



CITY PLANNING COMMISSION

December 18, 2013 / Calendar No. 8

N 140092 ZRM

IN THE MATTER OF an application submitted by Paco Lafayette 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.

This application for a zoning text amendment was filed by Paco Lafayette LLC on September 13, 2013. The requested zoning text amendment, in conjunction with the related actions, would facilitate the development of a new seven-story commercial building at 300 Lafayette Street.

RELATED ACTIONS

In addition to the zoning text amendment (N 140092 ZRM) which is the subject of this report, 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:

- C 140093 ZSM** Special Permit pursuant to Section 74-712(a) to modify use regulations to allow Use Group 6 uses below the floor level of the second story.
- C 140095 ZSM** Special Permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A) with no limitation on floor area per establishment.
- C 140096 ZSM** Special Permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43.

BACKGROUND

The applicant, Paco Lafayette LLC, seeks approval of a zoning text amendment to Section 74-712 of the Zoning Resolution, in conjunction with the grant of special permits pursuant to Sections 74-712(a), 74-712(b) and 74-922, to construct a new seven-story commercial building at 300 Lafayette Street (Block 510, Lots 38, 39, 40), located at the southwest corner of Lafayette Street and East Houston Street in SoHo, Manhattan Community District 2. The proposed building would be built in accordance with the amended zoning text.

The project site comprises three tax lots (Block 510, Lots 38, 39, 40) that total 11,595 square feet of lot area. It is currently developed with a gas station with a one-story convenience store, a vacant one-story commercial building and a bar/restaurant (i.e., Puck Fair). In total, the project site's existing built condition comprises 38 percent lot coverage.

Immediately east of the site is the Puck Building, a 7-story loft building which has ground floor retail and office space, as well as ballrooms for large events and classroom space for NYU. Along East Houston Street, east of Broadway, are mixed residential/commercial buildings with ground floor commercial space. Crosby Street is developed with loft-style buildings with ground floor retail space and Joint Living Work Quarters for Artists (JLWQA) units and residential units on the upper floors

The site is located within the SoHo Cast-Iron Historic District, which is characterized by five- to twelve-story loft-style industrial buildings that have been converted to a mix of uses. Most of the buildings in the area contain ground floor retail uses with residential, Joint Living Work Quarters for Artists (JLWQA) units or office uses above.

Direct subway access is provided at East Houston Street and Lafayette Street by the IND B, D, F and M lines and by the IRT No. 6 line (Bleecker Street). The subway entrance is located in front of the proposed building's East Houston Street frontage. The site is also well-served by several bus lines that run along East Houston Street, Lafayette Street and Broadway, which is located one block to the west.

The project site is within a M1-5B zoning district, which permits light industrial and commercial uses as-of-right up to 5.0 FAR and community facility uses up to 6.5 FAR. Residential uses are not permitted as-of-right. Buildings may have a maximum street wall height of 85 feet or six stories, whichever is less/lower, above which it is required to set back from the street line.

In M1-5B Districts, Use Group 6 uses, which include art galleries and local retail uses, are not permitted below the second floor of any building. Joint Living Work Quarters for Artists (JLWQA) units are permitted in existing buildings erected prior to 1961, provided that the lot coverage of such buildings does not exceed 5,000 square feet.

The proposed building would have approximately 57,975 square feet of floor area. The ground floor, all or portion of the second floor and cellar would contain Use Group 6 and/or Use Group 10A retail space. A portion of the second floor may also have Use Group 6 commercial office space. Floors 3-7 are proposed to have commercial office space. No residential, Joint Living Work Quarters for Artists units or community facility space are proposed.

The proposed retail uses would front on East Houston Street and the commercial office floors would have a lobby on Lafayette Street. A loading berth serving the building's retail uses would be accessible by a new curb cut on Crosby Street.

The proposed building would rise to seven stories – 122 feet, 6 inches (or 145 feet to the top of the rooftop mechanical space), with a base height of 91 feet. The building would be built to 5.0 FAR, which complies with the maximum FAR allowed for commercial uses in M1-5B districts. Along the proposed building's East Houston Street frontage, the sidewalk is approximately 22 feet, 7 inches wide. The building's ground floor is set back 7 feet, 7 inches from the subway entrance, which is placed at the street line. At the second floor, building's street wall cantilevers over the ground floor, and rises at the street line to its 91-foot base height. The street wall's reverse setback on the ground floor allows unimpeded movement around the subway entrance, as patrons enter and exit the subway and the proposed retail space.

REQUESTED ACTIONS

Section 74-712 Zoning Text Amendment

In order to achieve its overall development objective, the proposed project requires an amendment to Section 74-712 of the Zoning Resolution. Section 74-712 allows the City Planning Commission to grant special permits to allow use and bulk waivers for sites that are: 1) in a designated Historic District; 2) in either an M1-5A or M1-5B zoning district; and 3) as of December 15, 2003, vacant, land with minor improvements or developed with buildings with lot coverage of less than 20 percent.

Because the project site has existing lot coverage in excess of 20 percent (i.e., 38 percent), it is ineligible for a Section 74-712 special permit. The applicant thus proposes a zoning text

amendment to Section 74-712 (Application N 140092 ZRM), to increase the percentage of lot coverage allowable on a given site with frontage on at least two wide streets (i.e., streets that are at least 75 feet wide), from 20 percent to 40 percent, thus expanding the eligibility of the special permit to the proposed project site.

Section 74-712(a) and 74-712(b) Special Permits

The proposed project also requires approval of City Planning Commission special permits pursuant to Sections 74-712(a) and 74-712(b). While the proposed build program will comply with the floor area regulations of the M1-5B district (which allows commercial and light manufacturing uses up to 5.0 FAR), the proposed height of the street wall, and the proposed Use Group 6 and Use Group 10A ground floor, second floor and cellar use are not permitted as-of-right. Section 74-712(a) (Application C 140096 ZSM) permits the modification of the use regulations of M1-5A and M1-5B districts to allow developments to have Use Group 6 uses below the second story of developments within Historic Districts, and on vacant lots, lots that have minor improvements or lots, where not more than 20 percent of the lot area is occupied by existing buildings as of December 15, 2003.

Additionally, the proposed building requires a bulk modification to permit the street wall to rise above the maximum allowable base height (Application C 140093 ZSM). In M1-5B Districts, buildings may have a maximum street wall height of 85 feet or six stories, whichever is less/lower, above which it is required to set back from the street line. As proposed, the street wall would rise to seven stories (122.5 feet or 145 feet to the top of the mechanical space), with a base height of 91 feet. The requested bulk waiver, pursuant to Section 74-712(b) would allow portions of the street wall to rise above the maximum allowable base height and encroach within the required setback distance.

Section 74-922 Special Permit

Pursuant to Section 74-922, in M1 Districts, the Commission may allow by special permit, large retail establishments such as department stores, clothing stores and furniture stores, with no limitation on floor area per establishment. The proposed build program would have Use Group 6 and/or Use Group 10A uses on the ground floor, all or portions of the second floor and cellar.

The requested action under ZR 74-922 (Application C 140095 ZSM) enables the applicant to include Use Group 6 and/or Use Group 10A establishments, with no limitation on floor area per establishment within the proposed building.

The ZR 74-712(a) and ZR 74-712(b) special permits require that two findings be met related to the proposed bulk modifications, and that three findings be met related to the proposed use modifications. The ZR 74-922 special permit require several findings be met related primarily to vehicle access, traffic movement and loading. The proposed building design received a Certificate of Appropriateness (CofA) from the Landmarks Preservation Commission on April 30, 2013.

ENVIRONMENTAL REVIEW

This application (N 140092 ZRM), in conjunction with the applications for the related actions (C 140093 ZSM, C 140095 ZSM, C 140096 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 13DCP120M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 7, 2013.

PUBLIC REVIEW

On October 7, 2013, this application (N 140092 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. The related actions (C 140093 ZSM, C 140095 ZSM, C 140096 ZSM) were certified as complete by the Department of City Planning on October 7, 2013, and were 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 140092 ZRM), in conjunction with the applications for the related actions (C 140093 ZSM, C 140095 ZSM, C 140096 ZSM), on October 24, 2013, and on that date, by a vote of 37 in favor, 1 opposed and 0 abstaining, adopted a resolution recommending approval of this application with following comments:

Therefore be it resolved that CB# 2 Manhattan

1. Supports the text amendment the Zoning Resolution, making it possible to improve the uses on this site under 74-712, which applies only to the site.
2. Supports retail use of the ground floor but prefers reduction of total retail use in favor of greater office use and requests consideration of relocation of the retail entrance from Crosby to Lafayette.
3. Sustains its prior positions regarding building design taken in consideration of the application to the Landmarks Preservation Commission to the extent that the modification of height and setback regulations is reflected in the application.
4. Requests special design of the construction fences and sidewalk bridges to avoid sidewalk congestion near the subway entrance during construction, with all construction operations from the Lafayette Street side only, especially given the likely simultaneous construction on the west side of Crosby Street.

Borough President Recommendation

This application (N 140092 ZRM), in conjunction with the applications for related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation on November 14, 2013, for conditional approval of the applications with the following comments:

1. The text be clarified such that the 74-712(b) restriction on residential uses apply only to lots with two wide street frontages and a lot coverage between 20 percent and 40 percent of lot coverage; and
2. The applicant's explore the feasibility of relocating the proposed Crosby Street retail entrance.

City Planning Commission Public Hearing

On November 6, 2013 (Calendar No. 4), the City Planning Commission scheduled November 20, 2013 for a public hearing on this application (N 140092 ZRM), and the applications for the related actions (C 140093 ZSM, C 140095 ZSM, C 140096 ZSM). The hearing was duly held on November 20, 2013 (Calendar No. 13), in conjunction with the public hearing on the applications for the related actions. There were four speakers in favor of the application and none in opposition.

Those speaking in favor included the applicant, the project architect, the project's land use counsel and the Director of Land Use and Planning for the Manhattan Borough President.

The applicant gave an overview of the project site's history, and desired goals and objectives for the project. The project architect described the proposed building and how the design of the building was intended to reflect the scale and context of the surrounding SoHo neighborhood. The applicant's land use counsel described the requested actions and how it met the requisite findings. The Director of Land Use and Planning for the Manhattan Borough President reiterated the Borough President's support for the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed Zoning Text Amendment, in conjunction with the grant of the related special permits, is appropriate.

The requested actions would facilitate the development of a new 57,975 square-foot seven-story commercial building at 300 Lafayette Street, which is located at the southwest corner of Lafayette Street and East Houston Street. The proposed development site is located within an M1-5B zoning district and within the SoHo Cast-Iron Historic District.

In addition to the proposed zoning text amendment, the applicant seeks the grant of special permits pursuant to Sections 74-712(a) and 74-712(b) to modify use and bulk regulations, respectively, of the underlying M1-5B zoning district, and a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area. The proposed development would be built in accordance with the amended zoning text.

The Commission believes that the proposed zoning text amendment is appropriate. The proposed zoning text would amend Section 74-712 of the Zoning Resolution to allow the City Planning Commission, by special permit, to waive the use or bulk requirements for sites that are located in a designated historic district in either an M1-5A or M1-5B zoning district. Currently, the text allows such waivers for sites which were, as of December 15, 2003, either vacant, or had land with minor improvements or were developed with buildings with lot coverage of not more than 20 percent. The proposed development site has an existing lot coverage of 38 percent, and therefore would be ineligible for a 74-712 special permit, as the text is currently written. The requested modification to Section 74-712 would increase the eligible percentage of lot coverage for existing buildings on a given site, from 20 percent to 40 percent, for sites located on at least two wide streets (i.e., at least 75 feet wide), thus expanding the eligibility of the special permit to the subject property and facilitating the proposed development.

Section 74-712 (Developments in Historic Districts) was adopted in 1997 to allow the modification of bulk regulations (except FAR) by special permit on vacant lots within historic districts. In its report (N 970654 ZRY), the Commission stated that it believed “this new tool may help promote development of buildings that are more contextual to historic districts than buildings that might be developed as-of-right pursuant to existing zoning.” In 2003 and 2006 (N 030489 ZRY, N 060201 ZRY), the Commission approved zoning text amendments to Section 74-712 to allow for the modification of use and bulk regulations, respectively, 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. The modification of use and bulk was limited to sites located within M1-5A and M1-5B Districts that are within historic districts. The Commission noted at the time that the industrial character of SoHo and NoHo had changed over the

approximately thirty years since the establishment of the M1-5A and M1-5B Districts. These areas have become vibrant mixed-use neighborhoods, with increasing numbers of residential units and ground floor commercial uses. The Commission believed that the vacant lots and underdeveloped sites in these areas detract from the fabric of the SoHo Cast-Iron and NoHo Historic Districts, and that allowing modification of the use and bulk regulations by special permit would facilitate development of the vacant, underdeveloped sites and help strengthen the historic districts' built character.

The proposed text amendment to Section 74-712 builds upon the previously approved zoning text amendments to Section 74-712 by expanding its applicability to vacant lots and underdeveloped sites within M1-5A and M1-5B Districts, in LPC-designated historic districts, with buildings that occupy less than 40 percent of the site, with frontage on at least two wide streets. By increasing the lot coverage requirement from 20 percent to 40 percent, the proposed text amendment would have limited applicability and only to sites which front on two or more wide streets. The expanded applicability of the zoning text to this site would provide and enhance opportunities to redevelop this site and to reinforce SoHo's scale, street wall continuity and predominant built-out character.

In their recommendation, the Borough President recommended that the text be clarified such that the 74-712(b) restriction on residential uses applies only to lots with two wide street frontages and lot coverage between 20 percent and 40 percent of lot coverage. Upon review, the Commission finds that this request is within scope. Accordingly, the proposed zoning text amendment shall include the following clarification in Section 74-712(b):

* * *

In addition, in M1-5A and M1-5B Districts, the Commission may also modify #bulk# regulations, except #floor area ratio# regulations, for #development# on a #zoning lot# that has #street# frontages on two or more #wide streets# and that, as of December 15, 2003, has more than 20 percent but not more than 40 percent of the #lot area# occupied by existing #buildings#, provided the #development# contains no #residences# and the Commission finds that such #bulk# modifications:

* * *

The Commission believes that the aforementioned clarification, as recommended by the Borough President and incorporated in the proposed zoning text amendment, as modified by the Commission would amplify and support the proposed zoning text's amendment applicability, as intended by the applicant.

Section 74-712(a) Special Permit - C 140096 ZSM

The Commission notes that the applicant seeks approval of a special permit that would modify use regulations of Section 74-712(a) to build the proposed commercial building. The requested modification of the use regulations of Section 74-712(a) would allow the cellar, ground floor and second floor to be used for local retail (Use Group 6). Under current regulations, in M1-5B Districts, Use Group 6 uses are not allowed below the second level in any building.

The surrounding area is characterized by five- to twelve-story loft-style industrial buildings that have been converted to a mix of uses. Most of the buildings in the area contain ground floor retail uses with residential, Joint Living Work Quarters for Artists (JLWQA) space, or office uses above. The Commission believes that the proposed local retail and commercial use is consistent with the prevailing land use pattern found on neighboring blocks.

During the public review of this application, Community Board 2 and the Borough President raised concerns regarding the proposed retail entrance, to be located at the northwest corner of the building's ground floor footprint, at East Houston Street and Crosby Street. Crosby Street is a narrow street with a more residential character than other streets surrounding the project site; accordingly, it may be the least appropriate location for an entrance to a large destination retail store. The Community Board and the Borough President recommended that the applicant explore the feasibility of relocating the proposed retail entrance from Crosby Street, possibly to Lafayette Street, a wide street with a strong commercial character.

In response, at the public hearing, the project architect stated that the location of the retail entrance, to be located at the northwestern edge of the building's ground floor footprint, would

minimize pedestrian conflict with subway riders using subway stairs along East Houston Street. Moreover, the proposed retail entrance location would best capture pedestrian traffic from the Broadway, which is located one block west. The Commission notes that along East Houston Street, the sidewalk is approximately 22 feet, 7 inches wide. The building's ground floor is set back about 7.5 feet from the subway entrance. At the second floor, the building's street wall cantilevers over the ground floor, and rises at the street line to its 91-foot base height. The street wall's reverse set back on the ground floor allows unimpeded movement around the subway entrance, as patrons enter and exit the subway and the proposed retail space.

Section 74-712(b) Special Permit – C 140093 ZSM

The building would require a bulk modification, pursuant to Section 74-712(b), to permit the street wall to rise above the maximum allowable base height. In M1-5B Districts, buildings may have a maximum street wall height of 85 feet or six stories, whichever is less/lower, above which it is required to set back from the street line. As proposed, the street wall would rise to seven stories – 122.5 feet (or 145 feet to the top of the mechanical space), with a base height of 91 feet. The requested bulk waiver, pursuant to ZR 74-712(b) would allow portions of the street wall to rise above the maximum allowable base height and encroach within the required setback distance.

The Commission believes that the proposed building design, in terms of its scale, street wall design and overall height, is consistent with the existing built character of the area and would be of similar height to many buildings in the area. Given its location on two wide streets – East Houston Street and Lafayette Street, the Commission believes that the proposed building design would not adversely affect structures or open space in the vicinity in terms of light and air.

The Commission notes that the proposed building design received a Certificate of Appropriateness (CofA) from the Landmarks Preservation Commission on April 30, 2013. The CofA states, among other things, that “the height and overall volume of the building is consistent with that of historic buildings found this historic district and the Puck Building Individual Landmark across the street.” The Commission applauds the applicant and design team for their building design.

Section 74-922 Special Permit - C 140095 ZSM

The Commission believes that the special permit, pursuant to Section 74-922 to allow Use Group 6 and Use Group 10A establishments with no limitation on floor area per establishment, is appropriate.

Pursuant to Section 74-922, in M1 Districts, the Commission may allow by special permit, large retail establishments such as department stores, clothing stores and furniture stores, with no limitation on floor area per establishment. The proposed build program would have Use Group 6 and/or Use Group 10A uses on the ground floor, all or portions of the second floor and cellar. The requested action under ZR 74-922 enables the applicant to include Use Group 6 and/or Use Group 10A establishments, with no limitation on floor area per establishment in the proposed building.

The Commission notes that the proposed project site is within a highly visible, easily accessible area which already features a wide range of commercial uses. The wide, high-volume streets (i.e., East Houston Street, Lafayette Street and Broadway) and excellent mass transit access that serve the site further support the project's proposed build program. Accordingly, the Commission believes that extending the allowance of Use Group 6 and/or Use Group 10A establishments, without limitations on floor area per establishment, provides a legitimate degree of flexibility to develop the site for destination retail use. The Commission further notes that the areas surrounding the proposed project site currently has examples of such uses that would be permitted by the subject approval, including Use Group 6 and Use Group 10A retail along East Houston Street, Lafayette Street and Broadway. Such uses include the REI store located opposite the project site on Lafayette Street; the Adidas Store, located on East Houston Street, one block northwest of the project site, as well as similar Use Group 6 and Use Group 10A destination retail establishments located along portions of East Houston Street, Broadway, Crosby Street and Lafayette Street. The Commission believes that the proposed Use Group 6 and Use Group 10A uses would not impair the character or future development in the surrounding area.

The Commission notes that this site is well-served by mass transit. Direct subway access is provided at East Houston Street and Lafayette Street by the IND B, D, F and M lines and by the IRT No. 6 line (Bleecker Street). The site is also well-served by several bus lines that run along East Houston Street, Lafayette Street and Broadway, which is located one block to the west.

Regarding pedestrian and vehicular traffic circulation, the Commission has considered the nature of the streets and public transit that would provide access to commercial uses at this location, and believes that the streets and mass transit providing access to commercial uses at this location will be adequate to handle the traffic and pedestrian volume to be generated.

The Commission believes that the proposed building complements the area's existing built context and scale. Moreover, the proposed project further supports SoHo's role as a thriving mixed-use neighborhood, with destination and local retail use and commercial office use. The Commission, therefore, believes that the proposed zoning text amendment, in conjunction with the related special permits, is appropriate.

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 Section 200 of the New York City Charter, that based on the environmental determination and 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 percent of the #lot area# occupied by existing #buildings#, or has #street# frontages on two or more #wide streets# and not more than 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 shall meet the following conditions, that:
- (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 shall find 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 #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 percent of the #lot area# is

occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications: comply with the findings set forth below.

In addition, in M1-5A and M1-5B Districts, the Commission may also modify #bulk# regulations, except #floor area ratio# regulations, for #development# on a #zoning lot# that has #street# frontages on two or more #wide streets# and that, as of December 15, 2003, has more than 20 percent but not more than 40 percent of the #lot area# occupied by existing #buildings#, provided the #development# contains no #residences# and 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 140092 ZRM), duly adopted by the City Planning Commission on December 18, 2013 (Calendar No. 8), 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.

KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
JOSEPH I. DOUEK, RICHARD W. EADDY,
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Antony Wong, *Treasurer*
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REVISED: PLEASE SEE BOLDED AMENDMENT

October 25, 2013

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

Dear Chair Burden,

At its Full Board meeting on October 24, 2013, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

300 Lafayette Street (BP Station on Houston Street). ULURP Nos. N 140092 ZRM, N 140093 ZSM, N 140095 ZSM, N 140096 ZSM, CEQR No. 77DCP091M. An application to the City Planning Commission to facilitate development of a seven-story commercial building within an M1-5B zoning district and within the Soho Cast Iron Historic District Extension. The application seeks the following actions: a zoning text amendment to Section 74-712 and special permits pursuant to Section 74-712 as amended to 1) allow Use Group 6 retail and office uses below the second story, 2) modify height and setback requirements; and 3) to allow retail uses in Use Group 6 and 10A with no limitation on floor area per establishment.

Whereas:

1. The application was presented to the committee by Marcello Porcelli and Adam Good of Larga Vista (the applicant), Rick Cook and Fred Metzger of Cook + Fox (Architect), Elise Wagner of Kramer Levin, and Julie Greenberg of Kasirer Consulting LLC.
2. The proposal is for a seven-story building with retail and office uses.
3. The current use of the site is primarily a large gas station.
4. Two one-story buildings will be demolished.
5. The CB2 Landmarks Committee recommended approval of the certificate of appropriateness.
6. The text amendment will affect only one site in CB2.
7. There is a credible planning rationale for allowing ground level retail on a lot facing two wide streets.
8. The applicant agrees to accept a stipulation prohibiting eating and drinking establishments.
9. The building will include up to 32,600 gsf of retail on three floors which far exceeds the ideal size of a single retail establishment.

10. Large retail establishments are common in the area, mostly on Broadway, including very large stores such as REI, across the street on Lafayette.
11. The anticipated retail will be a single high-end destination retail use.
12. The building will also include up to 49,500 gsf of office use.
13. Increasing office use in the neighborhood will improve the mix of daytime uses in the area and hopefully cause local eating and drinking establishments to be less dependent on late night uses that are a nuisance for residents in the area.
14. The Houston Street sidewalk is experiences crowding now because of the midblock location of a heavily used subway stair, and the inclusion of destination retail will make it worse.
15. The project includes an innovative approach, recommended by neighbors, to allow pedestrian movement on both sides of the stair.
16. The retail and office entrances are well-located to reduce the impact of the building on sidewalk crowding, but the retail entrance may be more appropriately located at the intersection of the two wide streets rather than on Crosby Street which includes nearby residential buildings.
17. The applicants met with groups of neighbors prior to finalizing the application.
18. Residents speaking at the hearing generally approved of the project and the building design and the project is supported by the Broadway Residents Coalition.
19. The project is a significant improvement over the gas station which is the dominant current use.
20. The accessory signage is not excessive and the unattractive massive billboards will be eliminated.

Therefore it is resolved that CB#2, Man.

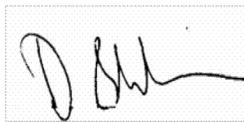
:

1. Supports the text amendment the Zoning Resolution, making it possible to improve the uses on this site under 74-712, **which applies only to this site.**
2. Supports retail use of the ground floor but prefers reduction of total retail use in favor of greater office use and requests consideration of relocation of the retail entrance from Crosby to Lafayette.
3. Sustains its prior positions regarding building design taken in consideration of the application to the Landmarks Commission to the extent that the modification of height and setback regulations are reflected in that application.
4. Requests special design of construction fences and sidewalk bridges to avoid sidewalk congestion near the subway entrance during construction, with all construction operations from the Lafayette Street side only, especially given the likely simultaneous construction on the west side of Crosby Street.

Vote: Passed, with 37 Board members in favor, and 1 in opposition (D. Diether)

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. Brad Hoylman, 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
Hon. Margaret Chin, Council Member
Edwin Marshall, 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: **N 140092 ZRM, C 140093 ZSM, C 140096 ZSM and C 140096 ZSM**

Docket Description:

C 140093 ZSM In the matter of an application submitted by Paco Lafayette, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of a 7-story commercial building on a zoning lot with street frontages on two side streets and, as of December 15, 2003, has not more than 40% of its lot area occupied by existing buildings, located at 300 Lafayette Street (block 510, Lots 38, 39, and 40), in an M1-5B District, within the SoHo Cast Iron Historic District.

C 140095 ZSM In the matter of an application submitted by Paco Lafayette, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on the cellar, ground floor, and second floor of a proposed 7-story commercial development, on property located at 300 Lafayette Street (Block 510, Lots 38, 39, and 40) in an M1-5B District, within the SoHo Cast Iron Historic District

C 140096 ZSM In the matter of an application submitted by Paco Lafayette, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail and office uses) below the floor level of the second story of a proposed 7-story commercial building on a zoning lot with street frontages on two wide streets and, as of December 15, 2003, has not more than 40% of its lot area occupied by existing buildings, located at 300 Lafayette Street (Block 510, Lots 38, 39, 40), in an M1-5B District, within the SoHo Cast-Iron Historic District.

COMMUNITY BOARD NO: 2

BOROUGH: Manhattan

RECOMMENDATION

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

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

See Attached


BOROUGH PRESIDENT

11/14/13
DATE



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

November 14th, 2013

Recommendation on
ULURP Application Nos. N 140092 ZRM, C 140093 ZSM, C 140095 ZSM,
and C 140096 ZSM – 300 Lafayette Street
by Paco Lafayette, LLC

PROPOSED ACTIONS

Paco Lafayette, LLC¹ (“the applicant”) seeks a **zoning text amendment to Section 74-712** of the Zoning Resolution (“ZR”), and a **special permit pursuant to the amended text** to modify use, height and setback regulations set forth in ZR §§ 42-14D(2)(b)² and 43-43.³ The applicant also seeks a **special permit pursuant to ZR § 74-922** to waive size limitation on retail establishments. The approval of the proposed actions will permit the development of a new seven-story commercial building at 298-308 Lafayette Street (Block 510, Lots 38, 39, and 40). 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.

In order to be eligible for special permit ZR §§ 74-712(a) and (b), the proposed development site must be vacant, have only minor improvements, or have a lot coverage of no more than 20 percent. The applicant proposes a text amendment that would modify ZR §§ 74-712(a) and (b) to allow developments on sites with up to 40 percent existing lot coverage provided that the lot fronts on two wide streets and that the proposed development does not contain residences.

In order to grant the use modifications pursuant to § 74-712(a), the City Planning Commission (“CPC”) must find that the total floor area ratio (“FAR”) be limited to 5.0; all signs conform to regulations (§ 32-60) pertaining to C2 zoning districts; and eating and drinking establishments (Use Groups 6A and 12A) of any size are not permitted.⁴ CPC shall further find that the

¹ Marcello Procelli is the president of the Paco Lafayette, LLC.

² Pursuant to ZR § 42-14D(2)(b), permitted ground-floor uses in M1-5B zoning districts include uses in Use Groups 7, 9, 11, 16, and 17, which generally encompass light manufacturing uses as well as home maintenance and repair services.

³ ZR § 43-43 sets maximum front wall heights and setbacks requirements in M districts. Maximum allowable base height in M1-5 zones is 85 feet and the building is required to set back 15 feet when fronting wide streets.

⁴ Findings for this special permit that are not applicable in this application include: rear yards compliance, minimum distance between windows and walls regulations, and minimum floor area requirements of dwelling units pertaining to residential developments. The proposed is entirely a commercial development.



proposed use modifications have minimal adverse effects on conforming uses in the surrounding area and are compatible with the character of the surrounding area.⁵

In order to grant the bulk modifications pursuant to special permit § 74-712(b), CPC must find that the proposed development shall not adversely affect surrounding structures or open space in terms of scale, location and access to light and air; and relate harmoniously to buildings in the Historic District as evidenced by a Certificate of Appropriateness from the Landmarks Preservation Commission (“LPC”).⁶

Finally, the applicant seeks a special permit pursuant to § 74-922 to allow retail spaces larger than the 10,000 SF permitted under zoning. In order to grant the special permit, CPC must find that the principal vehicular access for the proposed use is not located on a local narrow street; the use is located to draw a minimum of vehicular traffic to and through local streets; in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities; and such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district.⁷

PROJECT DESCRIPTION

The applicant proposes a new seven-story retail and commercial building with two cellar levels to be located on an 11,595 SF site that fronts on East Houston Street to the north, Lafayette Street to the east, and Crosby Street to the west. The site consists of three combined lots and the proposed development will have a total of 57,975 SF of floor area (5.0 FAR). The building’s first cellar level through second floors would contain up to 32,600 GSF⁸ of Use Groups 6 and 10A retail uses, and the third to seventh floors will accommodate approximately 35,970 SF of Use Group 6 office uses.

The base of the proposed building would rise to 91 feet at the fifth floor before setting back 15 feet from East Houston and Lafayette streets and 20 feet from Crosby Street. The building would then rise another two floors to a total height of 122 feet and 7 inches. The third through fifth floors would have recessed balconies. In addition, the applicant proposes a passive rooftop recreation area attached to the sixth floor for the office use, which would be covered by a “*brise solei, a solar shade canopy*.”

The project site currently contains a gas station located on East Houston Street, and two one-story buildings on the two southern lots; one is currently occupied by retail uses, and the other is a bar and restaurant. Together, the existing structures have lot coverage of 4,366 SF or 38 percent of the proposed project site. The two buildings and gas station would be demolished to facilitate the development of this project.

⁵ In the case of residential developments, not applicable in this application, CPC shall also find that the proposed use changes result in a development that is compatible with the scale of the surrounding area.

⁶ The LPC issued a Certificate of Appropriateness for the proposed project on April 30, 2013. LPC’s determinations will not be re-examined in this application.

⁷ The proposed project would not contain any off-street parking, vehicular entrances and exits nor loading berths; and therefore, those findings of the special permit that pertain to those conditions are not applicable in this application.

⁸ The total 32,600 SF of retail uses includes 10,595 GSF of retail space on the first cellar level.

The project site is located within an M1-5B zoning district, but directly borders commercial districts C6-2 to its north and C6-3 to its east. M1-5B allows a maximum 5.0 FAR, and a maximum street wall height of 85 feet. Retail uses within an M1 zoning district are capped at 10,000 SF of floor area, and are limited to certain uses.⁹ Further, ground-floor retail uses under Use Groups 6 and 10A are not permitted as of right in an M1-5B zoning district.

The project site's surrounding area consists of a mix of commercial and residential uses. Common uses within buildings in the immediate area are retail on the ground level, and offices or joint-live-work spaces above. Nearby ground-floor retail establishments include clothing, sporting goods, and home furnishing stores. Several large-scale retail stores are found in the immediate vicinity, including REI SoHo (39,000 SF) on Lafayette Street and East Houston Street; Adidas (36,350 SF) on the northeast corner of East Houston Street and Broadway; Hollister (40,000 SF) on the southwest corner of Broadway and East Houston Street; and Crate and Barrel (40,000 SF) on northwest corner of Broadway and East Houston Street.

The proposed development is located in the SoHo-Cast Iron Historic District Extension, designated in 2010. The 135 properties in the extended district relate to and mirror the merchant-warehouse lofts that define the SoHo-Cast Iron Historic District designated in 1973. Today, the historic district is comprised of combination of residential, joint live and work quarters for artists, commercial properties and manufacturing uses. In addition, a combination of upscale boutiques, restaurants, bars and hotels has made the neighborhood a popular tourist and shopping destination.

The current lot coverage on the project site is approximately 38 percent. Therefore, to become eligible for the special permit pursuant to § 74-712, the applicant seeks a text amendment to modify the permitted percent of existing lot coverage, from 20 to 40 percent. The proposed text applies only to partially vacant sites in the M1-5B zoning district, which also front two wide streets. Additionally, any site with lot coverage between 20 and 40 percent may only seek a bulk waiver if no residences are permitted.

COMMUNITY BOARD'S RECOMMENDATION

At its Full Board meeting on October 24, 2013, Manhattan Community Board 2 ("CB2") recommended conditional approval of the application by a vote of 37 in favor and one opposed. The board requested that the retail entrance on Crosby Street be relocated and requested a special construction shed to prevent sidewalk congestion near the subway entrance.

BOROUGH PRESIDENT'S COMMENTS

The special permit pursuant to ZR § 74-712 was created, in part, to encourage development of remaining vacant lots within historic districts. The special permit was then amended to include partially occupied lots in M1-5A and M1-5B zoning districts to further encourage thoughtful

⁹ Pursuant to § 42-12, Use Group 10A uses within M1 districts are limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

architectural designs that reflect the built character of the SoHo and NoHo Historic Districts.

The applicant proposes to allow the building's street wall to rise to approximately 91 feet, which is six feet higher than permitted. This street wall height will allow the building to align with the landmarked Puck Building across the street. Additionally, the applicant's proposed *brise soleil*, which is designed to provide shading and increase the building's efficiency, will penetrate the sky exposure plane for approximately 8 feet of depth on Crosby Street and approximately 4 feet on Lafayette and Houston streets. The proposed bulk is consistent with the design approved by LPC.

Absent the proposed text amendment, neither the ground floor retail uses nor the bulk changes would be permitted as the site has a lot coverage of approximately 38 percent, 18 percent higher than would otherwise be required by the special permit. The proposed text would allow buildings fronting two wide streets to utilize the 74-712 special permit with lot coverage up to 40 percent. As such, this is the only site within the M1-5A and M1-5B zoning districts that could utilize the special permit.¹⁰

However, as written the proposed text may unintentionally introduce a new restriction to 74-712(b). The new special permit text was intended to restrict residential uses for the sites with between 20 percent and 40 percent lot coverage. However, the text may unintentionally be interpreted as restricting residences from all sites with two wide streets seeking a bulk waiver that have below 40 percent of lot coverage. The applicants should reexamine the text to ensure that it only applies where intended — to sites between 20 and 40 percent lot coverage.

Generally, the proposed buildings meet the findings of the special permit. The proposed bulk waivers will not introduce new shadow impacts on open spaces or surrounding structures. Additionally, while the proposed building may block non-essential lot line windows, no additional windows will be blocked from the portion of the building subject to the waivers. Finally, the proposed office and retail uses are consistent with nearby uses, and will unlikely have adverse impacts on conforming commercial uses in the surrounding area.

The applicants propose an entrance on Crosby Street. According to the applicant, the Crosby Street entrances may be necessary if the ground floor is segmented into multiple stores or for fire egress. However, the Community Board has rightly raised concerns about permitting a significant egress to a large format store on a narrow street.

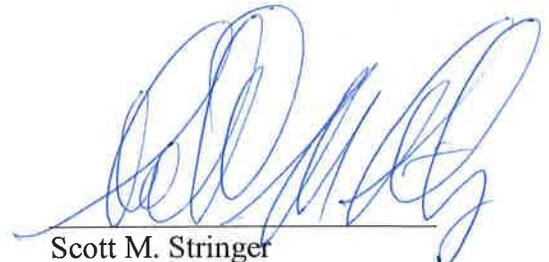
While the large retail is generally consistent with uses in the area, it is unusual for the nearby large stores to have entrances on narrow streets. Crate and Barrel, Hollister and Adidas, have primary large entrances on Broadway and Houston Street, while REI has its entrances on Lafayette and Mulberry streets. Locating these main entrances for large format stores on narrow streets could introduce unintended pedestrian congestion. As Crosby Street is a narrow street, with a more residential character than the other streets surrounding the site, it is the least appropriate street to locate the entrance for a large format store. Therefore, the applicant should explore the feasibility of removing or relocating the proposed Crosby Street retail entrance.

¹⁰ Wide streets are defined by the zoning resolution as being 75 feet wide from property line to property.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. N 140092 ZRM, C 140093 ZSM, C 140095 ZSM, and C 140096 ZSM provided that:

- 1. the text be clarified such that the 74-712(b) restriction on residential uses apply only to lots with two wide street frontages and a lot coverage between 20 percent and 40 percent of lot coverage; and**
- 2. the applicant's explore the feasibility of relocating the proposed Crosby Street retail entrance.**



Scott M. Stringer
Manhattan Borough President