

October 4, 2002

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

**Re: 350 West 43rd Street - ULURP Application No. C 010462 ZSM.
Proposed Special Permit for Accessory Parking Garage.**

Dear Chair Burden:

At its regularly scheduled monthly full board meeting held on October 2, 2002, Manhattan Community Board No. 4 held a duly noticed public hearing on ULURP application number C 020365 ZSM and, at the recommendation of its Clinton Land Use and Zoning Committee, adopted the following resolution (by roll call vote 32 in favor, 0 opposed, 1 present but not eligible to vote and 0 abstentions):

The Applicant seeks a special permit to allow 59 accessory residential parking spaces in an attended parking garage on a portion of the first floor and the cellar of a building now being constructed at 350 West 43rd Street. The development also includes a 40 story tower now being constructed at 345 West 42nd Street. While the garage will be located wholly within the 43rd Street building, it will be used as accessory parking for the residents of both buildings.

The 43rd Street building is located within the Preservation Area of the Special Clinton District. Accessory off-street parking spaces are not permitted in the Preservation Area except by special permit as set forth in Section 13-561 of the Zoning Resolution (ZR Sec. 96-111). This is an application for such a special permit.

Absent special circumstances, accessory off-street parking within the Preservation Area should, at a minimum, conform to the general requirements of Section 13-10 of the Zoning Resolution with respect to accessory off-street parking, as well as the specific requirements of Section 13-561 for a special permit.

General Requirements for Accessory Off-Street Parking Spaces

The general requirements for accessory residential parking spaces in Manhattan Community District No. 4, which are set forth in ZR Sec. 13-12, are that:

- (i) The number of spaces may not exceed 20 percent of the number of new dwelling units contained in the development or 200 spaces. The development will contain a total of 320 dwelling units, 268 of which will be in the 42nd Street building and 52 of which will be in the 43rd Street building. The proposed number of spaces (59) is less than 20 percent of the 320 new dwelling units (64).
- (ii) The spaces must be located within a completely enclosed building. The proposed spaces will be located entirely within the 43rd Street building.
- (iii) The spaces must be used exclusively by the occupants of the residential development. The Applicant's Discussion of Findings states that the proposed spaces will be used as accessory parking for the residents of both buildings. In addition, the Applicant has indicated that the garage is presently being marketed only to residents and that a sign will be placed at the entrance to the garage indicating that parking is for accessory parking only and not for public use.

In its initial oral presentations to the Clinton Land Use and Zoning Committee, the Applicant referred to the possibility of permitting use by tenants of or visitors to the development's commercial space. Subsequent discussions have assured the Board that such use is not presently intended, and would be made only in the unlikely case that there is insufficient demand for parking by residents. We note that the general requirements of the Zoning Resolution for accessory commercial parking spaces would allow no more than six (6) spaces in the proposed garage¹, and would limit their use to the tenants or employees of the development (ZR Sec. 13-133). The Applicant has assured the Board that any accessory commercial use will comply with these limitations.

In addition, no accessory off-street parking spaces may be located on a zoning lot other than the same zoning lot as the use to which they are accessory (ZR Sec. 13-141). The two buildings are located in two different, but contiguous, zoning lots. Access to the residential portions of both buildings will be through a single entrance on 43rd Street. An accessory parking garage will be a desired amenity for residents of both buildings, who will value the convenience of an attended on-site garage in this commercial area, where there is limited on-street parking and the public parking garages cater to transient parkers. It is therefore appropriate that the requested special permit should allow the accessory spaces for the 42nd Street building to be located in the 43rd Street building.

¹ Spaces are allowed at the rate of one space per 4,000 square feet of floor area. According to the Applicant, there will be a total of approximately 26,500 square feet of commercial space in the two buildings combined.

Requirements for Special Permit

The Board has reviewed the Discussion of Findings in the application and concurs that the proposed public parking garage and requested exemption meet the requirements for the requested special permit pursuant to Sections 13-561 and 96-11 of the Zoning Resolution. As discussed above, the spaces are intended for use only by residential occupants of the buildings. In addition, there is insufficient residential parking in the vicinity, the proposed garage will not create or contribute to serious traffic congestion or unduly inhibit traffic, the facility will draw a minimum of vehicular traffic through local residential streets, and the required reservoir spaces are being provided.

Therefore Be It Resolved, that Manhattan Community Board No. 4 recommends approval of this ULURP application to allow 59 accessory residential parking spaces in an attended parking garage at 350 West 43rd Street, provided (i) a sign is placed at the entrance to the garage indicating that parking is for accessory parking only and not for public use, and the garage is operated in a manner consistent with that signage, and (ii) any future accessory commercial use of the garage is required to comply with the limitations of ZR sec 13-133.

Sincerely,



Simone Sindin
Chair
Manhattan Community Board No. 4

Anna Hayes Levin
Chair
Clinton Land Use & Zoning Committee

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Hon. Jerrold Nadler, United States Representative
Hon. Eric Schneiderman, State Senator
Hon. Richard Gottfried, State Assemblymember
Hon. Christine Quinn, City Councilmember
Lee Chong, Office of the Manhattan Borough President
Howard Hornstein, Esq., Fishbein Badillo Wagner Harding
Peter Geiss, Esq., Fishbein Badillo Wagner Harding