



Legislation Details (With Text)

**File #:** Res 1633-2017      **Version:** \*      **Name:** LU 701 - Zoning, ECF EAST 96TH STREET, Manhattan (N 170227 ZRM)

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

**In control:** Committee on Land Use

**On agenda:** 8/24/2017

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 170227 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 11, Borough of Manhattan (L.U. No. 701).

**Sponsors:**

**Indexes:**

**Attachments:** 1. June 21, 2017 - Stated Meeting Agenda with Links to Files, 2. Land Use Calendar - Week of July 17, 2017 - July 21, 2017, 3. Hearing Testimony - Zoning 7-17-17, 4. Hearing Transcript - Zoning 7-17-17, 5. City Planning Commission Approval Letter, 6. August 24, 2017 - Stated Meeting Agenda with Links to Files, 7. Hearing Transcript - Stated Meeting 8-24-17, 8. Committee Report, 9. Minutes of the Stated Meeting - August 24, 2017

Date	Ver.	Action By	Action	Result
8/9/2017	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
8/24/2017	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1633**

**Resolution approving the decision of the City Planning Commission on Application No. N 170227 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 11, Borough of Manhattan (L.U. No. 701).**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on June 22, 2017 its decision dated June 21, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Educational Construction Fund and AvalonBay Communities, Inc., for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area. This action, in conjunction with the related actions would facilitate the development of a new mixed-use development on an entire city block with residential, commercial and community facility uses in the East Harlem neighborhood of Manhattan, (Application No. N 170227 ZRM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related applications C 170226 ZMM (L.U. No. 700), a zoning map amendment to change existing R7-2 and R10A Districts to a C2-8 and an R10 District; C 170228 ZSM (L.U. No. 702), a special permit to modify bulk and open space requirements within a mixed use development; and C 170229 ZSM (L.U. No. 703), a special permit to waive accessory off-street parking requirements for a mixed use development in the transit zone;

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 July 17, 2017;

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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 9, 2017 (CEQR No. 16ECF001M), which identified significant adverse impacts with respect to transportation (traffic, transit, and pedestrians) and construction (traffic, noise and open space);

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, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and
- (3) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

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 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, N 170227 ZRM, incorporated by reference herein, the Council approves the Decision.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 4  
Special Permits by the City Planning Commission**

\* \* \*

**74-75  
Educational Construction Fund Projects**

In R5, R6, R7, R8, R9 or R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-6, C1-7, C1-8,C1-9, C2-6, C2-7, C2-8, C4, C5, C6 or C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access and maintenance of portions of the #open space# to be vested in the New York City Educational Construction Fund or City agency successor in title; permit modification of #yard# regulations and height and setback regulations; permit the distribution of #lot coverage# without regard for #zoning lot lines# for a #zoning lot# containing the Co-op Tech High School in Manhattan Community District 11; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in the following table.

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**Manhattan**

\* \* \*

**Manhattan Community District 11**

\* \* \*

In the R10 and C2-8 Districts within the areas shown on the following Map 2:

Map 2 - [date of adoption]

[PROPOSED MAP]



■ Mandatory Inclusionary Housing Program Area See Section 23-154(d)(3)  
Area 2 - [date of adoption] MIH Program Option 1

Portion of Community District 11, Borough of 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 August 24, 2017, on file in this office.

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