Legislation Details (With Text)

File #:	Res 1319-2016	**Version:** *	**Name:**	LU 518 - Planning, LEXINGTON GARDENS II, Manhattan (C160339ZSM)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	11/29/2016			
Enactment date:			**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 160339 ZSM (L.U. No. 518), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within the Transit Zone, in a Large-Scale General Development, Community District 11, Borough of Manhattan.

Sponsors:

Indexes:

Attachments: 1. Land Use Calendar - Week of October 31, 2016 - November 4, 2016, 2. REVISED - Land Use Calendar - Week of October 31, 2016 - November 4, 2016, 3. Hearing Testimony - Planning 11-1-16, 4. Land Use Calendar - Week of November 21, 2016 - November 25, 2016, 5. Land Use Calendar - November 22, 6. City Planning Commission Modification Letter, 7. November 29, 2016 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 11-29-16, 9. Committee Report, 10. Minutes of the Stated Meeting - November 29, 2016

Date	Ver.	Action By	Action	Result
11/22/2016	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
11/29/2016	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1319

Resolution approving the decision of the City Planning Commission on ULURP No. C 160339 ZSM (L.U. No. 518), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within the Transit Zone, in a Large-Scale General Development, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Dickens

WHEREAS, the City Planning Commission filed with the Council on October 21, 2016 its decision dated October 19, 2016 (the "Decision"), on the application submitted by Lexington Gardens Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive 103 required off-street parking spaces including 25 required off-street parking spaces for an existing development on the zoning lot, in connection with a proposed mixed-use development on property bounded by Park Avenue, East 108th Street, Lexington Avenue, and East 107th

Street (Block 1635, Lots 1, 7, 16 & 17), in an R9/C2-4 District, within the Transit Zone, in a Large-Scale General Development, (ULURP No. C 160339 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 160336 ZMM (L.U. No. 515), an amendment to the Zoning Map, Section 6b, to change existing C8-4, R7-2 and R7-2/C1-5 Districts to an R9/C2-4 District; N 160337 ZRM (L.U. No. 516), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160338 ZSM (L.U. No. 517), a special permit pursuant to ZR Section 74-743(a)(2) to allow, within a Large Scale General Development, the location of a building without regard for applicable yard, court, and height regulations; and C 160340 HAM (L.U. No. 519), a designation of property as an Urban Development Action Area and Urban Development Action Area Project (UDAAP); and, pursuant to Section 197-c of the New York City Charter, disposition of such property to a developer selected by HPD;

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 74-532 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 November 21, 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 negative declaration (CEQR No. 16HPD082M) dated June 2, 2016 and the technical memoranda issued on October 11, 2016, and November __, 2016 (together the “Environmental Analysis”);

RESOLVED:

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

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 160339 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1) The property that is the subject of this application (C 160339 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 Curtis and Ginsberg Architects, LLP, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-03.00	Zoning Analysis	10/06/2016
Z-04.00	Zoning Lot Site Plan	10/06/2016

2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the

modifications specifically granted in this resolution and shown on the plan 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 November, 2016, on file in this office.

City Clerk, Clerk of The Council

powered by Legistar™