

Borough President Recommendation

City Planning Commission
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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:

Docket Description:

C 180025 ZMM - IN THE MATTER OF an application submitted by The Condominium Board of the Kips Bay Towers Condominium, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) of the Zoning Resolution to allow and unattended accessory parking lot with a maximum capacity of 68 spaces on the south side of East 33rd Street between First Avenue and Second Avenue on property located at 300-330 East 335rd Street (Block 936, Lots 1001-4280), in R8 and R8/C2-5 Districts, Borough of Manhattan Community District 6.

COMMUNITY BOARD NO: 6

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)

See Attached



Gale A. Brewer
BOROUGH PRESIDENT

5/11/2018
DATE



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Gale A. Brewer, Borough President

May 11, 2018

**Recommendation on
ULURP Application No. C 180025 ZSM – Kips Bay Towers Parking Facility
by The Condominium Board of the Kips Bay Towers Condominium, Inc.**

PROPOSED ACTION

The Condominium Board of the Kips Bay Towers Condominium, Inc. (the “applicant”) seeks approval of two **special permits** pursuant to Section 13-45(a)(1)(ii) and Section 13-455(a)(1) of the Zoning Resolution (ZR) to allow for two at-grade parking lots servicing the North and South Towers of the Condominium known as Kips Bay Towers (Block 936, Lot 7501) in an R8 district in the Kips Bay neighborhood of Manhattan Community District 6.

The applicant is seeking to add 10 parking spaces and to legalize 8 parking spaces to an existing accessory parking lot serving the North Tower, and to add 4 parking spaces and to legalize 15 existing parking spaces to an existing parking lot serving the South Tower. All additional parking spaces would be within the boundaries of the two existing lots.

The special permit requires that the findings of ZR Section 13-45(a)(1)(ii) and Section 13-455(a)(1) be 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.

BACKGROUND

The project site is located in an R8 zoning district with a C2-5 commercial overlay in the Kips Bay neighborhood of Manhattan Community District 6. The North and South Towers of the Kips Bay Towers were designed by I. M. Pei and constructed in 1961 and 1963 respectively. Prior to the construction of the two residential towers, the site consisted of three city blocks known as Blocks 936, 937, and 938. The site contained many privately-owned tax lots that were acquired by the Federal government under Title I of the Federal Housing Act of 1949. The three blocks were then merged into one large tax lot known as Lot 1 of Block 936. In 1981, the 1120-unit project converted into condominiums while still retaining 54 rent regulated units.

Site Description

The project site is a 7.5 acre parcel consisting of three merged blocks bounded by East 33rd Street, East 30th Street, First Avenue, and Second Avenue. The Condominium site is improved with two 21-story residential towers containing 1,120 residential units. Between the North and South Towers is a park area utilized as green space by the approximately 4,000 residents. The Condominium has three parking facilities: two at-grade parking facilities (the North and South Parking Lots) and the underground garage. Legally, there are 400 spaces in the underground garage and 50 spaces each in the North and South Parking Lots.

Proposed Project

For the North Parking Lot, the applicant proposes to legalize 8 existing parking space and add 10 more, for a total of 18 additional spaces to the permitted 50 spaces. Four spaces will be designed as ADA accessible spaces, with area for wheelchair access, and located adjacent to curb cuts leading to the North Tower's front entrances. The parking spaces in the North Parking Lot are not rented to or used by the public, and do not have a license from the Department of Consumer Affairs. They are used exclusively by Condominium residents, who have assigned spots.

The proposed additional parking spaces would be created by adding additional striping on the existing asphalt footprint; no construction would be required, as there is enough space to accommodate additional vehicles under the formula set forth in ZR 13-27. The total square footage of the parking zone is 20,720 square feet, which according to the formula, would allow for a maximum of 69 spaces. The proposed project would bring the total to 68 parking spaces.

Entry to the parking lot is through one of two one-way curb cuts located mid-block on East 33rd Street between First and Second Avenues. The westerly curb cut is used for entering and the easterly for exiting.

For the South Parking Lot, the applicant proposes to legalize 15 existing parking space and add 4 more, for a total of 19 additional spaces to the permitted 50 spaces. Four spaces will be designed as ADA accessible spaces, with area for wheelchair access, and located adjacent to curb cuts leading to the North Tower's front entrances. These parking spaces are also not rented to or used by the public, and do not have a license from the Department of Consumer Affairs. They are used exclusively by Condominium residents, who have assigned spots.

The proposed additional parking spaces would be created by adding additional striping on the existing asphalt footprint; no construction would be required, as there is enough space to accommodate additional vehicles under the formula set forth in ZR 13-27. The total square footage of the parking zone is 21,420 square feet, which according to the formula would allow for a maximum of 71 spaces. The proposed project would bring the total to 69 parking spaces.

Entry to the parking lot is through one of two one-way curb cuts located mid-block on East 30th Street between First and Second Avenues. The westerly curb cut is used for entering and the easterly for exiting.

Area Context

The project site is located in an R8 zoning district with a C2-5 commercial overlay in the Kips Bay neighborhood of Manhattan Community District 6. The Kips Bay area is predominantly residential, with townhouses and walk-up buildings dating from the early 20th Century, and more recent elevator apartment buildings. Several of the larger apartment buildings, like the Condominium itself, were constructed on superblocks as urban renewal projects in the 1960s and 1970s. These include the Henry Phipps Plaza apartment complexes located between East 29th Street, East 27th Street, First Avenue, and Second Avenue. Commercial uses are primarily located along Second Avenue. The area within a 600-foot radius of the Condominium is zoned residential (R7B, R8A, R8B, and R9) with commercial zoning districts (C1-8, C1-8A, C1-9, C1-9A, C6-2, and C2-5 overlay) along portions of First Avenue, Second Avenue, and 34th Street.

In addition, there are also large medical institutions located along First Avenue, commonly known as Hospital Row. These include the New York University Langone Medical Center, the Arnold and Marilyn Greenberg Hall, the Bellevue Hospital Center, the Hunter College Brookdale Health Sciences Center, the Manhattan Veterans Association Hospital, and the Alexandria Center for the Life Sciences.

The closest subway station to the Condominium is the Lexington Avenue station on Park Avenue and East 33rd Street, which is approximately 0.4 miles from the North Tower and 0.5 miles from the South Tower. The Second Avenue Subway project would bring a new subway station at the intersection of East 34th Street and Second Avenue. This would be part of Phase 3 of the project, which is currently unfunded. Bus lines serving the area include the M15 Select Bus Service, which runs along First and Second Avenues on the perimeters of the Condominium. The nearest stops are located at East 29th Street and East 34th Street on both avenues.

Proposed Actions

The applicant proposes to increase the number of legal parking spaces to the North Parking Lot by a total of 18 spaces from the permitted 50 spaces to 68 spaces. Eight of the 18 spaces currently exist, and the application seeks to legalize them. The applicant also proposes to increase the number of parking spaces to the South Parking Lot by a total of 19 spaces from the permitted 50 spaces to 69 spaces. Fifteen of the 19 spaces currently exist and the application seeks to legalize them. The applicant is seeking Special Permits pursuant to ZR 13-45 and 13-455 for both the North and South Parking Lots.

ENVIRONMENTAL IMPACTS

The applicant hired an environmental consultant in 2017, who certified this project's impacts do not meet or exceed thresholds and criteria presented in the City Environmental Quality Review (CEQR) Technical Manual.

The Department of City Planning (DCP) also certified that this project would not result in potentially significant adverse environmental impacts.

COMMUNITY BOARD RECOMMENDATION

On February 26, 2018, Community Board 6 held a public hearing on this project. Representatives of the applicant presented the project. The community concerns include: potential congestion issues entering and existing the parking lots, the size of the parking spaces, and whether or not there would be community access to some of the spaces. As the lots are operated by a third-party company, the applicant is unable to allow for spaces reserved for community access.

On March 14, 2018, CB6 voted in opposition to the project with the following conditions:

- Existing tree beds must be replanted and maintained;
- Reasonable access must be granted for pedestrians to pass through the development; and
- Access must be restored for the public to the fenced in park space.

Thirty-three board members voted in favor, three against, and two abstained from voting.

BOROUGH PRESIDENT’S COMMENTS

Kips Bay Towers is a development that has existed for over 60 years and houses thousands of community residents. It has great architectural significance and is a large part of the community. While I do not approve of the 23 spaces currently operating illegally, the Department of Buildings has been notified and has issued violations for these spaces, which have been in use for nearly 15 years. The applicant did not wish to rescind the additional parking spots for residents given the need and the additional demand, which is why they have submitted this application to not only legalize these spaces, but to provide some additional parking. It is my understanding that the additional spaces will be created through re-striping and will not impact the sizes of the parking spaces, nor result in the reduction of any other space within the project to accommodate the additional parking.

There is a significant elderly population at Kips Bay Towers who utilize the on-site parking. It is more accessible and allows them to enter their homes more easily than using off-site garages or street parking. According to the applicant, 100 percent of the spaces in the North and South Parking lots are currently rented by residents aged 50 and older. Many of these residents also reside in the remaining rent regulated units and are paying well below typical monthly parking rates found in the area.

Despite the fact that the current legal number of parking spots in this development, which provides parking for nearly half of its residents, there is still a waiting list of nearly 250 residents of Kips Bay Towers for on-site parking. While it is not clear if all of these residents presently have cars, it is clear that there is a need for additional on-site parking. These residents on the waiting list who do have cars are either parking in alternate garages nearby, or are utilizing street parking, which is not in large supply given the various developments in the vicinity. Allowing Kips Bay Towers to increase their number of parking spaces will hopefully reduce the demand for street parking, as more residents will be able to park on-site. In addition, the proposed actions would allow for the addition of a total of 8 ADA-accessible parking spaces, which currently do not exist in either lot, and an additional 16 bicycle parking spaces, bringing the total number of bicycle parking in these lots to 32 bicycles total. There is also additional bicycle parking/storage inside the development which can accommodate 100 additional bicycles.

Many of the long-standing residents of Community Board 6 recall that prior to this project’s condominium conversion, there was more public access to the development for pedestrians as well as access to a playground. With regard to the public pedestrian access that once existed on this site, this office did search land records and could not identify any easements filed that formalized any access that had previously been granted. While it would be ideal for public access to be restored, there are security and liability concerns on the part of the applicant and these uses have no direct connection to the proposed actions in this application. The applicant has indicated they have begun the process of replanting the street trees as requested as a “good neighbor” gesture and this office supports the applicant’s efforts in completing this replanting and continued maintenance of these trees.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **approval** of ULURP Application No. C 180025 ZSM.

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

Gale A. Brewer
Manhattan Borough President