

Appendix E
Comments on the DEIS

Written Comments



LINDA B. ROSENTHAL
Assemblymember 67th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Commission on Science & Technology

CHAIR
Subcommittee on Mitchell-Lama

COMMITTEES
Agriculture
Corporations, Authorities & Commissions
Energy
Health
Housing
Tourism, Parks, Arts & Sports

**TESTIMONY BY ASSEMBLYMEMBER LINDA B. ROSENTHAL BEFORE THE NEW
YORK CITY PLANNING COMMISSION ON 606 WEST 57TH STREET**

January 22, 2014

I am Assemblymember Linda B. Rosenthal and I represent the 67th Assembly District, which includes the Upper West Side and parts of Clinton/Hell's Kitchen in Manhattan. I am testifying today in regard to three applications to the New York City Planning Commission (CPC) by 606 W. 57 LLC on behalf of T.F. Cornerstone Inc. for 606 West 57th Street in my district. These applications are for a zoning map change to rezone the site from M1-5 and M2-3 districts to a C4-7 district to allow for a mixed-use development; zoning text amendment changes to designate the site for inclusionary housing (with corresponding changes in maximum floor area for development) and allow an automotive showroom; and a special permit for a parking garage of up to 500 or 395 spaces depending on the ground floor uses. As the Assemblymember representing this site and a member of the New York State Assembly Committee on Housing, I am pleased that this project will create 237 new, permanently affordable housing units for the Clinton/Hell's Kitchen community, and that the developer has made some commitments, including adding street trees and greenery to the block, in response to community concerns. However, I cannot support this proposal unless and until critical changes are made to the applications before CPC today.

While New York City is in dire need of new affordable housing, T.F. Cornerstone is proposing to include a significant commercial component. This in turn would limit the amount of affordable housing that would be built, as the inclusionary housing program typically excludes commercial floor area in calculating the amount of required affordable housing. Additionally, the Clinton Special District (SCD), in which this site is located, was created to preserve the residential character of and affordable housing in the neighborhood. T.F. Cornerstone's proposal, contrary to typical developments on 11th Avenue in the SCD, would allow commercial uses not just on the first floor, but on higher floors as well. The more commercial use that is built on-site, the less affordable housing would be required.

The City should not provide incentives for reducing the amount of new affordable housing, especially in a district created to preserve it and when market-rate commercial tenants already ensure substantial profit to developers. CPC should instead require that the total floor area of the building be used to determine the amount of affordable housing to be built on-site. I concur with Manhattan Community Board 4 (CB 4) that, as with other affordable projects in the Clinton Special District, T.F. Cornerstone should commit to distributing the affordable units throughout 80% of the building, providing the same fixtures and finishes in all apartments and providing

reduced rates for any building amenities to the affordable tenants.

The proposed special permit for a 500-space parking garage would also worsen existing congestion and pedestrian safety problems in the neighborhood. While there is a need for some parking at this new site, the applicant has arrived at its stated parking needs by aiming for a 90% rate of use of the garage (which maximizes profit) rather than 100% (which minimizes impact). The rezoning of 11th Avenue has caused an explosion of residential development, and it is essential to keep new parking spaces to an absolute minimum to protect all users of the streets, even though (as with the Durst Pyramid site across the street) CPC has previously approved a special permit for more parking than is being requested. I agree with the views expressed by former Borough President Scott M. Stringer, Borough President Gale A. Brewer and CB 4 that the number of parking spaces permitted should be limited to 400 spaces, or 295 spaces if the applicant has an automotive use in its commercial space.

Additionally, serious concerns have been raised regarding this site's potential impact on City and other services. T.F. Cornerstone's application, for example, does not meet City Planning's guidelines for open space for every 1,000 residents and would increase school seat shortages within its subarea of Community School District 2 (CSD 2) by 4.7%. Similar concerns have been raised regarding the development's impact on public transportation, public libraries, daycare centers and other community services. The methodology used by the applicant in determining its impact on these services has also been questioned, including the assumption that Pier 97 of Hudson River Park will be completed by 2017 despite the fact that at present, the project is not fully funded. As with parking, this application's impact on public services and amenities must be viewed within the context of the larger development along 11th Avenue. If every development further increases seat shortages at local schools without appropriate mitigation, CSD 2 could face a serious overcrowding crisis. I advise CPC to take any possible measures to mitigate this proposal's impacts on City and other services and to thoroughly scrutinize the applicant's methodology used in its Draft Environmental Impact Statement (DEIS).

Finally, I am extremely concerned that T.F. Cornerstone has refused to negotiate in good faith with the Service Employees International Union, Local 32BJ, on labor standards for this and other Cornerstone buildings throughout the City. Especially for a project which requires public approval to even be built, it is critical that this project provide both affordable housing and good union jobs like the ones represented by 32BJ. It is imperative that T.F. Cornerstone negotiate in good faith with 32BJ and any other unions that would be working on this project to finalize an agreement for labor standards at 606 West 57th Street and its other buildings.

I strongly urge CPC to ensure that the community's concerns are fully addressed before allowing this project to move forward. CPC should increase the affordable housing to 20% of the entire building's floor area, reduce the number of on-site parking, mitigate the development's impact on City services as much as possible, closely examine the applicant's methodology in the DEIS and ensure that the applicant negotiates in good faith with all unions involved. Thank you.



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

January 22, 2014

Vice Chair Kenneth J. Knuckles, Esq.
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: ULURP Nos.: C 130336 ZMM, N 130337 ZRM, C 130339 ZSM, and N 130340 ZAM –
606 West 57th Street**

Dear Vice Chair Knuckles:

The proposed 606 West 57th Street development will transform underutilized land on the west side of Manhattan, creating construction jobs and over 1,000 units of housing. More importantly, it will create 237 units of permanently affordable housing and will have large retail spaces that will bring jobs to the community. Any project of this size, however, creates impacts on the community which must be thoroughly evaluated. The proposed project will go into a neighborhood that has seen a number of such large developments in the past few years and has many more in the pipeline. The impacts of each of these projects may not reach the level of significant adverse impacts, but the impact of all of the projects taken together is certainly significant.

First, the proposed zoning map amendment rezoning the project area to C4-7 will support the goals of the Special Clinton District of enabling a mixed-use, 24-hour community and is therefore appropriate. The text amendment to designate the area an Inclusionary Housing eligible area similarly furthers the goals of the special district to maintain a broad mix of incomes.

The proposed text amendment for special regulations within Northern Subarea C1, however, does not further the aims of the special district. The proposed zoning text would offer incentives, in the form of reduced obligations to provide affordable housing, for the addition of commercial floor area above the first floor. The proposed text has previously been used in rezonings where the City had a planning goal of preserving a broad mix of commercial and residential floor area. The applicant in this instance has not presented a case for why this is a valid goal in the Clinton neighborhood. Community Board 4 has a longstanding goal of providing additional affordable housing, a goal that I strongly support, and this community planning goal should be respected. The proposed text amendment should be changed to match the underlying regulations of the Special Clinton District. These regulations would set the total floor area ratio of the building at 10, which could be increased to 12 through the inclusion of affordable housing equal to 20 percent of the floor area of the building, excepting any ground floor retail.

Finally, the proposed project creates impacts on the surrounding community for which the applicant has not yet proposed any mitigation. The project will bring an additional 143 new elementary school students to schools that will already operate with a shortage of seats by the time the project is completed. Additionally, though the project does not on its own create a significant adverse impact on open space, this project in conjunction with all of the other projects in the area will contribute to a neighborhood that is starved of parks. The City Planning Commission should work with the applicant to explore ways that these and other impacts can be mitigated. Furthermore, the City Planning Commission and the Department of City Planning should explore new ways to think about cumulative adverse impacts in quickly changing neighborhoods like this one. These efforts should identify ways that multiple applicants can work together to relieve impacts that are created not by one project individually but by a number of projects together. My staff and I look forward to working with you to identify potential measures.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly slanted style.

Gale A. Brewer
Manhattan Borough President



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

December 31, 2013

Recommendation on
ULURP Application Nos. C 130336 ZMM, N 130337 ZRM, C 130339 ZSM, and N 130340
ZAM – 606 West 57th Street by 606 W. 57 LLC

PROPOSED ACTIONS

606 W. 57 LLC¹ (“the applicant”) seeks a number of land use approvals to facilitate the development of a mixed residential and commercial development on a portion of the block bounded by West 56th and West 57th streets between Eleventh and Twelfth avenues in the Clinton neighborhood of Manhattan Community District 4. The applicant seeks the following actions:

1. A **zoning map amendment** changing the existing M2-3 and M1-5 districts on the site to a C4-7 commercial district;
2. A **text amendment** to Appendix F of the Zoning Resolution (“ZR”) to designate the project area an Inclusionary Housing designated area;
3. A **text amendment** to ZR § 96-34 to provide a base residential floor area ratio (“FAR”) of 9.0 with affordable housing equal to 20 percent of the residential floor area and to allow an automobile showroom with repairs;
4. A **special permit** pursuant to ZR § 13-45 for a public parking garage which would contain up to 500 spaces; and
5. An **authorization** pursuant to ZR § 13-441 to permit a curb cut on a wide street.

Zoning Map Amendment

The proposal will rezone the majority of the project area from an M2-3 manufacturing district to a C4-7 commercial district. A small portion of the project area is currently zoned M1-5 and would also be rezoned C4-7. The rezoning would allow the proposed program of mixed commercial and residential development. The project would remain in the “Other Area (Northern Subarea C1)” of the Special Clinton District.

¹ 606 W. 57 LLC is a subsidiary of T.F. Cornerstone Inc., a real-estate development firm managed by principals Thomas and Frederick Elghanayan.



Zoning Text Amendment

The applicant seeks two zoning text amendments. The first, adding the project area to Appendix F of the ZR, would allow the applicant to participate in the Inclusionary Housing affordable housing program. Inclusion in the program would allow the applicant to build up to an FAR of 12.0 from a residential base FAR of 9.0.

The second proposed text amendment, to ZR § 96-34, applicable to the “Other Area (Northern Subarea C1) of the Special Clinton District would allow the base residential FAR of 9.0 to increase .25 FAR for every 1 FAR of non-residential floor area, up to a maximum base of 10.0 FAR. The maximum building FAR of 12.0 could only be achieved through the provision of affordable housing equal to 20 percent of the residential floor area. A base FAR increase from 9.0 to 10.0 is dependent on the inclusion of non-residential floor area and would encourage the addition of more than one floor of commercial uses. The text amendment would also allow an automobile showroom with repairs.

Special Permit

Pursuant to ZR § 13-041(d), in C4-7 districts public parking garages require a special permit from the City Planning Commission (“CPC”). The applicant seeks to build either 395 or 500 parking spaces, thus requiring a special permit pursuant to ZR § 13-45. The applicant would be required to comply with all applicable provisions of ZR § 13-20 (Special Rules for Manhattan Core Parking Facilities). In addition the CPC must find that:

1. the locations of entrances and exits to the facility will not interrupt the flow of pedestrian traffic or result in any undue conflict pedestrian and vehicular movements;
2. the location of entrances and exits to the facility will not interfere with the efficient functioning of the streets, including any lanes dedicated to specific types of users or vehicles, such as bus lanes;
3. any floor space exempted from the definition of floor area is needed in order to prevent excessive on-street parking; and
4. the parking facility is consistent with the character of the existing streetscape.

In addition to these general findings, there are applicable findings for any parking facility that will serve the needs of a development that have a lot area of greater than 1.5 acre. In developments where the parking facility would serve a predominantly residential large-scale development, the applicant must show that either (a) the number of proposed parking spaces is reasonable in relation to recent trends in close proximity with regard to the increase in the number of dwelling units in the area and the number of available off-street parking spaces, or (b) the proposed ratio of parking spaces to dwelling units does not exceed 20 percent. The applicant must further show that the relocation of parking users by the elimination of parking spaces by the proposed development will cause the supply of parking in the vicinity to be insufficient. Finally, the applicant must show that reasonable measures have been identified to minimize parking demand and that these measures have been implemented, where possible, prior to application.

Authorization

The applicant seeks an authorization pursuant to ZR § 13-441 to permit a curb cut on a wide street in Manhattan Community District 4. The authorization would permit the extension of an existing curb cut along West 57th Street by approximately 8 feet, from 14 to 22 feet. The CPC

may authorize a curb cut on a wide street provided that its location (a) is not hazardous to traffic safety, (b) will not create serious traffic congestion or unduly inhibit vehicular movement, (c) will not adversely affect pedestrian movement, (d) will not interfere with the efficient functioning of bus lanes, and (e) will not be inconsistent with the character of the existing streetscape.

PROJECT DESCRIPTION

The applicant seeks to develop a 450-foot tall mixed residential and commercial building. The proposed development would include up to 956,636 square feet of residential space containing 1,189 units of which 237 would be affordable. The building would also include approximately 42,000 square feet of commercial or community facility space on the ground floor along Eleventh Avenue and West 57th Street.

Existing Conditions

The block containing the development site, currently zoned M1-5 and M2-3, contains a variety of commercial and infrastructure uses. Pursuant to a 99-year ground lease, the applicant controls four parcels on the block totaling an area of 1.9 acres. The portion of the area controlled by the developer contains two structures and open service areas used by Lexus and Acura for auto sales and service, a four-story parking garage with a licensed capacity for 1,000 spaces, and a one-story auto repair shop. There are three parcels on the block not controlled by the applicant. To the west of the project site sits a New York City Department of Sanitation garage and storage facility that connects to another portion of the garage on the block to the south through a span over West 56th Street. On the southeast corner of the block is a six-story commercial building with an auto showroom on the first floor and the headquarters for the Gristedes grocery store chain. On the northeast corner of the block is a five-story office building with a restaurant and bar occupying the ground floor. The two parcels along Eleventh Avenue would be rezoned with this proposal, but the Sanitation Garage would remain M1-5.

Along West 57th Street there are six existing curb cuts on the development site, each measuring between 10 and 63 feet, and one curb cut for the Sanitation Garage. On West 56th Street there are two curb cuts on the development site, measuring 17 and 22 feet.

Area Land Use and Zoning

The western section of the Clinton community, bounded by Route 9A and Tenth Avenue, historically contained manufacturing uses. In recent years, however, many parcels have been redeveloped and the area now contains a mix of mid- and high-rise residential buildings, commercial buildings, automobile showrooms, office space, warehouses and film and television studios.

Immediately to the north of the proposed development is a C4-7 commercial district, the same district as proposed for this project. The southeastern portion of the block is developed with The Helena, a 38-story residential building with 597 dwelling units. The remainder of the block was rezoned in 2012 from an M1-5 to a C6-2 district to permit the development of a new high-rise, mixed use residential, a rehabilitated and expanded residential building, and a small community facility building (C 120396 ZMM). The block is expected to be built to its full maximum FAR

of 8.8. Farther north is the existing Consolidated Edison facility and the large scale Riverside Center Development project.

To the northeast of the project area sits a new John Jay College building at West 58th Street and 11th Avenue on a portion of the block zoned M1-6. M1-6 districts allow an FAR of up to 10.0. There several small M1-5 and R8 districts between Tenth and Eleventh avenues, from West 55th to 59th streets.

Directly to the south of the proposed development is a block zoned M1-5 and M2-3. In addition to the continuation of the Sanitation Garage this block contains a five-story mixed office and retail building, a six-story building housing music studios, and several two- and three-story commercial buildings. Farther south is manufacturing districts, with a number of automobile showrooms including a large BMW showroom on Eleventh Avenue between West 55th and 56th streets, as well as Audi/Volkswagen, Cadillac, Toyota, Land Rover and other dealerships.

To the southeast of the development, a portion of the block between West 54th and 55th streets is zoned R9 and is developed with a 38-story residential and commercial building. There is a 900-unit residential development currently being constructed on the east side of Eleventh Avenue between West 53rd and 54th streets that was approved by the CPC in 2009 (C 080008 ZMM).

Special Clinton District

The proposed project sits in the Other Area of the Special Clinton District. Established in 1974, the district was created to preserve and strengthen the residential character of a community bordering Midtown, maintain a broad mix of incomes, and ensure that the community is not adversely affected by new development. The district established a “Preservation Area,” from West 43rd to 56th streets between Eighth and Tenth avenues, with an R7 zoning and a six-story height limit on new buildings. To the east and south of the Preservation Area is a perimeter area designed to provide appropriate transitions between the lower-scale side streets and the Special Hudson Yards District to the south and the Special Midtown District to the east. The Other Area, to the west and north of the Preservation Area, was established to maintain a mix of residential, industrial and waterfront uses. Inclusionary Housing is mapped in parts of the district.

Transportation

The proposed development site is not particularly well served by rail mass transit. The closest subway station is 59th Street/Columbus Circle serviced by the 1, A, C, B, and D lines. The M57 and M31 bus lines run along West 57th Street to the corner of Eleventh Avenue and the M11 bus runs along Tenth Avenue. Because of the distance between Eleventh Avenue and the nearest subway, many large residential buildings in the area run private shuttle services, or “jitneys,” to Columbus Circle.

Open Space

Three blocks south of the site is DeWitt Clinton Park, a New York City park that occupies two city blocks bounded by Eleventh Avenue, Twelfth Avenue, West 52nd Street, and West 54th

Street. The park includes a baseball diamond and other sports fields and a large playground. To the west of the development is the Hudson River Park, which extends from Battery Park to West 59th Street. Pier 96 in the park, at West 56th Street, is operated by the Downtown Boathouse and water sports and other recreational activity. Pier 97, at West 57th Street, was formerly used by the Department of Sanitation for truck parking but is now planned as a public park and recreation area. The planned park is currently unfunded, however, and it is unknown when it will be built.

Proposed Project

The proposed mixed-use building would contain four distinct elements. On the eastern half of the development would be two towers, each 28 stories tall, sitting perpendicular to one another and connected by a 30-foot wide glass bridge on all floors. The glass bridge would connect residents from the building's elevator core in the north/south tower to the apartments east, in the east/west oriented tower. Atop these two towers is a 14-story glass cube, the facades of which would not line up with those of the towers below, creating the illusion of a separate building element. On the western portion of the site would sit another element, 17 stories tall and oriented along West 57th Street. This portion, too, would connect to the others via a 30-foot wide glass bridge. This building element would be built atop a six-story base, with a large portion cantilevered to the west, leaving a large hole that will allow views from West 57th street into the interior of the block. There will be a large open space for residents on the second story in the interior of the block that will be visible through this cut. The tall, blank rear wall of the Sanitation garage rises in this space and the applicant has committed to activating it to create visual interest.

The lobby for the proposed building would be located midway along the building's West 57th Street façade. The remainder of the West 57th Street and Eleventh Avenue frontages, except for a curb cut at the western end of the development site, would include retail uses. The West 56th Street façade only extends for 100 feet and would include loading docks and an entrance to either a public parking garage or an automobile repair facility. Through an agreement with the Department of Sanitation, all garbage for the proposed building will be housed in compactors inside these loading docks. The Department of Sanitation will collect the entire compactor and return it empty, removing the need for street side waste collection.

The proposed development will contain a public garage with either 395 or 500 parking spaces on up to three levels. The proposed garage would replace the 1,000-space garage being demolished as part of the project. If approved, the proposed actions would allow an automobile showroom with repairs. Were the project to include a repair facility, this belowground space would be accessed on West 56th Street, and the garage would contain 395 spaces with both entrance and exit on West 57th Street. If an automotive tenant were not found the garage would contain 500 spaces with entrances and exits on both West 56th and 57th streets. The West 57th Street entrance would be accessed by an existing curb cut, which would be extended from 8 to 22 feet and sits 60 feet from the existing curb cut for the Sanitation Garage. A new curb cut would be added on West 56th Street that would be 22-feet wide and would sit 240 feet west of Eleventh Avenue. In addition to the automobile parking the building will have parking spaces for 600 bikes, including a bike parking area on the ground floor adjacent to the building lobby.

Proposed Actions

In order to facilitate the proposed project the applicant is seeking a rezoning and related actions from the CPC.

1. Rezoning

The proposal would rezone the project area from M2-3 and M1-5 manufacturing districts to a C4-7 commercial district. The rezoned area would continue to be located within the Other Area (Northern Subdistrict C1) of the Special Clinton District. While C4-7 districts normally carry a base FAR of 10.0 which can be increased to 12.0 FAR through Inclusionary Housing, the base residential FAR for this site would be modified by text amendment to be 9.0, which is consistent with the new Inclusionary Housing program.

2. Amendment to ZR Appendix F

The first text amendment would designate the project an Inclusionary Housing Designated Area in order to incorporate the benefits of the Inclusionary Housing program into the project. This proposed action would allow for the creation of 237 units of affordable housing.

3. Amendment to Special Clinton District

The proposed text amendment would create a section § 96-34 within the Special Clinton District for special regulation in Northern Subarea C1. The text amendment would establish a base FAR of 9.0, however, the base FAR may be increased .25 for every 1 FAR of non-residential uses provided on the zoning lot, up to a maximum of 10.0 FAR. This base FAR could be increased to 12.0 FAR through the provision of affordable housing pursuant to ZR § 23-90. This proposed text would set the amount of affordable housing at 20 percent of the residential floor area. Whereas first floor commercial space is typically excluded from floor area calculations for the amount of required affordable housing, this text would encourage the addition of commercial space above the first floor by also excluding this space.

The proposed text amendment would also add special use regulations for Northern Subarea C1 that would allow, below the level of the lowest floor occupied by dwelling units, automobile showrooms with repairs. While auto sales would be permitted as-of-right in a C4-7 district, repairs, which are permitted under the current zoning, are not.

4. Special Permit for Parking

As described above, the applicant seeks to build a public parking garage of either 395 or 500 spaces pursuant to ZR § 13-45. As of right, the applicant is permitted 210 parking spaces based on the residential and commercial components of the project. The proposed project will displace an existing 1,000 space garage. The applicant is proposing an increase in the size of the as-of-right garage based on demand and availability of parking in the neighborhood and the inability of the displaced parkers to be absorbed into the existing parking supply.

5. Authorization for a Curb Cut on a Wide Street

Pursuant to ZR § 13-241(c), curb cuts for accessory off-street parking facilities can not be located on a wide street. The applicant is seeking an authorization pursuant to ZR § 13-441 to locate an entrance and exit to the proposed parking facility on West 57th Street. There are currently six curb cuts along West 57th Street on the proposed site. The proposed program will remove all of the curb cuts except for the westernmost, which will be expanded from 14 to 22 feet.

Anticipated Impacts Under a Reasonable Worst-Case Development Scenario

The Draft Environmental Impact Statement (“DEIS”) identified a Reasonable Worst-Case Development Scenario for the proposed actions, which assumes a new development on the project site and a potential development on the southeastern out-parcel. The DEIS assumes that residential development would be unlikely on this site, and instead assumes the potential for a small hotel, which based on the size of the lot would contain 181 rooms. Based on this development scenario, the DEIS identifies a number of potential significant adverse impacts.

Community Facilities and Services

Analysis indicates that elementary schools in the area will operate with a shortage of seats by the 2017 build year, and that this project would increase the size of that shortage by 4.7 percent. This is less than the CEQR standard of five percent for a significant adverse impact, but is nonetheless a real impact. The project will also include 238 low- to moderate-income units, which are predicted to bring in 27 children under the age of six who would be eligible for publicly funded child care programs. With the addition of these children, child care facilities in the study area would operate at a 162 percent utilization rate, which represents an increase in the utilization rate of 7.9 percentage points over the no action scenario.

Transportation

The project could result in significant adverse traffic impacts at a number of area intersections during the day and at night on weekdays and weekends. These impacts could be mitigated through signal alterations and other traffic calming measures. The project could also lead to significant adverse impacts on bus lines along West 57th in both the morning and evening peak hours. This could be mitigated with additional bus service.

COMMUNITY BOARD’S RECOMMENDATION

At its full board meeting on December 4, 2013, Manhattan Community Board 4 (“CB 4”) approved by a vote of 28 in favor, 5 opposed, and 4 present but not eligible to vote for a resolution recommending: **approval** of the proposed rezoning, the amendment for Inclusionary Housing, and the authorization for a curb cut; **conditional approval** of the text amendment to change the base residential floor area and allow automotive use; and **conditional disapproval** of the special permit for a parking garage.

On the text amendment for Inclusionary Housing, the Board voted yes, but asks that the applicant agree to distribute the affordable units throughout 80 percent of the building, rather

than the mandated 65 percent. The Board also asks that the fixtures be the same in the affordable and market rate units and that all building amenities be available to affordable tenants at an affordable price.

CB 4 issued a conditional approval on the text amendment to the Special Clinton District. The Board supports the added use of an auto showroom with repairs, but recommended that the bonus FAR for the Inclusionary Housing be measured as 20 percent of the entire floor area (residential and commercial) and not just the residential. CB 4 believes that projects with large commercial components should provide additional affordable housing.

The Community Board issued a recommendation of conditional disapproval for the special permit for a parking garage. The Board has no objection to an increase over the 210 spaces permitted as of right but believes that the applicant has not met the findings prescribed in ZR § 13-451(a)(2) that the number of off-street parking spaces is reasonable and not excessive. They cite a number of developments less than 500 feet away that have or will have in excess of 1,500 parking spaces. They recommend that the maximum number of parking spaces be reduced to 400 spaces, or 295 spaces with an auto use. Additionally, the board requested that the applicant work with DOT to install split-phase traffic lights on West 57th Street and Eleventh Avenue and work with neighboring building owners to explore shared jitney service.

BOROUGH PRESIDENT'S COMMENTS

Generally, rezoning existing manufacturing and commercial areas for affordable housing is consistent with the long term needs of Manhattan. The proposed rezoning of the project site will facilitate this development and will support the longstanding goals of the Special Clinton District of enabling a mixed use, 24-hour community on the west side. Therefore, the proposed rezoning to C4-7 is appropriate. The text amendment to designate the project area an Inclusionary Housing Eligible Area similarly furthers the goals of the Special Clinton District to maintain a broad mix of incomes.

Further, the proposed project will transform underutilized land on the west side creating construction jobs and over 1,000 units of housing. More importantly, it will create 237 units of permanently affordable housing and will have large retail spaces that can bring jobs to the community.

This project will help to enliven the area and, if properly planned for and altered to minimize adverse impacts, will be a boon to the neighborhood. The Development, though of a similar scale to neighboring projects, is nonetheless significantly dense and has the potential to generate significant impacts on the overall neighborhood. Any project of this scale must be carefully examined and planned to fit within with the existing neighborhood. .

Maximizing Affordable Housing

The applicant is seeking, through a text amendment, to alter the base floor area calculations for C4-7 districts. While these districts typically carry an FAR of 10.0, the applicant is seeking the set the base residential FAR at 9.0 plus the product of .25 times the amount of non-residential floor area, up to a maximum of 10.0. Under standard inclusion zoning, ground floor retail is

currently exempted from the base when calculating the number of affordable units. This exemption serves the purpose of promoting neighborhood retail and prevents small business owners from shouldering the burden of higher rents to pay for affordable housing. The proposed text, however, also incentivizes commercial uses above the first floor of the building up to 4 FAR. If the applicant utilizes this provision of the text, it would reduce the amount of affordable housing in the building.

The zoning text being sought by the applicant has previously been used in the Hudson Square and M1-6D rezonings as a way to prevent residential conversions from crowding out commercial space in special districts. This is a tool that the Department of City Planning has used to promote mixed use districts with a large commercial component. The applicant in this case, however, has not shown that this type of planning goal is warranted.

While the applicant, who has not yet found commercial tenants for this building, may want the flexibility to rent commercial or retail space above the first floor, they have not shown that this would be a benefit to the community over the potential affordable housing. The project being proposed is primarily a residential project, and it is going in to a neighborhood that is increasingly residential as well. While neighborhood-oriented ground floor retail could be an asset to the community by bringing street activity and services, there is no planning rationale for the City to incentivize additional commercial space in this area.

Furthermore, the Community Board has asked that *all* floor area, including ground floor retail, be counted when calculating the base FAR for Inclusionary Housing. Using the full FAR of the building would result in approximately 10 additional affordable housing units. While the planning rationale for excluding this space is well understood, more research should be undertaken to investigate where this type of inclusion is appropriate. In many parts of Manhattan, ground floor retail floor area rents for much higher prices than other parts of the City. In these areas, it may be appropriate to use a higher base for determining the number of required affordable units.

The Inclusionary Housing program is based off of approvals from the Department of Housing Preservation and Development that includes evaluations of the pro formas of each potential project. As significant new development has occurred within the immediate area, the city should have enough information to evaluate whether or not the full FAR of the building could be included in the Inclusionary housing calculation. As such, the City should perform a detailed analysis to determine the financial viability of including the ground floor retail in the Inclusionary Housing program.

Finally, it is important with the Inclusionary Housing program that residents of the affordable units are treated as full residents of the building. The Community Board has asked that the affordable units be distributed through at least 80 percent of the building and that the fixtures and finishings in the affordable units be the same as in the market rate units. This is an important provision that will ensure that affordable tenants experience the full benefits of the Inclusionary Housing program.

Accurately Measuring Parking Needs

The applicant is proposing a parking facility of up to 500 spaces to replace the existing parking facility on the site. The proposed development is adjacent to Route 9A and is far from public transit, so parking is generally a reasonable use in this area. Community District 4, however, because of its adjacency to Midtown on one side and the Lincoln Tunnel on the other, has increasingly become a regional parking hub. Though a citywide need for parking exists, Community Board 4 contends that they are overburdened with parking facilities. Because of this, proposed parking facilities in Community District 4, especially parking facilities considerably larger than those allowed as of right, deserve strict scrutiny.

ZR § 13-454(c) requires that, for projects that are eliminating existing parking and seeking to replace that parking in a new facility, applicants show the availability of off-street parking in the area is insufficient to accommodate the displaced users and any new users generated by the project. Using overnight parking in the current facility as a measure of residential parking demand, the applicant found that 700 residential parkers would be displaced by the proposed project. By looking at the current utilization rate of the 17 parking facilities nearby, the applicant determined that existing parking garages could accommodate 197 of these displaced parkers at a 90 percent utilization rate.

In recent discussions of parking needs, a 90 percent utilization rate has been used because this is the level at which parking garage managers prefer to operate to maximize profits. A 90 percent occupancy rate has not, however, been reasonably established as a legitimate planning goal. Parking capacity is an absolute number, not a percentage of parking available. Prior to the City's new Manhattan parking rules, special permit applications typically used a 100 percent utilization rate to measure existing capacity and there is significant precedent for this measure.

Using the more accurate measure of existing capacity, the applicant's case for additional parking need is not as strong. Using 100 percent capacity, there are an available 441 spaces at existing facilities at weekday midday utilization. Looking to the 2017 build year, the applicant found that projects currently being planned would increase parking demand by an additional 1,366 parkers but that only 991 additional parking spaces will be added (again, at a 90 percent utilization rate). Actual capacity for the expected projects will be 1,101 spaces meaning a projected shortfall of 265, rather than the 375 claimed by the applicant. These 265 parkers can be accommodated in existing garages with 176 spaces to spare. Additionally, the applicant uses questionable logic when estimating the amount of available parking at 40 Riverside Center, which is near the boundary of the 1/3 mile study area. The project will create 535 spaces, and demand generated by the project itself is estimated at 105 cars. Because this project is near the boundary of the study area, the applicant uses CEQR guidelines and assumes that only 20% of the remaining space will be available to parkers in the study area. While Riverside Center is not immediately adjacent to the proposed development, it is immediately adjacent to other projects for which anticipated demand is being factored in, so the full amount of parking at this site should be counted. This adds an additional 344 spaces over what is being claimed by the applicant, leaving 520 spaces² available to accommodate the displaced 700 overnight parkers.

² 344 spaces plus the remaining 176 spaces from existing capacity unused by other anticipated projects

Based on finding (b) of ZR § 13-451 as well as ZR §§ 13-12 and 13-12, the applicant is allowed a garage of 248 spaces.³ The proposal would double that garage size. The scale of the garage being requested is not warranted by the applicant's assessment of existing supply and anticipated demand, but the applicant does show that there is some amount of unmet demand created by the removal of the 1,000 space parking garage. As such, the community board's request that the total permitted parking spaces be reduced by 100 spaces is appropriate.

Additional Projected Impacts

The proposed project would bring a large number of residential tenants to a block that currently has no residential component. The impact of these new residents on city services must be carefully evaluated to ensure that the new development will not overly burden the neighborhood. The project is expected to bring 143 new elementary school students to the district in the build year of 2017. Elementary schools in Subdistrict 3 of Community School District 2 will operate with a shortage of seats without the proposed actions, but the proposed actions would increase that shortage by 4.7 percent. This is less than the CEQR guideline of five percent for a significant adverse impact, but is close enough that it should be treated as a legitimate impact and should be planned for.

The project is similarly close to creating a significant adverse impact on open space. The area surrounding the project currently does not meet the City Planning guidelines of having 2.5 acres of open space for every 1,000 residents. There are a number of new developments planned in addition to the proposed project, but the applicant's DEIS estimates that open space per 1,000 residents would be reduced by 3.81 percent, and that passive open space would be reduced by 4.23 percent. This open space calculation includes the assumption that Pier 97 of the Hudson River Park will be completed as both passive and active open space. This project is not funded, however, so without action there is no reason to assume that this will be completed by 2017.

Furthermore, the DEIS assumes that the outparcel on the southeast corner of the rezoning could become a small hotel. While there is no reason to believe that this parcel is reasonably expected to be developed in the near future, were it to be developed it could also become a 125-unit residential building, which would have an additional impact on available open space and public schools.

In order to ensure that the development relates harmoniously with the neighborhood, these potential impacts should be explored and where possible mitigation should be provided. The applicant has agreed, in a Community Board 4 Clinton/Hells Kitchen Land Use Committee meeting to plant trees and other greenery around the perimeter of the entire lot. This commitment to improving the public realm should be followed-through on, in addition to any potential mitigation measures.

³ ZR §13-11 allows up to 200 accessory spaces in CD4. An additional 10 spaces are generated by the commercial component of the project pursuant to ZR §13-12. ZR §13-451(b) allows additional spaces based on a percentage of the number of units over 1,000, giving them an additional 38 spaces (20 percent of the 189 units over 1,000)

BOROUGH PRESIDENT’S RECOMMENDATION

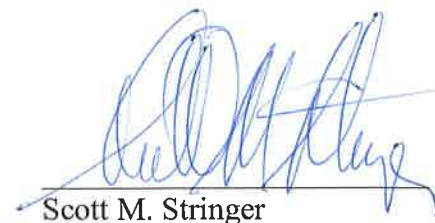
The proposed project will bring affordable housing and jobs to a block that is currently underused on the west side of Manhattan. The rezoning and some related actions are needed to allow this much-needed project. If the project is altered to follow the underlying floor area rules of the Special Clinton District and efforts are taken to mitigate any adverse impacts the project will fit harmoniously with the existing and soon-to-be developed community.

Therefore, the Borough President recommends conditional approval of ULURP Application Nos. C 130336 ZMM, N 130338 ZRM and C 130339 ZSM for the zoning map amendment changing the project area to a C4-7, the zoning text amendment designating the project area an Inclusionary Housing Eligible Area, and the special permit for a parking garage provided that:

- 1. the applicant explore opportunities to mitigate potential building impacts on parks, schools and child care centers;**
- 2. the public parking garage is reduced in size to a maximum of 400 permitted spaces without an auto use or 295 with an auto use;**
- 3. the affordable units are spread through 80 percent of the building, include the same fixtures and finishes as the market rate units, and come with access to all building amenities; and**
- 4. the applicant follow through on the commitment to add street trees and greenery to the entire block.**

Further, the Borough President recommends conditional disapproval of Application No. N 130337 ZRM for special regulations in Northern Subarea C1 of the Special Clinton District provided that:

- 1. the proposed zoning text be changed to remove the modified floor area calculations and reflect the underlying regulations of C4-7 districts, the Special Clinton District and the Inclusionary Housing program, which will promote affordable housing rather than significant commercial development; and**
- 2. the City and the applicant explore increasing the amount of affordable housing in the project to be equal to 20 percent of the entire floor area of the building rather than just the residential component.**



Scott M. Stringer
Manhattan Borough President



Proposed Development at 606 West 57th Street

Comments by: Council Member Corey Johnson
New York City Planning Commission
22 Reade Street, New York, NY
January 22, 2014

My name is Corey Johnson and I am the Council Member of the 3rd Council District. The proposal before the City Planning Commission by TF Cornerstone is wholly in the 6th Council District. However, I believe CPC should take into consideration the concerns and interests of both the 6th and 3rd Council Districts as they will share the burden from the increases in development and pedestrian and vehicular traffic. I thank the Commission for the opportunity to testify today.

The proposal by TF Cornerstone would permit the development of a 1,050-unit residential rental building in a re-zoned C4-7 district; up to two floors could be used for commercial purposes, and may include an auto-repair facility. The applicant is also seeking to build a parking garage with 500 parking spaces.

Unless the amount of affordable housing in the project is increased to 20% of the total floor area of the building, rather than just the residential component, I recommend disapproval of Application No N 130337 ZRM, for special regulations in Northern Subarea C1 of the Special Clinton District. While I do not oppose the newly permitted use for auto repairs or the increased FAR from 9.0 to 12.0 pursuant to provisions of the Inclusionary Housing Program, I ask that all commercial and residential FAR be used as a base for discerning the size of the 20% affordable units.

The proposed text incentivizes commercial uses above the first floor up to an FAR of 4.0 which, if utilized, would reduce the amount of affordable housing in the building. The marginal increase of approximately 10 units by including commercial spaces in the base calculation is by no means economically infeasible in a project of this size. I urge the Commission to require TF Cornerstone to consider the building's entire square footage when calculating the number of affordable housing units.

It is also important that tenants in the affordable units be treated as full residents of the building. The building must be fully ADA compliant and the affordable units should be distributed throughout at least 80% of the building; the fixtures and finishes in all units of the building should be the same. All building amenities must be made equally available, including the provision of a reduced-fee schedule to assist the affordable tenants in enjoying the full breadth of the building's facilities. These are important considerations in

ensuring that the tenants of the affordable housing units experience the full benefits of the Inclusionary Housing program.

The applicant is also seeking a special permit pursuant to ZR §13-45 for a parking garage for up to 500 spaces, or 395 spaces depending on the ground floor. Community Board 4 issued a recommendation of conditional disapproval for the special permit for a parking garage for this proposal. It is the experience of residents in the Hell's Kitchen/Clinton neighborhood, and the membership of Community Board 4, that this area has become a regional parking hub for commuters, and as a consequence, residents in the area are overburdened with very large parking facilities. This contributes greatly to Hell's Kitchen's high asthma rates, traffic accidents, and pedestrian fatalities.

I support the Board's recommendation that the application for a special permit pursuant to ZR §13-45 be approved if and only if the garage is for accessory parking only, and the maximum is 400 spaces with the auto use and 295 without an auto use.

Finally, I am gravely concerned about this developer's history of irresponsible labor practices, poor worksite safety conditions, and a disregard for tenants and the building's employees. Approval of this proposal would permit to rise one of the largest residential buildings in Manhattan. This building will intensify an already burdened infrastructure on the West Side, from bus routes and subways, to overcrowded schools.

606 West 57th Street is zoned for Public School 111. It is a school that needs many improvements and is already overcrowded. Adding 1,050 residential units to the neighborhood will no doubt increase the demands on PS 111. TF Cornerstone should commit to providing funding to area public schools for their immediate needs. Investing in education is a win-win for our City and should be expected of developers who construct large residential buildings.

The surge in development on the West Side has drastically increased rents in the Hell's Kitchen/Clinton neighborhoods and displaced a large population of longtime residents. TF Cornerstone has received over \$40 million dollars in public tax subsidies. Contributing to a secondary displacement fund to prevent and mitigate secondary displacement issues as they arise must be a part of this process. Developers in other communities have contributed as much as \$500,000 to such funds; TF Cornerstone must contribute, too.

The West Side has seen a tremendous amount of development in the past decade and the raze and raise trend is not expected to ebb. We must continue to plan for and protect those who have contributed to the fabric of our communities for decades while also planning for those who have yet to come. Such planning demands great responsibility and developers who reap profits from tax subsidies must be held accountable for the burden a massive building will place on an already-existing community. These requests are neither out of the ordinary nor unreasonable and I hope the Commission will echo the community's concerns.

Thank you all for the opportunity to testify here today.



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

December 9, 2013

Amanda M. Burden, Chair
City Planning Commission
22 Reade Street
New York, New York 10007

re **606 W. 57 LLC c/o TF Cornerstone Inc.**
C 130336ZMM (zoning map change)
NI30337ZRM (zoning text amendment) Special Regulation in Northern Subarea C1
NI30338ZRM (zoning text amendment) Inclusionary Housing Designated Areas
C 130339ZSM (Special Permit) Parking Garage
NI30340ZAM (Authorization) Curb Cut

Dear Chair Burden,

At its full board meeting on December 4, 2013, Manhattan Community Board 4 (MCB4) reviewed an application by 606 W. 57 LLC (the "Applicant") for land use approvals to facilitate the development of a portion of the block bounded by West 56th Street, West 57th Street, Eleventh Avenue, and Twelfth Avenue in Manhattan with a new, mixed use residential and commercial development which may include community facility, public parking and automotive sales and service uses (the "Project" or the "Proposed Project").

The proposed actions include a rezoning of a portion of the block, an amendment to the Zoning Resolution to designate the Project Area an Inclusionary Housing area, two text amendments to the Zoning Resolution, a special permit for a public parking garage, and an authorization to permit a curb cut.

The Board by a vote of 28 in favor, 5 opposed, 1 abstention and 4 present but not eligible **recommended approval** of the proposed rezoning, the amendment for Inclusionary housing, and authorization for a curb cut, **recommended approval with a condition** on the text amendment to allow an automotive showroom as it relates to the base residential floor area, and **recommended denial** of the special permit for a garage **unless** the parking is accessory with a maximum of 400 spaces.

The Project

The Project Area is located along the west side of Manhattan, on the northern edge of the Special Clinton District and covers a portion of Manhattan Block 1104 bounded by Twelfth Avenue

(Route 9A) to the west, Eleventh Avenue to the east, West 56th Street to the south, and West 57th Street to the north. The portion of the Project Area consisting of Block 1104, Lots 31, 40, 44, and 55 is owned by the Applicant and referred in the Board's letter as the "Development Site."

Immediately to the north of the Project Area is a C4-7 commercial district, the same district proposed in this application. A portion of this block is developed with the Helena, a 38-story residential building with 597 dwelling units, built in 2003. The remainder of the block was recently rezoned from an M1-5 district to a C6-2 district to permit the development of a new high-rise, mixed-use residential and commercial building, a rehabilitated and expanded residential building a small community facility building. This block is expected to be built to its full adjusted maximum FAR of 8.80.

The block directly to the south of the Development Site is zoned M1-5 and M2-3 and contains a five-story mixed office and retail building, a six-story building housing music studios, and several two- to three-story commercial buildings. To the southeast, the portion of the block between West 54th and West 55th Streets, zoned as an R9 residential district, is developed with a 38-story mixed residential and commercial building.

To the west of the Development Site is a large M2-3 district that extends from Route 9A into the Hudson and includes Hudson River Park and several piers.

The applicant proposes development of the Proposed Project would provide new residential uses, including affordable housing units, in the neighborhood, complement the existing residential uses surrounding the Development Site and revitalize the vacant portions of the Project Area with a mixed-use building.

The Building

The proposed land use actions would facilitate the development of an approximately 450-foot high mixed-use building on the Development Site. The building would occupy the entire Development Site and could include a maximum of approximately 999,636 zoning square feet in total. The applicant expects to construct approximately 956,636 zoning square feet of residential space (up to 1,189 residential units of which 20% or up to 237 units would be affordable), up to approximately 106,900 square feet of public parking and approximately 42,000 zoning square feet of retail or community facility uses.

The Mixed-Use Building is designed to include four distinct elements. It will rise to a maximum of 450 feet (42 stories). On the eastern half of the Development Site would be two towers, each up to 28 stories tall. These two towers would be perpendicular to one another and connected by a 20-foot wide glass bridge on all floors, which would take residents from the core in the north/south tower to the apartments in the east/west tower. The glass bridge would create a visual separation between the towers. A 14-story cube would sit atop the two towers. Atop the cube would be a 20-foot tall parapet enclosing mechanical equipment. A fourth building element on the western portion of the site would be oriented parallel to West 57th Street and designed to be 17 stories tall, with a setback at the seventh floor.

Proposed Actions and MCB4 Comments

1. Rezoning of a portion of the block bounded by West 56th Street, West 57th Street, Eleventh Avenue and Twelfth Avenue in Manhattan from the existing M2-3 and M1-5 districts to a C4-7 commercial district.

The Board recommends approval.

The proposal would rezone the majority of the Project Area from an M2-3 manufacturing district to a C4-7 commercial district. A small, southwestern portion of the Project Area (covering approximately 15% of the area to be rezoned) would be rezoned from an M1-5 light manufacturing zone to a C4-7 commercial district.

2. An amendment to the Zoning Resolution of the City of New York ("ZR" or "Zoning Resolution"), section 23-90, Appendix F, to designate the Project Area an Inclusionary Housing designated area.

The Board recommends approval only in conjunction with the second action (inclusionary housing).

The Applicant proposes an amendment to Appendix F of the Zoning Resolution to designate the Project Area an Inclusionary Housing Area in order to incorporate the benefits of the Inclusionary Housing Program in the Proposed Project. Through the provision of affordable housing, the Applicant would be permitted to build up to 12.0 FAR, up from a base residential FAR of 9.0 without the bonus.

The Board is pleased that the development will result in at least 237 permanently affordable units. The board asks that the applicant agree in writing to distribute the affordable unit throughout 80% of the building and that the fixtures and finishes will be the same as the finishes for the market-rate units. The Board also asks that all tenants be allowed to use any amenities and that a reduced fee schedule be available to the affordable unit renters.

3(a) A text amendment to allow an automotive showroom with repairs, applicable to the Project Area in the "Other Area" (Northern Subarea C1) in the Special Clinton District;

3(b) a text amendment to allow Zoning Resolution §96-34, applicable to the Project Area in the "Other Area" (Northern Subarea Ca) in the Special Clinton District to provide a base residential floor area ratio of 9.0 with affordable housing equal to 20% of the residential floor area on the Development Site required to achieve the Inclusionary Housing bonus, which facilitates more than one floor of commercial and community facility uses.

The Board recommends approval of 3a.

The proposed text amendment to ZR §96-34 would allow for a maximum base residential FAR of 9.0 plus a FAR equal to 0.25 times the non-residential FAR provided on the zoning lot, up to 10.00 FAR, with the potential to reach up to 12.0 FAR only through the provision of affordable housing pursuant to ZR § 23-90 (Inclusionary Housing).

The Board recommends approval of 3b with a condition.

The Board supports the auto showroom with repairs but strongly believes that when providing a base FAR for the residential that the inclusionary housing be measured from 20% of the entire floor area (residential and commercial) and not just the residential. Otherwise the community is getting less affordable units for such a large project.

4. A special permit pursuant to ZR §13-45 for a public parking garage which would contain up to 500 spaces or, depending on the ground floor uses, up to 395 spaces.

The Board recommends denial unless the garage is accessory parking only and the maximum is 400 space with the automotive use and 295 without an automotive use.

In order to allow the Applicant to build the Proposed Garage with either 395 or 500 public parking spaces as part of the Proposed Project, the Applicant is seeking a special permit pursuant to ZR § 13-45 for both alternatives.

The Proposed Garage would replace the 1,000-space public parking garage being demolished as part of the Proposed Project. The Proposed Garage would include either include 500 spaces on three levels with entrances on both West 57th and West 56th Street, or 395 spaces with a garage entrance and either 500 spaces on three levels with entrances on both West 57th and West 56th Street, or 395 spaces with a garage entrance and exit on West 57th Street.

CB4 has no objection an increase of 105 spaces over the 237 spaces permitted as of right by the zoning (20% of residences) in Manhattan Core to facilitate economic development in the form of an automotive use. However, since there are or will be in excess of 1,000 public parking spaces within 500 ft of this proposed parking facility, we do not agree that the applicant has further met the findings prescribed in 13-451 (a) (2) that the number of off-street parking spaces in the proposed parking facility is reasonable and not excessive. (On 59th Street, 500 feet away, Riverside Center is under construction with 1,500 parking spaces, or 625 in excess of the maximum allowed by manhattans core zoning as of right. On the north side of 57th Street, 285 parking spaces were approved, or 122 in excess of the Manhattan core zoning and there is another 399 spaces public parking garage on that block.)

The Board also urges the Applicant to work with DOT to install split phase traffic lights on West 57th and Eleventh Avenue. The Applicant states that it will work with the Durst project across 57th Street to see if jitney service can accommodate both developments.

5. Authorization pursuant to ZR§ 13-441 to permit a curb cut on a wide street in Manhattan Community District 4.

The Board recommends approval.

In order to accommodate ingress and egress from the Proposed Garage, the Applicant is requesting an authorization to permit the extension of an existing curb cut along West 57th Street

by approximately 8 feet, from 14 feet to 22 feet and to remove all other curb cuts.

In addition, the applicant has agreed to plant more trees around the entire perimeter of the proposed rezoning area as per the plan presented to us at the Clinton/Hell's Kitchen Land Use Committee meeting and to work with Con Ed on the proper placement of Con Ed vaults so to prevent the loss of space on the sidewalk for greening purposes.

Along West 57th Street, there are six existing curb cuts on the Development Site, each measuring between approximately ten feet and 63 feet, and one additional curb cut for the DSNY Garage. The westernmost curb cut is approximately 157 feet from Twelfth Avenue and the easternmost curb cut is approximately 100 feet from Eleventh Avenue. Along West 56th Street, there are two curb cuts on the Development Site located in the mid-block, measuring approximately 17 feet and 22 feet, respectively.

Comments

At the public hearing on this application, a number of speakers expressed great concern that the addition of hundreds of new residents and their families would not be matched by a commensurate increase in school seats, library capacity, or police, fire, and EMS service delivery. For example speakers stated that according to recent data, schools in Hell's Kitchen are already at or over capacity. And that the EAS methodology is flawed because it neither assessed a wide enough area nor measured the cumulative impact of multiple developments in the immediate vicinity. Board 4 would like to work with City Planning to develop a better method to determine the actual impact on a community when large numbers of new residential units are built.

The Board also requests the Applicant come to an agreement with the service workers union, Local 32BJ, regarding the building's future service employees prior to the public hearing at the City Planning Commission.

Sincerely,



Corey Johnson
Chair



Jean-Daniel Noland, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: Edith Hsu-Chen, Karolina Hall - DCP
Gail Benjamin, Danielle DeCerbo – City Council Land Use Division
Melanie LaRocca - NYC Council Speaker Christine Quinn
Brian Cook, Michael Sandler – Manhattan Borough President Scott Stringer
NYS Senator Brad Hoylman
NYS Assemblyman Richard Gottfried
US Congressman Jerrold Nadler

CROWDED

Citizens for Responsible, Organized Westside Development with Environmental Deference
322 West 57th Street
New York, NY 10019
Email: crowded.10019@gmail.com

Vice Chairman Kenneth J. Knuckles, Esq.
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Vice Chairman Knuckles,

The TF Cornerstone project at 606 West 57th Street will be a huge presence by any measure. While the neighborhood around 11th (West End) Avenue is gradually changing away from manufacturing and service uses, with several new and large residential buildings either built or under construction, the Cornerstone project is much larger, and denser than any other.

Excessive density is at the root of the many environmental impacts of this oversized project, whether the impact is on day care centers, schools, libraries, shadows on Clinton Cove Park, traffic, bus transit, subway stations, etc. The DEIS claims that, except for impacts on day care centers, environmental impacts of the project are “not significant.” However, the CEQR criterion of significance is merely a legal dividing line separating those impacts that must legally be disclosed and “mitigated” in the context of State environmental law in reviewing a given project, and those impacts that, cumulatively with impacts of all the other projects under development in this area, are just as large, and likely larger, and must be addressed by the City and the Planning Commission in any event.

To limit and manage the negative impacts of development, the Planning Commission has, in fact, adopted a rezoning policy for this area — a policy that the Cornerstone developer seeks permission to violate. Violating the Commission rezoning policy would only exacerbate the environmental impacts of development that the Commission has sought to contain. The Commission should uphold its policy and thereby mitigate (in the ordinary sense) the inevitable impacts of redevelopment so that city resources and quality of life are not unduly strained.

Area Rezoning History

The approval of three huge development projects at site of the former Penn Central 60th Street Rail Yard — Manhattan West in 1989, Riverside South in 1992, and the ABC studio site in 1993 — signaled a transformation of the far West Side into a major new residential area. This major change, in turn, inspired the transformation of the adjacent 11th Avenue (West End Avenue) corridor between and 57th Street and the Amsterdam Houses at 61st Street from a commercial to a residential area.

To promote the gradual and measured redevelopment of that corridor, the Planning Commission adopted a clear zoning policy beginning in 1999. That policy “encourages

applicant-sponsored rezonings that are . . . compatible with the context of blocks to the north and to the west,” specifically those rezonings that “allow high-density mixed uses on avenues with floor area ratios of 10.0, and medium-density mixed uses on midblocks with floor area ratios of 6.0” (Feb. 11, 2004 report on C 030214 ZMM, p. 3). This CPC policy was followed in rezoning the blocks on the east side of West End Avenue between 58th and 61st streets, which resulted in overall FARs of 7.28 to 7.70, as shown in Table 1. In fact the Commission was so concerned about preventing projects of “excessive size” in this area that it rejected River Center’s first proposal because the FAR would have been as high as 8.47 (Jan. 28, 1999 report on C 970086 ZMM, pp. 19–25).

Project	Location	ULURP Number	Date	Zoning	Approved		Projected
					Development	Lot area	FAR
River Center	58–59, 10th–11th	C 970086 ZMM	1/28/1999	C4-7; C6-2; C2-7	1,202,170	160,664	7.48
2 West End Ave	59–60, 10th–11th	C 030214 ZMM	2/11/2004	C4-7; C6-2	539,000	70,000	7.70
61st St. Rezoning	60–61, 10th–11th	C 060104 ZMM	1/10/2007	C4-7; C6-2	691,600	95,000	7.28
Riverside Center	59–61, 11th–12th	M 920358(D) ZSM	10/27/2010	C4-7	3,014,829	356,282	8.46
Durst Development	57–58, 11th–12th	C 010148 ZMM	12/19/2012	C4-7; C6-2	1,386,554	160,666	8.63

Table 1
Recent Rezoning on the Far West Side

The most recent rezoning — for the Durst development, just across the street from the Cornerstone site — occurred just 13 months ago. There the Commission decided that a density of 8.63 was appropriate for a site bordered by three wide streets. That rezoning followed the pattern set by the Commission in 1999 — a C4-7 high-density zone on wide streets and a C6-2 medium density zone on narrow streets. The consistency of the Commission’s rezonings of this West Side area over the past fifteen years underlines the importance the Commission attaches to its rezoning policy.

Proposed Zoning

By requesting a C4-7 zone over the entire area to be rezoned, TF Cornerstone’s proposal is not consistent with the rezoned block to the north, and the projected density of 11.6 FAR is much higher than the pattern the Commission has established for this area. Considering the very recent approval of the latest rezoning, and the close relationship of the two sites across the street from each other, TF Cornerstone has presented no reason for the Commission to depart from its long-standing rezoning policy. Consequently we would expect the Commission to adhere to that policy by rezoning the site with a combination of C4-7 on the wide streets and C6-2 on the narrow street, just as it did across the street.

The resulting built FAR for the rezoned area, making the same development assumptions as the DEIS, and using a 100-foot depth for the C4-7 zone, would be 10.05. This FAR is higher than the built FAR expected for the Durst development across the street, but lower than the excessive FAR of 11.6 that will result if TF Cornerstone’s request is granted. Only a

combination of C4-7 and C6-2, shown in Figure 2 and Table 2, is compatible with the Commission's long-standing policy for this area.

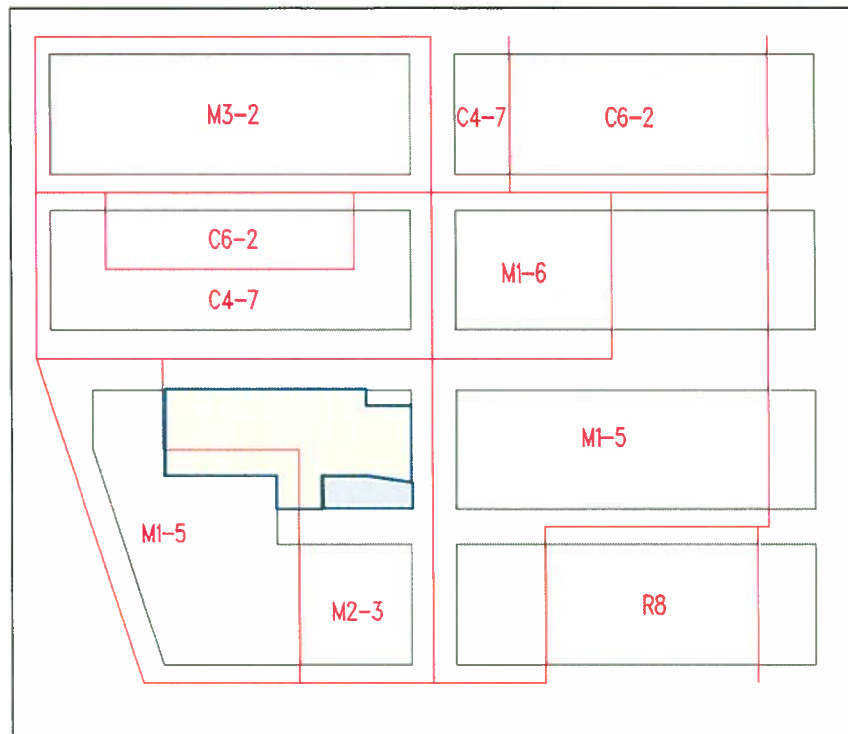


Figure 1: Existing Zoning

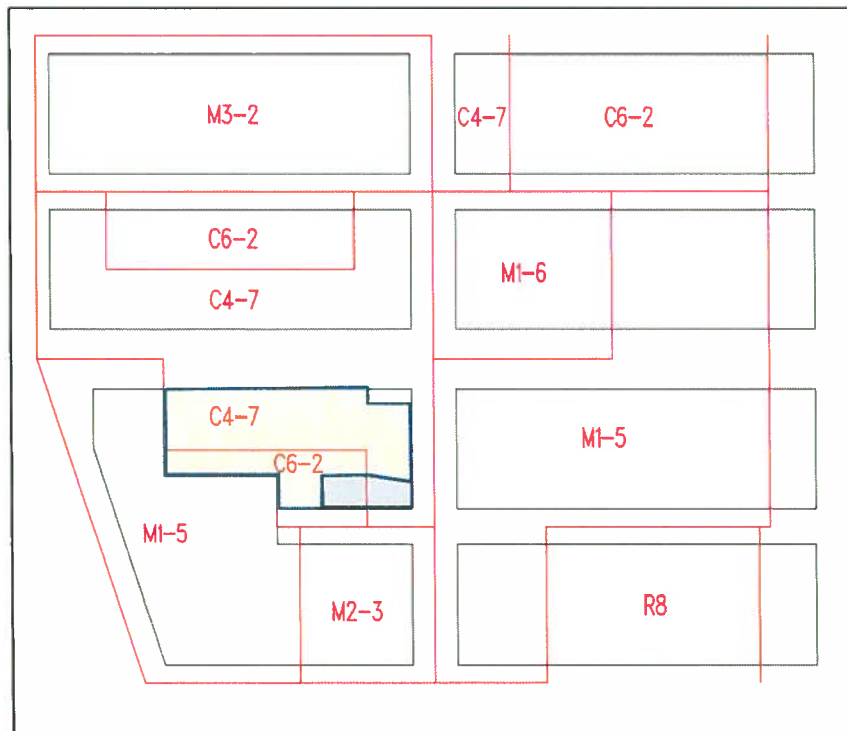


Figure 2: Compatible Rezoning

Project	Zoning	Expected Development	Lot area	Projected FAR
TF Cornerstone	C4-7	1,118,856	96,493	11.60
Compatible rezoning	C4-7; C6-2	970,115	96,493	10.05

Table 2
Rezoning Comparison

Affordable Housing

TF Cornerstone intends to provide affordable housing following an amendment to designate of the area to be rezoned for inclusionary housing. As drafted, the amendment to the Clinton Special District would be tailored for a C4-7 zone with a base FAR of 9.0 and a housing bonus to FAR 12.0. Rezoning with a combination of C4-7 and C6-2 should not diminish the percentage of housing that would be affordable. Consequently the amendment of the Clinton Special District should also provide for inclusionary housing in a C6-2 district (R8 equivalent) with a base FAR of 5.4 and a housing bonus to FAR 7.2 (see ZR §23-952). Such a scheme is reflected in the calculations in Table 2.

Parking

TF Cornerstone requests a special permit to allow a 500-space parking garage. To support its request, TF Cornerstone presents calculations that purport to show that with removal of an on-site garage (or even aside from the removal of that garage) there will be a parking shortfall in the area. These calculations, presented in the ULURP application, are wholly unconvincing for the following reasons.

- The applicant appears to claim that the 248 parking spaces it is entitled to as-of-right are needed as accessory to building uses. But the DEIS shows that no more than 150 parking spaces are need for accessory purposes (DEIS, Table 11-46, p. 11-70).
- The applicant claims that it followed standard CEQR analysis assumptions and methodologies (ULURP application, Table 2, note 1). A key assumption in its calculations is that garages can operate at no more than 90% occupancy. But the CEQR manual contradicts this assumption, instructing that no additional cars should be assigned to a garage only if the utilization rate is at or above 98% of capacity (CEQR Technical Manual, p. 16-51).
- The applicant claims that CEQR procedures require that when a garage, such as at 40 Riverside Boulevard, is located near the boundary of the 1/3-mile study area, only 20% of

the unused spaces would be available to accommodate parking demand from the other No-Build projects in the 1/3-mile study area (ULURP application, Table 2, note 2). There is nothing in the CEQR Technical Manual that indicates such a requirement, and it wouldn't make any sense as applied to 40 Riverside Boulevard because any parking deficit at buildings in Riverside Center, just across the street, would certainly be satisfied at 40 Riverside Boulevard, despite the applicant's artificial restriction.

- If such a restriction is applied to parking supply near a boundary, then it should also be applied to parking demand from buildings near a boundary, so that only part of that demand need be satisfied at garages within the boundary. For example, Harborview Terrace, which the applicant cites as having a 53-space parking deficit, is near the Cornerstone boundary. If those cars were evenly distributed within Harborview Terrace's 1/3-mile boundary, most of them would be outside Cornerstone's 1/3-mile boundary,
- In approving Riverside Center, the Commission determined that that project requires 1,260 parking spaces (CPC report on C 100296(A) ZSM, Oct 27, 2010). The City Council subsequently granted Riverside Center 1,800 parking spaces. The additional 540 parking spaces should be available to accommodate most of the 700 parkers displaced by the Cornerstone project.
- The Commission's analysis of Riverside Center was careful to provide accommodation for long-term parkers who lived in the two zip code areas that the site straddles, but assumed that long-term parkers from more distant locations could reasonably be expected to find parking in their neighborhoods or at another distant location (CPC report on C 100296(A) ZSM, Oct 27, 2010, p. 102). Although the 700 parkers who would be displaced are long-term parkers, the applicant made no similar analysis.
- The applicant counts parking demand from three Riverside Center buildings, but parking

Table 3
Off-Street Parking -- 1/3 Mile

Map#	Name/Operator and Address/Location	Licensed Capacity	Utilization Rate		Utilized Spaces	
			Existing Weekday MD	Weekday MD	Weekday MD 98% of Capacity	Available Spaces For Absorption
1	Concerto Garage Corp. - 200 W. 60th Street	265	90%	239	260	21
2	Propark America NY - 515 W. 59th Street	190	80%	152	186	34
3	Enterprise E. 60 West - 10 West End Avenue	150	70%	105	147	42
4	Eiemant Parking Management - 270 W. 60th Street	90	80%	72	88	16
5	Sessanta Parking Co. - 229 W. 60th Street	200	90%	180	196	16
6	Aspen 36 LLC - 60 Riverside Drive	113	80%	90	111	21
-	(same as above) - 400 W. 63rd Street	118	80%	94	116	22
7	West End Towers - 55 West End Avenue	375	81%	304	368	64
8	Kinney Parking System - 838-852 11th Avenue	84	100%	84	82	0
9	GMC - 622 W. 57th Street	On-site public parking garage will be displaced				
10	MTP 57 LLC - 601 W. 57th Street	100	80%	80	98	18
11	50-51 Operating Corp. - 622-630 W. 51st Street	121	90%	109	119	10
12	K Park Group LLC - 680 12th Avenue	170	81%	138	167	29
13	Clinton 53 Parking LLC - 515 W. 52nd Street	83	90%	75	81	6
14	815 Tenth Parking LLC - 815 Tenth Avenue	48	90%	43	47	4
15	Worthy Parking LLC - 841 Tenth Avenue	86	100%	86	84	0
16	56/57 Operating Corp. - 409 W. 56th Street	25	100%	25	25	0
17	Effective Parking LLC - 435 W. 57th Street	55	90%	50	54	4
18	Apex Parking LLC - 440 W. 57th Street	378	75%	284	370	86
		2,651				392

Notes: MD = Midday; BG = Background
Sources: Survey conducted by AKRF Inc.; March 2013.

supply for only two of them. The missing supply — in Building 2 — represents another 230 parking spaces.

- The applicant assumes that there will be unmet need for 35 additional spaces by the Durst development, across the street. But the Commission carefully considered the demand for parking on the Durst site, and granted a special permit for all the spaces that were needed (see CPC report on C 120397 ZSM, December 19, 2012), as verified by the FEIS (Durst FEIS, p. 10-12 and Tables 10-15, 16).

For all these reasons the analysis presented by the applicant is not reliable and should be rejected. Just correcting three of these errors — the 90% occupancy rate, the availability of spaces as 40 Riverside Boulevard, and the omission of Riverside Center Building 2 — demonstrates that there are sufficient parking spaces as-of-right for almost all the displaced parkers, as shown in Table 5. There is no need for additional spaces via a special permit, and none should be granted.

Table 4
2017 Future No-Build Parking Supply and Demand (1) -- 1/3 Mile

Weekday Midday	Spaces
Future incremental No-Build Public Parking Supply	
Riverside Center Building 5	450
Riverside Center Building 1	460
Riverside Center Building 2	230
40 Riverside Boulevard (2)	535
Incremental No-Build Public Parking Supply Total	1,675
Incremental No-Build Public Parking Supply Total at 98% of Capacity	1,642
Future Incremental No-Build Accessory Parking Conditions	
625 West 57th Street Supply	285
625 West 57th Street Demand	320
Unmet Parking Demand for 625 West 57th Street	35
Harborview Terrace, 525 West 55th Street Supply	37
Harborview Terrace, 525 West 55th Street Demand	89
Unmet Parking Demand for Harborview Terrace, 525 West 55th Street	52
Net Unmet Parking Demand	87
Future Incremental No-Build Projects Parking Demand	
530-548 West 53rd Street	27
Piers 92 and 94.Demand between West 52nd and West 54th Streets on the Hudson River	41
Riverside Center Building 2	229
Riverside Center Building 5	439
Riverside Center Building 1	411
40 Riverside Boulevard	105
533-541 West 52nd Street	27
Incremental No-Build Projects Parking Demand Total	1,279
Future Incremental No-Build Projects Parking Demand for Projects with Accessory Parking (3)	87
Total Future Incremental No Build Projects Public Parking-Demand (4)	1,366
Future Unmet Public Parking Demand from No-Build Projects (5)	(276)
Notes;	
(1) Based on Table 11 -17 of the 606 West 57th Street DEIS Transportation Chapter, other approved studies, and standard CEQR analysis assumptions and methodologies.	
(2) The 40 Riverside Boulevard project would provide a total of 535 parking spaces. Based on detailed parking projections, demand generated by the 40 Riverside Boulevard project itself would be 105 spaces. Since this project is located near the boundary of the 1/3-mile study area, using CEQR assumptions, 20% of the remaining 430 spaces (86 spaces) would be available to accommodate the parking demand from the other No-Build projects in the 1/3-mile study area. This results in a total of 191 spaces.	
(3) 322 incremental accessory parking spaces assuming 100% utilization.	
(4) 1279 + 87	
(5) 1366 - 991	

Table 5
 Parking Shortfall – 1/3 Mile

Future unmet parking demand from No-Build projects	(276)
Public parking spaces available for absorption of No-Build projects unmet demand after displacement of on-site public parking garage	392
Total Surplus or (Shortfall) for No-Build projects	667

Sincerely,
Citizens for Responsible, Organized Westside Development with Environmental Deference

Kathy Gaffney, Jessica Brody, Frank Carucci, Ronnie Eldridge, Warren Lee, Arthur & Norma Warady, Shellia & Zach Levin, Jack Schwager, Taylor Hanex, Leslie Morioka, Ed Johnson, Joel & Phyllis Ehrlich, Joel Leitch

CROWDED

Citizens for Responsible, Organized Westside Development with Environmental Deference

322 West 57th Street

New York, NY 10019

Email: crowded.10019@gmail.com

Dear Planning Commissioners,

The TF Cornerstone project at 606 West 57th Street will be a huge presence by any measure. While the neighborhood around 11th (West End) Avenue is gradually changing away from manufacturing and service uses, with several new and large residential buildings either built or under construction, TF Cornerstone's building will be much larger, and denser than any other.

Excessive density is at the root of the many environmental impacts of this oversized project, whether the impact is on day care centers, schools, libraries, shadows on Clinton Cove Park, traffic, bus transit, subway stations, etc. The DEIS claims that, except for impacts on day care centers, environmental impacts of the project are insignificant. However, the CEQR criterion of significance is merely a legal dividing line separating those impacts that must legally be disclosed and mitigated in the context of State environmental law in reviewing a given project, and those impacts that, cumulatively with impacts of all the other projects under development in this area, can be just as large, and even larger, and must be addressed by the City and the Planning Commission in any event.¹

As an example, consider schools. According to the DEIS the TF Cornerstone project will add 143 elementary school students to Community School District 2, sub-district 3. But because the increase represents 4.7% of capacity, less than the CEQR significance criterion of 5%, the increase added by the TF Cornerstone project is judged "not significant" (DEIS, p. 4-9). In reality, an additional 867 students will be added by other new residential development in the area (DEIS, p. 4-8), placing sub-district 3 elementary schools over capacity. The total number of students added by residential development, including the TF Cornerstone project, will be 1,010, increasing the student population by an amazing 33% of capacity, six times higher than the CEQR significance threshold. This increase will have a major impact on the area schools, which the City must deal with, even if the contribution of any one-development project is not considered significant by CEQR. The Planning Commission must do its part to address this rapid increase in the elementary school student population, as well, because some of the new residential development requires City Planning Commission approval.²

¹ The difference is clear even for day-care centers, for which the DEIS judged the project's impact significant because it could add 27 eligible children. Other new residential projects in the area, which would add 188 eligible children (DEIS, p. 4-14), are largely not subject to CEQR. Even when they are, CEQR procedures only require mitigation to address the number of children above the significance criterion. Thus the even for the TF Cornerstone project, EIS mitigation need only address 10 of the 27 eligible children (DEIS, p. 19-2). The City must address the needs of the other 17, as well as the needs of almost all the additional 188 from other new residential developments.

² State environmental law requires a CEQR EIS analysis if "two or more related actions . . . approved by an agency . . . when considered cumulatively would meet one or more" criterion [6 NYCRR, §617.7(c)(1)(xii)]. One could argue that the TF Cornerstone DEIS should at least have considered the cumulative impacts of that project with those of the Durst Development across the street, which the Commission approved in December, 2012, and which is

Similarly, the CEQR threshold for a potential impact on library services is a population increase of 5%. Since the TF Cornerstone project would increase population in the area of the Columbus library branch by 2%, the DEIS claims that the increase “would not impair the delivery of library services in the study area” (DEIS, p. 4-12). But other new residential developments in the area would add five times as many new residents. Cumulatively the TF Cornerstone project with the other new developments would increase area population by 15%, which would have a major impact on the delivery of library services. Although this impact need not be discussed in the EIS, it will be felt by area residents and should be taken in account by the City and the Planning Commission.

To limit and manage the negative impacts of development, the Planning Commission has, in fact, adopted a rezoning policy for this area — a policy that the TF Cornerstone developer seeks permission to violate. Violating the Commission’s rezoning policy would only exacerbate the environmental impacts of development that the Commission has tried to constrain. The Commission should uphold its policy and thereby mitigate the inevitable impacts of redevelopment so that city resources and quality of life are not unduly strained.

Area Rezoning History

The approval of three huge development projects at site of the former Penn Central 60th Street Rail Yard — Manhattan West in 1989, Riverside South in 1992, and the ABC studio site in 1993 — signaled a transformation of the far West Side into a major new residential area. This major change, in turn, inspired the transformation of the adjacent 11th Avenue (West End Avenue) corridor between and 57th Street and the Amsterdam Houses at 61st Street from a commercial to a residential area.

To promote the gradual and measured redevelopment of that corridor, the Planning Commission adopted a clear zoning policy beginning in 1999. That policy “encourages applicant-sponsored rezonings that are . . . compatible with the context of blocks to the north and to the west,” specifically those rezonings that “allow high-density mixed uses on avenues with floor area ratios of 10.0, and medium-density mixed uses on midblocks with floor area ratios of 6.0” (Feb. 11, 2004 report on C 030214 ZMM, p. 3). This CPC policy was followed in rezoning the blocks on the east side of West End Avenue between 58th and 61st streets, which resulted in overall FARs of 7.28 to 7.70, as shown in Table 1. In fact the Commission was so concerned about preventing projects of “excessive size” in this area that it rejected River Center’s first proposal because the FAR would have been as high as 8.47 (Jan. 28, 1999 report on C 970086 ZSM, pp. 19–25).

The most recent rezoning — for the Durst development, just across the street from the TF Cornerstone site — occurred just 13 months ago. There the Commission decided that a density of 8.63 was appropriate for a site bordered by three wide streets. That rezoning followed the pattern set by the Commission in 1999 — a C4-7 high-density zone facing the wide streets and a C6-2 medium density zone for the balance of the site. The consistency of the Commission’s

under construction but incomplete. The two projects together will increase elementary school enrollment in sub-district 3 by 8.2% of capacity.

rezonings of this West Side area over the past fifteen years underlines the importance the Commission attaches to its rezoning policy.

Table 1
Recent Rezonings on the Far West Side

Project	Location	ULURP Number	Date	Zoning	Approved		Projected
					Development	Lot area	FAR
River Center	58th 59, 10th 11th	C 970086 ZMM	1/28/1999	C4-7; C6-2; C2-7	1,202,170	160,664	7.48
2 West End Ave	59th 60, 10th 11th	C 030214 ZMM	2/11/2004	C4-7; C6-2	539,000	70,000	7.70
61st St. Rezoning	60th 61, 10th 11th	C 060104 ZMM	1/10/2007	C4-7; C6-2	691,600	95,000	7.28
Riverside Center	59th 61, 11th 12th	M 920358(D) ZSM	10/27/2010	C4-7	3,014,829	356,282	8.46
Durst Development	57th 58, 11th 12th	C 010148 ZMM	12/19/2012	C4-7; C6-2	1,386,554	160,666	8.63

Proposed Zoning

By requesting a C4-7 zone over the entire area to be rezoned, TF Cornerstone’s proposal is not consistent with the rezoned block to the north, and the projected density of 11.6 FAR is much higher than the pattern the Commission has established for this area. Considering the very recent approval of the latest rezoning, and the close relationship of the two sites across the street from each other, TF Cornerstone has presented no reason for the Commission to depart from its long-standing rezoning policy. Consequently we would expect the Commission to adhere to that policy by rezoning the site with a combination of a C4-7 zone facing the wide streets and a C6-2 zone for the balance of the site, just as it did across the street.

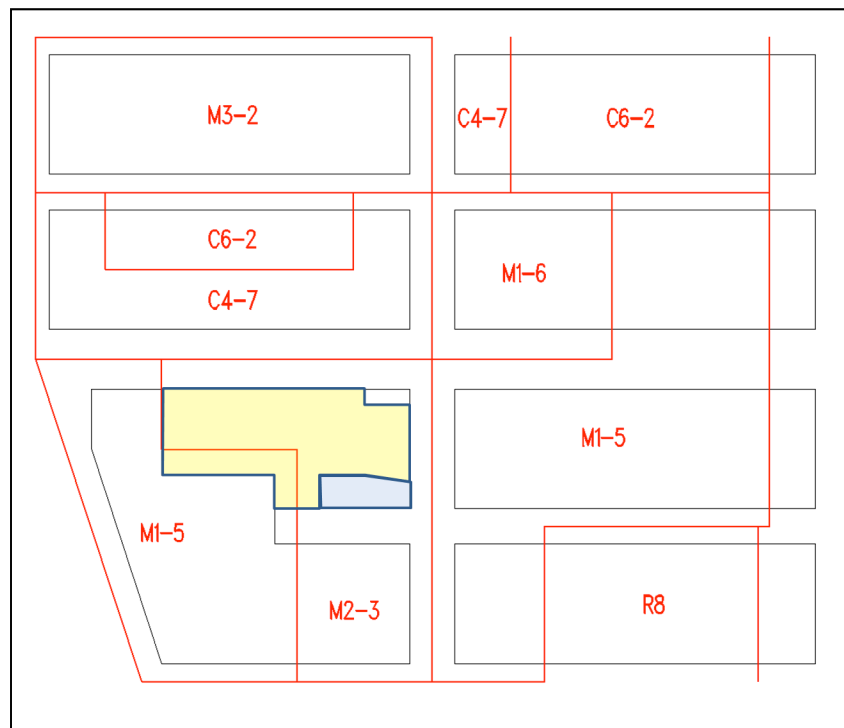


Figure 1: Existing Zoning

The resulting built FAR for the rezoned area, making the same development assumptions as the DEIS, and using a 100-foot depth for the C4-7 zone, would be 10.05. This FAR is higher than the built FAR expected for the Durst development across the street, but lower than the excessive FAR of 11.6 that will result if TF Cornerstone’s request is granted. Only a combination of C4-7 and C6-2, shown in Figure 2 and Table 2, is compatible with the Commission’s long-standing policy for this area.

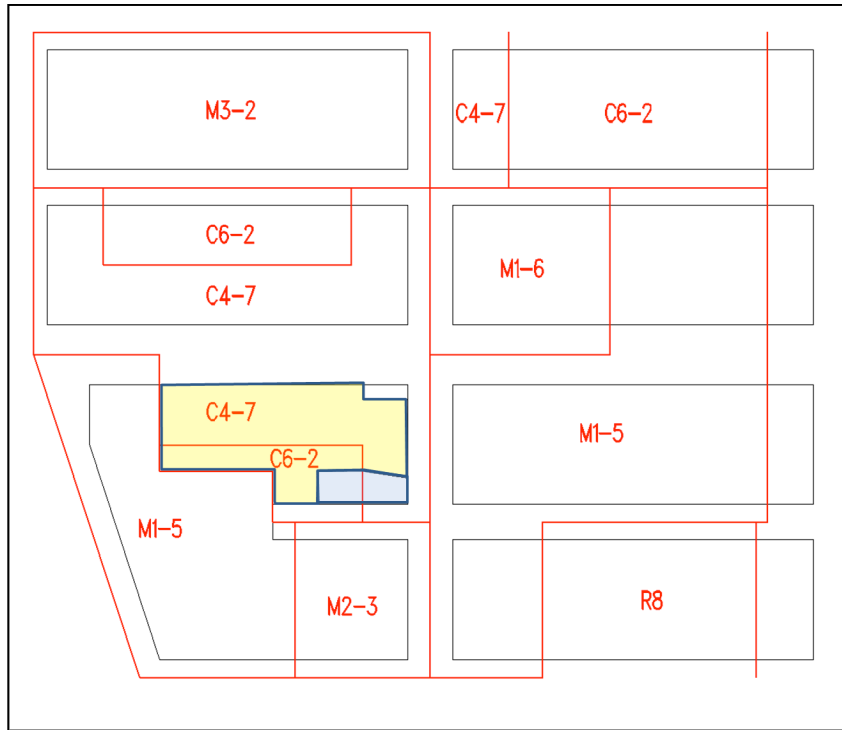


Figure 2: Compatible Rezoning

Project	Zoning	Expected Development	Lot area	Projected FAR
TF Cornerstone	C4-7	1,118,856	96,493	11.60
Compatible rezoning	C4-7; C6-2	970,115	96,493	10.05

Table 2
Rezoning Comparison

Affordable Housing

TF Cornerstone intends to provide affordable housing following an amendment to designate of the area to be rezoned for inclusionary housing. As drafted, the amendment to the Clinton Special District would be tailored for a C4-7 zone with a base FAR of 9.0 and a housing bonus to FAR 12.0. Rezoning with a combination of C4-7 and C6-2 should not diminish the percentage of housing that would be affordable. Consequently the amendment of the Clinton

Special District should also provide for inclusionary housing in a C6-2 district (R8 equivalent) with a base FAR of 5.4 and a housing bonus to FAR 7.2 (see ZR §23-952). Such a scheme is reflected in the calculations in Table 2.

Parking

TF Cornerstone requests a special permit to allow a 500-space parking garage. To support its request, TF Cornerstone presents calculations that purport to show that with removal of an on-site garage (or even aside from the removal of that garage) there will be a parking shortfall in the area. These calculations, presented in the ULURP application, are wholly unconvincing for the following reasons:

- The applicant appears to claim that the 248 parking spaces it is entitled to as-of-right are needed as accessory to building uses. But the DEIS shows that no more than 150 parking spaces are need for accessory purposes (DEIS, Table 11-46, p. 11-70).
- The applicant claims that it followed standard CEQR analysis assumptions and methodologies (ULURP application, Table 2, note 1). A key assumption in its calculations is that garages can operate at no more than 90% occupancy. But the CEQR manual contradicts this assumption, instructing that no additional cars should be assigned to a garage only if the utilization rate is at or above 98% of capacity (CEQR Technical Manual, p. 16-51).
- The applicant claims that CEQR procedures require that when a garage, such as at 40 Riverside Boulevard, is located near the boundary of the 1/3-mile study area, only 20% of the unused spaces would be available to accommodate parking demand from the other No-Build projects in the 1/3-mile study area (ULURP application, Table 2, note 2). There is nothing in the CEQR Technical Manual that indicates such a requirement, and it wouldn't make any sense as applied to 40 Riverside Boulevard because any parking deficit at buildings in Riverside Center, just across the street, would certainly be satisfied at 40 Riverside Boulevard, despite the applicant's artificial restriction.
- If such a restriction is applied to parking supply near a boundary, then it should also be applied to parking demand from buildings near a boundary, so that only part of that demand need be satisfied at garages within the boundary. For example, Harborview Terrace, which the applicant cites as having a 53-space parking deficit, is near the TF Cornerstone boundary. If those cars were evenly distributed within Harborview Terrace's 1/3-mile boundary, most of them would be parked outside TF Cornerstone's 1/3-mile boundary.
- In approving Riverside Center, the Commission determined that that project requires 1,260 parking spaces (CPC report on C 100296(A) ZSM, Oct 27, 2010). The City Council subsequently granted Riverside Center 1,500 parking spaces. The additional 240 parking spaces should be available to accommodate many of the 700 parkers displaced by the TF Cornerstone project.

- The Commission’s analysis of Riverside Center was careful to provide accommodation for long-term parkers who lived in the two zip code areas that the site straddles, but assumed that long-term parkers from more distant locations could reasonably be expected to find parking in their neighborhoods or at another distant location (CPC report on C 100296(A) ZSM, Oct 27, 2010, p. 102). Indeed now that Riverside Center is under construction; all the displaced parkers have found other spaces. The relevant question is: “Which ones will return in several years when the new garages are finished. Although the 700 parkers who would be displaced from the TF Cornerstone site are long-term parkers, the applicant made no similar analysis.
- The applicant assumes that there will be unmet need for 35 additional spaces by the Durst development, across the street. But the Commission carefully considered the demand for parking on the Durst site, and granted a special permit for all the spaces that were needed (see CPC report on C 120397 ZSM, December 19, 2012), as verified by the FEIS (Durst FEIS, p. 10-12 and Tables 10-15, 16).
- The applicant appears to have reversed two numbers in the parking demand for Riverside Center Building 5. According the FEIS, there will be demand for 349 spaces, not 439 (Riverside Center FEIS, Table 16-17).

For all these reasons the analysis presented by the applicant is not reliable and should be rejected. Just correcting three of these errors — the 90% occupancy rate, the availability of spaces as 40 Riverside Boulevard, and the error in parking demand for Riverside Center Building 5 — demonstrates that there are sufficient parking spaces as-of-right for three-quarters of the displaced parkers, as shown in Table 5. The rest likely reside in other neighborhoods and can be expected to find parking there, in line with the Commission’s analysis of similarly displaced parking on the Riverside Center site. There is no need for additional spaces in this area via a special permit, and none should be granted.

Map#	Name/Operator and Address/Location	Licensed Capacity	Utilization Rate	Utilized Spaces		
			Existing Weekday MD	Weekday MD	Weekday MD 98% of Capacity	Available Spaces For Absorption
1	Concerto Garage Corp. - 200 W. 60th Street	265	90%	239	260	21
2	Propark America NY - 515 W. 59th Street	190	80%	152	186	34
3	Enterprise E. 60 West - 10 West End Avenue	150	70%	105	147	42
4	Eiemant Parking Management - 270 W. 60th Street	90	80%	72	88	16
5	Sessanta Parking Co. - 229 W. 60th Street	200	90%	180	196	16
6	Aspen 36 LLC - 60 Riverside Drive	113	80%	90	111	21
-	(same as above) - 400 W. 63rd Street	118	80%	94	116	22
7	West End Towers - 55 West End Avenue	375	81%	304	368	64
8	Kinney Parking System - 838-852 11th Avenue	84	100%	84	82	0
9	GMC - 622 W. 57th Street	On-site public parking garage will be displaced				
10	MTP 57 LLC - 601 W. 57th Street	100	80%	80	98	18
11	50-51 Operating Corp. - 622-630 W. 51st Street	121	90%	109	119	10
12	K Park Group LLC - 680 12th Avenue	170	81%	138	167	29
13	Clinton 53 Parking LLC - 515 W. 52nd Street	83	90%	75	81	6
14	815 Tenth Parking LLC - 815 Tenth Avenue	48	90%	43	47	4
15	Worthy Parking LLC - 841 Tenth Avenue	86	100%	86	84	0
16	56/57 Operating Corp. - 409 W. 56th Street	25	100%	25	25	0
17	Effective Parking LLC - 435 W. 57th Street	55	90%	50	54	4
18	Apex Parking LLC - 440 W. 57th Street	378	75%	284	370	86
		2,651				392

Notes: MD = Midday; BG = Background
Sources: Survey conducted by AKRF Inc.; March 2013.

Table 4		
2017 Future No-Build Parking Supply and Demand (1) -- 1/3 Mile		
Weekday MIDDAY		Spaces
Future incremental No-Build Public Parking Supply		
	Riverside Center Building 5	450
	Riverside Center Building 1	460
	40 Riverside Boulevard (2)	535
	Incremental No-Build Public Parking Supply Total	1,445
	Incremental No-Build Public Parking Supply Total at 98% of Capacity	1,416
Future Incremental No-Build Accessory Parking Conditions		
	625 West 57th Street Supply	285
	625 West 57th Street Demand	320
	Unmet Parking Demand for 625 West 57th Street	35
	Harborview Terrace, 525 West 55th Street Supply	37
	Harborview Terrace, 525 West 55th Street Demand	89
	Unmet Parking Demand for Harborview Terrace, 525 West 55th Street	52
	Net Unmet Parking Demand	87
Future Incremental No-Build Projects Parking Demand		
	530-548 West 53rd Street	27
	Piers 92 and 94.Demand between West 52nd and West 54th Streets on the Hudson River	41
	Riverside Center Building 2	229
	Riverside Center Building 5	349
	Riverside Center Building 1	411
	40 Riverside Boulevard	105
	533-541 West 52nd Street	27
	Incremental No-Build Projects Parking Demand Total	1,189
Future Incremental No-Build Projects Parking Demand for Projects with Accessory Parking (3)		87
Total Future Incremental No Build Projects Public Parking-Demand (4)		1,276
Future Unmet Public Parking Demand from No-Build Projects (5)		-140
Notes:		
(1) Based on Tables 11 -17 of the 606 West 57th Street DEIS Transportation Chapter, other approved studies, and standard CEQR analysis assumptions and methodologies.		
(2) The 40 Riverside Boulevard project would provide a total of 535 parking spaces.		
(3) 322 incremental accessory parking spaces assuming 100% utilization.		
(4) 1,203 + 87		
(5) 1,290 - 1,416		

Table 5		
Parking Shortfall -- 1/3 Mile		
Future unmet parking demand from No-Build projects		-140
Public parking spaces available for absorption of No-Build projects unmet demand after displacement of on-site public parking garage		392
Total Surplus or (Shortfall) for No-Build projects		532

Sincerely,

CROWDED

Citizens for Responsible, Organized Westside Development with Environmental Deference

Donna & Robert Barisciano, Bob Berkowitz, Jessica Bondy, Frank Carucci, Joel & Phyllis Ehrlich, Ronnie Eldridge, Kathy Gaffney, Taylor Hanex, Ed Johnson, Warren Lee, Shellia & Zach Levin, Joel Levitch, Jeff Levy, Don LeoGrande, Joseph LeoGrande, Leslie Morioka, Jack & Joann Schwager, Arthur & NormaWarady, Susan Yager



SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

HÉCTOR J. FIGUEROA
President

LARRY ENGELSTEIN
Executive Vice President

KYLE BRAGG
Secretary Treasurer

LENORE FRIEDLAENDER
Assistant to the President

VICE PRESIDENTS

SHIRLEY ALDEBOL

KEVIN BROWN

JAIME CONTRERAS

ROB HILL

DENIS JOHNSTON

GABE MORGAN

JOHN SANTOS

JOHN THACKER

Capital Area District

Washington 202.387.3211

Baltimore 410.244.5970

Virginia 703.845.7760

Connecticut District

Hartford 860.560.8674

Stamford 203.602.6615

District 1201

215.923.5488

Florida District

305.672.7071

Hudson Valley District

914.637.7000

Mid-Atlantic District

215.226.3600

**National Conference of
Firemen and Oilers**

606.324.3445

New England District 615

617.523.6150

New Jersey District

973.824.3225

Western Pennsylvania District

412.471.0690

www.seiu32bj.org

City Planning Commission
Hearing on 606 W. 57th Street
January 22nd, 2014

As a new administration is coming into place in New York City, it's a time to rethink how the city does economic development. The changing dynamics of the city and the growing recognition that New York must be a city for all of its residents, not simply the wealthy, means that we are at a pivotal moment. It is now all the more important to lead by example, and ensure that all development done with public subsidy, or made possible through the granting of lucrative rezoning and land use changes, is done responsibly and with the maximum benefit to our communities and for all New Yorkers across the City.

Melissa Amernick Research

My name is ~~Alison Hill~~, and I am the ~~Public~~ Director at SEIU Local 32BJ, a union that represents 145,000 building service workers from Boston to Miami. 75,000 of them are right here in New York City. 32BJ asks you to vote no on TF Cornerstone's proposed application, because of the applicant's record of bad labor practices, irresponsible behavior and outstanding complaints from tenants of their buildings. I'm here to outline some of that record for you today.

But before I do that, I want to point out that TF Cornerstone is already heavily subsidized by the public. For Fiscal Year 2013 alone, they are on track to save over **\$40 million** in city property taxes because of subsidies across their portfolio. Yet when asked about real estate policy in the city, K. Thomas Elghanayan, President of TF Cornerstone, complained that "real estate taxes have gone up tremendously." He continued, "We're so heavily taxed that at a certain point it gets too expensive for the wealthy to live here..."¹

The **real** story in New York is that it is getting increasingly difficult for ordinary New Yorkers to live here. In times like these, it's all the more unacceptable that TF Cornerstone continues to undercut the total wage and benefit standard for exemplary residential work, a standard that has been set citywide by our hardworking members. TF Cornerstone denies its workers access to a secure retirement, training and advancement programs. These are the very same programs that 75,000 members of 32BJ have been able to take advantage of, in order to ensure better lives for themselves, their families, and their communities for now and also for the future.

In addition to cutting corners when it comes to job standards, TF Cornerstone also has a questionable record with respect to construction safety. In January 2013, a crane collapsed at one of TF Cornerstone's large projects in Long Island City. A construction crane owned by a firm with a checkered past collapsed on the Queens waterfront, pinning three workers, and injuring four others. There were reports that the crane operator was trying to lift an overweight load.

And this isn't the first time TF Cornerstone has had issues with safety. For example, an

incident in February 2012 at 45-45 Center Blvd led to OSHA citations against a subsidiary of TF Cornerstone and their concrete foundation contractor, Winco Corp. OSHA found that each entity committed a serious violation, and imposed penalties for \$7,000. The violations were for a failure to follow adequate fall protection system criteria and practices.

TF Cornerstone's irresponsibility extends to tenants. Last April, the Manhattan U.S. Attorney filed a federal civil rights lawsuit alleging that TF Cornerstone's 2 Gold Street is **inaccessible to persons with disabilities**. TF Cornerstone settled, paying a \$35,000 civil penalty and setting aside \$300,000 to compensate those harmed. And, in a **pending class-action lawsuit filed by tenants**, soon after their luxury high-rise at 2 Gold St. had to be evacuated after Hurricane Sandy, residents said there were security lapses that put their apartments and possessions in danger. The tenants also alleged that unauthorized people were going into apartments, and that TF Cornerstone failed to adequately secure the premises and provide them with accurate information regarding the building. TF Cornerstone denied the allegations in the lawsuit and claims it did nothing wrong.

These are just a few examples of TF Cornerstone's questionable record and repeated cutting corners. From issues around communication with tenants, to a lack of safety measures against falls on construction sites, to issues with handicap accessibility, to denying workers access to state-of-the-art training, we don't feel like this kind of history deserves even more public giveaways. By guaranteeing the creation of good jobs and by addressing the housing needs of the community, new development done safely can help the city grow for all New Yorkers, not just for the wealthy. But TF Cornerstone's record speaks to just the opposite, and this development shouldn't be approved unless they change their ways.

ⁱ <http://commercialobserver.com/2013/10/k-thomas-elghanayan-tf-cornerstone/>

Jessica Bondy
347 W 57th Street
New York, NY 10019
January 16, 2014

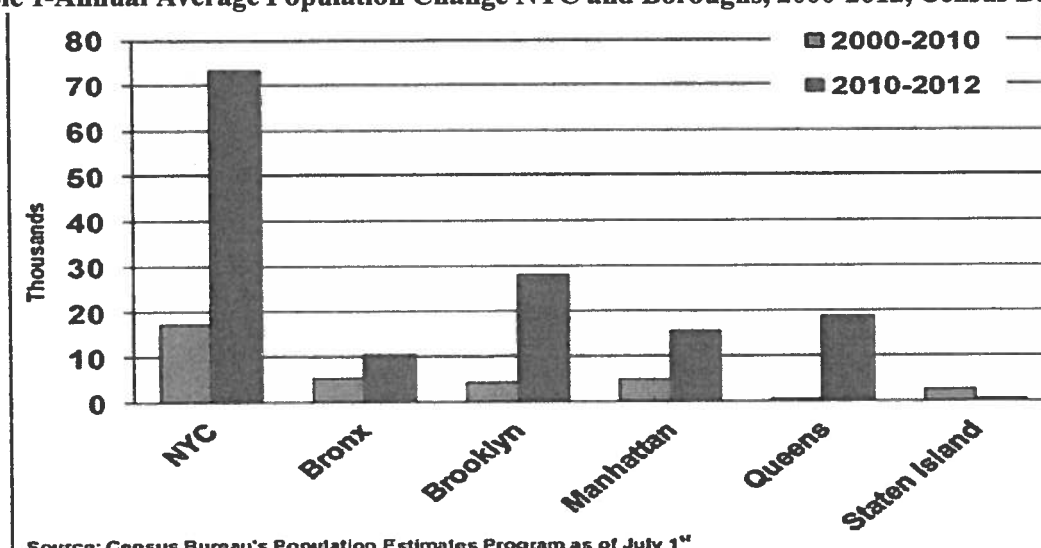
City Planning Commission Members:

I am writing to ask that you oppose the applications made by 606 West 57 LLC. The LLC seeks to rezone and construct the largest building ever erected in the Special Clinton District and the largest residential building in all of New York City! What they are requesting is in stark contrast to the character of the neighborhood which has established itself over one hundred years. Our thriving neighborhood is in no need of their proposed “revitalization”, and would suffer immense negative impacts which are outlined and diagramed within this statement.

The developer has grossly underestimated the strain the project will have on city resources which include but are not limited to elementary, middle and high schools, libraries, the hospital (Roosevelt), childcare facilities, subway and bus stations, over 13 intersections and the West Side Highway entrance and exit points which are approximately 100 feet from their proposed garage exits. Research using nyc.gov, the census bureau and on the street observation of subway and bus stations, street crowding (see photos) and traffic intersections, as well as the developers own assertions, reveal that they, in many instances exceed the CEQR Manuals thresholds, mandating further investigation of the project’s impact.

Another project across the street already has 876 units underway. Combined, the two would add 2, 065 new units with close to 4, 000 new residents on one street! That is equal to approximately 40% of Manhattan’s average annual population increase based on census bureau estimates! Along with at least 5 other, large scale developments underway in the immediate vicinity, more than 21, 000 new residents will be added to a 5 block area which is equivalent to adding more than two times the borough of Manhattan’s estimated annual average population growth for one year! We cannot continue to view projects independent of one another.

Table 1-Annual Average Population Change NYC and Boroughs, 2000-2012, Census Bureau



The decision to oppose this project should be instantaneous and easily made when you consider the consequences of doubling Manhattan’s annual, average population change within the confines of 5 blocks within one neighborhood, at one subway station, along one bus route, with the few local schools and the local hospital at or over capacity. It would be negligent and wholly unconscionable to grant these applications with that in mind.

606 W57 LLC is filing applications for curb extensions, zoning designation change from M 2-3 and M 1-5 to C 4-7, zoning law changes to 96-34, 23-933, parking construction permission, and increased FAR.

If granted any of these applications, the proposed changes would have significant adverse impacts on the entire community in the following ways:

- Local schools will not have enough seats to accommodate children from this development. TF Cornerstone, 606 57 LLC inaccurately represented public school data in its tables in Chapter 4 of its proposal, “Community Facilities”. The proposed action exceeds threshold guidelines of the CEQR manual on schools. Data secured from schools.nyc.gov and directly from principals at listed schools, contradicts their data. It puts their proposed actions above the threshold and mandates further investigation before approval can be granted. Contrary to their statements, there will be a large deficit in school seats. See Tables 2, 3 and 4 below.

Table 2- Current Elementary School Statistics, Source: nyc.gov

School Name	Location	Enrollment	Capacity	Available Seats	Utilization
PS 111-the zone school	440 W 53St	401	524	124	77%
PS 11	320 W 21St	817	810	-7	101%
PS 33	281 9th Ave	565	536	-31	105%
PS 51	525 W 44 St	304	317	13	96%

- TF Cornerstone underestimated the number of available elementary school seats by approximately 194!
- They underestimated the available middle school seats by approximately 371!

Table 3-Current Middle School Statistics, Source: nyc.gov and CEC District 2

School Name	Location	Enrollment	Capacity	Available Seats	Utilization
PS 111- zoned school	440 W 53 St	190	Not accepting middle school students 2014	0	
MS260	425 W 33 St	267	270	3	99%
NYC Lab MS	33 W 17 St	574	596	22	96%
Professional Performing Arts	328 W 48 St	507	490	-17	103%
Quest for Learning	351 W 18St	479	479	0	100%

Table 4-Middle School Admissions Demand by Program, Source: NYC Department of Education, Office of Enrollment

Program Name	2012	2013	2014	2015	2016	2017	Total	2013	2014
Simon B. Steiner Special Program	47	47	100	100	704	127	1165	100	100
East Side Middle School	100	100	40	40	60	40	750	100	100
Manhattan Academy of Leadership	100	100	100	100	150	100	650	100	100
Stuyvesant High School	100	100	100	100	31	25	252	100	100
Robert Wagner Special Program	100	100	100	100	100	100	1000	100	100
The Westover School - Non-Zoned							16		
The Stuyvesant School of Science	100	100	100	100	100	110	700	100	100
The Clinton School for Writers and Artists	100	100	100	100	100	100	500	100	100
Madison West Middle School	100	100	100	100	100	100	700	100	100
THE City School	100	100	100	100	100	100	1300	100	100
Brooklyn Museum	100	100	100	100	100	100	700	100	100
The Science Secondary School	100	100	100	100	100	100	700	100	100
Lower Manhattan Community High School	100	100	100	100	100	100	400	100	100

- TF Cornerstone admits to the negative impact of its planned project on local childcare options in its “unavoidable adverse impacts” section of its application. Local childcare facilities are operating at maximum capacity.

Table 5- Publicly Funded Childcare Facilities, Source: ACS, June 2013

Map ID	Name	Address	Enrollment	Capacity	Available Slots	Utilization Rate
Child Care						
1	Mable Barrett Fitzgerald Day Care	243 West 64th Street	49	49	0	100%
2	West 63rd Street Pre-School (Goddard Riverside 2)	128 West 63rd Street	46	46	0	100%
3	St. Matthew's and St. Timothy's Day Care Center (Goddard Riverside 3)	26 West 64th Street	34	34	0	100%
4	YWCA Polly Dodge Early Learning Center	538 West 55th Street	50	50	0	100%
5	Hudson Guild Children's Center	459 West 28th Street	114	114	0	100%
6	Goddard Riverside 5	189 West 67th Street	49	49	0	100%
Child Care Total			343	343	0	100%
Sources: ACS, June 2013.						

- TF Cornerstone admits that mass transportation will be negatively impacted.
 1. TF Cornerstone admits (in its “unavoidable adverse impact” section of its project plan) that there will be a significant negative impact on buses along 57th Street, including the M57 and M31 which are already filled to capacity at rush hours, often passing stops because they cannot fit additional passengers.
 2. Subway stations at Columbus Circle are already inundated with millions of travelers each day, servicing customers who go to Roosevelt Hospital, John Jay College, Fordham University, Time Warner, Hearst and others. Adding 3,000 more people to this station and at least 8,000 more at the completion of other projects in the immediate vicinity within the next year will make matters worse and create a dangerous situation for all travelers.
- TF Cornerstone admits that this project would negatively affect at least 13 intersections as noted in their “unavoidable adverse impact” section of their project plan. Traffic along 57th Street is bad during most times of every day and cannot sustain additional car and foot traffic from 1189 more units (2,065 with their development across the street) with 500 more parking spaces. Extended curbs will exacerbate traffic issues.
- TF Cornerstone admits a significant negative impact on street crowding in its “unavoidable adverse impact” section of its project plan. Street crowding affects the health and well being of all residents. Older citizens and our youngest citizens in particular, suffer greatly when they cannot safely get to and from their own homes.
- When gauging their impact on local libraries, TF Cornerstone conveniently divided their projected population between 2 local libraries. The most probable scenario is tenants using the closest branch located on 10th Avenue. Along with the new residents from the development at 53rd Street, their numbers will overwhelm this library increasing the population using it by more than 30% which is far greater than the CEQR manual threshold of a 5% population increase compelling further investigation and analysis.

Table 5-Adverse Impact on Local Libraries, Source: NYPL; 606 W 57 LLC Project Plan, Chapter 4

Library Name	Existing Catchment Population	Estimated New Residents from Current Projects	Estimated New Residents from 606 W 57th	Total Area Population Increase
Columbus	88, 848	11, 106	1, 962	23.74%
Riverside	109, 484	8, 022	1, 962	9.12%

- Hospital Facilities at Roosevelt will be stressed by this project. Because the project creates a sizeable new neighborhood where none existed before, the CEQR Tech Manual rules require further analysis.
- Shadows cast by the proposed building, will encase the surroundings in darkness for many hours.
- The building itself will forever mar the open beauty that is revered by many when facing southwest on 57th from the street level and above.
- This buildings 22foot curb cut for the entry and egress of 400 vehicles will be located approximately 100 feet or less from the entrance and exit to the West Side Highway. All travelers using the West Side Highway and subsequently, 56th or 57th Streets will be adversely affected by this construction.
- Recreation centers and parks will become more crowded and competition for the limited public fields and courts at Dewitt Clinton Park will increase.
- The project is unable to adhere to open space requirements of 2.5acres per 1, 000 people.

Granting these applications with knowledge of all of the negative impact it will have, is unconscionable. It would create permanent and irreversible damage to our community.

When you consider the consequences of adding approximately 40% of Manhattan’s annual, average population change within the confines of one street, 57th between 11th and 12th avenues, at one subway station, along one bus route, with the few local schools and its hospital at, or over, capacity, it would be negligent to grant these applications.

Thank you for your support.

Sincerely,

Jessica Bondy

FRANK CARUCCI 322 W57 ST. APART. 21D NYC 10019

RE: 606 W 57St. NYC

THANK YOU FOR GIVING ME THE OPPORTUNITY TO EXPRESS MY CONCERNS ABOUT THE 606 W57 ST. PROJECT. WHILE WE COMMEND THE POSITIVE POSSIBILITIES LIKE INCREASED JOB OPPORTUNITIES AND AFFORDABLE HOUSING WE QUESTION THE DENSITY RATIOS THAT WERE USED TO MAKE THIS ONE OF THE LARGEST HOUSING COMPLEXES IN NYC. LOCATED IN

Are asking for
floor Area Ratio FAR
FAR
7 AND *5*
should
~~HAVE BEEN GIVEN VARIANCES UP TO A RATING OF 12.~~ *This is Not a New Emerging Area*

WE THINK 606, CANNOT BE ASSESSED AS AN INDIVIDUAL PROJECT BUT MUST BE CONSIDERED AS PART OF A GROUP OF MAJOR NEW BUILDINGS THAT WILL SERIOUSLY IMPEDE TRAFFIC

at least 6

FLOW IN AND OUT OF MANHATTAN AND NEGATIVELY IMPACT THE FLOURISHING TOURISM IN THE THEATER DISTRICT AND LINCOLN CENTER AREAS. THE BUILDERS ACKNOWLEDGE THAT

NEG *They also Acknowledge*
Not an Emerging Resid. Area.
Neg. Impact on Bus
Driver, Street crowding
Emergency
Vehicle
already
fight
to get
through
How can
Analysts
get to
Round
Next

~~FROM~~ 13 TO 17 CROSS SECTIONS IN THAT AREA WILL BE IMPACTED. A FEW YEARS AGO ANOTHER PROJECT WAS GIVEN A VARIANCE THAT CLOSED THE TRAFFIC

EXIT FROM THE WEST SIDE HIGHWAY ONTO 72ST, SO NOW ALL TRAFFIC EXITS THE HIGHWAY AND FUNNELS DOWNTOWN AND ONTO 57ST & 56STs. AS A TEACHER AND THEATRE PATRON

I CAN'T TELL YOU HOW FRUSTRATING AND HEART BREAKING IT IS TO BUY TICKETS MONTHS IN ADVANCE, AT A COST OF HUNDREDS OF DOLLARS ONLY TO GET CAUGHT IN HIGHWAY OR

TUNNEL TRAFFIC AND ARRIVE LATE BECAUSE OF TRAFFIC AND PARKING PROBLEMS. THIS PROJECT ADDS THOUSANDS OF PEOPLE TO THE AREA AND IRONICALLY REMOVES AN

EXISTING PARKING GARAGE FOR 1000 CARS AND REPLACES IT ONE FOR ABOUT 500 CARS AT THE FOOT OF 57ST BY THE WEST SIDE HIGHWAY. THE INCLUDED AUTO DEALERSHIP WITH

STREET SERVICES PLUS ALL THE OTHER BUILDING TRAFFIC WOULD MAKE 56 & 57 STS AN OBSTACLE COURSE FOR ALL VEHICLE TRAFFIC ENTERING OR EXITING THE CITY. GOOD,

RESPONSIBLE, LONG RANGE PLANNING SHOULD BE LOOKING FOR WAYS TO BROADEN THESE STREETS AND MAKE THEM MORE EFFICIENT PATHWAYS TO THE HIGHWAY. THIS DOES THE

OPPOSITE. WE URGE THAT THE SCALE AND SCOPE OF THIS PROJECT BE REDUCED AND EXPLORE IT'S IMPACT ON THE CITIES TRAFFIC FLOW AND HOW IT IMPACTS TOURISM.

Yesterday traffic problems

Subway
Dangerous
Crowded

Public Hearing Transcript

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEW YORK CITY
DEPARTMENT OF CITY PLANNING

-----x

Nos. 11-13, BOROUGH OF MANHATTAN
PUBLIC HEARING: 606 West 57 LLC

-----x

Spector Hall
22 Reade Street
New York, New York

January 22, 2014
11:45 A.M.

B E F O R E :

KENNETH J. KNUCKLES, ESQ.,
VICE CHAIR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S :

COMMISSIONERS PRESENT: Kenneth J. Knuckles, Esq.,

Vice Chair

Angela M. Battaglia

Rayann Besser.

Irwin G. Cantor, P.E.

Alfred C. Cerullo, III

Betty Y. Chen

Maria M. Del Toro

Joseph I. Douek

Richard W. Eaddy

Anna Hayes Levin

Orlando Marin

Yvette Gruel, Calendar Clerk

ALSO PRESENT:

The Public

The Press

The Media

Therese L. Sturges,

Stenographer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

SPEAKER PAGE

Jon McMillan

TF Cornerstone..... 5

Carol E. Rosenthal, Esq. Fried

Frank..... 20

Charles Fields, AICP

Technical Director, AKRF..... 29

Helen Rosenthal

Community Board 7..... 34

Melissa Amernick..... 41

Steve Cohen

SEIU Local 32BJ..... 44

Michael Sandler

Gale A. Brewer's Office..... 46

Frank Carucci

Resident..... 50

Jessica Bondy

Resident..... 53

Kathy Gaffney

Resident..... 60

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Joe Restuccia
 Co-chair of the Housing Committee, Community
 Board 4..... 63

Paul Sawyer
 For Assemblymember Linda B. Rosenthal... 79

Matthew Green
 For Councilmember Corey Johnson..... 84

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. GRUEL: Borough of Manhattan,
Calendar Nos. 11, 12 and 13;
Calendar No. 11, CD4,
C130336ZMM;
Calendar No. 12, N130337ZRM;
Calendar No. 13, C130339ZMM, a
public hearing in the matter of applications for
amendments of the zoning map and the zoning
resolution, and for the grant of a special permit
concerning 606 West 57th Street.

Notice, a public hearing is also
being held by the City Planning Commission in
conjunction with the above ULURP hearings to
receive comments related to a Draft Environmental
Impact Statement. This hearing is also being held
pursuant to the State Environmental Quality Review
Act and the City Environmental Quality Review.

VICE CHAIR KNUCKLES: Okay. We
need, ladies and gentlemen, those of you who are
departing please do so so that we can proceed.
Thank you.

All righty, we'll proceed. This
is calendar No. 11, 12 and 13, for which there are
a substantial number of speakers, both in favor as

1

6

2 well as in opposition, and as we did in the prior
3 hearing, we will continue. We will have speakers
4 in favor speak for 30 minutes and then we will
5 rotate to those in opposition and then back to in
6 favor until everyone on both sides of the issue
7 have spoken. So is Jon McMillan here?

8 MR. McMILLAN: Good morning. My
9 name is Jon McMillan. I'm with TF Cornerstone, we
10 are the applicant.

11 VICE CHAIR KNUCKLES: No
12 commentary, everybody speaks. Everybody speaks
13 without disruption. Thank you.

14 MR. McMILLAN: Perhaps you're not
15 quite familiar with who/what TF Cornerstone is. We
16 are two-thirds of the old Rockrose. Rockrose has
17 been a major developer in Manhattan for about 40
18 years, run by three brothers. About seven years
19 ago, one of the brothers left and by the luck of
20 the draw got to the take the name Rockrose. So the
21 other two brothers, Tom and Fred, had to come up
22 with a new name. Hence, TF Cornerstone.

23 We have been building in Manhattan
24 for many, many years, primarily residential,
25 primarily in emerging neighbors like the Hudson

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 Yards, Financial District, the Meat Market back
3 when it was still a meat market, and increasingly
4 now in Queens and Brooklyn.

5 But we are among a diminishing
6 group of developers who are still trying to build
7 rental housing in Manhattan. We don't do the \$9
8 million penthouse condos, so it's very hard for us
9 to compete now for new projects in Manhattan. This
10 one, however, is a rental. It's an 80/20 and it
11 will include approximately 220 affordable units.
12 And I just want to say a few words about the
13 context of the site and our general approach to it.

14 What's interesting about this site
15 is the very large scale of all the pieces that
16 surround the site. There is a huge sanitation
17 garage that we share the block with, almost two
18 blocks long, the Durst Pyramid is here
19 (indicating), the ConEd power plant is here
20 (indicating) a block long, John Jay (indicating), a
21 block long, a big, hunky office building here
22 (indicating), CBS studios here (indicating), not to
23 mention the highway and the river.

24 So we wanted to insert a form into
25 the middle of all of this that wasn't going to be

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 sort of overwhelmed by these other pieces and that
3 would also kind of strike up an interesting
4 relationship with them, most particularly,
5 obviously, the pyramid. You know, how do you build
6 next to the pyramid? How do you complement
7 something like the pyramid? Well, one thing you
8 can do is just try and get as far away from it as
9 possible, which really was our strategy here. We
10 found a way to kind of pull most of the FAR of our
11 building as far east on the site as possible to
12 11th Avenue and that sort of allows the pyramid to
13 do its thing as it sort of slopes down to the
14 waterfront.

15 We also feel that our building
16 helps to plug the unusual form of the pyramid back
17 into the orthogonality of the City's grid, and
18 also, we set up this interesting pairing at this
19 western entrance of 57th Street. But we also
20 wanted to bring some serious streetscape to this
21 block to kind of shore it up with some rigid
22 streetwalls, so we have surrounded our sides with
23 streetwalls to help to bring an urban space to the
24 block and we've also kind of carefully incorporated
25 a few existing older buildings on the block. And

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 everywhere on -- at our site, pedestrians will
3 encounter retail.

4

(Bell rings.)

5

VICE CHAIR KNUCKLES:

6

Please continue that thought.

7

8 MR. McMILLAN: I was going to say
9 neighborhood retail, except for the possibility of
10 the automobile use that you all discussed
yesterday.

11

12 If I could just continue a little
13 bit with discussion of some of the architecture.
14 This is the general plan of the building, which is
15 quite unusual. It's in three basic pieces. This
16 piece here (indicating) is this and this piece here
17 is over here, and this piece in the middle you're
18 seeing right here. And it's this middle piece that
has the central core for the entire building.

19

20 So this core is running up here
21 (indicating) and then into the top cube. The top
22 cube sort of sits, straddles these two pieces here,
23 but it doesn't line up with them. It sort of
24 overhangs. So everyone comes in at the central
25 point and uses the central core and then you kind
of disburse through the building among these

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 30-foot transparent glass bridges, so we'll be
3 seeing people walk back and forth on every floor
4 day and night, which we thought would sort of
5 animate the building from the outside and also be
6 kind of fun for the residents. And these glass
7 bridges will have a very different skin than the
8 major part of the building. The skin on the main
9 building is a very expensive, for us, hybrid
10 curtain system, curtain wall system, where the
11 glass sort of slides over the expression of the
12 concrete wall pieces and that allows us to create
13 this abstract pattern on the facade with the metal
14 overlay, which is a little bit different for each
15 of the pieces. But in general, it gets more dense
16 closer to the ground and kind of opens up as you go
17 up higher.

18 On the ground floor it's primarily
19 retail everywhere that we could get it is except
20 for the lobby here (indicating) and we were very
21 fortunate to have a little bit of frontage on
22 56th Street, which is next to the entrance to that
23 sanitation garage where the sanitation garage goes
24 over 56th Street. So that would be the entrance
25 for either the parking garage or the automobile

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

11

2 service use, but we've done something very unusual
3 here. We have worked out a prototype system with
4 the Sanitation Department where the garbage will
5 come down into a container and is compacted and
6 Sanitation will drive a truck into the building and
7 pick up this container and take it away and bring
8 it back, bring it back empty. So the garbage is
9 never handled by humans and it never goes out onto
10 the street.

11 One last thing, there
12 are roofs everywhere on this building and
13 they are all either amenity/recreation
14 spaces for the tenants or they will be
15 green areas that sort of help to collect
16 storm water runoff. And there is one very
17 major inner courtyard behind this piece
18 here (indicating) and that is the major
19 recreation area for the residents.

20 And what we've done is we've
21 created a huge hole in the streetwall, about 45 by
22 40, that allows our residents to come out from this
23 inner courtyard and look out over 57th Street and
24 it also allows people on the sidewalk to look into
25 this courtyard and what you're going to see is the

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

12

2 big 100-foot tall, blank concrete wall, which is
3 the back of the sanitation garage, and we're
4 working with Sanitation to figure out how to either
5 have an artist do something on that or plant it.

6

VICE CHAIR KNUCKLES:

7 Okay. Why don't we conclude at that
8 point. I wanted Mr. McMillan to have
9 the opportunity to speak to the
10 architect since his architect cannot be
11 here today.

12

Questions for Mr. McMillan?

13

Commissioner Battaglia.

14

COMM. BATTAGLIA: I certainly

15 think the architecture is very unique and
16 desirable.

17

18 I have two questions, one of which
19 involves the affordable housing component. Our
20 briefing package said that there would be 237
21 affordable housing units, you said 242.

21

MR. McMILLAN: No, I said --

22

sorry, I said 220.

23

COMM. BATTAGLIA: 220? So

24

you're --

25

MR. McMILLAN: Yeah.

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 Well, as we design them it's a
3 function of how many units are in the building and
4 we're designing the building, and sometimes there
5 are more units, sometimes there are fewer. Things
6 are constantly shifting and we probably won't know
7 the exact number until a little bit later, but it
8 would, you know, it would be 20 percent of the
9 number of units in the building.

10 COMM. BATTAGLIA: Okay. Well, I
11 know I speak for several of us, perhaps not all of
12 us, in seeking the maximum number of affordable
13 units in any development. And I wanted to ask you,
14 were we to decide that this area would be included
15 in the Inclusionary Housing designated area but
16 were to decide that we should not exclude the
17 commercial square footage from the formula, would
18 you still build and would you still build the
19 required number of affordable housing units?

20 That's the first question.

21 MR. McMILLAN: I think so. Can I
22 explain -- give a little explanation for that?

23 The history of that is that we
24 spoke to Gale Brewer and she was very much in favor
25 of the automobile service use at this site because

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 it's high-paying union jobs, and so we said okay,
3 let's try and do that and we imagined that the
4 service use would go below-grade, the showroom
5 would be on-grade, but when we started talking to
6 automobile people after Sandy, none of them wanted
7 to go below-grade this close to the river. So then
8 we thought okay, well, let's bring it above-grade,
9 maybe on the second and third floor and that's when
10 we thought, well, maybe we need this commercial
11 exclusion for this above-grade commercial space.

12 It's not looking like this is
13 going to happen and so I think, you know, if we
14 don't have the commercial we're not really now
15 planning to do commercial above the ground floor.
16 So, yes, we would still build.

17 COMM. BATTAGLIA: And my second
18 question, Mr. Chair, following in the footsteps of
19 my esteemed colleague, Commissioner Cantor, is a
20 little bit out of our purview, but since we have
21 such a wonderful and passionate representation of
22 the Union, 32BJ, would you be willing to enter into
23 an agreement with 32BJ?

24 MR. McMILLAN: We have already
25 sent a letter to the Union confirming that this

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

15

2 will be a union building.

3 COMM. BATTAGLIA: Great. Thank
4 you so much.

5 VICE CHAIR KNUCKLES: Other
6 questions?

7 Commissioner Eaddy.

8 COMM. EADDY: Jon, good afternoon.
9 How are you doing?

10 Did I understand you correctly to
11 say that you probably won't have commercial space
12 above the second floor at this time.

13 MR. McMILLAN: It's not looking
14 like it. We were briefly talking to Steinway, they
15 were interested and they wanted to go above-grade,
16 but we have no active prospects at this point.

17 COMM. EADDY: Okay. Thank you.

18 MR. McMILLAN: On the second and
19 third floor.

20 COMM. EADDY: Right, understood.
21 Thank you.

22 VICE CHAIR KNUCKLES: Other
23 questions for Mr. McMillan?

24 Commissioner Levin.

25 COMM. LEVIN: Yes, Jon, what's the

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

intended unit mix here or do you not know yet?

MR. McMILLAN: You know, it's, you know, I'm going to guess it's around 60 percent studios and ones and 40 percent twos and threes.

COMM. LEVIN: So these are mostly small households, it's typical rental?

MR. McMILLAN: Yeah.

COMM. LEVIN: What challenges does this location pose for marketing the building? How are people going to get back and forth?

A number of the other buildings along 11th Avenue and West End, as you know, run shuttle buses. Do you plan to do that?

MR. McMILLAN: Well, I mean, you know, we're kind of used to building in these marginal areas. We do run a shuttle buses from the 10th Avenue building, 505 and 455. It's something that we have been asked to do. It's something that we would ordinarily do on our own accord if the residents expressed that.

Some people object to there be being too many shuttle buses, I'm not quite sure what the right answer is. I think things have changed with the Citi Bike program. We have a ton

1

17

2 of bike storage, required storage, in the building,
3 but we'll just do, you know, whatever our residents
4 want us to do.

5 COMM. LEVIN: Okay. At the
6 moment, how actively used is the shuttle bus from
7 the 10th Avenue building?

8 MR. McMILLAN: It's seasonal.

9 COMM. LEVIN: How often does it
10 run and how many people on it?

11 MR. McMILLAN: I think it's kind
12 of a morning -- it's mostly a get to the subway in
13 the morning thing. People come back at different
14 times of day but they're all kind of going to the
15 subway in the morning and it's also somewhat
16 seasonal. So cold weather in the morning, but not
17 all day long.

18 COMM. LEVIN: So this building
19 presumably would have the same command, although
20 maybe even a little bit more because it's one block
21 from the Durst building?

22 MR. McMILLAN: I would guess it
23 would be the same, same kind of thing.

24 Now, we have been asked to work
25 with Durst across the street to coordinate shuttles

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

18

2 and we're perfectly happy to do that.

3 COMM. LEVIN: Thanks.

4 VICE CHAIR KNUCKLES: Other

5 questions for Mr. McMillan?

6 Commissioner Cerullo.

7 COMM. CERULLO: Thank you.

8 I just -- and I believe this came
9 up yesterday at the prehearing review, but
10 unfortunately, I wasn't a participant in the
11 discussion but perhaps you can share a little bit
12 about the review or assessment of the impact of
13 this development. You did a very good job of
14 outlining what's happening in the area, in the
15 surrounding area, the other developments and what's
16 already existing and what's underway, the impact of
17 this development in the context of what's happening
18 in this area and what that means for this area, I
19 mean, given it's location and it's proximity to.

20 MR. McMILLAN: Well, I mean, I
21 would say that this is an emerging residential
22 neighborhood and it needs more people living there
23 in order for it to support essential neighborhood
24 services, and we certainly will do our part to
25 bring neighborhood retail to this block and I think

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that's the main thing that it's lacking.

I mean, I don't think that the streets and sidewalks are too crowded in this area. You know, you're at the edge of the island area. It's mostly people who live here who are here.

COMM. CERULLO: Okay.

VICE CHAIR KNUCKLES: Other questions, Fred?

COMM. CERULLO: No, I'm good.

VICE CHAIR KNUCKLES: Other questions for Mr. McMillan?

Commissioner.

COMM. LEVIN: You know what, I realize, I think another part of the topics that we've heard about from the Community Board and the Borough President, and I suspect we will hear about from future speakers, so now's your chance, a question of the capacity of parking. And we have a request from the Community Board that we reduce it. I think that's been supported by the Borough President. Would you like to tell us anything about your calculation of the need for parking and its desirability for this property, or do you have someone else who's --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. McMILLAN: Let me just say one thing. So there's a thousand-car garage on the site, we're knocking that down. Our understanding is about 70 percent of the users of that garage are long-term users, suggesting that they are neighborhood residents. So if we only put back 500, you are eliminating some spaces that are being used by neighborhood residents, plus we're bringing in 1100 more residents. So it does seem that there is a demand for parking here and, you know, there are all these complicated new rules at City Planning for calculating parking. We went through all of that and apparently it's all justified.

You know, we don't think our residents are going to be using cars to get to work, it's more of kind of a weekend getaway kind of thing, but we perhaps have more to say about that.

COMM. LEVIN: Okay. So you're following the formula calculations in the zoning resolution.

MR. McMILLAN: Exactly, yeah.

COMM. LEVIN: It sounds like it's not a critical commercial piece --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. McMILLAN: Exactly.

COMM. LEVIN: -- of your
operation.

MR. McMILLAN: That's right.

COMM. LEVIN: Thank you.

VICE CHAIR KNUCKLES: Questions
for Mr. McMillan?

(No response.)

VICE CHAIR KNUCKLES:

Carol Rosenthal.

MS. C. ROSENTHAL: Good afternoon,
Chairman Knuckles, and fellow -- and the
Commissioners. I'm Carol Rosenthal. I am a
partner at Fried Frank. We're land use counsel to
TF Cornerstone, who is the ground leasee and
developer of the site before you.

We're very pleased to be here on
this -- for this extraordinary project. As you can
see, it replaces a ragtag assortment of garages and
repair shops along West 57th with a striking
building, new residential and retail uses
complementing other buildings in the area and
bringing in over 200 new units of permanent low
income to the neighborhood, low income housing.

2 There are four actions, four
3 different types of actions, that would facilitate
4 this. The first is the rezoning from an M2-3
5 district, a piece of an M1-5, to the C4-7 zoning
6 district, which is similar to what's across the
7 street directly to the north. The second is the
8 garage special permit, which I will address a bit
9 more later. And the third is the curb cut
10 authorization and the last is the zoning text
11 change.

12 So the zoning text change would
13 make this an Inclusionary Housing designated area
14 and instead of the 10.0 to 12.0 FAR that you
15 typically have in an R10, it would reduce the base
16 residential from 10.0 to 9.0. The change, the text
17 change, also allows the automobile uses, should we
18 be able to attract those, and a small increase in
19 the base floor area, the 9.0 FAR, by a 0.25 FAR for
20 each one FAR of commercial space above the ground
21 floor. There were a lot of questions about this
22 and you just asked Jon about it and there were some
23 more questions.

24 You know, the reason that -- Jon
25 sort of went into it a little bit, the reasons why

_____ROY ALLEN & ASSOCIATES, INC., 212-840-1167_____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 we were asking for this is to encourage and allow
3 the flexibility, not to discourage developers from
4 using space above the ground floor. So in the
5 80/20, 20 percent low income, 80 percent market
6 rate, the market rate housing serves to
7 cross-subsidize the low income housing. If part of
8 that 80 percent is not residential, its ability to
9 cross-subsidize is going to depend on the
10 commercial rents in the area.

11 So this is an area where the --
12 that calls out for and would be benefited by
13 ground-floor retail and by additional retail. It's
14 something that we understand is very important from
15 a policy perspective, to be able to encourage the
16 retail, and that's for the ground floor. And above
17 the ground floor it was to give the flexibility to
18 have that. And as Jon said, this is something that
19 we are, my client, and we're giving careful
20 consideration to the FAR above the ground floor
21 after hearing the concerns of the Community Board
22 and the Borough President's Office and the
23 Commissioners.

24 I wanted to note it on income
25 levels, because this question was also asked

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

yesterday, the Inclusionary Housing Program is an 80 percent AMI for income levels. This site is intended to be in the 80/20 and the 421-a Programs, hopefully they will continue, and the low income units will actually be at 40 to 50 percent of AMI.

(Bell rings.)

VICE CHAIR KNUCKLES:

All of the low income units will be at 40 to 50 percent AMI?

MS. C. ROSENTHAL: Yes. Yes.

VICE CHAIR KNUCKLES: Okay.

MS. C. ROSENTHAL: So it hits that income level.

VICE CHAIR KNUCKLES: Permanently affordable?

MS. C. ROSENTHAL: Permanently affordable.

VICE CHAIR KNUCKLES: Okay.

Questions for Carol Rosenthal? Commissioner Cantor and then Commissioner Battaglia.

COMM. CANTOR: Ladies first.

VICE CHAIR KNUCKLES: Okay.

COMM. BATTAGLIA: Mine is a quick

1

25

2 comment. Thank you for the clarification on income
3 levels, that is certainly very palatable to me.
4 And I thank you and I thank the previous speaker
5 for elucidating a little on why the text amendment
6 was being asked.

7 VICE CHAIR KNUCKLES: Now
8 Commissioner Cantor.

9 COMM. CANTOR: Good afternoon.
10 Perhaps I should have asked this
11 question of Mr. McMillan, but you might know the
12 answer.

13 I forgot the question.
14 (Laughter.)

15 MS. C. ROSENTHAL: I
16 can answer that one easily.

17 COMM. CANTOR: Oh, c'mon, Cantor.
18 I'll pass until my mind catches up
19 to my mouth.

20 VICE CHAIR KNUCKLES: Okay.
21 Commissioner Douek.

22 COMM. DOUEK: Just a quick
23 question.

24 You said -- the prior speaker said
25 that the letter that was sent to 32BJ, do you when

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that letter was sent?

MS. C. ROSENTHAL: Last week.

COMM. DOUEK: Do you know if they received that letter or?

MS. C. ROSENTHAL: I don't know.

COMM. DOUEK: Okay. Thank you.

COMM. CANTOR: Question, before I forget again, will you.

(Laughter.)

VICE CHAIR KNUCKLES:

Just to be clear, that's obviously a matter of great interest, but not within our purview, the 32BJ issue.

COMM. DOUEK: Right, but I didn't want to lose her as a speaker.

VICE CHAIR KNUCKLES: All right, okay.

Irwin.

COMM. CANTOR: Yeah, quick.

VICE CHAIR KNUCKLES: Your memory caught up with you.

COMM. CANTOR: Mr. McMillan made a comment regarding the ground water, if you will.

Is the street level above the floodplain or below

1

27

2 the floodplain, do we know?

3 MS. C. ROSENTHAL: I believe it's
4 mostly above. We're just, you know, on the west of
5 the line, you know, for the floodplain, 100-year
6 floodplain line.

7 COMM. CANTOR: So if they wanted
8 to build below-grade they still could because they
9 would not be caught in any surge. They would have
10 the basic issue of ground water, which is commonly
11 addressed, and the reason I'm bringing this up is
12 because, as I understood Mr. McMillan, he was
13 saying that the water problem was an issue which
14 wanted them to go up one level, above-grade rather
15 than below-grade, and I don't quite see it that way
16 if indeed the street level is above the new high
17 water level.

18 MS. C. ROSENTHAL: Fair enough.
19 Mr. McMillan, Jon McMillan, was speaking to the --
20 sort of a perception out there in the world about
21 people being very concerned regardless of some of
22 the realities of what's there and responding to the
23 discussions that he had with some of the users, so.

24 COMM. CANTOR: Okay.

25 VICE CHAIR KNUCKLES: Other

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 questions?

3

MS. C. ROSENTHAL: I just also
4 want to say, I mean, that's in terms of the second
5 floor. You know, there were also some preliminary
6 discussions that didn't go anywhere with some
7 museum users. I mean, there's a whole -- Steinway,
8 at one point, if they were going to come in, they
9 were talking about a second floor rather than
10 spread out over the entire ground floor. So it was
11 really to give that level of flexibility in an area
12 where we're not quite sure, you know, what the
13 market conditions are going to provide.

14

Again, having said that, this is
15 something that we are -- understand how important
16 that is and we're giving careful consideration to
17 how that can all work.

18

COMM. CANTOR: I want to disabuse
19 the perception, if you will, where we are in bona
20 fide flood conditions. We have already made
21 revisions to the code which allow people to build
22 up, but the circumstance which we have right here
23 does not fit that same context and I just wanted to
24 get that out.

25

MS. C. ROSENTHAL: Okay,

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

understood.

VICE CHAIR KNUCKLES: Okay. Other questions for Ms. Rosenthal?

(No response.)

VICE CHAIR KNUCKLES:

Thank you, Carol.

MS. C. ROSENTHAL: Thank you.

VICE CHAIR KNUCKLES: Bernardo

Fort-Brescia.

MS. ROSENTHAL: That's the

architect. He's unable to make it.

VICE CHAIR KNUCKLES: He's the

architect. Okay.

Charlie Fields.

MR. FIELDS: Hi, my name is

Charlie Fields. I'm here for AKRF representing the developer's team. I'm just here for questions, I have nothing to say at this time.

VICE CHAIR KNUCKLES: Very good.

Questions for Mr. Fields?

COMM. CANTOR: Boy, he's in a

hurry to go home.

(Laughter.)

VICE CHAIR KNUCKLES:

1

2 You've got to give us an opportunity.

3 Just say you don't want our questions.

4 COMM. LEVIN: So AKRF did just
5 traffic piece or the --

6 MR. FIELDS: No, we worked on
7 different parts of the Environmental Impact
8 Statement.

9 COMM. LEVIN: Environmental, okay.
10 So then I will put to you the
11 question I raised yesterday at the review session
12 which is, we're in a -- this EIS was sort of
13 unusual in that you crept right up to some of the
14 thresholds but don't quite go over them for finding
15 adverse impacts, notably in the area of schools and
16 open space, and I think some of the traffic and
17 transit impacts.

18 We have a situation in the
19 neighborhood where there has been a large amount of
20 new development and we've got even more coming with
21 Riverside Center. So there's been a lot of change
22 in the neighborhood and, you know, the challenge in
23 a project like this is that you do the sort of, you
24 know, technical follow the rules, get the answer
25 that tells you what the developer has to provide,

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 but then there's the common sense notion of looking
3 at a neighborhood with a rising residential
4 population and asking ourselves as citizens whether
5 the City is doing enough, City or these developers
6 are doing enough to provide the public facilities
7 that the area needs.

8 I think schools is a particularly
9 important issue. Is that an area that you look
10 into in any depth beyond just getting to the number
11 and can you help us understand the context that you
12 had to look at in order to conclude that this
13 particular project doesn't have a school impact?

14 MR. FIELDS: Well, we used the
15 CEQR Technical Manual as we do for all projects,
16 which is the City's guidelines for determining
17 whether or not there is a significant adverse
18 impact. So that was sort of the baseline for the
19 thresholds that we use. In a sense, you're under
20 or you're over.

21 As it relates to schools, the
22 methodology itself is fairly conservative in
23 getting to determine the impacts. It includes a
24 number of different factors, including background
25 growth, specific projects that are happening in a

2 school district or a subdistrict of those areas.
3 It assumes a general student generation rate for
4 units that come online, sort of regardless of where
5 it is in Manhattan or what the nature of the people
6 who move into it are. We mentioned earlier, Jon
7 was going through the union counts. You know,
8 60 percent is studio and one-bedroom, those don't
9 typically generate a lot of school children, but we
10 look at the general guidance number to apply for a
11 student generation.

12 Similarly, this is a mixed-income
13 project, but there's -- for the market-rate units,
14 the numbers could be expected to be a little bit
15 lower if people have the opportunity to send their
16 kids to private schools. Charter schools are not
17 accounted for in the methodology of the school --
18 of the CEQR Technical Manual analysis for schools,
19 even though in reality some people do choose to
20 send their children to charter schools.

21 And there's also, the data that we
22 used at the time of the DEIS was the most currently
23 available information from the School Construction
24 Authority and Department of Education, but new
25 numbers have just come out in December, so we'll be

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

updating those in the FEIS.

Although those don't have too much specificity, looking at the numbers, it looks like there's 3,000 school seats that are coming online in the school district that aren't reflected in our analysis that was in the DEIS. To the degree that we can determine for the FEIS, working with the City and with SCA, where those seats might actually be, you know, we can include those numbers as well in the analysis, which would help if we can take credit for, you know, 3,000 school seats that are coming online, or even a portion of those.

But at the end of the day, even with the sort of conservative assumptions that are built into the methodology, we still were below the threshold for a school's impact.

COMM. LEVIN: One more environmental question, if I might.

You know, it's a reality that a number of buildings, newer buildings, in this area use shuttle bus service to get people to the subways. How does the CEQR Technical analysis look at that or it doesn't?

MR. FIELDS: It doesn't call it

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 out specifically. We conservatively assumed in the
3 EIS analyses that a shuttle would not be provided
4 just because if people aren't using a shuttle, they
5 are either walking or using transit or perhaps
6 driving, I don't know. I don't think too many
7 people would be driving, but. So it was more
8 conservative for us to not include a shuttle bus.
9 Other shuttle buses that might be in the area would
10 be included in background when we did counts and
11 things like that. I think it would really only
12 help if the shuttle were to be utilized.

13 COMM. LEVIN: Yes. I guess my
14 thoughts run more to the congestion of shuttle
15 buses, so it's the background. You know, whether
16 the -- understanding of local conditions goes into
17 account, but we have a lot of these shuttle buses
18 running around and the congestion is really around
19 Columbus Circle, it's not so much out at these
20 locations, but everyone's trying to go to the same
21 place in an already very congested part of the
22 City, whether that has been considered.

23 MR. FIELDS: It's not in the CEQR
24 Technical Manual as a specific item, so it wasn't
25 accounted for. To the degree that we can say

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

something in the FEIS, we will.

VICE CHAIR KNUCKLES: Other questions for Mr. Fields?

(No response.)

VICE CHAIR KNUCKLES: Thank you.

MR. FIELDS: Thank you.

VICE CHAIR KNUCKLES: Councilmember Helen Rosenthal.

Welcome.

MS. H. ROSENTHAL: Thank you so much. It's an honor to be testifying in front of you and in front of all the Commissioners.

So, as you probably know, I've been in this job for about two weeks.

(Laughter.)

MS. H. ROSENTHAL: And I'm not submitting testimony. If it's okay with you, what I'd like to do is give you an idea of my top five or six concerns and submit my formal testimony within the ten-day period.

I have not met with the developer. I have not, frankly, met with the community. I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

have not read the EIS, and yet, I'm taking this opportunity to speak about details of the project. Go figure.

I was Chair of Community Board 7 during the first year of negotiations with Extell over the Riverside South project. I'm very familiar with the impact on the environment north of 59th Street. So the issues that Commissioner Levin was just raising about the impact on schools is one that I'm very familiar with, and the impact on traffic and safety. So I'm going to speak to those specifically, but those are things that I know we have to take very seriously along that corridor with new buildings going up.

So there are five preliminary issues of concerns around the requested rezoning. The first has to do with affordable housing. I appreciated your comments very much and concern about the formula that's going to be used to determine the amount of affordable housing.

I'm concerned about whether or not 20 percent is the number that we should be aiming for, or perhaps it should be more. I'm concerned about integrating the affordable housing fully into

1
2 the building. I'm concerned, actually, about the
3 affordable housing targeting 40 to 50 percent AMI
4 population. It's -- as we've looked at the numbers
5 for Riverside South, that's not necessarily the
6 population, the affordable housing population that
7 we're concerned about. The loss of middle income,
8 sort of lower middle income housing is one that's
9 of serious concern to the community, the current
10 residents.

11 My second area of concern has to
12 do with the parking garage and traffic, the amount
13 of parking, accessory versus public. And
14 particularly in terms of safety, as you may or may
15 not know, in the last two weeks we have had three
16 pedestrian deaths on the 96th Street corridor
17 directly -- most likely related to the getting on
18 and off the highway. So the idea of bringing on
19 more residents, first of all, but also traffic in
20 this area, I think has to be studied very
21 carefully.

22 I am concerned about the labor
23 practices of Cornerstone. Again, I really
24 appreciate your bringing up that point. I'm
25 interested to see the letter, but I have not spoken

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 with 32BJ, although I too see the passion in this
3 room and I'm looking forward to speaking with them.

4 Fourth, I am concerned about the
5 impact, as Commissioner Levin spoke, the impact of
6 the new residents in this building as it has to do
7 in the context with all the new development coming
8 on board in this area, the impact on schools, the
9 impact on transportation, on sewage. All of these
10 things, I'm going to want to spend a lot of time
11 looking at.

12 You know, and when I heard someone
13 say, you know, this population that will be coming
14 into the building will more likely than not send
15 their kids to private schools, that raises all
16 sorts of red flags to me. That was the same thing
17 that was told to us about the Trump buildings going
18 up and, you know, fifteen years later I was part of
19 the team that was -- that really documented to the
20 School Construction Authority and the Department of
21 Education that the impact of those Trump residents,
22 new residents, the impact was overwhelming on the
23 local school. It required us to do a lot of
24 machinations in District 3 around starting a new
25 schools and displacing a middle school to --

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

(Bell rings.)

2

3

MS. H. ROSENTHAL: --

4

a whole other area, that was of great

5

concern to me.

6

May I continue just a little bit?

7

VICE CHAIR KNUCKLES: If you could

8

just conclude, Councilmember. I'm sure we will

9

hear a lot more from you.

10

MS. H. ROSENTHAL: Lastly, I'm

11

concerned about the commercial retail space and

12

whether or not the developer would be interested in

13

supporting our local independent business owners.

14

VICE CHAIR KNUCKLES: Very good.

15

MS. H. ROSENTHAL: Thank you very

16

much.

17

VICE CHAIR KNUCKLES: Questions

18

for Councilmember Rosenthal?

19

Commissioner Battaglia.

20

COMM. BATTAGLIA: I certainly want

21

to start by congratulating you on your election and

22

I certainly know now why you were elected.

23

You're in a unique position, as

24

you know, because once we vote, it goes to the City

25

Council and you can make changes.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2 I'm hearing you about the income
3 levels. I obviously come from a different
4 persuasion, particularly in the area where I grew
5 up and serve, but I try very hard. Though,
6 sometimes it is hard not to second guess the
7 community. The Community Board didn't raise that
8 as an issue. So I think, moving forward, you
9 represent the entire community that it would be,
10 obviously, in your hands once the vote takes place.
11 I just wanted to acknowledge your being elected and
12 congratulate you and thank you for raising the
13 points that I did.

14 MS. H. ROSENTHAL: And I
15 appreciate the comment you just made, so I'll look
16 into that. Certainly, I've been looking at north
17 of 59th Street and thinking about that population.
18 I don't know south of 59th Street as well, so thank
19 you for reminding me.

20 VICE CHAIR KNUCKLES: Very good.
21 Other questions for the
22 Councilmember?

23 (No response.)

24 VICE CHAIR KNUCKLES:
25 Thank you.

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. H. ROSENTHAL: Thank you very much.

VICE CHAIR KNUCKLES: Congratulations.

MS. H. ROSENTHAL: I appreciate the work you do.

VICE CHAIR KNUCKLES: We now will go to those opposed, starting with Melissa Amernick;

Who will be followed by Steve Cohen;

Who will be followed by Michael Sandler;

Who will be followed by Frank Carucci.

Ms. Amernick?

MS. AMERNICK: Thank you.

The City needs to ensure that all development done with public subsidy are made possible through the granting of lucrative rezoning and land use changes is done responsibly and with a maximum benefit to our communities for all New Yorkers across the City.

My name is Melissa Amernick and

1

42

2 I'm the research director at SEIU Local 32BJ, a
3 union that represents 145,000 building service
4 workers from Boston to Miami, 75,000 right here in
5 New York City.

6 32BJ asks you to vote no on TF
7 Cornerstone's proposed application because of the
8 applicant's record of bad labor practices,
9 irresponsible behavior and outstanding complaints
10 from tenants in their buildings. I'm here to
11 outline some of that record for you today.

12 Before I do that, I want to point
13 out that TF Cornerstone is already heavily
14 subsidized by the public. For fiscal year 2013,
15 they are on track to save -- they saved over \$40
16 million in city property taxes because of subsidies
17 across their portfolio.

18 The real story in New York is that
19 it is getting increasingly difficult for ordinary
20 New Yorkers to live here. In times like these,
21 it's all the more unacceptable that TF Cornerstone
22 continues to undercut the total wage and benefit
23 standard for exemplary residential work, a standard
24 that has been set citywide by our hard working
25 members.

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TF Cornerstone denies its workers access to a secure retirement, training and advancement programs. These are the very same programs that 75,000 members of 32BJ have been able to take advantage of in order to ensure better lives for themselves, their families, and for their communities for now and also for the future.

In addition to cutting corners when it comes to job standards, TF Cornerstone also has a questionable record with respect to construction safety. In January 2013, a crane collapsed at one of TF Cornerstone's large projects in Long Island City. The construction crane, owned by a firm with a checkered past, collapsed on the Queens waterfront, pinning three workers and injuring four others. There were reports that the crane operator was trying to lift an overweight load. And this isn't the first time TF Cornerstone has had issues with safety.

TF Cornerstone's irresponsibility extends to tenants. Last April, the Manhattan U.S. attorney filed a federal civil rights lawsuit alleging that TF Cornerstone's 2 Gold Street is inaccessible to persons with disabilities. TF

1

2 Cornerstone settled, paying a \$35,000 civil penalty
3 and setting aside \$300,000 to compensate those
4 harmed. And, in a pending class-action lawsuit
5 filed by tenants soon after their luxury high-rise
6 apartment had to be evacuated after Hurricane
7 Sandy, residents said there were security lapses
8 that put their apartments and possessions in
9 danger.

10

(Bell rings.)

11

VICE CHAIR KNUCKLES:

12

Okay. Ms. Amernick, could you just

13

conclude --

14

MS. AMERNICK: Yes.

15

VICE CHAIR KNUCKLES: -- in one

16

more sentence?

17

MS. AMERNICK: So to finish up,

18

you know, we are asking the CPC to vote no on this

19

project. We think that TF Cornerstone's record for

20

both (sic) its workers, its residents and the

21

greater community has been irresponsible and

22

shouldn't be approved for rezoning changes.

23

VICE CHAIR KNUCKLES: Thank you.

24

MS. AMERNICK: Thank you.

25

VICE CHAIR KNUCKLES: Questions

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

for Ms. Amernick?

(No response.)

VICE CHAIR KNUCKLES:

Thank you.

MS. AMERNICK: Thank you.

VICE CHAIR KNUCKLES: Steve Cohen?

MR. COHEN: Good morning and thank you for the opportunity to speak today.

My name is Steve Cohen and I have been a proud member of the Service Employees International Union, Local 32BJ, for 13 years.

SEIU, Local 32BJ, represents 70,000 New Yorkers like me in the property services industry. We are the security officers, the doormen, porters, janitors who help make the City home. Over 400 of us work right here within the Community Board 4. On behalf of my fellow 32BJ members, I'm here to express our concerns about TF Cornerstone's proposed project.

Being a member of Local 32BJ, I have access to the Thomas Shortman Training Fund. This is a unique resource for me and my fellow members in the industry. Through the fund I have been able to take classes in carpentry, plumbing,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and I was disappointed to learn that TF Cornerstone doesn't offer training opportunities for its workers. I feel like this project should not be allowed to go through if this is the case.

The developer should offer all their workers across the City access to the same opportunities that 30,000 residential workers like me have been fortunate enough to enjoy. By making sure this development creates good, quality jobs through training and a pension, it also creates a future for workers in this neighborhood in a time of grave inequality.

The City Planning Commission should take this opportunity to guarantee development in the City works towards repairing the City's fabric and make sure that all New Yorkers can thrive and raise family in the City, not just the wealthy.

VICE CHAIR KNUCKLES: Thank you, Mr. Cohen.

Questions for Mr. Cohen?

(No response.)

VICE CHAIR KNUCKLES:
Thank you, sir.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COHEN: Thank you.
Michael Sandler.

MR. SANDLER: All right, I'm back.
This is my last time.

So, as you know, Borough President Scott Stringer issued a recommendation in December, but I'm now here representing Borough President Gale Brewer and I have a letter of hers that I would like to read into the record.

The proposed 606 West 57th Street development will transform underutilized land on the west side of Manhattan, creating construction jobs and over 1,000 units of housing. More importantly, it will create 237 units of permanently affordable housing and will have large retail spaces that will bring jobs to the community.

Any project of this size, however, creates impacts on the community which must be thoroughly evaluated. The proposed project will go into a neighborhood that has seen a number of large developments in the past few years and has many more in the pipeline. The impacts of each of these projects may not reach the level of significant

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

adverse impacts, but the impact of all the projects taken together is certainly significant.

First, the proposed zoning map amendment rezoning the project area to C4-7 will support the goals of the Special Clinton District of enabling a mixed-use, 24-hour community and is therefore appropriate. The text amendment to designate the area an Inclusionary Housing eligible area similarly furthers the goal of the special district to maintain a broad mix of incomes.

The proposed text amendment for special regulations within Northern Subarea C1, however, does not further the aims of the special district. The proposed zoning text would offer incentives, in the form of reduced obligations to provide affordable housing, for the addition of commercial floor area above the first floor. The proposed text has previously been used in rezoning where the City had a planning goal of preserving a broad mix of commercial and residential floor area. The applicant in this instance has not presented a case for why this is a valid goal in the Clinton neighborhood.

Community Board 4 has a long

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

standing goal of providing additional affordable housing, a goal that I strongly support, and this community planning goal should be respected. The proposed text amendment should be changed to match the underlying regulations of the Special Clinton District. These regulations would set the total floor area ratio of the building at 10.0, which could be increased to 12.0 through the inclusion of affordable housing equal to 20 percent of the floor area of the building, excepting any ground-floor retail.

Finally, the proposed project creates impacts on the surrounding community for which the applicant has not proposed any mitigation. The project will bring an additional 143 elementary school students to schools that will already operate with a shortage of seats by the time the project is completed.

Additionally, though the project does not on its own create a significant adverse impact on open space, this project in conjunction with all other projects in the area will contribute to a neighborhood that is starved of parks. The City Planning Commission should work with the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

applicant to explore ways that these and other impacts can be mitigated.

Furthermore, the City Planning Commission and the Department of City Planning should explore new ways to think about cumulative adverse impacts in quickly changing neighborhoods like this one. These efforts should identify ways that multiple applicants can work together to relieve impacts that are created not by one project individually, but by a number of projects together.

My staff and I look forward to working with you to identify potential measures.

Thank you for your time.

VICE CHAIR KNUCKLES: Thank you, Mr. Sandler.

Frank Carucci.

MR. CARUCCI: Good afternoon.

My name is Frank Carucci. I thank you for this opportunity to express my concerns as a native New Yorker and I speak on behalf of my fellow residents in the area on expressing our concerns about the 606 West 57th Street project.

While we commend the positive possibilities, like increased job opportunities and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

affordable housing, we question the density ratios that were used to make this one of the largest housing complexes in New York City.

Located in one of the most problematic of traffic areas in New York City, the floor area ratios for the lots were originally 2.0 and 5.0 and now we're asking for variances for up to 12.0.

We think 606 should not be assessed as an individual project, but must be considered as part of a group of at least six major new buildings that will seriously impede traffic flow in and out of Manhattan and negatively impact the flourishing tourism in the Theater District in the Lincoln Center areas. The buildings acknowledge that from 13 to 17 cross sections in that area will be negatively impacted.

They also acknowledge negative impact on the bus lines street crossings. Emergency vehicles already fight to get through traffic to Roosevelt Hospital.

A few years ago, that Riverside project in the Trump buildings were put up and they were given a variance, that closed traffic exit

2 from the West Side Highway onto 72nd Street. So
3 now all that traffic exiting the West Side Highway
4 goes downtown and exits on 57th and 56th Streets.

5 As a teacher, as a theater
6 producer and a theater patron, I can tell you how
7 frustrating it is and heart breaking when you buy
8 tickets months in advance, pay hundreds of dollars,
9 and then get caught up in highway traffic and
10 arrive late to the theater. Sometimes you can't
11 get down the street, you can't park the car. You
12 miss the show. Very, very frustrating.

13 This project adds thousands of
14 people to an area and ironically removes an
15 existing parking garage for 1,000 cars and replaces
16 it for one with about 500 cars. This at the very
17 foot of 57th Street by the West Side Highway.
18 That, included with the auto dealership which will
19 provide street services, plus all the other regular
20 building traffic would make 56th Street or
21 57th Street an obstacle course for all vehicles
22 trying to exit or enter the City.

23 We feel that good, responsible,
24 long-range planning should be looking at ways to
25 broaden these streets and make them more efficient

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

53

2 pathways to the highway. This project does just
3 the opposite. We urge that the scale and scope of
4 the project be reduced and explore its impact on
5 the City traffic and how it impacts tourism.

6 Just yesterday --

7 (Bell rings.)

8 VICE CHAIR KNUCKLES:

9 Conclude, sir.

10 MR. CARUCCI: Okay.

11 Just yesterday morning, there was
12 a minor fender bender at 56th Street and 12th
13 Avenue, and within minutes traffic was backed up to
14 80th Street. I heard that on the radio before the
15 snow had even accumulated. So I think this is
16 certainly the wrong project in the wrong place.

17 Thank you very much.

18 VICE CHAIR KNUCKLES: Thank you,
19 Mr. Carucci.

20 Questions?

21 (No response.)

22 VICE CHAIR KNUCKLES:

23 Jessica Bondy;

24 Who will be followed by Kathy

25 Gaffney;

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2

Who will be followed by Joe

3

Restuccia; and.

4

Then Paul Sawyer, I think, or

5

Sangier.

6

MS. BONDY: Hi there. How are

7

you?

8

VICE CHAIR KNUCKLES: You must be

9

Jessica Bondy.

10

MS. BONDY: Yes, I am.

11

VICE CHAIR KNUCKLES: Okay.

12

MS. BONDY: I'm a native New

13

Yorker. I'm very concerned about my community. My

14

family has always been active on the Community

15

Boards and I'm grateful to all of you because I

16

know how hard it is to do what you do, but we have

17

to be responsible, particularly lately, as things

18

are seemingly getting out of hand with development.

19

I represent many others who, for

20

the sake of avoiding redundancy, aren't here and

21

I'm going to present my case to you. They'll

22

submit petitions and letters later on.

23

I ask that you oppose the

24

applications made -- oh, I did give you each one of

25

these. I've left them with the secretary.

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VICE CHAIR KNUCKLES: Okay, good.

MS. BONDY: And it's very useful information. It's actually my Environmental Impact Statement, if you would, which in many times contradicts what they said are their unavoidable (indicating) adverse impacts.

I ask you to oppose the applications made by 606 West 57 LLC, they seek to rezone and construct the largest building ever erected in the Special Clinton District and the largest residential building in all of New York City. What they are requesting is in stark contrast to the character of the neighborhood. Our neighborhood is in no need of their proposed (indicating) revitalization.

It's already residential, and to subsidize for the housing when they're making that much money off their thousand units, the other thousand units, it's ridiculous. They don't need additional income.

Here are two instances -- the developer has grossly underestimated the strain the project will have on City resources, which include but are not limited to elementary, middle and high

1

2 schools, libraries, Roosevelt Hospital, childcare
3 facilities, subway and bus stations and over 13
4 intersections.

5 The West Side Highway entrance and
6 exist points are approximately a hundred feet from
7 their proposed garage exits on 56th and 57th.
8 Research using nyc.gov, the Census Bureau and
9 on-the-street observation at subway and bus
10 stations, street crowding and traffic
11 intersections, as well as the developer's own
12 assertions, reveal that they, in two additional
13 instances that they didn't list in their
14 Environmental Impact Statement in their unavailable
15 adverse impact section, they in fact do meet the
16 CEQR Manual, the Technical Manual's threshold for 5
17 percent.

18 You can look at these websites on
19 your own and find that they do in fact go over
20 what's necessary for schools.

21 Local schools will not have enough
22 seats to accommodate children from this
23 development. TF Cornerstone inaccurately
24 represented public school data in its tables in
25 chapter four of its proposal, "Community

_____ROY ALLEN & ASSOCIATES, INC., 212-840-1167_____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 Facilities."

3

4 So I'll look forward to hearing
5 what you have to say when the numbers in December
6 come out because I think that they'll still show
7 that you are over the threshold and that you will
8 have a significantly adverse effect on schools.

9

10 They have underestimated the
11 number of available elementary school seats by
12 approximately 194 and they've also underestimated
13 the available middle school seats by approximately
14 371.

15

16 This building will have over 400
17 two and three-bedroom apartments, according to
18 their 40 percent model, and its sure to produce at
19 least 800 kids, which equals at least 40 classes
20 over each year. You know, staggering kids by one
21 or two years, that's kindergarten classes, so they
22 can fill up an entire school on their own. TF
23 Cornerstone already admitted to a significant
24 negative impact it will have on childcare
25 facilities, which are operating at maximum capacity
26 already.

27

28 When gauging their impact on local
29 libraries, they conveniently split the population

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

2 of -- their protected population into the two west
3 side libraries when, in fact, most tenants would go
4 to the library that's closest to them, is that not
5 true? And if they had done that, they would go
6 significantly over the CEQR Manual's requirements
7 for further investigation and mitigation.

8 Hospital facilities at Roosevelt
9 would be stressed by this project because the
10 project creates a sizable new neighborhood where
11 none existed before, as they keep saying, and the
12 Tech Manual rules require further analysis and
13 mitigation for that.

14 Shadows cast by this building will
15 encase the surroundings in darkness for many
16 additional hours where there were no shadows
17 before. The building itself will forever mar the
18 open beauty that is revered by many when facing
19 southwest on 57th. They keep referring to the
20 northern --

21 (Bell rings.)

22 MS. BONDY: -- C4-7,
23 but the truth is, if you go south in
24 Special Clinton, there's nothing like
25 this, not even close.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

It's 22-foot curb cut, like I said, is right next to the West Side Highway.

Granting these applications with knowledge of all the negative impacts it will have is unconscionable. When you consider the consequences of adding approximately 40 percent of Manhattan's annual average population change within the confines of one street, at one subway station, along one bus route, with the few local schools and the hospital at or over capacity, it would be negligent to grant these applications.

VICE CHAIR KNUCKLES: Thank you, Ms. Bondy.

Questions for Ms. Bondy?
Commissioner Levin.

COMM. LEVIN: Yes. I'd just like to know, you live nearby the project?

MS. BONDY: I do.

COMM. LEVIN: Where do you live?

MS. BONDY: I live two blocks east of the project.

COMM. LEVIN: Oh, so on 57th Street?

MS. BONDY: On 57th Street near

1

60

2 9th Avenue where we have loads of traffic issues.

3 COMM. LEVIN: I'm well aware. I'm
4 your neighbor.

5 MS. BONDY: I also was a high
6 school chemistry teacher, so I'm very sympathetic
7 to teachers having large classrooms and not enough
8 resources.

9 COMM. LEVIN: Thank you.

10 VICE CHAIR KNUCKLES: Any other
11 questions for Ms. Bondy?

12 (No response.)

13 VICE CHAIR KNUCKLES:
14 Thank you.

15 Kathy Gaffney.

16 MS. GAFFNEY: Hi.

17 My name is Kathy Gaffney and what
18 I'm going to address, I heard some of it in the
19 others. I'm going to address the population that
20 this is going to bring. It's adding 1,189 units.
21 You couple this with the project across the street,
22 it has 876 units. Combined, that's 2,065 units,
23 which will be at least 4,000 new residents on one
24 street, one -- I mean, one block.

25 They -- and then when you combine

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

61

2 this with the other developments that are underway
3 in the immediate vicinity, that's more than -- this
4 is from the Census Bureau -- 21,000 new residents
5 added to a five-block area, which is the equivalent
6 of the anticipated Manhattan growth in -- it's more
7 than double it than they're expecting in all of
8 Manhattan. And this is going to be in five years.
9 This is from the 2012 Census.

10 Okay, we're an island. You know,
11 we -- and we don't have the infrastructure for
12 this. Okay. The development (sic), he speaks of
13 the significant -- the developer, he admits to
14 significant adverse effects and there are virtually
15 no benefits to speak of other than some 240
16 affordable housing units. So why are we changing
17 the law to make this bigger?

18 I'm just asking that the size of
19 the project be reduced by at least ten floors. And
20 why -- these are my questions, why are they --
21 should they be allowed to proceed without further
22 analysis? There hasn't been enough analysis about
23 this and the impact. It's unsustainable. I think
24 what we're doing really is putting the cart before
25 the horse. We don't have the infrastructure for

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

62

2 this. Let's -- if you want to put in these kind of
3 buildings, let's work on the infrastructure.

4 I live near 9th Avenue and 57th
5 Street, Columbus Circle. I'm going to send you all
6 pictures of just your average, average day. It is
7 so crowded. And now they're going to bring jitneys
8 with more people aboard?

9 Right now they're passing -- like,
10 they'll say all the time there's an A train coming
11 up right behind this because it's getting dangerous
12 how many people are getting on the subway, and
13 there is no A train right behind it, they just have
14 to say that because so many people are crowding in.
15 And on the 1 train, I mean, not just the A train --
16 that's the one I usually take -- right now, M31 and
17 M37, at rush hour they pass by bus stops where
18 people are waiting to get to work because they
19 can't fit any more people.

20 This is just too large. And,
21 actually, one of the things I've heard them saying
22 is that this was advocated by Community Board 4. I
23 was there. I talked to all the Community Board 4
24 members and this is just as an FYI, I asked them
25 why did they approve such a building, and I got up

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and spoke there, too, and they said because if they didn't -- and this was -- I spoke with practically every single member -- if they didn't, it would be approved anyway and at least they could get some concessions.

But Community --

(Bell rings.)

MS. GAFFNEY: Okay.

VICE CHAIR KNUCKLES: Conclude.

MS. GAFFNEY: Community Board 4, I can tell you, if you talk to the members, they think this project is way too large also. I think -- I'm asking that it be reduced by a minimum of ten floors. It's just is too big.

VICE CHAIR KNUCKLES: Thank you, Ms. Gaffney.

Questions for Ms. Gaffney?

(No response.)

VICE CHAIR KNUCKLES:

Thank you.

MS. GAFFNEY: Thank you.

VICE CHAIR KNUCKLES: Joe

Restuccia;

Followed by Paul, it's either

1

2 Sawyer or --

3

MR. SAWYIER: Sawyer.

4

VICE CHAIR KNUCKLES: Sawyer.

5

Okay, good; and

6

Then Matthew Green.

7

Joe?

8

MR. RESTUCCIA: Hi.

9

My name is Joe Restuccia. I'm the

10

Co-chair of the Housing Committee, Community

11

Board 4, representing the Board today. As I told

12

representation, everyone else is ill who was

13

supposed to come to today's hearing. I'm sorry.

14

The Community Board is supporting

15

the rezoning from M2-3 to M1-5 to C4-7. We feel

16

it's consistent with the rest of the rezoning

17

that's happened along the West Side. However, we

18

have serious issues regarding the text amendment.

19

And specifically, the text amendment, our concern

20

was that this is a very heavy area of automotive

21

uses, showrooms and repair shops. We wanted to

22

make sure those could continue, if this building

23

will be able to manage that. So the text

24

amendment, we support that in concept.

25

Well, however, the unintended

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

consequence is it brings down the base FAR against which the affordable housing is bonused. So we are working with the developer. We would like the Planning Commission to recommend that that, bringing down the base FAR, not be included. In the special district 96-20, the perimeter area, it allows a bonus against the total floor area, not the total residential floor area, and that provision has been in existence since 1973, so it's not a new provision.

The Inclusionary Housing regs, by being brought in, via reference, 23-90, to this exempts out the first floor and the text amendment exempts out the second floor. The delta difference between the affordability could be 10 to 12 units. So we're talking, we don't want 220 units. We want 20 percent of the units, which is 237, as expressed on the application, and we want to make sure that, additionally, those 10 to 12 units are on top of it. That is our -- one of our main, main issues here.

And so the parking spaces, we ask the parking to be reduced. Yes, it is a thousand spaces, but the site is being redeveloped. Our

1

2 concern is there is -- we do not want to encourage
3 parking in our neighborhood. We are a dense
4 central -- adjacent to the central business
5 district and we specifically said 400 spaces if
6 they were auto uses because the developer presented
7 those would be used for the auto business, and 295
8 spaces for just residential uses.

9 So we have supported 32BJ. We're
10 happy to see the developer has actually -- had
11 given them a letter, and our real concern is making
12 sure we resolve this issue with the affordable
13 housing.

14 Thank you very much.

15 VICE CHAIR KNUCKLES: Thank you,
16 Joe.

17 Questions?

18 Irwin and then Angela Battaglia.

19 COMM. CANTOR: (Indicating.)

20 COMM. BATTAGLIA: Thank you,
21 Irwin.

22 Joe, you should never apologize
23 for being the one to speak in the lieu of others
24 because we're always happy to see you here.

25 MR. RESTUCCIA: Thank you.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMM. BATTAGLIA: In my personal view, you're the best to represent the Board.

I just wanted to go to, and I should know this without having to bring it out today, but the Board also asked that the affordable units be spread throughout 80 percent of the building. I thought we approved text some while ago that ensured that that would take place?

MR. RESTUCCIA: No. Actually, the regulation says 65 percent of the building.

COMM. BATTAGLIA: Okay.

MR. RESTUCCIA: And our Community Board has been very successful in negotiating with every developer to bring that to 80 percent of the floors, and in some cases we've gotten to 100 percent of the floors.

COMM. BATTAGLIA: So I just want to go on record that I do agree with you and anything I can do to make that happen, I certainly will try. And just bear with me.

I certainly hope, and I'm actually just saying this to you, Joe, so that the applicant could hear me, that the fixtures and finishes are identical throughout because anything less than

1

2 that, in my view, is a mix up.

3

MR. RESTUCCIA: This applicant has
4 agreed. We have had many applicants who have
5 agreed and they've gone back on it. We now get it
6 in writing from every applicant to make it part of
7 the actual approval.

8

COMM. BATTAGLIA: Thank you, Joe.

9

VICE CHAIR KNUCKLES: Irwin.

10

COMM. CANTOR: Good afternoon,

11

Joe. Sorry.

12

Question. It's very interesting,
13 your observation regarding the number of unit
14 count. Have you ever determined, whether it be for
15 this job or any other, not the unit count but the
16 floor area? In other words, is it 20 percent of
17 floor area or is it 16 percent of floor area or a
18 lot smaller apartments so to speak?

19

MR. RESTUCCIA: It's actually, the
20 regs read is 20 percent of the -- for the 80/20 of
21 the units.

22

And because many of -- the market
23 drives these smaller units, we're actually getting
24 more units. Our issue is we're getting more
25 smaller units, studios and one-bedrooms. Actually,

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 this proposal has 40 percent two-bedrooms. That's
3 a very large percentage than we normally see, so we
4 were pleased at least we're getting more family
5 apartment here, because if you get 40 percent
6 two-bedrooms, 20 percent of those are going to be
7 also affordable.

8

Our problem has been we have lots
9 and lots of studios and one-bedrooms and nothing
10 for families in our neighborhood produced by
11 Inclusionary Housing.

12

COMM. CANTOR: So is there a --
13 and I'm not addressing this particular job -- is
14 there a loophole in the law that enables them, the
15 development's community, to work on piece count
16 rather than square footage?

17

MR. RESTUCCIA: No. I think the
18 portion that we found, which, honestly, our
19 Community Board missed with Mercedes House when
20 this text amendment was created, is when you
21 increase this commercial square footage, you
22 decrease the base against which you do affordable
23 housing. That's the loophole and that's the big
24 one.

25

COMM. CANTOR: Well, that one I --

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 is easier to understand, but I'm also asking the
3 other one. Let's suppose commercial work factored
4 into this conversation. If they were to offer us
5 20 percent of the number of units and -- to take
6 the extreme position -- and they were all
7 one-bedrooms, that would not be representative of
8 the building.

9 MR. RESTUCCIA: Correct. The
10 problem we have, the overlay of the Federal Law for
11 the 80/20 tax exempt bonds and that requires the
12 unit mix must be mirrored affordable versus the
13 market mix.

14 We have been -- our Board has met
15 with Housing Finance Agency at the State level. It
16 is very clear this is a federal matter. That is
17 our problem. It is not a state matter or City
18 matter.

19 COMM. CANTOR: I see. Thank you.

20 VICE CHAIR KNUCKLES: Commissioner
21 Cerullo.

22 COMM. CERULLO: Hi, Joe.

23 MR. RESTUCCIA: Hi.

24 COMM. CERULLO: Just a question.

25 And this is -- it's part question, maybe part

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

71

2 philosophy, and certainly Community Board 4 is not
3 alone in this. We see this a lot and it's a matter
4 of parking and the parking garage-related issues.

5 In this case, given the fact that
6 there's a 1,000-car lot there now, the use issue
7 and/or the desire or lack thereof of people parking
8 in the neighborhood is -- would be a new one. It's
9 not going from 500 cars to 1,000 cars, which then
10 perhaps then I understand that argument.

11 MR. RESTUCCIA: Right.

12 COMM. CERULLO: Although, I do
13 know over the years I've heard the, you know, if
14 you build it, they will come argument on parking,
15 but I also view the concept of what most
16 communities complain about with respect to
17 vehicular traffic is the fact that there are cars
18 in the neighborhood. And I often view parking
19 garages as an opportunity to get the vehicles off
20 the street faster, especially given the location of
21 this development coming off the West Side Highway
22 or coming down a major artery or one of the major
23 arteries, you know, on 11th or 10th or wherever.

24 So, I find it interesting that
25 there's an objection, you know, there's a objection

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 to the parking piece of this when it's actually
3 smaller. Although, it seems from the analysis that
4 that has been done from a formula point of view,
5 which we know isn't always practical but more
6 technical, this number is -- seems to be
7 sufficient.

8 But what's the impact you really
9 see given the reality of what's actually happening
10 in here and don't you see the opportunity for
11 people who are used to being able to park in this
12 area to now be traveling around expecting to find
13 parking somewhere where they won't and just
14 spending more time in their car in the neighborhood
15 creating all of the other environmental and other
16 potential issues that grow out of vehicles in a
17 dense pedestrian-friendly residential community?

18 MR. RESTUCCIA: Well, I have a
19 couple thoughts. The first one is, our
20 neighborhood in the 60s and 70s had a lot of
21 demolition, created a lot of surface parking lots.
22 So those lots were not there historically. That is
23 meant -- we have an incredible amount of parking
24 all over the place that just has really become now
25 a magnet for people who are going to events in

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 midtown.

3

4 I -- actually, I have a great
5 number of family in New Jersey. I have been amazed
6 to watch that they stopped driving now. They take
7 the ferry, they take mass transit. In the last 15
8 years, the tunnel traffic has made, basically, the
9 idea of driving and getting some place in midtown
10 to be a complete useless thing. I've sat on the
11 number 11 bus for 45, 55 minutes to go ten blocks
12 with groceries.

12

13 I think that's our problem, is
14 that the capacity in this part of the City is not
15 there anymore, and every single parking space we're
16 able to eliminate means that there's one less
17 person who says, ah, I'll just get in my car and
18 I'll go there.

18

19 Because if these -- if there were
20 huge garages historically there, I understand.
21 They're not. They're -- in the City's history
22 they're kind of relatively new. By the parking
23 being diminished, it really makes a difference.
24 I've seen it, it makes a difference. At Hudson
25 Yards we had required parking. There was a huge
lawsuit and it got settled.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2

COMM. CERULLO: Right, I remember.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. RESTUCCIA: And that has made

a difference already. People had to build large

garages. That, you know, that means you're going

to drive in if there's more spaces. I mean, I know

it sounds like an odd thing, but this is our daily

experience.

COMM. CERULLO: Yes. And I

respect that and I know that we're getting more

into the, sort of the philosophical part of this

that I referenced, but I know you know your

neighborhood certainly better than I do, so I'm not

challenging you on that, but I don't know if that's

the same in every single neighborhood. I was just

interested in understanding the analysis that the

Community Board went through.

MR. RESTUCCIA: We're on a major

transportation node with the tunnel and Penn

Station and all these things that link together.

If we were in another location, maybe I wouldn't

have the same point of view at all.

COMM. CERULLO: Yeah. I guess

it's just that I look at the fact that the people

who know, like you say you have family who come in

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 and they're aware of either the lack of opportunity
3 to park or what the stress level will be --

4

MR. RESTUCCIA: Exactly.

5

6 COMM. CERULLO: -- we'll call it,
7 in getting in as somebody from a borough other than
8 Manhattan who, for the most part, does use my
9 vehicle to come in and out of Manhattan. I'm one
10 of those people who experiences the stress level of
11 what it means and sometimes I wish I didn't really
12 need to, but just circumstances require that for
13 me.

13

14 But, at the same time, I think we
15 market New York City regionally and inter -- never
16 mind internationally, but regionally for people to
17 come, whether they come by mass transit or they
18 come in their vehicles to experience Broadway or to
19 our restaurants, and they expect that the City has
20 provided for them to actually do something with
21 their means of transportation that they are coming
22 in with.

22

23 And so I -- again, this is more
24 philosophical than anything, but I appreciate the
25 discussion.

25

MR. RESTUCCIA: Every European

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 city has a municipal parking system that people
3 use, they just slide in and figure it out. We
4 don't have that.

5 COMM. CERULLO: No, I know. And
6 it will be a long time and I realize that. This
7 issue will only become bigger and probably my
8 argument will be -- not that I argue this in every
9 case, but I think that, you know, my point of view
10 will be crushed as time goes on because it really
11 is a move against, you know, parking garages, which
12 I don't necessarily agree with all the time for a
13 variety of reasons, but I appreciate your sharing
14 the point of view of the Community Board and the
15 experiences of the community with me. Thank you.

16 VICE CHAIR KNUCKLES: Commissioner
17 Levin.

18 COMM. LEVIN: Yes, thank you.

19 Joe, I have two follow-up
20 questions on the related -- both related to
21 affordable housing.

22 Maybe I was a little slow on the
23 uptake here, but your discussion of the text
24 amendment focused on a base FAR of 9.0 --

25 MR. RESTUCCIA: Right.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COMM. LEVIN: -- and reminded us that there is currently a provision in the Special Clinton District text that works out the base of 10.0. That discussion is not really in the Community Board's letter. The Community Board's letter says it's all okay except that you should use all floor area above the ground floor. So is this a change in position or?

MR. RESTUCCIA: We actually had spent some time on this letter and the final little amendment didn't get in.

COMM. LEVIN: Oh, gee, I wonder how that happened.

MR. RESTUCCIA: Yeah.

(Laughter.)

MR. RESTUCCIA: So I apologize to the Commission for that. And we found the citation in 96-20, so we will give you the follow-up to give you the detail on it.

COMM. LEVIN: Okay. And then continuing with affordable housing, we've had a discussion with previous speakers about income levels and I guess the reality is the financing of

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 this project is that we'll be looking at very low
3 income levels for this project, which is admittedly
4 a need in this City. But for the sake of
5 understanding this neighborhood's context, what
6 is -- who is the population that meets affordable
7 housing in this neighborhood?

8

MR. RESTUCCIA: Right. I mean,
9 we -- first of all, we take a range of housing, and
10 I speak to Angela on this, that our issue is the
11 very lowest income, our folks are really between
12 80 percent and 100 percent of AMI, and they're
13 never reached with Inclusionary Housing that uses
14 the 80/20 overlay for the practice of financing.
15 We have been desperate to get that kind of housing.

16

We understand, though, with this
17 overlay of the 80/20 we're stuck and that's a
18 problem for us. We have people who make \$400,
19 \$500, \$100 a year too much to qualify. It's really
20 painful to watch.

21

However, when we have a project
22 that has Inclusionary Housing that is permanent,
23 we're definitely going to embrace that and our
24 concern here is how do we deal -- work with the
25 City of New York on a policy basis to figure out a

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 way to make this a broader range. In Hudson Yards
3 and in West Chelsea, now in Clinton (inaudible)
4 area we're bringing in Inclusionary Housing for
5 people that need up to 135, 25 percent, 165 percent
6 for moderate middle, which is great.

7

8 But, again, the financing
9 mechanisms don't support it and that's the problem.
10 So I can't fault Cornerstone for using a financing
11 mechanism that is used nationwide.

12

13 COMM. LEVIN: Okay. But the
14 reality is that this housing -- this affordable
15 housing, while helping the City as a whole, doesn't
16 necessarily help as opposed to our current
17 mechanism.

18

19 MR. RESTUCCIA: That's correct,
20 yes.

21

22 VICE CHAIR KNUCKLES: All right,
23 thank you.

24

25 MR. RESTUCCIA: Thank you very
much.

26

27 VICE CHAIR KNUCKLES: That's good.
28 We have two more speakers in
29 opposition, which I think we should allow to
30 proceed, and then we'll revert to the remaining

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

speakers in favor.

Paul Sawyer; and

Then Matthew Green.

MR. SAWYIER: Hi there. Good
morn -- good afternoon.

I'm Paul Sawyer. I'm here to
deliver testimony on behalf of Assemblymember Linda
B. Rosenthal.

I am Assemblymember Linda B.
Rosenthal and I represent the 67th Assembly
District, which includes the Upper West Side and
parts of Clinton/Hell's Kitchen in Manhattan. I am
testifying today in regard to three applications
before the New York City Planning Commission by
606 West 57 LLC on behalf of TF Cornerstone Inc.
For 606 West 57th Street in my district.

As the Assemblymember representing
this site and a member of the New York State
Assembly Committee on Housing, I am pleased that
this project will create 237 new permanently
affordable housing units for the Clinton/Hell's
Kitchen community, and that the developer has made
some commitments, including adding street trees and
greenery to the block, in response to community

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

concerns. However, I cannot support this proposal unless and until critical changes are made to the applications before the Commission today.

While New York City is in dire need of new affordable housing, TF Cornerstone is proposing to include a significant commercial component. This in turn would limit the amount of affordable housing that would be built, as the Inclusionary Housing Program typically excludes commercial floor area in calculating the amount of required affordable housing.

Additionally, the Clinton -- the Special Clinton District in which this site is located was created to preserve the residential character of and affordable housing in the neighborhood. TF Cornerstone's proposal, contrary to typical developments on 11th Avenue in the Special Clinton District, would allow commercial uses not just on the first floor, but also on higher floors as well potentially. The more commercial use that is built on site, the less affordable housing would be required.

The City should not provide incentives for reducing the amount of new

1

2 affordable housing, especially in a district
3 created to preserve it and when market rate
4 commercial tenants already ensure substantial
5 profit to developers. The Commission should
6 instead require the total floor area of the
7 building be used to determine the amount of
8 affordable housing built on site.

9

I concur with Manhattan Community
10 Board 4 that, as with other affordable projects in
11 the special district, TF Cornerstone should commit
12 to distributing the affordable units throughout
13 80 percent of the building, providing the same
14 fixtures and finishes in all apartments and
15 providing reduced rates for any building amenities
16 to the affordable tenants.

17

The proposed special permit for a
18 500-space parking garage would also worsen existing
19 congestion and pedestrian safety problems in the
20 neighborhood. While there is a need for some
21 parking at this new site, the applicant has arrived
22 at its stated parking need by aiming for a
23 90 percent rate of use for the garage, which
24 maximizes profits, rather than 100 percent, which
25 minimizes impact.

————ROY ALLEN & ASSOCIATES, INC., 212-840-1167————

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2 The rezoning of 11th Avenue has
3 caused an explosion of residential development and
4 it is essential to keep new parking spaces to an
5 absolute minimum to protect all users of the
6 streets even though, as with the Durst Pyramid site
7 across the street, City Planning has previously
8 approved a special permit for more parking than is
9 being requested. I agree with the views expressed
10 by former Borough President Scott stringer, Borough
11 President Gale Brewer and CB4 that the number of
12 parking spaces permitted should be limited to 400
13 spaces, or 295 if the applicant has an automotive
14 use in its commercial space.

15 Additionally, serious concerns
16 have been raised regarding this site's potential
17 impact on City and other surface. TF Cornerstone's
18 application, for example, does not meet City
19 Planning's guidelines for open space for 8,000
20 residents and would increase school seat shortages
21 within its subarea, Community School District 2, by
22 4.7 percent.

23 Similar concerns have been raised
24 regarding the development's impact on public
25 transportation, public libraries, daycare centers

_____ROY ALLEN & ASSOCIATES, INC., 212-840-1167_____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

2 and other community services.

3

(Bell rings.)

4

MR. SAWYIER: The
5 methodology used by the applicant in
6 determining its impact on these services
7 has also been questioned, including the
8 assumption that Pier 97 of Hudson River
9 Park be completed by 2017 despite the
10 fact that, at present, the project is
11 not fully funded.

12

As with parking, this
13 application --

14

VICE CHAIR KNUCKLES: Thank you,
15 Mr. Sawyer. Thank you.

16

Okay. I think our final speaker
17 in opposition is Matthew Green.

18

MR. GREEN: Good afternoon, Vice
19 Chair, Members of the Commission. My name is Matt
20 Green. I'm here on behalf of Councilmember Corey
21 Johnson. There is a State Ed meeting this
22 afternoon in City Council, so Johnson --
23 Councilmember Johnson regrets he can't be here to
24 deliver his testimony, but I'm here to deliver it
25 on his behalf.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

My name is Corey Johnson and I'm the Councilmember for the 3rd Council District. The proposal before the City Planning Commission by TF Cornerstone is wholly in the 6th Council District. However, I believe CPC should take into consideration the concerns and interests of both the 6th and 3rd Council Districts, as they will share the burden from the increases in development and pedestrian and vehicular traffic. I thank the Commission for the opportunity to testify today.

The proposal by TF Cornerstone would permit the development of a 1,050-unit residential rental building in a rezoned C4-7 district; up to two floors could be used for commercial purposes and may include an auto-repair facility. The applicant is also seeking to build a parking garage with 500 parking spaces.

Unless the amount of affordable housing in the project is increased to 20 percent of the total floor area of the building, rather than just the residential component, I recommend disapproval of application No. N130337ZRM, for special regulations in Northern Subarea C1 of the Special Clinton District. While I do not oppose

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the newly permitted use for auto repairs or the increased FAR from 9.0 to 12.0 pursuant to provisions of the Inclusionary Housing Program, I ask that all commercial and residential FAR be used as a base for discerning the size of the 20 percent affordable units.

The proposed text incentivizes commercial uses above the first floor up to an FAR of 4.0 which, if utilized, would reduce the amount of affordable housing in the building. The marginal increase of approximately 10 units by including commercial spaces in the base calculation is by no means economically infeasible in a project of this size. I urge the Commission to require TF Cornerstone to consider the building's entire square footage when calculating the number of affordable housing units.

It is also important that the tenants in the affordable units be treated as full residents of the building. The building must be fully ADA compliant and the affordable units should be distributed throughout at least 80 percent of the building; the fixtures and finishes in all the units of the building should be the same, all

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

building amendments made equally available,
including the provision of a reduced fee schedule
to assist the affordable tenants in enjoying the
full breadth of the building's facilities. These
are important considerations in ensuring that the
tenants of the affordable housing units experience
the full benefits of the Inclusionary Housing
Program.

The applicant is also seeking a
special permit pursuant to ZR 13-45 for a parking
garage for up to 500 spaces, or 395 spaces
depending on the ground floor. Community Board 4
issued a recommendation of conditional disapproval
for the special permit for a parking garage for
this proposal. It is the experience of residents
in the Hell's Kitchen and the Clinton neighborhood
and the membership of Community Board 4 that this
area has become a regional parking hub for
commuters, and as a consequence, residents in the
area are overburdened with a very -- with very
large parking facilities. This contributes greatly
to Hell's Kitchen's high asthma rates, traffic
accidents and pedestrian fatalities.

I support the Board's

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____
100 Church Street, 8th floor, New York, New York 10007
626 RXR Plaza, Uniondale, New York 11556

1

88

2 recommendation that the application for a special
3 permit pursuant to ZR 13-45 be approved if and only
4 if the garage is for accessory parking only and the
5 maximum is 400 spaces with the auto use and 295
6 without an auto use.

7 Finally, I am gravely concerned
8 about this developer's history of irresponsible
9 labor practices, poor work site safety conditions,
10 and a disregard for tenants and the building's
11 employees. Approval of this proposal would permit
12 to rise one of the largest residential buildings in
13 Manhattan. This building will intensify an
14 already -- an area already burdened infrastructure
15 on the West Side, from bus routes and subways to
16 overcrowded schools.

17 606 West 57th Street is zoned for
18 Public School 111.

19 (Bell rings.)

20 MR. GREEN: It is a
21 school that needs many improvements and
22 is already overcrowded.

23 If I may just finish.

24 The West Side has a tremendous
25 amount of development in the past decade and the

____ROY ALLEN & ASSOCIATES, INC., 212-840-1167____

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1

89

2 raze and raise trend is not expected to ebb. We
3 must continue to plan for and protect those who
4 have contributed to the fabric of our communities
5 for decades, while also planning for those who have
6 yet to come. Such planning demands --

7 VICE CHAIR KNUCKLES: Thank you,
8 Mr. Green. Thank you.

9 MR. GREEN: Thank you. Thank you
10 very much. Thanks for the opportunity to give my
11 testimony.

12 VICE CHAIR KNUCKLES: Thank you.
13 Melissa Chapman (phonetic).

14 A VOICE: Do I go now?

15 VICE CHAIR KNUCKLES: No.

16 A VOICE: I guess there's not a
17 Melissa Chapman then.

18 VICE CHAIR KNUCKLES: Okay.

19 Evelyn Wolf.

20 A VOICE: She had to leave.

21 VICE CHAIR KNUCKLES: She had to
22 leave. Okay.

23 Greg Holisko.

24 MR. HOLISKO: I'm just here from

25 AKRF to answer questions on the EIS with Charlie.

-----ROY ALLEN & ASSOCIATES, INC., 212-840-1167-----

100 Church Street, 8th floor, New York, New York 10007

626 RXR Plaza, Uniondale, New York 11556

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VICE CHAIR KNUCKLES: Okay, any questions for AKRF?

(No response.)

VICE CHAIR KNUCKLES: Okay. Thank you.

Are there any other speakers on this item? Any other speakers on this item?

(No response.)

VICE CHAIR KNUCKLES: If not, then the hearing is closed, but let me hasten to add that the record will remain open for ten days following the closing of this public hearing for comments on the Draft Environmental Impact Statement.

Thank you.

(Time noted: 1:10

P.M.)

* * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
SS.

COUNTY OF KINGS)

I, Therese Sturges, a
Shorthand Reporter and Notary Public within and for
the State of New York, do hereby certify:

I reported the
proceedings in the within-entitled matter and that
the within transcript is a true record of such
proceedings.

I further certify that
I am not related to any of the parties to this
action by blood or marriage; and that I am in no
way interested in the outcome of this matter.

IN WITNESS WHEREOF, I
have hereunto set my hand this 5th day of February,
2014.

THERESE STURGES