

CITY COUNCIL
LAND USE DIVISION

2015 MAY 20 P 2: 48



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NYC COUNCIL

2015 MAY 20 P 2: 25

SPEAKER'S OFFICE

May 18, 2015

City Council
City Hall
New York, NY 10007

Re: 39-41 West 23rd Street
ULURP No. C 140404 ZSM
Related Application No. C 140405 ZSM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated May 8, 2015, from the City Council regarding the proposed modifications to above-referenced application submitted by West 23rd Street, LLC for two special permits. In accordance with Section 197-d(d) of the New York City Charter, the Commission has determined that the City Council's proposed modifications raise no land use or environmental issues requiring further review.

The report and recommendation was adopted by the Commission on May 18, 2015.

Best Regards,

A handwritten signature in black ink, appearing to read "Carl Weisbrod".

Carl Weisbrod

c: E. Hsu-Chen
A. Laremont

D. DeCerbo
J. Harris

A. McCabe

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street – 2N, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
www.nyc.gov/planning



THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY, ROOM 1602
NEW YORK, NEW YORK 10007

RAJU MANN
DIRECTOR

PHONE: 212-788-7335
RMann@council.nyc.gov

May 8, 2015

BY HAND

Honorable Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street, 2nd Flr. - 2W
New York, New York 10007-1216

**RE: Application No.: C 140404 ZSM
Related Application: C 140405 ZSM
(39-41 West 23rd Street)**

Dear Chairman Weisbrod:

On May 7, 2015, the Land Use Committee of the City Council, by a vote of 19-0-1 recommended modification of the City Planning Commission's decision in the above-referenced matter. Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modification with the Commission.

The proposed modification is to Section 2.5 of the Restrictive Declaration, executed by 39 West 23rd Street, LLC and the Board of Managers of the 35 West 23rd Street Condominium, the terms of which are part of the conditions to the special permit granted (C 140404 ZSM). As indicated in the attached modified Restrictive Declaration, the Land Use Committee has approved the modification of the area mean income (AMI) limits for the four affordable housing units to be provided on-site. Specifically, two of the units shall be affordable to households with income of no more than 80% AMI and the other two units shall be affordable to households with income of no more than 130% AMI.

Matter in **bold double-underline** is new; added by the City Council.

1. The property that is the subject of this application (C 140404 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 Cook Fox Architects, LLP, filed with this application and incorporated in this resolution:

Drawing No.
A-005

Title
Zoning Analysis

Last Date Revised
3/24/2015

Honorable Carl Weisbrod, Chairman
C 140404 ZSM and C 140405 ZSM
May 8, 2015
Page 2 of 3

A-006	Site Plan	9/5/2014
A-007	Building Encroachment Plan Diagram	9/5/2014
A-100	Floor Plan Subcellar Cellar	9/5/2014
A-101	Ground Floor Plan	9/5/2014
A-200	Building Section	9/5/2014
A-201	Building Section	9/5/2014
A-202	Building Section	9/5/2014
A-203	Building Section	9/5/2014

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 after the restrictive declaration, executed by 39 West 23rd Street, LLC and the Board of Managers of the 35 West 23rd Street Condominium, as modified by the New York City Council as of May 7, 2015, 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 of New York.
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. 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 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 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

Honorable Carl Weisbrod, Chairman
C 140404 ZSM and C 140405 ZSM

May 8, 2015

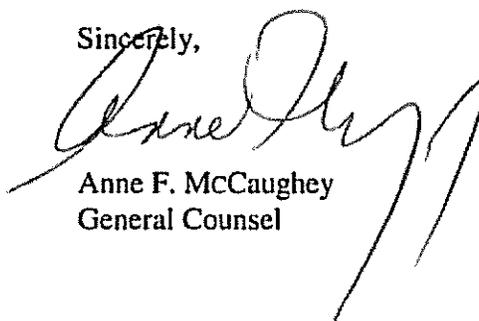
Page 3 of 3

Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

7. 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.

Please feel free to contact me at (212) 788-7312 if you or your staff has any questions in this regard.

Sincerely,



Anne F. McCaughey
General Counsel

RECEIVED BY: _____

DATE: _____

TIME: _____

Encl.

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Brian Paul, Project Manager
Anita Laremont, Esq., DCP
Danielle J. DeCerbo, DCP
File

