

197-05-BZ

APPLICANT – Law Offices of Marvin B. Mitzner LLC, for Broadway Realty LLC, owner.

SUBJECT – Application February 11, 2014 – Extension of Time to Complete Construction of a previously approved variance (§72-21) permitting an 11-story residential building with commercial on the ground floor, contrary to bulk regulations, which expired on January 12, 2014. C6-1 district.

PREMISES AFFECTED – 813-815 Broadway, west side of Broadway, 42’ south of East 12th Street, Borough of Manhattan.

COMMUNITY BOARD #2M

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 waiver of the Rules of Practice and Procedure, a reopening and an extension of time to complete construction pursuant to a variance, which permitted the construction of an 11-story mixed residential and commercial building that does not comply with residential FAR, open space ratio, height, setback, and dwelling count, contrary to ZR §§ 23-142, 33-432, and 23-22; and

WHEREAS, a public hearing was held on this application on March 25, 2014, after due notice by publication in *The City Record*, and then to decision on April 29, 2014; and

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

WHEREAS, the site is located on the west side of Broadway, between East 11th Street and East 12th Street, within a C6-1 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 1, 2008 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, which permitted the construction of an 11-story mixed-use building with ground floor commercial space and 40 dwelling units, which does not comply with residential FAR, open space ratio, height, setback, and dwelling count, contrary to ZR §§ 23-142, 33-432, and 23-22; and

A true copy of resolution adopted by the Board of Standards and Appeals, April 29, 2014.

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To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, in addition, on January 12, 2010, the Board granted an amendment to the variance to permit the addition of a second elevator in the building and a sub-cellar; and

WHEREAS, by the terms of the original grant, construction was to be substantially completed by July 1, 2012; however, as of that date, due to the transfer of ownership of the site and difficulties relating to financing, construction was not completed; and

WHEREAS, accordingly, the applicant now seeks a waiver of the Rules of Practice and Procedure and an extension of time to substantially complete construction; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions, as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated July 1, 2008, so that as amended this portion of the resolution shall read: “to grant an extension of time to complete construction to April 29, 2018; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction will be completed by April 29, 2018;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); 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) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 104072076)

Adopted by the Board of Standards and Appeals, April 29, 2014.

