



CITY PLANNING COMMISSION

January 10, 2007/Calendar No. 16

N 060103 ZRY

IN THE MATTER OF an application submitted by West 60th Street Associates, LLC and West End Properties, LLC, 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 VII Chapter 4 (Special Permits by the City Planning Commission), concerning 74-74 (General Large-Scale Development).

This application for amendments to the Zoning Resolution was filed by West 60th Street Associates, LLC and West End Properties, LLC on August 26, 2005, to facilitate the construction of a mixed use development consisting of approximately 342 residential units, commercial and community facility uses, on the midblock portion of the block bound by West End Avenue, Amsterdam Avenue, West 60th Street and West 61st Street.

RELATED ACTIONS

In addition to the application for amendments of the Zoning Resolution which is the subject of this report (N 060103 ZRY), 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 060104 ZMM: An amendment to the Zoning Map, changing an existing M1-6 District to C4-7/C6-2 Districts;

C 060105 ZSM: A Special Permit pursuant to Section 74-743 of the Zoning Resolution (Special provisions for bulk modification); and

C 060106 ZSM: A Special Permit pursuant to Sections 13-561 and 74-52 of the Zoning Resolution to permit a public parking garage with a maximum of 200 spaces.

BACKGROUND

A full background discussion and project description appears in the report on the related special permit application (C 060105 ZSM).

ENVIRONMENTAL REVIEW

This application (N 060103 ZRY), along with the related actions (C 060104 ZMM, C 060105 ZSM, and C 060106 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 05DCP063Y. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related special permit application (C 060105 ZSM).

PUBLIC REVIEW

On August 7, 2006, this application was referred to Manhattan Community Boards 2, 3, 4, 5, 6, 7, 8, 12, Brooklyn Community Board 2, Queens Community Board 12, the Manhattan Borough Board, and the Manhattan, Brooklyn, and Queens Borough Presidents in accordance with the procedure for referring non-ULURP matters.

The related actions (C 060104 ZMM, C 060105 ZSM and C 060106 ZSM) were certified as complete by the Department of City Planning on August 7, 2006 and were duly referred to Manhattan Community Board 7 and the Manhattan Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure.

Community Board Review

Manhattan Community Boards 2, 3, 4, and 7 submitted recommendations regarding this application. No recommendations were received from Manhattan Community Boards 5, 6, 8, 12, Brooklyn Community Board 2, or Queens Community Board 12.

Community Board 7 held a public hearing on this application (N 060103 ZRY) on October 3, 2006, and on that date, adopted a resolution recommending disapproval by a vote of 35 in favor, 3 opposed, and 0 abstaining.

Manhattan Community Boards 2, 3, and 4 also adopted resolutions recommending disapproval of the application. Community Board 2 adopted a resolution on November 16, 2006 recommending disapproval by a vote of 38 in favor, 0 opposed, 0 abstaining. Community Board 3 adopted a motion at its September 2006 monthly meeting recommending disapproval. Community Board 4 stated, in a letter dated October 5, 2006, that the Board voted unanimously to recommend disapproval.

Borough President Review

This application (N 060103 ZRY) was considered by the Manhattan Borough President, who issued a recommendation on November 15, 2006 for disapproval with the condition that the application would be approved if the zoning text amendment is modified to:

1. Define language more clearly;
2. Provide a quantifiable minimum amount of open space;
3. Specify the minimum amount of C6-1, C6-2, or C6-3 zoning necessary for a site to qualify for a special permit; and
4. Localize its applicability until its impacts are better understood.

No recommendations were received by the Brooklyn and Queens Borough Presidents.

Borough Board Review

No recommendations were received by the Manhattan Borough Board.

City Planning Commission Public Hearing

On November 15, 2006, (Calendar No. 5), the City Planning Commission scheduled December 6, 2006, for a public hearing on this application (N 060103 ZRY). The hearing was duly held on December 6, 2006 (Calendar No. 13), in conjunction with the hearings on the related applications (C 060104 ZMM, C 060105 ZSM and C 060106 ZSM).

A full description of the City Planning Commission public hearing appears in the report on the related special permit application (C 060105 ZSM).

CONSIDERATION

The Commission believes that this application for amendments to the Zoning Resolution (N 060103 ZRY), as modified, is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, with modifications, appears in the report on the related special permit application (C 060105 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on December 29, 2006, with respect to this application (N 060103 ZRY), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic, and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with this FEIS, constitute 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 it 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 underlined 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

Article VII: Administration

Chapter 4: Special Permits by the City Planning Commission

74-743 (7/26/01)

Special provisions for bulk modification

- (a) For a general large-scale development, the City Planning Commission may permit:
- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage#, and total required #open space# under the applicable district regulations within a #general large-scale development# without regard to #zoning lot lines# or district boundaries subject to the following limitations:
 - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
 - (ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3, or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3, or C4-1 District from other districts shall be permitted;
 - (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
 - (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries; and
 - (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large scale development#

is located partially in a C6-1, C6-2, or C6-3 District and that a minimum of 50 percent of the required #open space# is provided within the #general large scale development#. Required #open space# for the purposes of paragraph (a)(4) of this Section shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district.

- (b) ~~As a condition of granting~~ In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:
- (1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #general large-scale development#, the neighborhood, and the City as a whole;
 - (2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the #streets#;
 - (3) where a #zoning lot# of a #general large-scale development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;
 - (4) considering the size of the proposed #general large-scale development#, the #streets# providing access to such #general large-scale development# will be adequate to handle traffic resulting therefrom;
 - (5) when the Commission has determined that the #general large-scale development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable; and
 - (6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and

usable by all residents of such new or enlarged #buildings#, and have appropriate access, circulation, seating, lighting and paving. Furthermore, the site plan of such #general large scale development# shall include superior landscaping for #open space# serving the needs of residents of the new or #enlarged buildings#.

~~(6)~~(7) a declaration with regard to ownership requirements in paragraph (b) of the #general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

The above resolution, duly adopted by the City Planning Commission of January 10, 2007 (Calendar No. 16), 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., ALFRED C. CERULLO, III,

RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, DOLLY WILLIAMS,

Commissioners

ANGELA R. CAVALUZZI, R.A., Commissioner, Voting “No”

