



March 13, 2019, Calendar No. 21

C 180182 ZSM

IN THE MATTER OF an application submitted by Yorkville Towers 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 13-455 (Additional parking spaces for existing accessory off-street parking facilities) of the Zoning Resolution to allow an attended accessory parking facility with a maximum capacity of 370 spaces on property located at 1601-1619 Third Avenue (Block 1536, Lot 1), in a C2-8 District, Borough of Manhattan, Community District 8.

This application for a special permit, in conjunction with two related actions, was filed by Yorkville Towers Associates LLC on October 8, 2018. The applicant seeks to increase the capacity of an existing accessory, unattended off-street parking facility by 150 parking spaces (from 220 to 370) and make it an attended garage. The parking facility is accessory to the Ruppert Towers apartment building located at 1601-1619 Third Avenue (Block 1536, Lot 1) in the Yorkville neighborhood of Manhattan, Community District 8.

RELATED ACTIONS

In addition to the application for a parking special permit for the Ruppert Towers Garage, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 180181 ZSM Special permit to increase the capacity of an existing accessory off-street parking facility at the Knickerbocker Plaza Garage.

C 180183 ZSM Special permit to increase the capacity of an existing accessory off-street parking facility at the Yorkville Tower Garage.

BACKGROUND

Knickerbocker Plaza (1975), Ruppert Towers (1974), and Yorkville Tower (1974) are housing developments that were completed in accordance with the Ruppert Brewery Urban Renewal Plan (RBURP). The RBURP, which expired in 2008, extends from East 90th Street to East 94th Street

and from Second Avenue to Third Avenue. The area was designated for urban renewal on April 20, 1966 (CP-19322) to facilitate the redevelopment of the former Ruppert Brewery which closed in 1965. The RBURP was adopted by the City Planning Commission on March 20, 1968 (CP-20197) and by the Board of Estimate on June 20, 1968 (Calendar No. 18). It authorized the redevelopment of 10 parcels with residential units, commercial space, community facilities and open space. A Large-Scale Residential Development (LSRD) was created to implement the development of the RBURP. The RBURP was amended on September 22, 1971 (CP-21714) to permit the development of 2,300 dwelling units, commercial space and a school, as well as the creation of a park.

Ruppert Towers (Site 1 within the RBURP and LSRD) is a 34-story building with 555 dwelling units and approximately 12,444 square feet of retail space along the Third Avenue frontage. The Ruppert Towers Garage, originally approved for self-parking, has been an attended parking facility for many years. It is currently parking over the Department of Consumer Affairs (DCA)-licensed capacity of 220 spaces. The parking spaces are fully occupied with the vehicles of residents of both Ruppert Towers (27 percent of the total parkers) and residential buildings in the surrounding neighborhood.

In addition to Ruppert Towers, the project site includes the 40-story Knickerbocker Plaza, with 578 dwelling units, approximately 7,277 square feet of local retail along Second Avenue, and 104 accessory, unattended parking spaces in an enclosed garage; and the 42-story Yorkville Tower, with 709 dwelling units, approximately 23,445 square feet of local retail along Third Avenue, and 301 accessory, unattended parking spaces in an enclosed garage.

The project site is in the Yorkville neighborhood of the Upper East Side. The neighborhood generally consists of a mix of four-to-six story residential buildings located on the midblocks with larger apartment buildings with ground-floor commercial stores along the avenues. The one-acre Ruppert Park is located directly east of Ruppert Towers and there are several major institutions in the area including Metropolitan Hospital at East 98th Street and Second Avenue, the 92nd Street Y at East 92nd Street and Lexington Avenue, the Islamic Center of New York at East 96th Street and Third Avenue, and Hunter College High School at East 94th Street and Park Avenue.

The project area is mapped with a C2-8 (R10 equivalent) zoning district, which permits a floor area ratio (FAR) of 10.0. The C2-8 zoning extends northward and southward along Second and Third avenues and encompasses the entirety of the blocks from East 90th Street to East 92nd Street between Second Avenue and Third Avenue. The northern portion of the LSRD is mapped with C4-6 and R8 districts. C4-6 districts have an R10 residential equivalent allowing an as-of-right residential FAR of 10.0. R8 districts have a maximum as-of-right residential floor area of 6.02 while the surrounding midblocks are mapped with an R8B district, which permits an FAR of 4.0.

Second Avenue runs one-way downtown while Third Avenue runs one-way uptown. The nearest subway is the Q line located on Second Avenue with stations at 86th Street and 96th Street. The 4, 5 and 6 trains run along Lexington Avenue to the west, with an express stop at 86th Street and a local stop at 96th Street. The M96 crosstown bus runs east-west along 96th Street; the M98, M101, M102 and M103 buses run north-south along Lexington Avenue and Third Avenue; and the M15 Select Bus Service runs north-south on First and Second avenues. Protected bicycle lanes, which are separated from vehicle traffic, run north-south on First and Second avenues and east-west on East 91st Street through the LSRD between Second and Third avenues. The rest of East 91st Street and the entirety of East 90th Street are conventional on-street striped bicycle lanes.

Ruppert Towers comprises approximately 73,700 square feet of lot area, occupying the westerly end of the block bounded on the north by East 91st Street, on the south by East 90th Street and on the west by Third Avenue. The accessory residential parking garage has a DCA-licensed capacity of 220 self-parking spaces, comprised of six different levels including four below-grade levels, but is currently operating at an overnight occupancy of 371 spaces. The garage is accessed via an existing 24-foot-wide curb cut on one-way eastbound East 90th Street which is 288 feet from Third Avenue. The nearest subway stations are at Second Avenue and East 96th Street and East 86th Street which are 1,000 feet away and pedestrian traffic would not be directly affected by vehicles accessing the garage. Much of the pedestrian traffic is located on East 91st Street, one block north of the garage entrance which does not permit vehicular traffic. The commercial uses of the buildings are located along the avenues and pedestrian traffic would not be unduly affected by vehicles entering or exiting the garage. A speed bump and stop sign will be added to the exit lane of the garage to minimize any impact to bicycle traffic on East 90th Street which has a dedicated

bike lane. The Certificate of Occupancy indicates that the garage may include parking for non-residents with no limitation as to time and that residents may recapture any of the non-residential parking spaces upon 30-day written notice to the owner.

Within the Manhattan Core, which the Zoning Resolution (ZR) defines as the area within Manhattan Community Districts 1-8, Section 13-45 (Special Permits for Additional Parking Spaces) allows for additional parking spaces in off-street parking facilities provided that certain conditions and findings are met. ZR Section 13-455(a)(1) permits an increase of the number of parking spaces for existing parking facilities if the finding for residential growth is met. The applicant is requesting a special permit to provide an attended, accessory parking facility with a total of 370 parking spaces (an increase of 150 spaces from 220).

As part of the proposal, the project would add bicycle parking spaces, bringing the total to 318 (37 spaces in the garage and 281 in the residential building). The garage also contains three electric vehicle charging stations (two Tesla chargers and one universal charger) and 15 car share parking spaces. The increase in parking spaces would not require any new construction because the interior space of the garage, including space that is now being used for storage, will be rearranged to allow for more capacity. A driver will enter the garage and drive down a ramp into one of the 19 reservoir spaces and leave the car with the attendant. The exit lane of the garage will have a new speed bump and stop sign.

ENVIRONMENTAL REVIEW

This application (C 180182 ZSM), in conjunction with the related actions (C 180181 ZSM and C 180183 ZSM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP022M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, as described in the Environmental Assessment Statement, a Negative Declaration was issued on October 26, 2018.

UNIFORM LAND USE REVIEW

This application (C 180182 ZSM), and the application for the related actions (C 180181 ZSM and C 180183 ZSM), were certified as complete by the Department of City Planning on October 29, 2018 and duly referred to Manhattan Community Board 8 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 8 held public hearings on this application (C 180182 ZSM) on December 18, 2018 and January 23, 2019 and on the latter date, by a vote of 32 in favor, four in opposition, one abstention and one not voting for cause, adopted a resolution recommending approval.

Borough President Recommendation

This application (C 180182 ZSM) was considered by the Manhattan Borough President, who issued a recommendation in a letter dated February 4, 2019 to disapprove the application with the following modifications:

- “• significantly lower parking rates for residents of the respective buildings;
- at least 10 electric vehicle charging stations in the Knickerbocker Plaza garage;
- at least 20 electric vehicle charging stations in the Ruppert Tower garage;
- at least 25 electric vehicle charging stations in the Yorkville Tower garage;
- at least 10 spaces in the Knickerbocker Plaza garage be reserved for car-share services;
- at least 50 bicycle parking spaces in the Ruppert Tower garage.”

City Planning Commission Public Hearing

On January 30, 2019 (Calendar No. 11), the City Planning Commission scheduled February 13, 2019 for a public hearing on this application (C 180182 ZSM), in conjunction with the applications for the related actions (C 180181 ZSM and C 180183 ZSM). The hearing was duly held on February 13, 2019 (Calendar No. 44). Two speakers testified in favor of the application.

The applicant's land use attorney provided an overview of the development and the proposed vehicle and bicycle parking spaces. She explained that the garage has the electrical capacity to

increase the number of electric vehicle charging stations from the existing three if there is an increase in demand. She also noted that there are 281 bicycle parking spaces available inside the residential portion of Ruppert Towers for residents' use and that these spaces rent for \$50 per year, while the fee for parking a bicycle in one of the three vehicle parking garages is \$100 per month.

Another applicant representative spoke generally about the difficulty of getting people to park their bicycles in garages and the often-excessive monthly rates.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 180182 ZSM) for the grant of a special permit pursuant to Sections 13-45 and 13-455(a)(1) of the Zoning Resolution to allow an increase in the capacity of the existing Ruppert Towers off-street accessory parking facility from 220 spaces to 370 spaces is appropriate.

The Commission notes that the development site has been functioning as an attended parking facility over its DCA-licensed capacity of 220 self-parking spaces for residents of Ruppert Towers and the surrounding area for over four decades. The current overnight occupancy is 371 users. The proposed special permit is needed to remediate this issue and to increase the number of parking spaces to meet the demand from area residents. The inefficient design of the parking facility with multiple levels and ramps created additional space in the garage that was more than necessary to accommodate the permitted number of parking spaces. Subsequently, with the demand from area residents, the garage began operating above the permitted capacity. The Commission believes that, because this is an existing garage that has been in operation for such an extended period, the additional parking spaces are consistent with the existing streetscape, that the existing entrances and exits will not interfere with the efficient functioning of the streets and sidewalks, and that the overall traffic and congestion impacts will remain low. Moreover, because the parking garage is primarily used by area residents as documented with the overnight occupancy at 371 users, vehicles will be accessing the garage less frequently than transient users. Since the garage does not require any construction to accommodate new spaces, the proposed project would also

minimize disruption to the residential buildings. The Commission notes that if this were an application to introduce a new parking facility at this location, its considerations would likely be different.

The Commission is in receipt of a letter from the applicant dated February 22, 2019 that details the bicycle parking in each of the three residential buildings (Knickerbocker Plaza, Yorkville Tower, Ruppert Towers) and their respective garages, the number of electric vehicle (EV) charging stations and car share parking spaces in each garage. Regarding the bicycle parking in Ruppert Towers, there are 281 existing bicycle parking spaces in the residential building—which is at 94 percent capacity—and 37 proposed bicycle parking spaces in the garage, for a total of 318. At the public hearing the applicant representative acknowledged that residents of Ruppert Towers pay a \$50 annual fee to park their bicycles in the building while the garage operator charges \$100 per month to park a bicycle in the garage. The Commission notes the substantial price discrepancy and is pleased that the applicant has agreed to allow residents of all three residential buildings the ability to park their bicycles in the garages for the same rate as inside the building. The applicant also stated that it is willing to work with the garage operator to reduce the bicycle parking rate inside the three garages for area residents.

The Commission acknowledges that the applicant is providing a combined 318 bicycle parking spaces for the Ruppert Towers residential building and in the accessory garage that exceeds the rate of one space per two dwelling units. Zoning requires one bicycle parking space for every two dwelling units in new developments, and one space for every ten vehicles in new parking facilities. Existing parking facilities are not subject to these requirements because it may not be possible to accommodate the amount of space needed for the full amount of bicycle parking and access to those spaces in an existing building with circumscribed space. However, the Commission believes that, with the amount of excess space available in all three garages, the applicant could easily do more than the very minimum to support a sustainable form of transportation that continues to expand in the city as new bicycle lanes and greenways are added to the existing bicycle network.

The Commission appreciates that each garage has three electric vehicle charging stations and, according to the applicant, they are currently meeting the demand for charging with one electric

vehicle at Knickerbocker, five at Ruppert, and 20 at Yorkville. Importantly, the garages have the capacity to add more charging stations in the event there is an increase in demand. The car share parking spaces in the three garages currently stand at 15 spaces in Ruppert, 20 spaces in Yorkville, and no spaces in Knickerbocker. The number of car share spaces that a private car share operator uses at a given garage is driven by user demand in the nearby area and fluctuates throughout the year. The Commission encourages the use of car share vehicles and believes that the existing number of car share parking spaces is sufficient to meet current demand.

The applicant completed a Residential Growth Parking Study that documented the number of new and eliminated residential units and off-street parking spaces within a one-third mile radius from the development site within an approximate ten-year lookback period. The study is to demonstrate that the request for additional parking spaces is reasonable and not excessive in relation to recent trends in residential development and the provision of parking. Using data from the Department of Buildings, the Department of Consumer Affairs, and additional research completed by the applicant, the study found that the ratio of change in off-street parking spaces to the change of residential units without the proposed development is -2.7 percent. With the proposed development, including the proposed increase in the number of parking spaces from all three garages, the ratio is 26.5 percent. The Commission notes that this is below the 35 percent ratio of new off-street parking spaces to new residential units permitted in developments in Manhattan Community District 8. The Commission therefore believes that the ratio of new off-street parking spaces to new residential units with the proposed project demonstrates that the request for 453 additional parking spaces for all three garages is reasonable and not excessive in relation to recent trends in residential development and the provision of parking.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) of the Zoning Resolution:

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. N/A
5. such parking facility will not be inconsistent with the character of the existing streetscape.

The City Planning Commission hereby makes the following findings pursuant to Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) of the Zoning Resolution:

- (a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:
 - (1) finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or
 - (2) N/A

The City Planning Commission hereby makes the following findings pursuant to Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution:

- (a) the number of off-street parking spaces in such proposed 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 number of 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 been obtained City Planning Commission special permits pursuant to 13-45.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Yorkville Towers Associates LLC 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 for an increase in 150 parking spaces at an existing off-street parking garage (from 220 to 370 spaces) located on the north side of East 90th Street between Third Avenue and Second Avenue on property located at 1601-1619 Third Avenue (Block 1536, Lot 1) in a C2-8 District, within the Yorkville neighborhood of Manhattan, Community District 8, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 180182 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plan, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
1 OF 2	Zoning Lot Site Plan & Parking Plan Level A	6/28/2018
2 OF 2	Parking Plan Below Grade Levels B & C	6/28/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 180182 ZSM), duly adopted by the City Planning Commission on March 13, 2019 (Calendar No. 21), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

ALFRED C. CERULLO, III, JOSEPH DOUEK,

RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

Alida Camp
Chair

Will Brightbill
District Manager



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January 25, 2019

Hon. Marisa Lago, Chair
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: ULURP Applications C 180181ZSM, C 180182ZSM, and C 180183ZSM, 1749-1763 Third Avenue (Block 1537, Lot 22), 1601-1619 Third Avenue (Block 1536, Lot 1), and 1623-1641 Third Avenue (Block 1537, Lot 1). Knickerbocker Plaza LLC and Yorkville Tower Associates LLC.

Dear Chair Lago:

At the Full Board meeting of Community Board 8 Manhattan held on January 23, 2019, the board voted to **approve** the application in accordance with the following resolution by a vote of 32 in favor, 4 opposed, 1 abstention, and 1 not voting for cause:

BE IT RESOLVED that Community Board 8 Manhattan approves the applications submitted by Knickerbocker Plaza LLC and Yorkville Towers 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 13-455 (Additional parking spaces for existing accessory off-street parking facilities) of the Zoning Resolution to allow an attended accessory parking facility with a maximum capacity of 202, 370, and 506 spaces on property located at 1749-1763 Third Avenue, 1601-1619 Third Avenue, and 1623-1641 Third Avenue, respectively, in a C2-8 District.

Please advise us of any action taken on this matter.

Sincerely,

Alida Camp (W3)

Alida Camp
Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Fax # (212) 720-3488

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.

Applications: C 180181 ZSM, C 180182 ZSM, and C 180183 ZSM

Docket Description:

IN THE MATTER OF an application submitted by Knickerbocker Plaza LLC to Sections 13-45, 13-455(a)(1), and 13-455(a)(2)(ii) of the New York City Charter for three special permits to increase parking spaces at the following locations:

C 180181 ZSM

1. An increase of 98 parking spaces in an existing, accessory, unattended parking garage within Knickerbocker Plaza Garage located at 1749-1763 Second Avenue, Manhattan (Block 1537, Lot 22). The increase of 98 parking spaces will amount to a total of 202 parking spaces (35% of 578 Dwelling Units).

C 180182 ZSM

1. An increase of 150 parking spaces in an existing, accessory, unattended parking garage within Ruppert Tower Garage located at 1601-1619 Third Avenue, Manhattan (Block 1536, Lot 7501). The increase of 150 parking spaces will amount to a total of 370 parking spaces (67% of 555 Dwelling Units).

C 180183 ZSM

1. An increase of 205 parking spaces in an existing, accessory, unattended parking garage within Yorkville Tower Garage located at 1623-1641 Third Avenue, Manhattan (Block 1537, Lot 7501). The increase of 205 parking spaces will amount to a total of 506 parking spaces (71% of 709 Dwelling Units).

Borough of Manhattan, Community District 5.
(See Continued)

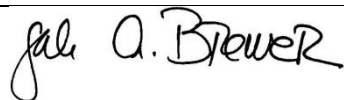
COMMUNITY BOARD NO: 8

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



BOROUGH PRESIDENT

2/4/2019
DATE

C 180181 ZSM, C 180182 ZSM, and C 180183 ZSM

Modifications/Conditions:

- Significantly lower parking rates for residents of the respective buildings;
- At least 10 electric vehicle charging stations in the Knickerbocker Plaza garage;
- At least 20 electric vehicle charging stations in the Ruppert Tower garage;
- At least 25 electric vehicle charging stations in the Yorkville Tower garage;
- At least 10 spaces in the Knickerbocker Plaza garage be reserved for car-share services;
- At least 50 bicycle spaces in the Ruppert Tower garage.



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Gale A. Brewer, Borough President

February 4, 2019

**Recommendation on
ULURP Applications Nos. C 180181 ZSM, C 180182 ZSM, and C 180183 ZSM
Ruppert Brewery URA Parking Special Permits
by Knickerbocker Plaza LLC**

PROPOSED ACTIONS

Knickerbocker Plaza LLC (the “applicant”) is seeking approval of three special permits pursuant to §13-45, §13-455(a)(1), and §13-455(a)(2) of the Zoning Resolution (ZR) to enlarge parking spaces within three existing, accessory, unattended parking garages that are a part of residential, mixed-use condominium buildings located at Knickerbocker Plaza (1751 Second Avenue - Block 1537, Lot 22), Ruppert Tower (1619 Third Avenue - Block 1536, Lot 7501), and Yorkville Tower (1641 Third Avenue - Block 1537, Lot 7501) (collectively the “Project Site,” see below Table 1: Development Addresses and Application Numbers). The Project Site is located in Manhattan in the Yorkville neighborhood of the Upper East Side in Community District 8. The Project Site is bounded on the north by East 92nd Street, on the south by East 90th Street, on the east by Second Avenue, and on the west by Third Avenue.

Table 1: Development Addresses and Application Numbers:

Application No.	Address	Development Site	Pursuant to ZR
C 180181 ZSM	1749-1763 Second Ave, Manhattan Block 1537, Lot 22	Knickerbocker Plaza Garage	§ 13-45 § 13-455(a)(2)
C 180182 ZSM	1601-1619 Third Ave, Manhattan Block 1536, Lot 1	Ruppert Tower Garage	§ 13-45 § 13-455(a)(1)
C 180183 ZSM	1623-1641 Third Ave Manhattan Block 1537, Lot 1	Yorkville Tower Garage	§ 13-45 § 13-455(a)(1)

Because of the Manhattan Core parking regulations adopted in 2013, any increase in capacity of a garage in Manhattan Community Districts 1-8 requires a special permit pursuant to ZR §13-45. The number of requested additional self-parking spaces in the three existing garages is listed below in Table 2: Existing and Proposed Garage Capacities. The applicant seeks a total proposed increase of 453 parking spaces to add to the existing licensed capacity of 625 parking spaces, totaling 1,078 parking spaces in the three existing parking garages. These include:

- 1) A proposed increase of 98 parking spaces to the existing 104 parking spaces in the Knickerbocker Plaza Garage, totaling 202 parking spaces with-action licensed capacity which accounts for 35% of Knickerbocker Plaza’s 578 dwelling units;

- 2) A proposed increase of 150 parking spaces to the existing 220 parking spaces in the Ruppert Tower Garage, totaling 370 parking spaces with-action licensed capacity which accounts for 67% of Ruppert Tower’s 555 dwelling units; and
- 3) A proposed increase of 205 parking spaces to the existing 301 parking spaces in the Yorkville Tower Garage, totaling 506 parking spaces with-action licensed capacity which accounts for 71% of Yorkville Tower 709 dwelling units.

Table 2: Existing and Proposed Garage Capacities

Garage Name and # of Building Dwelling Units (DUs)	Existing Capacity of Parking Spaces	Total Parking Spaces After Increase	Proposed Parking Spaces Increase
Knickerbocker Plaza 578 DUs	104 (18% of DUs)	202 (35% of DUs)	+98
Ruppert Tower 555 DUs	220 (40% of DUs)	370 (67% of DUs)	+ 150
Yorkville Tower 709 DUs	301 (42% of DUs)	506 (71% of DUs)	+ 205
Total Parking	625	1,078	+ 453

In addition, the three garages will be maintaining and expanding parking for bikes, car share services, and electric charging vehicle stations. These sums are listed below in Table 3: Additional Garage Services.

Table 3: Proposed Additional Garage Services

Garage Name	Current Bike Parking Spots	Total Bike Parking Spots After Increase	Total Zipcar Spaces After Increase	Total Electric Charging Stations
Knickerbocker Plaza (Proposed 202 parking spaces)	20	150 (74% of parking spaces)	0	3 (no change)
Ruppert Tower (Proposed 370 parking spaces)	22	37 (10% of parking spaces)	15	3 (no change)
Yorkville Tower (Proposed 506 parking spaces)	21	74 (14% of parking spaces)	20	3 (no change)

PROJECT DESCRIPTION

C 180181 ZSM: Knickerbocker Plaza Garage

Knickerbocker Plaza is a 40-story, predominately residential, mixed use condominium building located at 1749-1763 Second Avenue (Block 1537, Lot 22). Knickerbocker Plaza was completed in 1975 and designated as Site 2C within the Rupert Brewery Urban Renewal Plan (RBURP). The approximately 49,146 square foot site is a corner and through lot located on the easterly end of the block bounded by East 91st Street on the south, Second Avenue on the east and East 92nd Street on the north. Knickerbocker Plaza has 578 dwelling units and approximately 7,277 gross square feet of local retail space along the Second Avenue frontage.

The Knickerbocker Plaza parking garage is accessed via an approximately 29-foot curb cut located on East 92nd Street, 138 feet west of Second Avenue. East 92nd Street is one way eastbound with one travel lane and curbside parking. There are separate doors for entering vehicles and exiting vehicles located midblock on the south side of East 92nd Street near Second Avenue. The special permit requested is pursuant to ZR § 13-45 and § 13-455(a)(2).

C 180182 ZSM: Ruppert Tower Garage

Ruppert Tower is a 34-story, predominately residential, mixed use condominium building located at 1601-1619 Third Avenue (Block 1536, Lot 1 [7501]). The Ruppert Tower was completed in 1974 and designated as Site 1 within the RBURP. The approximately 79,359 square-foot development site is a corner and through lot located on the westerly end of the block bounded by East 91st Street and James Cagney Place to the north, Third Avenue on the west and East 90th Street on the south. The Ruppert Tower has 555 dwelling units and approximately 12,444 gross square-feet of local retail space along the Third Avenue frontage.

The existing, enclosed, and unattended parking garage at the Ruppert Tower is accessed via an approximately 28-foot curb cut located on East 90th Street, 288 feet east of Third Avenue. East 90th Street is one way eastbound with one travel lane, curbside parking, and a dedicated bicycle lane. There are separate lanes for entering vehicles and exiting vehicles. The special permit requested is pursuant to ZR § 13-45 and § 13-455(a)(1).

C 180183 ZSM: Yorkville Tower Garage

Yorkville Tower is a 42-story, predominately residential, mixed use condominium building located at 1623-1641 Third Avenue, (Block 1537, Lot 1 [7501]). The Yorkville Tower was completed in 1974 and designated as Site 2B within the RBURP. The approximately 73,719 square-foot development site is a corner and through lot located on the westerly end of the block bounded by East 91st Street and James Cagney Place on the south, Third Avenue on the west and East 92nd Street on the north. The Yorkville Tower has 709 dwelling units and approximately 23,445 gross square feet of local retail space along the Third Avenue frontage.

The parking garage at the Yorkville Tower is accessed via an approximately 29-foot curb cut located on East 92nd Street, 297 feet east of Third Avenue. East 92nd Street is one way eastbound with one travel land and curbside parking. There are separate lanes for entering vehicles and exiting vehicles. The special permit requested is pursuant to ZR § 13-45 and § 13-455(a)(1).

Background

The RBURP Area extends from East 90th Street to East 94th Street and from Second Avenue to Third Avenue. The Area was designated on April 20, 1966 (CP 19322) to facilitate the redevelopment of the former Ruppert Brewery, which was constructed in the second half of the nineteenth century and consisted of over thirty structures sprawled across the four square block area. The brewery became functionally obsolete and closed in 1965, prompting the adoption of the RBURP by the City Planning Commission on March 20, 1968 (CP 20197) and by the Board of Estimate on June 20, 1968 (Calendar No. 18). The RBURP authorized the redevelopment of ten parcels with 2,700 dwelling units, commercial space, community facility space and open space. The Large Scale Residential Development Plan (LSRD) was created in order to help implement the development of the RBURP. The RBURP expired in 2008, however the 1971 LSRD still governs the site.

Title to the property acquired pursuant to the RBURP vested in the City of New York on September 3, 1968. The RBURP was amended on September 22, 1971 (CP-21714) to permit the development of 2,300 dwelling units, the creation of a park, commercial space and a school. All three developments included in this application (Knickerbocker Plaza, Ruppert Tower, and Yorkville Tower) were originally developed as affordable housing rentals under the Mitchell-Lama program. In 2003, Ruppert Tower and Yorkville Tower became market-rate condominiums and in 2008 Knickerbocker Plaza became market-rate rentals.

Proposed Development

All three proposals involve the redesign of existing pedestrian access and waiting areas within the garages. The only external visible changes to the garages will be the installation of additional speed bumps at the garage entrances and stop signs at the exit ramps.

The applicant has stated that the purpose of the increase in parking capacity in the three buildings is to accommodate the increased demand from both residents of the three buildings and the public at large. Certificates of Occupancy for all three garages indicate that they may include parking for non-residents with no limitation as to time and that residents may recapture any of the non-resident parking spaces upon thirty (30) day written notice to the owner.

C 180181 ZSM: Knickerbocker Plaza Garage

Pursuant to Certificate of Occupancy No. 76060 issued on October 17, 1975, the Knickerbocker Plaza building contains an accessory unattended parking garage with a Department of Consumer Affairs (DCA) licensed capacity of 104 self-parking spaces, comprised of one level at grade and two below-grade levels. The Knickerbocker Plaza is currently at an over permitted capacity with 187 overnight vehicles, of which approximately 25% are owned by residents of Knickerbocker Plaza and 75% are owned by members of the general public. The Knickerbocker Plaza Garage currently contains 20 bicycle parking spaces as well as several Zipcar parking spaces which fluctuate according to demand and use. There are three electric charging stations (two Tesla chargers and one universal) with services that are charged to users.

The special permit will allow for the enlargement and legalization of the capacity of the garage from 104 self-parking spaces to 202 attended spaces, an increase of 98 parking spaces.

Of the Knickerbocker Plaza building's existing 578 dwelling units, the current number of 104 parking spaces represents 18% of dwelling units, with the proposed addition to 202 total parking spaces representing 35% of dwelling units. There will be no dedicated spaces for Zipcar or car share services. Knickerbocker Plaza garage changes also include an increase to 10 reservoir spaces, 150 spaces for bicycle parking, and continued maintenance of the three electric charging stations. A Residential Growth Parking Study is not required for the increase of parking spaces at Knickerbocker Plaza garage pursuant to ZR § 13-455(a)(2).

C 180182 ZSM: Ruppert Tower Garage

Pursuant to Certificate of Occupancy No. 83580 issued on May 2, 1983, the Ruppert Tower building contains an accessory unattended parking garage with a DCA licensed capacity of 220 self-parking spaces, comprised of one level at-grade and one below-grade level. The Ruppert Tower garage is currently at an over permitted capacity with 370 overnight vehicles. Approximately 27% of the overnight parkers are residents of Ruppert Tower and approximately 73% are from the general public. The Ruppert Tower garage currently contains 22 bicycle parking spaces and three electric charging stations (two Tesla chargers and one universal), and Zipcar parking spaces which fluctuate according to demand and use.

The proposal is to enlarge the capacity of the garage from 220 self-parking spaces to 370 attended spaces, an increase of 150 parking spaces, which will accommodate the overcapacity of vehicles. Of Ruppert Tower building's existing 555 dwelling units, the current number of 220 parking spaces represents 40% of the existing dwelling units, with the proposed addition to 370 total parking spaces constituting 67% of the existing dwelling units. If the special permit is approved, the garage will increase the number of bicycle parking to 37 spaces to be compliant with §20-327.1 of the NYC Administrative Code. The Ruppert Tower garage changes will also include an increase to 19 reservoir spaces, 15 spaces for Zipcar parking, and the continued maintenance of the three electric charging stations. A Residential Growth Parking Study was completed as part of this proposal for the Ruppert Tower garage pursuant to ZR §13-455(a)(1).

C 180183 ZSM: Yorkville Tower Garage

Pursuant to Certificate of Occupancy No. 5715 issued on June 3, 1975, the building contains an accessory, unattended parking garage with a DCA licensed capacity of 301 parking spaces, comprised of one level at-grade and three below-grade levels. This is also consistent with the most recent Certificate of Occupancy issued on May 6, 2004 (CO No. 101018998). The Yorkville Tower Garage is currently at an over permitted capacity with 506 overnight vehicles. Approximately 24% of the overnight parkers are residents of Yorkville Tower and approximately 76% are from the general public. The Yorkville Tower garage currently contains 22 bicycle parking spaces and three electric charging stations (two Tesla chargers and one universal). There are Zipcar parking spaces available which fluctuate according to demand and use.

The proposal is to enlarge the capacity of the garage from 301 self-parking spaces to 506 attended spaces, an increase of 205 parking spaces. Of Yorkville Tower Building's 709 dwelling units, the current number of 301 self-parking spaces represents 42% of the existing dwelling units, with the proposed addition to 506 total parking spaces representing 71% of the existing dwelling units. The Yorkville Tower garage changes will also include an increase to 25 reservoir spaces, 74 spaces for bicycle parking, 20 spaces for Zipcar parking, and the continued

maintenance of the three electric charging stations. A Residential Growth Parking Study was completed as part of this proposal for the Yorkville Tower garage Garage pursuant to ZR § 13-455(a)(1).

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, issuing a negative declaration on October 29, 2018 (CEQR No. 16DCP022M).

Area Context

The Project Site is located in the Yorkville neighborhood of the Upper East Side of Manhattan in Community District 8 within a C2-8 commercial zoning district. Pursuant to ZR § 34-112, the Project Site has an R10 residential equivalent allowing an as-of-right residential floor area ratio (FAR) of 10.0. The C2-8 district extends northward and southward along Third Avenue and eastward to Second Avenue along East 91st Street and James Cagney Place, encompassing the entire blocks from East 90th Street to East 92nd Street between Second and Third Avenues. The blocks from East 92nd Street to East 94th Street between Second and Third Avenues are partially zoned C2-8, C4-6, and R8. C4-6 is a commercial zoning district, which, pursuant to ZR § 34-112 also has an R10 residential equivalent. R8 is a residential zoning district, which pursuant to ZR § 23-151 has a maximum as-of-right FAR of 6.02. Other mid-blocks in the area are zoned R8B which allows a maximum residential FAR of 4.0 (pursuant to the Quality Housing provisions of ZR § 23-153). The immediate surrounding area is predominately multi-family residential with commercial store fronts along the avenues.

The four block radius of the RBURP/LSRD contains several buildings in excess of 20 stories. Additionally, just outside of RBURA/LRSD are several tall buildings including: (1) 1589 Third Avenue, south of East 90th Street, a 29 story building with 213 dwelling units, and (2) 1760 Second Avenue, between 91st Street and 92nd Street and across from the project site, a 34 story building with 140 dwelling units. Virtually all other residential development in the area consists of four to six story buildings. Buildings along Second and Third Avenues have commercial store fronts at the ground floors. The applicant reports a net increase of 1,553 housing units (in new construction, expansions, and conversions) within a one-third mile study area surrounding the Project Site between 2007 and 2017.

The area is very well served by mass transit, with the M98, M101, M102, and M103 buses running uptown along Third Avenue and downtown along Lexington Avenue. Additional buses in the area include the M15 bus which runs downtown along Second Avenue and uptown along First Avenue, the M96 bus that runs east-west along 96th Street between First Avenue and West End Avenue, and the M86 bus that runs east-west along 86th Street from Broadway to New York Avenue and then up York Avenue to 92nd Street. East 90th Street has a shared bicycle lane running eastbound.

This area has access to a number of operating subway lines including the Q, 4, 5, and 6 trains. The new Second Avenue subway, which provides Q train service, is located at 96th Street and Second Avenue. The Lexington Avenue line (4, 5, and 6 train) is located two blocks to the west, with an express station at East 86th Street and a local station at East 96th Street (the 6 train). The Q train's 86th Street station is located four blocks south along Second Avenue from the Development Site, and the Q train's East 96th Street station has an entrance on East 94th Street, three blocks from the Development Site.

Proposed Actions

The proposed actions by the Applicant shall comply with ZR § 13-45 Special Permits for Additional Parking Spaces and requirements of ZR § 13-455 Additional parking spaces for existing accessory off-street parking facilities.

The Applicant proposes that Application No. C 180181 ZSM for the Knickerbocker Plaza Garage complies with the ZR specific to § 13-455(a)(2)(ii).

The Applicant proposes that Application No. C 180182 ZSM for the Ruppert Tower Garage complies with the ZR specific to § 13-455(a)(1), stating that finding (a) of ZR § 13-451 (Additional parking spaces for residential growth) is met.

The Applicant proposes that Application No. C 180183 ZSM: Yorkville Tower Garage complies with the ZR specific to § 13-455(a)(1), stating that finding (a) of ZR § 13-451 (Additional parking spaces for residential growth) is met.

COMMUNITY BOARD RECOMMENDATION

At its full board meeting on December 18, 2018, CB8 tabled the vote for parking special permits citing concerns of inadequate information in order to make an appropriate deliberation at that time. CB8 requested more detail about the existing 10-year lease between the applicant and the parking operator, GGMC Parking, of the three garages. CB8 requested more information regarding protections for building tenants that utilize the garages either through discount prices or mandated parking spaces for tenant use. CB8 also requested more information about the number of parking spaces that will be designated for more sustainable transit options, such as bike parking or car-share services.

At the next full board meeting on January 23, 2019, CB8 **approved** the three parking special permits by a vote of 32 in favor, 4 opposed, 1 abstention, and 1 not voting for cause. The applicant returned to CB8 with more information regarding the existing 10-year lease with the parking operator, stating that parking rates will continue to stay the same for both residents and the public as the owner is unable to mend the lease. The applicant also clarified that only the users of the electric charging stations will pay for the charging services. In its resolution, CB8 stated that increasing parking spaces in the three garages will lessen the burden on curbside parking, leading to less traffic congestion and environmental air pollution of the neighborhood.

BOROUGH PRESIDENT’S COMMENTS

While excessive car congestion certainly has adverse effects on the character of the Upper East Side, I believe that the granting of additional parking spaces in these three garages are inappropriate given that they are located in a well-served, transit-rich area. The increase of 453 parking spaces incentivizes residents and the public to choose private car use over public transit in addition to providing ample opportunity for unfavorable, long-term car storage parking. This is in a neighborhood where many billions of taxpayer dollars were just recently spent constructing Phase I of the Second Avenue Subway.

While the applicant argues that supplying 453 parking spaces will reduce the number of drivers circling the block in search of curbside parking and thereby reduce overall traffic and air pollution, I believe that the granting of this high number of parking spaces will only be a short-term solution for these concerns. If approved, the greater available supply of parking spaces will only heighten the ability and opportunity for car-use and car ownership by the buildings’ inhabitants, visitors, and neighborhood residents, and in the long-term contribute to increased air pollution and traffic levels that will again warrant additional requests to for further neighborhood parking supply. Thus, I recommend disapproval of these three special permits as they create future conditions for increased car-use, traffic, and pollution on the Upper East Side, contrary to the objectives named in this request.

Nevertheless, I understand that CB8 is in favor of approving these special permits as cars parked on side-streets are a common occurrence in this area and because there is a significant amount of new construction, expansions, and conversions within a one-third mile radius of the Project Site within the last ten years as mentioned by the applicant. In addition, the applicant has made clear that each of the three parking garages is experiencing an over-permitted capacity of parked vehicles. While I agree that there is an increased demand for parking in the neighborhood compared to the 1970s, I do not support legalizing over-permitted use of parking garages after illegal, over-permitted parking has become normalized. The landlord, as well as the garage operator, should not be rewarded for not complying with zoning that exists for the welfare and safety of building residents and community. Thus, while I disagree with the granting of these three special permits to allow for additional parking spaces that rewards the landlord and garage operator, I would advise significant modifications to the application should the special permits be approved.

Currently, building residents, community visitors, and individuals of the neighboring community pay the same price of parking in the three facilities. Other than the certificates of occupancy, which indicate that residents “may recapture any of the non-residential parking spaces upon thirty (30) day written notice to the owner,” neither the landlord nor the garage operator, GGMC Parking, has detailed the further benefits for building residents who park in the structures. I suggest a modification of the proposal for more stringent protections or financial concessions for the building’s residents should the special permits be granted as the garages will be increasingly used by the general public.

While I recommend disapproval of these special permits that would allow a significantly larger number of parking spaces in an already-transit rich area, I understand the desire to meet current parking demands beyond the original 1970s levels. As such, should the special permits be

approved, I recommend significant modifications to the application to include efforts towards providing spaces for sustainable modes of transportation. This includes an expansion of the number of required electric charging stations in each of the three garages as well as an expansion of spaces reserved for car-share programs and bike parking.

I recommend at least 10 electric vehicle charging stations in the Knickerbocker Plaza garage, 20 electric vehicle charging stations in the Ruppert Tower garage, and 25 electric vehicle charging stations in the Yorkville Tower garage. I also recommend at least ten spaces in the Knickerbocker Plaza garage be reserved for car-share services, as the facility currently has none. While New York City Administrative Code § 20-327.1 (Bicycle Parking Spaces) provides guidelines for ratios for bike parking spots in garages, I suggest treating these guidelines as required minima for bike parking. I therefore recommend that the amount of bicycle parking spaces be matched with the increase of car parking spaces including at least 50 bicycle spaces in the Ruppert Tower garage.

In conclusion, while I recommend disapproval of these special permits, in light of CB8's approval I suggest greater efforts by the applicant to ensure increased options for residential protections and sustainable transportation.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **disapprove with modifications** of Special Permit Application Nos. N 180181 ZSM, N 180182 ZSM, and N 180183 ZSM. Specific modifications include the following:

- Significantly lower parking rates for residents of the respective buildings;
- At least 10 electric vehicle charging stations in the Knickerbocker Plaza garage;
- At least 20 electric vehicle charging stations in the Ruppert Tower garage;
- At least 25 electric vehicle charging stations in the Yorkville Tower garage;
- At least 10 spaces in the Knickerbocker Plaza garage be reserved for car-share services;
- At least 50 bicycle spaces in the Ruppert Tower garage.



Gale A. Brewer
Manhattan Borough President