



## CITY PLANNING COMMISSION

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September 8, 2004/ Calendar No. 36

C 040445 ZSM

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**IN THE MATTER OF** an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 369 spaces on portions of the ground floor, cellar 1 level, cellar 2 level and cellar 3 level of a proposed 42-story mixed use building on a zoning lot located at 1800 Park Avenue** (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7 District, Borough of Manhattan, Community District 11.

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The application for the special permit was filed by the applicant, 1800 Park Avenue LLC, on May 6, 2004, pursuant to Section 74-52 of the Zoning Resolution, to facilitate the construction of an attended public parking garage with 369 parking spaces on portions of two sub-cellar levels of a proposed mixed-use building to be constructed at the southwest corner of East 125<sup>th</sup> Street and Park Avenue.

### RELATED ACTIONS

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 040443 ZMM:** Amendment to the Zoning Map, Section Nos. 6a and 6b, to rezone an existing area by eliminating a C1-4 District and changing R7-2 and C4-4 districts to a C4-7 district.
  
- C 040444 ZSM:** Special Permit pursuant to Section 74-721(a), to modify regulations regarding the height and setback and aggregate streetwall regulations for tower coverage controls.

### BACKGROUND

The applicant, 1800 Park Avenue LLC, seeks approval of a special permit pursuant to Section 74-52 of the Zoning Resolution, to facilitate the development of an attended 369-car public parking garage in portions of

the two sub-cellar levels of a proposed mixed residential/commercial building to be constructed at the southwest corner of East 125<sup>th</sup> Street and Park Avenue.

A full background discussion and description of this project appears in the report on the related application for a special permit, (C 040444 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 040445 ZSM), in conjunction with the applications for the related actions (C 040443 ZMM and C 040444 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 04DCP053M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 10, 2004.

## **UNIFORM LAND USE REVIEW**

This application (C 040445 ZSM), in conjunction with the applications for the related actions (C 040443 ZMM and C 040444 ZSM), was certified as complete by the Department of City Planning on May 10, 2004 and was duly referred to Manhattan Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

## **Community Board Public Hearing**

Community Board 11 held a public hearing on the applications (C 040444 ZSM, C040443 ZMM and C 040445 ZSM ) on June 15, 2004 and on that date by a vote of 20 to 3 with 7 abstentions, adopted a resolution recommending approval of the applications with conditions.

A summary of the report recommendation of Community Board 11 appears in the report on the related application for the grant of a special permit, (C 040444 ZSM).

### **Borough President Recommendation**

The applications (C 040444 ZSM, C040443 ZMM and C 040445 ZSM ) were considered by the Borough President, who issued a recommendation on July 7, 2004 approving the applications with a condition. A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit, (C 040444 ZSM).

### **City Planning Commission Public Hearing**

On July 14, 2004 (Calendar No. 12), the City Planning Commission scheduled July 28, 2004 for a public hearing on the application ( C 040445 ZSM).

The hearing was duly held on July 28, 2004 (Calendar No. 20) in conjunction with the public hearing on the related applications ( C 040443 ZMM and C 040444 ZSM).

There were a number of speakers, as described in the report on the related application for the grant of a special permit, ( C 040444 ZSM), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit, in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related application for a special permit, (C 040444 ZSM).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Sections 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) 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) Not applicable.
- (g) 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 City Charter, that based on the environmental determination, and the consideration and findings described in this report, an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 369 spaces on portions of the ground floor, cellar 1 level, cellar 2 level and cellar 3 level of a proposed 42-story mixed use building on a zoning lot located at 1800 Park Avenue (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7 District, Borough of Manhattan, Community District 11, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 040445 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 MDA Design Group International, filed with this application and incorporated in this resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Last Date Revised</b>
Z3	Site Plan	September 3, 2004
Z4	Existing and Proposed Zoning Information	September 3, 2004
Z5	Zoning Map	September 3, 2004
Z7	Special Permit Parking Plan	September 3, 2004
Z10	Ground Level Plan	September 3, 2004

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 040445 ZSM), duly adopted by the City Planning Commission on September 8, 2004 (Calendar No. 36), is filed with the Office of the Speaker, City Council, and the 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**  
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A.,  
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,  
JOHN MEROLO, KAREN A. PHILIPS, **Commissioners**

KENNETH J. KNUCKLES, ESQ., **Vice Chair**  
IRWIN G. CANTOR, P.E., DOLLY WILLIAMS, **Commissioners Recused**