



CITY PLANNING COMMISSION

July 11, 2007, Calendar No. 16

C 060341 ZSM

IN THE MATTER OF an application submitted by 17th and 10th Associates, 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 210 spaces on portions of the ground floor, cellar and mezzanine levels of a proposed, mixed-use development on property located at 450 West 17th Street (Block 714, Lots 1, 14 and 16), in a C6-3 zoning district, within the Special West Chelsea District, Subarea I, Community District 4, Borough of Manhattan.

The application was filed by 17th and 10th Associates, LLC on February 15, 2006 for a special permit pursuant to Section 13-561 of the Zoning Resolution for a 210-space accessory parking garage on the ground floor, mezzanine and cellar levels of a new residential building with commercial space.

BACKGROUND

The project site is an approximately 64,310 square foot through-block zoning lot comprised of three tax lots (1, 14 and 16). The site fronts Tenth Avenue, West 16th Street and West 17th Street. An approximately 440,937 square-foot, mixed-use residential and commercial building with approximately 478 units is under construction on the site.

The project site is located within the Special West Chelsea District (WCh), Subarea I, in a C6-3 zoning district. The High Line transverses the western portion of Lot 1, which the City of New York is developing as public open space. The development is eligible for and received additional floor area through the High Line Improvement Bonus pursuant to Section 98-25. A

Chairperson certification (N 060340 ZCM) was granted for an additional 2.5 FAR of development rights on July 26, 2006.

Land uses around the site include a mix of residential, commercial and light industrial uses. Directly to the north of the site are several auto-related uses, television studios, a church and commercial uses. Chelsea Market lies to the south of the site, and to the west of the site lies the Merchant Refrigerating Company Warehouse, which contains government offices and rental storage space. A five-story, walk-up apartment building is located on the southeast corner of West 17th Street and Tenth Avenue, adjacent to the site. The New York City Housing Authority Robert Fulton Houses lie directly to the east and northeast of the site.

The applicant is requesting a special permit to facilitate construction of a 210-space, attended, accessory parking garage. An as-of-right accessory parking garage on the site could have up to 100 spaces.

The approximately 40,240 square foot garage would be located on portions of the cellar level, ground level and mezzanine level of the building and would be accessed via a two-way, 22-foot wide through-block drive located within the building between West 16th Street and West 17th Street. West 16th Street is one-way, eastbound street and West 17th Street is one-way, westbound street. Eleven reservoir spaces would be located on the through-block drive and ground level of the garage. Nine stackers would be located within the proposed garage. Stop signs and visual and audible warning devices would be placed at both entrances/exits to the through-block drive.

ENVIRONMENTAL REVIEW

This application (C 060341 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 06DCP074M. 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 February 26, 2007.

UNIFORM LAND USE REVIEW

This application (C 060341 ZSM) was certified as complete by the Department of City Planning on February 26, 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 April 4, 2007, and on that date, by a vote of 39 to 0 with 0 abstentions and 1 present but not eligible, adopted a resolution recommending disapproval of the application, with an additional motion to limit the number of accessory spaces in the garage to 100, with the following conditions:

- Reduced rates are available to the residents living in the affordable units;
- Clarification of the 16th and 17th Street entrances/exits; and

- Deed restriction from the owners of the building that the 100 parking spaces will be strictly used for the owners/residents of the building.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on April 5, 2007, approving the application with the condition that "...the applicant continues to work with Community Board 4 on their concerns and requests."

City Planning Commission Public Hearing

On May 23, 2007 (Calendar No. 16), the City Planning Commission scheduled June 6, 2007 for a public hearing on this application (C 060341 ZSM). The hearing was duly held on June 6, 2007 (Calendar No. 28). There were four 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 applicant's architect and 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 060341 ZSM) is appropriate.

The Commission acknowledges that the garage would serve the residents of the 478 units within the building and the employees and customers of the 17,000 square feet of commercial space within the residential building that is currently under construction on the project site. The Environmental Assessment Statement prepared for this project indicated that the 478 residential units would generate a demand for approximately 210 parking spaces for residents according to 2000 Census data which shows a vehicle ownership rate for high-income residents of similar areas of Manhattan to be 0.44 vehicles per dwelling unit. The Commission notes that the proposed 210-space parking garage would meet this demand.

The Commission recognizes that there is limited existing public parking in the immediate vicinity and that there is limited capacity within these facilities for the anticipated traffic to be generated by the proposed building. The nearest parking facilities are located on the west side of Tenth Avenue between West 18th Street and West 19th Street, and a parking facility on West 15th Street between Ninth and Tenth Avenues. The applicant's environmental assessment statement indicates that area parking facilities are already utilized at approximately 92 percent of capacity. Furthermore, the Commission recognizes that the rezoning of the area in 2005 between Tenth and Eleventh avenues 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 parking in the area of the new development. The Commission therefore believes that the proposed garage would appropriately serve the needs of the residents, employees and visitors of the residential building.

The Commission notes that the Environmental Assessment Statement prepared for the application indicated that the proposed garage would generate a maximum net increase of 27 vehicle trips per hour in the peak hours. 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 16th Street, which is a one-way, eastbound street, and West 17th Street, which is a one-way, westbound street. Traffic entering the garage would approach from the south via Tenth Avenue or Eleventh Avenue, also known as Route 9A, which is a major arterial street. Vehicles approaching the garage from the north would approach via Ninth Avenue. Vehicles exiting the garage would proceed eastbound on West 17th Street to Tenth Avenue, which is a one-way northbound avenue, or Eleventh Avenue, which is a two-way north- and southbound major arterial street. These streets are not local residential streets.

The Commission understands that stop signs and visual and audible warning devices will be placed at the West 16th Street and West 17th Street entrances/exits to the through-block drive to reduce potential vehicle and pedestrian conflicts. The Commission notes that the required

number of reservoir spaces (11 spaces) will be provided on the ramp and cellar level of the garage.

The Commission acknowledges the community board's recommendation but notes that the rates charged for parking in the proposed garage are not within its purview. The Commission further notes that the garage is for accessory use only, and that public parking is not permitted in the garage.

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 17th and 10th Associates, 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 210 spaces on portions of the ground floor, cellar and mezzanine level of a proposed mixed-use development on property located at 450 West 17th Street (Block 714, Lots 1, 14 and 16), in a C6-3 zoning district, within the Special West Chelsea District (Subarea I), Community District 4, Borough of Manhattan is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 060341 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:

<i>Drawing No.</i>	<i>Title</i>	<i>Last Date Revised</i>
Sheet 2 of 2	Parking Plan	November 08, 2006

- 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 060341 ZSM), duly adopted by the City Planning Commission on July 11, 2007 (Calendar No. 16), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
BETTY Y. CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners