CITY PLANNING COMMISSION

September 7, 2016 / Calendar No. 15 C 160199 ZSM

IN THE MATTER OF an application submitted by Jarv 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 use regulations of Section 42-14D(2)(b) to allow retail uses (Use Group 6) on portions of the ground floor and cellar of an existing 6-story building, located at 248 Lafayette Street (Block 496, Lot 5), in an M1-5B District, within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2.

This application for a special permit was filed by Jarv LLC on February 19, 2016. The requested special permit seeks to modify the regulations of Zoning Resolution Section 42-14(D)(2)(b) to legalize and allow existing Use Group 6 retail uses below the level of the second story at 248 Lafayette Street (Block 496, Lot 5). The project site is located in an M1-5B District within the SoHo-Cast Iron Historic District Extension, within Manhattan Community District 2.

BACKGROUND

The project site is a through block building at 248 Lafayette Street a/k/a 87 Crosby Street (Block 496, Lot 5) located between Prince Street to the north and Spring Street to the south within the SoHo-Cast Iron Historic District Extension. The surrounding area, can generally be characterized as two distinct areas separated by Lafayette Street. East of Lafayette Street, the area is of a predominately mixed residential-commercial nature with ground floor retail and residences occupying the upper floors. The buildings are characterized as having strong street walls and range in height from two to seven stories, with the exception of a nine story and two, twelve story buildings. West of Lafayette Street, which includes the project site, land use is predominately commercial and mixed residential-commercial with manufacturing uses interspersed. Buildings in the area are characterized as having strong street walls and range in height from two to 15 stories.

On Lafayette Street, a wide street, the project site has a frontage of 26.27 feet, and on Crosby Street, a narrow street, frontage is 25 feet. The total lot area of this property is 3,450 square feet and the lot is improved with a six-story and cellar building. The building's street wall rises to a height of 77 feet along Lafayette Street and 83 feet along Crosby Street. The building is wholly within the M1-5B zoning district, which permits a maximum manufacturing and commercial FAR

of 5.0 and a maximum community facility FAR of 6.5. Permitted Use Groups as-of-right include 7, 9, 11, 16, 17A, 17B, 17C, and 17E. Use Group 17D Joint Living-Work Quarters for Artists (JLWQA) units are permitted as-of-right in conversions of buildings constructed prior to December 15, 1961, that have a lot coverage that does not exceed 5,000 square feet. Residential use is not permitted as-of-right. Use Group 6 commercial and retail uses are not permitted as-of-right below the level of the second story. The building contains approximately 18,855 square feet of zoning floor area for a FAR of 5.47. The degree of the pre-existing FAR non-compliance will not be increased as part of this application.

The building was constructed in 1900 and built in the Renaissance Revival style. Today, the building is a co-op building, with each of the existing six JLWQA units under individual ownership. The JLWQA use occupies part of the ground floor and the entirety of the remaining five upper floors. In 2013, the applicant became the co-op owner for the remaining portion of the ground floor consisting of 1,390 square feet on the Lafayette Street side of the building and 2,270 square feet of space in the cellar on the Crosby Street side of the building. At the time of purchase, the space was unlawfully occupied as a residence and art gallery. Currently, the portions of the ground floor the cellar owned by the applicant are vacant.

The applicant is seeking a special permit to facilitate a Use Group 6 retail uses in the space he owns. Each space will be for separate retailers. Modifications to the interior spaces will include a new stairwell for JLWQA units between the ground floor and the cellar at the Lafayette Street entrance; installation of an entrance and ADA compliant lift to the cellar level on the Crosby Street side; installation of fire proof self-closing doors for emergency egress; and removal of walls on the ground floor and cellar spaces to create open retail spaces.

On December 7, 2015, the City's Landmark Preservation Commission (LPC) issued a Certificate of Appropriateness (17-9732) approving the façade work and restoration. The application includes a report from the Landmarks Preservation Commission stating that a continuing maintenance program has been established that will result in the preservation of the building.

ENVIRONMENTAL REVIEW

This application (C 160199 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP109M. The lead is the City Planning Commission.

On March 7, 2016, the application (C 160199 ZSM) was determined to be a Type II action pursuant to 6 NYCRR Part 617, Section 617.5(c)(7), which requires no further environmental review.

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

This application (C 160199 ZSM) was certified as complete by the Department of City Planning on April 25, 2016, and was duly referred to Community Board 2 and the Borough President in accordance 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 160199 ZSM) on May 19, 2016, and on that date; by a vote of 34 in favor, 0 opposed, and no abstentions or recusals; adopted a resolution recommending approval of the application. The resolution noted the Community Board's desire that the proposed retail spaces not permit eating and drinking establishments.

Borough President Recommendation

This application (C 160199 ZSM) was considered by the Borough President, who issued a recommendation on August 3, 2016 supporting approval of the application.

City Planning Commission Public Hearing

On July 27, 2016 (Calendar No. 11), the City Planning Commission scheduled August 10, 2016 for a public hearing on this application (C 160199 ZSM). The hearing was duly held on August 10, 2016 (Calendar No. 49). There were two speakers in favor of the application and none in opposition.

The applicant's land use counsel spoke in favor of the application describing the project site, the proposed project, the landmark preservation approval, and the land use action sought for approval.

A representative for the Manhattan Borough President reiterated the Borough President's recommendation, stating that one of the deciding factors for the approval was due to research that showed a vast percentage of the ground floor uses in the vicinity of the project site were consistent with Use Group 6 retail uses.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

The application (C 160199 ZSM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 15-044.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a special permit to facilitate Use Group 6 retail uses below the level of the second story is appropriate.

The existing building at 248 Lafayette Street is located in the M1-5B zoning district, within the SoHo-Cast Iron Historic District where, pursuant to Section 42-14(D)(2)(b) of the Zoning Resolution, retail uses are not permitted below the floor level of the second story. The requested

action would allow 1,390 square feet of existing Use Group 6 retail use located on a portion of the ground floor on the Lafayette Street side of the building and 2,270 square feet of Use Group 6 retail space in a portion of the cellar on the Crosby Street side of the building.

The Commission believes that the proposed retail uses will not adversely affect the internal circulation of the building. Access to the retail uses will be separate from the JLWQA units. Therefore, the Commission believes that the proposed modification of use regulations to allow Use Group 6 uses on portions of the ground floor and cellar levels of the building will have minimal adverse effects on the conforming uses within the building.

The Commission recognizes that the surrounding area has evolved from a primarily manufacturing district to an area with a dynamic mix of uses, including residential use, artist live-work spaces, offices, retail and service establishments, and a few remaining manufacturing uses. Therefore, the Commission believes that the proposed retail uses are consistent with the prevailing land use pattern found in the surrounding area and that the proposed modification of use regulations to allow Use Group 6 uses on portions of the ground floor and cellar levels of the building will have minimal adverse effects on the conforming uses in the surrounding area.

The Commission acknowledges the desire of the Community Board that the proposed retail spaces not permit eating and drinking establishments and notes that the applicant's representative stated at the public hearing that he was amenable to precluding eating and drinking establishments on the proposed project site.

The Commission is also in receipt of a report from the Landmarks Preservation Commission 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 concurs with the Borough President that the redevelopment and improvement of this building, to be facilitated by this special permit, will enhance the architectural and historic built fabric 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 determines that the action described herein is classified as Type II (6 NYCRR Part 617, Section 617.5(c)(7)) and not subject to review pursuant to State Environmental Quality Review and City Environmental Quality Review; and be it further

RESOLVED, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; 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 Jarv 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 (Landmark preservation in all districts) to modify the use regulations of Section 42-14D(2)(b) (Use Group 17) of the Zoning Resolution to allow Use Group 6 retail uses on portions of the ground floor and cellar of an existing six story building, on property located at 248 Lafayette Street (Block 496, Lot 5), in a M1-5B 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 160199 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 Amoia Cody Architecture, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z101.00	Zoning Diagrams	January 25, 2016
G001.00	Site Plan	January 15, 2016
A001.00	Existing Cellar Plan	January 25, 2016
A002.00	Existing Mezzanine Plan	January 25, 2016
A003.00	Existing First Floor Plan	January 25, 2016
A101.00	Proposed Cellar Plan	January 25, 2016
A102.00	Proposed First Floor Plan	January 25, 2016
A201.00	Lafayette Street Elevation Drawing	January 15, 2016
A202.00	Crosby St Elevation Drawing	January 15, 2016
A301.00	Building Section	January 15, 2016

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 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 160199 ZSM), duly adopted by the City Planning Commission on September 7, 2016 (Calendar No. 15), 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
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners

Tobi Bergman, *Chair*
Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*

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

COMMUNITY BOARD NO. 2, MANHATTAN

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May 23, 2016

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

Dear Mr. Weisbrod:

At its Full Board meeting on May 19, 2016, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

248 Lafayette Street (west side between Prince and Spring Streets) Application to CPC for a special permit pursuant to Section 74-711 of the Zoning Resolution to allow retail uses (Use Group 6) on portions of the ground floor and basement of an existing six-story building in a M1-5B district

Whereas:

1. Application is to convert 2270sf of space in basement with entrance on Crosby St. and 1390sf (approximately half) of first floor to Use Group 6 retail.

2. JLWQA residents on first to sixth floors will not be affected and the applicant stated that the application has the approval of the building's coop board.

3. Applicant agrees to no eating and drinking establishments in the proposed retail spaces.

Therefore, CB2, Man. recommends approval of this application.

Vote: Unanimous, with 34 Board members in favor.

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

Sincerely,

Tobi Bergman, Chair
Community Board #2, Manhattan

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

TB/fa

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

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Gale A. Brewer, Borough President

August 3, 2016

Recommendation on ULURP Application No. C 160199 ZSM - 248 Lafayette Street
By Jarv LLC

PROPOSED ACTION

Jarv LLC[1] ('the applicant") seeks a special permit pursuant to Section 74-711 of the Zoning Resolution ("ZR") to modify the use regulations of Section 42-14D (2)(b) to allow Use Group 6 (commercial use) on portions of the ground floor and cellar of an existing six-story building at 248 Lafayette Street, Block 496, Lot 5 ("Project Site"), located in a M1-5B District within the SoHo Cast Iron Historic District, Borough of Manhattan, Community District 2.

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. The LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under this continuing maintenance program 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 District;[3] and
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; and
2. Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

PROJECT DESCRIPTION

[1] Jarv LLC is the co-op owner of portions of the ground floor and cellar.
[2] The LPC issued a report on March 5, 2014.
[3] The LPC issued the Certificate of Appropriateness 17-9732 (LPC 17-9258) on March 5, 2014.
[4] Pursuant to ZR § 15-111, up to 18 dwelling units would be permitted at this site. As proposed, this building will have three dwelling units.

The applicant proposes to convert 2,270 square feet of floor area in the cellar for a new, separate retail space with an entrance located on the Crosby Street side and 1,390 sf. (approximately half) of the portion of the first floor to Use Group 6 retail use with an entrance on the Lafayette Street side.

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 Extension. The LPC designated the SoHo-Cast Iron Historic District in 1973, citing it as the largest collection of intact and partial cast iron facades. This district was later extended in 2010. 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 a M1-5B zoning district in the SoHo-Cast Iron Historic District Extension in Community District 2, Manhattan. The SoHo-Cast Iron Historic District Extension was designated by the Landmark's Preservation Commission in 2010 as an effort to preserve the continuity of the streetscape of cast iron architecture along Crosby and Howard Streets developed in the post-Civil War era. The SoHo-Cast Iron Historic District consists of two subsections, including 13 blocks containing 135 buildings. The project area is north of the Tribeca East Historic District, historically the commercial and industrial center of the city. Designated in 1992, the Tribeca East Historic District includes ornate store and loft buildings developed in the mid-19th to early 20th century. To the north of the site are the NoHo Historic District, the NoHo Historic District Extension and the NoHo East Historic District. The NoHo Historic District was designated in 1999, which includes buildings constructed between 1850 and 1910, and was historically the retail and wholesale dry goods commercial center. The NoHo Historic District Extension was designated in 2008 as an effort to extend the protection of the distinctive historic commercial and manufacturing district developed in the 19th and early 20th centuries. The NoHo East Historic District, designated in 2003, includes residential, commercial and institutional buildings built in the mid-19th Century.

M1-5B zoning districts permits light manufacturing, commercial and community facility uses. The manufacturing and commercial maximum floor area ratio ("FAR") is 5.0 and community facility FAR is 6.5. The building character surrounding the site reflects the permitted use, though there are many ground floor retail establishments. The neighborhood generally consists of two to fifteen-story buildings that are major commercial uses, mixed commercial & residential uses and residential uses with ground floor retail. The dominant zoning district in the area is M1-5B. Other zoning districts within a 600-foot radius include M1-5A, C6-1, C6-2, C6-3 and the Special Little Italy District. While residential use is not permitted as-of-right, Joint Live-Work Quarter for Artists ("JLWQA") is a permitted conforming use within the greater NoHo and SoHo neighborhoods. In addition, the majority of the ground floor retail that does exist was generally granted by special permit - ground floor retail is not allowed in the M1-5B and M1-5A districts below the level of the second story.

The area is well served by mass transit with the N/Q train entrance one block northwest at Prince Street and Broadway, the 6 train entrance one block south at Spring Street and Lafayette Street

and the B/D/F/M trains entrance two block north at East Houston Street and Lafayette Street. The M5 bus runs south on Broadway and there are multiple Citi bike bicycle stations two to three blocks west, north and south of the site.

Site Description

The Project Site is fully comprised of Tax Lot 5 on Block 496; a through block lot located midblock, which is generally bounded by Lafayette Street to the east, Crosby to the west, Prince Street to the north and Spring Street to the south. The Project Site sits on an irregular lot with a frontage of 26.7 feet along the west side of Lafayette Street and 25 feet of frontage on the east side of Crosby Street. The lot is 134 feet in depth on the north side and 142 feet in depth on the south side of the lot with an approximately total lot area that equals 3,450 square feet. Although the project site FAR is 5.47 and exceeds the permitted maximum, that floor area is considered a lawful non-conforming use.

The project site is a six-story mixed-use building with cellar that reaches 77 feet tall on Lafayette Street and 83.5 feet tall on Crosby street. Designed by Architect C. Abbott French and erected in 1900, the building exterior reflects the Renaissance Revival style adopted by similar-sized commercial buildings in this area at the beginning of the 19th Century and contributed to the defining characteristics that joined these buildings together as one of the City's major manufacturing areas[5]. The types of businesses at the project site have varied over the years[6], but the most recent commercial use on the project site is a mobile phone shop specializing in no contract phones and mobile accessories.

Floors one through six of the building were converted into JLWQA pursuit to a certification granted by the City Planning Commission in 1981. In a M1-5B district, joint-live working quarters are permitted as a light manufacturing use. The ownership of the building is divided by a cooperative cooperation, City Studios Inc., which owns the top 5 floors, the ground floor and cellar.

Proposed Actions

The applicant seeks a special permit pursuant to Section 74-711 of the Zoning Resolution ("ZR") to modify use regulations of Section 42-14D (2)(b) that would allow Use Group 6 (commercial use) on portions of the ground floor and cellar of an existing building.

The planned renovations, if permitted, would remove the existing ground floor enclosure, areaway stair, and below-grade entrance infill. The applicant intends to convert 2,270 square feet of floor area in the cellar for a new, separate retail space with an entrance located on the Crosby

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[5] 1 "Soho-Cast Iron Historic District Extension Designation Report" NYC Landmarks Preservation Commission, pg. 68 (May 10, 2010)

[6] Some of the businesses that have been registered at this address include: Greenberg & Co., hat makers (1907); the Magneto Fly Trap Co. (1914); a rowboat manufacturer (1925); Israel Kartiganer, milliner (1933); Lafayette Venetian Blind Co. (1939); Arjay Metal Products Co. (1949); manufacturers of containers, knit fabrics, and hair products 69 (1952); a bar and grill (1954); a metal stamping shop (1966); unknown wholesale establishment (1982), and the Art Student Showcase Gallery (1999).

Street side and 1,390 square feet (approximately half) of the portion of the first floor to Use Group 6 retail use with its own separate entrance on the Lafayette Street side. None of the proposed actions will disrupt or change the status of the existing JLWQA units located partially on the ground floor and through the 5 floors above.

Prior to seeking this special permit, the applicant obtained a Certificate of Appropriateness[7] and report from the NYC Landmarks Preservation Commission (LPC) establishing a continuing maintenance program recorded as a restrictive declaration that will be filed against the property. A restoration plan has been approved for both facades, including a fiberglass replica of the missing cornice on the Lafayette and Crosby façades, new wood storefront infill, and a window master plan. The LPC concluded that the plan would restore the building façade more closely to its original look and contribute to the historic fabric of the district.

As described in the application materials, Certificate of Appropriateness and LPC report, the reconstruction and restoration of the building will put the building in a sound, first-class condition. The LPC noted in its report to the City Planning Commission that the restoration work "returned the building closer to its original appearance, and will reinforce the architectural and historic character of the building, the streetscape, and SoHo-Cast Iron Historic District Extension."

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on May 19, 2016 Manhattan Community Board 2 ("CB2") voted unanimously (34 Board members) for approval of this application. CB2's approval was contingent on the applicant agreeing to exclude eating and drinking establishments from potential vendors in the proposed retail spaces. Additionally, CB2 made clear their position that JLWQA residents not be affected.

BOROUGH PRESIDENT'S COMMENTS

After reviewing the applicant's submission, the Borough President believes a sound and thorough argument has been presented for granting a special permit pursuant to ZR § 74-711. The applicants have acted in good faith with a proposal that does nothing to modify the use of the JLWQA units above the ground floor and with a commitment to a robust restoration and maintenance plan for both the Lafayette and Crosby sides of the lot. Additionally, the applicants showed their willingness to work with the community by addressing CB2's concerns by prohibiting any eating and drinking establishments from occupying the ground floor or cellar.

The special permit pursuant to ZR § 74-711 is a powerful tool that can be employed to modify use or bulk restrictions set out in the Zoning Resolution in order to make the ownership and maintenance of historic buildings less financially burdensome. To that end, LPC concluded in a letter sent to the Department of City Planning (DCP) on November 5, 2015 that the applicant's restoration plans should return the building closer to its original appearance. The report also

[7] NYC Landmark Preservation Commission Certificate of Appropriateness 17-9732 (LPC 17-9258)

noted that these changes should strengthen the historic character of Lafayette and Crosby Streets, and provide a value-added restored building to the broader SoHo-Cast Iron Historic District Extension. The applicant's agreement to improve the building's facade to first class condition and establish a cyclical maintenance plan codified in a restrictive declaration against the property binding all heirs into perpetuity is a commendable response to the findings for a use waiver from CPC.

Data provided by the applicant also reinforced the anecdotal evidence that SoHo and NoHo has undergone a strong shift towards ground floor retail use from its roots as a manufacturing district. The results of survey work completed by the applicant showed the overwhelming presence of ground floor retail on Crosby and Lafayette Street and determined that ground floor retail existed in 82% of the buildings on Crosby and Lafayette Street between Broome and Houston Streets. However, while the applicants' provided survey does show that this area is mixed-use in character, it does not address whether that shift occurred pursuant to zoning. The Borough President continues to believe in a study for this neighborhood and that the prevalence of non-conformance should not be used as justification for further incursions.

However, for this particular building located at 248 Lafayette Street and the special permit currently under consideration, the building form and historic storefront clearly lends itself to commercial retail use. The small building floor plate has historically given flexibility to a plethora of commercial and manufacturing uses. Existing storefront infill indicates a store presence for portions of this building's history. Furthermore, the footprints planned as part of the renovation, 2,270 square feet and 1,390 square feet, are examples of the kind of local retail that serve local residents, local business entrepreneurship, and are contributors to the character of the neighborhood today.

The conditions and findings have been satisfied for the requested special permit. The applicant has presented a thorough restoration and maintenance plan and provided a compelling case for legalization of a non-conforming use, a corrective action sought immediately upon discovery. Additionally, the applicant has received the support of Manhattan CB2 by listening to their concerns and emphasizing that no changes to the status of the JLWQA units is part of this application and that eating and drinking establishments will not be allowed in either of the commercial spaces on the project site.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 160199 ZSM.

Gale A. Brewer
Manhattan Borough President