



CITY PLANNING COMMISSION

November 5, 2003/Calendar No. 17

N 030489 ZRM

IN THE MATTER OF an application submitted by WXIV/Broadway Grand Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article VII, Chapter 4, Section 74-712 (Developments in Historic Districts) to permit within Historic Districts the modification of use regulations on certain zoning lots located in M1-5A and M1-5B districts.

This application for an amendment of the Zoning Resolution was filed by WXIV/Broadway Grand Realty, LLC on May 28, 2003. As proposed, the text amendment would allow by special permit the modification of use regulations for vacant sites, land with minor improvements, or sites where not more than twenty percent of the site is occupied by an existing building, in M1-5A and M1-5B districts located within historic districts. The proposed zoning text amendment would allow WXIV/Broadway Grand Realty, LLC to request a special permit to facilitate the development of a residential building with ground floor commercial uses at the northwest corner of Broadway and Grand Street, in an M1-5B zoning district, located within the SoHo - Cast Iron Historic District.

RELATED ACTION

In addition to the text amendment which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 030490 ZSM **Special permit** pursuant to the proposed amended Section 74-712, to allow a residential building with ground floor commercial uses in an M1-5B zoning district located within the SoHo - Cast Iron Historic District.

BACKGROUND

Zoning Text Amendment

As proposed, the text amendment would modify Section 74-712 to allow for the modification of use regulations by special permit on vacant sites, land with minor improvements, or sites where not more than twenty percent of the site is occupied by an existing building. The modification of use would be limited to sites located within M1-5A and M1-5B districts that are within historic districts.

A detailed explanation of the text amendment is included in the report on the related application for a special permit (C 030489 ZSM).

ENVIRONMENTAL REVIEW

This application (N 030489 ZRM) 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 030DCP042M. 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 June 2, 2003.

The modifications to the zoning text amendment, as discussed in the report on the related application for the proposed special permit, (C 030490 ZSM), would not alter the conclusions presented in the Environmental Assessment Statement dated May 30, 2003 and the Negative Declaration issued on June 2, 2003.

PUBLIC REVIEW

On June 2, 2003, this text change application was duly referred to Manhattan Community Board 2, and the Manhattan Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 2 held a public hearing on the application on July 10, 2003, and on July 24, 2003, by a vote of 37 in favor, 1 opposed, and 0 abstentions, adopted a resolution recommending disapproval of the application unless the text change contains the following provisions:

- That the only uses allowed under this special permit will be residential units, allowing Joint Living Work Quarters, and use group 6 retail on the ground floor
- The minimum size of all residential units will be 1,200 sq. ft.
- That eating and drinking establishments and catering facilities of any kind not be allowed.
- That an arts-related project be incorporated in each application and that the applicant be required to allot a minimum of 5% of the cost of construction to this component.
- That the existing Floor Area Ratio of 5 be maintained.

- That the existing streetwall requirements be maintained.
- That residential yards regulations be required.
- That the maximum size retail space on a wide street is 5,000 sq. ft. and on a narrow street is 3,600 sq. ft.
- That there will be no merging of retail spaces by “breaking through” to adjoining spaces.
- That any existing billboards or advertising signs be amortized over 5 years and then removed.

BE IT FURTHER RESOLVED that CB#2, Man requests that any applicant for this Special Permit be required to review the feasibility of incorporating parking in their design and, if it is found to be feasible, that parking spaces for a minimum of 20% of the units be provided; and

BE IT FURTHER RESOLVED that CB#2, Man strongly urges that the Landmarks Commission proceed with landmarking the remaining areas of NoHo.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation on September 3, 2003 disapproving the application unless the following conditions are addressed:

The appropriate size of residential units, Floor Area Ratio, size of retail space and no entertainment facilities.

City Planning Commission Public Hearing

On August 27, 2003 (Calendar No. 4), the City Planning Commission scheduled September 10, 2003 for a public hearing on this application (N 0304989 ZRM) in conjunction with the application for the related action (C 030490 ZSM). On September 10, 2003 (Calendar No. 12), the hearing was continued. The continued hearing was duly held on October 24, 2003 (Calendar No. 13).

There were a number of speakers, as described in the report on the related application for the proposed special permit, (C 030490 ZSM,) and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to Section 74-712 to allow by special permit the modification of use regulations for vacant sites, land with minor improvements, or sites where not more than twenty percent of the site is occupied by an existing building; in M1-5A and M1-5B districts located within historic districts is appropriate, as modified.

A full consideration and analysis of the issues and reasons for approving this application, along with the modifications made, appears in the related application for a special permit, (C 030489 ZSM.)

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 Section 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 as follows:

Matter in underline is new, to be added;

Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the Zoning Resolution

* * *

74-712

Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that is vacant, is #land with minor improvements# or where not more than twenty percent of the #lot area# is occupied by existing #buildings# as of (effective date of amendment), the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided that:

- (1) the #use# modification meets the following conditions:

- (i) that #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
- (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
- (iii) that the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet; and
- (iv) all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (Sign Regulations) pertaining to C2 Districts; and

(2) the Commission finds that such #use# modifications:

- (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
- (ii) are compatible with the character of the surrounding area; and

(iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

(b) In all districts, the modification of #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, ~~that lies within a Historic District designated by the Landmarks Preservation Commission, the City Planning Commission may permit the modification of #bulk# regulations, except #floor area ratio# regulations,~~ provided the Commission shall find that such #bulk# modifications:

(a) (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(b) (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

* * *

The above resolution (N 030489 ZRM), duly adopted by the City Planning Commission on November 5, 2003 (Calendar No. 17), 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, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, ALEXANDER GARVIN, JOHN MEROLO,
DOLLY WILLIAMS, Commissioners

JANE D. GOL, Commissioner, Recused