



OFFICE OF THE

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**Mark Levine, Borough President**

June 15, 2023

## **Recommendation on ULURP Application No. C230094 ZSM – 262 5<sup>th</sup> Avenue By Five Points 262 Project LLC**

### **PROPOSED ACTIONS**

Five Points 262 Project LLC (the “Applicant”) is seeking a special permit from the City Planning Commission pursuant to Zoning Resolution Sections 13-14 and 13-145 in order to increase the amount of on-site accessory parking in a residential development at 262 5<sup>th</sup> Avenue by 18 parking spaces, to a total of 23. The parking facility would be located on the ground floor, cellar, and subcellar levels of a 95,673-square-foot residential building containing 56 stories and 26 dwelling units located at 262 5<sup>th</sup> Avenue, in Manhattan Community District 5 (CD 5) (the “Proposed Building”).

In order to obtain a permit pursuant to Section 13-45 of the Zoning Resolution, the City Planning Commission must find that<sup>1</sup>:

- (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 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 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.

The Commission must also find that the proposed off-street parking facility meets the findings set forth in ZR § 13-451<sup>2</sup>, which require that the number of spaces is “reasonable and not excessive in relation to recent trends in close proximity to the proposed facility,” including any

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<sup>1</sup> <https://zr.planning.nyc.gov/article-i/chapter-3#13-45>

<sup>2</sup> <https://zr.planning.nyc.gov/article-i/chapter-3/13-451>

changes in the number of residential units and the number of local public and off-street parking spaces. Alternatively, the Commission may grant the special permit if the total number of parking spaces does not exceed 20 percent of the total number of dwelling units.

## **BACKGROUND**

### **Proposed Development**

262 5<sup>th</sup> Avenue is in CD 5, in Midtown Manhattan. The Proposed Building's site occupies Lot 44 on Block 830, at the southwest corner of the intersection of West 29<sup>th</sup> Street and 5<sup>th</sup> Avenue. The site is a portion of a larger, 14,242 square foot development site that includes lots 40, 41, 42, and 44. The Proposed Building would be located on a 4,942-square-foot<sup>3</sup> lot within a C5-2 zoning district, with approximately 140 square feet of the lot located within an M1-6 zoning district.

The proposed 23 space accessory parking facility would be located in a 95,673-square-foot residential building with 56 stories and 26 dwelling units. The Applicant purchased certificates through the Inclusionary Housing Program and as a result will receive 28,262 square feet of bonus floor area. Because the certificates were generated from another site, the Proposed Building will include no affordable housing. The parking facility would be located on the first floor, cellar, and sub-cellar levels and total 7,710 square feet, including 1,070 square feet of access space on the first floor. The cellar and sub-cellar would also include space or mechanical equipment, accessory storage, accessory bicycle parking, residential amenity space, and building staff offices.

The special permit would allow a 23-space automated residential accessory parking facility. The proposed parking facility would give vehicles access from a new 12-foot curb cut on West 29<sup>th</sup> Street. The components of the parking facility would include an "entry bay" loading area on the first floor where customers would access or leave their vehicles, a transfer device that would lift and transport vehicles on pallets, handling lifts to transport loads between floors, pallets on which vehicles would be parked, and a control system to manage the facility. Entry to the facility could take place via a remote control, which would give drivers the option of requesting their vehicles blocks away from the Proposed Building. The Applicant has represented that the proposed parking spaces would only service residents of the condominium building above the facility. The Applicant has also stated that all the parking spaces would be equipped to handle electric vehicle charging.

### **Area Context**

The Proposed Building's site is located in a C5-2 zoning district, with a small portion in an M1-6 zoning district in Manhattan CD 5 between West 28<sup>th</sup> and West 29<sup>th</sup> Street on 5<sup>th</sup> Avenue. The predominant zoning districts around the proposed development are C5-2 and M1-6. The Proposed Building is in close proximity to the Madison Square North Historic District, which was designated in 2001 by the Landmarks Preservation Commission, who found that the area "contains buildings and other improvements which have a special character and a special historical and aesthetic interest and value and which represent one or more eras in the history of

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<sup>3</sup> [NYC Planning ZoLa](#)

New York City and which cause this area, by reason of these factors, to constitute a distinct section of the city.”<sup>4</sup>

The Proposed Building’s site is in a transit rich neighborhood with adjacent bus routes that include the M1, M2, M3, and M55 southbound buses. One block west of the site at West 28<sup>th</sup> Street and Broadway is the R and W subway station, three blocks west at 7<sup>th</sup> Avenue and West 28<sup>th</sup> Street is the 1 subway station, and two blocks east is the 6 subway station at East 28<sup>th</sup> Street and Park Avenue South.

## COMMUNITY BOARD RESOLUTION

Community Board 5 voted on May 12 to recommend disapproval of the application to construct 18 additional parking spaces beyond the five parking spaces allowed as-of-right. The community board cited the transit-rich nature of the surrounding area, low rates of car ownership among local residents, and lack of residential units, including affordable units, as reasons for denying the application.

## BOROUGH PRESIDENT’S COMMENTS

Academic research shows that providing parking spaces incentivizes car ownership.<sup>5</sup> In a transit-rich neighborhood such as Midtown, encouraging car ownership, and therefore usage, is contrary to our citywide goals of combatting and reducing the effects of climate and carbon emissions. As Community Board 5 well noted in their resolution, 83% of residents in the area do not have access to a vehicle. Furthermore, in 2021 only 3% of residents in the area used a vehicle to go to work, according to Census data. These trends do not support the Applicant’s argument that allowing a parking garage – especially one that would provide a parking space to 88% of households in the Proposed Building – is the right thing to do.

## BOROUGH PRESIDENT’S RECOMMENDATION

I therefore recommend **disapproval of ULURP application No. C230094 ZSM.**

Mark Levine



Manhattan Borough President

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<sup>4</sup> <http://s-media.nyc.gov/agencies/lpc/lp/2097.pdf>

<sup>5</sup> [https://people.ucsc.edu/~jwest1/articles/MillardBall\\_West\\_Rezaei\\_Desai\\_SFBMR\\_UrbanStudies.pdf](https://people.ucsc.edu/~jwest1/articles/MillardBall_West_Rezaei_Desai_SFBMR_UrbanStudies.pdf)