



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

October 14, 2021

Margery Perlmutter, Chair
Board of Standards and Appeals
40 Rector Street
New York, NY 10006

Re: Proposal for a variance at 157 W 24th Street

Dear Ms. Perlmutter,

On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public hearing at the regular Board meeting on October 6, 2021, Manhattan Community Board 4 (CB4) voted, by a vote of 39 in favor, 3 opposed, 1 abstaining, and 0 present but not eligible to vote, to recommend to the Board of Standards and Appeals (BSA) denial of a proposed variance for a site at 157 West 24th Street unless several changes are made to the application: decrease the height of the proposed building and use a contextual design to fit within the character of the neighborhood.

Background

The site is located on the north side of West 24th Street between Sixth and Seventh Avenues (Block 800, Lot 9) in a M1-6 zoning district. It is currently vacant due to the current owner demolishing the previously existing building in preparation for construction. The site is a narrow lot with 20.33-foot frontage and a depth of 98.75 feet. Originally the building on this site was used as a factory, then converted to office space with two apartments via a BSA variance. Demolition of the building was started in 2017 for the development of a hotel but the changes in requirements for hotel construction stopped the owner from building a hotel.

Description of Proposal

A 155-foot tall, 15-story mixed-use building is proposed with ground floor retail and 26 dwelling units (22,176 gross square feet; 9.65 FAR). There would be a 30 foot-rear yard, and no parking. The façade of the building would maintain a continuous street wall along the adjacent properties.

Pursuant to Section 72-21 of the Zoning Resolution, the applicant is seeking a variance, a waiver of the use regulations in the M1-6 district which does not permit residential uses as-of-right. The applicant has stated that the proposal is the minimum necessary to provide a reasonable return on the owner's investment. The proposed variance is based on the unique hardships of the property: the narrow lot width and small lot size.

CB4 Analysis

The applicant is applying for a variance based on their statements of meeting the necessary requirements pursuant to Section 72-21. CB4 does not agree that all requirements are met with this application. The five criteria are: uniqueness of the site; financial hardship; character of the neighborhood; self-created hardship; and, minimum variance. CB4 takes issue with the financial hardship, neighborhood character, and minimum variance positions of the applicant. The most serious concern is the damage that could be done to the character of the neighborhood.

Financial Hardship

For the financial hardship analysis, the applicant provides two comparisons: a commercial tower and a residential tower. Their arguments regarding the limitations of a marketable commercial building seem coherent, but one of their arguments is that commercial buildings of this height with only one elevator are less desirable. Since CB4 is opposed to a building of this height mid-block in this neighborhood, a comparison to a lower building with fewer floors seems a reasonable analysis that should be conducted. The economic hardship argument is not fully convincing.

Minimum Variance

As to a minimum variance, CB4 is not convinced that inserting a 155-foot-tall tower in the middle of this block is a "minimum" amount of building to address the applicant's desire to attain relief. The proposal is to build as close to the maximum allowable FAR to reach this height within the footprint of the lot. Reducing the FAR to maintain a smaller rate of return on their investment would seem more in line with reaching a "minimum" standard.

Neighborhood Character

The most concerning component of this proposed development is the potential for altering the character of the neighborhood and having a detrimental impact on nearby buildings.

The proposed building is approximately 155 feet tall while immediately adjacent buildings are 97 feet immediately to the west and 76 feet immediately to the east. The remaining buildings on this north side of the block average 78 feet; while the majority of buildings across the street on the south side average 63 feet. There are 14 residential buildings on the north and south block fronts. Of these, there are 11 residential buildings with heights between five and eight stories which is 79 percent of the total. Clearly the prevailing residential character of the street is far lower building heights than the proposed 15-story building. A residential building rising to more than twice the height of neighboring buildings is not in character with the block.

Other buildings on this block have cornice details at approximately 75 feet high. In contrast the proposed building has no details; it rises completely straight up. It sharply interrupts the streetscape of the row of existing buildings. Additionally, other taller buildings on this block provide setbacks above the average 75-foot cornice work which is lacking in this proposal.

Neighbors across the street expressed concern about this height with the potential for diminishing the aesthetic of the block. Residents in immediately adjacent buildings complained about the negative impact such a building would have on the light and air to their residences.

We urge the applicant to explore the possible benefits to the community that could be included in this proposal. Consideration of community benefits such as permanently affordable housing units or discounted ground floor space for community use would be helpful.

Conclusion

CB4 finds that the applicant does not meet the requirements to grant a variance to allow the development of a 15-story residential tower on this block. The proposed 155-foot building is out of line with the neighborhood and does not architecturally fit into the context of the block. Therefore, it will alter the essential character of the neighborhood. We also find the arguments for economic hardship and minimum variance necessary to afford relief unconvincing.

We urge the Board of Standards and Appeals to deny this variance unless significant changes are made to address the community's concerns.

Sincerely,

Lowell, Betty, Paul
Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Betty Mackintosh
Co-chair
Chelsea Land Use Committee



Paul Devlin
Co-chair
Chelsea Land Use Committee

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Owner/Representatives of 157 West 24th Street