



Legislation Text

File #: Res 0458-2014, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 458

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140300 ZSM (L.U. No. 115), for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow uses permitted under Section 32-15 (Use Group 6 uses) below the floor level of the second story of a proposed 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 22, 2014 its decision dated August 20, 2014 (the "Decision"), on the application submitted by MC 19 East Houston, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow uses permitted under Section 32-15 (Use Group 6 uses) below the floor level of the second story of a proposed 6-story commercial building on a zoning lot which, as of December 15, 2003, has not more than 20% of its lot area occupied by existing buildings, located at 19 East Houston Street (Block 511, Lot 19), in an M1-5B District, within the SoHo Cast-Iron Historic District, which in conjunction with the other related actions would facilitate the development of a new six-story commercial building (ULURP No. C 140300 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 140301 ZSM (L.U. No. 116), a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43; C 140302 ZSM (L.U. No. 117), a special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and/or Use Group 10A) with no limitation on floor area per establishment, as modified; and C 140299 PPM (L.U. No. 118), a disposition of city-owned property;

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 74-712 (a) 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 September 16, 2014;

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 including the negative declaration (CEQR No. 14DME001M) issued on March 10, 2014 (the “Negative Declaration”) and the CEQR Technical Memorandum dated October 16, 2014 (the “Technical Memorandum”);

RESOLVED:

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

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 140300 ZSM, and incorporated by reference herein, the Council approves the Decision with modifications and subject to the following conditions:

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 22, 2014</u>
Z-100.00	Site Plan	August 18, 2014
Z-101.00	Cellar Floor Plan	August 4, 2014 <u>October 22, 2014</u>
Z-102.00	Ground Floor Plan	August 4, 2014 <u>October 22, 2014</u>
Z-301.00	Building Sections	August 4, 2014 <u>October 22, 2014</u>
Z-302.00	Building Section	July 15, 2014 <u>October 22, 2014</u>
Z303.00	Building Section	August 4, 2014 <u>October 22, 2014</u>
Z-303.10	Building Section	August 4, 2014 <u>October 22, 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.

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 October 22, 2014, on file in this office.

City Clerk, Clerk of The Council