



## **CITY PLANNING COMMISSION**

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March 16, 2005/Calendar No. 29

C 050095 ZSK

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**IN THE MATTER OF** an application submitted by Two Trees Management Corporation and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 333 spaces (including 42 accessory spaces) in a portion of the first floor, in the cellar and the sub-cellar of an existing 12-story mixed use building on property located at 110 Livingston Street** (Block 269, Lot 1), in a C5-4 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2.

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The application for the special permit was filed by Two Trees Management Corporation and the Economic Development Corporation on September 14, 2004, to construct an attended public parking garage with 333 parking spaces, located in the existing cellar and sub-cellar levels and portions of the first floor of 110 Livingston Street, in Downtown Brooklyn.

### **BACKGROUND**

110 Livingston Street (Block 269, Lot1) is occupied by an approximately 300,000 square-foot, 12-story office building which served as the former headquarters of the Department of Education. The property is located on the eastern portion of the block bounded by Livingston Street, Court Street, Schermerhorn Street and Boerum Place in Downtown Brooklyn in a C5-4 zoning district within the Special Downtown Brooklyn District.

Directly adjacent to the subject property are a commercial parking lot and a four-story union office building. The other uses on the block are three and four-story apartment buildings with ground floor

retail uses, the St. Constantine and Helen Cathedral and the Society for Prevention of Cruelty to Children.

On November 19, 2003 (Cal. No.6), the City Planning Commission approved an application (C 030531 PPK), for the disposition of 110 Livingston Street to facilitate its sale to a private developer who would redevelop the site. The developer intends to enlarge the building by approximately 88,000 square feet and convert the building to 308 residential units and approximately 6,000 square feet of ground floor community facility space, expected to be occupied by a community theater.

The proposed garage would have approximately 55,560 square feet of space. Access and egress to and from the garage would be provided by two curb cuts; one new 16-foot wide curb cut on Livingston Street for entry only, and one existing 22-foot wide curb cut on Schermerhorn Street for entry and exit. The parking spaces, all of which would be located on the building's two cellar levels, would be accessed via two ramps on the first floor of the building that would meet at the center of the building along the west wall. Of the 333 parking spaces to be allowed by special permit, 42 spaces would be accessory to satisfy the 40 percent parking requirement for the 105 residential units generated from the new floor area. There would be 183 attended spaces and 150 spaces on two-high car stackers (75 stackers) as well as 17 reservoir spaces.

## **ENVIRONMENTAL REVIEW**

This application (C 050095 ZSK ) 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 05DME002K. The lead agency is Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 10, 2004.

## **UNIFORM LAND USE REVIEW**

This application (C 050095 ZSK) was certified as complete by the Department of City Planning on November 15, 2004, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application on December 15, 2004, and on January 12, 2005, by a vote of 33 to 0 with no abstentions, adopted a resolution recommending approval of the application with the following conditions:

That the developer plant street trees wherever possible.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on February 9, 2005, subsequent to the following conditions:

1. Exterior signage should non-illuminated.
2. Illumination from the interior of the garage should not result in excessive visual impact on the street.
3. Specified capacity for bicycle parking space should be provided

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

On February 2, 2005 (Calendar No. 2), the City Planning Commission scheduled February 16, 2005, for a public hearing on this application (C 050095 ZSK). The hearing was duly held on February 16, 2005 (Calendar No. 11). There were three speakers in favor of the application and no speakers in opposition.

A representative from the Economic Development Corporation, a representative from the applicant and the applicant's attorney spoke in favor of the application and briefly outlined the design and functioning of the proposed garage.

There were no other speakers and the hearing was closed.

## CONSIDERATION

The Commission believes that the grant of this the special permit for a public parking garage is appropriate.

The proposed garage would be located on the western edge of the Downtown Brooklyn commercial district near where major development sites are anticipated as part of the recently approved Downtown Brooklyn Plan. It would be compatible with other uses in the area and would have a positive effect on the growth and development of the neighborhood by adding new residential and cultural uses. The proposed garage would serve the businesses and residents in the general area and would provide a modest addition to the off street parking resources in Downtown Brooklyn. The off-street parking would support the planned development of the area and reduce the area's need for open parking lots. The proposed garage's spaces would be constructed in the cellar and sub-cellar of the building and would not interfere with street-level activity or the growth and development of the area.

The proposed garage would not create or contribute to serious traffic congestion or unduly inhibit surface traffic and pedestrian flow. Based on surveys documented in the Environmental Assessment Statement (EAS) prepared for this application, the proposed garage would generate up to 50 vehicle trips during the AM peak hour (8 - 8am); 12 vehicle trips during the midday (12-1pm), and 57 vehicle trips during the PM peak hour (5 to 6pm). This modest volume of traffic is not expected to create serious traffic congestion. Vehicular access to the proposed garage will be via two curb cuts, one 16 feet wide located on the south side of Livingston Street that would be used for entry only, and one

approximately 23 feet wide located on the north side of Schermerhorn Street toward the western edge of the site, which would be used for entry and exit. According to the EAS pedestrian traffic is moderate in the vicinity of the site, and along Boerum Place and Livingston and Schermerhorn streets it is light, even during the AM, midday and PM peak periods. During the AM and PM peak hours, there would be one vehicle entering the proposed garage at the Livingston Street entrance every 3.5 minutes and 5.5 minutes, respectively. Vehicles traveling to the proposed garage are not expected to unduly inhibit surface traffic or pedestrian flow. In addition, the proposed garage would provide the required 17 reservoir spaces.

Traffic conditions would not be exacerbated by this project. The EAS examined four signalized intersections -- Schermerhorn Street at Boerum Place; Livingston Street at Court Street; Schermerhorn Street at Court Street and Livingston Street at Boerum Place. The EAS concluded that there are no significant traffic impacts during the AM and PM peak hours at these intersections.

The Commission believes that the streets providing access to the garage are adequate to accommodate the projected increase in traffic and that the proposed garage will draw a minimum of vehicular traffic to and through local streets in nearby residential areas. It is anticipated that the majority of vehicles entering and exiting from the proposed garage will use the following non-local streets to access the site including Livingston Street, Adams Street, Schermerhorn Street, Boerum Place, Cadman Plaza West/Court Street and Atlantic Avenue. As noted above, streets providing access to and egress from the garage are adequate to handle the modest level of traffic associated with the garage.

The Commission notes that at the public hearing, the applicant committed to providing space for off-street public bicycle parking to accommodate cyclists in the area. A new entrance/exit is proposed on Schermerhorn Street that would complement the existing entrance on Livingston Street. These entrances would have wide curb cuts to allow easy access and would provide efficient access to major transportation routes and avoid impacting residential neighborhood streets. As pedestrian flow in the area is light to moderate and appropriate warning systems are included in the project design, the Commission notes the proposed garage would not create or contribute to serious traffic congestion and would not unduly inhibit surface traffic and pedestrian flow.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Ordinance 74-52

(Parking Garages or Public Parking Lots in High Density Central Areas)

Resolution:

- (a) that such use will not be incompatible with, or adversely affect the development of, uses comprising vital and essential functions in the area within which such use is to be located;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic through local streets in nearby residential areas;

- (d) that such use has adequate reservoir space at the vehicular entrance to accommodate automobiles equivalent in number to 20 percent of total spaces up to 50 and five percent of any spaces in excess of 50; in the event such reservoir space be required for more than 50 automobiles;
- (e) that the streets providing access to such use will be adequate to accommodate traffic generated thereby;
- (f) not applicable;
- (g) 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 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Two Trees Management Corporation and the Economic Development Corporation for the grant of a special permit pursuant to Section 24-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 333 spaces (including 42 accessory spaces) in a portion of the first floor, in the cellar and the sub-cellar of an existing 12-story mixed use building on property located at 110 Livingston Street (Block 269, Lot 1), in a C5-4 District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2, is approved, pursuant to Section findings of the Zoning Resolution, subject to the following



terms and conditions:

1. The property that is the subject of this application (C 050095 ZSK) 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 and Associates, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Attachment 6	Parking Plan	September 8, 2004

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.

The above resolution (C 050095 ZSK), duly adopted by the City Planning Commission on March 16, 2005 (Calendar No. 29), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice-Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,  
ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER  
KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**