



CITY PLANNING COMMISSION

April 11, 2012, Calendar No. 7

C 120017 ZSM

IN THE MATTER OF an application submitted by G-Z/10 UNP Realty, 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 88 spaces, at grade level and in a portion of the sub-cellar level of a proposed mixed use building, on property located at 50 UN Plaza (Block 1339, Lot 19), in C1-9 and C5-2 Districts, Borough of Manhattan, Community District 6.

The application was filed by G-Z/10 UNP Realty, LLC on July 14, 2011 for a special permit pursuant to Section 13-561 of the Zoning Resolution to facilitate the operations of an 88-space accessory parking garage on the sub-cellar floor of a proposed 87-unit mixed use building.

BACKGROUND

The applicant requests a Special Permit pursuant to ZR Section 13-561 (“Accessory off-street parking spaces”) to allow the construction of an attended, 88-space parking garage that would be accessory to a proposed 240,145 zoning square foot, 44-story, 87-unit residential building located at 50 UN Plaza. The 20,150 square foot site is located on the northwest corner of First Avenue and East 46th Street in Community District 6, Manhattan. The site is split between two zoning districts, with the eastern half zoned C5-2 which permits a residential/commercial floor area of 10.0, and the western half zoned C1-9 which permits a residential floor area of 10.0 and a commercial FAR of 2.0. The proposed development, which would receive a bonus from off-site inclusionary housing, would contain 11.91 FAR. The parking garage is proposed to contain approximately 12,060 square feet in the sub-cellar and 4322 square feet at-grade.

The site is located in the Turtle Bay neighborhood on the east side of Manhattan, across First Avenue from the United Nations building. The United Nations and its satellite services and residences predominate the area. Typical development in the immediate area includes high density commercial and residential uses, becoming more residential character to the north and east and more commercial to the south and west. Dag Hammarskjold Park, which stretches the full length of the block, is located just to the north of the site. The Venezuelan Mission is also adjacent to the site, immediately to the west.

The proposed residential tower would occupy the eastern half of the site and its units would be marketed to the diplomatic community. The western half of the site would be occupied with a circular driveway, accessed by a 22 foot curb cut on East 46th Street that permits drop off on the western side of the building as well as entrance and exit to the garage. There are proposed to be 10 reservoir spaces at-grade and access to the below-grade portion of the garage would be via two elevators on the west side of the site. The garage would be open 24-hours every day and attended by 2-4 attendants. Cars would be accommodated with 41 stackers (and 6 additional conventional spaces). The garage would also have room for resident bicycle parking on the sub-cellar level (in the northeastern corner of the building) where up to at least 44 bicycles could be parked. Under ZR sections 13-12 and 13-133, the applicant is allowed to construct 18 parking spaces. In order to accommodate 88 parking spaces, the applicant is seeking a special permit pursuant to ZR Section 13-561 of the Zoning Resolution which allows the City Planning Commission to increase the number of parking spaces.

ENVIRONMENTAL REVIEW

This application (C 120017 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 09DCP003M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on November 28, 2011.

UNIFORM LAND USE REVIEW

This application (C 120017 ZSM) was certified as complete by the Department of City Planning on November 28, 2011, and was duly referred to Community Board 6 and the Manhattan 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 on January 11, 2012. On that date, by a vote of 25 in favor, 15 opposed, and 1 abstention, the Board adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation on February 29, 2012, approving the application.

City Planning Commission Public Hearing

On February 29, 2012 (Calendar No. 1) the City Planning Commission scheduled March 14, 2012 for a public hearing on this application (C 120017 ZSM). The hearing was duly held on March 14, 2012 (Calendar No. 10). There were eight speakers in favor of the application and none in opposition.

The speakers in favor included the managing partner of the parent corporation of the applicant, who spoke about the marketing of the site to the diplomatic community; the applicant's architect, who spoke about the site and how the design of the building and landscaping would create a secure environment; the applicant's transportation planner, who spoke about how the garage would function; and the applicant's attorney, who spoke about the applicable aspects of the zoning resolution and how the application met the findings of the pertinent special permit.

Three neighboring residents also spoke in favor of the application, including the president of the Friends of Dag Hammarskjold Plaza. A representative from the Manhattan Borough President's Office reiterated the Borough President's approval of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that grant of the special permit pursuant to Sections 13-561 is appropriate.

The proposed parking garage is part of a residential development located across First Avenue from the United Nations building, with large units which the applicant states would be marketed to diplomats and their families. The Commission believes that diplomats generally require higher levels of security and part of that security comes from the use of automobiles with greater frequency than other residents of comparable neighborhoods in the City, generating a need for more parking.

The Commission also believes, given the extensive on-street parking restrictions in the area, the decline in the number of available off-street parking spaces, and the very low vacancy rates in existing parking facilities, that there are insufficient parking spaces available in this area.

The Commission has reviewed the Environmental Assessment Statement (EAS) prepared for the application and concurs with its conclusion that the proposed garage would not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement. According to the EAS, the proposed increase in the garage's capacity would generate five vehicle trips in the 8-9 AM peak hour, eight vehicle trips in the 12-1 PM midday peak hour, and nine vehicle trips in the 6-7 PM peak hour. The Commission believes that this modest increase in street traffic would not significantly impact the area. The Commission also notes that the "stop lines" that would be placed in the circular driveway and a warning bell that would be placed at the entrance/exit would slow traffic out of the site and reduce conflicts with pedestrians.

The Commission believes that the location of the garage would draw a minimum of vehicles to and through local residential streets. The Commission notes that vehicles would exit the garage onto East 46th Street, which is a one-way street heading east to First Avenue, which provides access to the FDR Drive at East 49th and East 42nd streets. Cars returning to the garage enter East 46th Street from Second Avenue. The Commission notes that existing development on the

these streets is primarily composed of office, hotel, and retail uses, as well as the United Nations buildings, therefore neither First nor Second avenues, between East 40th and East 50th streets, would be considered “residential streets”.

The Commission is further notes that the proposed garage would contain 10 reservoir spaces, meeting the zoning requirement for an 88 space garage.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-561 (Accessory Off-Street Parking Spaces) of the Zoning Resolution:

1. That 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 20 percent of all such parking spaces, whichever is greater;
2. That within the vicinity of the site, there are insufficient parking spaces available;
3. That the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
4. That the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
5. That 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.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 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 G-Z/10 UNP Realty, 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 88 spaces, at grade level and in a portion of the sub-cellar level of a proposed mixed use building, on property located at 50 UN Plaza (Block 1339, Lot 19), in C1-9 and C5-2 Districts, 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 shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
2 of 3	Special Permit Parking Plan	11-09-2011
3 of 3	Special Permit Parking Plan	11-09-2011

- 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) 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.
- 5) 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.
- 6) 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, duly adopted by the City Planning Commission on April 11, 2012 (Calendar No. 7), 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,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. McRAE, Commissioners

MICHELLE R. DE LA UZ, Commissioner, Abstained.



MANHATTAN COMMUNITY BOARD SIX

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January 11, 2012

Amanda Burden

Chair

Department of City Planning

22 Reade Street

New York, NY 10007

RE: DCP - #120017ZSM for 50 U.N. Plaza – special permit for an 88 car accessory parking garage.

Dear Ms. Burden:

At the January 11th, Full Board meeting of Community Board 6 the following resolution was adopted:

WHEREAS, the applicant for this special permit application is G-Z/10 UNP Realty LLC

WHEREAS, the site is located on the northwest corner of First Avenue and East 46 Street; and

WHEREAS, the applicant presented an application to apply for a special permit (DCP #120017ZSM) for an 88 car accessory parking garage at 50 United Nations Plaza; and

WHEREAS, the New York City Zoning Regulation (ZR13-12) limits accessory parking spaces in new residential developments south of 60th Street to 20 percent of the project's units; and

WHEREAS, the applicant stated that the apartments will average 2,500 SF per unit, very large for an apartment building, and that if the same zoning envelope included "normal" sized apartments, 300 units would be permitted as of right, allowing 60 parking spaces as-of-right.

WHEREAS, the Zoning Resolution allows for the creation of 18 accessory parking spaces as-of-right for the applicant's plan to construct 87 new residential units; and

WHEREAS, the applicant seeks a special permit pursuant to ZR 13-561 to exceed that limit and provide parking for all of the new residential units and one space for the proposed retail unit; and

WHEREAS, the applicant's stated intention is to provide condominium apartments for diplomatic and consulate use, where a parking garage is necessary for diplomatic vehicles; and

WHEREAS, the parking is to be used as accessory use to the residential building only and not for commercial or public use; and

WHEREAS, residents living in the neighborhood attended the meeting in support of the proposed project; and

WHEREAS, in the 197-a plan, Community Board Six expressed its desire to restrict accessory parking to 10 percent of the project's units; and

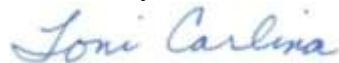
WHEREAS, Community Board Six is making an exception in this instance in recognition of the unique circumstances of this application (very large apartment units, "reservoir" space on site to prevent cars queuing on the street, accessory parking for residents only),

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for a (DCP - #120017ZSM) special permit for an 88 car accessory parking garage at 50 UN Plaza, provided that the site and building in final form remain as presented at the meeting.

VOTE: 25 in Favor 15 Opposed 1 Abstention 0 Not Entitled

Yours truly,



Toni Carlina
District Manager

Cc: Hon. Scott Stringer
Hon. Dan Garodnick
Dominick Aswini
Sherrill Kazan – Friends of Dag Ham
William Curtis - TBA
Terrence O'Neal



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

February 29, 2012

Recommendation on
ULURP Application No. C 120017 ZSM – 50 UN Plaza
by G-Z/10 UNP Realty, LLC

PROPOSED ACTIONS

G-Z/10 UNP Realty, LLC seeks a **special permit pursuant to Section 13-561 of the Zoning Resolution** ("ZR") to allow an attended accessory parking garage with a maximum of 88 spaces, at grade level and in a portion of the sub-cellar level of a new, residential and commercial building, at 50 UN Plaza (Block 1339, Lot 19). The site is located in C1-9 and C5-2 zoning districts in Manhattan Community District 6. The City Planning Commission issued a negative declaration for this application on December 1, 2011.

In order to grant the special permit, the City Planning Commission must find that (a) the additional spaces are needed for and will be used by, occupants, visitors, or employees of the building; (b) there is insufficient parking space available within the vicinity of the site; (c) the additional trips will not create or contribute to serious traffic congestion nor inhibit vehicular and pedestrian movement; (d) the entrance is located to draw a minimum amount of vehicular traffic to and through local streets; and (e) that there are an adequate number of reservoir spaces.

PROJECT DESCRIPTION

The applicant seeks a special permit to allow an attended accessory parking garage with a maximum of 88 spaces in a new building at 50 UN Plaza. The parking spaces will be located within 4,322 SF at grade level and in a 12,060 SF portion of the sub-cellar. The subject property is on a 20,150 SF lot on the northwest corner of East 46th Street and 1st Avenue. The eastern half of the lot is in a C5-2 zoning district; the western half of the lot is in a C1-9 zoning district.

The new 40-story building is being constructed as-of-right on the eastern half of the lot. It will include 274,420 SF of residential floor area (87 large condominium units) and one 5,000-SF ground floor restaurant space. The residential units are anticipated to be marketed to United Nations diplomats and senior staff.

The application proposes a parking space to residential unit rate of 100% and one space reserved for the ground-floor commercial space. Absent the proposed special permit, 17 accessory parking spaces would be permitted for the 87 residential units as-of-right, and one space would be available for the commercial floor area. The building will additionally include 45 bicycle parking spaces in the sub-cellar. Further, the applicant has stated that if the new residential building were designed to include conventionally-sized apartments, it could accommodate up to 300 units and, consequently, 60 accessory parking spaces as-of-right.

The proposed garage includes two vehicle elevators and a system of lanes that will also accommodate ten required reservoir spaces. The sub-cellar level of the garage will have 41 double stackers and six conventional spaces to accommodate the total 88 spaces. The at-grade-level portion of the facility includes an attendant station next to the elevators and a planted trellis over the car elevators.

The garage access is on East 46th Street by one 22-foot wide curb cut on the western half of the lot. The curb cut leads to a driveway with two 10-foot wide lanes, one for incoming vehicles and one for outgoing vehicles. Drivers entering through the eastern lane at East 46th Street can pull up to the building, drop off passengers and make a U-turn into the exit lane or proceed to the vehicle elevators to deposit the car with an attendant. Exiting vehicles use the western lane of the 22-foot wide curb cut on East 46th Street.

50 UN Plaza is located directly across from the United Nations campus, which is between 1st Avenue and the FDR Drive from East 42nd Street to East 48th Street. The diplomatic community is heavily concentrated in the immediate vicinity; there are 113 permanent missions and 43 consulates within ¼-mile of the project site. The blocks to the south and west of the proposed garage are heavily commercial, comprised of office buildings and ground-floor retail on the avenues. The blocks to the north of 50 UN Plaza, particularly east of 2nd Avenue, are dominated by low-rise and multi-story residential buildings.

East 46th Street, between 1st and 2nd avenues, is largely occupied by multi-family residential buildings, varying in height from 13 to 32 stories. There are commercial buildings with consular offices on the avenues at both ends of the street. Directly north of the site, fronting East 47th Street between 1st and 2nd avenues is Dag Hammarskjöld Plaza. This wide and shallow mapped park is characterized by a paved area of benches and the Katharine Hepburn Garden that borders its southern edge. The block to the north, across East 47th Street, consists of a mixture of uses and building types, including a low-rise church, the Japan Society and the 70-story Trump World Tower. There are 27 public garages or parking lots within ¼-mile of the subject property, including five on the project block.

COMMUNITY BOARD'S RECOMMENDATION

At its Full Board meeting on January 11, 2012, Community Board 6 recommended approval of this ULURP application by a vote of 25 in favor and 15 opposed. In the resolution, Community Board 6 cited its 197-a plan adopted in 2008, which expressed the Board's desire to restrict accessory parking to 10% of a project's residential units. However, the Board has recommended approval based on the exceptional circumstances of the proposed facility and the unique

consideration given to this application.

BOROUGH PRESIDENT'S COMMENTS

The public purpose of ZR § 13 is to control traffic congestion and ensure compliance with environmental standards by requiring a special permit for certain parking facilities, including accessory parking garage enlargements, in the Manhattan core. With increasing public concern about traffic congestion and pollution and recent City initiatives to discourage automobile use in the core, this policy has never been more relevant. Given the importance of this public purpose, applicants should satisfy the findings required by ZR § 13-561 under a very strict interpretation.

Case law establishes that applicants for a special permit are generally entitled to favorable consideration of their applications if they have demonstrated that they have met the specific findings identified in statute. However, given the important public purpose behind the special permit requirement and the importance of encouraging transit-based development instead of automobile use in Manhattan, applicants should satisfy the findings under as strict an interpretation as is reasonable.

The applicant generally meets the applicable findings of the special permit. On December 1, 2011, the CPC issued a negative declaration for this application, suggesting that the garage would have minimal adverse impact on the environment. The proposed 88-space garage would be unlikely to cause or contribute to significant traffic congestion, as it is typically measured, and would likely have limited interruption of pedestrian flow. The 27 parking facilities within a ¼-mile of the project site are currently occupied at 87.7% of capacity at the peak midday hour. Highly restrictive parking regulations in surrounding blocks preclude on-street parking availability. Furthermore, the application proposes the required number of reservoir spaces.

The proposed garage is intended to serve residents and their visitors. The application contends that the amenity of one parking space per residential unit is a factor of the relatively high incomes required to purchase a unit in the new residential building. Unfortunately, the U.S. Census data does not differentiate among income levels above \$150,000. However, census tracts with comparable incomes, such as sample tracts on the Upper East Side, show a rate of vehicle availability among owner-occupied housing units of 55%. The applicant's 100% parking space to residential unit rate is considerably higher than this sample.

As no quantifiable data exists without extrapolation, using income levels over \$150,000 as justification is problematic as the data is subject to interpretation. However, in presentations to the Community Board and Manhattan Borough President's office, the applicant framed an alternative rationale for the proposed number of spaces. The applicant intends to market the new residential units to the diplomatic community, which has unique needs. In addition to requirements of security, proximity and privacy, diplomatic officials largely travel by car. At the request of the Manhattan Borough President's office, the applicant provided a memorandum citing, to the degree possible, communication with diplomatic representatives in support of stated goals.

Given the site's proximity to the United Nations, missions and consulates, it is reasonable to assume the proposed users will draw heavily from the diplomatic community who will need the

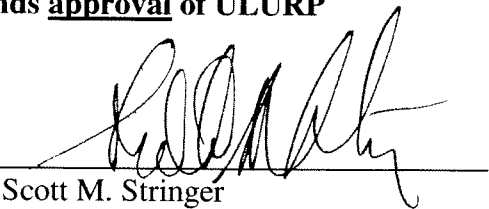
proposed spaces. Additionally, zoning allows one space for the proposed commercial space as-of-right, which is consistent with standard city parking space need assumptions.

The presence of the United Nations and international delegates contributes to this city's vitality. The proposed parking spaces are accessory to the new residential building that will serve the unique needs of this population. As such, it is appropriate to consider the requirements of the intended users in evaluating the findings, which support approval of this application.

BOROUGH PRESIDENT'S RECOMMENDATION

The proposed garage at 50 UN Plaza satisfies the required findings of this special permit. The proposed 88 spaces are suitable in light of the unique population the new building is intended to serve.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 120017 ZSM.



Scott M. Stringer
Manhattan Borough President