



CITY PLANNING COMMISSION

July 26, 2006/Calendar No. 1

C 060402 ZSM

IN THE MATTER OF an application submitted by W2001Z/15CPW Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-60 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 162 spaces on portions of the ground floor and cellar of a proposed mixed use building on property located at 15 Central Park West (Block 1114, Lots 24, 25, 26, 29 and 41), in a C4-7 District, within the Special Lincoln Square District, Community District 7, Borough of Manhattan.

This application for a Special Permit was filed by W2001Z/15CPW Realty, LLC on March 21, 2006, to facilitate the construction of a new attended public parking garage with 162 spaces on portions of the ground floor and cellar of a new mixed-use building located in the southern portion of Community District 7.

BACKGROUND

The project site is located on the full block between West 61st Street, Central Park West, West 62nd Street and Broadway (Block 1114, Lots 24, 25, 26, 29 and 41). Formerly the site of the Mayflower Hotel, the project site is being developed with a new as-of-right mixed-use building containing 778,739 gross square feet of residential floor area (231 units) and 86,367 gross square feet of retail floor area.

The surrounding neighborhood consists of a mix of high-density residential and commercial development, including Trump International Hotel and Tower, Time Warner Center and the Century Apartments; large cultural and academic institutions, including Lincoln Center and Fordham University; and Central Park.

The project's zoning lot has a lot area of approximately 57,890 square feet and is fully located in a C4-7 zoning district within the Special Lincoln Square District. The C4-7 District allows 10.0 FAR for residential, commercial, and community facility uses, with a 2.0 FAR bonus available if the provisions of the inclusionary zoning regulations are met. No public parking garages are permitted in the Special Lincoln Square District without a special permit, pursuant to Sections 82-60 and 74-52 of the Zoning Resolution.

Section 82-60 of the Zoning Resolution (Public Parking Garages within the Special Lincoln Square District) permits public parking garages with any capacity within C4-7 Districts pursuant to Section 74-52 of the Zoning Resolution (Parking Garages or Public Parking Lots in High Density Central Areas). Section 74-52 requires that findings must be made relating to compatibility with area uses, traffic congestion, impacts on residential streets, pedestrian flow, and reservoir spaces.

The proposed public parking garage would be fully attended and contain 23,363 square feet of space providing a maximum of 162 parking spaces in the cellar level of the new development. Forty-five two-car stackers would be utilized to help accommodate the proposed number of spaces. Vehicles would access the garage from West 62nd Street, a 60 foot wide one-way westbound street, via a new 21-foot-wide curb cut and 20-foot-wide two-way ramp leading from the street to the cellar level. The new curb cut would be located on the southern side of West 62nd Street, approximately midway between Broadway and Central Park West. Ten reservoir spaces would be provided along the length of the ramp descending to the cellar of the building.

ENVIRONMENTAL REVIEW

This application (C 060402 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 06DCP087M. 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 April 3, 2006.

UNIFORM LAND USE REVIEW

This application (C 060402 ZSM) was certified as complete by the Department of City Planning on April 3, 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 May 2, 2006, and on that date, adopted a resolution recommending approval of the application by a vote of 29 in favor, 9 opposed, and 2 abstaining, subject to the following condition: “that 75% of the spaces be set aside for ‘accessory’ use only.”

Borough President Recommendation

This application (C 060402 ZSM) was considered by the Borough President, who issued a recommendation approving the application on June 14, 2006 subject to the following condition: “that 75% of the garage be reserved for accessory use only.”

City Planning Commission Public Hearing

On June 7, 2006 (Calendar No. 1), the City Planning Commission scheduled June 21, 2006, for a public hearing on this application (C 060402 ZSM). The hearing was duly held on June 21, 2006 (Calendar No. 17). There were five speakers in favor of the application and none in opposition.

The Director of Land Use for the Manhattan Borough President said that the Borough President was in favor of the proposed garage with the condition that 75% of the spaces be reserved for accessory parking. It was noted that this recommendation was based on the environmental study prepared in conjunction with this application which determined that the accessory demand for the garage would utilize approximately 75% of the spaces. The speaker said that there should be consistency between the conclusions of the environmental study and the permit that the applicant is requesting.

Representatives from the applicant included their land-use attorney and environmental consultant. The land-use attorney reviewed the existing zoning, proposed development, and the requested action for the public parking garage. The speaker noted that the surrounding area is a high-density mixed-use area that draws many visitors from outside the immediate area and that a public parking garage was therefore appropriate in this context. In addition, the speaker noted that although it is expected that a majority of spaces will be reserved for residents of the

development, the request for public parking would provide desired flexibility for the applicant and avoid enforcement issues that would arise if the garage was purely accessory to the development on the zoning lot.

The environmental consultant reviewed the garage design and site plan, noting that the plan intends to distribute vehicular traffic to all four streets abutting the project. The consultant said that although the primary users of the garage would be tenants in the development, there is also a demand for public parking in the area.

A representative of the Westside YMCA, a neighbor of the proposed garage, spoke in favor of the application. A representative from the Kaufman Center, a multi-arts organization that includes a concert hall and educational facilities on West 67th Street, spoke in support of the application, noting the need for public parking in the area.

CONSIDERATION

The Commission believes that the grant of the special permit (C 060402 ZSM) is appropriate.

The Lincoln Square area is a high-density mixed-use district that is one of the premier arts and cultural centers in the country. In addition, the area is increasingly becoming a destination for shopping as new retail stores have been developed at Columbus Circle and along Broadway. These uses draw a large number of visitors to the Lincoln Square area and the proposed garage would not be incompatible with these uses.

The Commission notes that the proposed public parking garage is located in a high-density mixed-use neighborhood and access to and from the garage would primarily be via East 62nd Street, Broadway, and Central Park West, which are not local streets. The Commission further notes that according to the environmental assessment statement completed for the garage, the proposed parking garage would likely result in a modest increase in traffic with a maximum 46 additional vehicles trips being projected during the evening peak hour. The Commission believes that those additional vehicles would not unduly inhibit traffic and pedestrian flow. 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.

The Commission notes that the proposed mixed-use development at 15 Central Park West will include 231 luxury condominiums and a significant amount of retail space that will likely create a high accessory demand for the public parking garage. The Commission notes the applicant's stated intention to reserve a significant number of spaces for residents of the development. But, the Commission believes that the proposed public parking garage will help to meet some of the demand for public parking for users of the surrounding arts, cultural, entertainment, and shopping destinations.

FINDINGS

Based upon the above consideration, the City Planning Commission hereby makes the following finding required by Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas);

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 traffic 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 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable
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 City Charter, that based on the environmental determination and the consideration described in this report, the application submitted by W2001Z/15CPW Realty, LLC (C 060402 ZSM) for the grant of a special permit pursuant to Section 82-60 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 162 spaces on portions of the ground floor and cellar of a proposed mixed-use building on property located at 15 Central Park West (Block 1114, Lots 24, 25, 26, 29 and 41), in a C4-7 District, within the

Special Lincoln Square District, Community District 7, Borough of Manhattan, is approved subject to the following conditions:

1. The application that is the subject of this application (C 060402 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	March 16, 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 July 26, 2006 (Calendar No. 1), 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**