



**IN THE MATTER OF** an application submitted by East 16<sup>th</sup> Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated off-street parking facility with a maximum capacity of 23 spaces on property located at 109-115 East 15<sup>th</sup> Street a.k.a. 110-112 East 16<sup>th</sup> Street (Block 871, Lots 10, 12, and 74), in a C2-6A district, Borough of Manhattan, Community District 5. \*

\*197-d(2)(B) eligible

This application for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution (ZR) was submitted by East 16<sup>th</sup> Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. on February 16, 2018. The applicants propose an automated accessory off-street parking facility with a maximum capacity of 23 spaces. Along with the related application for a second special permit, the requested action would facilitate the development of a 21-story mixed-use building on property located at 110 East 16<sup>th</sup> Street, in Manhattan Community District 5.

### **RELATED ACTIONS**

In addition to the proposed special permit (C 180264 ZSM) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 180263 ZSM	Special permit to permit modify height, setback and yard regulations and minimum distance between buildings.
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### **BACKGROUND**

A full background discussion and description of this application appear in the report for the

related special permit (C 180263 ZSM).

### **ENVIRONMENTAL REVIEW**

This application (C180264 ZSM), in conjunction with the related action (C 180263 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 18DCP159M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, as described in the Environmental Assessment Statement, a negative declaration was issued on May 21, 2018.

### **UNIFORM LAND USE REVIEW**

This application (C 180264 ZSM) and the application for the related action (C 180263 ZSM) were certified as complete by the Department of City Planning on May 21, 2018 and duly referred to Manhattan Community Board 5 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 5 held a public hearing on this application (C 180264 ZSM) on June 6, 2018 and on that date, by a vote of 36 in favor, one in opposition, and with two abstentions, adopted a resolution recommending disapproval.

### **Borough President Recommendation**

This application (C 180264 ZSM) was considered by the Manhattan Borough President, who issued a recommendation to disapprove the application on July 19, 2018.

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

On July 11, 2018 (Calendar No. 6), the City Planning Commission scheduled July 25, 2018 for a

public hearing on this application (C 180264 ZSM) and the applications for the related action (C 180263 ZSM). The hearing was duly held on July 25, 2018 (Calendar No. 30).

Fifteen speakers testified in favor of the application, as described in the report for the related special permit (C 180263 ZSM), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this proposed special permit, in conjunction with the related action, is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related special permit (C 180263 ZSM).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 13-45 of the Zoning Resolution (Special Permits for Additional Parking Spaces):

1. the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to entering and leaving movement of vehicles;
2. the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
3. such #use# will not create or contribute to serious traffic congestion and will not

unduly inhibit surface traffic and pedestrian flow;

4. This finding is not applicable; no additional floor area exemption is being requested;  
and
5. such parking facility will not be inconsistent with the character of the existing streetscape.

The City Planning Commission hereby makes the following findings pursuant to Section 13-451 of the Zoning Resolution (Additional parking spaces for residential growth):

- a. the number of off-street parking spaces in such proposed parking facility is reasonable and no excessive in relation to recent trends in close proximity to the proposed facility with regard to:
  1. the increase in the number of #dwelling units#; and
  2. the number of public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on environmental determination and the consideration and findings described in this report, the application submitted by East 16<sup>th</sup> Street Owner LLC and Trinity

Christian Center of Santa Ana, Inc. pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory off-street parking facility with a maximum capacity of 23 spaces on property located at 109-115 East 15<sup>th</sup> Street a.k.a. 110-112 East 16<sup>th</sup> Street (Block 871, Lots 10, 12, and 74), in a C6-2A District, Borough of Manhattan, Community District 5, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 180264 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 Morris Adjmi Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-112.00	Ground Floor Plan – Parking Waiver	04/06/2018
Z-113.00	Cellar Plan – Parking Waiver	04/06/2018

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. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall

be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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 180264 ZSM), duly adopted by the City Planning Commission on

August 22, 2018 (Calendar No. 17), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,  
JOSEPH DOUEK, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ** *Commissioners*

**CHERYL COHEN EFFRON** *Commissioner* Recused