



CITY PLANNING COMMISSION

March 14, 2007/Calendar No. 13

C 060493 ZSM

IN THE MATTER OF an application submitted by 27 Wooster, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 to allow an accessory off-street parking garage with a maximum capacity of 10 spaces on a portion of the ground floor and cellar of a proposed mixed use development on property located at 27 Wooster Street (Block 228, Lot 30), in M1-5A and M1-5B Districts, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by 27 Wooster, LLC on October 27, 2005, and revised on March 7, 2007, for a special permit pursuant to Sections 13-562 and 74-52 to allow an unattended accessory parking garage with a maximum capacity of 10 spaces as part of a proposed building at the southwest corner of the intersection of Wooster and Grand streets.

RELATED ACTIONS

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

C 060492 ZSM Special Permit pursuant to Sections 74-712(a) and (b) to modify use and bulk regulations

BACKGROUND

The proposed special permit would facilitate the development of a 10-space unattended accessory parking garage on portions of the first floor and cellar level of a building proposed to be constructed at 27 Wooster Street.

A full background discussion and description of this project appears in the report on the related application for a special permit (C 060492 ZSM).

ENVIRONMENTAL REVIEW

This application (C 060493 ZSM), in conjunction with the application for the related action (C 060492 ZSM), were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DCP004M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 23, 2006.

In conjunction with the revised ULURP application submitted on March 7, 2007, a revised Environmental Assessment Statement was submitted and a Revised Negative Declaration was issued on March 14, 2007.

UNIFORM LAND USE REVIEW

This application (C 060493 ZSM) was certified as complete by the Department of City Planning on October 23, 2006, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on the application on December 14, 2006, and on December 21, 2006, by a vote of 32 in favor, 0 opposed, and 0 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation on February 1, 2007 approving the application.

City Planning Commission Public Hearing

On February 22, 2006 (Calendar No. 5), the City Planning Commission scheduled March 8, 2006, for a public hearing on this application (C 060493 ZSM) in conjunction with the applications for the related actions (N 060201 ZRM and C 060492 ZSM). The hearing was duly held on March 8, 2006 (Calendar No.20) in conjunction with the public hearing on the applications for the related action.

There were a number of speakers, as described in the report on the related application for the proposed special permit, (C 060492 ZSM), and the hearing was closed.

CONSIDERATION

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

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related application for a special permit (C 060492 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-561

(Accessory off-street parking spaces) of the Zoning Resolution:

- (a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;

- (b) within the vicinity of the site, there are insufficient parking spaces available;
- (c) the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
- (d) the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
- (e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of 27 Wooster, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-561 to allow an accessory off-street parking garage with a maximum capacity of 10 spaces on a portion of the ground floor and cellar of a proposed mixed use development on property located at 27 Wooster Street (Block 228, Lot 30), in M1-5A and M1-5B Districts, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 060493 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and

zoning computations indicated on the following plans, prepared by Smith-Miller +
Hawkinson Architects and filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A.02	Zoning Overview	3/05/07
A.03	Elevation: Wooster + Grand Street	3/05/07
A.03A	Section Looking North	3/05/07
A.04	Plan: Cellar	3/05/07
A.05	Plan: Cellar Garage	3/05/07
A.06	Plan: Ground Floor, Level 1	3/05/07
A.06A	Plan: Ground Garage, Level 1	3/05/07
A.07	Plan: Second Floor, Level 2	3/05/07
A.08	Plan: Typical Floor, Levels 4-7	3/05/07
A.08A	Plan: Third Floor, Level 3	3/05/07
A.08B	Plan: Eighth Floor, Level 8	3/05/07
A.09	Plan: Penthouse, Level 9	3/05/07

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

representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 060493 ZSM), duly adopted by the City Planning Commission on March 14, 2007 (Calendar No.13), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman

**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, LISA A. GOMEZ, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners**

BETTY CHEN, NATHAN LEVENTHAL, Commissioners, Abstaining