



## **CITY PLANNING COMMISSION**

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September 28, 2005/Calendar No. 8

C 050220 ZSM

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IN THE MATTER OF an application submitted by WXIV/Broadway Grand Realty, 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 90 spaces on a portion of the ground floor, cellar and sub-cellar floor of a proposed 13-story mixed-building located at 465 Broadway a.k.a. 40 Mercer Street (Block 474, Lot 38), in an M1-5B District, Borough of Manhattan, Community District 2.

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The application for the special permit was filed by WXIV/Broadway Grand Realty, LLC on December 15, 2004, for a special permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 90 spaces on property located at 465 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.

### **BACKGROUND**

The proposed garage would be located on a portion of the ground floor, cellar and sub-cellar floor of the 13-story mixed-use residential building under construction at 465 Broadway. The building is being erected pursuant to a special permit (C 030490 ZSM) approved by the City Planning Commission and the City Council in late 2003. Prior to the current construction, the property had been used as a 150-space public parking lot. The building at 465 Broadway will contain 41 residential units on the upper floors and approximately 26,500 square feet of retail space on the ground floor and cellar levels. It is expected that the garage would be used by the future residents and retail customers of the 465 Broadway building and the public.

When completed, the building will occupy the entire blockfront between Mercer Street and Broadway, on the north side of Grand Street. The project site contains approximately 21,454 square feet.

The surrounding portion of the SoHo neighborhood generally contains five- to twelve-story loft buildings along Broadway and five- and six-story lofts along nearby streets. Along Broadway, many of the upper floors contain offices, art galleries or other commercial uses, while other buildings have been converted to JLWQAs on the upper floors. Ground floor uses in the vicinity consist of a mix of home furnishings, clothing stores, and restaurants. A department store is located across Broadway from the site.

The special permit would facilitate the construction of a single-level attended public parking garage with 90 parking spaces plus ten reservoir spaces in the subcellar level of 465 Broadway. The garage would total approximately 18,000 square feet. Access and egress to the garage would be via a 25'8"-wide curb cut to be located on Mercer Street, approximately 100 feet north of Grand Street. The roadbed of Mercer Street has a width of approximately 26-feet, with one-way southbound traffic. Mercer Street terminates at Canal Street, two blocks south of Grand Street. An interior ramp would provide vehicular access between the subcellar and the street levels. Audio and visual alarms would be located at the curb cut to alert pedestrians of approaching vehicles exiting the garage.

## **ENVIRONMENTAL REVIEW**

This application (C 050220 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 03DCP042M. 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 June 6, 2005.

## **UNIFORM LAND USE REVIEW**

This application (C 050220 ZSM) was certified as complete by the Department of City Planning on June 6, 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 this application on June 9, 2005 and on June 23, 2005, by a vote of 35 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on August 17, 2005, approving the application.

### **City Planning Commission Public Hearing**

On August 10, 2005 (Calendar No. 4), the City Planning Commission scheduled August 24, 2005, for a public hearing on this application (C 050220 ZSM). The hearing was duly held on August 24, 2005 (Calendar No. 22). There was one speaker in favor of the application and no speakers in opposition.

The attorney for the project described the requested action. 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 believes that a 90-space parking garage will complement the existing and evolving character of SoHo. The Commission recognizes the potential that existing parking lots presently serving the SoHo residential and commercial community are likely to be redeveloped over time. The Commission believes that it would be beneficial to the area to provide a parking facility which would support the mixed residential and commercial activities in the surrounding SoHo neighborhood.

The Commission believes that the proposed public garage will not create serious traffic congestion. The garage is expected to generate not more than 27 vehicular trips or an average of one trip every 2.2 minutes during the weekday morning peak hour (between 8 AM and 9 AM) and 14 vehicular trips or an average of one trip every 4.3 minutes during the weekday evening peak hour (between 5 PM and 6 PM). The Commission does not believe that the proposed parking garage would inhibit pedestrian flow because the garage's ingress and egress would be on Mercer Street and the Commission expects future pedestrian traffic to maintain existing patterns of circulation and therefore to be concentrated on Broadway. The Commission notes that no significant adverse impacts would occur as result of the proposed parking garage according to the environmental review completed for the project. In addition, the garage will have warning devices alerting pedestrians and cars of exiting vehicles. 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 the more residentially occupied streets located to the west of Mercer Street. Vehicles accessing the garage would either travel directly from the north on Mercer Street, a one-way southbound street, or would travel south on Broadway and turn onto Broome Street, a one-way westbound street one block north of Grand Street. Broadway is a one-way southbound arterial with four travel lanes plus parking lanes on each side.

The Commission believes that the width of the streets providing access to the proposed garage will be adequate to handle incremental traffic generated by the proposed garage.

## **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 WXIV/Broadway Grand Realty, 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 90 spaces on portion of the ground floor, cellar and sub-cellar floor of a proposed 13-story building located at 465 Broadway a.k.a. 40 Mercer Street (Block 474, 38), 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 050220 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 SLCE Architects and filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-100	Site Plan	02-28-05
A-101	Sub-cellar Plan	12-02-04
A-102	Cellar Plan	02-28-05
A-103	1 <sup>st</sup> Floor Plan	12-02-04
A-330	Garage Ramp Sections	12-02-04

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 050220 ZSM), duly adopted by the City Planning Commission on September 28, 2005 (Calendar No. 8), 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**

**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,  
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,  
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,  
Commissioners**