

CITY COUNCIL
LAND USE DIVISION

2017 SEP -6 A 10:46



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NYC COUNCIL
2017 SEP -6 A 9:42
SPEAKER'S OFFICE

September 6, 2017

City Council
City Hall
New York, NY 10007

Re: 34th Street Heliport
ULURP No. C 170158 ZSM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated August 23, 2017, from the City Council regarding the proposed modifications to the above-referenced application submitted by the New York City Department of City Planning for a special permit pursuant to Article 7, Chapter 4 of the Zoning Resolution, in order to permit the continued operation of the heliport within Manhattan Community District 6.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on September 5, 2017, has determined that the City Council's proposed modifications raise no land use or environmental issues requiring further review.

Very truly yours,

Marisa Lago
Chair

c: E. Hsu-Chen D. DeCerbo B. Tuttle E. Moser
A. Laremont J. Merani J. Mangin

Marisa Lago, Chair
City Planning Commission
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August 23, 2017

Honorable Marisa Lago, Chair
 City Planning Commission
 120 Broadway, 31st Floor
 New York, NY 10271

Re: Application No.: C 170158 ZSM (L.U. No. 720)

34th Street Heliport

Dear Chair Lago:

On August 22, 2017, the Land Use Committee of the City Council, by vote of 16-0-0 for C 170158 ZSM, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

Matter in double ~~strikeout~~ is old, deleted by the City Council;
 Matter in double underline is new, added by the City Council.

1. The property that is the subject of this application (C 170158 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 Stantec Consulting Services Inc., filed with this application and incorporated in this resolution:

| <u>Drawing Number</u> | <u>Title</u> | <u>Last Date Revised</u> |
|-----------------------|--------------|---|
| Z-01 | Site Plan | <u>August , 2017</u> December 13, 2016 |

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. The applicants shall incorporate certain terms and conditions of the special permit into the management contract. Such terms and conditions may constitute the basis for termination of the management contract and revocation of the special permit pursuant to Section 11-62 of the Zoning Resolution include:
 - a. The hours of weekday operations shall be limited to 8 AM to 8 PM;
 - b. There shall be no weekend operations;
 - c. There shall be a maximum limit of 28,800 annual flight operations;
 - d. There shall be no tour (sightseeing) operations; and
 - e. The operator selected to manage the heliport shall provide good maintenance to the terminal buildings and the environment under control of the City.
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 of conditions of this resolution 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 as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted; and
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.

8. The Special Permit is approved for a term of 10 years. Notwithstanding the foregoing, operation of the heliport pursuant to an operating permit(s) shall continue for a period of no more than 5 years unless, prior to the expiration of such 5 year period, the Economic Development

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Corporation conducts a performance review of the heliport operator and, following such review, EDC elects at its discretion to continue operation of the heliport pursuant to such operating permit. Operation of the heliport may be continued for no more than an additional 5 years. Such performance review shall include, without limitation, a review of the operator's record regarding noise, cleanliness, and response to complaints and compliance with all applicable laws and regulations. The review shall be in writing and shall be submitted to the local Community Board, Council Member, Manhattan Borough President and City Planning Commission prior to any election to continue operation of the heliport pursuant to an operating permit beyond 5 years.

In addition, the following shall be provided by EDC to the local community board and Manhattan Borough President:

- (i) Quarterly data on the East 34th Street Heliport, including:
 - a. the number of flights per month operating out of the East 34th Street Heliport;
 - b. the number of variances granted for flights before or after set hours of operation, per month; and
 - c. a list of helicopter/heliport complaints filed with 311 for the previous quarter within Community Board 6. Complaint information will include the time, date and place of the complaint (if provided), the nature of the complaint (including specific details if provided) and the response.
- (ii) Biannual (every six months) updates on any planned maintenance and improvement plans for the East 34th Street Heliport site.
- (iii) Inclusion of the Community Board and Manhattan Borough President on a monthly report currently submitted to the New York City Council that includes a summary of 311 helicopter complaints across the City.

Please feel free to contact me at (212) 482-5185 if you or your staff has any questions in the regard.

Sincerely,


Dylan Casey, Esq.
Deputy General Counsel

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RECEIVED BY: _____

DATE: _____

TIME: _____

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