

# Borough President Recommendation

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

## INSTRUCTIONS

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

Application: C 130321 ZSM

### Docket Description:

#### **C 130321 ZSM**

**IN THE MATTER OF** an application submitted by 180 Orchard Retail LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 13-45 and Section 13-451 to allow an attended public parking garage with a maximum capacity of 99 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 180 Orchard Street (Block 412, Lots 8-11, 27-29, 32-36, & 1001-1003), in a C4-4A District Borough of Manhattan, Community District 3.

(see continued)

COMMUNITY BOARD NO: 3

BOROUGH: Manhattan

## RECOMMENDATION

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

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

1. **The applicant commits to compel the operator of the garage to provide signage and line markings on the ramp that alerts vehicle operators to expect cyclists to pass on the entrance ramp to the garage.**
2. **The applicant must ensure that by way of signage, communication system, or standing zone, vehicles are prohibited from standing in the pedestrian right-of-way or travel lane while waiting for entry to the garage.**

\_\_\_\_\_  
BOROUGH PRESIDENT

*John A. Brewer*

\_\_\_\_\_  
1/27/2015  
DATE



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

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Gale A. Brewer, Borough President

January 27, 2015

**Recommendation on ULURP Application No. C 130321 ZSM – 180 Orchard Street  
By 180 Orchard Retail LLC**

**PROPOSED ACTION**

180 Orchard Retail LLC (“the applicant”) seeks a special permit pursuant to Sections 13-45 and 13-451 of the New York City Zoning Resolution (“ZR”) to allow a below-grade attended public parking garage with a maximum capacity of 99 spaces in a new mixed-use building that is currently under construction at 180 Orchard Street a.k.a. 169-171 Ludlow Street, (Block 412, Lots 8, 9, 10, 11, 27, 28, 29, 32, 33, 34, 35, 36, 1001, 1002, and 1003).<sup>1</sup> The development is located in a C4-4A zoning district in Community District 3, Manhattan.

Pursuant to ZR § 13-45, applicants may request a special permit for additional off-street parking spaces. In order for the City Planning Commission (“CPC”) to grant the additional capacity, the applicant must first meet the following conditions:

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

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<sup>1</sup> The project site is part of a larger zoning lot that is comprised of Block 412, Lots 8 through 11, 27 through 29 and 32 through 36 and is roughly bounded by Orchard Street, East Houston Street, Ludlow Street and Stanton Street.

- 5) such parking facility will not be inconsistent with the character of the existing streetscape.

Further, in order to grant a special permit, the CPC must also find that the applicant meets the conditions for additional parking spaces for residential growth:

- 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.

## PROJECT DESCRIPTION

The 180 Orchard Street development consists of a 24-story mixed-use building containing 295 hotel rooms, retail space, and community facility space. The construction of the new building began in 2006 under C6-1 District zoning requirements and was twice granted two BSA approvals (201-10 BZY and 201-10 BZYII) in 2011 and again in 2013 for two year extensions on a New Building permit to continue construction pursuant to the previous zoning requirements following the Lower East Side/East Village rezoning in 2008 (C 080397 ZMM) of the neighborhood. Therefore, the building in-progress need not conform to the new C4-4A zoning, but rather conform to the previous C6-1 zoning district. The development is situated on a through-lot that stretches from Orchard Street to Ludlow Street. The parking facility will be in the form of a garage that will take vehicles down from street level to parking spaces in the cellar and sub-cellar levels of the building. The garage's shell has already been built with enough vertical space to accommodate more than the allowed number of vehicles permitted by zoning should the garage management employ the use of vertical vehicle storage systems known as "stackers."

The as-of-right parking scenario for the built-out garage would allow up to 46 accessory vehicle spaces for the building. The applicant is seeking special permits to grow this number to 99 parking spaces. That number would be achieved by using the previously mentioned stackers and by allowing the entrance ramp that connects the street level portion of the garage to the cellar portion of the garage to be used for 10 reservoir spaces as is common practice in managed garages. The plans also call for a 100 square foot area for 10 bicycle parking spaces on the cellar level. Access between the different levels would be provided by an internal staircase.

The 180 Orchard Street development was part of a previous ULURP application in 2010.<sup>2</sup> In that

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<sup>2</sup>Application No. I 100371 ZSM, a proposal received by the Department of City Planning on May 5, 2010. The application was later withdrawn on May 9, 2013.

application, the applicant sought a special permit pursuant to sections 13-562 and 74-52 to develop a 118 space public parking garage.

### Area Context

The project site is located in the Lower East Side neighborhood of Manhattan in a C4-4A zoning district. In 2008, the area was changed from a C6-1 district as part of the Lower East Side/ East Village rezoning. This change was meant to facilitate the contextual commercial development of the midblocks within an area generally bounded by Chrystie Street, East Houston Street, west of Essex Street, and Grand Street<sup>3</sup>. The Project Description from the applicant states that “within an approximately 600-foot radius of the Development Site, 50 to 60 percent of the buildings are 5 to 6 stories, with approximately 35 percent having fewer than 5 stories and only a small percentage having more than 10 stories.” Mixed-use buildings are the most predominate use. Very few buildings are exclusively residential. Development is occurring in the neighborhood in addition to 180 Orchard Street. Most notable is the Seward Park Extension Urban Renewal Area (SPEURA), which is a proposed 1.65 million square foot development of mixed-use affordable and market-rate housing. This area was the subject of a number of approvals in 2013 to:

- 1) Transform several underutilized City-owned properties into a thriving, financially viable, mixed-use development;
- 2) Provide affordable and market-rate housing units, commercial and retail uses, community facilities and other neighborhood amenities (e.g., parking, a new and expanded facility for the public Essex Street Market, and publicly accessible open space); and
- 3) Knit these sites back into the larger, vibrant Lower East Side neighborhood.<sup>4</sup>

There are also a number of new hotel projects within several hundred feet from the site.

Ludlow Street is characterized by small restaurants and a great deal of pedestrian traffic. The area is well served by transit as there are nine subway lines located within a half-mile of the proposed mixed-used building. These include the F train at the Second Avenue station; the B,D,M, and 6 trains at Broadway-Lafayette/Bleecker Street; the J and Z trains at Delancey Street; and the N and R trains at the Prince Street station. There are also six bus lines within the same distance, one of which is a Select Bus, one of the Metropolitan Transit Authority’s first Bus Rapid Transit routes and it serves the East Side of Manhattan from Lower Manhattan to East Harlem. The M21 goes crosstown via Houston Street, the M9 connects the Lower East Side to the East Village and Battery Park City, the B39 connects to North Brooklyn via the Williamsburg Bridge, the M14A is a crosstown route that runs across 14<sup>th</sup> Street, and M103 provides local service to the East Side of Manhattan via Little Italy and Chinatown. There are also two Citi Bike kiosks within a quarter mile of the hotel. The closest of which is approximately one block away on Allen Street and has 31 docks for the bicycle share system.

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<sup>3</sup> Final Environmental Impact Statement for the East Village/Lower East Side Rezoning. Chapter 1: Project Description, Page 1-3. 2008

<sup>4</sup> Seward Park Mixed-Use Development Project Final Environmental Impact Statement. Project Description. Page 1-1. 2012

## COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on November 25, 2014, Manhattan Community Board 3 (“CB3”) recommended an approval with no conditions of this application with 33 in favor, 0 against, and 0 abstaining.

## BOROUGH PRESIDENT’S COMMENTS

The proposed parking facility with an exit and entrance on Ludlow Street could be an effective alternative to on-street parking as the Lower East Side Community considers the barring of vehicular traffic to pedestrianize a portion of Orchard Street one block over. The entrance and exit door on Ludlow is fairly inconspicuous and the façade is not inconsistent with its neighbors. There is some concern in how the design of the garage accommodates bicycles as required by the New York City Administrative Code and if a lack of exterior signage or signal system will create a conflict between drivers looking to park their vehicle in a full garage and the many pedestrians who walk the commercial streets.

While the garage design places the bicycle storage in a visible and accessible location next to the “Pedestrian Waiting Area” and office, access to the garage for cyclists needs to be clear in the exterior garage signage and lane markings on the entrance ramps/ reservoir spaces. Our initial concerns were that if the reservoir spaces were full or almost full, there would be no safe access for bike parking in the garage as there was nothing in the application that said that cyclists would be allowed to access the parking facility through the hotel and retail entrances on 180 Orchard Street. A representative from the applicant’s counsel explained that the width of the entrance ramp is 10 feet, well in excess of the average car width of 6 feet. By no fault of their own, drivers may queue up in the ramp in such a way that blocks the entrance for the bikes, or worse be unaware that cyclists are expected to pass them while they are waiting in the queue.

The applicant must ensure that signage will be provided to alert vehicle operators to expect passing cyclists. Furthermore, the signage must also instruct the vehicle operators to leave space on whichever side of the vehicle that most safely provides such passage. The operator of the garage should also apply and maintain visual striping on the surface of the ramp to visually indicate to both vehicles and cyclists the information expressed on the signage.

As the garage will be open to the public in addition to providing what could be described as accessory spaces to the various types of building tenants, there exists a potential conflict between pedestrians and those with an expectation to park in the garage. If a traveler who has made a reservation at the hotel wishes to park in the garage, they will plan to bring their vehicle to the garage. Should the garage be full and the reservoir spaces occupied, the hotel guest will need to choose between seeking a different garage, going around the block, blocking the street, or blocking the sidewalk.

There is only one travel lane on Ludlow Street, a narrow street, and one motor vehicle is all that is necessary to block traffic. In the inverse, the stress of blocking said traffic could result in a driver pulling off and waiting on the sidewalk. However, given the concentration of retail and restaurant establishments that act as a magnet for heavy pedestrian traffic, and given the

physically constricted nature of the sidewalks in this area, this is not an ideal or appropriate option. Currently there is no means of communication between the street and office level in the cellar described in the application, such as an intercom. There is also no description of signage that could instruct motorists as what to do if the reservoir spaces are all taken. The operator of the garage and by extension, the owner of the parking facility itself must instruct all motorists that leaving the roadway to allow traffic to resume while blocking the sidewalk is not permissible.

However, waiting for entry in either the roadway or the sidewalk would create a scenario that would result in undue conflicts between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles. An analysis prepared by the applicant's consultant projected a peak number of 23 trips during the 12-1 weekday hour. The consultant estimates that the 15 of those vehicles would be entering the garage and 8 vehicles would be leaving.<sup>5</sup> The applicant must ensure that by way of signage or communication system, vehicles are prohibited from standing in the pedestrian right-of-way or travel lane while waiting for entry to the garage. Alternatively, the applicant could petition the Department of Transportation to implement a curbside designation to facilitate a loading and unloading area that could be used by a waiting vehicle while the driver uses the intercom or waits for a reservoir space to become free.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

***Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 130321 ZSM, to grant a Special Permit pursuant to ZR § 13-45 and ZR § 13-451, provided that:***

- 1) The applicant commits to compel the operator of the garage to provide signage and line markings on the ramp that alerts vehicle operators to expect cyclists to pass on the entrance ramp to the garage.**
- 2) The applicant must ensure that by way of signage, communication system, or standing zone, vehicles are prohibited from standing in the pedestrian right-of-way or travel lane while waiting for entry to the garage.**



*Gale A. Brewer*  
*Manhattan Borough President*

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<sup>5</sup> Special Permit Pursuant to Sections 13-45 and 13-451 for Additional Parking Spaces for Residential Growth, Attachment 11b, Applicant's Discussion of Findings. Page 2.