



Legislation Text

File #: Res 1669-2017, Version: \*

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1669

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170382 ZSM (L.U. No. 751), for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 42 spaces on portions of the ground floor, second floor, third floor and the fourth floor of a proposed mixed use building on property located at 100 Varick Street (Block 477, Lots 35, 42, 44, 46, 71-76 and 1001-1005), in an M1-6 District, within the Special Hudson Square District, Community District 2, Borough of Manhattan.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on August 25, 2017 its decision dated August 23, 2017 (the "Decision"), on the application submitted by Broome Property Owner JV, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 42 spaces on portions of the ground floor, second floor, third floor and the fourth floor of a proposed mixed use building on property located at 100 Varick Street (Block 477, Lots 35, 42, 44, 46, 71-76 and 1001-1005), in an M1-6 District, within the Special Hudson Square District, (ULURP No. C 170382 ZSM), Community District 2, Borough of Manhattan (the "Application");

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 Sections 13-45 and 13-451 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 25, 2017;

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

WHEREAS, it was determined by the New York City Department of City Planning to be a Type II action on May 3, 2017, requiring no further review under CEQR (CEQR No. 17DCP168M) (the "Type II Determination").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

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 170382 ZSM), incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 170382 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 SLCEArchitects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-110	1 <sup>st</sup> Floor Plan	4/18/17
Z-120	2 <sup>nd</sup> Floor Plan	4/18/17
Z-130B	3 <sup>rd</sup> Floor Plan Special Permit	4/18/17
Z-140B	4 <sup>th</sup> Floor Plan Special Permit	4/18/17

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. 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, sublessee or occupant.
5. Upon 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 whose provisions 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 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.
6. 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 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 September 27, 2017, on file in this office.

City Clerk, Clerk of The Council