



Legislation Text

File #: Res 1468-2012, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1468

Resolution approving the decision of the City Planning Commission on Application No. N 120123 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by West Third Street, Mercer Street, West Houston Street, and LaGuardia Place (L.U. No. 634).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on June 7, 2012 its decision dated June 6, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by New York University for an amendment of the text of the Zoning Resolution of the City of New York, concerning special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by West Third Street, Mercer Street, West Houston Street, and LaGuardia Place. This action along with other related actions would facilitate the expansion of New York University's campus in the Washington Square area (Application No. N 120123 ZRM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 120077 MMM (L.U. No. 632), a City Map Change to narrow, through elimination, discontinuance, and closure, various segments of Mercer Street and LaGuardia Place to enable property disposition to New York University and to establish parkland; C 120122 ZMM (L.U. No. 633), a Zoning Map Amendment to change existing R7-2 District to a C1-7 District; and C 120124 ZSM (L.U. No. 635), a Special Permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, and to modify minimum distances between buildings within a Large-Scale General Development;

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 June 29, 2012;

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 May 25, 2012, and the CEQR Technical Memoranda dated June 4, 2012 and July 20, 2012 (the "CEQR Technical Memoranda") (CEQR No.

11DCP121M);

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda, 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, as modified in the Decision and as further modified by the City Council, such modifications having been analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS and in the CEQR Technical Memoranda, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, dated July 24, 2012, those project components related to the environment and mitigation measures that were identified as practicable;
- (2) The Decision together with the FEIS and the CEQR Technical Memoranda 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, C 120123 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;

Article 7 - Administration

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Chapter 4

Special Permits by the City Planning Commission

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74-742
Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant (s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

~~When a #large scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, a special permit may be applied for and granted under the provisions of Section 74 74 even though such # largescale general development# does not meet the ownership requirements set forth elsewhere in this Section.~~

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large -scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or
- (b) partially under city ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in city ownership.

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74-743
Special provisions for bulk modification

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

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Within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street # for the purposes of applying all #use# and #bulk# regulations of this Resolution.

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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 July 25, 2012, on file in this office.

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City Clerk, Clerk of The Council