



## Legislation Details (With Text)

<b>File #:</b>	Res 1799-2017	<b>Version:</b>	*	<b>Name:</b>	LU 807 - Zoning, NATIONAL BLACK THEATER, Manhattan (C 170444 ZSM)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>In control:</b>	Adopted Committee on Land Use
<b>On agenda:</b>	12/19/2017				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170444 ZSM (L.U. No. 807), for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive 72 required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 2031-2033 Fifth Avenue (Block 1750, Lot 1), in a C4-7 District, Borough of Manhattan, Community District 11.				
<b>Sponsors:</b>	David G. Greenfield, Donovan J. Richards				
<b>Indexes:</b>					
<b>Attachments:</b>	1. October 31, 2017 - Stated Meeting Agenda with Links to Files, 2. Land Use Calendar - Week of November 13, 2017 - November 17, 2017, 3. Land Use Calendar - Week of November 20, 2017 - November 24, 2017, 4. Additional Meeting of the Subcommittee on Zoning & Franchises, 5. REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, 6. Land Use Calendar - November 21, 2017, 7. Hearing Testimony - Zoning 11-14-17, 8. Hearing Transcript - Zoning 11-14-17, 9. Land Use Calendar - Week of December 4, 2017 - December 8, 2017, 10. REVISED - Land Use Calendar - Week of December 4, 2017 - December 8, 2017, 11. Land Use Calendar - December 7, 2017, 12. City Planning Commission Approval Letter, 13. December 19, 2017 - Stated Meeting Agenda with Links to Files, 14. Committee Report, 15. Hearing Transcript - Stated Meeting 12-19-17, 16. Minutes of the Stated Meeting - December 19, 2017				

Date	Ver.	Action By	Action	Result
12/7/2017	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/19/2017	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1799

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170444 ZSM (L.U. No. 807), for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive 72 required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 2031-2033 Fifth Avenue (Block 1750, Lot 1), in a C4-7 District, Borough of Manhattan, Community District 11.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on October 20, 2017 its decision dated October 18, 2017 (the "Decision"), on the application submitted by NBT Victory Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to



Section 74-533 of the Zoning Resolution to waive 72 required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 2031-2033 Fifth Avenue (Block 1750, Lot 1) in a C4-7 District, (ULURP No. C 170444 ZSM) Borough of Manhattan, Community District 11 (the “Application”);

WHEREAS, the Application is related to applications C 170442 ZMM (L.U. No. 805), a zoning map amendment to change a C4-4A District to a C4-7 District; and N 170443 ZRM (L.U. No. 806), a zoning text amendment to establish a new sub-district within the Special 125<sup>th</sup> Street District and to designate a Mandatory Inclusionary Housing area;

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 74-533 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 14, 2017;

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 issued June 5, 2017 (CEQR No. 17DCP134M.), which included (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-435) (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the 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 170444 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter in double strikeout is old, deleted by the City Council;

Matter in double underline is new, added by the City Council;

The Council approves the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all 72 required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property located at 2031-2033 Fifth Avenue (Block 1750, Lot 1), in a C4-7 District, Borough of Manhattan, Community District 11, subject to the following conditions:.

- 1) The property that is the subject of this application (C 170444 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 Dattner Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-100.00	Zoning Site Plan For Special Permit Pursuant To 533	ZR 74-05/22/2017
Z-101.00	Zoning Site Plan For Special Permit Pursuant To 533	ZR 74-05/22/ <u>12/11</u> /2017

- 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 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) In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
- 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 the provisions of which 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 or breach of any of the conditions referred to above, may constitute 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.
- 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 action or failure to act in accordance with the provisions of this special permit.

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 December 19, 2017, on file in this office.

City Clerk, Clerk of The Council