



## CITY PLANNING COMMISSION

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January 24, 2007 | Calendar No. 7

C 060530 ZSM

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**IN THE MATTER OF** an application submitted by 157 Hudson, LLC Properties pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of:
  - a. Section 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists), Section 111-102(b) (Ground floor use restrictions, Area B1 and B2), and Section 111-103(b) (Additional use regulations, Area B1 and B2) to allow 13 loft dwellings on the 1<sup>st</sup> through 4<sup>th</sup> floors; and
  - b. Section 42-10 (Uses Permitted As-of-Right) to allow residential use (U.G. 2 uses) within the proposed 2-story penthouse enlargement; and
2. the bulk regulations of Section 111-111(b) (Loft dwelling requirements) to allow one loft dwelling with a floor area of less than 2,000 square feet;

of an existing building where the lot coverage is greater than 5,000 square feet and proposed to be enlarged on property located at 157 Hudson Street, a.k.a. 4-8 Hubert Street (Block 215, Lot 27), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B2), Community District 1, Borough of Manhattan.

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The application (C 060530 ZSM) was filed by 157 Hudson, LLC on June 7, 2006, for a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the bulk and use regulations of the Special Tribeca Mixed-Use District and to modify use regulations for manufacturing districts in order to facilitate residential use.

### **RELATED ACTIONS**

In addition to the special permit that is the subject of this report (C 060530 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following application being considered concurrently with this application:

- N 060531 ZAM: Authorization to allow on-site enclosed accessory parking spaces.

## **BACKGROUND**

157 Hudson, LLC requests a special permit pursuant to Section 74-711, seeking the modification of bulk and use requirements, to allow for the restoration, renovation, conversion and enlargement of an existing three-story building and an authorization pursuant to Section 13-551, to allow for the creation of enclosed accessory parking at the cellar level of a building.

The site is located on a “T”-shaped lot with frontage on all four streets of a block bounded by Laight, Hudson, Hubert and Collister streets in Tribeca. The site is an approximately 14,927 square foot zoning lot improved with a three-story, “T”-shaped building with approximately 43,370 square feet of floor area. The site is located in an M1-5 zoning district which allows for manufacturing and commercial uses as-of-right, and the block is located in Area B2 of the Special Tribeca Mixed-Use District. Pursuant to Section 111-104(d) (Special provisions for Areas A1, A2, A3, A4 and B2), the site is subject to M2-4 zoning district regulations.

The surrounding Tribeca neighborhood is generally developed with loft buildings which have been converted, or are planned to be converted, to residential uses on the upper floors, with commercial uses on the ground floors.

The existing building on the site, originally used as a stable for the American Express Company, is a three-story structure that was built in stages between 1866 and 1902. The Landmarks Preservation Commission (LPC) has found that “in terms of its style, scale, materials and details, the building contributes to the special architectural and historic character for which the Tribeca North Historic District was designated.” The building has been entirely vacant for more than two years.

The accessory parking facility would have its entrance and exit on Laight Street, a one-way street carrying two lanes of west-bound traffic near the northern edge of Tribeca and would utilize a 15’2”

curb cut, which would be reduced from an existing curb cut measuring over 50' in width.

### **REQUESTED ACTIONS**

According to the bulk regulations for Area B2 in the Tribeca Mixed-Use District, loft dwellings are required to have a minimum unit floor area of 2,000 square feet. The provisions of Section 111-111(b) make incremental square footage allowances below this required minimum floor area, based on the calculated ratio of the area of window openings to the unit floor area; for ratios greater than five percent, the provisions allow for graduated floor area allowances, permitting units with less than 2,000 square feet.

According to the use regulations for Area B2, loft dwellings are not permitted: below the floor level of the third story, as provided in Section 111-101; in the ground floor of buildings constructed before March 10, 1976, as provided in Section 111-102(b); or in buildings with lot coverage exceeding 5,000 square feet. Further, according to the use regulations in Section 42-00 *et seq.*, Use Group 2 (residential) uses are not permitted in M2-4 districts. Section 74-711 of the Zoning Resolution allows the City Planning Commission, by special permit, to modify bulk and use regulations (except floor area) in order to further the preservation of designated landmark buildings or buildings located within historic districts.

This application requests a modification of bulk requirements, pursuant to Section 74-711, of the Special Tribeca Mixed-Use regulations to: allow one of the proposed loft dwelling units, which does not otherwise meet the window-to-floor-area ratio threshold, to have a unit floor area below 2,000 square feet; allow loft dwelling units below the floor level of the third story, on floors one and two; allow loft dwellings on the ground floor of the existing building, which was constructed before March 10, 1976; and allow loft dwellings in the existing building, which has lot coverage greater than 5,000

square feet. The application also requests a modification of use requirements, pursuant to Section 74-711, to permit Use Group 2 residential units on floors four and five, in the proposed rooftop addition. Use Group 6 (retail use) is proposed as-of-right on the first floor. The application includes a Landmarks Preservation Commission report stating that a continuing maintenance program has been established that will result in the preservation of 157 Hudson Street, and that the proposed bulk and use modifications contribute to a preservation purpose.

In addition to the requested special permit pursuant to Section 74-711, the applicant also requests an authorization under Section 13-551 (in the related non-ULURP application, N 060531 ZAM). The proposed redevelopment includes an accessory parking garage for nine spaces at the cellar level, which exceeds the permitted, one-car as-of-right accessory parking. An authorization is therefore required.

## **ENVIRONMENTAL REVIEW**

This application (C 060530 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP109M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued on September 25, 2006, stating the following:

The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health safety plan, which would be submitted to the Department of Environmental

Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol, and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The applicant signed the Conditional Negative Declaration on September 21, 2006, and it was issued on December 6, 2006. The Conditional Negative Declaration was published in the City Record and in the New York State Environmental Notice Bulletin on January 10, 2007. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, a comment period followed. No comments were received.

### **UNIFORM LAND USE REVIEW**

This application (C 060530 ZSM) was certified as complete by the Department of City Planning on September 25, 2006, and was duly referred to Manhattan Community Board 1 and the Manhattan Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, in conjunction with the application for the related non-ULURP application (N 060531 ZAM) which was referred for review and comment.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on October 17, 2006, and on that date, by a vote of 42 to 0 with 0 abstentions, adopted a resolution recommending approval.

### **Borough President Recommendation**

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on November 16, 2006.

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

On November 15, 2006 (Calendar No. 6), the City Planning Commission scheduled December 6, 2006 for a public hearing on this application (C 060530 ZSM). The hearing was duly held on December 6, 2006 (Calendar No. 9). There were two speakers in favor and none in opposition.

The project applicant's representative appeared in favor of the project. The Manhattan Borough President's Director of Land Use reiterated the Borough President's support for the proposal.

There were no other speakers on the application and the hearing was closed.

### **CONSIDERATION**

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

The application seeks modification of the loft dwelling requirements set forth in Section 111-111(b) to permit one of the proposed loft dwelling units to have floor area below the required minimum. The Commission notes that on floors one through three the proposed loft dwelling units range in size from 1,859 square feet to 4,614 square feet and have an average floor area of 2,781 square feet. The Commission also notes that the two units which do not meet the unit size requirements of 2,000 square feet per loft dwelling unit—Units 1A and 2D—have unit sizes of 1,859 and 1,860 square feet, respectively. Unit 1A meets the calculated ratio threshold requirements set forth in Section 111-111(b) with regard to permitted unit square footage below the minimum required unit floor area, and Unit 2D does not. The application requests modification of the requirements for and within Unit 2D only. Accordingly, the proposed unit size of Unit 2D would have no effect on the overall bulk of the proposed development or on any of the surrounding buildings or open space in the area in terms of scale, location and access to light and air.

The proposed use modifications would facilitate the conversion of floors one through three to loft dwelling units; the creation of Use Group 2 residential units on floors four through five in the proposed rooftop addition; and the preservation of the entire building at 157 Hudson Street. When the building was constructed in the late 19<sup>th</sup> century, and continuing throughout the better part of the 20<sup>th</sup> century, the area known as Tribeca contained a mix of commercial, warehouse and industrial uses. However, over the last fifteen to twenty years many buildings in this area have been converted from commercial and manufacturing uses to residential uses, with Use Group 6 uses occupying much of the ground floor frontages as-of-right. The Commission recognizes that, as a mixed-use neighborhood, Tribeca supports a broad range of ground floor uses, from retail and service businesses to those oriented towards the arts. The Commission also notes that a four-block portion of Area B2 in North Tribeca along West Street was recently rezoned from M1-5 to C6-2A and C6-3A to allow for as-of-right residential construction (C 040543 ZMM, adopted September 13, 2006). Therefore, the Commission believes that loft dwellings on floors one through three and Use Group 2 residential units on floors four through five will be consistent with established land use trends in the greater Tribeca neighborhood.

The Commission believes that the proposed bulk and use modifications will facilitate the renovation and preservation of 157 Hudson Street. The renovation, conversion and enlargement of the building, to be accomplished as a result of this special permit, will enhance the architectural and historic built fabric of the Tribeca North Historic District.

The Commission notes that the proposed accessory off-street parking facility at 157 Hudson Street would have a capacity of nine spaces that will be accessory to the residential portion of the building and will support and enhance the conversion and redevelopment of 157 Hudson Street.

The Commission notes that area demand for off-street parking spaces has increased in recent years as an increasing number of warehouse and loft buildings have been converted to residential or mixed use. Available space has consequently become increasingly limited in off-street parking facilities in the vicinity of 157 Hudson Street. The Commission believes that the minimal amount of traffic that would be generated by the accessory off-street parking facility would not adversely impact nearby residential structures or the proposed building after its completion. The Commission believes that locating the accessory off-street parking facility on the Laight Street side of the building via a 15'2" curb cut, which would be reduced from the existing curb cut measuring over 50' in width, around the corner from the main entrance for both the commercial and residential occupants of the building, would not be incompatible with or adversely affect uses in the building.

The accessory parking facility would have its entrance and exit on Laight Street, a one-way street carrying two lanes of west-bound traffic near the northern edge of Tribeca and would utilize a 15'2" curb cut, which would be reduced from an existing curb cut measuring over 50' in width. Cars would access the garage by traveling west on Laight Street, or turning onto Laight Street from the south off of Hudson Street, then continuing approximately 100 feet to the entrance of the garage. Cars exiting the garage would continue west on Laight Street for approximately 60 feet, to the intersection of Laight Street and Collister Street. West-bound traffic at this location is prohibited from turning onto Collister Street, which is a narrow, one-way street carrying northbound traffic and which does not extend north of Laight Street.

The Commission notes that the proposed parking garage would be accessory to the residential uses in the 157 Hudson Street building, and that, according to the environmental assessment statement completed for this application, the proposed nine parking spaces would generate low daily usage of



vehicles entering and exiting the garage and would not contribute to traffic congestion. The Commission notes that the facility would include a warning system to minimize conflicts with pedestrians and traffic at the Laight Street entrance/exit. A signal light at the interior of the garage would alert exiting vehicles to entering traffic.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 of the Zoning Resolution:

- (a) that the bulk modifications shall have minimal impact on structures or open space in the vicinity in terms of scale, location and access to light and air, and
- (b) that the use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the actions described herein will have no significant impact on the environment, subject to the condition that the applicant, 157 Hudson, LLC, agrees via a restrictive declaration to prepare a hazardous materials testing protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including a health and safety plan, to DEP for approval. If necessary, remediation measures would be taken pursuant to the mediation plan.

and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of 157 Hudson, LLC Properties, dated June 7, 2006, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

- Section 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists), Section 111-102(b) (Ground floor use restrictions, Area B1 and B2), and Section 111-103(b) (Additional use regulations, Area B1 and B2) to allow 13 loft dwellings on the 1<sup>st</sup> through 4<sup>th</sup> floors; and
- Section 42-10 (Uses Permitted As-of-Right) to allow residential use (U.G. 2 uses) within the proposed 2-story penthouse enlargement;

and the bulk regulations of:

- Section 111-111(b) (Loft dwelling requirements) to allow one loft dwelling with a floor area of less than 2,000 square feet;

of an existing building where the lot coverage is greater than 5,000 square feet and proposed to be enlarged on property located at 157 Hudson Street, a.k.a. 4-8 Hubert Street (Block 215, Lot 27), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B2), Community District 1, Borough of Manhattan, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 060530 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 Kevin Kennon Architect PC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1	Plot Plan, Zoning Analysis	December 4, 2006
2	Floor Plans	December 4, 2006
2A	Floor Plans	December 4, 2006
3	Floor Plans	December 4, 2006
3A	Floor Plans	December 4, 2006

4	Exterior Elevations	September 11, 2006
5	Sections/Lightwell Diagrams	September 11, 2006
P1	Parking Analysis	September 14, 2006

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. The applicant, 157 Hudson, LLC, agrees via a restrictive declaration to prepare a hazardous materials testing protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including a health and safety plan, to DEP for approval. If necessary, remediation measures would be taken pursuant to the mediation plan.
4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
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. Development pursuant to this resolution shall be allowed only after the attached Restrictive Declaration, executed by 157 Hudson, LLC on September 10, 2006 and the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
7. 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 and the attached restrictive declaration 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 or of the attached restrictive declaration.

8. 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 060530 ZSM), duly adopted by the City Planning Commission on January 24, 2007 (Calendar No. 7), 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**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,  
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,  
CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS, Commissioners**