CITY PLANNING COMMISSION

March 17, 2014 / Calendar No. 3 C 130339 ZSM

IN THE MATTER OF an application submitted by 606 W. 57 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45, 13-451 and 13-454 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 500 spaces, on portions of the ground floor, P1, P2 and P3 levels of a proposed mixed-use development on property located at 606 West 57th Street (Block 1104, Lots 31, 40, 44 and 55), in a C4-7 District, within the Special Clinton District, Borough of Manhattan, Community District 4.

This application for a special permit to allow a public parking garage with a maximum capacity of 500 spaces or a maximum of 395 spaces was filed by 606 W. 57 LLC c/o TF Cornerstone Inc. on May 21, 2013. The proposed special permit, along with its related actions, would facilitate construction of a new mixed-use building on a portion of a block bounded by West 56th Street and West 57th Street, between Eleventh Avenue and Twelfth Avenue, in the Clinton neighborhood in Manhattan Community District 4.

RELATED ACTIONS

In addition to the proposed special permit (C 130339 ZSM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 130336 ZMM: An amendment of the Zoning Map to change M1-5 and M2-3 districts to a C4-7 district

N 130337 ZRM: Amendment to Zoning Resolution Appendix F to include the project area in Inclusionary Housing designated area; Section 96-34, Special Regulations in Northern Subarea C1, to amend the Inclusionary Housing bonus structure to encourage the inclusion of commercial or community facility floor area, to permit an auto showroom with preparation of automobiles and accessory repair facility and to establish a special permit for transient hotel uses

N 130340 ZAM: Authorization pursuant to Section 13-441 to permit a curb cut on a wide street in Manhattan Community District 4

BACKGROUND

A full background discussion and description of this application appears in the report of the related action for a zoning map amendment application (C 130336 ZMM).

ENVIRONMENTAL REVIEW

This application (C 130339 ZSM), in conjunction with the application for the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq*. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13DCP080M. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report of the related action for a zoning map amendment (C 130336 ZMM).

UNIFORM LAND USE REVIEW

This application (C 130339 ZSM), in conjunction with the application for the related actions (C 130336 ZMM), was certified as complete by the Department of City Planning on October 21, 2013, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP applications (N 130337 ZRM and N 130340 ZAM), which were referred for review and comment.

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 130339 ZSM), on December 4, 2013 and by a vote of 28 in favor, 5 opposed, 1 abstention and 4 present but not eligible, adopted

a resolution recommending disapproval of the application with conditions.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a zoning map amendment (C 130336 ZMM).

Borough President Recommendation

This application (C 130339 ZSM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan who issued a recommendation approving this application with conditions on December 31, 2013.

City Planning Commission Public Hearing

On January 8, 2014 (Calendar No.13), the City Planning Commission scheduled January 22, 2014, for a public hearing on this application (C 130339 ZSM). The hearing was duly held on January 22, 2014 (Calendar No. 13) in conjunction with the public hearing on the applications for related actions. There were four speakers in favor of the application and nine speakers in opposition as described in the report on the related application for a zoning map amendment (C 130336 ZMM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

A discussion of the WRP Consistency Review appears in the report on the related application for a zoning map amendment (C 130336 ZMM).

CONSIDERATION

The Commission believes that this application for a special permit (C 130339 ZSM), in conjunction with the application for related actions, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a zoning map amendment (C 130336 ZMM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-45 of the Zoning Resolution:

(1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

(5) such parking facility will not be inconsistent with the character of the existing streetscape.

The City Planning Commission hereby makes the following findings pursuant to Section 13-454 of the Zoning Resolution:

(a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential# large-scale #development# or #enlargement#, either finding (a) or finding (b) of Section 13-451 (Additional parking spaces for residential growth) is met;

(b) where such proposed parking facility would serve the parking needs of a predominantly non-#residential# large-scale #development# or #enlargement#, an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of the non- #residential uses# in such #development# or #enlargement#;

(c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;

(d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and

(e) where phased construction will occur in the large-scale #development#, a phased parking plan has been provided that demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction in such #large-scale development#.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 7, 2014, with respect to this application (CEQR No. 13DCP080M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, those project components related to the environment and mitigation measures that were identified as practicable.

3. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report on the related Zoning Map Amendment (C 130336 ZMM), as same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department of City Planning, is executed, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination, and the consideration and

findings described in this report, that the application submitted by 606 W. 57 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45, 13-451 and 13-454 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 500 spaces, on portions of the ground floor, P1, P2 and P3 levels of a proposed mixed-use development on property located at 606 West 57th Street (Block 1104, Lots 31, 40, 44 and 55), in a C4-7 District, within the Special Clinton District, Borough of Manhattan, Community District 4, is approved, subject to the following terms and conditions:

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:

Dwg. No.	**Title**	**Last Date Revised**
1 of 4	Parking Plan Ground & P1 Levels Alternative 1	10/16/2013
2 of 4	Parking Plan Cellar Levels – P2 & P3 Alternative 1	10/16/2013
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 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.

The above resolution (C 130339 ZSM), duly adopted by the City Planning Commission March 17, 2014 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, *ESQ.*, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE R. DE LA UZ, RICHARD W. EADDY, ORLANDO MARIN, Commissioners