



June 3, 2019, Calendar No. 11

C 190213 ZSM

Corrected

IN THE MATTER OF an application submitted by 18th Highline Associates, L.L.C., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of special permits pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 180 spaces on portions of the ground floor and cellar of a proposed mixed-use building on property located at 515 West 18th Street (Block 690, Lots 12, 20, 29, 40, 54 and 1001-1026), in C6-2 and C6-3 Districts, within the Special West Chelsea District, Borough of Manhattan, Community District 4. *

*197-d (b)(2) eligible

This application for a special permit was filed by 18th Highline Associates, L.L.C. on January 14, 2019. The special permit would permit an additional 139 parking spaces, for a total of 180 parking spaces, within an attended accessory parking facility in a 181-unit mixed-use development at 515 West 18th Street (Block 690, Lots 12, 20, 29, 40, 54 and 1001-1026) in the West Chelsea neighborhood of Manhattan, Community District 4.

BACKGROUND

The applicant seeks special permits for additional parking spaces in the Manhattan Core pursuant to Sections 13-45 and 13-451 of the New York City Zoning Resolution (ZR). The applicant proposes to construct two connected residential buildings linked by a common ground-floor lobby underneath the High Line: the western building would be 21 stories tall along 18th Street and include the entrance to the below-grade parking facility, and the eastern building would be 10 stories tall and include frontage on 18th Street, 19th Street and Tenth Avenue. The development, currently under construction, would include 181 residential units, 18,000 square feet of commercial office/retail uses, lobby space on the ground floor, and an attended accessory parking garage with 36 as-of-right residential parking spaces and five as-of-right commercial parking spaces. The proposed special permit would permit an additional 139 spaces in the parking garage, for a total of 180 parking spaces.

The development site, at 515 West 18th Street, occupies a 46,000-square-foot portion (Lots 20 and 29) of a larger zoning lot that encompasses most of the block bounded by Eleventh Avenue, Tenth Avenue, West 19th Street and West 18th Street. Previously, the site consisted of a two-story factory building with four curb cuts (demolished in 2017) and a parking lot with five curb cuts. The site is located in a C6-2 zoning district at the western edge of the West Chelsea neighborhood near the Hudson River and the Chelsea Piers. The mixed-use development is bisected by the High Line, a former elevated rail line that was converted to a linear public park in 2009, and includes 325 feet of frontage on 60-foot-wide West 18th Street and 175 feet of frontage along 60-foot-wide West 19th Street (both are defined as narrow streets in the ZR since they are less than 75 feet wide) and 184 feet of frontage on Tenth Avenue. Previous actions related to the zoning lot include a Chair certification (N 170120 ZCM) for a High Line improvement bonus and a text amendment to the Special West Chelsea District (N 170389 ZRM) to modify public access requirements along the High Line to allow an operations and support facility.

The surrounding area is generally characterized by a mix of residential, commercial, and some residual light industrial uses. The creation of the Special West Chelsea District in 2005 (N 050161A ZRM) and the High Line transfer corridor changed the character of the area, with many new residential buildings and the redevelopment of underused manufacturing buildings and parking lots. This new development is coupled with an intensification of pedestrian, tourist and open space activity centered around the High Line and links to the Manhattan waterfront and Hudson Yards. The western portion of the development site (Lot 20) was previously occupied by a two-story former factory building that was demolished in 2017, while the eastern portion (Lot 29) was formerly occupied by a 250-space parking lot used for commercial vehicles and for public parking. The site had a combined nine curb cuts, including five along West 18th Street, two on Tenth Avenue and two on West 19th Street.

Access to the High Line is available via stairways across from the development site, on the south side of West 18th Street west of Tenth Avenue, and at West 20th Street west of Tenth Avenue. Access via stairway and elevator is available at West 16th Street east of Tenth Avenue. The area is well-served by transit, including the A/C/E subway lines that run along Eighth Avenue with an express stop and transfer to the L train at 14th Street and Eighth Avenue, and a local stop at West

23rd Street and Eighth Avenue. The M11 and M12 bus lines run along Tenth Avenue and Eleventh Avenue, respectively, with the M12 also using West 18th Street. The M14D line provides crosstown service directly adjacent to the site on West 18th Street. There is a dedicated on-street striped bicycle lane on West 18th Street that connects to the Hudson River Greenway, which runs along the western Manhattan waterfront.

Parking spaces within the Manhattan Core (Community Districts 1-8) are not required, but are permitted based on the number of dwelling units and the amount of commercial square feet in the development. The ZR allows a maximum number of accessory off-street parking spaces for residential use in an amount up to 20 percent of the total number of dwelling units in the Community District (Section 13-11) and allows a maximum number of accessory off-street parking spaces for certain commercial or retail uses in an amount not to exceed one space per 4,000 square feet (Section 13-12).

The applicant is seeking a parking special permit for 139 additional parking spaces above the 41 permitted as-of-right parking spaces for a total of 180 accessory spaces. The ZR allows additional spaces pursuant to Section 13-45 provided that certain conditions and findings are met. The applicant presented a Residential Growth Parking Study of the new and eliminated residential units and off-street parking spaces within one-third of a mile from the development site between 2007 and 2020, the project's build year. The applicant believes that the Study demonstrates that the request for 139 additional accessory residential parking spaces is reasonable and not excessive regarding recent trends in residential development and the provision of parking. Using data from the Department of Buildings, the Department of Consumer Affairs, and additional research completed by the applicant, the Study found that the ratio of change in off-street parking spaces to the change in residential units without the proposed development is 3 percent. With the proposed development containing 180 residential parking spaces and 181 residential units, the ratio would increase to 8 percent.

The garage would be accessed from one-way eastbound West 18th Street via a single two-way 17-foot-wide curb cut with 2.5-foot splays (22 feet in total) located 180 feet east of Eleventh Avenue. Patrons would drive down to the cellar level and leave their vehicle with an attendant in one of 10

reservoir spaces and exit via stairway access to West 18th Street or elevator access through the building. A speed bump and stop sign would be posted at the exit of the facility. In total, the proposed facility would use approximately 36,082 square feet of parking, including 44 double-height stackers, with 4,950 square feet of access zone and 31,132 square feet of parking zone.

ENVIRONMENTAL REVIEW

This application (C 190213 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 19DCP013M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, as described in the Environmental Assessment Statement, a Negative Declaration was issued on January 28, 2019.

UNIFORM LAND USE REVIEW

This application (C 190213 ZSM) was certified as complete by the Department of City Planning on January 28, 2019 and duly referred to Manhattan Community Board 4 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

On March 6, 2019, by a vote of 38 in favor, zero opposed, and one abstaining, Manhattan Community Board 4 recommended denial of the application (C 190213 ZSM).

Borough President Recommendation

This application (C 190213 ZSM) was considered by the Manhattan Borough President, who issued a recommendation on April 15, 2019 to disapprove the application unless the following conditions are met:

- “1. That the Applicant allot 36 of the proposed parking spaces for car rental or car sharing vehicles;

2. That the Applicant work with nearby institutions to identify their need for parking and rent such spaces to those institutions as appropriate and in consultation with the Community Board; and
3. That the Applicant provide bike parking spaces at an affordable rate and ensure that the spaces are being used.”

The Borough President further recommended that if the first two conditions are not met, then the number of parking spaces be reduced from 180 to 100.

City Planning Commission Public Hearing

On April 10, 2019 (Calendar No. 1), the City Planning Commission scheduled April 24, 2019 for a public hearing on this application (C 190213 ZSM). The hearing was duly held on April 24, 2019 (Calendar No. 22). A team of two speakers appeared in favor of the application, and none appeared in opposition.

The applicant’s land use attorney explained that the request for 180 spaces was not related to the number of dwelling units, but was determined by the size of the 36,000-square-foot cellar space created by the excavation required by the extensive environmental remediation on the site. He suggested that the demand for parking spaces by residents of the building would be up to 100 spaces, while the rest of the spaces would be for the growing number of neighborhood residents. He also stated that, based on the transportation study done for the application, the proposed garage would not overwhelm the transportation network or have notable impacts on the flow of pedestrian traffic.

The applicant’s transportation consultant stated that vehicle ownership rate in the Manhattan Core is about 25 percent, but that in the West Chelsea neighborhood there are a significant number of single-person households, which generally have low car ownership rates. The market rate building under construction has no studio units and a larger unit size, which correlates to higher vehicle ownership rates. He presented information from the residential growth parking study, noting that two-thirds of the new residential buildings in the study area do not provide any parking, and that

the ratio of new parking spaces proposed in the application to new residential units in this project would be about eight percent.

The applicant team said that they were willing to seek car sharing organizations to park at the facility up to a maximum number of 36 spaces. They also said that, at the Manhattan Borough President's suggestion, they have reached out to institutional users in the neighborhood, including federal law enforcement agencies, that are currently using on-street parking spaces but might consider parking in the garage. The applicant team also expressed a willingness to modify the design of the garage to accommodate more bicycle parking and building and residential storage, and to reduce the overall number of parking spaces.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 190213 ZSM), as modified herein, is appropriate. As modified, the requested special permit will allow the applicant to increase the permitted capacity of the proposed accessory parking facility by 69 parking spaces, rather than by the initially requested 139 spaces.

The applicant stated at the public hearing that the original number of 180 parking spaces proposed for the project was solely based on the amount of square footage available in the below-grade space after environmental remediation and not on a desire to have one parking space per dwelling unit. After the public hearing, the applicant submitted drawings reflecting a new design for the parking facility with a wider array of uses, including public bicycle parking, residential and building storage, and the removal of many of the double-height car stackers that were proposed for the garage. The Commission believes that the redesigned garage—with markedly fewer parking spaces—is a better and more suitable use of space for a predominantly residential building in the Manhattan Core.

The Commission notes that the parking spaces are intended to be used by residents of the building and the neighborhood, with the result being fewer vehicle trips in and out of the garage than there

would be for a garage used for transient parking. The entrance to the parking facility is located 180 feet from Eleventh Avenue on West 18th Street, which is one-way eastbound, so patrons will not cross directly in the path of oncoming vehicles and bicycles to enter or exit the facility. At this location, the driveway, with 10 required reservoir spaces, will not interfere with vehicles traversing from the nearest intersection. The Commission appreciates that the applicant is removing nine curb cuts from the former parking lot and warehouse on the development site and consolidating them into one as-of-right curb cut. The garage will have a speed bump and stop sign for exiting vehicles that will help to ensure pedestrian safety. Therefore, the Commission believes that, with the reduced number of parking spaces, the location of the vehicular entrance and exit will not unduly interrupt the flow of pedestrian traffic nor cause on-street congestion.

The Commission acknowledges the comments by the Borough President requesting car share parking and parking for government agencies that are currently taking up on-street parking spaces. The number of car share spaces that a private car share operator parks at a given garage is driven by user demand in the nearby area and fluctuates throughout the year. The Commission encourages the use of car share vehicles and appreciates that the applicant agreed to seek spaces for car share vehicles. The Commission has not been presented with any details that suggest sequestering a specific amount of parking spaces in a residential accessory parking facility for law enforcement or public service establishments could be realized or enforced.

The Commission appreciates the inclusion of affordable public bicycle parking into the redesigned garage. The development site is located next to an on-street, striped bicycle lane on West 18th Street and the Hudson River Greenway, which has thousands of daily users. The Commission continues to encourage bicycling as a sustainable and healthy mode of transportation.

The original 1982 Manhattan Core parking regulations had goals to reduce the supply of off-street parking and to reduce automobile use and car commuting, and to do this by limiting parking lots and introducing parking maximums. The Department updated the 30-year old regulations in 2013 with a text amendment with targeted improvements that included new special permits and findings, and the ability to have public parking in accessory garages. Recent research by the Department on the supply of off-street parking and transportation in the Central Business District (CBD) suggests

the goals are being met: the number of Department of Consumer Affairs-licensed parking spaces has decreased by 26 percent since 1978; the number of automobile entries has decreased 29 percent from 2000 to 2016; and, during the same timeframe, the number of persons entering the CBD by subway has increased by 16 percent. The Commission views these as beneficial outcomes and positive trends that will continue to encourage the use of mass transit and other modes of transportation that are more sustainable than privately owned vehicles.

The Commission is mindful of concerns about the continued requests for parking in excess of the allowed maximum in West Chelsea. This neighborhood has seen a significant amount of residential growth in recent years, much of it on soft sites like parking lots, that has changed the character of the neighborhood and streetscape. In addition to this evolution into a more residential neighborhood, the area is seeing an influx of pedestrians, bicyclists, buses, taxis and tourists. This is partly being driven by the recreational space on the High Line and the Hudson River Park waterfront. The High Line, a rail line converted into a linear park, is not only a premier open space for New Yorkers to enjoy, but it is also a tourist destination that is becoming a contemporary architecture and design hot spot due to buildings like the one at 515 West 18th Street. It is for these reasons and to continue the beneficial trends in moving away from the use of privately owned vehicles in the Manhattan Core, that the modification to markedly reduce the number of spaces is appropriate.

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 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. N/A
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 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. 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 adverse 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 and findings described in this report, the application submitted by 18th Highline Associates, L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of special permits pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 110 spaces on portions of the ground floor

and cellar of a proposed mixed-use building on property located at 515 West 18th Street (Block 690, Lots 12, 20, 29, 40, 54 and 1001-1026), in C6-2 and C6-3 Districts, within the Special West Chelsea District, Borough of Manhattan, Community District is approved, as modified, and subject to the following conditions:

1. The property that is the subject of this application (C 190213 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plan, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
1 OF 2	Ground Level/Site Plan	1/10/2019 ¹
2 OF 2	Cellar Level Parking Plan	5/28/2019

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 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

¹ Date corrected from 9/28/2019 in earlier version

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 190213 ZSM), duly adopted by the City Planning Commission on June 3, 2019 (Calendar No. 11), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

HOPE KNIGHT, ORLANDO MARIN, LARISA ORTIZ,

RAJ RAMPERSHAD, *Commissioners*