



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**DELORES RUBIN**  
Chair

**Jesse Bodine**  
District Manager

April 16, 2016

Carl Weisbrod  
Chair  
City Planning Commission  
40 Reade Street  
New York, New York 10007

Martin Rebholz  
Manhattan Borough Commissioner  
NYC Dept. of Buildings  
280 Broadway  
New York, New York 10007

**Re: Street Wall Requirements  
Non-Compliant Hotel Developments  
in Garment Center Special District—Subarea P-2**

Dear Chair Weisbrod and Borough Commissioner Rebholz:

Manhattan Community Board 4 (MCB4) has received your March 2, 2016 letter responding to our concerns regarding the construction of hotels with screen walls in the Garment Center Special District (SGCD), Subarea P-2 (between West 40<sup>th</sup> and West 35<sup>th</sup>, 8<sup>th</sup> to 9<sup>th</sup> Avenues) as well as the Special Hudson Yards District (SHYD). The Board appreciates your careful consideration and response to our letter regarding hotels with proposed non-zoning compliant street walls.

Since 2004, MCB4 has worked closely with the Department of City Planning (DCP) to ensure that our neighborhood zoning enables development while also protecting and reinforcing neighborhood character. This Board has taken thoughtful positions on zoning and planning matters and has maintained an ongoing relationship with DCP, for which it is grateful. Furthermore, the Department of Buildings' (DOB) Borough Commissioner has been helpful in resolving matters of zoning compliance and quickly responding to MCB4's concerns.

Since the Board's letter of January 12, 2016, we discovered that an additional hotel with a non-zoning compliant screen wall is being constructed at 320 West 36<sup>th</sup> Street. MCB4 requests that the Zoning Resolution Determination under Application No. 121185056, for the construction of this hotel, be revoked.

### **320 West 36<sup>th</sup>—Screen Wall Hotel Development**

320 West 36<sup>th</sup> Street is a 29-story hotel in construction located in the SGCD Preservation Area P-2 and as such is subject to ZR 121-32(a) which states that the street wall must rise to a height between 80 and 90 feet with exceptions made for projects adjacent to certain buildings not complying with the requirements. The enclosed building section shows a structural frame attached to the building's superstructure to create a street wall that according to the Architect "is connected back to the main building".<sup>1</sup>

On September 8, 2014 a Zoning Resolution Determination was approved by David Aigner, Senior Zoning Specialist.<sup>2</sup>

#### ***Proposed Screen Wall's Non-compliance with ZR 121-32(a)***

The Zoning Determination states:

"The portion of the proposed building wall located at, and within 15-inches of the street line visually reads as a consistent wall surface, having cross bracing structure that meets the street line and a series of smaller muntins within the recessed glass the visually break-up the recessed glass;"

The proposed street wall consists of metal panels surrounding a 3-foot thick structural steel frame.<sup>3</sup> The metal panels, which are 10 feet and 7 inches wide on the sides and top of the northern facade, create discontinuity in the street wall. The Zoning Determination states that 45.1% on the screen wall will comprise of glazing recessed 15 inches from the property line. A street wall that is recessed to such a high degree in nearly half of its elevation does not constitute a street wall.

The architect stated that the configuration of steel and glass "does not constitute a recess and [is] no different than a window set into a wall". However, there is no building within the P-2 Preservation Zone of GCSD in which a façade contains a portal of recesses to this magnitude. The intent of ZR 121-32(a) is "to ensure consistency with the Garment Center's distinctive built form of high street wall loft buildings"<sup>4</sup>. The proposed street wall does not conform to the GCSD's distinctive built form.

#### **Previous Examples**

The Zoning Determination also states:

"Department practice is to permit screen walls and other alternative building wall designs to meet a single-location street wall requirement on the condition that such walls are a minimum of 50 percent opaque surface in total."

However, the Zoning Resolution Determinations for the following proposed hotels have been revoked:

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<sup>1</sup> See Appendix A - 320 West 36th Street Building Section submitted to DOB

<sup>2</sup> See Appendix B - 320 West 36th Street Zoning Resolution Determination

<sup>3</sup> See Appendix C – 320 West 36th Street North Façade Rendering

<sup>4</sup> Zoning Text Amendment N040500(A) ZRM <http://www.nyc.gov/html/dcp/pdf/cpc/040500a.pdf> P. 13

- 326 West 37<sup>th</sup> Street
- 310 West 40<sup>th</sup> Street
- 350 West 40<sup>th</sup> Street

All of the Zoning Resolution Determinations for these projects contain substantially similar language written by the same Zoning Specialist, David Aigner, in their issuance of approval.<sup>5</sup> Therefore, the Zoning Resolution Determination for 320 West 36<sup>th</sup> Street should be revoked as well.

**Conclusion**

MCB4 thanks DCP and DOB for taking swift action on proposed developments which sought to evade the street wall requirements in SGCD and the SHYD. The Board requests the revocation of the zoning resolution determinations for 320 West 36<sup>th</sup> Street’s application No. 121185056.

The Board would like to note that none of the hotels for which the determinations have been revoked have completed construction. Given that the proposed screen walls will now have to be actual streetwalls, with a portion of the building behind them constituting floor area, MCB4 would like to know how the following compliance issues will be addressed by DOB:

- With the additional floor area, how will buildings remain in compliance with maximum FAR requirements?
- How will light and air requirements for guest rooms that will now be behind an actual building street wall be provided?

This Board is confident that DOB will work with developers to resolve these issues, but requests to be apprised of the compliance solution. Further, MCB4 understands that DOB intended to issue Stop Work Orders for these sites, yet some developers have not been given such orders while they resolve issues. MCB4 remains concerned that the required compliance should not be compromised, by a fait accompli situation.

Furthermore, the Board would like to note that it has been in contact with Quadrum Global and McSam Hotel Group, both of whom are constructing hotels at 351 West 38<sup>th</sup> Street and 338 West 39<sup>th</sup> Street, respectively. MCB4 has notified these two developers of DOB’s policy on screen walls and looks forward to ensuring that these new buildings preserve the character of our neighborhood.

Sincerely,



Delores Rubin  
MCB4 Chair

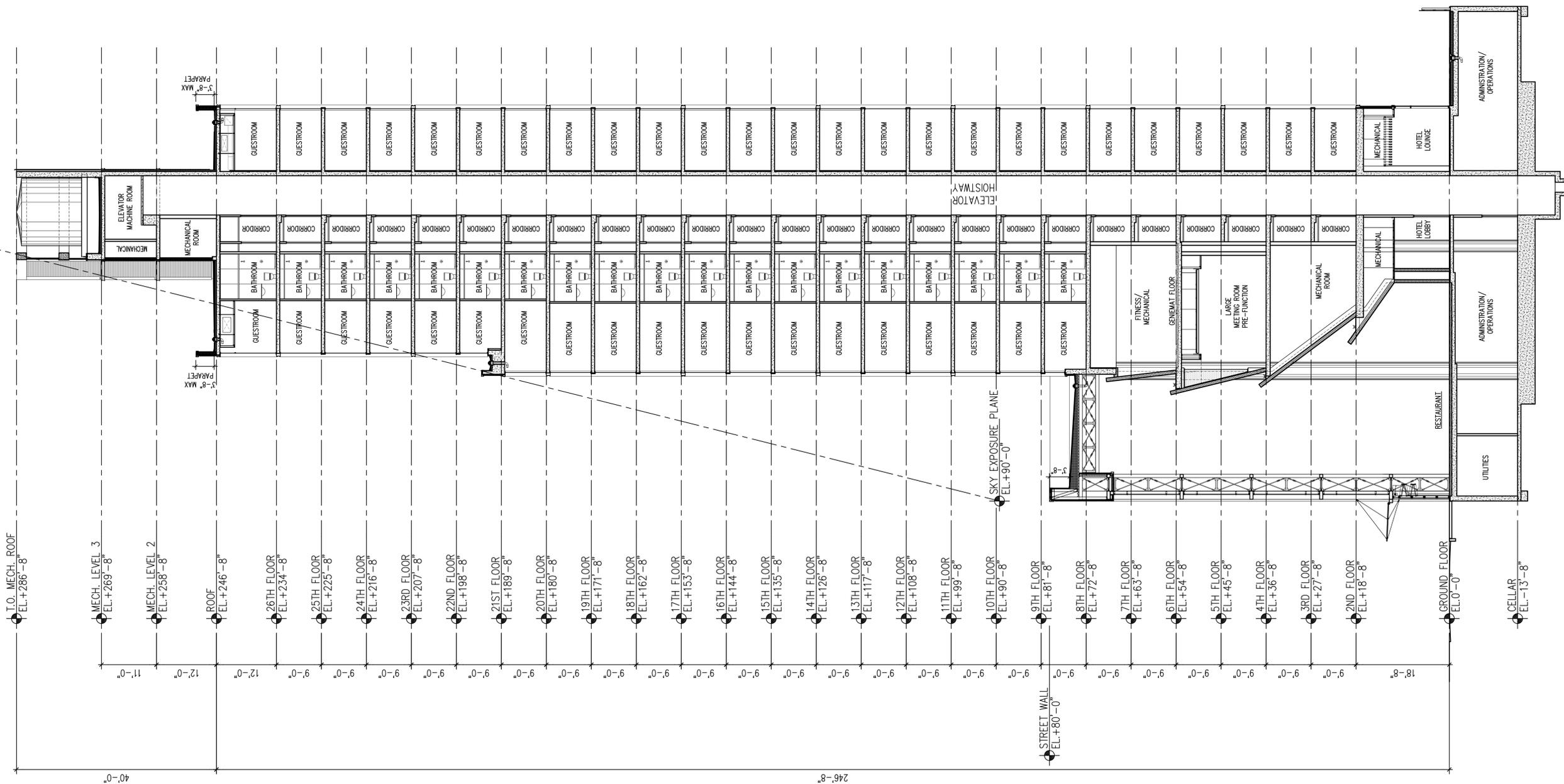


Jean Daniel Noland, Chair  
Clinton Hell’s Kitchen Land Use  
and Zoning Committee

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<sup>5</sup> See Appendix D - Revoked Zoning Resolution Determinations (Sections highlighted by MCB4)

6/13/2011 2:07:19 PM TITLE: 21362-759-2420P - 008 | BUILDING ELEVATION MARKERS | 21362-SECTION 046\_511 | BUILDING ELEVATION MARKERS | 21362-SECTION 046\_511 | TRUSS SECTION 1



SCALE: 3/32" = 1'-0"

BLOCK: 759 LOT: 55

Issue Record	
02.28.2014	D.O.B. SUBMISSION
04.30.2014	50% CD SUBMISSION
05.29.2014	D.O.B. SUBMISSION
06.04.2014	80% CD SUBMISSION
07.03.2014	ISSUED TO IHG
07.09.2014	D.O.B. SUBMISSION
07.18.2014	90% CD SUBMISSION UPDATED
08.25.2014	D.O.B. SUBMISSION
09.15.2014	ISSUED FOR JOINT VENTURE
10.08.2014	ISSUED FOR CONSTRUCTION

Revision Record	

Project Team	
<b>OWNER</b>	AC 320 HOTEL PARTNERS LLC 580 8th AVENUE NEW YORK, NY 10018 TEL: 212.226.8898
<b>ARCHITECT</b>	STONEHILL & TAYLOR ARCHITECTS, P.C. 31 WEST 27TH STREET NEW YORK, NY 10001 TEL: 212.226.8898 FAX: 212.941.1874
<b>STRUCTURAL ENGINEER</b>	GACE CONSULTING ENGINEERS, P.C. 31 WEST 27TH STREET, 6TH FLOOR NEW YORK, NY 10001 TEL: 212.545.7878 FAX: 212.545.8222
<b>MEP ENGINEER</b>	WSP FLACK + KURTZ 512 SEVENTH AVENUE NEW YORK, NY 10018 TEL: 212.532.9600 FAX:
<b>CIVIL/GEOTECH ENGINEER</b>	URS CORPORATION 201 WILLOWBROOK BOULEVARD WAYNE, NJ 07470 TEL: 973.812.6841
<b>INTERIOR DESIGNER</b>	GLEN & COMPANY ARCHITECTURE + DESIGN, PLLC 276 FIFTH AVENUE SUITE 204 NEW YORK, NY 10001 TEL: 212.689.2779

Seal	

Project	
AC 320 HOTEL PARTNERS LLC	NEW YORK, NY 10018

STONEHILL & TAYLOR ARCHITECTS AND PLANNERS	
<b>BUILDING SECTION</b>	

Drawing Number ## of	
<b>A-506.00</b>	

DOB B-Scan	

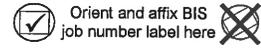
  

21362
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# ZRD1: Zoning Resolution Determination Form

Must be typewritten.



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

House No(s) 320 Street Name WEST 36 STREET  
 Borough Manhattan Block 759 Lot 55 BIN 1013580 CB No. 104

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

Last Name PARKER, JR First Name NEILL Middle Initial E  
 Business Name STONEHILL & TAYLOR ARCHITECT PC Business Telephone (212) 226-8898  
 Business Address 31 WEST 27TH STREET - 5TH FLOOR Business Fax (212) 941-1874  
 City NEW YORK State NY Zip 10001 Mobile Telephone ( ) -  
 E-Mail NPARKER@STONEHILLTAYLOR.COM License Number 18369  
 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 REDLEIN First Name BRIAN Middle Initial  
 Business Name METROPOLIS GROUP INC Business Telephone (212) 233-6344  
 Business Address 22 CORTLANDT STREET 10TH FLOOR Business Fax (212) 233-6333  
 City NEW YORK State NY Zip 10007 Mobile Telephone ( ) -  
 E-Mail BRIANR@METROPOLISNY.COM License/Registration # (if P.E./R.A./Attorney) 002627  
**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)

Appointment is requested with:  Borough Commissioner's Office  Technical Affairs  
 Job associated with this request?  Yes (provide job#/doc#/examiner name below)  No  
 Job Number: 121185056 Document Number: 00 Examiner: \*UNSPECIFIED\*  
 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 121-32

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:	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <p>REVIEWED BY  <b>David Aigner</b>            Senior Zoning Specialist</p> </div>	
Comments:		
Reviewed By:	Date:	Time:

**APPROVED WITH CONDITIONS**  
 Control No.: **36272**  
 Date: **9/8/14**  
 Page: **1 of 5**

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

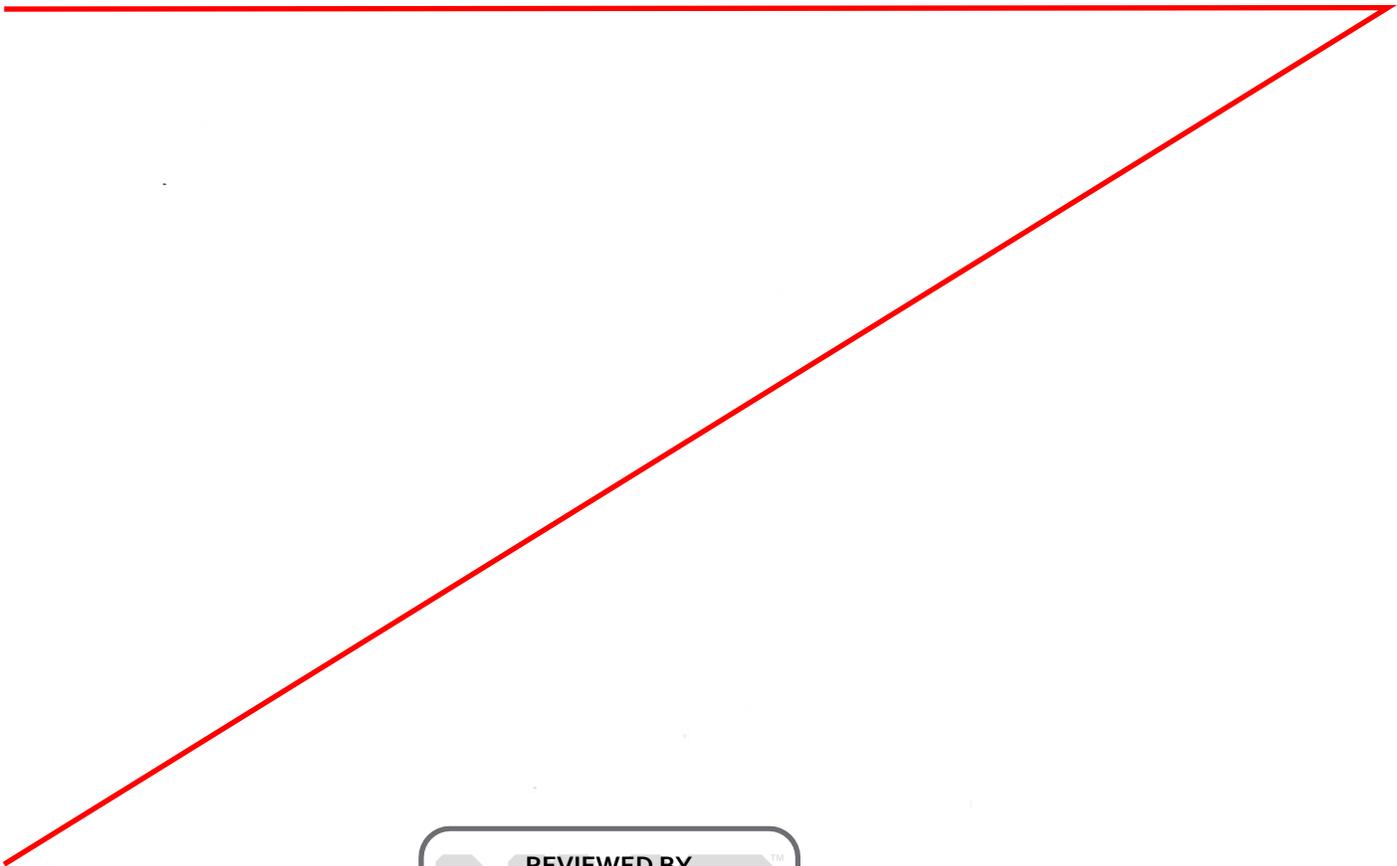
Note: Buildings Department officials will only interpret or clarify the Zoning Resolution. Any request for variations of the Zoning Resolution must be filed with the Board of Standards and Appeals (BSA) or the Department of City Planning (DCP).

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.

Respectfully request determination to objection "the portions of the street wall recessed beyond the street line, below the minimum base height of 80', are not permitted per Zr 121-32(a) see drawing A 509 the curtain wall is recessed beyond the structure located along the street wall."

We request to waive this objection since our street wall is located on the street line. We are constructing a new hotel located at 320 West 36th street. The site is located in a C6-4M Special Garment Center Preservation P2 Zoning District. The site is an interior lot with 83'-4" of frontage. As per Zr 121-32 we are required to have a street wall minimum 80' maximum 90' high along the street line. The street wall will be a 3' thick structural frame in a column panel. The areas that our open will have glass panels. This panels will be set within the framing 15" from property line. This does not constitute a recess and are no different than a window set into a wall. The street wall is connected back to the main building wall at the 80' mark which encloses the space and creates an 80' high lobby space.

Request to waive this objection due to the fact that the glass is not a recess and we have a street wall on the street line as required per zr 121-32



Note: Buildings Department Determination will be based on ZRD1 Response Form

REVIEWED BY  
**David Aigner**  
 Senior Zoning Specialist

*David J. Aigner*

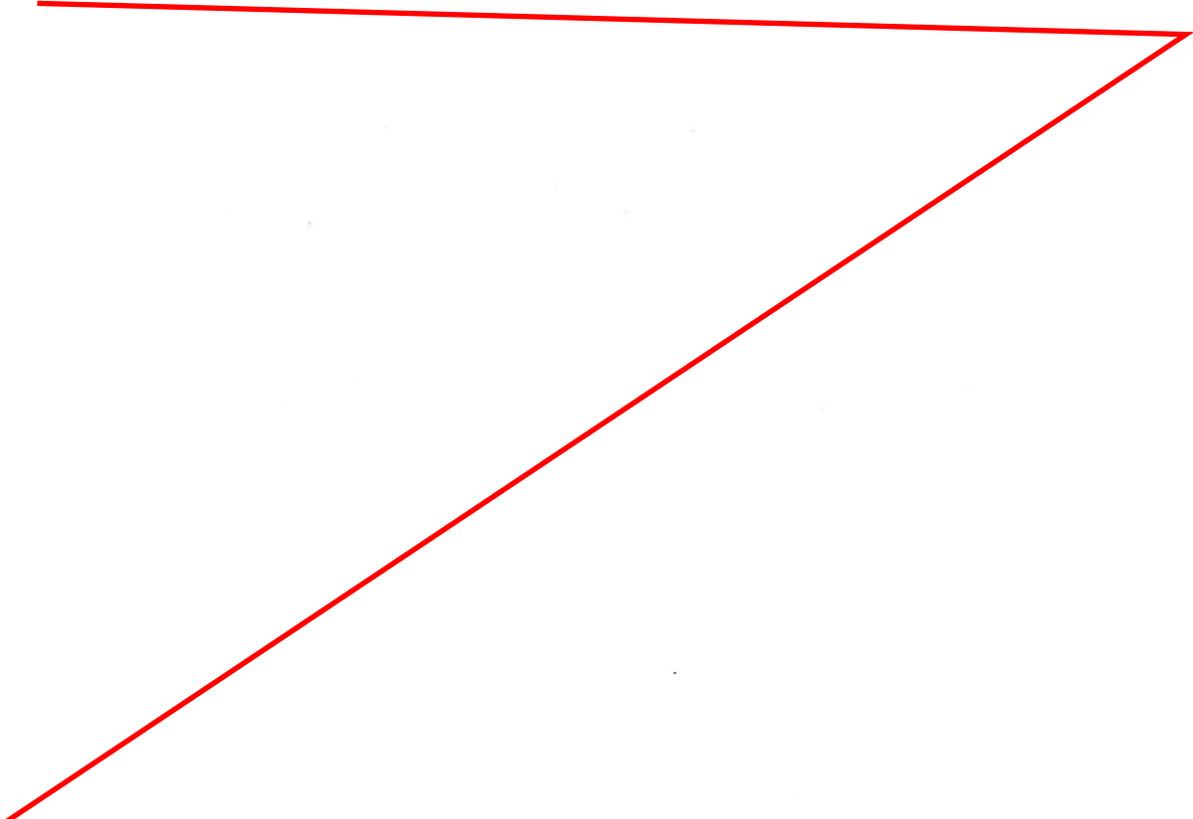
**APPROVED WITH CONDITIONS**

Control No.: **36272**  
 Date: **9/8/14**  
 Page: **2 of 5**

ADMINISTRATIVE USE ONLY

Reviewed By: Date: Time:

6	Description of Request (use this section if additional space is required for description)	
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*Note: Buildings Department Determination will be issued on the ZRD1 Response Form*

7	Statements and Signature Required for all requests
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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)  
 NEILL PARKER JR  
 Signature \_\_\_\_\_ Date 08-05-09



P.E. / R.A. Seal (seal must be signed and dated over seal - not required for Attorneys on unfilled applications)

ADMINISTRATIVE USE ONLY	REVIEWED BY
Reviewed By:	David Aigner Senior Zoning Specialist Date _____ Time: _____

**APPROVED WITH CONDITIONS**

Control No.: **36272**

Date: **9/8/14**

Page: **3 of 5**

# ZRD1/CCD1 Response Form

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

House No(s) 320

Street Name West 36th Street

Borough Manhattan

Block 759

Lot 55

BIN 1013580

Job No. 121185056

**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 121-32

Other secondary Zoning Resolution or Code Section(s):

Comments:

The request, to determine that for a new hotel in a C6-4M district within the Special Garment Center District, the proposed front building wall complies with the street wall requirements of ZR 121-32 which require that a street wall be located at the street line and rise without setback to a minimum height of 80 feet, is permitted as shown, is hereby approved with conditions for the following reasons:

- (i) The portion of the proposed building wall located at, and within 15-inches of the street line visually reads as a consistent wall surface, having a cross bracing structure that meets the street line and a series of smaller muntins within the recessed glass that visually break-up the recessed glass; and
- (ii) Department practice is to permit screen walls and other alternative building wall designs to meet a single-location street wall requirement on the condition that such walls are a minimum of 50 percent opaque surface in total.

Therefore, the request is approved subject to the following:

- Applicant to demonstrate MDL Section 26 compliance for the inner court created to the rear of the proposed front building wall.

It shall be noted that where a street wall is required to be located at the street line, the Department evaluates such street wall designs on a case by case basis, and that the opaqueness threshold and degree of recess within the subject approved design are not necessarily indicators of what would be acceptable in future zoning determinations.

=====

Note: If determination is not uploaded via eSubmit or scanned (whichever is applicable), it will be deemed invalid.



Name of Authorized Reviewer (please print): David J. Aigner

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

Authorized Signature:

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 approval is not obtained within 12 months of issuance.**



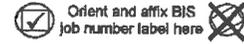
**APPENDIX C – 320 West 36<sup>th</sup> Street North Façade Rendering**





**ZRD1: Zoning Resolution Determination Form**

Must be typewritten.



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

House No(s) 326 Street Name WEST 37TH STREET  
 Borough Manhattan Block 760 Lot 58 BIN 1810122 CB No. 104

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

Last Name KAUFMAN First Name GENE Middle Initial  
 Business Name GENE KAUFMAN ARCHITECT PC Business Telephone (212) 625-8700  
 Business Address 525 BROADWAY - 8TH FLOOR Business Fax (212) 625-8867  
 City NEW YORK State NY Zip 10012 Mobile Telephone ( ) -  
 E-Mail gene@gkcapc.com License Number 17030  
 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 REDLEIN First Name BRIAN Middle Initial  
 Business Name METROPOLIS GROUP INC Business Telephone (212) 233-6344  
 Business Address 22 CORTLANDT STREET 10TH FLOOR Business Fax (212) 233-6333  
 City NEW YORK State NY Zip 10007 Mobile Telephone ( ) -  
 E-Mail BRIANR@METROPOLISNY.COM License/Registration # (if P.E./R.A./Attorney) 002627  
 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)  
 Appointment is requested with:  Borough Commissioner's Office  Technical Affairs  
 Job associated with this request?  Yes (provide job#/doc#/examiner name below)  No  
 Job Number: 121184351 Document Number: 00 Examiner: SHAUOAT 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 121-32

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:	Date:	Time:

REVIEWED BY  
**David Aigner**  
 Senior Zoning Specialist  
  
**APPROVED**  
 Control No.: 35885  
 Date: 8/29/14  
 Page: 1 of 6

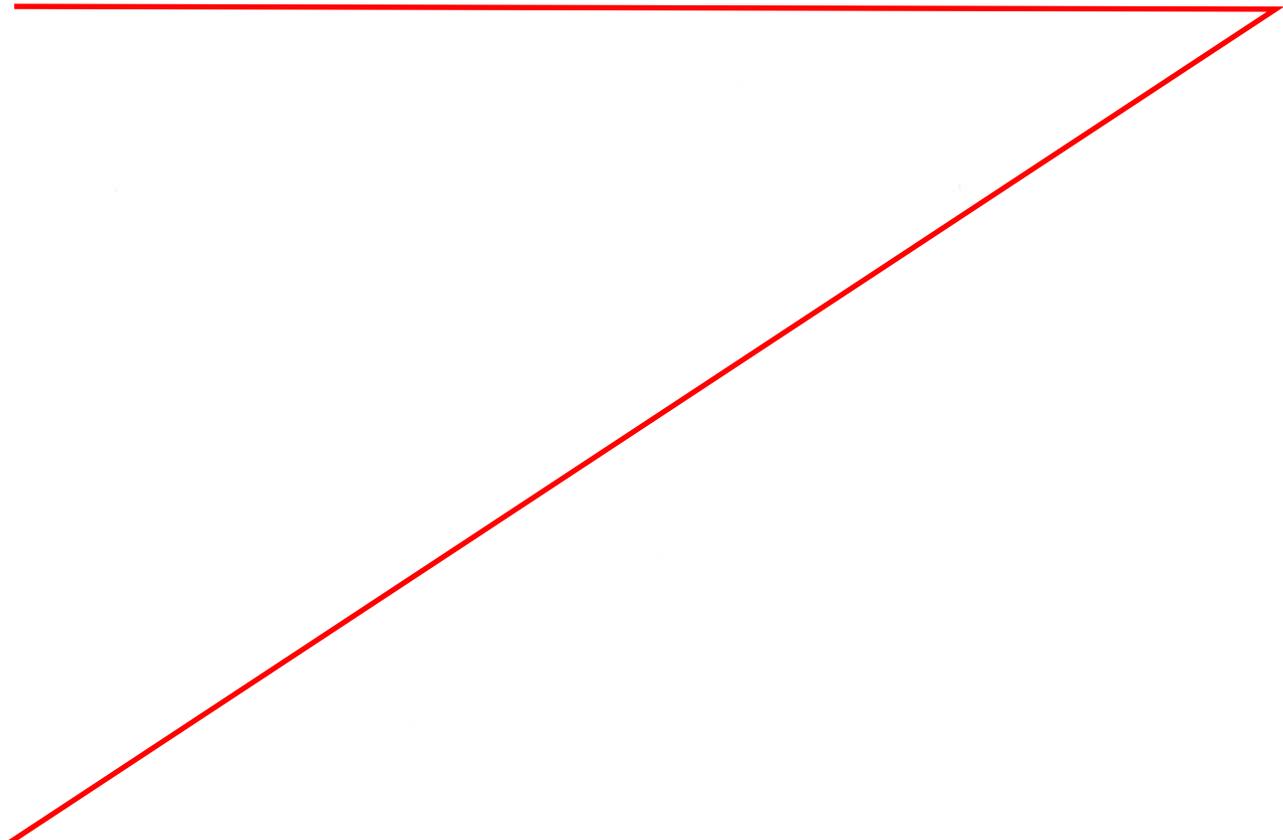
<b>5</b>	<b>Description of Request</b> (additional space is available on page 3)
<p><b>Note: Buildings Department officials will only interpret or clarify the Zoning Resolution. Any request for variations of the Zoning Resolution must be filed with the Board of Standards and Appeals (BSA) or the Department of City Planning (DCP).</b></p>	

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 proposed wall/ steel structure on building street complies with ZR 121-32 and is classified as a street wall.

We request that our street wall is not a trellis and is located on the street line as per ZR 121-32(b). We are constructing a new hotel located at 326 West 37th street. The site is located in a C6-4M Special Garment Center Preservation Area P-2 district. The site is an interior lot with 75'-0" of frontage. As per Zr 121-32(a) we are required to have a street wall on the street line that is a minimum of 80' and maximum of 90' high along the street line. As per our attached plans we have steel columns and beams that run along the entire street line up to 80'. The openings along the 1st floor are covered with glass while the openings on the upper floors are covered with a metal mesh.

Request that our proposed plans comply with street wall requirements as set forth in ZR 121-32(a).



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

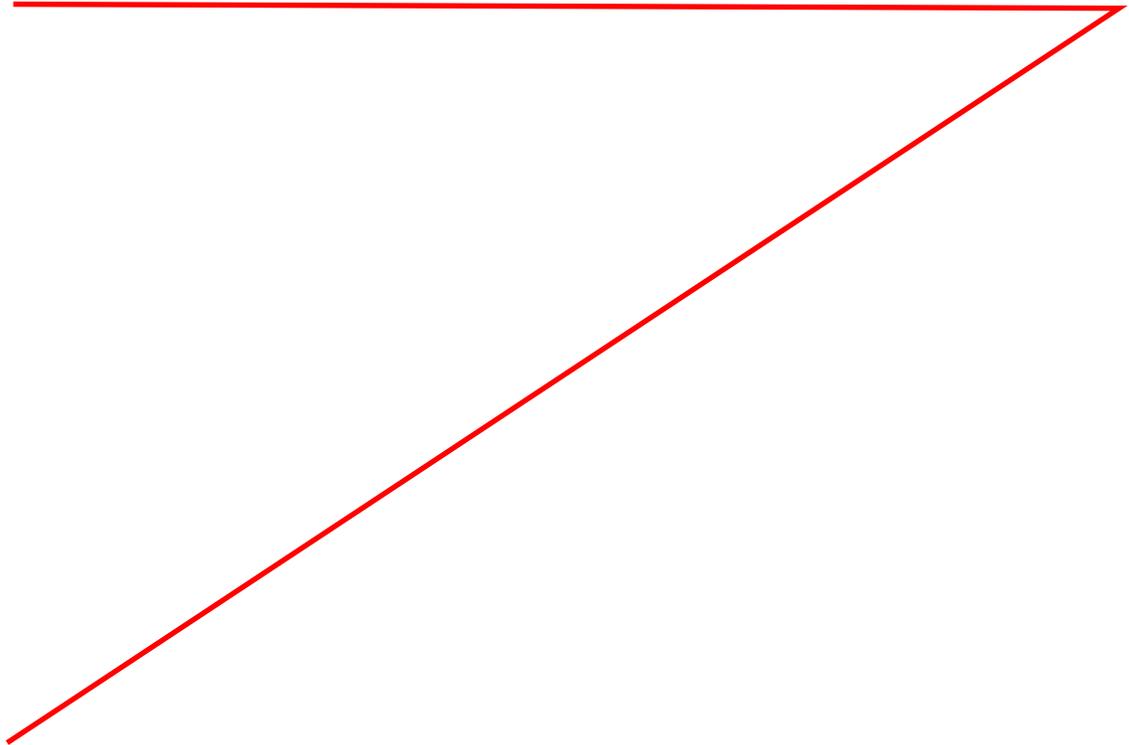
<b>ADMINISTRATIVE USE ONLY</b>	<b>REVIEWED BY</b> <b>David Aigner</b>		
Reviewed By:	Senior Zoning Specialist	Date:	Time:

*David J. Aigner*

**APPROVED**

Control No.: **35885**  
 Date: **8/29/14**  
 Page: **2 of 6**

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) GENE KAUFMAN  
Signature Date



P.E. / R.A. Seal (apply seal over date over seal - not required for applications)

ADMINISTRATIVE USE ONLY

Reviewed By:

REVIEWED BY

David Aigner  
Senior Zoning Specialist

APPROVED

Control No.: 35885

Date: 8/29/14

Page: 3 of 6

Date

Time:

# ZRD1/CCD1 Response Form

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

House No(s) 326

Street Name West 37th Street

Borough Manhattan

Block 760

Lot 58

BIN 1810122

Job No. 121184351

**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 121-32(a)

Other secondary Zoning Resolution or Code Section(s): MDL 26

Comments:

The request, to determine that within a C6-4M district in the P2 Preservation Area of the Special Garment Center District, the perforated metal screen wall as shown located at the street line for a proposed hotel satisfies the ZR 121-32 paragraph (a) requirement to locate the street wall at the street line up to a minimum height of 80 feet, is hereby approved.

Department practice is to recognize a screen wall (or similar) as meeting a #street wall# requirement if such wall both (i) is a consistent surface that visually reads as a street wall for the full area where a street wall is required (except for a minimal amount of wall openings), and (ii) consists of a minimum of 50 percent solid surface at the street line. The proposed design meets the first of these tests on account of the visual appearance of the building holding the street wall up to a height of 80 feet with the exception of an 8 foot tall opening above the first story, and the design meets the second of these tests by virtue of the perforated metal panel which covers the majority of the building wall below 80 feet and is itself 52 percent solid.

It shall be noted that the court created to the rear of the proposed screen wall complies with the MDL court width requirement based on the height proposed (greater than 20 feet in width) and the area requirement for a court with the height proposed (greater than 800 sf). Further, such court is sufficient to provide light and air to hotel units fronting on such court as per MDL Section 26 (greater than 15 feet from windows to metal panel), and that the Department's minimum 50 percent openness test need not be applied to the perforated panel wall for the purpose of determining whether or not legal windows receive light and air through the screen wall.

Therefore, the request is approved.

Note: If determination is not uploaded via eSubmit or scanned (whichever is applicable), it will be deemed invalid.



Name of Authorized Reviewer (please print): David J. Aigner

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

Authorized Signature:

Date:

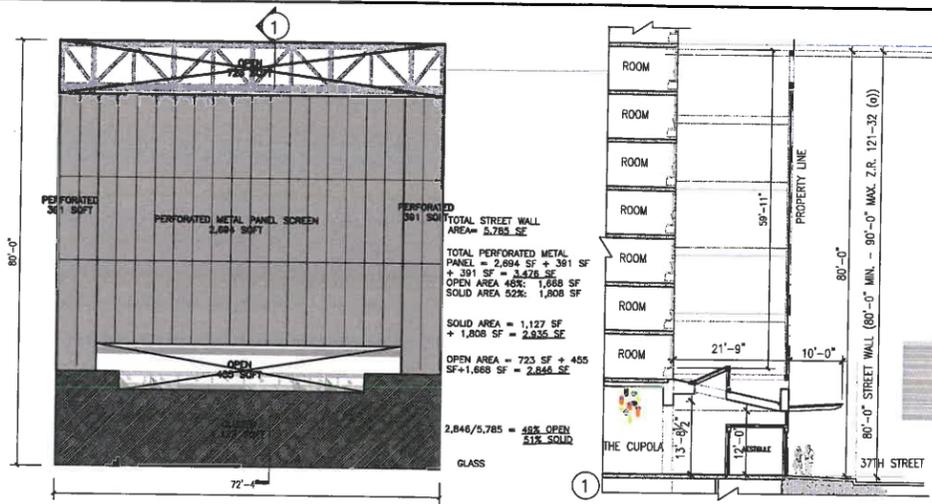
Time:

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

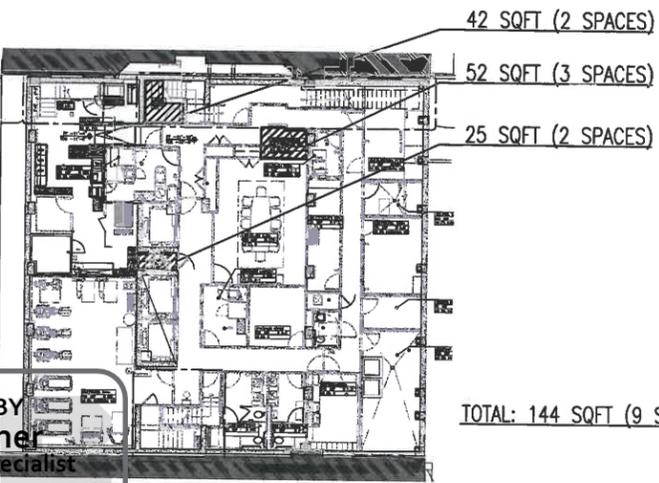
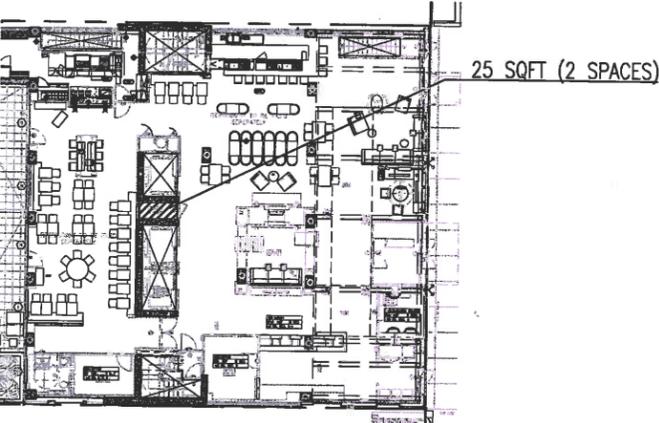
**Note: Determination will expire if construction document approval is not obtained within 12 months of issuance.**

326 WEST 37TH ZONING ANALYSIS

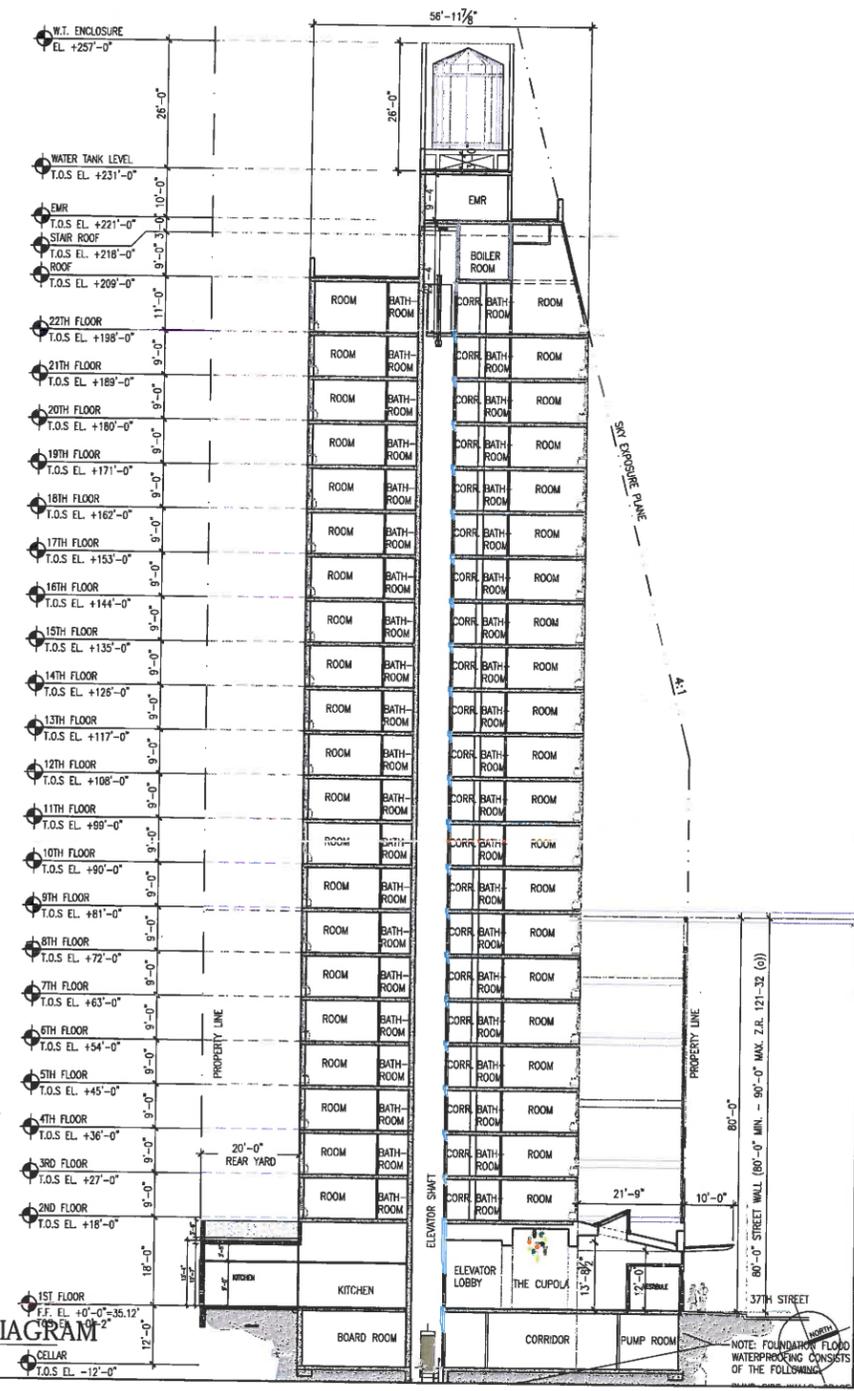
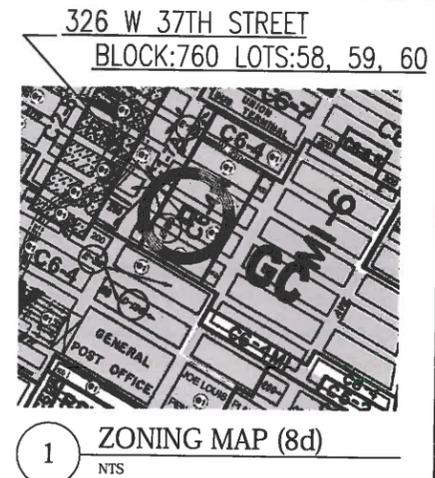
Block:	760		
Lot:	58, 59, 60		
Map:	6d		
Zoning:	C6-4M (Garment center preservation P2)		
Lot Area (sf):	75'-0" X 98'-9"		
	7,406.25	SF.	
		Allowable/Required	Proposed
1) Use Regulations			
42-00	Use Group	U.G. 5 to 17	U.G. 5 and 6a
121-50	supplemental regulations	refer to 93-90 and 93-91	n/a
93-90	harassment	certificate of no harassment	n/a for new hotel
2) Bulk Regulations			
A) Floor Area			
121-31	Basic Maximum FAR	10.00	9.88
121-31	District Improvement Bonus Fund	2.00	2.00
121-31	Total Floor Area Ratio	12.00	11.88
121-31	Allowable Floor Area (sf)	88,875.00	88,503
B) Rear Yard			
33-25	Rear Yard	20'-0"	20'-0"
5) Street Wall			
121-32	Height of street wall and max building height	Min. 80' Max. 90'	80'
	Adjacent building street wall (High)		
	adjacent building street wall (Low)	East side 112.06'	112.06'
	required Sky Exposure Plane	112.06' Sloped at 4:1	112.06' sloped at 4:1
6) Parking and Loading			
61-44	Curb Cut Restriction	None Allowed	None
13-41	Off Street Parking	Not Required	None
36-62	Off Street Loading	First 100,000 sf,	None
121-43	parking provisions for preservation area p2	refer to 93-80	None
7) Bicycle Parking			
44-60	Bicycle Parking	88,503.28 sf / 10,000 sf	9 spaces
	(1-16sf space per 10,000 sf)	9 spaces @ 15sf each = 135 sf	144 sf
8) Trees			
33-03	Street Tree Planting in Commercial Districts		
26-41	Street Tree Planting		
	(1 tree for 25' of frontage)	25' frontage/75'-0" = 3 trees	3 trees
			(2 onsite, 1 offsite)
9) MDL Inner Court Calculations			
Art. 3, Title 1, C26, 7a.			
	Width = 4" per 1' of height and >15'	59'-1 1/4" = 15' MIN.	21'-9" typ, 15' at 7th fl.
	Area = 2 x width ^2	2 x 15'^2 = 450'	1561 SQFT



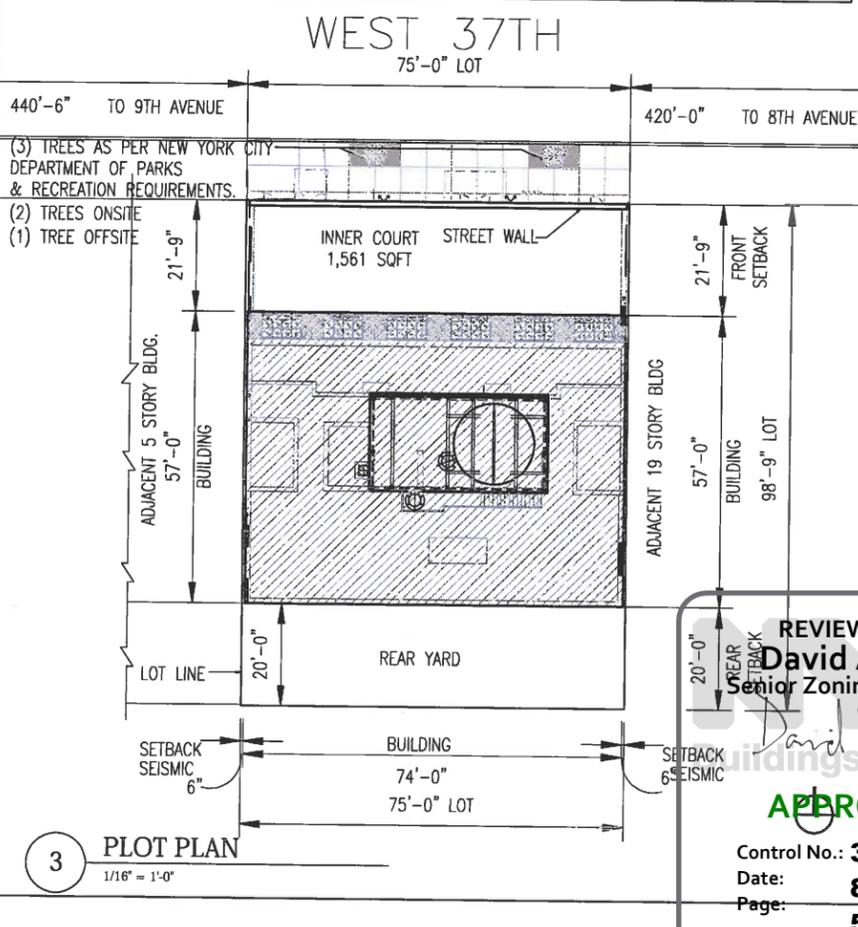
5 STREET WALL AND INNER COURT DIAGRAMS  
NTS



BIKE STORAGE DIAGRAM - CELLAR/FIRST FLOORS  
TOTAL: 144 SQFT (9 SPACES)



4 ZONING SECTION DIAGRAM  
1/16" = 1'-0"



3 PLOT PLAN  
1/16" = 1'-0"

REVIEWED BY  
**David Aigner**  
Senior Zoning Specialist

**APPROVED**

Control No.: **35885**  
 Date: **8/29/14**  
 Page: **5 of 6**

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECTS. DO NOT SCALE THE DRAWINGS. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE CONSULTANTS.

**Hilton Garden Inn**

REVISIONS:	DATE	DESCRIPTION
01		
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ISSUED DRAWINGS:

#	DATE	DESCRIPTION
09	08-05-14	ISSUED FOR DOB
08	07-23-14	ISSUED FOR DOB
07	07-08-14	ISSUED FOR CONTRACTOR
06	05-15-14	ISSUED FOR DOB
05	05-09-14	ISSUED FOR CONTRACTOR
04	01-08-14	ISSUED FOR DOB
03	11-27-13	ISSUED FOR DOB
02	11-26-13	ISSUED FOR BRAND
01	11-12-13	ISSUED FOR DOB

SEAL & SIGNATURE: **GENE KAUFMAN ARCHITECT PC**  
 525 BROADWAY, NEW YORK, N.Y. 10012  
 TEL. (212) 625-8700 FAX. (212) 625-8887

PROJECT:  
**326 WEST 37 STREET**  
NEW YORK, NY.

ZONING ANALYSIS

DATE: DEC 18, 2013  
 SCALE: AS NOTED  
 DRAWING NUMBER:  
**Z-101.01**

PAGE: 02 OF 57

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECTS. DO NOT SCALE THE DRAWINGS. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE CONSULTANTS.



#	DATE	DESCRIPTION
01		
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09	08-05-14	ISSUED FOR DOB
08	07-23-14	ISSUED FOR DOB
07	07-08-14	ISSUED FOR CONTRACTOR
06	05-15-14	ISSUED FOR DOB
05	05-09-14	ISSUED FOR CONTRACTOR
04	01-08-14	ISSUED FOR DOB
03	11-27-13	ISSUED FOR DOB
02	11-26-13	ISSUED FOR BRAND
01	11-12-13	ISSUED FOR DOB



**GENE KAUFMAN ARCHITECT PC**  
 525 BROADWAY, NEW YORK, N.Y. 10012  
 TEL. (212) 625-6700 FAX. (212) 625-8867

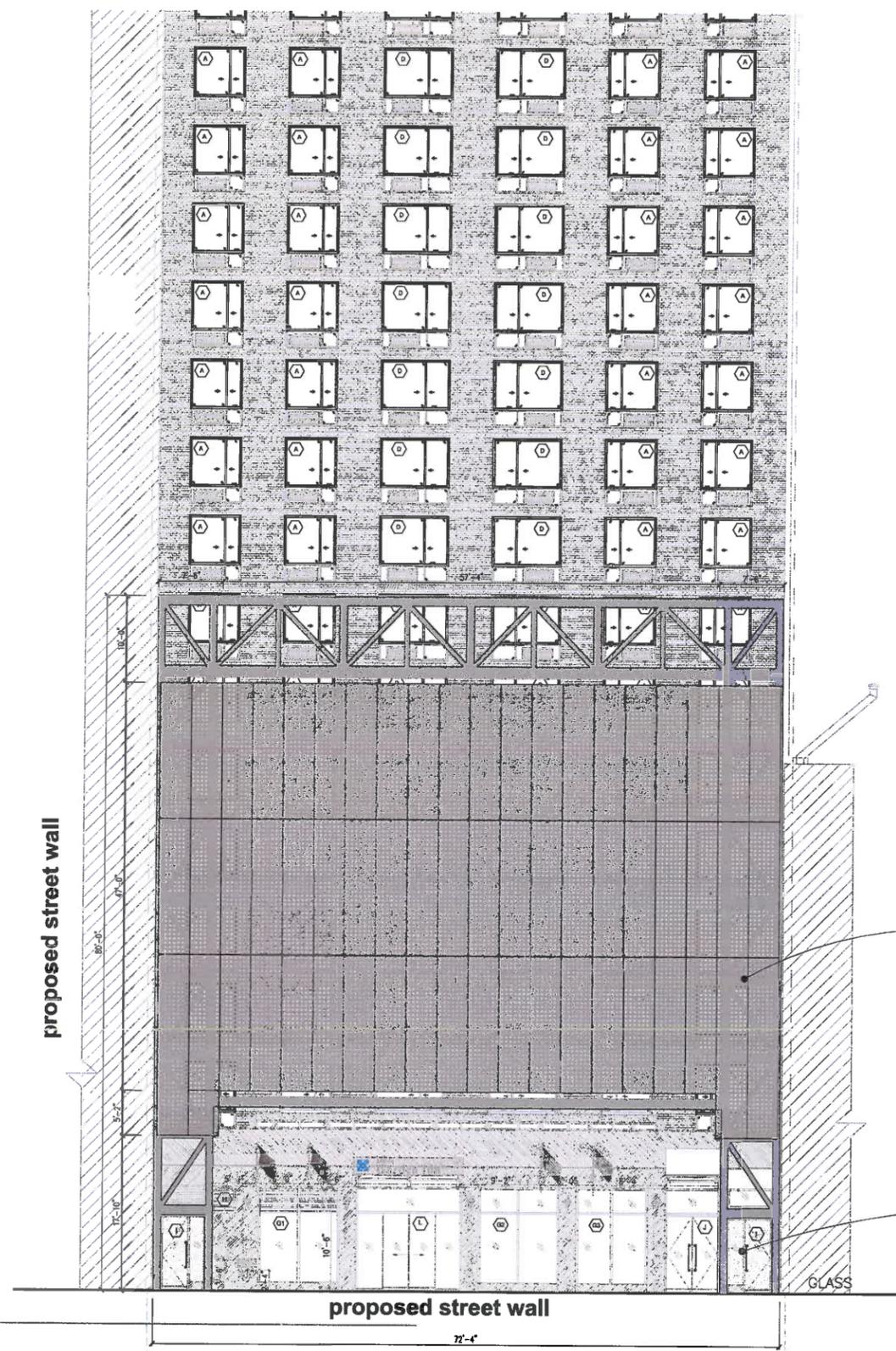
PROJECT:  
**326 WEST 37 STREET**  
 NEW YORK, NY.

FRONT ELEVATION - STREETWALL

SEAL & SIGNATURE: \_\_\_\_\_ DATE: DEC 18, 2013  
 SCALE: AS NOTED  
 DRAWING NUMBER:



A-401.02



**AREA A:**  
 TOTAL STREET WALL SF.:  
 80'-0" X 72'-4" = 5785 SF.

**AREA B:**  
 PERFORATED METAL PANEL: 3,476 SF.  
 OPEN AREA 48% 1,668 SF.  
 SOLID AREA 52% 1,808 SF.

**AREA C:**  
 GLASS STORE FRONT: 1,127 SF

**TOTAL PROPOSED STREET WALL SOLID AREA %:**  
 1808 + 1127 = 2935 SF.  
 2935/5785 = 51% SOLID

**B**  
 PERFORATED METAL PANEL SPECIFICATIONS:  
 McNICHOLS QUALITY  
 ROUND PERFORATED 1/4"  
 GAUGE STAINLESS STEEL,  
 1/2" ROUND ON 11/16"  
 STAGGERED, 48% OPEN  
 AREA. ITEM# 1812019941

**C**  
 REVIEWED BY  
**David Aigner**  
 Senior Zoning Specialist  
*David J. Aigner*  
**APPROVED**  
 Control No.: **35885**  
 Date: **8/29/14**  
 Page: **6 of 6**

**1** STREETWALL ELEVATION  
 1/8"=1'-0"

22673



2012 APR 30 PM 12:07

JED

ZRD1: Zoning Resolution Determination Form

Orient and affix BIS job number label here

Must be typewritten.

1 Location Information Required for all requests on filed applications.

House No(s) 310 Street Name West 40th Street
Borough Manhattan Block 763 Lot 47 BIN 1806220 CB No. 104

2 Applicant Information Required for all requests on filed applications.

Last Name Ashihara First Name Nobutaka Middle Initial
Business Name Nobutaka Ashihara Architect Business Telephone (212) 233-1783
Business Address 132 Nassau Street, Suite 1320 Business Fax (212) 619-0467
City New York State NY Zip 10038 Mobile Telephone 10038
E-Mail n.ashihara@naa-arch.com License Number 014870
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 Diaz First Name Orlando Middle Initial
Business Name East Coast Expediting & Code Consulting, Inc Business Telephone (646) 396-1399
Business Address 305 Broadway, 14th Fl Business Fax
City New York State NY Zip 10007 Mobile Telephone
E-Mail orlando@eastcoastexpediting.com License/Registration # (if P.E./R.A./Attorney)
DOB PENS ID # (if available) A11029

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: Document Number: Examiner:
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 93-55

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: Executive Zoning Specialist Date: Senior Zoning Specialist Time:

REVIEWED BY
Jed Weiss
Executive Zoning Specialist
DENIED
Control No. 22673
Date 5/17/12
Page 1 of 6

REVIEWED BY
David Aigner
Senior Zoning Specialist
APPROVED WITH CONDITIONS
Control No.: 22673-A
Date: 8/22/14
Page: 1 of 7

**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.

Respectfully request acceptance of a proposed street wall framing structure as satisfying the street wall location requirements of section ZR 93-55(b).

In granting this request, please consider the following;

1. The subject property is proposed to be developed with an approximately thirty-three (33) story new Hotel building that will utilize an 81 foot high street wall framing system along it's frontage with West 40th Street. The property is located within an C6-4 commercial zoning district, and is overlaid within the South of Port Authority Subdistrict E area of the Special Hudson Yards District, as indicated on zoning map 8d.
2. Section ZR 93-55(b) of the South of Port Authority Subdistrict E area of the Special Hudson Yards District requires the street wall for zoning lots without Eighth Avenue frontage to be located on the street line and extend along the entire street frontage of the zoning lot not occupied by existing buildings. Such street wall is required to rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet.
3. Section ZR 12-10 defines a street wall as follows;  
"A "street wall" is a wall or portion of a wall of a #building# facing a #street#."

In that the 81 foot high street wall framing structure as shown on the attached sketches, meets the definition of "street wall" outlined above, is located at the street line, and provides a minimum base height of 81 feet, respectfully request acceptance of said street wall framing as meeting the mandatory street wall requirements of section ZR 93-55(b), as stated. This request is consistent with other developments approved by the Department in the recent past, more specially the Museum of African Art, photograph attached for reference.

REVIEWED BY  
**Jed Weiss**  
Executive Zoning Specialist



**DENIED**

Control No. **22673**  
Date **5/17/12**  
Page **2 of 6**

REVIEWED BY  
**David Aigner**  
Senior Zoning Specialist



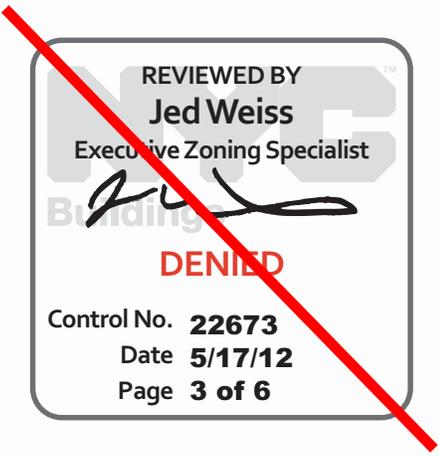
**APPROVED WITH CONDITIONS**

Control No.: **22673-A**  
Date: **8/22/14**  
Page: **2 of 7**

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

ADMINISTRATIVE USE ONLY		
Reviewed By:	Date:	Time:

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)  
Nobutaka Ashihara Architect

Signature Date

*[Signature]* 8/26/12



P.E. / R.A. Seal (apply seal, sign and date over seal - not required for Attorneys or unfiled applications)

<b>ADMINISTRATIVE USE ONLY</b>		
Reviewed By:	Date	Time:

# ZRD1/CCD1 Response Form

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

House No(s) 310

Street Name West 40th Street

Borough Manhattan

Block 763

Lot 47

BIN 1806220

Job No. Pre-determination

**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 93-55, ZR 12-10 "street wall"

Other secondary Zoning Resolution or Code Section(s):

Comments:

The denial issued for determination control #22673 by the Department on 5/17/2012 is hereby rescinded, and reissued as an approval with conditions as control #22673-A.

The request, to interpret the proposed "framing structure" with "metal mesh" as meeting the ZR 12-10 definition of "street wall" in order to satisfy the street wall requirements of ZR 93-55(b), is hereby approved with conditions.

Since the date of the previous denial on this matter for the subject property, Department policy has changed to permit a wall to meet a street wall requirement provided that such wall is comprised of a minimum of 50 percent solid materials.

It shall be noted that the inner court with a depth of 20 feet created to the rear of the proposed screen wall both meets MDL inner court size requirements of Section 26, and is sufficient to provide light and air to hotel units fronting on such court as per MDL Section 26. Thus the Department's minimum 50 percent openness test need not be applied to the screen wall for the purpose of determining whether or not legal windows receive light and air through the screen wall.

Therefore the request is approved, subject to the following:

- Examiner to verify that the proposed screen wall is comprised of a minimum of 50 percent solid materials. Applicant shall provide product detail for mesh screen to be used.

Note: If determination is not uploaded via eSubmit or scanned (whichever is applicable), it will be deemed invalid.



Name of Authorized Reviewer (please print): David J. Aigner

Title (please print): Senior Zoning Specialist (on behalf of Manhattan Borough Office)

Authorized Signature:

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 approval is not obtained within 12 months of issuance.**

# ZRD1/CCD1 Response Form

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

House No(s) 310

Street Name West 40th Street

Borough Manhattan

Block 763

Lot 47

BIN 1806220

Job No. pre-determination

**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 "street wall" definition

Other secondary Zoning Resolution or Code Section(s): ZR 93-55(b)

**Comments:**

The request, to interpret the proposed "framing structure" with "metal mesh" as meeting the ZR 12-10 definition of "street wall" in order to satisfy the street wall requirements of ZR 93-55(b), is hereby denied.

As per ZR 12-10, a "street wall" is a wall or portion of a wall of a "building" (also, as defined by ZR 12-10) facing a street.

ZR 12-10 "building" definition includes that "buildings" must be bounded by open area or "fire walls." Further, this definition also states that a "...building shall not include such structures as billboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas tanks, smoke stacks or similar structures."

Because the proposed three (3) story high and twenty (20) foot deep structure is enclosed by only columns, beams and a metal mesh (with no floor levels in between), it is a structure not accessible for human use nor bounded by open area or fire walls and hence does not constitute a "street wall."

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

REVIEWED BY  
**Jed Weiss**  
 Executive Zoning Specialist  
  
**DENIED**  
 Control No. **22673**  
 Date **5/17/12**  
 Page **4 of 6**

REVIEWED BY  
**David Aigner**  
 Senior Zoning Specialist  
  
**APPROVED WITH CONDITIONS**  
 Control No.: **22673-A**  
 Date: **8/22/14**  
 Page: **5 of 7**

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

Title (please print): Executive Zoning Specialist (on behalf of Manhattan Borough Office)

Authorized Signature: 

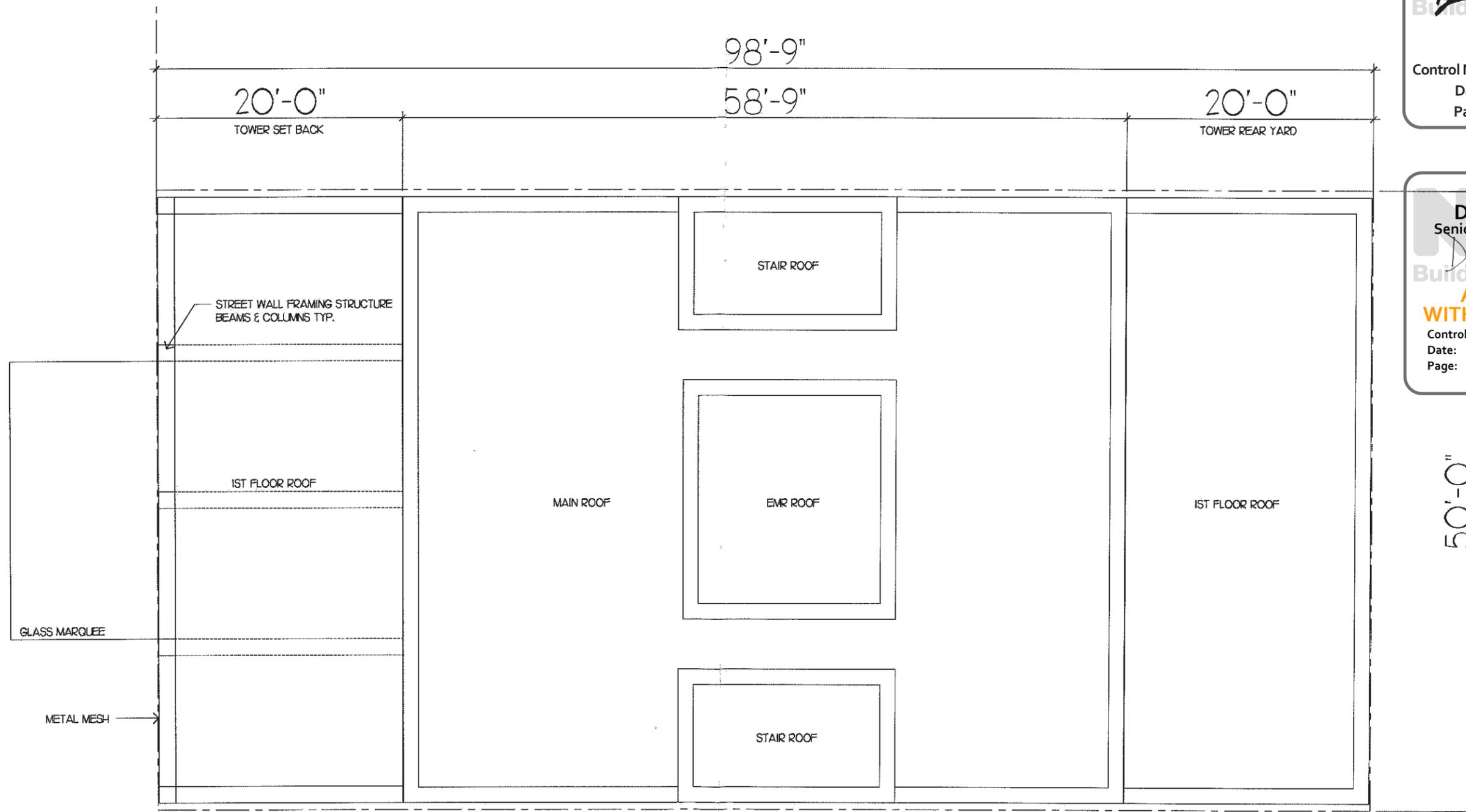
Date: **5/17/12**

Time:

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

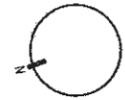
Note: Determination will expire if construction document approval is not obtained within 12 months of issuance.

W 40TH STREET (NARROW STREET)



REVIEWED BY  
**Jed Weiss**  
 Executive Zoning Specialist  
*Jed Weiss*  
**DENIED**  
 Control No. **22673**  
 Date **5/17/12**  
 Page **5 of 6**

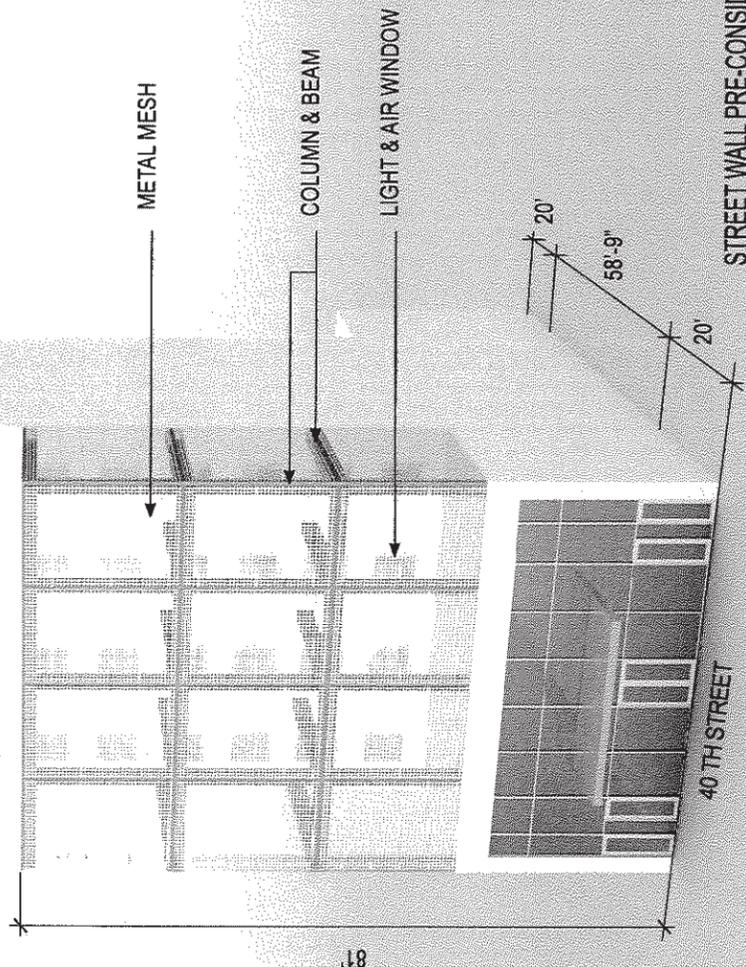
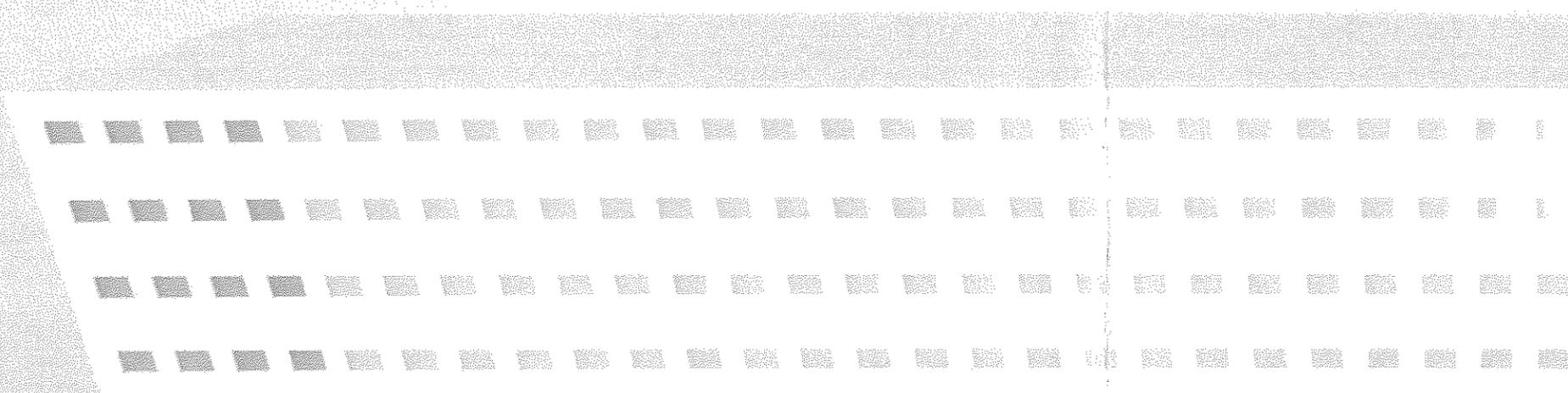
REVIEWED BY  
**David Aigner**  
 Senior Zoning Specialist  
*David J. Aigner*  
**APPROVED WITH CONDITIONS**  
 Control No.: **22673-A**  
 Date: **8/22/14**  
 Page: **6 of 7**



STREET WALL PRE-CONSIDERATION  
 310 W 40TH ST HOTEL

SITE PLAN  
 PREPARED FOR: HELM MANAGEMENT, INC.  
 PREPARED BY: NOBUTAKA ASHIHARA ARCHITECT  
 SCALE: N.T.S. 04/23/2012

1/2



REVIEWED BY  
**Jed Weiss**  
 Executive Zoning Specialist

*Jed Weiss*

**DENIED**

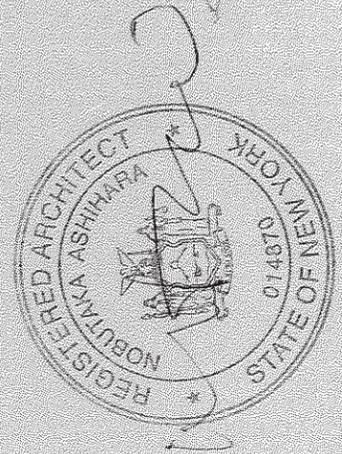
Control No. **22673**  
 Date **5/17/12**  
 Page **6 of 6**

REVIEWED BY  
**David Aigner**  
 Senior Zoning Specialist

*David J. Aigner*

**APPROVED  
 WITH CONDITIONS**

Control No.: **22673-A**  
 Date: **8/22/14**  
 Page: **7 of 7**



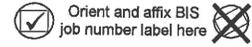
STREET WALL PRE-CONSIDERATION  
 310 W 40TH ST HOTEL

AXONOMETRIC VIEW  
 PREPARED FOR: HELM MANAGEMENT, INC.  
 PREPARED BY: NOBUTAKA ASHIHARA ARCHITECT  
 SCALE: N.T.S. 04/22/2012



ZRD1: Zoning Resolution Determination Form

Must be typewritten.



1 Location Information Required for all requests on filed applications.

House No(s) 350 Street Name WEST 40TH STREET
Borough Manhattan Block 763 Lot 67 BIN 1013695 CB No. 104

2 Applicant Information Required for all requests on filed applications.

Last Name KAUFMAN First Name GENE Middle Initial
Business Name GENE KAUFMAN ARCHITECT PC Business Telephone (212) 625-8700
Business Address 525 BROADWAY - 8TH FLOOR Business Fax (212) 625-8867
City NEW YORK State NY Zip 10012 Mobile Telephone ( ) -
E-Mail gene@gkapc.com License Number 17030
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 REDLEIN First Name BRIAN Middle Initial
Business Name METROPOLIS GROUP INC Business Telephone (212) 233-6344
Business Address 22 CORTLANDT STREET 10TH FLOOR Business Fax (212) 233-6333
City NEW YORK State NY Zip 10007 Mobile Telephone ( ) -
E-Mail BRIANR@METROPOLISNY.COM License/Registration # (if P.E./R.A./Attorney) 002627
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)
Appointment is requested with: Borough Commissioner's Office Technical Affairs
Job associated with this request? Yes (provide job#/doc#/examiner name below) No
Job Number: 121185216 Document Number: 00 Examiner: JAKE UDEH
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 93-55(b)

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: Date Time:

REVIEWED BY David Aigner Senior Zoning Specialist
APPROVED WITH CONDITIONS
Control No.: 34710
Date: 7/15/14
Page: 1 of 12

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

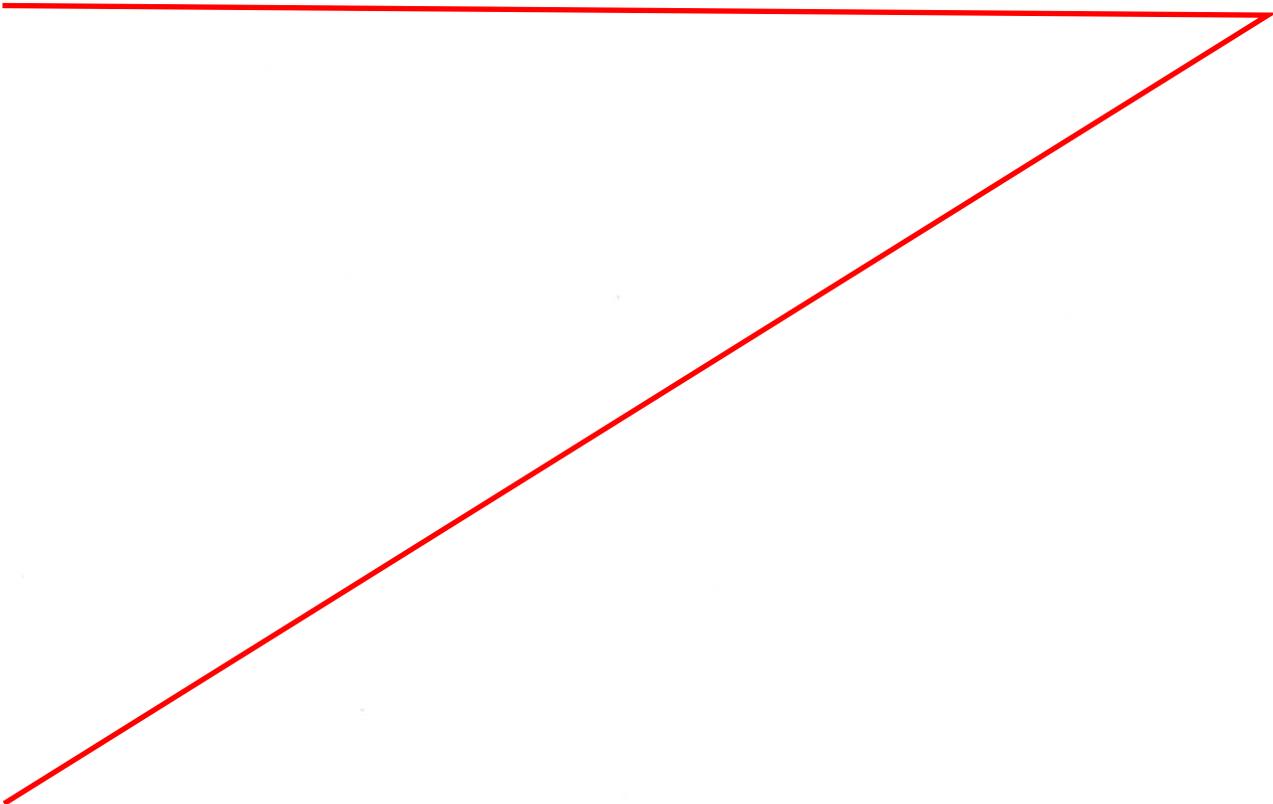
Note: Buildings Department officials will only interpret or clarify the Zoning Resolution. Any request for variations of the Zoning Resolution must be filed with the Board of Standards and Appeals (BSA) or the Department of City Planning (DCP).

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.

Respectfully request determination to objection "the proposed building with its street wall not located on street line and not setback above the minimum base height is not permitted. The steel structure trellis is not considered a street wall."

We request to waive this objection since our street wall is not a trellis and is located on the street line as per ZR 93-55 (b). We are constructing a new hotel located at 350 West 40th street. The site is located in a C6-4 Special Hudson Yards Area E Zoning District. The site is an interior lot with 100'-0" of frontage. As per Zr 93-55(b) we are required to have a street wall that is a minimum of 80' and maximum of 90' high along the street line. As per our attached plans we have steel columns and beams that run along the entire street line up to 80'. The openings along the 1st floor are covered with glass while the openings on the upper floors are covered with a metal mesh.

Request that our proposed plans comply with street wall requirements as set forth in ZR 93-55(b).



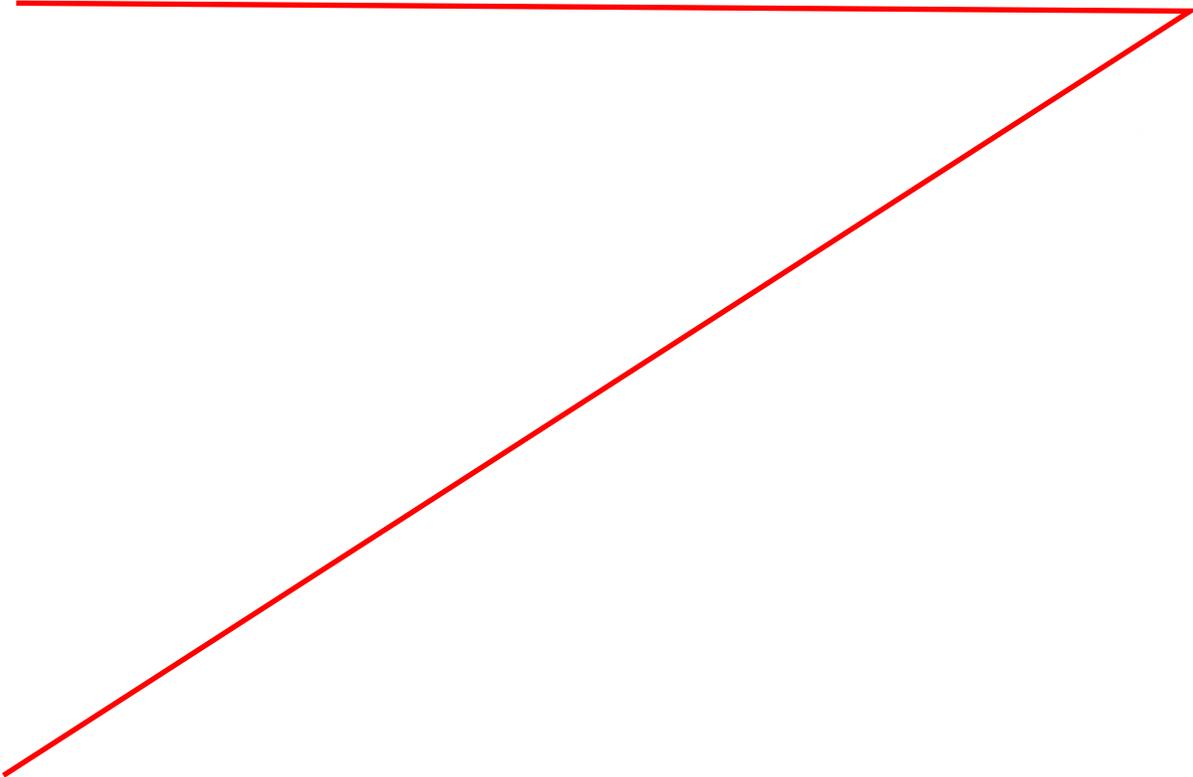
Note: Buildings Department Determination will be REVIEWED BY ZRD1 Response Form

ADMINISTRATIVE USE ONLY	<b>REVIEWED BY</b> <b>David Aigner</b> Senior Zoning Specialist
Reviewed By:	Date: _____ Time: _____

**APPROVED  
WITH CONDITIONS**

Control No.: 34710  
Date: 7/15/14  
Page: 2 of 12

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

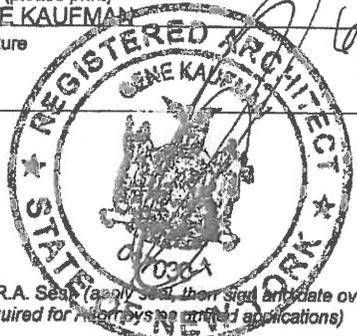


Note: Buildings Department Determination will be issued on the ZRD1 Response Form

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) GENE KAUFMAN  
Signature Date



P.E. / R.A. Seal (apply seal, then sign and date over seal - not required for non-system printed applications)

ADMINISTRATIVE USE ONLY

Reviewed By:

REVIEWED BY  
**David Aigner**  
Senior Zoning Specialist

Date

Time:

*David J. Aigner*  
Buildings  
**APPROVED WITH CONDITIONS**  
Control No.: 34710  
Date: 7/15/14  
Page: 3 of 12

# ZRD1/CCD1 Response Form

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

House No(s) 350

Street Name West 40th Street

Borough Manhattan

Block 763

Lot 67

BIN 1013695

Job No. 121185216

**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 93-55 (b)

Other secondary Zoning Resolution or Code Section(s): MDL 26

Comments:

The request, to determine that in connection with the proposed new hotel building in a C6-4 district in the South of Port Authority Subdistrict E of the Special Hudson Yards District (HY), the perforated screen wall as shown located at the street line satisfies the ZR 93-55 (b) requirement to locate a street wall at the street line along the full length of the zoning lot, is hereby approved with conditions.

The street wall provisions applicable to the subject property require that the street wall of a building be located at the street line, and extend along 100 percent of the street frontage of the zoning lot up to a minimum height of 80 feet. The applicant has demonstrated a screen wall design that meets the Department's maximum percentage of openness standard in order for a surface/material to be able to be considered a "street wall" (the perforated metal screen material is 48 percent open, less than the 50 percent maximum), and that such street wall complies with the base height and street wall location provisions of ZR 93-55 (b).

Further, it shall be noted that the court created to the rear of the proposed screen wall is sufficient to provide light and air to hotel units fronting on such court as per MDL Section 26, and that the Department's minimum 50 percent openness test need not be applied to the screen wall for the purpose of determining whether or not legal windows receive light and air through the screen wall.

Therefore, the request is approved subject to the following:

- The interior parapet at the second story shall be a minimum of 50 percent open in order to not obstruction light and air provided to second story hotel rooms.

-----  
 Note: If determination is not uploaded via eSubmit or scanned (whichever is applicable), it will be deemed invalid.



Name of Authorized Reviewer (please print): David J. Aigner

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

Authorized Signature:

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 approval is not obtained within 12 months of issuance.**

# PROJECT: 350 West 40th STREET PROPOSED HOTEL 20-STORY BUILDING WITH 324 KEYS

ARCHITECTURAL DRAWING LIST		
Sheet no.	Sheet title	3/20/2014
T-100.00	TITLE SHEET	3/20/2014
Z-101.00	ZONING ANALYSIS	3/20/2014
Z-102.00	FLOOR AREA CALCULATIONS	3/20/2014
Z-103.00	MECHANICAL DEDUCTIONS	3/20/2014
Z-104.00	ZONING MAPS	3/20/2014
EN-100.00	ENERGY ANALYSIS	3/20/2014
EN-101.00	ENERGY ANALYSIS	3/20/2014
EN-102.00	ENERGY ANALYSIS	3/20/2014
S-100.00	SITE PLAN	3/20/2014
A-100.00	GENERAL NOTES	3/20/2014
A-104.00	LANDMARK AND SUBWAY MAP	3/20/2014
A-105.00	ACCESSIBILITY/LOCAL LAW 58-1987	3/20/2014
EG-101.00	CELLAR EGRESS AND OCCUPANCY PLANS	3/20/2014
EG-102.00	1ST FLOOR EGRESS AND OCCUPANCY PLAN	3/20/2014
EG-103.00	2ND FLOOR EGRESS AND OCCUPANCY PLAN	3/20/2014
EG-104.00	3RD-19TH FLOOR EGRESS AND OCCUPANCY PLANS	3/20/2014
EG-105.00	20th floor EGRESS AND OCCUPANCY PLANS	3/20/2014
A-200.00	CELLAR FLOOR PLAN	3/20/2014
A-201.00	FIRST FLOOR PLAN	3/20/2014
A-202.00	2ND FLOOR PLAN	3/20/2014
A-203.00	3RD - 18TH FLOOR PLAN	3/20/2014
A-204.00	19TH FLOOR PLAN	3/20/2014
A-205.00	20TH FLOOR PLAN	3/20/2014
A-206.00	ROOF/EMR LEVEL FLOOR PLAN	3/20/2014
A-207.00	BOILER/EMR LEVEL FLOOR PLAN	3/20/2014
A-208.00	WATER TANK LEVEL FLOOR PLAN	3/20/2014
A-220.00	CELLAR FLOOR RCP	3/20/2014
A-221.00	1ST FLOOR RCP	3/20/2014
A-222.00	2ND FLOOR RCP	3/20/2014
A-223.00	3RD - 18TH FLOOR RCP	3/20/2014
A-224.00	19TH FLOOR RCP	3/20/2014
A-225.00	20th FLOOR RCP	3/20/2014
A-226.00	EMR LEVEL RCP	3/20/2014
A-227.00	BOILER/EMR LEVEL RCP	3/20/2014
A-301.00	BUILDING SECTION	3/20/2014
A-302.00	BUILDING SECTION	3/20/2014
A-401.00	FRONT ELEVATION	3/20/2014
A-402.00	REAR ELEVATION	3/20/2014
A-403.00	EAST ELEVATION	3/20/2014
A-404.00	WEST ELEVATION	3/20/2014
A-405.00	STOREFRONT ELEVATION	3/20/2014
A-501.00	TYPICAL WALL SECTION	3/20/2014
A-502.00	TYPICAL WALL SECTION	3/20/2014
A-505.00	ENLARGED STAIR PLANS	5/13/2014
A-507.00	ENLARGED STAIR SECTIONS	5/13/2014
A-509.00	STAIR DETAILS	5/13/2014
A-530.00	ROOF DETAILS	3/20/2014
A-550.00	ELEVATOR CAB PLANS & ELEVATIONS	3/20/2014
A-560.00	MARQUEE - PLANS	3/20/2014
A-561.00	MARQUEE - ELEVATIONS & SECTIONS	3/20/2014
A-562.00	MARQUEE GENERAL NOTES	3/20/2014
A-601.00	WALL TYPES	3/20/2014
A-602.00	DOOR AND HARDWARE SCHEDULES	3/20/2014
A-603.00	DOOR DETAILS	3/20/2014
A-604.00	WINDOW SCHEDULES	3/20/2014
A-605.00	LIGHTING SCHEDULES	3/20/2014
A-700.00	LINEN CHUTE DETAILS	3/20/2014
A-705.00	ENLARGED ADA BATHROOMS	3/20/2014
BPP-100.00	BUILDER'S PAVING PLAN (TO BE FILED SEPARATELY)	3/20/2014
BPP-101.00	BUILDER'S PAVING PLAN (TO BE FILED SEPARATELY)	3/20/2014

STRUCTURE DRAWING LIST		
Sheet no.	Sheet title	3/20/2014
F-100.00	CELLAR FLOOR & FOUNDATION PLAN	3/20/2014
F-200.00	FOUNDATION SECTIONS	3/20/2014
S-001.00	STRUCTURAL NOTES	3/20/2014
S-101.00	FIRST FLOOR FRAMING PLAN	3/20/2014
S-102.00	SECOND FLOOR FRAMING PLAN	3/20/2014
S-103.00	TYPICAL (3-8) FLOOR FRAMING PLAN	3/20/2014
S-109.00	TYPICAL (9-15) FLOOR FRAMING PLAN	3/20/2014
S-116.00	TYPICAL (16-19) FLOOR FRAMING PLAN	3/20/2014
S-123.00		3/20/2014
S-129.00		3/20/2014
S-136.00	20th FRAMING PLAN	3/20/2014
S-137.00	ROOF BULKHEAD FRAMING PLANS	3/20/2014
S-200.00	SHEAR WALL ELEVATIONS	3/20/2014
S-201.00	SHEAR WALL ELEVATIONS	3/20/2014
S-202.00	SHEAR WALL PLANS & DETAILS	3/20/2014
S-300.00	WALL SECTIONS	3/20/2014
S-400.00	TYPICAL SECTIONS & DETAILS	3/20/2014
S-401.00	TYPICAL SECTIONS & DETAILS	3/20/2014
S-402.00	TYPICAL SECTIONS & DETAILS	3/20/2014
S-403.00	TYPICAL SECTIONS & DETAILS	3/20/2014
A-500.00	COLUMN SCHEDULE	3/20/2014

MECHANICAL DRAWING LIST		
Sheet no.	Sheet title	3/20/2014
M-001.00	MECHANICAL LEGEND AND SYMBOL LIST	3/20/2014
M-300.00	CELLAR FLOOR MECHANICAL PLAN	3/20/2014
M-301.00	FIRST FLOOR MECHANICAL PLAN	3/20/2014
M-302.00	SECOND FLOOR MECHANICAL PLAN	3/20/2014
M-303.00	TYPICAL 3RD-18TH FLOOR MECHANICAL PLAN	3/20/2014
M-304.00	19TH FLOOR MECHANICAL PLAN	3/20/2014
M-305.00	20th MECHANICAL PLAN	3/20/2014
M-306.00	EMR LEVEL MECHANICAL PLAN	3/20/2014
M-307.00	BOILER ROOM LEVEL MECHANICAL PLAN	3/20/2014
M-501.00	MECHANICAL SCHEDULES	3/20/2014
M-601.00	MECHANICAL DETAILS SHEET 1 OF 2	3/20/2014
M-602.00	MECHANICAL DETAILS SHEET 2 OF 2	3/20/2014
M-701.00	AIR RISER DIAGRAMS - NORTH	3/20/2014
M-702.00	AIR RISER DIAGRAMS - SOUTH	3/20/2014
M-703.00	FUEL OIL SCHEMATIC DIAGRAM	3/20/2014

E-100.00	ELECTRICAL POWER RISER DIAGRAMS	3/20/2014
E-101.00	ELECTRICAL POWER RISER DIAGRAMS	3/20/2014

PLUMBING DRAWING LIST		
Sheet no.	Sheet title	3/20/2014
P-001.00	PLUMBING SCHEDULES, NOTES & LEGENDS	3/20/2014
P-100.00	CELLAR FLOOR PLUMBING PLAN	3/20/2014
P-101.00	FIRST FLOOR PLUMBING PLAN	3/20/2014
P-102.00	SECOND FLOOR PLUMBING PLAN	3/20/2014
P-103.00	TYPICAL 3RD-34TH FLOOR PLUMBING PLAN	3/20/2014
P-104.00	35TH FLOOR PLUMBING PLAN	3/20/2014
P-105.00	ROOF PLUMBING PLAN	3/20/2014
P-106.00	EMR/BOILER ROOM PLUMBING PLAN	3/20/2014
P-300.00	PLUMBING NORTH SIDE SANITARY RISER DIAGRAM SHEET 1 OF 2	3/20/2014
P-301.00	PLUMBING NORTH SIDE SANITARY RISER DIAGRAM SHEET 2 OF 2	3/20/2014
P-302.00	PLUMBING SOUTH SIDE SANITARY RISER DIAGRAM SHEET 1 OF 2	3/20/2014
P-303.00	PLUMBING SOUTH SIDE SANITARY RISER DIAGRAM SHEET 2 OF 2	3/20/2014
P-304.00	PLUMBING STORM & GAS RISER DIAGRAMS	3/20/2014
P-400.00	PLUMBING DETAILS SHEET 1 OF 2	3/20/2014
P-401.00	PLUMBING DETAILS SHEET 2 OF 2	3/20/2014



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**DOUBLE TREE HOTEL**

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01	03-20-14	ISSUED FOR DOB
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**GENE KAUFMAN ARCHITECT PC**  
525 BROADWAY, NEW YORK, N.Y. 10012  
TEL. (212) 625-8700 FAX. (212) 625-8867

REVIEWED BY  
**David Aigner**  
Senior Zoning Specialist  
*David J. Aigner*  
**APPROVED WITH CONDITIONS**  
Control No.: 34710  
Date: 7/15/14  
Page: 5 of 12

LOCATION:  
350 West 40th STREET {{{BLOCK 763 LOT 67 NEW YORK, NY



350 WEST 40TH STREET  
NEW YORK, NY

TITLE SHEET

SEAL & SIGNATURE: 	DATE: May 15, 2014 SCALE: AS NOTED DRAWING NUMBER: <b>T-100.01</b>
PAGE#: 01 OF 67	

**AREA A:**

TOTAL STREET WALL SF.:  
80'-0" X 99'-0" = 7920 SF.

**AREA B:**

PERFORATED METAL PANEL: 3,825 SF.  
OPEN AREA 48% 1,836 SF.  
SOLID AREA 52% 1,989 SF.

**AREA C:**

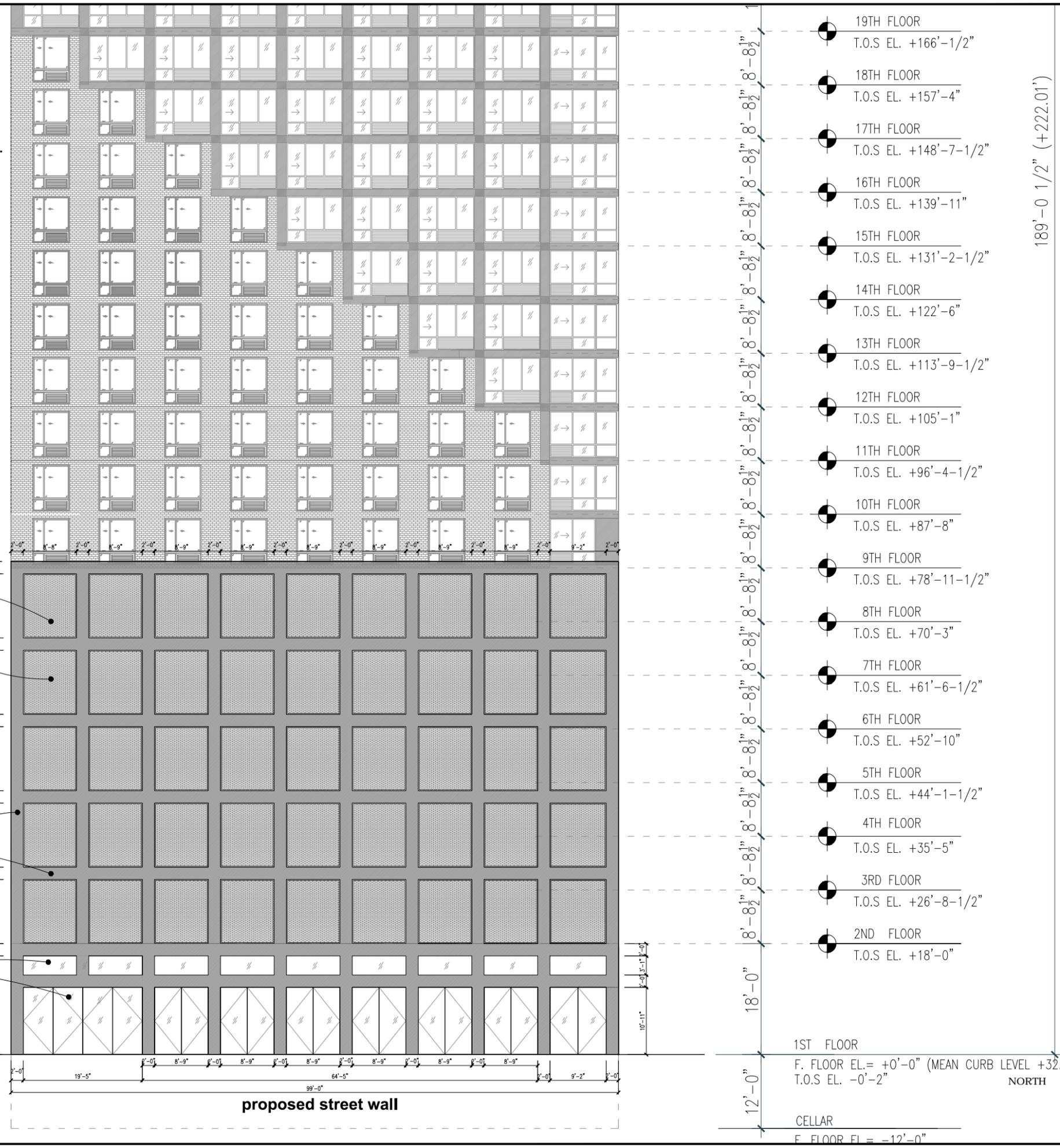
SOLID METAL PANEL: 2,639 SF.

**AREA D:**

GLASS STORE FRONT: 1,456 SF

**TOTAL PROPOSED STREET WALL SOLID AREA %:**

1989 + 2639 + 1456 = 6,084 SF.  
6,084/7920 = 76% SOLID



**PERFORATED METAL PANEL SPECIFICATIONS:**  
McNICHOLS QUALITY  
ROUND PERFORATED 1/4"  
GAUGE STAINLESS STEEL,  
1/2" ROUND ON 11/16"  
STAGGERED, 48% OPEN  
AREA. ITEM# 1812619941

**REVIEWED BY**  
**David Aigner**  
Senior Zoning Specialist

*David J. Aigner*

**APPROVED WITH CONDITIONS**

Control No.: 34710  
Date: 7/15/14  
Page: 6 of 12

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**HLW International LLP**  
Architecture  
Engineering  
Interiors  
Planning  
Consulting

115 Park Avenue  
New York, NY 10022  
Tel 212-369-4600  
Fax 212-369-4464

**Wexler & Associates**  
Structural Engineers

Wexler Associates  
12 West 32nd Street, 8th Floor  
Tel 212-643-1500  
Fax 212-643-2227

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ISSUED DRAWINGS:		

**GENE KAUFMAN ARCHITECT PC**  
525 BROADWAY, NEW YORK, N.Y. 10012  
TEL. (212) 625-8700 FAX. (212) 625-8867

**350 WEST 40TH STREET**  
NEW YORK, NY

FRONT ELEVATION with or without

SEAL & SIGNATURE:

DATE: May 15, 2014  
SCALE: AS NOTED  
DRAWING NUMBER:  
**A-401.00**  
PAGE#: . OF 67

# McNICHOLS since 1952

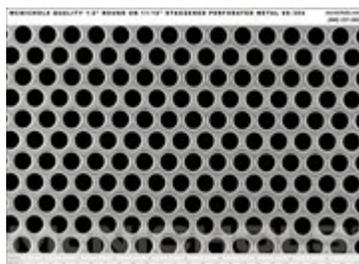
## McNICHOLS® Quality Round Perforated, 1/4" Gauge Stainless Steel, 1/2" Round on 11/16" Staggered, 48.0000" x 120.0000"

Visit us online at <http://www.mcnichols.com>  
Order Now: 1-877-884-4653 or email [sales@mcnichols.com](mailto:sales@mcnichols.com)



### Item Specifications:

Item Number :	1812619941
Product Line :	Perforated
Product Type :	Round Hole
Weight :	5.33 #/SF
Class :	Round Hole
Trade Name :	McNICHOLS®
Major Material :	Stainless Steel
Minor Material :	Type 304
Gauge (Thickness) :	1/4"
Hole Size :	0.5000
Hole Centers :	0.6875
Hole Pattern :	Staggered
Surface Finish :	Mill
Percent Open Area :	48
Width :	48.0000
Length (Span for Grating) :	120.0000
SKU Type :	Sheet
End Pattern :	Unfinished
Margins Parallel to Length :	Min Safe Both Sides
Straight Rows Parallel To :	Length
Margins Parallel to Width :	Min Safe Both Ends
HS Item Number :	1812619941

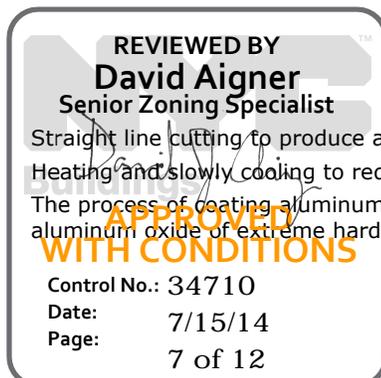


### Accessories:

U Edging

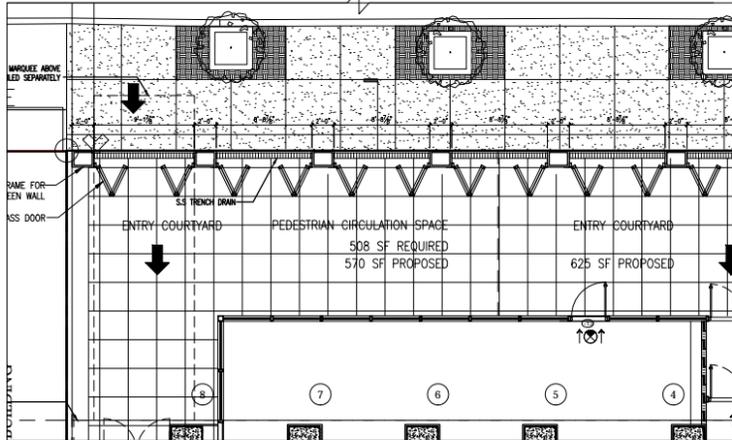
### Options:

Angle Cutting  
Annealing  
Anodizing

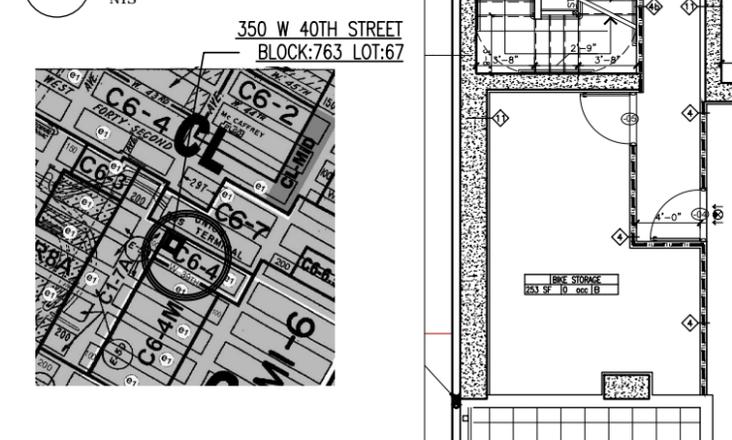


Straight line cutting to produce an angle other than 90 degrees  
Heating and slowly cooling to reduce the brittleness of a material.  
The process of coating aluminum electrolytically, resulting in a thin film of aluminum oxide of extreme hardness. Can be processed either clear or in colors.

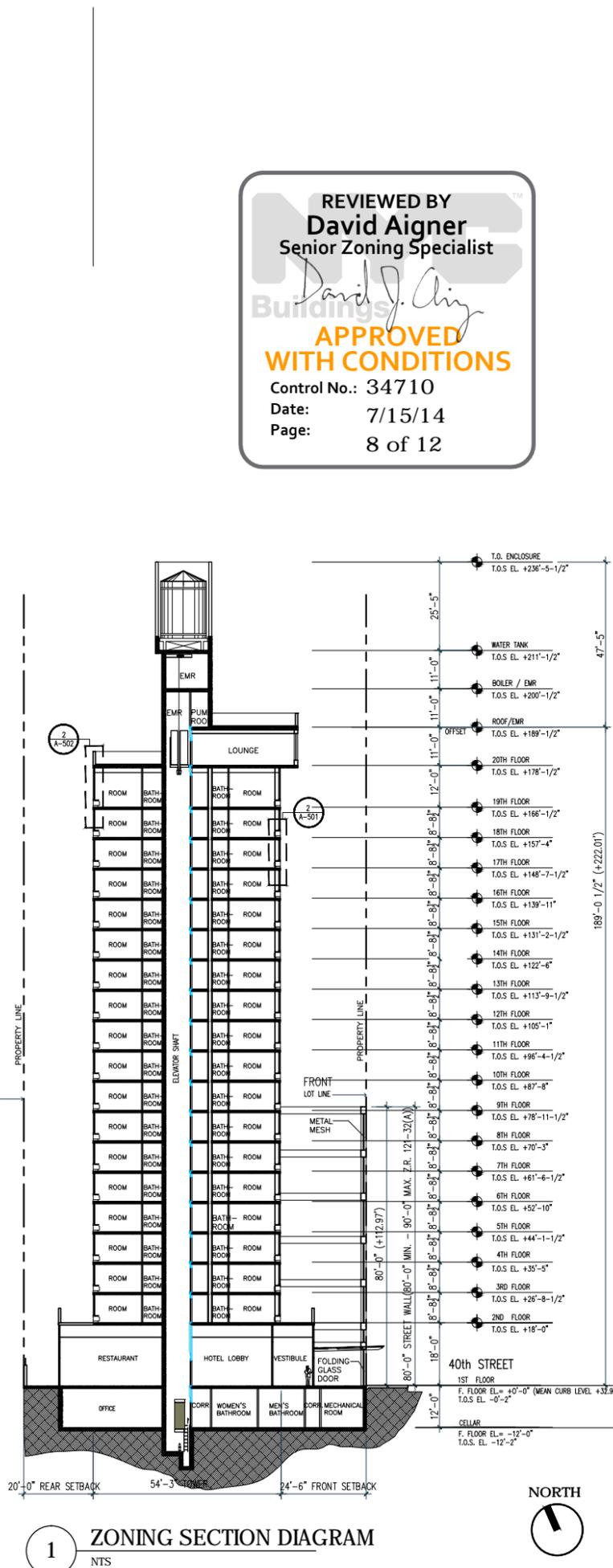
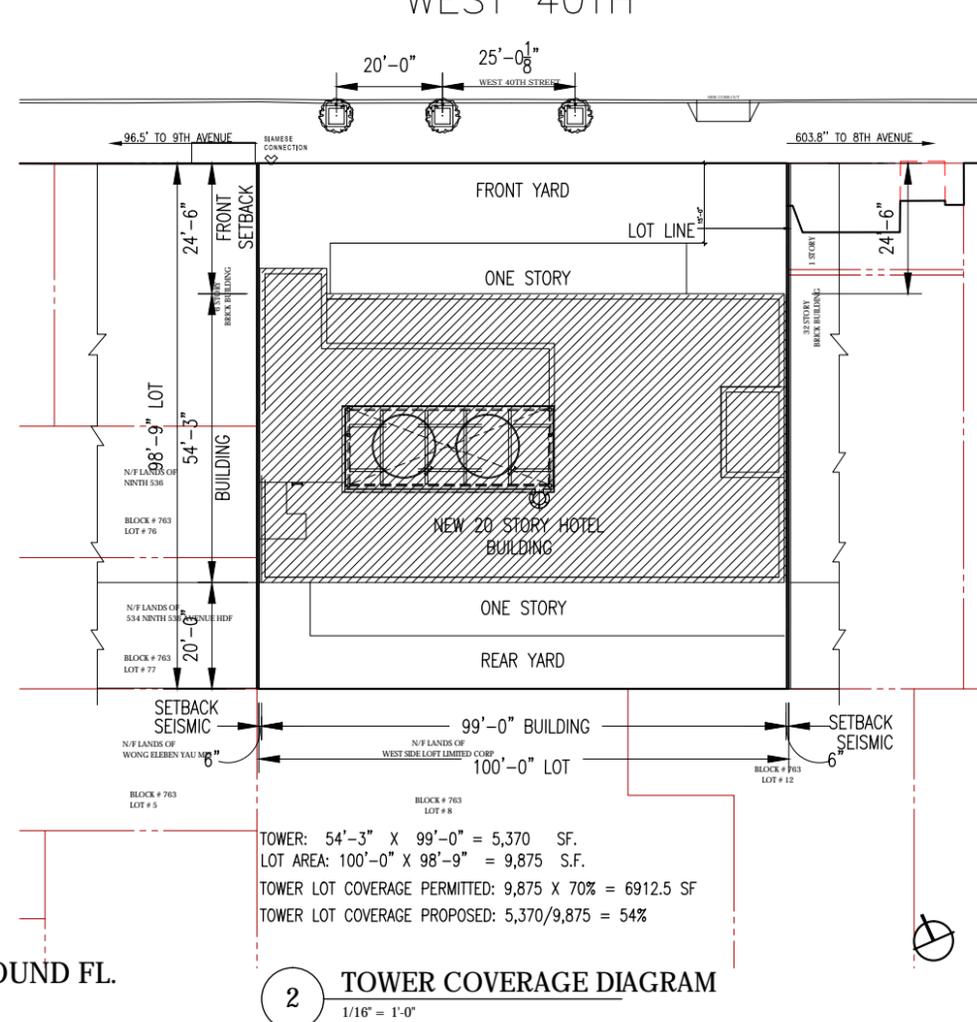
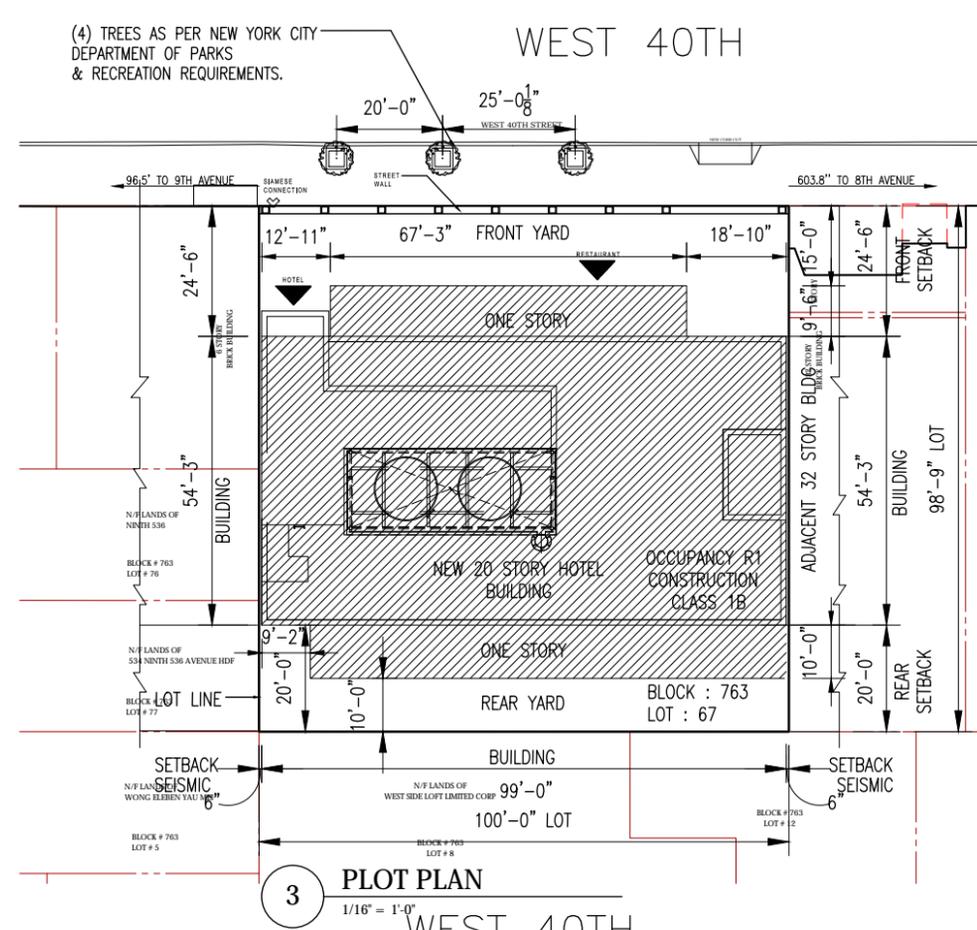
350 WEST 40TH		
Block:	763	
Lot:	67	
Map:	8d	
Zoning:	C6-4 (Hudson Yards area E) E1	
Lot Area (sf):	100'-0" X 98'-9"	
	9,875.00	SF.
Use Regulations		
93-10 Use Group	U.G. 5 to 17	U.G. 5 and 6a
Bulk Regulations		
A) Floor Area		
93-22 Basic Maximum FAR	10.00	10.00
93-22 Bonus FAR	8.00	0.00
93-22 Total Floor Area Ratio with Bonus	10.00	9.88
93-22 Total Floor Area (sf)	98750.00	97,562
93-31 Improvement Fund Bonus Cost		
Minimum base	80'	80'
93-42a Maximum base	90 feet narrow street	
93-42b Setback		
93-42 c2 Tower lot coverage above 150'		
93-61 Sidewalk widening	Not Required	No
93-63 Pedestrian circulation space (C6-4, lot greater than 5,000 sf)	1 sf per 350 sf	
37-50 Requirements from Pedestrian circulations space		
37-51 Amount of Pedestrian circulation space (ZFA350) (size of zoning lot 5,000 to 20,000)	282	570sf
37-52 Types of Pedestrian circulation space	Interior lot	
	Building entrance recessed area	
93-64 Building entrances	Not applicable	No
93-65 Transit easements	Not Required	No
93-81b Parking, zoning lot under 15,000 sf	Optional, 0.3 to 0.35/1,000 zsf	None
36-62 Loading Dock	First 100,000 sf.	Provided
B) Rear Yard		
33-26 Rear Yard	20'-0"	20'-0"
Street Wall		
C) Parking and Loading		
81-44 Curb Cut Restriction		Provided
13-41 Off Street Parking	Not Required	None
D) Bicycle Parking		
36-711 Bicycle Parking (1 per 10,000 sf)	9,875 10 X 15 = 150 sf 10 spaces @ 15sf each	249 sf 10 spaces @ 15 sf each = 150 sf
E) Trees		
93-62 Street Tree Planting (1 tree for 25' of frontage)	25' frontage/100'-0" = 4 tree	3 onsite, 1 offsite tree



**5 PEDESTRIAN CIRCULATION DIAGRAM**  
NTS



**6 ZONING MAP (8d)** NTS  
**4 BICYCLE ROOM @ GROUND FL.** 3/16" = 1'-0"



REVIEWED BY  
**David Aigner**  
Senior Zoning Specialist

*David J. Aigner*

**APPROVED WITH CONDITIONS**

Control No.: 34710  
Date: 7/15/14  
Page: 8 of 12

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECTS. DO NOT SCALE THE DRAWINGS. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE CONSULTANTS.

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**DOUBLE TREE HOTEL**

**GENE KAUFMAN ARCHITECT PC**  
525 BROADWAY, NEW YORK, N.Y. 10012  
TEL. (212) 625-8700 FAX. (212) 625-8867

**350 WEST 40TH STREET**  
NEW YORK, NY

ZONING ANALYSIS

SEAL & SIGNATURE: [Signature] DATE: May 15, 2014  
SCALE: AS NOTED  
DRAWING NUMBER: Z-101.00  
PAGE: 02 OF 67

THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECTS. DO NOT SCALE THE DRAWINGS. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE CONSULTANTS.

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**DOUBLE TREE HOTEL**

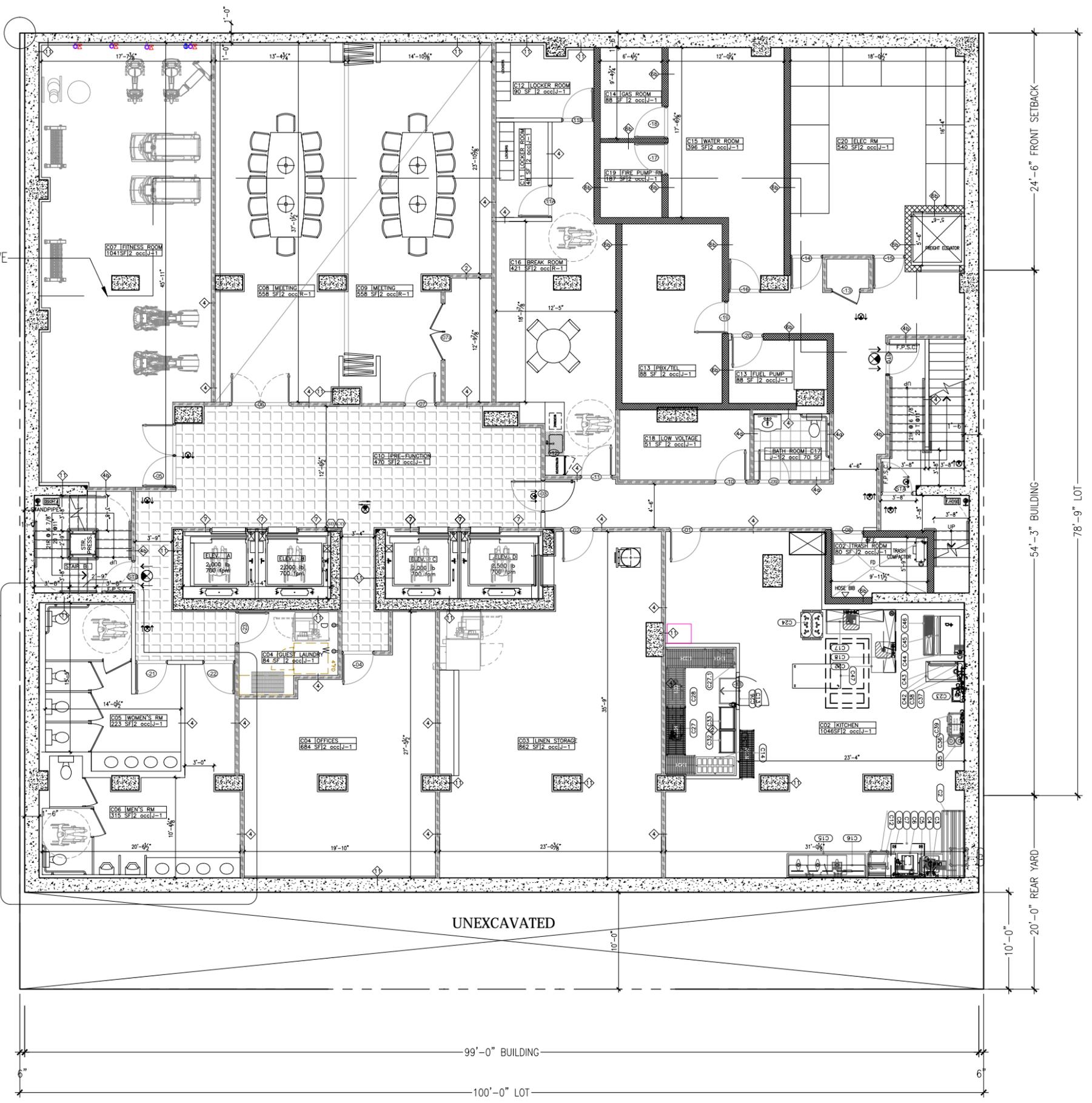
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 TEL. (212) 625-8700 FAX. (212) 625-8867

350 WEST 40TH STREET  
 NEW YORK, NY

CELLAR FLOOR PLAN

SEAL & SIGNATURE: 	DATE: May 15, 2014 SCALE: AS NOTED DRAWING NUMBER: <b>A-200.00</b>
PAGE#: 67	



LINE OF FLOOR ABOVE

**REVIEWED BY**  
**David Aigner**  
 Senior Zoning Specialist

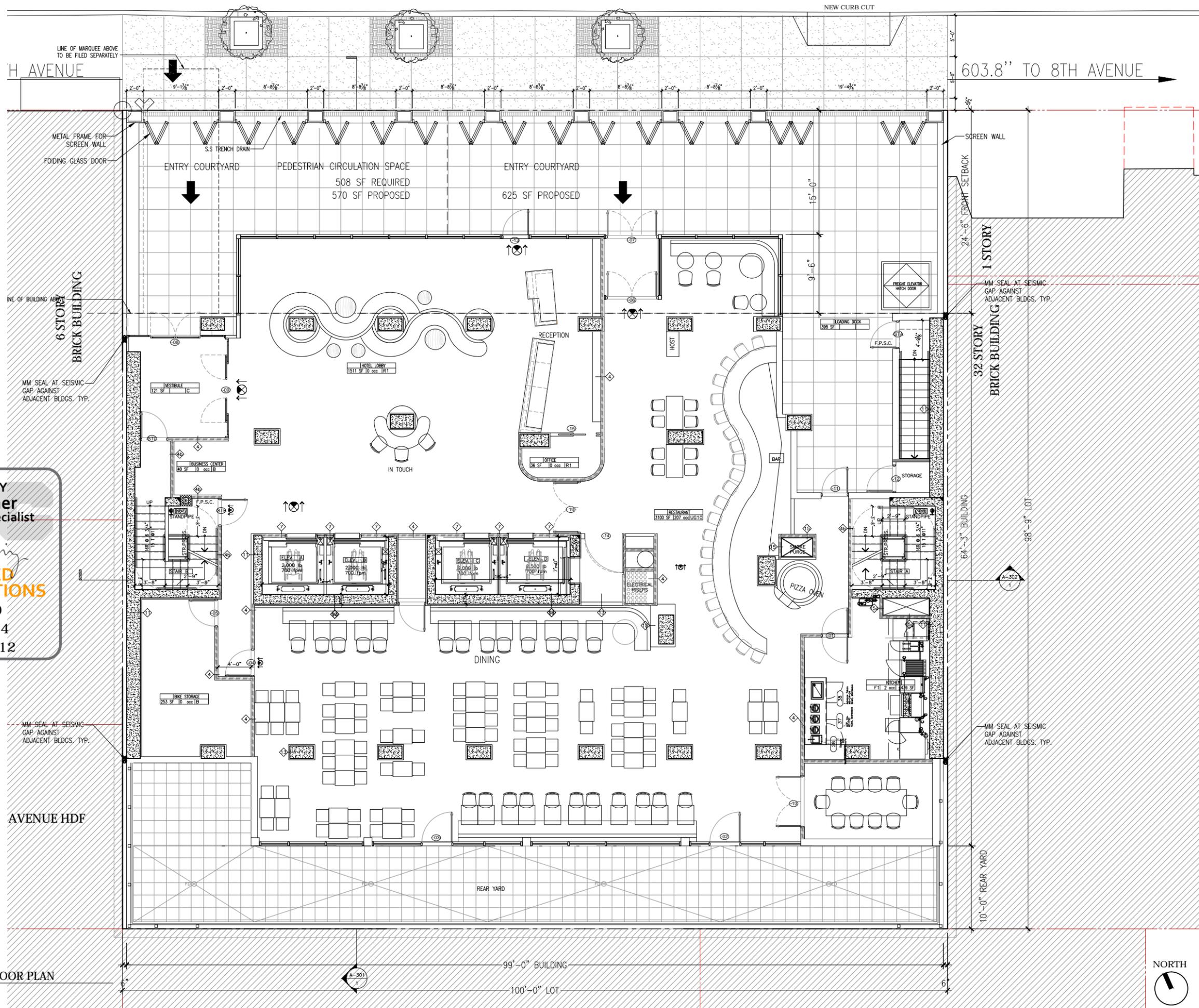
*David J. Aigner*

**APPROVED WITH CONDITIONS**

Control No.: 34710  
 Date: 7/15/14  
 Page: 9 of 12

**1 CELLAR FLOOR PLAN**  
 3/16" = 1'-0"





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02	05-27-14	ISSUED FOR DOB
01	03-20-14	ISSUED FOR DOB
#	DATE	DESCRIPTION
ISSUED DRAWINGS:		

**GENE KAUFMAN ARCHITECT PC**  
 525 BROADWAY, NEW YORK, N.Y. 10012  
 TEL. (212) 625-8700 FAX. (212) 625-8867

350 WEST 40TH STREET  
 NEW YORK, NY

FIRST FLOOR PLAN

SEAL & SIGNATURE: DATE: May 15, 2014  
 SCALE: AS NOTED  
 DRAWING NUMBER:  
**A-201.00**  
 PAGE#: 67

**REVIEWED BY**  
**David Aigner**  
 Senior Zoning Specialist

*David J. Aigner*

**APPROVED WITH CONDITIONS**

Control No.: 34710  
 Date: 7/15/14  
 Page: 10 of 12

1 FIRST FLOOR PLAN  
 3/16" = 1'-0"



THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECTS. DO NOT SCALE THE DRAWINGS. THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE CONSULTANTS.

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**DOUBLE TREE HOTEL**

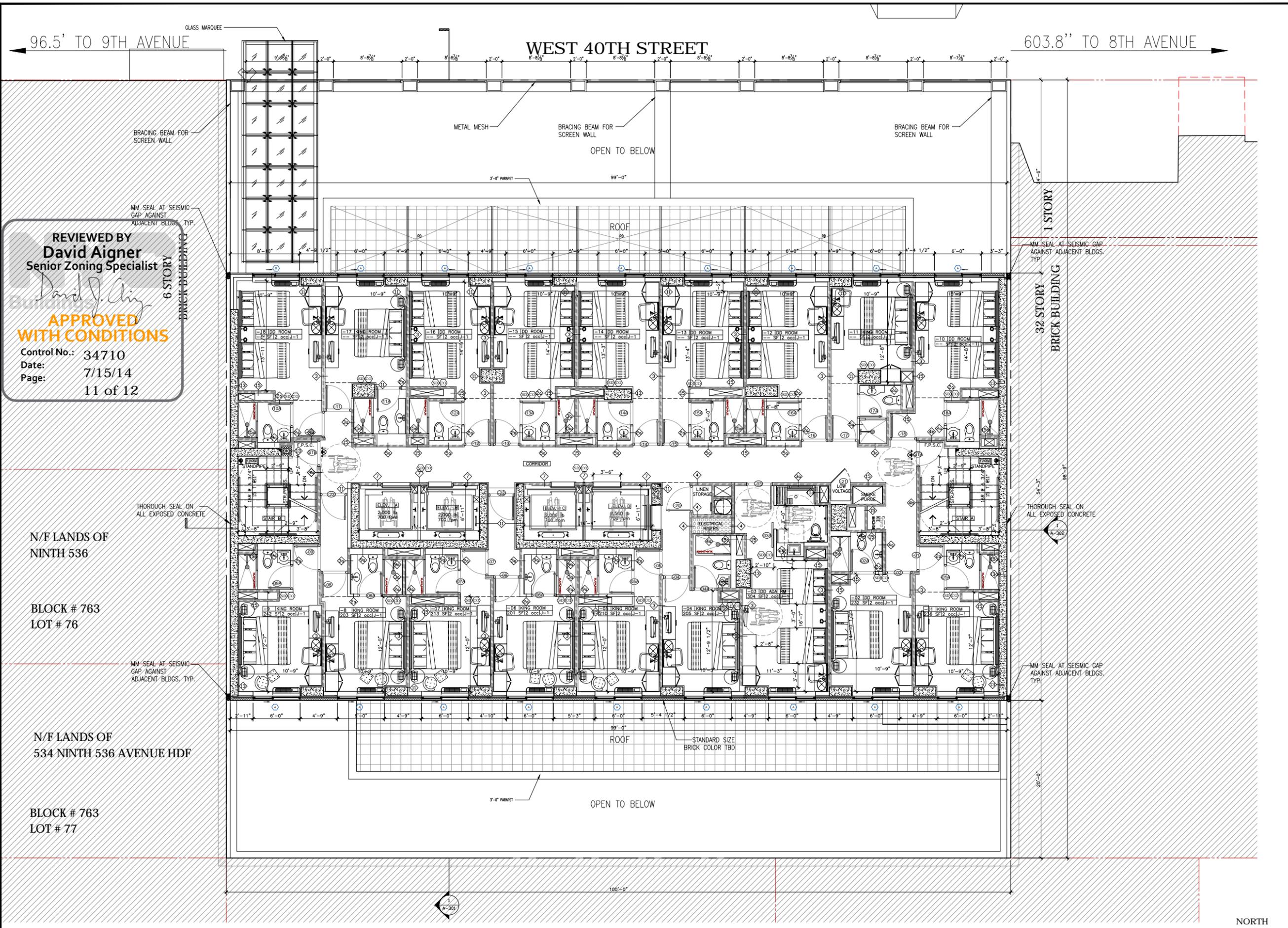
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SECOND FLOOR PLAN

SEAL & SIGNATURE:	DATE: May 15, 2014
	SCALE: AS NOTED
	DRAWING NUMBER: <b>A-202.00</b>
PAGE#: 06 OF 67	



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**David Aigner**  
 Senior Zoning Specialist

*David J. Aigner*

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Control No.: 34710  
 Date: 7/15/14  
 Page: 11 of 12

N/F LANDS OF NINTH 536

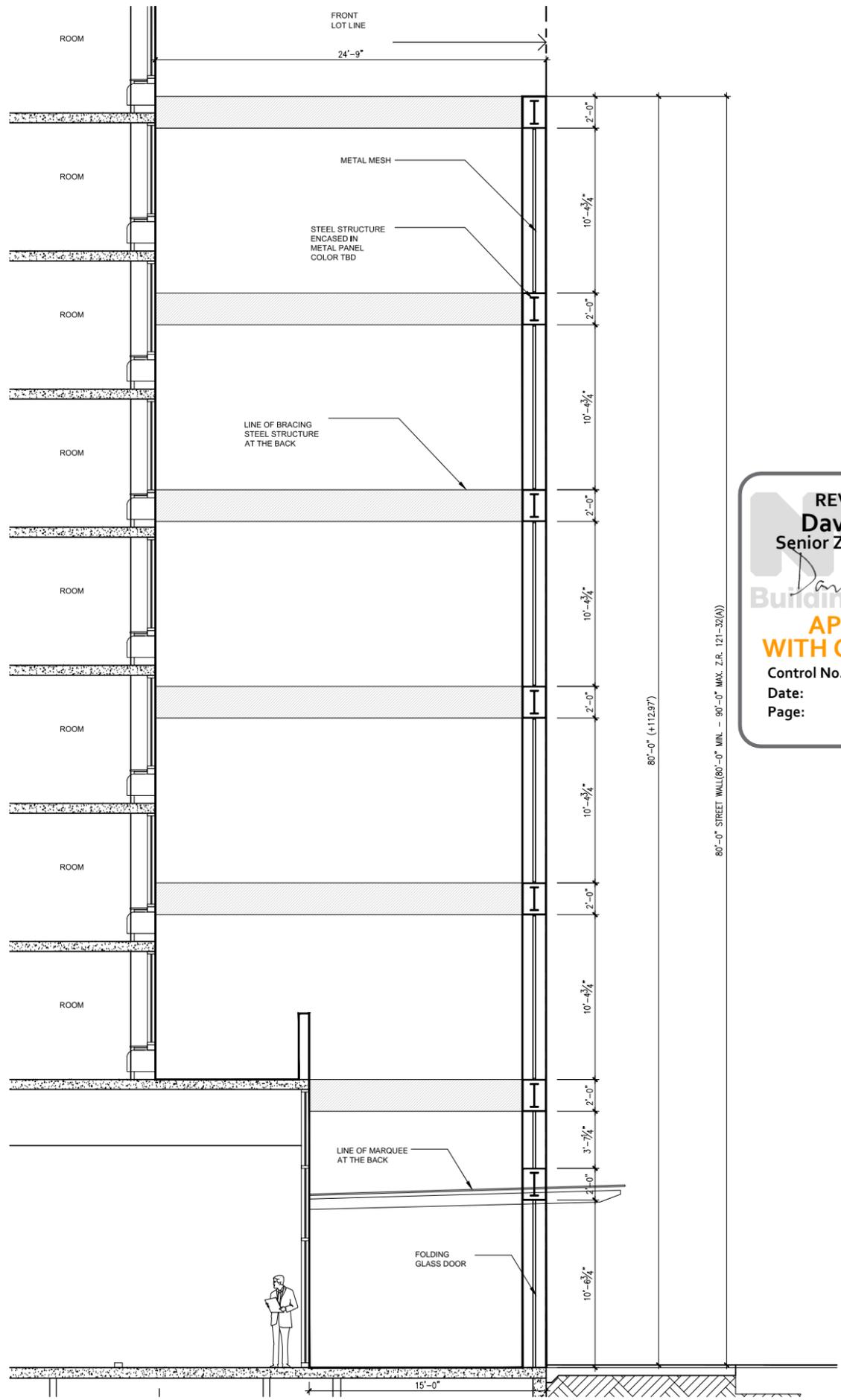
BLOCK # 763  
 LOT # 76

N/F LANDS OF 534 NINTH 536 AVENUE HDF

BLOCK # 763  
 LOT # 77

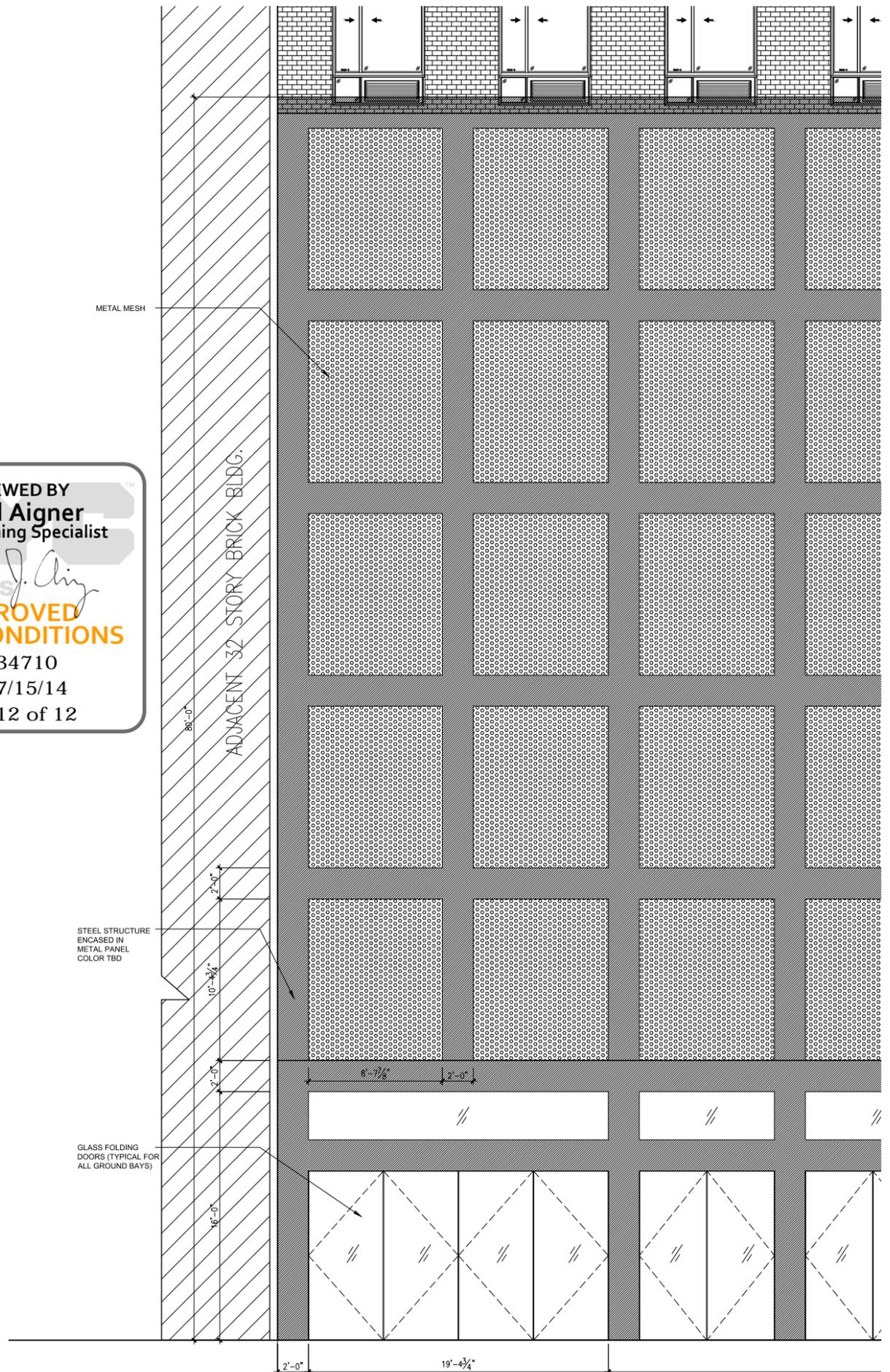
**1 SECOND FLOOR PLAN**  
 3/16" = 1'-0"





**1** SCREEN WALL SECTION  
1/4" = 1'-0"

REVIEWED BY  
**David Aigner**  
Senior Zoning Specialist  
*David J. Aigner*  
**APPROVED WITH CONDITIONS**  
Control No.: 34710  
Date: 7/15/14  
Page: 12 of 12



**2** SCREEN WALL ELEVATION  
1/4" = 1'-0"

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SCREEN WALL-  
SECTION

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