



CITY PLANNING COMMISSION

December 22, 2004 | Calendar No. 15

N 050051 ZRM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for amendments of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 (Special Clinton District), relating to the creation of a new Section 96-40 (Modification of General Large Scale Requirements) to permit the modification of open space requirements within general large scale developments located on more than one block within the Clinton Urban Renewal Area, Community District 4, Borough of Manhattan.

The application for an amendment of the Zoning Resolution was filed by the Department of Housing Preservation and Development on August 9, 2004, to facilitate a mixed use development within the Clinton neighborhood.

RELATED ACTIONS

In addition to the zoning text amendment which is the subject of this report (C 050051 ZRM), 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:

C 050050 ZMM: a zoning map amendment to rezone M1-5 and R8 portions of the project site to C6-3 to facilitate the construction of a mixed-use development;

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 amendment to the Zoning Resolution would facilitate a mixed use development within 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 050051 ZRM), in conjunction with related applications (C 050050 ZMM, N 050051 ZRM, C 050052 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

PUBLIC REVIEW

This application (N 050051 ZRM) was duly referred, on August 23, 2004, to Community Board 4 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

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. 5), the City Planning Commission scheduled November 17, 2004, for a public hearing on this application (N 050051 ZRM). The hearing was duly held on November 17, 2004 (Calendar No. 11). 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 text amendment (N 050051 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 the grant of a 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 Section 200 of the New York City

Charter, that based on the environmental determination and 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 within # # is defined in Section 12-10;

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

Chapter 6

Special Clinton District

* * *

96-30

OTHER AREAS

In area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Chapter.

96-40

MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and

11th Avenue known as the Clinton Community Urban Renewal Development Area#, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) as part of a special permit pursuant to Section 74-743 (General Large-scale Development), provided the Commission finds that:

- a. the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and
- b. such modification results in improved site planning.

* * *

96-80

EXCLUDED AREAS

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue known as the Clinton Community Urban Renewal Development Area, provided that in this Area the provisions of Sections 96-40 (MODIFICATION OF GENERAL

LARGE-SCALE DEVELOPMENT PROVISIONS) and 96-51 (Mandatory Tree Planting Provisions) shall apply;

* * *

The above resolution (N 050051 ZRM), duly adopted by the City Planning Commission on December 22, 2004 (Calendar No. 15), 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