



IN THE MATTER OF an application submitted by East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback regulations of Section 23-662 (Maximum height of buildings and setback regulations), side yard regulations of Section 23-462¹ (Side yards for all other buildings containing residences), and distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings) to facilitate the development of a 21-story mixed-use building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission, on property located at 109-115 East 15th Street a.k.a. 110-112 East 16th Street (Block 871, Lots 10, 12, and 74), in a C2-6A district, Borough of Manhattan, Community District 5. *

*197-d(2)(B) eligible

This application for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution (ZR) was submitted by East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. on February 16, 2018. The applicants request modification of the height and setback regulations of ZR Section 23-662, the side yard regulations of ZR Section 23-462² and the distance between buildings regulations of ZR Section 23-711. Along with the related application for a second special permit, the requested action would facilitate the development of a 21-story mixed-use building on property located at 110 East 16th Street, in Manhattan Community District 5.

RELATED ACTIONS

In addition to the special permit (C 180263 ZSM) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 180264 ZSM	Special permit to permit additional residential accessory parking spaces.
---------------------	---

¹ ZR Section corrected from previously referenced 23-642

² ZR Section corrected from previously referenced 23-642

BACKGROUND

The applicant seeks the grant of a special permit pursuant to ZR Section 74-711 to modify the height and setback regulations of ZR Section 23-662, side yard regulations of ZR Section 23-462³ and distance between buildings regulations of ZR Section 23-711, in connection with the establishment of a program for the continuing maintenance of a Landmarks Preservation Commission (LPC)-designated individual landmark, the (Former) Century Association Building, and grant of a special permit pursuant to ZR Sections 13-45 and 13-451 to permit an automated accessory off-street parking facility with a maximum capacity of 23 spaces. The requested actions would facilitate the development of a 21-story mixed-use building on property located at 110 East 16th Street in Manhattan Community District 5.

The development site is 110 East 16th Street (Block 871, Lot 74), and the project area also includes the adjacent 111 East 15th Street (Block 871, Lot 10) and 115 East 15th Street (Block 871, Lot 12). These three lots would comprise the zoning lot. The zoning lot is a through lot with frontage on both East 15th and East 16th streets and a total lot area of 16,986 square feet.

The project area is located on a block bounded by East 16th Street to the north, Irving Place to the east, East 15th Street to the south and Union Square East to the west. It is mapped with a C6-2A zoning district, a high-density district with maximum commercial, residential and community facility floor area ratios (FARs) of 6.0, 6.02 and 6.5 respectively. C6-2A districts have a minimum base height of 60 feet and a maximum base height of 85 feet, above which a 15-foot setback is required along narrow streets such as East 16th Street. The maximum building height is 120 feet.

The surrounding area contains a mix of residential, commercial, community facility, and park

³ ZR Section corrected from previously referenced 23-642

uses. Union Square Park is approximately 300 feet west of the project area. The Union Square neighborhood is a dense, mixed-use area with a prevailing built form of mid- to high-rise commercial, multi-family residential, and community facility towers. The Zeckendorf Towers, across East 15th Street from the project area, are each 27 stories and approximately 350 feet tall, and the Consolidated Edison Company Building, approximately 200 feet southeast of the project area on the block bounded by East 15th Street, Third Avenue, East 14th Street, and Irving Place, is about 470 feet tall. The Guardian Life Insurance Company of America Annex, north of the project area on the north side of East 17th Street between Irving Place and Park Avenue South, is approximately 285 feet tall. There are also a number of surrounding buildings that rise to heights between 155 and 28 feet without setback.

The development site is occupied by a nine-story public parking garage containing 196 parking spaces with a floor area of approximately 50,174 square feet. The existing parking garage is served by two curb cuts, a 35-foot-wide curb cut with three 10-foot-wide access lanes and a 10-foot-wide curb cut.

111 East 15th Street is occupied by a three-story, 57-foot-tall LPC-designated individual landmark commercial building known as the (Former) Century Association Building. The landmarked building contains a theater, dressing rooms and office space with approximately 14,027 square feet of floor area.

115 East 15th Street is occupied with a four-story, 52-foot-tall commercial building containing a theatrical school and offices with approximately 16,560 square feet of floor area.

The proposed development would be a 21-story mixed-use building containing a total floor area of 79,822 square feet, including 76,822 square feet of residential floor area, 2,310 square feet of commercial floor area and 690 square feet of community facility floor area. The residential floor area is expected to result in 40 to 55 dwelling units. Following the construction of the proposed development, the total built floor area in the project area, including the two existing buildings to remain at 111 and 115 East 15th Street, would be approximately 110,409 square feet (6.5 FAR).

The proposed development would have a base height of up to 230 feet, or 19 stories. There would be a series of setbacks, with each level setting back two feet five inches from the story below, beginning at the 19th story. The proposed building would rise to a total height of 283 feet, with only bulkhead above a height of 268 feet.

The proposed development would also include 23 accessory parking spaces. The parking spaces would be located on-site in a below-grade automated parking facility. The proposed parking facility would be accessed through one 11-foot (including splays) curb cut at the northeastern portion of the development site along East 16th Street. A resident entering the garage would pull into an approximately 100-foot-long access zone and leave the vehicle on a parking tray contained on a turntable. The resident would exit to the parking vestibule and use a touchscreen to instruct the automated system to store the vehicle. The automated system would scan the vehicle to ensure it is empty, align the vehicle with the parking stalls below, lower the tray containing the vehicle into the subsurface parking area and move the tray containing the vehicle along a floor mounted track to the assigned parking space. A resident would similarly use the touchscreen in the parking vestibule to summon the vehicle, and the automated system would bring the vehicle up to the ground floor level, turning the vehicle to face the garage entrance/exit on East 16th Street. It would take between 2.5 and 3.5 minutes to retrieve a vehicle.

As a part of the proposed development, the applicant proposes to restore and repair certain elements of the façade of the (Former) Century Association Building to better align with the historic condition, as outlined in the Certificate of Appropriateness and Memorandum of Understanding (MOU) issued by LPC on January 22, 2018. An LPC restrictive declaration will be recorded against the site to bind the owner to perform continuing maintenance on the façade and exterior architectural elements of the (Former) Century Association Building to maintain its historic character.

To facilitate the proposed development, the applicant is seeking to modify height, setback and side yard regulations and the minimum distance between buildings pursuant to ZR Section 74-711 (C 180183 ZSM).

Pursuant to ZR Section 23-662, the maximum base height for buildings developed in a C6-2A zoning district is 85 feet. Above the base height, buildings on narrow streets in C6-2A districts are required to set back 15 feet from the street line. The maximum building height is 120 feet. The proposed development would have a maximum base height of 230 feet, or 19 stories, before setback; a series of setbacks, with each story setting back two feet five inches from the story below, beginning at the 19th story; and an overall building height of 283 feet.

Pursuant to ZR Section 23-462, no side yards are required in C6-2A districts, but any open area provided along a side lot line is required to be at least eight feet wide. The existing building directly to the east of the proposed development site is built to the lot line and rises to a height of 158 feet and the proposed development would be similarly built to the lot line up to a height of 230 feet (19th story) where no open area on the development site would be provided. From the 19th story to the 20th story, an open area of two feet five inches would be provided. From the 20th story to the 21st story, an open area of four feet 11 inches would be provided. From the 21st story to the roof, an open area of seven feet five inches would be provided. And an open area of eight feet would be provided from the roof to the top of the bulkhead. The applicant seeks modification to the side yard regulations pursuant to ZR Section 23-462 to permit the proposed development to have open areas of less than eight feet along the side lot line beginning at a height of 158 feet or just above the 13th story.

Pursuant to ZR Section 23-711, in C6-2A districts, a minimum of 50 feet is required between any wall and any window legally required for light and air. The applicant seeks modification to the minimum distance between buildings to permit the residential windows on the fourth floor of the proposed development to be located 30 feet from the wall of the existing building at 115 East 15th Street, which is built to the lot line.

The applicant is also seeking a special permit pursuant to ZR Sections 13-45 and 13-451(a) (C 180264 ZSM). Within the Manhattan Core – which the ZR defines as the area within Community Districts 1 through 8 – 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 dwelling

units. The proposed development would contain between 40 and 55 residential dwelling units, which would allow up to eight or 11 parking spaces as-of-right, depending on the final residential dwelling unit count. The applicant requests a special permit pursuant to ZR Sections 13-45 and 13-451(a) (Additional parking spaces for residential growth) to provide up to an additional 15 parking spaces, for a total of up to 23 parking spaces, in an automated accessory residential parking facility.

ENVIRONMENTAL REVIEW

This application (C180263 ZSM), in conjunction with the related action (C 180264 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 18DCP159M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, as described in the Environmental Assessment Statement, a negative declaration was issued on May 21, 2018.

UNIFORM LAND USE REVIEW

This application (C 180263 ZSM) and the application for the related action (C 180264 ZSM) were certified as complete by the Department of City Planning on May 21, 2018 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 (C 180263 ZSM) on June 6, 2018 and on that date, by a vote of 36 in favor, one in opposition, and with two abstentions, adopted a

resolution recommending disapproval.

Borough President Recommendation

This application (C 180263 ZSM) was considered by the Manhattan Borough President, who issued a recommendation on July 19, 2018, to disapprove the application unless Mandatory Inclusionary Housing (MIH) is applied in accordance with ZR Section 23-92.

City Planning Commission Public Hearing

On July 11, 2018 (Calendar No. 5), the City Planning Commission scheduled July 25, 2018 for a public hearing on this application (C 180263 ZSM) and the applications for the related action (C 180264 ZSM). The hearing was duly held on July 25, 2018 (Calendar No. 29). There were 15 speakers in favor of the application.

An applicant team, consisting of seven people including the land use attorneys, project architect and developer, spoke in favor of the proposal. The developer provided an overview of the proposed project and the existing conditions of the project area and surrounding area, stating that the project would be expected to reduce traffic in the immediate area by 10 to 15 percent by replacing the existing 196-space nine-story parking facility on the development site with the proposed 21-story mixed-use building with 23 residential accessory parking spaces. The project architect stated that the building was designed to fit harmoniously with the context of the surrounding area. The land use attorney stated that, although not required by the proposed actions, the developer is mindful of the City's goal of supporting affordable housing and has been in contact with elected officials about a proposed contribution to an affordable housing fund and has also contacted several not-for-profits to see how a contribution might be most effectively used.

A representative from the New York Building Congress, a non-profit advocacy group, spoke in favor of the proposal, stating that the proposed development site is an ideal location for development and that the proposed project would promote walkability and decrease dependence on vehicles. The representative also stated that the proposed project would result in an attractive and contextually appropriate building as well as the restoration and long-term maintenance of the

landmarked (Former) Century Association Building.

A representative from the Association for a Better New York, a non-profit group, spoke in favor of the proposal, stating that the proposal is an example of smart growth and would benefit the community by replacing the existing parking garage with a mixed-use building sensitive to the surrounding context and would provide an active ground floor, create a continuous street wall and reduce traffic flow. Further, the representative indicated that the proposed project would facilitate the preservation of the (Former) Century Association Building.

A representative from 32BJ SEIU, a labor union, expressed support for the proposal, indicating that the developer has committed to creating high quality permanent jobs.

The president of the Lee Strasberg Theatre and Film Institute spoke in support of the proposal, stating that the sale of the air rights from the Lee Strasberg Theatre and Film Institute to the developer would allow for much needed improvements to its building and would increase scholarship opportunities.

A representative from Transportation Alternatives, a non-profit advocacy organization, expressed support for the proposal, indicating that the proposed project would promote walkability, decrease reliance on automobiles and decrease traffic flow in the area by 10 to 15 percent.

The Executive Director of the Union Square Partnership, a local non-profit and Business Improvement District, spoke in favor of the proposal, indicating that the proposed development would be in context with the surrounding area and would contribute to walkability and streetscape improvements. The speaker noted the developer's stated commitment to contribute to a fund for affordable housing.

A representative from the Real Estate Board of New York (REBNY) spoke in favor of the proposal. The speaker noted that the proposed project would facilitate the restoration and continued maintenance of the (Former) Century Association Building, ensure the financial well-being of the Lee Strasberg Theater and Film Institute through the sale of air rights, and result in

a contextually appropriate building that honors the period style of the Union Square area.

A representative from the Manhattan Chamber of Commerce, a non-profit, expressed support for the proposal, indicating that the proposed project would contribute to the skyline, result in the restoration of the (Former) Century Association Building, activate the streetscape and promote walkability.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this proposed special permit, in conjunction with the related action, is appropriate.

The requested modifications to height, setback and yard regulations will permit a new building with a base height of up to 230 feet, or 19 stories, where a series of setbacks will begin, with each level setting back two feet five inches from the story below and rising to a total height of 283 feet, with only bulkhead located above a height of 268 feet. It will result in a 21-story mixed-use building containing a total floor area of 79,822 square feet, including 76,822 square feet of residential floor area, 2,310 square feet of commercial floor area and 690 square feet of community facility floor area, with up to 23 accessory parking spaces, in connection with the establishment of a plan for the continuing maintenance of the (Former) Century Association Building.

The Commission believes that the proposed building will be consistent with the scale of many of the buildings in the surrounding area. The surrounding buildings range in heights from 155 to 470 feet, including the notable Zeckendorf Towers, the Consolidated Edison Company Building and the Guardian Life Insurance Company of America Annex, with some buildings rising to heights between 155 and 28 feet without setback.

The requested modification of the minimum distance between buildings applies only to the fourth floor of the new building, where legally required windows will be located 30 feet, instead of 50

feet, from the wall of the existing building at 115 East 15th Street on the same zoning lot. The Commission believes that this modification is appropriate due to constraints from the existing building, which will remain, at 115 East 15th Street, which is built to the lot line.

The Commission believes that the modifications to the height, setback and yard regulations and the minimum distance between buildings will not have adverse effects on the structures or open space in the vicinity in terms of scale, location or access to light and air. The modification will facilitate the construction of a new building that is contextually appropriate and the preservation of the historically significant (Former) Century Association Building located on a shared zoning lot.

The Commission also believes that proposed special permit to allow additional residential parking spaces (C 180264 ZSM) is appropriate. The development site currently contains a total of 196 parking spaces in a nine-story public parking facility and the proposed accessory residential parking facility containing up to 23 spaces reflects a decrease in parking on the site. The existing parking facility is served by two curb cuts, a 35-foot-wide curb cut with three 10-foot-wide access lanes and a 10-foot wide curb cut, and these curb cuts will be replaced by one 11-foot-wide curb cut in connection with the proposed development. The applicant stated during the public hearing that the proposed project would decrease in traffic by an estimated 10 to 15 percent. The Commission believes that the reduction in the number and size of curb cuts and the nature of the proposed development will reduce traffic flow; this in turn will reduce the potential for conflicts between pedestrians and entering and exiting vehicles, and improve the sidewalk condition for pedestrians along the south side of East 16th 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 2007 and 2021, the project's expected build year, to demonstrate that the request for up to 15 additional accessory residential 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, Department of Consumer Affairs, and additional research performed by the applicant, the study

found that between 2007 and 2021, the ratio of the change in off-street parking spaces to the change in residential units without the proposed development is negative one percent. With the proposed development containing up to a total of 23 accessory residential accessory parking spaces and up to 55 residential units, that ratio would decrease to negative 2.6 percent. The Commission notes that the ratio is well below 20 percent, which is the ratio of new off-street parking spaces to new residential units permitted in new developments in Manhattan Community District 5. The Commission therefore believes that the ratio of new off-street parking spaces to new residential units within the proposed project demonstrates that the request for up to 15 additional residential parking spaces is reasonable and not excessive in regard to recent trends in residential development and the provision of parking.

The Commission acknowledges the Borough President's recommendation that the proposed development be subject to MIH. As outlined in the CPC Report for the text amendment that created MIH, the Commission believes that special permits that do not result in an increase of residential density or floor area beyond what is permitted under existing zoning are not subject to MIH. The proposed development site is located within a C6-2A district, which allows residential density up to 6.02 FAR. The proposed development would contain 4.52 FAR of residential floor area, which is less than the maximum residential density allowed. The requested waivers do not increase the residential density or floor area beyond what is permitted under existing zoning, and merely allow for the reconfiguration of already permitted floor area on the zoning lot as well as the preservation and continuing maintenance of the (Former) Century Association Building, located on the same zoning lot.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 of the Zoning Resolution (Special Permits for Landmark Preservation):

1. Such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

2. This finding is not applicable; no use modification is being requested.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on environmental determination and the consideration and findings described in this report, the application submitted by East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback regulations of Section 23-662 (Maximum height of buildings and setback regulations), side yard regulations of Section 23-462 (Side yards for all other buildings containing residences), and distance between building regulations of Section 23-711 (Standard minimum distance between buildings) to facilitate the development of a 21-story mixed-use building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission, on property located at 109-115 East 15th Street a.k.a. 110-112 East 16th Street (Block 871, Lots 10, 12, and 74), in a C6-2A District, Borough of Manhattan, Community District 5, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 180263 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Morris Adjmi Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-100.00	Zoning Compliance Summary	04/06/2018

Z-101.00	Zoning Lot Site Plan	04/06/2018
Z-103.00	Bulk Waiver Plan	04/06/2018
Z-104.00	Bulk Waiver Sections	04/06/2018
Z-105.00	Bulk Waiver Sections	04/06/2018
Z-106.00	Bulk Waiver Sections	04/06/2018
Z-107.00	Bulk Waiver Sections	04/06/2018

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. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated August 14, 2018, executed by EAST 16TH STREET OWNER and TRINITY CHRISTIAN CENTER OF SANTA ANA, INC., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County New York.
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. 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.
7. Upon the 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.
8. 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 180263 ZSM), duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

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

CHERYL COHEN EFFRON *Commissioner Recused*

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

June 15, 2018

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

Re: **110 East 16th Street, application requesting special permits to (i) modify allowable bulk regulations to facilitate construction of a new mixed-use building, and to (ii) allow an automated accessory parking facility with a maximum of 23 spaces at the cellar level of the proposed building**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, June 14, 2018, the following resolution passed with a vote of 36 in favor; 1 opposed; 2 abstaining:

WHEREAS, Tishman Real Estate (“The Applicant”) has submitted an application to build a proposed 21-story mixed-use building containing 40-55 market rate residential units located at 110 E. 16th Street (the “Development Site”), between Union Square East and Irving Place and requests two zoning special permits: 1) A special permit pursuant to Section 74-711 of the ZR of NYC to modify height, setback and side yard regulations and the minimum distance between buildings at the Development Site to facilitate construction of the proposed development in conjunction with the establishment of a program for continuing maintenance of the Century Association Building, a landmarked building (the “Landmark Special Permit”) and 2) A special permit pursuant to Section 13-451 of the Zoning Resolution of NYC to allow 23 accessory parking spaces in a new parking garage (the “Proposed Accessory Garage”) at the Development Site to accommodate residential growth (the ”Parking Special Permit”). The requested 23 parking spaces will be strictly limited to use by the residents of the Project Development only and will not be available to the public; and

WHEREAS, The Development Site and the landmarked building are currently on one zoning lot (the “Base Zoning Lot”); and

WHEREAS, The Applicant intends to enlarge the Base Zoning Lot (as enlarged, the “Project Area”) pursuant to an as-of-right lot merger to include 113-115 East 15th Street, the Lee Strasberg Theater and Film Institute, to facilitate the proposed development, from which unused FAR has been purchased and will be added to the as-of -right FAR for the 110 East 16th Street lot; and

WHEREAS, The merged lots create a zoning lot size of 16,986 SF; and

WHEREAS, The Project Area is zoned C6-2A; and

WHEREAS, FAR is defined as the ratio of building area to the site area, which means that if a site is 10,000 sf, with an FAR of 10, then you can build 10 times the site area or 100,000 sf; and

WHEREAS, The maximum floor area ratio (“FAR”) permitted at the Project Area is 6.5, the Maximum residential FAR permitted is 6.02, the maximum commercial FAR permitted is 6.0 and the Maximum community facility FAR permitted is 6.5; and

WHEREAS, Up to 110,409 sf of floor area is permitted, up to 102,409 sf of residential floor area is permitted, up to 101,916 sf of commercial floor area is permitted and up to 110,409 sf of community facility floor area is permitted as-of right; and

WHEREAS, The proposed development total floor area including existing buildings to remain will be 110,409 sf; existing building to remain will be 30,587 sf; proposed new building will be 79,822 sf; residential floor area of new building will be 76,822 sf, Commercial floor area of new building will be 2,310 sf, and Community Facility floor area will be 690 sf; and

WHEREAS, 58,022 sf of the 79,822 sf of the proposed new building is not as-of-right, which is 73% of the building’s total floor area; and

WHEREAS, The Applicant is requesting a special permit to modify height, setback, and side yard regulations Per Section 74-711 of the NYC Zoning Resolution; and

WHEREAS, Among other requirements, for the city to approve the special permit as put forth, the city must find that "such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air"; and

WHEREAS, The C6-2A zone has a minimum base height of 60 feet and a maximum base height of 85 feet, above which a 15 foot setback is required specifically along narrow streets such as E. 16th Street to allow sunlight to reach the sidewalk and to avoid the creation of a dark canyon-like street; and

WHEREAS, The C6-2A zone has a maximum building height of 120 ft, the proposed development is 283 feet which is 2.4 times taller than permitted in this zone; and

WHEREAS, The proposed development is 283 feet high with a Base height of 230 feet for 19 stories, 3.8 times higher than the minimum as of right height of 60 feet and 2.7 times higher than the maximum as of right height of 85 feet before the required front façade setback of 15 feet; and

WHEREAS, The zoning district requires a 15 foot front façade setback above 85 feet, the proposed development has no setback below 230 feet and only a 2 foot 5 inch setback per floor above the 230 foot height which means that 145 feet of the front building façade extends over the sidewalk 160% over the setback required for this zone; and

WHEREAS, The total 283 foot height of the proposed development is 283 feet with a minimally progressive setback at each floor of only 2 feet 5 inches meaning that the 19th floor is set back 2 feet 5 inches and the 20th floor is setback 4 feet 11 inches and the 21st floor is set back 7 feet 5 inches; and

WHEREAS, The 2 feet 5 inches setbacks at the side yards from the 19th to 21st floor is not allowed as-of-right per ZR 35-52, “if any open area extending along a side lot line is provided at any level, it shall have a width of not less than eight feet”; and

WHEREAS, The proposed building is required to provide a rear yard setback of 50 feet from the existing commercial building; and

WHEREAS, The Applicant is requesting a 60% reduction of the Rear Yard requirement, reducing it from 50 feet to 30 feet which will significantly reduce the amount of light and fresh air supply available at the rear of the proposed building, as well as for all the other buildings in this block; and

WHEREAS, The permitted as-of-right off-street parking is 8-11 spaces and the proposed accessory parking facility shall contain a maximum of 23 parking spaces, which is 42-57% of the planned residential units; and

WHEREAS, The Department of City Planning has issued guidance that the target quantity of parking spaces in this area is 20% of available and planned residential units; and

WHEREAS, The Department of City Planning provides specific guidance on the method to calculate parking as a percent of residential units; and

WHEREAS, Previous public parking garage located on premises contained 196 parking spaces; and

WHEREAS, The proposed development site is 200 feet west of Union Square, an area that provides 8 subway lines and 5 bus lines; and

WHEREAS, The project development is considering LEED Silver or Gold, and CB5 recommends LEED Gold or Platinum and building systems that maximize the use of durable passive systems; and

WHEREAS, The residents of the neighborhood are concerned with the weekend construction currently permitted for the renovation of Washington Irving High School on the same street and ask that the City does not approve weekend construction hours for this project; and

WHEREAS, The application includes a restoration plan for the landmark owned by Trinity Christian Center of Santa Ana, Inc., currently valued at \$2 million; and

WHEREAS, The development will cast shadows on light-sensitive resources, including Gramercy Park, Union Square Park, Park Avenue Mall and a number of landmarked buildings but because of the spot-zoning nature of the proposed development, according to the antiquated CERQ technical manual, it does not reach any threshold requiring mitigation; and

WHEREAS, The environmental impact on Gramercy Park has not been assessed; and

WHEREAS, The zoned elementary school serving the proposed residential development is currently operating at 132% utilization rate and is among the most overcrowded elementary schools in Manhattan but because of the spot-zoning nature of the proposed development, according to the antiquated CERQ technical manual, it does not reach any threshold requiring mitigation; and

WHEREAS, One of the zoned middle schools serving the residential development and located in the immediate vicinity of the development is currently operating at 149% utilization rate and is among the most overcrowded middle schools in Manhattan but because of the spot-zoning nature of the proposed development, according to the antiquated CERQ technical manual, it does not reach any threshold requiring mitigation; and

WHEREAS, As The Applicant is asking for a waiver for the #bulk# modifications and not additional floor area, it claims that it does not automatically trigger MIH (Mandatory Inclusionary Housing) and all 40-55 proposed new units can therefore be rented/sold at market rate;

WHEREAS, The only "objectives" referenced in ZR Section 74-32 are set forth in ZR Section 23-92: "The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and to enhance neighborhood economic diversity and thus to promote the general welfare"; and

WHEREAS, ZR Section 74-32, entitled "Additional considerations for Special Permit Use and Bulk Modifications," reads: "Where a special permit application would allow a significant increase in #residential floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-29 (General Provisions)"; and

WHEREAS, The Department of City Planning has defined a "significant increase" as 10 residential units or 12,500 sf of residential floor area; and

WHEREAS, Alterations to rear yard, height and setback, and street frontage requirements that the applicant is requesting would result in the creation of an additional 58,022 SF of residential floor area, far exceeding the “significant increase” threshold established in the zoning code; and

WHEREAS, This building would alter the character of the block significantly, and as Community Board Five believes that this application should have triggered MIH provisions for the creation of affordable housing, that the applicant commit to the creation of affordable housing elsewhere in the district that is equivalent to the number of units that would have been created as part of this development had MIH been triggered; and

WHEREAS, Although the applicant is reportedly working with Council Member Rivera to find a partnering developer and an affordable housing project within the district, no such commitment has been made of yet, and no reports of any progress to this end; and

WHEREAS, The applicant was to report to Community Board Five’s Land Use, Housing and Zoning Committee about a specific financial commitment they would make to a specific affordable housing project at another site located within the CB5 District by the June 6th committee meeting, but no affordable housing developer, no affordable housing project and no financial commitment was presented by the applicant at this meeting; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application to build a proposed 21-story mixed-use building containing 40-55 market rate residential units located at 110 E. 16th Street, between Union Square East and Irving Place, and denial of two zoning special permits: 1) A special permit pursuant to Section 74-711 of the ZR of NYC to modify height, setback and side yard regulations and the minimum distance between buildings at the Development Site to facilitate construction of the proposed development in conjunction with the establishment of a program for continuing maintenance of the Century Association Building, a landmarked building (the “Landmark Special Permit”) and 2) A special permit pursuant to Section 13-451 of the Zoning Resolution of NYC to allow 23 accessory parking spaces in a new parking garage (the “Proposed Accessory Garage”) at the Development Site to accommodate residential growth (the ”Parking Special Permit”).

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair

Charles Jordan
Chair, Land Use, Housing & Zoning Committee



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

July 18, 2018

**Recommendation on
ULURP Application Nos. C 180263 ZSM and C 180264 ZSM – 110 E 16th St
by East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc.**

PROPOSED ACTIONS

East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. (together, the “applicants”) seek the approval of a **special permit** pursuant to Section 74-711 of the New York City Zoning Resolution (“ZR”) to effectuate the development of a mixed use building (“Proposed Development”) at 110 East 16th Street (Block 871, Lot 74, the “Development Site”) in a C6-2A zoning district in Manhattan Community District Five. The applicants will restore and establish a continuing maintenance program for the (Former) Century Association Building, an individual landmark located at 109-111 East 15th Street (Block 871, Lot 10). This special permit requests waivers in base and setback, rear yard equivalent, minimum distance between buildings, and height.

In order to obtain a permit, ZR § 74-711 sets forth the following conditions which must be met:

- (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject *building* or *buildings*, and that such *use* or *bulk* modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;
- (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report form the Landmarks Preservation Commission stating that such *bulk* modifications relate harmoniously to the subject landmark *building* or *buildings* in the Historic District, as applicable; and
- (3) the maximum number of *dwelling units* shall be as set forth in Section 15-111 (Number of permitted dwelling units).

In order to grant a special permit, the City Planning Commission (CPC) shall find that:

- (1) such *bulk* modifications shall have minimal adverse effects on the structures or *open space* in the vicinity in terms of scale, location and access to light and air; and
- (2) such *use* modifications shall have minimal adverse effects on the conforming *uses* within the *building* and in the surrounding area.

The applicants are also seeking a **special permit** pursuant to ZR Section 13-451 to allow 23 accessory parking spaces in a new parking garage at the Development Site to accommodate residential growth.

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 Development Site at 110 East 16th Street and the landmark building at 109-111 East 15th Street are currently one zoning lot. The applicants intend to enlarge this zoning lot pursuant to an as-of-right zoning lot merger to include 113-115 East 15th Street (Block 871, Lot 12) in order to facilitate the Proposed Development. Together, the Development Site, the landmark building site, and Lot 12 comprise the Project Area.

The Project Area is bounded by East 16th Street to the north, Irving Place to the east, East 15th Street to the south, and Union Square East to the west. The Project Area has a total lot area of 16,986 square feet – the Development Site is 6,660 square feet, the landmark site is 5,163 square feet, and Lot 12 is 5,163 square feet. The Project Area is a through lot with 100 feet of frontage on East 15th Street and 64 feet 6 inches of frontage on East 16th Street. The Development Site is currently occupied by a nine-story, 86-foot tall public parking garage with 196 public parking

spaces, which will be demolished. The landmark site is currently occupied by a three-story, 57-foot tall landmarked commercial building containing a theater, dressing rooms, offices, and office space. Lot 12 is currently occupied by a four-story, 52-foot commercial building containing a theatrical school and offices, which will remain unaffected by the Proposed Development.

The Proposed Development with the requested bulk waivers would be a 21-story mixed-use building with 76,822 square feet of residential space, 2,310 square feet of commercial space, and 690 square feet of community facility space, for a total floor area of 79,822 square feet. The no-action condition without the special permit would allow 51,040 square feet of zoning floor. Thus, the special permit would facilitate the development of 25,782 more zoning square feet of residential floor area

Background

In 1961, the Project Area and surroundings were zoned C6-1. In 1996, the CPC rezoned the Project Area from C6-1 to C6-2A (C 940304 ZMM). The block frontages along Irving Place between East 15th Street and East 18th Street were rezoned from R8 to R8A, and the block frontages along Third Avenue north of East 15th Street were rezoned from C1-9 to C1-9A.

In 1960, prior to the enactment of the current Zoning Resolution, CPC granted a special permit to allow a 154 space public parking garage at the Development Site for a term of 25 years. In 1961, CPC amended the Special Permit to increase the capacity of the garage to approximately 200 spaces, and granted a new 25-year term expiring in 1986. The CPC authorized the extension of the public parking use for a term of 10 years in 1986, and again in 1997 and 2007. This authorization expired in March of 2016. Union 16 Parking LLC, the garage operator, applied to the CPC to renew the authorization and in April of 2017 the CPC approved the renewal for five years.

The Landmarks Preservation Commission (“LPC”) designated the (Former) Century Association Building as an individual landmark in 1993. On January 22, 2018, LPC issued a report stating that a continuing maintenance plan has been established that would result in the preservation of the landmark, and that the proposed restorative work contributes to a preservation purpose. The continuing maintenance program also contains a restrictive declaration entered into in accordance with the guidelines and specifications of LPC. LPC also issued a Certificate of Appropriateness (COFA-19-13478) stating that the proposed plans relate harmoniously to the landmark building, and would not eliminate any significant historic fabric and would be consistent with the historic character of the building.

On March 22, 2016, the New York City Council approved the Mandatory Inclusionary Housing (MIH) text amendment with modifications. The text amendment makes the production of affordable housing a mandatory condition of residential development when developers build in an area zoned for MIH, whether as a part of a City plan or a private rezoning application. In addition, with regard to special permit use and bulk modifications, ZR § 74-32 states:

Where a special permit application would allow a significant increase in #residential floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions).

On August 15, 2016, CPC approved a special permit for the Adorama project at 38-42 West 18th Street without the inclusion of affordable housing under MIH. That application, just like this one, sought bulk waivers which made an additional 22,367 zoning square feet of residential space possible. This office and Manhattan Community Board 5 (CB5) recommended disapproval of the project unless MIH was applied, as the special permit to modify bulk requirements would allow the developer to build a significantly bigger building, even though it did not increase the maximum allowed zoning square footage of the building. On September 23, 2016, the City Council's Subcommittee on Zoning and Franchises also voted to approve the Adorama application. The applicant for Adorama, Acuity Capital Partners, agreed to contribute funds for affordable housing elsewhere in lieu of providing affordable housing pursuant to MIH.

Proposed Development

The Proposed Development is a 21-story mixed-use building with 40-55 residential units, commercial space, community facility space, and up to 23 accessory parking spaces. The Proposed Development would have 76,822 square feet of residential space, 2,310 square feet of commercial space, and 690 square feet of community facility space, for a total floor area of 79,822 square feet. The Proposed Development would have a base height of 230 feet, and then there would be a series of setbacks to reach a maximum building height of 268 feet (283 feet with bulkhead).

In conjunction with the Proposed Development, the applicants would restore the landmark building and ensure ongoing maintenance in accordance with the continuing maintenance plan. The restoration would consist of façade improvements, entrance improvements, and reinforcement of the envelope of the building.

In order to facilitate the Proposed Development, the applicants are seeking a number of bulk waivers via a special permit pursuant to ZR Section 74-711. The Development Site is zoned C6-2A, which allows for a maximum building height of 120 feet (160 feet with bulkhead) and requires a 15 foot setback at no lower than 60 feet and no higher than 85 feet pursuant to ZR Section 23-662. The Proposed Development, through a bulk waiver, would rise to a base height of 230 feet, and have an initial setback of 2 feet 5 inches, and a total height of 283 feet with bulkhead. In addition, ZR Section 23-711 requires a minimum distance of at least 50 feet between a wall and any window that is legally required for light and air. The residential windows on the 4th floor of the Proposed Development would only be 30 feet from the existing building on Lot 12. ZR Section 23-462(c) also requires that any open space provided along a side lot line

must have a minimum width of 8 feet; the width of the side yard for the Proposed Development would range from 1 foot 4 inches to 7 feet 5 inches.

According to the Environmental Assessment Study (EAS) for this special permit application, the no-action condition would allow for 46 residential units with 51,040 square feet of zoning floor area. With the special permit and attendant bulk waivers, the applicants are proposing up to 55 residential units with 76,822 residential zoning square feet. Thus, the special permit would facilitate the development of 9 more market-rate residential units and 25,782 more zoning square feet of residential floor area. It is worth noting that the EAS uses certain assumptions for unit size and the 9 unit increment does not necessarily correspond to the zoning square feet increment. The applicants are proposing 55 units and 76,822 zoning square feet, or an average of approximately 1,396 zoning square feet per unit.

The applicants are also seeking a special permit pursuant to ZR 13-451 in order to allow for additional parking spaces for residential growth. The Proposed Development plans for 23 accessory parking spaces; however, the proposed 40-55 residential units would only allow for a corresponding 8-11 accessory parking spaces as-of-right.

Area Context

The Project Area is located in the Union Square neighborhood of Manhattan Community District 5. The surrounding area contains a mix of residential, commercial, community facility, and park uses. There is a range of building heights in the area, with some low-rises and some newer buildings that are more than 20 stories. The Project Area is in a C6-2A district bounded to the north by the center line of East 16th Street and East 17th Street, to the east by a line 100 feet west of Irving Place, to the south by East 15th Street, and to the west by a line 100 feet west of Union Square East. An R8A district, which is the residential district equivalent of the C6-2A designation, extends along Irving Place from East 15th Street to East 18th Street.

Union Square Park is approximately 300 feet west of the Project Area. The Union Square Special District is approximately 100 feet west of the Development Site across East 15th Street. The Special District was created in 1985 in order to enhance the compatibility of new development with existing buildings and Union Square Park by requiring ground floor retail uses, off-street relocation of subway stairs, and street wall continuity.

The Project Area is very well-served by mass transit, primarily because of its proximity to the 14th Street-Union Square subway station, which is one of the busiest hubs in the city. The station provides access to the 4, 5, 6, L, N, Q, R, and W subway lines, and is approximately one block west of the Project Area. There are also many bus routes that serve the surrounding area, including the M1, M2, and M3, which run southbound along Union Square East, the M101, M102, and M103, which run along Third Avenue, and the M14, which runs along East 14th Street. The PATH train is also accessible at 14th Street and Sixth Avenue, approximately three blocks west of the Project Area.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on June 14, 2018, CB5 approved a resolution recommending **denial** of both special permits requested by the applicants. The resolution passed with a vote of 36 in favor; 1 opposed; and 2 abstaining.

CB5 stated that they believe the requested bulk waivers would allow for additional residential floor area to be realized in a way that should trigger MIH provisions for the creation of affordable housing, and that the applicants should commit to the creation of affordable housing elsewhere in the district that is equivalent to the number of units that would have been created under MIH. While the applicants were reportedly working with Council Member Carlina Rivera to find a partnering developer and an affordable housing project within the district, CB5 noted that there have been no commitments made and no progress reports to this end.

In addition, CB5 raised concerns with permitted weekend construction for other projects in the area, the shadow impacts of the Proposed Development, and the overcrowding of schools serving the area.

BOROUGH PRESIDENT'S COMMENTS

The applicants propose a thoughtful building that provides restorative work to a landmark building and ensures its continued maintenance. This project clearly serves a preservation purpose for the applicability of ZR 74-711, and it will reinforce the historic and architectural character of the neighborhood. Furthermore, the mixed-use residential building would replace an unattractive, nine-story parking garage with 196 parking spaces. It has long been my belief that areas near major transportation hubs such as Union Square should aim to minimize parking, especially for transient commercial uses. In addition to improving the streetscape experience, I believe the Proposed Development would also ameliorate vehicular congestion and traffic conditions by replacing the existing parking garage.

However, as with the similar Adorama project that went through the ULURP process in 2016, this project is troubling with regard to the application of the Mandatory Inclusionary Housing program. The New York City Department of City Planning's Zoning Division and Counsel's office concluded in that case that this type of special permit application does not result in MIH being applied because the requested bulk waivers simply facilitate the use of residential floor area that is already permitted instead of creating newly permitted residential floor area. I continue to disagree with their determination and believe that this application should be subject to the requirements of MIH.

I was the only Borough President to recommend conditional approval of MIH back in 2015. As with many other community groups and elected officials, I had very serious concerns about the text amendment and its ramifications for our city. But what ultimately swayed my decision was the belief that it would require permanent affordable housing to be built for projects exactly like this one. In my testimony on the MIH text amendment before the City Planning Commission on December 16, 2015, the first reason I gave as to why I was able to support the proposed text amendment was that “[i]n addition to neighborhood rezonings, it would apply to all special-permit applications – the best part of it – by private developers to add more than 10 residential units of housing to any area where this housing couldn't otherwise be built.”

The language of the text amendment indicates as much. Section 23-933 on Mandatory Inclusionary Housing Areas states that the “Inclusionary Housing Program shall also apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-32 (Additional Considerations for Special Permit Use and Bulk Modifications). . . .” Then in section 74-32 entitled “Additional Considerations for Special Permit Use and Bulk Modifications” the text reads that “[w]here a special permit application would allow a significant increase in #residential floor area#, . . . , the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions).

The text does not make reference to an increase in residential FAR being required for the applicability of MIH, nor does it state an increase in permitted residential floor area is required. I believe that it is important to apply MIH to any special permit that will enable more than ten units of housing or 12,500 square feet of residential floor area to be built where it could not have been built absent the approval of the special permit. In this case, the bulk waivers would allow for an increment of 25,782 zoning square feet of residential floor area compared to the No-Action scenario. It remains my firm belief that the MIH requirements should, at a minimum, apply to the additional floor area facilitated by this special permit approval, in the manner of an enlargement.

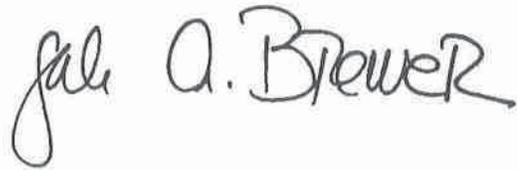
The applicants have committed to working with Council Member Carlina Rivera and my office to pursue options to partner with development partners on affordable housing projects in the area. They have communicated to us that they are meeting with several trusted community development partners to explore how they might be able to make a contribution to affordable housing outside of the application of MIH. I am appreciative of these efforts, and the fact that the applicant appears to be committed to making this a part of this undertaking. However, as of right now, it is impossible to determine with confidence how such a contribution might move forward for a project that I believe must include affordable housing as a significant component.

The applicants are also requesting a special permit to allow for additional accessory parking spaces. While I support the Proposed Development’s proximity to mass transit and its replacement of a 196 space public parking garage, these are also reasons why I do not support permitting more parking spaces than what is allowed as-of-right. The applicants might very well meet the individual findings for a special permit pursuant to ZR 13-45 and 13-451. However, I believe 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 Manhattan neighborhoods, and I recommend denial of this special permit in such a transit-rich area.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends denial of ULURP Application No. C 180263 ZSM unless the Mandatory Inclusionary Housing Program is applied in accordance with ZR 23-92.

The Manhattan Borough President recommends **denial** of ULURP Application No. C 180264 ZSM.

A handwritten signature in black ink that reads "gale A. Brewer". The signature is written in a cursive style, with the first name "gale" in lowercase and "A. Brewer" in uppercase.

Gale A. Brewer
Manhattan Borough President