

CITY PLANNING COMMISSION

January 28, 1999/ Calendar No. 5

C 970087 ZSM

IN THE MATTER OF an application submitted by the River Center LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution:

- a) Section 74-743(a)(1) to permit distribution of total allowable floor area, dwelling units and open space without regard to district boundaries;
- b) Section 74-743(a)(3) to permit the location of buildings without regard for the applicable distance between buildings and height and setback regulations;
- c) Section 74-744(b) to permit residential and non-residential uses to be arranged within a building without regard to the regulations of Section 32-42 (Location within Buildings);
- d) Section 74-681(a)(1) to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for a general large-scale development; and
- e) Section 13-561 to permit:
 - 1) an attended accessory parking garage with a maximum capacity of 454 spaces; and
 - 2) an attended accessory parking garage with a maximum capacity of 201 spaces;

to facilitate the construction of a mixed building within a general large-scale development on a zoning lot, bounded by West 59th Street, Tenth Avenue, West 58th Street and Eleventh Avenue (Block 1087, Lots 1, 5 and 25), in C4-7, C6-2 and C2-7 Districts, partially within the Special Clinton District, Community District 4, Borough of Manhattan.

The application for the special permit was filed by River Center LLC on August 8, 1996 pursuant to Sections 74-743 and 74-744 of the Zoning Resolution (General Large Scale Developments) for waivers and modifications of bulk regulations to permit modifications

of height and setback along 11th Avenue, West 58th and West 59th streets, distribution of floor area, dwelling units and open space without regard to district boundaries and to allow residential and non-residential uses to be arranged without regard to the regulations dealing with location of uses within buildings. The application for the special permit further requests, pursuant to Section 13-561 (Accessory Off-Street Parking Garages), an increase in accessory parking over the 225 maximum allowable spaces under the proposed project to 655 spaces, and pursuant to Section 74-681 (Development Within or Over a Right-of-Way or Yard), the ability to develop over open tracks in the southwest corner of the site.

A revised application was submitted by the applicant on January 21, 1999. Revisions to the application included reducing the extent of the waivers of bulk modifications requested for height and setback along 11th Avenue and West 58th and West 59th streets, revisions to the calculations for distribution of floor area, dwelling units and open space across district boundaries and reducing the number of accessory parking spaces requested from 655 spaces to 400 spaces.

RELATED ACTION

In addition to the special permit which is the subject of this report (C 970087 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 970086 ZMM a zoning map amendment from an M1-6 and M1-5 District to a C4-7, C6-2 and C2-7 District to facilitate the development of a mixed-use project at the site.

A revised application for the amendment to the zoning map was submitted by the applicant on January 21, 1999. A detailed discussion of the application appears in the report on the related action (C 970086 ZMM).

BACKGROUND

The project site is located on Block 1087, lots 1, 5 and 25, an entire block of 160,000 square feet at the northern edge of the Special Clinton District. The block is bounded by 11th Avenue to the west, 10th Avenue to the east, 58th Street to the south and 59th Street to the north. A one- to three-story warehouse building stands on the western two-thirds of the block. This building is currently occupied by four tenants: a center for scofflaw operations for the New York City Department of Citywide Administrative Services, a newspaper distribution facility, a construction contractor, and a 497-space public parking garage.

The eastern third of the project block is occupied by the main building of the John Jay College of Criminal Justice, part of the City University of New York. Along 10th Avenue is a six-story portion of the college building, formerly Haaren High School. West of that building is a newer seven-story wing. The western end of the project block is traversed by below-grade railroad tracks used by Amtrak. These tracks are partly covered by the existing warehouse building on the site, but the southwest corner of the site (10,000 square feet) is

open to the tracks below.

The block is currently zoned M1-6 (10 FAR) to a depth of 350 feet east of 11th Avenue.

The remainder of the block is zoned M1-5 (5 FAR) to a depth of 450 feet west of 10th Avenue. The existing zones permit commercial and manufacturing uses.

The existing zoning pattern in the surrounding area is a mosaic of high density zones.

Within a ten-block area, there are 23 different zones: five manufacturing; 13 commercial; five residential; and three Special Districts (Midtown, Lincoln Square and Clinton).

Beginning in the late 1920's, zoning plans show the area as "unrestricted" west of 10th (Amsterdam) Avenue, and residential along the Broadway spine and in the midblocks between Columbus and Amsterdam avenues, a pattern which remained largely unchanged, even after the implementation of the 1961 zoning.

The manufacturing zones found primarily south of 59th Street include: M1-6 (10 FAR) and M1-5 (5 FAR), both light industrial districts generally mapped between 10th and 11th avenues between 43rd and 61st streets; and M2-3 and M3-2, (both at 2 FAR) medium to heavy industrial districts generally mapped north of 42nd Street to 59th street west of 11th Avenue. Commercial zones mapped north and east include: C6 districts ranging between 6.02 to 10/12 FAR, mapped in areas where there are significant developments either built or proposed, and typically along the avenues. Residential R8 and R10 districts are mapped along the waterfront, north of 61st Street, and generally between Amsterdam and West End

avenues, where there are several residential developments. In addition, south of 59th Street, R8 districts are mapped over the almost entire Preservation Area (8th Avenue to 10th Avenue within the Special Clinton District).

East of the site is Columbus Circle and the New York Coliseum, where high-rise office and residential uses relate more to Midtown than to Clinton or the Upper West Side. West of Lincoln Center is an emerging residential area, Lincoln Square West. Recently, high-rise residential buildings have been constructed along Amsterdam/10th Avenue as far south as 57th Street and on West End Avenue as far south as 62nd Street. Closest to the project site, residential towers have recently been completed on Amsterdam/10th Avenue two blocks to the south and one block to the north of the project block, and St.

Luke's-Roosevelt Hospital's new building was completed on the block to the east. Most recently, One Columbus Place has just been completed on the block east of the project block. Large-scale, predominantly residential development is proposed for the western edge of the neighborhood: the Riverside South and Capital Cities/ABC projects will fully develop the remaining vacant land west of 11th Avenue.

The blocks surrounding the project site contain a mix of different uses. To the north are two tall residential towers close to Amsterdam/ 10th Avenue; low-rise industrial uses, a studio, and a public recreation center with a non-operating outdoor swimming pool in the midblock; and a gas station at 11th Avenue. To the south are low-rise 5- and 6-story buildings on 10th Avenue, several low-rise industrial buildings and mid-rise office uses in

the midblock, and a 20-story office building at 10th Avenue. West of the project block are industrial uses, including the large Con Edison power-generating plant directly west of the site, and the large parking area northwest of 59th Street.

East of the project block are a mix of residential and institutional uses. These include St. Luke's- Roosevelt Hospital and the residential towers of One Columbus Place directly to the east of the project block and a building used by John Jay College to the northeast.

The built context of the project has been altered by recent rezonings to the north that have permitted the development of large-scale development projects, especially along 11th Avenue. To the north along 11th Avenue lie the completed Manhattan West (now West End Towers) development between 61st and 64th streets; and the approved ABC project (now under construction) between 64th and 66th streets. Manhattan West is primarily residential with limited ground floor retail and community facilities. The ABC project included a significant portion devoted to the expansion of the existing studios on site. Both projects have mandatory street walls -- Manhattan West generally complies with the R10 Infill regulations (125 to 150 feet); while the ABC project will have a 125- to 130-foot street wall matching the existing building to the north. Both projects also include twin towers facing open space -- Manhattan West's 38-story towers (395 feet) along West 63rd Street and ABC's 33-story towers along West 64th Street.

PROJECT DESCRIPTION

The proposed actions include the a zoning map amendment of Block 1087 (see report on related application for a zoning map amendment, C 970086 ZMM) to replace the existing manufacturing designations with commercial zoning. These new commercial zones would permit a mix of residential, community facility and commercial uses. The rezoning and special permit applications would facilitate the construction of a mixed-use project as part of a general large-scale development at the site. The proposed special permit would provide flexibility in site planning, and pursuant to it waivers could be granted for the distribution of floor area, dwelling units and open space without regard to zoning district boundaries, and modification of height and setback regulations. Additional accessory parking spaces are also being requested, as is a request to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for the general large scale development.

The proposed general large-scale development consists of two basic parts. The first is the existing John Jay College building on the eastern portion of the site and which is proposed to be rezoned with the rest of the site, but will not be physically altered. The other part is the new structure that would be developed on the remainder of the lot owned by the applicant.

As certified, the application for the special permit proposed a mixed-use development of 1.36 million square feet (1.04 million square feet of new development) that could contain

up to 166,000 square feet of retail, a maximum of 1201 dwelling units and a maximum community facility component of 900,000 square feet of new community facility development. In the application, programs for maximum residential and maximum community facility development were laid out. In the maximum community facility program, 620,000 square feet of new community facility use would be incorporated into the project together with approximately 500 dwelling units (450,000 square feet of residential use). In the maximum residential program, 33,000 square feet of new community facility use would be provided, along with 1201 dwelling units (1 million square feet of residential use). The stated maximum program elements were caps but not requirements: intermediate totals less than the overall programmed maximum use limitations could be varied according to the mix of uses in the final project.

The application for the special permit contains a request to permit the location of buildings without regard for height and setback regulations pursuant to Section 74-743(a)(3) (General Large Scale Developments) of the Zoning Resolution. As-of-right, the project would have to have setbacks at 85 feet on both 11th Avenue and 58th and 59th streets, and the bulk of the project could not penetrate the sky exposure planes on those streets. The project as proposed would be located at the street wall with bulk above the setback height and would therefore require bulk waivers on 58th and 59th streets and on 11th Avenue.

The application also contains a request pursuant to Section 74-743 (a) (1) of the Zoning Resolution (General Large Scale Developments) to permit distribution of total allowable

floor area, dwelling units and open space without regard to district boundaries. The proposed project contains an existing building to remain (John Jay College of Criminal Justice), and the site plan calls for high-rise residential development on the avenue and mid-rise development in the midblock. In order to facilitate construction of a mixed-use development with the bulk and massing configuration shown in the mandatory design guidelines, the floor area and dwelling units would need to be distributed without regard to the district boundaries proposed in the related zoning map amendment (C 970086 ZMM).

The application as certified also contained a request pursuant to Section 13-561 for 655 accessory parking spaces, approximately 430 spaces greater than the maximum allowable at the site under any of the development scenarios without the special permit allowance for increased accessory parking. The original request in the application as certified was for two attended garages with ingress and egress on 58th and 59th streets. The application as revised requests 400 total spaces in one or two garages, with ingress and egress in the same locations, but with narrower curb cuts.

ENVIRONMENTAL REVIEW

This application (C 970087 ZSM) in conjunction with the application for the related action (C 970086 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6, Article 8 of the New York Code of Rules and Regulations, Section 617.11 *et seq.*, and the New

York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order 91 of 1977. The designated CEQR number is 96DCP005M. The lead agency is the City Planning Commission.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

1. The action, as proposed, may result in significant adverse impacts related to community facilities (schools).
2. The action, as proposed, may result in significant adverse impacts related to architectural and archaeological resources.
3. The action, as proposed, may result in significant adverse impacts related to urban design/visual resources.
4. The action as proposed, may result in significant adverse impacts related to neighborhood character.
5. The action, as proposed, may result in significant adverse impacts related to noise.
6. The action, as proposed, may result in significant adverse impacts related to hazardous materials.
7. The action as proposed, may result in significant adverse impacts related to traffic and parking and transit and pedestrian trips.
8. The action as proposed, may result in significant adverse impacts related to air quality (stationary and mobile sources).

A positive declaration was issued on December 2, 1996 and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement ("DEIS").

The applicant prepared a DEIS and a Notice of Completion was issued on August 31, 1998. Pursuant to the SEQRA regulations and CEQR procedures, and a joint public

hearing was held on the DEIS on December 8, 1998 in conjunction with the public hearing on the related ULURP items (C 970087 ZSM and C 970086 ZMM). A Final Environmental Impact Statement (“FEIS”) was completed and a Notice of Completion was issued on January 15, 1999. The Notice of Completion for the FEIS identified the following potential significant adverse impacts, as well as mitigation measures to address these impacts:

Hazardous Materials

The project site may contain hazardous materials which could be disturbed during demolition and construction, resulting in significant adverse impacts.

Any construction activities that involve disturbance of existing soil on the site would be performed in accordance with a site-specific health and safety plan approved by the Department of Environmental Protection (“DEP”) to protect construction personnel and others, and minimize risks from elevated metal levels in a layer of fill on the project site as well as contaminants along the railroad tracks. The thin layer of fill material with elevated metal levels would be removed and tested for disposal characteristics in accordance with state regulations. Similarly, all other material excavated from the site would be tested for disposal characteristics and removed in accordance with all applicable regulations.

Demolition of the existing building on the site would be undertaken in accordance with all applicable city, state, and federal regulations. Any asbestos would be removed, transported, and disposed of in accordance with all applicable regulations. In addition, any underground storage tanks encountered during construction would be removed or closed in accordance with the regulations of the Department of Environmental Conservation (“DEC”). Soils surrounding the tanks would be inspected for evidence of leakage, and any contaminated soils would be removed. With these mitigation measures in place, no unmitigated hazardous materials impacts would occur.

Vehicular Traffic and Parking

The project's residential scenario (the worst-case scenario in terms of vehicular traffic) would add to the surrounding street system an estimated

246 new vehicle trips during the morning peak period (or "rush hour"), 389 during the midday peak, 462 during the evening peak and 544 during the Saturday midday peak period. These new vehicle trips would result in significant adverse impacts in terms of traffic congestion at three intersections in the morning peak period, midday peak period, and the weekend midday peak period. Seven intersections would experience a significant adverse impact during, the evening peak period.

The affected intersections would be on 57th Street (at Eleventh/West End and Ninth Avenues) and Eleventh/West End Avenue (at 72nd, 70th, 66th, 65th, 59th, and 58th Street. All the predicted impacts may be mitigated using the measures described below:

WEST END AVENUE AT WEST 72ND STREET:

The transfer of 3 seconds of green time from the West End Avenue lagging northbound phase to the north-/southbound phase during the PM and Saturday midday peak hours.

WEST END AVENUE AT WEST 70TH STREET:

The transfer of 2 seconds of green time from the eastbound (West 70th Street) approach to the north-/southbound (West End Avenue) approaches during the PM peak hour.

WEST END AVENUE AT WEST 66TH STREET:

The introduction of an 11-second leading phase for northbound traffic by transferring 6 seconds of green time from the north-/southbound (West End Avenue) phase and 5 seconds from the east-/westbound (West 66th Street) phase during the weekday PM peak hour.

WEST END AVENUE AT WEST 65TH STREET

The transfer of 3 seconds of green time from the north-/southbound phase to the lagging southbound phase during the PM peak hour.

WEST END AVENUE AT WEST 59TH STREET

The conversion of West 59th Street from two-way to one-way westbound operation between 10th/Amsterdam and 11th/West End avenues, and striping for two 10-foot lanes (left and through-right). In addition, 3 seconds of green time would be transferred from the 11th/West End Avenue phase to the West 59th Street phase during the AM peak hour.

ELEVENTH AVENUE AT WEST 58TH STREET

The implementation of a no-standing 4-7 PM curbside regulation along the northbound approach, and the transfer of 16 seconds of green time from the north-/southbound phase to a new leading southbound phase during the PM peak hour.

ELEVENTH AVENUE AT WEST 57TH STREET

The implementation of a No Standing 4-7 PM curbside regulation for 150 feet along the northbound approach;

The implementation of a No Standing 7 AM to 4 PM curbside regulation for 150 feet along the southbound approach;

The addition of 1 second of green time to the West 57th Street phase and the introduction of an 11-second exclusive north-/southbound left-turn phase on 11th Avenue by transferring 12 seconds of green time from the north-/southbound phase during the AM peak hour. During the midday peak hour, 11 seconds of green time would be transferred from the north-/southbound phase to provide 11 seconds of green time for the new exclusive north-/southbound left-turn phase. During the PM peak hour, 10 seconds of green time would be transferred from the north-/southbound phase and 1 second from West 57th Street, while during the Saturday midday peak hour, the amount of green time transferred from these phases would be 5 seconds and 6 seconds, respectively.

NINTH AVENUE AT WEST 57TH STREET

The transfer of 2 seconds of green time from the leading westbound phase to the east-/westbound phase to address the AM peak hour impact. During the midday, 2 seconds of green time would be transferred from the southbound (9th Avenue) phase to the east-/westbound phase.

With the implementation of these measures, the project impacts at all intersections would be fully mitigated.

To address the existing high ambient noise levels at the project site, the proposed zoning

map amendment (C 970086 ZMM) includes an (E) designation for Block 1087, Lots 1 and 5. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

After the issuance of the Notice of Completion, a revised application was submitted by the applicant. Due to the reduced size of the project in the application as revised from the project as certified, the revised application would not result in impacts that would be substantially different from or greater than those disclosed in the FEIS.

UNIFORM LAND USE REVIEW

The application was certified as complete by the Department of City Planning on August 31, 1998 and was duly referred to Community Board 4 and the Borough President in accordance with Article 3 of the ULURP rules, along with the related zoning map change (C 970086 ZMM).

Community Board Public Hearing

Community Board 4 held a public hearing on November 4, 1998, and on that date, by a vote of 26 in favor, 6 opposed and 0 abstaining, adopted a resolution recommending disapproval of the application with conditions.

The community board opposed the application for the reasons summarized below :

- ▶ the applicant requested a zoning map amendment which could result in “big box retail” considered by the Board to be inappropriate for the area;
- ▶ the applicant requested special permits to allow 655 parking spaces, approximately 400 more than normally allowed in commercial zones proposed for the site, and the Board believes that additional parking will attract additional cars, exacerbating existing traffic and discouraging the use of public transportation into the area; and
- ▶ the 11th Avenue tower and the total bulk of the proposed building are both too large.

Additionally, the board resolution stated several conditions without which it could not approve the application:

- ▶ the applicant maintains a mixed-use zoning application but reduces the total bulk of the development and the height of the 11th Avenue towers;
- ▶ the applicant reduces the total number of accessory parking spaces; and
- ▶ the applicant “further clarifies the retail and community facility designations for the development.”

Concerning the application the board further resolved that it

- ▶ supports mixed-use zoning for manufacturing areas which no longer demonstrate the capacity to support economically viable development;
- ▶ believes that mixed-use zoning is appropriate for block 1087 (the project site); and

- ▶ recommends approval of the special permit to permit development over a railroad right-of-way.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation disapproving the application on December 7, 1998.

The Borough President concurred with Community Board 4's judgment that the project was too bulky and would seriously alter the neighborhood's character. The Borough President further concluded that the proposed project's midblock portion bulk would be out of proportion with other midblocks in the area and would have the effect of creating a canyon-like street. The Borough President also agreed with Community Board 4 that the applicant had requested too many accessory parking spaces, but recommended that consideration be given during the calculation of an appropriate reduction to the displacement by the proposed project of the existing 497-space garage currently on the site.

The Borough President expressed a concern that the area's existing community facilities-- for example, its open spaces--would not support such a large residential development and that the number of units would exacerbate an already large insufficiency in neighborhood open space.

The shadow cast by the towers on the pools at the recreation center across the street was

also called out as cause for concern.

The Borough President encouraged the applicant to seek 80/20 financing to inject a mix of low- and moderate-income units into the project's residential mix.

City Planning Commission Public Hearing

On November 25, 1998 (Cal. #6), the City Planning Commission scheduled December 9, 1998 for a public hearing on this application. The hearing was duly held on December 9, 1998 (Cal. # 17) in conjunction with the public hearing on the application for the related zoning map amendment (C 970086 ZMM). There were five speakers in favor of the application and four in opposition.

The speakers in favor of the application included an attorney representing the applicant, two architects for the proposed project, the applicant's traffic consultant and an attorney for an electrical contractors union. The attorney representing the applicant outlined the approvals being sought as part of the application and discussed the basic program of the development. The project's architects described the proposed design and design guidelines and the traffic consultant described traffic at the site. The attorney for an electrical contractors union spoke in favor of the approval of the application.

The speakers in opposition to the application included a representative of the Manhattan Borough President, the City Council Member for the area, the Chair of Community Board

4 and the Chair of the Land Use Committee of Community Board 4.

The representative from the Borough President's Office reiterated the Borough President's concerns as expressed in her recommendation, including her encouragement to the developer to seek 80/20 financing, the lack of open space, potential shadow effects on the recreation center pools and the density and bulk of the project.

The Chairs of Community Board 4 and the community board's Land Use Committee also expressed concern about the density and bulk of the project and the potential shadow effects on the recreation center's open space and reiterated the concerns they expressed in the board's resolution.

The City Council Member for the area reiterated the Borough President's and community board's concerns relating to the difficulty of judging the project from the mix of scenarios proposed in the application, the effects of the proposed development on neighborhood open space and the effects of the shadow cast by the project on the recreation center pools. The Council member also stated relative to the fact that the pools were currently closed, that the ABC project was required to help rehabilitate the pools as part of its required mitigation. The Council Member also raised the issue that the area has a number of dangerous pedestrian crossings and that the proposed project could make that situation worse. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the applications for the special permit (C 970087 ZSM) pursuant to Sections 74-743 and 74-744 (General Large Scale Developments), 13-561 (Accessory Off-Street Parking Garages), 74-681 (Development Within or Over a Right-of-Way or Yard), and for the zoning map change (C 970086 ZMM), as revised by the applicant are appropriate. The block on which the rezoning will take place is currently zoned for manufacturing use. With recent development trends in the area of new large-scale residential and mixed-use developments to the north, east and west (including Manhattan West/West End Towers, Riverside South, St. Lukes/Roosevelt Hospital, ABC, and Columbus Center) either completed, under construction or approved, the remaining underutilized manufacturing districts exist as anomalies in an otherwise mixed-use residential neighborhood.

The original application for this special permit proposed a development of 1.36 million square feet, including 320,000 square feet in the existing John Jay College of Criminal Justice, which would remain on the site, and a new development which would contain--in different scenarios-- a maximum of 1,201 dwelling units with a small amount of new community facility space, or a maximum of 620,000 square feet of new community facility space and up to 500 dwelling units.

Under any scenario combining residential development with community facility space, the project as certified would also contain 655 parking spaces. In addition, a maximum of

166,000 square feet of retail development could have been substituted for either the residential or community facility above grade, or, because of the steeply sloping site, be included in the project below grade without counting as floor area.

The original application raised significant issues for the Commission. During the public review process, both the Borough President and Community Board 4 raised issues concerning the depth of the high-density avenue zones on both 10th and 11th avenues, the amount of parking, the overall bulk and density of the proposed project and the allowable amount of retail at the site.

While the Commission believes that the site and area are appropriate for rezoning to permit large-scale mixed use development, many aspects of the application for the special permit--density, bulk and massing, parking and use--presented a project of excessive size.

In particular, the Commission was concerned about the precedent that the application for the zoning map amendment as originally proposed would set for the area in terms of the depth of high-density avenue zones. The existing zoning pattern in the surrounding area is a mosaic of high density zones. Within a ten-block area, there are 23 different zones: five manufacturing; 13 commercial; five residential; and three Special Districts (Midtown, Lincoln Square and Clinton). Beginning in the late 1920's, the area was zoned "unrestricted" west of 10th /Amsterdam Avenue, and residential along the Broadway spine and in the midblocks between Columbus and Amsterdam avenues, a pattern which

remained largely unchanged, even after the implementation of the 1961 zoning.

The manufacturing zones found primarily south of 59th Street include: M1-6 (10.0) and M1-5 (5.0 FAR), both light industrial districts generally mapped between Tenth and Eleventh avenues between 43rd and 61st streets; and M2-3 and M3-2, (both at 2.0 FAR) medium to heavy industrial districts generally mapped north of 42nd Street to 59th street west of Eleventh Avenue. Commercial zones mapped north and east include: C6 districts ranging between 6.02 to 10.0/12.0 FAR, mapped in areas where there are significant developments either built or proposed (Lincoln Square/Lincoln Center), Penn Yards, and typically along the avenues. Residential R8 and R10 districts are mapped along the waterfront, north of 61st Street, and generally between Amsterdam and West End Avenues where there are several residential developments. In addition, south of 59th Street, R8 districts are mapped over the almost entire Preservation Area (Eighth Avenue to Tenth Avenue of the Special Clinton District.

The Commission concludes that a remapping of selected vestigial manufacturing zones to mixed-use zoning to the north of 57th Street is appropriate. The 57th Street corridor forms a natural boundary between the active manufacturing zones to the south of 57th Street and redeveloping areas to the north. The manufacturing zones to the south contain a concentration of auto-related and industrial uses. The 57th street corridor between 10th and 11th avenues is solidly developed with a concentration of TV production facilities and other industrial uses. The 350-foot high "Ford" building, now occupied by BMW facilities,

is located on the western end of the block on the north side of 57th Street. CBS facilities occupy most of the block located on the south side of 57th Street.

The three blocks north of West 57th Street between 10th and 11th avenues contain isolated manufacturing zones that are appropriate for zoning changes to accommodate redevelopment and new residential uses. Unlike the manufacturing zones south of 57th Street, these M1 districts are increasingly isolated by commercial zones with high-density residential equivalents and high-density residential zones. These manufacturing districts are not representative of the predominant land uses in the immediate area, which reflect a growing base of institutional, commercial and residential activity. Moreover, their isolation limits their future viability for industrial use. In addition, zoning changes that allow new residential development would be consistent with other public policy decisions immediately to the north and west of the three blocks.

Over the last decade several major rezonings associated with large-scale development have taken place within the area that established public policy for, and influenced the physical character of, this transforming neighborhood. In approving these large-scale projects, the Commission has restricted the total amount of development and has established bulk, use and design controls. Further, through special permits, the building form and bulk distribution have been also been established.

The rezoning of the former Penn Yards site to facilitate three large-scale mixed-use,

predominantly residential developments (Manhattan West, Riverside South and ABC) reflects recent zoning policy related to underutilized manufacturing zones in the area. All three projects front 11th/West End Avenue between 59th and 66th streets were approved concurrently with rezonings of existing underutilized M1-6 districts mapped on the avenue between West 59th and 61st streets. The rezonings established avenue and midblock zones, mandatory street wall and setback controls. In general, the rezonings changed the high- and medium-density manufacturing districts to high- and medium-residential districts.

The Riverside South studio block extends between West 59th and 61st streets on the west side of West End Avenue. The special permit requires a street wall along the avenue between 125 and 135 feet before setback. It allows two 25-story towers at approximately 330 feet, with a transition area between the base and tower at 190 feet. (Other Riverside South buildings are approved for building heights of 23 to 49 stories, with street walls in the range of 125 and 150 feet.) The studio block site is predominantly commercial.

Although zoned C4-7, commercial uses have been restricted by special permit to film, photographic, radio and television studios along 11th Avenue (residential uses are proposed along the Riverside Drive South to the west). Retail uses are restricted in floor area and location and the City Council in approving the project required that any change in use would necessitate a new special permit.

The most significant recent project in Community District 4 has been the St.

Luke's/Roosevelt Hospital project -- a full block development between 58th and 59th

streets, east of 10th Avenue (which included a special permit and restrictive declaration, rezoning the entire block to a C4-7 district) and the 10th Avenue frontage on the west side between 59th and 60th Streets. The Concerto, a 35-story (353- foot) residential tower with a 12-story base occupies the avenue frontage between 59th and 60th streets. The full block site has also been developed -- the St. Lukes/Roosevelt Hospital portion is located along Tenth Avenue, while two 45-story residential towers are located along Ninth Avenue atop a low base (approximately 45 feet). The approval of the project included restrictions on the type (local retail) and size of retail uses.

Several other high-rise as-of-right developments have also been constructed on 9th and 10th avenues - - the 30-story residential tower “Aurora” on West 57th and 9th Avenue, and a 40+ story residential tower under construction on Ninth Avenue between 59th and 60th streets.

The project block is notable for its sloping topography, rising sharply from west to east. Consequently, 11th Avenue at the project block is located some 47 feet lower than 10th Avenue. Because of this slope, the warehouse on the block is three stories at 11th Avenue but only one story at its eastern boundary near the middle of the block.

The Commission carefully considered the specific density, bulk, parking and use issues raised by the project.

Density

In terms of density, the overall FAR of the project block in the original application was 8.47. While that ratio would have been lower than the as-of-right FAR of 8.9 (limited to manufacturing and commercial development), it would still have allowed over 1.04 million square feet of new development. Before it was revised, the proposed zoning map amendment would have created 10 FAR commercial zones over half the block: C4-7 to a depth of 150 feet on 11th Avenue and C2-7 to a depth of 300 feet on 10th Avenue. As described in the report on the related application for a zoning map amendment (C 970086 ZMM), the Commission believes that those depths are not appropriate, either as a reflection of the existing zoning context or as precedent for future rezonings on the blocks to the north. In response to the concerns expressed by the Commission, the applicant has revised the zoning map amendment application to reflect a rezoning of 125 feet of C4-7 on 11th Avenue, in keeping with lesser depths of higher density zoning on Manhattan grid blocks of 800 feet, and 100 feet of C2-7 on 10th Avenue, matching the depth of C2-7 on the blocks to the south of the project. The midblock zoning of C6-2, which allows a maximum FAR of 6.5 (community facility), would help maintain the traditional balance of higher density on the avenues and lesser density in the midblocks.

This revised application for a zoning map amendment produces an allowable overall density of 7.48 FAR, which could facilitate a project of approximately 883,000 square feet of new development floor area. The Commission believes that both the application for a zoning map amendment as revised by the applicant and the FAR it would produce on the site are

appropriate.

Bulk and Massing

The Commission and others have been concerned that the overall massing profile of the original project would permit development out of scale and character with the neighborhood and the larger built context of this part of Clinton and the Upper West Side.

Other recent rezonings in the area established avenue and midblock zones, mandatory street wall and setback controls consistent with other Upper West Side residential developments (R10A and R10 Infill), and defined the placement, height and scale of towers to reflect the iconic Central Park West twin tower buildings. The 11th Avenue context provides precedent for massing controls in the area.

The height and bulk waivers sought in the original application would have permitted two towers of 425 feet in height without setback on 11th Avenue (and the same height without setback for 125 feet of depth on the side streets) and a “plug” between the towers of 270 feet in height. Other twin tower buildings in the area, including the Central Park West towers, have heights generally around 370 feet, and the portion between the towers averages around 200 feet in height.

The applicant has revised the application to limit the height of the towers to 379 feet, and the plug portion to 215 feet. The tower portion in the revised application includes a

setback at 150 feet, and an expression line--a small projection creating a shadow line on the façade-- marking the setback height of 85 feet on the Con Edison building across 11th Avenue. An added benefit of the reduction in proposed height is that shadows cast on the recreation center and outdoor swimming pools across 60th Street by the towers at 425 feet are almost completely eliminated when those heights are reduced to 379 feet.

The original application proposed 150 feet of C4-7 on 11th Avenue, 300 feet of C2-7 on 10th Avenue and 350 feet of C6-2 in the midblock. This zoning would have permitted a maximum FAR of of 8.47, down from the 8.9 FAR permitted by the current zoning. The Commission strongly believes that the application for a zoning map amendment as originally proposed was inappropriate, both for this site and as a precedent for future rezonings on the blocks to the north.

The midblock bulk proposed in the original application was of particular concern to the Commission. At an average streetwall height of 140 feet for a length of nearly 600 feet, rising to a height in the middle of the block of 220 feet, the midblock massing would have made narrow side streets that were already bordered by high streetwalls even darker and more confined in feeling. The revised mandatory design guidelines would have an initial setback at an average height of less than 50 feet, with two other setbacks at 96 feet and 111 feet. The height in the center of the block would be 135 feet to match up with the parapet height on the existing John Jay building should the potential John Jay College expansion occur as a part of the project. That 135-foot-high portion, if it were built, would be set

back 60 feet from the side streets and would end 30 feet short of the tower portion of the development on 11th Avenue. The street walls on 58th and 59th streets rise to an average height of 55 feet, 30 feet less than the as-of-right requirement in C6-2 of 85 feet.

The special permit request pursuant to Section 74-744 (General Large Scale Developments) to permit residential and non-residential uses to be arranged within a building without regard to the regulations set forth in Section 32-42 (Location within Buildings) is based on the possibility, because of the slope of the site, that if non-residential uses occupy the midblock portion of the site, these uses may be at or above the same horizontal plane as residential uses in the high-rise portion on 11th Avenue.

The commercial uses that may be developed in the mid-rise portion of the proposed project will have separate access to the outside and will have no opening to the residential uses. Additionally, no commercial uses will be located directly over any story containing dwelling units and the development of commercial uses, subject to the limitations set forth in this special permit and in the accompanying restrictive declaration, will not have any adverse effect on the other uses located within the building.

The Commission considers that the application as revised by the applicant meets the findings of Sections 74-743 and 74-744 (General Large Scale Developments), and particularly that the revised application results in a better site plan and in a better

relationship between the proposed project and the surrounding development.

The Commission took into consideration the possibility that John Jay College might expand into the new development portion of the site and would require some flexibility in floor plate to accommodate its program. The revised bulk envelope in the revised application would permit that expansion if it were to take place.

Parking

The original application asked for 655 parking spaces in two garages. The FEIS disclosed that there would be a total maximum parking accumulation (demand) of 439 spaces for the project under the residential development scenario, which represented the reasonable worst case scenario for parking analysis purposes.

Pursuant to Section 13-12, accessory parking for a residential project may not exceed 20% of the total number of dwelling units, and community facility uses are limited to 1 space per 4000 square feet pursuant to Section 13-133. The Commission believes that a 20% parking ratio is too low for a general large scale development of this type and that the 35% ratio permitted in Community District 7, one block to the north, is more appropriate here. That ratio would produce approximately 350 parking spaces if the total dwelling unit count were reduced from the project-as-certified maximum potential of 1200 dwelling units to approximately 1000, which would reflect the reduction in the project zoning density represented by the mapping now proposed. The Commission has expressed its

concern that a large concentration of parking spaces at the site would encourage inappropriate auto-dependent retail use.

There are currently 497 spaces on the site, used in part by John Jay College. Recognizing that John Jay College has parking needs that should be accommodated, the Commission believes that 350 spaces should be provided and that an additional 50 spaces be allotted to accommodate the existing John Jay College facility on-site, for a total of 400 spaces. The applicant has revised the application to reflect this total number of spaces.

The Commission considers that the application as revised meets the findings pursuant to Section 13-561 (Accessory Off-Street Parking Garages), and especially that the accessory spaces requested will serve the needs of occupants of the site. The application as certified contained a request for 655 spaces in two garages. The application as revised contained a request for 400 spaces in one or two garages, a reduction of approximately 40%. The FEIS had predicted traffic impacts, all of which were mitigatable by signal retiming and rephrasing, changes in parking regulations, striping plans for improving traffic flow and changing 59th Street between 10th and 11th avenues from two-way to one way westbound operation. With that mitigation, all of the streets providing access to the site would be adequate to handle the traffic resulting from the project. With the 40% reduction contemplated by the revised application, the impacts would be much less significant, and the Commission is therefore satisfied that the project will not create or contribute to serious traffic congestion.

The primary streets serving this site, 58th Street, 59th Street, 10th Avenue , 11th Avenue, 12th Avenue and the Miller Highway, are not local residential streets. The local residential streets in Clinton to the south and the Upper West Side to the north, will not be significantly affected by this project. The Commission therefore finds that the facility will draw a minimum of vehicular traffic to and through local residential streets.

Twenty reservoir spaces are provided at the vehicular entrance as shown on the plans submitted as part of the application as revised. The Commission finds that adequate reservoir space has been provided.

Use

While the original application did not propose specific amounts of retail under the proposed zoning, the FEIS analyzed the effects of the as-certified project, which would have allowed a maximum of 166,000 square feet of retail at the site. The Commission believes that this amount of retail space is excessive and, in conjunction with the original request for 655 parking spaces, could have encouraged auto-dependent destination retail use at the site.

The Commission believes that retail should be restricted to 125,000 square feet in total, regardless of its location in the building or whether it counts as zoning floor area, and that a further limitation of allowable uses to those permitted in C2 districts is appropriate. This change would prohibit Use Group 10, which consists primarily of large retail

establishments, but would continue to permit Use Group 6, which allows, for example, supermarkets over 10,000 square feet. The 125,000 square feet represents a single level of retail for the midblock portion and two levels of retail within the 125' tower portion.

This restriction would be part of a restrictive declaration for the entire large-scale development site. In accordance with the restrictive declaration, the restriction on the amount of retail to 125,000 square feet and the prohibition of Use Group 10 uses would apply to any development on the site, whether or not the special permit was used. In addition, if the special permit were used, under the terms of the restrictive declaration the amount of parking would be restricted to 400 spaces and the mandatory design guidelines would control bulk and massing of any development.

Concerns had also been expressed by the community board that a determination should be made as part of the review and consideration regarding the residential and community facility mix. The Commission notes that for purposes of assessing the potential environmental impact of the actions, two project scenarios were developed that together represent the reasonable worst case in terms of impacts--a residential scenario and a residential and community facility scenario. Both scenarios would also include retail use and parking in the building's base. While these scenarios contributed to the Commission's review, it would not be appropriate to dictate the eventual overall programmatic use of the site. The rezoning, together with the changes to density, urban design guidelines, parking and retail use incorporated into the revised application, provides for an appropriately

considered development that can accommodate either predominantly residential or community facility development. Either scenario would be a positive component in the growth and development of the area.

The suitability of non-auto dependent retail was addressed by several speakers at the public hearing. The Commission believes that restricting the size of individual retail establishments is inappropriate and could limit the potential for a supermarket on the site to serve the expanding residential population in the area. Concerns about auto-dependent retail have been adequately addressed through limits on the overall amount of retail on the site (125,000 square feet), prohibiting Use Group 10 and cutting back significantly on the accessory parking (from 655 spaces to 400 spaces).

The applicant has revised the application to reduce the total floor area permitted to 1.2 million square feet (883,000 square feet of new development), and a maximum of 1100 dwelling units, but has not laid out a program with defined mixed-use calculations.

The applicant also revised the application for the zoning map amendment, which is described in detail in the report on the related action (C 970086 ZMM). The overall effect in terms of density of that revision is to reduce the FAR on the block from 8.47 in the application as certified to 7.48 in the revised application.

As certified, the project was proposed to be built as two towers on 11th Avenue of 425 feet

in height rising directly from the street, a medial “plug” between the towers rising to a height of 270 feet and a midblock portion with a streetwall ranging from 135 feet at the juncture with John Jay to 154 feet at the juncture with the towers, and rising to a height of 220 feet in the middle of the block.

The applicant has now revised the application to reflect a bulk and massing that cap the height of the towers at 379 feet, and the plug portion at 215 feet. In addition, the tower portion now includes a setback at 150 feet, in keeping with similar R10 buildings, with an expression line--a small projection creating a shadow line on the façade-- marking the setback height of 85 feet on the Con Edison building across 11th Avenue.

The Commission notes that in order to support its review of the project, the Department of City Planning provided additional analysis for both the project and its relationship to the surrounding area. This effort contributed to the Commission’s review and provided a solid planning basis for the changes that were incorporated into the amended application. In response to issues raised regarding traffic concerns, the Department conducted additional traffic studies that examined future growth in the area beyond the project’s build year. The Commission is satisfied that with the changes to the project, there would be adequate transportation infrastructure to accommodate this project as well as future developments that could occur after the build year utilized in the FEIS.

The Commission further notes that the overall planning framework provided by the

Department provides a sound approach for future discretionary rezoning reviews. It believes the project as revised fits well within this framework, and provides an appropriate precedent for future land use actions for the two blocks to the north.

The application contains a request pursuant to Section 74-681 (Development Within or Over a Transit Right-of-way or Yard) to permit the open tracks in the southwestern corner of the block to be covered by a permanent platform to be included in the lot area for the general large scale development. This would allow bulk to be shifted to a high-rise portion of the general large scale development located on 11th Avenue. In the revised application, the bulk controls and the number of dwelling units that could be located on this portion of the lot would be consistent in scale, character and density with the surrounding area and would not be unduly concentrated. The potential uses--retail, community facility and residential--would also be consistent with other development in the area and would not adversely affect one another. The Commission therefore believes that the request is appropriate.

The Commission believes that the application as revised by the applicant addresses its concerns about the original project, and that the project as now proposed would produce a development of reasonable size with a flexible program of mixed-use that would enhance neighborhood character and set an appropriate precedent for future development on the blocks to the north.

The Commission believes that mixed-use development is appropriate here, and the reasonable limits set by the application as revised by the applicant will produce a development that will contribute in scale and character to the evolving neighborhood context in this area of Manhattan and help set the context for future projects along the 11th Avenue corridor.

FINDINGS

The City Planning Commission makes the following findings pursuant to Section 74-743 (General Large Scale Developments) of the Zoning Resolution:

- (1) that the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances, show windows and signs will result in a better site plan and a better relationship among buildings and open space areas adjacent to streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the general large-scale development, the neighborhood and the City as a whole;
- (2) that the distribution of floor area and the location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access to light and air, to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
- (3) Not applicable
- (4) that considering the size of the proposed general large-scale development, the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom;
- (5) Not applicable
- (6) that a Declaration with regard to the ownership requirement in paragraph (b) of the general large-scale development definition in Section 12-10 (DEFINITIONS) of the Zoning Resolution has been filed with the Commission.

The City Planning Commission also makes the following findings pursuant to Section 74-744 (General Large Scale Developments) of the Zoning Resolution:

- (1) that the commercial uses are located in a portion of the mixed building that has separate access to the outside with no opening of any kind to the residential portion of the building at any story;
- (2) that the commercial uses are not located directly over any story containing dwelling units; and
- (3) that the modifications shall not have any adverse effect on the uses located within the building.

The City Planning Commission also makes the following findings pursuant to Section 74-681 (Development Within or Over a Railroad or Transit Right of Way or Yard) of the Zoning Resolution:

- (1) that the streets providing access to all uses pursuant to the provisions of this section are adequate to handle traffic resulting therefrom;
- (2) that the distribution of floor area and the number of rooms or dwelling units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of the development or enlargement, including any portion of the development or enlargement located beyond the boundaries of such railroad or transit right-of-way or yard;
- (3) that all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another; and
- (4) Not applicable

The City Planning Commission also makes the following findings pursuant to Section 13-561 (Accessory Off-Street Parking Garages) of the Zoning Resolution:

- (1) that such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;
- (2) that within the vicinity of the site, there are insufficient parking spaces available;

- (3) that the facility will not create or contribute to serious traffic congestion nor will it unduly inhibit vehicular and pedestrian movement;
- (4) that the facility is located so as to draw a minimum of vehicular traffic to and through local residential streets; and
- (5) that adequate reservoir space has been provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any parking spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 15, 1999, with respect to this application (CEQR No. 96DCP005M), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes 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, 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, an application submitted by River Center LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

- a) Section 74-743(a)(1) to permit distribution of total allowable floor area, dwelling units and open space without regard to district boundaries;
- b) Section 74-743(a)(3) to permit the location of buildings without regard for the applicable distance between buildings and height and setback regulations;
- c) Section 74-744(b) to permit residential and non-residential uses to be arranged within a building without regard to the regulations of Section 32-42 (*Location within Buildings*);
- d) Section 74-681(a)(1) to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for a general large-scale development; and
- e) Section 13-561 to permit an unattended accessory parking garage with a maximum capacity of 400 spaces or two unattended accessory parking garages, each with a maximum capacity of 200 spaces;

to facilitate the construction of a mixed building within a general large-scale development on a zoning lot, bounded by West 59th Street, Tenth Avenue, West 58th Street and Eleventh Avenue (Block 1087, Lots 1, 5 and 25), in C4-7, C6-2 and C2-7 Districts, partially within the Special Clinton District, Community District 4, Borough of Manhattan, is approved subject to the following conditions:

1. The property that is the subject of this application (C 970087 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Rafael Viñoly Architects, and filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-1.04	Lot Diagram	January 27, 1997
Z-1.06	Easement Description	January 17, 1997
Z-1.08	Zoning Calculations	January 14, 1999
Z-1.09	Zoning Calculations	January 25, 1999
Z-1.10	Zoning Calculations	January 21, 1999
Z-1.11	Zoning Calculations & Required Actions	January 14, 1999
Z-1.12	Proposed Open Space Plan	January 14, 1999
Z-2.01	Design Guidelines Envelope	January 14, 1999

Z-3.01	Height & Setback Diagrams	January 25, 1999
Z-3.03	Location of Uses Diagram	January 14, 1999
Z-4.01	Level 1 Plan	January 25, 1999
Z-4.02	Level 2 & 3 Plans	January 14, 1999
Z-4.03	Proposed Site/Roof Plan	January 14, 1999

2. The 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. The development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution (and the restrictive declaration described below) and any subsequent modifications (to either document) shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the

property.

5. The development shall include those mitigative measures in the FEIS (CEQR No. 96DCP005M) issued on January 15, 1999 and identified as practicable as follows:

Hazardous Materials

The project site may contain hazardous materials which could be disturbed during demolition and construction, resulting in significant adverse impacts.

Any construction activities that involve disturbance of existing soil on the site would be performed in accordance with a site-specific health and safety plan approved by the Department of Environmental Protection ("DEP") to protect construction personnel and others, and minimize risks from elevated metal levels in a layer of fill on the project site as well as contaminants along the railroad tracks. The thin layer of fill material with elevated metal levels would be removed and tested for disposal characteristics in accordance with state regulations. Similarly, all other material excavated from the site would be tested for disposal characteristics and removed in accordance with all applicable regulations.

Demolition of the existing building on the site would be undertaken in accordance with all applicable city, state, and federal regulations. Any asbestos would be removed, transported, and disposed of in accordance with all applicable regulations. In addition, any underground storage tanks encountered during construction would be removed or closed in accordance with the regulations of the Department of Environmental Conservation ("DEC"). Soils surrounding the tanks would be inspected for evidence of leakage, and any contaminated soils would be removed. With these mitigation measures in place, no unmitigated hazardous materials impacts would occur.

Vehicular Traffic and Parking

The project's residential scenario (the worst-case scenario in terms of vehicular traffic) would add to the surrounding street system an estimated 246 new vehicle trips during the morning peak period (or "rush hour"), 389 during the midday peak, 462 during the evening peak and 544 during the Saturday midday peak period. These new vehicle trips would result in significant adverse impacts in terms of traffic congestion at three

intersections in the morning peak period, midday peak period, and the weekend midday peak period. Seven intersections would experience a significant adverse impact during, the evening peak period.

The affected intersections would be on 57th Street (at Eleventh/West End and Ninth Avenues) and Eleventh/West End Avenue (at 72nd, 70th, 66th, 65th, 59th, and 58th Street). All the predicted impacts may be mitigated using the measures described below:

WEST END AVENUE AT WEST 72ND STREET:

The transfer of 3 seconds of green time from the West End Avenue lagging northbound phase to the north-/southbound phase during the PM and Saturday midday peak hours.

WEST END AVENUE AT WEST 70TH STREET:

The transfer of 2 seconds of green time from the eastbound (West 70th Street) approach to the north-/southbound (West End Avenue) approaches during the PM peak hour.

WEST END AVENUE AT WEST 66TH STREET:

The introduction of an 11-second leading phase for northbound traffic by transferring 6 seconds of green time from the north-/southbound (West End Avenue) phase and 5 seconds from the east-/westbound (West 66th Street) phase during the weekday PM peak hour.

WEST END AVENUE AT WEST 65TH STREET

The transfer of 3 seconds of green time from the north-/southbound phase to the lagging southbound phase during the PM peak hour.

WEST END AVENUE AT WEST 59TH STREET

The conversion of West 59th Street from two-way to one-way westbound operation between 10th/Amsterdam and 11th/West End avenues, and striping for two 10-foot lanes (left and through-right). In addition, 3 seconds of green time would be transferred from the 11th/West End Avenue phase to the West 59th Street phase during the AM peak hour.

ELEVENTH AVENUE AT WEST 58TH STREET

The implementation of a no-standing 4-7 PM curbside regulation along the northbound approach, and the transfer of 16 seconds of green time from the north-/southbound phase to a new leading southbound phase during the PM peak hour.

ELEVENTH AVENUE AT WEST 57TH STREET

The implementation of a No Standing 4-7 PM curbside regulation for 150 feet along the northbound approach;

The implementation of a No Standing 7 AM to 4 PM curbside regulation for 150 feet along the southbound approach;

The addition of 1 second of green time to the West 57th Street phase and the introduction of an 11-second exclusive north-/southbound left-turn phase on 11th Avenue by transferring 12 seconds of green time from the north-/southbound phase during the AM peak hour. During the midday peak hour, 11 seconds of green time would be transferred from the north-/southbound phase to provide 11 seconds of green time for the new exclusive north-/southbound left-turn phase. During the PM peak hour, 10 seconds of green time would be transferred from the north-/southbound phase and 1 second from West 57th Street, while during the Saturday midday peak hour, the amount of green time transferred from these phases would be 5 seconds and 6 seconds, respectively.

NINTH AVENUE AT WEST 57TH STREET

The transfer of 2 seconds of green time from the leading westbound phase to the east-/westbound phase to address the AM peak hour impact. During the midday, 2 seconds of green time would be transferred from the southbound (9th Avenue) phase to the east-/westbound phase.

With the implementation of these measures, the project impacts at all intersections would be fully mitigated.

6. All leases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee or occupant.

7. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration dated January 28, 1999 and executed by River Center LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

8. 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, upon due notice, 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, cancellation or amendment of the special permit hereby granted.

9. 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 970087 ZSM), duly adopted by the City Planning Commission on January 28, 1999 (Cal. No. 5), 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.

JOSEPH B. ROSE, Chairman

VICTOR G. ALICEA, Vice-Chairman

ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA M. BURDEN,

A.I.C.P., KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, ANTHONY

I. GIACOBBE, ESQ., WILLIAM J. GRINKER, BRENDA LEVIN, JACOB B.

WARD, ESQ., Commissioners

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PAMELA FREDERICK

CHAIR

WILLIAM H. KELLEY

DISTRICT MANAGER

November 5, 1998

Hon. Joseph B. Rose
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

RECEIVED

NOV 12 1998

MANHATTAN OFFICE

Re: River Center Project, Manhattan Block 1087
Application for Zoning Map Change and Three Special Permits
For the Full Block Between West 58th and 59th Streets, 10th and 11th Avenues
ULURP No. 970086ZMM and 970087ZSM

Dear Chair Rose:

At its regularly scheduled monthly full board meeting held on November 4, 1998, Manhattan Community Board No. 4 adopted the following resolution (28 in favor, 6 opposed):

Whereas, The Applicant's proposed River Center project is the subject of a full environmental review and land use action which includes a Zoning Map amendment (ULURP No. 970086ZMM) to change: Block 1087 between Eleventh Avenue and 150 feet east, from an M1-6 District to a C4-7 District; Block 1087 between a line 150 feet east of Eleventh Avenue to 350 feet east of Eleventh Avenue from an M1-6 District to a C6-2 District; Block 1087 between 350 feet east of Eleventh Avenue to a line 300 feet west of Tenth Avenue from a M1-5 District to C6-2 District and Block 1087 between 300 feet west of Tenth Avenue to Tenth Avenue from an M1-5 District to a C2-7 District; and

Whereas, The Applicant has applied for Special Permits (ULURP No. 970087ZSM) to allow distribution of total allowable floor area, dwelling units and open space without regard to district boundaries; to permit the location of buildings without regard for the applicable distance between buildings and height and setback regulations; to permit residential and non-residential uses to be arranged within a building without regard to the regulations of Section 32-42 (Location within Buildings); to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for a general large-scale development and

Hon. Joseph B. Rose

November 5, 1998

Page Two

to permit an attended accessory parking garage with a maximum capacity of 454 spaces and an attended accessory parking garage with a maximum capacity of 201 spaces; and

Whereas, The Board was presented with two scenarios for future development of the site: one for residential use and another for residential use and community facility, both proposing a new floor area of 1,426,291 gross square feet (gsf), the first including 986,628 gsf for 1201 units of luxury housing, 166,335 gsf of retail space, 273,328 gsf for 655 parking spaces, the second scenario including 426,628 gsf for 517 units of luxury housing, 620,000 gsf for a proposed extension of John Jay College of Criminal Justice (John Jay), 106,335 gsf of retail space and 273,328 gsf for 655 parking spaces; and

Whereas, The Board observes it is standard planning practice to use 100 ft avenue zoning depths in Manhattan; the Applicant has proposed avenue zoning depths of 300 ft and 150 ft respectively; and

Whereas, The City University of New York (CUNY) is not a party to the River Center Project but is responsible for the development needs of all of the colleges that are part of the University including John Jay which occupies a portion of Block 1087; and

Whereas, The Board believes an expansion of John Jay on Block 1087 would enhance the neighborhood but also understands CUNY cannot assure the community that it will expand on the River Center site even though 1) CUNY has identified a need for 620,000 gsf for expansion of John Jay and 2) CUNY is in discussion with the developer of River Center to accommodate this need on Block 1087, either through a joint occupancy or through acquisition of the River Center site; and

Whereas, The planning process and environmental review for any project such as River Center is inherently flawed and inadequate due to the absence of comprehensive planning for the West Side of Manhattan, which is now undergoing unprecedented development well beyond any contemplated by the Zoning Resolution, development that will significantly alter the neighborhood character through the loss of much-needed light, air and open space, the imposition of excess density, the overburdening of local streets and transit facilities and the inevitable long-term overburdening of the infrastructure, especially the North River sewage treatment plant and the marine transfer station located at 59th Street and 12th Avenue; and

Whereas, The Board considers the River Center site a transitional area between the Upper West Side and Clinton which when developed will set a precedent for rezoning and development of the underdeveloped properties both to the north and south; and

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Whereas, the Board has a policy of supporting all efforts to preserve and create affordable housing within our District; we are pleased to hear the Applicant is exploring all opportunities to develop an 80-20 mixed income project; and

Whereas, The most recent land use actions in the area occurred in 1988 when St Luke's-Roosevelt Hospital Center/Brodsky Organization (SLRHC/BO) received land use approvals similar in scope to those requested by the Applicant; and

Whereas, The SLRHC/BO land use actions resulted in significant and anomalous neighborhood improvements including the construction of a new hospital and access to additional health care, opportunities for community residents and a portion of housing units dedicated to low income households; and

Whereas, The Applicant has requested a Zoning Map change which could result in 160,000 gsf, of additional retail space, more than enough to accommodate big box retail considered by the Board to be inappropriate for the area; the Applicant expects to locate retail on multiple floors within the development but is unable to produce a plan for the type of retail uses expected;

Whereas, The Applicant has requested Special Permits to allow 655 parking spaces, approximately 400 more than normally allowed in the Commercial Zones proposed for the site, and

Whereas, The Board believes the additional parking spaces will attract cars, exacerbating existing traffic and discouraging the use of public transportation into the area; and

Whereas, The Eleventh Avenue tower and the total bulk of the proposed building (1,000,000 gsf) are both too large; and

Now Therefore Be It Resolved, that for these reasons, Community Board No. 4 cannot approve the applications unless:

- 1) The Applicant maintains a mixed-use zoning application but reduces the total bulk of the development proposed and reduces the height of the Eleventh Avenue tower; and
- 2) The Applicant reduces the total number of accessory parking spaces; and
- 3) The Applicant further clarifies the retail and community facility designations for the development.

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And Be It Further Resolved, that the Board:

- 1) Has a policy of supporting mixed-use zoning for manufacturing areas which no longer demonstrate the capacity to support economically viable development; the Board believes mixed-use zoning (in this case, a commercial designation) is appropriate for Block 1087; and
- 2) Recommends approval of the Railroad or Transit Air Space Special Permit to build a platform over the open rail cut on Eleventh Avenue; and
- 3) Looks forward to continued discussions with the Department of City Planning and the Applicant throughout the remainder of the ULURP process.

Sincerely,



Pamela Frederick
Chair
Community Board No. 4



Katherine Gray
Chair
Clinton Land Use & Zoning Committee

cc: Hon. Rudolph Giuliani, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Hon. Jerrold Nadler, United States Representative
Hon. Franz Leichter, State Senator
Hon. Catherine Abate, State Senator
Hon. Richard Gottfried, State Assemblymember
Hon. Scott Stringer, State Assemblymember
Hon. Tom Duane, City Councilmember
Hon. Ronnie Eldridge, City Councilmember
Howard Goldman, Wachtel and Masyr
Hon. Joyce Johnson, Manhattan Community Board No. 7
Vice Chancellor Emma Espino Macari, City University of New York



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
OF THE
BOROUGH OF MANHATTAN

MUNICIPAL BUILDING
NEW YORK, N.Y. 10007
(212) 669-8300

CITY PLANNING COMMISSION
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DEPT. OF CITY PLANNING

December 7, 1998

C VIRGINIA FIELDS
BOROUGH PRESIDENT

ULURP NO:
C 970086 ZMM
C 970087 ZSM

APPLICANT:
River Center LLC

REQUEST:

C 970086 ZMM is an application to rezone Block 1087 from M1-5 and M1-6 Districts to: a C4-7 District (bounded by Eleventh Avenue, a line 150 feet east of Eleventh Avenue, 58th Street and 59th Street); a C6-2 District (bounded by a line 300 feet west of Eleventh Avenue, West 58th Street, West 59th Street and a line 150 feet east of Eleventh Avenue); and a C2-7 District (bounded by West 59th Street, Tenth Avenue, West 58th Street and a line 300 feet west of Tenth Avenue).

C 970087 ZSM is a special permit request to: a) permit distribution of allowable floor area, dwelling units and open space without regard to district boundaries; b) to permit the location of buildings without regard for height and setback requirements; c) to permit residential and non-residential uses to be arranged within a building without regard to regulations of Section 32-42; d) to permit portions of a platformed-over railroad right-of-way to be included in the lot area for a general large-scale development; and e) to permit two attended accessory parking garages, one with 454 spaces and one with 201 spaces.

These applications will facilitate construction of a mixed-use building within a general large-scale development on a zoning lot bounded by West 59th Street, Tenth Avenue, West 58th Street and Eleventh Avenue (Block 1087, Lots 1, 5, and 15).

The site is partly within the Clinton Special District, Community District 4, Borough of Manhattan.

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PROJECT BACKGROUND/DESCRIPTION:

River Center LLC is applying for a Zoning Map change and related special permits for the full block located between West 58th and West 59th Streets and Tenth and Eleventh Avenues. The eastern third of the block is occupied by John Jay College of Criminal Justice. The remainder of the block, the development site, is occupied by a 1- to 3-story warehouse and garage building. There is a railroad track cut on the southwestern corner of the block for the Amtrak line.

The block is currently zoned for manufacturing use, which has declined in the project area as it has across the city. The proposed rezoning would replace the manufacturing designation with commercial zoning which permits a mix of residential, community facility and retail uses. The related special permits would allow flexible massing of the proposed building and would permit additional accessory parking spaces within the new development.

The rezoning and special permit applications would permit development of up to 1,426,291 square feet of residential, commercial (retail) or community facility uses. As currently proposed, the new building would consist of a mid-rise structure on the mid-block rising no more than 220 feet and a tower on Eleventh Avenue rising no more than 450 feet. The Eleventh Avenue high-rise of up to 40 stories would contain residential uses above the base and retail uses below.

The applicant has not determined the uses for the rest of the building but maintains that they will likely include a mix of residential, retail and community facility uses. If both the tower and the mid-rise structure were developed for residential use, the maximum number of dwelling units would be 1,201 and the retail square space would total 166,335 square feet. If the mid-block structure were developed as community facility use, the project's total number of dwelling units would be 517 and retail space would total 166,335 square feet. In the latter scenario, the developer has proposed a 620,000 square foot space for the expansion of John Jay College.

The special permit for accessory off-street parking garages would permit the development of two accessory parking garages within the proposed development. One would consist of 201 spaces located above grade and the second would consist of 454 spaces located below grade. The 655 parking spaces are proposed as accessory to both the residential and non-residential uses in the building.

SUMMARY OF COMMUNITY BOARD ACTION:

On November 5, 1998, Community Board 4 held a public hearing and voted to disapprove this application unless the applicant agreed

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to meet certain conditions. The Board listed the following conditions:

- that the applicant maintain a mixed-use zoning but reduces the total bulk of the proposed development and reduces the height of the Eleventh Avenue tower;
- that the applicant reduce the number of accessory parking spaces;
- that the applicant further clarify the retail and community facility designations for the development

The Board's resolution supported the commercial zoning designation for the site and the platform necessary to cover the railroad cut.

BOROUGH PRESIDENT ACTION:

- The Manhattan Borough President recommends approval.
- The Manhattan Borough President recommends disapproval.
- The Manhattan Borough President recommends approval, subject to the conditions detailed below.
- The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described.

COMMENTS:

The site of the proposed River Center project, a former manufacturing area, lies between Clinton and the Upper West Side. Any development at this site has the capacity to vastly influence the redevelopment of the surrounding area as it continues to transition from manufacturing uses. Mixed residential, retail and community facility/institutional uses are appropriate and should be encouraged at this site and in the general area. However, the Borough President agrees with Community Board 4 that the scale of the proposed project and the lack of detail about its component parts raise important concerns. The issues that need to be addressed before the end of the ULURP process are as follows:

Th Scenario with John Jay College

The state legislature has earmarked approximately 350 million dollars for an expansion of the John Jay campus. The applicant

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is currently in discussion with CUNY to be a component in this project. The Borough President had hoped that an agreement would be reached before the end of her review. The Community Board believes an expansion of John Jay on this block would enhance the neighborhood. The Borough President concurs. The inclusion of John Jay College would make this proposal a truly mixed-use project and would embody the type of project that should be developed along this 58th -59th Street east-west corridor. This area between Clinton and the Upper West Side is characterized by a preponderance of institutional use which includes Fordham University, St. Lukes/Roosevelt Hospital and John Jay College. These types of institutions generally seek to expand. The Borough President believes that this opportunity for John Jay to expand on this site should not be lost. A project such as this that combines residential and institutional uses is appropriate.

Th Scenario without John Jay College

The other alternative for the site, however, a project that is solely residential with more than a 1,000 dwelling units and a retail component may not be appropriate. Due to the past and current manufacturing uses, public amenities and infrastructure for a residential population have not been planned and built. Community Board 4 points out the absence of comprehensive planning for this area, which is now undergoing unprecedented development. The Board also comments that the environmental review for any project such as this is inherently flawed because of this lack of overall planning. In the EIS for this project, for example, the open space analysis is omitted because there is not a significant adverse impact. The Board believes that there is already insufficient open space and the number of units proposed in this scenario will exacerbate this condition. The Borough President concurs. Residents' needs for open space, recreational facilities, and other community facilities must be assessed appropriately and the amenities provided in order to create a successful neighborhood in this vicinity.

Th 59th Street Recreation Center

Another example where the EIS is flawed is in regard to shadows on the 59th Street Recreation Center. The EIS states that the increased shadows on the Recreational Pool are not considered a significant adverse impact because the primary recreational resources in the open space are pools which are not in use and have not been for several years. This is a poor assertion. There is money earmarked to fix the pools. The local Council Member, Ronnie Eldridge has been meeting with the Department of Parks and Recreation about improvements to the Recreation Center. Part of

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the discussion has included reprogramming the open space/pool area because of the decreasing utilization of this area due to the emergence of taller buildings surrounding it. One possible option is to construct a building on the site with a state-of-the-art gym and some multi-purpose rooms. This scenario is unlikely at the present until more funds are generated. The Borough President is concerned that the pools will sit in disrepair indefinitely and the Recreation Center will not become an improved public amenity for this new neighborhood.

Bulk and Height

Community Board 4 has stated that they could not approve this project unless the total bulk of the development and the height of the Eleventh Avenue tower are reduced. The Board feels that the size of the development will alter the character of the neighborhood through the loss of much needed light and air and overburden existing infrastructure and streets. The regulations regarding general large-scale plans are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area. The Borough President feels that the general principle for this proposed project, which recognizes the Manhattan development of larger and taller buildings on the avenues and lower buildings on the mid-blocks is appropriate. The Borough President is concerned however that the buildings in the mid-block which would be approximately 15-18 conventional stories are too tall compared to other traditional mid-block buildings in the area. If the bulk is reduced in the middle, it begins to accentuate the heights of the towers (currently 40 to 45 stories). The Borough President believes the total bulk of the project should be reduced including the height of the towers. The reduction of the total bulk of the project would also begin to address the prior concerns related to the increase in the residential population of this area and the services provided.

The Amount of Parking Spaces

Community Board 4 also stated that they could not approve this project unless the number of parking spaces is reduced. The Board cited that the additional parking spaces would attract cars, exacerbating existing traffic and discouraging public transportation. The Board also mentioned that the number of spaces is much more than is normally allowed in the Commercial Zones. The Borough President is also concerned about the large amount of parking spaces, but she is also concerned that the proposed project will displace an existing parking facility of 497 spaces. The two issues must be considered simultaneously

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before an appropriate reduction can be considered.

Th Retail Component

The Community Board is concerned about the amount of retail space in the project, which could accommodate a big-box retail store. The Community Board considers this type of retail to be inappropriate for the area because of the auto-oriented nature of these stores that would add to the existing traffic congestion in the area. More than likely, however, big-box retail would not be drawn to the site due to lack of sufficient parking and subway access. Nevertheless, the Borough President believes it is important for the Applicant to clarify the retail space by committing to no big-box/auto-oriented retail uses and also committing to local service oriented retail along the street to serve the population in the area and create a pedestrian-friendly environment.

80/20 Mixed Income

Community Board 4 would also like to see this project as a mixed-income project rather than solely market-rate housing. The Applicant has stated that he is exploring all opportunities to develop an 80/20 mixed-income project. The Borough President hopes that he continues to pursue this in order to create not only a mixed-use project, but a mixed-income project as well.

R commendation

In conclusion, The Borough President, who supports a mixed-use zoning designation on this site, is mindful of the many concerns as discussed above. She agrees with Community Board 4 that the scale of the proposed project is too large. Therefore the Borough President suggests a two-prong approach to her recommendation: 1) The Borough President cannot approve this project unless the total bulk of the project is appropriately reduced at the City Planning Commission. (The applicant could not commit to any reduction in the bulk during the Borough President's review). This item is the lynch pin which affects most of the other concerns. 2) If the bulk is appropriately reduced, the Borough President would support the project and approve the proposal if the concerns below are addressed.

- The Applicant reduces the number of accessory parking spaces;

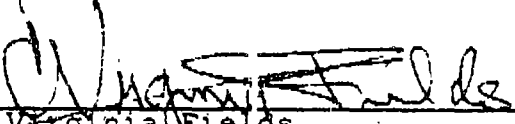
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- The Applicant further clarifies the type of retail in the development;
- The Applicant clarifies the community facility designation by working to include John Jay as part of the project before the end of the ULURP process; and
- The Applicant reviews and amends the EIS to recognize impacts related to open space and recreation due to the emerging population of this area by new and proposed projects and the dearth of public recreational facilities within this area. With the recognition of lack of facilities, the Applicant will work with the Community Board, local elected officials, and appropriate city agencies to aid in improving the 59th Street Recreational Center.

Report and Recommendation Accepted:


C. Virginia Fields
Manhattan Borough President