



IN THE MATTER OF an application submitted by QT Soho Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 225 feet southerly of Prince Street, a line midway between MacDougal Street and Sullivan Street, a line midway between Avenue of the Americas and Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street; and
2. establishing within an existing R7-2 District a C2-5 District bounded by a line 225 feet southerly of Prince Street, a line 100 feet westerly of Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street;

Borough of Manhattan, Community District 2, as shown on a diagram (for illustrative purposes only) dated January 29, 2018.

This application for a zoning map amendment was filed by QT Soho Realty LLC on December 8, 2017. It would establish a C2-5 commercial overlay on a portion of Manhattan Block 504 to facilitate a Use Group 9 dance studio and the legalization of a Physical Culture Establishment (“PCE”) in a new mixed-use building located at 180 Avenue of the Americas in the South Village neighborhood of Manhattan Community District 2.

BACKGROUND

The proposed zoning map amendment would replace an existing C1-5 commercial overlay district with a C2-5 district along portions of Avenue of the Americas and Spring Street on Block 504, Lots 7501, 43, 39, and parts of Lots 36 and 11, and eliminate the existing C1-5 overlay on certain residential properties along Sullivan Street (Block 504, Lots 31, 34 and part of Lot 36). The proposed rezoning area and the subject block are also located within an R7-2 zoning district.

The area to be rezoned from a R7-2/C1-5 to a R7-2/C2-5 district includes the project site at 180 Avenue of the Americas (Block 504, Lot 7501), a newly constructed 14-story mixed use building with approximately 25 dwelling units and 8,574 square feet of ground floor and cellar commercial floor area; 207 Spring Street (Block 504, Lot 43), a six-story community facility owned and occupied by the non-profit God's Love We Deliver; and 203 Spring Street (Block 504, Lot 39), a six-story apartment building with ground floor retail. The rezoning area also encompasses a small portion of 188 Avenue of the Americas (Block 504, Lot 11), which is improved with a six-story mixed-use building with ground floor commercial use, and a small portion of 100 Sullivan Street (Block 504, Lot 36) that is occupied by a six-story multi-family residential building. The area to be rezoned from R7-2/C1-5 to R7-2 includes portions of three six-story residential buildings, 100 Sullivan Street (Lot 36), 104 Sullivan Street (Lot 34), and 112 Sullivan Street (Lot 31) that do not contain any commercial uses.

The area proposed to be rezoned is located within the South Village neighborhood, between SoHo to the east and Hudson Square to the west. The surrounding area contains a mix of residential, commercial offices, hotel, retail, and community facility uses. Buildings range from townhouses, tenements, mid-rise industrial loft buildings that have been converted to offices and/or residential use, and newer high-rise residential and hotel buildings. Many of the surrounding buildings house commercial uses on the lower floors.

The surrounding South Village neighborhood is zoned R7-2, with a C1-5 overlay along Avenue of the Americas and Spring Street. R7-2 zoning districts permit medium-density residential buildings with a maximum floor area ratio (FAR) of 3.44. The C1-5 overlay typically allows for local retail uses, including neighborhood grocery stores, restaurants, and beauty parlors. When mapped in an R7 district, the maximum commercial FAR is 2.0. In C1-5 districts, Use Group 9 is not permitted as-of-right; provisions that allow the Board of Standards and Appeals (BSA) to grant a special permit for PCE use are not applicable. The Special Hudson Square District, located immediately west of the rezoning area, permits residential, commercial and light manufacturing uses up to 10.0 base FAR. Residential FAR may be increased from a base of 9.0 to a maximum of 12.0 in accordance with the provisions of the Voluntary Inclusionary Housing Program.

The proposed C2-5 commercial overlay would facilitate the inclusion of a Use Group 9 dance studio, and the legalization of an existing PCE, which is also subject to the grant of a special permit by the BSA, within the mixed-use building located at 180 Avenue of the Americas (Block 504, Lot 7501). The intended dance studio tenant is currently located across the street from the project area and is seeking to relocate within the surrounding neighborhood. The existing non-conforming PCE has been operating since August 2017. The maximum permitted commercial FAR in the C2-5 overlay is also 2.0, but it allows for a slightly wider range of commercial uses than C1 districts, including Use Group 9 dance studios, as well as a variety of home maintenance and repair shops and service establishments.

ENVIRONMENTAL REVIEW

The application (C 180170 ZMM) was reviewed pursuant the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP070M. The lead agency is the City Planning Commission.

After a study of the potential impacts of the proposed action, a Negative Declaration was issued on January 29, 2018.

UNIFORM LAND USE REVIEW

This application (C 180170 ZMM) was certified as complete by the Department of City Planning on January 29, 2018, and was duly referred to Manhattan Community Board 2 and Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on February 14, 2018, and on February 22, 2018, by a vote of 35 in favor, none opposed, and with no abstentions, adopted a resolution recommending approval of the application with the following conditions:

- “1. CB2 has no objection to the change from R7-2/C1-5 to R7-2/C2-5 at 180-188 Avenue of the Americas;
2. CB2 has no objection to eliminating the mixed zoning on the primarily residential lots on Sullivan Street so that they are zoned entirely R7-2.
3. CB2 recommends denial of the proposed change from R7-2/C1-5 to R7-2/C2-5 for buildings on Spring Street.”

Borough President Recommendation

The application was considered by the Manhattan Borough President, who issued a recommendation to approve the application on March 28, 2018.

City Planning Commission Public Hearing

On March 28, 2018 (Calendar No. 5), the City Planning Commission scheduled April 11, 2018, for a public hearing on this application (C 180170 ZMM). The hearing was duly held on April 11, 2018 (Calendar No. 11). Two speakers testified in favor of the application.

The applicant’s land use counsel described the proposed project and the requested action. Regarding the PCE use that has been operating illegally, he stated that the owner leased the cellar commercial space to the gym during Department of City Planning’s review of the application and fully intends to seek a BSA special permit to legalize the use if the proposed rezoning is approved. The project architect also appeared in favor of the application. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment is appropriate.

The proposed zoning map amendment would replace partially the existing C1-5 commercial overlay mapped along Block 504’s Avenue of the Americas and Spring Street frontages with a C2-5 overlay to allow a dance studio that is seeking to relocate from Hudson Square and a nonconforming gym to seek a BSA special permit for legalization on the ground floor and cellar

of the newly constructed mixed-use building at 180 Avenue of the Americas. It would also eliminate the existing C1-5 overlay on several exclusively residential buildings.

The proposed C2-5 commercial overlay along portions of Avenue of the Americas and Spring Street is appropriate. There is an existing C1-5 overlay mapped in the rezoning area; replacing it with a C2-5 district would not change the permitted commercial density or applicable bulk regulations, but would allow a slightly wider range of uses than the C1-5 district, including Use Group 9 dance studios, a variety of home maintenance and repair shops, and service establishments. A C2-5 overlay would also make buildings in this district eligible to apply to the BSA for a PCE special permit.

The proposed C2-5 overlay would be in context with the surrounding zoning and the land use pattern in the Hudson Square and the South Village neighborhoods. Specifically, the Commission observes that the rezoning area and the nearby street frontages along Avenue of the Americas and Spring Street represent a variety of commercial uses, and that the Special Hudson Square District immediately west of the rezoning area permits and contains uses that would be permitted by the C2-5 district.

The elimination of the existing C1-5 overly on parts of the residential buildings along Sullivan Street is appropriate. Such change would better match the zoning map with the existing conditions and properly reflect the residential character of Sullivan Street.

The Commission is displeased that the applicant leased space to a gym use that is not permitted under the current zoning, prior to the adoption of the proposed map amendment or the grant of a PCE special permit by the BSA. The Commission, however, recognizes that the PCE regulations in the Zoning Resolution warrant reform to keep pace with changes in the modern fitness industry.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section 12a:

1. eliminating from within an existing R7-2 District a C1-5 District bounded by a line 225 feet southerly of Prince Street, a line midway between MacDougal Street and Sullivan Street, a line midway between Avenue of the Americas and Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street; and
2. establishing within an existing R7-2 District a C2-5 District bounded by a line 225 feet southerly of Prince Street, a line 100 feet westerly of Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street;

Borough of Manhattan, Community District 2, as shown on a diagram (for illustrative purposes only) dated January 29, 2018.

The above resolution (C 180170 ZMM), duly adopted by the City Planning Commission on May 9, 2018 (Calendar No. 15) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

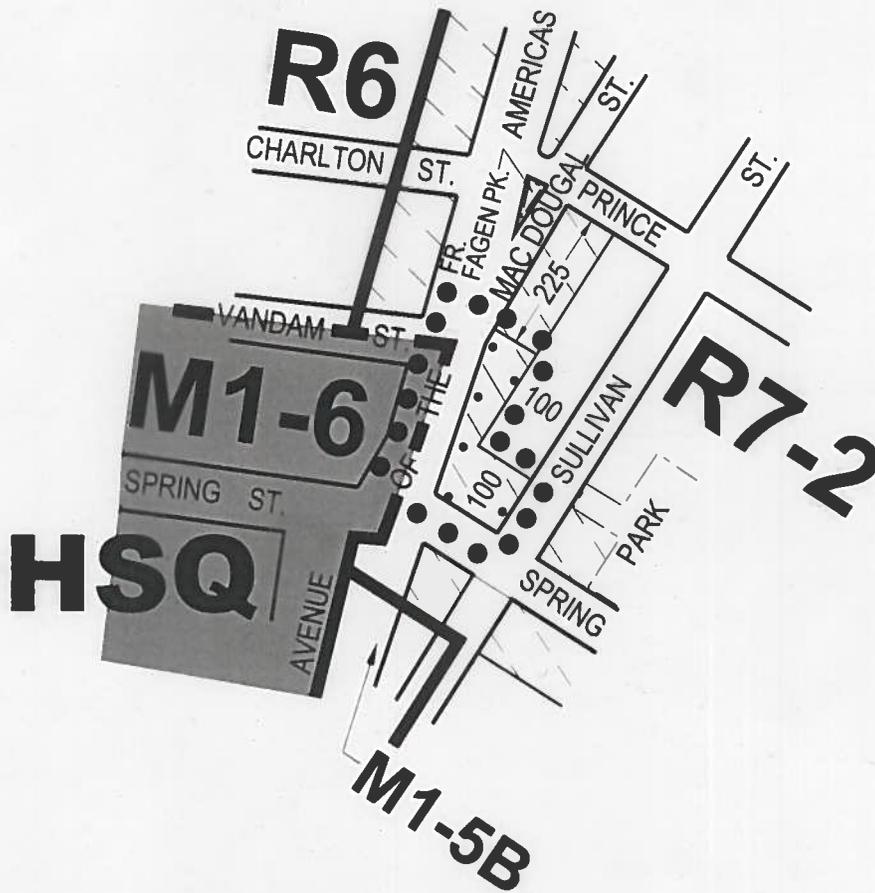
MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

ALFRED C. CERULLO, III, MICHELLE DE LA UZ, JOSEPH DOUEK,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, *Commissioners*



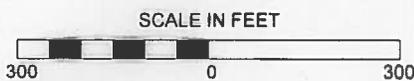
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
12a

BOROUGH OF
MANHATTAN



New York, Certification Date
 JANUARY 29, 2018

S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by eliminating a C1-5 District from within an existing R7-2 District, and by establishing a C2-5 District within an existing R7-2 District.
- Indicates a C1-5 District.
- Indicates a C2-5 District.
- Indicates a Special Hudson Square District.

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

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

February 26, 2018

Marisa Lago, *Chair*
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on February 22, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

***180 -188 Avenue of the Americas** (between Prince and Spring Streets) CPC No 180170ZMM Application proposes a zoning map amendment to rezone from R7-2/C1-5 to a R7-2/C2-5 to allow use group 9.

Whereas:

1. The applicant proposes a zoning map amendment to rezone 180-188 Avenue of the Americas, 203-207 Spring St., and 100-112 Sullivan St. (a total of seven lots) from an R7-2/C1-5 to an R7-2 and R7-2/C2-5 zoning district in order to allow a Use Group 9 dance studio and to legalize a physical culture establishment in a mixed-use commercial and residential condominium building at 180 Avenue of the Americas.
2. The inclusion of the UG 9 dance studio and the legalization of the PCE will also be subject to the granting of a special permit by the Board of Standards and Appeals.
3. The proposed zoning map amendment would eliminate the existing C1-5 commercial overlay mapped over the proposed project area and would establish a C2-5 commercial overlay over five of the seven lots.
4. The proposed project area is located within the South Village neighborhood, between SoHo to the east and Hudson Square to the west. The Sullivan-Thompson Historic District encompasses most of the project block and the surrounding South Village neighborhood.
5. The elimination of the existing C1-5 overlay on parts of lots on Sullivan Street would rationalize the zoning district boundaries for the R7-2 district and the commercial overlay, and eliminate the split lot condition on these lots so that they are zoned R7-2 in their entirety.

6. 188 Avenue of the Americas is a premises with uses restricted by declaration to its current uses. The space cannot be vented for cooking and the condominium declaration prohibits the use of the space as a restaurant, bar, nightclub or cabaret.
7. The rationale provided for changing the zoning at 180-188 Avenue of the Americas is reasonable for the Avenue location and will enable suitable use of an isolated retail store that is difficult to rent under the current zoning restrictions.
8. The R7-2/C1-5 zoning is appropriate for the corner of Spring Street and Sullivan Street where the stores are currently appropriately occupied and none of the rationale applicable to 180-188 Avenue of the Americas applies.
9. Given the nature of the existing building at the corner of Spring St. and Sullivan St. and its location in an historic district, it is unlikely the existing stores could be modified to allow C2-5 overlay uses.
10. Restricting commercial uses to uses serving local needs is appropriate on the portion of Spring Street closer to narrow residential streets such as Sullivan Street.

Therefore:

1. CB2 has no objection to the change from R7-2/C1-5 to R7-2/C2-5 at 180-188 Avenue of the Americas;
2. CB2 has no objection to eliminating the mixed zoning on the primarily residential lots on Sullivan Street so that they are zoned entirely R7-2.
3. CB2 recommends denial of the proposed change from R7-2/C1-5 to R7-2/C2-5 for buildings on Spring Street.

Vote: Unanimous, with 35 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, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan



Frederica Sigel, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TC/jt

c: Hon. Jerrold L. Nadler, Congressman
Hon. Brian Kavanagh, State Senator
Hon. Deborah Glick, Assembly Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Member
Sylvia Li, Dept. of City Planning

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Fax # (212) 720-3488

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 180170 ZMM

Docket Description:

IN THE MATTER OF an application submitted by QT Soho Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a:

1. Eliminating from within an existing R7-2 District a C1-5 District bounded by a line 225 southerly of Prince Street, a line midway between MacDougal Street and Sullivan Street, a line midway between Avenue of the Americas and Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street; and
2. Establishing within an existing R7-2 District a C2-5 District bounded by a line 225 feet southerly of Prince Street, a line 100 feet westerly of Sullivan Street, a line 100 feet northerly of Spring Street, Sullivan Street, Spring Street, Avenue of the Americas, and MacDougal Street;

Borough of Manhattan, Community District 2.

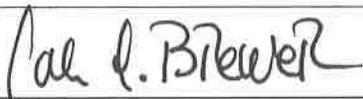
COMMUNITY BOARD NO: 2

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS: See Attached



BOROUGH PRESIDENT

March 28, 2018

DATE



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f

431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f

www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

March 28, 2017

**Recommendation on ULURP Application C 180170 ZMM – 180 Avenue of the Americas
By QT Soho Realty LLC**

QT Soho LLC (“the applicant”) seeks a zoning map amendment pursuant to Sections 197-c and 201 of the New York City Charter to rezone 180-188 Avenue of the Americas, 203-207 Spring Street and 100-112 Sullivan Street (Block 504, Lots 7501, 43, 39, p/o 36, p/o 34, p/o 31, and p/o 11) from an R7-2/C1-5 zoning district to an R7-2/C2-5 zoning district to permit a Use Group 9 dance studio and to legalize a Physical Culture Establishment (“PCE”) within an existing mixed-use commercial and residential building located at 180 Avenue of the Americas (“Project Site”), within the South Village neighborhood in Community Board 2, Manhattan.

In evaluating this land use action, the office of the Manhattan Borough President must evaluate the proposed zoning map changes for consistency and accuracy, and given the land use implications, the appropriateness for the growth, improvement and development of the neighborhood and borough.

BACKGROUND

Area Context

The Project Site is bounded by Avenue of the Americas to the west and Spring Street to the south. The block consists primarily of three- to six-story buildings, with the Project Site the tallest on the block, and is comprised of multi-family, mixed-residential and commercial buildings. West of the site is the Special Hudson Square District, which was designated in 2013 in an effort to preserve the area’s commercial base and the built character, and to encourage mixed-use development. South of the site, about midblock between Spring Street and Broome Street, is an M1-5B district, and further east is an M1-5B zoning district.

The Project Site is served by the A/C/E subway line located at Spring Street and Avenue of the Americas, and just two blocks northeast of the site is the B/D/F/M subway line on West Broadway and West Houston Street. Citibike bicycle stations are located just south of Spring Street and another is located north of West Houston Street.

Project Area

The proposed Project Area encompasses seven existing sites: 180 Avenue of the Americas, 203 Spring Street, 207 Spring Street, 100 Sullivan Street, 104 Sullivan Street, 112 Sullivan Street, and 188 Avenue of the Americas.

180 Avenue of the Americas is the Project Site. 207 Spring Street is a 6-story community facility building totaling 39,658 square feet immediately south of the Project Site and is owned by God's Love We Deliver, a non-profit organization. To the west is 203 Spring Street, a 6-story 12,662 square foot mixed-use building. To the rear of the Project Site are three multi-family residential buildings: 100 Sullivan Street which is 33,750 square feet; 104 Sullivan Street which is approximately 18,740 square feet; and, 112 Sullivan Street which is approximately 38,880 square feet. 188 Avenue of the Americas is also a 6-story building with 33,930 square feet.

Site Description

The site owned by the applicant, 180 Avenue of the Americas, consists of a 14-story, mixed-use building with approximately 60,514 square feet of residential floor area, 8,642 gross square feet of commercial floor area on the ground floor, and 6,411 gross square feet of commercial floor area in the cellar.

PROJECT DESCRIPTION

The applicant proposes a rezoning to allow for a Use Group 9 dance studio (Physique 57, which is currently located across the street from the Project Site) and the legalization of a PCE (Switch, which is currently on-site and which would be subject to a Board of Standards and Appeals special permit) within the mixed-use development at 180 Avenue of the Americas. The Use Group 9 dance studio will occupy 4,273 square feet of floor area on the ground floor and will be accessed by an entrance at Avenue of the Americas. The PCE would also be accessed by an entrance at Avenue of the Americas, and as proposed, would occupy 835 square feet on the ground floor and an additional 5,851 square feet in the cellar.

According to the applicant, Switch Playground is currently located in the Project Site. They have stated to our office that it initially functioned as accessory to the residential use, predominantly serving the building's residents. However, this gym has another branch in the West Village. This fact, together with marketing materials and programmatic offerings at the gym, do not conform to our common conception of an accessory gym for a residential building.

To facilitate the proposed development at the Project Site, the applicant proposes a zoning map amendment to eliminate the existing C1-5 commercial overlay over the Project Area and establish a C2-5 commercial overlay over 180 Avenue of the Americas, 207 Spring Street, 203 Spring Street, part of 100 Sullivan Street, and part of 188 Avenue of the Americas.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on February 22, 2018, Manhattan Community Board 2 ("CB2") voted unanimously to approve the application with modifications. CB2 approved the rezoning of the Project Site, 180-188 Avenue of the Americas, and the elimination of the existing commercial overlay on Sullivan Street, but denied the action to extend the new commercial overlay to the primarily residential buildings on Spring Street.

BOROUGH PRESIDENT'S COMMENTS

Our office has raised substantive concerns with application proposals to change the permitted use, particularly in favor of luxury residential and retail uses. For this particular application, we believe the proposed zoning map amendment to rezone the project area's existing commercial overlay to accommodate uses that are similar to what is existing directly across the street is appropriate. The rezoning will bring existing local clientele into a newly constructed commercial space at the proposed development site, which has remained vacant and contributed much to the commercial blight we have come to experience throughout the city. We hope the applicant will ensure the proposed gyms provide some transparency at the street level to activate this quieter stretch of the Avenue of the Americas.

The existence of the gym, Switch Playground, at the Project Site raises some concerns about how an accessory gym is defined and interpreted especially in a neighborhood where some have sought to use creative descriptions of retail uses to argue for more favorable treatment under the Zoning Resolution. In any event, because we find the proposed rezoning appropriate and because we understand that Switch Playground will seek a permit from the BSA as a PCE, we believe approval of the application is appropriate.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application NO. C 180170 ZMM.



Gale A. Brewer
Manhattan Borough President