CITY PLANNING COMMISSION

June 11, 2014, Calendar No. 5 C 140205 ZSM

IN THE MATTER OF an application submitted by Broome Street Owner 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) of the Zoning Resolution to modify the permitted obstructions requirements of Section 43-42(a) to allow a sun control structure at the 7th story roof level of a proposed 7-story mixed-use building on a zoning lot that, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 42 Crosby Street (Block 483, Lot 35), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community District 2.

This application for a Special Permit was filed by Broome Street Owner LLC on December 11, 2013. The requested Special Permit, in conjunction with the related actions, would facilitate the development of a new six-story plus penthouse mixed residential and commercial building with a ten space accessory parking garage on the ground floor and cellar at 42 Crosby Street.

RELATED ACTIONS

In addition to the special permit (C 140205 ZSM), 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 140204 ZSM Special Permit pursuant to Section 74-712(a) to modify use regulations in the M1-5B zoning district to allow residential use (Use Group 2) on the 2nd through 7th floors and on portions of the ground floor and cellar and commercial retail use (Use Group 6) on portions of the ground floor.

C 140206 ZSM Special Permit pursuant to Section 13-45 and 13-451 to permit a ten space unattended accessory parking garage on the ground floor and cellar.

BACKGROUND

The applicant, Broome Street Owner LLC, seeks approval of a Special Permit pursuant to Section 74-712(b) of the Zoning Resolution, in conjunction with the grant of special permits pursuant to Sections 74-712(a), 13-45 and 13-451, to construct a new six-story plus penthouse mixed-use building at 42 Crosby Street (Block 483, Lot 35). The project site is located in the SoHo Cast-Iron Historic District, within Manhattan Community District 2.

A full background discussion and project description appears in the report on the related application for the Special Permit pursuant to Section 74-712(a) (C 140204 ZSM).

ENVIRONMENTAL REVIEW

This application (C 140205 ZSM), in conjunction with the applications for the related actions (C 140204 ZSM, C 140206 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 14DCP086M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for the Special Permit pursuant to Section 74-712(a) (C 140204 ZSM).

UNIFORM LAND USE REVIEW

On January 21, 2014, this application (C 140205 ZSM), in conjunction with the applications for

the related actions (C 140204 ZSM, C 140206 ZSM), was certified as complete by the Department of City Planning, and was duly referred to Manhattan 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 (140205 ZSM), on January 8, 2014, and on January 23, 2014, by a vote of 32 in favor, 4 opposed and 0 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendations

This application (C 140205 ZSM) in conjunction with the applications for related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation on April 30, 2014, for approval of the application.

City Planning Commission Public Hearing

On April 23, 2014 (Calendar No. 7), the City Planning Commission scheduled May 7, 2014 for a public hearing on this application (C 140205 ZSM) in conjunction with the applications for the related actions (C 140204 ZSM, C 140206 ZSM). The hearing was duly held on May 7, 2014 (Calendar No. 27), in conjunction with the public hearing on the applications for the related actions.

There were two speakers in favor of the application and none in opposition as described in the report on the related application for the special permit (C 140204 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that the application for a Special Permit pursuant to Section 74-712(b) of the Zoning Resolution, in conjunction with the grant of the related special permits, is

appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related application for the proposed special permit (C 140204 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-712(b) (Developments in Historic Districts) of the Zoning Resolution:

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 or Appropriateness or other permit from the Landmarks Preservation Commission.

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 findings described in this report, the application submitted by Broome Street Owner 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 permitted obstructions requirements of Section 43-42(a) to allow a sun control structure at the 7th story roof level of a proposed 7-story mixed-use building on a zoning lot that, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 42 Crosby Street (Block 483, Lot 35), in an M1-5B District, within

the SoHo Cast-Iron Historic District, Borough of Manhattan, Community District 2, subject to the following terms and conditions:

1. The property that is the subject of this application (C 140205 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 Selldorf Architects and Franke, Gottsegen, Cox Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
02	Zoning Analysis	12/9/13
03	Site Plan	11/18/13
12	Waiver Plan	11/18/13
13	North-South Building Section	12/9/13
14	East-West Building Section	12/9/13

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. 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 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.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 140205 ZSM), duly adopted by the City Planning Commission on June 11, 2014 (Calendar No. 5), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners