

**COMMUNITY BOARD #1 MANHATTAN**  
**RESOLUTION**

DATE: JANUARY 19, 1999

**COMMITTEE OF ORIGIN: TRIBECA**

COMMITTEE VOTE: 10 IN FAVOR 0 OPPOSED 0 ABSTAINED

BOARD VOTE: 30 IN FAVOR 0 OPPOSED 1 ABSTAINED

RE: **A proposal to combine three lots consisting of an historic warehouse at 416-424 Washington Street, a parking lot at 258 West Street, and a 2-story building at 259 West Street for a BSA application for zoning variances to allow a 340 room hotel with 19 story tower, a 400 person conference center/ballroom, a restaurant, a bar, retail space, exercise facility, outdoor cafe and penthouse addition to the historic warehouse, with no parking to be provided by the project. The project is located in the B2 area of northern Tribeca, in a medium level manufacturing zone (M2-4). The historic warehouse is located in the Tribeca North Historic District.**

WHEREAS: The developers Brewran West have applied to the Board of Standards and Appeals (BSA) for several variances from zoning requirements that would allow this proposed project to:

- 1) Develop a 340 room transient hotel, which is not a permitted use in a medium level manufacturing zone. The hotel would also include:
  - a) A 400-500 person ballroom with dancing, which is not permitted without a special permit from BSA
  - b) A restaurant, which is not permitted on Washington Street
  - c) A bar, which is not permitted on Washington Street
  - d) An outdoor cafe, which is not permitted on Washington Street
  - e) Retail space, which is not permitted by the zoning
  - f) An exercise facility, which is not permitted by the zoning
- 2) Exceed the allowable Floor Area Ration (FAR) of 5.0 to build a 19 story tower
- 3) Eliminate the setback at 85 feet: the tower would go straight up to over 200 feet, more than twice as tall as nearby buildings
- 4) Exceed the allowable Sky Exposure Plane, thereby blocking sunlight; and

WHEREAS: BSA may grant a variance in the case of practical difficulties or unnecessary hardship, provided that it makes five findings, each of which must be supported by substantial evidence, including the personal knowledge of or inspection by members of the Board. Such findings require:

- a) That there are unique physical conditions that are not due to circumstances created generally by the strict application of existing provisions in the neighborhood in which the zoning lot is located;
- b) That there is no reasonable possibility that the development of the zoning lot in strict conformity with existing regulations will bring a reasonable return;
- c) That the variance, if granted, will not alter the essential character of the neighborhood;
- d) That the practical difficulties or unnecessary hardship claimed have not been created by the owner or by a predecessor in title;
- e) That the variance, if granted, is the minimum variance necessary to afford relief; and

WHEREAS: The physical conditions are not unique to this building, nor are they generally created by the strict application of existing provisions that apply to north Tribeca, as evidenced by other developers who have successfully met the challenges of similar physical conditions within the allowable FAR without a variance from BSA; and

WHEREAS: The evidence does not support the developer's contention that a variance is necessary to bring a reasonable return, as demonstrated by successful conversions of other historic buildings as well as by current interest of others in developing this property without the requested variance and offers already made to representatives of this property; and

WHEREAS: The variance, if granted, will substantially alter the essential character of north Tribeca because:

- The developer's own 398-page Draft Environmental Impact Study shows that the hotel project will have a significant negative impact on the area, especially from additional traffic, which is already gridlock due to the Holland Tunnel;
- The problems of additional traffic generated by the hotel will not be solved by the mitigation proposals in the DEIS; in fact, congestion will increase along West Street, which is the primary entrance to the hotel, as taxis, limos and black cars inevitably make pick-ups and drop-offs and double park;
- The hotel's secondary entrance on Washington Street will bring traffic and congestion to what is currently a relatively traffic-free block;
- A loading dock on Laight Street will create a back up as well as additional noise on a major feeder street from the Holland Tunnel to Route 9A when trucks make deliveries and pickup garbage throughout the day and night;
- No parking facilities are provided by the project, even though the site is ¼ mile from the nearest public transportation and the project would eliminate scarce parking spaces while increasing demand;

- The bulk and FAR variances would result in a bulk and height that would block a significant amount of daylight from the area surrounding the proposed complex;
- A 19-story tower would have a negative impact on the historic character of the surrounding low-rise Tribeca North Historic District;
- The potential addition of approximately 1,500 guests and employees at one time travelling to and from the hotel will force dramatic changes on the character of this low-density neighborhood; and

WHEREAS: Many of the practical difficulties or unnecessary hardship claimed due to the historic warehouse's disrepair were in fact created by the owner or by a predecessor in title or they don't exist:

- The current and previous owners had several years to avoid these difficulties by undertaking appropriate preventive and stabilization measures after the agreement to purchase the warehouse was entered in 1991;
- The current owner was well aware of these difficulties when the final purchase was completed in 1997 at a bargain price that was less than half that shown in the economic analysis as the acquisition value; and

WHEREAS: No variance, is necessary for the reason cited above as well as because:

- The historic warehouse is imminently developable, especially in light of zoning amendments enacted in November 1997 by the City Council to allow easier loft-dwelling conversions with a special permit from City Planning, interest from other developers, and returns realized by other conversions in the neighborhood;
- The economic analysis uses a formula for the current value of the property that grossly overstates the actual price paid for the historic warehouse, and so grossly understates the potential profit;
- The economic analysis is based on incomplete alternatives and highly questionable numbers that have no bearing on current real estate market prices and, so, grossly understate the potential return on alternative uses within the allowable FAR; and

WHEREAS: CB#1 has previously opposed the proposed hotel complex and any building in excess of allowable FAR, and expressed the community's preference for "living-working quarters or other compatible conforming use" in resolutions dated 10/19/93, 1/25/94 and 6/21/94; and

WHEREAS: There is significant opposition from those in the surrounding neighborhood to this project; now

THEREFORE  
BE IT  
RESOLVED  
THAT:

CB#1 finds that this proposed hotel/conference/ballroom complex should not qualify for the requested zoning variances because:

- 1) The economic analysis is highly suspect and does not justify a variance for a hotel or a FAR in excess of that allowed for conforming uses;
- 2) The variances would negatively impact the surrounding area;
- 3) The variances would set a bad precedent for other projects to use an historic building as a hardship to obtain variances to violate the zoning;
- 4) The variance would constitute spot rezoning; and

BE IT  
FURTHER  
RESOLVED  
THAT:

CB#1 would welcome the opportunity to participate in appropriate development of this long neglected site, and respectfully requests that the developers consider other options that would be acceptable to the community.

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DATE: JANUARY 19, 1999

**COMMITTEE OF ORIGIN: LANDMARKS**

COMMITTEE VOTE: 4 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 28 IN FAVOR 0 OPPOSED 0 ABSTAINED

- RE: **New York Waterways ticket booth on Pier 17**
- WHEREAS: The New York City Landmarks Preservation Commission in the Spring of 1997 approved the erection of a temporary structure on Pier 17 in the South Street Seaport Historic District to serve as a ticket booth for New York Waterways to be removed by November 1997, and
- WHEREAS: In violation of the LPC's approval, the structure was not removed and instead was used as a ticket booth for an ice rink erected on Piers 16 & 17 for the 1997-1998 winter season, and
- WHEREAS: The LPC, in rejecting New York Waterways' subsequent application to turn the temporary ticket booth into a permanent structure, endorsed CB #1's December 16, 1997 resolution calling for LPC to "review the overall proliferation of small undistinguished structures on Piers 16 & 17 and ... compel the parties to prepare and have approved a joint Master Plan for the open space on Piers 16 & 17 before any further structures are legalized or erected, and
- WHEREAS: There is no evidence whatsoever that this process has taken place, and
- WHEREAS: The ice rink was re-erected and relocated on Piers 16 & 17 this winter, necessitating the removal of the New York Waterways ticket booth, and tickets for the ice rink are being sold out of the already-existing Seaport Museum Shop nearby, confirming CB #1's position, as stated in its June 16, 1998 resolution, that "there are clearly other options by which New York Waterways can sell tickets other than erecting another undistinguished permanent structure in public open space, now

THEREFORE  
BE IT  
RESOLVED  
THAT:

CB #1 calls on the LPC to direct New York Waterways, the Seaport Development Corp. and the New York City Economic Development Corporation not to re-erect the ticket booth or erect any new structure on Pier 16 or 17 without the review of CB #1 and the explicit approval of the LPC, and

BE IT  
FURTHER  
RESOLVED  
THAT:

Once again CB #1 urges the LPC to review the overall proliferation of small undistinguished structures on Pier 16 & 17 and compel the above parties and the Seaport Museum to prepare and have approved a joint Master Plan for the open space on Pier 16 & 17 before any further structures are legalized or erected.

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DATE: JANUARY 19, 1999

**COMMITTEE OF ORIGIN: BATTERY PARK CITY**

COMMITTEE VOTE: 3 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 25 IN FAVOR 0 OPPOSED 0 ABSTAINED

RE: **Foxhounds Sidewalk Cafe**

BE IT  
RESOLVED  
THAT:

CB #1 approves the sidewalk café application renewal put forth by  
Foxhounds Restaurant located at 320 South End Avenue.

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**COMMITTEE OF ORIGIN: LANDMARKS**

COMMITTEE VOTE: 4 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 29 IN FAVOR 0 OPPOSED 0 ABSTAINED

RE:                   **65-77 Worth St., application to construct 2 story rooftop  
addition and install storefronts, awnings, signage and lighting**

**129 Duane Street, application to construct a rooftop addition**

WHEREAS:           The committee unanimously agreed that because the Owners,  
Applicants or their representatives did not show up at the CB #1  
committee meeting, that CB #1 recommend that LPC hold over all  
action on these applications until the Owners, Applicants or their  
representatives appear before this Board, now

THEREFORE  
BE IT  
RESOLVED  
THAT:

CB #1 recommends that the Landmarks Preservation Commission  
take the above recommended action with regards to these  
applications.

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**COMMITTEE OF ORIGIN: LANDMARKS**

COMMITTEE VOTE: 3 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 29 IN FAVOR 0 OPPOSED 0 ABSTAINED

RE: **28 Broadway – Museum of American Financial History,  
application to install two banners**

Issue to review: Reinstallation on a permanent basis of the signage banners

WHEREAS: The committee agreed with the applicant that the Museum’s  
signage is currently minimal and should be strengthened to aid the  
visitors in finding the Museum, and

WHEREAS: The committee felt that this was an important institution for Lower  
Manhattan and should be permitted to install museum related  
signage to increase it’s number of visitors, and

WHEREAS: The committee found the design, as proposed, to be appropriate  
and complementary to the Historic District, now

THEREFORE  
BE IT  
RESOLVED  
THAT: CB #1 recommends that the Landmarks Preservation Commission  
approve the application for this work.

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**COMMITTEE OF ORIGIN: LANDMARKS**

COMMITTEE VOTE: 3 IN FAVOR 1 OPPOSED 0 ABSTAINED  
BOARD VOTE: 21 IN FAVOR 9 OPPOSED 2 ABSTAINED

RE: **107-113 Franklin Street, application to legalize advertising sign**

Issue to review: Revisions to existing painted wall advertising sign

WHEREAS: It is the desire of CB #1, in the Tribeca Districts, to discourage the erection of inappropriate signs, particularly advertising signage unrelated to the business being conducted at the particular lot or building, and encouraging signage more appropriate to the district, and

WHEREAS: The committee previously disapproved of the current advertisement which was approved by the LPC, and

WHEREAS: The committee found the new design to be even more inappropriate, now

THEREFORE

BE IT

RESOLVED

THAT:

CB #1 recommends that the Landmarks Preservation Commission disapprove the application to revise the sign as submitted, and

BE IT

FURTHER

RESOLVED

THAT:

CB #1 is seriously concerned with the proliferation of this type of inappropriate advertising signage and recommends that the LPC, and any other city agencies with jurisdiction, be particularly vigilant in their enforcement efforts.

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COMMITTEE VOTE: 4 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 29 IN FAVOR 0 OPPOSED 0 ABSTAINED

RE: **35 Vestry Street, application to install new storefronts and cornice and to permit residential and/or live work occupancy on 1<sup>st</sup> and 2<sup>nd</sup> floor**

Issue to review: Revisions to previously approved (April 10, 1996) facade elements.  
Extend and rise the existing (new with previous application) painted cornice and install a detail band below the top windows as per historic photos. Install a new painted wood and glass storefront.

WHEREAS: The committee found the design, as proposed, to be appropriate and complementary to the Historic District, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 recommends that the Landmarks Preservation Commission approve the application for this work.

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COMMITTEE VOTE: 4 IN FAVOR 0 OPPOSED 0 ABSTAINED  
BOARD VOTE: 28 IN FAVOR 0 OPPOSED 0 ABSTAINED

RE: **Cabaret application for the New Amsterdam Cafe at 291  
Broadway**

BE IT  
RESOLVED  
THAT:

CB #1 has no objections to the granting of a one year cabaret  
license to The New Amsterdam Café at 291 Broadway.

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