



Legislation Details (With Text)

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In control: Committee on Land Use

On agenda: 12/20/2010

Enactment date: **Enactment #:**

Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100296 (A) ZSM/M 920358 (D) ZSM (L.U. No. 265), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations; the modification of the definition of outer courts and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court; and for purposes of applying the Inclusionary Housing Program and for the concurrent modification to the original Riverside South general large-scale special permit and restrictive declaration, Borough of Manhattan.

Sponsors: Leroy G. Comrie, Jr., Mark S. Weprin

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 12-20-10

Date	Ver.	Action By	Action	Result
12/8/2010	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/20/2010	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 623

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100296 (A) ZSM/M 920358 (D) ZSM (L.U. No. 265), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations; the modification of the definition of outer courts and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court; and for purposes of applying the Inclusionary Housing Program and for the concurrent modification to the original Riverside South general large-scale special permit and restrictive declaration, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the revised modified application submitted by CRP/Extell Parcel L, L.P. and CRP/Extell Parcel N, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c)(1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution of the City of New York to allow:

- 1) the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations;
- 2) the modification of the definition of outer courts and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by building walls and is not otherwise a yard or an inner court; and
- 3) for purposes of applying the Inclusionary Housing Program:
 - a. the modification of the base and maximum floor area ratios, not to exceed the maximum floor area ratio permitted, based on a proportionality between affordable floor area and residential floor area in buildings containing multiple uses; and
 - b. the modification of the requirements regarding distribution of affordable housing units specified in Section 23-96(b);

in connection with a proposed mixed use development, on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 and 165), in a C4-7 District, within a general large-scale development generally bounded by West 72nd Street, Freedom Place, West End Avenue, West 59th Street and Riverside Boulevard; (ULURP No. C 100296 (A) ZSM/M 920358 (D) ZSM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263) zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74- 743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); N 100295 ZRM (L.U. No. 264), zoning text amendment to Section 74-744 (Modification of Use Regulations) to allow the Commission to allow, by special permit, automotive sales and service establishments not otherwise permitted by underlying district regulations; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large- scale development;

WHEREAS, the Application includes concurrent modification of the Riverside South restrictive declaration, the terms of which require approval of the Council therefore;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 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 23, 2010;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, the Council finds that:

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision, and based on the environmental determination and consideration described in this report, C 100296 (A) ZSM/M 920358 (D) ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [brackets] is old, to be deleted by the Council;

Matter in double-underline is new, to be added by the Council.

1. The development that is the subject of this application (C 100296A ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Goldstein, Hill & West Architects, LLP, Philip Habib & Associates, and Mathews Nielsen Landscape Architects filed with this application and

incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration incorporated by reference herein:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1R	Index of Drawings Zoning Calculations	[October 27, 2010] <u>December 15, 2010</u>
Z-8R	Zoning Compliance & Computations	[October 27, 2010] <u>December 15, 2010</u>
Z-15R	Zoning Lot Plan for Large Scale Plan, Railroad Yard & Right-of-Way Designation	[October 26, 2010] <u>December 15, 2010</u>
Z-100	Roof Plan / Site Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-101	Ground Floor Plan with Building Maximum Envelopes	[October 27, 2010] <u>December 15, 2010</u>
Z-102	Zoning Compliance Tower Lot Coverage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-103	Zoning Compliance Setback Compliance Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-104	Site Sections 1 of 2	[October 26, 2010] <u>December 15, 2010</u>
Z-105	Site Sections 2 of 2	[October 26, 2010] <u>December 15, 2010</u>
Z-106	Zoning Envelope Building 1	[October 26, 2010] <u>December 15, 2010</u>
Z-107	Zoning Envelope Building 2	[October 26, 2010] <u>December 15, 2010</u>
Z-108	Zoning Envelope Building 3	[October 27, 2010] <u>December 15, 2010</u>
Z-109	Zoning Envelope Building 4	[October 26, 2010] <u>December 15, 2010</u>
Z-110	Zoning Envelope Building 5	[October 26, 2010] <u>December 15, 2010</u>
Z-111	Building Overhang Diagrams Buildings 1 & 2	[October 26, 2010] <u>December 15, 2010</u>
Z-112	Building Overhang Diagrams Buildings 3, 4 & 5	[October 26, 2010] <u>December 15, 2010</u>
Z-113	Outer Court Diagrams	[October 26, 2010] <u>December 15, 2010</u>
Z-114	Inner Court Diagrams	[October 26, 2010] <u>December 15, 2010</u>
Z-115	Minimum Distance Diagrams	[October 26, 2010] <u>December 15, 2010</u>
Z-116	Ground Floor Elevation Streetscape Diagrams Building 1	[October 26, 2010] <u>December 15, 2010</u>
Z-117	Ground Floor Elevation Streetscape Diagrams Building 2	[October 26, 2010] <u>December 15, 2010</u>
Z-118	Ground Floor Elevation Streetscape Diagrams Building 3	[October 26, 2010] <u>December 15, 2010</u>
Z-119	Ground Floor Elevation Streetscape Diagrams Building 4	[October 26, 2010] <u>December 15, 2010</u>
<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-120	Ground Floor Elevation Streetscape Diagrams Building 5	[October 27, 2010] <u>December 15, 2010</u>
Z-121	Tower Top Diagrams	[October 27, 2010] <u>December 15, 2010</u>
Z-138	Ground Floor Auto Dealership Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-139	Cellar Level Auto Dealership Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-140	Ground Floor Garage Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-141	Cellar Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-142	Sub-Cellar 1 Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-143	Sub-Cellar 2 Garage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-144	Garage B-1 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-145	Garage B-1 Plan Cellar Level,	[October 27, 2010] <u>December 15, 2010</u>

	Sub-Cellar 1 Level	
	Sub-Cellar 2 Level	
Z-146	Garage B-2 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-147	Garage B-2 Plan Cellar Level, Sub-Cellar 1 Level Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-148	Garage B-3 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-149	Garage B-3 Plan Cellar Level, Sub-Cellar 1 Level Sub-Cellar 2 Level	October 27, 2010
Z-150	Garage B-4 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-151	Garage B-4 Plan Cellar Level, Sub-Cellar 1 Level Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-152	Garage B-5 Ground Level	[October 27, 2010] <u>December 15, 2010</u>
Z-153	Garage B-5 Plan Cellar Level, Sub-Cellar 1 Level Sub-Cellar 2 Level	[October 27, 2010] <u>December 15, 2010</u>
Z-154	Public Access Easement and Parcelization	October 27, 2010
Z-166	Riverside Center Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-167	Materials Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-168	Grading Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-169	Planting Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-170	Bench and Site Furnishing Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-171	Site Furnishings	[October 26, 2010] <u>December 15, 2010</u>
Z-172	Lighting Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-173	Site Lighting	[October 26, 2010] <u>December 15, 2010</u>
Z-174	Site Sections	[October 26, 2010] <u>December 15, 2010</u>
Z-175	Site Sections	[October 26, 2010] <u>December 15, 2010</u>

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-176	Public Space and Access Easements Diagram	[October 26, 2010] <u>December 15, 2010</u>
Z-179	Public Space Signage Plan	[October 26, 2010] <u>December 15, 2010</u>
Z-180	Parcel 1 Interim Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-181	Parcel 4 Interim Open Space Plan	[October 27, 2010] <u>December 15, 2010</u>
Z-182	Interim Open Space on Platform	[October 26, 2010] <u>December 15, 2010</u>

2. The original Riverside South Restrictive Declaration is modified as reflected in Exhibit A, attached hereto and incorporated herein. The new Restrictive Declaration is modified as reflected in Exhibit B as attached hereto and incorporated herein.

The matter in ~~strikeout~~ is old, to be deleted;
The matter in double-underline is new, to be added.

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 20, 2010, on file in this office.

City Clerk, Clerk of The Council