



Legislation Text

File #: Res 1643-2017, Version: \*

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1643**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160349 ZSM (L.U. No. 732), 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 42-10 to allow residential uses (Use Group 2 uses) on portions of the cellar and ground floor, the 2nd - 6th floors and the proposed 1-story penthouse, and the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 6-story building, on property located at 40 Wooster Street (Block 475, Lot 34), in an M1-5B District, Community District 2, Borough of Manhattan.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on July 28, 2017 its decision dated July 26, 2017 (the "Decision"), on the application submitted by 40 Wooster Restoration, 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 of the City of New York to modify the use regulations of Section 42-10 to allow residential uses (Use Group 2 uses) on portions of the cellar and ground floor, the 2nd - 6th floors and the proposed 1-story penthouse, and the use regulations of Section 42-14(D)(2)(b) to allow retail uses (Use Group 6 uses) on portions of the ground floor and cellar of an existing 6-story building, on property located at 40 Wooster Street (Block 475, Lot 34), in an M1-5B District, in the SoHo neighborhood of Manhattan (ULURP No. C 160349 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 August 21, 2017;

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 March 6, 2017 (CEQR No. 17DCP113M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality (E-416), (the "Negative Declaration");

RESOLVED:

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 160349 ZSM), incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

1. The property that is the subject of this application (C 160349 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 Melamed Architect PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-2	Zoning Analysis	01.23.2017
CPC-3	Site Plan	01.23.2017
CPC-4	Proposed Cellar Floor Plan	01.23.2017
CPC-5	Proposed First Floor Plan	01.23.2017
CPC-6	Proposed Second Floor Plan	01.23.2017
CPC-7	Proposed Third Floor Plan	01.23.2017
CPC-8	Proposed Fourth Floor Plan	01.23.2017
CPC-9	Proposed Fifth Floor Plan	01.23.2017
CPC-10	Proposed Sixth Floor Plan	01.23.2017
CPC-11	Proposed Roof Floor Plan	01.23.2017
CPC-15	Waiver Section: Section A-A	01.23.2017
CPC-16	Waiver Section: Section B-B	01.23.2017

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated July 19, 2017, executed by Wooster Street Restoration, 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, New York County.

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 or breach of any of the conditions as stated 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 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 September 7, 2017, on file in this office.

City Clerk, Clerk of The Council