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**Testimony on the Proposed Board of  
Standards and Appeals Variance  
for 432-438 East 14<sup>th</sup> Street**

**January 24, 2017**

My name is Rosie Mendez and I am the Councilwoman for District 2—a district that includes 432-438 East 14<sup>th</sup> Street in its geographic boundaries. Since January 2006 I have had the honor to serve the Lower East Side, East Village, Gramercy Park, Kips Bay and Murray Hill neighborhoods. Please note that local community residents are in opposition to this application. I ask you today to vote to deny this application for a variance at 432-438 East 14<sup>th</sup> Street since the proposed development is not impossible to build without the extra height and is financially feasible if built within the zoning envelope.

This site, 432-438 E 14<sup>th</sup> Street, the former site of the Peter Stuyvesant Post Office, is located half a block from the epicenter of Council District 2 and across the street from Council District 4 and Community Board 6. When evaluating neighborhood character, with the unique Stuyvesant Town-Peter Cooper Village to the north, and classic East Village tenements to the south, its added height and bulk is out of context and unnecessary. Other local elected officials and stakeholders like Community Board 3 (CB3) and advocacy group Greenwich Village Society for

Historic Preservation (GVSHIP) oppose this proposal for these very reasons. I concur with my community that the Developer's argument for the variance--a claim of "hardship" based upon "unique circumstances" is disingenuous and sets a dangerous precedent for future oversized developments here in this district and city-wide.

This site is not unique in terms of its infrastructure. The Lower East Side/East Village area and the challenges in building here have not stopped the numerous buildings currently in development. Specifically, the developers at 377 East 10<sup>th</sup> Street, 440 East 12<sup>th</sup> Street, 540 East 13<sup>th</sup> Street, 544 East 13<sup>th</sup> Street, and 500 and 524 East 14<sup>th</sup> Street have all built financially feasible buildings within the allowable zoning with no need to exceed the height caps. The developers of 432-438 East 14th Street are asking to build nearly 50% taller than the zoning allows at this site and we cannot in good conscience support this application. It would allow other neighborhoods with similar conditions to potentially be open to the same kinds of proposals allowing more bulk to existing construction projects that is speculative and already rampant through our community. If the complying development was not actually viable the ongoing intense construction work would not be happening. If the complying development was not viable it is hard to believe that the New York State Housing Finance Authority would have approved over \$62,000,000 in financing for an as of right development. The BSA has an obligation to consider these factors before issuing a decision that could grant more height and bulk that is not only unnecessary but in opposition to the community's position.

It is important to note that several dozen blocks located in the Lower East Side/East Village were built on landfill and many of the other buildings that span many blocks/lots were built on top of a water bed and those developers built those buildings without seeking a variance to build higher than the allowable zoning. These are facts that I find hard to believe that the developer did not know about before purchasing the property. I believe that many in my community would agree

with me that here this developer doesn't just want to maximize profits, but instead wants to **quickly** "super" maximize and deepen its profits. At the end of the day that is not a good enough reason to allow development contrary to the existing zoning.

My constituents and my neighbors residing in Council District 4 have called my office in opposition to the Developer/Applicant's request for a variance. They are alarmed at statistics related to BSA approval and data provided in NYC Council testimony provided by Citizens Union on April 27th, 2012. Their oral and written testimony states that the BSA granted 97% of variances in 2011 (102 of 105), with community boards only supporting 79% (81 of 103) of the variances that was acted on by the BSA. The local community planning board, CB3, issued a resolution opposed to the project in July 2016 and I ask that you honor that resolution.

In conclusion, there is no unique hardship to justify any variance. I reiterate the position of CB3, advocacy groups and local residents that this variance application should be rejected as soon as possible. Lastly, I want to acknowledge the numerous advocacy organizations, tenant associations, housing groups and coalitions who are here to give testimony, and to thank them for their continued advocacy for responsible development and a fair and transparent public process.

Thank you again Chair Perlmutter and Commissioners for the opportunity to share my testimony today.