



CITY PLANNING COMMISSION

July 13, 2005/Calendar No.18

C 040382 ZSM

IN THE MATTER OF an application submitted by Salva Realty Company pursuant to Sections 197-c and 201 of the New York Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of:

1. Section 42-14D(1)(b) to allow 14 joint living-work quarters for artists (Use Group 17D) on the 2nd and 3rd floors; and
2. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar.

of an existing 5-story building located at 88 Crosby Street a.k.a. 546-548 Broadway (Block 497, Lot 9) in an M1-5B District, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by Salva Realty Company on March 30, 2004 to allow Joint Living-Work Quarters for Artists on the second and third floors, and retail use (Use Group 6) on portions of the ground floor and cellar of an existing five-story building located at 88 Crosby Street (a.k.a. 546-548 Broadway).

BACKGROUND

88 Crosby Street is a five-story and cellar structure completed in 1874 and designed by John Correja as storerooms. It is located in an M1-5B District and situated on the westerly side of Crosby Street, extending through-block to the easterly side of Broadway, midway between Prince and Spring streets within the SoHo Cast Iron Historic District which was designated in 1973. The surrounding area is characterized by five- to twelve-story loft buildings along Broadway and five- to six-story lofts along the nearby streets primarily containing Joint Living-Work Quarters for Artists (JLWQA) on the upper floors, and retail and gallery uses on the

ground floor.

The existing building comprises approximately 91,199 square feet of floor area, slightly overbuilt with a 5.21 FAR (5.00 FAR allowable), and a lot coverage of approximately 17,473 square feet. The cellar level is used for storage. Retail space is located on a portion of the first floor along Broadway. Warehouse uses are also located on a portion of the first floor and along the entire first-mezzanine floor fronting Crosby Street. Vacant space characterizes the second floor and office space is located on the third floor. The fourth and fifth floors contain fifteen JLWQA's which were approved by certification of the City Planning Commission pursuant to Section 74-782 of the Zoning Resolution in 1984 and 1985.

According to the use regulations for an M1-5B district, uses below the second story are limited to wholesale, business service, warehouse and light industrial uses (Use Groups 7, 9, 11, 16, 17A, 17B, and 17E). In addition, JLWQA's are allowed in buildings erected prior to December 15, 1961 within M1-5B Districts provided that the lot coverage of such buildings do not exceed 5,000 square feet except that in buildings with frontage along Broadway the lot coverage shall not exceed 3,600 square feet. Other uses are allowed by special permit of the City Planning Commission. Pursuant to Section 74-711, the City Planning Commission may permit modification of use and bulk regulations in order to further the preservation of a designated landmark building or buildings located within historic districts.

The applicant requests a modification of the M1-5B use regulations to allow the conversion of

the second and third floors to fourteen JLWQA's, and approximately 11,478 square feet of the ground floor and 15,408 square feet of the cellar space to retail use (Use Group 6). The total floor area of the building would decrease from 91,199 square feet to 81,464 square feet by elimination of the first floor mezzanine (a reduction from 5.21 FAR to 4.66 FAR).

The application includes a report from the Landmarks Preservation Commission stating that the applicant has agreed to undertake facade and roof work to restore the subject building and bring it up to a sound, first class condition. A continuing maintenance program has been established in perpetuity that will result in the preservation of the subject building, and the proposed use modification contributes to a preservation purpose.

ENVIRONMENTAL REVIEW

This application (C 040382 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 04DCP035M. 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 February 28, 2005.

UNIFORM LAND USE REVIEW

This application (C 040382 ZSM) was certified as complete by the Department of City Planning on February 28, 2005, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on April 14, 2005, and on April 21, 2005, by a vote of 40 to 0 with no abstentions, adopted a resolution recommending approval of the application with the following conditions:

- ... that the renovation does not interfere with the use of existing JLWQA residents space;
- and;
- ... that the applicant minimizes the construction impacts on the current JLWQA residents, have regular meetings with them, and keep them informed as construction progresses.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 31, 2005.

City Planning Commission Public Hearing

On May 25, 2005 (Calendar No. 8), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (C 040382 ZSM). The hearing was duly held on June 8, 2005 (Calendar No. 20). There was one speaker in favor of the application.

The attorney for the project spoke in support of the project and indicated the ventilation lines for

the proposed fourteen additional units' kitchens located on the second and third floors would not interfere with the existing fifteen JLWQA located on the fourth and fifth floors of 88 Crosby Street (a.k.a. 546-588 Broadway).

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The special permit would facilitate conversion of vacant and office spaces to fourteen JLWQA's on the second and third floors of the subject building, and warehouse and storage uses to retail use (Use Group 6) totaling 31,706 square feet on the ground floor and cellar. The building was completed in 1874, a period during which the surrounding area contained a mix of commercial, warehouse and industrial uses. However, over the last twenty years many buildings in this area have been converted from manufacturing use to JLWQA (Use Group 17) and retail space (Use Group 6) on the ground floor and cellar, consistent with established land use trends in the greater SoHo neighborhood.

The proposed use modification would facilitate the renovation and preservation of 88 Crosby Street. This conversion would also enhance the architectural and historical built fabric of the SoHo Cast Iron Historic District. The Commission believes that the requested use modification would be consistent with uses within the building and not produce any adverse effect on other

uses in the surrounding area.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 of the Zoning Resolution (Landmarks preservation in all districts):

- (1) Not applicable; and
- (2) such use modifications shall have minimal adverse effects on the conforming uses within the buildings and in the surrounding area.

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 Salva Realty Company pursuant to Sections 197-c and 201 of the New York Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of:

1. Section 42-14D(1)(b) to allow 14 joint living-working quarters for artists (Use Group 17D) on the 2nd and 3rd floors; and
2. Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar.

of an existing 5-story building located at 88 Crosby Street a.k.a. 546-548 Broadway (Block 497,

Lot 9) in an M1-5B District, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040382 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 Arpad Baksa, Architect, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPZ-1	Zoning Calculations	February 15, 2005
CP-2	Cellar Plan	December 13, 2004
CP-3	1 st Floor Plan	December 13, 2004
CP-5	2 nd Floor Plan	December 13, 2004
CP-6	3 rd Floor 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. 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 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. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated April 26, 2005, executed by Salva Realty Company, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

7. 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.

8. 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 040382 ZSM), duly adopted by the City Planning Commission on July 13, 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, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
IRWIN G. CANTOR, P.E., RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,
Commissioners