

Terri Cude, Chair  
Dan Miller, First Vice Chair  
Susan Kent, Second Vice Chair  
Bob Gormley, District Manager



Antony Wong, Treasurer  
Keen Berger, Secretary  
Erik Coler, 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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February 17, 2017

Purnima Kapur, Executive Director  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Kapur:

At its Full Board meeting on February 16, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**5. \*55-57 Spring Street** (between Lafayette and Mulberry Streets) Application for a Zoning Text Amendment to change the Area of the Special Little Italy District in which the two buildings are located from Area A to Area A1, which is directly to the east, so that their ground floor commercial uses could cover their entire lots. If the application is approved, a total of approximately 1,750 SF would be added to their ground floors.

### Whereas

1. The proposed change serves no public benefit and will be harmful to the Special Little Italy District zoning regulations, and will exacerbate the impacts of intensifying retail uses on residential uses in the area.
  - a. The application is for an amendment to the zoning text, but its effect will be to change the map of Area A1 of the Special Little Italy District to include the subject property. The result of text change would therefore be similar to a spot change of the zoning map.
  - b. The first three purposes of the SLID are as follows:
    - To preserve and strengthen the historic character of the community;
    - To protect the scale of storefronts and character of existing retail uses along Mulberry Street and other shopping streets so that Little Italy will remain a regional shopping area, and thereby strengthen the economic base of the city;
    - To preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
  - c. The proposed change is contrary to all of these stated purposes: it will further a trend toward more intense retail use which is harming the historic neighborhood character in Area A, the “Preservation Area”; it will expand and encourage further expansion of Area A1- the

- “Mulberry Street Regional Spine”; it will increase and encourage further increase of already problematic sidewalk congestion on Spring Street.
- d. The application was filed purely for private advantage to be derived from development of a one-story building in the required rear yard.
  - e. As the intensity of retail use has increased in Little Italy, there is significant and growing conflict between residential and retail uses, and expansion of the A1 area would allow for increased intensity of retail use.
  - f. There has been substantial neighborhood concern expressed to CB2, Man. over a period of years about the impact of intensifying retail uses on the special neighborhood historic character, and especially the impact of larger stores and eating and drinking establishments.
  - g. This application would substantially increase the size of the retail stores in the building, thereby increasing the total retail floor area also changing the character of the stores to larger units with potential for more intense use.
  - h. Larger stores are contrary to the current land use needs in the SLID, in particular the need to retain balance of residential and retail uses.
  - i. This specific location is particularly problematic because of its location opposite a heavily used subway entrance and because the subway narrows the congested sidewalk, often forcing pedestrians to use vehicle lanes.
  - j. Neighbors cited long-standing concerns about the increasing intensity of retail uses in the area and expressed concern that expansion of the A1 area would become a precedent for other changes to the SLID encouraging further intensification of retail uses, and the application does not offer evidence to the contrary. (Indeed, the application text supports the idea that expansion of the A1 area is reasonable because of the increasing retail intensity in the area.)
  - k. The applicant also expressed willingness to agree to move air conditioning units to the roof and to not combine the entire ground floor into a single retail unit, but refused to consider limiting retail uses to other than eating and drinking establishments.
  - l. The proposed development in the yard would potentially harm the value of adjacent properties because it would block existing window openings in the buildings facing the yard. While these are property line windows, they appear to be original windows and they are protected by the current zoning. (The subject rear yard also appears to serve as part of a fire escape route for at least one adjacent building, including by a drop latter and a ground floor door.)
2. The current retail uses in the building are contrary to the allowed uses in the building.
- a. The building has no Certificate of Occupancy. This would be appropriate for a building that has not implemented use changes, but prior established uses included three ground floor residential units, all of which have been demolished without required DOB filings.
  - b. Two of the residential units were illegally incorporated into retail units without required DOB filings and without required application for a Certificate of Occupancy. The applicant stated the third demolished residential unit is not currently used. The three illegally demolished residential units would be part of the retail stores to be expanded as part of the redevelopment.
  - c. The applicant stated they would file for a Certificate of Occupancy as part of the redevelopment of the ground floor if the application is approved, but did not state why no application has been filed to establish compliance prior to application for a zoning change.
3. Practices of prior and current owners have caused hardship to tenants including rent-stabilized tenants.
- a. Statements by current residents and newspaper accounts suggest a history of harassment and other illegal actions by prior owners over a period of years during which most units in the building were destabilized.

- b. The current owner is seeking eviction of a family residing in a rent-stabilized unit based on a claim that they reside outside New York City. The family appeared at a CB2 public hearing and credibly claimed that they reside in the apartment and their two children attend public schools in the area. The family also stated that their unit was subject to dust from construction in the unit below during an extended period until the building was cited in connection with lead hazards by the NYC Department of Health. The applicant responded to questions about the intended eviction by stating they would drop the lawsuit against the family if CB2, Man. recommended approval of the application.
  - c. There was public testimony indicating other current legal actions and other actions against other tenants in the building, which the applicant agreed to cease if the application is approved.
  - d. The applicant appeared to have an unconcerned attitude regarding statements by tenants regarding prior negative impacts of careless construction practices causing dust conditions, penetrations into occupied units, and even a fire.
  - e. During the public hearings for this application, the applicant failed to provide CB, Man. with sufficient commitments to reduce impacts of construction in the building.
4. Comments from neighbors were overwhelmingly in opposition to the application.
- a. The applicant obtained signatures on form letters signed by many tenants suggesting support for the application, but these tenants did not speak at CB2 public hearings or otherwise directly express support for the application.
  - b. With one exception, tenants who did speak at the hearings and write letters to the board were opposed to the application.
  - c. Tenants of neighboring buildings spoke against the application, including tenants whose windows overlook the rear yard.
  - d. A past member of the board of an adjacent co-op building spoke in opposition on behalf of the co-op board.
  - e. Several community members spoke and wrote letters opposing amendment of the SLID maps for a private purpose that would intensify retail uses.

**Therefore, it is resolved** that CB2, Man. recommends denial of this application to change the boundaries of Area A1 of the Special Little Italy District.

Vote: Unanimous, with 36 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  
Land Use & Business Development Committee  
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Yiu-Line Niou, NYS Assembly Member  
Hon. Deborah Glick, Assembly Member  
Hon. Daniel Squadron, NY State Senator  
Hon. Gale A. Brewer, Manhattan Borough President  
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February 17, 2017

Purnima Kapur, Executive Director  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Kapur:

At its Full Board meeting on February 16, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**C 170137 ZSM-10 Greene Street** (between Canal and Grand Streets) CPC application for a special permit 74-711 in a M1-5B district to modify the use regulations to allow residential uses on portions of the cellar and ground floor and on the 2nd through 5th floors and proposed 2-story penthouse, and the use regulations of to allow retail uses on the ground floor and portions of the cellar of an existing 5-story building.

### Whereas

1. This application is for a Special Permit to allow residential uses (Use Group 2) on portions of the cellar and on the 2d through Penthouse levels, and retail uses on the ground floor and portions of the cellar.
2. The applicant intends to alter the ground floor and existing vertical circulation core and add a one-story (including a mezzanine) penthouse rooftop addition to the existing building.
3. The applicant intends to use the cellar for retail and accessory residential use, the ground floor for retail use, and the upper floors for residential use.
4. To the best of the applicant's knowledge, the building has never had a certificate of occupancy nor has it ever been residential, Joint Live Work Quarters for Artists or been occupied by IMD or rent-stabilized tenants.
5. While this building never housed artists in a JLWQA environment as proffered by the applicant as a reason for approval, this building nevertheless falls into the zone which permits that use as of right as did other buildings that were once solely and only manufacturing uses and now houses JLWQA for artists.
6. 74-711 was added to the Zoning Resolution to promote restoration and preservation of historic district structures at a time when the associated costs could not be justified based on uses allowed under antiquated manufacturing zoning.

7. The special permits granted under 74-711 were successful and the restoration has substantially increased achievable revenue for restored buildings to the extent that 74-711 is itself now antiquated.
8. The loss of new opportunities for JLWQA units is now a threat to the special character of the district as an area that supports a thriving artist community that is of great importance for commerce in the area and vitality of the city as a whole.
9. To achieve balance until the provisions of 74-711 are adapted to the new underlying conditions, CPC should use its power to prescribe conditions and safeguards to enhance the character of the development by limiting the use changes to include only allowance of Use Group 6 on the ground floor.
10. The applicant did not offer to amend the application, upon request of the board, JLWQA uses should be created in the building to fulfill the intent of the zoning and to maintain the character of the neighborhood.
11. CB2 sees no compelling reason that the as of right zoning should not be adhered to and complied with in this project.

**Therefore be it resolved**, that CB2, Man. recommends denial of the application.

Vote: Passed, with 23 Board members in favor, 12 in opposition (S. Aarons, D. Borelli, A. Brandt, R. Chattree, S. Gammie, R. Goldberg, M. Maron, D. Miller, R. Rothstein, R. Sanz, S. Russo, C. Spence), and 1 abstention (K. Berger).

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

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan

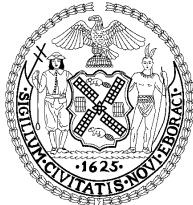


Anita Brandt, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman  
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Hon. Deborah Glick, Assembly Member  
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February 17, 2017

Purnima Kapur, Executive Director  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Kapur:

At its Full Board meeting on February 16, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**C 170235 ZSM 359 Canal Street** (between Wooster Street and West Broadway) application for special permit to allow retail uses below the second floor in a M1-5B zoning district

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district with 6675 square feet of floor area.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1983. Specifically:
  - a. The second and fourth floors are buyer (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fifth floors must stay residential and are rent-regulated.
4. The upper floors will remain JLWQA.
5. There is no Certificate of Occupancy for the project area.
6. The Alt1 permit to legalize the residential units that was current in 2015 is still current, but the work has not been completed.
7. The applicant presented evidence of a satisfactory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
8. The cellar and ground floor of the building have been vacant since 2011.

9. Retail space is limited to 1335 sf of floor space in the cellar and 1161 sf of zoning floor area on the ground floor.
10. The applicant's adjoining property at 357 Canal has a 13'-9"-wide potential entrance on Wooster St, which if combined with this property and 361 Canal could overtax this narrow street.
11. No bars or nightclubs are planned.
12. There was no public opposition to this application expressed at the meeting and CB2 is not aware of local opposition to legalization of street level retail uses in this area.

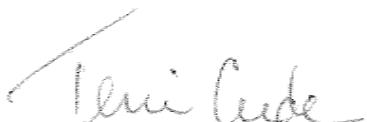
**Therefore, be it is resolved** that CB2, Man. has no objection to allowing Use Group 6 at this location, but recommends denial of this application unless the following are included as conditions of approval:

1. That intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
2. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
3. That the DOB filing shall include all work needed for a permanent CO for the entire building, and
4. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection.

Vote: Unanimous, with 36 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  
Land Use & Business Development Committee  
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman  
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February 17, 2017

Purnima Kapur, Executive Director  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Kapur:

At its Full Board meeting on February 16, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**C 170236 ZSM 361 Canal Street** (between Wooster Street and West Broadway) application for special permit to allow retail uses below the second floor in a M1-5B zoning district

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district with 6200 square feet of existing floor area.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1983. Specifically:
  - a. The second and fourth floors are buyer (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fifth floors must stay residential and are rent-regulated.
4. The upper floors will remain JLWQA.
5. There is no Certificate of Occupancy for the project area.
6. There is a current Alt1 permit to legalize the residential units, but the work has not been completed.
7. The applicant presented evidence of a satisfactory effort to rent the space at market rates to conform to the requirements for the special permit, but research revealed the following on the entities contacted by the applicant:
8. The cellar and ground floor of the building have been vacant since May, 2015.

9. Retail space is limited to 1240 sf of floor space in the cellar and 1181 sf of zoning floor area on the ground floor.
10. There is no current connection between 359 and 361 Canal St., but if this space and the applicant's adjoining properties at 359 and 357 Canal were combined, the result could threaten to overtax that narrow street.
11. No bars or nightclubs are planned.
12. There was no public opposition to this application expressed at the meeting and CB2 is not aware of local opposition to legalization of street level retail uses in this area.

**Therefore, be it is resolved** that CB2, Man. has no objection to allowing Use Group 6 at this location, but recommends denial of this application unless the following are included as conditions of approval:

1. That intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
2. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
3. That the DOB filing shall include all work needed for a permanent CO for the entire building, and
4. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection.

Vote: Unanimous, with 36 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  
Land Use & Business Development Committee  
Community Board #2, Manhattan

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February 17, 2017

Purnima Kapur, Executive Director  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Kapur:

At its Full Board meeting on February 16, 2017, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**C 170237 ZSM 357 Canal Street** (between Wooster Street and West Broadway) application for special permit to allow retail uses below the second floor in a M1-5B zoning district

**Whereas:**

1. This is a five-story building located within an M1-5B zoning district with 5560 square feet of floor area.
2. The applicant seeks a special permit in accordance with NYC ZR Section 74-781 to allow Use Group 6 retail and service establishment uses in portions of the ground floor and cellar of the building.
3. The upper floors of the project area are interim multiple dwellings (IMD) that have been under the jurisdiction of the Loft Board since 1983. Specifically:
  - a. The second and fifth floors are buyer (tenants sold their Loft Law rights); these floors must stay residential but are market-rate.
  - b. The third and fourth floors were abandoned and must stay residential but are also not rent-regulated.
4. The upper floors will remain JLWQA.
5. There is no Certificate of Occupancy for the building.
6. The Alt1 permit to legalize the residential units that was current in 2015 is still current, but the work has not been completed.
7. The applicant presented evidence of a satisfactory effort to rent the space at market rates to conform to the requirements for the special permit.
8. The cellar and ground floor of the building have been vacant since August 2009.

9. Retail space is limited to 1112 sf of floor space in the cellar and 930 sf of zoning floor area on the ground floor.
10. There is a 13'-9"-wide potential entrance to this property on Wooster St., which if combined with this space and the applicant's adjoining properties at 359 and 361 Canal, could threaten to overtax that narrow street.
11. No bars or nightclubs are planned.
12. There was no public opposition to this application expressed at the meeting and CB2 is not aware of local opposition to legalization of street level retail uses in this area.

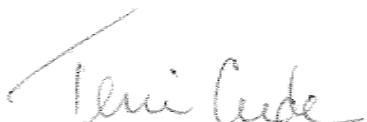
**Therefore, be it resolved** that CB2, Man. has no objection to allowing Use Group 6 at this location, but recommends denial unless the following are included as conditions of approval:

1. That the intent of the project is to complete the legalization of all uses in the building in full compliance with the purposes of IMD law.
2. That legalization work will proceed in a timely fashion and upon leaving the Loft Board's jurisdiction, the units are (and remain) properly registered.
3. That the DOB filing shall include all work needed for a permanent CO for the entire building, and
4. That upon filing for such work, application will be made to the Loft Board for a Letter of No Objection.

Vote: Unanimous, with 36 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  
Land Use & Business Development Committee  
Community Board #2, Manhattan

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