



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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

July 27, 2011

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

**Re: 332 West 44th Street
ULURP # 090377 ZSM
Parking Garage Special Permit
Failure to Comply with Special Permit Conditions**

Dear Chair Burden:

At the July 13, 2011 meeting of Manhattan Community Board 4's (CB4) Clinton/Hell's Kitchen Land Use (C/HKLU) Committee, the Committee discussed Central Parking System's failure to comply with the conditions of their special permit renewal. The matter was brought to the attention of the Committee by a tenant of West 44th Street and member of the West 44th Street Block Association. Central Parking System has a special permit for their parking garage at 332 West 44th Street, between Eighth and Ninth Avenues. The ULURP process for renewal of that special permit resulted in a CB4 resolution dated December 7, 2010 (See Attached) which specified certain conditions. Central Parking System, through a lengthy negotiation process, agreed to meet those conditions. CB4 is seeking enforcement of the conditions agreed to as part of ULURP # 090377 ZSM for the renewal of the special permit.

Background

Central Parking System operates a 260 space public parking garage in the Preservation Area of the Special Clinton District, on West 44th Street, between Eighth and Ninth Avenues, that has had a special permit since 1958. For some time the garage had been operating illegally, both beyond capacity and with one illegal entrance. Central Parking System sought a renewal of their special permit to conform their operations to law.

Conditions

As part of the special permit process, CB4 imposed certain conditions to the approval of the special permit, to which Central Parking System agreed. Among those conditions were:

- Reduce the double width curb cut at the West 43rd Street exit from 25 feet to 11 feet and ensure

compliance with the Americans with Disabilities Act (ADA);

- Eliminate the pedestrian walkway along the West 43rd Street exit and install lighting and greenery on both sides of the single lane exit, including trees and tree guards;
- Establish signage at West 43rd Street exit (e.g., no right on red, must wait for green light, etc.);
- Install electronic gate at West 43rd Street exit to ensure compliance with this agreement;
- Further limit hours of operation for West 43rd Street exit (e.g., 8 p.m. - 6 a.m.);
- Eliminate unnecessary “stackers” from the property to ensure that the total number of available spaces does not exceed the permitted number;
- Provide 14 foot screen on roof for remaining “stackers”;
- No use of “stackers” after midnight;
- Reservoir spaces should be based upon 20% of the total spaces, not the requested increase;
- Plant four trees along West 44th Street and put in nine bicycle spots;
- Remove middle curb cut on West 44th Street; and
- Operate the West 43rd Street exit legally and safely.

Despite the ULURP process being completed in April 2011, Central Parking System has failed to meet the required conditions previously agreed to including, but not limited to, installing tree pits and planting trees, establishing signage, removing curb cuts, adding bicycle parking spaces and screening the “stackers”. Especially egregious is the failure to close the gate on West 43rd Street during the day time. For several months, Central Parking System had kept the gate closed. However, they recently reopened it and the combination of the traffic exiting onto West 43rd Street out of the garage and the traffic signal at the entrance being a blinking light creates a particularly dangerous condition. Locking the gate is a simple procedure that does not require construction permits and there is no reason for Central Parking System to be neglecting this condition of the special permit.

CB4 requests your assistance in ensuring that these already agreed to provisions are complied with. The conditions will help to make West 43rd and West 44th Streets greener, safer and more inviting and should be enforced. We look forward to working with you to see this matter resolved and request a meeting with your office and Central Parking System to set a timeline for resolution.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



Elisa Gerontianos, Co-Chair
Clinton/Hell’s Kitchen Land Use Committee

[signed 7/27/2011]

Gretchen Minneman, Co-Chair,
Clinton/Hell’s Kitchen Land Use Committee

cc: Local Electeds
Department of Consumer Affairs
Central Parking System