



CITY PLANNING COMMISSION

July 12, 2006 / Calendar No. 12

C 040545 ZSM

IN THE MATTER OF an application submitted by Truffles 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 180 spaces on a portion of the ground floor and cellar of a proposed mixed-use building on property located at 34-36 Debrosses Street (Block 224, Lots 1, 3, 7, 8, 13, 16, and 18) in C6-2A and C6-3A Districts, within the Special Tribeca Mixed Use District, Borough of Manhattan, Community District 1.

The application for a zoning special permit was filed by Truffles LLC on June 25, 2004, to allow for a 180-space attended public parking garage to be built as part of a proposed residential development on the block bounded by Debrosses Street, Washington Street, Watts Street, and West Street.

RELATED ACTIONS

In addition to the amendment of the Zoning Text which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- 1) C 040543 ZMM **Zoning Map Amendment** to rezone a four block area in the Special Tribeca Mixed Use District from an M1-5 district to C6-2A and C6-3A districts; and
- 2) C 040544 ZRM **Zoning Text Amendment** to the Special Tribeca Mixed Use District, Zoning Resolution Section 111-00, to establish a new Area A4 and to establish use and bulk regulations within the new Area A4.

BACKGROUND

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 040543 ZMM).

ENVIRONMENTAL REVIEW

This application (C 040545 ZSM), in conjunction with the related applications (C 040543 ZMM and N 040544 ZRM), was reviewed pursuant to 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 06DCP067M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related zoning map amendment application (C 040543 ZMM).

UNIFORM LAND USE REVIEW

This application (C 040545 ZSM), in conjunction with the related application on the related action (C 040543 ZMM), was certified as complete by the Department of City Planning on February 6, 2006, and duly referred to Community Board 1 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules. The application for the related text amendment (N 040544 ZRM) was referred for review and comment.

Community Board Review

Community Board 1 held a public hearing on this application (C 040545 ZSM) on March 21, 2006, and on that date, adopted a resolution recommending disapproval of the applications by a vote of 42 in favor, 0 opposed, and 0 abstaining.

A full discussion of the Community Board 1 resolution appears in the report on the related zoning map amendment application (C 040543 ZMM).

Borough President Review

This application (C 040545 ZSM) was considered by the Borough President who on May 17, 2006, issued a recommendation disapproving the application. A full discussion of the Borough President's resolution appears in the report on the related zoning map amendment application (C 040543 ZMM).

City Planning Commission Public Hearing

On May 10, 2006 (Calendar No.13), the City Planning Commission scheduled May 24, 2006, for a public hearing on the application (C 040545 ZSM), in conjunction with the related applications (C 040543 ZMM and N 040544 ZRM). On May 24, 2006 (Calendar No. 21), the hearing was continued to June 7, 2006 (Calendar No.17). There were a number of appearances, as described in the report for the related zoning map amendment application (C 040543 ZMM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application, in conjunction with the related action, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City 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 04-079.

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

CONSIDERATION

The Commission believes that grant of this special permit (C 040545 ZSM) is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application appears in the report on the related zoning map amendment application (C 040543 ZMM).

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 submitted by Truffles LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 180 spaces on a portion of the ground floor and cellar of a proposed mixed-use building on property located at 34-36 Debrosses Street (Block 224, Lots 1, 3, 7, 8, 13, 16, and 18) in C6-2A and C6-3A Districts, within the Special Tribeca Mixed Use District, 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 040545 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 SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Drawings Title</u>	<u>Last Date Revised</u>
Z-3	First Floor Plan	1/19/06
Z-4	Cellar Floor Plan	1/19/06

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 040545 ZSM), duly adopted by the City Planning Commission on July 12, 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 CANTOR, P.E., ALFRED C. CERULLO, III,
JANE GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
DOLLY WILLIAMS, Commissioners

ANGELA R. CAVALUZZI, R.A., Commissioner, Voting No