

156-03-BZ
CEQR#03-BSA-193Q

APPLICANT – Law Offices of Howard Goldman, PLLC, for RKO Plaza LLC & Farrington Street Developers, LLC, owner.

SUBJECT – Application May 20, 2003 – under Z.R. §72-21 – Proposed construction of a eighteen story mixed use building, Use Groups 2, 4 and 6, containing retail, community facility, 200 dwelling units and 200 parking spaces, located in an R6 within a C2-2 overlay zoning district, is contrary to Z.R. §§35-00 and 36-00. PREMISES AFFECTED – 135-35 Northern Boulevard, northside of Main Street, Block 4958, Lots 48 and 38, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3
Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3
Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 4, 2005, acting on Department of Buildings Application No. 401622669, reads:

- “1. Proposed residential bulk exceeds 2.43 FAR permitted under Section 23-142 of the Z.R..
2. Proposed total bulk exceeds 4.8 FAR permitted under Section 35-31 of the Z.R.
3. Proposed open space is less than the amount required under Section 23-142 of the Z.R.
4. Proposed off-street parking is less than the amount required under Section 36-20 of the Z.R.”; and

WHEREAS, a public hearing was held on this application on May 11, 2005 after due notice by publication in the *City Record*, with continued hearings on July 26, 2005, September 27, 2005 and November 2, 2005, and then to decision on December 13, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Vice-Chair Babbar, and Commissioner Chin; and

WHEREAS, both Community Board 7, Queens and the Queens Borough President recommend approval of this application; and

WHEREAS, this application also has the support of Council Member Liu and State Senator Stavisky; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within a C2-2(R6) zoning district, the proposed development of a 200 unit, seventeen-story, mixed-use commercial/community facility/residential condominium building, with ground level retail, second floor community facility use, and 229 accessory parking spaces in a three-level, below-grade parking garage, which exceeds the permitted residential and total mixed-use Floor Area Ratio (“FAR”), and provides less than both the required Open Space Ratio (“OSR”) and the required amount of accessory parking, contrary to Z.R. §§23-142, 35-31 and 36-20; and

WHEREAS, the proposal has been modified since it was originally filed at the Board; and

WHEREAS, initially, the applicant proposed a 195'-0” high, 15-story mixed-use building, with an FAR of 9.08, 150 dwelling units and 250 accessory parking spaces in a three-level garage; the proposal also included a large commercial component; and

WHEREAS, however, by the time of the first public hearing, the applicant had modified the proposal to a 17-story, 7.5 FAR mixed-use building with 200 parking spaces in three levels of parking; and

WHEREAS, at hearing, the applicant agreed to attempt to provide a fourth level of parking in order to accommodate more spaces; however, as discussed below, this proposal was found to be infeasible due to poor soil conditions and a high water table; and

WHEREAS, accordingly, the only significant modifications to these parameters made over the course of the public hearing process are: (1) an increase in the amount of accessory parking spaces from 200 to 229, which results from the proposed use of an elevator system in the garage, rather than a ramp system; and (2) a decrease in the amount of proposed parking levels from four to three; and

WHEREAS, thus, the proposal is now for a 17-story, 164'-11 high (without bulkheads; 174'-11” with bulkheads), 200 unit mixed-use building with retail, community facility and residential uses, a 41'-0” street wall, and 229 attended parking spaces in a three-level garage; and

WHEREAS, the approximate amount of floor area, by use, is as follows: retail use on the first floor – 11,000 sq. ft.; senior center community facility use on the second floor – 16,000 sq. ft.; residential use on the third through seventeenth floors – 287,000 sq. ft.; and

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WHEREAS, the proposed development results in the following waiver requests: (1) a residential FAR of 6.86 (287,313 sq. ft. of zoning floor area); the maximum permitted residential FAR. is 2.43; (2) a total FAR of 7.5 (314,127 sq. ft. of zoning floor area); the maximum permitted FAR for a mixed-use building is 4.8; (3) an OSR of 4.86%; 32.0% is the minimum required OSR; and (4) a total of 229 accessory parking spaces, less than the amount required; and

WHEREAS, no height, setback, or commercial or community facility FAR waivers are required; and

WHEREAS, the site is a large, slightly irregular mid-block site, approximately 278 ft. deep by 158 ft. wide, comprised of two individual tax lots (Lots 38 and 48), and has a total lot area of approximately 41,880 sq. ft.; and

WHEREAS, the site is located at the north side of Northern Boulevard, at the intersection of the Boulevard and Main Street in Flushing, Queens; and

WHEREAS, the site only has frontage on Northern Boulevard, and is bounded on the east by an existing one, two and three-story building, on the west by an existing two-story building, and on the north by existing concrete yards and a portion of an existing three-story building; and

WHEREAS, the Lot 48 portion of the site is improved upon with the RKO Keith Flushing Theater, constructed in 1927, which is a three-story, 82,439 sq. ft. building, formerly used as a movie theater but vacant since 1990; this building will be partially demolished and then reconstructed, with the residential tower placed over the theater; and

WHEREAS, the Lot 38 portion of the site is improved upon with a two-story, 2,350 sq. ft. commercial building, which will be demolished in order to provide an exit for the garage to Farrington Street; and

WHEREAS, a portion of the interior of the RKO – specifically, the lobby, the grand foyer, staircase and ceiling – was designated an interior landmark by the City’s Landmarks Preservation Commission (LPC) in 1984; and

WHEREAS, the proposed building will be constructed around the RKO’s lobby and foyer, which will become the grand entrance to the building; and

WHEREAS, the proposed development includes the protection of the landmarked interior, which is proposed to be restored because it is currently in a dilapidated state; and

WHEREAS, the landmarked interior will be protected during construction by a steel frame structure; and

WHEREAS, LPC has issued a Certificate of

Appropriateness for the proposed lobby restoration, dated September 6, 2005; and

WHEREAS, further, the applicant has obtained approval of the proposed height of the building from the Federal Aviation Administration (FAA) and the Port Authority, since the site is near Laguardia airport; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in compliance with underlying district regulations: (1) pursuant to LPC direction, the interior landmark portion of the RKO must be restored and protected during the construction of the residential tower to be placed above it, requiring the construction of an expensive protective shell, which leads to an increase in the estimated time for completion of the overall development; (2) the site is deep and only has limited frontage on Northern Boulevard, which necessitates the siting of the tower above the space that is occupied by the interior landmark, further complicating development; and (3) the RKO building is obsolete for its intended theater purpose, and any retrofit of the theater space to bring it up to modern movie theater standards is cost-prohibitive; and

WHEREAS, as to the need to restore the interior landmark portion of the RKO and protect it during the construction of the entire development, the applicant states that because the lobby area to be restored and protected is quite large (38 feet high and 66 ft. wide, and approximately 7,000 square feet), the cost to protect it during development is extraordinary, both in terms of actual construction cost and the increase in construction time; and

WHEREAS, these costs have been detailed in a report generated by the applicant’s construction consultant, submitted to the Board on July 15, 2005; and

WHEREAS, in this report, the consultant states that significant efforts would have to be made to shore up the lobby to prevent structural decay caused by the movement of heavy construction materials, including the removal of soil to create the underground parking garage; and

WHEREAS, additionally, the lobby’s delicate wall paintings and fixtures would have to be removed, protected and eventually incorporated into the project; and

WHEREAS, these representations were amplified upon by the construction consultant at hearing; and

WHEREAS, specifically, the consultant stated that to protect the landmarked interior during construction of the residential tower, temporary bracing would have

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to be installed while the superstructure was being removed and temporarily held up; and

WHEREAS, the consultant also stated that after the tower was completed, the protective bracing would then be removed; this work would involve the cutting away of existing structural steel that connects the landmarked portion of the RKO to the rest of the building, the severing of additional trusses, and then the insertion of new structural steel and trusses; and

WHEREAS, the consultant noted that this work would take approximately three to six months, significantly lengthening the overall development process; and

WHEREAS, the applicant also represents that the site only has 160 feet along Northern Boulevard, and with the 66 foot wide lobby located in the middle of that frontage, all construction activity would be constrained by having to maneuver around the lobby and the protective structure described above; and

WHEREAS, the consultant states that this would further increase the length of the overall development process, due to its impact on construction staging; and

WHEREAS, the Board observes that if frontage was available on another portion of the site, then the physical costs and time impact associated with the protection of the interior landmark could be mitigated; and

WHEREAS, the applicant states that because of the extraordinary costs that are incurred as a result of the need to protect the interior landmark, as well as the combination of its location on the site and the site's limited frontage, a mixed-use development with a complying residential and total FAR is not financially feasible; and

WHEREAS, the Board, based upon its review of the submitted evidence, agrees that such conditions increase the cost of developing the site in compliance with applicable bulk regulations; and

WHEREAS, the Board observes that it is the relationship between the existing interior landmark and its position on a site with the limited street frontage that, in part, distinguishes this site from others that possess interior landmarks; and

WHEREAS, the Board further observes that the majority of the sites designated as interior landmarks are also designated as exterior landmarks, greatly limiting any on-site redevelopment potential of such designated buildings; and

WHEREAS, additionally, many other interior landmarks in the City are in the Theater Subdistrict of the Special Midtown District, which allows the transfer of development rights and thus relief from any potential

hardship that might be imposed by the interior landmark designation; and

WHEREAS, the Board also notes that the site is underdeveloped to an extent unlikely to be replicated on other solely interior landmark sites; and

WHEREAS, finally, the applicant represents that the existing RKO building is obsolete by modern theater standards; and

WHEREAS, specifically, the applicant states that the existing level seating would have to be rebuilt to provide modern "stadium seating", which would require the ground floor to be reconstructed at a steeper incline; and

WHEREAS, however, the current floorplate lines up with the landmarked lobby and, therefore, the entire landmarked lobby would have to be raised; and

WHEREAS, additionally, the balcony currently hangs over much of the ground floor seating, and if the ground floor were to be raised, the entire balcony would have to be rebuilt in order to preserve sight lines; and

WHEREAS, in sum, the applicant represents that reconstructing the theater to conform to modern standards would be architecturally impractical, and, as a result, cost-prohibitive; and

WHEREAS, the applicant has explained how these claimed bases of uniqueness trigger the requested waivers; and

WHEREAS, the FAR waiver is driven by the additional costs precipitated by the need to protect the interior landmark, the location of the landmark on the site, and the lack of street frontage that results in increased development time; the increased residential FAR is necessary to offset these impacts; and

WHEREAS, the OSR waiver is necessary because if the proposed building is constructed with the requested FAR, it must be spread out over the site to respect the height limitations set by the FAA and the Port Authority, thus reducing the amount of open space that can be provided to a non-complying level; and

WHEREAS, finally, the parking waiver is necessary due to the increase in required parking spaces that arises from the increased floor area within the development; and

WHEREAS, the Board observes that the applicant has established each of the bases of uniqueness and justified the requested waivers through the submission of expert testimony, all of which the Board finds credible and persuasive; and

WHEREAS, accordingly, the Board finds that the unique conditions cited above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict compliance with applicable zoning regulations; and

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WHEREAS, the applicant submitted an initial feasibility study that analyzed a complying retail scenario and a complying theater rehabilitation scenario; and

WHEREAS, the applicant concluded that these complying development scenarios would not realize a reasonable return due to the site's constraints; specifically, the applicant has identified approximately \$8.2 million in premium costs related to the site's unique features that render these scenarios infeasible; and

WHEREAS, the applicant also submitted an analysis of a mixed-use residential/retail/community facility building with a complying 4.8 FAR; and

WHEREAS, the Board questioned certain aspects of this scenario; and

WHEREAS, specifically, the Board questioned how much of the landmark protection costs related to the placement of the proposed tower directly over the landmark portion; and

WHEREAS, the Board suggested that the costs might be reduced if the tower were relocated away from the landmark, further into the interior of the site; and

WHEREAS, in response, the applicant stated that the interior landmark was so delicate and was in such a compromising location within the site, that alternative tower sitings would not have a significant impact on the costs associated with protecting it; and

WHEREAS, in support of this claim, the applicant submitted a report prepared by its construction consultant, which showed that relocating the bulk only reduced the construction costs by less than 2 percent of the estimated premium costs, or 0.01 percent of the overall construction budget; and

WHEREAS, the Board reviewed this explanation and finds it sufficient and credible; and

WHEREAS, additionally, the Board also expressed concern about the overall per square foot construction costs, observing that they appeared high for the Flushing area; and

WHEREAS, in response, the applicant showed that the construction costs were typical of a development of this size, quality and complexity in Flushing, using union labor; and

WHEREAS, accordingly, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with the bulk provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant states that the proposed development's FAR and OSR waivers will not negatively affect the character of the neighborhood nor

impact adjacent uses; and

WHEREAS, at the outset, the Board observes that the site is located at a significant location within Flushing, the intersection of Northern Boulevard and Main Street; and

WHEREAS, the applicant represents that this is the most prominent intersection in Flushing, that the RKO Keith provides the northern anchor of the Flushing neighborhood, and that historically, it was the largest structure in the area; and

WHEREAS, the applicant further represents that although most of the surrounding structures consist of medium density buildings, several large-scale buildings also exist in the area; and

WHEREAS, specifically, the applicant cites to: (1) a large eight-story office building, adjacent to a seven story residential building, both of which are located across Northern Boulevard at the corner of Main Street; (2) a 16-story Sheraton Hotel, located to the south on 39th Avenue; and (3) the Latimer Houses, a large public housing project to the north on Linden Blvd, which contains four 10-story buildings with 423 units; and

WHEREAS, in addition, the applicant notes that there are currently three large scale development sites in proximity to the RKO, including the Municipal Parking Lot on Union Street, the Sears site two blocks east on Northern Blvd and a proposed development across the street on 35th Avenue; and

WHEREAS, in support of the claim that the proposed bulk of the building will comport with the character of the neighborhood, the applicant prepared a Height Analysis of Flushing; and

WHEREAS, the Analysis presents 29 existing building located in Flushing that range from eight to 25 stories; six of these buildings exceed the project height and four are of comparable height; and

WHEREAS, additionally, the Analysis shows the three above-mentioned proposed developments, two of which will likely exceed the height of the proposed building; and

WHEREAS, as to parking, the applicant states that the Environmental Assessment Statement shows that the peak parking demand on a weekday is 130 spaces and the peak parking demand on a Saturday is 155 spaces; and

WHEREAS, the applicant concludes that the proposed 229 accessory parking spaces should be sufficient to accommodate such demand; and

WHEREAS, the applicant also observes that the proposed building is within a vibrant mixed-use district well-served by public transportation; and

WHEREAS, the Board has reviewed the submitted evidence and agrees that the proposed parking waiver will not create any deleterious effects in

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the neighborhood, as the proposed development provides sufficient parking for the contemplated uses; and

WHEREAS, the Board observes that the proposed building will be of superior quality in terms of design and amenities, will provide much needed space for a community senior center, as well as an interpretative center dedicated to the display of the history of RKO, and will restore and preserve a valuable interior landmark; and

WHEREAS, the Board also observes that the applicant has obtained the appropriate sign-offs from LPC as to the restoration and protection of the lobby, as well as from the FAA and the Port Authority as to the proposed height; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, as noted above, the applicant's first proposal upon filing was for a 9.0 FAR building; and

WHEREAS, the applicant modified this proposal even before the first hearing; and

WHEREAS, the modified proposal was the 7.5 FAR building with three levels of parking; and

WHEREAS, the Board also asked the applicant to submit a 6.5 FAR building, on the assumption that overall construction costs could be reduced by shifting the location of the residential tower away from the landmarked interior; and

WHEREAS, however, as explained above, relocation of the tower does not appreciably reduce construction costs such that a 6.5 FAR building would realize a reasonable return; and

WHEREAS, as mentioned above, the applicant also analyzed a 7.5 FAR building with four levels of parking, which would have reduced or eliminated the parking waiver request; and

WHEREAS, however, the applicant states that the site is afflicted with a high water table and poor soil conditions; and

WHEREAS, the applicant argues that because of these conditions, construction of a four-level parking garage with enough spaces to accommodate all required parking is cost-prohibitive; and

WHEREAS, accordingly, the applicant submitted for the Board's approval the 7.5 FAR building with 229 attended parking spaces in a three-level garage, serviced by an elevator rather than a ramp system,

which the applicant represents will realize a reasonable return; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-058K, dated November 1, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Office of Environmental Planning and Assessment of the NYC Department of Environmental Protection (DEP) has reviewed the following submissions from the Applicant: (1) a December 2004 Environmental Assessment Statement Form; (2) Supplemental Environmental Studies on Traffic, Air Quality, and Noise Impacts, prepared by Urbitran Associates; (3) a Phase II Environmental Investigation Work Plan and Site-Specific Health and Safety Plan; and (4) a Draft Restrictive Declaration submitted to DEP on March 25, 2005; and

WHEREAS, these submissions specifically examined the proposed action for potential hazardous materials, air quality and noise impacts; and

WHEREAS, a Restrictive Declaration to address hazardous materials concerns was executed on November 29, 2005, and was submitted for recording on December 13, 2005; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the Restrictive Declaration and the Applicant's agreement to the conditions noted below; and

WHEREAS, DEP has reviewed the applicant's Mobile and Stationary Source Air Quality Assessments and determined that the project would not result in significant mobile or stationary source impacts; and

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WHEREAS, DEP has reviewed the applicant's Mobile Source Noise analysis and determined that the projected vehicular traffic would not result in significant noise impacts; and

WHEREAS, DEP reviewed the applicant's Stationary Source Noise Assessment and determined that the proposed project would not result in significant noise impacts so long as the following measures were implemented: 35 dBA of window/wall attenuation through the use of construction materials and windows that provide said degree of attenuation (with alternate means of ventilation), in order to maintain an interior noise level of 45 dBA; and

WHEREAS, the NYC Department of Transportation (DOT) has reviewed the EAS, Traffic Study and other supplemental studies; certain improvement measures at the following intersections have been identified for the 2007 Build Year: (1) Northern Boulevard and Farrington street; (2) Northern Boulevard and Main Street; and (3) Northern Boulevard and Union Street; and

WHEREAS, improvement measures involving signal timing modifications, parking regulation modifications and striping have also been identified, which would address traffic issues at the above-mentioned locations; and

WHEREAS, DOT has indicated that it will investigate the feasibility of implementing the proposed improvement measures when the project is built and occupied; and

WHEREAS, LPC has reviewed the project for potential historic and archaeological resource impacts and determined that there would not be any archaeological impacts; and

WHEREAS, LPC also determined that there are potential impacts relating to the RKO's status as a State/National Register-listed property and to the LPC-designated interior landmark that can be mitigated through a Construction Protection Plan and HABS (Historic American Buildings Survey) recordation/documentation; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration, with the conditions stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.4, the Rules of Procedure for City Environmental Quality Review and

Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within a C2-2(R6) zoning district, the proposed development of a 200 unit, seventeen-story, mixed-use commercial / community facility / residential condominium building, with ground level retail, second floor community facility space, and 229 accessory parking spaces in a three-level, below-grade parking garage, which exceeds the permitted residential and total mixed-use Floor Area Ratio, and provides less than both the required Open Space Ratio and the required amount of accessory parking, contrary to Z.R §§ 23-142, 35-31 and 36-20; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 29, 2005" – (13) sheets and "Received December 29, 2005" – (1) sheet; and *on further condition*:

THAT a total of 229 attended parking spaces shall be provided in the accessory parking garage;

THAT the above condition shall be listed on the certificate of occupancy;

THAT prior to the issuance of any DOB permit for any work on the site that would result in soil disturbance (such as demolition, site preparation, grading or excavation), the applicant or any successor will perform all of the hazardous materials remedial measures and the construction health and safety measures as delineated in the Restrictive Declaration to the satisfaction of DEP and submit a written report that must be approved by DEP;

THAT no temporary or permanent Certificate of Occupancy shall be issued by DOB or accepted by the applicant or successor until the DEP shall have issued a Final Notice of Satisfaction or a Notice of No Objection indicating that the measures and conditions in the Restrictive Declaration have been completed to the satisfaction of DEP;

THAT construction materials and windows that provide at least 35 dBA of attenuation with alternate means of ventilation will be used in order to maintain an interior noise level of 45 dBA;

THAT the applicant shall notify DOT six months prior to the opening of the proposed project so that they can investigate the feasibility of implementing the proposed improvement measures;

THAT the applicant shall submit the following documents to LPC for review and approval prior to any demolition, construction or development on the subject site: Construction Protection Plan for the interior landmark; an amended "Data Recovery" section of the Revised Mitigation Plan that shall read: "The scope of

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work for HABS documentation shall be submitted to the LPC for review and approval prior to the demolition and the start of the documentation process.”; a revised EAS stating that any written approvals by the LPC Preservation Department shall be included in the Final EAS;

THAT a copy of the Certificate of Appropriateness 06-1202 for the subject property issued September 6, 2005 shall be included in the Final EAS, as well as a Scope-of-Work for HABS documentation;

THAT the Applicant shall submit the Scope-of-Work for HABS documentation to LPC for its review and approval prior to demolition and the start of the documentation process;

THAT the bulk parameters of the proposed building shall be as follows: (1) a residential FAR of 5.64 (245,798 sq. ft. of zoning floor area); (2) a total FAR of 7.5 (314,127 sq. ft. of zoning floor area); (2) an OSR of 4.86%; (3) 17 stories; (4) a total building height 164'-11" without bulkheads and 174'-11" with bulkheads; (5) a street wall height of 41'-0"; and (6) an actual height for flight path purposes of 194.9 ft., AMSL;

THAT the interior layout, parking layout and all exiting requirements shall be as reviewed and approved by the Department of Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 13, 2005.

A true copy of resolution adopted by the Board of Standards and Appeals, December 13, 2005.
Printed in Bulletin No. 52, Vol. 90.

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.