# THE COUNCIL

**JOINT REPORT OF THE LAND USE COMMITTEE**

**AND THE**

**SUBCOMMITTEE ON ZONING AND FRANCHISES**

**L.U. No. 834 (Res. No. 1760)**

**By Council Members Salamanca and Moya**

## SUBJECT

**MANHATTAN** **CB** - **4 C 210202 ZSM**

City Planning Commission decision approvingan application submitted Windermere Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of:
	1. Section 22-00 (Use Regulations - General Provisions) to allow the conversion of residential floor area to commercial floor area; and
	2. Section 32-421 (Limitation on Floors Occupied by Commercial Uses) to allow commercial use in Use Group 6 uses to be located above the first story of a building occupied by residential use on its upper stories; and
2. the bulk regulations of:
	1. Sections 35-32 (Open Space Ratio for Residential Portions of Buildings) and 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts) to reduce the required amount of open space;
	2. Section 33-432 (Maximum Height of Walls and Required Setbacks) to allow the building to penetrate the permitted height and setback requirements;
	3. Section 23-863 (Minimum Distance between Legally Required Windows and Walls or Lot Lines) to reduce the minimum required distance between legally required windows and walls; and
	4. Section 23-87 (Permitted Obstructions in Courts) to allow portions of the building to be located within the inner court;

in connection with the proposed conversion, alteration and enlargement of an existing 8-story building, on property located at 400-406 West 57th Street (Block 1066, Lot 32), in C1-8 and R8/C1-5 Districts, within the Special Clinton District, Borough of Manhattan, Community District 4.

## INTENT

 To grant an approval of the special permit pursuant to ZR Section 74-711 to modify use and bulk requirements to facilitate the restoration, conversion, and enlargement of an existing vacant building for one of two alternate schemes: (1) Scheme A, with ground floor retail and hotel and residential use on the upper floors, or (2) Scheme B, with ground floor retail and office and residential use on the upper floors at 400-406 West 57th Street (Block 1066, Lot 32) in the Special Clinton District of Manhattan, Community District 4.

## PUBLIC HEARING

 **DATE:** September 10, 2021

 **Witnesses in Favor:** Three **Witnesses Against:** None

## SUBCOMMITTEE RECOMMENDATION

 **DATE:** September 30, 2021

 The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission.

**In Favor: Against: Abstain:**

Moya None None

Levin

Grodenchik

Ayala

Rivera

Borelli

**COMMITTEE ACTION**

 **DATE:** September 30, 2021

 The Committee recommends that the Council approve the attached resolution.

**In Favor: Against: Abstain:**

Salamanca None None

Gibson

Barron

Koo

Levin

Miller

Grodenchik

Adams

Ayala

Moya

Rivera

Riley

Feliz

Borelli

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

 The City Planning Commission filed a letter dated October 4, 2021, with the Council on October 5, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.