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## COMMUNITY BOARD No. 2, MANHATTAN

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November 30, 2009

Amanda Burden, *Chair*  
City Planning Commission  
22 Reade Street  
New York, New York 10007

Dear Chair Burden:

At its Full Board meeting on November 19, 2009, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**57-63 Greene Street (Block 486, Tax Lot 28) City Planning Commission Special Permit Application pursuant to Section 74-711 for the conversion of the previously unconverted units on floors 2 through 6 of the building to Joint Living Work Quarters for Artists (Use Group 17D) and to convert the ground floor and the cellar to Use Group 6 retail use in a M1-5A zoning district.**

**Whereas**, The area was posted and there was significant concern from the residents of the building,  
And,

**Whereas**, The rent stabilized tenants and the property owner have recently had legal disagreements that now appear to be resolved, however, the tenants are greatly concerned about their continuing rent stabilized status, And,

**Whereas**, The rent stabilized tenants have already invested significant monies in their lofts in order to obtain legal status and the current application and renovation will not benefit them but will greatly benefit the owner, And,

**Whereas**, The current residents of the building voiced apprehension that a passing on of any costs of compliance with the required Landmarks Maintenance Plan and the current renovation would force the rent stabilized tenants to leave their homes, And,

**Whereas**, The residents of the building are also concerned that the owner might use the current construction work to claim that the building has undergone “demolition” and thereby evict the tenants,  
And,

**Whereas,** The tenants have noted the lack of safety precautions during the replacement of windows and the lack of any information and of any notice in regards to the ongoing construction work, And,

**Whereas,** Council Member Alan Jay Gerson, 1st District, has obtained an agreement from the owner (copy attached) that addresses the issues raised by the tenants, And,

**Whereas,** the owners representative has stated to CB#2, Man. and to the current tenants that:

- 1.) There will be no dislocation of any of the rent-stabilized tenants as a result of this special permit.
- 2.) The owner will not pass on of any costs of compliance with the required Landmarks Maintenance Plan to the rent stabilized tenants.
- 3.) The owner will not pass on any of the costs associated with the current major capital improvements to the rent stabilized tenants.. The owner's rep has expressed the owner's willingness to commit to not passing on costs specifically related to the landmark plan and current conversion while retaining the statutory right to charge for other necessary future capital work done on the building.
- 4.) The owner will not use the current construction work to constitute a "demolition" in order to evict the tenants.
- 5.) This agreement will succeed the current ownership and be passed on to future ownership.
- 6.) The owner agrees to conduct work in a safe and minimally disruptive way, develop a better comprehensive construction plan a proactive remediation plan and to have an on site construction manager when work is in progress.

**Whereas,** CB#2, Man. has recommended that a phone number be provided by the construction manager to respond to emergencies, community comments, and complaints and that there should be Monthly Construction Coordination Meetings and additional meetings as necessary to discuss the ongoing work and to address tenant concerns; and

**Whereas,** the Rent Stabilization Act provide for compensation equivalent to their monthly rent if they are forced to temporarily vacate but this compensation would be insufficient to cover costs that tenants would in fact incur in such event; and

**Whereas,** the representatives for owner and tenants have largely concluded negotiations of terms for an agreement to protect tenants during the course of the proposed project but certain details remain unresolved.

**THEREFORE BE IT RESOLVED,** that CB#2, Man. conditionally supports this City Planning Commission Special Permit Application pursuant to Section 74-711 for the conversion of the previously unconverted units on floors 2 through 6 of the building to Joint Living Work Quarters for Artists (Use Group 17D) and to convert the ground floor and the cellar to Use Group 6 retail use in a M1-5A zoning district, based on the conditions in the owners agreement noted above; and

**BE IT FURTHER RESOLVED,** that CB#2, Man. requests that the City Planning Commission carefully review the owners agreement and make it a condition of approval

**BE IT FURTHER RESOLVED**, that CB#2, Man. finds this application satisfies the findings in Section 74-711, but due to concerns of the rent stabilized tenants regarding impacts of the work on their rent levels and status, CB-2 conditions its support for this application on the commitment of the applicant to record an instrument against the property sufficient to permit the existing rent stabilized tenants to pursue their legal remedies under the law should they conclude that the applicant, its successors and assigns, has breached any of the commitments described in Attachment A to its letter dated November 18, 2009, to 57-63 Greene Street Rent Stabilized Tenants, a copy of which is attached to this resolution.; and

**BE IT FURTHER RESOLVED**, that CB#2, Man. support for this project is contingent upon good faith negotiations between the parties within 30 days to resolve outstanding issues and especially the need to provide compensation to tenants that will reasonably provide for their costs if they are forced to vacate as a result of construction associated with this project; and

**BE IT FURTHER RESOLVED**, that support is also contingent upon receipt by each tenant of an individually addressed letter promising adherence to the terms of the above referenced letter dated November 18<sup>th</sup>.

Vote: Unanimous, with 36 Board members in favor.

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



Jo Hamilton, Chair  
Community Board #2, Manhattan



David Reck, Chair  
Zoning and Housing Committee  
Community Board #2, Manhattan

JH/fa

cc: Hon. Jerrold Nadler, Congressman  
Hon. Thomas Duane, NY State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Scott Stringer, Man. Borough President  
Hon. Alan Jay Gerson, Council Member  
Hon. Rosie Mendez, Council Member  
Hon. Christine Quinn, Speaker of the Council  
Sandy Myers, Community Board Liaison, Man. Borough President  
Lolita Jackson, Manhattan Director, CAU  
Vivian Awner, Community Board Liaison, Dept. of City Planning  
Lorna Edwards, Land Use Review Unit, Dept. of City Planning  
Jeff Mulligan, Executive Director, Board of Standards & Appeals  
Magdi Mossad, P.E., Man. Borough Commissioner, NYC Department of Buildings  
Applicant

**GREENE MERCER HOLDING, LLC**  
**c/o AION PARTNERS**  
**11 East 44<sup>th</sup> Street-Suite 1000**  
**New York, New York 10017**

November 17, 2009

Mr. David Reck, Chair  
Zoning and Housing Committee  
Community Board #2, Manhattan  
3 Washington Square Village, #1A  
New York, New York 10012

Re: 57-63 Greene New York, New York

Dear Mr. Reck:

I am Michael Betancourt, the Vice-President of Greene Mercer Holdings, the owner of 57-63 Greene Street, New York, New York (the "Owner"). I am writing to you in response to Community Board 2's request at its Zoning and Housing Committee November 12<sup>th</sup> meeting for a letter agreement from the Owner committing to certain conditions in connection with the Board's approval of Owner's request for a City Planning Commission special permit.

The Owner has applied to the City Planning Commission for a special permit pursuant to Zoning Resolution Section 74-711 for a modification of use and bulk to allow the conversion of 13 units on floors 2-6 at 57-63 Greene Street (the "Premises") to Joint Living-Work Quarters for Artists ("JLWQA") and to convert the ground floor and cellar to zoning Use Group 6 retail use. Please note that in keeping with the existing and traditional uses in Soho, the Owner has chosen to convert the Premises to Use Group 17D Joint Living Work Quarters for Artists and not to Use Group 2 residential use

There are currently nine rent stabilized tenants occupying JLWQA at the Premises. The Owner hereby agrees that it will not displace any of the rent stabilized tenants in connection with its 74-711 application for the special permit. In addition, the Owner agrees that it will not pass on any of the costs of compliance with the required Landmarks Continuing Maintenance Plan to any of the rent stabilized tenants and further agrees that these covenants shall be memorialized in a document that runs with the land in order that they apply to any of Owner's successors, assigns or heirs.

In addition, the Owner hereby agrees that it will not pass along any of the costs specifically related to the landmark work set forth below (the "Landmark Work") or the special permit conversion. The Landmark Work involves the following requirements of the Landmarks Preservation Commission in its May 1, 2008 "Certificate of No Effect No. 08-9483" in order to bring the Premises up to sound, first-class condition:

- (a) Greene Street (East) Façade: Install new windows on floors 2-6 to match original material, configuration, operation, dimension, details and finish. Repoint deteriorated masonry brick and limestone joints with mortar and tooling to match original pointing mortar. Repair limestone to match original with "DutchMan" patching and restoration mortar. Clean masonry. Replace deteriorated or missing elements of sheetmetal cornice and decorative pediments. Replace missing cast iron elements in kind. Repair and paint cast-iron and sheetmetal based on historic paint analysis.

- (b) Greene Street Ground Floor: Repair and restore wood and glass storefronts and infill to match the historic configuration based on physical and photographic evidence. Paint infill based on historic paint analysis.
- (c) Sidewalk and Vault: Repair vault structure. Restore granite sidewalk, using salvaged granite where appropriate, and new as required. Repair existing cast iron and glass vault lights at steps. Repair or replace cast iron and glass vault lights at building recesses.
- (d) Side (North and South) Facades: Repoint deteriorated masonry joints with mortar and tooling to match original pointing mortar in terms of tooling, detail and material.
- (e) Rear (West) Façade: Remove existing wood windows and install new aluminum windows to match original configuration, operation, details and finish in existing window openings. Install new aluminum windows in existing door openings, leaving lintels and sills of original openings in place. Repoint deteriorated masonry joints with mortar and tooling to match original pointing mortar. Repair all stone to match original with “Dutchman” patching and restoration mortar, as appropriate. Clean masonry. Repair and repaint iron shutters and pintles based on historic paint analysis.
- (f) Roof: Repairs and restoration as needed.

These costs also include the interior work necessary to convert the current space to the additional 13 JLWQA and Use Group 6 retail use on the ground floor and cellar. Such work includes, but is not limited to, the removal and reconstruction of interior non-load bearing partitions, installation of related finish materials, fixtures and fittings, plumbing, mechanical, electrical and new elevator work. The addition of new egress between the cellar and first floor (south stair) and the creation of the rooftop tenant recreational space. However, the Owner retains its statutory right to charge for other capital improvements made to the Premises in the future.

The Owner hereby states that it has no intention whatsoever of demolishing the Premises. All of the Landmark Work and the proposed conversion work is clearly documented as non-structural, including but not limited to, the removal of interior non-load bearing partitions, plumbing, electrical, brick work or creation of the rooftop tenant recreational space. The only egress that is being changed is a stair between the first floor and the cellar space. None of the renovation and conversion work at the Premises is a ploy for a “phony demolition”. The Owner will not file any new application to “gut” the Premises in connection with the Landmark Work that is in the process of being completed or after beginning the work necessary to convert the Premises to the special permit uses.

The Zoning and Housing Committee also raised concerns about the status of the rent stabilized tenants should an emergency or hazardous condition arise during construction. While we do not anticipate any such condition occurring in connection with the type of work contemplated at the Premises, should any rent-stabilized tenant be required to leave the Premises due to such emergency or hazardous condition, all of their rents stabilized rights are guaranteed, including the right to return to the apartment that each tenant currently occupies as soon as any such condition is remedied.

The Owner is committed to conduct the work on the Premises in a safe and minimally disruptive way. To this end, the Owner has agreed to meet with a rent stabilized tenant representative on a regular basis in order to inform the tenants at the Premises of its contemplated work schedule and to discuss tenant complaints or concerns.

Greene Mercer Holdings is committed to creating a first class building at 57-63 Greene Street without burdening the rent-stabilized JLWQA artists that have lived in the building for several decades. The above-listed commitments illustrate the Owner willingness to work with the tenants.

We hope that the tenants will similarly work with us in order to ensure that the conversion to JLWQA and retail use at the Premises occur in a mutually agreeable manner.

Sincerely yours,

Michael Betancourt  
Vice-President  
Greene Mercer Holdings, LLC

Jo Hamilton, *Chair*  
Bo Riccobono, *First Vice Chair*  
Sheelah Feinberg, *Second Vice Chair*  
Bob Gormley, *District Manager*



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November 24, 2009

Amanda Burden, *Chair*  
City Planning Commission  
22 Reade Street  
New York, New York 10007

Dear Chair Burden:

At its Full Board meeting on November 19, 2009, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**73-75 Sullivan Street (Block 489, Lot 9) City Planning Application for a change in the zoning map to extend the existing C1-5 overlay district along Spring Street, from the northern boundary of the M1-5B zoning district (200 feet north of Broome Street) to the southern boundary of the R7-2 zoning district (100 feet south of Spring Street), to a depth of 100 feet from the eastern Sullivan Street frontage. In total, the Rezoning will affect an approximately 157 foot by 102 foot (16,083 SF) area. The Rezoning Area is located entirely within a R7-2 zoning district.**

**WHEREAS;** The area was posted and there was significant opposition to this application from residents and property owners, And,

**WHEREAS;** 73-75 Sullivan Street consists of a single lot with two one-story structures currently occupied by a heating contractor and a bakery and bread store; And,

**WHEREAS;** the exiting non-conforming commercial uses in the proposed overlay area are mostly tiny stores, And,

**WHEREAS;** the size of these stores helps maintain the predominantly residential, old-New York character of the blocks; And,

**WHEREAS;** the proposed zoning change would allow construction of a new building on the owners property with up to 5000 square feet of commercial use built full on the ground floor, additional commercial storage or food preparation in the basement, and five floors of residences above the first floor; And,

**WHEREAS;** the proposed commercial space for this site would be much larger than other stores on this block; And,

**WHEREAS;** given the high value of commercial space in this area and the adjacent Soho district, the likely tenants will not be of the type serving neighborhood needs as normally anticipated for C1 overlays, And,

**WHEREAS;** the proposed store or stores would be very different in character from both the existing commercial uses on the site and existing commercial use in the other lots within the proposed Rezoning Area and would greatly change the character of this block, And,

**WHEREAS;** the applicant refused a request from the CB#2, Man. Zoning Committee to agree to not allow eating and drinking establishments.

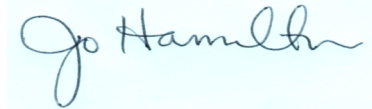
**THEREFORE BE IT RESOLVED,** that CB#2, Man. finds that the proposed rezoning area is not an appropriate location to expand commercial uses, And,

**THEREFORE BE IT FURTHER RESOLVED,** that CB#2, Man. opposes this City Planning Application for a change in the zoning map to extend the existing C1-5 overlay district along Spring Street, from the northern boundary of the M1-5B zoning district (200 feet north of Broome Street) to the southern boundary of the R7-2 zoning district (100 feet south of Spring Street), to a depth of 100 feet from the eastern Sullivan Street frontage. In total, the Rezoning will affect an approximately 157 foot by 102 foot (16,083 SF) area. The Rezoning Area is located entirely within a R7-2 zoning district. And,

**THEREFORE BE IT FURTHER RESOLVED,** that CB#2, Man. urges the Planning Commission to deny this application.

Vote: Unanimous, with 36 Board members in favor.

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



Jo Hamilton, Chair  
Community Board #2, Manhattan



David Reck, Chair  
Zoning and Housing Committee  
Community Board #2, Manhattan

JH/fa

cc: Hon. Jerrold Nadler, Congressman  
Hon. Thomas Duane, NY State Senator  
Hon. Deborah Glick, Assembly Member  
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