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COMMUNITY BOARD NO. 2, MANHATTAN

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

July 30, 2014

Carl Weisbrod, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on July 24 2014, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

37 Great Jones Street-An application (C 140114 ZSM) to the Department of City Planning pursuant to Sections 197-C and 201 of the NYC Charter for the grant of a special permit to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-00 to allow residential use (Use Group 2) in a portion of a ground floor and on the 2nd-5th floor and proposed penthouse; and Section 42-14(D)(2)(b) to allow retail use (Use Group 6) on portions of the ground floor and cellar in an M1-5B zoning district within the NoHo Historic District.

A resolution recommending APPROVAL of the application, with exceptions.

Whereas,

1. The application was presented to the committee by Richard Lobel of Sheldon Lobel, PC;
2. Improvements to the building under the certificate from the Landmarks Commission have greatly improved the appearance of the building and its contribution to the appearance of this block in the NoHo Historic District.
3. The prior industrial uses of the building were not contributors to the special mixed use character of the area, and the current JLWQA status of the upper floors was established as part of the process to enable legal construction of residential units.
4. The application seeks to establish Use Group 6 retail on the ground floor and cellar and four Use Group 2 residential units on the five upper floors.
5. The proposal will not harm the mixed-use character of the neighborhood.
6. Several residents spoke about their concern about the loss of JLWQA housing and art related ground floor uses and lamented the continuation of this trend with the current application.
7. Neighborhood organizations requested a restriction of eating and drinking establishments.
8. The applicant was unwilling to agree to any restrictions regarding the use of the ground floor retail.
9. The applicant has signed a 10-year lease with a clothing design and retail company.

10. Neighbors stated that the applicant has been an excellent neighbor during the construction process.

11. The applicant expressed his intent to rent the residential units without consideration of their current JLWQA status because of an expectation that the special permit will be in place prior to any enforcement affecting the tenants.

12. The application to the Landmark Preservation Commission includes a presentation of the ground floor preserving the garage door entrance, however the intent is to establish a modern storefront façade directly behind them and to keep the historic doors open during the day so at most times the building will not look like what was approved by the LPC.

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

1. Recommends approval of the special permit allowing Use Group 6 retail use of the ground floor and cellar at 37 Great Jones Street but urges the City Planning Commission and City Council to seek a restriction on future eating and drinking use;

2. Based on the lack of prior JLWQA use, does not object to the conversion of the JLWQA units to Use Group 2, but objects to rental of these units to non-qualified tenants prior to approval of this application; and

3. Objects to the failure of the applicant to present the actual storefront appearance to the LPC and asks that at minimum the proposed conditions be presented to LPC for staff review.

Vote: Unanimous, with 37 Board members in favor.

130 Prince Street-An application (C 140330 ZSM) to the Department of City Planning for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 5-story and penthouse building **in an M1-5A zoning district within the SoHo Cast Iron District.**

A resolution recommending DENIAL of the application.

Whereas,

1. The application was presented to the committee at the June, 2014, meeting of the Land Use Committee by Daniel Egers and Deirdre Carson of Greenberg Traurig, representing the applicant, as well as property owner Invesco representative James Gillen of Invesco, the property owner.
2. The full board sent the item back to committee to allow for additional discussion with property owners.
3. At the July meeting additional information was provided to the committee by Evan Rothe of Invesco.
4. The application seeks to legalize 11,490 sf of existing ground floor retail uses and to add 10,130 sf of retail use in the cellar.
5. The current uses of the ground floor are multiple retail uses that do not comply with the M1-5A zoning.
6. The application states that the retail uses have been present since 1989 when the building was substantially altered.
7. While commitment to maintaining the quality of the façade is beneficial to the landmarked district, the building has been well-maintained and its condition has not been harmful to the appearance of the block.

8. There is a harmful trend in the area whereby oversized and multi-floor retail entities are spreading off of Broadway into the rest of SoHo;
9. Recent applications under 74-922 have justified proposals for stores exceeding 10,000 square feet by stating that these are characteristic in the neighborhood;
10. Legalizing the retail uses below the second floor of this building, along with combining of smaller stores and development of as-of-right retail uses on upper floors, could contribute to spreading this detrimental trend toward neighborhood dominance by large format retail;
11. In this case, none of the current retail uses occupy more than 10,000 square feet and the upper floors are used for commercial offices;
12. There is currently a good balance of retail uses in the surrounding area, including some eating and drinking establishments;
13. Legalization of the retail uses could lead to the addition of more larger restaurants and clubs and affect the current balance;
14. The applicant refused to agree to restrict the UG6 uses to those other than eating and drinking establishments;
15. The applicant refused to commit to limiting retail use to the ground floor and cellar.
16. The building owner specifically stated the intention to re-lease spaces in current configurations with no plan to lease space for eating or drinking establishments and stated that current leases specifically prohibited such use.
17. The legalization of the current retail uses on ground floor and addition of retail uses in the cellar will not by itself have significant adverse impact on the conforming office uses in the upper floors or on uses in the surrounding area, but it potentially contributes to the escalating harmful trend caused by the high value of retail space in the area.
18. The property owner stated that Invesco's business model is to improve uses to increase income, reduce costs, and eventually sell the property at a profit.
19. Changing markets may make future owners more inclined to expanding retail onto upper floors and accept uses more harmful to neighborhood character.

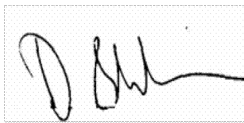
Therefore it is resolved that CB#2, Man.

- 1. Recommends DENIAL of this application for a special permit to create 21,620 sf of legal retail use at 130 Prince Street UNLESS the applicant agrees to restrict retail uses to other than eating and drinking;**
- 2. Requests that if this application is approved, consideration be given to limiting retail uses to the ground floor and cellar only.**

Vote: Unanimous, with 37 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

c: Hon. Jerrold L. Nadler, Congressman
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Hon. Corey Johnson, Council Member
Edwin Marshall, Dept. of City Planning