Legislation Details (With Text)

File #:	Res 1290-2012	**Version:**	*	**Name:**	LU 561 - Zoning, West Village Residences, LLC and Saint Vincent's Catholic Medical Centers, Manhattan (C 120031 ZSM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	3/28/2012				
Enactment date:				**Enactment #:**	

Title: Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 120031 ZSM (L.U. No. 561), for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution of the City of New York to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Borough of Manhattan.

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 3-28-12

Date	Ver.	Action By	Action	Result
3/14/2012	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
3/28/2012	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1290

Resolution approving with modification the decision of the City Planning Commission on ULURP No. C 120031 ZSM (L.U. No. 561), for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution of the City of New York to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on January 24, 2012 its decision dated January 23, 2012 (the "Decision"), on the application submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York

City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution of the City of New York to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12th Street, in connection with a proposed mixed use development on property located at 133-147 West 11th Street a.k.a. 1-19 Seventh Avenue a.k.a. 134-178 West 12th Street (Block 607, Lot 1), in R8 and C6-2 Districts, within a Large-Scale General Development bounded by West 12th Street, a line 475 feet easterly of Seventh Avenue, a line midway between West 11th Street and West 12th Street, a line 425 feet easterly of Seventh Avenue, West 11th Street, and Greenwich Avenue (Block 607, Lot 1 and Block 617, p/o Lot 1), in R8, C6-2 and C2-7 Districts, (ULURP No. C 120030 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120029 ZSM (L.U. No. 559), a special permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, to modify inner court requirements, and to allow for the maximum floor area permitted within a Large-Scale General Development; C 120030 ZSM (L.U. No. 560), a special permit pursuant to Section 74-744 (b) to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) within a Large-Scale General Development; N 120032 ZRM (L.U. No. 562), a zoning text amendment relating to Section 74-743 (Special Provisions for bulk modifications); and C 120033 ZMM (L.U. No. 563), a zoning map amendment to change existing R6 and C1-6 Districts to an R8 District and to change C2-6 District to a C6-2 District;

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 13-561 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 6, 2012;

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 and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 12, 2012, which identified significant adverse impacts with regard to construction noise (CEQR No. 10DCP003M);

RESOLVED:

Having considered the FEIS together with respect to the Decision, 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 thereto, the action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 23, 2012, and further amended March 26, 2012, those

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project components related to the environment and mitigation measures that were identified as practicable.

(4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, 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 120031 ZSM, the Technical Memorandum dated March 23, 2012, both incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the City Council,
Matter <u>double-underlined</u> is new, to be added by the City Council.

1. The property that is the subject of this application (C 120031 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by FXFowle, filed with this application and incorporated in this resolution, and such enclosed attended accessory parking garage shall have a maximum of 95 spaces:

Drawing Number	Title	Last Date Revised
Z-40	ATTACHMENT #6 Parking Garage Plans, Sections, & Calculations	[December 28, 2011] <u>March 26, 2012</u>

2. All references to the restrictive declaration executed as of January 23, 2012 shall refer instead to a restrictive declaration executed as of March 26, 2012, and such restrictive declaration shall incorporate and reflect all changes attached hereto.

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 restrictive declaration, January 23, 2012, executed by West Village Residences LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

5. The development shall include those mitigative measures listed in the Final Impact Statement (CEQR No. 10DCP003M) issued on January 12, 2012 and identified as practicable.

6. 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.

7. All leases, subleases, or other agreements for use or occupancy of space at the subjectproperty shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

8. 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.

9. 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 March 28, 2012, on file in this office.

City Clerk, Clerk of The Council