



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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Chair

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District Manager

October 3, 2008

Meenakshi Srinivasan
Chair
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

**Re: Reinstatement of Special Permit 792 Tenth / 455 W. 53rd Street
BSA Application 196-08 BZ**

Dear Chair Srinivasan,

Manhattan Community Board 4 is pleased to provide its recommendation on this application by 53-10 Associates, LLC for the reinstatement of a special permit to allow for the continued operation of a public parking garage at 792 10th Avenue. We recommend approval of the application, subject to the conditions stated in this letter.

The applicant, made a presentation of its application to the Clinton/Hell's Kitchen Land Use Committee at its meeting on September 10, 2008, and a duly noticed public hearing was held immediately before the regular meeting of the Board on October 1, 2008.

Pursuant to the New York City Zoning Resolution §73-01(d) and §11-411, the applicant is seeking to reinstate a BSA special permit that had lapsed in 1989. The lot is in a C6-2 District within the Preservation Area of the Special Clinton District. The facility has been continually used as a public parking garage for over 50 years under a permit that was originally issued in 1949. Extensions were granted, in ten year increments, through 1979. The permit allows parking in the cellar and on the roof and a gasoline service station and parking on the first floor. In the early 1980's the gasoline station was dismantled and a licensed repair shop took its place. In 1996, the applicant assumed operation of the garage under a management agreement and in 2005 it purchased the building. According to the application, in 1999 the Department of Buildings issued an approval for the operation of the repair shop and did not raise the issue of the lapsed permit. The application also states that the applicant holds a Department of Consumer Affairs license for parking with a capacity of 198 vehicles. (This is far too many cars. The plans submitted with the application show spaces for 81 cars.)

The applicant apparently recently learned of the lapsed permit and now seeks the reinstatement of same. Pending reinstatement, the garage is now closed, and its appearance from the street has been improved with fresh paint and new garage doors.

Public parking garages are not allowed in residential zoning districts and are problematic uses in commercial districts such as this one where residential use predominates. The block on which the garage is located is solidly residential, four new residential buildings have recently been completed on the west side of Tenth Avenue between 51st and 56th Streets, immediately opposite the applicant's garage, and the garage is now encircled by construction of a 93-unit residential condominium. In recent ULURP applications for special permits for parking garages in the area, this Board has generally approved accessory garages for use by building residents and opposed public parking garages for transient use. This is based on our growing awareness of the role that the availability of parking plays in contributing to traffic congestion, which is an enormous problem in our district.

However, this is not an application for a new garage. The Board recognizes the continual, long-term use of the facility as a public parking garage and is unaware of any record of difficulty with this business in the community. We appreciate the applicant's effort to clean up its legal status. At the same time, though, we are skeptical that a parking garage is the best long-term use for this site; when the real estate market recovers, the property will be a valuable site for residential development. Reinstatement of the existing permit must limit use to the building as it exists today. If the building is altered or enlarged for other uses or demolished for new development, a special permit under Section 96-111 of the Zoning Resolution must be required.

Parking space in the cellar is accessed by ramp from Tenth Avenue. Parking space on the roof is accessed by ramp from 53rd Street, across the street from PS 111. There are now five curb cuts, two on 53rd Street and three on Tenth Avenue. The applicant has indicated that at least two are no longer necessary and could be removed.

Accordingly, the Board recommends approval of BSA Application No. 196-08 BZ, subject to the following conditions, all of which have been discussed with and verbally agreed to by the applicant:

- The policy of the garage shall be one that will encourage monthly parking as opposed to transient parking;
- The garage will only accept vehicles in accordance with, as is detailed in the applicant's architectural drawings prepared by D.I.D. Architects, and submitted together with its application, namely 81 vehicles and 10 reserved spaces;
- To minimize traffic opposite the school, transient parking will be accepted from the Tenth Avenue entrance only;
- To minimize pedestrian conflicts, unnecessary curb cuts will be removed; and
- Applicant will plant street trees in accordance with the standards in Section 26-41 of the Zoning Resolution.

■ Reinstatement of the existing permit must limit use to the building as it exists today. If the building is altered or enlarged for other uses or demolished for new development, a special permit under Section 96-111 of the Zoning Resolution must be required.

Sincerely,



Jean-Daniel Noland
Chair



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

cc: 53-10 Associates, LLC