



## CITY PLANNING COMMISSION

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August 24, 2011/Calendar No. 19

C 110341 ZSM

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**IN THE MATTER OF** an application submitted by 15 William (NY) 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 166 spaces on portions of the ground floor, cellar, and sub-cellar of an existing mixed-use building on property located at 15 William Street (Block 25, Lots 27 and 1401-1722), in a C5-5 District, within the Special Lower Manhattan District, Community District 1, Borough of Manhattan.

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The application for a public parking garage was filed by 15 William (NY) Owner, LLC on May 13, 2011, for a special permit pursuant to Section 74-52 and Section 13-562 of the Zoning Resolution to permit a 166-space attended public parking garage in a portion of the cellar and subcellars of a mixed use building on property located at 15 William Street (Block 25, Lot 27) in a C5-5 District, within the Special Lower Manhattan District.

### **BACKGROUND**

15 William (NY) Owner, LLC is seeking a special permit to permit a public parking garage, for monthly leases only, in Lower Manhattan. The proposed garage would be located within a 44-story building known as the William Beaver House. The building currently operates a 65 space as-of-right accessory garage with an existing 23 foot curb cut.

The site is located at the northwest corner of William and Beaver Streets in the Financial District and is part of the Historic and Commercial Core, as defined in the Zoning Resolution. It is located at in a C5-5 District within the Special Lower Manhattan District. The site's zoning lot includes a 20-story commercial office building at 40 Exchange Place as well as 15 William Street. 15 William Street has 320 dwelling units and 6,127 square feet of retail area. The residential entrance is located on Beaver Street.

Surrounding the zoning lot are a mix of uses, including commercial office buildings, residential conversions, and ground floor retail. A public garage for 137 vehicles is on the block just north of the site, and on the block to the south, there is a public garage for 400 vehicles. The site also is near multiple subway lines, including the J/M/Z, 4/5, and 2/3 trains which all have subway stations in the vicinity.

On November 2, 2009, the City Planning Commission denied an application for a special permit to allow a public parking garage with (C 090294 ZSM) 195-spaces at 15 William Street because, at that time, the finding 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...” could not be met.

Under the current application, the applicant proposes a 166 space public parking garage, which would include 10 reservoir spaces and 70 stackers on the 2<sup>nd</sup> cellar and 3<sup>rd</sup> cellar levels of the building. The garage would be an attended public parking garage for monthly leases only and open 24 hours a day. Vehicles would enter the building on Beaver Street, which is a west bound one way street, from the existing 23 foot curb cut (including splays) and proceed down a 20’ wide ramp. At the 1<sup>st</sup> floor of the cellar, the customer would stop, and an attendant would the park the car on one of the cellar floors below. The garage will also include a number of pedestrian protection measures such as sensor probes to detect a departing vehicle, and ringing bells, and flashing lights to warn drivers and pedestrians to stop and proceed with caution.

## **ENVIRONMENTAL REVIEW**

This application (C 110341 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 11DCP135M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 3, 2011

## **UNIFORM LAND USE REVIEW**

This application (C 110341 ZSM) was certified as complete by the Department of City Planning on June 6, 2011, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on June 28, 2011, and on that date, by a vote of 34 to 1 and 0 abstentions adopted a resolution recommending approval of the application.

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

This application was considered by the Borough President of Manhattan, who issued a letter on July 19, 2011, recommending approval.

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

On July 13, 2011 (Calendar No. 11), the City Planning Commission scheduled July 27, 2011 for a public hearing on this application (C 110341 ZSM). The hearing was duly held on July 27, 2011 (Calendar No. 15). There were two speakers in favor and none opposed.

The speakers in favor included the applicant's representative, who described the building, the proposal, and the garage operation. He explained that they estimated 100 to 110 of the proposed parking spaces would be occupied by residents of the building. He explained that residents in the area have supported the garage and that in the past few years there have been a loss of parking spaces in the area. He confirmed that the garage would be leased to monthly parkers only.

The Director of Land Use for the Manhattan Borough President also spoke in favor, reiterating the Borough President's recommendation of support for the garage.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the special permit (C 110341 ZSM) is appropriate.

The City Planning Commission notes that, over the past 10 years, the financial district of Lower Manhattan has experienced a growing residential base and has become a high density mixed use neighborhood with residential, retail and commercial office space. 15 William Street, completed in 2009, has 320 dwelling units which is compatible with the uses in the surrounding area, and currently operates a 65 space accessory parking garage.

The Commission notes that access to and from the garage would be from Beaver Street and from existing curb cuts. Vehicles enter the garage from west-bound Beaver Street and proceed down the required ten reservoir spaces, as required by zoning. The Commission believes that the area is predominately commercial in character, and does not believe that the proposed garage would draw traffic through predominately residential areas. The Commission also notes that, according to the environmental assessment statement, the proposed parking garage would likely result in a modest increase in traffic with a maximum 16 additional vehicles trips being projected during the peak hours for monthly parkers, and therefore the Commission believes that the proposed garage would not contribute to serious traffic congestion and will not unduly inhibit surface and pedestrian flow. In addition, the Commission notes that the proposed garage would include a number of pedestrian protection measures, such as sensor probes to detect a departing vehicle, and ringing bells, and flashing lights to warn drivers and pedestrians to stop and proceed with caution. Furthermore, the Commission believes that Beaver Street, a one-way west bound street, is adequate to handle the modest amount of traffic that would be generated by the proposed garage.

The Commission notes that the parking spaces would be leased on monthly terms and that the applicant intends to provide visible signage on the availability of spaces for monthly parkers. The Commission also notes that the garage will not have an attendant's or cashier booth.

## **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 15 William (NY) 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 166 spaces on portions of the ground floor, cellar, and subcellars of an existing mixed use building on property located at 15 William Street (Block 25, Lots 27 and 1401-1722), in a C5-5 District, within the Special Lower Manhattan 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 110341 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SLCE Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
A-100	Site Plan	July 28, 2011
A-101	Ground Floor Plan	July 28, 2011
A-102	Cellar 1 Plan	May 11, 2011
A-103	Cellar 2 Plan	May 11, 2011
A-104	Cellar 3 Plan	May 11, 2011

- 2) Such public parking garage shall be limited to monthly lease parking only and shall not be used for any hourly or transient parking;
- 3) 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.

- 4) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 5) 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.
- 6) 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.
- 7) 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 110341 ZSM), duly adopted by the City Planning Commission on August 24, 2011, (Calendar No. 19), 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, FAICP, Chair**

**RICHARD W. EADDY, Vice Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,  
ALFRED C. CERULLO, III, NATHAN LEVENTHAL, ANNA HAYES LEVIN,  
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners**

**ORLANDO MARIN, Commissioner, abstained.**



COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 28, 2011

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	1 Opposed	0 Abstained	0 Recused

RE: Application for a Special Permit to allow an attended 166-space (monthly only) public parking garage at 15 William Street

WHEREAS: The new owner of 15 William St. has reiterated the commitment that monthly parking spaces will be reserved for residents of Community District 1 and will not be made available to others, including people who work on Wall Street; and

WHEREAS: The Financial District is the fastest growing residential neighborhood in New York City according to recent census data; and

WHEREAS: There has been a loss of parking spaces due to conversion of parking lots into real estate development, increasing the demand for parking in the area; and

WHEREAS: The proposed garage would not increase traffic congestion in the area or create unsafe interaction involving pedestrians and vehicles; and

WHEREAS: Community Board 1 passed a resolution on July 28, 2009 approving the Application for a Special Permit for the 15 William St. garage when the application was for 195 parking spaces as well as amendments to the zoning resolution to permit an additional curb cut required for the garage; and

WHEREAS: The New York City Council approved a resolution in December 2009 which allowed the Garage Curb Cut to be widened to 20 feet to assure the safe operation of the garage; now

THEREFORE

BE IT

RESOLVED

THAT: The Financial District Committee supports the application filed by the owner of 15 William St. for a garage of approximately 166 monthly parking spaces for residents of Community District 1.



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT STRINGER**  
BOROUGH PRESIDENT

July 19, 2011

**Recommendation on  
ULURP Application Nos. C 110341 ZSM –  
William Beaver House Garage  
by 15 William (NY) Owner, LLC**

**PROPOSED ACTIONS**

15 William (NY) Owner, LLC<sup>1</sup> seeks approval of a **special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution** (“ZR”) to allow an attended public parking garage with a maximum of 166 spaces on the ground floor and cellar levels in a recently completed 44-story mixed-use building located at 15 William Street. The project site (Block 25, Lot 35) is located in a C5-5 zoning district within the Historic and Commercial Core of the Special Lower Manhattan District in Community District 1.

In order to grant the special permit, the City Planning Commission (“Commission”) must find that the garage will have a minimal impact on surrounding uses, will not contribute to congestion or inhibit traffic or pedestrian flows, will not direct traffic through local streets in nearby residential areas, contains an adequate number of reservoir spaces, and is surrounded by streets that are adequate for generated traffic.

**PROJECT DESCRIPTION**

The proposed 166-space attended public parking garage would be located on portions of the ground floor and three cellar levels of a 320-unit primarily residential building known as William Beaver House. The garage is proposed to have monthly parkers only. The building, located at the intersection of Beaver and William streets, was constructed as of right and contains 348,562 square feet of residential floor area and 6,127 square feet of ground-floor retail space. The project site is part of a zoning lot that also includes an adjacent lot (Block 25, Lot 27) that is currently occupied by 40 Exchange Place, a 20-story commercial office building.

The surrounding neighborhood, the Financial District, is a high density commercial office district. In recent years, there has been an increasing amount of residential development through

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<sup>1</sup> The LLC’s Vice President and representative is Charles Garner of the CIM Group.

building conversions as well as new development. Many nearby buildings have ground-floor retail uses, including the one to the west (55 Broad Street).

The proposed garage would consist of approximately 39,678 square feet and would be open 24 hours a day. An attendant's booth would be located on the first cellar level. Further, the garage would utilize 70 stackers (on the second and third cellars floors) and have ten reservoir spaces along its entry ramp and first cellar level. Garage access would be via a curb cut on Beaver Street. An audible and visual pedestrian warning system would alert pedestrians on nearby sidewalks of exiting vehicles. The applicant proposes to lease the parking spaces on monthly terms only; it is anticipated that building residents and neighborhood residents will use the garage. Without the special permit, the applicant would be allowed to have a 65-space accessory parking garage as of right.

In 2009, a previous owner of the site sought a special permit for a 195-space public parking garage (C 090294 ZSM) and a text amendment to remove a curb cut prohibition on William Street (N 090293 ZRM). The text amendment would allow a curb cut for a loading area behind the building and allow a 10-foot curb cut to be expanded to a 20-foot curb cut to accommodate the proposed public parking garage. Community Board 1 approved the previous garage on July 28, 2009 without condition. The Manhattan Borough President's office conditionally approved the previous garage on September 2, 2009. The conditions requested that the garage be reduced in total size to operate safely, be reserved for monthly residential and neighborhood parkers, include measures to guarantee monthly parking, and have a reporting mechanism.

The CPC, however, voted to modify the text amendment to not allow the widening of the proposed garage's curb cut on November 2, 2009. Additionally, the CPC voted to disapprove the proposed public parking garage because it could not operate safely with a 10-foot curb cut. The curb cut text amendment was subject to City Council review, but the special permit was not subject to Council review as it was disapproved by the CPC. On December 21, 2009 the City Council approved the text amendment and restored the curb cut to 20 feet.

As the curb cut has been restored to 20 feet and no longer represents an unsafe condition, the new owner has filed the subject application for a public parking garage. In the special permit application, the applicant committed that the garage:

- (1) will initially offer spaces to residents of the local building and neighborhood;
- (2) will have visible signage indicating that it will be for monthly parkers only;
- (3) will have a system for the installation of non-transferable decals or stickers to identify vehicles owned by monthly parkers and will restrict entry to vehicles bearing valid decals only;
- (4) will not have cashiers booths or similar structures located in the existing attendant booth;
- (5) will grant the City and its agencies rights to ensure compliance with the terms of the special permit; and
- (6) will submit annual reports to the Chairperson of the CPC and Borough President certifying as to the current use of the garage.

The applicant's recent submission meets these recommendations as outlined in the Borough President's conditional approval for the previous 2009 application.

### **COMMUNITY BOARD RECOMMENDATION**

At its Full Board meeting on June 28, 2011, Manhattan Community Board 1 recommended approval of the application by a vote of 26 in favor, 9 opposed, 3 in abstention, and 0 recused.

### **BOROUGH PRESIDENT'S COMMENTS**

The public purpose of ZR § 13 is to control traffic congestion and comply with environmental standards by requiring a special permit for certain parking facilities, including public garages, in the Manhattan core. With increasing public concern about traffic congestion and pollution, and recent City initiatives to discourage automobile use in the core, this policy has never been more relevant.

Case law establishes that applicants for a special permit are generally entitled to favorable consideration of their applications if they have demonstrated that they have met the specific findings identified in statute. However, given the important public purpose behind the special permit requirement and the importance of encouraging transit-based development instead of automobile use in Manhattan, applicants should satisfy the findings under as strict an interpretation as is reasonable.

According to the application, the proposed action would not generate enough vehicle trips in any peak hour to meet CEQR impact thresholds for additional analysis. The Commission also issued a negative declaration for the application, suggesting that the garage would have minimal adverse impact on the environment.

The applicant has agreed to operate the garage with monthly users and to initially offer spaces to residents of the local building and neighborhood. Further, the applicant has agreed to a number of conditions that will ensure the garage operates for monthly parking and has proposed mechanisms for compliance. These safeguards are appropriate and will ensure the garage is operated similar to as it was studied in the EAS.

The proposed parking garage meets other findings, namely that the garage will have a minimal impact on surrounding uses, will not direct traffic through local streets in nearby residential areas, and contains a sufficient number of reservoir spaces.

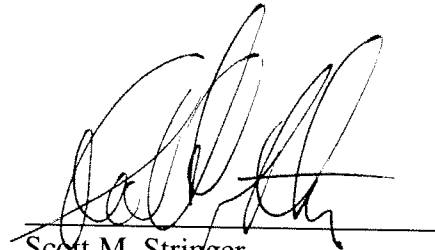
### **BOROUGH PRESIDENT'S RECOMMENDATION**

As the City Council approved a 20-foot curb cut, the proposed garage can operate safely. Therefore, with the additional conditions placed in the application, the public parking garage will operate as studied and meets the findings of the special permit.

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 110341 ZSM, as the applicant's current special permit application meets**

the conditions outlined by the Manhattan Borough President for a previous application for the site. Specifically the applicant has agreed that the garage:

- (1) will initially offer spaces to residents of the local building and neighborhood;
- (2) will have visible signage indicating that it will be for monthly parkers only;
- (3) will have a system for the installation of non-transferable decals or stickers to identify vehicles owned by monthly parkers and for restricting entry to vehicles bearing valid decals only;
- (4) will not have cashiers booths or similar structures located in the existing attendant booth;
- (5) will grant the City and its agencies rights to ensure compliance with the terms of the special permit; and
- (6) will annually submit a report to the Chairperson of the CPC and Borough President certifying as to the current use of the garage.



Scott M. Stringer  
Manhattan Borough President