



CITY PLANNING COMMISSION

March 10, 2008/Calendar No. 9

N 070539 ZRM

IN THE MATTER OF an application submitted by Real Estate Industrials, Inc, 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 IX, Chapter 6 (Special Clinton District), Community District 4, Borough of Manhattan.

The application for an amendment of the Zoning Resolution was filed by Real Estate Industrials, Inc., on June 13, 2007. The text amendment would facilitate the development of two, seven-story residential buildings at 542 W. 49th Street and 545 W. 48th Street in Community District 4, Borough of Manhattan.

RELATED ACTIONS

In addition to the application for amendments of the Zoning Resolution which is the subject of this report (N 070539 ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

C 070289 ZMM: An amendment to the Zoning Map, changing an existing M1-5 District to R8/C2-5 Districts; and

C 070290 ZSM: A Special Permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to permit a public parking garage with a maximum of 88 spaces.

BACKGROUND

A full background discussion and project description appears in the report on the related Zoning Map amendment application (C 070289 ZMM).

ENVIRONMENTAL REVIEW

This application (N 070539 ZRM), along with the related actions (C 070289 ZMM and C 070290 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 07DCP043M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was prepared on October 12, 2007. A summary of the environmental review and the Conditional Negative Declaration appears in the report on the related Zoning Map amendment application (C 070289 ZMM).

PUBLIC REVIEW

On October 15, 2007, this application was referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with the procedure for referring non-ULURP matters.

The related actions (C 070289 ZMM and C 070290 ZSM) were certified as complete by the Department of City Planning on October 15, 2007 and were duly referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure.

Community Board Review

Community Board 4 held a public hearing on this application (N 070539 ZRM), in conjunction with the related actions (C 070289 ZMM and C 070290 ZRM), on December 5, 2007, and on that date, adopted a resolution recommending conditional disapproval by a vote of 38 in favor, 0 opposed, and 0 abstaining. A full discussion of the Community Board 4 resolution appears in the report on the related Zoning Map amendment application (C 070289 ZMM).

Borough President Review

This application (N 070539 ZRM), in conjunction with the related actions (C 070289 ZMM and C 070290 ZSM), was considered by the Manhattan Borough President, who issued a recommendation on January 10, 2008 for approval, but urges that all provisions of the Preservation Area be extended to R8 districts in the Other Area. A full discussion of the Borough President's resolution appears in the report on the related Zoning Map amendment application (C 070289 ZMM).

City Planning Commission Public Hearing

On February 13, 2008 (Calendar No. S1), the City Planning Commission scheduled February 27, 2008, for a public hearing on this application (N 070539 ZRM). The hearing was duly held on February 27, 2008 (Calendar No. 40), in conjunction with the hearings on the related applications (C 070289 ZMM and C 070290 ZSM).

A full description of the City Planning Commission public hearing appears in the report on the related Zoning Map amendment application (C 070289 ZMM).

CONSIDERATION

The Commission believes that this application for an amendment to the Zoning Resolution (N 070539 ZRM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application appears in the report on the related Zoning Map amendment application (C 070289 ZMM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following condition:

The applicant agrees via restrictive declarations to prepare hazardous materials sampling protocols, including health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit hazardous material remediation

plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans; 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

Article IX - Special Purpose Districts

Chapter 6

Special Clinton District

* * *

96-31

Special Regulations in R8 Districts

In R8 Districts in Other Areas west of Tenth Avenue, the following special regulations shall apply:

(a) the provisions of Sections 96-101 (Floor area regulations) and 96-104 (Height regulations) shall apply to all #developments# and #enlargements#; and

(b) the provisions of Section 96-102 (Lot coverage regulations) shall apply to all #developments# and #enlargements# except for all portions of a #zoning lot# located in an Other Area and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in the Other Area.

* * *

The above resolution, duly adopted by the City Planning Commission of March 10, 2008 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and 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.,
ANGELA R. CAVALUZZI, R.A., 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