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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](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

June 21, 2019

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 June 20, 2019, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**\*435 Hudson St. (between Morton and Leroy Sts.) - BSA Cal. No. 2019-62-BZ is an application filed pursuant to Section 73-36 for a special permit for a term of ten years to permit the operation of a physical culture establishment known as S10 Training.**

### **Whereas:**

1. The site is in a M1-5 (MX-6) zoning district and contains a nine-story plus cellar existing commercial building.
2. The PCE is located in the cellar, with a first-floor lobby entrance (stairs and an elevator) on Leroy St. Total zoning floor area of the PCE will be 350 square feet (7248 gross square feet).
3. The premises will comply with all applicable accessibility law, and required fire safety measures.
4. No noise issues are anticipated with the PCE use, due to the eight-inch concrete ceilings of the cellar. To ensure sound attenuation, rubber gym flooring is proposed in the activity areas speakers are isolation-mounted.
5. The site is well-served by public transportation.
6. Hours of operation are based on client demand, but it is expected that regular operating hours will be from 7:00 am to 10:00 pm daily. It is anticipated that the site will offer 5-7 sessions on weekdays and 7-9 sessions on weekends.
7. Total staff is approximately 10, including trainers and other staff.

8. The PCE will not interfere with any public improvement project or existing street system nor will it have any negative impact on the surrounding streets.
9. The operation of the facility does not impair the essential character or future use of development of the surrounding area and is in keeping with the mixed-use character of the neighborhood.
10. There is no portion of the PCE on the roof.
11. There are no potential hazards that impact the privacy, light and air in the neighborhood.
12. As of Jan 31, 2019, there are no open DOB violations and one ECB violation that does not relate to the PCE.
13. The building has a Certificate of Occupancy.
14. No one from the neighborhood appeared to speak against the application.

**Therefore, CB2 Manhattan has no objection to this application.**

Vote: Unanimous, with 39 Board members in favor.

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

Sincerely,



Carter Booth 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

CB/jt

c: Hon. Jerrold Nadler, Congresswoman  
Hon. Brad Hoylman, State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Corey Johnson, City Council Speaker

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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 June 20, 2019, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**\*704 Broadway (on the west side of Broadway, north of E. 4 St) - BSA Cal. No. 2019-75-BZ is an application filed pursuant to Sections 73-03 and 73-19 for a special permit for a term of 10 years for a child day care center.**

### Whereas:

1. The site is in a M1-5B zoning district within the NoHo Historic District and the facility would be located on the first floor, mezzanine and cellar of an existing eight-story building that is occupied on the upper floors by Joint Live Work Quarters for Artists (JLWQA).
2. The neighborhood is primarily a mix of JLWQA use, commercial and residential buildings and NYU.
3. The facility's dedicated entrance is on Broadway; the upper floors have a separate entrance on Broadway.
4. The facility will meet NYS licensing and related requirements and will serve 83 children ranging in age from 6 weeks to 5 years. There will be a full-time staff of 23.
5. The facility will occupy 8591 square feet of usable floor area and the proposed hours and days of operation are 7:00 am – 7:00 pm, Monday to Friday.
6. Students will come primarily from the surrounding area and will arrive and depart on foot; there will be no buses or vans.

7. Bright Horizons has several other facilities in NYC. Finding sites is difficult due to the multitude of criteria that must be satisfied. In the last two years, 35 sites have been evaluated.
8. The site is within 400 feet of the boundary of a district where such a use is permitted.
9. The area does not contain manufacturing uses and does not have the potential adverse impacts associated with non-residential districts.
10. These very young children can be controlled so as to avoid the dangers of movement of traffic through the street.
11. The subject use will have no adverse impact on the community. There are no potential hazards that impact on the privacy, light and air, and quiet of the neighborhood.
12. The subject project will not interfere with any public improvement project or with the existing street system.
13. The ceiling will have baffling and there will be no music.
14. There are no open DPB violations against the building and there is a current Certificate of Occupancy.
15. No one from the neighborhood appeared to speak against the application.

**Therefore, CB2 Manhattan has no objection to this application.**

Vote: Unanimous, with 39 Board members in favor.

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

Sincerely,



Carter Booth 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

CB/jt

c: Hon. Carolyn Maloney, Congresswoman  
Hon. Brad Hoylman, State Senator

Hon. Deborah Glick, Assembly Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Carlina Rivera, Council Member

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June 22, 2019

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

Dear Ms. Lago:

At its Full Board meeting on June 20, 2019, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**\*363 Lafayette St. (between Bond and W 3 Sts.) - DCP C 190317 ZSM is an application seeking a special permit pursuant to Section 74-781 of the New York City Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 (retail uses) on portions of the ground floor, cellar and sub-cellar of a 10-story building now under construction in an M1-5B district.**

### Whereas:

1. CB2's Land Use committee heard this application at its May and June meetings.
2. The site is in a M1-5B zoning district.
3. The building will contain 4803 sf on the ground floor, 2992 sf in the cellar, and 3271 sf in the sub-cellar (a total of 11,066 sf), and so the applicant is required to actively pursue a good faith effort to advertise the space below the second floor for a period of no less than one year to a conforming use at fair market rentals.
4. The applicant began such efforts on October 8, 2017 by retaining Jones Lang Lasalle who for one year advertised the space in local and citywide press, listed the space with brokers, and informed local and citywide industry groups. The ads were legible and JLL properly logged all communication.
5. The advertised rent for the space was \$80 per square foot, routinely suggested by the Department of City Planning for many properties in SoHo/NoHo that go through the 74-781 process, regardless of location and condition.

6. For example, almost two years ago, on July 12, 2017, CB2's Land Use committee heard a presentation for a 74-781 application for retail at ground and cellar levels at 449 Broadway. At that meeting, that project's land use attorney told the committee that the rent for both ground floor and cellar had been set in concert with DCP at \$80 per square foot.
7. CB2 is concerned as to how often DCP revises the suggested \$80 rate and how attractive and reflective of current market conditions this rate is.
8. Efforts by the City to preserve the Garment District, another struggling manufacturing zone, have resulted in suggested rents of only \$35 per square foot.
9. Since the applicant's original newspaper ads referenced only the floor area of the ground floor, in January 2019, DCP asked JLL to place supplemental advertisements for the cellar and sub-cellar in two newspapers at \$40 per square foot. In the past, there was no charge for manufacturing space below ground floor level as it was largely unimproved and for storage only, so even a charge of \$40 seems excessive.
10. By letter, the applicant at 363 Lafayette notified the NYC Economic Development Corp. and 11 industry organizations, five of which are not even in Manhattan. The letters to these groups did not quote a price per square foot nor make it clear why they were being written: Was it to entice the group itself to move or to solicit the group's help in notifying its constituents of the availability of the space?
11. Members of SEIU 32BJ attended both meetings to protest this application. The CB2 office also received 156 phone calls and five emails, most of which identified themselves as from the union.
12. Representatives of SEIU 32BJ stated that JLL advertised the ground floor as retail space in a marketing brochure starting in October, 2017—the same month the applicant started its good faith marketing effort and a year before applying for the special permit. Also, as early as August 2018, the building's architect and engineer both described the property on their websites as having ground floor retail space. SEIU 32BJ also stated that JLL did not currently list 363 Lafayette as a property for lease on its website and they questioned why the house of worship (a conforming ground-floor use in the zoning district) took space on the second and third floors and not on the ground floor.
13. In a letter dated June 5, Greenwich Village Society for Historic Preservation noted that only "wholesale and light manufacturing" were highlighted as conforming uses in the advertisements for the space.
14. CB2 has a track record of approving 74-781 applications in cases where the applicant has attempted to respect the process and follow the guidelines.
15. Following the May meeting, the applicant addressed many of the committee's quality of life concerns in a letter dated May 31, 2019 in which they formally agree to:
  - a. Limit the use of the sub-cellar to accessory uses.
  - b. Prohibit illuminated or animated signage on the rear wall of the one-story extension.

- c. Impose additional signage guidelines on future retail tenants that would constrain them from requesting more signage from LPC than would be permitted in these signage guidelines.
- d. No exterior retail signage on Great Jones St.
- e. Exterior signage on Lafayette St. would consist of non-illuminated, pin-mounted, stainless steel lettering mounted in the sign bands above the retail entrances and in up to two bays on the one-story "tail" of the retail space.
- f. Insert a provision in the retail lease(s) that restricts retail deliveries to daytime hours and prohibits the retail tenant(s) from blocking the sidewalk with garbage.
- g. Work with CB2, NYC DOT, and others to widen the sidewalk at this intersection to alleviate congestion (such as was done in the past at 19 E. Houston St.)

**Therefore, be it resolved that CB2 recommends that this application be denied unless the stipulations in the May 31, 2019 letter become part of the CPC's permit approval.**

**Be it further resolved that CB2 strongly calls on DCP to provide better guidance to applicants with respect to market conditions, marketing plans, and range of possible uses, including:**

- a. Updating the list of recommended places to advertise.
- b. Updating the list of recommended industry groups to contact and specifying the contents and purpose of the letter that applicants must write to them.
- c. Revising the recommended price per square foot to adequately reflect the prevailing market conditions for the site of each application.
- d. Eliminating the square foot charge for cellar and sub-cellar space for conforming uses.

**Be it finally resolved that CB2, which represents the community and has intimate knowledge of its neighborhoods and market conditions, be permitted to review such marketing plans and guidelines at the beginning, rather than at the end, of the process.**

Vote: Passed with 37 Board members in favor and 2 Board members opposed (S. Russo, S. Wittenberg).

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

Sincerely,





Carter Booth Chair  
Community Board #2, Manhattan

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

A handwritten signature in cursive script that reads "Frederica Sigel".

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

CB/jt

c: Hon. Carolyn Maloney, Congresswoman  
Hon. Brian Kavanagh, State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Margaret Chin, Council Member  
Sylvia Li, Dept. of City Planning