



## **CITY PLANNING COMMISSION**

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December 2, 2009/Calendar No.2

C 090362 ZSM

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**IN THE MATTER OF** an application submitted by Banana Republic, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 6 and 10A uses) with no limitation on floor area on property located at 550-556 Broadway (Block 497, Lots 11 & 12), in an M1-5B District, Borough of Manhattan, Community District 2.

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This application for the special permit was filed by Banana Republic, LLC on March 23, 2009, to allow Use Group 6 and 10A uses with no limitation on floor area on the first and second floors of three contiguous buildings located at 550-556 Broadway, in an M1-5B District.

### **BACKGROUND**

The proposed special permit would facilitate the inclusion of Use Group 6 and 10A retail uses on the ground and second floor levels of three contiguous buildings located on the east side of Broadway, approximately midblock between Spring and Prince streets. The site is within an M1-5B zoning district and is also located within the boundaries of the SoHo-Cast Iron Historic District.

550 Broadway is a five-story building constructed in 1854; 552 and 554 Broadway, constructed in 1855 and joined in 1897, are six-stories; and 556 Broadway is a four-story building constructed in 1855. 552-554 Broadway extends through the block to the west side of Crosby Street (aka 90-90 Crosby Street). The three buildings are interconnected at the ground level. Additionally, internal openings between the buildings allow for a number of the upper floor spaces to span more than one building.

Banana Republic currently operates a women's clothing store of approximately 9,730 square feet in a space comprised of a portion of the ground floor level of 550 Broadway and the entire ground floor level of 552-554 Broadway. In addition, Banana Republic operates a men's store at 528 Broadway, approximately a half block to the south of the store at 552-554 Broadway.

Banana Republic is proposing to consolidate the men's and women's stores into a single store at 550-556 Broadway containing approximately 18,113 square feet of retail space. There would be no increase in the overall square footage of retail space on the ground floor of 550-554 Broadway. The proposed addition would add 8,383 sf on the second floor of 556 Broadway.

The surrounding SoHo and NoHo neighborhoods generally contain five- to twelve-story loft buildings on Broadway and five- and six-story lofts on nearby streets. Ground floor uses in the vicinity consist primarily of a mix of large home furnishing and clothing stores. Numerous retail spaces occupy portions of the buildings' upper floor levels as well, including a multi-story department store at 504 Broadway. Additional large retail uses located in the immediate vicinity include a cosmetics store of over 15,000 square feet immediately across the street from the subject site at 549 Broadway. Along Broadway, the upper floors of many buildings contain offices, art galleries and other commercial uses, while other buildings have been converted to joint living-work quarters for artists on the upper floors.

Section 42-12 of the Zoning Resolution restricts Use Group 10A and certain Use Group 6A uses in M1 zoning districts. Pursuant to Section 74-922, in M1 Districts, the City Planning Commission

may permit the following Use Group 6 and 10 uses with no limitation on floor area per establishment: department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores. The City Planning Commission must make certain findings related to the ability of local vehicular traffic patterns to accommodate the proposed retail use; the proximity of the proposed retail use to public transit; and that the retail use would not impair the character or future use or development of the surrounding area.

The entrance to the uptown IRT 6 line is located at Spring and Lafayette Street, approximately two and a half blocks from the site; and the N, R and W lines have a station stop at Prince Street and Broadway, approximately one-half block from the site. Bus lines proximate to the site include the M1, M5, M6 and M21.

## **ENVIRONMENTAL REVIEW**

This application (C 090362 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 09DCP068M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on July 20, 2009.

## **UNIFORM LAND USE REVIEW**

This application (C 090362 ZSM) was certified as complete by the Department of City Planning on July 20, 2009, 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 September 10, 2009 and on September 17, 2009 by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on October 22, 2009, approving the application.

### **City Planning Commission Public Hearing**

On October 21, 2009 (Calendar No. 2), the City Planning Commission scheduled November 4, 2009, for a public hearing on this application (C 090362 ZSM). The hearing was duly held on November 4, 2009 (Calendar No. 9). There were two speakers in favor of the application and none in opposition.

The applicant's attorney described the proposal and the request for the special permit. A representative of the Borough President reiterated the Borough President's support for the application.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this special permit (C 090362 ZSM) is appropriate.

The Commission believes that the proposed retail use would be consistent with the central character of the area and would not impede or produce any adverse effect on the future use or development of the surrounding area. When the three buildings were completed in 1856, and continuing throughout the better part of the last century, the area known as SoHo contained a mix of commercial, warehouse and industrial uses. However, over the last several decades many buildings in this area have been converted from manufacturing use, such that the surrounding area is now characterized by ground floor retail uses. While single-story retail spaces occupying between 2,500 and 5,000 SF predominate along the east-west streets, the ground floor retail spaces located on Broadway are generally larger than those on the side streets and include a growing number of retailers occupying multi-story spaces. The subject proposed two-story retail space is analogous to the extant large retail spaces on Broadway in the M1-5B district.

The Commission notes that vehicles seeking to access the proposed retail use would likely travel on one of the area's major thoroughfares rather than local streets. Vehicular traffic from the north would likely travel on Broadway, a wide non-local avenue; while vehicles traveling from the south would likely utilize Avenue of the Americas or Lafayette Street, the adjacent northbound non-local avenues. Similarly, vehicles from the east or west would likely utilize major crosstown thoroughfares such as Canal Street or Houston Street to connect with Avenue of the Americas or Lafayette Street.

The Commission notes that the site is well served by public transit. The entrance to the uptown IRT 6 line is located at Spring and Lafayette Street, approximately two and a half blocks from the site; and the N, R and W lines have a station stop at Prince Street and Broadway, approximately one-half block from the site. Bus lines in the immediate vicinity of the site include the M1, M5, M6 and M21.

**FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 (Certain Large Retail Establishments in Manufacturing Districts) of the Zoning Resolution:

- (a) that the principal vehicular access for such use is not located on a local narrow street;
- (b) that such use is so located to draw a minimum of vehicular traffic to and through local streets;
- (c) not applicable

- (d) not applicable
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such use is so located as not to impair the essential character or future use of or development of the surrounding area;
- (g) that such use will not produce any adverse effects will result which interfere with the appropriate use of the land in the district or in any adjacent district;
- (h) not applicable
- (i) not applicable

## **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 of Banana Republic, LLC, for the grant of a special permit, pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 6 and 10A uses) with no limitation on floor area on property located at 550-556 Broadway (Block 497, Lots 11 and 12), 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 090362 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 Gensler, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Site Plan	03/12/2009
Z-2	Proposed Use Plan – First Floor	03/12/2009
Z-3	Proposed Use Plan – Second Floor	03/12/2009
Z-4	Zoning Analysis	03/12/2009

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. 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.
  
6. 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 090362 ZSM), duly adopted by the City Planning Commission on December 2, 2009, Calendar No. 2, 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, AICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BE TTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**