



CITY PLANNING COMMISSION

January 28, 2004/Calendar No. 9

C 020613 ZSM

IN THE MATTER OF an application submitted by Sun-Ho Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to modify the use regulations of Section 111-101 to allow two loft dwellings on the first floor, second floor and a portion of the cellar of an existing 6-story building located at 448 Greenwich Street (Block 223, Lot 30), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B2), Borough of Manhattan, Community District 1.

The application for the special permit was filed by Sun-Ho Corporation on May 10, 2002, to allow two loft dwellings on the first floor, second floor and a portion of the cellar in a building located at 448 Greenwich Street in an M1-5 District, within Area B2 of the Special Tribeca Mixed Use District (TMU) in the Tribeca neighborhood of Lower Manhattan.

BACKGROUND

448 Greenwich Street is a six-story loft building located on the westerly side of Greenwich Street between Desbrosses and Vestry streets in an M1-5 zone within Area B2 of the Special Tribeca Mixed Use District. The subject property has a lot coverage of approximately 1,667 square feet and building floor area of 9,435 square feet. This vacant building is also located within the Tribeca North Historic District. The surrounding area is characterized by a medium density mix of converted loft dwellings; warehouse, storage and office uses; parking facilities; and a few vacant lots.

In Areas B1 and B2 of the Special Tribeca Mixed Use District, the special district regulations limit the conversion of non-residential buildings, or portions thereof, to loft dwellings or joint living- work quarters for artists (collectively known as “converted units”). Converted units in

Areas B1 and B2 are not permitted below the floor level of the third story of any building (Section 111-101). Since the subject building has a lot coverage of less than 5,000 square feet, conversion to loft dwelling units above the second floor is as-of-right requiring no Commission action. The applicant is requesting a special permit to allow two loft dwellings on the first and second floors, and a portion of the cellar.

The restrictions on converting the subject building, as stipulated in Section 111-101 may be modified by a City Planning Commission special permit pursuant to Section 111-50, provided the Commission finds that:

- a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- c) the process of conversion will not unduly burden commercial and manufacturing uses in the building; and
- d) the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity.

ENVIRONMENTAL REVIEW

This application (C 020613 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 03DCP021M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 25, 2003.

UNIFORM LAND USE REVIEW

This application (C 020613 ZSM) was certified as complete by the Department of City Planning on August 25, 2003, 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 October 21, 2003, and on that date, by a vote of 34 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 approving the application on October 31, 2003.

City Planning Commission Public Hearing

On December 3, 2003 (Calendar No. 2), the City Planning Commission scheduled December 17, 2003, for a public hearing on this application (C 020613 ZSM). The hearing was duly held on December 17, 2003 (Calendar No. 15). There were no speakers and the hearing was closed.

CONSIDERATION

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

Approval of the special permit pursuant to Section 111-50 of the Zoning Resolution would modify the use regulations of Section 111-101 to allow two loft dwelling units on the first floor, second floor and a portion of the cellar at 448 Greenwich Street located in an M1-5 zoning district within Area B2 of the TMU.

The subject building is currently vacant. The Commission recognizes the trend that most of the manufacturing and warehousing industries have departed from this area for sites that are more accommodating suburbs for the needs of the specific uses.

The Commission notes that over recent years there has been an increasing number of residential conversions in this area of Tribeca. Despite these land use changes, Tribeca continues to exist as a vibrant mixed-use area. The subject building has smaller floor plates and a substantially shorter floor to ceiling height than similar buildings in the vicinity. Recent conversions in the immediate vicinity of 448 Greenwich Street, include 468 Greenwich Street, 465 Greenwich Street, 429 Greenwich Street, 195 Hudson Street, 185 Hudson Street, 16 Desbrosses Street and

27 Vestry Street.

The area around the building is a mixed use community with light manufacturing, commercial and residential uses. There are many residential units in the immediate vicinity of the building. The addition of two dwelling units on the first and second floors, and a portion of the cellar is de minimus in relation to the population of the area and would not burden the surrounding neighborhood by increased residential activity.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 111-50 (Special Permit For Conversion to Loft Dwellings or Joint Living-Work Quarters For Artist) of the Zoning Resolution:

- (a) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (b) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (a) the process of conversion will not unduly burden commercial and manufacturing uses in the building; and
- (b) the neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity.

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 of 448 Greenwich Street for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to modify the use regulations of Section 111-101 to allow two loft dwellings on the first floor, second floor and a portion of the cellar of an existing 6-story building located at 448 Greenwich Street (Block 223, Lot 30), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B2), Borough of Manhattan, Community District 1, is approved, pursuant to Section 111-50 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 020163 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 John Furth Peachy, Architect, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A3	Cellar & First Floor Plans	June 4, 2002
A4	Second & Third Floor Plans	August 14, 2001

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 any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering document 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. 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 020163 ZSM), duly adopted by the City Planning Commission on January 28, 2004 (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, AICP, Chair

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**

