



**IN THE MATTER OF** an application submitted by 59 Greenwich LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) on a portion of the second floor; and
2. the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines);

in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), in a C2-6 District, within the Greenwich Village Historic District, Borough of Manhattan, Community District 2.

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This application was filed by 59 Greenwich LLC on August 27, 2018. The applicant is seeking a special permit pursuant to Section 74-711 of the Zoning Resolution (ZR) to modify the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses on the second floor, and the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with the reconstruction and enlargement of an existing four-story building at 59 Greenwich Avenue in the Greenwich Village neighborhood of Manhattan Community District 2.

## **BACKGROUND**

The applicant requests use and bulk waivers to reconstruct and enlarge a building in the Greenwich Village Historic District in Manhattan Community District 2. The project site, 59 Greenwich Avenue (Block 613, Lot 60), is located on a triangular block where Seventh Avenue, Greenwich Avenue and Perry Street intersect one another. The zoning lot measures approximately 1,419 square feet, and has a 23-foot frontage on the west side of Greenwich Avenue. The site is occupied by a four-story, currently vacant building that was initially constructed in 1845 as a single-family townhouse, along with the adjacent, existing building to the south at 57 Greenwich Avenue (aka 1 Perry Street), each for a single owner. The building most recently contained ground floor retail uses and residential above (three market-rate units), and has a floor area ratio (FAR) of 2.92. The

existing rear yard is shallow, and the distance between the existing rear-facing windows and the rear lot line ranges from approximately 14 to 18.5 feet.

To the north of the project site, at 61 Greenwich Avenue, is a four-story subway ventilation plant. To the south is a four-story mixed-use building occupied by a restaurant on the ground floor and residential use above. The lot at the corner of Perry Street and Seventh Avenue is occupied by a two-story commercial building housing a restaurant. The new 14-story mixed-use Greenwich Lane development is located across the street on the block bounded by Seventh Avenue, Sixth Avenue, West 12th Street, and West 11th Street. The site is located on the edge of the Greenwich Village neighborhood, within the Greenwich Village Historic District, which was designated by the Landmark Preservation Commission (LPC) in 1969.

The project site is within a C2-6 zoning district. Greenwich Avenue and Seventh Avenue, mapped with C1-6 and C2-6 districts, are local commercial corridors with a strong presence of retail stores, bars, restaurants, and local services that complement the surrounding residential neighborhoods and contribute to active street life. C2-6 districts (R7 equivalent) permit residential uses up to 3.44 FAR and commercial uses up to 2.0 FAR. In mixed-use buildings, commercial floor area must always be located below residential uses and is limited to the portion of the building below the level of the first story ceiling. A minimum rear yard of 20 feet is required above the ground floor.

The applicant, who owns the vacant building, proposes to rehabilitate it and occupy the first and second floors with a hair salon. The first floor would be used as a store selling hair products, accessory to the primary salon use on the second floor. This second-floor commercial use requires the requested use waiver.

The applicant also proposes an as-of-right extension of the cellar level and first-story to the rear lot line, and a 375.87-square-foot terrace at the second-story (above the roof of the first-story enlargement) as a waiting area for salon customers, connected to the proposed 1,209.76-square-foot salon use on the second floor. As proposed, the enlarged building would have an FAR of 3.4.

Due to structural issues, the applicant proposes to reconstruct over 75 percent of the existing building, including the rear exterior walls, as part of its restoration and rehabilitation. Accordingly, a bulk waiver on the second, third and fourth stories is necessary to rebuild the existing building to its current configuration. Notwithstanding changes to interior partitions and exits, the two apartments on the third and fourth stories would generally remain in their current configuration.

On December 6, 2017, the LPC issued a report (LPC-19-1530, MOU 19-01530) stating that a program has been established for continuing maintenance, and that the proposed restorative work required under the program contributes to a preservation purpose. To facilitate the proposed development, the applicant requests the grant of a City Planning Commission special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use and bulk regulations of the C2-6 district.

#### **ENVIRONMENTAL REVIEW**

This application (C 190070 ZSM) was reviewed pursuant to 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, Section 617.00 et seq. and the City Environmental Quality Review Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. This application was determined to be a Type II action, which requires no further environmental review.

#### **UNIFORM LAND USE REVIEW**

This application (C 190070 ZSM) was certified as complete by the Department of City Planning on September 24, 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 October 10, 2018 and on October 18, 2018 by a vote of 42 in favor, none against and none abstaining, adopted a resolution

recommending approval of the application with the condition that, “eating and drinking is excluded in perpetuity and this is stated within the City Planning Commission report and likewise specifically incorporated and described as such in a restrictive declaration.”

### **Borough President Recommendation**

The application was considered by the Borough President, who issued a recommendation on November 20, 2018 approving the application with the following condition:

“UG 6 should be permitted on the second floor as requested, but eating and drinking establishments on this floor should be excluded in perpetuity. This exclusion should be stated within the City Planning Commission report and likewise specifically incorporated and described in a restrictive declaration to be recorded against the property.”

### **City Planning Commission Public Hearing**

On November 14, 2018 (Calendar No. 17), the City Planning Commission scheduled December 5, 2018, for a public hearing on this application (C 190070 ZSM). The hearing was duly held on December 5, 2018 (Calendar No. 34). Four speakers testified in favor of the application.

The project executive representing the applicant spoke in favor of the project, providing an overview of the building’s history, the applicant’s vision for the site, and the surrounding context. The applicant’s land use counsel spoke in favor of the application, addressing in detail how the proposed project would satisfy the findings of the special permit and enhance the historic character of the building and the Greenwich Village Historic District. She also presented a map showing existing second-story commercial uses near the project site, stating that the proposed commercial use would be consistent with this existing neighborhood condition and enhance the retail vibrancy of Greenwich Avenue. In response to the recommendations of the Community Board and the Manhattan Borough President, she confirmed that the applicant did not intend to pursue an eating and drinking use on the second floor and would instead use the ground and second floors as a single hair salon with accessory retail. A historic preservationist and the project architect also made appearances in favor. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 190070 ZSM) is appropriate.

The special permit would modify the use regulations of ZR Section 32-421 to allow Use Group 6 uses on the second floor, and the minimum distance between legally required windows and lot lines regulations of ZR Section 23-86 in connection with the reconstruction and enlargement of an existing four-story building at 59 Greenwich Avenue within the Greenwich Village Historic District.

The Commission believes that the modification of use regulations to allow Use Group 6 retail uses on the second floor of the building would not adversely affect any conforming uses within the building, as the building is fully vacant and will be entirely owner-occupied in the future. The applicant intends to rehabilitate the building, occupy the enlarged first floor and second floor with his boutique for hair product and a small, three-chair hair salon, and use the top two floors for residential purposes for himself and his staff.

The Commission believes that such use modification would not have adverse effects on the conforming uses in the surrounding area. First, the Commission observes that the adjacent uses are primarily non-residential in nature. The project building adjoins a subway vent plant, a two-story commercial building occupied by a restaurant, and a mixed-use building with a ground floor restaurant. In addition, the proposed hair salon establishment would be small in size and capacity, and the terrace would be used for quiet recreation only by salon customers and screened by a six-foot-high brick parapet wall. The Commission also notes that proposed use modification is consistent with the character of the area, given the plethora of second-floor commercial establishments in Greenwich Village, especially along major thoroughfares such as Seventh Avenue South and Greenwich Avenue. The Commission therefore believes that the proposed Use Group 6 retail use on the ground floor of the building is consistent with the uses occupying many of the surrounding buildings and the prevailing land use pattern found in the surrounding area.

The Commission believes that the proposed bulk modification to allow the building to be rebuilt to its existing configuration is appropriate. The existing structure was built in 1845 and had rear windows at distances from the rear lot line ranging from 14.8 feet to 18.9 feet, which later became an existing legal noncompliance pursuant to ZR Section 23-861. As part of the comprehensive effort to restore and rehabilitate this structurally unsound historic building, the proposed bulk waiver will allow the applicant to substantially reconstruct it while maintaining the building's exterior walls on the second, third and fourth floors, which would remain in the same position that they have been in for the past 172 years. The Commission therefore believes that such bulk modifications would have minimal adverse effects on the structures or open space in the vicinity of the project in terms of scale, location and access to light and air.

Although not a condition of this application, the Commission notes that the applicant, in response to comments from the Community Board and the Borough President, stated at the public hearing that no eating and drinking establishment is contemplated on the second floor.

The Commission is also in receipt of a report dated December 6, 2017 (LPC-19-1530, MOU 19-01530) from the LPC, stating that it has reviewed the proposal and that a program has been established for continuing maintenance that will result in the preservation of the subject building, and that the required restoration work under the continuing maintenance program contributes to a preservation purpose. The continuing maintenance program is contained within a restrictive declaration entered into in connection with this application. The Commission believes that the redevelopment and improvement of this building, to be facilitated by this special permit, will enhance the architectural and historic built fabric of Greenwich Avenue and the Greenwich Village Historic District.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all districts) of the Zoning Resolution:

- (1) such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air; and

(2) such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

## RESOLUTION

**RESOLVED**, that the City Planning Commission finds that the actions 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 the consideration and findings described in this report, the application submitted by 59 Greenwich LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) on a portion of the second floor; and the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), in a C2-6 District, within the Greenwich Village Historic District, Borough of Manhattan, Community District 2 as follows:

1. The property that is the subject of this application (C 190070 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Crown Architecture and Consulting, D.P.C., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-002.00	Zoning Analysis	08/21/2018
A-004.00	Zoning Lot Site Plan	08/21/2018

A-006.00	Second Floor Waiver Plan	08/21/2018
A-007.00	Waiver Plan	08/21/2018
A-008.00	Waiver Longitudinal and Cross Sections	08/21/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated December 14, 2018, executed by 59 Greenwich LLC., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, New York County.



7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
  
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190070 ZSM), duly adopted by the City Planning Commission on December 19, 2018 (Calendar No. 14), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKES**, *Esq.*, *Vice Chairman*

**ALLEN P. CAPPELLI**, *Esq.*, **ALFRED C. CERULLO, III**, **MICHELLE R. de la UZ**,  
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**ORLANDO MARÍN**, **LARISA ORTIZ**, **RAJ RAMPERSHAD**, *Commissioners*

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## COMMUNITY BOARD NO. 2, MANHATTAN

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October 19, 2018

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

Dear Ms. Lago:

At its Full Board meeting on October 18, 2018, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**59 Greenwich Avenue** (Between Seventh Ave South and Perry Street) is an application for a special permit pursuant to ZR 74-711 to waive ZR 32-421 (to allow Use Group 6 retail use on the second floor of an existing mixed-use building), and to waive ZR 23-861 (to allow existing non-compliances to remain with respect to distance between legally-required windows and rear lot line).

### Whereas:

1. This is a special permit pursuant to ZR 74-711 to waive ZR 32-421 (to allow Use Group 6 retail use on the second floor of an existing mixed-use building), and to waive ZR 23-861 (to allow existing non-compliances to remain with respect to distance between legally-required windows and rear lot line in a building where greater than 75% of the building's floor area is being demolished).
2. The building site is a vacant, mixed-use, four-story building with ground floor retail and three dwelling units above. It contains 4171sf of zoning area and is located in a C2-6 zoning district within the Greenwich Village Historic District.
3. C2-6 is an R7-2 equivalent district, which permits a maximum residential FAR of 3.44. Commercial use is limited to 2.0 FAR. No front, rear or side yards are required.
4. The building's only existing non-compliance is with regard to rear-facing, legally-required windows on the second, third and fourth floors; on this shallow lot, such windows must be located at least 20 feet from any wall or lot line (in this case, the distance ranges from 14.8' and 18.9') and this legal non-compliance may be maintained unless more than 75% of the non-complying building's floor plan is demolished. This condition on the site has existed for 172 years and has had no adverse effects in the structures or open space in the vicinity of the building.

5. “Due to structural issues,” the applicant proposes to reconstruct substantially all of the building’s floor area with no changes to the building envelope. The applicant’s continuing maintenance plan has been approved by LPC and the applicant has received a Certificate of Appropriateness from LPC relative to the windows.
6. The applicant proposes a single hair salon (UG6) on the first and second floors and one residential unit on each of the third and fourth floors. The two dwelling units (which will be occupied by the owner and his staff) are permitted by the applicable district regulations, which allow a maximum of three in the building.
7. The requested bulk modification will have no adverse effects on neighboring structures or open space because it simply maintains the status quo and the practical effect of the requested modification will be a reduction in the number of non-complying, legally-required windows—but no change in the total number of windows. By replacing the second story residential with commercial (1585sf), the degree of non-compliance drops from three stories to two. No residential windows in other buildings face these windows.
8. The requested use modification will have no adverse effect on the residential uses on the third and fourth floors and little in the surrounding area.
9. There would be no commercial signage of any kind above the first floor and the salon’s lighting would be turned off at the end of the business day so that the appearance of the second story would be no different than the residential stories above. With only three chairs and access to subway lines, the salon is expected to generate an insignificant number of vehicular and pedestrian trips.
10. The 375sf rear terrace on the second floor will be reserved for hair salon patrons and will have no permanent furniture or music.
11. The C2-6 zoning district in which the development site is located adjoins two zoning districts (C4-5 and C6-2) that permit second-story retail when residential use is located above. As a result, it is not **unusual** to find second-story commercial use in the Village, especially on major commercial thoroughfares such as Greenwich and Seventh Avenues. Accordingly, the proposed use modification is in keeping with the character of the area.
12. The triangular shape of the block combined with the fact that, as a result, the site has little separation from two busy streets and the adjoining commercial buildings create a special circumstance that will have minimal adverse effect on the conforming uses in the area.
13. The applicant offered to exclude eating and drinking uses from the premises in perpetuity and further stated that in 2017, City Planning approved a ZR 74-711 use modification for 19 E. 72<sup>nd</sup> Street in Manhattan that permitted UG 6 with the exception of eating and drinking establishments. This was stated in the CPC report itself and also incorporated into the restrictive declaration that is required with every 74-79 special permit that requires the owner to do restorative work and maintenance in perpetuity.

**Therefore be it resolved,** that CB2, Man. recommends approval of this application provided that eating and drinking is excluded in perpetuity and this is stated within the City Planning Commission report and likewise specifically incorporated and described as such in a restrictive declaration.

Vote: Unanimous, with 42 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 Nadler, Congressman  
Hon. Brad Hoylman, State Senator  
Hon. Deborah Glick, Assemblymember  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Corey Johnson, City Council Speaker  
Sylvia Li, Dept. of City Planning



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**Gale A. Brewer, Borough President**

November 20, 2018

**Recommendation on ULURP Application No. C 190070 ZSM 59 Greenwich Avenue  
by 59 Greenwich LLC**

**PROPOSED ACTIONS**

59 Greenwich LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify the use regulations of Section 32-421 and the window and lot line regulations of Section 23-861. This special permit would allow for the restoration and renovation of this building for purposes of a single hair salon establishment on the first and second stories, with existing dwelling units on the third and fourth floors.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant use modifications, the applicant must first meet the following conditions:

- 1) LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;<sup>1</sup>
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District;<sup>2</sup>

Further, in order to grant a special permit, the CPC must find that:

- 1) The modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air;
- 2) Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

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<sup>1</sup> The LPC issued a report, MOU (#19-11468) dated December 22, 2017.

<sup>2</sup> The LPC issued the Certificate of Appropriateness (#19-11467) on December 29, 2017.

## **PROJECT DESCRIPTION**

The development site consists of a single parcel located at 59 Greenwich Avenue (Block 613, Lot 60). The block is triangular and is bounded by Greenwich Avenue, Perry Street and 7<sup>th</sup> Avenue South. The property has 23 feet of frontage along the southwest side of Greenwich Avenue and a depth of approximately 65 feet. The site is an interior lot, approximately 60 feet from the intersection of Perry Street and Greenwich Avenue. The site is mapped within a C2-6 zoning district and the site is also located within the Greenwich Village Historic District. The site has a 4-story building (45.5 feet tall) with ground floor retail and dwelling units on the upper floors. The building is currently vacant and undergoing renovation.

## **Background and Area Context**

In 1969, the Landmarks Preservation Commission designated the Greenwich Village Historic District, encompassing approximately 26.1 acres. The site is located within a C2-6 zoning district which permits various uses, including UG6. The surrounding area of the development site is included in the Greenwich Village Historic District with many of the blocks zoned C1-6 and C2-6 (R7-2 equivalent) to allow for mixed uses, typically ground floor retail with dwelling units on the upper floors. The surrounding area is well served by public transportation. The site is approximately 1,000 feet from the local 1 train at Christopher Street and the express 2 & 3 trains at 14<sup>th</sup> Street. The West 4<sup>th</sup> Street station (A/B/C/D/E/F/M trains) is approximately 0.3 miles away from the development site.

## **Proposed Development**

The applicant is proposing to create a single retail establishment on the ground floor and second floor of the site. The ground floor would contain retail sales of hair products and the second floor would have a three-chair hair salon. The third and fourth floors would remain dwelling units, to be occupied by the owner of the site. The site owner is also the proprietor of the retail space and salon.

In order for the applicant to realize this enlargement as planned, waivers are required of the requirements of several sections of the Zoning Resolution.

1. ZR § 32-421, to allow Use Group 6 retail use on the second floor. The site is located within a C2-6 zoning district which permits various uses, including UG6, which the applicant is requesting on the second floor. As this building contains residential dwelling units on the upper floors, commercial use above the ground floor is not permitted as of right.
2. ZR § 23-861, requiring a minimum distance of 30' to the lot line for legal windows. The existing development site does not conform to this requirement. The windows are currently 20' from the lot line.

**COMMUNITY BOARD RECOMMENDATION**

Representatives for 59 Greenwich LLC presented their formal ULURP presentation of the proposed project at the Manhattan Community Board 2 Land Use Committee meeting held on October 10, 2018.

At the full board meeting on October 18, 2018, 42 members of the board present voted to approve the application on the condition that eating and drinking be excluded in perpetuity and this is stated in the City Planning Commission report and likewise specifically incorporated and described as such in a restrictive declaration.

**BOROUGH PRESIDENT'S COMMENTS**

New York City's landmarks and historic districts are important in maintaining our unique identity and culture. However, preservation that can also incorporate uses that advance and continue the creative and economic development of this City is most ideal. This must be done carefully and thoughtfully within the context of the surrounding areas.

The proposed development at 59 Greenwich Avenue appears to be within context for the area. The proposed commercial uses will fit within the area, as there already are many buildings in the vicinity with commercial space on two floors. The intended use for the space as a hair salon will also cause no disruption to the pedestrian experience or to the neighboring properties as there will be no lighted signage or amplified music or significant traffic in and out of the site as the salon space only accommodates three clients at a time. The applicant will renovate and restore the building to emulate its original appearance, including brick and window color, and the addition of a replica Juliette balcony. The windows that currently do not conform to the zoning existed prior to the 1961 Zoning Resolution and should be allowed to remain as they do not impact the neighboring properties. The applicant, and all subsequent owners, will be required to maintain these improvements in perpetuity, as part of a restrictive declaration to be filed on the property. This will ensure that the architectural history of the area will be preserved for future generations.

The community has concerns about the potential for future restaurant use at the location. The development site is adjacent to another building (57 Greenwich Avenue) where the ground floor space presently contains a restaurant. There is also a two-story eating and drinking establishment on the same block as the development site (175 Seventh Avenue South). Furthermore, there are also several restaurants within 500 feet of the development site along Greenwich Avenue. I echo the community's concerns as there are more than enough retail spaces in the area that can accommodate new eating and drinking establishments, and the potential of another two-story restaurant on that small triangular block could negatively affect the pedestrian experience and balance of uses along that strip of Greenwich Avenue, Perry Street, and Seventh Avenue South.

**BOROUGH PRESIDENT'S RECOMMENDATION**

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 190070 ZSM as long the following condition is met:

UG 6 should be permitted on the second floor as requested, but eating and drinking establishments on this floor should be excluded in perpetuity. This exclusion should be stated within the City Planning Commission report and likewise specifically incorporated and described in a restrictive declaration to be recorded against the property.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly stylized font.

Gale A. Brewer

Manhattan Borough President