



## **CITY PLANNING COMMISSION**

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May 12, 2004/Calendar No. 23

C 030470 ZSM

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**IN THE MATTER OF** an application submitted by Carnegie House Tenants Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-462 and 74-52 of the Zoning Resolution to allow the continued use of an attended public parking garage with a maximum capacity of 214 spaces including 65 accessory spaces on portions of the ground floor, cellar and sub-cellar of an existing mixed use building on property located at 100 West 57<sup>th</sup> Street (Block 1009, Lot 29), in C5-3 and C6-6 Districts, within the Special Midtown District, Borough of Manhattan, Community District 5.

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The application for the special permit was filed by Carnegie House Tenants Corporation on May 12, 2003 to allow the continued use of an attended public parking garage with a maximum capacity of 214 spaces located at 100 West 57<sup>th</sup> Street.

### **BACKGROUND**

The parking garage is located within an existing 20-story, L-shaped, mixed commercial and residential building known as the Carnegie House that occupies the westerly side of the Avenue of the Americas between West 56<sup>th</sup> and 57<sup>th</sup> streets (a.k.a. 1381- 1399 Avenue of the Americas). The building contains 323 apartments and ground floor retail. The surrounding area is characterized by high-rise office, hotel and apartment buildings.

The Board of Standards and Appeals (BSA) approved a variance on November 10, 1961 (1675-61-BZ) to permit a garage with 131 public parking spaces and 65 accessory parking spaces on the ground, cellar and sub-cellar levels of the building. The variance was amended on April 17, 1962 (1676-16-A) to increase the capacity to 214 (149 public and 65 accessory) parking spaces for a term of twenty-one (21) years which expired on April 17, 1983. The City

Planning Commission (CPC) approved a special permit (C 920500 ZSM) on May 12, 1993 (Calendar No. 37) pursuant to Sections 13-462 and 74-52 of the Zoning Resolution to allow an attended public garage with a maximum capacity of 214 spaces for a term of 10 years. No change has been made to the garage plans of 1993.

The garage is entered and exited from a 46-foot wide curb cut located on 56<sup>th</sup> Street. There are eleven reservoir spaces. The garage has warning devices to alert pedestrians of an approaching vehicle exiting the garage. As an additional safeguard to minimize pedestrian and vehicular conflicts, a “Stop” sign is located on each side of the exit from the garage. .

Public parking garages in Manhattan Community Districts 1 to 8 are permitted only by special permit of the City Planning Commission. A special permit is requested by the applicant to allow continued use of a public parking with a maximum capacity of 214 spaces (149 public and 65 accessory). Sections 13-562 and 74-52 of the Zoning Resolution require special permits for public parking with any capacity within C5-3 and C6-6 Districts of Manhattan Community Districts 1 to 8.

## **ENVIRONMENTAL REVIEW**

This application (C 030470 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 lead is

the City Planning Commission.

This application was determined to be a Type II action which requires no further environmental review.

### **UNIFORM LAND USE REVIEW**

This application (C 030470 ZSM) was certified as complete by the Department of City Planning on January 5, 2004, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 5 held a public hearing on this application on February 12, 2004, and on that date, by a vote of 33 to 0 with no abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on March 2, 2004.

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

On March 24, 2004 (Calendar No. 4), the City Planning Commission scheduled April 14, 2004, for a public hearing on this application (C 030470 ZSM). The hearing was duly held on April

14, 2004 (Calendar No. 13). There were no speakers and the hearing was closed.

## **CONSIDERATION**

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

The attended public parking garage has been operating since 1961. The garage use would continue to provide 65 accessory residential spaces for the building, while offering 149 public spaces for office, hotel and other apartment buildings within the surrounding area. As such this garage would support the essential functions of the area, by providing parking for business patrons, employees and customers, dwelling unit occupants, visitors and other residents of neighboring buildings. The garage is presently operating at maximum capacity.

The public parking garage has been maintained and operated at this location with the same capacity as that of the current special permit for over 40 years; therefore, there are no additional traffic impacts. Drivers utilizing the garage are expected to arrive and depart by way of the Avenue of the Americas, West 56<sup>th</sup> Street, West 57<sup>th</sup> Street or Seventh Avenue. There is adequate sidewalk width on the north side of West 56<sup>th</sup> Street and a recessed garage entrance that serves as a buffer between the garage and the street as well as to minimize potential vehicular and pedestrian congestion. In addition, the traffic flow into and from the public parking garage is expected to remain unchanged since the existing capacity of 214 spaces has remained the same since 1962.

Much of the traffic destined for the garage will arrive and depart by the two major avenues, as a result of which minimal traffic will be drawn through residential streets. West 57<sup>th</sup> Street is a major east-west corridor providing access to the Queensboro Bridge and the west side of Manhattan. The public parking garage is compatible with office buildings, apartment buildings and hotels located on West 56<sup>th</sup> Street between the Avenue of the Americas and Seventh Avenue. While vehicles will enter and exit the building on West 56<sup>th</sup> Street, all streets in the vicinity have adequate capacity to handle the traffic generated by the public parking garage. The other intersections in the area will continue to be satisfactory for this purpose.

Eleven reservoir spaces would continue to be provided at the ground floor entrance which is the required number for the public parking garage of 214 spaces.

## **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**, 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 of Carnegie House Tenants Corporation for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow the continued use of an attended public garage with a maximum capacity of 214 spaces including 65 accessory spaces on portions of the ground floor, cellar and sub-cellar of an existing mixed use building on property located at 100 West 57<sup>th</sup> Street (Block 1009, Lot 29), in C5-3 and C6-6 Districts , 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 030470 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 Douglas J. Lister, Architect, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-2a	First Floor Plan	May 8, 2003
A-2b	Plan at Garage Entrance	January 30, 2003
A-3	First Subcellar Plan	May 8, 2003
A-4	Second Subcellar Plan	May 8, 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 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 030470 ZSM), duly adopted by the City Planning Commission on May 12, 2004 (Calendar No. 23), 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.

**AMANDA M. BURDEN, AICP, Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,  
RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI,  
JOHN MEROLO, DOLLY WILLIAMS, Commissioners**