



CITY PLANNING COMMISSION

January 10, 2007/Calendar No. 15

C 060106 ZSM

IN THE MATTER OF an application submitted by West 60th Street Associates, LLC and West End Properties, 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 200 spaces, including 121 accessory spaces, on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use development on property generally east of West End Avenue, between West 60th and West 61st Streets (Block 1152, Lots 5, 8,10, 11, 12, 13, 43, 52, 53, 55, 56 and 57), in C6-2 and R8 Districts, within a general large scale development, Borough of Manhattan, Community District 7.

This application for a Special Permit was filed by West 60th Street Associates, LLC and West End Properties, LLC on August 26, 2005, to allow an attended public parking garage with a maximum capacity of 200 spaces, including 121 accessory spaces, on portions of the ground floor, cellar and sub-cellar of a proposed mixed use development on the midblock portion of the block bound by West End Avenue, Amsterdam Avenue, West 60th Street and West 61st Street.

RELATED ACTIONS

In addition to the application for the amendment of the zoning map which is the subject of this report (C 060106 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

N 060103 ZRY: A Zoning Text Amendment concerning Section 74-74 of the Zoning Resolution (General Large-Scale Development);

C 060104 ZMM: An amendment to the Zoning Map, changing an existing M1-6 District to C4-7/C6-2 Districts; and

C 060105 ZSM: A Special Permit pursuant to Section 74-743 of the Zoning Resolution (Special provisions for bulk modification).

BACKGROUND

A full background discussion and project description appears in the report on the related special permit application (C 060105 ZSM).

ENVIRONMENTAL REVIEW

This application (C 060106 ZSM), along with the related actions (N 060103 ZRY, C 060104 ZMM, and C 060105 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 05DCP063Y. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related special permit application (C 060105 ZSM).

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

This application (C 060106 ZSM), in conjunction with the application for related actions (C 060104 ZMM and C 060105 ZSM) was certified as complete by the Department of City Planning on August 7, 2006, and was duly referred to Manhattan Community Board 7 and the Manhattan Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 060106 ZSM) on October 3, 2006. A full discussion of the Community Board 7 resolution appears in the report on the related special permit application (C 060105 ZSM).

Borough President Recommendation

This application (C 060106 ZSM) was considered by the Borough President. A full discussion of the Community Board 7 resolution appears in the report on the related special permit application (C 060105 ZSM).

City Planning Commission Public Hearing

On November 15, 2006, (Calendar No. 4), the City Planning Commission scheduled December 6, 2006, for a public hearing on this application (C 060106 ZSM). The hearing was duly held on December 6, 2006 (Calendar No. 12), in conjunction with the hearings on the related applications (N 060103 ZRY, C 060105 ZSM and C 060106 ZSM). A full description of the City Planning Commission public hearing appears in the report on the related special permit application (C 060105 ZSM).

CONSIDERATION

The Commission believes that this application for Special Permit (C 060106 ZSM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related special permit application (C 060105 ZSM).

FINDINGS

Based upon the above consideration, the City Planning Commission hereby makes the following finding required by Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas);

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 traffic 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

and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable
7. Not applicable

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on December 29, 2006, with respect to this application (C 010606 ZSM), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic, and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable; and

The report of the City Planning Commission, together with this FEIS, constitute 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 it 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 application submitted by the West 60th Street Associates, LLC and West End Properties, LLC (C 060106 ZSM) 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 200 spaces, including 121 accessory spaces, on portions of the ground

floor and cellar and sub-cellar of a proposed mixed use development on property generally east of West End Avenue, between West 60th and West 61st Streets (Block 1152, Lots 5, 8, 10, 11, 12,13, 43, 52, 53, 55, 56 and 57), in C6-2 and R8 Districts, within a general large scale development, in Community District 7, Borough of Manhattan, is approved subject to the following conditions:

1. The application that is the subject of this application (C 060106 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 H. Thomas O’Hara Architect, PLLC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-01	Site Plan	August 2, 2006
Z-02	Height and Setback Diagrams Distance Between Buildings	August 2, 2006
Z-05	Garage – Ground Level	July 31, 2006
Z-06	Garage – Cellar Level	July 31, 2006
Z-07	Garage – Sub-Cellar Level	July 31, 2006
LZ-01	Landscape Courtyard Plans Materials and Plantings	July 27, 2006
LZ-02	Landscape Open Space Plans Materials and Plantings	July 27, 2006
LZ-03	Landscape Open Space Fence Details	July 27, 2006

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. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 05DCP063Y) issued on December 29, 2006 (and identified as practicable) as follows:

HAZARDOUS MATERIALS

Independent of the proposed action, the applicant applied and was accepted into the Brownfield Cleanup Program administered by NYSDEC on April 19, 2005. An Interim Remedial Work Plan was approved on June 16, 2006, and a Remediation Work Plan was approved on July 5, 2006. The applicant also entered into a restrictive declaration, on November 8, 2006, that ensures that if the BCP agreement is terminated, any development of the project site would proceed under the oversight of the NYCDEP (see Appendix A: “Hazardous Materials”). The restrictive declaration for hazardous materials, in conjunction with the BCP agreement, would ensure that no significant adverse hazardous materials impacts would result from the development of the proposed project.

TRAFFIC

As discussed in “Traffic and Parking,” the proposed action would result in significant adverse impacts at a number of study area analysis locations. To alleviate these project-related impacts, mitigation measures were studied. These measures, detailed below, would primarily involve retiming signal controls to increase green time for impacted movements and daylighting at intersection approaches to provide additional travel lanes or turn pockets.

Columbus Avenue and West 57th Street—Curbside activities are currently permitted along the west side of the southbound approach during all hours except for the PM peak period (4 to 7 PM), when southbound right-turn vehicles are accommodated on the west curb lane. To mitigate the impacts identified for the AM and midday peak hours, intersection daylighting (displacing two parking spaces at the intersection approach) is required to also provide a southbound exclusive right-turn lane during these periods. In addition, a shift of 2 seconds of green time from the southbound phase to the westbound phase is required for the AM peak hour. During the PM peak hour, a one-second shift from southbound to westbound would suffice.

Columbus Avenue and West 60th Street—The midday peak hour eastbound impact could be mitigated by shifting one second of green time from the southbound phase to the eastbound/westbound phase.

Amsterdam Avenue and West 57th Street—The eastbound and westbound impacts during the AM peak hour and the eastbound impact during the PM peak hour could be mitigated by shifting one and two seconds, respectively, of green time from the northbound phase to the eastbound/westbound phase.

Amsterdam Avenue and West 59th Street—The eastbound impact during the AM and PM peak hours could be mitigated by shifting one second of green time from the northbound phase to the eastbound/westbound phase.

Amsterdam Avenue and West 65th Street—The eastbound impact during the AM peak hour could be mitigated by shifting one second of green time from the northbound phase to the eastbound phase.

West End Avenue and West 59th Street—The eastbound left-through impact and the westbound left-through impact during the AM and PM peak hours could be mitigated by shifting one second of green time from the northbound/southbound phase to the eastbound/westbound phase.

West End Avenue and West 66th Street—The westbound impact during the midday peak hour could be mitigated by shifting one second of green time from the northbound/southbound phase to the eastbound/westbound phase.

The proposed traffic mitigation measures would reduce the maximum predicted 8-hour CO concentrations at the West 59th Street and West End Avenue intersection, back to No Build levels. Therefore, no significant adverse air quality impacts would result from the implementation of the proposed traffic mitigation measures.

5. 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.
6. 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.
7. 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.

8. 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 of January 10, 2007 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and 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,

RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS,

Commissioners

ANGELA R. CAVALUZZI, R.A., Commissioner, Voting "No"

