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Gale A. Brewer, Borough President

January 11, 2021

**Recommendation on Text Amendment Application N 140439 ZRM
23-25 Cleveland Place by Kenmare Square LLC**

PROPOSED ACTIONS

Kenmark Square LLC (the “Applicant”) is seeking a zoning text amendment to modify Appendix A of the Special Little Italy District Map regulations (Zoning Resolution Article X, Chapter 9) to extend the boundary of Area C (Bowery, Canal Street, Kenmare Street Corridor) northward by 25 feet to allow the regulations of Area C to apply to 25 Cleveland Place, which is currently in Area A (Preservation Area).

23-25 Cleveland Place (Block 481, Lots 11 and 13) is located between Spring Street and Kenmare Street (“Proposed Development”) within the Special Little Italy District in Manhattan Community District 2. The northern building at 25 Cleveland Place (Lot 13) is located entirely within the Special Little Italy District Area A. The southern building at 23 Cleveland (Lot 11) is partially located within Area A (Special Little Italy District) and Area C (Bowery, Canal Street, Kenmare Street Corridor).

The proposed zoning text amendment would facilitate the development of an eight-story, 85-foot commercial building (“Proposed Development”). The Proposed Development will consist of approximately 29,922 square feet of commercial floor area. The ground floor will consist of approximately 5,072 square feet of commercial floor area and 100 percent lot coverage. The second through eighth floors will each consist of approximately 3,550 square feet of commercial floor area and 70 percent lot coverage. The proposed commercial uses within the new development are Use Group 6A retail on the ground floor and Use Group 6B office on the upper floors.

BACKGROUND

Area Context

The Project Site is located in Community District 2 in Manhattan. It is in the Special Little Italy District (Zoning Resolution Article X, Chapter 9) which was established in 1977 to preserve and enhance the historic and commercial character of the traditional Little Italy neighborhood.

The Proposed Development Site is not located within any designated historic district. However, the Chinatown and Little Italy Historic District were designated in 2010 in the National Register of Historic Places by the U.S. Department of the Interior. The boundaries of the Chinatown and Little Italy Historic District include Baxter Street to the west, East Houston to the north, the Bowery to the east, and Worth Street to the west. The neighborhood and immediate area largely consists of four to seven-story buildings with mixed-use residential and commercial buildings constructed between 1900 and 1910.

The area is well served by mass transit, with subway stations located at Spring Street, Prince Street, the Bowery, and Lafayette Street. The 6 train stops at the Spring Street station (Spring Street and Lafayette Street) and the J train stops at the Bowery station (Bowery and Kenmare Street). The N and R trains stop at the Prince Street station (Prince Street and Broadway) and the B, D, F, and M lines stop at the Broadway-Lafayette station (E. Houston Street between Broadway and Bleecker Street). There are also several bus lines that serve this area including the M1 and M55 along Broadway, the M103 along Bowery, and the M21 along Houston Street.

Site Description

The Proposed Development is located within C6-1 and C6-2 zoning districts. The C6-1 (R7 equivalent) zoning district permits a maximum commercial FAR of 6.0 (up to 7.2 FAR with public plaza bonus), a maximum residential FAR of 0.87-3.44 (4.0 FAR on wide streets outside Manhattan Core under the Quality Housing Program) and a maximum community facility FAR of 6.5 (7.8 FAR with public plaza bonus). The C6-2 (R8 equivalent) zoning district permits a maximum commercial FAR of 6.0 (7.2 FAR with public plaza bonus), a maximum residential FAR of 0.94-6.02 (7.2 FAR on wide streets outside Manhattan Core under Quality Housing Program) and a maximum community facility FAR of 6.5 (7.8 FAR with public plaza bonus). As C6 districts are generally well served by mass transit, offstreet parking is not required for C6-1 and C6-2 zoning districts.

The Proposed Development is partially located within Area A (Preservation Area) and partially within Area C (Bowery, Canal Street, Kenmare Street Corridor). Area A limits the maximum FAR to 4.1 for all uses (4.8 FAR for corner lots) and the maximum lot coverage to 60 percent (100 percent for corner lots). Area A requires a 30 foot rear yard, permits a maximum base height of 65 feet, requires a minimum setback of 10 feet above 65 feet, and permits a maximum total height of 75 feet or seven stories, whichever is less. Area C permits a commercial lot coverage of 100 percent on the ground floor and 70 percent above the ground floor, and a residential lot coverage of 60 percent on all floors. Area C also permits a maximum building height of 85 feet or eight stories, whichever is less.

Two buildings currently exist at the Proposed Development site. The northern building at 25 Cleveland Place (Lot 13) was built around the early-19th century and is a four-story, 4,431-square foot, 1.7 FAR, 40-foot-tall, building with ground floor commercial use and five dwelling units (rental units with short-term leases) above. The northern building is located entirely within a C6-2 zoning district and the Special Little Italy District Area A that contains more restrictive bulk regulations than Area C.

The southern building at 23 Cleveland Place (Lot 11) was built around the mid-19th century and is a three-story, 3,569-square foot, 1.4 FAR, 30-foot-tall, building with ground floor commercial use and two dwelling units (rental units with short-term leases) above. The southern building is located within both the C6-1 and C6-2 zoning districts, and is partially located within Area A of the Special Little Italy District and Area C of the Bowery, Canal Street, Kenmare Street Corridor. Lot 11 has 73 percent of its frontage within Special Little Italy District Area C, thereby permitting the regulations of Area C to apply to the entire lot pursuant to Zoning Resolution Section 109-04.¹

Project Description

The Proposed Development site at 23-25 Cleveland Place (Block 481, Lots 11 and 13) is located between Spring Street and Kenmare Street in Manhattan Community District 2. Cleveland Place is a narrow street that carries northbound traffic from Centre Street to Lafayette Street.

The northern portion of the Proposed Development site, 25 Cleveland Place (Lot 13), has a frontage of approximately 26 feet. The southern portion of the Proposed Development Site, 23 Cleveland Place (Lot 11), has a frontage of approximately 25 feet. The total frontage of the Proposed Development Site is 51 feet along Cleveland Place. Subject to the approval of the proposed zoning text amendment, the Applicant will merge the two tax lots that comprise the Proposed Development Site into a single zoning lot. The total lot area of the Proposed Development site is approximately 5,072 square feet.

The proposed zoning text amendment would facilitate the development of an eight-story, 85-foot tall commercial building at the Proposed Development site. The Proposed Development will consist of approximately 29,922 square feet of commercial floor area. The ground floor will consist of approximately 5,072 square feet of commercial floor area and 100 percent lot coverage. The second through eighth floors will each consist of approximately 3,550 square feet of commercial floor area and 70 percent lot coverage. The proposed commercial uses within the building are Use Group 6A retail on the ground floor and Use Group 6B office on the upper floors.

COMMUNITY BOARD RECOMMENDATION

On December 22, 2020, at its Full Board meeting, Manhattan Community Board 2 voted to recommend denial of a related New York State Liquor Authority (SLA) application for a new on-premise liquor license to operate a bar within a ground floor storefront located at 23 Cleveland Place. Manhattan Community Board 2's recommendation states that prior operators of the location have used the exterior backyard at the rear of the building for eating, drinking and live music with over 50 people. The existing Certificate of Occupancy for the building permits an occupancy limited to 50 people for eating and drinking in the interior first floor only and does not extend such use and occupancy to the rear yard or the basement.

¹ [ZR 109-04](#). Last amended February 3, 1977.

Manhattan Community Board 2 will hold a second public hearing for the 23-25 Cleveland Place ULURP application on January 13, 2021 and is expected to hold a Full Board vote on the matter on January 21, 2021.

COMMUNITY CONCERNS

The community has raised many concerns over previous violations by the Applicant and Owner, Kenmare Square LLC, at the existing two buildings at 23-25 Cleveland Place. These violations include the failure to maintain the existing two buildings in a code-compliant manner such as providing appropriate means of egress, providing a fire alarm system, doing construction work without a permit, and a failure to correct defective and loose lintels and brick on the building's façade. There are also multiple violations related to the use of the rear yard by over 50 people as premises for eating and drinking, despite the building's Certificate of Occupancy clearly prohibiting these uses.

Furthermore, my office has received a number of letters in opposition to the project from individuals residing within the Applicant's study area, including residents of 423 Broome Street and 19 Cleveland Place as well as members of Friends of Petrosino Square. These letters of opposition to the zoning text amendment are not reflective of the Applicant's claimed outreach to residents and show that the Applicant has not adequately addressed community concerns regarding the buildings' multiple violations.

BOROUGH PRESIDENT'S COMMENTS

The Applicant has failed to prove that they are a good faith partner in the community. They have not addressed longstanding neighborhood concerns regarding health, safety, and quality of life. Given this history, there is a strong justification to oppose the zoning text amendment that would enable the Applicant to build a larger development that includes Use Group 6A. I do not support this application, and strongly urge the Applicant to engage community members in productive conversation about the current on-site issues and violations at 23-25 Cleveland Place.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends denial of the text amendment application No. N 140439 ZSM for 23-25 Cleveland Place unless the Applicant agrees to meet with neighbors and members of Manhattan Community Board 2 and develop a plan, along with commitments, that will address the concerns cited above pertaining to previous building violations and eating and drinking use in the rear yard.



Gale A. Brewer
Manhattan Borough President