



Legislation Text

File #: Res 0733-2007, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 733

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 060103 ZRY, an amendment to the text of the Zoning Resolution of the City of New York relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission), concerning 74-74 (General Large-Scale Development) (L.U. No. 368).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on January 16, 2007 its decision dated January 10, 2007 (the "Decision"), on the application submitted by West 60th Street Associates, LLC and West End Properties, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution of the City of New York (Application No. N 060103 ZRY), (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 060104 ZMM (L.U. No. 369), an amendment to the Zoning Map, changing an existing M1-6 District to C4-7/C6-2 Districts; C 060105 ZSM (L.U. No. 370), a special permit pursuant to Section 74-743 of the Zoning Resolution (Special provisions for bulk modification); and C 060106 ZSM (L.U. No. 371), a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to permit a public parking garage with a maximum of 200 spaces;

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 February 13, 2007;

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") for which a Notice of Completion was issued on December 29, 2006, and which identifies significant impacts and proposed mitigation measures (CEQR No. 05DCP063Y);

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

- (2) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (2) 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 those mitigative measures that were identified as practicable;
- (2) 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 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 the Council approves the Decision with modifications; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the zoning resolution;

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

Matter in **bold double-underlined** is new, to be added by the City Council.

Article VII: Administration

Chapter 4: Special Permits by the City Planning Commission

74-743 (7/26/01)

Special provisions for bulk modification

- (a) For a general large-scale development, the City Planning Commission may permit:
 - (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage#, and total required #open space# under the applicable district regulations within a #general large-scale development# without regard to #zoning lot lines# or district boundaries subject to the following limitations:
 - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
 - (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3, or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3, or C4-1 District from other districts shall be permitted;
 - (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
 - (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning

lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries; and

(4) the maximum #floor area ratio# permitted pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open Space ratio# requirements provided that the #general large scale development# is located partially in a C6-1, C6-2, or C6-3 District **within the boundaries of Community District 7 in Manhattan** and that a minimum of 50 percent of the required #open space# is provided within the #general large scale development#. Required #open space# for the purposes of paragraph (a)(4) of this Section shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district.

~~(b)~~ As a ~~condition of granting~~ In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:

(1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #general large-scale development#, the neighborhood, and the City as a whole;

(2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the #streets#;

(3) where a #zoning lot# of a #general large-scale development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

(4) considering the size of the proposed #general large-scale development#, the #streets# providing access to such #general large-scale development# will be adequate to handle traffic resulting therefrom;

(5) when the Commission has determined that the #general large-scale development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable; and

(6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a) (4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or enlarged #buildings#, and have appropriate access, circulation, seating, lighting and paving, **and be substantially landscaped.** Furthermore, the site plan of such #general large scale development# shall include superior landscaping for #open space# serving the needs of residents of the new or #enlarged buildings#.

~~(6)(7)~~ a declaration with regard to ownership requirements in paragraph (b) of the #general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

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 February 28, 2007, on file in this office.

.....
City Clerk, Clerk of The Council