



CITY PLANNING COMMISSION

April 5, 2006/Calendar No. 10

C 060203 ZSM

IN THE MATTER OF an application submitted by United American Land, 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 150 spaces on portions of the first floor and cellar of a proposed mixed use building with two wings on property located at 311 West Broadway (Block 228, Lot 12), in the SoHo Cast Iron Historic District, within M1-5A and M1-5B Districts, Borough of Manhattan, Community District 2.

The application for the special permit was filed by United American Land, LLC on October 27, 2005, for a special permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 150 spaces on property located at 311 West Broadway. The property is located within an M1-5B zoning district, on a site located on the north side of Grand Street, between Mercer Street and Broadway, within an M1-5B District in the SoHo-Cast Iron Historic District.

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 applications which are being considered concurrently with this application:

1. N 060201 ZRM Zoning Text Amendment to Section 74-712(b)
2. C 060202 ZSM Special Permit pursuant to Sections 74-712(a) and (b) to modify use and bulk regulations

BACKGROUND

The proposed special permit would facilitate the development of a 150-space public parking garage on portions of the first floor and cellar level of a building proposed to be constructed at 311 West Broadway.

A full background discussion and description of this project appears in the report on the related application for a special permit (C 060202 ZSM).

ENVIRONMENTAL REVIEW

This application (C 060203 ZSM), in conjunction with the applications for the related actions (N 060201 ZRM, and C 060202 ZSM), were 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 05DCP038M. 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 December 19, 2005.

UNIFORM LAND USE REVIEW

This application (C 060203 ZSM) was certified as complete by the Department of City Planning on December 19, 2005, 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 the application on January 12, 2006, and on January 19, 2006, by a vote of 32 in favor, 0 opposed, and 0 abstention, adopted a resolution recommending approval of the application with conditions:

A summary of the Community Board's recommendation appears in the report on the related application for a special permit (C 060202 ZSM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on March 3, 2006 approving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 060202 ZSM).

City Planning Commission Public Hearing

On February 22, 2006 (Calendar No. 5), the City Planning Commission scheduled March 8, 2006, for a public hearing on this application (C 060203 ZSM) in conjunction with the applications for the related actions (N 060201 ZRM and C 060202 ZSM). The hearing was duly held on March 8, 2006 (Calendar No.20) in conjunction with the public hearings on the applications for the related actions.

There were a number of speakers, as described in the report on the related application for the proposed special permit, (C 060202 ZSM) and the hearing was closed.

CONSIDERATION

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

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related application for a special permit (C 060202 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 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 United American Land, 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 150 spaces on a portion of the first floor and cellar of a proposed mixed use building with two wings on property located at 311 West Broadway (Block 228, Lot 12), in the SoHo Cast Iron Historic District, within M1-5A and M1-5B Districts, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 060203 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 Gwathmey Siegel & Associates Architects and filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-003	Site Plan	March 24, 2006
Z-005	Height & Setback Diagrams	March 24, 2006
Z-006	Parking Plan	March 24, 2006
Z-007	Ground Floor Plan	August 29, 2005

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution 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 060203 ZSM), duly adopted by the City Planning Commission on April 5, 2006 (Calendar No. 10), 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

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