

262 Fifth Avenue – Accessory Residential Parking Facility Special Permit
LR Item 3 - Project Description
October 10, 2022

Introduction

Five Points 262 Project LLC (the “Applicant”) requests a special permit from the City Planning Commission (“CPC”) pursuant to Sections 13-45 and 13-451 of the New York City Zoning Resolution (“ZR”) to permit an accessory off-street parking facility on-site with 23 accessory off-street parking spaces (the “Proposed Parking Facility”) on the ground floor, cellar and sub-cellar level of a proposed 26-unit residential building at 262 Fifth Avenue in Manhattan Community District 5. The Proposed Parking Facility would occupy the ground floor, cellar and subcellar levels of a new residential building on Block 830, Lot 44 (the “Proposed Building Site”). The Proposed Building Site has been merged with Lots 40, 41 and 42 (collectively with the Proposed Building Site, the “Development Site”) into a single zoning lot for the ability to transfer unused floor area to the Proposed Building Site.

The Development Site is in a C5-2 zoning district, with a small, approximately 140 square-foot, landlocked portion located within an M1-6 zoning district, and portions of the Development Site (specifically Lots 40 and 41) are also within the Madison Square North Historic District. The Development Site is subject to the “Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core” of Article I, Chapter 3 of the ZR, which does not permit an accessory garage with the Proposed Parking Facility’s size as-of-right at the Proposed Building Site. The proposed action would allow the number of accessory off-street parking spaces permitted as-of-right in the Proposed Parking Facility to be increased from five to 23. The parking spaces would be located within an automated parking system with approximately 7,710 gross sq. ft. in the ground, cellar and sub-cellars of the Proposed Development (as hereafter defined).

Background

The Development Site is located on the southwest corner of the intersection of West 29th Street and 5th Avenue in NoMad. The neighborhood consists of low-density commercial structures, high-rise hotels, high-rise residential, former store-and-loft buildings converted to residences, modern office structures, as well as a variety of wholesale uses that sell a range of goods. In recent years the area has seen the advent of large residential tower development, including new construction in the forms of a 210-foot, 20-story, 46-unit building at 241 Fifth Avenue (between East 27th and 28th Street); 277 Fifth Avenue (663 feet, 51 stories, 54 units); 15 East 30th Street (794 feet, 51 stories, 180 units); and 9 East 30th Street (234 feet, 24 stories, 48 units).

As discussed in more depth below, the Development Site is a merged zoning lot of Lots 40, 41, 42 and 44. The Proposed Development will be a residential development on Lot 44 only, with Lots 40, 41 and 42 contributing unused floor area for the new building. Sidewalk vaults adjacent to Lot 44 along 5th Avenue and West 29th Street will be utilized by the Proposed Development. Based on the proposed number of units in the Proposed Development, the Manhattan Core Parking Regulations of Article I, Chapter 3 of the Zoning Resolution limit the permitted number of

accessory residential parking spaces to five, which is the reason the Applicant is seeking the parking space increase pursuant to the subject special permit.

Description of the Surrounding Area

The Development Site is located within the “NoMad” neighborhood in Manhattan’s Community District 5. It is located on the southwest corner of West 29th Street and Fifth Avenue. It is primarily within a C5-2 zoning district, with a small, approximately 140 square-foot, landlocked portion located within an M1-6 zoning district. The C5-2 and M1-6 district boundary runs north-south at 100 feet west of 5th Avenue (between West 31st Street and West 26th Street), and sites within the Surrounding Area are also located within C5-2 and/or M1-6 zoning districts.

C5-2 zoning districts are central commercial districts with buildings that typically contain ground floor retail uses and office or residential uses (in mixed buildings) on the upper floors. Development in C5-2 districts typically result in high-rise buildings, and tower forms are permitted. C5-2 districts permit a wide range of residential, commercial and community facility uses. Additionally, M1-6 districts are light manufacturing districts often located adjacent to residential or commercial districts, and permit industrial uses that meet high performance standards, as well as most commercial uses. However, residential use is not permitted.

Historically, NoMad was developed in the mid-nineteenth century with many hotels, apartment hotels, social clubs, restaurants, and stores and was a major social and entertainment district in Manhattan. By the turn of the century, many of the buildings containing those uses were demolished and replaced with large office and loft buildings. Since the Depression era, NoMad has generally maintained its character of early-twentieth century commercial buildings, dominated by hotels, offices, and loft structures.

The Surrounding Area is currently characterized by a mix of uses and building forms, including low-density commercial structures, high-rise hotels, high-rise residential, former store-and-loft buildings converted to residences, modern office structures. Sometimes also referred to as the “Wholesale District”, the area is known for ground floor retail and wholesale uses that sell a range of goods, primarily between West 26th Street and West 31st Street and between Fifth and Seventh Avenue. Additionally, there are several community facility uses in the Surrounding Area, including the Masjid-Ar-Rahman Mosque (15 West 29th Street) and the Marble Collegiate Church (1 West 29th Street), which are both on the north side of West 29th Street and across from the Development Site, and the Church of the Transfiguration (1 East 29th Street), which is on the north side of East 29th Street just east of the intersection with Fifth Avenue. More recently, however, there has been a spurt of new residential development. For example, in 2012, a 210-foot, 20-story, 46-unit building was developed at 241 Fifth Avenue (between East 27th and 28th Street); and in 2019, 277 Fifth Avenue (663 feet, 51 stories, 54 units) at the corner of Fifth Avenue and East 30th Street. In addition, large towers with primarily residential uses are under construction at 15 East 30th Street (794 feet, 51 stories, 180 units) and 9 East 30th Street (234 feet, 24 stories, 48 units).

A portion of the Development Site is also located within the Madison Square North Historic District, which is generally bounded by Madison Avenue, 25th Street, 6th Avenue, and 29th Street. Designated in June 2001, the district retains its character as an early twentieth-century commercial

district. While most residential and hotel buildings have been converted to different uses, the majority of office and loft buildings continue to accommodate a variety of wholesale businesses. Of the Development Site, only Lots 40 and 41 are within the historic district. Lot 42 is not in the historic district, and neither is Lot 44 which are both located just north of the historic district.

Fifth Avenue, located immediately east of the Development Site, is a one-way thoroughfare that carries traffic southward. West 29th Street, located immediately north of the Development Site, is also a one-way street that carries traffic westward. Additionally, Broadway, located on the west side of the Development Site block, carries traffic southward and West 28th Street, located on the south side of the Development Site block, carries traffic eastward.

There are several public transportation sources available near the Development Site. Adjacent to the Development Site on Fifth Avenue is a stop for the M1 bus (Harlem to East Village), M2 bus (Washington Heights to East Village), M3 bus (Fort George to East Village), and M55 bus (Midtown to Lower Manhattan), each on their southbound routes. A block to the north and a block to the south of the Development Site along Fifth Avenue are also stops for several buses providing express service to various points throughout the city. In addition, the 28th Street station for the R and W subway lines is located approximately one block west of the Development Site.

Additionally, there have been several land use actions approved within the Surrounding Area within the last ten years:

- In 2017, a special permit pursuant to ZR 74-711 to modify front wall and height and setback regulations to facilitate an eight-story addition to an existing hotel at 1164 Broadway (C 170182 ZSM)
- In 2017, authorizations to permit the continued use and operation of a public parking garage with more than 150 parking spaces at 10 East 30th Street (N 170062 ZAM and N 170063 ZAM).
- In 2021, expansion of the Flatiron Business Improvement District (N 210199 BDM)

Description of the Development Site

The Development Site is an irregularly-shaped site located on the southwest corner of West 29th Street and Fifth Avenue. It is located on Block 830 in the NoMad neighborhood of Manhattan, and includes tax lots with the following addresses: 254 Fifth Avenue, 256 Fifth Avenue, 258 Fifth Avenue, and 262 Fifth Avenue. The majority of the Development Site is within 100 feet of Fifth Avenue and in a C5-2 zoning district, while a small, approximately 140 square-foot, landlocked portion inaccessible from the street is located beyond 100 feet of Fifth Avenue and within a M1-6 zoning district. In total, the Development Site has an area of approximately 14,242 square feet. The Development Site has approximately 142.42 feet of frontage along Fifth Avenue and 100 feet of frontage along West 29th Street.

Within the Development Site is the Proposed Building Site (Lot 44; 262 Fifth Avenue). It is an irregularly-shaped, approximately 4,942 square-foot lot. It has approximately 49.42 feet of frontage along Fifth Avenue and 100 feet of frontage along West 29th Street. The Proposed

Building Site is currently vacant; was previously occupied by two buildings: a four-story building occupied by a rug gallery and a four-story building with ground floor retail and residential apartments above; and will be developed with the Proposed Development that will contain the Proposed Parking Facility.

The other portions of the Development Site contain the following built forms and uses: Lot 42 is occupied by a 12-story office building with ground floor retail, Lot 41 is occupied by a 6-story office building with ground floor retail, and Lot 40 is also occupied by a 6-story building with ground floor retail.

The Development Site is primarily located in a C5-2 (R10 residential equivalent) zoning district, with a small, approximately 140 square-foot, landlocked portion within an M1-6 zoning district (beyond 100 feet west of Fifth Avenue) that is inaccessible from the street. In the C5-2 district, the base floor area ratio (FAR) for residential and commercial use is 10.0. The FAR may be increased for residential use to 12.0 through compliance with the provisions of the Inclusionary Housing Program. No rear yard is required within 100' of a corner. The maximum base height for mixed-use buildings with no more than two stories of commercial use is 85 feet or 9 stories (whichever is less), followed by a required 20-foot initial setback along narrow streets and 15-foot initial setback along wide streets and is subject to a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along narrow streets and 5.6:1 along wide streets. However, in C5-2 districts, certain building portions may penetrate the sky exposure plane and such portions are subject to the zoning regulations for towers. Uses permitted as-of-right include residential (Use Groups 1 and 2), community facilities (Use Groups 3 and 4) and commercial (Use Groups 5 to 6 and 9 to 11).

Additionally, with regard to the M1-6 district portion of the Development Site, the maximum FAR for commercial use is 10.0. Uses permitted as-of-right include a limited number of Use Group 3 and 4 community facility uses, most commercial uses (Use Groups 5 to 14), and light industrial uses (Use Group 16 and 17). Residential use is not permitted.

As mentioned above, a portion of the Development Site is located within the Madison Square North Historic District (Lots 40 and 41). Those sites have been included with the Proposed Building Site for the purpose of transferring unused floor area to the Proposed Building Site for incorporation into the Proposed Development. Neither Lots 40 nor 41 would be occupied by the Proposed Development or the Proposed Parking Facility.

The Development Site is also subject to the “Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core” of Article I, Chapter 3. Pursuant to Section 13-11(a) of the Zoning Resolution, the Development Site is permitted to provide accessory off-street parking for the residential use in the building equivalent to not more than 20 percent of the number of new dwelling units in the building.¹ Pursuant to Sections 13-45 and 13-451, the City Planning Commission may consider a special permit allowing an accessory off-street parking facility in excess of the permitted accessory off-street parking for predominantly residential developments.

Description of the Proposed Development

¹ Note there are no existing curb cuts on the Development Site.

The Applicant proposes to construct an approximately 95,673 square-foot residential building at the Development Site (the “Proposed Development”). Bonus floor area of approximately 28,484 square feet has been incorporated into the Proposed Development pursuant to the Inclusionary Housing Program. The Applicant has proposed to develop this building because, excluding the Proposed Parking Facility, it is an entirely as-of-right development located in the highly desirable NoMad neighborhood of Manhattan.

The Proposed Development would rise to a height of approximately 860’, have 56 stories, and contain 26 dwelling units. The Proposed Development would be set back at grade approximately 10’ from 5th Avenue (a “wide” street as defined in the Zoning Resolution and approximately 16’ along West 29th Street (a “narrow” street as defined in the Zoning Resolution) within 45’-4” of the intersection with 5th Avenue, with increasing setback depths further west along West 29th Street. The building rises from grade to its proposed overall height, subject to the standard tower regulations of Article II, Chapter 3 of the Zoning Resolution.

The development will include cellar and sub-cellar space for mechanical equipment, accessory storage, accessory bicycle parking, residential amenity space, building staff offices and locker rooms, and portions of the automated Proposed Parking Facility with 23 accessory parking spaces. The Proposed Parking Facility will have a total area of 7,710 gross square feet, including 1,070 square feet of access zone located on the ground floor level. The ground level will contain the Entry Bay/vehicle elevator, 15 spaces will be located in the cellar level, four accessory spaces on the first sub-cellar level and four spaces on the second sub-cellar level. As mentioned below the western edge of the driveway is coincident with western lot line of the Development Site, which is also the C5-2/M1-6 district boundary line.

The Proposed Parking Facility will be accessed from a new 12’ curb cut (including splays) located approximately 84’-4” west of the West 29th Street/5th Avenue intersection. Before entering the Proposed Parking Facility, vehicles will either be travelling west on West 29th Street and cross over 5th Avenue before making a left into the facility or south on 5th Avenue before making a right onto West 29th Street and left into the Proposed Parking Facility.

The driveway to the Proposed Parking Facility is located on the western side of the Development Site. Due to the low number of proposed parking spaces and expected low-utilization rate of the garage, there is a single, 10’- wide driveway providing both vehicular ingress and egress. The at-grade access zone, overall, is bounded by the lot line of the Development Site to the west, and at-grade vegetation to the east. Once across the sidewalk, drivers seeking to enter the facility will may drive their vehicle directly down the driveway and into the Entry Bay. Note that due to the low number of parking spaces provided in the garage, no reservoir spaces are required under the Manhattan Core parking regulations. This is also consistent with the expected low utilization rate of the accessory residential garage.

This system (the “Automated Parking System”) is designed for the automated storage and retrieval of vehicles in high density parking facilities and allows for the automated storage and retrieval of vehicles through self-guided technology. Specifically, the vehicles are transported through the Proposed Parking Facility by Automated Guided Vehicles (“AGV”), devices which are free-roaming, battery operated, omni-directional units that travel on enclosed flat surfaces and

communicate via a master traffic-control system used to manage the automated storage and retrieval of parked vehicles. In addition to the parking facility super structure and vehicle parking areas, the Automated Parking System consists of five main components, which will be precisely configured in such a way as to maximize parking efficiency in the Proposed Parking Facility:

- AGVs, which are omni-directional, battery-operated robotic transfer devices programmed to lift and transport vehicles on pallets.
- Loading Zones (the “Entry Bay”), which are dedicated areas where users leave/retrieve vehicles.
- Vertical Reciprocating Conveyors (“VRC”), which are industry-standard material handling lifts used in automated systems to transport loads between floors.
- Pallets, which are platforms on which vehicles are parked and handled by the AGV to transfer the vehicle to the parking structure’s storage vault.
- The Control System, which manages the automated storage and retrieval of the parked vehicles and controls the operation of all of the equipment in the Proposed Parking Facility.

All vehicles will enter and exit the Proposed Parking Facility at ground level via an automated garage door. Once vehicles have travelled over the curb cut on West 29th Street, drivers will request entry via a remote control—however, drivers will also have to option of sending a request to enter when several blocks away from the site. As described above, a traffic light with a green light and red light will be located on the exterior wall of the building near the first reservoir space. If the system is busy processing another vehicle (either entering or exiting the facility), the traffic light will be red and the vehicle will remain in the entry lane. However, in such an instance, when the remote control is pressed requesting entrance to the garage, the red light will begin to flash so that the motorist requesting entry to the garage will know that the system has recognized the request to enter the garage. When the traffic light turns green, the driver may then move their vehicle towards the center of the main driveway and proceed to the automated garage door, which will open allowing entry to the Proposed Parking Facility.

At the same time the remote control is pressed by an entering motorist (as well as when a vehicle is ready to exit the garage), two flashing LED warning lights located on the exterior wall of either side of the garage door, together with an audible warning, will alert pedestrians of the imminent entry (or exit) of a vehicle. Once the garage door is open, the vehicle will enter the Entry Bay which is fully located within the exterior walls of the building. The motorist will put the vehicle in park, turn off the vehicle, exit the vehicle (along with all passengers and baggage),² and enter the adjacent vestibule where the motorist can initiate the Automated Parking System via a touch screen, and allow the vehicle to be parked automatically. The floor of the Entry Bay will be partially comprised of the moveable Pallet above the elevator (VRC) and the motorist will follow the instructions and pictographs on a monitor to position the vehicle on the Pallet so that it may eventually be brought down to the Proposed Parking Facility below grade. Once the motorist has

² Note that the Applicant intends that the Proposed Development will have a 24-hour doorman and concierge available at all times to assist vehicles entering and exiting the Proposed Parking Facility. The Automated Parking System may be programmed to send an alert to building doormen, concierge, porters, etc. within the lobby (or elsewhere in the building) that a vehicle is entering the Entry Bay so that they may quickly and swiftly assist drivers with properly parking their vehicles in the Entry Bay and , if necessary, removing all persons, pets, and/or items from the vehicles to ensure that vehicles will not sit within the Entry Bay for prolonged time periods.

done so, the vehicle will be scanned by the system to ensure that it complies with dimensional requirements and if it does, the automated garage door at the entrance of the garage will close, and the vestibule door will lock. In addition, sensors located in the Entry Bay will confirm that no persons or belongings are located in the Entry Bay and if persons are present, an audible warning will sound and no operations will take place. Furthermore, 24-hour building staff, who will be trained in the operation of the Automated Parking System, will be on-site to assist drivers with the operating of the system to ensure entering vehicles are efficiently processed and parked.

Once the garage door is closed, the Pallet, which will be located within the elevator (the VRC), will transport the vehicle to an available parking space within one of the levels of Proposed Parking Facility. Once the elevator reaches the level where there is an available parking space, the AGV will transport the Pallet and vehicle out of the VRC and onto a turntable or maneuvering space where a separate AGV will engage the Pallet and automatically park the Pallet and vehicle in an open parking space.

Motorists seeking to retrieve vehicles from the Proposed Parking Facility will walk into the vestibule area adjacent to the Entry Bay and initiate a request on a touch screen for the Automated Parking System to retrieve their vehicle. The vehicle will then be transported to the Entry Bay by Pallets, the AGVs, and/or the VRC. Once the VRC is at ground level and the vehicle has been moved into the Entry Bay, the vestibule door will unlock allowing the motorist and passengers to access and load into the vehicle. In similar respects to entering vehicles, trained 24-hour building staff will be available to assist drivers and passengers to quickly retrieve their vehicles, load the vehicle, and promptly exit the facility.

In the unlikely circumstances that a driver requests their vehicle be retrieved, has the vehicle brought to the Entry Bay, but is unable to expediently load it and exit the Proposed Parking Facility (and building staff is not already assisting the driver; or the driver did not pre-load the vehicle in the loading/unloading room (discussed in greater detail below)), the Automated Parking System may be programmed to send a signal to alert building staff (whether in the lobby or elsewhere in the building) within two minutes after a vehicle has arrived in the Entry Bay that such vehicle has arrived and not left the Entry Bay. In such event, the Applicant intends to require all building staff to immediately go to the Entry Bay—if not already there—to assist or, if the vehicle has been left idle and an entering vehicle has engaged the system seeking entry to the Proposed Parking Facility, to remove any persons, pets or belongings from the Entry Bay and utilize the touch screen to direct the system to return the vehicle to the garage. At that point (and as detailed more below), such exiting vehicle could not be retrieved from the garage until all vehicles seeking to enter had been processed and parked within the Proposed Parking Facility.

Once the motorist is ready to exit, he or she will press the remote control to open the automated garage door, while simultaneously the two flashing LED warning lights located on either sides of the garage door together with an audible warning, will alert those outside the Entry Bay of an exiting vehicle. The vehicle will then be able to exit down the driveway, stopping at a stop sign located on the east side of the driveway, travel over a speed bump and across the sidewalk and through the curb cut onto West 29th Street. The exiting vehicle will then make a left out of the Development Site to travel westbound onto West 29th Street and into the local street network.

There will also be a designated loading/unloading area for vehicles in the sub-cellar level (that will infrequently act as an additional maneuvering space when not occupied) to minimize loading activity within driveway area. For drivers that need to pre-load their vehicles prior to leaving the facility, they can request—either at the entry vestibule or via a mobile app—that their vehicle first be moved to the subcellar loading/unloading area so that loading activity may occur away from the driveway area. The loading/unloading room would work as follows:

- The AGV/Vehicle Lift will bring the car to the subcellar level and then to the loading/unloading room
- A door dividing the loading room from the parking area will lift and the vehicle will be moved via the AGV into the room. Once the vehicle is in position in the room the door dividing the loading room from the parking area will be closed
- The vehicle will be moved by the AGV through garage area on a 1'-8" thick Pallet and into the loading room. The 1'-8" Pallet will also moved by the AGV to take the vehicle out of the loading room and back to the garage once loading/unloading activity is complete.
- Once the automatic door to the parking area is closed, the three gates around the vehicle doors and trunk would be raised allowing the users access to the car for loading and unloading purposes
- Upon completion of the loading/unloading process, the user will enter their code to lower the gates, and the system will check the vehicle for motion to confirm it is free from people.
- Once the motion check is complete, the three gates will be lowered around the vehicle, the door dividing the loading room and parking area will lift, and the car will be moved back into the parking area via the AGV to a parking spot or through to the Vehicle Lift where it will be brought to the Entry Bay and the user can retrieve it and exit the parking garage.
- Note that users/passengers will use a separate egress stair or elevator to meet the vehicle in the entry bay at grade and not ride it through the cellar/subcellar parking floors

Similarly, for vehicles returning to the facility, once in the Entry Bay, the vehicle can be sent first to the loading/unloading area to be unloaded away from the at-grade driveway; and once unloaded, can request the system park the vehicle in an empty space in the garage. As discussed further below, vehicle movement in and out of the loading/unloading area will have the least priority (compared with incoming vehicles then outgoing vehicles), but will minimize any loading or unloading activity in the driveway that could interfere with the efficient flow of vehicles in and out of the Proposed Parking Facility.

The Automated Parking System is programmed to give priority to incoming vehicles, then outgoing vehicles, then the movement of vehicles in and out of the subcellar loading/unloading area. Safeguards will also be programmed into the system to avoid conflicts between entering and exiting vehicles and internal vehicle movements, with the overall objective of processing and parking entering vehicles as efficiently as possible to avoid any vehicular queueing on the street (even though the potential for such queueing is minimal).

The system is programmed for incoming vehicles to have priority over all other movements within the Proposed Parking Facility. As long as vehicles are in the Entry Bay or in the entry lane, all other actions are stopped until all vehicles have been accepted and parked. The Applicant also intends to program the Proposed Parking Facility such that a driver may use an app or other remote device to notify the system when it is several blocks away that it will be seeking to park their vehicle in the upcoming few minutes; and once this advanced signal has been activated, other actions will be stopped until the incoming vehicle is accepted and parked. If a vehicle is being retrieved for exiting and that vehicle has not been placed within the VRC, that movement will be stopped and the incoming vehicle will be given priority. Additionally, if the exiting vehicle has been placed within the VRC and an incoming vehicle has signaled the system that it is seeking to enter the Proposed Parking Facility, the system may be programmed (if needed) such that the VRC may be stopped and reversed, and the outgoing vehicle returned to the garage to process the incoming vehicle first.

Outgoing vehicles will have second priority and, as mentioned above, an outgoing vehicle action will be stopped if an incoming vehicle arrives and engages the system. Additionally, if the exiting vehicle has been placed within the VRC and an incoming vehicle has signaled the system that it is seeking to enter the Proposed Parking Facility, the system may be programmed such that the VRC may be stopped and reversed, and the outgoing vehicle returned to the garage to process the incoming vehicle first. However, once a driver accesses their vehicle, clears the Entry Bay and proceeds down the exit lane of the driveway to West 29th Street, the system will be ready for an incoming vehicle. The outgoing vehicle action will not continue until all incoming vehicles are processed and the system is ready to give the outgoing vehicle priority.

Finally, requests made for vehicles utilizing the subcellar loading/unloading area will have final priority. In particular, with incoming vehicles seeking to access the facility, any internal requests to bring vehicles to the loading/unloading area will be paused in order to first process and park the incoming vehicle waiting in the Entry Bay and/or driveway area. However, for prior incoming vehicles that are already in the Entry Bay and headed to the loading/unloading area, that action will be completed before parking the next incoming vehicle. Additionally, when the system is engaged for outgoing vehicles, those vehicles will be transported from the garage to the Entry Bay prior to any internal actions for vehicles moved to the loading/unloading area so that drivers can quickly retrieve their vehicles and exit the site.

The Applicant further notes that the Proposed Parking Facility will be a relatively small, accessory residential garage and not transient in nature. Residents of the Proposed Development (or residents living in the vicinity with long-term licenses to park in the facility) will be the only drivers utilizing the facility and will likely be intimately familiar with the process for parking and retrieving vehicles. Due to these user's knowledge of the operation of the Proposed Parking Facility, there will be minimal conflicts or traffic congestion caused by usage of the Proposed Parking Facility that might otherwise occur in large, public parking garages.

While the Proposed Parking Facility will be fully automated, it will not include on-site representatives of the company installing the automated parking system. Most technical issues with the system will be typically resolved remotely by personnel off-site; however, all motorists

will be provided with an emergency contact number in case assistance by a technician is needed. Furthermore, as discussed above, trained doorman, concierge and other building staff will be able to assist motorists in the interim.

Actions Necessary to Facilitate the Project

The Applicant seeks a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to permit an on-site accessory off-street parking facility with 23 accessory off-street parking spaces of a proposed as-of-right residential building at the Development Site.

The action is required because the parking regulations of the “Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core” of Article I, Chapter 3 for the Development Site limit the maximum accessory off-street parking to five parking spaces. Pursuant to Section 13-11(a) and 13-12 of the Zoning Resolution, the Development Site is permitted to provide accessory off-street parking for the residential use in the building equivalent to not more than 20 percent of the number of new dwelling units in the building, which results in a maximum of five accessory off-street parking spaces permitted. However, per Section 13-45(a), CPC may consider a Special Permit pursuant to Sections 13-45 and 13-451 to allow an accessory off-street parking facility in excess of the number of permitted accessory off-street parking spaces for a predominantly residential development. The application seeks a Special Permit for an additional 18 accessory residential parking spaces for a total of 23 spaces on the ground floor, cellar and sub cellar levels of the new residential building with 26 units at 262 Fifth Avenue.

Conclusion

The proposed Special Permit pursuant to ZR 13-45 and 13-451 to permit the development of an accessory off-street parking facility on-site with 23 accessory off-street parking spaces on the ground floor, cellar and sub-cellar levels of the Proposed Development, which will contain a 56-story building with 26 dwelling units at the Development Site, will fully address the Development Site’s anticipated site-generated demand of approximately one vehicle per dwelling unit based on the expected owners of units in this high-rise residential building.