



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

TECHNICAL REVIEW DIVISION

Amanda M. Burden, FAICP, Director
Department of City Planning

June 7, 2013

Martin Rebholz, R.A
Borough Commissioner
Department of Buildings
280 Broadway, 3rd Floor
New York, N.Y. 10007

Re: Applic. Nos. C 120396 ZMM, C 120397 ZSM, C 120398 ZSM, M 010148(A) ZMM,
& M 010151(B) ZSM
625 West 57th Street
Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43
C4-7 and C6-2 Districts
Special Clinton District (Other Areas (Northern Subarea C1))
Large-Scale General Development
Borough of Manhattan
Community District 4

Dear Commissioner Rebholz:

On June 1, 2001, the Department of Buildings was advised that the applications (C 010149 ZSM, C 010150 ZSM, C 010151 ZSM and C 010152 ZSM) submitted by The Durst Organization as follows:

1. C 010149 ZSM- an application for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 399 spaces on part of the ground floor and in the cellar of themed-block portion of a proposed mixed-use building;
2. C 010150 ZSM- an application for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors in the westerly part of a proposed mixed-use building;
3. C 010151 ZSM- an application for the grant of a special permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to modify the following height and setback regulations:
 - a. Sections 33-432(a) and 43-43: to allow the front walls and other portions of a building within the initial setback distance to exceed a maximum height of 85 feet above curb level to a height of 112 feet on Eleventh Avenue (a wide street), within 100 feet of Eleventh Avenue on

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West 57th Street (a wide street) and within 125 feet of Eleventh Avenue on West 58th Street (a narrow street), and to penetrate the sky exposure planes within the initial setback distance; and

- b. Sections 33-451 and 43-45: to allow two towers (at Eleventh Avenue and Twelfth Avenue, respectively) which in the aggregate occupy not more than 40 percent of the lot area of a zoning lot:
 - 1) to exceed 1,875 square feet of aggregate area in the portions located not less than 15 feet nor more than 50 feet from the street line of West 58th Street (a narrow street); and
 - 2) to exceed 1,600 square feet of aggregate area in the portions located not less than 10 feet nor more than 40 feet from the street lines of West 57th Street, Eleventh Avenue, and Twelfth Avenue (all wide streets); and
4. C 010152 ZSM- an application for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to permit residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-422 (Location of floors occupied by non-residential uses) to enable commercial uses in the mid-block and Twelfth Avenue tower portions of the building to be located at the same height or higher than the residential uses in the C4-7 portion of the Eleventh Avenue tower of a proposed mixed-use building,

to facilitate the development of a mixed-use building with two towers at Eleventh and Twelfth Avenues within a Large-Scale General Development to be constructed at the above referenced property were approved by the City Planning Commission on March 28, 2001 (Cal. Nos. 18, 19, 20, and 21, respectively) and were adopted by the City Council on April 25, 2001 (Res. Nos. 1891, 1892, 1893, and 1894, respectively) on which date said Resolutions of Approval became effective.

Implementation of the proposed development also required a zoning map amendment application (C 010148 ZMM) rezoning the subject site from an M2-3 District to C4-7 and M1-5 Districts, which was approved by the City Planning Commission on March 28, 2001 (Cal. No. 17) and was adopted by the City Council on April 25, 2001 (Res. No. 1890) on which date said Resolution of Approval became effective.

Subsequently, on July 13, 2004, the Department of Buildings was advised that the application and related drawings (M 010151(A) ZSM) submitted by The Durst Organization requesting the first modification to previously approved special permit (C 010151 ZSM, C 010149 ZSM, C 010150 ZSM and C 010152 ZSM) and Restrictive Declaration involving the addition of a new curb-cut on West 57th Street to provide access to a 100-space accessory parking garage, was reviewed by the City Planning Commission which determined that the modifications requested constituted a minor modification consistent with the original approval.

Now, please be advised that the applications (C 120397 ZSM, C 120398 ZSM, M 010151(B) ZSM and M 010148 (A) ZMM) were submitted by Durst Development L.L.C., in connection with a proposed mixed use development on property at the above referenced location, as follows:

1. C 120397 ZSM- an application for the grant of special permits pursuant to the following sections of the Zoning Resolution:

- a. Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning district lines; and
- b. Section 74-743(a)(2) - to allow the location of buildings without regard for the front wall height and initial setback requirements of Section 33-432, the tower requirements of Section 33-451, and the distance between building requirements of Section 23-711;

was approved by the City Planning Commission on December 19, 2012 (Cal. No. 4) and was adopted by the City Council on February 6, 2013 (Res. 1658) on which date said Resolution of Approval became effective;

2. C 120398 ZSM – an application for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 285 spaces on portions of the ground floor and mezzanine level of a proposed mixed-use building on the westerly portion of the property, was approved by the City Planning Commission on December 19, 2012 (Cal. No. 5) and was adopted by the City Council on February 6, 2013 (res. 1659) on which date said Resolution of Approval became effective;
3. M 010151(B) ZSM – an application requesting the 2nd modification to a previously approved special permit (C 010151 ZSM) to reflect the changes to site plan as it relates to the current application (C 120396 ZMM, C 120397 ZSM, and C 120398 ZSM), including changes to the uses permitted in the Large-Scale General Development and to the previously approved massing including the building footprint, building height and setback, distance between buildings, and type and sizes of the parking garage, was approved by the City Planning Commission on December 19, 2012; and
4. M 010148 (A) ZMM – an application requesting the modification and termination of a previously approved Restrictive Declaration (D-145; C 010148 ZMM), as amended, to eliminate restrictions currently governing the Project Site (Block 1105; Lots 1, 5, 14, 19, 29, 36, and 43, Community District 4, Borough of Manhattan) and to allow Durst Development L.L.C. to enter into a new restrictive declaration reflecting the current proposed mixed-use development within a Large-Scale General Development in connection with a concurrent related special permit C 120397 ZSM, was approved by the City Planning Commission on December 19, 2012.

THE SPECIAL PERMITS (C 120397 ZSM AND C 120398 ZSM) HAVE BEEN APPROVED SOLELY PURSUANT TO SECTIONS 74-743(a)(1) & 74-74-743(a)(2) AND 13-561, RESPECTIVELY, OF THE ZONING RESOLUTION AND ARE SUBJECT TO VERIFICATION BY THE DEPARTMENT OF BUILDINGS FOR COMPLIANCE WITH ALL OTHER APPLICABLE PROVISIONS OF THE ZONING RESOLUTION.

Implementation of the proposal also required the following related action:

1. C 120396 ZMM – an application for an amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-2 District property bounded by West 58th Street, a line 125 feet

westerly of Eleventh Avenue, a line midway between West 58th Street and West 57th Street, and a line 125 feet easterly of Twelfth Avenue, as shown on a diagram (for illustrative purposes only) dated July 11, 2012 and subject to the conditions of CEQR Declaration E-286, was approved by the City Planning Commission on December 19, 2012 (Cal. No. 3) and was adopted by the City Council on February 6, 2013 (Res. No. 1657) on which date said Resolution of Approval became effective;

In connection with the applications (C 120397 ZSM and M 010151(B) ZSM), the applicant executed a Modification and Termination of Restrictive Declaration & a Restrictive Declaration, which were submitted for recordation on February 15, 2013 (Document ID 2013021401180002 & Document ID 2013021401180001, respectively), which contains special conditions to the issuance of a building permit and/or certificate of occupancy. Questions regarding these provisions and aforementioned documents should be directed to DCP Counsel Glenn Friedman at (212) 720-3223.

Enclosed for your information are the following:

1. a copy of applications C 120396 ZMM, C 120397 ZSM, C 120398 ZSM, M 010148(A) ZMM, and M 010151(B) ZSM;
2. a copy of the City Planning Commission Reports for applications C 120396 ZMM, C 120397 ZSM, and C 120398 ZSM, dated December 19, 2012 (Cal. Nos. 3, 4, and 5, respectively);
3. a copy of City Council's Resolutions of Approval for applications C 120396 ZMM, C 120397 ZSM, and C 120398 ZSM, dated February 6, 2013 (Res. Nos. 1657, 1658, and 1659, respectively);
4. a copy of the Modification and Termination of Restrictive Declaration, dated January 15, 2013, executed by Durst Development LLC, and submitted for recordation in the New York County Office of the City Register on February 15, 2013 (Document ID 2013021401180002);
5. and a copy of the Restrictive Declaration, dated January 15, 2013, executed by Durst Development LLC, and submitted for recordation in the New York County Office of the City Register on February 15, 2013 (Document ID 2013021401180001); and
6. the following approved drawings prepared by SLCE Architects LLP:

C 120397 ZSM:

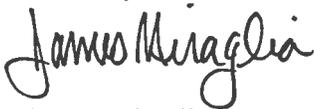
Dwg Nos.	Title	Last Revised Date
Z-004	Site-Plan	12/14/2012
Z-005	Zoning-Analysis	12/14/2012
Z-007	Average-Curb-Level	06/04/2012
Z-008	Tower Regulation Plan-Diagrams	07/06/2012

Dwg Nos.	Title	Last Revised Date
Z-010	Height & Setback Plan-Diagrams	07/06/2012
Z-011	Tower, Height & Setback Section-Diagrams	07/06/2012
Z-012	Tower, Height & Setback Section-Diagrams	07/06/2012
Z-013	Tower, Height & Setback Section-Diagrams	07/06/2012
Z-014	Tower, Height & Setback Section-Diagrams	07/06/2012
Z-015	Tower, Height & Setback Section-Diagrams (Existing.Waivers)	07/06/2012
Z-018	Building-Separation Plan-&-Section-Diagrams	07/06/2012
Z-019	Open-Space Plan-Diagram	12/14/2012
Z-022	Ground-Floor-Plan	12/14/2012

C 120398 ZSM:

Dwg Nos.	Title	Last Revised Date
Z-020	Accessory.Garage 1 st .Floor-Parking.Plan	12/14/2012
Z-021	Accessory.Garage Mezzanine.Parking.Plan	12/14/2012

Sincerely,



James Miraglia

cc. J. Harris
J. Merani
I. Sadko
K. Ramnarine
B. Gerhards
A. Wolff
G. Friedman
S. Felsen
Applicant