

215-78-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for East 72nd Realty, LLC, owner.

SUBJECT – Application May 13, 2007 – Extension of Term/Waiver for an additional ten years the term of a variance previously granted pursuant to Section 60(3) of the Multiple Dwelling Law, allowing surplus parking spaces in an attended accessory garage to be used for transient parking located in an R10, R8B and C2-8/R10A zoning district.

PREMISES AFFECTED –1353-1367 York Avenue, west side of York Avenue between East 72nd and 73rd Streets, Block 1467, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Elizabeth Laise.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

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 October 24, 2003; and

WHEREAS, a public hearing was held on this application on June 5, 2007, after due notice by publication in *The City Record*, and then to decision on June 19, 2007; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject premises is located on the west side of York Avenue between East 72nd Street and East 73rd Street; and

WHEREAS, the site is occupied by a 37-story mixed-use building with medical offices on the ground floor and residential use above; and

WHEREAS, the site is located partially within an R10 zoning district, partially within an R8B zoning district, and partially within a C2-8 (R10A) zoning district; and

WHEREAS, the cellar, subcellar, and a portion of the ground floor level are occupied by a 225-space accessory garage, with 23 spaces on the ground floor, 119 spaces on the cellar level, and 83 spaces on the subcellar level; and

WHEREAS, on October 28, 1978, the Board granted a variance, under the subject calendar number, to

A true copy of resolution adopted by the Board of Standards and Appeals, June 19, 2007.

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To Applicant

Fire Com'r.

Borough Com'r.

permit a maximum of 57 surplus parking spaces to be used for transient parking for a term of 15 years; and

WHEREAS, on August 2, 1994, under the subject calendar number, the Board granted a ten-year extension of term, to expire on October 24, 2003; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents' right to recapture parking spaces; 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 October 28, 1978, 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 October 24, 2003, to expire on October 24, 2013; *on condition* that that all work shall substantially conform to drawings filed with this application and marked 'Received February 8, 2007' –(3) sheets; and *on further condition:*

THAT this term shall expire on October 24, 2013;

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 Application No. 104637065)

Adopted by the Board of Standards and Appeals, June 19, 2007.