



Legislation Text

File #: Res 1469-2012, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1469

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 120124 ZSM (L.U. No. 635), for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place (Block 533, Lots 1 and 10; and Block 524, Lots 9 and 66), in a C1-7 District, Borough of Manhattan, Community District 2.

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"), on the application submitted by New York University, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution of the City of New York to allow location of buildings without regard for the applicable height and setback, yards and distance between buildings to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place (Block 533, Lots 1 and 10; and Block 524, Lots 9 and 66), in a C1-7 District (ULURP No. C 120124 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications 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 eliminate an existing C1-5 District, to change existing R7-2 and C6-2 Districts to a C1-7 District and to change an existing C6-2 District to an R7-2 District; and N 120123 ZRM (L.U. No. 634), a Zoning Text Amendment relating to special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications);

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 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 June 29, 2012;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the restrictive declaration of June 6, 2012 has been further amended and attached hereto; 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 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 with the modifications adopted herein and as analyzed in Chapter 26, “Potential Modifications under Consideration by the CPC,” of the FEIS and in the Technical Memoranda (Modified Proposed Action), 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 120124 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in [Brackets] is old, to be deleted;
Matter underlined is new, to be added.

1. The property that is the subject of this application (C 120124 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, filed with this application and incorporated in this resolution:

Prepared by Grimshaw Architects PC:

<u>Drawing Number and Title</u>	<u>Date</u>	<u>Revised Date</u>
Z-004 Zoning Calculations and Zoning Actions	[June 4, 2012]	<u>July 23, 2012</u>
Z-100 Site Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-101 North Block: Site Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-102 South Block : Site Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-110 Ground Floor Site Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-111 North Block : Ground Floor Site Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-112 South Block : Ground Floor Site Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-120 Building Envelope : Mercer Building	[June 4, 2012]	<u>July 23, 2012</u>
Z-121 Building Envelope : LaGuardia Building	[June 4, 2012]	<u>July 23, 2012</u>
Z-122 Building Envelope : Zipper and Bleecker Buildings	[June 4, 2012]	<u>July 23, 2012</u>
Z-125 North Block : Average Curb Level Diagram	[June 4, 2012]	<u>July 23, 2012</u>
Z-126 South Block : Average Curb Level Diagram	[June 4, 2012]	<u>July 23, 2012</u>
Z-127 North Block : Open Space Diagram	[June 4, 2012]	<u>July 23, 2012</u>
Z-128 South Block : Open Space Diagram	[June 4, 2012]	<u>July 23, 2012</u>
Z-130 North Block : Zoning Actions Plan Diagram	[June 4, 2012]	<u>July 23, 2012</u>
Z-131 North Block : Building Sections	[June 4, 2012]	<u>July 23, 2012</u>
Z-133 South Block : Zoning Actions Plan Diagram	[June 4, 2012]	<u>July 23, 2012</u>
Z-134 South Block : Interim Zoning Action Diagram	June 4, 2012	
Z-135 South Block : Building Sections 1	[June 4, 2012]	<u>July 23, 2012</u>
Z-136 South Block : Building Sections 2	June 4, 2012	
Z-137 South Block : Building Sections 3	[June 4, 2012]	<u>July 23, 2012</u>
Z-138 South Block : Building Sections 4	[June 4, 2012]	<u>July 23, 2012</u>
Z-140 North Block : Pedestrian Elevations 1	June 4, 2012	
Z-141 North Block : Pedestrian Elevations 2	[June 4, 2012]	<u>July 23, 2012</u>
Z-142 South Block : Pedestrian Elevations	[June 4, 2012]	<u>July 23, 2012</u>
Z-201 North Block : Site Plan End of Phase 1	June 4, 2012	
Z-202 South Block : Site Plan End of Phase 1	[June 4, 2012]	<u>July 23, 2012</u>
Z-203 North Block : Site Plan End of Phase 2	June 4, 2012	
Z-204 South Block : Site Plan End of Phase 2	[June 4, 2012]	<u>July 23, 2012</u>
Z-205 North Block : Site Plan End of Phase 3	[June 4, 2012]	<u>July 23, 2012</u>
Z-206 South Block : Site Plan End of Phase 3	[June 4, 2012]	<u>July 23, 2012</u>
Z-207 North Block : Site Plan End of Phase 4	[June 4, 2012]	<u>July 23, 2012</u>
Z-208 South Block : Site Plan End of Phase 4	[June 4, 2012]	<u>July 23, 2012</u>

Prepared by Michael Van Valkenburg Associates Inc., Landscape Architects, PC

<u>Drawing Number and Title</u>	<u>Date</u>	<u>Last Revised Date</u>
Z-300 Overall Open Space Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-301 Open Space Amenities Calculation	[June 4, 2012]	<u>July 23, 2012</u>
Z-302 North Block : Open Space Plan	[June 4, 2012]	<u>July 23, 2012</u>
Z-303 South Block : Open Space Plan	June 4, 2012	
Z-310 North Block : Materials Plan	[June 4, 2012]	<u>July 23, 2012</u>

Z-311 South Block : Materials Plan	June 4, 2012
Z-312 North Block : Grading Plan	[June 4, 2012] <u>July 23, 2012</u>
Z-313 South Block: Grading Plan	June 4, 2012
Z-314 North Block : Planting Plan	[June 4, 2012] <u>July 23, 2012</u>
Z-315 South Block : Planting Plan	June 4, 2012
Z-316 North Block : Site Furnishing Plan	[June 4, 2012] <u>July 23, 2012</u>
Z-317 South Block : Site Furnishing Plan	June 4, 2012
Z-318 North Block : Lighting Plan	[June 4, 2012] <u>July 23, 2012</u>
Z-319 South Block : Lighting Plan	June 4, 2012
Z-320 Site Lighting Details	[June 4, 2012] <u>July 23, 2012</u>
Z-321 Public Space Signage Plan	[June 4, 2012] <u>July 23, 2012</u>
Z-330 Overall Section Key	June 4, 2012
Z-331 North Block : Sections	June 4, 2012
Z-332 North Block : Sections	[June 4, 2012] <u>July 23, 2012</u>
Z-333 North Block : Sections	[June 4, 2012] <u>July 23, 2012</u>
Z-334 North Block : Sections	[June 4, 2012] <u>July 23, 2012</u>
Z-335 North Block : Sections	[June 4, 2012] <u>July 23, 2012</u>
Z-336 South Block : Sections	June 4, 2012
Z-340 Pavement Details	June 4, 2012
Z-341 Seatwall Details	June 4, 2012
Z-342 Seatwall Details	June 4, 2012
Z-343 Railing Details	June 4, 2012
Z-344 Fencing Details	June 4, 2012
Z-345 Trash Receptical and Bike Rack Details	June 4, 2012
Z-346 Bench and Moveable Chair Details	June 4, 2012

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated June 6, 2012, executed by New York University, as amended through July 24, 2012, the terms of which are hereby incorporated into this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. Upon the 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 July 25, 2012, on file in this office.

City Clerk, Clerk of The Council