

CITY COUNCIL
LAND USE DIVISION

2017 SEP -6 A 10:43



NYC COUNCIL

2017 SEP -6 A 9:47

CITY PLANNING COMMISSION
CITY OF NEW YORK

SEALAKER'S OFFICE

OFFICE OF THE CHAIR

September 5, 2017

City Council
City Hall
New York, NY 10007

Re: 462 Broadway
Application No. C 170192 ZSM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated August 23, 2017, from the City Council regarding the proposed modifications to the above-referenced application submitted by 462BDWY LAND, L.P. for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of paragraph D.(2)(b) of Section 42-14 to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 6-story building on property located at 462 Broadway (Block 473, Lot 1), in an M1-5B District.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on September 5, 2017, has determined that the City Council's proposed modifications raise no land use or environmental issues requiring further review.

Very truly yours,

A handwritten signature in blue ink that reads "Marisa Lago".

Marisa Lago
Chair

c: Edith Hsu-Chen
A. Laremont

D. DeCerbo
Alison McCabe

Sylvia Li

Marisa Lago, Chair
City Planning Commission
120 Broadway, 30th Fl, New York, NY 10271-001
(212) 720-3200 FAX (212) 720-3303
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

TEL.: 212-788-7335
RMANN@COUNCIL.NYC.GOV

August 23, 2017

Honorable Marisa Lago, Chair
 City Planning Commission
 120 Broadway, 31st Floor
 New York, NY 10271

Re: Application No.: C 170192 ZSM (L.U. No. 716)

462 Broadway

Dear Chair Lago:

On August 22, 2017, the Land Use Committee of the City Council, by vote of 16-0-0 for C 170192 PCM, 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 modifications with the Commission:

Matter in ~~double strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council;

1. The property that is the subject of this application (C 170192 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 Peter F. Farinella Architect, P.C. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1	Zoning Analysis	<u>8/ /17</u> 12/14/16
2	Zoning Lot Site Plan	<u>8/ /17</u> 7/5/17
3	Ground Floor Site Plan	<u>8/ /17</u> 7/5/17
4	Cellar Plan	<u>8/ /17</u> 12/14/16

Honorable Marisa Lago, Chair
C 170192 ZSM (L.U. No. 716)
462 Broadway
August 23, 2017
Page 2 of 3

8	Building Section 1	<u>8/ /17</u> 12/14/16
9	Building Section 2	<u>8/ /17</u> 12/14/16
10	Building Section 3	<u>8/ /17</u> 12/14/16

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. 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.

Please feel free to contact me at (212) 482-5185 if you or your staff has any questions in the regard.

Sincerely,

Honorable Marisa Lago, Chair
C 170192 ZSM (L.U. No. 716)
462 Broadway
August 23, 2017
Page 3 of 3



Dylan Casey, Esq.
Deputy General Counsel

DC:mg

RECEIVED BY: _____

DATE: _____

TIME: _____

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Amy Levitan, Deputy Director
Julie Lubin, Esq., General Counsel
Liz Lee, Project Manager
Anita Laremont, Esq., DCP
Danielle J. DeCerbo, DCP
File