



## Legislation Text

File #: Res 1749-2017, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1749

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170366 ZSM (L.U. No. 781), for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-421 (Location of commercial uses) to allow Use Group 6 on portions of the third floor a proposed building (Building A), in connection with a proposed mixed use development, within a large-scale general development, on property generally bounded by East 112<sup>th</sup> Street, Park Avenue, East 111<sup>th</sup> Street and Madison Avenue (Lots 20-23, 25, 28, 29, 31, 33-35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9/C2-5\* Districts, Community District 11, Borough of Manhattan.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on October 2, 2017 its decision dated October 2, 2017 (the "Decision"), on the application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-421 (Location of commercial uses) to allow Use Group 6 on portions of the third floor a proposed building, in connection with a proposed mixed use development, within a large-scale general development, on property generally bounded by East 112<sup>th</sup> Street, Park Avenue, East 111<sup>th</sup> Street and Madison Avenue (Lots 20-23, 25, 28, 29, 31, 33-35, 37-43, 45, 46, 48, 50-54, 121 and 122), in R9/C2-5 Districts, (ULURP No. C 170366 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 170361 ZMM (L.U. No. 776), a zoning map amendment to change existing R7-2 and R7-2/C1-4 districts to R9 and R9/C2-5 districts; N 170362 ZRM (L.U. No. 777); a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 170363 HAM (L.U. No. 778), an Urban Development Action Area Project designation and project approval and the disposition of City-owned property. C 170364 PQM (L.U. No.779); an acquisition of a portion of the disposition area by the City for community garden use; C 170365 ZSM (L.U. No. 780), a special permit to modify the height and setback and yard requirements within a Large-Scale General Development; C 170367 ZSM (L.U. No. 782), a special permit to modify parking requirements within a Large Scale General Development; and 20185083 (L.U. No. 790), a real property tax exemption;

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 74-744(b) 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

October 11, 2017;

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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memoranda dated September 29, 2017, (the “Technical Memoranda”);

RESOLVED:

Having considered the FEIS and the Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the Sendero Verde Development Alternative of the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Land Disposition Agreement(s) with the City, those project components related to the environment and mitigation measures determined to be practicable.
- (4) The Decision, together with the FEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

The Decision, together with the FEIS and the Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 170366 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

1. The application that is the subject of this application (C 170366 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 Handel Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Zoning Analysis	04/17/2017

Z-010.00	Site Plan (Roof Plan)	09/22/2017
Z-025.00	Special Permit Use Modifications Ground Floor Plan	09/22/2017
Z-026.00	Special Permit Use Modification 3 <sup>rd</sup> Floor Plan	09/22/2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the related special permit (C 170365 ZSM), with such administrative changes as are acceptable to Counsel to the Department of City Planning, have been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. In the event that 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.
6. 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.
7. 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 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.
8. 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 November 30, 2017, on file in this office.

City Clerk, Clerk of The Council