



CITY PLANNING COMMISSION

October 27, 2010 / Calendar No. 14

N 100295 ZRM

IN THE MATTER OF an application submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 (General Large-Scale Development) and Section 74-744 (Modification of Use Regulations), Borough of Manhattan, Community District 7.

This application for a zoning text amendment was filed by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP on April 7, 2010 to facilitate the construction of a mixed-use development of approximately three million square feet of residential, commercial, and community facility floor area and public parking on a site bounded by West 61st Street, West End Avenue, West 59th Street, and the future alignment of Riverside Boulevard in Manhattan Community District 7.

RELATED ACTIONS

In addition to the zoning text 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 100294(A) ZRM Zoning text amendment to Section 23-144 (In Designated Areas Where the Inclusionary Housing Program Is Applicable), Section 23-954 (Additional Requirements for Compensated Developments), Section 74-743 (Special Provisions for Bulk Modification), and Appendix F (Inclusionary Housing Designated Areas) to:

- allow the City Planning Commission to modify, by special permit, the definition of “outer court” to include any open area that is bounded on all sides but one by building walls and is not a yard or an inner court;
- create a new Inclusionary Housing designated area consisting of the project site;
- clarify which bulk regulations are applicable to the project site; and
- allow the Commission to modify, by special permit, the base and maximum floor area ratios in Section 23-952 and the unit distribution requirements of Section 23-96(b).

C 100287 ZSM	Special permit pursuant to Section 74-681 to allow development in a former rail yard and over a railroad or transit right-of-way and to establish the reference plane of the development.
C 100288 ZSM	Special permit pursuant to Sections 13-562 and 74-52 to allow a public parking garage with a maximum of 1,800 spaces.
C 100289 ZSM C 100290 ZSM C 100291 ZSM C 100292 ZSM C 100293 ZSM	Special permits pursuant to Sections 13-562 and 74-52 to allow separate public parking garages with a maximum, respectively, of 460 spaces; 230 spaces; 290 spaces; 370 spaces; and 450 spaces.
C 100296(A) ZSM	Special permit pursuant to Section 74-743 to modify, in a General Large-Scale Development, regulations governing required street wall, tower setbacks and locations, minimum distance between buildings, and courts and the base and maximum floor area ratios and unit distribution requirements in Section 23-90 (Inclusionary Housing).
C 100297 ZSM	Special permit pursuant to Section 74-744(a)(2) to modify use regulations to allow an automotive sales and service establishment in a general large-scale development.
N 100298 ZAM	Authorization pursuant to Section 13-553 to allow a curb cut on a wide street (West End Avenue).
N 100286 ZCM N 100299 ZCM	Certifications pursuant to Section 26-15 to allow additional curb cuts in excess of one per narrow street frontage on West 61 st Street and West 59 th Street.
N 100300 ZCM	Certification pursuant to Section 26-17 to modify the streetscape regulations governing retail continuity, location of signs, and ground-floor transparency.
M 920358(D) ZSM	Modification of a previously approved General Large-Scale Development special permit and restrictive declaration to reflect the current proposal.

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit (C 100296A ZSM).

ENVIRONMENTAL REVIEW

This application (N 100295 ZRM), in conjunction with the applications for the related actions, 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 09DCP020M. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the related report for a special permit (C 100296A ZSM).

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

On May 24, 2010, this application (N 100295 ZRM), along with the related non-ULURP applications, was referred to Manhattan Community Board 7 and to the Manhattan Borough President for information and review in conjunction with the applications for the related actions, which were certified as complete by the Department of City Planning and were duly referred to Manhattan Community Board 7 and the Manhattan Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 7 held a public hearing on this application (N 100295 ZRM) and the related applications (N 100294 ZRM, C 100287 ZSM, C 100288 ZSM, C 100289-100293 ZSM, C 100296 ZSM, C 100297 ZSM, N 100298 ZAM, N 100286 ZCM, N 100299 ZCM, N 100300 ZCM, and M 920358D ZSM) on July 22, 2010 and on that date, by a vote of 35 to 3, adopted a report recommending conditional disapproval of the applications.

A summary of the recommendations of Community Board 7 appears in the related report for a special permit (C 100296A ZSM).

Borough President Recommendation

The application (N 100295 ZRM) and the related applications (N 100294 ZRM, C 100287 ZSM, C 100288 ZSM, C 100289-100293 ZSM, C 100296 ZSM, C 100297 ZSM, N 100298 ZAM, N 100286 ZCM, N 100299 ZCM, N 100300 ZCM, and M 920358(D) ZSM) were considered by the Manhattan Borough President, who issued a recommendation on August 31, 2010 recommending conditional disapproval of the applications.

A summary of the recommendations of the Borough President appears in the related report for a special permit (C 100296A ZSM).

City Planning Commission Public Hearing

On August 25, 2010 (Supplemental Calendar No. 10), the City Planning Commission scheduled September 15, 2010 for a public hearing on this application (N 100295 ZRM) in conjunction with the hearing on the related actions. The hearing was duly held on September 15, 2010 (Calendar No. 26).

There were a number of appearances, as described in the report on the related application for special permit (C 100296A ZSM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This action, as revised and in conjunction with the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et. seq.) The designated WRP number is 09-002.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for amendment of the Zoning Resolution 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 100296A ZSM).

RESOLUTION

RESOLVED, that having considered the Final Supplemental Environmental Impact Statement (FSEIS), including Chapter 28 “Modifications to the Proposed Project” thereof, for which a Notice of Completion was issued on October 15, 2010, with respect to this application (CEQR No. 09DCP020M), and the CEQR Technical Memoranda issued on September 10, 2010 and October 26, 2010, with respect to modifications of this application set forth herein, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations have been met and that,

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved, with the modifications set forth and analyzed in the Technical Memorandum dated October 26, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration attached as Exhibit B hereto, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FSEIS and Technical Memoranda, 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 be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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 the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and 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

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ARTICLE VII: ADMINISTRATION

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Chapter 4

Special Permits by the City Planning Commission

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74-74

General Large-Scale Development

For #general large-scale developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. For these #developments#, the regulations of this Section are designed to allow greater flexibility for the

purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #general large-scale development# shall contain any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #general large-scale development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (NON-CONFORMING USES: DEFINITIONS AND GENERAL PROVISIONS).

* * *

74-744

Modification of use regulations

(a) Use modifications

(1) Waterfront and related #commercial uses#

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

- ~~(1)~~(i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #general large-scale development#; and
- ~~(2)~~(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(2) Automotive sales and service #uses#

For #general large-scale developments# previously approved by the City Planning Commission in a C4-7 District within the boundaries of Manhattan Community District 7, the City Planning Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

- (i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established curb level, and the ground floor level of such establishment is used only for showrooms and sales;
- (ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

- (iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(b) Location of #commercial uses#

For any #general large-scale development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

- (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
- (2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and
- (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

* * *

The above resolution (N 100295 ZRM), duly adopted by the City Planning Commission on October 27, 2010 (Calendar No. 14), 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, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners