



## CITY PLANNING COMMISSION

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December 22, 2004 | Calendar No. 19

C 050055 HAM

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 500, 502, 506-510 West 53rd Street (Sites 8 and 9C) within the Clinton Urban Renewal Area (Block 1080 p/o Lot 25, Block 1081, Lots 39 and p/o 29) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer selected by HPD;

to facilitate development of two mixed-use buildings, tentatively known as Clinton Green Mixed Use Development, with up to 650 residential units, retail and theater use, Community District 4, Borough of Manhattan.

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Approval of three separate matters is required:

1. The designation of property located at 500, 502, 506-510 West 53rd Street (Sites 8 and 9C) within the Clinton Urban Renewal Area (Block 1080 p/o Lot 25, Block 1081, Lots 39 and p/o 29) as an Urban Development Action Area;
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property to a developer selected by HPD.

The application for the disposition was filed by the Department of Housing Preservation and Development on August 9, 2004, to facilitate development of two mixed-use buildings, tentatively known as Clinton Green Mixed Use Development, with up to 650 residential units, retail and

theater use.

The Department of Housing Preservation and Development states in its application that:

The Disposition Area consists of underutilized vacant properties which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary and blighting conditions. The project activities would protect and promote health and safety and would protect and promote sound growth and development. The Disposition Action Area and the proposed project is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **RELATED ACTIONS**

In addition to the disposition and UDAAP designation which are the subject of this report (C 050055 HAM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**C 050050 ZMM:** a zoning map amendment to rezone M1-5 and R8 portions of the project site to C6-3 to facilitate the construction of a mixed-use development;

**N 050051 ZRM:** zoning text amendment to allow for modification of open space requirements within general large-scale developments in the Special Clinton District;

**C 050052 ZSM:** a special permit, pursuant to Section 74-681, for development within or over a railroad right-of-way or yard;

**C 050053 ZSM:** a special permit, pursuant to Sections 74-743, 74-743(a)(1), 74-743(a)(2), and 96-40, to allow for the distribution of floor area across zoning lot lines and modification of height, setback, minimum distance between buildings, open space, and yard regulations in a proposed general large-scale development;

**C 050054 ZSM:** a special permit, pursuant to Section 74-744(b), to allow for location of residential and commercial uses without regard to the requirements of Section 32-42;

## **BACKGROUND**

The 69,990 square foot project site occupies portions of two blocks (1080 and 1081) bounded by West 51<sup>st</sup> Street, Tenth Avenue, West 53<sup>rd</sup> Street, and Eleventh Avenue within the Special Clinton District Excluded Area and also within the Clinton Urban Renewal Area (CURA; Sites 8 & 9). The south parcel is a City-owned, approximately 22,900 square foot midblock parcel located approximately 125-250 feet west of Tenth Avenue between West 51<sup>st</sup> and West 52<sup>nd</sup> Streets. The north parcel is approximately 47,061 square feet in area, is also City-owned and is located on the midblock between West 52<sup>nd</sup> and West 53<sup>rd</sup> Streets and includes the West 53<sup>rd</sup> Street frontage extending east to Tenth Avenue. An approximately 4,400 square foot City-owned community garden adjacent to the north parcel is proposed to be included in the proposed general large-scale development.

A more detailed description of the proposed project and the area is contained in the report on the related special permit application (C 050053 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 050055 HAM), in conjunction with related applications (C 050050 ZMM, N 050051 ZRM, C 050052 ZSM, C 050053 ZSM, C 050054 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04HPD011M. The lead is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 4, 2004

#### **UNIFORM LAND USE REVIEW**

This application (C 050055 HAM), in conjunction with related applications (C 050050 ZMM, C 050052 ZSM, C 050053 ZSM, C 050054 ZSM), was certified as complete by the Department of City Planning on August 23, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the application for the zoning text amendment (N 050051 ZRM) which was referred for review and comment.

#### **Community Board Public Hearing**

Community Board 4 held a public hearing on this application on October 6, 2004, and on that date, by a vote of 29 to 0 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of that recommendation appears in the report on the related special permit application (C 050053ZSM).

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on October 26, 2004, with conditions.

A summary of that recommendation appears in the report on the related special permit application (C 050053ZSM).

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

On November 3, 2004 (Calendar No. 9), the City Planning Commission scheduled November 17, 2004, for a public hearing on this application (C 050055 HAM), in conjunction with related applications (C 050050 ZMM, N 050051 ZRM, C 050052 ZSM, C 050053 ZSM, C 050054 ZSM),. The hearing was duly held on November 17, 2004 (Calendar No. 15). There were four speakers in favor of the application and no speakers in opposition, as described in the report on the related special permit application (C 050053 ZSM).

### **CONSIDERATION**

The Commission believes that the application for a disposition of City-owned property and UDAAP designation (C 050055 HAM) is appropriate.

A detailed description of the application is contained in the report for the related special permit (C 050053 ZSM).

## **RESOLUTION**

The City Planning Commission finds that the proposed disposition of city-owned property located at 500, 502, 506-510 West 53rd Street (Sites 8 and 9C) within the Clinton Urban Renewal Area (Block 1080 p/o Lot 25, Block 1081, Lots 39 and p/o 29, conforms to the objectives and provisions of the Clinton Urban Renewal Plan (C 020548 HUM), approved on September 25, 2002.

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

**WHEREAS** the Department of Housing Preservation and Development has recommended the designation of 500, 502, 506-510 West 53rd Street (Sites 8 and 9C) within the Clinton Urban Renewal Area (Block 1080 p/o Lot 25, Block 1081, Lots 39 and p/o 29, located in Community District 4, Borough of Manhattan, as an Urban Development Action Area; and

**WHEREAS** the Department of Housing Preservation and Development has also recommended the

approval of an Urban Development Action Area Project for such property;

**THEREFORE**, be it **RESOLVED** that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of property located at 500, 502, 506-510 West 53rd Street (Sites 8 and 9C) within the Clinton Urban Renewal Area (Block 1080 p/o Lot 25, Block 1081, Lots 39 and p/o 29) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area;

and the City Planning Commission recommends that the New York City Council find that:

- a) The present status of the area tends to impair or arrest sound development of the municipality;
- (b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act.

**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(s) and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located within the Clinton Urban Renewal

Area at 500, 502, 506-510 West 53rd Street (Sites 8 and 9C) within the Clinton Urban Renewal Area (Block 1080 p/o Lot 25, Block 1081, Lots 39 and p/o 29), Community District 4, Borough of Manhattan, to a developer to be selected by HPD, is approved.

The above resolution (C 050055 HAM), duly adopted by the City Planning Commission on December 22, 2004 (Calendar No. 19), 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, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**RICHARD W. EADDY, JOHN MEROLO, DOLLY WILLIAMS, Commissioners**

**ALFRED C. CERULLO, III, Commissioner, Recused**