



CITY PLANNING COMMISSION

August 22, 2012 / Calendar No. 7

C 120226 ZMM
CORRECTED

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter, for amendment of the Zoning Map, Section No. 12c, by establishing within an existing R8 District a C2-5 District bounded by the westerly centerline prolongation of Delancey Street (northerly portion, at Clinton Street), Clinton Street, Delancey Street (southerly portion), a line 150 feet easterly of Clinton Street, Broome Street, Clinton Street, Grand Street, Suffolk Street, Broome Street, and Norfolk Street, Borough of Manhattan, Community District 3, as shown on a diagram (for illustrative purposes only), dated March 26, 2012.

This application for a zoning map amendment was filed by the applicant on March 21, 2012. The proposed zoning map amendment, along with its related actions, would facilitate the development of a proposed, mixed-use development of approximately 1.65 million square feet on nine City-owned sites, generally centered on the intersection of Delancey Street and Essex Street, in the Lower East Side neighborhood of Manhattan Community District 3. The program for the proposed development is expected to include a variety of mixed-income residential, commercial such as retail and office space, and community or cultural uses. The project would also allow for a number of neighborhood amenities, including parking, a 10,000-square-foot, publicly-accessible open space, and a new and expanded public Essex Street Market facility.

RELATED ACTIONS

In addition to the zoning map amendment (C 120226 ZMM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 120156 MMM A proposed amendment to the City Map involving: the establishment of Broome Street between Norfolk Street and Clinton Street; the establishment of Suffolk Street between Grand Street and Delancey Street; the narrowing, by elimination, discontinuance and closing, of Clinton Street between Grand Street and Delancey Street; the narrowing, by elimination, discontinuance and closing, of Delancey Street between Norfolk Street and Clinton Street; the establishment of the name Delancey Street for the Unnamed Street between Clinton Street and Franklin D.

Roosevelt Drive; and the adjustment of grades necessitated thereby, including authorization for any disposition or acquisition of real property related thereto, in accordance with Map No. 30236, dated March 14, 2012, and signed by the Borough President.

- N 120227 ZRM A proposed amendment to the Zoning Resolution, modifying Sections 74-743 (Special Provisions for Bulk Modifications) and 74-744 (Modification of Use Regulations) concerning special permit regulations for large-scale general developments, relating to the former Seward Park Extension Urban Renewal Area.
- C 120228 ZSM Special Permit, to modify the bulk regulations within a Large-Scale General Development.
- C 120229 ZSM Special Permit, to modify the use regulations within a Large-Scale General Development.
- N 120230 ZAM A request for the grant of an Authorization by the Commission, pursuant to Section 74-744, to modify signage regulations to allow signs accessory to non-residential uses above the level of the finished floor of the third story.
- C 120231 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Delancey Street, Norfolk Street, Broome Street and Essex Street (Site 2, Block 352, p/o Lot 1 and Lot 28), in a C6-1 District.
- C 120233 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Delancey Street, Suffolk Street, Broome Street and Norfolk Street (Site 3, Block 346, p/o Lot 40), in an R8/C2-5 District.
- C 120234 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking on property bounded by Delancey Street, Clinton Street, Broome Street and Suffolk Street (Site 4, Block 346, p/o Lot 40), in an R8/C2-5 District.

- C 120235 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Broome Street, Clinton Street Grand Street and Suffolk Street (Site 5, Block 346, p/o Lot 40), in an R8/C2-5 District.
- N 120236 HAM Urban Development Action Area Project (UDAAP) designation and project approval, for properties located on Essex, Delancey, Norfolk, Grand, Stanton and Broome streets (Block 346, part of Lot 40; Block 347, Lot 71; Block 352, Lots 1, 28; Block 353¹, Lot 44; Block 354, Lots 1, 12; and Block 409, Lot 56), as an Urban Development Action Area, to facilitate the development of residential, community facility and commercial uses, including the redevelopment of the Essex Street Market.
- C 120237 PQM Acquisition of property bounded by Essex, Delancey, Norfolk, and Broome Streets (Block 352², p/o Lots 1 and 28), by the New York City Department of Citywide Administrative Services.
- C 120245 PPM Disposition of city-owned property (Block 346, p/o of Lot 40; Block 347, Lot 71; Block 352, Lots 1 and 28; Block 353, Lot 44; Block 354, Lots 1 and 12; and Block 409, Lot 56), by the New York City Department of Housing Preservation and Development to a future developer, or by the New York City Department of Citywide Administrative Services to the New York City Economic Development Corporation (NYCEDC) or a successor local development corporation.

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit application (C 120228 ZSM).

ENVIRONMENTAL REVIEW

This application (C 120226 ZMM), in conjunction with the application 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,

¹ Correction 8/30/12: Due to administrative error, the block number had been previously identified as Block 352; it is Block 353.

² Correction 8/30/12: Due to administrative error, the block number had been previously identified as Block 353; it is Block 352.

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 lead agency is the Office of the Deputy Mayor for Economic Development (ODMED). The designated CEQR number is 11DME012M.

A summary of the environmental review and the Final Environmental Impact Statement appears in the related report for a special permit application (C 120228 ZSM).

UNIFORM LAND USE REVIEW

This application (C 120226 ZMM), in conjunction with the applications for the related actions (C 120156 MMM, N 120227 ZRM, C 120228 ZSM, C 120229 ZSM, N 120230 ZAM, C 120231 ZSM, C 120233 ZSM, C 120234 ZSM, C 120235 ZSM, C 120237 PQM, N 120236 HAM, C 120245 PPM), was certified as complete by the Department of City Planning on March 26, 2012, and was duly referred to Community Board 3 and the 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 applications, which were referred for review and comment.

Community Board Public Hearing

Community Board 3 held a public hearing on this and related actions on May 22, 2012, and on that date, by a vote of 44 in favor, 0 opposed and 1 present not voting, adopted a resolution recommending conditional approval of the applications.

A summary of the recommendations of Community Board 3 appears in the related report for a special permit application (C 120228 ZSM).

Borough President Recommendation

This application (C 120226 ZMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation on July 5, 2012, for conditional approval of the applications.

A summary of the recommendations of the Borough President appears in the related report for a special permit application (C 120228 ZSM).

City Planning Commission Public Hearing

On June 20, 2012 (Calendar Nos. 7), the City Planning Commission scheduled July 11, 2012, for a public hearing on this application (C 120226 ZMM). The hearing was duly held on July 11, 2012 (Calendar No. 17), in conjunction with the public hearing on the related actions.

There were a number of appearances, as described in the related report for a special permit application (C 120228 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 120226 ZMM), in conjunction with the related applications (C 120156 MMM, N 120227 ZRM, C 120228 ZSM, C 120229 ZSM, N 120230 ZAM, C 120231 ZSM, C 120233 ZSM, C 120234 ZSM, C 120235 ZSM, C 120237 PQM, N 120236 HAM, C 120245 PPM) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the related report for a special permit application (C 120228 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Generic Environmental Impact Statement (FGEIS), for which a Notice of Completion was issued on August 10, 2012, with respect to this application (CEQR No. 11DME012M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with environmental commitment letters, dated August 15, 2012, from HPD and August 15, 2012, from NYCEDC, 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 FGEIS, constitutes 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, 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 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. 12c, by establishing within an existing R8 District a C2-5 District bounded by the westerly centerline prolongation of Delancey Street (northerly portion, at Clinton Street), Clinton Street, Delancey Street (southerly portion), a line 150 feet easterly of Clinton Street, Broome Street, Clinton Street, Grand Street, Suffolk Street, Broome Street, and Norfolk Street, Borough of Manhattan, Community District 3, as shown on a diagram (for illustrative purposes only) dated March 26, 2012.

The above resolution (C 120226 ZMM), duly adopted by the City Planning Commission on August 22, 2012 (Calendar No. 7), 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,
ORLANDO MARÍN, SHIRLEY A. McRAE Commissioners