



## **CITY PLANNING COMMISSION**

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February 29, 2012, Calendar No. 4

C 110374 ZSM

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**IN THE MATTER OF** an application submitted by Post Office Garage, 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 309 spaces within an existing 8-story garage building including two cellar levels and to permit some of such spaces to be located on the roofs of such garage building, on property located at 340 West 31<sup>st</sup> Street (Block 754, Lot 63), in a C6-3X District in the Borough of Manhattan, Community District 4.

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The application was filed by Post Office Garage LLC on June 8, 2011 for a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to facilitate the continued operations of a 309-space public parking garage on the sub-cellar floor through roof levels of an existing, eight-story parking structure.

### **RELATED ACTIONS**

In addition to the proposed special permit (C 110374 ZSM) which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 120085 ZSM	Special Permit pursuant to ZR Section 74-54 to modify rear yard requirements of ZR Section 33-292 to allow a 20-foot rear yard 23 feet above curb level for an existing 8-story attended public parking garage building
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### **BACKGROUND**

The applicant, Post Office Garage LLC, is seeking a special permit to facilitate the continued operation of a 309-space public parking garage on the sub-cellar floor through roof levels of an existing, eight-story parking structure located at 340 West 31st Street (Block 754, Lot 63) in Manhattan's Chelsea neighborhood. The site is located on the south side of West 31st Street between Eighth and Ninth Avenues, in Community District 4. The site is zoned C6-3X which allows a commercial FAR of 6.0. The area contains a mix of uses, with West 31st Street being predominantly commercial and institutional (the Farley Post Office is located across West 31st

Street from the site and dormitories are located immediately to the east). The south side of the block on which the garage is located (on West 30<sup>th</sup> Street) is located in an R8B district and is almost entirely composed of smaller residential buildings (four stories or less). Farther south of the site is a predominantly residential area (including the Penn South Houses). The area to the east and west of the block contains some manufacturing while the areas to the north (as well as northeast and northwest) are high-density commercial districts. Madison Square Garden is also to the northeast of the site, sitting between West 31<sup>st</sup> and West 33<sup>rd</sup> Streets between Seventh and Eighth Avenues.

The existing garage was originally granted a 30-year special permit by the City Planning Commission on February 3, 1971 (CP-21445) for a capacity of 241 parking spaces and reservoir space for 14 cars. On that date the CPC also granted a 10-foot waiver of the rear yard requirements (which required a 30-foot rear yard) on the site so that a 20-foot rear yard was allowed. The garage was built in 1972.

The special permit expired in 2001, however, the garage has continued to operate and has been operating above capacity in recent years. In April 2010 the garage received a violation from the Department of Consumer Affairs (DCA) for parking 395 vehicles and in June 2011 the garage received another violation, this one from the Department of Buildings, for parking 328 vehicles.

The special permits that are the subject of these applications would allow 309 spaces (with 15 reservoir spaces) and legalize the 20-foot rear yard. Current yard regulations via Sec. 33-292 (“Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots”), still require a rear yard of 30 feet for this zoning lot. Specifically, Sec. 33-292 requires the 30-foot rear yard up to a height of 23 feet above curb level for a zoning lot in a commercial district where the rear yard lot line of the zoning lot adjoins a residential district.

The configuration of the proposed garage would be similar to the existing garage. There would be eleven levels (two below grade, one on the roof) accessed by two 22-foot curb cuts on West 31<sup>st</sup> Street which are separated by a five-foot splay. Each curb cut leads to two lanes, of which the three westernmost lanes are 10 feet wide each and bring cars into the site and the easternmost

lane, which is 11 feet wide, brings cars out. The three westernmost lanes would accommodate the 15 reservoir spaces (all on the ground-floor level). The proposal would widen the ground floor vehicle ramp to 37 feet from the current 16 feet. The other ramps in the garage would remain at 14 feet wide. The garage would also have a public bicycle parking area on the ground floor (in the northeastern corner of the garage) where up to 32 bicycles could be parked.

## **ENVIRONMENTAL REVIEW**

This application (C 110374 ZSM), in conjunction with the application for the related action (C 120085 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 designated CEQR number is 10DCP033M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 17, 2011.

## **UNIFORM LAND USE REVIEW**

This application (C 110374 ZSM), in conjunction with the application for the related action (C 120085 ZSM), was certified as complete by the Department of City Planning on October 17, 2011, and was duly referred to Community Board 4 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

## **Community Board Public Hearing**

Community Board 4 held a public hearing on this application (C 110374 ZSM) on December 17, 2011. On that date, by a vote of 28 in favor, 6 opposed, 0 abstentions, and 0 present but not eligible to recommend, the Board adopted a resolution recommending approval of the application, with the following conditions:

- 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.
- 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.

- The applicant must texture the sidewalk near the garage driveway 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.
- Trees must not obstruct sightlines for drivers entering and exiting the garage.
- The applicant must review plans for sidewalk changes in front of the garage with the community board before finalizing plans for construction.
- The Department of Buildings must be satisfied that the garage structure meets engineering standards that are sufficient to accommodate the increased allowable parking.
- The special permits must be granted 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.

### **Borough President Recommendation**

This application (C 110374 ZSM) was considered by the Borough President, who issued a recommendation on January 18, 2012, approving the application.

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

On January 4, 2012 (Calendar No. 1) the City Planning Commission scheduled January 25, 2012 for a public hearing on this application (C 110374 ZSM). The hearing was duly held on January 25, 2012 (Calendar No. 3) in conjunction with the public hearing on the related application (C 120085 ZSM). There were two speakers in favor of the application and none in opposition.

The speakers in favor included a planner representing the applicant who explained that the applicant/operator would work with the Department of Transportation to change the slope of the curb so that the rise from the street to the garage would not be as steep as it is currently. He noted that the applicant/operator would also ensure that the level of the garage matched the neighboring properties' sidewalks. However, he doubted that the Community Board's request for a textured sidewalk could be done without a lengthy approval process by several City agencies and so did not agree to pursue this improvement.

He explained that three entry lanes are necessary for housing the reservoir spaces and the proposed reconfiguration of the ground floor, needed partially for the reservoir spaces, would help ensure that the number of cars parked could not exceed 309.

The planner also noted that the garage had 240 monthly parkers, which he estimated were both residents of the area and/or employees of the US Postal Service, and that transient parkers especially frequented the garage when Madison Square Garden had an event.

Responding to the Community Board's concern that the trees would block visibility, the planner said that the wall on the eastern side of the garage would be low and the trees would not be very large so visibility should not be a problem.

Lastly, he explained that the Community Board's request for downlighting would be addressed and the lighting provided.

The other speaker in favor, a representative from the Manhattan Borough President's Office, reiterated the Borough President's approval of the application.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that grant of the special permit pursuant to Sections 13-562 and 74-52 (C 110374 ZSM) is appropriate.

The Commission notes that the garage is located in a C6-3X zoning district which permits commercial and residential development. The area contains a mix of uses, with West 31st Street being predominantly commercial and institutional and West 30<sup>th</sup> Street and the blocks south being more residential. The area to the east and west of the block contain some manufacturing while the areas to the north (as well as northeast and northwest) are high-density commercial districts. The Commission also notes that nearby Madison Square Garden is a special generator of parking demand and generates transient parking for this facility. Therefore, given the existing variety of uses in the area, the Commission believes that the parking garage is an appropriate land use in this area and will not adversely affect growth and development of vital and essential uses in the area.

The Commission notes that, pursuant to the Environmental Assessment Statement (EAS) prepared for the application, the proposed increase in the garage's capacity would generate an additional 37 vehicle trips in the 8-9 AM peak hour, a reduction of 20 vehicle trips on the 12-1 PM midday peak hour, 31 additional vehicle trips in the 5-6 PM peak hour, and 36 additional trips in the Saturday 1-2 PM midday peak hour. The Commission concurs with the conclusions of the EAS, that this modest increase in street traffic would not create a significant adverse impact. Additionally, as the garage is located more than 400 feet from Eighth Avenue, there is little chance of a back-up that could affect the corner of Eighth Avenue and West 31<sup>st</sup> Street caused by vehicles entering that garage. The Commission also believes that pedestrian flow should be improved by the proposed garage design in that 1) the current approximately 65-foot wide curb cut would be replaced by two 22-foot curb cuts which would reduce vehicle/pedestrian conflicts, 2). greater visibility into the garage at-grade shall be provided by a low wall, 3) the adequate reservoir space should minimize the conflict between pedestrians and vehicles bound for the parking garage entrance, and 4) warning signals and buzzers would be located at the entrance to alert pedestrians to the presence of a vehicle exiting the garage. Therefore, the Commission believes that the use will not contribute to serious traffic congestion nor unduly inhibit surface traffic and pedestrian flow.

The Commission notes that the garage is accessed on West 31<sup>st</sup> Street which is relatively wide (36 feet) and essentially non-residential between Seventh and Tenth Avenues. It is also generally not clogged with traffic and allows east-to-west driving so vehicles could access the garage from the denser parts of Manhattan (where the 15 reservoir spaces would alleviate congestion that would occur from accessing the garage) to the less dense far west side of Manhattan. Vehicles exiting the garage would use Ninth Avenue and Tenth Avenues to access other parts of Manhattan, including the Lincoln Tunnel, without using local streets or entering nearby predominantly residential areas. Therefore, the Commission believes that the garage should draw a minimum of vehicles through local streets or residential areas.

The Commission is pleased that the proposed garage would contain 15 reservoir spaces, which is the minimum number required for a 309 space garage, whereas the number approved in the 1971 approval (for 241 spaces) was 14.

The Commission notes that the roof parking on the seventh floor along W. 31<sup>st</sup> Street would not be lit and the roof parking on the top of the building would have three small lights that are currently fixed to the bulkhead. The Commission believes that the neither area of roof parking on the proposed garage would impair the essential character or future use or development of adjacent areas.

Finally, the Commission is aware that this parking garage has been at this location for the last 40 years and, in that time, even while on occasion operating above the 309-space capacity, has not adversely affected the growth and development of the area, has not created serious traffic congestion, and the streets providing access to the garage have proven adequate to handle traffic generated by it. This proposed garage is in many ways very similar to the existing while having notable improvements. Therefore, the Commission believes that the proposed design would continue or improve on the past performance of the existing garage.

The Commission believes that the grant of the special permit pursuant to Sections 74-54 (C 120085 ZSM), is appropriate.

The Commission notes that on-street parking is limited in the immediate area near the garage, with much of it reserved for NYPD parking or unavailable due to Post Office loading docks. Also, since 2003, the number of off-street spaces in the quarter-mile study area around the garage has declined by 632. Demand, however, has probably not declined given that between 2002 to 2008 the number of dwelling units has remained flat while the commercial floor area increased by more than 10%. Additionally, studies, including the Western Rail Yards EIS and the applicant's own research, indicate that the estimated off-street parking utilization rate in 2009 in the quarter-mile study area was approximately 90%. Given that the increase in the garage's capacity (from the current 241 to 309) would probably work to remove some cars that would otherwise be parked on the street, the Commission believes that the garage, built to its capacity

with the 20-foot rear yard, would alleviate excessive on-street parking demand and reduce congestion in the area.

The Commission is also convinced that the rear yard modification is necessary for the proper design and operation of the garage. Without the waiver the zoning lot would need a 30-foot rear yard, making both the current and the proposed garages impossible and requiring, if a parking garage was even possible at this location on such a sized footprint, a reconstruction with an inferior design and operation.

The Commission is aware that the applicant, via comments from its representative at the January 25, 2012 public hearing, would implement several of the conditions requested by the Community Board. The Commission is pleased that the applicant has agreed to improve the slope of the sidewalk in front of the garage, to ensure that the new sidewalk matches the neighbors' sidewalks, and to provide downlighting. The Commission is also satisfied with the applicant's explanation that the proposed street trees would not block sightlines and inhibit visibility. The Commission also notes that the barrier the Community Board requests across the non-entrance part of the garage frontage is already included in the proposal. Finally, the Commission believes that the Community Board's request for a 10-year limitation for the special permit is not possible given that the Zoning Resolution does not provide for such terms.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

1. That such use will not be incompatible 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;
2. That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow;
3. That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;



4. That such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. That roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
7. Not applicable.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination and the consideration and findings described in this report, the application submitted by Post Office Garage, 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 309 spaces within an existing 8-story garage building including two cellar levels and to permit some of such spaces to be located on the roofs of such garage building, on property located at 340 West 31<sup>st</sup> Street (Block 754, Lot 63), in a C6-3X District in the Borough of Manhattan, Community District 4, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 110374 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 Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Sheet 3 of 6	Parking Plan	October 5, 2011
Sheet 4 of 6	Parking Plan	October 5, 2011
Sheet 5 of 6	Parking Plan	October 5, 2011

- 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 110374 ZSM), duly adopted by the City Planning Commission on February 29, 2012 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**  
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**SHIRLEY A. McRAE, Commissioners**



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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 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



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

SCOTT STRINGER  
BOROUGH PRESIDENT

January 18, 2012

**Recommendation on  
ULURP Application Nos. C 110374 ZSM and C 120085 ZSM – Post Office Garage  
by Post Office Garage LLC**

**PROPOSED ACTIONS**

Post Office Garage LLC seeks a special permit to allow an attended public parking garage with a maximum capacity of 309 spaces and a special permit to allow a 10-foot portion of a garage building as a permitted obstruction in the rear yard at 340 West 31<sup>st</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues on Block 754, Lot 63. The building is located in a C6-3X zoning district in Manhattan Community District 4. The City Planning Commission issued a negative declaration for this application on October 17, 2011.

The applicant seeks a **special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution** (“ZR”) to allow an attended public parking garage with a maximum capacity of 309 spaces and to allow a portion of these spaces to be located on the roof of the existing building. In order for a special permit to be granted, the City Planning Commission (“CPC”) must find that the garage will not adversely impact or affect the growth or development of other uses in the area; will not create or contribute to serious traffic congestion or pedestrian flow; will not draw traffic through areas which are primarily residential; contains adequate reservoir space; is surrounded by streets that are adequate for generated traffic; and, where rooftop parking is permitted, is so located as not to impair the essential character, future use or development of adjacent areas.

Post Office Garage LLC also seeks a **special permit pursuant to Section 74-54 of the ZR** to allow a 10-foot portion of a garage building as a permitted obstruction in the rear yard required pursuant to Section 33-292. To grant this special permit, CPC must find that that the public parking garage will alleviate excessive on-street parking demand and thereby relieve traffic congestion in the area; and that, because of site limitations, such modification is necessary for the proper design and operation of the public parking garage.

**PROJECT DESCRIPTION**

The applicant seeks two special permits to operate an existing, attended public parking garage

with expired special permits at a capacity of 309 spaces and to occupy 10 feet of the required 30-foot rear yard 23 feet above curb level. There is no proposed expansion of the existing 8-story garage building envelope. To facilitate the increased capacity and enhance garage operations, the applicant plans to alter the garage's interior layout, provide space for bicycle parking and provide streetscape improvements.

The garage is located on West 31<sup>st</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues. West 31<sup>st</sup> Street is a one-way, westbound street. The 8-story parking facility contains approximately 81,455 SF over 11 levels. The garage has two cellar levels and rooftop parking area on a portion of the 7<sup>th</sup> floor and above the 8<sup>th</sup> floor. The 7<sup>th</sup> and 8<sup>th</sup> levels are set back from the building's frontage. An approximately 65-foot-wide segment of the curb on West 31<sup>st</sup> Street is used for ingress to and egress from the garage. The facility is open 24 hours a day and has 247 monthly members made up of neighborhood residents, employees of the post office across the street who park overnight and transient parkers.

The location was the subject of previous actions permitting the construction and operation of the facility. On February 3, 1971, the CPC approved special permits to allow 241 parking spaces, including the location of spaces on the roof, and to allow the building to extend ten feet into the required rear yard. The building was constructed in 1972 pursuant to these special permits. The 1971 permits expired in March 2001. In April 2010, the garage was issued a violation by the Department of Consumer Affairs for parking 395 vehicles. On June 16, 2011, the garage was issued an additional violation by the Department of Buildings for parking 328 cars. As the previous special permit for 241 parking spaces expired, a new special permit is being sought, which will more accurately reflect the garage's operational capacity of 309 spaces.

Pursuant to the proposed special permit, the applicant includes several changes in addition to increasing the total capacity of the garage. The special permit proposes to replace the existing single 65-foot-wide curb cut with two 22-foot-wide curb cuts separated by five feet between splays with three ingress lanes and one egress lane. The westernmost curb cut would provide access to two entrance lanes; the easternmost curb cut would provide one entrance lane on the west side of the curb cut and one exit lane on the east side of the curb cut. The garage's ground floor will be modified to accommodate 15 reservoir spaces, 32 bicycle spaces and room for pedestrian circulation. Additionally, the ground-floor vehicle ramp is proposed to be expanded from 16 to 37 feet in width, thereby extending the ramp into the rear yard. Finally, the applicant proposes to provide streetscape improvements, including leveling the sidewalk and reducing the size of the curb cut, improving sidewalk lighting and adding new street trees.

340 West 31<sup>st</sup> Street is located within a C6-3X zoning district. The garage is located on a 9,875 square-foot lot in the middle of the block on the south side. To the east are the 4-story Technical Career Institute and a parking lot on the corner of 8<sup>th</sup> Avenue. To the west are an 8-story union administrative building and a 16-story office building on the 9<sup>th</sup> Avenue corner. Across the street is the New York City-landmarked James A. Farley Post Office Building, which occupies two blocks from 31<sup>st</sup> to 33<sup>rd</sup> Streets between 8<sup>th</sup> and 9<sup>th</sup> avenues. Surrounding uses include Penn Station and Madison Square Garden on the northeast corner of 31<sup>st</sup> Street and 8<sup>th</sup> Avenue, low- and mid-rise residential buildings along 8<sup>th</sup> Avenue to the south of the site and on 30<sup>th</sup> Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues. There are several large-scale, mixed use projects in the immediate



vicinity of the site, most notably the conversion of the Farley Post Office to a rail station and retail destination called Moynihan Station. Additionally, the 7 subway line extension to 34<sup>th</sup> Street is projected for completion in 2013, reinforcing this area's strength as a transit core.

### **COMMUNITY BOARD'S RECOMMENDATION**

At its Full Board meeting on December 7, 2011, Community Board 4 recommended conditional approval of this ULURP application by a vote of 28 in favor and 6 opposed.

CB4's recommendation for approval was conditioned upon the applicant ensuring that:

- Any street-level frontage not occupied by active vehicular lanes is shielded by a sidewalk-level barrier to clarify driveway area.
- Adequate downlighting is provided on the sidewalk to increase pedestrian visibility to drivers.
- The sidewalk is leveled and textured to improve handicapped accessibility and pedestrian safety.
- Sightlines are maintained when adding sidewalk trees.
- The sidewalk design is reviewed with the community before finalizing construction plans.
- A structural study by the Department of Buildings is performed to determine that the building can safely accommodate the increased capacity.
- The special permit is limited to ten years to evaluate the operator's compliance and any changes to the neighborhood resulting from anticipated developments.

### **BOROUGH PRESIDENT'S COMMENTS**

The public purpose of ZR § 13 is to control traffic congestion and ensure compliance with environmental standards by requiring a special permit for certain parking facilities, including public garages, in the Manhattan core. With increasing public concern about traffic congestion and pollution and recent City initiatives to discourage automobile use in the Manhattan core, this policy has never been more relevant.

Case law establishes that applicants for a special permit are generally entitled to favorable consideration of their applications if they have demonstrated that they have met the specific findings identified in statute. However, given the important public purpose behind the special permit requirement and the importance of encouraging transit-oriented development instead of automobile use in Manhattan, applicants should satisfy the findings under as strict an interpretation as is reasonable.

The applicant generally meets the applicable findings of the special permit pursuant to ZR §74-52. The garage is compatible with existing surrounding uses. There are 23 parking facilities within a ¼-mile of the subject garage. The prevalence of office, retail and entertainment uses in this central Manhattan location generates demand for parking that is not being met with on-street parking. This demand is further evidenced by the garage's previous operation at levels above permitted occupancy.

On October 17, 2011, the CPC issued a negative declaration for this application, suggesting that the garage would have minimal adverse impact on the environment. The proposed 309-space garage is not expected to contribute to traffic congestion. The applicant proposes sidewalk and visibility improvements that will enhance pedestrian conditions. Additionally, the street that will be used to access the garage, 31<sup>st</sup> Street, is principally a commercial street, and 8<sup>th</sup> Avenue and 9<sup>th</sup> Avenue are major thoroughfares. Furthermore, the application proposes the required number of reservoir spaces.

The applicant expects to locate 23 parking spaces on the roof area above the eighth floor. At the request of the Manhattan Borough President's office, the applicant submitted an analysis to determine whether the rooftop parking would affect the character or future use of neighboring properties. Surrounding lots are generally developed to permitted densities and the residential buildings lining the north side of 30<sup>th</sup> Street are approximately 50 feet from the rear wall of the garage roof.

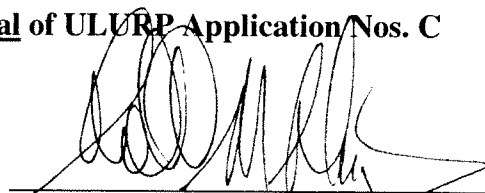
The applicant additionally meets the findings of the special permit pursuant to ZR §74-54. The special permit allows garages to encroach upon the rear yard providing that certain findings are met. The existing 81,455 square-foot garage infringes on the required 30-foot rear yard by 10 feet. Given the strong commercial character of the surrounding area and limited on-street parking availability, the proposed garage fulfills a demonstrated need for off-street parking. Additionally, the garage was constructed in 1972 with a complex ramp system; it is infeasible to modify the existing garage so as to comply with the 30-foot rear yard requirement. The proposed special permit will legalize the existing condition that was previously granted by the expired special permit.

While the applicant meets the required findings, City agencies have documented that the garage has previously operated significantly above its legal volume. Many special permit applications have been brought forth which propose to legalize existing conditions where garages are operating above their legal capacities. While it is difficult to monitor off-street parking facility licenses and enforce capacity controls, it is irresponsible for the City to overlook buildings with non-compliant operations. It is critical that a programmatic mechanism be implemented at an agency level to ensure compliance with parking regulations across New York City.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

The proposed public parking garage with 309 spaces at 340 West 31<sup>st</sup> Street satisfies the required findings of these special permits.

**Therefore, the Borough President recommends approval of ULURP Application Nos. C 110374 ZSM and C 120085 ZSM.**



Scott M. Stringer  
Manhattan Borough President



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