



## CITY PLANNING COMMISSION

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February 13, 2008/Calendar No. 24

C 070499 ZSM

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**IN THE MATTER OF** an application submitted by Battery Place Green, LLC pursuant to Sections 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 100 spaces on portions of the ground floor and cellar of a proposed mixed use building on property located at 70 Little West Street (Block 16, Lot 35), within the Special Battery Park City District, Zone A, Subarea A-1. Borough of Manhattan Community District 1.

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The application was filed by Battery Place Green, LLC on May 31, 2007, for a special permit pursuant to Section 74-52 and Section 84-031 of the Zoning Resolution for a 100-space attended public parking garage in a portion of the ground floor and cellar of a proposed mixed use building on property located at 70 Little West Street (Block 16, Lot 35) within the Special Battery Park City District.

### **BACKGROUND**

Battery Place Green, LLC seeks a special permit for a 100 space attended public parking garage in the Special Battery Park City (BPC) district located in Lower Manhattan. The proposed garage would be located in a building located in the South Residential Neighborhood of BPC which contains other medium to high density residential buildings, a hotel, cultural facilities and retail space. Neighboring land uses include a mix of residential, commercial, institutional, and open space.

## **Project Description**

The site is bounded by Third Place to the north, Battery Place to the west, Little West Street to the east, and Second Place to the south. The building is currently under construction. The proposed public parking garage would be located in the cellar and sub-cellar of a mixed use building with 251 condominium units, approximately 45,000 square foot of office and storage space for the Battery Park City Parks Conservancy, and 5,000 square feet of ground-floor retail space. The garage would provide 100 parking spaces comprised partially from 20 2-car stackers, and the garage would provide the required 10 reservoir spaces.

Vehicles would enter and exit the garage via a new 20 foot curb cut on Second Place. Second Place is a two-way street and Battery Place is also a two-way street. Upon entering, vehicles would proceed down an entrance ramp and stop for the attendant. The garage entrance would have warning devices at the entrance/exit to alert pedestrians of vehicles.

## **ENVIRONMENTAL REVIEW**

This application (C 070499ZSM) 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 07DCP068M. 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 15, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 070499ZSM) was certified as complete by the Department of City Planning on October 15, 2007, 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 November 20, 2007, and on that date, by a vote of 22 to 19 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 2, 2008, approving the application subject to the following condition: that the applicant operate the parking garage such that no more than 20 percent of the parking garage be for public transient users and that the balance of parking spaces are reserved to accommodate demand generated by the accessory uses of the zoning lot.

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

On December 19, 2007 (Calendar No. 6), the City Planning Commission scheduled January 9, 2008 for a public hearing on this application (C 070499ZSM). The hearing was duly held on January 9, 2008 (Calendar No. 23). There were three speakers in favor and none in opposition.

The Director of Land Use for the Manhattan Borough President reiterated the Borough President's recommendation.

The applicant's representative described the proposal. He explained the history of his company's commitment to sustainable building design and stated that this building would be a LEED platinum building. He described the neighborhood and the nearby Ritz-Carlton Hotel and Millennium Towers and their lack of parking. He stated he would explore the possibility of a Zipcar (car share) service and would explore enforcement options to insure that 80% of the parking is reserved for users of the building.

A representative of the Battery Park City Authority also spoke in favor of the application. She stated that maximizing parking in the area made planning sense.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the special permit (C 070499ZSM) is appropriate.

The Southern Residential neighborhood of Battery Park City has institutional, cultural, and retail uses. It is close to a mix of medium to high-density residential uses and the nearby Millennium Tower residences and Ritz Carlton hotel do not have parking. The Commission notes that the proposed mixed-use development at 70 Little West Street will add 251 residential units, retail space, and community facility space for the Battery Park City Parks Conservancy.

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 Battery

Place, a two-way street, and that the entrance will be on Second Place, a two-way street. The garage entrance will not be located on the same street as the residential and retail entrances.

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 10 additional vehicles trips being projected during the evening peak hour. The streets providing access to the garage are adequate to handle this modest increase. Ten 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 Battery Place Green, 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 100 spaces on portions of the ground floor and cellar of a proposed mixed use building on property located at 70 Little West Street (Block 16, Lots 35), 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 070499ZSM) 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-101.1     | Cellar Level Plan | Oct. 5, 2007      |
| A-102       | Ground Floor Plan | Oct. 5, 2007      |

- 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 070499ZSM), duly adopted by the City Planning Commission on February 13, 2008, (Calendar No. 24), 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, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,**  
**JOHN MEROLO, KAREN A. PHILLIPS, Commissioners-**