



CITY PLANNING COMMISSION

February 19, 2014/Calendar No. 10

C 140069 ZSM

IN THE MATTER OF an application submitted by Goldman Properties pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14D(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 13-story building, on property located at 104-110 Greene Street (Block 499, Lot 7), in an M1-5A District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community District 2.

The application was filed by Goldman Properties on August 20, 2013, for a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Sections 42-14D(2)(a) of the Zoning Resolution to permit Use Group 6 uses on portions of the ground floor and cellar of a 13-story mixed-use building located at 104-110 Greene Street.

BACKGROUND

The applicant, Goldman Properties, seeks the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution, to convert portions of the cellar and first floor into retail use and gallery space (Use Group 6) within an existing mixed-use building located at 104-110 Greene Street (Block 499, Lot 7). The building is situated within the SoHo Cast-Iron Historic District, within Manhattan Community District 2.

104 – 110 Greene Street is located on the east side of Greene Street between Prince and Spring streets. The lot upon which the building sits (i.e., zoning lot) has approximately 13,750 square feet of lot area. The lot comprises a 200-foot through-lot with 87.5 feet of frontage on Greene Street and 50 feet of frontage on Mercer Street. The building rises 13 stories and has approximately 169,711 square feet of floor area.

The building currently has retail use on the ground floor and in the cellar. A portion of the first floor and cellar, which were formerly occupied by a photography lab, are currently vacant. The upper floors are improved with a combination of commercial office space and 24 Joint Living Work Quarters for Artist (JLWQA) units.

The surrounding area is characterized by five- to twelve –story loft-style industrial buildings that have been converted to a mix of uses. Most of the buildings in the area contain ground floor

retail uses with residential units, JLWQA units or office use above. The building located to the immediate south and west of the subject property, at 109 Mercer Street, is a seven-story loft building with ground floor retail space and residential units on the upper floors. The building located to the immediate north, at 115 Mercer Street, is a seven-story loft building with ground floor retail space and JLWQA units on the upper floors.

Zoning

The project site is located within an M1-5A zoning district, which permits light industrial and most commercial uses as-of-right up to 5.0 FAR and community facility uses up to 6.5 FAR. However, Use Group 6 uses, including all retail, office uses and art galleries, are not permitted below the second floor of any building situated on a zoning lot having more than 3,600 square feet of lot area. Joint Living Work Quarters for Artist (JLWQA) units are permitted in existing buildings erected prior to 1961, provided that the lot coverage of such buildings does not exceed 5,000 square feet.

In 1985, the Commission granted a special permit pursuant to ZR 74-782 (C 830491 ZSM) to allow the creation of 24 JLWQA units, which currently occupy the building's upper floors. In 1991, the Commission granted a second special permit pursuant to ZR 74-782 (C 910001 ZSM) to convert portions of the first floor and cellar to retail use. The 1991 application excluded a portion of the first floor and cellar that was then occupied by a photography lab, a conforming use allowed in M1-5A districts.

Project Description

The applicant proposes to create additional Use Group 6 retail space on portions of the first floor and cellar of the building. The former photo lab space located on the first floor and in the cellar, as well as other miscellaneous space (primarily used for first floor core and circulation space) would be converted to retail space. Approximately 6,229 square feet of floor area would be converted to retail space, including 3,232 square feet of floor area in the cellar, 1,713 square feet of floor area (the former photo lab) on the first floor and 1,284 square feet of miscellaneous first floor core/circulation space.

The cellar space would be developed into a furniture store; the former photo lab space (located on the first floor) would be redeveloped into gallery space. The remaining first floor space

would be integrated into various commercial/retail spaces to be placed there.

Requested Action

In order to achieve the project's overall development objective, the applicant requests the grant of a City Planning Commission special permit pursuant ZR 74-781. The proposed Use Group 6 ground floor and cellar retail uses are not permitted as-of-right. Section 74-781 permits the modification of the use regulations of M1-5A and M1-5B districts to allow developments to have Use Group 6 uses below the second story of developments within Historic Districts, such as those proposed by the applicant.

There would be no increase in building floor area and the proposed retail space would conform with all other zoning regulations but for the use restrictions below the building's second level. No new residential, Joint Living Work Quarters for Artists (JLWQA) units or community facility space are proposed.

Good Faith Marketing

As a necessary first step, Section 74-781 of the Zoning Resolution requires the applicant to undertake and document a one-year good faith marketing effort to advertise and re-tenant the subject space with a conforming use prior to filing the formal ULURP submission. The applicant is required to make a good faith marketing effort to rent such space to a mandated use at fair market rents. Such efforts shall include but not limited to: advertising in local and citywide press; listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for buildings under 3,600 square feet and one year for buildings over 3,600 square feet, prior to the date of application for a special permit. The building exceeds 3,600 square feet of floor area, hence triggering the one-year marketing requirement.

In 2002, the former photo lab business discontinued and vacated the first floor and cellar. Since that time, the applicant has had difficulty finding conforming uses for the space. The applicant's marketing efforts comprised multiple media resources during the January 2012 – March 2013 period, with advertisements placed in the New York Times and The Villager. The applicant also posted the space in CoStar, and undertook mailings and direct marketing to industry groups. Despite these efforts, there have been no inquires, requests or demand for use of the vacant space

for manufacturing use.

ENVIRONMENTAL REVIEW

This application (C 140069 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 (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency 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 140069 ZSM) was certified as complete by the Department of City Planning on December 2, 2013, and was duly referred to Community Board 2 and the 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 December 19, 2013, and on that date, by a vote of 36 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following condition.

Therefore be it resolved that CB#2 Manhattan has no objection to issuance of this special permit if an effective and enforceable method of banning future eating and drinking use is put in place either by inclusion of a stipulation in the special permit or by recording of a deed restriction by the applicant.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on January 17, 2014, approving the application with the following condition:

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 140069 ZSM, to grant a Special Permit pursuant ZR 74-781, contingent on the applicant following through on its commitment not to lease the space to an eating or drinking establishment.

City Planning Commission Public Hearing

On January 8, 2014 (Calendar No. 16), the City Planning Commission scheduled January 22, 2014, for a public hearing on this application (C 140069 ZSM). The hearing was duly held on January 22, 2014 (Calendar No. 8). There were two speakers in favor of the application and none in opposition.

The applicant's land use counsel described the proposed build program and reiterated the Community Board and Borough President recommendations. He also underscored the applicant's intent to not place eating or drinking establishments, as stipulated in the Community Board and Borough President resolutions, into the proposed retail space. A representative of the Borough President reiterated the Borough President's recommendation of approval.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The applicant seeks the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution, to convert portions of the cellar and first floor into retail use and gallery space (Use Group 6) within an existing mixed-use building located at 104-110 Greene Street (Block 499, Lot 7). Approval of the requested special permit application would modify the use regulations of Sections 42-14D(2)(a) and allow Use Group 6 (retail) uses on portions of the ground floor and cellar of the subject building.

The Commission believes that the applicant has made the necessary good faith marketing effort for a period of more than six months. The Commission notes that the applicant's marketing efforts comprised multiple media resources during the January 2012 – March 2013 period, with advertisements placed in the New York Times and The Villager. The applicant also posted the space in CoStar, and undertook mailings and direct marketing to industry groups. Such marketing efforts proved unsuccessful as they did not succeed in obtaining a conforming use.

In response to concerns raised by the Community Board and Manhattan Borough President, the applicant, in a letter to the Borough President dated January 17, 2014 and attached to the Borough President's recommendation for this application, has agreed to a permanent ban on using the converted Use Group 6 retail space as an eating and drinking establishment and would support the inclusion of such condition in the special permit.

The Commission believes that the applicant did make a good faith effort to lease the space to a conforming use. The Commission notes that the applicant adhered to the good faith marketing guidelines, as outlined in Section 74-781 of the Zoning Resolution, and was unable to secure a conforming tenant. The Commission, therefore, believes that the grant of the requested special permit is appropriate.

FINDINGS

The City Planning Commission hereby makes the following finding pursuant to Section 74-781 (Modifications by Special Permit of the City Planning Commission) of the Zoning Resolution:

that the owner of the space, or the predecessor in title, has made a good faith effort to rent such space to a mandated use at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for buildings under 3,600 square feet and one year for buildings over 3,600 square feet prior to the date of the application for a special permit.

RESOLUTION

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 finding described in this report, the application submitted by Goldman Properties pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-

14D(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 13-story building, on property located at 104-110 Greene Street (Block 499, Lot 7), in an M1-5A District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community District 2, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 140069 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 Gary H. Silver Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	07/29/13
Z-002.00	Zoning Lot Site Plan	07/29/13
Z-003.00	Ground Floor Plan	07/29/13
Z-004.00	Cellar Plan	07/29/13

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. 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.
5. 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 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 as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. 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 140069 ZSM), duly adopted by the City Planning Commission on February 19, 2014 (Calendar No. 10), 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.

KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *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

December 20, 2013

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

Dear Chair Burden,

At its Full Board meeting on December 19, 2013, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

110 Greene Street (east side, on a through lot to Mercer Street, between Spring and Prince). C 140069 ZSM

Application filed to the City Planning Commission pursuant to Section 74-781 of the Zoning Resolution for a special permit to extend existing retail use allowed under a prior permit to an additional portion of the ground floor in an M1-5A zoning district.

A resolution stating no objection to this application for a special permit if eating and drinking uses prohibited at the site.

Whereas:

1. The application was presented to the committee by Marvin Mitzner, representing the applicant Goldman Properties
2. The site is improved with a 13-story building with a total of almost 170,000 zoning square feet of floor area with a mix of offices and JLWQA units;
3. A statement in the application that the current building includes 24 JLWQA units is inaccurate;
4. In 1991, a special permit was issued to convert portions of the ground floor and cellar to retail use, excluding a smaller portion then occupied by a conforming use;
5. The current application is to convert the remaining portion to retail use;
6. The application included credible evidence that the owner had made an effort, for one year as required, to rent the space for conforming uses;
7. The proposal states that an existing furniture store will be expanded into the cellar and rest of the retail space will be used for a new gallery space;
8. The applicant stated that a café that had occupied part of the retail space will not continue operations in the building;
9. The applicant stated that the applicant will agree to a permanent ban on eating and drinking uses.

10. Residents of the building and neighboring building objected to prior illegal off-hours construction by current occupants the applicant promised to work with neighbors to prevent future illegal construction activities.

Therefore it is resolved that CB#2, Man. has no objection to issuance of this special permit if an effective and enforceable method of banning future eating and drinking use is put in place either by inclusion of a stipulation in the special permit or by recording of a deed restriction by the applicant.

Vote: Unanimous, with 36 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
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

**Borough President
Recommendation**

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

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.

Application: 1400069 ZSM

Docket Description:

C 140069 ZSM - IN THE MATTER OF an application submitted by Goldman Properties pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-781 - to modify the use regulations of Section 42-14D(2)(a) to allow Use Group 6 uses (retail use);

to facilitate portions of the ground floor and cellar of an existing 13-story building, on property located at 104-110 Green Street (Block 499, Lot 7), in an M1-5A District, within the SoHo-Cast Iron Historic District, Borough of Manhattan, Community Board 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)

See Attached


BOROUGH PRESIDENT

1/17/2014
DATE



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

January 17, 2014

**Recommendation on
ULURP Application No. 140069 ZSM – 104-110 Greene Street
by Goldman Properties**

PROPOSED ACTION

Goldman Properties¹ (“the applicant”) seeks approval for a **special permit pursuant to Section 74-781** of the New York City Zoning Resolution (“ZR”) to modify the use regulations of ZR § 42-14(D)(2)(a) to allow Use Group 6 (retail and service uses) on the ground floor and cellar of an existing building located at 104-110 Greene Street, Block 499, Lots 7, within an M1-5A zoning district in the SoHo neighborhood of Manhattan Community District 2.

In order to grant the special permit, the City Planning Commission (“CPC”) must find that the owner of the space, or a predecessor in title, has made a good faith effort to rent the space to a permitted use at a fair market rate. Such efforts shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. These efforts must have been actively pursued for a period of no less than six months for buildings under 3,600 square feet, and for one year for buildings over 3,600 square feet, prior to the date of the application for a special permit.

PROJECT DESCRIPTION

The applicant seeks approval to allow Use Group 6 uses on the ground floor and cellar of an existing 13-story mixed-use building at 104-110 Greene Street. The CPC approved a special permit pursuant to ZR § 74-782 in 1985 for the creation of 24 joint Live-Work Quarters for Artists (“JLWQA”) on select upper floors of the site (C 830491 ZSM) and again in 1991 pursuant to ZR § 74-781 to convert portions of the first floor and cellar to retail use (C 910001 ZSM). The 1991 special permit excluded portions of the first floor and cellar, now under

¹ Goldman Properties is a family owned real estate development company established in 1968 and is currently managed by Janet Goldman and Jessica Goldman-Srebnick.

consideration, which were occupied by a tenant using the space for a viable conforming use, a photography lab.

The project site is located in the SoHo-Cast Iron Historic District, which was designated in 1973 and contains the world's largest collection of buildings with cast-iron façades. It is located on the east side of Greene Street between Prince and Spring streets. The immediate neighborhood includes residential, commercial, and a few industrial/manufacturing uses. Buildings in the area commonly consist of residential or J.L.WQA units on the upper floors and a mix of retail stores on the ground floor. The area to the north, south, and west of the site is zoned M1-5A, and east of the site is an M1-5B district. These districts allow a variety of manufacturing and some commercial uses as of right.

The building is located in an M1-5A zoning district, which does not allow Use Group 6 below the second story of any building as of right.² Use Group 6 allows retail and service establishments that serve local shopping needs. The building has a total of 169,711 SF, of which approximately 6,229 SF located on the cellar level and ground floor is proposed to be used for Use group 6. This space was occupied by a conforming use, a photo lab, until 2002 when the tenant discontinued and vacated the space.

Proposed Project

The applicant proposes to convert the first floor and cellar spaces formerly occupied by the photography lab into Use Group 6 spaces. The 3,232 SF cellar space will be taken over by the existing cellar tenant, a furniture store subject to the 1991 special permit. The first floor will be a retail space and core/circulation space totaling 2,997 SF designed for use by an art gallery tenant, though no tenant has been found for the space at this time.

Proposed Actions

A use modification in an M1-5A zoning district to allow Use Group 6 on the floors below the second level is permitted only after the CPC has found that a good faith effort was made to rent such space to a conforming use at a fair market rate. The applicant has provided documentation of advertisements in *The New York Times* and *The Villager* newspaper spanning over a period of a year. In addition, the site was listed on CoStar and mailed to industry groups and companies including but not limited to Federation of Apparel Manufacturers and Revere Dental Instruments and Boars Head. As reported by the applicant, despite these efforts, the applicant was unable to rent the space to a conforming use.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on December 19, 2013 Manhattan Community Board 2 ("CB2") recommended approval of this application by a vote of 36 in favor and none opposed. CB2 determined that the application included credible evidence that the owner had made the required one year effort to rent the space for a conforming use. Finally, the Community Board requested

² In M1-5A zoning districts, only Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E (generally wholesale, warehousing, and light industrial uses) are permitted as of right below the second story of a building.

that the site not be used for a eating and drinking use and asked that this prohibition be reflected in the terms of the CPC special permit.

BOROUGH PRESIDENT'S COMMENTS

The manufacturing areas within Manhattan's SoHo neighborhood are undergoing, and to a large extent have already undergone, a transition to a mixed-use environment.


Community Board 2, while generally agreeable to this modification, believes that there is an over-saturation of food and drink establishments in the district and requested the applicant agree to a permanent ban on eating and drinking uses in this space. Food and drink establishments can contribute to the socioeconomic vitality of a district but do have unique quality of life impacts on the character of the neighborhood. Eating and drinking establishments can command high rents and can out-compete other, more neighborhood-oriented uses. For this reason they are not allowed as of right in M1-5A districts so as to encourage appropriate manufacturing uses. Though this special permit will allow uses other than manufacturing, it is important to consider the effect that a particular type of use in this space could have on surrounding uses. In CB2's public land use meeting the applicant agreed to find an alternative use other than a food and drink establishment, and has confirmed that agreement to the Borough President's office.

The applicant has shown that they have made a good faith effort to rent the space to a conforming use and that no eligible tenant was found. Generally, as long as all requisite findings are met, it is sound public policy to allow ground-floor uses that would enliven the streetscape or provide for the neighborhood's local needs. It is important that the Commission monitor these changes and their effects carefully to ensure that as-of-right uses be given priority and specific use groups do not over-saturate the neighborhood's growing mixed-use environment.

BOROUGH PRESIDENT'S RECOMMENDATION

The application for a use modification to allow Use Group 6 on the ground floor and cellar of an existing 13 story building at 104-110 Greene Street meets the required finding for the requested special permit, namely that the owner of the space has made a good faith effort to rent such space to a conforming use at fair market rate.

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 140069 ZSM, to grant a Special Permit pursuant to ZR § 74-781, contingent on the applicant following through on its commitment not to lease the space to a eating or drinking establishment.



Gale A. Brewer
Manhattan Borough President

Big Greene, LLC
110 Greene Street, Suite 500
New York, NY 10012
212.226.3100

January 17, 2014

Hon. Gale A. Brewer
Manhattan Borough President
1 Centre Street, 19th Fl
Manhattan, NY 10007

Re: 104-110 Greene Street, Manhattan
CPC Application No. 140069ZSM

Hon. Borough President Brewer:

I am the managing director of Goldman Properties, the owner of 104-110 Greene Street. I am writing in connection with our application for a zoning special permit from the City Planning Commission to convert portions of the first floor and cellar of 104-110 Greene Street to be used as retail stores and galleries (Use Group 6) in an M1-5A zoning district. Below I address issues raised by Manhattan Community Board 2.

Goldman Properties agrees to a permanent ban on using the converted Use Group 6 space as per Exhibit A as an eating and drinking establishment and would support the inclusion of such condition in the special permit grant. We note that there is an existing convenience coffee shop in the building interior on the first floor that we plan to maintain. The coffee shop only occupies a few hundred square feet and is not accessible from the street as its purpose serves as a convenient amenity for the tenants of the building.

Members of Community Board 2 also raised concerns regarding certain incidents involving construction being done by current tenants of some retail space during off hours. We have corrected this concern.

Please contact our office if you have any further questions.

Very truly yours,


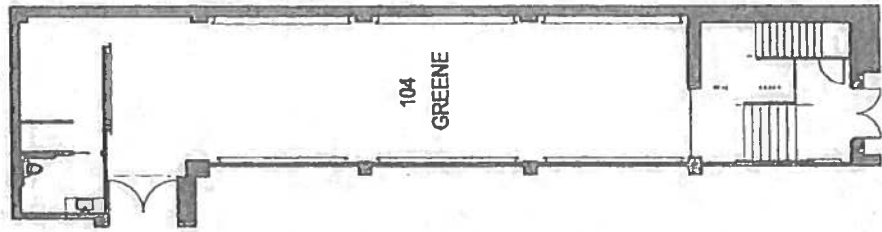

Zack Tagani
Managing Director

Exhibit A



Ground Floor

