

CITY COUNCIL
LAND USE DIVISION



NYC COUNCIL

2015 APR 21 P 5: 18

CITY PLANNING COMMISSION
CITY OF NEW YORK

2015 APR 21 P 5: 07

SPEAKER'S OFFICE

OFFICE OF THE CHAIRMAN

April 21, 2015

City Council
City Hall
New York, NY 10007

Re: 505-513 West 43rd Street
ULURP Nos. C 140408 ZSM and C 140409 ZSM
Related Application: N 140407 ZRM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated April 16, 2015, from the City Council regarding the proposed modifications to above-referenced application submitted by 1818 Nadlan LLC for a text amendment and two special permits. 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 April 20, 2015.

Best Regards,

A handwritten signature in black ink, appearing to read "Carl Weisbrod".

Carl Weisbrod

c: E. Hsu-Chen
A. Laremont

D. DeCerbo
J. Harris

A. McCabe

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

April 16, 2015

BY HAND

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

**RE: Applications Nos.: C 140408 ZSM and C 140409 ZSM
Related Application: N 140407 ZRM
(505/513 West 43rd Street)**

Dear Chairman Weisbrod:

On April 15, 2015, the Land Use Committee of the City Council, by a vote of 18-0-1 recommended modifications of the City Planning Commission's decisions in the above-referenced matters. 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.

The recommended modifications consist of (1) elimination of the ground floor parking spaces in the proposed building, to be replaced, in part, by residential ground floor uses; and (2) increasing the size of the emergency vent in the rear yard of the development to satisfy Amtrak specifications which became known subsequent to the Commission's approval of these actions. Specifically, the modifications are as follows:

Matter in ~~double-strikeout~~ is old, deleted by the Council;
Matter in **bold double-underlined** in new, added by the Council.

C 140408 ZSM

1. The property that is the subject of this application (C 140408 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 SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-4	ULURP Zoning - Zoning Calculations	Feb. 9, 2015-04/ /2015
Z-5	ULURP Zoning - Site Plan	Feb. 9, 2015-04/ /2015
Z-6	ULURP Zoning - Ground Floor Plan	Feb. 9, 2015-04/ /2015
Z-9	ULURP Zoning - Waiver Plan	Feb. 9, 2015-04/ /2015
Z-10	ULURP Zoning - Building Sections	Feb. 9, 2015-04/ /2015
Z-11	ULURP Zoning - Building Section	Feb. 9, 2015-04/ /2015

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 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.
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 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 restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

C 140409 ZSM

1. The property that is the subject of this application (C 140409 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 SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-4	ULURP Zoning - Zoning Calculations	Feb. 9, 2015 <u>04/ /2015</u>
Z-5	ULURP Zoning - Site Plan	Feb. 9, 2015 <u>04/ /2015</u>
Z-6	ULURP Zoning - Ground Floor Plan	Feb. 9, 2015 <u>04/ /2015</u>
Z-9	ULURP Zoning - Waiver Plan	Feb. 9, 2015 <u>04/ /2015</u>
Z-10	ULURP Zoning - Building Sections	Feb. 9, 2015 <u>04/ /2015</u>
Z-11	ULURP Zoning - Building Section	Feb. 9, 2015 <u>04/ /2015</u>

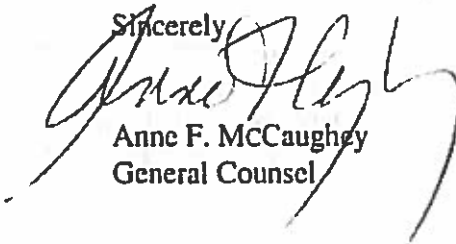
2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval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

Honorable Carl Weisbrod, Chairman
C 140408 ZSM, C 140409 ZSM and N 140407 ZRM
April 16, 2015
Page 4 of 5

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 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.
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 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 restrictive declaration.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

Please feel free to contact me at (212) 788-7312 if you or your staff has any questions regarding these matters.

Sincerely,



Anne F. McCaughey
General Counsel

Honorable Carl Weisbrod, Chairman
C 140408 ZSM, C 140409 ZSM and N 140407 ZRM
April 16, 2015
Page 5 of 5

RECEIVED BY: _____

DATE: _____

TIME: _____

Encl.

- c: Members, City Planning Commission
- Raju Mann, Director, Land Use Division
- Brian Paul, Project Manager
- Anita Laremont, Esq., DCP
- Danielle J. DeCerbo, DCP
- File