



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

November 7, 2024

Thomas Boatner
Permit Advisors
222 S. Riverside Plaza
Chicago, IL 60606

Re: **840 N. Michigan Avenue**

Dear Mr. Boatner:

In response to your recent request, please be advised that the subject property is zoned Business Planned Development Number 509 ("PD 509"). The property is located along a Pedestrian Street, pursuant to Section 17-4-0503-D of the Zoning Ordinance.

According to your request, your client is proposing to establish an immersive entertainment experience on two floors of the subject building. Multiple rooms of entertainment would be provided, varying between small arcade, video game and virtual reality spaces to large event-based feature or live experience spaces. The large spaces would be limited to 50 persons every 1 - 1 ½ hours as they go through a series of scenes or activity rooms. The proposed use would include a retail sales area, a public marketplace/food venue space and kitchen. The total floor area would measure approximately 92,000 square feet, as shown on the attached preliminary floor plans.

Based only on the information submitted, it is our opinion that the proposed uses would be (1) indoor participant sports and recreation, and if 4 or more automatic amusement devices are proposed, then (2) an amusement arcade. Pursuant to Statement Number 4 of PD 509, the permitted uses in the Planned Development are: hotel and related uses, retail and service establishments, restaurants, including live entertainment and dancing, taverns (except that tavern uses shall not be accessible directly from the public way, but only form an interior circulation area), swimming pools, health facilities, parking, telecommunications equipment, structures and installations including parabolic dishes exceeding 8 feet in diameter, and other permitted uses pursuant to 8.3-6 of the Zoning Ordinance, except non-accessory business and professional offices. Dwelling units are permitted uses under this Planned Development if, after a complete review of any proposed use of the property for dwelling units by the Dept. of Planning and Development, the department finds that such use does not, under the standards in Section 11.11.-2, detrimentally impact the public health, safety and welfare and will be established in substantial conformance with the requirements of the B6 District regulations.

Indoor participant sports and recreation and an amusement arcade are not permitted uses within PD 509 and are therefore, not permitted at the subject site. Regardless of the use classification above, any development would be subject to the Pedestrian Street standards of Section 17-4-0500.

Sincerely,



Patrick Murphey
Zoning Administrator

PM:tm

C: Kyle Bartlett, Noah Szafraniec, Mike Marmo, Janice Hill, Main file



City of Chicago
Richard M. Daley, Mayor

Department of Planning

Charles Thurow
Acting Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4471 (Voice)
(312) 744-2578 (TDD)
(312) 744-6550 (FAX)

August 7, 1991

Mr. Jack Guthman
Sidley and Austin
One First National Plaza
Chicago, Illinois 60603

RE: Business Planned Development
No. 509 - 840 North Michigan Avenue

Dear Jack:

Please be advised that your request for minor changes to Business Planned Development No. 509 has been considered by the Department of Planning pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance. According to your letter dated April 16, 1991, you indicated that subsequent to the approval of this development by the Plan Commission, the plans for the project have been modified. Specifically, you stated that the contemplated 29-story building containing a four story retail base and a 25-story hotel would not be constructed. Instead, a four story retail building with an FAR of 4.0 and a maximum height of 95 feet is contemplated. In connection with the construction of the revised proposal, you are requesting administrative relief of certain specific requirements of the Plan of Development. The administrative relief requested is the following:

1. Increase the maximum amount of floor area devoted to retail uses from 85,000 square feet to 93,000 square feet;
2. Reduce the minimum number of parking spaces from 28 spaces to 0 spaces;
3. Reduce the total number of loading berths from four (two 10 foot by 25 foot and two 10 foot by 50 foot) to three (10 foot by 25 foot);
4. Limit the required landscaping to the Michigan Avenue and Chestnut Street frontages of the subject property only; and
5. Revise the Site Plan and Landscape Plan to allow development in accordance with the revised Site Plan prepared by Lucien Lagrange and Associates, LTD. dated August 7, 1991, and the revised Landscape Plan



prepared by Daniel Weinbach and Associates dated August 7, 1991 attached hereto.

With regard to the requested modifications, we note the following:

1. The increase in the total amount of retail square footage, absent the hotel and accessory uses of the site originally proposed, will be minimal and is expected to result in negligible, if any, adverse impacts.
2. The 28 parking spaces required were primarily intended to serve the hotel and its accessory functions. These spaces would not have been required by the underlying B6-6 zoning for the amount of retail space currently proposed. The reduction of these spaces to zero in connection with the newly proposed development is not expected to have any adverse impact.
3. The reduced number (from four to three) and size of the loading berths should adequately serve the proposed retail development.
4. The approved Planned Development ordinance calls for the landscape enhancement of both sides of the Chestnut Street block (in addition to landscaping along the Michigan Avenue and Chestnut Street perimeter of the subject site). This landscape enhancement was included in the approved Planned Development as a required amenity in connection with the allowance of 0.65 out of the total 16.95 Floor Area Ratio approved for the project. The remaining Floor Area Ratio was calculated as follows: Base - 12.0; required retail along Michigan Avenue frontage - 1.5; required retail along Chestnut Street frontage - 1.5; required above-grade open space calculated as described by the Zoning Ordinance - 1.30.

The elimination or deferral by the minor change procedure of public amenities required in connection with Floor Area Ratio plus bonuses must be reviewed carefully. The Department must be assured that the elimination or deferral of the required amenity is appropriate, will not result in the alteration of the approved character of the development and will not result in the construction of floor area exceeding the base Floor Area Ratio plus bonuses for amenities actually provided. Under the revised proposal, the retail frontages along both Michigan Avenue and Chestnut Street required by the Planned Development will be constructed and the above ground open space required by the planned development will be increased. Also, the landscaping depicted on the revised Site Plan and landscaping will be provided along the Michigan Avenue and Chestnut Street frontages of the property in substantial conformance with the approved plans. The revised building will not require any increase in the approved building's height nor any decrease in the required setback. The streetscape and pedestrian character of the revised development (including the street level retail), which were of particular importance to the

approval of this development, will remain essentially as required by the approved Planned Development.

We conclude, therefore, that the elimination of the landscape enhancement of the remainder of Chestnut Street will not alter the essential character of the development. We further conclude that because the Floor Area Ratio necessary to accommodate the revised proposal is 4.0 (which is substantially below the FAR allowable by the base plus amenities actually provided), the bonus associated with the landscape enhancement is not necessary to accommodate the revised proposal for development.

5. The revisions to the Site Plan and Landscape Plan as incorporated in the proposed revised Site Plan and Landscape Plan are minor in nature, in substantial conformance with the intent and purpose of the originally approved plans and appropriate.

Accordingly, with regard to your request, the Department of Planning has determined that the requested modifications would constitute minor changes pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance. These changes will not (1) change the character of the development, (2) increase the number of units per acre, (3) increase the maximum permitted floor area ratio, (4) increase the maximum permitted land coverage, or (5) permanently reduce the minimum required distance between structures or in periphery setbacks. Furthermore, the Department finds the changes to be appropriate, provided that the following conditions are adhered to with regard to the revised proposal:

- (i) the maximum floor area allowable shall not exceed 4.0;
- (ii) the maximum building height allowable shall not exceed 95 feet above grade;
- (iii) the permitted uses of the structure described by the approved planned development shall exclude hotel, motel, parking and dwelling unit uses; and
- (iv) the revised Site Plan and Landscape Plan attached hereto shall be substituted for the Site Plan and Landscape Plan approved by Planned Development No. 509.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance, the Commissioner of the Department of Planning hereby authorizes and approves the foregoing described minor changes, but no other changes, to Business Planned Development No. 509, subject to the aforestated conditions. Notwithstanding the minor changes approved hereby, nothing herein shall be construed

to prohibit any development of the subject property which fully complies with all of the terms and provisions of Planned Development No. 509 as it was adopted on June 27, 1990.

Sincerely,

A handwritten signature in cursive script that reads "Charles Thurow". The signature is written in dark ink and is positioned above the typed name.

Charles Thurow
Acting Commissioner

Reclassification Of Area Shown On Map Number 3-E.

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 B6-6 Restricted Central Business District symbols and indications as shown on Map No. 3-E in the area bounded by:

East Chestnut Street; North Michigan Avenue; a line 107.25 feet south of and parallel to East Chestnut Street; a line 185.85 feet west of and parallel to North Michigan Avenue to a point 71.59 feet south of East Chestnut Street; and a line from a point 185.85 feet west of North Michigan Avenue and 71.59 feet south of East Chestnut Street to a point 201.10 feet west of the west line of North Michigan Avenue, as measured along the south line of East Chestnut Street,

to the designation of a Business Planned Development which is hereby established in the area described above, subject to such use and bulk regulations as are set forth in the Plan of Development 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:

*Business Planned Development
(As Amended)*

507

840 N MICH

Plan Of Development

Statements.

1. The area delineated herein as a Business Planned Development (the "Planned Development") consists of approximately 20,466.3 square feet or .4698 acres of real property in its net site area (the "Property"). The boundaries of the Property are shown on the attached Property Line and Planned Development Boundary Map. Legal title to the Property is held by the American National Bank & Trust

Company of Chicago, as Trustee under a Trust Agreement dated August 28, 1979 and known as Trust Number 47250.

2. This Plan of Development consists of fifteen (15) Statements; an Existing Zoning Map; a Property Line and Planned Development Boundary Map; a Generalized Land Use Map; an Existing Land Use Map and a Table of Use and Bulk Regulations and Related Controls; a site plan prepared by Lucien LaGrange and Associates, Limited dated May 10, 1990 (the "Site Plan") and a landscaping plan prepared by Daniel Weinbach & Associates dated May 10, 1990 (the "Landscaping Plan"). A reduced copy of the Site Plan and the Landscaping Plan are attached to this Planned Development; full size copies are on file with the Department of Planning. The Planned Development is applicable to the area delineated herein and these and no other controls shall apply. The Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, and all requirements thereof, and satisfies the established criteria for approval as a planned development.
3. The applicant shall obtain all required reviews, approvals, licenses and permits required in connection with this Planned Development.
4. The permitted uses in the Planned Development are:

Hotel and related uses, retail and service establishments, restaurants, including live entertainment and dancing, taverns (except that tavern uses shall not be accessible directly from the public way, but only from an interior circulation area), swimming pools, health facilities, parking, telecommunications equipment, structures and installations including parabolic dishes exceeding 8 feet in diameter, and other permitted uses pursuant to 8.3-6 of the Chicago Zoning Ordinance, except non-accessory business and professional offices.

Dwelling units are permitted uses under this Planned Development if, after a complete review of any proposed use of the Property for dwelling units by the Department of Planning, the department finds that such a use does not, under the standards in Section 11.11-2, detrimentally impact the public health, safety and welfare and will be established in substantial conformance with the requirements of the B6-6 District regulations. The applicant shall submit to that department architectural plans and any other supporting documentation required by that department for its review of such proposed use, which supporting documentation may include a vehicular and pedestrian traffic impact analysis. The department, if it approves such a use of the Property, may impose reasonable conditions consistent with the impacts of the proposed use and the City's authority.

5. Any service drive or other ingress or egress shall be adequately designed and paved, in accordance with the regulations of the Department of Streets and Sanitation in effect at the time of construction and in compliance with the Municipal Code of the City of Chicago, to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such

paved areas. Ingress and egress shall be subject to the review and approval of the Bureau of Traffic Engineering and Operations and of the Commissioner of Planning.

6. All off-street parking and loading facilities will be provided in compliance with this Planned Development. The parking spaces required under this Planned Development may be provided in a tandem or stacked arrangement and operated as valet service.
7. The applicant shall request and reasonably cooperate in the City's removal of all parking meters along the south side of East Chestnut Street immediately adjacent to the Property. The cost of removing said meters shall be borne by the applicant and, if consistent with City regulations, the removal thereof may be performed by the applicant subject to the reasonable regulations of the City.
8. Any dedication or vacation of streets, alleys or easements or any adjustment of right-of-way shall require a separate submittal on behalf of the applicant and approval by the City Council.
9. Business and business identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning. Temporary signs such as construction and marketing signs shall be permitted subject to the aforesaid approval.
10. The height of the improvements and any appurtenance attached thereto shall, in addition to the limitations set forth in the Table of Use and Bulk Regulations, be subject to:
 - (1) Height limitations as certified and approved by the Federal Aviation Administration; and
 - (2) Airport Zoning Regulations as established by the Department of Planning, Department of Aviation and Department of Law and approved by the City Council.
11. For purposes of Floor Area Ratio (F.A.R.) calculations, the definitions in the Chicago Zoning Ordinance shall apply. In addition to the other exclusions from floor area for purposes of determining F.A.R. permitted by the Chicago Zoning Ordinance, all floor area in excess of 5,000 square feet devoted to mechanical equipment in a single location, regardless of placement in the building, shall be excluded.
12. This Planned Development shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Development Amendments" as promulgated by the Commissioner of the Department of Planning and in effect on the date hereof.

13. The improvements on the Property, including the ground floor retail areas, the hotel lobby and all entrances and exits to the parking and loading areas, shall be designed and constructed in general conformance with the Site Plan. In addition, the design and construction of the improvements on the Property shall be subject to the following conditions:
- a) That landscaping in general conformance with the Landscaping Plan, including the plantings and other landscaping elements along that portion of Chestnut Street between Michigan Avenue and Rush Street which does not abut the Property (the "Chestnut Street Landscaping"), is installed and maintained. Provided, however, that:
 - i) Landscaping need not be provided at those locations where the applicant can demonstrate that without a substantial increase in the ordinary cost of installation it is technically infeasible to accomplish such installation;
 - ii) The applicant, with the City's full cooperation and assistance, shall remove all existing landscaping elements along Chestnut Street, the removal of which is necessary to enable the applicant to effectuate the Landscaping Plan;
 - iii) If in the course of the development of a parcel adjacent to the Chestnut Street frontage delineated on the Landscaping Plan, other than the Property, the Chestnut Street Landscaping is damaged, removed or destroyed, the applicant shall not be required to replace that landscaping;
 - iv) If the planters along Michigan Avenue depicted on the Landscaping Plan are installed, the Department of Planning in conjunction with the Department of Public Works Bureau of Street Traffic Engineering and Operations (the "Reviewing Departments") may review the impact of the planters on pedestrian traffic flow. If, after the Reviewing Departments review of the planters' traffic impact, those departments reasonably conclude that the planters adversely impact pedestrian traffic flow, the Department of Planning shall notify the applicant in writing of such conclusion. The aforementioned review and notification of the applicant must occur within the 360-day period following the latter of the full occupancy of the retail portion of the proposed improvements not located within the hotel floors or the installation of the planters. Once the applicant receives written notification of the conclusions reached by the Reviewing Departments it may, within 90 days of receipt of such notice, present contrary evidence to the Reviewing Departments. The Reviewing Departments shall within 30 days of receiving such contrary

evidence reach a final decision regarding the planters' pedestrian traffic impact and the Department of Planning shall notify the applicant in writing of the decision. If the Reviewing Departments' final decision is that the planters adversely impact pedestrian traffic, then the applicant within 30 days of receiving notice of such a decision shall commence the process of removing the planters. The removal of the planters shall be completed by the applicant with due diligence, at its sole cost and in accordance with all applicable City regulations. If the trees depicted along Michigan Avenue on the Landscaping Plan are incorporated into the planters, they shall be either retained or replaced, subject to the limitation in subparagraph (i) above;

- b) That the ground floor of the Property's frontage along Michigan Avenue be devoted to retail uses or entrances to the retail space;
- c) That the ground floor of the Property's frontage along Chestnut Street be devoted to retail uses, the hotel lobby and entrances thereto, display windows and entrances to the parking and loading areas. The entrances to the parking and loading areas shall have decorative doors which shall be closed when the entrances are not in use;
- d) That the ground floor hotel lobby depicted on the Site Plan may be expanded in size a maximum of 350 square feet and the ground floor retail area reduced correspondingly; and
- e) That the floor area devoted to retail uses not exceed 85,000 square feet, excluding common areas such as elevators, elevator lobbies, circulation corridors, stairways, restrooms, mechanical rooms, and parking and loading areas.
- f) That the floor area devoted to ballroom, banquet and conference facilities not exceed 40,000 square feet, excluding common areas such as elevators, elevator lobbies, circulation and service corridors, coat rooms, stairways, restrooms, mechanical rooms, parking and loading areas and kitchen facilities.
- g) That the western facade of the proposed building above 100 feet above grade shall be treated with the same materials as the other three facades of the proposed building.
- h) The requirements of this Statement may be modified, administratively, by the Commissioner of the Department of Planning upon the request of the applicant and after a determination by the Commissioner of the Department of Planning that such a modification is consistent with the nature of the improvements contemplated in this Planned Development. Such a modification shall be deemed to be a minor change in the Planned

Development as contemplated by Section 11.11-3(c) of the Chicago Zoning Ordinance.

14. The rights granted to and the obligations imposed on the applicant under this Planned Development shall inure to the benefit of and be binding on the applicant's successors, assigns and/or grantees.
15. Unless a building permit for the proposed development is properly applied for and pursued with due diligence, the approvals granted and obligations imposed under this Planned Development shall expire upon the tenth anniversary of the effective date hereof. Provided, however, if the City Council amends the Chicago Zoning Ordinance to provide for a shorter expiration period which is applicable to all planned development ordinances, then this Planned Development shall expire upon the expiration of such shorter time period as provided for by said amendatory ordinance (the first day of which as applied to this Planned Development shall be the effective date of the amendatory ordinance). If this Planned Development expires under the provisions of this section, then the zoning of the Property shall automatically revert to that of a B6-6 Restricted Central Business District.

[Existing Zoning Map, Property Line and Planned Development
Boundary Map, Generalized Land Use Map, Existing
Land Use Map, Site Plan and Landscape
Plan attached to this Plan of
Development printed on
pages 17959 through
17964 of this
Journal.]

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

Business Planned Development

*Table Of Use And Bulk Regulations And Related Controls.
(As Amended)*

Net Site Area: 20,466.3 square feet (.4698 acres)

Gross Site Area Calculations:

Gross Site Area = Net Site Area + Area to remain in Right-of-Way

39,028.3 square feet = 20,466.3 square feet + 18,562 square feet

General Description of Land Use: See Statement Number 4.

Maximum Floor Area Ratio: 16.95

Maximum Percentage of Site Coverage: 100 percent

Minimum Setbacks:

West Chestnut Street --	None at grade; above +175 feet above grade, 16.0 feet.
North Michigan Avenue --	None at grade; above +155 feet above grade, 24.0 feet except for the northern 44.0 feet of that facade; above +170 feet above grade, 24.0 feet.
South Property Line --	None at grade; above +155 feet above grade, 16.0 feet except for the western 95 feet of that facade; above +175 feet above grade, 16.0 feet.
West Property Line --	None at grade; above +100 feet above grade, 20 feet at the Chestnut Street Property Line then decreasing along the angle of the West property line to 8 feet at a point 34 feet south of Chestnut Street, then decreasing to 0 feet for the next 33 feet, and then increasing to 8 feet for the remaining distance along the West Property Line.

Maximum Height: 390 feet above grade

Maximum Number of Hotel Rooms: 288 keys

Minimum Number of Off-Street Parking Spaces: 28 spaces

Minimum Number of Off-Street Loading Berths: 2 (10 feet X 25 feet);
2 (10 feet X 50 feet)

Reclassification Of Area Shown On Map Number 3-K.

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

SECTION 1. That the Chicago Zoning Ordinance be amended by reclassifying as a B2-1 Restricted Retail District instead of an R3 General Residence District the area shown on Map No. 3-K bounded by:

North Kostner Avenue; West Cortez Street; the first alley south of West Cortez Street; and a line 25 feet west of and parallel to North Kostner Avenue.

SECTION 2. This ordinance shall take effect from the date of its passage.

Reclassification Of Area Shown On Map Number 5-F.

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

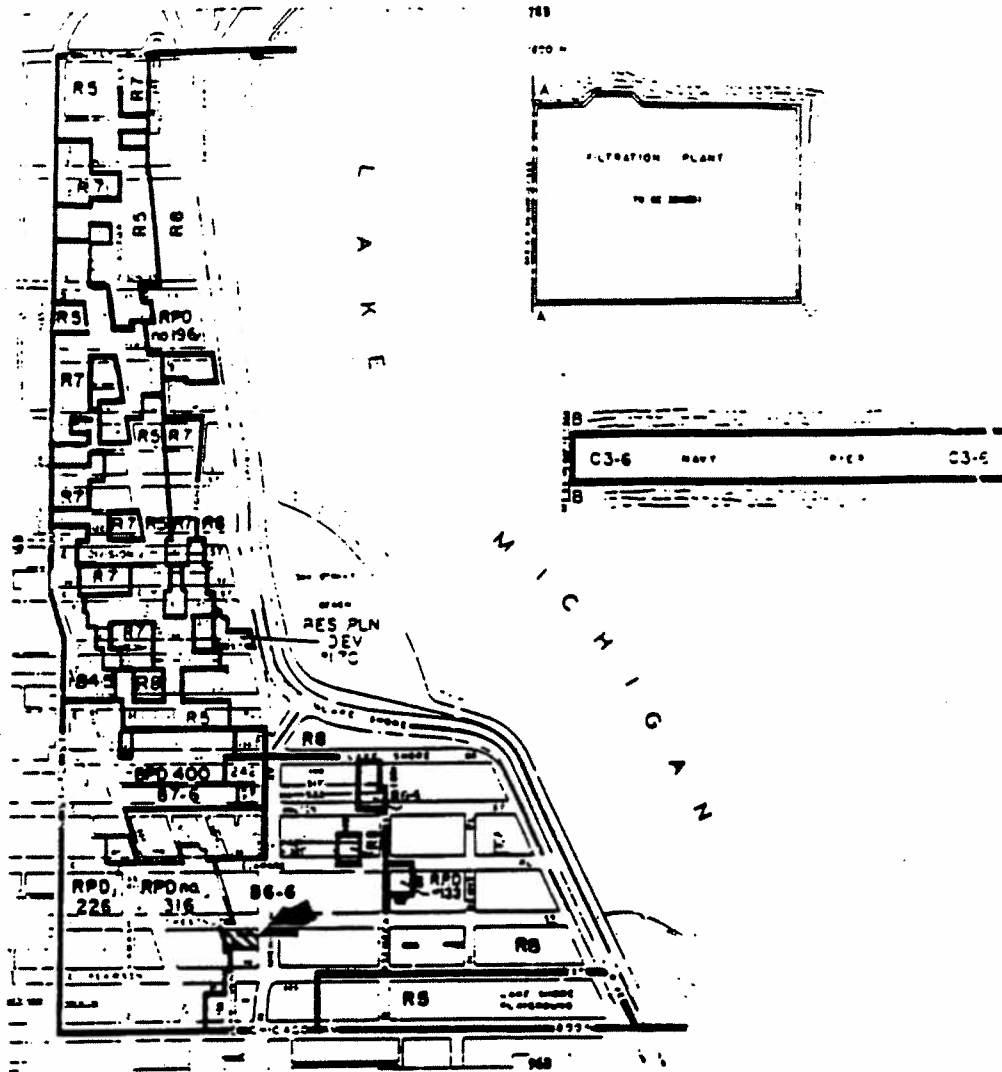
SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the R4 General Residence District symbols and indications as shown on Map No. 5-F in area bounded by:

a line 473.5 feet south of West Armitage Avenue; a line 131 feet east of North Halsted Street; a line 523.5 feet south of West Armitage Avenue; and North Halsted Street,

to those of a B4-3 Restricted Service District and a corresponding use district is hereby established in the area above described.

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

BUSINESS PLANNED DEVELOPMENT
EXISTING ZONING MAP.



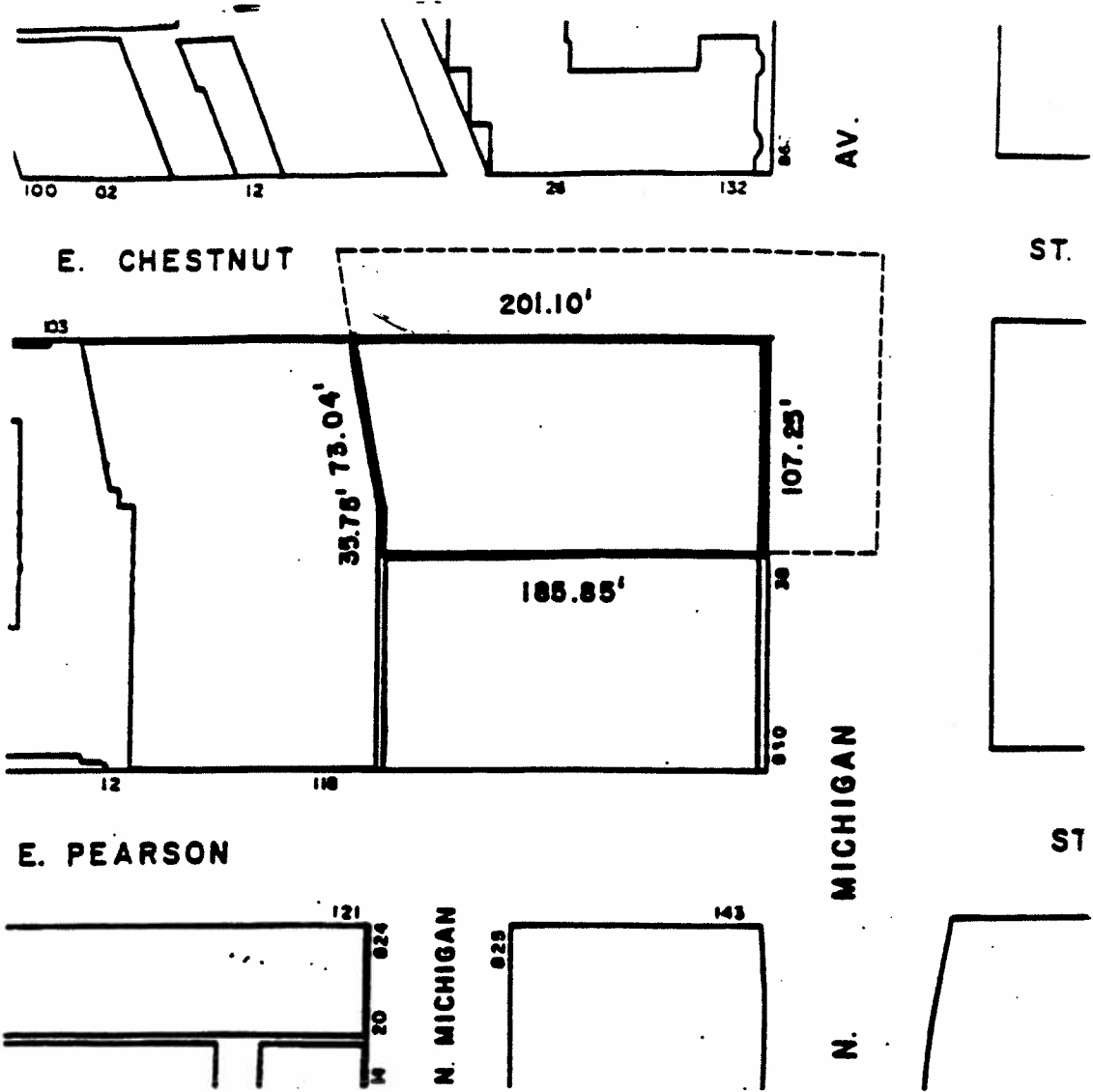
APPLICANT: U.S. Equities Realty, Inc.,
 as Agent for
 840 Associates, an Illinois
 Limited Partnership and
 sole beneficiary of Owner
 840 North Michigan Avenue
 Chicago, Illinois 60611



SUBJECT PROPEI

DATE: March 21, 1990

BUSINESS PLANNED DEVELOPMENT PROPERTY LINE AND PLANNED DEVELOPMENT BOUNDARY MAP.

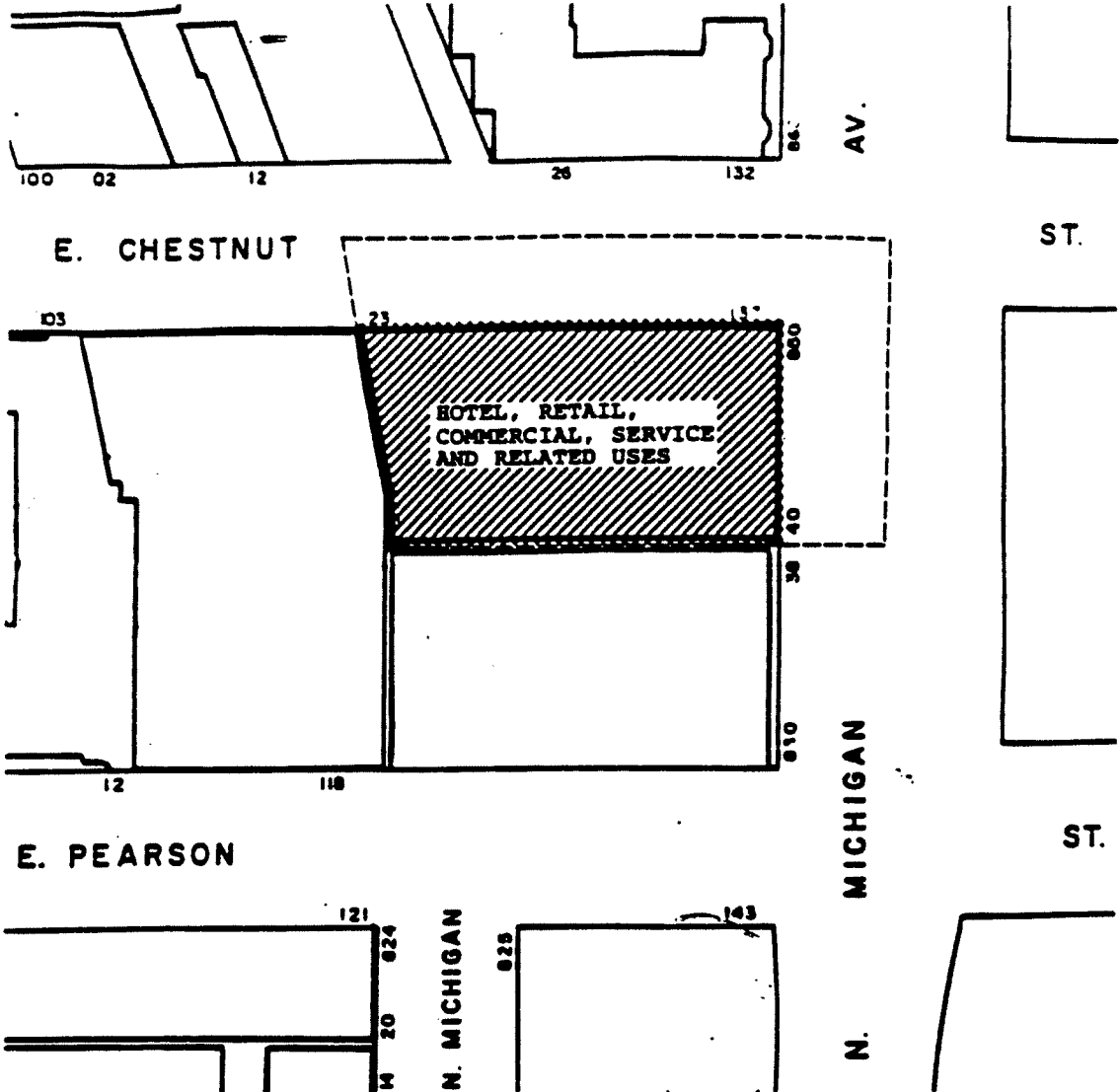


APPLICANT: U.S. Equities Realty, Inc.,
 as Agent for
 840 Associates, an Illinois
 Limited Partnership and
 sole beneficiary of Owner
 840 North Michigan Avenue
 Chicago, Illinois 60611

..... PROPERTY LINE
 ----- PLANNED DEVELOPMENT BOUNDARY

DATE: March 21, 1990 REVISED: MAY 10, 1990

BUSINESS PLANNED DEVELOPMENT GENERALIZED
LAND USE MAP.

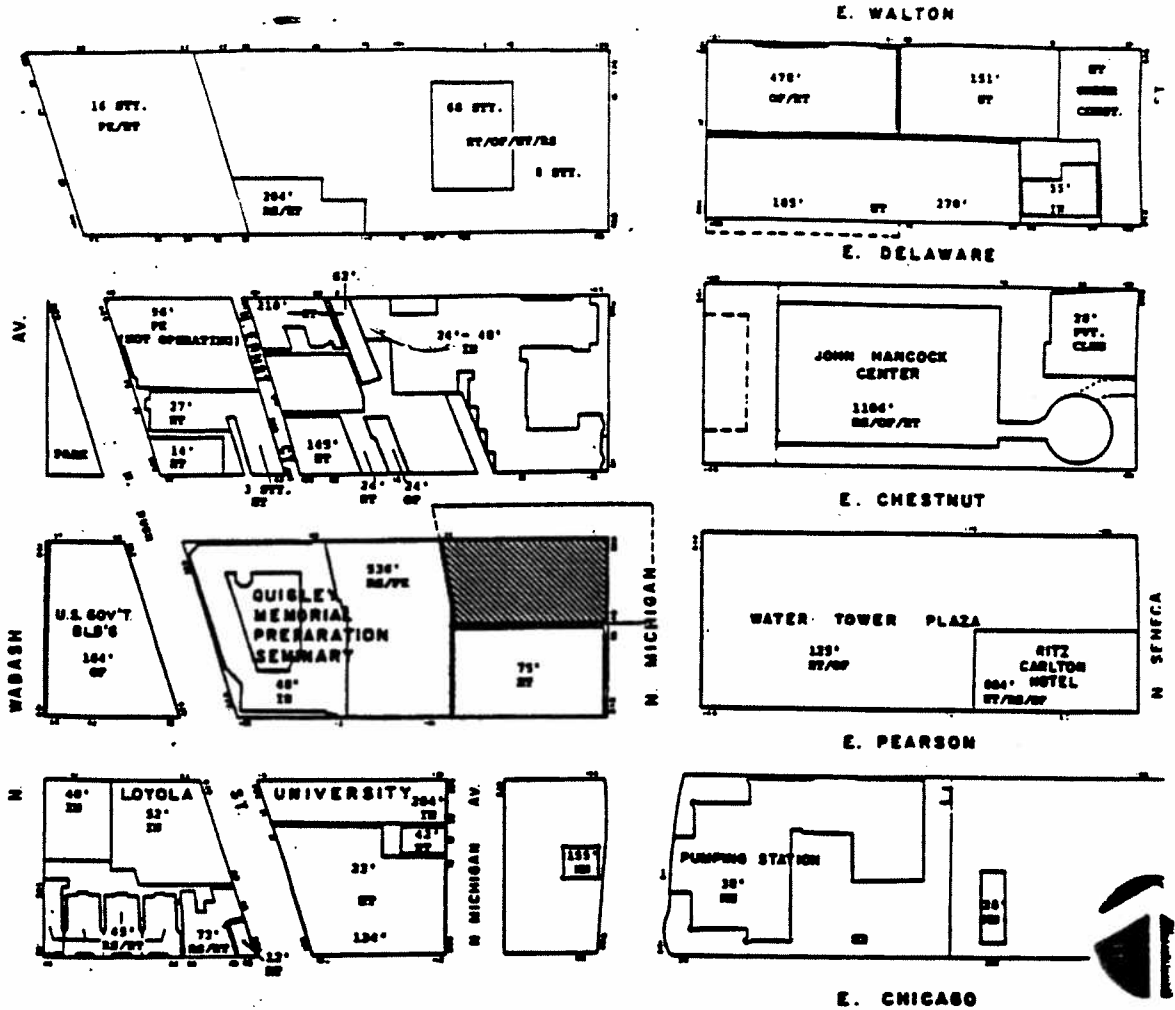


APPLICANT: U.S. Equities Realty, Inc.,
 as Agent for
 840 Associates, an Illinois
 Limited Partnership and
 sole beneficiary of Owner
 840 North Michigan Avenue
 Chicago, Illinois 60611

..... PROPERTY LINE
 - - - - - PLANNED DEVELOPMENT
 BOUNDARY

DATE: March 21, 1990

BUSINESS PLANNED DEVELOPMENT EXISTING LAND USE MAP.



LEGEND

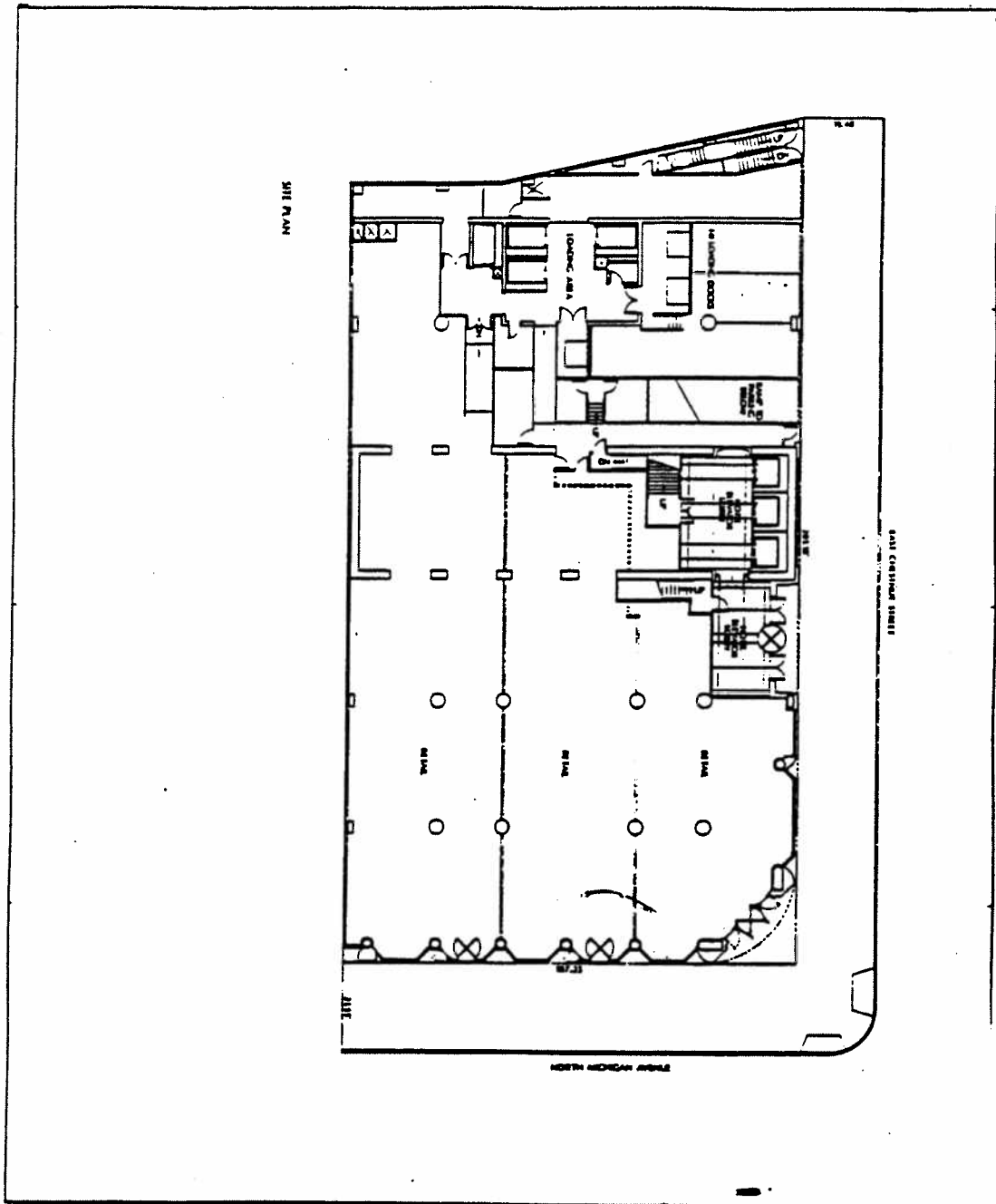
- HT- HOTEL
- IN- INSTITUTIONAL
- MN- MUNICIPAL
- OP- OFFICE
- PK- NON-ACCESSORY PARKING
- RS- RESIDENTIAL
- RT- RETAIL

----- PLANNED DEVELOPMENT BOUNDARY

APPLICANT: U.S. Equities Realty, Inc.,
 as Agent for
 840 Associates, an Illinois
 Limited Partnership and
 sole beneficiary of Owner
 840 North Michigan Avenue
 Chicago, Illinois. 60611

DATE: March 21, 1990

SITE PLAN



[Firm Name]	
[Address]	
[Phone Number]	
[Professional Seal]	
[Title]	
[Signature]	
[Date]	
[Project Name]	
[Drawing Title]	
[Scale]	
[Notes]	
[Revision Table]	
[Other Information]	



City of Chicago
Richard M. Daley, Mayor

Department of Planning

Charles Thurow
Acting Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4471 (Voice)
(312) 744-2578 (TDD)
(312) 744-6550 (FAX)

August 7, 1991

Mr. Jack Guthman
Sidley and Austin
One First National Plaza
Chicago, Illinois 60603

RE: Business Planned Development
No. 509 - 840 North Michigan Avenue

Dear Jack:

Please be advised that your request for minor changes to Business Planned Development No. 509 has been considered by the Department of Planning pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance. According to your letter dated April 16, 1991, you indicated that subsequent to the approval of this development by the Plan Commission, the plans for the project have been modified. Specifically, you stated that the contemplated 29 story building containing a four story retail base and a 25 story hotel would not be constructed. Instead, a four story retail building with an FAR of 4.0 and a maximum height of 95 feet is contemplated. In connection with the construction of the revised proposal, you are requesting administrative relief of certain specific requirements of the Plan of Development. The administrative relief requested is the following:

1. Increase the maximum amount of floor area devoted to retail uses from 85,000 square feet to 93,000 square feet;
2. Reduce the minimum number of parking spaces from 28 spaces to 0 spaces;
3. Reduce the total number of loading berths from four (two 10 foot by 25 foot and two 10 foot by 50 foot) to three (10 foot by 25 foot);
4. Limit the required landscaping to the Michigan Avenue and Chestnut Street frontages of the subject property only; and
5. Revise the Site Plan and Landscape Plan to allow development in accordance with the revised Site Plan prepared by Lucien Lagrange and Associates, LTD. dated August 7, 1991, and the revised Landscape Plan



prepared by Daniel Weinbach and Associates dated August 7, 1991 attached hereto.

With regard to the requested modifications, we note the following:

1. The increase in the total amount of retail square footage, absent the hotel and accessory uses of the site originally proposed, will be minimal and is expected to result in negligible, if any, adverse impacts.
2. The 28 parking spaces required were primarily intended to serve the hotel and its accessory functions. These spaces would not have been required by the underlying B6-6 zoning for the amount of retail space currently proposed. The reduction of these spaces to zero in connection with the newly proposed development is not expected to have any adverse impact.
3. The reduced number (from four to three) and size of the loading berths should adequately serve the proposed retail development.
4. The approved Planned Development ordinance calls for the landscape enhancement of both sides of the Chestnut Street block (in addition to landscaping along the Michigan Avenue and Chestnut Street perimeter of the subject site). This landscape enhancement was included in the approved Planned Development as a required amenity in connection with the allowance of 0.65 out of the total 16.95 Floor Area Ratio approved for the project. The remaining Floor Area Ratio was calculated as follows: Base - 12.0; required retail along Michigan Avenue frontage - 1.5; required retail along Chestnut Street frontage - 1.5; required above-grade open space calculated as described by the Zoning Ordinance - 1.30.

The elimination or deferral by the minor change procedure of public amenities required in connection with Floor Area Ratio plus bonuses must be reviewed carefully. The Department must be assured that the elimination or deferral of the required amenity is appropriate, will not result in the alteration of the approved character of the development and will not result in the construction of floor area exceeding the base Floor Area Ratio plus bonuses for amenities actually provided. Under the revised proposal, the retail frontages along both Michigan Avenue and Chestnut Street required by the Planned Development will be constructed and the above ground open space required by the planned development will be increased. Also, the landscaping depicted on the revised Site Plan and landscaping will be provided along the Michigan Avenue and Chestnut Street frontages of the property in substantial conformance with the approved plans. The revised building will not require any increase in the approved building's height nor any decrease in the required setback. The streetscape and pedestrian character of the revised development (including the street level retail), which were of particular importance to the

approval of this development, will remain essentially as required by the approved Planned Development.

We conclude, therefore, that the elimination of the landscape enhancement of the remainder of Chestnut Street will not alter the essential character of the development. We further conclude that because the Floor Area Ratio necessary to accommodate the revised proposal is 4.0 (which is substantially below the FAR allowable by the base plus amenities actually provided), the bonus associated with the landscape enhancement is not necessary to accommodate the revised proposal for development.

5. The revisions to the Site Plan and Landscape Plan as incorporated in the proposed revised Site Plan and Landscape Plan are minor in nature, in substantial conformance with the intent and purpose of the originally approved plans and appropriate.

Accordingly, with regard to your request, the Department of Planning has determined that the requested modifications would constitute minor changes pursuant to Section 11.11-3 (c) of the Chicago Zoning Ordinance. These changes will not (1) change the character of the development, (2) increase the number of units per acre, (3) increase the maximum permitted floor area ratio, (4) increase the maximum permitted land coverage, or (5) permanently reduce the minimum required distance between structures or in periphery setbacks. Furthermore, the Department finds the changes to be appropriate, provided that the following conditions are adhered to with regard to the revised proposal:

- (i) the maximum floor area allowable shall not exceed 4.0;
- (ii) the maximum building height allowable shall not exceed 95 feet above grade;
- (iii) the permitted uses of the structure described by the approved planned development shall exclude hotel, motel, parking and dwelling unit uses; and
- (iv) the revised Site Plan and Landscape Plan attached hereto shall be substituted for the Site Plan and Landscape Plan approved by Planned Development No. 509.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance, the Commissioner of the Department of Planning hereby authorizes and approves the foregoing described minor changes, but no other changes, to Business Planned Development No. 509, subject to the aforestated conditions. Notwithstanding the minor changes approved hereby, nothing herein shall be construed

to prohibit any development of the subject property which fully complies with all of the terms and provisions of Planned Development No. 509 as it was adopted on June 27, 1990.

Sincerely,

A handwritten signature in cursive script that reads "Charles Thurow".

Charles Thurow
Acting Commissioner