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## COMMUNITY BOARD No. 2, MANHATTAN

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January 22, 2021

Marisa Lago, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on January 21, 2021, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**23-25 Cleveland Pl. (between Spring St. and Kenmare St.) N 140439 ZRM** – This is a private application by Kenmare Square, LLC for a text amendment to Appendix A of Article X, Chapter 9 of the Zoning Resolution to extend the boundary of Subdistrict C of the Special Little Italy District to include 23-25 Cleveland Place (Block 481, Lots 11 & 13), Manhattan Community District 2.

### Whereas:

1. This is an application for a zoning text amendment to extend the boundary of Area C (the Bowery, Canal, Kenmare Corridor) of the Special Little Italy District (SLID) northward by 25' to allow the regulations of Area C to apply to 25 Cleveland Place, which is currently in Area A (the Preservation Area).
2. The proposed action would also cause a zoning change to the northern tip of Petrosino Sq.
3. The application was heard at the December and January Land Use meetings.
4. The site is currently improved with two existing buildings that have both been historically used for ground floor commercial, with residential use above. Current FAR for each building is 1.4 for 23 Cleveland and 1.7 for 25 Cleveland.
5. The SLID's Area C permits a maximum commercial FAR of 6 and a maximum residential FAR up to 3.44. Area C allows 100% commercial lot coverage on the ground floor and 70%

above the ground floor. Allowable residential lot coverage is 60% on all floors. Area C permits a maximum building height of 85' or eight stories, whichever is less, without setback.

6. Area A maximum FAR is 4.1 for all uses; a 30' rear yard is required, and maximum lot coverage of 60% is mandatory. Area A permits a maximum base height of 65', a minimum setback of 10' above 65', and a total height of 75' or seven stories, whichever is less.

7. The proposed text amendment for 23-25 Cleveland Pl. would permit an eight-story, 85'-tall, 100% commercial building with an FAR of 5.9 (29,922sf) and 100% lot coverage. The proposed uses within the building would be UG 6A retail on the ground floor and UG 6B office on the upper floors.

8. Among the goals of the 1977 SLID are preservation of the historical and cultural character of the community and rehabilitation and new development consistent with the *residential* character and scale of the existing buildings in the area.

9. Currently, 14 of the 16 buildings around Petrosino Sq. are predominantly residential: three are condominiums (203 Lafayette aka 114 Kenmare, 210 and 225 Lafayette); three are JLWQA (214, 216, and 226 Lafayette); six are rent-stabilized (212, 222, and 224 Lafayette; 17, 19, and 21 Cleveland Pl.); and two are the subject buildings.

10. In April 2017, CB2 heard an application for a similar zoning text amendment, in this case for more retail, at 55-57 Spring St., around the corner in Area A. Many of the reasons that CB2 (and Councilperson Margaret Chin) recommended denial of that application are relevant:

- a. The application was filed for purely private advantage and the proposed change served no public benefit.
- b. The change would exacerbate the impacts of intensifying commercial uses on residential uses in the area.
- c. There was concern about yet another eating & drinking establishment on the ground floor.

11. At the December Land Use committee meeting, the applicant presented 20 letters in support of the project, but neighbors' research subsequently revealed that the purported supporters are actually owners of the company, friends of the owners, or in various business relationships with the owners. The same group spoke in favor at the January meeting.

12. Comments from neighbors were overwhelmingly in opposition to this application. Chief among their concerns was the intention of the owners to rent the ground floor to a restaurant. Around Petrosino Sq. proper, there are already 10 restaurants with liquor licenses.

13. Although at the first meeting, the land use attorney stated that the applicant had "zero intention" of putting in an eating & drinking establishment on the ground floor, the committee learned that a restaurateur and potential tenant for the ground floor and rear garden had appeared that same week at an SLA meeting, looking for a liquor license and to stay open until 4am. That operator was unwilling to agree to not using the rear back yard. CB2 subsequently recommended denial of that application.

14. According to community residents, the owners have received a total of 33 DOB/ECB violations since purchasing the two buildings; 18 are still open on the DOB website.
15. There was concern that UG 10, destination retail, which is allowed in Area C of the SLID, would be a potential use.
16. There was concern that loss of the rear yard would eliminate the internal green space of the courtyard for residents of the 175 units in the 22 buildings that surround the doughnut.
17. There was concern that misuse of rooftop and garden spaces could affect peace and quiet.
18. The owners returned to the January meeting with an improved façade (brick) and massing plan (setback on 8<sup>th</sup> floor), which the committee agreed was a big improvement, but their refusal to keep the two ground floor spaces (a total of 5000sf) separate, to rule out an additional eating & drinking establishment and liquor license, to limit use of the open spaces, and to invade less of the rear yard were very problematic.

**Therefore, Be It Resolved,** CB2 does not believe that a zoning text amendment would be in the best interests of the Special Little Italy District and the community, and we recommend denial of this application.

**Vote:** Passed with 42 Board members in favor and one opposed (R. Sanz)

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

Sincerely,



Carter Booth Chair  
Community Board #2, Manhattan



Frederica Sigel, Chair  
Land Use & Housing Committee  
Community Board #2, Manhattan

CB/jt

- c:
- Hon. Jerrold Nadler, Congressman
  - Hon. Brian Kavanagh, State Senator
  - Hon. Deborah Glick, Assembly Member
  - Hon. Gale A. Brewer, Manhattan Borough President
  - Hon. Margaret Chin, City Council Member
  - Andrew Cantu, Dept. of City Planning