



Legislation Details (With Text)

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In control: Committee on Land Use

On agenda: 9/28/2016

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Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 160082 ZSM (L.U. No. 438), for the grant of a special permit pursuant to Section 74-711 (Landmark Preservation In all Districts) of the Zoning Resolution to modify the height and setback requirements of Sections 23-66, 35-65 and 23-692, the rear yard requirements of Section 23-53, and the minimum distance between buildings requirements of Section 23-711, to facilitate a mixed-use development on property located at 38-42 West 18th Street (Block 819, Lots 14, 15 and 66), in a C6-4A District, within the Ladies Mile Historic District, in Community District 5, Borough of Manhattan.

Sponsors:

Indexes:

Attachments: 1. Manhattan Borough President Brewer - Objection Letter, 2. August 16, 2016 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of September 5, 2016 - September 9, 2016, 4. REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, 5. Hearing Testimony - Zoning 9-7-16, 6. Hearing Transcript - Zoning 9-7-16, 7. Land Use Calendar - Week of September 19, 2016 - September 23, 2016, 8. September 28, 2016 - Stated Meeting Agenda with Links to Files, 9. Committee Report, 10. Exhibit A - Restrictive Declaration, 11. Hearing Transcript - Stated Meeting 9-28-16, 12. Minutes of the Stated Meeting - September 28, 2016

Date	Ver.	Action By	Action	Result
9/22/2016	*	Committee on Land Use	Approved by Committee	
9/28/2016	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1235**

Resolution approving the decision of the City Planning Commission on ULURP No. C 160082 ZSM (L.U. No. 438), for the grant of a special permit pursuant to Section 74-711 (Landmark Preservation In all Districts) of the Zoning Resolution to modify the height and setback requirements of Sections 23-66, 35-65 and 23-692, the rear yard requirements of Section 23-53, and the minimum distance between buildings requirements of Section 23-711, to facilitate a mixed-use development on property located at 38 -42 West 18th Street (Block 819, Lots 14, 15 and 66), in a C6-4A District, within the Ladies Mile Historic District, in Community District 5, Borough of Manhattan.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on August 15, 2016 its decision dated August 15, 2016 (the "Decision"), on the application submitted by 42 West 18th Realty Corp., 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 (Landmark Preservation In all Districts) of the Zoning Resolution to modify the height and setback requirements of Sections 23-66, 35-65 and 23-692, the rear yard requirements of Section 23-53, and the minimum distance between buildings requirements of Section 23-711, to facilitate a mixed-use development on

property located at 38-42 West 18th Street (Block 819, Lots 14, 15 and 66), in a C6-4A District, within the Ladies Mile Historic District (ULURP No. C 160082 ZSM), Community District 5, 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 September 7, 2016;

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. 16DCP106M) which was issued on March 7, 2016 (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 160082 ZSM, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

- 1) The property that is the subject of this application (C 160082 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, filed with this application and incorporated in this resolution:

Drawing Number	Title	Last Date Revised
Z-030	Zoning Compliance Summary	06/21/16
Z-100	Site Plan	09/17/15
Z-140	Bulk Waiver Plan & Section	06/21/16
Z-141	Bulk Waiver Section	06/21/16

- 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 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.
- 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 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.
- 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.

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 September 28, 2016, on file in this office.

City Clerk, Clerk of The Council

Exhibit A