



CITY PLANNING COMMISSION

September 24, 2003/Calendar No. 26

C 030176 ZSM

IN THE MATTER OF an application submitted by New Amsterdam Associates 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 185 spaces including 93 accessory spaces on portions of the ground floor, cellar and sub-cellar and to allow up to 8,521 square feet of floor area on the ground floor below a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), in an existing mixed use building on property located at 721/739 Amsterdam Avenue (Block 1226, Lot 1), in a C2-8 District, within a Large-Scale Residential Development, Borough of Manhattan, Community District 7.

The application for a special permit was filed by New Amsterdam Associates on October 18, 2002 to facilitate a 185-space public parking garage, including 93 accessory spaces, on a property located on Amsterdam Avenue between West 95th and West 96th streets.

BACKGROUND

The applicant, New Amsterdam Associates, is requesting a special permit pursuant to Zoning Resolution Sections 13-562 and 74-52 to convert their existing 93-space unattended accessory parking garage into a 185-space attended public parking garage. The site (Block 1226, Lot 1), located on the east side of Amsterdam Avenue between West 95th and West 96th Streets, is in a C2-8 district in Community District 7 of Manhattan. The site is 30,225 square feet in area and is occupied by a 27-story building with residential, community facility and commercial uses.

This portion of the Upper West Side is characterized by high-density residential uses with local retail and service uses on the avenues. West 95th Street is a one way, west-bound street, while West 96th Street is a two-way street. Central Park is two blocks east of the site.

The building that houses the garage was constructed in 1968 as a Mitchell-Lama development. It is located within the former West Side Urban Renewal Area (URA) and a Large Scale Residential Development (LSRD). The URA, last modified in August 2000 (C000303HUM), expired on June 26, 2002. While the URA has expired, the LSRD is still applicable and supercedes zoning regulations. This application would affect Site 7 within the LSRD.

Project Description

The applicant is proposing to convert an existing 93-space accessory parking garage into a 185-space attended public parking garage. The garage occupies a total of 38,500 square feet in the building and is located on the ground floor, cellar and subcellar levels of the existing building. Approximately 8,500 square feet are on the ground floor, 15,000 square feet are on the cellar level, and 15,000 square feet are on the subcellar level. The existing garage is a self-park, unattended parking garage. The applicant proposes to increase the capacity of the garage by employing attendants to park all incoming cars. Of the proposed 185 spaces, 93 spaces would be reserved for accessory parking and 92 spaces would be used for public parking. The applicant is seeking a special permit pursuant to Zoning Resolution Sections 13-562 and 74-52 to convert the garage from an accessory to a public garage.

Vehicles will travel between floors via ramps. As required, the applicant proposes ten reservoir spaces, all of which would be located on the ramp. The proposed garage would provide attended parking services for accessory and public uses 24 hours a day.

There is one existing curb cut (25 feet in width, including splays) on West 95th Street that serves the garage. No expansion of this curb cut or any additional curb cuts are proposed. West 95th Street is a one way, west-bound street. Vehicles would enter the garage from Columbus Avenue to West 95th Street. Vehicles exit the garage onto West 95th Street to Amsterdam Avenue. The applicant would include a visual and audible device to warn pedestrians of exiting vehicles.

As part of the special permit, the applicant also requests an exemption of ground floor commercial space from the definition of floor area. The LSRD limits the commercial floor area on this site to 10,000 square feet. The proposed change from an accessory parking garage (accessory to Use Group 2) to a public parking garage (Use Group 8) requires that the ground floor of the garage (8,500 square feet) be considered commercial floor area. There is 9,888 square feet of commercial floor area currently in the

building. The conversion of the garage from accessory to public would add 8,521 square feet of commercial space on the ground floor.

ENVIRONMENTAL REVIEW

This application 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 03DCP020M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 2, 2003.

UNIFORM LAND USE REVIEW

This application (C 030176 ZSM) was certified as complete by the Department of City Planning on June 2, 2003, and was duly referred to Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 held a public hearing on the certified application on July 1, 2003 and, on that day, by a vote of 20 to 10 with three abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation approving the application on July 16, 2003.

City Planning Commission Public Hearing

On August 13, 2003 (Calendar No. 4), the City Planning Commission scheduled a public hearing on this application on August 27, 2003. The hearing was duly held on August 27, 2003 (Calendar No. 9). There was one speaker in favor and none in opposition.

The applicant spoke in favor of the project and explained the reason for exempting the newly created commercial space from the definition of floor area. The representative stated that the 93 accessory spaces of the proposed 185 spaces in the garage would be maintained in perpetuity for residential tenants of the building, pursuant to the original requirements of the building under the Mitchell-Lama program. The applicant also stated that the proposed public garage, to be operated through a concession, would not increase the rates currently charged for the accessory parking spaces.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit for the revised application, pursuant to Zoning Resolution Sections 13-562 and 74-52, is appropriate.

The special permit would facilitate the conversion of an existing residential accessory parking garage with 93 spaces into a public parking garage with 185 spaces. The existing garage is a self-park garage. There would be no physical changes to the existing garage to accomplish its conversion from an accessory to a public garage. Instead, the applicant plans to maximize the existing space in the garage by providing a parking attendant on a 24-hour basis to park all cars using the garage. The garage comprises approximately 38,500 square feet on the ground floor, cellar level and subcellar level.

The Commission believes that the proposed conversion of the existing accessory parking garage to a

public parking garage would not create negative impacts on traffic and on pedestrian flow. The Commission notes that the existing 93-space accessory garage generates 8 vehicle trips during the peak period, between 7:30 to 8:30 on a weekday morning. The conversion of the garage is expected to generate an additional 26 trips during the same peak hour. Furthermore, approximately 90 pedestrians travel on the sidewalk in front of the garage entrance during the peak hour. Approximately three pedestrians are expected to pass during the time that one car would enter or exit the garage. The Commission further notes that the proposed garage would include 10 reservoir spaces. Therefore, the Commission believes that the cumulative 34 vehicle trips expected during the peak hour would not impact vehicular or pedestrian traffic.

The Commission believes that the proposed public parking garage would draw a minimum amount of vehicular traffic through local streets. The Commission notes that the proposed garage would be generally accessed from Columbus and Amsterdam Avenues, which are not local streets. The garage entrance is on West 95th Street, which is 60 feet wide and can adequately serve the increased local traffic that would be generated by the proposed conversion from an accessory to a public garage. Furthermore, the proposed public parking portion of the garage would likely serve residents in the area immediately surrounding the garage.

The Commission believes that the proposed exemption of ground floor commercial floor space from the definition of floor area is appropriate. The Commission notes that the proposed garage is in a dense residential area with substantial demand for parking that is not met by on-street supply. The Commission further notes that many of the residential buildings in this area do not contain off-street parking facilities. Therefore, the Commission believes that the proposed exemption would address some of the unmet residential parking needs in this neighborhood.

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

- (a) that such use will not be incompatible with, or adversely affect the growth and development of uses comprising vital and essential functions in the general area within which such use is to be located;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in the number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more the 50 automobiles;
- (e) that the streets providing access to such use will be adequate to handle the traffic generated thereby; and
- (f) not applicable
- (g) that, where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve parking congestion.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant environmental impact, and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 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 New Amsterdam Associates 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 185 spaces including 93 accessory spaces on portions of the ground floor, cellar and sub-cellar and to allow up to 8,521 square feet of floor area on the ground floor below a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), in an existing mixed use building on property located at 721/739 Amsterdam Avenue (Block 1226, Lot 1), in a C2-8 District, within a Large-Scale Residential Development, 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 030176 ZSM) shall be developed in size and arrangement substantially in accordance with dimensions, specifications and zoning computation indicated on the following plans, prepared by H+H Building Consultants, Inc., filed with this application and incorporated into this resolution:

Drawing Number	Title	Date
2 of 6	First Floor Plan	May 15, 2003
3 of 6	Cellar Floor Plan	May 15, 2003
4 of 6	Subcellar Floor Plan	May 15, 2003
5 of 6	Section of Ramp Looking North	May 15, 2003

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction,

operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having right, title or interest in the property that is the subject of this application, or 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 or 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 and private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city=~~s~~ or such employee=~~s~~ or agent=~~s~~ failure to act in accordance with the provisions of the special permit.

The resolution (C 030176 ZSM), duly adopted by the City Planning Commission on September 24, 2003 (Calendar No. 26), is filed with the Office of the Speaker, City Council and Manhattan Borough President, together with a copy of the application and plans of the development, and in accordance with the requirement of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, *Chair*
KENNETH KNUCKLES, *Esq.*, *Vice Chairman*
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., JANE D. GOL, CHRISTOPHER KUI,

JOHN MEROLO, DOLLY WILLIAMS, *Commissioners*

KAREN A. PHILIPS, JOSEPH B. ROSE, *Commissioners voting no*