



CITY PLANNING COMMISSION

May 23, 2007/Calendar No. 22

C 070073 ZSM

IN THE MATTER OF an application submitted by Carlisle 839 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a 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 529 spaces on a portion of the ground floor, cellar and sub-cellar of a proposed mixed use development, on property located at 839 Sixth Avenue (Block 805, Lots 59 and 67), in C6-4X and M1-6 Districts, Borough of Manhattan, Community District 5.

The application was filed by Carlisle 839 LLC on August 23, 2006, for a special permit pursuant to Section 74-52 and Section 13-562 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 529-spaces on property located at 839 Sixth Avenue. The property is located in C6-4X and M1-6 Districts, on a site located on the west side of Sixth Avenue, between West 29th and West 30th streets.

BACKGROUND

The proposed garage would be located on a portion of the ground floor and the cellar and subcellar levels of an as-of-right 46-story mixed-use building proposed for 839 Sixth Avenue. A two-story attended public parking garage which occupied the site has been demolished.

The building at 839 Sixth Avenue will contain 240 dwelling units, 287 hotel guest rooms and approximately 9,000 square feet of retail space. It is expected that the garage would be used by the future residents, hotel guests, and retail customers of the 839 Sixth Avenue building and the public. When completed, the building will occupy the entire blockfront between West 29th and West 30th Street, on the west side of Sixth Avenue. A through-block urban plaza would connect West 29th

and West 30th streets. The project site contains approximately 32,432 square feet. The site was formerly occupied by a 560-space two-story attended public parking garage which has been demolished to facilitate construction of the subject proposed development.

The surrounding area is developed with a mix of commercial and residential uses. To the south of the subject site on Sixth Avenue are several recently constructed mixed-use residential buildings interspersed with existing multistory loft buildings containing commercial, office, and warehouse space on the upper floors and retail uses on the ground floors. The Herald Square district, located to the north of the site, contains the Macy's department store, the Manhattan Mall, as well as other smaller retail establishments, hotels, and related uses. Pennsylvania Station and Madison Square Garden are both located to the west of the site.

The special permit would facilitate the construction of an attended public parking garage with 529 spaces plus 26 reservoir spaces on the ground floor, cellar, and two sub-cellar levels of 839 Sixth Avenue. The garage would total approximately 113,000 square feet. Access and egress to the garage would be via a curb cut measuring 22' 5" inclusive of splays to be located on West 30th Street, approximately 54 feet west of Sixth Avenue, and a second curb cut measuring 23 feet inclusive of splays to be located on West 29th Street, approximately 25 feet west of Sixth Avenue. On West 29th Street, access to the garage would be from a one-story structure. This structure would be faced with corrugated glass panels and would have a green roof that would be planted with a blue grass/fescue lawn mix.

On West 30th Street, entry to the garage would be located on the ground floor of the proposed mixed-use building. West 29th Street has one-way westbound traffic; and West 30th Street has one-

way eastbound traffic. An interior ramp would provide vehicular access between the subcellar and street levels. Audio and visual alarms would be located at both curb cuts to alert pedestrians of approaching vehicles exiting the garage.

ENVIRONMENTAL REVIEW

This application (C 070073 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 07DCP008M. 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 on February 23, 2007 stating the following:

The applicant agrees to perform a Phase II testing program with respect to the subject property (Block 805, Lot 59) under the supervision of the NYC Department of Environmental Protection (DEP) in accordance with the terms of a Restrictive Declaration prior to any actions by the City Planning Commission in connection with this application.

UNIFORM LAND USE REVIEW

This application (C 070073 ZSM) was certified as complete by the Department of City Planning on February 26, 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 application (C 070073 ZSM) on March 8, 2007 and on that date, by a vote of 30 to 0 with 1 abstention, adopted a resolution recommending approval of the application.

Borough President's Recommendation

This application was considered by the Borough President, who issued a recommendation on April 5, 2007, approving the application.

City Planning Commission Public Hearing

On April 11, 2007(Calendar No. 5), the City Planning Commission scheduled April 25, 2007 for a public hearing on this application (C 070073 ZSM). The hearing was duly held on April 25, 2007 (Calendar No. 22). There were two speakers in favor of the application and no speakers in opposition.

The applicant's representative described the project. A representative of the Borough President noted that the proposed garage met the findings of the special permit and reiterated the Borough President's approval. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that grant of this special permit (C 070073 ZSM) is appropriate. The Commission believes that the proposed 529-space public parking garage will be compatible with, and supportive of, the character of the surrounding area. The Commission notes the high demand

for public parking generated by the commercial and entertainment uses focused around Herald Square and Madison Square Garden and the increasing number of residential units found along Sixth Avenue. The garage will be within a 46-story building with 240 dwelling units, 287 hotel guest rooms and approximately 9,000 square feet of retail space that would generate demand for parking. The Commission further notes that the development will replace a two-story attended 560 space public parking garage. The Commission believes that the proposed public parking garage will help meet the demand for parking created by the existing entertainment and commercial uses and growing number of residences in the area.

The Commission notes that the Environmental Assessment Statement prepared for this application determined that the garage would generate five more vehicle trips during the weekday morning and evening peak hours, and six fewer trips during the noon peak hour, than are currently generated by the existing garage. The Commission believes that the slight increase in traffic during the weekday morning and evening peak hours would not contribute to serious congestion or unduly inhibit pedestrians and notes that the garage would have a flashing light and ringing bell at its entrances to visually and audibly alert pedestrians to the presence of an exiting vehicle. The Commission notes that the EAS indicated that nearby streets can accommodate the trips generated by the garage, and that the nearby streets providing access to the garage are not local streets in residential areas, but are wide avenues surrounded mainly by office and commercial uses and smaller, 60-foot wide commercial streets. The garage will provide twenty six reservoir spaces.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-52

(Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

1. That such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
2. That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow;
3. That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
4. That such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable; and
7. Not applicable.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following condition:

The applicant agrees to perform a Phase II testing program with respect to the subject property (Block 805, Lot 59) under the supervision of the NYC Department of Environmental Protection (DEP) in accordance with the terms of a Restrictive Declaration prior to any actions by the City Planning Commission in connection with this application;

and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter for the grant of a 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 529 spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 839 Sixth Avenue (Block 805, Lots 59 and 67) in C6-4X and M1-6 Districts, Borough of Manhattan, Community District 5, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 070073 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 Perkins Eastman Architects, filed with this application and incorporated in this resolution:

<u>Title</u>	<u>Last Date Revised</u>
First Floor Plan	January 12, 2007
Sub-Cellar 1 Floor Plan, Sub-Cellar 2 Floor Plan	January 12, 2007
Sub-Cellar 3 Floor Plan	January 12, 2007

- 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.
- 7) The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 02DCP006M) dated February 22, 2007, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:
- “The applicant agrees to perform a Phase II testing program with respect to the subject property (Block 805, Lot 59) under the supervision of the NYC Department of Environmental Protection (DEP) in accordance with the terms of a Restrictive

Declaration prior to any actions by the City Planning Commission in connection with this application.”

The above resolution (C 070073 ZSM), duly adopted by the City Planning Commission on May 23, 2007, (Calendar No. 22), 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 Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
BETTY Y. CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**