



Legislation Text

File #: Res 1164-2019, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1164**

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190356 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 549).

By Council Members Salamanca and Adams

WHEREAS, the New York City Department of Small Business Services, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) of the Zoning Resolution of the City of New York, modifying special regulations for zoning lots that include parks located in a marginal street, wharf or place in an M1-1 District, which in conjunction with the related action would facilitate the development of the East Side Coastal Resiliency (ESCR) project, a comprehensive flood protection system along the East River in Manhattan Community Districts 3 and 6 (Application No. N 190356 ZRM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2019 its decision dated September 23, 2019 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 190357 PQM (L.U. No. 548), an acquisition of property located at:

1. The northeast corner of Montgomery Street and the FDR Drive, on the block bounded by Water Street, Gouverneur Slip, the FDR Drive, and Montgomery Street (Block 244, p/o Lot 19), Manhattan Community District 3;
2. Approximately the center of the block bound by Delancey Street, the FDR Drive, Grand Street, and Lewis Street (Block 321, p/o Lot 1), Manhattan Community District 3;
3. The southeast corner of Columbia and East Houston Streets, on the block bound by East Houston Street, the FDR Drive, Delancey Street, and Columbia Street (Block 323, p/o Lot 1), Manhattan Community District 3; and
4. The west side of the FDR Drive between East 14th and East 10th Streets (Block 367, p/o Lot 1), Manhattan Community District 3;
5. The west side of the FDR Drive between East 15th and East 14th Streets (Block 988, p/o Lot 1), Manhattan Community District 6;
6. The west side of the FDR Drive between Avenue C and the FDR Drive (Block 990, p/o Lot 1),

Manhattan Community District 6;

7. The southwest corner East 25th Street and Asser Levy Place, on the block bound East 25th Street, Asser Levy Place, East 23rd Street, and First Avenue, (Block 995, p/o Lot 5), Manhattan Community District 6; and
8. Part of the east side of the FDR Drive Right of Way between Avenue C and East 15th Street, Manhattan Community District 6;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 3, 2019;

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, issued on October 28, 2015 (CEQR No. 15DPR013M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 13, 2019, in which the proposed project as analyzed in the FEIS identified the potential for significant adverse impacts with respect to construction (open space, transportation, noise) and urban design and visual resources (views) .

RESOLVED:

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

- (1) The FEIS 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 available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute 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 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 190356 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is old, to be deleted;

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

Matter double struck out is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

ARTICLE VI - SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 - Special Regulations Applying in the Waterfront Area

* * *

62-59

Special Regulations for Zoning Lots That Include Parks

* * *

- (c) In order to implement a portion of the East Side Coastal Resiliency Project described in the Final Environmental Impact Statement (FEIS) dated September 13, 2019, located in a marginal street, wharf or place used as a park, in an M1-1 District located in Manhattan Community District 6, for #zoning lots predominantly developed# as a park, the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, and the certification pursuant to Section 62-811 (Waterfront public access and visual corridors) shall not be required, provided that:
- (1) the park will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and
 - (2) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the City of New York, except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such a park.

No excavation or building permit shall be issued within such #zoning lot predominantly developed# as a park, for the portion of the East Side Coastal Resiliency Project implemented pursuant to this paragraph (c), until all applicable Federal, State and local permits and approvals have been received, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

* * *

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 November 14, 2019, on file in this office.

City Clerk, Clerk of The Council