

186-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Bond Street Owner, LLC, owner.

SUBJECT – Application May 23, 2019 – Extension of Time of a previously approved Variance (§72-21) to permit the construction of a new hotel building with ground floor retail contrary to allowable commercial floor area (ZR 33-122) which expired on May 19, 2019.

C6-1/R6B Downtown Brooklyn Special District.

PREMISES AFFECTED – 51-63 Bond Street and 252-270 Schermerhorn Street, Block 172, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Absent: Commissioner Sheta and Commissioner Scibetta.....2

Negative:0

THE RESOLUTION –

WHEREAS, this is an application for an extension of time to complete construction pursuant to a variance, granted pursuant to ZR § 72-21, which permitted the construction of a 13-story hotel (Use Group 5) with ground floor retail (Use Group 6), and expired on May 19, 2019; and

WHEREAS, a public hearing was held on this application on August 13, 2019, after due notice by publication in *The City Record*, and then to decision on that same date; and

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

WHEREAS, the subject site is an irregular lot located on the southeast corner of the intersection of Bond Street and Schermerhorn Street, partially within a C6-1 zoning district and partially within an R6B zoning district, within the Special Downtown Brooklyn District, in Brooklyn; and

WHEREAS, the site has an irregular shape due to its varying depths, which range from 51 feet (measured from the northeast corner of the site) to 105 feet (measured from the northwest corner of the site), has a lot area of approximately 17,960 square feet and is currently under construction; and

WHEREAS, the Board has exercised jurisdiction over the subject site, then-tax lots 5, 7, 10, 13, 14, 15 and 109, since May 19, 2015, when, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit the construction of a 13-story hotel (Use Group 5) with ground floor retail (Use Group 6) that does not comply with the zoning requirements for floor area ratio (“FAR”), contrary to ZR § 33-122, on condition that any and all work substantially conform to drawings as they apply to the objections, filed with the application; the following be the bulk parameters of the

proposed building: a maximum of 13 stories, a maximum floor area of 154,947 square feet (8.63 FAR), a maximum building height of 139’- 4” (excluding bulkheads and parapets), and a maximum of 287 hotel rooms, as reflected on the BSA-approved drawings; the building façade abutting sites with residential buildings be consistent with the character and appearance of such buildings; all service pickups and deliveries to the site occur on the Schermerhorn Street frontage; refuse be stored within the building until immediately prior to collection; the conditions be noted on the certificate of occupancy; a permit not be issued for any grading, excavation, foundation or other permit which involves soil disturbance until, pursuant to the Restrictive Declaration, the Landmarks Preservation Commission (“LPC”) has issued to the Department of Buildings (“DOB”), as applicable, either a Notice of No Objection, Notice to Proceed, Notice of Satisfaction, or Final Notice of Satisfaction; all DOB and related agency application(s) filed in connection with the authorized use and/or bulk be signed off by DOB and all other relevant agencies by May 19, 2019; the approved plans be considered approved only for the portions related to the specific relief granted; and, DOB ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted; and

WHEREAS, the time for substantial construction to have been completed having expired, the applicant seeks the subject relief; and

WHEREAS, at hearing, upon Board request, the applicant provided a construction timeline and evidence of requisition for payment; and

WHEREAS, the applicant submits that construction is 70 percent complete; and

WHEREAS, based upon its review of the record, the Board finds that a four (4) year extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals *amends* the resolution, dated May 19, 2015, so that as further amended this portion of the resolution reads: “to grant a four (4) year extension of time to complete construction to May 19, 2023, *on condition*:

THAT the following shall be the bulk parameters of the proposed building: a maximum of 13 stories, a maximum floor area of 154,947 square feet (8.63 FAR), a maximum building height of 139’- 4” (excluding bulkheads and parapets), and a maximum of 287 hotel rooms, as reflected on the BSA-approved drawings;

THAT the building façade abutting sites with residential buildings shall be consistent with the character and appearance of such buildings;

THAT all service pickups and deliveries to the site

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shall occur on the Schermerhorn Street frontage;

THAT refuse shall be stored within the building until immediately prior to collection;

THAT the above conditions shall be noted on the certificate of occupancy;

THAT a permit shall not be issued for any grading, excavation, foundation or other permit which involves soil disturbance until, pursuant to the Restrictive Declaration, the LPC has issued to DOB, as applicable, either a Notice of No Objection, Notice to Proceed, Notice of Satisfaction, or Final Notice of Satisfaction;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by May 19, 2023;

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

THAT the above conditions shall be recorded on the certificate of occupancy;

THAT a certificate of occupancy, also indicating this approval and calendar number ("BSA Cal. No. 186-14-BZ") shall be obtained by May 19, 2023;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); and

THAT DOB 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."

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

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.

