



CITY PLANNING COMMISSION

October 3, 2007/Calendar No. 15

C 070441 ZSM

IN THE MATTER OF an application submitted by 1113 York Avenue Realty Company, LLC and 60th Street Development 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 195 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 1113 York Avenue a.k.a. 420 East 61st Street (Block 1455, Lots 13, and 21), in C6-3 and C4-7 Districts, Community District 8, Borough of Manhattan.

This application for Special Permit was filed by 1113 York Avenue Realty Company, LLC, and 60th Street Development LLC on April 25, 2007, to allow an attended public parking garage with a maximum capacity of 195 spaces on portions of the ground floor, cellar and sub-cellar of a proposed new primarily residential development located on the eastern portion of the block bounded by York Avenue, East 60th Street, First Avenue, and East 61st Street.

RELATED ACTIONS

In addition to the application for the Special Permit which is the subject of this report (C 070441 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

C 000198 ZMM: An amendment to the zoning map changing existing C8-4 and C6-2 districts to C4-7 and C6-3 districts, respectively.

N 070442 ZCM: An certification pursuant to Section 26-15 of the Zoning Resolution to allow a second curb cut on East 61st Street; and

M 860117(E) ZMM: A modification of a previously recorded restrictive declaration to limit use and bulk on the project site.

BACKGROUND

A full background discussion and project description appears in the report on the related zoning map amendment (C 000198 ZMM).

ENVIRONMENTAL REVIEW

This application (C 070441 ZSM), along with the related actions (C 000198 ZMM, C 070442 ZCM, and M 860117(E) 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 07DCP013M. The lead is the City Planning Commission.

A summary of the environmental review and the Conditional Negative Declaration issued on September 4, 2007, appears in the report on the related application for the zoning map amendment (C 000198 ZMM).

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

This application (C 070441 ZSM), in conjunction with the application for the related action (C 000198 ZMM) was certified as complete by the Department of City Planning on May 21, 2007, and was duly referred to Manhattan Community Board 8 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). The application for the related non-ULURP certification (N 070442 ZCM) and modification to the restrictive declaration (M 860117(E) ZMM), was also referred to Manhattan Community Board 8 and the Manhattan Borough President for information and comment.

Community Board Public Hearing

Community Board 8 held a public hearing on this application (C 070441 ZSM) on July 11, 2007. A full discussion of the Community Board 8 resolution appears in the report on the related zoning map amendment application (C 000198 ZMM).

Borough President Recommendation

This application (C 070441 ZSM) was considered by the Borough President. A full discussion of the Borough President's recommendation appears in the report on the related zoning map amendment application (C 000198 ZMM).

City Planning Commission Public Hearing

On August 22, 2007, (Calendar No. 4), the City Planning Commission scheduled September 5, 2007 for a public hearing on this application (C 070441 ZSM). The hearing was duly held on September 5, 2007 (Calendar No. 26), in conjunction with the hearing on the related zoning map amendment application (C 000198 ZMM). There were a number of speakers as described in the report on the related zoning map amendment application (C 000198 ZMM).

CONSIDERATION

The Commission believes that this application for Special Permit (C 070441 ZSM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related special permit application (C 000198 ZMM).

FINDINGS

The City Planning Commission hereby makes the following findings 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 effect on the quality of the environment, once it is modified as follows:

The applicant, 1113 York Avenue Realty Company LLC, has agreed via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the review and approval of the Department of Environmental Protection (DEP) for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan;

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 1113 York Avenue Realty Company, LLC and 60th Street Development 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 195 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 1113 York Avenue a.k.a. 420 East 61st Street (Block 1455, Lots 13, and 21), in C6-3 and C4-7 Districts, in Community District 8, Borough of Manhattan, is approved subject to the following conditions:

1. The application that is the subject of this application (C 070441 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:

| <u>Drawing No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|--------------------|-----------------------------------|--------------------------|
| Z-1 | Phase II Site Plan & Calculations | May 23, 2007 |
| Z-8 | Phase II Garage Plans | July 2, 2007 |

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. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration marked as Exhibit 1 hereto, (i) is executed by 1113 York Avenue, LLC; and (ii) is either executed by all additional parties in interest, or such parties in interest waive their right to execute and subordinate their interests to the Restrictive Declaration.
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.

9. The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 07DCP013M) dated September 4, 2007, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:

The applicant, 1113 York Avenue Realty Company LLC, has agreed via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the review and approval of the Department of Environmental Protection (DEP) for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan;

The above resolution, duly adopted by the City Planning Commission of October 3, 2007 (Calendar No. 15), 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.,

BETTY CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,

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