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## COMMUNITY BOARD No. 2, MANHATTAN

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### MEETING FOR FEBRUARY 2009

**ZONING & HOUSING COMMITTEE** Hon. David Reck, Chair,  
Thurs. 2/12/09 @ 6:30 PM St. Vincent's Hospital, 170 W. 12<sup>th</sup> St., Cafeteria

**BOARD MEMBERS PRESENT:** David Reck, Chair, David Gruber Vice Chair, Steve Ashkinazy, Tobi Bergman, Erin Roeder, Jin Ren Zhang

**BOARD MEMBERS EXCUSED:** Sean Sweeney

**BOARD MEMBERS ABSENT:**

**PUBLIC MEMBERS PRESENT:** John Czarnecki, Irene Kaufman

**PUBLIC MEMBERS EXCUSED:** Robert Burton,

**PUBLIC MEMBERS ABSENT:**

**GUESTS:** (see list attached)

**Meetings of the ZONING & HOUSING COMMITTEE are tape recorded.**

**\*PUBLIC HEARING**

1. **\*Waterfront Zoning Text Amendment** City Planning Commission ULURP# N090239  
ZRY Privately Owned Waterfront Public Access Design Standards Text Amendment  
<http://www.nyc.gov/html/dcp/html/waterfront/index.shtml>

**Resolution: Waterfront Zoning Text Amendment City Planning Commission ULURP# N090239 ZRY Privately Owned Waterfront Public Access Design Standards Text Amendment**

**WHEREAS;** This Text Amendment does not change the existing requirements to provide waterfront access, however, it does offer more flexible and improved design options for access,  
And,

**WHEREAS;** This Text Amendment will improve the quality of these spaces, And,

**WHEREAS;** There was no opposition to this application,

**THEREFORE BE IT RESOLVED,** That Community Board #2 supports this application for this Waterfront Zoning Text Amendment City Planning Commission ULURP# N090239 ZRY Privately Owned Waterfront Public Access Design Standards Text Amendment

Vote: Unanimous

2. **\*8-12 Bond Street (Block 530, Lots 62 and 64)** BSA Cal No. 195-07-BZ Board of Standards and Appeals variance Amended Application pursuant to section 72-21 to allow the construction within an M1-5B zoning district of a new seven-story building that will contain as of right transient hotel uses on floors two through seven and for which approval is sought to have hotel and retail uses (including restaurant use) below the level of the second story, where such uses are not permitted as of right. The proposed building will otherwise comply with the bulk standards for the district

**PROJECT DESCRIPTION :**

This is an application on behalf of Bond Street Partners LLC for a zoning variance to permit the construction in an M1-5B zoning district of a new seven-story building that will contain as of right transient hotel uses on floors two through seven and for which approval is sought to have hotel and retail uses (including restaurant use) below the level of the second story, where such uses are not permitted as of right. This is an amended version of a prior application that was submitted on August 9, 2007. Among other things, this amendment reflects a change in the program of the proposed development, adds an analysis of the viability of a conforming hotel development on the Property and conforms other portions of the application to the revised program.

The site is located on the northwest corner of Bond and Lafayette Streets is improved with a two-story building that will be demolished. The corner lot, is improved with a sign a one-story structure formerly used as an automotive service and repair station and parking.. The total lot area of the Property is 6,471 square feet. The Owner owns the Fee simple on Lot 64 but has a 99-year ground lean on Lot 62.

The Property is located in an M1-5B zoning district that permits commercial and light industrial uses, including transient hotel use, Use Group 5, as of right at and above the level of the second story. Below that level, however, commercial use is restricted . Only uses listed in Use Groups 7, 9,11, 16,17A, 17B, 17C or 17E are permitted below the floor level of the second story. Since the plans for the proposed building on the Property contemplate an eating and drinking establishment of less than 5,000 square feet, without entertainment (Use Group 6C) and a transient hotel (Use Group 5) on the ground floor with uses accessory to the hotel in the cellar and sub-cellar, as well as a physical culture establishment that will derive some portion of its clientele from persons outside the hotel, a use variance is needed to permit construction of this program.

The building would contain 50 hotel rooms on the second through sixth floors. A setback in the rear would allow for the creation of an interior courtyard providing an outdoor terrace above the roof of the ground floor, accessible from the hotel's public areas on the second floor. The second floor of the Lafayette Street frontage would cantilever over the sidewalk, creating a triangular-shaped sheltered area along the storefront of the proposed ground floor restaurant. The restaurant

would occupy the entire Lafayette Street frontage and slightly less than half of the Bond Street frontage. A hotel lobby would be provided on the Bond Street frontage. The first below-grade level of the hotel would include back-of-house spaces accessory to the hotel, including laundry facilities, employee locker rooms, storage, management offices and other facilities.

To enhance the level of service provided by this boutique hotel, the Owner proposes to develop several areas in a sub-cellar with amenities. One such amenity will be a spa/fitness center for hotel guests having an area of approximately 2,588 square feet that will, in the future, also be open to the public as a physical culture establishment. The other amenity will be meeting rooms for meetings hosted and/or attended by guests at the hotel, having a total of approximately 2,120 square feet. The spa will initially be an amenity only for hotel guests. Once a spa operator is identified, an application will be made for a physical culture establishment and the spa will be accessible to the public through a separate entrance on Lafayette Street.

The hotel's seventh floor, or penthouse level, would contain 1,983 square feet of zoning floor area and would include two gathering spaces. A larger space containing 874 square feet and a smaller dining or meeting space containing 275 square feet would be separated by a corridor and an elevator. The seventh floor is at a height of 69 feet 2 inches above curb level and would be set back 20 feet from Bond Street and 15 feet from Lafayette Street.

Deirdre A Carson

**Resolution: 8-12 Bond Street (Block 530, Lots 62 and 64) BSA Cal No. 195-07-BZ Board of Standards and Appeals variance Amended Application pursuant to section 72-21 to allow the construction within an MI-5B zoning district of a new seven-story building that will contain as of right transient hotel uses on floors two through seven and for which approval is sought to have hotel and retail uses (including restaurant use) below the level of the second story, where such uses are not permitted as of right. The proposed building will otherwise comply with the bulk standards for the district.**

**WHEREAS;** Community Board #2 has had two public hearings on this application because of community concerns that the original proposal would contain too many spaces that would encourage late night parting and would place an undue burden on our community, And,

**WHEREAS;** The Board has experienced serious problems with the misuse of outdoor spaces that serve liquor, And,

**WHEREAS;** The Board has had specific complaints about the misuse of rooftop spaces at several hotels in our area, And,

**WHEREAS;** There has been extensive growth of both population and eating and drinking establishments in this area in recent years, And,

**WHEREAS;** the project has been redesigned to address these concerns, however, the board still has serious reservations, And,

**WHEREAS;** The proposed second floor court yard is surrounded by residential uses and its use as an extension of the second floor lounge is likely to cause noise pollution,

**THEREFORE BE IT RESOLVED**, That Community Board #2 conditionally supports this application providing that the following conditions are met:

1. The second floor Court Yard will be a primarily planted area not to be used for food and drink service.
2. The cellar physical culture establishment / Spa will not obtain a liquor license
3. The roof space will not obtain a liquor license and will not be used for food or beverage service.
4. There will be no amplified music in exterior spaces.

**THEREFORE BE IT FURTHER RESOLVED**, that Community Board #2 requests that the Board of Standards and Appeals stipulate these conditions in their resolution, And,

**THEREFORE BE IT FURTHER RESOLVED**, that Community Board #2 has no objection to other proposed uses below the level of the second floor.

Vote: Unanimous

3. **\*31 Perry Street (Block 613, Lots 1001 and 1002)** Application No. 080506 ZAM City Planning Commission Authorization pursuant to Section 13-551 of the Zoning Resolution to allow 1 enclosed accessory off-street parking space on the ground floor of a single family residence, located in an R6 residence district.

**PROJECT DESCRIPTION :**

On February 21, 2008, Community Board #2 unanimously approved the Landmarks Preservation application for a Certificate of Appropriateness to facilitate the conversion of the a non-conforming mixed commercial and residential building to a conforming single family residence. The Landmarks Application provided for the restoration of a garage door on the first floor, which will be served by an existing curb cut. On March 11, 2008, LPC approved the work.

The granting of the City Planning Application will return the use of the first floor to its prior garage use and will facilitate the conversion of the Premises from a non-conforming commercial use to a conforming single family residence.

Stuart Beckerman

**Resolution: 31 Perry Street (Block 613, Lots 1001 and 1002) Application No. 080506 ZAM City Planning Commission Authorization pursuant to Section 13-551 of the Zoning Resolution to allow 1 enclosed accessory off-street parking space on the ground floor of a single family residence, located in an R6 residence district.**

**WHEREAS;** The area was posted and there was no opposition to this application, And,

**WHEREAS;** Community Board #2 unanimously approved the Landmarks Preservation application that was filed in conjunction with this application, And,

**WHEREAS;** The granting of this permit will have little, if any, impact on local parking and traffic flow,

**WHEREAS;** The Board regrets the passing of the theater, however, the Board also recognizes the quality of the restoration of this building, And,

**THEREFORE BE IT RESOLVED,** That Community Board #2 supports this application for 31 Perry Street (Block 613, Lots 1001 and 1002) Application No. 080506 ZAM City Planning Commission Authorization pursuant to Section 13-551 of the Zoning Resolution to allow 1 enclosed accessory off-street parking space on the ground floor of a single family residence, located in an R6 residence district.

Vote: Unanimous

Respectfully submitted;

*David B. Reck*

Hon. David B. Reck, Chair, Zoning & Housing Committee

CB#2 Man. ZONING & HOUSING COMMITTEE				
Date	Name	Address	Organization	Issue
	Stuart Anderson	State & Westmoreland Cal Broadway	SOB	31 Perry St.
	Nivian Awns	12 Peade Ct	DLP	H20 Zoning
	Deirdre Carcon	200 Park Ave	m Greenberg Traurig	812 Bond St
	Christina An	"	"	"
	CATERINA ROIKITA	50 WALKER ST	W7 TRA	BOND NOW
	JOHN CZARNECKI		CB2 zoning	