



Legislation Text

File #: Res 0072-2010, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 72

Resolution approving the decision of the City Planning Commission on ULURP No. C 100054 ZSM (L.U. No. 31), for the grant of a special permit pursuant to the following Sections of the Zoning Resolution: Section 74-743(a)(1) to allow the distribution of open space without regard for zoning district boundaries; and Section 74-743(a)(2) to modify the rear yard regulations of Sections 23-532 (Required rear yard equivalents) and 33-283 (Required rear yard equivalents), to modify the height and setback regulations of Sections 23-632 (Front setbacks in districts where front yards are not required), 33-43 (Maximum Height of Walls and Required Setbacks), 35-62 (Maximum Height of Wall in Initial Setback Distance) and 23-663 (Street wall location and height and setback regulations in certain districts), and to modify the minimum required distance between two or more buildings regulations of Section 23-711 (Standard minimum distance between buildings); to facilitate a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), in a general large-scale development, Borough of Manhattan.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on January 29, 2009 its decision dated January 27, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, 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 open space without regard for zoning district boundaries; and
- 2) Section 74-743(a)(2) to modify the rear yard regulations of Sections 23-532 (Required rear yard equivalents) and 33-283 (Required rear yard equivalents), to modify the height and setback regulations of Sections 23-632 (Front setbacks in districts where front yards are not required), 33-43 (Maximum Height of Walls and Required Setbacks), 35-62 (Maximum Height of Wall in Initial Setback Distance) and 23-663 (Street wall location and height and setback regulations in certain districts), and to modify the minimum required distance between two or more buildings regulations of Section 23-711 (Standard minimum distance between buildings);

to facilitate a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), in a general large-scale development, (ULURP No. C 100053 ZSM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers N 100052 ZRM (L.U. No. 28), a Zoning Text Amendment relating to Article IX, Chapter 6 (Special Clinton District); C 100051 ZMM (L.U. No. 29), an amendment to the Zoning Map changing from M1-5 to R8/C2-5 and R10/C2-5; C 100053 ZSM (L.U. No. 44), a special permit pursuant to Section 74-681 to permit development over railroad or transit air space; and C 100055 HAM (L.U. No. 32), an urban development action area project designation, project approval and disposition of city-owned property;

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 74-743 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 February 24, 2010;

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 January 13, 2010 (CEQR No. 09HPD022M).

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) 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 FEIS will be minimized or avoided to the maximum extent practicable;
- (4) 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.

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 3, 2010, on file in this office.

City Clerk, Clerk of The Council