



CITY PLANNING COMMISSION

October 7, 2008/Calendar No. 27

C 080280 PCM

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 500 Washington Street (Block 596, lot 50) for use as a garage, Community District 2, Borough of Manhattan.

This application (C 080280 PCM) was filed on February 7, 2008, by the Department of Sanitation (DSNY) and the Department of Citywide Administrative Services (DCAS), in order to facilitate the construction of the Manhattan Districts 1, 2, and 5 Garage located on Block 596, Tax Lot 50.

RELATED ACTIONS

In addition to the site selection and acquisition which is the subject of this report, 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:

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| C080279PSM | Site selection of property for a salt storage facility; |
| C080281ZSM | Special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the requirements of Section 43-40 (Height and Setback Regulations) and Section 43-20 (Yard Regulations) to allow a proposed garage building to be located without regard for the applicable height and setback and rear yard regulations. |
| N080282ZAM | Authorization pursuant to Sections 13-50 (Special Permits and Authorizations) and 13-553 (Curb Cuts) for curb cuts on a Wide Street |

BACKGROUND

DSNY and DCAS request approval for site selection and acquisition of private property (Block 596, Lot 50) for use as a garage for Sanitation Districts 1, 2, and 5. The site is an undeveloped 85,450 square foot lot currently owned and used by United Parcel Service (UPS) as a parking area for their incoming and outbound trucks. It is generally bounded by West Street/Route 9A to the west, Washington Street to the east, Spring Street to the south, and a line approximately midpoint between

Spring and Van Dam (roughly at Charlton Street) to the north. The northern portion of the block is occupied by the St. John's Terminal Building; a former railroad terminal presently primarily leased for office use.

DSNY and DCAS are also requesting site selection (C 080279 PSM) of the site occupied by the current District 1 garage located at the western end of Canal Street at West Street at the southern edge of Community District 2 for use as a salt storage facility. Dating from approximately 1920, the 8,000 square foot garage is inadequate to accommodate much of the District's equipment which must be stored on local streets. The site presently occupied by the garage is proposed for use as a salt shed to replace the facility located on the Gansevoort Peninsula.

The proposed 1/2/5 garage site and the proposed Salt Shed site are both located within an M2-4 zoning district which allows an FAR of 5.0. A C6-2A district which allows a residential FAR of 6.02 and a commercial FAR of 6.0 is located immediately to the southeast of the proposed 1/2/5 Garage site.

DSNY District 2, 4, and 5 sanitation garages and salt shed are currently located on the eight-acre Gansevoort peninsula located at the foot of Gansevoort Street at the western edge of Community District 2. The site provides outdoor parking for trucks and equipment and accessory parking for the three district garages, indoor vehicle parking, fuel storage tanks, truck washing operations, and a 20,000 square foot salt shed with approximately 8,000 tons of road salt and a 10,000 gallon calcium chloride tank for road salting operations.

The District 4 Garage is slated to open in July 2009 at its new location at 57th Street and 12th Avenue.

The Hudson River Park Act required DSNY to remove its Salt Shed and to use its best efforts to remove its garage facilities from the Gansevoort Peninsula so that the site could be developed as part of the Hudson River Park. Pursuant to the Settlement Agreement and Order of a lawsuit that was brought by the Friends of Hudson River Park, elected officials and others against DSNY, the City,

the State and the Hudson River Park Trust, regarding DSNY's compliance with its obligations to relocate its operations from Gansevoort and Pier 97, the City is committed to remove its sanitation structures from Gansevoort as soon as practicable after ceasing its operations, and thereafter to perform any required cleanup of Gansevoort "in the shortest practical time period" so that it is useable for its intended park purposes. The settlement agreement includes a payment of at least \$25,850,000 which consisted of a \$6 million initial payment and semi annual payments through 2012. The agreement also includes a schedule of increasing payments, including \$2.725 million for 2013 and \$3.270 million or more for 2014, with further increases for subsequent years, if DSNY has to remain at Gansevoort past 2012.

The sites proposed for the garage and salt shed are located at the edge of the Hudson Square area at the southwestern edge of Community District 2. Residential, commercial and industrial uses can be found in the immediate proximity of the proposed garage and proposed salt shed sites. Residential uses include conversions of former industrial buildings as well as new construction, such as the 12-story Glass House, a residential building located on the south side of Spring Street at Washington Street. Immediately adjacent to the existing District 1 Garage is the 120-foot tall land ventilation building of the Holland Tunnel which houses operational equipment of the ventilation system for the Holland Tunnel. The structure is on the National Register. The UPS Package Distribution Facility, where UPS sorts, unloads, and reloads its trucks and trailers, is situated directly opposite and east of the proposed site across Washington Street.

PROJECT DESCRIPTION

Sanitation Garage

The proposed garage would contain a maximum of 427,250 square feet of space on five vehicle levels. The building would have a total height of between 116 and 118 feet (excluding rooftop mechanicals). Approximate floor to ceiling heights would be as follows: ground floor - 22 feet; intermediate floor - 16 feet; third floor - 30 feet; each of the two upper floors - 24 feet. The building would measure approximately 190 to 220 feet in width and 413 feet in length.

DSNY operations and the UPS staging lot operations would be co-located at the new garage; no change is proposed to UPS operations. The proposed 1/2/5 Garage would include 60,000 square feet on the ground floor of the facility as a dedicated parking area for 64 UPS trailers.

DSNY vehicles and equipment would be stored, maintained, washed and refueled at the proposed garage. 128 DSNY vehicles would be assigned to and stored at the new garage as follows: 95 Large Vehicles - 62 Collection trucks (includes curbside pickups, recycling and basket pickups), 15 Open Dump Trucks, 5 Front End Loaders, 4 Four by Fours, 3 Van Transports, 3 Fork Lifts, 2 Flushers, 2 Cargo Vans, 2 Flushers, and 1 Large Wrecker; and 33 Small Vehicles and Attachments - 17 Passenger Cars, 9 Salt Spreaders, 5 Haulster Inserts. In addition, the garage would provide 74 accessory parking spaces for DSNY employees.

The first floor of the garage would contain the dedicated parking for UPS and fueling stations and ramps. An intermediate level or second level above the first floor would contain off-street parking for DSNY cars, employee vehicles and employee support vehicles. The third floor would contain the washing and truck repair facilities for the garage in addition to the truck parking for a portion of one district. The fourth floor would contain parking for one entire district and the remaining portion of the parking for the district split between the third and fourth floors, and the fifth floor would be occupied by the trucks for District 2. Within each floor each truck would have its dedicated parking space. Vehicles would travel by ramp between the floors. Fuel and lubricant storage tanks including diesel, E85 ethanol, gasoline, motor oil, hydraulic fluid, and used oil would be stored on a below-grade level. In addition, seven stories of employee support space, including locker facilities and offices, would be located along the Spring Street side of the building.

The 1/2/5 Garage would incorporate certain green building sustainable elements, including recycled content and low toxicity materials, energy saving and solar features, and areas of vegetated roof. The project is aiming for LEED Silver Certification.

No garbage would be contained or stored within the proposed garage since the trucks would not return full to the garage building. Each of the three districts has its own disposal site. Trash from

Districts 1 and 2 are currently driven to the Essex County Resource Recovery facility in Newark, New Jersey; this would continue. Trash from District 5 would be delivered to the East 91st Street Marine Transfer Station.

Trucks servicing Districts 1 and 2 would use West Street as their north-south street providing access to and from the Garage. Trucks servicing the southern portion of District 5 would travel north on West Street and then east on West 14th Street; while trucks servicing the northern portion of District 5 would travel north on Joe DeMaggio Highway and then east on West 41st Street.

The site proposed for the 1/2/5 garage complex currently has one curb cut on Washington Street. This curb cut would not be used by the garage. Instead, three new curb cuts are proposed for Washington Street and two new curb cuts are proposed for West Street. Washington Street is considered a narrow street, pursuant to the definition in the Zoning Resolution of a narrow street measuring less than 75 feet in width. Two of the three curb cuts proposed for Washington Street would measure 60 feet in length, while the third would measure 40 feet in length. One curb cut would be located at the northeast corner of the site and would be used in the morning by M1 trucks heading south on Washington Street. A second curb cut to be located midblock would be used solely for DSNY employee or small vehicle parking and would lead directly to the ramp heading to the second or intermediate level. The third curb cut would be located at the southeast corner of the site and would be used by UPS as the primary entry/exit for their trucks.

West Street is considered a wide street, pursuant to the definition in the Zoning Resolution of a wide street measuring greater than 75 feet in width. One of the two curb cuts proposed for West Street would be located at the northwest corner of the site. It would measure 100 feet in length and would be divided into three lanes. In the morning hours two of the three lanes would be used by DSNY M2 and M5 trucks heading north, while in the afternoon and evening all three districts would enter via these two lanes. The third lane would be available throughout the 24-hour cycle for occasional traffic going in the opposite direction and as a bypass lane for vehicle refueling. The second curb cut would measure 50 feet in length and would be located close to the southwest corner of the site. This curb cut would be available as a secondary entry and exit for UPS trucks.

Other City agencies would also refuel at the proposed garage. Throughout the City, DSNY garages dispense fuel to other city agency vehicles subject to two conditions. First, DSNY must have sufficient fuel on hand to meet its own needs. Second, DSNY will not dispense fuel to other agencies during the hours of peak activity at the garage. DSNY's peak AM hour is between 6 AM to 7 AM in the summer and 7AM to 8 AM in the winter when the truck fleet is exiting the garage at the beginning of the day shift. The PM peak is between noon and 2 PM in the summer and 1PM to 3 PM in the winter, when DSNY is refueling its own trucks in the last hours of the day shift

Salt Shed

The Salt Shed would have a capacity of 5,000 tons of rock salt. In addition, liquid calcium chloride, which is applied with rock salt to enhance its effectiveness melting snow and ice, would be stored in two underground storage tanks of 4,000 gallons each. The salt shed would have solid walls on three of its four sides; bordering West, Spring and Canal streets. A roof would attach to these walls and cover the entire area contained within the walls. The roof would peak at a height of approximately 75 on the west and would slope down to a height of approximately 30 feet on the east. The fourth side of the structure would open on to a 30-foot wide driveway where the salt would be loaded. The driveway would be bordered to the east by the Holland Tunnel Ventilation Building and would be secured by gates on both Spring and Canal streets.

Salt would be delivered to the shed by large container trucks where it would be deposited on the driveway. Front-end loaders assigned to the 1/2/5 Garage would push and pile the salt within the shed. The same equipment would be used to load salt spreaders during winter weather emergencies.

The current District 1 garage has one curb cut on Canal Street and two curb cuts on Spring Street. Both Canal and Spring streets are considered wide streets. These curb cuts would not be used to access the salt shed, instead two curb cuts are proposed for Canal and Spring streets. The Salt Shed would be accessed from Canal Street to the south and from Spring Street to the north. Both entrances would be two-way. The salt spreaders could enter and exit depending on the route they are running and traffic conditions.

In order to develop this project, DSCAS and DSNY have filed an application for the site selection and acquisition of property (C 080280 PCM).

SPECIAL PERMIT (C 080281 ZSM)

Pursuant to the bulk regulations of the subject M2-4 District, the street wall may not exceed a maximum height of 85 feet with an initial setback of 15 feet and a sky exposure plane of 5.6 to 1 along the West and Spring street frontages, and an initial setback of 20 feet and a sky exposure plane of 2.7 to 1 along Washington Street. The proposed building will have a street wall height of 146 feet without setbacks along West and Spring streets and 144 feet without setbacks along Washington Street. It will penetrate the sky exposure plane on each of the three streets.

The proposed Garage site consists of the equivalent of two corner lots and one through lot, from West Street to Washington Street. While no rear yard is required for the corner lots, DSNY is required to provide a 40 foot rear yard equivalent for the through lots. No rear yard equivalent is proposed, as the garage building would cover the entire site.

DSNY is requesting a special permit pursuant to Section 74-743 to facilitate the construction of the garage. The proposed development site complies with the definition of a General Large Scale Development provided in Section 12-10 of the Zoning Resolution as follows: the 85,450 square foot site exceeds the minimum lot area of 1.5 acres, and a declaration with regard to ownership requirements has been filed with the City Planning Commission.

The special permit is being requested since a complying building, with a setback at 85 feet and a rear yard equivalent bisecting the site, would result in a structure that would not be functional for DSNY's purposes. The reduction in the size of the floor plate resulting from the required setbacks would reduce the usable floor area on the affected floors and the two buildings resulting from the rear yard equivalent which would render the project infeasible due to the extra cost and complexity of developing two structures on the site. The special permit will allow the proposed garage building to be built without regard to the applicable height, setback and yard regulations pursuant to a

General Large Scale Plan. The Salt Shed site would not fall within the area covered by the General Large Scale Plan.

AUTHORIZATION (N 080282 ZAM)

DSNY is also seeking an authorization pursuant to Section 13-553 of the Zoning Resolution to allow the four curb cuts proposed for West, Spring and Canal streets. Curb cuts are not allowed as-of-right on wide streets.

ENVIRONMENTAL REVIEW

This application (C 080280 PCM), in conjunction with the applications for the related actions (C 080279 PSM) and (C 080281 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 07DOS003M. The lead agency is the New York City Department of Sanitation.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reason:

- The project as proposed may result in significant adverse traffic and parking impacts and impacts on transit and pedestrians.

A Positive Declaration was issued on December 21, 2006, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on December 21, 2006. A public scoping meeting was held on the DEIS on January 31, 2007. A final scope of work, reflecting the comments made during the scoping, was issued on June 29, 2007.

The lead agency prepared a DEIS and a Notice of Completion was issued on November 9, 2007. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the

DEIS on August 27, 2008, in conjunction with the public hearing on the Uniform Land Use Review Procedure (ULURP) items (C 080279 PSM, C 080280 PCM and C 080281 ZSM).

The Final Environmental Impact Statement (FEIS) was completed, and the Notice of Completion of the FEIS was issued on September 26, 2008. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

TRAFFIC AND PARKING:

IMPACTS:

Proposed Action LOS was determined based on the projected increases in traffic volumes. Overall traffic conditions would continue to operate at the same LOS as in the Future No Build (or better). However, intersection capacity analyses indicate that significant traffic impacts would be expected at two intersections: Clarkson Street and West Street/Route 9A, and at Spring and Hudson Streets.

At the intersection of Clarkson Street and West Street/Route 9A, during the AM weekday peak hour, the average delay per vehicle of the northbound approach would increase within LOS mid-D by nearly six seconds, from 46.5 to 52.2 seconds when compared to the Future No Build scenario. This delay increase is attributed to the addition of proposed site generated traffic to the already high volumes at the intersection, as well as insufficient green time allotted to the northbound approach.

At Spring and Hudson Streets, operations on the eastbound approach would deteriorate from unacceptable LOS E to LOS F, with an increase in delay of approximately 5 and 20 seconds per vehicle during the weekday midday and PM peak hours respectively. At the same location, during the Saturday midday peak hour, the eastbound approach would experience an increase in delay of approximately seven seconds per vehicle. The delay increases during these time periods would be due to additional DSNY employees traveling to/from the proposed MN 1/2/5 Garage prior to and at the conclusion of their shift, as well as to insufficient green time allotted to the eastbound approach.

MITIGATION:

At Clarkson Street and West Street/Route 9A, the delays on the northbound West Street/Route 9A approach would increase by over five seconds within LOS D during AM weekday analysis hour. The impacts would be mitigated by shifting two seconds of green time from Clarkson Street to West Street/Route 9A during the AM weekday peak period.

At Spring and Hudson Streets, the delays on the eastbound Spring Street approach would increase by at least 5 and 20 seconds from LOS E to F (related to the current short traffic phase for the light traffic volumes undertaking this movement), and by over seven seconds within LOS D during the midday and PM weekday and midday weekend analysis hours, respectively. The impacts would be mitigated by shifting two seconds of green time from Hudson to Spring Street weekday midday and PM peak hour and one second of green time from and to the same approaches, respectively, during the Saturday mid-afternoon analysis period.

The above measures, which would be implemented in coordination with NYCDOT, would fully mitigate the affects of the proposed action, therefore there would be no significant adverse impacts related to traffic.

UNIFORM LAND USE REVIEW

This application (C 080280 PCM), in conjunction with the applications for the related actions (C 080279 PSM and C 080281 ZSM), was certified as complete by the Department of City Planning on May 5, 2008, and was duly referred to Community Board 2 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York Section 2-02(b), along with the related non-ULURP application (C 080282 ZAM), which was sent to the community board and the Borough President for information and review.

Community Board Public Hearing

Community Board 2 held public hearing on this application (C 080280 PCM) on June 12, 2008, in conjunction with the applications for the related actions, and, on June 14, 2008, by a vote of 40 to 0,

with zero abstentions, adopted a resolution recommending disapproval of this application with the following modifications:

1. Elimination of the District 5 Garage
2. Elimination of the salt pile and shed
3. Elimination of employee parking
4. Reduce the refueling station and refuel as many trucks as possible in New Jersey
5. Restrict access for the Sanitation trucks to West Street
6. Set back the building along Spring Street and incorporate a green space with community access
7. Create a community friendly design with recreational space for community on the roof of the new facility
8. Construct a new pedestrian crossing of West Street to the Hudson River Park at Spring Street
9. That the LEEDS Silver Standard proposed for this project be supplemented to include the reduction of carbon emissions by at least 30%
10. That LEED NC V2.2 Gold Certification be targeted and that credits for Environmental Quality, Indoor and Outdoor air delivery monitoring and increased ventilation commissioning credits must be met and supplemented to reduce emissions by at least 30%.

Borough President Recommendation

This application (C 080280 PCM) was considered by the Borough President of Manhattan, in conjunction with the applications for the related actions. The Borough President issued a recommendation disapproval of this application with conditions on August 11, 2008.

...that additional analysis is provided exploring the feasibility of relocating only the District 5 garage to a different site.

City Planning Commission Public Hearing

On August 11, 2008 (Calendar No. 5), the City Planning Commission scheduled August 27, 2008 for a public hearing on this application (C 080280 PCM). The hearing was duly held on August 27, 2008 (Calendar No. 40), in conjunction with the public hearings on the applications for the related actions (C 080279 PSM) and (C 080281 ZSM).

At the public hearing, 15 speakers testified in favor of the application, three of whom were in favor with modifications; 47 speakers testified in opposition, three of whom were opposed with modifications. Speakers in favor included six representatives from DSNY, a representative of the NYC Law Department; a representative from each of the two architecture firms for the project, a representative from each of the two firms that conducted the traffic analysis and air quality analysis

for the environmental review, and a resident of CD4. Speakers in favor with modifications included: the chair of the CB4 Chelsea Preservation & Planning Committee; the President of the Council of Chelsea Block Associations; and the President of Save Chelsea Historic District.

Representatives for elected officials including the State Senator from the 29th District, the State Assemblymember from the 66th District, the Councilmember from the 1st District, and the Director of Land Use for the Manhattan Borough President, spoke in opposition. Other speakers in opposition included a representative of the owner of the St. John's Terminal building; the owner of the Ear Inn; five representatives of Hudson Development Partners, an entity that seeks to redevelop the St. John's Terminal building; 18 area residents including seven residents of the Glass House, located at 330 Spring Street; two members of the Tribeca Community Association and a member Community Board 1 who also co-chairs the Hudson River Park Trust Advisory Council; a representative of the Canal West Coalition; a representative of the Community Sanitation Steering Committee; and the president of the Village Independent Democrats. Speakers in opposition with modifications included the director of the SoHo Alliance and two area residents.

The DSNY First Deputy Commissioner described the process of how DSNY decided on the subject site, noting that the garage is a permitted use in the M zone and that it would be able to be constructed within the allowed FAR. The Commissioner reviewed the Consent Order and stated that once DSNY has completed the construction of the garage, it would develop the Gansevoort Park. The Commissioner stressed that removal of DSNY's facilities from the Gansevoort Pier would be a major step towards the development of Hudson River Park. The Commissioner described how the garage would operate.

The DSNY directors of Special Projects and Cleaning and Collection further addressed the operation of the garage and salt shed. The speakers described the proposed circulation of vehicles entering and exiting the facility and circulation within the garage. The speakers discussed the plans for queuing on West Street and for refueling four vehicles at a time prior to their return to their designated parking spots. The two speakers noted the operational benefit of locating the salt shed immediately opposite the garage, as the location provides optimum access to the salt shed. The

Director of Special Projects stated that final design for the salt shed is two months away and expressed commitment to sharing the design with the Commission prior to its vote. The Director of Cleaning and Collection stated that alternative sites for the proposed garage complex were all close to residential or commercial establishments and would have required longer travel times than the proposed site. Additionally, the Director foresees no conflict between UPS and DSNY vehicles given the difference in operation times.

A representative of one of the architects described the garage's sustainable elements. These elements include: The exterior solar fin system to harvest heat in the winter and shed heat in the summer; a green roof which would increase the thermal performance of the building; the collection of rainwater in cisterns to be used for washing DSNY's vehicles; and heating and cooling the building with steam provided by Con-Ed, thereby reducing fossil fuels emissions. Additionally, the design team is investigating the use of steam turbines.

A representative from the second architecture firm noted that the building's design would be intent was to produce an animated dynamic design for the building which would also be practical and contextual. The speaker noted that the fins would unify the appearance of the building by covering its disparate elements. The speaker also stated the intent to include glazing at street level on Spring Street to animate this area which is traversed by pedestrians.

DSNY's environmental consultant and air quality consultant both noted that their studies and reviews were performed pursuant to CEQR requirements.

A representative of the Councilmember from the 1st District noted that the area in the vicinity of the proposed garage has very poor air quality and cannot absorb the additional particulate matter that would result from the anticipated garbage trucks. The speaker noted that a reduction in the number of trucks would likewise reduce the number of vehicles idling and reduce the particulate matter. The speaker also stated that DSNY should reduce the large volume of fuel to be stored in the garage.

The Director of Land Use for the Manhattan Borough President stated that three District garages in addition to the Salt Shed would overwhelm the area. The speaker noted that although the area is

zoned for manufacturing use, the area surrounding the site is becoming increasingly residential. The speaker further noted that while the site is appropriate for a Sanitation Garage, the subject proposal for three garages exceeds what would be appropriate at that location. With regard to the District 5 Garage, the speaker noted that while it must leave the Gansevoort Pier, it cannot be included at the present location. DSNY should revise its criteria for alternate sites in order to facilitate locating a site for the District 5 Garage.

The representative for the State Senator from the 29th District noted that both Community Boards 1 and 2 have consistently indicated their willingness to accommodate DSNY garages at the site for both CDs due to its proximity to the Holland Tunnel which would provide easy access to New Jersey where the trash from both CDs is disposed. The speaker noted that the opposition of both Community Boards to the CD5 garage was reasonable as CD5 does not require the same access to New Jersey. The speaker noted the Senator's concerns regarding the impacts that the third garage would have on the surrounding neighborhood, particularly in terms of traffic, noise, and air quality issues. Lastly, the speaker stated that the Senator supported the community's request that DSNY should eliminate refueling at the garage by non-DSNY vehicles.

The representative for the Assembly Member of the 66th District noted that the Assembly Member had been concerned about the project for some time and had sent a letter to the Department of City Planning questioning the Fair Share Analysis since DSNY, in its scoping analysis, considered the facility to be a local facility when it met the definition of a regional facility. The speaker noted that the Assembly Member remains unconvinced that the environmental concerns raised by the community have been fully considered and addressed. With regard to the Salt Shed, noting that the facility would be three sided and open on the entire east side, the speaker stated the Assembly Member's concern about the health risks associated with the salt shed that are not adequately covered in the DEIS as the site is directly across from a park and is in close proximity to residential structures.

Both representatives noted the reduction in the height of the building that would result from the removal of the CD5 garage. The speakers further noted that the congestion in the area that would

result from the three garages is more difficult to accept when considering that CD5 does not dispose of its trash in New Jersey, but rather on East 91st Street. The speakers stated that DSNY either dismissed or seemingly neglected to explore alternative sites for the CD5 garage. Regarding the Salt Shed, both speakers recommended that it be relocated and the site be converted for use as open space. Both speakers also urged DSNY to remove the employee parking from the facility, noting that parking could be provided at Pier 40.

The Chair of the Community Board 2 Land Use Committee affirmed the community board's opposition to the project with modifications. The speaker noted the board's support for a DSNY facility at the site to service CDs 1 and 2; as well as the community board's opposition to the CD5 garage as the third garage would overburden the community and does not seem sensible due to the excessive traveling required by the CD5 trucks if parked at Spring Street. The speaker also requested relocation of the employee parking to Pier 40 and the elimination of the refueling of other agency vehicles.

The president of the local Democratic club noted that the garage complex would increase pollution in an area that already has the most polluted air in Manhattan. The speaker also noted the conflict between the garage use at the site and the growing residential character of the neighborhood. Seven residents of the 330 Greenwich Street (AKA The Glass House) spoke in opposition to the project, reiterating the comments made by the prior speakers regarding the transition in the neighborhood from industrial to residential, their acceptance of two but not three garages and the concerns with health effects of the salt blowing from the Salt Shed. The speakers also raised additional concerns regarding creating a terrorist target by storing such a large amount of fuel in close proximity to the Holland Tunnel. The director of the SoHo Alliance reaffirmed the community's support for the CD1 and CD2 Garages and the opposition to the CD5 garage.

A representative of the owner of the St. John's Terminal Building spoke in opposition to the proposal, citing the various sites had been actively studied for Sanitation Garages going back to the Dinkins administration and noting that DSNY was able to find both positives and negatives about each of the sites, depending on the mayoral administration. The speaker also cited concerns about

the proximity of the planned fuel tanks to the Terminal Building, and the poor air quality on Canal Street. The speaker also noted that contrary to the findings in the DEIS, the Terminal Building will experience significant impacts with regard to noise, congestion, odors, safety risks, and concentration of hazardous materials.

The three partners who comprise Hudson Properties each spoke in opposition to the project. Hudson Properties is aiming to purchase the St. John's Terminal Building with the intention to convert the property into a wellness center and spa, and include thousands of square feet of office and retail space, as well as landscaping. The speakers noted that the property is close to 60 percent vacant which presents the opportunity to transform the building into an active economic generator. The partners noted that while the three district garage puts their plans in jeopardy, they believe that a garage serving two CDs would have less of an impact on their project.

Two architects from Cook + Fox Architects, representing Hudson Development Partners, noted that the project did not meet the findings of the special permit for the height and setback waiver. The speakers also noted that the project did not meet the Fair Share guidelines.

Four residents of the Chelsea area, including the president of Save Chelsea, the president of the Council of Chelsea Block Associations, and a member of Community Board 4, stated their opposition to relocating the CD5 garage to Community District 4. The speakers also referenced Fair Share in their statements opposing locating the CD5 garage in their Community Board. In response to the proposed modification suggested by a number of speakers to reuse of the current Borough Repair Shop located in Community District 4 as a garage for CD5, several speakers noted that the repair shop had specifically been designed to repair the frames of garbage trucks and that it would be a waste to use the building to store the garbage trucks.

Representatives of a number of other community groups and area residents, including residents of Community District 1 spoke in opposition to the proposal. Speakers raised many of the issues raised by the elected officials and the community groups, including the acceptance of two but not three garages, Fair Share, the increasingly residential character of the area, and the poor air quality on

Canal Street. A number of speakers questioned the veracity of the EIS, specifically in the areas of air quality, Fair Share, and trip counts.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application of DSNY and DCAS for site selection and acquisition of property located in Community District 2, Borough of Manhattan, to facilitate the construction of garage complex for Districts 1, 2, and 5, is appropriate.

The Commission notes that a new DSNY 1/2/5 Garage was initially listed in the Citywide Statement of Needs for FY 2006-2007, and was subsequently listed in the Citywide Statement of Needs for FY 2008-2009.

The Commission believes that the proposed buildings will provide a critical service to the community and to the city at large. The proposed garage complex will replace the DSNY facilities from the Gansevoort peninsula and thereby allow its existing eight-acre location to be absorbed into the recreational parkland that has been developed along the Hudson River waterfront.

The Commission believes that the proposed site for the garage is located to facilitate efficient delivery of DSNY services. It is located at the border between Districts 1 and 2, and has excellent access to District 5 via Route 9A. The site is located close to the Holland Tunnel, facilitating transportation of collected garbage to sites in New Jersey. It is large enough to accommodate the vehicles needed to serve the three districts and is zoned M2-4 which permits the proposed use. Fueling of vehicles could also be efficiently accomplished at the site and allow the city to take advantage of the lower prices it pays for fuel by purchasing it in bulk.

The Commission believes that it is appropriate to house the equipment for District 5 at the garage. The Commission notes that while a site had been identified at West 30th Street in Community

District 4 as a possible location for the District 5 garage, the proposed location maximizes operational efficiency and minimizes costs.

The Commission notes that in each of the boroughs there are similar facilities that serve more than one community district. In addition, the proposed garage complex would be one of the smallest DSNY multi-garage operation facilities in the City, both in terms of the amount of equipment assigned to the facility as well as the size of the population served.

During its review the Commission expressed concern regarding potential conflicts at the four fueling stations between DSNY vehicles and the vehicles of other agencies. In response to that concern, DSNY, in a letter dated October 2, 2008, stated

{DSNY is) committed to providing fuel to other agency vehicles in a manner that is sensitive to the surrounding community and in no way adds to traffic congestion or worsening traffic conditions on West, Spring, Washington and Canal Streets. DSNY will prohibit the fueling of other agency vehicles during the last two hours of a collection shift when DSNY vehicles have returned to garage for re-fueling and parking. The purpose of this prohibition is to eliminate potential conflict with the fueling of DSNY vehicles that may lead to an unmanageable queue of vehicles.

DSNY trucks normally refuel when returning to the garage, usually during the last two hours of the shift. During our summer schedule, this would occur between 12PM-2PM. During our winter schedule, this would occur between 1PM-3PM. All day shift trucks leave the garage at the start of their shifts by 7:30 AM. Other agencies that routinely fuel at our garages - the primary agencies that utilized Spring Street for refueling were MTA, DOT, DEP, and DPR – will not be provided fuel during the time periods when we fuel our own trucks.

As a matter of background, other agency vehicles that fuel at DSNY facilities do so under two conditions. Firstly, DSNY must have enough excess fuel on hand to meet other agency needs. Secondly, other agency vehicles do not come for fuel when our trucks leave the garage at the beginning of a shift or when trucks return at the end of a shift and are being refueled. This is our current practice and will remain our practice at the proposed Spring Street garage.

Further, the letter stated that:

by making its district superintendents and garage foremen responsible to manage and monitor the fueling of vehicles and the queuing of equipment on West Street. Specifically,

the queue of trucks waiting to refuel will not be allowed to extend beyond the capacity of the curbside lane on West Street. If a situation occurs where there is insufficient space for a DSNY truck to queue on West Street, that truck will be ordered to enter the garage without refueling. Any such vehicle will be fueled on a later shift or when departing the garage. At no time will the fueling of other agency vehicles be allowed to create a conflict with the fueling of DSNY equipment. All DSNY equipment operators will be instructed to bring equipment in to the garage if there is insufficient space on the West Street queue.

The Commission does not believe it is appropriate to eliminate employee parking to allow the mezzanine level to be used as reservoir space for the DSNY trucks and possibly eliminating the need for truck queuing on West Street. The Commission notes that the mezzanine level has not been designed to accommodate the weight of collection trucks. Further, as it does not have direct access to any of the other floors in the proposed building, the mezzanine would not be suitable as a location for reservoir space for truck refueling. The Commission believes that the space provided for truck queuing on West Street to be adequate and further, the Commission notes that as the queuing will take place in the West Street parking lane, it will not reduce the moving lanes on West Street.

The Commission believes that restricting DSNY trucks to West Street, as proposed by CD 2 would force trucks from both District 1 and 2 to travel through more local streets to reach their service areas and could result in additional; traffic air quality and noise impacts. The Commission does not believe that the recommendation would benefit the community or DSNY.

The Commission believes that the proposed location for the salt shed is appropriate. The Commission notes that DSNY evaluated five sites in addition to the proposed site. In two key factors, access to Route 9A and proximity to sensitive receptors, the site at Canal Street was better than each of the alternatives. The proposed site at Canal Street provides as good or better access to Route 9A than each of the alternatives and is not as proximate to residential uses, schools or parks. While the proposed salt shed site is located across from Canal Park, the Commission notes that the park is not heavily used. The location of the proposed salt shed across the street for the proposed garage would maximize operational efficiency for DSNY, especially during snow emergencies, and would utilize a site that is already in city-ownership.

In the aforementioned letter of October 2nd, 2008, DSNY committed to restrict the primary use of the Salt Shed to salt-spreaders serving CDs 1, 2, and 5. As noted in the letter

Initial loading of salt spreaders of the Canal Street shed will be allowed only for the nine spreaders assigned to our Manhattan districts 1, 2 and 5..... During a snow storm, the four salt spreaders assigned to Manhattan district 4 could reload at the Canal Street salt shed. While M2 spreaders will always use Canal Street, M1 spreaders could refill at Canal Street or Pike Street in CD3. M5 spreaders could refill at Canal Street or W. 55th Street in CD 4. M4 spreaders could refill at W. 55th Street or Canal Street. Refilling empty salt spreaders at the closest available salt shed reduces traffic congestion during storms and assures that the spreaders spend more time spreading salt and less time traveling to a salt shed to refill. Any minimal gain in traffic at the Canal Street shed would be offset by salt spreaders from M1 and M5 refilling elsewhere.”

The Commission notes that the proposed salt shed would have solid walls on three sides; bordering West, Spring and Canal streets. A roof would attach to these walls and cover the entire area contained within the walls. The Commission believes that the shed and the adjacent Holland Tunnel Ventilation Building will prevent salt from being blown out onto the surrounding streets

The Commission notes that Hudson River Park, a major open space amenity is across West Street. and does not believe that use of this site as a park is warranted.

Special Permit

DSNY is requesting height and setback and yard waivers for the proposed garage building.

The special permit request pursuant to Section 74-743 (Special provisions for bulk modifications) is necessary to allow DSNY to construct a single building large enough, both in terms of its floor plate and its height, to house the vehicles for the three districts in addition to the UPS vehicles. The Commission notes that the building’s main use as storage for DSNY vehicles and equipment requires unusually high floor-to-ceiling heights, large open floors and deeper floor beams to support the weight of such vehicles. The Commission further notes that compliance with the height and setback and yard regulations would reduce the amount of area available for the storage of vehicles and circulation on the four upper floors, and could possibly result in a taller building.

The Commission notes that the provision of a setback on the Spring Street side of the building as recommended by the community board, would nevertheless still result in floor plates too small to provide the 60,000 at-grade square footage required by UPS and as well as the space required by DSNY for vehicle refueling and the ramps which would provide access between the floors.

The Commission believes that the height and setback and rear yard waivers would result in a development that would not unduly increase the bulk of buildings on the subject block nor unduly obstruct access of light and air to nearby blocks or people using the public streets. The Commission notes that the FEIS states that:

Shadows from the MN 1/2/5 Garage would fall on limited portions of the Hudson River Park, but would less than shadows cast by commercial development projected for the site in the Future No Build condition. Shadows would be cast onto the park only during the early spring and mid-winter times of the year and only in the morning hours. The salt shed would cast an incremental shadow on the Holland Tunnel Ventilation Building, a National Historic Resource; however the historic significance of this resource is not dependant on sunlight. Therefore, there would be no significant adverse shadow impact on this resource.”

Curb Cut Authorization

The Commission believes that the requested authorization to allow two new curb cuts on West Street, one new curb cut on Spring Street and one new curb cut on Canal Street would facilitate the expeditious entry and exit for DSNY’s vehicles and UPS trucks. The Commission further notes that DSNY’s intent was to site the curb cuts to facilitate efficient circulation within the garage and minimize impacts on traffic on the surrounding streets.

The Commission believes that the four curb cuts would not be hazardous to traffic safety. The West Street curb cut close to the southwest corner of the site would be used as a secondary entry and exit for the UPS trucks. As the UPS curb cut on Washington Street would serve as the primary access and egress for UPS, it is not expected that the curb cut on West Street would be utilized often,. While the second curb cut on West Street would be active at the start of the DSNY shifts, the largest number of trucks would exit between 6:00 AM and 6:45 AM, at a time when traffic along West Street is below peak levels. A lower number would exit after 4 pm, and after midnight, according to the traffic analysis done for the FEIS.

The Commission does not believe that the curb cuts on West Street would create or contribute to serious traffic congestion. West Street is a major arterial with 6 to 8 lanes of traffic that has adequate capacity to handle the traffic utilizing these curb cuts.

The Commission also believes that the curb cuts on West Street would not unduly inhibit vehicular or pedestrian movement. The Commission notes that there is relatively little pedestrian activity along the eastern side of West Street at this location. The Commission notes that the garage would include warning lights/signals to alert pedestrians and vehicles of vehicles exiting onto West Street and Washington Street.

Similarly the curb cuts on Spring and Canal streets to serve the salt shed, would be limited to times of snow emergencies and for infrequent delivery of salt to the shed.

In response to the community board recommendations regarding LEED certification, the Commission notes that DSNY intends to take all reasonable and possible steps to meet and exceed the LEED Silver Certification targets. The Commission understands that DSNY has stated that all attempts will be made to reduce carbon emissions and power consumption.

The Commission notes that while DSNY is intending to provide a green roof, exhaust fumes from the building will be vented on the west side of the building at the roof level. Mechanical equipment will also be located on the roof making it inappropriate for recreational use. In addition, the Commission notes that the Hudson River Park, located across West Street from the proposed garage, is a viable open space and recreational resource for the immediate community. In response to the request by the community board that a new pedestrian crossing be constructed at Spring Street to access the Hudson River Park, the Commission notes that a pedestrian crossing at this location would only be approximately 370 feet north of the existing crossing at Canal Street. Any decision on a crossing at the requested or other location, would have to be reviewed and approved by the Department of Transportation.

The Commission notes that the project's FEIS found it would not have a significant impact on air quality. The Commission further notes that the site is zoned for M2-4 and new residential construction has been permitted only by Board of Standards and Appeals variances.

The Commission believes that proposed actions would allow the construction of a state-of-the-art DSNY garage facility and salt storage facility that will meet DSNY's operational needs, provide for the relocation of its operations from the Gansevoort Pier, as well as help to expedite the development of the Hudson River Park.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 26, 2008 with respect to this application, the City Planning Commission finds 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 Environmental Impact Statement 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 this decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 080280 PCM) of the Department of Sanitation and the Department of Citywide Administrative Services, for the site selection and acquisition of property located at 500 Washington Street (Block 596, lot 50) Community District 2, Borough of Manhattan, for use as a garage, is

approved.

The above resolution (C 080280 PCM), duly adopted by the City Planning Commission on October 7, 2008 (Calendar No.27), 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, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO, Commissioners

ANGELA R. CAVALUZZI, AIA, Commissioner, Voting NO