

David Gruber, *Chair*  
Bo Riccobono, *First Vice Chair*  
Jo Hamilton, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Susan Kent, *Secretary*  
Keen Berger, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

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

June 27, 2013

Meenakshi Srinivasan, *Chair*  
NYC Board of Standards & Appeals  
40 Rector Street, 9th Floor  
New York, New York 10006-1705

Dear Chair Srinivasan:

At its Full Board meeting on June 20, 2013 CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**120-140 Avenue of the Americas (aka 72-80 Sullivan Street).** Application #162-13 BZ to the Board of Standards and Appeals pursuant to ZR 72-21 requesting modification of use and parking regulations to facilitate development in an M1-5B zone of four residential townhouses and a mixed-use building containing retail use on the ground floor and basement and residential use on floors 2 through 18.

**Whereas:**

*(Regarding application information.)*

1. The proposed mixed-use condominium project is for a narrow 16,313 square foot triangular site between Sullivan Street and Avenue of the Americas currently consisting of a former car wash facility and a vacant lot previously occupied by a gas station.
2. The location is within the final portion of the proposed South Village Historic District, a designation that is a high and long-standing CB2 priority.
3. The four-story single-family townhouses would face Sullivan Street with rear yards separated from the Avenue of the Americas sidewalk by a brick wall.
4. A 253-foot tower (including bulkhead) would rise 15 stories above a three story base on the south end of the site.
5. The base would include a commercial store at the cellar and first floor with the entrance proposed for the south tip of the building.
6. The base would also include a total of twelve residential units on the second and third floors with an entrance on Sullivan St..
7. Floors 4-18 would include a mix of floors with single units, duplexes, and a triplex.
8. The Environmental Assessment noted significant impacts of shadows on Soho Square and Vesuvio Playground, and while the incremental impacts as compared to a sample as-of-right

- project are short duration, sunlight in parks and playgrounds is a high value resource on winter days, and no comparison was provided for a different building massing for a residential project.
9. Unique conditions affecting the site include its narrow triangular shape and steep grade differential between the two long sides, site proximity to the Subway impacting design and requiring special construction precautions, and unknown underground environmental conditions related to the prior gas station use.
  10. The financial analysis purports to justify the proposed 5 FAR, which happens to correspond to the underlying manufacturing zoning district.
  11. The application is for three variances:
    - a. to allow residential use in an M-1 district;
    - b. to allow retail use below the floor level of the second story in an M1-5B district;
    - c. to increase to allowed number of accessory parking spaces for 31 residential units from six to eleven.

***(Regarding applicant statements and community response.)***

1. The applicant's team was represented by Margery Permuter of Bryan Cave, Robert Gladstone of Madison Equities, Richard Lam of Property Markets, and Cary Tamarkin Vernon Roether, and Jenny Shoukimas of Tamarkin Co.
2. The applicant presented arguments to defend the decision to provide a mix of low rise and high-rise structures, stating that the site is transitional between the South Village areas to the north and east, and areas to the south and west with taller structures.
3. The applicant stated that the design seeks to "heal the wound" created by the extension of 6<sup>th</sup> Avenue and construction of the subway.
4. The applicant called attention to the high quality of the building detailing including curved glass and detailed brickwork, as well as the use of detailing referencing the industrial history of the block as well as the industrial character of many nearby structures.
5. The hearing was well-attended, with 28 people signing the attendance sheet.
6. There was a mix of positive and negative reaction, with a strong majority speaking against the height of the tower.
7. Comments generally welcomed development of the site, favored the proposed residential use, approved of the four town houses, praised the quality of the design and proposed materials, but objected strongly to the height of the tower, considering it inappropriate for the South Village.
8. The Greenwich Village Society for Historic Preservation opposed the tower as inappropriate for the proposed landmark South Village area and stated with the proposed tower height the project would negatively impact the character of the neighborhood.
9. There was some praise for the tower, especially for its role in allowing other parts of the site to be low-rise, but even there the common objection was that the proposed height is too great for the area.
10. The tower height was criticized as excessive, even for the Sixth Avenue border of the South Village, especially because it would stand taller than any of the other buildings of similar height in the immediate area.
11. Residents on the block where the site is located and on the east side of Sullivan Street facing the site spoke in favor of non-hotel and limited retail uses, and the plan to keep the north portion of the site low to limit the impact on adjacent residential buildings.
12. CB2 received 19 emails recommending approval be contingent upon reduction of the project FAR.
13. Committee members spoke favorably regarding
  - a. Proposed residential and limited commercial uses;
  - b. Inclusion of the four townhouses;
  - c. Narrow profile and location of the tower;
  - d. High quality of proposed materials;

- e. The open area to the south of the tower, while suggesting a more public feel and the addition of trees and gardens, and encouraging public participation in the design process for the space
14. Committee members opposed
    - a. The height of the tower, as generally out of keeping with and harmful to the character of the South Village where low and mid-rise residential buildings are predominant, even at its edge, and specifically for towering above even the tallest of the nearby non-residential tall buildings immediately to the northwest, west, and south.
    - b. The proposed location of the retail entrance at the southern tip giving it an undesirable presence on the residential block of Sullivan Street;
    - c. The 5 FAR which was seen as related to the underlying zoning instead of the minimum variance requirement;
    - d. The barrenness of the treatment of the ground level façade on 6<sup>th</sup> Avenue, suggesting the need for planting areas between the rear yard wall of the townhouses and the sidewalk.
    - e. The inclusion of a small number of apartments smaller than 1200 square feet.
  15. Concern was expressed that the applicant presented only hotel development as an alternative in assessing need for the variance and impact on neighborhood character.
  16. There were no comments supporting or objecting to the uniqueness finding.
  17. There were no objections to the variance for increased accessory parking.

**Therefore it is resolved that CB2 Manhattan**

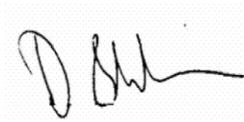
1. Recommends approval of the residential development of this site, which for too many years has supported uses that are detrimental to the largely residential character of Sullivan and Broome Streets.
2. Recommends approval of the proposed limited basement and ground level retail uses on this site.
3. States no objection to the proposed increase in allowed accessory parking.
4. Urges the Board of Standards and Appeals to assure that this project strictly conforms to the requirement of the minimum variance and recommends reduction of the FAR to 3.44 typical of South Village residential zones or to the lowest financially feasible level to allow development of the site, using any reduction of FAR to reduce the height of the tower.
5. Requests further reduction of the overall height of the tower to the extent possible by elimination of the penthouse and reducing ceiling heights, and a more creative approach to location of rooftop mechanical equipment.
6. We strongly believe the FAR should be reduced to 3.44, assuming this meets the BSA financial means test. Should that not be the case, we urge the BSA to protect the character of the proposed South Village Historic District by limiting the height of 100 Avenue of the Americas (198'), the closest building of similar height on the east side of Avenue of the Americas.
7. In accordance with commitment from the applicant, requests that BSA prohibit eating and drinking establishments on the site.
8. In accordance with commitment from the applicant, requests reduction of the rear yards of the townhouses to allow the brick wall on Sixth Avenue to be set back from the sidewalk to create a triangular fenced viewing garden between the sidewalk and the wall.
9. In accordance with commitment from the applicant, requests that the retail entrance be moved onto the Avenue of Americas façade, thus protecting the residential character of Sullivan Street and creating a more public character for the small plaza area south of the tower.
10. In accordance with commitment from the applicant, requests that the design for plazas and gardens be presented to CB2 for review prior to final design approval.

11. In accordance with commitment from the applicant, requests that the quality of design and materials as presented in the application be included as a condition of approval for the project.

Vote: Unanimous, with 44 Board members in favor.

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

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



Tobi Bergman, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
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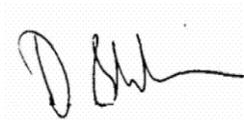
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Vote: Unanimous, with 44 Board members in favor.

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

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



Tobi Bergman, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

DG/fa

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Vivian Awner, Community Board Liaison, Dept. of City Planning  
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June 27, 2013

Amanda Burden, FAICP  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Chair Burden,

At its Full Board meeting on June 20, 2013, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**Flood Resiliency.** This is a proposal from the City Planning Commission for initial changes to the zoning resolution to enable flood-resilient building construction in designated flood zones and to enable property owners to meet requirements for obtaining flood insurance.

### Whereas:

1. The New York City Department of City Planning is proposing a text amendment to enable flood-resilient building construction throughout designated 100-year flood zones because current NYC zoning and building code regulations are sometimes in conflict with FEMA standards.
2. The text amendment would address issues such as the height of the base of buildings, building access above grade, locating mechanical systems above flood levels, improving streetscape, accommodating flood zone restrictions on ground floor uses, and accommodating off-street parking above grade.
3. The purpose of this text amendment is to remove regulatory barriers that would hinder or prevent the reconstruction of properties damaged by Hurricane Sandy and to enable compliance with building standards that could reduce insurance premiums.
4. Some properties in the Community Board 2 Manhattan district (along the West Side Highway and above Canal Street) are identified as being in the 100 year flood zone and therefore will be affected by this text amendment.
5. Concerns were expressed about the impact of such regulations on construction and changes to NYC designated historic buildings and the role of the Landmarks Preservation Commission in assuring that changes encouraged by the new regulations can be coordinated with requirements for certificates of appropriateness.
6. Representatives from DCP stated that this text amendment is necessary at this time to facilitate rapid recovery from the damages of Hurricane Sandy, but that there will continuous re-evaluation of this amendment with further changes introduced as necessary.

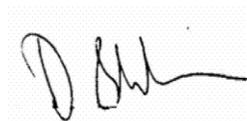
**Therefore it is resolved that CB#2, Man.**

1. Recommends approval of Zoning Text Amendment N 130331 ZRY.
2. Urges the Department of City Planning and the Landmarks Preservation Commission to address concerns about impacts to landmarked districts and structures and to ensure that any building work on historic properties and in historic districts does not compromise the integrity and intent of the Landmarks designations, and that property owners have access to needed guidance.

Vote: Unanimous, with 44 Board members in favor.

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

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan



Tobi Bergman, Chair  
Land Use & Business Development Committee  
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Edwin Marshall, Dept. of City Planning