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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

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### **REVISED: PLEASE SEE BOLDED AMENDMENT**

October 25, 2013

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

Dear Chair Burden,

At its Full Board meeting on October 24, 2013, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**300 Lafayette Street (BP Station on Houston Street). ULURP Nos. N 140092 ZRM, N 140093 ZSM, N 140095 ZSM, N 140096 ZSM, CEQR No. 77DCP091M.** An application to the City Planning Commission to facilitate development of a seven-story commercial building within an M1-5B zoning district and within the Soho Cast Iron Historic District Extension. The application seeks the following actions: a zoning text amendment to Section 74-712 and special permits pursuant to Section 74-712 as amended to 1) allow Use Group 6 retail and office uses below the second story, 2) modify height and setback requirements; and 3) to allow retail uses in Use Group 6 and 10A with no limitation on floor area per establishment.

### **Whereas:**

1. The application was presented to the committee by Marcello Porcelli and Adam Good of Larga Vista (the applicant), Rick Cook and Fred Metzger of Cook + Fox (Architect), Elise Wagner of Kramer Levin, and Julie Greenberg of Kasirer Consulting LLC.
2. The proposal is for a seven-story building with retail and office uses.
3. The current use of the site is primarily a large gas station.
4. Two one-story buildings will be demolished.
5. The CB2 Landmarks Committee recommended approval of the certificate of appropriateness.
6. The text amendment will affect only one site in CB2.
7. There is a credible planning rationale for allowing ground level retail on a lot facing two wide streets.
8. The applicant agrees to accept a stipulation prohibiting eating and drinking establishments.
9. The building will include up to 32,600 gsf of retail on three floors which far exceeds the ideal size of a single retail establishment.

10. Large retail establishments are common in the area, mostly on Broadway, including very large stores such as REI, across the street on Lafayette.
11. The anticipated retail will be a single high-end destination retail use.
12. The building will also include up to 49,500 gsf of office use.
13. Increasing office use in the neighborhood will improve the mix of daytime uses in the area and hopefully cause local eating and drinking establishments to be less dependent on late night uses that are a nuisance for residents in the area.
14. The Houston Street sidewalk is experiences crowding now because of the midblock location of a heavily used subway stair, and the inclusion of destination retail will make it worse.
15. The project includes an innovative approach, recommended by neighbors, to allow pedestrian movement on both sides of the stair.
16. The retail and office entrances are well-located to reduce the impact of the building on sidewalk crowding, but the retail entrance may be more appropriately located at the intersection of the two wide streets rather than on Crosby Street which includes nearby residential buildings.
17. The applicants met with groups of neighbors prior to finalizing the application.
18. Residents speaking at the hearing generally approved of the project and the building design and the project is supported by the Broadway Residents Coalition.
19. The project is a significant improvement over the gas station which is the dominant current use.
20. The accessory signage is not excessive and the unattractive massive billboards will be eliminated.

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

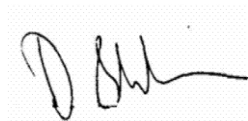
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1. Supports the text amendment the Zoning Resolution, making it possible to improve the uses on this site under 74-712, **which applies only to this site.**
2. Supports retail use of the ground floor but prefers reduction of total retail use in favor of greater office use and requests consideration of relocation of the retail entrance from Crosby to Lafayette.
3. Sustains its prior positions regarding building design taken in consideration of the application to the Landmarks Commission to the extent that the modification of height and setback regulations are reflected in that application.
4. Requests special design of construction fences and sidewalk bridges to avoid sidewalk congestion near the subway entrance during construction, with all construction operations from the Lafayette Street side only, especially given the likely simultaneous construction on the west side of Crosby Street.

Vote: Passed, with 37 Board members in favor, and 1 in opposition (D. Diether)

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. Jerrold L. Nadler, Congressman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Hon. Margaret Chin, Council Member  
Edwin Marshall, Dept. of City Planning

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October 25, 2013

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 October 24, 2013 CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**2 Cooper Square. Application 219-13-BZ to the Board of Standards and Appeals** for a special permit pursuant to ZR 73-36 to permit a physical culture establishment to be operated at Crunch Fitness within an existing sub-cellar, cellar, and ground floor of a fifteen-story mixed use building located in an M1-5B zoning district.

### Whereas:

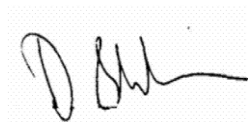
1. The applicant was represented at the meeting by Todd Dale or Eric Palatnik, PC.
2. The application is for a Crunch Fitness center.
3. The applicant stated that design for renovations will assure appropriate sound attenuation to protect other tenants.
4. The hours of operation will be Monday through Saturday 5:00 AM – 11:00 PM and Sunday 7:00 AM to 9:00 PM.
5. Between 750 and 900 visits per day are anticipated.
6. The building has no outstanding DOB or ECB violations.
7. The application is for a 10-year permit which is the maximum allowed.
8. The findings required for issuing this permit have been met.
9. There are no foreseeable adverse affects to privacy, quiet, light and air in the neighborhood.
10. Construction and operations will have no foreseeable adverse impacts on planned public improvement projects.
11. The use in the proposed location will not impair the essential character or future use or development of the surrounding area.
12. The facility will provide opportunities for physical exercise including classes and instruction.
13. No one spoke for or against this application.

**Therefore it is resolved** that CB#2, Man. has no objection to the issuance of the requested special permit.

Vote: Unanimous, with 38 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

cc: Hon. Jerrold L. Nadler, Congressman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel Squadron, NY State Senator  
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Hon. Scott M. Stringer, Man. Borough President  
Hon. Christine C. Quinn, Council Speaker  
Hon. Margaret Chin, Council Member  
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Vivian Awner, Community Board Liaison, Dept. of City Planning  
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October 25, 2013

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 October 24, 2013 CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**156-162 Leroy Street (east side of West Street extending from Clarkson to Leroy).** An application to be filed with the Board of Standards and Appeals pursuant to ZR 72-21 to permit construction of a new building with retail use on the ground floor and residences on the second through twelfth floors on a zoning lot with area of 28,362 square feet in an M1-5 zone.

### Whereas:

1. The application was first heard at the July Land Use committee meeting and continued at the September meeting but action by the full community board was delayed at the request of the applicant.
2. The application is for a variance to allow a 12-story luxury condominium residential building with 77 apartments on floors two through 12 and minimal retail on the ground floor.
3. The apartment layout, while directed to a luxury market, avoids the tendency toward huge overly-exclusive units that would reinforce the lack of vitality of the pedestrian environment in the area.
4. The lot affected by the variance occupies approximately half of the block and existing structures on the lot are either vacant or occupied by marginal uses including a "gentlemen's club".
5. Most of the rest of the block is occupied by a single structure used by FEDEX for package handling.
6. Adjacent blocks also include large FEDEX and UPS facilities with active all-night trucking uses.
7. Pier 40, immediately across West Street from the site, includes lighted sports fields used late at night.
8. In the past, new residential uses in this area when allowed by variance have created some conflict with conforming uses of adjacent areas when new residents complained about trucking and other activities they perceive as nuisances.

9. Some of the nearby uses may be considered objectionable by future occupants of luxury dwellings creating a potential impact on conforming and/or desirable uses.
10. The application seeks a 5.0 FAR, equal to the existing FAR for non-residential uses in this M1-5 zone.
11. There is no residential FAR in an M1-5 zone so the underlying commercial 5.0 FAR is not a consideration when an application for a variance to allow residential use is considered.
12. The appropriate standard for determination of residential FAR is that it be the minimum variance needed for a viable project.
13. Financial analysis provided with the application indicates that as-of-right development of a 22-story hotel offers insufficient return on investment, but the analysis does not evaluate possible lesser variances such as a lower FAR with larger residential units.
14. One Morton Square, one block to the north, is a full-block 15-story residential development based on a variance granted by the BSA in 2001 allowing an FAR of 6.32, however values for residences in the area have increased substantially since that development was completed.
15. A 2003 CPC report argues for retention of the current zoning on blocks including this one, as follows: "South of Leroy Street the blocks continue to have a strong industrial and commercial presence. Retention of the M1-5 zoning is recommended in order to ensure continued space for nonresidential activities and to reduce the potential for conflicts with industrial and other commercial activities."
16. Recent variances and rezoning of adjacent areas have increased the infiltration of residential uses and the area has an increasingly residential character.
17. The building design incorporates required storm hardening, including location of vulnerable mechanical systems on the top floor.
18. Plantings between the West Street sidewalk and the structure will make this block more attractive to pedestrians and encourage the use of neighborhood streets for access to Hudson River Park.
19. Perhaps because of its distance from more intensely used areas and also the continuing trucking use, the area has not established successful retail uses and pedestrian traffic is minimal on many streets, a detriment to the nearby residential areas.
20. The Hudson River Park project has greatly increased the value of nearby residential properties and its continued success is critical to the improvement of foot traffic and neighborhood vitality of large areas of the far west side.
21. Recreational use of Pier 40 represents a unique and essential neighborhood resource and an indispensable opportunity for improvement of quality of life for residents in our district and beyond.
22. Committee members noted the value Hudson River Park has brought to the site and requested consideration by the developer of a substantial donation to Hudson River Park given the enhancement of the value of the property based on its proximity to the park.
23. The Hudson River Park Trust informed the board that an agreement reached between the applicant and the Friends of Hudson River Park guarantees a substantial contribution to the park upon approval of residential use of the site, to be used toward rehabilitation of Pier 40.
24. CB2 has not heard or received objections to residential use on this site other than concern over whether a variance is the appropriate means to achieve a zoning change because the hardship and uniqueness findings are not well-documented.

**Therefore it is resolved that CB2 Manhattan**

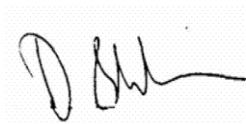
1. Recommends approval of the variance to allow residential use on this site based on the proposed apartment configuration of 77 units, but given the need of this neighborhood for street level vitality, would not support a reconfiguration with fewer units and would not concur that such change would reduce the impact of the variance on neighborhood character and nearby conforming uses.

2. Commends the applicant for its contribution to Friends of Hudson River Park, recognizing the importance of the Hudson River Park and Pier 40 for the neighborhood as a whole and for the success of residential development in the immediate area.
3. Commends the applicant for proposing an attractive building with a height similar to One Morton Square, and for using extensive plantings to provide an attractive pedestrian environment along West Street where the necessary flood hardening could worsen the harsh traffic-dominated ambiance.
4. Requests, as always, that the Board of Standards and Appeals review the financial analysis to assure that the FAR allowed conforms to the requirement for a minimum variance.
5. Requests that final approval of the application require inclusion in the condominium offering plan of descriptions of the surrounding uses including conforming high volume trucking uses and lighted sports fields at Pier 40.

Vote: Passed with 22 Board members in favor, 14 in opposition (K. Berger, C. Booth, K. Bordonaro, T. Connor, M.P. Derr, D. Diether, C. Dwyer, R. Ely, J. Frost, J. Geballe, D. Landesman, E. Ma, A. Meadows, L. Rakoff, R. Rothstein) and 1 abstention (S. Sweeney).

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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