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**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, slightly slanted style.

Gale A. Brewer  
Manhattan Borough President