



## CITY PLANNING COMMISSION

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May 25, 2005 / Calendar No. 29

C 050162(A) ZMM

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Map, Section No. 8b:

1. eliminating a Special Mixed Use District (MX-3) bounded by West 24<sup>th</sup> Street, Tenth Avenue, a line midway between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 22<sup>nd</sup> Street, and Eleventh Avenue;
2. changing from an M1-5 District to a C6-2 District property bounded by a line midway between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, Tenth Avenue, West 18<sup>th</sup> Street, a line 140 feet easterly of Eleventh Avenue, West 20<sup>th</sup> Street, and a line 100 feet westerly of Tenth Avenue;
3. changing from an R8 District to a C6-3 District property bounded by West 17<sup>th</sup> Street, a line 375 feet westerly of Ninth Avenue, West 16<sup>th</sup> Street, and a line 400 feet westerly of Ninth Avenue;
4. changing from an M1-5 District to a C6-3 District property bounded by:
  - a. a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, West 28<sup>th</sup> Street, Tenth Avenue, West 24<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, West 27<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 24<sup>th</sup> Street, Eleventh Avenue, West 28<sup>th</sup> Street, and a line 100 feet easterly of Eleventh Avenue;
  - b. West 22<sup>nd</sup> Street, a line 150 feet easterly of Eleventh Avenue, a line 140 feet easterly of Eleventh Avenue, West 18<sup>th</sup> Street and Eleventh Avenue; and
  - c. West 18<sup>th</sup> Street, a line 400 feet westerly of Ninth Avenue, West 16<sup>th</sup> Street, and Tenth Avenue;
5. changing from an M1-5/R9A District to a C6-3 District property bounded by West 24<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 22<sup>nd</sup> Street, and Eleventh Avenue;
6. changing from an M1-5 District to a C6-4 District property bounded by:
  - a. West 30<sup>th</sup> Street, Tenth Avenue, West 28<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 28<sup>th</sup> Street, and Eleventh Avenue; and
  - b. West 18<sup>th</sup> Street, Tenth Avenue, West 17<sup>th</sup> Street, and Eleventh Avenue;

7. changing from an M1-5/R8A District to a C6-2A District property bounded by West 24<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 23<sup>rd</sup> Street and West 24<sup>th</sup> Street, and a line 100 feet easterly of Eleventh Avenue;
8. changing from an M1-5/R9A District to a C6-3A District property bounded by a line midway between West 23<sup>rd</sup> Street and West 24<sup>th</sup> Street, and a line 100 feet westerly of Tenth Avenue, West 24<sup>th</sup> Street, Tenth Avenue, a line midway between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, and a line 100 feet easterly of Eleventh Avenue; and
9. establishing a Special West Chelsea District (WCh) bounded by West 30<sup>th</sup> Street, Tenth Avenue, West 18<sup>th</sup> Street, a line 400 feet westerly of Ninth Avenue, West 17<sup>th</sup> Street, a line 375 feet westerly of Ninth Avenue, West 16<sup>th</sup> Street, Tenth Avenue, West 17<sup>th</sup> Street, and Eleventh Avenue;

Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated March 3, 2005, and subject to the conditions of CEQR Declaration E-142.

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The application for the zoning map amendment C 050162 ZMM was filed by the Department of City Planning on December 15, 2004 with a modified application C 050162(A) ZMM filed on March 3, 2005.

## **RELATED ACTIONS**

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposal for West Chelsea and the High Line requires action by the City Planning Commission (CPC) on the following applications which are being considered concurrently with this application:

1. N 050161(A) ZRM      Zoning text amendment to create the Special West Chelsea District and regulations and elimination of the Special Mixed Use District-3.
2. C 050163 PCM      Site selection and acquisition of the High Line elevated rail structure and associated easements generally located between Gansevoort Street and the western curb line of Eleventh Avenue, just north of its intersection with West 30<sup>th</sup> Street.

## **BACKGROUND**

A full background discussion and description of this application appears in the report on the related zoning text change application N 050161(A) ZRM.

## **ENVIRONMENTAL REVIEW**

This application (C 050162(A) ZMM), in conjunction with the related applications, 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 03DCP069M. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related zoning text change application (N 050161(A) ZRM).

## **UNIFORM LAND USE REVIEW**

The original application (C 050162 ZMM) was certified as complete, by the Department of City Planning on December 20, 2004 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. On April 4, 2005, the modified application (C 050162 (A) ZMM) was referred pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure to Community Board 4 and the Borough President.

### **Community Board Review**

Community Board 4 held a public hearing on the original application (C 050162 ZMM) on January 6, 2005.

A full discussion of the Community Board 4 resolution appears in the report on the related zoning text change application N 050161(A) ZRM.

### **Borough President Review**

The original application (C 050162 ZMM) was considered by the Manhattan Borough President.

A full discussion of the Manhattan Borough President's resolution appears in the report on the related zoning text change application N 050161(A) ZRM.

### **City Planning Commission Public Hearing**

On March 16, 2005 (Calendar Nos. 25 and 26 respectively), the City Planning Commission scheduled April 6, 2005, for a public hearing on the original application (C 050162 ZMM) and the modified application (C 050162(A) ZMM). The hearings were duly held on April 6, 2005, (Calendar Nos. 3 and 4 respectively), in conjunction with the public hearing on the related applications (N 050161 ZRM, N 050161(A) ZRM, C 050163 PCM).

There were 14 speakers in favor of the application and related actions and 28 speakers in opposition. A full discussion of the City Planning Commission Public Hearing appears in the report on the related zoning text change application (N 050161(A) ZRM).

### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with those for 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 04-096. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## CONSIDERATION

The Commission believes that the amendments to the zoning map (C 050162(A) ZMM) are appropriate.

A full discussion of the consideration of issues appears in the report on the related zoning text change application (N 050161(A) ZRM).

## RESOLUTION

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on May 13, 2005, with respect to this application (CEQR No. 03DCP069M), together with the Technical Memorandum, dated May 23, 2005, prepared with respect to the further modifications adopted by the City Planning Commission 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, consistent with social, economic and other essential considerations:

1. Consistent with social, economic and other essential considerations, including the provision of affordable housing, from among the reasonable alternatives thereto, Alternative F set forth in the FEIS and the Technical Memorandum, dated May 23, 2005, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. Adverse environmental impacts disclosed in the FEIS with respect to the Alternative F 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 the FEIS, 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**, 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 197-c and 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 by changing the Zoning Map, Section No. 8b:

1. eliminating a Special Mixed Use District (MX-3) bounded by West 24<sup>th</sup> Street, Tenth Avenue, a line midway between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 22<sup>nd</sup> Street, and Eleventh Avenue;
2. changing from an M1-5 District to a C6-2 District property bounded by a line midway between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, Tenth Avenue, West 18<sup>th</sup> Street, a line 140 feet easterly of Eleventh Avenue, West 20<sup>th</sup> Street, and a line 100 feet westerly of Tenth Avenue;
3. changing from an R8 District to a C6-3 District property bounded by West 17<sup>th</sup> Street, a line 375 feet westerly of Ninth Avenue, West 16<sup>th</sup> Street, and a line 400 feet westerly of Ninth Avenue;
4. changing from an M1-5 District to a C6-3 District property bounded by:
  - a. a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, West 28<sup>th</sup> Street, Tenth Avenue, West 24<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, West 27<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 24<sup>th</sup> Street, Eleventh Avenue, West 28<sup>th</sup> Street, and a line 100 feet easterly of Eleventh Avenue;

- b. West 22<sup>nd</sup> Street, a line 150 feet easterly of Eleventh Avenue, a line 140 feet easterly of Eleventh Avenue, West 18<sup>th</sup> Street and Eleventh Avenue; and
  - c. West 18<sup>th</sup> Street, a line 400 feet westerly of Ninth Avenue, West 16<sup>th</sup> Street, and Tenth Avenue;
- 5. changing from an M1-5/R9A District to a C6-3 District property bounded by West 24<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 22<sup>nd</sup> Street, and Eleventh Avenue;
- 6. changing from an M1-5 District to a C6-4 District property bounded by:
  - a. West 30<sup>th</sup> Street, Tenth Avenue, West 28<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 29<sup>th</sup> Street and West 30<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 28<sup>th</sup> Street, and Eleventh Avenue; and
  - b. West 18<sup>th</sup> Street, Tenth Avenue, West 17<sup>th</sup> Street, and Eleventh Avenue;
- 7. changing from an M1-5/R8A District to a C6-2A District property bounded by West 24<sup>th</sup> Street, a line 100 feet westerly of Tenth Avenue, a line midway between West 23<sup>rd</sup> Street and West 24<sup>th</sup> Street, and a line 100 feet easterly of Eleventh Avenue;
- 8. changing from an M1-5/R9A District to a C6-3A District property bounded by a line midway between West 23<sup>rd</sup> Street and West 24<sup>th</sup> Street, and a line 100 feet westerly of Tenth Avenue, West 24<sup>th</sup> Street, Tenth Avenue, a line midway between West 22<sup>nd</sup> Street and West 23<sup>rd</sup> Street, and a line 100 feet easterly of Eleventh Avenue; and
- 9. establishing a Special West Chelsea District (WCh) bounded by West 30<sup>th</sup> Street, Tenth Avenue, West 18<sup>th</sup> Street, a line 400 feet westerly of Ninth Avenue, West 17<sup>th</sup> Street, a line 375 feet westerly of Ninth Avenue, West 16<sup>th</sup> Street, Tenth Avenue, West 17<sup>th</sup> Street, and Eleventh Avenue;

Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated March 3, 2005, which includes CEQR designation E-142 is approved.

The above resolution (C 050162(A) ZMM), duly adopted by the City Planning Commission on May 25, 2005 (Calendar No. 29), 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-Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,

JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners