

**163-14-A thru 165-14-A**

APPLICANT – Ponte Equities Inc.

SUBJECT – Application July 13, 2018 – Compliance Hearing.

PREMISES AFFECTED – 502, 504 and 506 Canal Street, Block 595, Lot(s) 40, 39, 38, Borough of Manhattan.

**COMMUNITY BOARD #1M**

**ACTION OF THE BOARD** – Compliance hearing closed; application granted.

**THE VOTE** –

Affirmative: Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley Brown.....3

Absent: Commissioner Sheta and Commissioner Scibett.....2

Negative: .....0

**THE RESOLUTION** –

WHEREAS, this is a compliance hearing on an administrative appeal, previously granted by the Board; and

WHEREAS, a public hearing was held on this application on August 14, 2018, after due notice by publication in *The City Record*, with continued hearings on October 30, 2018 and May 7, 2019, and then to decision on August 13, 2019; and

WHEREAS, Vice-Chair Chanda, Commissioner Ottley-Brown, and Commissioner Scibetta performed inspections of the site and surrounding neighborhood; and

WHEREAS, the subject site is located at southwest corner of the intersection of Canal Street and Greenwich street, in Manhattan; the site is comprised of contiguous Lots 38, 39, and 40 on Block 595 (the “Site”); Lot 40, a corner lot, has approximately 30 feet of frontage along the west side of Greenwich Street and approximately 24 feet of frontage along the south side of Canal Street; Lot 39 has approximately 18 feet of frontage along the south side of Canal Street; Lot 38 has approximately 19 feet of frontage along the south side of Canal Street; the applicant represents that the combined lot area of the Site is 3,853 square feet; and

WHEREAS, the Site is located within a C6-2A zoning district, within the Special Tribeca Mixed Use District; the applicant states that the Site is located within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency (“FEMA”), as indicated on the Flood Insurance Rate Maps for the City of New York (the “FIRM”), and states further that each of the buildings thereupon are designated by FEMA as within Flood Zone AE; and

WHEREAS, each lot on the site is occupied by a building, and each of the three buildings are individual landmarks designated by the New York City Landmarks Preservation Commission; the building known as and located at 502 Canal Street (Lot 40) was built in 1818-19, as stated in its June 30, 1998 Designation Report, the building retains distinctive characteristics of the Federal style, and “has always had commercial space at

the ground story with residential accommodations above”; the building known as and located at 504 Canal Street (Lot 39) was built c. 1841, and, as stated in its June 30, 1998 Designation Report has also “always had commercial space at the ground story with residential accommodations above”; the building known as and located at 506 Canal Street (Lot 38) was built in 1826; the June 30, 1998 Designation Report for the building known as and located at 506 Canal Street notes the building’s ground-floor storefront which, the designation report states, appears to date from the original construction of the building; the three buildings on the Site are referred to collectively herein as the “Buildings”; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 13, 2016, when, under the subject calendar number, the Board granted an administrative appeal to legalize the conversion at the ground floor of the subject buildings contrary to the flood-proofing requirements of Sections BC G102 and G304.1.1 of the Building Code on condition: that the approval be limited to the relief granted by the Board in response to specifically cited objections; that all Flood Protection Measures (as defined in the resolution) (1) be installed and maintained as shown on the BSA-approved plans, and (2) tested as required in the EFMP; that the term of the grant be five (5) years from December 14, 2016 (the date on which this resolution was released); that the Board hold a compliance hearing on the subject applications on the scheduled Board hearing date closest in time to June 14, 2018, which is eighteen (18) months from the date on which this resolution was released, (the “Initial Compliance Hearing”); that thirty (30) days prior to the Initial Compliance Hearing, the applicant submit to the Board, under the subject BSA calendar numbers, a report outlining all weather events which triggered the EAP during that period, a statement as to whether and to what extent there has been any damage to the Buildings or personal property therein, and an affidavit and photographic evidence describing and showing Landlord’s response to any such damage; the applicant also provide the Board with documentation of all notification and testing required under the EFMP; that the owner of the Buildings record the Restrictive Declaration submitted in connection with this application in the Office of the City Register in New York County prior to the issuance of this resolution; the Restrictive Declaration must conform to the specified form and substance; that the owner of the Building include in any lease for any residential premises located within any of the Buildings, a Lease Rider which must conform to the specified form and substance; and that the owner of the Buildings also maintain and publish, as required, the Emergency Action Plan and Emergency Flood Measures and Procedures as set forth and

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contained in the Restrictive Declaration; the Emergency Action Plan and Emergency Flood Measures and Procedures substantially conform to the specified form and substance; and

WHEREAS, the applicant provided copies of flood insurance policies procured for the subject site, a bank statement evidencing required monies placed in escrow, the recorded restrictive declaration, evidence of the above EAP procedures posted in the subject site's common areas, affidavits from tenants of the subject sites, and executed lease riders; and

WHEREAS, in response to questions from the Board at hearing, the applicant furnished updated copies of flood insurance policies procured for the subject site, an updated bank statement evidencing required monies placed in escrow, and affidavits from tenants of the subject site; and

WHEREAS, the applicant submits that certificates of occupancy are nearly ready to be obtained and that no damage to the subject site has occurred as a result of adverse weather conditions; and

WHEREAS, the Board finds that the evidence in the record supports the applicant's compliance with the Board's safeguards and conditions and that the applicant has substantiated a basis to warrant exercise of discretion.

*Therefore, it is Resolved,* that the Board of Standards and Appeals does hereby *close* this compliance hearing and does hereby *reopen* and *amend* the resolution, dated December 13, 2016, so that as amended this portion of the resolution shall read: "to *permit* an extension of term of three (3) years, expiring August 13, 2022; *on condition:*

THAT the term of this grant shall be for three (3) years, expiring August 13, 2022, at which time the Board may extend or eliminate the term;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT all of the Board's conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy, also indicating this approval and calendar number ("BSA Cal No 163-14-A thru 165-14-A"), shall be obtained within three (3) years, by August 13, 2022;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of

**A true copy of resolution adopted by the Board of Standards and Appeals, August 13, 2019.**

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**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

plans or configurations not related to the relief granted."

Adopted by the Board of Standards and Appeals,  
August 13, 2019.

