



CITY PLANNING COMMISSION

October 6, 2004/Calendar No. 11

C 040249 ZMM

IN THE MATTER OF an application submitted by Verizon New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M2-3 District to a C6-4 District property bounded by a line midway between West 42nd Street and West 43rd Street, a line 450 feet westerly of Eleventh Avenue, West 43rd Street, and Eleventh Avenue, within the Special Clinton District, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated June 7, 2004, and subject to the conditions of CEQR Declaration E-135.

The application for an amendment of the Zoning Map was filed by Verizon New York, Inc., on January 23, 2004, to rezone an approximately 45,200 square foot parcel in the Clinton neighborhood from an M2-3 district to a C6-4 district. The rezoning would make the zoning of the subject properties consistent with the zoning on the remainder of the block and would facilitate the eventual disposition of the property by Verizon New York, Inc., and consolidation of its operations into a new facility to be located off-site.

BACKGROUND

Verizon New York Inc. is seeking a rezoning of an approximately 45,200 sq ft parcel from an M2-3 designation to a C6-4 district. The proposed rezoning site consists of two parcels owned by Verizon that are located at the southwest intersection of Eleventh Avenue and West 43rd Street (Block 1090, Lots 36 and 42), in the Perimeter Area of the Special Clinton District, Community District 4, Borough of Manhattan. The proposed rezoning would be consistent with the zoning on the remainder of the block and would facilitate Verizon's plans to dispose of its property and consolidate operations in a new facility on West 47th Street.

Existing zoning

The current zoning for the subject property is M2-3, a medium-performance manufacturing designation that allows for a maximum FAR of 2.0 and precludes development of residential and community facility uses. This zoning reflects the historically predominant manufacturing and light-industrial character of the western portion of Clinton. The property is also located within the Perimeter Area of the Special Clinton District, which specifies additional regulations related to retail and street wall continuity, residential demolition and relocation, and permitted modifications to height and setback requirements.

Block 1090 was rezoned in 1997 from an M2-3 district to a C6-4 district to facilitate development along the West 42nd Street corridor. The properties that are the subject of this application were removed from the 1997 rezoning area at the request of Verizon to allow for the continued operation of their facilities as conforming uses. As a result, the entirety of Block 1090, with the exception of Verizon's two properties on West 43rd Street, was rezoned to a C6-4 district.

Land use

The properties within the rezoning area are both owned and utilized by Verizon and include a one-story warehouse and a six-story office and warehouse building. Verizon also owns a two-story garage within the existing C6-4 portion of the block on West 42nd Street. These facilities are used for storage and parking of Verizon vehicles, a vehicle repair shop, furniture warehousing, parts and

equipment storage, and administrative offices. Verizon maintains that the facilities, while critical to its operations, are functionally obsolete and require upgrading.

Other uses within the C6-4 portions of the block include a gas station, a 19-story building used as the consular offices for the People's Republic of China, one four-story residential tenement, a two-story building occupied by the New York City Police Department, and three vacant parcels.

Surrounding land uses include a variety of manufacturing, residential, and commercial uses. United Parcel Service maintains a full-block, eight-story office, distribution, and garage facility on the block to the north of the site. The blocks to the south and east of the site contain a one-story diner, several high-rise residential towers, public parking garages, parking lots, and a Consolidated Edison substation. To the west of the site are Route 9A, the Hudson River Park bicycle and pedestrian paths, the future Pier 84 portion of Hudson River Park, and the Circle Line boat terminals at Pier 82 and Pier 83.

Proposed zoning

While manufacturing uses have remained active to the north of the subject block, the West 42nd and West 43rd Street corridors have experienced a large amount of high-density residential development since the mid-1990's. The applicant proposes rezoning of the M2-3 district on Block 1090 to a C6-4 designation. The proposed C6-4 zoning would permit residential and commercial uses with a maximum FAR of 10.0 (12.0 for residential developments, pursuant to Section 23-90 (Inclusionary

Housing)).

The C6-4 zoning proposed in this application would allow for the construction of a development with up to 720,000 sf of floor area on the three parcels currently owned by Verizon. No specific development program exists for the subject property. Instead, Verizon anticipates that the rezoning proposed in this application would facilitate the eventual sale of the property by bringing its zoning into alignment with that on the remainder of the block. The proceeds from the sale of the West 43rd Street property would be used in part to finance the construction of the new West 47th Street facility.

ENVIRONMENTAL REVIEW

This application (C 040249 ZMM) 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 04DCP014M. The lead is the City Planning Commission.

To avoid any potential impacts associated with noise, an (E) designation (E-135) for noise has been placed on Block 1090, Lots 36 and 42. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall

attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 7, 2004.

UNIFORM LAND USE REVIEW

This application (C 040249 ZMM) was certified as complete by the Department of City Planning on June 7, 2004, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on July 7, 2004, and on that date, by a vote of 30 to 4 with 1 abstention, adopted a resolution recommending approval of the application

with the following condition: “[The Board]...recommends approval of this application for a zoning change from M2-3 to C6-4 only if the inclusionary housing bonus remains the only zoning bonus mechanism for the property to be rezoned.”

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on August 2, 2004, subject to the following conditions:

This office recommends approval subject to the condition that [the] inclusionary housing bonus is the only bonus available on this property since:

1. An increase in affordable housing is needed in Manhattan,
2. Inclusionary housing bonuses are utilized to a minimal extent when other bonuses are included,
3. Verizon agrees to this condition.

City Planning Commission Public Hearing

On August 11, 2004 (Calendar No. 2), the City Planning Commission scheduled August 25, 2004, for a public hearing on this application (C 040249 ZMM). The hearing was duly held on August 25, 2004 (Calendar No. 3). There was one speaker in favor of the application and no speakers in opposition.

The applicant’s attorney briefly described the nature of the project and the requested action. The attorney also briefly described Verizon’s relocation and consolidation plans and explained that this rezoning was directly tied to the applicant’s pending rezoning application at West 47th Street.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission recognizes that the West 42nd Street corridor has seen much recent development and that many manufacturing uses have been supplanted by high-density residential uses. The Commission also recognizes that Verizon's two properties on West 43rd Street are the only properties on Block 1090 zoned for manufacturing and that this rezoning would make them consistent with the C6-4 district on the remainder of the block.

The Commission notes that the Hudson Yards rezoning – a separate initiative by the Department of City Planning – would also rezone the subject properties to C6-4. The Commission notes that the Hudson Yards application, as certified, would also require parking in conjunction with residential and commercial development on the sites and would allow a 2.0 FAR District Improvement Bonus (DIB) above 10.0 FAR for commercial uses.

The Commission also recognizes that the applicant has stated that its current facilities on the project site are inadequate and would require significant upgrades for continued operations. The Commission is also aware that Verizon plans to consolidate its operations into a new facility to be located on West 47th Street and that the rezoning of this area would facilitate Verizon's eventual

disposition of the property.

The Commission acknowledges that Community Board 4 has requested that the inclusionary housing bonus be the only zoning bonus available on this project site. The Commission notes that this request pertains to the proposed District Improvement Bonus in the Hudson Yards application. The inclusionary housing bonus would be the only bonus currently available on the subject property pursuant to the subject application.

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 201 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Verizon New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M2-3 District to a C6-4 District property bounded by a line midway between West 42nd Street and West 43rd Street, a line 450 feet westerly of Eleventh Avenue, West 43rd Street, and Eleventh Avenue, within the Special Clinton District, as shown on a diagram (for illustrative purposes only) dated June 7, 2004, which includes CEQR designation E-135.

The above resolution (C 040249 ZMM), duly adopted by the City Planning Commission on October 6, 2004 (Calendar No. 11), 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, ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,

DOLLY WILLIAMS, Commissioners