



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 2/25/2021

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**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 200123 ZSM, for the grant of a special permit (L.U. No. 712).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Res. No. 1558, 2. January 6, 2021 - Charter Meeting Agenda with Links to Files, 3. Hearing Transcript - Charter Meeting 1-6-21, 4. Minutes of the Charter Meeting - January 6, 2021, 5. Land Use Calendar - January 7, 2021 and January 11, 2021, 6. Hearing Testimony 1/7/21 - Zoning, 7. Hearing Transcript - Zoning 1-7-21, 8. Calendar of the Subcommittee Meetings - January 20 and 26, 2021, 9. Hearing Transcript - Zoning 1-26-21, 10. Calendar of the Subcommittee Meetings - February 9 and 10, 2021, 11. Land Use Calendar - February 11, 2021, 12. City Planning Commission Approval Letter, 13. February 25, 2021 - Stated Meeting Agenda with Links to Files, 14. Hearing Transcript - Stated Meeting 2-25-21, 15. Minutes of the Stated Meeting - February 25, 2021, 16. Committee Report

Date	Ver.	Action By	Action	Result
2/11/2021	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
2/25/2021	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1558**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200123 ZSM, for the grant of a special permit (L.U. No. 712).**

**By Council Members Salamanca and Moya**

WHEREAS, Cort Theatre LLC and Clarity 47 LLC filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theaters), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict), which in conjunction with the related action would facilitate the renovation of the Cort Theatre, located at 138 West 48<sup>th</sup> Street (Block 1000, Lot 49), as well as the development of a new hotel on the same zoning lot, located at 145 West 47<sup>th</sup> Street (Block 1000, Lot 11, the “Hotel Site”) in the Theater District neighborhood of Manhattan Community District 5 (ULURP No. C 200123 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 4, 2021, its decision dated January 4, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application N 200124 ZRM (L.U. No. 713), a text amendment to Zoning Resolution (ZR) Section 81-745 to permit the distribution of floor area across a zoning lot without regard to district boundaries;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 81-745 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 January 7, 2021;

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 issued August 3<sup>rd</sup>, 2020 (CEQR No. 20DCP003M) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-572) (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 (E) Designation (E-572) and Negative Declaration.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200123 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 200123 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 Hill West Architects and Berg + Moss Architects PC, filed with this application and incorporated in this resolution:

<b><u>Dwg No.</u></b>	<b><u>Title</u></b>	<b><u>Last Revised Date</u></b>
Z-001	Zoning Calculations	02/12/2020
Z-002	Zoning Lot Site Plan	02/12/2020
Z-201	Section- Hotel Development/Cort Theatre	02/12/2020
Z-202.00	Section- Hotel Development/Cort Annex	02/12/2020
Z-203.00	Section- Hotel Development/As-of-Right Site	02/12/2020
Z-204	Section- As-of-Right Site	02/12/2020
Z-205	Section- As-of-Right Site	02/12/2020

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, sub-lessee 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 February 25, 2021, on file in this office.

City Clerk, Clerk of The Council