



## **CITY PLANNING COMMISSION**

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January 28, 2008 / Calendar No. 3

C 070523(A) ZSM

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**IN THE MATTER OF** an application submitted by 616 First Realty Company, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for the grant of a special permit to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(2) – to modify the height and setback requirements of Sections 23-652, 23-632, 23-633 and 33-432; and
2. Section 74-743(a)(6)(ii) – to modify the requirements of Section 23-942 to allow community facility floor area above the ground to be excluded from the calculation of the amount of lower income required;

in connection with a proposed mixed use development on property located at 616 First Avenue (Block 967, Lots 1), in a C4-6 District, within a General Large-Scale Development, Borough of Manhattan, Community District 6.

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\*197-d(b)2 eligible

This application for the special permit pursuant to Section 74-74 to modify height and setback and inclusionary housing requirements was filed by 616 First Realty Company, LLC on June 12, 2007 and revised by an application C 070531(A) ZSM filed on October 31, 2007.

### **RELATED ACTIONS**

In addition to the special permit (C 070523(A) 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 070522 ZMM | Zoning Map Amendment from M1-5 and M3-2 to 4-6   |
| 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
- N 070530(A) ZRM Zoning Text Amendment relating to the definition of General Large-Sale Development, the Inclusionary Housing Program and provisions for bulk modifications in General Large Scale Development
- C 070533 ZSM Special Permit pursuant to Section 13-561 for an attended accessory parking garage
- C 070534 ZSM Special Permit pursuant to Sections 13-562 and 74-52 for an attended public parking garage
- 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**

The certified application (C 070523 ZSM) and the modified application (C 070523(A) ZSM), in conjunction with the application for the related actions, were 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 issued on October 3, 2005, and distributed, published and filed. A summary of the environmental review appears in the report on the related application for a special permit (C 070531(A) ZSM).

## **UNIFORM LAND USE REVIEW**

On August 20, 2007, this original application (C 070523 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 070523(A) 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. 3), the City Planning Commission scheduled December 5, 2007, for a public hearing on this application (C 070523(A) ZSM). The hearing was duly held on December 5, 2007 (Calendar No. 30) 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 070523(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 Revitalization Program (WRP), as amended, approved 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.

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

## **CONSIDERATION**

The Commission believes that this application for a special permit (C 070531(A) ZSM), as further modified, in conjunction with the application for related actions, is appropriate.

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

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-743:

- (1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances, show windows and signs will

result in better site plan and better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupant of the general large-scale development, the neighborhood and the City as a whole;

- (2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or people using the public streets;
- (3) where a zoning lot of a general large-scale development does not occupy a frontage on a mapped street, appropriate access to a mapped street is provided;
- (4) considering the size of the proposed general large-scale development, the streets providing access to such general large-sale development will be adequate to handle traffic resulting therefrom;
- (5) when the Commission has determined that the general large-scale development requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable; and
- (6) a declaration with regard to ownership requirements in paragraph (b) of the general large-scale development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

## **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), together with the Technical Memorandum, dated January 28, 2008, 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 FSEIS will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval, pursuant to a Restrictive Decalartion, dated January 28, 2008. those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and Technical Memorandum, 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 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 616 First Realty Company, LLC pursuant to Sections 197-c and 201 of the New York Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for the grant of a special permit pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(2) – to modify the height and setback requirements of Section 23-652, 23-632, 23-633 and 33-432; and
2. Section 74-743(a)(6)(ii) – to modify the requirements of Section 23-942 to allow the community facility floor area above the ground to be excluded from the calculation of the amount of lower income required;

in connection with a proposed mixed use development on property located at 616 First Avenue (Block 967, lot 1), in a C4-6 District, Borough of Manhattan, Community District 6, is approved, subject to the following terms and conditions:

The property that is the subject of this application (C 070523(A) 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, and Field Operations Landscape Planning, filed with this application and incorporated in this resolution:



<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Date Revised</u>
T-1	Title	January 28, 2008
Z-3	General Large Scale Plan, Zoning Actions, & Zoning Calculations	January 28, 2008
Z-4	Average Curb Level Diagram, Height & Setback Diagrams	January 28, 2008
Z-5	Height & Setback Diagrams	January 28, 2008
Z-6	Height & Setback Diagrams	January 28, 2008
Z-7	Height & Setback Diagrams	January 28,, 2008
Z-8	Height & Setback Diagrams	January 28, 2008
Z-10	Ground Floor Plan (Public Parking)	January 28, 2008
Z-11	Cellar 1 and 2 Plans (Public Parking)	January 28, 2008
Z-16	Enlarged West Elevation for 616-1 and And East Elevation for 616-2	January 28, 2008
Z-17	Enlarged South Elevation for 616-1 and 616-2	January 28, 2008
Z-18	Enlarged North Elevations for 616-2 and 616-2	January 28, 2008
ZL-1	Public Open Area Designations	January 28, 2008
ZL-2	Public Open Area Street Frontage Diagrams	January 28, 2008
ZL-3	Public Open Area Street Frontage Diagrams	January 28, 2008
ZL-4	Public Open Area Plan	January 28, 2008
ZL-5	Public Open Area Seating Plan	January 28, 2008
ZL-6	Public Open Area Furnishing Plan	January 28, 2008

ZL-7	Public Open Area Planting Plan	January 28, 2008
ZL-8	Public Open Area Grading Plan	January 28, 2008
ZL-9	Public Open Area Surface Material Plan	January 28, 2008
ZL-10	Public Open Area Paving Plan	January 28, 2008
ZL-11	Public Open Area lighting Plan	January 28, 2008
ZL-12	Public Open Area Lighting Photometrics	January 28, 2008
ZL-13	Public Open Area Photometrics/Fixture Details	January 28, 2008
ZL-14	Public Open Area Landscape Details: Seating	January 28, 2008
ZL-14.1	Public Open Area Landscape Details: Seating	January 28, 2008
ZL-14.2	Public Open Area Landscape Details: Furnishing	January 28, 2008
ZL-14.3	Public Open Area Landscape Details: Paving	January 28, 2008
ZL-14.4	Public Open Area Landscape Details: Planting	January 28, 2008

1. 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.
2. Such development shall conform to all applicable laws and regulations relating to it

construction, operation and maintenance.

3. Development pursuant to this resolution shall be allowed only after restrictive declaration, dated January 28, 2008, executed by 616 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. 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 070523(A) ZSM), duly adopted by the City Planning Commission on January 28, 2008 (Calendar No. 3), 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**