



CITY PLANNING COMMISSION

August 20, 2014/Calendar No. 8

C 140302 ZSM

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 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development, on property 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.

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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|---------------------|---|
| C 140299 PPM | Disposition of City-owned Property. |
| C 140300 ZSM | 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. |
| C 140301 ZSM | Special Permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43. |

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 140302 ZSM), in conjunction with the related applications (C 140299 PPM, C 140300 ZSM, C 140301 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 140302 ZSM), in conjunction with the applications for the related actions (C 140299 PPM, C 140300 ZSM, C 140301 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 140302 ZSM), in conjunction with the related applications (C 140299 PPM, C 140300 ZSM, C 140301 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 disapproval of this application.

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

Borough President Recommendation

This application, (C 140302 ZSM), in conjunction with the related applications (C 140299 PPM, C 140300 ZSM, C 140301 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. 4), the City Planning Commission scheduled July 9, 2014 for a public hearing on this application (C 140302 ZSM), and the applications for the related actions (C 140299 PPM, C 140300 ZSM, C 140301 ZSM). The hearing was duly held on July 9, 2014 (Calendar No. 18), 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 74-922 of the Zoning Resolution, as modified, 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 74-922 of the Zoning Resolution:

- (a) That the principal vehicular access for such use is not located on a local narrow street;
- (b) That such use is located to draw a minimum of vehicular traffic to and through local streets;
- (c) Not applicable;
- (d) Not applicable;
- (e) That in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) That such use is so located as not to impair the essential character or the future use of or development of the surrounding areas;
- (g) That such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district;
- (h) Not applicable;
- (i) Not applicable.

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 74-922 of the Zoning Resolution to allow large retail establishments

(Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development, on property 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 140302 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-101.00	Cellar Floor Plan	August 4, 2014
Z-102.00	Ground Floor Plan	August 4, 2014
Z-103.00	Second Floor Plan	August 4, 2014
Z-104.00	Third Floor Plan	August 4, 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

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.
8. As a condition of this special permit, no advertising signage shall be placed anywhere within the proposed building's "atrium," an approximately 73-foot high portion of the second floor located on the westerly side of the zoning lot, as shown in drawing Z-300.00, dated July 15, 2014 and as shown in drawing Z-303.00, dated August 4, 2014.

The above resolution (C 140302 ZSM), duly adopted by the City Planning Commission on August 20, 2014 (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.

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, ORLANDO MARIN, Commissioners

ANNA HAYES LEVIN, Commissioner Voting No

CHERYL COHEN EFFRON, BOMEI JUNG, Commissioners Abstaining