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Land Use, Housing & Zoning

January 2023, Land Use, Housing & Zoning Committee

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Application from Thompson Hotel FKA Parker Hotel/Parker Meridian for modifications of special permits for Privately Owned Public Spaces (POPS) and Public Arcade and Legalization of an Indoor Bar and Open Air Cafe at 119 West 56th Street

At the regularly scheduled monthly Community Board Five meeting on Thursday, January 12, 2023, the following resolution passed with a vote of 34 in favor; 0 opposed; 1 abstaining:

WHEREAS, Thompson Central Park New York Hotel at 109-123 West 56th St & 118 West 57th St, formerly known as the Parker Meridien and the Parker Hotel seeks modifications to a Special Permit for the existing public Through Block Arcade and certifications for an existing public Plaza and for an existing open air café in the Plaza; and

WHEREAS, The site of the Thompson Central Park New York Hotel is located at 109-123 West 56th Street and 118 West 57th Street between 6th and 7th Avenues, which is tax lot 19 of Block 1009 and is a part of the previously enlarged zoning lot that contains four tax lots encompassing 109-129 West 56th Street; and

WHEREAS, Lot 19 is a through-block lot located mid-block, with 20 feet of frontage on West 57th Street and 200 feet of frontage on West 56th Street, with the northern portion of the building having one story and a height of 40 feet, while the southern portion of the building is 40 stories plus a penthouse and a height of 393 feet; and

WHEREAS, The building is located entirely within the Special Midtown zoning district and the Theater Subdistrict, with portions within zoning districts C5-3, C6-6, and C6-6.5, and all of these districts permit a 15 FAR building as of right; and

WHEREAS, The building began construction in 1979, is 423,000 square feet of floor area (or 15.96 FAR), and it utilized bonus development rights derived from the creation of a public Plaza, but it did not utilize any additional bonus development rights it could have from the creation of the public Through Block Arcade, due in part to the urging of Community Board Five to reduce the building's height; and

WHEREAS, The Applicant is Parker57 LLC, who purchased the building in January 2019 and is seeking four non-ULURP modifications to the indoor Through Block Arcade POPS Special Permit and two certifications by the Chair of the City Planning Commission to the outdoor Public Plaza POPS Regulations (ZR 37-625: Design Change and 37-73: Café); and

WHEREAS, None of the proposed modifications or certifications will create any changes to the building's height, mass, bulk or use; and

WHEREAS, The floor plan of the Through Block Arcade is somewhat similar to a upside-down two-prong fork, with the north end of the Arcade starting at West 57th Street as a "handle of the fork", the Arcade continues south down a narrow 20 foot corridor for 102 feet, at which point a wider central portion of the Arcade connects with two prongs that are each approximately 56 feet in length:

- one prong to the east is more narrow at approximately 14.5 - 20 feet wide and
- one prong to the west that is approximately 29-30 feet wide and also has the hotel's front desk and the main guest elevators),

and each prong has a door to the south on to the building's West 56th Street Public Plaza; and

WHEREAS, Through Block Arcade is the northern-most portion of 6 1/2 Avenue, which is a mid-block pedestrian pathway connecting West 51st Street to West 57th Street by a series of mid-block privately owned public spaces (POPS); and

WHEREAS, The **first modification** to the Through Block Arcade POPS Special Permit is to improve the signage at all three entrances, including:

- new print on the West 57th Street marquee that can be read from both east and west sides of the marquee,
- two updated decals on the northern glass doors that open on to West 57th Street,
- updated decals to each of the two southern glass doors that open on to West 56th Street Public Plaza; and

WHEREAS, previously there was

- no signage on the marquee,
- two outdated decals on the West 57th Street doors,
- one outdated decal on the eastern West 56th Street door,
- no decal nor any signage on the western West 56th Street door; and

WHEREAS, The **second modification** to the Arcade POPS Special Permit is the legalization of a bar as a permitted obstruction within the northern portion of the Through Block Arcade; and

WHEREAS, The bar was installed by the building's previous owner, measures 19' 7" in length and all together (the bar, the equipment behind the bar and the bartender work space) occupies 152 square feet of the narrow northern portion of the Arcade; and

WHEREAS, This proposed modification would also stipulate the configuration of 52 seats and 26 tables; and

WHEREAS, The applicant has agreed to have signage at the 26 tables that state "Public Space — No Service Required" and "Seating is Open to the Public without any purchase necessary"; and

WHEREAS, The original Through Block Arcade regulations were designed to incentivize retail use in order to activate public use of Through Block Arcades; and

WHEREAS, The previous owner operated the bar in the northern Through Block Arcade under the name "Knave" with 36 seats and 12 tables, and this narrow area of the Through Block Arcade was decorated with wide columns, wall ledges, and a gate between the northern and central portions of the Arcade, (the gate was allowed by previous approved modification in March 1988), but these items constricted the pedestrian path through the Arcade to as little as 6'5.5" wide; and

WHEREAS, This modification would remove the decorative ledges and gate, slim the columns, and provide an open path of at least 9 feet and up to 12 feet and 8 inches; and

WHEREAS, A **third modification** of the Arcade POPS Special Permit is within the other parts of the Through Block Arcade and will stipulate that throughout these areas there will be an additional 69 seats and 32 tables for public use, with the applicant agreeing to have signs at the tables indicating the public use of the seating; and

WHEREAS, Currently in the central, western, and eastern portions of the Arcade, there are 32 seats and no tables, although the previous March 1988 modifications stipulated there should be 54 seats and 18 tables in these areas; and

WHEREAS, The total amount of proposed seating for all areas of the Arcade combined is 121 seats and 58 tables, compared to the existing 68 seats and 12 tables; and

WHEREAS, The original 1979 Special Permit required plantings in the Through Block Arcade, this does not seem to have ever occurred and the applicant says plantings will be installed within the Through Block Arcade; and

WHEREAS, The applicant has also agreed to the public use of the restrooms located down a staircase from the central section of the Arcade, previously only hotel guests with key cards had access to these restrooms, and hotel staff will monitor and maintain the restrooms 24 hours a day; and

WHEREAS, These public restrooms are not within the boundaries of either the Through Block Arcade or the Plaza, they will in effect be used as an additional public space and amenity; and

WHEREAS, The signage on all the Arcade door decals will state that Arcade is open from 7am-11pm, however because the Arcade is used as a hotel lobby, in practice the Arcade will be open, monitored, and maintained 24 hours a day by hotel staff; and

WHEREAS, The applicant has also stated that free WiFi will be available to the public in the Arcade 24 hours a day; and

WHEREAS, The **fourth modification** to the Arcade POPS Special Permit is a change to boundaries of the Through Block Arcade by swapping 128 square feet that is mapped as within the Arcade but is behind an existing wall and is in a lobby restaurant ("Indian Accent") and these 128 square feet will be replaced in kind by adjusting the Through Block Arcade's boundary lines to incorporate areas near the main guest lobby elevators, along the western sides by the newly pushed back front desk, and along the eastern sides of the Arcade; and

WHEREAS, The applicant is also seeking certifications to the public Plaza POPS on West 56th Street, which is 200 feet in length, 15 feet in depth, covers 2,743 square feet, and the associated bonus development rights of the Plaza were utilized by the developer in 1979 to generate an additional 27,430 square feet of floor area (10x the Plaza's area or almost 1 FAR); and

WHEREAS, The current regulations for a Public Plaza are more detailed than the 1979 regulations when the Public Plaza was originally constructed, the current owner is proposing to bring the Plaza much closer to the current Public Plaza POPS Regulations; and

WHEREAS, The certification for the Design Change to the Plaza is to stipulate that the following will be added to the Plaza:

- four trees will be installed, which meets the city's regulations for a Plaza of this size,
- each tree will be installed with other plantings in new above-ground planters and the four planters would occupy a total of 414 square feet (15% of the Plaza),
- two Public Plaza signs will be installed in two of the planters that are near the two West 56th Street Through Block Arcade entrances,
- 60 linear feet of benches will be attached to three of the tree planters (along with 16 moveable chairs in the Open Air Café for a total of 75.73 linear feet of seating),
- two trash cans will be installed in the Plaza,
- new lighting will be installed in the Plaza that will meet the current Public Plaza regulations, and

- the applicant has asked DOT to install two bike racks on the sidewalk in front of the Plaza; and

WHEREAS, The existing Plaza has:

- no trees or plantings (even though at least three trees were required in the original 1979 stipulations),
- no seating (except for 16 seats in the not-yet-legalized Open Air Café),
- no Public Plaza signage,
- no trash cans,
- no Plaza lighting,
- no bike racks; and

WHEREAS, The current Public Plaza regulations that are enumerated in ZR Section 37-70 would require any Public Plaza with the particular dimensions of this Plaza (200 feet in length and occupying 2,743 square feet): to have:

- a minimum of 20% of a Plaza square footage as plantings (or 549 square feet for this Plaza),
- at least 4 trees for this size of Plaza,
- at least 100 linear feet of seating (or at least 50-60 moveable chairs),
- at least 50% of the seating must have back support,
- at least five Public Plaza signs for a Plaza of these dimensions,
- at least three litter receptacles for a Plaza this size,
- specific minimum lighting requirements,
- bike parking for at least two bicycles within the boundaries of a Plaza this size (not outside the boundaries taking sidewalk space); and

WHEREAS, The other certification to the Plaza POPS is the legalization of an Open Air Café that has been existing since 2015; and

WHEREAS, The Open Air Café occupies the western most section of the Plaza, is 176 square feet or 6.4% of Plaza, is 12 linear feet wide, has 16 moveable seats and 8 moveable tables, and because of bulb-in of the sidewalk there is at least 9 feet (up to 12 feet) of open sidewalk space between the the Open Air Café/Plaza boundary line and the West 56th Street curb; and

WHEREAS, The applicant is permitted, under current regulations, to apply for an Open Air Café that may use up to 20% of the Plaza's square footage (in this case 20% is 549 square feet); and

WHEREAS, The current operator of the Open Air Café is the "Indian Accent" restaurant, which utilizes the Open Air Café for lunch and dinner, seven days a week, weather permitting, year round; and

WHEREAS, The existing Open Air Café is currently non-complying with ZR Section 37-73 because the previous owners or operators needed certification to operate the Open Air Café, and the Open Air Café should have the required boundary markings in white paint on the Plaza ground; and

WHEREAS, The applicant confirmed that the Café boundary markings will be painted on the Plaza floor as required; and

WHEREAS, The applicant has also agreed to have signage at each of the moveable tables in the Open Air Café stating "Open to the Public - No Purchase Necessary"; and

WHEREAS, Community Board Five has long supported the creation and use of 6 1/2 Avenue, these modifications will make pedestrian travel through this part of 6 1/2 Avenue more comfortable by giving wider pathways through the Arcade and removing choke points; and

WHEREAS, Community Board Five has long been advocating for an increase in the number of clean, safe public restrooms in our district; and

WHEREAS, Community Board Five has been supportive of indoor POPS being open for more hours than the minimum required by the Department of City Planning in order for members of our community who don't work traditional hours to also enjoy a safe, clean place to rest during their break time while working in our district; and

WHEREAS, Community Board Five has long advocated for additional passive-use, green spaces in our district; and

WHEREAS, Community Board Five has long been frustrated by non-compliance issues in multiple POPS throughout our district; and

WHEREAS, Though Community Board Five does not generally support after-the-fact legalization, especially when a location has been operating in non-conformance with city regulations for seven years as an Open Air Café and for decades as a Public Plaza and Through Block Arcade, Community Board Five recognizes that these violations were the making of the previous building owner and praise the current owners for their diligent effort to bring the plaza and arcade up to their public purpose mandate; and

WHEREAS, Although the applicant does not meet all the required minimums of the Zoning Resolution's Plaza regulations, the applicant is making significant enhancements to the property's public spaces, which, when taken all together, is substantial and positive for the neighborhood; therefore be it

RESOLVED, Community Board Five recommends approval of the application for the four non-ULURP modifications to the Special Permit set forth by Parker57 LLC for the Through Block Arcade POPS at 109-123 West 56th Street and 118 West 57th Street; and be it further

RESOLVED, Community Board Five recommends the approval of the application for a Chair certification for the Plaza Design Change under ZR Section 37-625 by Parker57 LLC for the Plaza POPS located at 109-123 West 56th Street; and be it further

RESOLVED, Community Board Five also recommends the approval of the application for a Chair certification under ZR Section 37-73 to legalize the use of an Open Air Café by Parker57 LLC in the same Plaza POPS at 109-123 West 56th Street.



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