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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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June 23, 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 June 19, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**22-26 East 14<sup>th</sup> Street on the south side of 14<sup>th</sup> Street between Fifth Avenue and University Place: an application to the Board of Standards and Appeals for a special permit pursuant to ZR 32-31 and 73-36 to allow operation of a physical culture establishment in the cellar and ground floor of an existing building.**

**A resolution recommending APPROVAL of the application.**

*Whereas,*

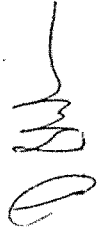
1. The application was presented to the committee by Joshua Rinesmith of Warshaw Burstein, LLP, representing the applicant;
2. The application is for a special permit to allow a physical culture establishment operated by Planet Fitness, a physical fitness organization with locations in New York City and throughout the country;
3. Planet Fitness states that its mission is “to provide a comfortable, divers, and friendly space in which to work out, called a Judgment Free Zone, where a health, active lifestyle can be built” and to this end music volume is kept low and excessive noise is not permitted.”
4. Planet Fitness provides an affordable option with rates as low as \$10 per month, offering an important resource for residents and workers in the area who cannot afford other options;
5. The application makes a credible case regarding the findings required for this special permit, and there is no apparent reason for concern that the facility will impair the essential character or future use or development of the area;
6. The facility will be located primarily in the cellar, with an entrance on 14<sup>th</sup> Street only, with Duane Reade drug store continuing to occupy most of the ground floor of this floor through commercial building;

7. 14<sup>th</sup> Street is a wide street with a mix of retail, office, residential, and educational uses, including The New School building on the corner of Fifth Avenue;
8. No one from the community spoke for or against the application, but the applicant stated that there had not yet been an effort to reach out to neighbors;
9. The building is an individually landmarked building;
10. The property owner has obtained a Certificate of No Effect from LPC, which was included with application materials;
11. The applicant acknowledged that a Certificate of Appropriateness from LPC will be required prior to storefront renovation, after which the applicant will file for approval of the fitness center signage;

***Therefore it is resolved that CB#2, Man. recommends approval of this application for a Planet Fitness PCE at 22-26 East 14<sup>th</sup> Street.***

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

Sincerely,



David Gruber, Chair  
Community Board #2, Manhattan

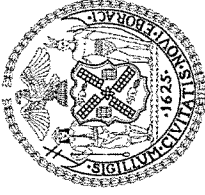


Tobi Bergman, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

DG/fa

cc: Hon. Nydia Velasquez, Congresswoman  
Hon. Brad Hoylman, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Gale A. Brewer, Man. Borough President  
Hon. Rosie Mendez, Council Member  
Dept. of City Planning  
Jeff Mulligan, Executive Director, Board of Standards & Appeals

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NYC Board of Standards & Appeals  
40 Rector Street, 9th Floor  
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Dear Chair Srinivasan:

At its Full Board meeting on June 19, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**129 Elizabeth Street on the west side of the street between Grand and Broome. An application to the Board of Standards and Appeals to amend variance granted in March, 2005. The amended proposal is for a taller building with a higher FAR on a smaller lot.**

**A resolution recommending DENIAL of the application.**

***Whereas,***

1. The application was presented to the committee by Jordan Most of Sheldon Lobel, PC;
2. This application seeks to amend development plans in connection with a variance approved by BSA in March, 2005;
3. The approved variance permitted construction of a four-story, mixed-use building on a lot smaller than the minimum of 1,700 sf allowed under ZR 23-31 and with lot coverage exceeding the maximum of 60% allowed under ZR 109-122;
4. CB#2, Man. had recommended approval of the 2005 variance application;
5. During the 2005 application approval process, the proposed building height was reduced from 73 feet to 43.5 feet, a height that corresponds to neighboring buildings;
6. The reduction in height at that time was achieved partially by reducing ceiling heights to 13 feet on the ground floor and 10 feet on the upper floors;
7. The stated need for the amendment is to conform the plan to the lot size reduced from 815 sf to 789 sf, or about 3.2%, as the result of the settlement of an adverse possession claim;
8. The amended plan shows an increase of floor area from 2,890 sf to 3,106 sf, and an increase in building height from 43.5 feet to 54 feet, an excessive change given the small change in the lot size;
9. The amended plan increases the ground floor ceiling height to 19 feet to accommodate adding a small mezzanine to the retail space and increases ceiling heights on the upper floors between one and three feet;

10. Although a 54-foot building is not inconsistent with the neighborhood as a whole, the adjacent buildings to the north and south on Elizabeth Street are 36 feet and 41.6 feet;
11. A 54-foot building with a 19-foot storefront will be out of place in the context of the smaller adjacent buildings;
12. The small lot size does present special challenges to development on the site, but these challenges are exacerbated by the applicants' inclusion of a one-car parking garage, contributing minimal value, in space that would have much greater value if used for retail;
13. The application seeks to increase retail space by adding a 256 sf mezzanine, which seems to be the motivation for the plan changes;
14. The area has high retail rental values and the one-car parking garage functions as a self-imposed reduction of that value which also creates no neighborhood benefit.

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

1. **Recommends DENIAL of this application, as proposed, to amend the plan approved in the 2005 variance;**
2. **Recommends changing the plan approved in 2005 to correspond to the reduced lot size ONLY by incorporating a small reduction in floor area, keeping the building height as previously approved; and**
3. **Recommends consideration by the applicant of the viability of a development plan replacing the garage with added ground floor retail space.**

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. Nydia Velasquez, Congresswoman  
Hon. Daniel Squadron, NY State Senator  
Hon. Sheldon Silver, Assembly Member  
Hon. Gale A. Brewer, Man. Borough President  
Hon. Margaret Chin, Council Member  
Dept. of City Planning  
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Dear Chair Srinivasan:

At its Full Board meeting on June 19, 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**736 Broadway on the east side of the avenue, opposite Waverly Place: an application to the Board of Standards and Appeals for a variance to allow retail use on the ground floor and cellar.**

**A resolution recommending APPROVAL of the application.**

*Whereas,*

1. The application was presented to the committee by Jordan Most of Sheldon Lobel, PC;
2. The application makes credible case that required findings of site uniqueness based on the narrowness of the lot and the obsolescence of manufacturing use in the area;
3. The application makes a credible case arguments that because of the unique physical conditions there is no reasonable possibility of developing the lot with entirely conforming uses;
4. The application makes credible case that the ground floor retail use will not alter the essential quality of the neighborhood or impair the appropriate use and development of adjacent properties;
5. The grounds for the variance do not appear to have been created by the owner or by a predecessor in title;
6. The variance requested appears to be appropriate to afford relief and is in keeping with variances granted in similar situations in the area where most retail uses are in place below the second floor of most buildings.
7. No one from the public spoke to support or oppose this application.

***Therefore it is resolved CB#2, Man. recommends approval of a variance allowing Use Group 6 retail use of the ground floor and cellar at 736 Broadway, as proposed.***

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

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