



CITY PLANNING COMMISSION

October 3, 2007/Calendar No. 14

C 000198 ZMM

IN THE MATTER OF an application submitted by 1113 York Avenue Realty Company, L.L.C. and 60th Street Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d:

- 1) changing from a C6-2 District to a C6-3 District property bounded by East 61st Street, a line 100 feet westerly of York Avenue, a line midway between East 61st Street and East 60th Street, and a line 300 feet easterly of First Avenue; and
- 2) changing from a C8-4 District to a C4-7 District property bounded by East 61st Street, York Avenue, East 60th Street, and a line 100 feet westerly of York Avenue;

Borough of Manhattan, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 21, 2007, and subject to the conditions of CEQR Declaration E- 187.

This application for an amendment to the zoning map, Section Nos. 8c and 8d, was filed by 1113 York Avenue Realty Company, LLC, and 60th Street Development LLC on November 12, 1999 and revised on April 25, 2007, to facilitate the construction of a primarily residential 37 story development consisting of approximately 211 residential units and 2,500 square feet of commercial floor area on the eastern portion of the block bound by York Avenue, East 60th Street, First Avenue, and East 61st Street.

RELATED ACTIONS

In addition to the application for an amendment to the zoning map, which is the subject of this report (C 000198 ZMM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

C 070441 ZSM: A Special Permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to permit a public parking garage with a maximum of 195 spaces,

N 070442 ZCM: A certification pursuant to Section 26-15 of the Zoning Resolution to allow a second curb cut on East 61st Street; and

M 860117(E) ZMM: A modification of a previously approved restrictive declaration to limit use and bulk on the project site.

BACKGROUND

The project site would consist of a merged zoning lot (Block 1455; Lots 13 and 21) occupying the entire eastern half of the block bounded by York Avenue, East 60th Street, First Avenue, and East 61st Street, in Manhattan Community District 8. The zoning lot occupies the entire western side of York Avenue between East 60th Street and East 61st Street and extends approximately 313 feet westerly along both East 60th and East 61st streets. The zoning lot has an area of 62,861 square feet. The project site contains an existing 41 story residential building, built in 2004 on lot 13, and the proposed 37 story residential building would be located on portions of lot 13 and 21. A four story public parking garage containing approximately 400 spaces that occupied lot 21 has been recently demolished.

Existing Zoning

The project site is located within three different zoning districts. The easternmost 100 feet of the zoning lot, along York Avenue (approximately 20,000 square feet), is zoned C8-4; the southern midblock portion of the zoning lot (approximately 21,300 square feet) is zoned C6-3; and the northern midblock portion of the zoning lot (approximately 21,300 square feet) is zoned C6-2. C8 districts generally permit auto-related commercial uses and warehousing and commercial establishments and do not permit residential development. C8-4 districts allow 5.0 FAR for commercial uses and 6.5 FAR for certain community facility uses. The C6-3 district is a medium to high density commercial district that permits 7.52 FAR for residential uses, 10.0 FAR for certain community facility uses, and 6.0 FAR for commercial uses, and the C6-2 is a medium density commercial district that permits 6.02 FAR for residential uses, 6.50 FAR for community facility uses, and 6.0 FAR for commercial uses.

With the exception of lot 21, the entire project block was rezoned as part of an application by Glick Development Associates in 1988 (C 860117 ZMM) from C8-4 to C4-7 (up to a

depth of 100 feet from First Avenue), C6-3 on the southern portion of the midblock, and C6-2 on the northern portion of the midblock in order to facilitate a proposed mixed use development.

As part of the 1988 rezoning, a restrictive declaration (D-126) was placed on all lots on the project block (Block 1455, Lots 1, 4, 5, 8, 12, 13, and 46) with the exception of lot 21, which is the site of the proposed development that would be facilitated by this application. The restrictive declaration limited the total amount of residential, commercial and community facility floor area that could be developed on the affected lots and placed height restrictions on buildings to be constructed.

The original proposed development by Glick Development Associates was never constructed and portions of the property were sold to new owners who have modified the restrictive declaration four times in recent years to facilitate new projects.

The project site is located in the southern portion of Community District 8, just to the north of the Queensboro Bridge and the Roosevelt Island Tram. The surrounding area is characterized by a mix of residential and commercial uses. The remainder of the block west of the project site is developed with a 36 story mixed-use development on First Avenue, a public parking garage along East 60th Street, and a six story multiple dwelling unit apartment building also on East 60th Street. The area underneath the Queensboro Bridge, across East 60th Street from the project site, includes the Queensboro Bridge Oval, a Department of Parks facility that is used for outdoor recreation in warmer months and tennis (within a “tennis bubble”) in the colder months. Additionally, the Queensboro Bridge vaults along East 60th Street near First Avenue have recently been renovated to include a supermarket, restaurant, and furniture store.

Across York Avenue, east of the project site, are 24 Sycamore Park, the FDR Drive, and a Consolidated Edison substation. To the north, across East 61st Street, are a mix of uses, including commercial and residential buildings, and the Abigail Adams Smith Museum.

Proposed Project

The proposed project would consist of a new 37 story residential apartment building containing a total of 211 residential units (258,111 square feet) to be built on southeastern portion of the zoning lot, set back 15 feet from East 60th Street and ten feet from York Avenue. Additionally, the project would include a 2,500 square foot ground floor retail space at the corner of York Avenue and East 61st Street, and a public parking garage with a maximum of 195 spaces would be located on portions of the ground floor, cellar, and sub-cellar levels. Development on the entire site would have an FAR of 8.43. In order to achieve this FAR, the inclusionary housing program would be utilized. Approximately 10,000 square feet of affordable housing would be located off-site at a yet-to-be determined location.

The proposed residential building would be built with the same floor plates and materials to match the existing 41 story residential tower on lot 13, and would be oriented in the east-west direction in order to minimize its impact on views from the existing building to the East River. The two buildings would be connected by a proposed one story covered lobby and passageway and an existing driveway and drop-off area would serve both buildings. A large private landscaped area surrounding both buildings would serve residents of the development.

As part of the proposed development, the applicant has also proposed to make streetscape improvements along East 60th Street in keeping with the goals of the *Queensboro Bridge Area 197-a Plan*, which was proposed by Manhattan Community Board 8 and approved by the City Planning Commission and New York City Council in 2006. Improvements to East 60th Street will include eight publicly accessible benches at the street line on the applicant's property, a stepped water feature, and seating at the corner of East 60th Street and York Avenue. Two major goals of the community's 197-a plan are to 1) provide improved connections between existing open space areas and 2) provide more street greenery with overall streetscape improvements.

REQUESTED ACTIONS

To facilitate the proposed development, the following actions are required:

Zoning Map Amendment (C 000198 ZMM)

The rezoning area includes the majority of the project site (Block 1455; Lot 21 and part of lot 13). The proposed zoning map amendment would change the existing C8-4 district on York Avenue to a C4-7 zoning district and the existing C6-2 district located on the northern half of the midblock to a C6-3 district.

The C4-7 district is a high-density commercial district that allows 10.0 FAR for commercial, residential, and community facility uses. The inclusionary housing program may be utilized in C4-7 districts, resulting in 20 percent additional floor area. The C6-3 district allows 7.52 FAR for residential development, but its reduced lot coverage requirements provide better design flexibility. As part of the related modification to the restrictive declaration (M860117(E) ZMM), the applicant is limiting the FAR on this portion of the site to 6.02.

Special Permit for a public parking garage (C 070441 ZSM)

The applicant is requesting a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to construct a 195-space attended public parking garage. The proposed garage would occupy approximately 26,500 square feet of floor area on portions of the ground floor cellar and sub-cellar. The garage would include 71 two-car stackers on the cellar and sub-cellar levels. Ten reservoir spaces would be provided.

Vehicles would enter the proposed public parking garage from East 61st Street, a one-way, 60 foot-wide, westbound street. One new 20 foot-wide curb cut (including splays) is proposed approximately 93 feet from York Avenue, and a 20 foot-wide two-way ramp would lead to the cellar level where a parking attendant would park the vehicle. Additionally, audible and visual warning devices would alert pedestrians of vehicles exiting the proposed garage.

Curb cut Certification (N 070442 ZCM)

Pursuant to Section 26-15 of the Zoning Resolution, residential developments in a C6-3 on a narrow street may only have one curb cut. The project zoning lot already has an existing curb cut on East 61st Street, approximately 154 feet from York Avenue, which serves as the driveway and drop-off area for the existing building and would serve the proposed new building as well. A second curb cut is proposed for the entrance to the public parking garage approximately 93 feet from York Avenue. This second curb cut may be permitted if City Planning Commission certifies to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan

Modification to the restrictive declaration (M 8601179(E) ZMM)

The applicant is requesting to modify the existing restrictive declaration (D-126) currently placed on lot 13, which will become part of the zoning lot for the proposed building. The modification would extend the restrictive declaration to lot 21 and the proposed new residential building. The modified restrictive declaration would: 1) limit the amount of floor area on the zoning lot to 530,198 square feet (258,111 square feet for the proposed project), which would limit the floor area on the northern portion of the midblock to that allowed by a C6-2 zoning district; 2) restrict commercial uses on the zoning lot to Use Groups 6a, 6c, and public parking under Use Group 8c; 3) create a height limitation of 420 feet for the proposed new building; and 4) mandate the provision of streetscape improvements along East 60th Street.

ENVIRONMENTAL REVIEW

This application (C 000198 ZMM), in conjunction with the application for the related actions (C 070441 ZSM, N 070442 ZCM, and M 860117(E) ZMM) 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 01DCP055M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 000198 ZMM, in conjunction with the application for the related actions C 070441 ZSM, N 070442 ZCM, and M 860117(E) ZMM), a Conditional Negative Declaration was issued. The conditional negative declaration included an (E) designation. The placement of the (E) designation (E-187) on the zoning map would eliminate the potential for significant adverse potential impacts associated with noise. The (E) designation would be placed on the development site (Block1455, Lots13 and 21) and states the following:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation would ensure that the proposed action would not result in significant adverse impacts due to noise.

The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, 1113 York Avenue Realty Company LLC, has agreed to file a restrictive declaration requiring the preparation of a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous materials impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including and health and safety plan, to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The applicant signed the conditional negative declaration on May 17, 2007. The conditional negative declaration was published in the City Record on May 30, 2007 and in the New York State Environmental Notice Bulletin on May 30, 2007. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the conditional negative declaration was issued on September 4, 2007.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 000198 ZMM), in conjunction with the application for the related action (C 070441 ZSM) was certified as complete by the Department of City Planning on May 21, 2007, and was duly referred to Manhattan Community Board 8 (CB8) and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). The applications for the related non-ULURP certification (N 070442 ZCM) and modification to the restrictive declaration (M 860117(E) ZMM), were also referred to Manhattan Community Board 8 and the Manhattan Borough President for information and comment.

Community Board Public Hearing

Community Board 8 held a public hearing on this and the related applications (C 070441 ZSM, N 070442 ZCM, and M 860117(E) ZMM) on July 11, 2007, and on that date, by a vote of 30 in favor, 1 opposed, and 2 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 000198 ZMM), in conjunction with the application for related actions (C 070441 ZSM, N 070442 ZCM, and M 860117(E) ZMM) was considered by the Borough President, who issued recommendations on August 20, 2007.

For the applications for the zoning map amendment (C 000198 ZMM), certification (N 070442 ZCM), and modification of the restrictive declaration (M 860117(E) ZMM), the Borough President recommended approval.

For the application for the special permit (C 070441 ZSM), the Borough President recommended approval subject to the condition that 28 spaces be accessory parking spaces, and that at least 156 spaces be prioritized for monthly parking.

City Planning Commission Public Hearing

On August 22, 2007, (Calendar No. 3), the City Planning Commission scheduled September 5, 2007 for a public hearing on this application (C 000198 ZMM). The hearing was duly held on September 5, 2007 (Calendar No. 25), in conjunction with the hearings on the related special permit application (C 070441 ZSM). There were five speakers in favor of the application and none opposed.

Those speaking in favor of the applications included two representatives of the applicant, two members of Community Board 8, and the Director of Land Use for the Manhattan Borough President.

The Director of Land Use for the Manhattan Borough President reiterated the Borough President's recommendations, noting that the parking special permit should be approved based on the demand analysis conducted in the applicant's environmental assessment statement. Speakers representing the applicant included the applicant's land use consultant and project architect. The land use consultant discussed the applicant's requested actions, past zoning changes in the area, and highlighted how the project intended to incorporate the Community Board 8 Queensboro Bridge Area 197-a plan goals into the design for the East 60th Street frontage of the project site. The project architect reviewed the proposed site plan and noted the location of the proposed public parking garage and second curb cut on East 61st Street.

The two members of Community Board 8 emphasized their support for the proposed public parking garage and noted that the site has been awaiting development for many years. They also lauded the applicant for incorporating elements of the Community Board's Queensboro Bridge Area 197-a Plan.

CONSIDERATION

The Commission believes that the zoning map amendment (C 000198 ZMM), in conjunction with the related application for a special permit (C 070441 ZSM), the City Planning Commission certification (C 070442 ZCM), and the modification to the restrictive declaration (M 860117(E) ZMM) are appropriate.

Zoning Map Amendment (C 000198 ZMM)

The Commission believes the proposed zoning map amendment is appropriate. The Commission notes that the area surrounding the project site has become more residential in character in recent years as new high-density residential and mixed use development has been introduced on the project block and adjacent streets, and as open space facilities have been – and are proposed to be – improved. The Commission also notes that the western frontage of York Avenue between East 61st Street and East 62nd Street was rezoned to C1-9 in 2005 (C 040488 ZMM) to permit residential uses.

The Commission believes that the proposed C4-7 district would match the project block's First Avenue zoning, which was similarly changed from a C8-4 zoning district in 1988 to permit a mix of uses. With regards to the midblock zoning map amendment from C6-2 to C6-3, the Commission recognizes that the lot coverage and open space requirements of the C6-2 district would hinder the simple arrangement of buildings proposed by the applicant, requiring an unnecessarily large canopy in order to achieve the maximum FAR of 6.02. In addition, the applicant, as part of the restrictive declaration, has limited the floor area permitted on that portion of the midblock subject to the zoning map amendment to 6.02 FAR.

Special Permit (C 070441 ZSM)

The Commission believes that the proposed public parking garage with a maximum of 195 spaces is appropriate. The Commission notes that the project site formerly contained a large public parking garage with approximately 400 spaces and that several other parking garages in the area have been or are planned to be redeveloped for other uses.

The Commission notes that the proposed public parking garage is located in a high-density mixed-use neighborhood, close to the Queensboro Bridge and FDR Drive, and that access to and from the garage would primarily be via East 60th Street, York Avenue, East 61st Street, and First Avenue, which are not local residential streets. The Commission further notes that, according to the environmental assessment statement completed for the garage, a maximum of 35 additional vehicular trips would result in the P.M peak hours, a relatively modest increase which would not impact existing conditions. The Commission believes that those additional vehicles would not unduly inhibit traffic or pedestrian flow. (Issue of requiring accessory spaces)

Ten reservoir spaces would be provided along the length of the ramp descending to the cellar of the building. The Commission further notes that warning signals and buzzers located on the garage's exit ramp would alert pedestrians to the presence of a vehicle exiting the garage.

Curb cut Certification (N 070442 ZCM)

The Commission believes the application for a certification for a second curb cut on East 61st Street for the entrance to the proposed public parking garage is appropriate. The believes that the second curb cut will result in a better overall site plan and notes that the visual and audible warning devices proposed at the entrance to the garage will minimize potential conflicts between pedestrians and vehicles.

Modification to the restrictive declaration (M 8601179(E) ZMM)

The Commission notes that there is an existing restrictive declaration placed on a portion of the project site and that the proposed modification would extend bulk and use restrictions to the remainder of the site. The Commission commends the applicant for incorporating the goals of

the *Queensboro Bridge Area 197-a Plan* into the project proposal by agreeing to enhance the East 60th Street streetscape with public seating and a water feature. These amenities will help to enhance the pedestrian experience and connect upland portions of the Queensboro Bridge area to the waterfront.

The Commission notes that the application was revised on July 16, 2007 to reflect additional information regarding the proposed public parking garage layout and the proposed streetscape improvements on East 60th Street.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, 1113 York Avenue Realty Company LLC, has agreed via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the review and approval of the Department of Environmental Protection (DEP) for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan;

and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map, Section Nos. 8c and 8d:

- 1) changing from a C6-2 District to a C6-3 District property bounded by East 61st Street, a line 100 feet westerly of York Avenue, a line midway between East 61st Street and East 60th Street, and a line 300 feet easterly of First Avenue; and

- 2) changing from a C8-4 District to a C4-7 District property bounded by East 61st Street, York Avenue, East 60th Street, a line 100 feet westerly of York Avenue;

Borough of Manhattan, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 21, 2007, and which includes CEQR designation E-187.

The above resolution, duly adopted by the City Planning Commission of October 3, 2007 (Calendar No. 14), 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

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