



CITY PLANNING COMMISSION

July 22, 2009/Calendar No. 11

C 090036ZSM

IN THE MATTER OF an application submitted by 150 Charles Street Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 110 spaces on the cellar level of a proposed building on property located at 150 Charles Street (Block 636, Lot 70), in a C1-7 District, Borough of Manhattan, Community District 2.

The application was filed by 150 Charles Street Holdings, LLC on July 21, 2008, for a special permit pursuant to Section 74-52 and Section 13-562 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 110-spaces on a site located at 150 Charles Street.

BACKGROUND

The site is located in C1-7 District, on the block bounded by Charles Street, West 10th Street, and West and Washington streets, in the Far West Village portion of lower Manhattan. The proposed garage would be located on the cellar level of an existing four-story building located at 150 Charles Street that is being converted to as-of-right residential use. The proposed residential development will contain 97 residential units (87 apartments and 10 townhouses).

The conversion was facilitated by two actions approved in 2007: a Zoning Text Amendment (N 070394 ZRY) to waive the open space requirements contained in Section 15-12 (Open Space Equivalent) for the portion of the building being to converted to residential use and an Authorization pursuant to the amended text (N 070395 ZAM) to allow the maximum Floor Area Ratio to be achieved on the subject site irrespective of the site meeting its required height factor or

open space requirements. At that time, the proposed conversion also included an as-of-right, 12 space accessory parking garage in the building's cellar.

While the Far West Village portion of lower Manhattan had been occupied and characterized by maritime and industrial uses, over the course of the last 30 years the Far West Village has become predominantly residential, with a mixture of residential buildings including walk-up apartment buildings, converted loft buildings, row houses, and more recent, taller structures, including the three 17-story residential buildings on West Street between Charles and Perry streets. The eastern edge of the project site abuts a five-story residential building which extends the length of Washington Street between West 10th and Charles streets. The western edge of the project site abuts six buildings which range in height from one- to four-stories and contain a mix of residential and commercial uses. Buildings of similar scale containing a similar mix of uses are also located on three of the four blocks surrounding the project site. Directly west of the project site, across West Street, are Piers 52 and 53 of Hudson River Park. West 10th Street is one way westbound and Charles Street is one way eastbound.

The C1-7 zoning district in which the property is located allows a maximum residential FAR of 6.02 and a maximum commercial FAR of 2.0.

The applicant has applied for a special permit pursuant to Sections 13-562 and 74-52 to facilitate the construction of a 21,915 square foot, 110-space attended public parking garage in the cellar level of the residential development. Access to the garage would be via two 15 foot curb cuts, inclusive of splays, to be located on Charles Street. One of these curb cuts would provide access

to a through-driveway and drop-off area for the building. A 25 foot curb cut inclusive of splays on West 10th Street would serve as the exit for both the garage and the driveway. A flashing light and warning bell would be installed at the exit to alert pedestrians of exiting cars.

ENVIRONMENTAL REVIEW

This application (C 090036ZSM) 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 08DCP057M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 2, 2009. Subsequent to the negative declaration being issued, the application was modified to reflect a reduction in the number of parking space from 110 to 92 and the addition of approximately 1025 square feet of bicycle parking. These changes were reviewed pursuant to a revised Environmental Assessment Statement dated June 18, 2009, and a revised Negative Declaration was issued on July 22, 2009.

UNIFORM LAND USE REVIEW

This application (C 090036ZSM) was certified as complete by the Department of City Planning on March 2, 2009, and was duly referred to Community Board 2 and the 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 2 held a public hearing on this application (C 090036ZSM) on April 16, 2009 and on April 23, 2009, by a vote of 39 to 0 with 1 recusal, adopted a resolution recommending approval of an attended 92-space public parking garage.

Borough President's Recommendation

This application was considered by the Borough President, who issued a recommendation on May 27, 2009, approving the application on condition that the applicant

- reduce the number of proposed parking spaces
- provide bicycle parking and related signage
- provide Zipcar parking spaces (or a similar concept)
- prioritize monthly overnight parking
- charge the same rate to the public as it proposes for the residents of 150 Charles Street.

City Planning Commission Public Hearing

On May 20, 2009 (Calendar No. 3), the City Planning Commission scheduled June 3, 2009 for a public hearing on this application (C 090036ZSM). The hearing was duly held on June 3, 2009 (Calendar No. 14). There were two speakers in favor of the application and one speaker in opposition.

The applicant's attorney described the project and the operation of the garage. He noted that in response to the recommendations of the community board, the number of spaces has been reduced from 110 to 92, parking for 50 bicycles has been added, and spaces for Zipcar use (or a similar concept) would be provided. In response to the Borough President's recommendation, he indicated that the applicant has agreed to prioritize monthly overnight parking with a priority for

neighborhood residents including residents of the subject building and that the public and building residents would be charged the same rate for parking.

The applicant's environmental consultant further elaborated on the garage's operations and stated that the garage would not have a negative affect on the area's traffic circulation. He noted that the seven parking garages in the area have a total of 1100 spaces and four of the garages have a higher utilization rate at night than during the day. In addition, while there are a number of surface parking lots, these spaces will be lost over time as these lots are developed.

A representative of the Borough President noted that the Borough President reiterated the Borough President's recommendation.

A representative of the Tri-State Transportation Campaign (TSTC) spoke in opposition. The speaker stated his belief that the availability of parking induces car ownership, which leads to additional traffic congestion. He noted the availability of numerous public transit options within a half-mile radius of the site.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that grant of this special permit (C 090036 ZSM) is appropriate. The Commission notes that on June 18, 2009, the applicant submitted a revised application which responded to concerns raised by the Community Board and the Borough President. The revisions include a reduction in the maximum number of parking spaces from 110 to 92, and the provision of

a minimum of 50 spaces of indoor bicycle parking spaces with signage indicating that the bicycle parking is available for the public. These revisions are reflected on plans submitted by the applicant on June 18, 2009. The applicant has also indicated its intent to give priority in the garage to monthly parkers and tenants of 150 Charles Street.

The Commission believes that the proposed 92-space attended public parking garage will be compatible with, and supportive of, the uses in the surrounding area. The Commission believes that the proposed garage will help meet the neighborhood demand for parking facilities generated by the growing number of residential buildings in the area and as well as by the area's proximity to the regional recreational facilities available at the Hudson River, including Piers 52 and 53 of the Hudson River Park, the nearby meat-market district and the recently opened High Line Park.

The Commission notes that according to the revised Environmental Assessment Statement prepared for the application, the garage is expected to generate not more than 36 vehicular trips during the weekday morning peak hour (between 9 a.m. and 10 a.m.), 15 vehicular trips during the weekday midday peak hour (12 p.m. – 1p.m.) and 21 vehicular trips during the weekday evening peak hour (between 5 p.m. and 6 p.m.). The Commission believes that the slight increase in traffic during the weekday morning and evening peak hours would not contribute to serious congestion or unduly inhibit pedestrians and that the streets providing access to the proposed garage can adequately handle the traffic generated by the proposed garage. The Commission further notes that the garage would have a flashing light and ringing bell at its entrances to visually and audibly alert pedestrians to the presence of an exiting vehicle.

The Commission notes that vehicles accessing the garage from both the north and the south would likely use Route 9A, a major, two-way, multiple-lane boulevard able to adequately handle the traffic generated by the proposed garage. The Commission further notes that use of Route 9A would allow vehicles entering and exiting the garage to avoid local streets in nearby residential areas. The garage will provide ten reservoir spaces.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

- (a) That such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
- (b) That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow;
- (c) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) That such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) That the streets providing access to such use will be adequate to handle the traffic generated thereby;
- (f) Not applicable; and
- (g) Not applicable.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant 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 Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 92 spaces on portions of the ground floor and in part of the cellar and sub-cellar of a proposed mixed use building on property located at 150 Charles Street (Block 636, Lot 70) in C1-7 District, Borough of Manhattan, Community District 2, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 090036ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Title</u>	<u>Last Date Revised</u>
Parking Plan – Ground Level	June 18, 2009
Parking Plan – Cellar Level	June 18, 2009

- 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 the 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 090036ZSM), duly adopted by the City Planning Commission on July 22, 2009, (Calendar No.11), 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.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman

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