I. Additionally, the Applicant agrees, subject to the approval of CDOT, to fund the design and installation of a new traffic signal at the intersection of North Orleans Street and West Hill Street. This work must be completed prior to the completion of Phase II.

Applicant agrees to update the traffic impact study prior to starting each subsequent phase, and acknowledges that additional traffic control improvements may be identified by CDOT during the subsequent phases. Accordingly, subject to the approval of CDOT, Applicant agrees to fund the design and installation of traffic control improvements as identified by CDOT in the subsequent phases.

4. This Plan of Development consists of Nineteen Statements, and a Bulk Regulations Table. Incorporated by reference herein is Planned Development No. 136, as amended, approved by the City Council on September 18, 2019 and all exhibits published in the City Council Journal of Proceedings at pages 6327-6353, including an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Subarea Lot Lines; Site Plan; CTA Easement Area Map; Floor Plans for Phase 3/Subarea A4; Landscape Plan for Phase 3/Subarea A4; a Green Roof Plan for Phase 3/Subarea A4; Building Elevations (North, South, East and West) for Phase 3/Subarea A4; and Axonometric Sections and Enlarged Typical Details for Phase 3/Subarea 4 prepared by Hartshorne Plunkard Architecture and dated December 20, 2018. Also incorporated by reference herein are the Minor Change Approvals dated May 27, 2015 and July 20, 2017 and all exhibits thereto. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development

Applicant: Onni Atrium Development No. 1 Limited Partnership
 Address: 303 West Division/1140 North Wells/202 West Hill
 Introduced: March 20, 2024
 Plan Commission: TBD

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 Subarea A of Planned Development 136, as amended: Multi-Unit buildings with residential units on and above the ground floor; Townhouses; Day Care; Eating and Drinking Establishments; Office; Personal Service; Retail Sales; Grocery stores; Hotel; Shared Housing; Medical Service; Animal Services; Accessory Parking; Non-accessory parking if located below-grade; Financial Services; Public transit-related uses; Accessory and related uses.

The following uses shall be permitted within Subarea B of Planned Development 136, as amended: residential dwelling units; community centers; daycare facilities; accessory church offices; accessory parking; and other accessory church-related facilities; and accessory uses.

6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of the Department of Planning and Development. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Chicago Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted floor area ratio (FAR) for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and 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 313,379 square feet for Subarea A and a base FAR of 5.0. The permitted FAR in Subarea B is 4.94 based upon a net site area of 57,410 square feet.

The Applicant acknowledges that the project has received a bonus FAR of 1.35 for Subarea A4, pursuant to Sec. 17-4-1000 of the Zoning Ordinance and based upon a net site area of 60,064 square feet in Subarea A4. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17-4-1003-B & C, prior to the issuance of the first building permit for any building in Subarea A4; provided, however, if Subarea A4 is constructed in phases, the bonus payment may be paid on a pro rata basis as the first building permit for each subsequent 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% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopt-a-Landmark Fund and 10% to

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division/1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

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 title holders 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

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division/1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

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 (i) 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, 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 Planned Development No. 136, as amended 1992, to Planned Development No. 136 as amended July 25, 2012, for the construction of the Residential Project 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 must (i) develop affordable housing units as part of the residential housing 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, the Applicant has agreed to provide 10 percent affordable housing units in the Residential Project for households earning up to 60 percent of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), or make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per unit ("Cash Payment"). At the time of each Part II review for the Residential Project, Applicant shall update and resubmit an Affordable Housing profile Form to the Department of Planning and Development for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Residential Project, the Department of Planning and Development may adjust the requirements of this Statement (*i.e.*, number of Affordable Units and/or amount of Cash Payment) accordingly without amending this Planned Development. The terms of the

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division/1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

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 Property 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. Notwithstanding anything to the contrary contained in Section 17-4-1003-E, the Commissioner of the Department 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 ordinance.

The Applicant acknowledges and agrees that this Planned Development is subject to that certain Affordable Housing Covenant and Agreement dated February 27, 2017, and recorded in the Office of the Cook County Recorder of Deeds as Document No. 1705822156; and by that certain Memorandum of Agreement Regarding Phase 2, dated October 23, 2017, and recorded in the Office of the Cook County Recorder of Deeds as Document No. 1729744033.

17. The development of Subarea B is located adjacent to a Chicago Landmark Building (the Sexton School). Accordingly the owner of Subarea B shall provide a landscaped pedestrian walkway within the buffer zone between the landmark building and the apartment building as a means of increasing visual access to the west and north façades of the landmark building. The apartment building shall be set back from the southern boundary of Subarea B as depicted on the Subarea B Site Plan. The owner of Subarea B shall install and maintain an illuminated, paved pedestrian walkway no less than six (6) feet in width within this setback area. The pedestrian walkway shall not be closed off by any gate or other obstruction unless the owner of Subarea B determines that public safety requires otherwise; any such decision to restrict access for public safety reasons shall be subject to approval by the commander of the local district of the Chicago Police Department, with notice of any such decision provided to the Department of Planning and Development.
18. The Applicant acknowledges that the City of Chicago and the Chicago Transit Authority ("CTA") are studying the possibility of a future CTA station near the intersection of West Division Street and North Orleans Street in accordance with the "Central Area Action Plan" adopted by the Chicago Plan Commission on August 20, 2009. The Applicant recognizes the value that convenient access to public transportation would offer the residents of this Planned Development and agrees to grant the CTA a permanent easement (the "Station Easement") in, on, over and under the area labeled "Future Transit Station" as generally depicted on the Site Plan and on the CTA Easement Areas exhibit (the "CTA Exhibit") for the purpose of constructing, operating and maintaining a rail station and related public transportation facilities. The Applicant must record the Station Easement prior to the issuance of any Part II approval for the Project. The transit station has not been fully designed as of the date of this Planned Development. Accordingly, prior to the issuance of Part II approval for the transit station, the CTA shall submit a site plan ("Transit Station Site Plan") to the Commissioner of the Department of Planning and Development (the "Commissioner") for approval. Review and

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division/1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

approval of the Transit Station Site Plan by the Commissioner is intended to assure that specific development proposals substantially conform to this Planned Development and to assist the City in monitoring on-going development. The CTA shall share copies of the Transit Station Site Plan with the Applicant for informational purposes only. The Department shall convene meetings between the CTA and the Applicant, if necessary and at the Department's own discretion, to discuss the station plans prior to final site plan approval of the station. Following approval of the Transit Station Site Plan by the Commissioner, the plan and such supporting data and materials as the Commissioner had requested shall be kept on permanent file with the Commissioner and shall be deemed to be an integral part of this Planned Development. The approved Transit Station Site Plan may be changed or modified pursuant to the provisions of Statement 12 hereof. In the event of any inconsistency between the approved Transit Station Site Plan and the terms of this Planned Development in effect at the time of approval of such plan or of the modifications or changes thereto, the terms of this Planned Development shall govern. Applicant shall bear no costs associated with the proposed transit station.

The Applicant acknowledges and agrees that this Planned Development is subject to that certain Grant of Easements and Release of Easement dated November 8, 2013, and recorded in the Office of the Cook County Recorder of Deeds as Document No. 1401444043, by and between the Applicant and the Chicago Transit Authority ("CTA"), a municipal corporation. The grant of easement is a permanent, non-exclusive easement (the "Maintenance Easement") in, on, over, under, through and across the western portion of the Property to the extent necessary to create a buffer (clear zone) of at least 14 feet along, and parallel to, the eastern edge of the CTA elevated track structures for access to, and maintenance, repair, renovation and replacement of any CTA transit facilities now or hereafter located within the CTA's Brown Line right-of-way, and for safety reasons.

19. 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 Planned Development No. 136, as amended September 18, 2019, and as modified administratively thereafter.

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division/1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

**PLANNED DEVELOPMENT NO. 136, as amended
BULK REGULATIONS AND DATA TABLE**

Total Gross Site Area:	453,189 Square Feet
Subarea A:	375,455 Square Feet
Subarea B:	77,734 Square Feet
 Area of Public Right-of-Way (Total):	 82,400 Square Feet
 Total Net Site Area:	 370,789 Square Feet
Subarea A (Total):	313,379 Square Feet
Subarea A1:	48,277 Square Feet
Subarea A2:	31,494 Square Feet
Subarea A3:	51,762 Square Feet
Subarea A4:	60,064 Square Feet
Subarea A5:	121,782 Square Feet
 Subarea B:	 57,410 Square Feet
 Maximum Floor Area Ratio:	 5.0
Subarea A:	5.0 (overall)
Subarea A4:	FAR Bonus of 1.35**
Subarea B:	4.94
 Total Maximum Number of Dwelling Units:	 1,844
Subarea A (Total):	1,500
Subarea A1:	405
Subarea A2:	0
Subarea A3:	428
Subarea A4:	456
Subarea A5:	211
 Subarea B:	 344
 Maximum Number of Hotel Rooms (Subarea A)	 60
 Minimum Number of Off-Street Parking Spaces:	 1,122
Subarea A (Total):	1,007
Subarea A1:	400
Subarea A2:	N/A
Subarea A3:	413
Subarea A4:	194

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division /1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD

Subarea A5:	0
Subarea B:	115
Minimum Number of Loading Berths:	6
Subarea A1:	1
Subarea A2:	N/A
Subarea A3:	1
Subarea A4:	2
Subarea A5:	0
Subarea B:	2
Maximum Building Height:	
Subarea A1:	341' - 8"
Subarea A2:	N/A
Subarea A3:	430' - 0"
Subarea A4:	447' - 2"
Subarea A5:	As built
Subarea B:	As built
Bicycle Storage Spaces:	
Subarea A1:	88
Subarea A2:	N/A
Subarea A3:	62
Subarea A4:	185
Subarea A5:	0
Subarea B:	As built
Minimum Setbacks:	Per Site Plan

Notes:

*Residential Units, parking spaces and FAR may be allocated among the five subareas in Subarea A through the Minor Change process in accord with Section 17-13-0611 of the Chicago Zoning Ordinance.

** The FAR Bonus in Subarea A-4 is based upon a Net Site Area of 60,064 Square Feet. The total floor area bonus is 81,086 square feet.

Applicant: Onni Atrium Development No. 1 Limited Partnership
Address: 303 West Division /1140 North Wells/202 West Hill
Introduced: March 20, 2024
Plan Commission: TBD