



CITY PLANNING COMMISSION

May 26, 2004/Calendar No. 30

C 040021 ZMM

IN THE MATTER OF an application submitted by Lafayette Commercial Condominium, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, changing from an M1-5B District to a C6-2 District property bounded by Cleveland Place, Broome Street and Lafayette Street, as shown on a diagram (for illustrative purposes only) dated March 8, 2004, partially within the Special Little Italy District, Community District 2, Borough of Manhattan, and subject to the conditions of CEQR Declaration E-120.

The application for an amendment of the Zoning Map was filed by Lafayette Commercial Condominium on July 15, 2003, to rezone the area bounded by Broome, Lafayette, and Spring streets and Cleveland Place from an M1-5B District to a C6-2 District.

BACKGROUND

The area proposed for rezoning ("the rezoning area") is located in the southeastern portion of Community District 2; between SoHo, located to the area's west, and the Little Italy neighborhood, located to the area's east. The two-block, triangularly-shaped rezoning area is bounded by Broome, Lafayette, and Spring streets and Cleveland Place. One block is entirely developed with a 6.62 FAR, seven-story building (199-205 Lafayette Street), and the second block is occupied by Lieutenant Petrosino Square, a .03 acre paved and fenced park under the jurisdiction of the Department of Parks and Recreation.

The rezoning area is currently zoned M1-5B which allows a FAR of 5.0. Joint Living-Work Quarters for Artists (JLWQAs) are the only form of dwelling units allowed in the M1-5B district. Floor area below the second story is limited to certain use groups which include

wholesale, warehouse and light manufacturing uses. Use Group 6 (retail and services) use located below the second floor is not allowed in buildings of any size in M1-5B Districts.

The rezoning area is bounded by the M1-5B District on the west, a C6-1 District to the east, a C6-2 District to the northeast and a C6-2G District to the southeast. The eastern edge of the rezoning area is co-terminous with the eastern boundary of the M1-5B District. The Special Little Italy District lies to the east of the rezoning area. The Special Little Italy District and its regulations supplement or supercede those of the underlying zoning district.

The rezoning would be an extension of the C6-2 District. A C6-2 District allows a FAR of 6.02 for residential uses, 6.00 FAR for commercial uses, and 6.5 FAR for community facilities.

Residential, retail, and commercial uses are allowed in a C6-2 District.

199 Lafayette Street contains a total of 24 condominium units consisting primarily of a mix of live/work units and offices. Further, a dance studio occupies four condominium units, a light manufacturer occupies one unit, and seven and a half units are vacant. In addition, one ground floor unit is occupied by a retail use and a custom clothing manufacturer.

The rezoning would permit both residential use and ground floor retail. The proposed action would not create any non-conforming uses. The remaining light manufacturing use is allowed in a C6 district pursuant to Section 15-021(a) of the Zoning Resolution, which provides that in C5

and C6 Districts in Manhattan CDs 1-6, all existing lawful uses in Use Group 17B in buildings erected prior to December 15, 1961, are to be considered conforming.

199-205 Lafayette Street has a FAR of 6.62 and is therefore non-complying under the M1-5 zoning. While the building would remain non-complying under the proposed C6-2 zoning, the rezoning would reduce the degree of non-compliance.

The surrounding area is primarily characterized by residential uses. Buildings in SoHo are largely occupied by retail uses on the ground floor and residential uses in the form of JLWQAs on the upper floors. Little Italy is characterized by mid-rise residential buildings with ground floor retail uses. The Board of Standards and Appeals granted a use variance in 2003 to allow the construction of a residential building with ground floor retail uses on a parking lot on Lafayette Street, opposite 199 Lafayette Street the site in the M1-5B district. Further, a 12-story former bank building, on the southeast corner of Spring and Lafayette streets, has recently undergone an as-of-right conversion to residential use.

ENVIRONMENTAL REVIEW

This application (C 040021 ZMM) 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 03DCP068M. 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 March 8, 2004.

UNIFORM LAND USE REVIEW

This application (C 040021 ZMM) was certified as complete by the Department of City Planning on March 8, 2004, 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 March 11, 2004, and on March 18, 2004, 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 April 20, 2004.

City Planning Commission Public Hearing

On April 14, 2004 (Calendar No. 7), the City Planning Commission scheduled April 28, 2004, for a public hearing on this application (C 040021 ZMM). The hearing was duly held on April 28, 2004 (Calendar No.12). There were two speakers in favor of the application and none in opposition.

The attorney for the project described the proposed action and the area proposed to be rezoned. A resident of 199 Lafayette Street spoke in support of the rezoning.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that the rezoning to a C6-2 District would make conforming the existing residential units located on the upper floors of 199 Lafayette Street and the existing retail use on the ground floor of the building. The rezoning would also allow for the residential conversion of additional units in the future as well additional Use Group 6 uses on the ground floor.

The Commission believes that the rezoning area, located between the SoHo and Little Italy neighborhoods, is appropriate for residential and retail use. These neighborhoods are primarily characterized by buildings with ground floor retail uses and dwelling units on the upper floors. Further, the Commission believes that the rezoning to allow residential use at 199 Lafayette Street would be a continuation of an ongoing trend. The Commission notes that the area in the immediate vicinity of the rezoning area will take on an increasingly residential character in the near future as a direct result of the proposed residential development of the parking lot on Lafayette Street, and the residential conversion of the bank building at the corner of Spring and Lafayette streets.

The Commission notes that the while eastern edge of the rezoning area is contiguous to a C6-1 District, a C6-2 District, and a C6-2G District, only the C6-2 District is suitable with regard to the FAR and the proposed residential use of 199 Lafayette Street. While the C6-2G District contains the same bulk provisions as the C6-2 District, the C6-2G requires a special permit to allow the conversion to residential use and is therefore not appropriate.

The Commission believes that the rezoning to a C6-2 District would be a logical and appropriate extension of the existing C6-2 District to the northeast and that the zoning map amendment is consistent with local land use patterns and would foster the citywide goal of housing production.

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 consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12c: changing from an M1-5B District to a C6-2 District property bounded by Cleveland Place, Broome Street and Lafayette Street, as shown on a diagram (for illustrative purposes only) dated March 8, 2004, partially within the Special Little Italy District, Community District 2, Borough of Manhattan, and which includes the Environmental Designation E-120.

The above resolution (C 040021 ZMM), duly adopted by the City Planning Commission on May 26, 2004 (Calendar No.30), 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, A.I.C.P. Chairman
KEN KNUCKLES, ESQ., Vice-Chairman

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