



CITY PLANNING COMMISSION

April 25, 2012/Calendar No. 8

N 120166 ZRM

IN THE MATTER OF an application submitted by Laight Street Project Owner, 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 the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District, in Community District 1, Borough of Manhattan.

The application for an amendment of the Zoning Resolution was filed by Laight Street Project Owner, LLC on January 13, 2012. The text amendment modifies 111-20 (Special Bulk Provisions for Areas A1 through A7) of the Zoning Resolution and would allow the extension of an existing grandfathering provision for a variance previously approved by the Board of Standards and Appeals for an additional four years. The text amendment would modify the Special Tribeca Mixed Use District in Community District 1, Borough of Manhattan.

BACKGROUND

The applicant is proposing to amend Section 111-20 of the Zoning Resolution to allow a previously approved zoning variance to remain in effect for up to six years, in order to complete construction of a new seven-story residential building at 412-414 Greenwich Street (Block 217, Lot 17), in Manhattan.

412-414 Greenwich Street is located in a C6-2A district and Area A5 of the Special Tribeca Mixed Use District. It is also in the Tribeca North Historic District as designated by the Landmarks Preservation Commission. The area is developed with former manufacturing buildings which have been converted to residential use. Commercial office uses in the area include design firms and art studios, and ground floor retail is interspersed throughout.

In January 2010, the Board of Standards and Appeals (BSA) and the Landmarks Preservation Commission approved a new seven-story residential building at 412-414 Greenwich Street (BSA-231-09-BZ), located at the corner of Greenwich and Laight streets in North Tribeca. The

development was approved to have ground floor retail, 18 dwelling units, a street wall height of 74 feet and 1 inch, and 12 accessory parking spaces. The proposed development has not been constructed and the BSA variance expired on January 12, 2012. As approved by the Board of Standards and Appeals, the proposed development would comply with the maximum building height and the proposed residential and retail uses. It would not comply with the maximum street wall height of 70 feet and a limit of 6 accessory parking spaces. Instead, the variance allowed 12 accessory parking spaces and a street wall height of 74 feet and 1 inch.

On September 10, 2010, North Tribeca was rezoned from an M1-5 district to a C6-2A (100369 ZMM and 100370(A) ZRM), and the Special Tribeca Mixed Use District was modified with specifications on street wall and maximum building heights for the subareas. For Area A5, the maximum street wall height is 70 feet and the maximum building height is 110 feet. . As part of the approved text amendment (100370(A) ZRM), a grandfathering provision of two years was included in the Special Tribeca Mixed Use District to allow for the development of 412-414 Greenwich Street, as approved by BSA.

On January 12, 2012, this grandfathering provision expired and the proposed new residential building at 412 Greenwich Street had not yet vested. This text amendment allows the development to proceed pursuant to the previously granted Board of Standards and Appeals variance. It would extend the grandfathering provision for an additional four years for a total of six years to January 12, 2016.

ENVIRONMENTAL REVIEW

This application (N 120166 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 10DCP039M. The lead agency is the City Planning Commission.

A Negative Declaration was issued on September 15, 2010. On February 1, 2012, a Technical Memorandum was issued which describes and analyzes the modifications to the proposed actions made by the City Planning Commission, adopted herein, and finds that the previous Negative Declaration is still valid.

PUBLIC REVIEW

On February 7, 2012, this application (N 120166 ZRM) was referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP applications.

Community Board Review

Community Board 1 held a public hearing on this application on February 28, 2012, and on that date, by a vote of 32 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Manhattan Borough President issued a letter supporting the application dated March 12, 2012.

City Planning Commission Public Hearing

On March 14, 2012 (Calendar No.4), the City Planning Commission scheduled March 28, 2012 for a public hearing on this application (N 120166 ZRM). The hearing was duly held on March 28, 2012 (Calendar No. 22).

There were three speakers in favor and none opposed.

A representative of the applicant spoke in favor of the project. She described the text amendment and the approvals by the Board of Standards and Appeals and the New York City Landmarks Preservation Commission.

The architect for the project also spoke in favor. He gave a brief description of the area and an overview of the design.

The applicant also spoke in favor of the project.

The hearing was closed.

CONSIDERATION

The Commission believes that this zoning text amendment (N 120166 ZRM) is appropriate.

The Board of Standards and Appeals reviewed and approved a variance for this site in 2010. In the same year, the City Planning Commission approved a text amendment for North Tribeca which included language to grandfather the project as approved by the Board of Standards and Appeals. The Board of Standards and Appeals variance has since expired.

The Commission believes that the proposed development at 412-414 Greenwich is generally consistent with the intent of the underlying district. This text amendment would allow the development at 412-414 Greenwich Street to be developed as it was approved by the Board of Standards and Appeals without seeking additional waivers.

The Commission also notes that the proposed development is in a Historic District and that the Landmarks Preservation Commission approved the proposed design. The Manhattan Borough President and Community Board 1, Manhattan both recommended approval.

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 in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article XI: Special Purpose Districts

Chapter 1: Special Tribeca Mixed Use District

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

* * *

(d) Area A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

* * *

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within two six years of the original granting of grant of said variance.

* * *

The above resolution (N 120166 ZRM), duly adopted by the City Planning Commission on April 25, 2012 (Calendar No. 8), 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, FAICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,
ORLANDO MARIN, SHIRLEY A. MCRAE, Commissioners**

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 28, 2012

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	7	In Favor	0	Opposed	0	Abstained	1	Recused
PUBLIC MEMBERS:	3	In Favor	0	Opposed	0	Abstained	0	Recused
BOARD VOTE:	32	In Favor	0	Opposed	0	Abstained	1	Recused

RE: N 120166 ZRM
Amendment to the Zoning Resolution relating to the Special Tribeca Mixed Use District Special Bulk Provisions

WHEREAS: The applicant, Laight Street Project Owner, LLC has applied for a zoning text amendment to extend for an additional four years the period of time in which a development may obtain a building permit pursuant to a variance granted by the Board of Standards and Appeals thus extending the date from January 12, 2012 to January 12, 2016, and

WHEREAS: In September 22, 2009 Community Board One recommended approval of a Board of Standards and Appeals variance to allow construction of a 6 story plus penthouse building with residential, ground floor retail and accessory parking uses at 412-414 Greenwich Street and a City Planning Commission authorization to permit loft dwellings in a six story plus penthouse building at 401 Washington Street in the Special Tribeca Mixed Use District, and

WHEREAS: The new building at 412-414 Greenwich Street was approved by Community Board One and the Landmarks Preservation Commission, and will replicate the design and massing of the historic building located at 401 Washington Street but would be constructed out of marine grade aluminum, and

WHEREAS: A Continuing Maintenance Program has been established to assure the restoration and preservation of the existing 1905 brick warehouse, and

WHEREAS: The proposed new building and the conversion to loft dwellings in the existing building will not have an adverse impact upon the surrounding area which consists of mixed commercial and manufacturing uses and an increasing number of residential loft dwellings, and

WHEREAS: Whereas, due to the difficult economic climate, the current owner was unable to obtain building permits for the new building pursuant to BSA variance # 231-09 BZ by January 12, 2012; and

WHEREAS: if the applicant is not allowed to proceed with the plans pursuant to BSA variance # 231-09 BZ a complete redesign would be required, increasing costs and delaying construction; now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 recommends approval of a zoning text amendment to extend for an additional four years the period of time in which a development may obtain a building permit pursuant to a variance granted by the Board of Standards and Appeals, thus extending the date from January 12, 2012 to January 12, 2016.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

March 12, 2012

Amanda M. Burden, FAICP, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Special Tribeca Mixed Use Zoning Text Amendment (N 120166 ZRM)

Dear Chair Burden:

Thank you for providing the opportunity to comment on the Special Tribeca Mixed Use Zoning Text Amendment. In late 2010, the City Council approved the Special Tribeca Mixed Use District ("TMUD"), which created a new mixed use neighborhood in Manhattan. As part of the initial rezoning, the text amendment allowed a property that previously received a variance pursuant to Board of Standards and Appeals ("BSA") calendar 231-09-BZ to be grandfathered for two years after the variance was granted (January 2012). The new amendment proposes to extend the grandfathering to six years (January 2016).

The subject site (Block 217, Lot 17) is located at 412-414 Greenwich Street in the Tribeca North Historic District. The site was previously located in an M1-5 zoning district, where commercial and manufacturing uses are allowed as-of-right. On April 3, 2009, the site was granted a Certificate of Appropriateness from the Landmarks Preservation Commission and on January 12, 2010, it was granted a variance from the BSA. As approved, the site was allowed to be constructed as a mixed use building with residential uses and ground floor retail. Additionally, the site was granted a maximum FAR of 5.5, a maximum height of approximately 85 feet tall with a street wall of approximately 74 feet tall. Additionally, the site was granted 12 parking spaces.

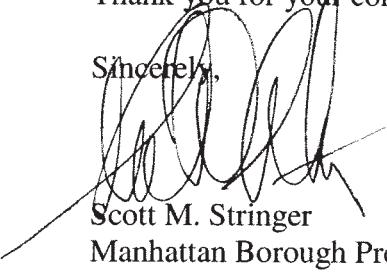
Subsequently, the site was rezoned to C6-2A in Area A5 as part of the TMUD, and the BSA variance was grandfathered for two years in the zoning text. Unfortunately, due to the current economic conditions, the site was not able to commence construction. Absent the proposed text amendment, the variance will lapse. The building's FAR, maximum height and uses are now allowed as of right. However, without the variance the site would need a street wall of 70 feet instead of 74 feet; 80% lot coverage instead of 86%; and 6 instead of 12 parking spaces. As such the building would require a redesign without the variance.

The building, as originally approved, is designed to be consistent with the surrounding historic district. Additionally, the building authorized by the variance is now generally consistent with the underlying zoning district. Further, Manhattan Community Board 1 recommended approval of the original BSA variance and of the proposed text amendment.

While normally the zoning resolution has standard two-year grandfather clauses, the unique economic climate has delayed financing of this building and special consideration is warranted. The proposed building previously went through multiple layers of public review and the final proposed building is generally consistent with the intent of the underlying zoning and the historic district. The proposed extension will provide the developer with necessary flexibility and allow construction to commence when financing is secured. As such, the proposed text amendment to extend the grandfathering of the variance from two years to six years is appropriate.

Thank you for your consideration on this matter.

Sincerely,


Scott M. Stringer
Manhattan Borough President