



CITY PLANNING COMMISSION

March 24, 2004/Calendar No. 35

N 030228 ZRY

IN THE MATTER OF an application submitted by Columbia University and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4, (Special Permits by the City Planning Commission), to modify the provisions of Section 74-48 concerning height and setback regulations for scientific research and development facilities in C6 Districts.

The application for an amendment of the Zoning Resolution was filed by Columbia University and the New York City Economic Development Corporation on November 26, 2002. The proposed action would amend Section 74-48 of the Zoning Resolution, to allow modification of the height and setback regulations of Section 33-432, to facilitate the development of scientific research and development facilities in C6 Districts. The proposed action would facilitate the development of Audubon IV, a new commercial biotech research facility within the Audubon Research Park in Washington Heights.

RELATED ACTIONS

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

C 030229 ZSM: Special Permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and modifications of height and setback regulations;

C 030230 PPM: Disposition of City-owned Property.

BACKGROUND

The proposed amendment to Section 74-48 of the Zoning Resolution (Scientific Research and Development Facility) would allow the City Planning Commission, to modify the height and setback regulations of Section 33-432 (Maximum Height of Walls and Required Setbacks) for scientific research and development facilities in C6 districts. The amendment also provides an additional finding to ensure that the proposed facility would not duly obstruct light and air to

adjoining properties or public streets. The existing and proposed provisions of Section 74-48 are applicable only in C6 Districts on zoning lots that have an area of at least 40,000 square feet or occupy an entire block.

A more detailed description of the site, surrounding area and the proposed Audubon IV project is included in the report on the related application, C 030229 ZSM.

ENVIRONMENTAL REVIEW

This application (N 030228 ZRY), in conjunction with the applications for the related actions (C 030229 ZSM and C 030230 PPM), 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 02DME010M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on December 18, 2002.

PUBLIC REVIEW

On November 3, 2003, this text amendment was duly referred to Manhattan Community Boards 1, 2, 3, 4, 5, 6, 8 and 12, Brooklyn Community Board 2 and Queens Community Board 12; the Manhattan, Brooklyn and Queens Borough Presidents, and the Manhattan Borough Board for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

The Commission received the following comments.

On January 12, 2004, Manhattan Community Board 12 adopted a resolution approving the proposed text amendment by a vote of 16 in favor, 5 opposed, with 2 abstentions, with conditions. A summary of the recommendation of Community Board 12 appears in the report on the related application for the Audubon IV project, C 030229 ZSM.

On December 12, 2003 Manhattan Community Board 6 adopted a resolution disapproving the proposed text amendment by a vote of 36 in favor, 0 opposed, with 0 abstentions. The Board opposed it because it:

would create a zoning text change of general applicability for the purpose of resolving a site-specific land use question, a mechanism which raises the possibility of severed unintended consequences and whose unforeseen ramifications of height and setback waivers create future uncertainties for all C6 zones; and

site-specific issues are better dealt with at the Board of Standards and Appeals (BSA) and it is the opinion of CB6 that exceptions to height and setback regulations should be obtained through the existing mechanism of relief by applying to the BSA.

On December 11, 2003 Manhattan Community Board 8 adopted a resolution disapproving the proposed text amendment by a vote of 7 in favor, 11 opposed, with 10 abstentions and 1 not voting for cause.

On December 22, 2003, Manhattan Community Board 3 adopted a resolution not to take a position.

Borough Board Review

The Manhattan Borough Board did not submit a recommendation on this application.

Borough President's Review

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application with conditions on February 11, 2004.

A summary of the Borough President's recommendation appears in the report on the related application for the Audubon IV project, C 030229 ZSM.

City Planning Commission Public Hearing

On February 11, 2004 (Calendar No. 4), the City Planning Commission scheduled February 25, 2004, for a public hearing on this application (N 030228 ZRY) in conjunction with the applications for the related actions (C 030229 ZSM and C 030230 PPM). The hearing was duly held on February 25, 2004 (Calendar No. 6), in conjunction with the public hearings on the applications for the related actions.

There were a number of speakers, as described in the report on the related application for the Audubon IV project, C 030229 ZSM, and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed text to modify the provisions of Section 74-48 concerning height and setback regulations for scientific research and development facilities in C6 Districts is appropriate.

A more detailed description of the proposed Audubon IV project is included in the report on the related application, C 030229 ZSM.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 consideration described in this report, 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 *italics* is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

Article VII – Administration

Chapter 4 – Special Permits by the City Planning Commission

* * *

74-48

Scientific Research and Development Facility

In C6 Districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnical, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research **and may modify height and setback regulations for the facility.** Such facility must conform to the performance standards applicable to M1 Districts and occupy a *zoning lot* that either contains a minimum *lot area* of 40,000 square feet or comprises an entire *block*. No *residential use* is to be located anywhere on a *zoning lot* containing such a facility.

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

- (a) will not unduly affect the essential character or impair the future use and development of the surrounding areas;
- (b) will be located so as to draw a minimum of vehicular traffic to and through local *streets*; and
- (c) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage.
- (d) that the modification of such height and setback regulations will not unduly obstruct the access of light and air to adjoining properties or public streets.**

All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-Street Loading Berths) for *commercial uses*.

The Commission may also require the provision of *accessory* off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such *use*. The size and location of such parking and loading facilities shall comply with the applicable provisions of Section 36-00 (OFF-STREET PARKING REGULATIONS: GENERAL PURPOSES AND DEFINITIONS).

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

The above resolution (N 030228 ZRY), duly adopted by the City Planning Commission on March 24, 2004 (Calendar No. 35), 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, AICP, **Chair**
KENNETH J. KNUCKLES, Esq., **Vice Chairman**
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
ALEXANDER GARVIN, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO,
DOLLY WILLIAMS, **Commissioners**

KAREN A. PHILLIPS, **Commissioner voting no**