

226-99-BZ

CEQR # 00-BSA-046M

APPLICANT - Battle Fowler, LLP, Paul D. Selver, Esq., for Park Place Equities, LLC & New Regime Company, LP, owner.

SUBJECT - Application September 29, 1999 - under Z.R. §72-21, to permit within a C6-4 zoning district, within the Special Lower Manhattan District, the proposed conversion and enlargement of an existing three story commercial building for residential use (Use Group2), which creates non-compliance with respect to rear yard equivalent, inner court, and minimum distance between a legally required window and the wall of an inner court and is therefore contrary to Z.R. §§ 23-533, 23-851, and 23-863.

PREMISES AFFECTED - 19 Park Place a.k.a. 16 Murray Street, Park Place between Broadway & Church Street (additional frontage on Murray Street), Block 124, Lot 8, Borough of Manhattan.

**COMMUNITY BOARD #1M**

**APPEARANCES -**

For Applicant: Paul Selver.

For Administration: John Scrofani, Fire Department.

**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 Department of Buildings, dated September 29,1999 acting on Alt. Applic. No.102103091/99 reads:

“1. Proposed conversion to residential use and residential enlargements of existing three story commercial building does not provide rear yard equivalent required by Section 23-533 Z.R.& Section 26 (5) (d) of the Multiple Dwelling Law.

2. Proposed area and dimensions of inner court are less than the minimums required by Section 23-851 Z.R. and Section 26 (7) (a) of the Multiple Dwelling Law.

3. Proposed natural light source does not face a court which meets the dimensions required by the New York City Zoning Resolution and is therefore contrary to Section 27-733 of the New York City Building Code and the MDL section 30 (2).

4. Proposed natural ventilation source does not face a court which meets the dimensions required by the New York City Zoning Resolution and is therefore contrary to Section 27-749 of the New York City Building Code and the MDL section 30 (2).

5. Windows in living rooms at and above the third story are less than 30 feet from the opposite wall of inner court required by Section 23-863 Z.R.”; and

WHEREAS, Community Board No. 1, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on February 1, 2000 after due notice by publication in the Bulletin, laid over to February 15, 2000 and then to March 7, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination 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, the Board notes that the subject zoning lot is the subject of a companion appeals case under Calendar No. 227-99-A; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within a C6-4 zoning district, within the Special Lower Manhattan District, the proposed conversion and enlargement of an existing three story commercial building to residential use (Use Group 2); and

WHEREAS, the proposed project creates non-compliance with respect to rear yard equivalent, inner court, and does not provide the minimum distance between a legally required window and the wall of an inner court and is therefore contrary to Z.R. §§ 23-533, 23-851, and 23-863; and

WHEREAS, the subject zoning lot is a through lot measuring approximately 151.10' by 25.6', which connects the north side of Park Place with the south side of Murray Street; and

WHEREAS, the subject zoning lot is presently improved with a three story commercial building which is partially vacant; and

WHEREAS, the proposal calls for the partial conversion of existing floor area located on the second and third floors to residential use, allowing the ground floor commercial use to remain, and expansion of the existing building adding three floors and penthouse for residential use; and

WHEREAS, evidence in the record indicates that the subject zoning lot is significantly more shallow than the standard 200' deep block and is more shallow than the vast majority of blocks within its immediate neighborhood; and

WHEREAS, the aforementioned characteristics combine to create unique conditions inherent in and peculiar to the subject zoning lot; and

WHEREAS, these unique conditions create practical difficulties and an unnecessary hardship in developing the subject zoning lot with a conforming use; and

WHEREAS, the applicant notes that the primary source of the hardship is the requirement that a rear yard equivalent of 60' be provided for any new residential building or enlargement; and

WHEREAS, this requirement would prohibit the owner from developing the subject zoning to the 65% permitted lot coverage of the underlying special district; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that as a result of the constraints placed on the subject zoning lot development of the site with a conforming use would not yield a reasonable return; and

WHEREAS, the block on which the subject zoning lot is located is improved on its northern side with a mixture of building types, the eastern half being improved with a mixture of mid and high-rise buildings, and the western half being improved with five story buildings; and

WHEREAS, the south side of the block is improved with two large office buildings and a five story building; and

WHEREAS, evidence in the record shows that the surrounding area of the subject zoning lot consists of a mixture of both residential and commercial uses; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of

226-99-BZ

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adjacent property 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, the applicant has submitted evidence that the proposed conversion is the minimum development necessary in order to receive a reasonable return; and

WHEREAS, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §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

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within an a C6-4 zoning district, within the Special Lower Manhattan District, the proposed conversion and enlargement of an existing three story commercial building for residential use (Use Group2), which creates non-compliance with respect to rear yard equivalent, inner court, and minimum distance between a legally required window and the wall of an inner court and is therefore contrary to Z.R. §§ 23-533, 23-851, and 23-863, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 29, 1999"-(5) sheets; and on further condition;

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; and

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

Adopted by the Board of Standards and Appeals, March 7, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, March 7, 2000.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

