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**IN THE MATTER OF** an application submitted by Tribeca Equity Partners, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the provisions of Section 37-70 (Public Plaza) in connection with the proposed design changes to an existing residential plaza on property located at 105 Duane Street (Block 151, Lots 1, 20 and 22), in C6-4 and C6-4A Districts, Borough of Manhattan, Community District 1.

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The application was filed on June 11, 2019 for a special permit pursuant to Section 74-91 of the Zoning Resolution (ZR) to modify certain provisions of ZR Section 37-70 to facilitate the modification an existing Privately Owned Public Space (POPS) located at 105 Duane Street (Block 151, Lot 1) in the Tribeca neighborhood of Manhattan Community District 1.

## **BACKGROUND**

105 Duane Street is located on an irregularly-shaped zoning lot with frontage on Duane Street to the south, Trimble Place to the west, and Thomas Street to the north. The zoning lot (Block 151, Lot 1) is comprised of three tax lots: the development site (Lot 1); a two-story building with commercial office use located at the southeast corner of Thomas Street and Trimble Place (Lot 20); and a three-story building that was recently enlarged and converted from retail use to a small theater that fronts on Thomas Street (Lot 22).

In 1992, a 53-story, approximately 486-foot-tall residential tower was developed at 105 Duane Street. The building included ground floor retail space and two POPS: one on the northern side of the lot fronting Thomas Street (the northern plaza) and one on the southern side of the lot fronting Duane Street and Trimble Place (the southern plaza). The actions related to this report are applicable only to the southern plaza.

105 Duane Street is an “L-shaped” tax lot with an area of 25,678 square feet. It has approximately 78 feet of frontage along Trimble Place, 197 feet of frontage along Duane Street, and 100 feet of frontage along Thomas Street. The existing building contains approximately 380,086 square feet of floor area with retail use and residential amenity space on the ground floor, and 451 residential

units on the upper floors. A 72-space parking garage, located in the cellar of the building, is accessed via Trimble Place. Trimble Place is a narrow, 38-foot-wide street that is built only on the block between Duane Street and Thomas Street.

The building's plazas were constructed as-of-right in 1992 under the regulations set forth in Section E 27-00 (Previously Section 27-00 Residential Plaza Standards) of the zoning regulations. The northern plaza has an area of approximately 2,213 square feet and the southern plaza has an area of approximately 9,405 square feet. The southern plaza has 56 feet of frontage along Trimble Place and approximately 159 feet of frontage along Duane Street. The plaza is currently improved with several planters, trees, plantings, benches, a drinking fountain, bike racks, and litter receptacles. Together, the two plazas generated a total of 60,702 square feet of bonus floor area.

The development site is primarily located in a C6-4 (R10 residential equivalent) zoning district with a sliver of the eastern frontage located within a C6-4A (R10A residential equivalent) district. Both commercial districts have a commercial floor area ratio (FAR) of 10.0 and a maximum residential FAR of 10.0.

In 2013, the applicant made several changes to the southern plaza without seeking approval from the City Planning Commission. The applicant now seeks a special permit pursuant to ZR Section 74-91 (Modification of Public Plazas) to modify certain provisions of ZR Section 37-70 (Public Plazas) in order to facilitate the proposed design changes to the southern plaza and to bring the previous changes into compliance. The proposed improvements to the southern plaza require modifications of the zoning regulations for permitted obstructions, canopies, air vents, planter height, and signage. The applicant requests modifications to allow:

1. Additional permitted obstructions within 15 feet of a street line with heights greater than two feet above the adjacent sidewalk. Permitted obstructions within 15 feet on the street line may be no taller than two feet. The proposed design changes would result in the addition of permitted obstructions by an increase in the size and height of planters to 32 inches, expansion of existing canopy supports adjacent to the building entranceway, and

installation of air intake vents and associated screening in two planters with heights of 48 inches (ZR Section 37-721(b)).

2. Obstructions to occupy more than 50% of the area of a public plaza. No more than 40% of public plazas smaller than 10,000 square feet may be occupied by permitted obstructions. The proposed modifications to ZR Section 37-726(b) would allow for the maximum permitted obstruction area to be increased to 5,038 square feet (53%).
3. An increase in size of existing canopy vertical supports. Canopies within public plazas are limited to a maximum area of 250 square feet, a projection of 15 feet from the building façade, and a height of 15 feet, with no permitted vertical supports. The existing approved public plaza conditions included a canopy with six vertical supports constructed of brick and concrete, and located outside of the two planters flanking the canopied entranceway. The proposed modifications to ZR Section 37-726(c) would permit the existing vertical supports to be increased in size by wrapping them in a mesh metal screening.
4. A flue pipe and associated screening as a permitted obstruction in a plaza. Exhaust vents and mechanical equipment are prohibited within public plazas or on any building wall fronting a public plaza. The proposed modifications to ZR Section 37-726(d) would permit the flue pipe as a permitted obstruction within the public plaza, proposed to be concealed with a metallic metal screening.
5. Planter wall heights adjacent to the canopied entranceway to exceed 18 inches above adjacent walking surfaces. The height of the walls bounding planting beds is limited to 18 inches above the height of the adjacent walking surface. The proposed modification would permit the new bounding walls adjacent to the canopied entranceway to, in certain locations, rise to a maximum height of 32 inches (ZR Section 37-742).
6. The accessory sign for the parking facility to be illuminated. Illuminated accessory signs are not permitted in public plazas (ZR Section 37-753(b)).

7. The accessory sign for the parking facility that faces the street to have a width of 24 inches. Accessory signs are not permitted to have a width greater than 16 inches. (ZR Section 37-753(e)).

Any modification shall be conditioned upon the Commission finding that the proposed layout and design results in a useful and attractive public plaza and that such modification will result in a superior urban design relationship with surrounding buildings and open areas.

In addition to the special permit, the applicant seeks a related Chairperson certification pursuant to ZR Section 37-625 for design modifications to the plaza.

### **ENVIRONMENTAL REVIEW**

This application (C 190510 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 19DCP213M. The lead is the City Planning Commission. This application was determined to be a Type II action, which requires no further environmental review.

### **UNIFORM LAND USE REVIEW**

This application (C 190510 ZSM) was certified as complete by the Department of City Planning on August 12, 2019, and was duly referred to Manhattan Community Board 1 and the Manhattan 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 September 24, 2019, and, on that date, by a vote of 33 in favor, one opposed and no abstentions, adopted a resolution recommending approval with the conditions that the applicant ensures that acoustical dampening around air vents

will mitigate any excessive noise, and that the bike racks are moved to a location other than the sidewalk.

### **Borough President Recommendation**

The application was considered by the Manhattan Borough President, who on November 7, 2019 issued a recommendation to approve the application with the condition that the applicant implement acoustical dampening around the air vents located within the plaza to mitigate excessive noise.

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

On October 28, 2019 (Calendar No. 1), the City Planning Commission scheduled November 13, 2019, for a public hearing on this application (C 190510 ZSM). The hearing was duly held on November 13, 2019 (Calendar No. 14). There were two speakers in favor and one in opposition.

The owner's representative and the project's landscape architect testified in favor of the application. The applicant team described the proposed project and land use actions, addressing previous violations, as well as the conditions of the Community Board and Borough President. The owner's representative highlighted the need for illuminated signage and stated that he believed that moving bicycle parking to the sidewalk would facilitate better utilization of both the plaza and bike racks in the future. The landscape architect confirmed that the air vents located in the southern plaza would have sound attenuation.

A Rockaways resident testified in opposition to the application.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the grant of this special permit, as modified herein, is appropriate.

The Zoning Resolution generally requires that changes to the design or operation of public plazas that generate bonus floor area undergo review by the Department of City Planning to ensure that

all new and redesigned spaces fully comply with public plaza regulations. The Commission is disheartened that the owner modified and redesigned several aspects of the plaza design without seeking required approval from the Commission, resulting in the introduction of non-complying elements to the plaza space. Such disregard for the requirements of zoning may result in privately owned public spaces that do not adequately fulfill their requirement to serve the public with high-quality, well-designed open spaces and can lead to inconsistencies in design and unpredictability for the public. However, the Commission acknowledges that building ownership has generally maintained the plaza area as an attractive and usable public space. The Commission also believes that some of the unauthorized modifications were made with the intent of improving public access to and usability of the space, and acknowledges that the special permit modifications proposed herein will ensure that the public spaces on the property are brought into full compliance.

The Commission notes the concerns of the Community Board and Borough President regarding the potential noise from the mechanical equipment and air vents, and emphasizes the importance of taking steps to implement noise attenuation measures. The applicant has stated that the location of the air vents in the plaza is related to the upgrade of the building's energy systems and mechanical equipment, and therefore cannot be located elsewhere on the premises. The Commission notes that POPS regulations do not allow exhaust vents within plazas, as they may inhibit usability and enjoyment of public spaces. The Commission believes that the proposed modifications to permit the inclusion of visual screening and noise attenuation features of the air vents is both appropriate and necessary. The Commission was pleased to learn from the applicant team at the public hearing that any noise generated by mechanical equipment on site is expected to be fully mitigated, so as not to impair the essential character of the POPS.

The Commission acknowledges the Community Board's concerns that bicycle parking should be fully accessible, unobstructed and not placed on the sidewalk. However, the placement of the bicycle parking on the sidewalk is in accordance with the plaza regulations, which are intended to provide clear and easy access to short-term bicycle parking while reducing obstructions within plaza areas. The Department of Transportation will review the location and design of the bicycle parking on the sidewalk to ensure that there will be no adverse effects on bicycle and pedestrian circulation and access.

The Commission has determined that the proposed modifications to allow for the illumination and increased width of parking signage are not appropriate. The Commission believes that neither an illuminated accessory sign or a sign larger than what is permitted as-of-right is appropriate for the plaza area. The Commission does not believe that such a non-complying sign is necessary for the operation of the existing residential accessory parking facility. The POPS regulations do not permit illuminated accessory signs within plazas and the Commission believes that such illumination could impair the public enjoyment of this plaza by calling undue attention to accessory signage, particularly after dark and in low-light conditions. The Commission notes that POPS regulations permit accessory signage within the plaza, provided that signs do not exceed 16 inches in width. The Commission believes that the permitted 16 inches is sufficient and appropriate for accessory signs and does not believe that additional relief is warranted. Therefore, the Commission does not find that the proposed waivers of accessory signage regulations would contribute to the usefulness and attractiveness of the public plaza, nor does it find that the modified signage would result in a superior design, complementing or enhancing surrounding buildings and open areas.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-79 (Modification of Public Plazas) of the Zoning Resolution for all proposed waivers with the exception of the waivers proposed related to the illumination of accessory signage and the size of accessory signage (ZR Section 37-753(e) and (ZR Section 37-753(b)):

- (1) The usefulness and attractiveness of the public plaza will be assured by the proposed layout and design; and
- (2) Such modification will result in a superior urban design relationship with surrounding buildings and open areas.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the actions 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 submitted by Tribeca Equity Partners, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the provisions of Section 37-70 (Public Plaza) in connection with the proposed changes to an existing residential on property located at 105 Duane Street (Block 151, Lot 1, 20 and 22), in C6-4 and C6-4A Districts, 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 190510 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 Square Acre Studio LLC filed with this application and incorporated in this resolution:

<b><u>Dwg. No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-001	ZONING LOT SITE PLAN	06/11/2019
Z-003	ZONING COMPLIANCE CHART	07/15/2019
Z-004	ZONING COMPLIANCE CHART	12/17/2019
ZL-101	PLAZA PLAN	06/11/2019
ZL-102	GLAZING AND RETAIL PLAN	06/11/2019
ZL-103	OBSTRUCTION PLAN	07/15/2019
ZL-104	LIGHTING PLAN	06/11/2019
ZL-105	PHOTOMETRIC PLAN	06/11/2019
ZL-106	LUMINAIRE SCHEDULE AND DATA SHEET	06/11/2019
ZL-200	GRADING AND PAVING PLAN	07/15/2019
ZL-300	PLANTING PLAN	06/11/2019
ZL-301	SEATING PLAN	06/11/2019
ZL-302	AMENITIES PLAN	06/11/2019

ZL-303	SIGNAGE PLAN	06/11/2019
ZL-402	PLAZA SECTIONS	06/11/2019
ZL-500	PLAZA DETAILS SCREENS AND SIGN PLANTER DETAILS	12/17/2019
ZL-501	PLANTING DETAILS PAVING DETAILS	06/11/2019
ZL-505	PLAZA DETAILS	07/15/2019

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. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension 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 190510 ZSM), duly adopted by the City Planning Commission on December 18, 2019 (Calendar No. 9), 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.

**MARISA LAGO**, *Chair*

**DAVID J. BURNEY; ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,  
MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,  
HOPE KNIGHT, ANNA HAYES LEVIN,  
LARISA ORTIZ, RAJ RAMPERSHAD** *Commissioners*

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: SEPTEMBER 24, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	33 In Favor	1 Opposed	0 Abstained	0 Rescued

RE: 105 Duane Street, application for City Planning Commission Special Permit and Certification to legalize and modify the existing design of the southern plaza

WHEREAS: An application has been submitted to the Department of City Planning (DCP) by Tribeca Equity Partners, L.P. (the Applicant) for a special permit and for a City Planning Commission (CPC) certification for design changes within an existing Privately-Owned Public Space (POPS); and

WHEREAS: The special permit and certification (the Application) will facilitate the legalization, in part, and modification of an existing approximately 9,405 square-foot plaza (the Southern Plaza) located at 105 Duane Street. The Southern Plaza is located on the southwest corner of the site, nearest the intersection of Duane Street and Trimble Place. This application does not include the North Plaza (Thomas Street Plaza); and

WHEREAS: The building at 105 Duane Street was constructed in 1992 and is commonly known as “Tribeca Tower”. The building is mixed-use with ground floor retail (FedEx) and 451 residential units on upper floors (including 88 affordable units); and

WHEREAS: In 2013, the Applicant made modifications to the Southern Plaza that included, among others, installation of new air intake and flue pipe; replacement of certain benches; installation of new planters and modifications to existing planters near the entranceway to the building; installation of new canopy piers framing the entranceway to the building; and replacement of certain trash receptacles. The goal of most of these changes was to modernize the canopied entranceway area with the intent of making it more aesthetically attractive and inviting to both the public and building residents. Other changes- such as installation of the air intakes and flue pipe- were made to modernize building systems relating to the below-grade parking facility and existing building, while locating these structures subject to the site development constraints caused by the configuration of the existing building and plaza. These changes took place without a CPC Chairperson certification; and

WHEREAS: The Applicant now makes the Application to legalize several of these 2013 design modifications, as well as to make other design modifications to the Southern Plaza; and

WHEREAS: The application for a Special Permit would facilitate/legalize the following design

plaza changes: planters beneath the canopy piers at building entranceway; metallic mesh screening around canopy piers at building entryway; location and metallic mesh screening of flue pipe and air intake vents in certain planters; and replacement of existing illuminated parking sign with new accessory LED illuminated parking sign; and

WHEREAS: The application for CPC Chairperson certification would facilitate the following plaza design changes: replace backless benches with backed benches and add one new backed bench; add 5 movable tables and 20 movable chairs; replace existing planter wall caps with new bluestone wall caps; replace existing ground pavers with new, darker-colored ground pavers; replace plantings near center-rear of plaza with new groundcover plantings; add new trees for screening between plaza and Flea Theater site; fix lighting in planters and add new electrical outlets; relocate bicycle racks to sidewalks; replace existing and add new trash receptacles; relocate water fountain; and replace existing POPS signage with new zoning-compliant public space, hours of access, and prohibition signage; and

WHEREAS: Community Board 1 (CB1) has received noise complaints about loud noise emitting from the air vents in the plaza. The applicant has presented that in addition to aesthetic metallic mesh screening, acoustical dampening screens will be placed around these vents which should mitigate the excessive noise; and

WHEREAS: CB1 members have expressed concern over relocating the bike rack onto the sidewalk, which is already congested and space is limited; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 does not oppose the application submitted to DCP by Tribeca Equity Partners, L.P. (the Applicant) for a special permit and for a CPC certification for design changes within an existing POPS, conditional that:

- 1) The applicant assures that acoustical dampening around air vents will mitigate the excessive noise, and
- 2) The bike rack is moved to another location besides the sidewalk.

# Borough President Recommendation

**City Planning Commission**  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Fax # (212) 720-3488

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: **C 190510 ZSM – 105 Duane Street POPS**

### Docket Description:

**IN THE MATTER OF** an application submitted by Tribeca Equity Partners, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution ("ZR") to modify the provisions of Section 37-70 in connection with the proposed design changes to an existing residential plaza on property located at 105 Duane Street (Block 151, Lots: 1, 20, and 22) in C6-4 and C6-4A Districts, Borough of Manhattan, Community District 1.

COMMUNITY BOARD NO:

1

BOROUGH: Manhattan

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached.

  
BOROUGH PRESIDENT

7 November 2019  
DATE



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

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[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

November 7, 2019

**Recommendation on ULURP Application No. C 190510 ZSM – 105 Duane Street  
POPS By Tribeca Equity Partners, L.P.**

Tribeca Equity Partners, L.P. (“the applicant”) seeks a special permit pursuant to New York City Charter § 197(c) and § 201 for the grant of a special permit pursuant to Zoning Resolution (“ZR”) § 74-91 of the to modify the provisions of ZR § 37-70 (Public Plaza).

In addition to the special permit, the applicant also seeks CPC Chairperson Certification pursuant to ZR § 37-625 that the proposed design modifications are in greater accordance with the provisions of ZR § 37-70, as modified by the above referenced special permit.

The special permit and certification will facilitate the legalization and modification of an existing Privately-Owned Public Space (“POPS”) on property located at 105 Duane Street (Block 151, Lots 1, 20 and 22), in C6-4 and C6-4A Districts, Borough of Manhattan, Community District 1.

**PROJECT DESCRIPTION**

**Site Description**

The Project Area is a zoning lot consisting of the Development Site and Lots 20 (22 Thomas Street) and 22 (18 Thomas Street) in Block 151 in the Tribeca neighborhood in Community District 1 of Manhattan. The Project Area is a corner lot with approximately 196’ of frontage on Thomas Street, 175’ of frontage on Trimble Place, and 197’ feet of frontage on Duane Street. The Project Area contains approximately 34,589 square feet of lot area, and is primarily located in a C6-4 zoning district (with a small sliver of the eastern portion within a C6-4A zoning district).

The Development Site is an irregularly-shaped lot with through and corner lot portions with lot areas of approximately 25,678 square feet. It has approximately 78’-7” of frontage along Trimble Place, 196’-11” of frontage along Duane Street, and 100’ of frontage along Thomas Street. The Development Site is occupied by a 53-story, approximately 486-foot tall, mixed-use building with approximately 380,086 square feet of floor area which was completed in 1992. The existing building consists of ground floor retail use and residential amenity space, and 451 residential units on the upper floors.

The POPS consists of two plazas located on the northern and southern ends of the Development site. The Northern and Southern Plazas were developed to generate floor area bonus for the existing building. The Northern Plaza has an area of approximately 2,213 square feet and the Southern Plaza has an area of approximately 9,404 square feet. The Southern Plaza contains

public amenities including planting beds with ground cover planting and trees, linear seating, bicycle parking, signage, a water fountain, and trash receptacles. The location of the building entrance within the Southern Plaza ensures the constant activation of the space. A 72-space parking garage is located in the cellar of the building, which has its entrance and exit on Trimble Place, adjacent to the northwest corner of the Southern Plaza.

In 2013, changes were made to the Southern Plaza that included additional planters, changing the design of the corners of an existing planter, and replacing the pavers and existing planter caps to bluestone. Some benches were replaced with benches without backs and flue pipes and air intakes were installed within some planter beds. These changes are currently non-compliant and the applicant has been given violations by the Department of Buildings for these infractions.

### **Proposed Development**

Pursuant to this Application, the applicant intends to make the following new design changes to the Southern Plaza:

- Replace six backless benches with benches with backs
- Add one additional backed-bench near the southeast corner of the Southern Plaza
- Relocate bicycle racks from the interior of the plaza to the sidewalk
- Relocate the water fountain to the corner of one of the bays adjacent to one of the central seating areas
- Add movable tables and chairs in the two bays adjacent to the central seating area and within the center rear of the Southern Plaza
- Replace plantings near the center rear area with groundcover and low-lying plants for enhanced visual connectivity between this space and the central seating areas
- Replace the planter wall caps of the planters adjacent to the canopied entranceway
- Replace ground paver within the central seating areas with a darker paver to match the ground pavers within the canopied entranceway that complement the bluestone wall caps
- Replace existing foot candles and add three new electrical outlets
- Add new trash receptacles
- Replace, relocate, revise and add public space signage
- Update the hours of access on the public space signage
- Remove the signage pole within planter between central seating areas
- Replace the existing accessory sign for the below-grade parking facility
- Add metal wrapped screens around flue pipe and air intake vents to match the metal wrap used around the canopy piers.

According to the applicant, the addition of movable seating and tables, new trash receptacles, installation of backed benches, and relocation of the bicycle racks and water fountain will update the plaza in accordance with 2007 Plaza Text Amendment and current design regulations, which promotes a better layout and experience for used of the space. The proposed design changes and layout, which improve upon and corrects some of the 2013 changes to ensure full compliance.

### **Proposed Actions**

According to the applicant, in order to facilitate the proposed development, the applicant is seeking:

1. A special permit pursuant to ZR §74-91 to modify certain provisions of ZR § 37-70 with respect to the design regulations of public plazas. Specifically, the CPC special permit will allow modifications to:
  - ZR § 37-721(b) to allow additional permitted obstructions with 15 feet of a street line with heights greater than 2 feet above the adjacent sidewalk (Air Intakes and Screening; planters)
  - ZR § 37-726(b) to allow increase in permitted obstructions to occupy more than 40% of area of public plaza
  - ZR § 37-726(c) to permit increase in size of existing canopy vertical supports
  - ZR § 37-726(d) to allow flue pipe, vent and screens as permitted obstructions
  - ZR § 37-742 to allow planter wall heights adjacent to canopy to exceed 18 inches above adjacent walking surfaces
  - ZR § 37-753(b) to allow a sign accessory to parking facility within the plaza to be illuminated
  - ZR § 37-753(e) to allow a sign accessory to parking facility facing a street to have a width in excess of 16’
  
2. A CPC Chairperson certification pursuant to ZR § 37-625 that the proposed design modifications to the Southern Plaza defined within their application are in greater accordance with the provisions of ZR § 37-70, as modified by the above-referenced special permit.

### **COMMUNITY BOARD RECOMMENDATION**

At the September 24<sup>th</sup> meeting of Manhattan Community Board 1, the board voted to approve the proposed actions on the condition that:

- 1) The applicant assures that acoustical dampening around air vents will mitigate the excessive noise, and;
- 2) The bike racks are moved to another location besides the sidewalk.

### **BOROUGH PRESIDENT COMMENTS**

Open space is one of New York City’s most valuable resources. Since 1992, the Privately-Owned Public Space located at 105 Duane Street has provided open space and seating open to the public. The planned upgrades to this space will make the space more uniform aesthetically, and will also address existing non-conforming elements such as the lack of seating with seatbacks.

The rationale behind the Community Board’s preference to keep the bike racks within the plaza is reasonable. However, existing regulations require bike racks to be located on the sidewalk. Some believe that bike racks located within the plaza may encourage bike riders to ride on the

sidewalks and within the plaza potentially creating creates a hazard to passers-by and people enjoying other uses within the plaza.

The community's concern around noise from the air vents is valid; therefore, we would like to see the applicant implement the strongest allowable noise mitigation measures to so that the space remains inviting and enjoyable to the public.

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

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 180063 ZSM on the condition that the applicant implements acoustical dampening around the air vents located within the plaza to mitigate excessive noise.**

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer  
Manhattan Borough President