



## **CITY PLANNING COMMISSION**

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March 12, 2007/Calendar No. 29

C 070556 ZSM

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**IN THE MATTER OF** an application submitted by 77 Reade 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 rear yard requirements of Section 23-533 (Required rear yard equivalents), the loft dwelling requirements of Section 111-111(b) (Loft dwelling requirements) and the lot coverage requirements of Section 23-145 (Lot Coverage Requirements) to facilitate the conversion and enlargement of an existing building, on property located at 73-77 Reade Street a.k.a. 91-95 Chambers Street (Block 149, Lots 9 and 11), in a C6-3A District, within the Special Tribeca Mixed Use District (Area A3), Community District 1, Borough of Manhattan.

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The subject application was filed by 77 Reade, LLC on October 29, 2007 for a special permit pursuant to Section 74-711 of the Zoning Resolution to modify certain bulk regulations for the development of a new, 6-story, 30 unit residential building at 73-77 Reade Street (Block 149, lots 9 and 11) within the Special Tribeca Mixed Use District and C6-3A District in Community District 1, Manhattan.

### **BACKGROUND**

The site, 77 Reade Street (Block 149, Lots 9 and 11), is a through lot fronting Chambers and Reade Streets between Broadway and Church Street. It is located in the Special Tribeca Mixed Use District and in the Tribeca South Historic District of Community Board 1. It is in a C6-3A contextual zoning district which allows for residential use as of right, a maximum building height of 135' and 7.52 FAR.

On Lot 11, there is currently a through block five-story commercial building. The building was constructed in 1853 and altered in 1924. The Reade Street façade is characterized by brick masonry with brownstone details. It has a cast iron storefront with a brownstone cornice at the first floor. The Chambers Street façade is the original primary façade of the building. It is characterized by buff brick with a limestone clad base that is penetrated by a 1960s storefront with large metal signage.

On Lot 9, there is a non-contributing one story commercial building that is connected with the adjacent five-story building. The one-story building was occupied by a retail, commercial use. The northern portion of Lot 9 that fronts Reade Street is occupied by a 48 space parking lot with a 20 foot wide curb cut on Reade Street. Lot 9 is also owned by the application and the one story commercial building would be demolished and redeveloped under the proposed action.

The surrounding area is characterized by commercial and residential buildings with ground floor retail or commercial use on Chambers and Reade Streets. City Hall and other government buildings are in close proximity to the east and Battery Park City and other residential uses are to the west. The building fronts on a two-way street and is well served by public transportation.

The proposed development would be a six-story, 98-foot-tall mixed use building containing 46, 2424 square feet of residential use (30 dwelling units) and 8,380 square feet of ground floor commercial use. The project will be developed pursuant to the Quality Housing Program. The project would have a FAR of 5.33. The existing structure on Lot 11 would be enlarged and restored. The one-story building at Lot 9 would be demolished, and the remaining building would be expanded eastward to fully cover the site, eliminating the existing open parking lot. The upper levels of the Building would fully occupy both street frontages, with two inner courts flanking a 20 foot wide circulation core which connects the two frontages of Lot 9 and 11.

The applicant is requesting a special permit pursuant to Section 74-711 to modify the requirements of Section 23-533 (Rear Yard Equivalent), Section 23-145 (Lot Coverage Requirements), and Section 111-111(b) (Loft Dwelling Requirements), in order to develop a

## REQUESTED ACTIONS

To facilitate the proposed development, the following waivers are required:

(1) Rear Yard Equivalent:

Section §23-533 of the Zoning Resolution states that that a rear yard equivalent provided at the center of a through lot site must extend the full width of the lot for a minimum depth of 60 feet. In

lieu of such an equivalent, the proposed Building contains two interior courtyards on floors two through six, separated by a common circulation core. The court in the New Building Portion would be 40 feet deep and 30 feet wide, and the court in the Existing Building Portion would be 43 feet deep and between 25 and 30 feet wide. Because the Existing Building Portion is within 100 feet of the corner, it is not subject to the rear yard equivalent requirements. The New Building Portion, however, requires a waiver of ZR §23-533 for an encroachment of 14'-8½" to the north of the courtyard, and 5-3½" to the south.

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. The applicant is seeking a special permit pursuant to Section 74-711 to allow the modification of the rear yard equivalent requirement.

(2) Lot Coverage Requirement:

While there are no lot coverage requirements for the existing building on Lot 11, the maximum lot coverage permitted for the new construction on Lot 11 is 70% pursuant to Z.R. §23-145. Since the proposed lot coverage of the new construction is 84%, a waiver of this provision is required.

(3) Loft Dwelling Requirements:

Section 111-111(b) of the zoning resolution requires that the ratio of window fronting on a street to unit square footage be a minimum of 10%. On the fourth and fifth floors of the building where the windows are smaller than on the floors below, the fourth floor provides a 6.56% ratio, and the fifth floor provides a 5.71% ratio.

Section 74-711 also requires a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings and that such use or bulk modifications, or restorative work required

under the continuing maintenance program, contributes to a preservation purpose.

On March 7, 2007, the Landmarks Preservation Commission issued a report stating that a program for continuing maintenance has been established for 95 Chambers (Block 149, Lot 11) building and a restrictive declaration will be filed against the property. As part of the continuing maintenance program, the applicant has agreed to undertake work to restore the designated building and bring it up to a sound, first class condition, including the installation of new storefronts at the Chambers and Reade Streets facades, and then removal of a fire escape on the Reade Street façade. On March 7, 2007, the Landmarks Preservation Commission issued a Certificate of Appropriateness.

## **ENVIRONMENTAL REVIEW**

This application (C 070556 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 lead agency is the City Planning Commission. The designated CEQR number is 07DCP083M.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 3, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 070556 ZSM) was certified as complete by the Department of City Planning on December 3, 2007, and was duly referred to Manhattan Community Board 1 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 1 held a public hearing on this application on December 18, 2007, and on that

date, by a vote of 35 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 January 24, 2008, approving the application.

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

On February 13, 2008 (Calendar No. 18), the City Planning Commission scheduled February 27, 2008 for a public hearing on this application (C 070556 ZSM). The hearing was duly held on February 27, 2008 (Calendar No. 37).

There were four speakers in favor and none opposed.

The speakers in favor included the Director of Planning from the Borough President's Office, the architect of the proposal, the attorney representing the applicant, and the applicant. The Borough President's representative reiterated support for the project and the significance of the façade restoration. The remaining speakers appeared in favor.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes the application for a special permit (C 070556 ZSM) is appropriate.

The Commission believes that the bulk modifications will have minimal impacts on the existing scale, and the units will have sufficient access to light and air. The Commission notes that the proposed new development would be appropriate with the Reade and Chambers Streets streetscape. Chambers Street is a highly utilized street with residential uses above the ground floor commercial uses lining both streets in all directions. On the Reade Street frontage, this project would reactivate what is currently a gap in the street frontage with historic storefronts and

would also preserve the historic structures of 95 Chambers Street.

The Commission believes that the proposed waiver of Section 23-533 (Required Rear Yard Equivalent) for an encroachment of 14'-8 1/2" to the north of the courtyard and 5-3 1/2" to the south is appropriate for the proposed building given that the block between Chambers and Reade Streets is comparatively narrow at 150' compared to adjacent blocks which measure 175'.

The Commission believes that the provided court and the window to unit area ratio provide sufficient light and air to the proposed project. The addition of the court will provide additional light where none previously existed, and because affected units are on the upper floors of the building on the fourth and fifth floors, they will have access to more light. Furthermore, because the structure is underbuilt at 98' instead of 135' due to LPC considerations, the courts and non-complying units should have sufficient light and air.

The Commission also notes that the Landmarks Preservation Commission considered the scale of the proposed building when issuing the Certificate of Appropriateness and that because of Landmarks Preservation Commission requirements, the proposed building is underbuilt at 5.33 FAR instead of the allowed 7.52 FAR. The setbacks for the penthouses, and the proposed height of the building all relate to the neighboring buildings maintaining the cornice lines of existing structures.

## **FINDINGS**

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

- 1) That the bulk modifications shall have minimal impacts on area structures and open space in the vicinity in terms of scale, location and access to light and air;

## **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 described in this report, the application submitted by 77 Reade, 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 rear yard requirements of Section 23-533 (Required rear yard equivalents), the loft dwelling requirements of Section 111-111(b) (Loft dwelling requirements) and the lot coverage requirements of Section 23-145 (Lot Coverage Requirements) to facilitate the conversion and enlargement of an existing building, on property located at 73-77 Reade Street a.k.a. 91-95 Chambers Street (Block 149, Lots 9 and 11), in a C6-3A District, within the Special Tribeca Mixed Use District (Area A3), Community District 1, Borough of Manhattan.

is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 070556 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 BKSK, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
A001	Cover Sheet and Location Plans	02.05.08
A002	Zoning Calcs and Site Plan	02.05.08
A200	Proposed Site Plan	07.11.07
A204	Proposed Plan Second Floor	07.11.07
A205	Proposed Third Floor Plan	07.11.07
A206	Proposed Fourth Floor Plan	07.11.07
A207	Proposed Plan Top Floor Fifth Floor Plan (Exist.) Sixth Floor Plan (New)	07.11.07

A208	Proposed Plans Penthouse	07.11.07
A209	Proposed Plans Penthouse Mezzanine	07.11.07
A402	Proposed Section	07.11.07
A403		07.11.07

- 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 that 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 report and 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 March 4, 2008, executed by 77 Reade 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 070556 ZSM), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No.29), 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, 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, BETTY Y. CHEN, MARIA M. DEL TORO,  
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,  
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners**