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**Gale A. Brewer, Borough President**

**January 24, 2018**

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

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

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant use modifications, the application must satisfy the following:

- 1) The application shall include an LPC-issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;<sup>1</sup>
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District;<sup>2</sup>
- 3) The maximum number of permitted dwelling units proposed shall be as set forth in ZR § 15-111.<sup>3</sup>

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

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

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

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

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

## **PROJECT DESCRIPTION**

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

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

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

### **Background**

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

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

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

### **Area Context**

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

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

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

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

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

### **Proposed Actions**

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

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

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

### **COMMUNITY BOARD RECOMMENDATION**

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

## **BOROUGH PRESIDENT'S COMMENTS**

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

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

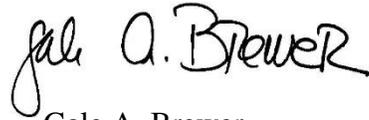
In order to grant the waiver associated with this special permit, the applicant must ensure the property will be properly rehabilitated and maintained in perpetuity. The LPC has determined the proposed restoration and maintenance plan will contribute to the special architectural and historic character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

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

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

**BOROUGH PRESIDENT'S RECOMMENDATION**

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

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

Gale A. Brewer  
Manhattan Borough President