



CITY PLANNING COMMISSION

September 19, 2007/Calendar No. 9

C 070086 ZSM

IN THE MATTER OF an application submitted by Central Parking Systems pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 70 spaces on a portion of the ground floor and cellar of an existing residential building on property located at 800 Avenue of the Americas (Block 829, Lot 1,2,3,5,6, and 74) in a C6-4X District, Community District 5, Borough of Manhattan

The application was filed by Central Parking Systems on August 28, 2006, for a special permit pursuant to Section 13-562 and 74-52 of the Zoning Resolution for a 70-space attended public parking garage in a portion of the ground floor, cellar and sub-cellar levels of an existing residential building on property located at 800 Avenue of the Americas (Block 829, Lot 1,2,3,5,6, and 74) in a C6-4X District.

BACKGROUND

Central Parking Systems seeks a special permit for a 70 space attended public parking garage in an existing building on the east side of Avenue of the Americas between West 27th and West 28th Streets in a C4-6X District in Midtown Manhattan.. The neighborhood is predominantly a mix of manufacturing, commercial, and residential uses. It is directly south of the tourist and retail neighborhood of the 34th street corridor.

Project Description

The site is a corner lot bounded by West 27th Street, Avenue of the Americas, and West 28th Street. The project site is improved with a 34 story residential building. The garage, which is

existing and has been operating as a 70 space public parking garage, has a Certificate of Occupancy for 57 accessory spaces. It is operating as a public parking garage without the necessary approvals and the special permit would facilitate its legalization. The garage would continue to operate as it has with vehicles entering and exiting via an existing 22-foot curb cut, including splays, on West 28th Street, an east-bound street. Vehicles would proceed down the garage ramp and stop for the attendant. The garage would provide the required 10 reservoir spaces. The garage would have 13 two-car stackers and 44 surface parking spaces. The garage entrance would have warning devices at the entrance/exit to alert pedestrians of vehicles.

ENVIRONMENTAL REVIEW

This application (C 070086 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 06DCP099M. 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 18, 2007.

UNIFORM LAND USE REVIEW

This application (C 070086 ZSM) was certified as complete by the Department of City Planning on June 18, 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 on July 12, 1007, and on that day, by a vote of 33 in favor to 0 opposed and 3 abstentions adopted a resolution recommending approval of the application.

Borough President's Recommendation

This application was considered by the Borough President who issued a recommendation on August 20, 2007, approving the application.

City Planning Commission Public Hearing

On August 8, 2007 (Calendar No. 7), the City Planning Commission scheduled August 22, 2007 for a public hearing on this application (C 070086 ZSM). The hearing was duly held on August 22, 2007 (Calendar No. 31). There were two speakers in favor and none in opposition.

The applicant's attorney described the application. He described the garage and how it was beneficial to the area particularly given the loss of garages on Avenue of the Americas. He highlighted how the Community Board and Borough President voted in favor of the garage.

A representative of the Manhattan Borough President testified that the Borough President was in favor of the application. She mentioned that the Borough President was supportive of the garage owner's efforts to remedy the existing non-compliant situation. She encouraged the City to rewrite parking regulations to address illegal garages.

CONSIDERATION

The Commission believes that the grant of the special permit (C 070089 ZSM) is appropriate.

The garage is located in an area of midtown that is directly south of an active tourist, commercial, and retail area. Given the loss of parking garages in the neighborhood and expansion of residential buildings in the area, the Commission notes that a garage would service existing and future demand.

The Commission notes that the proposed public parking garage would primarily be accessed via Avenue of the Americas which is not a local street. Vehicles would enter the garage on West 28th Street via an existing 22-foot, including splays, curb cut. In this area, West 28th Street and surrounding side streets are zoned for manufacturing and commercial uses.

The Commission further notes that, according to the Environmental Assessment Statement, the change from accessory parking to public parking will not cause any traffic or pedestrian impact. Furthermore, the required ten reservoir spaces would be provided along the length of the ramp descending to the cellar of the building and warning signals and buzzers located on the garage ramp would alert pedestrians to the presence of a vehicle exiting the garage.

FINDINGS

The City Planning 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:

1. 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;
2. That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow;
3. That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
4. 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;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable; and
7. Not applicable.

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 Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Central Parking Systems pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant

to Sections 74-52 and 13-562 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 70 spaces on portions of the ground floor and cellar of a existing residential building on property located at 800 Avenue of the Americas (Block 829, Lot 1,2,3,5,6, and 74) in a C6-4X District, Community District 5, Borough of Manhattan, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 070086 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 William Q. Brothers III, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
	Ground Floor	January 9, 2007
	Parking Plan	January 9, 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 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 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.
- 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 this special permit.

The above resolution (C 070089 ZSM), duly adopted by the City Planning Commission on September 19, 2007, (Calendar No. 9), is filed with the Office of the Speaker, City Council, and

the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

**ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., BETTY Y. CHEN,
RICHARD W. EADDY, ALFRED CERULLO, LISA A. GOMEZ, NATHAN
LEVENTHAL, JOHN MEROLO, DOLLY WILLIAMS, Commissioners**

Commissioner **IRWIN G. CANTOR, P.E., No**