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Gale A. Brewer, Borough President

July 20, 2017

**Recommendation on ULURP Application C 170382 ZSM, N 170383 ZCM – SoHo Tower
By Broome Property Owner JV, LLC.**

PROPOSED ACTION

Broome Property Owner JV, LLC¹ (“the applicant”) seeks: 1) 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 42 spaces on portions of the ground floor, third floor, and fourth floor; and 2) a certification from the Chairperson of the City Planning Commission (“CPC”) that floor space for such off-street parking in the accessory automated parking facility above a height of 23 feet above curb level and below the height of 40 feet above curb level is exempt from the definition of floor area of a proposed mixed-use building located at 100 Varick Street (Block 477, Lots 35, 42, 44, 46, 71-76 and 1001-1005), in an M1-6 district within the Special Hudson Square District, in Community Board 2, Manhattan.

Pursuant to ZR § 13-45 the City Planning Commission (“CPC”) must find that:

- 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, where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
- 5) Such parking facility will not be inconsistent with the character of the existing streetscape

Pursuant to § 13-451, the CPC may permit a parking facility listed in Section 13-45(a), where such parking facility serves the parking needs of a predominately residential development or enlargement, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

¹ Broome Property Owner JV LLC was established in 2013 and is represented by Steven DellaSalla.

- 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 numbers of both public and accessory off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained CPC special permits pursuant to Section 13-45;

The CPC may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area under the special permit. The chairperson certification is not subject to review by the Borough President.

PROJECT DESCRIPTION

The applicant seeks a special permit pursuant to ZR § 13-45 and 13-451 to increase the permitted capacity of an automated parking facility from 29 spaces to 42 residential accessory off-street parking spaces. The applicant also seeks a Chairperson's certification to exempt the floor space used for the automated parking facility from the definition of floor area. The project site's lot area is 28,375 square feet with frontage along Broome Street, Varick Street and Watts Street to the south.

The development site is currently vacant but will contain a 25-story mixed-use residential building consisting of 260,240 square feet of floor area. The building will contain 240,350 square feet for 115 residential units, 17,134 square feet of retail floor area, 756 square feet of community facility floor area, and 11,380 square feet of floor area for an automated accessory parking facility for 42 parking spaces.

The site will have two curb cuts: one on the south side of Broome Street for vehicular access and one on the north side of Watts Street to accommodate loading. The curb cut on Broome Street will measure 21 feet and 6 inches with access to a two-way driveway for entry and egress that cuts through the first two stories of the building into an inner court unobstructed to the sky. Within this inner court, the entrance lane splits into two: one to accommodate vehicles dropping off passengers at the inner court second residential entrance and the other as a bypass lane. The entrance and exit to the automated facility will be via a transfer cabin at the ground level where users can drop off their vehicle on a lift that takes their vehicle to the storage unit located two levels above (30 feet and 8 inches above grade) to one of the 24 trays on the lower level or 18 trays on the upper level. All parking is located on floors above the curb level at 23 feet and below the height of 40 feet above curb level. Additionally, reservoir spaces at grade would be provided for users waiting to drop off their vehicle outside of the automated parking facility.

Access to the driveway will only be for tenants of the building. Residents will be given a RFID transmitter and card to operate the mechanical gate, which will open inward and is just beyond

the speed bump in the entry way. There will also be pedestrian visual and auditory safety measures in place to alert passersby of approaching vehicles.

The project site is located within an M1-6 zoning district within the Special Hudson Square District. M1-6 zoning districts permits Use Groups (UG) 1-14 and UG 16. The total permitted Floor Area Ratio (FAR) for residential use is 9.0 and 0.25 times the non-residential FAR to not exceed an FAR of 10 and permits an FAR of 12 with inclusionary housing. Within the Special Hudson Square District accessory off-street parking is permitted for no more than 20 percent of the total new dwelling units and for retail space, the maximum permitted is 1 space per 4,000 square feet of floor area or no more than 10 parking spaces.

Background

The development site is utilizing transferred development rights from the property at 555 Broome Street, which is occupied by The Door, an organization that provides educational, development and empowerment services for youth, to construct the 25 story condominium building. Prior to this application, the applicant received two Chairperson's certifications for floor area exemptions: 84,517.38 square feet of existing non-residential floor area for non-residential use; and the floor space located below 40 feet above curb level within the proposed automated facility with a capacity of 29 spaces. The site is currently under construction.

Area Context

The project site is within the Special Hudson Square District, which was adopted in 2013, and is comprised of 18 blocks bounded by West Houston Street, Canal Street, Greenwich Street and Sixth Avenue as an effort to preserve a former warehouse and manufacturing district and encourage residential and commercial development. The Special Hudson Square District has contextual bulk regulations including maximum building heights of 290 feet on wide streets and 185 on narrow streets. Street walls are also required at the street line at 60 to 125 feet on narrow streets and 125 to 150 feet on wide streets.

The project site is also adjacent to Freeman Plaza and the entrance to the Holland Tunnel located one block west at Broome Street between Hudson Street and Varick Street. Southwest of the site is the Tribeca Mixed Use District, originally designated in 1976 as an effort to limit residential development in a formerly industrial area and has been revised over the years to encourage a more mixed-used community. East of the development site at Avenue of the Americas is an M1-5B zoning district which extends for one and half blocks east. There are also two green spaces: SoHo Square located one block north of the site and Duarte Square two blocks south of the site. The primary use in the surrounding area is commercial and multi-family residential.

The area is well served by public transportation. The No. 1 subway line is one block south at Canal Street and Varick Street and the C/E subway lines are located along 6th Avenue three blocks south and north of the site. The M21, M55, X27, and X28 bus lines are also along 6th Avenue including a BoltBus stop to destinations such as Washington DC and Philadelphia just one block southeast of the site. Additionally, the nearest Citibike bicycle stations are located one block northeast of the site at 6th Avenue and Broome Street and one block southeast of the site at Canal Street and 6th Avenue.

Proposed Actions

In order to facilitate the construction of the 25-story mixed-use residential building with a 42-space parking garage, the applicant seeks A Parking Special Permit pursuant to ZR § 13-45 and 13-451 to allow additional accessory parking spaces for residential growth in order to construct a 42-space residential accessory off-street parking garage. Only 29 spaces would be permitted as-of-right for the building, with 23 spaces for the 115 residential units and 6 spaces for the commercial retail use.

The applicant also seeks a related action to this proposal, CPC Chairperson certification pursuant to ZR § 13-432 that the floor space in the accessory automated parking facility which is located 23 feet above curb level and below 40 feet above curb level, is exempt from the definition of floor area. This action is not subject to the Uniform Land Use Review Procedure (ULURP).

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on June 22, 2017, Manhattan Community Board 2 (CB2) voted unanimously, by a vote of 37 in the affirmative, 0 in the negative, in favor of a resolution recommending approval of the application with no conditions. The resolution states the applicant met the findings for the special permit.

BOROUGH PRESIDENT'S COMMENTS

Recommendations from this office on prior parking special permits have requested that the Department of City Planning and the City Planning Commission consider a more robust set of factors aside from the parking methodology analysis. These factors include the absolute availability of parking, the supply of parking prior to the ten-year look-back and the current capacity and utilization rate of parking facilities in the neighborhood, as well as access to mass transit. These factors should be considered where applicable.

In this case, the supply of parking in the vicinity of this location at the start of the ten-year look back period is not an issue. This site is located in an area that has long been more developed than were the areas on the far West Side of Midtown, where the garages that were the subject of prior applications were located. There was no oversaturation of parking in the area at that time. Nor is there an overabundance of parking capacity now; parking is at a significant premium. The neighborhood is well served by mass transit, but does not serve as the type of transit hub we encountered in previous applications (e.g. adjacent to Penn Station) that would warrant exclusion of a modest private residential garage.

The applicant is proposing an automated garage with 42-parking space accessory to a 115-unit luxury residential building. Twenty-nine of these spaces are as-of-right. Given the amount of residential construction and loss of parking spaces in the area, the approval of this project would lead to a residential growth parking ratio of -3.3 percent, which is well below the 20 percent residential growth parking ratio maximum for the Manhattan Core.

Although the Manhattan Core text was designed to minimize public parking, the applicant has stated that the parking spaces will be used exclusively by the building's residential tenants. Due to the advertised price of the condominiums, I believe that the proposed parking spaces will be true accessory parking spaces for destination travel. Vehicle usage predominantly on weekends, should not exacerbate existing traffic congestion on adjacent streets leading to the Holland Tunnel. I hope that there would be no adverse impact on pedestrians because there is sufficient space provided for queued vehicles within the garage vestibule, in addition to the required reservoir parking spaces. I am also pleased that a feature of the automated garage, the pallet, allows for electric charging of vehicles at every space. This applicant also recognizes the other transit modes available and is not demanding a one for one ratio of parking spaces to dwelling units.

Therefore, I believe the granting of the additional 13 parking spaces for residential use is appropriate at this site as it will not have an adverse effect on the character of the surrounding area.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of the parking special permit C 170382 ZSM and the related chairperson certification N 170383 ZCM.



Gale A. Brewer
Manhattan Borough President