



## CITY PLANNING COMMISSION

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August 20, 2014/Calendar No. 7

C 140301 ZSM

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**IN THE MATTER OF** an application submitted by MC 19 East Houston, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of a 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community District 2.

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The application for a Special Permit, in conjunction with the related actions, was filed by MC 19 East Houston, LLC on March 12, 2014. The requested Special Permit, in conjunction with the related actions, would facilitate the development of a new six-story commercial building at 19 East Houston Street.

### **RELATED ACTIONS**

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

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|---------------------|--|
| <b>C 140299 PPM</b> | Disposition of City-owned Property.  |
| <b>C 140300 ZSM</b> | Special Permit pursuant to Section 74-712(a) to modify use regulations to allow Use Group 6 uses below the floor level of the second story.  |
| <b>C 140302 ZSM</b> | Special Permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A) with no limitation on floor area per establishment; as modified. |

## **BACKGROUND**

The applicant, MC 19 East Houston, LLC, seeks the grant of special permits pursuant to Sections 74-712(a), 74-712(b) and 74-922 of the Zoning Resolution to construct a new commercial building at 19 East Houston Street. The project site is located in SoHo Cast-Iron Historic District within Manhattan Community District 2.

A more detailed description of this application, the surrounding area and the related special permits and disposition application are included in the report on the related application for the special permit, C 140300 ZSM.

## **ENVIRONMENTAL REVIEW**

This application (C 140301 ZSM), in conjunction with the related applications (C 140299 PPM, C 140300 ZSM, C 140302 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 14DME001M. The lead is the Deputy Mayor for Economic Development.

After a study of the potential impacts of the proposed actions, a Negative Declaration was issued on March 10, 2014.

## **UNIFORM LAND USE REVIEW**

On March 17, 2014, this application (C 140301 ZSM), in conjunction with the applications for the related actions (C 140299 PPM, C 140300 ZSM, C 140302 ZSM), was certified as complete by the Department of City Planning, and was duly referred to Manhattan Community Board 2 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 2 held a public hearing on this application (C 140301 ZSM), in conjunction with the related applications (C 140299 PPM, C 140300 ZSM, C 140302 ZSM), on May 22, 2014 and on that date, by a vote of 40 in favor, 0 opposed and 0 abstaining, adopted a resolution recommending approval of this application.

### **Borough President Recommendation**

This application, (C 140301 ZSM), in conjunction with the related applications (C 140299 PPM, C 140300 ZSM, C 140302 ZSM), was considered by the Borough President, who issued a recommendation disapproving the application with conditions on June 30, 2014.

A summary of the recommendation of Borough President appears in the report on the related application for the special permit, C 140300 ZSM.

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

On June 25, 2014 (Calendar No. 3), the City Planning Commission scheduled July 9, 2014 for a public hearing on this application (C 140301 ZSM), and the applications for the related actions (C 140299 PPM, C 140300 ZSM, C 140302 ZSM). The hearing was duly held on July 9, 2014 (Calendar No. 17), in conjunction with the public hearing on the applications for the related actions.

There were a number of speakers, as described in the report on the related application for the special permit, C 140300 ZSM, and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a Special Permit pursuant to Section 74-712(b) of the Zoning Resolution, in conjunction with the applications for related actions, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related application for the special permit, C 140300 ZSM.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-712 (b) (Developments in Historic Districts) of the Zoning Resolution:

Such bulk modifications:

- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

## **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 submitted by MC 19 East Houston, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of a 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), 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 140301 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by S9, an affiliate of Perkins Eastman Architects, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	August 4, 2014
Z-100.00	Site Plan	August 18, 2014
Z-300.00	Building Section	July 15, 2014
Z-301.00	Building Sections	August 4, 2014
Z-302.00	Building Section	July 15, 2014
Z-303.00	Building Section	August 4, 2014
Z-303.10	Building Section	August 4, 2014
Z-305.00	Waiver Plan Diagram	August 18, 2014

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, operating 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 the restrictive declaration described below and any subsequent modifications to either document 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, sub-lessee or occupant.
6. 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 the provisions of which 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 or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

7. 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 action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 140301 ZSM), duly adopted by the City Planning Commission on August 20, 2014 (Calendar No. 7), 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.

**CARL WEISBROD, Chairman**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER,**  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK,**  
**RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**

**CHERYL COHEN EFFRON, BOMEI JUNG, Commissioners Abstaining**