

July 2007 Resolutions

Date: July 10, 2007

Committee of Origin: Land Use joint with Transportation

Re: 95 West 95th Street (Central Park West-Columbus Avenue.) Application #C070381ZSM to the Department of City Planning by Columbus 95th Street LLC for a special permit to allow an attended public parking garage with a maximum capacity of 100 spaces, including 43 accessory spaces, on portions of the ground floor, cellar and subcellar, and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area within and C1-9 District portions of an existing mixed-use building at 95 West 95th Street.

Full Board Vote: 32 In favor 0 Against 2 Abstentions 0 Present

The owners of 95 West 95th Street in Manhattan have applied for a special permit pursuant to §13-562 and §74-52 of the Zoning Resolution for development of a 100 space public parking garage. The proposed garage would occupy the same space as the current 98 space accessory parking garages. The number of accessory spaces would remain the same, and 57 "public" spaces would be added. According to the applicant, the garage would be able to house the additional spaces because they would be operated as attendant garages rather than self-parking garages.

In order to approve the application, various affirmative finds are required:

a) "that [the public parking garage] will not be incompatible with...uses comprising vital and extensive functions in the general area within which such use is to be located."

Community Board 7 is unable to make this finding. The garage is located on 96th Street, just east of Columbus Avenue. The street is a heavily used thru street connecting the West Side Highway with the Central Park Transverse and ultimately the FDR Drive. There are two crosstown bus stops on the street, one immediately adjacent to the entrance to the garage; there is frequent double parking on the block. Cars exiting the garage and heading westbound (e.g., to the highway) will be required to cross over the eastbound lanes, creating further congestion. A public parking garage on this site, therefore, would have the potential to impact substantially on eastbound traffic. While the special permit would increase the permitted number of cars by 57, the actual impact would be greater since in addition to the new public spaces, many of the spaces vacated during the day by monthly parkers can be rented out on a transient basis.

b) "that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow."

For the reasons set forth above, Community Board 7 is unable to make this finding.

c) "that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas."

Community Board 7 is unable to make this finding. The application appears to assume that West 96th Street is not a "local" street. However, West 96th Street is part of the traffic grid of Manhattan and is used for both local traffic and traffic traveling from highway to highway. As noted above, Community Board 7 believes that there will be significant congestion created by the use of 57 public parking spaces at this site.

d) *“that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20% of the total number of spaces...”*

Community Board 7 is unable to make this finding. There are no reservoir spaces provided at the “vehicular entrances” which are steep ramps less than 15 feet in width. Reservoir spaces are proposed for a portion of the garage proper, far removed from the entrances, and it is unclear whether those spaces represent space which is otherwise allocated to parked cars. It is also unclear how cars will be maneuvered within the garage given the location of the proposed reservoir space.

e) *“that the streets providing access to such use will be adequate to hand the traffic generated thereby”*

Community Board 7 is unable to make this finding. See, findings a) and b) above.

f) *[This finding pertains to rooftop parking and is inapplicable to this Application.]*

g) *“that, where any floor space is exempted from the definition of floor area¹¹, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.”*

Community Board 7 is unable to make this finding. At present, 26 of the 98 spaces permitted in the garage are unrented. Moreover, a substantial parking garage is under development two blocks north at Park West Village. There is no credible evidence that the net result of the additional spaces requested will be to alleviate congestion as opposed to creating it.

Apart from the developer’s inability to meet the required findings, Community Board 7 urges the City Planning Commission to exercise its discretion to reject the application for the following additional reasons:

1. The City is about to embark on an experiment intended to reduce congestion south of 86th Street. While this goal is laudable, it should not be accomplished at the expense of increasing congestion north of 86th Street. Drivers who are to be discouraged from entering Manhattan south of 86th Street should not be encouraged to park at 96th Street and take public transportation from there.
2. The configuration of the proposed garages is problematic:
 - a) Each garage has a single lane ramp 14 feet in width. It is unclear how traffic will be controlled in and out of the garages or where pedestrians will walk upon entering or exiting.
 - b) The proposed public garage has a dog-leg turn which could create security and safety issues.
 - c) Each garage has a single elevator intended to convey parked cars between the lower and the upper levels. If either elevator were to break down, the cars on the upper level would be stranded, and monthly parkers entering the garage might not be able to be accommodated in the garage. There does not seem to be a contingency plan.
 - d) The present plan situates the public parking garage adjacent to a door which accesses the apartment building; most of the accessory cars (i.e.,

tenants' cars) would be parked in a garage which is not adjacent to the apartment building door.

3. The proposed garages will be attendant parking garages, as opposed to self-parking garages. Tenants would therefore be required to wait for attendants to retrieve their cars via elevator. This would cause some inconvenience to the present accessory parkers.

4. As noted above, there are 26 vacant spaces in the present garage. Approximately 10 of those spaces have been withheld by the owners from tenants in the building eligible and willing to rent them. While we understand that the withholding of these spaces is a by-product of a rent dispute between Landlord and Tenants, it does not reflect well on the attitude of the Landlord toward the accessory parkers. There would be ample opportunity in the proposed garages to prefer public parkers over accessory parkers. For example, public parkers could be parked on the main floor while accessory parkers are parked on an upper floor accessible only by elevator.

5. An unusually large number of tenants (more than 50) were present at the public hearing on this issue. The tenants unanimously opposed the application. Since the tenants will be the individuals most affected by the proposed garage and are certainly familiar with conditions in the garage and on the surrounding streets, their views warrant consideration.

For the reasons set forth above, it is

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application by the owners of 95 West 95th Street for a special permit to operate a 100 space parking garage.

Date: July 10, 2007

Committee of Origin: Transportation

Re: 808 Columbus Avenue (West 97th-100th Streets.) Petition by 808 Columbus LLC to the Department of Transportation for a new revocable consent to construct, maintain and use a sidewalk vault for retail use, under the Columbus Avenue sidewalk.

Full Board Vote: 26 In favor 1 Against 1 Abstention 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

Stellar Management has applied to construct, maintain, and use vaults under the public sidewalks on West 97th Street & Columbus Avenue as part of the cellars under 808 Columbus Avenue, which will have retail and garage uses; and

Stellar Management has stated that these vaults will be used for a small expansion of retail space and garage usage; and

Stellar Management has met many times with Community Board 7/Manhattan, as well as with residents of Park West Village to resolve issues pertaining to their development of the site and surrounding sites, with many issues still to be resolved; and

Stellar Management warrants that they will continue the ongoing dialogue with CB7 and the Park West Village Community, to discuss and resolve ongoing issues including, but not limited to:

- a) construction hours and noise
- b) dust amelioration
- c) parking issues
- d) resolution of the through-street
- e) venting of the garage
- f) truck loading/unloading of Whole Foods at 97th St. loading dock

- g) access to the Bloomingdale branch of the NY Public Library
- h) replacement of any street trees lost during or after construction; and

CB7 is extremely concerned about the loading dock issues, believing there are traffic and safety problems unless the trucks are housed wholly within the new complex, as well as issues dealing with the William F. Ryan Health Center, located on West 97th Street; and

The traffic and loading/unloading of the retail at the 100th Street end of the project remains unresolved, including the tenancy of the other large retail store; and

CB7 has not yet been presented with a plan for each and every site included in this large development, which would allow for an overview of the needs/assessments of the complete Park West Village Community; and

The number of dust and early/late construction noise complaints continues to rise each month;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application for usage and maintenance of the vaults under Columbus Avenue & 97th Street at this time; and

BE IT FURTHER RESOLVED THAT Community Board 7 will revisit this application when:

- a) detailed plans for the entire Park West Village Community are presented to Community Board 7 and the Park West Village community; and
- b) Stellar Management successfully addresses the many complaints regarding aspects of the construction process, including but not limited to: 1) construction at hours not permissible and 2) remediating the increasing number of dust complaints.

Date: July 10, 2007

Committee of Origin: Transportation

Re: 15 Central Park West (West 61st – 62nd Street.)

Full Board Vote: 27 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the Department of Transportation for a revocable consent for planted area at the back of sidewalk on Central Park West between West 61st Street and 62nd Streets.

Committee: 7-0-0-0. Board Members: 2-0-0-0.

Date: July 10, 2007

Committee of Origin: Transportation

Re: 225 Columbus Avenue (West 70th Street.)

Full Board Vote: 25 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0982077 to the Department of Consumer Affairs by Mare Mare, Inc., d/b/a Bistro Cassis, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 14 seats.

Committee: 5-0-0-0. Board Member: 2-0-0-0.

Date: July 10, 2007

Committee of Origin: Transportation

Re: 428 Amsterdam Avenue (West 80th Street-West 81st Street.)

Full Board Vote: 25 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1039396 to the Department of Consumer Affairs by Amsterdam Avenue Brother Jimmy's, LLC, d/b/a Brother Jimmy's BBQ, for a two-year consent to

operate an unenclosed sidewalk café with 12 tables and 20 seats. *Committee: 5-0-0-0. Board Member: 1-0-0-0.*

Date: July 10, 2007

Committee of Origin: Transportation

Re: 522 Columbus Avenue (West 85th Street.)

Full Board Vote: 25 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0895505 to the Department of Consumer Affairs by Barjer Corp., d/b/a Firehouse, for a two-year consent to operate an unenclosed sidewalk café with 11 tables and 29 seats.

Committee: 5-0-0-0. Board Member: 1-0-0-0.

Date: July 10, 2007

Committee of Origin: Transportation

Re: 269 Columbus Avenue (West 72nd – 73rd Street.)

Full Board Vote: 21 In favor 3 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0695954 to the Department of Consumer Affairs by 269 Columbus Rest. Corp., d/b/a The City Grill, for a two-year consent to operate an enclosed sidewalk café with 16 tables and 34 seats.

Committee: 5-1-0-0. Board Members: 2-0-0-0.

Date: July 10, 2007

Committee of Origin: Transportation

Re: 368 Columbus Avenue (West 77th – 78th Street.)

Full Board Vote: 21 In favor 3 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** Renewal application DCA# 1085915 to the Department of Consumer Affairs by Ixhel Corporation, d/b/a Café Frida, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 28 seats.

Committee: 5-1-0-0. Board Members: 2-0-0-0.

Date: July 10, 2007

Committee of Origin: Business & Consumer Issues

Re: 103 West 77th Street, 103 W 77 Partners, LLC.

Full Board Vote: 24 In favor 0 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the State Liquor Authority by 103 West 77th Street, 103 W 77 Partners, LLC for a new full liquor license.

Committee: 3-0-0-0.

Date: July 10, 2007

Committee of Origin: Business & Consumer Issues

Re: 281 Amsterdam Avenue, Nabucco, LLC.

Full Board Vote: 24 In favor 0 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the State Liquor Authority by 281 Amsterdam Avenue, Nabucco, LLC. for a new full liquor license unless the following stipulation is added to their method of operation in their SLA application, that this establishment agrees that whenever there is live music, applicant agrees that all doors and windows will be kept closed as of 11:00pm.

Committee: 4-0-0-0.

Date: July 10, 2007

Committee of Origin: Parks & Preservation

Re: Riverside Park - West 101st Street ball field.

Full Board Vote: 22 In favor 2 Against 1 Abstention 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

The existing artificial turf at the soccer field at West 101st Street and the Hudson River in Riverside Park is in very deteriorated condition; and

The Department of Parks and Recreation proposes to replace the existing artificial turf with an improved product with a cost-effective expected lifespan; and

The use of artificial turf on heavily used active recreation fields in Riverside Park permits more regular use of the fields than if they were subject to the weather limitations of natural grass; and

No member of the community appeared at the meeting of the Parks and Preservation Committee of Community Board 7/Manhattan to oppose the application;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to replace the artificial turf at West 101st Street and the Hudson River in Riverside Park with new artificial turf.

Committee: 4-0-0-0.

Date: July 10, 2007

Committee of Origin: Parks & Preservation

Re: Central Park - West 100th Street playground.

Full Board Vote: 25 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

Many features of the West 100th Street "adventure" playground in Central Park are in deteriorated condition and/or do not meet current mandated safety and accessibility standards; and

The playground is currently underused in comparison to other playgrounds in its general neighborhood; and

The Central Park Conservancy has done extensive community outreach with regard to the proposed design, and the design has very substantial support among members of the community, including numerous parents of playground user children who spoke in favor of the design at the meeting of the Parks and Preservation Committee of Community Board 7/Manhattan; and

The Conservancy has also consulted extensively with the original designers of the existing playground and with local preservation groups, and has paid very substantial homage to the existing "adventure playground" design, while altering certain of the features to meet current safety standards and to meet user concerns,

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the final design for the reconstruction of the West 100th Street playground in Central Park, and further commends the Conservancy for its thorough and thoughtful outreach and design processes with regard to this playground.

Committee: 4-0-0-0.

Date: July 10, 2007

Committee of Origin: Parks & Preservation

Re: 160 West 100th Street (Columbus-Amsterdam Avenues.) Riverside Health Center.

Full Board Vote: 24 In favor 0 Against 1 Abstention 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

The applicant did not appear as scheduled at the June 2007 meeting of the Parks and Preservation Committee of Community Board 7/Manhattan to present the proposal, or otherwise present or submit any information to the Committee;

BE IT RESOLVED THAT Community Board 7/Manhattan **conditionally disapproves** the application for the public art project for the renovation of the Riverside Health Center on West 100th Street, without prejudice to the applicant's presenting the project to the Committee at a future meeting.

Committee: 4-0-0-0

Date: July 10, 2007

Committee of Origin: Parks & Preservation

Re: 344 West 72nd Street (West End Avenue-Riverside Drive.)

Full Board Vote: 25 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

The proposed addition will not be visible from West 72nd Street; and

The proposed addition will not substantially impinge on any sightline with regard to the features for which this building was designated as an individual landmark,

The Parks and Preservation Committee of Community Board 7/Manhattan believes that this proposed addition is reasonably appropriate to the individual landmark;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application for an addition to the penthouse at the Chatsworth at 344 West 72nd Street, without taking a position as to whether the addition is "small", as described by the applicant.

Committee: 4-0-0-0.

Date: July 10, 2007

Committee of Origin: Parks & Preservation

Re: 105, 107 and 109 West 78th Street (Columbus-Amsterdam Avenues.)

Full Board Vote: 25 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

The block of West 78th Street between Columbus and Amsterdam Avenues represents a unique combination of pastel-painted brownstones, the "red and white" Guastavino row houses (which, like the applicants' buildings, have white-painted trim), and handsome row houses in their original brownstone or painted brown, which together form a sympathetic and celebrated streetscape, and also as a whole represent their own period in the architectural and cultural history of the Historic District; and

Most other distinctive architectural features of the 78th Street facades of this group of three houses above the ground level are intact; and

The applicants are not proposing any changes to those facades, but rather proposing to legalize an existing paint color for the three facades that has received public praise in the past and that was supported at the meeting of the Parks and Preservation Committee of Community Board 7/Manhattan by testimony of several neighbors; and

The Committee does not intend to suggest that such paint color is generally appropriate for the street facades of row houses in the Historic District, or to create a precedent beyond this unique circumstance, but believes that the existing paint color is reasonably appropriate to the Historic District in its specific context;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to legalize the repainting of the facades of the buildings at 105, 107 and 109 West 78th Street in the present light blue color with white trim, and takes no position with regard to the buildings' façade lighting or garbage shed, in light of the applicants' advising the Committee that violations and/or issues with regard to those features were being resolved at staff level at LPC.

Committee: 4-0-0-0.

Date: July 10, 2007

Committee of Origin: Parks & Preservation

Re: 161 West 78th Street (Columbus-Amsterdam Avenues.)

Full Board Vote: 25 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into consideration in arriving at our resolution:

It appears that the proposed rear-yard extension will not be visible from any public way; and

It appears that the project is subject to review by the Parks and Preservation Committee of Community Board 7/Manhattan and to a Certificate of Appropriateness hearing by LPC, because (possibly among other reasons) there is a distinctive architectural feature on the original rear facade in the form of brick corbels under the windows at the second floor; and

The proposed design replicates the corbels in reasonable detail under the proposed second floor windows, and in fact presents a visual improvement over the somewhat compromised existing corbel arrangement; and

The Parks and Preservation Committee of Community Board 7/Manhattan believes that the proposed rear-yard extension is appropriate to the architectural features of the building and to the Historic District,

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed design for the renovation of the rear-yard extension at 161 West 78th Street. *Committee: 4-0-0-0.*