



## Legislation Text

**File #:** Res 0239-2014, **Version:** \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 239

Resolution approving the decision of the City Planning Commission on ULURP No. C 140157 ZSM (L.U. No. 49), for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution of the City of New York to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive, and in conjunction therewith, modify the rear yard requirements of Section 24-36 (Minimum required Rear Yards), in connection with the proposed expansion of an existing university, within a Large-Scale Community Facility development bounded by York Avenue, the easterly centerline prolongation of East 68<sup>th</sup> Street, the U.S. Pierhead and Bulkhead line and East 62<sup>nd</sup> Street and its easterly prolongation (Block 1480, Lots 10 and 9010; and Block 1475, Lots 5 and 9005), within R9 and R10 districts, Borough of Manhattan.

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on April 4, 2014 its decision dated April 2, 2014 (the "Decision"), on the application submitted by the Rockefeller University, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-682 of the Zoning Resolution of the City of New York to allow the development of a building within the demapped air space above the Franklin D. Roosevelt Drive, and in conjunction therewith, modify the rear yard requirements of Section 24-36 (Minimum required Rear Yards), in connection with the proposed expansion of an existing university, within a Large-Scale Community Facility development bounded by York Avenue, the easterly centerline prolongation of East 68<sup>th</sup> Street, the U.S. Pierhead and Bulkhead line and East 62<sup>nd</sup> Street and its easterly prolongation (Block 1480, Lots 10 and 9010; and Block 1475, Lots 5 and 9005), within R9 and R10 districts (ULURP No. C 140157 ZSM), Community District 8, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 140086 (A) MMM (L.U. No. 50), an amendment to the City Map involving the elimination, discontinuance and closing of volumes of the FDR Drive between East 64<sup>th</sup> and East 68<sup>th</sup> Streets;

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 74-682 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 23, 2014;

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”) (CEQR No. 14DCP019M), for which a Notice of Completion was issued on March 21, 2014, as adjusted by the subsequent Technical Memorandum, dated April 2, 2014, and in accordance with the restrictive declaration attached to CPC Report C 140157 ZSM as Exhibit A;

RESOLVED:

Having considered the FEIS and the Technical Memorandum dated April 2, 2014, with respect to the Application, the Council finds that:

- (1) The FEIS and the Technical Memorandum dated April 2, 2014, meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached to this report as Exhibit A, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision along with the FEIS and the Technical Memorandum dated April 2, 2014 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 140157 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 140157 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 Rafael Vinoly Architects filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A- 007	Zoning Computations	24-OCT-2013
A - 008	Rear Yard Diagram	24-OCT-2013
A - 009	Site Plan	24-OCT-2013
A - 410	Section A	24-OCT-2013
A - 411	Section B	24-OCT-2013
A - 412	Section C	24-OCT-2013
A - 413	Section D	24-OCT-2013
A - 416	Section F	24-OCT-2013
A - 417	Section H	24-OCT-2013
A - 420	Section K	24-OCT-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 Restrictive Declaration attached hereto as Exhibit A, 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. The Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.
5. The development shall include those project components related to the environment and those mitigation measures listed in the Final Impact Statement (CEQR No. 14DCP019M) issued on March 21, 2014 (and identified as practicable) and in accordance with the Restrictive Declaration attached hereto as Exhibit A.
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 related 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 related 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.
8. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to such documents shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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 May 14, 2014, on file in this office.

City Clerk, Clerk of The Council