



CITY PLANNING COMMISSION

March 28, 2001/Calendar No. 17

C 010148 ZMM

IN THE MATTER OF an application submitted by The Durst Organization pursuant to Sections 197c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

1. changing from an M2-3 District to a C4-7 District property bounded by Twelfth Avenue, West 57th Street, Eleventh Avenue, West 58th Street, a line 125 feet westerly of Eleventh Avenue, a line midway between West 57th Street and West 58th Street, and a line 125 feet easterly of Twelfth Avenue; and
2. changing from an M2-3 District to an M1-5 District property bounded by a line 125 feet easterly of Twelfth Avenue, a line midway between West 57th Street and West 58th Street, a line 125 feet westerly of Eleventh Avenue, and West 58th Street;

within the Special Clinton District, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated October 30, 2000 and subject to the conditions of CEQR Declaration E-103.

The application for an amendment of the Zoning Map was filed by The Durst Organization on October 10, 2000, to change the underlying zoning for Block 1105, bounded by West 57th and 58th streets, and Eleventh and Twelfth avenues, located within the Special Clinton District, Other Area, from M2-3 zone to C4-7 and M1-5 zones to allow a commercial or commercial and residential development.

RELATED ACTION

In addition to the application for the zoning map amendment which is the subject of this report (C010148ZMM), 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 010149 ZSM: a Special Permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 399 spaces to be located below grade.

C 010150 ZSM: a Special Permit pursuant to Sections 13-562 and 74-52 to allow an attended public parking garage with a maximum capacity of 239 spaces on portions of the ground and second floors and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area in the westerly portion of the site's proposed development.

C 010151 ZSM: a Special Permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to permit the modification of height and setback regulations in Sections 33-432(a), 43-43, 33-451 and 43-45.

C 010152 ZSM: a Special Permit pursuant to Section 74-744(b) to permit commercial uses in the mid-block and Twelfth Avenue tower portions of the proposed development to be located at the same height or higher than the residential use in the Eleventh Avenue tower portion of the proposed development.

BACKGROUND

The project block is currently zoned M2-3, which allows a maximum floor-area-ratio (FAR) of 2 for manufacturing uses with medium performance standards and commercial uses. Under the current zoning, the 160,667 square foot block can be developed to a maximum of 321,340 square feet of floor area. The project site is located in the Other Area of the Special Clinton District.

The application would rezone the block from M2-3 to C4-7 and M1-5 zones to facilitate the development of a 1.33 million square foot commercial or commercial and residential development.

A more detailed description of the proposed project and the area is contained in the report on the related special permit application (C010151ZSM).

ENVIRONMENTAL REVIEW

This application (C010148ZMM) in conjunction with the applications for the related actions (C010149ZSM, C010150ZSM, C010151ZSM, C010152ZSM) 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 01DCP041M. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report on the related special permit application (C010151ZSM).

UNIFORM LAND USE REVIEW

This application (C010148ZMM), along with the related applications (C010149ZSM, C010150ZSM, C010151ZSM and C010152ZSM) was certified as complete by the Department of City Planning on October 30, 2000 and was duly referred to Manhattan 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 (C010148ZMM) in conjunction

with its public hearing on the related special permit applications (C010149ZSM, C010150ZSM, C010151ZSM, C010152ZSM) on January 3, 2001, and on that date, by a vote 25 to 1 with 2 abstentions and 2 present but not eligible to vote, adopted a resolution recommending approval of the applications with conditions.

A summary of that recommendation appears in the report on the related special permit application (C010151ZSM).

Borough President Recommendation

The application (C010148ZMM) was considered in conjunction with the special permit applications (C010149ZSM, C010150ZSM, C010151ZSM, C010152ZSM) by the Borough President, who issued a recommendation on February 7, 2001 approving the applications with conditions.

A summary of that recommendation appears in the report on the related special permit application (C010151ZSM).

City Planning Commission Public Hearing

On January 31, 2001 (Calendar No. 5), the City Planning Commission scheduled February 14, 2001 for a public hearing on this application. The hearing was duly held on February 14, 2001 (Calendar No. 10) in conjunction with the public hearing on the related applications (C010149ZSM, C010150ZSM, C010151ZSM and C010152ZSM).

There were three speakers in favor of the application and none in opposition, as described in the report on the related special permit application (C010151ZSM).

CONSIDERATION

The Commission believes that the application for the zoning map amendment is appropriate.

A detailed description of the application is contained in the report on the related special permit application (C010151ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 16, 2001, with respect to this application (C010148ZMM), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with this FEIS, 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

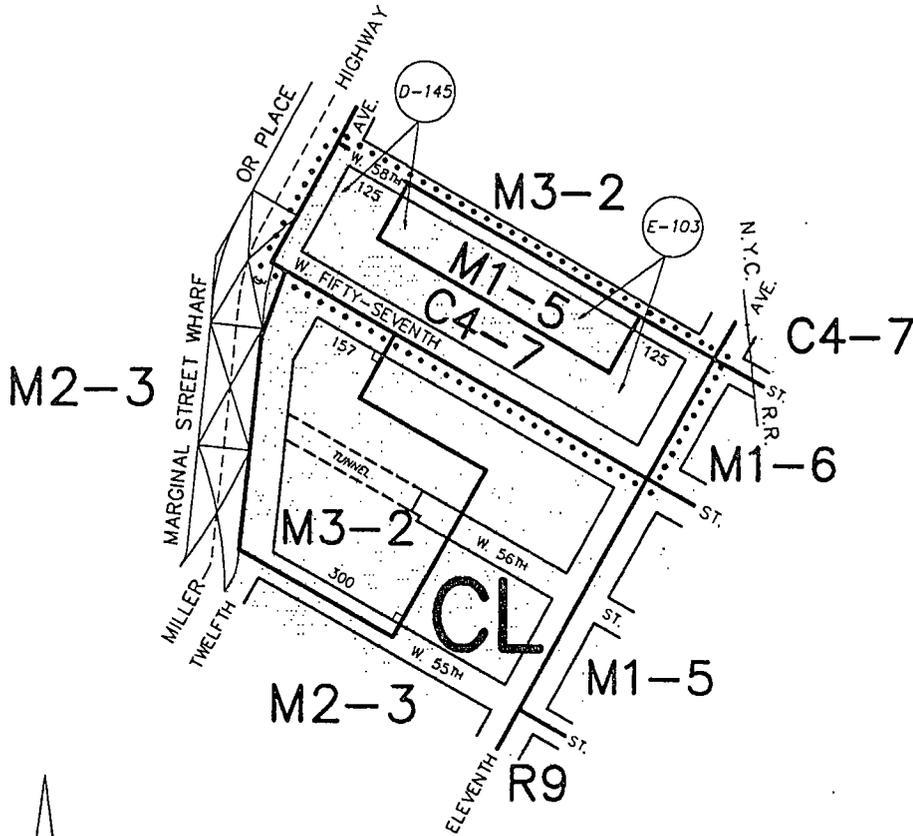
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the zoning map, Section 8C:

1. changing from an M2-3 District to a C4-7 District property bounded by Twelfth Avenue, West 57th Street, Eleventh Avenue, West 58th Street, a line 125 feet westerly of Eleventh Avenue, a line midway between West 57th Street and West 58th Street, and a line 125 feet easterly of Twelfth Avenue; and
2. changing from an M2-3 District to an M1-5 District property bounded by a line 125 feet easterly of Twelfth Avenue, a line midway between West 57th Street and West 58th Street, a line 125 feet westerly of Eleventh Avenue, and West 58th Street.

Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated October 30, 2000, which includes the designation D-145, indicating terms of the attached restrictive declaration, executed by The Durst Organization and dated March 28, 2001, and which includes the environmental designation E-103.

The above resolution (C010148ZMM), duly adopted by the City Planning Commission on March 28, 2001 (Cal. No. 17), 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.

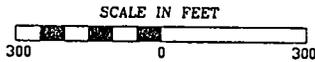
JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA BURDEN, A.I.C.P.,
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, WILLIAM J. GRINKER,
KENNETH J. KNUCKLES, ESQ., JOHN MEROLO, Commissioners



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
 ZONING CHANGE
 ON SECTIONAL MAP
 6b
 BOROUGH OF
 MANHATTAN

[Signature]
 Director of Technical Review

New York, Certification Date
 OCTOBER 30, 2000



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the dotted line is proposed to be rezoned from an M2-3 District to C4-7 and M1-5 Districts.
 - CL Indicates a Special Clinton District.
 - (E) Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.
 - (D) Indicates a Restrictive Declaration Area, refer to R.D. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.