



CITY PLANNING COMMISSION

September 30, 2013/Calendar No. 1

C 130248 ZMM

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

1. changing from a C5-2 District to a C5-2.5 District property bounded by East 43rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 200 feet easterly of Third Avenue;
2. changing from a C5-2 District to a C5-3 District property bounded by East 43rd Street, Second Avenue, East 42nd Street, a line 200 feet easterly of Third Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 100 feet westerly of Second Avenue; and
3. establishing a Special Midtown District (MiD) bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue

Borough of Manhattan, Community District 6, as shown on a diagram (for illustrative purposes only) dated April 22, 2013, and subject to the conditions of CEQR Declaration E-310

This application (C 130248 ZMM) for an amendment to the Zoning Map was filed by the Department of City Planning on April 17, 2013. The zoning map amendment, along with the related text amendment (N 130247(A) ZRM), is intended to protect and strengthen the East Midtown business district in Manhattan's Community District 5 and 6.

RELATED ACTIONS

In addition to the zoning map amendment which is the subject of this report (C 130248 ZRM), implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 130247(A) ZRM Zoning Text Amendment concerning Article XIII, Chapter 1 (Special
Midtown District)

BACKGROUND

A full background discussion and project description appears in the report on the related zoning text amendment application (N 130247(A) ZRM).

ENVIRONMENTAL REVIEW

The application (C 130248 ZMM), in conjunction with the original and modified applications for the related action (N 130247 ZRM, N 130247(A) ZRM) 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 13DCP011M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a zoning text amendment (N 130247(A) ZRM).

UNIFORM LAND USE REVIEW

This application (C 130248 ZMM) was certified as complete by the Department of City Planning on April 22, 2013, and was duly referred to Community Board 6 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related zoning text amendments (N 130247 ZRM and N 130247(A) ZRM), which

was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 5 and 6 held a joint public hearing on this application and the original application for a related zoning text amendment (N 130247 ZRM) on May 13, 2013. On June 13 2013, Community Board 5 passed a resolution by acclamation recommending denial of the proposed application. On June 28 2013, Community Board 6 passed a resolution with 39 in favor, 0 opposed, 1 abstaining and 2 present not eligible to vote, recommending denial of the application.

A summary of the recommendations of the Community Boards appears in the report on the related zoning text amendment application (N 130247(A) ZRM).

Borough President Recommendation

The applications (C 130248 ZMM, N 130247 ZRM, N 130247(A) ZRM) were considered by the Borough President who issued a recommendation on July 31, 2013 for approval with conditions.

A summary of the recommendations of the Borough President appears in the report on the related zoning text amendment application (N 130247(A) ZRM).

City Planning Commission Public Hearing

On July 24, 2013 (Calendar No. 7), the City Planning Commission scheduled August 7, 2013 for a public hearing on this application (C 130248 ZMM) and the related applications (N 130247 ZRM and N 130247(A) ZRM). The hearing was duly held on August 7, 2013 (Calendar No. 23), in conjunction with the public hearing on the applications for the related actions.

There were a number of speakers, as described in the report on the related zoning text amendment application (N 130247(A) ZRM), and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning map amendment (C 130248 ZMM), along with the related zoning text amendment (N 130247(A) ZRM, as modified, is appropriate.

A full consideration and discussion of the issues appears in the report on the related zoning text amendment application (N 130247(A) ZRM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 20, 2013, with respect to this application (CEQR No. 13DCP011M), and the Technical Memorandum, dated September 27, 2013, 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action

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, 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 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 by changing the Zoning Map, Section 8d:

1. changing from a C5-2 District to a C5-2.5 District property bounded by East 43rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 200 feet easterly of Third Avenue;
2. changing from a C5-2 District to a C5-3 District property bounded by East 43rd Street, Second Avenue, East 42nd Street, a line 200 feet easterly of Third Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 100 feet westerly of Second Avenue; and

3. establishing a Special Midtown District (MiD) bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue

Borough of Manhattan, Community District 6, as shown in a diagram (for illustrative purposes only) dated April 22, 2013, and subject to the conditions of CEQR Declaration E-310.

The above resolution (C 130248 ZMM), duly adopted by the City Planning Commission on September 30, 2013 (Calendar No. 1), 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, FAICP Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

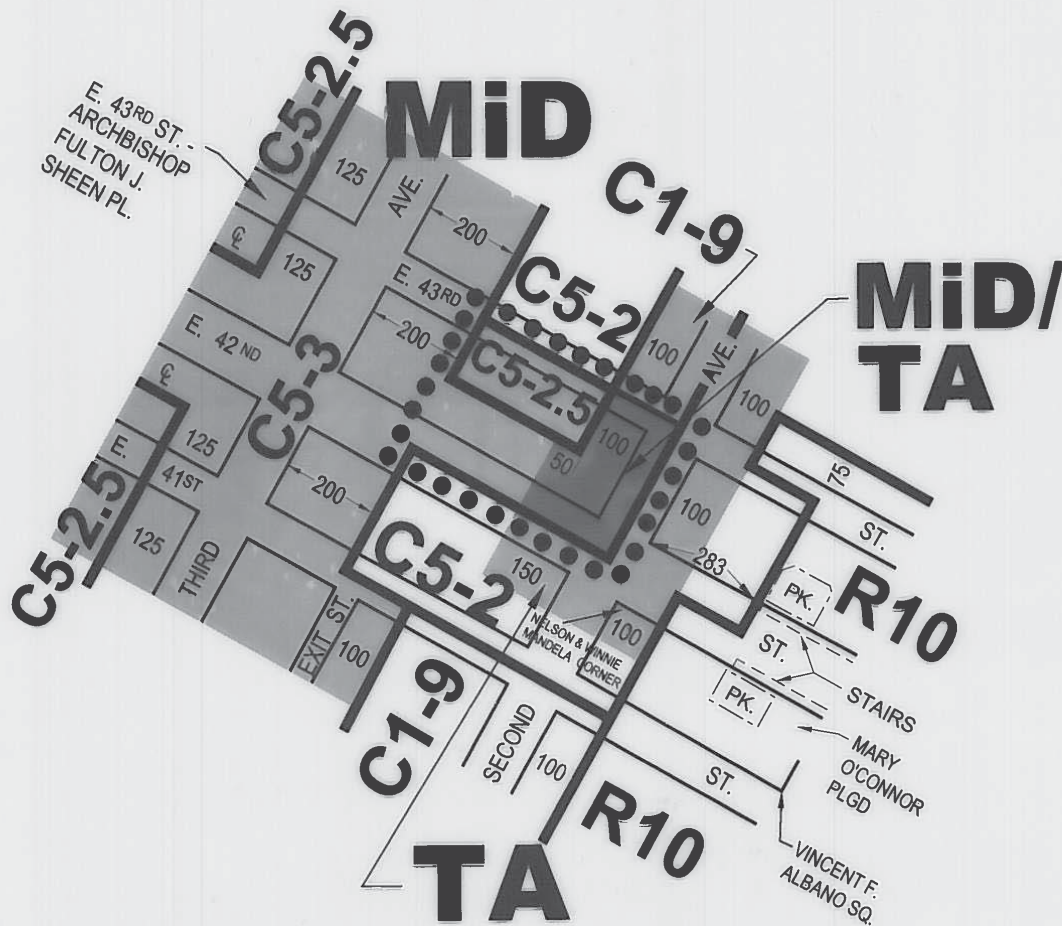
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.

BETTY Y. CHEN, MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,

ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioners

MICHELLE DE LA UZ, Commissioner, Abstained

ALFRED C. CERULLO, III, Commissioner, Recused



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

8d

BOROUGH OF
MANHATTAN

New York, Certification Date
APRIL 22, 2013

J. Miraglia

J. Miraglia, Director
Technical Review Division

SCALE IN FEET



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing a C5-2 District to C5-2.5 and C5-3 Districts, and by establishing a Special Midtown District.
- Indicates a Special Midtown Use District.
- Indicates a Special Midtown/Transit Land Use Districts.
- Indicates a Special Transit Land Use District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.