



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

April 27, 2014

Carl Weisbrod
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: ULURP Application No. N 150147ZSM
Special Permit for a 29-Space Accessory Parking Garage**

Dear Chair Weisbrod:

At its regularly scheduled Full Board Meeting on April 1, 2015, Manhattan Community Board 4 (CB4), on the recommendation of its Chelsea Land Use Committee, voted 33 in favor, 3 opposed, 0 abstaining and 0 present but not eligible to vote to recommend denial of the Application for a special permit under ZR 13-45 and ZR 13-451 for an increase in the number of parking spaces in an automated parking facility at 520 W28th Street to 29. The Board's recommendation is based on the belief that the test determining eligibility for the special permit is deeply flawed and inapplicable in this situation.

Background

The proposed development at 520 West 28th Street is an as-of-right mixed use building occupying Block 699 Lot 43 in a C6-3 district in Subarea B of the Special West Chelsea District. The development will have 40 residential units, and 11,213 square feet of commercial space on the ground floor. Under ZR 13-11(a) the site is permitted eight accessory parking spaces for the residential units and three accessory parking spaces for the commercial square footage.

The proposed garage will be an unattended, automated facility where vehicles will be stored and retrieved by automated guided vehicles - battery-powered robotic devices - moving between the garage entry area and storage spaces in the two levels below. The garage will occupy approximately 850 sq. ft. at the ground level, including the one required reservoir space, 4,550 sq. ft. at the cellar level, providing fourteen parking spaces, and 4,950 sq. ft. at the sub-cellar level, providing fifteen parking spaces.

The applicant is seeking approval for 29 spaces in the proposed garage, all of which are intended to be accessory parking spaces used only by the tenants of the proposed development. CB4 appreciates the applicant's commitment that all of the spaces will remain accessory parking spaces.

Analysis

The 29 parking spaces requested by the applicant represents a parking ratio of 72.5% (29/40), far in excess of the 27.5% permitted as-of-right (11/40) and the overall target of 20% for residential areas. ZR 13-45(c) sets out five required findings for the granting of a special permit for additional parking spaces. The Board believes that the applicant has shown that the project complies with each of the applicable findings. ZR 13-45(d) requires compliance with the additional finding set out in ZR 13-451, that "the number of off-street parking spaces in the proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility..."

The Department of City Planning (DCP) addressed the issue of reasonableness by developing methodology to calculate a "parking ratio." The calculation of the parking ratio requires consideration of new residential dwelling units and new and lost parking spaces during a ten year look-back period through the completion of the proposed facility.

The applicant provided a study of new residential dwelling units and off-street parking spaces within one-third mile of the proposed development between 2004, the beginning of the ten year look-back period, and 2016, the anticipated completion year of the proposed development. The study found parking ratios of 20.6% without the proposed development (2,890 new dwelling units, 596 new parking spaces) and 21.3% with the proposed development (2,930 new dwelling units, 62 new parking spaces). The study also found a decrease of 1,730 DCA-licensed parking spaces, of which 521 (30%) are presumed to have been residential. Including these lost spaces results in a parking ratio of 3.5% (2,930 new residential units, 104 net new parking spaces).

The applicant concludes that since the parking ratio of 3.5% resulting from the proposed parking facility is significantly below the target of 20%, they have met all of the required findings and should be granted the special permit. CB4 agrees that the applicant has met the required findings, including that in ZR 13-451, but believes that the methodology developed by DCP for the calculation of the parking ratio is deeply flawed and cannot be properly used to justify the requested special permit in the area where the proposed development is located.

Conclusions

At the beginning of the mandated ten year look-back period, the west Chelsea area was a manufacturing district with a large over-supply of off-street parking caused by warehousing vacant lots as parking pending favorable economic and social conditions for development of the lots. These parking spaces were not fully utilized except on special occasions, such as events at Madison Square Garden. There also were few residences within the one-third mile study area of the proposed development, and even fewer legal ones. Thus, these parking spaces largely accommodated transient users, not residential users.

The Board believes that the presumed decrease of 521 residential parking spaces calculated as 30% of the loss of 1,730 DCA-licensed spaces greatly overstates the actual loss of residential spaces, that the applicant's 3.5% parking ratio is based on an improper assumption, and that it does not accurately reflect what has happened in the west Chelsea neighborhood.

The Board also notes the following:

- There is increasing access to public transportation in the vicinity of the proposed development. In addition to improved bus service, the final stop on the No. 7 subway line is less than a quarter mile from the proposed garage.
- The current marketing for the proposed development is based on eleven parking spaces, not 29, suggesting that the owners believe the property can succeed without the requested additional parking spaces.

The Board concludes that the technical justification for the additional parking spaces is flawed, that based on the development of new residential units and new parking spaces the parking ratio is greater than 20% both with and without the proposed development, that residents of the proposed development will have good access to public transportation when the building is completed and that the requested additional spaces are not necessary for the success of the development.

Recommendations

CB4 recommends that the application for a special permit be denied. The Board further recommends that the City Planning Commission request that DCP reconsider their methodology for calculating the parking ratio to address the concerns raised in this letter.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council
Jerald A. Johnson, Director of New York Zoning & Land Use, Fox Rothschild LLP