



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
TECHNICAL REVIEW DIVISION

Amanda M. Burden, AICP, Director
Department of City Planning

July 13, 2004

Laura V. Osorio, P.E.
Borough Commissioner Superintendent
Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

Re: M 010151(A) ZSM
601-657 West 57th Street
Entire block bounded by West 57th Street, Eleventh Avenue,
West 58th Street, and Twelfth Avenue
Block 1105, Lots 1,5,14,19,23;29,36 and 43
General Large-Scale Development
C4-7 and M1-5 Districts
Special Clinton District
Community District 4
Borough of Manhattan

Dear Commissioner Osorio:

On June 1, 2001, the Department of Buildings was advised that the applications (C 010149 ZSM, C 010150 ZSM, C 010151 ZSM and C 010152 ZSM) submitted by The Durst Organization for the grant of the following special permits by the City Planning Commission pursuant to the following sections of the Zoning Resolution:

1. C 010149 ZSM: a special permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 399 spaces on part of the ground floor and in the cellar of the mid-block portion of a proposed mixed-use building;
2. C 010150 ZSM: a special permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors in westerly part of a proposed mixed-used building;
3. C 010151 ZSM: a special permit pursuant to Section 74-743(a)(3) to modify the following height and setback regulations:

Sotiros Voyages, P.A., Director
Irene Sadko, P.E., Deputy Director/Chief Engineer
22 Reade Street, New York, N.Y. 10007-1216 Room 3N (212)720-3226
FAX (212)720-3244
nyc.gov/planning



- a. Sections 33-432(a) and 43-43: to allow the front walls and other portions of a building within the initial setback distance to exceed a maximum height of 85 feet above curb level to a height of 112' on Eleventh Avenue (a wide street), within 100 feet of Eleventh Avenue on West 57th Street (a wide street), and within 125 feet of Eleventh Avenue on West 58th Street (a narrow street), and to penetrate the sky exposure planes within the initial setback distance; and
- b. Sections 33-451 and 43-45: to allow two towers (at Eleventh Avenue and Twelfth Avenue, respectively) which in the aggregate occupy not more than 40 percent of the lot area of a zoning lot:
 - 1) to exceed 1,875 square feet of aggregate area in the portions located not less than 15 feet nor more than 50 feet from the street line of West 58th Street (a narrow street); and
 - 2) to exceed 1,600 square feet of aggregate area in the portions located not less than 10 feet nor more than 40 feet from the street lines of West 57th Street, Eleventh Avenue, and Twelfth Avenue (all wide streets); and
4. C 010152 ZSM: a special permit pursuant to Section 74-744(b) to permit residential and non-residential uses to be arranged within a building without regard for the regulations set forth in Section 32-422 (Location of floors occupied by non-residential uses) to enable commercial uses in the mid-block and Twelfth Avenue tower portions of the building to be located at the same height or higher than the residential use in the C4-7 portion of Eleventh Avenue tower of a proposed mixed-use building

to facilitate the development of a mixed-use building with two towers at 11th and 12th Avenues within a general large-scale development to be constructed at the above referenced location were approved by the City Planning Commission on March 28, 2001, (Cal. Nos. 18, 19, 20, and 21, respectively) and were adopted by the City Council on April 25, 2001 (Reso. Nos. 1891, 1892, 1893, 1894, respectively), on which date said Resolutions of Approval became effective.

Implementation of the proposed development also required a zoning map amendment application (C 010148 ZMM) rezoning the subject site from an

Laura V. Osorio, P.E.

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M2-3 District to C4-7 and M1-5 Districts which was approved by the City Planning Commission on March 28, 2001 (Cal. No.17) and was adopted by the City Council on April 25, 2001 (Reso. No.1890).

Presently, The Durst Organization submitted an application and related drawings (M 010151(A) ZSM) requesting a modification of previously approved special permits (C 010151 ZSM, C 010149 ZSM, C 010150 ZSM and C 010152 ZSM) and Restrictive Declaration involving the addition of a new curb-cut on West 57th Street to provide access to a 100-space accessory parking garage. Access to the garage was shown on West 58th Street on the approved plans.

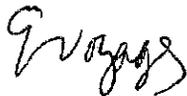
The City Planning Commission, after reviewing this request, determined that the modification is consistent with the original approvals and does not constitute a substantial change from the previously approved special permits (C 010151 ZSM, C 010149 ZSM, C 010150 ZSM and C 010152 ZSM).

Enclosed for your information are the following:

1. a copy of the application (M 010151(A) ZSM);
2. a copy of the Amendment of Restrictive Declaration, dated May 25, 2004, executed by Durst Development L.L.C., and recorded in the New York County Office of the City Register on June 29, 2004; and
3. the following drawings prepared by Fox & Fowle Architects:

<u>Drawing No.</u>	<u>Title</u>	<u>Last date revised</u>
Z-201	Illustrative Site Plan Ground Floor Plan	12/10/03
Z-201A	Illustrative Site Plan Roof Plan	12/10/03
Z-501	Public Parking Garage "A"	12/10/03
Z-502	Public Parking Garage "B"	12/10/03

Sincerely,

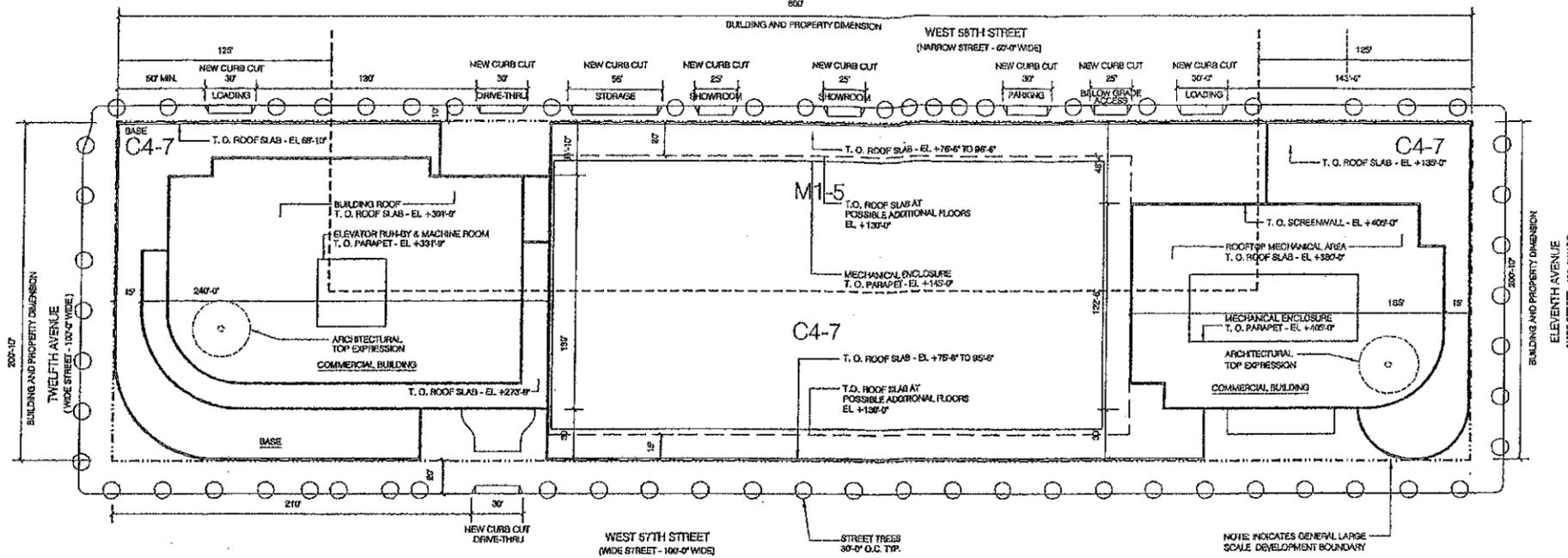


Sotireos Voyages, R.A.

Laura V. Osorio, P.E.

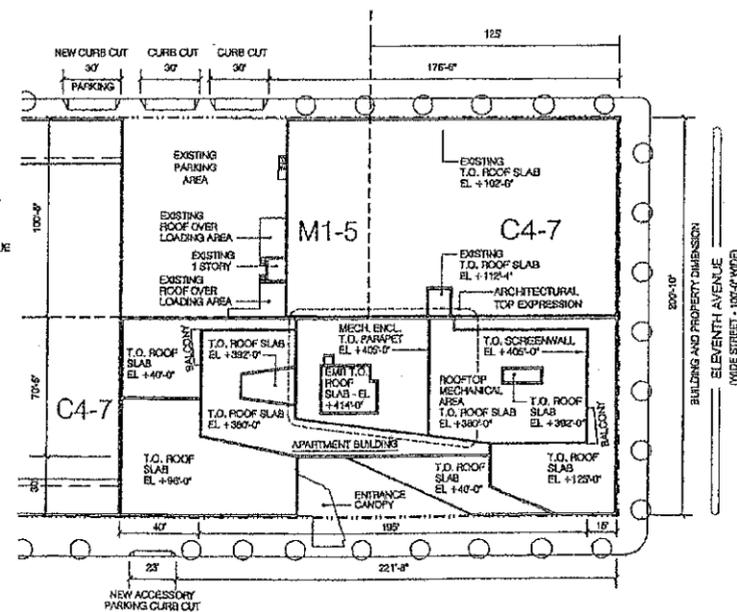
July 13, 2004

c: L. Parnes
K. Ramnarine
J. Mulligan
B. Rosen
P. Sperling
Applicant



Site Plan / Roof Plan Scheme A (Office - Office)

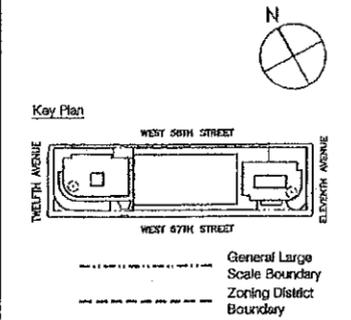
1"=40'



Partial Site Plan / Roof Plan @ 11th Avenue - Scheme B (Commercial - Residential)

1"=40'

LEGEND



GENERAL NOTES:

- All elevations above Manhattan Datum = 0.0'
- Locations of mechanical enclosures and architectural top expression are subject to change.
- Construction of the general large scale development may proceed in stages at the option of the developer and application for building permits for portions of the development may be filed with and approved by the Department of Buildings.
- Location and size of curb cuts along W 58th Street subject to change, provided that no curb cut shall be located within the 50 feet of any intersection of W 58th Street and mapped City Street and the entrance to drive-through shall be located at least 200 feet east of 12th Avenue. Accessory parking curb cut shall be located at least 200 feet west of 11th Avenue.
- Entrances may be located in accordance with Dvgs. Z-401 and Z-402.
- The Site Plans shown herein are illustrative and may change subject to the bulk envelope, and site controls set forth in drawings Z-401, Z-402, Z-403, Z-404, Z-405, and Z-406. Inter-Subdivisions and use designations are illustrative only and subject to change.

ULURP ATTACHMENT #2

NO.	REVISIONS/SUBMISSIONS	DATE
	57th Street Curb Cut and Retail Storefront Modifications	12/10/03
	57th Street Curb Cut Modifications	03/16/03
	U.L.U.R.P. Submissions/Resubmits #5	03/14/01
	U.L.U.R.P. Submissions/Resubmits #4	10/05/00
	U.L.U.R.P. Submissions/Resubmits #5	9/28/00
	U.L.U.R.P. Submissions/Resubmits #2	9/5/00
	U.L.U.R.P. Submissions/Resubmits #1	7/18/00
	U.L.U.R.P. Submissions	11/18/98

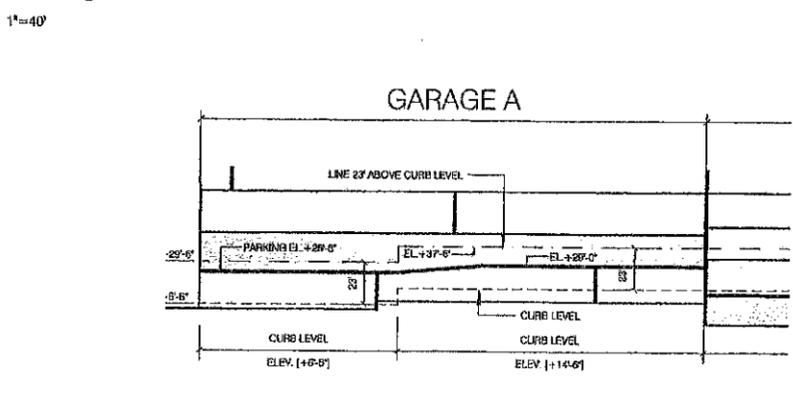
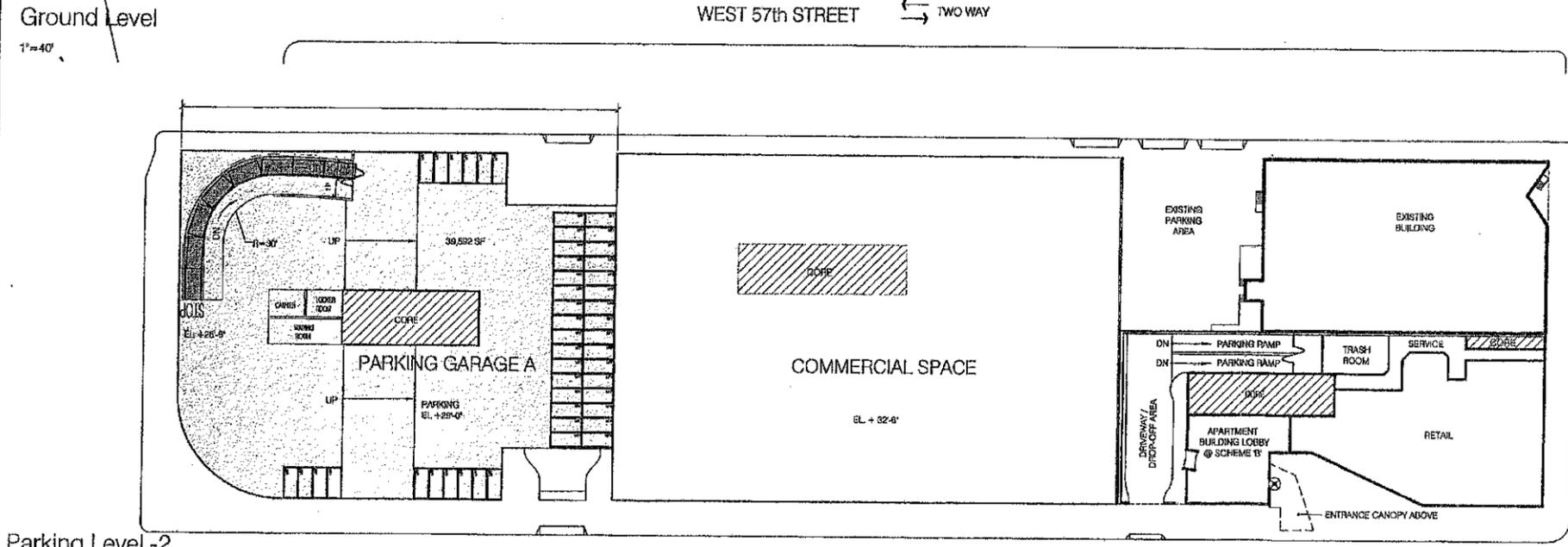
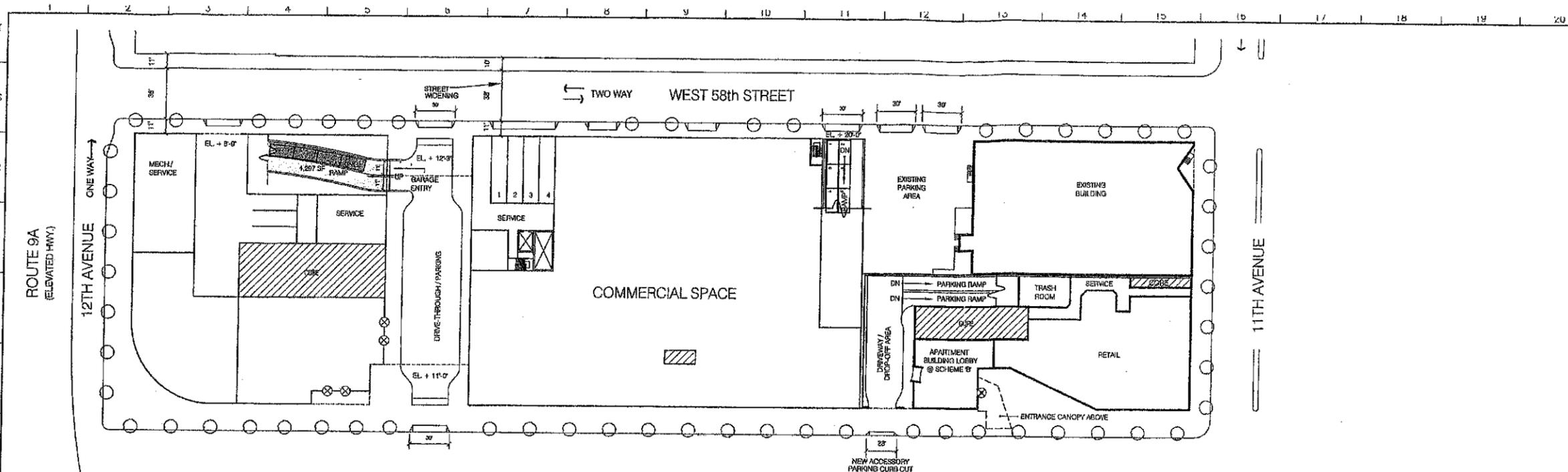
WEST 57TH STREET DEVELOPMENT
WEST 57TH STREET, NEW YORK, NEW YORK 10019
THE DURST ORGANIZATION
1100 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036 212-784-0900

FOX & FOWLER ARCHITECTS
22 West 19th Street, New York, New York 10011 212-467-1700

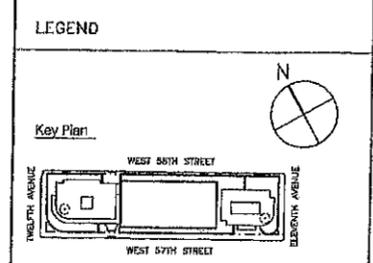
Drawing Title: ILLUSTRATIVE SITE PLAN ROOF PLAN

Drawn	Project No.	98017
Checked	CAD File No.	Z-201.DWG
Revised	Drawing No.	Z-201A
Date	Scale	1"=40'

DOB Mod OK



AREA CALCULATIONS PUBLIC PARKING GARAGE A	
GROSS AREA (S.F.)	46,408
LESS BUILDING CORE (S.F.)	2,517
GARAGE AREA (S.F.)	43,890
LESS RAMP (S.F.)	4,297
LESS CASHIER (S.F.)	1,355
GROSS UNOBSTRUCTED AREA (S.F.)	38,237
NUMBER OF STACKERS	48
REQUESTED CAPACITY	239
NO. OF RESERVOIR SPACES REQ'D / PROVIDED	12/12



NOTES:

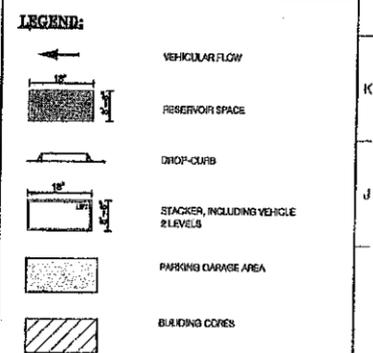
Garage Planning and Design Standards and Guidelines
Drop-Curb: Curb-cuts on public streets must be at a distance of at least 50 feet from any "stop-and-go" line. Variant curb-cut locations shall be approved by NYC Department of Buildings, as per ZR 38-53.

Reservoir Spaces: All reservoir spaces shall be located between the parking facility entrance and the attendant station. Each reservoir space shall be a minimum of 11'-0" x 18'-0" and shall be painted on the floor of the facility so as to be clearly visible by patrons entering in cars. The attendant station shall be located at, or adjacent to the innermost reservoir space(s), as per ZR 74-52.

Pedestrian Circulation
Cashier's booths and car pick-up and patron waiting areas shall be located so as to provide patron security and safety enroute to and at those locations.
Pedestrian routes to and from garage access points shall be provided and be clearly posted. These routes shall have warning devices placed at all potential pedestrian-vehicular conflict points.
Stop signs and vision and audible warning devices shall be placed at all vehicular egress points (at streetwells).

Accessibility for the Disabled:
Garages shall conform to Local Law 58 of 1987 and to the Americans With Disabilities Act of 1991.

Accessory Parking:
Up to 100 spaces from public garages may be relocated to accessory parking garage for 11th Avenue Building.



ULURP ATTACHMENT #6

NO.	PROVISIONS/SUBMISSIONS	DATE
1	57th Street Curb Cut and Retail Storefront Modification	12/10/03
2	57th Street Curb Cut Modification	05/18/03
3	U.L.U.R.P. Submission/Revision #6 per CPC Modification	03/28/01
4	U.L.U.R.P. Submission/Revision #5	03/14/01
5	U.L.U.R.P. Submission/Revision #4	10/05/00
6	U.L.U.R.P. Submission/Revision #3	5/26/00
7	U.L.U.R.P. Submission/Revision #2	9/5/00
8	U.L.U.R.P. Submission/Revision #1	7/19/00
9	U.L.U.R.P. Submission	11/19/00

WEST 57TH STREET DEVELOPMENT
WEST 57TH STREET, NEW YORK, NEW YORK 10019

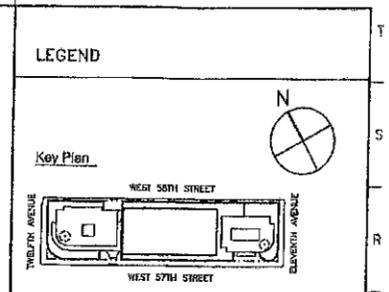
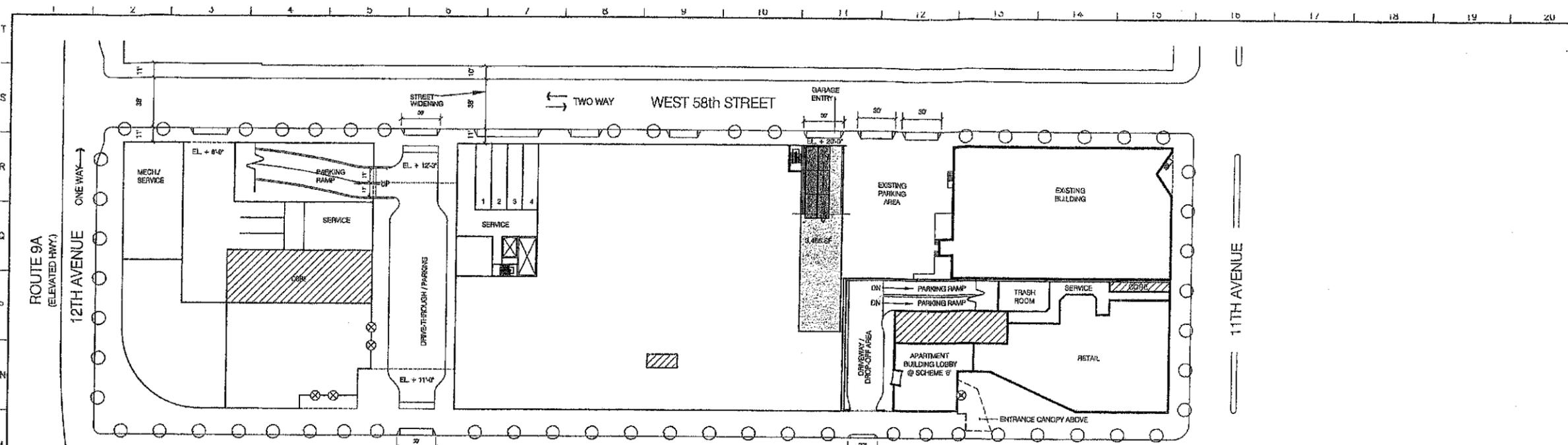
THE DURST ORGANIZATION
1155 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036 212-769-0200

FOX & FOLEY ARCHITECTS
22 WEST 15TH STREET, NEW YORK, NEW YORK 10011 212-677-1700

TRANSPORTATION ENGINEERS:
Philip Habib & Associates
600 Park Avenue South, New York, NY 10016 Tel: 212-688-0201 Fax: 212-688-0132

Drawing Title: **PUBLIC PARKING GARAGE 'A'**

Role	Name	Date
Drawn		
Checked	C/D	File No. Z-501.DWG
Reviewed		Drawing No.
Date	4/25/00	Z-501
Scale	1/4" = 1'-0"	



NOTES:

Garage Planning and Design Standards and Guidelines

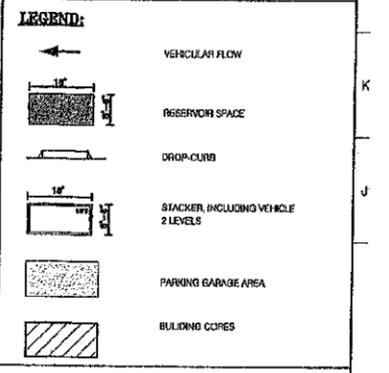
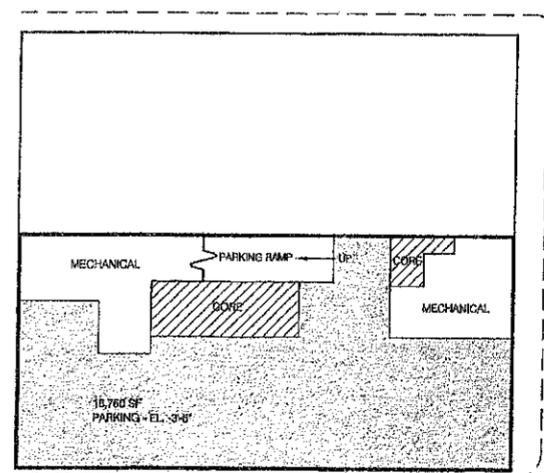
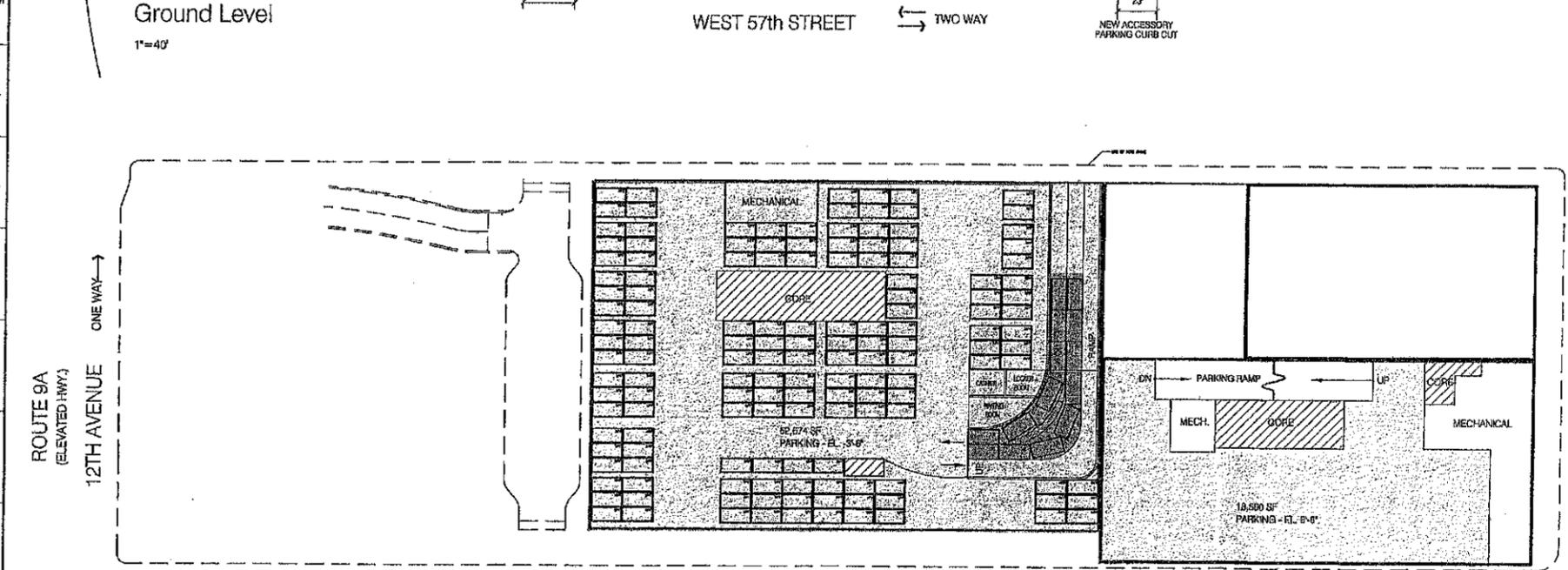
Curb-Cuts: Curb-cuts on public streets must be at a distance of at least 50 feet from any intersecting street line. Variant curb-cut locations shall be approved by NYC Department of Buildings, as per ZR 39-63.

Reservoir Spaces: All reservoir spaces shall be located between the parking facility entrance and the adjacent station. Each reservoir space shall be a minimum of 8'-5" x 18'-0" and shall be painted on the floor of the facility so as to be clearly visible to persons entering in cars. The attendant station shall be located at, or adjacent to the furthest reservoir space(s), as per ZR 74-02.

Pedestrian Circulation: Cashier's booths and car pickup and patron waiting areas shall be located so as to provide patron security and safety enroute to and at these locations. Pedestrian routes to and from garage access points shall be provided and be clearly posted. These routes shall have warning devices placed at all potential pedestrian vehicular conflict points. Stop signs and visual and audible warning devices shall be placed at all vehicular egress points (at sidewalk).

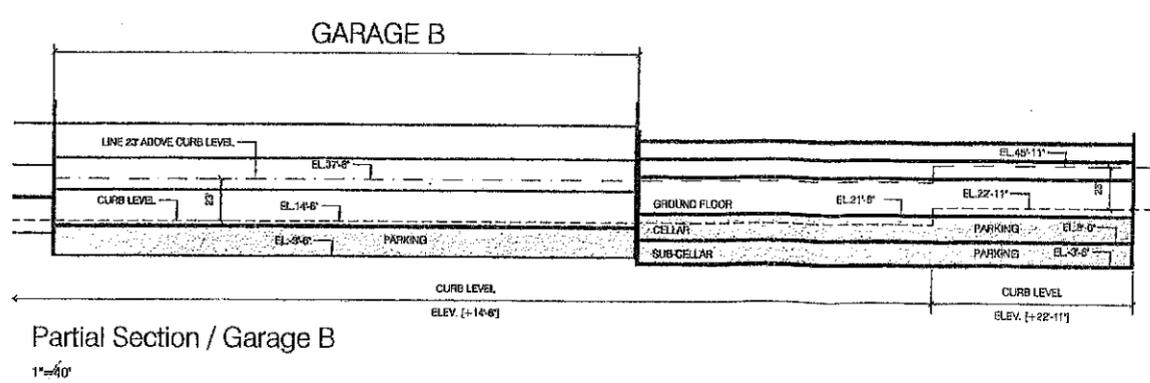
Accessibility for the Disabled: Garages shall conform to Local Law 58 of 1987 and to the Americans With Disabilities Act of 1991.

Accessory Parking: Up to 100 spaces from public garages may be relocated to accessory parking garage for 11th Avenue Building.



ULURP ATTACHMENT #8

NO.	REVISIONS/SUBMISSIONS	DATE
1	57th Street Curb Cut and Retail Storefront Modification	12/14/03
2	57th Street Curb Cut Modification	03/14/03
3	U L U R P Submission/Revision #5	03/14/03
4	U L U R P Submission/Revision #4	10/05/00
5	U L U R P Submission/Revision #3	9/26/00
6	U L U R P Submission/Revision #2	9/6/00
7	U L U R P Submission/Revision #1	7/18/00
8	U L U R P Submission	11/18/00



**AREA CALCULATIONS
PUBLIC PARKING GARAGE B**

GROSS AREA (S.F.)	58,951
LESS BUILDING CORE (S.F.)	2,812
GARAGE AREA (S.F.)	56,139
LESS RAMP (S.F.)	3,485
LESS CASHIER/MECHANICAL (S.F.)	2,844
GROSS UNOBSTRUCTED AREA (S.F.)	50,030
NUMBER OF STACKERS	148
REQUESTED CAPACITY	399
NO. OF RESERVOIR SPACES REQ'D / PROVIDED	20/20

WEST 57TH STREET DEVELOPMENT
WEST 57TH STREET, NEW YORK, NEW YORK 10019

THE DURST ORGANIZATION
1185 AVENUE OF THE AMERICANS, NEW YORK, NEW YORK 10036 212-799-0000

FOX & FOLIO ARCHITECTS
22 West 100 Street, New York, New York 10011 212-677-1700

TRANSPORTATION ENGINEERS:
Philip Habib & Associates
401 Park Avenue South, New York, NY 10016 Tel: 212-686-0091 Fax: 212-686-0032

Drawing Title: **PUBLIC PARKING GARAGE 'B'**

Drawn	Project No.
Checked	CAD File No. Z-501.DWG
Revised	Drawing No.
Date: 4/25/00	Z-502
Scale: 1/4"=1'-0"	of

CITY PLANNING COMMISSION

March 28, 2001/Calendar No. 18

C 010149 ZSM

IN THE MATTER OF an application submitted by The Durst Organization pursuant to Sections 197c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 399 spaces on portions of the ground and second floors and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in the mid-block portion of a proposed mixed-use building to be constructed on property bounded by West 57th Street, Eleventh Avenue, West 58th Street, and Twelfth Avenue (Block 1105, Lots 1, 5, 14, 19, 23, 29, 36, and 43), within a general large-scale development, in proposed C4-7 and M1-5 Districts, in the Special Clinton District (Area C (Other Area)), Community District 4, Borough of Manhattan.

The application was filed by the Durst Organization on October 10, 2000, for a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a 399-space attended public parking garage to be located on portions of the ground and second floors in the mid-block portion of a proposed 1.33 million square foot mixed-use development, and to exempt 50,181 square feet of floor space below a height of 23 feet above curb level from the definition of floor area. A revised application was submitted on March 14, 2001 to relocate the garage below-grade, and to eliminate the request for the floor area exemption.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C010149ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 010148 ZMM: a zoning map amendment from an M2-3 to a C4-7 and M1-5 District to facilitate the development of a commercial or commercial and

residential development on the site.

C 010151 ZSM: a Special Permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to permit the modification of height and setback regulations in Sections 33-432(a), 43-43, 33-451 and 43-45.

C 010150 ZSM: a Special Permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area in the westerly portion of the site's proposed development.

C 010152 ZSM: a Special Permit pursuant to Section 74-744(b) to permit commercial uses in the mid-block and Twelfth Avenue tower portions of the proposed development to be located at the same height or higher than the residential use in the Eleventh Avenue tower portion of the proposed development.

BACKGROUND

The project block is currently zoned M2-3, which allows a maximum floor-area-ratio (FAR) of 2 for manufacturing uses with medium performance standards and commercial uses. The proposed parking garage would be located in a proposed 1.33 million square foot commercial or commercial and residential development.

The application, as certified, proposed a public parking garage with a maximum capacity of 399 spaces on the ground and second floors of the mid-block building of the proposed mixed-use development, and to exempt 50,181 square feet of parking floor space below a height of 23 feet above curb level from the definition of floor area. On March 14, 2001, the application was revised by relocating the parking below-grade, and eliminating the request for the floor area exemption.

A more detailed discussion of the project is contained within the report on the related application for the special permit (C010151ZSM).

ENVIRONMENTAL REVIEW

This application (C010149ZSM) in conjunction with the applications for the related actions (C010148ZSM, C010151ZSM, C010150ZSM, C010152ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 01DCP041M. The lead agency is the Department of City Planning.

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

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
10. The action, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.
11. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.
12. The action, as proposed, may result in significant adverse impacts on energy consumption in the affected area.
13. The action, as proposed, may result in significant adverse impacts to transportation systems including traffic, parking, transit and pedestrian conditions in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse construction-related impacts.
17. The action, as proposed, may result in effects related to other aspects of the environment.

A positive declaration was issued on March 8, 2000 and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement ("DEIS").

The applicant prepared a DEIS and a Notice of Completion was issued on October 27, 2000. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on February 14, 2001 in conjunction with the public hearing on the related ULURP items (C010148ZSM, C010151ZSM, C010150ZSM, C010152ZSM). A Final Environmental Impact Statement ("FEIS") was completed and a Notice of Completion was issued on March 16, 2001. The Notice of Completion for the FEIS identified the following potential significant adverse impacts, as well as mitigation measures to address these impacts:

Hazardous Materials

To avoid any adverse effects at the project block, a Remedial Action Plan has been submitted to the New York State Department of Environmental Conservation (NYSDEC). The Action Plan includes a plan to conduct soil testing as per NYSDEC protocol on the three parcels that have not been tested for subsurface contaminants; development of an appropriate remedial plan for all elevated soil contaminants that exceed NYSDEC Guidance Levels; removal and closure of all USTs in accordance with NYSDEC Guidelines; closure of the active NYSDEC spill number and any other existing active spill numbers in cooperation with NYSDEC; and development of a site-specific HASP for the workers and future occupants on the site. In addition, if groundwater monitoring shows it to be necessary, any dewatering system would be modified to treat contaminated groundwater as it is removed from construction areas. A NYCDEP Sewer Discharge permit would be obtained if dewatering into New York City drains were to be necessary.

ACM would be abated before the start of demolition, and ACM, PCBs, and lead-based paint would be removed and disposed of in accordance with all Federal, State, and local regulations. Implementation of these measures and programs would fully mitigate the potential for any significant adverse impacts on public health.

Traffic

To mitigate impacts resulting from the proposed project, signal retiming at the following intersections are proposed:

- West 59th Street and West End Avenue during the PM peak hour;
- West 65th Street and West End Avenue during the PM peak hour;
- West 54th Street and Eleventh Avenue during the PM peak hour;
- West 58th Street and Tenth Avenue during the PM peak hour; and
- West 57th Street and Ninth Avenue during the AM and PM peak hours.

To mitigate impacts at the intersections of West 57th Street and Tenth Avenue and West 57th Street at Eleventh Avenue, restrict parking at the westbound and southbound approaches during the AM, midday, and PM peak hours. In addition, at the intersection of West 57th Street and Tenth Avenue, provide a westbound right-turn lane. These parking regulation changes are expected to eliminate approximately 11 metered parking spaces. Vehicles previously parking in these 11 spaces could be accommodated in available on-street parking spaces or off-street parking facilities.

Noise

Traffic generated by the proposed project would result in an increase in noise levels along the project blockfaces. The maximum increase in noise level would be less than 2.0 dBA. Increases in noise levels of this magnitude would be perceptible and would be insignificant. In terms of the New York City CEPO-CEQR standards, noise levels at all four sites would remain in the "marginally unacceptable" category, and no significant impacts to noise would result from the proposed project.

Under either scenario, the project building design will include well-sealed double-glazed windows and central air conditioning. The maximum exterior L_{10} noise level at the building would be less than 79 dBA. The proposed building design measures will provide at least 35 dBA of attenuation on all sides of the building, and would result in L_{10} noise levels that comply with CEPO-CEQR requirements and result in levels of 45 dBA or lower.

To ensure this level of attenuation, an (E) designation for noise will be placed on the project block. The text of the (E) designation would be:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation includes, but is limited to, central air conditioning or air conditioning sleeves containing air conditioners or U.S. Department of Housing and Urban Development (HUD)-approved fans.

The (E) designation would preclude the potential for significant adverse impacts.

UNIFORM LAND USE REVIEW

This application (C010149ZSM) was certified as complete by the Department of City Planning on October 30, 2000 and was duly referred to Manhattan Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related applications (C010148ZSM, C010151ZSM, C010150ZSM, C010152ZSM).

Community Board Public Hearing

Community Board 4 held a public hearing on the applications on January 3, 2001, and on that date, by a vote of 25 to 1 with 2 abstentions and 2 present but not eligible to vote, adopted a resolution recommending approval of the applications with conditions.

A summary of that recommendation appears in the report on the related special permit application (C010151ZSM).

Borough President Recommendation

The applications were considered by the Borough President, who issued a recommendation on February 7, 2001 approving the applications with conditions.

A summary of that recommendation appears in the report on the related special permit application (C010151ZSM).

City Planning Commission Public Hearing

On January 31, 2001 (Calendar No. 6), the City Planning Commission scheduled February 14, 2001 for a public hearing on this application. The hearing was duly held on February 14, 2001 (Calendar No. 11) in conjunction with the public hearing on the related applications (C010148ZSM, C010151ZSM, C010150ZSM, C010152ZSM).

There were three speakers in favor of the application and none in opposition, as described in the report on the related special permit application (C010151ZSM).

CONSIDERATION

The Commission believes that the application for the public parking garage, as revised, is appropriate.

A detailed discussion of the application is contained within the report on the related application for the special permit (C010151ZSM).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Sections 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

- (a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;

(f) Not applicable;

(g) Not applicable.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 16, 2001, with respect to this application (CEQR. No. 00DCP041M), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

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

RESOLVED, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration and findings described in this report, the application submitted by The Durst Organization pursuant to Sections 197c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage

with a maximum capacity of 399 spaces on a portion of the ground floor and in the cellar of the mid-block portion of a proposed mixed-use building to be constructed on property bounded by West 57th Street, Eleventh Avenue, West 58th Street, and Twelfth Avenue (Block 1105, Lots 1, 5, 14, 19, 23, 29, 36, and 43), within a general large-scale development, in proposed C4-7 and M1-5 Districts, in the Special Clinton District (Area C (Other Area)), Community District 4, Borough of Manhattan, is approved subject to the following conditions:

1. The property that is the subject of this application (C010149ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Fox & Fowle Architects, and filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z201	Illustrative Site Plan/Ground Floor Plan	March 14, 2001
Z201A	Illustrative Site Plan/Roof Plan	March 14, 2001
Z202	Zoning Analysis	March 28, 2001
Z301	Average Curb Level/Base Plane	March 14, 2001
Z401	Building Envelope Controls Scheme A - Elevations	March 14, 2001
Z402	Building Envelope Controls Scheme B - Elevations	March 14, 2001
Z403	Building Envelope Controls - Plans	March 14, 2001
Z404	Height & Setback - Encroachment Diagrams	March 14, 2001
Z405	Height & Setback - Encroachment Diagrams	March 14, 2001
Z406	Height & Setback - Encroachment Diagrams	March 14, 2001
Z501	Public Parking Garage "A"	March 28, 2001
Z502	Public Parking Garage "B"	March 14, 2001

2. Such development shall conform to all applicable provisions of the Zoning Resolution,

except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution (and the restrictive declaration described below) and any subsequent modifications (to either document) shall be provided to the Attorney General of the State of New York at the time of the application for any such condominium, homeowner's or cooperative plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. The development shall include those mitigative measures in the FEIS (CEQR No. 00DCP041M) issued on March 16, 2001, and identified as follows:

Hazardous Materials

To avoid any adverse effects at the project block, a Remedial Action Plan has been submitted to the New York State Department of Environmental Conservation (NYSDEC). The Action Plan includes a plan to conduct soil testing as per NYSDEC protocol on the three parcels that have not been tested for subsurface contaminants; development of an appropriate remedial plan for all elevated soil contaminants that exceed NYSDEC Guidance Levels; removal and closure of all USTs in accordance with NYSDEC Guidelines; closure of the active NYSDEC spill number and any other existing

active spill numbers in cooperation with NYSDEC; and development of a site-specific HASP for the workers and future occupants on the site. In addition, if groundwater monitoring shows it to be necessary, any dewatering system would be modified to treat contaminated groundwater as it is removed from construction areas. A NYCDEP Sewer Discharge permit would be obtained if dewatering into New York City drains were to be necessary.

ACM would be abated before the start of demolition, and ACM, PCBs, and lead-based paint would be removed and disposed of in accordance with all Federal, State, and local regulations. Implementation of these measures and programs would fully mitigate the potential for any significant adverse impacts on public health.

Traffic

To mitigate impacts resulting from the proposed project, signal retiming at the following intersections are proposed:

- West 59th Street and West End Avenue during the PM peak hour;
- West 65th Street and West End Avenue during the PM peak hour;
- West 54th Street and Eleventh Avenue during the PM peak hour;
- West 58th Street and Tenth Avenue during the PM peak hour; and
- West 57th Street and Ninth Avenue during the AM and PM peak hours.

To mitigate impacts at the intersections of West 57th Street and Tenth Avenue and West 57th Street at Eleventh Avenue, restrict parking at the westbound and southbound approaches during the AM, midday, and PM peak hours. In addition, at the intersection of West 57th Street and Tenth Avenue, provide a westbound right-turn lane. These parking regulation changes are expected to eliminate approximately 11 metered parking spaces. Vehicles previously parking in these 11 spaces could be accommodated in available on-street parking spaces or off-street parking facilities.

Noise

Traffic generated by the proposed project would result in an increase in noise levels along the project blockfaces. The maximum increase in noise level would be less than 2.0 dBA. Increases in noise levels of this magnitude would be perceptible and would be insignificant. In terms of the New York City CEPO-CEQR standards, noise levels at all four sites would remain in the "marginally unacceptable" category, and no significant impacts to noise would result from the proposed project.

Under either scenario, the project building design will include well-sealed double-glazed windows and central air conditioning. The maximum exterior L_{10} noise level at the building would be less than 79 dBA. The proposed building design measures will provide at least 35 dBA of attenuation on all sides of the building, and would result in L_{10} noise levels that comply with CEPO-CEQR requirements and result in levels of 45 dBA or lower.

To ensure this level of attenuation, an (E) designation for noise will be placed on the project block. The text of the (E) designation would be:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation includes, but is limited to, central air conditioning or air conditioning sleeves containing air conditioners or U.S. Department of Housing and Urban Development (HUD)-approved fans.

The (E) designation would preclude the potential for significant adverse impacts.

6. All leases, subleases, or other agreement for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration dated as of March 28, 2001 and executed by The Durst Organization, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
8. Upon the failure of any party having any right, title or interest in the property that is the

subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

The above resolution (C010149ZSM), duly adopted by the City Planning Commission on March 28, 2001 (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA BURDEN, A.I.C.P.,
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, WILLIAM J. GRINKER,
KENNETH J. KNUCKLES, ESQ., JOHN MEROLO, Commissioners

CITY PLANNING COMMISSION

March 28, 2001/Calendar No. 19

C 010150 ZSM

IN THE MATTER OF an application submitted by The Durst Organization pursuant to Sections 197c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS) in the westerly portion of a proposed mixed-use building to be constructed on property bounded by West 57th Street, Eleventh Avenue, West 58th Street, and Twelfth Avenue (Block 1105, Lots 1, 5, 14, 19, 23, 29, 36, and 43), within a general large-scale development, in proposed C4-7 and M1-5 Districts, in the Special Clinton District (Area C (Other Area)), Community District 4, Borough of Manhattan.

The application was filed by the Durst Organization on October 10, 2000, for a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a 239-space attended public parking garage to be located on portions of the ground and second floors in the westerly portion of a proposed 1.33 million square foot mixed-use development, and to exempt 43,889 square feet of floor space below a height of 23 feet above curb level from the definition of floor area.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C010149ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 010148 ZMM: a zoning map amendment from an M2-3 to a C4-7 and M1-5 District to facilitate the development of a commercial or commercial and residential development on the site.

C 010151 ZSM: a Special Permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to permit the modification of height and setback regulations in Sections 33-432(a), 43-43, 33-451 and 43-45.

C 010149 ZSM: a Special Permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area in the mid-block portion of the site's proposed development.

C 010152 ZSM: a Special Permit pursuant to Section 74-744(b) to permit commercial uses in the mid-block and Twelfth Avenue tower portions of the proposed development to be located at the same height or higher than the residential use in the Eleventh Avenue tower portion of the proposed development.

BACKGROUND

The project block is currently zoned M2-3, which allows a maximum floor-area-ratio (FAR) of 2 for manufacturing uses with medium performance standards and commercial uses. The proposed parking garage would be located in a proposed 1.33 million square foot commercial or commercial and residential development.

As certified, the application proposed a public parking garage with a maximum capacity of 239 spaces on the ground and second floors of the Twelfth Avenue building in the proposed mixed-use development, and the exemption of 43,889 square feet of floor space below a height of 23 feet above curb level from the definition of floor area.

A more detailed discussion of the project is contained within the report on the related application for the special permit (C010151ZSM).

ENVIRONMENTAL REVIEW

This application (C010150ZSM) in conjunction with the applications for the related actions (C010148ZSM, C010151ZSM, C010149ZSM, C010152ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 01DCP041M. The lead agency is the Department of City Planning.

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

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.
10. The action, as proposed, may result in significant adverse impacts on infrastructure in the

vicinity of the affected area.

11. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.
12. The action, as proposed, may result in significant adverse impacts on energy consumption in the affected area.
13. The action, as proposed, may result in significant adverse impacts to transportation systems including traffic, parking, transit and pedestrian conditions in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse construction-related impacts.
17. The action, as proposed, may result in effects related to other aspects of the environment.

A positive declaration was issued on March 8, 2000 and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement ("DEIS").

The applicant prepared a DEIS and a Notice of Completion was issued on October 27, 2000. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on February 14, 2001 in conjunction with the public hearing on the related ULURP items (C010148ZSM, C010151ZSM, C010149ZSM, C010152ZSM). A Final Environmental Impact Statement ("FEIS") was completed and a Notice of Completion was issued on March 16, 2001. The Notice of Completion for the FEIS identified the following potential significant adverse impacts, as well as mitigation measures to address these impacts:

Hazardous Materials

To avoid any adverse effects at the project block, a Remedial Action Plan has been

submitted to the New York State Department of Environmental Conservation (NYSDEC). The Action Plan includes a plan to conduct soil testing as per NYSDEC protocol on the three parcels that have not been tested for subsurface contaminants; development of an appropriate remedial plan for all elevated soil contaminants that exceed NYSDEC Guidance Levels; removal and closure of all USTs in accordance with NYSDEC Guidelines; closure of the active NYSDEC spill number and any other existing active spill numbers in cooperation with NYSDEC; and development of a site-specific HASP for the workers and future occupants on the site. In addition, if groundwater monitoring shows it to be necessary, any dewatering system would be modified to treat contaminated groundwater as it is removed from construction areas. A NYCDEP Sewer Discharge permit would be obtained if dewatering into New York City drains were to be necessary.

ACM would be abated before the start of demolition, and ACM, PCBs, and lead-based paint would be removed and disposed of in accordance with all Federal, State, and local regulations. Implementation of these measures and programs would fully mitigate the potential for any significant adverse impacts on public health.

Traffic

To mitigate impacts resulting from the proposed project, signal retiming at the following intersections are proposed:

- West 59th Street and West End Avenue during the PM peak hour;
- West 65th Street and West End Avenue during the PM peak hour;
- West 54th Street and Eleventh Avenue during the PM peak hour;
- West 58th Street and Tenth Avenue during the PM peak hour; and
- West 57th Street and Ninth Avenue during the AM and PM peak hours.

To mitigate impacts at the intersections of West 57th Street and Tenth Avenue and West 57th Street at Eleventh Avenue, restrict parking at the westbound and southbound approaches during the AM, midday, and PM peak hours. In addition, at the intersection of West 57th Street and Tenth Avenue, provide a westbound right-turn lane. These parking regulation changes are expected to eliminate approximately 11 metered parking spaces. Vehicles previously parking in these 11 spaces could be accommodated in available on-street parking spaces or off-street parking facilities.

Noise

Traffic generated by the proposed project would result in an increase in noise levels along

the project blockfaces. The maximum increase in noise level would be less than 2.0 dBA. Increases in noise levels of this magnitude would be perceptible and would be insignificant. In terms of the New York City CEPO-CEQR standards, noise levels at all four sites would remain in the "marginally unacceptable" category, and no significant impacts to noise would result from the proposed project.

Under either scenario, the project building design will include well-sealed double-glazed windows and central air conditioning. The maximum exterior L_{10} noise level at the building would be less than 79 dBA. The proposed building design measures will provide at least 35 dBA of attenuation on all sides of the building, and would result in L_{10} noise levels that comply with CEPO-CEQR requirements and result in levels of 45 dBA or lower.

To ensure this level of attenuation, an (E) designation for noise will be placed on the project block. The text of the (E) designation would be:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation includes, but is limited to, central air conditioning or air conditioning sleeves containing air conditioners or U.S. Department of Housing and Urban Development (HUD)-approved fans.

The (E) designation would preclude the potential for significant adverse impacts.

UNIFORM LAND USE REVIEW

This application (C010150ZSM) was certified as complete by the Department of City Planning on October 30, 2000 and was duly referred to Manhattan Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related applications (C010148ZSM, C010151ZSM, C010149ZSM, C010152ZSM).

Community Board Public Hearing

Community Board 4 held a public hearing on the applications on January 3, 2001, and on that date, by a vote of 25 to 1 with 2 abstentions and 2 present but not eligible to vote, adopted a resolution recommending approval of the applications with conditions.

A summary of that recommendation appears in the report on the related special permit application (C010151ZSM).

Borough President Recommendation

The applications were considered by the Borough President, who issued a recommendation on February 7, 2001 approving the applications with conditions.

A summary of that recommendation appears in the report on the related special permit application (C010151ZSM).

City Planning Commission Public Hearing

On January 31, 2001 (Calendar No. 7), the City Planning Commission scheduled February 14, 2001 for a public hearing on this application. The hearing was duly held on February 14, 2001 (Calendar No. 12) in conjunction with the public hearing on the related applications (C010148ZSM, C010151ZSM, C010149ZSM, C010152ZSM).

There were three speakers in favor of the application and none in opposition, as described in the

report on the related application for the special permit (C010151ZSM).

CONSIDERATION

The Commission believes that the application for the public parking garage, as modified, is appropriate.

A detailed discussion of the application is contained within the report on the related special permit application (C010151ZSM).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Sections 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

- (a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;
- (f) Not applicable;

(g) Not applicable.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 16, 2001, with respect to this application (CEQR No. 00DCP041M), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

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

RESOLVED, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration and findings described in this report, the application submitted by The Durst Organization pursuant to Sections 197c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors in the

westerly portion of a proposed mixed-use building to be constructed on property bounded by West 57th Street, Eleventh Avenue, West 58th Street, and Twelfth Avenue (Block 1105, Lots 1, 5, 14, 19, 23, 29, 36, and 43), within a general large-scale development, in proposed C4-7 and M1-5 Districts, in the Special Clinton District (Area C (Other Area)), Community District 4, Borough of Manhattan, is approved subject to the following conditions:

1. The property this is the subject of this application (C010150ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Fox & Fowle Architects, and filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z201	Illustrative Site Plan/Ground Floor Plan	March 14, 2001
Z201A	Illustrative Site Plan/Roof Plan	March 14, 2001
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Z401	Building Envelope Controls Scheme A - Elevations	March 14, 2001
Z402	Building Envelope Controls Scheme B - Elevations	March 14, 2001
Z403	Building Envelope Controls - Plans	March 14, 2001
Z404	Height & Setback - Encroachment Diagrams	March 14, 2001
Z405	Height & Setback - Encroachment Diagrams	March 14, 2001
Z406	Height & Setback - Encroachment Diagrams	March 14, 2001
Z501	Public Parking Garage "A"	March 28, 2001
Z502	Public Parking Garage "B"	March 14, 2001

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans

listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution (and the restrictive declaration described below) and any subsequent modifications (to either document) shall be provided to the Attorney General of the State of New York at the time of the application for any such condominium, homeowner's or cooperative plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. The development shall include those mitigative measures in the FEIS (CEQR No.

00DCP041M) issued on March 16, 2001, and identified as follows:

Hazardous Materials

To avoid any adverse effects at the project block, a Remedial Action Plan has been submitted to the New York State Department of Environmental Conservation (NYSDEC). The Action Plan includes a plan to conduct soil testing as per NYSDEC protocol on the three parcels that have not been tested for subsurface contaminants; development of an appropriate remedial plan for all elevated soil contaminants that exceed NYSDEC Guidance Levels; removal and closure of all USTs in accordance with NYSDEC Guidelines; closure of the active NYSDEC spill number and any other existing active spill numbers in cooperation with NYSDEC; and development of a site-specific HASP for the workers and future occupants on the site. In addition, if groundwater

monitoring shows it to be necessary, any dewatering system would be modified to treat contaminated groundwater as it is removed from construction areas. A NYCDEP Sewer Discharge permit would be obtained if dewatering into New York City drains were to be necessary.

ACM would be abated before the start of demolition, and ACM, PCBs, and lead-based paint would be removed and disposed of in accordance with all Federal, State, and local regulations. Implementation of these measures and programs would fully mitigate the potential for any significant adverse impacts on public health.

Traffic

To mitigate impacts resulting from the proposed project, signal retiming at the following intersections are proposed:

- West 59th Street and West End Avenue during the PM peak hour;
- West 65th Street and West End Avenue during the PM peak hour;
- West 54th Street and Eleventh Avenue during the PM peak hour;
- West 58th Street and Tenth Avenue during the PM peak hour; and
- West 57th Street and Ninth Avenue during the AM and PM peak hours.

To mitigate impacts at the intersections of West 57th Street and Tenth Avenue and West 57th Street at Eleventh Avenue, restrict parking at the westbound and southbound approaches during the AM, midday, and PM peak hours. In addition, at the intersection of West 57th Street and Tenth Avenue, provide a westbound right-turn lane. These parking regulation changes are expected to eliminate approximately 11 metered parking spaces. Vehicles previously parking in these 11 spaces could be accommodated in available on-street parking spaces or off-street parking facilities.

Noise

Traffic generated by the proposed project would result in an increase in noise levels along the project blockfaces. The maximum increase in noise level would be less than 2.0 dBA. Increases in noise levels of this magnitude would be perceptible and would be insignificant. In terms of the New York City CEPO-CEQR standards, noise levels at all four sites would remain in the "marginally unacceptable" category, and no significant impacts to noise would result from the proposed project.

Under either scenario, the project building design will include well-sealed double-glazed

windows and central air conditioning. The maximum exterior L_{10} noise level at the building would be less than 79 dBA. The proposed building design measures will provide at least 35 dBA of attenuation on all sides of the building, and would result in L_{10} noise levels that comply with CEPO-CEQR requirements and result in levels of 45 dBA or lower.

To ensure this level of attenuation, an (E) designation for noise will be placed on the project block. The text of the (E) designation would be:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation includes, but is limited to, central air conditioning or air conditioning sleeves containing air conditioners or U.S. Department of Housing and Urban Development (HUD)-approved fans.

The (E) designation would preclude the potential for significant adverse impacts.

6. All leases, subleases, or other agreement for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration dated as of March 28, 2001 and executed by The Durst Organization, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
8. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal

representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

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

The above resolution (C010150ZSM), duly adopted by the City Planning Commission on March 28, 2001 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA BURDEN, A.I.C.P.,
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, WILLIAM J. GRINKER,
KENNETH J. KNUCKLES, ESQ., JOHN MEROLO, Commissioners