



## Legislation Text

File #: Res 0617-2010, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 617

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 100290 ZSM (L.U. No. 259), for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61<sup>st</sup> Street, West End Avenue, West 59<sup>th</sup> 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 72<sup>nd</sup> Street, Freedom Place, West End Avenue, West 59<sup>th</sup> Street and Riverside Boulevard, 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 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 Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and sub-cellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61<sup>st</sup> Street, West End Avenue, West 59<sup>th</sup> 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 72<sup>nd</sup> Street, Freedom Place, West End Avenue, West 59<sup>th</sup> Street and Riverside Boulevard (ULURP No. C 100290 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 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; C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large- Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; 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 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 74-52 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 100290 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 100290 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 Philip Habib & Associates, filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
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>

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