



CITY PLANNING COMMISSION

June 21, 2006, Calendar No. 15

C 060169 ZSM

IN THE MATTER OF an application submitted by Sagamore 54th St. Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution to allow an accessory off street parking garage with a maximum capacity of 10 spaces on a portion of the ground floor and cellar of an existing building on property located at 421-429 West 54th Street (Block 1064, Lots 16), in a C6-2 District, within the Special Clinton District (Preservation Area), Community District 4, Borough of Manhattan.

The application was filed by Sagamore 54th St. Investments LLC on October 3, 2005 for a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution for a 10-space accessory parking garage on the cellar level of an existing building to be converted to mixed use.

BACKGROUND

The project site is an approximately 12,500 square foot zoning lot located on the midblock of West 54th Street between Ninth and Tenth avenues in the Clinton neighborhood. The site is currently occupied by a six-story commercial building formerly known as the Hit Factory – named for a major recording studio that was a former tenant of the building. The remainder of the building is occupied by various commercial tenants, including a guitar company, a piano company, and a licensor of musicals and plays. The existing building has a vehicle elevator that connects the street with the cellar level, which was used for storage and loading/unloading for the former recording studios.

The project site is located within a C6-2 district of the Special Clinton District Preservation Area. The maximum floor area permitted for any use within a C6-2 district in the Special Clinton District Preservation Area is 4.2.

Land uses surrounding the project site are a mix of residential with ground floor commercial use and commercial buildings as well. The block contains several tenement residential buildings between four and five stories in height, a two-story automobile repair garage, a one-story glass supplier, a four-story music school, a four-story recording studio, and several larger apartment and condominium buildings ranging from five to ten stories in height.

The larger area around the project site contains a mix of residential and commercial land uses. The blocks between Ninth and Tenth avenues are characterized by walk-up residential tenements and small apartment buildings with ground floor retail along the avenues. The same character is predominant east of Ninth Avenue. The area west of Tenth Avenue contains residential as well as some significant commercial uses, including the 25-story Verizon switching facility on Tenth Avenue and West 54th Street.

The applicant intends to convert the third through the sixth floors of the existing building to residential use and lease the cellar, ground and second floors to commercial tenants. The conversion of the building would be as-of-right within the C6-2 zoning district. The applicant is requesting a special permit pursuant to Section 13-561 to

facilitate construction of a 10-space accessory parking garage on the cellar level of the existing building. The applicant intends to allocate nine parking spaces to residential tenants and one space to a commercial tenant.

Section 96-111 of the Zoning Resolution generally prohibits off-street accessory parking within the Preservation Area of the Special Clinton District except through approval of special permits pursuant to Section 13-561 of the Zoning Resolution.

The approximately 3,100 square-foot, unattended, accessory garage would be located on the cellar level of the existing building. The garage would be accessed via a 17-foot wide curb cut leading to an elevator with capacity for one vehicle. Vehicles would enter the elevator from West 54th Street, a one-way eastbound street, by activating a remote control from within their vehicle. The elevator would descend to the cellar level and the tenant would park in one of the ten designated spaces on the cellar level.

The proposed garage would require two reservoir spaces; however, because the garage has fewer than 10 spaces, the applicant is requesting a waiver of this requirement pursuant to Section 13-561 of the Zoning Resolution.

ENVIRONMENTAL REVIEW

This application (C 060169 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 06DCP037M. 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 March 6, 2006.

UNIFORM LAND USE REVIEW

This application (C 060169 ZSM) was certified as complete by the Department of City Planning on March 6, 2006, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on April 5, 2006, and on that date, by a vote of 38 to 1, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on April 28, 2006, approving the application.

City Planning Commission Public Hearing

On May 10, 2006 (Calendar No. 10), the City Planning Commission scheduled May 24, 2006 (Calendar No. 12), for a public hearing on this application (C 060169 ZSM). There were two speakers in favor of the application and no speakers in opposition.

The applicant's counsel briefly described the project, the planned conversion of the existing building and the operation of the proposed garage.

The Deputy Director for Land Use from the Manhattan Borough President's office stated the Borough President's support for the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for this special permit (C 060169 ZSM) is appropriate.

The Commission notes that on-street public parking is limited in the immediate vicinity surrounding the project site. The proposed garage would serve the anticipated 40 employees of the commercial tenants within the building as well as the tenants of the 27 residential units. The Commission recognizes that the proposed garage would be

accessory to the residential and commercial uses proposed within the mixed-use building and would not operate as a public garage.

On-street parking is highly restricted on West 54th Street and is metered on Ninth and Tenth Avenues. The nearest off-street parking facility is located midblock between West 53rd and West 54th streets to the south of the project site. The Commission therefore believes that there are insufficient parking spaces available in the immediate vicinity and that the proposed garage would appropriately serve the needs of the employees and visitors of the mixed-use building.

The Environmental Assessment Statement prepared for this project indicated that the proposed project would not exceed the minimum threshold of 85 public parking spaces and that any associated adverse traffic impacts would therefore be unlikely. The proposed garage would be accessed via West 54th Street, which is a one-way, eastbound street. Traffic entering the garage would approach from the south via Tenth Avenue, which is a wide street. Vehicles approaching the garage from the north would turn off Ninth Avenue at West 53rd Street, which is not a local residential street, proceed to Tenth Avenue and then to West 54th Street. Vehicles exiting the garage would proceed eastbound on West 54th Street to Ninth Avenue, which is a wide, one-way southbound avenue. As such, nearly all of the traffic associated with the garage would approach via streets that are not considered local residential streets. Additionally, the small size of the garage and its accessory use would further limit the amount of traffic expected to be

generated and drawn through local residential streets. The Commission also acknowledges that the vehicle elevator will be called and opened using a remote control from within the tenants' vehicles, which should reduce queuing time at street level and consequently minimize interference between queued vehicles and pedestrian traffic.

The Commission notes that the applicant proposes an accessory garage with only 10 spaces that is accessed via an existing vehicle elevator and is requesting a waiver of reservoir space requirements pursuant to Section 13-561. The Commission believes that reservoir spaces are unnecessary for this garage due to its small size and accessory use. The Commission also believes that the use of remote controls to open the elevator as vehicles approach the garage further reduces the need for reservoir space.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 13-561 (Accessory off-street parking spaces) of the Zoning Resolution.

1. That such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;
2. That, within the vicinity of the site, there are insufficient parking spaces available;
3. That the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;

4. That the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
5. That adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces.

The City Planning Commission hereby determines the findings pursuant to Section 96-111 (Off-street parking regulations) of the Zoning Resolution are inapplicable.

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 Sagamore 54th St. Investments LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution to allow an accessory off street parking garage with a maximum capacity of 10 spaces on a portion of the ground floor and cellar of an existing building on property located at 421-429 West 54th Street (Block 1064, Lots 16), in a C6-2 District,

within the Special Clinton District (Preservation Area), Community District 4, Borough of Manhattan, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 060169 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:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
CPZ-1	Zoning Calculations	September 26, 2005
CP-4	Cellar Floor Plan	December 6, 2005
CP-5	1st Floor Plan	December 6, 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 060169 ZSM), duly adopted by the City Planning Commission on June 21, 2006 (Calendar No. 15), 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
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