



## CITY PLANNING COMMISSION

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January 9, 2008 / Calendar No. 12

C 080054 ZSM

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**IN THE MATTER OF** an application submitted by Millennium Partners, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-311 of the Zoning Resolution to modify the requirements of Section 82-31 (Floor Area Ratio Regulations for Commercial Uses) to allow 226,774 square feet of commercial floor area on an existing zoning lot located at 155 West 66<sup>th</sup> Street and 1965 Broadway (Block 1138, Lots 1201-1457, 1501-1590), in a C4-7 District, within the Special Lincoln Square District (Subdistrict A), Borough of Manhattan, Community District 7.

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The application for a special permit pursuant to Section 83-311 of the Zoning Resolution was filed on August 13, 2007 by Millennium Partners, L.P. to allow for the conversion of six floors of apartment hotel units into transient hotel units in Manhattan Community District 7.

### **BACKGROUND**

The project site contains approximately 46,500 square feet of lot area and is located on the eastern half of Block 1138, which is bounded by Broadway, West 67<sup>th</sup> Street, Amsterdam Avenue, and West 66<sup>th</sup> Street. The site has approximately 226 feet of frontage on Broadway, 328 feet on West 66<sup>th</sup> Street, and 136 feet on West 67<sup>th</sup> Street and consists of two existing buildings on a single zoning lot: the ten-story Phillips Club Building at 155 West 66<sup>th</sup> Street (Lots 1501-1590), formerly the Chinese Mission to the United Nations, and the 32-story 1965 Broadway building (Lots 1201-1457; also known as the “Tower Records Building”). Combined, the buildings contain approximately 558,000 square feet of floor area. The Phillips Club Building and floors 4 through 7 of 1965 Broadway are operated as The Phillips Club, an extended-stay hotel offering furnished, apartment-like units with concierge service and access to a sports club, business center, and conference facilities. The Phillips Club physically connects the two buildings at ground level. At present, The Phillips Club offers 106 extended-stay rental units, with minimum stays of 30 days, and 64 transient hotel units, with typical

stays of less than seven days and a maximum stay of 28 consecutive days. Some of the transient units are rented, while others are sold on a share-ownership basis.

The project site is located in Subdistrict A of the Special Lincoln Square District. Section 82-31 of the Zoning Resolution, adopted in 1994, limits commercial floor area within Subdistrict A to a maximum of 100,000 square feet on a zoning lot. The Commission's decision to limit commercial floor area within Subdistrict A of the Special District came in response to concern that new development in the area contained a much higher intensity of commercial uses, especially movie theaters and other retail activity, than was typical and that such development threatened to distort the area's characteristic pattern of high-density residential development with ground-floor commercial uses. Concurrently, the site lies entirely within a C4-7 zoning district, which allows a maximum floor area ratio (FAR) of 10.0 for residential, commercial, and community facility uses.

The applicant proposes to convert 106 extended-stay units (Use Group 2 residential use) into 98 transient hotel units (Use Group 5 commercial use), with no change to the buildings' structure or floor area. All ten units on floors 9 and 10 of the Phillips Club Building would change from extended-stay to transient hotel, while the 96 extended-stay units that constitute floors 4 through 7 of 1965 Broadway would become 88 transient hotel units. After the conversion, all 162 units operated by The Phillips Club would be transient hotel units.

In order to facilitate the proposed conversion, which would exceed the commercial floor area limitation of Section 82-31 of the Zoning Resolution, the applicant is requesting a special permit pursuant to Section 82-311.

Section 82-31 limits commercial floor area within Subdistrict A of the Special Lincoln Square District to a maximum of 100,000 square feet on a zoning lot. The project site's zoning lot currently contains 122,698 square feet of commercial floor area, all of which was constructed prior to the enactment of Section 82-31. Consequently, 22,698 square feet of the existing commercial floor area constitutes a legal non-conforming use. The existing commercial floor area includes Use Group 6 retail uses on the ground floor of the Phillips Club Building and lower three floors of 1965 Broadway as well as the transient hotel units that make up floors 2 through 8 of the Phillips Club Building. (Floors 8 through 32 of 1965 Broadway consist of residential condominium units that are not part of The Phillips Club.)

Under Section 82-311 of the Zoning Resolution, the City Planning Commission may by special permit allow commercial floor area on a zoning lot within Subdistrict A of the Special Lincoln Square District in excess of 100,000 square feet up to an FAR of 10.0 for commercial uses. The applicant requests that such a special permit be granted in order to facilitate the conversion described above, which would increase the commercial floor area on the zoning lot by 104,076 square feet to a total of 226,774 square feet. The resulting commercial FAR would be 4.88, less than half the 10 permitted by the underlying C4-7 zoning district and by the special permit. There would be no change in the total floor area on the zoning lot.

Immediately south of the project site, the Lincoln Center complex houses 12 high-profile arts institutions. Other area educational and community facilities of note include The Julliard School, the Lincoln Center campus of Fordham University, the Kaufman Center, the Manhattan New York Temple of the Mormon Church, and somewhat farther from the site, John Jay College and Roosevelt Hospital Center. Damrosch Park, Central Park, and Riverside Park all lie within a short

walk. Broadway hosts a major concentration of retail, with a number of national chains and three movie theaters, while smaller-scale neighborhood retail can be found along Columbus Avenue to the east. Across Amsterdam Avenue to the west are two public schools and the Lincoln West housing complex. North of the site, the area transitions into the predominantly residential character typical of the Upper West Side, with low-rise townhouses and mid-rise apartment buildings on the midblocks and mid- and high-rise buildings on the avenues.

The Phillips Club sits atop the 66 Street-Lincoln Center station on the 1 subway line; the 2 and 3 lines stop at the 72 Street station to the north, and five subway lines connect at the 59 Street-Columbus Circle station. Five bus lines also serve the site or its immediate vicinity.

## **ENVIRONMENTAL REVIEW**

This application was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP007M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 20, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 080054 ZSM) was certified as complete by the Department of City Planning on August 20, 2007 and was duly referred to Community Board 7 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 7 held a public hearing on this application on October 2, 2007, and on that date, by a vote of 38 to 0 with one abstention and one member voting “present,” adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The application (C 080054 ZSM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on November 13, 2007.

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

On December 5, 2007 (Calendar No. 9), the City Planning Commission scheduled December 19, 2007 for a public hearing on this application (C 080054 ZSM). The hearing was duly held on December 19, 2007 (Calendar No. 29). There were two speakers in favor of the application and none in opposition.

The applicant’s representative briefly described the project and noted the relatively high amounts of arts tourists and repeat visitors among The Phillips Club’s clientele. The Deputy Director of Land Use for the Manhattan Borough President reiterated the Manhattan Borough President’s recommendation for approval and observed that the application has strong community support.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 080054 ZSM) is appropriate.

The Lincoln Square area hosts one of New York City's largest concentrations of arts and cultural institutions, most notably Lincoln Center. This feature, along with the area's excellent access to transit, mixed-use character, and proximity to a wide array of retail, entertainment, and open space amenities, make the proposed use appropriate for this location without any significant addition to the neighborhood's supporting services.

The Commission notes that the proposed use conversion would not involve any change to the floor area or exterior of either the Phillips Club building or 1965 Broadway, and the total number of Phillips Club units would decrease by eight. Moreover, because the proposed transient hotel units are frequently owned rather than rented, they are less likely to draw the large daily influxes of guests associated with conventions and tour groups. The Commission therefore believes that the proposed use will not unduly affect the residential uses in the nearby area or impair the future land use and development of adjacent areas.

The pattern of pedestrian and vehicle trips to and from The Phillips Club should change little after the proposed conversion takes place. The Environmental Assessment Statement (EAS) provided by the applicant predicts that the project will produce 32 additional vehicle trips daily, a relatively modest increase that will not contribute to serious traffic congestion nor unduly inhibit vehicular or pedestrian flow. For those vehicle trips that do occur, the site is served by Broadway, a two-way, separated arterial road with three driving lanes in each direction, and Amsterdam Avenue, a one-way collector street with four driving lanes.

The Commission further notes that the proposed transient hotel use differs substantially from the kind of commercial development that caused the Commission to limit commercial floor area in Subdistrict A of the Special Lincoln Square District. As discussed above, the proposed transient hotel units will not generate the high volume of pedestrian and vehicle trips that was the primary source of the Commission's concern.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 82-311 (Floor area increase by special permit) of the Zoning Resolution:

- (a) That the use is appropriate for this location and shall not unduly affect the residential uses in the nearby area or impair the future land use and development of the adjacent areas;
- (b) That the use shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) That the additional bulk devoted to commercial uses shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow ; and
- (d) That the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

## RESOLUTION

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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, the application of Millennium Partners, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-311 of the Zoning Resolution to modify the requirements of Section 82-31 (Floor Area Ratio Regulations for Commercial Uses) to allow 226,774 square feet of commercial floor area on an existing zoning lot located at 155 West 66<sup>th</sup> Street and 1965 Broadway (Block 1138, Lots 1201-1457, 1501-1590), in a C4-7 District, within the Special Lincoln Square District (Subdistrict A), Borough of Manhattan, Community District 7, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 080054 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 Handel Architects LLP, filed with this application and incorporated in this resolution:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
Z-1	Zoning Schedules and Site Plan	August 10, 2007
Z-3	Building Sections and Key Plan	August 10, 2007
Z-4	Change in Use, Gross Floor Area & Deduction, 4 <sup>th</sup> Through 7 <sup>th</sup> & 9 <sup>th</sup> Floors	August 10, 2007
Z-5	Change in Use, Gross Floor Area & Deduction, 10 <sup>th</sup> Floor	August 10, 2007



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

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

The above resolution (C 080054 ZSM), duly adopted by the City Planning Commission on January 9, 2008 (Calendar No. 12), 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.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA DEL TORO, RICHARD W. EADDY, JOHN MEROLO,**  
**KAREN A. PHILLIPS, Commissioners**

**SHIRLEY A. MCRAE, Commissioner, ABSTAINING**