



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 183

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180023 ZSM (L.U. No. 6), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2<sup>nd</sup> story enclosure and HVAC units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88<sup>th</sup> Street (Block 1550, Lots 31 and 34), in an R8B District, Community District 8, Borough of Manhattan.**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on January 12, 2018 its decision dated January 3, 2018 (the "Decision"), on the application submitted by Advantage Testing, Inc., 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 22-10 (Uses Permitted As-of-Right) to allow Use Group 6B uses (commercial educational uses); and to modify the rear yard regulations of Section 24-36 (Minimum Required Rear Yards) to allow a 2<sup>nd</sup> story enclosure and HVAC units within the required rear yard of an existing 4-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission located at 350 East 88<sup>th</sup> Street (Block 1550, Lots 31 and 34), in an R8B District in the Upper East Side neighborhood of Manhattan Community District 8, (ULURP No. C 180023 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 74-711 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 7, 2018;

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 September 5, 2017 (CEQR No. 18DCP008M), (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 180023 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following terms and conditions:

1. The property that is the subject of this application (C 180023 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 Martin Joseph Finio of Christoff : Finio Architecture, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z001.00	Zoning Lot Site Plan	July 21, 2017
Z002.00	Zoning Analysis	August 1, 2017
Z003.00	Waiver Plan	August 1, 2017
Z004.00	Waiver Sections	August 9, 2017
Z110.00	Floor 0 Cellar - Proposed	August 1, 2017
Z111.00	Floor 1 Parlor - Proposed	August 1, 2017
Z112.00	Floor 2 - Proposed	August 1, 2017
Z113.00	Floor 3 - Proposed	August 1, 2017
Z114.00	Floor 4 - Proposed	August 1, 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 attached hereto as Exhibit A 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 Register of the City of New York, County of New York. 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 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.
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 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 February 14, 2018, on file in this office.

City Clerk, Clerk of The Council