Legislation Details (With Text)

File #:	Res 1252-2016	**Version:** *	**Name:**	LU 477 - Zoning, 217 WEST 29TH STREET, Manhattan (C160148ZSM)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	10/13/2016			
Enactment date:			**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 160148 ZSM (L.U. No. 477), for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District, Community District 5, Borough of Manhattan.

Sponsors:

Indexes:

Attachments: 1. September 28, 2016 - Stated Meeting Agenda with Links to Files, 2. Land Use Calendar - Week of October 3, 2016 - October 7, 2016, 3. Land Use Calendar - October 6, 4. Hearing Testimony - Zoning 10-5-16, 5. October 13, 2016 - Stated Meeting Agenda with Links to Files, 6. Committee Report, 7. Hearing Transcript - Stated Meeting 10-13-16, 8. Minutes of the Stated Meeting - October 13, 2016

Date	Ver.	Action By	Action	Result
10/6/2016	*	Committee on Land Use	Approved by Committee	
10/13/2016	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1252

Resolution approving the decision of the City Planning Commission on ULURP No. C 160148 ZSM (L.U. No. 477), for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District, Community District 5, Borough of Manhattan.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on September 9, 2016 its decision dated September 7, 2016 (the "Decision"), on the application submitted by 221 W29 Residential, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Zoning Resolution Section 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) to allow an attended accessory off-street parking garage with a maximum capacity of 45 spaces on portions of the ground floor and sub-cellar of a proposed mixed-use building on property located at 217 West 29th Street (Block 779, Lots 27 and 28), in an M1-6D District (ULURP No. C 160148 ZSM), Community District 5, Borough of Manhattan (the "Application");

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WHEREAS, the application is related to Application N 160147 ZRM (L.U. No. 478), an amendment to the Zoning Resolution establishing a new Section 42-486 relating to streetscape provisions in M1-6D Districts;

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 October 5, 2016;

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, including the revised negative declaration (CEQR No. 16DCP091M) issued on September 6, 2016, which reflects the changes of the proposed CPC action and supersedes the previously issued negative declaration issued on April 11, 2016 ("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 160148 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 160148 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 Goldstein, Hill & West Architects, LLP, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-3a	Subcellar Floor Plan Surface Parking Special Permit Drawings	12/21/15
Z-3b	Subcellar Floor Plan Lifted Trays Special Permit Drawings	12/21/15
Z-4a	Ground Floor Plan Parking Layout Special Permit Drawings	03/09/16

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, sublessee or occupant.

5. Upon 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'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 October 13, 2016, on file in this office.

City Clerk, Clerk of The Council

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