



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JOHN WEIS**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

October 17, 2010

Hon. Meenakshi Srinivasan, Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10007

**Re: BSA Nos. 1493-61-BZ, 1495-61-BZ, 1497-61-BZ, 1499-61-BZ and 1501-61-BZ  
Extensions to Variances at 415-455 W. 23<sup>rd</sup> Street and 420-460 W. 24<sup>th</sup> Street**

Dear Ms. Sirinavan,

On the recommendation of its Chelsea Preservation and Planning Committee, Manhattan Community Board 4 voted to recommend approval of the applications for the reopening and extension of five variances permitting the use of a below-grade accessory parking garage for transient, public parking in a residential district.

London Terrace Gardens (LTG) is a large residential apartment complex occupying the central portion of the block bounded by West 23<sup>rd</sup> and West 24<sup>th</sup> Streets and Ninth and Tenth Avenues. The cellar level is largely occupied by a parking garage with 185 spaces, with entrances on West 23<sup>rd</sup> Street near Ninth Avenue and on West 24<sup>th</sup> Street near Tenth Avenue. On September 20, 1961 the owners submitted applications for each of the five individual buildings comprising LTG to the Board of Standards and Appeals (BSA) to allow the use of surplus parking spaces for transient public parking. On February 27, 1962 BSA approved the variances for a term of twenty years with the conditions that transient spaces be restricted to "pleasure-type" vehicles, that the number of transient spaces not exceed 149 and that building occupants could recapture any of the public parking spaces on 50 days notice.

On April 6, 1982, on the expiration of the original variances, BSA approved the renewal and extension of the variances for a term of ten years with the further conditions that the notice period for recapturing public parking spaces by residents be reduced to 30 days, that there be no parking on sidewalks and no double parking in the streets, and that the facility be operated in a manner minimizing traffic congestion. On October 27, 1992 the variances were again renewed and extended for a period of ten years with the further condition that the 23<sup>rd</sup> Street ramp be used as an entrance only and that the 24<sup>th</sup> Street ramp be used as an entrance and an exit.

The variances expired on August 6, 2003 and have not been renewed. The current applications seek the renewal and extension of the variances for ten years with no changes to the floor space of the garage, the number of parking spaces or the conditions imposed on the operation of the garage in 1982 and 1992.

ZR 11-411 provides that the agency that originally authorized a non-compliant use may extend the authorized use for sequential terms of not more than ten years and may prescribe conditions to minimize any adverse effects of the use on the character of the neighborhood. CB4 notes that the applicant is seven years late in applying for the required renewals and extensions and sincerely hopes that their record keeping has improved over the intervening years. The Board also notes that the conditions imposed on the renewal of the variances in 1982 and 1992 clearly were intended to reduce the impact of traffic created by the garage on the surrounding neighborhood.

The LTG parking facility largely functions as accessory parking for the residents of the buildings. In addition, many of the spaces are occupied by residents of the two London Terrace Towers (LTT) buildings on either end of the block. Since the LTT buildings are separate from LTG, the spaces occupied by their residents are classified as transient rather than accessory. On a site visit to the facility, the operator stated that the great majority of the spaces are used for monthly residential parking. The garage appears to be well-run, the Board has received no complaints about its operation and on numerous observations by members of the committee no adverse traffic impacts have been observed.

The applicant has stated that they believe that the two curb cuts used by the garage are ADA-compliant but will make them so should they turn out not to be compliant. CB4 welcomes this and requests that BSA require the applicant to certify that the two curb cuts are ADA-compliant, or will be made ADA-compliant, before granting the extensions.

CB4 recommends approval of the applications for the reopening and extension of the variances permitting the use of the below-grade accessory parking garage for transient, public parking subject to the conditions that the previously-imposed restrictions on the garage operation remain in effect and that the ramps be certified as ADA-compliant.

Sincerely,



John Weis, Chair



J. Lee Compton, Co-Chair  
Chelsea Preservation and Planning

cc: NYC Council Speaker Christine Quinn  
Manhattan Borough President Scott Stringer  
NYS Senator Thomas Duane  
Assembly Member Richard Gottfried  
Applicant