



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

May 2, 2016

Carl Weisbrod, Director  
Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

Dear Director Weisbrod,

At its March 2016 monthly meeting, Community Board 3 passed the following resolution:

**VOTE: To disapprove the application, C160137 ZMM ULURP Zoning Map Amendment, to map a C2-5 commercial overlay to a depth of 100' along two and one-half blocks on the south side of East Houston Street between the east side of Norfolk Street and the centerline of the block between Clinton Street and Attorney Street to facilitate the construction of a 13-story mixed use building on 255 Houston Street.**

**WHEREAS**, the applicant Samy Mahfar has a well-documented history of illegal construction and construction harassment at sites including but not limited to 210 Rivington Street, 22 Spring Street, and 102 Norfolk Street; and

**WHEREAS**, the development site, was previously a community facility, an affordable city-subsidized day care center serving 350 children that had operated for over 40 years; and

**WHEREAS**, the day care center had over fifteen years remaining on its lease; and

**WHEREAS**, the day care was forced to be vacated due to the open violations and the applicant's failure to address them; and

**WHEREAS**, there are still open violations on the site; and

**WHEREAS**, the community intended that this site remain a community facility during the 2008 East Village rezoning and is currently facing the loss of many community facilities throughout CB 3; and

**WHEREAS**, the existing zoning accommodates community facilities on the ground floor; and

**WHEREAS**, while the proposed zoning amendment covers two and one-half blocks, the application is driven by the desire to grant new zoning to a single property, a type of "spot zoning" that runs counter to the community planning process that resulted in the 2008 rezoning; and

**WHEREAS**, in an apparent effort to reduce the appearance of "spot zoning" the proposed rezoning would place a commercial overlay on more properties that currently have none and increase the commercial overlay from C1-5 to C2-5 on others, inconsistent with community intentions for the blocks as expressed in the 2008 rezoning; and

**WHEREAS**, the CB 3 community already has a preponderance of residential areas with commercial overlays, where the commercial space is used for nightlife and other activities that are degrading the quality of life for residents, and this rezoning would open up additional areas on Houston Street and narrow side streets for such activity, contrary to the needs of the community; so

**THEREFORE BE IT RESOLVED**, CB 3 disapproves the C160137 ZMM ULURP Zoning Map Amendment, to map a C2-5 commercial overlay to a depth of 100' along two and one-half blocks on the south side of East Houston Street between the east side of Norfolk Street and the centerline of the block between Clinton Street and Attorney Street to facilitate the construction of a 13-story mixed use building on 255 Houston Street.

Please contact the community board office with any questions.

Sincerely,



Gigi Li, Chair  
Community Board 3



MyPhuong Chung, Chair  
Land Use, Zoning, Public and Private Housing Committee

Cc: Tommy Lin, Mayor's Office of Community Affairs  
Andrew Lombardi, Office of Manhattan Borough President Gale Brewer  
Erica Baptiste, Office of Manhattan Borough President Gale Brewer  
Basha, Gerhards, Office of Manhattan Borough President Gale Brewer  
Matthew Viggiano, Office of New York City Council Member Rosie Mendez  
Joel Kolkman, Office of New York City Department of City Planning  
Miriam Gonzalez, Housing Preservation and Development  
Sean Berens, Applicant's Representative