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**IN THE MATTER OF** an application submitted by Durst Pyramid LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the provisions of Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.

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The application for an amendment of the Zoning Resolution relating to Section 96-34 and to Appendix A of Article IX, Chapter 6 (Special Clinton District Map Area C1-2), was filed by Durst Pyramid LLC on October 9, 2015. The text amendment would map the project area as the new Special Use Regulation Area C1-2 of the Special Clinton District and allow for automobile repair and preparation of vehicles for delivery in area C1-2 of the Special Clinton District within Community District 4, Borough of Manhattan.

**BACKGROUND**

Durst Pyramid LLC proposes to amend Zoning Resolution Section 96-34 and Appendix A of Article IX, Chapter 6 (Special Clinton District Map Area C1-2) to allow for automobile repair and preparation of vehicles in conjunction with automobile showrooms. Use Group 9 automobile showroom and sales uses are permitted as-of-right at this location, and the proposed text amendment will allow for vehicle repair and preparation of vehicles for delivery in conjunction with automobile showrooms.

The project area subject to the proposed text amendment consists of the block bounded by West 57<sup>th</sup> Street, West 58<sup>th</sup> Street, Eleventh Avenue and Twelfth Avenue that includes three tax lots (Block 1105, Lots 7501, 29, 36). The project area has approximately 160,000 square feet of lot area, zoned C4-7 within 125 feet of the avenues and midblock along West 57<sup>th</sup> Street (to a depth of approximately 100 feet), and C6-2 in the midblock area facing West 58<sup>th</sup> Street. The project area is located within the northwest boundary of the Special Clinton District within Northern Subarea C1. The project site, 625 West 57<sup>th</sup> Street, is a single tax lot of approximately 110,456 sf (Block 1105, Lot 7501) located in the western portion of the project area on West 57<sup>th</sup> Street,

adjacent to Twelfth Avenue. The development site is in the C4-7 and C6-2 zoning districts within the Special Clinton District.

There are several prior land use approvals affecting the development of the project area:

On March 28, 2001, the City Planning Commission approved various actions as part of a plan to develop the project area as a Large Scale General Development (“LSGD”). These consisted of the following:

- C 010148 ZMM: A zoning map amendment rezoning a portion of the project area from an M2-3 zoning district to a C4-7 district within 125 feet of the avenues and in the midblock along West 57<sup>th</sup> Street (to a depth of approximately 100 feet), and rezoning another portion of the project area from an M2-3 zoning district to an M1-5 district in the midblock facing West 58<sup>th</sup> Street;
- C 010151 ZSM: A special permit pursuant to Zoning Resolution (ZR) Section 74-743(a)(3) allowing the modification of the height and setback regulations of ZR Section 33-432(a), 43-43, 33-451, and 43-45;
- C 010152 ZSM: A special permit pursuant to ZR Section 74-744(b) allowing commercial uses in portions of the project area to be located at the same height or higher than certain permitted residential uses;
- C 010149 ZSM: A special permit pursuant to ZR Sections 13-562 and 74-52 allowing a 399-space attended below-grade public parking garage to be located in a building in the midblock portion of the project block; and
- C 010150 ZSM: A special permit pursuant to ZR Sections 13-562 and 74-52 allowing a 239-space attended public parking garage on the ground and second floors of a building to be located in the westerly portion of the project block.

The previously approved 2001 plan (C 010151 ZSM, C 010152 ZSM, C 010149 ZSM, and C 010150 ZSM) permitted up to approximately 1.33 million zoning square feet of development on the block. This development included 495,000 square feet in an office building on the western portion of the project block, 276,000 square feet of commercial uses in the midblock; for the eastern portion of the block, two alternatives, either 600 residential units in a 520,800 square foot building or a second office tower of up to 598,000 square feet; and 638 public parking spaces. In both versions of the plan, the retail uses planned for the midblock area included possible development of several automobile dealership and accessory uses.

In 2004, the City Planning Commission approved a minor modification (M 010151(A) ZSM) to the special permits described above in order to consolidate three curb cuts into a single curb cut along West 57<sup>th</sup> Street (leaving two curb cuts along West 57<sup>th</sup> Street). Under the revised plan, the residential development option from the 2001 plan was selected. Subsequently, a 597-unit apartment building (the “Helena Building”) with ground floor retail space and a 100 space accessory parking garage was completed within the southeastern portion of the project area and is now fully occupied.

However, the western portion of the project area remained vacant, and the two public parking garages approved in 2001 were not constructed. There remained a six-story brick building within the northeastern end of the project area that was occupied by Edison Storage Company.

In 2012, Durst Development LLC applied for several land use actions to facilitate development of a new mixed-use building within the proposed development project area. The proposed development included a modified pyramid-shaped building (the “Via Building”) with an internal courtyard located at the western and middle portions of the block. Additionally, the proposal sought permission to redevelop the northeastern corner of the project area with residential and retail uses. The building envelope previously approved for the Helena Building was to remain the same. The only changes to the Helena Building as part of the actions were the removal of the existing accessory parking garage curb cut at West 57<sup>th</sup> Street and the installation of retail uses on the ground floor portion of the Helena Building where the existing parking garage entrance would be removed.

On December 19, 2012, the City Planning Commission approved the following actions:

- C 120396 ZMM: A zoning map amendment changing a portion of the project site along West 58<sup>th</sup> Street from M1-5 to C6-2;
- C 120398 ZSM: A special permit pursuant to ZR Section 13-561 to allow for an enclosed attended accessory parking garage of up to 285 spaces;
- M 010151(B) ZSM: Modification of the existing LSGD site plan associated with the original special permit (C 010151 ZSM) approved in 2001;
- C 120397 ZSM: A special permit pursuant to ZR Section 74-743 to modify bulk regulations within the LSGD; and
- M 010148(A) ZMM: The modification of an existing Restrictive Declaration.

As approved, the Via Building could contain a total of approximately 762,000 square feet of floor area, including up to 753 residential units of which 20 percent were affordable units through the Inclusionary Housing program; and 285 accessory parking spaces with portions of the ground and second floors to allow for commercial and/or community facility uses. Provided that the total floor area located within the LSGD does not exceed the maximum permitted in the LSGD, the 2012 approvals also permitted the reconstruction of the northeast corner of the project area to allow for development of up to 110 residential units, with ground-floor retail and community facility space, and the construction of a two-story structure in the midblock portion of the project area along West 58<sup>th</sup> Street.

The western and central portions of the Via Building (Block 1105, Lot 7501) is currently being developed pursuant to the 2012 approvals. In the northeastern portion of the project area (Block 1005, Lot 36), an approximately 178,000 gsf mixed-use building is currently under construction. Within the southeastern corner of the project area (Block 1105, Lot 29) is the Helena Building, a 38-story, 597 residential unit apartment building with approximately 12,000 square feet of ground floor retail and 100 accessory parking spaces, constructed in 2005. Along West 57<sup>th</sup> Street, the Helena Building property includes a grocery store and the entrance to the underground as-of-right accessory parking garage.

Use Group 9 automobile showrooms and sales are permitted as-of-right in the C4-7 and C6-2 zoning districts, but repair services and the preparation of vehicles for delivery area not permitted uses. While there are no current plans to lease the space for an auto showroom use, the proposed text amendment would allow for vehicle repair and preparation of vehicles for delivery in conjunction with automobile showrooms to be located on the development site in the future.

The zoning text amendment would map the project area as a new area C1-2 of the Special Clinton District; and allow for automobile repair and preparation of vehicles for delivery in area C1-2 of the Special Clinton District.

The project site, 625 West 57<sup>th</sup> Street is located on the north side of West 57<sup>th</sup> Street between Eleventh Avenue and Twelfth Avenue. The surrounding land uses are characterized by a mix of

industrial and manufacturing uses, high-density mixed-use commercial and residential uses, in addition to public facility and institutional uses.

The uses in the surrounding area include several automobile dealerships and other related motor vehicle uses. “Automobile Row,” located along the corridor of Eleventh Avenue in the West 40s and West 50s, currently reflects automobile dealerships, automobile servicing and repair facilities. The Mercedes automobile dealership, located at the base of a high-density residential building, is located to the south of the project site on Eleventh Avenue between West 53<sup>rd</sup> Street and West 54<sup>th</sup> Street.

Directly north of the project area is a Con Edison facility, that is zoned M3-2. To the north of this property, the Riverside South Development extends from West 59<sup>th</sup> Street to West 72<sup>nd</sup> Street. Riverside South includes several residential high-rise towers. The southernmost portion of Riverside South consists of the Riverside Center proposal approved by the City Planning Commission in 2010, which includes five predominantly residential buildings for the blocks between West 59<sup>th</sup> and West 61<sup>st</sup> Streets.

To the south of the site are a New York City Department of Sanitation (DOS) garage and a storage facility. Three blocks south of the project site is DeWitt Clinton Park, a New York City Department of Parks and Recreation open space that occupies the two city blocks bounded by Twelfth Avenue, Eleventh Avenue, West 52<sup>nd</sup> Street and West 54<sup>th</sup> Street.

To the west of the project area is a portion of the Hudson River Park, three piers (Piers 97-99), and the Hudson River. Pier 97 was formerly used for DOS truck parking and is currently planned as a public park and recreation area. Pier 98 is used for Con Edison employee car parking and storage of fuel oil. Pier 99, the West 59<sup>th</sup> Street Marine Transfer Station, is operated by the DOS.

To the east of the project area is the Clinton community, which hosts a mix of mid- and high-rise residential buildings, commercial buildings, automobile showrooms, warehouses, office space and film and television production studios.

## **ENVIRONMENTAL REVIEW**

The application (N 160069 ZRM) 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 Procedure of 1991 and Executive Order No. 91 of 1997. The lead is the City Planning Commission. The designated CEQR number is 12DCP020M.

After a study of the potential environmental impacts of the proposed action, a Technical Memorandum was issued on April 21, 2016 that concluded that the proposed text amendment would not result in any significant adverse impacts not previously identified and addressed in the 2012 FSEIS (inclusive of significant adverse impacts identified and addressed in the 2001 FEIS).

On August 3, 2016, a Revised Technical Memorandum was issued which modifies the project description to incorporate a 30,000 square foot as-of-right movie theater in the area that was to be occupied by the proposed auto showroom with auto preparation and repair services. While there are no current plans to lease the space to an auto showroom, the applicant is proceeding with the proposed text amendment that would allow for vehicle repair and preparation of vehicles for delivery in conjunction with automobile showrooms to be located on the property in the future. The Revised Technical Memorandum did not alter the analysis framework, nor the conclusions presented in the April 21, 2016 Technical Memo.

## **PUBLIC REVIEW**

On May 2, 2016 the application (N 160069 ZRM) was referred to Community Board 4 and the Borough President in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

On June 7, 2016, Community Board 4 issued a letter recommending approval of the proposed action.

### **Borough President Recommendation**

The Borough President of Manhattan has not submitted a recommendation.

### **City Planning Commission Public Hearing**

On July 11, 2016 (Calendar No. 5), the City Planning Commission scheduled July 13, 2016 for a public hearing on this application. The hearing was duly held on July 13, 2016 (Calendar No. 15).

There was one speaker in favor and none opposed. A representative of the applicant described the proposed action and development site.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 160069 ZRM) to amend Section 96-34 and Appendix A of Article IX, Chapter 6 (Special Clinton District Map Area C1-2) is appropriate. Automobile showrooms and sales are already permitted as-of-right at the project site, and automobile servicing and preparation of vehicles for delivery are permitted as-of-right in the blocks immediately to the north of West 58<sup>th</sup> Street and immediately to the south of West 57<sup>th</sup> Street.

The Commission believes that the proposed text amendment to allow for vehicle repair and preparation of vehicles for delivery in conjunction with automobile showrooms to be located for future use on the property would be consistent with similar uses in the area and would complement the existing automotive-related uses along “Automobile Row,” the corridor located at Eleventh Avenue in the West 40s and West 50s reflecting a group of vehicle dealerships and servicing and repair facilities. Many of these dealerships in the surrounding area provide repairs, vehicle storage and preparation of vehicles for delivery as part of their services. These include dealerships located

within mixed-uses developments, such as the Mercedes dealership in the base of a building with residential floors above at Eleventh Avenue and West 53<sup>rd</sup> Street, and dealerships adjoining non-automotive uses, such as the Toyota dealership at the corner of Eleventh Avenue and West 48<sup>th</sup> Street, which adjoins a 17-story boutique hotel.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission determines that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

### **Article IX: Special Purpose District**

#### **Chapter 6: Special Clinton District**

\* \* \*

**96-34**

#### **Special Regulations in Northern Subarea C1**

~~In Area C1-1, within~~ Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A, ~~the following of this Chapter,~~ are subject to the special ~~#use#~~ regulations of this Section. In addition, the special Inclusionary Housing regulations; ~~#use#~~ and special permit regulations set forth in this Section shall apply: in Area C1-1.

**(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**

- (1) In Special Use Regulations Areas C1-1 and C1-2, ~~t~~The following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:
  - (i) automobile showrooms or sales with preparation of automobiles for delivery; and
  - (ii) automobile repairs.
- (2) #Transient hotels# shall not be permitted within the portion of Area C1-1 that 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.

\* \* \*

# Appendix A - Special Clinton District Map

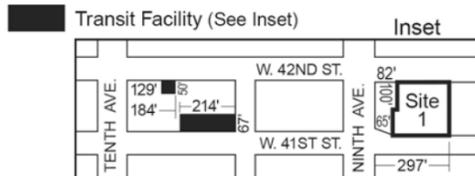


- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
  - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
  - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Areas
  - C1 Northern Subarea
  - C1-1 Special Use Regulations Area
  - C2 Western Subarea
- Excluded Area

### 42nd Street Perimeter Area



- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Site 1 Where Special Parking Regulations apply (See Inset)



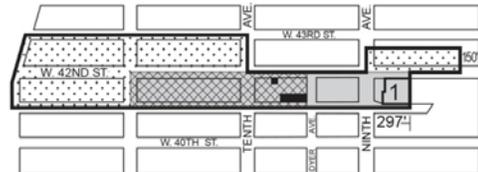
## EXISTING MAP



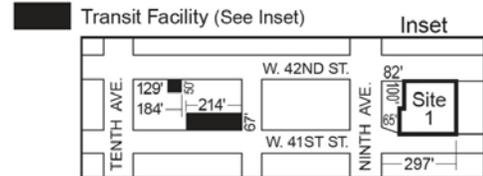
- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
  - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
  - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)

- C** Other Areas
  - C1 Northern Subarea
  - C1-1 Special Use Regulations Area
  - C1-2 Special Use Regulations Area
  - C2 Western Subarea
- Excluded Area

### 42nd Street Perimeter Area



- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Site 1 Where Special Parking Regulations apply (See Inset)



## PROPOSED MAP

\* \* \*

The above resolution, duly adopted by the City Planning Commission on August 10, 2016 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, Chairman  
**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman  
**RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**MICHELLE DE LA UZ, JOSEPH DOUEK, CHERYL COHEN EFFRON,**  
**HOPE KNIGHT, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, LARISA ORTIZ**, Commissioners

**ALFRED C. CERULLO, III**, RECUSED



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**DELORES RUBIN**

Chair

**Jesse Bodine**

District Manager

June 7, 2016

Carl Weisbrod  
Director  
Department of City Planning  
22 Reade Street, 2nd Floor  
New York, NY 10007

**Re: 625 West 57th Street-Automobile Showroom Text Amendment**

Dear Director Weisbrod:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board 4 (MCB4) recommends **approval** of an application by Durst Pyramid LLC for a text amendment to Zoning Resolution 96-34 and to Appendix A of Article IX, Chapter 6 (District Map for the Special Clinton District).

Durst Pyramid LLC is proposing to locate an automotive showroom within the ground floor of the westernmost portion of the building under construction at Manhattan Block 1105, Lot 7501 (the "Development Site"). Use Group 9 automotive showroom and sales uses are permitted as-of-right at this location, but repair services and the reparation of vehicles for delivery are not permitted uses. The text amendment will create within the Northern Subarea C1 of the SCD, a new Area C1-2 comprised of Manhattan Block 1105, Lot 7501, which is the block between West 57th Street, Eleventh Avenue, West 58th Street, and Twelfth Avenue, and allow auto showrooms to include automobile repair and preparation of vehicles for delivery in Area C1-2 of the Special Clinton District.

The automobile showroom would front along the full length of Twelfth Avenue between West 57th Street and West 58th Street and the western portion of the frontages along West 57th Street and West 58th Street. Automobiles would enter the showroom and repair areas from a previously approved curb cut along West 58th Street, and the repair functions would be located behind the showroom and within the core of the building.

The provision of a full-service dealership at the Development Site would be consistent with similar uses in the area and would complement the existing automotive-related uses in the area.

Automobile showrooms are already permitted as-of-right at the Development Site and automobile servicing and preparation of vehicles for delivery are permitted as-of-right in the blocks immediately to the north of West 58th Street and immediately to the south of West 57th Street.

Additionally, the presence of full-service dealerships is well established in the surrounding area. Many of these dealerships provide repairs, vehicle storage, and preparation of vehicles for delivery as part of their service. These include dealerships located within mixed-use developments.

The Board is encouraged by the applicant's understanding of, and determination to address, any quality-of-life issues an automotive showroom in a mixed use building may engender. These include not allowing the temporary parking of new showroom cars on the sidewalk before they can be placed inside the building and mitigating any noise issues generated by large HVAC systems necessary to meet ventilation requirements of dealerships with below level uses.

Thank you,

Sincerely,



Delores Rubin  
MCB4 Chair



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