



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 428**

Resolution approving the decision of the City Planning Commission on ULURP No. C 150348 ZSM (L.U. No. 113), for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building, on property located at 85 Mercer Street (Block 485, Lot 25), in an M1-5A District, Community District 2, Borough of Manhattan.

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on May 16, 2018 its decision dated May 9, 2018 (the "Decision"), on the application submitted by Zhongyin Apparel, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(a) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building, on property located at 85 Mercer Street (Block 485, Lot 25), in an M1-5A District (ULURP No. C 150348 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 74-781 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 May 30, 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, the Application is 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 the report, C 150348

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 150348 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 ADG Architecture & Design P.C. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-100.00	Site Plan	11/7/2017
CPC-101.00	Zoning Analysis	1/26/2018
CPC-102.00	Sections	1/26/2018
CPC-104.00	Proposed Floor Plan	1/26/2018

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 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 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 June 28, 2018, on file in this office.

City Clerk, Clerk of The Council