



CITY PLANNING COMMISSION

January 5, 2005 | Calendar No. 21

C 050003 ZSM

IN THE MATTER OF an application submitted by the Dormitory Authority of the State 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 74-681(a)(1) of the Zoning Resolution to allow portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area to facilitate the enlargement of an existing community facility use on property bounded by West 58th Street, Tenth Avenue, West 59th Street and Eleventh Avenue (Block 1087, Lots 1, 5 and 25), within a general large scale development, in C2-7, C4-7 and C6-2 Districts, partially within the Special Clinton District.

The application was filed by the Dormitory Authority of the State of New York (DASNY) on July 1, 2004, and subsequently revised on August 10, 2004, for a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to allow portions of a railroad right-of-way which will be completely covered by a permanent platform to be included in lot area for the expansion of the John Jay College of Criminal Justice on property bounded by West 59th Street, Tenth Avenue, West 58th Street, and Eleventh Avenue in the Special Clinton District Other Area, Community District 4.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C 050003 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 050002 ZSM: a special permit, pursuant to Sections 74-743, 74-743(a)(1), 74-743(a)(2), and 74-744(c), to allow for the distribution of floor area and modification of height, setback and sign regulations in a proposed general large-scale development;

M970087B ZSM: cancellation of a restrictive declaration.

BACKGROUND

The project site is an approximately 160,700 square foot, full block site bounded by West 59th Street, Tenth Avenue, West 58th Street, and Eleventh Avenue. The expansion of John Jay College that is the subject of the proposed actions would occupy a 100,000 square foot area located on the midblock and western portions of the block, immediately to the west of the existing Haaren Hall facility of John Jay College. The portion of the site west of Haaren Hall is located within the Special Clinton District Other Area.

A more detailed description of the proposed project and the area is contained in the report on the related special permit application (C 050002 ZSM).

ENVIRONMENTAL REVIEW

This application (C 050003 ZSM), in conjunction with the related applications (C 050002 ZSM and M 970087 B 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 lead is the Dormitory Authority of the State of New York.

After a study of the potential environmental impact of the proposed action, a Negative Declaration

was issued on August 4, 2004

UNIFORM LAND USE REVIEW

This application (C 050003 ZSM), in conjunction with related application (C 050002 ZSM), was certified as complete by the Department of City Planning on August 23, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on October 6, 2004, and on that date, by a vote of 31 to 0 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of that recommendation appears in the report on the related special permit application (C 050002ZSM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 20, 2004, with conditions.

A summary of that recommendation appears in the report on the related special permit application

(C 050002ZSM).

City Planning Commission Public Hearing

On November 17, 2004 (Calendar No. 4), the City Planning Commission scheduled December 8, 2004, for a public hearing on this application (C 050003 ZSM). The hearing was duly held on December 8, 2004 (Calendar No. 6), in conjunction with the public hearing on the related application (C 050002 ZSM).. There were five speakers in favor of the application and no speakers in opposition, as described in the report on the related special permit application (C 050002 ZSM)..

CONSIDERATION

The Commission believes that the applications for a special permit (C 050003 ZSM) is appropriate.

A detailed consideration is contained in the report for the related special permit (C 050002 ZSM).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-681 of the Zoning Resolution:

1. the streets providing access to all uses pursuant to paragraph (a) of Section 74-681 are adequate to handle traffic resulting therefrom; and

2. the distribution of floor area and the number of dwelling units or rooming units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion of the development of enlargement located beyond the boundaries of such railroad or transit right-of-way or yard; and
3. all uses, developments, or enlargements located on the zoning lot or below a platform do not adversely affect one another; and
4. if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development does not preclude future use of, or improvements to, the right-of-way for such transportation use.

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 Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the Dormitory Authority of the State 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 74-681(a)(1) of the Zoning Resolution to allow portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area to facilitate the enlargement of an existing community facility use on property bounded by West 58th Street, Tenth Avenue, West 59th Street and Eleventh Avenue (Block 1087, Lots 1, 5 and 25), within a general large scale development, in C2-7, C4-7 and C6-2 Districts, partially within the Special Clinton District, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 050003 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 Skidmore, Owings & Merrill LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-2	Zoning Calculations, Site Plan, Roof Plan	07/01/04
Z-3	Average Curb Levels, Height and Setback Diagrams	07/01/04
Z-3A	Average Curb Levels, Height and Setback Diagrams	07/01/04
Z-6A	Cellar Level Plan (AMTRAK)	07/01/04
Z-20	Building Signage Elevations	08/06/04
Z-20A	Building Signage Location Plan	08/06/04
Z-22	Building Signage West Elevation	07/01/04

- 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 (C 050003 ZSM), duly adopted by the City Planning Commission on January 5, 2005, (Calendar No. 21), 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, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chair

**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN
PHILLIPS, Commissioners**

LISA A. GOMEZ, Commissioner, abstained

DOLLY WILLIAMS, Commissioner, recused