



Legislation Text

File #: Res 1968-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1968

Resolution approving the decision of the City Planning Commission on ULURP No. C 130216 ZSM (L.U. No. 887), for the grant of a special permit pursuant to Section 74-743(a)(1) to allow the location of buildings without regard to the rear yard requirements of Section 33-283 (Required rear yard equivalents), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the height and setback requirements of Section 33-432 (In other Commercial Districts); and Section 74-743(a)(11) to allow a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations for improvement to a public park, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY), pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to:

1. Section 74-743(a)(1) to allow the location of buildings without regard to the rear yard requirements of Section 33-283 (Required rear yard equivalents), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the height and setback requirements of Section 33-432 (In other Commercial Districts); and
2. Section 74-743(a)(11) to allow a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations for improvement to a public park;

in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District, (ULURP No. C 130216 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the application is related to Applications C 130214 ZMM (L.U. No. 885), a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4 districts; N 130215 ZRM (L.U. No. 886), a zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified; C 130217 ZSM (L.U. No. 888), a special permit, pursuant to Section 74-744(c), to modify sign regulations; C 130218 ZSM (L.U. No. 889), a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces; and C 130219 PPM (L.U. No. 890), a disposition of City-owned property, as modified;

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 September 16, 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 Supplemental Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on August 8, 2013 (CEQR No. 13DME003M);

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, in accordance with an environmental commitment letter, dated August 13, 2013, from the New York City Economic Development Corporation, 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 130216 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 130216 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman and Ennead Architects, LLP filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-02	Zoning Calculations	March 12, 2013
Z-03	Zoning Lot Context Site Plan	March 12, 2013

Z-04	Project Site Plan	March 12, 2013
Z-06	Plan Setbacks	March 12, 2013
Z-07	Section 1 East - West	March 12, 2013
Z-08	Section 2 East - West	March 12, 2013
Z-09	CUNY Sections North - South	March 12, 2013
Z-10	MSKCC Sections North - South	March 12, 2013

- 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 Declaration of Large Scale Development, attached as Exhibit A hereto, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, New York County.
- 5) 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.
- 6) 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 and the attached restrictive declaration 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 or of the attached restrictive declaration.
- 7) 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 9, 2013, on file in this office.

City Clerk, Clerk of The Council