Legislation Details (With Text)

File #:	Res 1760-2021	**Version:**	*	**Name:**	LU 834 - Zoning, The Windmere, Manhattan (C 210202 ZSM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	10/7/2021				
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Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210202 ZSM, for the grant of a special permit (L.U. No. 834).

Sponsors:

Indexes:

Attachments: 1. Res. No. 1760, 2. August 26, 2021 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 8-26-21, 4. Calendar of the Zoning Subcommittee Meeting - September 10, 2021, 5. Calendar of the Zoning Subcommittee Meeting - September 24, 2021, 6. Calendar of the Zoning Subcommittee and Land Use Meetings - September 30, 2021, 7. October 7, 2021 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 10-7-21, 9. Minutes of the Stated Meeting - October 7, 2021, 10. City Planning Commission Letter, 11. Declaration, 12. Committee Report

Date	Ver.	Action By	Action	Result
9/30/2021	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
10/7/2021	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1760

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210202 ZSM, for the grant of a special permit (L.U. No. 834).

By Council Members Salamanca and Moya

WHEREAS, Windermere Properties, LLC, filed an application 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 of the Zoning Resolution to modify the use regulations of Section 22-00 (Use Regulations - General Provisions) and Section 32-421 (Limitation on Floors Occupied by Commercial Uses); and the bulk regulations of Sections 35-32 (Open Space Ratio for Residential Portions of Buildings), Section 23-151 (Basic regulations for R6 through R9 Districts) Section 33-432 (Maximum Height of Walls and Required Setbacks), Section 23-861 (Minimum Distance between Legally Required Windows and Walls or Lot Lines - General Provisions), Section 23-863 (Minimum distance between legally required windows and any wall in an inner court) and Section 23-87 (Permitted Obstructions in Courts), which would facilitate the restoration, conversion, and enlargement of an existing vacant building for one of two alternate schemes: (1) Scheme A, with ground floor retail and hotel and residential use on the upper floors, or (2) Scheme B, with ground floor retail and office and residential use on the upper floors at 400-406 West 57th Street (Block 1066, Lot 32) in the Special Clinton District of Manhattan, Community District 4 (ULURP No. C 210202 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 23, 2021, its decision dated August 18, 2021 (the "Decision") on the Application;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 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 September 10, 2021;

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 April 5th, 2021 (CEQR No. 19DCP016M) (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 the report, C 210202 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter <u>double-underlined</u> is new, added by the City Council

1. The property that is the subject of this application (C 210202 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following Scheme A and Scheme B plans, prepared by Morris Adjmi Architects, filed with this application and incorporated in this resolution:

Scheme A Plans

Dwg No.	**Title**	**Last Revised Date**
Z-001A	Zoning Analysis	05/24/2021
Z-006A	Site Plan Waiver Plan -	03/26/2021
Z-010A	Site Plan Waiver Plan - Ground Floor Plan (1st	03/26/2021
Z-011A	Floor) Waiver Plans	03/26/2021
Z-012A	Waiver Plans	03/26/2021
Z-013A	Waiver Sections	08/16/2021
Z-014A	Waiver Sections	05/24/2021
Z-015A	Waiver Sections	05/24/2021
Z-016A		05/24/2021

Scheme B Plans

Dwg No.	**Title**	**Last Revised Date**
Z-001B	Zoning Analysis	05/24/2021
Z-006B Z-010B Z-011B Z-	Site Plan Waiver Plan - Site Plan Waiver Plan - Ground Floor Plan (1st	03/26/2021 03/26/2021
012B Z-013B Z-014B Z-015B	Floor) Waiver Plans Waiver Plans Waiver	03/26/2021 03/26/2021
Z-016B	Sections Waiver Sections Waiver Sections	08/16/2021 05/24/2021
		05/24/2021 05/24/2021

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. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration, as amended by the Council, executed by Windermere Properties LLC, 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.

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 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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached 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 October 7, 2021, on file in this office.

City Clerk, Clerk of The Council