THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 301

Resolution approving the decision of the City Planning Commission on ULURP No. C 220221(A) ZSM, for the grant of a special permit (L.U. No. 75).

By Council Members Salamanca and Louis

WHEREAS, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section to 96-112 of the Zoning Resolution to modify the lot coverage and usable landscaped open area requirements of Section 96-102 (Lot Coverage Regulations) and the height and setback requirements of Section 96-104 (Height and setback regulations), in connection with a proposed mixed-use development on property located at 806 Ninth Avenue (Block 1044, Lot 3), in a C6-2* District, within the Special Clinton District (Preservation Area), which in conjunction with the related actions would facilitate the construction of a nine-story mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood of Manhattan Community District 4 (ULURP No. C 220221(A) ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 220219 ZRM (Pre. L.U. No. 73), a zoning text amendment to add Zoning Resolution Section 96-112, which, by special permit, would allow the CPC, to modify additional bulk regulations, other than FAR, in the Special Interim Preservation District for Clinton ; C 220220 ZMM (Pre. L.U. No. 74), a zoning map amendment eliminating an R8 and R8/C1-5 zoning districts and establishing a C6-2 zoning district; C 220222 PPM (L.U. No. 76), a disposition of city-owned property; and C 220223 PQM (L.U. No. 77), an acquisition of city-owned property;

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 new Sections 96-112(b)(1) and 96-112(b)(2) of the Zoning Resolution of the City of New York, as added by the City Planning Commission's decision on application N 220219 ZRM (Pre. L.U. No. 73);

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 29, 2022;

WHEREAS, the Council has considered the land use and environmental implications and

other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued December 23rd, 2021 (CEQR No. 20HPD053M) (the "Negative Declaration"); and

WHEREAS, by related resolution, the Council will approve with modifications the decision of the City Planning Commission described in report N 220219 ZRM (Pre. L.U. No. 73), deleting new section 96-112 and moving the special permit requirements established therein to Section 96-104.

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 the report, C 220221(A) 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 220221(A) 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 Centra Ruddy Architects filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
U-001.00	ZONING LOT SITE PLAN	03/17/2022
U-002.00	ZONING ANALYSIS	03/17/2022
U-004.00	WAIVER PLAN	03/17/2022
U-006A.00	WAIVER SECTIONS	03/17/2022
U-006B.00	WAIVER SECTIONS	03/17/2022

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. In the event the property that is the subject of the application is developed, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and restrictive declaration described below 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 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 _____, 2022, on file in this office.

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City Clerk, Clerk of The Council