



Legislation Text

File #: Res 0448-2018, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 448

Resolution approving the decision of the City Planning Commission on Application No. N 180128(A) ZRM (L.U. No. 90), for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 601- 613 West 29th Street (Block 675, Lots 12, 29, and 36), in a C6-4X District, within the Special Hudson River Park District (HRP), Community District 4, Borough of Manhattan.

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by DD West 29th, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, in connection with a proposed mixed used development on property located at 601- 613 West 29th Street (Block 675, Lots 12, 29, and 36), in a C6-4X District, within the Special Hudson River Park District (HRP), (Application No. N 180128(A) ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications C 180127 ZMM (L.U. No. 89), zoning map amendment to change an M2-3 zoning district to a C6-4X district and establish a Special Hudson River Park District and C 180129(A) ZSM (L.U. No. 91), special permit to transfer floor area and modify bulk and parking regulations in connection with the proposed mixed use development;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

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, including the positive declaration (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and the Technical Memorandum, with respect to the Application, the Council finds that:

1. The FEIS and the Technical Memorandum meet 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the report for the related special permit (C 180129A ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality, as such Restrictive Declaration is modified by the Council;
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report for the related special permit (C 180129(A) ZSM), as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, as modified by the Council, is executed and recorded by DD West 29th LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York; and
5. The Decision, together with the FEIS and the Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 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, N 180128(A) ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter in underline is new, to be added; Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I

GENERAL PROVISIONS

Chapter 3

Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

* * *

13-05

Exceptions

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

* * *

(k) the #Special Hudson River Park District#, as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

* * *

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 9 Special Hudson River Park District

* * *

89-02 Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Granting site

Within the #Special Hudson River Park District#, ~~the~~ a “granting site” is a #zoning lot#, ~~or a portion of a #zoning lot#,~~ within the areas identified as “A1” or “B1” on the maps in the Appendix to this Chapter, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which #floor area# may be transferred. A #granting site# may only transfer #floor area# to a #receiving site# within an area that shares the same letter designation. For example, a #granting site# within area A1 may transfer #floor area# to a #receiving site# within area A2, but not to a #receiving site# within area B2.

Receiving site

Within the #Special Hudson River Park District#, ~~the~~ a “receiving site” is a #zoning lot#, within the areas identified as “A2” or “B2” on the maps in the Appendix to this Chapter, to which #floor area# of ~~the~~ a #granting site# may be transferred.

* * *

89-10

USE AND BULK REGULATIONS

89-11

Use and Bulk Regulations on Receiving Sites

The #use# and #bulk# regulations applicable to the a #receiving site# shall be modified as follows:

(a) C6-4 Districts

Within Area A2 on the maps in the Appendix to this Chapter, the #use# and #bulk# regulations of the underlying C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

Within Area B2, the #use# and #bulk# regulations of the underlying C6-4X District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the underlying C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), the #use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development#, #enlargement# or #conversion#.

89-12

Special Floor Area Regulations Within Area B2

Within Area B2 on the maps in the Appendix to this Chapter, where the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# of the underlying district shall not apply. In lieu thereof, the maximum base #floor area ratio# shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

89-20

SPECIAL PERMITS

89-21

Transfer of Floor Area From Hudson River Park

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#. In addition, for #receiving sites# within Area B2 on the maps in the Appendix to this Chapter, the Commission may exempt floor space from the definition of #floor area# in a #building# that contains an ambulance station and may increase the maximum number of #accessory# off-street parking spaces permitted for such station.

* * *

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

* * *

(6) for the #receiving site# within Area A2:

- (i) the portion of the #receiving site# located over West Houston Street shall not generate #floor area# for the proposed special permit #development#, and no #floor area# shall be located directly above West Houston Street;

- ~~(7)~~ (ii) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street; and

- ~~(8)~~(7) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community Board District 2.

* * *

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk# modifications, provided that:

* * *

(3) for the #receiving site#:

* * *

- (iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park; ~~and~~
- (v) any #affordable housing#, as defined in Section 23-90 (INCLUSIONARY HOUSING), that is provided as part of the project will support the objectives of the Inclusionary Housing Program.; and
- (vi) the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

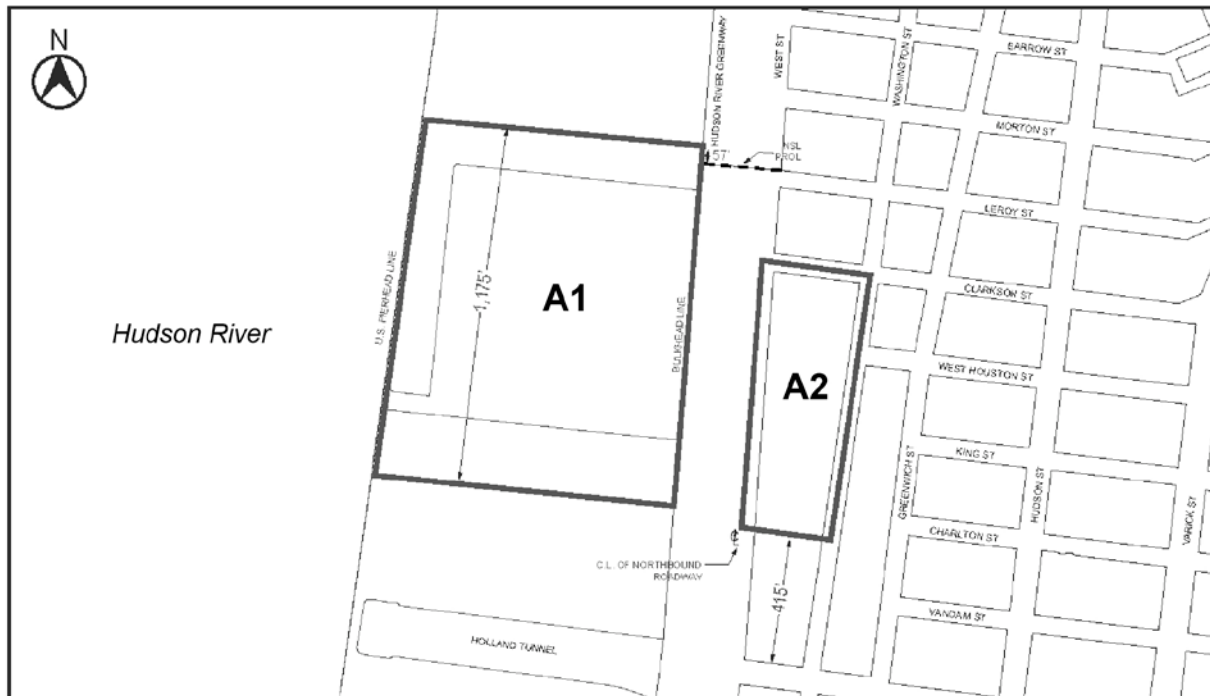
(d) Additional requirements

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Appendix

Special Hudson River Park District Plan

Map 1. Transfer of Floor Area - Granting and Receiving Sites within Areas A1 and A2



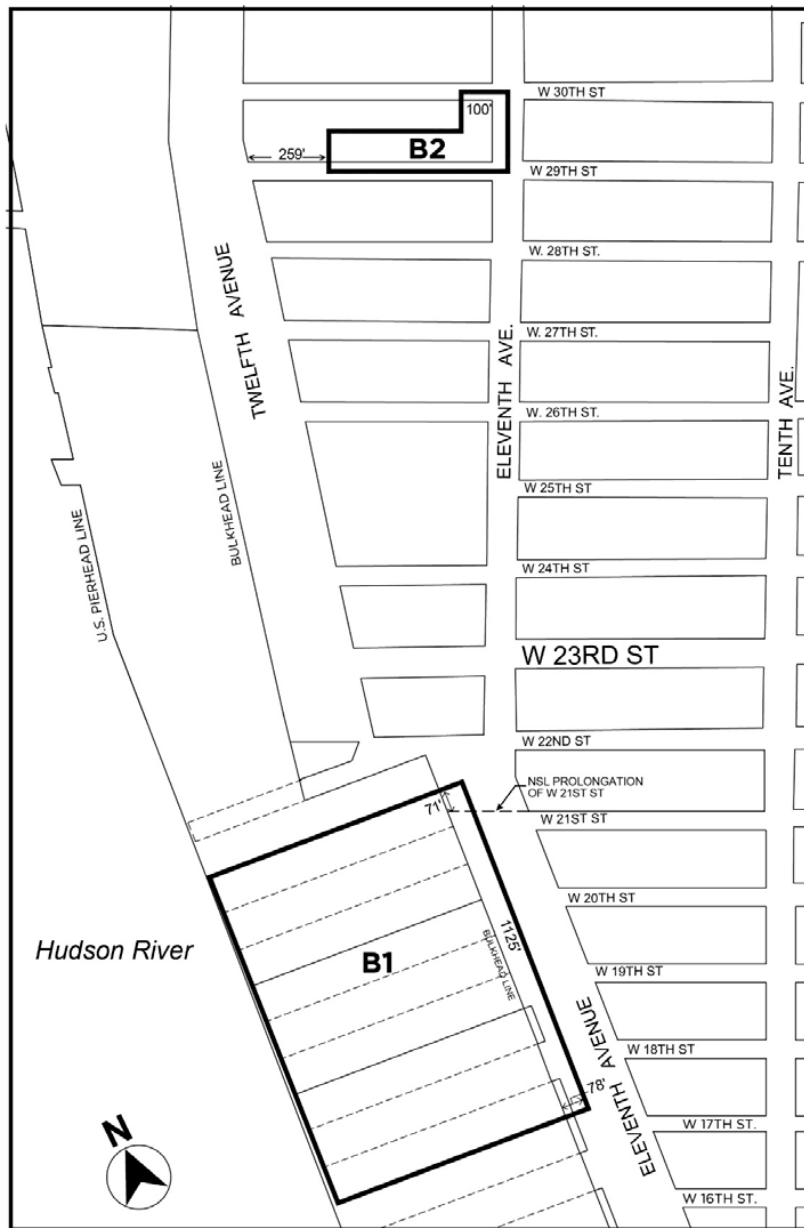
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#Special Hudson River Park District#

A1 Area within which a #Granting Site# may be located

A2 Area within which a #Receiving Site# may be located

Map 2. Transfer of Floor Area - Granting and Receiving Sites within Areas B1 and B2



#Special Hudson River Park District#
B1 Area within which a #granting site# may be located
B2 Area within which a #receiving site# may be located

* * *

APPENDIX F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

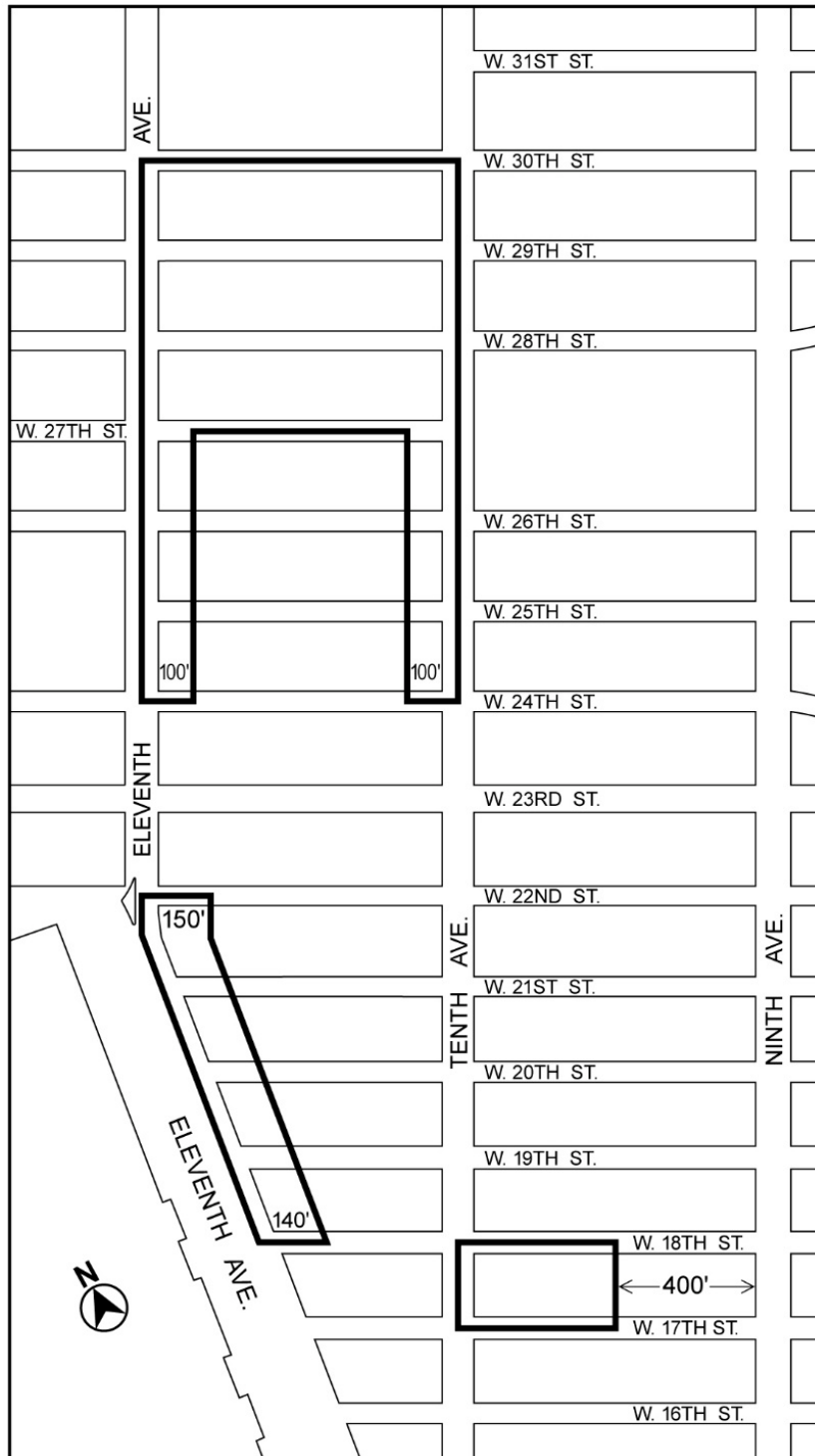
MANHATTAN

* * *

Manhattan Community District 4

Map 1. (date of adoption)

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing Designated Area
-  Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- Area 1 (date of adoption) - MIH Program Option 1

Portion of Community District 4, Manhattan

* * *

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 June 28, 2018, on file in this office.

.....
City Clerk, Clerk of The Council