



CITY PLANNING COMMISSION

March 4, 2015 / Calendar No. 13

N 140407 ZRM

IN THE MATTER OF an application submitted by 1818 Nadlan LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 to create a special permit in Section 96-32 (Special Regulations in R9 Districts) for the purposes of waiving the applicable height and setback regulations of Sections 23-633 and 23-663, planting regulations of Section 23-892 and permitted obstruction within rear yard regulations of Section 23-44, Borough of Manhattan, Community Board 4.

This application for a special permit was filed by 1818 Nadlan LLC on June 2, 2014 to facilitate the development of an approximately 149,614 square foot, 15-story residential building, with segments along both West 43rd and West 44rd streets, over an open rail cut in the Special Clinton District.

RELATED ACTIONS

In addition to the zoning text amendment which is 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 140408 ZSM | A special permit pursuant to Section 74-681 of the Zoning Resolution to allow development over a railroad transit right-of-way. |
| C 140409 ZSM | A proposed special permit pursuant to 96-32(c), special regulations in R9 districts to modify height, setback, planting and rear yard requirements. |

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit application (C 140409 ZSM).

ENVIRONMENTAL REVIEW

This application (N 140407 ZRM) in conjunction with the applications for the related actions (C 140408 ZSM and C 140409 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 14DCP183M. The lead is the City Planning Commission.

On February 17, 2015, a Revised Environmental Assessment Statement (EAS) was issued which describes and analyzes modifications to the Proposed Actions. The Revised EAS concluded that the proposed actions with modifications would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration. A Revised Negative Declaration was issued on March 2, 2015. The Revised Negative Declaration reflects the modified application.

UNIFORM LAND USE REVIEW

This application (N 140407 ZRM) was referred to Community Board 4 and the Manhattan Borough President by the Department of City Planning for information and review on September 29, 2014, along with the related ULURP actions (C 140408 ZSM and C 140409 ZSM), which were certified as complete by the Department of City Planning and referred to Community Board 4 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 4 held a public hearing on this and related actions on November 12, 2014 and, on December 3, 2014, by a vote of 35 in favor, 3 opposed, and none present but

not eligible to vote, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendations of Community Board 4 appears in the report on the related application for the special permit (C 140409 ZSM).

Borough President Recommendation

This application (N 140407 ZRM) and the related actions were considered by the Manhattan Borough President, who issued a recommendation on January 7, 2015, approving the application, with conditions.

A summary of the recommendations of the Borough President appears in the related report for the special permit application (N 140409 ZRM).

City Planning Commission Public Hearing

On January 7, 2015 (Calendar No. 5) the City Planning Commission scheduled January 21, 2015 for a public hearing on this application (N 140407 ZRM). The hearing was duly held on January 21, 2015 (Calendar No. 29) in conjunction with the public hearings on the applications for the related actions (C 140408 ZSM and C 140409 ZSM).

There were a number of appearances, as described in the related report for the special permit (C 140409 ZSM) and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 140407 ZRM) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for a special permit (C 140409 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 Sections 197-c and 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 as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

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

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

Article IX - Special Purpose Districts

* * *

**Chapter 6
Special Clinton District**

* * *

**96-30
OTHER AREAS**

* * *

**96-32
Special Regulations in R9 Districts**

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing

Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

* * *

(c) Height and setback modification

For any #development# or #enlargement# subject to the provisions of Section 74-681 (Development within or over a railway or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts) and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section 23-44, provided that:

- (1) such modification of height and setback regulations will:
 - (i) result in a #building# that has a maximum #building# height of 155 feet;
 - (ii) result in a better distribution of #bulk# on the #zoning lot#; and
 - (iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;
- (2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and that the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and
- (3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area.

* * *

End text

The above resolution (N 140407 ZRM), duly adopted by the City Planning Commission on March 4, 2015 (Calendar No. 13), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,
CHERYL COHEN EFFRON, BOME E JUNG, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, Commissioners