

126 East 32nd Street, LLC  
122 East 32<sup>nd</sup> Street  
City Planning Commission Application  
for a Zoning Map Amendment from C4-5A to C6-2A and  
Special Permit to Allow a Public Parking Garage

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**SUMMARY**

- \* 126 East 32nd Street, LLC, (the “Applicant”) requests approval of two applications to permit the mixed use development of property located at 122 E. 32nd Street (“Site”).
- \* The Site is located on the south side of E. 32nd St. on the block bounded by E. 32nd St., Lexington Ave., E. 31st St. and Park Avenue South.
- \* The Site comprises both a 3-story (two mezzanine levels) building which is currently used as a Social Services drop in center for the homeless and a 44 space public parking lot.
- \* The first application is a zoning map amendment to change the Site and adjoining properties from C4-5A to C6-2A zoning district.
- \* The proposed C6-2A zoning district’s FAR, height and setback regulations will enable the Applicant to construct a 12-story residential building with ground floor retail and a parking garage in the cellar and sub-cellar.
- \* The current C4-5A zoning district allows for a maximum residential, commercial, or community facility FAR of 4.0
- \* The proposed C6-2A zoning district allows a residential FAR of 6.02 (an R&A equivalent), a commercial FAR of 6.0 and a community facility FAR of 6.5.
- \* The proposed building’s floor area is actually smaller than the large office/loft building to the west, the converted residential and other existing residential development to both the east and north.
- \* The existing C4-5A zoning district allows a maximum height of 80 feet. The other buildings directly adjacent to the subject Property range from 11-stories to 35-stories. The proposed 12-story building (118’3”) will be more consistent than a building built to the 80 feet maximum requirement of the present C4-5A zoning district.
- \* The second application, pursuant to §§ 74-52 and 13-562 of the Zoning Resolution, is to permit a 44 space public parking garage to replace the existing 44 space public parking lot. Given the shortage of parking in this area, the Applicant wishes to provide the same number of public parking spaces.
- \* Both lower levels of the building will each accommodate 22 cars. The first floor of the building will accommodate the required 9 reservoir spaces.
- \* Since 1941, the 44 space public parking lot has operated at this location, with the same capacity. Therefore, the proposed garage of the exact number of spaces, will be compatible with the neighborhood.
- \* All thoroughfares from the west and east of the proposed garage are wide avenues or streets, such as 34th Street, Park Avenue South, Lexington and Third Avenues, that directly feed traffic to and from the Site and the westbound 31st Street are adequate to handle traffic generated by the Site, which will be equal to what is currently accommodated by the existing parking lot.
- \* The design of the garage meets all the requirements of the Zoning Resolution.

**CITY PLANNING COMMISSION**

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November 14, 2007 / Calendar No. 20

C 060373 ZSM

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**IN THE MATTER OF** an application submitted by 126 East 32<sup>nd</sup> Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 44 spaces on portions of the ground floor, cellar and subcellar of a proposed mixed use building on property located at 122 East 32<sup>nd</sup> Street (Block 887, Lots 84 and 87), in a C6-2A District, Borough of Manhattan, Community District 5.

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The application for the special permit was filed by 126 East 32<sup>nd</sup> Street, LLC on March 2, 2007 to allow an attended public parking garage with a maximum capacity of 44 spaces on portions of the ground floor, cellar and subcellar of a proposed 12-story mixed use (residential/retail) development located at 122 East 32<sup>nd</sup> Street.

**RELATED ACTION**

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 which is being considered concurrently with this application:

C 060372 ZMM      Zoning Map Amendment for an area bounded by East 32<sup>nd</sup> Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, and a line 150 feet easterly of Park Avenue South from a C4-5A District to a C6-2A District.

**BACKGROUND**

A full background discussion and description of this report appears in the related application for a zoning map amendment (C 060372 ZMM).

### **ENVIRONMENTAL REVIEW**

This application (C 060373 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 06DCP079M. The lead is the City Planning Commission.

A summary of the environmental review and the Conditional Negative Declaration issued in October 17, 2007 appears in the report on the related application for a zoning map amendment (C 060372 ZMM).

### **UNIFORM LAND USE REVIEW**

This application (C 060373 ZSM), in conjunction with the application for the related action (C 060372 ZMM), was certified as complete by the Department of City Planning on August 20, 2007, and was duly referred to Community Board 5 and the 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, and related application (C 060372

ZMM) on September 6, 2007, on that date, by a vote of 33 in favor 0 in opposition and 0 abstentions, adopted a resolution recommending approval of the application.

A summary of the recommendations of Community Board 5 appears on the related application for a zoning map amendment (C 060372 ZMM).

#### **Borough President Recommendation**

This application (C 060373 ZSM), in conjunction with the related action (C060372 ZMM) was considered by the Borough President, who issued a recommendation approving the application on October 12, 2007.

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

On October 3, 2007 (Calendar No. 6), the City Planning Commission scheduled October 17, 2007, for a public hearing on this application (C 060373 ZSM). The hearing was duly held on October 17, 2007 (Calendar No. 14) in conjunction with the public hearing on the application for related action (C 060372 ZMM).

There were a number of appearances, as described in the report on the related application for a zoning map amendment (C 060372 ZMM).

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the special permit is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the report on the related application for a zoning map amendment (C 060372 ZMM).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 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 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; and

(g) Not applicable.

## **RESOLUTION**

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

The applicant, 126 East 32<sup>nd</sup> Street, LLC, agrees via a restrictive declaration to prepare a Remedial Plan, including a health and safety plan for 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, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 122 East 32<sup>nd</sup> Street, LLC for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 44 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 122 East 32<sup>nd</sup> Street (Block 887, Lots 84 and 87), in a C6-2A District, Borough of Manhattan, Community District 5, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 060373 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 SRA Architecture and

Engineering, P.C., filed with this application and incorporated in this resolution:

<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Date Revised</u>
A2	Zoning Analysis	August 4, 2007
A3	East 32 <sup>nd</sup> Street North Elevations	May 8, 2007
A4	Lower Level 1 & 2, First Floor	August 4, 2007

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 it construction, operation and maintenance.
4. In the event 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, sub-lessee 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.
8. The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 07DCP079M) dated October



17, 2007, issued pursuant to the New York State and New York City

Environmental Quality Review. These conditions, modifications and alterations

are as follow:

The applicant, 126 East 32<sup>nd</sup> Street, LLC, agrees via a restrictive declaration to prepare a Remedial Action Plan, including a health and safety plan for the Department of Environmental Protection (DEP) for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The above resolution (C 060373 ZSM), duly adopted by the City Planning Commission on November 14, 2007 (Calendar No. 20), 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.

**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, BETTY Y, CHEN, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,**  
**DOLLY WILLIAMS, Commissioners**

**CITY PLANNING COMMISSION**

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November 14, 2007 / Calendar No.19

C 060372 ZMM

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**IN THE MATTER OF** an application submitted by 126 East 32<sup>nd</sup> Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, changing from a C4-5A District to a C6-2A District property bounded by East 32<sup>nd</sup> Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, and a line 150 feet easterly of Park Avenue South, Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated August 20, 2007, and subject to the conditions of CEQR Declaration E-195.

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The application for an amendment of the Zoning Map was filed by 126 East 32<sup>nd</sup> Street, LLC on March 2, 2006 to change a C4-5A district to a C6-2A district located in the mid-block between Park Avenue South and Lexington Avenue on the southerly side of East 32<sup>nd</sup> Street to facilitate the construction of a 12-story mixed use (residential/retail) development with a below grade 44-space public parking garage to be located at 122 East 32<sup>nd</sup> Street.

**RELATED ACTION**

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

C 060373 ZSM      Special Permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 44 spaces.

## **BACKGROUND**

The applicant is seeking a zoning map amendment (C 060372 ZMM) from a C4-5A district to a C6-2A district to facilitate a proposed 12-story mixed use (residential/retail) development with a for a 44-space public parking garage.

The subject rezoning area comprises approximately 17,295 square feet and is located on the south side of East 32<sup>nd</sup> Street between Park Avenue South and Lexington Avenue. The applicant owns lot 84 and 87 on Block 887 which are developed with a 44-space public parking lot and a homeless drop-in center on lot 87. The remainder of the zoning area is developed with an 18-story portion of the 34-story office building at 475 Park Avenue South (lot 95) and a 17-story office building (lot 88). A C6-4A zoning district abuts the rezoning area to the west and a C6-2A district abuts the site to the east.

The surrounding area is characterized by a mix of mid-rise and high-rise residential, commercial and institutional buildings, and parking facilities.

This area was rezoned in 1995 as part of the Department of City Planning's East Side rezoning (C 940304 ZMM). The rezoning area was changed from a C6-1 district to the current C4-5A district. The C4-5A has a maximum residential FAR of 4.0 for all uses. Buildings in the C4-5A district may have a maximum base height of 65 feet and a maximum building height of 80 feet.

The applicant is proposing to extend the C6-2A district just to the east of the rezoning area. The

C6-2A district has a maximum residential FAR of 6.02, a maximum commercial FAR of 6.0 and a maximum community facility FAR of 6.50. The 6-2A district has a maximum base height of 85 feet as well as a maximum building height of 120 feet.

If the rezoning is approved, the applicant intends to develop on lot 84, a 12-story (118 feet tall) residential building containing 38 dwelling units with ground floor retail space and a 44-space public parking garage. The drop-in center on lot 87 which is owned by the applicant, would remain but merged into the zoning lot for the proposed new building.

The applicant is also requesting a special permit (C 060373 ZSM) pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a 44-space attended public parking garage in the proposed mixed use development. Public parking garages in Manhattan Community Districts 1 to 8 are permitted only by special permit of the City Planning Commission. The proposed parking garage would be located on portions of the building's ground floor, cellar and sub-cellar.

Vehicles would enter and exit by a 20-foot curb cut (including splays) on East 32<sup>nd</sup> Street approximately 185 feet from Lexington Avenue. East 32<sup>nd</sup> Street is a one-way, eastbound sixty-foot wide street. The parking facility would operate 24 hours a day and provide nine reservoir spaces on a portion of the ground floor. The garage will have pedestrian warning lights and ringing bells to alert pedestrians of approaching vehicles exiting the garage. In addition, an overhead "Stop" sign would be installed at the exit of the garage as would safety mirrors on each side of the front and rear walls on the garage's ground floor.

## **ENVIRONMENTAL REVIEW**

This application (C 060372 ZMM), in conjunction with the application for the related action (C 060373 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 06DCP079M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The conditional negative declaration included an (E) designation. The placement of the (E) designation (E-195) on the zoning map would eliminate the potential for significant adverse impacts associated with noise. To avoid any potential impacts, as part of the proposed action, the (E) designation would be placed on the development site (Block 887, Lot 84) and states the following:

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility 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 45dB(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 a significant adverse impact 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 agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the remediation measures to serve as a condition precedent to any change of use in such development or redevelopment or redevelopment of the property.

The applicant signed the conditional negative declaration on October 5, 2007. The conditional negative declaration was published in the City Record on August 24, 2007 and in the New York State Environmental Notice Bulletin on August 29, 2007. Pursuant to 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 October 17, 2007.

#### **UNIFORM LAND USE REVIEW**

This application (C 060372 ZMM), in conjunction with the application for the related action (C 060373 ZSM), was certified as complete by the Department of City Planning on August 20, 2007, and was duly referred to Community Board 5 and the 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 and the related application (C 060373 ZSM) on September 6, 2007, and on that date, by a vote of 23 in favor, 10 in opposition and 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (060372 ZMM), in conjunction with the application related action (C 060373 ZSM) was considered by the Borough President, who issued a recommendation approving the application on October 12, 2007.

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

On October 3, 2007 (Calendar No. 5), the City Planning Commission scheduled October 17, 2007, for a public hearing on this application (C 060372 ZMM). The hearing was duly held on October 17, 2007 (Calendar No. 13), in conjunction with the public hearing on the application for the related action (C 060373 ZSM). There were three speakers in favor of the application and none in opposition.

Speakers in favor included two representatives of the applicant and a representative of the Manhattan Borough President.

The applicant's attorney described the requested actions and the proposed project. The applicant's land use consultant described the operation of the proposed 44-space public parking garage. The representative of the Manhattan Borough President reiterated the Borough President's recommendations.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the zoning map amendment (C 060372 ZMM), in conjunction with the related special permit for public parking garage (C 060373 ZSM), is appropriate.

#### **Zoning Map Amendment (C 060372 ZMM)**

The proposed C6-2A district would be more consistent with the existing scale and character of the rezoning area. This medium density contextual district would be extended from Lexington Avenue onto the southern side of East 32<sup>nd</sup> Street. The C6-2A has a maximum residential FAR of 6.02, a maximum commercial FAR of 6.0 and a maximum community facility FAR of 6.50. The C6-2A has a maximum base height of 85 feet as well as a maximum building height of 120 feet. The proposed C6-2A district would enable the applicant to construct a 12-story Quality Housing development.

#### **Special Permit for Public Parking Garage (C 060373 ZSM)**

The Commission notes that the project site is currently occupied by a 44-space public parking lot



and the proposed garage would replace these spaces. It would support the essential functions and be compatible with uses in the general area which include a mix of residential, commercial and community facility uses.

The Commission believes the proposed garage would not create serious traffic congestion and inhibit surface traffic or pedestrian movement. The street system in the surrounding area provides no less than two moving lanes traveling east along East 32<sup>nd</sup> Street and two moving lanes traveling north and south on Park Avenue South and south on Lexington Avenue. Drivers utilizing the garage are expected to arrive and depart by way of Park Avenue South, East 32<sup>nd</sup> Street and Lexington Avenue which are not local streets in residential areas. According to the Environmental Assessment Statement prepared for the application, the proposed action would not generate enough vehicular trips to warrant an additional traffic study.

The parking facility would provide the required nine reservoir spaces at the ground floor entrance. The public parking garage would have pedestrian warning lights and ringing bells in addition to a "Stop" sign, and mirrors to help avoid conflicts between vehicles and pedestrians.

## **RESOLUTION**

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

The applicant, 126 East 32<sup>nd</sup> Street, LLC, agrees via a restrictive declaration to prepare

a Remedial Plan, including a health and safety plan for the Department of Environmental Protection (DEP) for approval. If necessary, remediation measure 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, 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 amended, is further amended by changing the Zoning Map, Section No. 8d, changing from a C4-5A District to a C6-2A District property bounded by East 32<sup>nd</sup> Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, and a line 150 feet easterly of Park Avenue South, Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated August 20, 2007, and which includes CEQR Designation E-195.

The above resolution, duly adopted by the City Planning Commission on November 14, 2007 (Calendar No. 19), 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.

**KENNETH J. KNUCKLES, Esq., Vice-Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,**  
**DOLLY WILLIAMS, Commissioners**



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

SCOTT M. STRINGER  
BOROUGH PRESIDENT

October 12, 2007

**Recommendation on  
ULURP Application Nos.: C 060373 ZSM and C 060372 ZMM – 122 East 32<sup>nd</sup> St.  
by 126 East 32<sup>nd</sup> Street, LLC**

**PROPOSED ACTIONS**

126 East 32<sup>nd</sup> Street, LLC seeks approvals of two land use actions to enable a proposed mixed-use development to be constructed on the south side of East 32<sup>nd</sup> Street between Park and Lexington avenues. The project site is located at 120-122 East 32<sup>nd</sup> Street (Block 887, Lots 84 and 87) in Manhattan Community District 5. The applicant seeks the following actions:

**Special Permit for a Public Parking Garage (C 060373 ZSM):** The special permit pursuant to ZR § 13-562 and 74-52 would allow a public parking garage with 44 spaces to be located on the ground floor and in the cellar and sub-cellar of the proposed development. In order to grant the special permit, the Commission must find that the garage will have a minimal impact on surrounding uses, will not contribute to congestion or inhibit pedestrian flow, will not direct traffic through local streets, contains an adequate number of reservoir spaces, and is surrounded by streets that are adequate for generated traffic.

**Zoning Map Amendment (C 060372 ZMM):** The amendment of the Zoning Map would change from a C4-5A district to a C6-2A district the property bounded by East 32<sup>nd</sup> Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 31<sup>st</sup> Street and East 32<sup>nd</sup> Street, and a line 150 feet easterly of Park Avenue South.

**PROJECT DESCRIPTION**

The proposed development consists of a new 12-story, approximately 65,462 SF mostly residential building including ground-floor retail and a 44-space public parking garage in the cellar and sub-cellar. The residential portion would contain 38 units. The entrance to and exit from the proposed 44-space garage would be from a new curb cut on East 32<sup>nd</sup> Street, located 185 feet from the intersection of Lexington Avenue.

The proposed amendment to the Zoning Map would change from a C4-5A to a C6-2A zoning district on the southerly side of East 32<sup>nd</sup> Street, between Park Avenue South and Lexington Avenue, for a depth of 98.9 feet (approximately 17,294 SF). The area proposed for rezoning would encompass the Site (Lot 84) and adjacent existing properties located west of the

development site (Lots 87, 88, and a portion of 95, which are developed as 3-, 17-, and 35-story buildings, respectively) and is intended to facilitate new residential construction.

### **COMMUNITY BOARD RECOMMENDATION**

At its Full Board meeting on September 6, 2007, Community Board 5 passed a resolution recommending approval of the special permit application by a vote of 33 in favor, 0 opposed, and 0 abstentions, and another recommending approval of the rezoning by a vote of 23 in favor, 10 opposed, and 0 abstentions.

### **BOROUGH PRESIDENT'S COMMENTS**

The applicant claims that the site's current zoning designation more accurately reflects the southern portion of Block 887, and that the proposed C6-2A zoning would allow future development on the northern side of the block to be more in line with existing structures facing East 32<sup>nd</sup> Street and on blocks further to the north. The special permit would allow each of the 44 public parking spaces currently in use on Lot 84 to be relocated into the cellar and sub-cellar of a mostly residential building, which would be built on the site.

Current zoning allows the applicant to build up to a 4.0 residential floor-area ratio (FAR), whereas the proposed zoning would allow up to 6.02 residential FAR. The proposed actual FAR for the new structure would be 5.83. Existing structures on the northern side of Block 887 have existing FARs of (from west to east) 20.85, 15.62, 3.8, and 17.1. Meanwhile, those on the southern side of the block are mostly between 2.67 and 6.47 FAR and with two other buildings of 12.79 and 7.3 FAR.

The additional FAR would allow the applicant to build a 12-story structure instead of an 8-story one allowable under existing zoning. Existing structures on the northern side of Block 887 are (from west to east) 35, 17, 3 and 16 stories tall. Existing structures on the south side of the block are mostly between four and seven stories, with two others being 11 and 12 stories tall. The blocks immediately to the north consist of taller buildings, while those to the south are in general low-rise; the line dividing the northern and southern halves of Block 887 does appear to be a significant separator of the taller from shorter structures. This trend, however, does not continue very far; mid-blocks between Park and Lexington avenues north of 34<sup>th</sup> Street are once again low-rise, and likewise those located south of East 28th Street, in the vicinity of Madison Square Park and approaching Gramercy Park, are taller. For Blocks 887, 888, 889, and 890, though, the tall mid-block description is accurate.

The proposed rezoning is modest in nature and respects the integrity of the Zoning Map. It would extend the current C6-2A zoning from the contiguous Lexington Avenue corridor onto East 32<sup>nd</sup> Street. Moreover, the building to be developed under the proposed C6-2A zoning would only be modestly larger than an as-of-right building under C4-5A zoning, and would be largely contextual with its neighbors. The building on Lot 14, facing south toward East 31<sup>st</sup> Street, sits directly behind the proposed structure and at 11 stories is nearly identical in height to it.

Granting the special permit would allow the applicant to continue operation of a parking facility on the site once a building with the proposed additional density is constructed. As a 44-space parking lot already exists on the site, it is estimated that the proposed parking garage would have no additional impact on surrounding uses. Similarly, as the current lot already operates at capacity, it seems unlikely that the proposed garage would attract any additional traffic to East 32<sup>nd</sup> Street. With nine street-level reservoir spaces planned for the 44-space garage, the


development also complies with the required finding related to required reservoir spaces. Therefore, the application meets the required findings for a special permit for a public parking garage.

Nonetheless, attention should be paid to the differences between the standard operations of a parking lot as opposed to a garage. Cars leaving a garage can be more difficult for pedestrians to notice than cars leaving an open lot. Therefore, it is strongly advisable that the point of egress to the garage be accompanied by both auditory and visual cues to alert pedestrians of exiting automobiles.

## CONCLUSION

The proposed zoning map amendment is a modest change that respects the integrity of the Zoning Map, serves good planning principles, and will lead to a building that is reasonably contextual with its neighbors. The proposed public parking garage application meets the required findings for the requested special permit.

**Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 060373 ZSM and C 060372 ZMM.**



\_\_\_\_\_  
Scott M. Stringer  
Manhattan Borough President



**MANHATTAN COMMUNITY BOARD FIVE**

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
(212) 465-0907  
fax: (212) 465-1628  
office@cb5manhattan.org

David Siesko, *Chair*

*District Manager*

September 7, 2007

Hon. Amanda Burden  
Chair  
Department of City Planning  
22 Reade Street, Room 2E  
New York, NY 10007

**Re: 122 East 32nd Street: ULURP #C 060373 ZSM, applicant pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Z.R. to allow an attended public parking garage with a maximum capacity of 44 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building.**

Dear Chair Burden:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, September 6, 2007, the Board passed the following resolution recommending approval by a vote of 33 in favor, 0 opposed, 0 abstention:

WHEREAS, 126 East 32<sup>nd</sup> Street LLC is proposing to develop a 12-story residential building on 120 and 122 East 32<sup>nd</sup> Street, which is currently an outdoor parking lot; and

WHEREAS, The applicant is seeking a special permit to operate an attended public parking garage using the cellar and sub-cellar to house a 44-space parking garage with 9 reservoir spaces on the first level, which would be open to the public; and

WHEREAS, The capacity of the current lot is 44 cars, so this parking garage should replace the spaces being lost as a result of the residential building being developed; and

WHEREAS, Concern has been raised by Community Board Five that existing off-street parking has been disappearing due to increased development within the area; and

WHEREAS, Community Board Five is pleased that the applicant will be providing public parking within the building; therefore be it

**RESOLVED**, That Community Board Five recommends approval of the applicant's request for a Special Permit to operate an attended public parking garage at 122 East 32 Street.

Thank you for the opportunity to comment on this matter.

Sincerely,

David Siesko  
Chair

John Mills  
Chair, Land Use and Zoning Committee



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David Siesko, *Chair*

*District Manager*

September 7, 2007

Hon. Amanda Burden  
Chair  
Department of City Planning  
22 Reade Street, Room 2E  
New York, NY 10007

**Re: 122 East 32<sup>nd</sup> Street: ULURP #C 060372 ZMM, application pursuant to Sections 197-c and 201 for a Zoning Map Amendment from the existing C4-5A district to a C6-2A district.**

Dear Chair Burden:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, September 6, 2007, the Board passed the following resolution recommending approval by a vote of 23 in favor, 10 opposed, 0 abstention:

WHEREAS, 126 East 32<sup>nd</sup> Street LLC is proposing to build a 12-story residential building with a parking garage at 120 and 122 East 32 Street, which is currently a parking lot; and

WHEREAS, The property at 120 and 122 East 32<sup>nd</sup> Street was changed from a C6-1 to a C4-5A by the City Planning Commission in 1995; and

WHEREAS, The applicant is requesting a zoning map amendment to change the zoning designation of the site and adjoining properties from C4-5A to C6-2A by extending an existing C6-2A district that exists on Lexington Avenue at East 32<sup>nd</sup> Street westward over the site to a point 150 feet towards Park Avenue South; and

WHEREAS, The existing buildings on the site are already larger than what is permitted in a C6-2A zoning lot; and

WHEREAS, The proposed 12-story residential building has been designed to align with the street wall of the adjacent buildings and the other taller buildings on the block; and

WHEREAS, The residential bulk of the proposed building is consistent with larger office/loft buildings to the west of it, and to converted residential and other existing residential buildings to the east and south of it; and

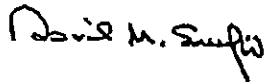
WHEREAS, The three-story building directly to the west houses a social services drop-in center which will not be disturbed by the new construction, and the property has a codicil which prevents a taller building from being developed on it in perpetuity; and

WHEREAS, Community Board Five felt that the 12-story residential building proposed for this site is appropriate for the block in relation to the other buildings on it, and due to the developer providing public parking at the new site; therefore be it

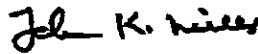
**RESOLVED**, That Community Board Five recommends approval of the extension of the C6-2A district on the south side of East 32 Street Lexington Avenue to approximately 150 feet towards Park Avenue South.

Thank you for the opportunity to comment on this matter.

Sincerely,



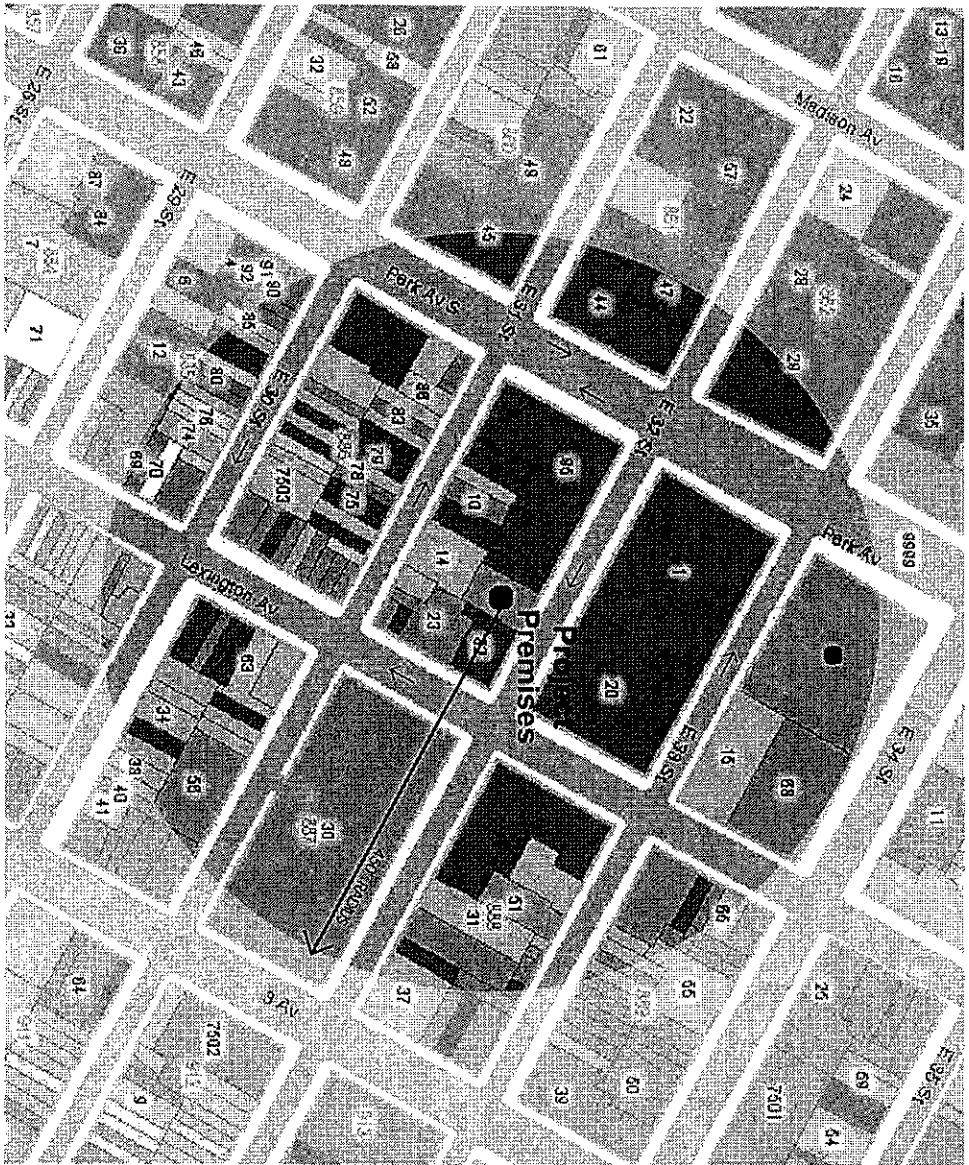
David Siesko  
Chair



John Mills  
Chair, Land Use and Zoning Committee







STATE OF NEW YORK AND COUNTY OF SHERIDAN  
 ENGINEERS AND ARCHITECTS  
 ENGINEERS AND ARCHITECTS  
 1203 WEST 10TH STREET  
 SHERIDAN, WY 82801  
 PHONE: (307) 676-1234  
 FAX: (307) 676-1235

**SRRA**  
 ARCHITECTURE AND ENGINEERING, P.C.  
 126 E 32ND ST, LLC  
 30 EAST 39TH STREET  
 NEW YORK, NY 10018

**NEW BUILDING**  
 122 E 27th Street  
 NEW YORK, NY 10018

PROJECT: 122 E 27th Street - New Building  
 DATE: 1/15/18  
 SCALE: AS SHOWN

**General Boundaries & Labels**  
 Town Neighborhood  
 County Borough  
 Geographic District  
 City Council District

**Transportation**  
 Street  
 Subway Station  
 Subway Route  
 Ferry Stop  
 Transit Station

**Property & Land Use**  
 Block of Buildings  
 Building  
 NYCHA Cooperative  
 School

**Waterfront Access, Rights**  
 Waterfront Access  
 Boat Launch  
 Boat Ramp  
 Pier  
 Dock  
 Wharf  
 Bulkhead  
 Quay  
 Wharves

**Historic Houses**  
 Historic House  
 Historic Site  
 Historic District  
 Historic Landmark  
 Historic Building

**Green Spaces Along Streets**  
 Green Space  
 Tree  
 Planting  
 Greenway

**Public Amenities**  
 Public Space  
 Public Building  
 Public Facility  
 Public Utility  
 Public Works

**Other Amenities**  
 Other Amenity  
 Other Building  
 Other Facility  
 Other Utility  
 Other Works

**FOR ILLUSTRATIVE PURPOSE ONLY**  
 LAND USE MAP  
 SCALE: 1" = 500'  
 DATE: 1/15/18

**A 5**

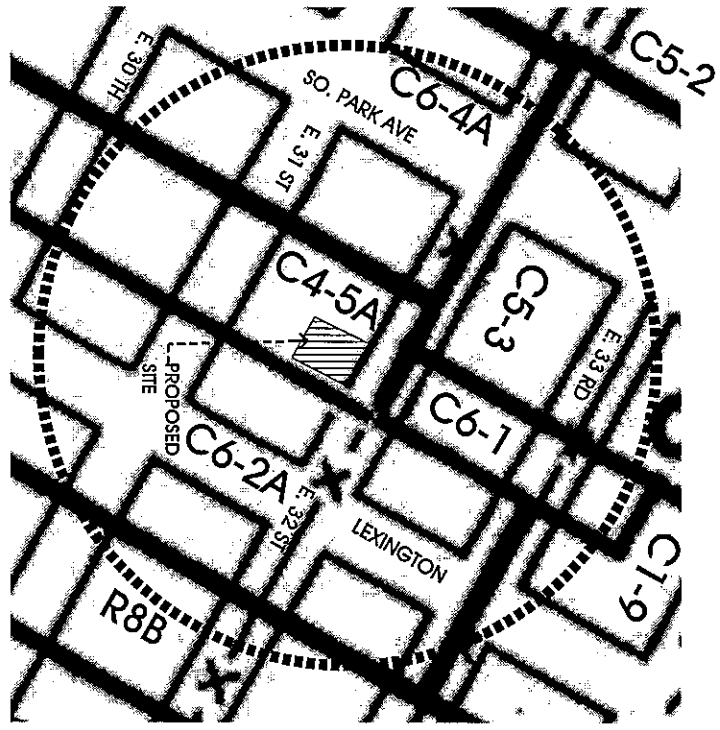
DIAGRAMS OF NEIGHBOR AND REGION ARE FOR INFORMATION ONLY. EXCEPT FOR GARAGE ENTRANCES AND LAUNDRY, BUILDINGS TO BE DEVELOPED AS OF RIGHT PURSUANT TO C-2A.

**SRA**

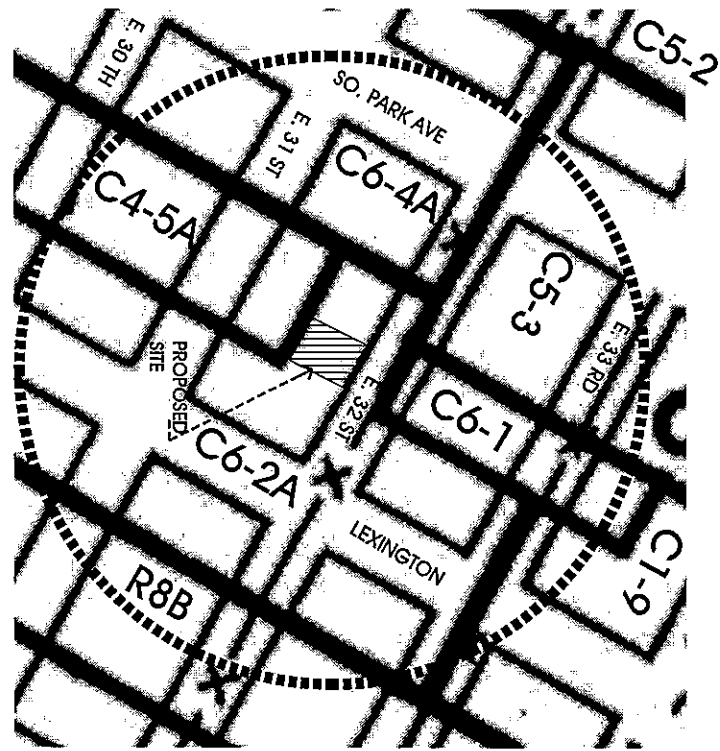
ARCHITECTURE AND ENGINEERING, P.C.  
 30 EAST 30TH STREET  
 NEW YORK, NY 10016

OWNER:

126 E 32ND ST, LLC  
 30 EAST 30TH STREET  
 NEW YORK, NY 10016



EXISTING ZONING (C4-5A)



PROPOSED ZONING CHANGE (C6-2A)

**NEW BUILDING**

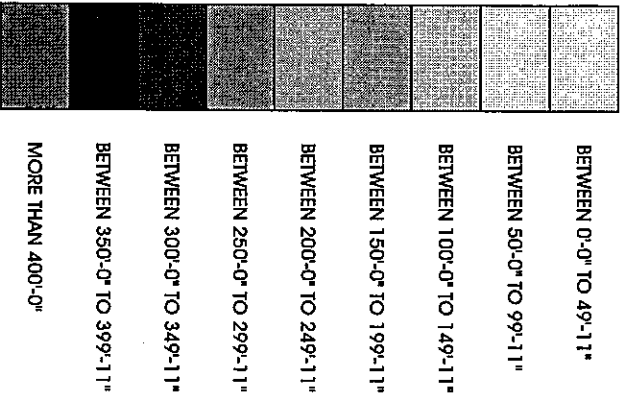
122 E 32ND STREET  
 NEW YORK, NY 10016

THE NEW YORK CITY DEPARTMENT OF CITY PLANNING  
 115 WEST 4TH STREET, 11TH FLOOR  
 NEW YORK, NY 10014

DATE: APRIL 4, 2007  
 DRAWING NO.: Z 2.1

# LEGEND

INFORMATION AS PER CERTIFICATE OF OCCUPANCY  
 \* INFORMATION AS PER VISUAL SURVEY  
 BUILDING HEIGHT IN FEET



## DWG LEGEND

- ⊙ LOT #
- 887 BLOCK #
- 1.1 ACTUAL BUILDING HEIGHT
- 100 STREET ADDRESS

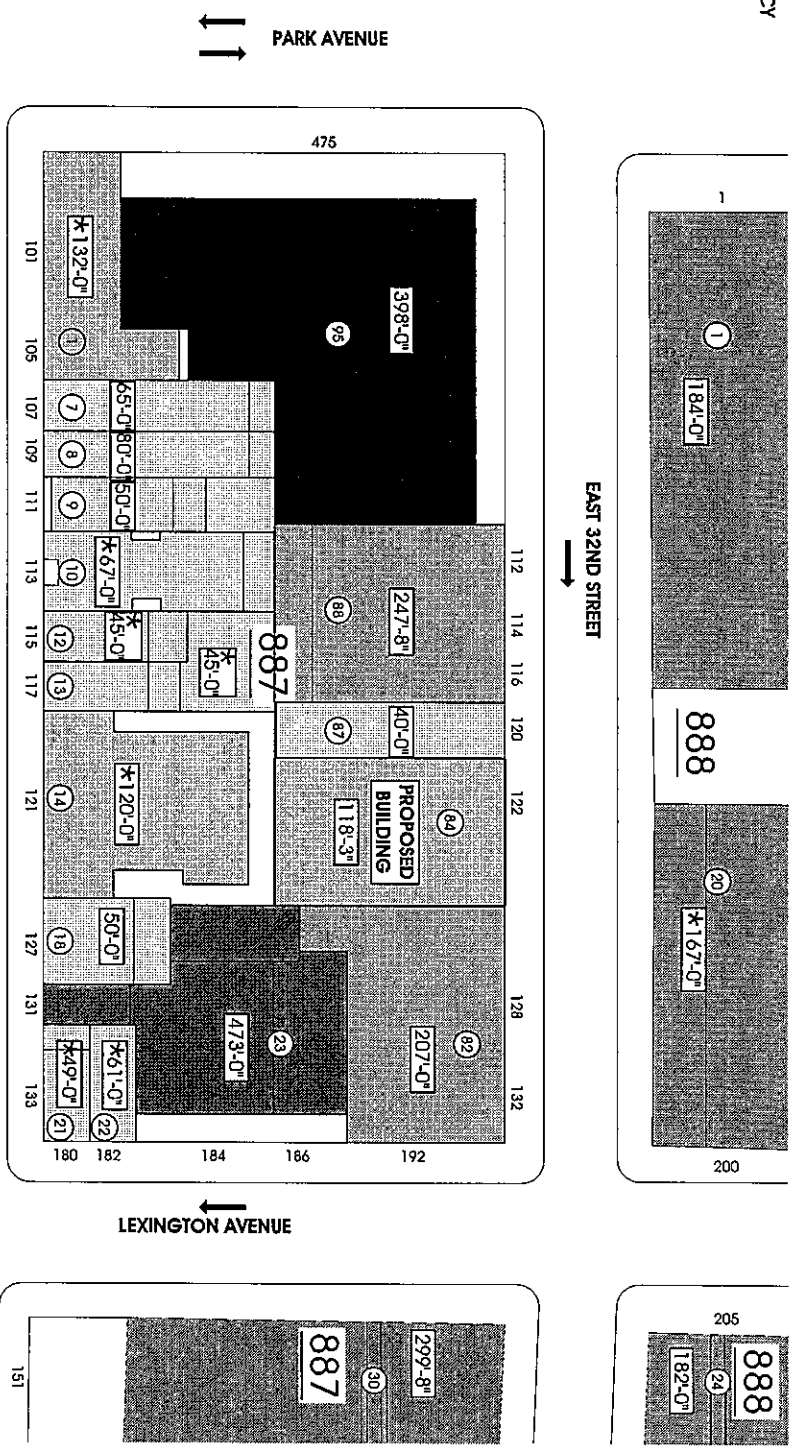
### SRA

OWNER:  
 126 E 32nd St, LLC  
 30 EAST 30TH STREET  
 NEW YORK, NY 10016

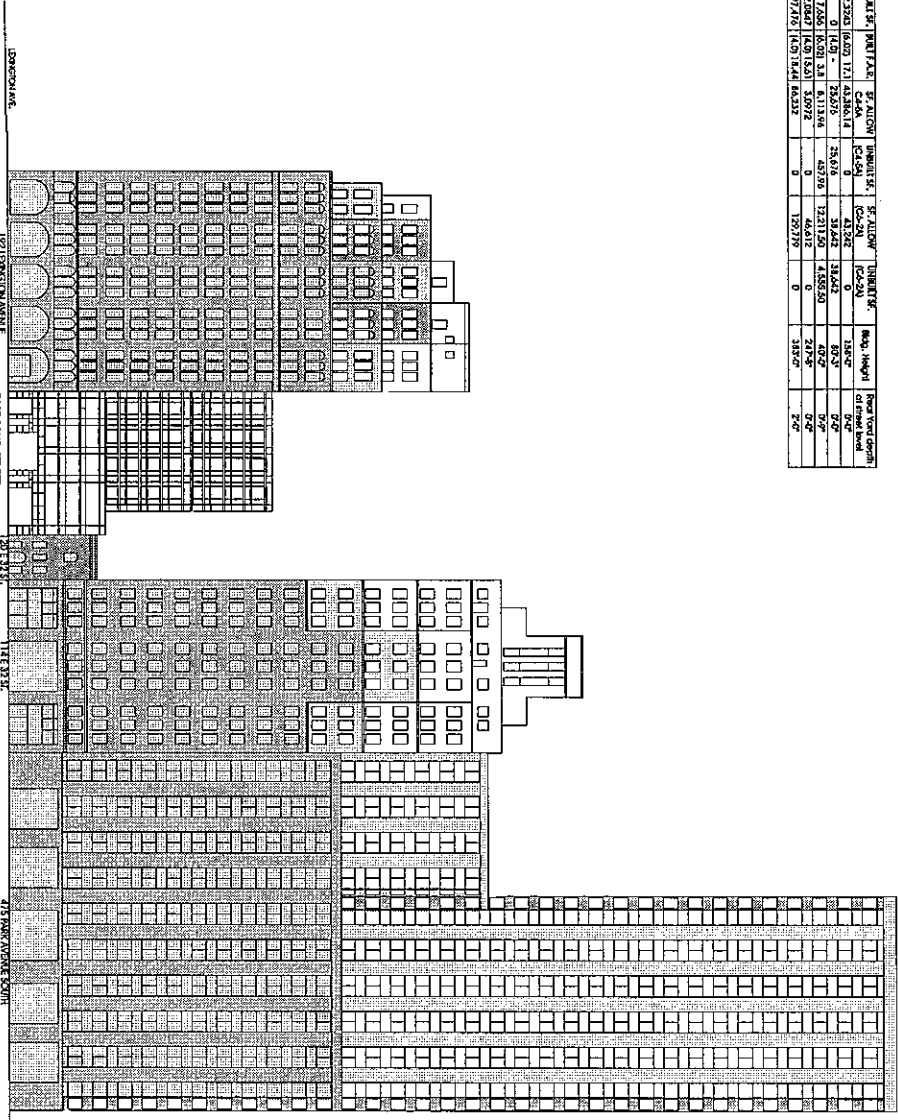
DIAGRAMS OF HEIGHT AND SETBACK ARE FOR INFORMATION ONLY. EXCEPT FOR GARAGE DIMENSIONS AND VISUAL SETBACK TO BE OBSERVED BY AN ARCHITECT OR ENGINEER.

NEW BUILDING  
 122 E 32nd Street  
 NEW YORK, NY 10016

FOR ILLUSTRATIVE PURPOSE ONLY  
 BUILDING HEIGHT COMPARISON  
 DATE: OCTOBER 28, 2023  
 SCALE: NOT TO SCALE  
 A 7



LOT	COY. AREA	FRONT	REAR	S. ALLOW	S. ALLOW	THINNING	FRONT	FRONT	FRONT
12	12,397	12,397	14,629	11,111	2,444	1,111	1,111	1,111	1,111
13	2,418	2,418	1,111	3,529	1,111	1,111	1,111	1,111	1,111
14	2,028	2,028	1,629	1,629	1,629	1,629	1,629	1,629	1,629
15	7,743	12,084	14,071	14,071	14,071	14,071	14,071	14,071	14,071
16	31,358	39,716	14,071	14,071	14,071	14,071	14,071	14,071	14,071



**ARCHITECTS AND ENGINEERS FOR INFORMATION ONLY, EXCEPT FOR GARAGE ELEVATIONS AND LAYOUT. BUILDING TO BE DEVELOPED AS OF REAR PARCELS TO GO.**  
**SRA**  
 ARCHITECTS AND ENGINEERS, P.C.  
 30 EAST 39TH STREET  
 NEW YORK, NY 10018

**NEW BUILDING**  
 122 E. 32nd Street  
 NEW YORK, NY 10016

EAST 32ND STREET  
 NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"  
 DATE: 08/11/10  
 SHEET: A-3





**PARK AVE SOUTH  
VIEW LOOKING SOUTH EAST**



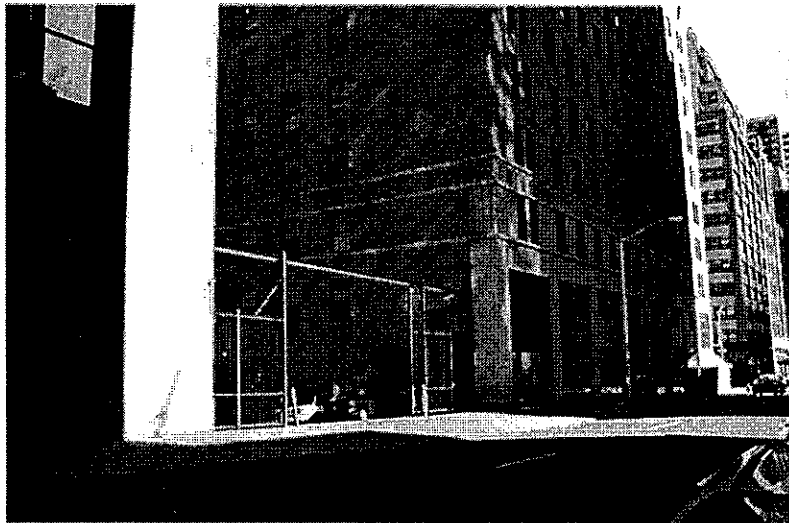
**VIEW LOOKING NORTH EAST**



**EAST 32 STREET  
VIEW LOOKING EAST FROM PARK AVE**

**122 EAST 32 STREET**  
February 22, 2005

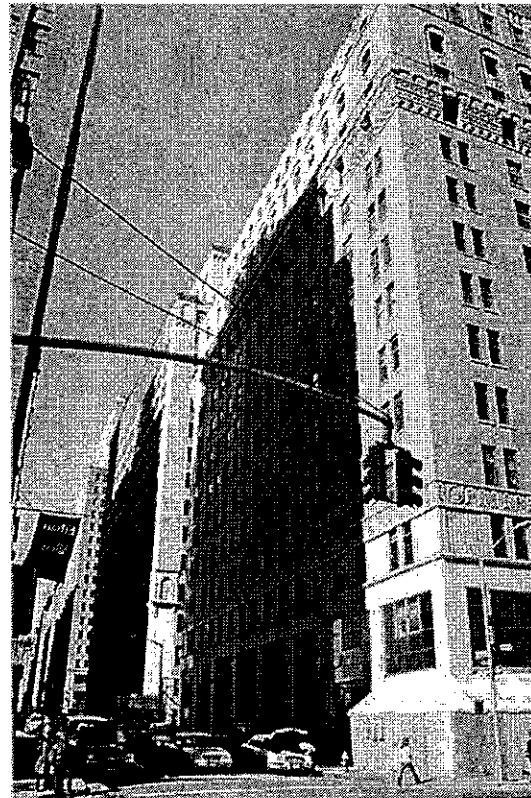
**SITE PHOTOS 1**



**EAST 32 STREET  
VIEW LOOKING NORTH EAST**



**LEXINGTON AVENUE  
VIEW LOOKING SOUTH WEST**

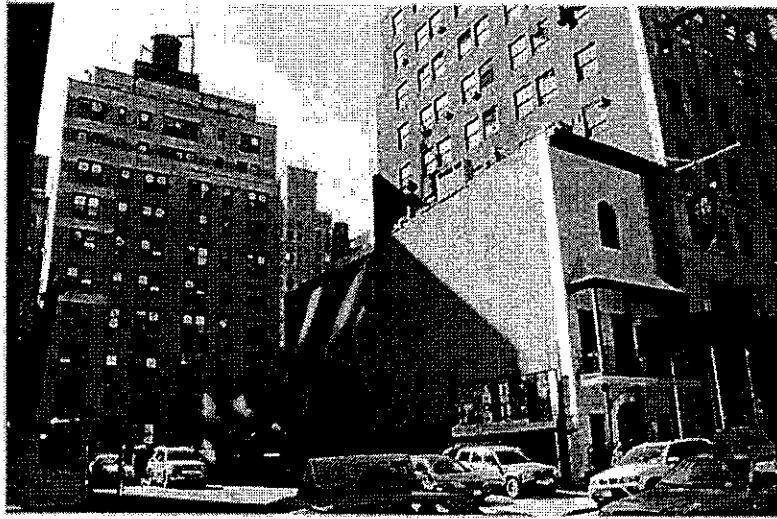


**LEXINGTON AVENUE  
VIEW LOOKING NORTH WEST**

**122 EAST 32 STREET**  
February 22, 2005

**SITE PHOTOS 2**





**122 EAST 32 STREET  
VIEW OF SITE LOOKING SOUTH WEST**



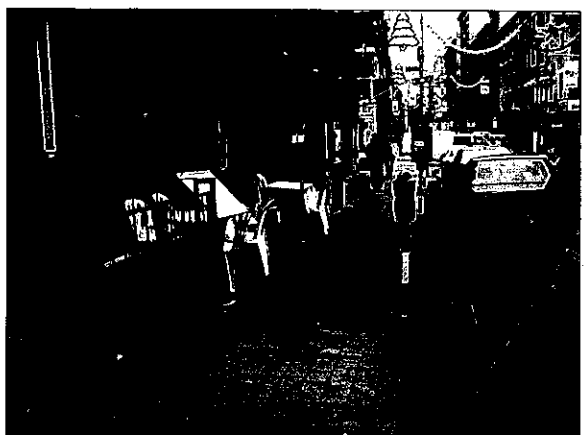
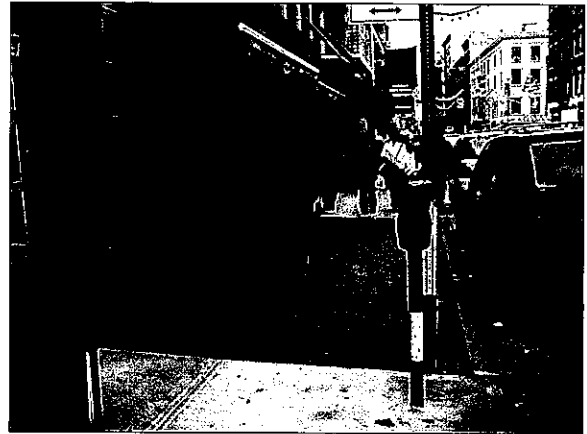
**EAST 32 STREET  
VIEW LOOKING NORTH EAST**



**VIEW OF SITE LOOKING SOUTH EAST**

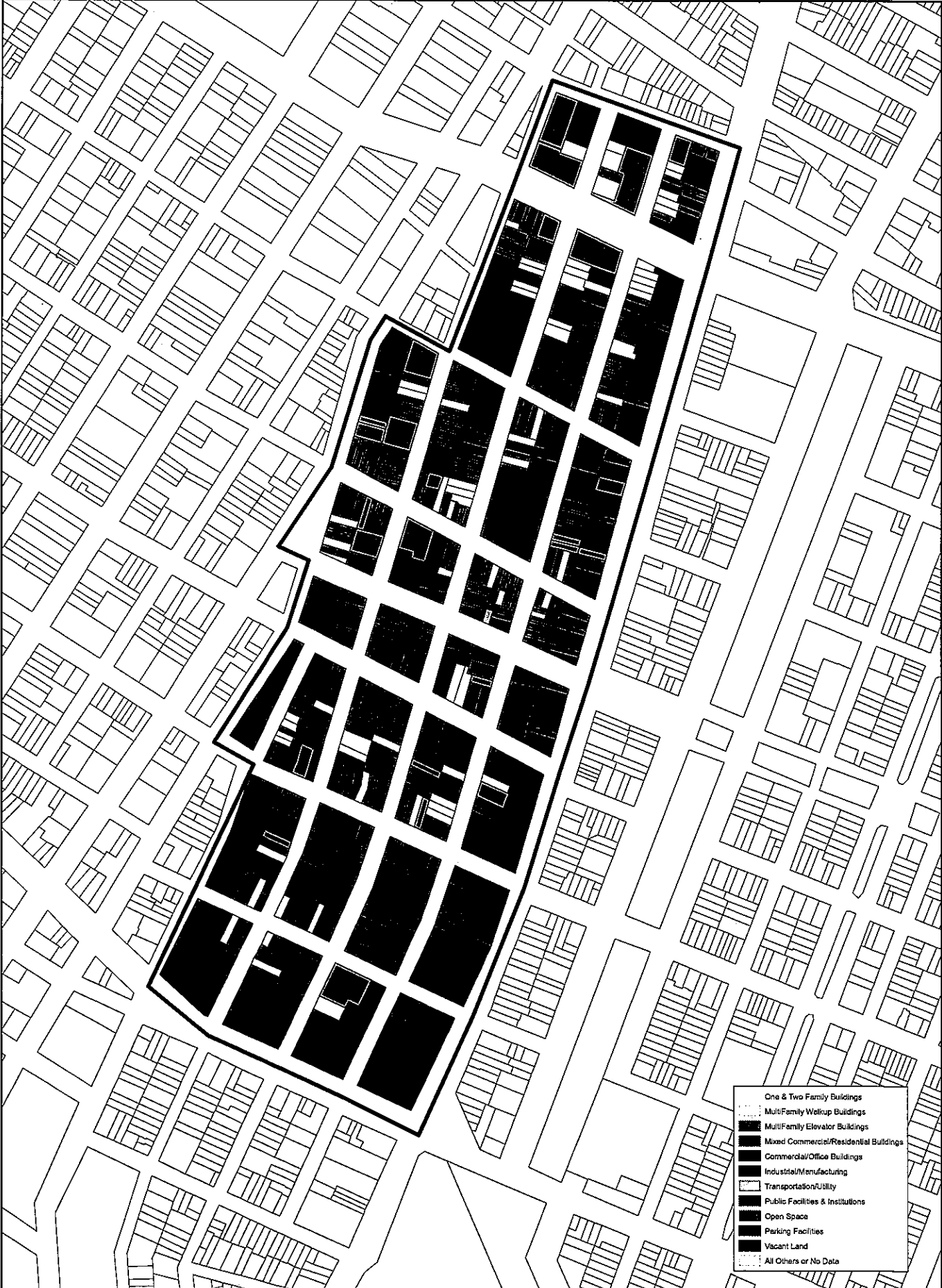
**122 EAST 32 STREET**  
February 22, 2005

**SITE PHOTOS 3**



**Examples of Distinctive Sidewalks**

# Special Little Italy District



N 070515 ZRM

## Special Little Italy District Text Amendment

Article 10, Chapter 9 of the Zoning Resolution comprises the use and bulk regulations governing the Special Little Italy District (SLID) which was established in 1977. The objective of the Special District was to protect and enhance the residential and retail character of the Little Italy community by instituting provisions designed to retain the area's most significant and characteristic qualities in existing buildings and extend these qualities in new construction. These qualities included the vitality of the street life, the scale of the buildings, the mix of uses, and the variety of retail stores.

### Decorative Sidewalks

The SLID sought to revitalize and strengthen the Mulberry Street area by requiring retail uses on the street level; maintaining the street wall while providing open space and landscaping in the rear of buildings, and requiring sidewalk improvements in the form of decorative pavements for any large conversion, alteration, or new building on the Street.

It was believed at the time of the establishment of the SLID that mandating ground floor retail uses on Mulberry Street and its immediate vicinity and requiring decorative pavements in conjunction with development on these streets would reinforce the economic health of the Little Italy neighborhood and the City. The Zoning Text includes two alternate patterns for the installation of the brick pavers which would comprise these decorative pavements.

A recent site survey of the subject area found a total of six installations of decorative pavements. Of these, only two used the alternative brickwork patterns illustrated in the SLID ZR text. Further, several instances were noticed where decorative pavements should have been installed but had not been.

### The Art Commission

The Art Commission is the City's design review agency. Pursuant to the City Charter, the Art Commission's review is restricted to art, architecture and landscape architecture proposed for City-owned property. This includes the review of streetscape elements such as sidewalk paving plans. The Art Commission's recent practice has been to reject proposals for decorative sidewalks in favor of the City's standard paving plan. The Art Commission has stated that the SLID provisions pertaining to the decorative sidewalks are not enforceable by the Department of City Planning since all applications for decorative sidewalks are still required to come before the Art Commission for review and approval. The Art Commission has respectfully requested that the Department of City Planning waive the requirements for decorative sidewalks for future applications in favor of the City's standard.

The Department proposes the elimination of the requirement for decorative sidewalks since the requirement restricts the Art Commission's discretion on City-owned property.

#### Planting/Art Work

A second provision of the SLID mandates planting or art work for portions of the front walls of developments throughout the most of the area within the SLID with the exception of the Kenmare Street and Bowery corridors. The ZR notes that approval by the Art Commission is required for the art work prior to the issuance of a building permit. This requirement therefore extends the jurisdiction of the Art Commission to include private property.

The Department proposes to eliminate the requirement that the mandated planting or art work receive approval by the Art Commission prior to the issuance of a building permit.

#### Proposed Text Amendment

DCP is proposing to amend the SLID zoning text by: (1) eliminating Section 109-25 (Mandatory Sidewalk Improvements) which requires decorative sidewalks; and (2) deleting all references to the Art Commission in Sections 109-132 and 109-332 (Treatment of the ground level wall). These two Sections describe the required art work and planting mandated for portions of the front walls of developments throughout most of the area within the SLID

No other amendments are proposed. The remainder of the SLID text would remain unchanged.

**Text Change - Special Little Italy District**

Matter underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

**Article X - Special Purpose Districts**

**Chapter 9  
Special Little Italy District**

\* \* \*

2/3/77

**109-132  
Treatment of the ground level wall**

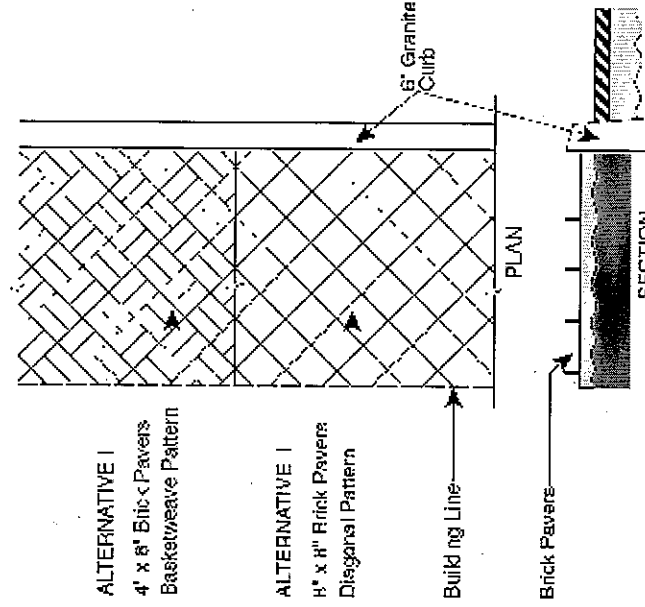
At least 25 percent of the total surface area of the entire front wall of a #development# up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of 2 feet. In addition, any portion of such building wall 20 feet or more in length, which contains no transparent areas at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or contain art work approved by the New York City Art Commission, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. Approval by the New York City Art Commission for any such artwork shall be obtained prior to the issuance of a building permit for the #development#.

\* \* \*

**109-25  
Mandatory Sidewalk Improvements**

All new #developments#, #enlargements#, changes of #use# within the same or to other #use# groups of at least 50 percent of the #floor area# of an existing #building#, or an alteration above 30 percent of the building value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area A-1 shall provide, extending for the entire length of the #street# frontage of the #zoning lot#, sidewalk paving consisting of brick pavers and granite curbs as illustrated herein and approved by the Department of Transportation. The provisions of Section 109-17 (Mandatory Street Trees) shall not apply in Area A-1.

**[DRAWING TO BE ELIMINATED]**



**PAVING AREA A-1**  
(Pattern and Size of brick pavers are flexible)

109-332

Treatment of the ground level wall

For a building wall facing a #narrow street#, at least 25 percent of the total surface area of such building wall up to a height of 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such building wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or contain artwork approved by the New York City Art Commission, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet 6 inches, and a minimum width of 24 inches. Approval by the New York City Art Commission for any such artwork shall be obtained prior to the issuance of a building permit for the #development#.

\* \* \*

(End)