



## **CITY PLANNING COMMISSION**

January 23, 2012 / Calendar No. 3

C 120031 ZSM

**IN THE MATTER OF** an application submitted by RSV, LLC and Saint Vincent's Catholic Medical Centers of New York 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 enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12<sup>th</sup> Street, in connection with a proposed mixed use development on property located at 133-147 West 11<sup>th</sup> Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12<sup>th</sup> Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12<sup>th</sup> Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11<sup>th</sup> Street and West 12<sup>th</sup> Street, a line 425 feet easterly of Seventh Avenue, West 11<sup>th</sup> Street, Greenwich Street, and a line 147.29 feet westerly of Seventh Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Community District 2, Borough of Manhattan

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This application for a special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage was filed by the applicant on August 10, 2011. The special permit, along with its related actions, would facilitate the development of a proposed, mixed-use, development on a 92,925 square foot lot located on 7th Avenue between West 12th Street and West 11th Street (Block 607, Lot 1; Block 617, Lots 1 and 55). The proposed buildings will contain approximately 450 market-rate residential units, as well as a small amount of retail space and doctor's offices. The project also includes a 16,677 square foot publicly accessible open space on the triangular parcel of land located immediately west of the development site and a 152 space parking garage.

### **RELATED ACTIONS**

In addition to the special permit (C 120031 ZSM) 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 120029 ZSM | Special Permits pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, to modify inner court requirements, and to allow for the maximum floor area permitted within a Large-Scale General Development. |
| C 120030 ZSM | Special Permit pursuant to Section 74-744(b) to modify the use location requirements of Section 32-422 (Location of floors occupied by   |

commercial uses) within a Large-Scale General Development.

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|--------------|--|
| N 120032 ZRM | Zoning Text Amendment relating to Section 74-743 (Special Provisions for bulk modifications).                                      |
| C 120033 ZMM | Zoning Map Amendment to change existing R6 and C1-6 Districts to an R8 District; and to change a C2-6 District to a C6-2 District. |

## **BACKGROUND**

A full background discussion and description of this application appears in the report for a special permit application (C 120029ZMM).

## **ENVIRONMENTAL REVIEW**

The application (C 120031 ZSM), in conjunction with the application for the related actions, 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 10DCP003M. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a special permit amendment (C 120029 ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 120031 ZSM), in conjunction with the application for the related actions, (C 120029 ZSM, C 120030 ZSM, C 120033 ZMM) was certified as complete by the Department of City Planning on August 22, 2011, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP application (N 120032 ZRM), which was referred for review and comment.

## **Community Board Public Hearing**

Community Board 2 held a public hearing on this application October 20, 2011, and on that date, by a vote of 40 to 1 with no abstentions, adopted a resolution recommending disapproval, with conditions, of the application. .

A summary of the vote and recommendations of Community Board 2 appears on the related application for a special permit (C 120029 ZSM).

### **Borough President Recommendation**

This application (C 120031 ZSM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who recommended approval, with conditions, of the application on November 25, 2011.

A summary of the recommendations of the Borough President appears on the related application for a special permit (C 120029 ZSM).

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

On November 16, 2011 (Calendar No. 6), the City Planning Commission scheduled November 30, 2011, for a public hearing on this application (C 120031 ZSM). The hearing was duly held on November 30, 2011 (Calendar No. 10) in conjunction with the public hearings on the applications for the related actions (C 120029 ZSM, C 120030 ZSM, C 120033 ZMM, and N 120032 ZRM).

There were a number of appearances as described in the related application for a special permit (C 120029 ZSM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a special permit (C 120031 ZSM) in conjunction with the application for related actions, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application

appear in the related report for a special permit application (C 120029 ZSM).

## **FINDINGS**

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

- 1) Such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory, except that car sharing vehicles may occupy accessory off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 2 percent of all such parking spaces, whichever is greater;
- 2) Within the vicinity of the site, there are insufficient parking spaces available;
- 3) The facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement
- 4) The facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and;
- 5) Adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 12, 2012, with respect to this application (CEQR No. 10DCP003M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to

the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, those project components related to the environment and mitigation 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**, 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 West Village Residences, LLC and Saint Vincents Catholic Medical Centers of New York 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 enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12<sup>th</sup> Street, in connection with a proposed mixed use development on property located at 133-147 West 11<sup>th</sup> Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12<sup>th</sup> Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12<sup>th</sup> Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11<sup>th</sup> Street and West 12<sup>th</sup> Street, a line 425 feet easterly of Seventh Avenue, West 11<sup>th</sup> Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 120031 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by FXFowle, filed with this application and incorporated in this resolution:

Drawing Number

Title

Last Date Revised

Parking Garage Plans, Sections, &  
Calculations

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 a restrictive declaration in the form executed by West Village Residences LLC on January 23, 2012, and including administrative and technical changes accepted by counsel to the City Planning Commission, is executed by West Village Residences LLC, and all parties in interest, and is recorded and filed in the Office of the Register of the City of New York, County of New York.
5. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 10DCP003M) issued on January 12, 2012 and identified as practicable.
6. 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.

7. 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.
8. 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.
9. 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 120031 ZSM), duly adopted by the City Planning Commission on January 23, 2011 (Calendar No. 3), 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, FAICP**, Chair

**KENNETH J. KNUCKLES, Esq.**, Vice Chairman

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.**

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

**RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARÍN,  
SHIRLEY A. MCRAE, Commissioners**