



## **CITY PLANNING COMMISSION**

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March 26, 2008 / Calendar No. 12

C 070577 ZSM

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**IN THE MATTER OF** an application submitted by MCP SO Strategic 56, LP 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 76 spaces on portions of the ground floor, cellar and subcellar of a proposed mixed use development on property located at 31-37 West 56<sup>th</sup> Street (Block 1272, Lots 14, 15, 16, 17 and 18), in a C5-P District, within the Special Midtown District, Borough of Manhattan, Community District 5.

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The application for the special permit was filed by MCP SO Strategic 56, LP on June 28, 2007 to facilitate the construction of an attended public parking garage with a maximum capacity of 76 spaces on portions of the ground floor, cellar and sub-cellar of a new as-of-right 17-story mixed use development, known as the Centurion, located at 31-37 West 56<sup>th</sup> Street within a C5-P district in the northern section of Community District 5.

### **BACKGROUND**

The subject property is located on the north side of West 56<sup>th</sup> Street between Fifth and Sixth avenues in a C5-P zoning district within the Special Midtown preservation sub-district. Its zoning lot has an area of 12,563 square feet and includes development parcels (Block 1272, lots 15, 16, 17 and 18) which are owned by the applicant and a parcel (Block 1272, lot 14) not owned by the applicant. The applicant's property was previously developed with four five-story buildings have been demolished. The applicant is developing an as-of-right 17-story mixed use development with 48 condominium dwelling units, 3,550 square feet of ground floor commercial space and an 11-space accessory parking garage. The adjacent parcel consists of an existing five-story building that would remain on the zoning lot. The subject block contains two public

parking garages located at 51 and 65 West 56<sup>th</sup> Street. The surrounding area contains a mix of mid-rise to high-rise residential, commercial and community facility uses.

The project site is located in a C5-P District in the Preservation Sub-district of the Special Midtown District that permits a range of residential, community facility and commercial uses. Public parking garages in Manhattan Community Districts 1 to 8 are permitted only by special permit of the City Planning pursuant to Sections 13-562 and 74-52 of the Zoning Resolution.

The proposed attended public parking garage would contain approximately 12,390 square feet of garage space providing 76 spaces on portions of the ground floor, cellar and sub-cellar of the new mixed use development. There would be thirteen double-car stackers. The proposed public parking would be accessed by a twenty-three feet wide curb cut (including splays) on West 56<sup>th</sup> Street, a one-way, eastbound street. The garage would also have ten reservoir spaces.

## **ENVIRONMENTAL REVIEW**

This application (C 070577 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 07DCP079M. 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 December 17, 2007.

### **UNIFORM LAND USE REVIEW**

This application (C 070577 ZSM) was certified as complete by the Department of City Planning on December 17, 2007, and was duly referred to Community Board 5 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 5 held a public hearing on this application (C 070577 ZSM) on January 17, 2008, on that date, by a vote of 20 in favor 11 in opposition and 1 abstention, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 070577 ZSM) was considered by the Borough President, who issued a recommendation on February 21, 2008 approving the application subject to the condition that “21 spaces are reserved for monthly use by building residents and another 37 are prioritized for additional monthly parkers.”

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

On February 13, 2008 (Calendar No. 17), the City Planning Commission scheduled February 27, 2008, for a public hearing on this application (C 070577 ZSM). The hearing was duly held on February 27, 2008 (Calendar No. 36). There were three speakers in favor and none in opposition

to the application.

Those speaking in favor of the application included two representatives of the applicant and a representative of the Manhattan Borough President. The applicant's land use attorney described the requested action for the public parking garage and indicated that numerous off-street parking facilities in the immediate vicinity were experiencing a 100 percent utilization rates. The Deputy Director for Land Use for the Manhattan Borough President reiterated the Borough President's recommendation.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

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

The proposed 76-space public parking garage would support the essential functions and be compatible with uses in the general area which include a mix of residential, commercial and community facility uses.

The Commission believes that the proposed garage would not create serious traffic congestion and inhibit surface traffic or pedestrian movement. The street system in the surrounding area provides no less than two moving lane on eastbound West 56<sup>th</sup> Street and no less than four moving lanes on southbound Fifth and northbound Sixth avenues. Drivers utilizing the garage

are expected to arrive and depart by way of Sixth Avenue, West 56<sup>th</sup> Street and Fifth Avenue which are not local residential streets. According to the Environmental Assessment Statement prepared for the application,, the proposed 76-space garage would generate not more than 8 vehicular trips during the morning peak hours (8 a.m. and 9 a.m.), 12 vehicular trips during the midday hour and 13 vehicular trips during the evening peak hour. The parking facility would provide the required ten reservoir spaces. The Commission further notes that the applicant intends to provide pedestrian warning lights and ringing bells in addition to a “Stop” sign to help avoid conflicts between vehicles and pedestrians.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 of the Zoning Resolution:

- (a) 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;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) 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 be required for more than 50 automobiles;

- (e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;
- (f) Not applicable; and
- (g) Not applicable.

## **RESOLUTION**

**RESOLVED**, the City Planning Commission finds that the action described herein will have no significant effect on the quality of 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 and findings described in this report, the application submitted by MCP SO Strategic 56, LP 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 76 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 31-37 West 56<sup>th</sup> Street (Block 1272, Lots 14 , 15, 16, 17 and 18), in a C5-P District, within the Special Midtown District, Borough of Manhattan, Community District 5, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 070577 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 Philip Habib &

Associates, filed with this application and incorporated in this resolution -

<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Date Revised</u>
2 of 2	Special Permit Parking Plan	October 16, 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 it construction, operation and maintenance.
4. 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.
5. 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.

6. 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.
  
7. 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 070577 ZSM) adopted by the City Planning Commission on March 26, 2008 (Calendar No. 12), 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., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIE M. DEL TORO,**

**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,**

**JOHN MEROLO, Commissioners**

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