



## Legislation Text

File #: Res 1344-2016, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1344

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 160310 ZSM (L.U. No. 508), for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 200,000 square feet of floor area from a granting site (A1, Block 656, Lot 1) to a receiving site (A2, Block 596, Lot 1), and to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and Section 43-40 (Height and Setback Regulations), the height factor requirements of 23-151 (Basic regulations for R6 through R9 Districts) and the rear yard requirements of Section 43-20 (Rear Yard Regulations), in connection with a proposed mixed use development, on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District, Community District 2, Borough of Manhattan.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on October 17, 2016 its decision dated October 17, 2016 (the "Decision"), on the application submitted by SJC 33 Owner 2015 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 200,000 square feet of floor area from a granting site (A1, Block 656, Lot 1) to a receiving site (A2, Block 596, Lot 1), and to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and Section 43-40 (Height and Setback Regulations), the height factor requirements of 23-151 (Basic regulations for R6 through R9 Districts) and the rear yard requirements of Section 43-20 (Rear Yard Regulations), in connection with a proposed mixed use development, on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District, (ULURP No. C 160310 ZSM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications N 160308 ZRM (L.U. No. 506), an amendment of the Zoning Resolution to establish Article VIII Chapter 9, the Special Hudson River Park District, to include Pier 40 (Block 656, Lot 1; the "granting site") and the St. John's Center (Block 596, Lot 1; the "receiving site"). It would include provisions for a special permit to allow the transfer of floor area from the granting site to the receiving site and permit bulk modifications within the receiving site in the Hudson Square neighborhood in Manhattan Community District 2; C 160309 ZMM (L.U. No. 507), an amendment of the Zoning Map, Section No. 12a: changing from an M1-5 District to a C6-4 District property bounded by Clarkson Street, Washington Street, West Houston Street, and West Street; changing from an M2-4 District to a C6-3 District property bounded by West Houston Street, Washington Street, a line 596 feet northerly of Spring Street, and West Street; changing from an M2-4 District to an M1-5 District property bounded by a line 596 feet northerly of Spring Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and establishing a Special Hudson River Park District (HRP) bounded by: (a) Clarkson Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and (b) a line 57 feet northerly of the westerly prolongation of the northerly street line of Leroy Street, the U.S. Pierhead Line, a line 1118 feet southerly of the westerly prolongation of the

northerly street line of Leroy Street, and the U.S. Bulkhead Line; C 160311 ZSM (L.U. No. 509), a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 236 spaces on portions of the ground floor and cellar on the North Site of the proposed mixed use development; C 160312 ZSM (L.U. No. 510), a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 372 spaces on portions of the ground floor and cellar on the Center Site of the proposed mixed use development; and C 160313 ZSM (L.U. No. 511), a special permit pursuant to Sections 13-45 and 13-451 to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar on the South Site of the proposed mixed use development;

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 89-21 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 November 1, 2016;

WHEREAS, the Council has considered the land use and environmental 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 October 6, 2016 (CEQR No. 16DCP031M), and the CEQR Technical Memorandum 001 dated October 17, 2016 and the CEQR Technical Memorandum 002 dated December 9, 2016 (together, the “CEQR Technical Memoranda”);

**RESOLVED:**

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and Application, the Council finds that:

- (1) The FEIS and CEQR Technical Memoranda meet 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 Revised Proposed Project Alternative adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS and CEQR Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, as modified by the City Council as of December 5, 2016, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-384) for Air Quality and Noise; and
- (4) 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 160310 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in double strikeout is deleted by the City Council;  
Matter in double-underline is added by the City Council.

1. The property that is the subject of this application (C 160310 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 CookFox Architects, DPC, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-001	Granting Site Survey	10/14/2016
Z-004	<u>Zoning Calculation Analysis</u> Zoning Calculations	<u>12/5/2016</u> 10/14/2016
Z-005	Project Area Site Plan	10/14/2016
Z-006	Zoning Lot Site Plan	10/14/2016
<u>Z-101</u>	<u>Ground Floor Plan</u>	<u>12/5/2016</u>
Z-110	Waiver Plan	10/14/2016
Z-200	Waiver Sections	10/14/2016
Z-201	Waiver Sections	10/14/2016
Z-202	Waiver Sections	10/14/2016
Z-203	Waiver Sections	10/14/2016
Z-204	Waiver Sections	10/14/2016
Z-205	Waiver Sections	10/14/2016
Z-206	Waiver Sections	10/14/2016
Z-250	Design Control Diagram Waiver North-East Axonometric	10/14/2016
Z-251	Design Control Diagram Waiver South-West Axonometric	10/14/2016
Z-252	Design Control Diagram Waiver North-West Axonometric	10/14/2016
Z-253	Design Control Diagram Waiver South-East Axonometric	10/14/2016
Z-254	Design Control Notes	<u>12/5/2016</u> 10/14/2016
<u>L-100</u>	<u>Landscape - Public Access Area Site Plan</u>	<u>12/5/2016</u>
L-100	Public Access Area Site Plan Option A	10/14/2016
<u>L-101</u>	<u>Landscape - Public Access Area Enlargement Plan</u>	<u>12/5/2016</u>

L-101	Public Access Area Enlargement Plan Option A	10/14/2016
L-102	Public Access Area Site Plan - Option B	10/14/2016
L-103	Public Access Area Enlargement Plan Option B	10/14/2016

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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to this Resolution, as modified by the New York City Council as of December 5, 2016, with such administrative and technical changes to the “Project Controls Related to the Environment” of Article III thereof as are determined to be necessary by Counsel to the City Planning Commission, is executed by SJC 33 Owner 2015 LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.
5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 16DCP031M) issued on October 6, 2016 and in the CEQR Technical Memoranda which were identified as practicable.
6. 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 report and resolution and any subsequent modifications 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.
7. 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.
8. 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.

9. 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.

EXHIBIT A  
RESTRICTIVE DECLARATION AS MODIFIED BY CITY COUNCIL

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 December 15, 2016, on file in this office.

City Clerk, Clerk of The Council