



## **CITY PLANNING COMMISSION**

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May 7, 2008/Calendar No. 9

C 070159 ZSM

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IN THE MATTER of an application submitted by Rocksprings Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant 74-712(a) of the Zoning Resolution to modify the use regulations of Section 42-10 to allow Use Group 2 uses (residential uses) on the 2<sup>nd</sup> thru 6<sup>th</sup> floors, and Section 42-14D (2) to allow Use Group 6 uses (retail uses) on the ground floor of a proposed mixed use development on property located at 52-54 Wooster Street (Block 475, Lot 40), in an M1-5B District, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2.

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The application for the special permit was filed by Rocksprings Management Company on October 16, 2006, to allow Use Group 6 uses on the ground floor and residential use on the upper floors of a proposed building at the southeast corner of Broome and Wooster streets, within an M1-5B 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 M1-5B zoning district in the SoHo-Cast Iron Historic District in Manhattan.

The surrounding portion of the SoHo neighborhood generally contains five- to six-story buildings along Wooster, Greene, and Broome streets. 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 restaurants, and home furnishing and clothing stores.

## **Proposed Project**

The proposed development is comprised of a six-story 5 - FAR residential building with retail use on the ground floor to be constructed on a 2,500 square foot zoning lot located at the southeast corner of Broome and Wooster streets that is currently occupied by a 10-space accessory parking lot. The rectangular-shaped lot has 25 feet of frontage on Broome Street and 100 feet of frontage on Wooster Street.

The proposed building would contain 12,498 square feet of floor area; including 10,192 square feet of residential use and 2,306 square feet of retail use. The proposed development would consist of five dwelling units. Ground floor retail space would be located on both Broome and Wooster streets and the residential entrance would be located on Broome Street.

Residential use is not permitted in M1-5A/B zoning districts and new construction is restricted to a specific set of conforming uses which include light industry, warehousing, wholesaling, parking facilities, and hotels. In addition, according to the use regulations for an M1-5B district, 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 74-712(a) allows, in M1-5A and M1-5B districts, in historic districts, the modification of use regulations by special permit on vacant sites, land with minor improvements, or sites where not more than 20 percent of the site is occupied by an existing building. The applicant is seeking a special permit pursuant to Section 74-712(a) to allow the modification of the use regulations of the M1-5B district in order to allow retail use on the ground floor and residential uses in the proposed building. 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 070159 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 07DCP018M. 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 January, 7, 2008.

## **UNIFORM LAND USE REVIEW**

This application (C 070159 ZSM) was certified as complete by the Department of City Planning on January 7, 2008 and was duly referred to Community Board 2 and the 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 the application on February 14, 2008, and on February 21, 2008, by a vote of 35 in favor, 0 opposed, and 0 abstentions, 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 March 28, 2008 approving the application.

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

On March 26, 2008 (Calendar No. 4), the City Planning Commission scheduled April 9, 2008 (Calendar No. 14) for a public hearing on this application (C 070159 ZSM). The hearing was duly held on April 9, 2008 (Calendar No. 10). There were two speakers in favor of the application and none in opposition.

The applicant's attorney described the subject proposal and stated that it met the requisite findings. The speaker noted that the developer has retained an engineering firm to ensure the structural stability of the surrounding buildings during construction. The speaker further noted that the project will meet or exceed all requirements of the Department of Buildings with regard to the protection of buildings in historic districts during construction. He also noted that the developer will be meeting with the Department of Transportation to develop a plan to minimize traffic during construction.

A representative of the Borough President reiterated the Borough President's support for the application as well as the Borough President's concern that that project comply with the Department of Building's Technical Policy and Procedure Notice #1088 (Procedures for the Avoidance of Damage to Historic Structures Resulting from Adjacent Construction).

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the grant of this special permit pursuant to Sections 74-712(a), and 74-712(b) is appropriate.

The Commission believes that the modification of use regulations to allow residential and Use Group 6 uses at 52-54 Wooster Street will have minimal adverse effects on the conforming uses in the surrounding area and would not affect neighborhood character. 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. 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 Broome and Wooster streets. The Commission notes that the ground floor Use Group 6 use and the upper floor residential use proposed for the building are analogous to the uses occupying most of the surrounding buildings.

The Commission notes that the developer has retained an engineering firm to ensure the structural stability of the surrounding buildings during construction. The Commission further notes that the applicant stated that the project will meet or exceed all requirements of the Department of Buildings with regard to the protection of buildings in historic districts during construction.

The Commission believes that the proposed mixed-use building will fill a gap in the historic Broome and Wooster Street corridors and will be consistent with and supportive of the character of the surrounding mixed-use area. The Commission believes that the proposed building would be compatible with the scale of the surrounding area. The Commission notes that the two buildings on the Broome Street frontage of the block are both 85 feet in height, while the adjacent building on Wooster Street is almost 100 feet tall. The proposed building rises to 85 feet and would line up with the roofs of the adjacent buildings. The Commission further notes

that the scale of the building, as approved by the LPC, is compatible with the scale of the buildings in the surrounding area, complementing them with its similar size and bulk.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-712

(a) and (b) (Developments in Historic Districts) of the Zoning Resolution:

Such use modifications

- (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 actions 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 Rocksprings Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant 74-712 of the Zoning Resolution to modify the use regulations of Section 42-10 to allow U.G. 2 uses (residential use) on the 2<sup>nd</sup> thru 6<sup>th</sup> floor and penthouse and Section 42-14D(2) to allow U.G. 6 uses (retail use) on portions of the ground floor of a proposed mixed use development on a zoning lot where not more than twenty percent of the lot area is occupied by an existing building on property located at 52-54 Wooster Street (Block 229, Lot 1), 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:

The property that is the subject of this application (C 070159 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 Arpad Baksa, Architect, P.C. and filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CP-3	First Floor Plan	01 Nov 07
CP-4	Second Floor Plan	01 Nov 07
CP-5	Third Floor Plan	01 Nov 07
CP-6	Fourth Floor Plan	01 Nov 07
CP-7	Fifth Floor Plan	01 Nov 07
CP-8	Sixth Floor Plan	01 Nov 07
CPZ-1	Zoning Calculations	01 Nov 07
CPT-2	Site Plan	01 Nov 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. 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 070159 ZSM), duly adopted by the City Planning Commission on May 7, 2008 (Calendar No. 9), 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, FAICP, 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**