



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

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District Manager

August 10, 2015

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

**Re: ULURP Application No. C 150309 ZSM
Special Permit for a 39-Space Accessory Parking Garage**

Dear Chair Weisbrod:

At its regularly scheduled full Board meeting on July 22, 2015, Manhattan Community Board 4 (CB4), voted 27 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 530 W28th Street to 39. 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, and that the availability of nearby public transportation makes the additional spaces unnecessary. This recommendation reflects the consensus of its Chelsea Land Use Committee at its July 13th meeting which did not have a quorum.

Background

The proposed development at 530 West 28th Street is an as-of-right mixed use building occupying Block 699 Lot 49 in a C6-3 district in Subarea B of the Special West Chelsea District. The development will have 36 residential units, and 6,540 square feet of commercial space on the ground floor and 4,855 square feet of commercial space in the cellar. Under ZR 13-11(a) the site is permitted seven 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 applicant is seeking approval for 39 spaces in the proposed garage, all of which are intended to be accessory parking spaces used only by the tenants of the proposed development.

Analysis

The Board believes that the applicant has shown that the project complies with findings that address pedestrian traffic, street functioning, traffic congestion, etc. 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 application guidelines also state, "Additionally, the City Planning Commission...may take into account levels of vacancy in existing parking facilities within the area of the proposed parking facility."

The Board finds that the number of proposed off-street parking spaces is not reasonable and is excessive in relation to recent trends in close proximity.

The Board has written in response to an earlier application that it believes that the DCP methodology is not appropriate for the West Chelsea area. At the beginning of the mandated ten year look-back period, the West Chelsea area was a manufacturing district with a large oversupply 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.

Specifically, the analysis for the proposed increase in parking spaces raises the following issues:

- The proposed ratio of 100 percent of residential parking spaces is five times larger than the average ratio in residential buildings constructed in the last ten years. Thus the requested ratio is excessive in relation to recent trends. The numbers provided by the applicant show that all previous and similar residential developments in close proximity in the last ten years have a ratio of 14 percent parking spaces.
- Since this building's residents will have exclusive use of the proposed garage spaces, the proposed increase in parking spaces will not alleviate the alleged loss of parking spaces in the vicinity. The assumption that parking is a shared resource is inapplicable to this case.
- It is unreasonable to attribute 30 percent of the lost parking spaces to residential spaces in West Chelsea. The presumed decrease of 719 residential parking spaces calculated as 30

percent of the lost 1,267 DCA-licensed spaces greatly overstates the actual loss of residential spaces; it does not accurately reflect what has happened in West Chelsea.

- There is no analysis of the type of usage in 2003 to demonstrate that all the spaces were utilized and how many spaces were used by residents. It is likely that parking spaces were not fully utilized. The loss of residential parking should be reduced significantly.
- The applicant may have exaggerated the loss of residential parking. The loss of parking spaces in a residential building are counted as 100 percent residential loss, even though these garages are registered with DCA for the purpose of accepting transient traffic, so a portion of that parking capacity should be considered transient. In this application the loss of spaces is inflated to 164 spaces.
- The applicant's analysis does not take into account the number of non-DCA parking lots open during the 10-year look back period.

CB4 appreciates the applicant's commitment that all of the proposed spaces will remain accessory parking spaces, but is concerned by the proposed 1:1 ratio of parking spaces to residential units. Since city living increasingly means going without an automobile, we believe it is likely that one or more parking spaces would go unused by residential tenants of the building and thus be available for transient parking, which we oppose.

The Board also notes that there is increasing access to public transportation in the vicinity of 530 West 28th Street. In addition to improved bus service, the final stop on the No. 7 subway line will be less than a quarter mile from the proposed garage.

The Board is concerned by the increasing traffic created by new residential developments in West Chelsea, and by buses bringing tourists to the High Line, art galleries and the new Whitney Museum. Encouraging additional traffic by increasing residential parking will exacerbate traffic congestion.

Conclusions and Recommendation

The Board believes that the technical justification for the additional parking spaces is flawed for the West Chelsea area, that based on the development of new residential units and new parking spaces the parking ratio is greater than 20 percent 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, as noted by the applicant, and that the requested additional spaces are not necessary for the success of the development.

CB4 believes that the number of accessory parking spaces should be restricted to those available as-of-right and recommends that the application for a special permit be denied.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee