

390-61-BZ

APPLICANT – Peter Hirshman, for Rapid Park Industries, owner.

SUBJECT – Application February 22, 2011 – Amendment (§11-413) of a variance for a UG8 parking garage (*Rapid Park Industries*) to permit the addition of an auto rental establishment (UG8) in the cellar level; extension of time to obtain a certificate of occupancy which expired on June 29, 2008. R8B zoning district. PREMISES AFFECTED – 148-150 East 33rd Street, south side of East 33rd Street, 151.9' east of East 33rd Street and Lexington Avenue. Block 888, Lot 51. Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Peter Hirshman.

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 Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an amendment to legalize a change in use at the cellar level from a parking garage (Use Group 8) to an auto rental establishment (Use Group 8) pursuant to ZR §11-413, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on October 25, 2011, after due notice by publication in *The City Record*, with a continued hearing on November 22, 2011, and then to decision on December 13, 2011; and

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

WHEREAS, Community Board 6, Manhattan, states that it has no objection to this application; and

WHEREAS, the site is located on the south side of East 33rd Street, approximately 151 feet east of Lexington Avenue; and

WHEREAS, the site is located in an R8B zoning district and is occupied with a four-story and cellar parking garage for not more than 149 cars; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 18, 1961, when, under the subject calendar number, the Board granted a variance for the construction of the parking garage for a term of 20 years; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, most recently, on January 29, 2008, the Board granted an extension of the term of the variance for an additional ten years, to expire on March 3, 2018; a

condition of the grant was that a new certificate of occupancy be obtained by June 28, 2008; and

WHEREAS, the applicant states that a new certificate of occupancy was not obtained, and therefore requests an extension of time to obtain a certificate of occupancy; and

WHEREAS, additionally, the applicant now seeks an amendment to legalize a change in use at the cellar level from a parking garage (UG 8) to an auto rental establishment (UG 8); and

WHEREAS, pursuant to ZR § 11-413, the Board may grant a request for a change in use; and

WHEREAS, the applicant states that the proposed auto rental establishment will operate with only 20 spaces; five fewer spaces than the previously-approved use of the cellar as a parking garage; and

WHEREAS, the applicant further states that the remaining five spaces will be relocated to the first floor of the site; therefore the total number of parking spaces at the subject site will remain at 149, as previously approved; and

WHEREAS, the applicant notes that while the parking garage operates 24 hours per day, seven days a week, the proposed hours of operation for the auto rental establishment will be Monday through Friday, from 7:30 a.m. to 7:30 p.m., Saturdays, from 7:30 a.m. to 3:00 p.m., and Sundays, from 8:00 a.m. to 3:00 p.m.; and

WHEREAS, the applicant submitted a traffic analysis which reflects that the auto rental establishment generates fewer car trips on an hourly basis than the previously approved parking garage, and therefore the proposed amendment will decrease the number of cars travelling to and from the site; and

WHEREAS, at hearing, the Board directed the applicant to remove the car stackers from the roof of the subject building; and

WHEREAS, in response, the applicant submitted photographs reflecting that the car stackers have been removed; and

WHEREAS, the Board finds that the proposed use will not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment and extension of time are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 18, 1961, and as subsequently extended and amended, to permit the change in use at the cellar level from a parking garage (UG 8) to an auto rental establishment (UG 8) pursuant to ZR § 11-413, and to grant an extension of time to obtain a certificate of occupancy, to expire on December 13, 2012; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received November 22, 2011”- (4) sheets; and *on further condition*:

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THAT the term of the grant shall expire on March 3, 2018;

THAT the hours of operation for the auto rental establishment use shall be limited to Monday through Friday, from 7:30 a.m. to 7:30 p.m., Saturdays, from 7:30 a.m. to 3:00 p.m., and Sundays, from 8:00 a.m. to 3:00 p.m.;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by December 13, 2012;

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 specifically cited and filed DOB/other jurisdiction objection(s) only; 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 plan(s)/configuration(s) not related to the relief granted.”
(N.B. 46-61)

Adopted by the Board of Standards and Appeals,
December 13, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, December 13, 2011.
Printed in Bulletin No. 51, Vol. 96.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.