



CITY PLANNING COMMISSION

December 22, 2004 | Calendar No. 14

C 050050 ZMM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

1. changing from an M1-5 District to a C6-3 District property bounded by West 53rd Street, the easterly boundary of Conrail-Amtrak Right-Of-Way, West 52nd Street, and a line 275 feet westerly of Tenth Avenue; and
2. changing from an R8 District to a C6-3 District property bounded by West 52nd Street, the easterly boundary of Conrail-Amtrak Right-Of-Way, West 51st Street, a line 235 feet westerly of Tenth Avenue, a line midway between West 51st Street and West 52nd Street, and a line 250 feet westerly of Tenth Avenue;

as shown on a diagram (for illustrative purposes only) dated August 23, 2004, Community District 4, Borough of Manhattan.

The application for an amendment of the Zoning Map was filed by the Department of Housing Preservation and Development on August 9, 2004, to change from M1-5 and R8 districts to a C6-3 district to facilitate a mixed use development in the Clinton neighborhood.

RELATED ACTIONS

In addition to the zoning map amendment which is the subject of this report (C 050050 ZMM), 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:

N 050051 ZRM: zoning text amendment to allow for modification of open space requirements within general large-scale developments in the Special Clinton District;

C 050052 ZSM: a special permit, pursuant to Section 74-681, for development within or over a railroad right-of-way or yard;

C 050053 ZSM: a special permit, pursuant to Sections 74-743, 74-743(a)(1), 74-743(a)(2), and 96-40, to allow for the distribution of floor area across zoning lot lines and modification of height, setback, minimum distance between buildings, open space, and yard regulations in a proposed general large-scale development;

C 050054 ZSM: a special permit, pursuant to Section 74-744(b), to allow for location of residential and commercial uses without regard to the requirements of Section 32-42;

C 050055 HAM: UDAAP designation and project approval and disposition of City-owned property.

BACKGROUND

The proposed zoning change would facilitate a proposed mixed use development on two sites in the Clinton neighborhood.

A more detailed description of the proposed project and the area is contained in the report on the related special permit application (C 050053 ZSM).

ENVIRONMENTAL REVIEW

This application (C 050050 ZMM), in conjunction with related applications (N 050051 ZRM, C 050052 ZSM, C 050053 ZSM, C 050054 ZSM, C 050055 HAM), 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 04HPD011M. The lead is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 4, 2004

UNIFORM LAND USE REVIEW

This application (C 050050 ZMM), in conjunction with related applications (C 050052 ZSM, C 050053 ZSM, C 050054 ZSM, C 050055 HAM), was certified as complete by the Department of City Planning on August 23, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the application for the zoning text amendment (N 050051 ZRM) which was referred for review and comment.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on October 6, 2004, and on that date, by a vote of 29 to 0 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of that recommendation appears in the report on the related special permit application (C 050053ZSM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 26, 2004, with conditions.

A summary of that recommendation appears in the report on the related special permit application (C 050053ZSM).

City Planning Commission Public Hearing

On November 3, 2004 (Calendar No. 4), the City Planning Commission scheduled November 17, 2004, for a public hearing on this application (C 050050 ZMM), in conjunction with related applications (N 050051 ZRM, C 050052 ZSM, C 050053 ZSM, C 050054 ZSM, C 050055 HAM). The hearing was duly held on November 17, 2004 (Calendar No. 10). There were four speakers in favor of the application and no speakers in opposition, as described in the report on the related special permit application (C 050053 ZSM).

CONSIDERATION

The Commission believes that the application for the zoning map amendment (C 050050 ZMM) is appropriate.

A detailed description of the application is contained in the report for the related special permit (C

050053 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 201 of the New York Charter, that based on the environmental determination(s) and the consideration and findings 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 by changing the Zoning Map, Section No. 8c:

1. changing from an M1-5 District to a C6-3 District property bounded by West 53rd Street, the easterly boundary of Conrail-Amtrak Right-Of-Way, West 52nd Street, and a line 275 feet westerly of Tenth Avenue; and
2. changing from an R8 District to a C6-3 District property bounded by West 52nd Street, the easterly boundary of Conrail-Amtrak Right-Of-Way, West 51st Street, a line 235 feet westerly of Tenth Avenue, a line midway between West 51st Street and West 52nd Street, and a line 250 feet westerly of Tenth Avenue;

Community District 4, Borough of Manhattan, as shown on a diagram (for illustrative purposes

only) dated August 23, 2004.

The above resolution (C 050050 ZMM), duly adopted by the City Planning Commission on December 22, 2004 (Calendar No. 14), 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 Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD W. EADDY, JOHN MEROLO, DOLLY WILLIAMS, Commissioners

ALFRED C. CERULLO, III, Commissioner, Recused