



**IN THE MATTER OF** an application submitted by Five Points 262 Project LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Sections 13-45 (Special Permits for Additional Parking Spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory off-street parking facility with a maximum capacity of 23 spaces on portions of the ground floor, cellar, sub-cellar level 1 and sub-cellar level 2, of a proposed residential building at 262 Fifth Avenue (Block 830, Lot 44), on a zoning lot located at 254-262 Fifth Avenue (Block 830, Lots 40, 41, 42, 44), in C5-2 and M1-6 Districts, Borough of Manhattan, Community District 5.

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This application for a special permit was filed by Five Points 262 Project LLC on October 11, 2022. This application would facilitate the development of an automated cellar and subcellar garage with a capacity of 23 parking spaces accessory to a 26-unit residential development at 262 Fifth Avenue (Block 830, Lot 44) in the NoMad neighborhood of Manhattan, Community District 5.

## **BACKGROUND**

The development site (Block 830, Lot 44), located at 262 Fifth Avenue, was merged with Lots 40, 41 and 42 into a single zoning lot in 2017 in order to transfer unused floor area to the site of the proposed building. The as-of-right 56-story, 26-unit building is currently under construction and would be located on the same development site as the garage.

The development site is located in the NoMad neighborhood of Manhattan primarily within a C5-2 zoning district. A small 140-square-foot portion of the development site is located in the adjacent M1-6 zoning district. Lots 40 and 41 are located in the Madison Square North Historic District, established in 2001 by the Landmarks Preservation Commission to preserve New York City's commercial history from periods when it served as an entertainment district and, later, a mercantile district.

C5-2 zoning districts are designated as central commercial areas characterized by buildings that typically feature retail establishments on the ground floor, along with office or residential spaces

on the upper levels, often in mixed-use configurations. The maximum floor area ratio (FAR) for both residential and commercial uses is initially set at 10.0, but it can be increased to 12.0 for residential use by adhering to the requirements of the Inclusionary Housing program.

Development within C5-2 zoning districts typically results in the construction of tall buildings, and tower structures are allowed. M1-6 districts are categorized as light manufacturing zones typically found adjacent to residential or commercial areas. These districts permit industrial operations that meet stringent performance standards, as well as a wide range of commercial activities. Residential use is not permitted within M1-6 districts. The maximum FAR permitted for commercial purposes in these districts is 10.0.

Once completed, the residential development will rise to a height of 860 feet and contain approximately 95,673 square feet of floor area, including approximately 28,484 square feet of bonus floor area pursuant to the Inclusionary Housing program. The proposed accessory 7,710-gross-square-foot automated parking facility would contain 23 parking spaces, 18 more than is permitted as of right.

The development site is well-served by public transit. The 28<sup>th</sup> Street station, which provides access to the R and W trains, is located less than two blocks southwest at Broadway; the 28<sup>th</sup> Street station, providing access to the 1 train, is located four blocks to the west; and the 28<sup>th</sup> Street station, providing access to the 6 train is located three blocks to the east. Several buses provide access to the development site including the M1, M2 and M3, which run south on Fifth Avenue and north on Madison Avenue. In addition, the M55 runs south on Fifth Avenue the M7 and M55 run north on Sixth Avenue. A protected bicycle lane runs westbound on West 29<sup>th</sup> Street and passes directly in front of the entrance to the proposed garage.

The entrance to the proposed garage would be located on West 29<sup>th</sup> Street approximately 84 feet west of its intersection with Fifth Avenue. Vehicles would either turn right onto West 29<sup>th</sup> Street from one-way southbound Fifth Avenue or proceed west across Fifth Avenue from westbound East 29<sup>th</sup> Street. Upon reaching the garage entrance, vehicles would turn left over the 12-foot-wide curb cut into the driveway of the garage. Inside the garage, the parking system would

contain fully automated components, allowing users to park and retrieve vehicles via kiosk without the need for an attendant.

The requested special permit pursuant to Zoning Resolution (ZR) Sections 13-45 and 13-451 would allow for an accessory garage with a capacity of 23 spaces, 18 spaces greater than the as-of-right allowance in the Manhattan Core.

Within the Manhattan Core, which is defined as Community Districts 1-8, ZR Section 13-11(a) allows a maximum number of accessory off-street parking spaces for residential use in an amount equal to 20 percent of the total number of new dwelling units in a development in Community Districts 1-6. ZR Section 13-45 allows for the introduction of additional parking spaces in off-street parking facilities, provided that certain conditions are met. ZR Section 13-451 allows for additional parking spaces where such parking would be deemed by the City Planning Commission “reasonable and not excessive in relation to recent trends in close proximity to the proposed facility” in relation to changes in the number of dwelling units and the number of off-street parking spaces. In order to meet this finding, the applicant undertook a residential growth parking study, which compared changes in dwelling units to changes in off-street residential parking spaces within one-third of a mile of the development site during a 10-year lookback period—from 2012 to 2024 (extended two years to the anticipated completion year for the project). The residential growth parking ratio including the proposed garage was determined to be -0.9 percent, meaning that the ratio of the change in parking spaces to the change in dwelling units shrank by 0.9 percent during the lookback period.

As part of the proposal, all 23 parking spaces would be made electric vehicle-ready, or EV-ready, with dedicated electrical outlets that would be able to accommodate chargers when they are installed. In addition, 11 spaces would be equipped with charging stations.

**ENVIRONMENTAL REVIEW**

This application 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 18DCP171M. This application was determined to be a Type II action which requires no further environmental review.

### **UNIFORM LAND USE REVIEW**

This application was certified as complete by the Department of City Planning on March 27, 2023, and duly referred to Manhattan Community Board 5 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 5 held a public hearing on this application, on May 11, 2023, and, by a vote of 27 in favor, one opposed and two abstaining, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

This application was considered by the Manhattan Borough President, who issued a recommendation on June 15, 2023, to disapprove the application.

### **City Planning Commission Public Hearing**

On June 7, 2023 (Calendar No. 6), the City Planning Commission scheduled June 28, 2023, for a public hearing on this application. The hearing was duly held on June 28, 2023 (Calendar No. 27). Four speakers testified in favor of the application, and none in opposition.

The applicant's representatives described the development and the action requested. They noted that the garage would be "very small" and that they do not anticipate traffic congestion. A study conducted by the applicant team projected nine daily vehicle trips on weekends and eight on weekdays. In addition, the applicant team noted that, in other Manhattan census tracts, the demand for car ownership among high-income residents who own their own units is high, and that the profile of residents in the development would be similar.

They mentioned that the EV-charging capability of the garage would allow the system to rotate vehicles in and out of charging spaces to charge more than the eleven vehicles whose spaces would be equipped with chargers. They indicated that the building itself will be mostly electric and will not contain gas boilers. Additionally, the building will incorporate several energy efficiency measures and solar panels on the facades to supply the building.

There were no other speakers, and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for the grant of a special permit pursuant to ZR Sections 13-45 and 13-451, to allow for an additional 18 off-street parking spaces in an accessory automated parking garage with a total capacity of 23 spaces, is appropriate.

The Commission believes that the number of spaces in the proposed facility is reasonable and not excessive with respect to recent trends in the development of residential dwelling units and off-street parking spaces in close proximity to the development site. The applicant documented in the residential growth parking study that, within the study area of one-third of a mile from the development site, the ratio of the change in off-street parking spaces to the change in the number of residential dwelling units will be -0.9 percent with the project. This is largely due to the significant development of housing in the study area within the last 10 years, which also provided minimal off-street parking spaces—a positive trend that the Commission encourages.

The Commission notes that the additional parking spaces will not significantly interfere with the flow of pedestrian traffic in this area. At the public hearing, the applicant team noted that they expect low daily levels of vehicle activity into and out of the garage. The Commission believes that the data shows that significant conflicts between cars and pedestrians will be unlikely.

The Commission finds that the additional parking spaces will not cause congestion or interfere with the efficient functioning of streets in the area. The proposed facility would be automated, which would allow for increased efficiency in storing and retrieving vehicles. In addition,

incoming vehicles will be prioritized over outgoing vehicles, ensuring that traffic will not back up onto West 28<sup>th</sup> Street to a significant degree.

The Commission notes that the additional parking spaces will not cause the development to be inconsistent with the character of the streetscape on West 29<sup>th</sup> Street. In the absence of the special permit, a curb cut and garage would still be provided. The resulting streetscape would remain unchanged.

The Commission acknowledges that all the spaces in the garage will be made EV-ready and that a total of 11 will have level-2 chargers installed, with the automated system allowing more than eleven vehicles to be charged as charges become free and shift to other vehicles. The Commission encourages the use of electric vehicles in the city as a more environmentally friendly form of vehicle transportation as compared to gasoline-powered vehicles.

The Commission acknowledges the concerns expressed by the borough president and community board that allowing additional parking spaces in a transit-rich area of the Manhattan Core may seem contrary to the City's goals of reducing greenhouse gas emissions and congestion. The City has advanced these goals in many ways, such as by committing to the Central Business District Tolling Program (congestion pricing), which will charge drivers a fee for entering Manhattan south of 60<sup>th</sup> Street; pursuing the City of Yes for Carbon Neutrality zoning text amendment, which will support efforts to provide EV charging, develop green energy sources and make buildings more energy efficient; and continuing ongoing measures to increase and improve public space, pedestrian space and bicycle infrastructure. A modest increase in parking for vehicles unlikely to be used for daily commuting would not run contrary to these citywide initiatives.

Community Board 5 and the Borough President also noted that Census data shows that 83 percent of residents in census tracts in the area do not have access to a vehicle and that three percent of residents used a vehicle to go to work. They stated that this low car ownership and usage data shows that a garage of this size should not be allowed. The Commission finds that the special permit application meets the findings of ZR Sections 13-45 and 13-451.

The Manhattan Borough President cited a study that “shows that providing parking spaces incentivizes car ownership.” The Commission acknowledges this research, but the Department’s own research indicates that one of the best predictors of car ownership is household income: those with higher incomes tend to own cars in greater numbers. As the applicant team noted in their presentation, the residents of the development will have relatively high incomes. It is reasonable to assume that, regardless of the provision of parking, high-income residents of the development are likely to own cars.

The Commission notes that all parking special permits in the Manhattan Core are highly visible applications that must go through the ULURP process including public review and a public hearing. The Commission highlights that the number of off-street parking spaces in the Manhattan Core has seen a long-term decline since the enactment of the Manhattan Core Text Amendment in 2013. The number of off-street parking spaces licensed by the Department of Consumer and Worker Protection in Community Districts 1-6 fell by 13 percent from 2013 to 2022. Additionally, of the 327 residential developments built between 2010 and 2020, 248 provided no parking and 18 provided more parking than allowed as-of-right. Overall, the average amount of parking provided in new residential developments was 16 percent of dwelling units (i.e., 16 spaces for every 100 dwelling units). The maximum rate allowed for these CDs is 20 percent. Given the overall context of declining off-street parking, the impact of this project on parking supply will not be significant.

## **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) N/A
- (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; or
- (b) the proposed ratio of parking spaces to dwelling units in the proposed development or enlargement does not exceed:
  - (1) 20 percent of the total number of dwelling units, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or
  - (2) 35 percent of the total number of dwelling units, where such units are located within Community District 7 or 8.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**RESOLUTION**

**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 Five Points 262 Project LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits 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 automated accessory parking garage with a maximum capacity of 23 spaces on portions of the ground floor, cellar and subcellars 1 and 2, of a proposed residential building at 262 Fifth Avenue (Block 830, Lot 44), on a zoning lot located at 254-262 Fifth Avenue (Block 830, Lots 40, 41, 42, 44), in C5-2 and M1-6 Districts, Borough of Manhattan, Community District 5, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 230094 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:

Drawing No.	Title	Last Date Revised
1 OF 3	Parking Plan Ground Level & Zoning Lot Site Plan	7/20/2022
2 OF 3	Parking Plan Lower Levels	7/20/2022
3 OF 3	Parking Plan Sections	7/20/2022

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. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 230094 ZSM), duly adopted by the City Planning Commission on July 26, 2023 (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.

**DANIEL R. GARODNICK, Esq.,** *Chair*

**KENNETH J. KNUCKLES, Esq.,** *Vice Chairman*

**GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY W. CROWELL,**

**JOSEPH DOUEK, DAVID GOLD, LEAH GOODRIDGE, Esq.,**

**RASMIA KIRMANI-FRYE,** *Commissioners*

**ORLANDO MARÍN, JUAN CAMILO OSORIO,**

**RAJ RAMPERSHAD,** *Commissioners, VOTING NO*

# MANHATTAN COMMUNITY BOARD FIVE

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Vikki Barbero, Chair

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

Marisa Maack, District Manager

May 12, 2023

Daniel Garodnick  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Request from Five Points JV L.P., for a special permit pursuant to Sections 13-451 of the New York City Zoning Resolution, to allow for 23 accessory off-street parking facilities at 262 5<sup>th</sup> Avenue.**

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, May 11, 2023, the following resolution passed with a vote of 27 in favor; 1 opposed; 2 abstaining:

WHEREAS, The special permit is for a portion of the ground floor and sub-cellars of a proposed residential development under construction at 262 Fifth Avenue (Block 830, Lot 44) with 23 maximum accessory parking spaces; and

WHEREAS, The Zoning Lot is located in Manhattan Community District 5, which is a rectangular-shaped lot located on the southwest corner of the intersection of Fifth Avenue and W. 29th Street; and

WHEREAS, The Applicant proposes to construct a new, approximately 137,459 gross square-foot (gsf) residential building that would have 26 dwelling units with 23 accessory off-street parking spaces, five of which are as-of-right; and

WHEREAS, The Applicant intends to make all accessory off-street parking spaces in the Garage, available for residents of the buildings; and

WHEREAS, The Garage will not have any parking spaces located on the ground floor. Rather, only the Garage entrance and exit, and necessary reservoir spaces, are located above-grade. The Garage's parking spaces will be located in the subcellars; and

WHEREAS, No portion of the automated Garage will be located above the building's ground floor; and

WHEREAS, The accessory off-street parking spaces will be accessed by a single curb cut measuring 12 feet wide, including splays; and

WHEREAS, The building is located in a transit-rich district well served by subway, and bus; and

WHEREAS, According to census data, 83% of residents in the census tracts do not have access to a vehicle; and

WHEREAS, The proposed development would rise to a height of approximately 860', have 56 stories, and Only contain 26 market rate dwelling units, and the average size of the units would be 4,400 square feet and would range from duplexes to quadruple Ed, and in our city's current housing crisis, the size, scale and affordability level of this development encompassing only 26 dwelling units in the proposed 56 stories of residential development tragically fails to address the housing needs of the district; therefore, be it

**RESOLVED**, Community Board Five **recommends the denial** of an application by Five Points JV L.P to construct 18 additional parking beyond the 5 parking spaces as-of-right permitted under the zoning resolution.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair



Layla Law-Gisiko  
Chair, Land Use, Housing and Zoning Committee

Cc: Hon. Mark Levine, Manhattan Borough President



OFFICE OF THE

# MANHATTAN BOROUGH PRESIDENT

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](http://www.manhattanbp.nyc.gov)  
**Mark Levine, Borough President**

June 15, 2023

## **Recommendation on ULURP Application No. C230094 ZSM – 262 5<sup>th</sup> Avenue By Five Points 262 Project LLC**

### **PROPOSED ACTIONS**

Five Points 262 Project LLC (the “Applicant”) is seeking a special permit from the City Planning Commission pursuant to Zoning Resolution Sections 13-14 and 13-145 in order to increase the amount of on-site accessory parking in a residential development at 262 5<sup>th</sup> Avenue by 18 parking spaces, to a total of 23. The parking facility would be located on the ground floor, cellar, and subcellar levels of a 95,673-square-foot residential building containing 56 stories and 26 dwelling units located at 262 5<sup>th</sup> Avenue, in Manhattan Community District 5 (CD 5) (the “Proposed Building”).

In order to obtain a permit pursuant to Section 13-45 of the Zoning Resolution, the City Planning Commission must find that<sup>1</sup>:

- (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 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 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, 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 Commission must also find that the proposed off-street parking facility meets the findings set forth in ZR § 13-451<sup>2</sup>, which require that the number of spaces is “reasonable and not excessive in relation to recent trends in close proximity to the proposed facility,” including any

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<sup>1</sup> <https://zr.planning.nyc.gov/article-i/chapter-3#13-45>

<sup>2</sup> <https://zr.planning.nyc.gov/article-i/chapter-3/13-451>

changes in the number of residential units and the number of local public and off-street parking spaces. Alternatively, the Commission may grant the special permit if the total number of parking spaces does not exceed 20 percent of the total number of dwelling units.

## **BACKGROUND**

### **Proposed Development**

262 5<sup>th</sup> Avenue is in CD 5, in Midtown Manhattan. The Proposed Building's site occupies Lot 44 on Block 830, at the southwest corner of the intersection of West 29<sup>th</sup> Street and 5<sup>th</sup> Avenue. The site is a portion of a larger, 14,242 square foot development site that includes lots 40, 41, 42, and 44. The Proposed Building would be located on a 4,942-square-foot<sup>3</sup> lot within a C5-2 zoning district, with approximately 140 square feet of the lot located within an M1-6 zoning district.

The proposed 23 space accessory parking facility would be located in a 95,673-square-foot residential building with 56 stories and 26 dwelling units. The Applicant purchased certificates through the Inclusionary Housing Program and as a result will receive 28,262 square feet of bonus floor area. Because the certificates were generated from another site, the Proposed Building will include no affordable housing. The parking facility would be located on the first floor, cellar, and sub-cellar levels and total 7,710 square feet, including 1,070 square feet of access space on the first floor. The cellar and sub-cellar would also include space or mechanical equipment, accessory storage, accessory bicycle parking, residential amenity space, and building staff offices.

The special permit would allow a 23-space automated residential accessory parking facility. The proposed parking facility would give vehicles access from a new 12-foot curb cut on West 29<sup>th</sup> Street. The components of the parking facility would include an "entry bay" loading area on the first floor where customers would access or leave their vehicles, a transfer device that would lift and transport vehicles on pallets, handling lifts to transport loads between floors, pallets on which vehicles would be parked, and a control system to manage the facility. Entry to the facility could take place via a remote control, which would give drivers the option of requesting their vehicles blocks away from the Proposed Building. The Applicant has represented that the proposed parking spaces would only service residents of the condominium building above the facility. The Applicant has also stated that all the parking spaces would be equipped to handle electric vehicle charging.

### **Area Context**

The Proposed Building's site is located in a C5-2 zoning district, with a small portion in an M1-6 zoning district in Manhattan CD 5 between West 28<sup>th</sup> and West 29<sup>th</sup> Street on 5<sup>th</sup> Avenue. The predominant zoning districts around the proposed development are C5-2 and M1-6. The Proposed Building is in close proximity to the Madison Square North Historic District, which was designated in 2001 by the Landmarks Preservation Commission, who found that the area "contains buildings and other improvements which have a special character and a special historical and aesthetic interest and value and which represent one or more eras in the history of

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<sup>3</sup> [NYC Planning ZoLa](#)

New York City and which cause this area, by reason of these factors, to constitute a distinct section of the city.”<sup>4</sup>

The Proposed Building’s site is in a transit rich neighborhood with adjacent bus routes that include the M1, M2, M3, and M55 southbound buses. One block west of the site at West 28<sup>th</sup> Street and Broadway is the R and W subway station, three blocks west at 7<sup>th</sup> Avenue and West 28<sup>th</sup> Street is the 1 subway station, and two blocks east is the 6 subway station at East 28<sup>th</sup> Street and Park Avenue South.

## COMMUNITY BOARD RESOLUTION

Community Board 5 voted on May 12 to recommend disapproval of the application to construct 18 additional parking spaces beyond the five parking spaces allowed as-of-right. The community board cited the transit-rich nature of the surrounding area, low rates of car ownership among local residents, and lack of residential units, including affordable units, as reasons for denying the application.

## BOROUGH PRESIDENT’S COMMENTS

Academic research shows that providing parking spaces incentivizes car ownership.<sup>5</sup> In a transit-rich neighborhood such as Midtown, encouraging car ownership, and therefore usage, is contrary to our citywide goals of combatting and reducing the effects of climate and carbon emissions. As Community Board 5 well noted in their resolution, 83% of residents in the area do not have access to a vehicle. Furthermore, in 2021 only 3% of residents in the area used a vehicle to go to work, according to Census data. These trends do not support the Applicant’s argument that allowing a parking garage – especially one that would provide a parking space to 88% of households in the Proposed Building – is the right thing to do.

## BOROUGH PRESIDENT’S RECOMMENDATION

I therefore recommend **disapproval of ULURP application No. C230094 ZSM.**

Mark Levine



Manhattan Borough President

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<sup>4</sup> <http://s-media.nyc.gov/agencies/lpc/lp/2097.pdf>

<sup>5</sup> [https://people.ucsc.edu/~jwest1/articles/MillardBall\\_West\\_Rezaei\\_Desai\\_SFBMR\\_UrbanStudies.pdf](https://people.ucsc.edu/~jwest1/articles/MillardBall_West_Rezaei_Desai_SFBMR_UrbanStudies.pdf)