



CITY PLANNING COMMISSION

August 9, 2006/Calendar No. 19

C 060434 ZSM

IN THE MATTER OF an application submitted by SJP Residential Properties 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 101 spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 750 Eighth Avenue (Block 1018, Lots 1, 3 and 57), in C6-4 and C6-5 Districts, within the Special Midtown District, Borough of Manhattan, Community District 5.

The application was filed by SJP Residential Properties on April 12, 2006, for a special permit pursuant to Section 74-52 and Section 13-562 of the Zoning Resolution for a 101-space attended public parking garage in a portion of the ground floor and the cellar and subcellar levels of a proposed new development at 750 Eighth Avenue at West 46th Street.

RELATED ACTIONS

In addition to the special permit (C 060434 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:

N 060433 ZRM	Zoning text amendment to allow a portion of the Martin Beck/Al Hirschfeld Theater located outside of the Theater Subdistrict to be considered a granting site for transfers of development rights pursuant to Section 81-744 of the Zoning Resolution.
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BACKGROUND

The special permit would facilitate the construction of an attended public parking garage with a maximum of 101 spaces in a portion of the ground floor and the cellar and subcellar levels of a new residential building proposed at 750 Eighth Avenue.

A full background discussion and description of this report appears in the related application for a zoning text amendment (N 060433 ZRM).

ENVIRONMENTAL REVIEW

This application (C 060434 ZSM), in conjunction with the application for the related action (N 060433 ZRM), 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 06DCP093M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Revised Negative Declaration was issued on August 9, 2006.

UNIFORM LAND USE REVIEW

This application (C 060434 ZSM) was certified as complete by the Department of City Planning on April 24, 2006, 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, along with

the application for the related action (N 060433 ZRM) which was referred to Community Board 4, Community Board 5, the Borough Board and the Borough President on April 24, 2006 for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 5 held a public hearing on this application in conjunction with the related application (N 060433 ZRM) on May 11, 2006, and on that date, by a vote of 35 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 (N 060433 ZRM) by the Borough President, who issued a recommendation on June 16, 2006, approving the application with the following condition:

“...the 35 parking spaces which are expected to be used by the building’s occupants (should be) reserved as accessory spaces.”

City Planning Commission Public Hearing

On June 21, 2006 (Calendar No. 7), the City Planning Commission scheduled July 12, 2006 for a public hearing on this application (C 060434 ZSM). The hearing was duly held on July 12, 2006 (Calendar No. 31) in conjunction with the public hearing on the related action (N 060433 ZRM).

There were a number of appearances, as described in the report on the related application for a zoning text amendment (N 060433 ZRM).

CONSIDERATION

The Commission believes that granting this special permit (C 060434 ZSM) 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 text amendment (N 060433 ZRM).

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 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 SJP Residential Properties 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 101 spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 750 Eighth Avenue (Block 1018, Lots 1, 3 and 57), in C6-4 and C6-5 Districts, within the Special Midtown 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 060434 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 Costas Kondylis & Partners LLP, Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-4	Garage Plans	April 7, 2006

- 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 060434 ZSM), duly adopted by the City Planning Commission on August 9, 2006, (Calendar No. 19), 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

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

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