NYC Buildings

Zoning Challenge and Appeal Form
(for approved applications)

Must be typewritten

DEPT.BLDGS 122975995 Job Number

SC620116808 Scan Code

1 Property Information *Required for all challenges.*

BIS Job Number 122975995 BIS Document Number 4

Borough Manhattan House No(s) 249 Street Name East 62nd Street

2 Challenger Information *Optional.*

***Note to all challengers:** This form will be scanned and posted to the Department's website.*

Last Name Janes First Name George Middle Initial M

Affiliated Organization Prepared for: Friends of the Upper East Side Historic Districts

E-Mail george@georgejanes.com Contact Number 917-612-7478

3 Description of Challenge *Required for all challenges.*

Note: Use this form only for challenges related to the Zoning Resolution

Select one: ☒ Initial challenge ☐ Appeal to a previously denied challenge (denied challenge must be attached)

Indicate total number of pages submitted with challenge, including attachments: 32 ***(attachment may not be larger than 11" x 17")***

Indicate relevant Zoning Resolution section(s) below. *Improper citation of the Zoning Resolution may affect the processing and review of this challenge.*

23-651, 77-22, 23-462(c), 72-01, 12-10 (abut). Also challenging ZD1 for computational errors.

Describe the challenge in detail below: (continue on page 2 if additional space is required)

Please see attached.

***Note to challengers:** An official decision to the challenge will be made available no earlier than 75 days after the Development Challenge process begins. For more information on the status of the Development Challenge process see the Challenge Period Status link on the Application Details page on the Department's website.*

ADMINISTRATIVE USE ONLY	REVIEWED BY Scott [illegible] Borough Commissioner		
Reviewer's Signature:	Date:	Time:	WO#:

Challenge Partially Accepted

Date: 04/23/2018

6/09

NYC Buildings

ZRD2: Zoning Challenge with response

Must be typewritten.

Scan sticker will be affixed by Department staff

DECISION (To be completed by a Buildings Department official)

Review Decision: ☒ Challenge Denied ☐ Challenge Accepted, Follow-Up Action(s) Required (indicate below)

☐ Issue notice of intent to revoke

☐ Issue stop work order

Applicable Zoning Section(s): 12-10 (Definitions) "abut"; 23-651 (Tower on base), 77-22, 23-462(c)

72-01, and ZD1 computational errors

Comments:

Page 1 of 3

Project: The proposed 510-foot tower-on-base is located on an interior L-shaded lot with 75 feet of frontage on Second Avenue and 35 feet of frontage on 62nd Street. The zoning lot is split between a C2-8 (R10 equivalent) District and R8B Districts.

The Challenger claims the following:
1.The Challenger states: "Proposed building contains an "inter-building void" of approximately 150 foot tall which is larger than necessary for any mechanical use...It is the DOB's responsibility to ensure that areas claimed as mechanical and exempt from floor area are necessary and being actively used for mechanical or other exempt uses...The mechanical exemption is excessive and cannot be justified for any accessory mechanical use."

Response:
Application records indicate, the middle portion of the building (levels 13-16), referred to by the Challenger as an "inter-building void", contains a structural outrigger(between levels 13 and 14), one fully enclosed mechanical floor level (level 16), one amenity floor level (level 15) and two roofed terrace levels (levels 13 and 14). Levels 13 and 14 are noted as "mechanical roofs" with no occupied space.

Per the definition of floor area in Section 12-10 (Definitions), the proposed mechanical floor (level 16) with floor space used for mechanical equipment shall not be included in floor area. The height of the mechanical floors is not governed by the Zoning Resolution. In addition, the proposed roofed terraces (Levels 13 and 14) are not considered floor area. Therefore, this portion of the Zoning Challenge is denied.

2.The Challenger states: "There are arithmetic errors in the ZD1 and PW1 (such as Zoning floor area totals and FAR) and therefore the building proposed may be overbuilt. Errors in the PW1 include the following:
a.PW1 error - 12A the Zoning District is incorrect. Should be split lot located in
C2-8/R8B district. The PW1 indicates only C2-8.
b.PW1 error - 12C the Proposed FAR numbers incorrect and not consistent with the ZD1."
Response:
No zoning section was cited. The applicant will be advised to correct any arithmetic errors in the ZD1 and the PW1.

Name of Authorized Reviewer (please print):

Title (please print):

Authorized Signature: REVIEWED BY Scott D. Pavan, RA Borough Commissioner Date: Time:

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

Challenge Partially Accepted

Date: 04/23/2018

NYC Buildings

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Must be typewritten.

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72-01, and ZD1 computational errors

Comments:

Page 2 of 3

3.The Challenger states: "The proposed building is 12 FAR. The split lot rules of Section 77-22 were not properly applied and the project is overbuilt. FAR of 12.0 is incorrect. FAR should be 11.54. Calculations were never shown on the ZD1 which incorrectly asserts that 12 FAR is allowed. The Challenger also states, "While not a part of this challenge, the DOB may wish to look into the HPD certificate to determine if the bonus it is receiving is still accurate since the building cannot be 12 FAR as claimed."

Response:
This portion of this challenge is denied. The application records indicate a proposed FAR is of 11.54. The applicant will be advised to correct the ZDI diagram to reflect the proposed FAR.

4.The Challenger states: "The northern side yard does not comply. The ZD1 shows a 3 foot side yard that does not comply with Section 23-462(c). A related ZRD1 51136 of 9/5/2017 regarding sun shading devices planned for the upper floors of the building states that the solar projections in compliance with 23-44 in yards. The solar projections are permitted however the side yard show at 3'-0" feet from side lot line is too small.
5.The Challenger states: "The DOB is not the Board of Standards and Appeals and may not grant zoning variances. In a related ZRD1 51136, the applicant requested a variance to allow building projection along the north lot line of a new building."
6.The Challenger states: "The ZRD1 51136 is missing information... The answer ZRD1 51136 provides are unsatisfactory for a finding that allows an action that is contrary to the ZR."

Response to items 4, 5, & 6:
No zoning variance was granted. The determination request, a code variance, to accept the proposed sun shading devices extending beyond the exterior north building wall in excess of 12 inches was approved with conditions pursuant to BC 705.2(2) only. This variance from BC code was issued under the Commissioner's authority AC 28-103. No open area is proposed, therefore no side yard requirement is created. Therefore, this portion of the Zoning Challenge is denied.

Name of Authorized Reviewer (please print):

Title (please print):

Authorized Signature: REVIEWED BY Scott D. Pavan, RA Borough Commissioner Date: Time:

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

Challenge Partially Accepted

Date: 04/23/2018

6/09

NYC Buildings

ZRD2: Zoning Challenge with response

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Applicable Zoning Section(s): 12-10 (Definitions) "abut"; 23-651 (Tower on base), 77-22, 23-462(c)

72-01, and ZD1 computational errors

Comments:

Page 3 of 3

7.The Challenger states: "The building does not comply with ZR Section 23-651 (Tower Regulations). If the sun shading projections are considered as part of the exterior building wall (for the purposes of the side yard) then this approach is not consistently applied on all three sides of the tower. If the sun shading projections are considered as part of the exterior building wall then the proposed lot coverage would be 54.3% which exceeds the permitted 50%. Similarly, the building does have the proper 10 foot setback from the wide street line. There is a difference in the representation of the exterior building wall in the ZRD1 when compared to the ZD1.

Response:
Per Department records, the sun shading devices were excluded in the lot coverage calculation (Sheet Z-001.00 Zoning Diagrams). Application records indicate the following:

North wall: Per ZRD1 (51136), the projections on the north wall are part of building wall and shall be considered lot coverage. (Therefore there is no open area.). The applicant shall confirm these are included in lot tower coverage.

East Wall: The sunshade devices on the east wall project into the required 10-foot front setback per 23-65 (Tower). Per ZR Section 23-62, they are not permitted obstructions in a required front setback of tower regulations (ZR 23-65). Therefore, the proposed sun shading devices are not permitted (on the east façade) within 10 foot required front setback. This portion of the challenge is accepted and appropriate measures will be taken.

South wall: The sunshade devices on the south wall project into the 8-foot wide open area (side yard) along the side lot line; And they are considered permitted obstructions in this side yard per Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); In addition, the obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in
Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage# per ZR 12-10 Definition of Lot coverage.

West Wall: The sunshade devices on the west wall project partially within a 31-foot wide outer court. However, they are considered permitted obstructions per ZR Section 23-87 (Permitted Obstructions in Courts). However, they are not exempt from lot coverage per ZR 12-10 Definition of lot coverage. The applicant shall confirm these are included in lot tower coverage.

Name of Authorized Reviewer (please print):

Title (please print):

Authorized Signature: REVIEWED BY Scott D. Pavan, RA Borough Commissioner Date: Time:

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

Challenge Partially Accepted

Date: 04/23/2018

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November 3, 2017

Rick D. Chandler, P.E., Commissioner
Department of Buildings
280 Broadway
New York, NY 10007

RE: Zoning Challenge
249 East 62nd Street
Block 1417, Lot: 22
Job No: 122975995

Dear Commissioner Chandler:

At the request of the Friends of the Upper East Side Historic Districts, a community-based organization that promotes responsible development on the Upper East Side, I have reviewed the zoning diagram and related materials for the new building to be constructed at 249 East 62nd Street. My firm regularly consults with land owners, architects, community groups and Community Boards on the New York City Zoning Resolution, and I have been a member of the American Institute of Certified Planners for the past 20 years.

Summary of findings

1. There are a number of simple and basic arithmetic errors in the ZD1. These basic errors are not unusual have the potential to undermine the public's faith in the review process. I encourage the Department of Buildings ("DOB" or "Department") and applicants to closely review these diagrams for these errors. These are important documents and they should be treated as such.

2. But more than just trivial errors, these arithmetic errors hide the fact that the project is overbuilt. The split lot rules were not properly applied and the building as proposed is overbuilt according to the Zoning Resolution.

3. Further, the ZD1 shows a side yard that is just three feet deep. The Zoning Resolution does not require side yards in this district, but if one is provided it must be eight feet deep.

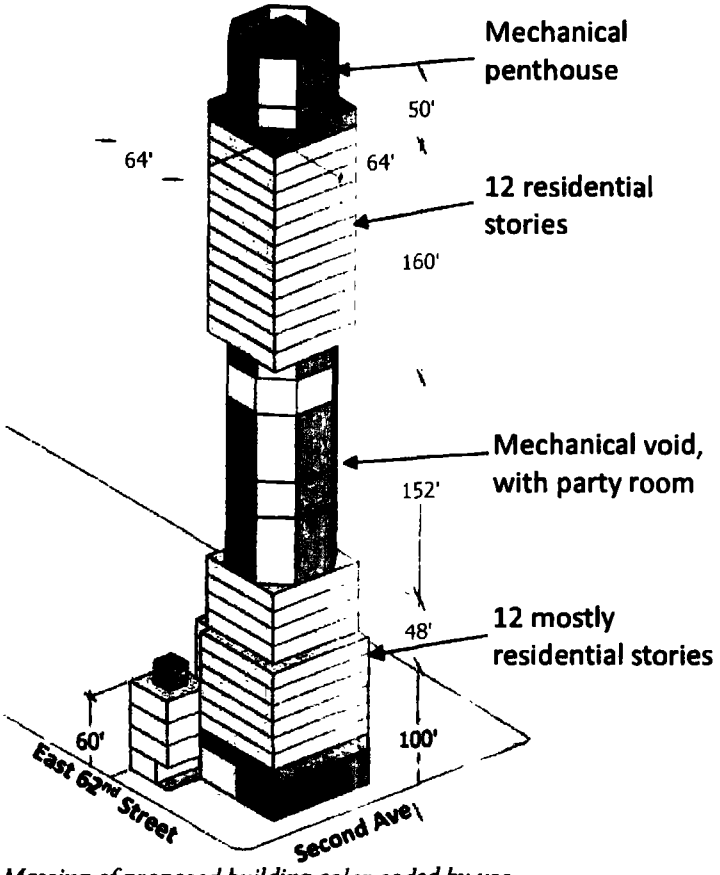
4. Finally, the project includes a huge void, which is vastly larger than necessary for any mechanical use. It is the DOB's responsibility to ensure that areas claimed as mechanical and exempt from zoning floor area are necessary and being actively used for mechanical or other exempt purposes.

Finally, this document concludes with thoughts on what this huge void may mean for the Zoning Resolution's tower-on-base building form.

Project summary
The proposed building is on an interior L-shaped lot with 75 feet fronting the west side of Second Avenue with the 35 foot wide portion fronting 62nd Street, 70 feet from the corner. The lot is 105 feet deep and 100.42 feet wide at its largest dimensions. The zoning district is C2-8 for the portion of the lot within 100 feet of Second Avenue. A five by 100.42 feet portion is in the R8B district mapped on the midblock between Second and Third Avenues. The zoning lot was described and filed on 4/17/2017.

The proposed form is tower-on-base (23-651), but this tower-on-base is unlike most any other and includes a huge inter-building void of approximately 150 feet, which contains no residences. The top 12 residential floors sit on top of this void and start at approximately 300 feet.

My office modeled a massing of the building as proposed, shown below. Dimensions and locations of uses are approximate, as not all are shown on the ZD1. Yellow areas are residential floor area, gray areas are mechanical spaces and red areas are commercial.



Massing of proposed building color coded by use

The base of the Second Avenue portion is taller than most tower-on-base buildings at 100 feet. This is allowed because the neighboring building to the north is over 100 feet within 10 feet of the streetline (23-651). It is then setback 10 feet as required by the tower-on-base regulations and residential floors extend to the 12th floor. Unusual with tower-on-base buildings, the building has no "air rights" parcels and the 62nd Street townhouse on the plan and above is a part of the new building permit.

1. Errors in the application materials

There are a number of basic arithmetic errors in the ZD1 and related materials. Part 4 of the second page of the ZD1 is reproduced in two parts below:

4 Proposed Floor Area *Required for all applications. One Use Group per line*

Floor Number	Building Code Gross Floor Area (sq ft)	Use Group	Zoning Floor Area (sq ft) Residential	Community Facility	Commercial	Manufacturing	FAR
Sub-Cellar	6,532	2	0	0	0	0	0
Cellar	7,855	2	0	0	0	0	0
1	2,629	6	0	0	2,588	0	0.3
1	4,644	2	4,497	0	0	0	0.5
2	6,688	2	1,149	0	0	0	0.7
3	6,312	2	5,907	0	0	0	0.7
4	6,688	2	6,277	0	0	0	0.7
5	5,719	2	5,325	0	0	0	0.6
6	5,518	2	5,132	0	0	0	0.6
7	5,518	2	5,132	0	0	0	0.6
8	5,518	2	5,132	0	0	0	0.6
9	3,942	2	3,645	0	0	0	0.4
10	3,942	2	3,645	0	0	0	0.4

Floor Number	Building Code Gross Floor Area (sq ft)	Use Group	Zoning Floor Area (sq ft) Residential	Community Facility	Commercial	Manufacturing	FAR
11	3,942	2	3,645	0	0	0	0.4
12	3,942	2	3,645	0	0	0	0.4
13	3,865	2	0	0	0	0	0
14	3,029	2	0	0	0	0	0
15	3,168	2	3,073	0	0	0	0.3
16	3,029	2	0	0	0	0	0
17	4,096	2	3,757	0	0	0	0.4
18	4,096	2	3,757	0	0	0	0.4
19	4,096	2	3,757	0	0	0	0.4
20	4,096	2	3,757	0	0	0	0.4
21	4,096	2	3,757	0	0	0	0.4
22	4,096	2	3,757	0	0	0	0.4
23	4,096	2	3,757	0	0	0	0.4
24	4,096	2	3,757	0	0	0	0.4
25	4,096	2	3,757	0	0	0	0.4
26	4,096	2	3,757	0	0	0	0.4
27	4,096	2	3,757	0	0	0	0.4
28	4,096	2	3,757	0	0	0	0.4
29	4,096	2	0	0	0	0	0
30	3,322	2	0	0	0	0	0
31	3,322	2	0	0	0	0	0
Totals	152,370		98,526	0	2,588	0	12.0
				Total Zoning Floor Area			101,114

Detail of ZD1. The circled numbers are not the sum of their parts.

If the individual numbers for each floor in the column labeled Residential Zoning Floor Area are added, they sum to 101,288 SF, not 98,526 SF. When the total zoning floor area for each individual floor is added, the building is 103,876 SF, not 101,114SF. While zoning is often called complicated, this is elementary school addition. But there is ample reason to not trust either of these numbers, as there is a clear error in at least one of the individual floors.

Below is a detail of floor 2 taken from the above table:

2	6,688	2	1,149	0	0	0	0.7

It shows Floor 2 at 1,149 zoning floor area. The last column tells us the ratio of this floor's floor area to the zoning lot. The zoning lot is 8,765 SF. The FAR of this floor is 1,149 SF of floor area divided by 8,765 SF of lot area, which is 0.13, not 0.7. While slightly more complicated than the addition error, this is still a skill taught in elementary school.

These are not trivial differences that can be attributed to rounding. The sum of the Gross Floor Area column in the table is within two SF of the total shown on the table. That is a number that can be attributed to rounding. The difference in the building's zoning floor area, however, is 2,762 SF, or 0.32 FAR, which is a significant amount of floor area to be missing from the building's total zoning floor area.

Further, a similar error can be found on the PW1:

12 Zoning Characteristics

12A District(s): C2-8 | Overlay(s): | Special Dist.(s): | Map Number: 8c

12B Street legal width: 100 ft | Street Status: ☑ Public ☐ Private | *If the zoning lot includes multiple tax lots, list all tax lots here ▶*

12C *Proposed:* Use*	Zoning Floor Area		District	FAR
RESIDENTIAL	98,526	sq. ft.	C2-8	11.97
COMMERCIAL	2,588	sq. ft.	C2-8	0.03
		sq. ft.		
		sq. ft.		
		sq. ft.		
		sq. ft.		
Proposed Totals	101,114	sq. ft.		12.0
Existing Total		sq. ft.		

Proposed Lot Details:
Lot Type: ☐ Corner ☑ Interior ☐ Through
Lot Coverage 82.97 %
Lot Area 8765 sq. ft.
Lot Width 75 ft.
Proposed Other Details:
Enclosed Parking? ☐ Yes ☑ No
If yes, no. of parking spaces:
Perimeter Wall Height 100 ft

Proposed Yard Details:
Check here if no yards: ☑ *or*
Front Yard ft.
Rear Yard ft.
Rear Yard Equivalent ft.
Side Yard 1 ft.
Side Yard 2 ft.

Use can be one of the following: residential, commercial, manufacturing, or community facility. List only one use per line.

Detail of PW1. The circled numbers are incomplete (District) or wrong (FAR)

The zoning district is C2-8 / R8B: it is a lot split by a zoning district. Second, presuming 98,526 SF is correct for residential space, the FAR would be 11.24, not 11.97. The commercial space reads 2,588 SF, which totals 0.3 FAR, not 0.03 FAR. Again, the basic arithmetic is wrong and not even consistent with the errors found on the ZD1.

It is fair to ask the question, so what if some numbers are off? What's important is that the building is still legal. There are two answers to that question.

First, both of these forms (the ZD1 and the PW1) include the following, right above the signature and stamp:

> "Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment or both."

I do not claim or expect intentional misdoing, but this statement does communicate that these forms are important and great care should be taken to ensure they are accurate and that did not happen here. To allow otherwise is to undermine the public's faith in our system of governance. The DOB must ask the applicant to correct their ZD1 and their PW1 to actually describe what they are planning to do.

Second, and more importantly, if we use either set of Floor Area total numbers from the ZD1 (the total shown or the sum of the parts), the building is not legal under the Zoning Resolution because of the misapplication of the split lot rules.

2. The zoning lot is overbuilt

This is a split lot district. It is mostly in C2-8 and partially in R8B. A C2-8 is a 10 FAR district that can be bonused to 12 FAR with an HPD affordable housing certificate, which this building has obtained. R8B is a 4 FAR residential district.

Section 77-22 instructs how to calculate the allowable FAR of a lot split by a zoning district:

```
Each such #floor area ratio# shall be multiplied by the
percentage of the #zoning lot# to which such #floor area ratio#
applies. The sum of the products thus obtained shall be the
adjusted maximum #floor area ratio# applicable to such #zoning
lot#.
```

The zoning lot is 8,765 SF. The C2-8 portion is 8,263 SF. The R8B portion is 502 SF. The following table shows the split lot calculation instructed by 77-22.

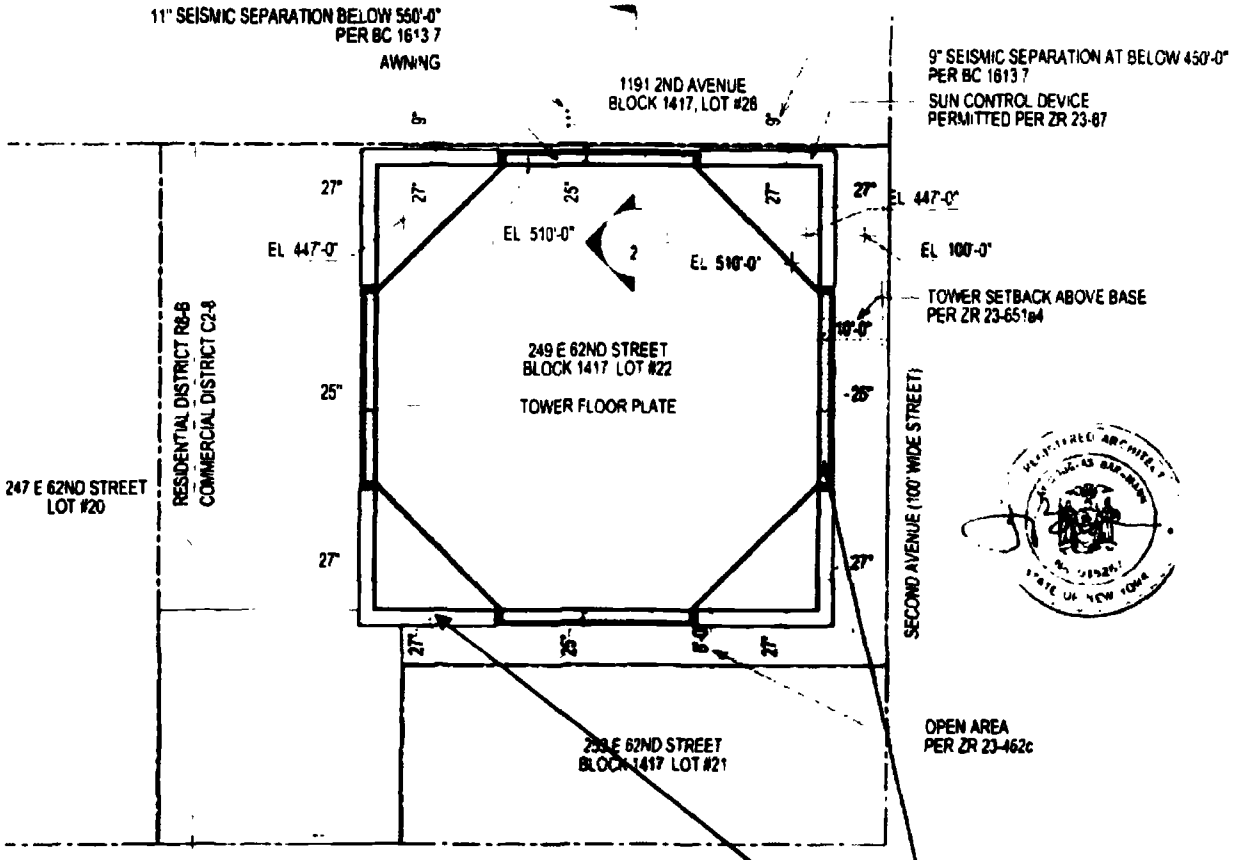
District	Lot area	Pct of lot	Base FAR	Adjusted FAR	Allowable Floor Area
C1-9	8,263	94.3%	12	11.31272	99,156
R8B	502	5.7%	4	0.229093	2,008
Total	**8,765**			**11.54181**	**101,164**

As was determined by Section 1 of this analysis, the building proposed is 103,876 SF of zoning floor area, which means that the building as proposed is overbuilt by 2,712 SF. These calculations were never shown on the ZD1, which incorrectly asserts that 12 FAR is allowed and the building proposed is 12 FAR.

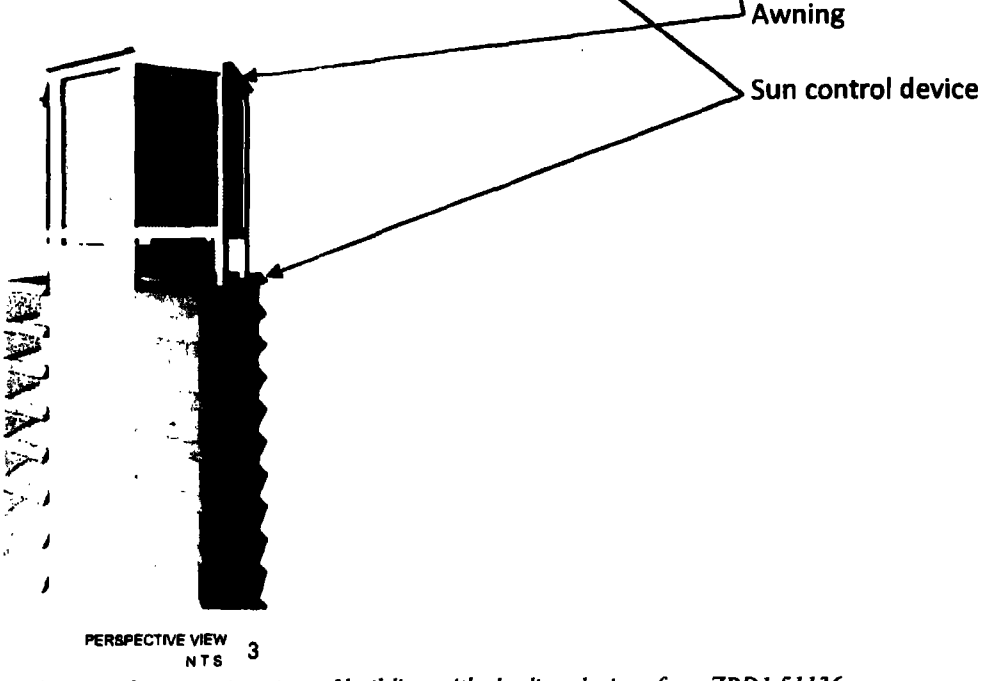
While not a part of this challenge, the DOB may wish to look into the HPD certificate to determine if the bonus it is receiving is still accurate since the building cannot be 12 FAR as claimed.

3.1 The northern side yard does not comply

ZRD1 51136 of 9/5/2017 concerns the sun shading devices planned for the upper floors of the building. The following show a plan and perspective view taken from that ZRD1:



Detail of plan from ZRD1 51136

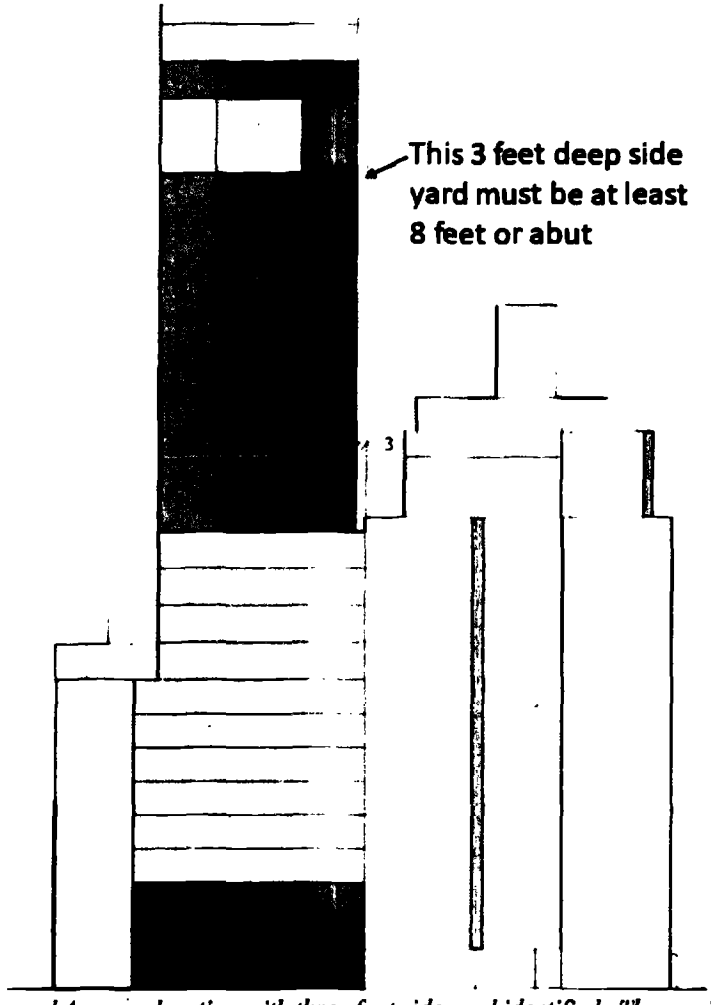


Reproduction of perspective view of building with shading devices from ZRD1 51136

At issue is the northern lot line. Regarding side lots, ZR 23-462 (c) states:

"If any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of eight feet"

The following shows the Second Avenue elevation view:



Second Avenue elevation with three foot side yard identified. The awning and sun control devices are permitted obstructions and so not shown.

There is an open area of three feet between the building wall of the new building and the lot line. If this space were eight feet, it would comply. If this space were 11 inches (the required seismic separation distance), it would also comply since ZR12-10 states that abutting buildings do not include: "separations required for seismic load as set forth in the New York City Building Code." But a three foot separation, even when up to 11 inches of that is required seismic separation distance, is not allowed under 23-462 (c) and does not comply with the side yard requirement for this district.

Indeed, ZRD1 51136 states that the solar projections are permitted obstructions in a side yard under 23-44. This is true, they are permitted obstructions in a side yard: a side yard that is too small to comply with 23-462 (c).

ZRD1 51136 involves a complex argument for two simple questions: How big is the side yard? Three feet. Does the side yard comply? No. The arguments contained in ZRD1 51136 regarding the building code are NOT contrary to the requirements of the zoning, since an eight-foot separation would have complied.

3.2 The DOB is not the Board of Standards and Appeals

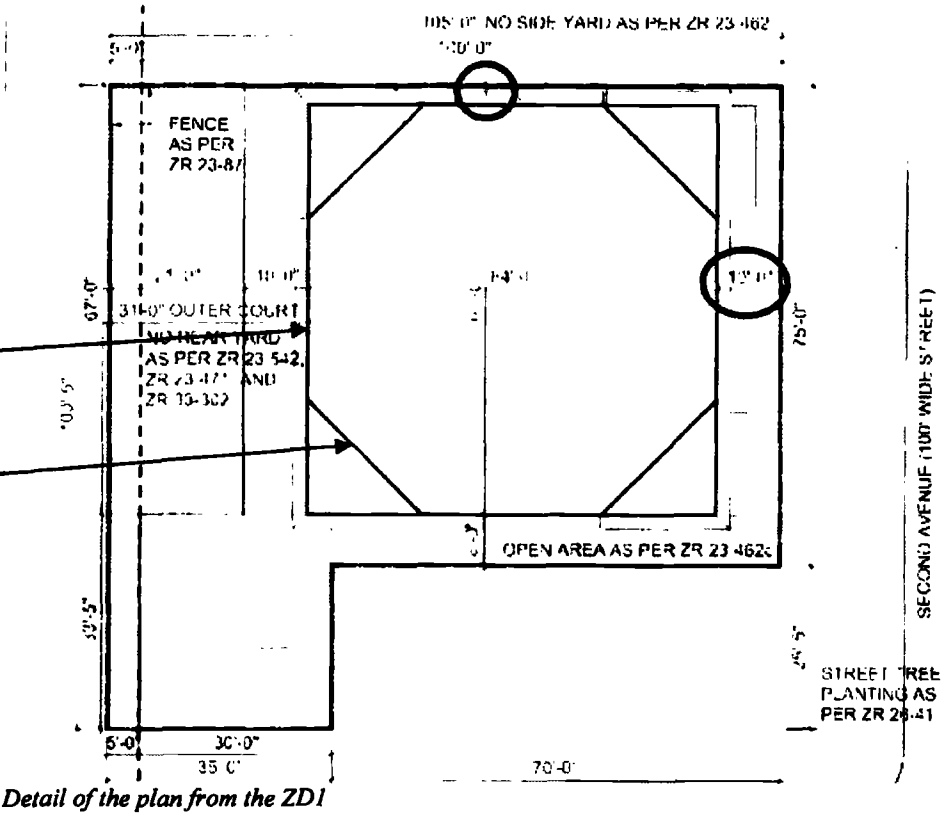
The language used in ZRD1 51136 has requests that are inappropriate for the DOB to answer. The applicant states: "This represents a hardship," and "we therefore respectfully request that a variance be granted." Zoning variances due to hardship are to be determined by the Board of Standards and Appeals (BSA) (ZR 72-01), not the Department. The case as for why an eight-foot opening on the side lot line was a hardship should have been made to the BSA, not the DOB in a ZRD1.

3.3 Even if ZRD1 were right, the building would not comply with 23-651 because its findings were not consistently applied

Even if we are to take that the findings on ZRD1 51136 are accurate, the results of its findings have not been consistently applied to this building. Furthermore, if these findings were consistently applied, then the building would not comply with ZR 23-651. The following is a detail of the plan from the ZD1:

The dark line is the exterior building wall. The tower portion is the square following this line

Exterior wall for floors 13-16



Detail of the plan from the ZD1

The northern side shows the "building" extending to the lot line (note the 67' measure goes all the way to the northern lot line.) Effectively, the projections count as an exterior building wall for the purposes of the side yard. On the other three walls, the projections do not count as an exterior building wall. Had the other three walls used the standard described by ZRD1 51136, the tower would be 69 feet by 69 feet, or 4,761 SF. A tower of this size would be 54.3% of the zoning lot, which would mean that the tower is too large under 23-651, which limits towers on lots of this size to no more than 50% of the zoning lot.

Further, ZR 23-651 requires towers to be setback 10 feet from a wide streetline. It is only 10 feet from the exterior building wall, not from the sun-shading devices that function as the exterior building wall on the north side. The applicant is mixing and matching standards on the same building, selecting whichever standard benefits them most. The applicant's intention to mix and match standards is not clear in the ZRD1; there is a difference in the representation of the exterior building wall when compared to the ZD1. In the ZRD1, the wall is shown to the edge of the awning on all sides. On the ZD1 it is only shown to the edge of the awning on the north side.

3.4 ZRD1 51136 is missing information

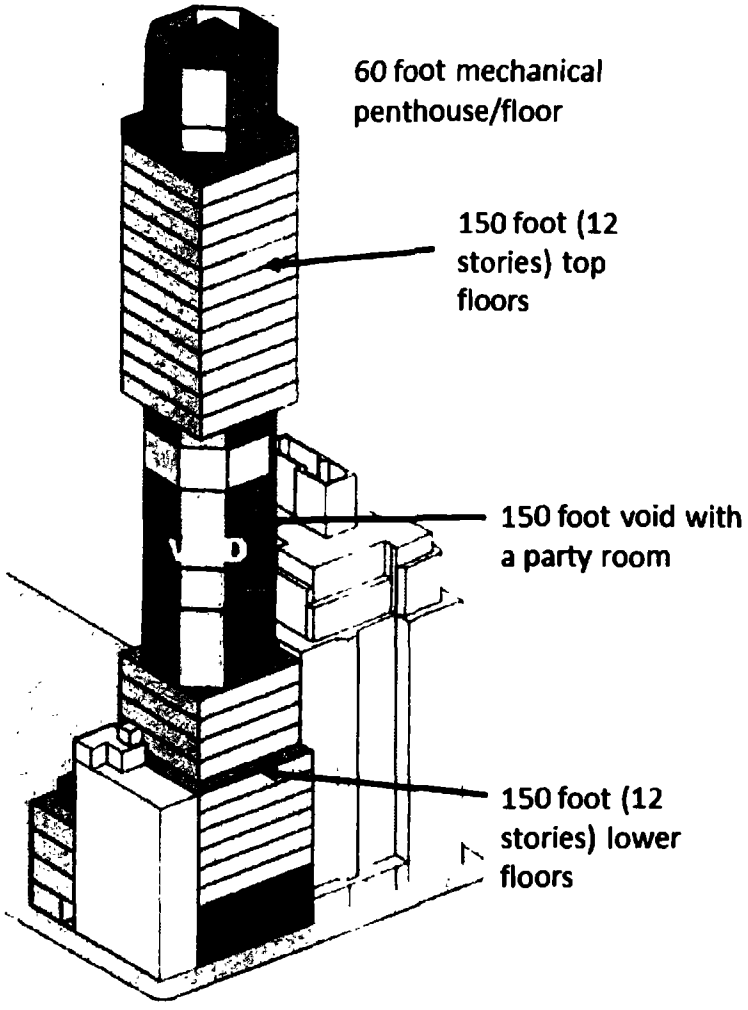
The applicant writes:

> "All issues related to protected and unprotected openings along the side lot line have been addressed through the plan examination process and in compliance with BC Table 705.8 and BB 2015-017. All issues related to zoning projections and open areas along the side lot line separation have also been addressed. The proposed design is a permitted projection in a side yard as per ZR 23-44 and is not considered Lot Coverage in ZR 12-10."

Clearly, these are permitted obstructions according to 23-44, and these are not lot coverage according to 12-10, but the logic for calling a three-foot open area along a side lot line, not a side yard is not effectively or reasonably explained at all. Further, by finding that an awning that hangs from the top of the building at 510 feet above grade function as the exterior building wall for the purposes of yards and courts, is absurd. If the Department supports such a bizarre finding, then it needs to clearly explain its logic. The answers ZRD1 51136 provides are unsatisfactory for a finding that allows an action that is clearly contrary to the Zoning Resolution.

4. The mechanical exemption is excessive and cannot be justified for any reasonable accessory mechanical use

The proposed building has an atypically large mechanical void in the middle of the building. The following is an approximation of the proposed building from information provided in the ZD1 and other sources for the proposed uses:



Approximate building massing annotated by use

We see the mechanical portion of the proposed building in gray. At issue is the space that starts at approximately 148 feet and extends to 300 feet. This space is mostly empty, but also includes an amenity room. Excluding the cellar, the amount of the building's gross floor area devoted to mechanicals and other exempt spaces is 25%.[1] Many of these mechanical void floors have very large floor-to-floor heights so that the volume of this building devoted to mechanicals and voids is nearly 31% of the building's mass. This percentage goes up to 33% if we consider the area not open to the sky that is also inscribed by perimeter walls.

This is an exceptional amount of space devoted to accessory building mechanicals and other exempt spaces. Clearly, much of this space, its configuration and floor-to-floor height serves another purpose, which is to provide extra height to the building's upper floors, yet the DOB still found the area exempt from floor area

[1] This is calculated using the correct ZFA number for this building. If we use the applicant's incorrect total at the bottom of the ZD1 it is 27%.

calculations, largely because they will be used for accessory building mechanicals.

The DOB has the responsibility to determine that the spaces claimed as mechanicals are, in fact, used for accessory building mechanicals and are reasonably proportionate to their use. If they are not, then the DOB must ask the applicant to redesign these spaces. We do not know if the DOB did any such review or simply accepted the applicant's assertion that these spaces are necessary for accessory building mechanical use, but the spaces are so large, so disproportionate to typical exempt uses, that such a review seems unlikely.

In the past, the DOB required applicants to justify their mechanical exemptions, and questioned the validity of these spaces on the record. I am attaching a ZRD1 dated 3/12/2010 that was reviewed by then Manhattan Deputy Borough Commissioner Raymond Plumney.[2] This document is the result of a DOB Notice of Objections dated 1/12/2010 where the DOB questioned the applicant's use of the mechanical exemption. This ZRD1 is notable because the building in question is what would become known as One Fifty Seven, the tallest residential building in Manhattan at the time.

The important point about this ZRD1 is that it documents the DOB asking questions and required the applicant to justify the spaces they were claiming as exempt from zoning floor area. The DOB has a duty to police the exemption, to ensure that the spaces claimed as exempt from zoning floor area actually should be exempt under the Zoning Resolution. Considering the vast increase in applications with huge spaces devoted to exempt uses[3], this "hard look" does not appear to be happening in 2017, or at least the public record is noticeably absent of such a hard look.

Fundamental to the bulk regulations written into New York City's Zoning Resolution and New York State's Multiple Dwelling Law is the concept of floor area ratio. But in certain markets, the bulk regulations for tower districts are being debased by the DOB's overly generous interpretation of exempt floor area. When DOB finds 25% of a building's floor area exempt, we have to wonder how effective zoning floor area is as a foundation to our bulk regulations.

Mr. Plumney is no longer a Manhattan Deputy Borough Commissioner. He is now the Bronx Deputy Borough Commissioner, a position he has held since 2010.[4] Mr. Pavan, the reviewer for 249 East 62nd Street, became Acting Manhattan Deputy Commissioner directly after Mr. Plumney moved to the Bronx.

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[2]https://web.archive.org/web/20100418102203/http://www.nyc.gov/html/dob/html/about/senior_leadership_team.shtml

[3] These include 15 East 30th Street, 217 West 57th Street, 180 East 88th Street, 432 Park, 281 Fifth Avenue, and 520 Park, among others.

[4]https://web.archive.org/web/20101127204904/http://nyc.gov/html/dob/html/about/senior_leadership_team.shtml

Changes in government policy should not be contingent on the individual applying the policy. Other than differences due to modifications in the Building Code, the Zoning Resolution, or Building Bulletins, they should be reviewing applications in exactly the same manner, according to exactly the same rules and policies, and with the limited information available to the public, it appears that they may not have. At minimum, the DOB should explain:

- How it ensures that an applicant's mechanical exemption is actually for mechanical spaces and is proportional to the use proposed;
- How their enforcement has changed over time; and
- Why it has changed over time.

Without such an explanation, it appears that the Department of Buildings is making policy, a role that belongs with the City Planning Commission and our elected officials.

Final thoughts

For the past 23 years, the tower-on-base building form has produced a predictable outcome: a tower usually between 300 and 350 feet that typically includes air rights from neighboring tenement(s). The form keeps a consistent streetwall, while allowing tenements to realize the value of their air rights, which effectively preserves them. These regulations have helped ensure that the Upper East Side and other Manhattan neighborhoods have maintained a variety of building forms: new and modern towers, often directly alongside historic tenements. Not only does this variety keep neighborhoods interesting, they provide different types of dwelling units and commercial spaces that help to keep neighborhoods diverse in both their residential and commercial tenants. The City Planning Commission's recent endorsement of tower-on-base form in the Sutton Place area's rezoning application underscores the broad support for the tower-on-base form. Until the recent approvals of 249 East 62nd Street and 180 East 88th Street, the tower-on-base form, and the zoning that created, it has been a success.

As stated earlier, this building is a tower-on-base unlike any ever conceived. About 200 feet taller than the typical tower-on-base building, with no air rights parcels needed or desired,[5] it is taller than the 467 foot tall Leighton House at First Avenue and 88th Street, which was one of the late 1980's towers that created the impetus for the development of the tower-on-base zoning regulation that were adopted in 1994. While there is no height limit in a tower-on-base building, the regulations are designed so that height would be *effectively* limited. We know this because the City Planning Commission (CPC) stated as much in their adoption of the tower-on-base regulations:

[5] There was a neighboring tenement that has been demolished and is being rebuilt as a complying sliver building, not even using all of its available floor area. (DOB job number: 121332138)

> "The height of the tower would be effectively regulated by using a defined range of tower coverage (30 to 40%) together with a required percentage of floor area under 150 feet (55 to 60%)."[6]

The tower-on-base rules were carefully considered over a period of years, with a process that involved the public and several Community Boards. According to the CPC's ULURP documents from that era, the text amendment was approved by Community Boards 2, 4, 6, and 8 with not a single no vote from any Community Board member. The tower-on-base rules that were developed a generation ago to help protect and preserve our highest density residential neighborhoods are important, but they only work if the DOB polices the use of the mechanical exemption. Without the DOB ensuring that spaces claimed as exempt from zoning floor area are proportionally sized according to their exempt purpose, the regulations that the public considered, the CPC designed, and the lawmakers approved, become ineffective.

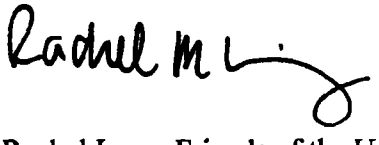
To be clear, we believe that the DOB does excellent work, especially as it regards issues of health and safety and is a national leader in this area. But the DOB should understand that its inaction on excessive mechanical exemptions is undermining the Zoning Resolution and the protections and certainty it provides developers, property owners and the general public. I hope you use this as an opportunity to seriously reconsider how you administer spaces claimed as exempt from zoning floor area.

Thank you for your attention to this matter. Should you have any questions or would like to discuss, please feel free to contact me at 917-612-7478 or george@georgejanes.com.

Sincerely,

George M. Janes, AICP, George M. Janes & Associates

For



Rachel Levy, Friends of the Upper East Side Historic Districts

[6] N 940013 ZRM. Page 6

Attachments: ZD1 and ZRD1 51136 for 249 East 62nd Street
ZRD1 9631 for job 120011192

CC: Bill de Blasio, New York City Mayor
Daniel Garodnick, New York City Council Member
Benjamin Kallos, New York City Council Member
Gale Brewer, Manhattan Borough President
Liz Krueger, New York State Senator
Rebecca Seawright, New York Assembly Member
Beth Lebowitz, Director, Zoning Division, DCP
Erik Botsford, Deputy Director, Manhattan, DCP
Raju Mann, Director, Land Use, New York City Council
James G. Clynes, Chair, Community Board 8
Julianne Bertagna, Treadwell Farm Historic District Association
Barry Schneider, East Sixties Neighborhood Association
Valerie Mason, East 72nd Street Neighborhood Association
Betty Cooper Wallerstein, East 79th Street Neighborhood Association
Elizabeth Ashby, Defends of the Historic Upper East Side
Lo van der Valk, Carnegie Hill Neighbors
Alan Kersh, East River Fifties Alliance
Alexander Adams, CIVITAS
Sean Khorsandi, Landmark West!
Elizabeth Goldstein, Municipal Art Society of New York
Peg Breen, New York Landmarks Conservancy
Simeon Bankoff, Historic Districts Council
Andrew Berman, Greenwich Village Society for Historic Preservation
Olive Freud, Committee for Environmentally Sound Development

DEPT OF BLDGS 122875965 Job Number

Scan Code

NYC Buildings

ZD1 Zoning Diagram

Must be typewritten

Ontent and affix BIS job number label here

Submitted to resolve objections stated in a notice of intent to revoke issued pursuant to rule 101-15 ☐ Yes ☒ No

Location Information

House No(s) 249
Street Name E 62nd Street

Borough Manhattan
Block 1417
Lot 22
BIN 1043859

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. I understand that if I am found after hearing to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (please print) Jay D. Bargmann

Signature Date 3-11-10

REGISTERED ARCHITECT J. DOUGLAS BARGMANN No. 015257 STATE OF NEW YORK

P.E./R.A. Seal (apply seal, then sign and date over seal)

Internal Use Only

BIS Doc #

Plan Examiner Signature and Date

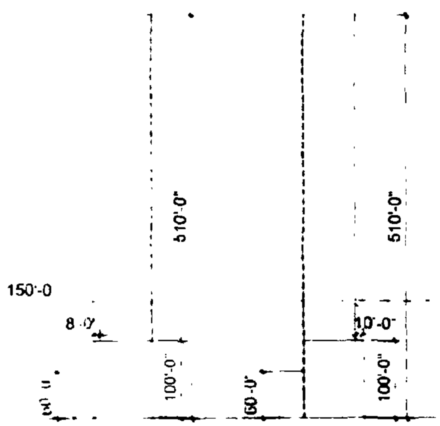
07/09

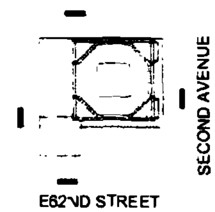
510'-0" BUILDING HEIGHT AS PER ZR 23-651

100'-0" STREET WALL AT 2ND AVENUE AS PER ZR 23-651

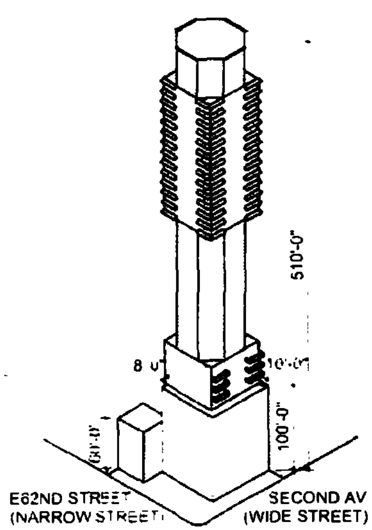
60'-0" STREET WALL AT E 62ND STREET AS PER ZR 23-662, ZR 23-692

55% FLOOR AREA BELOW 150'-0" AS PER ZR 23-651





SECTION DIAGRAM 02
SCALE NTS



AXONOMETRIC DIAGRAM 03
SCALE NTS

PERMITTED OBSTRUCTIONS

AS PER ZR 23-12 ZR 23-87
ZR 23-132, ZR 23-651

REQUIRED SETBACKS

FRONT AS PER ZR 23-651
REAR AS PER ZR 23-542
SIDE AS PER ZR 23-462

60' STREET WALL AT E62 STREET (NARROW STREET)

AS PER ZR 23-662

100' STREET WALL AT 2ND AVENUE (WIDE STREET)

AS PER ZR 23-651

LEGEND

C 2-8 + R8B
C 2-8 RESIDENTIAL DISTRICT EQUIVALENT R10

- ZONING LOT LINE
- PROPOSED BUILDING
- DISTRICT BOUNDARY
- EXISTING STREET TREE
- PERMITTED OBSTRUCTIONS
- MAXIMUM BUILDING ENVELOPE

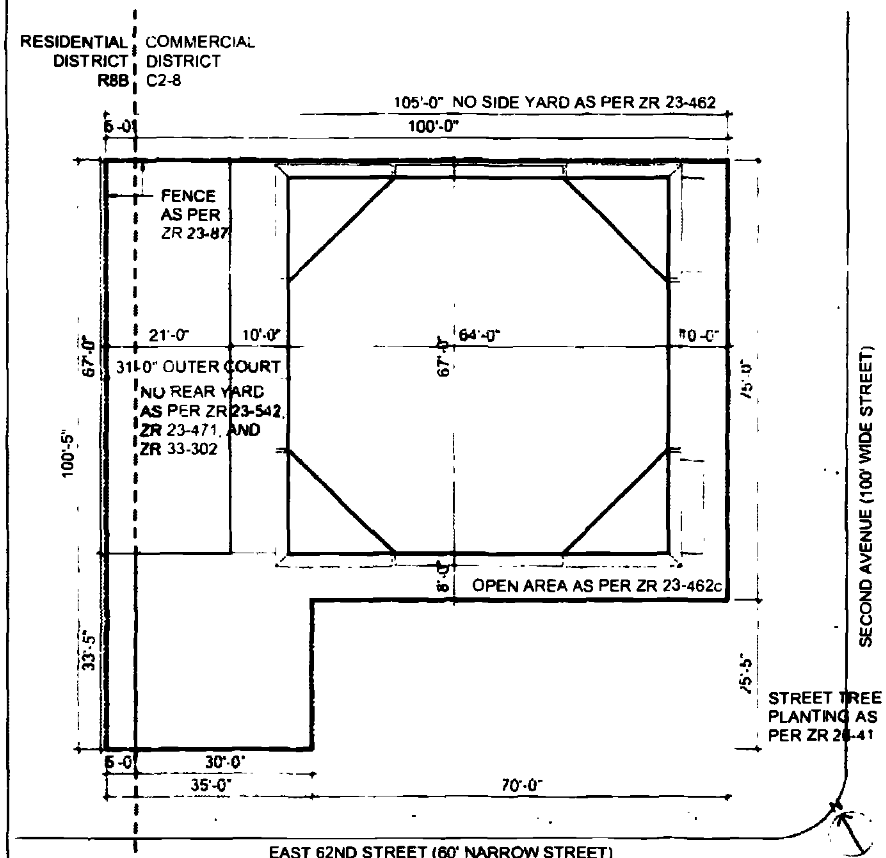
LOT AREA

C2-8 = 8,263 SF
R8B = 502 SF
TOTAL = 8,765 SF

LOT COVERAGE

(C2-8) 86% AS PER ZR 23-651
(R8B) 33% AS PER ZR 23-153

MAXIMUM TOWER LOT COVERAGE 50% AS PER ZR 23-651
MINIMUM TOWER LOT COVERAGE 30% AS PER ZR 23-651



SITE PLAN DIAGRAM 01
SCALE 1" = 20'-0"

NYC Buildings

ZD1 Zoning Diagram

Must be typewritten
Sheet 1 of 2

1 Applicant Information *Required for all applications*

Last Name	Bargmann	First Name Jay	Middle Initial D
Business Name	Rafael Vinoly Architects	Business Telephone	212-964-5060
Business Address	50 Vandam Street	Business Fax	
City	New York	State NY Zip 10013	Mobile Telephone
E-Mail	jbargmann@vinoly.com	License Number	15267

2 Additional Zoning Characteristics *Required as applicable*

Dwelling Units 83 Parking area 0 sq ft Parking Spaces Total 0 Enclosed 0

3 BSA and/or CPC Approval for Subject Application *Required as applicable*

Board of Standards & Appeals (BSA)

- ☐ Variance — Cal No — Authorizing Zoning Section
- ☐ Special Permit — Cal No — Authorizing Zoning Section
- ☐ General City Law Waiver — Cal No
- ☐ Other — Cal No

City Planning Commission (CPC)

- ☐ Special Permit — ULURP No — Authorizing Zoning Section
- ☐ Authorization — App No — Authorizing Zoning Section
- ☐ Certification — Authorizing Zoning Section
- ☐ Other — App No

4 Proposed Floor Area *Required for all applications One Use Group per line*

Floor Number	Building Code Gross Floor Area (sq ft)	Use Group	Zoning Floor Area (sq ft) Residential	Community Facility	Commercial	Manufacturing	FAR
Sub-Cellar	6,532	2	0	0	0	0	0
Cellar	7,855	2	0	0	0	0	0
1	2,629	6	0	0	2,588	0	0.3
1	4,644	2	4,497	0	0	0	0.5
2	6,688	2	1,149	0	0	0	0.7
3	6,312	2	5,907	0	0	0	0.7
4	6,688	2	6,277	0	0	0	0.7
5	5,719	2	5,325	0	0	0	0.6
6	5,518	2	5,132	0	0	0	0.6
7	5,518	2	5,132	0	0	0	0.6
8	5,518	2	5,132	0	0	0	0.6
9	3,942	2	3,645	0	0	0	0.4
10	3,942	2	3,645	0	0	0	0.4

ZD1

Sheet 2 of 2

4 Proposed Floor Area *Required for all applications One Use Group per line*

Floor Number	Building Code Gross Floor Area (sq ft)	Use Group	Zoning Floor Area (sq ft) Residential	Community Facility	Commercial	Manufacturing	FAR
11	3,942	2	3,645	0	0	0	0.4
12	3,942	2	3,645	0	0	0	0.4
13	3,865	2	0	0	0	0	0
14	3,029	2	0	0	0	0	0
15	3,168	2	3,073	0	0	0	0.3
16	3,029	2	0	0	0	0	0
17	4,096	2	3,757	0	0	0	0.4
18	4,096	2	3,757	0	0	0	0.4
19	4,096	2	3,757	0	0	0	0.4
20	4,096	2	3,757	0	0	0	0.4
21	4,096	2	3,757	0	0	0	0.4
22	4,096	2	3,757	0	0	0	0.4
23	4,096	2	3,757	0	0	0	0.4
24	4,096	2	3,757	0	0	0	0.4
25	4,096	2	3,757	0	0	0	0.4
26	4,096	2	3,757	0	0	0	0.4
27	4,096	2	3,757	0	0	0	0.4
28	4,096	2	3,757	0	0	0	0.4
29	4,096	2	0	0	0	0	0
30	3,322	2	0	0	0	0	0
31	3,322	2	0	0	0	0	0
Totals	152,370		98,526	0	2,588	0	12.0
				Total Zoning Floor Area			101.114

07/09

MRC00005695 | DEPT OF BLDGS 122975995 Job Number | ES472573569 Scan Code

NYC Buildings

ZRD1: Zoning Resolution Determination Form

Orient and affix BIS job number label here

Must be typewritten.

Use this form only to request Zoning Resolution determination (use CCD1 for all other requests)

1 Location Information *Required for all requests on filed applications.*

House No(s) 1179 Street Name Second Avenue

Borough Manhattan Block 1417 Lot 22 BIN 1813804 CB No. 108

2 Applicant Information *Required for all requests on filed applications.*

Last Name Bargmann First Name Jay D. Middle Initial

Business Name Rafael Vinoly Architects, PC Business Telephone (212) 924-5060

Business Address 50 Vandam Street, Business Fax

City New york State NY Zip 10013 Mobile Telephone

E-Mail jbargmann@rvapc.com License Number 015267

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: ☐ Attorney ☑ Filing Representative (Class 2) ☐ Other

Last Name Piedrahita First Name Claudia Middle Initial

Business Name Milrose Consultants, Inc. Business Telephone (917) 748-6713

Business Address 498 Seventh Avenue, 17th Floor Business Fax (212) 643-4859

City New York State NY Zip 10018 Mobile Telephone (917) 748-6713

E-Mail determinationteam@milrose.com License/Registration # (if P.E./R.A./R.L.A./Attorney)

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

Determination request is for: ☑ Determination ☐ Predetermination

Determination request issued to: ☐ Borough Commissioner's Office ☐ Technical Affairs

Job associated with this request? ☑ Yes (provide job # / doc # / obj # / examiner name below) ☐ No

Job #: 122975995 Document #: 01 Objection # Examiner: A. Atkins

Has this request or a similar one been previously Denied? ☑ Yes *(attach all denied request form(s) and attachment(s))* ☐ No

Enter short description of Technical Topic (5 words or less): Building Projections

Enter All Control #(s) for related CCD1/ZRD1 requests: 50813

Zoning District(s): C2-8 / R8B TPPN, Memo:

Zoning Overlay(s): N/A MDL:

Special District(s): N/A BBs: 2015-017

ZR Section: 23-44, 12-10 Code Section: 705.2 Other:

Rule #:

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	
Control #	Reviewed by: Scott DeRaven, RA Borough Commissioner
Appointment Scheduled With:	
Comments:	
Review Team Members:	
Reviewed By:	**Date**

APPROVED WITH CONDITIONS

Date: 09/05/2017

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. ***(attachment may not be larger than 11" x 17")***
If request is based on a plan examiner objection, type in the applicable objection text exactly as it appears on the Objection sheet and include a copy of the Objection sheet in the submitted Pdf.

Respectfully request a variance to permit a proposed building projection along the North lot line of a new building as indicated by DOB objections dated 3/17/2017 and stated as follows:

Page 37 – Show compliance with requirements of BC 705.2.

At issue is a proposed building projection (awning) along the North exterior wall which is setback from the adjacent property (Tax Lot 28). The proposed projection is in keeping with the general design for the building elevation and represents an integral element in the design of the proposed exterior wall design; the proposed projection distance of the awning is 25 inches in compliance with ZR 23 - 44.

All issues related to protected and unprotected openings along the side lot line have been addressed through the plan examination process and in compliance with BC Table 705.8 and BB 2015 - 017.

All issues related to zoning projections and open areas along the side lot line separation have also been addressed. The proposed design is a permitted projection in a side yard as per ZR 23 – 44 and is not considered to be lot coverage as per the definition of Lot Coverage in ZR 12 – 10.

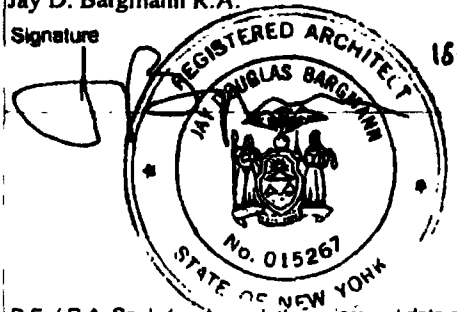
Accordingly; BC 705.2 indicates that building projections must meet one of three solutions whichever provides the least projected dimension.

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

6 Statements and Signature *Required for all requests (If Attorney, include "Esquire" or "Esq." in signature)*

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) Jay D. Bargmann R.A.

Signature 

Date 16-8-2017

R.E. / R.A. Seal *(apply seal, then sign and date over seal – not required for Attorneys on unfiled applications)*

ADMINISTRATIVE USE ONLY

REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner

Comments:

Reviewed By:

Date:

APPROVED
WITH CONDITIONS

Date: 09/05/2017

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

The North exterior wall above 150' feet above grade is to be setback off the North side lot line a minimum distance of 3 feet; the total height of the building will be 510'-0" to the top of the mechanical bulkhead enclosure. Allowing for 11 inches of the 3 feet needed to accommodate the mandated seismic separation distance of 1" / 50 feet ratio the remaining distance is 25 inches which is for the building projection (awning) from the building.

Using the criteria established under BC 705.2 the maximum allowable building projection would be 18 inches (1/2 the distance from the exterior face of the wall to the tax lot line where the building is provided with full sprinkler protection). This provision does not allow for the required seismic design separation which effectively shifts the tax lot line by 11 inches in regard to our site conditions as per BC 1613.7; in practice then the proposed shifted separation distance is 25 inches.

Applying the criteria under BC 705.2 would limit the proposed projection to 12.5 inches. This represents a hardship created by conflicting Building Code and Zoning Resolution requirements; a 12.5 inches projection would create a non-complying side yard condition.

The proposed projection therefore addresses the conflicts and represents the minimum projection in order to comply with the mandatory seismic separation distance and to eliminate the conflict for zoning related to an open area along a side lot line.

We therefore respectfully request that a variance be granted to allow for the projected awning along the North lot line as indicated in the design drawings.

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

8 Statements and Signature *Required for all requests (If Attorney, include "Esquire" or "Esq." in signature)*

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) Jay D. Bargmann, R.A.

Signature

Date 15.8.2017

REGISTERED ARCHITECT JAY DOUGLAS BARGMANN No. 015267 STATE OF NEW YORK

P.E. / R.A. Seal *(apply seal, then sign and date over seal – not required for Attorneys on unfiled applications)*

ADMINISTRATIVE USE ONLY

REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner

Comments:

Reviewed By:

Date

APPROVED
WITH CONDITIONS

Date: 09/05/2017

ZRD1/CCD1 Response Form

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

House No(s) 1179 Street Name Second Avenue

Borough Manhattan Block 1417 Lot 22 BIN 1813804 Job No. 122975995

DETERMINATION (To be completed by a Buildings Department official)

Request has been:	☐ Approved	☐ Denied	☒ 8	Approved with conditions
Follow-up appointment required?	☐ Yes	☒ No		

Primary Zoning Resolution or Code Section(s): BC 705.2 (2)

Other secondary Zoning Resolution or Code Section(s):

Comments:

The request to accept the proposed sun shading devices extending beyond the exterior north building wall in excess of that permitted BC 705.2(2) is hereby approved with conditions.

The proposed devices project beyond the prescribed 12.5" and 13.5" from the exterior wall per BC 705.2(2). The request is accepted provided:

1. The applicant shall clearly indicate on plans that the proposed devices are constructed entirely of non-combustible materials.

Name of Authorized Reviewer (please print):

Title (please print):

Authorized Signature: REVIEWED BY Scott D. Pavan, RA Borough Commissioner Date: Time:

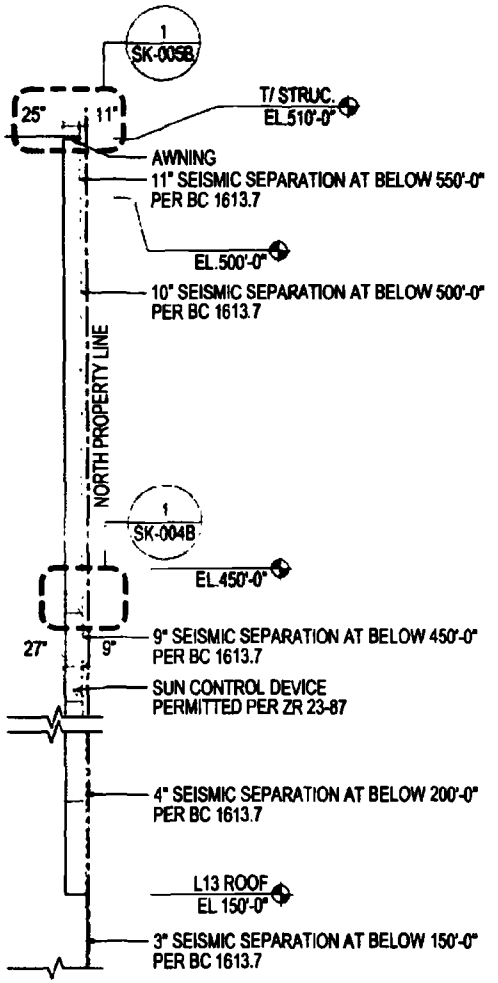
Issuers: write signature, date, and time on each page of the request forms, and attach this form .

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

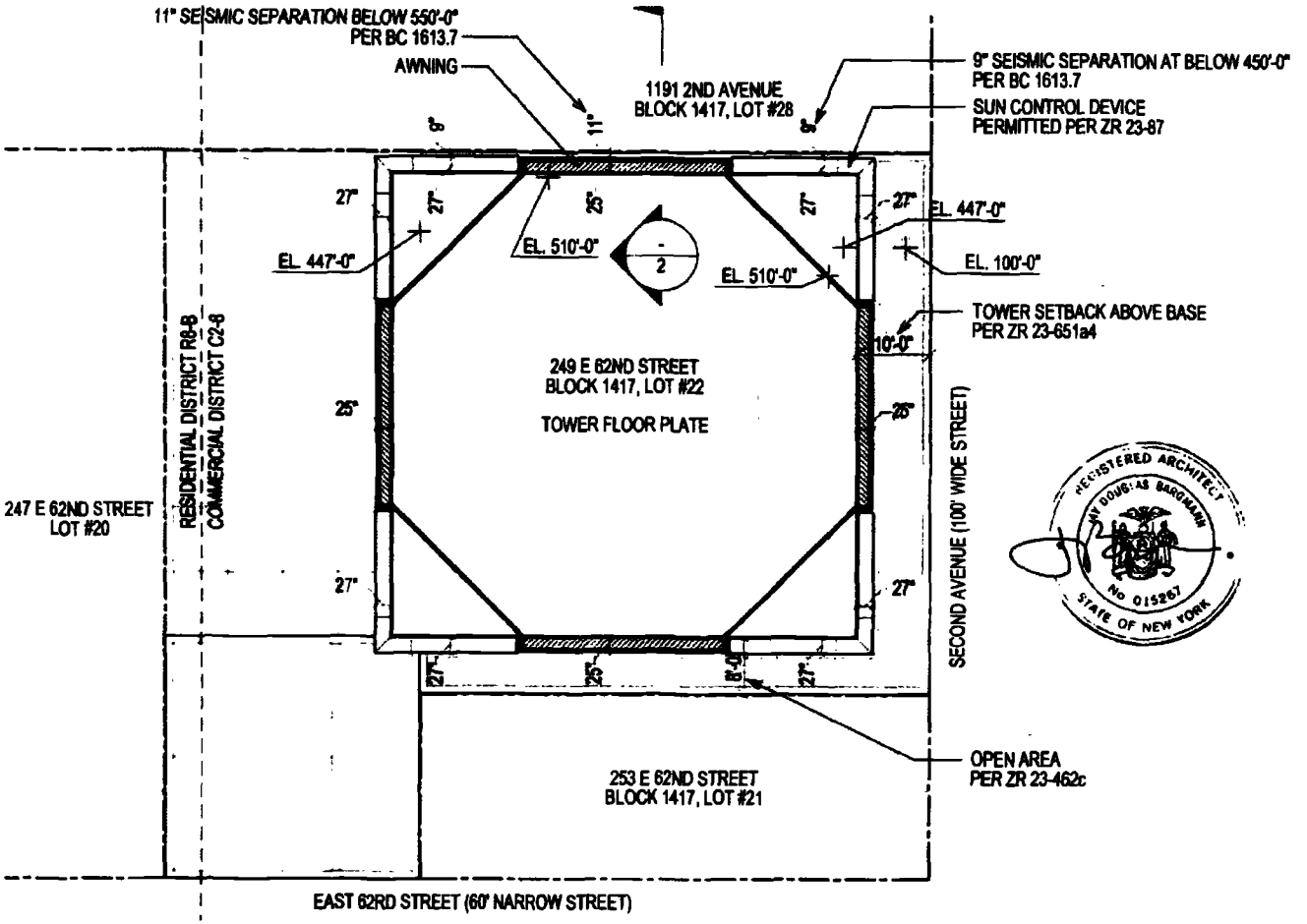
APPROVED WITH CONDITIONS

Date: 09/05/2017

6/09



SECTION DIAGRAM 2
1/16" = 1'-0"



PLAN DIAGRAM 1
1/16" = 1'-0"

REGISTERED ARCHITECT
JAN DOUG AS BARGMANN
No. 015267
STATE OF NEW YORK

REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner
APPROVED
WITH CONDITIONS
Date: 09/05/2017

249 E 62ND STREET
NEW YORK, NY 10065

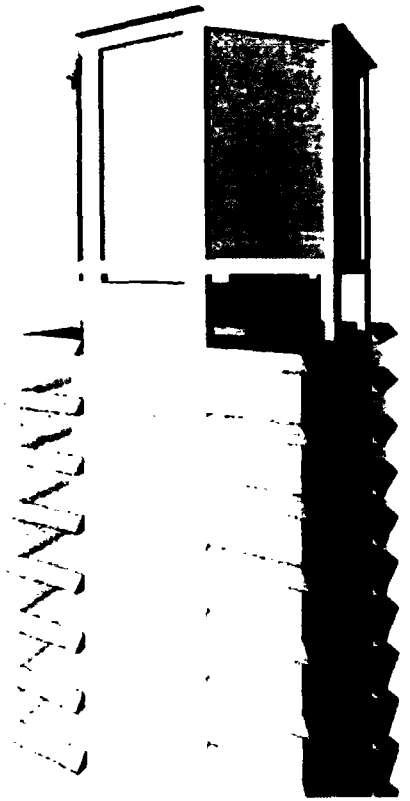
PROJECT NO. 714.000

07/03/17

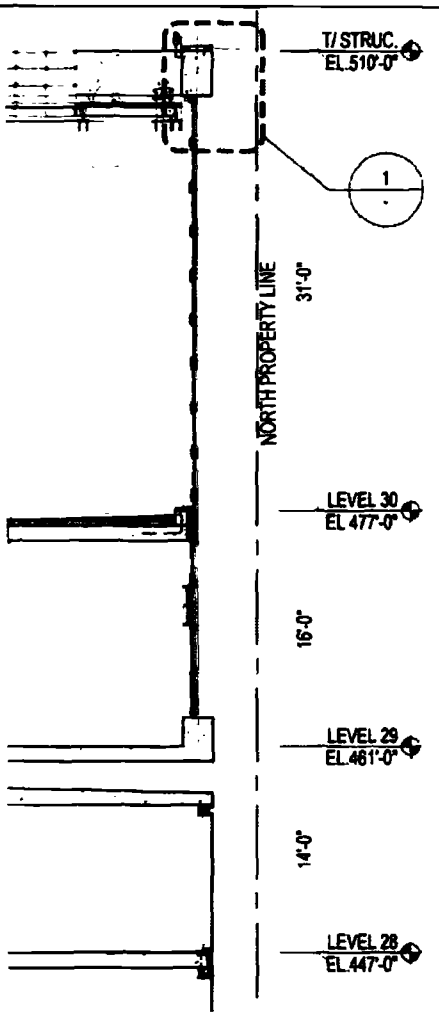
SHEET TITLE: SEISMIC SEPARATION COVERAGE DIAGRAM

SCALE: 1/16" = 1'-0"

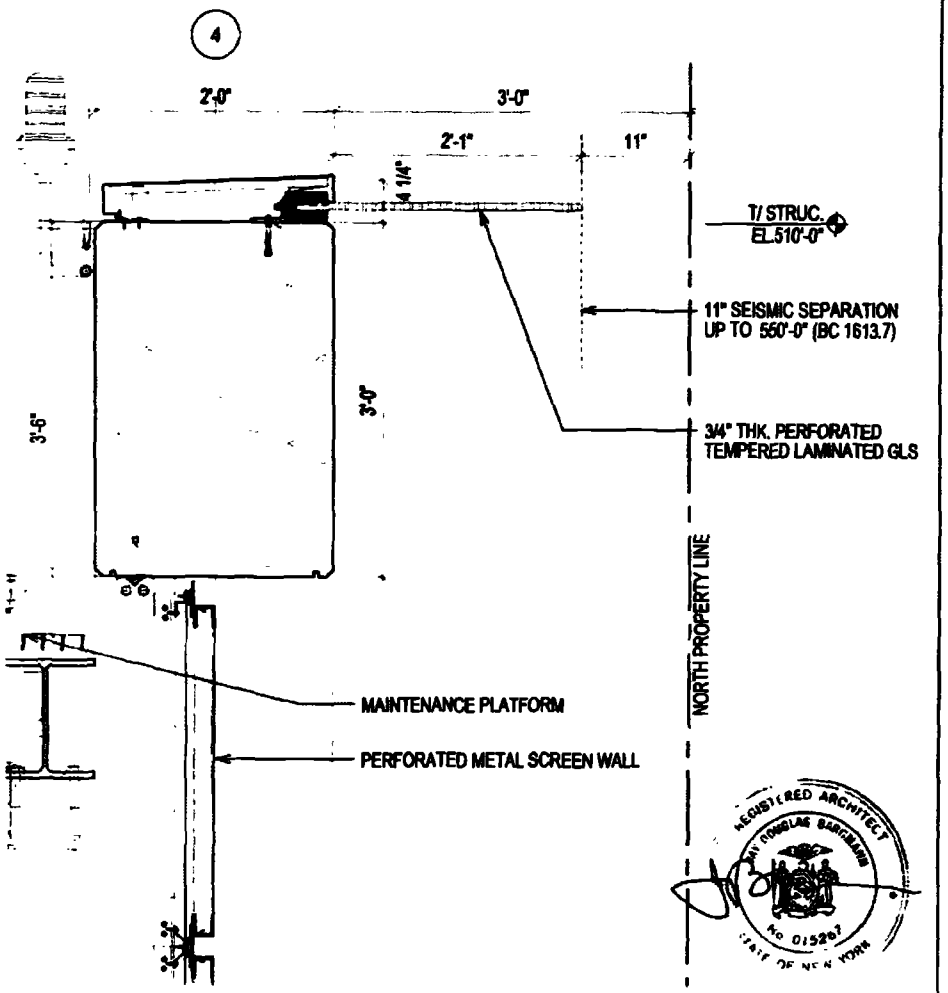
SHEET NUMBER: SK-005A



PERSPECTIVE VIEW 3
N.T.S.



PARTIAL SECTION B-C TO WEST
1/8" = 1'-0"



TOP OF STRUCTURE SECTION DETAIL 1
1" = 1'-0"

REVIEWED BY
Scott D. Pavah, RA
Borough Commissioner

APPROVED
WITH CONDITIONS
Date: 09/05/2017

249 E 62ND STREET
NEW YORK, NY 10065

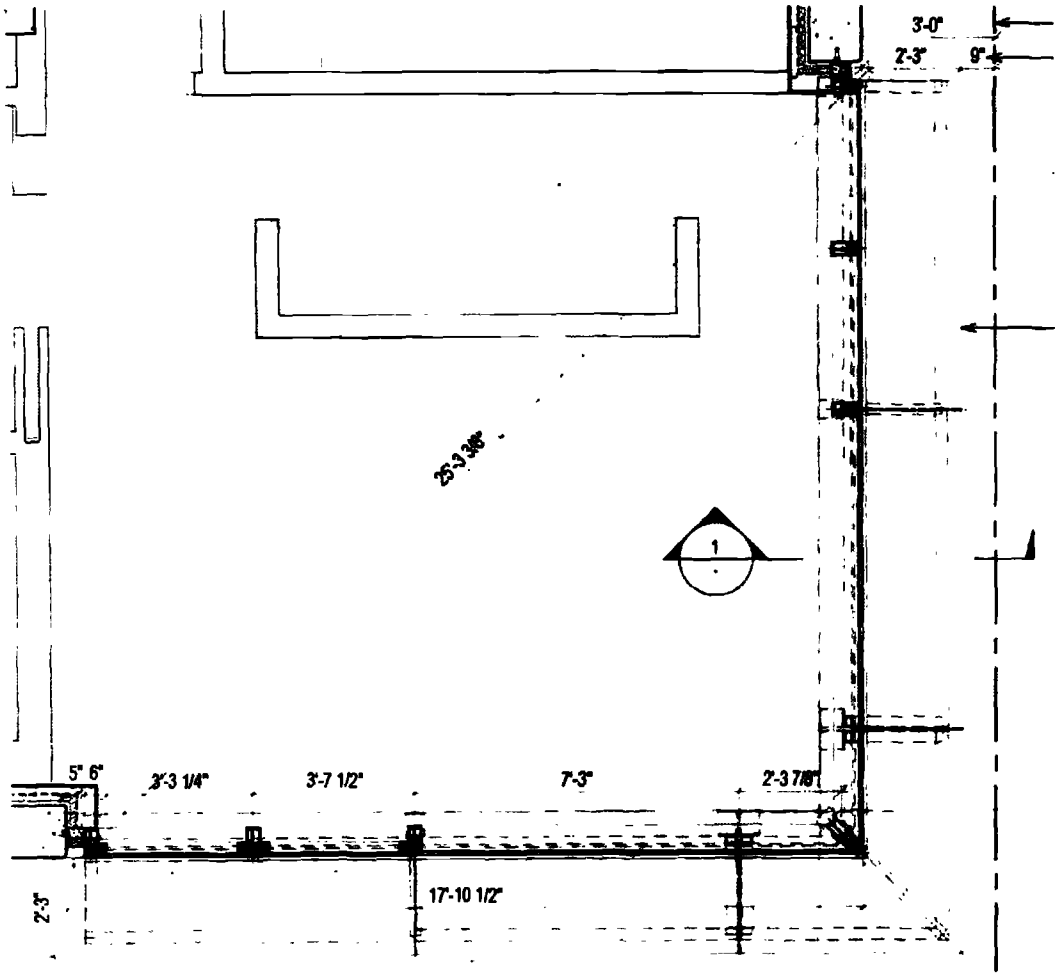
PROJECT NO. 714.000

07/03/17

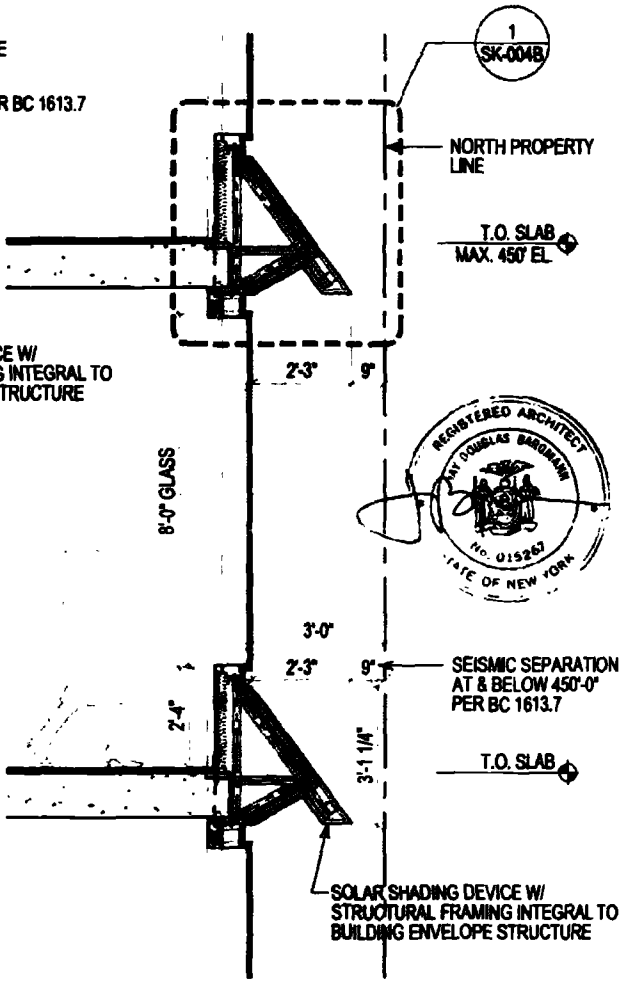
SHEET TITLE: SEISMIC SEPARATION COVERAGE DIAGRAM

SCALE:
AS NOTED

SHEET NUMBER:
SK-005B



TYPICAL PLAN OF TOWER CORNER 2



TYPICAL SECTION 1
3/8" = 1'-0"

Reviewed By
Scott D. Pezzi, RA
Borough Commissioner

APPROVED
WITH CONDITIONS
Date: 09/01/2017

249 E 62ND STREET
NEW YORK, NY 10065

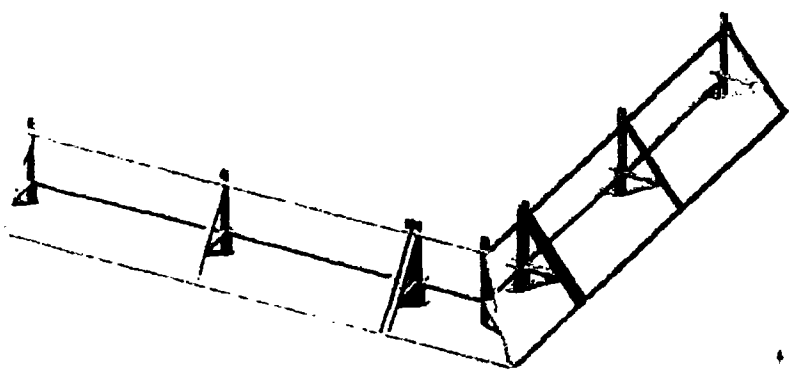
PROJECT NO 714.000

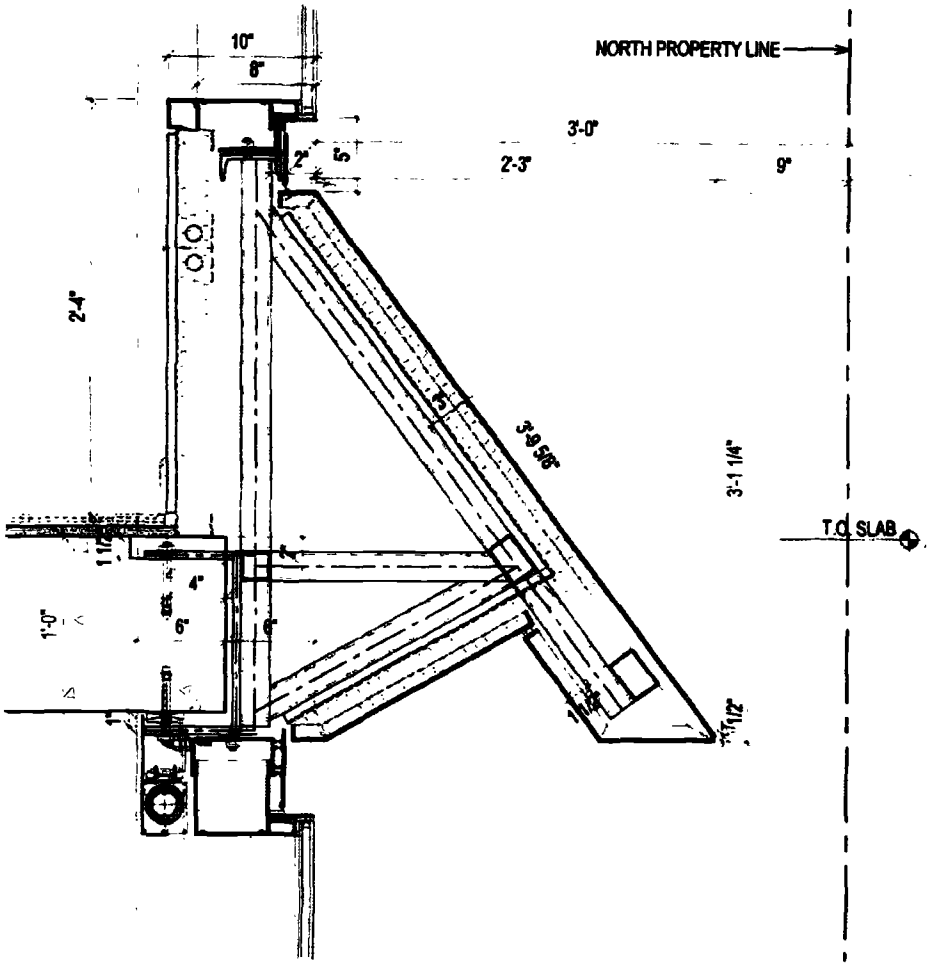
06/23/17

SHEET TITLE: EWS-01 WINDOW WALL W/ SUNSHADES

SCALE:
3/8" = 1'-0"

SHEET NUMBER:
SK-004A





STRUCTURAL FRAMING DIAGRAM
N.T.S.

2

TYPICAL SECTION DETAIL
1-1/2" = 1'-0"

1

REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner

APPROVED
WITH CONDITIONS

Date: 06/06/2017

REGISTERED ARCHITECT
JAY DOUGLAS BRICKMAN
No. 015267
STATE OF NEW YORK

249 E 62ND STREET
NEW YORK, NY 10065

PROJECT NO 714.000

06/23/17

SHEET TITLE: EWS-01 WINDOW WALL W/ SUNSHADES

SCALE:
AS NOTED

SHEET NUMBER:
SK-004B

DEPT BLDGS 110463418 Job Number

SC130530497 Scan Code

ZRD1/CCD1 Response Form

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

House No(s): 143 Street Name: Wooster Street

Borough: Manhattan Block: 1010 Lot: 7503 BIN: 1023723 Job No.: 120011192

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): ZR 12-10

Other secondary Zoning Resolution or Code Section(s): ZR 34-42 & ZR 34-422

Comments:

This CCD1 Response Form hereby supersedes the CCD1 previously issued on March 12, 2010.

Request for a determination to include the horizontal branches of the plumbing lines and their respective chases in calculating zoning mechanical deductions, under ZR 12-10, is hereby approved based on drawings submitted nos. Z-1, Z-10, Z-11 and Z-12, dated February 16, 2010.

CONTROL NO. 9631

Name of Authorized Reviewer (please print): Raymond Plumey, FAIA

Title (please print): Deputy Borough Commissioner

Authorized Signature: [signature] Date: 04-02-10 Time: 4:30 PM

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.

6/09

NYC Buildings

ZRD1: Zoning Resolution Determination Form

Must be typewritten.

110463418

Orient and affix BIS job number label here

9631

1 Location Information *Required for all requests on filed applications.* 05137 - obj -01,07

House No(s) 143 Street Name WEST 57TH STREET

Borough MANHATTAN Block 1010 Lot 7503 BIN 1023723 CB No. 105

2 Applicant Information *Required for all requests on filed applications.*

Last Name Davidson First Name James Middle Initial

Business Name SLCE Architects Business Telephone 212-979-8400

Business Address 841 Broadway, 7th Floor Business Fax

City New York State NY Zip 10003 Mobile Telephone

E-Mail License Number 014019

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 Silberman First Name Nathan Middle Initial B.

Business Name Construction Consulting Associates, Inc. Business Telephone 212-385-1818

Business Address 100 CHURCH STREET, SUITE #1625 Business Fax 212-385-1911

City New York State NY Zip 10007 Mobile Telephone

E-Mail License/Registration # (if P.E./R.A./Attorney)

DOB PENS ID # (if available)

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: 120011192 Document Number: 4 Examiner: K. Flayden

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): 12-10 Z.R., 34-42 Z.R., 34-422 Z.R.

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: High Rise Exam

2010 MAR 18 AM 9:

ADMINISTRATIVE USE ONLY

Reference #: 9631 Appointment date: Appointment time:

Appointment Scheduled With:

Comments:

Reviewed By: [signature], RA Date 03/18/10 Time: 8:30 AM

PC. 2 OF 4

6/09

6	**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.

Respectfully request determination that objection #1 and #7 to PAA dated 1/12/10 which states:

[1] SF Deductions – typical floors. The square footage taken for plumbing chases is excessive. Deductions have been taken where there appears to be no plumbing or ductwork. Correct zoning calculations.

[7] The mechanical deductions submitted on 2/5/10 are still excessive. There are deductions taken in areas where there does not appear to be mechanical equipment/plumbing to support the deductions. Revise the mechanical deductions. Deductions can only be taken where there is slab penetration. There are NO deductions for areas where plumbing/mechanical ductwork is running horizontally!

The mechanical deductions taken for plumbing vertical & horizontal chase are in compliance with the definition and intent of exclusion from floor area as per Sec. 12-10 ZR. for the following reasons:

1. Subject application is for the construction of a High Rise Luxury Transient Hotel and Residential Condominium above, requiring larger diameter piping to properly serve the water and waste demands requiring thicker pipe shafts.

2. The hotel room arrangements require multiple pipe shafts because each unit has a full bath and in some units multiple bathrooms, thus increasing the typical percent of shaft deductions. Additionally the non typical luxurious hotel bathrooms often will have a shower in addition to a bathtub thus requiring additional horizontal and vertical pipe shafts. In many cases the showers are outfitted with shower heads in more than one wall of the shower requiring even more horizontal and vertical pipe runs/shafts.

3. The design of the residential condominium include many very large units with multiple bedrooms, many having their own bathroom, thus increasing the number of shafts and the percentage of plumbing and mechanical shaft deductions.

4. Many of the residential master bathrooms will have a shower in addition to the bathtub; these showers will have shower heads in more than one of the shower enclosure walls requiring additional horizontal and vertical shafts.

5. The residential kitchen designs call for fixtures on more than one or two walls to accommodate luxurious amenities i.e. more than one dishwasher, ice machine, separate cook tops and ovens, multiple sinks, etc. Thus the need for more than the typical number of wet horizontal or vertical shafts.

6. It is proposed to use vertical heat pumps to heat and cool the residential units and that fresh air is supplied to both the hotel and residential units, further increasing the percentage of mechanical (shaft) deductions.

7. It is important to note that spacial and construction cost economy has been sacrificed i.e. few back to back bathrooms or kitchens, to create luxurious layouts, all resulting in mechanical deductions at a higher range.

CANCEL NO. 963

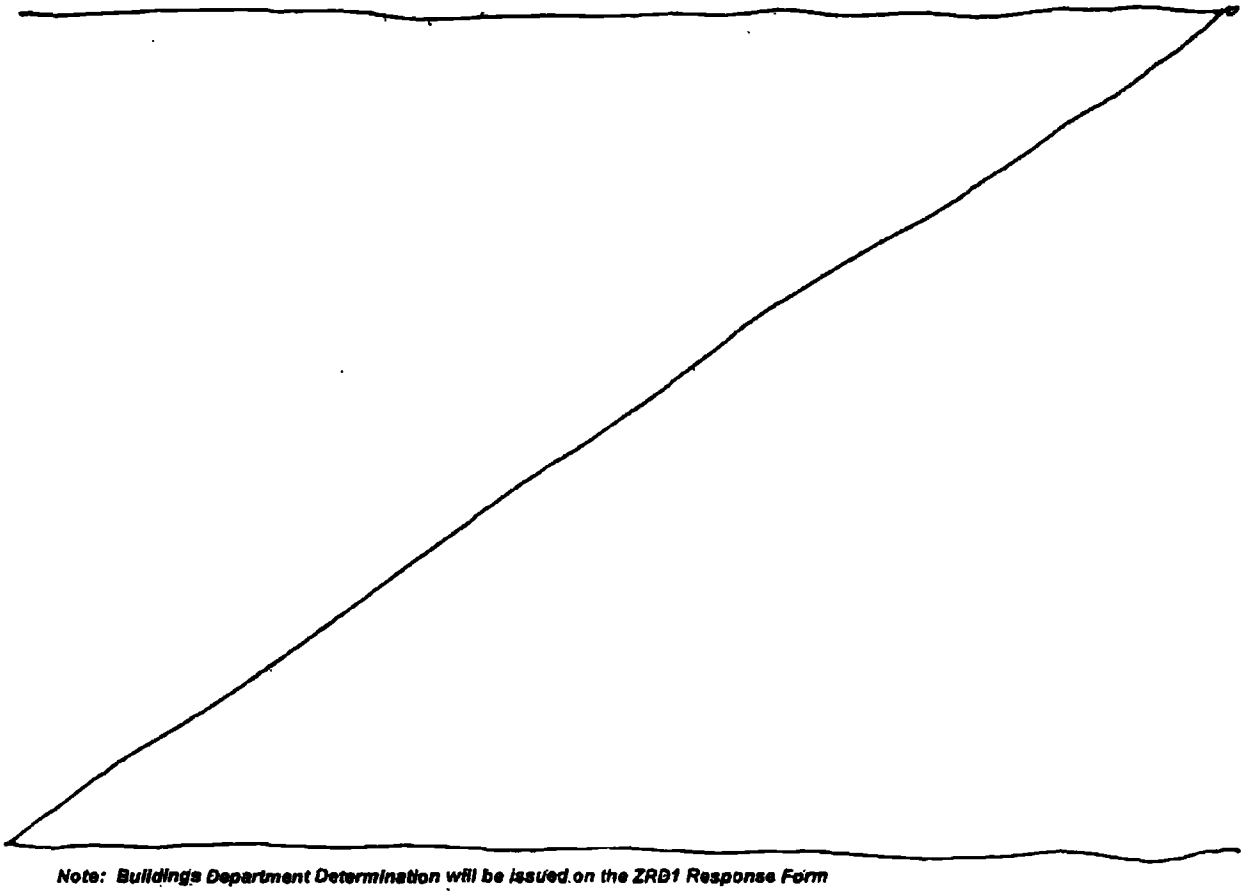
Note: Buildings Department Determination will be issued on the ZRD1 Response Form

ADMINISTRATIVE USE ONLY			
Reviewed By:	[illegible] RA	**Date:** 03/12/10	**Time:** 3:30PM

PG. 3 OF 4

ZRD1

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



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) JAMES DAVIDSON

Signature

Date FEB. 17 2010

REGISTERED ARCHITECT JAMES S. DAVIDSON No. 014019-1 STATE OF NEW YORK

P.E. / R.A. Seal *(apply seal, then sign and date over seal – not required for Attorneys on unfiled applications)*

CONTROL NO. 04631

ADMINISTRATIVE USE ONLY

Reviewed By: [illegible] RA **Date** 03/2/10 **Time:** 3:30PM

PG. 4 OF 4