



IN THE MATTER OF an application submitted by 6163 Crosby Street, Inc. 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 42-14(D)(2)(b) to allow retail use (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story building, on property located at 61-63 Crosby Street (Block 482, Lot 13), in an M1-5B District, within the SoHo Cast-Iron Historic District Extension, Borough of Manhattan, Community District 2.

This application for a special permit pursuant to Section 74-711 of the Zoning Resolution (ZR) was filed on July 1, 2020. The applicant, 6163 Crosby Street, Inc., requests a modification of the use regulations of ZR Section 42-14(D)(2)(b) to permit Use Group 6 retail uses on the ground floor and cellar of an existing building located at 61-63 Crosby Street (Block 482, Lot 13), within an M1-5B zoning district, in the SoHo-Cast Iron Historic District Extension of Manhattan, Community District 2.

BACKGROUND

61-63 Crosby Street is located on the east side of Crosby Street between Spring and Broome streets. The project site is a 5,429-square-foot zoning lot improved with a five-story building with a built floor area ratio (FAR) of 4.52. The building on the project site was developed between 1873-1876 as a four-story warehouse building. Beginning in approximately 1971, seven units in the building were rented to artists for use as joint living-work quarters for artists (JLWQA), except for the ground floor of the northern, 63 Crosby Street portion, which was occupied as a non-commercial art gallery.

In 1983, pursuant to a City Planning Commission (CPC) special permit (C 820935 ZSM) to allow conversion to JLWQA in a building having a lot coverage greater than 5,000 square feet, and a CPC certification (N 820626 ZCM) to allow JLWQA on the southern, 61 Crosby Street portion of the ground floor, the JLWQA use in the building was legalized. The building was converted to a residential co-op in 1996. In 2016, the applicant purchased all of the shares of the

co-op and the building was vacated in preparation for conversion to a commercial office building. In 2017, the Landmarks Preservation Commission (LPC) issued a Certificate of Appropriateness for the construction of a new, one-story rooftop addition and an extensive exterior restoration. The conversion and enlargement of the building, pursuant to relevant approvals from the LPC and the Department of Buildings, was completed in 2018.

61-63 Crosby Street is located within an M1-5B zoning district, which allows commercial uses and light manufacturing uses up to a maximum FAR of 5.0, and community facility uses up to a maximum FAR of 6.5. For buildings in an M1-5B district, the space below the floor level of the second story may be occupied only by Use Group 7 (home maintenance and repair), 9 (business services), 11 (custom manufacturing), 16 (semi-industrial), or 17A, 17B, 17C, and 17E (light industrial) uses. Retail uses (Use Group 6) are not permitted below the second story.

Once characterized primarily by manufacturing and heavy commercial uses, the surrounding SoHo neighborhood has evolved into a mixed-use district. Buildings within the vicinity of the project site are typically mixed-use loft buildings ranging from four- to 12-stories in height, with a variety of uses, including ground floor retail establishments, eating or drinking establishments, commercial offices, JMWQA, interim multiple dwelling (IMD) units, or Use Group 2 residential units. First-floor retail uses exist throughout the area and are permitted through several mechanisms, including special permits by the CPC, variances by the Board of Standards and Appeals, and legally non-conforming uses. Some are located in buildings with small footprints (less than 3,600 square feet) and are therefore permitted as-of-right in M1-5A zoning districts.

The northern unit contains 1,677 zoning square feet of floor area on the ground floor and 1,120 square feet of accessory storage space in the cellar. The southern unit contains 2,390 zoning square feet of floor area on the ground floor and 1,574 square feet of accessory storage space in the cellar. The applicant proposes to use a total of 4,067 zoning square feet of floor area on the ground floor (0.75 FAR) and 2,694 gross square feet in the cellar for Use Group 6 retail uses. The total floor area subject to the special permit is 6,761 square feet. There is no new construction proposed.

On June 12, 2020, the LPC issued a report (LPC-20-04189) stating that a program has been established for continuing maintenance, and that the proposed restorative work required under the program contributes to a preservation purpose. To facilitate the proposed development, the applicant requests the grant of a CPC special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14D(2)(b), to permit the proposed retail use.

ENVIRONMENTAL REVIEW

This application (C 210001 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 lead is the CPC and the designated CEQR number is 21DCP002M.

This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 210001 ZSM) was certified as complete by the Department of City Planning on October 19, 2020 and 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

Manhattan Community Board 2 held a public hearing on this application (C 210001 ZSM) on November 19, 2020 and by a vote of 46 in favor, none opposed, and none abstaining, adopted a resolution to disapprove the application unless the applicant agreed to meet the following conditions:

- “1. No eating and drinking establishments.

2. Keep the two retail spaces separate.
3. Continue to use the cellar for UG6 storage only.”

Borough President Recommendation

This application (C 210001 ZSM) was considered by the Manhattan Borough President, who, on December 22, 2020, issued a recommendation to approve the application with the following conditions:

- “1. Commit to keep the two ground floor retail spaces separate in perpetuity.
2. Explore leasing to tenants who are involved in the arts and in maker-related industries.
3. Agree to exclude eating and drinking establishments in the commercial spaces.
4. Agree to use the cellar exclusively for Use Group 6 storage.”

City Planning Commission Public Hearing

On January 6, 2021 (Calendar No. 6) the CPC scheduled January 20, 2021 for a public hearing on this application (C 210001 ZSM). The hearing was duly held on January 20, 2021 (Calendar No. 29). Two speakers testified in favor of the application and one in opposition.

The applicant’s representative spoke in support of the application and discussed how they believed that the application met the findings of Section 74-711 of the Zoning Resolution, noting that ground-floor retail uses are widely distributed throughout SoHo and in the immediate vicinity. They cited the Envision SoHo/NoHo report as evidence of broad support among local stakeholders for allowing a wider range of commercial uses as of right throughout the M1-5A/M1-5B zoning districts. In response to the Community Board’s and Manhattan Borough President’s conditions, the applicant’s representative stated that, given the uncertainty surrounding brick-and-mortar retail in the current economic climate, it is necessary for the applicant to retain the option of combining the two retail spaces and to consider all allowable uses in order to attract viable tenants. In particular, the applicant’s representative noted that the Envision SoHo/NoHo report emphasizes the relative scarcity of eating and drinking establishments in the neighborhood.

A representative of Manhattan Community Board 2 spoke in opposition to the application. The speaker testified that the Community Board's recommendation to disapprove the application was based on the effect of potential nuisances on the surrounding residents, particularly noise, trash, and traffic. The speaker noted that the Community Board is generally supportive of ground-floor retail uses and small eating and drinking establishments, provided that quality-of-life concerns are taken into account.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit (C 210001 ZSM) is appropriate.

The special permit to modify the use regulations of ZR Section 42-14(D)(2)(b) will allow the ground floor and cellar of an existing five-story, mixed-use building located at 61-63 Crosby Street to be occupied by retail uses.

The Commission believes that the modification of use regulations to allow retail use on portions of the ground floor and cellar of the building will not adversely affect any conforming uses within the building, as the building is currently vacant except for a commercial office tenant that occupies the fourth floor.

The Commission also believes that such use modification will not have adverse effects on the conforming uses in the surrounding area. The Commission recognizes that over the years the surrounding SoHo neighborhood has evolved from a primarily manufacturing district to a mixed-use area with a dynamic mix of retail uses, offices, residences and few remaining manufacturing and light industrial uses. The Commission notes that many buildings on Crosby Street between Spring Street and Broome Street have existing ground floor retail uses, including clothing and department stores and drinking establishments. The Commission therefore believes that the proposed Use Group 6 retail use on the ground floor of the building is consistent with the uses occupying many of the surrounding buildings along Crosby Street and the prevailing land use

pattern found in the surrounding area.

The Commission notes that the restrictions imposed by the existing M1-5B zoning on ground-floor retail uses represent a significant barrier to businesses and contribute to high retail vacancies and lack of storefront diversity. The Commission believes that a diversity of amenities, including eating and drinking establishments, are necessary components of vibrant, mixed-use districts. The Commission further notes that the Department has been working with the Borough President's office and the local Councilmember's office to engage local stakeholders in a dialogue about broader planning and zoning issues in SoHo and NoHo. The Commission encourages an updated zoning framework for SoHo and NoHo that better reflects the mixed-use nature of the neighborhoods, allows for a broader range of commercial uses as of right, and helps to reduce zoning barriers for businesses.

The Commission is also in receipt of a report dated June 12, 2020 (LPC-20-04189) from the LPC stating that it has reviewed the proposal and that a program has been established for continuing maintenance that will result in the preservation of the subject building, and that the required restoration work under the continuing maintenance program contributes to a preservation purpose. The continuing maintenance program is contained within a restrictive declaration entered into in connection with this application. The Commission believes that the redevelopment and improvement of this building, to be facilitated in part by this special permit, will enhance the architectural and historic built fabric of Crosby Street and the SoHo-Cast Iron Historic District Extension.

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, 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 6163 Crosby, Inc. 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(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing five-story building, on property located at 61-63 Crosby Street (Block 482, Lot 13), in an M1-5B District, within the SoHo-Cast Iron Historic District Extension, Borough of Manhattan, Community District 2 is approved subject to the following conditions:

1. The property that is the subject of this application (C 210001 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 David Grider Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-101.00	Zoning Analysis	09/14/2020
Z-102.00	Zoning Site Plan	09/14/2020
Z-103.00	Proposed Cellar & Ground Floor Plan	09/14/2020
Z-105.00	Proposed Section I	09/14/2020
Z-106.00	Proposed Section II	09/14/2020

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. 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.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated February 10, 2021, executed by 6163 Crosby Street, Inc., 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.
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 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.
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 failure to act in accordance with the provisions of this special permit. The above resolution (C 210001 ZSM), duly adopted by the City Planning Commission on February 17, 2021 (Calendar

No. 8), is filed with the Office of the Speaker, City Council, and the Manhattan Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

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

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

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November 23, 2020

Marisa Lago, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on November 19, 2020, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

61-63 Crosby Street (between Broome and Spring Sts.) DCP 210001 ZSM - an application by 6163 Crosby Street, Inc. for a special permit pursuant to ZR Section 74-711, to allow UG 6 retail use on the ground floor and cellar of an existing five-story building located in an M1-5B district, within the SoHo Cast-Iron Historic District Extension.

Whereas:

1. This is a private application by 6163 Crosby Street, Inc. for a special permit pursuant to ZR Section 74-711, to allow UG 6 retail use on the ground floor and cellar of an existing five-story building located in an M1-5B district, within the SoHo Cast-Iron Historic District Extension.
2. The property has a lot area of 5429sf and a floor area of 24,533sf (4.52 FAR), which is less than the 27,145sf (5.0 FAR) allowed in an M1-5B district.
3. No bulk modifications are requested.
4. Use Group 6 retail is only allowed as of right below the level of the second story in buildings with lot coverage of less than 3600sf in M1-5A districts. In M1-5B districts, the restriction applies to all buildings.
5. The ground floor of the northern, 63 Crosby St. portion of the building was occupied by Use Group 6 retail stores (a commercial art gallery) from approximately 1971 when the building was converted to Joint Live Work Quarters for Artists (JLWQA) until 2016. This retail space will have a total of 2797sf: 1677sf of floor area on the ground and 1120sf of non-floor area storage space in the cellar.

6. The ground floor of the southern, 61 Crosby St. portion of the building, also formerly occupied by JLWQA from approximately 1971 to 2016, is currently occupied by a non-conforming “pop up” retail store. This retail space will have a total of 3964sf: 2390sf of floor area on the ground and 1574sf of non-floor area storage space in the cellar.
7. The JLWQA units were legalized in 1983. The building was converted to a co-op in 1996. In 2016, the applicant purchased all of the shares of the co-op and the building, including the two ground-floor space. The building was vacated in preparation for conversion to a commercial office building with ground floor retail.
8. This scenario typifies the way in which affordable housing has been lost again and again in SoHo and NoHo.
9. Except for offices on the fourth floor and the pop-up store at 61 Crosby, the building is still vacant. Additional offices are proposed for floors 2,3, and 5 and they will be physically and operationally independent of the ground floor stores.
10. In 2018, CB2 heard this applicant’s request to BSA for a variance to permit retail use on the ground floor at 61 Crosby. CB2 recommended approval of the application on condition that BSA stipulate no eating and drinking on the premises; that the two addresses remain separate retail spaces (which the applicant agreed to); and that BSA either enforce or remove “uniqueness” as criteria for this type of variance. This application was withdrawn in 2019.
11. At the CB2 Land Use hearing in 2018, the applicant agreed to keep the two spaces separate and promised that there would be no eating and drinking establishments. At this meeting, the applicant’s attorney informed the committee that the applicant would not promise to keep the two ground floor spaces separate nor would they agree to the prohibition of eating and drinking establishments.
12. ADA accessibility was approved by LPC.

Therefore be it resolved that CB2 recommends denial unless the applicant agrees to:

1. No eating and drinking establishments on these premises.
2. Keep the two retail spaces separate.
3. Continue to use the cellar for UG6 storage only.

Vote: Passed unanimously with 46 Board members in favor.

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

Sincerely,



Carter Booth Chair
Community Board #2, Manhattan



Frederica Sigel, Chair
Land Use & Housing Committee
Community Board #2, Manhattan

CB/jt

c: Hon. Jerrold Nadler, Congressman
Hon. Brian Kavanagh, State Senator
Hon. Deborah Glick, Assembly Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, City Council Member
Andrew Cantu, Dept. of City Planning



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Gale A. Brewer, Borough President

December 22, 2020

**Recommendation on ULURP Application N 210001 ZSM
61-63 Crosby Street by 6163 Crosby Street, Inc.**

PROPOSED ACTIONS

6163 Crosby Street, Inc. (the “Applicant”) is seeking a special permit pursuant to § 74-711(a) of the New York City Zoning Resolution (“ZR”) to allow Use Group 6 retail use on the ground floor and cellar of the building located at 61-63 Crosby Street (Block 482, Lot 13) (the “Site”). The Site is located in a M1-5B zoning district within the SoHo-Cast Iron Historic District Extension in Manhattan Community District 2 on Crosby Street between Spring Street and Broome Street.

ZR § 74-711 pertains to zoning lots containing a landmark designated by the Landmarks Preservation Commission (“LPC”) and zoning lots with existing buildings located within Historic Districts designated by the LPC. ZR § 74-711(a) lists a number of conditions that need to be met in order for the City Planning Commission to grant modifications of the use and bulk regulations. These conditions are:

(i) Program for Continued Maintenance

Any application pursuant to this Section shall include a report from the LPC stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

(ii) LPC Certificate of Appropriateness

Any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the LPC stating that such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District, as applicable; and

(iii) Number of Permitted Dwelling Units

The maximum number of dwelling units shall be as set forth in ZR § 15-111 (number of permitted dwelling units).

BACKGROUND

Area Context

The Project Site is located in Community District 2 in Manhattan. It is in the SoHo-Cast Iron Historic District Extension and is located in a M1-5B zoning district. In 1973, the SoHo-Cast Iron Historic District was designated by the LPC and the Extension was approved in 2010. The area is approximately 26 blocks and includes 500 buildings. The district is bounded by West Houston Street, Crosby Street, Howard Street, Broadway, Canal Street and West Broadway. The neighborhood largely consists of five to eight-story buildings with residential, commercial and manufacturing uses. The immediate area surrounding the site largely consists of buildings around five to eight-stories in height, with retail on the ground floor and commercial uses on the upper floors.

The area is well-served by public transportation with the R/W subway lines running along Broadway with stations at Prince Street and Canal Street; the 6 subway line running along Lafayette Street with stations at Spring Street and Canal Street; and the B/D/F/M subway lines running along Houston Street with a station at Broadway and Lafayette Street. There are three bus lines that serve the immediate area: the M21 on Houston Street (eastbound and westbound), the M55 on Broadway (southbound only; the northbound M55 is eight blocks west of the Property on Sixth Avenue) and the M1, which runs southbound on Broadway and northbound on Lafayette Street.

Site Description

The Project Site is an irregularly shaped lot measuring approximately 5,429 square feet with 47.75 linear feet of frontage on the east side of Crosby Street between Spring Street and Broome Street. The building is a five-story former industrial building containing 24,533 square feet of floor area (4.52 FAR), and half of the ground floor and cellar contain non-conforming Use Group 6 retail uses. Portions of floors 2-5 are occupied by conforming Use Group 6 commercial offices.

The original building was developed in stages between 1873 and 1876 as a four-story warehouse building. The 63 Crosby Street northern portion was developed first. Its southern portion, 61 Crosby Street, was built as an alteration and enlargement of the original building. By around 1971, the building became occupied as a Joint Living-Work Quarters for Artists (“JLWQA”), except for the ground floor of the northern 63 Crosby Street portion, which was occupied as a commercial art gallery.

In 1983, the JLWQA was legalized, and a Certificate of Occupancy No. 86621 was issued to allow occupancy of the building by Use Group 17D JLWQA and a Use Group 6 art gallery on the ground floor. The building was then converted to a co-op in 1996, and in 2016, the Applicant

purchased all the shares of the co-op and the building, including the two ground floor spaces. The Applicant then vacated the property in preparation to convert the building to commercial office spaces with ground floor retail.

On January 11, 2017, the Landmarks Preservation Commission (“LPC”) issued a Certificate of Appropriateness (“CofA”) No. 19-7343 for the construction of a new, one-story rooftop addition and extensive exterior renovation of the building. On April 10, 2017 the Department of Buildings (“DOB”) approved alternations under Application No. 122784923. On May 24, 2017 the DOB issued permits for the LPC approved rooftop addition and exterior restoration. Included in the restoration were interior alterations to convert the building’s occupancy from JLWQA to commercial offices and ground floor retail. A Temporary Certificate of Occupancy No. 122784923 was issued on December 28, 2018 and renewed on December 27, 2019, with an expiration date of March 26, 2020.

The Temporary Certificate of Occupancy shows that the ground floor is permitted for occupancy by a Use Group 6 retail store and a Use Group 7B bicycle repair shop. The southern, 61 Crosby Street portion of the ground floor is currently occupied by a non-conforming “pop up” retail clothing store. The fourth floor of the building is currently occupied as Use Group 6 offices. Except for the pop-up store at 61 Crosby and the fourth floor offices, the remainder of the building is currently unoccupied. The additional offices proposed for floors 2, 3, and 5 will be physically and operationally independent of proposed ground floor commercial retail stores.

On October 22, 2019, Application LPC-20-04190 was filed with the LPC. That application requested modification of use and restoration work which required a continuing maintenance program for the preservation of the building. The LPC held a public hearing on April 21, 2020 and issued a Modification of Use (“MOU”) No. LPC-20-04189 on June 12, 2020. The MOU sets forth the continuing maintenance program for the building and is included in this special permit application.

Project Description

The Applicant is seeking a ZR §74-711 special permit to allow Use Group 6 commercial retail use on the ground floor and cellar. The building’s current Temporary Certificate of Occupancy already permits occupancy of the cellar and a portion of the ground floor for Use Group 6 commercial retail uses. However, the northern, 63 Crosby Street portion of the ground floor has been occupied by a grandfathered, non-conforming Use Group 6 art gallery and has been vacant for more than two years. Therefore, the Applicant requests through special permit ZR §74-711 that Use Group 6 commercial retail use be applied to the entire ground floor and cellar of the building, including the northern portion of 63 Crosby Street.

No new development is proposed. The Applicant proposes two retail spaces; 61 Crosby Street with a total of 3,964 square feet of retail (2,390 square feet of floor area on the ground floor and 1,574 square feet of non-floor area storage space in the cellar) and 63 Crosby Street will have a total of 2,797 square feet of retail (1,677 square feet of floor area on the ground floor and 1,120 square feet of non-floor area storage space in the cellar).

COMMUNITY BOARD RECOMMENDATION

On November 19, 2020 at its Full Board meeting, Manhattan Community Board 2 voted to recommend denial of the application unless the Applicant agreed to meet certain conditions. 46 board members voted in favor of disapproval and no board members voted in opposition.

CB2 recommended denial of the modifications to allow Use Group 6 retail below the second floor unless the Applicant agrees that:

- There will be no eating and drinking establishments on the premises;
- The two retail spaces will remain separate; and
- The cellar will only be used for Use Group 6 storage.

BOROUGH PRESIDENT'S COMMENTS

The existing building at 61-63 Crosby Street is one of many historic warehouse buildings erected in the late 19th century that served as a production and storage center for paper, rag storage, and baling. In 1969 it was used for auto parts sales and warehousing. Shortly after, the building gained JLWQA status in 1971 and its northern 63 Crosby Street portion was occupied by a commercial art gallery.

The Applicant is seeking a special permit pursuant to ZR §74-711 to modify the use regulations to permit approximately 3,964 square feet of commercial retail use on the ground floor and cellar of the 5-story building. The Applicant currently has a Temporary Certificate of Occupancy that permits Use Group 6 commercial and retail use on the ground floor, with the exception of the northern 63 Crosby Street portion of the ground floor.

In order to grant the waiver associated with this special permit, the Applicant must ensure the property will be properly rehabilitated and maintained in perpetuity. The LPC has determined that the proposed restoration and maintenance plan will contribute to the special architectural and historic character of the historic district and issued a Certificate of No Effect LPC-20-04190 on July 12, 2020 to approve certain alterations to the subject premises.

I have repeatedly raised concerns over the continued use of special permits in the SoHo and NoHo historic districts. As stated in the application, the 2019 Envision SoHo/NoHo planning study aims to develop new zoning regulations to address quality-of-life issues in the neighborhood while simultaneously protecting the culture and architectural history of the district. I support the inclusion of small businesses and arts and maker related spaces for any ground floor retail space in this neighborhood, and recommend that the Applicant further state their intentions for the ground floor use.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. N 210001 ZSM with the following conditions:

1. That the Applicant commit to keep the two ground floor retail spaces separate in perpetuity;
2. That the Applicant explore leasing to tenants who are involved in the arts and in maker-related industries;
3. That the Applicant agree to exclude eating and drinking establishments in the commercial spaces; and
4. That the Applicant agree to use the cellar exclusively for Use Group 6 storage.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly slanted style.

Gale A. Brewer
Manhattan Borough President