



CITY PLANNING COMMISSION

April 13, 2005/Calendar No. 19

C 040454 ZSM

IN THE MATTER of an application submitted by 137 Wooster Street 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 of the Zoning Resolution to modify the use regulations for a proposed development on a zoning lot that is vacant to allow Use Group 6 uses on the ground floor and cellar and to allow residential use (Use Group 2) on the 2nd through 8th floors of a proposed 8-story building on property located at 137 Wooster Street and at 455 West Broadway (Block 515, Lots 3 and 34), in the SoHo Cast Iron Historic District, within an M1-5A District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by 137 Wooster Street LLC on May 11, 2004, to allow Use Group 6 uses on the ground floor and residential use on the 2nd through 8th floors in a proposed building on the west side of Wooster Street between West Houston and Prince streets and extending through the block to the east side of West Broadway, within an M1-5A District in the SoHo-Cast Iron Historic District.

BACKGROUND

The applicant is seeking a special permit pursuant to Section 74-712 (Developments in Historic Districts) to facilitate the construction of a mixed-use building in an M1-5A zoning district in the SoHo-Cast Iron Historic District in Manhattan.

The applicant requests the special permit to facilitate the construction of an eight-story, 5 FAR, mixed-use building on a 7,500 square foot zoning lot located on the west side of Wooster Street between West Houston and Prince streets and extending through the block to the east side of West Broadway. The lot is irregularly shaped, with 50 feet of frontage on Wooster Street and 25 feet of frontage on West Broadway. The zoning lot is occupied by a 54-space public parking lot.

The building would contain approximately 37,490 square feet of floor area; including 33,193 square feet of residential use and 4,297 square feet of retail use on the ground floor and below grade levels. It would consist of 16 units located in two wings; one wing would front on West Broadway and the second wing would front on Wooster Street.

The subject site is zoned M1-5A. Residential use is not permitted in this zone and new construction is restricted to a specific set of conforming uses which include light industry, warehousing, wholesaling, parking facilities, and hotels. In addition, in buildings with lot coverage greater than 3,600 square feet, uses below the second story are limited to wholesale, business service, warehouse and light industrial uses (Use Groups 7, 9, 11, 16, 17A, 17B, 17C and 17E) unless modified by City Planning Commission special permit.

The surrounding portion of the Soho neighborhood generally contains five- to eight-story loft buildings along West Broadway and Wooster Street. While the upper floors in many of these buildings have been converted to dwelling units, including joint living-work quarters for artists and interim multiple dwellings, the upper floors in other buildings contain offices, art galleries or other commercial uses. Ground floor uses in the vicinity primarily consist of a mix of home furnishings and clothing stores and restaurants.

Section 74-712 allows the modification of use regulations in historic districts by special permit on vacant sites, land with minor improvements, or sites where not more than 20% of the site is occupied by an existing building. The modification of use is limited to sites located within M1-

5A and M1-5B districts that are within historic districts. In order to grant the special permit, the City Planning Commission is required to find that the proposed use modifications would have minimal adverse effects on the conforming uses in the surrounding area.

ENVIRONMENTAL REVIEW

This application (C 040454 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 613.00 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 04DCP064M. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 20, 2004.

UNIFORM LAND USE REVIEW

This application (C 040454 ZSM) was certified as complete by the Department of City Planning on December 20, 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 the application on January 13, 2005, and on January 20, 2005, by a vote of 31 in favor, 0 opposed, and 0 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation on February 8, 2005 approving the application.

City Planning Commission Public Hearing

On March 2, 2005 (Calendar No. 2), the City Planning Commission scheduled March 16, 2005 for a public hearing on this application (C 040454 ZSM). The hearing was duly held on March 16, 2005 (Calendar No.35). There were two speakers in favor of the application and none in opposition.

The applicant's attorney described the proposal and the request for the special permit. The project architect described the proposed building and how the design of the building was intended to reflect the scale and context of the surrounding SoHo neighborhood.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The Commission believes that the modification of use regulations to allow residential and Use Group 6 uses at 137 Wooster Street will have minimal adverse effects on the conforming uses in the surrounding area. The predominant conforming uses in the surrounding area include a mix of JLWQAs and commercial uses on the upper floors and retail uses on the ground floors of buildings with lot coverage less than 3,600 sf. The Commission recognizes that the surrounding area contains a significant number of dwelling units and that both conforming and non-conforming commercial uses line the ground-level frontages along West Broadway and Wooster street.

The Commission believes that the modification of use would be compatible with the scale and character of the surrounding SoHo neighborhood. The Commission notes that the proposed building complies with the provisions of the underlying M1-5A district which requires that buildings maintaining the streetwall set back 20 feet on a narrow street and 15 feet on a wide street at a height of six-stories or 85 feet. The Commission notes that the building envelope for 137 Wooster Street provides the required setbacks and would allow a maximum streetwall height of 81 feet and maximum total height of 113 feet.

The Commission believes that the proposed building's massing relates to the built context of the surrounding historic buildings. Buildings in the immediate vicinity of the proposed building range from 16- to 106-feet in height, with the greatest number of buildings having a height

between 65 and 85 feet. The Commission notes that three of the seven buildings on the subject Wooster Street blockfront exceed 100 feet in height. The Commission believes that the envelope of the building reflects the high streetwall buildings that characterize SoHo. Furthermore, the Commission notes that the design for the building has received a Certificate of Appropriateness from the Landmarks Preservation Commission.

The Commission notes that the ground floor UG6 and upper floor residential use proposed for the building is analogous to the uses occupying most of the surrounding buildings.

Furthermore, the Commission notes that the development proposes an average unit size of 1,975 sf, exceeding the 1,200 square foot minimum unit size required by the zoning text. The Commission believes that the introduction to the neighborhood of 16 residential units, at a minimum unit size of approximately 1,700 square feet, would not impact neighborhood character. The Commission further notes that the low unit-density proposed for the building, as approved, is comparable to that of other existing buildings in the immediate vicinity. For example, the six-story loft building immediately north of the site at 457-461 West Broadway contains ground floor UG6 uses and 11 dwelling units and similarly occupies a zoning lot of approximately 7,500 square feet. Likewise, the six-story loft building immediately south of the site at 135 Wooster Street contains ground floor UG6 uses and one dwelling unit on each of the upper floors and is on a zoning lot of approximately 2,567 square feet. The Commission believes that the proposed mixed-use building will fill a gap in the historic West Broadway and Wooster Street corridors and will be consistent with and supportive of the essential character of the surrounding mixed-use area.

FINDINGS

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

- (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.

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 of 137 Wooster Street LLC for the grant of a special permit pursuant to Section 74-712 of the Zoning Resolution to modify the use regulations for a proposed development on a zoning lot that is vacant to allow Use Group 6 uses on the ground floor and cellar and to allow residential use (Use Group 2) on the 2nd through 8th floors of a proposed 8-story building with two wings on property located at 137 Wooster Street and at 455 West Broadway (Block 515, Lots 3 and 34), in the SoHo Cast Iron Historic District, within an M1-5A 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 040454 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Beyer Blinder Belle Architects & Planners LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-0	Zoning Analysis	October 5, 2004
Z-1	Site/Plot Plan	October 5, 2004
Z-2	Cellar & First Floor Plans	October 5, 2004
Z-3	Second, Third, Fourth & Fifth Floor Plans	October 5, 2004
Z-4	Sixth & Seventh Floor Plans	October 5, 2004
Z-5	Eighth & Roof Floor Plans	October 5, 2004

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, operation and maintenance.

4. 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, sublessee or occupant.

5. 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 whose provisions 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 as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. 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 failure to act in accordance with the provisions of this special permit.

The above resolution (C 040454 ZSM), duly adopted by the City Planning Commission on April 13, 2005 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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

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