



Legislation Text

File #: Res 0807-2015, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 807

Resolution approving the decision of the City Planning Commission on ULURP No. C 150248 ZSM (L.U. No. 251), for the grant of a special permit pursuant to the Zoning Resolution of the City of New York Section 74-682 (Developments over streets) to modify the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) in connection with a proposed 3-story plus mechanical penthouse enlargement for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of York Avenue, and the center line of East 71st Street (Block 1482, Lots 20 and p/o 9020), within an R9 District, Community District 8, Borough of Manhattan.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on June 19, 2015 its decision dated June 17, 2015 (the "Decision"), on the application submitted by the Hospital for Special Surgery, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the Zoning Resolution of the City of New York Section 74-682 (Developments over streets) to modify the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) in connection with a proposed 3-story plus mechanical penthouse enlargement for a zoning lot generally bounded by the U.S. Pierhead and Bulkhead Line of the East River, the center line of the former East 70th Street, a line approximately 417 feet east of York Avenue, and the center line of East 71st Street (Block 1482, Lots 20 and p/o 9020), within an R9 District, (ULURP No. C 150248 ZSM), Community District 8, 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 74-682 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 July 20, 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, including the declaration (CEQR No. 15DCP108M) issued on March 6, 2015, which was determined by the City Planning Commission to be a Type II action and requires no further review under CEQR (the "Type II Determination").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

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 150248 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 150248 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Ewing Cole, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002.00	Site Plan	January 7, 2015
Z-003.00	Ground Floor Lot Site Plan	January 7, 2015
Z-005.00	Zoning Analysis	March 16, 2015
Z-006.00	Waiver Diagrams	January 7, 2015

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. 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.

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 July 23, 2015, on file in this office.

City Clerk, Clerk of The Council