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**IN THE MATTER OF** an application submitted by 34 Howard LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements 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 five-story building on property located at 34 Howard Street (Block 232, Lot 23), in an M1-5B District, Borough of Manhattan, Community District 2.

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The application was filed on September 21, 2016 for a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) of the Zoning Resolution to permit Use Group 6 retail uses on portions of the ground floor and cellar of a five-story building located at 34 Howard Street in the SoHo neighborhood of Manhattan, Community District 2.

### **BACKGROUND**

This application was submitted by 34 Howard LLC, a sub-entity of United American Land, owner of 34 Howard Street (Block 232, Lot 23), 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”). The project site is located in an M1-5B district, where commercial and manufacturing uses below the level of the second story are limited to Use Groups 7, 9, 11, 16, 17A/B/C/F pursuant to Section 42-14D (2)(b). The applicant seeks the grant of a special permit to convert 2,455 square feet of floor area on the ground floor and 2,160 square feet in the cellar to Use Group 6 retail use. There would be no increase in building floor area and the proposed retail space would adhere to all other zoning regulations, but for the use restrictions governing uses below the building’s second level in an M1-5B zoning district.

34 Howard Street is located on the north side of Howard Street, midblock between Broadway and Crosby Street, within the SoHo Cast Iron Historic District. The zoning lot upon which the building sits measures approximately 3,010 square feet, with 25 feet of frontage on Howard Street. As described in the SoHo Cast Iron Historic District Designation Report in 1973, the five-story building on

site was built around 1868, designed by architect James Renwick and featured a two-story cast-iron storefront that was unique at the time.

The building was acquired by its current owner in 2015. The ground floor of the building was most recently occupied by a conforming Use Group 9 showroom use with accessory office, but has been vacant since September 2015 when the tenant vacated the space and did not renew its lease. Upper floors of the building are occupied by a Use Group 6 beauty salon and Use Group 17D Joint Living-Work Quarters for Artists (“JLWQA”).

Once characterized primarily by manufacturing uses, the surrounding SoHo and Tribeca neighborhoods have evolved into vibrant mixed use districts. Buildings within the vicinity of the project site, in particular ones along the Broadway corridor, are typically loft buildings ranging from five to seven stories in height, and house retail establishments on the ground floor and commercial offices on the upper floors. Many other buildings have been converted to JLWQA, lofts, or Use Group 2 residential use on the upper floors, and have retail or other commercial uses at street level.

Pursuant to Section 74-781 of the Zoning Resolution, the proposed action requires the applicant to undertake and document a six-month or one-year marketing effort to rent the subject space to a conforming use at fair market rent prior to filing the land use application. Such efforts shall include, but not be limited to advertising in local and citywide press, listing the space with brokers, and informing local and citywide industry groups. Such efforts shall be 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 at 34 Howard Street occupies less than 3,600 square feet of lot area, hence was required to be marketed for six months.

Between June 2015 and mid-July 2016, the applicant advertised the availability of the cellar and ground floor of the building for industrial and service uses allowed by Section 42-10 at a rate of \$80 per ground floor square foot (\$216,000 total rent annually including cellar). The applicant’s marketing efforts included placing advertisements in the New York Post and The Villager, listing the space with brokers, and mailing to various industry groups. According to the applicant, despite

these efforts, there had been no inquires, requests or demand for long-term use of the vacant space for as-of-right uses as of the date of the application's filing. The only relevant inquiry by a potentially conforming tenant was for a temporary lease.

### **ENVIRONMENTAL REVIEW**

This application (C 170102 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 170102 ZSM) was certified as complete by the Department of City Planning on October 4, 2016, and was duly referred to Manhattan Community Board 2 and Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application on November 9, 2016, and on November 17, 2016, by a vote of 37 to 0 with no abstentions, adopted a resolution recommending approval of the application with the condition that there be no future use of the property for eating and drinking establishments.

### **Borough President Recommendation**

The application was considered by the Borough President, who issued a recommendation for disapproval of the application on December 22, 2016 stating that:

The Borough President believes that the sole finding required for this special permit was not actually met and recommends disapproval of Application No. C 170102 ZSM at this time.

We would encourage the Commission to ensure that the materials are complete and accurate before making their own judgement in regard to the finding of this special permit.

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

On December 12, 2016 (Calendar No. 3), the City Planning Commission scheduled January 4, 2017, for a public hearing on this application (C 170102 ZSM). The hearing was duly held on January 4, 2017 (Calendar No. 11). There was one speaker in favor of the application and one in opposition.

The applicant's land use counsel described the proposed project and the Community Board's and Borough President's recommendations. He stated that an active marketing effort was properly made in good faith to rent the subject space to conforming industrial and service uses, and there had been no inquires for long-term use of the vacant space for as-of-right uses. He also underscored the applicant's commitment to not lease the space to a bar or restaurant. A representative of the Manhattan Borough President reiterated the Borough President's recommendation for disapproval. 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 modify the use regulations of Section 42-14D (2)(b) to allow Use Group 6 retail uses on the ground floor and the cellar of an existing building at 34 Howard Street. The subject property is currently vacant on the ground floor and cellar and includes JLWQA and a beauty salon on the upper floors.

The Commission believes that the applicant has made the necessary good faith marketing effort for a period of over a year, although only a six-month marketing effort was required. The Commission notes that during the June 2015 to mid-July 2016 period, the applicant placed weekly advertisements in two local and citywide newspapers, listed the space with two brokerage firms, and informed local and citywide groups and relevant city agencies, including SoHo Broadway Initiative, Manufacturers Association, Lower Manhattan Development Corporation, and NYCEDC, among others, by mail and by phone. Such marketing efforts proved unsuccessful as the applicant did not succeed in securing a conforming long-term tenant.

The Commission notes that applicant set the rent rate based on conversations with brokers familiar with the neighborhood, and that the per-square-foot rate, including cellar space, was much lower than the retail asking rent in the surrounding area. The Commission also recognizes the challenge of determining fair market rent for industrial space, given that few manufacturing establishments still remain in the SoHo neighborhood, but notes that the applicant provided, in a letter dated January 12, 2017, a sample advertisement to support the assertion that SoHo retail spaces located off Broadway list for around \$300 per square foot.

The Commission observes that the physical structure of the building was built with a storefront on the lower levels, and that the raised ground floor and the narrow entry would likely not provide adequate access for manufacturing loading.

The Commission also notes that the applicant has made the commitment in writing to Community Board 2 that the proposed converted space will not be leased to a bar or restaurant use.

The Commission believes that the applicant made 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, 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 a 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 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 201 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 34 Howard LLC for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements 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 five-story building on property located at 34 Howard Street (Block 232, Lot 23), 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 170102 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 PKSB Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Lot Site Plan	9/15/2016
Z-002.00	Zoning Data	9/15/2016
Z-003.00	Building Sections	9/15/2016
Z-005.00	Proposed Cellar Floor Plan	9/15/2016
Z-006.00	Proposed First Floor Plan	9/15/2016

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 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 170102 ZSM), duly adopted by the City Planning Commission on February 1, 2017 (Calendar No. 7), 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  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**

**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,  
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, Commissioners**

# 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.

Docket Description: C 170102 ZSM

**IN THE MATTER OF** an application submitted by 34 Howard Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements 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 5-story building on property located at 34 Howard Street (Block 232, Lot 23), in an M1-5B District, Brought 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)

See Attached

*John A. Brewer*

\_\_\_\_\_  
BOROUGH PRESIDENT

December 22, 2016

\_\_\_\_\_  
DATE



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

1 Centre Street, 19th floor, New York, NY 10007  
(212) 689-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

Gale A. Brewer, Borough President

December 22, 2016

**Recommendation on ULURP Application No. 17102 ZSM – 34 Howard Street  
by 34 Howard, LLC**

**PROPOSED ACTION**

34 Howard, LLC<sup>1</sup> (“the applicant”) seeks 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 uses) on the ground floor and cellar of an existing 5-story building located at 34 Howard Street, Block 282, Lot 6, within an M1-5B zoning district in the SoHo-Cast Iron Historic District 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 such 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 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.

**PROJECT DESCRIPTION**

The applicant seeks approval of the special permit pursuant to ZR § 74-781 in order to allow Use Group 6 (retail use) on the ground floor and cellar of a 5-story commercial building at 34 Howard Street. The project will consist of 2,160 square feet of retail use in the cellar; 2,455 square feet of retail use on the first floor, and proposes no change of use to the commercial use on the second floor and the three JLWQA units on floors 3 through 5.

The project site’s lot area is 3,010 square feet and is located at 34 Howard Street. The project site is within an M1-5B district which permits light manufacturing, commercial and community facility uses; joint-live working quarters are permitted as a light manufacturing use. Use Group 7, 9, 11, 16, 17A, 17B, 17C and 17D are permitted below the second story as-of-right. The manufacturing and commercial maximum floor area ratio (FAR) is 5.0 and the community facility FAR is 6.5. Retail use is not permitted as of right.

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<sup>1</sup>34 Howard, LLC is a Domestic Limited Liability Company registered on November 21, 2014 and represented by United American Land.

## **Background**

The subject building was designed by architect James Renwick with his associate Joseph Sands in 1865. The neo-Grec style store and loft building is characterized in the SoHo-Cast Iron Historic District designation report as unique because of the unusual 2-story cast-iron storefront and marble façade on the upper floors.

The oldest Certificate of Occupancy (2003) on the Department of Buildings website lists Use Group 9 (showroom) for the first floor and joint-live/work quarters for artists for the third and fifth floors. In 2005, the Certificate of Occupancy (“CofO”) listed the second floor as Use Group 6 (beauty salon) which remains as the current use. The applicant acquired the building on March 31, 2015 and at the time, the ground floor was leased for “community center office and showroom,” use which is consistent with the 2005 CofO. The applicant packet states that on August 31, 2015, the ground floor tenant vacated the space after deciding not to renew their lease.

On August 11, 2015, the Landmarks Preservation Commission approved work to the ground floor and façade of the subject building. The approved work includes: the removal of masonry infill, doors and signage on the ground floor, removal of altered steps, installation of painted wood storefront infill, painted steel diamond plate cladding under new display windows, glass retail entry doors, painted wood transom windows, installation of fixed awnings and one sign consisting of individual metal letters on a metal rail.

## **Area Context**

The project site is located in a M1-5B zoning district in the SoHo-Cast Iron Historic District in Community District 2, Manhattan. The SoHo-Cast Iron Historic District was designated by the Landmark’s Preservation Commission in 1973 as an effort to preserve the city’s cultural and historic heritage of the brick, stone, mixed iron and masonry commercial construction of the post-Civil War period. The SoHo-Cast Iron Historic District consists of 26 blocks containing 500 buildings and is the largest concentration of full and partial cast-iron façades in the world. The district is bounded by West Houston Street, Crosby Street, Howard Street, Broadway, Canal Street and West Broadway. Designated in 1992, the district includes ornate store and loft buildings developed in the mid-19<sup>th</sup> to early 20<sup>th</sup> century. Immediately east of the site is the SoHo-Cast Iron Historic District Extension, designated 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 neighborhood generally consists of three to six story buildings that are either mixed commercial/residential uses or mixed commercial/office uses with ground floor retail. The dominant zoning district in the area is M1-5B north of Canal and C6-2A southwest of the site below Canal Street. Beginning south of the site at Broadway and Canal Street is an M1-5 district that extends to the east. The area is served well by mass transit with the N/Q/R/W subway one block south at Canal Street and Broadway, and the No. 6 train and J/Z trains located at Canal Street and Lafayette Street. Citibike bicycle stations are also within close proximity of the site.

## Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-781 for a use modification in an M1-5B zoning district to allow Use Group 6 on the ground floor and cellar of a 5-story mixed-use building. Such use change is only permitted after the CPC has found the applicant has made a good faith effort to rent the space as a conforming use at a fair market rate for six months. The applicant packet contained copies of advertisements placed in the *NY Post* October through December 2015 and March 2016; and, listings in *The Villager* from June, August and October 2015 and March through May of 2016 advertising the space at \$80 per square foot.<sup>2</sup>

The applicant hired two brokerage firms noted for being familiar with manufacturing and industrial leasing, CPEX Real Estate and Newark Grubb Knight Frank, to market the space for a conforming use. A letter from CPEX summarizing their marketing efforts was included in the application packet indicating marketing efforts on their website began November 9, 2015 and received minimal interest within four months of marketing. CPEX included a call log documenting three calls between February 10, 2016 and March 14, 2016. The applicant's representative confirmed Newark Grubb Knight Frank began marketing the space in October 2015 which is captured in a call log from November 11, 2015 through June 13, 2016.<sup>3</sup> The application packet also includes a call log to the owner from local news sources and a courier service soliciting advertisements.

The applicant packets states the applicant also mailed marketing letters December 23, 2015 to the Pratt Center for Community Development and SoHo Broadway Initiative, and mailed advertisements and phoned industry groups between April 9, 2016 and April 19, 2016 to: The Manufacturers Association, Inside 3D Printing Conference and Expo, Lower Manhattan Development Corporation, New York City Economic Development Corporation, and Workers United. On June 15, 2016, the applicant called the Chinese American Planning Council and Printing Industries Alliance.<sup>4</sup> The application packet did not include any copies of the industry letters but in a call with the applicant's representative, it was confirmed the representative's staff mailed uncertified, undated letters to industry groups on an unknown date. The applicant's representative stated the applicant received an interest from a potential short-term manufacturing tenant and another conforming user but neither interest was captured in a document to be shared.

## COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on November 17, 2016, Manhattan Community Board 2 ("CB2") recommended approval of this application with the condition the future use of the property not be used for an eating and drinking establishment. The applicant, United American Land representative, Albert Laboz, submitted a letter to the CB2 Land Use Committee chair, Anita Brandt on November 9, 2016 committing to the condition.

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<sup>2</sup> After contacting the applicant, we obtained weekly listings of advertisements in *The NY Post* from October 1, 2015 through March 30, 2016 and *The Villager* from June 18, 2015 through March 2016. *The Villager* website currently has listings through November 24, 2016.

<sup>3</sup> This call log does not include a business logo or refer to either brokerage firm; it is assumed this call log is from Newark Grubb Knight Frank.

<sup>4</sup> We obtained a copy of one letter sent to Workers United without a date.

## **BOROUGH PRESIDENT'S COMMENTS**

Over the last two years, this office has raised numerous concerns over the impact of this special permit on the SoHo and NoHo manufacturing districts. We have raised significant, substantive concerns over a piecemeal elimination of the manufacturing zoning from these neighborhoods in favor of retail and have questioned the rent sought for manufacturing spaces – which, in each instance seems to be calculated on a percentage of what the applicant feels they are entitled to were they to rent the space for a retail use, rather than on a market price for manufacturing space. This concern is shared by Councilmember Margaret Chin, and a study was committed to by the Department of City Planning to evaluate this issue amongst others in these neighborhoods. In addition, this office has raised important process concerns when we have received applications that could hardly be considered an "effort" to rent the space for manufacturing purposes, let alone the "good faith effort" which is the sole finding that the special permit requires.

In this case, the substantive concerns over the change of use are not as great as in other cases we have seen. The building in which the space is located is a particular vernacular architecture type: store and loft. In the Landmarks Preservation Commission report designating SoHo as a historic district, 34 Howard Street is singled out for being “an unusually distinguished structure...” as evidenced by its detailing, use of marble on the upper floors and its “use of a two-story cast-iron storefront.” The physical structure was purpose built for retail use and both the designation report, certificates of occupancy, and history of the building conclude that retail use has been present for most of the building’s tenure. Yet, that use has not been continuous and retail is a non-conforming use under the zoning.

However, we have concerns about much of the material submitted by the applicant to demonstrate its "good faith effort" to rent the space for manufacturing use. First, the rent sought by the applicant was \$80 per square foot. While significantly lower than the rents we have seen in prior applications, thanks to the work DCP has done with our office, it is still at least twice as much as what we understand manufacturers would reasonably be expected to pay for manufacturing space in the city. More concerning, the letters sent to manufacturing-related organizations were not included in the application packet and there is no proof that they were actually sent or received. The advertisements run in the *The New York Post* and *The Villager*, that the applicants submitted as evidence of their outreach in the application packet indicated that their ads did not run every month. But when we inquired, we discovered that in fact they had just simply failed to submit proof that the ads had in fact run every month. The logs kept by the manufacturing brokers and owner contain inquiries unrelated to manufacturing uses and users; yet we were provided with no documentation on the two inquiries allegedly received by the owner for use of the space for manufacturing purposes.

While we appreciate the willingness of DCP to work with our office on improving the process for this special permit, we believe that in ensuring the completeness of the application for certification, the Department and the Commission should look at the materials and ensure that they are coming forward with a complete and verifiable application package. At best, this package appears sloppy.

These concerns were raised in writing to the applicant. The applicant did provide consecutive ad listings, a copy of a mailed letter sent to organizations but no reasonable explanation was provided to explain undated letters, proof of delivery, or the incomplete status of the logs. Process, especially when we are talking about eliminating a use that we care a lot about and has been such a part of SoHo's history, is too important to be ignored.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Borough President believes that the sole finding required for this special permit was not actually met and recommends disapproval of Application No. C 170102 ZSM at this time.**

**We would encourage the Commission to ensure that the materials are complete and accurate before making their own judgment in regard to the finding of this special permit.**

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly slanted style.

Gale A. Brewer  
Manhattan Borough President

OCT 12 2016



# Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 170102 ZSM**

Project Name: **34 Howard Street (United American Land)**

CEQR Number: 17DCP047M

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](mailto: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, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 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 34 Howard LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements 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 five-story building on property located at 34 Howard Street (Block 232, Lot 23), in an M1-5B District, Borough of Manhattan, Community District 2.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

Applicant(s): 34 Howard LLC 34 Howard Street New York, NY 10013		Applicant's Representative: Marvin Mitzner Law Offices of Marvin B. Mitzner LLC 299 Park Avenue, 6th Fl. New York, NY 10171	
Recommendation submitted by: Manhattan      Community Board 2			
Date of public hearing: 11/9/16		Location: nyu Waverly, 24 Waverly Pl., room 566 A	
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: 11/17/16		Location: Scholastic Building, 557 Broadway, Auditorium	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions - See Resolution		
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions		
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor: 37	# Against: 0	# Abstaining: 0	Total members appointed to the board: 49
Name of CB/BB officer completing this form BOB GORMLEY		Title DISTRICT MANAGER	Date 11/18/16

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Daniel Miller, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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

November 18, 2016

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

Dear Mr. Weisbrod:

At its Full Board Committee meeting on November 17, 2016, Community Board #2, Manhattan adopted the following resolution:

**34 Howard St. C 170102 ZSM** (between Broadway and Crosby St.): An application for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements 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 five-story building.

### Whereas:

1. The site is located within an M1-5B zoning district and the SoHo Historic District.
2. Of the 15 lots within the site block, 11 of the lots have ground floor retail use and only four have Certificates of Occupancy (per the applicant).
3. The total lot is approximately 3010 square feet and the proposed ground floor retail space has a separate entrance from the street that will be modified to include a new entry door and wheelchair ramp, so the retail will be ADA accessible.
4. The applicant agrees to no eating and drinking establishments (see attached letter).
5. The cellar will be for storage and accessory uses.
6. The application does not affect the JLWQA units above.
7. The applicant's marketing program exceeded what was required to be considered a good faith effort to rent the space to a conforming use, although CB2 questions how up-to-date and relevant the suggested list of organizations is and how competitive the \$80 per sf price is.
8. No one from the public attended the meeting in opposition to this application.

**Therefore**, CB2, Man. recommends conditional approval of this application only with the stipulation that there be no future use of the property for eating and drinking establishments.

Vote: Unanimous, with 37 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 L. Squadron, NY State Senator  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Margaret Chin, Council Member