



CITY PLANNING COMMISSION

January 9, 2008, Calendar No. 14

C 070338 ZSM

IN THE MATTER OF an application submitted by the 400 East 67th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 142 spaces on a portion of the ground floor, Cellar 4 level, and Cellar 5 level of a proposed mixed-use building on property located at 400 East 67th Street (Block 1461, Lots 1 & 45), in C1-9 and R8 Districts, Community District 8, Borough of Manhattan.

The application was filed by 400 East 67th Street LLC on February 12, 2007 for a special permit pursuant to Section 13-561 of the Zoning Resolution for a 142-space accessory parking garage on portions of the ground floor, fourth cellar level, and fifth cellar level of a new mixed use building.

BACKGROUND

The project site is an approximately 32,734 square foot zoning lot located on the east side of First Avenue between East 66th and East 67th Streets in the Lenox Hill neighborhood of Manhattan.

The site is zoned C1-9 for a distance of 100 feet east from First Avenue, with the remaining 63 feet zoned R8. An as-of-right mixed use development that will contain approximately 226,485 square feet of residential floor area with 129 dwelling units, 3,436 square feet of retail floor area and 10,154 square feet of community facility floor area is currently under construction on the southeast corner of East 67th Street and First

Avenue. The retail uses would be located on the first floor; the community facility uses would be on the first and second floors and in cellar levels 1 and 2. Cellar level 1 would also contain tenant recreation space, and cellar level 3 would contain tenant storage space and mechanical space.

The new building shares its zoning lot with the Church of St. John of Nepomucene and La Scuola D'Italia G. Marconi, which leases space from the church. The proposed garage will be accessory to the community facility use and residential use in the new building and to the church and school on the zoning lot.

The garage would be located on portions of the ground floor, and cellar levels 4 and 5 of the new building. It would occupy approximately 29,986 gross square feet of space. The garage would be open 24 hours a day, seven days a week, and would be fully attended. The attendant would pick up the car at the bottom of the ramp and then drive the car into the vehicle elevator to cellar levels four or five. The garage would have both conventional parking spaces and 28 double height stackers.

Ingress and egress to the garage would be from a 30-foot wide curb cut located on the south side of East 67th Street, a one-way, 60-foot wide, westbound street. Ten reservoir spaces would be located on the ground floor and audible and visual warning devices would be located at the garage entrance to warn pedestrians of outbound vehicles.

Vehicles traveling to the garage would travel either north or south along York Avenue, and turn west onto East 67th Street. Vehicles exiting the garage would turn left onto East 67th Street. Vehicles can then turn right (north) on First Avenue, or, proceed west along East 67th Street and make a left (south) onto Second Avenue.

The surrounding neighborhood has numerous large medical and educational institutions, including Cornell University Medical campus, Rockefeller University, Memorial Sloan Kettering Hospital and New York Presbyterian Hospital. These large institutions and community facilities generate significant traffic and associated parking demand.

ENVIRONMENTAL REVIEW

This application (C 070338 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 07DCP061M. 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 September 4, 2007.

UNIFORM LAND USE REVIEW

This application (C 070338 ZSM) was certified as complete by the Department of City Planning on September 4, 2007, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on October 10, 2007 and on that date, by a vote of 33 in favor with none opposed and 3 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on November 26, 2007 approving the application with the condition that the garage would be restricted to 123 spaces.

City Planning Commission Public Hearing

On December 5, 2007 (Calendar No. 11), the City Planning Commission scheduled December 19, 2007 (Calendar No. 31), for a public hearing on this application (C 070338 ZSM). There was 1 speaker in favor of the application and 1 speaker in opposition.

The applicant's counsel briefly described the project and explained what portions of the zoning lot generated demand and further stated that because the Church was regional in nature, demand for parking justifies the 142 spaces being requested.

The Deputy Director for Land Use from the Manhattan Borough President's office expressed concern about the amount of demand generated by the School and Church uses on the garage. He stated that the uses on the zoning lot did not generate the demand for the 142 spaces and that the garage should therefore be limited to 123 - the number of spaces for which demand existed.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for this special permit (C 070338 ZSM) is appropriate.

The Commission notes that the garage will serve a variety of uses. The new building will contain 129 luxury condominium units with 3,436 square feet of space for retail uses and 10,154 square feet of space for community facility uses (research, office and conference space).

The Commission notes that according to the Environmental Assessment Statement the condominium units in the new building, located almost ½ mile from the nearest subway at 68th Street and Lexington Avenue, will generate automobile and parking demand at a ratio of approximately .6 cars per unit, for a total of 78 parking spaces. Parking demand from the community facility uses generates demand for an additional 39 spaces at the busiest hours.

The Commission further notes that the zoning lot also includes the Church of St. John the Nepomucene and the La Scuola D'Italia G. Marconi. The church has a capacity of approximately 600 and often holds special events, including weddings, funerals, and fundraisers which may generate additional demand. The Commission notes that only 48 accessory parking spaces are permitted within the project zoning lot as-of-right.

The Commission notes that on-street public parking is limited in the immediate vicinity surrounding the project site and therefore there is inadequate street parking to accommodate the demand generated by new building.

The Commission notes that pedestrian traffic on East 67th Street is relatively high, given the schools and the hospital located on the block and on the north side of East 67th Street. However, because there would be a relatively low volume of vehicles entering or exiting the garage at any hour (a maximum of 41 trips during the morning peak and 27 at the 5-6 p.m. peak on a typical weekday according to the EAS prepared as a part of this

application), construction of the proposed garage is not expected to have a significant impact on pedestrian movement and vehicular traffic.

In addition, the Commission believes that measures designed to enhance pedestrian safety, a flashing light and ringing bell would be installed to notify pedestrians both visually and audibly of the presence of an exiting vehicle and would effectively mitigate conflict between pedestrians and vehicles entering/exiting the garage.

The Commission notes that the garage would have the required ten reservoir spaces. The provision of these reservoir spaces will ensure that cars awaiting parking will be held within the proposed garage and not impede traffic flow on East 67th Street.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 13-561 (Accessory off-street parking spaces) of the Zoning Resolution.

1. That such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;
2. That, within the vicinity of the site, there are insufficient parking spaces available;
3. That the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;

4. That the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
5. That adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces.

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, the application submitted by the 400 East 67th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory off- street parking garage with a maximum capacity of 142 spaces on a portion of the ground floor, Cellar 4 level, and Cellar 5 level of a proposed mixed-use building on property located at 400 East 67th Street (Block 1461, Lots 1 & 45), in C1-9 and R8 Districts, Community District 8, Borough of Manhattan, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 070338 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:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
Attachment #2	Special Permit Parking Plan	1/29/07

- 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 070338 ZSM), duly adopted by the City Planning Commission on January 9, 2008 (Calendar No. 14), 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, BETTY CHEN, MARIA DEL TORO, RICHARD, EADDY, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners**

SHIRLEY A. McRAE, Commissioner, Abstaining