



CITY PLANNING COMMISSION

October 21, 2009/Calendar No. 9

C 090439 ZSM

IN THE MATTER OF an application submitted by Walker Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to permit the modification of use provisions of Sections 111-101 (Location of Permitted Uses in Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists) to allow two loft dwellings on the 2nd floor level of an existing 6-story building that was designed for non-residential use and erected prior to December 15, 1961, on property located at 48-50 Walker Street (Block 194, Lots 1001, 1002, 1003 & 1004), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B1) Borough of Manhattan, Community District 1.

The application for the special permit was filed by Walker Street LLC on May 13, 2009 to allow loft dwelling use on the second floor in a building located at 48 Walker Street in an M1-5 District, within Area B1 of the Special Tribeca Mixed Use District (TMU) in the Tribeca neighborhood of Lower Manhattan.

BACKGROUND

The site, 48 Walker Street, is a six story building located on Walker Street between Church Street and Broadway. It is located in a M1-5 District, in Area B1 of the Special Tribeca Mixed Use District of Community District 1, Manhattan. The building is also a contributing building within the Tribeca East Historic District. In 1983, all floors in the building on and above the level of the third story were converted to six loft dwellings pursuant to Section 111-103(b) of the Zoning Resolution. Manufacturing and office uses occupy the ground and second floors of the building.

The surrounding area is characterized by commercial and residential buildings, many with ground floor commercial uses. Across the street from the building is a C6-2A zoning district

which permits residential uses as-of-right. On the building's block, five other buildings have been converted to residential use.

Pursuant to the Special Tribeca Mixed Use District, loft dwelling use in Area B1 and B2 are not permitted below the third floor of a building (Section 111-101). Pursuant to Section 111-50, the applicant is requesting a special permit to allow loft dwelling use on the second floor.

In order to grant the special permit the Commission must find that: the conversion will not harm the commercial and manufacturing sectors of the City's economy; the conversion will not harm the commercial and manufacturing character of the surrounding area; the process of conversion will not unduly burden commercial and manufacturing uses in the building; and the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity.

ENVIRONMENTAL REVIEW

This application (C 090439 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 lead is the City Planning Commission. The lead agency is the City Planning Commission. The designated CEQR number is 09DCP059M

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on June 29, 2009.

UNIFORM LAND USE REVIEW

This application (C 090439 ZSM) was certified as complete by the Department of City Planning on June 29, 2009 and was duly referred to 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 July 28, 2009, and on that date, by a vote of 38 in favor to 0 opposed, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on September 2, 2009.

City Planning Commission Public Hearing

On September 9, 2009 (Calendar No. 4) the City Planning Commission scheduled September 23, 2009, for a public hearing on this application (C 090439 ZSM). The hearing was duly held on September 23, 2009 (Calendar No. 13). There were two speakers in favor of the application and none in opposition. The applicant's representative and a representative of the Manhattan Borough President appeared in favor. The applicant's representative described the project and the actions required to facilitate the proposal. The Borough President's representative reiterated support for the project.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

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

Approval of the special permit pursuant to Section 111-50 of the Zoning Resolution would modify the use regulations of Section 111-101 to allow loft dwelling use on second floor of 48 Walker Street located in a M1-5 zoning district within Area B1 of the TMU.

The Commission notes that most of the manufacturing and warehousing industries have departed from this area of the City for sites which better meet the specific needs for such uses and that in recent years there have been an increasing number of residential conversions in this area of Tribeca.

The Commission notes further that the conversion of the second floor of 48 Walker Street would add only two residential units in the building and will not burden the surrounding neighborhood by increased residential activity. Further, the Commission recognizes that the majority of building has already been converted for at least 24 years, and that this process of conversion will not unduly burden commercial and manufacturing uses in the building.

The commission notes that in recent years there have been an increasing number of residential conversions in this area of Tribeca. Despite these land use changes, Tribeca continues to exist as

a vibrant mixed-use area.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 111-50 (Special Permit For Conversion to Loft Dwellings or Joint Living-Work Quarters For Artist) of the Zoning Resolution:

- (a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (b) the process of conversion will not unduly burden commercial and manufacturing uses in the building; and
- (c) the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity.

RESOLUTION

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, an application submitted by Walker Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to permit the modification of the use provisions of Sections 111-101 (Location of Permitted Uses in Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists) to allow two loft dwellings on the 2nd floor level of an existing 6-story building on property that was designed for non-residential use and erected prior to December 15th, 1961, located at 48 Walker Street (Block 194, Lots 1001, 1002, 1093,1004), in an M1-5 District , within the Special Tribeca Mixed Use District (Area B1), Borough of

Manhattan, Community District 1, is approved, pursuant to Section 111-50 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 090439 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 TRA Studios filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date</u>
A-01	Site Plan & Zoning Calculations	05/06/09
A-04	Proposed 2 nd Floor	05/06/09

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.

7. The above resolution (C 090439 ZSM), duly adopted by the City Planning Commission on October 21st, 2009 (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

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
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