



IN THE MATTER OF an application submitted by Grand 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 Section 15-021(e) to allow residential use (Use Group 2) on portions of the ground floor, the 2nd - 4th floors and proposed penthouse of an existing 5-story mixed-use building on property located at 66 Allen Street a.k.a. 315 Grand Street (Block 308, Lot 14), in a C6-2G District, Borough of Manhattan, Community District 3.

This application for a special permit was filed by Grand Associates LLC on August 29, 2016 and revised on October 19, 2017. The special permit seeks to modify the use regulations of Section 15-021(e) of the Zoning Resolution (ZR) to allow residential use on portions of the ground floor, the second through fourth floors and a proposed penthouse of an existing five-story mixed-use building located at 66 Allen Street a.k.a. 315 Grand Street (Block 308, Lot 14), Borough of Manhattan, Community District 3.

BACKGROUND

The applicant seeks a special permit to modify use regulations in a building located at 66 Allen Street (the “project site”). The site, located on the southeast corner of Allen and Grand Streets, is the former Edward Ridley & Sons Department Store, which was constructed in 1886 by architect Paul F. Shoen. At the time of the construction, the site was an interior lot. An adjacent building was demolished in the early 1930s to facilitate a widening of Allen Street, and 66 Allen Street became a corner building.

The site has a lot area of 3,191 square feet. It is developed with a five-story, 15,729-square-foot building that rises without setback to the roof level, to a height of about 61 feet, and has a floor area ratio (FAR) of 4.91. The sub-cellar, cellar and ground floor are occupied by commercial retail and storage uses that have entrances on Grand Street and Allen Street. There is also a residential

lobby on the ground floor with a separate entrance to the residential use on Allen Street. According to the applicant, the second floor is partially occupied by one short-term office unit and partially vacant. The third and fourth floors are occupied by four short-term office units. In total, there are about 10 people working in the building. The fifth floor is occupied by one legally noncompliant residential unit that is listed on the building's most recent Certificate of Occupancy, issued on September 29, 1965. The applicant states that over the past 130 years, the building has never been occupied by factory or manufacturing uses.

66 Allen Street is situated within a C6-2G zoning district, a commercial loft district outside the central business district with special regulations governing the conversion of non-residential space to residential use. In C6-2G districts, residential use is not permitted unless the floor area in such buildings was occupied for residential use prior to April 1, 1984. C6-2G districts have a maximum commercial FAR of 6.0, a maximum residential FAR of 6.02 (R8 equivalent), and a community facility FAR of 6.5.

The area surrounding the site is characterized by mixed-use residential buildings with ground floor commercial uses. Scattered throughout the area are a mix of manufacturing uses, including commercial lofts and warehouses. The buildings are predominantly loft and tenement style structures, generally built in the early 1900s, with average heights of three to six stories.

The applicant proposes to convert the office space on the second, third, and fourth floors to residential use (Use Group 2), expand the residential lobby on the first floor, and add an elevator lobby for ADA accessibility. In addition, the applicant proposes to add a sixth-floor penthouse that would set back above the existing fifth-floor rooftop approximately 13 feet from Grand Street and 21 feet from Allen Street.

This enlarged portion of the building, which is within the permitted zoning bulk envelope, would contain 749 square feet of floor area and would increase the height of the building to about 72 feet at the roof level. The resulting new total floor area would be 16,621 square feet (5.21 FAR). This would result in a total of eight residential units, an increase of seven units (about 10,730 square feet) from the existing legal unit on the fifth floor. There would be two units each on the second,

third, and fourth floors, and the existing fifth-floor unit would be divided into two units, one of which would be a duplex with the penthouse enlargement. The existing commercial retail and storage would remain in the sub-cellar, cellar and ground floor.

On April 26, 2016, the Landmarks Preservation Commission (LPC) approved a Certificate of Appropriateness (COFA 18-5098) and Certificate of No Effect (CNE 18-5096). Additionally, LPC issued a Modification of Use (MOU 18-1500) confirming that a program has been established for continuing maintenance that will result in the preservation of the building, and that the use modification, under the continuing maintenance program, contributes to a preservation purpose.

To facilitate the proposed project, a special permit pursuant to ZR Section 74-711 is required to modify the use regulations of ZR Section 15-021(e). In order to grant a special permit, the City Planning Commission must find that such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

ENVIRONMENTAL REVIEW

This application (C 170068 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 17DCP109M. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS) issued on October 13, 2017, a Negative Declaration was issued on October 16, 2017. The Negative Declaration included an (E) designation (E-450) related to noise to avoid the potential for significant adverse impacts.

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

Block 308, Lot 14

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed- window condition with minimum attenuation of 31 dB(A)

window/wall attenuation on Allen Street and Grand Street facades to maintain an interior noise level of 45 dB(A). To maintain a 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.

With the implementation of the above (E) designation (E-450), no significant adverse impacts related to noise would occur.

UNIFORM LAND USE REVIEW

This application (C 170068 ZSM) was certified as complete by the Department of City Planning on October 16, 2017, and was duly referred to Manhattan Community Board 3 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

Manhattan Community Board 3 held a public hearing on November 8, 2017, and on November 28, 2017, by a vote of 41 in favor, none opposed, and with one abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on December 28, 2017.

City Planning Commission Public Hearing

On December 13, 2017 (Calendar No. 12), the City Planning Commission scheduled January 3, 2018 for a public hearing on this application (C 170068 ZSM). The hearing was duly held on January 3, 2018 (Calendar No. 13). One person spoke in favor of the application

The applicant's land use counsel described the proposed project and the land use action, stating that the proposed project would meet the conditions and findings of the special permit. There were no other speakers and the hearing was closed. Manhattan Borough President Gale A. Brewer submitted written testimony supporting the application on January 3, 2018.

CONSIDERATION

The Commission believes that the grant of this special permit (C 170068 ZSM) is appropriate.

The special permit to modify the use regulations of ZR Section 15-021(e) would facilitate the conversion of office use (Use Group 6) to residential use (Use Group 2) on portions of the ground floor, the second through fourth floors and a proposed penthouse on property located at 66 Allen Street.

The Commission believes that the modification of use regulations would not adversely affect any conforming uses within the building, as the building already contains one legally noncompliant residential unit on the fifth floor. The sub-cellar, cellar and first floor are currently occupied by retail use (Use Group 6) with accessory storage. Residential use is compatible with commercial use, and the entrances to the commercial space are directly off the street on Grand Street and Allen Street, separate from the entrance to the residential use on Allen Street.

The Commission also believes that such use modification would have minimal adverse effects on the conforming uses in the surrounding area. The Commission recognizes that the surrounding area is characterized by mixed-use residential buildings with ground floor commercial uses. The proposed additional residential use, with the creation of seven new units and the enlargement of an existing unit, is consistent with the prevailing land use pattern found in the area.

The Commission is in receipt of a letter dated April 26, 2016, from the LPC to the Department of City Planning stating that the LPC voted in support of the application for the special permit. The letter also detailed the restoration work that would be completed on the designated building, which will reinforce its architectural and historic character, and stated that the applicant has agreed to a continuing maintenance program.

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 and findings described in this report, the application submitted by Grand Associates LLC for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 15-021(e) to allow residential use (Use Group 2) on portions of the ground floor, the 2nd - 4th floors and proposed penthouse of an existing 5-story mixed-use building on property located at 66 Allen Street a.k.a. 315 Grand Street (Block 308, Lot 14), in a C6-2G District, Borough of Manhattan, Community District 3, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 170068 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Bromley Caldari Architects PC, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
G001.00	Site Plan	10/3/2017
G002.00	Zoning Analysis	10/19/2017
G003.00	Zoning Floor Area Calculations	10/3/2017
A102.00	Proposed Plan: Ground Floor	10/11/2017
A103.00	Proposed Plans: 2nd & 3rd Floor	10/11/2017
A104.00	Proposed Plans: 4th & 5th Floor	10/11/2017
A105.00	Proposed Plans: Penthouse & Roof	10/11/2017
A201.00	Building Section: North-South	10/11/2017
A202.00	Building Section: East-West	10/3/2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and 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, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated January 26, 2018, executed by Grand Associates, 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, New York County.
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 and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of

government, or any private person or entity. Any such failure or breach of any of the conditions as stated 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 or of the attached restrictive declaration.

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

The above resolution (C 170068 ZSM), duly adopted by the City Planning Commission on January 31, 2017 (Calendar No. 5), 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.

MARISA LAGO, *Chair*

**RAYANN BESSER, ALFRED CERULLO, III, MICHELLE DE LA UZ,
JOSEPH DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, LARISA ORTIZ**, *Commissioners*



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:	Project Name:
CEQR Number:	Borough(s):
	Community District Number(s):

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ" ~~XXXXXXXXXX~~
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

Applicant(s):		Applicant's Representative:	
Recommendation submitted by:			
Date of public hearing:		Location:	
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote:		Location:	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
Voting			
# In Favor:	# Against:	# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form		Title	Date



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
59 East 4th Street - New York, NY 10003
Phone (212) 533-5300
www.cb3manhattan.org - info@cb3manhattan.org

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

November 29, 2017

Marisa Lago, Director
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Director Lago,

At its November 2017 monthly meeting, Community Board 3 passed the following resolution:

VOTE: To approve ULURP C170068ZSM: 66 Allen Street aka 315 Grand Street – modification to allow residential use (Use Group 2) on portions of the ground floor, the 2nd-4th floors, and proposed penthouse of an existing 5-story mixed-use building in a C6-2G District.

Please contact the community board office with any questions.

Sincerely,

Jamie Rogers, Chair
Community Board 3

MyPhuong Chung, Chair
Land Use, Zoning, Public and Private Housing Committee

Cc: Erica Baptiste, Office of Manhattan Borough President Gale Brewer
Xinyu Liang, Office of New York City Department of City Planning
Roxanne Earley, Office of New York City Council Member Margaret Chin
Paola Ruiz, Mayor's Community Affairs Unit
Fredrick Becker, Applicant's Representative



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

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

December 28, 2017

**Recommendation on ULURP Application C 170068 ZSM – 66 Allen Street
By Grand Associates, LLC**

PROPOSED ACTION

Grand Associates, LLC¹ (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the use regulations of Section 15-021(e) to allow residential use on portions of the ground floor, second to fourth floors and proposed penthouse of an existing 5-story, landmarked, mixed-use building located at 66 Allen Street (Block 308, Lot 14 and also known as 315-317 Grand Street) in a C6-2G district within Community Board 3, Manhattan.

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 application must satisfy:

- 1) The application shall contain an LPC issued report stating that 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;²
- 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;³
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.⁴

Further, in order to grant a special permit, the CPC must find that:

- 1) The modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air;
- 2) Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

¹ Grand Associates LLC is represented by Edward Kaminsky the owner of the subject building at 66 Allen Street.

² The LPC issued a report, MOU 17-5100 on April 26, 2016.

³ The LPC issued the Certificate of No Effect (#18-5096) and the Certificate of Appropriateness (COFA #18-5098) on April 26, 2016. The applicant does not propose any bulk modifications. Miscellaneous Amendment (#18-5870) and Miscellaneous Amendment (#19-8849) were issued on May 12, 2016 and February 15, 2017, respectively.

⁴ The applicant proposes 8 residential units; this is below the maximum permitted number of 28 dwelling units for this site as set forth in Section 15-11. However, this condition does not apply to the subject building because it is not within a C7, C8 or manufacturing zoning district.

PROJECT DESCRIPTION

The applicant seeks a special permit pursuant to ZR § 74-711 to allow the conversion of the second through fourth floors of the building from Use Group 6 (commercial use) to Use Group 2 (residential use), the expansion of the first floor's residential lobby and a rooftop enlargement above the fifth floor. The project site's lot area is 3,191 square feet, built with 15,729 square feet of floor area and a floor area ratio (FAR) of 4.93.

The applicant proposes a new total FAR of 5.21 and a total of 16,621 square feet of floor area within the existing building and would allow 7 additional residential units⁵ totaling 10,288 square feet of residential floor area. The proposal calls for an enlargement of the residential lobby on the first floor for an ADA compliant elevator by removing square footage from one of the existing ground floor retail spaces. The building would be enlarged by a penthouse addition used for residential use and a private patio for one of the fifth floor units as a duplex. This addition will enlarge the building by 749 square feet of floor area and increase the building height by 12 feet and 1 ½ inches to 70 feet and 2 ½ inches.

The project site is located within a C6-2G zoning district which permits certain residential, commercial and community facility uses within Use Groups 1 through 12; however, Use Group 2, residential use, is not permitted in commercial buildings. The minimum building base height is 60 feet with a maximum building height of 120 feet. The maximum residential FAR is 6.02 and the maximum commercial FAR is 6.0.

The special permit pursuant to ZR § 74-711 requires the applicant enter into a Restrictive Declaration with the LPC and establish a continuing maintenance program for the preservation of the building.

Background

The existing building was constructed in 1886 by architect Paul F. Schoen in the Classical Revival-style with a cast iron façade on Grand Street. Fifty years later Allen Street was widened and a portion of the building was demolished and the western wall was reconstructed with tan brickwork in the Art Deco style by architect John N. Linn. The building originally functioned as a department store owned by Edward Ridley & Sons, once the largest department store in the city. The building was designated as an individual landmark by the Landmarks Preservation Commission in 2012.

According to the application materials, the building has continuously been occupied for commercial use. The 1930 and 1934 Certificate of Occupancies state the building was used for stores, clubrooms, and office and meeting rooms. The most recent Certificate of Occupancy, dating to 1965, lists Use Groups 6B and 6C uses: boiler room, clothing stores, dry goods and medical office, business office and meeting hall, and one residential apartment. Currently, the building houses both commercial and residential uses including the retail stores Good Locksmith and Win Win Trading on the ground floor; and office space for Scout Design on the second

⁵ According to the 1965 Certificate of Occupancy, one legal residential unit has existed on the fifth floor of this property.

floor, Oasis on the third floor, additional office space on the fourth floor, and one residential unit on the fifth floor. No records were found to indicate rent-regulation of the residential unit.

On April 26, 2016 the LPC approved work to restore the building to a sound, first class condition, including exterior work at the roof and northern and western façades, construction of a one-story addition on the roof, an elevator bulkhead at the southeast corner, and a metal framed glass pitched roofed skylight structure. The restorative work approved also includes replacing windows and transoms; replacing a door and a louver on the second and third floor levels on the northern façade with single-light casement windows; replacing the storefront infill with wood framed, fixed, single-light display windows masonry bulkheads, a sign panel at the openings, and recessed entrances; removing the fire escape at the western façade and replacing the door and transom at the entrance at the southern end of the western facade with a bronze door, sidelight and transom.

Area Context

The project site is located on the southeasterly corner of Grand Street at Allen Street and is located in a C6-2G zoning district in Community District 3, Manhattan. The project site is bounded by Grand Street to the north, Orchard Street to the east, Hester Street to the south and Allen Street to the west. The block consists primarily of five story mixed-use buildings with one commercial building, two multi-family residential buildings, and two industrial uses. The surrounding blocks consist primarily of mixed-use commercial and multi-family residential buildings. There are also a few educational facilities in the area including the Lower Manhattan Arts Academy, Seward Park High School and P.S. 042 Benjamin Altman. Two blocks southeast of the site is Seward Park and two blocks west of the site is Hester Street playground.

The C6-2G zoning district for the project site is limited to two and one-half lots; just southeast of the project site is a C6-2 zoning district which extends to Essex Street west of Allen Street is a C6-1G zoning district and north of Grand Street is a C4-4A zoning district.

The project site is well served by public transit: The B/D subway line located on Grand Street between Chrystie Street and Forsyth Street; the F subway line East Broadway stop located three blocks southeast of the site; and the Essex Street Station of the M/J/Z subway line two blocks north of the site. The M15 bus line is accessed one block west of the site on Allen Street; and the M9 and M14A bus lines are accessible on Essex Street and Grand Street. A Citibike bicycle station is located just one block south of the site at Hester Street and Allen Street.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify use regulations to permit the conversion from commercial use to residential use (UG2) on the second, third, fourth, and proposed penthouse enlargement on the sixth floor of an existing 5-story building. A restrictive declaration will be recorded which sets forth a continuing maintenance plan for the building to ensure the preservation of the building and the fulfillment of the preservation purpose as a condition of approval for this special permit.

As described in the application materials, LPC's Certificate of Appropriateness, Certificate of No Effect, and the April 26, 2016 LPC report, the proposed scope of work will ensure the building is

maintained in a sound, first-class condition and reinforce the architectural and historic character of the building.

COMMUNITY BOARD RECOMMENDATION

On November 8, 2017, by a vote of 10 in favor, 3 in opposition, and 0 abstentions, Manhattan Community Board 3 (“CB3”) recommended approval of the application.

BOROUGH PRESIDENT’S COMMENTS

The special permit pursuant to ZR § 74-711 is a preservation tool to modify use or bulk restrictions of the Zoning Resolution that was enacted in order to make the ownership and preservation of historic buildings less financially burdensome. As a condition of securing the waivers that accompany this special permit, the applicant must ensure the property will be properly rehabilitated and maintained in perpetuity. The applicant for this special permit has proposed significant restoration of the building and the LPC has indicated that the maintenance plan is appropriate and will contribute to the special architectural and historic character of this building. The additional finding, under which this special permit may be granted, is that the modification must have a minimum impact on the conforming uses within the building and within the surrounding community.

The existing building was originally built to function as a department store in the late 1800s and has continued to be used for commercial use, particularly at the ground floor of the building. The existing building falls short of the current requirements and needs of commercial office tenants and therefore, has attracted tenants for the upper floors only willing to commit to short term leases. Because of this, the applicant seeks to permit seven residential units (in addition to the one existing residential unit) on the upper floors and to retain the existing ground floor retail tenants.

I have reviewed nineteen⁶ of these special permit proposals since taking office, twelve of which have been to convert buildings to residential use. Although this building has never permitted manufacturing use, as have many of the other applications, the use of this special permit is continuously used to convert buildings to residential use. It is for this reason that I included a condition in my recommendation on the Mandatory Inclusionary Housing (MIH) text amendment to create a lower threshold for when MIH should be required in the case of these conversions.

The MIH text provided that the requirement to provide affordable housing would not be triggered unless the special permit was going to allow the lesser of 10 units or 12,500 square feet of residential development. Our office, cognizant of the many special permits to convert lofts to residential use especially in the SoHo/NoHo area, wanted a threshold that would capture buildings which, when converted typically contained 10,000 and 12,500 square feet of residential

⁶This number represents applications reviewed pursuant to ZR Section 74-711.

space. We received a commitment from DCP and HPD, “to consider how MIH would apply to special permits in light of the continuing stream of applications seeking to increase residential capacity in certain Manhattan neighborhoods.”⁷

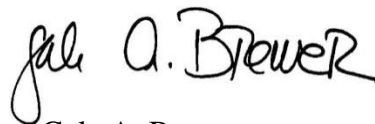
Yet we find ourselves, almost two years later, reviewing another special permit for a change to residential use for a building (albeit this time near, rather than in SoHo/NoHo) which falls below the threshold criterion for MIH set by the City Planning Commission but within my recommended threshold. This is now the third such ULURP since MIH was adopted in March 2016 that would have fallen under my proposed lower trigger for MIH, and had these commitments from the Administration been kept, it is possible that this neighborhood, which is seeing rapid development, could have funds for affordable housing.

However, the applicant’s proposal relates well to the mixed-use character of the surrounding blocks and broader neighborhood and will preserve the pedestrian experience on the street. In a meeting with my office the applicant’s representative stated they may no longer pursue the penthouse addition and therefore, may not construct a duplex unit.

The Manhattan Borough President believes the conditions and findings have been met for the requested special permit. The restoration work will reinforce the historic significance and ensure long-term preservation of this historic building for the community and visitors.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 170068 ZSM.



Gale A. Brewer
Manhattan Borough President

⁷ Letter from City Planning Commission Chair and Commissioner of HPD to Manhattan Borough President dated December 10, 2015.