



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

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Gigi Li, Board Chair

Susan Stetzer, District Manager

November 25, 2013

Community Board 3 Testimony to the Board of Standards and Appeals
BSA Variance Application Case No. 125-14-BZ
11 Avenue C, Block 384, Lot 33, Manhattan

My name is Susan Stetzer. I am the District Manager of Community Board 3 and testifying for the Board. Community Board 3 Manhattan opposes the application for a variance of use and lot coverage for application No. 125-14-BZ. In July 2014, Community Board 3 voted to oppose the requested variances for this property. The Board feels that this application does not represent the minimum request necessary to make the project financially feasible, it does not meet the five findings necessary for the BSA to approve the variance, and it undermines the fundamental goals of the 2008 East Village/Lower East Side rezoning to preserve the character of the neighborhood and provide opportunities for affordable housing – a priority of the de Blasio administration.

Community Board 3 strongly opposes the variance for Use Group 6. The applicant's argument of contextual consistency with surrounding area belies the fact that the area is struggling to retain local businesses. In recent years, Community Board 3 has watched its local mom and pop shops rapidly replaced by chain stores, banks and destination bars and restaurants. The Center for an Urban Future's "State of the Chains 2013" report identified the East Village as having the second highest number of national chain stores in all of Manhattan. Stores that once served the retail needs of local residents have been priced out by rent, and property tax and utility increases. Secondly, the application does not even consider as-of-right Use Groups 3 and 4 for community facilities. The district has lost many community facilities spaces in the last ten years, such as the Loisaيدا Community Center, Cabrini Center for Nursing & Rehabilitation, the Salvation Army Bowery Community Center, and the Mary Help of Christians Church to name a few. Community facilities can generate high rent, such as medical offices, that would provide the income that the developer is seeking with Use Group 6. The developer states that the previous use of the property was commercial and therefore should be allowed again. This is not valid because an important community need was served by the gas station. People from the community must now travel out of the area to find a gas station. Therefore, no connection can be made between the gas station that served a community need and Use Group 6 retail, which is already more than prevalent throughout the community.

CB 3 also contests the developers' unwillingness to guarantee the required affordable housing on-site. The East Village/Lower East Side rezoning in 2008 intended for the Houston corridor's redevelopment to benefit the district, which has seen affordable housing units dwindle and rents skyrocket due to gentrification. The median rent for all renters in our community district increased by 19% between 2006 and 2012, from \$900/month to \$1,073/month (2013 inflation adjusted). The

neighborhood is increasingly stratified by a growing income gap: CB 3 now has the sixth highest income diversity ratio in the city. The reason for the Inclusionary Housing bonus in the 2008 rezoning was specifically to attract needed affordable housing within CB 3. However, the developer will not commit to building this housing within our district.

Lastly, CB 3 believes that the constraint of irregularly shaped units is not a substantive reason for a waiver of the lot coverage requirements. Community Board 3 agrees with Council Member Mendez that this is sadly another example of an application of a developer counting on a zoning variance and frenzied residential demand in this area, no matter how unsuitable this site may be.

The physical condition was well known to the applicant before buying the property. There are other means to obtain funds to abate the toxic materials left by the gas station, such as applying for Brownsfields grants. There are other means to obtain revenues, such as community facilities. Because all conditions were known before the acquisition, any hardship is self-imposed.



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July 29, 2014

Hon. Margery Perlmutter, Chair
NYC Board of Standards and Appeals (BSA)
40 Rector Street
New York, NY 10006-1705

Re: 11 Avenue C, New York, NY 10009
Block 384, Lot 33
BSA Variance Applications (calendar items 125-14-BZ)

Dear Chair Perlmutter,

At its July 2014 monthly meeting, Community Board 3 passed the following resolution:

VOTE: Community Board 3 Resolution to Deny the BSA Variance
Application #125-14-BZ, at 11 Ave C

WHEREAS, the applicant purchased the property knowing that the majority of the conditions which are now the basis for the variance existed; and

WHEREAS, the applicant asserts that residential use on the ground floor is not desirable because of the traffic noise and congestion on the street, yet the as of right option of community facility use on the ground floor was rejected; and

WHEREAS, the proposed building would be built on 100% of the lot, far exceeding the 78% lot coverage required in the zoning, and CB 3 is not convinced that there is not a less egregious alternative solution to construction on this oddly shaped lot; and

WHEREAS, the applicant is unwilling to provide assurances to CB 3 that the required affordable housing will be built on site, although this housing is required as a condition of the inclusionary housing bonus that increases the proposed density of this building from a FAR of 5.4 to 7.2. CB 3 fears that unless the affordable housing is built on site, our community will not benefit from this inclusion, but the applicant will enjoy a lucrative financial benefit from the increased FAR; so

THEREFORE, BE IT RESOLVED CB 3 rejects the applicant's request for a variance at 11 Avenue C (AKA 350 E. Houston Street) because, in the opinion of CB 3, it does not represent the minimum request necessary to make the project financially feasible, because a ground floor community use is allowable as of right, because 100% lot coverage appears

excessive, and because the applicant will not guarantee affordable housing production on-site.

If you have any questions, please contact the community board office.

Sincerely,



Gigi Li, Chair
Community Board 3



Linda Jones, Chair
Land Use, Zoning, Public and Private Housing Committee

Cc: Ezra Moser, Applicant's Representative