



CITY PLANNING COMMISSION

December 20, 2006 / Calendar No. 12

C 050226 ZSM

IN THE MATTER OF an application submitted by LBW Enterprises, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 27 spaces on portions of the first floor and cellar level of a proposed 11-story hotel building on property located at 61 Chrystie Street (Block 303, Lot 25), in a C6-1G District, Borough of Manhattan, Community District 3.

The application for the special permit was filed by LBW Enterprises, LLC on December 20, 2004 to allow for the construction of a 27-space attended public parking garage to be located on portions of the first floor and cellar of a building located at 61-63 Chrystie Street in Manhattan.

BACKGROUND

LBW Enterprises, LLC requests a special permit pursuant to Sections 13-562 and 74-52 to allow for the construction of a 27-space attended public parking garage in an 11-story building that is to be constructed as-of-right for hotel use.

The site is located on the west side of Chrystie Street between Canal Street and Hester Street in the Lower East Side. The site is an approximately 5,000 square foot zoning lot previously occupied by an open surface public parking lot. The site is located in a C6-1G zoning district which allows for commercial and residential uses as-of-right. Most streets in the immediate surrounding area contain three- to six-story buildings, many of which have both commercial and residential uses. The Bowery, Canal and Delancey streets hold a mix of three- to ten-story commercial and mixed-use buildings. Directly across the street from the site is the southern end of Sara D. Roosevelt Park, which stretches seven blocks from Canal to Houston Streets between Chrystie and Forsyth Streets.

The project site is a mid-block site formerly occupied by a parking lot for 20 cars, with 50 feet of frontage on Chrystie Street, which, at this location, is a two-way street carrying two lanes of traffic in each direction. The ingress and egress from the garage would be accessed at the site's southern portion by a proposed new curb cut and a street-level opening at the new building's facade. The proposed curb cut would measure approximately 20 feet, exclusive of splays, and would represent a reduction of the existing two curb cuts which previously occupied nearly the lot's full street frontage.

The proposed garage would be located on portions of the first floor and cellar and would occupy 6,084 square feet. The portion of the first floor occupied by the parking facility would include one entrance and one exit lane and two lifts at the rear of the building, while the cellar would accommodate the proposed 27 parking spaces. A portion of the 27 spaces would be accommodated through the inclusion of five two-car stackers. The garage would provide five reservoir spaces. The garage would be fully attended and would operate 24 hours a day, seven days a week.

ENVIRONMENTAL REVIEW

This application (C 050226 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 05DCP048M. 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 July 24, 2006.

UNIFORM LAND USE REVIEW

This application (C 050226 ZSM) was certified as complete by the Department of City Planning on July 24, 2006, and was duly referred to Manhattan Community Board 3 and the Manhattan Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on September 26, 2006, and on that date, by a vote of 33 to 0 with 1 abstention, adopted a resolution recommending approval of the application with the following condition:

To approve with the understanding that the Hotel would make every effort to employ as many community residents as practicable.

Borough President Recommendation

This application was considered by the Manhattan Borough President who issued a recommendation approving the application on October 30, 2006.

City Planning Commission Public Hearing

On October 25, 2006 (Calendar No. 1), the City Planning Commission scheduled November 15, 2006 for a public hearing on this application (C 050226 ZSM). The hearing was duly held on November 15, 2006 (Calendar No. 14). There were three speakers in favor and none in opposition.

The applicant's attorney described the requested action. He explained that the proposed parking facility would serve customers of the public parking lot that previously occupied the site, as well as local visitors and guests of the hotel to be constructed on the site. He further noted that the applicant had been engaged in discussions with local community groups as part of their efforts to meet the conditions of the Community Board 3 approval.

The hotel operator's representative stated that they would attempt to provide local employment and

that the project would therefore be a benefit to the surrounding community.

The Manhattan Borough President's Director of Land Use reiterated the Borough President's support for the proposal.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit is appropriate.

The Commission notes that the Lower East Side has limited off-street parking. The proposed garage would serve current, daytime parking demand and guests of the hotel planned for the site.

The Commission notes that the site was previously occupied by an open, surface public parking lot.

The Commission notes that, according to the environmental assessment statement completed for this application, the proposed parking facility would result in a minimal increase in traffic, below the relevant thresholds requiring detailed environmental analyses and would therefore not create, or contribute to, significant traffic congestion. The Commission further notes that the proposed project would increase the supply of off-street parking, reducing on-street congestion, and would therefore not unduly inhibit traffic flow. The Commission also notes that the proposed project would reduce the number and width of curb cuts at the site, creating a better pedestrian environment than that under existing conditions, and would therefore not unduly inhibit pedestrian flow.

The Commission notes that the proposed public parking garage is located in an area that is heavily mixed with both commercial and residential uses and that access to and from the garage would

primarily be via Canal Street, the Bowery, Grand Street and Allen Street, which are not local streets in residential areas.

The Commission notes that the garage provides the required five reservoir spaces.

The Commission notes that, according to the environmental assessment statement completed for this project, the proposed parking facility would result in an increase in traffic below the relevant thresholds requiring detailed environmental analyses, and that the existing streets would therefore be adequate to handle that minimal traffic increase.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-52 of the Zoning Resolution (Parking Garages or Public Parking Lots in High Density Central Areas):

- (a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general 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 to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the streets providing access to such use will be adequate to handle the traffic

generated thereby;

(f) not applicable; and

(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 LBW Enterprises, LLC 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 27 spaces on portions of the first floor and cellar level of a proposed 11-story hotel building on property located at 61 Chrystie Street (Block 303, Lot 25), in a C6-1G District, Borough of Manhattan, Community District 3, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 050226 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by ROART Design

Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
P2.0a	Cellar Floor Plan	May 4, 2006
P3.0	Ground Floor Plan	May 4, 2006

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, sub-lessee 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 and the attached restrictive declaration 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 050226 ZSM), duly adopted by the City Planning Commission on

December 20, 2006 (Calendar No. 12), 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, JANE D. GOL, LISA A. GOMEZ,

CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,

Commissioners