



Legislation Text

File #: Res 1728-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1728

Resolution approving the decision of the City Planning Commission on ULURP No. C 130102 ZSM (L.U. No. 785), for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on March 8, 2013 its decision dated March 6, 2013 (the "Decision"), on the application submitted by Hudson River Park Trust and Hudson Eagle LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, (ULURP No. C 130102 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 130100 ZMM (L.U. No. 783), an amendment of the Zoning Map changing from an M2-3 District to an M1-5 District; C 130101 ZSM (L.U. No. 784), a special permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors); and C 130103 ZSM (L.U. No. 786), a special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces;

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 74-922 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 April 3, 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 Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on February 22, 2013 (CEQR No. 11HRP001M);

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, 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, C 130102 ZSM, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130102 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Handel Architects LLP, filed with this application and incorporated in this resolution:

<u>Drawing Nos.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-004	Site Plan	10/22/2012
Z-005	Zoning Chart - Bulk Regulations	10/22/2012
Z-007	Bulk Requirement Plan	10/22/2012
Z-007A	Bulk Requirement Section - 1	10/22/2012
Z-007B	Bulk Requirement Section - 2	10/22/2012

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. 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, sub-lessee or occupant.
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, renewal or extension 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 April 9, 2013, on file in this office.

City Clerk, Clerk of The Council