



CITY PLANNING COMMISSION

April 5, 2006/Calendar No. 8

N 060201 ZRM

IN THE MATTER OF an application submitted by United American Land, LLC, pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York concerning Article VII, Chapter 4 relating to Section 74-712(b), to allow by special permit the modification of bulk regulations on zoning lots where not more than 20 percent of the lot area is occupied by existing buildings as of December 15, 2003 in M1-5A and M1-5B districts located within historic districts.

This application for an amendment of the Zoning Resolution was filed by United American Land, LLC on October 27, 2005.

RELATED ACTIONS

In addition to the text amendment which is the subject of this report, 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:

1. C 060202 ZSM **Special Permit** pursuant to Sections 74-712(a) and (b) to modify use and bulk regulations
2. C 060203 ZSM **Special Permit** Special Permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 150 spaces

BACKGROUND

A detailed explanation of the text amendment is included in the report on the related application for a special permit (C 060202 ZSM).

ENVIRONMENTAL REVIEW

This application (N 060201 ZRM), in conjunction with the applications for the related actions (C 060202 ZSM, and C 060203 ZSM), were reviewed pursuant 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 05DCP038M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 19, 2005.

PUBLIC REVIEW

On December 19, 2005, this text change application was duly referred to Manhattan Community Board 2, and the Manhattan Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 2 held a public hearing on the application on January 12, 2006, and on January 19, 2006, by a vote of 32 in favor, 0 opposed, and 0 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's recommendation appears in the report on the related application for a special permit (C 060202 ZSM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on March 3, 2006 approving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 060202 ZSM).

City Planning Commission Public Hearing

On February 22, 2006 (Calendar No. 3), the City Planning Commission scheduled March 8, 2006 for a public hearing on this application (N 060201 ZRM) in conjunction with the application for the related actions (C 060202 ZSM and C 060203 ZSM). The hearing was duly held on March 8, 2006 (Calendar No. 18).

There were a number of speakers, as described in the report on the related application for the proposed special permit, (C 060202 ZSM,) and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to Section 74-712 to allow by special permit the modification of use regulations for vacant sites, land with minor improvements, or sites where not more than twenty percent of the site is occupied by an existing building; in M1-5A and M1-5B districts located within historic districts is appropriate.

A full consideration and analysis of the issues and reasons for approving this application, along with the modifications made, appears in the related application for a special permit, (C 060202 ZSM.)

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the Zoning Resolution

* * *

74-712

Developments in Historic Districts

* * *

(b) In all districts, the modification of #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, on zoning lots where not more than 20 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission shall find that such #bulk# modifications:

(1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

* * *

The above resolution (N 060201 ZRM), duly adopted by the City Planning Commission on April 5, 2006 (Calendar No. 8), 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 Chairman

**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,**
Commissioners