Legislation Details (With Text)

File #:	Res 1557-2012	**Version:** *	**Name:**	LU 694 - Allow a public parking garage on property bounded by Delancey St, Clinton St, Broome St and Suffolk St, Manhattan (C120234ZSM)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	10/11/2012			
Enactment date:			**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 120234 ZSM (L.U. No. 694), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 250 spaces on portions of the ground floor, cellar level 1 and cellar level 2 of a proposed development on property bounded by Delancey Street, Clinton Street, Broome Street and Suffolk Street (Site 4, Block 346, p/o Lot 40), in an R8/C2-5 District.

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 10-11-12

Date	Ver.	Action By	Action	Result
9/27/2012	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
10/11/2012	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1557

Resolution approving the decision of the City Planning Commission on ULURP No. C 120234 ZSM (L.U. No. 694), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 250 spaces on portions of the ground floor, cellar level 1 and cellar level 2 of a proposed development on property bounded by Delancey Street, Clinton Street, Broome Street and Suffolk Street (Site 4, Block 346, p/o Lot 40), in an R8/C2-5 District.

By Council Members Comrie and Levin

WHEREAS, the City Planning Commission filed with the Council on August 24, 2012 its decision dated August 22, 2012 (the "Decision"), on the application submitted by the NYC Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution of the City of New York to allow a public parking garage with a maximum capacity of 250 spaces on portions of the ground floor, cellar level 1 and cellar level 2 of a proposed development on property bounded by Delancey Street, Clinton Street, Broome Street and Suffolk Street (Site 4, Block 346, p/o Lot 40), in an R8/C2-5 District, (ULURP No. C 120234 ZSM), Community District 3, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 120226 ZMM (L.U. No. 688), a proposed amendment to the Zoning Map, Section No. 12c, establishing a C2-5 District within an existing R8 District; N 120227 ZRM (L.U. No. 689), a proposed amendment to the Zoning Resolution, modifying Sections 74-743

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(Special Provisions for Bulk Modifications) and 74-744 (Modification of Use Regulations) concerning special permit regulations for large-scale general developments, relating to the former Seward Park Extension Urban Renewal Area; C 120228 ZSM (L.U. No. 690), a Special Permit, to modify the bulk regulations within a Large-Scale General Development; C 120229 ZSM (L.U. No. 691), a Special Permit, to modify the use regulations within a Large-Scale General Development; C 120231 ZSM (L.U. No. 692), a Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Delancey Street, Norfolk Street, Broome Street and Essex Street (Site 2, Block 352, p/o Lot 1 and Lot 28), in a C6-1 District; C 120233 ZSM (L.U. No. 693), a Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Delancey Street, Suffolk Street, Broome Street and Norfolk Street (Site 3, Block 346, p/o Lot 40), in an R8/C2-5 District; C 120235 ZSM (L.U. No. 695), a Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Broome Street, Clinton Street, Grand Street and Suffolk Street (Site 5, Block 346, p/o Lot 40), in an R8/C2-5 District; N 120236 HAM (L.U. No. 696), an Urban Development Action Area Project (UDAAP) designation and project approval, for properties located on Essex, Delancey, Norfolk, Grand, Stanton and Broome streets (Block 346, part of Lot 40; Block 347, Lot 71; Block 352, Lots 1, 28; Block 353, Lot 44; Block 354, Lots 1, 12; and Block 409, Lot 56), as an Urban Development Action Area, to facilitate the development of residential, community facility and commercial uses, including the redevelopment of the Essex Street Market; C 120237 PQM (L.U. No. 697), Acquisition of property bounded by Essex, Delancey, Norfolk, and Broome Streets (Block 352, p/o Lots 1 and 28), by the New York City Department of Citywide Administrative Services; C 120245 PPM (L.U. No. 698), Disposition of city-owned property (Block 346, p/o of Lot 40; Block 347, Lot 71; Block 352, Lots 1 and 28; Block 353, Lot 44; Block 354, Lots 1 and 12; and Block 409, Lot 56), by the New York City Department of Housing Preservation and Development to a future developer, or by the New York City Department of Citywide Administrative Services to the New York City Economic Development Corporation (NYCEDC) or a successor local development corporation; C 120156 MMM (L.U. No. 699), a proposed amendment to the City Map involving: the establishment of Broome Street between Norfolk Street and Clinton Street; the establishment of Suffolk Street between Grand Street and Delancey Street; the narrowing, by elimination, discontinuance and closing, of Clinton Street between Grand Street and Delancey Street; the narrowing, by elimination, discontinuance and closing, of Delancey Street between Norfolk Street and Clinton Street; the establishment of the name Delancey Street for the Unnamed Street between Clinton Street and Franklin D. Roosevelt Drive; and the adjustment of grades necessitated thereby, including authorization for any disposition or acquisition of real property related thereto, in accordance with Map No. 30236, dated March 14, 2012, and signed by the Borough President;

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 74-52 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 19, 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 Generic Environmental Impact Statement ("FGEIS") for which a Notice of Completion was issued on August 10, 2012 and the CEQR Technical Memorandum dated October 1, 2012 (the "CEQR Technical Memorandum") (CEQR No. 11DME012M);

RESOLVED:

Having considered the FGEIS and the CEQR Technical Memorandum with respect to the Decision and Application, the Council finds that:

(1) The FGEIS 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 Proposed Action, as modified with the modifications adopted herein, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(2) The adverse environmental impacts disclosed in the FGEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with environmental commitment letters, dated August 15, 2012, from HPD and August 15, 2012, from NYCEDC, those project components related to the environment and mitigation measures that were identified as practicable.

(2) The Decision together with the FGEIS and the CEQR Technical Memorandum 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 120234 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The development that is the subject of this application (C 120234 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 Beyer Blinder Belle Architects & Planners LLP, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

Dwg. No.	Title	Date
804	Parking Garage Plans- Zoning Lot 4	03/21/2012

2. The development which is the subject of this application shall conform to all applicable laws and regulations relating to their construction, operation and maintenance.

3. 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.

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, sub-lessee or occupant.

5. 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 and the restrictive declarations 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 or of the restrictive declarations.

6. 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 October 11, 2012, on file in this office.

City Clerk, Clerk of The Council