



CITY PLANNING COMMISSION

February 24, 2010/Calendar No. 7

C 090069 ZSM

IN THE MATTER OF an application submitted by 55 Broadway LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-71(c) of the Zoning Resolution to allow the elimination of mandatory and elective public amenities and other improvements built pursuant to the regulations of the former Special Greenwich Street Development District without a corresponding reduction in floor area of an existing 31-story commercial building, on property located at 55 Broadway (Block 20, Lot 16), in a C5-5 District, within the Special Lower Manhattan District (LM), Borough of Manhattan, Community District 1.

The application for the special permit was filed by 55 Broadway, LLC on August 11, 2008, to eliminate mandatory and elective public amenities and other improvements under the former Special Greenwich Street District while improving other areas with amenities in order to facilitate an approximately 1,425 square-foot enlargement of ground-floor retail space in an existing 31-story commercial building located at 55 Broadway (Block 20, Lot 16) in Lower Manhattan.

RELATED ACTION

In addition to the application for the special permit which is the subject of this report (C 090069 ZSM), implementation of the proposed development also requires actions by the City Planning Commission and Chairperson thereof which are being considered concurrently with this application:

M 810064 (B) ZAM: Second Modification to a restrictive declaration.

BACKGROUND

55 Broadway (Block 20, Lot 16) is a 31-story commercial office building (the “Building”) located on a lot bounded by Broadway to the east, Exchange Alley to the north, and Trinity Place to the west in Lower Manhattan. It is on a sloped site with approximately 11 feet of difference between the street level of Trinity Place and Broadway.

The Building was developed in 1982 pursuant to the regulations of the former Special Greenwich Street Development District and in accordance with a Chairperson certification of development according to the Special Greenwich Street District Plan (N 810335 ZCM) as well as a City Planning Commission authorization relating to the location of certain escalators within the Building (N 810064 ZAM). The 1982 development utilized provisions available under the Zoning Resolution to increase the maximum permitted floor area of the Building from 15 FAR to 18 FAR and to increase the maximum allowable tower lot coverage from 40 percent to 55 percent. In exchange for the increase in floor area and tower lot coverage, 6,929 square-feet of mandatory and elective publicly-accessible open areas and amenities were constructed. These areas included Arcades, Escalators, a Loggia, an Urban Plaza, and an Elevated Shopping Way. The majority of these mandatory and elective publicly-accessible amenities were constructed as-of-right pursuant to the Special Greenwich Street District regulations.

In connection with the above-mentioned approvals, a restrictive declaration was filed against the subject property on April 15, 1981 governing development and use of the Building, including the Elevated Shopping Way. In 1994, a modification to the declaration (Application No. M810064 (A)ZAM) was granted to permit the area formerly occupied by the Elevated Shopping Way to be used for Use Group “G” retail uses.

The Building currently has mandatory and elective public amenities which includes an Arcade at the ground floor with columns extending upward approximately 25 feet to support the second floor and above. This arcade extends around the Broadway and Exchange Alley frontages. The main entrance for tenants and users of the Building is on Broadway, and there are currently three retail spaces ranging from 300 to 6,400 square feet along Exchange Alley, recessed behind the Arcade. On the west side of the Building, along Trinity Place, there are two retail stores.

The Special Greenwich Street District was subsumed into the Special Lower Manhattan District in 1998. Currently, 55 Broadway is in a C5-5 district of the Special Lower Manhattan District.

Proposed Development

The applicant proposes to consolidate and enlarge the existing retail area fronting Exchange Alley by approximately 1,425 square feet, bringing the total retail space to approximately 11,200 square feet. The applicant also proposes to make improvements to the existing mandatory and elective public amenities and to secure additional open areas as publicly accessible.

In order to enlarge the existing retail area, the existing ground floor curtain wall would be reconstructed closer to the column line supporting the upper stories of the Building. This would partially enclose the existing publicly-accessible arcade with retail use. The retail frontage would be brought closer to Broadway and Exchange Alley, and a new retail entrance would be located on Broadway.

This enlargement of the retail area by 1,425 feet would result in an elimination of a portion of the publicly-accessible Arcade area by 1,166 square feet and a portion of a publicly-accessible Loggia space by 259 square feet. These areas are mandatory and elective public amenities. The remaining 1,691 square feet of what previously qualified as an Arcade and the remaining 273 square feet of what previously qualified as Loggia would be improved with amenities and remain open to the public, which would be ensured through the modification to the existing restrictive declaration. These remaining portions of Loggia and Arcade no longer qualify as defined Loggia and Arcade spaces because the area dimensions are too small to meet the requirements under the former Special Greenwich Street Development District.

The applicant also proposes to make a series of improvements to the existing and remaining open areas, including the Urban Plaza. The improvements include replacing large round planters with a narrow band of landscaping that would widen the unobstructed circulation path from seven to twelve feet. New benches with backs will be provided where, previously, no seating existed. Lighting improvements include LED pavers in the unobstructed path, column pole lighting along Exchange Alley, and pendant lights fixed to the ceiling of 55 Broadway's overhang. All of these design changes would improve the attractiveness and pedestrian experience of the through route

from Trinity Place to Broadway. A wall-mounted cable vine armature would be installed at the Broadway entrance to screen the existing blank wall of the adjacent building to the south.

Under a related modification to the restrictive declaration, approximately 1,000 square feet of open area along Trinity Place will be made open to the public. This area will contain moveable new tables and chairs, which would now be required, and new modular and LED pavers.

ENVIRONMENTAL REVIEW

This application (C 090069 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 lead agency is the City Planning Commission. This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 090069 ZSM) was certified as complete by the Department of City Planning on October 19, 2009, and was duly referred to Community Board 1 and the Borough President, in accordance in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on November 24, 2009, and on that date, by a vote of 32 to 1 opposed with 2 abstentions, adopted a resolution recommending approval of the application with the following conditions:

“The developer provides clear evidence that sufficient funding is in place to complete the proposed renovations so that the area does not become another of the numerous stalled construction sites that exist in Lower Manhattan with unsightly scaffolding, fenced-off areas and other eye-sores.

The developer provides a plan to improve the appearance of the plaza immediately, before construction begins for renovations proposed by the developer. This plan should

include timetables for all necessary repairs, installation of new plantings and a schedule of improved maintenance of the plaza and of the escalator leading to the second floor.

The developer provides a plan to ensure that the plaza remains attractive during the construction period when the plaza renovations are being made. This plan should include details about maintenance of improved plantings, adequate lighting, maintenance of the escalator and pedestrian access.”

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on January 7, 2010.

City Planning Commission Public Hearing

On January 6, 2010 (Calendar No. 4), the City Planning Commission scheduled January 27, 2010, for a public hearing on this application (C 090069 ZSM). The hearing was duly held on January 27, 2010 (Calendar No. 14). There were four speakers in favor of the application and none in opposition.

The Vice President for Planning from the Alliance for Downtown New York spoke favorably of the design improvements to the plaza and the improvements to this east-west connection. She also stated that the enlarged retail area was consistent with the goals of the Alliance for Downtown New York. The applicant’s counsel described the project highlighting the improved functionality of the retail and the new improvements to the open areas. The landscape designer for the applicant also appeared in favor. A representative of the Manhattan Borough President reiterated support for the project, for the provision of public amenities, and the designation of new public open areas.

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

CONSIDERATION

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

The Commission notes that the project is located in Lower Manhattan on Broadway, which is a designated retail street in the Special Lower Manhattan District and on Exchange Alley which is a narrow street without a sidewalk. The 55 Broadway open areas serve as an east-west connector between Trinity Place and Broadway. This area of Lower Manhattan is a high-density district and a central business district which support retail and pedestrian activity. Because of its unique location, changes to the mandatory and elective public amenities, the enlargement of the retail space, and the securing of additional areas as public with the provision of amenities is appropriate.

The Commission believes that the special permit pursuant to ZR Section 91-71 is specific to the removal of certain mandatory and public amenities which were granted under the Special Greenwich Street Special District in 1981 and which no longer exist in the Zoning Resolution today.

The Commission acknowledges that the enlargement of retail space is consistent with the goal of providing retail along Broadway in the Special Lower Manhattan District, and that the proposed enlargement of retail spaces within the building would not exceed the approved floor area. The Commission recognizes that, following the enlargement of the retail area, the remaining Arcade and Loggia areas have dimensions which are too small to qualify as Arcades and Loggia as defined in the Special Greenwich Street Development District and recognizes that these areas will continue to be open and accessible to the public and secured in a modification to the restrictive declaration.

At the public hearing, the applicant's representative stated that they responded to Community Board 1's request for immediate improvements to the plaza and also stated that the signing of a retail tenant will serve as financial collateral before any construction begins on the plaza. The applicant also indicated that the plaza must be completely closed while under construction for the safety of pedestrians in the area.

The Commission believes that the improvements to the urban plaza and open areas would

improve the connectivity between Trinity Place and Broadway and also believes that the innovative lighting would make the area under 55 Broadway's overhang more attractive, drawing residents and workers through the open space. The Commission further acknowledges that new benches with backs will be provided, and large planters will be removed and replaced by a narrower landscape strip, thereby widening the unobstructed circulation path from 7 feet to 12 feet. These changes will improve the pedestrian experience and also provide a seating area for those on Broadway. Along the building frontage at Trinity Place, a new publicly accessible open area (which was not a mandatory or elective public amenity) with moveable tables and chairs would be provided.

The Commission believes that the improvements to the urban plaza and open areas and the enlargement of retail space will provide a greater public benefit in light of the public amenity's purpose and the purposes of the Special Lower Manhattan District.

FINDINGS

The City Planning Commission hereby makes the following finding pursuant to Section 91-71(c) (Authorization for the Modification of Required Public Amenities) of the Zoning Resolution:

- (a) that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the Special Lower Manhattan District.

RESOLUTION

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 55 Broadway, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-71(c) of the Zoning Resolution to allow the elimination of mandatory and elective public amenities and other improvements built pursuant to the regulations of the former Special Greenwich Street Development District without a corresponding reduction in floor area of an

existing 31-story commercial building, on property located at 55 Broadway (Block 20, Lot 16), in a C5-5 District, within the Special Lower Manhattan 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 090069 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 The DeRosa Group, PC, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
L-204	Proposed Zoning Plans	09-30-2009
L-205	Proposed Site Plan	09-30-2009
L-206	Proposed Shopping Way Plan	09-30-2009
L-207	Proposed Urban Plaza Plan	09-30-2009
L-208	Permitted Obstruction Plan	09-30-2009
L-209	Landscape Plan	09-30-2009
L-210	Lighting Plan	09-30-2009
L-301	Elevations	09-30-2009
L-401	Site Details	09-30-2009
L-402	Site Specifications	09-30-2009
L-403	Site Specifications	09-30-2009

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 090069 ZSM), duly adopted by the City Planning Commission on February 24, 2010 (Calendar No. 7), 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, FAICP, Chair
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