

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.

Docket Description: C 170112 ZSM

IN THE MATTER OF an application submitted by Roseland Development Associates LLC 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 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar, and sub cellar levels of a proposed mixed-use building on property located at 242 West 53rd Street (Block 1024, Lots 52 and 7), in C6-5 and C6-7 Districts, within the Theater Subdistrict of the Special Midtown District, in the Borough of Manhattan, Community District 5.

COMMUNITY BOARD NO:

5

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

John A. Brewer

April 12, 2017

BOROUGH PRESIDENT

DATE



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BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

April 12, 2017

**Recommendation on
ULURP Application No. C 170112 ZSM – 242 West 53rd Street Parking Garage
by Roseland Development Associates, LLC**

PROPOSED ACTIONS

Roseland Development Associates, LLC (the “applicant”) seeks approval of a special permit pursuant to Section 13-45 and Section 13-451 of the Zoning Resolution (ZR) to allow an attended off-street parking garage with a maximum capacity of 184 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building at 242 West 53rd Street (Block 1024, Lot 52), located partially in a C6-5 Zoning District and partially in a C6-7 Zoning District in the Theater Subdistrict of Special Midtown District within Manhattan Community District 5.

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 project site is comprised of Tax Lots 52 and 7 on Block 1024, and bounded by West 53rd Street to the north, Broadway to the east, West 52nd Street to the south, and Eighth Avenue to the west. The applicant is seeking a special permit pursuant to ZR § 13-45 and 13-451 to build a parking garage with a maximum of 184 spaces in a proposed mixed-use building.

The project site's total lot area is 42,325 square feet and is split between a C6-5 zoning district and a C6-7 zoning district but the entire development is within a C6-5 zoning district.¹ C6 zoning districts permit residential use (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4), and retail and commercial uses (Use Groups 5 through 12). The maximum floor area ratio (FAR) for a C6-5 zoning district is C6-5 and 15.0 for a C6-7 zoning district. The Theater Subdistrict of Special Midtown District allows the transfer of 2.0 to 3.0 FAR from theater sites to permit additional floor area for Inclusionary Housing and rehabilitation of theaters. Within these zoning districts, the maximum FAR can increase up to 14.4 and 18.0 with the transfer of FAR. For this development, the applicant proposes using a 2.0 FAR bonus from a listed theater to achieve a development of 453,269 total square feet.

Proposed Development

The applicant proposes to construct a new 61-story mixed residential and commercial building with ground floor retail and a 184-space public parking garage on a portion of the ground floor, cellar, and sub-cellar levels. The proposed building would be a total of 453,269 square feet (11.0 FAR) with approximately 436,555 zoning square feet of residential use for 426 dwelling units, and approximately 16,713 zoning square feet of commercial use, and 36,988 square feet of total parking garage area. The proposed building would have a street wall along West 53rd Street, and it would be a total of 675 feet in height.

The Proposed Garage would operate with attended parking in a mix of conventional and double-height stacker spaces: 23 stackers would be on the cellar level and 23 on the sub-cellar level, each capable of fitting one vehicle on the stacker platform and one vehicle at the floor area beneath the raised platform. The Proposed Garage would include approximately 10,225 square feet of parking surface area on the cellar level and 14,650 square feet of parking surface area on the sub-cellar level, with access zones of 2,100 square feet and 2,975 square feet on the ground floor and cellar levels, respectively. There will also be 3,519 square feet of parking area on the stacker platforms on the cellar level and 3,519 square feet of parking area on the stacker platforms on the sub-cellar level.

The proposed garage would be accessible by a two-way vehicular ramp via a curb cut located on West 52nd Street to the west of the Theater. The inbound lane to the garage would provide 10

¹ Lot 52 is a "U" shaped, through lot and has a total lot area of 29,196 square feet with frontages on both West 53rd Street and West 52nd Street. Lot 7 has street frontages on West 52nd Street and the total lot area is 13,129 square feet.

reservoir parking spaces where vehicles would be met by a parking attendant, leave their vehicles with the attendant, and exit via an elevator through the cellar and ground floor located past the attendant booth and pedestrian waiting area. At ground level, patrons would exit the elevator landing which would be connected to a corridor with an entry to West 53rd Street; this would also be used by patrons retrieving their vehicles from the garage. The proposed building would also provide two staircases from the garage to the ground floor. Patrons retrieving their vehicles would go to the attendant booth to speak to the parking attendants, then cross the entry and exit lanes of the ramp and wait in the pedestrian areas located next to the exit ramp for their vehicle to arrive.

Residents of the mixed-use building would also have direct access to the parking garage via four residential elevators which would be located past the public access elevator and only accessible by a security card or key. Additionally, a secure door would provide a direct connection to the ground floor residential lobby and the corridor that provides access to the elevator to the garage. The public would not have access to the secure door and security access card to use these elevators.

Independent to the required residential bicycle spaces within the building would be eighteen public bicycle parking spaces located in a 300-square foot area adjacent to the pedestrian waiting area. Bicyclists would access the garage in the same manner as vehicular patrons.

The garage would also post pedestrian routes to and from the garage, marking access points and warning devices placed at potential vehicular and pedestrian conflict points. The exit lane would also include a one-foot deep, two-inch high speed bump spanning the width of the lane within four feet of the street line and a stop sign visible to all exiting patrons in compliance with zoning regulations.

Area Context

The project site is located within a partially C6-5 and partially C6-7 zoning district in the Theatre Subdistrict of the Special Midtown District in Community District 5, Manhattan. The Special Midtown District was designated in 1982 as an effort to shift development throughout Midtown and established different bulk and density limits for avenue frontages and midblock for the five subdistricts: Fifth Avenue, Grand Central, Penn Center, Preservation and Theater. The Theatre Subdistrict of the Special Midtown District provides a floor area bonus by special permit for rehabilitation of theatres, allows for the transfer of development rights to preserve landmarked and legitimate theatres, and requires that new buildings above a certain size reserve floor space for entertainment and theater-related uses. West of the site, on the west side of 8th Avenue, is the Special Clinton District. This special district was designated as an effort to preserve and strengthen the income diversity and residential character of the community.

The surrounding area generally consists of mixed commercial and office buildings and shifts to more mixed commercial and residential buildings at Eighth Avenue. The uses in the surrounding area are primarily theatres, large hotels, and office buildings with ground floor shops and eating and drinking establishments. The building heights vary between five and 35 stories with highest density on the north side of West 54th Street at Broadway.

There are several parking facilities within close proximity of the site including: a 170-space parking garage one block west of the site on Eighth Avenue; a 61-space garage east of the site at Broadway; a 365-space public and accessory parking garage one block northwest of the site is, a 120-space garage one block northeast of the site; a 200-space garage two blocks north west of the site; a 53-space accessory parking garage west of the site; a 200-space garage located one block east of the site; a 325-space garage located on 7th Avenue one block southeast of the site, and a 230-space garage two blocks south of the site.

The project area is incredibly well-served by mass transit for local, regional, and national lines. Two blocks northeast of the site at West 55th Street and 7th Avenue are four subway entrances to the N/Q/R subway line. One block east of the site is the 7th Avenue B/D and E subway line stop with two entrances and two additional entrances located at West 53rd Street and 7th Avenue. The 50th Street C/E subway line stop is located two blocks south of the site with four entrances at the intersection of West 50th Street and 8th Avenue and three additional entrances further south. The 50th Street stop on the No. 1 subway line is located two blocks south east of the site with multiple entrances at the intersection of West 50th Street and Broadway. One block east of the No. 1 subway stop is the West 49th Street subway stop with four entrances for the N/R/W subway line. All of the subway lines in the project area connect to two major transit hubs in the city: Grand Central Terminal station located at 89 E 42nd Street and Port Authority Bus Terminal at West 42nd Street and 8th Avenue. There are three Citibike bicycle stations within a one-block radius of the site.

Proposed Actions

In order to facilitate the construction of a 61-story building with a 184-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 184-space parking garage. Only 85 residential parking spaces and four commercial parking spaces are permitted as-of-right for a 426 dwelling unit building.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on March 9, 2017, Manhattan Community Board 5 (CB5) voted to approve a resolution that stated that CB5 “does not believe it can make an informed decision to recommend approval or disapproval of this application without sufficient information about its likely impacts on traffic congestion and air quality.” CB5 recognized that there is the possible argument that an increase in the number of parking spaces could reduce congestion, but there is also the possible argument that an increase in the number of parking spaces could actually result in more cars in the district. CB5 went on to recommend that the Mayor’s Office of Environmental Coordination and the Department of City Planning require a more thorough environmental review to study the impacts of any discretionary changes to the number of parking spaces in CB5.

BOROUGH PRESIDENT'S COMMENTS

Recommendations from this office on prior parking special permits have continued to call on the Department of City Planning and the City Planning Commission to consider a more robust set of factors aside from the parking methodology analysis, including 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, and access to mass transit.

What is especially problematic to accept for this site is that while the parking study methodology clearly shows a loss in parking over the last ten years, and an increase in residential development, the garage is not actually intended to fill a gap for residential parking spaces. Letters of support of the application from theater organizations argue on the merits of additional parking for theater-goers. While the analysis of residential growth is done according to the Department of City Planning's Guidelines, the one-third mile radius of the study area in this case stretches almost to Tenth Avenue. It strikes me as unlikely that parking in this location in the heart of the theater district is appropriate to account for residents on Tenth Avenue. I am also concerned that while I have had limited comfort with the fact that monthly users tend to not use their cars on a regular basis, transient parking will exacerbate and potentially lead to additional pedestrian and vehicular conflict regardless of well-placed signage because of the theater district patronage.

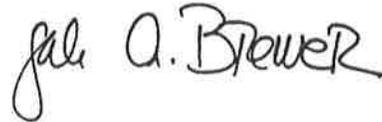
The Manhattan Core parking zoning amendments sought to institute limits to public parking that, together with redevelopment of sites with parking lots and garages, would, over time, reduce the overall number of public parking spaces. It was anticipated that with fewer parking spaces, fewer motor vehicles would enter Manhattan's most congested areas. Therefore, I find it inappropriate to grant additional spaces for commercial parking at this site given the purposes of the Manhattan Core Text.

While nearby garages enjoy high utilization rates, I would also question the need for additional residential parking spaces given the adjacency of mass transit, and the central location of this site. It is true that parking spaces can serve as storage for destination-based car usage as opposed to everyday commuting for residential users. However, this neighborhood provides a full suite of transit and travel options. I believe that in such a case, there is much less need for destination-based car storage for residents, as there are ready alternatives to car travel. So even if these spaces were designated for residential only, I am not confident that would be appropriate either.

The applicant might very well meet the individual findings for a special permit pursuant to ZR §13-45 and 13-451. However, our office believes that the granting of additional parking spaces for commercial uses is inappropriate at this site, and 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 Midtown Manhattan. It is within the Commission's powers to act in order to minimize adverse effects on the character of the surrounding area, and we recommend denial of this special permit application in such a transit-rich area.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **denial** of ULURP Application No. C 170112 ZSM for a 184-space parking garage

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