



CITY PLANNING COMMISSION

November 14, 2007 / Calendar No.19

C 060372 ZMM

IN THE MATTER OF an application submitted by 126 East 32nd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, changing from a C4-5A District to a C6-2A District property bounded by East 32nd Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31st Street and East 32nd Street, and a line 150 feet easterly of Park Avenue South, Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated August 20, 2007, and subject to the conditions of CEQR Declaration E-195.

The application for an amendment of the Zoning Map was filed by 126 East 32nd Street, LLC on March 2, 2006 to change a C4-5A district to a C6-2A district located in the mid-block between Park Avenue South and Lexington Avenue on the southerly side of East 32nd Street to facilitate the construction of a 12-story mixed use (residential/retail) development with a below grade 44-space public parking garage to be located at 122 East 32nd Street.

RELATED ACTION

In addition to the amendment of the Zoning Map 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:

C 060373 ZSM	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 44 spaces.
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BACKGROUND

The applicant is seeking a zoning map amendment (C 060372 ZMM) from a C4-5A district to a C6-2A district to facilitate a proposed 12-story mixed use (residential/retail) development with a for a 44-space public parking garage.

The subject rezoning area comprises approximately 17,295 square feet and is located on the south side of East 32nd Street between Park Avenue South and Lexington Avenue. The applicant owns lot 84 and 87 on Block 887 which are developed with a 44-space public parking lot and a homeless drop-in center on lot 87. The remainder of the zoning area is developed with an 18-story portion of the 34-story office building at 475 Park Avenue South (lot 95) and a 17-story office building (lot 88). A C6-4A zoning district abuts the rezoning area to the west and a C6-2A district abuts the site to the east.

The surrounding area is characterized by a mix of mid-rise and high-rise residential, commercial and institutional buildings, and parking facilities.

This area was rezoned in 1995 as part of the Department of City Planning's East Side rezoning (C 940304 ZMM). The rezoning area was changed from a C6-1 district to the current C4-5A district. The C4-5A has a maximum residential FAR of 4.0 for all uses. Buildings in the C4-5A district may have a maximum base height of 65 feet and a maximum building height of 80 feet.

The applicant is proposing to extend the C6-2A district just to the east of the rezoning area. The

C6-2A district has a maximum residential FAR of 6.02, a maximum commercial FAR of 6.0 and a maximum community facility FAR of 6.50. The 6-2A district has a maximum base height of 85 feet as well as a maximum building height of 120 feet.

If the rezoning is approved, the applicant intends to develop on lot 84, a 12-story (118 feet tall) residential building containing 38 dwelling units with ground floor retail space and a 44-space public parking garage. The drop-in center on lot 87 which is owned by the applicant, would remain but merged into the zoning lot for the proposed new building.

The applicant is also requesting a special permit (C 060373 ZSM) pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a 44-space attended public parking garage in the proposed mixed use development. Public parking garages in Manhattan Community Districts 1 to 8 are permitted only by special permit of the City Planning Commission. The proposed parking garage would be located on portions of the building's ground floor, cellar and sub-cellar.

Vehicles would enter and exit by a 20-foot curb cut (including splays) on East 32nd Street approximately 185 feet from Lexington Avenue. East 32nd Street is a one-way, eastbound sixty-foot wide street. The parking facility would operate 24 hours a day and provide nine reservoir spaces on a portion of the ground floor. The garage will have pedestrian warning lights and ringing bells to alert pedestrians of approaching vehicles exiting the garage. In addition, an overhead "Stop" sign would be installed at the exit of the garage as would safety mirrors on each side of the front and rear walls on the garage's ground floor.

ENVIRONMENTAL REVIEW

This application (C 060372 ZMM), in conjunction with the application for the related action (C 060373 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 06DCP079M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The conditional negative declaration included an (E) designation. The placement of the (E) designation (E-195) on the zoning map would eliminate the potential for significant adverse impacts associated with noise. To avoid any potential impacts, as part of the proposed action, the (E) designation would be placed on the development site (Block 887, Lot 84) and states the following:

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45dB(A). In order to maintain a closed-window condition, an alternate means of ventilation would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation would ensure that the proposed action would not result in a significant adverse impact due to noise.

The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the remediation measures to serve as a condition precedent to any change of use in such development or redevelopment or redevelopment of the property.

The applicant signed the conditional negative declaration on October 5, 2007. The conditional negative declaration was published in the City Record on August 24, 2007 and in the New York State Environmental Notice Bulletin on August 29, 2007. Pursuant to SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the conditional negative declaration was issued on October 17, 2007.

UNIFORM LAND USE REVIEW

This application (C 060372 ZMM), in conjunction with the application for the related action (C 060373 ZSM), was certified as complete by the Department of City Planning on August 20, 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 and the related application (C 060373 ZSM) on September 6, 2007, and on that date, by a vote of 23 in favor, 10 in opposition and 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (060372 ZMM), in conjunction with the application related action (C 060373 ZSM) was considered by the Borough President, who issued a recommendation approving the application on October 12, 2007.

City Planning Commission Public Hearing

On October 3, 2007 (Calendar No. 5), the City Planning Commission scheduled October 17, 2007, for a public hearing on this application (C 060372 ZMM). The hearing was duly held on October 17, 2007 (Calendar No. 13), in conjunction with the public hearing on the application for the related action (C 060373 ZSM). There were three speakers in favor of the application and none in opposition.

Speakers in favor included two representatives of the applicant and a representative of the Manhattan Borough President.

The applicant's attorney described the requested actions and the proposed project. The applicant's land use consultant described the operation of the proposed 44-space public parking garage. The representative of the Manhattan Borough President reiterated the Borough President's recommendations.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning map amendment (C 060372 ZMM), in conjunction with the related special permit for public parking garage (C 060373 ZSM), is appropriate.

Zoning Map Amendment (C 060372 ZMM)

The proposed C6-2A district would be more consistent with the existing scale and character of the rezoning area. This medium density contextual district would be extended from Lexington Avenue onto the southern side of East 32nd Street. The C6-2A has a maximum residential FAR of 6.02, a maximum commercial FAR of 6.0 and a maximum community facility FAR of 6.50. The C6-2A has a maximum base height of 85 feet as well as a maximum building height of 120 feet. The proposed C6-2A district would enable the applicant to construct a 12-story Quality Housing development.

Special Permit for Public Parking Garage (C 060373 ZSM)

The Commission notes that the project site is currently occupied by a 44-space public parking lot

and the proposed garage would replace these spaces. It 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 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 lanes traveling east along East 32nd Street and two moving lanes traveling north and south on Park Avenue South and south on Lexington Avenue. Drivers utilizing the garage are expected to arrive and depart by way of Park Avenue South, East 32nd Street and Lexington Avenue which are not local streets in residential areas. According to the Environmental Assessment Statement prepared for the application, the proposed action would not generate enough vehicular trips to warrant an additional traffic study.

The parking facility would provide the required nine reservoir spaces at the ground floor entrance. The public parking garage would have pedestrian warning lights and ringing bells in addition to a “Stop” sign, and mirrors to help avoid conflicts between vehicles and pedestrians.

RESOLUTION

RESOLVED, the City Planning Commission finds that the action described herein will have no significant effect on the quality of the environment, once modified as follows:

The applicant, 126 East 32nd Street, LLC, agrees via a restrictive declaration to prepare

a Remedial Plan, including a health and safety plan for the Department of Environmental Protection (DEP) for approval. If necessary, remediation measure would be undertaken pursuant to the remediation plan;

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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8d, changing from a C4-5A District to a C6-2A District property bounded by East 32nd Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31st Street and East 32nd Street, and a line 150 feet easterly of Park Avenue South, Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated August 20, 2007, and which includes CEQR Designation E-195.

The above resolution, duly adopted by the City Planning Commission on November 14, 2007 (Calendar No. 19), 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.

KENNETH J. KNUCKLES, Esq., Vice-Chairman
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DOLLY WILLIAMS, Commissioners

