



## **CITY PLANNING COMMISSION**

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March 4, 2015/Calendar No. 12

C 130321 ZSM

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IN THE MATTER OF an application submitted by 180 Orchard Retail LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) to allow an attended public parking garage with a maximum capacity of 99 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 180 Orchard Street (Block 412, Lots 8-11, 27-29, 32-36 & 1001-1003), in a C4-4A District, Borough of Manhattan, Community District 3.

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This application for a special permit was filed by 180 Orchard LLC on June 21, 2012, to allow an attended public parking garage with a maximum capacity of 99 spaces on portions of the ground floor, cellar and sub-cellar in a proposed mixed-use building. The property is located at 180 Orchard Street (Block 412, Lots 8-11, 27-29, 32-36 & 1001-1003), in a C4-4A District within Manhattan Community District 3.

### **BACKGROUND**

180 Orchard Street is a 15,679 square foot L-shaped through lot in the middle of the block bounded by Houston, Ludlow, Stanton and Orchard streets. The lot has approximately 128 feet of frontage on Orchard Street and approximately 50 feet of frontage along Ludlow. The development site is located in a C4-4A zoning district which is a contextual district with a maximum FAR of 4.0 for all uses.

The development site (Block 412, Lots 1001-1003) and the surrounding 31 block area bounded by Allen Street, Houston Street, Essex Street, Canal, East Broadway/Grand Street and Henry Street comprise the National Register designated Lower East Side Historic District.

The development site (Block 412, Lots 1001-1003) is part of a zoning lot that includes 12 other tax lots on Block 412 (Lots 8-11, 27-29 and 32-36). The development site is within an area that was rezoned in 2008 as part of the Lower East Side/East Village rezoning (LES) rezoning (C 080397(A) ZMM) which changed most of the area to the south, east and west from a C6-1 zoning district to C4-4A. Additionally, the predominant R7-2 zoning district was replaced with four contextual districts, R7A, R7B, R8B and a C6-2A.

The proposed special permit would facilitate development of an attended public parking garage in a 24-story building containing commercial uses and a hotel, at 180 Orchard Street. Although construction on the building began in 2006 under the C6-1 zoning regulations, the applicant was unable to complete construction and obtain a certificate of occupancy within two-years of the new zoning going into effect. Since the building would not comply with the C4-4A zoning regulations, in 2011, the Board of Standards and Appeals granted the applicant approval to continue construction under the applicable provisions of the C6-1 zoning (BSA Cal No. 201-10 BZY); and extension was granted in 2013 (Cal No. 201-10 BZYII).

The proposed garage will be located on ground floor, cellar and sub-cellar levels of the new building. It would include 99 spaces; 46 as-of-right and 53 additional spaces as requested by the special permit. Of the 99 requested parking spaces, 74 would be non-elevated spaces and the remaining 25 would be parked on double-height stackers. The proposed garage would occupy approximately 22,995 square feet and would be utilized by hotel guest and retail patrons of the new building in addition to the parking needs of the surrounding residential developments.

The surrounding area is predominately developed with residential buildings with active ground floor commercial uses; typically retail or restaurant uses. These mixed-use buildings are generally concentrated to the immediate north and south of the development site. There are several community facility uses located in the surrounding area, including two public schools, one private school, a settle house, a nursing home and a senior center. There also several vacant lots within the project area.

Recent development in the area has consisted of two large residential buildings and four hotels. Over the past 11 years, there have been 39 residential developments in the surrounding area. Additionally, another 8 new residential developments are expected to be completed by 2015. Of these 47 residential developments (approximately 1,993 residential units), only 8 contain parking spaces for a total of 44 residential parking spaces. Further, in the one-third mile radius study area, there are six off-street public parking facilities and two of these parking facilities are not open overnight. Since 2003, the total number of spaces has decreased by 89, from 660 spaces to 571 spaces. The average occupancy rate of these parking facilities is very high during midday use.

## **ENVIRONMENTAL REVIEW**

This application (C 130321 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 12DCP191M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration, signed by the applicant, was issued on October 20, 2014.

## **UNIFORM LAND USE REVIEW**

This application (C 130321 ZSM) was certified as complete by the Department of City Planning on October 20, 2014, and was duly referred to Community Board 3 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 3 held a public hearing on this application (C 130321 ZSM) on November 25, 2014, and by a vote of 33 in favor, 0 opposed and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 130321 ZSM) was considered by the Manhattan Borough President who issued a recommendation on January 28, 2015, approving the application, subject to the following conditions:

- The applicant commits to compel the operator of the garage to provide signage and line markings on the ramp that alerts vehicle operators to expect cyclists to pass on the entrance ramp to the garage.
- The applicant must ensure that by way of signage, communication system, or standing zone, vehicles are prohibited from standing in the pedestrian right-of-way or travel lane while waiting for entry to the garage.

## **City Planning Commission Public Hearing**

On January 21, 2015 (Calendar No. 3), the Commission scheduled February 4, 2015 for a public hearing on this application (C 130321 ZSM). The hearing was duly held on February 4, 2015 (Calendar No.19).

There were three speakers in favor. The speakers included the applicant's representative, the project's engineer and the Borough President's representative. The applicant's representative described the proposed garage and talked about the demand for parking in the area. The project's engineer described how the garage would function, the hours of operation and capacity of the garage. The Borough President's representative reiterated the Borough President's recommendation and conditions.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution is appropriate.

The action will facilitate the development of a 99 space attended public parking garage at 180 Orchard Street. In the surrounding area, there has been a nominal increase in the number of residential parking spaces in the past 11 years and a decrease in the number of public parking spaces.

The Commission believes the proposed 99-space attended public parking garage will help meet the demand for parking in the area. The City Planning Commission acknowledges the concerns of the Borough President with respect to the interruption of the flow of pedestrian traffic along Ludlow Street where the proposed ingress and egress of the garage will be located. The Commission also acknowledges the concerns of the Borough President related to the potential conflict between vehicle operators and cyclists along the garage ramps. In response to these concerns, in a letter to the Commission dated February 13, 2015, the applicant stated that, “any operator of the garage (will) paint markings on appropriate portions of the garage’s entrance ramp and post signage within the entrance ramp area to alert vehicle operators that cyclists may use the ramp to enter and exit the garage.” In addition, the applicant also stated in the letter that, “any operator of the garage (will) display a sign, visible to southbound vehicle drivers on Ludlow Street, whenever the garage can no longer accommodate vehicles. The sign will contain appropriate copy so that drivers do not seek or wait for entry to the garage.”

The Commission believes that the proposed parking garage meets the findings of Section 13-45 which requires that the location of the vehicle entrances and exits will not unduly interrupt the flow of pedestrian traffic, or interfere with the efficient functioning of streets including any lanes designated for specific types of users such as bicycles or buses. The parking facility will not create or contribute to traffic congestion and is consistent with the character of the neighborhood streetscape. The Commission notes that special permits for accessory off-street parking facilities that do not increase parking spaces by more than eighty-five spaces are not subject to review under the City Environmental Quality Review or State Environmental Quality Review Act and have been determined not to have a significant adverse environmental impact. An analysis of this

proposed garage's use shows a maximum of 23 cars entering and exiting the proposed garage at the peak weekday (12-1pm) hour, and less at other times, including the traffic from the 46 accessory spaces that are permitted as-of-right and is not expected to interrupt pedestrian traffic or cause undue pedestrian-vehicular conflict. The Commission notes that proposed garage would have a single entrance and exit on Ludlow Street, with a 20-foot wide curb cut and the proposed garage entrance will provide ten reservoir spaces to avoid queueing of vehicles extending on the public sidewalk and street. The entrance/exit proposed garage would therefore not interfere with the functionality of Ludlow Street or other nearby streets.

The Commission also notes the Seward Park FEIS indicates that the two intersections that would mostly likely have traffic related to the proposed garage, the eastbound through traffic at the intersection of East Houston and Allen Street and the westbound through traffic at East Houston Street and Essex Street, are both at acceptable levels of service under the City Environmental Quality Regulations and the low volume of vehicles of entering and exiting the proposed garage would be unlikely to create or contribute to serious traffic congestion or to unduly inhibit traffic or pedestrian flow.

The Commission believes the proposed garage would not be inconsistent with the character of neighborhood streetscape. The existing streetscape is of mixed residential and commercial development, with active ground floor retail and restaurant uses. The entrance of the garage is the only portion of the garage that would be visible from the street; the proposed parking spaces would be located below ground. The ten reservoir spaces provided by the proposed garage would ensure that vehicles do not block the sidewalk.

The Commission believes that the proposed parking garage meets the findings of Section 13-451 (Special Permit for Additional parking spaces for residential growth), through the parking study analysis provided by the applicant. The findings require that the increase in the number of off-street parking spaces in the building be reasonable and not excessive in relation to recent trends in proximity to the proposed facility with regard to the increase in the number of dwelling units and the number of off-street parking spaces. The applicant analyzed residential developments and current and future parking facilities in the one-third mile radius of the project area over an 11 year period. This analysis requires the applicant to calculate a residential growth parking ratio with and without the proposed project. The residential growth parking ratio is the change in the number of parking spaces in the study area over an eleven year period. The target ratio taking into account the proposed project is 20% which is the permitted number of parking spaces per dwelling units in Community District 3. For the proposed project, the residential growth parking ratio without the proposed parking spaces is negative 2 percent. The residential growth parking for the same time period, accounting for the proposed parking spaces and residential units associated with the project is 0, which is below the target 20 percent ratio applicable in this part of the Manhattan Core.

The Commission notes that the residential growth ratios for this project demonstrate that the proposed change in the number of off street parking spaces at the project site is reasonable and not excessive in relation to recent trends in proximity to the proposed facility.



## 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 uses or vehicles, due to the entering and leaving movement of vehicles;
3. Such #uses# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow
4. For public #parking garages#, that where any floor space is exempted from definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
5. Such parking facility will not be inconsistent with the character of the existing streetscape.

The 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 parking 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 obtained City Planning Commission special permits pursuant to Section 13-45.

## **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 City Charter, that based on the environmental determination and the consideration described in this report, the application submitted by 180 Orchard LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and Section 13-451 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 99 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 180 Orchard Street (Block 412; Lots 1001-1003) in a C4-4A District, Borough of Manhattan, Community District 3, subject to the following terms and conditions:

1. The property that is the subject of this application (C 130321 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and

zoning computations indicated on the following approved plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 3	Parking Plan Ground Level	9/15/2014
2 of 3	Parking Plan Cellar Level	9/15/2014
3 of 3	Parking Plan Sub-cellar Level	9/15/2014

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, operating 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, sub-lessee 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 or the Restrictive Declaration the provisions of

which 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 or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension 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 action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 130321 ZSM), duly adopted by the City Planning Commission on March 4, 2013 (Calendar No.12), 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.

**CARL WEISBROD, Chairman**

**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**RYANN BESSER, IRWIN G. CANTOR, P.E., MICHELLE DE LA UZ,**  
**JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,**  
**BOMEI JUNG, ANNA HAYES LEVIN, ORLANDO MARIN,**  
**LARISA ORTIZ, Commissioners**



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

December 29, 2014

Hon. Carl Weisbrod, Chairman  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chairman Weisbrod:

At its November 2014 monthly meeting, Community Board 3 passed the following resolution:

**VOTE: Community Board 3 Resolution to approve ULURP C130321ZSM: Special permit for additional parking spaces for 180 Orchard Street Parking Garage, CEQR # 12DCP191M**

IN THE MATTER OF an application submitted by 180 Orchard Retail LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) to allow an attended public parking garage with a maximum capacity of 99 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 180 Orchard Street (Block 412. Lots 8-11. 27-29. 32-36. & 1001-1003) in a C4-4A District in the Borough of Manhattan, Community District 3, Community Board 3 approves the application for a special permit.

If you have any questions, please contact the community board office.

Sincerely,

Gigi Li, Chair  
Community Board 3

Linda Jones, Chair  
Land Use, Zoning, Public and Private Housing Committee

Cc: Joel Kolkman, Department of City Planning  
Patricia Ceccarelli, Office of Manhattan Borough President Gale Brewer  
Mark P. Thompson, Applicant's Representative



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Gale A. Brewer, Borough President

January 27, 2015

**Recommendation on ULURP Application No. C 130321 ZSM – 180 Orchard Street  
By 180 Orchard Retail LLC**

**PROPOSED ACTION**

180 Orchard Retail LLC (“the applicant”) seeks a special permit pursuant to Sections 13-45 and 13-451 of the New York City Zoning Resolution (“ZR”) to allow a below-grade attended public parking garage with a maximum capacity of 99 spaces in a new mixed-use building that is currently under construction at 180 Orchard Street a.k.a. 169-171 Ludlow Street, (Block 412, Lots 8, 9, 10, 11, 27, 28, 29, 32, 33, 34, 35, 36, 1001, 1002, and 1003).<sup>1</sup> The development is located in a C4-4A zoning district in Community District 3, Manhattan.

Pursuant to ZR § 13-45, applicants may request a special permit for additional off-street parking spaces. In order for the City Planning Commission (“CPC”) to grant the additional capacity, the applicant must first meet the following conditions:

- 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) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

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<sup>1</sup> The project site is part of a larger zoning lot that is comprised of Block 412, Lots 8 through 11, 27 through 29 and 32 through 36 and is roughly bounded by Orchard Street, East Houston Street, Ludlow Street and Stanton Street.

- 5) such parking facility will not be inconsistent with the character of the existing streetscape.

Further, in order to grant a special permit, the CPC must also find that the applicant meets the conditions for additional parking spaces for residential growth:

- a) the number of off-street parking spaces in such proposed parking 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 both 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.

## PROJECT DESCRIPTION

The 180 Orchard Street development consists of a 24-story mixed-use building containing 295 hotel rooms, retail space, and community facility space. The construction of the new building began in 2006 under C6-1 District zoning requirements and was twice granted two BSA approvals (201-10 BZY and 201-10 BZYII) in 2011 and again in 2013 for two year extensions on a New Building permit to continue construction pursuant to the previous zoning requirements following the Lower East Side/East Village rezoning in 2008 (C 080397 ZMM) of the neighborhood. Therefore, the building in-progress need not conform to the new C4-4A zoning, but rather conform to the previous C6-1 zoning district. The development is situated on a through-lot that stretches from Orchard Street to Ludlow Street. The parking facility will be in the form of a garage that will take vehicles down from street level to parking spaces in the cellar and sub-cellar levels of the building. The garage's shell has already been built with enough vertical space to accommodate more than the allowed number of vehicles permitted by zoning should the garage management employ the use of vertical vehicle storage systems known as "stackers."

The as-of-right parking scenario for the built-out garage would allow up to 46 accessory vehicle spaces for the building. The applicant is seeking special permits to grow this number to 99 parking spaces. That number would be achieved by using the previously mentioned stackers and by allowing the entrance ramp that connects the street level portion of the garage to the cellar portion of the garage to be used for 10 reservoir spaces as is common practice in managed garages. The plans also call for a 100 square foot area for 10 bicycle parking spaces on the cellar level. Access between the different levels would be provided by an internal staircase.

The 180 Orchard Street development was part of a previous ULURP application in 2010.<sup>2</sup> In that

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<sup>2</sup>Application No. I 100371 ZSM, a proposal received by the Department of City Planning on May 5, 2010. The application was later withdrawn on May 9, 2013.

application, the applicant sought a special permit pursuant to sections 13-562 and 74-52 to develop a 118 space public parking garage.

### Area Context

The project site is located in the Lower East Side neighborhood of Manhattan in a C4-4A zoning district. In 2008, the area was changed from a C6-1 district as part of the Lower East Side/ East Village rezoning. This change was meant to facilitate the contextual commercial development of the midblocks within an area generally bounded by Chrystie Street, East Houston Street, west of Essex Street, and Grand Street<sup>3</sup>. The Project Description from the applicant states that “within an approximately 600-foot radius of the Development Site, 50 to 60 percent of the buildings are 5 to 6 stories, with approximately 35 percent having fewer than 5 stories and only a small percentage having more than 10 stories.” Mixed-use buildings are the most predominate use. Very few buildings are exclusively residential. Development is occurring in the neighborhood in addition to 180 Orchard Street. Most notable is the Seward Park Extension Urban Renewal Area (SPEURA), which is a proposed 1.65 million square foot development of mixed-use affordable and market-rate housing. This area was the subject of a number of approvals in 2013 to:

- 1) Transform several underutilized City-owned properties into a thriving, financially viable, mixed-use development;
- 2) Provide affordable and market-rate housing units, commercial and retail uses, community facilities and other neighborhood amenities (e.g., parking, a new and expanded facility for the public Essex Street Market, and publicly accessible open space); and
- 3) Knit these sites back into the larger, vibrant Lower East Side neighborhood.<sup>4</sup>

There are also a number of new hotel projects within several hundred feet from the site.

Ludlow Street is characterized by small restaurants and a great deal of pedestrian traffic. The area is well served by transit as there are nine subway lines located within a half-mile of the proposed mixed-used building. These include the F train at the Second Avenue station; the B,D,M, and 6 trains at Broadway-Lafayette/Bleecker Street; the J and Z trains at Delancey Street; and the N and R trains at the Prince Street station. There are also six bus lines within the same distance, one of which is a Select Bus, one of the Metropolitan Transit Authority’s first Bus Rapid Transit routes and it serves the East Side of Manhattan from Lower Manhattan to East Harlem. The M21 goes crosstown via Houston Street, the M9 connects the Lower East Side to the East Village and Battery Park City, the B39 connects to North Brooklyn via the Williamsburg Bridge, the M14A is a crosstown route that runs across 14<sup>th</sup> Street, and M103 provides local service to the East Side of Manhattan via Little Italy and Chinatown. There are also two Citi Bike kiosks within a quarter mile of the hotel. The closest of which is approximately one block away on Allen Street and has 31 docks for the bicycle share system.

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<sup>3</sup> Final Environmental Impact Statement for the East Village/Lower East Side Rezoning. Chapter 1: Project Description, Page 1-3. 2008

<sup>4</sup> Seward Park Mixed-Use Development Project Final Environmental Impact Statement. Project Description. Page 1-1. 2012



## COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on November 25, 2014, Manhattan Community Board 3 (“CB3”) recommended an approval with no conditions of this application with 33 in favor, 0 against, and 0 abstaining.

## BOROUGH PRESIDENT’S COMMENTS

The proposed parking facility with an exit and entrance on Ludlow Street could be an effective alternative to on-street parking as the Lower East Side Community considers the barring of vehicular traffic to pedestrianize a portion of Orchard Street one block over. The entrance and exit door on Ludlow is fairly inconspicuous and the façade is not inconsistent with its neighbors. There is some concern in how the design of the garage accommodates bicycles as required by the New York City Administrative Code and if a lack of exterior signage or signal system will create a conflict between drivers looking to park their vehicle in a full garage and the many pedestrians who walk the commercial streets.

While the garage design places the bicycle storage in a visible and accessible location next to the “Pedestrian Waiting Area” and office, access to the garage for cyclists needs to be clear in the exterior garage signage and lane markings on the entrance ramps/ reservoir spaces. Our initial concerns were that if the reservoir spaces were full or almost full, there would be no safe access for bike parking in the garage as there was nothing in the application that said that cyclists would be allowed to access the parking facility through the hotel and retail entrances on 180 Orchard Street. A representative from the applicant’s counsel explained that the width of the entrance ramp is 10 feet, well in excess of the average car width of 6 feet. By no fault of their own, drivers may queue up in the ramp in such a way that blocks the entrance for the bikes, or worse be unaware that cyclists are expected to pass them while they are waiting in the queue.

The applicant must ensure that signage will be provided to alert vehicle operators to expect passing cyclists. Furthermore, the signage must also instruct the vehicle operators to leave space on whichever side of the vehicle that most safely provides such passage. The operator of the garage should also apply and maintain visual striping on the surface of the ramp to visually indicate to both vehicles and cyclists the information expressed on the signage.

As the garage will be open to the public in addition to providing what could be described as accessory spaces to the various types of building tenants, there exists a potential conflict between pedestrians and those with an expectation to park in the garage. If a traveler who has made a reservation at the hotel wishes to park in the garage, they will plan to bring their vehicle to the garage. Should the garage be full and the reservoir spaces occupied, the hotel guest will need to choose between seeking a different garage, going around the block, blocking the street, or blocking the sidewalk.

There is only one travel lane on Ludlow Street, a narrow street, and one motor vehicle is all that is necessary to block traffic. In the inverse, the stress of blocking said traffic could result in a driver pulling off and waiting on the sidewalk. However, given the concentration of retail and restaurant establishments that act as a magnet for heavy pedestrian traffic, and given the

physically constricted nature of the sidewalks in this area, this is not an ideal or appropriate option. Currently there is no means of communication between the street and office level in the cellar described in the application, such as an intercom. There is also no description of signage that could instruct motorists as what to do if the reservoir spaces are all taken. The operator of the garage and by extension, the owner of the parking facility itself must instruct all motorists that leaving the roadway to allow traffic to resume while blocking the sidewalk is not permissible.

However, waiting for entry in either the roadway or the sidewalk would create a scenario that would result in undue conflicts between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles. An analysis prepared by the applicant's consultant projected a peak number of 23 trips during the 12-1 weekday hour. The consultant estimates that the 15 of those vehicles would be entering the garage and 8 vehicles would be leaving.<sup>5</sup> The applicant must ensure that by way of signage or communication system, vehicles are prohibited from standing in the pedestrian right-of-way or travel lane while waiting for entry to the garage. Alternatively, the applicant could petition the Department of Transportation to implement a curbside designation to facilitate a loading and unloading area that could be used by a waiting vehicle while the driver uses the intercom or waits for a reservoir space to become free.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

***Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 130321 ZSM, to grant a Special Permit pursuant to ZR § 13-45 and ZR § 13-451, provided that:***

- 1) The applicant commits to compel the operator of the garage to provide signage and line markings on the ramp that alerts vehicle operators to expect cyclists to pass on the entrance ramp to the garage.**
- 2) The applicant must ensure that by way of signage, communication system, or standing zone, vehicles are prohibited from standing in the pedestrian right-of-way or travel lane while waiting for entry to the garage.**



*Gale A. Brewer*  
*Manhattan Borough President*

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<sup>5</sup> Special Permit Pursuant to Sections 13-45 and 13-451 for Additional Parking Spaces for Residential Growth, Attachment 11b, Applicant's Discussion of Findings. Page 2.

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February 13, 2015

Via Hand Delivery

Hon. Carl Weisbrod  
Chair  
City Planning Commission  
22 Reade Street  
Room 2W  
New York, NY 10007

Re: 180 Orchard Street  
Block 412, Lots 1001-1003, 8-11, 27-29, 32-35, and 36  
Manhattan (the "Subject Premises")  
Application No. 130321 ZSM

Dear Chair Weisbrod and Commissioners:

I am writing on behalf of 180 Orchard Retail LLC (the "Applicant") in response to a question raised on February 4, 2015, by the Commission related to the Borough President's recommendation, dated January 27, 2015, in connection with the referenced application (the "Application"). The Application seeks a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an increase in the capacity of a below-grade attended public parking garage, located on the Subject Premises, from 46 as-of-right parking spaces to a total of 99 parking spaces.

The Borough President's recommendation recommends approval of the Application subject to two conditions. The Applicant has studied these conditions and believes that they can be satisfied with the implementation of certain operational measures, which are described below:

- The Applicant will require that any operator of the garage paint markings on appropriate portions of the garage's entrance ramp and post signage within the entrance ramp area to alert vehicle operators that cyclists may use the ramp to enter and exit the garage.

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- The Applicant will require that any operator of the garage display a sign, visible to southbound vehicle drivers on Ludlow Street, whenever the garage can no longer accommodate vehicles. The sign will contain appropriate copy so that drivers do not seek or wait for entry to the garage.

Please let us know if you require any additional information. We look forward to the Commission's vote on the Application at the March 4<sup>th</sup> public meeting.

Very truly yours,

  
Paul D. Selver 

PDS:at