

390-61-BZ

APPLICANT – Sahn Ward Coschignano, PLLC, for 33rd Street LLC, PJW 33rd Street, LLC, 4JS Lexington LLC, Stone Oak, LLC, owner; 148 E. 33rd Street Associates, LLC c/o Rapid Park, lessee.

SUBJECT – Application March 22, 2018 – Extension of Term (§11-411) of a previously approved variance which permitted a four (4) story public parking garage and an auto rental establishment (UG 8) which expired on March 3, 2018. R8B zoning district.

PREMISES AFFECTED – 148-150 East 33rd Street, Block 888, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #6M

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

Absent: Commissioner Scibetta and Commissioner Sheta.....2

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a variance, previously granted by the Board; and

WHEREAS, a public hearing was held on this application on August 21, 2018, after due notice by publication in *The City Record*, and then to decision on the same date; and

WHEREAS, Vice-Chair Chanda performed an inspection of the site and surrounding neighborhood; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of East 33rd Street, between Lexington Avenue and Fifth Avenue, in an R8B zoning district, in Manhattan; 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 to permit the erection of a four-story, with cellar, structure for use as an open type parking lot for a term of twenty (20) years, expiring July 18, 1981, on condition that the rear wall of the building be a masonry wall of a 3-hour fire construction except for a 20-foot opening and that a certificate of occupancy be obtained; and

WHEREAS, on December 11, 1978, under the subject calendar number, the Board granted an extension of term of ten (10) years, expiring November 14, 1988, on condition that a new certificate of occupancy be obtained within one (1) year, by November 14, 1979; and

WHEREAS, on April 4, 1989, under the subject calendar number, the Board granted an extension of term of ten (10) years, expiring November 14, 1998, on condition that a new certificate of occupancy be

obtained within one (1) year, by April 4, 1990; and

WHEREAS, on March 3, 1998, under the subject calendar number, the Board granted an extension of term of ten (10) years, expiring March 3, 2008, on condition that no signs be installed at the roof level of the subject site, that the site be maintained graffiti free and that a new certificate of occupancy be obtained within one (1) year, by March 3, 1999; and

WHEREAS, on January 29, 2008, under the subject calendar number, the Board granted an extension of term of ten (10) years, expiring March 3, 2018, on condition that the term be listed on the certificate occupancy, that signage comply with C1 zoning district regulations and that a revised certificate of occupancy be obtained by June 29, 2008; and

WHEREAS, on December 13, 2011, under the subject calendar number, the Board amended the variance to permit the change in use at the cellar level from a parking garage (Use Group 8) to an auto rental establishment (Use Group 8) and granted an extension of time to obtain a certificate of occupancy, expiring December 13, 2012, on condition that the hours of operation for the auto rental establishment use be limited to Monday to Friday, 7:30 a.m. to 7:30 p.m., Saturday, 7:30 a.m. to 3:00 p.m., and Sunday, 8:00 a.m. to 3:00 p.m., on condition that the above conditions be listed on the certificate of occupancy; and

WHEREAS, on April 16, 2013, under the subject calendar number, the Board granted an extension of time to obtain a certificate of occupancy, expiring October 16, 2014; and

WHEREAS, the term having expired, the applicant now seeks an extension; and

WHEREAS, the applicant states that no changes to the existing layout, operations or use of the parking garage are proposed herein; and

WHEREAS, in response to questions from the Board at hearing, the applicant states that lighting on the rooftop is shielded from adjacent residences and that barbed wire will be removed; and

WHEREAS, based upon its review of the record, the Board has determined that the requested extension of term 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 18, 1961, as amended through April 16, 2013, so that as amended this portion of the resolution shall read: “to *permit* an extension of term of ten (10) years, expiring March 3, 2028; *on condition* that all work and site conditions shall conform to drawings filed with this application marked “Received July 9, 2018” – Nine (9) sheets; and *on further condition*:

THAT the term of the grant shall be limited to ten

390-61-BZ

(10) years, expiring March 3, 2028;

THAT lighting on the rooftop of the subject building shall be directed away from residential windows and shall be shielded;

THAT barbed wire at the subject site shall be removed;

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

THAT the site shall be maintained graffiti free;

THAT no signs shall be installed at the roof level of the subject site;

THAT signage shall comply with C1 zoning district regulations;

THAT the rear wall of the building shall be a masonry wall of a 3-hour fire construction except for a 20-foot opening;

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

THAT a certificate of occupancy shall be obtained within four (4) years, by August 21, 2022;

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, August 21, 2018.

A true copy of resolution adopted by the Board of Standards and Appeals, August 21, 2018.

Printed in Bulletin No. 35, Vol. 103.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

