



CITY PLANNING COMMISSION

March 10, 2010 Calendar No. 8

C 090367 ZSM
CORRECTED

IN THE MATTER OF an application submitted by Central Parking Systems 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 a public parking garage with a maximum capacity of 220 spaces and to allow some of such spaces to be located on the roof of an existing 6-story garage building on property located at 159 West 48th Street (Block 1001, Lot 6), in C6-7T and C6-5.5 Districts, within the Special Midtown District (Theatre Subdistrict), Community District 5, Borough of Manhattan.

The application was filed by Central Parking Systems on March 30, 2009 for a special permit pursuant to Section 13-562 and Section 74-52 of the Zoning Resolution in order to convert an existing accessory parking garage, located at 159 West 48th Street (Block 1001, Lot 6) and containing 213 spaces, to a public parking garage with 220 spaces. .

BACKGROUND

The existing garage at 159 West 48th Street was built originally as an accessory garage to the building at 1185 Sixth Avenue, which is located directly to the east of the existing garage. Unlike most accessory garages, this garage was accessory to a building which is off site. This application seeks to convert this garage from accessory to public use.

The zoning lot on which the garage is located is split between a C6-7T district mapped to a depth of 200 feet from Seventh Avenue, and a C6-5.5 district, mapped on the midblock. The entire zoning lot is within the Theater Subdistrict Core of the Special Midtown District. The C6-7T permits a basic maximum FAR of 14 and the C6-5.5 permits a basic maximum FAR of 12. The purpose of the Theater Subdistrict of the Special Midtown District is to preserve and protect the cultural, theatrical and entertainment character of the area generally bounded by Eighth Avenue, West 57th

Street, Sixth Avenue and West 40th Street. A portion of the subdistrict extends 150 feet west of Eighth Avenue between West 42nd and West 45th Street.

The surrounding area has a number of Broadway theaters and is predominately commercial in nature. To the east of the site, Sixth Avenue has number of large office buildings including 1185 Avenue of the Americas. To the west of the site is the Times Square area, with its concentration of entertainment, shopping, office, and hotel uses.

Project Description

The garage is located on the north side of West 48th Street between Sixth and Seventh Avenues. The site has a lot area of approximately 11,250 square feet with about 105 feet of frontage on West 48th Street. The garage building is seven stories with a basement and subbasement and is underbuilt, containing about 89,000 square feet of floor area (FAR of 7.92) on a site which allows approximately 156,000 square-feet of floor area. The ground floor of the building contains two retail units totaling about 3,500 square feet of floor area. The rest of the building is occupied by the garage, which provides parking spaces on all the levels including the roof.

The Certificate of Occupancy for the parking garage states that the garage is accessory to the building at 1185 Sixth Avenue and transient parking is allowed as a secondary use. On October 15th, 2009 the Department of Buildings issued a violation to the building owner for operating the garage as a public parking facility contrary to the Certificate of Occupancy for the building.

The garage is located on West 48th Street, an eastbound one-way street. As proposed, the garage would use two reconfigured curb cuts on West 48th Street, each approximately 20' in width, including two, 1'2" splays. Eleven reservoir spaces would be located on the ground floor. Three lanes would be provided for entry traffic and one exit lane. Additionally, bicycle parking space would be provided for approximately 23 bikes. The

garage would be fully attended 24 hours a day, seven days a week and a pedestrian safety device would be installed at the entrance. The capacity of the garage would be increased from 213 spaces to 220 spaces through the use of stackers.

Vehicles traveling to the garage would travel south along Seventh Avenue, and turn left (east) onto West 48th Street. Vehicles exiting the garage would turn left (east) onto West 48th Street. Vehicles can then turn left (north) on Sixth Avenue, or, proceed west along West 48th Street and make a right (south) onto Fifth Avenue.

ENVIRONMENTAL REVIEW

This application (C 090367 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 09DCP062M. 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 November 2, 2009.

UNIFORM LAND USE REVIEW

This application (C 090367 ZSM) was certified as complete by the Department of City Planning on November 2, 2009, 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 December 10, 2009 and on that date, by a vote of 32 in favor with none opposed and 2 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on January 14, 2010 approving the application with the comment that the applicant commit to install additional screening on the rooftop to ensure that the headlights from cars on the roof do not shine directly into adjacent buildings.

City Planning Commission Public Hearing

On January 27, 2010 (Calendar No. 1), the City Planning Commission scheduled February 10, 2010 (Calendar No. 10), for a public hearing on this application (C 090367 ZSM). On February 10, 2010 (Calendar No. 10) the hearing was duly held. There were two speakers on the application.

The Director of Land Use from the Manhattan Borough President's office reiterated the Borough President's recommendation for approval and noted the commitments to adjust rooftop lighting and install fencing on the roof.

The applicant's counsel briefly described the project and explained that a public parking garage would complement the uses in the surrounding area, in particular the Broadway theaters and further explained the history of the garage at this site.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for this special permit (C 090367 ZSM) is appropriate.

The Commission notes that an accessory garage with 213 spaces already exists on the site and believes that a public parking garage at this location will serve the patrons of a variety of nearby uses, such as the large commercial office buildings along Sixth Avenue; the entertainment and hotel uses concentrated nearby in Times Square; as well as the adjacent Broadway theaters, a vital economic engine for the City of New York.

The Commission notes that the area is primarily commercial and that vehicles that access the garage will likely use Seventh Avenue and cars exiting will use Sixth Avenue, both wide commercial corridors.

The Commission notes that on-street public parking is limited in the immediate vicinity surrounding the project site and therefore there is inadequate street parking to accommodate the demand.

In addition, the Commission believes that measures designed to enhance pedestrian safety, a flashing light and ringing bell would be installed to notify pedestrians both visually and audibly of the presence of an exiting vehicle and would effectively mitigate conflict between pedestrians and vehicles entering/exiting the garage.

The Commission notes that the garage will provide the required eleven reservoir spaces. The provision of these reservoir spaces will ensure that cars awaiting parking will be held within the proposed garage and not impede traffic flow on West 48th Street.

The Commission further notes that, as stated at the public hearing, the applicant has agreed to install screening on the roof top so as to protect adjacent buildings from the headlights of cars parked on the roof.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-52 of the Zoning Resolution:

(a) 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;

(b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;

(d) 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;

(e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and;

(g) that, where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

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 the Central Parking Systems pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-562 and Section 74-52 of

the Zoning Resolution to allow an attended off- street public parking garage with a maximum capacity of 220 spaces in an existing mixed-use building on property located at 159 West 48th Street (Block 1001, Lot 6), in C6-7T and C6-5.5 districts, within the Special Midtown District (Theatre 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 090367 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 Sam Schwartz Engineering, filed with this application and incorporated in this resolution:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
SSE-1	Ground Level Proposed	2/11/2010
SSE-2	Basement Level	2/11/2010
SSE-3	48 th Street Elevation	2/11/2010
SSE-4	First Level	10/30/2009
SSE-5	Second Level	10/30/2009
SSE-6	Third Level	10/30/2009
SSE-7	Fourth Level	10/30/2009
SSE-8	Fifth Level	10/30/2009
SSE-9	Sixth Level	10/30/2009
SSE-10	Roof Level	10/30/2009

- 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 090367 ZSM), duly adopted by the City Planning Commission on March 10, 2010 (Calendar No. 8), 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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chair
ANGELA BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY CHEN, RICHARD EADDY,
ANNA H. LEVIN, SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners