



## CITY PLANNING COMMISSION

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February 28, 2007/Calendar No. 12

C 060367 ZSM

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**IN THE MATTER OF** an application submitted by Site 16/17 Development, LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 84-031 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 369 spaces on a portion of the ground floor, cellar, and sub-cellar of a proposed mixed use building on property located at One River Terrace (Block 16, Lot 3) within the Special Battery Park City District, Community District 1, Borough of Manhattan

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The application was filed by Site 16/17 Development, LLC on March 1, 2006, for a special permit pursuant to Section 74-52 and Section 84-031 of the Zoning Resolution for a 369-space attended public parking garage in a portion of the ground floor, cellar and sub-cellar levels of a proposed mixed use building on property located at One River Terrace (Block 16, Lot 3) within the Special Battery Park City District.

### **BACKGROUND**

Site 16/17 Development, LLC seeks a special permit for a 369 space attended public parking garage in the Special Battery Park City (BPC) district located in Lower Manhattan. The proposed building is located in the North Residential Neighborhood of BPC which contains over 1,700 residential housing units, Stuyvesant High School, open space and waterfront esplanade. Neighboring land uses include a mix of residential, commercial, institutional, and open space.

### **Project Description**

The site is bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east, and Vesey Place to the south. The project site is currently vacant. The proposed public parking garage would be located in the cellar and sub-cellar of an approximately 499,726 square foot

mixed use building. Of the 369 parking spaces, 53 would be accessory parking spaces, and the remaining 316 would be public. The garage would provide the required 18 reservoir spaces.

Vehicles would enter and exit the garage via a new 20 foot curb cut on Murray Street which is located 50 feet west of North End Avenue. Murray Street is a two-way street and has cobblestone pavement. North End Avenue is also a two-way street. Upon entering, vehicles would proceed down an entrance ramp and stop for the attendant. The garage entrance at would have warning devices at the entrance/exit to alert pedestrians of vehicles.

### **ENVIRONMENTAL REVIEW**

This application (C 060367 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP066M. 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.

### **UNIFORM LAND USE REVIEW**

This application (C 060367 ZSM) was certified as complete by the Department of City Planning on October 23, 2006, 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.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on November 15, 2006, and on that date, by a vote of 23 to 5 and 0 abstentions adopted a resolution recommending approval of the application.

### **Borough President's Recommendation**

This application was considered by the Borough President who issued a recommendation on January 8, 2007, approving the application.

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

On January 10, 2007 (Calendar No. 4), the City Planning Commission scheduled January 24, 2007 for a public hearing on this application (C 060367 ZSM). The hearing was duly held on January 24, 2007 (Calendar No. 12). There were two speakers in favor and none in opposition.

The applicant's engineer described the application. He described the mixed-use building and the neighborhood demand for parking. He also stated that there was a possibility that the garage would be used by nearby commercial office employees.

The Director of Land Use for the Manhattan Borough President's office said that the Borough President was in favor of the application given the shortage of parking in a predominantly residential neighborhood.

### **CONSIDERATION**

The Commission believes that the grant of the special permit (C 060367 ZSM) is appropriate.

The Northern Residential neighborhood of Battery Park Center has over 1700 residential units, a high school, and is close to a mix of high-density commercial uses. The Commission notes that the proposed mixed-use development at 1 River Terrace will add 266 residential units, a public library, a community facility space, and ground floor retail to this area. The area currently has only 244 parking spaces and the 1 River Terrace parking garage would serve the existing and future demand.

The Commission notes that the proposed public parking garage is located in a predominantly residential neighborhood and access to and from the garage would primarily be via North End Avenue which is not a local street. The Commission further notes that according to the environmental assessment statement completed for the garage, the proposed parking garage would likely result in a modest increase in traffic with a maximum 60 additional vehicles trips being projected during the morning peak hour. The streets providing access to the garage are adequate to handle this modest increase. Eighteen reservoir spaces would be provided along the length of the ramp descending to the cellar of the building and warning signals and buzzers located on the garage ramp would alert pedestrians to the presence of a vehicle exiting the garage.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-52

(Parking Garages or Public Parking Lots in High Density Central Areas) of the Zoning Resolution:

1. That such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;

2. That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow;
3. That such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
4. That such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50;
5. That the streets providing access to such use will be adequate to handle the traffic generated thereby;
6. Not applicable; and
7. Not applicable.

## **RESOLUTION**

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

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Site 16/17 Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-52 and 84-031 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 369 spaces on portions of the ground floor, cellar, and sub-cellar of a proposed mixed use building on property located at 1 River Terrace (Block 16, Lots 3), in the Special Battery Park City District, Borough of Manhattan, Community District 1, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 060367 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 Philip Habib & Associates, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
1 of 2	Area Map	May 30, 2006
2 of 2	Parking Plan	May 30, 2006

- 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 060367 ZSM), duly adopted by the City Planning Commission on February 28, 2007, (Calendar No. 12), 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.

**KENNETH J. KNUCKLES, ESQ., Vice Chairman  
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.; ANGELA R. CAVALUZZI, R.A.;  
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,  
JOHN MEROLO, DOLLY WILLIAMS, Commissioners**