



CITY PLANNING COMMISSION

September 29, 2014, Calendar No. 6

C 140330 ZSM

IN THE MATTER OF an application submitted by Prince Street-SOHO 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 42-14(D)(2)(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story and penthouse building, on property located at 130 Prince Street (Block 501, Lot 15), in an M1-5A District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Community District 2.

This application for a Special Permit was filed by Prince Street-SOHO LLC on March 21, 2014 and revised on April 24, 2014. The requested Special Permit seeks to modify the regulations of Zoning Resolution Section 42-14(D)(2)(a) to legalize and allow existing Use Group 6 retail uses below the level of the second story at 130 Prince Street (Block 501, Lot 15). The project site is located in an M1-5A District within the SoHo Cast-Iron Historic District, within Manhattan Community District 2.

BACKGROUND

The project site is located at 130 Prince Street (Block 501, Lot 15) at the southwest corner of Prince and Wooster streets. Although functioning as one contiguous building, the project site appears as two buildings (also known as 128 and 130 Prince Street). The original building at 130 Prince Street was constructed as a four-story brick garage and light manufacturing building in 1925. The other segment of the building sits at the Wooster Street corner, on the former Lot 19, and was constructed in 1989 as an enlargement of the 130 Prince Street building. The 1989 enlargement and alteration included the addition of a partial fifth story to the 130 Prince Street building along with the removal of its ground floor garage and loading bays. At this time the ground floor retail use on both the Prince Street and Wooster Street frontages was established by a prior owner. The applicant acquired the project site in May 2012 and in December 2012, the tax lots occupied by 130 Prince Street and 128 Prince Street (Lots 15 and 19, respectively) were merged. The applicant obtained a Certificate of Appropriateness from the Landmarks

Preservation Commission for façade restoration work in 2013. The non-conforming nature of the ground floor retail use came to light in the course of the LPC application.

130 Prince Street has a total lot area of 12,653.6 square feet and is currently improved with a five-story plus penthouse building. On Prince Street, a narrow street, the project site has a frontage of 125 feet, and on Wooster Street, a narrow street, the project site has a frontage of 101 feet – 3 ½ inches. The building has a streetwall that rises to a height of 73 feet and sets back to the penthouse volume, which rises approximately 12 feet for a total building height of 85 feet. The building contains 62,077.2 square feet of floor area, for an FAR of 4.9.

The entire property consists of office use on the upper four floors, and non-conforming Use Group 6 retail use on the ground floor and cellar. On the ground floor, there are five existing retail spaces that total up to 11,490.4 square feet. The cellar includes about 10,129.7 square feet of accessory retail storage and building support functions.

The project site is located in Manhattan Community District 2 and the SoHo Cast-Iron Historic District, one block south of West Houston Street and three blocks west of Broadway. This area of the city was primarily developed at the end of the nineteenth and beginning of the twentieth century for light manufacturing and commercial office use, though a few older townhouses have persisted.

Today, the surrounding area within 600-feet of the proposed project site is predominantly developed with buildings ranging in height from five to eight stories. The area contains a variety of building types, from brick houses to loft buildings and includes mixed-use buildings with Use Group 6 retail use on the ground floor, and Use Group 17 Joint Living-Work Quarters for Artists and Use Group 6 commercial office use on the upper floors.

The project site is located within an M1-5A zoning district, which allows light manufacturing and commercial uses up to 5.0 FAR, and certain community facility uses up to 6.5 FAR. Residential use is not permitted as-of-right and Use Group 6 uses, including retail, offices and art galleries are not permitted below the level of the second story in buildings occupying more than

3,600 square feet of lot area. Use Group 17 Joint Living-Work Quarters for Artists are permitted as-of-right in conversions of buildings constructed prior to December 15, 1961, and that have a lot coverage that does not exceed 5,000 SF (except for buildings with frontage on Broadway, for which the lot coverage may not exceed 3,600 SF).

In order to achieve its overall development, the proposed project requires approval of a City Planning Commission Special Permit pursuant to Section 74-711 to modify the use regulations in the M1-5A District. Pursuant to Zoning Resolution Section 42-14(D)(2)(a) commercial uses (Use Group 6) are not permitted below the floor level of the second story in buildings occupying more than 3,600 square feet of lot area. The only use groups allowed below the floor level of the second story of such buildings are Use Groups 7, 9, 11, 16, 17A, 17B, 17C, and 17E.

The proposed Special Permit would legalize the existing Use Group 6 retail use on the ground floor and cellar (ground floor: 11,490.4 square feet; cellar: 10,129.7 square feet). The Landmarks Preservation Commission voted to approve the proposed project at 130 Prince Street on January 22, 2013, after a public hearing on that day. Certificate of Appropriateness #14-1080 was issued on February 22, 2013, and amended on March 28, 2013 to correct an administrative error in the original Certificate of Appropriateness.

ENVIRONMENTAL REVIEW

This application (C 140330 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 14DCP151M. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions, a Negative Declaration was issued on May 19, 2014.

UNIFORM LAND USE REVIEW

On May 19, 2014, this application (C 140330 ZSM) was certified as complete by the Department of City Planning, and was 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

Community Board 2 held a public hearing on this application (C 140330 ZSM), on July 16, 2014, and on July 24, 2014, by a vote of 37 in favor, 0 opposed and 0 abstaining, adopted a resolution recommending denial of the application unless the applicant agrees to restrict Use Group 6 eating and drinking establishments on the ground floor and cellar. Community Board 2's resolution also recommended that if the application is approved, consideration be given to limiting retail uses to the ground floor and cellar only.

Borough President Recommendations

This application (C 140330 ZSM) was considered by the President of the Borough of Manhattan, who issued a recommendation on August 27, 2014, approving the application.

City Planning Commission Public Hearing

On August 20, 2014 (Calendar No. 3), the City Planning Commission scheduled September 3, 2014 for a public hearing on this application (C 140330 ZSM). The hearing was duly held on September 3, 2014 (Calendar No. 11). There were three speakers in favor of the application and none in opposition.

Those speaking in favor included the project's land use counsel, the applicant, and a staff member for the Manhattan Borough President.

The project's land use counsel described the history of uses at the project site. She also explained that the leases of the current retail tenants restrict eating and drinking uses and that it is the intent

of the applicant to continue this practice. The applicant reiterated the land use counsel's comments. The staff member for the Manhattan Borough President reiterated the Borough President's support for the application based on conditions and findings of Section 74-711 of the Zoning Resolution being met.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this Special Permit is appropriate.

The existing building at 130 Prince Street occupies a lot area of 11,490 square feet. The project site is located in the M1-5A zoning district, within the SoHo Cast-Iron Historic District. Pursuant to Section 42-14(D)(2)(a) of the Zoning Resolution, in such a building, retail uses are not permitted below the floor level of the second story. All other uses that are permitted in the M1-5A zoning district, including Use Group 6, are permitted above the floor level of the second story as-of-right. Therefore, the requested action would legalize and allow 21,620.1 square feet of existing Use Group 6 retail uses located on the ground floor and cellar at 130 Prince Street. The Use Group 6 retail uses on the ground floor and cellar currently are occupied by five retail stores, in which no single establishment exceeds 10,000 square feet.

The Use Group 6 retail use has been present at the project site since 1989, when the building was materially altered by a prior owner. The hours of operation for the retail uses are compatible with those of the office uses on the upper floors. The Commission recognizes that the retail uses on the ground floor and cellar do not adversely affect the internal circulation of building, as there is a separate lobby with elevators for the office uses on the upper floors. Therefore, the Commission believes that the proposed Use Group 6 uses on the ground floor and cellar levels of the building will have minimal adverse effects on the uses within the project site.

Throughout the better part of the last century, the area known as SoHo contained buildings ranging from five to eight stories with a mix of commercial, warehouse and industrial uses.

However, over the last thirty years many buildings in this area have been converted from manufacturing uses to JLWQAs (Use Group 17D) and Use Group 6 uses, which occupy much of the ground floor frontages. Use Group 6 uses are also located below grade; in the cellar and sub-cellar levels in many buildings. The Commission acknowledges that, as a mixed-use neighborhood, SoHo supports a broad range of Use Group 6 uses, including retail businesses, service establishments and offices. The Commission therefore believes that the proposed Use Group 6 uses on the ground floor and cellar levels of the subject building are consistent with established land use trends in the SoHo neighborhood.

The Commission recognizes the Community Board's concerns about the trend of multi-story retail stores expanding beyond the Broadway corridor. The Commission believes that the requirement of the M1-5A zoning district that a single retail establishment greater than 10,000 square feet is not allowed without a special permit pursuant to Section 74-922 of the Zoning Resolution provides a safeguard against the proliferation of out of context retail establishments.

Further, the Commission notes it is in receipt of a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the building. The report further states that the scope of work will enhance the special architectural and historic character of the street and of the SoHo Cast-Iron Historic District.

FINDINGS

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

- (1) [This finding is not applicable; no bulk modification is being requested]
- (2) Such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application submitted by Prince Street-SOHO LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 24-207 to modify the use regulations of Section 24-207(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story and penthouse building, on property located at 130 Prince Street (Block 501, Lot 15), in an M1-5A District, within the SoHo Cast-Iron Historic 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 140330 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 NV/design architecture, PLLC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
DCP-001.00	Site Plan	2/26/14
DCP-002.00	Zoning Analysis	4/17/14
DCP-003.00	Floor Plan: Cellar	4/17/14
DCP-004.00	Floor Plan: 1st	2/26/14
DCP-008.00	Section	4/17/14
DCP-009.00	Section	4/17/14

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, operating 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. 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 the provisions of which 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 referred to 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.

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

The above resolution (C 140330 ZSM), duly adopted by the City Planning Commission on September 29, 2014 (Calendar No. 6), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, ESQ., Vice Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFORN, BOMEJ JUNG, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, Commissioners

Application #: **C 140330 ZSM**

Project Name: **130 Prince Street**

CEQR Number: 14DCP151M

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 #C10000ZSQ"
 - 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 Prince Street - SOHO 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 42-14(D)(2)(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story and penthouse building, on property located at 130 Prince Street (Block 501, Lot 15), in an M1-5A 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, N.Y. 10007.

Applicant(s): Prince street- SOHO LLC 1166 Avenue of Americas, 27th Floor New York, NY 10036		Applicant's Representative: Deirdre A. Carson Greenberg Taurig, LLP 200 Park Avenue, 15th Floor New York, NY 10166	
Recommendation submitted by: Manhattan Community Board 2			
Date of public hearing: 7/16/14		Location: nycu, 194 Mercer St., Room 306	
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: 7/24/14		Location: SCHOLASTIC BUILDING, 557 BROADWAY AUDITORIUM	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 37	# Against: 0	# Abstaining: 0	Total members appointed to the board: 49
Name of CB/BB officer completing this form ROBERT GORMLEY		Title DISTRICT MANAGER	Date 7/30/14

David Gruber, Chair
Bo Riccobono, First Vice Chair
Terri Cude, 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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REVISED-PLEASE SEE BOLDED AND UNDERLINED ADDITION.

July 30, 2014

Carl Weisbrod, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on July 24 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

130 Prince Street-An application (C 140330 ZSM) to the Department of City Planning 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)(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story and penthouse building **in an M1-5A zoning district within the SoHo Cast Iron District.**

A resolution recommending DENIAL of the application.

Whereas,

1. The application was presented to the committee at the June, 2014, meeting of the Land Use Committee by Daniel Egers and Deirdre Carson of Greenberg Traurig, representing the applicant, as well as property owner Invesco representative James Gillen of Invesco, the property owner.
2. The full board sent the item back to committee to allow for additional discussion with property owners.
3. At the July meeting additional information was provided to the committee by Evan Rothe of Invesco.
4. The application seeks to legalize 11,490 sf of existing ground floor retail uses and to add 10,130 sf of retail use in the cellar.
5. The current uses of the ground floor are multiple retail uses that do not comply with the M1-5A zoning.
6. The application states that the retail uses have been present since 1989 when the building was substantially altered.

7. While commitment to maintaining the quality of the façade is beneficial to the landmarked district, the building has been well-maintained and its condition has not been harmful to the appearance of the block.
8. There is a harmful trend in the area whereby oversized and multi-floor retail entities are spreading off of Broadway into the rest of SoHo;
9. Recent applications under 74-922 have justified proposals for stores exceeding 10,000 square feet by stating that these are characteristic in the neighborhood;
10. Legalizing the retail uses below the second floor of this building, along with combining of smaller stores and development of as-of-right retail uses on upper floors, could contribute to spreading this detrimental trend toward neighborhood dominance by large format retail;
11. In this case, none of the current retail uses occupy more than 10,000 square feet and the upper floors are used for commercial offices;
12. There is currently a good balance of retail uses in the surrounding area, including some eating and drinking establishments;
13. Legalization of the retail uses could lead to the addition of more larger restaurants and clubs and affect the current balance;
14. The applicant refused to agree to restrict the UG6 uses to those other than eating and drinking establishments;
15. The applicant refused to commit to limiting retail use to the ground floor and cellar.
16. The building owner specifically stated the intention to re-lease spaces in current configurations with no plan to lease space for eating or drinking establishments and stated that current leases specifically prohibited such use.
17. The legalization of the current retail uses on ground floor and addition of retail uses in the cellar will not by itself have significant adverse impact on the conforming office uses in the upper floors or on uses in the surrounding area, but it potentially contributes to the escalating harmful trend caused by the high value of retail space in the area.
18. The property owner stated that Invesco's business model is to improve uses to increase income, reduce costs, and eventually sell the property at a profit.
19. Changing markets may make future owners more inclined to expanding retail onto upper floors and accept uses more harmful to neighborhood character.

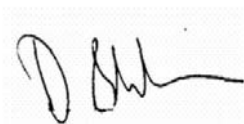
Therefore it is resolved that CB#2, Man.

- 1. Recommends DENIAL of this application for a special permit to create 21,620 sf of legal retail use at 130 Prince Street UNLESS the applicant agrees to restrict retail uses to other than eating and drinking;**
- 2. Requests that if this application is approved, consideration be given to limiting retail uses to the ground floor and cellar only.**

Vote: Unanimous, with 37 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

c: Hon. Jerrold L. Nadler, Congressman
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Hon. Corey Johnson, Council Member
Edwin Marshall, 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 140330 ZSM**

Docket Description:

IN THE MATTER OF an application submitted by Prince Street-SOHO LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permit pursuant to the following sections of the Zoning Resolution:

Section 74-711 - to modify use regulations of section 42-14D(2)(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing building;

at 130 Prince Street, Block 501, Lot 15, located in an M1-5A zoning district within the in the SoHo-Cast Iron Historic District, in Community Board 2, Manhattan.

COMMUNITY BOARD NO: 2


BOROUGH: Manhattan

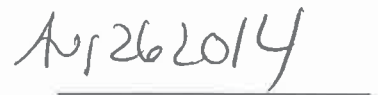
RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT


DATE



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

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
163 West 125th Street, 5th floor, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

August 27, 2014

Recommendation on ULURP Application No. C 140330 ZSM – 130 Prince Street

PROPOSED ACTION

Prince Street-SOHO LLC¹ (“the applicant”), seek a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify use regulation 42-14D(2)(a) to allow a Use Group 6 (retail) on the ground floor and cellar of an existing building at 130 Prince Street, Block 501, Lot 15, (The Project Site), located in an M1-5A zoning district in the SoHo-Cast Iron Historic District, 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 applicant must first meet the following conditions:

- 1) LPC has 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;²
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District³;
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.⁴

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

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

PROJECT DESCRIPTION

The applicant proposes to convert 11,490.4 SF of existing non-conforming ground floor retail and

¹ Prince Street-SOHO LLC is a subsidiary of Invesco Ltd., an independent investment management company

² The LPC issued a report on April 24, 2013.

³ The LPC issued a Certificate of Appropriateness on February, 22 2013 (amended March 28, 2013 and November 8, 2013)

⁴ No dwelling units are being proposed in this application.

10,129.7 SF of cellar space to Use Group 6 retail. The building has continuously housed five non-conforming ground floor retail stores since a previous owner altered and expanded the building in 1989. The applicant's proposal does not include any change to the height or bulk of the building. The Building sits within the SoHo-Cast Iron Historic District. The LPC designated the SoHo-Cast Iron Historic District in 1973, citing it as the largest collection of intact and partial cast iron facades. The special permit pursuant to § 74-711 requires the applicant enter into a Restrictive Declaration with the LPC and establish a continuing maintenance program for the preservation of the building.

Area Context

The project site is located in an M1-5A zoning district in the SoHo-Cast Iron Historic District, in Community Board 2, Manhattan. Nearby neighborhoods include NoHo and the West Village. There is a R7-2 residential district to the west, a C1-7 district to the north, M1-5B to the east, and C6-2A to the south. There is a subway station for the N and R lines at the corner of Prince Street and Broadway, three blocks from the project site.

Over the last thirty years, the area's land use has shifted from light manufacturing to a mix of retail, office space, multi-family residential buildings, joint live-work quarters for artists, and community facilities. The area is evolving into a retail destination and there has been a trend toward larger national and international retail chains along Broadway and Houston Street and high end retailers on the side streets. Within a 600 foot radius, 85 percent of the properties along Prince Street and Wooster Street have existing ground floor retail.

Site Description

The Project Site is a five story brick building built in 1925, with a concrete addition that was built adjacent to the east side of the building in 1989. It is located at 130 Prince Street (Block 501, Lot 15) in an M1-5A zoning district. M1-5A districts permit a maximum floor area ratio (FAR) of 5.0, with 6.5 for community facilities. Buildings are allowed a front wall height of 85 feet, after which buildings must setback 20 feet. In M1-5A zoning districts, only use groups 7, 9, 11, 16, 17A, 17B, 17C or 17E (generally wholesale, warehousing, and light industrial uses) are permitted below the second story.

The Project Site has a lot area of 12,653.6 SF and the building contains 77,440.8 gross SF. The ground floor is a total of 12,653.6 SF with 11,490.4 SF dedicated to five retail spaces and 1,162.6 SF for the entrance and lobby to the upper floors. Floors two through five, including the penthouse, are commercial office space leased to Estée Lauder.

The building was built as a four story brick garage and light manufacturing building in 1925, and remnants of its original façade are still visible. The building operated as a bakery and garage into the 1980's. In 1989 a previous owner built a five story addition that included a penthouse abutting the existing building to the east. Since the addition, there has been common ownership and the buildings are structurally interdependent. The five non-conforming Use Group 6 retail spaces have been in continual use on the first floor, with retail storage in the cellar. The applicant bought the property in 2012, merged the tax lots, and now wished to legalize the non-conforming ground floor retail use.

Proposed Project

The applicant seeks a special permit pursuant to ZR § 74-711 to modify use regulations to allow Use Group 6 (retail use) on the ground floor and cellar in order to permit its current non-conforming retail sale and storage space. This space is divided between four existing tenants and one vacant space. One tenant,

the Samsung Galaxy Studio SoHo currently occupies 5,025 SF of retail sales space, and 4,016 SF of storage space. Their space was previously two separate retail stores, and could revert to that when Samsung Galaxy's lease expires. As part of this special permit application the project will incorporate a renovation of the ground floor streetscape and the upper floor façade pursuant to LPC's regulations as well as a restrictive declaration between LPC and the applicant to ensure continued maintenance of the building.

As described in the approved Certificate of Appropriateness, the renovation of the ground floor streetscape will include but not be limited to removing the existing storefront infill and stone at the ground floor, restoring the façade to match the historic brick, and installing new storefront infill, display windows, lighting, and fixtures.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on July 24, 2014 Manhattan Community Board 2 ("CB2") recommended a conditional denial of this application. CB2 expressed the concern that as SoHo continues to become a popular retail destination there could be an overabundance of eating and drinking establishments and an increase in attempts by developers to create large scale flagship retail establishments that would alter the mixed use environment of SoHo and have a negative impact on the quality of life of residents. CB2 requested that the applicant agree to a permanent ban of eating and drinking establishments and confine the retail space to the ground floor. The Applicant would not agree to permanently banning eating and drinking establishments but did state at a CB2 public meeting that there was language in the retail space leases that barred eating and drinking establishments. The applicant would not agree to permanently confining the retail space to the ground floor. CB2 voted to disapprove the application unless the applicant agreed to these two requests.

BOROUGH PRESIDENT'S COMMENTS

The legalization of non-conforming uses is a corrective action that should be supported in general. In support of CB2's concerns about eating and drinking establishments, the Borough President requested the applicant provided a letter detailing the existing language in the current retail leases that preclude eating and drinking establishments and the applicants intentions of continuing to use the same requirements in future leases, which is enclosed with this recommendation. In addition, in meetings with the Borough President's office the applicant reconfirmed their intention to retain the property as a long term investment and retain the multiple small store design.

The Borough President fully supports CB2's concern about attempts by developers to obtain use modifications allowing additional retail in order to entice flagship chain stores. However, the Borough President believes that in addition to the developers letter which stresses its intent to continue the "present practice of renting to multiple smaller retail establishments on the ground floor and in below grade space," the fact that the zoning resolution would require the developer to apply for another special permit for a large retail establishment in excess of 10,000 SF provides a sufficient safeguard against CB2's concern over use of the space for a large flagship retail store.

With these additional clarifications, the Manhattan Borough President feels confident that the conditions and findings have been met for the requested special permit. The applicant has presented a thorough restoration and maintenance plan for the building. The building envelope is not being enlarged or altered in anyway and the request to legalize the existing Use Group 6 retail is appropriate for the mixed-use environment of the SoHo neighborhood.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. 140330 ZSM

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gale A. Brewer
Manhattan Borough President



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www.invesco.com

August 27, 2014

Manhattan Borough President Gale A. Brewer
1 Centre Street, 19th Floor
New York, NY 10007

Re: 130 Prince Street, New York, New York (Block 501, Lot 15) (the "Property")
Application No.: C 140330 ZSM (the "Application")

Dear Borough President Brewer:

As discussed at our meeting with your staff members James Caras and Jesse Bodine on August 13, 2014, I am an asset Manager with Invesco Real Estate and have oversight responsibility for 130 Prince Street, an asset owned by Invesco's Core Fund through a subsidiary, Prince Street-SoHo LLC. This letter is being submitted to you as a statement of Invesco's plans for the retail space at the Property. For 130 Prince Street, ownership has applied for a special permit pursuant to Section 74-711 of the Zoning Resolution to legalize the existing Use Group 6 retail use below the level of the second story of the Property in an M1-5A zoning district, in Community District 2.

As Invesco has stated at the Community Board's public hearing and in our meeting with your office, Invesco's long-term business plan for the Property entails the continuation of our present practice of renting to multiple smaller retail establishments on the ground floor and in below grade space. Ownership believes this will continue to be the best use for the space. Invesco Core Fund's hold perspective for 130 Prince Street is long-term and the Fund's preference for lease terms with retailers is also long-term. This is demonstrated by its April 2014 lease with Woolrich, Inc. for approximately 1,300 square feet on the ground level for a term of 10 years.

The existing retail leases for the ground floor stores contain a provision prohibiting use of the demised premises for food preparation or service. The provision in the Woolrich lease reads as follows:

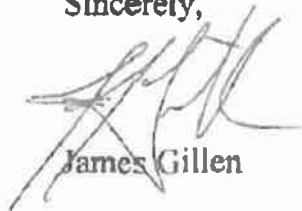
Section 3.1 Tenant shall not use or occupy or suffer the use or occupancy of any part of the Premises in a manner constituting a Prohibited Use. If Tenant uses or suffers the use of the Premises for a purpose which constitutes a Prohibited Use or violates any Requirements, or which causes the Building to be in violation of any Requirements, then Tenant shall promptly discontinue such use upon notice of such violation.

Prohibited Use: Any use or occupancy of the Premises that in Landlord's reasonable judgment would be likely to: (a) cause damage to the Premises or the Real Property or any portion thereof or any equipment, facilities or other systems therein; (b) impair the appearance of the Premises or the Real Property or any portion thereof; (c) interfere with the efficient and economical maintenance, operation and repair of the Premises, the Building or the Real Property or the equipment, facilities or systems thereof; (d) adversely affect any service provided to, and/or the use and occupancy by, any Building tenants or occupants; (e) violate the certificate of occupancy or any applicable Legal Requirements; (f) adversely affect the image of the Building as a first-class office location in midtown Manhattan. **Prohibited Use also includes the use of any part of the Premises for: (i) a restaurant or bar; (ii) the preparation, consumption, storage, manufacture or sale of food or beverages (except in connection with vending machines and/or warming kitchens installed for the use of Tenant's employees only), liquor, tobacco or drugs; (iii) the business of photocopying, multilith or offset printing [emphasis supplied].**

Invesco expects to include this provision, or a provision very similar to it, in each new retail lease completed at the Property.

With this statement of Invesco's plans for its retail space at 130 Prince, I respectfully request a favorable recommendation on our Application to the City Planning Commission. Thank you for your attention and consideration.

Sincerely,



James Gillen

cc: James Caras, Esq. (via email)
Jesse Bodine (via e-mail)
Deirdre A. Carson, Esq. (via e-mail)