

Yorkville Tower
1623-1641 Third Avenue, NY, NY
Special Permit Pursuant to ZR Sections 13-45 & 13-455(a)(1)
May 25, 2018
(Revised October 2018)

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BY COMMUNITY BOARD 8

1. Introduction

This is an application (“Application”) by Yorkville Towers Associates LLC (“Applicant”) for a Special Permit (“Special Permit”) pursuant to Section 13-45 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”) to enlarge an existing, accessory, unattended parking garage constructed in 1974 within a 42-story, predominantly residential, mixed use condominium building located at 1623-1641 Third Avenue, Manhattan (Block 1537, Lot 1 [7501]) or the “Development Site” or “Yorkville Tower Garage”). The Development Site is in the Yorkville neighborhood of the Upper East Side of Manhattan, in Community District 8. The approximately 73,719 square-foot Development Site is a corner/through lot located on the westerly end of the block bounded by East 91st Street/James Cagney Place on the south, Third Avenue on the west and East 92nd Street on the north.

The proposed action is to increase the capacity of the existing garage by legalizing it to an attended garage to serve the residents of the building and, secondarily, the surrounding neighborhood. The Special Permit requested is for an increase in the capacity of an existing garage pursuant to Section 13-45 and 13-455(a)(1) of the ZR from 301 unattended parking spaces to 506 attended parking spaces, which is an increase of 205 spaces. Special permits are also being requested for two neighboring buildings: Ruppert Tower at the westerly end of the block immediately to the south and Knickerbocker Plaza to the east.

2. Background

The Development Site known as Yorkville Tower has 709 dwelling units, approximately 23,445 gross square feet of local retail space along the Third Avenue frontage, and 301 accessory, unattended parking spaces in an enclosed garage. The building was completed in 1974 in accordance with the Ruppert Brewery Urban Renewal Plan (RBURP) (which expired in 2008) and a Large Scale Residential Development Plan (LSRD) which is still applicable. The RBURP Area, extending from East 90th Street to East 94th Street and from Second Avenue to Third Avenue, was designated on April 20, 1966 (CP –

19322) in order to facilitate the redevelopment of the site of the former Ruppert Brewery, which was constructed beginning the second half of the nineteenth century and, at its peak, consisted of over thirty structures sprawled across the four square block area. The brewery became functionally obsolete and closed in 1965. The RBURP was adopted by the City Planning Commission on March 20, 1968 (CP-20197) and by the Board of Estimate on June 20, 1968 (Calendar No. 18). It authorized the redevelopment of ten parcels with 2,700 dwelling units, commercial space, community facility space and open space. The LSRD was created in order to help implement the development of the RBURP. Title to the property acquired pursuant to the RBURP vested in the City of New York on September 3, 1968. The RBURP was amended on September 22, 1971 (CP-21714) to permit the development of 2,300 dwelling units, the creation of a park, commercial space and a school. All three developments included in this application, Ruppert Tower, Yorkville Tower and Knickerbocker Plaza, were originally developed as affordable housing rentals under the Mitchell-Lama program. In 2003, Ruppert Tower and Yorkville Tower became market-rate condominiums, and in 2008, Knickerbocker Plaza became market-rate rentals.

Yorkville Tower was designated as Site 2B within the RBURP and the LSRD. The LSRD allowed 709 dwelling units on Site 2B, Yorkville Tower. As it was built, the building has 709 dwelling units and 301 unattended parking spaces (42 percent of the number of dwelling units). The proposed special permit seeks an increase of 205 parking spaces from 301 for a total of 506 parking spaces, 71 percent of the number of dwelling units.

3. Description of the Surrounding Area

The project area is located in the Yorkville neighborhood of the upper east side of Manhattan, in Community District 8. As noted above, The Development Site is part of a Large Scale Residential Development (LSRD) approved by the New York City Planning Commission in 1971 (CP-21714), which was revised from the 1968 initial Urban Renewal Plan (CP-20197). While the RBURP has expired, the LSRD remains in effect.

The immediate surrounding area is predominantly multi-family residential with commercial store fronts along the avenues. A number of buildings were constructed pursuant to the RBURP/LSRD (see attached chart titled “RBURP Residential Development Summary”). Additionally, a one acre public park,

Ruppert Park, was developed pursuant to the RBURP/LSRD on site 2A, adjacent to this development, at the easterly end of Block 1536, extending to Second Avenue. The Development Site is located within a C2-8 commercial zoning district which, pursuant to Section 34-112 of the ZR has an R10 residential equivalent allowing an as-of-right residential floor area ratio of 10.0. The C2-8 district extends northward and southward along Third Avenue and eastward to Second Avenue along East 91st Street/James Cagney Place, encompassing the entire blocks from East 90th Street to East 92nd Street between Second and Third Avenues. The blocks from East 92nd Street to East 94th Street between Second Avenue and Third Avenue are partially zoned C2-8, C4-6 and R8. C4-6 is a commercial zoning district which, pursuant to Section 34-112 of the ZR has an R10 residential equivalent allowing an as-of-right residential floor area ratio of 10.00. R8 is a residential zoning district which, pursuant to Section 23-151 of the ZR has a maximum as-of-right residential floor area of 6.02. Other mid-blocks in the area are zoned R8B which allows a maximum residential floor area ratio of 4.0 (pursuant to the Quality Housing provisions of Section 23-153 of the ZR).

Vehicular traffic on Third Avenue runs one-way uptown. The M98, M101, M102, and M103 buses run uptown along Third Avenue and downtown along Lexington Avenue. Vehicular traffic on Second Avenue runs one-way downtown. The M15 bus runs downtown along Second Avenue and uptown along First Avenue. Buses along the avenues stop every other block. The major east-west thoroughfares are 86th Street and 96th Street. Ninety Sixth Street is a two-way street. The M96 bus runs east-west along 96th Street between First Avenue and West End Avenue. Eighty Sixth Street is a two-way street. The M86 bus runs east-west along 86th Street from Broadway to York Avenue and then up York Avenue to 92nd Street. Buses running along 86th Street and 96th Street stop at every avenue. East 90th Street has a shared bicycle lane running eastbound.

The nearest operating subway line is the new Second Avenue subway (Q line), which has a station located at 96th Street and Second Avenue. The Lexington Avenue line (4, 5, and 6 lines) is also in close proximity and is located two blocks to the west, which has an express station at East 86th Street and a local station at East 96th Street (6 line). There are Special Transit Land Use (TA) Districts mapped on the Zoning Map along Second Avenue from East 85th Street to East 87th Street and from East 93rd Street to East 97th Street. The Second Avenue Subway is adjacent to this Zoning Lot with stations within the TA Districts at East 86th Street and East 96th Street. These two new subway stations were open for

service on January 1, 2017. The East 96th Street station has an entrance at East 94th Street, three blocks from the Development Site and the East 86th Street station entrance is four blocks south along Second Avenue from the Development Site.

The four blocks within the RBURP were redeveloped with a number of buildings, dominated by seven towers in excess of 20 stories. (See attached “RBURP Residential Development Summary”). Additionally, there are several tall buildings just outside of the RBURA/LSRD including: (1) 1589 Third Avenue, south of East 90th Street, is a 28 story building with 213 dwelling units and (2) 1760 Second Avenue, between 91st Street and 92nd Street, is a 34 story building with 140 dwelling units. Virtually all other residential development in the area consists of 4 to 6 story buildings. Buildings along the avenues have commercial store fronts at the ground floors.

The RBURP and the LSRD called for the creation of two large open spaces within the four blocks, Ruppert Park, a one acre public park at the northwest corner of Second Avenue and East 90th Street and a privately-owned through-block playground on Site 4A at 203 East 92nd Street, a/k/a 202 – 206 East 93rd Street (Block 1538, Lot 10). The RBURP and LSRD required the playground to be maintained until the expiration of the RBURP in 2008. In 2011, three years after the expiration of the RBURP, the LSRD was amended (M860259 (A) ZAM) to allow the private playground to be replaced by a 36 story apartment house containing 290 dwelling units and a school. That building was completed in 2016. Central Park is four blocks to the west. Asphalt Green is two blocks to the east, and Carl Schurz Park is a block east of Asphalt Green, south of East 89th Street.

Just beyond the 600 foot boundary are several major institutions. Metropolitan Hospital is a municipal hospital occupying a two-square block super block bounded by East 97th Street and East 99th Street between First Avenue and Second Avenue. The 92nd Street Y, a major cultural institution, is located on the easterly side of Lexington Avenue between East 91st Street and East 92nd Street. The Islamic Center of New York is at 1711 Third Avenue between 96th Street and 97th Street. Mount Sinai Hospital is located on a superblock on Fifth Avenue from East 98th Street to East 101st Street. Hunter College High School occupies the entire block between 94th Street and 95th Street from Madison Avenue to Park Avenue.

4. Description of the Proposed Development Site

Yorkville Tower, 1623-1641 Third Avenue, occupies Lot 1 (Condo Lot 7501) in Block 1537 in the Borough of Manhattan. It comprises approximately 73,749 square feet of lot area, occupying the westerly end of the block bounded on the south by East 91st Street/James Cagney Place, on the north by East 92nd Street and on the west by Third Avenue. The zoning lot is occupied by Yorkville Tower, an existing, 42-story, predominantly residential mixed use building containing 709 dwelling units and a total floor area of 717,870 sq. ft. of which approximately 23,445 sq. ft. is commercial floor area.

Pursuant to the initial Certificate of Occupancy (CO) No. 5715 issued on June 3, 1975, the building contains an accessory unattended parking garage with a DCA-licensed capacity of 301 self-parking spaces, comprised of one at-grade level and three below-grade levels. This is consistent with the most recent CO issued on May 6, 2004 (CO No. 101018998). Parking is for residents of Yorkville Tower and residents of buildings in the surrounding neighborhood. The CO indicates that the garage may include parking for non-residents with no limitation as to time and that residents may recapture any of the non-residential parking spaces upon thirty (30) day written notice to the owner. The Yorkville Tower Garage is currently over the permitted capacity and is fully occupied with 506 overnight residents of both Yorkville Tower and of residential buildings in the surrounding neighborhood. The Yorkville Tower garage is currently not occupied with any transient parking from outside the neighborhood. Approximately 24 percent of the overnight parkers are residents of Yorkville Tower and approximately 76 percent are other residents. The proposal is to enlarge the capacity of the garage from 301 self-parking spaces to 506 attended spaces, an increase of 205 parking spaces, which will accommodate the overcapacity of the overnight residential customers.

The parking garage is accessed via an approximately 29-foot-wide curb cut located on East 92nd Street, 297 feet east of Third Avenue. East 92nd Street is one way eastbound with one travel lane and curbside parking. There are separate lanes for entering vehicles and exiting vehicles.

Pursuant to the Manhattan Core parking regulations, adopted in 2013, any increase in capacity of a garage in Manhattan Community Districts 1 – 8 requires a special permit pursuant to Section 13-45 of the New York City ZR. The proposed increase requires the requested special permit. This proposal is to increase the number of parking spaces from 301 to 506 attended parking spaces, which is 71 percent of

the building's 709 residential units. The purpose of the increase in capacity is to accommodate increased demand from residents of the building as well as the neighborhood. A Residential Growth Parking Study was completed, as discussed in the Statement of Findings and as an attachment to this application. Yorkville Tower garage currently contains 21 bicycle parking spaces¹ and three electric charging stations (two Tesla chargers and one universal). If the proposed increase in automobile parking spaces is approved, the garage will increase the number of bicycle parking spaces to be compliant with Section 20-327.1 of the NYC Administrative Code.

The proposal involves the redesign of some existing space within below-grade portions of the building including pedestrian access and waiting areas. There will be no change in the size or location of the curb cut or the location of columns or ramps; however, a stop sign will be installed at the exit ramp. ADA compliant access is currently provided and will be maintained. The completed development at Yorkville Tower will have 506 attended parking spaces and 25 reservoir spaces.

5. Action Necessary to Facilitate the Project

The action necessary to facilitate construction of the Proposed Development is approval of a Special Permit pursuant to Section 13-45 Special Permits for Additional Parking Spaces and 13-455 Additional parking spaces for existing accessory off-street parking facilities of the ZR to allow for more parking spaces. Section 13-45 allows the introduction of additional parking spaces in off-street parking facilities, provided that certain conditions are met.

Section 13-455(a)(1) allows for additional parking spaces for existing accessory parking facilities if the finding for residential growth in Section 13-451(a) is met. The purpose of the action is to increase the capacity of the parking garage to accommodate increased demand from within the building and the neighborhood. The action involves the existing garage and will not affect the residential portion of the Yorkville Tower building, the retail space or the streetscape. It will benefit the community by reducing the number of vehicles slowly circling the local streets while their drivers seek on-street parking, thereby reducing traffic and air pollution.

¹ Pursuant to Section 20-327.1 of the NYC Administrative Code, Yorkville Tower Garage is required to provide one bicycle parking space for every ten parking spaces. Therefore, the garage must provide 51 bicycle parking spaces. The Development Site must also be compliant with the zoning requirement for bicycle parking (one bicycle storage space for every two dwelling units). Therefore, in total the Development Site will provide storage for 355 bicycles (281 in the building bicycle storage and 74 in the garage).

Attachment 11b – Statement of Conditions ZR Section 13-20
Special Permit Pursuant to Zoning Resolution Sections 13-45 & 13-455(a)(1)

YORKVILLE TOWER

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13-45

Special Permits for Additional Parking Spaces

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

- (1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:**
 - (i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF- STREET PARKING IN THE MANHATTAN CORE); or**
 - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 (Existing Buildings and Off-street Parking Facilities);**

Yorkville Tower and garage was constructed in 1974 as part of the Ruppert Brewery Urban Renewal Plan (RBURP) and a Large-Scale Residential Development (LSRD). Yorkville Tower building contains 709 dwelling units and has an accessory parking garage containing 301 parking spaces. This application requests an increase of 205 parking spaces within the parking garage for a total of 506.

- (2) #public parking lots#, where such facilities:**
 - (i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;**
 - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07; or**

- (iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking in Public Parking Lots);
- (3) #public parking garages#, where such facilities:
 - (i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or
 - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces pursuant to the provisions of Section 13-07.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

(b) Conditions

The proposed parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking garages# shall utilize the applicable regulations for #accessory# off-street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013, need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

13-20

SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots developed#, #enlarged# or #extended# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

13-21

Public Use and Off-site Parking

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

Residents occupy 24 percent of the parking spaces and open spaces are made available for non-residents with no limitation as to time. Residents may recapture any of the non-residential

parking spaces upon thirty (30) day written notice to the owner. Currently all remaining parking spaces are occupied by residents of the area.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

All accessory off-street parking spaces for this building are located on the same zoning lot as the building. No accessory off-street parking spaces are located on another zoning lot.

13-22

Applicability of Enclosure and Screening Requirements

(a) Screening

In addition to the screening provisions of paragraph (a)(1) of Section 13-221 (Enclosure and screening requirements), the ground floor #use# provisions of the following Sections shall apply:

- (1) Sections 32-431 (Ground floor use in C1-8A, C1-9A, C2- 7A, C2-8A, C4-6A and C4-7A Districts) and 32-432 (Ground floor use in Community Board 7, Borough of Manhattan);**
- (2) Section 32-435 (Ground floor use in high density Commercial Districts);**
- (3) Sections 81-42 (Retail Continuity Along Designated Streets) and 81-531 (Special retail frontage requirements) in the #Special Midtown District#;**
- (4) Section 82-21 (Restrictions on Street Level Uses) in the #Special Lincoln Square District#;**
- (5) Section 91-12 (Uses on Designated Retail Streets) and the applicable Sections of 91-41 (Regulations for Designated Retail Streets), inclusive, in the #Special Lower Manhattan District#;**
- (6) Section 95-08 (Special Use Regulations), inclusive, in the #Special Transit Land Use District#;**
- (7) Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (c), in the #Special Clinton District#;**
- (8) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#;**
- (9) Section 99-03 (Special Use Regulations), inclusive, in the #Special Madison Avenue Preservation District#;**
- (10) Sections 109-11 (Special Use Regulations), inclusive, and 109-21 (Use Regulations), inclusive in the #Special Little Italy District#; and**

- (11) **Section 132-20 (SPECIAL USE REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.**

Not Applicable.

(b) Transparency

The transparency provisions of paragraph (a)(2) of Section 13-221 shall not apply to portions of ground floor level #street walls# that are subject to the following Sections:

- (1) Section 32-435 (Ground floor use in high density Commercial Districts);**
- (2) Section 81-42 (Retail Continuity Along Designated Streets) in the #Special Midtown District#;**
- (3) Section 82-23 (Street Wall Transparency) in the #Special Lincoln Square District#;**
- (4) Section 91-412 (Access and glazing of required retail space) in the #Special Lower Manhattan District#;**
- (5) Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (c), in the #Special Clinton District#;**
- (6) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#; and**
- (7) Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS AND STREET WALL LOCATION), inclusive, in the #Special Enhanced Commercial District#.**

Not applicable

13-221

Enclosure and screening requirements

Pursuant to Section 13-45(b), applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013 need not comply with this section. This parking facility was built in 1975.

(a) #Accessory# off-street parking facilities

All #accessory# off-street parking spaces shall be located within a #completely enclosed building#, with the exception of parking spaces #accessory# to a hospital, as listed in Use Group 4, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces)

In addition, such parking facilities shall comply with the following provisions:

(1) Screening.

Any portion of an #accessory# off-street parking facility that is located above #curb level# shall comply with the applicable parking wrap and screening provisions set forth in Section 37-35.

The Yorkville Garage is not above curb level.

(2) Transparency

Portions of ground floor #commercial# and #community facility uses# screening the parking facility in accordance with the provisions of paragraph (a) of Section 37-35 shall be glazed with transparent materials in accordance with Section 37-34.

However, for #buildings# where the #base flood elevation# is higher than the level of the adjoining sidewalk, all such transparency requirements shall be measured from the level of the #flood-resistant construction elevation#, as defined in Section 64-11, instead of from the level of the adjoining sidewalk.

For #zoning lots# with multiple #street wall# frontages, the transparency provisions of this paragraph, (a)(2), need not apply to #street walls# that are located entirely beyond 100 feet of any portion of the #accessory# parking facility, as measured in plan view, perpendicular to such parking facility.

- (b) Automobile rental establishments All off-street parking within an automobile rental establishment shall be located within a #completely enclosed building# and shall comply with the screening provisions of paragraph (a) of this Section. #Accessory# office space and customer waiting areas associated with such establishments shall constitute #commercial floor area# for the purposes of such screening requirement.**

Not applicable.

- (c) #Public parking lots# and certain permitted #accessory# parking lots #Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).**

Not applicable.

13-23

Floor Area

The definition of #floor area# in Section 12-10 shall be modified for purposes of this Chapter, as follows:

- (a) Attended parking facilities with parking lift systems.**

For portions of an attended parking facility with parking lift systems, individual lifted trays upon which a vehicle is stored which, in operation, rise to a height in excess of 23 feet, as measured above #curb level#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

The Yorkville Tower garage does not have parking lift systems, therefore this section is not applicable.

(b) #Automated parking facilities#

Floor space used for off-street parking spaces in an #accessory automated parking facility# up to a height of 40 feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission, pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).

The Yorkville Tower garage is not an automated parking facility, therefore this section is not applicable.

13-24

Curb Cut Restrictions

In addition to the provisions of this Section, inclusive, additional restrictions on curb cuts in the #Manhattan Core# are found in the following Special Purpose Districts:

Yorkville Tower is not located within a Special Purpose District, therefore this section is not applicable.

- (a) the #Special Midtown District#, as set forth in Sections 81- 44 (Curb Cut Restrictions) and 81-624 (Curb cut restrictions and loading berth requirements);**
- (b) the #Special Lincoln Square District#, as set forth in paragraph (b) of Section 82-50 (OFF-STREET PARKING AND OFFSTREET LOADING REGULATIONS);**
- (c) the #Special Battery Park City District#, as set forth in Sections 84-144 (Location of curb cuts) and 84-343 (Curb cuts);**
- (d) the #Special Lower Manhattan District#, as set forth in Section 91-52 (Curb Cut Regulations);**
- (e) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-street Parking Spaces);**
- (f) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-street Parking and Curb Cuts);**
- (g) the #Special Clinton District#, as set forth in paragraph (f) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area);**

- (h) the **#Special Madison Avenue Preservation District#**, as set forth in Section 99-06 (Off-street Parking Regulations); and
- (i) the **#Special Little Italy District#**, as set forth in Section 109-351 (Curb cut regulations).

13-241

Location of curb cuts

For **#accessory#** off-street parking facilities, automobile rental establishments and **#public parking lots#**, curb cuts are required for entry and exit to such parking facilities. Such curb cuts:

- (a) shall not be permitted within 50 feet of the intersection of any two **#street lines#**, except where the Commissioner of Buildings certifies that such location:
 - (1) is not hazardous to traffic safety;
 - (2) is not likely to create traffic congestion; and
 - (3) will not unduly inhibit surface traffic or pedestrian flow.

The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;

There is one existing 29-foot wide combined entrance and exist curb cut, located on East 92nd Street and is 297 feet east of Third Avenue. The existing curb cut, which will remain, is not within 50 feet of any intersection.

- (b) shall not be located within two and one-half feet of any **#side lot line#** of the **#zoning lot#**, or prolongation thereof;

The existing curb cut is more than two and one-half feet from any side lot line, as shown on the site plan.

- (c) for **#accessory#** off-street parking facilities and automobile rental establishments, shall not be located on a **#wide street#**, except where authorized pursuant to Section 13-441 (Curb cuts); and

The existing curb cut is located on East 92nd Street, a sixty foot wide street, which by definition is not considered a wide street.

- (d) for **#public parking lots#**, shall not be permitted on the following **#wide streets#**, except where authorized pursuant to Section 13-441.
 - (1) 14th Street, from Fourth Avenue to Seventh Avenue;
 - (2) Avenue of the Americas, from 23rd Street to 32nd Street;

- (3) Canal Street, from the Bowery to West Broadway;
- (4) Church Street, from Park Place to Worth Street;
- (5) Delancey Street, from Clinton Street to the west side of Orchard Street;
- (6) Fifth Avenue;
- (7) Seventh Avenue, from 23rd Street to 32nd Street; and
- (8) Worth Street, from Centre Street to Church Street.

Not applicable.

13-242

Maximum width of curb cuts

(a) #Accessory# off-street parking facilities

For curb cuts accessing off-street parking spaces #accessory# to #residences# in the #Manhattan Core#, the provisions of Sections 25-631 (Location and width of curb cuts in certain districts) and 36-532 (Location and width of curb cuts accessing residential parking spaces in certain districts) shall apply, as applicable.

In addition, the maximum width of a curb cut shall be 22 feet for curb cuts accessing off-street parking spaces #accessory# to #residences# in R9 or R10 Districts, C1 and C2 Districts mapped within R9 and R10 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the equivalent #Residence District# is R9 or R10. This maximum curb cut width of 22 feet shall also apply to curb cuts accessing off-street parking spaces #accessory# to #commercial# or #community facility uses#, and to curb cuts accessing off-street parking facilities with parking spaces #accessory# to a mix of #uses#.

The existing combined entrance and exit curb cut is approximately 29 feet wide. There is no plan to perform structural work to reconfigure the entrance, exit, or sidewalk.

(b) Automobile rental establishments

For curb cuts accessing automobile rental establishments, the maximum width of a curb cut shall be 22 feet.

Not applicable.

(c) #Public parking lots#

For curb cuts accessing #public parking lots#, the curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

Not applicable.

13-25

Reservoir Spaces

For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered to be one reservoir space. In no event shall the dimensions of any reservoir space be less than 18 feet long and 8 feet, 6 inches wide.

All reservoir spaces will be at least 18 feet long and 8 feet, 6 inches wide.

(a) Attended parking facilities

For attended #accessory# off-street parking facilities or #public parking lots# with more than 25 off-street parking spaces, off-street reservoir space at the vehicular entrance shall be provided to accommodate:

- (1) five percent of the total number of parking spaces provided in parking facilities with more than 25 parking spaces and up to 50 parking spaces;**
- (2) ten percent of the total number of parking spaces provided in parking facilities with more than 50 parking spaces and up to 100 parking spaces;**
- (3) ten parking spaces in parking facilities with more than 100 off-street parking spaces and up to 200 parking spaces; and**
- (4) five percent of the total number of parking spaces provided in parking facilities with more than 200 offstreet parking spaces. However such number of reservoir spaces need not exceed 50.**

The Yorkville Tower garage will contain 506 parking spaces. Five percent of the 506 spaces results in 25 reservoir spaces. The garage will provide 25 reservoir spaces.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Not applicable.

(c) Automobile rental establishments

For automobile rental establishments, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Not applicable.

(d) Self-parking facilities

For self-parking #accessory# off-street parking facilities and #public parking lots# where entering vehicles are required to stop before a mechanically operated barrier before entering such parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

Not applicable. The Yorkville Tower garage is proposed to be legalized from a self-parking facility to an attended facility.

13-26

Pedestrian Safety and Access

For all #accessory# off-street parking facilities, the following safety features shall be provided at all vehicular exit points:

- (a) a stop sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and**

The garage will provide the requisite signage.

- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:**

- (1) span the width of the vehicular travel lane;**
- (2) have a minimum height of two inches, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and**
- (3) shall be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.**

The garage will provide a complying speed bump in the exit lane of the parking facility.

13-27

Minimum and Maximum Size of Parking Facilities

For all #accessory# off-street parking facilities and automobile rental establishments, the minimum and maximum size requirements for the #parking zone# for such parking facilities shall be set forth in this Section. The #access zone# of such parking facilities shall not have a minimum or maximum gross surface area.

For the purpose of calculating surface area in attended parking facilities with parking lift systems, the lifted tray upon which a vehicle is stored shall constitute surface area.

- (a) Attended parking facilities**

- (1) For attended parking facilities without parking lift systems, the minimum gross surface area, in square feet, of the #parking zone# shall be 180 times the number of off-street parking spaces provided, and the maximum gross**

surface area, in square feet, of the #parking zone# shall not exceed 200 times the number of off-street parking spaces provided.

The surface areas will comply. There will be 101,200 sq. ft. of area in the parking zone. The 506 spaces will have an average of 200 sq. ft. per space. The maximum gross surface area allowed is 200 times the number of parking spaces (506), which equates to 101,200 sq. ft. Gross surface area in excess of the 101,200 sq. ft. parking zone, formally used for unattended parking, will be redesigned as storage space.

- (2) **For attended parking facilities with parking lift systems, the minimum and maximum surface area of the portion of the #parking zone# allocated to non-elevated parking spaces shall be calculated at the rate set forth in paragraph (a)(1) of this Section; and the surface area, in square feet, of the portion of the #parking zone# allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.**

There will be no parking lift systems.

- (b) **#Automated parking facilities#**

No minimum or maximum surface area requirement shall be required in off-street parking facilities that the Commissioner of Buildings determines to be #automated parking facilities#.

Not applicable.

- (c) **Automobile rental establishments**

The maximum gross surface area, in square feet, of the #parking zone# of an automobile rental establishment, shall be established at the rate set forth in paragraph (a) of this Section.

Not applicable.

- (d) **Self-park facilities**

The gross surface area, in square feet, of the #parking zone# of a self-parking #accessory# off-street parking facility shall be a minimum of 300 times the number of offstreet parking spaces provided, and a maximum of 350 times the number of off- street parking spaces provided. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings.

Not applicable. The parking facility proposing to be legalized from a self-park facility to an attended parking facility.

Attachment 11b – Statement of Findings
Special Permit Pursuant to Zoning Resolution Sections 13-45 & 13-455(a)(1)
YORKVILLE TOWER
May 25, 2018
(Revised October 2018)

13-45

Special Permits for Additional Parking Spaces

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

(c) Findings The Commission shall find that:

- (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;**

The Yorkville Tower parking garage was completed in 1974. There are no proposed changes to the location of the existing entrance and exit, which has accommodated vehicle and pedestrian movements for over forty years. Moreover, the proposed increase of 205 parking spaces is to accommodate the residential parking demand in the area and not transient parking. As stated in the Manhattan Core Parking Study (DCP, 2011), residential parkers generally use their cars infrequently which results in fewer trips per vehicle than transient parking.

There will be no change in the size or location of the curb cut or the location of columns or ramps; however, a speed bump and a stop sign will be installed at the exit ramp to minimize conflicts between exiting vehicles, pedestrians, and other vehicles on the street. The Yorkville Tower Garage will continue to be accessed via the existing 29-foot wide curb cut located on eastbound East 92nd Street with existing separate lanes for entering vehicles and exiting vehicles.

The nearest subway stations are at Second Avenue and East 96th Street and East 86th Street which are 1,000 feet away and pedestrian traffic would not be directly affected by vehicles entering or exiting the garage. Much of the pedestrian traffic is located on East 91st Street, one block south of the Garage entrance, which does not permit through vehicle traffic. In addition, as Yorkville Tower is part of a LSRD much of the pedestrian traffic are the residents of the buildings within the LSRD where numerous pedestrian access points are provided off of the avenues, reducing the amount of pedestrian traffic on 92nd Street. The commercial uses of the buildings within the LSRD are located along the avenues and not within the midblock.

The increase in parking spaces will not impact pedestrian access to Ruppert Park as entrances to the park are located along East 91st Street and Second Avenue.

- (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;**

The Yorkville Tower Garage is an existing garage and there are no proposed changes to the exit and entrance. The entrance is located on East 92nd Street and it is not anticipated that the increase of 205 parking spaces will interfere with the functioning of the street. East 92nd Street is a one way street going east that allows for easy access to and from the garage. The curb cut is wide at 29-feet and located midblock on 92nd Street, approximately 297 feet from Third Avenue thereby eliminating any impact to Third Avenue. The redesign of the garage and the 25 required reservoir spaces will accommodate any cars waiting to enter the garage.

There is not a dedicated bus lane on East 92nd Street or a dedicated bicycle lane. The addition on the stop sign and speed bump at entrance and exit of the garage will minimize any impact to vehicular, bicycle, or pedestrian traffic.

- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;**

There is no change in use of the Yorkville Tower Garage. The continued use and the proposed 205 additional parking spaces will not create significant impacts or increase congestion because the location of the vehicle entrances and street flow allow for minimal further impact, as discussed in findings (1) and (2) above. Moreover, if approved, the Yorkville Tower Garage will legalize and accommodate the overcapacity of overnight residential parking spaces and will not be used for temporary parking for commercial uses or for those visiting outside the neighborhood. According to field counts in the EAS, for Yorkville Tower, if approved, the peak hour demand will be from 3PM to 4PM with a total of 63 vehicle trips (an increase from the 37 vehicle trips during this hour).

- (4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and**

Not applicable.

- (5) such parking facility will not be inconsistent with the character of the existing streetscape.**

The additional parking spaces will not create an inconsistency with the character of the existing streetscape. Yorkville Tower was constructed in 1974 in accordance with RBURP which was originally approved (CP-20197) by the City Planning Commission and Board of Estimate in 1968. The area developed under the RBURP extends from East 90th Street to East 94th Street and from Second Avenue to Third Avenue. The garage has been in use for over 40 years.

(d) **Additional findings**

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

- (1) **Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities)**

13-455

Additional parking spaces for existing accessory off-street parking facilities

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to May 8, 2013, as listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) **where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:**
- (1) **finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or**
- (2) **the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:**
- (i) **20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or**
- (ii) **35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and**
- (iii) **the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.**

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #noncomplying floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

The existing Yorkville Tower garage meets the findings of Section 13-451(a) as detailed below.

- (b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13- 10, were applied. Any #non-complying floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.

13-451

Additional parking spaces for residential growth

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

- (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; or

Philip Habib & Associates completed a residential growth parking study (the "Parking Study") and concluded that the proposed total increase at the Yorkville Tower Garage of 205 parking spaces is reasonable and not excessive in relation to recent trends within close proximity to the development area. Included in the study analysis are the proposed special permits at Knickerbocker Plaza Garage (an increase of 98 spaces) and Ruppert Tower Garage (an increase of 150 spaces) for a total 453 parking spaces.

The Residential Growth Parking Study found that there has been a net increase of 1,553 dwelling units within a one-third mile radius during which there has been a net decrease of 42 residential parking spaces. As discussed in the Residential Growth Parking Study, the DCP guidelines for the ratio of residential accessory parking spaces to residential dwelling units for the study area is 25.6 percent. This ratio of change in residential parking spaces to change in residential units does

not exceed the permitted number of parking spaces to dwelling units in Community District 8, which is 35 percent.

It should also be noted that reasonable measure have been made to minimize parking demand. At Yorkville Tower garage there are currently 21 bicycle parking spaces. Currently, a bicycle storage room is located in the Yorkville Tower building that accommodates 281 bicycles and the garage provides 21 bicycle parking spaces. If approved, Yorkville Tower will increase the number of bicycle parking in the garage to 74 spaces to be compliant with Section 20-327.1 of the NYC Administrative Code and ZR 25-811, which requires one bicycle space for every two dwelling units, there are 709 dwelling units (281 in the building and 428 in the garage total 355 bicycle spaces). Zipcar, a car sharing service, does not occupy the Yorkville Tower Garage but it does occupies a portion of the parking spaces in the Knickerbocker and Ruppert Tower Garages. The number of Zipcar cars vary depending on season and demand. In the summer months, there are approximately 20 Zipcar cars in total that occupy parking spaces within the Ruppert Tower Garage and Knickerbocker Plaza Garage.

The Applicant is committed to providing what is best for the residents of the LSRD. For example, in 2016, three electric charging stations were added to each of the three garages (each garage has two Tesla charging stations and one universal). The Yorkville Tower Garage is 100% percent occupied overnight with 370 overnight users (24 percent are residents of Yorkville Tower and 76 percent are residents of the surrounding area). Therefore, the proposed increase in parking spaces will help accommodate the increase in residential units in the area and alleviate off-street parking congestion. Moreover, in addition to an increase in parking spots, the applicant will provide additional electric charging stations, Zipcar parking spaces, and bicycle parking if demand requires.

- (b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:**
- (1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or**
 - (2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.**

Not applicable.
