



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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February 8, 2008

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

Re: ULURP Application No. C 070233 ZSM – Application for a special permit for a Public Parking Garage at 316 11th Avenue, at West 30th Street

Dear Director Burden:

After presentations at the Chelsea Preservation and Planning Committee and at a duly noticed public hearing at the regular board meeting on February 6, 2008, Manhattan Community Board No. 4 voted 32 in favor, 1 against with no abstentions or present but not eligible by roll call to recommend denial of the application for a special permit for a Public Parking Garage at 316 11th Avenue, at West 30th Street.

The applicant is building a 34 story residential building with ground floor retail in the northwest corner of the Special West Chelsea District (SWCD), at the corner of Eleventh Avenue and West 30th Street. The building is in Subarea A of the SWCD, which is zoned C6-4. The building will be built to an FAR of 10, including a 6.5 base FAR, a High Line Transfer Corridor Bonus of 2.85 FAR and an Inclusionary Housing Bonus of 2.65 FAR, and will have 369 units, including 80 permanently affordable units distributed in compliance with Housing Finance Agency requirements. In addition to the as-of-right 73 space accessory parking garage, the applicant wishes to include a 108-car Public Parking Garage in the building.

A Public Parking Garage is not a permitted use in a residential district, but is allowed in a commercial district by special permit. The applicant is taking advantage of the Department of City Planning's (DCP) designation of the residential areas of West Chelsea as commercial, rather than residential, and is seeking such a special permit, but despite the zoning, there is no doubt that this is a residential building. We do not believe that DCP should approve a permit for a Public Parking Garage in a residential building even though the Zoning Resolution seems to allow it.

CB4 recommends denial of the special permit for three reasons.

- i) the applicant does not meet four of the findings required by Section 74-52 of the Zoning Resolution: a) the use is incompatible with vital and essential functions, b) it will contribute to serious traffic congestion, c) it will draw traffic to surrounding residential areas and d) the streets are inadequate for the additional traffic; we further note that Section 74-31(d) of the Zoning Resolution requires DCP to refer the application to the Department of Traffic for its report with respect to anticipated traffic congestion;

- ii) the applicant seeks to exploit a zoning designation created in the SWCD for a purpose other than that intended by DCP; and
- iii) the application is inconsistent with the broad goals of the city to reduce traffic in Manhattan below 110th Street, as stated in Section 13-00 of the Zoning Resolution as well as in PlaNYC and other forward-looking statements of city policy.

Special Permit Findings Under ZR 74-52

- (a) “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;”

When we look at the corner of Eleventh Avenue and West 30th Street with an eye to the future, we see a developing high density residential neighborhood with as many as 6,000 new residential units in the surrounding blocks. The northern portion of the SWCD will be entirely residential with ground floor retail, and current proposals for the Western Rail Yards, to the northwest of this intersection, call for it to be high density residential.

The applicant describes the proposed Public Parking Garage as meeting a small part of the demand for off-street public parking for local activities, and as vital to the expansion of local uses such as the art galleries, the Javits Convention Center, the Hudson River and High Line Parks, and the West Chelsea night clubs. He then confines his vision to the present and argues that there is no conflict with residential uses because, “there are no residential areas in the immediate vicinity of the proposed Garage,” despite his own development that will contribute 369 residential units in a single building.

Although this will become a high density residential neighborhood, there will be no “residential areas” in the West Chelsea part of the immediate vicinity because they have been designated commercial by DCP without eliminating the special permit process for Public Parking Garages. The city’s objective for this area is high density residential buildings; a Public Parking Garage is inconsistent with, and deleterious to, this objective.

Although we are disadvantaged in our response to the applicant’s argument by unfortunate zoning designations with potentially significant consequences for the community, it is our position that the application is contrary to the intent of DCP and that the applicant does not meet the finding.

- (b) “that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;”

Both the applicant’s accessory garage and the proposed Public Parking Garage would be entered on West 30th Street, while the Building will be entered on Eleventh Avenue. In the applicant’s view, this separation precludes conflict between pedestrians and vehicles. He also argues that there would be no detrimental effect on the existing pedestrian movements that occur primarily on Eleventh Avenue.

We agree with the applicant that there is little pedestrian traffic on this part of West 30th Street – construction zones generally are not attractive places to walk. But looking to the very near future, the south side of this block – where the garage entrances would be – will consist entirely of large, 10 FAR residential buildings. The presence of the High Line on the north side of the street gives us hope that the area under and adjacent to it one day will be a wide pedestrian promenade, as we

have seen in one proposal. If so, both sides of West 30th Street will be lined with stores, galleries and restaurants, making it an attractive destination for pedestrians and creating potential conflicts with vehicles crossing sidewalks at garage entrances.

In addition to its potential pedestrian traffic, West 30th Street already is a major eastbound vehicle artery, with left turn access from the southbound West Side Highway. It also is a major access route to the Lincoln Tunnel. Vehicles from both Eleventh Avenue and the West Side Highway line up to gain entrance to the midblock Lincoln Tunnel entrance just north of West 30th Street, frequently blocking northbound traffic on Tenth Avenue and spreading congestion and gridlock down to 23rd Street.

It is our position that the 37 vehicles per hour in the evening attributed by the applicant's consultants to the proposed Public Parking Garage must be considered in the context of the existing heavy traffic, the 73 cars in this building's accessory garage as well as the cars in the accessory garages of the other, larger buildings that will be built on this block and in the immediate vicinity. While we accept as-of-right accessory garages, we believe that everything possible must be done to discourage visitors to the area from driving and further degrading the flow of traffic. The proposed Public Parking Garage will exacerbate already serious traffic congestion and therefore the applicant does not meet this finding.

- (c) "that such use is so located to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;"

The entrance to the proposed Public Parking Garage is awkwardly sited so that a motorist must pass through heavily residential areas no matter what direction he is coming from.

Approaches from the west and the northwest are the least troublesome to us, but they still require a motorist to pass alongside the newly residential Western Rail Yards, either on Eleventh Avenue or on West 30th Street, as well as the high density residential development on the block where the garage is to be sited. This is also true for a motorist approaching from the south on the West Side Highway who turns east on West 30th Street.

All other approaches require the same transit of West 30th Street from the West Side Highway, but in addition the motorist must cross from the east through at least one residential area to get to the West Side Highway. The route of a motorist arriving via the Lincoln Tunnel will illustrate the various scenarios.

Arriving via the Lincoln Tunnel in other than the right-hand lane will place the motorist on Ninth Avenue at 40th or 42nd Street, or on the West Side Highway. Arriving in the right-hand lane will place him midblock on either 34th or 30th Street, allowing him to proceed east and then turn south on Ninth Avenue. The challenge then becomes getting to the West Side Highway, which is the only way to get to the garage on 30th Street.

If US Postal Service truck traffic has not blocked 29th Street between Ninth and Tenth Avenues, the motorist will pass through the high density residential Subareas A and B of the SWCD. If 29th Street is blocked, as it increasingly is, the motorist can continue down Ninth Avenue past the Penn South residences and cross on 25th Street. This block is entirely residential on the south, except for the Chelsea Recreation Center, and entirely New York Housing Authority (NYCHA) housing on the north. He then will turn north on Tenth Avenue, flanked by future residential buildings on the west and NYCHA buildings and Chelsea Park on the east, and proceed to the

West Side Highway on 27th Street, unless that is blocked by nightclub traffic, or 29th Street, again passing through the high density residential districts of the SWCD.

Since it is impossible to gain access to the proposed Public Parking Garage without passing through high density residential streets, the applicant does not meet the finding.

- (e) “that the streets providing access to such use will be adequate to handle the traffic generated thereby;”

As discussed in the previous sections, it is likely that 29th and 30th Streets will carry most of the traffic traveling to or exiting from the proposed Public Parking Garage. Both of these streets carry traffic to or from the West Side Highway and/or the Lincoln Tunnel, are narrow and are subject to frequent congestion on one or more blocks. We believe that permitted accessory parking from new development on these two blocks will increase traffic and congestion significantly, and that were it to be approved, the proposed Garage would increase it even more.

We cannot say exactly at what point the streets become inadequate to handle traffic, but in our experience current traffic and congestion levels at times already are close to that point. The addition of further traffic from future accessory garages – including the one to be built by the applicant – will only make the current situation worse. We believe that the additional traffic caused by the proposed Public Parking Garage likely will render the streets providing access to it inadequate to handle the traffic generated by it, and thus that the applicant does not meet the finding. We await confirmation on this point by the report required from the Department of Traffic.

Commercial Zones in the Special West Chelsea District

The SWCD was created to facilitate the preservation of the High Line elevated rail line and its conversion to a pedestrian park. This was accomplished in part by the creation of a mechanism for the transfer of FAR from building sites under the High Line to other sites in the new district, the High Line Transfer Corridor Bonus. The vision for the SWCD was for two residential rings surrounding manufacturing zones – where most of the art galleries are located – and tied together by an elevated pedestrian park.

The residential rings were zoned commercial in order to activate the streets, providing opportunities for additional galleries, retail establishments, cafes and restaurants. An unfortunate consequence, however, is the possibility of Public Parking Garages by special permit, as with the current application. We urge DCP to fulfill its own vision for West Chelsea and to support the city’s efforts to reduce traffic by treating the residential areas of the SWCD as residential areas even though they were designated as commercial. We recommend that DCP deny the application for a special permit and adopt this as general policy for the SWCD. CB4 also supports the modification of the Zoning Resolution to prohibit Public Parking Garages in the Special West Chelsea District.

Manhattan Traffic

New York City has established a broad policy of reducing vehicle traffic in Manhattan below 110th Street. The means to achieve this range from the established prohibition on Public Parking Garages in residential neighborhoods to proposals for congestion pricing. With the Lincoln Tunnel, Port Authority Bus Terminal, the passenger ship terminal and the Javits Convention

Center within its boundaries, Community District 4 struggles daily with severe traffic congestion and enthusiastically supports efforts to reduce it.

We expect more than 10,000 additional residential units in the next few years from our two recent rezonings and the proposals for the Western Rail Yards. We believe that emphasis must be placed on making public transportation more effective and private vehicles less attractive. We urge DCP to deny this application for a special permit for a Public Parking Garage and to make this the official policy in the Special West Chelsea District.

Sincerely,



Jean-Daniel Noland
Chair



J. Lee Compton, Co- Chair
Chelsea Preservation and Planning

[signed 2/8/2008]

Lynn Kotler, Co-Chair
Chelsea Preservation and Planning

Cc:

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