



CITY PLANNING COMMISSION

May 24, 2017 / Calendar No. 12

C 170112 ZSM

IN THE MATTER OF an application submitted by Roseland Development 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 attended public parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar, and subcellar levels of a proposed mixed-use building on property located at 242 West 53rd Street (Block 1024, Lots 52 and 7), in C6-5 and C6-7 Districts, within the Special Midtown District (Theater Subdistrict), Borough of Manhattan, Community District 5.

This application for a special permit was filed by Roseland Development Associates LLC on September 30, 2016. The special permit would facilitate the provision of an additional 95 parking spaces, for a total of 184 parking spaces, within a public parking garage in a mixed-use development at 242 West 53rd Street within the Theater Subdistrict of the Special Midtown District in Manhattan Community District 5.

BACKGROUND

242 West 53rd Street is a through lot consisting of two tax lots on one zoning lot (Block 1024, Lots 52 and 7) located in the middle of the block bounded by Eighth Avenue, Broadway, West 52nd Street and West 53rd Street. The development site (Lot 52) is a “U”-shaped lot that totals 29,196 square feet in area and has 225 feet of frontage on West 53rd Street and 65.75 feet of total frontage, in two parts, on West 52nd Street. The West 52nd Street frontages are located on either side of Lot 7, which is occupied by the August Wilson Theater. The theater, with a lot area of 13,129 square feet, was designated as a City landmark in 1985 by the Landmarks Preservation Commission (N 860172 HKM). Combined, the project area of both Lot 52 and Lot 7 totals 42,325 square feet. The August Wilson Theater will remain and there are no proposed changes to the theater.

Previous actions related to the zoning lot include a City Planning Commission certification (N 970423 ZCM) for a floor area bonus for the provision of a through-block galleria in a 41-story mixed-use building to be constructed on the development site in 1987. That project was never built. Subsequently, in 2014, the Commission certified the transfer of development rights from the Majestic and Broadhurst Theaters to the development site, to facilitate the construction of a new mixed-use building (N 140143 ZCM) which is currently under construction on Lot 52. The applicant is developing the building with as-of-right, accessory parking spaces and is seeking the special permit to allow an attended public parking garage with a maximum capacity of 184 spaces.

The development site is located in the Theater Subdistrict neighborhood, which includes the Times Square area and is bounded generally by West 41st Street to the south, West 57th Street to the north, Sixth Avenue to the east, and Eighth Avenue to the west. The surrounding area is generally characterized by high-density office buildings, large hotels, eating and drinking establishments, and retail uses on the avenues, with building heights ranging from eight to 48 stories. The development site is split between two zoning districts, C6-5 and C6-7. The maximum base floor area ratio (FAR) is 10.0 in the C6-5 zoning district while the C6-7 district, in which only a small portion of the project site is located, has a maximum FAR of 15.0.

There are several theaters close to the project site, including the Neil Simon Theater on West 52nd Street, directly opposite the lobby entrance of the August Wilson Theater; the Broadway Theater on West 53rd Street, with a lobby entrance on Broadway; the Roundabout Theater Company, formerly known as the Studio 54 nightclub, on the north side of West 53rd Street with a lobby

entrance on West 54th Street; and the Ed Sullivan Theater, with its entrance located on Broadway between West 53rd Street and West 54th Street.

There are several public parking garages in the surrounding area. Immediately to the west of the development site, at 888 Eighth Avenue, is a 20-story, 374-unit apartment building that includes a public parking garage with approximately 170 spaces. East of the project site, at 1675 Broadway, is a 35-story office building that includes a 61-space public parking garage on its lowest level. Entrances to both of these garages are on West 52nd Street.

The new mixed-use building at 252 West 53rd Street, formerly occupied by the Roseland Ballroom, is located on Lot 52 and will contain 426 market-rate rental units, 85 as-of-right residential accessory parking spaces and four commercial parking spaces. The proposed attended public parking garage would permit an additional 95 spaces, for a total of 184 spaces. The garage would be accessed via a two-way, 15-foot curb cut with two 2.5-foot splays (20 feet in total) on West 52nd Street. Patrons would leave the vehicle with a parking attendant and exit the facility via an elevator that leads to ground floor egress onto West 53rd Street. In total, the proposed facility would utilize approximately 36,988 square feet of parking, including 46 double-height stackers, with 5,075 square feet of access zone and 31,913 square feet of parking zone within the cellar and subcellar levels.

Residential parking spaces within the Manhattan Core (Community Districts 1-8) are permitted based on the number of dwelling units in the development. Section 13-11(a) of the Zoning Resolution (ZR) allows a maximum number of accessory off-street spaces for residential use in an

amount equal to 20 percent of the total number of dwelling units in Community District 5. The applicant requests a special permit pursuant to ZR Sections 13-45 (Special Permits for Additional Parking Spaces) and 13-451 (Additional Parking Spaces for Residential Growth to provide for an additional 95 spaces, for a total of 184 spaces, in a public parking garage on the development site.

ENVIRONMENTAL REVIEW

The application (C 170112 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 Procedure of 1991 and Executive Order No. 91 of 1997. The lead is the City Planning Commission. The designated CEQR number is 16DCP161M.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on January 3, 2017.

UNIFORM LAND USE REVIEW

This application (C 170112 ZSM) was certified as complete by the Department of City Planning on January 3, 2017, and was duly referred to Community Board 5 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 5 held a public hearing on this application on March 9, 2017, and on that date, issued a resolution by a vote of 27 in favor, 5 opposed, and 1 abstaining, that

recommended neither approval nor disapproval of the application because the Board believed it did not have sufficient information about the project's impacts on traffic and air quality.

Borough President Recommendation

The application was considered by the President of the Borough of Manhattan, who issued a recommendation on April 12, 2017 to disapprove the application. The Borough President reiterated concerns with the parking study methodology, questioned the need for residential parking with available mass transit options, and believes the garage is focused on transient parking and not residential parking.

City Planning Commission Public Hearing

On April 5, 2017 (Calendar No. 3), the City Planning Commission scheduled April 26, 2017 for a public hearing on this application. The hearing was duly held on April 26, 2017 (Calendar No. 26). There were three speakers in favor and two opposed to the application.

All of those speaking in favor of the application were representatives of the applicant. The applicant's land use attorney provided an overview of the project. He stated that while the special permit is for a public parking garage, the majority of people using the garage are intended to be the residents in the predominantly residential building and residents in the surrounding area.

The applicant's environmental analyst discussed the environmental review of the application, including the analysis of the residential growth and the number of parking spaces in the area.

Another representative of the applicant explained how the garage would be utilized, both with the as-of-right number of parking spaces and if the proposed special permit is granted.

A representative for the Manhattan Borough President reiterated the Borough President's comments and recommendations.

A representative of the SEIU 32BJ requested that the Commission recommend that service workers at the proposed building and in the garage have high quality building service jobs with health benefits.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit to allow an additional 95 parking spaces, beyond the 89 accessory spaces permitted as-of-right, for a total of 184 public parking spaces in an attended parking facility at 242 West 53rd Street, is appropriate.

The Commission notes that access and egress to the proposed garage will be provided by a 20-foot wide curb cut (15 feet without splays) on West 52nd Street, which is located approximately 133 feet east of Eighth Avenue and 372 feet west of Broadway. At this location, the driveway, with ten required reservoir spaces, will not interfere with vehicles traversing from the closest intersection. This will minimize potential traffic congestion and vehicular-pedestrian conflicts. Visual and

audible warning devices will be placed at the garage entrance to further reduce the potential for conflict between pedestrians and vehicles.

The Commission observes that there are several existing garages and curb cuts in the area, including three existing curb cuts totaling 65 linear feet on the north side of West 52nd Street between Broadway and Eighth Avenue. These curb cuts range between 15 and 25 feet in width: two curb cuts are used to access parking facilities and one is used to access a loading bay. Within this context, the Commission believes that the entrance to the proposed garage will not be inconsistent with the character of the existing streetscape.

The applicant documented the changes in residential dwelling units and off-street parking spaces within a one-third mile radius of the development site during the study period between 2005 and 2018, the project's expected build year, to demonstrate that the requested 95 additional parking spaces is reasonable and not excessive in relation to recent trends in residential development and the provision of parking. Using data from the Department of Buildings, the Department of Consumer Affairs, the Department of City Planning, and additional research performed by the applicant, the residential growth parking study found that the ratio of change in off-street parking spaces to the change in residential dwelling units without the proposed development is negative three (-3) percent. With the proposed development, the ratio would increase to five (5) percent. The Commission notes that the ratio is below 20 percent, which is the ratio of new off-street parking spaces to new residential dwelling units permitted in developments in Manhattan Community District 5.

The Commission is mindful of the concerns raised about the distinction between accessory residential parking and public parking. One of the key findings derived from the study that resulted in the 2013 Manhattan Core parking text amendment is that there has been a shift away from commuter parking in public parking facilities in the Manhattan Core to residential parkers who park long-term on a monthly basis and tend to drive less frequently. This finding also coincided with the acknowledgment that most as-of-right accessory parking facilities in the Manhattan Core were functioning as public parking facilities, as all attended parking facilities were required to get a Department of Consumer Affairs license and post parking rates and information. This is beneficial to Manhattan residents as many of these facilities, whether public parking or accessory to a specific residential building, then become neighborhood parking facilities, creating more parking opportunities for Manhattan residents and not commuters. The Commission further notes that any accessory off-street parking spaces developed after May 8, 2013, may be made available for public use in the Manhattan Core.

The Commission acknowledges the comments by the Borough President regarding the site's proximity to mass transit but notes that the Commission has not been presented with any data or information that suggests that proximity to mass transit obviates the demand for limited residential parking or counters the idea that a very limited amount of new public parking may be appropriate in Manhattan.

The Commission is in receipt of a letter dated May 4, 2017, from the applicant, which responds to questions raised at the public hearing, particularly about the potential residential usage of the proposed garage. The letter states that the applicant would offer residents of 242 West 53rd Street

a discounted monthly parking rate, which the applicant currently does at another of its buildings. This would likely encourage residential parking. The letter also noted that the public parking facility next to the new building has a weekday overnight utilization rate of approximately 80 percent, which could suggest that within the Theater Subdistrict in Midtown Manhattan there are a notable number of residential parkers east of 10th Avenue. The Commission expects that this public parking facility, which will be located in a residential mixed-use building with 426 market rate dwelling units, will be predominantly utilized by Manhattan residents. Furthermore, the flexibility accorded to a public parking garage will encourage a more efficient use of parking spaces which will enable a limited number of parking spaces to be utilized by visitors, tourists, theater patrons, and by people in the area who are not well served by mass transit.

The Commission believes that the ratio of new off-street parking spaces to new residential units associated with the proposed project demonstrates that the request for 95 additional parking spaces is reasonable and not excessive in regard to recent trends in residential development and the provision of parking.

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 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 the consideration and findings described in this report, the application submitted by Roseland Development 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 attended public parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar, and subcellar levels of a proposed mixed-use building on property located at 242 West 53rd Street (Block 1024, Lots 52 and 7), in C6-5 and C6-7 Districts, within the Special Midtown District (Theater Subdistrict), Borough of Manhattan, Community District 5, is approved, subject to the following terms at conditions:

1. The property that is the subject of this application (C 170112 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 Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
1 OF 2	Parking Plan Ground Level	January 17, 2017
2 OF 2	Parking Plan Cellar Level & Sub Cellar Level	September 27, 2016

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 employees's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 170112 ZSM), duly adopted by the City Planning Commission on May 24, 2017 (Calendar No. 12), 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*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
CHERYL COHEN EFFRON, MICHELLE DE LA UZ, RICHARD W. EADDY,
HOPE KNIGHT, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

ANNA HAYES LEVIN, *Commissioner, opposed*

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

March 10, 2017

Hon. Marisa Lago
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Application # C 170112 ZSM by Roseland Development Association for a special permit to allow an attended public parking garage with a capacity of 184 spaces on portions of the ground floor, cellar and sub-cellar in a proposed mixed-use building at 242 West 53rd Street; and in regard to all applications for special permits to allow public parking garages in new developments in Community District Five.

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, March 09, 2017, the following resolution passed with a vote of 27 in favor; 5 opposed; 1 abstaining:

WHEREAS, Community Board Five evaluates any special permit applications for proposed public parking garages in Community District Five that have an impact on the number and flow of cars in the district, including an application by Roseland Development Association for a special permit to allow an attended public parking garage with a capacity of 184 spaces on portions of the ground floor, cellar and sub-cellar in a proposed mixed-use building at 242 West 53rd Street; and

WHEREAS, CB5 understands that there is a demand for parking spaces on the part of many residents and workers in the district; and

WHEREAS, CB5 recognizes that members of the community with disabilities may be especially burdened by the lack of access to affordable off-street parking; and

WHEREAS, CB5 also recognizes that it already has among the worst air quality and traffic congestion levels in the City; and

WHEREAS, CB5 questions the inherent assumption in the New York City Zoning Resolution that 20 percent of new residential units in our district will require parking spaces, given the rich public transit access that is unique to it; and

WHEREAS, The environmental review for this application does not indicate what impacts to expect related to traffic congestion and air quality apart from the assertion that there are no “significant” impacts; and

WHEREAS, CB5 recognizes the possible argument that an increase in the number of parking spaces could reduce congestion, and thereby improve air quality by reducing idling; CB5 also recognizes that additional parking spaces could result in more cars in the district, which could potentially increase traffic congestion and reduce levels of air quality; and

WHEREAS, CB5 believes that the Department of City Planning and the Mayor's Office of Environmental Coordination must revise the CEQR technical manual, in order to establish a more refined environmental review for these applications, so that CB5 and the public can better understand the range of practical impacts on traffic congestion and air quality in relation to a proposed parking facility; and

WHEREAS, In particular, CB5 believes the thresholds in the current CEQR technical manual are too high, and allow proposed projects that would have a clear impact on traffic flow and air quality to bypass a more rigorous study of these impacts; therefore, be it

RESOLVED, Community Board Five does not believe it can make an informed decision to recommend approval or disapproval of this application without sufficient information about its likely impacts on traffic congestion and air quality, and be it further

RESOLVED, Community Board Five urges the Mayor's Office of Environmental Coordination and the Department of City Planning to revise the CEQR technical manual, in order to require a more thorough environmental review to study even marginal impacts on traffic congestion and air quality in regard to any discretionary changes to the number of parking spaces in Community Board Five.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Eric Stern
Chair, Land Use, Housing and Zoning Committee

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.

Docket Description: C 170112 ZSM

IN THE MATTER OF an application submitted by Roseland Development 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 attended public parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar, and sub cellar levels of a proposed mixed-use building on property located at 242 West 53rd Street (Block 1024, Lots 52 and 7), in C6-5 and C6-7 Districts, within the Theater Subdistrict of the Special Midtown District, in the Borough of Manhattan, Community District 5.

COMMUNITY BOARD NO:

5

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

John A. Brewer

April 12, 2017

BOROUGH PRESIDENT

DATE



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

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

April 12, 2017

**Recommendation on
ULURP Application No. C 170112 ZSM – 242 West 53rd Street Parking Garage
by Roseland Development Associates, LLC**

PROPOSED ACTIONS

Roseland Development Associates, LLC (the “applicant”) seeks approval of a special permit pursuant to Section 13-45 and Section 13-451 of the Zoning Resolution (ZR) to allow an attended off-street parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building at 242 West 53rd Street (Block 1024, Lot 52), located partially in a C6-5 Zoning District and partially in a C6-7 Zoning District in the Theater Subdistrict of Special Midtown District within Manhattan Community District 5.

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.

PROJECT DESCRIPTION

The project site is comprised of Tax Lots 52 and 7 on Block 1024, and bounded by West 53rd Street to the north, Broadway to the east, West 52nd Street to the south, and Eighth Avenue to the west. The applicant is seeking a special permit pursuant to ZR § 13-45 and 13-451 to build a parking garage with a maximum of 184 spaces in a proposed mixed-use building.

The project site's total lot area is 42,325 square feet and is split between a C6-5 zoning district and a C6-7 zoning district but the entire development is within a C6-5 zoning district.¹ C6 zoning districts permit residential use (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4), and retail and commercial uses (Use Groups 5 through 12). The maximum floor area ratio (FAR) for a C6-5 zoning district is C6-5 and 15.0 for a C6-7 zoning district. The Theater Subdistrict of Special Midtown District allows the transfer of 2.0 to 3.0 FAR from theater sites to permit additional floor area for Inclusionary Housing and rehabilitation of theaters. Within these zoning districts, the maximum FAR can increase up to 14.4 and 18.0 with the transfer of FAR. For this development, the applicant proposes using a 2.0 FAR bonus from a listed theater to achieve a development of 453,269 total square feet.

Proposed Development

The applicant proposes to construct a new 61-story mixed residential and commercial building with ground floor retail and a 184-space public parking garage on a portion of the ground floor, cellar, and sub-cellar levels. The proposed building would be a total of 453,269 square feet (11.0 FAR) with approximately 436,555 zoning square feet of residential use for 426 dwelling units, and approximately 16,713 zoning square feet of commercial use, and 36,988 square feet of total parking garage area. The proposed building would have a street wall along West 53rd Street, and it would be a total of 675 feet in height.

The Proposed Garage would operate with attended parking in a mix of conventional and double-height stacker spaces: 23 stackers would be on the cellar level and 23 on the sub-cellar level, each capable of fitting one vehicle on the stacker platform and one vehicle at the floor area beneath the raised platform. The Proposed Garage would include approximately 10,225 square feet of parking surface area on the cellar level and 14,650 square feet of parking surface area on the sub-cellar level, with access zones of 2,100 square feet and 2,975 square feet on the ground floor and cellar levels, respectively. There will also be 3,519 square feet of parking area on the stacker platforms on the cellar level and 3,519 square feet of parking area on the stacker platforms on the sub-cellar level.

The proposed garage would be accessible by a two-way vehicular ramp via a curb cut located on West 52nd Street to the west of the Theater. The inbound lane to the garage would provide 10

¹ Lot 52 is a "U" shaped, through lot and has a total lot area of 29,196 square feet with frontages on both West 53rd Street and West 52nd Street. Lot 7 has street frontages on West 52nd Street and the total lot area is 13,129 square feet.

reservoir parking spaces where vehicles would be met by a parking attendant, leave their vehicles with the attendant, and exit via an elevator through the cellar and ground floor located past the attendant booth and pedestrian waiting area. At ground level, patrons would exit the elevator landing which would be connected to a corridor with an entry to West 53rd Street; this would also be used by patrons retrieving their vehicles from the garage. The proposed building would also provide two staircases from the garage to the ground floor. Patrons retrieving their vehicles would go to the attendant booth to speak to the parking attendants, then cross the entry and exit lanes of the ramp and wait in the pedestrian areas located next to the exit ramp for their vehicle to arrive.

Residents of the mixed-use building would also have direct access to the parking garage via four residential elevators which would be located past the public access elevator and only accessible by a security card or key. Additionally, a secure door would provide a direct connection to the ground floor residential lobby and the corridor that provides access to the elevator to the garage. The public would not have access to the secure door and security access card to use these elevators.

Independent to the required residential bicycle spaces within the building would be eighteen public bicycle parking spaces located in a 300-square foot area adjacent to the pedestrian waiting area. Bicyclists would access the garage in the same manner as vehicular patrons.

The garage would also post pedestrian routes to and from the garage, marking access points and warning devices placed at potential vehicular and pedestrian conflict points. The exit lane would also include a one-foot deep, two-inch high speed bump spanning the width of the lane within four feet of the street line and a stop sign visible to all exiting patrons in compliance with zoning regulations.

Area Context

The project site is located within a partially C6-5 and partially C6-7 zoning district in the Theatre Subdistrict of the Special Midtown District in Community District 5, Manhattan. The Special Midtown District was designated in 1982 as an effort to shift development throughout Midtown and established different bulk and density limits for avenue frontages and midblock for the five subdistricts: Fifth Avenue, Grand Central, Penn Center, Preservation and Theater. The Theatre Subdistrict of the Special Midtown District provides a floor area bonus by special permit for rehabilitation of theatres, allows for the transfer of development rights to preserve landmarked and legitimate theatres, and requires that new buildings above a certain size reserve floor space for entertainment and theater-related uses. West of the site, on the west side of 8th Avenue, is the Special Clinton District. This special district was designated as an effort to preserve and strengthen the income diversity and residential character of the community.

The surrounding area generally consists of mixed commercial and office buildings and shifts to more mixed commercial and residential buildings at Eighth Avenue. The uses in the surrounding area are primarily theatres, large hotels, and office buildings with ground floor shops and eating and drinking establishments. The building heights vary between five and 35 stories with highest density on the north side of West 54th Street at Broadway.

There are several parking facilities within close proximity of the site including: a 170-space parking garage one block west of the site on Eighth Avenue; a 61-space garage east of the site at Broadway; a 365-space public and accessory parking garage one block northwest of the site is, a 120-space garage one block northeast of the site; a 200-space garage two blocks north west of the site; a 53-space accessory parking garage west of the site; a 200-space garage located one block east of the site; a 325-space garage located on 7th Avenue one block southeast of the site, and a 230-space garage two blocks south of the site.

The project area is incredibly well-served by mass transit for local, regional, and national lines. Two blocks northeast of the site at West 55th Street and 7th Avenue are four subway entrances to the N/Q/R subway line. One block east of the site is the 7th Avenue B/D and E subway line stop with two entrances and two additional entrances located at West 53rd Street and 7th Avenue. The 50th Street C/E subway line stop is located two blocks south of the site with four entrances at the intersection of West 50th Street and 8th Avenue and three additional entrances further south. The 50th Street stop on the No. 1 subway line is located two blocks south east of the site with multiple entrances at the intersection of West 50th Street and Broadway. One block east of the No. 1 subway stop is the West 49th Street subway stop with four entrances for the N/R/W subway line. All of the subway lines in the project area connect to two major transit hubs in the city: Grand Central Terminal station located at 89 E 42nd Street and Port Authority Bus Terminal at West 42nd Street and 8th Avenue. There are three Citibike bicycle stations within a one-block radius of the site.

Proposed Actions

In order to facilitate the construction of a 61-story building with a 184-space parking garage, the applicant seeks a parking special permit pursuant to ZR § 13-45 and 13-451 to allow additional accessory parking spaces for residential growth in order to construct a 184-space parking garage. Only 85 residential parking spaces and four commercial parking spaces are permitted as-of-right for a 426 dwelling unit building.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on March 9, 2017, Manhattan Community Board 5 (CB5) voted to approve a resolution that stated that CB5 “does not believe it can make an informed decision to recommend approval or disapproval of this application without sufficient information about its likely impacts on traffic congestion and air quality.” CB5 recognized that there is the possible argument that an increase in the number of parking spaces could reduce congestion, but there is also the possible argument that an increase in the number of parking spaces could actually result in more cars in the district. CB5 went on to recommend that the Mayor’s Office of Environmental Coordination and the Department of City Planning require a more thorough environmental review to study the impacts of any discretionary changes to the number of parking spaces in CB5.

BOROUGH PRESIDENT'S COMMENTS

Recommendations from this office on prior parking special permits have continued to call on the Department of City Planning and the City Planning Commission to consider a more robust set of factors aside from the parking methodology analysis, including the absolute availability of parking, the supply of parking prior to the ten-year look-back and the current capacity and utilization rate of parking facilities in the neighborhood, and access to mass transit.

What is especially problematic to accept for this site is that while the parking study methodology clearly shows a loss in parking over the last ten years, and an increase in residential development, the garage is not actually intended to fill a gap for residential parking spaces. Letters of support of the application from theater organizations argue on the merits of additional parking for theater-goers. While the analysis of residential growth is done according to the Department of City Planning's Guidelines, the one-third mile radius of the study area in this case stretches almost to Tenth Avenue. It strikes me as unlikely that parking in this location in the heart of the theater district is appropriate to account for residents on Tenth Avenue. I am also concerned that while I have had limited comfort with the fact that monthly users tend to not use their cars on a regular basis, transient parking will exacerbate and potentially lead to additional pedestrian and vehicular conflict regardless of well-placed signage because of the theater district patronage.

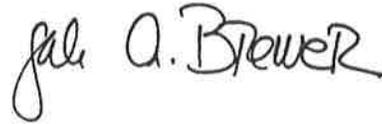
The Manhattan Core parking zoning amendments sought to institute limits to public parking that, together with redevelopment of sites with parking lots and garages, would, over time, reduce the overall number of public parking spaces. It was anticipated that with fewer parking spaces, fewer motor vehicles would enter Manhattan's most congested areas. Therefore, I find it inappropriate to grant additional spaces for commercial parking at this site given the purposes of the Manhattan Core Text.

While nearby garages enjoy high utilization rates, I would also question the need for additional residential parking spaces given the adjacency of mass transit, and the central location of this site. It is true that parking spaces can serve as storage for destination-based car usage as opposed to everyday commuting for residential users. However, this neighborhood provides a full suite of transit and travel options. I believe that in such a case, there is much less need for destination-based car storage for residents, as there are ready alternatives to car travel. So even if these spaces were designated for residential only, I am not confident that would be appropriate either.

The applicant might very well meet the individual findings for a special permit pursuant to ZR §13-45 and 13-451. However, our office believes that the granting of additional parking spaces for commercial uses is inappropriate at this site, and that these findings are too narrowly focused and do not take into account the very important factor of access to mass transit. Excessive car congestion certainly has adverse effects on the character of Midtown Manhattan. It is within the Commission's powers to act in order to minimize adverse effects on the character of the surrounding area, and we recommend denial of this special permit application in such a transit-rich area.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **denial** of ULURP Application No. C 170112 ZSM for a 184-space parking garage

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive style with a large, looped initial "G".

Gale A. Brewer
Manhattan Borough President