



## Legislation Details (With Text)

**File #:** Res 0729-2015  
**Type:** Resolution  
**Version:** \*  
**Name:** LU 210 - Zoning, 39-41 W. 23rd St, Manhattan (C140405ZSM)  
**Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 5/27/2015

**Enactment date:** **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 140405 ZSM (L.U. No. 210), for the grant of a special permit pursuant to Sections 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking facility with a maximum capacity of 50 spaces on portions of the ground floor and sub-cellar of a proposed 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. 729

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140405 ZSM (L.U. No. 210), for the grant of a special permit pursuant to Sections 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking facility with a maximum capacity of 50 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 39-41 West 23<sup>rd</sup> Street a.k.a. 20-22 West 24<sup>th</sup> 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 Sections 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking facility with a maximum capacity of 50 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 39-41 West 23<sup>rd</sup> Street a.k.a. 20-22 West 24<sup>th</sup> Street (Block 825, Lots 20, 60 and 1001-1005) in an M1-6 District, within the Ladies' Mile Historic District (ULURP No. C 140405 ZSM), Community District 5,

Borough of Manhattan (the "Application");

WHEREAS, the application is related to Application C 140404 ZSM (L.U. No. 209), a special permit pursuant to Section 74-711 of the Zoning Resolution 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);

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 13-45 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 140405 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (C 140405 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 Cook Fox Architects, LLP, filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Title</u>              | <u>Last Date Revised</u> |
|--------------------|---------------------------|--------------------------|
| A-400              | Ground Floor Plan         | 9/5/2014                 |
| A-401              | Floor Plan - Sub Cellar   | 9/5/2014                 |
| A-402              | Enlarged 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. 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, cancellation or amendment 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 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 May 27, 2015, on file in this office.

City Clerk, Clerk of The Council