



CITY PLANNING COMMISSION

October 7, 2008/Calendar No. 18

C 080401 ZSM

IN THE MATTER OF an application submitted by the New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-681(a)(1) of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with the development of two residential buildings on property located at 513 West 55th Street and 520 West 56th Street (Block 1084, p/o Lot 9), in a Large-Scale Residential Development (Block 1083, Lots 1 & 15, and Block 1084, Lot 9), within the Clinton Urban Renewal Area, in an R8 District, within the Special Clinton District, Borough of Manhattan, Community District 4.

The application was filed by the New York City Housing Authority (NYCHA) on April 28, 2008, for a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to allow portions of a railroad right-of-way which will be completely covered by a permanent platform to be included in lot area for the development of two residential buildings on a property located at the mid-block between Tenth Avenue and Eleventh Avenue, and between West 55th Street and West 56th Street in the Special Clinton District Excluded Area, within the Clinton Urban Renewal Area.

RELATED ACTIONS

In addition to the application for the special permit which is the subject of this report (C 080401 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

- C 080400 ZSM:** Special Permit to modify height and setback regulations within the Large-Scale Residential Development;
- N 080402 ZAM:** Authorizations to distribute floor area, dwelling units and open space without regard to zoning lot lines, to modify height and setback regulations;
- N 080403 ZAM:** Authorization to relocate existing required accessory parking spaces; and

M 080405 ZAM: Minor modification to the existing Large Scale Residential Development site plan.

BACKGROUND

A full background discussion and project description appears in the report on the related special permit application (C 080400 ZSM).

ENVIRONMENTAL REVIEW

This application (C 080401 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 07CHA007M. The lead agency is the New York City Housing Authority.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 22, 2008.

UNIFORM LAND USE REVIEW

This application (C 080401 ZSM), in conjunction with the related application (C 080400 ZSM), was certified as complete by the Department of City Planning on May 5, 2008, and was duly referred to Community Board 4 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the application for the related actions (N 080402 ZAM, N 080403 ZAM and M 080405 ZAM), which was referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 080401 ZSM), in conjunction with the related actions (C 080400 ZSM, N 080402 ZAM, N 080403 ZAM and M 080405

ZAM), on June 4, 2008, and on that date, adopted a resolution recommending approval by a vote of 38 in favor, 0 opposed, and 0 abstaining. A full discussion of the Community Board 4 resolution appears in the report on the related special permit application (C 080400 ZSM).

Borough President's Recommendation

This application (C 080401 ZSM), in conjunction with the related actions (C 080400 ZSM, N 080402 ZAM, N 080403 ZAM and M 080405 ZAM), was considered by the Manhattan Borough President, who issued a recommendation for conditional approval of the application on August 13, 2008. A full discussion of the Borough President's resolution appears in the report on the related special permit application (C 080400 ZSM).

City Planning Commission Public Hearing

On August 27, 2008, Cal. No. 11, the Commission scheduled September 10, 2008 for a public hearing. The hearing was duly held on September 10, 2008, (Cal. No. 28) in conjunction with the hearing for the related action (C 080400 ZSM).

There were several speakers, as discussed in the report on the special permit application (C 080400 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that grant of this special permit (C 080401 ZSM) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for a special permit (C 080400 ZSM).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-681 of the Zoning Resolution:

1. the streets providing access to all uses pursuant to paragraph (a) of Section 74-681 are adequate to handle traffic resulting therefrom; and

2. the distribution of floor area and the number of dwelling units or rooming units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion of the development of enlargement located beyond the boundaries of such railroad or transit right-of-way or yard; and
3. all uses, developments, or enlargements located on the zoning lot or below a platform do not adversely affect one another; and
4. if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development does not preclude future use of, or improvements to, the right-of-way for such transportation use.

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 201 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-681(a)(1) of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with the development of two residential buildings on property located at 513 West 55th Street and 520 West 56th Street (Block 1084, p/o Lot 9), in a Large-Scale Residential Development (Block 1083, Lots 1 & 15, and Block 1084, Lot 9), within the Clinton Urban Renewal Area, in an R8 District, within the Special Clinton District, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 080401 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 Ismael Leyva Architects, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-02	Large-Scale Residential Development Plan	04/24/08
CPC-05	Site Plan	04/24/08
CPC-06	Zoning Calculations	04/24/08
CPC-07	Encroachment Plan	04/24/08
CPC-13	Section 1	04/24/08
CPC-14	Section 2	04/24/08

- 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) 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.

- 6) 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 employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 080401 ZSM), duly adopted by the City Planning Commission on October 7, 2008, (Calendar No. 18), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, JOHN MEROLO, Commissioners

KENNETH J. KNUCKLES, Esq., Vice Chairman, Recused