



CITY PLANNING COMMISSION

March 2, 2011/Calendar No. 15

C 110119 ZSM

IN THE MATTER OF an application submitted by New York Plaza Financial Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 42 spaces on a portion of the ground floor of an existing 22-story commercial building on property located at 4 New York Plaza (Block 5, Lot 10), in a C5-5 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

The application was filed by New York Plaza Financial Associates, LLC on October 13, 2010, for a special permit pursuant to Section 13-561 of the Zoning Resolution for a 42-space attended accessory parking garage in a portion of the ground floor of an existing 22-story commercial building on property located at 4 New York Plaza (Block 5, Lot 10).

BACKGROUND

New York Plaza Financial Associates, LLC seeks a special permit for a 42 space attended accessory parking garage located at 4 New York Plaza (Block 5, Lot 10), in the Special Lower Manhattan District. 4 New York Plaza was completed in 1968 and is a 22-story commercial office building. The development includes a public plaza which fronts along Broad Street and Water Street and an arcade which also fronts Broad Street. The entrance to the lobby of the building is located on the west side of the building along Broad Street.

The site is roughly bounded by the Vietnam Veteran's Memorial Plaza to the east, Broad Street to the west, Water Street to the north, and South Street to the south. Also, directly to the south is another building, 2 New York Plaza. Other uses in the area include high density commercial office buildings, residential uses, ground floor retail and open spaces from Battery Park to privately-owned public spaces.

4 New York Plaza is located within a C5-5 zoning district within the Lower Manhattan Special District. Parking is permitted and accessory off-street parking within enclosed buildings is permitted as-of-right up to 100 spaces in new commercial developments or enlargements, per Section 13-133 of the Zoning Resolution. For existing commercial buildings, a special permit pursuant to Section 13-561 is required.

The building currently has two existing curb cuts which front Water Street. The curb cuts were used to access an existing loading dock and a mailroom. Currently, the truck loading area is partially used. The mailroom is vacant, therefore, the curb cut to the east is not used. The garage would occupy approximately 9,985 square feet of this ground floor area and be accessed via the existing curb cut to the east. The garage curb cut is 20'8" in width (including splays), and the loading dock curb cut is 21'-4" in width (including splays). There is approximately 43 feet between the two curb cuts.

Vehicles would enter the garage from Water Street, a two-way street, and proceed down a shared in-out driveway into the garage. Upon entering the garage, the vehicle would proceed down the required 8 reservoir spaces where an attendant would park the car. The driver would enter the building directly through the garage. Upon exiting, the vehicles would queue to the west of the exit until it is safe to exit. Optical sensors at the entrance would trigger a signal to vehicles exiting the garage to let them know when it is safe to proceed.

ENVIRONMENTAL REVIEW

This application (C 110119 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 11DCP007M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 25, 2010

UNIFORM LAND USE REVIEW

This application (C 110119 ZSM) was certified as complete by the Department of City Planning on October 25, 2010, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on November 23, 2010, and on that date, by a vote of 39 to 0 and 0 abstentions adopted a resolution recommending approval of the application.

Borough President's Recommendation

This application was considered by the Borough President who issued a recommendation on January 3, 2011, recommending approval of the application.

City Planning Commission Public Hearing

On January 5, 2011 (Calendar No. 16), the City Planning Commission scheduled January 26, 2011 for a public hearing on this application (C 110119 ZSM). The hearing was duly held on January 26, 2011 (Calendar No. 29). There were two speakers in favor and none in opposition.

A representative for the Manhattan Borough President reiterated the Borough President's recommendation.

The applicant's representative described the proposal as a 42 space attended parking garage and explained how the garage would operate.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit (C 110119 ZSM) is appropriate.

The Commission notes that the area around the proposed garage is a high-density commercial neighborhood. Predominant uses in the area include commercial office, hotels, and some residential conversions. The Commission believes that the garage would be an appropriate use in the area.

The Commission notes that 4 New York Plaza currently does not have any accessory off-street parking spaces, although there are approximately 4,066 employees in the building. Other garages in the area have limited capacity available, some of which are located on the narrow, one-way streets of the historic Lower Manhattan grid. The proposed garage would front on Water Street, a corridor with convenient access to the Brooklyn Battery Tunnel or the FDR Drive. The Commission therefore believes that accessory parking is needed and is satisfied that it will be used by occupants of the building.

The Commission acknowledges that the garage would be located in an existing 22-story commercial office building with two existing curb cuts. One of these curb cuts would be used for loading while the other curb cut would be used for the proposed accessory garage. The Commission notes that vehicles would enter and exit the garage via a shared one-way driveway. The Commission also notes that the building fronts Water Street, a wide two-way, commercial corridor in Lower Manhattan. The Commission acknowledges that, to prevent vehicular and pedestrian conflicts, there would be pedestrian safety devices such as signage and also audible warning devices to alert pedestrians to exiting vehicles. There would also be signal devices located at the start of the driveway to notify exiting cars of oncoming traffic. The Commission believes that these measures would ensure the safe operation of the proposed garage and prevent disruptions to traffic and pedestrian flow.

The Commission also believes that the additional, required reservoir spaces located within the proposed garage would lead to an efficient flow of entering vehicles, minimizing the disruption of pedestrian movement along the sidewalk.

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 of the Property,
2. That there are insufficient parking spaces in the area
3. That the facility will not create serious traffic congestion or unduly inhibit pedestrian movement,
4. That a minimum of vehicular traffic will be drawn through residential streets, and
5. That there is adequate reservoir space provided at the vehicular entrance to the Proposed Garage.

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 Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by New York Plaza Financial Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 42 spaces on portions of the ground floor of an existing 22-story commercial building on property located at 4 New York Plaza (Block 5, Lot 10), in a C5-5 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 110119 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Philip Habib and Associates, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
-	Parking Plan	January 18, 2011

- 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 (C 110119 ZSM), duly adopted by the City Planning Commission on March 2, 2011, (Calendar No. 15), 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, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS**, Commissioners

COMMUNITY BOARD # 1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 23, 2010

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE:	8	In Favor	0	Opposed	0	Abstained	0	Recused
PUBLIC MEMBER VOTE:	1	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	39	In Favor	0	Opposed	0	Abstained	0	Recused

RE: 4 New York Plaza, special permit to allow an attended 42-space accessory off-street parking facility in a commercial building (ULURP No. 110119 ZSM).

WHEREAS: The applicant seeks a special permit from the City Planning Commission, pursuant to Section 13-561 of the Zoning Resolution, to allow 42 accessory off-street parking spaces on the ground floor of an existing 22-story commercial building; and

WHEREAS: A significant portion of the building has been leased to the New York Daily News which will use the building as its new headquarters; and

WHEREAS: The Daily News needs the proposed parking facility for vehicles used in connection with its news operations and for vehicles of its staff, and the garage would not be open to the public; and

WHEREAS: The proposed parking facility will be attended during all hours of operation; and

WHEREAS: In response to a request from the Department of City Planning, the applicant may utilize vehicle stackers in the garage to more efficiently accommodate the proposed number of spaces; and

WHEREAS: The proposed parking facility would be accessed from Water Street via an existing curb cut and driveway; therefore

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board #1 recommends that the City Planning Commission approve the application for a special permit to allow a 42-space accessory off-street parking facility at 4 New York Plaza.



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

January 3, 2011

Recommendation on
ULURP Application No. C 110119 ZSM – 4 New York Plaza Parking Garage
by New York Plaza Financial Associates, LLC

PROPOSED ACTIONS

New York Plaza Financial Associates, LLC¹, seeks a **special permit pursuant to Section 13-561 of the Zoning Resolution** (“ZR”) to allow the construction of a 42-space accessory parking facility within an existing commercial building at 4 New York Plaza (Block 5, Lot 10). The building is located in a C5-5 zoning district within the Special Lower Manhattan District in 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 42-space accessory parking garage on a portion of the ground floor of an existing office building known as the JP Morgan Chase Building. The 22-story building is located on the south side of Water Street between the Vietnam War Veterans Plaza and Broad Street and is in the Financial District neighborhood of Lower Manhattan. The building currently has no accessory parking.

In order to construct the proposed 9,385-SF garage, the applicant will convert the northeast portion of the building’s ground floor. The subject space includes a vacant bank mail room, bank vaults, and truck loading bays which serviced the now vacant bank mail room. The applicant also proposes to have 60 SF of space for bicycle parking, which would hold four bicycles, and eight reservoir spaces to accommodate automobile queuing. The garage would utilize an existing 20-foot curb cut on Water Street, which serviced the bank’s truck loading bay, for both ingress and egress. The building has an additional existing curb cut and loading bay, which is currently, and will continue to be, used for general building services. The building

¹ New York Plaza Financial Associates, LLC is a subsidiary of Harbor Group International, LLC. Its principal owners are Jordan Slone, Saul Lubetski and David Zwiebel.

service curb cut is 45-feet south of the proposed garage's curb cut. The building's main lobby will have direct access for garage users via a doorway on the western wall of the garage. In addition to the differentiation in pavement for the curb cuts, which is already in place, the applicant proposes to provide several pedestrian safety enhancements, including signage, audible/visual warning devices, and mirrors.

The garage is proposed to serve the needs of the staff of the New York Daily News, a new and major building tenant. The New York Daily News uses a private fleet of vehicles for news operations including reporting. The majority of the parking spaces created by this action would be leased to the New York Daily News. The balance of the available parking would be available for use by building tenants only.

The proposed garage is located within a C5-5 zoning district in the southeastern portion of the Special Lower Manhattan District. The building is surrounded by large commercial office towers, including 55 Water Street, 1 New York Plaza, and 2 New York Plaza. Although the area surrounding the building is predominately commercial in character, there are several residential, mixed-use, and transportation-related buildings including the Battery Maritime Building and South Ferry Terminal. There are three public parking garages within a one-quarter mile radius of the proposed project: 14 South William Street (a 400-space garage operating at 95 percent capacity during peak hours), 1 Battery Park Plaza (a 150-space garage operating at 83 percent capacity during peak hours), and 9 Stone Street (a 56-space garage operating at 95 percent capacity during peak hours).

COMMUNITY BOARD'S RECOMMENDATION

At its Full Board meeting on November 23, 2010, Community Board 1 recommended approval of this ULURP application by a unanimous vote of 39 in favor.

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 garage is primarily intended to serve the New York Daily News, which requires parking for a fleet of vehicles used by its reporters and staff pursuing assignments throughout the city. The New York Daily News will lease the majority of the spaces; the remainder of the

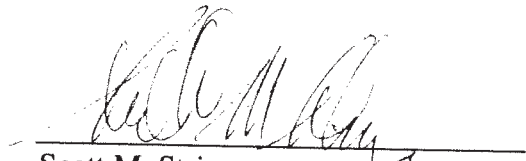
spaces in the garage, however, would be accessory to the entire building. Consequently, parking could be available for the occupants of 4 New York Plaza. The applicant's Environmental Assessment Statement ("EAS") indicates that 3 percent of area employees drive to work based on the 2000 U.S. Census. Based on this data, approximately 122 workers (of the over 4,000 individuals who work in the building) might seek parking spaces and do not currently have access to any accessory parking. Additionally, the Financial District has few public parking facilities and the majority of the nearby facilities operate at near full capacity during peak hours. 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 Manhattan's largest commercial district 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 110119 ZSM.



Scott M. Stringer
Manhattan Borough President