



CITY PLANNING COMMISSION

September 10, 2003/Calendar No. 24

C 030131 ZSM

IN THE MATTER OF an application submitted by Mott Street Joint Venture pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-52 and 13-562 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 154 spaces, on a portion of the first floor, cellar and sub-cellar of a proposed mixed building at 106 Mott Street (Block 204, Lot 10), in a C6-2G District, within the Special Little Italy District (Area A and Area A-1), Community District 2, Borough of Manhattan.

The application for the special permit was filed by Mott Street Joint Venture on September 18, 2002, for a special permit pursuant to Sections 13-562 and 74-52 to allow a 154-space attended public parking garage on property located at the southeast corner of Mott and Hester streets.

RELATED ACTIONS

In addition to the special permit, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 030469 ZAM Authorization pursuant to Section 109-514 of the Zoning Resolution to modify the provisions of Sections 109-112 and 109-21 to allow a garage in Areas A and A1 of the Special Little Italy District; and Section 109-124 to allow the proposed building to exceed the District's 75 foot or seven-story height limit.

BACKGROUND

The subject property is a 15,717 square foot (sf) zoning lot, currently occupied by a 113-space public parking lot, located on the southeast corner of Mott and Hester streets. The property is located within the Special Little Italy District (Area A and Area A1) and has an underlying zoning of C6-2G.

The applicant proposes to develop the site with a seven-story, 85-foot tall building with 58 dwelling units and 10,622 square feet of retail space. The residential units would be located above the commercial floor(s) and would range in size from studios to three- and four-bedroom units. A 154-space plus ten reservoir space attended public parking garage with a total of 30,770 square feet is proposed for the ground floor, cellar and sub-cellar levels of the proposed building. It is expected that the garage would be used by the future residents and retail customers of the 106 Mott Street building and the public.

Access to the garage would be via a 30-foot wide curb cut to be located on the east side of Mott Street, approximately 96 feet south of the intersection of Mott and Hester streets. Mott Street has a 25-foot wide roadbed with one-way southbound traffic. An interior driveway would provide access between the garage's entrance and exit on the ground floor and two dedicated elevators to be used by attendants to move cars one- to two-stories below ground.

The surrounding area encompasses the northern portion of the Chinatown neighborhood and the southern portion of Little Italy. The area is developed with a mix of residential and commercial

uses. The upper floors of buildings contain residential and office uses; ground floor spaces are occupied by retail and restaurant uses. Whereas the area is primarily characterized by buildings of five to seven stories, a nine-story building housing a community facility (the Overseas Chinese Mission) abuts the project site on Hester Street.

In 1986 the City Planning Commission approved an application (C 850580 ZSM) to facilitate inclusion of a 106-space public parking garage to have been located on the below grade levels of an otherwise as-of-right seven-story office building proposed for the subject site. The application requested an authorization pursuant to Section 109-514 to modify Sections 109-112 and 109-21 to allow a garage in Areas A and A1 of the Special Little Italy District; and a special permit pursuant to Section 74-52. The building was not built and the approvals lapsed.

As part of the requested authorization (N 030469 ZAM) which is being considered concurrently with this application, the applicant seeks to modify three provisions of the Special Little Italy District. The modifications would allow the parking garage to be located on the ground floor of the proposed building and would allow the proposed building to reach a height of 85 feet. The first modification pertains to the restriction on Use Group 8C uses (which includes public parking) in the subject portion of the Special Little Italy District. The second modification pertains to the restriction of the ground floor of any new development to a group of specially selected uses (Use Group LI) designed to strengthen the retail character of specific commercial areas within the Special Little Italy District. Parking garages and entrances to garages are not

included in Use Group LI. In addition, the street frontage of uses not included in Use Group LI are limited to 25 feet in width.

The third modification pertains to height controls of Areas A and A1 which limit the height of a new building or portion thereof to 75 feet or seven stories, whichever is less. The roof level of the seventh floor of the proposed building would rise to a height of 75 feet and the mezzanine level above the seventh floor would rise to a height of 85 feet.

ENVIRONMENTAL REVIEW

This application (C 030131 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 03DCP028M. 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 May 19, 2003.

UNIFORM LAND USE REVIEW

This application (C 030131 ZSM) was certified as complete by the Department of City Planning on May 19, 2003, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this and the related application (N 030469 ZAM) on June 12, 2003, and on June 19, 2003 by a vote of 48 in favor, 0 opposed and 0 abstaining, adopted a resolution recommending approval of Resolution One (Parking Garage), and by a vote of 46 in favor, 1 in opposition and 1 abstaining, adopted a resolution recommending disapproval of Resolution Two (Additional 10 Feet in Height), with the following comments.

1. Parking Garage

WHEREAS, parking is a quickly disappearing resource and we need parking spaces; and

WHEREAS, the community has problems with the situating of the entrance and exit to the garage on Mott Street, and they recommended entrances/exits on Mott and Hester as a better solution to the traffic problems; and

WHEREAS, the committee was not sure if this was the best solution, but realized that the parking garage entrances and exits needed to be looked at further; and

WHEREAS, there are numerous street festivals, street closings and residual traffic from Canal Street, which exacerbate the problem,

THEREFORE BE IT RESOLVED, that CB#2 Man. approves the application for a 154-space parking garage subject to further review by City Planning, the applicant and the community to see if the current proposal for entry and exit can be improved upon.

2. Additional 10 feet in height

WHEREAS, the special Little Italy District allows only 75 feet in height and the applicant is requesting 85 feet in order to use the full FAR permitted; and

WHEREAS, although the additional 10 feet is part of the required setback of the building, we felt there was no compelling reason to approve greater height than the zoning allows; and

WHEREAS, this building is in the Mulberry Street Regional Spine and we question whether the storefronts shown comply with the required storefront regulations for the area;

THEREFORE BE IT RESOLVED, that CB#2 Man. does not approve the application for an additional 10 feet in height.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on July 15, 2003 approving the application.

City Planning Commission Public Hearing

On July 23, 2003 (Calendar No. 16), the City Planning Commission scheduled August 13, 2003 for a public hearing on this application (C 030131 ZSM). The hearing was duly held on August 13, 2003 (Calendar No.18). There were three speakers in favor of the application and one speaker in opposition.

The applicant's representative described the project. The representative also discussed the use of the term 'mezzanine' to describe the upper level of the duplex units proposed for the seventh floor of the building. The architect for the project described the design of the building and discussed the proposed height of the building in relation to the heights of buildings on the surrounding blocks. The operator of the parking lot which currently occupies the site described the schedule for street closings in the area and stated that the lot did not use the Hester Street entry/exit. A member of the community spoke in opposition. The speaker requested that the proposed building be restricted to 75 feet in height and that the City Planning Commission deny the requested height waiver. The speaker also requested that the applicant include a second

entrance to the proposed garage. In addition, the speaker expressed concern with regard to the design of the storefronts and their compliance with the provisions of the Special Little Italy District.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The Commission notes that the construction of the building proposed to be located at 106 Mott Street would eliminate an existing 113-space off-street parking facility. The Commission believes that the 154-space public parking garage would be compatible with and supportive of uses in the surrounding area. The Commission believes that the proposed public parking garage will help meet the neighborhood demand which is generated by both residential and commercial uses.

The Commission believes that a 154-space parking garage will complement the existing and evolving character of the Little Italy and Chinatown communities. The Commission believes that the availability of adequate parking will help sustain the growth and vitality of these areas for both residents and visitors. The Commission recognizes the potential that parking lots presently serving Little Italy and Chinatown are likely to be redeveloped over time. The Commission believes that it is beneficial to the area to provide a parking facility as a long-term off-street

resource supporting the mixed residential and commercial activities in the surrounding Little Italy and Chinatown neighborhoods.

The Commission believes that the proposed 154-space public garage will not contribute to serious traffic congestion. The garage is expected to generate not more than 21 vehicular trips or an average of one trip approximately every 3 minutes during the weekday morning peak hour (between 9 a.m. and 10 a.m.) and 64 vehicular trips or an average of one trip per minute during the weekday evening peak hour (between 6:00 p.m. and 7:00 p.m.).

The Commission does not believe that the proposed parking garage would inhibit pedestrian flow. The Commission notes that a warning device would be installed at the entry to the garage to alert pedestrians of exiting cars. The Commission believes that the single curb cut proposed for the garage will be an improvement of pedestrian conditions over the two curb cuts that currently serve the existing parking lot. In addition, the Commission notes that the facility will provide reservoir spaces in the requisite amount of twenty percent of the total number of spaces, for a total of ten spaces.

The Commission believes that the garage would draw a minimum of vehicular traffic to and through local streets in nearby residential areas. The Commission notes that the proposed garage would be located near the commercial core of the active Chinatown and Little Italy neighborhoods. Vehicles would approach the garage after turning off Canal Street, Grand Street, or the Bowery, which are wide streets dominated by commercial uses, and would travel to the

garage entrance via streets dominated by commercial uses, such as Mott Street. Traffic would not be drawn through the area's quieter, more residentially-dominated areas north of Hester Street. Traffic leaving the garage would proceed south on Mott Street to Canal Street, avoiding the local residential streets.

The Commission believes that the streets providing access to the proposed garage can adequately handle the traffic generated by the proposed garage. According to the environmental assessment statement, the incremental increase in traffic resulting from the replacement of the 113-space parking lot with the 154-space parking garage would not significantly alter traffic conditions on the local street network.

The Commission notes the issue raised by the Community Board regarding the current proposal for a single entrance and exit on Mott Street. The Commission reviewed the possibility of a second egress point on Hester Street. Under this scenario, cars would exit onto Hester Street and turn left to travel westbound on Hester Street in the direction of Mulberry Street. The Commission notes that Mulberry Street, which is a major north-south street, is closed more often than Mott Street. Major traffic tie-ups occur on Hester Street when Mulberry Street is closed since traffic then dead ends at Mulberry Street. The Commission believes that entering and exiting on Mott Street would avoid the congestion which occurs on Hester Street when Mulberry Street is closed. In addition, the Commission notes that the inclusion of a second entrance on Hester Street would reduce the amount of retail space proposed for the building. The Commission therefore does not believe that a second entrance would improve operation of the garage.

The Commission believes that the authorizations to allow the parking garage and its entrance to be located on the ground floor of the proposed building are appropriate. The Commission notes that the inclusion of a parking garage in the proposed mixed-use development is consonant with the general objectives of the Special Little Italy District which, in part, seek to strengthen the retail character of the area and reduce conflicts between pedestrian and vehicular traffic. The Commission believes that the provision of a long-term off-street parking resource would support and strengthen the mixed residential and commercial activities in the surrounding Little Italy and Chinatown neighborhoods. The Commission also believes that the garage would assist in the unimpeded circulation of pedestrians and vehicles by providing needed parking spaces in the area.

Furthermore, the Commission believes that the authorization (N 030469 ZAM) to modify the height requirements of the subject portion of the Special Little Italy District is appropriate. The Commission notes that approximately half of the subject block is occupied by buildings which exceed the 75 foot height limit, including the 125 foot tall Chinese Mission building which is located immediately to the east of the site. The proposed building would be set back at 65 feet, allowing for a two-story penthouse on the roof of the sixth floor.

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;
- (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 Mott Street Joint Venture 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 154 spaces, on a portion of the first

floor, cellar and sub-cellar of a proposed mixed building at 106 Mott Street (Block 204, Lot 10), in a C6-2G District, within the Special Little Italy District (Area A and Area A-1), Community District 2, Borough of Manhattan is approved, pursuant to Sections 13-562 and 74- 52 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 030131 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 Peter F. Poon Architect P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Zoning Calculations	8/28/03
S-1	Site Plan	8/28/03
A-1	Sub-Cellar Plan	8/28/03
A-2	Cellar Plan	8/28/03
A-3	1 st Floor Plan	8/28/03
A-8	Hester Street Zoning Section	8/28/03
A-9	Mott Street Zoning Section	8/28/03

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 030131 ZSM), duly adopted by the City Planning Commission on September 10, 2003 (Calendar No. 24), 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

IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, JOSEPH B. ROSE, DOLLY WILLIAMS, Commissioners