



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

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District Manager

July 28, 2008

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

Dear Director Burden:

Manhattan Community Board 4 requests a meeting with you and the appropriate members of the Department of City Planning to discuss the special permit application process for parking garages and the vehicular traffic they create in Community District 4. The recent series of applications for special permits has made us realize that the current system for review and approval has serious flaws, and leads us to believe a comprehensive reconsideration is required. The City Planning Commission's discussion of the recent 333-345 W. 37<sup>th</sup> Street/310 W. 38<sup>th</sup> Street application showed common ground with community concerns; we hope that you share our sense of urgency and will work with us to address this problem quickly before it reshapes our neighborhoods indelibly.

Every day we experience severe traffic congestion that endangers pedestrians and bicyclists on our streets, while the attendant air pollution affects the health of everyone living or working in CD4. A 2005 DCP report<sup>1</sup> indicates that despite being located in the restricted parking area mandated by the Clean Air Act, more than 4,000 new parking spaces were developed in CD4 between 1982 and 2002. In addition, more than five hundred additional parking spaces have already been proposed following the Hudson Yards and West Chelsea rezonings. Unless we act quickly, several thousand more are likely to follow from continued development in these areas, from the future development of the rail yards and from continued development throughout CD4. We cannot afford to lose this opportunity to reverse the trend towards ever-denser parking and traffic.

Three of the primary factors combining to exacerbate the traffic problems in CD4 are the consequences of current zoning trends, the unexamined cumulative impacts of individual actions and the violation of existing regulations.

- The Hudson Yards and West Chelsea special districts include wide-spread commercial zoning to promote mixed-use development. It is clear, however, that West Chelsea, and much of Hudson Yards, was intended to be predominantly

residential. Recently we have witnessed a series of applications seeking to take advantage of the new commercial zoning to locate public parking garages in what will be essentially residential areas. These parking garages are located in areas where they would not have been permitted had the zoning reflected the actual planned residential character of the areas. The advantages of mixed-use zoning should not be permitted to override the parking restrictions applicable to residential zones.

- The current procedure does not require an assessment of the cumulative impact of multiple applications for special permits for parking. Instead, we have short-sighted, narrowly framed considerations of individual applications. We believe strongly that a comprehensive parking plan that begins with actual conditions, sets appropriate goals and provides a basis for monitoring cumulative development must be created.
- We believe that accessory parking garages widely violate the terms of their permits by accepting transient parkers and are concerned that the restrictions the Commission placed on recently-approved public parking garages will be similarly ignored. Since the financial incentives to provide transient parking over monthly parking are very strong, the only way to prevent abuse of restrictions on transient parking is through the deterrent of a credible enforcement effort. We also believe that the combination of more rigorous scrutiny of applications for special permits and increased enforcement of restrictions on transient parking will reduce the attractiveness of public parking garages, and thus reduce the growth in parking, vehicular traffic and the consequent congestion and air pollution.

Our immediate goal in seeking a meeting with you is to make the application process for a special permit more rigorous through the reconsideration of the guidelines governing the interpretation and application of the required findings. The Zoning Resolution allows an owner to apply for a special permit for accessory off street parking spaces (ZR 13-561) or a public parking garage (ZR 74-52). The Commission may grant the special permit if it makes the findings required in the appropriate sections and in addition determines that any hazards or disadvantages to the community from the proposed use are outweighed by the advantages to the community (ZR 74-31).

As described above, however, we believe that the required findings are outdated and do not accurately reflect existing conditions or zoning and development trends in CD4. As a result, they lead to determinations that are inconsistent both with current city policy and with current health and safety conditions. Until new findings appropriate for the needs of CD4 and the city are established, applications for special permits for parking must be subjected to the most rigorous review possible for their potentially detrimental impacts on congestion and air pollution, and the Commission's determination must reflect the growing hazard to our community from increased vehicular traffic.

Our longer term goal is the revision of the Zoning Resolution to conform to the city's traffic reduction policies set forth in PlaNYC, and specifically to reduce traffic congestion and benefit health and the quality of life in CD4. In order to accomplish these, we would like to begin by working with DCP to develop a comprehensive parking

plan for CD4 based on an accurate inventory of current and anticipated parking spaces and an assessment of the cumulative congestion and air pollution impacts of current and future parking. Finally, the implementation of the plan will require clear, consistent criteria and regulations developed from the reassessment of the appropriateness of using CEQRA and other standards for establishing community impacts and specifically formulated to achieve the goals established by the plan.

We look forward to working with you and with DCP staff to determine what immediate changes to the application process could be implemented to benefit CD4 in the short term, and to discuss the initiation of a master parking plan for CD4 in the longer term.

Sincerely,



Jean-Daniel Noland, Chair  
Manhattan Community Board 4



Anna Hayes Levin, Chair  
Clinton/Hell's Kitchen Land Use Committee



J. Lee Compton, Chair  
Chelsea Preservation and Planning



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee



Jay Marcus  
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cc: NYC Council Speaker Christine Quinn  
Manhattan Borough President Scott Stringer  
NYS Senator Tom Duane  
NYS Assemblyman Richard Gottfried  
DOT – Janette Sadik-Khan, Commissioner; Margaret Forgione, Borough  
Commissioner; Bruce Schaller, Assistant Commissioner