CITY PLANNING COMMISSION

March 17, 2014 / Calendar No. 2 N 130337 ZRM

IN THE MATTER OF an application submitted by 606 W. 57 LLC c/o TF Cornerstone Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning regulations in Northern Subarea C1 and Inclusionary Housing designated areas within Community District 4, Borough of Manhattan.

This application for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District) and Appendix F concerning regulations in Northern Subarea C1 and Inclusionary Housing designated areas was filed by 606 W. 57 LLC c/o TF Cornerstone Inc. on May 21, 2013. The proposed text amendment, along with its related actions, would facilitate construction of a new mixed-use building on a portion of a block bounded by West 56th Street and West 57th Street, between Eleventh Avenue and Twelfth Avenue, in the Clinton neighborhood in Manhattan Community District 4. A revised application for the text amendment was filed on February 27, 2014.

RELATED ACTIONS

In addition to the proposed text amendment (N 130337 ZRM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 130336 ZMM: An amendment of the Zoning Map to change M1-5 and M2-3 districts to a C4-7 district

C 130339 ZSM: Special Permit pursuant to Section 13-454 (Additional Parking Spaces for Large Scale Developments), to provide a maximum of 500 public parking spaces or a maximum of 395 public parking spaces

N 130340 ZAM: Authorization pursuant to Section 13-441 to permit a curb cut on a wide street in Manhattan Community District 4

BACKGROUND

A full background discussion and description of this application appears in the report of the related action for a zoning map amendment (C 130336 ZMM).

ENVIRONMENTAL REVIEW

This application (N 130337 ZRM), 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, 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 13DCP080M. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report of the related action for a zoning map amendment (C 130336 ZMM).

PUBLIC REVIEW

This application (N 130337 ZRM), in conjunction with the application for the related non-ULURP action, was duly referred to Community Board 4 and the Manhattan Borough President on October 21, 2013, in accordance with the procedure for referring non-ULURP matters, along with the applications for related ULURP actions, which were certified as complete by the Department of City Planning on October 21, 2013 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application (N 130337 ZRM), on December 4, 2013 and by a vote of 28 in favor, 5 opposed, 1 abstention and 4 present but not eligible, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a zoning map amendment (C 130336 ZMM).

Borough President Recommendation

This application (N 130337 ZRM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan who issued a recommendation disapproving this application with conditions on December 31, 2013.

City Planning Commission Public Hearing

On January 8, 2014 (Calendar No. 12), the City Planning Commission scheduled January 22, 2014, for a public hearing on this application (N 130337 ZRM). The hearing was duly held on January 22, 2014 (Calendar No. 12) in conjunction with the public hearing on the applications for related actions. There were four speakers in favor of the application and nine speakers in opposition as described in the report on the related application for a zoning map amendment (C 130336 ZMM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

A discussion of the WRP Consistency Review appears in the report on the related application for a zoning map amendment (C 130336 ZMM).

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 130337 ZRM), as modified herein, in conjunction with the application for related actions, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a zoning map amendment (C 130336 ZMM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 7, 2014, with respect to this application (CEQR No. 13DCP080M), 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 which

minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A, 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 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, 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 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 as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article II: Residence District Regulations
Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

Article IX: Special Purpose Districts
Chapter 6
Special Clinton District

*** * ***

96-30
OTHER AREAS

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

* * *

96-34
Special Regulations in Northern Subarea C1

Within Area C1-1, within Northern Subarea C1, as shown on the map in Appendix A of this Chapter, the following special #use# and Inclusionary Housing regulations shall apply:

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in Appendix F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(b) Special #use# regulations

Within the area shown on the Map entitled Special Use Regulations in Northern Subarea C1 in Appendix A of this Chapter, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(1) automobile showrooms or sales with preparation of automobiles for delivery; and

(2) automobile repairs.

* * *

96-80
EXCLUDED AREAS

* * *

96-81
R10 Districts

R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. ~~The provisions of paragraph (a) of Section 23- 954 (Additional requirements for compensated developments) shall not apply.~~

* * *

Appendix A - Special Clinton District Map

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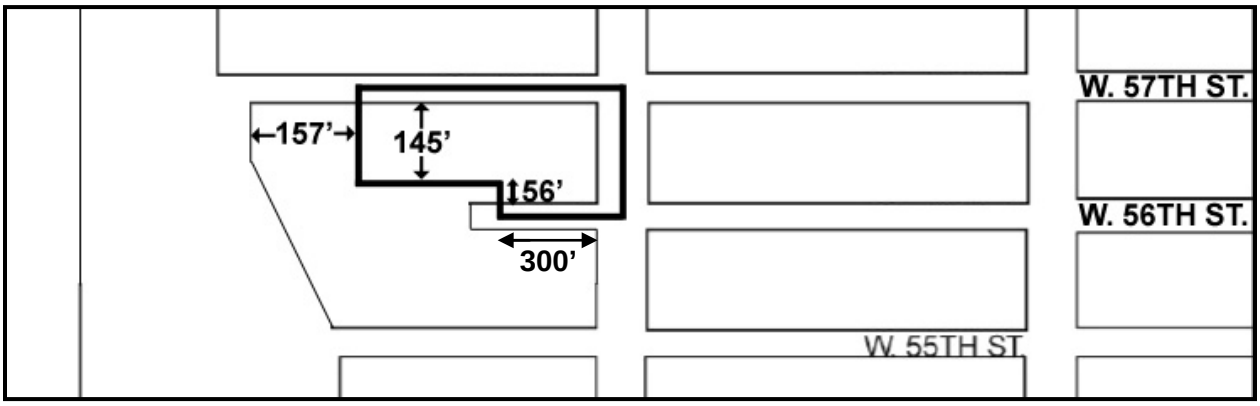
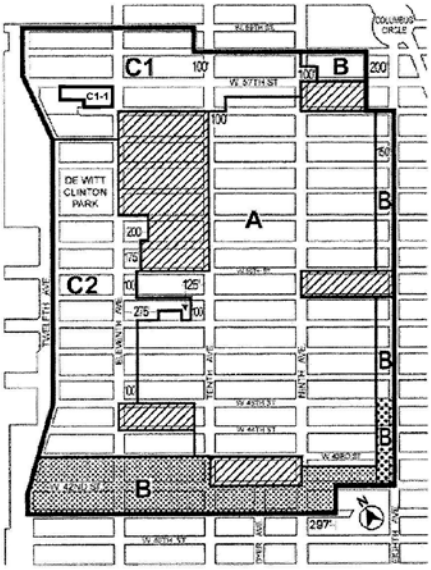
Map to be inserted in Appendix A

C1-1 – Special Use Regulations Area



(6/14/11)

Appendix A - Special Clinton District Map (96A)



Special Clinton District Boundary

Area Boundary

A Preservation Area

B Perimeter Area

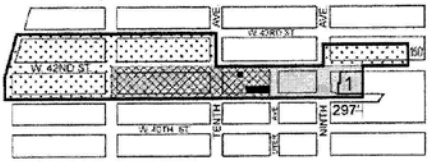
B Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (**See map below**)

B Portion of Perimeter Area B also subject to Article VIII, Chapter I (*Special Midtown District*)

C Other Areas (Northern Subarea C1, Western Subarea C2)

Excluded Area

42nd Street Perimeter Area



Subarea 1 of 42nd Street Perimeter Area

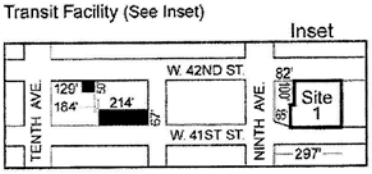
Subarea 2 of 42nd Street Perimeter Area

Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

Site 1 Where Special Parking Regulations apply (See Inset)

Transit Facility (See Inset)

Inset



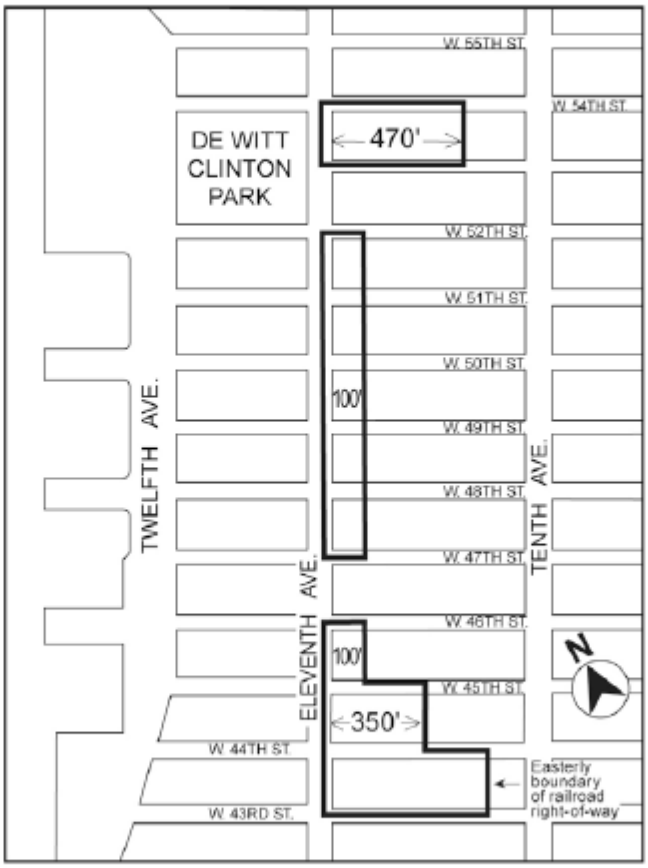
APPENDIX F
Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

* * *

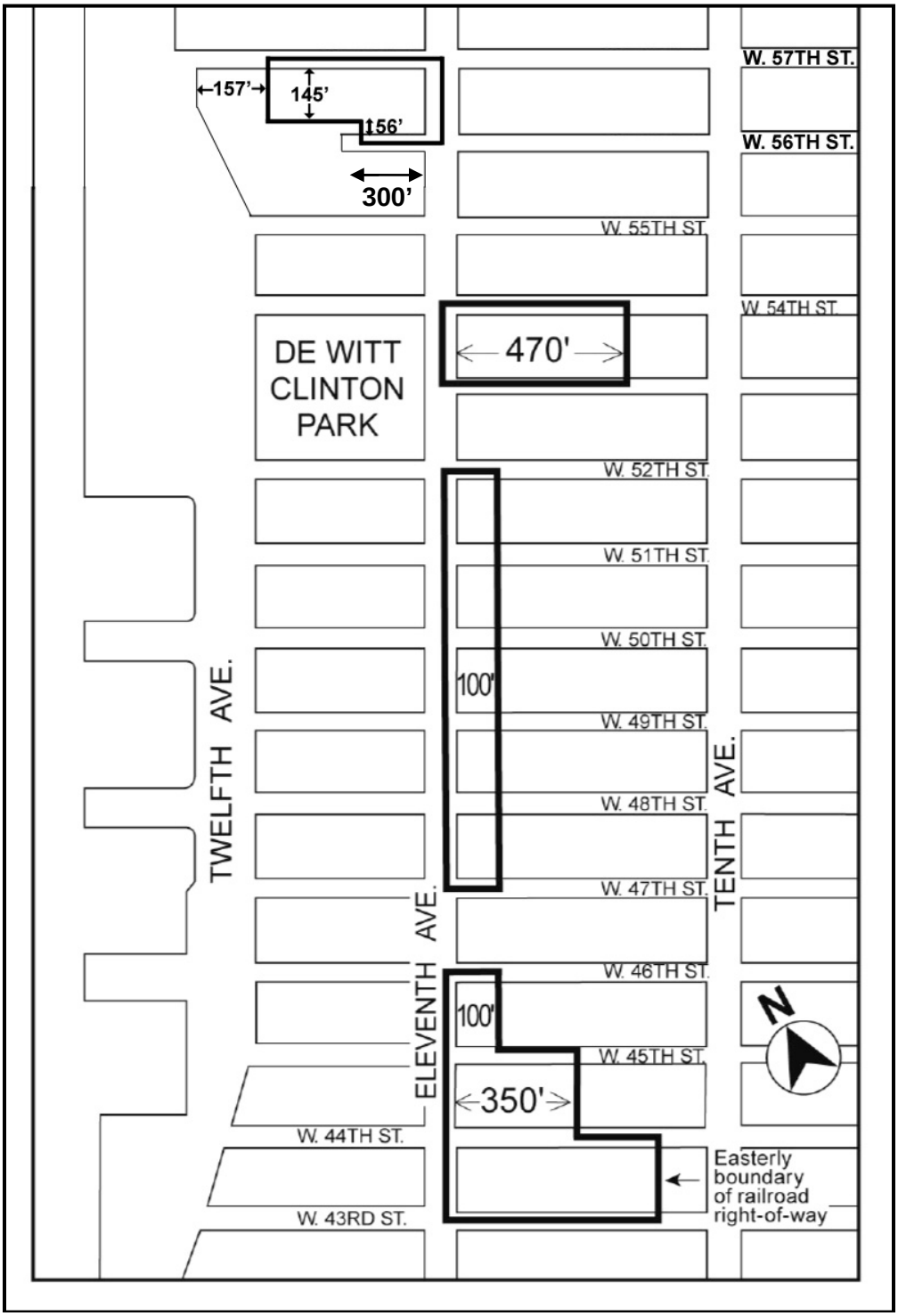
Map 2
#Special Clinton District# – see Sections 96-31, 96-32, 96-34, 96-81 and 96-82

EXISTING MAP TO BE REPLACED



Portion of Community District 4, Manhattan

PROPOSED MAP



Portion of Community District 4, Manhattan

The above resolution (N 130337 ZRM), duly adopted by the City Planning Commission March 17, 2014 (Calendar No. 2), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, *ESQ.*, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE R. DE LA UZ, RICHARD W. EADDY, ORLANDO MARIN, Commissioners