



CITY PLANNING COMMISSION

June 6, 2012 / Calendar No.10

N 120123 ZRM

IN THE MATTER OF an application submitted by New York University pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by West Third Street, Mercer Street, West Houston Street, and LaGuardia Place, Borough of Manhattan, Community District 2.

This application for the zoning text amendment relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) was filed by the applicant on December 5, 2011. The text amendment, along with its related actions, would facilitate the expansion of New York University's campus in the Washington Square area. NYU is proposing to construct four new buildings (including academic uses, residential units for NYU faculty and students, a new athletic facility, a University-affiliated hotel, and retail uses) and approximately 3 acres of public parks and publicly-accessible open spaces. By 2031, the proposed actions are intended to result in the development of approximately 1.11 million zoning square feet of new uses. NYU also proposes to map a C1-5 overlay on the approximately 6-block area bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and the northern boundary of the existing R7-2 district just south of East 8th Street. The rezoning would allow ground floors to convert to retail use.

RELATED ACTIONS

In addition to the zoning text amendment (N 120123 ZRM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 120124 ZSM Special Permit pursuant to Section 74-743 to allow the distribution of open space; to modify height and setback and rear yard requirements; and to modify minimum distances between buildings within a Large-Scale General Development.

- C 120077 MMM City Map Change to narrow, through elimination, discontinuance, and closure, various segments of Mercer Street and LaGuardia Place to enable property disposition to New York University and to establish parkland.
- C 120122 ZMM Zoning Map Amendment to change existing R7-2 District to a C1-7 District and to establish within an existing R7-2 District a C1-5 District.

BACKGROUND

A full background discussion and description of this application appears in the report for a special permit application (C 120124 ZSM).

ENVIRONMENTAL REVIEW

The application (N 120123 ZRM), in conjunction with the applications (C 120124 ZSM, C 120077 MMM, C 120122 ZMM) for the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11DCP121M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a special permit (C 120124 ZSM).

PUBLIC REVIEW

This application (N 120123 ZRM), in conjunction with the applications for the related actions, was duly referred to Community Board 2 and the Borough President on January 3, 2012, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on February 23, 2011, and on that date, by a unanimous vote of 40 to 0, adopted a resolution recommending disapproval of the application.

A summary of the recommendations of Community Board 2 appears on the related application for a special permit (C 120124 ZSM).

Borough President Recommendation

This application (N 120123 ZRM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who recommended approval, with conditions, of the application on April 11, 2012.

A summary of the recommendations of the Borough President appears on the related application for a special permit (C 120124 ZSM).

City Planning Commission Public Hearing

On April 11, 2012 (Calendar No. 4), the City Planning Commission scheduled April 25, 2012, for a public hearing on this application (N 120123 ZRM). The hearing was duly held on April 25, 2012 (Calendar No. 16) in conjunction with the public hearing on the applications for related actions.

There were a number of appearances as described in the related application for a special permit (C 120124 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 120123 ZRM), in conjunction with the application for related actions as modified, is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the related report for a special permit application (C 120124 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for

which a Notice of Completion was issued on May 25, 2012, with respect to this application (CEQR No. 11DCP121M), and the CEQR Technical Memorandum dated June 4, 2012, (Technical Memorandum), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action as modified with the modifications adopted herein and as analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS and in the Technical Memorandum (Modified Proposed Action) is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, dated June 6, 2012, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and as amended subsequently, is further amended as follows:

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within ## is defined in Section 12-10;

Article 7 – Administration

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Chapter 4
Special Permits by the City Planning Commission

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74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

~~When a #large scale general development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, a special permit may be applied for and granted under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section.~~

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation, or
- (b) partially under city ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in city ownership.

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74-743

Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

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Within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street # for the purposes of applying all #use# and #bulk# regulations of this Resolution.

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The above resolution (N 120123 ZRM), duly adopted by the City Planning Commission on June 6, 2012 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES , Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, Commissioners

MICHELLE DE LA UZ, Commissioner, Voted No