

218-03-BZ

APPLICANT – Akerman, LLP, for 19-80 Steinway LLC, owner.

SUBJECT – Application December 17, 2017 – Amendment of a previously approved Variance (§72-21) which permitted a nine-story mixed use building with residential, commercial and community facility uses contrary to Z.R. §42-00, §23-141 and §23-631. The amendment seeks to permit a reduction in the number of accessory parking spaces provided in the existing building's accessory garage from 219 spaces to 135 spaces. M1-1 zoning district.

PREMISES AFFECTED – 19-73 38th Street, Block 811, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Chanda and Commissioner Ottley-Brown.....3

Negative:0

Abstain: Commissioner Sheta.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated November 28, 2016, acting on New Building Application No. 401444923, reads in pertinent part:

“Proposed reduction in the number of parking spaces is contrary to BSA Cal. No. 218-03-BZ. Refer to BSA for approval”; and

WHEREAS, this is an application under ZR §§ 72-01 and 72-22 for an amendment of a variance previously granted by the Board to permit a reduction in the number of accessory parking spaces in a mixed-use development from 219 parking spaces to 135 parking spaces; and

WHEREAS, a public hearing was held on this application on October 17, 2017, after due notice by publication in *The City Record*, and then to decision on that same date; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 1, Queens, recommends approval of this application on condition that the variance be reopened should a future need for additional parking arise; and

WHEREAS, Council Member Costa Constantinides submitted testimony in support of this application, citing the expense of car lifts for the mixed-use development at the site, part of which includes 100-percent affordable housing; and

WHEREAS, the subject site is located on the north side of 20th Avenue, between 38th Street and Steinway Street, in an M1-1 zoning district, in Queens; and

WHEREAS, the site has approximately 300 feet of frontage along 38th Street, 200 feet of frontage along

20th Avenue, 300 feet of frontage along Steinway Street, 60,016 square feet of lot area and is occupied by a four-story, with cellar, mixed-use building with residential, commercial and community-facility uses; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 12, 2005, when, under the subject calendar number, the Board granted a variance to permit the development of a four-story mixed-used building with residential, commercial and community-facility uses and accessory parking, contrary to use regulations, on condition that the bulk parameters of the proposed building be 1.65 Floor Area Ratio total (99,258 square feet maximum total floor area, maximum residential floor area of 76,986 square feet, maximum community facility floor area of 2,521 square feet) with a maximum building height of 53 feet, that there be a maximum of 84 units, that a maximum of 219 parking spaces be provided in the accessory parking levels and that the interior layout, parking layout and all exiting requirements be as reviewed and approved by the Department of Buildings; and

WHEREAS, by letter dated September 20, 2006, under the subject calendar number, the Board allowed minor modifications to the Board-approved plans, including elimination of the cellar parking area, addition of approximately 74 parking stackers on the first floor, reconfiguration of the residential entrance and lobby, elimination of one store, reconfiguration of the elevator and stair plans and reduction of the number of dwelling units from 84 to 66; and

WHEREAS, by letter dated February 20, 2007, under the subject calendar number, the Board allowed minor modifications to the Board-approved plans, including reconfiguration of the vehicle entrance to the center of the building to provide vehicle access to the residential lobby and the parking garage, reduction of the number of curb cuts from six to two, reconfiguration of the elevator, stairs and corridors in order to divide the floors into two wings, reconfiguration of the cellar space and redesign of the façade; and

WHEREAS, by letter dated April 18, 2008, under the subject calendar number, the Board allowed minor modifications to the Board-approved plans, including increasing the number of dwelling units from 66 to 72; and

WHEREAS, by letter dated June 4, 2013, under the subject calendar number, the Board allowed minor modifications to the Board-approved plans, including an increase back to the originally approved 84 dwelling units with total residential floor area of 76,986 square feet, as originally approved; and

WHEREAS, the applicant now seeks to amend the variance to permit a reduction in the number of accessory parking spaces in the mixed-use development from 219 parking spaces to 135 parking spaces; and

WHEREAS, at hearing, in response to the

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concerns of Community Board 1, Queens, the Board noted that the proposal to reopen the variance should parking needs in the community change presents administrative difficulties with monitoring; however, the Board finds that a condition restricting the term of the requested parking reduction to the life of the regulatory agreement submitted with this application—with the income mix presented or equivalent parking spaces—is an appropriate safeguard to address community concerns about future parking conditions, which are speculative at this time; and

WHEREAS, on February 4, 2016, the New York City Office of Environmental Remediation issued a notice of completion for the subject site stating that remediation requirements have been achieved; and

WHEREAS, accordingly, the Board finds that the applicant has submitted adequate evidence in support of this application and that an amendment is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals does hereby *reopen* and *amend* the resolution, dated July 12, 2005, so that as amended this portion of the resolution shall read: “to *permit* a reduction in the number of accessory parking spaces in the mixed-use development from 219 parking spaces to 135 parking spaces; *on condition* that all work and site conditions shall substantially conform to drawings filed with this application marked ‘Received August 24, 2017’-Ten (10) sheets; and *on further condition*:

THAT the bulk parameters of the proposed building shall be as follows: a total Floor Area Ratio of 1.65 (99,258 square feet maximum total floor area); maximum residential floor area of 76,986 square feet; maximum community-facility floor area of 2,517; maximum commercial floor area of 19,632 square feet; and a maximum building height of 53 feet;

THAT there shall be a maximum of 84 dwelling units;

THAT a maximum of 135 parking spaces shall be provided at the subject site;

THAT the term of this grant shall be limited to the life of the regulatory agreement submitted with this application with the income mix presented to the Board or the equivalent in parking spaces;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy shall be obtained within four (4) years, by October 17, 2021;

THAT the interior layout, parking layout and all exiting requirements shall be as reviewed and approved by the Department of Buildings;

A true copy of resolution adopted by the Board of Standards and Appeals, October 17, 2017.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

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 plans or configurations not related to the relief granted.”

Adopted by the Board of Standards and Appeals, October 17, 2017.

