



CITY PLANNING COMMISSION

July 25, 2012 / Calendar No. 15

C 120172 ZSM

IN THE MATTER OF an application submitted by Fordham University, West 62nd Street LLC and West 60th Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the minimum distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, 21, 22 and 35), in a C4-7 District, within the Special Lincoln Square District, Community District 7, Borough of Manhattan.

This application for a special permit was filed by Fordham University, West 62nd Street LLC and West 60th Realty LLC on January 18, 2012, pursuant to Section 82-33 of the Zoning Resolution to allow for the modification of the minimum distance required between buildings as required by Zoning Resolution Section 23-711. The application also includes a modification of an existing restrictive declaration recorded in connection with the Fordham University Campus Expansion Project to reflect the proposed changes of this application (M 050260B ZSM).

BACKGROUND

A special permit (C 050260 ZSM) was approved by the City Planning Commission on April 22, 2009 (Cal. No. 18), and by the New York City Council on June 30, 2009 (Res. No. 2083), to facilitate the development and expansion of the Fordham University master plan. The master plan would construct six new academic buildings on seven sites over a period of 25 years. The master plan also intended to sell the properties located at the intersection of West 60th Street and Amsterdam Avenue (Site 3) and the intersection of West 62nd Street and Amsterdam Avenue (Site 4) for private development as residential buildings. A restrictive declaration was recorded on August 13, 2009, requiring that the various sites identified in the master plan drawings be developed in accordance with specified special permit drawings.

Since the approval of the original special permit, Fordham University has sold Sites 3 and 4 to Glenwood Management. Glenwood is developing both sites as residential towers, with Site 4

expected to be an approximately 598-foot-tall rental building. A modification to the original special permit was approved on October 7, 2011, that allowed West 62nd Street LLC, the Glenwood entity developing Site 4, to obtain minor modifications of minimum ground-floor transparency requirements along the frontages of the two sites (M 050260A ZSM).

Fordham University and Glenwood Management share the superblock with the Alfred Condominium located on the West 61st Street cul-de-sac. For some time, Alfred residents have gained access to West 62nd Street across Fordham's property pursuant to a revocable license agreement. The construction of the law school will prevent future use of this former access route. During ULURP on the original special permit application, Fordham committed to the Manhattan Borough President to find a way to replace the former access with a passageway, which was to have a minimum width and be open to the sky, if the university could agree with the Alfred on the terms of use of the passageway. No such agreement was reached during the ULURP process, so the 2009 special permit did not reflect the passageway. Subsequently, Fordham reached an agreement with the Alfred to replace the former point of access with the proposed passageway.

The site for the proposed passageway is along the boundary line between Site 4 (Tax Lot 35), and a small portion of Tax Lot 20, owned by Fordham, along the West 62nd Street frontage of the campus. Behind the site are the Alfred condominium and a parking garage. The site faces Damrosch Park in Lincoln Center for the Performing Arts across West 62nd Street. Although a special permit for a parking garage on Site 4 was granted in conjunction with the original special permit, the developer of Site 4 is not proceeding with the garage. To the east of the proposed passageway is the law school. The proposed modification affects a small portion of each of Lots 35 and 20 (Sites 4 and part of 5/5a), consisting of a rectangle having dimensions of 18' by 90.5', with a total area of 1,269 square feet.

The new special permit would introduce an open area between the new residential building and the law school which currently has no programmed function. The passageway will allow Alfred residents easy access to West 62nd Street without having to walk from the cul-de-sac west to Amsterdam Avenue. The passage way will be fronted on the west side by the glazed wall of the

new residential building, and on the east side by the solid masonry wall of the new law school. Security will be maintained by a fence with a gate allowing limited access into the passageway from the street. The fence will have an open design to permit pedestrians on the sidewalk to see through it into the passageway.

The first action of the special permit requests to modify the minimum wall to wall distance requirement of the Zoning Resolution Section 23-711. The required distance is 40 feet. This special permit would allow 18 feet to be provided between Site 4 and Site 5 from curb level to a point 47.64 feet above curb level.

A second action will involve revising the restrictive declaration recorded in connection with the 2009 special permit so that the reference to the new special permit and its associated drawings would be recorded.

ENVIRONMENTAL REVIEW

This application (C 120172 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 05DCP020M. The lead agency is the City Planning Commission.

As stated above, the Fordham University Lincoln Center Master Plan was the subject of ULURP applications, including that for a special permit, approved by the CPC in 2009 and analyzed in a Final Environmental Impact Statement (FEIS) completed on April 10, 2009. Subsequent to the FEIS, a Technical Memorandum (dated July 8, 2011), analyzed minor modifications made to the 2009 Special Permit and found that the modifications would not result in any new significant adverse impacts not already disclosed in the FEIS.

On February 24, 2012, a Technical Memorandum was issued which analyzed the environmental effects of this application for a proposed special permit and modification to the existing restrictive declaration. It determined that the proposed application would not result in any new or different significant adverse impacts not already disclosed in the April 2009 FEIS for the Fordham University Lincoln Center Master Plan.

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

This application (C 120172 ZSM) was certified as complete by the Department of City Planning on February 27, 2012 and was duly referred to Manhattan Community Board 7 (CB7) and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 120172 ZSM) on April 3, 2012 and on that date, by a vote of 37 in favor to 0 opposed, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 120172 ZSM) was considered by the Borough President, who issued a recommendation on June 4, 2012 supporting approval of the applications.

City Planning Commission Public Hearing

On June 06, 2012 (Calendar No. 5), the City Planning Commission scheduled June 20, 2012 for a public hearing on this application (C 120172 ZSM). The hearing was duly held on June 20, 2012 (Calendar No. 26). There were two speakers in favor of the application and none in opposition.

Fordham University's land use attorney talked about the history of the project with regards to agreements between Fordham University and the Alfred, and a discussed the details of the passageway and its proposed usage.

A representative from the Borough President's Office reiterated the Borough President's recommendation for approval of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit (C 120172 ZSM) is appropriate.

Approval of the special permit application pursuant to Section 82-33 of the Zoning Resolution would waive the minimum distance requirements of Section 23-711 Standard minimum distance between buildings. Approval of this application would also allow the second modification (M 050260B ZSM) of the restrictive declaration recorded in connection of special permit C 050260 ZSM.

The Commission notes that the area affected by this application was not programmed for any use in the master plan and was, in effect, held in reserve in contemplation of an agreement with the residents of the Alfred Condominium, who had indicated during the 2009 ULURP proceedings their desire for a passageway providing direct access from their building to West 62nd Street.

The Commission acknowledges that a security fence and gate will be installed on West 62nd Street but that view into the interior of the passageway will be preserved. The Commission notes that the resulting passageway, having a width of 18 feet and depth of 90 feet, will have the appearance of a small pocket park and will be landscaped with greenery, a water feature, a walkway, and stairs leading to the rear property line of the Alfred. The Commission notes that overhead lighting will be provided. The Commission further notes that the passageway will be faced on the western side by a glazed wall of the new residential building on Site 3, and on the

eastern side by a masonry wall with no window. The Commission believes that the continuation of a passage for the residents of the Alfred to access West 62nd Street facilitates a good site design and believes that amenities to be located within the passage, including lighting greenery and a water feature, would create a pleasant experience for the pedestrian within the passage.

FINDINGS

Based upon the above consideration, the Commission hereby makes the following findings pursuant to Section 82-33 of the Zoning Resolution:

- (a) That the modification of the minimum distance between buildings on a single zoning lot as proposed by this application is necessary to facilitate good design.

RESOLUTION

RESOLVED, that having considered the CEQR Technical Memorandum, dated February 23, 2012, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations have been met as the action described herein will have no new or different significant impact on the environment not already disclosed in the Fordham University Lincoln Center Master Plan FEIS; 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, the application submitted by Fordham University, West 62nd Street LLC and West 60th Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the minimum distance between buildings on a zoning lot requirements of Section 23-711 (Standard minimum distance between buildings) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132,

Lots 1, 20, 21, 22 and 35), in a C4-7 District, within the Special Lincoln Square District, Borough of Manhattan, Community District 7, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 120172 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 Cooper, Robertson & Partners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-7	Site Plan – Proposed ULURP Attachment 2	December 21, 2011
Z-11	Zoning Analysis ULURP Attachment 4	December 21, 2011
Z-12	Site Plan: Diagrammatic Building Envelopes ULURP Attachment 2	December 21, 2011
Z-13.1	Block Elevations: Diagrammatic Building Envelopes and Illustrative Massing ULURP Attachment 5	January 30, 2012
Z-15.1	Encroachment Diagrams ULURP Attachment 5	January 30, 2012

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. Development pursuant to this resolution shall be allowed only after the attached Second Modification to Restrictive Declaration, dated as of July 19, 2012, executed by Fordham University, West 62nd Street LLC and West 60th Realty LLC, the terms of which shall be deemed incorporated herein as a condition of this resolution, shall have been recorded and filed in the Office of the City Register of the City of New York, County of New York.
5. 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.
6. 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.

7. 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 120172 ZSM), duly adopted by the City Planning Commission on July 25, 2012 (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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,
ORLANDO MARIN, SHIRLEY A. MCRAE, Commissioners

Application #: C 120172 ZSM	Project Name: Fordham University Passageway
CEQR Number: 05DCP020M	Borough(s): Manhattan
	Community District Number(s): 07

Please use the above application number on all correspondence concerning application

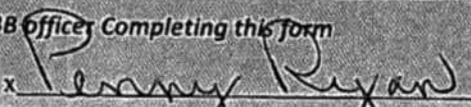
SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - E-mail (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Fordham University, West 62nd Street LLC and West 60th Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the minimum distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1,20,21,22 and 35), in a C4-7 District, within the Special Lincoln Square District, Borough of Manhattan, Community District 7.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Applicant(s): Fordham University 113 West 60 th Street, Room 224B, New York, NY 10023; West 62 nd Street LLC c/o Glenwood Management Corp., West 60 th Realty LLC c/o Glenwood Management Corp. 1200 Union Turnpike, New Hyde Park, NY 11042	Applicant's Representative: Deidre A. Carson, Esq. Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166
Recommendation submitted by: Manhattan Community Board 7	
Date of public hearing: April 3, 2012	Location: St. Luke's Roosevelt Hospital Center, 1000 Tenth Avenue, New York, NY 10023
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: May 1, 2012	Location: Fordham University 113 West 60th Street, NYC 10023
RECOMMENDATION:	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
Voting	
# In Favor: 37 # Against: 0 # Abstaining: 0	Total members appointed to the board: 50
Name of CB/BB officer Completing this Form Penny Ryan x 	Title District Manager
	Date 5/02/12

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: C 120172 ZSM

Docket Description:

C 120172 ZSM – IN THE MATTER OF an application submitted by Fordham University, West 62nd Street LLC and West 60th Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the minimum distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, 21, 22 and 35), in a C4-7 District, within the Special Lincoln Square District, Borough of Manhattan, Community District 7.

COMMUNITY BOARD NO: 7

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

See Attached



BOROUGH PRESIDENT

6/4/12

DATE



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

June 4, 2012

Recommendation on
ULURP Application No. C 120172 – Fordham University Passageway
by Fordham University, West 62nd Street LLC and West 60th Realty LLC

PROPOSED ACTIONS

Fordham University, West 62nd Street LLC and West 60th Realty LLC¹ (together, “the applicants”) seek a **special permit pursuant to Zoning Resolution (“ZR”) Section 82-33 to modify bulk regulations** to waive the minimum distance between buildings requirement defined in ZR § 23-711. The approval of this modification would allow the elimination of a roof over and enclosure of an area located on the south side of West 62nd Street between Amsterdam and Columbus avenues. The proposed project site is a part of Fordham University’s Lincoln Center Campus located entirely within a C4-7 zoning district within the Special Lincoln Square District in Manhattan’s Community District 7.

In order to grant the special permit the City Planning Commission (“CPC”) shall find the proposed modifications are necessary to (a) facilitate good design, (b) allow design flexibility for any development to which the mandatory provisions of ZR § 82-10 are applicable²; or (c) incorporate a floor area allowance pursuant to Section 82-32 where inclusion of the proposed public amenity will significantly further the specific purposes of the Special Lincoln Square District³.

Additionally, the applicants seek a modification of the restrictive declaration (“RD”) associated with a previously approved special permit, C 050260 ZSM that waived requirements for height

¹ Carole L. Pittelman is the Manager of West 62nd Street LLC and West 60th Realty LLC c/o Glenwood Management Corporation.

² ZR § 82-10 describes Mandatory District Improvements within the Special Lincoln Square District, which is not applicable to the proposed project site.

³ ZR § 82-32 describes Special Provisions for Increases in Floor Area, which is also not applicable in this application.

and setback, inner and outer courts, and minimum distance between buildings as part of the 2009 Fordham University Lincoln Center Campus project⁴.

PROJECT DESCRIPTION

The applicants seek to modify the previously granted Fordham University Campus plan in order to provide an 18 foot wide by 90 foot deep passageway between two buildings currently under construction on the north side of Fordham University's campus. The proposed passageway will provide residents of an existing residential building ("the Alfred") with direct access to West 62nd Street. The new access way will be flanked by a residential building on the corner of Amsterdam Avenue and West 62nd Street and the new Fordham University Law School building south of West 62nd Street.

ZR § 23-711 requires the distance between buildings with a wall to wall condition to be at a minimum of 40 feet apart. The Passageway between the Residential Building and Law School would be 18 feet wide and therefore requires the special permit waiver. The ground floor of the Residential Building will contain a lobby area and offices with windows that will face directly onto the Passageway.

The project site is situated within the Fordham University campus, a superblock bounded by West 60th and 62nd streets between Columbus and Amsterdam avenues. Community facility uses including academic and classroom facilities define the superblock with the exception of one residential tower, the 36-story Alfred located south of the Passageway and fronting the West 61st Street cul-de-sac.

Other institutional uses in the area include Saint Luke's-Roosevelt Hospital located south of the project site between West 58th and 59th streets, and Lincoln Center for the Performing Arts located just north of West 62nd Street. The project site and much of its surrounding area is located within a C4-7 zoning district which is primarily characterized by medium and high-density residential and community facility buildings.

In 2009, Fordham University's expansion project included a waiver of the minimum distance between buildings for the subject passageway area above 47.64 feet from the curb. The waiver, however, did not apply to the area below 47.64 feet as it was unclear at the time of the approval what would become of the Passageway space. In a letter submitted to the Office of Manhattan Borough President during the 2009 ULURP application, Fordham University made a commitment to work with the residents of the Alfred in designating a direct pedestrian access way between the rear of the Alfred and West 62nd Street. Fordham University also agreed that the access area would be open to the sky. This application fulfills this commitment.

COMMUNITY BOARD RECOMMENDATION

⁴ The RD was previously modified by M 050260 (A) ZSM that waived certain ground floor transparency requirements in the 2009 Special Permit. The applicants currently seek a second modification to the RD under the M 050260 (B) ZSM.

At its Full Board Meeting on May 1, 2012, Community Board 7 recommended approval of this application by a unanimous vote of 37 in favor.

BOROUGH PRESIDENT’S COMMENTS

The special permit pursuant to 82-33 is designed to provide flexibility in the Special Lincoln Square District to advance good design.

The new passageway will incorporate thoughtful design features including landscaped greenery, a water fountain feature, and lighting fixtures to create an attractive space that will provide the residents of the Alfred more direct access to West 62nd Street. Additionally, the windows on the side of the Residential Building will increase light and provide a view into the passageway to create an inviting and safe space. Further, the opening on West 62nd Street creates a visual corridor for pedestrians to the landscaping within and beyond the passageway, as well as breaks up an otherwise long stretch, approximately 400 feet, of building frontages. As a result, these design details would improve the overall pedestrian experience in the immediate area.

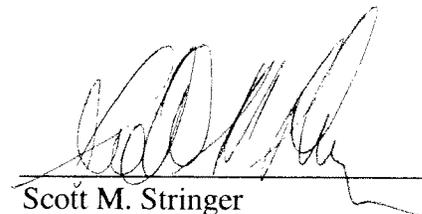
Furthermore, the proposal fulfills a commitment made to the Manhattan Borough President in 2009 as part of the Fordham University Lincoln Center campus expansion plan. At the time, residents of the Alfred expressed specific concern about the loss of historic access to West 62nd Street. At the time, Fordham University committed to working with the Alfred to provide a minimum of 10 feet of access. The current proposal exceeds this minimum by providing 18 feet of access. Further, Fordham University has demonstrated its willingness to be a good neighbor by continually working with the residents of the Alfred on design features.

Fordham University should be commended for following through with previously made commitments and their continued work with neighboring buildings.

BOROUGH PRESIDENT’S RECOMMENDATION

The proposed Passageway facilitates good design as required by the special permit and fulfills a standing community commitment.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 120172 ZSM.



Scott M. Stringer
Manhattan Borough President