



## **CITY PLANNING COMMISSION**

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April 27, 2005/Calendar No. 22

C 040375 ZSM

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**IN THE MATTER OF** an application submitted by 323 West 34<sup>th</sup> Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 500 spaces on the ground, second, third and fourth floors and the cellar floor of an existing 4-story garage building on property located at 323-331 West 34<sup>th</sup> Street a.k.a. 334-344 West 35<sup>th</sup> Street (Block 758, Lot 25), in a C6-4 District, Borough of Manhattan, Community District 4.

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The application for a special permit was filed by 323 West 34<sup>th</sup> Street LLC c/o Meyer Parking on March 26, 2004 to allow the continued use of an existing attended public parking garage with a maximum capacity of 500 spaces in a C6-4 District.

### **BACKGROUND**

The subject property (Block 758, Lot 25) is located on the northerly side of West 34<sup>th</sup> Street and extends through-block to the southerly side of West 35<sup>th</sup> Street (323-331 West 34<sup>th</sup> Street a.k.a. 334-344 West 35<sup>th</sup> Street) midway between Eighth and Ninth avenues. The site contains an existing 4-story of attended public parking garage for 500 cars. The site is zoned C6-4 within the Special Hudson Yards District. Two existing curb cuts, both approximately 34.5-foot wide along both West 34<sup>th</sup> and 35<sup>th</sup> streets, provide access and egress to the garage. On March 2, 1954 (CP-10507), the City Planning Commission approved a special permit pursuant to Section 21-F of the Zoning Resolution for an attended public parking garage with more than 150 spaces on March 3, 1954 for a term of fifty (50 ) years.

The surrounding area is characterized by low-rise to high-rise buildings including eating and

drinking establishments, photographic stores, theaters, food and drug stores, clothing and garment establishments, automotive services and repairs, hotels, churches, parking facilities, Madison Square Garden, the Midtown South Police Precinct, Main Post Office and a few apartment buildings.

Public parking garages in Manhattan Community Districts 1 to 8 are allowed only by special permit of the City Planning Commission. Section 93-054 of the Zoning Resolution exempts any public parking facility in existence prior to the effective date of the Special Hudson Yards District from the Findings of Section 93-821. Therefore, the applicant seeks a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage for a maximum capacity of 500 spaces in a C6-4 zoning district.

## **ENVIRONMENTAL REVIEW**

This application (C 040375 ZSM ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission.

This application was determined to be a Type II action which requires no further environmental review.

## **UNIFORM LAND USE REVIEW**

This application (C 040375 ZSM) was certified as complete by the Department of City Planning on December 20, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 4 held a public hearing on this application on February 2, 2005, and on that date, by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following condition:

...the Board agrees that there is adequate basis for the findings required by ZR Section 74-52 and therefore recommends approval of the application and the grant of the special permit for a term of ten years.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on March 21, 2005.

### **City Planning Commission Public Hearing**

On March 16, 2005 (Calendar No. 12), the City Planning Commission scheduled March 30, 2005 for a public hearing on this application (C 040375 ZSM). The hearing was duly held on March 30, 2005 (Calendar No. 30). There was one speaker, a representative of the applicant, in favor of the application and none in opposition. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit is appropriate.

The attended public parking garage has been operating since 1955. The garage use would continue to provide public parking spaces for the surrounding area. This garage use was at that time, and still remains to date, compatible with the primarily commercial uses (including eating and drinking establishments, photographic stores, theaters, food and drug stores, clothing and garment establishments, automotive services and repairs, hotels, Madison Square Gardens, the Main Post Office) located in the general area. As such, this garage would support the essential functions of the area, by providing public parking for businesses and their patrons, customers, employees, visitors and other commercial clientele. The garage is presently operating at maximum capacity.

The public parking garage has been maintained and operated at this location with the same capacity as that of the current special permit for over 50 years; therefore, there are no additional traffic impacts. Drivers utilizing the garage are expected to arrive and depart by way of Eighth Avenue, West 34<sup>th</sup> Street, West 35<sup>th</sup> Street or Ninth Avenue. There is adequate sidewalk width on the north side of West 34<sup>th</sup> and the south side of West 35<sup>th</sup> streets. Additionally, stop signs, visual and audible warning devices would be placed at all vehicular exits to minimize potential conflicts between pedestrians and incoming and outgoing vehicles. The traffic flow into and from the public parking garage is expected to remain unchanged since the existing capacity has remained the same since 1955.

The Commission notes that most of the traffic destined for the garage will arrive and depart by the two east-west streets and two, north-south corridors, and as a result of minimal traffic will be drawn through residential streets. West 34<sup>th</sup> Street is a mixed use east-west corridor providing access to the Queens Midtown Tunnel on the east side and West Side Highway on the west side of Manhattan. West 35<sup>th</sup> Street, Eighth and Ninth avenues would continue to handle the traffic without significant traffic impact on nearby intersections.

While vehicles will enter and exit the building on both eastbound and westbound West 34<sup>th</sup> and westbound 35<sup>th</sup> streets, all streets in the vicinity have adequate capacity to handle the traffic generated by the public parking garage. The other intersections in the area will continue to be satisfactory for this purpose.

Twenty-five reservoir spaces would continue to be provided at the ground floor entrance which is the required number for the public parking garage of 500 parking spaces to preclude the formation of lines of waiting vehicles upon the abutting streets.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Sections 13-562 (Public parking garages or parking lots) and 74-52 (Parking Garages or Public Parking Lots In High Density Central Area) of the Zoning Resolution:

- (a) that such use will not be compatible with, or adversely affect the growth and

development of, uses comprising vital and essential functions in the general area within which such use is to be located;

- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in the number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir spaces be required for more than 50 automobiles;
- (e) that the streets providing access to such will be adequate to handle the traffic generated thereby;
- (f) Not Applicable; and
- (g) Not Applicable.

## **RESOLUTION**

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New

York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of 323 West 34<sup>th</sup> Street LLC for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 500 spaces on the ground, second, third and fourth floors and the cellar floor of an existing 4-story garage building on property located at 323-331 West 34<sup>th</sup> Street a.k.a. 334-344 West 35<sup>th</sup> Street (Block 758, Lot 25), in a C6-4 District, Borough of Manhattan, Community District 4, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 040375 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Philip Habib &

Associates, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 5	Existing/Proposed Site Plan	November 29, 2004
2 of 5	Existing/Proposed Parking Plan Ground Level	November 29, 2004
3 of 5	Existing/Proposed Parking Plan Levels 2, 3, 4 & Basement	November 29, 2004

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the

plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby



granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 040375 ZSM), duly adopted by the City Planning Commission on April 27, 2005 (Calendar No. 22), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Vice-Chairman**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ,**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,**  
Commissioners