



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

1. eliminating from within an existing R7-2 District a C1-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; and
2. establishing within the existing R7-2 District a C2-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas;

as shown on a diagram (for illustrative purposes only) dated November 12, 2019.

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This application for a zoning map amendment was filed by Washington Place Associates LLC on October 16, 2019 to change an existing C1-5 commercial overlay to a C2-5 commercial overlay on the Avenue of the Americas between West Washington Place and Waverly Place in the Greenwich Village neighborhood of Manhattan, Community District 2. The proposed zoning change would allow the applicant to apply for a special permit from the Board of Standards and Appeals (BSA) for the existing Physical Cultural Establishment (PCE) located on the ground floor and cellar level of the applicant-owned property at 364 Avenue of the Americas.

## **BACKGROUND**

Washington Place Associates LLC proposes a zoning map amendment that would replace an existing C1-5 commercial overlay with a C2-5 commercial overlay along a portion of Avenue of the Americas (Sixth Avenue) between West Washington Place and Waverly Place. The existing underlying R7-2 residential zoning district would remain unchanged.

The project area (Block 552, Lots 7501, parts of Lots 46 and 71) is located in an R7-2 zoning district and includes the entire eastern frontage of Avenue of the Americas between West Washington Place and Waverly Place to a depth of 100 feet. R7-2 zoning districts are medium-density residential districts that permit a maximum residential floor area ratio (FAR) of 3.44. The

C1-5 commercial overlay permits a maximum commercial FAR of 2.0 and allows for local retail uses, including grocery stores, restaurants, and beauty parlors. The project area is also located within the Greenwich Village Historic District, originally designated by the Landmarks Preservation Commission in 1969.

The block that contains the project area is bounded by Waverly Place to the north, Avenue of the Americas to the west, Washington Place to the south and MacDougal Street to the east. It includes three mixed-use four- to six-story retail and residential buildings, three multi-family residential buildings ranging from six to 15 stories in height, and two public facility and institution buildings, including a 15-story New York University dormitory.

The area surrounding the project area contains a mix of uses and buildings that range from one-family townhouses to taller, mixed-use buildings. The surrounding area includes several parks and open spaces, including Washington Square Park (located one block east of the project area), the West 4<sup>th</sup> Street Courts, and Minetta Playground. The West 4<sup>th</sup> Street Station, located at the intersection of Sixth Avenue and Washington Place, provides service to the A, C, E, B, D, F, and M subway lines. Several bus routes also serve the area, including the M55 bus line, which runs northbound on Sixth Avenue, the M20, which runs southbound on Seventh Avenue, and the M8, which runs east-west along West 8<sup>th</sup> Street and West 9<sup>th</sup> Street.

The applicant seeks a zoning map amendment to rezone the project area from an R7-2/C1-5 zoning district to an R7-2/C2-5 zoning district. The proposed zoning map amendment would eliminate the existing C1-5 commercial overlay mapped over the project area and establish a C2-5 commercial overlay over Block 552, Lots 7501, and parts of Lots 46 and 71. The proposed C2-5 overlay would be conterminous with the existing C1-5 overlay. The proposed zoning map amendment would extend 100 feet from and run parallel to the eastern frontage of Avenue of the Americas from West Washington Place to Waverly Place. The maximum permitted commercial FAR in the C2-5 overlay is the same as in the C1-5 at 2.0, but allows for a slightly wider range of commercial uses than the C1-5, including a variety of home maintenance and service establishments.

The project area includes the applicant-owned site at 364 Avenue of the Americas (Lot 7501), a five-story, mixed-use building with approximately 43,736 square feet of residential floor area and approximately 22,450 square feet of commercial floor area; a portion of 124 Waverly Place (Lot 46), a four-story structure with four dwelling units and a first-floor dry cleaner, with a total area of 4,805 square feet (2.25 FAR); and a portion of 85 West Washington Place (Lot 71), a four-story building with six dwelling units and a basement level restaurant and bar, with a total area of 5,225 square feet (2.44 FAR).

The applicant-owned site has approximately 194 feet of frontage on Avenue of the Americas, approximately 80 feet of frontage on West Washington Place, and approximately 93 feet of frontage on Waverly Place. The building is a five-story, mixed-use building completed in 1986 with a total of approximately 66,186 square foot (3.44 FAR), including 43,736 square feet of residential floor area (28 dwelling units) and 22,450 square feet of commercial floor area divided between the ground floor (15,573 square feet) and the cellar (6,877 square feet). The proposed rezoning would allow the applicant to apply for a BSA special permit for the existing PCE, which has been in operation since October 2019 inside a permitted spa, and occupy approximately 628 square feet of floor area on the ground floor and 4,701 square feet in the cellar.

## **ENVIRONMENTAL REVIEW**

This application (C 200149 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 lead is the City Planning Commission. The designated CEQR number is 19DCP147M.

After a study of the potential environmental impact of the proposed actions, Negative Declaration was issued on November 12, 2019.

## **UNIFORM LAND USE REVIEW**

This application was certified as complete by the Department of City Planning on November 12, 2019, and was duly referred to Manhattan Community Board 2 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Review**

Community Board 2 held a public hearing on December 11, 2019, and on December 20, 2019, by a vote of 38 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

In a letter dated January 22, 2019, the Borough President recommended approval of the application.

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

On January 22, 2020 (Calendar No. 2), the City Planning Commission scheduled February 5, 2020, for a public hearing on the zoning map amendment application (C 200149 ZMM). The hearing was duly held on February 5, 2020 (Calendar No. 24). One speaker testified in favor of the application and one in opposition.

An applicant representative spoke in favor of the application, noting that the retail uses achievable in a C2-5 overlay would be consistent with surrounding neighborhood retail. The representative also stated that the action would allow the owner to apply for a BSA special permit to legalize the existing PCE. The representative noted that a C2-5 overlay is needed to meet the requirements of BSA PCE special permit.

A resident of the Rockaways spoke in opposition to the proposed project.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes the zoning map amendment application (C 200149 ZMM) is appropriate.

The proposed zoning map amendment will replace the existing C1-5 commercial overlay with a C2-5 overlay to a depth of 100 feet. The zoning change will allow the applicant to apply for a BSA special permit for the existing PCE located on the ground floor and cellar level.

The proposed C2-5 commercial overlay along portions of Avenue of the Americas is appropriate. C1-5 and C2-5 overlays are both neighborhood commercial overlay districts that permit a limited range of commercial uses. Replacing the existing C1-5 overlay will not change the permitted commercial density or applicable bulk regulations, but will allow a slightly wider range of uses (Use Groups 7, 8, 9 and 14) including a variety of home maintenance and repair shops, and service establishments.

Though the Commission does not condone the applicant offering non-permitted services prior to seeking a zoning change, it nevertheless believes that the C2-5 overlay appropriately reflects the land uses in the surrounding context. The Commission recommends that the applicant expeditiously seek the necessary PCE special permit from the BSA.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on November 12, 2019 with respect to this application (CEQR No. 19DCP147M), 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 the 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 further amended by changing the Zoning Map, Section No. 12c:

1. Eliminating from within an existing R7-2 District a C1-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; and

2. Establishing within the existing R7-2 District a C2-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; Borough of Manhattan, Community District 2,

as shown on a diagram (for illustrative purposes only) dated November 12, 2019.

The above resolution (C 200149 ZMM), duly adopted by the City Planning Commission on March 4, 2020 (Calendar No. 5), 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*

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,**

**MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,**

**HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARÍN,**

**LARISA ORTIZ, RAJ RAMPERSHAD** *Commissioners*

# Borough President Recommendation

**City Planning Commission**  
120 Broadway, 31<sup>st</sup> 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, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 200149 ZMM - 364 Avenue of the Americas

### Docket Description:

**IN THE MATTER OF** an application submitted by Washington Place Associates LLC pursuant Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c by:

1. Eliminating from within an existing R7-2 District a C1-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas; and
2. Establishing within the existing R7-2 District a C2-5 District bounded by Waverly Place, a line 100 feet easterly of Avenue of the Americas, Washington Place, and Avenue of the Americas;

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 (Attach additional sheets if necessary)

  
BOROUGH PRESIDENT

1/22/2020  
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](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

January 22, 2020

## **Recommendation on ULURP Application C 200149 ZMM – 364 Avenue of the Americas By Washington Place Associates LLC.**

### **PROPOSED ACTION**

Washington Place Associates LLC (“the applicant”) seeks a special permit pursuant to Section 74-781 of the Zoning Resolution (“ZR”) to allow pursuant to Sections 197-c and 201 of the New York City Charter for the rezoning of 364 Avenue of the Americas (a/k/a 126 Waverly Place the “Project Area”), 124 Waverly Place, and 85 West Washington Place (Block 552, Lot 7501, and portions of Lots 46 and 71) from an existing R7-2/C1-5 District to R7-2/ C2-5 District for the purpose of legalizing a Physical Culture Establishment (“PCE”) located within 364 Avenue of the Americas (Block 552, Lot 7501, the “Project Site”) which is located in the Greenwich Village neighborhood in Community District 2, Manhattan.

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

### **BACKGROUND**

#### **Area Context**

The Project Site is bounded by Waverly Place to the south and West Washington Place to the north. The Project Site is located within the Greenwich Village Historic District, designated in 1969 and expanded in 2006 and 2010. The Project Site is well served by public transit. The A/B/C/D/E/F/M lines stop at the West 4<sup>th</sup> Street Station, 200 feet from the Project Site. There is also PATH train service nearby at 9<sup>th</sup> Street and Avenue of the Americas, 0.1 miles from the Project Site. The M55 bus, which runs north along Avenue of the Americas, has stops near the Project Site.

#### **Project Area and Site Description**

The proposed Project Area encompasses three existing sites: 364 Avenue of the Americas, (a/k/a 126 Waverly Place), 124 Waverly Place, and 85 West Washington Place.

According to the Applicant, the Project Site, 364 Avenue of the Americas (Lot 7501), is owned by the Applicant. It is located on a corner lot with approximately 194.91 feet of frontage on Avenue of the Americas (a wide street), approximately 80 feet of frontage on



West Washington Place (a narrow street), and approximately 93.48 feet of frontage on Waverly Place (a narrow street). It is currently improved with a five-story, approximately 66,186 square foot (3.44 FAR) mixed-use building, with approximately 43,736 square feet of residential floor area (28 dwelling units) and approximately 22,450 square feet of commercial floor area. The commercial spaces are located on the ground and cellar floors with a total gross floor area of 22,450 square feet, 15,573 gross square feet on the ground floor, and 6,877 gross square feet in the cellar. 124 Waverly Place, Lot 46 is improved with a 4,804 GSF (2.25 FAR), four-story structure with four dwelling units and a first-floor dry cleaner. 85 West Washington Place, Lot 71 is improved with a 5,225 GSF (2.44 FAR), four-story structure with six dwelling units and a bar on the ground floor.

According to the Applicant, the PCE seeking legalization, Vada Spa (the “tenant”), opened on October 23, 2019. The spa is classified Use Group 6 – Beauty Salon, which is permitted as-of-right under the existing zoning. However, as the spa also offers massages, the space is classified as a PCE, which requires a special permit from the Board of Standards and Appeals (“BSA”). The Applicant is unable to obtain this special permit under the current zoning. The PCE occupies approximately 1,817 square feet of floor area on the ground floor and 2,915 square feet in the cellar.

To facilitate the proposed development at the Project Site, the applicant proposes a zoning map amendment to eliminate the existing C1-5 commercial overlay of the Project Area and establish a C2-5 commercial overlay covering 364 Avenue of the Americas, 124 Waverly Place, and 85 West Washington Place.

## **COMMUNITY BOARD RECOMMENDATION**

At its Full Board meeting on December 20, 2019, Manhattan Community Board 2 (“CB2”) voted unanimously with 38 board members in favor to approve the application without conditions.

## **BOROUGH PRESIDENT’S COMMENTS**

When we met with the Applicant, they claimed they were not aware that their tenant, Vada Spa, currently offers massages at the Project Site. The tenant’s website and social media indicates they are offering massage services on the premises. Our staff called the tenant to inquire about massage services, and they confirmed that massage services are being offered at the Project Site address. We understand that the length of time to obtain the necessary approvals can be onerous to a business, but we do not support the tenant ignoring the existing zoning.

We find the proposed rezoning consistent with the surrounding zoning. It will permit a wider range of uses that could benefit the community, and because we understand that the Applicant will seek a permit from the BSA to operate as Physical Culture Establishment, we support approval of this application.

Our office has reviewed several ULURP applications requesting re-zonings to accommodate Physical Culture Establishments and we are aware Community Boards also spend resources reviewing BSA applications requesting these special permits for PCEs. It may be time for these processes to be reviewed to allow more flexibility in where these types of uses can be located.

**BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP Application NO. C 200149 ZMM.**

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive style with a large, looped initial "G".

Gale A. Brewer  
Manhattan Borough President



# Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:	Project Name:
CEQR Number:	Borough(s):
	Community District Number(s):

Please use the above application number on all correspondence concerning this application

## SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ" ~~XXXXXXXXXX~~
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

Applicant(s):		Applicant's Representative:	
Recommendation submitted by:			
Date of public hearing:		Location:	
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote:		Location:	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor:	# Against:	# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form		Title	Date

Carter Booth, Chair  
Daniel 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](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

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

December 20, 2019

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

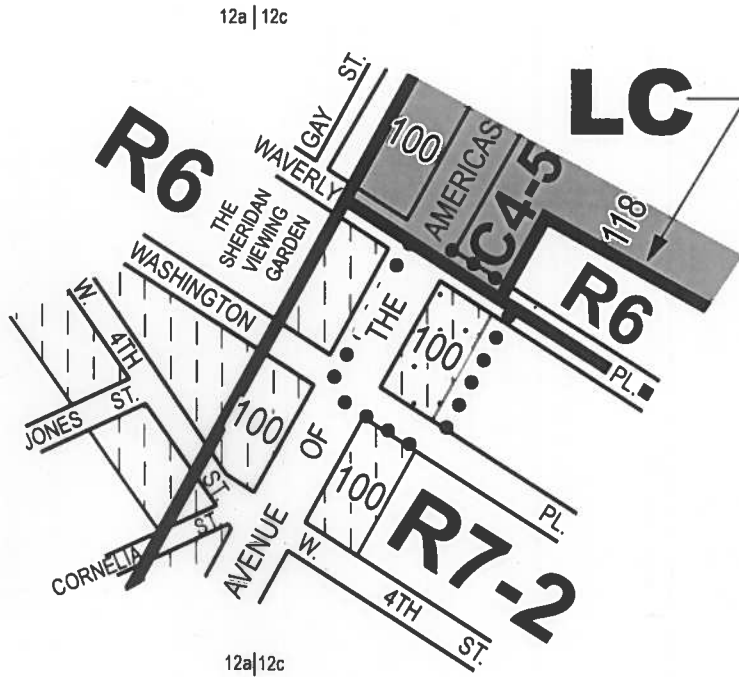
Dear Ms. Lago:

At its Full Board meeting on December 19, 2019, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**\*364 Ave of America** (aka 126 Waverly Place) application by Washington Place Associates LLC requesting a zoning map change to a C1-5 overlay to a C2-5 overlay for a depth of 100 feet.

### Whereas:

1. This application is for a zoning map amendment to rezone 364 Ave of the Americas (aka 126 Waverly Place), 124 Waverly Place, and 85 Washington Place in the Greenwich Village Historic District from an R7-2/C1-5 zoning district to an R7-2/C2-5 zoning district to facilitate legalization of a physical culture establishment (PCE) called Vada Spa, which opened on Oct. 23, 2019.
2. The spa is classified as Use Group 6, which is permitted as of right, but it also offers massages on site, which classifies it as a PCE requiring a special permit from the Board of Standards and Appeals.
3. A special permits from the Board of Standards and Appeals for a PCE is not available to the tenant under the current overlay commercial zoning district.
4. The proposed zoning map amendment will eliminate the existing C1-5 commercial overlay district and will establish a C2-5 commercial overlay district in order to facilitate the development of a PCE in an existing mixed use residential and commercial building.
5. C1-5 zoning districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs such as neighborhood grocery stores, restaurants, and beauty parlors. C2-5 zoning districts allow a variety of commercial uses that serve a wider population and generate greater use of the street. In mixed buildings in



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

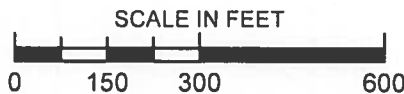
**12c**

BOROUGH OF  
**MANHATTAN**



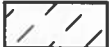




New York, Certification Date:  
November 12, 2019

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 within the R7-2 District.
-  Indicates a C1-5 District
-  Indicates a C2-5 District
-  Indicates a Special Limited Commercial District (LC).

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.