



## **CITY PLANNING COMMISSION**

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January 28, 2008 / Calendar No. 6

C 070529 ZMM

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**IN THE MATTER OF** an application submitted by 685, 700, 708 First Realty Company, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 8d:

1. changing from a C1-9 District to a C5-2 District property bounded by East 40<sup>th</sup> Street, First Avenue, East 39<sup>th</sup> Street, and Entrance Street; and
2. changing from an M3-2 District to a C5-2 District property bounded East 41<sup>st</sup> Street and its easterly centerline prolongation, the U.S. Pierhead Line, East 38<sup>th</sup> Street and its easterly centerline prolongation, and First Avenue;

as shown on a diagram (for illustration purposes only) dated August 20, 2007, and subject to the conditions of CEQR Declaration E-196, Borough of Manhattan, Community District 6.

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The application for an amendment to the Zoning Map was filed by 685, 700, 708 Realty Company, LLC, on June 12, 2007, to change C1-9 and M3-2 districts to a C5-2 district property to facilitate a General Large-Scale Development located at 685, 700 and 708 First Avenue.

### **RELATED ACTIONS**

In addition to the zoning map amendment 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:

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|-----------------|--|
| C 070522 ZMM    | Zoning Map Amendment from M1-5 and M3-2 to a C4-6.   |
| C 070523(A) ZSM | Special Permit pursuant to Section 74-74 of the Zoning Resolution to modify height and setback regulations and inclusionary housing requirements |
| C 070525 ZSM    | Special Permit pursuant to Section 13-562 and 74-52 for an attended  |

- public parking garage
- N 070527 ZCM Commission Certification pursuant to Section 26-17 for streetscape modifications
- N 070528 ZCM Commission Certification pursuant to Section 37-015 to modify retail continuity requirements
- N 070530(A) ZRM Zoning Text Amendment relating to the definition of General Large-Scale Development, the Inclusionary Housing Program and provisions for bulk modifications in General Large Scale development
- C 070533 ZSM Special Permit pursuant to Section 13-561 for an attended accessory parking garage
- C 070534 ZSM Special Permit pursuant to Sections 13-562 and 74-52 for an attended public parking garage
- N 070536 ZCM Commission Certification pursuant to Section 26-17 for streetscape modifications
- N 070537 ZCM Commission Certification pursuant to Section 26-15 to permit curb cuts on a wide street
- N 070538 ZCM Commission Certification pursuant to Section 37-015 to modify retail continuity requirements

## **BACKGROUND**

A full background discussion and description of this application appears in the related report for a special permit (C 070531(A) ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 070529 ZMM) 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 06DCP039M. The lead is the City Planning Commission.

It was determined that the proposed action may have a significant effect on the environment. A Positive Declaration was issued on October 3, 2005, and distributed, published and filed. A summary appears in the application on the related report for a special permit (C 070531(A) ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 070529 ZMM), in conjunction with the application for the related actions, was certified as complete by the Department of City Planning on August 20, 2007, and was duly referred to Community Board 6 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Public Hearing**

Community Board 6 held a public hearing on this application, and related actions on September 9, 2007, and on October 10, 2007, by a vote of 31 in favor, 3 in opposition and 0 abstentions, adopted a resolution recommending conditional disapproval of the application.

A summary of the recommendations of Community Board 6 appears on the related application for a special permit (C 070531(A) ZSM).

### **Borough President Recommendation**

This application (C 070529 ZMM), in conjunction with the related actions was considered by the Borough President, who issued a recommending conditional disapproval of the application on November 28, 2007.

A summary of the recommendations of the Borough President appears on the related application for a special permit (C 070531(A) ZSM).

### **City Planning Commission Public Hearing**

On November 14, 2007 (Calendar No. 6), the City Planning Commission scheduled December 5, 2007, for a public hearing on this application (C 070529 ZMM). The hearing was duly held on December 5, 2007 (Calendar No. 33) in conjunction with the public hearing on the applications for related actions.

There were a number of appearances, as described in the report on the related application for a special permit (C 070531(A) ZSM), and the hearing was closed.

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 070529 ZMM), in conjunction with those for related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et. seq.) The designated WRP number is 07-0007.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of the zoning map amendment is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appear in the report on the related application for a special permit (C 070531(A) ZSM).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Supplemental Environmental Impact Statement (FSEIS), for which a Notice of Completion was issued on January 18, 2008, with respect to this application (CEQR No. 06DCP039M), together with the Technical Memorandum, dated January 28, 2008, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or

- avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated January 28, 2008, those mitigative measures that were identified as practicable.

This report of the City Planning Commission, together with the FSEIS and the Technical Memorandum, constitute 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**, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission pursuant to Sections 197-c and 201 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 as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section 8d:

1. changing from a C1-9 District to a C5-2 District property bounded by East 40<sup>th</sup> Street, First Avenue, East 39<sup>th</sup> Street, and Entrance Street; and
2. changing from an M3-2 District to a C5-2 District property bounded East 41<sup>st</sup> Street and its easterly centerline prolongation, the U.S. Pierhead Line, East 38<sup>th</sup> Street and its easterly centerline prolongation, and First Avenue;

As shown on a diagram (for illustration purposes only) dated August 20, 2007, and subject to the conditions of CEQR Declaration E-196, Borough of Manhattan, Community District 6.

The above resolution (C 070529 ZMM), duly adopted by the City Planning Commission on January 28, 2008 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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., ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN**  
**LEVENTHAL, JOHN MEROLO, Commissioners**

**ANGELA R. CAVALUZZI, R.A., KAREN A. PHILLIPS, Commissioners, Voting No**

**SHIRLEY A. McRAE, Commissioner, Abstaining**