

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

July 12, 2016

Donna J. Pugh Foley & Lardner LLP 321 N. Clark St., Suite 2800 Chicago, IL 60654-5313

Re: Advisory Opinion for Planned Development No. 375, 201 N. Clark Street

Dear Ms. Pugh:

In response to your recent request, the property located at 201 N. Clark St. is located within Residential-Business Planned Development Number 375, ("PD 375") as amended. PD 375 also includes the properties located at 77 W. Wacker Dr. and 200 N. Dearborn St. The property at 201 N. Clark St. is improved with a three-story building which is connected via sky bridges to 77 W. Wacker Dr. and 203 N. LaSalle St.

Garvey Court Holdings, LLC is the titleholder of record to the property at 201 N. Clark St. and they are the debtor in a pending Chapter 7 bankruptcy proceeding. You have the approval of the bankruptcy trustee to seek on behalf of the trustee, this zoning advisory opinion.

According to your request letter, interested parties have inquired about demolishing the existing improvements and replacing them with a three-story building, including retail, fitness center, or other allowable uses, which would be substantially equivalent to the current improvements with respect to floor area ratio, height, setbacks, and compliance with the Bulk Table.

You are seeking a zoning advisory opinion that with respect to those actions only, (1) no amendment of the PD or other administrative or legislative relief action would be required, and (2) no consent from the other PD owners would be required.

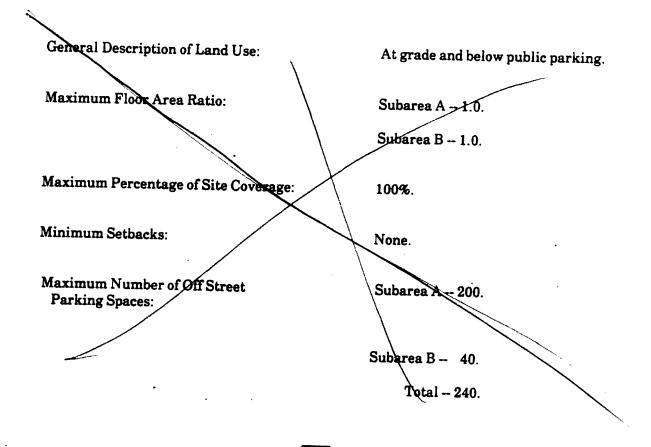
In response to your request, we cannot determine whether an amendment or legislative relief action would be required in order to replace the existing building based on the information submitted. Fully dimensioned plans and elevations of the building would need to be submitted for our review. Since PD 375 does not contain subareas, if an amendment or administrative action is required, consent from all of the property owners is required.

Sincerely,

Patricia A. Scudiero Zoning Administrator

PAS:tm

C: Vicki Lozano, Fernando Espinoza, Main file



Reclassification Of Area Shown On Map No. 1-F.

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 Residential-Business Planned Development No. 375 symbols and indications as shown on Map No. 1-F in the area bounded by:

West Wacker Drive; a line 200.86 feet east of and approximately parallel to North Clark Street; a line 148.32 feet south of and approximately parallel to West Wacker Drive; a line 80.37 feet west of and approximately parallel to North Dearborn Street; a line 163.53 feet north of and approximately parallel to West Lake Street; North Dearborn Street; West Lake Street; and North Clark Street,

to reflect the establishment of Residential-Business Planned Development No. 375, as amended, which is hereby established in the area above described, subject solely to such use and bulk regulations as are set forth in the Plan of Development including attachments, which Plan of Development is attached hereto and made a part hereof 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 attached to this ordinance reads as follows:

Residential-Business Planned Development No. 375
(As Amended)

Plan Of Development

Statements.

Legal title to the undeveloped parcel of the subject property is held by the City of Chicago, which will convey its parcel to the applicant pursuant to the terms of the Redevelopment Agreement for Block 17 of the North Loop Redevelopment District, dated September 30, 1987; legal title to the balance of the subject property is held by American National Bank and Trust Company of Chicago as Trustee, under Trust Agreement dated November 26, 1985 and known as Trust No. 66121; the sole beneficiary of said trust is 200 North Dearborn Partnership, an Illinois limited partnership. Zoning control for the purpose of this application has been designated by the parties in interest to the applicant.

The boundaries of said Residential-Business Planned Development do not include that certain property which shall remain within Business Planned Development No. 454 as reflected generally on the attached Boundary and Property Line Map as "Air Rights above B.P.D. 454 Access Ramp" and heretofore duly recorded as such.

- The use and development of the subject property shall be subject to this Plan of Development and attachments hereto including, without limitation, the Bulk Regulations and Data.
- 3. This Plan of Development and attachments are consistent with the intent and purpose of the Chicago Zoning Ordinance and all requirements thereof, including, but not limited to, all applicable criteria and requirements necessary for Planned Development approval.

(Continued on page 6448)

(Continued from page 6443)

- 4. Office uses, retail uses, residential (including multi-family) uses, on-site and off-site parking, open space and such special and permitted uses as are currently included within the B6-7 and B7-7 Zoning Districts (as described in the Chicago Zoning Ordinance, Sections 8.3-6, 8.3-7 and 8.4-7 and associated sections referred to therein) shall be permitted upon the subject property, including the operation of radio or television towers and/or earth station receiving dishes.
- The City shall obtain and secure such subdivision, resubdivision, dedication, and vacation of streets or alleys or easements and any adjustments of rights-of-way this Plan of Development without limitation.
- 6. The applicant, its partners, affiliates, successors, assignees, or grantees shall obtain all official reviews, approvals and permits necessary to implement the development of the subject property other than as described by paragraph 5 hereof. Said approvals shall include City Council approval for any vacations or dedications not contemplated by paragraph 5 hereof.
- Any service drive, fire lane, or other ingress or egress shall be adequately designed and paved in accordance with the regulations of the Department of Streets and Sanitation and in compliance with the Municipal Code of Chicago to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such paved areas.
- 8. The heights of each building and any appurtenances attached thereto shall be subject to:
 - (a) Height limitations as certified on Form FAA-117 (or on successor forms involving the same subject matter) and approved by the Federal Aviation Administration pursuant to Part 77 of the Regulations of the Administrator, Federal Aviation Administration; and
 - (b) Airport Zoning Regulations as established by the Department of Development and Planning, Department of Aviation, and Department of Law, and approved by the City Council.
- 9. Business and business identification signs may be permitted subject to the review and approval of the Department of Planning and of the Department of Inspectional Services. Temporary signs, such as construction and marketing signs, may be permitted subject to the aforesaid approvals. Signs advertising products or services which products or services are not located upon the subject property shall not be permitted. Signs described by Chapter 86, Section 86.1-11 of

the Chicago Municipal Code shall require City Council approval in the manner described therein.

- For purposes of maximum Floor Area Ratio calculations, (1) the mechanical equipment floor space consisting of not less than 5,000 square feet in any given location in the building shall not be counted as floor area, (2) the site area utilized for the purpose of calculating the maximum Floor Area Ratio shall be 82,633.30 square feet, which site area reflects all the area lying within the boundaries of this amended Planned Development, including the air rights lying above those portions of the subject property which are to be vacated pursuant to the restated Redevelopment Agreement dated September 30, 1987, and (3) the floor area as built as of the effective date of this amendment shall count as a total of 382,500 square feet (F.A.R. = 4.63).
- 11. Contemporaneous with the construction of the office building, a plaza shall be constructed within an air rights envelope that will maintain minimum lower Wacker Drive truck clearances over the east half of Garvey Court from the sidewalk at Wacker Drive on the north to the north face of the bridge connector over Garvey Court on the south, supported by columns near the east line of Garvey Court, including certain columns within the sidewalk area and by columns in the center of Garvey Court, and including an ornamental stair, pilasters and pediment rising to the park space on the bridge connector and modifications to the park space water feature, stairs along the plaza to accommodate changes in grade, potential stair connections to the 55 West Wacker Building, planters, seating areas, an ornamental element at the east edge of the intersection of Garvey Court and Haddock Place, and extending west along Haddock Place from the intersection with Garvey Court to the sidewalk at Clark Street; landscaping and re-cladding the north wall of the retail building, including architectural pilasters and planters, all substantially as shown in the attached Exhibits A, B, C and D herewith.
- 12. Not less than 12,000 square feet of authorized floor area hereunder shall be restricted for use as an optional third floor addition to the existing two-story retail building, which addition shall not exceed 12,000 square feet. The design of said addition, including frontage setbacks for same at Haddock Place and Garvey Court, shall be subject to the review and approval of the Commissioner of the Department of Planning.
- Upon proper application by the applicant, the City shall issue and grant such licenses or other approvals as are necessary to permit the construction, installation and maintenance of pedestrian bridge walkways and plazas over public rights-of-way pursuant to the Redevelopment Agreement and the provisions of Statements 11 and 12 herein.
- 14. This Plan of Development is and shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Developments" promulgated by the Commissioner of the Department of Development and Planning.

[Exhibits "A" through "D", Property Line and Right-of-Way Adjustments, Generalized Land Use Plan and Existing Zoning and Preferential Street Map printed on pages 6453 through 6459 of this Journal.]

Use and Bulk Regulations and Data attached to this Plan of Development reads as follows:

Residential-Business Planned Development No. 375 (As Amended)

Use And Bulk Regulations And Data.

Net Site Ard	ea Of Land Us Acres	Generalized Description e Ratio	Maximum Floor Area Coverage	Maximum Percent Site Units	Maximum Permitted Dwelling
82,663.3 (includes assigned air rights)	1.90	Residential, office, retail and related uses. See Statement No. 6.	16.9 see below	90% of net site area at grade	312
Gross Site Area:		Net Site Area:	82,663.3	square feet (1.90 acres)	
		Public R.O.W.:	49,602.2	square feet (1.1	
		TOTAL:	132,265.5	square feet (3.04 acres)	
Dwelling Units	!•				

Dwelling Units:

Maximum permitted dwelling units: 312

Actual number of dwelling units: 310

Maximum permitted efficiency units:

50 percent ·

Floor Area Ratio:

- 1. Existing development (residential and retail) shall count as 382,500 square feet in calculating Floor Area Ratio (F.A.R. = 4.63).
- 2. Mechanical spaces exceeding 5,000 square feet without regard to location shall not count.

Site Coverage Per Net Site Area:

At grade:

90 percent

At plus 80 feet:

40 percent

Off-Street Parking:

Minimum No.

Location

Retail and Residential:

95

On site

Office:

199

On and off-site

TOTAL:

294

(includes 6 spaces designed for handicapped parking.)

Off-Street Loading:

Minimum No.

Size

Retail:

2

10 feet x 25 feet

Residential:

2

10 feet'x 25 feet

10 feet x 25 feet

Office:

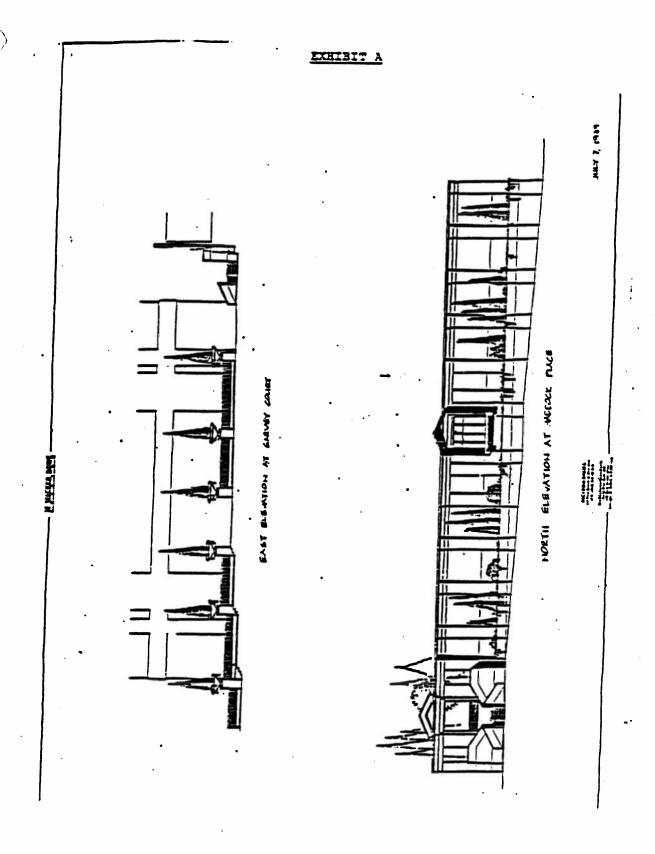
6

10

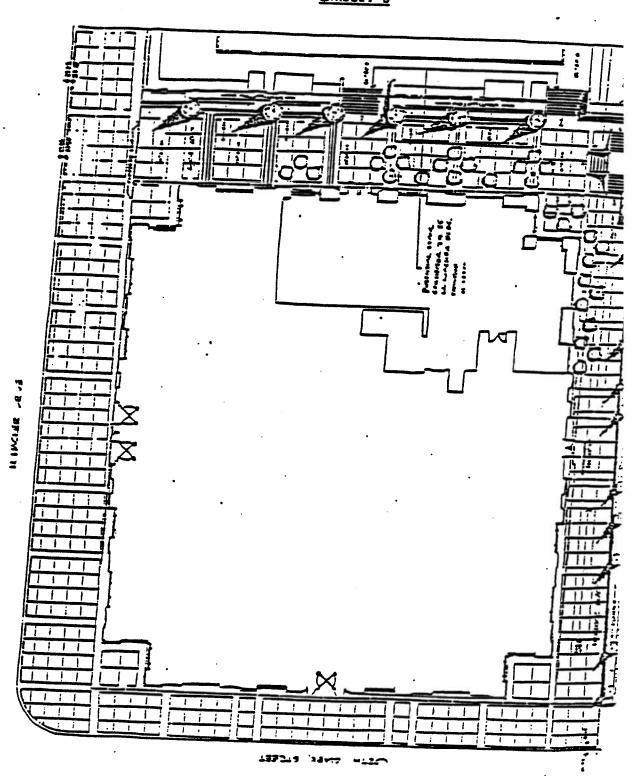
TOTAL:

Reclassification Of Area Shown On Map No. 19-G.

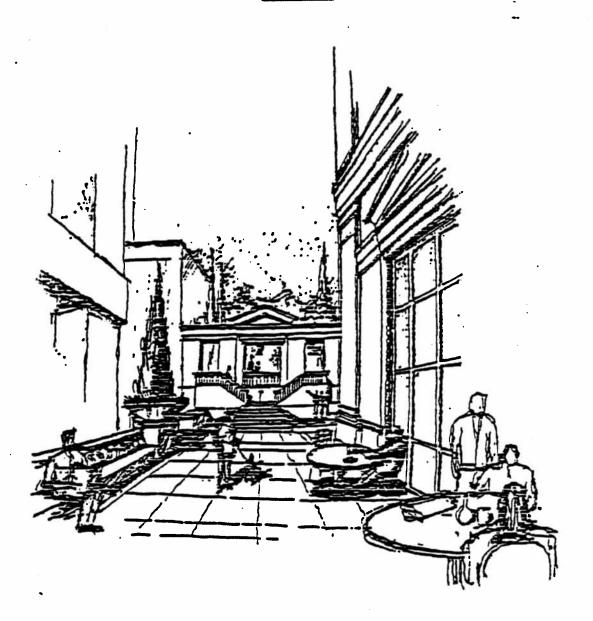
Be It Ordained by the City Council of the City of Chicago:





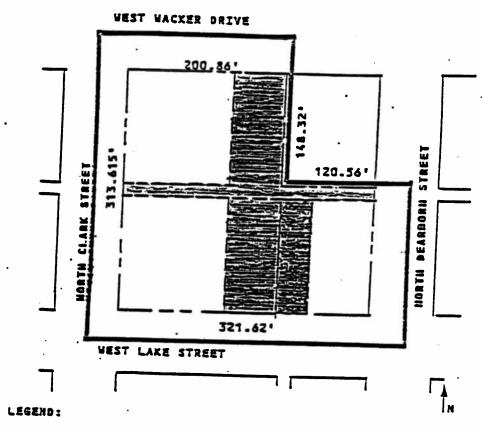








RESIDENTIAL—BUSINESS PLANNED DEVELOPMENT NO. 375 AS AMENDED PROPERTY LINE AND RIGHT-OF-WAY ADJUSTMENTS



Planned Development Boundary

--- Dimensioned Property Line

Air Rights above Garvey Ct. and Haddock Pt.

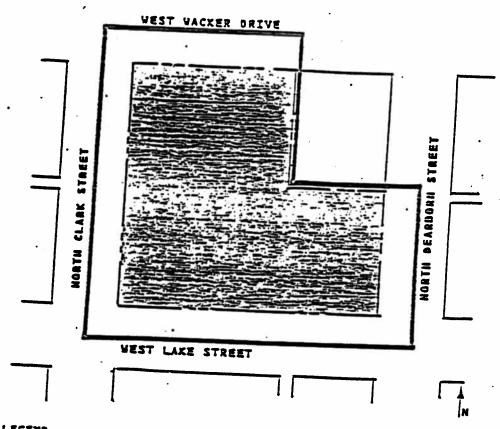
Air Rights above P. D. 454 Access Ramp

APPLICANT: 77 West Wacker Limited Partnership

ADDRESS: 200 W. Madison Street

DATE: July 19, 1989

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 375 AS. AMENDED .GENERALIZED LAND USE PLAN



LEGEND

Planned Development Soundary

For uses, see Statement No. 4 and Use and Bulk Regulations and Data

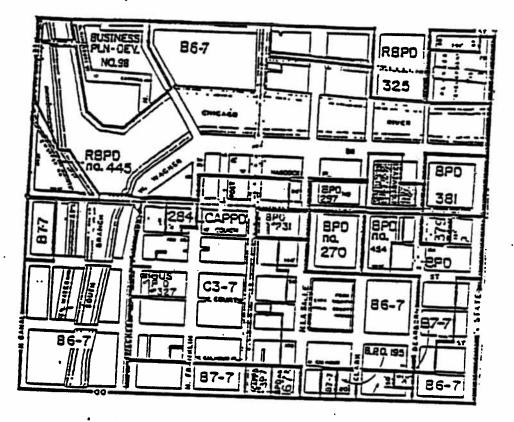
Property line including air rights

APPLICANT: 77 West Wacker Limited Partnership

ADDRESS: ZOO W. Madison Street

DATE: July 19, 1989

RESIDENTIAL-BUSINESS PLANNED DEVELOPHENT NO. 375 AS AMENDED EXISTING ZONING AND PREFERENTIAL STREET MAP



LEGEND

Planned Development Boundary

Residential-Business Planned Development No. 375
Preferential Streets Not Shown

APPLICANT: 77 West Wacker Limited Partnership

ADDRESS: 200 W. Madison Street

DATE: July 19, 1989

To the President and Members of the City Council:

Your Committee on Zoning begs leave to recommend that Your Honorable Body Pass the proposed ordinances transmitted herewith (referred to your committee on June 26 and November 6, 1985) to amend the Chicago Zoning Ordinance for the purpose of reclassifying particular areas.

This recommendation was concurred in by seven members of the committee, with no dissenting vote.

Respectfully submitted,
(Signed) TERRY M. GABINSKI,
Chairman.

PD

375

(Signed) EDWARD R. VRDOLYAK, Vice-Chairman.

On motion of Alderman Gabinski, the committee's recommendation was Concurred In and each of the said proposed ordinances was Passed by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans. Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak. Huels. Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, Hagopian, Santiago, Gabinski, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 49.

Nays -- None.

Alderman Natarus 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. 1-F.

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 B6-7 Restricted Central Business District and B7-7 General Central Business District symbols and indications as shown on Map No. 1-F in the area bounded by

West Wacker Drive: a line 200.86 feet east of and approximately parallel to North Clark Street; a line 148.32 feet south of and approximately parallel to West Wacker Drive; a line 80.37 feet west of and approximately parallel to North Dearborn Street; a line 163.53 feet north of and approximately parallel to West Lake Street; North Dearborn Street; West Lake Street; and North Clark Street,

to reflect the establishment of a Residential-Business Planned Development which is hereby established in the area above described, subject solely to such use and bulk regulations as are set forth in the Plan of Development including attachments which Plan of Development is attached hereto and made a part hereof and to no others. This amendment shall not be applicable to that certain property, described by the Plan of Development as the Excluded Property, which Excluded Property shall remain within and subject to the B7-7 General Central Business District.

[Residential-Business Planned Development printed on pages 23600 through 23607 of this Journal.]

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 4-G.

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 R4 General Residence District symbols and indications as shown on Map No. 4-G in the area bounded by

the alley lying north of and parallel to West 17th Street on the north; a line lying 166 feet west of the west line of South Loomis Street on the east; West 17th Street on the south; and the east line of South Laflin Street on the west.

to the designation of an 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.

[Institutional Planned Development printed on pages 23608 through 23612 of this Journal.]

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Reclassification of Area Shown on Map No. 6-J.

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 R3 General Residence District symbols and indications as shown on Map No. 6-J in the area bounded by

(Continued on page 23613)

JOURNAL--CITY COUNCIL--CHICAGO

12/4/85

P.D.#375

Applicant:
City of Chicago (the "City")
Department of Planning
City Hall
Room 1000
Chicago, Illinois

RESIDENTIAL AND BUSINESS PLANNED DEVELOPMENT PLAN OF DEVELOPMENT

l. Legal title to that certain real property which is subject to the use and bulk restrictions of Residential and Eusiness Planned Development No. _____, which property is legally described on Exhibit A attached hereto and made part hereof (the "Entire Property"), is held in the following manner:

-Parcel A, Parcel B, and the Garvey Court Parcel are cwned by the City of Chicago;

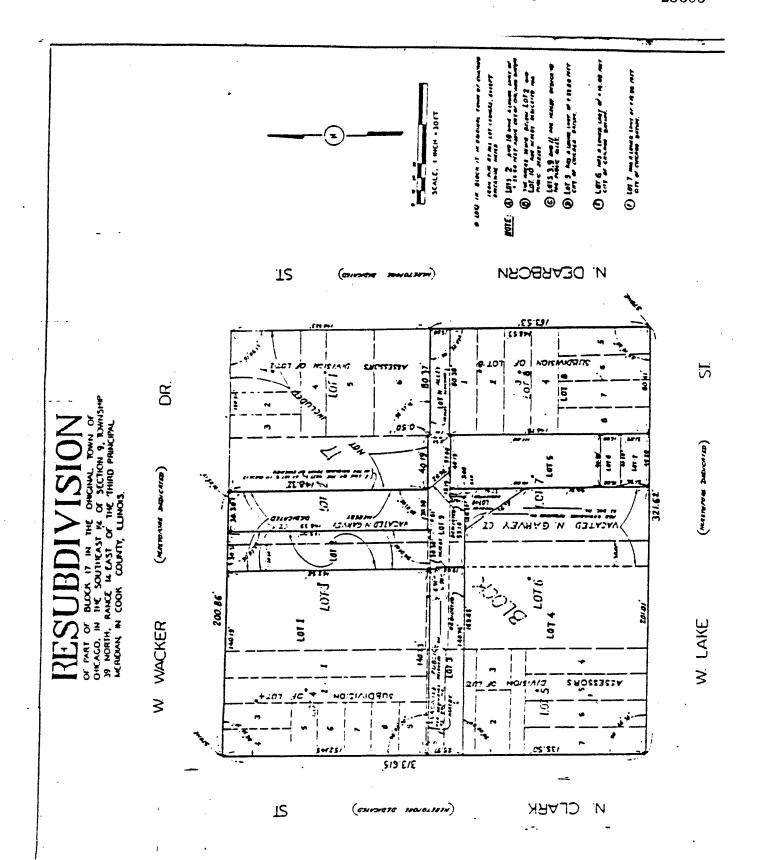
-The Greyhound Parcel is owned by Greyhound Lines, Inc. or its affiliates.

The boundaries of said Residential and Business Flanmed Development include all of the Entire Property. The boundaries of said Residential and Business Planned Development do not include that certain property which shall remain within the E7-described on Exhibit B attached hereto and made part hereof (the "Excluded Property"). The Excluded Property is reflected lying below Lots 5, 6 and 7, as said Lots are reflected on Survey Service as No. 109788, dated October 22, 1985 as revised and attached hereto and made part hereof (the "Plat of Resubdivision").

- 2. The Entire Property will be held under single ownership or control or under single designated control by the City or by its agents, representatives, successors, assigns or grantees.
- 3. The use and development of the Entire Property shall be subject to this Plan of Development and attachments hereto including, without limitation, the Bulk Regulations Data.
- 4. This Plan of Development shall be contingent upon the execution of that certain "Redevelopment Agreement and Contract for the Sale of Land-North Loop-Block 17" (the "Redevelopment Agreement") by and between the City and Baird & Warner/Higginbottom/ Stein & Company Venture (the "Developer").

- 5. This Plan of Development and attachments is consistent with the intent and purpose of the Chicago Zoning Ordinance and all requirements thereof, including, but not limited to, all applicable criteria and requirements necessary for Planned Development approval.
- 6. Office uses, retail uses, residential (including multi-family) uses, on-site and off-site parking, open space and such special and permitted uses as are currently included within the B6-7 and B7-7 Zoning Districts (as described in the Chicago Zoning Ordinance, Sections 8.3-6, 8.3-7, 8.4-6 and 8.4-7 and associated sections referred to therein) shall be permitted upon the Entire Property, including the operation of radio or television towers and/or earth station receiving dishes.
- 7. The City shall obtain and secure such subdivision, resubdivision, dedication and vacation of streets or alleys or easements and any adjustment of rights-of-way necessary to implement development of the Entire Property in accordance with this Plan of Development including, without limitation, (1) the vacation of existing Garvey Court and Haddock Place pursuant to the Plat of Resubdivision_.(2) the dedication of such portions of the Entire Property pursuant to the Plat of Resubdivision of the Entire Property pursuant to the Plat of Resubdivision. The City shall acquire fee simple title to the Greynound Parcel.
- 8. The Developer, its partners, affiliates, successors, assigns or grantees shall obtain all official reviews, approvals and permits necessary to implement the development of the Entire Property other than as described by Paragraph 7 hereof. Said approvals shall include City—Council approval for any vacations or dedications not described by paragraph 7 hereof.
- 9. Any service drive, fire lane or other ingress or egress shall be adequately designed and paved in accordance with the regulations of the Department of Streets and Sanitation and in compliance with the Municipal Code of Chicago to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such paved areas.
 - 10. The height of each building located upon the Entire Property and any appurtenances attached thereto shall be subject to:
 - (a) Height limitations as certified on Form FAA-177 (or on successor forms involving the same subject matter) and approved by the Federal Aviation Administration pursuant to Part 77 of the

- Regulations of the Administrator, Federal Aviation Administration; and
- (b) Airport Zoning Regulations as established by the Department of Development and Planning, Department of Aviation, and Department of Law and approved by the City Council.
- 11. Business and business identification signs may be permitted upon the Entire Property subject to the review and approval of the Department of Planning and of the Department of Inspectional Services. Temporary signs, such as construction and marketing signs, may be permitted subject to the aforesaid approvals. Signs advertising products or services which products or services are not located upon the Entire Property shall not be permitted. Signs described by Chapter 86, Section 86.1-11 of the Chicago Municipal Code shall require City Council approval in the manner described therein.
 - 12. For purposes of maximum Floor Area Ratio calculations, (1) mechanical equipment floor space in the building shall not be counted as Floor Area, and (2) the site area utilized for the purpose of calculating the maximum Floor Area Ratio shall be 82,633.30 square feet, which site area reflects all the area lying within the boundaries of the Entire Property, including the air rights lying above those portions of the Entire Property which are to be dedicated pursuant to the Flat of Resubdivision.
 - 13. Upon proper application by the Developer, the City shall issue and grant such licenses or other approvals as are necessary to permit the construction, installation and maintenance of pedestrian bridge walkways over public rights-of-way pursuant to the Redevelopment Agreement.
 - 14. This Plan of Development and the development of the Entire Property is and shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Developments" promulgated by the Commissioner of the Department of Development and Planning.



Residential and Business Planned Development for that certain property located generally between North Clark Street, West Wacker Drive and West Lake Street in Chicago, Illinois.

Net Site Area (including air rights lying above Garvey Court and Haddock Place to be dedicated pursuant to the Plat of Resubdivision described by the Plan of Development):

82,663.30 square feet (1.89 acres)

General Description of Land Use: Office uses, retail uses, residential uses (including multi-family), on-site and off-site parking, open space and such-other special uses and permitted uses as are currently included within the B6-7 and B7-7 zoning districts, including the operation of radio or television towers and/or earth station receiving dishes.

Maximum Number of Dwelling Units: _ 312

Maximum Floor Area Ratic:

*15.0

Maximum Percentage of Site Coverage:

95%

Minimum Number of Off-Street Parking Spaces: On-Site

(Residential/Retail-)---9

**Off-Site

(Office)

Total

Minimum Number of Loading Berths:

Office Structure:
Residential Structure:
Retail Structure:
Total

Gross Site Area Calculations:

-Net site area-(including air rights lying above Garvey Court and Eaddock Place to be dedicated pursuant to the Plat of Resubdivision described by the Plan of Development):
82,663.30 square feet

-Approximate area to remain in public right-of-way (West Wacker Street, North Clark Street and West Lake Street):
49,602.20 square feet

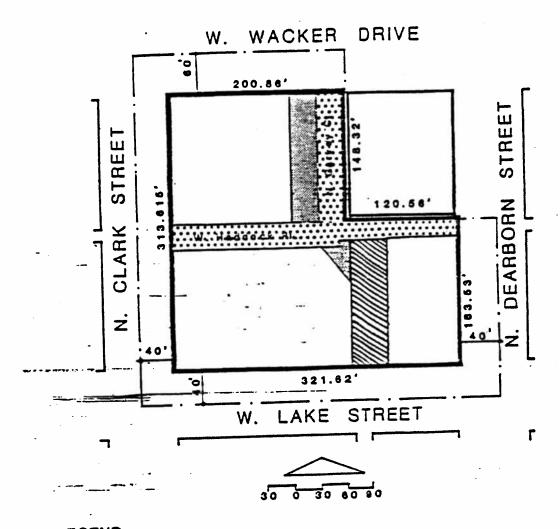
-Approximate gross site area: 132,265.50 square feet

agreement. november 25. 1985

^{*}For purposes of maximum Floor Area Ratio calculations (1) mechanical equipment floor space in the buildings shall not be counted as Floor Area, and (2) the site area utilized for the purpose of calculating the maximum Floor Area Ratio shall be 82,633.30 square feet, which site area reflects the area lying within the boundaries of the subject property, including the air rights lying above those portions of the subject property to be dedicated pursuant to the Plat of Resubdivision described by the Plan of Development.

**Off-site spaces shall be located in the 203 North LaSalle parking garage or the Tremont Garage (171-195 North Dearborn Street) by

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT Boundary and Property Line Map



LEGEND

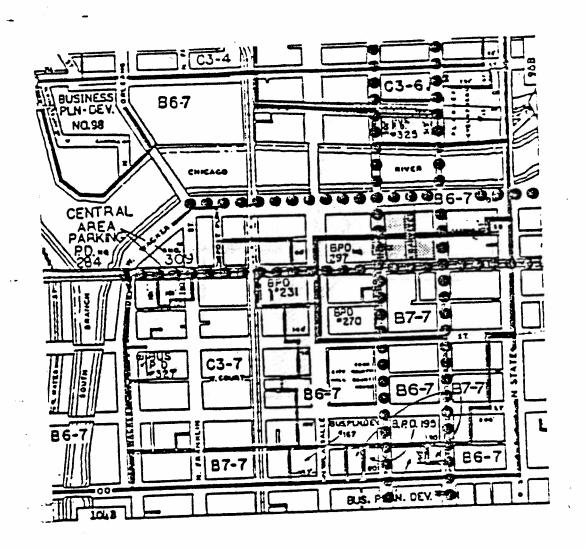
- PUBLIC RIGHTS-OF-WAY TO BE DEDICATED (EXCLUDING AIR RIGHTS)
- PUBLIC RIGHTS-OF-WAY TO BE DEDICATED (INCLUDING AIR RIGHTS
- PROPERTY LINE
- RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT BOUNDARY (INCLUDING RIGHT-OF-WAY ADJUSTMENT)
- Excluded Property lying below Lots 5, 6 and 7 as described by Plat of Resubdivision made part of this Plan of Development

Date:

City of Chicago Applicant:

City Hall, Chicago, Illinois

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT Existing Zoning and Preferential Street Map



LEGEND

ZONING DISTRICT

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT BOUNDARY (INCLUDING RIGHT-OF-WAY ADJUSTMENT)

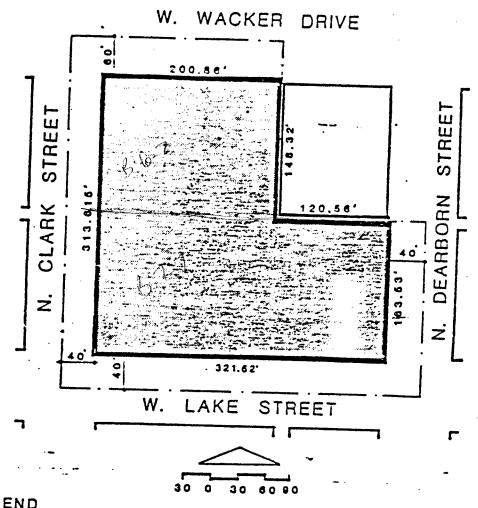
PREFERENTIAL STREETS

Applicant: CITY OF CHICAGO

Address : CITY HALL CHICAGO IL.

Date

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT Generalized Land Use Plan



LEGEND

- PROPERTY LINE
- RESIDENTIAL, OFFICE, RETAIL USES,
 OFF-STREET PARKING, AND SUCH OTHER
 USES AS ARE PERMITTED BY
 THE PLAN OF DEVELOPMENT
- --- RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT (INCLUDING RIGHT-OF-WAY ADJUSTMENT)

Applicant CITY OF CHICAGO
Address CITY HALE, CHICAGO, IL.

Date