

**1493-61-BZ, 1495-61-BZ, 1497-61-BZ, 1499-61-BZ, 1501-61-BZ**

APPLICANT – Bryan Cave LLP, for London Terrace Gardens, owner.

SUBJECT – Application August 12, 2010 – Extension of Term (§11-411) for transient parking in a multiple dwelling building which expired on February 27, 2002; waiver of the rules. R8A zoning district.

PREMISES AFFECTED – 415, 425, 435, 445, 455 West 23<sup>rd</sup> Street, aka 420, 430, 440, 450, 460 West 24<sup>th</sup> Street, West 23<sup>rd</sup> Street, West 24<sup>th</sup> Street, 125 feet west of Ninth Avenue, 125 feet east of Tenth Avenue. Block 721, Lot 7. Borough of Manhattan.

**COMMUNITY BOARD #4M**

APPEARANCES –

For Applicant: Frank Chaney.

**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 waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term for a previously granted variance for a transient parking garage, which expired on February 27, 2002; and

WHEREAS, a public hearing was held on this application on October 26, 2010, after due notice by publication in *The City Record*, and then to decision on November 23, 2010; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application, with the condition that the previously-imposed restrictions on the garage operation remain in effect and that the ramps be certified as ADA-compliant; and

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

WHEREAS, the subject site is located on a through lot with frontage on West 23<sup>rd</sup> Street and West 24<sup>th</sup> Street, between Ninth Avenue and Tenth Avenue, within an R8A zoning district; and

WHEREAS, the site is occupied by ten 16-story residential buildings; and

WHEREAS, the cellar is occupied by a 185-space accessory garage; and

WHEREAS, on February 27, 1962, under the subject calendar numbers, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) to permit a maximum of 149 surplus parking spaces to be used for transient parking for “pleasure-type” vehicles only, for a term of 20 years; and

WHEREAS, subsequently, the grant was amended and the term extended at various times; and

WHEREAS, most recently, on October 27, 1992, the Board granted a ten-year extension of term, which expired on February 27, 2002, with the condition that the West 23<sup>rd</sup> Street ramp be used as an entrance only and that the West 24<sup>th</sup> Street ramp be used as an entrance and an exit; and

WHEREAS, the applicant now requests an extension of term; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents’ right to recapture the surplus parking spaces; and

WHEREAS, in response to concerns raised by the Community Board, the applicant submitted a letter from its architect stating that the parking garage access ramps across the sidewalks on West 23<sup>rd</sup> Street and West 24<sup>th</sup> Street are ADA-compliant; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution having been adopted on February 27, 1962, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the grant for an additional ten years from February 27, 2002, to expire on February 27, 2012; *on condition:*

THAT this term shall expire on February 27, 2012;

THAT signage shall comply with the underlying zoning district regulations;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be located in a conspicuous place within the garage, permanently affixed to the wall;

THAT the above conditions and all relevant conditions from the prior resolutions shall appear on the certificate of occupancy;

THAT the layout of the parking lot shall be as approved by the Department of Buildings;

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 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.” (DOB App. No. 110429803)

Adopted by the Board of Standards and Appeals, November 23, 2010.

**A true copy of resolution adopted by the Board of Standards and Appeals, November 23, 2010.**

**Printed in Bulletin No. 48, Vol. 95.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**