



CITY PLANNING COMMISSION

March 14, 2007/Calendar No. 12

C 060492 ZSM

IN THE MATTER of an application submitted by 27 Wooster, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Section 74-712(a) - to modify the use regulations of Sections 42-10 and 42-14(D) to allow residential use (U.G. 2 uses) on the 2nd through 9th and to allow retail use (U.G. 6 uses) and/or residential use (U.G. 2 uses) on the ground floor and cellar; and
2. Section 74-712(b) - to modify the height and setback regulations of Section 43-43;

in connection with a proposed mixed use development on property located at 27 Wooster Street (Block 228, Lot 30), in M1-5A and M1-5B Districts, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by 27 Wooster, LLC on May 11, 2006, and revised on March 7, 2007, to allow Use Group 6 uses on the ground floor and residential use on the upper floors of a proposed building at the southwest corner of the intersection of Wooster and Grand streets.

RELATED ACTIONS

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

C 060493 ZSM	Special Permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 10 spaces
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BACKGROUND

The site has a total lot area of 9,080 square feet and is located at the southwest corner of Wooster and Grand streets. The subject lot has approximately 114 feet on Grand Street and 79 feet on Wooster Street, and is occupied by a 65-space public parking lot.

While the majority of the zoning lot is located within an M1-5B district, an approximately 1,100 square foot strip located on the western edge of the zoning lot is located within an M1-5A district. The entire property is located within the boundaries of the SoHo-Cast Iron Historic District.

On Wooster Street, abutting the site are two vacant three-story buildings. A land use application has been filed (070247 ZSM) with the Department of City Planning to allow the residential conversion of these buildings. The remainder of the Wooster Street frontage is occupied by a public parking lot and a newly constructed six-story residential building. The parking lot was the subject of a special permit approved by the City Council in May, 2006 (C 060202 ZSM) to allow the construction of a nine-story residential building. The Grand Street frontage is occupied by four buildings ranging in height from three- to five-stories. The buildings have dwelling units on the upper floors with Use Group 6 uses on the ground floor.

The surrounding portion of the SoHo neighborhood generally contains four- to seven-story loft buildings along West Broadway, Canal and Wooster streets. The upper floors in many of these buildings have been converted to dwelling units, including joint living-work quarters for artists (JLWQAs) and interim multiple dwellings. Ground floor uses in the vicinity primarily consist of a mix of restaurants, and home furnishing and clothing stores. The ten-story SoHo Grand Hotel is located on the west side of West Broadway, between Grand and Canal streets. The Canal

Street corridor, running south of and inclusive of the subject block, serves as a regional discount electronics and discount shopping strip.

Proposed Project

The proposed development is comprised of a 5 FAR residential building with ground floor retail use. The proposed building would contain approximately 45,405 sf of floor area; including 41,543 sf of residential use and 3,862 sf of retail use. The proposed development would consist of a maximum of 22 units. As certified, the building would consist of an eight-story portion at the intersection of Grand and Wooster Streets, which would extend along the full length of the Grand Street frontage and along approximately 36 feet on Wooster Street, and an additional two-story portion on the Wooster Street portion of the site. An approximately 1,800 square foot interior courtyard which will be accessible to occupants of the building will be provided at the rear of the Wooster and Grand Street portions of the building. Ground floor retail space would be located on both Wooster and Grand streets and the residential entrance would be located on Grand Street. The building would also contain a cellar-level accessory parking garage for 10 cars with that would be accessed from a curb cut located on Wooster Street. Cars would proceed on a 42 - foot long driveway to an elevator which would bring the cars to the cellar level.

REQUESTED ACTIONS

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

Special Permit to Modify Use and Bulk Regulations (C 060492 ZSM)

Residential use is not permitted in the 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 M1-5A district, uses below the second story are limited to wholesale, warehouse and light

industrial uses in buildings with lot coverage greater than 3,600 square feet. In the M1-5B districts, ground floor retail use is not allowed in any buildings, irrespective of their lot coverage.

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. 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.

The applicant is seeking a special permit pursuant to Section 74-712(a) to allow the modification of the use regulations of the M1-5A and M1-5B districts in order to allow retail uses on the ground and cellar floors and residential uses in the proposed building.

A building in M1-5A and M1-5B districts may rise to six stories or 85', whichever is less and is then required to setback 20 feet on a narrow street, such as Wooster and Grand streets. Above the setback the building could continue to rise within a sky exposure plane of 5.6:1.

As certified, the Wooster Street portion of the proposed building would rise eight stories on Grand Street to a height of 88'⁷/₈" without setback. It would then setback 15'4" on Wooster Street and 8'8" on Grand Street. The building would then rise an additional 10'9 ¹/₈" for a total height of 98'11". The area within the setback would contain one penthouse unit. The penthouse unit would have a V-shaped roof.

The applicant is requesting a modification of the height and setback requirements to allow street walls higher than those allowed and to allow setbacks narrower than those allowed.

The proposed bulk modifications requires a finding that the modifications would have minimal adverse effects on structures or open space in the vicinity in terms of scale, location and access to light and air and also that the proposed bulk modifications would relate harmoniously to buildings in the Historic District as evidenced by a Certificate of Appropriateness from the LPC.

Special Permit for a Public Parking Garage (C 060493 ZSM)

An attended 10-space accessory garage is proposed for the cellar level of the new building, which requires a special permit pursuant to Section 74-52. The applicant is also requesting a waiver of the required reservoir spaces. Section 13-561 (e) requires adequate reservoir space to accommodate twenty percent of the vehicles parking in the garage. The Section allows a waiver of this requirement for facilities with a capacity of ten vehicles or less.

As certified, the garage would total approximately 3,050 square feet of floor space. Access to and egress from the proposed garage would be via a 14-foot wide curb cut to be located on Wooster Street, approximately 48 feet south of Grand Street. The roadbed of Wooster Street has a width of approximately 25-feet, with one-way southbound traffic. Cars would enter a 42-foot long driveway to access an elevator which would descend to the parking level. Audio and visual alarms alerting pedestrians to the presence of cars leaving the garage would be located at the curb cut.

ENVIRONMENTAL REVIEW

This application (C 060492 ZSM), in conjunction with the application for the related action (C 060493 ZSM), were 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 07DCP004M . 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 October 23, 2006.

In conjunction with the revised ULURP application submitted on March 7, 2007, a revised Environmental Assessment Statement was submitted and a Revised Negative Declaration was issued on March 14, 2007.

UNIFORM LAND USE REVIEW

This application (C 060492 ZSM), in conjunction with the application for the related action (C 060493 ZSM), was certified as complete by the Department of City Planning on October 23, 2006 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 December 14, 2006, and on December 21, 2006, by a vote of 32 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 February 1, 2007 approving the application.

City Planning Commission Public Hearing

On January 24, 2007 (Calendar No. 2), the City Planning Commission scheduled February 7, 2007 (Calendar No. 25) for a public hearing on this application (C 060492 ZSM). The hearing was duly held on February 7, 2007 (Calendar No. 25), in conjunction with the public hearing on the application for the related action (C 060493 ZSM). There were four 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 reviewed the changes to the proposed plans made subsequent to certification and noted that the changes were made in response to the Commission's comments. The speaker also noted that the project as revised was presented the previous day to the Landmarks Preservation Commission and that the LPC had approved the revisions. The speaker acknowledged the Borough President's recommendation of a Construction Protection Plan and noted that there was no such plan at present since they do not yet have construction drawings. The architect for the project reviewed the reasoning which led to the specific changes to the plans. The Director of Land Use for the Borough President reiterated the Borough President's support for the applications. He noted that the site is located within a Federal Flood zone and that it appeared that a lot of thought had therefore been given to assuring the structural integrity of the neighboring buildings thereby minimizing any construction impacts. The Chair of Community Board 2's Land Use Committee read the board's recommendation.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of these special permits pursuant to Sections 74-712(a), Section 74-712(b), as revised, and Section 13-561, is appropriate.

In response to concerns of the Commission, the applicant revised the applications for the proposed project on March 7, 2007. The revised proposal includes changes to the building and to the parking garage. The revisions involve increasing the height of the two-story Wooster Street portion of the project by one-story, replace the V-shaped roof at the penthouse level of the Grand Street portion of the building with a flat roof, and changing the blank brick wall on the south facing side of Wooster Street portion to a glass curtain wall. Further, as certified, all ten parking spaces were located in the cellar level. The revised proposal would have four spaces in the cellar and six spaces on the ground floor. The long driveway from the street to the elevator which would bring cars to the cellar level has been eliminated.

Special Permit to Modify Use and Bulk Regulations (C 060492 ZSM)

The Commission believes that the modification of use regulations to allow residential and Use Group 6 uses at 27 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 Grand 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 believes that the proposed building would be compatible with the scale of the surrounding area. The height and massing of the two portions of the building, the eight-story portion on Grand Street and the three-story portion on Wooster Street, are similar to the variations in height and massing found throughout SoHo. The Commission further believes that

both the Wooster and Grand Street portions of the development relate to the built context of these two thoroughfares.

The slender eight-story Grand Street portion of the development is an example of a particular building profile found throughout SoHo, at the corner of two intersecting streets. The profile is of a tall, slab-like building, which is oriented so that the long portion of the building's facade is located on the east-west street, with the narrow portion of the facade wrapping the corner on to the intersecting north-south street. The slender eight-story Grand Street portion of the building is comparable to this profile. Its 114-foot long facade is located along the east-west Grand Street portion of the site and it then wraps around the corner of Wooster and Grand streets to continue only a comparably short 36 foot distance along north-south Wooster Street.

The three-story Wooster Street portion of the project is comparable to a second building form seen in SoHo, that of a two- to three-story building which punctuates the otherwise relatively uniform-height east-west oriented streets.

The Commission notes that the high street wall and single setback of the proposed building is consistent with the built framework of the surrounding high street wall buildings. The Wooster Street portion's street wall of 88' $\frac{7}{8}$ ", and overall height of nine stories or 98' 11" reflects of the context of the surrounding area. The Commission also notes that the southwestern portion of SoHo, including Wooster and Grand streets, is developed with of buildings of varying heights. The subject block of Grand Street is developed with buildings ranging from 44 to 70 feet in height, and the subject block of Wooster Street is currently developed with buildings ranging from 42 to 72 feet in height. Furthermore, the Commission notes that the design for the building has received a Certificate of Appropriateness from the LPC.

The Commission believes that the requested increase in the height of the street wall on Grand Street, and the smaller setbacks requested on Wooster and Grand streets, would not adversely affect structures or open space in the vicinity in terms of access to light and air. The Commission notes that both the requested street wall and the setback waivers are relatively minor. The Commission further notes that the EAS completed for the project found that shadows cast by the building are not the result of the requested waivers. The interior courtyard at the rear of the Grand and Wooster Street portions of the building will be minimally affected by the proposed building..

The Commission believes that the proposed mixed-use building will fill a gap in the historic Wooster and Grand Street corridors and will be consistent with and supportive of the character of the surrounding mixed-use area.

Accessory Parking Garage (C 060493 ZSM)

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

The Commission believes that the ten-space parking garage will complement the existing and evolving character of SoHo. The Commission recognizes the potential that existing parking lots presently serving the SoHo residential and commercial community are likely to be redeveloped over time. The Environmental Assessment Statement completed for the project reports that two of the three parking lots and one of the three garages within the vicinity of the site will be replaced by residential redevelopment approved by either the Board of Standards and Appeals or the City Planning Commission. Further, as cited in the Environmental Assessment Statement, daytime on-street parking is limited within SoHo. The Commission therefore believes that it would be beneficial to provide an on-site parking facility which would support the area's

growing residential community. The Commission notes that the ten spaces would be used only by the residents of the building's 22 units.

The Environmental Assessment Statement notes that the number of spaces would be too small to contribute significantly to traffic congestion. Vehicles entering or exiting the garage would use a single 14 foot wide curb cut that would be located on Wooster Street. The Commission believes that changes to the garage in the revised plan improve its operation. While two reservoir spaces are required for the proposed ten-space facility, the Commission does not believe that the reservoir spaces are needed. The Commission notes that since the elevator in the garage would be programmed to wait at street level and would immediately deliver cars to the lower level, cars would rarely need to wait for the elevator at the ground level. Second, because only ten spaces are planned, it is unlikely that several cars would be entering the garage at the same time. The garage will have warning devices alerting pedestrians and cars of exiting vehicles.

Vehicles seeking to access the garage would travel either north or south on West Broadway, turn east on Grand Street and then south on Wooster and subsequently enter the garage; or cars would drive south on Wooster Street from points north of Grand Street and then enter the garage. None of these streets are local streets.

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.

Such bulk modifications:

- (1) shall not adversely affect structures or open space in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to buildings in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

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 27 Wooster, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution:

- 1. Section 74-712(a) - to modify the use regulations of Sections 42-10 and 42-14(D) to allow residential use (U.G. 2 uses) on the 2nd through 9th and to allow retail use (U.G. 6 uses) and/or residential use and (U.G. 2 uses) on the ground floor and cellar; and

2. Section 74-712(b) - to modify the height and setback regulations of Section 43-43; in connection with a proposed mixed use development on property located at 27 Wooster Street (Block 228, Lot 30), in M1-5A and M1-5B Districts, 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 060492 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 Smith-Miller + Hawkinson Architects and filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A.02	Zoning Overview	3/05/07
A.03	Elevation: Wooster + Grand Street	3/05/07
A.03A	Section Looking North	3/05/07
A.04	Plan: Cellar	3/05/07
A.05	Plan: Cellar Garage	3/05/07
A.06	Plan: Ground Floor, Level 1	3/05/07
A.06A	Plan: Ground Garage, Level 1	3/05/07
A.07	Plan: Second Floor, Level 2	3/05/07
A.08	Plan: Typical Floor, Levels 4-7	3/05/07
A.08A	Plan: Third Floor, Level 3	3/05/07
A.08B	Plan: Eighth Floor, Level 8	3/05/07
A.09	Plan: Penthouse, Level 9	3/05/07

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 060492 ZSM), duly adopted by the City Planning Commission on March 14, 2007 (Calendar No. 12), 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 CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, LISA A. GOMEZ, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners**

BETTY CHEN, NATHAN LEVENTHAL, Commissioners, Abstaining