



CITY PLANNING COMMISSION

July 14, 2010 / Calendar No. 29

C 100047 ZMM

IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d by changing from a C6-4.5 District to a C6-6 District property bounded by West 33rd Street, a line 150 feet westerly of Avenue of the Americas, West 32nd Street, and a line 200 feet easterly of Seventh Avenue - Fashion Avenue, Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated February 8, 2010.

This application for an amendment to the Zoning Map was filed by 401 Hotel REIT, LLC and 401 Commercial, L.P. on August 5, 2009 to change a C6-4.5 District to a C6-6 District to facilitate the development of a commercial office building of over 2 million zoning square feet on the western half of the block bounded by West 33rd & West 32nd streets, and Seventh and Sixth avenues.

RELATED ACTIONS

In addition to the zoning map 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:

N 100048 ZRM

Zoning Text Amendment to Sections 81-066 and 81-254 to allow an application for a Special Permit to modify height and setback for sites wholly or partially in the Penn Center Subdistrict of the Special Midtown District and an amendment to Section 81-541 to modify the procedure for obtaining a transit bonus in the Special Midtown District and permit the reservation of bonus floor area obtained via the transit bonus

C 100049 ZSM	Special Permit pursuant to Sections 81-066 and 81-254 to modify: the height and setback regulations of Section 81-27; the Mandatory District Plan Elements of Sections 81-42, 81-43, 81-45, and 81-47, and the design standards of Section 37-53(f)
C 100050 ZSM	Special Permit pursuant to Sections 74-634 and 81-541 for 20% floor area bonus for transit related improvements
C 100237 PQM	City Acquisition of easements related to the transit improvements

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit (C 100049 ZSM).

ENVIRONMENTAL REVIEW

This application (C 100047 ZMM) in conjunction with the applications for the related actions (C 100049 ZSM, N 100048 ZRM, C 100050 ZSM, and C 100237 PQM) 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 09DCP019M. The lead is the City Planning Commission.

A summary of the environmental review appears in the related report for a special permit (C 100049 ZSM).

UNIFORM LAND USE REVIEW

On February 8, 2010, the application (C 100047 ZMM), in conjunction with the applications for the related actions (C 100049 ZSM, C 100050 ZSM, and C 100237 PQM) was certified as complete by the Department of City Planning, and was duly referred to Manhattan Community Board 5 and the Manhattan 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 100048 ZRM), which was referred for information and review.

Community Board Review

Community Board 5 held a public hearing on this application (C 100047 ZMM), and the related applications (N 100048 ZRM, C 100049 ZSM, C 100050 ZSM, and C 100237 PQM) on April 15, 2010 and on that date, by a vote of 36 in favor, 1 opposed, and 1 abstaining, adopted a resolution recommending disapproval of this application.

A summary of the recommendations of Community Board 5 appears in the related report for a special permit (C 100049 ZSM).

Borough President Recommendation

The application (C 100047 ZMM) and the related applications (N 100048 ZRM, C 100049 ZSM, C 100050 ZSM, and C 100237 PQM) were considered by the Manhattan Borough President who recommended conditional approval of the applications on May 19, 2010.

A summary of the recommendation of the Borough President appears in the related report for a special permit (C 100049 ZSM).

City Planning Commission Public Hearing

On May 12, 2010 (Calendar No. 2) the City Planning Commission scheduled May 26, 2010, for a public hearing on this application (C 100047 ZMM) in conjunction with the hearing on the related actions (N 100048 ZRM, C 100049 ZSM, C 100050 ZSM, and C 100237 PQM). The hearing was duly held on May 26, 2010 (Calendar No. 13).

There were a number of appearances, as described in the related report for a special permit (C 100049 ZSM) and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of the zoning map amendment is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the related report for a special permit (C 100049 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 2, 2010, with respect to this application (CEQR No. 09DCP019M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, has been met and that,

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action 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 by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, those mitigation measures that were identified as practicable.

RESOLVED, by the City Planning Commission, pursuant to Sections 197-a and 201 of the New York City Charter, and 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 8d by changing from a C6-4.5 District to a C6-6 District property bounded by West 33rd Street, a line 150 feet westerly of Avenue of the Americas, West 32nd Street, and a line 200 feet easterly of Seventh Avenue - Fashion Avenue, Borough of Manhattan, Community District 5, as shown on a diagram (for illustrative purposes only) dated February 8, 2010.

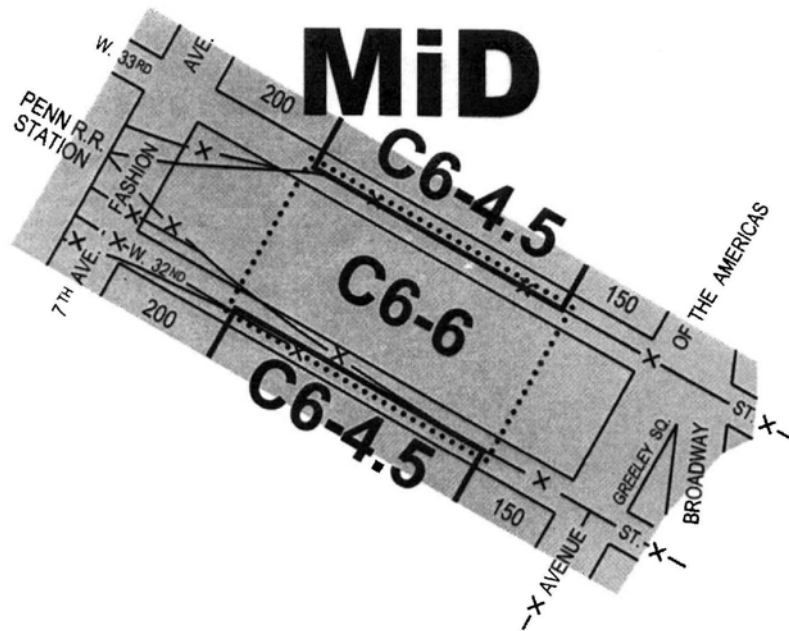
The above resolution (C 100047 ZMM), duly adopted by the City Planning Commission on July 14, 2010 (Calendar No. 29), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

**ANGELA M. BATTAGLIA, RAYANN BESSER, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
ANNA HAYES LEVIN, KAREN A. PHILLIPS, Commissioners**

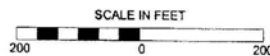
ALFRED C. CERULLO, III, Commissioner, RECUSED






New York, Certification Date
FEBRUARY 8, 2010

CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
8d
BOROUGH OF
MANHATTAN

S. Voyages
S. Voyages, R.A. Director
Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing from a C6-4.5 District to a C6-6 District.
-  Indicates a Special Midtown District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.