



## Legislation Text

File #: Res 0179-2014, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 179

**Resolution approving the decision of the City Planning Commission on ULURP No. C 140055 ZSM (L.U. No. 23), for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-10 to allow Use Group 2 uses (residential uses) on the 2nd through 12th floors, and Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) below the level of the second story of a proposed mixed use development on a zoning lot that, as of December 15, 2003, is vacant, located at 688 Broadway (Block 531, Lot 4), in an M1-5B District, within the NoHo Historic District, Borough of Manhattan.**

**By Council Members Greenfield and Weprin**

WHEREAS, the City Planning Commission filed with the Council on February 21, 2014 its decision dated February 19, 2014 (the "Decision"), on the application submitted by Downtown RE Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-10 to allow Use Group 2 uses (residential uses) on the 2nd through 12th floors, and Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) below the level of the second story of a proposed mixed use development on a zoning lot that, as of December 15, 2003, is vacant, located at 688 Broadway (Block 531, Lot 4), in an M1-5B District, within the NoHo Historic District, (ULURP No. C 140055 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the application is related at Application C 140056 ZSM (L.U. No. 24), a special permit pursuant to Section 74-712(b) to modify the height and setback requirements of Section 43-43;

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 74-712 (a) 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 March 18, 2014;

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. 13DCP091M) issued on February 18, 2014 (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 140055 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 140055 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 BSKS Architects, LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Site Plan	07/23/13
Z-2	Zoning Analysis	07/23/13
Z-3	Building E-W Section	07/23/13
Z-3A	Building N-S Section	01/25/13
Z-4	Sub-Cellar	10/26/12
Z-5	Cellar	10/26/12
Z-6	Ground Floor	07/23/13
Z-7	Second Floor	07/23/13
Z-8	Typical Floor (3 <sup>rd</sup> -5 <sup>th</sup> )	10/26/12
Z-9	Typical Floor (6 <sup>th</sup> - 11 <sup>th</sup> )	10/26/12
Z-10	Twelfth Floor	10/26/12

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, operating 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, sub-lessee 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.

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 April 10, 2014, on file in this office.

City Clerk, Clerk of The Council