



CITY PLANNING COMMISSION

August 10, 2005 / Calendar No. 10

C 050429 ZSM

IN THE MATTER OF an application submitted by the Economic Development Corporation and 270 Greenwich Street Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-743(a)(2) of the Zoning Resolution **to modify the height and setback regulations of Sections 23-60, 33-40 and 35-60, and the rear yard regulations of Sections 23-40, 23-50, 33-20 and 35-50 to facilitate the development of a mixed use building on property located at 270 Greenwich Street** (Block 142, Lot 110), in a C6-4 District, Community District 1, Borough of Manhattan.

This application for the special permit (C 050429 ZSM) was filed by the New York City Economic Development Corporation (EDC) and 270 Greenwich Street Associates on May 4, 2005, pursuant to Section 74-743(a) of the Zoning Resolution to modify the height and setback regulation of Sections 33-432 and 33-45, and the rear yard regulations of Sections 23-47, and 23-533, and 33-26 to facilitate the development of a 32-story, mixed use building in Lower Manhattan.

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 (CPC) on the following applications which is being considered concurrently with this application:

1. C 050427 HAM: Urban Development Action Area designation, project approval, and disposition.
2. C 050430 ZSM Special Permit pursuant to Sections 13-562 and 74-52 to permit a 400-space public parking garage to be located in the cellar of the proposed building.
3. N 050431 ZAM Authorization pursuant to Section 13-553 to allow a curb cut to be located

on a wide street, Murray Street, to provide access to the proposed parking garage.

4. N 050432 ZCM Certification pursuant to Section 26-17 to allow curb cuts on Murray Street in connection with the project's loading berths.
5. N 050428 MEM City Map Amendment to eliminate a six-foot sidewalk easement on Murray Street as shown on City Map No. ACC30025, filed February 7, 1973.

BACKGROUND

Site and Area Description

The project site is a 95,565 square foot zoning lot covering the majority of a block bounded by West, Warren, Greenwich, and Murray streets in Lower Manhattan. This site is also known as "Site 5B" of the former Washington Street Urban Renewal Area. The site is owned by the City of New York and currently is used as a surface parking lot for 265 vehicles. The site is located in a C6-4 zoning district which allows commercial and residential uses up to an FAR of 10, bonusable to 12 FAR through either inclusionary housing or residential plaza bonuses. Immediately to the north of the site, across Warren Street, is the 200 Chambers Street project, a mixed used development approved by the City Planning Commission and City Council and currently under construction.

The project will be located in Lower Manhattan in an area that serves as a transition zone between the Financial District to the south, the residential neighborhood of Tribeca to the east and the north, and the residential portion of Battery Park City to the west. The portion of the Financial District nearest to the site consists of large office buildings of up to 30 stories and 460 feet in height. The northern neighborhood of Battery Park City currently contains six residential towers, the largest at 43 stories or 400 feet in height. The nearby portions of Tribeca are largely comprised of low and mid-scale residential buildings with retail and commercial uses in the ground and lower floors, typically ranging from 5 to 10 stories with street wall heights of 65 feet to 125 feet. Immediately to the west of the site are West Side Highway, an eight-lane, divided

highway, and St. John's University School of Risk Management. To the south are a 10 and a 23-story commercial office building; to the east is an 11-story residential building; and to the north is P.S. 234 and the 200 Chambers Street project.

Project Description

The proposed development is for a mixed residential-commercial building to be built to 9.0 FAR. The proposed building will have 815,316 square feet of floor area, of which 648,522 square feet will be residential use and 165,219 square feet will be retail space. The residential portion of the development, occupying two towers, will contain approximately 402 dwelling units, both rental and condominiums, and a large supermarket along with other retailers in the base of the building. In addition, the development will include a 400-space public parking garage located below grade.

The development will be a single building, massed as three components. First, a two-story, 52-foot high base would cover the entire lot. This base would be occupied by retail as well as the residential lobbies and entrance to the parking garage. Second, a condominium residential tower would rise along West and Warren Streets. The tower would be oriented east-west and perpendicular to West Street. The taller portion of the tower would be located closer to West Street, and reach a height of 388 feet in a total of 32 stories. The lower portion of the tower would extend along the mid-block of Warren Street, and reach a height of 140 feet. The tower would not set back on West Street. Along Warren Street, the building would setback 15 feet at a height of 52 feet. The building would then rise without setback until the height of 361 feet, at which point the building would set back 10 feet and then rise again to the building's ultimate height of 388 feet. Along the mid-block of Warren Street, the building would set back 15 feet at a height of 52 feet, rise to a height of 117 feet, and then setback another 7.5 feet before rising to a height of 140 feet. The third component would be a rental residential tower developed on the eastern portion of the site. This portion of the development would rise without setback to a height of 104 feet (9 stories) along Greenwich Street and without setback to a height of 144 feet (12 stories) along Murray Street.

Two residential lobby entrances would be provided on Warren Street for the condominiums

residences on the western portion of the lot. The entrance for the 32-story residential tower would be located 92 feet east of West Street. The entrance for the lower rise, 7-story portion would be located 186 feet west of Greenwich Street. The entrance to the rental units on the eastern portion of the lot would be located on the Murray Street, approximately 45 feet west of the Greenwich Street. The entrance to the retail would be located along Warren and Greenwich Streets. The parking garage and loading berths would be located along Murray Street. The 400-space public parking garage would be accessed via a 24-foot curb cut on Murray Street leading to a 20-foot wide ramp into the sub-grade parking garage. Four truck loading berths and two berths for waste services would be located on Murray Street.

REQUESTED ACTIONS

Designation of Urban Development Action Area and Approval of an Urban Development Action Area Project (C 050427 HAM)

HPD seeks the designation of an Urban Development Action Area and project approval for the proposed project on a site which is a city-owned property (Block 142, Lot 110). Related to the UDAAP designation is the disposition of the project site to the New York City Economic Development Corporation (EDC).

Special Permit for General Large Scale Development (C 050429 ZSM)

The EDC and 270 Greenwich Street Associates requests a special permit, pursuant to Section 74-743(a) to allow modification of the applicable height and setback regulations of Sections 33-432 and 23-632, and 35-62, as well as the rear yard regulations of Sections 23-47, 23-533 and 33-26, in connection with the development of the proposed building.

In a C6-4 district, Sections 23-632, 33-432 and 35-62 provide that a building fronting on a wide street may rise to a height of 85 feet at the street line before setting back 15 feet and rising along a sky exposure plane at a ratio of 5.6 to 1. A building on a narrow street may rise to a height of 85 feet before setting back 20 feet and rising along a sky exposure plane at a ratio of 2.7 to 1. Because West, Greenwich and Murray Streets are wide streets, a 15 foot setback is required at 85 feet above curb level. A 20 foot setback is required at 85 feet above curb level on Warren Street. The proposed towers along a portion of all street frontages do not setback as required. In

addition, the proposed building does not provide the required rear yard equivalent and rear yard pursuant to Sections 23-533 and 33-26 respectively for the commercial use on the interior lot portion of the zoning lot fronting on Warren Street. In addition, the proposed building does not comply at the third floor with the required 30 foot rear yard for residential use pursuant to Section 23-47.

The applicant requests these modifications to allow for the better distribution of bulk on the zoning site and a better relationship between the proposed development and the surrounding area. The applicant has stated that the location of the tower along West Street pulls the majority of the development's bulk away from the nearby open spaces, the adjacent school, and the lower scale development of Tribeca. The applicant has also stated that the proposed heights of the towers relates to the development in Battery Park City and the Financial District, and that massing of the tower without setback on West Street provides street wall definition that is appropriate for a very wide street.

Special Permit for a Public Parking Garage (C 050430 ZSM)

The EDC and 270 Greenwich Street Associates seek approval for a 400-space, attended, public parking garage. The garage is intend to allow the applicant to meet the parking needs users of the current surface parking lot, shoppers using the proposed retail, and residents living within the building, although no accessory spaces are specifically set aside for tenants of the building. Access to and from the cellar level garage would be provided by a two-lane, 24-foot wide curb cut requiring a CPC authorization to be located on Murray Street. Murray Street is a two-way, wide street bounding the southern side of the subject zoning lot. A portion of the parking would be accommodated by 139 two-car stackers. The garage will include 20 reservoir spaces on the cellar level and first floor, and will be open 24 hours a day, seven days a week.

In order to grant the Special Permit, the Commission must make findings related to compatibility of the proposed garage with uses in the general area; traffic congestion and pedestrian flow; vehicular traffic drawn through local streets in nearby residential area; the adequacy of the number of reservoir spaces; and the adequacy of nearby streets to handle traffic generated by the garage.

Authorization for a Curb Cut (N 050431 ZAM)

The EDC and 270 Greenwich Street Associates seek an authorization to locate a 24 foot-wide curb cut to provide access to the proposed public parking garage on the north side of Murray Street, a wide street, between Greenwich Street and West Street. Pursuant to Section 26-15, curb cuts are prohibited on wide streets in C6 zoning districts. The CPC may authorize curb cuts located on a wide street pursuant to Section 13-533, and must make certain findings relating to traffic safety and congestion, pedestrian safety, and the functioning of bus lanes and other transit facilities.

Certification for Curb Cuts Relating to Loading Docks (N 050432 ZCM)

The EDC and 270 Greenwich Street Associates seek a certification pursuant to Section 26-17 to modify the prohibition contained in Section 26-15 on curb cuts on wide streets, to allow three curb cuts on Murray Street, a wide street, to provide access to the proposed building's loading docks. These three curb cuts would serve enclosed four truck berths and two berths for garbage dumpsters which accommodate the loading and waste removal needs of the retail and residential uses.

To allow the proposed modification of the streetscape regulations to allow the placement of the loading docks on Murray Street, the CPC must find that the proposed modification will enhance the design quality of the development.

Amendment to the City Map (N 050428 MEM)

The EDC and 270 Greenwich Street Associates seek an amendment of the City Map to eliminate a six-foot wide sidewalk easement on Murray Street as shown on City Map No. ACC30025. This easement was originally placed on the City Map when Murray Street was remapped across the Washington Street Urban Renewal Area. At that time, Murray Street was intended to have a wider roadbed than that which currently exists. The removal of the easement is necessary as a portion of the proposed development is to be located along Murray Street atop where the current easement is mapped.

ENVIRONMENTAL REVIEW

This application (C 050429 ZSM), in conjunction with the application for the related actions (C 050427 HAM, C 050430 ZSM, N 050431 ZAM, N 050432 ZCM, and N 050428 MEM), 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 05DME011M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding (ODMEDR).

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on December 4, 2005, and distributed, published, and filed. Along with its issuance of a Positive Declaration, ODMEDR issued a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) on December 6, 2004. A public scoping meeting was held on the DEIS on January 5, 2005. A Final Scope of Work, reflecting the comments made during scoping, was issued on February 3, 2005.

The applicant prepared a DEIS and issued a Notice of Completion on May 5, 2005. On July 13, 2005, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on July 28, 2005. The Notice of Completion of the FEIS identified the following significant impacts and proposed the following mitigation measures:

PROBABLE IMPACTS

LAND USE, ZONING, AND PUBLIC POLICY

LAND USE

The land use on the project site would change from surface parking to a mixed-use development as the project site would be occupied by housing condominiums, rental apartments, and local and destination retail. Rooftop open space accessible to building residents would be included in the project. It is expected that the proposed project, a 1-million-gsf residential and retail building, would add to and support the development of Lower Manhattan to a 24-hour, mixed-use community. The proposed project would contribute to the transition from the high-rise office buildings south of the site to the residential and mixed-use neighborhood of Tribeca to the east and north. The proposed residential and retail uses would be compatible with the surrounding

residential, commercial, retail, and community facility uses. The proposed project would reinforce the area's ongoing trend toward a mix of residential and commercial uses.

Overall, the proposed project would be consistent with existing and anticipated land uses in the area and therefore would not have a significant impact on land use.

ZONING

The proposed building would have an FAR of 9.6, which is consistent with the 10.0 FAR permitted at this site by the New York City Zoning Resolution under C6-4 zoning regulations. The proposed FAR is compatible with the density of other buildings in the proximity of the site, such as the Bank of New York to the south, the Western Union Building to the southeast, and the planned residential building to the north at WSURA site 5C.

The development of the building as proposed would require a General Large-Scale Development Special Permit pursuant to Section 74-74 of the Zoning Resolution to permit modifications of applicable building height, setback, and rear yard regulations. Additionally, the proposed project would require Special Permits pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to permit a public parking garage in a C6-4 zoning district, authorization pursuant to Section 13-553 to allow a curb cut on Murray Street (a wide street), and certification pursuant to Section 26-17 to allow curb cuts on Murray Street for the loading berths. Additionally, the project would eliminate a six-foot sidewalk easement from the City Map. Overall, no adverse impacts to zoning policy would occur as a result of the proposed project.

PUBLIC POLICY

The proposed project would be consistent with the WSURA's goal of promoting diverse and economically sound development that includes community space and residential or commercial development. The proposed project would be consistent with the goals of the Lower Manhattan Development Corporation (LMDC), the New York Liberty Bond Program, the Downtown Alliance, and New York City's Vision to transform Lower Manhattan into a diverse, vibrant, 24-hour community. Consistent with LMDC's goal of revitalizing Lower Manhattan, the project would transform a site used for surface parking into an active residential use with local and destination retail.

Overall, the proposed project is consistent with the public policy governing the area.

SOCIOECONOMIC CONDITIONS

DIRECT RESIDENTIAL AND BUSINESS DISPLACEMENT

The project site currently contains no residential units. Therefore, the proposed project would not directly displace any residential population.

The two parking businesses on the project site do not have a substantial economic value to the City or regional area and can be relocated without undue difficulty. The lost parking capacity of 265 spaces would be replaced by up to 400 public parking spaces with the proposed project, which would satisfy project-generated parking demand. The businesses that would be directly displaced are not subject to regulations or publicly adopted plans to preserve, enhance, or protect them. They do not contribute to the character of the neighborhood. Overall, no significant impact would result from the direct displacement of the existing parking businesses.

INDIRECT RESIDENTIAL DISPLACEMENT

The issue of indirect residential displacement is typically associated with the potential for a proposed project to increase property values and subsequently rents in an area, making it difficult for some existing residents to afford their homes. The low- and middle-income units that the proposed project would introduce would attract a new residential population that is more economically diverse than the existing population. This would be a positive benefit that creates a more mixed-income community in an area that is experiencing increasingly high rents and sales prices. As evidenced by the high median home value and contract rent, the project site does not currently have a blighting effect on the socioeconomic study area; therefore the proposed development would not affect property values in the area. The 229,595 gsf of retail space would be occupied by a mix of local and destination retail stores, and possibly a supermarket. Although a new supermarket on the project site may marginally increase the appeal of the study area as a place to live, it would not represent a new commercial use or create a critical mass of non-residential uses such that the area becomes more attractive as a residential neighborhood complex. The study area contains several food stores and several supermarkets are located in the broader Downtown neighborhood. A new supermarket would increase the convenience of living in the study area, but its presence would not suffice to alter

residential property values. Therefore, no indirect residential displacement is anticipated with the proposed project.

INDIRECT BUSINESS DISPLACEMENT

The issue for indirect displacement of businesses or institutions is that an action would increase property values and thus rents throughout the study area, making it difficult for some categories of businesses to remain in the area. The issue for indirect displacement of businesses or institutions is that an action would increase property values and thus rents throughout the study area, making it difficult for some categories of businesses to remain in the area. The proposed project would result in the introduction of a new economic activity to the study area but the addition of 229,595 gsf of retail space into an area with heavy presence of retail would not generate enough economic activity to alter existing economic patterns. The study area has experienced an increase in retail activity over the years, as evidenced by the over 40 percent increase in retail employment between 1990 and 2000. A wide variety of retail and commercial uses currently exist within the study area catering to current residents as well as office workers. None of these uses could be perceived as potentially vulnerable to indirect displacement. Although current zoning regulations and the physical conditions of office buildings allow for residential conversion of office buildings, it is unlikely to happen. Some portion of the retail space introduced by the proposed project is likely to be occupied by a supermarket. A new supermarket on the project site would have little effect on the area's overall economic profile. Considering the substantial worker population in the study area and broader Downtown area, as well as the new residential and worker population that would be introduced by the proposed project, a new supermarket on the project site would easily be absorbed into the existing economic fabric of the area, supported by daytime worker expenditures, as well as expenditures by study area and other Downtown households. The introduction of additional residential units and neighborhood retail into an area with a heavy presence of retail would not generate enough economic activity to alter existing economic patterns or accelerate an ongoing trend. The proposed development would reinforce the existing trend toward residential and retail development in the area. Based on the already high and rising retail rents and low retail vacancy rates, the proposed project site has not had a blighting effect on existing commercial properties. While the existing parking use supports businesses in the study area, the project would replace those uses with parking for approximately 400 vehicles. The proposed project would directly displace approximately 10 workers, which is an insignificant number of employees when considering that the proposed project would generate an estimated 480 new permanent jobs in the study area. In addition, the new retail uses would draw new customers to the study area, which would benefit existing businesses. The potential supermarket would not only serve the needs of the new population introduced by the proposed project, but would also be an asset to existing residents, who live in an area that is currently underserved by grocery stores. A survey of Downtown residents conducted by the Downtown Alliance in August, 2004 indicates that Downtown residents would prioritize additional grocery stores over any other potential amenity improvement, including open space, retail stores, public safety, and nightlife/dining options. Finally, the proposed project adds much needed housing thus making the area a more vibrant and livable 24/7 community. The proposed development would be consistent with the existing mix of commercial and residential uses in the study area, which has contributed to a climate for investment in the study area.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

If an action significantly affects business conditions in any industry or category of businesses within or outside the study area, or it indirectly substantially reduces employment or impairs the economic viability in the industry or category of business, it is considered an adverse effect. The existing parking is not critical to any industry or category of business, and is being replaced, with up to 400 public parking spaces in the future with the proposed project. The study area contains a well-established retail presence that will be complemented by the proposed project's additional retail space. The project's residential and retail components would attract new customers to the study area, many of whom would shop at existing commercial stores. Overall, the proposed project would not have an adverse effect on a specific industry.

COMMUNITY FACILITIES

The proposed project would result in the construction of a mixed-use building with approximately 438 dwelling units. Based on CEQR criteria, the proposed project would not trigger the threshold for an analysis of police or fire protection services, high schools, libraries, hospitals, or day care centers. No adverse impacts are anticipated on these community facilities, and no further analysis is warranted. The proposed project would generate approximately 56 school age children, of which 46 would be elementary students and 10 would be middle school students. This exceeds

the 50-student threshold recommended in the *CEQR Technical Manual*.

The additional 46 elementary school children would bring the total number of elementary students within Planning Zone 2 to 3,334. Under build conditions there would continue to be a deficiency of seats with a utilization rate of 127 percent. In CSD 2 as a whole, the utilization rate would be 108 percent. While there would be a slightly greater than 5 percent increase in the deficiency of available seats in both the zone, there would not be a significant change in the utilization rates from the future without the proposed project conditions. The CSD would experience less than a 4 percent increase in the deficiency of available seats as well as a small increase in the utilization rate. Although the proposed project would exacerbate existing shortfalls, this would be offset by anticipated new school construction and expansions that would add seats to both the zone and the CSD. In addition, the New York City Department of Education's can adjust zones within the district to improve the affected school or schools' composition or utilization. Therefore, the proposed project is not anticipated to result in a significant adverse impact on elementary schools in the planning zone or CSD.

With the 10 additional middle school students expected to be generated by the proposed project, middle school enrollment would be operating at the Planning Zone 2 capacity of 1,686 students with a deficit of 2 seats and a utilization rate of 100 percent. In CSD 2 as a whole, although the utilization rate for middle schools would be 111 percent, it is the same as the utilization rate in the future without the proposed actions. As mentioned previously, new school construction is expected in the CSD both before and just after 2008. The allocation of seats to elementary and/or middle school students will be based on programmatic needs, and it is likely that seats would be made available to alleviate the overburdened middle schools in the CSD. Therefore, no significant adverse impacts on middle schools are anticipated as a result of the proposed project.

OPEN SPACE

No changes to the open space inventory in the study area would occur as a result of the proposed project, although the project would include some rooftop open space accessible only to residents of the buildings at 270 Greenwich Street.

The proposed project would introduce approximately 832 new residents and 480 new workers to the project site. According to the *CEQR Technical Manual*, a 5 percent decrease in open space ratios is generally considered to be a substantial change. With the proposed project the open space ratios would decrease; however, no open space ratio would decrease by more than 5 percent. However, because the project has the potential to result in significant adverse shadow impacts on area open spaces (see "Shadows," below), a detailed open space analysis was prepared to analyze the potential effects of adverse shadow impacts. The analysis concluded that the project would not have an impact on open space or recreational facilities aside from the shadows cast on the open spaces associated with P.S. 234. Additionally, no open space ratio would decrease more than 5 percent, and all open space ratios that would be above DCP standard in the future without the proposed actions would remain above DCP standard in the future with the proposed actions. Therefore, the proposed project would not have a significant adverse impact on the adequacy of open space resources within the study area.

SHADOWS

The project site is unusual in the large number of open spaces that surround it. A building of the proposed project's height at this location would cast shadows on a number of open spaces. The shadow coverage and duration would vary on each open space depending on season and location of the open space.

In the morning the proposed project would cast shadows on St. John's University Plaza—except in the winter when the plaza is already in shadow from existing buildings. The project would also cast morning shadows on open spaces to the west, namely the BPC ball fields, North End Avenue Mall, Murray Street Triangle, Hudson River Park, P.S./I.S. 89 playground, the plaza adjacent to Stuyvesant High School, and the Hudson River Park (HRP) bikeway/walkway adjacent to West Street. Midday to evening, the open spaces north of Warren Street—the tennis and basketball courts of Washington Market Park, the main portion of Washington Market Park at the corner of Greenwich and Chambers Streets, the Tribeca Dog Run, and the open spaces of P.S. 234—would be in the building's shadow.

Shadow coverage and duration on each open space would vary depending on season and location of the open space compared to the project site. Shadow increments on the majority of public open spaces in the immediately surrounding area would not be considered significant due to short duration, the fact that they would fall on an open space at only certain times of the year, or due to the time of day at which they fall on a resources. However, the proposed project would have significant adverse impacts on the P.S. 234 play yard and courtyard.

P.S. 234 Play Yard

The play yard west of P.S. 234 is immediately north of the project site and would most likely be in shadow from the building at 200 Chambers Street. At the equinoxes, this area would be in the proposed project's shadow for about 5

hours from 11:30 AM to the end of the analysis period at 4:29 PM. In May and August, the play yard would be in shadow from the proposed project for 4 hours, beginning at 1:30 PM. On June 21, the shadow would last for 4½ hours. On December 21, when shadows are longest, the project increment would fall on the play yard from 9:15 AM until 2:15 PM. Except for the warmest days in summer, the duration and coverage of the project shadow would substantially reduce the attractiveness and usability of the play yard. This would be considered a significant adverse impact on the play yard.

P.S. 234 Courtyard

The courtyard is adjacent to the school building and receives midday and afternoon shadow from the existing school building. The proposed project would add to the existing shadows for 1 hour on the equinoxes. The increment would be small for both duration periods. In May and August, there would be an incremental increase in shadows for ¾ hours during the afternoon. At some times the increment would cover much of the open space. On June 21, the duration would be 2½ hours. On December 21, there would be no increment because existing shadows are so long. Overall, because of the extent and duration of the shadows, there would be a significant adverse impact on the P.S. 234 courtyard.

HISTORIC RESOURCES

As part of a previous proposal for the project site, a Phase IA Archaeological Assessment (Historical Perspectives, Inc., 1984) was prepared and soil boring data were taken. The assessment concluded that any prehistoric archaeological evidence on the site would be buried under layers of river silt, organic muck, and landfill material approximately 14 to 24 feet thick or would have been greatly disturbed during street construction activities. In addition, the soil boring data did not indicate any discernible pattern for any historic archaeological resources. The New York City Landmarks Preservation Commission (LPC) concurred with these findings and therefore, no further assessment of archaeological resources on the site is warranted.

The proposed building would remove the New York City Landmark bishop's crook lamppost on the project site, at the intersection of Warren Street and the former roadbed of Washington Street. Removal of the historic resource would be a significant adverse impact. LPC reviewed the proposed project plan and concurred with the finding of a significant adverse impact on the lamppost in an Environmental Review Letter dated March 16, 2005. Therefore, mitigation is being developed in consultation with LPC, following guidelines in the *CEQR Technical Manual* presented in Chapter F, "Historic Resources," Sections 500 and 520, "Developing Mitigation." Mitigation will include relocation of the lamppost to a site approved by LPC, and an explanatory plaque will be provided at the new LPC-approved location, which will describe the lamppost's history and original location. In addition, mitigation will include any necessary restoration of the lamppost following a program developed in consultation with LPC. The Hudson River Bulkhead is buried beneath West Street (Route 9A) in fill used to create Battery Park City, roughly 90 feet from the project site. Therefore, the proposed project would not have adverse physical impacts from ground-borne, construction-period vibrations on this resource. There would be no adverse physical impacts on any other architectural resources located in the project study area, since none of them are adjacent to the project site. The proposed project would block views south of the Barclay-Vesey Building, and may also block views of the Woolworth Building to the east of the study area. However, these views are either already limited by other buildings in the study area or would only be blocked from a narrowly circumscribed area. The proposed project would not block views of any other architectural resources in the study area.

The proposed building would be one of many tall buildings between Greenwich Street and the Hudson River that include the 1920s Barclay-Vesey Building and the recently constructed buildings in BPC North. In addition, the new 7 WTC tower will be completed and the 29-story West Chambers Street building will have been constructed. Therefore, the proposed building would add to the mix of low- to high-rise, historic and modern, residential, institutional, and office buildings that characterize the area.

Overall, it is not expected that the proposed project would have any adverse physical, visual, or contextual impacts on any architectural resources located in the project study area.

URBAN DESIGN AND VISUAL RESOURCES

URBAN DESIGN

The proposed project would not alter existing street patterns, and the proposed building would be in keeping with the varied building arrangements found throughout the study area. The bulk and the massing of the proposed building would be similar to the residential building that will be constructed at 200 Chambers Street. The proposed

residential use would be in keeping with the mixed-use character of the study area. The tower portion would be similar in height to the Bank of New York Building across Murray Street to the south and the 200 Chambers Street building. It would be significantly shorter than the 750-foot tall structure currently under construction on the 7 WTC site. In addition, placing the tower portion at the northwest corner of the site would pull it away from Greenwich Street, which is lined by low- to mid-rise buildings, and relate it to the taller buildings of BPC North to the west. The shorter components along Warren and Greenwich Streets would be similar in height to the residential buildings on the east side of Greenwich Street and to the Warren Street wing of the 200 Chambers Street building. Therefore, the proposed project would not have adverse impacts on building bulk, use, and type in the study area.

The replacement of three parking lots and a derelict former roadbed would be an improvement over existing conditions at the project site. The tall streetwalls on Greenwich and Murray Streets and the lower streetwall on Warren Street would conform to the surrounding pattern of the study area. Further, the retail base would be consistent with the study area's streetscape.

Overall, it is not expected that the proposed project would have any adverse impacts on the urban design of the study area.

VISUAL RESOURCES

It is expected that the proposed project would block already limited southward views of the Barclay-Vesey Building to the south from a narrowly circumscribed area on Warren Street. Views of the Woolworth Building would only be blocked in the immediate vicinity of the intersection of West and Warren Streets, and this visual resource would still be visible from other points within the study area from where it is currently visible. It is not expected that the proposed project would have any significant impacts on views of the Hudson River vista, as it would not block westward views in the side street view corridors. Similarly, the proposed building would not block views of Financial District buildings visible in the Greenwich Street view corridor because it would not be built on an existing block. It is expected that those views south along Greenwich would already be blocked by the buildings that will be constructed on the former WTC site.

Therefore, it is not expected that the proposed project would have any significant adverse impacts on the visual resources located in the study area.

NEIGHBORHOOD CHARACTER

The proposed project would not have cumulative adverse effects on the combined elements that contribute to the neighborhood character of the area surrounding the project site. It would not result in any significant adverse impacts to land use, open space, urban design and visual resources, transit and pedestrians, or noise. Although the proposed project would have adverse shadow impacts on the P.S. 234 play yard and courtyard, these impacts would not significantly alter the overall character of the neighborhood. Mitigation for the removal of the bishop's crook lamppost, a historic resource located on the site, is being developed in consultation with the LPC. There would be also be traffic impacts to maximum of 10 intersections in the AM peak hour, 5 intersections in the midday peak hour, and 8 intersections in the PM peak hour from project-generated traffic. These impacts could be mitigated through traffic management measures. Overall, no significant adverse impacts to neighborhood character would result from the proposed project.

HAZARDOUS MATERIALS

Development at the project site would involve excavation of on-site fill materials and dewatering of the site for construction purposes. Absent appropriate controls, described below, this could result in increases in exposure for the community and construction workers to contaminants. There is also a potential for adverse hazardous materials impacts during construction activities resulting from the presence of unknown underground petroleum storage tanks (USTs), lead-based paint, and asbestos-containing materials. However, it is anticipated that impacts would be avoided by performing construction activities in accordance with the following protocol:

1. As a result of the contamination levels detected on site, a Remedial Action Plan (RAP) will be developed for the project site and submitted to the New York City Department of Environmental Protection (DEP) for review and approval. The RAP should specify that all excavated soils and fill materials will be removed from the site and properly disposed of in accordance with all applicable New York State Department of Environmental Conservation (NYSDEC) regulations and at an appropriate landfill facility. Additional testing of the soils may be required by the disposal and/or recycling facility.
2. As a result of elevated concentrations of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and heavy metals exceeding NYSDEC Guidance Levels, a site-specific construction

Health and Safety Plan (Construction HASP) will be prepared on the basis of workers exposure to these contaminants for the proposed construction project. The Construction HASP will be submitted to DEP for review/approval prior to the start of construction. Soil disturbance will not occur without DEP's written approval of the Construction HASP.

3. Excavated soils that are temporarily stockpiled on-site will be covered with polyethylene sheeting while disposal options are determined. Additional testing may be required by the disposal/recycling facility. Excavated soil will not be reused for grading purposes.
4. Soil excavated for site development will be managed and disposed of in accordance with all applicable federal, state and local regulations.
5. If any petroleum-impacted soils (which display petroleum odors and/or staining) are encountered during the excavation/grading activities, the impacted soils will be removed and properly disposed of in accordance with all NYSDEC regulations.
6. Dust suppression will be maintained by the contractor during the excavating and grading activities at the site.
7. All known or found USTs and aboveground storage tanks (ASTs) (including dispensers, piping, and fill-ports) will be properly removed/closed in accordance with all applicable NYSDEC regulations.
8. Two feet of clean fill/top soil will be imported from an approved facility/source and graded across all landscaped/grass covered areas of the site not capped with concrete/asphalt. The clean fill/top soil must be segregated at the source/facility, have qualified environmental personnel collect representative samples at a frequency of one sample for every 250 cubic yards, analyze the samples for Target Compound List (TCL) VOCs, SVOCs, Pesticides/PCBs and Target Analyte List (TAL) Metals by a New York State Department of Health (NYSDOH) ELAP-certified laboratory, compare (in tabular format) the entire TCL/TAL list to TAGM 4046 Recommended Soil Clean-up Objectives, and receive DEP written approval to use the clean fill/top soil. Upon receipt of DEP's written approval, the clean fill/top soil may be transported to the site for grading. The clean fill/top soil should not be comprised of any C&D debris.
9. Based on the groundwater analytical results, dewatering of the project site for development of the site will not likely require treatment of the groundwater prior to discharge to the municipal sewer, though pumping methods or settling tanks to ensure that suspended solid levels remain within regulatory limits might need to be employed.
 - A geophysical survey of the project site was requested by DEP to search for potential unknown USTs prior to development. The survey would entail a ground penetrating radar (GPR) survey and a magnetometer survey. At the time of the Phase II study, aboveground vehicular lifts and parked vehicles were located over the majority of the project site. These vehicles and structures interfered with a geophysical investigation. As such, the geophysical survey will be conducted after the current tenant, Imperial Parking, has vacated the site and all the lifts and vehicles have been removed. A report of the geophysical survey results will be submitted to DEP upon completion. Results of the survey will help to reduce the potential for adverse environmental conditions from the presence of any unknown tanks. If underground storage tanks are identified during future excavation activities, these tanks would be properly closed and removed from the ground, along with associated piping and/or contaminated soil, in accordance with all federal, state, and local regulations. These tanks may also need to be registered with NYSDEC and with FDNY.
 - Prior to any construction or demolition activities, any suspected asbestos-containing materials or lead-based paint in the on-site structures or debris would be properly removed and disposed of in accordance with all federal, state, and local regulations.
10. Once the aforementioned measures are reviewed and approved by DEP, a P.E. certified Closure Report certifying the implementation of the aforementioned measures should be submitted to DEP for review.

To ensure that further investigative and/or remedial measures, as well as site-specific health and safety measures, occur prior to and/or during construction, a Memorandum of Understanding (MOU) between EDC and DEP is currently being prepared. The designated developer of the project site will be required to comply with the stipulations of the MOU.

With the implementation of these measures, no significant adverse impacts related to hazardous materials would be

expected to occur as a result of the demolition and construction activities for the proposed project. Following construction of the proposed project, there would be no further potential for adverse impacts.

WATERFRONT REVITALIZATION PROGRAM

The site is located within the City's coastal zone and is subject to the City's Coastal Zone Management Program. Development of the proposed project would be consistent with all 10 policies of the WRP.

INFRASTRUCTURE, SOLID WASTE AND SANITATION

The proposed project, under the reasonable worst-case development scenario, would result in a total average water use of 171,269 gpd. This represents an insignificant increase of approximately 0.04 percent of the average water consumption in Manhattan. As a result, it would not be expected that this added demand would overburden the City's water supply or the local conveyance system and would not cause a significant adverse impact. The proposed project would also comply with the water conservation measures of the City as mandated by Local Law 29 of 1989.

The proposed project is conservatively assumed to generate wastewater at the same rate of domestic water consumption, or about 132,238 gpd. This amount of wastewater, representing approximately 0.04 percent of the Newtown Creek WPCP's permitted capacity, is not expected to affect the WPCP's capacity or its treatment efficiency. Likewise, the proposed project is not expected to overburden the local or interceptor conveyance systems. Nor would the Manhattan Pump Station be adversely impacted by this small wastewater flow.

The proposed project would generate solid waste at a rate of 55,878 pounds per week. Of this amount, less than nine tons per week would be handled by DSNY, and private carters would handle approximately 19 tons per week. This represents a minimal increase in New York City's waste stream and, therefore, no significant adverse impacts are expected.

The proposed project would comply with the New York State Energy Conservation Construction Code Act. It is conservatively estimated that the proposed project would use approximately 111 billion British Thermal Units (BTU) per year, which is a small amount compared to the energy used in New York City. Energy consumption from the proposed project is not expected to result in any significant additional load for Con Ed or another power company and would not result in any adverse impacts.

TRAFFIC AND PARKING

TRAFFIC

As a result of the proposed project, there would be significant adverse impacts on a total of 15 approaches/lane groups at 10 signalized intersections during the AM peak hour; 9 approaches/lane groups at 5 signalized intersections during the midday peak hour; and 10 approaches/lane groups at 8 signalized intersections during the PM peak hour. There would be no significant adverse impacts at unsignalized intersections with the proposed project.

The detailed traffic analysis for the proposed project presented in the DEIS dated May 2005 was based on the Route 9A At-Grade Alternative described in the *Route 9A Reconstruction Project Draft Supplemental Environmental Impact Statement* (DSEIS) dated May 2004. In late May 2005, the New York State Department of Transportation (NYSDOT) issued its *Route 9A Reconstruction Project Final Supplemental Environmental Impact Statement* (FSEIS) in which the preferred alternative for the Route 9A reconstruction was selected. While the preferred alternative is similar to the Route 9A At-Grade Alternative analyzed in the DEIS, there are some differences. Specifically, at certain intersections along Route 9A, the lane configurations have been modified. In addition, Vesey Street, which was analyzed as a two-way, east-west street has been changed to a one-way eastbound street. Under the preferred alternative Liberty Street operates as a two-way street, in contrast to a one-way eastbound street as analyzed in the DEIS. Therefore, for the purposes of the FEIS, the 2009 No Build and Build traffic analyses—presented in the DEIS—have been revised to account for the changes outlined in NYSDOT's preferred alternative.

PARKING SUPPLY AND UTILIZATION

The proposed project would displace a public parking lot with a capacity of 205 cars and a permit-only parking area that accommodates approximately 60 vehicles. Since the proposed project would provide 400 public parking spaces, the overall off-street parking supply in the study area would increase by approximately 195 spaces. However, the

400 parking spaces would be utilized up to the maximum capacity by the project generated demand, as well as the displaced demand from the existing surface parking lots. In general, the overall parking utilization in the study area in the future with the proposed actions would remain similar to the future without the proposed actions—with approximately 54 and 74 percent utilization during the weekday morning and midday peak periods, respectively. Therefore, the proposed project would not significantly impact the supply and utilization of off-street parking in the study area.

PEDESTRIAN SAFETY

Two study area intersections are considered high pedestrian accident locations, as defined by the *CEQR Technical Manual*. With the proposed project in place, these intersections would experience increases in vehicular traffic. Those closer to the project site would also experience increases in pedestrian traffic. Based on the operational analyses of the future pedestrian conditions and consideration of relative changes in pedestrian levels, it was concluded that project-generated trips would not adversely impact pedestrian safety in the study area.

TRANSIT AND PEDESTRIANS

While the proposed project is estimated to generate more than 200 subway trips, these trips would be distributed to multiple access locations at the 10 New York City Transit subway stations in close proximity to the project site, such that no one station would experience increases of more than 200 project-related trips. This level of subway trip generation is not expected to result in significant adverse impacts, according to the analysis threshold guidelines in the *CEQR Technical Manual*.

A small number of transit trips were assigned to buses, the new permanent WTC PATH Terminal anticipated for completion in 2009, and ferry travel. While all trips would require a walking component that connects the origins and destinations with their respective mode of transportation, a substantial number of trips are made by walking only. Due to the retail and residential nature of the proposed project, the “walk only” component is expected to represent 50 to 70 percent of the total project-generated trips, with 755, 1,126, and 797 estimated for the AM, midday, and PM peak hours, respectively. Impacts to corners and crosswalks are considered significant if the proposed project would result in deterioration in level-of-service (LOS) from a No Build condition of LOS D or better to a Build condition of LOS E or F. Based on these criteria, there would be no significant adverse impacts to corner locations or pedestrian crosswalks from the proposed project.

PEDESTRIAN SAFETY

Sensitive uses closest to the project site, including P.S. 234, P.S./I.S. 89, and Stuyvesant High School, were considered in assessing the proposed project’s potential impacts on pedestrian safety. The evaluation of pedestrian safety typically involves an analysis of recent accident history, potential accident trends and geometric or operational deficiencies, and comparing these factors to baseline conditions and those realized with the proposed project in place. The most recent three years of available accident data (June 1999 to May 2002) were obtained from New York State Department of Transportation (NYSDOT) for review.

Within the pedestrian study area, none of the analysis intersections were identified to have a recent high accident history, for which five or more vehicle-pedestrian accidents occurred over a 12-month period. Farther away where vehicular and pedestrian traffic associated with the proposed project is more dispersed, more than five vehicle-pedestrian accident occurrences were identified at the Chambers Street and Church Street (6 incidents between December 1999 and November 2000) and Chambers Street and Broadway (7 incidents between March 2000 and February 2001) intersections. A review of the causes of these accidents and field observations revealed no apparent accident trends or inadequate geometric and operational features that contributed to the comparatively high accident records.

As detailed above, none of the study area intersections have been identified to operate at congested levels, and the proposed project would not result in operational impacts at these locations. Furthermore, the *CEQR Technical Manual* states that sections of Lower Manhattan have historically had a substantially higher level of pedestrian activity, and pedestrians in the area have to some extent, become acclimated to and tolerant of the congested conditions. In addition to the absence of impacts on pedestrian operations from the proposed project, the unlikelihood of an impact on pedestrian safety is reinforced by taking into account the behavioral characteristics of users in the surrounding area.

Based on the above, the proposed project is not expected to adversely impact pedestrian safety for patrons of nearby

sensitive uses.

AIR QUALITY

As the proposed project is expected to use Con Edison steam for building heating there would be no on site fuel emissions. Therefore, no analysis is required for stationary sources.

Analysis of carbon monoxide (CO) concentrations associated with the proposed project indicates that there would be no violations of the CO standards or any significant impacts at the receptor locations. In addition, the exhaust from the proposed parking garage would not result in any violations of the CO standards or any adverse air quality impacts.

NOISE

For the proposed project, the future noise level would consist of the combined effect of future traffic (both project- and non-project-generated) and ambient noise levels. Existing and No Build traffic volumes near the project area are relatively high, and in general, project-generated traffic volumes are relatively low. There are no locations where there would be the potential for significant increases in noise level due to the increases in project-generated traffic. The proposed building would be designed to include well-sealed, double-glazed windows and central air conditioning (i.e., alternative ventilation). In addition, the building's mechanical equipment such as heating, ventilation, and air conditioning (HVAC) and elevator motors would utilize sufficient noise reduction devices to comply with applicable noise regulations and standards. Overall, the proposed project would not have any significant adverse noise impacts.

CONSTRUCTION IMPACTS

LAND USE

Construction of the project would cause some disruptions to activities in the surrounding area. However, these disruptions would be temporary in nature, with overall construction anticipated to last approximately 24 months. Construction would not alter surrounding land uses, although certain types of activities would be intrusive to adjacent residences and community facilities. Land uses on the blocks adjacent to the site are particularly sensitive to construction activities. St. John's University School of Risk Management, Insurance and Actuarial Science is located on the southwest portion of the project site block and a primary school, P.S. 234, is located on the block directly north of the site. While there may be some inconvenience associated with construction of the project and construction hours would coincide with the hours of operation of nearby schools, construction activities would be similar to construction at any other site in Manhattan, and the hours of construction would be regulated by the New York City Noise Code and the New York City Department of Buildings. Furthermore, 270 GSA would work with the neighboring schools and other nearby sensitive uses to minimize disruption of their activities to the extent practicable. Other changes, such as the sidewalk closures, would also be apparent to people living and working in the surrounding area, but the implementation of a construction management plan would minimize the effects of these closures.

ECONOMIC BENEFITS

Construction of the proposed project would create direct benefits resulting from expenditures on labor, materials, and services, and indirect benefits created by expenditures made by material suppliers, construction workers, and others involved in the project. Construction of the project would also contribute to increased tax revenues for the City and State, including corporate taxes, personal income taxes, business taxes, City and State sales taxes, etc.

HISTORIC RESOURCES

At the intersection of former Washington Street and Warren Street is a bishop's crook lamppost that is a designated New York City Landmark (NYCL). Removal of the historic resource would be a significant adverse impact, and mitigation is being developed in consultation with the LPC (see "Historic Resources," under "Probable Impacts of the Proposed Actions," above). Mitigation will include relocation of the lamppost to a site approved by LPC, and an explanatory plaque will be provided at the new LPC-approved location, which will describe the lamppost's history and original location. In addition, mitigation will include any necessary restoration of the lamppost following a program developed in consultation with LPC. To avoid physical damage to this historic resource, a construction plan, and/or removal and relocation plan would have to be reviewed and approved by LPC. With these measures in place, it is unlikely that there would be any adverse physical impacts on the historic resource. The remaining off-site

resources are all located beyond 90 feet from the project site, outside the range of potential construction-related damage. Thus, construction-related impacts to these architectural resources would not be a concern.

HAZARDOUS MATERIALS

Development at the project site would involve excavation of on-site fill materials and dewatering of the site for construction purposes. Absent appropriate controls, this could result in increases in exposure for the community and construction workers to contaminants. There is also a potential for adverse hazardous materials impacts during construction activities resulting from the presence of unknown USTs, lead-based paint, and asbestos-containing materials. However, it is anticipated that impacts would be avoided by performing construction activities in accordance with a protocol discussed in detail above (see “Hazardous Materials”). With the implementation of the measures described above, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the demolition and construction activities for the proposed project.

TRAFFIC AND TRANSPORTATION

Construction of the proposed project would generate trips from workers traveling to and from the site, as well as from the movement of materials and equipment, and removal of construction waste. Workers would typically arrive before the AM peak period and depart before the PM peak period and would not represent a substantial increment during peak travel periods. Construction worker travel would be primarily by public transportation, with a smaller percentage by private auto. Therefore, vehicle trips associated with construction workers would not be likely to have any significant adverse impacts on surrounding streets. Approximately five trucks per day (for materials delivery and removal of debris/scrap from construction operations) are anticipated during the each construction stage. During the interior construction and finishing stage, it is likely that there will be fewer large trucks and a greater number of smaller delivery vehicles. Wherever possible, the scheduling of deliveries and other construction activities would take place during off-peak travel hours. As a result of the anticipated future levels of traffic and scheduling measures to avoid peak periods, significant interruptions of traffic would not be expected during the construction period. While truck staging is expected on Warren and Murray Streets, it is likely that moving lanes of traffic would be available at all times. However worker and delivery trips for this project may exacerbate congested conditions that would occur in the area due to a combination of normal traffic flow and construction activities related to the WTC Plan and other projects in the area. To the extent that there would be any disruption in traffic flow from construction of the proposed project, the changes would be relatively minor and expected to occur on side streets. There would be lane and/or sidewalk closures associated with the project’s construction activities. It is currently anticipated that the sidewalk immediately adjacent to the project site on Warren, Greenwich and a portion of Murray Streets would be closed for the duration of the construction period. Pedestrians would either walk on the opposite side of the street or in a sectioned-off portion of the street. Lane closures are expected on Warren and Murray Streets. Material storage areas would be located on site. Truck movements would be spread throughout the day and would generally occur between the hours of 7:00 AM and 4:30 PM, depending on the stage of construction. No rerouting of traffic is anticipated and, as mentioned above, moving lanes of traffic are expected to be available at all times.

AIR QUALITY

Possible impacts on local air quality during construction of the proposed building include fugitive dust (particulate) emissions from land clearing operations, and mobile source emissions, including hydrocarbons, nitrogen oxide, and carbon monoxide.

Excavation and construction would be conducted with the care mandated by the site’s proximity to active uses. All appropriate fugitive dust control measures—including watering of exposed areas and dust covers for trucks—would be employed. In addition, all necessary measures would be implemented to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions is followed. As a result, no significant adverse air quality impacts from fugitive dust emissions would be anticipated.

Localized increases in mobile-source emissions would be minimized by incorporating traffic maintenance requirements into the construction contract documents to ensure that:

- Construction requiring temporary street closings for the relocation of utilities and for other purposes in heavily traveled areas would be performed, to the maximum extent possible, during off-peak hours;
- The existing number of traffic lanes would be maintained to the maximum extent possible; and

- Idling of delivery trucks or other equipment would not be permitted during periods when they are being unloaded or are not in active use.

NOISE

Potential effects on community noise levels during construction of the proposed building include noise and vibration from construction equipment operation and noise from construction vehicles and delivery vehicles traveling to and from the site. The level of impact of these noise sources depends on the noise characteristics of the equipment and activities involved, the construction schedule, and the location of potentially sensitive noise receptors.

Construction noise is regulated by the New York City Noise Control Code and by the United States Environmental Protection Agency (EPA) noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards; that, except under special circumstances, construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction material be handled and transported in such a manner as not to create unnecessary noise. These regulations would be followed. In addition, appropriate low-noise emission level equipment and operational procedures would be used, when practicable. As described earlier, 270 GSA would work with the neighboring schools to minimize impacts to the shortest durations possible. Given the temporary nature of construction activities, and compliance with applicable noise control requirements, the proposed development would not result in any significant adverse noise impacts.

PUBLIC HEALTH

No air quality impacts from increased vehicular traffic or emissions from stationary sources would result from the proposed actions. As discussed above under “Hazardous Materials,” a DEP-approved remediation plan would be implemented to avoid hazardous materials impacts. The proposed development would not create a new source of noise or odors. Therefore, there would be no significant adverse impacts on public health.

MITIGATION AND UNAVOIDABLE ADVERSE IMPACTS

SHADOWS

The proposed project would have significant adverse impacts on the play yard and courtyard at P.S. 234. These impacts are considered significant because of the extent and the duration of the shadow coverage on these two open spaces. However, there would be no impacts on vegetation from the proposed project’s shadow increments since the play yard and courtyard are paved with concrete and have no plantings.

The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadows impacts. These measures include relocating facilities within an open space to avoid sunlight loss, relocating or replacing vegetation, undertaking additional maintenance to reduce the likelihood of species loss, or providing replacement facilities on another nearby site. CEQR guidelines also discuss alternatives that may reduce or eliminate shadow impacts, including reorientation of the building’s bulk or reorientation of the site plan.

The affected open spaces are small; moving the play equipment in the play yard would not avoid sunlight loss. There is no play equipment in the court yard. As stated above, neither space contains plantings; therefore, relocating, replacement of, and additional maintenance for vegetation is not proposed. Elimination of the project’s significant adverse shadows impacts would require the construction of a substantially smaller building on the project site. Specifically, to eliminate the spring and fall shadow increment on the P.S. 234 open spaces, the residential tower and the Warren Street components would have to be reduced to approximately 78 and 119 feet, respectively. Developing the project with such a substantial reduction in floor area is not financially feasible. Consequently, the significant adverse impact attributable to the proposed project would be unmitigated.

HISTORIC RESOURCES

The proposed project, which would be constructed over the former roadbed of Washington Street, would remove the NYCL bishop’s crook lamppost on the project site. Removal of the historic resource would be a significant adverse impact, and mitigation is being developed in consultation with the LPC (see “Historic Resources,” under “Probable Impacts of Proposed Actions,” above). Mitigation will include relocation of the lamppost to a site approved by LPC, and an explanatory plaque will be provided at the new LPC-approved location, which will describe the lamppost’s history and original location. In addition, mitigation will include any necessary restoration of the lamppost following

a program developed in consultation with LPC.

TRAFFIC

Based on the traffic analysis, the proposed project would result in significant traffic impacts at 10, 5, and 8 intersections during the weekday AM, midday, and PM peak hours, respectively. With the exception of intersections along West Street (Route 9A), all of the traffic impacts identified could be mitigated by standard traffic engineering measures. At the significantly affected intersections along West Street (Route 9A) traffic conditions are extremely congested and standard traffic engineering measures would not mitigate significant traffic impacts.

The measures identified to be feasible for mitigating adverse traffic impacts would involve signal retimings to increase green time for impacted approaches at the affected intersections. Although the majority of the impacted approaches/lane groups would be mitigated with the above measures, peak period impacts at West Street (Route 9A) intersections with Murray Street, Vesey Street, and the Brooklyn-Battery Tunnel could not be mitigated by using the standard traffic engineering measures. In addition, the intersection of West Street (Route 9A) and Chambers Street would remain unmitigated during the AM peak hour. At these intersections, roadway design modifications will be required to improve the traffic operating conditions. These design modifications would be subject to NYSDOT review and approval; and the absence of such modifications would result in unmitigated traffic impacts at these locations. These significant adverse traffic impacts are unavoidable based on the extremely congested traffic conditions on West Street (Route 9A) in the vicinity of the project site.

An assessment of the proposed traffic mitigation measures was conducted to evaluate their potential effects on pedestrian flow; this assessment concluded that the mitigation measures would not result in new pedestrian impacts. In addition, an assessment of air quality was conducted to determine if the proposed mitigation measures would result in adverse air quality impacts. This assessment concluded that the proposed traffic mitigation measures would not result in any violations of the CO standard or any significant impacts at the receptor locations.

UNIFORM LAND USE REVIEW

This application (C 050429 ZSM), in conjunction with the application for the related actions (C 050427 HAM, C 050430 ZSM) was certified as complete by the Department of City Planning on May 9, 2005, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP actions (N 050431 ZAM, N 050432 ZCM, N 050428 MEM) which were referred for comment.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on May 17, 2005, and on that date, by a vote of 31 in favor, 0 opposed, 2 abstained, and 1 recused, adopted a resolution to recommend approval of the application, subject to the following conditions:

“ ... that the developer take all reasonable steps to mitigate noise impacts from the pile driving and other construction activity particularly as it relates to nearby PS 234, and... that the Department of Education and the City create a temporary elementary school space in our Community Board district to mitigate the overcrowding that have resulted from the increased residential development, and ... [that] all other City services must also keep apace with increased

demand resulting from our residential growth.”

Borough President Recommendation

The application was considered by the Borough President. On May 31, 2005, the Borough President issued a recommendation for approval with conditions pertaining to technical, dimensional, and procedural clarifications related to the mapping action (C 050428 MEM). The Borough President requested that the developer:

“...advise the Manhattan Borough President’s Office as to whether or not this is a legal parking lot and who the owner of record is for the bed of Greenwich Street at this location.

...advise the Manhattan Borough President’s Office as to the proposed location of the curb lines on the westerly side of Greenwich Street, between Murray and Warren Street.

...submit a revised Area Map which is consistent with the existing conditions.

...schedule an appointment with the Consulting Engineer in the Manhattan Borough President’s Office before submitting a final map.

...submit a survey for the entire block.

...advise the Manhattan Borough President’s Office how the sidewalk easement was originally established and how it will be eliminated.

...advise the Manhattan Borough President’s Office the rational [sic] for removing the six foot sidewalk easement from The Insurance Society property where the sidewalk now exists and the total sidewalk width is 21 feet.

...advise the Manhattan Borough President’s Office as to whether or not the Insurance Society was consulted with respect to the preparation of the application for the proposed removal of the sidewalk easement in front of their property.”

City Planning Commission Public Hearing

On June 23, 2005 (Calendar No. 5), the City Planning Commission schedule July 11, 2005, for a public hearing on the application (C 050429 ZSM). The hearing was duly held on July 11, 2005 (Calendar No. 25), in conjunction with the hearings on the related applications (C 050427 HAM, C 050430 ZSM). There were five speakers in favor of the applications and no speakers in opposition.

The speakers in favor of the applications included three representatives of the applicant including a Senior Vice President from the New York City Economic Development Corporation (EDC), an attorney for 270 Greenwich Street Associates, and the project architect.

The speaker from the EDC presented the background of the site and the proposed project, including a brief overview of the site's history as part of the Washington Street Urban Renewal Area (WSURA), and previous approvals. This proposal, he stated, was the result of a Request for Proposals (RFP) issued by the EDC in 2000. At the time, the RFP called for the development of a commercial project on Site 5B of the WSURA. The EDC selected 270 Greenwich Associates LLC, as the developer of the site. After attacks of September 11, 2001, however, the EDC asked 270 GSA to reconceive the project for predominantly residential building with destination retail in order to meet the demand of the market in Lower Manhattan.

An attorney for the developer described in detail the approvals that are necessary to allow the project as designed. The attorney explained that the residential units along Greenwich and Murray Streets was not all low and moderate income units, but that they included market rate rental units as well. The attorney added that Murray Street is the appropriate for the location of site's vehicular activities since it was the only street bounding the site that had two-way access directly into site, and that the loading and parking activity on Murray Street, on which the Bank of New York building already fronts, would help protect the more pedestrian character of Greenwich and Warren Streets, which includes PS 234 and existing residential buildings.

The project architect briefly discussed the massing and architectural treatment of the proposed building.

The Director of Manhattan Youth, a non-profit organization that sponsors organized recreational activities for children in Lower Manhattan, spoke of the lack of adequate recreational space in the area and expressed his support for these applications as the developer of 270 Greenwich Street would be making a financial contribution towards the construction of a community facility at 200 Chambers Street, the building under construction immediately to the north of this subject project.

The last speaker was a resident of Lower Manhattan who expressed his support for the project. There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 050429 ZSM), in conjunction with the application for the related actions (C 050427 HAM, C 050430 ZSM), was reviewed but the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP) as amended, approved by the NYC 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 05-010.

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

CONSIDERATION

The Commission believes that this special permit, in conjunction with the related actions, is appropriate.

Special Permit for General Large Scale Development (C 050429 ZSM)

The Commission believes that the proposed special permit for modification of height and setback and rear yard regulations is appropriate. The requested waivers will result in a development that better relates to the surrounding neighborhood, a better distribution of bulk on the site, and a better site plan.

The Commission notes that the overall massing of the project shows sensitivity to the surrounding context. By pulling the main mass of the development towards the west, into the 32-story tower, the majority of the development's bulk is shifted away from the low and mid-scale of the Tribeca residential buildings and PS 234, and moves it towards the high-rise northern Battery Park City residential neighborhood and the West Side Highway, an eight-lane roadway

where the proposed height and bulk is appropriate. The proposed 32-story tower occupies only 15% of the site and allows for wider view corridors around the site. The Commission also notes that the tower's wider dimension was arranged perpendicular to West Street, allowing for more unobstructed views along the east-west running streets and avoids making a continuous "wall" along West Street, since the widest dimension of the tower of 200 Chambers Street runs parallel to West Street.

Along Warren Street, a narrow street, the tower does not set back the required 20 feet above the base; instead, it sets back only 15 feet. This is necessary so that the building's elevator core does not intrude into the space to be occupied by the proposed supermarket and making the space less efficient for a large retail tenant. Furthermore, the Commission notes that the reduced set back allows for additional distance between the proposed building's south facing condominium units and St. John's University of Risk Management which is the only other building on the block, and whose north and eastern property lines abut the proposed development.

Along West Street, the applicant is requesting that the building rise without setback until a height of 361 feet. The Commission believes, as noted above, that for a street as wide as West Street and the character of other buildings that front on it, this request is reasonable and appropriate. Further, by maintaining a high West Street streetwall and then stepping down to the east, the proposed building more successfully serves as a transition between the bulk of large scale developments of the developments across West Street and that of the lower-scaled buildings to the east.

On the eastern end of the block, the building would rise without setback to 104 feet along Greenwich Street and to 142 feet along Murray Street. The Commission believes that these modifications would allow for a better relationship between the proposed building and neighboring buildings to the east. Tribeca is a neighborhood that is characterized by high streetwall buildings that rise without setback. In addition, complying with the height and setback regulations would result in an inefficient unit layout on the upper floors and would have greater shadow impact on the pedestrian-oriented Greenwich and Warren streets and nearby buildings.

Similar to the western portion of the development, the Commission believes that the massing of the tower along Greenwich and Murray Streets on the site's eastern end acts to provide transition in bulk between its neighbors: the high rise context to the south and the low- and mid-rise context to the north. The proposed building sits adjacent to the 345-foot tall Bank of New York building on the south and the 54-foot tall PS 234 on the north. Along Greenwich Street, across from a 100-foot tall residential building, the proposed streetwall for 270 Greenwich Street is 102 feet. The Commission believes this massing to be sensitive and appropriate to its neighbors. The Commission also notes that the 52-foot high base of the proposed building almost aligns with the 54-foot high street wall of PS 234.

The Commission believes the requested waivers for the rear yard requirements are appropriate. The building does not comply at the third floor with the 60 foot rear yard equivalent required for the through lot portions of the zoning lot. The building also does not comply at the third floor with the 30 foot rear yard required for a portion of the interior lot fronting Warren Street, and does not comply with a 20 foot rear yard requirement between 23 feet above curb level and the third floor for commercial use.

The first and second floors of the proposed building occupy the entire site and are programmed primarily for retail space. A large, single-tenant supermarket is proposed for the first floor. In order to attract and house such a tenant, the first floor must provide an unencumbered open area with 40 x 40 foot structural grid and a large loading dock. The only location on the site where the required 40 x 40 foot column spacing would fit unencumbered is the area between the residential buildings above, and the two required rear yards occupy much of this area.

The proposed building also does not comply at the third floor with the 60 foot rear yard equivalent required for Warren/Murray Street through lot portions of the lots. In order to increase light and air on Warren Street, the tower is set back 15 feet from the property line. This results in encroachment of the easternmost side of the lower portion of the tower into the required rear yard equivalent. The Commission notes that this minimal encroachment does not diminish light and air to the units in the interior portion of the building.

Finally, the proposed building does not comply at the third floor with the 30 ft rear yard required for the interior lot residential use. The Commission believes that this modification would provide for a better site plan for the tower in that it will allow for a larger usable roof garden provided for use by 270 Greenwich Street tenants. The building amenities pavilion has been placed as far south as possible, adjacent to the window-less party wall of St. John's School of Risk management. The also maximizes the distance between the south facing condo units and the amenities pavilion, increasing light and air to those units.

Special Permit for Public Parking Garage (C 050430 ZSM)

The site is located within a transitional area between the financial district and Tribeca and is surrounded by a wide range of uses, including residential, active retail, office, institutional, and open space. The proposed garage would not be incompatible with or adversely affect the growth and development of these uses. The Commission believes that the garage will compliment the uses in the area, and address the need for the displaced and new parking in the neighborhood. The Commission notes that the 400-space garage will replace the 205-space surface parking lot on the site and is expected to provide the parking needs for the visitors to and residents of the proposed development.

The Commission notes that the garage's entrance/exit is on Murray Street, a wide, two-way street that provides direct access to West Street and is not a local street. In addition, the parking entry/exit on Murray Street keeps vehicular activity away from the activities and school children of PS 234.

The Commission notes that the FEIS indicates that the residential and retail components of the development would generate a maximum of 56 auto trips using the garage during any single peak hour and would not create any serious traffic congestion. The FEIS also indicates that the intersection of Murray and Greenwich Streets, would not experience significant traffic impacts during the three peak hours, AM, Midday, and PM. The intersection of Murray Street and West Street, already a congested intersection, would experience traffic impacts during all three peak hours. The impacts could not be mitigated by standard traffic engineering measures and roadway design modifications may be required to improve projected traffic operating conditions.

Finally, the Commission notes that the garage has the required 20 reservoir spaces and is designed to minimize potential conflicts between exiting vehicles and pedestrians and would include flashing lights and a ringing bell to alert pedestrian on oncoming garage traffic.

Authorization for Curb Cut on a Wide Street (N 050431 ZAM)

The proposed 24-foot wide curb on Murray Street to access and exit and the garage is proposed to be located 175 feet from Greenwich Street. The Commission notes that there is an existing ingress/egress to the existing parking lot on the site located on Murray Street, and that the intersection of Murray and Greenwich Streets is not a high accident location. The Commission believes that the proposed curb cut will not create or contribute to serious traffic congestion; this segment of Murray Street is a two-way street and carries moderate traffic volumes compared to other streets in the vicinity. The Commission notes that the majority of pedestrian trips generated by the new building will occur on the Warren and Greenwich Street sides of the project, not from Murray Street. In addition, the garage's warning devices will further reduce potential conflicts between vehicles and pedestrians.

Certification to allow curb cuts related to loading berths (C 050432 ZCM)

The Commission notes that the curb cuts for the loading berths on Murray Street would provide access to the proposed building's fully-enclosed loading docks. The three curb cuts would serve four truck loading berths and two berths for garbage removal which are required to accommodate the needs of the 180,000 square feet of retail space in the proposed building. The proposed location of these curb cuts is in character with the predominantly commercial character of Murray Street and the buildings to the south of 270 Greenwich Street and is located away from PS 234 to the north of the site.

City Map Amendment (C 050428 MEM)

The proposed City Map change to eliminate a six foot easement on Murray Street removes an easement that was originally placed on the City Map when Murray Street was remapped across the Washington Street Urban Renewal Area. At that time, Murray Street was intended to have a

wider roadbed than that which currently exists. The Commission believes that this easement is no longer necessary.

Designation of Urban Development Action Area and Approval of an Urban Development Action Area Project (C 050427 HAM)

The Commission believes that the proposed Urban Development Action Area designation and project, and disposition of city-owned property, are appropriate. The requested actions would facilitate the development of 270 Greenwich Street, a new predominantly residential building in Lower Manhattan. The large, city-owned site is located at a critical juncture between the downtown financial area, the predominantly residential neighborhoods of Tribeca and Battery Park City North. Construction of the proposed building on this lot, which is currently used as a surface parking, will eliminate the blighting influence of the site on the surrounding neighborhoods.

Upon completion, the proposed project would provide over 815,000 square feet of floor area, of which approximately 648,000 square feet will be residential use and approximately 165,000 square feet will be retail space. The residential portion of the development will contain over 400 dwelling units, both rental and condominiums, at both market and affordable rates. A large, quality supermarket along with other retailers will occupy the base of the building. The development will also include a 400-space public parking garage located below grade.

The project complements ongoing public and private redevelopment efforts in Lower Manhattan and underscores the City's commitment to enhance Lower Manhattan for new and existing residential and commercial communities. The Commission believes that the proposed Urban Development Action Area designation and project, and disposition of city-owned property, are appropriate.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 28, 2005, with respect to this application

(CEQR No.02DME003M), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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 the New York City Economic Development Corporation and 270 Greenwich Street Associates, LLC, for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback regulations of Sections 23-60, 33-40 and 35-60, and the rear yard regulations of Sections 23-40, 23-50, 33-20 and 35-50 to facilitate the development of a mixed use building on property located at 270 Greenwich Street (Block 142, Lot 110), in a C6-4 District, Community District 1, Borough of Manhattan, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 050429 ZSM) shall be developed in

size and arrangement substantially in accordance with the dimensions, specification, and zoning computations indicated in the following plans, prepared by Skidmore, Owings & Merrill, LLP, filed with this application and incorporated in this resolution:

Drawing	Title	Last Date Revised
Z-1	Area Plan, Attachment 9	May 2, 2005
Z-1A	Area Plan, Attachment 9	May 2, 2005
Z-2	Site Plan, Schedules, & Calculations, Attachment 2,4,7	May 2, 2005
Z-2A	Enlarged Site Plan	May 2, 2005
Z-3	Average Curb Levels and Yard Diagram	May 2, 2005
Z-3A	Enlarged Yard Diagram with Waivers, Attachment 4	May 2, 2005
Z-4	Height & Setback Diagrams, Attachment 4	May 2, 2005
Z-5	Streetwall & Signage, Attachment 4	May 2, 2005
Z-6	Building Sections	May 2, 2005
Z-7	Cellar Floor Plan, Attachment 6	May 2, 2005
Z-8	First Floor Plan, Attachment 6	May 2, 2005
Z-9	Second Floor Plan, Attachment 6	May 2, 2005
Z-10	Third Floor Plan, Attachment 6	May 2, 2005
Z-11	4 th , 6 th , 8 th Floor Plan, Attachment 6	May 2, 2005
Z-12	5 th , 7 th , 9 th Floor Plan, Attachment 6	May 2, 2005
Z-13	10 th Floor Plan, Attachment 6	May 2, 2005
Z-14	11 th -12 th Floor Plan, Attachment 6	May 2, 2005
Z-15	13 th – 28 th Floor Plan, Attachment 6	May 2, 2005
Z-16	29 th – 30 th Floor Plan Attachment 6	May 2, 2005
Z-17	31 st – 32 nd Floor Plan Attachment 6	May 2, 2005
Z-18	Enlarged Curb Cut @ Loading Dock	May 2, 2005
Z-19	Parking Plan	May 3, 2005
Z-20	Parking Plan	May 3, 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. The development shall include those mitigative measures listed in the Final Environmental Impact Statement (CEQR No. 05DME011M) issued on July 28, 2005:

MITIGATION AND UNAVOIDABLE ADVERSE IMPACTS

SHADOWS

The proposed project would have significant adverse impacts on the play yard and courtyard at P.S. 234. These impacts are considered significant because of the extent and the duration of the shadow coverage on these two open spaces. However, there would be no impacts on vegetation from the proposed project's shadow increments since the play yard and courtyard are paved with concrete and have no plantings.

The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadows impacts. These measures include relocating facilities within an open space to avoid sunlight loss, relocating or replacing vegetation, undertaking additional maintenance to reduce the likelihood of species loss, or providing replacement facilities on another nearby site. CEQR guidelines also discuss alternatives that may reduce or eliminate shadow impacts, including reorientation of the building's bulk or reorientation of the site plan.

The affected open spaces are small; moving the play equipment in the play yard would not avoid sunlight loss. There is no play equipment in the court yard. As stated above, neither space contains plantings; therefore, relocating, replacement of, and additional maintenance for vegetation is not proposed. Elimination of the project's significant adverse shadows impacts would require the construction of a substantially smaller building on the project site. Specifically, to eliminate the spring and fall shadow increment on the P.S. 234 open spaces, the residential tower and the Warren Street components would have to be reduced to approximately 78 and 119 feet, respectively. Developing the project with such a substantial reduction in floor area is not financially feasible. Consequently, the significant adverse impact attributable to the proposed project would be unmitigated.

HISTORIC RESOURCES

The proposed project, which would be constructed over the former roadbed of Washington Street, would remove the NYCL bishop's crook lamppost on the project site. Removal of the historic resource would be a significant adverse impact, and mitigation is being developed in consultation with the LPC (see "Historic Resources," under "Probable Impacts of Proposed Actions," above). Mitigation will include relocation of the lamppost to a site approved by LPC, and an explanatory plaque will be provided at the new LPC-approved location, which will describe the lamppost's history and original location. In addition, mitigation will include any necessary restoration of the lamppost following a program developed in consultation with LPC.

TRAFFIC

Based on the traffic analysis, the proposed project would result in significant traffic impacts at 10, 5, and 8 intersections during the weekday AM, midday, and PM peak hours, respectively. With the exception of intersections

along West Street (Route 9A), all of the traffic impacts identified could be mitigated by standard traffic engineering measures. At the significantly affected intersections along West Street (Route 9A) traffic conditions are extremely congested and standard traffic engineering measures would not mitigate significant traffic impacts.

The measures identified to be feasible for mitigating adverse traffic impacts would involve signal retimings to increase green time for impacted approaches at the affected intersections. Although the majority of the impacted approaches/lane groups would be mitigated with the above measures, peak period impacts at West Street (Route 9A) intersections with Murray Street, Vesey Street, and the Brooklyn-Battery Tunnel could not be mitigated by using the standard traffic engineering measures. In addition, the intersection of West Street (Route 9A) and Chambers Street would remain unmitigated during the AM peak hour. At these intersections, roadway design modifications will be required to improve the traffic operating conditions. These design modifications would be subject to NYSDOT review and approval; and the absence of such modifications would result in unmitigated traffic impacts at these locations. These significant adverse traffic impacts are unavoidable based on the extremely congested traffic conditions on West Street (Route 9A) in the vicinity of the project site.

An assessment of the proposed traffic mitigation measures was conducted to evaluate their potential effects on pedestrian flow; this assessment concluded that the mitigation measures would not result in new pedestrian impacts. In addition, an assessment of air quality was conducted to determine if the proposed mitigation measures would result in adverse air quality impacts. This assessment concluded that the proposed traffic mitigation measures would not result in any violations of the CO standard or any significant impacts at the receptor locations.

5. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
6. 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.
7. 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.

8. 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 050429ZSM), duly adopted by the City Planning Commission on August 10, 2005 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President 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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