



CITY PLANNING COMMISSION

September 8, 2004/ Calendar No. 35

C 040444 ZSM

IN THE MATTER OF an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-721(a) of the Zoning Resolution to modify the height and setback regulations of Section 33-43 (Maximum Height of Walls and Required Setbacks) and the tower regulations of Section 33-45 (Tower Regulations) of the Zoning Resolution to facilitate the development of a 42-story mixed use building on a zoning lot located at 1800 Park Avenue (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7 District, Borough of Manhattan, Community 11.

The application for a special permit was filed by 1800 Park Avenue LLC on May 6, 2004, pursuant to Section 74-721(a) of the Zoning Resolution, to modify regulations regarding the height and setback and aggregate streetwall regulations for tower coverage controls, to facilitate a project known as Harlem Park. The special permit would facilitate the development of a new mixed-use building on a site located on the southwest corner of East 125th Street and Park Avenue. On September 3, 2004, the applicant filed a revised application to reduce the proposed height of the building from 550 to 518 feet.

RELATED ACTIONS

In addition to the special permit application which is the subject of this report (C 040444 ZSM), 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 040443 ZMM: Amendment to the Zoning Map, Section Nos. 6a and 6b, to rezone an existing area by eliminating a C1-4 District and changing R7-2 and C4-4 districts to a C4-7 district.

C 040445 ZSM: Special Permit pursuant to Section 75-52, to allow an attended public parking garage with a maximum capacity of 369 spaces.

BACKGROUND

The applicant, 1800 Park Avenue LLC, requests approval of a special permit pursuant to Section 74-721(a) of the Zoning Resolution, in conjunction with the related actions, to facilitate the development of Harlem Park, a proposed mixed residential/commercial building with hotel, commercial office, residential and ground floor retail space. The project site is located in East Harlem, Manhattan Community District 11.

The requested action, in conjunction with the related actions, would facilitate the development of Harlem Park, the first new hotel constructed and operated by a national hotelier in Harlem in nearly 50 years. In addition to the proposed commercial office and residential space, Harlem Park is proposed to include a 230-room Marriott Hotel as its anchor tenant.

In order to achieve the overall development objective for Harlem Park, the applicant seeks approval of three (3) actions: a zoning map amendment to rezone the proposed hotel site with adjoining property from C4-4, R7-2 and R7-2/C1-2 to C4-7 (C 040443 ZMM), a special permit pursuant to Section 74-721(a) of the Zoning Resolution to modify regulations regarding height, setback and aggregate street wall in C4-7 districts (C 040444 ZSM), and a special permit pursuant to Section 74-52 of the Zoning Resolution to allow a 369-space public parking garage (C 040445 ZSM).

Site Description

The proposed Harlem Park hotel site is located on the west side of Park Avenue between East 124th and East 125th streets. Located in the Upper Manhattan Empowerment Zone, the proposed hotel site comprises

part of a zoning lot that is bounded by East 124th and East 125th streets, Park Avenue, a point 85 feet east of Madison Avenue and a point 215 feet west of Park Avenue.

The zoning lot, which totals 53,486 square feet, includes six private-owned tax lots (Block 1749, Lots 24, 31, 33, 35 40 and 43) that are owned by the New York College of Podiatric Medicine (College of Podiatry).

Block 1749, Lots 31,33,35,40 and 43, which comprise the Harlem Park hotel development site, total 36,289 square feet and are used by the College of Podiatry for accessory parking. The parking lot has 110 parking spaces. The applicant has a long-term ground lease with the College of Podiatry for these five lots and has proposed to develop them with the proposed mixed-use building.

On Block 1749, Lot 24, the College of Podiatry occupies a two-story and five-story building, from which they operate an outpatient foot clinic. The two buildings are located mid-block on the north side of East 124th Street and adjoin the proposed Harlem Park development site. Although subject to the proposed rezoning action, the existing College buildings on Lot 24 would remain and not be displaced by the proposed Harlem Park project.

Along East 125th Street, Block 1749 is developed with four-story mixed residential/commercial buildings with intermittent ground floor retail activity. Four to seven-story residential buildings can also be found along the block's Madison Avenue frontage. Along East 124th Street, the block is primarily developed with buildings owned by the College of Podiatry, which provide teaching and outpatient clinic services.

Area Description

The proposed Harlem Park development site is located at the juncture of two neighborhoods: Central Harlem and East Harlem. The surrounding neighborhood, to the north and south, is residentially zoned and

predominantly residential in character with retail and community facility uses, and intermittent vacant lots. North General Hospital, Harlem's only private hospital, is located two blocks south at Madison Avenue and East 122nd Street. The 125th Street Pathmark supermarket, Gotham Plaza and Gateway Plaza, which typify new commercial development along East 125th Street, can be found within a two-block radius of the project site.

Most buildings in the area range from four to six stories in height. Taller buildings can be found on public housing campuses such as the Wagner Houses, located three blocks to the east on Second Avenue and East 124th Street (14 -16 stories). Other tall buildings in the area include, Taino Towers, at Third Avenue and East 123rd Street (33 stories), and the Harlem State Office Building, at West 125th Street and Adam Clayton Powell Jr. Boulevard (20 stories).

Marcus Garvey Memorial Park, a 20-acre park, is located one block to the southwest of the site. The park is bounded by East 124th Street, East 120th Street, and Madison Avenue and Mount Morris Park West. The site is near to the Mount Morris Park Historic District which is roughly between West 120th and 125th streets, directly to the west and south of the park.

The Harlem Park hotel development site is situated, one block to the north of the Mount Morris Historic District, which was designated in 1971. There are several designated New York City landmark buildings in the neighborhood, including the Fire Watchtower in the Marcus Garvey Memorial Park, The Mount Morris Bank, the Langston Hughes House, and the Corn Exchange Building.

The Harlem Park development site is also adjacent to the Park Avenue viaduct. The viaduct is used for MTA MetroNorth commuter railroad service running from New York City to upstate suburban areas and Connecticut. The MetroNorth train station is located at 125th Street and Park Avenue and was recently reconstructed; the improvements were completed in 2001. In addition to commuter rail service, subway service is provided by the Lexington Avenue 4, 5 and 6 lines, at Lexington Avenue and East 125th Street. Cross town bus service is provided by several bus lines that traverse East 125th Street, with connections to LaGuardia Airport, the Upper West Side, Central Harlem and the Bronx.

Existing Zoning

The Harlem Park development site is located in C4-4, R7-2 and R7-2/C1-4 zoning districts. The C4-4 general commercial district is located along the East 125th Street frontage of the proposed hotel site. C4-4 districts allow regional shopping with a wide range of commercial uses, and allow residential uses up to 3.44 FAR and community facility uses up to 6.5 FAR. Commercial uses are permitted up to 3.4 FAR. One off-street parking space per 1,000 square feet of commercial floor area is generally required for most retail uses; however, parking requirements can be waived if less than 40 parking spaces are generated. Along East 124th Street, the proposed hotel site is zoned R7-2, which allows medium-density residential development up to 3.44 FAR (4.0 with the Quality Housing option) and community facility uses up to 6.5 FAR. A C1-4 commercial overlay is located along East 124th Street within the R7-2 district, to a point 100 feet west of Park Avenue. C1-4 districts allow local retail uses up to 2.0 FAR.

The surrounding neighborhood is zoned R8, M1-2 and C4-7. R8 districts allow residential development up to 6.02 FAR and community facility development up to 6.5 FAR, and M1-2 districts allow commercial and manufacturing development up to 2.0 FAR and community facility development up to 4.8 FAR. A C4-7

district, which allows high-density residential, commercial and community facility development up to 10 FAR, is generally located along the north side of 125th Street between Frederick Douglass and Malcolm X boulevards, two blocks west of the proposed hotel site.

PROJECT DESCRIPTION

As certified, the proposed mixed-use development would have 493,645 square feet of floor area, including approximately 375,000 square feet of commercial space. There would be several types of commercial uses: approximately 182,280 square feet of hotel space (230 rooms) would be operated by Marriott Courtyard Hotel. The hotel would have conference and banquet space, a health club and spa. The project would also provide approximately 125,000 square feet of commercial office space that would be marketed to Class A tenants, and approximately 52,725 square feet of local retail space. Potential retail uses may include a coffee shop, a restaurant, a clothing store, and a flagship sportswear store. Approximately 125,040 square feet of residential space (100 units) is also proposed. There would also be a below-grade public parking garage with 369 parking spaces.

The proposed building would be composed of a tower and base and would create a higher density character along the avenue. The proposed tower, which would rise to a height of 550 feet, is positioned closest to Park Avenue, parallel to the viaduct. The tower's masses are shifted: one portion of the tower extends all the way to the retail base while the tower's eastern portion hovers above a ten-story enclosed atrium that opens to Park Avenue. A transparent architectural element, which would be illuminated at night, stretches the height of the tower. There would also be projecting balcony elements that undulate across the east and west tower

facades. The proposed building is at a lower density at the mid-block along 124th and 125th streets. The streetwall on 124th and 125th streets is defined by a 150-foot base. The base would be predominantly transparent.

As certified, the tower would house the proposed hotel and residential components of the project, with commercial office and retail space primarily located in the building's base. Residential space would be located above the hotel floors and placed on floors 28-39. The hotel space would be placed on floors 10-13 and 15-26, with mechanical space placed on the 4th and 27th floors. The proposed commercial office space would be placed on floors 5-9 and local retail uses would be placed on the 1st and 2nd floors. The hotel lobby would be placed on the 3rd floor.

The proposed retail entrances would be on 125th Street and Park Avenue. Proposed entrances to the hotel, office and residential uses would be arranged along the interior of the through block lobby that runs along Park Avenue from 124th to 125th Street. The main access points to the lobby will be on 124th and 125th streets and potential secondary entrances along Park Avenue. Hotel drop-off, car park, and loading docks would be located on 124th Street. Along the Park Avenue frontage, the development would set back 10 feet from the property line to provide a widened sidewalk and maintain space between the proposed building and the viaduct.

REQUESTED ACTIONS

Proposed Zoning Map Amendment (C 040443 ZMM)

The applicant seeks approval of a zoning map amendment (C 040443 ZMM) to rezone a zoning lot bounded by East 124th and East 125th streets, Park Avenue, a point 85 feet east of Madison Avenue and a point 215

feet west of Park Avenue, from R7-2, R7-2/C1-4 and C4-4 to C4-7. The area to be rezoned, which includes the Harlem Park development site and adjacent property, comprises six tax lots (Block 1749/Lot 24,31,33,35,40,and 43) that total 53,475 square feet.

The existing C4-4 district allows 3.44 FAR of residential use, 3.4 FAR of commercial use and 6.5 FAR of community facility use. The proposed C4-7 district would allow up to 10 FAR of residential, commercial and community facility use (12 FAR with the plaza bonus). The proposed rezoning would allow commercial development on a portion of the zoning lot that is currently zoned for residential use and allow high-density commercial development on the Harlem Park development site.

Special Permit for Height and Setback Modifications (C 040444 ZSM)

In order to achieve the desired tower footprint and height, the applicant also seeks approval of a special permit pursuant to 74-721(a) of the Zoning Resolution to modify regulations regarding the height and setback and aggregate streetwall regulations for tower coverage controls (C 040444 ZSM). A key development objective is to create an iconic building with a prominent vertical element. In order to create a dynamic building composed of distinct elements, the project requires a modification of height and setback requirements for the base of the building and aggregate streetwall requirements for the tower.

In C4-7 districts, the City Planning Commission may permit modifications of height and setback regulations including tower coverage controls for developments located on a zoning lot having a minimum of 40,000 square feet. The zoning lot comprising the Harlem Park project site has a lot area of 53,486 square feet.

In a C4-7 zoning district, the maximum permitted base height is 85 feet or 6 stories, whichever is less, and that the building should set back 20 feet on a narrow street and 15 feet on a wide street.

Requested Aggregate Streetwall Modifications

Additionally, the proposed development does not comply with the aggregate streetwall requirements on Park Avenue in the proposed C4-7 district. The aggregate streetwall area must be less than 1,875 square feet on 124th Street within 50 feet of street line. The aggregate streetwall area must be less than 1,600 square feet on 125th Street and Park Avenue within 40 feet of street line. As proposed, the aggregate streetwall area of the tower would exceed that which is permitted by approximately 270 square feet along East 125th Street, 375 square feet along East 124th Street, and 3,340 square feet along Park Avenue.

The requested height, setback and tower coverage modifications would facilitate the mass of the building to be placed toward Park Avenue and away from 125th and 124th streets. At the base, the proposed massing would provide floor plate sizes more suitable for office use and, in the slender tower, would allow for the type of floor plate needed for the hotel module. The proposed tower coverage modifications would also allow for a design that minimizes the amount of interior space, therefore, maximizing the light and air to the hotel and residential units.

Special Permit for a Public Parking Garage (C 040445 ZSM)

The applicant also requests approval of a special permit pursuant to Section 74-52 of the Zoning Resolution (C 040445 ZSM) to facilitate the construction of an attended public parking garage. The proposed garage would be placed in portions of the two sub-cellar levels of the proposed building and have 369 parking spaces. The garage would have approximately 78,452 square feet of floor area including a portion of the ramp located on the ground floor and cellar level. The garage entry would be placed on East 124th Street and accessed via a 22-foot wide curb cut. An interior ramp would provide access between the three levels. The garage would have 18 reservoir spaces and set aside 110 accessory parking spaces for the College of Podiatry (these

spaces would replace the existing surface parking lot spaces). Other users of the proposed garage are expected to include hotel guests and visitors, office workers, and residents of the new building and non-resident users from the surrounding area.

Users of the garage will drive their vehicles to an attendant station located on the first cellar level and vehicles will be parked by one of four or five attendants employed at the site. The garage's entrance/exit on East 124th Street is designed to provide clear sight lines to pedestrians. Pedestrian safety measures would include the installation of a flashing light and a ringing bell to both visually and audibly alert pedestrians. The building's hotel drop-off and three loading berths are also located on East 124th Street.

ENVIRONMENTAL REVIEW

This application (C 040444 ZSM), in conjunction with the applications for the related actions (C040443 ZMM and C 040445 ZSM), were 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 04DCP053M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 10, 2004.

UNIFORM LAND USE REVIEW

This application (C 040444 ZSM), in conjunction with the applications for the related actions (C040443 ZMM and C 040445 ZSM) was certified as complete by the Department of City Planning on May 10, 2004 and was duly referred to Manhattan Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on the applications (C 040444 ZSM, C040443 ZMM and C 040445 ZSM) on June 15, 2004 and on that date by a vote of 20 to 3 with 7 abstentions, adopted a resolution recommending approval of the applications with the following conditions:

- 1) Harlem Park create a memorandum of understanding detailing all of their job commitments, including professional and managerial jobs, and commitments to support local businesses, The memorandum should include commitments to work with local unions that hire residents for construction of the project.

- 2) Harlem Park should conduct an analysis of the possibility of designing a building that integrates better with the existing contextual zoning and provide a justification for the proposed height of the building.

- 3) Harlem Park should the residential component of their proposal and provide specific information on what type of residential units they will use.

Borough President Recommendation

The applications (C 040444 ZSM, C040443 ZMM and C 040445 ZSM) were considered by the Borough President, who issued a recommendation on July 7, 2004 approving the applications with the following condition:

[T]he borough president shares the concerns of the Community Board regarding the involvement of [Minority or Women Business Enterprises] and local residents in the revitalization of the Harlem community. The borough president conditions her approval

upon proof that the applicant has reached out to local MWBEs and has established an open process where qualified local MWBEs and residents are given preference in jobs, both construction and permanent, skilled and unskilled, as well as for housing units.

City Planning Commission Public Hearing

On July 14, 2004 (Calendar No. 11), the City Planning Commission scheduled July 28, 2004 for a public hearing on this application (C 040444 ZSM).

The hearing was duly held on July 28, 2004 (Calendar No. 19) in conjunction with the public hearing on the related applications, (C 040443 ZMM and C 040445 ZSM). There were eight speakers in favor of the application and three speakers in opposition.

A representative of the applicant spoke in favor. He gave a brief overview of the proposed project and provided a detailed description of Harlem Park's anchor tenant, Marriott Hotel. He also described the financing for the project and stated that the proposed Class A office space and residential units are crucial components of the development.

The representative also highlighted programmatic components, such as the proposed restaurant and roof top terrace, the banquet and conference space, and local and national retail stores to be placed on East 125th Street and Park Avenue that would activate the ground floor. He concluded by stating that the proposed increase in density and the proposed building envelope was needed to develop a viable, profitable development, and that the project would be an important contribution to the development of Harlem.

The Senior Vice President of Marriott International stressed the project's ambitious mixed-use program, its innovative design and the economic development benefits the project would provide. He stated that the project would have amenities such as conference rooms and banquet halls that are nonexistent in Harlem. He further stated that there are several Marriott hotels in the New York metropolitan area and they all have a proven track record of successfully hiring from their respective local communities.

Harlem Park's architect described the project's design objective: to create an innovative, iconic building that would be a significant addition to the Manhattan skyline. He described why he requested zoning modifications were necessary. The architect reiterated that the height and proportions of the tower and the base were defining components of the proposed building's character. Two other members of the development team also spoke in favor of the project.

Also speaking in favor were representatives from Community Board 11, from Most Worshipful Prince Hall Grand Lodge, and from the College of New Rochelle, who reiterated the potential contribution of a significant mixed-use project like Harlem Park. In general, they spoke about the economic development benefits. More specifically, the speakers spoke about the importance of the proposed amenities such as conference and banquet space to the Harlem community.

Speakers testifying in opposition of the application included representatives from CIVITAS and Community Boards 10 and 11, and a resident of the area. The resident spoke against the project on her own behalf. Those who spoke in opposition acknowledged the need for a hotel in Harlem and the economic development benefits the proposed project would bring to East Harlem. However, the three speakers raised concerns about the proposed building's height, massing and scale.

The representatives from CIVITAS and Community Board 10, also raised issues related to the zoning map amendment application, specifically the increase in bulk. Further, the speaker from Community Board 10 stated that the proposed C4-7 district would set a negative precedent to rezone other properties on 125th Street in a similar fashion, and reiterated the need for a comprehensive zoning framework for the corridor. Both speakers suggested that a contextual zoning district, C4-7A, would allow the same density, but would limit the height to 210 feet. While acknowledging the anticipated economic benefits, the speakers also raised concerns regarding the potential negative impacts the proposed commercial building would have on the character of 125th Street and the surrounding residential neighborhoods.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit (C 040444 ZSM), in conjunction with the related applications for a zoning map amendment (C 040443 ZMM), and the special permit for public parking (C 040445 ZSM), is appropriate.

As certified, the requested action, in conjunction with the related actions, would facilitate the development of Harlem Park, a new mixed residential/commercial building. Located in the Upper Manhattan Empowerment Zone, Harlem Park would have commercial office, residential and ground floor retail space and is proposed to include a 230-room Marriott Hotel as its anchor tenant.

The Commission views 125th Street as a valuable New York City resource: it is a significant commercial and cultural corridor in Harlem. It has several renowned institutions, such as the Studio Museum, the National Black Theater and the Apollo Theater. It also has excellent access to public transportation and serves as a major east-west arterial that provides direct access to the Triborough Bridge and the regional highway network. The street has recently received significant economic development, such as Harlem USA, Harlem Center and Pathmark, and new residential development has occurred on neighboring blocks.

The intersection of East 125th Street and Park Avenue, the location of the proposed Harlem Park development, is a distinct site: it is adjacent to the MTA MetroNorth Station, which provides commuter rail access and connects the proposed hotel site to midtown, upstate suburban areas and Connecticut. The Commission believes that the approval of the requested special permit, in conjunction with the related actions, would facilitate the development of an architecturally unique and elegant building in Harlem that would provide new commercial development and employment opportunities to 125th Street and the immediate neighborhood. The Commission believes that Harlem residents and the City would benefit from this development.

Subsequent to certification, on September 3, 2004, the applicant filed a revised application that reduced the height of the proposed mixed-use building from 550 to 518 feet. In order to accommodate the reduced height, the project would place the residential space on floors 28-37, a net loss of two floors. As revised, on Park Avenue, East 124th and East 125th streets, the proposed tower rises to 518 feet with no setback. Since the building rises without setbacks, it penetrates the sky exposure plane on all street frontages.

Zoning Map Amendment (C 040443 ZMM)

The Commission believes that the proposed zoning map amendment from C4-4, R7-2, and R7-2/C1-4 districts to a C4-7 district is appropriate. The proposed C4-7 rezoning area includes an area bounded by Park Avenue, East 125th Street, East 124th Street, a point 85 feet east of Madison Avenue and a point 215 feet west of Park Avenue.

The Commission notes that R7-2 and C4-4 districts allow medium-density residential development up to 3.44 FAR (4.0 with the Quality Housing option) and community facility uses up to 6.5 FAR. C4-4 districts also allow regional commercial and local retail uses up to 3.4 FAR. C1-4 districts allow local retail uses up to 2.0 FAR.

The existing zoning would not permit a commercial hotel on the R7-2 zoned portion of the site. Moreover, the existing C1-4 and C4-4 zoning does not allow for an FAR high enough to support a major hotel use. The proposed C4-7 district, which permits residential, commercial and community facility uses up to 10 FAR, would enable the proposed mixed-use building to be developed on the proposed building site. The Commission further notes that the north side of 125th Street between Lenox Avenue/Malcolm X Boulevard and Frederick Douglass Boulevard is also zoned C4-7.

The Commission believes that the proposed commercial use and higher density allowed under the proposed C4-7 district is compatible with the existing character of 125th Street. The area to be rezoned is located at the intersection of two wide streets, East 125th Street and Park Avenue, and is a significant size (53,486 square feet). Moreover, it has excellent access to public transportation. The site is immediately adjacent to the MTA MetroNorth commuter rail line station and is one block west of the Lexington Avenue 4, 5 and 6

subway lines. The proposed rezoning area is also well served by several bus lines. Accordingly, the Commission believes that the proposed rezoning, in conjunction with the related actions, would facilitate construction of the proposed Harlem Park Hotel, enabling the applicant to provide a modern mixed-use building on the project site.

Special Permit for Height and Setback Modifications (C 040444 ZSM)

The Commission believes that the requested modifications to height, setback and tower coverage regulations are appropriate. The proposed project satisfies the requirement of Section 74-721 that the development be located on a zoning lot having a minimum of 40,000 square feet by being on a zoning lot of 53,486 square feet.

The Commission notes that the proposed hotel and residential tower would not comply with the setback requirement of 20 feet along a narrow street (East 124th Street) or 15 feet along a wide street (East 125th Street), or with the aggregate streetwall requirements of the proposed C4-7 district. The requested modifications to height, setback and aggregate street wall regulations would allow the proposed building to penetrate the sky exposure plane on Park Avenue, East 124th and East 125th streets and rise to a maximum height, as revised, of 518 feet without setbacks.

Strict compliance with the tower regulations would result in a taller building with floor plates that could not efficiently accommodate a modern hotel or commercial office floor plan. In addition, the proposed project's hotel and commercial office elements require large tower floor plates to accommodate conference rooms, catering and other gathering spaces, interior circulation, elevator cores and mechanical spaces. The requested special permit, in conjunction with the related actions, would give the applicant more design flexibility to produce an architecturally elegant and economically efficient building.

Special Permit for Public Parking Garage (C 040445 ZSM)

The Commission believes that the granting of this special permit is appropriate. The permit would facilitate the development of an attended public parking garage with a maximum capacity of 369 spaces in portions of the two sub-cellar levels of the proposed building.

The Commission notes that the garage is situated in building that is located on 125th Street, a predominantly commercial corridor. The Commission believes that there is an insufficient supply of public parking spaces in the immediate area and few public parking facilities along 125th Street. In addition, the Commission notes that the limited on-street parking available in the area surrounding the site is insufficient to accommodate the tenants of and visitors to the proposed Harlem Park building.

The Commission believes that the proposed garage will not create or contribute to serious traffic congestion. The Environmental Assessment Statement prepared for the application estimates that the proposed garage would generate fewer than 129 vehicle trips in any peak hour and will, therefore, not result in any significant traffic impact.

The Commission believes that the proposed garage would draw a minimum of vehicular traffic to and through local residential streets, and would primarily meet the parking demands of the site's hotel guests, office workers and continue to provide accessory parking to the College of Podiatry. The Commission notes that the access to the parking garage is on 124th Street.

The Commission believes that the proposed garage will not duly obstruct vehicular and pedestrian movement. The Commission notes that the proposed garage would contain warning signs and signals to alert pedestrians to vehicles entering and exiting the garage. The Commission notes that the 22-foot curb-cut and interior ramp would provide access between the three levels will continue to provide access to the parking garage and that the garage will provide the eighteen required reservoir spaces.

The Commission notes that the proposed 369 space public parking garage would replace the 110 accessory parking spaces which currently exist on the proposed hotel site and would provide approximately 60 accessory parking spaces for the proposed residential uses on site. The remaining 199 spaces would accommodate the anticipated hotel, commercial office and retail parking demand, as well as provide some additional workday parking supply for surrounding area businesses.

The Commission believes that Harlem Park would provide an important and exciting new cultural, hospitality and entertainment venue for Harlem. Accordingly, the Commission finds that the requested special permit, in conjunction with the related actions, is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this

report, an application submitted by 1800 Park Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-721(a) of the Zoning Resolution to modify the height and setback regulations of Section 33-43 (Maximum Height of Walls and Required Setbacks) and the tower regulations of Section 33-45 (Tower Regulations) of the Zoning Resolution, to facilitate the development of a 42-story mixed use building on a zoning lot located at 1800 Park Avenue (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7 District, Borough of Manhattan, Community 11, is approved subject to the following conditions:

1. The properties that are the subject of this application (C 040444 ZSM) 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 MDA Design Group International, and filed with this application and incorporated in this resolution:

| Drawing No. | Title | Last Date Revised |
|--------------------|--|--------------------------|
| Z2 | Area Plan | September 3, 2004 |
| Z3 | Site Plan | September 3, 2004 |
| Z4 | Existing and Proposed Zoning Information | September 3, 2004 |
| Z5 | Zoning Map | September 3, 2004 |
| Z7 | Special Permit Parking Plan | September 3, 2004 |
| Z8 | Height and Setback: North and South | September 3, 2004 |
| Z9 | Height and Setback: East and West | September 3, 2004 |
| Z10 | Ground Level Plan | September 3, 2004 |
| Z11 | Design Guidelines Bulk Diagrams | September 3, 2004 |

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 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. All leases, subleases, or other agreement for use of occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. 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 the consent of any other part, revoke any portion of or all of said special permit. Such power of the revocation shall be in addition to and not limited to any other powers of

the City Planning Commission, or any other agency of government, or any private person or entity. Any such failure as stated above, or any alternation 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.

7. 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 employees or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 040444 ZSM), duly adopted by the City Planning Commission on September 8, 2004, (Calendar No. 35) 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.

AMANDA M. BURDEN, AICP, **Chair**
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,
JOHN MEROLO, KAREN A. PHILIPS, **Commissioners**

KENNETH J. KNUCKLES, ESQ., **Vice Chair**
IRWIN G. CANTOR, P.E., DOLLY WILLIAMS, **Commissioners Recused**