



## CITY PLANNING COMMISSION

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February 7, 2007/Calendar No. 21

C060392 ZSM

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**IN THE MATTER OF** an application submitted by 300 CPW Apartments Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow the enlargement of an existing attended accessory parking garage with a maximum capacity of 120 spaces in the cellar of an existing building located at 300 Central Park West (Block 1204, Lot 29), in R10A and R7-2 Districts, Borough of Manhattan, Community District 7.

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This application for a Special Permit was filed by 300 CPW Apartments Corp. on March 13, 2006, to increase the allowable number of accessory parking spaces from 80 to 120, within an existing, attended accessory garage located in the cellar level of an existing apartment building, pursuant to Section 13-561 of the Zoning Resolution.

### **BACKGROUND**

The project site (Block 1204, Lot 29) is located on Central Park West between West 90<sup>th</sup> Street and West 91<sup>st</sup> Street in Manhattan Community District 7, and is within R10A and R7-2 zoning districts. The site currently contains the El Dorado, a 204-unit residential co-op building that was designated an individual landmark by the NYC Landmarks Preservation Commission in 1982. In addition, the site is within the Upper West Side/Central Park West Historic District.

The area surrounding the project site is residential in character. Apartment buildings approximately 10-20 stories in height line Central Park West and smaller, four-story townhouses are located in the midblocks. P.S. 84 and MS 247 are located in a building between West 92<sup>nd</sup> and West 93<sup>rd</sup> streets between Central Park West and Columbus Avenue, just to the northwest of the project site. Further to the west, along Columbus and Amsterdam avenues, are areas that were redeveloped with high-rise apartment buildings under the Upper West Side Urban Renewal Plan. Directly to the east of the project site is Central Park.

Existing accessory parking garages may not increase their capacity without a special permit. Section 13-561 of the Zoning Resolution (Accessory off-street parking spaces) allows by special permit accessory parking garages with any capacity. Findings must be made relating to need, traffic congestion, impacts on residential streets, pedestrian flow, and reservoir spaces.

The proposed accessory parking garage would be located in the cellar level of the El Dorado apartment building which currently contains 20,614 square feet of garage space and 80 parking spaces (including 18 two-car stackers), pursuant to the building's certificate of occupancy issued by the NYC Department of Buildings in 1961. The proposed special permit would increase the number of accessory parking spaces allowed in the existing garage to 120 spaces and reduce the number of stackers to 17.

Vehicles would continue to access the garage from West 90<sup>th</sup> Street, a 60-foot-wide one-way eastbound street, via a 12-foot-wide curb cut and nine-foot-wide two-way ramp leading from the street to the cellar level. The garage would be fully attended and ten reservoir spaces would be provided.

#### **ENVIRONMENTAL REVIEW**

This application (C 060392 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 06DCP080M. 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 September 25, 2006.

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

This application (C 060392 ZSM) was certified as complete by the Department of City Planning on September 25, 2006 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 this application on November 8, 2006, and on that date, adopted a resolution recommending approval of the application by a vote of 32 in favor, 0 opposed, and 0 abstaining.

### **Borough President Recommendation**

This application (C 060392 ZSM) was considered by the Borough President, who issued a recommendation approving the application on December 19, 2006.

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

On December 20, 2006 (Calendar No. 7), the City Planning Commission scheduled January 10, 2007, for a public hearing on this application (C 060392 ZSM). The hearing was duly held on January 10, 2007 (Calendar No. 26). There were two speakers in favor of the application and none in opposition.

Those speaking in favor included the Director of Land Use for the Manhattan Borough President and the land use consultant for the applicant. The Director of Land Use for the Manhattan Borough President said that the Borough President recommended approval of the proposed application. The representative of the applicant reviewed the proposed enlargement of the existing accessory parking garage and noted that no structural changes are proposed as part 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 060392 ZSM) is appropriate.

The Commission notes that the proposed garage would be entirely accessory to the existing El Dorado apartment building which contains 204 cooperative units. The Commission further notes that the existing parking garage is currently limited to 80 parking spaces and that 65 cooperative

units are currently on a waiting list to obtain a parking space within the accessory garage if and when parking spaces become available.

The Commission believes that the proposed garage is located in a dense residential neighborhood and that on-street and off-street parking is limited in the area surrounding the project site. The Commission notes that according to the environmental assessment statement completed for the garage, the proposed increase in capacity of the garage would likely result in a modest increase in traffic with a maximum of approximately 17 additional vehicular trips during the evening peak hour. The Commission believes that those additional vehicles would not unduly inhibit traffic and pedestrian flow. In addition, the Commission notes that access to the proposed garage would be via the same curb cut and streets currently used to access the accessory garage and that a visual warning device is installed at the beginning of the garage ramp. Ten reservoir spaces would be provided within the accessory garage.

## **FINDINGS**

Based upon the above consideration, the City Planning Commission hereby makes the following findings required by Section 13-561 (Accessory off-street parking spaces);

1. That such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;
2. That within the vicinity of the site, there are insufficient parking spaces available;
3. That the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
4. That the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
5. That adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of ten vehicles or less, the Commission may waive this finding.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 application submitted by 300 CPW Apartments Corp. (C 060392 ZSM) for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow the enlargement of an existing attended accessory parking garage with a maximum capacity of 120 spaces in the cellar of an existing residential building located at 300 Central Park West (Block 1204, Lot 29), in R10A and R7-2 Districts, Borough of Manhattan, Community District 7, is approved subject to the following conditions:

1. The application that is the subject of this application (C 060392 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 Philip Habib and Associates, filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|--------------------|--------------|--------------------------|
| 2 of 2             | Parking Plan | August 24, 2006          |

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 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, duly adopted by the City Planning Commission of February 7, 2007 (Calendar No. 21), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP Chair**

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

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**

**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,**

Commissioners