

CITY COUNCIL  
LAND USE DIVISION

2014 MAY 13 P 2:01



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NYC COUNCIL  
2014 MAY 13 P 1:36  
SPEAKER'S OFFICE

May 5, 2014

City Council  
City Hall  
New York, NY 10007

Re: ULURP Nos. C 130339 ZSM and N 130337 ZRM  
Related Applications C 130336 ZMM and N 130340 ZAM  
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated April 28, 2014, from the City Council regarding proposed modifications to the above-referenced applications submitted by the Department of City Planning for text amendments to the Zoning Resolution of the City of New York relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning the Special Regulations in Northern Subarea C1 and Inclusionary Housing designated areas within Manhattan Community District 4 and a special permit for a public parking garage within a proposed development at 606 West 57<sup>th</sup> Street in the Borough of Manhattan.

The Land Use Committee of the City Council recommended that the approval of the above-referenced applications be expressly conditioned on modification of the Commission's decision, as provided in the attached draft resolution.

In accordance with Section 197-d(d) of the New York City Charter, the Commission has determined that the City Council's proposed modifications raise no land use or environmental issue requiring further review.

This report and recommendation was adopted by the Commission on May 5, 2014.

Sincerely,

  
Carl Weisbrod

c: E. Hsu-Chen  
A. Larmont

C. Grossman  
J. Harris

K. Grebowiec-Hall  
G. Friedman

Carl Weisbrod, Chairman  
City Planning Commission  
22 Reade Street – 2N, New York, N.Y. 10007-1216  
(212) 720-3200 FAX (212) 720-3219  
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THE COUNCIL  
THE CITY OF NEW YORK  
LAND USE DIVISION  
250 BROADWAY ROOM 1602  
NEW YORK, NEW YORK 10007

GAIL BENJAMIN  
DIRECTOR

April 28, 2014

TEL: 212-788-7302  
FAX: 212-788-7337

**BY HAND**

Honorable Carl Weisbrod, Chairman  
City Planning Commission  
22 Reade Street, 2nd Flr. - 2W  
New York, New York 10007-1216

**RE: Application Nos.: C 130339 ZSM and N 130337 ZRM  
Related Application: C 130336 ZMM  
(606 West 57<sup>th</sup> Street)**

Dear Chairman Weisbrod:

On April 24, 2014, the Land Use Committee of the City Council, by a vote of 18-0-2 recommended modifications of the City Planning Commission's decisions in the above-referenced matters. Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file proposed modifications with the Commission.

With regard to Application No. C 130339 ZSM, a special permit for a public parking garage within the proposed development, the modification approved by the Committee provides that no more than 400 parking spaces shall be permitted under the Commission-approved Parking Plan Alternative 1.

With regard to N 130337 ZRM, a zoning text amendment relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning the regulations in Northern Subarea C1 and Inclusionary Housing designated areas within Manhattan Community District 4, the modifications approved by the Committee further revise the Inclusionary Housing regulations, use and special permit regulations within Northern Subarea C1 and are more particularly set forth below.

The proposed modifications are follows:

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
Matter in **bold double-underline is new, added by the City Council**  
Matter in [brackets] is old, deleted by the City Council  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

C 130339 ZSM

1. The property that is the subject of this Application (C 130339 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 4	Parking Plan Ground & P1 Levels Alternative 1	[10/16/2013] <u>April , 2014</u>
2 of 4	Parking Plan Cellar Levels – P2 & P3 Alternative 1	[10/16/2013] <u>April , 2014</u>
3 of 4	Parking Plan Ground & P1 Levels Alternative 2	10/16/2013
4 of 4	Parking Plan Cellar Levels P2 & P3 Alternative 2	10/16/2013

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency

Honorable Carl Weisbrod, Chairman  
C 130339 ZSM, N 130337 ZRM and C 130336 ZMM  
April 28, 2014  
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of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

#### N 130337 ZRM

#### 96-34

#### Special Regulations in Northern Subarea C1

Within Area C1-1, within Northern Subarea C1, as shown on the map in Appendix A of this Chapter, the following special [use# and] Inclusionary Housing regulations, use# and special permit regulations shall apply:

#### (a) Inclusionary Housing Program

The boundaries of the Inclusionary Housing designated area# within the Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in Appendix F of this Resolution. Such area shall be an Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such "Inclusionary Housing designated area# the following special regulations shall apply:

The residential floor area# of the zoning lot# may be increased by 1.25 square feet for each square foot of low income floor area# provided, or by 0.625 square feet for each one square foot of middle income floor area# provided, up to the maximum floor area# set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). However, the amount of low income floor area# plus half the amount of middle income floor area# required to receive such floor area compensation# need not exceed 20 percent of the total floor area#, exclusive of ground floor non-residential floor area# on

the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

[Within the area shown on the Map entitled Special Use Regulations in Northern Subarea C1 in Appendix A of this Chapter, t]

(1) The following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

[(1)] (i) automobile showrooms or sales with preparation of automobiles for delivery; and

[(2)] (ii) automobile repairs.

(2) #Transient hotels# shall not be permitted in that portion of Area C1-1 which is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57<sup>th</sup> Street and a line 100 feet south of West 57<sup>th</sup> Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2):

The City Planning Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as to not impair the essential character of, or the future use or development, of the surrounding area.

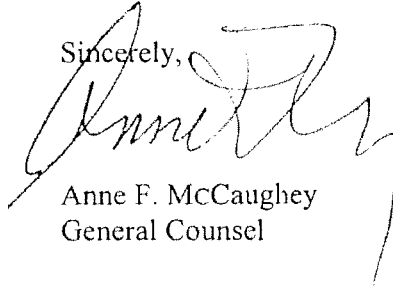
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

Honorable Carl Weisbrod, Chairman  
C 130339 ZSM, N 130337 ZRM and C 130336 ZMM  
April 28, 2014  
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Please feel free to contact me at (212) 788-7312 if you or your staff has any questions in this regard.

Sincerely,



Anne F. McCaughey  
General Counsel

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

Encl.

- c: Members, City Planning Commission
- Gail Benjamin, Director, Land Use Division
- Alonzo Carr, Sr. Supervisory Project Manager
- Anita Laremont, Esq., DCP
- Carolyn Grossman, DCP
- File





**TECHNICAL MEMORANDUM**  
**606 WEST 57TH STREET**  
**CEQR No. 13DCP080M**  
**ULURP Nos. C130336ZMM, N130337ZRM, C130339ZSM, N130340ZAM**  
**May 1, 2014**

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**A. INTRODUCTION**

The 606 West 57th Street project (the proposed project) is the subject of Uniform Land Use Review Procedure (ULURP) applications currently under consideration by the New York City Council. This Technical Memorandum describes the proposed modified actions and assesses whether they would result in any significant adverse environmental impacts not previously identified. As described below, this memorandum concludes that the proposed modified actions would not result in any new or different significant adverse environmental impacts not already identified.

**BACKGROUND**

The proposed actions were analyzed in a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 7, 2014. Subsequent to the completion of the FEIS, a technical memorandum dated March 14, 2014, analyzed certain changes to the proposed actions that were made by the City Planning Commission (CPC). The technical memorandum considered a change to the proposed zoning text regarding an increase in the base floor area for non-residential floor area; removal of a portion of the text amendment that would have required a CPC special permit for transient hotels to be located in the area currently mapped M2-3; and a 10-foot increase in height for the east wing of the building. That technical memorandum concluded that the proposed modified actions would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

**B. DESCRIPTION OF PROPOSED MODIFIED ACTIONS**

Changes to the proposed zoning text amendment that are under consideration by the City Council are:

- Zoning Resolution (ZR) §96-34(a) would include the following text regarding Inclusionary Housing:

“(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in Appendix F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the following special regulations shall apply:

The #residential floor area# of a #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.”

- Zoning Resolution (ZR) §96-34(b) would be amended to require a CPC special permit for transient hotels to be located in the area currently mapped M2-3. With the proposed modifications, the following text will be included as part of §96-34(b):

“(2) #Transient hotels# shall not be permitted in that portion of Area C1-1 which is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2):

The City Planning Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as to not impair the essential character of, or the future use or development, of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.”

In addition, the City Council is considering a reduction, from 500 to 400, in the maximum number of spaces in the proposed garage that is subject to the special permit action under ULURP number C130339.

## **C. POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED MODIFIED ACTIONS**

### **TEXT AMENDMENT**

The proposed modification of ZR §96-34(a) to include middle-income units would not create additional residential units overall and would be within the framework of Reasonable Worst Case Development Scenario (RWCDS) 1, which conservatively assumed a maximum number of residential units. Under RWCDS 1, as analyzed in the FEIS, the proposed project site would include a primarily residential building with up to 1,189 residential units. As the text amendment affects the calculation of bonus floor area through the provision low- and middle-income housing units under the Inclusionary Housing program, it may affect the number of affordable housing units in the proposed project considered in the child care analysis in Chapter 4 of the FEIS, “Community Facilities,” which identified a significant adverse child care impact. Therefore, a discussion of the proposed modification’s effect on the findings of the child care analysis is included below.

The text change provides the option of substituting some of the low-income floor area with floor area devoted to middle-income units for the purposes of generating the inclusionary floor area bonus (the low-income floor area could be reduced by up to 4,000 square feet and 8,000 square feet of middle-income floor area used instead). However, the potential shift in floor area from low-income units to middle-income units would not result in the reduction of the number of low-income units, as the applicant is required to provide 20% of all units as low-income units pursuant to the 421-A financing program that is expected to be used for the proposed project. Based on the allowable income levels for the moderate income units, the proposed modification would not result in additional low-income residents that would increase the demand for publicly-funded child care. Furthermore, as stated in Chapter 19 of the FEIS, "Mitigation," the identified significant adverse child care impact would be partially mitigated by the provision of funding by the applicant for a specified number of publicly-provided child care slots based on the number of low-income units in the building in excess of 152 according to a schedule set in Table 19-1 (copied below). Prior to requesting a temporary or permanent certificate of occupancy from the Department of Buildings, the applicant will notify the Department City Planning (DCP) and the Administration of Children's Services (ACS) and verify the actual number of low-income units being constructed and the number of child care slots that will be funded. Therefore, the potential reduction in the number of low-income units would result in a level of mitigation currently identified in the FEIS, and the proposed modification to ZR §96-34(a) would not change the conclusions of the FEIS.

**Table 19-1  
Child Care Mitigation**

<b>Number of Low-Income Units Provided</b>	<b>Number of Child Care Slots in Excess of Impact Threshold to be Funded</b>
0 - 152	0
153 - 160	1
161 - 169	2
170 - 178	3
179 - 186	4
187 - 195	5
196 - 204	6
205 - 213	7
214 - 221	8
222 - 230	9
231 - 238	10

**Note:** This table is new to the FEIS.

The FEIS considered the requirement for a CPC special permit for transient hotels to be located in the area currently mapped M2-3. While the CPC modified the text amendment to remove the special permit provision, the requirement for a hotel special permit was included as an action in the FEIS. Therefore the City Council's reinstatement of this action would have no effect on the environmental analysis, and the conclusions of the FEIS remain valid.

With the proposed modified actions, the total number of residential units and the amount of floor area that could be developed would remain unchanged compared to that analyzed in the FEIS. The FEIS considered the text change that would require hotels to obtain a special permit and fully analyzed the potential redevelopment of the proposed project site as a residential building with up to 1,189 residential units. Therefore, the proposed modified actions would not have the

potential to materially affect any of the FEIS analyses, and the proposed modified actions would not result in any significant adverse environmental impacts not previously identified and addressed in the FEIS.

### **REDUCTION IN PARKING**

The FEIS considered two scenarios for parking that included a garage with up to 500 spaces and a garage with up to 395 spaces. As noted in the FEIS "...the proposed actions would provide a below-grade public parking garage that could include either 395 spaces or up to 500 spaces" (FEIS p. 11-1). The two garage alternatives were developed to account for the possible inclusion of auto repair facilities in the building, which would reduce the available space for parking. Therefore, the proposed reduction in the maximum number of parking spaces from 500 to 400 would apply to the larger garage alternative, which assumes no auto repair facilities in the building. In both alternatives, the garage would be accessed from a curb cut on West 57th Street (in the smaller garage alternative, the auto repair facilities would be accessed from a ramp leading to the east loading dock on West 56th Street, using the loading dock's curb cut).

The FEIS concluded that even with a 500-space garage, there would be a parking shortfall of approximately 80 spaces during the weekday midday peak period and that with a smaller 395-space garage, the parking shortfall during the weekday midday peak period would be greater at approximately 185 spaces. This would be due, in part, to the removal of an existing 1,000 space parking garage now on the project site. The FEIS also noted that "...as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan is generally not considered a significant adverse parking impact..." (FEIS p. 11-72). Correspondingly, with the 400-space parking garage, the anticipated parking shortfall would be approximately 180 spaces during the weekday midday peak period.

Thus, the FEIS already considered the potential for a smaller parking garage of 395 spaces on the project site, which is substantially the same as the 400-space maximum now being considered by the City Council as a modification of the 500-space garage scenario. In either case, there would be a parking shortfall, but it would not be considered a significant adverse impact based on the standards of the *CEQR Technical Manual*. As noted above, both the 400-space and 500-space garage alternatives utilize a ramp leading to a curb cut on West 57th Street, and the reduction of the maximum number of spaces would not affect the design or operations of the garage (see the attached plans). Therefore, this change would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

As presented in the FEIS transportation analysis, the incremental parking demand (maximum of 150 spaces for RWCDs 2) generated by the proposed actions would be fully accommodated by the on-site parking garage. However, some of the parking demand that is accommodated within the existing 1,000 space public parking garage would have to seek parking elsewhere in the area. Vehicle trips associated with this parking demand were reassigned to other area public parking garages with available capacities.

For purposes of a conservative traffic analysis in the FEIS, a 500-space parking garage (as compared to the 395-space parking garage) would allow a greater number of existing parking patrons (and associated trips) to be retained in the study area. The proposed reduction in the maximum number of parking spaces from 500 to 400 parking spaces would result in the additional reassignment of up to seven peak hour vehicle trips to other area garages as patrons seek parking in the broader area. When further distributed to the study area intersections, this reassignment would result in a maximum net change of two peak hour vehicle trips at an

intersection. This minimal level of trips is not expected to materially affect the traffic operating conditions nor the recommended mitigation measures at the study area intersections. With respect to transit and pedestrians, as demonstrated with the traffic operating conditions, the redistribution of up to seven peak hour vehicle trips to other area garages would result in up to approximately eight peak hour pedestrians redistributed to pedestrian facilities adjacent to those other garages and not affect trip-making via transit. Since this level of pedestrian volumes would also not materially affect the pedestrian service levels and mitigation recommendations presented in the FEIS, the reduction in parking spaces from 500 to 400 would not result in any new or different significant adverse environmental impacts or recommended mitigation measures not already identified in the FEIS. \*

# 606 WEST 57TH STREET PARKING GARAGE

NEW YORK, NEW YORK

## APPLICANT:

T7 Corporation  
100 Park Ave South  
New York, NY 10016  
Tel: 212-681-1771

## TRANSPORTATION ENGINEER:

FRANK J. CASANOVA  
102 Madison Avenue 11th Fl.  
New York, NY 10016  
Tel: 212-681-1844

**NOTES:**  
1. Review of all documents and data submitted with this application is limited to the information provided. It is the responsibility of the applicant to provide all necessary information.  
2. A maximum of 400 cars allowed.  
3. Multi-Cell Substructure System for parking cars only is to be used.  
4. The proposed structure shall be located within the existing building footprint and shall be constructed within the existing building footprint.  
5. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.  
6. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.

**Additional Conditions:**  
1. Construction shall be in accordance with the applicable provisions of the Zoning Resolution and the Department of Buildings rules and regulations.  
2. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.  
3. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.

**Accession to the Zoning Resolution:**  
1. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.  
2. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.  
3. The proposed structure shall be constructed within the existing building footprint and shall be constructed within the existing building footprint.

## LEGEND:



VEHICLE FLOW

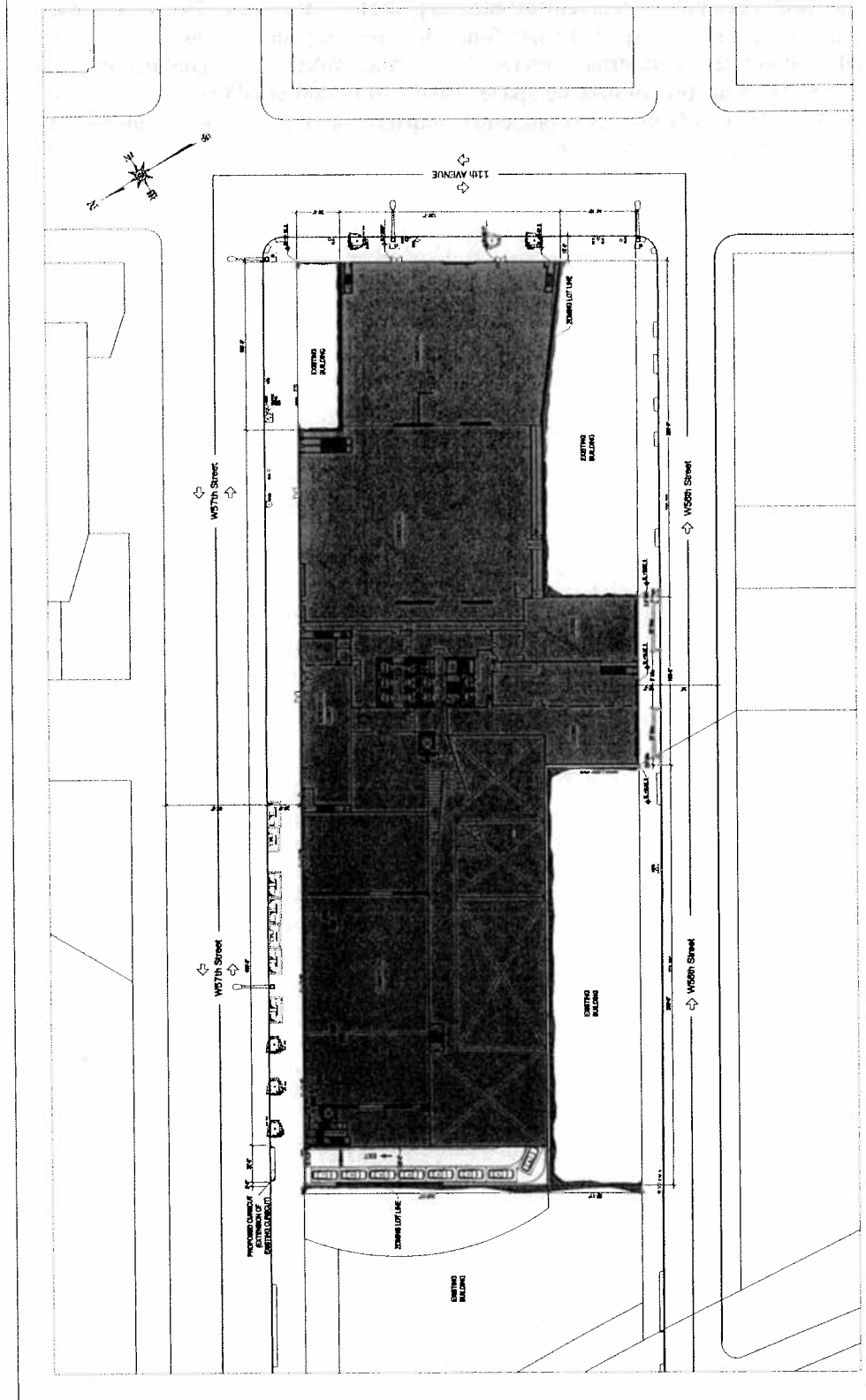
RESERVOIR SPACE

OTHER ATTACHMENTS & REVISIONS  
REQUESTED SPECIAL PERMIT  
OTHER DESIGNATIONS ARE ILLUSTRATIVE  
ONLY AND SUBJECT TO CHANGE

DATE	10/16/2013
PROJECT NO.	1258
DESIGNED BY	S.K.
CHECKED BY	P.H.
SCALE	1" = 30'

606 West 57th Street Parking Garage

## PARKING PLAN GROUND LEVEL ALTERNATIVE 1



### Garage Area Capacity Calculations

	Ground Level	P1 Level	P2 Level	Total
UNOBSTRUCTED PARKING AREA (S.F.)	2,600	26,500	48,400	77,500
NUMBER OF ATTENDANT-PARKING SPACES REQUESTED				400
NUMBER OF RESERVOIR SPACES REQUIRED				20
NUMBER OF BICYCLE SPACES REQUIRED				40
NUMBER OF BICYCLE SPACES PROVIDED				40

SPECIAL PERMIT REQUESTED, PURSUANT TO SECTIONS 13-45 OF THE ZONING RESOLUTION (ZET), FOR A PARKING GARAGE OF 400 SPACES ON PORTIONS OF THE GROUND LEVEL, & TWO CELLAR LEVELS (P1, & P2).



1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools.

3. The third part of the document describes the results of the data collection and analysis. It shows that there are significant differences in the way that different departments handle their data, which can lead to inconsistencies and errors.

4. The fourth part of the document provides recommendations for how to improve the data collection and analysis process. These recommendations include standardizing procedures, providing training, and using more advanced software tools.

5. The fifth part of the document discusses the challenges of implementing these recommendations. One of the main challenges is the resistance to change that is often encountered when new procedures are introduced.

6. The sixth part of the document provides a summary of the key findings and conclusions. It emphasizes the need for a coordinated effort to improve the data collection and analysis process across all departments.

7. The seventh part of the document includes a list of references to the sources used in the research.

8. The eighth part of the document is a list of appendices that provide additional information and data.

9. The ninth part of the document is a list of figures and tables that illustrate the data and results.

10. The tenth part of the document is a list of footnotes that provide additional details and clarifications.