



CITY PLANNING COMMISSION

January 27, 2010 / Calendar No. 8

C 100055 HAM

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 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1); 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 a portion of Lot 1, Block 1073, to a developer to be selected by HPD;

to facilitate the development of mixed-use buildings of varying heights, tentatively known as West 44th Street and 11th Avenue, Community District 4, Borough of Manhattan.

Approval of three separate matters is required:

1. the designation of property located at 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1), as an Urban Development Action Area; and
2. an Urban Development Action Area Project for such area; and
3. the disposition of such property to a developer selected by HPD.

The application for the designation of an Urban Development Action Area and Project and for the disposition of city-owned property was filed by the Department of Housing Preservation and Development on August 5, 2009. Approval of this application would facilitate approximately 1,350 residential units, of which approximately 675 would be affordable, in addition to commercial and community facility uses.

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

The project area consists of underutilized property 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, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area 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 UDAAP designation, project approval and disposition of City-owned property (C 100055 HAM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which are being considered concurrently with this application:

C 100051 ZMM	Zoning Map Amendment from M1-5 to R8/C2-5 and R10/C2-5 zoning districts
N 100052 ZRM	Zoning Text Amendment relating to Article IX, Chapter 6 (Special Clinton District)
C 100053 ZSM	Special Permit pursuant to Section 74-681 to permit development over railroad or transit air space
C 100054 ZSM	Special Permit pursuant to Section 74-743 to waive height and setback, distance between buildings and open space regulations

BACKGROUND

A full background discussion and description of this application appears in the report on the related application for a zoning map amendment (C 100051 ZMM).

ENVIRONMENTAL REVIEW

The application (C 100055 HAM), in conjunction with the application for the related actions (C 100051 ZMM, N 100052 ZRM, C 100053 ZSM, C 100054 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 09HPD022M. The lead agency is the Department of Housing Preservation and Development.

It was determined that the proposed action may have a significant effect on the environment and that an Environmental Impact Statement would be required. A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a zoning map amendment (C 100051 ZMM).

UNIFORM LAND USE REVIEW

This application (C 100055 HAM), in conjunction with the application for the related actions, (C 100051 ZMM, C 100053 ZSM, C 100054 ZSM) was certified as complete by the Department of City Planning on September 8, 2009, and was duly referred to Community Board 4 and the 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 100052 ZRM), which was referred for review and comment.

Community Board Public Hearing

Community Board 4 held a public hearing on this application and the related actions on October 7, 2009, and on that date, by a vote of 35 in favor, none opposed with no abstentions, adopted a resolution recommending approval with conditions.

A summary of the recommendation of Community Board 4 appears in the related application for a zoning map amendment (C 100051 ZMM).

Borough President Recommendation

This application (C 100055 HAM), in conjunction with the related actions, was considered by the Borough President, who issued a recommendation approving the application with conditions on November 30, 2009.

A summary of the recommendations of the Borough President appears on the related application for a zoning map amendment (C 100051 ZMM).

City Planning Commission Public Hearing

On November 18, 2009 (Calendar No. 7), the City Planning Commission scheduled December 2, 2009, for a public hearing on this application (C 100055 HAM). The hearing was duly held on December 2, 2009 (Calendar No. 18) in conjunction with the public hearing on the applications for related actions.

There were twenty speakers, as described in the report for the related zoning map amendment (C 100051 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that the application for UDAAP designation, project approval and modified disposition of city-owned property (C 100055 HAM), is appropriate.

A full consideration of the issues and reasons for approving this application appears in the report on the related zoning map amendment application (C 100051 ZMM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 13, 2010, with respect to this application (CEQR No. 09HPD022M), 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 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.

The report of the City Planning Commission, together with the FEIS, 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 that

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 592-608 11th Avenue, 507- 553 West 44th Street and 508-558

West 45th Street (Block 1073, p/o Lot 1), 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 further 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 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1), located in Community District 4, Borough of Manhattan as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; 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 of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 806 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1) in Community District 4, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved with the following restriction: The disposition is restricted to development allowed pursuant to the restrictive declaration annexed to C 100054 ZSM.

The above resolution (C 100055 HAM), duly adopted by the City Planning Commission on January 27, 2010 (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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners