



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1648

Resolution approving the decision of the City Planning Commission on Application No. N 070145 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission), (L.U. No. 843), Borough of Manhattan.

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on August 18, 2008 its decision dated August 11, 2008 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Hospital for Special Surgery, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission), (Application No. N 070145 ZRM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 060333 ZSM (L.U. No. 819), a special permit pursuant to Section 74-682 of the Zoning Resolution, to allow for the construction of the River Building to be located on a platform in demapped air space above the Franklin D. Roosevelt Drive (FDR Drive), and to modify off-street loading requirements; C 060440 MMM (L.U. No. 841), a city map amendment to eliminate, discontinue and close portions of the FDR Drive and related volumes (located on the East River Esplanade and southbound FDR Drive service road) for the construction of structural columns for the River Building; and C 070171 ZSM (L.U. No. 842), a special permit pursuant to Section 74-682 (Development over streets) for the enlargement of Hospital for Special Surgery's existing East Wing Building;

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 September 16, 2008;

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 Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on August 1, 2008, with respect to this application (CEQR No. 05DCP061M); and

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (2) The Decision and the FEIS 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 Application the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added

Matter in strikeout is text to be deleted;

Matter in # # is defined in Section 12-10 (Definitions);

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

Article VII

Administration

Chapter 4

Special Permits by the City Planning Commission

~~12/7/89~~

74-682

Development over streets

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air-space, ~~considered as part of the adjoining #zoning lot#,~~ the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that: ~~In addition to~~ the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery, and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall

utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit the Commission shall find that:

- (a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on site and in the area, the location and distribution of new #bulk# result in a good site plan; and
- (b) any #building# located in demapped air space utilizes only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space; and
- (c) any #building# located in the demapped air space shall comply with the #accessory# off-street parking and loading requirements of the applicable district.
- (b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the City Planning Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning lot lines#, provided that such loading berths will be:
 - (1) adequate to serve the requirements of the institution;
 - (2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
 - (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback

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 October 7, 2008, on file in this office.

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City Clerk, Clerk of The Council