

PRESERVATION UPDATE

from the **Greenwich Village Society for Historic Preservation**

March 26, 2008

www.gvshp.org

High Court Upholds Ban on "Dorms for Hire," Saves Landmarked P.S. 64



P.S. 64 CHARAS/El Bohio building at 605 East 9th Street

Dear friend,

I have some wonderful news to report -- yesterday, New York State's highest court upheld a recent New York City rule banning "dorms-for-hire," effectively ending attempts by a developer to erect a 19-story building on the site of the now-landmarked P.S. 64 at 605 East 9th Street in the East Village. GVSHP had joined the East Village Community Coalition (EVCC), Councilmember Rosie Mendez, and many others in fighting hard to uphold the "dorm-for-hire" ban (including submitting amicus briefs in the court case), to block the proposed 19-story dorm, and to [preserve the historic former P.S. 64](#), which had also served as the Charas/El Bohio Cultural Center.

This is a tremendous victory. Not only does it help protect this threatened East Village landmark, but it helps ensure that developers will not be able to abuse zoning regulations by getting the dorm "bulk bonus" the city offers, often allowing dormitories to be almost twice as large as residential buildings, if they have no actual school to occupy the supposed 'dorm.' Many developments GVSHP has fought, such as [159 Bleecker Street \(the former Circle in the Square Theater site\)](#) and [81 East 3rd Street](#), got these

dorm bonuses to build extra large buildings, but then when they were completed, there was no school to occupy the dorm. These projects never should have been allowed to be built in the first place.

In response to this, in 2005 the City finally put in place rules requiring developers have a 10-year lease from an accredited educational institution before they could get the dorm bonus; [GVSHP supported this rule, although we fought for it to be even more restrictive](#), and [we continue to push for elimination of the dorm bonus entirely](#).

After this rule was passed, the owner of the former P.S. 64 sought to build a 19-story "dorm-for-hire" on the site of this historic building, with no school in place to occupy it. The city [denied the permit application on the basis of this rule](#) and subsequently landmarked the building. The owner sued in court to overturn the "dorm-for-hire" ban and claimed that it should now be granted the building permit for the 19-story 'dorm' which he claimed he was wrongly denied before the landmark designation took place. A state court initially agreed, and [overturned the ban](#).

However, in an appeal to the state's highest court, GVSHP, EVCC, and many others submitted amicus briefs in support of the ban, citing the terrible damage which would be done, not just at this site but citywide, if it were overturned. Fortunately the Court of Appeals agreed, and the prior ruling was overturned and the "dorm-for-hire" ban was upheld.

Sincerely,

Andrew Berman, Executive Director
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New York, NY 10003

To join GVSHP or support our preservation efforts, go to www.gvshp.org/membership.htm.

PRESERVATION UPDATE

*from the **Greenwich Village Society for Historic Preservation***

August 11, 2005

www.gvshp.org

Dear Friend,

I write to alert you to an important case coming before the Board of Standards and Appeals next Tuesday, August 16th, at 10 am, at 40 Rector Street. The case has huge implications regarding efforts to limit abuse of community facility regulations by preventing developers from getting a community facility bulk bonus without a legitimate community facility in place to occupy the space. **I strongly urge you to come to the hearing next Tuesday, and to send testimony to the BSA in advance of the hearing.**

The case involves an effort by a developer to overturn a Department of Buildings ruling preventing him from getting a building permit for construction of a 19-story dormitory at 605 East 9th Street, Manhattan. The basis of DOB's rejection of his permit application was their requirement that a school or university hold a long-term lease for the property or a deed, to ensure that there will be a legitimate occupancy of the building as a dormitory before permits are issued enabling construction of the additional floor area afforded a dormitory as compared to a residential building. The developer's case claims the DOB has no right to require such proof, and he (and by implication, all others in similar situations) should be given permits to construct buildings with additional community facility bulk even without substantial proof in place that there is a community facility use to occupy the space. Should he succeed, Singer's case would significantly weaken the modest protections we currently have against abuse of community facility bulk regulations -- regulations which we have been fighting to strengthen.

Please [CLICK HERE](#) for sample letter to the BSA urging them not to grant the appeal of the decision by DOB not to issue a permit in this case. I urge you to send the letter in to the BSA now in advance of the hearing. I also strongly urge you to come to the hearing next Tuesday the 16th at 10 am; you may have an opportunity to testify there as well if you wish, but regardless, your presence at the hearing will be very helpful in pushing the BSA not to grant the appeal. We expect the hearing to go for 2 hours at most.

If you have any questions, please don't hesitate to contact me. I hope to see you on Tuesday.

Sincerely,

Andrew Berman, Executive Director
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