



CITY PLANNING COMMISSION

November 17, 2004/Calendar No. 23

C 040496 ZMM

IN THE MATTER OF an application submitted by 400 Park Avenue South LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d:

1. changing from a C5-2 District to a C5-3 District property bounded by East 28th Street, a line 100 feet westerly of Park Avenue South, East 27th Street, and Madison Avenue; and
2. changing from a C6-4A District to a C5-3 District property bounded by East 28th Street, Park Avenue South, East 27th Street, and a line 100 feet westerly of Park Avenue South, Community District 5, Borough of Manhattan;

as shown on a diagram (for illustrative purposes only) dated August 9, 2004.

The application for an amendment of the Zoning Map was filed by 400 Park Avenue South, LLC on June 7, 2004, to rezone the block bounded by Madison Avenue, East 28th Street, Park Avenue South and East 27th Street from C6-4A and C5-2 to C5-3. The rezoning would help facilitate the development of a 40-story mixed-use building on the southwest corner of East 28th Street and Park Avenue South.

RELATED ACTIONS

In addition to the an amendment of the Zoning Map 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 040495 ZSM Special Permit pursuant to Section 74-721(a) to allow several bulk waivers to

facilitate the development of a 40-story mixed-use building, and

2. N 040497 ZRY Zoning Text Amendment to allow the additional waivers by special permit pursuant to Section 74-721(a) and to clarify the zoning text.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 040495 ZSM).

ENVIRONMENTAL REVIEW

This application (C 040496 ZMM), in conjunction with the applications for the related actions (C 040495 ZSM) and (N 040497 ZRY), 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 04DCP058M. 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 August 9, 2004.

UNIFORM LAND USE REVIEW

This application (C 040496 ZMM), in conjunction with the application for the related action (C 040495 ZSM), was certified as complete by the Department of City Planning on August 9, 2004, and was duly referred to Community Board 5 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP text change application (N 040497 ZRY), which was sent to Manhattan Community Board 5, Queens Community Board 2, the Manhattan Borough President and the Queens Borough President for information and review..

Community Board Public Hearing

Community Board 5 held a public hearing on this application on September 9, 2004, and on that date, by a vote of 23 to one with one abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on September 27, 2004.

City Planning Commission Public Hearing

On October 6, 2004 (Calendar No. 6), the City Planning Commission scheduled October 20, 2004, for a public hearing on this application (C 040496 ZMM). The hearing was duly held on October 20, 2004 (Calendar No. 13), in conjunction with the public hearings on the applications for the related actions (C 040495 ZSM) and (N 040497 ZRY).

There were a number of speakers, as described in the report on the related application for a special permit (C 040495 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map, in conjunction with the related proposed special permit and zoning text amendment, 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 the grant of a special permit (C 040495 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 by changing the Zoning Map, Section No. 8d:

1. changing from a C5-2 District to a C5-3 District property bounded by East 28th Street, a line 100 feet westerly of Park Avenue South, East 27th Street, and Madison Avenue; and

2. changing from a C6-4A District to a C5-3 District property bounded by East 28th Street, Park Avenue South, East 27th Street, and a line 100 feet westerly of Park Avenue South, Community District 5, Borough of Manhattan;

as shown on a diagram (for illustrative purposes only) dated August 9, 2004 (C 040496 ZMM).

The above resolution (C 040496 ZMM), duly adopted by the City Planning Commission on November 17, 2004 (Calendar No. 23), 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 G. Cantor, P.E., Angela R. Cavaluzzi, R.A., Alfred C. Cerullo, III, Jane D. Gol, Christopher Kui, John Merolo, Karen A. Phillips, Dolly Williams Commissioners.