

**290-06-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Rusabo 368 LLC, owner; Great Jones Lafayette LLC, lessee.

SUBJECT – Application February 2, 2012 – Amendment of an approved variance (§72-21) for a new residential building with ground floor commercial, contrary to use regulations. The amendment requests an increase in commercial floor area and a decrease in the residential floor area. M1-5B zoning district.

PREMISES AFFECTED – 372 Lafayette Street, block bounded by Lafayette, Great Jones and Bond Streets, Shinbone Alley, Block 530, Lot 13, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES –

For Applicant: Jim Power.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance permitting the construction of a six-story mixed-use commercial/residential building; and

WHEREAS, a public hearing was held on this application on April 24, 2012, after due notice by publication in *The City Record*, and then to decision on June 19, 2012; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Lafayette Street, between Great Jones Street and Bond Street, in an M1-5B zoning district within the NoHo Historic District; and

WHEREAS, the Board has exercised jurisdiction over the site since April 17, 2007 when, under the subject calendar number, the Board granted a variance to permit the proposed construction of a six-story, eight-unit residential building with ground floor retail, contrary to ZR §§ 42-10 and 42-14; and

WHEREAS, on May 24, 2011, the Board granted an extension of time to complete construction, to expire on May 24, 2015; and

WHEREAS, the applicant now requests an amendment to permit certain modifications to the previously-approved plans; and

WHEREAS, specifically, the applicant seeks to (1) reconfigure the ground floor of the building by moving the residential entrance and elevator toward the middle of the building and establishing two separate retail spaces to the north and south along Lafayette Street; (2) reconfigure the cellar level to include retail spaces connected to the

ground floor retail spaces; and (3) remove the terrace on the fifth floor and reconfigure the terrace/roof deck on the sixth floor; and

WHEREAS, the applicant states that the proposed amendment would result in a slight increase in the height of the building, from 70’-10 ¾” to 72’-11 ¼”, and a slight decrease in the total floor area of the building, from 15,556 sq. ft. to 15,520 sq. ft.; and

WHEREAS, the applicant notes that the retail floor area would be increased from 1,530 sq. ft. to 2,143 sq. ft., with an additional increase of approximately 1,200 sq. ft. of floor space at the cellar, and the residential floor area would be reduced from 14,026 sq. ft. to 13,377 sq. ft.; and

WHEREAS, the applicant states that the proposed amendment would not have any significant impact on the reasonable return analysis that formed the basis of the Board’s original grant for the following reasons: (1) the total building area would be approximately the same; (2) the increase in the retail area is offset by the loss of approximately 650 sq. ft. of residential floor area above grade and the loss of accessory residential storage area in the cellar which would have contributed to the value of the residential units; (3) the retail in the subject proposal is less valuable than the retail in the previously-approved scheme because it is broken up into two smaller units which generate less rent on a square foot basis; and (4) most of the increase in retail area is cellar area, which is substantially less valuable than ground floor area; and

WHEREAS, the applicant represents that the proposed amendment will not affect the historical integrity of the property; and

WHEREAS, the applicant submitted a Certificate of Appropriateness from the Landmarks Preservation Commission (“LPC”) approving the alterations to the proposed building, dated June 13, 2012; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment is appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated April 17, 2007, so that as amended this portion of the resolution shall read: “to permit the noted modifications to the previously-approved plans; *on condition* that all work substantially complies to drawings marked ‘Received February 2, 2012’ –eleven (11) sheets; and *on further condition*:

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 120933302)

Adopted by the Board of Standards and Appeals, June 19, 2012.

**A true copy of resolution adopted by the Board of Standards and Appeals, June 19, 2012.**

**Printed in Bulletin No. 26, Vol. 97.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**