



ZRD1: Zoning Resolution Determination Form

Must be typewritten.

32372A \ ML



1 Location Information Required for all requests on filed applications.

House No(s) 625 Street Name West 57th Street
 Borough Manhattan Block 01105 Lot BIN 1813452 CB No. 104

2 Applicant Information Required for all requests on filed applications.

Last Name Russo First Name Luigi Middle Initial
 Business Name SLCE Architects Business Telephone 212-979-8400
 Business Address 841 Broadway Business Fax 212 979-8387
 City New York State NY Zip 10003 Mobile Telephone
 E-Mail lrusso@slcearch.com License Number 20741
 License Type P.E. R.A. DOB PENS ID # (if available)

3 Attendee Information Required if different from Applicant in section 2 or no Applicant.

Relationship to the property: Filing Representative Attorney Other:
 Last Name Gateson First Name Brian Middle Initial
 Business Name Milrose Consultants, Inc. Business Telephone 212-643-4545
 Business Address 498 Seventh Ave. Business Fax 212-643-4859
 City New York State NY Zip 10018 Mobile Telephone 917-733-9216
 E-Mail determinationteam@mlrose.com License/Registration # (if P.E./R.A./Attorney)
 DOB PENS ID # (if available) X02954

4 Nature of Request Required for all requests. Only one request may be submitted per form.

Note: Use this form only to request Zoning Resolution determination (for all other requests, use CCD1 form)
 Determination request issued to: Borough Commissioner's Office Technical Affairs
 Job associated with this request? Yes (provide Job#/doc#/examiner name below) No
 Job Number: 120481246 Document Number: 01 Examiner: SHAUQAT SHAIKH
 Has this request been previously denied? Yes (attach all denied request form(s) and attachment(s)) No
 Indicate total number of pages submitted with this request, including attachments: (attachment may not be larger than 11" x 17")
 Indicate relevant Zoning Resolution section(s): ZR 11-42

Indicate all Buildings Department officials that you have previously reviewed this issue with (if any):
 Borough Commissioner Code & Zoning Specialist General Counsel's Office
 Deputy Borough Commissioner Chief Plan Examiner Other:

ADMINISTRATIVE USE ONLY

Reference #: Appointment date: Appointment time:
 Appointment Scheduled With:
 Comments:
 Reviewed By: **Jed Weiss** Executive Zoning Specialist Date Time:

REVIEWED BY
Jed Weiss
 Executive Zoning Specialist

APPROVED
 Control No. 22565
 Date 4/26/12
 Page 1 of 4

5 Description of Request (additional space is available on page 3)

Note: Buildings Department officials will only interpret or clarify the Zoning Resolution. Any request for variations of the Zoning Resolution must be filed with the Board of Standards and Appeals (BSA) or the Department of City Planning (DCP).

Please itemize all attachments, including plans/sketches, submitted with this form. If request is based on a plan examiner objection, type in the applicable objection text exactly as it appears on the objection sheet.

We respectfully request an affirmative interpretation to waive objection #39 dated November 10, 2011, which stated that the proposed new building is significantly different than what is approved by CPC special permit in that (1) the cellar, first floor and second floor layout is entirely different than CPC approved plan and (2) the CPC approval indicates two towers to be built on 11th Avenue and 12th Avenue (one each), and proposed building plans do not indicate tower on 12th Avenue side.

DISCUSSION:

General Background.

The City Planning Commission ("CPC") approved the special permits for the site in 2001. In its resolution, CPC required that the site be developed "substantially in accordance" with the approved plans, listed as Drawings Z201, Z201A, Z301, Z401, Z402, Z403, Z404, Z405, Z406, and Z502, each dated March 14, 2001, and Drawings Z202 and Z501, both dated March 28, 2001, all by Fox & Fowle Architects. City Council adopted the CPC resolutions on April 25, 2001. In 2003, the applicant submitted to CPC revised drawings to allow for an additional curb cut on West 57th Street to access an accessory garage. CPC approved the change and accepted substitutes for certain drawings. Those are Drawings Z-201, Z201A, Z-501 and Z-502, each dated December 10, 2003. The final Approved Drawings from 2001, as partially substituted in 2003, are referred to herein as the "CPC Approved Plans."

Tower Envelope.

The CPC Approved Plans allow two towers on the block, one on 11th Avenue and one on 12th Avenue. The proposed new building does not include a tower on 12th Avenue, but the building is entirely within the approved maximum bulk envelope for said location, and, as such, substantially complies with the CPC Approved Plans. Moreover, Note 7 on Drawing Z-402 (Building Envelope Controls) explicitly states that the tower is not required:

"Tower portion of the development may be located anywhere within the maximum building envelope. The maximum height of...the Twelfth Avenue Building may be constructed to any height up to the maximum Building Envelope." (Emphasis added.)

This is repeated in Drawing Z-403 (Building Envelope Control Plans):

"Tower portion of development may be located anywhere within the maximum building envelope."

Thus, while the special permit and the CPC Approved Plans allow a tower, they do not require one. The proposed new building is within the maximum building envelope established by the CPC Approved Plans, and accordingly substantially complies with the CPC special permits.

Cellar, First and Second Floors.

The submitted plans for the cellar, first and second floors are also in substantial compliance with the CPC special permits. We note that Drawing Z-201 approved by CPC on 2001 for the ground floor is an "illustrative Site Plan". As stated in Note 6, "The Site Plans shown herein are illustrative and may change, subject to Drawings Z-401, Z-402, Z-403, Z-404, Z-405 and Z-406. Interior subdivisions are illustrative only and subject to change." Drawings Z-401 through Z-406 address height and setback requirements, and do not show plans for the cellar, first or second floors.

Note: Buildings Department Determination will be issued on the ZRD1 Response Form

Administrative Use Only table with columns: REVIEWED BY, Date, Time. Includes signature of Jed Weiss, Executive Zoning Specialist.

APPROVED stamp with Control No. 22565, Date 4/26/12, Page 2 of 4.

ZRD1

6 Description of Request (use this section if additional space is required for description)

The two special permits for public parking garages are the subject of Drawings Z-501 and Z-502 which include plans for the cellar, ground and second level for those purposes. The plans for the proposed new building are substantially similar to those drawings, and not "entirely different". Like the CPC Approved Plans, the proposed new building includes a public garage on the second floor. This garage is located adjacent to Twelfth Avenue, as shown in the CPC Approved Plans, and allows for 239 cars. Entrance to this garage is from the West 57th/West 58th St. drive-through, also as shown in the CPC-approved plans.

Like the CPC Approved Plans, the cellar floor plan for the new building includes a mid-block public parking garage located between the West 57th/West 58th Street drive-through and the existing Helena building. Entrance to this parking garage is from West 58th Street, via a curb cut adjacent at the eastern end of the garage as indicated in the CPC Approved Plans. The garage in the current plan is for 299 cars, or 100 fewer cars than the CPC Approved Plans, taking into account the 100 cars in the Helena. In all substantive respects, including the drive through, location of the garages, number of cars, and entrances and exits to the garages, the floors, cellar, first and second floors in the proposed building are substantially the same as that approved in 2001/3.

As described above, the plans currently submitted to DOB with this application are similar to those approved by CPC, in all substantive respects.

Note: Buildings Department Determination will be issued on the ZRD1 Response Form

7 Statements and Signature Required for all requests

I hereby state that all of the above information is correct and complete to the best of my knowledge. Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a City employee, or for a City employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine, or both.

Name (please print) Mr. Luigi Russo
Signature
Date 30/12
REGISTERED ARCHITECT
LUIGI RUSSELL
No. 920741
STATE OF NEW YORK
P.E. / R.A. Seal (apply seal, then sign and date over seal - not required for Attorneys on unfilled applications)

ADMINISTRATIVE USE ONLY
REVIEWED BY
Reviewed By: Jed Weiss
Executive Zoning Specialist
Date
Time:

APPROVED
Control No. 22565
Date 4/26/12
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ZRD1/CCD1 Response Form

Location Information (To be completed by a Buildings Department official if applicable)

House No(s) 625

Street Name West 57th Street

Borough Manhattan

Block 1105

Lot

BIN 1813452

Job No. 120481246

DETERMINATION (To be completed by a Buildings Department official)

Request has been: Approved Denied Approved with conditions

Follow-up appointment required? Yes No

Primary Zoning Resolution or Code Section(s):

Other secondary Zoning Resolution or Code Section(s):

Comments:

The request, to determine that Objection #39 is inapplicable ("...plans do not indicate tower on 12th Avenue side"), is hereby approved.

The applicant is correct that there is no obligation to construct the entirety of the CPC approved building envelope at this time nor will there ever be an obligation to build to the full extent of the CPC approved bulk parameters (i.e maximum building envelope).

Note: If approved determination is not scanned or microfilmed, it will be deemed invalid.



Name of Authorized Reviewer (please print): Jed A. Weiss

Title (please print): Executive Zoning Specialist (on behalf of NYC Development Hub)

Authorized Signature: *Jed Weiss*

Date: 4/26/12

Time:

Issuers: write signature, date, and time on each page of the request forms; and attach this form.

Note: Determination will expire if construction document approval is not obtained within 12 months of issuance.