

290-99-BZ

CEQR #00-BSA-002M

APPLICANT - Rothkrug & Rothkrug, for Almi Greenwich Associates, owner.

SUBJECT - Application November 24, 1999 - under Z.R. §72-21, to permit, within a C1-6/R6 zoning district, within the Greenwich Village Historic District, the proposed conversion and enlargement of an existing two- story brick building movie theater into a four-story physical culture establishment contrary to Z.R. §32-10.

PREMISES AFFECTED - 99/101 Greenwich Avenue a.k.a. 230 West 12th Street, south west corner of Greenwich Avenue & W. 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Adam W. Rothkrug, Doris Diether and Paul Boardman.

For Opposition: Damon Larsen and Jenny Curran.

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 March 23, 1999 acting on Alt. Applic. No.102009728 reads:

"1. The proposed Physical Culture Establishment in a C1-6/R6 zone is not allowed as-of-right and requires a variance from the Board of Standards and Appeals"; and

WHEREAS, Community Board #2, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on March 7, 2000 after due notice by publication in the Bulletin and laid over to March 28, 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, this is an application under Z.R. §72-21, to permit, within a C1-6/R6 zoning district, within the Greenwich Village Historic District, the proposed conversion and enlargement of an existing two-story brick building presently used as a movie theater into a four-story physical culture establishment, contrary to Z.R. §32-10; and

WHEREAS, the subject premises consist of an irregular corner lot with approximately 67' of frontage on Greenwich Avenue by approximately 118' of frontage on West 12th Street housing approximately 8,690 square feet in area developed with a two-story movie theater building; and

WHEREAS, the record indicates that the existing, legally non-conforming theater is obsolete due to limited seating capacity and screens, as well as other demands in the modern theater industry; and

WHEREAS, marketing efforts failed to attract a theater chain or operator; and

WHEREAS, the applicant represents that the high cost of construction and Landmark issues discouraged the development of the site for a permitted commercial use; 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, 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 New York City Landmarks Preservation Commission considers the existing nondescript theater building a "non-contributing" element within the historic district; and

WHEREAS, the New York City Landmarks Preservation Commission has issued a Certificate of Appropriateness for the design of the proposed development; and

WHEREAS, the proposed hours of operation for the physical culture establishment will be Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., Saturday and Sunday 8:00 A.M. to 8:00 P.M.; and

WHEREAS, the applicant's proposal will not contain open uses and should not result in people lining-up on the sidewalk; and

WHEREAS, the record indicates that the majority of the buildings in the surrounding area are substantially higher than the applicant's four story proposal; and

WHEREAS, evidence in the record shows that the surrounding area of the subject premises 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 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 proposal calls for the renovation of the entire building for the physical culture establishment use; and

WHEREAS, the Board finds that the applicant's proposal has been designed to be the minimum size necessary to accommodate the physical culture establishment use; and

WHEREAS, the Board finds that due to the high ceilings required for the movie theater use, the proposed four story development is only slightly taller than the two story movie theater; 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 proposed physical culture establishment will contain facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; 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 a C1-6/R6 zoning district, within the Greenwich Village Historic District, the proposed conversion and enlargement of an existing two-story brick building movie theater into a four-story physical culture establishment contrary to Z.R. §32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 24, 1999"-(4) sheets and "January 11, 2000"-(11) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant to expire on March 28, 2010;

THAT the hours of operation for the physical culture establishment shall be limited to Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., Saturday and Sunday 8:00 A.M. to 8:00 P.M.;

THAT the proposed wet sprinkler system and interior fire alarm be connected to a Fire Department approved central station;

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 28, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, March 28, 2000.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

