Legislation Details (With Text)

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On agenda:	2/27/2020			
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Title:	Resolution approving the decision of the City Planning Commission on ULURP No. C 200061 (A) ZSM, for the grant of a special permit (L.U. No. 606).			
Sponsors:	Rafael Salamanca, Jr., Francisco P. Moya			
Indexes:				
Attachments:	1. Land Use Calendar - Week of January 27, 2020 - January 31, 2020, 2. January 23, 2020 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 1-23-20, 4. Land Use Calendar - Week of February 10, 2020 - February 14, 2020, 5. Land Use Calendar - February 13, 2020, 6. February 27, 2020 - Stated Meeting Agenda with Links to Files, 7. Committee Report, 8. Res. No. 1265, 9. Hearing Transcript - Stated Meeting 2-27-20, 10. Minutes of the Stated Meeting - February 27, 2020			

Date	Ver.	Action By	Action	Result
2/13/2020	*	Committee on Land Use	Approved by Committee	
2/27/2020	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1265

Resolution approving the decision of the City Planning Commission on ULURP No. C 200061 (A) ZSM, for the grant of a special permit (L.U. No. 606).

By Council Members Salamanca and Moya

WHEREAS, GO Broome, LLC and The Chinatown Planning Council Housing Development Fund Company, Inc., filed an application 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 Procedures for the grant of a special permit pursuant to Section 78-312 of the Zoning Resolution to allow floor area permitted by the applicable district regulations to be distributed without regard for zoning lot lines, to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and the distance between buildings requirements of Section 23-711 (Standard Minimum Distance Between Buildings), in connection with a proposed mixed use development on property located on the southerly side of Broome Street between Norfolk Street and Suffolk Street (Block 346, Lots 1, 37 & 75), within an existing large -scale residential development bounded by Broome Street, Suffolk Street, Grand Street and Essex Street (Block 346, Lots 1, 37, 75 & 95; and Block 351, Lot 1), in R8 and R9-1/C2-5 Districts, which in conjunction with the related actions would facilitate the development of two new mixed-use developments containing mostly residential uses, and community facility and commercial uses (the proposed development) in Manhattan Community District 3 (ULURP No. C 200061(A) ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on January 21, 2020, its decision

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dated January 21, 2020 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 200064 ZMM (L.U. No. 607), a zoning map amendment to change an R8 district to an R9-1 district with a C2-5 overlay; and N 200065 ZRM (L.U. No. 608), a zoning text amendment to Appendix F; ZR Section 23-011, 28-01, and 78-03 to designate a Mandatory Inclusionary Housing (MIH) area and allow use of the Quality Housing Program;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Sections 13-443, 78-311(e), 78-312, and 78-313 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 January 30, 2020;

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, issued on January 25, 2019 (CEQR No. 19DCP119M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 10, 2020 which identified significant adverse impacts with respect to construction (vehicular traffic and noise) and transportation (vehicular traffic and pedestrian traffic) and significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-548) on the project sites. In addition, the FEIS analyzed the amended application and concluded that the amended application would not change the conclusions of the FEIS and the significant adverse impact categories would remain the same and the identified significant adverse impacts and proposed mitigation measures are included in the Restrictive Declaration attached as Exhibit A and Exhibit B to the Decision.

RESOLVED:

Having considered the FEIS with respect to the Decision and 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 available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to two Restrictive Declarations marked as Exhibit A and Exhibit B, those project components related to the environment and mitigation measures that were identified as practicable and the placement of (E) designation (E-548) for hazardous materials, air quality, and noise; and

(4) No development pursuant to this resolution shall be permitted until the Restrictive Declarations attached as Exhibit A and Exhibit B, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning and Counsel to the Landmarks

Preservation Commission, as executed by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company 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.

The Decision, together with the FEIS 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) of the SEQRA regulations.

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 the report, C 200061 (A) ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 200061(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 Dattner Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-103.00	Seward Park Extension West LSRD Site Plan (Proposed)	01/17/2020
Z-104.00	Seward Park Extension West LSRD Zoning Analysis (1 of 2)	08/06/2019
Z-105.00	Seward Park Extension West LSRD Zoning Analysis (2 of 2)	10/07/2019
Z-201.00	Parcel 2A - Zoning Analysis (1 of 2), Curb Level & Base Plane (Development Site)	08/06/2019
Z-202.00	Parcel 2A - Zoning Analysis (2 of 2), Curb Level & Base Plane (Development Site)	10/07/2019
Z-203.00	Parcel 2A - Zoning Lot Site Plan (Development Site)	01/17/2020
Z-205.00	Parcel 2A - Development Waiver Plan	01/17/2020
Z-206.00	Parcel 2A - Waiver Sections	01/17/2020
Z-207.00	Parcel 2A - Waiver Sections	01/17/2020
Z-208.00	Parcel 2A - Waiver Sections	01/17/2020
Z-209.00	Parcel 2A - Waiver Sections	10/07/2019
Z-210.00	Parcel 2A - Waiver Sections	10/07/2019
Z-211.00	Parcel 2A - Waiver Sections	08/06/2019
Z-212.00	Parcel 2A - Waiver Sections	08/06/2019
Z-213.00	Parcel 2A - Waiver Sections	10/07/2019

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. 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 resolution and any subsequent modifications to either document 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, sublessee 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 attached 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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached 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's or such employee's or agent's 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 February 27, 2020, on file in this office.

City Clerk, Clerk of The Council

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