

**CORRECTION**

**The resolution adopted on March 11, 2014, under Calendar No. 331-04-BZ and printed in Volume 99, Bulletin No. 11, is hereby corrected to read as follows:**

**331-04-BZ**

**APPLICANT** – Sheldon Lobel, P.C., for Blue Millennium Realty LLC, owner; Century 21 Department Stores LLC, lessee.

**SUBJECT** – Application October 24, 2013 – Amendment of a previously approved Variance (§72-21) which permitted the expansion of floor area in an existing commercial structure (*Century 21*). The amendment seeks to permit a rooftop addition above the existing building which exceeds the maximum permitted floor area. C5-5 (LM) zoning district.

**PREMISES AFFECTED** – 26 Cortlandt Street, located on Cortlandt Street between Church Street and Broadway. Block 63, Lots 6 & 3. Borough of Manhattan.

**COMMUNITY BOARD #1M**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an amendment to a previously-granted variance, which, pursuant to ZR § 72-21, authorized in a C5-5 zoning district within the Special Lower Manhattan District the enlargement of an existing commercial building contrary to floor area regulations and waived the requirement to relocate two adjacent subway entrances in connection with the enlargement; and

WHEREAS, a public hearing was held on this application on January 28, 2014, after due notice by publication in *The City Record*, with a continued hearing on February 25, 2014, and then to decision on March 11, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the subject site spans the full length of the east side of Church Street, between Cortlandt Street and Dey Street, within a C5-5 zoning district, within the Special Lower Manhattan District; and

WHEREAS, the site comprises Lots 3 and 6, has approximately 170 feet of frontage along Cortlandt

Street, approximately 215 feet of frontage along Church Street, approximately 188 feet of frontage along Dey Street, 38,178 sq. ft. of lot area, and is located across the street from the World Trade Center site; and

WHEREAS, Lot 3 is occupied by a 34-story commercial building (the “Tower Building”) and Lot 6 is occupied by a five-story commercial building (the “Bank Building”); together, the buildings have 595,882 sq. ft. of floor area (15.6 FAR); and

WHEREAS, the applicant represents that Century 21 Department Store (“Century 21”) occupies the entirety of the Bank Building and floors one through six of the Tower Building, as well as the two buildings adjacent to the Tower Building on Block 63, Lot 1 (“10-12 Cortlandt Street”); and

WHEREAS, on February 15, 2005, under the subject calendar number, the Board granted a variance to permit: (1) a 4,583 sq.-ft. enlargement of the existing second-floor mezzanine of the Century 21 store in the Bank Building, while an equal amount of floor area was simultaneously retired via deed restriction from 10-12 Cortlandt Street; and (2) a waiver of the requirement to relocate two adjacent subway entrances in connection with the enlargement, contrary to ZR §§ 31-122 and 91-43; and

WHEREAS, the applicant now requests an amendment to permit the construction of a partial sixth floor atop the Bank Building, which will increase the floor area on the site by 4,622 sq. ft. from 595,882 sq. ft. (15.6 FAR) to 600,504 sq. ft. (15.73 FAR), and increase the height of the Bank Building from 71’-0” to 83’-0”; as in the previous grant, this enlargement will: (1) be offset by a deed restriction retiring 4,622 sq. ft. of floor area recorded against 10-12 Cortlandt Street; and (2) require a waiver of the requirement (ZR § 91-43) to relocate the two subway entrances adjacent to the site; and

WHEREAS, the applicant states that Century 21 will use the new sixth floor as an event space, which will allow for: (1) private exhibitions of new vendor merchandise or Century 21-curated merchandise; (2) presentations and functions hosted by Century 21 for their buyers and vendors, including catered dinners or luncheons; and (3) a designated area for executive meetings and sales force conferences; and

WHEREAS, the applicant asserts that the event space is critical to Century 21’s remaining competitive in the shrinking department store market, and in support of this statement, the applicant provided an analysis that reflects that all other large New York City department stores have private event space; and

WHEREAS, the applicant notes that the neighborhood is characterized by high-density mixed commercial and residential uses and that a department store is entirely consistent with such uses; and

WHEREAS, as for the enlargement’s impact upon adjacent properties, the applicant states that it is minimal;

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specifically, the applicant notes that the only adjacent building on the block—the 34-story Tower Building—is partially occupied by Century 21 and otherwise occupied by commercial uses; as such, the modest increase in height will have no impact; and

WHEREAS, as to the required waiver for the relocation of two subway entrances, the applicant states that, as in the original grant, the costs of such relocation far exceed the benefits derived from the enlargement that triggers the relocation requirement; indeed, Century 21’s most valuable selling space—at the cellar and first floor—would be reduced in order to accommodate the subway work; and

WHEREAS, in addition, the applicant asserts that the subway relocation requirement set forth in ZR § 91-43 was intended for major renovations of Lower Manhattan buildings and that minor increases in floor area to accommodate existing uses—the proposed enlargement increases the FAR by 0.13—were not contemplated despite the use of the defined term “enlargement”; and

WHEREAS, at hearing, the Board noted that the deed restriction retiring the floor area at 10-12 Cortlandt Street required under the prior grant had not yet been recorded; accordingly, the Board directed the applicant to record the deed restriction retiring 9,205 sq. ft. of floor area (which represents 4,583 sq. ft. of floor area from the original grant and 4,622 sq. ft. requested under this application); additionally, the Board directed the applicant to clarify the amount of available floor area at 10-12 Cortlandt Street and to clarify the impact of the proposed sixth floor on the Tower Building’s windows; and

WHEREAS, in response, the applicant represented that the deed restriction would be recorded upon approval of this application; and

WHEREAS, as to the amount of available floor area at 10-12 Cortlandt Street, the applicant states that 10-12 Cortlandt Street has a maximum permitted floor area of 92,955 sq. ft., 20,412 sq. ft. of which are built and 9,205 sq. ft. of which are to be retired by the deed restriction discussed above, leaving 63,338 sq. ft. available for development; and

WHEREAS, as to whether the proposed sixth floor would obstruct any windows at the Tower Building, the applicant submitted a letter from the project architect stating that it would not; and

WHEREAS, based upon the above, the Board has

determined that the evidence in the record supports a grant of the requested amendment with the conditions listed below.

*Therefore it is Resolved*, that the Board of Standards and Appeals reopens and amends the resolution, dated February 15, 2005, to grant the noted modifications to the previous approval; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received March 4, 2014’ - Five (5) sheets; and *on further condition*:

THAT the Tower Building and the Bank Building will have a maximum of 600,504 sq. ft. of floor area (15.73 FAR);

THAT the Bank Building will have a maximum height of 83’-0”;

THAT prior to DOB’s issuance of a permit, a deed restriction providing for the permanent and irrevocable retirement of 9,205 sq. ft. of floor area as to 10-12 Cortlandt Street will be executed and recorded, and then submitted to DOB, with a copy of same to the Board’s Executive Director for placement in the case file;

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 will 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) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, March 11, 2014.

**The resolution has been amended. Corrected in Bulletin Nos. 12-13, Vo. 99, dated April 3, 2014.**

**A true copy of resolution adopted by the Board of Standards and Appeals, March 11, 2014.**

**Printed in Bulletin No. 11, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

