



## Legislation Text

File #: Res 0490-2018, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 490

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180203 ZSM (L.U. No. 146), for the grant of a special permit pursuant to Section 74-721 of the Zoning Resolution to modify the rear yard regulations of ZR Section 23-53 (Rear Yards) and the height and setback regulations of ZR Section 33-43 (Maximum Height of Walls and Required Setbacks) to facilitate the development of a 21-story commercial building on property located at 124 East 14<sup>th</sup> Street (Block 559, Lots 16 & 55), in a C6-4 District, partially within the Special Union Square District, Community District 3, Borough of Manhattan.**

#### **By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on June 27, 2018 its decision dated June 27, 2018 (the "Decision"), on the application submitted by Fourteenth at Irving, LLC, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 200 of the New York City Charter, for the grant of a special permit pursuant to Section 74-721 of the Zoning Resolution to modify the rear yard regulations of ZR Section 23-53 (Rear Yards) and the height and setback regulations of ZR Section 33-43 (Maximum Height of Walls and Required Setbacks), which in conjunction with the other related actions, would facilitate the redevelopment of City-owned property with a 21-story, 209,246-square-foot technology-focused office and retail commercial building located at 124 East 14<sup>th</sup> Street (Block 559, Lots 16 & 55) in a C6-4 District, partially within the Special Union Square District, in the Union Square neighborhood of Community District 3 in Manhattan, (ULURP No. C 180203 ZSM) Community District 3, Borough of Manhattan, (the "Application");

WHEREAS, the Application is related to applications C 180201 ZMM (L.U. No. 144), a zoning map amendment to change existing C6-2A, C6-3X, and C6-1 districts to a C6-4 district and N 180202 ZRM (L.U. No. 145), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to modify bulk regulations;

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 74-721 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 July 10, 2018;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17DME002M) issued on January 22, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-457) (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 the report, C 180203 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 180203 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Davis Brody Bond, LLP, filed with this application and incorporated in this resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Last Date Revised</b>
<b>A.001</b>	Zoning Analysis Table	1/3/2018
<b>A.002</b>	Zoning Lot Site Plan	1/3/2018
<b>A.201</b>	Waiver Plan	1/3/2018
<b>A.301</b>	Sectional Height Diagram	1/3/2018
<b>A.302</b>	Sectional Height Diagram	1/3/2018
<b>A.303</b>	Sectional Height Diagram	1/3/2018

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. 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, sublessee or occupant.
5. 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 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.

5. In the event that 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 report and resolution and any subsequent modifications 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.
6. 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 August 8, 2018, on file in this office.

City Clerk, Clerk of The Council