

CITY PLANNING COMMISSION

May 10, 2017 / Calendar No. 26

N 160244 ZRM

IN THE MATTER OF an application submitted by JBAM TRG Spring LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the boundary of the Mulberry Street Regional Spine area as shown on the map in Appendix A of Article X, Chapter 9 (Special Little Italy District) to facilitate the enlargement of properties located at 55-57 Spring Street, Borough of Manhattan, Community District 2.

This application for an amendment to Appendix A (Special Little Italy District Map) of Article X, Chapter 9 (Special Little Italy District) of the Zoning Resolution was filed by JBAM TRG Spring LLC on March 17, 2016. The proposed text amendment would extend the boundary of Area A1 (Mulberry Street Regional Spine) westward along Block 495's Spring Street frontage toward Lafayette Street by 50 feet, to a depth of 120 feet from Spring Street, to include properties located at 55-57 Spring Street (Block 495, Lots 44 and 45), within the Special Little Italy District.

BACKGROUND

The Special Little Italy District, generally bounded by Bleecker Street, Canal Street, Lafayette Street and Bowery, was established in 1977 through a zoning text amendment (N 760061 ZRM) and a zoning map amendment (C 760062 ZMM) to protect and enhance the unique neighborhood character of the area known as Little Italy. The Special District is defined by four subareas: Area A – Preservation Area, Area A1 – Mulberry Street Regional Spine, Area B – Houston Street Corridor, and Area C – Bowery, Canal, and Kenmare Street Corridor. While the underlying C6-1, C6-2, C6-2G, C6-3 zoning districts remain, the Special District use and bulk regulations applied to each subarea are generally more restrictive than those of the underlying districts in areas including permitted uses, floor area, lot coverage, yards, height and setback, façade and storefront treatment, open space and landscaping, among others. In the Special District, all buildings developed after 1977 must have a 30-foot rear yard and all buildings constructed or enlarged after 1977 are required to provide a landscaped open recreation space subject to minimum size requirements and landscaping regulations.

Area A1 (Mulberry Street Regional Spine) is mapped generally along Mulberry Street and extends along Grand and Hester Streets. The regulations governing Area A1 are substantially similar to those in Area A, with some prioritization of commercial uses. Compared to Area A, Area A1 allows a slightly higher commercial FAR (5.1 on corner lots, 4.5 on interior and through lots) but lower residential and community facility FAR (4.1 on corner lots, 3.5 on interior and through lots). While Area A1's height and setback regulations are identical to those in Area A, special use, lot coverage, storefront and sign provisions are in place to enhance commercial and retail uses at street level along the Mulberry Street corridor. In Area A1, ground floor uses are limited to certain selected commercial uses listed in Section 109-211 (Use Group LI). Area A1 also permits 60 percent maximum lot coverage on interior and through lots, but ground floors that are only occupied by commercial uses are permitted to have full lot coverage up to a height of 23 feet. Whereas buildings in Area A and A1 are subject to the same street wall regulations, transparency, open space and landscaping requirements, additional storefront and sign regulations apply to buildings in Area A1 to enhance the streetscape along Mulberry Street and segments of Hester and Grand Streets.

55-57 Spring Street, comprising two interior lots fronting on the north side of Spring Street between Mulberry and Lafayette Streets, are located within Area A (Preservation Area) of the Special Little Italy District, immediately west of Area A1, in an underlying C6-2 zoning district. Area A, which is mapped throughout most of the Special District, allows a maximum FAR of 4.8 on corner lots and 4.1 on interior and through lots for commercial, residential and community facility uses that are permitted by the underlying C6-2 district. The maximum permitted lot coverage in Area A is 60 percent for interior and through lots and 100 percent for corner lots. The maximum base height permitted in Area A is 65 feet or six stories, whichever is less, at which height a 10-foot setback is required; the maximum building height is 75 feet or seven stories, whichever is less.

The two five-story buildings located at 55-57 Spring Street (Block 495, Lots 44 and 45) were built in 1871 as Italianate-style, four-bay brick tenements with arched window hoods and projecting sills, according to the National Register of Historic Places Designation Report. Both buildings house retail uses on the ground floor and residential use on the upper floors.

55 Spring Street (Block 495, Lot 44) has a 25-foot frontage on Spring Street, a depth of about 112 feet, and a lot area of approximately 2,837 square feet. The existing building has a noncomplying lot coverage of 69 percent and a 36-foot rear yard. The building rises without setback to a height of approximately 62 feet and has a total of approximately 9,630 square feet of floor area (3.4 FAR), including 1,029 square feet for commercial use and 8,601 square feet for residential use (17 dwelling units). One of the dwelling units is located in the rear of the ground floor and has been vacant since March 2015. The rest of the ground floor is occupied by two pastry stores.

57 Spring Street (Block 495, Lot 45) has a 26-foot frontage on Spring Street, a depth of approximately 106 feet, and a lot area of 2,670 square feet. The existing building has a noncomplying lot coverage of 68 percent and a 36-foot rear yard. The building rises without setback to a height of approximately 62 feet and has a total of approximately 8,970 square feet of floor area (3.4 FAR), including 1,381 square feet for commercial use and 7,589 square feet for residential use (16 dwelling units). The ground floor is occupied by a single retail store.

The applicant proposes to enlarge the ground floors of both buildings into the rear yard to fully cover their respective lots, which is not permitted under the Area A (Preservation Area) lot coverage regulations for interior lots. As proposed, the ground floor of 55 Spring Street (Lot 44) would be enlarged by 891 gross square feet, whereas the ground floor of 57 Spring Street (Lot 45) would be enlarged by 856 gross square feet. Each enlargement would occupy a single story reaching a height of 15 feet. In conjunction, the applicant would also convert the vacant ground floor dwelling unit in 55 Spring Street to commercial use. Landscaped open recreation spaces accessible to the buildings' tenants would also be constructed on site as part of the proposed expansions, as required by the Special District regulations. Other aspects of the buildings would remain unchanged.

To facilitate the proposed enlargement of the ground floors to full lot coverage, the applicant proposes to amend Appendix A (Special Little Italy District Map) of Article X, Chapter 9 (Special Little Italy District), to extend the western boundary of Area A1 (Mulberry Street Regional Spine) westwards along Block 495's Spring Street frontage towards Lafayette Street by 50 feet, to a depth of 120 feet from Spring Street, to include the properties located at 55-57 Spring Street (Block 495, Lots 44 and 45). The proposed text amendment would permit full lot coverage for ground floors that are only occupied by commercial uses up to a height of 23 feet, and facilitate the proposed enlargements of 55-57 Spring Street.

ENVIRONMENTAL REVIEW

The application (N 160244 ZRM) was reviewed pursuant the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP005M. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 3, 2016. The Negative Declaration includes an (E) Designation (E-396) on Manhattan Block 495, Lots 44 and 45 related to hazardous materials to avoid the potential for significant adverse impacts, as described below:

The text for the (E) Designation related to hazardous materials is as follows:

Task 1: Sampling Protocol

Prior to construction, the applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated for the test results, a proposed remedial action plan (RAP) must be submitted by OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

In order to avoid the potential for significant adverse archaeological impacts, as part of the Proposed Project, the Applicant entered into a Restrictive Declaration on July 12, 2016, and

recorded on August 15, 2016, agreeing to conduct archaeological identification, investigation, and mitigation in accordance with the CEQR Technical Manual and NYC Landmarks Preservation Commission (LPC) guidelines for archaeological work in New York City. Consequently, no significant adverse impact to archaeological resources are expected to result from the proposed action.

PUBLIC REVIEW

On October 17, 2016, this application (N 160244 ZRM) was referred for information and review to Community Board 2 and the Borough President in accordance with the procedures for referring non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on February 8, 2017, and on February 16, 2017, by a vote of 36 in favor to 0 against with 0 abstentions, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation approving of the application on February 21, 2017.

City Planning Commission Public Hearing

On February 1, 2017 (Calendar No. 1), the City Planning Commission scheduled February 22, 2017, for a public hearing on this application (N 160244 ZRM). The hearing was duly held on February 22, 2017 (Calendar No. 23). There were five speakers in favor of the application and three speakers in opposition.

The applicant's land use counsel described the proposed project and land use action, reiterated recommendations of Community Board 2 and the Borough President, and relayed the applicant's various commitments in response to community concerns. A resident of the building spoke in favor

of the application, noting the diminished difference in retail character on Mulberry Street and other parts of the neighborhood. A representative of the owner spoke in favor of the application, providing clarification on the buildings' existing conditions, the intended use of the ground floors, recent DOB work, and property management practices. Another land use counsel to the applicant spoke in support of the application. A representative of the Manhattan Borough President reiterated the Borough President's recommendation to approve the application, noting that the proposed development is consistent with existing context.

A resident of the building spoke in opposition, citing concerns over the structural integrity of the buildings and their ability to handle additional construction. A representative from Community Board 2 reiterated the Board's recommendation to deny the application, noting concerns over the intensification of retail uses and quality of life issues associated with larger retail, bar and restaurant uses. A resident of the neighborhood and representative from the Bowery Alliance of Neighbors spoke in opposition to the application, citing concerns over congestion and the proliferation of eating and drinking establishments in the neighborhood.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning text amendment (N 160244 ZRM) is appropriate.

The proposed text amendment would modify the boundary of Area A1 (Mulberry Street Regional Spine) within the Special Little Italy District to include properties located at 55-57 Spring Street and facilitate enlargements of the ground floors of two existing mixed-use buildings. The ground floor of 55 Spring Street (Lot 44) would be enlarged by approximately 891 square feet of gross floor area, whereas the ground floor of 57 Spring Street (Lot 45) would be enlarged by approximately 856 gross square feet.

The Commission believes that the proposed enlargements facilitated by the zoning text amendment would result in a modest increase in the size of existing retail spaces in a manner largely consistent with the existing character of the adjacent buildings along Spring Street and the land use pattern in surrounding neighborhoods.

The Commission considers the proposed expansion of the ground floors at 55-57 Spring Street to full lot coverage to be in character with the surrounding built context. The Commission observes that both buildings at 55-57 Spring Street have an existing noncomplying lot coverage beyond the 60 percent maximum permitted in Area A of the Special Little Italy District, and that neighboring buildings at 53 Spring Street to the east, 59 Spring Street to the west, and 237 Lafayette Street to the north have full or close to full lot coverage. The Commission further notes that the proposed enlargement would not block any actively used lot line windows or result in the obstruction of light and air to existing residential units in the adjoining buildings. The Commission is aware that the proposed rear enlargements facilitated by the text amendment would trigger a requirement that landscaped open recreational spaces accessible to the buildings' tenants be constructed on site. The Commission agrees that additional open space on the rooftop of the rear expansions and/or on the buildings' roofs would improve building residents' access to light and air and serve as an amenity for the building residents.

The Commission observes that while 55-57 Spring Street is located within Area A, the ground floors of the buildings are occupied by uses essentially similar to the commercial establishments – including retail stores, eating and drinking places - commonly found in Area A1 immediately east of the project site along Spring and Mulberry Streets. The Commission also notes that the proposed text amendment would subject the buildings to more stringent ground floor use regulations as well as the storefront and signage provisions in Area A1, further enhancing the vibrancy of Spring Street and contributing to the continuous active frontage connecting two dynamic north-south oriented commercial corridors – Mulberry and Lafayette Streets.

The Commission also believes that the proposed text amendment reflects, on a limited scale, the neighborhood's evolving mix of uses and retail character over recent decades. The Commission

understands that when the Special Little Italy District was established in 1977, the demarcation of Area A (Preservation Area) and Area A1 (Mulberry Street Regional Spine) was primarily driven by the considerable difference in the retail character between Mulberry Street corridor and side streets at the time - Mulberry Street, along with parts of Grand and Hester Streets within Area A1, was a tourist destination with a high concentration of restaurants, cafes and specialty shops, whereas many of the side streets in Area A, including Spring Street, were characterized as the core of residential life and local shopping, where grocery stores and local services anchored the community. The Commission recognizes that since the 1970s Little Italy as a neighborhood has evolved, and that many side streets, including the stretch of Spring Street on which the project site is located, have also emerged as active retail corridors that serve local residents and visitors alike. The Commission therefore believes that the proposed text amendment, and the project it facilitates, is in keeping with the contemporary character of the surrounding neighborhood.

The Commission acknowledges Community Board 2's concerns regarding the intensification of commercial uses in the neighborhood and quality of life issues. However, the Commission believes that given the modest scale of the proposed change, the impact of the proposed text amendment on existing neighborhood character and pedestrian and vehicular traffic would be minimal. The Commission is aware of, and encourages the applicant to adhere to, its voluntary commitments in response to community concerns expressed during the review process: to not combine the ground floor commercial and cellar spaces of the two buildings into a single commercial space, to not seek wine or hard liquor license at SLA, to landscape the roof of the enlargements but prohibit active uses, and to protect tenants of rent-regulated units.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment;

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter that based on the environmental determination, and the consideration described in this

report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE X

SPECIAL PURPOSE DISTRICTS

* * *

Chapter 9

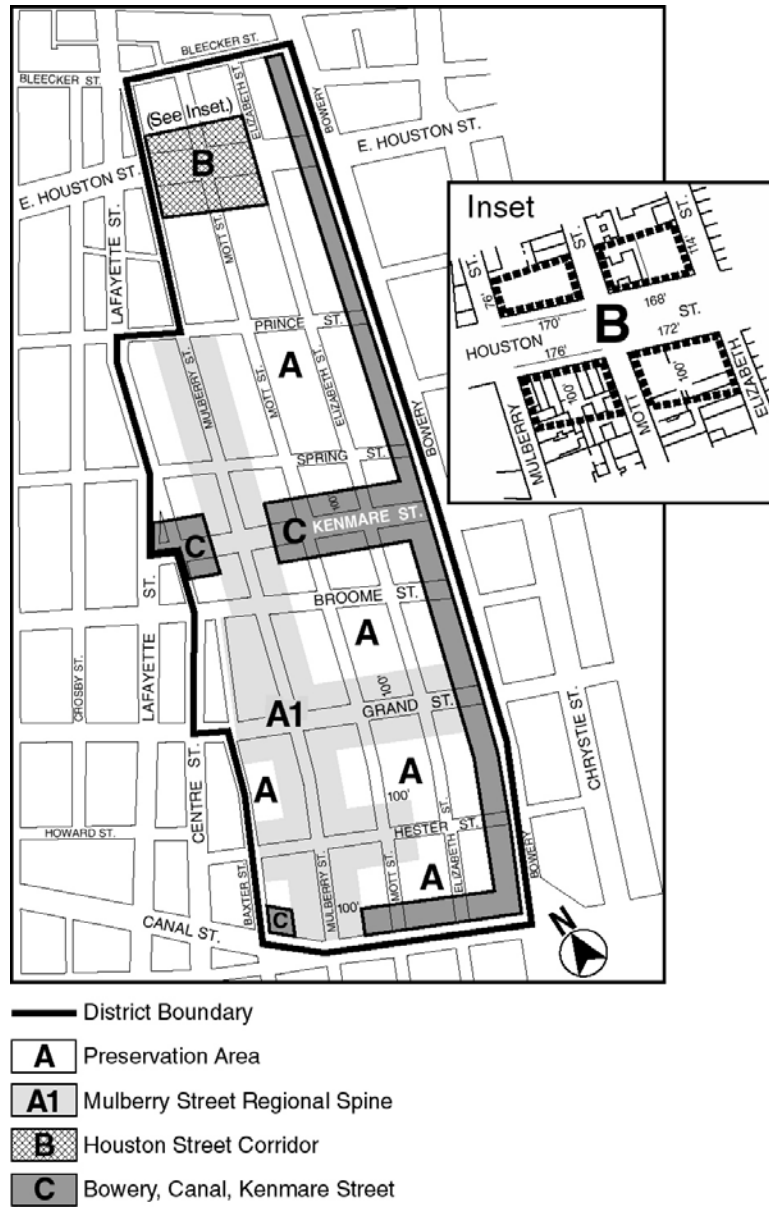
Special Little Italy District

* * *

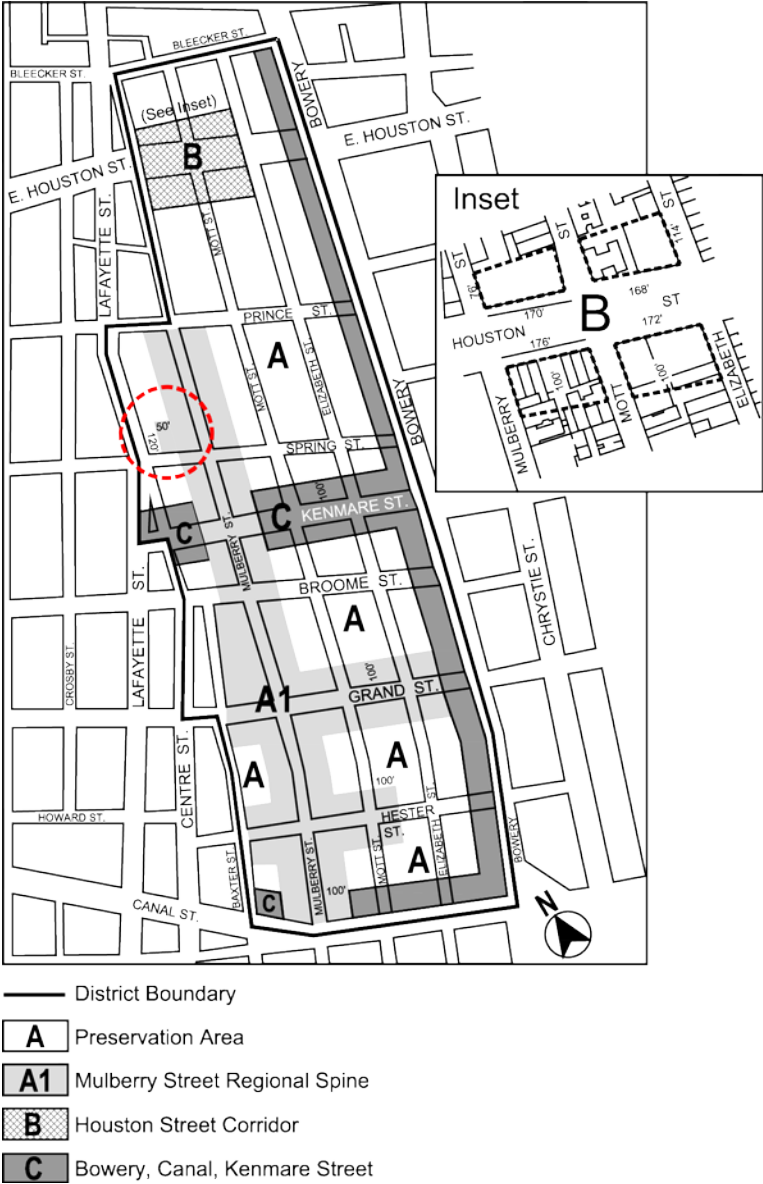
Appendix A

Special Little Italy District Map

[EXISTING]



[PROPOSED]



* * *

The above resolution (N 160244 ZRM), duly adopted by the City Planning Commission on May 10, 2017 (Calendar No. 26) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

Terri Cude, *Chair*
Dan Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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February 17, 2017

Purnima Kapur, Executive Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Kapur:

At its Full Board meeting on February 16, 2017, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

5. *55-57 Spring Street (between Lafayette and Mulberry Streets) Application for a Zoning Text Amendment to change the Area of the Special Little Italy District in which the two buildings are located from Area A to Area A1, which is directly to the east, so that their ground floor commercial uses could cover their entire lots. If the application is approved, a total of approximately 1,750 SF would be added to their ground floors.

Whereas

1. The proposed change serves no public benefit and will be harmful to the Special Little Italy District zoning regulations, and will exacerbate the impacts of intensifying retail uses on residential uses in the area.
 - a. The application is for an amendment to the zoning text, but its effect will be to change the map of Area A1 of the Special Little Italy District to include the subject property. The result of text change would therefore be similar to a spot change of the zoning map.
 - b. The first three purposes of the SLID are as follows:
 - To preserve and strengthen the historic character of the community;
 - To protect the scale of storefronts and character of existing retail uses along Mulberry Street and other shopping streets so that Little Italy will remain a regional shopping area, and thereby strengthen the economic base of the city;
 - To preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
 - c. The proposed change is contrary to all of these stated purposes: it will further a trend toward more intense retail use which is harming the historic neighborhood character in Area A, the "Preservation Area"; it will expand and encourage further expansion of Area A1- the

“Mulberry Street Regional Spine”; it will increase and encourage further increase of already problematic sidewalk congestion on Spring Street.

- d. The application was filed purely for private advantage to be derived from development of a one-story building in the required rear yard.
- e. As the intensity of retail use has increased in Little Italy, there is significant and growing conflict between residential and retail uses, and expansion of the A1 area would allow for increased intensity of retail use.
- f. There has been substantial neighborhood concern expressed to CB2, Man. over a period of years about the impact of intensifying retail uses on the special neighborhood historic character, and especially the impact of larger stores and eating and drinking establishments.
- g. This application would substantially increase the size of the retail stores in the building, thereby increasing the total retail floor area also changing the character of the stores to larger units with potential for more intense use.
- h. Larger stores are contrary to the current land use needs in the SLID, in particular the need to retain balance of residential and retail uses.
- i. This specific location is particularly problematic because of its location opposite a heavily used subway entrance and because the subway narrows the congested sidewalk, often forcing pedestrians to use vehicle lanes.
- j. Neighbors cited long-standing concerns about the increasing intensity of retail uses in the area and expressed concern that expansion of the A1 area would become a precedent for other changes to the SLID encouraging further intensification of retail uses, and the application does not offer evidence to the contrary. (Indeed, the application text supports the idea that expansion of the A1 area is reasonable because of the increasing retail intensity in the area.)
- k. The applicant also expressed willingness to agree to move air conditioning units to the roof and to not combine the entire ground floor into a single retail unit, but refused to consider limiting retail uses to other than eating and drinking establishments.
- l. The proposed development in the yard would potentially harm the value of adjacent properties because it would block existing window openings in the buildings facing the yard. While these are property line windows, they appear to be original windows and they are protected by the current zoning. (The subject rear yard also appears to serve as part of a fire escape route for at least one adjacent building, including by a drop latter and a ground floor door.)

2. The current retail uses in the building are contrary to the allowed uses in the building.

- a. The building has no Certificate of Occupancy. This would be appropriate for a building that has not implemented use changes, but prior established uses included three ground floor residential units, all of which have been demolished without required DOB filings.
- b. Two of the residential units were illegally incorporated into retail units without required DOB filings and without required application for a Certificate of Occupancy. The applicant stated the third demolished residential unit is not currently used. The three illegally demolished residential units would be part of the retail stores to be expanded as part of the redevelopment.
- c. The applicant stated they would file for a Certificate of Occupancy as part of the redevelopment of the ground floor if the application is approved, but did not state why no application has been filed to establish compliance prior to application for a zoning change.

3. Practices of prior and current owners have caused hardship to tenants including rent-stabilized tenants.

- a. Statements by current residents and newspaper accounts suggest a history of harassment and other illegal actions by prior owners over a period of years during which most units in the building were destabilized.

- b. The current owner is seeking eviction of a family residing in a rent-stabilized unit based on a claim that they reside outside New York City. The family appeared at a CB2 public hearing and credibly claimed that they reside in the apartment and their two children attend public schools in the area. The family also stated that their unit was subject to dust from construction in the unit below during an extended period until the building was cited in connection with lead hazards by the NYC Department of Health. The applicant responded to questions about the intended eviction by stating they would drop the lawsuit against the family if CB2, Man. recommended approval of the application.
- c. There was public testimony indicating other current legal actions and other actions against other tenants in the building, which the applicant agreed to cease if the application is approved.
- d. The applicant appeared to have an unconcerned attitude regarding statements by tenants regarding prior negative impacts of careless construction practices causing dust conditions, penetrations into occupied units, and even a fire.
- e. During the public hearings for this application, the applicant failed to provide CB, Man. with sufficient commitments to reduce impacts of construction in the building.

4. Comments from neighbors were overwhelmingly in opposition to the application.


- a. The applicant obtained signatures on form letters signed by many tenants suggesting support for the application, but these tenants did not speak at CB2 public hearings or otherwise directly express support for the application.
- b. With one exception, tenants who did speak at the hearings and write letters to the board were opposed to the application.
- c. Tenants of neighboring buildings spoke against the application, including tenants whose windows overlook the rear yard.
- d. A past member of the board of an adjacent co-op building spoke in opposition on behalf of the co-op board.
- e. Several community members spoke and wrote letters opposing amendment of the SLID maps for a private purpose that would intensify retail uses.

Therefore, it is resolved that CB2, Man. recommends denial of this application to change the boundaries of Area A1 of the Special Little Italy District.

Vote: Unanimous, with 36 Board members in favor.

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

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman
Hon. Yiu-Line Niou, NYS Assembly Member
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Sylvia Li, Dept. of City Planning



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Gale A. Brewer, Borough President

Via Email

February 21, 2017

Kenneth J. Knuckles, Esq.
Vice Chair
City Planning Commission
Calendar Information Office
120 Broadway – 31st Floor
New York, NY 10271

Re: 55-57 Spring Street Text Amendment - N 160244 ZRM

Dear Vice-Chair Knuckles:

I write in regard to the application by JBAM TRG Spring LLC, for an amendment to Appendix A of Article X, Chapter 9 of the Zoning Resolution (“ZR”) to change the buildings located at 55-57 Spring Street (Block 495, Lots 44 and 45) from Area A (Preservation Area) to Area A1 (Mulberry Street Regional Spine) of the Special Little Italy District to allow existing ground floor retail uses of the buildings to be extended by approximately 1,757 square feet to the rear lot line.

The Special Little Italy District was established in 1977 to preserve and strengthen the historical and cultural character of the community, with regulations to retain the unique character of storefronts along Mulberry Street, preserve the vitality of street life and encourage new development consistent with existing buildings. Area A1 is noted primarily as a residential area with local shopping and Area A1 is a concentration of specialty shops. However, the commercial uses within the buildings at 55-57 Spring Street have historically been more characteristic of Area A1.

The proposed text amendment would extend the western border of Area A1 50 feet west by a depth of 120 feet from Spring Street to facilitate the expansion of the ground floors to the rear lot line. The increase in retail space is minimal; additionally, following discussions with Manhattan Community Board 2 (CB2), the applicant has committed to a Restrictive Declaration that would prohibit combining the ground floors into a single commercial space, having an outdoor café, and obtaining a wine or liquor license.

However, CB2 voted on February 16, 2017 to disapprove this application due to opposition from residential tenants and a concern for a potential adverse impact of further congestion to the existing sidewalk. The community board further stated the commercial expansion serves to benefit the applicant and not the community.

The concerns of the board are valid quality of life issues. Nonetheless, allowing retail on the ground floor and full lot coverage at the ground floor is consistent with both the existing neighborhood character on the affected streets and with the built form of neighboring properties. Therefore, I find the text amendment to be appropriate under a narrower lens of review.

Sincerely,


Gale A. Brewer