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Gale A. Brewer, Borough President

May 27, 2015

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

PROPOSED ACTIONS

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

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

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

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

PROJECT DESCRIPTION

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

Area Context

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

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

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

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

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

Project Site

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

Proposed Project

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

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

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

Proposed Actions

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

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

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

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

COMMUNITY BOARD RECOMMENDATION

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

BOROUGH PRESIDENT COMMENTS

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

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

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

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

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

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

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

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

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

BOROUGH PRESIDENT RECOMMENDATION

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

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

Gale A. Brewer
Manhattan Borough President