

176-09-BZ

APPLICANT – Bryan Cave LLP/Margery Perlmutter, for NYC Fashion of Institute of Technology, owner.

SUBJECT – Application October 4, 2013 – Extension of time to complete construction of a Special Permit (§73-64) to waive height and setback regulations (§33-432) for a community use facility (*Fashion Institute of Technology*) which expired on October 6, 2013. C6-2 zoning district.

PREMISES AFFECTED – 220-236 West 28th Street, south side of West 28th Street between Seventh Avenue and Eighth Avenue, Block 777, Lot 1, 18, 37, Borough of Manhattan.

COMMUNITY BOARD #5M

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 and an extension of time to complete construction under a previously-granted special permit, which authorized, within a C6-2 zoning district, the construction of a ten-story addition to an existing community facility building (Use Group 3); the time to complete construction expired on October 6, 2013; and

WHEREAS, a public hearing was held on this application on December 17, 2013, after due notice by publication in *The City Record*, and then to decision on January 28, 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, this application is brought on behalf of the Fashion Institute of Technology (“FIT”), a college of the State University of New York, a non-profit entity; and

WHEREAS, the subject site is located on the south side of West 28th Street, between Seventh Avenue and Eighth Avenue, within a C6-2 zoning district; and

WHEREAS, the site is currently occupied by four FIT buildings located on Lots 1, 18 and 37, with a total floor area of 746,889 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 6, 2009, when, under the subject calendar number, the Board granted a special

permit pursuant to ZR §§ 73-641 and 73-03, to permit, on a site located within a C6-2 zoning district, the construction of a ten-story addition to an existing community facility building (Use Group 3), which does not comply with the zoning requirements for height, setback and sky exposure plane, contrary to ZR § 33-432; and

WHEREAS, substantial construction was to be completed by October 6, 2013, in accordance with ZR § 73-70; however, as of that date, substantial construction was not complete; and

WHEREAS, accordingly, the applicant now requests an extension of time to complete construction; and

WHEREAS, the applicant notes that work has not commenced at the site due to insufficient funding; 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 *reopens* and *amends* the resolution, dated October 6, 2009, so that as amended the resolution reads: “to grant an extension of the time to complete construction for a term of four years, to expire on October 6, 2017; *on condition*:

THAT substantial construction will be completed by October 6, 2017;

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); and

THAT DOB 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. 120029940)

Adopted by the Board of Standards and Appeals, January 28, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, January 28, 2014.

Printed in Bulletin Nos. 4-5, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

