



CITY PLANNING COMMISSION

June 23, 2004/Calendar No. 21

C 040333 ZSM

IN THE MATTER OF an application submitted by Richard Chapman & Associates pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Sections 13-562 and 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 363 spaces on a portion of the first floor, cellar and sub-cellar of a proposed mixed building at 7-13 West 21st Street a.k.a. 6-14 West 22nd Street** (Block 823, Lot 31), in a C6-4A District, within the Ladies=Mile Historic District, Borough of Manhattan, Community District 5.

The application for the special permit was filed by Richard Chapman and Associates on March 16, 2004, to allow for a 363-space attended public parking garage to be located on a site located at 7-13 West 21st Street.

RELATED ACTIONS

In addition to the special permit which is the subject of this report, 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:

1. C 040331 ZMM Zoning Map amendment to rezone a 5 1/2-block area in the Flatiron District from M1-6M to C6-4A.
2. C 040332 ZRM Zoning text amendments to Sections 11-44, 23-633, 23-663 and 35-24 of the Zoning Resolution that would clarify the zoning text, grandfather a previously approved special permit, and allow street wall heights to be raised up to 150 feet to match adjacent street walls.
3. C 040334 ZSM Special Permit for a 105-space underground attended public parking garage at 4

West 21st Street.

BACKGROUND

Richard Chapman and Associates, a co-applicant on the Ladies' Mile zoning map and text amendments, has submitted an application for an attended public parking garage with stackers to be located at 7-13 West 21st Street, on a through-block site between West 21st and West 22nd Street just west of Fifth Avenue. Within certain high-density areas of the City, including this area, garages are allowed only by special permit. The site is currently operated as an at-grade parking lot with a capacity of 180 spaces. The applicant intends to construct an approximately 288,000 sq. ft. residential building on the site. The requested special permit would allow for the construction of a 363-space parking garage with 18 reservoir spaces in the building's basement.

The garage would be accessed by a 24-foot curb cut on West 21st Street and a 27-foot curb cut on West 21st Street. West 21st Street is a one-way westbound streets and West 22nd Street is a one-way eastbound street. The two curb cuts would replace the four existing curb cuts for the at-grade parking lot.

In addition to the special permit which is the subject of this report, the applicant is also seeking a special permit for another attended public parking garage located at 4 West 21st Street (C 040334 ZSM). Together, the two proposed garages would replace almost all of the parking spaces on the six soft sites that are projected to be developed if the Ladies' Mile Rezoning (C 040331 ZMM) is approved.

ENVIRONMENTAL REVIEW

This application (C 040333 ZSM), in conjunction with the applications for the related actions (C 040331 ZMM), (N 040332 ZRM) and (C 040334 ZSM), was reviewed pursuant to the New York State Environmental

Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. And the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04DCP038M.

The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 22, 2004. A summary of the environmental review appears in the report of the related application for a zoning map amendment (C 040331 ZMM).

UNIFORM LAND USE REVIEW

This application (C 040333 ZSM), in conjunction with the applications for the related actions (C 040331 ZMM and C 040334 ZSM), was certified as complete by the Department of City Planning on March 22, 2004, and was duly referred to Community Board 5 and the Borough President, along with the related non-ULURP text change application (N 040332 ZRM), which was sent to the board and the Borough President for information and review, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 5 held a public hearing on this application in conjunction with related applications (C 040331 ZMM, C 040332 ZRM and C 040334 ZSM) on April 8, 2004, and on that day, by a vote of 26 to three with one abstention, adopted a resolution recommending disapproval of the application with conditions.

A summary of the recommendation of the Community Board appears in the report of the related application for a zoning map amendment (C 040331 ZMM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation disapproving the application with conditions.

A summary of the recommendation of the Borough President appears in the report of the related application for a zoning map amendment (C 040331 ZMM).

City Planning Commission Public Hearing

On May 12, 2004 (Calendar No. 4), the City Planning Commission scheduled May 26, 2004, for a public hearing on this application (N 040332 ZRM). The hearing was duly held on May 26, 2004 (Calendar No. 22), in conjunction with the public hearings on the applications for the related actions (C 040331 ZMM, C 040332 ZRM and C 040334 ZSM).

There were a number of speakers, as described in the report on the related application for a zoning map amendment (C 040331 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The Commission believes that the 363-space public parking garage will be compatible with and supportive of uses in the surrounding area. Existing land uses in the vicinity of the site include a mix of residential, commercial and light industrial buildings. As a result of the concurrent application to rezone the surrounding area to allow for residential development, additional residential and ground floor retail is expected. Some of

the projected residential developments, including development on the subject site, will result in the elimination of existing, off-street at-grade parking. The Commission believes that the proposed parking garage will help meet the demand for parking by the growing residential and commercial uses in the surrounding area.

The Commission is aware that the community board, the borough president and several speakers at the public hearing were concerned about a shortage of public parking in the area. In response to this concern, the Commission notes that the proposed garage would result in a net increase of 168 spaces on the site which would help offset the loss of parking if and when the projected development sites in the area, including the subject site, are developed.

The Commission believes that the proposed garage will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow. The Environmental Assessment Statement for the project analyzed the impact of the subject application and the three concurrent actions, including the replacement of several area parking lots with residential buildings, and the construction of an additional public parking garage at 4 West 21st Street. The results of the traffic analysis concluded that no intersection within the traffic study area would experience significant impacts during any peak hour period, and no traffic mitigation would be required. The Commission notes that pedestrian flow will be improved by the replacement of the existing four curb cuts on the site with two curb cuts, and that the garage will provide 18 reservoir spaces, an adequate number of reservoir spaces to accommodate a 363-space garage.

The Commission believes that the proposed garage will draw a minimum of vehicular traffic to and through local streets in nearby residential areas. Most of the vehicles driving to and from the garage will utilize Fifth and Sixth avenues, which are not local streets. The garage would be accessed by a 24-foot curb cut on West 21st Street and a 27-foot curb cut on West 21st Street. West 21st Street is a one-way westbound streets and West 22nd Street is a one-way eastbound street. The two curb cuts would replace the four existing curb cuts

for the at-grade parking lot. According to the Environmental Assessment Statement, West 21st Street and West 22nd Street, are adequate to handle the traffic generated by the proposed garage.

FINDINGS

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

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

RESOLUTION

RESOLVED, that 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 City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Richard Chapman and Associates for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a

maximum capacity of 363 spaces on a portion of the first floor, cellar and sub-cellar of a proposed mixed-use building located at 7-13 West 21st Street, in a C6-4A District, Borough of Manhattan, Community District 5, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 040333 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 Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Title</u>	<u>Last Date Revised</u>
Area Map	March 9, 2004
7-13 West 21 st Street Parking Plan	March 9, 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. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated March 5, 2004, executed by Richard Chapman and Associates, the terms of which are hereby

incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

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 agents' failure to act in accordance with the provisions of this special permit.

The above resolution (C 040333 ZSM), duly adopted by the City Planning Commission on June 23, 2004 (Calendar No. 21), 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
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., RICHARD W. EADDY,
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners