Legislation Details (With Text)

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Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	12/19/2019				
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Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 190436 ZSM, for the grant of a special permit (L.U. No. 567).

Sponsors: Rafael Salamanca, Jr., Francisco P. Moya

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Attachments: 1. Res. No. 1220, 2. October 17, 2019 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of November 4, 2019 - November 8, 2019, 4. Hearing Transcript - Zoning 11-4-19, 5. Land Use Calendar - Week of November 18, 2019 - November 22, 2019, 6. REVISED - Land Use Calendar - Week of November 18, 2019 - November 22, 2019, 7. Hearing Transcript - Stated Meeting 10-17-19, 8. Hearing Testimony - Zoning 11-4-19, 9. Land Use Calendar - December 3, 2019, 10. December 19, 2019 - Stated Meeting Agenda with Links to Files, 11. Hearing Transcript - Stated Meeting 12-19-19, 12. Minutes of the Stated Meeting - December 19, 2019, 13. City Planning Commission Approval Letter, 14. Committee Report

Date	Ver.	Action By	Action	Result
12/3/2019	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/19/2019	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1220

Resolution approving the decision of the City Planning Commission on ULURP No. C 190436 ZSM, for the grant of a special permit (L.U. No. 567).

By Council Members Salamanca and Moya

WHEREAS, La Hermosa Christian Church pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, which in conjunction with the related actions would facilitate the development of a mixed-use building at the northeast corner of Central Park, containing residential and community facility uses, Borough of Manhattan, Community Board 10 (ULURP No. C 190436 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 15, 2019, its decision dated October 15, 2019 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 190434 ZMM (L.U. No. 564), a zoning map amendment to change R7-2, R7-2/C1-4, R8, R8/C1-4 zoning districts to a C1-9 zoning district; N 190433 ZRM

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(L.U. No. 565), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; and C 190435 ZSM (L.U. No. 566), a special permit pursuant to ZR Section 74-851 to modify certain height and setback regulations;

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 74-533 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 November 4, 2019;

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 Revised Negative Declaration issued October 15th, 2019, which supersedes the Negative Declaration issued May 6th, 2019, and Revised Environmental Assessment Statement issued October 11th, 2019 (CEQR No. 19DCP116M) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise on the development site (Block 1594, Lot 41) (the "E" Designation (E-538)).

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-538) and Revised 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 the report, C 190436 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 190436 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 FXCollaborative Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-002	Zoning Analysis	10/11/2019
Z-003	Zoning Site Plan	10/11/2019

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 confirm to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to

condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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 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 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 to disapprove any application for modification, cancellation or amendment of the special permit.

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 December 19, 2019, on file in this office.

City Clerk, Clerk of The Council

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