



## CITY PLANNING COMMISSION

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March 8, 2006/Calendar No. 10

C 060211 ZSM

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**IN THE MATTER OF** an application submitted by 200 Fifth, 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 54 spaces on a portion of the ground floor and cellar of an existing building and proposed to be enlarged on property located at 1107 Broadway (Block 826, Lots 33 and 37), in a C5-2 District, Borough of Manhattan, Community District 5.

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The application was filed by 200 Fifth, LLC on November 14, 2005, for a special permit pursuant to Section 74-52 and Section 13-562 of the Zoning Resolution for a 54-space attended public parking garage in the cellar level of 1107 Broadway, located between West 24<sup>th</sup> Street and West 25<sup>th</sup> Street.

### **RELATED ACTION**

In addition to the special permit (C 060211 ZSM) which is the subject of this report, the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 060210 ZMM      Zoning Map amendment to rezone portions of two blocks between Fifth Avenue/Broadway and Sixth Avenue, and West 23<sup>rd</sup> and West 25<sup>th</sup> streets from M1-6 to C5-2.

### **BACKGROUND**

The special permit would facilitate the construction of an attended public parking garage with a

maximum of 54 spaces in the cellar level of 1107 Broadway at West 24<sup>th</sup> Street.

A full background discussion and description of this report appears in the related application for a zoning map amendment (C 060210 ZMM).

### **ENVIRONMENTAL REVIEW**

This application (C 060211 ZSM), in conjunction with the application for the related action (C 060210 ZMM), 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 05DCP089M. 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 14, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 060211 ZSM), in conjunction with the application for the related action (C 060210 ZMM), was certified as complete by the Department of City Planning on November 14, 2005, and was duly referred to Community Board 5 and the Borough President, 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 the related application (C 060210 ZMM) on December 8, 2005, and on that day, by a vote of 29 to 0 with 1 abstention, adopted a resolution recommending approval of the application.

### **Borough President's Recommendation**

This application was considered in conjunction with the related application (C 060210 ZMM) by the Borough President, who issued a recommendation on January 19, 2006, approving the application.

### **City Planning Commission Public Hearing**

On January 25, 2006 (Calendar No. 2), the City Planning Commission scheduled February 8, 2006 for a public hearing on this application (C 060211 ZSM). The hearing was duly held on February 8, 2006 (Calendar No. 28) in conjunction with the public hearing on the related action (C 060210 ZMM).

There were a number of appearances, as described in the report on the related application for a zoning map amendment (C 060210 ZMM).

### **CONSIDERATION**

The Commission believes that granting this special permit is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the report on the related application for a zoning map amendment (C 060210 ZMM).

## FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-52

(Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

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 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;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable; and
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 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 200 Fifth, 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 54 spaces on a portion of the ground floor and cellar of an existing building and proposed to be enlarged on property located at 1107 Broadway (Block 826, Lots 33 and 37), in a C5-2 District, Borough of Manhattan, Community District 5 is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 060211 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 Avinash K. Malhotra, AIA, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G.01	Cellar Plan	November 9, 2005
G.02	First Floor Plan	November 9, 2005

- 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 060211 ZSM), duly adopted by the City Planning Commission on March 8, 2006, (Calendar No. 10), 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 Chairman**

**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,**

**RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,**

**JOHN MEROLO, DOLLY WILLIAMS, Commissioners**

**KAREN A. PHILLIPS, Commissioner, Voting No**