



Legislation Text

File #: Res 0332-2014, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 332

Resolution approving the decision of the City Planning Commission on ULURP No. C 140183 ZSM (L.U. No. 64), for the grant of a special permit pursuant to Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning district boundaries and Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 23-663 (Required rear setbacks for tall buildings in other districts); in connection with a proposed mixed use development on property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and 11th Avenue (Block 1081, Lots 1, 60 and 1000-1008), within a Large-Scale General Development, in an R9/C2-5 District, within the Special Clinton District, Borough of Manhattan.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on May 12, 2014 its decision dated May 7, 2014 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and 525 West 52nd Street Property Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the New York City Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area under the applicable district regulations without regard for zoning district boundaries; and
2. Section 74-743(a)(2) - to allow the location of buildings without regard for the height and setback requirements of Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 23-663 (Required rear setbacks for tall buildings in other districts);

in connection with a proposed mixed use development on property bounded by West 53rd Street, a line 275 feet westerly of 10th Avenue, West 52nd Street, a line 375 feet easterly of 11th Avenue, a line midway between West 53rd Street and West 52nd Street, a line 250 feet easterly of 11th Avenue, West 52nd Street, and 11th Avenue (Block 1081, Lots 1, 60 and 1000-1008), within a Large-Scale General Development, in an R9/C2-5 District, within the Special Clinton District (ULURP No. C 140183 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 140181 ZMM (L.U. No. 62), an amendment of the Zoning Map, Section No. 8c to change M1-5 (CL) and R8 (CL) districts to R9/C2-5 (CL), and R8 (CL) to R8A (CL) districts; N 140182 ZRM (L.U. No. 63), an amendment to Zoning Resolution Section 96-00 Appendix A to include portions of the Project area in the Other Area - Western Subarea C2; Appendix F to

include portions of the Project area in the Inclusionary Housing designated area; Section 96-31 to amend IH program to include low-, moderate and middle-income bands within R8A districts in the CL; Section 96-32 to amend IH program to include low-, moderate- and middle-income bands within R9 districts in the CL, and permit certain commercial and manufacturing uses in the Project area; and C 140185 HAM (L.U. No. 65), an urban development area action project designation and disposition of property on portions of blocks bounded by West 51st and West 53rd streets; 10th and 11th avenues;

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 74-743 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 June 17, 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 including the revised negative declaration (CEQR No. 13HPD106M) issued on April 29, 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 140183 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 140183 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 Handel Architects LLP, filed with this application and incorporated in this resolution:

Drawing Nos.	Title	Last Revised Date
Z-030	Zoning Compliance Summary	05/01/2014
Z-100	Roof Plan/Site Plan	11/25/2013
Z-120	Open Space Diagram	11/25/2013
Z-140	Sections & Waiver Diagrams	11/25/2013
Z-141	Sections & Waiver Diagrams	11/25/2013
Z-142	Sections & Waiver Diagrams	11/25/2013
Z-143	Sections & Waiver Diagrams	11/25/2013

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, sub-lessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached as Exhibit A to the CPC Decision C 140183 ZSM, as the same may be modified with any necessary administrative or technical changes, all as acceptable to counsel to the Department, is executed by the applicants or its successors, and such declaration shall have been recorded and filed in the Office of the Register of the City of New York, New York County.
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 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, 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 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 June 26, 2014, on file in this office.

City Clerk, Clerk of The Council