Legislation Details (With Text)

File #:	Res 0728-2015	**Version:** *	**Name:**	LU 209 - Zoning, 39-41 W. 23rd St , Manhattan (C140404ZSM)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	5/27/2015			
Enactment date:			**Enactment #:**	

Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140404 ZSM (L.U. No. 209), for the grant of a special permit pursuant to Section 74-711(b) of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-00 to allow residential uses (Use Group 2 uses) on portions of the ground floor, cellar and sub-cellar, and on the 2nd - 24th floors, and the bulk regulations of Section 43-28 (Special Provisions for Through Lots), Section 43-313 (For zoning lots with multiple rear lot lines), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks), to facilitate the construction of a mixed-use building on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street (Block 825, Lots 20, 60, and 1001-1005), in an M1-6 District, within the Ladies' Mile Historic District in Community District 5, Borough of Manhattan.

Sponsors:

Indexes:

Attachments: 1. City Planning Commission Approval Letter, 2. May 27, 2015 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 5-27-15, 4. Committee Report, 5. Minutes of the Stated Meeting - May 27, 2015

Date	Ver.	Action By	Action	Result
5/7/2015	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
5/27/2015	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 728

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140404 ZSM (L.U. No. 209), for the grant of a special permit pursuant to Section 74-711(b) of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-00 to allow residential uses (Use Group 2 uses) on portions of the ground floor, cellar and sub-cellar, and on the 2nd - 24th floors, and the bulk regulations of Section 43-28 (Special Provisions for Through Lots), Section 43-313 (For zoning lots with multiple rear lot lines), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks), to facilitate the construction of a mixed-use building on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street (Block 825, Lots 20, 60, and 1001-1005), in an M1-6 District, within the Ladies' Mile Historic District in Community District 5, Borough of Manhattan.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 30, 2015 its decision dated March 30, 2015 (the "Decision"), on the application submitted by 39 West 23rd Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711(b) of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-00 to

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allow residential uses (Use Group 2 uses) on portions of the ground floor, cellar and sub-cellar, and on the 2nd - 24th floors, and the bulk regulations of Section 43-28 (Special Provisions for Through Lots), Section 43-313 (For zoning lots with multiple rear lot lines), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks), to facilitate the construction of a mixed-use building with a 10 story segment and a 24 story segment on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street (Block 825, Lots 20, 60, and 1001-1005), in an M1-6 District, within the Ladies' Mile Historic District (ULURP No. C 140404 ZSM), Community District 5, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Application C 140405 ZSM (L.U. No. 210), a special permit pursuant to Sections 13-45 and 13-451 to allow an accessory parking garage containing up to 50 spaces to be located within the building;

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 74-711 (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 April 23, 2015;

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 and the revised negative declaration (CEQR No. 14DCP167M) issued on March 30, 2015 (the "Revised Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

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 140404 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications and subject to the following conditions:

Matter in **bold double-underline** is added by the City Council.

1. The property that is the subject of this application (C 140404 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 Cook Fox Architects, LLP, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
A-005	Zoning Analysis	3/24/2015
A-006	Site Plan	9/5/2014

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A-007 A-100 A-101 A-200	Building Encroachment Plan Diagram Floor	9/5/2014	9/5/2014
A-201 A-202 A-203	Plan Subcellar Cellar Ground Floor Plan	9/5/2014	9/5/2014
	Building Section Building Section Building	9/5/2014	9/5/2014
	Section Building Section	9/5/2014	

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 after the restrictive declaration, executed by 39 West 23rd Street, LLC and the Board of Managers of the 35 West 23rd Street Condominium, **as modified by the New York City Council as of May 7, 2015,** 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. 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.

6. 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 declaration 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 declaration.

7. 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 27, 2015, on file in this office.

City Clerk, Clerk of The Council