



CITY PLANNING COMMISSION

July 27, 2005, Calendar No. 14

C 040473 ZSM

IN THE MATTER OF an application submitted by 155 West 21st St 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 83 spaces on portions of the ground floor, cellar and sub-cellar of a proposed 15-story mixed use building located at 155 West 21st Street (Block 797, Lots 6, 7, 9 and 73), in a C6-3A District, Community District 4, Borough of Manhattan.

The application was filed by 155 West 21st St LLC on May 25, 2004 for a special permit pursuant to Section 74-52 of the Zoning Resolution for an 83-space public parking garage on the ground floor, cellar, and sub-cellar levels of a proposed, 15-story mixed-use building.

BACKGROUND

The project site is an approximately 14,000 square foot through-block zoning lot comprised of four lots (Block 797, Lots 6, 7, 9, and 73). Lots 6, 7, and 9 are contiguous and front on West 21st Street. A five-story residential building is located on Lot 6. Lots 7 and 9 contain a vacant two-story building and a 35-space public parking lot. Lot 73 fronts on West 22nd Street and contains a four-story mixed-use building.

The project site is located within a C6-3A zoning district with a maximum FAR of 7.52 for residential use and 6.0 for commercial use. Land uses on the subject block are varied and include several residential buildings and the School of Visual Arts immediately adjacent to the project site on West 21st Street. The remainder of the block contains commercial loft buildings, some with ground floor retail establishments, and a 63-space

public parking lot. The surrounding area is also characterized by a mix of residential and commercial buildings. In addition to these developments, a cemetery and two parking garages are located on the block to the south of the project site. Building heights in the area range between 3 and 10 stories.

The applicant requests a special permit for an 83-space attended public parking garage on the ground floor, cellar and sub-cellar levels of a proposed, 15-story mixed-use building fronting on West 21st Street. The building would be constructed on a portion of the project site and would require demolition of the two-story building on Lot 7. The existing buildings on Lots 6 and 73 would remain. The proposed building is as-of-right within the C6-3A district.

The approximately 17,000 square-foot proposed garage would be accessed via West 21st Street, a one-way westbound street. The garage entrance would be located approximately 120 feet east of Seventh Avenue on West 21st Street and would entail creation of a new, 22 foot-wide curb cut. The garage would contain a two-way ramp leading from ground level to the cellar. Ten reservoir spaces would be located on the ramp between the ground floor and cellar levels of the garage and on the cellar level itself.

ENVIRONMENTAL REVIEW

This application (C 040473 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 05DCP001M. 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 March 14, 2005.

UNIFORM LAND USE REVIEW

This application (C 040473 ZSM) was certified as complete by the Department of City Planning on March 14, 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 May 4, 2005, and on that date, by a vote of 27 to 5 with 1 abstention, adopted a resolution recommending disapproval of the application. The main points of the Community Board's resolution are summarized below:

“... the Board is deeply concerned that approving this garage will tend to draw cars into this heavily-trafficked area of Manhattan and would adversely affect the quality of the neighborhood. We believe that the application fails to meet the findings required in ZR Section 74-52 because it mischaracterizes the neighborhood conditions and because it relies on flawed traffic projections.”

“The application inaccurately describes Chelsea as ‘commercial in nature’ and falsely claims that it is “not characterized as a local residential neighborhood.” In fact, land use patterns and zoning show that the area near the proposed garage is densely residential...”

“West 21st Street, like many others in the area, is frequently blocked by traffic... The impacts of the garage will not be confined to this block alone but to the increasingly residential blocks nearby. Any increase in traffic would have a serious impact on congestion and the resulting air and noise pollution.”

“Clearly, the intention of the garage is to primarily serve an increased number of transient users from outside the neighborhood, not the residents of the building or local residents.”

“The application’s traffic projections were based on the increment of 48 new spaces and show that the new garage would generate approximately 30 new vehicle trips per hour. But the new garage is the equivalent of 83 new spaces and may generate as many as 48 trips per hour – very close to the significance level adopted by the CEQR manual.”

“The Board recommends denial of the application on these grounds as well as general environmental principles. We cannot accept parking beyond the accessory number allowed as of right...”

Borough President Recommendation

This application was considered by the Borough President, who recommended approval of the application on June 20, 2005, subject to the condition that “parking spaces be set aside for residents as accessory spaces in the form of monthly or yearly rentals [and that] the number of spaces set aside should be consistent with the number of spaces available as of right for an accessory parking garage.” In addition, the Borough President recommended that, “if the accessory parking spaces are not rented by the residents, then they should be made available as public parking.”

City Planning Commission Public Hearing

On June 8, 2005 (Calendar No. 4), the City Planning Commission scheduled June 22, 2005, for a public hearing on this application (C 040473 ZSM). The hearing was duly held on June 22, 2005 (Calendar No. 22). There were two speakers in favor of the application and no speakers in opposition.

The applicant's counsel briefly described the project and the history of the parking lot. He indicated that the parking lot that was previously on the site had a Certificate of Occupancy as a public parking lot since 1971 and that the lot had since been used for public parking as well as taxi vehicle storage. He also addressed the Borough President's concern regarding the reservation of parking spaces for tenants of the proposed building and indicated that the applicant would comply with the Borough President's recommendation.

The applicant's environmental consultant briefly described the environmental analysis methodology.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for special permit (C 040473 ZSM) is appropriate.

The Commission notes that the surrounding area contains a mix of medium density commercial and residential buildings, many of which provide limited parking. The proposed garage would serve work day parking demand within the area and, with the commitment to provide accessory parking, accommodate the demand generated by new residents of the building. The Commission notes the conversion of several other large buildings to residential use in the immediate vicinity of the project and that many of these developments do not provide parking for new residents.

The Commission also notes that the entrance to the garage would be located on West 21st Street, which is a one-way, westbound street. The Commission recognizes that traffic accessing the garage would travel along West 21st Street and Sixth Avenue and that, while these streets contain residential uses, the nature of the surrounding area is diverse and that there are a large number of commercial buildings and ground floor commercial uses throughout the area. The Commission therefore believes that the proposed garage would draw a minimum of traffic through residential areas.

The Commission recognizes that, according to the environmental assessment statement prepared for this application, the incremental increase in traffic resulting from the creation of this 83-space public parking garage would not significantly alter traffic conditions on the local street network. In addition, the Commission notes that the garage provides the required ten reservoir spaces.

The Commission acknowledges the concerns of Community Board 4 with respect to this application. As stated above, the Commission believes that the proposed garage would draw traffic primarily along this block of West 21st Street and the adjoining avenues. These streets are not predominantly residential but instead contain a mix of residential and commercial uses. The Commission believes that a public garage such as that which is proposed is appropriate for this location within a highly mixed commercial and residential neighborhood.

The Commission acknowledges the Borough President's recommendation that 25 spaces be reserved for accessory parking for tenants of the proposed building and that the applicant has agreed to this recommendation.

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 155 West 21st St 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 83 spaces on

portions of the ground floor, cellar and sub-cellar of a proposed 15-story mixed use building located at 155 West 21st Street (Block 797, Lots 6, 7, 9 and 73), in a C6-3A 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 040473 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 The Stephen B. Jacobs Group, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
SPP-1	First Floor Plan	February 12, 2004
SPP-2	Cellar Plan	February 12, 2004
SPP-3	Sub-cellar Plan	February 12, 2004

- 2) Not less than 25 of the 83 spaces within this public parking garage shall be reserved for accessory use by the tenants of the development.
- 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 040473 ZSM), duly adopted by the City Planning Commission on July 27, 2005, (Calendar No. 14), 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., ALFRED C. CERULLO, III, RICHARD W. EADDY,
JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
DOLLY WILLIAMS, Commissioners

KAREN A. PHILLIPS, Commissioner Voting No