Legislation Details (With Text)

File #:	Res 1123-2019	**Version:** *	**Name:**	LU 519 - Landmarks, Borough-Based Jail System, Bronx (C 190335 ZSX)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	10/17/2019			
Enactment date:			**Enactment #:**	

Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190335 ZSX, for the grant of a special permit (L.U. No. 519).

Sponsors:

Indexes:

Attachments: 1. Res. No. 1123, 2. Land Use Calendar - Week of September 16, 2019 - September 20, 2019, 3. September 12, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 9-12-19, 5. Hearing Transcript - Landmarks 9-18-19, 6. Land Use Calendar - Week of October 14, 2019 - October 18, 2019, 7. Land Use Calendar - October 16, 2019, 8. City Planning Commission Approval Letter, 9. October 17, 2019 - Stated Meeting Agenda with Links to Files, 10. Hearing Transcript - Stated Meeting 10-17-19, 11. Minutes of the Stated Meeting - October 17, 2019, 12. Committee Report

Date	Ver.	Action By	Action	Result
10/16/2019	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
10/17/2019	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1123

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190335 ZSX, for the grant of a special permit (L.U. No. 519).

By Council Members Salamanca and Adams

WHEREAS, the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter, filed an application for the grant of a special permit pursuant to Section 74-832 of the Zoning Resolution to modify:

a. the use regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT);
b. the floor area ratio requirements of Section 43-10 (FLOOR AREA REGULATIONS);
c. the height and setback requirements of Sections 43-40 (HEIGHT AND SETBACK REGULATIONS);
d. the permitted parking requirements of Section 44-10 (PERMITTED ACCESSORY OFF-STREET PARKING SPACES); and
e. the loading berth requirements of Section 44-50 (GENERAL PURPOSES);

on property located at 320 Concord Avenue (Block 2574, p/o Lot 1), in an M1-3 District, which in conjunction with the related actions would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9 (ULURP No. C 190335 ZSX) (the "Application");

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WHEREAS, the City Planning Commission filed with the Council on September 3, 2019, its decision dated September 3, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190333 PSY (L.U. No. 518), a site selection for four new borough-based jail facilities; N 190334 ZRY (Pre. L.U. No. 513), a text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system; C 190336 ZMX (Pre. L.U. No. 514), a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X; N 190337 ZRX (Pre. L.U. No. 515), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area; C 190338 HAX (Pre. L.U. No. 516), a designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development; C 190339 ZSK (L.U. No. 520), a special permit pursuant to ZR Section 74-832; C 190116 MMK (L.U. No. 521), a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street; C 190340 ZSM (L.U. No. 522), a special permit pursuant to ZR Section 74-832; C 190341 PQM (L.U. No. 523), an acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet; C 190252 MMM (L.U. No. 524), a city map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way; C 190342 ZSQ (L.U. No. 525), a special permit pursuant to ZR Section 74-832; and C 190117 MMQ (L.U. No. 526), a city map amendment to demap 82nd Avenue between 126th Street and 132nd Street;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-832 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 September 18, 2019;

WHEREAS, the Council has considered the land use and environmental 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 August 14, 2018 (CEQR No. 18DOC001Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, in which the proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise).

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, constitutes 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

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environmental determination and consideration described in the report, C 190335 ZSX, 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 double struck out is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 190335 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plan, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-020	Zoning Analysis	08/30 10/11/2019
Z-030	Zoning Lot Site Plan	08/30 10/11/2019
Z-040	Ground Floor Plan	08/30 10/11/2019
Z-050	Waiver Plan - Roof Plan	08/30 10/11/2019
Z-060	Sections	08/30 10/11/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

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 17, 2019, on file in this office.

City Clerk, Clerk of The Council