



Legislation Text

File #: Res 0306-2018, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 306**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180069 ZSM (L.U. No. 36), for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 187 spaces on portions on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7 and C6-1 Districts, Community District 2, Borough of Manhattan.

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on March 2, 2018 its decision dated February 28, 2018 (the "Decision"), on the application submitted by 21E12 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 187 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7 and C6-1 Districts, (ULURP No. C 180069 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 Sections 13-45 and 13-451 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 March 12, 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 (CEQR No. 17DCP132M) issued on October 30, 2017 (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 180069 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter double struck-out is old, deleted by the City Council;
Matter double underlined is new, added by the City Council.

The the application submitted by 21E12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory attended parking garage with a maximum capacity of 187 150 spaces on portions of the ground floor, cellar and subcellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 & 1102), in C1-7/C6-1 Districts, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 180069 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 Philip E. Habib, LPE, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 2	Ground Floor/Site Plan	<u>4/ /18</u> 9/29/17
2 of 2	Cellar & Subcellar Parking Plan	<u>4/ /18</u> 9/29/17

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, sublessee or occupant.
5. Upon 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, cancellation or amendment of the special permit hereby granted.

6. 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 April 11, 2018, on file in this office.

City Clerk, Clerk of The Council