



IN THE MATTER OF an application submitted by Kissling Realty Advisors pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing six-story building, on property located at 59-61 Thompson Street (Block 489, Lot 36), in an M1-5B District, Borough of Manhattan, Community District 2.

The application was filed on November 7, 2013 for a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14D(2)(b) of the Zoning Resolution to permit Use Group 6 retail uses on portions of the ground floor and cellar of a 6-story mixed-use building located at 59-61 Thompson Street.

BACKGROUND

This application is brought by Kissling Realty Advisors, the owners of 59-61 Thompson Street (Block 489, Lot 36), to allow a modification of ZR Section 42-14D(2)(b) (“Use Group 17, Special Uses in M1-5A and M1-5B Districts”) via a special permit pursuant to ZR Section 74-781 (“Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts”). Section 42-14D(2)(b) restricts commercial and manufacturing uses below the second story to certain Use Groups for buildings in M1-5B districts. The applicant seeks the grant of a special permit to convert portions of the cellar and first floor into retail use (Use Group 6) within the existing mixed-use building.

59-61 Thompson Street is located on the west side of Thompson Street between Broome and Spring streets. The lot upon which the building sits has approximately 4,000 square feet of lot area with 40 feet of frontage on Thompson Street. The building rises 6 stories and has approximately 15,800 square feet of floor area. The building footprint measures 3,060 square feet. There are two commercial spaces on the ground floor. One, measuring 717 square feet, has been continually used for retail since before 1961. The other, measuring 350 square feet, contained a shop which vacated in 2010 and has been vacant ever since. In the cellar is 1,624 sf currently used for storage. The 350 sf space and the 1,624 sf space are the subjects of this application. Prior to the fall of 2008 four residential apartments were located behind the two

commercial spaces on the first floor and currently those apartments are vacant.

The surrounding area is characterized by five- to twelve-story loft-style industrial buildings that have been converted to a mix of uses. Many of the buildings in the area contain ground floor retail uses with residential units, Joint Live Work Quarters for Artists units, or office use above. On this portion of Thompson Street between Broome and Spring Streets there are approximately 10 ground-floor retail units (including the one in the building). The buildings immediately to the south and north of the building fronting on Thompson Street are both 6-story mixed-use buildings with commercial spaces on the ground floor and residential units above.

Zoning

The project site is located in an M1-5B district which allows an FAR of 5.0 for commercial uses and manufacturing uses and 6.5 for community facility uses. Generally, for buildings in a M1-5B district, the space below the floor level of the second story of a building can only contain Use Groups 7, 9, 11, 16, 17A, 17B, 17C, of 17F uses.

Project Description

The applicant proposes to create additional Use Group 6 retail space on portions of the first floor and cellar of the building by converting the 350 square foot portion of the first floor back to a Use Group 6 commercial (retail) use and converting the 1,624 sf portion of the cellar to a Use Group 6 commercial (retail) space.

Requested Action

In order to achieve the project's overall development objective, the applicant requests the grant of a City Planning Commission special permit pursuant to ZR 74-781. The proposed Use Group 6 ground floor and cellar retail uses are not permitted as-of-right. Section 74-781 permits the modification of the use regulations of M1-5A and M1-5B districts to allow developments to have Use Group 6 uses below the second story of developments.

There would be no increase in building floor area and the proposed retail space would conform with all other zoning regulations but for the use restrictions below the building's second level.

Good Faith Marketing

As a necessary first step, Section 74-781 of the Zoning Resolution requires the applicant to undertake and document a six-month good faith marketing effort to advertise and re-tenant the subject space with a conforming use prior to filing the formal ULURP application. The applicant is required to make a good faith marketing effort to rent such space to a mandated use at fair market rents. Such efforts shall include but not limited to: advertising in local and citywide press; listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for buildings under 3,600 square feet and one year for buildings over 3,600 square feet, prior to the date of application for a special permit. The building footprint of 59-61 Thompson Street is under 3,600 square feet thus six-months of marketing is required.

The applicant's good faith marketing effort included advertising in four newspapers including the New York Post, Our Town, West Side Spirit, and Our Town Downtown from late June to late December, 2012. In addition, the applicant sent copies of the advertising to City agencies and other organizations that find spaces for businesses. A sign was also attached to the building advertising the space for the six months. The advertisements noted the potential uses and listed a rental amount. The broker who did the advertising received 12 responses but none of the inquiries were for conforming uses.

ENVIRONMENTAL REVIEW

This application (C 140167 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the 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 140167 ZSM) was certified as complete by the Department of City Planning on November 18, 2013, and was duly referred to Manhattan Community Board 2 and the 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 January 27, 2014, and on that date, by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the application with conditions.

In the Community Board's letter, dated January 27, 2014, the Board noted that the application includes an "unconvincing demonstration of effort", including sending the advertisement to many out-of-state agencies and failing to advertise in more known local newspapers. The Board also believed that the intended use of the spaces would be an eating and drinking establishment which was undesirable because it would "be harmful to the mostly residential quality of the block". The Board acknowledged that the applicant promised via letter to not use the premises as an eating and drinking establishment but the Board was unconvinced because the small first floor space would make it difficult to operate anything but a restaurant (located primarily in the cellar) in the spaces.

Lastly, the Board's letter noted that the Board

(s)trongly recommends denial of this application unless an enforceable prohibition of eating and drinking use can be put in place such as a stipulation in the special permit or a permanent restrictive declaration.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on February 26, 2014 approving the application with the following condition:

Therefore, the Manhattan Borough President recommends approval with conditions of ULURP Application C 140167 ZSM, to grant a special permit pursuant to ZR Section 74-781, contingent on the applicant following through on its stated commitment not to lease the space to a eating and drinking establishment.

The Borough President also requested that the Chair of the City Planning Commission direct the Department of City Planning to expand the standards of ZR Section 74-781 "to foster applicants to more proactively coordinate with city agencies such as the Economic Development Corporation and Small Business Services whose priority it is to foster new trends within the tech-manufacturing industry."

City Planning Commission Public Hearing

On February 19, 2014 (Calendar No. 2), the City Planning Commission scheduled March 5, 2014, for a public hearing on this application (C 140167 ZSM). The hearing was duly held on March 5, 2014 (Calendar No. 21). There were two speakers in favor of the application and none in opposition.

The applicant's architect described the proposal and described the marketing efforts. He noted that many nearby buildings subject to the same zoning have ground floor retail. He also underscored the applicant's intent to not place an eating or drinking establishment into the proposed retail space and explained that it would be difficult to configure the building for a restaurant use.

A representative of the Borough President reiterated the Borough President's recommendation of conditional approval.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The applicant seeks the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to convert portions of the cellar and first floor into retail use (Use Group 6) within an existing mixed-use building located at 59-61 Thompson Street (Block 489, Lot 36). Approval of the requested special permit application would modify the use regulations of Sections 42-14D(2)(b) and allow Use Group 6 (retail) uses on portions of the ground floor and cellar of the subject building.

The Commission believes that the applicant has made the necessary good faith marketing effort for a period of six months. The Commission notes that the applicant's marketing efforts comprised multiple media resources during the late June 2012 to late December 2012 period, with advertisements placed in several local and citywide papers. The applicant also posted a sign on the space, hired a broker to help with the marketing, and undertook mailings to city agencies

and industry groups. Such marketing efforts proved unsuccessful as they did not succeed in obtaining a conforming use.

In response to concerns raised by the Community Board and Manhattan Borough President, the applicant, in a letter to the Community Board dated January 10, 2014 has agreed to a permanent ban on using the converted Use Group 6 retail space as an eating and drinking establishment.

The Commission believes that the applicant did make a good faith effort to lease the space to a conforming use. The Commission notes that the applicant adhered to the good faith marketing guidelines, as outlined in Section 74-781 of the Zoning Resolution, and was unable to secure a conforming tenant. The Commission, therefore, believes that the grant of the requested special permit is appropriate.

FINDINGS

The City Planning Commission hereby makes the following finding pursuant to Section 74-781 (Modifications by Special Permit of the City Planning Commission) of the Zoning Resolution:

that the owner of the space, or the predecessor in title, has made a good faith effort to rent such space to a mandated use at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for buildings under 3,600 square feet and one year for buildings over 3,600 square feet prior to the date of the application for a special permit.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and finding described in this report, the application submitted by Kissling Realty Advisors for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use

regulations of Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing six-story building, on property located at 59-61 Thompson Street (Block 489, Lot 36), 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 140167 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 George Rycar Architects PC filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-001.00	Site Plan / Zoning Analysis	09/12/13
A-002.00	Cellar Floor Plans	09/12/13
A-003.00	First Floor/Existing Use Groups	09/12/13
A-004.00	Front Elevation Longitudinal Section	09/12/13

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 140167 ZSM), duly adopted by the City Planning Commission on April 2, 2014 (Calendar No. 4), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

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



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

COMMUNITY BOARD NO. 2, MANHATTAN

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

January 27, 2014

Richard Barth, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Barth:

At its Full Board meeting on January 23, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

No. 140167 ZSM - 59-61 Thompson Street (west side, between Broome and Spring) Application filed to the City Planning Commission pursuant to Section 74-781 of the Zoning Resolution to allow retail use on portions of the ground floor and cellar of an existing six story building in an M1-5B zoning district.

Whereas

1. A presentation of this application was made by architects Don Weston and Ray Basile;
2. The presentation was disorganized and answers to various questions from the committee were not adequately answered;
3. Unfortunately, 74-781 requires only that the applicant demonstrate an effort to rent the space for conforming uses, and therefore sets a very low bar in an area which has never really had uses conforming to its manufacturing zoning;
4. The application includes an unconvincing demonstration of effort, including use of many out-of-state agencies and failing to advertise in more known local newspapers;
5. The application is to allow retail use of the cellar and part of the ground floor in an M1-5 district in the South Village and states that the intended use is for eating and drinking;
6. The applicant nevertheless expressed willingness to agree to not allow eating and drinking and subsequent to the hearing submitted a letter to this effect;
7. The project will require substantial alteration, including installation of a new stairway and elevator;
8. The new stairway and elevator will occupy almost all of the new ground floor retail space;
9. Use of the cellar for retail other than eating and drinking as part of a premises with almost no ground floor space appears unlikely to succeed and reduces the credibility of the promise to restrict the use, which is unenforceable unless stipulated in the special permit or the deed;

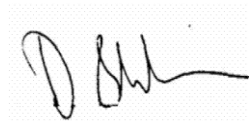
10. An eating and drinking use or club use of this size on this block would be harmful to the mostly residential quality of the block;
11. The zoning analysis presented to the committee states that the current uses of the cellar are “Mechanical Equipment, Storage & Vacant” but no evidence was presented of any prior use of the cellar other than for mechanical equipment, and the presenters stated that “the cellar was not used for anything before”;
12. According to information obtained during a prior application for this site in 2011 and according to testimony of a resident in the building at the hearing, the basement was excavated at some point prior to 2011, but there is no building permit for such work on record on the DOB web site.

Therefore it is resolved that CB#2, Man. strongly recommends denial of this application unless an enforceable prohibition of eating and drinking use can be put in place such as a stipulation in the special permit or a permanent restrictive declaration.

Vote: Unanimous, with 36 Board members in favor.

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

Sincerely,



David Gruber, Chair
Community Board #2, Manhattan



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

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman
Hon. Daniel Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
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 140167 ZSM

Docket Description:

IN THE MATTER OF an application submitted by Kissling Realty Advisors, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) (General Provisions) to allow Use Group 6 uses (retail use) to facilitate portions of the ground floor and cellar of an existing 6-story mixed-use building, on property located at 59-61 Thompson Street (Block 489, Lots 36), in an M1-5B District, Borough of Manhattan, Community District 2.

COMMUNITY BOARD NO: 2

BOROUGH: Manhattan

RECOMMENDATION

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

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

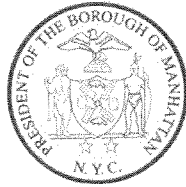
See Attached

Paul @ Brewer

BOROUGH PRESIDENT

February 26 2014

DATE



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

February 26, 2014

**Recommendation on
ULURP Application No. 140167 ZSM – 59-61 Thompson Street
By Kissling Realty Advisors, LLC**

PROPOSED ACTION

Kissling Realty Advisors, LLC¹ (“the applicant”) seeks approval for a **special permit pursuant to Section 74-781** of the New York City Zoning Resolution (“ZR”) to modify the use regulations of ZR § 42-14(D)(2)(b) to allow Use Group 6 (retail and service uses) on the ground floor and cellar of an existing building located at 59-61 Thompson Street, Block 489, Lot 36, within an M1-5B zoning district in the SoHo neighborhood of Manhattan Community District 2.

In order to grant the special permit, the City Planning Commission (“CPC”) must find that the owner of the space, or a predecessor in title, has made a good faith effort to rent the space to a permitted use at a fair market rate. Such efforts shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. These efforts must have been actively pursued for a period of no less than six months for buildings under 3,600 square feet (sf) in lot area, and for one year for buildings over 3,600 sf in lot area, prior to the date of the application for a special permit.

PROJECT SITE AND SURROUNDING CONDITIONS

The applicant seeks approval to allow Use Group 6 on the ground floor and cellar of an existing 6-story mixed-use building at 59-61 Thompson Street. The building’s footprint is 2,641 sf. The building was constructed in the late 19th century and occupies a 4,000 sf zoning lot.

The building predates 1961, which grandfathers both the residential and commercial space as legal nonconforming uses. Currently, the building has 30 residential units between the 2nd and 6th floor. On the ground floor there are four existing residential units in the rear of the building that have been vacant since 2008 and two retail spaces at the front of the building. The southeast ground floor retail space is currently leased to a clothing store. The northeast ground floor space has been vacant since 2008 and has reverted to the current zoning requirements of M1-5B, which does not permit commercial uses as-of-right on this level. 247 sf of the cellar is used as storage for the existing clothing store and of the remaining 1624 sf, a portion is currently vacant and a portion is used for general storage and mechanical.

¹ Kissling Realty Advisors, LLC is currently owned and managed by Tony Kissling

Surrounding Uses and Zoning

The site is located on the west side of Thompson Street, between Spring and Broome Streets, one block west of the SoHo-Cast Iron Historic District Extension boundary. The SoHo-Cast Iron Historic District was designated in 1973 to protect buildings in a wide range of architectural styles that were built in the post-Civil War era as store and loft buildings for the wholesale dry goods merchants and manufacturing businesses. The historic district was expanded to the west and east in 2010.

The immediate neighborhood includes residential, commercial, and limited industrial/manufacturing uses, such as Metropolitan Lumber at 175 Spring Street. Buildings in the area commonly consist of residential or commercial/office space on the upper floors and a mix of retail, service and eating and drinking establishments on the ground floor. This block of Thompson Street contains clothing and jewelry stores, drying cleaning, nail salons, and four eating and drinking establishments.

The building is located in an M1-5B zoning district, which allows for buildings to have a mix of manufacturing and residential space. M1-5B districts do not have height limits but are confined to a Floor Area Ratio “FAR” of 5.0 and can not penetrate the sky exposure plane starting at 85 feet. M1-5B does not allow Use Group 6 below the second story of any building as of right.²

Proposed Project

The applicant is seeking a special permit to convert and combine the 350 sf vacant ground floor space located in the northeast corner of the building and 1,624 sf of the cellar into one contiguous Use Group 6 space. The applicant proposes to build a staircase and elevator to connect the ground floor to the cellar. The already existing residential entrance and the second retail space to the south of the proposed space will not be altered.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-781 to allow Use Group 6 on the floors below the second level in an M1-5B district, which is permitted only after the CPC has found that a good-faith effort was made for a six month period to rent the space to a conforming use at a fair market rate. In June of 2012, the applicant hired the real estate broker Sinvin Real Estate in an effort to lease the proposed space to a conforming use. The applicant has provided a letter from Sinvin Real Estate listing the details of their advertising campaign and call log of all inquires they received. The campaign included dated documentation of advertisements in *The New York Post*, and Manhattan-based papers *Our Town*, *Our Town Downtown*, and *The West Side Spirit* spanning over a period of seven months from June 2012 to December 2012. In addition, on July 10 2012 letters were sent to industry groups such as the New York City Office of Economic Development, the Garment Industry Development Corporation, the New York Industrial Retention Network, the Apparel Manufacturers Association, and the Chinese American Planning Council. In addition, letters were sent to national industry groups located outside of New York State. According to the applicant, 12 inquiries were received, all seeking to lease the space for a non-conforming use. Despite these efforts, the applicant was unable to rent the space to a conforming use.

² In M1-5B zoning districts, only Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E (generally wholesale, warehousing, and light industrial uses) are permitted as of right below the second story of a building.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on January 23, 2014 Manhattan Community Board 2 (“CB2”) recommended conditional disapproval of this application by a vote of 36 in favor and none opposed. CB2 was not convinced of the applicant’s effort to find a conforming use because the applicant focused a significant amount of the advertising campaign on out of state and national organizations and did not include popular local papers such as *The Villager*. CB2 determined that the addition of a staircase and elevator would significantly minimize the ground floor retail space and questioned the applicant’s ability to find a non-eating and drinking establishment tenant. CB2 reported that the applicant did send a letter to the Board stating that the space will not be leased to an eating and drinking establishment but the applicant did not make any changes to the plans. CB2 recommended a denial of the application unless the prohibition of eating and drinking use is included in the special permit or within a restrictive declaration approved by CPC.

BOROUGH PRESIDENT’S COMMENTS

The manufacturing areas within Manhattan’s SoHo neighborhood are undergoing, and to a large extent have already undergone, a transition to a mixed-use environment. CB2, while generally agreeable to this modification, believes that there is an over-saturation of eating and drink establishments in the district and requested the applicant agree to a permanent ban on eating and drinking uses in this space. Eating and drinking establishments can contribute to the socioeconomic vitality of a district but do have unique quality of life impacts on the character of the neighborhood. Eating and drinking establishments can command high rents and can out-compete other, more neighborhood-oriented uses. For these reasons they are not allowed as of right in M1-5B districts so as to encourage appropriate manufacturing uses. Though this special permit will allow uses other than manufacturing, it is important to consider the effect that a particular type of use in this space could have on surrounding uses. The over-saturation of eating and drinking establishments can create a set of negative impacts, such as noise and sanitation issues, on the surrounding residents’ quality of life. The addition of the staircase and elevator utilize a significant portion of the ground floor space, however the combined floor plate would be appropriate for many types of small retail. In addition, the applicant listed “No Food Retail” in their advertising campaign and sent a letter to CB2 agreeing to find an alternative use other than a eating and drinking establishment, and has confirmed that agreement to the Borough President’s office.

Under the current zoning text of ZR § 74-781, the applicant has fulfilled the requirements of making a good faith effort to rent the space to a conforming use. These standards, however, do not account for contemporary trends in local manufacturing or technology. In the last decade New York City has become a significant economic center in regard to the technology and digital economy. These industries’ businesses are often small start-ups that could find small manufacturing spaces such as the space at 59-61 Thompson Street appropriate. It is important that the CPC review ZR § 74-781 to ensure that the requirements encourage applicants to target local modern manufacturing trends and utilize advances in communication technology. The Chair of CPC should direct the Department of City Planning to expand the standards of ZR § 74-781 to foster applicants to more proactively coordinate with city agencies such as the Economic Development Corporation and Small Business Services whose priority it is to foster new trends within the tech-manufacturing industry.

BOROUGH PRESIDENT’S RECOMMENDATION

The application for a use modification to allow Use Group 6 on the ground floor and cellar of an existing 6 story building at 59-61 Thompson Street meets the required finding for the requested special permit, namely that the owner of the space has made a good faith effort as currently defined and practiced to rent such space to a conforming use at fair market rate.

Therefore, the Manhattan Borough President recommends approval with conditions of ULURP Application C 140167 ZSM, to grant a special permit pursuant to ZR § 74-781, contingent on the applicant following through on its stated commitment not to lease the space to a eating and drinking establishment.

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

Gale/A. Brewer
Manhattan Borough President