



CITY PLANNING COMMISSION

April 27, 2005/Calendar No. 18

C 050084 ZSM

IN THE MATTER OF an application submitted by RBNB Wall Street Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 85 spaces on portions of the first floor and cellar of an existing 36-story building located at 63 Wall Street (Block 27, Lot 9), in a C5-5 District, in the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

The application for the special permit was filed by RBNB Wall Street Owner, LLC on September 2, 2004 to allow for the construction of an 85-space attended public parking garage to be located on portions of the first floor and cellar of a building at 63 Wall Street in Lower Manhattan.

BACKGROUND

RBNB Wall Street Owner, LLC requests a special permit pursuant to Sections 13-562 and 74-52 to allow for the construction of a 85-space attended public parking garage in a 36-story building that is being converted as-of-right to residential use.

The site is located on the east side of Hanover Street between Wall Street and Beaver Street in Lower Manhattan. The site is an approximately 17,6216 square foot zoning lot improved with one building containing approximately 393,882 square feet of floor area. The site is located in a C5-5 zoning district within the Special Lower Manhattan District which allows for commercial and residential uses as-of-right. Land uses in the vicinity of the site are predominately commercial, being occupied by large office towers housing financial firms. In recent years, the area has also seen an increase in residential use, primarily through the conversion of older office

towers to residential dwellings.

The project site and the existing building front on Wall Street, Hanover Street, and Beaver Street.

The garage entrance would be located in the mid-block portion of Hanover Street which is a narrow street running from Pearl to Wall streets and having a total length of approximately 300 feet. The entrance to and egress from the garage would each be provided by separate curb cuts and ramps located in the opening of two bays in the existing building at street level along the Hanover Street frontage. Both the entrance and exit ramp would utilize separate curb cuts each measuring 12 feet wide inclusive of splays.

The proposed garage would be located on portions of the first floor and cellar and would occupy 12,968 square feet. The portion of the first floor occupied by the garage would be dedicated to an entrance and exit ramp while the cellar would accommodate the proposed 85 parking spaces. A portion of these 85 parking spaces would be accommodated through the inclusion of 20, two-car high stackers. The garage would provide 10 reservoir spaces where entering vehicles would queue without obstructing vehicular or pedestrian traffic on the street. The garage would be fully attended and would operate 24 hours a day, seven days a week.

ENVIRONMENTAL REVIEW

This application (C 050084 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 04DCP036M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 20, 2004.

UNIFORM LAND USE REVIEW

This application (C 050084 ZSM) was certified as complete by the Department of City Planning on December 20, 2004, 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 January 18, 2005, and on that date, by a vote of 30 to 3 with 6 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 11, 2005.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar No. 8), the City Planning Commission scheduled March 30, 2005,

for a public hearing on this application (C 050084 ZSM). The hearing was duly held on March 30, 2005 (Calendar No. 26). There was one speaker in favor of the application and none in opposition.

The applicant's environmental consultant described the requested action. The consultant explained that the proposed parking garage would primarily serve residents of the existing building undergoing conversion to residential use. The consultant further noted that the applicant sought a special permit for public parking garage as opposed to status as an accessory garage so that the garage could accommodate day time parking demand in the Downtown area under the assumption that a portion of the building's residents who utilize the garage would vacate their spaces during business hours. The consultant noted that the proposed garage fully complies with zoning and that the garage contained the required number of reservoir spaces so as to prevent incoming vehicles from blocking traffic on Hannover Street.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The Commission notes that the surrounding area contains many medium to high-density commercial and residential buildings that provide limited parking. The proposed garage would serve current, work day parking demand within the area and accommodate the demand generated

by new residents of the building on the site undergoing conversion. The Commission notes the conversion of several other large buildings to residential use in the immediate vicinity of the project and that many of these developments do not provide parking for new residents.

The Commission notes that according to the environmental assessment statement completed for this project that the vehicular traffic on Hannover Street is light with 50 vehicles per hour recorded during the peak AM and PM hours. Furthermore, the proposed parking garage would likely result in only a modest increase in traffic with 17 additional vehicles trips being projected during the peak hour of 8AM to 9AM. The Commission believes that those additional vehicles would not unduly inhibit traffic and pedestrian flow. Warning signals and buzzers located on the garage ramp would also alert pedestrians to the presence of a vehicle exiting the garage.

The Commission notes that the subject site is located in an area of the City that is predominately commercial in character. The Commission further notes that the garage-related traffic would principally access the garage from Pearl and Water streets which are primarily commercial in character and would therefore not affect local streets in residential areas.

According to the environmental assessment statement, the incremental increase in traffic resulting from the creation of this 85-space public parking garage would not significantly alter traffic conditions on the local street network. In addition, the Commission notes that the garage provides the required ten reservoir spaces.

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:

- (a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
- (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;
- (f) not applicable; and
- (g) not applicable.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and

findings described in this report, the application of RBNB Wall Street Owner, LLC for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 85 spaces on portions of the first floor and cellar of an existing 36-story building located at 63 Wall Street (Block 27, Lot 9), in a C5-5 District, in the Special Lower Manhattan District, Borough of Manhattan, Community District 1, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 050084 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Sheet 2 of 2	Parking Plan	December 13, 2004

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 and the attached restrictive declaration 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 050084 ZSM), duly adopted by the City Planning Commission on April 27, 2005 (Calendar No. 18), 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

IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,

RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,

DOLLY WILLIAMS Commissioners