

899-65-BZ

APPLICANT – Sheldon Lobel, P.C., for Rengency Towers, LLC, owner.

SUBJECT – Application December 3, 2010 – Extension of Term permitting 75 surplus tenant parking spaces, within an accessory garage, for transient parking pursuant to §60 (3) of the Multiple Dwelling Law (MDL), which expired on November 16, 2010. C2-8/R8B zoning district.

PREMISES AFFECTED – 231-245 East 63rd Street, aka 1201-1222 2nd Avenue. Located along the entire west block front of Second Avenue between 63rd and 64th Streets. Block 1418, Lot 21. Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Josh Rinesmith.

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 reopening and an extension of the term for a previously granted variance for a transient parking garage, which expired on November 16, 2010; and

WHEREAS, a public hearing was held on this application on February 8, 2011, after due notice by publication in *The City Record*, and then to decision on March 15, 2011; and

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

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

WHEREAS, the subject premises is located on a through lot bounded by East 63rd Street to the south, Second Avenue to the east, and East 64th Street to the north, partially within an R8B zoning district and partially within a C2-8 zoning district; and

WHEREAS, the site is occupied by a 34-story mixed-use commercial/residential building; and

WHEREAS, the cellar and sub-cellar are occupied by a 224-space accessory garage, with 97 spaces in the cellar and 127 spaces in the sub-cellar; and

WHEREAS, on November 16, 1965, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law

(“MDL”) to permit a maximum of 75 surplus parking spaces to be used for transient parking, for a term of 15 years; and

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

WHEREAS, most recently, on February 27, 2001, the Board granted a ten-year extension of term, which expired on November 16, 2010; 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, 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 *reopens* and *amends* the resolution having been adopted on November 16, 1965, 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 November 16, 2010, to expire on November 16, 2020; *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received December 3, 2010’–(4) sheets; and *on further condition*:

THAT this term shall expire on November 16, 2020;

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.” (Alt. No. 368/1976)

Adopted by the Board of Standards and Appeals, March 15, 2011.

A true copy of resolution adopted by the Board of Standards and Appeals, March 15, 2011.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.