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## COMMUNITY BOARD NO. 2, MANHATTAN

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March 21, 2014

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 March 20, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**496 Broadway, on the east side of Broadway between Broome and Spring.** BSA Calendar #27-14-BZ: an application for a variance pursuant to ZR 72-21 to legalize retail use on the first floor of a five story building in an M1-5B zone and to permit retail use in the cellar contrary to ZR 42-14D(2)(b).

**A resolution stating no objection to an application to legalize retail use on the ground floor of a five story building in an M1-5B zone and permit additional retail use in the cellar.**

### Whereas:

1. A presentation was made to the Land Use committee by Nora Martins of Sheldon Lobel, PC. And Sherida Paulsen of PKSB Architects.
2. The application states that the narrow configuration of the building and the lack of a loading dock are unique conditions that make conforming uses of the ground level impractical;
3. Whether or not the conditions are unique, manufacturing and warehouse uses are indeed unlikely to succeed along this intense retail corridor, and their desirability is also questionable;
4. The applicant did not take advantage of the possibility of a special permit under ZR 74-711, a method preferred by the board for legalization of non-conforming uses because of its landmark preservation implications;
5. The building has undergone substantial improvements under supervision of the Landmark Preservation Commission;
6. The presentation states that the requested variance is for the minimal variance needed to create a successful project;
7. It was unclear, given the super-high values of retail in this area, why the expansion of retail to the cellar was included in the minimum variance, but the stated purpose was the need for additional storage space given the size of the store;

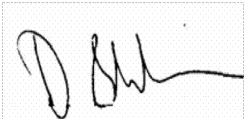
8. The application does not request a change to the JLWQA classification of the upper floors and the applicant stated there was no intent to change this use;
9. No one from the public spoke for or against the application.

**Therefore it is resolved** that CB#2, Man. has no objection to a variance allowing legalization of retail uses on the ground floor of 496 Broadway and expansion of retail storage use into the cellar.

Vote: Unanimous, with 42 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. Gale A. Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Dept. of City Planning  
Jeff Mulligan, Executive Director, Board of Standards & Appeals