



CITY PLANNING COMMISSION

May 25, 2005/Calendar No. 20

C 050196 ZSM

IN THE MATTER OF an application submitted by 343 Broadway Properties, 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 225 spaces on portions of the first floor, the cellar and subcellar of a proposed mixed use building on property located at 88 Leonard Street (Block 173, Lots 27 and 31), in C6-2A and C6-4A Districts, Borough of Manhattan, Community District 1.

The application for the special permit was filed by 343 Broadway Properties, LLC on December 14, 2004 to allow for the construction of a 225-space attended public parking garage to be located on portions of the first floor, cellar and sub-cellar of a proposed mixed-use building at 88 Leonard Street in Lower Manhattan.

BACKGROUND

343 Broadway Properties, LLC requests a special permit pursuant to Sections 13-562 and 74-52 to allow for the construction of a 225-space attended public parking garage in a proposed 21-story, mixed-use building.

The proposed garage is to be located on the west side of Broadway between Leonard and Worth streets in Lower Manhattan. The development site is an approximately 33,530 square foot zoning lot that previously contained a 204 space public parking lot and a vacant one-story building that is to remain. The building proposed for the site is as-of-right and will contain approximately 384,775 square feet of floor area with 352 dwelling units, 7,642 square feet of retail space, 4,212 square feet of medical office space, and the public parking garage that is the

subject of this application. The site is located in a C6-2A and a C6-4A zoning district which allows for commercial and residential uses as-of-right. Land uses in the vicinity of the site are a mixture of commercial, residential, and light manufacturing. A nightclub operates on the same street to the west of the project site. Buildings housing government offices and large residential buildings exist to the south and east of the site with loft buildings converted to residential use predominating to the north and west of the site.

The proposed public parking garage would have a capacity of 225 spaces. The garage entrance would be located on the south side of Leonard Street which is a narrow street running one-way, west bound from Broadway to Church Street. The entrance to and egress from the garage would each be provided by a 28 foot wide curb cut and two lane ramp located at street level along the western most edge of the property line on Leonard Street approximately 230 feet from the intersection with Broadway. The entrance and exit ramp would contain audible and visual signals to warn pedestrians of exiting vehicles.

The proposed garage would be located on portions of the first floor, cellar and subcellar and would contain 53,610 square feet of gross, unobstructed parking area. The portion of the first floor occupied by the garage would be dedicated to an entrance and exit ramp while the cellar and subcellar would accommodate the proposed 225 parking spaces. A portion of these 225 parking spaces would be accommodated through the inclusion of 55 two-car high stackers. The garage would provide 11 reservoir spaces where entering vehicles would queue without obstructing vehicular or pedestrian traffic on the street. The garage would be fully attended and

would operate 24 hours a day, seven days a week.

ENVIRONMENTAL REVIEW

This application (C 050196 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 05DCP049M. 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 February 28, 2005.

UNIFORM LAND USE REVIEW

This application (C 050196 ZSM) was certified as complete by the Department of City Planning on February 28, 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.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on March 15, 2005, and on that date, by a vote of 32 to 1 with 1 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on April 18, 2005.

City Planning Commission Public Hearing

On April 13, 2005 (Calendar No. 5), the City Planning Commission scheduled April 27, 2005, for a public hearing on this application (C 050196 ZSM). The hearing was duly held on April 27, 2005 (Calendar No. 34). There were two speakers in favor of the application and four in opposition.

The applicant's attorney and the garage operator appeared in favor of the proposed garage. The attorney described the garage and stated that the proposed parking garage would serve users of the prior surface parking lot, residents of the proposed building, and would accommodate additional parking demand in the area. He noted that the entrance to the garage on Leonard Street was preferable to an entrance on Broadway given Broadway's width and the existence of a bus lane on the western side of the street.

The operator of the current parking lot and intended operator of the proposed garage indicated that he did not feel the garage would be a destination point and that the garage, although open 24 hours a day, would have limited use at night. The speaker further noted that the garage's presence and activity in the evening would add security to the street at night.

Speakers in opposition to the garage included the President of the Family Association of TriBeCa East, a neighborhood association that is active in the area; a transportation policy advocate retained on behalf of the neighborhood association; and two residents that live on Leonard Street.

The representatives of the neighborhood association and residents raised concerns about the existing and potential for future congestion on Leonard Street, particularly in the evenings when the nearby nightclub is open. These speakers questioned the appropriateness of a garage in an area that is becoming increasingly residential in character. While noting the need for day-time public parking and for parking by residents in the evening, these speakers voiced concerns about the number of vehicles from outside the area that this public parking garage would attract in the evenings. The speakers in opposition also expressed their desire for the garage entrance to be located on Broadway to avoid vehicle conflicts on Leonard Street.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The Commission notes that the surrounding area contains a mix of commercial and residential uses that have varying needs for parking yet provides limited parking at present. The proposed garage would serve current, work-day parking demand within the area while accommodating the parking needs of area residents. The Commission notes the intended construction of a mixed-use

building on the site as well as several other large residential projects in the immediate vicinity of the project and that many of these developments provide limited parking for new residents.

The Commission notes that, according to the environmental assessment statement completed for this project, the proposed garage would result in a modest increase of total parking spaces from the 204 spaces previously accommodated on the site to the 225 spaces proposed for the garage.

The Commission believes that these additional vehicles would not unduly inhibit traffic or pedestrian flow. Warning signals and buzzers located on the garage ramp would also alert pedestrians to the presence of a vehicle exiting the garage.

The Commission further notes the previous parking lot that occupied the site was primarily used by day-time office workers. The Commission believes the heaviest usage of the garage will be by these office workers and that the bulk of the garage's activity will occur during daytime hours.

The Commission notes the garage-related traffic would principally arrive at the garage from Broadway and would leave the area via Church Street, both of which are not local streets.

According to the environmental assessment statement, the incremental increase in traffic resulting from the creation of this 225-space public parking garage would not significantly alter traffic conditions on the local street network. In addition, the Commission notes that the garage provides the required eleven reservoir spaces.

FINDINGS

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

- (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 343 Broadway Properties, 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 225 spaces on portions of the first floor, cellar and subcellar of a proposed mixed-use building on property located at 88 Leonard Street (Block 173, Lot 27 and 31), in C6-2A and C6-4A Districts, 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 (C 050196 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 Costas Kondylis & Partners, LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-04	Zoning Analysis & Partial First Floor	February 18, 2005
A-5	Cellar	February 18, 2005
A-6	Sub-Cellar Plan	February 18, 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 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 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 050196 ZSM), duly adopted by the City Planning Commission on May 25, 2005 (Calendar No. 20), 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.,

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