



Legislation Details (With Text)

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Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 060310 ZSM (L.U. No. 344), for the grant of a special permit pursuant to Section 74-711 of the New York City Zoning Resolution to facilitate the construction of a 21-story and 3-story mixed use development on property located at 35-41 West 23rd Street (Block 825, Lots 20 and 1001-1005), in an M1-6 District, within the Ladies Mile Historic District, Manhattan.

Sponsors: Melinda R. Katz, Tony Avella

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 2/1/07

Date	Ver.	Action By	Action	Result
1/11/2007	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
2/1/2007	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 710

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 060310 ZSM (L.U. No. 344), for the grant of a special permit pursuant to Section 74-711 of the New York City Zoning Resolution to facilitate the construction of a 21-story and 3-story mixed use development on property located at 35-41 West 23rd Street (Block 825, Lots 20 and 1001-1005), in an M1-6 District, within the Ladies Mile Historic District, Manhattan.

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on December 15, 2006 its decision dated December 6, 2006 (the "Decision") on the application submitted by 23rd Street Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-10 to allow residential use (Use Group 2 uses); and the height and setback regulations of Section 43-43 (Maximum Height if Front Wall and Required Front Setbacks), and the rear yard regulations of Section 43-26 (Minimum Required Rear Yards) and 43-28 (Special Provisions for Through Lots); to facilitate the construction of a 21-story and 3-story mixed use development on property located at 35 -41 West 23rd Street (Block 825, Lots 20 and 1001-1005), in an M1-6 District, within the Ladies Mile Historic District (ULURP No. C 060310 ZSM), Community District 5, Borough of Manhattan (the "Application");

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

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on January 8, 2007 and January 11, 2007 on the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues and the Revised Negative Declaration, issued on August 7, 2006 (CEQR No. 06DCP004M); and

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

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment provided that the conditions enumerated in the City Planning Commission's report (C 060310 ZSM) are adhered to; and

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision with the following modifications:

Matter in double-underlined is new, to be added by the City Council;

1) The property that is subject of this application (C 060310 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions and zoning computations indicated on the following plans and additional drawings submitted to the Council on January 11, 2007, prepared by Gruzen Samton LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Zoning Analysis	11/11/05
Z-2	Lot Plan	11/11/05
Z-3	Site Plan	<u>01/18/07</u>
Z-37	Site Sections	<u>01/18/07</u>
Z-38	Site Sections	<u>01/18/07</u>
<u>Z-40</u>	<u>Tower Glass Coloration</u>	<u>01/11/07</u>
<u>Z-34</u>	<u>Base Materiality, Option 4</u>	<u>01/11/07</u>
<u>Z-6</u>	<u>Landscape Open Space,</u> <u>Enlarged Plans, Cross</u> <u>Section and Key Plan</u>	<u>01/11/07</u>

5) Development pursuant to this resolution shall be allowed only if the modifications to the Special Permit adopted by the City Council pursuant to Resolution No. 710 of 2007 (L.U. No. 344) and reflected drawings are: (i) incorporated as necessary in modifications to the Certificate of Appropriateness issued by the Landmarks Preservation Commission or are otherwise approved by the Landmarks Preservation Commission in such form as is deems appropriate; or (ii) the Landmarks Preservation Commission determines that no such modifications or approval are required.

Numbers 5 through 8 shall be renumbered to reflect the addition of a new clause 5.

The Restrictive Declaration shall be modified as follows:

EXHIBIT G - Plans as modified

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 February 1, 2007, on file in this office.

City Clerk, Clerk of The Council