



CITY PLANNING COMMISSION

January 9, 2008/Calendar No. 15

C 040054 ZSM

IN THE MATTER OF an application submitted by Jordan Wooster Street Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14D(1)(b) to allow Joint Living Work Quarters for Artists on a portion of the third floor in a building with a lot coverage greater than 5,000 s.f.; and Section 42-14D(2)(a) to allow retail uses (Use Group 6) on portions of the ground floor and cellar of an existing 6-story building with a lot area greater than 3,600 s.f., on property located at 115-121 Wooster Street (Block 501, Lot 20) in an M1-5A District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by the Jordan Wooster Street Associates, LLC on August 8, 2003, to allow the conversion of a portion of the third floor to Joint Living Work Quarters for Artists (“JLWQA”) and to allow a retail use on portions of the ground floor and cellar of an existing six-story building located at 115-121 Wooster Street.

BACKGROUND

The building located at 115-121 Wooster Street is a six-story structure completed in 1896-97 and designed by Richard Berger as a store and warehouse building. It is located within an M1-5A District, situated on the west side of Wooster Street between Prince and Houston streets. The northern portion of the building extends through the block to the east side of West Broadway. The building is also within the SoHo-Cast Iron Historic District. The structure has lot coverage of approximately 11,800 square feet.

The West Broadway and Wooster Street ground floor spaces are occupied by Use Group 6 retail uses. The ground floor and cellar level of the West Broadway portion of the building have been

occupied by a non-conforming retail use since prior to 1976, when the M1-5A zoning was established. The Use Group 6 use of the ground floor of the West Broadway portion of the building is reflected in the building's Certificate of Occupancy. The ground floor of the Wooster Street side of the building has been occupied by retail uses since 1980.

The second floor, a portion of the third floor, and the fourth through sixth floors of the building have been occupied as eighteen live-work units since the late 1970s. The Certificate of Occupancy was amended in 1990 to reflect the occupancy of these floors as Joint Living-Work Quarters for Artists (JLWQA).

According to the use regulations for a M1-5A district, buildings with lot coverage in excess of 5,000 square feet may be converted to joint living-work quarters for artists (JLWQAs) only by special permit of the City Planning Commission. Further, in an M1-5A district, in buildings with lot coverage in excess of 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).

Section 74-711 of the Zoning Resolution allows the City Planning Commission, by special permit, to modify use and bulk 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 the M1-5A use regulations to legalize the retail use on Wooster Street. A total of approximately 15,000 square feet of retail use is proposed. The application is also seeking to convert the remaining portion of the third floor of the building to one unit of JLWQA.

The application includes a report from the Landmarks Preservation Commission stating that a continuing maintenance program has been established that will result in the preservation of 115-121 Wooster Street, and that the proposed use modification contributes to a preservation purpose.

The surrounding portion of the SoHo neighborhood is generally developed with five- to six-story loft buildings. While the upper floors in many of these buildings have been converted to dwelling units, including JLWQAs 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.

ENVIRONMENTAL REVIEW

This application (C 040054 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 04DCP007M. 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 September 17, 2007.

UNIFORM LAND USE REVIEW

This application (C 040054 ZSM) was certified as complete by the Department of City Planning on September 17, 2007 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 this application on October 11, 2007, and on October 18, 2007 by a vote of 43 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on November 20, 2007, approving the application.

City Planning Commission Public Hearing

On December 5, 2007 (Calendar No. 12), the City Planning Commission scheduled December 19, 2007 for a public hearing on this application (C 040054 ZSM). The hearing was duly held on December 19, 2007 (Calendar No. 32). There were two speakers in favor of the application and none in opposition.

A representative of the Borough President reiterated the Borough President's support for the application. The applicant's attorney also appeared in favor.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

When the building was constructed in 1896 – 1897 and continuing throughout the better part of the last century, the area known as SoHo 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 manufacturing use to joint living-work quarters for artists (Use Group 17D), and Use Group 6 uses occupy much of the ground floor frontages. The Commission recognizes that, as a mixed-use neighborhood, SoHo supports a broad range of ground floor uses, from retail businesses to those oriented towards the arts. Therefore, the Commission believes that the unit of joint living-work quarters for artists on the third floor and Use Group 6 uses on the ground floor will be consistent with established land use trends in the greater SoHo neighborhood.

The proposed use modifications will facilitate the renovation and preservation of 115-121 Wooster Street. The renovation of this building, to be accomplished as a result of this special permit, will enhance the architectural and historical built fabric of the SoHo Cast-Iron Historic District.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711

(Landmark preservation in all districts) of the Zoning Resolution:

- (1) not applicable
- (2) such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

RESOLUTION

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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 Jordan Wooster Street Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14D(1)(b) to allow Joint Living Work Quarters for Artists on a portion of the third floor in a building with a lot coverage greater than 5,000 s.f.; and Section 42-14D(2)(a) to allow retail uses (Use Group 6) on portions of the ground floor and cellar of an existing 6-story building with a lot area greater than 3,600 s.f., on property located at 115-121 Wooster Street

(Block 501, Lot 20) in an M1-5A 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 040054 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by WYS Design Partnership P.C. Architects Designers Planners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-2	Site Plan Zoning Calculation	July 14, 2003
A-1	Proposed Cellar Floor Plan	May 2, 2006
A-2	Proposed First Floor Plan	May 2, 2006
A-4a	Proposed Third Floor Plan	July 6, 2004

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, operation 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, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated January 4, 2008, executed by Jordan Wooster Street Associates, LLC, 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 040054 ZSM), duly adopted by the City Planning Commission on January 9, 2008 (Calendar No.15), 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

**IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, JOHN MEROLO,
KAREN A. PHILLIPS**
Commissioners

SHIRLEY MCRAE, Commissioner, ABSTAINING