

180-95-BZ

CEQR#96-BSA-048M

APPLICANT - Greenberg & Taurig by Jay Segal, Esq. and Herrick & Feinstein, LLP, by Mark Levine, for Brewran West Associates, L.P. and Amore Holding Corporation, owners.

SUBJECT - Application December 13, 1995 - under Z.R. §72-21, to permit in an M1-5 zoning district within the Special Tribeca Mixed Use District, the residential use of an existing five story building, with a recessed 6th story addition to the existing structure, the erection of a 14-story residential building connected to the existing building by a one-story structure and a below ground public parking garage.

PREMISES AFFECTED - 256 West Street and 416/24 Washington Street, east side, between Laight and Vestry Streets, Block 218, Lots 28, 23 and 20, Borough of Manhattan

COMMUNITY BOARD #1M

APPEARANCES -

For Opposition: Doris Diether and Anita Murray.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo...4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, updated November 9, 2000 acting on Alt. Applic. No. 101130955, reads:

“PROPOSED PREMISES IS LOCATED IN AREA B2 OF THE SPECIAL TRIBECA DISTRICT (FORMERLY THE SPECIAL LOWER MANHATTAN MIXED-USE DISTRICT. THE UNDERLYING DISTRICT REGULATIONS ARE SUPERCEDED AND REPLACED BY THE REGULATIONS APPLICABLE IN M2-4 DISTRICT AS PER SECTION 111-104(e). USE GROUP 2 (RESIDENTIAL) IS NOT PERMITTED AS-OF RIGHT IN M2-4 DISTRICT AS PER SECTION 42-10, AND THERE ARE NO APPLICABLE BULK REGULATIONS FOR THIS USE. PORTION OF PARKING GARAGE PROPOSED FOR TRANSIENT PARKING IS NOT PERMITTED AS-OF-RIGHT AS PER SECTION 13-00. BSA APPROVAL REQUIRED”; and

WHEREAS, a public hearing was held on this application on May 4, 1999, after due notice by publication in The City Record, and laid over to July 21, 1999, October 5, 1999, March 28, 2000, April 11, 2000, May 16, 2000, June 27, 2000, August 15, 2000 October 17, 2000 and then to November 14, 2000 for decision; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an M1-5 zoning district within the Special Tribeca Mixed Use District, the residential use of an existing five story building, with a recessed 6th story addition to the existing structure, the erection of a 14-story residential building connected to the existing building by a one-story structure and a below ground public parking garage; and

WHEREAS, by letter dated November 8, 2000, the applicant has received a Certificate of Appropriateness from the New York City Landmarks Preservation Commission for construction in or adjacent to historic structures; and

WHEREAS, the subject premises is an irregularly shaped zoning lot consisting of 24,123 square foot site; and

WHEREAS, Lot 20 fronts on Laight and West Streets, Lot 23 is the adjacent parcel fronting on West Street and Lot 28 occupies the corner of Vestry and Washington Street; and

WHEREAS, Lot 28, houses the existing five-story building; and

WHEREAS, the Washington Street side of the site consisting of lot 28, falls within the Tribeca North Historic District and is burdened with a 115 year old building; and

WHEREAS, the applicant’s proposal will consist of 78 residential units housed above 15,550 square feet of ground floor retail space and an underground public parking garage; and

WHEREAS, the existing five-story vacant warehouse located at 416-424 Washington Street will be renovated and converted to residential use; and

WHEREAS, the project will also provide a recessed sixth story that will be added to the existing structure; and

WHEREAS, Lot 20 is currently an existing paved parking lot containing approximately fifty-five cars; and

WHEREAS, Lots 20 and 23 will house a 14-story building located on the corner of West and Laight Streets with a one-story, mid-block connecting link to the warehouse; and;

WHEREAS, the residential units will occupy all stories above the ground floor, in both the former warehouse and the new structure; and

WHEREAS, the record indicates that the building components will be interconnected at the cellar and first floor levels; and

WHEREAS, the applicant represents that a number of conditions at the site create practical difficulties in developing in strict conformity with the Zoning Resolution; and

WHEREAS, in the mid-1980s, the prior owner realized that the building exhibited severe structural stress; and

WHEREAS, three experienced geo-technical engineers indicated that nearly all of the approximately 350 installed piles installed in the mid-1980's to correct the structural stress would now require testing; and

WHEREAS, testing would require a force of 600 tons on some pile caps which could significantly damage the walls of the landmark building; and

WHEREAS, the record indicates that the cost of the testing would exceed the cost of installation of a new foundation system; and

WHEREAS, the applicant represents that poor soil conditions and the need to protect the existing landmark building will necessitate expensive ACIP piles instead of the less expensive H piles; and

WHEREAS, there is further evidence of petroleum contamination in the soil throughout the site resulting from abandoned underground storage tanks; and

WHEREAS, the rehabilitation of the existing building would require significant unique costs in areas other than foundations, including but not limited to, a bracing system for the facade walls, special facade wall connections, special interior demolition costs, special facade wall restoration costs and additional costs caused by the increase construction time necessary to perform the rehabilitation; and

WHEREAS, the Board finds that the combination of the above-referenced conditions creates a unique condition which creates practical difficulties and unnecessary hardships in building a conforming development; and

WHEREAS, the Board agrees with the New York City Planning Commission ("City Planning Commission") that the proposed parking use would support the retail and residential uses in the project; and

WHEREAS, evidence in the record indicates that car ownership in the area, as in much of Manhattan, is increasing; and

WHEREAS, the public parking garage is needed to enable the applicant a reasonable return; and

WHEREAS, the applicant originally proposed a hotel building housing 340 rooms in a 19 story building that was 182' high; and

WHEREAS, the evidence in the record, including a feasibility study sufficiently demonstrates that an as-of-right development would not yield a reasonable return; and

WHEREAS, the subject building, although for residential use, will be similar to a conforming manufacturing building in terms of height; and

WHEREAS, the surrounding area is characterized by residential uses, including the abutting building at 67 Vestry Street; and

WHEREAS, opponents to this application while objecting to the bulk of the project, expressed no objection to the residential use; and

WHEREAS, by letter dated, June 26, 2000, the City Planning Commission indicated it had no objection to the residential use proposed for the project site given established land use trends in the area; and

WHEREAS, the City Planning Commission further indicates that the retail use is an appropriate addition to the neighborhood and falls within the parameters established in 1995 for wide streets in other parts of Tribeca (Areas A1 and A4); and

WHEREAS, site visits by the Board as well as testimony from numerous persons illustrated that the surrounding area is characterized by residential uses, despite the current zoning designation; and

WHEREAS, the applicant also represents that the relatively narrow streets which border the subject premises create difficulties for most manufacturing uses, which are dependent upon trucking; and

WHEREAS, therefore, the Board finds that the proposed application, as modified, will not alter the essential character of the surrounding neighborhood, nor impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, in response to Board and community concerns, the applicant decreased the scale of the project from 19 stories and a height of 182' to its size of 14 stories and current height of 140' and decreased the bulk of the project from an 8.4 F.A.R. to the currently proposed 7.39 F.A.R.; and

WHEREAS, the Board has determined that this larger building would have created a higher rate of return; and

WHEREAS, the Board finds that the variance application, as modified, is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

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Resolved that the Board of Standards and Appeals adopts the Findings Statement (See attachment 'Rider A') for the Final Environmental Impact Statement (FEIS) under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §72-21 and grants a variance to permit in an M1-5 zoning district within the Special Tribeca Mixed Use District, the residential use of an existing five story building, with a recessed 6th story addition to the existing structure, the erection of a 14-story residential building connected to the existing building by a one-story structure and a below ground public parking garage on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 26, 2000"-(10) sheets; and on further condition;

THAT all the environmental impacts and associated mitigation in the FEIS Findings Statement (attachment Rider A) be incorporated as part of this Resolution;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department, including Local Law 10/99; and

THAT substantial construction shall be completed in accordance with ZR §72-23.

Adopted by the Board of Standards and Appeals, November 14, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, November 14, 2000.
Printed in Bulletin Nos. 45-46, Vol. 84.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

