



Legislation Text

File #: Res 1579-2012, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1579

Resolution approving the decision of the City Planning Commission on ULURP No. C 090002 ZSM (L.U. No. 722), for the grant of a special permit to modify the use regulations of Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors and Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 6-story building on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on October 5, 2012 its decision dated October 3, 2012 (the "Decision"), on the application submitted by 54 Greene Street Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and
2. Section 42-14D(2)(b) to allow use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District, (ULURP No. C 090002 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 23, 2012;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the negative declaration

(CEQR No. 09DCP030M) issued on July 9, 2012 (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090002 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following terms and conditions:

1. The property that is the subject of this application (C 090002 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Christoph Riedner, Architect, filed with this application and incorporated in this resolution:

<u>Dwg.No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Site Plan	5/9/2011
Z-2	Zoning Analysis	5/4/2011
PR-0	Cellar Plan Proposed	5/4/2011
PR-1	1 st Floor Plan Proposed	1/17/2011
PR-1M	1 st Floor Mezzanine Plan Proposed	1/17/2011
PR-2	2 nd Floor Plan Proposed	10/19/2010
PR-3	3 rd Floor Plan Proposed	6/3/2010
PR-4	4 th Floor Plan Proposed	10/19/2010
PR-5	5 th Floor Plan Proposed	11/29/2010
PR-6	6 th Floor Plan Proposed	12/28/2010
PR-7	Roof Plan Proposed	2/16/2011
PR-9	Section A-A Proposed	6/3/2010
PR-10	Section B-B Proposed	6/3/2010

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated July 19, 2012, executed by 54 Greene Street Realty Corp., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 13, 2012, on file in this office.

City Clerk, Clerk of The Council

