

**181-06-BZ**

**APPLICANT** – Goldman Harris LLC, for 471 VE LLC c/o Vella Group, owner; 471 VE LLC c/o Vella Group, lessee.

**SUBJECT** – Application September 21, 2010 – Amendment to a previously granted Variance (§72-21) to change the permitted ground floor retail to residential in a nine-story building. M1-5/Area B-2 (TMU) zoning district.

**PREMISES AFFECTED** – 471 Washington Street, southeast corner of Washington Street and Canal Street, Block 595, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #1M**

**APPEARANCES** –

For Applicant: Vivian Kreiger.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an amendment to a previously granted variance which permitted, in an M1-5 zoning district within Area B2 of the Special Tribeca Mixed Use District, a nine-story residential building with retail use on the first floor, contrary to ZR §§ 42-00 and 111-104(d); and

WHEREAS, a public hearing was held on this application on September 21, 2010, after due notice by publication in *The City Record*, and then to decision on October 19, 2010; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the southeast corner of Washington Street and Canal Street; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 13, 2007 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, which permitted, in an M1-5 zoning district within Area B2 of the Special Tribeca Mixed Use District, the construction of a nine-story residential building with retail use on the first floor and seven dwelling units above, contrary to ZR §§ 42-00 and 111-04(d); and

WHEREAS, a letter of substantial compliance was issued by the Board on April 12, 2010, to permit an increase in the number of units in the proposed building from seven to 12, by subdividing the single dwelling unit on the second floor into three units, and subdividing the single dwelling units on the third, fourth and fifth floors into two units each; and

WHEREAS, the applicant now requests that the Board amend the grant to permit the ground floor to be occupied by residential use instead of the approved retail use; and

WHEREAS, the applicant states that the amendment is necessary in order for the site to realize a reasonable return, because there is not enough demand for commercial space in the immediate area and retail use is not feasible; and

WHEREAS, the applicant submitted a financial analysis which reflects that retail space at the ground floor has proved infeasible due to the site's location on one of the busiest vehicular sections of Canal Street, the lack of proximity of any retail uses in adjacent buildings on any of the surrounding streets, and the irregular shape of the lot and grade changes which limit the retail access and frontage; and

WHEREAS, the applicant states that the proposed change in the permitted use of the ground floor from commercial retail to residential will result in an increase in the residential floor area ratio ("FAR") from 4.53 to 4.99, but that the overall FAR of the building will remain at 4.99 and the number of units will remain at 12, in accordance with the prior grant; and

WHEREAS, the applicant notes that the site is within an area that is in the process of being rezoned under the North Tribeca Proposed Rezoning, which was certified on June 7, 2010 and is currently going through the Uniform Land Use Review Process; and

WHEREAS, the applicant states that under the proposed rezoning, the subject site would be located in a C6-2A zoning district within Subarea A5 of the Tribeca Mixed-Use District, where residential use would be permitted on all floors, including the proposed ground floor residential use; and

WHEREAS, pursuant to ZR §§ 72-01 and 72-22, the Board may permit an amendment to an existing variance; and

WHEREAS, based upon its review of the evidence, the Board finds that the requested amendment does not alter the Board's findings made for the original variance; and

WHEREAS, accordingly, the Board finds that the proposed variance, as amended, is appropriate, with certain conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 13, 2007, so that as amended this portion of the resolution shall read: "to permit the ground floor of the subject building to be occupied by residential use; *on condition* that all work shall substantially conform to drawings filed with this application and marked "Received August 16, 2010"-(2) sheets; and *on further condition*:

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

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THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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 plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 104439546)

Adopted by the Board of Standards and Appeals, October 19, 2010.

**A true copy of resolution adopted by the Board of Standards and Appeals, October 19, 2010.  
Printed in Bulletin No. 42-43, Vol. 95.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**