



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Adopted

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**On agenda:** 10/9/2013

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**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 130215 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, Borough of Manhattan (L.U. No. 886).

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

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 10-9-13

Date	Ver.	Action By	Action	Result
10/3/2013	*	Committee on Land Use	Approved by Committee	
10/9/2013	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1967

Resolution approving the decision of the City Planning Commission on Application No. N 130215 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, Borough of Manhattan (L.U. No. 886).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, (Application No. N 130215 ZRM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4 districts; C 130216 ZSM (L.U. No. 887), a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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, 2013;

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 (“FEIS”) for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

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 thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, those project components related to the environment and mitigation measures that were identified as practicable.
- (2) 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 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, and based on the environmental determination and consideration described in this report, N 130215 ZRM, incorporated by reference herein, 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 underlined is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

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

\* \* \* indicate where unchanged text appears in the Zoning Resolution

## 74-74

### General Large Scale Development

\* \* \*

## 74-743

## Special provisions for bulk modifications

(a) For a #large-scale general development#, the City Planning Commission may permit:

\* \* \*

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District or within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

(i) A request for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating that such #public park# improvement provides an appropriate amenity for the surrounding area and that, absent funding to be provided by the applicant such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement.

(b) In order to grant a special permit pursuant to this Section for any #large scale general development#, the Commission shall find that:

\* \* \*

~~(9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.~~

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

1. the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and
2. such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

Grant of a floor area bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large scale development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner.

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

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 9, 2013, on file in this office.

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