



CITY PLANNING COMMISSION

August 10, 2005 / Calendar 11

C 050430 ZSM

IN THE MATTER OF an application submitted by the Economic Development Corporation and 270 Greenwich Street Associates LLC pursuant to Section 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Sections 13-562 and 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 400 spaces on portions of the first floor and cellar of a proposed mixed use building on property located at 270 Greenwich Street** (Block 142, Lot 110), in a C6-4 District; Borough of Manhattan, Community District 1.

The application for a special permit (C 050430 ZSM) was filed by the New York City Economic Development Corporation (EDC) and 270 Greenwich Street Associates on May 4, 2005, pursuant to Sections 13-562 and 74-52 to permit a 400-space public parking garage to be located in the cellar of a proposed mixed use building in Lower Manhattan.

RELATED ACTIONS

In addition to the proposed special permit, which is the subject of this report (C 050430 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application.

1. C 050427 HAM Urban Development Action Area designation, project approval, and disposition.
2. C 050429 ZSM Special Permit pursuant to Zoning Resolution Section 74-743(a) to allow height and setback and rear yard waivers.
3. N 050431 ZAM Authorization pursuant to Section 13-553 to allow a curb cut to be located on a wide street, Murray Street, to provide access to the proposed parking garage.

4. N 050432 ZCM Certification pursuant to ZR Section 26-17 to allow curb cuts on Murray Street in connection with the project's loading berths.
5. N 050428 MEM Amendment to the City Map to eliminate a six-foot easement on Murray Street as shown on City Map No.ACC30025, filed February 7, 1973.

BACKGROUND

A more detailed description of this application, the surrounding area, proposed project, and special permit applications is included in the report on the related application for the proposed special permit (C 050429 ZSM).

ENVIRONMENTAL REVIEW

This application (C 050430 ZSM) in conjunction with the applications for the related actions (C 050427 HAM, C 050429 ZSM, N 050431 ZAM, N 050432 ZCM), 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 Procedures of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05DME011M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding (ODMEDR).

A more detailed discussion of the environmental review is included in the report on the related application for special permit (C 050429 ZSM).

UNIFORM LAND USE REVIEW

This application (C 050430 ZSM), in conjunction with the applications for the related actions (C 050427 HAM, C 050429 ZSM), was certified as complete by the Department of City Planning on May 9, 2005, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review

Procedure (ULURP) rules along with the related non-ULURP actions (N 050431 ZAM, N 050432 ZCM, N 050428 MEM) which were referred for comment.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on May 17, 2005, and on that date, by a vote of 31 in favor, 0 opposed, 2 abstained, and 1 recused, adopted a resolution recommending approval of the application. A summary of the vote of Community Board 1 appears in the report of the related application for special permit (C 050429 ZSM).

Borough President Public Hearing

This Borough President considered this application and on May 31, 2005, issued a recommendation with conditions. A summary of the Borough President's recommendation with conditions appears in the report of the related application for special permit (C 050429 ZSM).

City Planning Commission Public Hearing

On June 23, 2005 (Calendar No. 6), the City Planning Commission scheduled July 13, 2005, for a public hearing on this application (C 050427 HAM). The hearing was duly held on July 13, 2005 (Calendar No. 26), in conjunction with the public hearings on the applications for the related actions (C 050427 HAM, C 050429 ZSM). There were four speakers in favor of the applications and no speakers in opposition.

A summary of the public hearing appears in the report of the related application for special permit (C 050429 ZSM).

Waterfront Revitalization Program Consistency Review

This application (C 050430 ZSM), in conjunction with the application for the related actions (C 050427 HAM, C 050429 ZSM), was reviewed but the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP) as amended, approved by the NYC Council on October

13, 1999, and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 05-010.

The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed special permit for a 400-space parking garage, in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related application for special permit (C 050429 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 28, 2005, with respect to this application (CEQR No. 05DME011M) the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic, and other essential considerations:

- 1) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- 2) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with the WRP policies; and

RESOLVED, that the application of the Economic Development Corporation and 270 Greenwich Street Associates LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 400 spaces on portions of the first floor and cellar of a proposed mixed use building on property located at 270 Greenwich Street (Block 142, Lot 110), in a C6-4 District; Borough of Manhattan, Community District 1, is approved subject to the following terms and conditions:

1. The property that is subject of this application (C050430 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specification, and zoning computations indicated in the following plans, prepared by Skidmore, Owings & Merrill , LLP, filed with this application and incorporated in this resolution:

Drawing	Title	Last Date Revised
Z-1	Area Plan, Attachment 9	May 2, 2005
Z-1A	Area Plan, Attachment 9	May 2, 2005
Z-2	Site Plan, Schedules, & Calculations, Attachment 2,4,7	May 2, 2005
Z-2A	Enlarged Site Plan	May 2, 2005
Z-3	Average Curb Levels and Yard Diagram	May 2, 2005

Z-3A	Enlarged Yard Diagram with Waivers, Attachment 4	May 2, 2005
Z-4	Height & Setback Diagrams, Attachment 4	May 2, 2005
Z-5	Streetwall & Signage, Attachment 4	May 2, 2005
Z-6	Building Sections	May 2, 2005
Z-7	Cellar Floor Plan, Attachment 6	May 2, 2005
Z-8	First Floor Plan, Attachment 6	May 2, 2005
Z-9	Second Floor Plan, Attachment 6	May 2, 2005
Z-10	Third Floor Plan, Attachment 6	May 2, 2005
Z-11	4 th , 6 th , 8 th Floor Plan, Attachment 6	May 2, 2005
Z-12	5 th , 7 th , 9 th Floor Plan, Attachment 6	May 2, 2005
Z-13	10 th Floor Plan, Attachment 6	May 2, 2005
Z-14	11 th -12 th Floor Plan, Attachment 6	May 2, 2005
Z-15	13 th – 28 th Floor Plan, Attachment 6	May 2, 2005
Z-16	29 th – 30 th Floor Plan Attachment 6	May 2, 2005
Z-17	31 st – 32 nd Floor Plan Attachment 6	May 2, 2005
Z-18	Enlarged Curb Cut @ Loading Dock	May 2, 2005
Z-19	Parking Plan	May 3, 2005
Z-20	Parking Plan	May 3, 2005

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 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. The development shall include those mitigative measure listed in the Final Environmental Impact Statement (CEQR No. 05DME011M) issued on July 28, 2005:

MITIGATION AND UNAVOIDABLE ADVERSE IMPACTS

SHADOWS

The proposed project would have significant adverse impacts on the play yard and courtyard at P.S. 234. These impacts are considered significant because of the extent and the duration of the shadow coverage on these two open spaces. However, there would be no impacts on vegetation from the proposed project's shadow increments since the play yard and courtyard are paved with concrete and have no plantings.

The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadows impacts. These measures include relocating facilities within an open space to avoid sunlight loss, relocating or replacing vegetation, undertaking additional maintenance to reduce the likelihood of species loss, or providing replacement facilities on another nearby site. CEQR guidelines also discuss alternatives that may reduce or eliminate shadow impacts, including reorientation of the building's bulk or reorientation of the site plan.

The affected open spaces are small; moving the play equipment in the play yard would not avoid sunlight loss. There is no play equipment in the court yard. As stated above, neither space contains plantings; therefore, relocating, replacement of, and additional maintenance for vegetation is not proposed. Elimination of the project's significant adverse shadows impacts would require the construction of a substantially smaller building on the project site. Specifically, to eliminate the spring and fall shadow increment on the P.S. 234 open spaces, the residential tower and the Warren Street components would have to be reduced to approximately 78 and 119 feet, respectively. Developing the project with such a substantial reduction in floor area is not financially feasible. Consequently, the significant adverse impact attributable to the proposed project would be unmitigated.

HISTORIC RESOURCES

The proposed project, which would be constructed over the former roadbed of Washington Street, would remove the NYCL bishop's crook lamppost on the project site. Removal of the historic resource would be a significant adverse impact, and mitigation is being developed in consultation with the LPC (see "Historic Resources," under "Probable Impacts of Proposed Actions," above). Mitigation will include relocation of the lamppost to a site approved by LPC, and an explanatory plaque will be provided at the new LPC-approved location, which will describe the lamppost's history and original location. In addition, mitigation will include any necessary restoration of the lamppost following a program developed in consultation with LPC.

TRAFFIC

Based on the traffic analysis, the proposed project would result in significant traffic impacts at 10, 5, and 8 intersections during the weekday AM, midday, and PM peak hours, respectively. With the exception of intersections along West Street (Route 9A), all of the traffic impacts identified could be mitigated by standard traffic engineering measures. At the significantly affected intersections along West Street (Route 9A) traffic conditions are extremely congested and standard traffic engineering measures would not mitigate significant traffic impacts.

The measures identified to be feasible for mitigating adverse traffic impacts would involve signal retimings to increase green time for impacted approaches at the affected intersections. Although the majority of the impacted approaches/lane groups would be mitigated with the above measures, peak period impacts at West Street (Route 9A) intersections with Murray Street, Vesey Street, and the Brooklyn-Battery Tunnel could not be mitigated by using the standard traffic engineering measures. In addition, the intersection of West Street (Route 9A) and Chambers Street would remain unmitigated during the AM peak hour. At these intersections, roadway design modifications will be required to improve the traffic operating conditions. These design modifications would be subject to NYSDOT review and approval; and the absence of such modifications would result in unmitigated traffic impacts at these locations. These significant adverse

traffic impacts are unavoidable based on the extremely congested traffic conditions on West Street (Route 9A) in the vicinity of the project site.

An assessment of the proposed traffic mitigation measures was conducted to evaluate their potential effects on pedestrian flow; this assessment concluded that the mitigation measures would not result in new pedestrian impacts. In addition, an assessment of air quality was conducted to determine if the proposed mitigation measures would result in adverse air quality impacts. This assessment concluded that the proposed traffic mitigation measures would not result in any violations of the CO standard or any significant impacts at the receptor locations.

5. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

6. 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.

7. 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.

8. 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 050430 ZSM), duly adopted by the City Planning Commission on August 13, 2005 (Calendar No. 11), 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, AICP, Chair
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