



## CITY PLANNING COMMISSION

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July 11, 2007/Calendar No. 15

C050540 ZSM

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**IN THE MATTER OF** an application submitted by the Langham Mansions Co. 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 an attended accessory off-street parking facility with a maximum capacity of 12 spaces at the cellar level of an existing 13-story residential building on property located at 135 Central Park West (Block 1126, Lot 29) in an existing R10A District, Borough of Manhattan, Community District 7.

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This application for a Special Permit was filed by Langham Mansions Co. on June 30, 2005, to increase the allowable number of accessory parking spaces from six to 12, 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 1126, Lot 29) is located on Central Park West between West 73<sup>rd</sup> Street and West 74<sup>th</sup> Street in Manhattan Community District 7, and is within a R10A zoning district. The site currently contains the Langham, a 13 story apartment building with 43 units and five doctors' offices, located within the Upper West Side/Central Park West Historic District.

The area surrounding the project site is residential in character. Apartment buildings from ten to 25 stories in height line Central Park West, including the Dakota directly to the south, and smaller, four and five-story townhouses are located in the midblocks. The New York Historical Society and Museum of Natural History are located three and four blocks north of the project site, respectively, and Central Park is located directly to the east.

As certified, the proposed accessory parking garage would be located in the cellar level of the Langham apartment building which currently contains 1,985 square feet of garage space and six accessory parking spaces. The proposed special permit would increase the number of accessory parking spaces allowed in the existing garage to 12 spaces by expanding the size of the garage, through the demolition of interior non-structural walls, to 3,665 square feet and reconfiguring the parking layout. Vehicles would continue to access the garage from West 74<sup>th</sup> Street, a 60-foot-wide one-way eastbound street, via a 12-foot one-inch-wide curb cut and ten-foot-wide one-way

exterior ramp leading from the street to the cellar level. The garage would be fully attended and two reservoir spaces would be provided. Additionally, a visual and audible warning device would be located at the top of the garage ramp to warn pedestrians of exiting vehicles.

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.

### **ENVIRONMENTAL REVIEW**

This application (C 050540 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 05DCP095M. 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 February 5, 2007.

### **UNIFORM LAND USE REVIEW**

This application (C 050540 ZSM) was certified as complete by the Department of City Planning on February 5, 2007 and was duly referred to Community Board 7 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 7 held a public hearing on this application on April 11, 2007 and on that date, by a vote of 33 in favor, 2 opposed, and 4 abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 050540 ZSM) was considered by the Borough President, who issued a recommendation approving the application on May 16, 2007.

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

On May 23, 2007 (Calendar No. 11), the City Planning Commission scheduled June 6, 2007, for a public hearing on this application (C 050540 ZSM). The hearing was duly held on June 6, 2007 (Calendar No. 25). 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 land use counsel for the applicant. The Director of Land Use for the Manhattan Borough President restated the Borough President's approval of the application. The representative of the applicant reviewed the proposed enlargement and additional safety features of the accessory parking garage and noted that the application had changed slightly since certification.

There were no other speakers, and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the grant of the special permit (C 050540 ZSM) is appropriate.

The Commission notes that the proposed 12-space garage would be entirely accessory to the existing Langham apartment building and represents an increase of six spaces to the existing garage facility. The Commission further notes that the Langham apartment building contains 43 residential units and five doctors' offices, and that an additional six parking spaces are needed for occupants and visitors to the building.

The Commission recognizes 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

minimal increase in traffic. The Commission believes that the small increase 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 an audible and visual warning device would be installed at the top of the garage ramp. Two reservoir spaces would be provided within the accessory garage.

The Commission notes that the application was revised on June 29, 2007 to correct the location of the proposed garage door and the calculation of the total square footage of the garage (3,971 square feet).

## **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 Langham Mansions Co. (C 050540 ZSM) for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory offstreet parking facility with a maximum capacity of 12 spaces at the cellar level of an existing 13-story residential building on property located at 135 Central Park West (Block 1126, Lot 29) in an existing R10A District, Borough of Manhattan, Community District 7, is approved subject to the following conditions:

1. The application that is the subject of this application (C 050540 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 Howard B. Spivak Architect, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
SK-3	Proposed Cellar Plan	June 28, 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. 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 11, 2007 (Calendar No. 15), 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.,**

**BETTY CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,**

**KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**