



## **CITY PLANNING COMMISSION**

---

February 20, 2013/Calendar No. 8

C 120325 ZSM

---

IN THE MATTER OF an application submitted by 53 Greene Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-00- to allow residential use (Use Group 2 uses) in portions of the ground floor and cellar, and on the 2<sup>nd</sup>-6<sup>th</sup> floor and penthouse; and
2. Section 42-14(D)(2)(b)- to allow retail use (Use Group 6 uses) on portions of the ground floor and cellar;

of an existing 6-story building and proposed penthouse, on property located at 53 Greene Street (Block 475, Lot 48), in an M1-5B District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community District 2.

---

This application a for special permit was filed by 53 Greene Associates, LLC on May 10, 2012, to modify the requirements of Section 42-00 to allow residential use (Use Group 2) in portions of the ground floor and cellar, the entire second through sixth floors, and a new 1-story penthouse addition, as well as retail use (Use Group 6) on portions of ground floor and the cellar. The property is located at 53 Greene Street (Block 475, Lot 48), in an M1-5B District within the SoHo Cast-Iron Historic District, within Manhattan Community District 2.

### **BACKGROUND**

53 Greene Street is a six-story building located on the west side of Greene Street between Broome and Grand streets. The subject building occupies approximately 3,390 s.f. of the zoning lot with 33.92 feet of frontage and 100 feet of depth. The building was built in 1901 and has been vacant for over ten years. Previously, 53 Greene Street had manufacturing uses on ground floor and the cellar levels and Joint Living Work Quarters for Artist (JLWQA) on the upper floors.

The Building is currently in dilapidated condition and is the only building on the block that is in poor condition. The building contains approximately 18,343 of floor area. The building, erected prior to 1961 Zoning Resolution, has existing non-complying conditions including a FAR of 5.4, which exceeds the allowable FAR of 5.0.

The property is located within the SoHo Cast Iron Historic District, which comprises a 26-block area generally bounded by West Houston Street to the north, Crosby Street to the east, Canal Street to the south, and West Broadway to the west. The Historic District contains approximately 500 buildings comprising primarily large-scale cast-iron factories and stores that were constructed in the late 19<sup>th</sup> century, when the lower region of Broadway was the core of New York City's mercantile trade. The Historic District contains the world's largest collection of full and partial cast-iron facades and several noteworthy examples of brick, stone and mixed-iron and masonry post Civil War construction. Its cast-iron buildings include a variety of structures that are representative of various styles of commercial construction during the late 19 century, including the Italianate, French Empire, and Neo Grecian styles.

53 Greene Street is located within an M1-5B zoning district. The immediate area around the site is zoned predominately M1-5A and M1-5B and have a maximum permitted FAR of 5.0 for both commercial and manufacturing uses and a maximum permitted FAR of 6.5 for community facility uses. The area has evolved from primarily a manufacturing district to a mixed use district characterized by retail uses, Joint Living-Work Quarters for Artists, residence and some remaining manufacturing uses.

Pursuant to Section 42-00, residential uses (Use Group 2) are not as-of-right uses and pursuant Section 42-14D(2)(b) commercial uses (Use Group 6) are not permitted below the floor level of the second story. The only use groups allowed below the second story are Use Groups 7, 9, 11, 16, 17A, 17B, 17C and 17E.

The proposed special permit would facilitate the conversion of the existing six-story manufacturing building into residential use with ground floor retail use. Additionally, a new seventh-story penthouse will be constructed utilizing floor generated by the demolition of an existing first-floor mezzanine. Accessory residential use (Use Group 2) is proposed to be located in the cellar as tenant storage and on the ground floor in the form of a residential lobby. Further, Use Group 2 is also proposed on the upper floors, two thru six, and in the new, approximately 727 square feet, penthouse. Commercial use (Use Group 6) is proposed in the 3,557 square feet cellar and the 3,188 square feet ground floor. The existing floor area is 18,343 sf and the proposal will result in a floor area of 18,250 sf. The proposal does not include any additional floor area.

In order to facilitate the proposed project, the applicant is requesting a special permit to modify the requirements of Section 42-14(D) to allow accessory Use Group 2 residential use in the cellar and the ground floor and Use Group 2 residential use on the upper floors in an existing six story building and the addition of a rooftop penthouse. Additionally, the applicant is also requesting a modification of the requirements of Section 42-12(D) to allow for Use Group 6 commercial uses in portions of the cellar and ground floor.

## **ENVIRONMENTAL REVIEW**

This application (C 120325 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 12DCP053M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration, signed by the applicant, was issued on October 15, 2012. The Negative Declaration included an (E) designation for air quality, noise and for hazardous materials to avoid the potential for significant adverse impacts, as described below:

The (E) designation requirements related to air quality, noise and hazardous materials would apply to the following development site:

### **Manhattan Block 475, Lot 48**

The text for the air quality (E) designation is as follows:

**Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilation and air conditioning stack(s) use Nature Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

The text for the noise (E) designation is as follows:

**For all windows in residential units in the building, a closed window condition with a minimum of 28dB(A) window/wall attenuation must be provided in order to maintain an interior noise level of 45dB(A). In order to maintain an acceptable closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

The text for the hazardous materials (E) designation is as follows:

**Task 1-Sampling Protocol**

**The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and ground water testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**

**If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of contamination (i.e. petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

**Task 2-Sampling Protocol**

**A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination will be provided by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

**If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.**

**An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or ground water. This Plan would be submitted to OER for review and approval prior to implementation.**

**All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.**

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

## **UNIFORM LAND USE REVIEW**

This application (C 120325 ZSM) was certified as complete by the Department of City Planning on October 15, 2012, and was duly referred to Community Board 2 and the Manhattan 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 (C 120325 ZSM) on November 29, 2012, and by a vote of 44 to 0 and 1 recusal, adopted a resolution recommending approval of the application with conditions related to the proposed penthouse.

### **Borough President Recommendation**

This application (C 120325 ZSM) was considered by the Manhattan Borough President who issued a recommendation approving the application on December 19, 2012.

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

On January 9, 2013 (Calendar No. 1), the Commission scheduled January 23, 2013 for a public hearing on this application (C 120325 ZSM). The hearing was duly held on January 23, 2013 (Calendar No.11).

There were three speakers in favor and no speakers in opposition. The speakers included the applicant, the project's architect and the Borough President's representative. The applicant and the project's architect were present to answer any questions. The Borough President's representative reiterated the Borough President's recommendation.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

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

53 Greene Street is an existing six-story building located on the west side of Greene Street between Broome and Grant streets. The building contains 18,343 s.f of floor area and is built to approximately 5.4 FAR.

The building is currently vacant and has been for 10 years. Prior, the building had manufacturing uses on the ground floor and Joint-Living Work Quarters for Artist on the upper floors.

The requested action would permit the modification of the use regulations of Section 42-14D(2)(b) to allow Use Group 2 residential use in portions of the cellar and, the ground floor and in the entirety of floors two through six. Additionally, the proposed action will also allow the construction of a new residential penthouse. Further, use regulations would be modified to allow Use Group 6 commercial use in portions of the cellar and the ground floor.

The Commission notes that the surrounding area has evolved from a primarily manufacturing district to a mixed-use district with retail and commercial uses, Joint-Living Work Quarters for Artists, residential uses and a few remaining manufacturing uses. Buildings are typically 5-6 story buildings with ground floor retail. Therefore, the Commission believes that the proposed conversion to residential use is consistent with the prevailing land use pattern found in the surrounding area.

The Commission notes that the application includes a report from the Landmarks Preservation Commission (LPC) stating that a program has been established for continuing maintenance that will result in the preservation of the subject building, and that the required restorative work under the continuing maintenance program, including faced repairs and enhancements, contributes to a preservation purpose. The continuing maintenance program is contained within a restrictive declaration entered into in connection with this application. Finally, the Commission notes that the proposed number of dwelling units (five) is well below the maximum number of dwelling units (21) allowed by Section 15-111.

The City Planning Commission, therefore, believes that the grant of the requested special permit, is appropriate.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark Preservation in all Districts) of the Zoning Resolution:

- 1) [This finding is not applicable; no bulk modification is being requested.]
- 2) Such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

## **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 submitted by 53 Greene Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. Section 42-00- to allow residential use (Use Group 2 uses) in portions of the ground floor and cellar, and on the 2<sup>nd</sup>-6<sup>th</sup> floor and penthouse; and
2. Section 42-14(D)(2)(b)- to allow retail use (Use Group 6 uses) on portions of the ground floor and cellar;

of an existing 6-story building and proposed penthouse, on property located at 53 Greene Street (Block 475, Lot 48), 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:

1. The property that is the subject of this application (C 120325 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by RSVP Architecture Studio PLLC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G-002	Site Plan	26 June 2012
Z-100	Zoning Calculations	26 June 2012
A-200	Cellar Plan	26 June 2012
A-201	Ground Floor Plan	26 June 2012
A-202	Typical Floor Plan	26 June 2012

A-203	6 <sup>th</sup> Floor Plan	26 June 2012
A-204	Penthouse Plan	26 June 2012
A-205	Roof Plan	26 June 2012
A-600	Building Section	26 June 2012

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, operating 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 the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents 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, sub-lessee or occupant.
  
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration relating to the continuing maintenance program of the subject building (“Restrictive Declaration”) dated February 7, 2013, executed by 53 Greene Associate LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
  
7. 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 or the Restrictive Declaration the provisions of which 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 or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

8. 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 action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 120325 ZSM), duly adopted by the City Planning Commission on February 20, 2013 (Calendar No.8), 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**

**KENNETH J. KNUCKLES, ESQ., Vice Chairman**

**ANGELA M. BATTAGLIA, RYANN BESSER, IRWIN G. CANTOR, P.E.,  
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,  
JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,  
ORLANDO MARIN, Commissioners**

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

November 30, 2012

Amanda Burden, FAICP  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chair Burden,

At its Full Board meeting on November 29, 2012, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**53 Greene Street, on the west side of Greene Street between Grand and Broome Streets. Land Use Review Application #120325ZSM to the City Planning Commission for modification pursuant to ZR 74-711 to allow Use Group 2 and 6 on the ground floor and Use Group 2 on upper floors including a proposed new penthouse.**

### Whereas

1. The application was presented to the committee by Howard Zipser and Jessica Loeser of Akerman Senterfitt, Brian Ripel of RSVP Architects, and Tom Ciancarelli of AORE;
2. Copies of the application were provided to committee members by the applicant in advance of the meeting;
3. The property is located in an M1-5B district;
4. The property is located in the Soho Cast Iron Historic District;
5. The application by 53 Greene Street Associates to the City Planning Commission is for modification pursuant to ZR 74-711 to allow residential and retail use on the ground floor and residential use on the upper floors in an existing six-story building and in a proposed penthouse addition;
6. While the M1-5B zone does not allow Use Group 2 residential use as-of-right, it does allow Joint Live Work Quarters for Artists;
7. While CB2 is on record in support of retaining opportunities for artists under JLWQA, we have also supported applications for Use Group 2 under the provisions of 74-711 allowing modification of use and bulk regulations in order to further the preservation of buildings within landmarked districts for projects that were considered to have no negative impacts on essential neighborhood character;
8. When questioned about why JLWQA would not work for this building, the applicant stated that financing would not be available but could provide no information to substantiate this claim;

9. The application states that prior use of the building included manufacturing on the ground floor and JLWQA on the upper floors, but that the building has been vacant for ten years;
10. The application provides the required documentation demonstrating compliance regarding restoration and maintenance of the building including substantial improvements to the front façade in connection with a Certificate of Appropriateness from the Landmarks Preservation Commission as well as a continuing maintenance program included in a restrictive declaration;
11. The number of proposed residential units does not exceed the allowed number;
12. The allowed FAR in the district is 5.0, but the application states that the existing building is non-complying and has an FAR of 5.4, including a recently removed mezzanine on the ground floor;
13. The requested modification includes residential use of a proposed new penthouse to be built using floor area transferred from the removed mezzanine;
14. The proposed penthouse includes single large room with a kitchen and with access to large roof areas to the east and west that will be suitable for use for large and potentially noisy parties that may cause a significant nuisance to nearby residences;
15. Because of the lack of a rear yard, the roof area to the west of the penthouse is very close to the windows of buildings on Wooster Street;
16. The application does not consider or address this potential for adverse impact;
17. Serving the penthouse with the building elevator increases the likelihood of nuisance on the roof and increases the height of the obstruction of the elevator bulkhead;
18. While the bulk transfer is as-of-right, the proposed use modifications are not, and it is relevant that the penthouse is not required for conforming full use of the allowed FAR;
19. The applicant provided a letter from the project architect documenting that the project would voluntarily agree to avoid blocking a lot line window of an adjacent building with the proposed penthouse and also would seek to the extent possible to achieve 1/3 coverage of the roof area with plantings;
20. The applicant provided text for planned use in an offering plan and Residential Rules and Regulations seeking to avoid uses of the roof that might create a noise nuisance, but offered no mechanism for external enforcement;
21. The applicant stated willingness to accept a restriction such that eating and drinking establishments will not be allowed;
22. Under the language of ZR 74-711, the City Planning Commission shall find that proposed bulk modifications will have minimal adverse effects on nearby structures in terms of scale, location, and access to light and air and that use modifications shall have minimal adverse impacts within the building and the surrounding area;
23. Non-exclusive use of the roof would be more beneficial in general for residential use of a converted building with limited open space resources;
24. Under the language of ZR 74-711, the City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the development;

**Therefore it is resolved that CB#2, Man.**

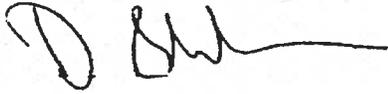
- 1) Commends the applicant for work under way to improve this building in conformance with the requirements of the Soho Cast Iron Historic District and appreciates the acceptance of a restriction on eating and drinking establishments;
- 2) Does not object to the proposed modification to allow Use Group 2 and 6 on the ground floor if eating and drinking establishments are excluded to enhance the character of the development;
- 3) Does not object to the proposed modification to allow Use Group 2 on floors 2 – 6;
- 4) Objects to the addition of a penthouse *as proposed* because of likely adverse effects;
- 5) Prefers shared use of rooftop open space, but recommends approval of this application if the penthouse (1) does not include a kitchen, and (2) allows elevator access to the penthouse only

from the 6<sup>th</sup> floor unit and not directly from the building lobby, and/or if the City Planning Commission prescribes appropriate conditions and safeguards to enhance the character of the development and to provide enforceable protections from potential nuisance or other adverse effects caused by use of the rooftop

Vote: Passed, with 44 Board members in favor, and 1 recusal (R. Woodworth).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



Tobi Bergman, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Thomas K. Duane, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Pauline Yu, CAU  
Calvin Brown, Dept. of City Planning  
Land Use Review Unit, Dept. of City Planning  
Jeff Mulligan, Executive Director, Board of Standards & Appeals  
Derek Lee, Man. Borough Commissioner, NYC Department of Buildings  
Thomas C. Wargo, Director, Zoning Division, Dept. of City Planning

# Borough President Recommendation

**City Planning Commission**  
22 Reade Street, New York, NY 10007  
Fax # (212) 720-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 120325 ZSM

### Docket Description:

**C 120325 ZSM - IN THE MATTER OF** an application submitted by 53 Greene Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-00 to allow residential use (Use Group 2 uses) in portions of the ground floor and cellar, and on the 2<sup>nd</sup> – 6<sup>th</sup> floor and penthouse; and
2. Section 42-14(D)(2)(b) to allow retail use (Use Group 6 uses) on portions of the ground floor and cellar;

of an existing 6-story building and proposed penthouse, on property located at 53 Greene Street (Block 475, Lot 48), in an M1-5B District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community District 2.

COMMUNITY BOARD NO:

2

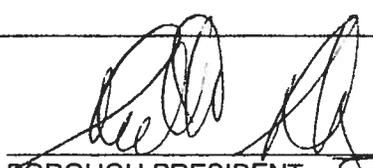
BOROUGH: Manhattan

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
BOROUGH PRESIDENT

12.19.12  
DATE



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

December 19, 2012

**Recommendation on**  
**ULURP Application No. C 120325 ZSM – 53 Greene Street**  
**by 53 Greene Associates, LLC**

**PROPOSED ACTION**

53 Green Associates, LLC<sup>1</sup> (“the applicant”) seeks a **special permit pursuant to Section 74-711** of the Zoning Resolution (“ZR”) to modify use regulations pursuant to ZR §§ 42-00 and 42-14D(2)(b) to allow Use Group 2 residential uses on portions of the ground floor and cellar, on the second through sixth floors and an added penthouse, and to permit retail uses on portions of the ground floor and cellar of 53 Greene Street (Block 475, Lot 48). The project site is located within the SoHo-Cast Iron Historic District (“Historic District”) and an M1-5B zoning district in Manhattan’s Community District 2.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant use modifications, the applicant must first meet the following conditions: 1) LPC has issued a report that states the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose<sup>2</sup>; 2) the application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District<sup>3</sup>; and 3) the maximum number of permitted dwelling units is as set forth in ZR § 15-111. Further, the CPC must find that such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

**PROJECT DESCRIPTION**

The applicant seeks a special permit to modify use regulations to allow Use Groups 2 (residential uses) and 6 (commercial uses) on the cellar and ground floor levels, and introduce Use Group 2

---

<sup>1</sup> Yan Ouaknine and Moshe Azogui are Principals of 53 Green Associates, LLC.

<sup>2</sup> The LPC issued such a report on September 6, 2011. A Certificate of Appropriateness was issued on February 17, 2012. LPC’s determinations have not been re-examined in this recommendation.

<sup>3</sup> No bulk modifications are being proposed in this application.



uses on the second through sixth floors to an existing six-story building at 53 Greene Street. In addition, the applicant is adding an as-of-right penthouse. The site is located on the north side of Greene Street between Broome Street to the north and Grand Street to the south. The existing building contains approximately 18,343 SF of zoning floor area, sits on a 3,392 SF lot, and measures 79 feet high.

53 Greene Street has been vacant for the last ten years, but was mainly used for light manufacturing purposes in the past. The existing building was built at the turn of the 20<sup>th</sup> Century; its style, scale, materials and details reflect surrounding structures and make it a contributing building in the SoHo-Cast Iron Historic District, which was designated in 1973. The Historic District contains the world's largest collection of buildings with cast-iron fronts, which were originally built for factories and commercial stores.

The project site's immediate surrounding area consists of five- to six-story cast-iron loft buildings. Current surrounding uses include ground-floor furniture, home décor, apparel and jewelry retail stores.

The project site is located within an M1-5B zoning district. Permitted uses include light manufacturing, most commercial uses, and some community facility uses. The M1-5B zoning district has special use restrictions for areas below the second story of a building, where generally only wholesale, warehousing, and light industrial uses are allowed as of right.

The proposed project will consist of storage space for the building's commercial and residential tenants in the cellar, an approximately 3,188 SF furniture showroom (Use Group 6) on the ground floor, and five residential units (Use Group 2), one on each story on the second through sixth floors at approximately 2,867 SF each. Under current zoning, the site is allowed up to approximately 25 dwelling units. The applicant is also proposing the removal of a ground-floor mezzanine and transferring 727 SF of floor area to a new rooftop penthouse that would be a part of the sixth-floor unit. The rooftop would be a result of a one-to-one transfer of floor area from the mezzanine and is permitted as of right. Additionally, the proposed penthouse would meet the district's height and setback requirements.

As part of this special permit application pursuant to ZR § 74-711, the applicant proposes a restoration and maintenance program for the subject building, which began in the summer of 2012. The restoration plan, including extensive work to replace missing cast-iron elements on the building's façade and to restore window fenestrations, was found by LPC to bring the historic building to "sound first-class condition." Furthermore, a restrictive declaration will be filed against the property to ensure that the continuing maintenance program for the building will be maintained in perpetuity.

## **COMMUNITY BOARD'S RECOMMENDATION**

At its Full Board meeting on November 29, 2012, Manhattan Community Board 2 ("CB2") voted unanimously to approve this application with conditions by a vote of 44 in favor and 1 recusal.

CB2 supports the preservation and maintenance program submitted by the applicant, but

expressed concerns for the proposed rooftop area accessed through the added penthouse. The community board has recommended the rooftop space be a shared open space, that a kitchen be precluded from the penthouse, and that the elevator to the penthouse only be accessed through the 6<sup>th</sup> floor unit.

### **BOROUGH PRESIDENT'S COMMENTS**

The special permit pursuant to ZR § 74-711 is a powerful tool as it has been used to modify sections of the Zoning Resolution to make owning and maintaining historic structures less burdensome and more desirable. In return for waiver(s), the applicant must ensure that the property is properly rehabilitated and maintained in perpetuity. The LPC has found that the proposed use change and the building's restoration plan will contribute to a preservation purpose worthy of allowing the applicant to request this use waiver from CPC.

The proposed use modifications are consistent with the subject building's surrounding land uses, and are unlikely to have adverse effects on the conforming uses within the neighborhood. The proposed commercial and residential units are appropriate in an area that is generally defined by a mix of uses that include Joint Living-Work Quarters for Artists and ground-floor retail stores. The proposed uses will not add significant traffic and pedestrian impacts in and around the nearby area.

Further, while not subject to the proposed application, LPC found the additional penthouse will not be visible from the street level and would not encroach on site lines, and therefore, the project will not adversely affect the aesthetic character of the Historic District. Moreover, the proposed penthouse is designed to preserve the one existing lot-line window on a neighboring building.

In response to the community's concerns with potential noise impacts from the proposed rooftop area, the applicant has agreed to implement restrictions and limitations on the hours of use that would be bound to the building's condominium offering plan. The applicant will also landscape approximately one third of the rooftop area as to further limit the number of people who could use the rooftop at a given moment.<sup>4</sup> In addition, the applicant has agreed, early on in the application process, to prohibit eating and drinking establishments on the ground floor. These additional restrictions will further minimize potential conflicts between the proposed residential uses in the building and the surrounding's existing uses.

Finally, in applying for this special permit the applicant has started extensive work to bring this historic building to a sound, first class condition that will better reflect surrounding structures in this Historic District. Renovation of the building includes restoring the window fenestrations, replacing cast-iron elements, and improving the surrounding sidewalk conditions. The property owner is also entering into a restrictive declaration to ensure continued maintenance of the building will be in perpetuity.

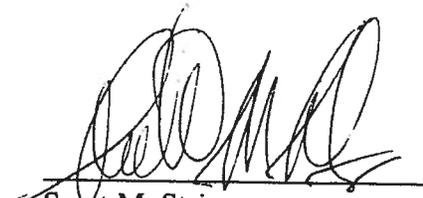
---

<sup>4</sup> The structural design of the roof allows approximately 60 pounds per square foot. With the proposed landscaping, planting and furniture, the maximum number of people allowed on the rooftop at a time would be roughly limited to 40.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

This application meets the conditions and findings for a special permit regarding a use modification pursuant to ZR §74-711. Further, the applicant has agreed to prohibit eating and drinking establishments from the ground floor to minimize any potential conflicts between residents and the ground-floor use, and has made appropriate modifications to limit potential noise impacts on the rooftop open space area.

**Therefore, the Manhattan Borough President recommends approval of ULURP application No. 120325 ZSM.**

A handwritten signature in black ink, appearing to read 'Scott M. Stringer', written over a horizontal line.

**Scott M. Stringer  
Manhattan Borough President**