



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 599

Resolution approving the decision of the City Planning Commission on ULURP No. C 180263 ZSM (L.U. No. 214), for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback regulations of Section 23-662 (Maximum height of buildings and setback regulations), side yard regulations of Section 23-462 (Side yards for all other buildings containing residences), and distance between building regulations of Section 23-711 (Standard minimum distance between buildings) to facilitate the development of a 21-story mixed-use building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission, on property located at 109-115 East 15th Street a.k.a. 110-112 East 16th Street (Block 871, Lots 10, 12, and 74), in a C6-2A District, Community District 5, Borough of Manhattan.

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on September 11, 2018 its decision dated August 22, 2018 (the "Decision"), on the application submitted by East 16th Street Owner, LLC, and Trinity Christian Center of Santa Ana, 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 height and setback regulations of Section 23-662 (Maximum height of buildings and setback regulations), side yard regulations of Section 23-462 (Side yards for all other buildings containing residences), and distance between building regulations of Section 23-711 (Standard minimum distance between buildings) to facilitate the development of a 21-story mixed-use building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission, on property located at 109-115 East 15th Street a.k.a. 110-112 East 16th Street (Block 871, Lots 10, 12, and 74), in a C6-2A District, which in conjunction with the other related special permit action, would facilitate the development of a 21-story mixed-use building on property located at 110 East 16th Street, in Manhattan Community District 5, (ULURP No. C 180263 ZSM) Borough of Manhattan, Community District 5 (the "Application");

WHEREAS, the Application is related to application C 180264 ZSM (L.U. No. 215), a special permit to permit additional residential accessory parking spaces;

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 September 17, 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. 18DCP159M) issued on May 21, 2018 (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 180263 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 180263 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 Morris Adjmi Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-100.00	Zoning Compliance Summary	04/06/2018
Z-101.00	Zoning Lot Site Plan	04/06/2018
Z-103.00	Bulk Waiver Plan	04/06/2018
Z-104.00	Bulk Waiver Sections	04/06/2018
Z-105.00	Bulk Waiver Sections	04/06/2018
Z-106.00	Bulk Waiver Sections	04/06/2018
Z-107.00	Bulk Waiver Sections	04/06/2018

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. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated August 14, 2018, executed by EAST 16TH STREET OWNER and TRINITY CHRISTIAN CENTER OF SANTA ANA, INC., 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, County New York.

5. In the event that 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 report and resolution and any subsequent modifications 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.

6. 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.
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 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.
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 October 31, 2018, on file in this office.

City Clerk, Clerk of The Council