



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 647

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 130066 ZSM (L.U. No. 174), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution of the City of New York to modify the use regulations of Section 42-00 to allow Use Group 2 uses (residential use) on portions of the ground floor, the 2nd - 5th floors and the proposed penthouse of an existing 5-story building, on property located at 498 Broome Street (Block 487, Lot 6), in an M1-5A District, within the SoHo Cast-Iron Historic District, Borough of Manhattan.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on February 6, 2015 its decision dated February 4, 2015 (the "Decision"), on the application submitted by Goose Mountain NYC, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 42-00 to allow Use Group 2 uses (residential use) on portions of the ground floor, the 2nd - 5th floors and the proposed penthouse of an existing 5-story building, on property located at 498 Broome Street (Block 487, Lot 6), in an M1-5A District, within the SoHo Cast-Iron Historic District (ULURP No. C 130066 ZSM), Community District 2, Borough of Manhattan (the "Application");

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 74-711 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 February 24, 2015;

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. 13DCP024M) issued on September 29, 2014 (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 130066 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications and, subject to the following conditions:

Matter in double strikeout is old, deleted by the Council;
Matter in **bold double-underlined** in new, added by the Council.

1. The property that is the subject of this application (C 130066 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 Umberto Squarcia Designs, Inc., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-010.00	Site Plan	06/28/2014
A-101.00	Proposed First Floor Plan	06/28/2014
A-102.00	Proposed Second Floor Plan	12/30/2014 <u>03/09/2015</u>
A-103.00	Proposed Third Floor Plan	12/30/2014
A-104.00	Proposed Fourth Floor Plan	12/30/2014
A-105.00	Proposed Fifth Floor Plan	12/30/2014
A-106.00	Proposed Penthouse Floor Plan	06/28/2014
A-200.00	Proposed Longitudinal Section	06/28/2014 <u>03/09/2015</u>
Z-001.00	Floor Area and Zoning Calculations	06/28/2014 <u>03/09/2015</u>
Z-002.00	Floor Area and Zoning Calculations	12/30/2014 <u>03/09/2015</u>

- 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.
- Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 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.
- 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.
- Development pursuant to this resolution shall be allowed only after the restrictive declaration, attached as Exhibit A to the report of the CPC (C 130066 ZSM), with such administrative changes as are

acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

7. 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 and the attached restrictive declaration 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 or of the attached restrictive declaration.
8. 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 March 31, 2015, on file in this office.

City Clerk, Clerk of The Council