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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

June 16, 2015

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

Dear Madame Chair Perlmutter:

At its Full Board meeting on May 21, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

38-50 Cooper Square (BSA #14-10-BZ and #15-BSA-185M) on west side of Cooper Square just south of East 7th St. is the Grace Church High School building. The two applications presented are 1) for the extension of time to complete construction work approved by the 2010 Special Permit, and 2) for a variance to permit an increase in the extent of the existing noncompliance with regards to rear yard regulations.

Whereas:

- 1) This application is a request to extend the 2010 Special Permit to allow additional time for construction;
- 2) The building's rear yard, original to its construction, has a noncompliant rear yard extension above the second floor. This application proposes additional volume (not addition FAR) to the noncompliant rear yard extension to permit the appropriate ceiling heights for a gymnasium;
- 3) The requested roof modification has been approved by LPC, is set back from the front facade and will not substantially alter the views from the public way or from the adjacent buildings;

Therefore be it resolved that:

CB2, Man. recommends approval of both applications.

Vote: Unanimous, with 38 Board members in favor.

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

Sincerely,

A handwritten signature in dark ink, appearing to be 'Tobi Bergman', with a stylized, cursive script.

Tobi Bergman, Chair
Community Board #2, Manhattan
Committee

A handwritten signature in dark ink, appearing to be 'Anita Brandt', with a stylized, cursive script.

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

TB/em

c: Hon. Carolyn Maloney, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale A. Brewer, Man. Borough President
Hon. Rosie Mendez, Council Member
Ryan Singer, Executive Director, Board of Standards & Appeals

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Dear Madame Chair Perlmutter:

At its Full Board meeting on May 21, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

74-76 8th Avenue (CEQR 15-BSA-164M and BSA #39-15-BZ) located on the southeast corner of 14th Street and is an application dated March 3, 2015 requesting bulk variances with respect to floor area ratio and setbacks for a commercial building containing Use Group 6 offices with Use Group 6 retail on the first floor in a C6-2A zoning district.

Whereas:

1. The property is located on the southeast corner of 8th Avenue and West 14th St. with frontage on 8th Avenue of 46 feet and frontage on West 14th St. of 80 feet, for a total lot area of 3,680 feet.
2. The site is located in a C6-2A zoning district where commercial uses are as-of-right, the FAR is 6.0, allowed height is 120 feet and setbacks of 10 feet are required along both 8th Avenue and West 14th St.
3. The owner wishes to demolish three existing buildings (two of which though not protected do have some historic value) to construct a new 12-story Use Group 6 office building with ground floor Use Group 6 retail that would contain 37,166zsf with an FAR of 10.1, setbacks of 25 feet on 8th Avenue and 3 feet on West 14th Street, and an allowed height of 120'.
4. The height of the proposed building is in scale with its surroundings, but the applicant had no designs, renderings or materials on hand with which the committee might gauge the appropriateness of the building with respect to neighborhood character or assess the effect of the requested setback variance.

5. The small size of the lot plus the applicant's assertion that the site sits directly over the 8th Avenue subway tunnel, which occupies 1,310 square feet or 36% of the site, do constitute significant practical difficulties.
6. Given the number of other properties so encumbered, an increase of 66% FAR seems unlikely to constitute the minimum variance increase.
7. Granting such a considerable increase could have significant implications for future applicants.
8. There was some discussion of alternate, less expensive construction methods, which would result in less of an increase in FAR.
9. The applicant has not explored whether a variance to build a residential building with a smaller courtyard or no courtyard would allow for a reasonable return and possibly no FAR variance or a lesser FAR variance. (Compare the adjacent 122-136 Greenwich Avenue residential building, which applied for and received variances for height and setbacks—but not FAR—on the basis of the subway tunnel.)
10. Calculating a reasonable rate of return based on the owner's overly-modest projected rents of \$60 per square foot for a building in a neighborhood that is rapidly becoming known as a high-tech hub (see Google, Apple, Chelsea Market, etc. nearby) seems likely to produce an unrealistic calculation of the minimum variance necessary to afford relief.
11. CB2 received emails from three residents of 61 Jane Street and one local resident spoke at the meeting. All four requested that the application be denied because they felt the subway tunnel was not a unique hardship.

Therefore be it resolved:

1. CB2 recommends approval of this application with the following conditions:
2. CB2 does not object to a minimum variance to increase the floor area, but the proposed increase in FAR to 10.1 seems unlikely to constitute the minimum.
3. The actual design and materials of the building should have been provided to the community board and should be part of BSA's final decision as to the building's impact on neighborhood character.
4. The BSA should consider asking the applicant to show a residential alternative (including affordable housing) with bulk variances in order to determine whether the commercial office use offers the best minimum variance.
5. CB2 asks that the BSA apply its considerable resources and expertise to thoroughly question each of the applicant's assumptions with respect to comparable rents, construction methods, and the minimum variance in FAR needed to provide a reasonable rate of return.

Vote: Unanimous, with 38 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
Committee

TB/fa



Anita Brandt, Chair
Land Use & Business Development

Community Board #2, Manhattan

- c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, NYC Council Member

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Dear Madame Chair Perlmutter:

At its Full Board meeting on May 21, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

80 Fifth Avenue (BSA Application #59-15-BZ) is located on the southwest corner of 14th Street and this application is for a special permit to legalize and re-establish an expired special permit for an existing physical culture establishment pursuant to NYC Zoning resolution Section 73-36.

Whereas:

1. Lucille Roberts initially took possession of the space in 1992 and was granted a special permit on November 13, 1996 for a term of six years with the following conditions:

- a) That there shall be no change of ownership or operating control of the PCE without prior application to and approval from the board;
- b) That this special permit shall be limited to a term of then six years to expire on November 13, 2002.
- c) That the hours of operation shall be limited to Monday through Friday, 6am to 11pm, Saturday and Sunday 7am to 9pm.

2) On February 3, 2004, the resolution was reopened and amended, permitting an extension of term for an additional ten years retroactively, from November 13, 2002 to November 13, 2012.

- 3) Lucille Roberts is now making a concerted effort to bring all of its NYC clubs up to date with the necessary approvals and extend the special permit.
- 4) The application meets the findings of both NYC ZR Sections 73-03 and 73-36 for another ten-year extension.

Therefore be it resolved that:

CB2, Man. recommends approval of this application and urges the applicant to stay more abreast of future deadlines.

Vote: Unanimous, with 38 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
Committee

TB/fa



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

- c: Hon. Carolyn Maloney, Congress Member
Hon. Jerrold L. Nadler, Congress Member
Hon. Liz Krueger, NY State Senator
Hon. Brad Hoylman, NY State Senator
Hon. Deborah Glick, Assembly Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Rosie Mendez, NYC Council Member
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