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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

July 21, 2017

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

Dear Ms. Lago:

At its Full Board meeting on July 20, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

West Village Houses Housing Development Fund Corporation (a 428 apartment unit residential complex between Bank and Morton Streets and Washington and West Streets) has applied for a Zoning Authorization pursuant to Section 13-443 of the Zoning Resolution to eliminate the requirement to maintain accessory off-street parking spaces currently accommodated in a four-story garage located at 738-742 Greenwich Street. The parking requirement was required at the time that the West Village Houses residential complex was constructed in 1970's.

A recommendation to DENY because the application fails to address the required finding regarding the impact of the loss of parking on residents and businesses in the area, UNLESS the community benefits from a plan that provides long-term affordability at WVH.

Whereas:

Parking Issues

1. The garage currently operates as a public garage in accordance with its Certificate of Occupancy and Department of Consumer Affairs License, with a capacity of 240 total spaces, under a lease from the Applicant.
2. For off-street parking facilities built before May 8, 2013, ZR 13-443 permits the City Planning Commission ("CPC") to authorize a reduction in the number of required accessory off-street parking spaces if "...such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable." It also provides that CPC can prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

3. The applicant states that the nine WVH units currently utilizing monthly parking can easily be accommodated in 14 public garages within ¼ mile of WVH (five of which it stated are within one block).
4. Parking availability in this area of the West Village was never abundant, and at least four of the 14 public garages in the area either being redeveloped for or reserved for upscale residential development, making the scarcity even greater. In addition, luxury development itself creates increased demand for parking.
5. The applicant did not address the availability of alternative parking for transient parkers plus the other approximately 140 current legal monthly parkers (or any residents of units in WVH who want a monthly space in the future and currently have a right to get one).
6. The applicant has provided no evidence on who is using the transient parking at the Garage or whether the Garage is usually at capacity for such parking. If these parkers cannot find garage space, they will add to the traffic looking for already-scarce street parking, which will have an adverse effect on the traffic and on businesses and residents in the area.
7. There has been significant increase in office space that may require daytime parking for employees who do not live near transit options.

Affordability Issues

8. WVH has long been an important Mitchell-Lama affordable housing complex in the West Village.
9. In 2006, the owner of WVH sought to leave the Mitchell-Lama Program, and the tenants negotiated a deal with New York City to convert the project into a non-eviction residential cooperative, which is the applicant.
10. As part of the agreement with NYC, the applicant became the owner of the WVH residential buildings and the garage and received certain concessions, including reduced real estate taxes for the cooperative for a 12-year period ending March 2018. Existing tenants were permitted to buy the shares in the cooperative allocated to residential units at discounted prices.
11. The rent charged on units for residents who continued to rent and did not become shareholders remained “affordable” for that 12-year period.
12. The applicant stated that, of the 420 units, (a) shares attributable to approximately 370 of the units are owned by residents, and 50 are owned by a private investor, and (b) of the 50 units controlled by the private investor, with approximately 40 currently rented to residents who did not buy.
13. CB2’s Land Use Committee held two hearings, because the Land Use committee wanted more information and a better understanding of how removing the parking restriction and selling the garage would affect WHV affordability in the long term. Approximately 85 people from WVH attended the July meeting and expressed their view that affordability past March 2018 can only be achieved by removing the parking requirement for the garage.
14. A representative of WVH stated that removal of the parking requirement would, via monetizing the parking building and paying down a mortgage, offset a maintenance increase due to the reset of taxes once the reduction expires in 2018. However, none of the speakers from WVH had any information as to how the coop will pay future property tax increases, which will impact affordability in just a few years.

15. It appears to CB2, Man. that selling the garage will only benefit current shareholders, and even that will only last a short time and only for people who had purchased at greatly reduced prices and could now sell at market rate with the extra sale price support of low maintenance fees.
16. Members of the committee asked some of the WVH residents present why they did not seriously investigate and consider the HPD offer of separating out at least 40 units that would continue having the tax abatement for 20 years, thereby keeping maintenance low, in exchange for capping sales prices based on a percentage of AMI. A representative of the WVH Board said that the legal fees of approximately \$400,000 made the offer unviable. However, committee members felt that \$400,000 for legal fees was a small amount of money to ensure that at least some WVH units would be affordable for decades and allow new, lower-income residents to buy in at below-market prices.
17. The committee felt that instead of dedicating \$1.6 million from the proceeds of the garage sale to fund a four-month maintenance holiday for shareholders (per the proxy document seeking shareholder votes for sale of the garage, closing on July 17, 2017), some of this money could be used to cover legal fees.
18. In short, nothing about the applicant's two presentations and the ensuing discussion persuaded members of the Land Use committee that removal of the parking requirement would in any way benefit the community by keeping WVH affordable for any significant length of time and for any future families.

Therefore, it is resolved that CB2, Man. recommends denial of the application unless the loss of accessory parking is offset by a plan to protect long-term affordability at WVH in the form of, for example, the HPD proposal. Further:

- This application does not meet the Zoning Resolution's finding for reducing the parking requirement that requires that: "...such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area."
- This adverse effect could be overcome by a significant community benefit, such as an agreement with HPD that preserves affordable units, includes property tax abatements in exchange for sale caps and income restrictions for individually-owned coop units, and protects affordability for current and future shareholders as well as renters in sponsor-owned units.

Vote: Passed, with 32 Board members in favor, 6 in opposition (J. Gallagher, R. Goldberg, R. Sanz, S. Secunda, K. Shea, G. Silvera Seamans), 2 abstentions (L. Rakoff, A. Wong), and 1 recusal (K. Bordonaro).

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/fa

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, Council Member
Sylvia Li, Dept. of City Planning

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July 21, 2017

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 July 20, 2017, Community Board #2, Manhattan adopted the following resolution:

47 Greene Street (west side between Broome and Grand Streets) BSA Cal No. 2017-191-BZ is an application filed pursuant to Section 72-21 of the Zoning Resolution to seek a variance to permit Use Group 6 retail use on the cellar and ground floors of premises located within an M1-5B zoning district.

Whereas:

1. The application is to legalize within the M1-5B zoning district, Use Group 6 commercial retail use within the cellar (3054sf) and ground floor (4746sf) of an existing six-story plus cellar building.
2. Originally built as a store and a loft, the premises are within the SoHo-Cast Iron Historic District.
3. The ground floor and the cellar of the building have been occupied by various commercial uses for the past 30 years and currently, the two floors are leased (illegally) to a retail clothing store.
4. Floors two through six are occupied by seven UG2 Interim Multiple Dwelling units and are not subject to this variance application.
5. Applicant states that the building's usable floor plate of only 3912sf makes it insufficient for manufacturing uses and that without a loading dock and space to install one, pedestrian-sized doors on the street, and its location on a narrow street, it is obsolete for conforming manufacturing uses. In addition, alteration of the doors would detract from the architectural significance of the façade of the building.
6. Adjacent buildings to the north and south of the premises are commercial ground floor uses.
7. Almost all the buildings along Greene St. and 65 out of 104 buildings within a 400-foot radius of the building have retail uses on the ground floor.
8. Financial analysis with variance granted shows a marginal positive return on investment of 0.2%.

9. This applicant originally presented at the June LU committee meeting, but returned to the committee in July to explain why it pursued a variance with the BSA rather than a special permit through the Department of City Planning.
10. Although the findings on “uniqueness” fall short and the project’s positive return on investment is negligible, the BSA did encourage the applicant to pursue the route for a variance in its pre-application meeting.

Therefore, be it resolved that CB2, Man. recommends approval of this application on condition that the BSA apply its expertise to determine whether findings are actually met, that it stipulates no eating and drinking establishments and that it encourages the applicant to find tenants whose business is appropriate to membership in the SoHo Design District organization.

Vote: Unanimous, with 41 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/fa

- c:
- Hon. Jerrold L. Nadler, Congressman
 - Hon. Deborah Glick, Assembly Member
 - Hon. Daniel Squadron, NY State Senator
 - Hon. Gale A. Brewer, Manhattan Borough President
 - Hon. Margaret Chin, Council Member

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July 21, 2017

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 July 20, 2017, Community Board #2, Manhattan adopted the following resolution:

111 Barrow Street (SW corner of Barrow and Greenwich Street) BSA Cal No 2017-60-BZ is an application for special permit to allow the use of the ground floor for a child day care center operated by Bright Horizons. The site is located in an M1-5 zoning district, pursuant ZR 42-00.

Whereas:

1. The project site is located on a block that contains only three lots: the subject lot and two other lots that are occupied by commercial uses.
2. The lower floor was previously occupied by a Use Group 4 community facility use (The Village Adult Day Health Care Center) as set forth in the Certificate of Occupancy.
3. The entrance to the child care use would be on Greenwich St. and the upper floors of the building are occupied by residential units that have a separate entrance on Barrow.
4. The facility will house a maximum of 96 students and will meet NYS licensing and related requirements.
5. Hours and days of operation are Monday through Friday, 7am to 6:30pm.
6. Bright Horizons has been unable to find an appropriate site of appropriate size in the district where it would be as of right. In the last two years, 42 available commercial sites were evaluated.
7. The school is not located more than 400 feet from the boundary of a district where such a school is permitted as-of-right. School use is appropriate for the site and the surrounding community.
8. There is an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts.
9. There are no outdoor play areas.
10. Given the young age of the children attending this facility, movement of traffic is not an issue. Children will arrive and depart accompanied by adults.

11. No public improvement projects or existing street systems will be affected.
12. It is requested that the Board grant the special permit for a minimum term of 10 years.
13. No one from the community attended to object to the application and the president of the Board (Kathleen Faccini) of the residential cooperative that owns the building (but does not control the rental of the retail space) reported that residents were generally in favor of a day care center in the retail space, once entrance was relocated to Greenwich St.

Therefore, CB2 recommends approval of the application for a period of 10 years.

Vote: Unanimous, with 41 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/fa

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- 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, Council Member

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July 21, 2017

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 July 20, 2017, Community Board #2, Manhattan adopted the following resolution:

700 Broadway (Corner of 4th Street) BSA Cal. No 2017-208-BZ is an application for a new special permit for a physical culture establishment ("PCE") called Rumble Fitness LLC for a portion of cellar and ground floor in a commercial building, pursuant ZR 73-36.

Whereas:

1. A term of 10 years is requested.
2. This building was the first "green" building ever.
3. Because the facility is located entirely within the existing building, it will not interfere with any public improvement projects.
4. Hours of operation will be 5:30am to 10pm Monday through Friday and 6:30am to 7pm Saturday and Sunday. The proposed PCE is designed for class use only and each class will have a maximum capacity of 60 occupants.
5. The PCE is ADA-accessible.
6. Sound attenuation measures have been taken.
7. The PCE does not contain any sports facilities or swimming pools and it does not offer any massage, therapeutic or other relaxation therapy.
8. The PCE has no potential hazards or disadvantages that will adversely impact the privacy, quiet, light and/or air within the neighborhood.
9. There are two open Environmental Control Board violations and 11 open DOB violations for the premises, but they do not relate to the PCE and they will be cleared before the PCE is permitted to get a Certificate of Occupancy.
10. No one from the neighborhood appeared to speak against this application.

Therefore, CB2, Man. has no objection to this application.

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/fa

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Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Rosie Mendez, Council Member

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July 21, 2017

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

Dear Ms. Lago:

At its Full Board meeting on July 20, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

449 Broadway (between Grand and Howard Streets) DCP 170464 ZSM is an application for a special permit under ZR 74-781 to allow Use Group 6 commercial uses in the cellar and on the ground floor of this five-story building with cellar in an M1-5B zoning district. Existing Use Group 6 office uses will remain on the upper floors.

Whereas:

1. The building is in the SoHo-Cast Iron Historic District.
2. The applicant proposes that 4091 sf of floor space in the cellar and 4194 sf of zoning floor area on the ground floor will be used for Use Group 6 commercial use. The building's bulk will remain unchanged.
3. The applicant previously sought a special permit for the same use at the same site but withdrew the application on October 8, 2015 due to irregularity in advertising.
4. ZR-781 requires that the owner of a building with a floor plate of over 3600 square feet pursue a good faith marketing effort to rent the space to a permitted use at a fair market rate for a period of not less than one year prior to the date of application for the special permit.
5. On March 31, 2016, the applicant began advertising the availability of the cellar and ground floor for conforming uses. The applicant also wrote letters to 12 local and citywide industry groups to notify them of the availability of the space for conforming uses, based on an outdated list from DCP that does not include nationwide MLS services such as LoopNet or CoStar.
6. The rent set for the development site in concert with DCP was \$80 per square foot, applied to both the ground floor and cellar space.
7. At the CPC hearing on July 10, the commissioners questioned whether \$80 per sf is a viable rate for manufacturers and whether the list of 12 organizations approved by CPC is still appropriate.

8. On December 22, 2016 with respect to the ULURP application for 34 Howard St., the Borough President addressed her concerns with the required good faith marketing effort and wrote of the need for DCP “to work with our office on improving the process for this special permit.”
9. On March 17, 2017 with respect to fair market price and the ULURP applications for 357, 359 and 361 Canal St. and again on May 22, 2017 with respect to same for 462 Broadway, the Borough President frowned on rates of \$70 and \$80 per sf for manufacturing (rates discussed and set with DCP) and wrote, “If we are to continue to review 74-781 special permit applications in the absence of a study, we must insist that the Department of City Planning set an appropriate manufacturing price per square foot or provide applicants with an appropriate range and that such a range be based upon what manufacturers might pay for space in Lower Manhattan, and not some type of formula based upon the commercial, retail or residential value of the space.”
10. The Borough President was also opposed to charging for cellar space in the case of 462 Broadway.
11. All marketing efforts were presented as unsuccessful.
12. Applicant included the ads, letters, and the inquiries log.
13. The building does not have a Certificate of Occupancy.

Therefore, be it resolved that CB2, Man. recommends approval of this application and once again urges DCP to overhaul its outdated “good faith marketing” program and adjust the rates it counsels applicants to set.

Vote: Unanimous, with 41 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, Chair
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Community Board #2, Manhattan

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