



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

October 11, 2011

Hon. Meenakshi Srinivasan, Chair
Board of Standards and Appeals
40 Rector Street
New York, NY 10007

Re: BSA Cal. No. 329-59-BZ
910-924 Ninth Avenue
Block 1049, Lot 1
New York, NY

Dear Ms. Srinivasan:

On the recommendation of its Clinton Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4 voted at its October 5, 2011 meeting to approve to waive the Rules of Procedure and reopen and amend the resolution adopted by Board of Standards and Appeals on September 15, 1959 and most recently amended on January 15, 2002, in order to extend the time in which to obtain a new Certificate of Occupancy ("C of O") for the garage located at 910-924 Ninth Avenue ("Subject Premises"), and to extend the C of O for the Subject Premises. Outlined hereto, while CB4 supports the continued operation of the garage at the Subject Premises, the board requests the applicant's involvement in traffic mitigation discussions with the local community.

The Subject Premises is located on the east side of Ninth Avenue between West 58th Street and West 60th Street. The easterly portion of the Subject Premises, extending 225 feet from Ninth Avenue, is located in an R8 zoning district. The remainder of the Subject Premises is located in a C6-6(MiD) district. The Subject Premises is improved the Coliseum Park multi-dwelling building and a below grade accessory parking garage that contains 318 parking spaces ("Garage"), of which 169 spaces are reserved for accessory parking and 149 are permitted transient parking.

In a resolution adopted September 15, 1959 under Cal. No. 329-59-BZ ("Resolution"), BSA ("Board") granted a variance pursuant to Section 7e of the 1916 Zoning Resolution and Section 60(1)(d) of the Multiple Dwelling Law which permitted up to 149 spaces in the Garage to be used for transient parking. This variance had a term of 21 years. Thereafter, in a resolution adopted November 5, 1980, the Board reopened and amended the Resolution to extend the term of the previously approved variance for a period of 10 years, until November 5, 1990.

In subsequent resolutions adopted July 17, 1991 and November 17, 1998, the Board waived the Rules of Procedure and reopened and amended the Resolution to further extend the term of the variance for the

Garage for a period of ten years, until November 5, 2000 and November 4 , 2008, respectively. A new C of O was obtained both times that stated that up to 149 spaces in the Garage may be used for transient parking. The most recent C of O expired on November 8, 2008.

The Garage is currently owned by Central Parking System pursuant to a long-term lease. The applicant attributed the long delay in applying for an extension of the term and in obtaining a new C of O to administrative oversight due in part to the sheer volume of garage properties operated by Central Parking System and a breakdown in the tracking system designed to manage these locations. Central Parking System has since revised its internal control system to better track such issues in the future.

The applicant has represented the Garage is being operated in accordance with the plans approved by the Board in connection with its most recent exertions of the term of the variance of that facility and there are no outstanding Department of Building violations for the Garage.

MCB4 recommends approval to waive the Rules of Procedure and reopen and amend the most recent resolution to extend the term in which to obtain a new Certificate of Occupancy and to extend the term of the Certificate of Occupancy for the garage at 910-924 Ninth Avenue, given the following conditions:

1. The applicant agrees to engage in further discussions, as requested, with MCB4, 58th Street Block Association, Coliseum Park co-op board, Department of Transportation and other community stakeholders to explore potential scenarios to alleviate worsening traffic conditions on 58th and 60th Street, including traffic issues associated with the 58th Street garage entrance.
2. The applicant continues to provide parking spaces for all the residents of the Subject Premises who desire such a space and continues to offer this space at a discounted rate.
3. The applicant agrees to provide adequate reservoir space for 10 vehicles (Zoning 13-561 (e) Accessory off-street parking spaces) especially on the 58th Street access where there is more congestion.

Sincerely,



Corey Johnson
Chair
Manhattan Community Board No. 4



Elisa Gerontianos, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

[signed 10/11/11]

Gretchen Minneman, Co-Chair
Clinton/Hell's Kitchen Land Use Committee