



Legislation Text

File #: Res 1342-2008, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1342

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 070531 (A) ZSM (L.U. No. 684), for the proposed modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for the grant of a special permit pursuant to Sections 74-743(a)(1), 74-743(a)(2) and 74-743(a)(5)(i) pursuant to the Zoning Resolution of the City of New York in connection with a proposed mixed use development on property located at 685, 700 and 708 First Avenue (Block 945, Lots 23, and 33; Block 070, Lots 1 and 2), in a C5-2 District, within a General Large-Scale Development, Borough of Manhattan.

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on January 28, 2008 its decision dated January 28, 2008 (the "Decision") on the application submitted by 685,700,708 First Realty Company, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for the grant of a special permit pursuant to the following Sections of the Zoning Resolution of the City of New York:

1. Section 74-743(a)(1) - to allow the distribution of the total allowable floor area within the general large-scale development without regard for the zoning lot lines or district boundaries;
2. Section 74-743(a)(2) - to modify the height and setback requirements of Sections 23-652, 23-632, 23-633, and 33-432; and
3. Section 74-743(a)(5)(i) - to modify the requirements of Section 23-942 to allow a portion of the lot area that contains a wholly commercial building to be excluded from the calculation of floor area for any other buildings on the remainder of the zoning lot;

in connection with a proposed mixed use development on property located at 685, 700, and 708 First Avenue (Block 945, Lots 23 and 33, Block 970, Lots 1 and 2), in a C5-2 District, within a General Large-Scale Development (ULURP No. C 070531(A) ZSM), Community District 6, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 050236 ZMK (L.U. No. 678), an amendment to the Zoning Map, Section No. 22d, changing from M1-1 and R5 districts to a C4-5X District;

WHEREAS, the Application is related to ULURP Applications Numbers C 070522 ZMM (L.U. No. 623), a zoning map amendment from M1-5 and M3-2 to C4-6; N 070530 (A) ZRM (L.U. No. 680), a zoning text amendment relating to the definition of General Large-Scale Development, the Inclusionary Housing Program and provisions for bulk modifications in General Large Scale Development; C 070523 (A) ZSM (L.U. No. 681), a special permit pursuant to Section 74-743(a)(2) and Section 74-743(a)(6)(ii) of the Zoning Resolution to modify height and setback regulations inclusionary housing requirements; C 070525 ZSM (L.U. No. 682), a special permit pursuant to Section 13-562 and 74-52 for a attended public parking garage; C 070529 ZMM (L.U. No. 683), a zoning map amendment from C1-9 and M3-2 zoning districts to a C5-2 district; C 070533 ZSM (L.U. No. 685), a special permit pursuant to Section 13-561 for an attended accessory parking garage; and C 070534 ZSM (L.U. No. 686), a special permit pursuant to Sections 13-562 and 74-52 for an attended public parking garage;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning

Resolution;

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 February 25, 2008 on the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues and the Final Supplemental Environmental Impact Statement ("FSEIS") for which a Notice of Completion was issued on January 18, 2008, with respect to this application (CEQR No. 06DCP039M), together with the Technical Memorandum, dated January 28, 2008, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations, have been met.

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

RESOLVED:

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

- (1) the FSEIS 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 thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated [January 28, 2008]March 24, 2008, those mitigative measures that were identified as practicable.

The Decision, FSEIS and the Technical Memorandum dated January 28, 2008, 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 Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision with the following modifications:

Matter in [Bracket] is old, to be deleted by City Council;
Matter in underline is new, to be added by City Council

The property that is the subject of this application (C 070531(A) 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 Skidmore, Owing & Merrill LLP, Richard Meier & Partners Architects, and Field Operations Landscape Planning, filed with this application and incorporated in this resolution:

Drawing Title

Last Date Revised

[January 28, 2008

for all drawings]

| | Title Sheet | <u>March 14, 2008</u> |
|---------|---|-----------------------|
| T -1 | | |
| Z -3.0 | General Large Scale Plan and Zoning Actions | <u>March 14, 2008</u> |
| Z -3.1 | Site Plan and Zoning Calculations | <u>March 14, 2008</u> |
| Z -4 | Average Curb Level Diagram and Calculations | <u>March 14, 2008</u> |
| Z -5 | Height and Setback Diagrams - 685 First Avenue | <u>March 14, 2008</u> |
| Z -6 | Height and Setback Diagrams - 685 First Avenue/WaterSide 1 | <u>March 14, 2008</u> |
| Z -7 | Height and Setback Diagrams - WaterSide 1 and 2 | <u>March 14, 2008</u> |
| Z -8 | Height and Setback Diagrams - 708 First Avenue | <u>March 14, 2008</u> |
| Z -9 | Height and Setback Diagrams - WaterSide 1, 2 and 708 First Avenue | <u>March 14, 2008</u> |
| Z -10 | Height and Setback Diagrams - WaterSide 1, 2 and 708 First Avenue | <u>March 14, 2008</u> |
| Z -11 | Height and Setback Diagrams - WaterSide 1 and 708 First Avenue | <u>March 14, 2008</u> |
| Z -14 | Cellar 1 Plan - 708 First Avenue and WaterSide (Accessory Parking) | January 28, 2008 |
| Z -16 | Cellar 1 Plan - 708 First Avenue and WaterSide (Public Parking) | <u>March 14, 2008</u> |
| Z -17 | Cellar 2 Plan - 708 First Avenue and WaterSide (Public Parking) | <u>March 14, 2008</u> |
| Z -26 | Enlarged Ground Floor Elevations of Deck at FDR Service Drive | January 28, 2008 |
| Z -27 | Enlarged Ground Floor Elevations of 708-1, WS1-1 and WS2-1 | <u>March 14, 2008</u> |
| Z -28 | Enlarged Ground Floor Elevations [of 708-1 and Deck] for Transparency Requirements - 41 st Street and 708-1 | <u>March 14, 2008</u> |
| Z -29 | Enlarged Ground Floor Elevations of WS1-1, Deck, WS1-2 and WS 2-1 | January 28, 2008 |
| Z -30 | Enlarged Ground Floor Elevations of WS2-1 and WS1-2 | January 28, 2008 |
| Z -31 | Enlarged Ground Floor Elevations of WS2-2 Pavilion | January 28, 2008 |
| Z L-1 | PUBLIC PLAZA DESIGNATIONS: WS/708 | <u>March 14, 2008</u> |
| Z L-2 | PUBLIC PLAZA STREET FRONTAGE DIAGRAMs: WS/708 | <u>March 14, 2008</u> |
| [Z L-3 | PUBLIC PLAZA SHADOW DIAGRAM | January 28, 2008] |
| Z L-4.0 | PUBLIC PLAZA COMPLIANCE NOTES | <u>March 14, 2008</u> |
| Z L-4.1 | PUBLIC PLAZA COMPLIANCE NOTES | <u>March 14, 2008</u> |
| Z L-4.2 | PUBLIC PLAZA COMPLIANCE NOTES | <u>March 14, 2008</u> |
| Z L-5 | PUBLIC PLAZA PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-6 | PUBLIC PLAZA SEATING PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-7 | PUBLIC PLAZA FURNISHING PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-8 | PUBLIC PLAZA PLANTING PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-9 | PUBLIC PLAZA OBSTRUCTIONS: SEATING WS/708 | <u>March 14, 2008</u> |
| Z L-10 | PUBLIC PLAZA OBSTRUCTIONS: FURNISHING WS/708 | <u>March 14, 2008</u> |
| Z L-11 | PUBLIC PLAZA OBSTRUCTIONS: PLANTING WS/708 | <u>March 14, 2008</u> |
| Z L-12 | PUBLIC PLAZA GRADING PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-13 | PUBLIC PLAZA SURFACE MATERIAL PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-14 | PUBLIC PLAZA PAVING PLAN: WS/708 | <u>March 14, 2008</u> |
| Z L-15 | PUBLIC PLAZA LIGHTING PLAN: WS/708 | <u>March 14, 2008</u> |

| | | |
|-------------------|--|-----------------------|
| Z L-16 | PUBLIC PLAZA LIGHTING PHOTOMETRICS: WS/708 | <u>March 14, 2008</u> |
| Z L-17.0 | INDIVIDUAL LIGHTING PHOTOMETRICS / FIXTURES AND DETAILS | January 28, 2008 |
| Z L-18.0 | PUBLIC PLAZA LANDSCAPE DETAILS: SEATING | January 28, 2008 |
| Z L-18.1 | PUBLIC PLAZA LANDSCAPE DETAILS: SEATING | January 28, 2008 |
| Z L-18.2 | PUBLIC PLAZA LANDSCAPE DETAILS: SEATING | January 28, 2008 |
| <u>Z L-18.2.1</u> | <u>PUBLIC PLAZA LANDSCAPE DETAILS: SEATING</u> | <u>March 14, 2008</u> |
| Z L-18.3 | PUBLICPLAZA LANDSCAPE DETAILS: SEATING CONFIGURATIONS | January 28, 2008 |
| Z L-18.4 | PUBLIC PLAZA LANDSCAPE DETAILS: FURNISHING | January 28, 2008 |
| Z L-18.5 | PUBLIC PLAZA LANDSCAPE DETAILS: FURNISHING | January 28, 2008 |
| Z L-18.6 | PUBLIC PLAZA LANDSCAPE DETAILS: PAVING | January 28, 2008 |
| Z L-18.7 | PUBLIC PLAZA LANDSCAPE DETAILS: PLANTING | January 28, 2008 |

1. 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.

2. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

3. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated [January 28, 2008] March 24, 2008, executed by 616 First Realty Company LLC, 685 First Realty Company LLC, 700 First Realty Company LLC and 708 First Realty Company LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York..

4. 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.

5. 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.

6. 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 and the restrictive declaration 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 or of the restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents 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 March 26, 2008, on file in this office.

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City Clerk, Clerk of The Council