



## **CITY PLANNING COMMISSION**

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January 28, 2008 / Calendar No. 13

C 070533 ZSM

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**IN THE MATTER OF** an application submitted by 685,700,708 First Realty Company, 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 parking garage with a maximum capacity of 499 spaces on portion of the cellar of a proposed mixed use development on property located at 700 & 708 First Avenue (Block 907, Lots 1 & 2), in a C5-2\* District, within a General Large-Scale Development, Borough of Manhattan, Community District 6.

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\*197-d(b)2 eligible

The application for the special permit (C 070534 ZSM) was filed by 685,700,708 First Realty Company, LLC on June 12, 2007 to allow an attended accessory parking garage with a maximum capacity of 499 spaces on portion of the cellar of a mixed use development located at 700 and 708 First Avenue.

### **RELATED ACTIONS**

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

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|-----------------|--|
| C 070522 ZMM    | Zoning Map Amendment from M1-5 and M3-2 to C4-6  |
| C 070523(A) ZSM | Special Permit pursuant to Section 74-74 of the Zoning Resolution to modify height and setback regulations inclusionary housing requirements |
| C 070525 ZSM    | Special permit pursuant to Section 13-562 and 74-52 for a attended public parking garage   |
| N 070527 ZCM    | Commission Certification pursuant to Section 26-17 for streetscape modifications   |

- N 070528 ZCM Commission Certification pursuant to Section 37-015 to modify retail continuity requirements
- N 070529 ZMM Zoning Map Amendment from C1-9 and M3-2 zoning districts to a C5-2 district
- [C 070532(A) ZSM Special Permit pursuant to Section 74-91 to modify public plaza requirements]
- C 070534 ZSM Special Permit pursuant to Sections 13-562 and 74-52 for an attended public parking garage
- [N 070535 ZCM Chairperson’s Certification pursuant to Section 27-01 for a residential plaza]
- N 070536 ZCM Commission Certification pursuant to Section 26-17 for streetscape modifications
- N 070537 ZCM Commission Certification pursuant to Section 26-15 to permit curb cuts on a wide street
- N 070538 ZCM Commission Certification pursuant to Section 37-015 to modify retail continuity requirements

**BACKGROUND**

A full background discussion and description of this application appears in the report for a special permit (C 070531(A) ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 070533 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 06DCP039M. The lead is the City Planning Commission.

It was determined that the proposed action may have a significant effect on the Environment. A Positive Declaration was issued on October 3, 2005, and distributed, published and filed. A summary of the environmental review appears in the report of the application for a special permit (C 070531(A) ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 070533 ZSM), in conjunction with the application for the related actions, was certified as complete by the Department of City Planning on August 20, 2007, and was duly referred to Community Board 6 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Public Hearing**

Community Board 6 held a public hearing on this application, and related actions on September 9, 2007, and on October 10, 2007, by a vote of 31 in favor, 3 in opposition and 0 abstentions, adopted a resolution recommending conditional disapproval of the application.

A summary of the recommendations of Community Board 6 appears on the related application for a special permit (C 070531(A) ZSM).

### **Borough President Recommendation**

This application (C 070533 ZSM), in conjunction with the related actions was considered by the Borough President, who issued a recommending conditional disapproval of the application on November 28, 2007.

A summary of the recommendations of the Borough President appears on the related application for a special permit (C 070531(A) ZSM).

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

On November 14, 2007 (Calendar No. 13), the City Planning Commission scheduled December 5, 2007 for a public hearing on this application (C 070533 ZSM). The hearing was duly held on December 5, 2007 (Calendar No. 40) in conjunction with the public hearing on the applications for related actions.

There were a number of appearances, as described in the related application for a special permit (C 070531(A) ZSM), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 070534(A) ZSM), in conjunction with those for related actions, was

reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program(WRP), as amended by the City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002,, pursuant to the New York State Waterfront Revitalization and Coastal Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-0007.

A action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of the special permit is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the report on the related application for a special permit (C 070531(A) ZSM).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 13-561 of the Zoning Resolution:

- (a) such spaces are needed for and will be used by the occupants, visitors, customers or employees of the use to which they are accessory;
- (b) within the vicinity of the site there are insufficient parking spaces available;
- (c) the facility will not create or contribute to serious traffic congestion nor will

unduly inhibit vehicular and pedestrian movement;

- (d) the facility is so located as to draw a minimum of vehicular traffic to and through local streets;
- (e) adequate reservoir space is provided at the vehicular entrance 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 be required for more than 50 automobiles.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 18, 2008 with respect to this application (CEQR No. 06DCP039M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimizes or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written

statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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 and findings described in this report, the application submitted by 685,700,708 First Realty Company, LLC pursuant to 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 parking garage with a maximum capacity of 499 spaces on a portion of the cellar of a proposed mixed use development on property located at 700 & 708 First Avenue (Block 970, Lots 1 & 2), in a C5-2 District, Borough of Manhattan, Community District 6, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 070533 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 Sidmore, Owing & Merrill LLP and Richard Meier & Partners Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-14	Cellar 1 Plan 708 First Avenue & Waterside	January 28, 2008

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration, dated January 28, 2008, executed by 700 First Realty Company and 708 First Realty Company, LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the office of the Register of the City of New York, County of New York.
4. Such development shall conform to all applicable laws and regulations relating to it 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, sub-lessee 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 (C 070533 ZSM), duly adopted by the City Planning Commission on January 28, 2008 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the 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., ALFRED C. CERULLO, III,**

**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,  
NATHAN LEVENTHAL, JOHN MEROLO, , Commissioners**

**ANGELA R. CAVALUZZI, R.A., KAREN A. PHILLIPS, Commissioners, Voting No**

**SHIRLEY A. McRAE, Commissioner, Abstaining**