

area; Section 96-34, Special Regulations in Northern Subarea C1, to amend the Inclusionary Housing bonus structure to encourage the inclusion of commercial or community facility floor area, to permit an auto showroom with preparation of automobiles and accessory repair facility, and to establish a special permit for transient hotel uses;

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 13-454 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 April 1, 2014;

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 March 7, 2014 (CEQR No. 13DCP080M), and the CEQR Technical Memorandum dated May 1, 2014 (the “CEQR Technical Memorandum”);

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum 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 thereto, the Proposed Action adopted herein, with modifications, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the CPC Decision C 130336 ZMM, those project components related to the environment and mitigation measures that were identified as practicable;
- (4) No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the CPC Decision C 130336 ZMM, as same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department of City Planning, is executed, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York; and
- (5) The Decision together with the FEIS constitutes 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 130339 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications and subject to the following conditions:

Matter in ~~Strikethrough~~ is old to be deleted;
Matter in Double-Underline is new, to be added.

1. The property that is the subject of this Application (C 130339 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 Philip Habib & Associates, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
1 of 4	Parking Plan Ground & P1 Levels Alternative 1	10/16/2013 <u>April 28, 2014</u>
2 of 4	Parking Plan Cellar Levels - P2 & P3 Alternative 1	10/16/2013 <u>April 28, 2014</u>
3 of 4	Parking Plan Ground & P1 Levels Alternative 2	10/16/2013
4 of 4	Parking Plan Cellar Levels P2 & P3 Alternative 2	10/16/2013

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, 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 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, renewal or extension 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 May 14, 2014, on file in this office.

City Clerk, Clerk of The Council