



Legislation Text

File #: Res 1634-2017, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1634

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170228 ZSM (L.U. No. 702), for the grant of a special permit pursuant to Section 74-75 of the Zoning Resolution to modify the height and setback requirements of Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations), 23-651 (Tower-on-a-base) and 24-50 (Height and Setback Regulations), and to modify the requirements of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage), in connection with a proposed mixed use development, on property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue (Block 1668, Lot 1), in R10 and C2-8 Districts, Community District 11, Borough of Manhattan.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on June 21, 2017 its decision dated June 21, 2017 (the "Decision"), on the application submitted by New York City Educational Construction Fund and AvalonBay Communities, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-75 of the Zoning Resolution of the City of New York to modify the height and setback requirements of Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations), 23-651 (Tower-on-a-base) and 24-50 (Height and Setback Regulations), and to modify the requirements of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage), in connection with a proposed mixed use development, on property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue (Block 1668, Lot 1), in R10 and C2-8 Districts. This action, in conjunction with the related actions would facilitate a new mixed use development on an entire city block with residential, commercial and community facility uses in the East Harlem neighborhood of Manhattan (ULURP No. C 170228 ZSM), Community District 11, Borough of Manhattan (the "Application");

WHEREAS, the Application is related applications C 170226 ZMM (L.U. No. 700), a zoning map amendment to change existing R7-2 and R10A Districts to a C2-8 and an R10 District; N 170227 ZRM (L.U. No. 701), a zoning text amendment to modify lot coverage requirements and to designate a Mandatory Inclusionary Housing (MIH) area; and C 170229 ZSM (L.U. No. 703), a special permit to waive accessory off-street parking requirements for a large scale general development in the transit zone;

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 74-75 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 July 17, 2017;

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, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on June 9, 2017 (CEQR No. 16ECF001M), which identified significant adverse impacts with respect to transportation (traffic, transit, and pedestrians) and construction (traffic, noise and open space);

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, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and
- (3) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 170228 ZSX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter in double strikeout is old, deleted by the City Council;

Matter in double underline is new, added by the City Council;

1. The application that is the subject of this application (C 170228 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, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-20	Zoning Calculations	June 19, 2017
Z-22	Tower Coverage Diagram	June 19, 2017
Z-23	Floor Area Diagram	June 19, 2017
Z-30	Site Plan	<u>August 9,</u> June 19, 2017

Z-60	Waiver Plan	<u>August 9, June 19, 2017</u>
Z-61	Waiver Section 1	<u>August 9, June 19, 2017</u>
Z-62	Waiver Section 2	<u>August 9, June 19, 2017</u>
Z-63	Waiver Section 3	<u>August 9, June 19, 2017</u>
Z-64	Waiver Section 4	<u>August 9, June 19, 2017</u>
Z-65	Waiver Section 5	<u>August 9, June 19, 2017</u>

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, sublessee 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, 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 August 24, 2017, on file in this office.

City Clerk, Clerk of The Council