

CITY COUNCIL
LAND USE DIVISION

2014 OCT 21 P 1:59



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NYC COUNCIL

2014 OCT 21 P 1:44

SPEAKER'S OFFICE

October 20, 2014

City Council
City Hall
New York, NY 10007

Re: 19 East Houston Street
ULURP Nos. C 140300 ZSM and C 140301 ZSM
Related Applications: C 140302 ZSM, C 140299 PPM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated October 7, 2014, from the City Council regarding the proposed modifications to above-referenced application submitted by MC 19 East Houston Street LLC for special permits pursuant to Section 74-712(a) and 74-712(b) of the Zoning Resolution of the City of New York.

In accordance with Section 197-d(d) of the New York City Charter, the Commission has determined that the City Council's proposed modifications raise no land use or environmental issues requiring further review.

The report and recommendation was adopted by the Commission on October 20, 2014.

Best Regards,


Carl Weisbrod

c: E. Hsu-Chen
A. Laremont

D. DeCerbo
J. Harris

E. Marshall
D. Casey

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street – 2W, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
www.nyc.gov/planning



THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY, ROOM 1602
NEW YORK, NEW YORK 10007

RAJU MANN
DIRECTOR

PHONE: 212-788-7335
RMann@council.nyc.gov

October 7, 2014

BY HAND

Honorable Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street, 2nd Fl. - 2W
New York, New York 10007-1216

**RE: Applications: C 140300 ZSM AND C 140301 ZSM
Related Applications: C 140302 ZSM AND C 140299 PPM
(19 East Houston Street)**

Dear Chairman Weisbrod:

On October 2, 2014, the Land Use Committee of the City Council, by a vote of 21-0-0, recommended modifications of the City Planning Commission's decision in the above-referenced matters.

By letter dated and submitted September 29, 2014 to the City Planning Commission, the applicant withdrew ULURP Application No. C 140302 ZSM for a special permit pursuant to Section 74-922 of the Zoning Resolution -- to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on the floor area per establishment on the cellar, ground floor, second floor and third floor of a proposed 6-story commercial development on the property -- because the applicant is limiting retail uses to the second floor and below. ULURP Applications C 140300 ZSM and C 140301 ZSM are therefore being modified to reflect the elimination of (i) the large retail establishment special permit and (ii) retail use on the third floor of the development.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

C 140300 ZSM

Matter in ~~strikeout~~ is old, to be deleted by the City Council;
Matter in **bold underline** is new, to be added by the City Council.

1. The property that is the subject of this application (C 140300 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 S9, an affiliate

of Perkins Eastman Architects, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	August 4, 2014 <u>October , 2014</u>
Z-100.00	Site Plan	August 18, 2014
Z-101.00	Cellar Floor Plan	August 4, 2014 <u>October , 2014</u>
Z-102.00	Ground Floor Plan	August 4, 2014 <u>October , 2014</u>
Z-301.00	Building Sections	August 4, 2014 <u>October , 2014</u>
Z-302.00	Building Section	July 15, 2014 <u>October , 2014</u>
Z303.00	Building Section	August 4, 2014 <u>October , 2014</u>
Z-303.10	Building Section	August 4, 2014 <u>October , 2014</u>

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, operating 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. 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 the provisions of which 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 or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.

7. 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 action or failure to act in accordance with the provisions of this special permit.

C 140301 ZSM

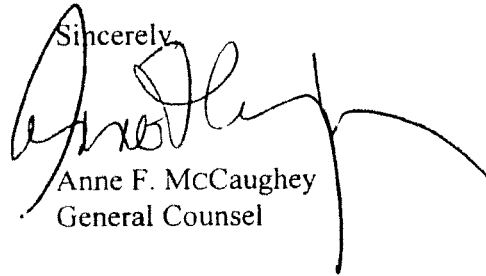
1. The property that is the subject of this application (C 140301 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by S9, an affiliate of Perkins Eastman Architects, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	August 4, 2014 <u>October , 2014</u>
Z-100.00	Site Plan	August 18, 2014
Z-300.00	Building Section	July 15, 2014 <u>October , 2014</u>
Z-301.00	Building Sections	August 4, 2014 <u>October , 2014</u>
Z-302.00	Building Section	July 15, 2014 <u>October , 2014</u>
Z-303.00	Building Section	August 4, 2014 <u>October , 2014</u>
Z-303.10	Building Section	August 4, 2014 <u>October , 2014</u>
Z-305.00	Waiver Plan Diagram	August 18, 2014 <u>October , 2014</u>

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, operating 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. 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 the provisions of which 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 or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
7. 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 action or failure to act in accordance with the provisions of this special permit.

Honorable Carl Weisbrod
C 140300 ZSM AND C 140301 ZSM
C 140302 ZSM AND C 140299 PPM
October 7, 2014
Page 5 of 5

Please feel free to contact me at (212) 788-7312 if you or your staff has any questions in this regard.

Sincerely,

Anne F. McCaughey
General Counsel

AFM:mg

RECEIVED BY: _____

DATE: _____

TIME: _____

Encl.

c: Members, City Planning Commission
Raju Mann, Director Land Use Division
Amy Levitan, Deputy Director
Peter Janosik, Senior Project Manager
Anita Laremont, Esq., DCP
Danielle J. DeCerbo, DCP
File