



CITY PLANNING COMMISSION

October 3, 2012/Calendar No. 3

C 090002 ZSM

IN THE MATTER OF an application submitted by 54 Greene Street Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and
2. Section 42-14D(2)(b) to allow use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by 54 Greene Street Realty Corp. on July 2, 2008, to convert the second and fourth floors of an existing six-story loft building to Use Group 17D Joint Living Work Quarters for Artists (JLWQA) space, and to allow retail space on the ground floor and in the cellar. The building is located at 54 Greene Street (Block 474 Lot 7), in an M1-5B District within the SoHo Cast-Iron Historic District in Manhattan Community District 2.

BACKGROUND

54 Greene Street is located at the southeast corner of Greene and Broome streets. The zoning lot, which has approximately 109.17 feet of frontage along Greene Street and 50.4 feet of frontage on Broome Street, is developed with a six-story, approximately 33,404 square-foot loft building that has a total lot coverage of 5,448 square feet.

The building is a neoclassical-style cast iron building constructed in 1873 by the architect J.F. Duckworth. It is located in the SoHo Cast Iron Historic District, which was designated by the Landmarks Preservation Commission (LPC) on August 14, 1973. Accordingly, 54 Greene Street is a contributing building within the Historic District.

The building is located within an M1-5B zoning district, which allows commercial and manufacturing use up to 5.0 FAR and community facility use up to 6.5 FAR. Within a 400 foot radius, all properties are located in either an M1-5A or an M1-5B district, which are manufacturing districts that allow JLWQA as-of-right in buildings constructed prior to December 15, 1961 with lot coverage of less than 5,000 square feet. The neighborhood is characterized by historic loft buildings, most of which are occupied by JLWQA and ground floor retail uses.

The building's cellar space is currently occupied by three Use Group 6 retail establishments: (1) a retail designer furniture store and storage, and (2) an art gallery and storage, and (3) retail jewelry store and storage.

The first floor is currently occupied by three Use Group 6 establishments: (1) a retail designer furniture store in Unit 1A, a Use Group 6 art gallery in Unit 1B, and a Use Group 6 retail jewelry store in Unit 1C. The second floor is currently occupied by a Use Group 6 office and clothing store in Unit 2B, and a Use Group 6 office in Unit 2A. Unit 4B on the fourth floor is currently occupied by a Use Group 7B wholesale jewelry store, and Unit 4A on the fourth floor is currently occupied by a Use Group 6 office.

At present, the building has five JLWQA units on the third (Units 3A, 3B), fifth (Unit 5A) and sixth (Units 6A, 6B) floors that are permitted pursuant to a special permit, approved on September 29, 1988 (C 880024 ZSM). On January 7, 1985, a Determination of Residential Loft Occupancy (CPC certification application N 831505 ZJM), found JLWQA units on the third (Units 3A, 3B), fifth (Unit 5A) and sixth (Units 6A, 6B) floors to have been residentially occupied as of September 1, 1980. The legally existing Use Group 6 retail use in Unit 1C on the first floor of the Building was permitted pursuant to the Certificate of Occupancy, which allows Use Group 6 on a portion of the first floor.

The requested action would facilitate the conversion of existing Use Group 6 office and retail space on the second floor into approximately 3,913 square feet of Use Group 17D JLWQA space. The existing Use Group 6 and 7B commercial space on the fourth floor would also be converted into approximately 4,194 square feet of Use Group 17D JLWQA space.

The requested special permit under Section 74-711, would also modify Section 42-14D(1)(b) of the zoning resolution, which states that JLWQA may only exist in buildings in M1-5A and M1-5B districts erected prior to December 15, 1961 with lot coverage not exceeding 5,000 square feet; and (ii) ZR § 42-14D(2)(b), which prohibits Use Group 6 retail uses below the second story of buildings in M1-5B districts.

The requested modification is also required to allow this building, which has lot coverage of more than 5,000 square feet, to have JLWQA uses on the second and fourth floors. The requested modification would also allow the existing Use Group 6 use in the cellar space adjacent to Units 1A, 1B and 1C to be legalized and would also legalize the non-conforming retail uses in Units 1A and 1B on the first floor.

Under the proposal, the building would contain a total of nine (9) JLWQA units covering 21,046 square feet of floor area, and three (3) units of Use Group 6 retail use occupying 7,598 square feet of floor area. Each unit of JLWQA space will exceed the 1,200 square foot minimum unit size required pursuant to Section 43-17 of the Zoning Resolution.

As stated previously, the subject property is located in the SoHo Cast Iron Historic District. Accordingly, the application includes a report from the Landmarks Preservation Commission stating that a continuing maintenance program has been established that will result in the preservation of 54 Greene Street and that the proposed use and bulk modifications contribute to a preservation purpose.

ENVIRONMENTAL REVIEW

This application (C 090002 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 09DCP030M. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on July 9, 2012.

UNIFORM LAND USE REVIEW

This application (C 090002 ZSM) was certified as complete by the Department of City Planning on July 9, 2012, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on July 12, 2012, and on July 19, 2012, by a vote of 38 to 0, adopted a resolution recommending approval of the conversion of the fourth and sixth floors of 54 Greene Street to JWLQA, but also recommending disapproval of the legalization of the Use Group 6 uses on the ground floor and in the cellar, unless the size of any store is limited to no more than 3,500 square feet and eating and drinking establishments are prohibited.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on August 27, 2012, approving the application.

City Planning Commission Public Hearing

On August 22, 2012, (Cal. No. 1), the Commission scheduled September 5, 2012, for a public hearing on this application (C 090002 ZSM). The hearing was duly held on September 5, 2012, (Cal. No. 17). There were two speakers in favor of the application and none in opposition.

The applicant's attorney described the existing site condition, the proposed project and the need for the requested action. In response to the community board's concern, the attorney stated that the owner does not intend to place eating and drinking establishments in the ground floor space but could not commit to the 3,500 square-foot size limit because the owner wished to maintain flexibility to accommodate retail tenant needs. A representative of the Borough President of Manhattan also spoke in favor, reiterating the Borough President's support for the application.

There were no other speakers and the hearing was closed

CONSIDERATION

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

54 Greene Street is a six-story, approximately 33,404 square-foot loft building located at the southeast corner of Greene and Broome streets within the SoHo Cast Iron Historic District. Constructed in 1873, the building has lot coverage of 5,448 square feet.

The requested action would modify Section 42-14D(1)(b) of the Zoning Resolution, to allow Joint Living Work Quarters for Artists (JLWQA) units on the second and fourth floors and Use Group 6 retail uses below the second story of the building. The subject property currently has five JLWQA units on the third, fifth and sixth floors, three retail units on the ground floor and cellar, and retail/commercial office space on the second and fourth floors.

The Commission notes that the building is located within an M1-5B zoning district, which allows commercial and manufacturing use up to 5.0 FAR and community facility use up to 6.5

FAR. The Commission also notes that the surrounding area is also zoned M1-5B or M1-5A, allow JLWQA units as-of-right in buildings constructed prior to December 15, 1961 and is characterized by historic loft buildings, most of which are occupied by JLWQA units and ground floor retail uses. Therefore, the Commission believes that the proposed JLWQA units to be located on the second and fourth floors of the building, and proposed legalization of the existing Use Group 6 uses, located in on the ground floor and cellar of the building, are consistent with other uses in the neighborhood and general development patterns in the area.

The Commission notes that the proposed conversion of the second and fourth floors to JLWQA space does not entail an increase in building floor area. The Commission also notes that the requested action accommodates existing commercial units on the ground floor and cellar and does not increase commercial floor area above the ground floor. The Commission therefore believes that the proposed conversion from retail and commercial office space to JLWQA space, in conjunction with the accommodation of existing retail space on the ground floor and in the cellar would have minimal, if any, adverse effects on the conforming uses in the building and in the surrounding area.

The Commission acknowledges the Community Board's concern regarding the future use of the building's ground floor retail space and notes that the applicant is not considering placing eating and drinking establishments in the proposed retail space.

The Commission is in receipt of a report from the Landmarks Preservation Commission stating that it has reviewed the proposal and that the proposed conversions relate harmoniously to the subject building. The City Planning Commission, therefore, believes that grant of the requested special permit, is appropriate.

FINDINGS

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

- (1) such bulk 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 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 actions 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 577 Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and
2. Section 42-14D(2)(b) to allow use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 090002 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 Christoph Riedner, Architect, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Site Plan	5/9/2011
Z-2	Zoning Analysis	5/4/2011
PR-0	Cellar Plan Proposed	5/4/2011
PR-1	1 st Floor Plan Proposed	1/17/2011
PR-1M	1 st Floor Mezzanine Plan Proposed	1/17/2011
PR-2	2 nd Floor Plan Proposed	10/19/2010
PR-3	3 rd Floor Plan Proposed	6/3/2010
PR-4	4 th Floor Plan Proposed	10/19/2010
PR-5	5 th Floor Plan Proposed	11/29/2010
PR-6	6 th Floor Plan Proposed	12/28/2010
PR-7	Roof Plan Proposed	2/16/2011
PR-9	Section A-A Proposed	6/3/2010
PR-10	Section B-B Proposed	6/3/2010

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, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated July 19, 2012, executed by 54 Greene Street Realty Corp., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution 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 as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment 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 090002 ZSM), duly adopted by the City Planning Commission on October 3, 2012 (Calendar No. 3), 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.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER,
IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, Commissioners

Application #: **C 090002 ZSM**

Project Name: **54 Greene Street**

CEQR Number: 09DCP030M

Borough(s): **Manhattan**

Community District Number(s): **2**

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 #C100002ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 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:

IN THE MATTER OF an application submitted by 54 Greene Street Realty Corp. 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 42-14D(1)(b) to allow Use Group 17D uses (Joint Living Work Quarters for Artists) on the second and fourth floors; and
- Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community District 2.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY, 10007.

Applicant(s): Mercer 111 LLC 199 Lafayette Street New York, NY 10012		Applicant's Representative: Valerie Campbell, Esq. Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036	
Recommendation submitted by:			
Date of public hearing: 7/12/12		Location: Myu Silver Bldg, 32 Waverly Pl., Room 520	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 7/19/12		Location: Grace Church School, 86 4th Ave, Tuttle Hall	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 38		# Against: 0	
# Abstaining: 0		Total members appointed to the board: 48	
Name of CB/BB officer completing this form ROBERT GORMLEY		Title DISTRICT MANAGER	Date 7/28/12

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



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

COMMUNITY BOARD NO. 2, MANHATTAN

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

July 24, 2012

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

Dear Chair Burden,

At its Full Board meeting on July 19, 2012, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

54 Greene Street (on the southeast corner of Broome Street): a resolution opposing ULURP Application # 090002ZSM to allow conversion of the second and fourth floors to JLWQA and to legalize Use Group 6 retail units on the ground floor and in the cellar UNLESS the maximum store size is limited to 3,500 square feet and the special permit prohibits eating and drinking establishments.

Whereas

1. The property is located in a M1-5B zoning district and is a contributing building in the SoHo Cast Iron Historic District;
2. the new JLWQA uses will, if legally occupied, support the diversity and character of the neighborhood and provide artists with places to live;
3. the restriction on retail below the second floor is arguably an antiquated zoning remnant in an area where few manufacturing uses persist, it is nevertheless an extant provision that provides needed protection to the quality of retail uses as well as to the quality of life in an increasingly residential area;
4. There are currently three legal and illegal retail stores in the building and this layout, which is supportive of the retail and residential character in the area, is unlikely to change as long as the use is not legalized;
5. Without restriction on unit size, legalization of ground floor and cellar retail is likely to result in large footprint retail more typical of Broadway;
6. The heavy vehicular traffic to the Holland Tunnel and the narrow side walks make Broome Street unsuitable for larger stores and eating and drinking establishments;
7. Upon request from the committee, the applicant was unwilling to consider a request to limit the maximum store size or prohibit eating or drinking establishments;

8. CB2 has supported allowing retail on the ground and cellar levels at other properties in the area, but has generally sought to obtain support for size and use restrictions to protect neighborhood character;
9. CB2 does not believe that the requirements of minimal impacts are met without the proposed restrictions on unit size and eating and drinking uses;
10. The applicant provided documentation that required conditions had been met for modification of use and bulk regulations in zoning lots with buildings located within historic districts, including certificates and approvals from the Landmarks Preservation Commission;
11. The applicant provided documentation that the requirements for a special permit had been met, including that the bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity and that the use modifications shall have minimal adverse effects on the conforming uses within the building and the surrounding area;
12. A public purpose will be served if this preservation plan is implemented;

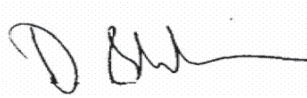
Therefore it is resolved that CB#2, Man.

1. supports the conversion of the fourth and sixth floors of 54 Greene Street to JWLQA;
2. opposes legalization of Use Group 6 on the ground floor and in the cellar unless the size of any store is limited to no more than 3500 square feet and eating and drinking establishments are prohibited.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,



David Gruber, Chair
Community Board #2, Manhattan



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

DG/fa

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

**Borough President
Recommendation**

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

INSTRUCTIONS

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

Application #: C 090002 ZSM

Docket Description:

C 090002 ZSM – IN THE MATTER OF an application submitted by 54 Greene Street Realty Corp. 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:

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2. Section 42 – 14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar;

Of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community District 2.

COMMUNITY BOARD NO: 2

BOROUGH: Manhattan

RECOMMENDATION

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

See Attached


BOROUGH PRESIDENT

8/27/12
DATE



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

August 27, 2012

Recommendation on
ULURP Application No. C 090002 ZSM – 54 Greene Street
by 54 Greene Street Realty Corp.

PROPOSED ACTION

54 Green Street Realty¹ (“the applicant”) seeks a **special permit pursuant to Section 74-711** of the Zoning Resolution (“ZR”) to modify use regulations pursuant to ZR §§ 42-14D(1)(b) and 42-14D(2)(b) to allow Use Group 17D uses on the 2nd and 4th floors, and Use Group 6 uses on portions of the ground floor and cellar level of 54 Greene Street (Block 474, Lot 7). The project site is located within the SoHo-Cast Iron Historic District (“Historic District”) and an M1-5B zoning district in Manhattan’s Community District 2.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant use modifications, the applicant must first meet the following conditions: 1) LPC has issued a report that states the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose²; 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 District³; and 3) the maximum number of permitted dwelling units is as set forth in ZR § 15-111⁴. Further, the CPC must find that such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

¹ Spring Wang is the President of 54 Greene Street Realty Corporation.

² The LPC issued such a report on July 5, 2007. A Certificate of No Effect (“CNE”) was issued on June 22, 2007, and expired on June 22, 2011. A new CNE was issued September 1, 2011. LPC’s determinations have not been re-examined in this recommendation.

³ No bulk modifications are being proposed in this application.

⁴ Since the applicant does not propose dwelling units, this finding is not applicable.



PROJECT DESCRIPTION

The applicant seeks a special permit to modify use regulations to legalize Use Group 6 local commercial uses on portions of the ground floor and cellar, and Use Group 17D joint living-work quarters for artists (“JLWQA”) on the second and fourth floors at 54 Greene Street. The site is located on the southeast corner lot of Broome and Green streets with total lot coverage of 5,448 SF. The subject building is six stories tall and contains approximately 33,404 SF.

54 Greene Street’s three ground-floor units are currently occupied by Use Group 6 retail uses: a designer furniture store, an art gallery, and a retail jewelry store. Without the special permit, only one of the spaces may be legally occupied with Use Group 6 retail.⁵ The second floor has two units, both occupied by Use Group 6 uses including an office and clothing store. The fourth floor also has two units, occupied by a Use Group 7B wholesale jewelry store and a Use Group 6 office use. The remaining third, fifth and sixth floors are occupied by 5 JLWQA units. If granted the special permit, the applicant would be allowed to have commercial uses in the cellar and an additional 3,246 SF on the ground floor. Additionally, the special permit would allow the development of four JLWQA units with approximately 8,109 SF on the second and fourth floors.

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

The subject building was constructed in 1873, designed as a warehouse by the architect J.F. Duckworth. 54 Greene Street’s Neo-classical style, scale, materials and details reflect the surrounding buildings and make it a contributing building in the SoHo-Cast Iron Historic District which was designated in 1973. The Historic District contains the world’s largest collection of buildings with cast-iron fronts, which were originally built for factories and commercial stores.

The building’s immediate surrounding area consists of five- to six-story cast-iron loft buildings. Surrounding land uses comprise primarily of high-end garment shops and art galleries on the ground floor, and a mix of office and residential uses on the upper floors.

As part of this special permit application pursuant to ZR § 74-711, the applicant proposes a restoration and maintenance program for the subject building. The restoration plan, including extensive restorative work to the cast-iron façade and storefront windows, was found by LPC to bring the historic building to “sound first-class condition.” Furthermore, a restrictive declaration will be filed against the property to ensure that the continuing maintenance program for the building will be maintained in perpetuity.

COMMUNITY BOARD’S RECOMMENDATION

⁵ One of the three existing retail units on the ground floor is occupied by a legally non-conforming retail use of approximately 442 SF.

At its Full Board meeting on July 19, 2011, Manhattan Community Board 2 (“CB2”) voted unanimously to both approve and disapprove this application with modifications by a vote of 38 in favor.

CB2 supports the use modification to allow Use Group 17D JLWQA uses on the second and fourth floors. CB2, however, opposes the proposed modification to allow Use Group 6 commercial uses on the ground floor unless the applicant agrees to limit the size of any future retail to 3,500 SF, and to prohibit the development of an eating and drinking establishment on the site.

BOROUGH PRESIDENT’S COMMENTS

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

The proposed use modifications are consistent with the existing building’s and area’s land uses, and are unlikely to have adverse effects on the conforming uses within the surrounding neighborhood. The proposed JLWQA and commercial uses reflect existing ones in the building, and are appropriate in an area that is generally defined by a mix of uses that include offices, JLWQAs, showrooms and retail stores. Further, the proposed uses will not add significant traffic and pedestrian impacts in and around the nearby area.

Since the submission of CB2’s resolution, the applicant has agreed in a letter to the Manhattan Borough President’s Office to prohibit eating and drinking establishments on the project site, which satisfies one of the community board’s conditions. By agreeing to prohibit eating and drinking establishments, the applicant will further minimize any potential conflicts between residential uses and the proposed commercial space. The applicant, however, would like to maintain the flexibility to allow future retail tenants the option to occupy the entirety of the ground floor.

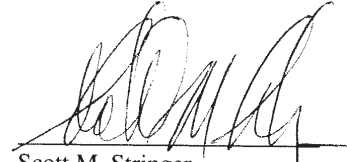
Finally, in applying for this special permit the applicant has undertaken extensive work to bring this historic building to a sound, first class condition. The property owner is also entering into a restrictive declaration to ensure continued maintenance of the building will be in perpetuity.

BOROUGH PRESIDENT’S RECOMMENDATION

This application meets the conditions and findings for a special permit regarding a use modification pursuant to ZR §74-711. Further, the applicant has agreed to prohibit eating and drinking establishments from the ground floor to further minimize any potential impacts.

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Therefore, the Manhattan Borough President recommends approval of ULURP application
No. 090002 ZSM.

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

Scott M. Stringer
Manhattan Borough President