



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

December 9, 2011

Hon. Amanda M. Burden, Chair
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Re: Application No. 120085 ZSM – Application for a special permit for a Public Parking Garage at 340 West 31st Street for 309 vehicles; Application for a special permit to allow a portion of the Garage as a Permitted Obstruction in the Rear Yard

Dear Chair Burden:

After presentations to the Chelsea Preservation and Planning Committee and at a duly noticed public hearing at its regular board meeting on December 7, 2011, Manhattan Community Board 4 voted by roll call by a vote of 28 in favor, 6 opposed, 0 abstentions, and 0 present but not eligible to recommend, subject to certain conditions and to a favorable determination by the City Planning Commission (CPC) on the required findings under ZR 74-52 and under ZR 74-54, the approval of the application for a special permit for a Public Parking Garage at 340 West 31st Street for 309 vehicles and for allowing a portion of the garage to be a permitted obstruction in the rear yard.

In spite of our conditional recommendation for approval, we cannot overstate our great frustration at the discovery of yet another very large parking garage, the third in the past two years, which has been operating illegally in our district with an expired permit and a history of operating over capacity. Therefore, it is only with heavy reluctance and the demand that our conditions are met that we are willing to give our recommendation. As our district in particular has been plagued by illegal parking operations that contribute to regular traffic congestion problems, it is our hope that the City will take steps and work with our community board to ensure that enforcement of parking permit laws and regulations improve.

History

On February 3, 1971, the CPC approved an application (CP-21445) for special permits to allow 241 parking spaces at 340 West 31st Street (Block 754, Lot 63), including the location of some spaces on the roof, and to allow a ten-foot portion of the garage building above 23 feet as a permitted obstruction in the rear yard. The garage has been operating illegally since these special permits expired in March 2001. In addition, the garage has been operating at greater than the 241 spaces allowed by the original permit. In April of 2010 the Department of Consumer Affairs (DCA) issued a violation for parking 395

vehicles, and on June 16, 2011 the Department of Buildings (DOB) issued a violation for parking 328 vehicles. These numbers are 64% and 36% greater than the number of vehicles permitted with the original special permits.

Although the applicant claims that the 395 vehicles cited by the DCA violation is not representative of the daily parking rate, the two violations suggest that the garage has been operating routinely at significantly more than its stated capacity. We note that the current application is for 309 vehicles, 28% greater than the 241 originally approved. Since the current application contemplates no expansion to the parking structure, we strongly suspect that their standard operating procedure for many years has been to operate at at least 25% greater than the garage's permitted capacity. As we have expressed in the past, we are concerned that exceeding parking limits affects the quality of life in our district. We also are concerned about the inability of DCA to monitor compliance.

The Current Application

ZR 13-562 allows the CPC to grant a special permit for a public parking garage not otherwise permitted subject to the applicable provisions of ZR 74-52. ZR 74-52 requires the CPC to make a series of seven findings in order to permit a public parking garage in high density central areas. We have reviewed the seven required findings and believe that the current application should be found to meet their requirements. There will be no enlargement of the parking structure, and the area available for parking will be reduced somewhat by the placement of reservoir spaces and bicycle parking on the ground floor. We thus believe that there will be no increase in traffic associated with the garage. In fact, we believe that if the operator were to adhere to the proposed 309 (303) parking spaces, whether voluntarily or not, the traffic associated with the garage would decrease from recent levels.

ZR 33-292 provides that where the rear lot line of a zoning lot in a commercial district coincides with the rear lot line of a zoning lot in a residential district, an open area 30 feet deep and no higher than 23 feet above curb level must be provided within the commercial district. ZR 74-54 allows the CPC to permit modifications of the provisions of ZR 33-292 on making two findings. The garage has been in operation since 1972 in its current configuration, providing a 20 foot rear yard, thus requiring the special permit under ZR 74-54. The applicant maintains that that there is no structurally or economically feasible way to provide the required 30 foot rear yard without demolishing the existing structure. While we are strong supporters of open space, we believe that requiring the demolition of a still-functional structure that has been in place for nearly forty years would be an extreme measure. Thus we reluctantly believe that the current application should be found to meet the requirements of the two findings.

Conditions to Recommendation of Approval and Concerns

We have reviewed the garage plan provided by the applicant, but we are not in a position to evaluate whether it is legal and safe. For example, we received an amended plan that showed the location of 31 vehicles on floors two through seven instead of the 30 vehicles in the original plan we received. We ask that the staff of the Department of City Planning review the plan to ensure that it complies with current legal and safety requirements.

We were generally pleased with the planned changes to the ground floor of the garage as presented to the committee, which include the removal of all parking on the ground floor area other than reservoir

parking, a new bicycle parking area, and an improved opening at the sidewalk that reduces the number of active lanes for entering and exiting the garage from six to four. Our recommendation of approval is conditioned on the applicant making these improvements and we recommend that the CPC require them for the special permits.

Our recommendation for approval also is conditioned on the following improvements:

Sidewalk-level barrier – With the reduction of the number of active lanes to four total lanes, the applicant must construct a physical barrier, such as a wall or parapet, along the front of the garage across the remainder of the garage front. Such a barrier will reinforce the new driveway limitation while providing clarity to drivers and pedestrians as to the location of the driveways.

Adequate downlighting on the sidewalk – The applicant must increase the amount of light on the sidewalk to improve pedestrian visibility to drivers with through downlighting attached to the garage structure. Poor lighting on the sidewalk currently compromises the safety of pedestrians in front of the active driveway at night, particularly in contrast with the high lighting levels inside the garage.

Handicapped accessible sidewalk – The applicant must modify the sidewalk near the garage driveway. It must be textured to adequately alert persons who are visually impaired of the presence of the active driveway and it must be leveled for the comfort of pedestrians and to prevent the visually impaired from mistakenly angling towards the street while walking in front of the garage.

Sightlines – Trees must not obstruct sightlines for drivers entering and exiting the garage. While we very much like and appreciate the proposed addition of trees to the sidewalk, they must not compromise safety.

Sidewalk design review – The applicant must review plans for sidewalk changes in front of the garage with the community board before finalizing plans for construction.

Structural study – The Department of Buildings must be satisfied that the garage structure meets engineering standards that are sufficient to accommodate the increased allowable parking.

Limited permit term – Although we are recommending conditional approval of the present application, the recent operation of the garage is one of the most egregious abuses of the parking regulations we have encountered, spurring a lively debate on the merits of both the application and parking in general. Based on this and the impending changes in the immediate neighborhood from the build out of the Hudson Yards and the creation of Moynihan Station, we recommend that if they are granted the special permits be for a period of ten years, at which point the permits can be reevaluated in light of the operator's record of compliance and the changes to the neighborhood.

Sincerely,



Corey Johnson
Chair, Manhattan Community Board 4



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning Committee

[Signed 12/9/11]
Bret Firfer, Co-Chair
Chelsea Preservation and Planning Committee

cc: NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
State Senator Thomas Duane
State Assemblyman Richard Gottfried
Congressman Jerrold Nadler
Anthony M. Saytanides, Post Office Garage LLC
George Fontas, Capalino & Co.
Gale Benjamin, NYC Council Land Use Division