



CITY PLANNING COMMISSION

January 28, 2008 / Calendar No. 16

C 080066 HUM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the fifth amendment to the Cathedral Parkway Urban Renewal Plan for the Cathedral Parkway Urban Renewal Area, Borough of Manhattan, Community District 7.

The application for the proposed amendment to the Cathedral Parkway Urban Renewal Plan was submitted by the Department of Housing Preservation and Development (HPD) on August 22, 2007. The proposed plan amends the designation of Site 3 (residential and related uses and/or public open space). Site 3 will be subdivided into five sites, creating a new Site 3 (commercial), Site 3A (residential), Site 3B (commercial), Site 3C (public open space), and Site 3D (commercial). This change, in conjunction with the related action, would facilitate the sale of three City-owned properties located on West 108th Street between Columbus and Amsterdam Avenues in Manhattan to their current tenants for continued operation as public parking garages.

RELATED ACTION

In addition to the proposed amendment to the Cathedral Parkway Urban Renewal Plan, which is the subject of this report, implementation of the proposed disposition also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 080067 HAM: Designation of an Urban Development Action Area and Project approval, and disposition of City-owned property.

BACKGROUND

The Department of Housing Preservation and Development seeks approval of an amendment to the Cathedral Parkway Urban Renewal Plan, in conjunction with the related action, to facilitate the sale of three City-owned properties for continued operation as public parking garages. The proposed amendment would also update the Urban Renewal Plan to more accurately reflect current uses on the subject site.

The subject site occupies the midblock portion of the north side of West 108th Street between Columbus and Amsterdam Avenues in Manhattan Community District 7, within the Cathedral Parkway Urban Renewal Area. The site consists of five lots (Block 1863, Lots 5, 10, 13, 17, and 26).

The subject site is located within an R8B zoning district and was part of the Upper West Side Rezoning (C 070427 ZMM) approved by the Commission on August 8, 2007 and by the City Council on September 25, 2007. The lots are collectively designated as “Site 3” in the Cathedral Parkway Urban Renewal Plan. Between 1967 and 1972, the properties composing Site 3 were acquired as part of the Cathedral Parkway Urban Renewal Plan, which covers 28 blocks in the Upper West Side, Manhattan Valley, and Morningside Heights neighborhoods. The Urban Renewal Plan designated Site 3 for residential redevelopment. All other sites in the Plan have either been disposed of or developed.

The proposed Urban Development Action Area consists of three properties within Site 3. The site is developed with three separate public parking garages that have remained in continuous use since opening between 1925 and 1929. The garage at 151-59 West 108th Street is a four-story, 46,190-

square foot building with a capacity of 250 cars, 137-43 West 108th Street is a five-story, 45,000-square foot building with a capacity of 300 cars, and 103-07 West 108th Street is a three-story, 21,800-square foot building with a capacity of 125 cars. The garages have been leased to private entities since they were acquired by the City. They are attended and operate 24 hours a day, seven days a week. Access to and egress from all three garages is via West 108th Street, a narrow street with one-way eastbound traffic.

Also part of Site 3 is 149 West 108th Street, a five-story senior housing building, and the Anibal Aviles Playground, a 1.4-acre Department of Parks and Recreation facility located at 111 West 108th Street.

The area surrounding the subject site is primarily residential in character, with community facility uses scattered throughout and retail activity focused on Columbus and Amsterdam Avenues. MS 54 / Booker T. Washington Middle School and the Booker T. Washington Playground are located directly across West 108th Street from the site. Five- and six-story apartment buildings surround the site on its block. Several large institutions such as Columbia University, St. Luke's Hospital Center, and the Jewish Home and Hospital are located within walking distance of the garages.

HPD proposes an amendment to the Urban Renewal Plan to subdivide the existing Site 3 into five sites with use designations that reflect their current uses. The three garages would receive commercial use designations and become sites 3, 3B, and 3D. The senior housing would become Site 3A and receive a land use designation of residential, and the playground would become Site 3C with a land use designation of public open space.

The amendment will also update the language, format, and time schedule of the Plan.

In addition to the proposed amendment to the Urban Renewal Plan, HPD is also seeking approval of the related application (C 080067 HAM) for an Urban Development Action Area designation and Project approval and for the disposition of the three City-owned garages through its Asset Sales Program. The garage owners will be required to maintain their current use as public parking garages and will also be required to carry out certain physical improvements to the garages in a timely fashion, including removal of paint and graffiti on the ground floors; repairs to the brick façades; repair and replacement (and in the case of 103-07 West 108th Street, installation) of windows; replacement of signage; removal of unnecessary rooftop structures; and removal of embedded metal and unused equipment from the façades.

ENVIRONMENTAL REVIEW

This application (C 080066 HUM), in conjunction with the application for the related action (C 080067 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 designated CEQR number is 06HPD024M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on July 14, 2006.

UNIFORM LAND USE REVIEW

This application (C 080066 HUM), in conjunction with the application for the related action (C 080067 HAM), was certified as complete by the Department of City Planning on September 4, 2007, and was duly referred to Community Board 7 and the Manhattan 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 November 7, 2007 and on that date, by a vote of 35 to 0 with one abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 080066 HUM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on December 12, 2007, subject to the condition “that the garages are not subject to a full disposition, but rather a long term lease of 15 years to provide the community and the city an opportunity to reevaluate the use in the future.”

City Planning Commission Public Hearing

On December 5, 2007 (Calendar No. 5), the City Planning Commission scheduled December 19, 2007 for a public hearing on this application (C 080066 HUM). The hearing was duly held on December 19, 2007 (Calendar No. 25), in conjunction with the application for the related action (C 080067 HAM). There were four speakers in favor and none in opposition.

The Director of Manhattan Planning for HPD provided background on the acquisition of the Site 3 properties and HPD's outreach to Community Board 7 in 2003. She briefly discussed the zoning governing the garage properties and the number of housing units and off-street parking spaces that could be constructed as-of-right if the garage properties were redeveloped. The Director cited community feedback as the major factor informing HPD's decision to maintain the parking garage use, and she noted that divesting of the properties would relieve the City of the financial burden of managing and maintaining the garages.

The Director of HPD's Asset Sales Program explained the program and described the operation of the enforcement liens and deed restrictions that would be attached to the garage properties' deeds of sale. He noted that the sale of the garage properties would generate revenue for the City and return the properties to the tax rolls, and he affirmed that HPD did not consider the possibility of entering into long-term ground leases. The Director also clarified the appraisal method used to determine the sales prices and enforcement liens for the garage properties.

The project architect referred to the repairs planned for the façades of each garage and stated that the garage properties are overbuilt.

The Deputy Director of Land Use for the Manhattan Borough President reiterated the Manhattan Borough President's recommendation for conditional approval and briefly summarized the rationale for utilizing a long-term lease instead of a disposition.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the Cathedral Parkway Urban Renewal Plan, in conjunction with the related action, is appropriate.

The Commission notes that the West 108th Street garages are located in an area where on- and off-street parking is in relatively short supply. As a condition of sale, HPD will require the owners to maintain the public parking garage use on each property for at least 30 years. For the first 20 years of the 30-year use restriction, the owners would need City authorization in order to change the use on the property. The owners would also incur substantial financial penalties for violating these conditions. The Commission further notes that the garage owners will be required to make physical improvements to the garages as a further condition of sale. The Commission believes that these improvements will have a positive effect on West 108th Street.

The Commission further notes that in 2003, HPD discussed with Community Board 7 and area residents the future use of the garages, with the intention of exploring residential redevelopment of the sites. During this outreach process, local residents expressed their desire to maintain the parking garage use, which Community Board 7 supports.

In response to the Borough President's recommendation that the property be leased instead of sold,

HPD, in a letter dated December 26, 2007, stated: “After thoughtful consideration, HPD has decided not to exercise the lease option and continue to satisfy the City’s goal of divesting properties.” The letter continued, “In October of 2003 over 600 residents of CB7 attended a public meeting where 98%...testified in favor of designating the properties to be used as public garages.” In addition to reasons offered by HPD officials at the City Planning Commission public hearing, the letter stated that “[e]ntering into a long-term lease would...provide no incentive for the lessee to provide long-term/permanent improvements to the property.”

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, that the City Planning Commission finds that the proposed Fifth Amended Cathedral Parkway Urban Renewal Plan is an appropriate plan for the area involved.

The City Planning Commission certifies that the Fifth Amended Urban Renewal Plan for the Cathedral Parkway Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the municipality as a whole, and is consistent with local objectives.

The Commission further certifies that the Fifth Amended Urban Renewal Plan for the Cathedral Parkway Urban Renewal Area is in conformity with the findings and designation of the Cathedral Parkway Urban Renewal Area as adopted by the City Planning Commission on November 28, 1968.

The Commission certifies its unqualified approval of the Fifth Amended Urban Renewal Plan for the Cathedral Parkway Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State.

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the proposed Fifth Amended Urban Renewal Plan for the Cathedral Parkway Urban Renewal Area, Community District 7, Borough of Manhattan, submitted by the Department of Housing Preservation and Development on August 22, 2007, is approved (C 080066 HUM).

The above resolution (C 080066 HUM), duly adopted by the City Planning Commission on January 28, 2008 (Calendar No. 16), 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, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
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RICHARD W. EADDY, NATHAN LEVENTHAL, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners

SHIRLEY A. MCRAE, Commissioner, ABSTAINING