



## **CITY PLANNING COMMISSION**

April 1, 2009/Calendar No. 15

C 080249 ZSM

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**IN THE MATTER OF** an application submitted by Charles Ahearn and Jane Dickson 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) and Section 111-102(b) (Ground Floor Use Restrictions) to allow a loft dwelling use to be located on the ground floor and 2nd floor level of an existing 5-story building designed for non-residential use and erected prior to December 15, 1961, on property located 17 Hubert Street (Block 214, Lot 10), in an M1-5 District (Area B2), within the Special Tribeca Mixed Use District, Borough of Manhattan, Community District 1.

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The application for the special permit was filed by Charles Ahearn and Jane Dickson on January 3, 2008, to allow loft dwelling use on the first and second floors in a building located at 17 Hubert Street in an M1-5 District, within Area B2 of the Special Tribeca Mixed Use District (TMU) in the Tribeca neighborhood of Lower Manhattan.

### **BACKGROUND**

The site, 17 Hubert Street, (Block 214, Lot 10) fronts Hubert Street between Collister and Greenwich streets. It is located in the M1-5 District, Area B2 of the Special Tribeca Mixed Use District of Community Board 1, Manhattan. The building is a contributing building in the Tribeca West Historic District and is currently used as a single family residence. It has a lot area of 625 square feet and a total building floor area of 3085 square feet and a 4.94 FAR.

The surrounding area is characterized by residential buildings and some with ground floor commercial uses. There is a medium density mix of converted loft dwellings and commercial office buildings. Recent conversions in the immediate vicinity of 17 Hubert Street include 415

Greenwich Street, 149 Hudson Street, 443 Greenwich Street, and 403 Greenwich Street.

### **Proposed Development**

The building is currently occupied by a single family and has been since 1992. Under 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) and ground floor uses are restricted (Section 111-102(b)). Buildings with lot coverage less than 5,000 square feet can convert the third floor and above to loft dwelling use as of right (Section 111-103(b)). Pursuant to Section 111-50, the applicant is requesting a special permit to allow loft dwelling use on the first and second floors.

In order to grant the special permit the Commission must find that:

- 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;
- c) the process of conversion will not unduly burden commercial and manufacturing uses in the building; and
- d) the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity.

### **ENVIRONMENTAL REVIEW**

This application (C 080249 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. This application was determined to be a Type II action which

requires no further environmental review.

## **UNIFORM LAND USE REVIEW**

This application (C 080249 ZSM) was certified as complete by the Department of City Planning on December 15, 2008, and was duly referred to Community Board 1 and the Borough President, in accordance 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 January 27, 2009, and on that date, by a vote of 34 to 0 with 0 abstentions, 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 March 2, 2009.

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

On February 18, 2009 (Calendar No. 6), the City Planning Commission scheduled March 4, 2009, for a public hearing on this application (C 080249 ZSM). The hearing was duly held on March 4, 2009 (Calendar No. 23). 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 and Section 111-102 to allow loft dwelling use on the first and second floors at 17 Hubert Street located in an M1-5 zoning district within Area B2 of the TMU.

The Commission recognizes that there are currently no manufacturing or commercial uses in the building and that most of the manufacturing and warehousing industries have departed from this area for sites which are more accommodating to specific industrial uses.

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.

The Commission notes that the addition of this building would remain as a loft dwelling occupied by just one family and therefore would not impact the population of the area and would not burden the surrounding neighborhood by increased residential activity.

## **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 Charles Ahearn and Jane Dickson 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) and Section 111-102(b) (Ground Floor Use Restrictions) to allow a loft dwelling use to be located on the ground floor and 2nd floor level of an existing 5-story building designed for non-residential use and erected prior to December 15, 1961, on property located 17 Hubert Street (Block 214, Lot 10), in an M1-5 District (Area B2), within the Special Tribeca Mixed Use District, 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 080249 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 Philip Parker, Architect, filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u>                                       | <u>Last Date Revised</u> |
|--------------------|--|--------------------------|
|                    | 17 Hubert Street Zoning Special Permit Application | 12-1-2008                |

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 080249 ZSM), duly adopted by the City Planning Commission on April 1, 2009 (Calendar No. 15), 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**  
**ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, AIA,**  
**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**