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COMMUNITY BOARD NO. 2, MANHATTAN

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July 19, 2013

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

Dear Chair Srinivasan:

At its Full Board meeting on July 18, 2013 CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

31 Bond Street (south side between Lafayette and Bowery). Application #176-13 BZ to the Board of Standards and Appeals pursuant to ZR 72-21 to permit retail on the first floor and residences on the second through sixth floors of an existing building in an M1-5B zone in the NoHo Historic District..

Whereas:

(Regarding application information.)

1. The existing 6-story building has been vacant since May 2010 and had previous conforming uses by the Kampo Cultural Center including galleries, studios, offices, classrooms, and Joint Live Work Quarters for Artists.
2. The application seeks a variance to allow residential uses on floors 2-6.
3. An existing extension at the rear of the building would be removed and the floor area would be re-configured as a 314 square foot penthouse with no elevator access.
4. Upon removal of the extension, the building depth would be 106 feet, which exceeds the maximum allowable depth of 100 feet, requiring a minimal waiver.
5. The application further seeks a variance to allow retail use of the ground floor.
6. The existing FAR of 5.4 exceeds the allowable FAR of 5.0.
7. A concurrent application is under review for a Certificate of Appropriateness from the Landmarks Preservation Commission.
8. The proposed FAR would remain 5.4 which is stated in the application to be equal to the minimal floor area required for feasible development.

(Regarding applicant statements and community response.)

1. The applicant was represented at the hearing by Richard Lobel of Sheldon Lobel and Lisa Monteleone of BAM Design.

2. The application contends that unique conditions of the property create hardships that preclude reasonable return from development in conformance with allowed uses.
3. Some conditions cited for uniqueness, such as the narrowness of the building, are not unusual for the area, let alone unique, and the connection between uniqueness and inability to obtain a reasonable return from conforming uses is not convincing.
4. The application includes analyses of office use, hotel use, and the proposed mix of retail and residential use.
5. No analysis was provided for the feasibility of development with a lesser variance for a mix of residential and conforming uses on floors 2 through 6 and retaining conforming use on the ground floor.
6. The site is located on a block of Bond Street where residential values are very high so a limited amount of residential use can provide substantial project income;
7. A adjacent building to the east has a high quality and apparently successful ground floor conforming use.
8. The applicant agreed to restrict retail use so that eating and drinking establishments would not be allowed.
9. Letters were received from NoHo Bowery Stakeholders and NoHo Neighborhood Association.
10. In the letters, and in testimony, these organizations generally support the application, while objecting to eating and drinking establishments and also expressing concern regarding the loss of artistic character in the neighborhood as a result of the requested variances.

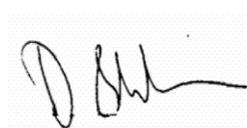
Therefore it is resolved that CB2 Manhattan

1. Does not object to a variance allowing residential use but requests that the variance be approved only on a floor by floor basis to allow what is needed for a reasonable return on investment, and that other floors be retained for conforming uses;
2. Recommends denial of the proposed retail use of the ground floor so that studio, gallery, and performance uses will be encouraged and the building will retain a street level contribution to the artistic character of the neighborhood, but the 25' width cited is not unique, 17 other buildings on block 529 are 25' or less in width.
3. Requests that the BSA thoroughly review whether both requested variances are required for a reasonable return in light of the very high value of residential use on this street;
4. Does not concur with an assumption that the minimal variance should necessarily support continuance of the existing overbuilt floor area or that a use variance need necessarily apply to all floors;
5. Requests that if ground floor retail use is allowed, contrary to this recommendation, that eating and drinking establishments be prohibited.

Vote: Unanimous, with 33 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
Hon. Rosie Mendez, Council Member
Vivian Awner, Community Board Liaison, Dept. of City Planning
Jeff Mulligan, Executive Director, Board of Standards & Appeals