



CITY PLANNING COMMISSION

January 5, 2005 | Calendar No. 20

C 050002 ZSM

IN THE MATTER OF an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to:

1. Section 74-743(a)(1) of the Zoning Resolution to allow the distribution of floor area without regard for zoning district boundaries;
2. Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback regulations of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); and
3. Section 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-60 (SIGN REGULATIONS);

to facilitate the enlargement of an existing community facility use on property bounded by West 58th Street, Tenth Avenue, West 59th Street and Eleventh Avenue (Block 1087, Lots 1, 5 and 25), within a general large scale development, in C2-7, C4-7 and C6-2 Districts, partially within the Special Clinton District, Community District 4, Borough of Manhattan.

The application was filed by the Dormitory Authority of the State of New York (DASNY) on July 1, 2004, and subsequently revised on August 10, 2004, for a special permit pursuant to Section 74-743 of the Zoning Resolution to allow for the distribution of floor area and modification of height and setback requirements and pursuant to Section 74-744(c) for modification of sign regulations in a proposed general large-scale development on property bounded by West 59th Street, Tenth Avenue, West 58th Street, and Eleventh Avenue to facilitate the expansion of the John Jay College of Criminal Justice.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C 050002 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 050003 ZSM: a special permit, pursuant to Section 74-681, for development within or over a railroad right-of-way or yard;

M970087B ZSM: cancellation of a restrictive declaration.

BACKGROUND

The project site is an approximately 160,700 square foot, full block site bounded by West 59th Street, Tenth Avenue, West 58th Street, and Eleventh Avenue. The expansion of John Jay College, which is the subject of the requested actions, would occupy a 100,000 square foot area located on the midblock and western portions of the block, immediately to the west of the existing Haaren Hall facility of John Jay College. This portion of the site west of Haaren Hall is located within the Special Clinton District Other Area.

The project site is currently occupied by a 1 to 3-story, 320,000 square foot warehouse building used by two newspaper distribution facilities, a general contractor's facility and two parking garages. The southwest corner of the site, at the intersection of Eleventh Avenue and West 58th Street, is vacant and occupied by a below-grade railroad cut for the Amtrak Empire Line. The rail cut and rail lines also run under a portion of the existing warehouse on the western end of the project site. The project site slopes steeply from east to west, with an approximate 30 foot change in grade

between the eastern boundary of the expansion area and Eleventh Avenue.

The eastern portion of the project site, extending to a depth of 100 feet west of Tenth Avenue, is located within a C2-7 district. The midblock and western portion of the site, beginning 100 feet west of Tenth Avenue and extending to a line 125 feet east of Eleventh Avenue, is located within a C6-2 district. The Eleventh Avenue frontage of the project site, extending to a depth of 125 feet, is located within a C4-7 district. The C2-7 district allows FARs of 2.0, 7.5, and 10.0 for commercial, residential, and community facility uses, respectively. The C6-2 district allows FARs of 6.0, 6.02, and 6.5 for commercial, residential, and community facility uses, respectively. The C4-7 district allows FARs of 10.0 for commercial, residential, and community facility use.

Block 1087, which includes the entirety of the project site, was rezoned in 1999 from M1-6 and M1-5 districts to the current C4-7/C6-2/C2-7 districts as part of a proposal for the River Center, a proposed mixed-use development (C 970086 ZMM). At the same time as the rezoning, and also to facilitate the development of River Center, the City Planning Commission granted special permits (C 970087 ZSM) pursuant to Sections 74-743 (to permit distribution of floor area without regard for district boundaries), 74-744 (to permit the location of buildings without regard for minimum distance between buildings and height and setback regulations), 74-681 (to permit development above a railroad right-of-way), and 13-561 (to permit an unattended accessory parking facility with up to 600 spaces). River Center LLC, also executed a Restrictive Declaration in association with these actions.

River Center was never constructed and, in April 2001, the applicant acquired the midblock and eastern portions of the block to facilitate this proposed expansion.

AREA DESCRIPTION

The project site is located in an area with varied land uses that is a transition between the lower-scale Clinton neighborhood to the south and the higher-density Lincoln Square and Midtown West neighborhoods to the north and east. The majority of the surrounding buildings are residential towers, large institutional uses, and older manufacturing facilities. To the north of the site, across West 59th Street, is a midblock public park with unused swimming pools and bath houses, a 33-story and a 35-story residential building, and various one to 5-story industrial buildings on the western portion of the block. To the south of the site, across West 58th Street, is a 20-story office building, several one to 6-story industrial and commercial buildings on the midblock, and a series of 5 to 8-story walkup residential buildings fronting on Tenth Avenue. The 13-story St. Luke's Roosevelt Hospital is located across Tenth Avenue from the project site. A 6-story ConEd power station, together with its 400-foot smokestack, is located across Eleventh Avenue from the project site.

The larger neighborhood around the project site is highly varied as well. The area to the north and west of the project site is characterized by the Riverside South development. Portions of Riverside South closest to the project site are characterized by vacant land, parking lots, and active

construction sites. Automobile showrooms, automobile repair, and other light manufacturing uses predominate along the Eleventh Avenue corridor. The area to the south of the project site is comprised of smaller walkup residential buildings interspersed with several larger residential towers, including a 38-story residential building currently under construction at West 57th Street and Eleventh Avenue. Large institutional uses, including a hospital and other facilities for John Jay College, predominate to the east and northeast of the project site.

The site is accessible via subway and bus. The nearest subway station, with access to the A, B, C, D, 1, and 9 lines, is located two blocks from the project site at 59th Street Columbus Circle. Access to the N, Q, R, and W lines is located three blocks from the project site, at 57th Street and Seventh Avenue. Several bus lines run on the streets immediately surrounding the project site. The #11 bus runs northbound on Tenth Avenue and the #57 bus runs in both directions along Eleventh Avenue. Cross-town buses, including the #57 and the #31, run along West 57th Street. Numerous bus lines also run along Broadway and Eighth Avenue, two blocks to the west of the project site.

PROJECT DESCRIPTION

The applicant proposes to demolish all existing buildings on the project site west of Haaren Hall and platform over the Amtrak rail cut to allow for the construction of an approximately 513,500 square foot development containing expanded facilities for the John Jay College of Criminal Justice. The proposed new development would extend from the existing Haaren Hall westwards to the Eleventh Avenue frontage of the block. The midblock portion of the development would vary in

height due to the sloping nature of the site but would generally have a height of between 40 and 70 feet and would contain student services, campus services, and instructional facilities as well as a rooftop open space for students and faculty. This midblock 'podium' would extend westward from the western edge of Haaren Hall to a point approximately 173 feet east of Eleventh Avenue. Within 173 feet of Eleventh Avenue, the development would rise to approximately 245 feet and would contain dining facilities; academic departments; multi-level, interior open spaces; and instructional spaces. A portion of the structure on the Eleventh Avenue frontage would be constructed on the platform over the Amtrak rail cut.

The primary entrance to the expanded facility would be located on the West 59th Street midblock, with additional entrances located on Tenth Avenue through Haaren Hall and on Eleventh Avenue. Multi-level circulation spaces would connect the proposed new development to the existing facilities in Haaren Hall and to the Tenth Avenue frontage of the college. As mentioned above, the midblock 'podium' portion of the expansion would contain, on its rooftop, an open space 'commons' for use by the students and faculty of the college.

REQUIRED ACTIONS

Special permit for bulk and signage modifications (C 050002 ZSM)

The applicant seeks a special permit pursuant to Section 74-743 (General Large-scale Development) to transfer floor area across district boundaries and to modify height and setback requirements and

pursuant to Section 74-744(c) to modify signage regulations for the expansion project.

The proposed building envelope has its tallest portion on Eleventh Avenue while maintaining a lower scale on the midblock. This proposed building massing allows the midblock streetscape to remain low and generally consistent with the midblock character on the blocks to the north and south of the site. The proposed midblock podium envelope would comply with the existing height and setback requirements. The location of the taller portion of the development on the Eleventh Avenue frontage would be consistent with the overall character of the avenue, including the 400-foot ConEd smokestack located directly across Eleventh Avenue and the 20-story office building and 37-story residential building located on Eleventh Avenue just to the south of the project site. As such, the project requires modification of the requirements for the C4-7 and C6-2 districts governing maximum height of street walls (85 feet or nine stories, whichever is less), required setbacks (15 feet for wide streets and 20 feet for narrow streets), and maximum height before setback (governed by a sky exposure plane of 5.6:1 on wide streets and 2.7:1 on narrow streets). The building envelope within 173 feet of Eleventh Avenue would rise without setback from the street line to a maximum height of approximately 297 feet (as measured from the average Eleventh Avenue curb level). This portion of the envelope would exceed the maximum allowable street wall height of 85 feet and penetrate the sky exposure plane on the wide street (Eleventh Avenue) and on both narrow streets (West 58th and 59th Streets).

The applicant also seeks to distribute approximately 32,000 square feet of floor area across zoning

lot lines from the midblock, C6-2 district to the Eleventh Avenue, C4-7 district. The distribution would allow the midblock portion of the development to remain low and would remove the bulk of the development to the Eleventh Avenue frontage, where the context is one of larger buildings and greater massing.

The applicant also seeks modification of sign regulations as specified in Section 32-60. The expansion of John Jay College includes the construction of 14 signs on the Eleventh Avenue, West 58th and West 59th Street frontages. Two of these signs, both located on the Eleventh Avenue façade, would exceed the maximum allowable height for signs within the C4-7 district. The two signs each comprise one-half of a larger, aggregate sign located on the Eleventh Avenue facade. The two halves of the sign are considered separate from one another due to their location on separate corner lots. The applicant proposes to affix a vinyl sign to the full blockfront of the Eleventh Avenue glass façade which the applicant states would signify the institutional nature of the development and would create a presence for the College on Eleventh Avenue. Each half of the proposed sign would have a width of approximately 98 feet, a height of approximately 29 feet, and surface area of 2,852 square feet. The sign would not be illuminated nor project over the property line. The proposed height above curb level of approximately 61 feet and the proposed area of 2,852 square feet would not comply with and would require waiver of the regulations of Section 32-60, which specify a maximum height of 40 feet and a maximum area of 500 square feet.

Special permit for development over a railroad right-of-way (C 050003 ZSM)

The project also requires a special permit (C 050003 ZSM), pursuant to 74-681, to allow portions of the railroad right-of-way to be covered by a platform and to allow the platform to be included in the lot area for the development. Approximately 6,580 square feet in the western portion of the project site are located above Amtrak's Empire Line. Constructing the proposed development will require platforming and development over the rail cut, thereby requiring the aforementioned special permit.

Cancellation of a restrictive declaration (M970087B ZSM)

The applicant also seeks cancellation of a pre-existing restrictive declaration which was entered into by the prior owners of the property in conjunction with earlier actions associated with the River Center development proposal.

ENVIRONMENTAL REVIEW

This application (C 050002 ZSM), in conjunction with related applications (C 050003 ZSM and M970087B 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 lead is the Dormitory Authority of the State of New York.

After a study of the potential environmental impact of the proposed action, a Negative Declaration

was issued on August 4, 2004.

UNIFORM LAND USE REVIEW

This application (C 050002 ZSM), in conjunction with related application (C 050003 ZSM), was certified as complete by the Department of City Planning on August 23, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on October 6, 2004, and on that date, by a vote of 31 to 0 with 1 abstention, adopted a resolution recommending approval of the application subject to the following conditions:

1. That the rooftop Commons be open to the public to the maximum extent possible.
2. That the City undertake a comprehensive area-wide traffic study.
3. That demolition and construction activities be conducted in accordance with City regulations.
4. That redevelopment of the North Hall site address local planning needs and incorporate a planning process that includes local institutions and Community Boards 4 and 7.
5. That the expansion project be developed substantially in accordance with the plans

that are part of the application and using “green” building practices.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 20, 2004, subject to the following conditions:

1. That the rooftop Commons be open to the public to the maximum extent possible.
2. That the City undertake a comprehensive area-wide traffic study.
3. That demolition and construction activities are conducted in accordance with City regulations.
4. That the expansion project be developed substantially in accordance with the plans that are part of the application and using “green” building practices.

City Planning Commission Public Hearing

On November 17, 2004 (Calendar No. 3), the City Planning Commission scheduled December 8, 2004, for a public hearing on this application (C 050002 ZSM). The hearing was duly held on December 8, 2004 (Calendar No. 5), in conjunction with the public hearing on the related application (C 050003 ZSM). There were five speakers in favor of the application and no speakers in opposition.

The applicant’s counsel briefly described the project and the prior history of River Center. The

attorney also provided a brief response to the Community Board and Borough President's conditions.

Representatives from the City University of New York (CUNY) and John Jay College described the proposal, the need for the expansion, and a brief history of the college, its facilities, and its student body. The CUNY representative indicated that the expansion would alleviate what is the largest deficit of classroom, laboratory and office space in the CUNY system and would represent the largest capital investment in CUNY's history. Both representatives described the nature of the rooftop open space and the need to balance its availability to the public with the need for security. The representatives also indicated that, while the building includes some green building components, such as daylighting, project funding had been set aside prior to the development of standardized green building practices. The representative from John Jay College indicated that a small percentage of students currently drive to campus and that a majority arrive via subway at Columbus Circle. As such, neither representative believed that the expansion would necessitate the provision of additional parking in the area surrounding the college.

The project architect articulated the design of the proposed facility, the programming of its various components, the structure of the circulation system and the nature of the green building practices being incorporated into the design. The architect described the nature of the new, 59th Street entrance, which would serve as the primary entrance to the new facility. The architect also described the preliminary design of the rooftop open space.

A representative of Community Board 4 briefly described the Board's concerns related to the rooftop open space and its planned availability to the public. The representative acknowledged the security concerns articulated by the college, but indicated that additional security measures could provide an acceptable solution.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the applications for special permits (C 050002 ZSM and C 050003 ZSM) and cancellation of a restrictive declaration (M970087B ZSM) are appropriate.

The proposed actions would facilitate the construction of a significant new facility for the John Jay College of Criminal Justice with approximately 513,000 square feet of new classroom, laboratory, office, retail, and support space. The Commission believes that the requested actions would permit development that is generally consistent with the existing built character of its surroundings and would reinforce the presence of John Jay College and institutional uses in general in the neighborhood.

Special permit for bulk and signage modifications (C 050002 ZSM)

The Commission believes that the special permit to allow for the distribution of floor area without

regard for zoning district lines and for modification of height and setback and signage regulations is appropriate. The Commission believes that the special permit would allow for new development that is consistent in bulk and character with existing buildings on adjacent blocks and would result in a better site plan than would otherwise be possible.

The Commission notes that the requested special permit would permit modifications of height and setback regulations that would ordinarily limit the base height to 85 feet or nine stories, whichever is less, and would require the portion of the building above the required setback to not penetrate a sky exposure plane. The Commission believes that these underlying C4-7 and C6-2 regulations would unduly limit design flexibility and would inhibit the optimal massing of development on the project site. The envelope design would maintain the existing, generally lower scale of the midblocks and would maximize light and air for the West 59th Street Recreation Center and allow for the creation of a new campus open space on the midblock rooftop. At the same time, the Commission recognizes that the character of Eleventh Avenue supports the location of a taller structure on the western portion of the project site. The Commission believes that the proposed 297-foot maximum envelope height within 173 feet of Eleventh Avenue is consistent in scale with buildings already in place or under construction in the immediate vicinity along Eleventh Avenue. The requested height and setback modifications would allow for additional design flexibility that would create a unique presence for John Jay College on an avenue frontage generally dominated by bulky, high-density buildings. Therefore, the Commission believes that the requested modifications to height and setback regulations would permit a better relationship between the

proposed development and adjacent buildings and open areas.

The Commission believes it is appropriate to distribute floor area from the midblock, C6-2 portion of the project site to the C4-7 avenue portion. The Commission believes that this modification would not result in an undue increase in the bulk of buildings on any one block. The Commission notes that the proposed development would result in John Jay College occupying the entirety of Block 1087. Nor does the Commission believe that the distribution of floor area would impair access to light and air from surrounding development. As stated above, the proposed massing allows for the removal of the bulk of the new development to the Eleventh Avenue frontage, which is already characterized by buildings with a strong presence, while reserving the midblock as a lower-scale structure. Such a massing scheme maximizes the availability of light and air to the surrounding resources that most require it; namely, the West 59th Street Recreation Center. Additionally, the bulk of the proposed development would be located on the opposite end of the block from the nearest residential uses and would therefore not adversely impact their access to light and air. The ability to relocate floor area from the midblock to the avenue frontage also would facilitate the creation of the proposed rooftop open space on the midblock portion of the new building. This open space would serve as a campus commons for John Jay College and would serve as the campus's primary outdoor space.

The Commission believes that the streets providing access to the proposed development will be adequate to handle the traffic generated. The Commission notes that only a small percentage – less

than 10 percent – of the student population currently drives to the campus and that most student arrive via subway, which is located two blocks from the Tenth Avenue entrance to the existing Haaren Hall. The Commission also recognizes that the student population of John Jay College would continue to increase with or without the proposed expansion. The applicant has stated that the proposed expansion would not lead to a significant increase in the student or faculty population on the project site. The Commission notes that the EAS analysis found that no significant, adverse impacts on surrounding streets would occur as a result of the proposed development.

The Commission believes that the requested modification to the sign regulations of the C4-7 district is appropriate and would result in a superior site plan. The modification would allow for the placement of two vinyl signs, affixed to the Eleventh Avenue façade of the new building, that would exceed the maximum allowable height and square footage. The Commission recognizes that the character of Eleventh Avenue is distinct and that the existence of significant, high-bulk buildings calls for appropriate measures to establish a distinctive presence on this frontage. The proposed signs would announce the presence of John Jay College on the avenue and would also draw attention to this frontage as an active entrance to the new facility. The Commission further notes that the building design calls for the proposed signs to be integrated into a planned recess in the street wall.

Special permit for development over a railroad right-of-way (C 050003 ZSM)

The Commission believes that the special permit to allow portions of the Amtrak railroad right-of-

way to be covered by a platform and to allow the platform to be included in the lot area for the development is appropriate. Portions of the project site are currently occupied by the open, Amtrak railroad cut.

As stated above, the Commission believes that the streets providing access to the proposed development will be adequate to handle the traffic generated. The project site is located on a full block and is therefore served by four streets. Additionally, the majority of the student population walks to campus or will travel to the campus via public transportation. As such, the proposed development should not unduly burden the surrounding streets.

The Commission also believes, as stated above, that the development will not result in floor area being unduly concentrated on any one portion of the project site. The proposal includes the platforming over the Amtrak railroad cut, which would permit for a more even distribution of floor area across the project site than would otherwise be possible.

The Commission recognizes that the design of the development is being undertaken in close consultation with Amtrak to ensure that the various proposed uses on the project site do not conflict with one another and that rail traffic will continue unaffected. The Commission is in receipt of a conceptual letter of approval of the project from Amtrak and acknowledges that Amtrak will continue to fully review all plans for the development to ensure consistency with its rail service operations. The Commission believes that the close consultation with Amtrak will ensure that the

various uses on the project site will not adversely affect one another and that the development will not impede use of the rail line.

The Commission notes the conditions put forward by Community Board 4 and the Borough President. The Commission acknowledges that several of the conditions are recommendations regarding the need for continued community involvement in the planning of John Jay College's future development and the insurance that development takes place in accordance with standard procedures and regulations.

The Commission notes the particular concern related to the nature of the rooftop open space. John Jay College plays an important role in the community and has historically provided meeting rooms and conference facilities for public use. The Commission acknowledges that the applicant is engaged in an ongoing dialogue with the community to find a solution that balances the community's desire for public accessibility with the college's need for a secure facility.

The Commission recognizes the strong desire to see green building practices utilized in the expansion of John Jay College. While such standards and practices have become commonplace, the Commission notes that funding for the project was secured well before the development of green building guidelines. This has made difficult the ability to provide a thoroughly green facility, although the Commission acknowledges that some elements of green architecture have been provided within the building design.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-743 (General Large Scale Development) of the Zoning Resolution:

1. the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances, show windows and signs will result in a better site plan and a better relationship among buildings and open area to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the general large scale development, the neighborhood, and the City as a whole;
2. the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air, to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets;
3. Not applicable;
4. considering the size of the proposed general large-scale development the streets providing access to such general large-scale development will be adequate to handle traffic resulting therefrom;
5. Not applicable; and
6. a declaration with regard to ownership requirements in paragraph (b) of the general large-

scale development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

The City Planning Commission hereby makes the findings pursuant to Section 74-744(c) of the Zoning Resolution:

1. the modification of sign regulations will result in a better site plan.

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 Dormitory Authority of the State of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to:

1. Section 74-743(a)(1) of the Zoning Resolution to allow the distribution of floor area without regard for zoning district boundaries;
2. Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback regulations of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); and

3. Section 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-60 (SIGN REGULATIONS);

to facilitate the enlargement of an existing community facility use on property bounded by West 58th Street, Tenth Avenue, West 59th Street and Eleventh Avenue (Block 1087, Lots 1, 5 and 25), within a general large scale development, in C2-7, C4-7 and C6-2 Districts, partially within the Special Clinton District, Community District 4, Borough of Manhattan is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 050002 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 Skidmore, Owings & Merrill LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-2	Zoning Calculations, Site Plan, Roof Plan	07/01/04
Z-3	Average Curb Levels, Height and Setback Diagrams	07/01/04
Z-3A	Average Curb Levels, Height and Setback Diagrams	07/01/04
Z-6A	Cellar Level Plan (AMTRAK)	07/01/04
Z-20	Building Signage Elevations	08/06/04
Z-20A	Building Signage Location Plan	08/06/04
Z-22	Building Signage West Elevation	07/01/04

- 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 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.
- 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 050002 ZSM), duly adopted by the City Planning Commission on January 5, 2005, (Calendar No. 20), 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
KENNETH J. KNUCKLES, Esq., Vice Chair
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN
PHILLIPS, Commissioners

LISA A. GOMEZ, Commissioner, abstained

DOLLY WILLIAMS, Commissioner, recused