



CITY PLANNING COMMISSION

March 28, 2007/Calendar No. 19

C 060381 ZSM

IN THE MATTER OF an application submitted by Element West 59th Street, LLC 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 190 spaces on portions of the ground floor and cellar of a proposed mixed use building on property located at 555 West 59th Street (Block 1151, Lots 5, 9, 51, 52, and 53), in a C6-2 District, within the Special Clinton District, Borough of Manhattan, Community District 7.

This application for a Special Permit was filed by Element West 59th Street, LLC on March 3, 2006, to facilitate the construction of an attended public parking garage with a maximum of 190 spaces on portions of the ground floor and cellar of a new mixed-use building located in the southern portion of Community District 7 in Manhattan.

BACKGROUND

The project site is located on a through lot in the midblock portion of the block bounded by West 59th Street, West End Avenue, West 60th Street, and Amsterdam Avenue (Block 1151, Lots 5, 9, 51, 52 and 53). The site, which formerly included a six-story warehouse, a vacant lot, automotive uses, and a vacant commercial building, has been cleared to facilitate a new mixed-use building containing 200 units, 9,100 square feet of ground floor retail space and 10,300 square feet of community facility use.

The project site is located immediately to the east of 10 West End Avenue, a 30-story mixed-use building with 195 residential units currently under construction, and immediately to the west of the Parks Department's West 59th Street Recreation Center, that contains both indoor and outdoor recreational amenities. Directly across West 60th Street from the project site, a new mixed-use development with 342 residential units is under construction. In addition, there are several institutional uses immediately surrounding the project site, including the Heschel School and P.S 191, which are located on West 60th Street between West End Avenue and Amsterdam Avenue, and John Jay College, which is located on West 59th Street and Amsterdam Avenue.

The area surrounding the proposed project site has historically been a mixed-use area containing a strong institutional and industrial presence, as well as a range of residential and commercial uses. However, the area is currently undergoing significant transformation with several mixed-use residential and commercial development projects either recently completed, under construction, or in planning stages.

The project site is located in a C6-2 District, a medium density commercial district that permits a range of residential, community facility, and commercial uses. Section 13-562 of the Zoning Resolution (Public Parking Garages and Public Parking Lots) allows public parking garages, by special permit, pursuant to Section 74-52 of the Zoning Resolution (Parking Garages or Public Parking Lots in High Density Central Areas). Section 74-52 requires that findings must be made relating to compatibility with area uses, traffic congestion, impacts on residential streets, pedestrian flow, and reservoir spaces.

The proposed attended public parking garage would contain 28,600 square feet of garage space providing 190 parking spaces in portions of the ground floor and cellar level of the new development. Forty-seven double-car stackers would be utilized to help accommodate the proposed number of spaces. The garage would be fully attended and ten reservoir spaces would be provided. Vehicles would access the garage from West 60th Street via a new 29-foot-wide curb cut (including splays) and a 25-foot-wide two-way ramp leading from the street to the cellar level. The proposed new curb cut would be located on the far eastern side of the applicant's zoning lot approximately 320 feet from West End Avenue. West 60th Street is a 60-foot-wide one-way eastbound street.

ENVIRONMENTAL REVIEW

This application (C 060381 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 06DCP077M. 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 November 13, 2006.

UNIFORM LAND USE REVIEW

This application (C 060381 ZSM) was certified as complete by the Department of City Planning on November 13, 2006 and was duly referred to Community Board 7 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 held a public hearing on this application on January 25, 2007, and on that date, adopted a resolution recommending disapproval of the application by a vote of 14 in favor, 0 opposed, and 1 abstaining, subject to the following conditions:

- 1) the garage application is amended to provide for at least 80% of the allotted spaces to be accessory, not transient use; and
- 2) adequate safety measures, to be determined by further vote of Community Board 7 prior to City Planning approval, are proposed and incorporated in the application.

Borough President Recommendation

This application (C 060381 ZSM) was considered by the Borough President, who issued a recommendation approving the application on February 21, 2007 subject to the condition that “the applicant reserves a minimum of 80 spaces of the 190 spaces as residential accessory spaces.”

City Planning Commission Public Hearing

On February 7, 2007 (Calendar No. 5), the City Planning Commission scheduled February 28, 2007, for a public hearing on this application (C 060381 ZSM). The hearing was duly held on February 28, 2007 (Calendar No. 17). There were three speakers in favor of the application and none in opposition.

Representatives from the applicant included their land use attorney and architect. The land use attorney reviewed the existing zoning, proposed development and the requested action for the public parking garage. She noted that due to recent and planned construction, the surrounding area would lose existing public parking and that the proposed garage would replace some of the lost public parking spaces. She also stated that the applicant has agreed to reserve 80 of the 190 proposed public parking spaces for accessory residential use and has proposed additional safety measures to respond to the community's concerns.

The applicant's architect outlined the proposed additional safety measures that would be utilized around the entrance and exit of the garage. The architect noted that the safety measures were specifically designed with children in mind, considering the existence of two schools located on West 60th Street.

The Director of Land Use for the Manhattan Borough President reiterated the Borough President's recommendation. He stated that this recommendation was based on the environmental study prepared in conjunction with this application which determined that the accessory residential demand for the garage would utilize approximately 42 percent of the spaces.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit (C 060381 ZSM) is appropriate.

The Commission notes that recent, current development and future planned development would displace a large number of public parking spaces in the surrounding area and that the proposed parking garage is near the West 57th Street exit from the West Side Highway, and within walking distance to Lincoln Center and Time Warner Center.

The Commission notes that the proposed public parking garage is located in a medium to high-density mixed-use neighborhood and access to and from the garage would primarily be via West 60th Street, West End Avenue, and Amsterdam Avenue, which are not local residential streets.

The Commission notes that the proposed mixed-use development would include approximately 200 units, in addition to more than 9,000 square feet of ground floor retail space and more than 10,000 square feet of community facility space that would likely create a high demand for the public parking garage. The Commission notes the applicant's intention to reserve 80 of 190 spaces for residents of the development and is therefore requiring the provision of those spaces.

The Commission believes that the additional vehicles drawn to the public parking garage would not unduly inhibit traffic and pedestrian flow. The Commission notes that according to the environmental assessment statement completed for the proposed public parking garage, the garage would likely result in a modest increase in traffic with a maximum 70 additional vehicle trips being projected during the evening peak hour. Ten reservoir spaces would be provided along the length of the ramp descending to the cellar of the building. The Commission further notes that the applicant intends to incorporate additional safety measures, including a mechanical arm located on the garage's exit ramp, to alert pedestrians to the presence of a vehicle exiting the garage.

FINDINGS

Based upon the above consideration, the City Planning Commission hereby makes the following finding required by Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas);

1. 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;
2. That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
3. That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;

4. 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;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable
7. 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 described in this report, the application submitted by Element West 59th Street, LLC (C 060381 ZSM) for the grant of a special permit pursuant to Section 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 190 spaces on portions of the ground floor and cellar of a proposed mixed-use building on property located at 555 West 59th Street (Block 1151, Lots 5, 9, 51, 52, and 53), in a C6-2 District, within the Special Clinton District, Borough of Manhattan, Community District 7, is approved subject to the following conditions:

1. The application that is the subject of this application (C 060381 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 SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A102	Cellar Floor Plan	March 28, 2007
A-103	Ground Floor Plan	March 28, 2007

2. 80 spaces in the garage shall be available for accessory residential parking.
3. 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.
4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
5. 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 report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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.

8. 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, duly adopted by the City Planning Commission of March 28, 2007 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and 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., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ,

JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

BETTY CHIN, NATHAN LEVENTHAL, Commissioners, Abstaining