



CITY PLANNING COMMISSION

July 13, 2005/Calendar No. 16

C 050284 ZSM

IN THE MATTER OF an application submitted by One York Property LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to modify the use regulations of Section 42-00 to allow community facility uses (U.G. 4A) on the 1st, 2nd, and 3rd floors of an existing 6-story building and proposed to be enlarged to 12-stories on property located at 55 Avenue of the Americas a.k.a. One York Street (Block 212, Lots 24, 26, 41, and 43) in an M1-5 District, within the Special TriBeCa Mixed-Use District (Area B1), Borough of Manhattan, Community District 1.

The application for a special permit was filed by One York Property, LLC on January 26, 2005.

The proposed special permit, in conjunction with related actions, would allow for the location of community facility space in a manufacturing zoning district in a building undergoing conversion and enlargement to loft dwellings.

RELATED ACTIONS

In addition to the application for the special permit which is the subject of this report (C 050284 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

N 050281 ZRM: A text amendment to Sections 111-02, 111-111, 111-50 and a new Section 111-51 to permit the enlargement of loft buildings in Area B1 of the Special Tribeca Mixed Use District

C 050282 ZSM: A special permit pursuant to Section 111-50 to permit the conversion to loft dwellings of an existing building.

C 050283 ZSM: A special permit pursuant to Section 111-51(b) (a new section) to permit the enlargement of a building containing loft dwellings.

C 050285 ZSM: A special permit pursuant to Section 13-561 to permit an accessory parking garage with 47 spaces.

BACKGROUND

A more detailed description of this application, the surrounding area, proposed project and special permit application, is included in the report on the related application for the proposed special permit (C 050282 ZSM).

ENVIRONMENTAL REVIEW

This application (C 050284 ZSM), in conjunction with the applications for the related actions, 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 05DCP037M. The lead is the City Planning Commission.

UNIFORM LAND USE REVIEW

This application (C 050284 ZSM), in conjunction with the applications for the related actions, was certified as complete by the Department of City Planning on March 28, 2005, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on April 19, 2005, and on that date, by a vote of 36 to 4 with 2 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the vote and recommendation of Community Board 1 appears in the report of the related application for a special permit (C 050282 ZSM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 5, 2005.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 050282 ZSM).

City Planning Commission Public Hearing

On May 25, 2005 (Calendar No. 6), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (C 050284 ZRM). The hearing was duly held on June 8, 2005 (Calendar No. 18), in conjunction with the public hearings on the applications for the related actions.

There were two speakers, as described in the report for a special permit (C 050282 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the special permit, in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the related application for a special permit (C 050282 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-921 (Use Group 3A and 4A Community Facilities) of the Zoning Resolution:

- (a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot;

- (b) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;
- (c) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (e) for a Use Group 4A #use#, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- (f) such facility will not impair the essential character of the surrounding area.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; subject to the condition that the applicant, One York Property 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 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 One York Property LLC, grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to modify the use regulations of Section 42-00 to allow community facility uses (U.G. 4A) on the 1st, 2nd, and 3rd floors of an existing 6-story building and proposed to be enlarged to 12-stories on property located at 55 Avenue of the Americas a.k.a. One York Street (Block 212, Lots 24,26, 41, and 43), in an M1-5 District, within the Special TriBeCa Mixed Use District (Area B1), Borough of Manhattan, Community District 1, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 050284 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 TEN Arquitectos, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Zoning Tables	March 17, 2005
Z-3	Site Plan	March 17, 2005
Z-5	Floor Plans – Cellar thru 2 nd	March 17, 2005
Z-6	Floor Plans – 3 rd Thru 6 th (Conversion)	March 17, 2005
Z-7	Floor Plans – 7 th through 12 th (Enlargement)	March 17, 2005
Z-8	Parking Garage Ground Floor Plan and Section	March 17, 2005
Z-9	Parking Garage Plans - Cellar and 2 nd thru 4 th Level	March 17, 2005

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, One York Property 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, sublessee or occupant.
6. 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.

7. 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 050284 ZSM), duly adopted by the City Planning Commission on July 13, 2005 (Calendar No. 16), 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 G. CANTOR, P.E., RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS Commissioners