



Legislation Text

File #: Res 0685-2015, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 685**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140409 ZSM (L.U. No. 191), for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the height and setback requirements of Sections 93-32 (Special Regulations in R9 Districts) and 23-633 (Street wall location and height and setback regulations in certain districts), the rear yard setback requirements of 23-663 (Required rear setbacks for tall buildings in other districts), the permitted obstructions requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and the planting requirements of Section 23-892 (In R6 through R10 District), in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1072, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area), in Community District 4, Borough of Manhattan.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 9, 2015 its decision dated March 4, 2015 (the "Decision"), on the application submitted by 1818 Nadlan, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the height and setback requirements of Sections 96-32 (Special Regulations in R9 Districts) and 23-633 (Street wall location and height and setback regulations in certain districts), the rear yard setback requirements of 23-663 (Required rear setbacks for tall buildings in other districts), the permitted obstructions requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and the planting requirements of Section 23-892 (In R6 through R10 Districts), in connection with a proposed residential building with two 15-story segments, on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street (Block 1072, Lot 24), in an R9 District, within the Special Clinton District (Preservation Area), (ULURP No. C 140409 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications N 140407 ZRM (L.U. 189), a proposed amendment to the Zoning Resolution to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633, rear yard regulations of Section 23-663, planting regulations of Section 23-892, and permitted obstruction within rear yard regulations of Section 23-44; and C 140408 ZSM (L.U. 190), a special permit pursuant to Section 74-681 of the Zoning Resolution to allow development over a railroad transit right-of-way;

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 96-32

(c) 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 March 24, 2015;

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 revised negative declaration (CEQR No. 14DCP183M) issued on March 2, 2015, which reflects the application as modified by the Commission (the “Revised Negative Declaration”) and the CEQR Technical Memorandum dated April 16, 2015 (the “CEQR Technical Memorandum”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration and the CEQR 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 140409 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications, and subject to the following conditions:

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

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>04/20/2015</u>
Z-5	ULURP Zoning - Site Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-6	ULURP Zoning - Ground Floor Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-9	ULURP Zoning - Waiver Plan	Feb. 9, 2015 <u>04/20/2015</u>
Z-10	ULURP Zoning - Building Sections	Feb. 9, 2015 <u>04/20/2015</u>
Z-11	ULURP Zoning - Building Section	Feb. 9, 2015 <u>04/20/2015</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.

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.

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 April 28, 2015, on file in this office.

City Clerk, Clerk of The Council