



## **CITY PLANNING COMMISSION**

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March 20, 2013/Calendar No. 5

N 120200 ZRM

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**IN THE MATTER OF** an application submitted by MTM Associates, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712, concerning a special permit for developments in historic districts in M1-5A and M1-5B districts, Borough of Manhattan, Community District 2.

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The application for an amendment of the Zoning Resolution was filed by the applicant, MTM Associates LLC on March 1, 2012. The requested action, in conjunction with the related application for a special permit, would facilitate the development of a new mixed residential/commercial building at 150 Wooster Street, which is located in the SoHo Cast-Iron Historic District, within Manhattan Community District 2.

### **RELATED ACTION**

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

**C 120201 ZSM:** Special Permits pursuant to Sections 74-712(a) and 74-712(b) of the Zoning Resolution, as amended, to modify use and bulk regulations

### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related special permit application (C 120201 ZSM).

### **ENVIRONMENTAL REVIEW**

This application (N 120200 ZRM), in conjunction with the related application (C 120201 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 12DCP111M. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions, a Negative Declaration was issued on November 13, 2012. On March 20, 2013, a Revised Negative Declaration was issued which reflects the revised application described in the report on the related application for the special permit, C 120201 ZSM.

## **PUBLIC REVIEW**

On November 13, 2012, this application (N 120200 ZRM) was duly referred to Community Board 2 and the Borough President for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the application for the related action (C 120201 ZSM), which was certified as complete by the Department of City Planning 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 this application (N 120200 ZRM), in conjunction with the related application for the special permit (C 120201 ZSM), on December 21, 2012, and on that date, by a vote of 35 in favor, 0 opposed and 3 abstaining, adopted a resolution recommending disapproval of this application with conditions.

A summary of the vote and recommendation of Community Board 2 appears in the report on the related application for the special permit, C 120201 ZSM.

### **Borough President Recommendation**

This application, (N 120200 ZRM), in conjunction with the related application for the special permit (C 120201 ZSM), was considered by the Borough President, who issued a recommendation approving the application on January 24, 2013.

A summary of the Borough President's recommendation appears in the report on the related application for the special permit, C 120201 ZSM.

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

On February 6, 2013 (Calendar No. 1), the City Planning Commission scheduled February 20, 2013 for a public hearing on this application (N 120200 ZRM), and the application for the related action (C 120201 ZSM). The hearing was duly held on February 20, 2013 (Calendar No. 10), in conjunction with the public hearing on the application for the related action.

There were a number of speakers, as described in the report on the related application for the special permit, (C 120201 ZSM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for an amendment of the Zoning Resolution, in conjunction with the application for the related action, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the related application for the special permit, C 120201 ZSM.

### **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 Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## 74-712

### Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements# or has not more than ~~20~~ 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided that:

(1) the #use# modifications meet the following conditions:

- (i) that #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
- (ii) that total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
- (iii) that the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
- (iv) that all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
- (v) that eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and

(2) the Commission finds that 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.

- b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than ~~20~~ 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that 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.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

The above resolution (N 120200 ZRM), duly adopted by the City Planning Commission on March 20, 2013 (Calendar No 5), 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, FAICP, Chair**  
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**RICHARD W. EADDY, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, Commissioners**