



CITY PLANNING COMMISSION

March 18, 2009 / Calendar No. 11

N 080009 ZRM

IN THE MATTER OF an application submitted by 536 W 54th LLC A, 536 W 54th LLC B and 536 W 54th Street LLC C pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.

This application for the zoning text amendment relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and relating to Article IX, Chapter 6 (Special Clinton District) was filed by the applicant on July 13, 2007. The zoning text amendment, along with its related actions, would facilitate the development of a proposed, mixed-use building with approximately 900 residential units, of which approximately 180 would be affordable, an automobile dealership with vehicle repair facilities, some retail space, a fitness center and accessory parking. It is anticipated that the site would also contain the New York City Police Mounted Unit Headquarters and facilities for the Police Department's Mounted Troop "B" including stables, pending future site selection and acquisition actions.

RELATED ACTIONS

In addition to the zoning text amendment (N 080009 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 080008 ZMM	Zoning Map Amendment from M1-5 to C6-3X
C 080010 ZSM	Special Permit pursuant to Section 74-743 to waive height and setback regulations
C 080011 ZSM	Special Permit pursuant to Section 74-744 to permit a commercial use and residential use to occupy the same floor and to waive signage regulations

BACKGROUND

A full background discussion and description of this application appears in the report for a zoning map amendment (C 080008 ZMM).

ENVIRONMENTAL REVIEW

The application (N 080009 ZRM), in conjunction with the applications (C 080008 ZMM, C 080010 ZSM and C 080011 ZSM) 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 07DCP071M. The lead agency 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 10, 2007, and distributed, published and filed. A summary of the environmental review appears in the report on the related application for a zoning map amendment (C 080008 ZMM).

PUBLIC REVIEW

This application (N 080009 ZRM), in conjunction with the application for the related actions, was duly referred to Community Board 4 and the Borough President on October 27, 2008, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application and the related actions on December 3, 2008, and on that date, voted unanimously to adopt a resolution recommending conditional disapproval of the application.

A summary of the recommendations of Community Board 4 appears on the related application for a zoning map amendment (C 080008 ZMM).

Borough President Recommendation

This application (N 080009 ZRM), in conjunction with the related actions, was considered by the Borough President, who issued a recommending conditional approval of the application on

January 22, 2009.

A summary of the recommendations of the Borough President appears on the related application for a special permit (C 080008 ZMM).

City Planning Commission Public Hearing

On January 21, 2009 (Calendar No. 2), the City Planning Commission scheduled February 4, 2009, for a public hearing on this application (N 080009 ZRM). The hearing was duly held on February 4, 2009 (Calendar No. 21) in conjunction with the public hearings on the applications for related actions (C 080008 ZMM, C 080010 ZSM and C 080011 ZSM).

There were seven speakers, as described in the related application for a zoning map amendment (C 080008 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment, as modified, (N 080009 ZRM), in conjunction with the application for related actions, is appropriate.

A full consideration and analysis of the issues, and reason for approving this application with modifications, appear in the related report for a zoning map amendment (C 080008 ZMM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 6, 2009, with respect to this application (CEQR No. 07DCP071M), 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 action is approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable be incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated March 18, 2009.

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 in underline is new, to be added;

Matter in ~~strike-out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

* * *

96-80

EXCLUDED AREAS

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue known as the Clinton Community Urban Renewal Development Area, provided that in this area the provisions of Sections 96-40 (MODIFICATIONS OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS) , 96-51 (Mandatory Tree Planting Provisions) and 96-81 (C6-3X Designated District) shall apply ÷.

In addition, in C6-3X Districts, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

- (1) automobile showrooms with automobile sales and preparation of automobiles for delivery;

(2) automobile repairs; and

(3) New York City Police Department stables for horses, with #accessory# automobile parking.

Should the floor to ceiling height of such Police Department stable, as measured from the #base plane#, exceed 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above the floor occupied by such Police Department stable and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

* * *

96-81

C6-3X Designated District

(a) Inclusionary Housing Program

Where the designated district is C6-3X within the Excluded Area, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any # zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 6.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 9.0, through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

The above resolution (N 080009 ZRM), duly adopted by the City Planning Commission on March 18, 2009 (Calendar No. 11), 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, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. McRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners