TECHNICAL MEMORANDUM

625 West 57th Street—Auto Showroom Text Amendment

April 21, 2016

A. INTRODUCTION

The applicant, Durst Pyramid LLC, is seeking a zoning text amendment to Zoning Resolution §96-34 and to Appendix A of Article IX, Chapter 6 - District Map for the Special Clinton District (the "proposed actions") to allow for automobile repair and preparation of vehicles for delivery in conjunction with an automobile showroom at 625 West 57th Street (Block 1105, Lot 7501[1]) (the "development site"—see **Figure 1**). The proposed actions would facilitate a proposal by the applicant to develop an auto showroom of up to 35,000 square feet with a facility of up to 15,000 square feet for automobile repair and preparation of vehicles for delivery on the ground floor of the new mixed-use building on the development site. The development site is located in C4-7 and C6-2 zoning districts, which allow for automobile showroom and sales uses, but do not allow for automobile repair uses. The development site is located in the Clinton neighborhood in Manhattan, Community District 4.

The development site was the subject of rezonings in 2001 and 2012. These rezonings and related special permits were analyzed in the 2001 *West 57th Street Rezoning Final Environmental Impact Statement* ("2001 FEIS") and the 2012 *625 West 57th Street Final Supplemental Environmental Impact Statement* ("2012 FSEIS"), respectively. This memorandum concludes that the proposed text amendment would not result in any significant adverse impacts not previously identified and addressed in the 2012 FSEIS (inclusive of significant adverse impacts identified and addressed in the 2001 FEIS).

B. PAST AND PROPOSED ACTIONS AND APPROVALS

PAST ACTIONS AND APPROVALS

In 2001, the entire block containing the development site (Manhattan Block 1105, Lots 1, 29, and 36; the "project area"—see **Figure 1**) was the subject of a rezoning from an M2-3 zoning district to a C4-7 district within 125 feet of the avenues and in the midblock along West 57th Street (to a depth of approximately 100 feet), and to an M1-5 zoning district in the midblock facing West 58th Street (the 2001 FEIS). The proposed actions analyzed in the 2001 FEIS also included special permits for the modification of height and setback regulations, residential uses located on the same level or below commercial uses, for a 239-space above grade public parking garage on the western portion of the block, and for a 399-space below grade public parking garage on the eastern and midblock portions of the block. The 2001 FEIS also included a Restrictive Declaration that included provisions governing how the project area could be developed. The actions were approved by the City Council in 2001.

The Helena, a 38-story, 597-unit residential apartment building with approximately 12,000 square feet of ground floor retail and 100 accessory parking spaces was completed in 2004

[1] Formerly Lot 1.

9/17/2015



Project Area (labeled with lot numbers)

Development Site

0 400 FEET

625 West 57th Street

Project Location
Figure 1

pursuant to the 2001 approvals as modified in 2004[2], and fully occupies the southeastern corner of the block. The 2001 FEIS assumed that the new residential development along Eleventh Avenue would include Lot 36 on the northeastern corner of the project block. However, this lot was not included in the development of The Helena; instead, Manhattan Mini-Storage occupied a 98,500 square foot, 6-story building with an approximately 20 space accessory parking area on this lot until 2014. The buildings on the mid- and western portions of the project block were demolished subsequent to the 2001 FEIS.

In 2008, an application was submitted to the New York City Board of Standards and Appeals (BSA) for a special permit pursuant to ZR Section 73-19 to permit the development of a 1,750 seat school (Use Group 3) for grades Pre-K through 12 on a site partially within an M1-5 zoning district. The special permit was approved, but the project was not pursued.

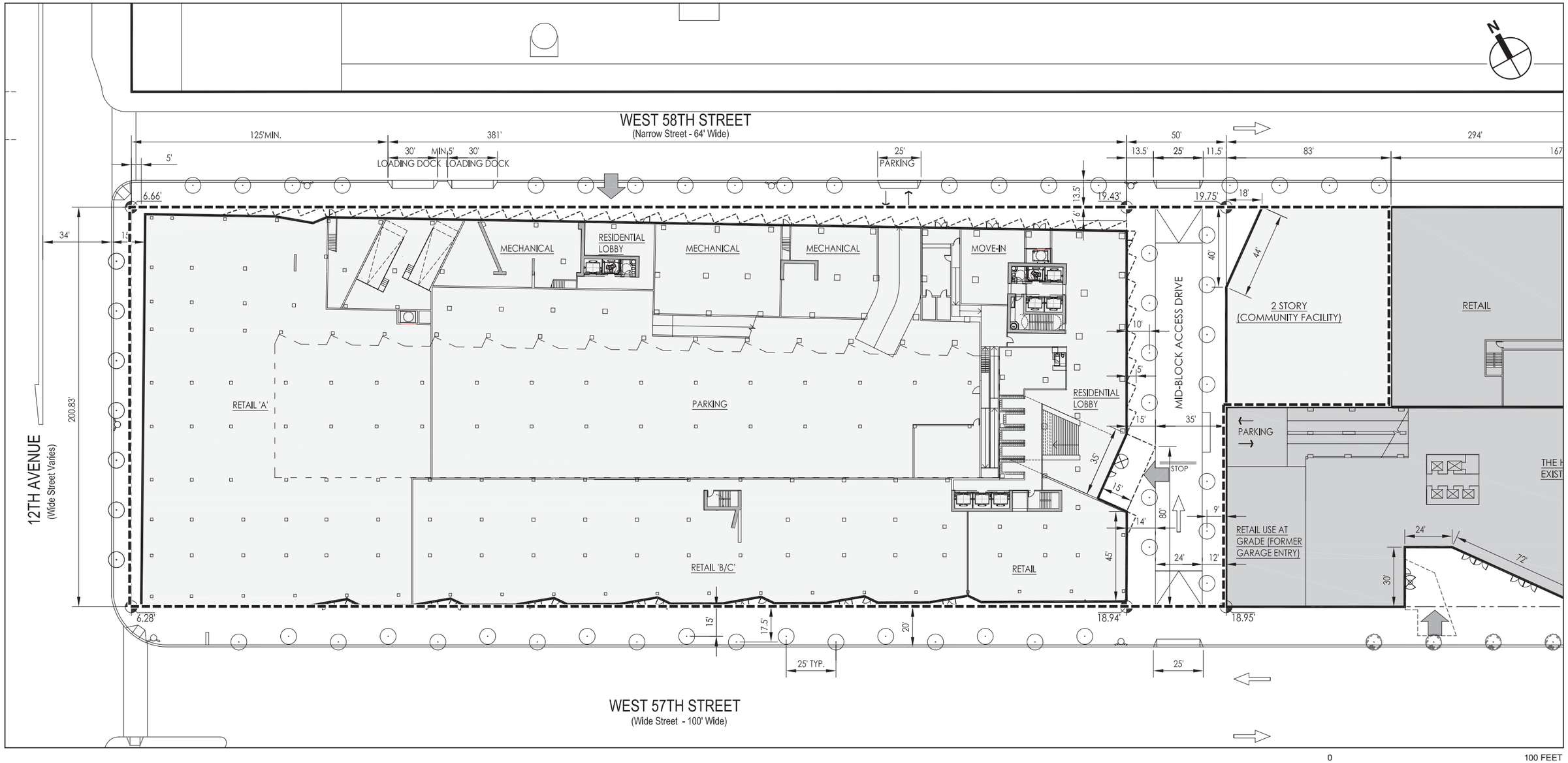
In 2010, the applicant demolished the building on the western portion of the block and filed an application for a building permit with the New York City Department of Buildings (DOB) for a new building on the mid- and western portions of the block pursuant to the existing zoning and approvals for the site. Under this application, the mid- and western portions of the block would have been developed with approximately 331,300 gsf of office use; 67,500 gsf of retail uses; and 538 public parking spaces. Subsequent to that filing, the applicant determined it would not construct new below-grade parking at the site, and amended the application to include only the 239-car above grade public garage permitted under the existing special permits. This project was not pursued.

In 2012, the applicant proposed a rezoning of a portion of the project block, along with special permits, modifications to existing special permits and a Restrictive Declaration and other related land use actions (the "2012 Approvals"), to facilitate the development of approximately 1.1 million gsf on the project block consisting of approximately 850,000 gsf of residential space (up to 863 residential rental units, of which the applicant's intent was to provide up to 151 affordable units, or 20 percent of the units on projected development site 1); approximately 80,000 gsf of commercial office; 62,000 gsf of retail; 28,000 gsf of community facility space; and 285 additional accessory parking spaces, as analyzed in the 2012 FSEIS (see **Figure 2**). The 2012 FSEIS analyzed the following discretionary actions, which required approval by CPC:

- Rezoning of a portion of the project block from M1-5 to C6-2;
- Special permit pursuant to Section 74-743 of the New York City Zoning Resolution to allow, in a large-scale development, (1) floor area to be distributed across the entire zoning lot, (2) buildings to be located without regard for distance between building regulations, and (3) to permit the location of buildings without regard to height and setback regulations;
- Special permit pursuant to Section 13-561 of the New York City Zoning Resolution for a 285 space accessory parking garage;
- Modification of the Large Scale General Development site plan associated with the existing special permits (Amendment to ULURP No. C010151 ZSM); and

[2] In 2004, the applicant requested a modification of the existing special permits to allow an additional curb cut on West 57th Street for access to the 100-space accessory parking garage in The Helena. The modification was approved and the Restrictive Declaration covering the site was modified to reflect the changes to the approved plans.

9.1.15



0 100 FEET

SCALE

Projected Development Site 1 Boundary

625 West 57th Street

Previously Approved - Illustrative Ground Floor Plan

Figure 2

- Modification of the existing Restrictive Declaration (Amendment to Modification and termination of Restrictive Declaration No. D-145 associated with ULURP No. C010148 ZMM) (the 2012 Restrictive Declaration).

For analysis purposes, the proposed project was anticipated to be complete by 2015. The building on projected development site 1 (which will include 709 residential units, 43,336 of retail use, and 285 parking spaces, as described in greater detail below in Section F, "Analysis Framework") is currently under construction; as of July 2015, the building's superstructure has been completed, and the building is expected to be complete in 2016.

The 2012 Restrictive Declaration required that development on the project block be in substantial accordance with the approved plans; that as-of-right development be restricted in the event the special permit is not utilized; and that implementation of "Project Components Related to the Environment" (i.e., certain project components which were material to the analysis of environmental impacts in the EIS), substantially consistent with the EIS be implemented. As part of the 2012 approvals, the total permitted residential floor area on the zoning lot is limited to 1,386,554 zsf and the Restrictive Declaration, as amended, limits the number of residential units on the project block to 1,432. The 1,432 units would include the Helena with its existing 597 units, and up to 835 new units on the project block. Of the up to 835 new units, up to 167 affordable units (20 percent) would be provided on project development sites 1 and 2. The development at 625 West 57th Street includes 709 units, of which 142 (20 percent) are affordable, and the development at 600 West 58th Street includes 53 market rate and 12 affordable units. The affordable units are financed through the New York State Department of Homes and Community Renewal's 80/20 program[3]. The 2012 Restrictive Declaration also included provisions requiring completion of modifications to the Con Edison combustion turbine so that it would fire natural gas instead of kerosene for normal operation and testing.

As part of the 2012 approvals, CPC proposed the following modifications to the project as analyzed in 2012:

- Narrow the width of the midblock access drive from 25 feet to 22 feet, and widen the adjacent sidewalks accordingly, resulting in an approximately 18 foot wide pedestrian path on the western edge and an approximately 10 foot pedestrian path on the eastern edge. The widened sidewalk would include benches to provide seating, and trees and planters that would flank the edges of the pedestrian walkway next to the vehicle drive through. The access way would have a uniform elevation throughout (i.e., no sidewalk curbs) and the paving treatment would be continued into the lobby of the building on projected development site 1.
- Include retail frontage at the northeast portion of projected development site 1 adjacent to the midblock access drive along West 58th Street.
- Require a minimum of three establishments in projected development site 1 along West 57th Street.
- Require street level façade transparency on West 57th Street.
- Commit to "wrap-around" the Twelfth Avenue establishment to approximately 80 feet east along the West 58th Street frontage.

[3] See Attachment 2 for the DHCR affordable housing distribution.

- Where feasible, include lit, ground-floor display areas along West 58th Street where mechanical space is required for the proposed building, subject to review by DCP and the New York City Department of Buildings.

The applicant is committed to meeting these requested modifications.

PROPOSED ACTIONS NECESSARY TO FACILIATE THE PROPOSAL

The applicant is seeking a zoning text amendment to facilitate the development of an auto showroom and repair facility, which would be located on the ground floor of the new mixed-use building on the development site. No other changes to the previous approvals are being sought.

The development site is located in C4-7 and C6-2[4] zoning districts which allow for automobile showroom and sales uses (Use Group 9), but do not allow for automobile repair uses (Use Group 16). The following actions are required in order to facilitate the applicant's proposal:

- A zoning text amendment to Appendix A of Article IX, Chapter 6 (District Map for the Special Clinton District) of the Zoning Resolution (ZR) to create within Northern Subarea C1 of the Special Clinton District a new Area C1-2 comprised of the project area.
- A zoning text amendment to ZR §96-34 to permit automobile repair and preparation of automobiles for delivery in conjunction with automobile showrooms or sales uses, in the new Area C1-2.

The proposed text amendment is presented in **Attachment 1**.

C. EXISTING CONDITIONS

DESCRIPTION OF THE SURROUNDING AREA

As described in the 2012 FSEIS, the project area is located in the Clinton neighborhood on Manhattan's west side, which was a predominantly industrial and working waterfront area with tenement housing beginning in the 19th century. With the decline of the shipping industry following World War II, the area experienced a period of deterioration and worsening housing conditions, which led to a series of urban renewal projects in 1950s and 1960s. More recently, the area experienced significant new high-density residential development, including the large-scale Riverside South development located north of West 59th Street between Eleventh and Twelfth Avenues. Currently the area surrounding the project site contains a mix of land uses and building types, including commercial uses, mid- and high-rise residential buildings, automobile showrooms and service facilities, parking facilities, institutional uses, utilities, warehouses, office space, and film and television production studios.

DESCRIPTION OF THE PROPOSED PROJECT AREA

The project area comprises the block bounded by West 57th and West 58th Streets, Eleventh and Twelfth Avenues in Manhattan Community District 4 (Block 1105) (See **Figures 3 through 7**). The southeastern portion of the block (Lot 29) has been developed with the Helena, described

[4] C4-7 zoning districts allow for residential (Use Groups 1 and 2), community facility (Use Groups 3 and 4), hotel (Use Group 5), and a variety of retail uses (Use Groups 6, 8, 9, 10, and 12). C6-2 zoning districts allow for residential (Use Groups 1 and 2), community facility (Use Groups 3 and 4), hotel (Use Group 5), and a wider variety of retail uses (Use Groups 6 through 12).



Project Area (labeled with lot numbers)

Development Site

Other recent projects which include auto showroom and repair use

Photograph View Direction and Reference Number

625 West 57th Street

Project Location and Photograph Key

Figure 3



View of the Project Area from West 57th Street and Eleventh Avenue facing northwest **1**



View of the Development Site from West 57th Street facing northwest **2**

Photographs of the Development Site and Project Area

Figure 4



View of the Development Site from West 57th Street facing northeast **3**



View of the Development Site from West 58th Street facing southeast **4**

Photographs of the Development Site and Project Area

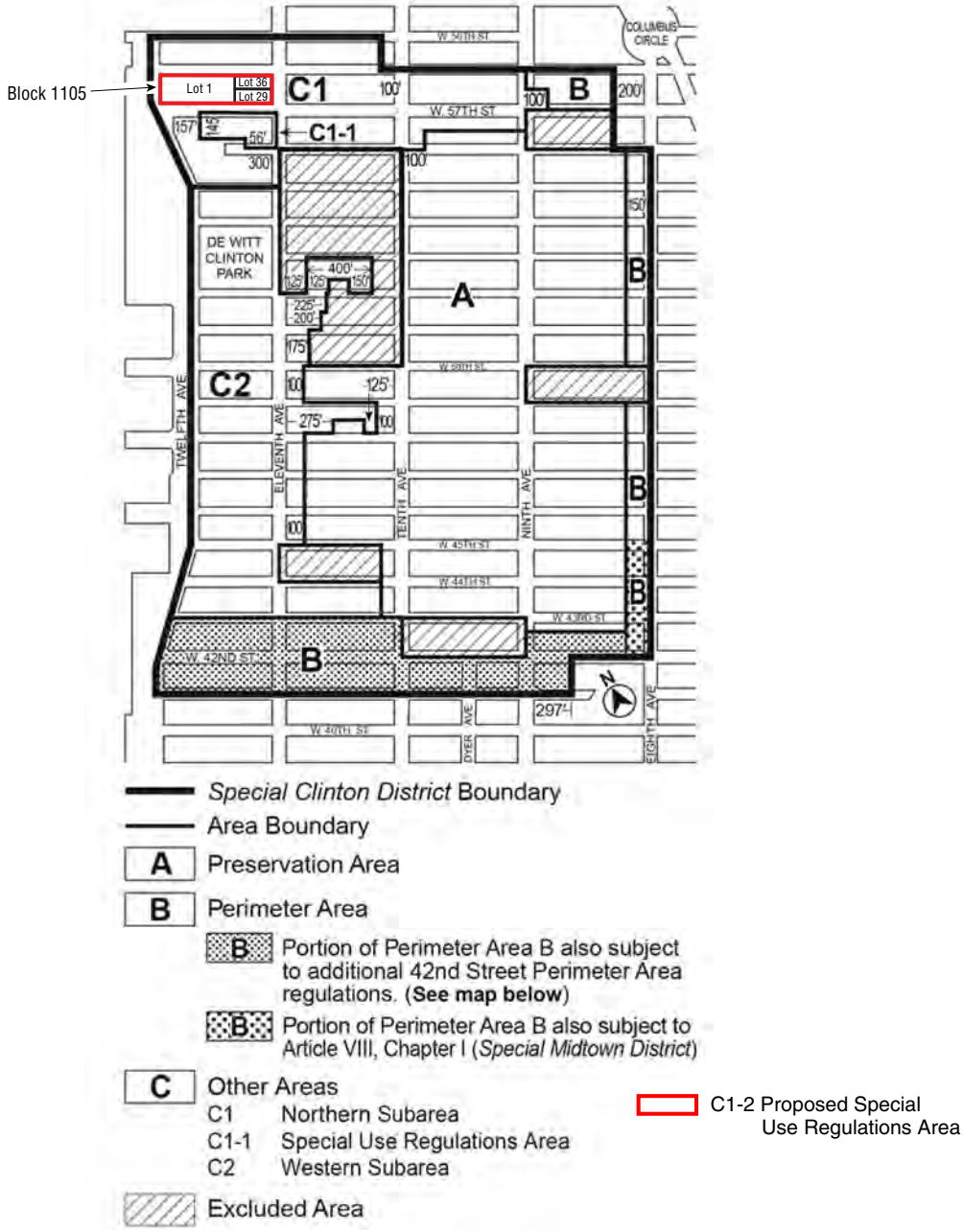
Figure 5



View of the Project Area from West 58th Street and Eleventh Avenue facing southwest **5**

Photographs of the Development Site
and Project Area
Figure 6

9.1.15



Illustrative Zoning Map

625 West 57th Street

Figure 7

below. The northeastern portion of the block (Lot 36) and the proposed development site (Lot 7501[5]) are both currently under construction, also described below.

As described above, in 2001, the project area was the subject of a rezoning from an M2-3 zoning district to a C4-7 district within 125 feet of the avenues and in the midblock along West 57th Street (to a depth of approximately 100 feet), and to an M1-5 zoning district in the midblock facing West 58th Street, and was the subject of various special permits (the 2001 FEIS).

The Helena, located in the southeastern corner of the project area (Lot 29) is a residential building with ground floor retail and parking uses, and was completed in 2004 pursuant to the 2001 approvals as modified in 2004.[6]

Consistent with the 2012 Approvals, the northeastern corner of the project area (Lot 36, analyzed as projected development site 2 in the 2012 FSEIS) is under construction with an approximately 178,000-gsf mixed use building, described below under Section F, "Analysis Framework."

DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The development site occupies the western end of the project area and is currently under construction with a previously-approved 31-story, 471-foot tall mixed-use building with 716,954 gross-square-feet (gsf) of residential use (709 units), 43,336 gsf of retail use[7], and 285 parking spaces (See Section F, "Analysis Framework").

D. DESCRIPTION OF THE PROPOSED PROJECT

As described above, automobile showroom and sales uses are currently allowed on the development site, but automobile repair uses are not allowed under current zoning. The proposed action would allow for automobile repair and preparation of vehicles for delivery use in conjunction with an auto showroom to be located on the ground floor of the 31 story mixed-use building that is currently under construction (see **Figure 8**). As shown in the illustrative ground floor plan in **Figure 8**, the proposed auto showroom and repair facility would replace the space planned as "Retail A" in the previously approved project.[8]

Together, the automobile repair and showroom facility would occupy up to 35,000 gsf. While the perimeter of this area (between the façade and the first set of columns) would be used as an automobile showroom, up to 15,000 gsf in the core of the building could be used for automobile

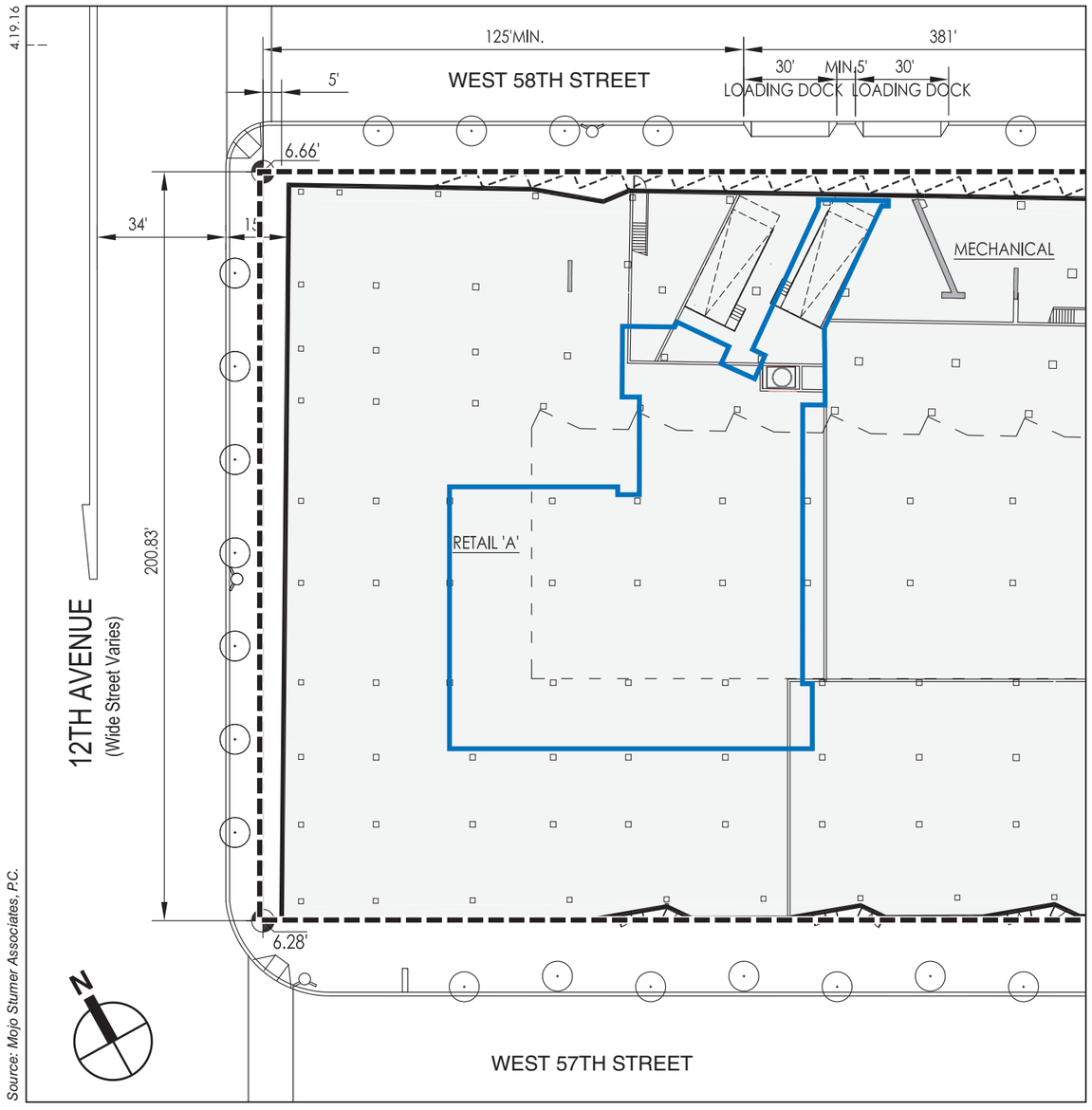
[5] Formerly Lot 1.

[6] In 2004, a modification of the existing special permits was approved to allow an additional curb cut on West 57th Street for access to the 100-space accessory parking garage in The Helena. This garage is currently in operation and will remain unchanged under the proposed project.

[7] See Attachment 2 for illustrative site plans for the project block and the proposed development at 606 West 57th Street.

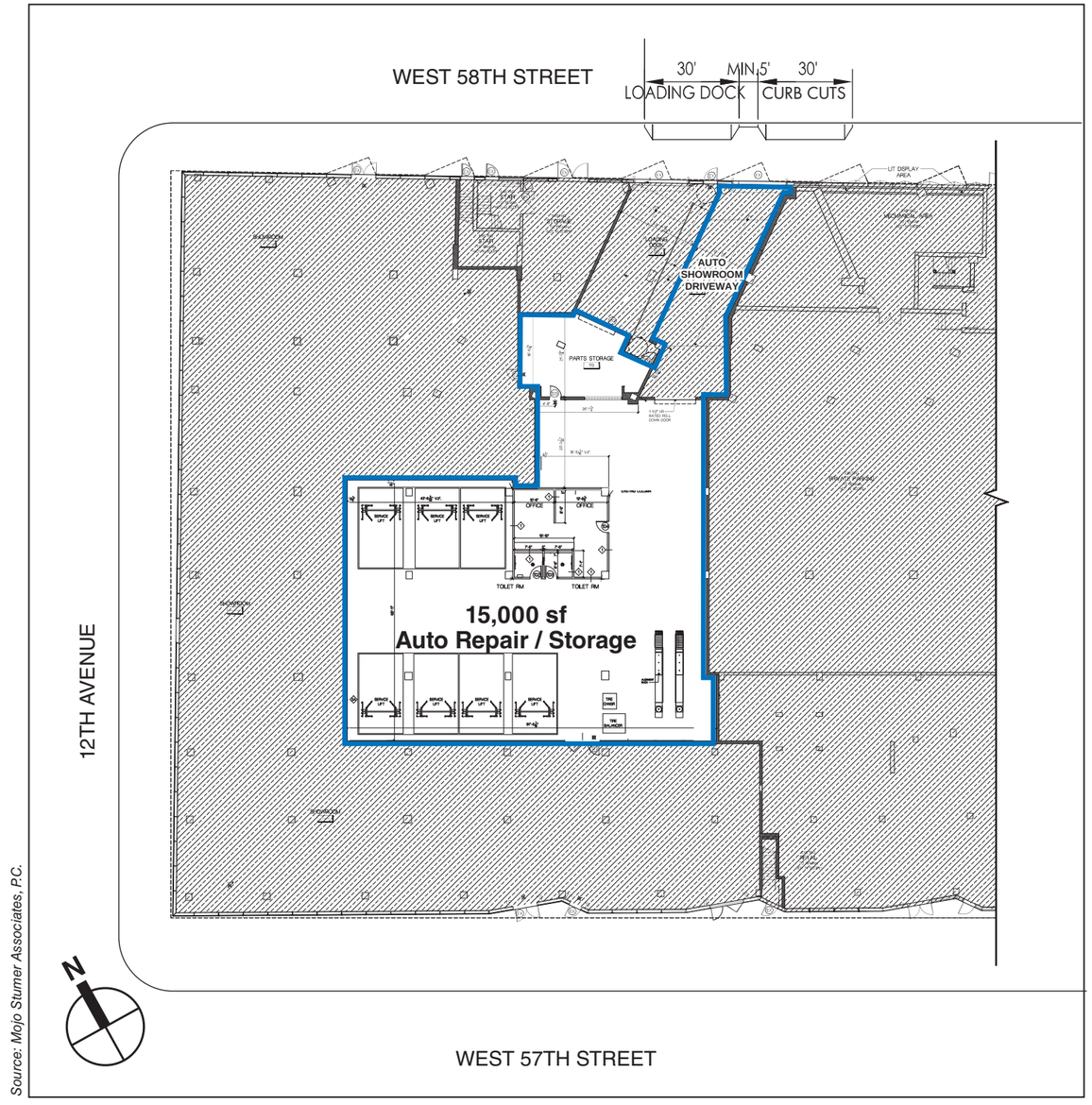
[8] The illustrative ground floor plan shows an auto showroom of approximately 29,300 gsf, including a repair area of approximately 11,050 gsf. Because the proposed project could potentially result in a slightly larger facility, an auto showroom of up to 35,000 gsf, including a repair area of 15,000 gsf, has been used as the reasonable worst-case development scenario for analysis purposes.

Previously Approved Illustrative Ground Floor Plan



Proposed Auto Repair Use

2015 Proposed Illustrative Ground Floor Plan



Proposed Auto Repair Use

625 West 57th Street

Previously Approved and 2015 Proposed Illustrative Ground Floor Plans

Figure 8

preparation and repair uses.[9] Cars would be driven into the facility using one of the two loading areas (i.e., the eastern loading area) via an approved curb cut on West 58th Street, and interior connection(s) would allow for the movement of automobiles between the showroom and the repair area. The previously approved project would have utilized the same curb cut and loading area to serve the retail space.

E. PURPOSE AND NEED

As described above, the applicant intends to develop an automobile repair and showroom facility that includes space for automobile repair and preparation of vehicles for delivery. The existing zoning regulations (C4-7 and C6-2 zoning districts) allow for automobile showroom and sales uses, but do not allow for automobile repair uses. The proposed text amendment would establish within Northern Subarea C1 of the Special Clinton District a new Area C1-2 comprised of the project area. The proposed text amendment would then permit automobile repair and preparation of automobiles for delivery in conjunction with automobile showrooms or sales uses, in the new Area C1.

F. ANALYSIS FRAMEWORK

NO ACTION CONDITION

In the future without the proposed action (the "No Action condition"), the development site would be occupied by the 31-story, 471-foot tall mixed-use building currently under construction on the project site. The building would include 716,954 gsf of residential use (709 units), 43,336 gsf of retail use on the ground floor, and 285 parking spaces.

In the No Action condition, as described in the 2012 FSEIS, the existing entrance to the Helena garage on West 57th Street will be relocated to the midblock access drive that will extend between West 57th and West 58th Streets, directly west of the existing garage entrance. The existing entrance will then be converted to approximately 2,000 gsf of new retail space. The northeastern corner of the project area will be developed with an approximately 178,000-gsf mixed use building, including 65 residential units, approximately 30,360 gsf of community facility space, and approximately 44,800 gsf commercial office and retail (with related storage) space.

The 2012 FSEIS analyzed a total of 1,120,000 gsf on Lots 1 and 36 (projected development sites 1 and 2 in the 2012 FSEIS), including approximately 850,000 gsf of residential space (up to 863 units); approximately 80,000 gsf of commercial office; 62,000 gsf of retail; 28,000 gsf of community facility space; and 285 additional accessory parking spaces. The 2012 FSEIS analyzed a reasonable worst-case development scenario for Lots 1 and 36; as currently contemplated, the number of residential units planned for projected development sites 1 and 2 would be fewer than analyzed in the 2012 FSEIS.

Table 1 presents conditions on the project area in the No Action condition.

[9] Typical auto preparation activities include processing of documents and inspection of auto body exterior, brakes, suspension, steering, electrical controls, engine/transmission, exhaust and fuel systems, interior and luggage spaces, underbody, and wheels and tires.

Table 1
No Action Condition

Lot Number	Total GSF	Retail GSF	Auto Dealership GSF	Office GSF	Community Facility GSF	Residential GSF	# Residential Units	# Public Parking Spaces
7501^	940,335	43,336	0	0	0	716,954	709	0
29	547,239*	8,890	0	0	0	518,349	597	0
36	178,000	7,800	0	37,000	30,360	67,000	65	0
Total	**1,667,574**	**62,026**	**0**	**37,000**	**30,360**	**1,302,303**	**1,371**	**0**

Notes: ^ Formerly Lot 1.
* Total gsf includes 18,000 gsf of garage space.
Sources: New York City Department of City Planning MapPLUTO data; data for Lots 1 and 36 provided by applicant.

WITH ACTION CONDITION

In the future with the proposed action, the development site would be developed with a 31-story, 471-foot tall building on the development site. The proposed project would include 716,954 gross-square-feet (gsf) of residential use (709 units), 8,336 gsf of retail use, up to 35,000 gsf of automobile showroom (including up to 15,000 gsf of automobile preparation and repair uses), and 285 accessory parking spaces. The proposed project is anticipated to be complete and operational by 2016.

As in the No Action Condition, while the 2012 FSEIS analyzed a reasonable worst-case development program for the project area, the total development now under construction and planned for Lots 1 and 36, which include 709 and 65 residential units, respectively, would be less than the 753 and 110 residential units analyzed in the 2012 FSEIS.

Table 2 presents conditions on the project area with the proposed action.

Table 2
With Action Condition

Lot Number	Total GSF	Retail GSF	Auto Dealership GSF	Office GSF	Community Facility GSF	Residential GSF	# Residential Units	# Public Parking Spaces
7501^	940,335	8,336	35,000*	0	0	716,954	709	0
29	547,239**	8,890	0	0	0	518,349	597	0
36	178,000	7,800	0	37,000	30,360	67,000	65	0
Total	**1,667,574**	**27,026**	**35,000**	**37,000**	**30,360**	**1,302,303**	**1,371**	**0**

Notes: * Includes up to 15,000 gsf of preparation of vehicles for delivery and automobile repair uses.
** Total gsf includes 18,000 gsf of garage space.
^ Formerly Lot 1.
Sources: New York City Department of City Planning MapPLUTO data; data for Lots 1 and 36 provided by applicant.

G. TECHNICAL AREAS NOT REQUIRING ANALYSIS

2012 FSEIS

The 2012 FSEIS analysis was evaluated using the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, and considered the proposed project's potential adverse impacts on the environmental setting. The future without the proposed project assumed development of an as-of-right, mixed-use building with office, retail, and parking uses, and that the mini-storage facility would remain, consistent with the 2001 FEIS. No significant adverse impacts were identified in the 2012 FSEIS for the following areas: land use, zoning, and public policy;

socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; transportation; greenhouse gas emissions; noise; public health; neighborhood character; or construction. As part of the 2012 FSEIS, an (E)-designation was placed on Lot 36 to ensure that appropriate procedures for any necessary subsurface disturbance were followed prior to, during, and following construction. The 2012 FSEIS did not identify any significant adverse impacts related to the project's parking facilities; nearby existing industrial sources, pollutant emissions from the Consolidated Edison Power House with the full development of the Riverside Center development; or plume dispersion from the Consolidated Edison Power House due to projected development site 1 on the Riverside Center Building 5. The 2012 Restrictive Declaration included provisions requiring completion of modifications to the Con Edison combustion turbine so that it would fire natural gas instead of kerosene for normal operation and testing[10], which according to Con Edison has been completed[11].

PROBABLE EFFECTS OF THE PROPOSED ACTION

The following technical analyses would not be affected by the proposed text amendment: socioeconomic conditions, community facilities and services, open space, shadows, historic and cultural resources, urban design and visual resources, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, greenhouse gas emissions, noise, public health, neighborhood character, and construction. These technical areas are discussed briefly below. Because the proposed action would result in a zoning text amendment and change a portion of the previously approved destination retail use to an auto showroom use which would include up to 15,000 sf of automobile preparation and repair use, additional analysis is presented below in Section F to evaluate the potential environmental impacts of the proposed action on land use, zoning, and public policy, transportation, and air quality.

As described above, the proposed action would not change the overall amount of development on the site, but would shift 35,000 gsf of the retail space to automobile showroom use, including up to 15,000 sf of automobile preparation and repair use. As compared to the No Action

[10] The 2012 FSEIS analysis of the Con Edison combustion turbine was performed assuming a modification of the combustion turbine so that it would fire natural gas instead of kerosene for normal operation and testing. Under this option, natural gas would be delivered to the Consolidated Edison Power House via a dedicated pipeline that would be directly connected to a nearby gas transmission main. This modification was considered as part of the Riverside Center development, which was subject to the City's CEQR process and the subject of a final supplemental environmental impact statement completed in 2010. Con Edison has started construction of the gas pipeline to provide the necessary gas service to the Consolidated Edison Power House. The New York City Department of Environmental Protection (DEP) has issued a certificate to operate, and the Title V permit for the Con Edison facility has been modified by the New York State Department of Environmental Conservation (DEC), for the combustion turbine natural gas conversion and operation. Based on this information, it was anticipated that the conversion of the combustion turbine will be completed prior to the Build year for the proposed project. The 2012 Restrictive Declaration included provisions requiring completion of modifications related to the combustion turbine at the 59th Street Station to address elevated $PM_{2.5}$ levels at the proposed project.

[11] See Attachment 3 for DCP letter of certification of compliance dated January 27, 2016.

condition, the proposed action would result in a slight decrease[12] in the anticipated worker population on the development site, but would not change the anticipated residential population. Therefore, the proposed action would not have the potential to result in any significant adverse impacts related to socioeconomic conditions, community facilities, or open space that were not previously identified and addressed in the 2012 FSEIS.

As described below, in Section F.2, "Transportation," the proposed project would not result in a doubling of Noise passenger car equivalents [PCEs] which would be necessary to cause a 3 dBA increase in noise levels. The proposed action would also not result in any new sensitive receptors on the development site. For these reasons, the proposed action would not have the potential to result in a significant noise impact beyond what was identified and addressed in the 2012 FSEIS.

The proposed action would not result in any alterations to the bulk and form of the proposed building, and no new rooftop additions would be constructed. Therefore, the proposed action would not have the potential to result in any significant adverse impacts related to shadows, urban design, or visual resources not previously identified and addressed in the FSEIS. Further, the building on the development site is currently under construction, and there would be no new excavation or construction work associated with the proposed action; therefore, no significant adverse impacts to hazardous materials would result from the proposed action. As with the previously-analyzed project, construction would comply with the New York City Landmarks Preservation Commission's (LPC) *Guidelines for Construction Adjacent to a Historic Landmark* as well as guidelines set forth in the *CEQR Technical Manual* and the procedures set forth in DOB's TPPN #10/88, including preparation of a Construction Protection Plan (CPP), to be prepared prior to demolition and construction activities and submitted to LPC for review and approval. Therefore, the proposed action would not result in any significant adverse impacts related to historic and cultural resources, natural resources, hazardous materials, or construction not previously identified and addressed in the 2012 FSEIS.

As compared to the previously-approved project, the shift from 35,000 sf of retail to automobile showroom, preparation and repair use would result in negligible changes to the project's projected demand for water and sewer infrastructure, solid waste and sanitation services, and energy, and would not exceed the CEQR thresholds for detailed analysis of any of these technical areas. Therefore, the proposed changes to the project would not result in any significant adverse impacts related to water and sewer infrastructure, solid waste and sanitation services, or energy not previously identified and addressed in the 2012 FSEIS.

In regard to neighborhood character, the FSEIS concluded that the previously-analyzed project would not have the potential to result in a significant adverse impact. Because the assessments provided above and in Section F, below, conclude that the proposed action would not have the potential to result in any unmitigated significant adverse impacts in any of the technical areas that contribute to neighborhood character (land use, urban design, visual resources, historic and cultural resources, socioeconomic conditions, shadows, open space, transportation, and noise), the proposed modifications would not result in any significant adverse impacts related to neighborhood character.

As the proposed changes would not result in any unmitigated significant adverse impacts in the areas of water quality, hazardous materials, air quality or noise beyond what was identified and

[12] Based on 1 employee per 1,000 square feet auto showroom/repair use and 3 employees per 1,000 square feet retail use.

addressed in the 2012 FSEIS, the proposed changes would not result in any significant adverse impacts related to public health.

As noted above, because the proposed action would result in a zoning text amendment and change a portion of the previously approved destination retail use to an auto showroom use which would include up to 15,000 sf of automobile preparation and repair use, additional analysis is presented below in Section F to evaluate the potential environmental impacts of the proposed action on land use, zoning, and public policy, transportation, and air quality.

H. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

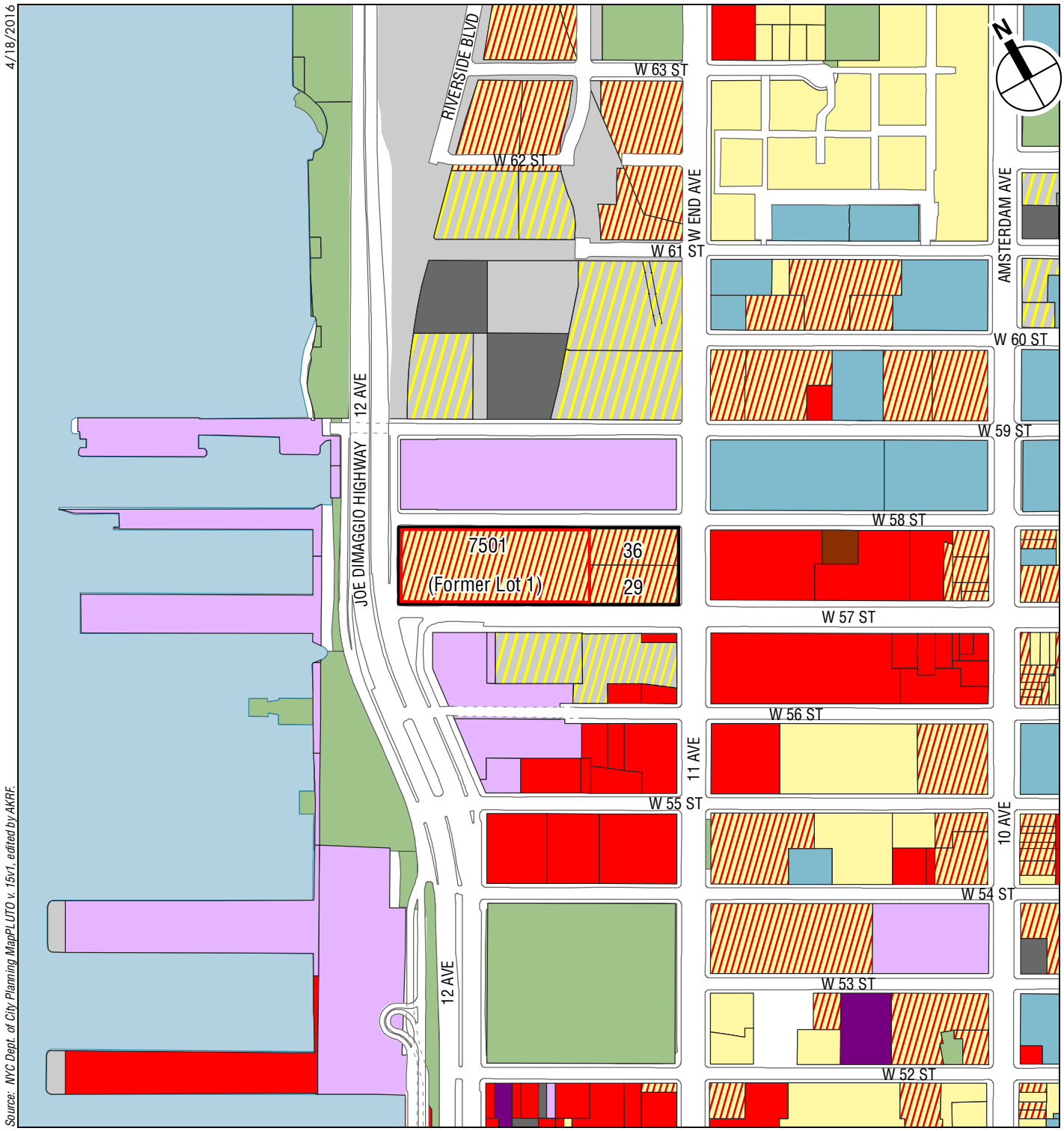
LAND USE, ZONING, AND PUBLIC POLICY

The 2012 FSEIS analyzed a program of 1.1 million total gross square feet (gsf) on the project block, consisting of approximately 850,000 gsf of residential space (up to 863 residential units); approximately 80,000 gsf of commercial office; 62,000 gsf of retail; 28,000 gsf of community facility space; and 285 additional accessory parking spaces. The 2012 FSEIS concluded that the proposed project would not result in significant adverse impacts related to land use, zoning, and public policy that were not addressed in the 2001 FEIS.

The proposed project would result in the same total amount of development on the project area as the No Action condition, with a shift from 43,336 gsf of retail space on the development site to 8,336 gsf of retail and up to 35,000 sf of automobile showroom use, including up to 15,000 sf of automobile preparation and repair use. While the proposed project would result in a new land use on the project site as compared to the program analyzed in the 2012 FSEIS, this use would be consistent with surrounding uses in the study area (see **Figure 9**). As described in the FSEIS, auto dealerships are concentrated on the western side of Eleventh Avenue from West 54th Street to West 57th Street. There are several auto showrooms along these blocks, including FIAT, Maserati, Jaguar, Land Rover, MINI, and Audi. There is a BMW dealership directly across Eleventh Avenue from the development site, and a Mercedes dealership at 770 Eleventh Avenue. The proposed use would also be compatible with existing uses in the study area, which include several auto repair and service centers (see Attachment 2). Further, the proposed auto showroom, preparation and repair use will be compatible with future developments in the study area; —the development planned for 770 Eleventh Avenue will include approximately 330,000 sf of auto sales and repair use. The map in Figure 3 shows the locations of the other auto dealerships in the immediate vicinity of the development site.

With regard to zoning, the proposed action is similar to other text amendments that have allowed for preparation of vehicles for delivery and automobile repair service uses in the area. Text amendments for developments at 606 West 57th Street (CEQR No. 13DCP080M) directly south of the project site, 770 Eleventh Avenue (CEQR No. 07DCP071M, as described above), and 605 West 42nd Street (CEQR No. 14DCP184M) also allowed for auto showroom uses with preparation of vehicles for delivery and automobile repair service uses.

Like the previously approved project, the proposed project would be compatible with public policies that govern the project site and study area, including the goals of the former Clinton Urban Renewal Area, as it would introduce the same mix of uses that are present and proposed in the study area, particularly along Eleventh Avenue.



- Development Site
- Project Area (labeled with lot numbers)
- Commercial and Office Buildings
- Hotels
- Industrial and Manufacturing
- Open Space and Outdoor Recreation
- Parking Facilities
- Public Facilities and Institutions
- Residential
- Residential with Commercial Below
- Transportation and Utility
- Vacant Land
- Vacant Building
- Under Construction

Existing Land Use

625 West 57th Street

Figure 9

For these reasons, the proposed project would not result in any significant adverse impacts to land use, zoning, or public policy beyond what was identified in the 2012 FSEIS.

TRANSPORTATION

As described above, the proposed project would result in the same total amount of development on the project area as the No Action condition, with a shift from 43,446 gsf of retail space on the development site to 8,336 gsf of retail and up to 35,000 sf of automobile showroom use, including up to 15,000 sf of automobile preparation and repair use. Consistent with the guidelines presented in the *CEQR Technical Manual*, a Level 1 Screening Analysis has been prepared for the proposed new uses. As shown in **Table 3**, trip generation estimates for the automobile showroom use (with automobile preparation and repair) were based on travel demand assumptions presented in the 2001 FEIS.

The nearest subway station to the project block is the 59th Street-Columbus Circle station, which serves the IND Eighth Avenue Line (A,B,C, and D trains) and the IRT Broadway-Seventh Avenue Line (1 train). Bus routes that stop within the area include the M11 which runs uptown on Tenth and Amsterdam Avenues to Riverbank State Park and downtown on Columbus and Ninth Avenues to Abingdon Square in the West Village, the M31 which runs crosstown on 57th Street and uptown on York Avenue to East 92nd Street, and the M57 which runs crosstown on 57th Street and uptown on Eleventh and West End Avenues to West 72nd Street. Express bus routes serving the area include the X12 and X42 buses to Mariner's Harbor, the X14 bus to Port Richmond, and the X30 bus to Sunnyside, Staten Island.

As shown in **Table 4**, the proposed changes would result in a net decrease in trips generated by the proposed project. As summarized in Table 4, the trip generation rate for destination retail uses (78 person trips per day per 1,000 square feet) is substantially higher than for auto showroom and service uses (2.63 person trips per day per 1,000 square feet); therefore, a decrease in peak hour trips is expected to occur with the auto showroom use as compared with the destination retail use. The automobile showroom use would generate 11, 12, 8, and 8 person trips and 12, 13, 8, and 8 vehicle trips during the weekday AM, midday, PM, and Saturday peak periods, compared with 82, 246, 247, and 374 person trips and 15, 43, 43, and 67 vehicle trips generated by the retail use during the weekday AM, midday, PM, and Saturday midday peak periods. With the automobile showroom use, it is estimated that the project would result in 71, 234, 239, and 366 fewer person trips and 3, 30, 35, and 59 fewer vehicle trips in the weekday AM, midday, PM, and Saturday peak periods, respectively. In addition, based on the conceptual layout, the proposed showroom would have a maximum of 7 service bays, so that the maximum number of vehicles entering and exiting the service driveway would likely be 7 or fewer during any peak hour, and no vehicle queuing would be expected to occur at the service driveway. The remainder of the vehicle trips would be expected to be visitors traveling by auto or taxi to the auto showroom use. As noted in the 2012 FSEIS, pedestrian volumes along the project block are light, and pedestrian Levels of Service (LOS) are expected to be LOS B with the proposed residential and retail uses. As shown on Figure 2, entrances to the retail spaces would be located on West 57th Street, and the majority of pedestrian trips associated with the project block uses would occur east of the automobile showroom/driveway on West 58th Street; therefore, pedestrian conflicts are expected to be minimal, if any. The proposed text amendment would not result in any significant adverse transportation impacts that were not previously identified in the FEIS, and no further analysis for transportation is warranted.

Table 3

West 57th Street Rezoning Travel Demand Forecast Assumptions

Land Use	Destination Retail		Auto Showroom & Service	
Size/Units	35,000 gsf		35,000 gsf	
Trip Generation	(4)		(1, 5)	
Weekday	78		2.63	
Saturday	93		1.66	
	per 1,000 sf		per 1,000 sf	
Temporal Distribution	(1,4)		(1,5)	
AM (8-9)	3.0%		12.0%	
MD (12-1)	9.0%		12.0%	
PM (5-6)	9.0%		9.0%	
SatMD (1-2)	11.5%		14.0%	
Modal Splits	(1,3)		(1)	
	AM/MD/PM	SAT	AM/MD/PM/SAT	
Auto	10.0%	12.0%	100.0%	
Taxi	15.0%	15.0%	0.0%	
Subway	20.0%	18.0%	0.0%	
Bus	20.0%	20.0%	0.0%	
Walk/Other	35.0%	35.0%	0.0%	
	100.0%	**100.0%**	**100.0%**	
In/Out Splits	(1,3)		(1,5)	
	In	Out	In	Out
AM (8-9)	61%	39%	67%	33%
MD (12-1)	55%	45%	50%	50%
PM (5-6)	47%	53%	15%	85%
SatMD (1-2)	55%	45%	51%	49%
Vehicle Occupancy	(1,3)		(1)	
Auto	2.00	2.00	1.00	
Taxi	2.00	2.00	1.00	
Truck Trip Generation	(1,3)		(1)	
	0.35		0.15	
	per 1,000 sf		per 1,000 sf	
	(1,3)		(1, 5)	
AM (8-9)	8.0%		9.6%	
MD (12-1)	11.0%		11.0%	
PM (5-6)	2.0%		1.0%	
SatMD (1-2)	11.0%		0.0%	
	In	Out	In	Out
All Peak Hours	50.0%	50.0%	50.0%	50.0%

Notes:
(1) *West 57th Street Rezoning FEIS*, March 2001.
(2) *CEQR Technical Manual.* 2000.
(3) *Riverside Center FEIS*, 2010.
(4) Based on data for Land Use 820 (Shopping Center) from *ITE Trip Generation, 8th Edition*.
(5) *Hudson Yard FGEIS*, June 2004.

Table 4
Trip Generation Comparison

Land Use	Destination Retail			Auto Showroom			**Net Difference**		
Size/Units	35,000 gsf			35,000 gsf					
Peak Hour Person Trips									
AM (8-9)	82			11			71		
MD (12-1)	246			12			235		
PM (5-6)	246			8			238		
SatMD (1-2)	372			8			364		
PERSON TRIPS									
	In	**Out**	**Total**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
AM									
Auto	5	3	8	7	4	11	2	1	3
Taxi	8	5	13	0	0	0	-8	-5	-13
Subway	10	6	16	0	0	0	-10	-6	-16
Bus	10	6	16	0	0	0	-10	-6	-16
Walk/Ferry/Other	18	11	29	0	0	0	-18	-11	-29
Total	**51**	**31**	**82**	**7**	**4**	**11**	**-44**	**-27**	**-71**
MD									
Auto	14	11	25	6	6	12	-8	-5	-13
Taxi	20	17	37	0	0	0	-20	-17	-37
Subway	27	22	49	0	0	0	-27	-22	-49
Bus	27	22	49	0	0	0	-27	-22	-49
Walk/Ferry/Other	47	39	86	0	0	0	-47	-39	-86
Total	**135**	**111**	**246**	**6**	**6**	**12**	**-129**	**-105**	**-234**
PM									
Auto	12	13	25	1	7	8	-11	-6	-17
Taxi	17	20	37	0	0	0	-17	-20	-37
Subway	23	26	49	0	0	0	-23	-26	-49
Bus	23	26	49	0	0	0	-23	-26	-49
Walk/Ferry/Other	41	46	87	0	0	0	-41	-46	-87
Total	**116**	**131**	**247**	**1**	**7**	**8**	**-115**	**-124**	**-239**
SatMD									
Auto	25	20	45	4	4	8	-21	-16	-37
Taxi	31	25	56	0	0	0	-31	-25	-56
Subway	37	30	67	0	0	0	-37	-30	-67
Bus	41	34	75	0	0	0	-41	-34	-75
Walk/Ferry/Other	72	59	131	0	0	0	-72	-59	-131
Total	**206**	**168**	**374**	**4**	**4**	**8**	**-202**	**-164**	**-366**
VEHICLE TRIPS									
AM									
Auto (Total)	3	2	5	7	4	11	4	2	6
Taxi	4	3	7	0	0	0	-4	-3	-7
Taxi Balanced	5	5	10	0	0	0	-5	-5	-10
Truck	0	0	0	0	0	1	0	0	1
Total	**8**	**7**	**15**	**7**	**4**	**12**	**-1**	**-3**	**-3**
MD									
Auto (Total)	7	6	13	6	6	12	-1	0	-1
Taxi	10	9	19	0	0	0	-10	-9	-19
Taxi Balanced	14	14	28	0	0	0	-14	-14	-28
Truck	1	1	2	0	0	1	-1	-1	-1
Total	**22**	**21**	**43**	**6**	**6**	**13**	**-16**	**-15**	**-30**
PM									
Auto (Total)	6	7	13	1	7	8	-5	0	-5
Taxi	9	10	19	0	0	0	-9	-10	-19
Taxi Balanced	15	15	30	0	0	0	-15	-15	-30
Truck	0	0	0	0	0	0	0	0	0
Total	**21**	**22**	**43**	**1**	**7**	**8**	**-20**	**-15**	**-35**
SatMD									
Auto (Total)	13	10	23	4	4	8	-9	-6	-15
Taxi	16	13	29	0	0	0	-16	-13	-29
Taxi Balanced	21	21	42	0	0	0	-21	-21	-42
Truck	1	1	2	0	0	0	-1	-1	-2
Total	**35**	**32**	**67**	**4**	**4**	**8**	**-31**	**-28**	**-59**

AIR QUALITY

MOBILE SOURCES

As described in Section F.2, "Transportation," the proposed project is not expected to significantly alter traffic conditions; the project would not result in an increase of 140 peak hour vehicle trips through an intersection, the *CEQR Technical Manual* threshold requiring an analysis of Carbon Monoxide (CO) emissions, and it would not exceed the thresholds cited in Chapter 17, Section 210 of the *CEQR Technical Manual* requiring an analysis of Particulate Matter (PM). Therefore, no mobile source analysis is required.

STATIONARY SOURCES

The proposed automobile showroom use includes up to 15,000 sf of automobile preparation and repair use. Air emissions would occur from the servicing of vehicles since engine testing and maintenance would emit tailpipe pollutants which would be mechanically ventilated to the outside air. Consequently, an analysis of the emissions from the outlet vent and their dispersion in the environment was performed, calculating pollutant levels in the surrounding area. Emissions were estimated based on existing automotive showroom service area operations which have been issued a New York City Department of Environmental Protection (NYCDEP) air permit.

Concentrations of the pollutants of concern (carbon monoxide [CO], nitric oxide [NO] and hydrocarbons) were determined using the EPA AERSCREEN model (version 14147, EPA, 2014). AERSCREEN predicts worst-case 1-hour impacts downwind from a point, area, or volume source. AERSCREEN generates application-specific worst-case meteorology using representative minimum and maximum ambient air temperatures, and site-specific surface characteristics. The model incorporates the PRIME downwash algorithms that are part of the AERMOD refined model and utilizes BPIPRIM to provide a detailed analysis of downwash influences on a direction-specific basis. The model was run both with and without the influence of building downwash and with urban diffusion coefficients based on a review of land-use maps of the area. Other model options were selected based upon EPA guidance.

Since refined design information regarding the automotive showroom service area's mechanical ventilation system is not available, the worst-case assumption was used: the air from the auto showroom service tailpipe exhaust ventilation system would be vented through a single outlet. The vent face was modeled to discharge at three hypothetical locations: a horizontal discharge at height of approximately 10 feet above sidewalk grade along the west façade of the proposed project site, a vertical discharge at height of approximately 39 feet located along the south-west edge of the proposed show-room, and a vertical discharge at height of approximately 60 feet located closer to the courtyard. The two vertical discharge scenarios were modeled assuming a minimum distance of 10 feet from an elevated sensitive receptor such as an operable window or air intake. The ventilation system for the tailpipe exhaust ventilation system would need to comply with New York City Department of Buildings (DOB) Code restrictions governing placement of low temperature chimneys or gas vents for which the provisions of the existing New York City Building Code are as or more stringent than the assumptions used in this analysis in terms of placement of service area exhausts.

Based on the conceptual layout, the proposed showroom would have a maximum of 7 service bays with tailpipe vents. Emissions were estimated using data from a permitted auto service facility, with an adjustment to account for the difference in the number of tailpipe ventilation hoses.

The maximum predicted concentrations are presented in **Table 5**. As the results show, the analyzed automotive showroom service area would not result in any significant adverse air quality impacts since maximum predicted concentrations are below New York State Department of Environmental Conservation guideline concentrations.

Table 5
Maximum Predicted Impacts from Potential Automotive Showroom Service Area

Potential Contaminants	Estimated Short-term Impact ($\mu g/m^3$)	SGC[1] ($\mu g/m^3$)	Estimated Long-term Impact ($\mu g/m^3$)	AGC[2] ($\mu g/m^3$)
Hydrocarbons	143.1	98,000	27.5	7,000
Carbon Monoxide	715.5	14,000	137.6	--
Nitrogen Oxide	143.1	--	27.5	74

Notes:
[1] SGC-Short-term Guideline Concentrations.
[2] AGC-Annual Guideline Concentrations.
Source: DEC DAR-1 (Air Guide-1) AGC/SGC Tables, February, 2014.

Therefore, no significant adverse air quality impacts would be expected to occur with the proposed actions, and no further air quality analysis is warranted.

I. CONCLUSION

As described in the analyses above, the proposed text amendment would not result in any significant adverse impacts not previously identified and addressed in the 2012 FSEIS (inclusive of significant adverse impacts identified and addressed in the 2001 FEIS). ✷

Appendix 1
Proposed Text Amendment

625 WEST 57TH STREET – AUTOMOBILE SHOWROOM
TEXT AMENDMENT

March 9, 2016

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article IX: Special Purpose District
Chapter 6: Special Clinton District

* * *

96-34
Special Regulations in Northern Subarea C1

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

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

(1) In Special Use Regulations Areas C1-1 and C1-2, t~~T~~he following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(i) automobile showrooms or sales with preparation of automobiles for delivery; and

(ii) automobile repairs.

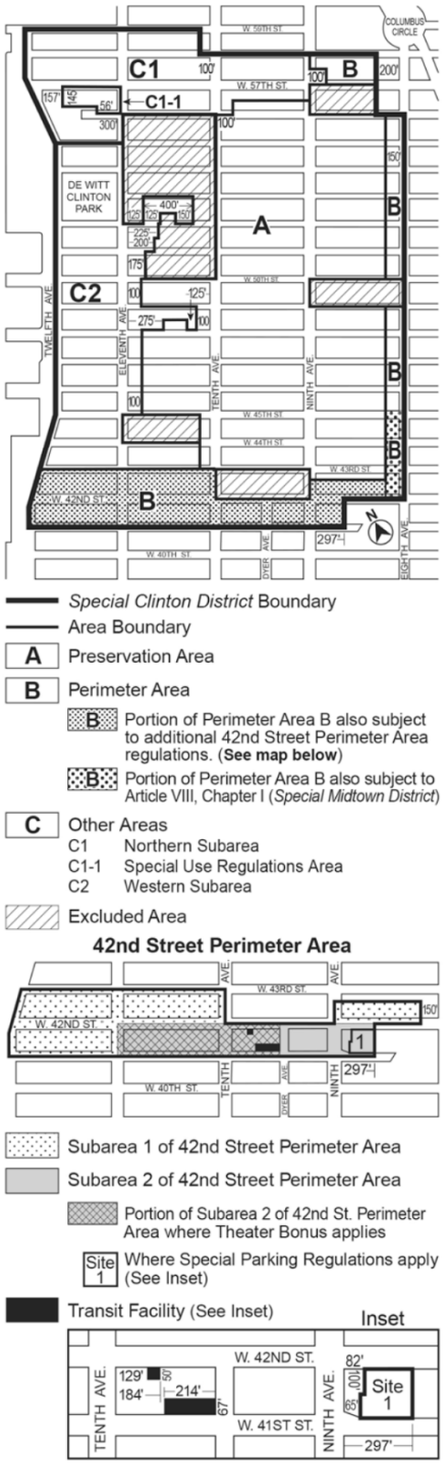
(2) #Transient hotels# shall not be permitted within the portion of Area C1-1 that is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2).

The City Planning Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as to not impair the essential character of, or the future use or development of the surrounding area.

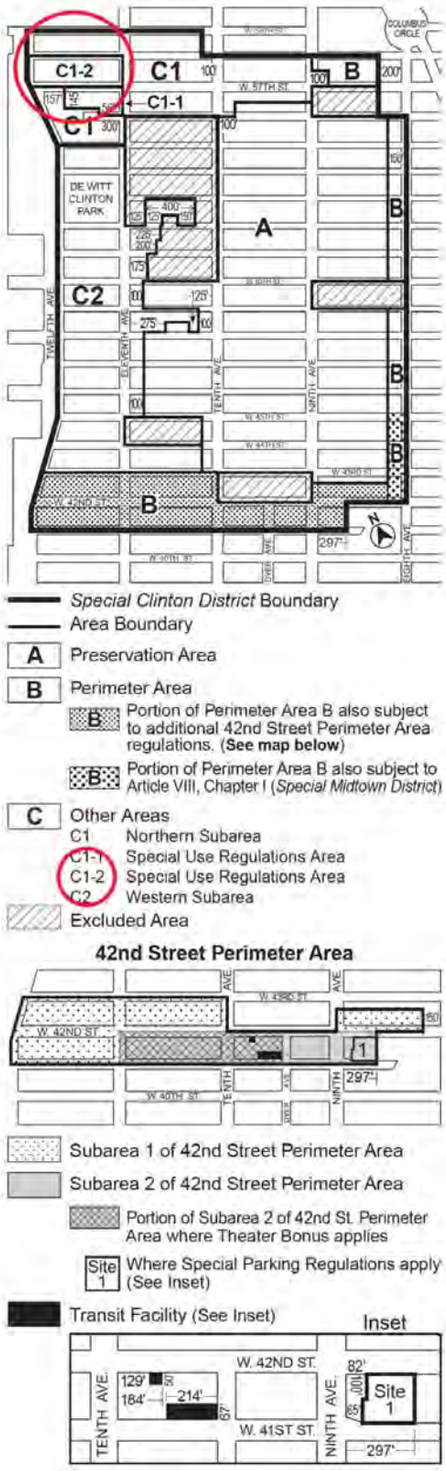
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Appendix A - Special Clinton District Map



EXISTING MAP



PROPOSED MAP

* * * end * * *

Appendix 2
Supplemental Information

AFFORDABLE HOUSING UNITS FOR RENT

Via 57 West is pleased to announce that applications are now being accepted for 142 affordable rental apartments. This project is being financed by NYS Homes and Community Renewal (HCR).



142 Newly Constructed Units in Manhattan
625 West 57th Street between 11th and 12th Avenue

Amenities: on-site laundry, fitness center, basketball court, golf simulator, children's playroom, library, screening room and gallery. Additional fees apply.

The size, rent and targeted income distribution for the 142 apartments are as follows:

Unit Size	# Apts. Available	Household Size	Monthly Rent*	Total Annual Income Range** Minimum Maximum
Studio	5	1	$565	$19,622- $24,200
	23	1	$716	$24,519 - $30,250
1 bedroom	14	1	$607	$21,016 - $24,200
		2		$21,016 - $27,640
	80	1	$769	$26,270 - $30,250
		2		$26,270 - $34,550
2 bedroom	2	2	$735	$25,200 - $27,640
		3		$25,200 - $31,080
		4		$25,200 - $34,520
	13	2	$929	$31,492 - $34,550
		3		$31,492 - $38,850
		4		$31,492 - $43,150
3 bedroom	1	3	$843	$29,124 - $31,080
		4		$29,124 - $34,520
		5		$29,124 - $37,320
		6		$29,124 - $40,080
	4	3	$1,067	$36,389 - $38,850
		4		$36,389 - $43,150
		5		$36,389 - $46,650
		6		$36,389 - $50,100

**Includes gas for cooking **Income/rent guidelines are subject to change*

Qualified applicants will be required to meet income guidelines and additional selection criteria.

How to Apply: Applications may be **downloaded a**t **www.57and11lottery.com** or by sending a **written request to Via 57 West c/o Common Ground, PO Box 3620937 New York, NY 10129**. Completed applications must be returned and postmarked by **October 29, 2015.** Applications postmarked after this date will be set aside for possible future consideration. Do not send multiple applications. No application fee.

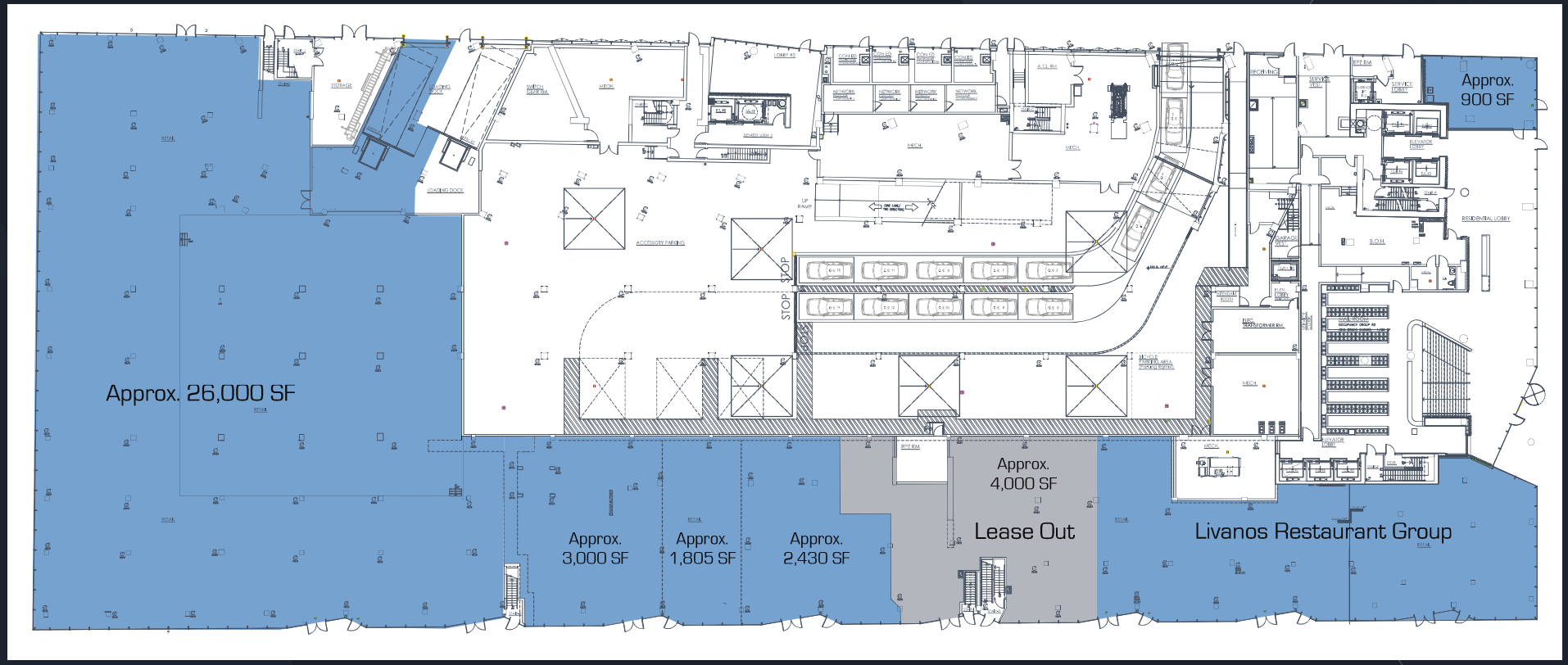
NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Source: 606 West 57th Street FEIS (CEQR No. 13DCP080M)

Source: http://www.durst.org/properties/west-57th-street

Retail Floor Plan

West 58th Street



Twelfth Avenue

West 57th Street

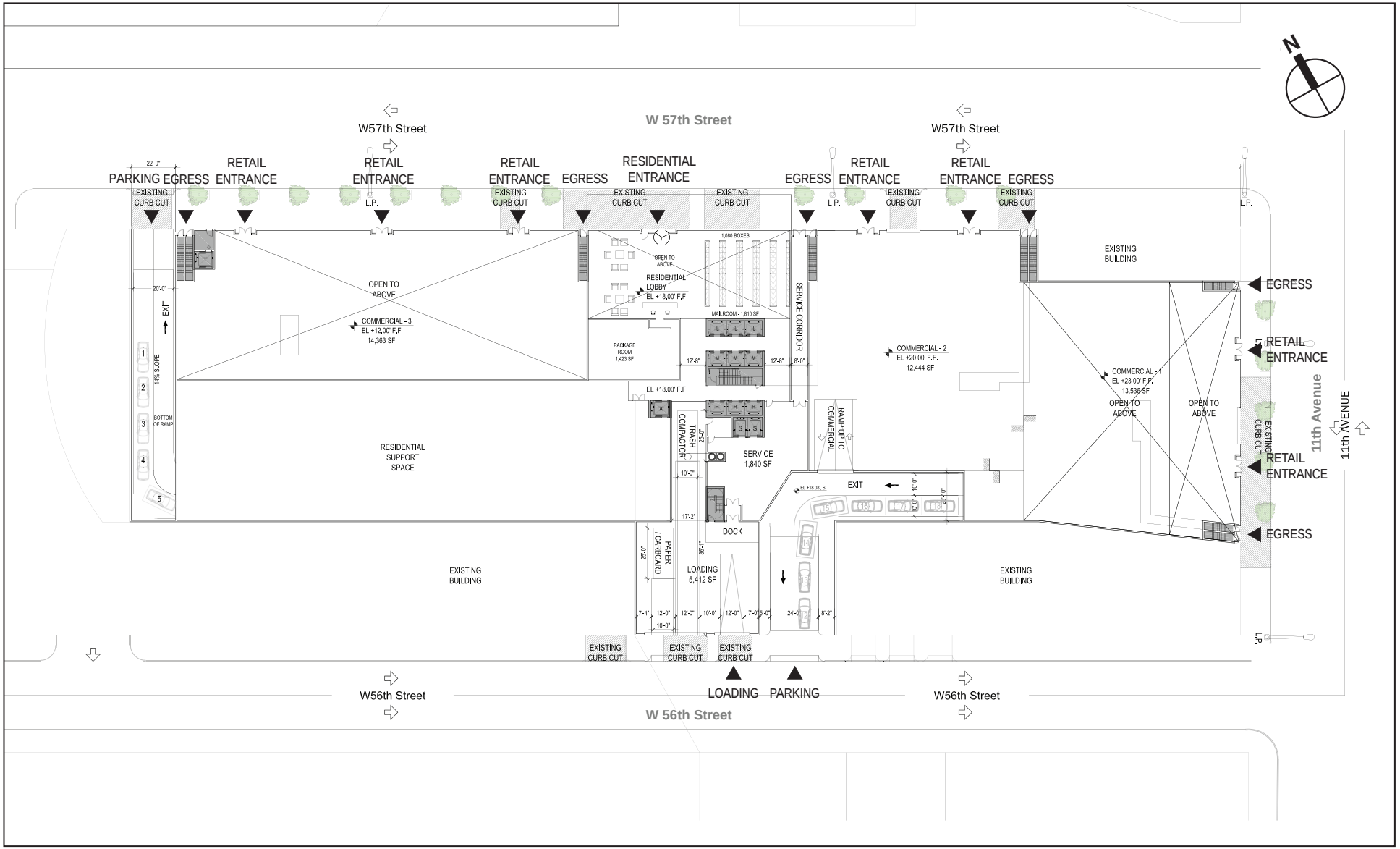
- Will consider all logical configurations

VIA 57 WEST

A PROPERTY OF The Durst Organization

LEE & ASSOCIATES® COMMERCIAL REAL ESTATE SERVICES

5.23.13



TF Cornerstone Development at 606 West 57th Street
Illustrative Site Plan

Source: http://www.durst.org/properties/west-57th-street

Neighborhood Map





KEY Existing Residential | Planned/Proposed Residential | Commercial

VIA 57 WEST

A PROPERTY OF The Durst Organization

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Appendix 3
Certification of Compliance Letter

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE COUNSEL

Carl Weisbrod, Director
Department of City Planning

WRITER'S DIRECT DIAL
(212) 720-3400

ANITA W. LAREMONT, General Counsel
ALISON R. MCCABE, Deputy Counsel

DOMINICK ANSWINI
JANINE GAYLARD
JOHN MANGIN
RACHEL RENDEIRO
CALVIN RODMAN

January 27, 2016

Martin Rebholz, R.A.
Borough Commissioner
Department of Buildings
280 Broadway - 3rd Floor
New York, New York 10007

Re: Durst West 57th Street (ULURP Nos. C 120396 ZMM, C 120397 ZSM, C 120398 ZSM, M 010151(B) ZSM, M 010148(A) ZMM)
Block 1105, Lots 1, 5, 14, 19, 29, 36, and 43 (the "Subject Property")
Borough of Manhattan, Community District 4
BIN#: 1089709

Dear Commissioner Rebholz:

On June 7, 2013, the Department of City Planning ("DCP") informed your office that the above-referenced applications submitted by Durst Development LLC, in connection with a proposed mixed use development within a large-scale general development on property at the above-referenced location, were approved. In connection with these applications, Durst Development LLC executed a restrictive declaration, dated January 15, 2013 and recorded against the Subject Property on March 13, 2013 (CRFN 2013000102066) (hereinafter, the "Declaration").

Section 3(c)(1) of the Declaration provides that, prior to the Declarant's acceptance of a temporary certificate of occupancy ("TCO") for any dwelling units with windows or air intakes on the north side of the new building constructed on lots 1, 5, 14, 19 and 43 of the Subject Property ("New Building"), DCP must certify to the Department of Buildings that the existing combustion turbine ("CT") at the Con Edison West 59th Street Generating Station has been converted to burn natural gas for normal operations and testing, and that the CT will comply with operating limits as specified in the Declaration.

As of the date hereof, the Declarant has demonstrated to DCP, pursuant to the terms of the Declaration, that it has satisfied the requirements of the Declaration with respect to the CT.

Accordingly, please be advised of DCP's determination that the requirements of the Declaration for Declarant's acceptance of a TCO for the New Building have been met.

Sincerely,

Anita Laremont

c: Edith Hsu-Chen, DCP Manhattan Borough Office
James Miraglia, DCP Technical Review
Richard G. Leland, Esq., Akerman LLP