



**IN THE MATTER OF** an application submitted by 31 BSP, 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 42-14D(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor, cellar and sub-cellar of an existing 6-story building on property located at 31 Bond Street (Block 529, Lot 25), in an M1-5B District, Borough of Manhattan, Community District 2.

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This application was filed by 31 BSP, LLC on August 24, 2017. The applicant is seeking a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) of the Zoning Resolution to allow retail uses (Use Group 6) on portions of the ground floor, cellar and sub-cellar of an existing six-story building located at 31 Bond Street (Block 529, Lot 25), within an M1-5B Zoning District, in the NoHo Historic District Extension, Manhattan Community District 2.

## **BACKGROUND**

31 Bond Street is located on Bond Street between Bleecker Street and Bowery. The 3,038-square-foot site is improved with a six-story building with a built floor area ratio (FAR) of 5.4. The building was constructed in approximately 1888 and designed by De Lemos & Cordes in the Renaissance Revival style. Historic uses in the building included textile and apparel manufacturing, arts and cultural uses, offices and Joint Living-Work Quarters for Artists (JLWQAs). When the applicant acquired it in 2013, the building was vacant. On April 15, 2015, the Board of Standards and Appeals (BSA) issued a variance to permit residential use on each floor of the building. The applicant intends to abandon that variance and restore the building to commercial use.

31 Bond 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 can only be occupied 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.

The project site is located in the NoHo neighborhood. Once a primarily manufacturing district, over the years the area has evolved into a mixed-use district. Today, buildings in the NoHo neighborhood typically house retail stores, art galleries, eating and drinking establishments, and lighting/furniture showrooms/wholesalers on the ground floor. The upper floors of many buildings have been converted to Use Group 2 residential units, Interim Multiple Dwellings and lofts. The remaining buildings predominantly contain commercial offices on their upper floors. Several new residential buildings have been constructed on Bond Street in recent years, largely through BSA variances.

The applicant proposes to use 2,021 square feet of zoning floor area on the ground floor, 1,574 gross square feet in the cellar, and 254 gross square feet in the sub-cellar for Use Group 6 retail uses. The proposed development also includes a comprehensive renovation and historic rehabilitation, including restorative work at primary and secondary façades and roof; new storefront infill and removal of the primary fire escape from the front façade; window replacement; masonry patching, brick replacement and repointing; repairs and repainting of the cornice; removal of through-wall louvers and a hatch, replacing them with brick infill; and repairs to the rear fire escape.

On August 16, 2017, the Landmarks Preservation Commission (LPC) issued a report (LPC-14421, MOU 19-14419) 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 City Planning Commission 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 180062 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 Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City

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

## **UNIFORM LAND USE REVIEW**

This application (C 180062 ZSM) was certified as complete by the Department of City Planning on December 11, 2017, and was duly referred to Manhattan Community Board 2 and Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application on December 21, 2017 and on December 22, 2017 by a vote of 34 in favor, none against and none abstaining adopted a resolution recommending disapproval of the application unless the following conditions are met:

“ (1) the applicant formally abandons the BSA variance; (2) the applicant confirms there were not any Loft Law cases and the JLWQA units were disposed of properly; (3) the City Planning Commission stipulate no eating or drinking establishment at the site; and (4) the applicant makes every effort to ensure a “maker-retailer” occupies the commercial/retail space.”

### **Borough President Recommendation**

The application was considered by the Borough President, who issued a recommendation on January 24, 2018 approving the application “provided that the applicant keeps their commitment to abandon the BSA variance to convert the building to residential use and secures an artisanal retail use on the ground floor.”

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

On January 17, 2018 (Calendar No. 6), the City Planning Commission scheduled January 31, 2018, for a public hearing on this application (C 180062 ZSM). The hearing was duly held on January 31, 2018 (Calendar No. 18). Two speakers testified in favor of the application and one testified in opposition.

The applicant's land use counsel spoke in favor of the application, stating that the proposed project would satisfy the findings of the special permit and enhance the historic character of Bond Street, and that the applicant intends to not pursue an eating and drinking tenant and would instead make efforts to find a ground floor use that complements the upper floor office use. A representative of the Manhattan Borough President spoke in favor of the application. A representative of Manhattan Community Board 2 spoke in opposition, noting that the condition of no eating and drinking establishment is important to Community Board 2 and should be enforceable. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 180062 ZSM) is appropriate.

The special permit to modify the use regulations of Section 42-14(D)(2)(b) would allow the ground floor, cellar, and sub-cellar of an existing six-story vacant building located at 31 Bond Street to be occupied by retail uses.

The Commission believes that the modification of use regulations to allow Use Group 6 retail use on portions of the ground floor, cellar, and sub-cellar of the building would not adversely affect any conforming uses within the building, as the building has been fully vacant since 2013, prior to applicant's acquisition of the building.

The Commission also believes that such use modification would not have adverse effects on the conforming uses in the surrounding area. The Commission recognizes that over the years, the surrounding NoHo neighborhood has evolved from a primarily manufacturing district to a mixed-use area with a dynamic mix of retail uses; offices; a variety of dwellings, including JLWQAs, residential lofts and Use Group 2 residences; and few remaining manufacturing and light industrial uses. The Commission notes that some buildings on Bond Street, between Lafayette Street and Bowery, already have ground floor retail uses including clothing and book stores, lighting/furniture stores, and eating 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 Bond Street and the prevailing land use pattern found in the surrounding area.

Although not a condition of this application, the Commission is pleased that the applicant has committed in writing and at the City Planning Commission public hearing to not seeking eating and drinking establishment and to making efforts to explore maker-retailer tenants that would complement uses within the building and the surrounding neighborhood.

The Commission is also in receipt of a report dated August 16, 2017 (LPC-14421, MOU 19-14419) 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 by this special permit, will enhance the architectural and historic built fabric of Bond Street and the NoHo 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**, 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 31 BSP, 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 42-14D(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor, cellar and sub-cellar of an existing six-story building, on property located at 31 Bond Street (Block 529, Lot 25), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2 as follows:

1. The property that is the subject of this application (C 180062 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 Matthew Baird Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	06/05/2017
Z-002.00	Zoning Site Plan	06/05/2017
Z-100.00	Proposed Cellar & Sub-Cellar Floors	06/05/2017
Z-101.00	Proposed Ground Floor Plan	06/05/2017
Z-200.00	Proposed Section	06/05/2017

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 February 22, 2018, executed by 31 BSP, 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 180062 ZSM), duly adopted by the City Planning Commission on March 14, 2018 (Calendar No. 14), 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*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice-Chairman*

**RAYANN BESSER, ALFRED C. CERULLO, III, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*



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## COMMUNITY BOARD No. 2, MANHATTAN

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December 22, 2017

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

Dear Ms. Lago:

At its Full Board meeting on December 21, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**31 Bond Street** (between Lafayette Street and Bowery) CPC #180062ZSM Application for a special use modification to allow Use Group 6 commercial retail on the ground floor, cellar and sub cellar, pursuant to 74-711.

### Whereas:

1. This application for a special permit use modification would allow Use Group 6 commercial retail on the ground floor, cellar and sub-cellar levels of an existing six-story building located in Manhattan's NoHo Historic District. Proposed retail use would total gross 3489sf on the three levels.
2. The building was vacant when the current owner purchased it in 2010 and it is currently unoccupied. In the past, it was used for storage, boilers and toilets in the cellar and sub-cellar, gallery and performing space on the first floor, a recording studio on the second floor, offices/video room on the third floor, classrooms, offices and storage on the fourth floor, and JLWQA on the fifth and sixth floors.
3. There is no documentation that there was ever a Loft Law case in this building.
4. In 2015, the BSA issued a variance to permit residential use on each floor of the building, including ground floor. However, the applicant intends to abandon that variance and convert floors two through six to conforming office use.
5. If it gets the special permit, it is CB2's understanding that the applicant must formally abandon the variance by informing the BSA.
6. The applicant received a Certificate of Appropriateness from LPC in August, 2017.
7. Within the surrounding area, retail uses occupy the ground floor of the majority of buildings, so the special permit use modification will have minimal adverse effects on conforming and legal non-conforming uses in the surrounding area.

8. According to the application, the applicant is seeking a “maker-retail” operation that can confer “authenticity” and prestige on the building and improve demand for the upper level office space. “The applicant’s desired tenant will ideally involve some artisanal work or value-added retailing, such as a design-industry tenant....The right tenant will not include a restaurateur, high footfall operator, or convenience store retailer and the applicant has committed as much to community members.”

9. The applicant agreed to no a eating and drinking establishment and believes that CPC will stipulate this in the special permit as a matter of course.

**Therefore, be it resolved,** that CB2, Man. recommends denial of this application UNLESS the following conditions are met:

1. The applicant formally communicates with the BSA to abandon the variance in its entirety.
2. The applicant is correct that there was never a Loft Law case in this building and the JLWQA units were disposed of properly.
3. The CPC stipulates no eating and drinking establishments in its special permit.
4. The applicant makes every effort to find a “maker-retail” tenant as described in the application.

Vote: Unanimous, with 34 Board members in favor.

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

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan



Anita Brandt, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan



Frederica Sigel, Co-Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Deborah Glick, Assembly Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Margaret Chin, Council Member  
Sylvia Li, Dept. of City Planning



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THE CITY OF NEW YORK

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**Gale A. Brewer, Borough President**

**January 24, 2018**

**Recommendation on ULURP Application C 180062 ZSM – 31 Bond Street  
By 31 BSP, LLC**

31 BSP, LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the City of New York’s Zoning Resolution (“ZR”) for a use modification to facilitate commercial use on the ground floor, cellar and sub-cellar of an existing 6-story building located at 31 Bond Street (Block 529, Lot 25) in an M1-5B district within the NoHo Historic District Extension in Community Board 2, 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 the following:

- 1) The application shall include an LPC-issued a 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;<sup>1</sup>
- 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;<sup>2</sup>
- 3) The maximum number of permitted dwelling units proposed shall be as set forth in ZR § 15-111.<sup>3</sup>

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.

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<sup>1</sup> The LPC issued a report, MOU 19-14419 dated August 16, 2017.

<sup>2</sup> The LPC issued a Certificate of No Effect (CNE 19-11082) and the Certificate of Appropriateness (COFA 19-14421) on August 16, 2017. No bulk modifications are proposed by the applicant.

<sup>3</sup> No residential uses are proposed in this application.

## **PROJECT DESCRIPTION**

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the use regulations to permit a commercial/retail use (Use Group 6) on the ground floor, cellar and sub-cellar levels of an existing 6-story store and loft building.

The project site's lot area is 3,038 square feet and is comprised of 16,428 square feet of floor area. The existing building is non-compliant with the underlying zoning, with a floor area ratio of 5.4. The manufacturing and commercial maximum floor area ratio (FAR) is 5.0 and the community facility FAR is 6.5. The applicant proposes 2,021 square feet on the ground floor for Use Group 6 uses, 1,574 square feet of Use Group 6 uses in the cellar level, and 254 square feet of Use Group 6 uses in the sub-cellar. The storefront would have an entrance separate from the upper floor uses and the cellar levels would be accessible through the ground floor retail space. The applicant proposes as-of-right office use on the upper floors that would be accessible by a 417 square foot designated ground floor lobby.

The project site is located within an M1-5B district which permits light manufacturing, commercial and community facility uses; joint-live working quarters are permitted as a light manufacturing use. Use Group 7, 9, 11, 16, 17A, 17B, 17C and 17D are permitted below the second story as-of-right.

### **Background**

31 Bond Street was designed in the Renaissance Revival style by the architecture firm DeLemos & Cordes and is noted as one of the earliest examples of the store and loft building type in the district. According to the NoHo Historic District Extension report, the building was constructed between 1888 and 1889 and occupied by firms creating hat frames, hats and ribbons around 1929. Between 1935 and 1975 the building was occupied by a dealer in rags and Goldseal textiles and in 1975, the Kampo Cultural Center.

The 1987 Certificate of Occupancy indicates use of storage/boiler/toilets in the cellar, a gallery and performing space on the first floor, a recording studio on the second floor, offices and a video room on the third floor, a combination of classrooms, storage, and offices on the fourth floor, and Joint Live Work Quarters for Artists (JLWQA)<sup>4</sup> on the fifth and sixth floors. The applicant purchased the building vacant in 2010.

In April of 2015, the New York City Board of Standards and Appeals approved the applicant for a variance to permit residential use on all floors of the building. The applicant intends to abandon the approved variance if granted the 74-711 special permit.

### **Area Context**

The project site is located in an M1-5B zoning district in the NoHo Historic District Extension in Community District 2, Manhattan. The NoHo Historic District Extension was designated in 2008

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<sup>4</sup> There is no record of a Loft Law application for conversion to Article 7-C of the two JLWQA units.

as an effort to extend protection of the distinctive historic commercial and manufacturing district of mid-rise store-and-loft, institutional and civic buildings developed in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. The project site is bounded by Bond Street to the north, Bowery to the east, Bleecker Street to the south, and Lafayette Street to the west. The project area is also surrounded by several historic districts.

The neighborhood generally consists of four to seven-story mixed-use buildings with JLWQA, residential and commercial on the upper floors and ground floor retail uses. East of the site on Bowery is a C6-1 zoning district which extends on the west and east sides of Bowery in both directions. One block south of the site between Mulberry Street and mid-block between Elizabeth Street and Bowery is a C6-2 district.

The project site is served by the No. 6 Bleecker Street subway located one block south at Lafayette Street and Bleecker Street and the Broadway-Lafayette Street B/D/F/M subway two blocks southwest of the site. The M1 bus is located west of the site at Lafayette Street and Bond Street and the M103 is accessed along Bowery Street immediately east of the site. There are also five Citibike stations within the vicinity of the site; including a location immediately west of the site along East 2nd Street.

### **Proposed Actions**

The applicant seeks a special permit pursuant to ZR § 74-711 to modify use regulations to permit commercial/retail use (UG 6) on portions of the ground floor, cellar, and sub-cellar of an existing 6-story building.

As described in the application materials, LPC's Certificate of Appropriateness and Certificate of No Effect reports, 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, streetscape and the historic district. The restoration program includes restorative work to the primary and secondary facades, new storefront infill and removal of the primary fire escape on the front facade, window replacement, brick replacement, patching of the damaged masonry, repairing and repointing the cornice, removal of through-wall louvers, brick infill, and repairs to the fire escape in the rear of the building.

No bulk changes are proposed as part of this action and a restrictive declaration will be recorded against the property to memorialize the LPC-approved continuing maintenance program.

### **COMMUNITY BOARD RECOMMENDATION**

At its Full Board meeting on December 22, 2017, Manhattan Community Board 2 ("CB2") voted unanimously to deny the application unless certain conditions were met; however the Board found retail use at the ground floor appropriate for the area. CB2's resolution stated four conditions: 1) the applicant formally abandons the BSA variance; 2) the applicant confirms there were not any Loft Law cases and the JLWQA units were disposed of properly; 3) the City Planning Commission stipulate no eating or drinking establishment at the site; and 4) the applicant makes every effort to ensure a "maker-retailer" occupies the commercial/retail space.

## **BOROUGH PRESIDENT'S COMMENTS**

The existing building at 31 Bond Street is one of three store and loft buildings erected before 1890 during a time when this historic district shifted from a residential neighborhood to a commercial neighborhood of shops, warehouses and factories. In the earlier 20<sup>th</sup> century this building was used for showrooms, offices, and light manufacturing uses, including hat frames, hats and ribbons.

The applicant is seeking a special permit pursuant to ZR § 74-711 to modify the use regulations to permit approximately 4,000 square feet of commercial/retail use on the ground floor, cellar and sub-cellar of the 6-story building. The applicant currently has a 2015 approved variance for residential use for the entire building, but given the existing market, has decided to pursue this special permit and plans to abandon the BSA variance if approved as outlined in their application packet.

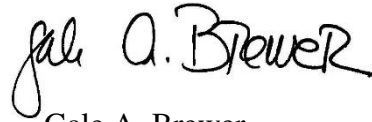
In order to grant the waiver associated with this special permit, the applicant must ensure the property will be properly rehabilitated and maintained in perpetuity. The LPC has determined the proposed restoration and maintenance plan will contribute to the special architectural and historic character of the historic district.

This office has repeatedly raised concerns over the continued use of special permits to eliminate conforming uses in the SoHo and NoHo historic districts. In the case of this special permit, the history of commercial uses and the proposed artisanal/maker retail use – committed verbally to the Community Board and our office – is consistent with the existing small non-conforming ground floor uses along Bond Street. The special permit sought here for the ground floor, cellar and sub-cellar will not eliminate JLWQA, a concern we have raised in similar applications. The use waiver is appropriate and should be granted.

However, the applicant's commitment to finding an artisanal or "maker" tenant does not substitute for a robust study and community engagement process dealing with these use issues holistically. In June 2017 this office approved a 74-711 special permit application for 40 Wooster Street under a similar condition to locate appropriate uses for the ground floor. In that case, the appropriate use was for cultural and creative organizations and the applicant agreed to do such. Unfortunately, that building is currently for sale for \$24 million. The commitment to look for a cultural tenant is not binding and not surprisingly is not referenced in the listing, while the prior approvals for change-in-use are. Without some restrictive conveyance, there is no way to enforce any commitments during this process. And without a study and plan for moving forward to address the concerns that the community board, this office and the Commission have raised over and over again, we have no way to ensure uses that complement the character and history of the neighborhood.

**BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP Application NO. C 180062 ZSM provided that the applicant keeps their commitment to abandon the BSA variance to convert the building to residential use and secures an artisanal retail use on the ground floor.**

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style with a large initial "G".

Gale A. Brewer  
Manhattan Borough President

31 BSP LLC  
c/o: S2 Estates  
15 Half Moon Street  
Mayfair, London W1J 7DZ

30 January 2018

Hon. Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

RE: 31 Bond Street – CPC #180062ZSM

Dear Chair Lago and Commissioners,

We are writing to address the conditions related to the Community Board and Borough President resolutions issued during the ULURP review process.

When we decided to file a ZR 74-711 Special Permit application, we weighed the additional restoration work necessary to meet the Special Permit conditions against the benefit of the added flexibility that Use Group 6 would offer in finding the right ground floor tenant. We had already spent several years pursuing a residential development scenario, which did not justify our development costs in today's marketplace. We thought we could do better with the proposed office use, but it would require an excellent ground floor tenant.

This past summer, we brought our vision for a commercial development to the local civic association, the NoHo Bowery Stakeholders. We heard about how disruptive restaurants were to the growing residential community on our block and we heard horror stories about national retailers that drew big crowds. Building on that experience, we filed a land use application with a project description that affirmatively states we would not use the proposed Special Permit modification to operate a restaurant, convenience store or high footfall retail operation. In that document, we also expressed our hope of finding a fashion-forward brand, a maker-retail operation or an artisanal user that would complement the neighborhood's storied artistic history. Again, those commitments and aspirations are stated in our application. The NoHo Bowery Stakeholders letter of support is attached.

We hereby reiterate our commitment not to operate an eating or drinking establishment or high foot-fall retail operation at the property. We also commit to expending our best efforts to land an artisanal or maker retail operation. To that end, at the Borough President's request, we have agreed to meet with the City's Made in New York program to seek their assistance in identifying a suitable tenant.

We are making a significant speculative investment to bring a landmark building into first class condition. The proposed Special Permit use modification will allow us the most flexibility in landing the right tenant in a challenging retail environment. The ground floor retailer will play a big role in incentivizing the right office user. I mention this because the commitments and aspirations stated in this letter will not just benefit our community, but will improve our building. Our interests are aligned with the community's.



With regard to the Community Board's concern regarding a loft law history at the building, our lawyer has searched City databases and online resources and confirmed that the building has no loft law history. The Borough President's staff has confirmed that as well.

Thank you for your consideration. My development team will answer any questions you may have on my behalf.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'S. Berg', written over a horizontal line.

31 BSP LLC  
By: Sam Berg  
London, England

cc: Borough President Gale Brewer  
Council Member Margaret Chin



# NoHo Bowery

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## Stakeholders

January 15, 2018

### **BOARD OF DIRECTORS**

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Zella Jones, President  
Rachel Mauro, Secretary  
Michael Sabatino,  
Treasurer

Hon. Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

RE: 31 Bond Street – CPC #180062ZSM

Dear Chair Lago,

NoHo-Bowery Stakeholders Inc. is a six year old nonprofit representing more than 350 NoHo property and business owners and lessees – including properties at 1, 7, 11, 25, 26, 40, 41 and 54 Bond St.. We are writing to express our support for the above referenced application for a use modification to allow Use Group 6 commercial retail on the ground floor, cellar and sub-cellar of the premises pursuant to Section 74-711 of the Zoning Resolution.

We first learned of the proposed conversion of 31 Bond Street this past summer, at the Community Board 2 Landmarks Committee hearing on the extensive restoration work planned. Our membership was impressed by the attention to detail and the thoroughness of the restoration plans. The proposed work will give this building a new lease on life.

At that time, we also expressed concerns about the proposed use modification. Bond Street is a quiet two-block stretch that our group is interested in preserving in its current state. While loud restaurants or bars are not viewed as compatible with the existing residential uses.

Later in the summer, Sam Berg, the applicant principle, reached out to us to hear more about our organization's concerns. I met with Mr. Berg twice and he has personally assured me that he would not use the special permit modification to open an eating or drinking establishment. I was further encouraged by inclusion of this commitment in the application itself. Like the Community Board's Land Use Committee, we wish there were a legal framework for such commitments with Section 74-711. Since there is not, we are left with Mr. Berg's commitment, which we believe is credible and reliable.

Prior to the Community Board Land Use hearing I briefed our membership and found no additional concerns or voices of opposition to the proposal. On the contrary, we believe that adding office space improves the street's diversity of uses and puts the major

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# NoHo Bowery

## Stakeholders

traffic emphasis on daytime hours, consistent with the neighborhood's earlier manufacturing character. The proposed use modification will allow a ground floor presence that will enliven the neighborhood with new creative energies and look forward to completion of the work. Therefore, we offer our support for the above referenced application without reservation.

Sincerely yours,

A handwritten signature in black ink, reading "Zella Jones" with a stylized flourish at the end.

Zella Jones

cc: Hon. Gale Brewer, Manhattan Borough President  
Hon. Margaret Chin, Council Member, District 1