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COMMUNITY BOARD NO. 2, MANHATTAN

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January 22, 2016

Margery Perlmutter, *Chair*
NYC Board of Standards & Appeals
40 Rector Street, 9th Floor
New York, New York 10006-1705

Dear Chair Perlmutter:

At its Full Board Committee meeting on January 21 2016, Community Board #2, Manhattan adopted the following resolution:

51-57 Carmine Street (NW corner at Bedford Street) BSA Cal No.190-15-BZ for variances pursuant to ZR 72-21 to construct a new six-story, mixed use building with retail on the ground floor and residential above.

Whereas

1. The applicant is proposing to build a six-story building with 20 rental apartments, 6 (30%) of which will be affordable housing units at 60% AMI rents.
2. The inclusion of affordable units in the project is voluntary on the part of the applicant and much appreciated by the community.
3. The zoning lot is split by a district boundary between a C2-6 commercial zoning district on its west side and an R6 residential district on its east side.
4. The C2-6 portion of the zoning lot would permit the development of commercial uses, but this portion of the zoning lot is landlocked with no access to either Carmine or Bedford Street and the R6 portion does have access to these two streets, but the zoning does not allow commercial uses.
5. The applicant contends that the resulting as-of-right building would be out of scale and character with the neighborhood and would only accommodate nine marketable dwelling units, limiting the economic feasibility of such a development.
6. The applicant is asking for the following variances:
 - a. Bulk (project exceeds allowable FAR)
 - b. Use (commercial uses on the ground floor)
 - c. Rear courtyard cannot meet 1200sf minimum
 - d. Proposed street wall height and setback is contrary to zoning resolution provisions
7. The project will include 3966 net square feet of commercial space on the first floor.

8. The project will include an 857sf rooftop recreation space with both an indoor and outdoor component.
9. The scale of the building's commercial uses and the current design of the project have the potential to adversely affect neighborhood character.
10. Representatives of the Carmine St. Block Association who attended the meeting pointed out that there are 51 retail businesses on Carmine St., practically all of which are small, owner-operated stores under 2000sf. They expressed concern that larger retail presences at this location would be out of character for the neighborhood.
11. The applicant has agreed by letter dated January 13, 2016 to CB2 that it will:
 - a. Not rent any of the ground floor retail/commercial space to any bars, cabarets or clubs;
 - b. Not have any retail/commercial spaces smaller than 1000sf in size;
 - c. Have no less than two different retail spaces in the commercial space, only one of which will be a full-service restaurant.
12. Further, by email on January 19, 2016, the applicant amended the above to say that any restaurant space at 51-57 Carmine St. would not exceed 2,100 square feet and by email on January 20, 2016, the applicant agreed to divide the first floor space into three retail establishments.

Therefore, CB2, Man. recommends approval if the following conditions are met:

1. BSA confirms that 5.22 is the minimum FAR needed to produce a reasonable return on investment to the applicant.
2. The terms proposed in the January 13, 2016 letter and the January 19 and 20, 2016 emails are memorialized in the BSA's decision as consented to by the applicant. That is, the applicant will:
 - a. Not rent any of the ground floor retail/commercial space to any bars, cabarets or clubs;
 - b. Not have any retail/commercial spaces smaller than 1000sf in size;
 - c. Have no less than three different retail spaces in the commercial space, only one of which will be a full-service restaurant, which will not exceed 2100sf.
3. To preserve neighborhood architectural context, the windows are switched from tilt and turn to double-hung; the corner windows on the upper floors in the style of Frank Lloyd Wright are redesigned to resemble the other corner window treatments in the neighborhood; the windows above the residential entrance are resized to the proportions of the other windows on the upper floors of the building; and the ratio of glass to brick is decreased to more resemble the surrounding buildings.
4. The design of the facade on Bedford St. is altered to reflect the smaller scale of that narrower street.

Vote: Unanimous, with 36 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Member