



CITY PLANNING COMMISSION

October 19, 2005, Calendar No. 28

C 050492 ZSM

IN THE MATTER OF an application submitted by HLP Properties, 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 718 spaces on portions of the first floor, the cellar and subcellar of a proposed mixed use building on property located at 501 West 17th Street (Block 689, Lot 17), in a C6-4 District, within the Special West Chelsea District, Community District 4, Borough of Manhattan.

The application was filed by HLP Properties LLC on May 27, 2005 for a special permit pursuant to Section 74-52 of the Zoning Resolution for a 718-space public parking garage on the ground floor, cellar, and sub-cellar levels of a new, mixed-use building.

BACKGROUND

The project site is an approximately 76,400 square foot, full block zoning lot bounded by West 17th and West 18th streets and Tenth and Eleventh avenues. The project site is currently occupied by a 377-space public parking lot used by the United States Drug Enforcement Agency (DEA), which has offices within the loft building to the south of the project site across West 17th Street. The lot is also occupied by a portion of the High Line elevated rail structure, which the City of New York is converting into a new public open space.

The project site is located within a C6-4 district within the Special West Chelsea District (SWChD), Subarea H, with a base density of 7.5 FAR for all uses. The SWChD provisions also specify this site as a High Line Improvement Bonus (HLIB) site with

special provisions that allow a density increase to 10.0 FAR through the provision of certain High Line-related improvements, including a contribution to a High Line Improvement Fund, construction of a public plaza fronting on Tenth Avenue, and construction of stair and elevator access to the High Line. The special permit that is the subject of this application is being sought separate from any potential future HLIB actions.

Land uses surrounding the project site are predominantly commercial in nature with some residential use. Across West 17th Street, to the south of the project site, is a ten-story loft building containing a mini-storage facility and offices for the United States Drug Enforcement Agency and, further south, an 11-story loft building containing governmental offices and the full-block Chelsea Market building, containing a mix of retail and wholesale food purveyors, offices, and television production studios. To the west of the project site, across Route 9A is the Hudson River Park bikeway and pedestrian path and the Chelsea Piers sports and entertainment complex. On Eleventh Avenue, to the north of the project site, InterActiveCorp is constructing its new headquarters building. The block also contains a mix of two and three-story commercial buildings, including a nightclub, and a surface parking lot occupying the Tenth Avenue blockfront. Across Tenth Avenue, to the east of the project site, the blocks are occupied by a mix of low-scale commercial uses including garages, restaurants, and nightclubs and, further north, 4 and 5-story walk-up residential buildings.

The larger area around the project site is primarily commercial between Tenth and Eleventh avenues and includes a large number of art galleries north of West 20th Street. East of the project site the nature of the area becomes more residential. The Chelsea Historic District, located east of Tenth Avenue at West 20th Street, is a relatively uniform area of tree-lined streets and 4 and 5-story walk up residential buildings. The New York City Housing Authority Fulton Houses development is located east of the project site along Ninth Avenue between West 16th and West 19th streets. The Fulton Houses site includes several 7-story buildings and three large, 25-story towers.

The applicant is seeking a special permit pursuant to Sections 13-562 and 74-52 to facilitate the construction of an attended, 718-space public parking garage within a proposed, mixed-use development. The proposed building will replace the existing surface parking lot and is expected to consist of two residential towers containing approximately 870 units. The development would also contain approximately 23,000 square feet of retail space and a 180-space, as-of-right accessory garage within a separate facility on the project site. The project site is also expected to contain a new, public plaza occupying the area of the lot between the High Line and Tenth Avenue. A portion of the proposed High Line public open space, including the at-grade plaza fronting on Tenth Avenue, would also be located on the project site.

The proposed garage would occupy approximately 147,000 square feet on the cellar and subcellar level of the proposed development. The garage entrance would be located on

West 17th Street, a one way, westbound street, approximately 110 feet west of Tenth Avenue. The garage would be accessed via a two-way, 30-foot wide ramp containing two entrance lanes and one exit lane. Thirty-six reservoir spaces would be located on the entrance ramp and on the cellar level of the garage. The garage would be attended and an attendant's booth would be located on the cellar level of the garage. A second, two-way ramp would lead from the cellar to the subcellar level. The subcellar level would not be excavated below the High Line and Tenth Avenue plaza area. A total of 291 parking spaces would be located on two-vehicle stackers.

ENVIRONMENTAL REVIEW

This application (C 050492 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 05DCP082M. 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 June 20, 2005.

UNIFORM LAND USE REVIEW

This application (C 050492 ZSM) was certified as complete by the Department of City Planning on June 20, 2005, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on July 27, 2005, and on that date, by a vote of 26 to 4 with 1 abstention and 1 present but not eligible, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on August 29, 2005.

City Planning Commission Public Hearing

On August 24, 2005 (Calendar No. 5), the City Planning Commission scheduled September 14, 2005, for a public hearing on this application (C 050492 ZSM). The hearing was duly held on September 14, 2005 (Calendar No. 24). There were three speakers in favor of the application and no speakers in opposition.

The applicant's counsel briefly described the project and the current use and operation of the full-block parking lot. The applicant's environmental consultant briefly described

the environmental analysis methodology and the assumptions regarding expected future parking demand that were utilized in his analysis. He also described safety measures that would be implemented at the garage entrance, including audible cues and maintenance of clear sight lines. The applicant's structural engineer briefly described the manner in which the High Line would be supported during and after construction of the proposed garage.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for special permit (C 050492 ZSM) is appropriate.

The Commission notes that the surrounding area is predominantly commercial and manufacturing in nature and that the proposed garage would provide parking for the existing commercial and other buildings in the area, including the concentration of art galleries to the north of the project site and government offices to the south of the project site. The Commission notes that the adoption of the new Special West Chelsea District zoning will also facilitate the construction of new residential and commercial buildings in close proximity to the project site and that the proposed garage will serve these uses as well. This new construction within West Chelsea also includes residential development on the project site itself, which is expected to generate demand for

accessory parking by the tenants of the new buildings. Users of the future High Line public open space, which is partially located on the project site, would also utilize this proposed garage due to its proximity to the planned location of a major access point on Tenth Avenue and West 17th Street. This combination of new and existing residential and commercial uses, together with destination attractions such as the High Line and the burgeoning art gallery district, reinforce the conclusion that the proposed garage would be compatible with uses found in the surrounding area.

The Commission notes that the Environmental Assessment Statement prepared for the applicant indicated that the proposed garage would generate a net increase of 40, 93, and 115 vehicle trips per hour in the morning, midday, and evening peak hours, respectively. These additional trips will not create serious traffic congestion in the area and the streets providing access to the garage can accommodate these additional trips. The proposed garage would be accessed via West 17th Street, which is a one-way, westbound street. Traffic entering the garage would approach from the south via Tenth Avenue, which branches off from Route 9A several blocks to the south at West 15th Street, and is a major one-way northbound avenue. Traffic could also approach the garage via Ninth Avenue and West 17th Street, which is a block with varied character that includes community facility, residential, and commercial uses. Vehicles exiting the garage would proceed westbound on West 17th Street to Route 9A. As a result, many of the vehicles entering and exiting the garage will likely utilize the major north-south arteries of Ninth Avenue, Tenth Avenue and Route 9A, which are not local residential

streets. The Commission further notes that the required number of reservoir spaces (36 spaces) will be provided on the ramp and cellar level of the garage.

The Commission notes that the eastern portion of the project site is designated in the Special West Chelsea District zoning text as the location for an at-grade public plaza and High Line access structure. The public plaza design is in early stages of development, however it is expected that it will eventually contain trees and other landscaping planted at-grade. The Commission acknowledges that the applicant has revised the extent and layout of the portion of the garage beneath the plaza to accommodate necessary below-grade space for plantings and other plaza infrastructure.

FINDINGS

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

1. 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;
2. That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow;

3. That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
4. 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;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable; and
7. 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 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 the HLP Properties 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 718 spaces on portions of the first floor, the cellar and subcellar of a proposed mixed use building on property located at 501 West 17th Street (Block 689, Lot 17), in a C6-4

District, within the Special West Chelsea District, Community District 4, Borough of Manhattan is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 050492 ZSM) 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 and Associates., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Sheet 2 of 3	Parking Plan I	October 18, 2005
Sheet 3 of 3	Parking Plan II	October 18, 2005

- 2) The portion of the garage that is located below the required public plaza area, as specified in Diagram 3 of Article IX, Chapter 8, Appendix C of the Zoning Resolution, must be located so as to provide sufficient subsurface depth to accommodate trees planted at-grade and other necessary plaza infrastructure. In no case shall the subsurface depth provided be less than 4 feet.
- 3) 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.

- 4) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

- 5) 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.

- 6) 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.

- 7) 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 050492 ZSM), duly adopted by the City Planning Commission on October 19, 2005, (Calendar No. 28), 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
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