



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 447**

Resolution approving the decision of the City Planning Commission on ULURP No. C 180127 ZMM, a Zoning Map amendment (L.U. No. 89).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on May 7, 2018 its decision dated May 7, 2018 (the "Decision"), on the application submitted by DD West 29th LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 8b, by changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District, which in conjunction with the related actions would facilitate the redevelopment of 601 West 29th Street with a mix of uses, including up to 731,668 square feet of residential floor area, of which up to 182,917 square feet would be permanently affordable; 8,927 square feet or more of retail space; a potential Emergency Medical Services ambulance station; and additionally would enable a transfer of 123,437.5 square feet of unused development rights to support certain identified improvements and capital maintenance in the Hudson River Park within Community District 4 (ULURP No. C 180127 ZMM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to applications N 180128(A) ZRM (L.U. No. 90), an amendment of the Zoning Resolution to modify the regulations of the Special Hudson River Park District and related Sections, define new granting and receiving sites within the special district, and designate a Mandatory Inclusionary Housing (MIH) area on the receiving site, and C 180129(A) ZSM (L.U. No. 91), a special permit pursuant to Section 89-21 to transfer floor area and to modify bulk and parking regulations in connection with the proposed mixed use development.

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 15, 2018;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration (CEQR No. 17DCP159M) issued on April 14, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 27, 2018 which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-455) and the Technical Memorandum dated February 23, 2018, (the "Technical Memorandum").

RESOLVED:

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

1. The FEIS and the Technical Memorandum 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, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
3. The adverse environmental impacts disclosed in the FEIS and the Technical Memorandum 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 to the report for the related permit (C 180129A ZSM), those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-455) for hazardous materials and air quality; as such Restrictive Declaration is modified by the Council;
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A to the report for the related permit (C 180129A ZSM), as same may be modified with any necessary administrative or technical changes, all as are acceptable to Counsel to the Department of City Planning, is executed by DD West 29th LLC or its successor, and such Restrictive Declaration, as modified by the Council, shall have been executed and recorded and filed in the Office of the Register of the City of New York, County of New York; and
5. The Decision, together with the FEIS and the Technical Memorandum, constitutes 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 Section 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 the report, C 180127 ZMM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to a C6-4X District property bounded by West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line a line 100 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson River Park District (HRP) bounded by:
 - a. West 30th Street, Eleventh Avenue, West 29th Street, a line perpendicular to the northerly street line of West 29th Street distant 260 feet easterly (as measured along the street line) from the

point of intersection of the northerly street line of West 29th Street and the easterly street line of Twelfth Avenue, a line midway between West 30th Street and West 29th Street, and a line 100 feet westerly of Eleventh Avenue; and

- b. i. a line perpendicular to the U.S. Bulkhead Line distant 71 feet northerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the northerly street line of West 21st Street and the U.S. Bulkhead Line;
- ii. the U.S. Pierhead Line,
- iii. a line 1125 feet southerly of the first named course; and
- iv. a line 78 feet easterly of the U.S. Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated November 27, 2017, and subject to the conditions of the CEQR Declaration E-455, Community District 4, Borough of Manhattan.

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 June 28, 2018, on file in this office.

City Clerk, Clerk of The Council