



## Legislation Text

**File #:** Res 0622-2010, **Version:** \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 622

Resolution approving the decision of the City Planning Commission on Application No. N 100295 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of use regulations), Borough of Manhattan (L.U. No. 264).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), pursuant to Sections 197-c and 201 of the New York City Charter, regarding an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP, for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of use regulations), to facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area and public parking on a site bounded by West 61<sup>st</sup> Street, West End Avenue, West 59<sup>th</sup> Street, and the future alignment of Riverside Boulevard (Application No. N 100295 ZRM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications Numbers C 100287 ZSM (L.U. No. 256), special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development; C 100288 ZSM (L.U. No. 257), special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces; C 100289 ZSM (L.U. No. 258), C 100290 ZSM (L.U. No. 259), C 100291 ZSM (L.U. No. 260), C 100292 ZSM (L.U. No. 261), C 100293 ZSM (L.U. No. 262), special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces; N 100294(A) ZRM (L.U. No. 263) zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74-743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to: 1) allow the City Planning Commission to modify, by special permit, the definition of "outer court" to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court; 2) create a new Inclusionary Housing designated area consisting of the project site; 3) clarify which bulk regulations are applicable to the project site; and 3) allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b); C 100296(A) ZSM/M 920358 (D) ZSM (L.U. No. 265), special permit pursuant to Section 74-743 to modify, in a General Large-Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing) and a concurrent modification to the original Riverside South general large scale special permit and restrictive declaration; and C 100297 ZSM (L.U. No. 266), special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large-scale

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 November 23, 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 Supplemental Environmental Impact Statement (FSEIS) for which a Notice of Completion was issued on October 15, 2010, with respect to the Application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications thereto set forth in the Decision, and the CEQR Technical Memorandum issued on December 15, 2010 with respect to the proposed modifications to the Decision;

RESOLVED:

Having considered the FSEIS and the Technical Memoranda dated September 10, 2010; October 26, 2010 and December 15, 2010, with respect to the Decision, 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 (the Decision), with further modifications set forth and analyzed in the Technical Memorandum dated December 15, 2010, 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 the Restrictive Declaration, Exhibit B, attached hereto by reference, those project components related to the environment and mitigation measures that were identified as practicable.
- (4) The Decision together with the FSEIS and the Technical Memoranda, 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 based on the environmental determination and consideration described in this report, N 100295 ZRM, incorporated by reference herein, the Council approves the Decision.

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 in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

## ARTICLE VII: ADMINISTRATION

\* \* \*

### Chapter 4 Special Permits by the City Planning Commission

\* \* \*

#### 74-74 General Large-Scale Development

For #general large-scale developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. For these #developments#, the regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #general large-scale development# shall contain any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #general large-scale development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (NON-CONFORMING USES: DEFINITIONS AND GENERAL PROVISIONS).

\* \* \*

#### 74-744 Modification of use regulations

(a) Use modifications

(1) Waterfront and related #commercial uses#

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

(1)(i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #general large-scale development#; and

(2)(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic

generated thereby.

(2) Automotive sales and service #uses#

For #general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7, the City Planning Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

- (i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;
- (ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and
- (iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(b) Location of #commercial uses#

For any #general large-scale development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

- (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
- (2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and
- (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

\* \* \*

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 December 20, 2010, on file in this office.

City Clerk, Clerk of The Council