



CITY PLANNING COMMISSION

August 8, 2007, Calendar No. 24

C 070211 ZSM

IN THE MATTER OF an application submitted by Gaia House, 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 accessory parking facility with a maximum of 15 spaces on a portion of the ground floor, portions of the 2nd - 11th floors, 13th - 14th floors, 16th floor and 18th floor of a proposed 18-story residential building on property located at 200 Eleventh Avenue (Block 695, Lots 67, 68, 69 & 70), in a C6-3 District within the Special West Chelsea District (Subarea D), Community District 4, Borough of Manhattan.

The application was filed by Gaia House, LLC on November 16, 2006 for a special permit pursuant to Section 13-561 of the Zoning Resolution for a 15-space accessory parking garage in a proposed 18-story residential building located at 200 Eleventh Avenue.

BACKGROUND

The project site is an approximately 7,427 square foot corner zoning lot comprised of four tax lots (67, 68, 69 and 70) on the southeast corner of Eleventh Avenue and West 24th Street. An approximately 59,056 square-foot, residential building with sixteen units is under construction on the site. The project site is located within the Special West Chelsea District (WCh), Subarea D, in a C6-3 zoning district.

Land uses around the site include a mix of residential, commercial, open space and light industrial uses. Directly to the north of the site are several commercial-gallery and light manufacturing uses. A U.S. Postal Service vehicle maintenance facility and a mini-storage facility lie to the northwest of the site, and to the southeast is the residential corridor of West 23rd Street. Immediately to the south of the site is a single-room occupancy building. Chelsea Waterside Park lies directly west of the site, across Eleventh Avenue.

The applicant is requesting a special permit pursuant to Section 13-561 of the Zoning Resolution to facilitate construction of a 15-space, accessory parking garage. An as-of-right accessory parking garage on the site could have up to three spaces.

The garage will be a mechanical facility that will allow parking directly outside an individual residential unit. The entrance to the proposed garage would be via a 13-foot curb cut on Eleventh Avenue, which has two-way traffic between West 14th Street and West 24th Street. The parking garage would consist of a freight-type elevator, onto which the car is driven. The elevator then takes the car and driver up to the requested unit level. The driver backs the car into an approximately 300 square foot private parking area, with access to the residential unit. To exit, the driver summons the elevator, drives the car onto it, then drives out of the elevator at ground level and exits the site on West 24th Street via 13-foot curb cut. Vehicles exiting the garage must proceed east down West 24th Street, which is a one-way east-bound street. A flashing light and ringing bell will be placed at the exit to the garage to alert pedestrians of exiting cars.

ENVIRONMENTAL REVIEW

This application (C 070211 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 07DCP011M. 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 March 12, 2007.

UNIFORM LAND USE REVIEW

This application (C 070211 ZSM) was certified as complete by the Department of City Planning on March 12, 2007, 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 May 2, 2007, and on that date, by a vote of 31 to 10 with 0 abstentions and 1 present but not eligible, adopted a resolution recommending disapproval of the application, with the following comments:

- The application is contrary to the general purposes of the City's Comprehensive Off-Street Parking Regulations in Section 13-00 of the Zoning Resolution, which provides: "...These regulations are a significant step forward towards bringing the Zoning Resolution into conformity with current environmental programs and safety standards concerning air pollution in the Borough of Manhattan..." and to ZR13-12 which limits accessory parking spaces in new residential developments south of 60th Street to the lesser of 20 percent of the number of new dwelling units or 200 spaces. The application seeks a special permit pursuant to ZR 13-561 to exceed that limit and provide parking spaces for almost all of the new units.
- The application is contrary to PLAN NYC's recently-announced program to reduce vehicle trips and presence in mid-Manhattan.

- The application is contrary to the general practice of Manhattan Community Board 4 to limit accessory parking to the minimum permitted amount because of the severe impact in our area of traffic congestion and pollution.
- The application does not present sufficient evidence that all of the findings required by ZR 13-561 can be made. In particular, there is no evidence that the parking spaces are needed for the new building (finding (a)), or that “within the vicinity of the site there are insufficient parking spaces available” (finding (b)), and, as discussed below, we are very concerned about traffic congestion in the area (finding (c)).
- The application, if granted, would by permitting accessory parking for some 90 percent of the apartments, set a dangerous and unwarranted precedent undercutting the intent of the Zoning Regulation if applied to larger buildings.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on June 18, 2007, approving the application with the condition that “...the garage is limited to 13 total spaces.”

City Planning Commission Public Hearing

On June 20, 2007 (Calendar No. 12), the City Planning Commission scheduled July 11, 2007 for a public hearing on this application (C 070211 ZSM). The hearing was duly held on July 11, 2007 (Calendar No. 42). There were six speakers in favor of the application and no speakers in opposition.

The applicant’s counsel briefly described the project and the garage’s operation. The developer’s counsel discussed car ownership rates of high-income families. The elevator engineer of the building explained how the car elevator would operate. Two of the building’s architects and a traffic consultant also appeared in favor. The Director of Land Use from the

Manhattan Borough President's Office reiterated the Manhattan Borough President's conditional recommendation.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for special permit (C 070211 ZSM) is appropriate.

The Commission acknowledges that the garage would serve the residents of 15 of the 16 units within the residential building that is currently under construction on the project site. The Commission recognizes that there is limited existing public parking in the immediate vicinity and that there is limited capacity within these facilities. Furthermore, the Commission recognizes that the rezoning of the area between Tenth and Eleventh avenues in 2005 has led to new residential and commercial development on lots that now provide parking and that these new developments will themselves generate additional demand for parking spaces. The development of the High Line elevated rail structure into a public open space and continued growth of the West Chelsea art gallery district may create further demand for existing parking spaces in the area of the new development. The Commission therefore believes that the proposed garage would appropriately serve the needs of the residents of the residential building.

The Commission notes that the Environmental Assessment Statement prepared for the application indicated that the proposed garage would likely result in a minimal increase in traffic.

The Commission believes that the small increase would not unduly inhibit traffic and pedestrian flow.

The Commission understands that stop signs and visual and audible warning devices will be placed at the West 24th Street exit to the garage to reduce potential vehicle and pedestrian conflicts. The Commission notes that the required number of reservoir spaces (3 spaces) will be provided on the ground floor of the building.

The Commission recognizes the comments of Community Board 4 regarding broader parking policy issues and concerns. The Commission notes that the Environmental Assessment Statement, as well as supplemental materials provided to the Community Board and Borough President, demonstrate the need for the additional accessory parking spaces within the proposed development and the ability for the proposed development to satisfy the findings required by Section 13-561 of the Zoning Resolution.

The Commission acknowledges the Borough President's recommendation of approval of the garage with the condition that the garage hold only 13 spaces. The Commission understands that supplemental information provided to the Borough President and referenced in his recommendation included 2000 Census data that showed a vehicle ownership rate of 81% for households within the same census tract as the proposed building, which served as the basis of the Borough President's recommendation for a 13-space garage. However, the Commission notes that subsequent materials provided to the Borough President and presented at the July 11,

2007 City Planning Commission public hearing detailed the limitations of these data and demonstrated the need for the full 15 spaces based on an extrapolation of the Census analysis. The Commission believes that the applicant has adequately addressed the findings with regard to the number of spaces requested and believes that the request for the full 15 spaces is therefore reasonable.

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 201 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Gaia House, 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 accessory parking facility with a maximum of 15 spaces on a portion of the ground floor, portions of the 2nd - 11th floors, 13th - 14th floors, 16th floor and 18th floor of a proposed 18-story residential building on property located at 200 Eleventh Avenue (Block 695, Lots 67, 68, 69 & 70), in a C6-3 District within the Special West Chelsea District (Subarea D), Community District 4, Borough of Manhattan is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 070211 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Philip Habib and Associates, filed with this application and incorporated in this resolution:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
Sheet 2 of 3	Special Permit Parking Plan	November 16, 2006
Sheet 3 of 3	Special Permit Parking Plan	March 6, 2007

- 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 070211 ZSM), duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 24), 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, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chair

IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, BETTY Y. CHEN,

LISA A. GOMEZ, JOHN MEROLO, DOLLY WILLIAMS, Commissioners

ANGELA M. BATTAGLIA, Commissioner, Abstained