

# PD 1159

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DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF CHICAGO

June 20, 2017

Ms. Kathleen A. Duncan  
Ackerman, LLP  
71 South Wacker Drive  
46<sup>th</sup> Floor  
Chicago, Illinois 60606

Re: 401 South Wabash Avenue

Dear Ms. Duncan:

The subject site is zoned Planned Development 1159. Pursuant to its Statement 5, non-accessory parking is not a permitted use. Furthermore, as the project which was approved in PD 1159 has not been substantially constructed or diligently pursued, according to Statement 19, this PD is to be sunset to a DX-16 (Downtown Mixed-Use District). Such zoning district will require the creation of a planned development in order to legally establish or expand any non-accessory parking lot.

However, given the historical business license information of this existing, non-accessory parking lot, which shows continuous operations since 2002, it is the opinion of this department that, pursuant to Section 17-1-1405-D, such non-accessory parking operations may continue, subject to the standards of Section 17-15-0300.

Sincerely,

Patricia A. Scudiero  
Zoning Administrator  
Bureau of Zoning and Land Use



DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF CHICAGO

February 23, 2016

John J. George  
Schuyler, Roche & Crisham, P.C.  
Two Prudential Plaza  
180 North Stetson Avenue  
Suite 3700  
Chicago, IL 60601

**Re: One-year sunset extension for Residential Institutional Planned Development No. 1159, 51-67 E. Van Buren St. and 401-419 S. Wabash Ave.**


Dear Mr. George:

Please be advised that your request for a one-year sunset extension to the six-year construction period for Residential Institutional Planned Development No. 1159 has been considered by the Department of Planning and Development pursuant to Section 17-13-0612-B of the Chicago Zoning Ordinance and Statement No. 19 of the Planned Development.

PD 1159 was passed by the Chicago City Council on March 10, 2010. Statement No. 19 of the Planned Development contains the sunset provisions, which requires commencement of substantial construction of the Phase 2 improvements within six years of the effective date of the ordinance. As a result of economic conditions, you are requesting on behalf of your client, Buckingham Wabash L.L.C., the sole owner of the property within the PD, a one-year extension of the sunset provisions for the Phase 2 improvements.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Institutional Planned Development No. 1159, I hereby approve a one-year sunset extension from March 10, 2016 to March 10, 2017.

Sincerely,

  
Patricia A. Scudiero  
Zoning Administrator

PAS:HG:tm

C: Mike Marmo, Erik Glass, Main file

16737

3/10/2010

REPORTS OF COMMITTEES

87117

Please let the record reflect that Alderman Ginger Rugai abstains from voting on Application Number 17010 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted,

(Signed) DANIEL S. SOLIS,  
Chairman.

On motion of Alderman Solis, the said proposed ordinances and substitute ordinances transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

*Yeas* -- Aldermen Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Maldonado, Burnett, E. Smith, Reboyras, Suarez, Waguespack, Mell, Colón, Mitts, Allen, Laurino, Doherty, Reilly, Daley, Tunney, Shiller, Schulter, M. Smith, Moore -- 43.

*Nays* -- None.

Alderman Pope moved to reconsider the foregoing vote. The motion was lost.

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

*Reclassification Of Area Shown On Map No. 2-E.*  
(As Amended)  
(Application No. 16737)  
(Common Address: 51 -- 67 E. Van Buren St.  
And 401 -- 419 S. Wabash Ave.)

RIPD 1159

[SO2010-863]

*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 DX-16 Downtown Mixed-Use District symbols and indications as shown on Map Number 2-E in the area bounded by:

East Van Buren Street; the alley next east of and parallel to South Wabash Avenue; a line 140.97 feet south of and parallel to East Van Buren Street; and South Wabash Avenue,

to the designation of a Residential-Institutional 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 2. 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-Institutional Planned Development No. 1159*

*Plan Of Development Statements.*

1. The area delineated herein as Residential-Institutional Planned Development Number 1159 consists of approximately twenty-four thousand two hundred fifty-two (24,252) square feet (fifty-six hundredths (0.56) acre) and is owned or controlled by the applicant, Buckingham Wabash, L.L.C.. This planned development is divided into two (2) subareas.
2. 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 easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the applicant or its successors, assignees, or grantees and approval by the City Council.
3. 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 titleholder 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, then to the owners of record title to all of the property and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the property, at the time any applications for amendments, modifications or changes (administrative, legislative or otherwise) to this planned development are made the property shall be under single ownership or under single designated control. Save and except as hereinbelow described, single designated control for purposes of this paragraph shall mean that any application to the City for any amendment to this planned development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessors. An agreement among property owners, the board of directors of any property owners association, or a covenant binding property owners, may designate the authorized party for any future amendment, modification or change. Buckingham Wabash, L.L.C. shall retain single designated control and shall be deemed to be the authorized party for any future amendment, modification or change to this planned development until Buckingham Wabash, L.L.C. shall designate in writing the party or parties authorized to make application for any future amendment, modification or change to this planned development.

4. This plan of development consists of these nineteen (19) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site Plan; a Landscape Plan; and Building Elevations dated June 18, 2009 prepared by Solomon Cordwell Buenz. Full-size sets of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Zoning and Land Use Planning. The planned development is applicable to the area delineated hereto and these and no other zoning controls shall apply. In any instance where a provision of the planned development conflicts with the Chicago Building Code, the Building Code shall control.
5. The following uses shall be permitted within the area delineated herein as "Residential-Institutional Planned Development": Group Living defined as residence facilities for students, faculty, graduates, post degree graduates, and other administrators or individuals enrolled or employed or recently enrolled or employed in a college, university or attendees at educational seminars and conferences; multi-unit residential, all uses permitted in the DX-16 Downtown Mixed-Use District contained in the Chicago Zoning Ordinance, as amended, and in existence as of October 1, 2008 and related uses.
6. On-premise business identification signs shall be permitted within the planned development subject to the review and approval of the Department of Zoning and Land Use Planning. Temporary signs, such as construction and marketing signs shall be permitted, subject to the review and approval of the Department of Zoning and Land Use Planning. Off-premises signs are prohibited.
7. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago.
8. For purposes of calculating height, the Chicago Zoning Ordinance shall apply. In addition to the maximum height of the building and any appurtenance thereto prescribed in this planned development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For purposes of floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply.
10. The planned development boundary includes an existing building, the Buckingham Building at 59 East Van Buren Street, which is a contributing building to the Historic Michigan Boulevard District, a Chicago landmark district. There is no work proposed to the Buckingham Building, which has already been rehabilitated, as part of the planned development. Prior to or as part of the Part II submission, and prior to submitting a permit application for any excavation or construction of the project, the applicant shall submit for the review and acceptance of the Historic Preservation Division of the Department of Zoning and Land Use Planning a report by a licensed structural engineer with recommendations, as necessary, for protection and

stabilization measures for the Buckingham Building at 59 East Van Buren Street bordering the project to the east, and the Fine Arts Annex Building at 421 South Wabash Avenue, identified in the Chicago Historic Resources Survey as potentially historically significant and has an "orange" rating, bordering the Project site to the south. The drawings submitted with the excavation or construction permit application shall include the recommended measures and protections incorporated as part of any proposed work.

11. The City of Chicago established a Part II Review Fee in the amount of Zero and 25/100 Dollars (\$0.25) per square foot for the total buildable square feet (floor area). The Part II Review Fee will be assessed by the Department of Zoning and Land Use Planning during the actual Part II Review. The Department of Zoning and Land Use Planning fee as determined by the Department of Zoning and Land Use Planning staff at that time is final and binding on the applicant and must be paid to the Department of Zoning and Land Use Planning prior to the issuance of any Part II approval.
12. The improvements on the property shall be designed, installed and maintained in substantial conformance with the site plan, landscape plan and building elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. Notwithstanding any statement to the contrary, this planned development shall be subject to the provisions of Chapter 17-11 of the Chicago Zoning Ordinance governing landscaping and screening. In any instance where a provision of the planned development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance, the Chicago Zoning Ordinance shall control. Nothing in this planned development is intended to waive the applicability of the landscape and screening provisions of the Chicago Zoning Ordinance.
13. The applicant will comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioner of the Department of Streets and Sanitation, the Commissioner of the Environment and the Commissioner of Buildings, under Section 13-32-125 of the Municipal Code of Chicago or any other provision of that Code.
14. The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a net site area of twenty-four thousand two hundred fifty-two (24,252) square feet, a base F.A.R. of 16.0 and additional floor area ratio for a series of proposed amenities, as follows:

Description	F.A.R.
Base F.A.R.	16.00
Affordable Housing Bonus	3.37
Green Roof	<u>2.00</u>
Total F.A.R.	21.37

The calculation of the additional floor area ratio (F.A.R.) obtained through the series of proposed amenities is as follows:

**Affordable Housing**

Bonus F.A.R. =  $16.00 \times 0.211 = 3.37$  F.A.R.

$3.37 \times 24,252$  square feet = 81,729 square feet

81,729 square feet  $\times$  \$31.00 per square feet  $\times$  0.80 = \$2,026,879.20 contribution

**Green Roof**

Bonus F.A.R. = 2.00 F.A.R.

Green Roof in excess of 50% = 10,105 square feet

10,105 square feet +  $24,252 \times 0.30 \times 16 = 2.00$  F.A.R.

The applicant, its successors or assigns shall contribute the amount of Two Million Twenty-six Thousand Eight Hundred Seventy-nine and 20/100 Dollars (\$2,026,879.20) (or such lesser amount as determined by the exact amount of bonus floor area requested at time of building permit application) to the City of Chicago's Affordable Housing Opportunity Fund prior to the issuance of the "Part II Approval" for the construction of the superstructure of the building contemplated in this planned development.

15. The terms, conditions and exhibits of this planned development ordinance may be modified administratively by the Commissioner of the Department of Zoning and Land Use Planning upon the application for such a modification by the applicant and after a determination by the Commissioner of the Department of Zoning and Land Use Planning that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated in this planned development and the purposes underlying the provisions hereof. Any such modification of the requirements of this planned development by the Commissioner of the Department of Zoning and Land Use Planning shall be deemed to be a minor change in the planned development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
16. The applicant acknowledges that it is in the public interest to design, construct and renovate all buildings in a manner that provides healthier environments, reduces operating costs and conserves energy and resources. The applicant shall use best and reasonable efforts to design, construct and maintain all buildings located within the property in a manner generally consistent with the Leadership in Energy and Environmental Design Green Building Rating System ("L.E.E.D.").

17. 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 ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility. No building permit shall be granted by the Department of Buildings until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement proposed to be constructed pursuant to the permit.
18. Pursuant to the Affordable Housing provision of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1004, et seq. ("Zoning Ordinance") the applicant has asked for an increase in the floor area ratio of the property. The applicant hereby acknowledges that according to Section 17-4-1004D of the Zoning Ordinance, the total floor area devoted to affordable housing units must equal at least twenty-five percent (25%) of the total increase in floor area allowed under the Affordable Housing Bonus or a cash payment must be made to the City of Chicago Affordable Housing Opportunity Fund based on the increase in allowable floor area by eighty percent (80%) of the median cost of land per buildable square foot. Based on Section 17-4-1004D, the applicant has agreed to provide a cash payment to the City of Chicago Affordable Housing Opportunity Fund in the amount of Two Million Twenty-six Thousand Eight Hundred Seventy-nine and 20/100 Dollars (\$2,026,879.20) (or such lesser amount as determined by the exact amount of bonus floor area requested at time of building permit application). The applicant must comply with all of the applicable sections of the Affordable Housing provision of the Zoning Ordinance which sections are hereby incorporated into this planned development. The Affordable Housing Agreement required by Section 17-4-1004- E9 is also incorporated into this planned development.
19. Unless substantial construction of the Phase 2 improvements has commenced within six (6) years following adoption of this planned development, and unless completion of the Phase 2 improvements is thereafter diligently pursued, then this planned development shall expire and the zoning of the property shall automatically revert to the pre-existing DX-16 Downtown Mixed-Use District classification.

[Existing Land-Use Map; Planned Development Boundary and Property Line Map; Site/Landscape Plan; Roof Plan Phase II; Building Section; East Elevation Phase II; South Elevation Phase II; West Elevation Phase II; and Concrete/Metal Panel/Glass Aluminum Frame Drawing referred to in these Plan of Development Statements printed on pages 87124 through 87132 this *Journal*.]

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

16737

3/10/2010

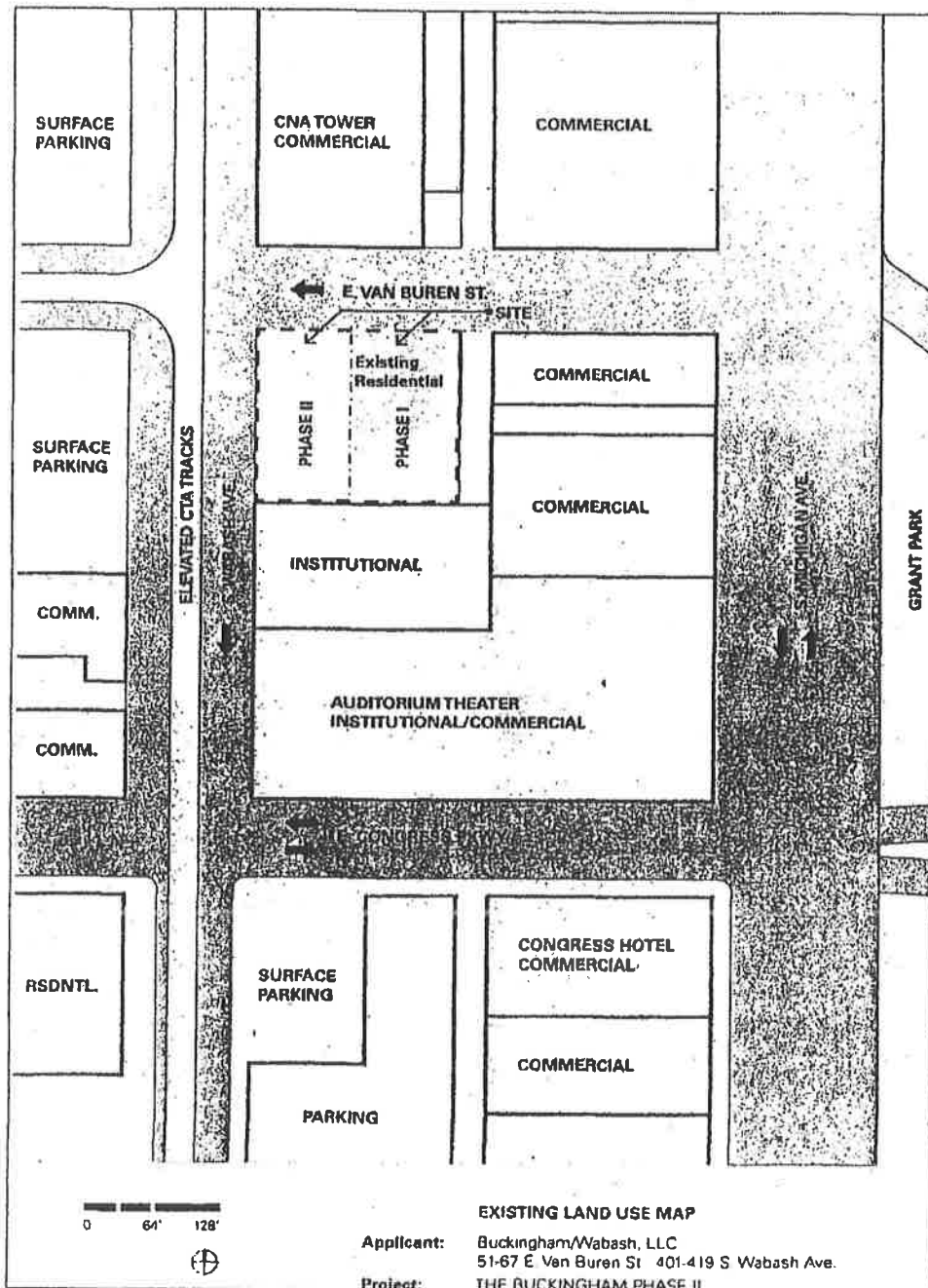
REPORTS OF COMMITTEES

87123

*Bulk And Use Table.*

Net Site Area:	24,252 square feet
Area in the Public Right-of-Way:	15,943 square feet
Gross Site Area:	40,195 square feet
Base Floor Area Ratio:	16.00
Affordable Housing Bonus:	3.37
Green Roof Bonus:	2.00
Maximum Floor Area Ratio:	21.37
Phase I (completed):	
G.S.F. Attributable to the F.A.R.:	197,540 square feet
Maximum Number of Dwelling Units:	129 units
Minimum Number of Parking Spaces:	None
Setbacks:	Per approved Site Plan
Maximum Building Height:	297 feet
Phase II:	
G.S.F. Attributable to the F.A.R.:	320,725 square feet
Maximum Number of Beds:	1,249 beds
Minimum Number of Parking Spaces:	None
Minimum Number of Loading Spaces:	2 berths at 10 feet by 25 feet by 14 feet in height
Setbacks:	Per approved Site Plan
Maximum Building Height:	419 feet

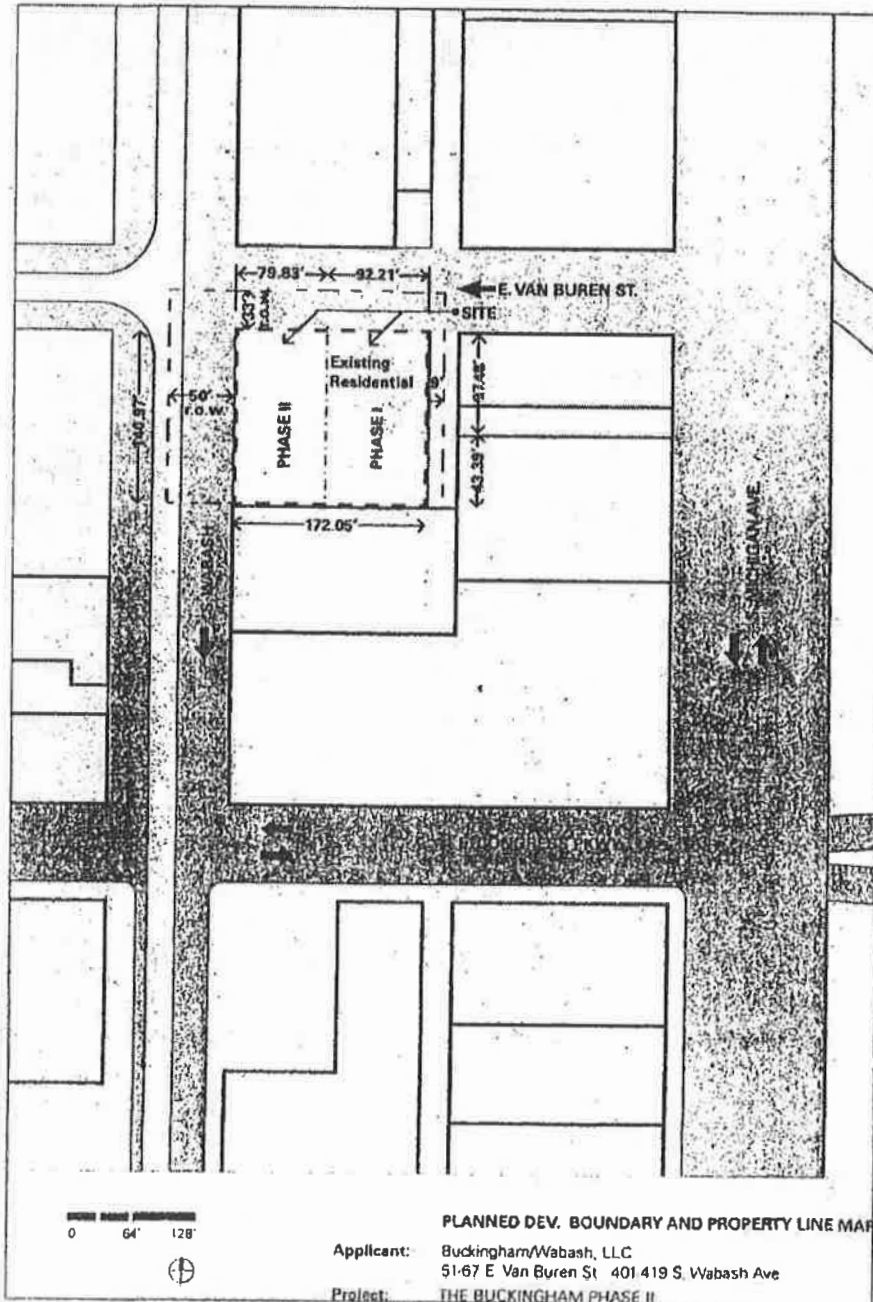
Existing Land-Use Map.

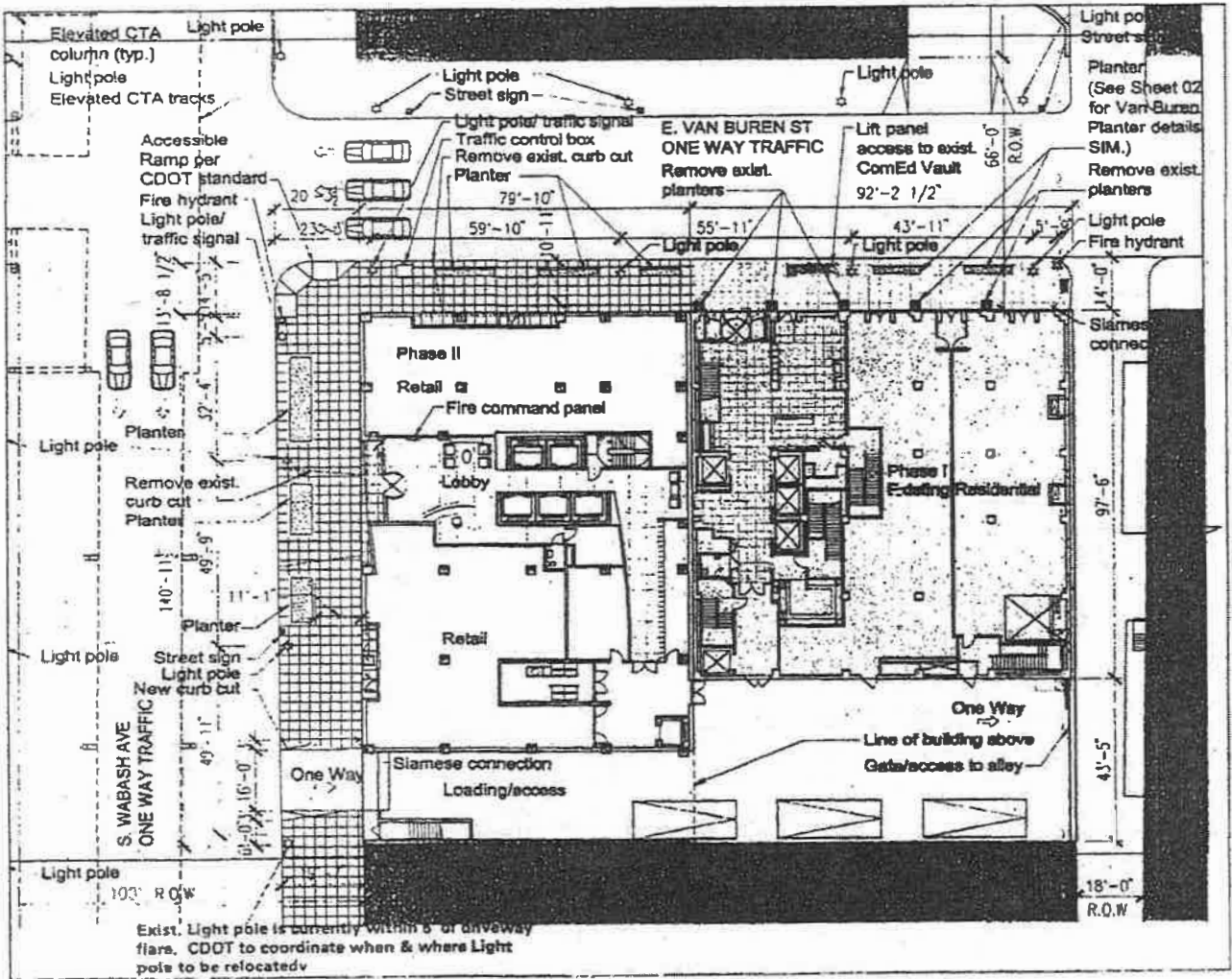


EXISTING LAND USE MAP

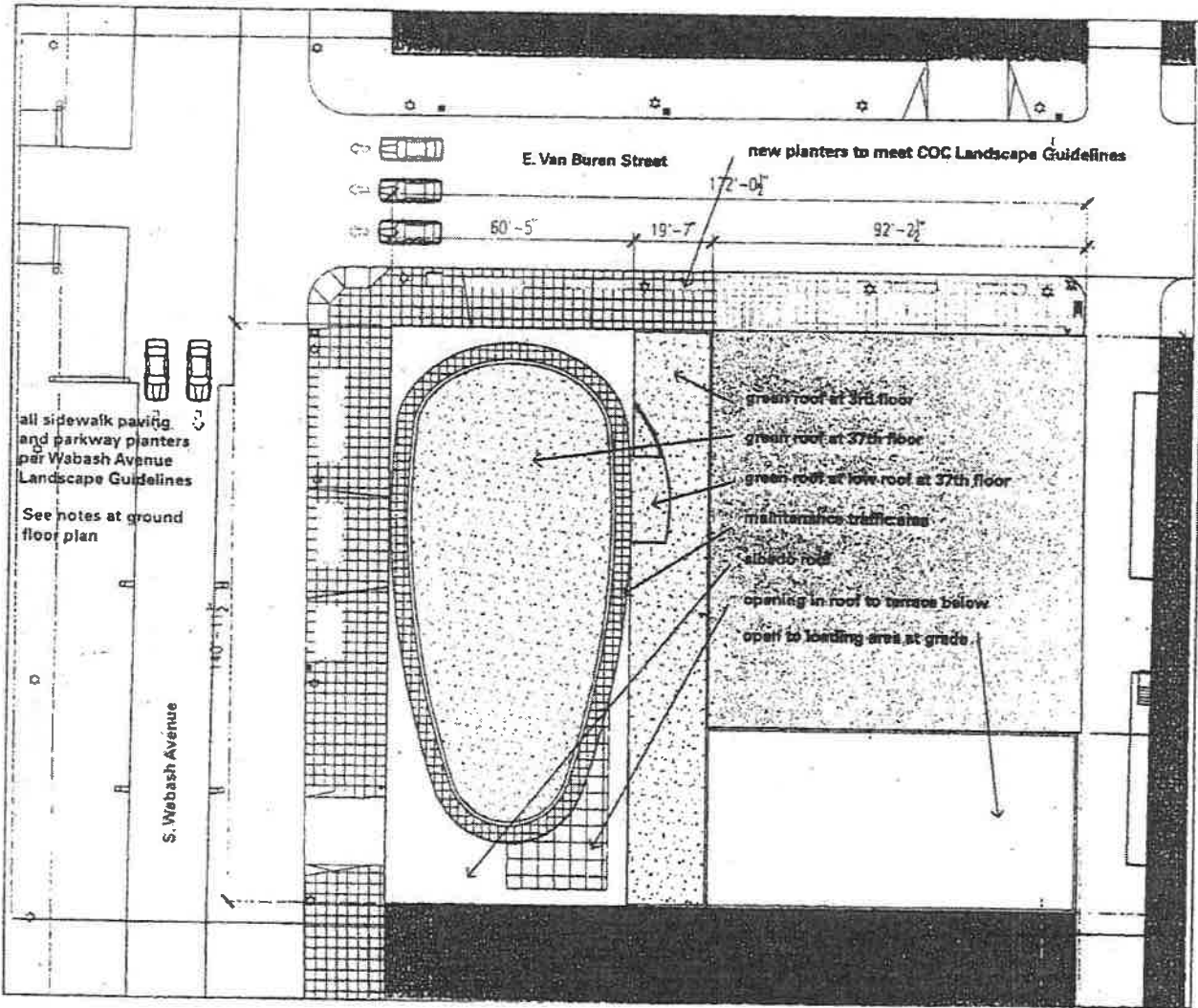
Applicant: Buckingham/Wabash, LLC  
 51-67 E Van Buren St 401-419 S Wabash Ave.  
 Project: THE BUCKINGHAM PHASE II

Planned Development Boundary  
And Property Line Map.





Site/Landscape Plan.



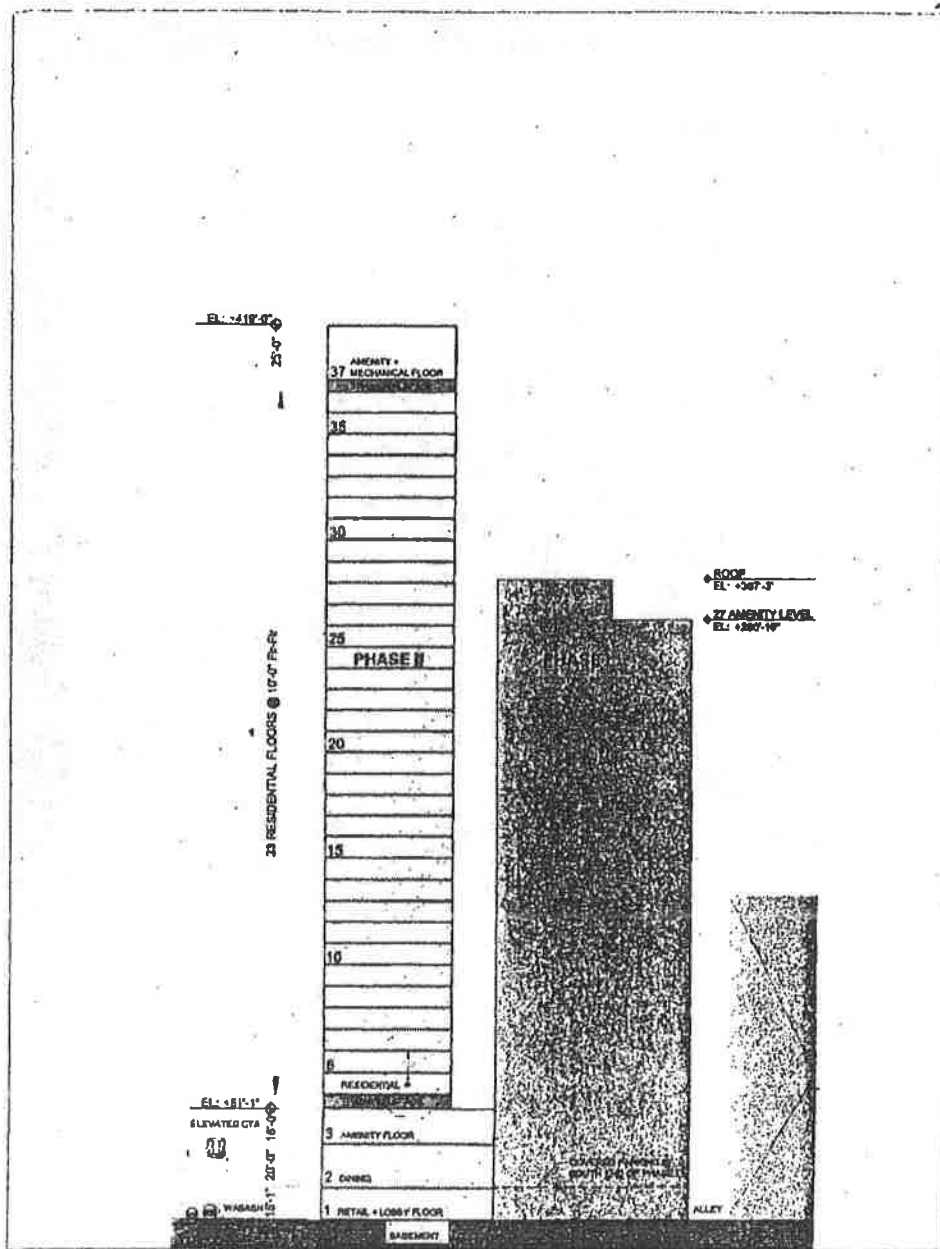
3/10/2010

REPORTS OF COMMITTEES

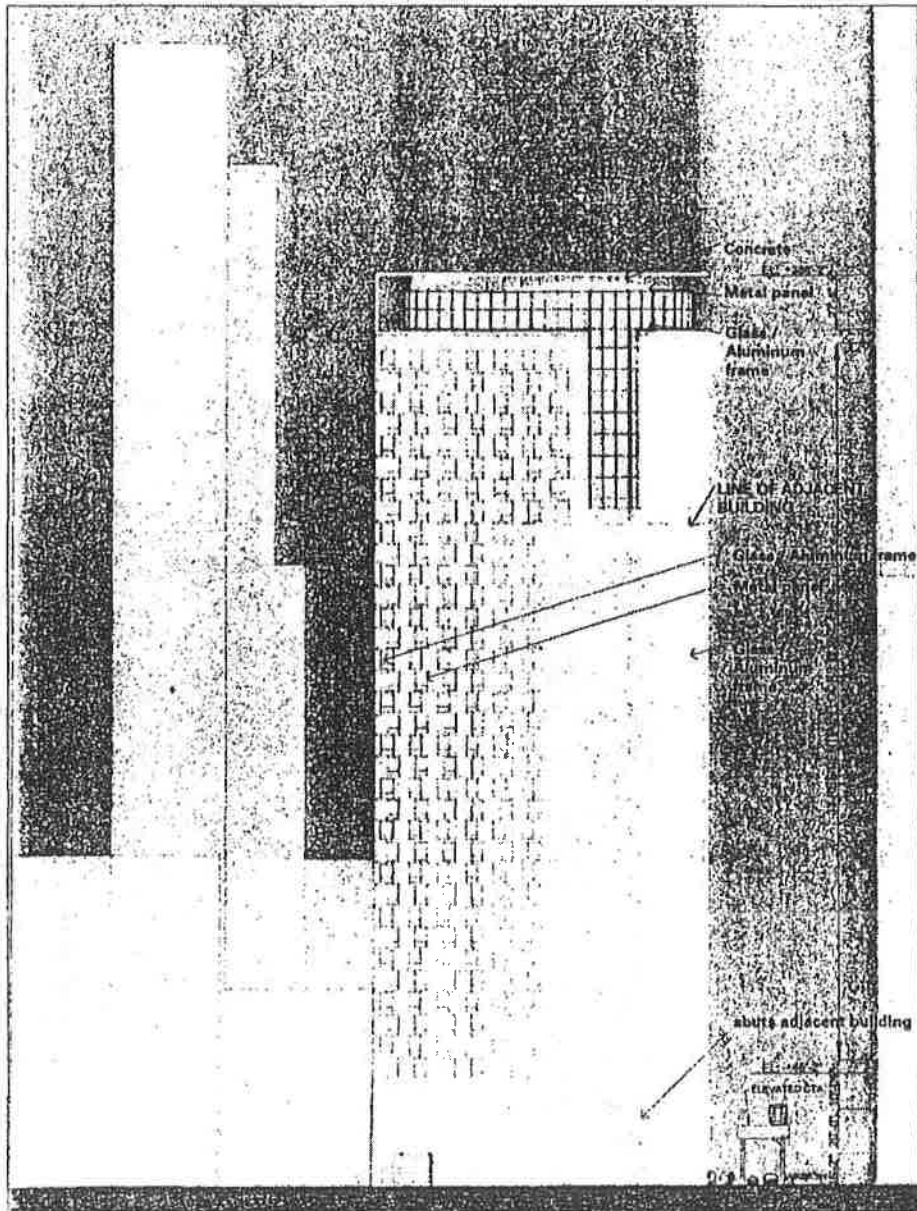
87127

Roof Plan Phase II.

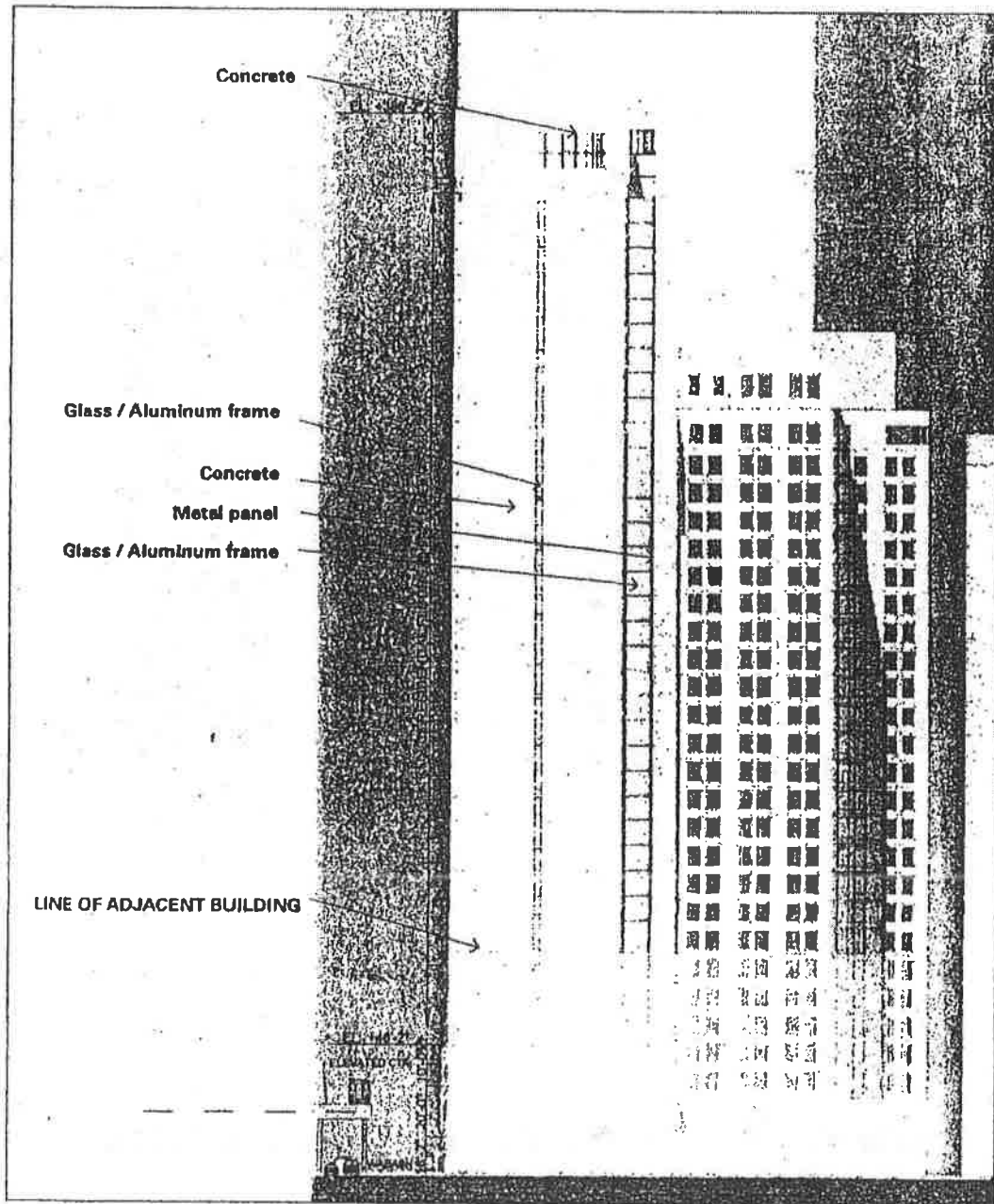
Building Section.



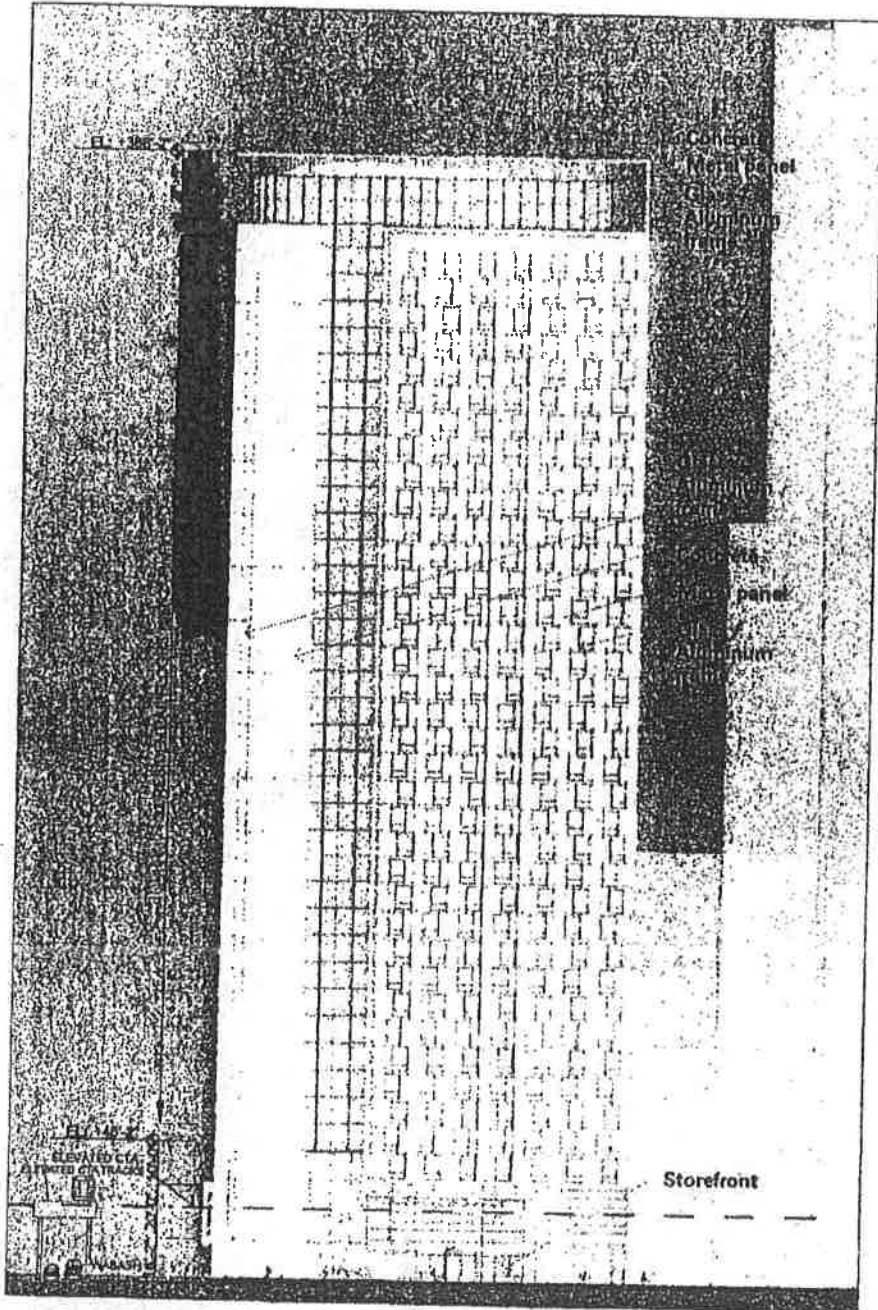
Existing Elevation Phase II.



South Elevation Phase II.



West Elevation Phase II.



~~Concrete/Metal~~ Panel/Aluminum Frame Drawing.

