



CITY PLANNING COMMISSION

July 1, 2015/Calendar No. 11

C 150147 ZSM

IN THE MATTER OF an application submitted by 28th Highline Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) to allow an automated, accessory parking facility with a maximum capacity of 29 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 520 West 28th Street (Block 699, Lot 43), in a C6-3 District, within the Special West Chelsea District, Borough of Manhattan, Community District 4.

The application for a special permit was filed by 28th Highline Associates, LLC on October 29, 2015. The requested special permit would facilitate the establishment of a 29-space automated accessory parking facility within a mixed-use development at 520 West 28th Street in the West Chelsea neighborhood of Manhattan.

BACKGROUND

520 West 28th Street is an “L”-shaped zoning lot on Block 699, which is bounded by West 28th Street to the north, Eleventh Avenue to the west, West 27th Street to the south and Tenth Avenue to the east in the West Chelsea neighborhood of Manhattan. The development site consists of lot 43, but it is part of a larger, 34,563 sq. ft. merged zoning lot consisting of Lots 22, 24, 37, 42. Lot 43, the development site, is currently vacant in anticipation of a proposed 148,952 sq. ft. residential development with ground floor retail.

The zoning lot is located in a C6-3 zoning district within Subarea B of the Special West Chelsea District, and an Inclusionary Housing Designated Area (Section 98-26). The site is located on the southerly side of West 28th Street, between Tenth and Eleventh Avenues. The High Line traverses the subject block, and is directly adjacent to the development site’s easterly lot line. Building heights in the area generally range from one to ten stories. Manufacturing zoning districts were retained in many mid-blocks in an effort to preserve galleries, existing light industrial uses and encourage commercial uses. Over the past decade, the surrounding area has experienced a notable amount of residential growth with much of the construction as-of-right.

The proposed action would facilitate the establishment of a 29-space automated accessory parking facility within an as-of-right, 135-foot tall, 148,952 square-foot mixed-use development that is being constructed on Lot 43. The development will contain 40 market-rate residential units, ground floor retail, and the proposed garage on the ground floor, cellar and sub-cellar levels. Access to and from the public parking garage will be provided on West 28th Street by a new 12-foot curb cut. An entry bay, which constitutes the garage's one required reservoir space, leads to the automobile elevator which takes the vehicle to the garage below. There is a vestibule area directly adjacent to the entry bay, which is furnished with an electronic kiosk that allows motorists to park and retrieve their vehicle. The cellar level will contain 14 parking spaces and the sub-cellar level will contain 15 parking spaces.

Vehicles will enter the garage at ground level via an automatic door separating the entry bay from the sidewalk, which is operated by remote control. A traffic signal with a red and green light and located on the exterior wall of the proposed development will notify the motorist whether they can enter the garage, or if the garage is busy processing another vehicle. If the garage is busy, the traffic light will be red and the automated door will not open. If the garage is ready to process an incoming motorist, the automated door will open and the entering vehicle will travel over the sidewalk and into the entry bay, traversing a speed-bump. The motorist will position their vehicle onto a moveable pallet, turn off and exit the vehicle, and enter the vestibule area through a side door in the entry bay. The motorist will use the electronic kiosk to request that their vehicle be parked. Once the vehicle is positioned correctly, the automated garage door will close and the vestibule door will lock. Sensors will scan to ensure no persons are in the entry bay—operations will not proceed if there are. A Vertical Reciprocating Conveyor will then transfer the vehicle to the auto elevator lift and down to the cellar or sub-cellar level, where it will be automatically parked in an available space by Automated Guided Vehicles which operate under the pallet.

Motorists seeking to retrieve their vehicle from the Garage will enter the vestibule area from inside the proposed development and initiate a request from the electronic kiosk. The vehicle will be automatically retrieved from its parking space on the cellar or sub-cellar levels by a series

of Automatic Guided Vehicle devices and then transported to the entry bay by the auto elevator lift. After the vehicle is safely deposited in the entry bay, the door separating the bay from the entry vestibule will unlock, allowing the motorist to access their car. Once the motorist is ready to depart, they can open the garage door via remote control and will proceed to travel over a speed-bump, stop at a stop sign which is also located inside the entry bay, and exit the garage onto West 28th Street. The average time it takes the automated system to park an incoming vehicle and be ready for the next is 59 seconds.

Pursuant to Section 13-11, accessory off street parking for residential developments in Manhattan Community District 4 is permitted for 20% of dwelling units. The proposed garage would therefore be permitted an accessory parking facility containing 11 spaces as-of-right, including three spaces for retail floor area. A special permit pursuant to Sections 13-45 and 13-451 (Additional parking spaces for residential growth) is requested to provide an automated accessory parking facility with 29 spaces on the ground floor, cellar and sub-cellar levels of the building.

ENVIRONMENTAL REVIEW

This application (C 150147 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 15DCP039M. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on February 17, 2015

UNIFORM LAND USE REVIEW

This application (C 150147 ZSM) was certified as complete by the Department of City Planning on February 17, 2015, and was duly referred to Community Board 4 and the Borough President

in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 150147 ZSM) on April 1, 2015, and on that date, by a vote of 33 to 3 with 0 abstentions, adopted a resolution recommending disapproval of the application. The resolution stated that:

The applicant concludes that since the parking ratio... resulting from the proposed parking facility is significantly below the target of 20%, they have met all of the required findings and should be granted the special permit. CB4 agrees that the applicant has met the required findings, including that in ZR 13-451, but believes that the methodology developed by DCP for the calculation of the parking ratio is deeply flawed and cannot be properly used to justify the requested special permit in the area where the proposed development is located.

Borough President Recommendation

This application (C 150147 ZSM) was considered by the Borough President, who issued a recommendation on May 27, 2015 to approve the application with comments concerning the guidelines and findings for special permits made pursuant to ZR Section 13-451. The Borough President noted, however, that even if a “more robust set of conditions” were to apply to this application, it would likely still be considered appropriate.

City Planning Commission Public Hearing

On May 20, 2015 (Calendar No. 3), the City Planning Commission scheduled June 3, 2015 for a public hearing on this application (C 150147 ZSM). The hearing was duly held on June 3, 2015 (Calendar No. 18). There were three speakers in favor of the application and none in opposition.

The applicant’s land use attorney provided an overview of the as-of-right development and garage, illustrating how the garage meets the findings laid out in ZR Sections 13-45 and 13-451. He noted that the applicant anticipates that all of the spaces in the proposed garage will be leased to dwelling unit owners on a long-term basis.

The applicant's parking consultant described the garage's operations in detail and addressed commissioners' concerns about the automated system's safety and efficiency. He noted in particular that the residential concierge desk will be directly adjacent to the entry bay, and staff will be on-hand to assist with unloading a vehicle and will be trained to use and troubleshoot the automated system. He noted that the company that manufactures the system has a presence in New York City and can be on-site to provide maintenance within 30 minutes to two hours, and that the building has a backup generator to keep the system running in the event of a power outage. The consultant also detailed the garage's charging capabilities for electronic vehicles, and discussed the potential for backups or delays.

A representative for the Manhattan Borough President's Office reiterated the Borough President's recommendation. He highlighted that the application would still likely meet the findings of ZR Section 13-451 if they were made more robust.

The Chair of Manhattan Community Board 4 testified in opposition to the proposed special permit. She reiterated the Community Board's concerns regarding the methodology for meeting the findings of ZR Section 13-451. In particular, she stated that the focus on the growth of residential parking does not adequately reflect the existing conditions and ratios of parking to dwelling units in Manhattan CD 4.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit pursuant to Sections 13-45 and 13-451(a) of the Zoning Resolution is appropriate.

The Commission observes that a handful of building ground floors along West 28th Street contain loading entrances, and therefore believes that the location of the parking entrance and exit on West 28th Street would not be inconsistent with the character of the existing streetscape. The Commission notes that access to the High Line is located approximately 175 feet east of the

proposed curb cut. Westbound pedestrian trips to this access point will be coming from Tenth Avenue and points further east. Therefore, the location of the public parking garage will not create serious traffic congestion or unduly interrupt the flow of pedestrian traffic in the area. The automated facility will provide the required reservoir space and can process incoming vehicles in 59 seconds on average, which will allow for the efficient movement of vehicles off the street.

The applicant documented the new and eliminated residential units and off-street parking spaces within one-third of a mile from the development site between 2004 and 2014, the project's expected build year, to demonstrate that the request for 29 accessory parking spaces is reasonable and not excessive in regard to recent trends in residential development and the provision of parking. Using data from the Department of Buildings, the Department of Consumer Affairs, and additional research performed by the applicant, the study found that between 2004 and 2014, the ratio of the change in off-street parking spaces to the change in residential units without the proposed 29 public parking spaces and 40 residential units is 3%. With the proposed 29 accessory parking spaces and 40 residential units, that ratio would increase to 4%. The Commission notes that the ratio is well-below 20%, the Department of City Planning's expected growth ratio of new off-street parking spaces to new residential units for Manhattan Community District 4.

The Commission therefore believes that the ratio of new off-street parking spaces to new residential units with the proposed project demonstrates that the request for 29 accessory parking spaces is reasonable and not excessive in regard to recent trends in residential development and the provision of parking.

Furthermore, in a letter to the Commission dated June 9, 2015, the applicant stated that the potential for delays and backups, particularly when incoming users have items to unload from their vehicles, would be minimized due to the proximity of the concierge desk to the garage's entry bay, which would allow building staff to assist with the unloading of vehicles or using the automated system so as to ensure the efficient movement of vehicles off of the street. The letter states that three similar automated facilities in New York City experienced a daily turnover of

approximately 30% of their vehicles. Based on this feedback, the proposed 29-space accessory facility could expect to see an average of ten vehicles entering or exiting per day. The applicant also spoke with the operators of an attended accessory facility owned by the same developer as the proposed development, and one that serviced a similar target demographic. This facility experienced a 17% daily turnover and did not have any temporal spikes in use over the course of an average week. Therefore, in light of this research the Commission believes that the proposed automated accessory facility would not experience unusual delays or backups.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) of the Zoning Resolution:

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
- (5) such parking facility will not be inconsistent with the character of the existing streetscape.

The City Planning Commission hereby makes the following findings pursuant to Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution:

- (a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
- (1) the increase in the number of #dwelling units#; and
 - (2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45.

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 and findings described in this report, the application submitted by 28th Highline Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) to allow an automated accessory parking facility with a maximum capacity of 29 spaces on portions of the ground floor, cellar and sub-cellar levels of a proposed mixed-use building on property located at 520 West 28th Street (Block 699, Lot 43), in a C6-3 district within the Special West Chelsea District, Borough of Manhattan, Community District 4, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 150147 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Philip A. Habib, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 2	Parking Plan Ground Level	02/12/2015
2 of 2	Parking Plan Cellar and Sub-Cellar Level	02/12/2015

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. 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.
5. Upon 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.

6. 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 (C 150147 ZSM), duly adopted by the City Planning Commission on July 1, 2015 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the 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.

CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, ESQ., Vice Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

JOSEPH DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, BOME E JUNG, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ Commissioners



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

April 27, 2014

Carl Weisbrod
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: ULURP Application No. N 150147ZSM
Special Permit for a 29-Space Accessory Parking Garage**

Dear Chair Weisbrod:

At its regularly scheduled Full Board Meeting on April 1, 2015, Manhattan Community Board 4 (CB4), on the recommendation of its Chelsea Land Use Committee, voted 33 in favor, 3 opposed, 0 abstaining and 0 present but not eligible to vote to recommend denial of the Application for a special permit under ZR 13-45 and ZR 13-451 for an increase in the number of parking spaces in an automated parking facility at 520 W28th Street to 29. The Board's recommendation is based on the belief that the test determining eligibility for the special permit is deeply flawed and inapplicable in this situation.

Background

The proposed development at 520 West 28th Street is an as-of-right mixed use building occupying Block 699 Lot 43 in a C6-3 district in Subarea B of the Special West Chelsea District. The development will have 40 residential units, and 11,213 square feet of commercial space on the ground floor. Under ZR 13-11(a) the site is permitted eight accessory parking spaces for the residential units and three accessory parking spaces for the commercial square footage.

The proposed garage will be an unattended, automated facility where vehicles will be stored and retrieved by automated guided vehicles - battery-powered robotic devices - moving between the garage entry area and storage spaces in the two levels below. The garage will occupy approximately 850 sq. ft. at the ground level, including the one required reservoir space, 4,550 sq. ft. at the cellar level, providing fourteen parking spaces, and 4,950 sq. ft. at the sub-cellar level, providing fifteen parking spaces.

The applicant is seeking approval for 29 spaces in the proposed garage, all of which are intended to be accessory parking spaces used only by the tenants of the proposed development. CB4 appreciates the applicant's commitment that all of the spaces will remain accessory parking spaces.

Analysis

The 29 parking spaces requested by the applicant represents a parking ratio of 72.5% (29/40), far in excess of the 27.5% permitted as-of-right (11/40) and the overall target of 20% for residential areas. ZR 13-45(c) sets out five required findings for the granting of a special permit for additional parking spaces. The Board believes that the applicant has shown that the project complies with each of the applicable findings. ZR 13-45(d) requires compliance with the additional finding set out in ZR 13-451, that "the number of off-street parking spaces in the proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility..."

The Department of City Planning (DCP) addressed the issue of reasonableness by developing methodology to calculate a "parking ratio." The calculation of the parking ratio requires consideration of new residential dwelling units and new and lost parking spaces during a ten year look-back period through the completion of the proposed facility.

The applicant provided a study of new residential dwelling units and off-street parking spaces within one-third mile of the proposed development between 2004, the beginning of the ten year look-back period, and 2016, the anticipated completion year of the proposed development. The study found parking ratios of 20.6% without the proposed development (2,890 new dwelling units, 596 new parking spaces) and 21.3% with the proposed development (2,930 new dwelling units, 62 new parking spaces). The study also found a decrease of 1,730 DCA-licensed parking spaces, of which 521 (30%) are presumed to have been residential. Including these lost spaces results in a parking ratio of 3.5% (2,930 new residential units, 104 net new parking spaces).

The applicant concludes that since the parking ratio of 3.5% resulting from the proposed parking facility is significantly below the target of 20%, they have met all of the required findings and should be granted the special permit. CB4 agrees that the applicant has met the required findings, including that in ZR 13-451, but believes that the methodology developed by DCP for the calculation of the parking ratio is deeply flawed and cannot be properly used to justify the requested special permit in the area where the proposed development is located.

Conclusions

At the beginning of the mandated ten year look-back period, the west Chelsea area was a manufacturing district with a large over-supply of off-street parking caused by warehousing vacant lots as parking pending favorable economic and social conditions for development of the lots. These parking spaces were not fully utilized except on special occasions, such as events at Madison Square Garden. There also were few residences within the one-third mile study area of the proposed development, and even fewer legal ones. Thus, these parking spaces largely accommodated transient users, not residential users.

The Board believes that the presumed decrease of 521 residential parking spaces calculated as 30% of the loss of 1,730 DCA-licensed spaces greatly overstates the actual loss of residential spaces, that the applicant's 3.5% parking ratio is based on an improper assumption, and that it does not accurately reflect what has happened in the west Chelsea neighborhood.

The Board also notes the following:

- There is increasing access to public transportation in the vicinity of the proposed development. In addition to improved bus service, the final stop on the No. 7 subway line is less than a quarter mile from the proposed garage.
- The current marketing for the proposed development is based on eleven parking spaces, not 29, suggesting that the owners believe the property can succeed without the requested additional parking spaces.

The Board concludes that the technical justification for the additional parking spaces is flawed, that based on the development of new residential units and new parking spaces the parking ratio is greater than 20% both with and without the proposed development, that residents of the proposed development will have good access to public transportation when the building is completed and that the requested additional spaces are not necessary for the success of the development.

Recommendations

CB4 recommends that the application for a special permit be denied. The Board further recommends that the City Planning Commission request that DCP reconsider their methodology for calculating the parking ratio to address the concerns raised in this letter.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council
Jerald A. Johnson, Director of New York Zoning & Land Use, Fox Rothschild LLP

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 150147 ZSM

Docket Description:

IN THE MATTER OF an application submitted by 28th Highline Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an accessory off-street automated parking garage with a maximum capacity of 29 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 520 West 28th Street (Block 699, Lots 22, 24, 37, 42, and 43), in a C6-3 District, within the Special West Chelsea District, Borough of Manhattan, Community District 4.

COMMUNITY BOARD NO: 4

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



BOROUGH PRESIDENT

March 27, 2015
DATE



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

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Gale A. Brewer, Borough President

May 27, 2015

**Recommendation on ULURP No. C 150147 ZSM – 520 West 28th Street
By 28th Highline Associates, LLC**

PROPOSED ACTIONS

28th Street Highline Associates, L.L.C.¹ (the applicant) seeks a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution (“ZR”) to allow an automated accessory parking garage with a maximum capacity of 29 spaces in the cellar and sub-cellar of an under-construction residential building at 520 West 28th Street (Block 699, Lots 22, 24, 37, 42, and 43) in the West Chelsea neighborhood of Manhattan Community District 4.

The special permit requires that all of the applicable conditions of ZR § 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES) be met and that the findings of §13-45 and 13-451 have been met. These findings are as follows:

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with uses or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of streets, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (4) for public parking garages, that where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion;
- (5) such parking facility will not be inconsistent with the character of the existing streetscape; and
- (6) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:
 - (a) the increase in the number of dwelling units; and
 - (b) the number of both public and accessory off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities.

¹ 28th Street Highline Associates, L.L.C. is a subsidiary of Related Companies, which is managed by Chairman and Founder Stephen Ross.

PROJECT DESCRIPTION

The applicant requests a special permit to allow an on-site accessory parking facility with 29 spaces in the cellar and sub-cellar of an as-of-right mixed use, through block building currently under construction at 520 West 28th Street. When completed, the building will rise to the maximum permitted building height of 135 feet and contain 40 residential units. The West 27th Street building frontage includes approximately 11,000 square feet of retail space on the ground floor. The West 28th Street building frontage includes the residential lobby and a 12-foot wide curb cut which will provide access to the single entry and exit lane for the garage.

Area Context

The project site sits in the northern portion of the West Chelsea neighborhood, a former industrial area that has, since the adoption of the Special West Chelsea District (“WCh”) in 2005, become more of a vibrant mixed-use neighborhood with a large residential population. Immediately to the east of the project site is the High Line park, which has an entry stair within the project site.

Prior to the development of the High Line as a park and the enactment of the WCh, the neighborhood around the project included significant amounts of public parking which was primarily used by transient parkers, rather than neighborhood residents. In the blocks surrounding the project there have been several new apartment buildings constructed pursuant to the Special West Chelsea District, many of which displaced parking uses. On the project block, 541 West 28th Street, completed in 2012, is a 13-story, 90 unit mixed use building. To the north of the project site, 515 West 28th Street contains two new buildings, completed in 2014, that together contain 710 apartments. One block north of the development site, the applicant also completed a 15-story residential building with 139 apartments last year. According to the residential parking study submitted by the applicant, there has been a net increase of 2,890 residential units within one-third of a mile of the site in the past ten years. These new residential units have coincided with a loss of 1,730 licensed off-street parking spaces, of which 521 spaces are considered residential spaces. However, many of the new residential buildings constructed in the immediate vicinity have come with accessory parking facilities of their own, which in aggregate have provided 596 new accessory spaces.

While this residential development has occurred to the north of the site, a significant portion of West Chelsea has continued to develop into an arts district, with a large concentration of galleries to the south of the site on West 26th and 27th Streets. The majority of these galleries have adaptively reused former industrial and warehouse buildings.

The nearest subway station stops are located two avenues east, on Eighth Avenue, with a C and E train entrance at West 25th Street (23rd Street Station) and an A, C, and E entrance through Penn Station at West 31st Street. In addition, the new 7 train station at West 34th Street, set to open later this summer, will be located approximately a quarter mile from the development site. The M11 bus provides northbound service along Tenth Avenue and southbound service along Ninth Avenue. The M12 bus similarly operates along Eleventh and Twelfth Avenues. There are three CitiBike stations in the immediate vicinity of the project site: across Tenth Avenue at West 28th

Street, on the west side of Tenth Avenue at West 26th Street, and one block west at Eleventh Avenue and West 27th Street.

Project Site

The proposed accessory parking facility will be a part of an under-construction residential building, with ground floor commercial space, at 520 West 28th Street. The development site is an L-shaped, through block lot with 50 feet of frontage on West 27th Street and 175 feet of frontage on West 28th Street. The development site is located in a C6-3 zoning district within Subarea B of the WCh. The WCh contains specific controls on building bulk for properties such as this one which are traversed by the High Line. ZR § 98-423 provides for a base height of between 60 and 95 feet and a maximum building height of 135 feet. In addition to the required setbacks for building frontages facing streets, ZR § 98-52 stipulates minimum and maximum distance of building segments from the High Line in order to ensure light and air to the park while preserving its dense urban aesthetic.

Proposed Project

The proposed accessory garage will be an automated parking facility with 29 spaces spread over two subsurface levels. The garage will be accessed by a 15 foot wide, 23 foot deep, entry bay adjacent to the residential building lobby on West 28th Street. Entering vehicles will access the garage by traveling eastbound on West 28th Street and will request entry to the garage via remote control. A traffic light on the side of the building will indicate if the entry bay is busy processing another vehicle. The system's computerized management system will prioritize entering vehicles over vehicle retrieval in order to prevent any on-street congestion. If a vehicle is being retrieved but has not yet been placed on the elevator, that operation will pause until after an entering vehicle has been processed. In order to reduce the risk of vehicular/pedestrian conflicts, flashing LED lights on the exterior of the building, as well as an audible warning signal, will alert pedestrians to any entering or exiting vehicle.

Once entering the entry bay, motorists will exit the vehicle and enter an adjacent vestibule area where they can activate the parking system. The tray on which the car sits will be transported into an elevator by an automated, battery-operated robot, and from the elevator will be transported to a parking bay by a system of five such robots. The average time it will take to park a vehicle once it has entered the entry bay is less than one minute. Retrieval will take slightly longer, about a minute and a half. This does not, however, include any time it may take a motorist to load or unload a vehicle.

The parking facility will also include eight electric vehicle charging stations. Because of the modular, pallet-based nature of the parking system, these eight charging stations can accommodate more than eight electric vehicles, because after charging the vehicles can be moved to a parking bay without a charging station to accommodate another electric vehicle.

Proposed Actions

The applicant seeks a special permit pursuant to ZR §§ 13-45 and 13-451 to permit an accessory parking garage with 29 spaces. The development site is subject to the “Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core,” which pursuant to ZR § 13-11(a) limit the number of accessory parking spaces for a building to no more than 20 percent of the number of dwelling units in the building. This would allow ten accessory residential spaces as of right. ZR § 13-12(C) allows the site an additional parking space accessory to the ground-floor retail facility. The special permit pursuant to ZR § 13-451 allows additional accessory spaces pursuant to the above-mentioned findings.

The final finding of the special permit requires the CPC to determine that the number of parking spaces is:

“reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to the increase in the number of dwelling units and the number of both public and accessory off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities.

The Department of City Planning has created application guidelines that require a residential growth study to accompany an application in order to show the ratio of new residential units to the change in the number of residential parking spaces. The applicant’s parking study shows an increase of 2,890 dwelling units and 596 parking spaces over the past ten years, meaning a parking ratio of 20.6 percent (or 21.3 percent including the proposed garage). Over the same period, however, the applicant finds a loss of 521 residential parking spaces, which means that the ratio of new parking spaces to new residential units over the past ten years is 3.5 percent.

COMMUNITY BOARD RECOMMENDATION

At its Full Board Meeting on April 1, 2015, Manhattan Community Board 4 (“CB4”) voted 33 in favor, 3 opposed, and 0 abstaining on a resolution recommending denial of the application. While the Board in its resolution notes that the applicant has met the findings for the proposed special permit, it contends that the applicant’s analysis is based on the flawed premises of the residential growth study. The Board states that the ten-year look-back period of the study fails to account for the oversupply of parking in the neighborhood prior to the study period. It notes that there were few residential units in the study area prior to the look-back period, and thus concludes that parking spaces in the study area that were lost were largely used by transient users, who were often in the neighborhood only for special events. The Board also noted that there will soon be an increase in public transit serving the development site, as the new 7 train station will be less than a quarter mile from the proposed garage.

BOROUGH PRESIDENT COMMENTS

Over the past year there have been a number of special permits for additional parking pursuant to the new Manhattan Core rules, and each unique case has highlighted the strengths and weaknesses of the new regulations. In the heavily congested Manhattan Core, where access to public transit is the most prevalent in the city, every effort should be made to reduce car trips. In Manhattan, where public space is limited and valuable, reduction of private vehicular trips allows roadway to be reclaimed by other public purposes like plazas, expanded sidewalks, or increased vegetation. It is through this lens that applications for additional parking, which makes car trips easier and more likely, should be evaluated. The requirement of a special permit in and of itself has likely greatly reduced the number of new parking spaces in the past two years, and this itself should be viewed as an achievement. But the mere cost and length of the public review process cannot be the only limitation on new parking facilities. The review process itself needs to be robust enough to fully evaluate new parking. To date the Department of City Planning has been responsive to concerns that have been raised, and has already made some changes to the application guidelines for these special permits.

In the first parking application reviewed by this office, 42 Crosby (C 140204 ZSM), the Borough President noted that the methodology required by the Department of City Planning to evaluate new parking spaces had a number of significant gaps. Notably among these concerns was that the study area framework did not fully account for overlapping study areas which could allow multiple new parking garages to claim the same residential growth. In response to these concerns, the Department of City Planning updated its application guidelines to require each application to peg its additional parking spaces to a specific residential growth site in close proximity. In addition, DCP has posted the available parking data from the Department of Consumer Affairs and the relevant residential growth data from the Department of Buildings on its website along with all previous residential growth analyses. This new transparency, developed through conversations with the Borough President's office, allows community groups and elected officials to conduct their own parking analysis alongside that of the applicant.

In the recommendation on the 7 West 21st Street application (C 150077 ZSM et al), the Borough President noted that, despite these methodological improvements, the required residential growth analysis continues to have limitations that prevent a full evaluation of proposed parking garages. That recommendation comments that:

“The residential study that accompanies the application lays out the argument for parking: that over the past ten years, far more residential units have been created than new parking spaces. However, the study has as the underlying assumption that there was an appropriate parking supply at the start of this timeframe. The study parameters further assume that a ratio of parking spaces of 20 percent of all residential units is appropriate throughout the Manhattan Core, not taking into account neighborhood differences or the availability of transit. These nuances are worth considering.”

The concerns raised by Community Board 4 regarding the application for 510 West 28th Street demonstrate that in some study areas the supply of parking prior to the ten year look-back period render the residential growth study meaningless.

The 2012 Manhattan Core Parking Study that informed the new Manhattan Core parking rules found that 30 percent of public parking spaces in Community District 4 were occupied by residential parkers. Community District 4, however, encompasses multiple neighborhoods which all have distinctly different areas within them. While the entirety of the neighborhood may have had 30 percent residential parkers, this says nothing about the rate of parking within this particular study area prior to the ten year look-back period. CB4 contends that the parking garages that were lost in this study area as a result of residential growth were primarily transient parking spaces and that there was an oversupply of parking prior to the look-back period. The residential growth analysis does not account for this, and provides nothing to refute this claim.

DCP should continue its encouraging work of improving the special permit application guidelines for these special permits to take into account a more robust set of factors such as the supply of parking prior to the ten-year look-back and the current capacity and utilization rate of parking facilities in the neighborhood. Furthermore, the CPC should evaluate whether additional findings are needed in order to ensure that these factors, as well as access to mass transit and distance from arterial roadways, can be considered when evaluating parking special permits. Notably, the special permit pursuant to ZR § 13-454 requires an applicant to show that, where a deficit of parking is created by a large scale development, the availability of off-street parking in the vicinity is insufficient. This requires applicants to look at the capacity of parking in the neighborhood and its utilization. Further, that special permit requires the CPC to find that reasonable measures have been taken to minimize parking demand.

All of these considerations, however, pertain to the wider issue of how to evaluate parking special permits, and not to the particulars of this application. Were we to apply these more robust set of conditions to this application, it is likely that it would still be considered appropriate. First, the proposed parking garage is only one block away from the West Side Highway, which means that parkers at the facility would be unlikely to add to local congestion in the neighborhood. Additionally, the proposed facility is small in size and has a minimal street presence. While technically the garage operator could lease spaces to motorists who do not reside in the building, the complicated nature of the garage makes its use as a public parking facility unlikely. The garage is going in to a luxury residential development of 40 units. While the 29 spaces are well above 20 percent of the units, those buying in this building are highly likely to be car owners who will want to keep their cars in their building.

The prioritization of cars entering the building through the automated system will prevent the garage from adding to congestion on West 28th Street. The location of the garage connected to the staffed building lobby will further aid in quick loading and unloading of vehicles in the event that a backup were to occur on West 28th Street. Lastly, given the current structure of the special permit and adherence to the recommended methodology set forth by the Department of City Planning, it is believed that the applicant has completed due diligence in proving this proposal meets the findings for additional parking spaces at this location.

BOROUGH PRESIDENT RECOMMENDATION

In consideration of the above, the Manhattan Borough President recommends approval of
ULURP No. C 150147 ZSM.

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is written in a cursive style with a large initial "G" and "A".

Gale A. Brewer
Manhattan Borough President