

CEQR #16-BSA-092M

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for 323 Sixth LLC, owner; IFC Center, lessee.

SUBJECT – Application March 16, 2016 – Variance (§72-21) for an enlargement of an existing motion picture theater (*IFC Center*) contrary to both use and bulk requirements. C1-5/R7-2 & R6 zoning district.

PREMISES AFFECTED – 323-27 Avenue of the Americas, Block 589, Lot(s) 19, 30, 31, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley-Brown, Commissioner Sheta and Commissioner Scibetta.....5

Negative:0

THE RESOLUTION –

WHEREAS, the decision on behalf of the Borough Commissioner, dated December 11, 2017, acting on Department of Buildings Application No. 122507769 reads in pertinent part:

1. ZR 32-31: Proposed use group [8] (Theater) exceeds the 500 seats permitted by special permit in C1-5 zoning district;
2. ZR 32-421: Proposed use group 8 (theater) is limited to two stories in C1-5 zoning district;
3. ZR 33-431: Proposed use group 8 (theater) is limited to a height of 30 feet or two stories, whichever is less, in C1-5 zoning district;
4. ZR 33-283: Proposed enlargement encroaches in required rear yard equivalent of through lot portion of zoning lot;
5. ZR 32-421: Commercial use is not permitted above level of the first story ceiling in buildings occupied by Residential Use;
6. ZR 3[3]-121: Proposed commercial floor area exceeds 2.0 FAR Maximum in permitted C1-5 zoning district;
7. ZR 33-26: (C1 District) A rear yard with a depth of not less than 20 feet shall be provided at every rear lot line;
8. ZR 22-10: Propose use group 8 (theater) not permitted in R6 zoning district;
9. ZR 23-153: The proposed building exceeds the maximum floor area ratio permitted in the R6 district;
10. ZR 77-22: The proposed building exceeds the adjusted maximum floor area ratio permitted in the R6 district;
11. ZR 23-532: The proposed building

encroaches in the required rear yard equivalent of the through lot portion of the zoning lot;

12. ZR 33-662: The proposed building exceeds the maximum base height and maximum building height for Quality Housing option buildings on narrow streets in R6 zoning district; and

WHEREAS, this is an application under ZR § 72-21 to permit, on a site located partially within an R6 zoning district and partially within a R7-2 (C1-5) zoning district and in the Greenwich Village Historic District Extension II, the enlargement of an existing motion picture theater contrary to use and bulk requirements set forth in ZR §§ 32-31, 32-421. 33-431, 33-283, 32-421, 33-121, 33-26, 22-10, 23-153, 77-22, 23-532 and 33-662: and

WHEREAS, this application is filed on behalf of IFC Theatres, LLC (“IFC” or the “Applicant”), the lessee of the premises; and

WHEREAS, a public hearing was held on this application on November 1, 2016, after due notice by publication in *The City Record*, with continued hearings on February 28, 2017, September 12, 2017, December 12, 2017, March 27, 2018, and May 15, 2018, and then to decision on July 17, 2018; and

WHEREAS, Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley-Brown, former Vice-Chair Hinkson and former Commissioner Montanez performed inspections of the site and surrounding area; and

WHEREAS, the subject site is bound by Cornelia Street to the north and Avenue of the Americas to the south, partially within an R7-2 (C1-5) zoning district and partially within an R6 zoning district, in the Greenwich Village Historic District Extension II, in Manhattan; and

WHEREAS, the site is comprised of three interior tax lots, Lots 30 and 31, having approximately 75 feet of contiguous frontage along Avenue of the Americas and wholly located within an R7-2 (C1-5) zoning district, and Lot 19, having approximately 26 feet of frontage along Cornelia Street and partially located within an R7-2 (C1-5) zoning district and partially within an R6 zoning district; and

WHEREAS, the site has approximately 9,146 square feet of lot area; Lots 30 and 31 are occupied by a two-story plus cellar theater operated as the IFC Center and Lot 19 is currently vacant and utilized for accessory theater uses, including storage and parking; and

WHEREAS, the Board has exercised jurisdiction over this site since March 17, 2009, when, under BSA Cal. No. 319-08-BZ, the Board granted a special permit, pursuant to ZR § 73-201, to permit a 95-seat expansion of the existing Use Group 8 theater on condition that a 480 square foot waiting area be provided in the lobby area of the ground floor,

residual patron space be maintained at the cellar level, all applicable fire safety measures be complied with and all egress be as approved by Department of Buildings; and

WHEREAS, with this application, the Applicant initially proposed to enlarge the existing building from a five screen theater with 480 seats located solely on Lots 30 and 31, wholly located within an R7-2 (C1-5) zoning district, to an 11 screen theater with 948 seats, including an expansion of the use into a three-story plus cellar addition rising 60 feet to the top of the parapet on the portion of the zoning lot fronting Cornelia Street and located partially within an R7-2 (C1-5) zoning district and partially within an R6 zoning district; and

WHEREAS, by resolution dated July 26, 2016, Community Board 2, Manhattan, recommends denial of this application unless the submission is revised to reflect and respect the neighborhood context finding and does not seek to building a commercial building on a residential street; the final plan incorporates an interior staircase above the second floor of the main building; that the minimum variance be evaluated with respect the land without factoring a specific use preferred by the leaseholder; and

WHEREAS, Community Board 2 sent additional letters to the Board reiterating its preference for a residential development, rather than the enlargement of the existing theater, on the Cornelia Street frontage; and

WHEREAS, the Board received numerous letters and form objections from individuals, many of them residents of Cornelia Street, as well as organizations—including the Greenwich Village Society for Historic Preservation, the Central Village Block Association—in opposition to the proposal, citing concerns regarding the proposed addition of a commercial building on Lot 19 fronting Cornelia Street, a street they characterize as comprised of small independent businesses limited to the ground floor only with residential units above, and that, upon IFC Center vacating the site, the commercial landlord will redevelop the site with an offensive commercial use; and

WHEREAS, the Board was also in receipt of several form letters and hundreds of emails in support of the proposed expansion of the IFC Center at the subject site; and

WHEREAS, the Friends of Cornelia Street Coalition was represented by counsel that appeared with written submissions and in public hearings in opposition to the subject application to ensure that any expansion at the subject site is justified by ZR § 72-21, particularly with regards to the minimum variance; and

WHEREAS, in the course of hearings, and in response to comments and direction by the Board, the Applicant revised the proposal to enlarge the existing building to a four-story plus cellar 10 screen Use Group

8 theater with 941 seats as well as construct a four-story, four-unit residential building fronting Cornelia Street within a rear yard equivalent required for the through lot portion of the site; and

WHEREAS, the revised proposal includes 23,805 square feet of commercial floor area (21,191 square feet of commercial floor area within the portion of the site located in an R7-2 (C1-5) zoning district and 2,614 square feet of commercial floor area within the portion of the site located in an R6 zoning district); 3,881 square feet of residential floor area (410 square feet of residential floor area within the portion of the site located in an R7-2 (C1-5) zoning district and 3,471 square feet of residential floor area in the portion of the site located in an R6 zoning district); a total of 21,601 square feet of floor area within the portion of the site located in an R7-2 (C1-5) zoning district and 6,085 square feet of floor area within the portion of the site located in an R6 zoning district; no rear yard or rear yard equivalent, a base height and building height of 60 feet, without setback, at the Cornelia Street façade, which is located in an R6 zoning district, and a street wall height of 60 feet at the Avenue of the Americas façade, which is located in an R7-2 (C1-5) zoning district; and

WHEREAS, Use Group 8 theaters are prohibited within the portion of the site located in an R6 zoning district pursuant to ZR § 22-10; a maximum of 3,181 square feet of residential floor area is permitted within the portion of the site located in an R6 zoning district pursuant to ZR § 23-153 and a maximum of 4,691 square feet of total floor area is permitted on that same portion of the site pursuant to ZR § 77-22; Use Group 8 theaters are limited to 500 seats permitted by special permit within the portion of the site located in an R7-2 (C1-5) zoning district pursuant to ZR § 32-31; the maximum permitted floor area ratio (“FAR”) for the portion of the site located within a R7-2 (C1-5) zoning district is 2.0 FAR (15,400 square feet) pursuant to ZR § 33-121, theaters are limited to a height of 30 feet or two stories, whichever is less, in the portion of the site located in an R7-2 (C1-5) zoning district pursuant to ZR §§ 32-421 and 33-431; commercial uses in Use Group 8, among others, are not permitted above the level of the first story ceiling in any building or portion of a building occupied on one or more of its upper stories by residential use pursuant to ZR § 32-42; a rear yard equivalent of 40 feet is required on the through lot portion of the site located in an R7-2 (C1-5) zoning district pursuant to ZR § 33-283; a rear yard equivalent of 60 feet is required on the through lot portion of the site located in an R6 zoning district pursuant to ZR § 23-532; a rear yard of at least 20 feet is required in the portion of the site located within an R7-2 (C1-5) zoning district pursuant to ZR § 33-26; and a maximum base height of 45 feet, an initial setback of 20 feet and a maximum building height of 55 feet are mandated

WHEREAS, the Applicant seeks to construct the subject proposal in order to provide additional theaters and screens and lobby space sufficient to accommodate patrons, who currently congregate outside at the theater's Avenue of the Americas frontage, waiting to be seated in theaters; and

WHEREAS, the Applicant states that, pursuant to ZR § 72-21(a), the irregular shape of the lot, its split by a zoning district boundary line and the history of the development of the site create practical difficulties and unnecessary hardship in developing the site in conformance with the zoning regulations applicable in the underlying zoning districts; and

WHEREAS, in particular, the applicant notes, in particular, that the site is split between zoning districts in which different use regulations are applicable and although 84 percent of the lot area of the subject site is located within an R7-2 (C1-5) zoning district and only 16 percent of the lot area of the subject site is located in an R6 zoning district, the location of the zoning district boundary line 37'-3" from the street line at the southern end of the site is greater than the 25 feet maximum set forth in ZR § 77-11 that would permit, as-of-right, the application of use regulations applicable in an R7-2 (C1-5) zoning district to the entirety of the zoning lot; and

WHEREAS, the site was originally developed with a two-story house of worship for the West Reformed Dutch Church and has been occupied, at least in part, by commercial uses since approximately 1893; in 1937 the building was converted into a motion picture theater, in 1961 the theater use became non-conforming, and in 2005, the theater was renovated to accommodate the IFC Center; and

WHEREAS, the Applicant asserts that the existing building is functionally obsolete as a movie theater, the purpose for which it was converted in 1937, in that its footprint and building are too small to accommodate the wide range of film content now available, sought out by theatergoers and provided, in large part, by IFC's competitors, independent theaters located in Manhattan that have between 800 and 1200 theater seats; as a result, the Applicant seeks the proposed enlargement in the rear of the site to facilitate an increase in the number of screens available at the subject site, improve theater layout and patron circulation and enable the site to realize a reasonable return; and

WHEREAS, the Applicant represents that an as-of-right horizontal expansion of the building is limited by the irregular shape of the site and angle at which the zoning district boundary line traverses the site, rendering a Use Group 8 theater as-of-right on one site and prohibited on the other, and that a vertical

expansion would require the installation of an additional platform within the building to support the additional floors or, in the alternative, the construction of a new building; and

WHEREAS, based on the foregoing, the Board finds that the aforementioned unique physical conditions create unnecessary hardship and practical difficulties in developing the site in conformance with applicable zoning regulations; and

WHEREAS, with regards to ZR § 72-21(b), the applicant submits that there is no reasonable possibility that a conforming development at the subject site will bring a reasonable return and, in support that assertion, submitted financial analyses of the following development scenarios from the perspective of the property owner (rather than that of the applicant, a lessee): (1) an as-of-right five-story plus cellar residential building with four studio apartments and 2,128 square feet of rentable residential floor area and maintenance of the existing building ("Scheme A"); (2) and as-of-right five-story plus cellar residential building with 2,128 square feet of rentable residential floor area and conversion of the existing building to retail with 11,473 square feet of rentable floor area ("Scheme 2A"); (3) a five-story plus cellar residential building with five dwelling units and 5,120 square feet of rentable residential floor area and conversion of the existing building with retail with 11,473 square feet of rentable floor area requiring waivers of ZR §§ 23-153, 23-532, 33-283, 23-662 and 23-71 ("Scheme 2B"); (4) a five-story plus cellar residential building with five dwelling units and 5,120 square feet of rentable residential floor area and conversion of the existing building to retail with 13,980 square feet of rentable floor area requiring waivers of ZR §§ 33-26, 33-283, 23-153, 23-532, 33-283, 23-662 and 23-71 ("Scheme 3A"); (5) a five-story plus cellar residential building with five dwelling units and 5,120 square feet of rentable residential floor area and conversion of the existing building to retail with 14,396 square feet of rentable floor area requiring waivers of ZR §§ 22-10, 33-26, 33-283, 23-153, 23-532, 33-283, 23-662 and 23-71 ("Scheme 3B"); (6) a five-story plus cellar residential building with five dwelling units and 5,120 square feet of rentable floor area and enlargement of the existing theater to 23,677 gross square feet, 9 theaters and 643 seats requiring waivers of ZR §§ 32-31, 32-421, 33-431, 33-26, 33-283, 23-153, 23-532, 33-283, 23-662 and 23-71 ("Scheme 4A"); (7) a five-story plus cellar residential building with five dwelling units and 5,120 square feet of rentable floor area and enlargement of the existing theater to 24,560 gross square feet, 9 theaters and 689 seats requiring waivers of ZR §§ 22-10, 32-31, 32-421, 33-431, 33-26, 33-283, 23-153, 23-532, 33-283, 23-662 and 23-71 ("Scheme 4B"); (8) a five-story plus cellar residential building with five dwelling units and 5,120 square feet of rentable floor

area and enlargement of the existing theater to 33,950 gross square feet, 8 theaters and 840 seats requiring waivers of ZR §§ 32-31, 32-421, 33-431, 33-26, 33-283, 23-153, 23-532, 33-283, 23-662 and 23-71 (“Scheme 4C”); (9) a five-story plus cellar residential building with four two-bedroom dwelling units and 4,720 square feet of rentable floor area and enlargement of the existing theater to 32,148 gross square feet, 13 theaters and 838 seats requiring waivers of ZR §§ 22-10, 32-31, 32-421, 33-431, 33-26, 33-283, 23-153, 23-532, 33-283, 23-662 and 23-71 (“Scheme 5”); (10) enlargement of the existing theater to 30,052 gross square feet, 11 theaters and 927 seats requiring waivers of ZR §§ 22-10, 32-31, 32-421, 33-121, 33-431, 33-26 and 33-283 (“Scheme 6”); (11) a lesser variance residential building with 4,480 square feet of rentable residential floor area and an enlarged theater with 30,262 gross square feet, 10 theaters and 876 seats requiring waivers of ZR §§ 32-31, 32-421, 33-431, 33-283, 22-10, 23-153, 23-532, 23-662 and 77-22 (“Revised Scheme 4C”); (12) a lesser variance residential building with 1,638 square feet of rentable residential floor area and an enlarged theater with 33,799 gross square feet, 11 theaters and 947 seats requiring waivers of ZR §§ 32-31, 32-421, 33-431, 33-283, 32-421, 22-10, 23-153, 77-22, 23-532 and 23-662 (“Revised Scheme 5” or “Scheme 4D”); (13) enlargement of the existing theater to 32,124 gross square feet, 11 theaters and 948 seats requiring waivers of ZR §§ 22-10, 32-31, 32-421, 33-121, 33-431 and 33-283 (“Revised Scheme 6”); (14) a lesser variance residential building with 4 dwelling units and an enlargement of the existing theater building to 30,197 gross square feet, 10 theaters and 898 seats requiring waivers of ZR §§ 32-31, 32-421, 33-431, 33-283, 22-10, 23-153, 23-532, 23-662 and 77-22 (“Scheme 4C.1”); (15) a lesser variance residential building with four dwelling units and an enlargement of the existing theater building to 33,339 gross square feet, 10 theaters and 941 seats (“Scheme 4D.1” or the “Subject Revised Proposal”)

WHEREAS, the analyses demonstrated that only Revised Scheme 6 and Scheme 4D.1 would provide a reasonable return; and

WHEREAS, based on the record, the Board finds that due to the site’s unique physical conditions, there is no reasonable possibility that a development in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the Subject Revised Proposal will not alter the character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare in accordance with ZR § 72-21(c) because the residential

building proposed to front Cornelia Street is compatible with that street’s mixed residential with commercial at the first floor character; and

WHEREAS, at hearing and in written testimony, members of the public, including neighbors of the subject site, expressed a preference for Scheme 4C.1 because of the larger residential units provided therein, but the Board notes both that that development scenario was deemed financially infeasible and that the comparatively smaller residential units in Scheme 4D.1 are typical of existing tenement and front-rear row houses commonly found in the area; and

WHEREAS, the Board finds that though Revised Scheme 6 also provides a reasonable return, Scheme 4D.1, with its provision of residential frontage on Cornelia Street while allowing for improved interior patron circulation in the portion of the development dedicated to theater use, is more consistent with the existing character of the neighborhood, and with Cornelia Street specifically, than Revised Scheme 6, which would provide for a commercial lobby and lounge in that location of the development; the Board further notes that, in this way Scheme 4D.1 is responsive to many of the community’s concerns regarding the development of the subject site; and

WHEREAS, accordingly, the Board finds that the requested relief will not alter the essential character of the neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship claimed as grounds for the variance was not created by the owner or a predecessor in title in accordance with ZR § 72-21(d); and

WHEREAS, the applicant represents, and the Board finds, that the subject proposal is the minimum variance necessary to afford relief because it is the only scenario that would provide a reasonable return; and

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

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Part 617.4(b)(9); and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (“EAS”) CEQR No. 16BSA092M, dated July 10, 2018; and

WHEREAS, the EAS documents that the project, as proposed, would not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Water and Sewer Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality;

Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; or Construction; and

WHEREAS, with regards to hazardous materials, by letter dated March 16, 2018, the New York City Department of Environmental Preservation (“DEP”) states that, upon completion of the clean fill/top soil investigation activities at the site, the Applicant’s consultant should submit a detailed clean soil report to DEP—including, at a minimum, an executive summary, narrative of the field activities, laboratory data, and comparison of soil analytical results (i.e., NYSDEC 6 NYCRR Part 375 Environmental Remediation Programs)—for review and approval prior to importation and placement on-site; and

WHEREAS, DEP additionally states that it finds the February 2018 Revised Remedial Action Plan (“RAP”) acceptable and requests that, at the completion of the project, a Professional Engineer certified Remedial Closure Report be submitted to DEP for review and approval indicating that all remedial requirements have been properly implemented (i.e., installation of vapor barrier; proper transportation/disposal manifests and certificates from impacted soils removed and properly disposed of in accordance with all NYSDEC regulations; and one foot of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.); and

WHEREAS, by correspondence dated April 5, 2017 the New York City Department of Transportation (“DOT”) reviewed the draft EAS and detailed pedestrian analyses and determined that a detailed traffic analyses is not warranted; and

WHEREAS, subsequent to the DOT review the project parameters were modified to include less seats and a small residential component, not affecting DOT’s original determination; and

WHEREAS, by correspondence dated May 29, 2018 the New York City Parks Department stated that they had no comments on the detailed shadows analysis; and

WHEREAS, by letter dated June 29, 2018, DEP states that they have reviewed the proposal for noise and determined that it would not result in any potential for significant adverse impacts in regards to noise; and

WHEREAS, the New York City Landmarks Preservation Commission (“LPC”) reviewed the proposal for archaeological and architectural significance and notes that all three tax lots are of both archaeological and architectural significance, that 323-325 and 327 Avenue of the Americans (Tax Lots 31 and 30) are individually LPC-designated landmarks and all three tax lots are within the LPC-designated and State and National Register listed South Village Historic District, therefore permits from the LPC

Preservation Department are required for construction; and

WHEREAS, LPC additionally notes that its review of archaeological sensitivity models and historic maps indicate that there is potential for the recovery of remains from 19th century residential occupation of the site and the Dutch Reformed Church previously on the site and recommends that an archaeological documentary study be performed to clarify these initial findings; and

WHEREAS, the Applicant provided an Archaeological Phase IA Documentary Center and LPC recommends that, while LPC largely concurs with the conclusions, the study should be amended to consider whether remnants of a mikvah, that may have been associated with the synagogue shown in the 1895 Sanborn map, may be present either within Lot 30 or adjacent to it; and

WHEREAS the Applicant performed additional research to address the possible presence of a cemetery, the mikvah, and other archaeological features on one or more of the project lots and determined the proposed project would not result in any significant adverse effect to historic resources;

WHEREAS, LPC issued a Certificate of Appropriateness (COFA-19-25117) for work associated with the revised proposal on June 20, 2018, expiring June 12, 2024; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment; and

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby issue a Type I Negative Declaration determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 to permit, on a site located partially within an R6 zoning district and partially within a R7-2 (C1-5) zoning district and in the Greenwich Village Historic District Extension II, the enlargement of an existing motion picture theater contrary to use and bulk requirements set forth in ZR §§ 32-31, 32-421, 33-431, 33-283, 32-421, 33-121, 33-26, 22-10, 23-153, 77-22, 23-532 and 33-662; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received June 25, 2018”-Eleven (11) sheets and “July 17, 2018”-Two (2) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the development: a maximum of 21,191 square feet of commercial floor area within the portion of the site

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located within an R7-2 (C1-5) zoning district; a maximum of 2,614 square feet of commercial floor area, a maximum of 3,471 square feet of residential floor area and a maximum of 6,085 square feet of total floor area within the portion of the site located within an R6 zoning district; a maximum base height of 60 feet, a maximum building height of 60 feet and a setback of at least 0 feet on the Cornelia Street frontage; a rear yard or rear yard equivalent of at least 0 feet; and a maximum of 941 theater seats; and

THAT upon completion of the clean fill/top soil investigation activities at the site, the Applicant's consultant shall submit a detailed clean soil report to DEP—including, at a minimum, an executive summary, narrative of the field activities, laboratory data, and comparison of soil analytical results (i.e., NYSDEC 6 NYCRR Part 375 Environmental Remediation Programs)—for review and approval prior to importation and placement on-site;

THAT at the completion of the project, a Professional Engineer certified Remedial Closure Report be submitted to DEP for review and approval indicating that all remedial requirements have been properly implemented (i.e., installation of vapor barrier; proper transportation/disposal manifests and certificates from impacted soils removed and properly disposed of in accordance with all NYSDEC regulations; and one foot of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.);

THAT the commercial occupancy at the site shall be maintained as a Use Group 8 theater;

THAT egress from the Use Group 8 theater onto Cornelia Street shall be for emergency purposes only;

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT a certificate of occupancy shall be obtained within four (4) years;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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)/configuration(s) not related to the relief granted.

A true copy of resolution adopted by the Board of Standards and Appeals, July 17, 2018.

Printed in Bulletin Nos. 28-30, Vol. 103.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

Adopted by the Board of Standards and Appeals,
July 17, 2018.

