



CITY PLANNING COMMISSION

March 30, 2005 | Calendar No.17

C 050159 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the general Municipal Law of New York State for:
 - (a) the designation of property located at 137-139 West 89th Street (Block 1220, Lot 10) as an Urban Development Action Area;
 - (b) an Urban development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate the sale of an existing five-story garage through the Asset Sales Program, within Community District 7, Borough of Manhattan.

Approval of three separate matters is required:

- (1) The designation of property located at 137-139 West 89th Street (Block 1220 Lot 10), as an Urban Development Action Area;
- (2) An Urban Development Action Area Project for such area; and
- (3) The disposition of such property to a developer selected by HPD.

The application for the disposition was submitted by the Department of Housing Preservation and Development on May 26, 2004.

Approval of this application would facilitate an Assets Sales Program project for an existing five-story public parking garage containing 125 spaces on the site as described above.

The Department of Housing Preservation and Development states in its application that:

The Disposition Are consist of a 5 story garage building whose condition lends to impair or arrest the sound development of the surrounding community with or without tangible

physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary and blighting conditions. The project activities would protect and promote health and safety and would protect and promote sound growth and development. The Disposition Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

BACKGROUND

Monterey Garage is located on the north side of West 89th Street between Columbus and Amsterdam avenues. It is in an R7-2 residential district which permits residential and community facility use. The site is occupied by a five-story city-owned public parking garage with 125 parking spaces, which has been in continuous operation since it opened in 1906, and is therefore, a non-conforming use.

The site is also located within the former West Side Urban Renewal Plan which expired in 2002. In the 1960s, the property became city-owned but was not developed pursuant to the Urban Renewal Plan. For the past forty years, HPD has leased the garage to the current operator.

Area land uses are characteristic of Manhattan's Upper West Side, with mixed residential and retail uses along the wide avenues, and residential and institutional uses in the midblocks. The site of the proposed action, with a midblock commercial use, deviates from the typical land use pattern.

Monterey Garage is a public parking garage. As part of its Asset Sales Program, city-owned buildings are sold at a negotiated price to existing tenants or to a sponsor selected pursuant to a Request for Offers. Purchasers are required to remove all Building code violations. Buildings are sold in their “as is” condition and financing for the purchase is the sole responsibility of the purchaser. HPD intends to convey the building to the current tenant who has expressed interest in purchasing the building and would continue to operate it as a garage. Other than structural and aesthetic improvements that would be completed by the purchaser, there are no physical or use changes proposed to the building.

ENVIRONMENTAL REVIEW

This application (C 050159 HAM) 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 Department of Housing Preservation and Development.

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

UNIFORM LAND USE REVIEW

This application (C 050159 HAM) was certified as complete by the Department of City Planning on

November 15, 2004, 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 January 4, 2005, and on that date, by a vote of 24 to 1 with 3 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 January 21, 2005.

City Planning Commission Public Hearing

On February 16, 2005 (Calendar No. 8), the City Planning Commission scheduled March 2, 2005, for a public hearing on this application (C 050159 HAM). The hearing was duly held on March 2, 2005 (Calendar No. 7). There were two speakers in favor of the application and no speakers in opposition.

The representative of the current garage operator briefly described the history of the site, the terms of sale, and the physical improvements proposed for the building. A representative from HDP was there to respond to questions.

There was no other speaker and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed Urban Development Action Area designation and project (UDAAP), with the related disposition of city-owned property, are appropriate.

The Commission notes that the 5-story city-owned building has been used as a commercial use since 1903. For the last forty years the building has been used as public parking garage, which provides 125 parking spaces and has been managed by the current operator. The current operator has a month-to-month lease. The building needs structural improvements, and the Commission notes that the current operator would provide such improvements. These improvements include replacement of the roof, providing new windows and replacement of existing windows, providing code compliant parapet, and upgrading the existing electrical and plumbing fixtures. In addition there would be extensive facade improvements and treatments.

The Commission notes that the current operator would continue to operate it as a public parking garage. As part of the conveyance, HPD in a letter dated March 23, 2005, stated the deed would restrict that the current use of the property be continued as a parking garage for a period of thirty years. In addition, an enforcement lien in the amount of \$4,550,000 would be placed on the property, which would be repayable if the property is converted to condominium ownership. The lien would be in effect for thirty years from the date of the sale to the sponsor.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment,

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of 137-139 West 89th Street (Block 1220, Lot 10) in Community District 7, Borough of Manhattan, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE be it RESOLVED, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- (a) the designation of property located at 137-139 West 89th Street (Block 1220, Lot 10) as an Urban Development Action Area;
- (b) an Urban development Action Area Project for such area; and

and the City Planning Commission recommends that the New York City Council find that:

- (a) The present status of the area tends to impair or arrest the sound development of the municipality;
- (b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act is necessary to enable the project to be undertaken; and

- (c) The project is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act; and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 137-139 West 89th Street (Block 1220, Lot 10), Community District 7, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 050159 HAM).

The above resolution (C 050159 HAM), duly adopted by the City Planning Commission on March 30, 2005 (Calendar No. 17), 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 Chair

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MEROLO, DOLLY WILLIAMS, Commissioners**