



CITY COUNCIL  
LAND USE DIVISION

2017 AUG 24 A 10: 29

CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

NYC COUNCIL

2017 AUG 24 A 10: 19

SPEAKER'S OFFICE

August 23, 2017

City Council  
City Hall  
New York, NY 10007

Re: ECF East 96<sup>th</sup> Street  
Application Nos.: C 170228 ZSM (LU No. 702), C 170229 ZSM (LU No. 703)  
Related Application Nos.: C170226 ZMM (LU No. 700)  
N 170227 ZRM (LU No. 701)

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated August 9, 2017, from the City Council regarding the proposed modifications to the above referenced applications submitted by AvalonBay Communities, Inc. and NYC Educational Construction Fund (ECF) pursuant to Section 197-c and 201 of the New York City Charter for the grant of two special permits pursuant to Section 74-75 and Section 74-533 of the Zoning Resolution of the City of New York.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on August 23, 2017, has determined that the City Council's proposed modifications raise no land use or environmental issues requiring further review.

Sincerely,

Marisa Lago

c: Edith Hsu-Chen  
A. Laremont

D. DeCerbo  
James Merani

C. Brown  
J. Mangin

Marisa Lago, Chair  
City Planning Commission  
120 Broadway - 31<sup>st</sup> Fl, New York, NY 10271-001  
(212) 720-3200 FAX (212)720-3303  
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THE COUNCIL  
THE CITY OF NEW YORK  
LAND USE DIVISION  
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RAJU MANN  
DIRECTOR

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[RMANN@COUNCIL.NYC.GOV](mailto:RMANN@COUNCIL.NYC.GOV)

August 9, 2017

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

**Re: Application Nos.: C 170228 ZSM (L.U. No. 702)  
C 170229 ZSM (L.U. No. 703)**

**Related Applications: C 170226 ZMM (L.U. No. 700)  
N 170227 ZRM (L.U. No. 701)**

**ECF East 96<sup>th</sup> Street**

Dear Chair Lago:

On August 9, 2017, the Land Use Committee of the City Council, by vote of 18-0-0 for Applications C 170228 ZSM and C 170229 ZSM, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

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;

**C 170228 ZSM (L.U. No. 702)**

1. The application that is the subject of this application (C 170228 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 Perkins Eastman, filed with this application and incorporated in this resolution:

Honorable Marisa Lago, Chair

C 170228 ZSM (L.U. No. 702) and C 170229 ZSM (L.U. No. 703)

Related Applications: C 170226 ZMM (L.U. No. 700) and N 170227 ZRM (L.U. No. 701)

ECF East 96<sup>th</sup> Street

August 9, 2017

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<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-20	Zoning Calculations	June 19, 2017
Z-22	Tower Coverage Diagram	June 19, 2017
Z-23	Floor Area Diagram	June 19, 2017
Z-30	Site Plan	<u>August 9, June 19, 2017</u>
Z-60	Waiver Plan	<u>August 9, June 19, 2017</u>
Z-61	Waiver Section 1	<u>August 9, June 19, 2017</u>
Z-62	Waiver Section 2	<u>August 9, June 19, 2017</u>
Z-63	Waiver Section 3	<u>August 9, June 19, 2017</u>
Z-64	Waiver Section 4	<u>August 9, June 19, 2017</u>
Z-65	Waiver Section 5	<u>August 9, June 19, 2017</u>

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,

**Honorable Marisa Lago, Chair**

**C 170228 ZSM (L.U. No. 702) and C 170229 ZSM (L.U. No. 703)**

**Related Applications: C 170226 ZMM (L.U. No. 700) and N 170227 ZRM (L.U. No. 701)**

**ECF East 96<sup>th</sup> Street**

**August 9, 2017**

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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.

**C 170229 ZSM (L.U. No. 703)**

1. The application that is the subject of this application (C 170229 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 Perkins Eastman, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-20	Zoning Calculations	June 19, 2017
Z-30	Site Plan	<u>Aug. 9</u> <del>June 19</del> , 2017

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.

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

Honorable Marisa Lago, Chair

C 170228 ZSM (L.U. No. 702) and C 170229 ZSM (L.U. No. 703)

Related Applications: C 170226 ZMM (L.U. No. 700) and N 170227 ZRM (L.U. No. 701)

ECF East 96<sup>th</sup> Street

August 9, 2017

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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.

5. 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,



Julie Lubin, Esq.  
General Counsel

JL:mg

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

C: Members, City Planning Commission  
Raju Mann, Director, Land Use Division  
Amy Levitan, Deputy Director  
Dylan Casey, Esq., Deputy General Counsel  
Jeff Yuen, Project Manager  
Anita Laremont, Esq., DCP  
Danielle J. DeCerbo, DCP  
File