



CITY PLANNING COMMISSION

July 14, 2010 / Calendar No. 33

C 100237 PQM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of permanent easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), to facilitate the construction of transit entrances, a below-ground pedestrian passageway, and other mass transit improvements, Borough of Manhattan, Community District 5.

This application was filed on February 3, 2010 by the Department of Citywide Administrative Services (DCAS) for the acquisition of permanent easements at 1275 Broadway (Block 808, Lot 40), 139 West 32nd Street (Block 808, Lot 1001) and 401 Seventh Avenue (Block 808, Lot 1002), located on the block generally bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets, Community Districts 5, Borough of Manhattan, to facilitate the construction of a series of transit improvements:

RELATED ACTIONS

In addition to the acquisition easements which are the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 100047 ZMM	Zoning Map Amendment from a C6-4.5 district to a C6-6 district
N 100048 ZRM	Zoning Text Amendment to Sections: 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special

Midtown District and permit the reservation of bonus floor area obtained via the transit bonus

C 100049 ZSM	Special Permit pursuant to Sections 81-066 and 81-254 to modify: the height and setback regulations of Section 81-27; the Mandatory District Plan Elements of Sections 81-42, 81-43, 81-45, and 81-47, and the design standards of Section 37-53(f)
C 100050 ZSM	Special Permit pursuant to Sections 74-634 and 81-541 regarding a floor area bonus for transit related improvements

BACKGROUND

A full background discussion and description of this application appears in the report for a special permit (C 100049 ZSM).

ENVIRONMENTAL REVIEW

This application (C 100237 PQM) in conjunction with the applications for the related actions (C 100047 ZMM, N 100048 ZRM, C 100049 ZSM, and C 100050 ZSM) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09DCP019M. The lead is the City Planning Commission.

A summary of the environmental review appears in the related report for a special permit (C 100049 ZSM).

UNIFORM LAND USE REVIEW

On February 8, 2010, the application (C 100237 PQM), in conjunction with the applications for the related actions (C 100047 ZMM, C 100049 ZSM, and C 100050 ZSM) was certified as complete by the Department of City Planning and was duly referred to Manhattan Community Board 5 and the Manhattan Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related non ULURP application (N 100048 ZRM) which was referred for information and review.

Community Board Review

Community Board 5 held a public hearing on this application (C 100237 PQM) and the related applications (C 100047 ZMM, N 100048 ZRM, C 100049 ZSM, and C 100050 ZSM) on April 15, 2010 and on that date, by a vote of 36 in favor, 1 opposed, and 1 abstaining, adopted a resolution recommending disapproval of this application.

A summary of the recommendation of Community Board 5 appears in the related report for a special permit (C 100049 ZSM).

Borough President Recommendation

The application (C 100237 PQM) and the related applications (C 100047 ZMM, N 100048 ZRM, C 100049 ZSM, and C 100050 ZSM) were considered by the Manhattan Borough President who recommended conditional approval of the applications on May 19, 2010.

A summary of the recommendations of the Borough President appears in the related report for a special permit (C 100049 ZSM).

City Planning Commission Public Hearing

On May 12, 2010 (Calendar No. 6) the City Planning Commission scheduled May 26, 2010, for a public hearing on this application (C 100237 PQM) in conjunction with the hearing on the related actions (C 100047 ZMM, N 100048 ZSM, C 100049 ZSM, and C 100050 ZSM). The hearing was duly held on May 26, 2010 (Calendar No. 17).

There were a number of appearances, as described in the report on the related application for a special permit (C100049 ZSM) and the hearing was closed.

CONSIDERATION

The Commission believes that this application by the Department of Citywide Administrative Services for the acquisition of easements for construction of transit improvements is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the related report for a special permit (C 100049 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010, with respect to this application (CEQR No. 09DCP019M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, has been met and that,

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action 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 by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit A to the report on the related application for a special permit (C 100049 ZSM), those mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, 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, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 100237 PQM) of the New York City Department of Citywide Administrative Services for the acquisition of permanent easements at 1275 Broadway (Block 808, Lot 40), 139 West 32nd Street (Block 808, Lot 1001) and 401 Seventh Avenue (Block 808, Lot 1002), located on the block generally bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets, Community Districts 5, Borough of Manhattan, to facilitate the construction of a series of transit improvements is approved.

The above resolution (C 100237 PQM), duly adopted by the City Planning Commission on July 14, 2010 (Calendar No. 33), is filed with the Office of the Speaker, City Council, and the Borough President of Manhattan 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, RAYANN BESSER, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
ANNA HAYES LEVIN, KAREN A. PHILLIPS, Commissioners

ALFRED C. CERULLO, III, Commissioner, RECUSED