



CITY PLANNING COMMISSION

July 11, 2012, Calendar No. 8

C 120179 ZSM

IN THE MATTER OF an application submitted by 84-86 White Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 22 spaces on portions of the ground floor and cellar of a proposed residential building on property located at 84-86 White Street (Block 195, Lot 27), in a C6-2A District, Borough of Manhattan, Community District 1.

The application was filed by 84-86 White Street, LLC on January 24, 2012 for a special permit pursuant to Section 13-561 of the Zoning Resolution to facilitate a 22-space accessory parking garage on the ground and cellar level of a proposed 33-unit building.

BACKGROUND

The applicant requests a Special Permit pursuant to ZR Section 13-561 (“Accessory off-street parking spaces”) to allow the construction of an attended, 22-space parking garage that would be accessory to a proposed 13-story, 33-unit residential building to be located at 84-86 White Street. The 6,109 square foot site is located in Community District 1, between Cortland Alley and Lafayette Street in Manhattan, and was previously used as a 57-space public parking lot. The site is in a C6-2A zoning district which permits a residential floor area ratio of 6.02 and a commercial floor area ratio of 6.0. The parking garage is proposed to contain approximately 3,500 square feet in the cellar and 2,230 square feet in a portion of the ground floor. A 20-foot wide curb cut on White Street would permit entrance and egress to both the ground floor parking area and the cellar level parking area (the latter via a vehicle elevator).

The proposed garage would be open 24 hours a day, 7 days a week. Sixteen of the spaces would be provided in vehicle stackers located on the cellar level, and the remaining six would be on the ground level. Two public bike parking spaces, although not required, would be provided in the garage.

The surrounding neighborhood is characterized by five-to-ten story buildings mostly with a mix of commercial and residential uses. There are buildings related to the city, state and federal court systems to the south as well as some buildings with light manufacturing uses in the area. Within

a 400-foot radius of the project site, there is a 35 space lot on Walker Street which does not provide 24-hour access to vehicles.

Under ZR Sections 13-12 and 13-133, the applicant is allowed to construct seven accessory parking spaces as-of-right. This special permit pursuant to ZR Section 13-561 is needed to increase the amount of accessory parking in order to accommodate the 22 accessory parking space garage.

ENVIRONMENTAL REVIEW

This application (C 120179 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 12DCP055M. 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 February 27, 2012.

UNIFORM LAND USE REVIEW

This application (C 120179 ZSM) was certified as complete by the Department of City Planning on February 27, 2012, and was duly referred to Community Board 1 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Recommendation

Community Board 1 held a public hearing on this application on April 24, 2012 and, on that date, by a vote of 35 in favor and 5 opposed, the Board adopted a resolution recommending approval of the application with conditions.

The Board conditioned their approval on the applicant's representation that the facility would be used only as an accessory parking garage and that neither the applicant, owner, nor operator would apply for a public parking license.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation on May 29, 2012, approving the application.

City Planning Commission Public Hearing

On May 23, 2012 (Calendar No. 2) the City Planning Commission scheduled June 6, 2012 for a public hearing on this application (C 120179 ZSM). The hearing was duly held on June 6, 2012 (Calendar No. 15). There were two speakers in favor of the application and none in opposition.

The applicant's transportation planner talked about the need for 22 parking spaces to serve the residents of the proposed building and stated that about half the available parking facilities within a quarter-mile radius were open lots which could be lost to future development.

A representative from the Manhattan Borough President's Office reiterated the Borough President's recommendation for 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 ZR Section 13-561 is appropriate.

The Commission acknowledges that the proposed 33-unit residential building is entitled to seven parking spaces as-of-right, however, the Commission believes that seven spaces is an insufficient number to service the future residents of the building.

The Commission also believes that there is an insufficient number of parking spaces available in this area; there is only one public parking facility within 400 feet of the proposed site (with only 35 spaces) and although there are 18 facilities within the ¼ mile radius, these facilities have an average occupancy rate of 84% and seven are closed overnight (thus being not very useful for

area residents). Additionally, this development would eliminate a 57-space public parking lot (which was not a 24-hour lot), thus further reducing the number of available spaces in the area.

The Commission has reviewed the Environmental Assessment Statement (EAS) prepared for the application and concurs with its conclusion that the proposed garage would not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement. According to the EAS, the proposed increase in the garage's capacity would generate two vehicle trips in the AM peak hour, zero vehicle trips in the midday peak hour, and two vehicle trips in the PM peak hour. The Commission believes that this modest increase in street traffic would not significantly impact the area. The Commission also notes that the proposed curb cut would only be 20 feet wide and that this would reduce conflicts with pedestrians.

The Commission believes that the location of the garage would draw a minimum of vehicles to and through local residential streets. The Commission notes that vehicles would exit the garage onto White Street and then continue on Broadway and that vehicles would arrive at the garage on White Street via Lafayette Street. Although there are residential uses on White and Lafayette Streets (with less on Broadway) given the commercial and manufacturing uses on these streets (and the predominance of high-intensity commercial and manufacturing zoning districts), the Commission believes that none of them would be considered "local residential streets".

The Commission is further notes that the proposed garage would contain four reservoir spaces, meeting the zoning requirement for a 22-space garage.

Regarding the Community Board's conditions relating to public parking, the Commission believes that the applicant has adequately demonstrated that the proposed parking spaces are needed for and would be used by the future occupants of the proposed building as accessory parking spaces as permitted pursuant to ZR Section 13-561, and not for public parking.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-561 (Accessory Off-Street Parking Spaces) of the Zoning Resolution:

1. That such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory, except that car sharing vehicles may occupy accessory off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater;
2. That within the vicinity of the site, there are insufficient parking spaces available;
3. That the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
4. That the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
5. That adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces.

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 84-86 White Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 22 spaces on portions of the ground floor and cellar of a proposed residential use building on property located at 84-86 White Street (Block 195, Lot 27), in a C6-2A District, Borough of Manhattan, Community District 1, is approved, subject to the following terms and conditions:

- 1) The property that is the subject of this application shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plan, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
2 of 2	Parking Plan	1-24-2012

- 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

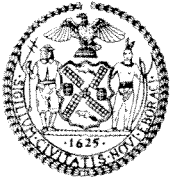
Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

- 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, duly adopted by the City Planning Commission on July 11, 2012 (Calendar No. 8), 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, MICHELLE R. de la UZ,
MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,
ORLANDO MARIN, Commissioners

5/8/12



The City of New York

Manhattan Community Board 1

Julie Menin CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

May 1, 2012

Calendar Information Office
City Planning Commission
22 Reade Street, Room 2E
New York, NY 10007

RE: 84-86 White Street
C120179 ZSM

Attached is a resolution adopted by Manhattan Community Board One on April 24, 2012, regarding the request to allow a 22-space accessory-parking garage at the above-cited location.

Thank you for your consideration of our resolution and please feel free to contact us if your staff would like to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Menin'.

Julie Menin
Chairperson

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: APRIL 24, 2012

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	5 In Favor	3 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	1 In Favor	2 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	3 Opposed	0 Abstained	0 Recused

RE: Application # C120179 ZSM
84-86 White Street, application for special permit under section 13-561 of the Zoning Resolution to permit attended accessory parking garage with 22 spaces

WHEREAS: This application is for a special permit pursuant to Section 13-561 of the Zoning Resolution (the "Special Permit") to allow a 22-space accessory parking garage ("Accessory Parking Garage") in a new, 13-story as-of-right residential development located at 84-86 White Street (the "Building"), and

WHEREAS: The applicant stated that the as-of-right development would have approximately 33 condominium dwelling units and the proposed garage would be mostly located below grade on the ground floor and the cellar level and would have a total of 22 spaces, utilizing 8 double car stackers, and

WHEREAS: Access to the proposed garage would be provided via a 20 foot curb cut on White Street and one vehicle elevator within the proposed garage, and

WHEREAS: The applicant stated that in this area of Manhattan off-street parking is permitted for 20 percent of the units in a new residential building and, accordingly, the 33-unit as-of-right building would be permitted only 7 accessory parking spaces as-of-right based on the number of residential units, and

WHEREAS: The applicant stated that the 55-space parking lot currently on the site will be lost and that a larger accessory parking garage than that permitted as-of-right is necessary to accommodate the parking demand generated by residents of the Building, and

WHEREAS: The applicant represented and warranted to the Tribeca Committee that (a) the Accessory Parking Garage will be operated strictly in accordance with the Special Permit, (b) the Accessory Parking Garage will be used only for accessory parking and only for parking by residents of the Building and not by any member of the general public, (c) neither the applicant, the owner nor any operator of the Accessory Parking Garage will apply for or obtain a license from the Department of Consumer Affairs to operate the Accessory Parking Garage as a transient

parking facility, and (d) the Accessory Parking Garage will not under any circumstances be operated as a transient parking facility, and

WHEREAS: The applicant acknowledged and agreed that any breach of the foregoing representations and warranties by the applicant or the owner or operator of the Accessory Parking Garage would be non-contestable grounds for termination of the Special Permit by the New York City Department of City Planning, and

WHEREAS: The applicant also acknowledged and agreed that any temporary or permanent certificate of occupancy for the Building will specifically state that the Special Permit is for accessory parking only by residents of the Building, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 recommends that the City Planning Commission approve the request for a special permit under section 13-561 of the Zoning Resolution to permit an attended accessory parking garage with 22 spaces subject to the limitations, restrictions and agreements set forth above.

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: C 120179 ZSM

Docket Description:

IN THE MATTER OF an application submitted by 84-86 White Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 22 spaces on portions of the ground floor and cellar of a proposed residential building on property located at 84-86 White Street (Block 195, Lot 27), in a C6-2A District.

COMMUNITY BOARD NO:

1

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



5-29-12

BOROUGH PRESIDENT

DATE



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

May 29, 2012

Recommendation on
ULURP Application No. C 120179 ZSM – 84-86 White Street Accessory Garage
by 84-86 White Street, LLC

PROPOSED ACTIONS

84-86 White Street, LLC,¹ seeks a **special permit pursuant to Section 13-561 of the Zoning Resolution** (“ZR”) to allow the construction of a 22-space accessory parking facility within an new building at 84-86 White Street (Block 195, Lot 27). The building is located in a C6-2A zoning district within Manhattan Community District 1. In order to grant the special permit, the City Planning Commission (“CPC”) must find that (a) the additional spaces are needed for and will be used by, occupants, visitors, or employees of the building; (b) there is insufficient parking spaces available within the vicinity of the site; (c) the additional trips will not create or contribute to serious traffic congestion nor inhibit vehicular and pedestrian movement; (d) the entrance is located to draw a minimum amount of vehicular traffic to and through local streets; and (e) that there are an adequate number of reservoir spaces.

PROJECT DESCRIPTION

The applicant seeks a special permit to develop an attended 22-space accessory parking garage on a portion of the ground floor of a new residential building with 33 units. The 13-story building is located on the south side of White Street between Lafayette Street and Cortlandt Alley in the Chinatown neighborhood of Lower Manhattan. The building would be permitted 7 accessory parking spaces as of right.

The applicant proposes a 5,730 SF garage with space on the ground floor and cellar. The facility will have six spaces on the ground floor and the remaining spaces on double height stackers in the basement. The garage will be accessed through a 20-foot wide curb cut, which leads to an enclosed driveway with two lanes and four required reservoir spaces. Cars are planned to be dropped off at the ground floor level and will either be parked on the ground floor or the cellar accessed via an elevator. Further, the proposed garage will have a minimum of 19 bike parking spaces – two spaces in the garage and 17 in the cellar. The garage will have audio and visual warnings for pedestrians. Additionally, the anticipated building cantilevers over a 10 foot

¹ 84-86 White Street, LLC’s is a limited liability corporation whose director is Nicolas Galperin.

ground-floor, street wall setback directly west of the garage entrance. The recessed area will not only serve as an entrance to the residential building, but allow vehicles to have an unobstructed view corridor of pedestrians when exiting the garage.

The building is located in a C6-2A zoning district, which was zoned in 2008. The proposed building and use is, therefore, as of right. There is one parking lot in a quarter mile radius of the project site. The facility, located at 88 Walker Street, has a maximum capacity of 35 spaces. The lot is not opened at night and, as such, is not ideal for residential parking. Additionally, the applicant submitted a memo to Community Board 1 demonstrating that there is insufficient curbside parking and 18 nearby garages are at 84% capacity.

COMMUNITY BOARD’S RECOMMENDATION

At its Full Board meeting on April 24, 2012 Community Board 1 recommended approval of this ULURP application by a vote of 35 in favor and 3 opposed. The board’s vote was based on the applicant operating the garage solely as an accessory garage and adhering strictly to the special permit.

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 core, this policy has never been more relevant. Given the importance of this public purpose, applicants should satisfy the findings required by ZR § 13-561 under a very strict interpretation.

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-based development instead of automobile use in Manhattan, applicants should satisfy the findings under as strict an interpretation as is reasonable.

The proposed 22 space garage is primarily intended to serve the 33 residential units at 84-86 White Street. The applicant analyzed the site’s census tract and a neighboring census tract to demonstrate an existing residential parking demand at 66%. Additionally, the applicant, in a memo to Community Board 1, demonstrated a high utilization rate of neighboring garages, a lack of curbside parking and showed that 7 of the 18 garages are not open at night. Consequently, the additional parking spaces are needed by building tenants, and parking spaces within the site’s vicinity cannot accommodate their parking needs.

Additionally, the CPC issued a negative declaration for this application, suggesting that the garage would have minimal adverse impact on the environment. The proposed garage is located in a neighborhood defined by commercial and manufacturing districts and is unlikely to draw traffic through local residential streets. The nearby streets, some of which are major City arterials, can adequately handle traffic generated by the garage. Further, the proposed garage

includes an adequate amount of reservoir spaces. Therefore, the proposed garage satisfies the required findings.

BOROUGH PRESIDENT’S RECOMMENDATION

The proposed garage satisfies the required findings of this special permit. The garage will primarily serve the building’s tenants and parking spaces within the vicinity of the site cannot serve their parking needs.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 120179 ZSM.

A handwritten signature in black ink, appearing to read "Scott M. Stringer", is written over a horizontal line.

Scott M. Stringer
Manhattan Borough President