CITY PLANNING COMMISSION

September 25, 2019, Calendar No. 17 C 190390 ZMM

IN THE MATTER OF an application submitted by CPW Retail South LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c by establishing within an existing R10A District a C2-5 District bounded by West 63rd Street, Central Park West, West 62nd Street, and a line 100 feet westerly of Central Park West, as shown on a diagram (for illustrative purposes only) dated May 20, 2019.

This application for a zoning map amendment was filed by CPW Retail South, LLC on April 22, 2019 to establish a C2-5 commercial overlay over an existing R10A district to a depth of 100 feet from Central Park West between West 62nd Street and West 63rd Street, on the Upper West Side, Manhattan, Community District 7. The proposed action would bring three existing legally non-conforming, ground-floor commercial units at 25 Central Park West (Block 1115, Lot 7501) into conformance and allow the applicant to apply for a Board of Standards and Appeals (BSA) special permit for a Physical Culture Establishment (PCE) for one of the commercial units.

BACKGROUND

The proposed zoning map amendment would add a C2-5 commercial overlay to an existing R10A district along Central Park West to a depth of 100 feet between West 62nd and West 63rd streets (Block 1115, p/o Lot 7501). The rezoning area would cover a portion of the development located at 25 Central Park West, a 33-story, 556,414 square-foot building known as the "Century Apartments." The C2-5 overlay would be mapped across the entire frontage of the building to a depth of 100 feet to include three existing, legally nonconforming commercial units on the ground floor. The proposed action would bring the commercial units into conformance and allow the applicant to apply for a BSA special permit for a PCE use in one of the commercial units.

25 Central Park West is located on a 50,208 square-foot lot, split-zoned with R10A and C4-7 districts. The C4-7 district covers the portion of the lot (about 20 percent) coterminous with the Special Lincoln Square District. The current zoning has been in place since 1984. The proposed rezoning would only affect the R10A portion of the lot, to a depth of 100 feet. R10A districts are the highest-density contextual residential districts with a maximum FAR of 10.0.

Constructed in 1931, 25 Central Park West has frontages on West 62nd Street, West 63rd Street, and Central Park West. The building runs along the entire length of the block, along the Central Park West side, to a depth of 250 feet, and rises to a height of 300 feet above the street line. Three legal, nonconforming retail spaces, with Certificates of Occupancy dating back to 1954, occupy parts of the ground floor frontage with one at the corner of West 62nd Street and Central Park West and two along the West 63rd Street frontage. The remainder of the ground floor is primarily occupied by medical offices that are considered ambulatory diagnostic or treatment health care facilities (Use Group 4). 422 residential condominium units are located on floors two through 33. All three retail units have separate entrances from the street whereas most of the medical offices are accessed through the building lobby. The existing commercial uses include a pharmacy, dry cleaners, and salon.

25 Central Park West, individually landmarked by the New York City Landmarks Preservation Commission (LPC) in 1985, is the southernmost building within the Upper West Side/Central Park West Historic District, generally located between West 62nd Street and West 96th Street.

The proposed zoning map amendment would establish a C2-5 commercial overlay over the existing R10A district, approximately 100 feet deep from Central Park West between West 62nd and West 63rd streets. The proposed C2-5 overlay would bring the existing commercial spaces within the building into conformance and would allow the applicant to apply for a BSA PCE special permit for one of those commercial units. The proposed PCE would potentially occupy the southeastern commercial unit at the corner of Central Park West and West 62nd Street, which has approximately 3,045 square feet of floor area on the first floor and 2,200 square feet in the cellar. The unit is currently occupied by a pharmacy that has plans to vacate.

25 Central Park West sits at the edge of an active commercial corridor to the south and to the west, adjacent to commercial zoning districts and the Special Lincoln Square District. The street carries the retail character of Eighth Avenue to Columbus Circle and becomes more residential along Central Park West, north of the development site. A C2-5 overlay at this location would transition the intensive commercial uses of Eighth Avenue and Columbus Circle to the primarily residential character of Central Park West and bring longstanding commercial uses into conformance. The

proposed zoning map amendment would serve the local community and more accurately reflect longstanding uses.

ENVIRONMENTAL REVIEW

This application (C 190390 ZMM) 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 agency is the Department of City Planning. The designated CEQR number is 19DCP134M.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 20, 2019.

UNIFORM LAND USE REVIEW

This application (C 190390 ZMM) was certified as complete by the Department of City Planning on May 20, 2019, and was duly referred to Manhattan 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 for this application on June 19, 2019. On July 2, 2019, by a vote of 30 in favor, five against, and two abstentions, the Community Board voted to disapprove the application.

Borough President Recommendation

This application (C 190390 ZMM) was considered by the Manhattan Borough President, who on August 23, 2019 recommended approval of the application with the following conditions: that the applicant 1) implement design features and programming to ensure active storefront and 2) work with residents when changing tenants or design of the commercial space that results from the proposed action.

City Planning Commission Public Hearing

On August 14, 2019 (Calendar No. 11), the City Planning Commission scheduled August 28, 2019 for a public hearing on this application (C 190390 ZMM). The hearing was duly held on August 28, 2019 (Calendar No. 31). There was one speaker in favor of the application and one speaker opposed.

A representative from the applicant summarized the requested action and described the development site.

A Queens resident spoke against the proposal.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 190390 ZMM) is appropriate.

The proposed C2-5 overlay will bring three longstanding, legally nonconforming commercial uses into conformance at the 33-story, landmarked mixed-use building at 25 Central Park West. It will also allow the applicant to pursue a BSA special permit for a PCE use that will serve the building and the local community.

The Commission believes the proposed C2-5 overlay will reflect the transition between the C6-6 district to the south, the C4-7 district and Special Lincoln Square District to the west, and the more residential character of Central Park West north of the development site.

The R10A/C2-5 zoning will allow for the flexibility to pursue a PCE use through the BSA at the site, and will more accurately reflect the existing, legal commercial uses at 25 Central Park West by bringing them into conformance.

Regarding the conditions recommended by the Manhattan Borough President, the design and tenanting of privately owned retail space is beyond the purview of the Commission.

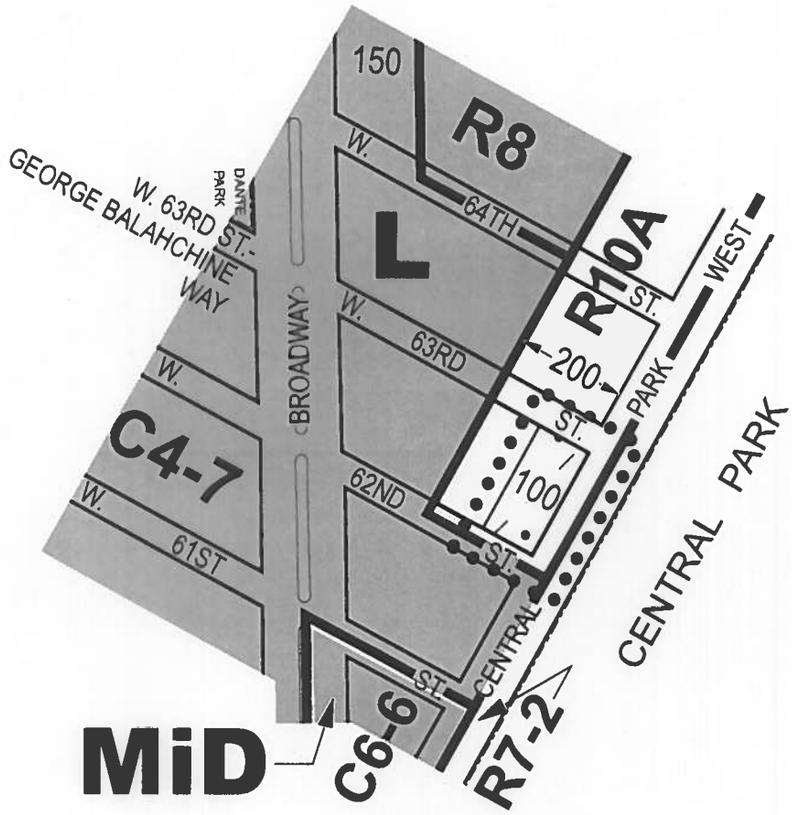
RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant adverse 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 consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 8c, by establishing within an existing R10A District a C2-5 District bounded by West 63rd Street, Central Park West, West 62nd Street, and a line 100 feet westerly of Central Park West, as shown on a diagram (for illustrative purposes only) dated May 20, 2019 and subject to the conditions of CEQR Declaration E-511.

The above resolution (C 190390 ZMM), duly adopted by the City Planning Commission on September 25, 2019 (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.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, ESQ, *Vice-Chairman*
DAVID BURNEY, ALLEN CAPPELLI, ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH DOUEK, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
8c
BOROUGH OF
MANHATTAN

New York, Certification Date:
MAY 20, 2019

S. Lenard, Director
Technical Review Division

SCALE IN FEET
0 150 300 600

NOTE:

Indicates Zoning District Boundary

● ● ● ● ● The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-5 District within an existing R10A District.

Indicates a C2-5 District

L Indicates a Special Lincoln Square District (**L**).

MiD Indicates a Special Midtown District (**MiD**).

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

RESOLUTION

Date: July 2, 2019
Committee of Origin: Land Use
Re: 25 Central Park West. Application C190390 ZMM submitted by CPW Retail South LLC, pursuant to sections 197-c and 201 of the New York City Charter to amend the NYC Zoning Map, section 8c, by establishing a C2-5 District bounded by West 62nd and 63rd Streets, extending westward for 100' from Central Park West.
Full Board Vote: 30 In Favor 5 Against 2 Abstentions 0 Present
Committee: 6-0-0-0.Non-Committee: 1-0-0-0.

A. 25 Central Park West, aka The Century Condominium, is residential above the first floor occupying the entire block from 62nd to 63rd Street, and extending 250 feet west from Central Park West. The zoning lot is currently zoned residential R10A. Although commercial uses are not permitted in R10A districts, there are three commercial spaces on the ground floor of 25 CPW, which were grandfathered since 1931, the date the building was completed.

B. The three retail establishments, two with access from West 63rd Street. The one corner retail unit, which is accessible from both Central Park West and 62nd Street, is the only retail space soon to be vacated and the reason for this re-zoning application. This corner store is currently a drug store, and prior to that, a Gristedes. The other two stores that are currently tenanted are a dry cleaner and a Valery Joseph Hair Salon. Similar retail uses within Use Group 6 of the Zoning Resolution may continue, provided there is no retail vacancy greater than two years.

C. There is other commercial space on the ground floor that consists of several professional medical and professional suites accessed via the CPW residential lobby and a separate entrance on each of 62nd and 63rd Streets at the western side of the building.

D. The owner of the vacant commercial space has applied for a Zoning Map change to a Commercial C2-5 district for the full frontage of Central Park West extending westward for 100 feet. The minimum depth of the R10 district is 200 feet. The effect of the change would be to expand the type of commercial uses from Use Group 6 to Use Groups 5, 7, 8, 9 and 14. In particular, the owner of the vacant commercial unit is seeking a Physical Culture Establishment (PCE), earmarked for a yoga studio, a use permitted in a C2-5 zone that requires a special permit. It is not a permitted use in the grandfathered Use Group 6.

E. The applicant has further advised that no currently permitted use (including professional offices) would be economically feasible and the fear is a vacant retail space.

In reviewing the application, the Land Use Committee has considered the following:

1. No other building on Central Park West has existing retail space and no other building is zoned for commercial use. Approval of this application will set a precedent and ultimately compete with the commercially zoned Avenues -- Columbus, Amsterdam and Broadway.
2. While a lease to a yoga studio might be the most economically beneficial use for the vacant space, the applicant has not provided any information demonstrating that any currently permitted retail or professional use would be unfeasible or unprofitable.
3. While the applicant's concern is the pharmacy space, occupying 45 feet of the building's 200' foot CPW frontage, the application seeks a commercial overlay for the entire frontage, a change which the applicant concedes is unnecessary to meet its objective of placing a yoga studio in the pharmacyspace.
4. While the applicant hopes to rent the corner unit to a yoga studio, there is no assurance that a suitable tenant fitting this requirement is available. If the requested Zoning Map change is approved, the applicant would be free to lease any space in the C2-5 zone to any of a vastly expanded permitted list of uses, many of which are undesirable.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the Applicant's motion to amend the Zoning Map to create a C2-5 zone at 25 Central Park West.

OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

August 23, 2019

Recommendation on ULURP Application No. 190390ZMM
25 Central Park West
By CPW Retail South LLC

PROPOSED ACTIONS

CPW Retail South LLC (the "Applicant") is seeking an amendment to the Zoning Map, Section No. 8c, to map a C2-5 commercial overlay to a depth of 100 feet along the western side of Central Park West between West 62nd and West 63rd Streets. The action would legalize three existing commercial units in 25 Central Park West, a mixed use building located in the Upper West Side neighborhood of Manhattan Community Board 7 (Block 1115, Lot 7501). The building is currently only allowed to have Use Group 6 establishments. The C2-5 overlay would allow Use Groups 5, 6, 7, 8, 9, and 14 and allow the Applicant to seek a permit for a Physical Culture Establishment (PCE) for one of their commercial spaces.

In considering this land use action, the office of the Manhattan Borough President must evaluate the proposed zoning map changes for consistency and accuracy. Given the land use implications, this office must also assess the appropriateness for the potential growth, improvement, and development of the neighborhood and borough.

BACKGROUND

Area Context

This portion of the Upper West Side along Central Park West is zoned primarily R8 and R10A, with the denser zoning district mapped along the avenue and north of West 62nd Street and the R8 districts located in some of the midblocks. A C4-7 district is mapped along the other midblocks, as well as along Broadway and Columbus Avenue, which make up the main commercial corridors in the area. The westernmost 50 feet of 25 Central Park West, which is located in the rear of the building, fall within the Special Lincoln Square District. The Special District was established in 1969 with the goal of protecting and promoting the "unique cultural and architectural complex" that is Lincoln Square and to improve the circulation of pedestrians, vehicular traffic and public transit.

25 Central Park West is part of a row of residential and commercial buildings that were built along Central Park West between 1880 and 1930. The building, which was built in 1931, is also referred to as the Century Apartments and was individually landmarked in 1985.

The building is 2 blocks away from the 59th Street Columbus Station, which provides service to the A, B, C, D, E, and 1 subway lines. In addition, the West 66th Street 1 subway station is one

avenue over on Broadway. The M10 and M20 buses, which provide uptown and downtown service, respectively, have stops along Central Park West. The M66 bus, which provides crosstown service, stops two blocks to the north of the building at West 65th Street. The Lincoln Center for the Performing Arts is two avenues to the west on Amsterdam Avenue, as are Fordham University and the John Jay College of Criminal Justice. Mt. Sinai West, a full-service medical center, is less than a half mile away. The building is across from Central Park and near to passive recreation spaces, including Dante Park, Richard Tucker Park, and Hearst Plaza.

Site Description

25 Central Park West was built under the 1916 Zoning Resolution. Pursuant to that text, the building was in a "Business District" allowing commercial uses, which existed on the ground floor of the building. When the Zoning Resolution was modified in 1961, the building was zoned R10, making the commercial uses non-conforming but grandfathered. The majority of the building—located on the eastern side—is currently zoned R10A. The western (rear portion of the building) is zoned C4-7. The commercial overlay would be situated solely within the R10A portion of the site.

The building is 32 stories in height and contains 422 residential units, three commercial units, and medical offices. The three commercial spaces include a dry cleaner, a hair salon, and a drugstore. The Applicant expects that the drugstore will vacate its space within the next year and plans to rent that commercial space to a PCE.

COMMUNITY BOARD RESOLUTION

On July 2, 2019, CB7 voted to deny the application. At a June 19, 2019 hearing, members of the Board expressed its concern about setting a precedent, particularly because other residential buildings to the north of 25 Central Park West do not include ground floor commercial uses. The Board expressed a concern that commercial spaces along Central Park West would "compete with the commercially zoned avenues" in the neighborhood. The Board also argued that the commercial overlay, which extends 100 feet west of Central Park West, is excessive because the commercial units of the building extend only 45 feet. In its resolution, CB7 did not outline any conditions under which it would approve the application.

BOROUGH PRESIDENT'S COMMENTS

Although I am a strong supporter of the mom-and-pop shops, which help maintain neighborhood vitality, I understand that the lack of pedestrian traffic around 25 Central Park West will make it difficult for a Use Group 6 establishment to be successful. The Applicant has received interest from a yoga studio that was seeking commercial space and although that particular business was able to secure a commercial space elsewhere, the Applicant believes that this type of business would be more viable. Additionally, the building does not currently have a gym for residents.

The proposed commercial space could, as the Applicant notes, create a transition from the busy commercial activity along 8th Avenue, to the residential uses along Central Park West. In achieving this goal, I would like to emphasize the importance of activating the storefront in a way that engages passers-by. In an attempt to provide privacy for their customers, far too many

PCEs block views of their spaces from the street. Still, other PCEs have managed to balance their need for privacy with having an attractive storefront by placing small cafes, shops, or front desk services at the front of their commercial spaces. I urge the applicant to incorporate similar strategies. Such considerations should be taken under the advisement of the building's residents.

Regarding the depth of the proposed C2-5 overlay, commercial overlays typically range from 100 to 200 feet in depth. Making the overlay shorter in order to encompass only the existing commercial spaces raises issues about spot zoning. I believe the applicant should adhere to the standard 100 foot minimum.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **approval** of ULURP Application No. 190390ZMM with the following conditions:

1. The Applicant commits to implementing design features and programming to ensure that the storefront is activated; and
2. The Applicant agrees to work with the building's residents as they plan for changes in tenancy and/or design of the commercial space that result from this land use action.

Gale A. Brewer
Manhattan Borough President