



Legislation Text

File #: Res 0449-2018, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 449**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180129(A) ZSM (L.U. No. 91), for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 123,437.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16, 19) to a receiving site (B2, Block 675, Lots 12, 29, and 36), to modify the height and setback requirements and tower lot coverage requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), to exempt a maximum of 18,500 square feet of floor area allocated to an ambulance station to be exempted from the definition of floor area as set forth in Section 12-10 (Definition), and to modify the requirements of Section 13-12 (Permitted Parking for Non- Residential Uses) to allow a maximum of 18 permitted off-street parking spaces accessory an ambulance station, in connection with a proposed mixed use development, on property located at 601-613 West 29th Street (Block 675, Lots 12, 29, and 36), in an C6-4X district, within the Special Hudson River Park District, Community District 4, Borough of Manhattan.

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 the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 123,437.5 square feet of floor area from a granting site (B1, Block 662, Lots 11, 16, 19) to a receiving site (B2, Block 675, Lots 12, 29, and 36), to modify the height and setback requirements and tower lot coverage requirements of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-60 (Height and Setback Regulations), to exempt a maximum of 18,500 square feet of floor area allocated to an ambulance station to be exempted from the definition of floor area as set forth in Section 12-10 (Definition), and to modify the requirements of Section 13-12 (Permitted Parking for Non- Residential Uses) to allow a maximum of 18 permitted off-street parking spaces accessory an ambulance station, in connection with a proposed mixed use development, on property located at 601-613 West 29th Street (Block 675, Lots 12, 29, and 36), in an C6-4X district, within the Special Hudson River Park District, (ULURP No. C 180129(A) ZSM), Community District 4, Borough of Manhattan, (the "Application");

WHEREAS, the Application is related to applications C 180127 ZMM (L.U. No. 89), zoning map amendment to change an M2-3 zoning district to a C6-4X district and establish a Special Hudson River Park District and N 180128(A) ZRM (L.U. No. 90), zoning text amendment 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;

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 May 15, 2018;

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 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 Application, the Council finds that:

1. The FEIS and the CEQR 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, 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; and
4. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, as modified by the Council, is executed by DD West 29th 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 Decision, together with the FEIS and the Technical Memorandum 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 180129(A) ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning

Commission 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 180129A 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 FXFOWLE Architects, LLP, filed with this application and incorporated in this resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001A	Granting Site Survey	11/20/2017
Z-001b	Granting Site Zoning Calculations	11/20/2017
Z-002	Receiving Site Survey	10/23/2017
Z-003	Zoning Calculations	2/26/2018
Z-005	Site Plan	2/14/2018 <u>6/20/2018</u>
Z-101A	Ground Floor Plan	2/26/2018
Z-101B	Ground Floor Plan - No EMS Alt	2/26/2018
Z-101C	Ground Floor Plan - No EMS Alt 2	2/26/2018
Z-110	Waiver Plan	2/26/2018 <u>6/20/2018</u>
Z-201	Waiver Sections Section A	2/14/2018 <u>6/20/2018</u>
Z-202	Waiver Sections Section B	11/20/2017 <u>6/20/2018</u>
Z-203	Waiver Sections Section C	11/20/2017 <u>6/20/2018</u>
Z-204	Waiver Sections Section D & E	10/23/2017 <u>6/20/2018</u>
Z-205	Waiver Sections Section F	11/20/2017 <u>6/20/2018</u>
Z-211	Urban Design Controls	11/20/2017 <u>6/20/2018</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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, 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 and recorded by DD West 29th Street LLC or its successor, and such Restrictive Declaration, as modified by the City Council as of June 28, 2018, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 17DCP159M) issued on April 27, 2018 and in the CEQR Technical Memorandum 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.
10. The application is further modified as reflected in Exhibit B hereto.

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

