



CITY PLANNING COMMISSION

October 5, 2011 / Calendar No. 3

C 080194 ZSM

IN THE MATTER OF an application submitted by Global Parking Solutions, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 20 spaces on portions of the ground floor and cellar of an existing residential building on property located at 151 West 17th Street (Block 793, Lot 5), in a C6-2A District, Borough of Manhattan, Community District 4.

The application was filed by Global Parking Solutions, LLC on November 28, 2007, for a special permit pursuant to Section 13-561 of the Zoning Resolution for a 20-space, accessory, attended parking garage in an existing residential building located at 151 West 17th Street (Block 793, Lot 5) in the Chelsea neighborhood of Manhattan Community District 4.

BACKGROUND

The applicant is requesting a special permit pursuant to Section 13-561 of the Zoning Resolution to facilitate the construction of a 20-space, attended accessory parking garage. Pursuant to Section 13-10 (Permitted Accessory Off-Street Parking Spaces) of the Zoning Resolution, accessory off-street parking spaces are permitted at a rate of 20% of the number of dwelling units.

The project site is located on the north side of West 17th Street (Block 793, Lot 5), between Sixth Avenue and Seventh Avenue. A small portion of the site extends through the block to West 18th Street. The site is currently developed with a 12-story, 50-unit residential building. The building contains an as-of-right, 10-space accessory parking garage located on portions of the ground and cellar levels. The garage is accessed from a curb cut on West 17th Street to a one-lane ramp, which descends down to an attendant kiosk on the cellar level. Near the entrance/exit ramp is a motion sensor for a traffic light located at the cellar level. The project site is located in a C6-2A zoning district.

Only 10 accessory parking spaces are permitted within the 50-unit residential building as-of-right. The applicant is proposing to expand the capacity of the parking garage to 20-spaces. The entrance and exit to the proposed garage would continue to be from the existing two-way, 14-foot wide curb cut on West 17th Street, located approximately 100 feet east of 7th Avenue. Near the entrance/exit ramp is a motion sensor for a traffic light located at the cellar level. Vehicles would continue to descend to the cellar level from the existing one-lane ramp to an attendant kiosk on the cellar level. When exiting the garage, cars wait for a green light in the cellar level then drive up the ramp to West 17th Street, which is one-way west-bound. Elevators provide access to the garage from within the residential building. Four reservoir spaces are provided. A

flashing light and ringing bell would be placed at the entrance/exit to the garage to alert pedestrians of entering and exiting cars.

Land uses within the area include residential, commercial, and institutional uses. The subject block includes loft buildings converted to residential use and walk-up residential buildings that range in height from five to eight stories. Many of these buildings have commercial uses on the ground floor. The Rubin Museum of Himalayan Art is located on the corner of West 17th Street and Seventh Avenue. A private school for 6th through 12th grade students is located on the south side of West 17th Street.

A previous application (ULURP No. C040223 ZSM) for a Special Permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a 32-space public parking garage in this building was disapproved by the City Planning Commission on August 24, 2005. However, in its report on that application, the Commission acknowledged that an accessory public garage could potentially be more appropriate for the location.

ENVIRONMENTAL REVIEW

This application (C 080194 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 08DCP041M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 23, 2011.

UNIFORM LAND USE REVIEW

This application (C 080194 ZSM) was certified as complete by the Department of City Planning on May 23, 2011, and was duly referred to Community Board 4 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 4 held a public hearing on this application on July 27, 2011, and on that date, by a vote of 36 to 2 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President of Manhattan, who issued a recommendation on August 30, 2011, approving the application.

City Planning Commission Public Hearing

On August 24, 2011 (Calendar No. 1), the City Planning Commission scheduled September 7, 2011 for a public hearing on this application (C 080194 ZSM). The hearing was duly held on September 7, 2011 (Calendar No. 11). There were two speakers in favor of the application and none in opposition.

An attorney representing the applicant spoke in favor of the application. He described the project and stated that both the community board and Borough President have issued statements recommending approval of the application.

A representative of the Manhattan Borough President also spoke in favor of the application, reiterating the Borough President's recommendation of approval of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit (C 080194 ZSM) is appropriate.

The Commission notes that a Special Permit (ULURP No. C040223 ZSM) pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a 32-space public parking garage in this building was disapproved by the City Planning Commission on August 24, 2005. The Commission also notes that the report acknowledged an accessory garage may be more appropriate for the location.

The Commission believes that 10 parking spaces are insufficient to serve the needs of the residents of 151 West 17th Street. The Commission notes that the proposed garage would double the number of parking spaces available to the residents 151 West 17th Street and believes that the requested 20 spaces would serve residents in the 50 residential units.

The Commission is aware that there are few parking garages in the immediate vicinity of the proposed garage site, and that these garages operate at high capacity levels.

The Commission notes that the number of spaces proposed for the garage falls below the threshold number stated in the CEQR Technical Manual required for further study, and that the proposed garage would likely result in a minimal increase in traffic. The Commission believes that the small increase in accessory spaces would not unduly inhibit traffic and pedestrian flow.

The Commission recognizes that the garage is located on a block that is mixed in character, with many ground floor commercial uses. The garage would be accessed by West 17th Street, a one-way, west-bound street. Drivers entering the garage would most likely reach West 17th Street by

Sixth Avenue, which is a north-bound, major commercial thoroughfare. Drivers exiting the garage would most likely travel south-bound on Seventh Avenue, which is also a major commercial thoroughfare. The Commission believes this garage would not draw more than a minimum amount of vehicular traffic through local residential streets.

The Commission notes that stop signs and visual and audible warning devices will be placed at the West 17th Street entrance/exit to the garage to reduce potential vehicle and pedestrian conflicts. The Commission also notes that the required number of reservoir spaces (4 spaces) will be provided on the cellar level of the building.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 13-561 (Accessory off-street parking spaces) of the Zoning Resolution.

1. That such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;
2. That, within the vicinity of the site, there are insufficient parking spaces available;
3. That the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
4. That the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
5. That adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces.

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, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Global Parking Solutions, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 20 spaces on portions of the ground floor and cellar of an existing residential building on property located at 151 West 17th Street (Block 793, Lot 5), in a C6-2A District, Borough of Manhattan, Community District 4 is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 080194 ZSM) shall be developed in size and arrangement with accessory parking of no more than 20 spaces, substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Experion Design Group, filed with this application and incorporated in this resolution:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
A-003.05	Floor Plan and Car Path	May 19, 2011
A-004.05	Floor Plan and Car Path	May 19, 2011

- 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 080194 ZSM), duly adopted by the City Planning Commission on October 5, 2011 (Calendar No. 3), 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

RICHARD W. EADDY, Vice Chair

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN C. CANTOR, P.E.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,

NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,

SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

August 1, 2011

Hon. Amanda M. Burden, Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Re: Application No. C 080194 ZSM – Application for a Special Permit to Increase the Number of Accessory Off-Street Parking Spaces

Dear Chair Burden:

On the recommendation of its Chelsea Preservation and Planning Committee, Manhattan Community Board 4 voted at its regularly scheduled meeting on July 27, 2011 to recommend the approval of the application for a special permit to increase the number of accessory off-street parking spaces at 151 West 17th Street from ten to twenty. The vote was 36 yes, 2 No, 0 abstentions, and 0 present not eligible.

The parking garage is a separate condominium located within a 12-story residential building and provides ten accessory parking spaces for the building's 50 dwelling units. The applicant states that the building's management has informed him that residents have requested parking spaces and that some residents have approached him directly, seeking spaces. The applicant seeks to add ten additional accessory parking spaces to satisfy this demand and states that all twenty spaces will be available only to building residents.

The applicant has corrected problems caused by a previous owner, including issuing a remote door control unit to each parking tenant so that the garage door remains closed when not being used, and appears to manage a well-run facility. The proposed plan would provide twenty parking spaces and four reservoir spaces. Since cars would be parked two deep, a daytime attendant would be on the premises. The applicant states that he lives nearby and that in emergencies parking tenants could call him for access to their cars. We have reservations about how well this will work in actual practice, but as long as parking tenants are told in advance we have no objection.

We have reviewed the applicant's representations on use, availability, congestion, traffic in residential streets and reservoir space as required by ZR 13-561 and believe that the requested increase in accessory parking spaces will not adversely affect the community. We recommend that the City Planning Commission approve the application for the special permit.

Sincerely,



Corey Johnson
Chair
Manhattan CB4



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning



Bret Firfer, Co-Chair
Chelsea Preservation and Planning

cc: Honorable Christine Quinn, Speaker, New York City Council
Honorable Scott Stringer, Manhattan Borough President
Honorable Jerrold Nadler, Member of United States Congress
Honorable Tom Duane, New York State Senator
Honorable Richard N. Gottfried, Member, New York State Assembly
Edith Hsu-Chen, Erika Sellke – DCP
Anthony Petraro, Esq. – representative for applicant
Global Parking Solutions, applicant



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

August 30, 2011

Recommendation on
ULURP Application No. C 080194 ZSM – 151 W. 17th Street Accessory Parking Garage
by Global Parking Solutions, LLC

PROPOSED ACTIONS

Global Parking Solutions, LLC seeks a **special permit pursuant to Section 13-561 of the Zoning Resolution** (“ZR”) to allow the expansion of an accessory parking garage at 151 West 17th Street (Block 793, Lot 7505 [historic lot 5]). The building is located in a C6-2A zoning district in Manhattan Community District 4. The City Planning Commission issued a negative declaration for this application on May 23, 2011.

In order to grant the special permit, the City Planning Commission must find that (a) the additional spaces are needed for and will be used by, occupants, visitors, or employees of the building; (b) there is insufficient parking space available within the vicinity of the site; (c) the additional trips will not create or contribute to serious traffic congestion nor inhibit vehicular and pedestrian movement; (d) the entrance is located to draw a minimum amount of vehicular traffic to and through local streets; and (e) that there are an adequate number of reservoir spaces.

PROJECT DESCRIPTION

The applicant seeks a special permit to expand a 10-space accessory parking garage to a 20-space, attended accessory parking facility in an existing building at 151 West 17th Street. The additional spaces will be located in the current 10,200 sq. ft. parking area with four reservoir spaces located on the garage’s ramp. The subject property is a 50-unit residential condominium building located approximately 100 feet from the northeast corner of 17th Street and 7th Avenue between 6th and 7th Avenues.

The garage will continue to be accessed by a 14-foot curb cut on 17th Street, approximately 100 feet east of 7th Avenue. There is no change proposed to the sign above the curb cut that reads “PARKING.” Vehicles will descend a short, one-lane ramp through the garage door, which will remain open from 6:00 am until midnight, past an attendant booth and make a U-turn into the parking area where cars will be parked two-deep. The flow of cars leaving and entering via the

single lane ramp will be controlled by the motion sensor warning system currently in place. The upper floors of the building are accessible by elevator.

The garage is to be used exclusively by residents, building visitors and building employees. Absent the proposed special permit, the 10 accessory parking spaces would continue as-of-right.

151 West 17th Street is located within a C6-2A zoning district. The block is largely comprised of mixed residential and commercial buildings, between five and ten stories in height with retail uses on the ground floors. The Winston Preparatory School is in the middle of the block on the south side of 17th Street and the Rubin Museum of Art occupies a large portion of the southeast corner of 17th Street and 7th Avenue, directly opposite the subject property. There are 18 public garages or parking lots within ¼-mile of the subject property.

COMMUNITY BOARD'S RECOMMENDATION

At its Full Board meeting on July 27, 2011, Community Board 4 recommended approval of this ULURP application by a vote of 36 in favor and 2 opposed.

BOROUGH PRESIDENT'S COMMENTS

The public purpose of ZR § 13 is to control traffic congestion and ensure compliance with environmental standards by requiring a special permit for certain parking facilities, including accessory parking garage enlargements, in the Manhattan core. With increasing public concern about traffic congestion and pollution and recent City initiatives to discourage automobile use in the core, this policy has never been more relevant. Given the importance of this public purpose, applicants should satisfy the findings required by ZR § 13-561 under a very strict interpretation.

Case law establishes that applicants for a special permit are generally entitled to favorable consideration of their applications if they have demonstrated that they have met the specific findings identified in statute. However, given the important public purpose behind the special permit requirement and the importance of encouraging transit-based development instead of automobile use in Manhattan, applicants should satisfy the findings under as strict an interpretation as is reasonable.

The applicant generally meets the applicable findings. Due to its small size, the garage would be unlikely to cause or contribute to significant traffic congestion, as it is typically measured, and would likely have limited interruption of pedestrian flow. Furthermore, the application has the required number of reservoir spaces and will draw a minimum of traffic through local streets.

The proposed garage is intended to serve residents, building visitors and building employees. The applicant asserts that the existing 10 spaces are fully utilized and that the building's management maintains a list of building occupants who have appealed for more accessory parking. The application proposes a parking space to residential unit rate of 40%.

151 West 17th Street is in Census Tract 81. According to 2000 U.S. Census figures, the rate of vehicle availability among owner-occupied housing units in this tract is 34.5%. In 1999, the median income among owner-occupied households in Census Tract 81 was \$91,953. Based on

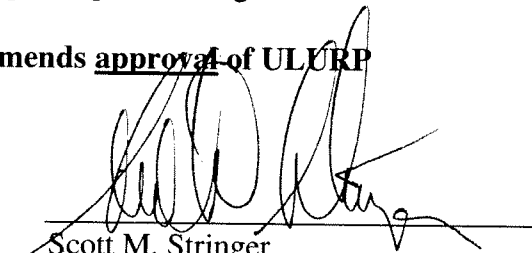
sales of residential units at 151 West 17th Street, the applicant posits that the average household income at this address is roughly \$225,000 annually. Using 2000 U.S. Census data from a sample of tracts with comparable household incomes on the Upper East Side, the average rate of vehicle availability among owner-occupied housing units is 55%. The application proposes a parking space to residential unit rate of 40%, which is reasonable for households in this geography and estimated income category.

Additionally, at the request of the Manhattan Borough President's office, the applicant conducted a survey of the existing parking facilities in the area. There are 18 parking lots and garages within a ¼-mile of 151 West 17th Street totaling 1,880 parking spaces. The applicant's survey analyzed occupancy rates of these facilities during the midday work week peak. On average, 5% of parking spaces were observed to be unoccupied with several garages operating at or above capacity. These figures demonstrate that there is insufficient parking available in the vicinity of the subject property.

BOROUGH PRESIDENT'S RECOMMENDATION

The proposed garage satisfies the required findings of this special permit. The expansion of the existing garage at 151 West 17th Street by 10 parking spaces will appropriately serve the building's tenants and supplement the scarcity of public parking in the neighborhood.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 080194 ZSM.



Scott M. Stringer
Manhattan Borough President