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Antony Wong, *Treasurer*
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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

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

February 26, 2018

Marisa Lago, *Chair*
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on February 22, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

***180 -188 Avenue of the Americas** (between Prince and Spring Streets) CPC No 180170ZMM Application proposes a zoning map amendment to rezone from R7-2/C1-5 to a R7-2/C2-5 to allow use group 9.

Whereas:

1. The applicant proposes a zoning map amendment to rezone 180-188 Avenue of the Americas, 203-207 Spring St., and 100-112 Sullivan St. (a total of seven lots) from an R7-2/C1-5 to an R7-2 and R7-2/C2-5 zoning district in order to allow a Use Group 9 dance studio and to legalize a physical culture establishment in a mixed-use commercial and residential condominium building at 180 Avenue of the Americas.
2. The inclusion of the UG 9 dance studio and the legalization of the PCE will also be subject to the granting of a special permit by the Board of Standards and Appeals.
3. The proposed zoning map amendment would eliminate the existing C1-5 commercial overlay mapped over the proposed project area and would establish a C2-5 commercial overlay over five of the seven lots.
4. The proposed project area is located within the South Village neighborhood, between SoHo to the east and Hudson Square to the west. The Sullivan-Thompson Historic District encompasses most of the project block and the surrounding South Village neighborhood.
5. The elimination of the existing C1-5 overlay on parts of lots on Sullivan Street would rationalize the zoning district boundaries for the R7-2 district and the commercial overlay, and eliminate the split lot condition on these lots so that they are zoned R7-2 in their entirety.

6. 188 Avenue of the Americas is a premises with uses restricted by declaration to its current uses. The space cannot be vented for cooking and the condominium declaration prohibits the use of the space as a restaurant, bar, nightclub or cabaret.
7. The rationale provided for changing the zoning at 180-188 Avenue of the Americas is reasonable for the Avenue location and will enable suitable use of an isolated retail store that is difficult to rent under the current zoning restrictions.
8. The R7-2/C1-5 zoning is appropriate for the corner of Spring Street and Sullivan Street where the stores are currently appropriately occupied and none of the rationale applicable to 180-188 Avenue of the Americas applies.
9. Given the nature of the existing building at the corner of Spring St. and Sullivan St. and its location in an historic district, it is unlikely the existing stores could be modified to allow C2-5 overlay uses.
10. Restricting commercial uses to uses serving local needs is appropriate on the portion of Spring Street closer to narrow residential streets such as Sullivan Street.

Therefore:

1. CB2 has no objection to the change from R7-2/C1-5 to R7-2/C2-5 at 180-188 Avenue of the Americas;
2. CB2 has no objection to eliminating the mixed zoning on the primarily residential lots on Sullivan Street so that they are zoned entirely R7-2.
3. CB2 recommends denial of the proposed change from R7-2/C1-5 to R7-2/C2-5 for buildings on Spring Street.

Vote: Unanimous, with 35 Board members in favor.

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

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



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



Frederica Sigel, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TC/jt

c: Hon. Jerrold L. Nadler, Congressman
Hon. Brian Kavanagh, State Senator
Hon. Deborah Glick, Assembly Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Member
Sylvia Li, Dept. of City Planning

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February 26, 2018

Margery Perlmutter, Chair
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board meeting on February 22, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

***80 Fifth Avenue** (southwest corner of 14th Street) BSA Cal No 2017-324-BZ is an application for a new special permit for a physical culture establishment called "Performix House" situated on the second level floor, pursuant ZR 73-36.

Whereas:

1. This is the first proposed fitness facility of Corr-Jensen, which is taking over the space formerly occupied by Lucille Roberts Health Clubs, a physical culture establishment for over 21 years.
2. Substantially all of the lot is in a C6-4M zoning district with a small 7' portion on the western edge in a C6-2 district.
3. Total lot area is 7820 square feet; the PCE space is 7550 square feet; and the building has approximately 130,000 square feet of floor area.
4. A term of 10 years is requested.
5. The facility will provide a variety of personal fitness training, classes and programs of instruction.
6. An approved interior fire alarm system will be installed in the entire PCE space.
7. This use is compatible with the mixed-use nature of the neighborhood, which is well-served by multiple nearby subway lines.

8. It is located so as to not impair the essential character or the future use or development of the surrounding area or interfere with the street system or any public improvement projects.
9. There will be no modification of use, parking or bulk regulations and it is not located on a roof.
10. Hours of operation will be, according to the applicants presentation, 6am to 11pm Monday through Friday and 8am to 8pm Saturday and Sunday.
11. Peak hour clientele is projected to be approximately 50 people and there will be a staff of 20.
12. There are no known hazards or disadvantages and there will be no adverse effect on the privacy, quiet, light and air to the neighborhood at large.
13. The space will be ADA accessible and sound attenuation measures will be taken.
14. No one from the neighborhood appeared to speak against the application.

Therefore, CB2 Manhattan has no objection to this application.

Vote: Unanimous, with 35 Board members in favor.

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

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



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



Frederica Sigel, Co-Chair
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February 26, 2018

Marisa Lago, *Chair*
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on February 22, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

***85 Mercer Street** (between Spring and Broome Streets) ULURP No.150348ZSM is an application for a special permit to allow ground floor retail in Soho. The applicant seeks to convert a portion of the ground floor and cellar from JLWQA to 3,642 square feet of Use Group 6 retail.

Whereas:

1. The application is for a special permit to convert a portion of the ground floor and cellar of the existing building from Joint Live-Work Quarters for Artists to 3642sf of Use Group 6 retail use pursuant to ZR74-781 and to facilitate the removal of the mezzanine level.
2. The premises, a five-story, loft-style building constructed in 1920, is wholly located in an M1-5A zoning district and wholly within the SoHo-Cast Iron Historic District. It has been a cooperative since 1984.
3. The ground floor of the building contains three uses: two Use Group 6 retail uses (Units 1N and 1S) and one JLWQA unit (1R) at the rear of the building, which occupies both the ground floor and 290sf of space on the mezzanine and has been vacant since 2013 when it owners sold the unit to the applicant.
4. The JLWQA units on the second through fifth floors are lawfully occupied as residential cooperative units, pursuant to a Loft Board Order dated July 15, 1970.
5. The front portion of the cellar is used by the residents on the upper floors; the storage space at the rear is used by the rear JLWQA unit and has no light or air.
6. It is proposed that the existing retail space at Unit 1N in the southeast corner of the site will be combined with the rear JLWQA space on the ground floor, creating a new retail space. There will be two new bathrooms within Unit 1N, and a new stairwell constructed within Unit 1N to access 2308sf of the rear portion of the cellar level for additional retail uses.
7. The existing retail space at Unit 1S located at the southwest corner of the site will not be affected by this application.

8. This special permit can only be approved where a good faith effort has been made to rent the space for a conforming (manufacturing) use without success. Applicant claims that after over three years of marketing efforts, they have been unable to find a conforming lessee for the portion of the building where a change of use is proposed.
9. In consultation with DCP and the Borough President's office, the applicant marketed the space between 2013 and 2017 at \$150, \$100, \$80 and \$70 per square foot.

Therefore:

1. CB2 continues to feel that the structure and content of the good faith marketing effort needs to be updated to take advantage of the advertising opportunities of the 21st century.
2. CB2 recommends that the applicant make a good faith effort to find an arts- or artisan-based retail tenant.
3. CB2 recommends that the retail space be made ADA-accessible and opposes retail in the cellar unless that, too, is ADA-accessible.

Vote: Unanimous, with 35 Board members in favor.

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

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



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Land Use & Business Development Committee
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NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board meeting on February 22, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

***40-56 Tenth Avenue** (between West 13th and West 14th Streets) BSA Cal No 299-12-BZ is an amendment to a previously approved application to 1) modify a condition of the Variance; 2) amend the approved plans; and 3) extend time to complete construction.

Whereas:

1. This application seeks approval of the following actions: minor amendment of the variance to modify a condition; minor amendment of the approved plans; extension of time to complete construction.
2. The variance was approved on May 13, 2014 to facilitate development of an 11-story, 5.0 FAR commercial office building at 40-56 Tenth Ave., located in an M1-5 zoning district.
3. The building is currently in construction.
4. All the proposed, minor changes to the approved plans result in decreases to the bulk of the building and no changes to its use.
5. The request for an extension of time was caused by unforeseen site conditions, including nearby water-main replacement by the City.
6. With the exception of the LPC condition regarding a final Historic American Building Survey, which has been submitted, the applicant has complied with all of the requirements of the variance and the Letter of Substantial Compliance.
7. There are no recent violations; the applicant is in the process of certifying correction of the open violations related to the deteriorating condition of the demolished buildings; and there have been no changes to the character and nature of the immediate surrounding area which would diminish the applicability of the variance.

Therefore, CB2 has no objection to this application.

Vote: Unanimous, with 35 Board members in favor.

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

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Terri Cude, Chair
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