



CITY PLANNING COMMISSION

June 21, 2006, Calendar No. 16

C 050520 ZSM

IN THE MATTER OF an application submitted by 1515 Broadway Fee Owner 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 386 spaces on a portion of the ground floor, cellar, mezzanine cellar, 2nd cellar, and 3rd cellar of an existing 54-story building on property located at 1515 Broadway (Block 1016, Lot 36), in a C6-7T District, within the Special Midtown District (Theater Subdistrict), Community District 5, Borough of Manhattan.

The application was filed by 1515 Broadway Fee Owner LLC on June 23, 2005 for a special permit pursuant to Section 74-52 and Section 13-562 of the Zoning Resolution for a 386-space attended public parking garage on the ground floor and four below-grade levels of an existing 54-story office building located on the west side of Broadway between West 44th and West 45th streets.

BACKGROUND

The project site is located in a C6-7T zoning district – a 14.0 FAR central commercial district. It is located within the Theater Subdistrict Core of the Special Midtown District. The 65,765 square foot lot is developed with the 54-story 1515 Broadway building which contains 1,721,672 square feet of floor area. The building is also known as 1 Astor Plaza or the Viacom Building, and was completed in 1971. In addition to office space, the building contains the 2100-seat Nokia Times Square Theater, the 1700-seat Minskoff Theater and the Music Television studios. The building contains an accessory parking garage which the applicant seeks to convert to public use. The applicant also wishes to increase the permitted capacity of the garage from 225 to 386 spaces.

The garage is located in the heart of Times Square. The project site is surrounded by large office and hotel buildings as well as Broadway theaters. Most structures in the area contain ground floor retail and entertainment uses. Aside from the 1515 Broadway building, the affected block contains seven Broadway Theaters and the Milford Plaza Hotel.

The applicant seeks a special permit pursuant to Sections 13-562 and 74-52 to facilitate the conversion of an existing 225-space accessory parking garage to a 386-space, attended, public parking garage on the ground floor, cellar, mezzanine cellar, 2nd cellar and 3rd cellar levels of 1515 Broadway. The garage contains 77,349 square feet of floor space. Since no construction would take place in connection with the application, the size of the garage would remain unchanged.

The garage would continue to be accessed by way of two, two-way ramps. A 20-foot-wide curb cut and 20-foot-wide two-way ramp provide access to the garage 275 feet west of Broadway along West 44th Street, a one-way east-bound street. A 27-foot-wide curb cut and 20-foot-wide ramp provide access from west-bound West 45th Street, 180 feet west of Broadway. West 44th and West 45th streets are served by Eighth Avenue to the west and Broadway/Seventh Avenue to the east.

Nineteen reservoir spaces would be located on the ramps and on the cellar level of the garage. The garage would be fully attended, and an attendants' booth is located on the cellar level.

ENVIRONMENTAL REVIEW

This application (C 050520 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 05DCP064M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 21, 2006.

UNIFORM LAND USE REVIEW

This application (C 050520 ZSM) was certified as complete by the Department of City Planning on February 21, 2006, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 5 held a public hearing on this application on April 11, 2006, and on that date, by a vote of 25 to 0 with 3 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 19, 2006.

City Planning Commission Public Hearing

On May 10, 2006 (Calendar No. 11), the City Planning Commission scheduled May 24, 2006, for a public hearing on this application (C 050520 ZSM). The hearing was duly held on May 24, 2006 (Calendar No. 13). There were two speakers in favor of the application and none in opposition.

The applicant's representative spoke in favor of the application and discussed the history and past use of the garage.

The Manhattan Borough President's Deputy Director of Land Use reiterated the Borough President's support for the special permit.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that granting the special permit (C 050520 ZSM) is appropriate.

The Commission notes that the Times Square area is densely developed with uses that generate heavy traffic volumes. Expanding the permitted capacity of the existing garage and converting it to public use would provide parking for office workers and people visiting the many businesses in the area. It would also help to meet demand for parking generated by theater patrons and tourists visiting Times Square. The garage would benefit, and be compatible with, the mix of existing uses in the area, including Broadway theaters, retail stores, commercial businesses, hotels, offices and tourist attractions.

According to the Environmental Assessment Statement prepared in connection with the special permit application, the incremental increase in traffic resulting from the conversion to public use and increase in capacity of this parking garage would not significantly alter traffic conditions on the local street network. The EAS predicted that, as proposed, the garage would generate an additional 27, 14, 50 and 40 vehicle trips per hour in the morning, midday, evening and pre-theater peak hours,

respectively. The EAS also indicated that surrounding streets can accommodate the trips expected to be generated by the proposed garage. The Commission believes that the garage will not create serious traffic congestion and believes that it will help to alleviate some existing congestion in the Times Square area by providing 386 parking spaces available to the public.

The Commission notes that the entrances to the garage are provided at a significant distance from Broadway, which is heavily used by pedestrians. Along West 44th Street, the access ramp is located 275 feet west of Broadway. The West 45th Street ramp is sited 180 feet west of Broadway. The Commission believes the ramps are appropriately located, and vehicles using the ramps will not unduly inhibit pedestrian traffic. Because the building is set back nearly 20 feet from the sidewalk at both ramps, cars emerge from the garage with wide views of the adjoining sidewalks.

The Commission believes the proposed public parking garage will not have an adverse impact on local residential streets in the area. Like the nearby avenues, West 44th and West 45th streets are not local residential streets and are developed with commercial and entertainment uses, including many theaters.

The Commission notes that the required 19 reservoir spaces will be provided on the 44th and 45th Street ramps and on the cellar level of the garage in order to prevent queuing issues that could otherwise be caused by vehicles attempting to enter the garage.

FINDINGS

The City Planning Commission hereby makes the 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; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 1515 Broadway Fee Owner 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 386 spaces on a portion of the ground floor, cellar, mezzanine cellar, 2nd cellar, and 3rd cellar of an existing 54-story building on property located at 1515 Broadway (Block 1016, Lot 36), in a C6-7T District, within the Special Midtown District (Theater Subdistrict), Community District 5, Borough of Manhattan, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 050520 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 Arpad Baksa Architect, P.C., filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
CPT-1	Title Sheet and Zoning Calculations	June 13, 2005
CP-1A	Existing Ground Floor Plan	June 13, 2005
CP-2	Proposed Level 1C Plan	June 13, 2005
CP-3	Proposed Level 2C Plan	June 13, 2005
CP-4	Proposed Level 3C Plan	June 13, 2005
CP-5	Proposed Level 4C Plan	June 13, 2005

- 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 050520 ZSM), duly adopted by the City Planning Commission on June 21, 2006, (Calendar No. 16), 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.,
JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
COMMISSIONERS

KAREN A. PHILLIPS, COMMISSIONER, VOTING NO

ALFRED C. CERULLO, III, COMMISSIONER, RECUSED