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Gale A. Brewer, Borough President

December 22, 2020

**Recommendation on ULURP Application N 210001 ZSM  
61-63 Crosby Street by 6163 Crosby Street, Inc.**

**PROPOSED ACTIONS**

6163 Crosby Street, Inc. (the “Applicant”) is seeking a special permit pursuant to § 74-711(a) of the New York City Zoning Resolution (“ZR”) to allow Use Group 6 retail use on the ground floor and cellar of the building located at 61-63 Crosby Street (Block 482, Lot 13) (the “Site”). The Site is located in a M1-5B zoning district within the SoHo-Cast Iron Historic District Extension in Manhattan Community District 2 on Crosby Street between Spring Street and Broome Street.

ZR § 74-711 pertains to zoning lots containing a landmark designated by the Landmarks Preservation Commission (“LPC”) and zoning lots with existing buildings located within Historic Districts designated by the LPC. ZR § 74-711(a) lists a number of conditions that need to be met in order for the City Planning Commission to grant modifications of the use and bulk regulations. These conditions are:

(i) Program for Continued Maintenance

Any application pursuant to this Section shall include a report from the LPC stating that a program has been established for continuing maintenance that will result in the preservation of the subject building or buildings, and that such use or bulk modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

(ii) LPC Certificate of Appropriateness

Any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the LPC stating that such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District, as applicable; and

(iii) Number of Permitted Dwelling Units

The maximum number of dwelling units shall be as set forth in ZR § 15-111 (number of permitted dwelling units).

## **BACKGROUND**

### **Area Context**

The Project Site is located in Community District 2 in Manhattan. It is in the SoHo-Cast Iron Historic District Extension and is located in a M1-5B zoning district. In 1973, the SoHo-Cast Iron Historic District was designated by the LPC and the Extension was approved in 2010. The area is approximately 26 blocks and includes 500 buildings. The district is bounded by West Houston Street, Crosby Street, Howard Street, Broadway, Canal Street and West Broadway. The neighborhood largely consists of five to eight-story buildings with residential, commercial and manufacturing uses. The immediate area surrounding the site largely consists of buildings around five to eight-stories in height, with retail on the ground floor and commercial uses on the upper floors.

The area is well-served by public transportation with the R/W subway lines running along Broadway with stations at Prince Street and Canal Street; the 6 subway line running along Lafayette Street with stations at Spring Street and Canal Street; and the B/D/F/M subway lines running along Houston Street with a station at Broadway and Lafayette Street. There are three bus lines that serve the immediate area: the M21 on Houston Street (eastbound and westbound), the M55 on Broadway (southbound only; the northbound M55 is eight blocks west of the Property on Sixth Avenue) and the M1, which runs southbound on Broadway and northbound on Lafayette Street.

### **Site Description**

The Project Site is an irregularly shaped lot measuring approximately 5,429 square feet with 47.75 linear feet of frontage on the east side of Crosby Street between Spring Street and Broome Street. The building is a five-story former industrial building containing 24,533 square feet of floor area (4.52 FAR), and half of the ground floor and cellar contain non-conforming Use Group 6 retail uses. Portions of floors 2-5 are occupied by conforming Use Group 6 commercial offices.

The original building was developed in stages between 1873 and 1876 as a four-story warehouse building. The 63 Crosby Street northern portion was developed first. Its southern portion, 61 Crosby Street, was built as an alteration and enlargement of the original building. By around 1971, the building became occupied as a Joint Living-Work Quarters for Artists (“JLWQA”), except for the ground floor of the northern 63 Crosby Street portion, which was occupied as a commercial art gallery.

In 1983, the JLWQA was legalized, and a Certificate of Occupancy No. 86621 was issued to allow occupancy of the building by Use Group 17D JLWQA and a Use Group 6 art gallery on the ground floor. The building was then converted to a co-op in 1996, and in 2016, the Applicant

purchased all the shares of the co-op and the building, including the two ground floor spaces. The Applicant then vacated the property in preparation to convert the building to commercial office spaces with ground floor retail.

On January 11, 2017, the Landmarks Preservation Commission (“LPC”) issued a Certificate of Appropriateness (“CofA”) No. 19-7343 for the construction of a new, one-story rooftop addition and extensive exterior renovation of the building. On April 10, 2017 the Department of Buildings (“DOB”) approved alternations under Application No. 122784923. On May 24, 2017 the DOB issued permits for the LPC approved rooftop addition and exterior restoration. Included in the restoration were interior alterations to convert the building’s occupancy from JLWQA to commercial offices and ground floor retail. A Temporary Certificate of Occupancy No. 122784923 was issued on December 28, 2018 and renewed on December 27, 2019, with an expiration date of March 26, 2020.

The Temporary Certificate of Occupancy shows that the ground floor is permitted for occupancy by a Use Group 6 retail store and a Use Group 7B bicycle repair shop. The southern, 61 Crosby Street portion of the ground floor is currently occupied by a non-conforming “pop up” retail clothing store. The fourth floor of the building is currently occupied as Use Group 6 offices. Except for the pop-up store at 61 Crosby and the fourth floor offices, the remainder of the building is currently unoccupied. The additional offices proposed for floors 2, 3, and 5 will be physically and operationally independent of proposed ground floor commercial retail stores.

On October 22, 2019, Application LPC-20-04190 was filed with the LPC. That application requested modification of use and restoration work which required a continuing maintenance program for the preservation of the building. The LPC held a public hearing on April 21, 2020 and issued a Modification of Use (“MOU”) No. LPC-20-04189 on June 12, 2020. The MOU sets forth the continuing maintenance program for the building and is included in this special permit application.

### **Project Description**

The Applicant is seeking a ZR §74-711 special permit to allow Use Group 6 commercial retail use on the ground floor and cellar. The building’s current Temporary Certificate of Occupancy already permits occupancy of the cellar and a portion of the ground floor for Use Group 6 commercial retail uses. However, the northern, 63 Crosby Street portion of the ground floor has been occupied by a grandfathered, non-conforming Use Group 6 art gallery and has been vacant for more than two years. Therefore, the Applicant requests through special permit ZR §74-711 that Use Group 6 commercial retail use be applied to the entire ground floor and cellar of the building, including the northern portion of 63 Crosby Street.

No new development is proposed. The Applicant proposes two retail spaces; 61 Crosby Street with a total of 3,964 square feet of retail (2,390 square feet of floor area on the ground floor and 1,574 square feet of non-floor area storage space in the cellar) and 63 Crosby Street will have a total of 2,797 square feet of retail (1,677 square feet of floor area on the ground floor and 1,120 square feet of non-floor area storage space in the cellar).

## **COMMUNITY BOARD RECOMMENDATION**

On November 19, 2020 at its Full Board meeting, Manhattan Community Board 2 voted to recommend denial of the application unless the Applicant agreed to meet certain conditions. 46 board members voted in favor of disapproval and no board members voted in opposition.

CB2 recommended denial of the modifications to allow Use Group 6 retail below the second floor unless the Applicant agrees that:

- There will be no eating and drinking establishments on the premises;
- The two retail spaces will remain separate; and
- The cellar will only be used for Use Group 6 storage.

## **BOROUGH PRESIDENT'S COMMENTS**

The existing building at 61-63 Crosby Street is one of many historic warehouse buildings erected in the late 19<sup>th</sup> century that served as a production and storage center for paper, rag storage, and baling. In 1969 it was used for auto parts sales and warehousing. Shortly after, the building gained JLWQA status in 1971 and its northern 63 Crosby Street portion was occupied by a commercial art gallery.

The Applicant is seeking a special permit pursuant to ZR §74-711 to modify the use regulations to permit approximately 3,964 square feet of commercial retail use on the ground floor and cellar of the 5-story building. The Applicant currently has a Temporary Certificate of Occupancy that permits Use Group 6 commercial and retail use on the ground floor, with the exception of the northern 63 Crosby Street portion of the ground floor.

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 that the proposed restoration and maintenance plan will contribute to the special architectural and historic character of the historic district and issued a Certificate of No Effect LPC-20-04190 on July 12, 2020 to approve certain alterations to the subject premises.

I have repeatedly raised concerns over the continued use of special permits in the SoHo and NoHo historic districts. As stated in the application, the 2019 Envision SoHo/NoHo planning study aims to develop new zoning regulations to address quality-of-life issues in the neighborhood while simultaneously protecting the culture and architectural history of the district. I support the inclusion of small businesses and arts and maker related spaces for any ground floor retail space in this neighborhood, and recommend that the Applicant further state their intentions for the ground floor use.

**BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. N 210001 ZSM with the following conditions:**

1. That the Applicant commit to keep the two ground floor retail spaces separate in perpetuity;
2. That the Applicant explore leasing to tenants who are involved in the arts and in maker-related industries;
3. That the Applicant agree to exclude eating and drinking establishments in the commercial spaces; and
4. That the Applicant agree to use the cellar exclusively for Use Group 6 storage.

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

Gale A. Brewer  
Manhattan Borough President