

369-02-BZ

CEQR #03-BSA-109M

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Judith Frenkel, owner; Andrea Rosen, contract vendee.

SUBJECT - Application January 9, 2003 - under Z.R. §72-21 to permit in a C8-4 zoning district, the conversion of an existing two-story commercial building into a residential dwelling, with a rooftop addition, contrary to Z.R. §§15-021 and 32-10.

PREMISES AFFECTED - 785 Washington Street, east side, between Jane and Horatio Streets, 25' north of Jane Street, Block 642, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Lori Cuisiner.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele...4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2002 acting on Application No. 103309279 reads:

- “1. Conversion of non-residential building to residential use is contrary to Z.R. 15-021(f) in C8 Districts
- 2. Use Group 2 is not permitted as of right in C8 District and is contrary to Z.R. 32-10.”; and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in the *City Record*, and laid over to April 29, 2003 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C8-4 zoning district, the conversion of an existing two-story commercial building into a residential dwelling, with a rooftop addition, contrary to Z.R. §§15-021 and 32-10; and

WHEREAS, the subject site containing 1,353 square of lot area with approximately 25 feet of frontage along the eastern side of Washington Street, located 25 feet north of the intersection of Washington and Jane Streets within the Greenwich Village Historic District is improved with a 2-story 1873 building housing a retail use on the ground floor and residential on the second floor; and

WHEREAS, the subject building contains 3,886 square feet of floor area consisting of 1,180 square feet in the cellar and 1,353 square feet on the first and second floors; and

WHEREAS, the record indicates that the existing building is burdened with a small floor plate limiting its economic utility to a single family residential building; and

WHEREAS, the applicant represents that although the building is under-built per the current zoning’s 5.0 permitted Commercial FAR, the small floor plates limit its development viability; and

WHEREAS, in addition to small floor plates, the applicant has demonstrated that the building is obsolete for modern commercial uses because it lacks elevators and other amenities necessary for those uses; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site’s location on the western edge of the Greenwich Village Historic District, characterized by narrow tree-lined streets presents an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the Board notes that the existing building is one of the few non-residential structure within the subject C8-4 zone that lines the east side of Washington Street; and

WHEREAS, the instant proposal has received a Certificate of Appropriateness from the Landmarks Preservation Commission; and

WHEREAS, therefore, the Board finds that conversion of the subject 3-story commercial building to residential use will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it 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 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 §72-21 of the Zoning Resolution; 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.

Resolved that the Board of Standards and

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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, in a C8-4 zoning district, to permit, in a C8-4 zoning district, the conversion of an existing two-story commercial building into a residential dwelling, with a rooftop addition, contrary to Z.R. §§15-021 and 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 January 9, 2003"- (5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

THAT the above conditions shall appear on the Certificate of Occupancy;

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;

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

Adopted by the Board of Standards and Appeals, April 29, 2003.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 29, 2003.
Printed in Bulletin No. 18-19, Vol. 88.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.