



Legislation Details (With Text)

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**Type:** Resolution    **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 5/29/2019

**Enactment date:**    **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 190205 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 412).

**Sponsors:** Rafael Salamanca, Jr., Francisco P. Moya

**Indexes:**

**Attachments:** 1. Res. No. 913, 2. Land Use Calendar - Week of April 29, 2019 - May 7, 2019, 3. Land Use Calendar - Week of May 13, 2019 - May 17, 2019, 4. REVISED - Land Use Calendar - Week of May 13, 2019 - May 17, 2019, 5. Hearing Testimony - Zoning 5-2-19, 6. Land Use Agenda for May 16, 2019, 7. Hearing Transcript - Zoning 5-14-19, 8. May 29, 2019 - Stated Meeting Agenda with Links to Files, 9. Hearing Transcript - Stated Meeting 5-29-19, 10. Minutes of the Stated Meeting - May 29, 2019, 11. Minutes of the Recessed Meeting of May 29, 2019 Held on June 13, 2019, 12. Committee Report

Date	Ver.	Action By	Action	Result
5/16/2019	*	Committee on Land Use	Approved by Committee	
5/29/2019	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 913**

**Resolution approving the decision of the City Planning Commission on Application No. N 190205 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 412).**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on April 26, 2019 its decision dated April 10, 2019 (the "Decision"), on the application submitted by 509 West 34, L.L.C., pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying lobby and street tree provisions in Four Corners Subarea A2, to expand the required lobby width from 40-feet to 70-feet for a development having two million square feet or more of floor area to accommodate the expected number of people using those entrances, clarifying that the special district text requirement for a row of double trees should only be on 34<sup>th</sup> Street, in Manhattan Community District 4, (Application No. N 190205 ZRM), (the "Application");

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 May 2, 2019;

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, including the Proposed No. 7 Subway Extension-Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS) for which a Notice of Completion was issued on November 8, 2004 (CEQR No. 03DCP031M), and the Technical Memorandum to the FGEIS (TM010) dated December 13<sup>th</sup>, 2018 which concluded that the proposed action would not result in any new or different significant adverse impacts or require any new or different mitigation measures than those identified in the 2004 FGEIS (the “Technical Memorandum”).

RESOLVED:

Having considered the FGEIS and the Technical Memorandum, with respect to the Application, the Council finds that the action described herein will have no significant impact on the environment.

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, N 190205 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter                      is new, to be added; Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

**ARTICLE IX - SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Hudson Yards District**

**93-10  
USE REGULATIONS**

\* \* \*

**93-14  
Ground Floor Level Requirements**

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

**(a) Retail continuity along designated streets in Subdistricts A, B, C, D and E**

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's street# frontage, as indicated on Map 2.

#Uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial uses# permitted by the underlying district, not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

- (1) for #building# walls facing the outdoor plaza described in Section 93-71, paragraph (b): the through block connection described in Section 93-71, paragraph (d), and the connection to the public plaza described in Section 93-71, paragraph (e);
- (2) for #building# walls facing the through block connection described in Section 93-71, paragraph (d): the outdoor plaza described in Section 93-71, paragraph (b);
- (3) for #building# walls facing the connection to the #public plaza# described in Section 93-71, paragraph (e): the outdoor plaza described in Section 93-71, paragraph (b) and the public plaza described in Section 93-71, paragraph (c); or
- (4) a combination of retail #uses# and public access areas so as to satisfy such depth requirement for retail continuity.

The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except ~~that~~ within the Eastern Rail Yard Subarea A1, where the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less-, and within the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million square feet or more of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.

\* \* \*

**93-60  
MANDATORY IMPROVEMENTS**

\* \* \*

**93-62**  
**Street Tree Planting**

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Subdistrict A, trees shall also be planted along the #street# edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

\* \* \*

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 May 29, 2019, on file in this office.

.....  
City Clerk, Clerk of The Council