



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND
Chair

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

December 5, 2008

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

Re: ULURP Application No. C 070305 ZSM – Application for a special permit for Accessory Off-Street Parking Spaces at 405-427 West 53rd Street

Dear Commissioner Burden:

After presentations at the Clinton/Hell's Kitchen Land Use Committee and at a duly noticed public hearing at the regular board meeting on December 3, 2008, Manhattan Community Board No. 4 voted unanimously by roll call to recommend denial of the application for a special permit for Accessory Off-Street Parking Spaces at 405 West 53rd Street.

The applicant, 405 West 53rd Development Group LLC, is building a 7 story, 84 unit as-of-right residential condominium building located within a C6-2 zoning district in the Preservation Area of the Special Clinton District on the north side of West 53rd Street between Ninth and Tenth Avenues.

This application, in accordance with Section 96-111 of the Zoning Resolution of the City of New York (ZR), is for a special permit pursuant to ZR Section 13-561 to allow the development of a 37 space accessory parking garage within the cellar of the building and behind the individual townhouse portions of the development.¹ The proposed parking spaces would be sold to purchasers of condominium units. According to the applicant's presentation, the garage would be unattended and secured with a garage door that would open by remote control for authorized parkers.

Community District 4 is choked with traffic. It is also well served by mass transit. We therefore generally seek to discourage unnecessary private car use in the area, and review applications for special permits for parking with particular care.

¹ We are aware that applicant will be removing a tree in front of the garage on 53rd Street and will be replacing it with three new trees on 3rd Street in front of the development pursuant to discussions with NYC Department of Parks and Recreation.

ZR Section 13-561 allows for accessory off-street parking by special permit, upon meeting certain findings. We do not believe that CPC should approve this special permit because the findings cannot be met. If the permit is approved, the number of spaces should be limited to 20% of the number of new dwelling units, consistent with ZR Section 13-12; this would result in 17 spaces, not 37.

The Findings

We comment on three of the five required findings:

ZR Section 13-561(A) – Such parking spaces are needed for, and will be used by, the occupants, visitors, customers, or employees of the use to which they are accessory.

The application argues that average auto ownership by owner-occupied households is 38.8 percent, resulting in a demand for 33 parking spaces in this project. The context for that figure is not explained in the application. Parking demand calculations should be based on data for the surrounding neighborhood, and should not be income-dependent. 2000 Census data shows that auto ownership by all households in Hell's Kitchen² is 15%. On that basis, only 13 spaces are needed for this project. This finding cannot be met.

ZR Section 13-561(B) – Within the vicinity of the site, there are insufficient parking spaces available.

The applicant fails to meet this finding and says so itself in the application. “While there are a number of public parking facilities within a ¼ mile of the project site, the on-site accessory parking would more efficiently serve users of the as-of-right building” (see page 3 of Attachment 11: Discussion of Findings, emphasis added). This is not the language necessary to meet the finding. The application acknowledges that the public parking facilities within ¼-mile of the project site are “operating at a 66% daytime utilization rate and a 43% overnight utilization rate.” In addition, the list of nearby public parking facilities in Table 1 of the Environmental Assessment Statement omits the 81-space public parking garage on the same block, at 792 Tenth Avenue/455 W. 53rd Street. That garage was the subject of a BSA application recommended for approval by this Board in October 2008. In its presentations to us the BSA applicant emphasized its intention to market spaces in that garage to residents of the new building at 405-427 W. 53rd Street.

There is plenty of parking within the vicinity of the site. This finding cannot be met.

ZR Section 13-651(C) – The facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement.

The EAS shows that the proposed parking garage is estimated to result in 5, 2 and 5 vehicle trips in the AM, Midday and PM peak hours, respectively. These are small numbers, but they must be considered in context. The area is already heavily trafficked.

² Census tracts 115, 117, 121, 127, 129, 133 (where project site is located), 135 and 139.

The EAS does not include a detailed traffic analysis, but our experience on the street is that traffic congestion is already a serious problem that is likely to get worse with new development underway in the area. The cumulative impact of this development must be considered.

The proposed parking garage will exacerbate already serious traffic congestion and therefore the applicant cannot meet this finding.

Standards for Accessory Parking

The number of accessory parking spaces is generally limited by ZR Section 13-12 to 20% of the number of dwelling units. Even if all the findings under ZR Section 13-561 could be met, the applicant is requesting significantly more than the 17 spaces this standard would allow. For this 84-unit project, the applicant is seeking 37 spaces, representing 44% of the dwelling units. The applicant has provided no justification other than convenience. Using local data, the demand generated by this project can be met within the standard 20% of dwelling units. Though this application involves a relatively small number of spaces, allowing such a significant increase in the number of spaces would set a dangerous precedent for future projects.

- **Now, therefore, be it RESOLVED** that Manhattan Community Board No. 4 recommends denial of ULURP Application number C 070305 ZSM unless the number of parking spaces is limited to 17 spaces (20% of the units), consistent with ZR Section 13-12.

Sincerely,



Jean-Daniel Noland
Chair



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

Cc: City Planning Commission, Calendar Information Office, 22 Reade Street, Rm 2E
DCP – Edith Hsu-Chen, Erika Sellke
NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
NYS Senator Thomas Duane
NYS Assemblyman Richard Gottfried
Applicant, c/o Ray Levin