

## CITY PLANNING COMMISSION

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December 19, 2012 / Calendar No. 3

C 120396 ZMM

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**IN THE MATTER OF** an application submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-2 District property bounded by West 58<sup>th</sup> Street, a line 125 feet westerly of Eleventh Avenue, a line midway between West 58<sup>th</sup> Street and West 57<sup>th</sup> Street, and a line 125 feet easterly of Twelfth Avenue, as shown on a diagram (for illustrative purposes only) dated July 11, 2012 and subject to the conditions of CEQR Declaration E-286, Community District 4, Borough of Manhattan.

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This application for a zoning map amendment was filed by the applicant on June 6, 2012. The proposed zoning map amendment, along with its related actions, would facilitate the development of a proposed, mixed-use development, on the block bounded by Eleventh Avenue, Twelfth Avenue, West 57<sup>th</sup> Street and West 58<sup>th</sup> Street, in the Special Clinton District, in Manhattan Community District 4.

### RELATED ACTIONS

In addition to the amendment of the Zoning Map (C 120396 ZMM), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

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|-----------------|---|
| C 120397 ZSM    | Special Permit, to modify the bulk regulations within a Large-Scale General Development.  |
| C 120398 ZSM    | Special Permit, pursuant to Section 13-561 of the Zoning Resolution, to allow an enclosed attended accessory parking garage   |
| M 010151(B) ZSM | Modification of the Large-Scale General Development site plan associated with the original special permit (C 010151 ZSM) to reflect the proposed changes to the site plan |
| M 010148(A) ZMM | Modification of an existing Restrictive Declaration (D-145, C 010148 ZMM), approved in connection with a previously approved zoning map amendment                         |

## **BACKGROUND**

A full background discussion and description of this application appears in the related report for a special permit application (C 120397 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 120396 ZMM), in conjunction with the applications 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 12DCP020M. The lead is the City Planning Commission. A summary of the environmental review and the Final Supplemental Environmental Impact Statement appears in the related report for a special permit application (C 120397 ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 120396 ZMM), in conjunction with the applications for the related actions (C 120397 ZSM and C 120398 ZSM), , was certified as complete by the Department of City Planning on July 11, 2012, and was duly referred to Community Board 4 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP applications, which were referred for review and comment.

## **Community Board Public Hearing**

Community Board 4 held a public hearing on this and the related actions on September 5 2012, and on that date, by a vote of 38 in favor, 0 opposed and 3 present not voting, adopted a resolution recommending disapproval of the applications, with conditions.

A summary of the recommendations of Community Board 4 appears in the related report for a special permit application (C 120397 ZSM).

## **Borough President Recommendation**

This application (C 120396 ZMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation on October 19, 2012 for approval of the applications with conditions.

A summary of the recommendations of the Borough President appears in the related report for a special permit application (C 120397 ZSM).

## **City Planning Commission Public Hearing**

On October 17, 2012 (Calendar No. 2), the City Planning Commission scheduled October 31, 2012, for a public hearing on this application (C 120396 ZMM). Due to Hurricane Sandy, the October 31, 2012 scheduled hearing was continued to November 14, 2012 (Calendar No. 13), in conjunction with the public hearing for the related actions

There were a number of appearances, as described in the related report for a special permit application (C 120397 ZSM), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 120396 ZMM), in conjunction with the related applications for special permits (C 120397 ZSM (as modified) and C 120398 ZSM), and modification to the existing General Large Scale Development (M 010151(B) ZSM) and the modification and termination of the previously recorded restrictive declaration (M010148(A) ZMM), is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the related report for a special permit application (C 120397 ZSM).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Supplemental Environmental Impact Statement (FSEIS), for which a Notice of Completion was issued on December 7, 2012, with respect to this application (CEQR No. 12DCP020M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have

been met and that this report of the City Planning Commission, together with the FSEIS, 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

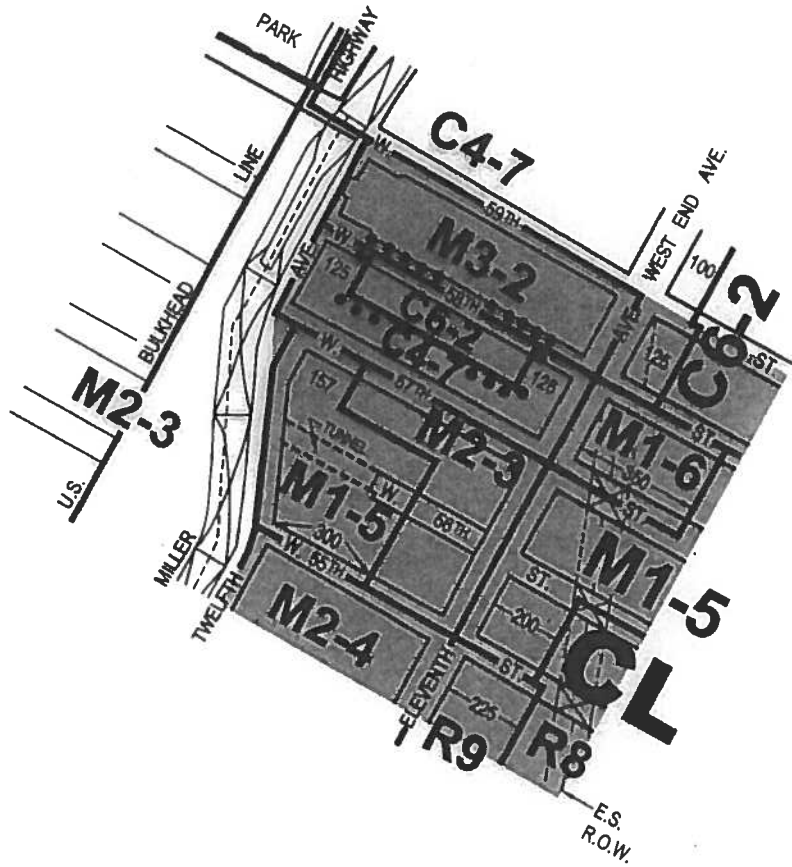
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-2 District property bounded by West 58<sup>th</sup> Street, a line 125 feet westerly of Eleventh Avenue, a line midway between West 58<sup>th</sup> Street and West 57<sup>th</sup> Street, and a line 125 feet easterly of Twelfth Avenue, as shown on a diagram (for illustrative purposes only) dated July 11, 2012 and subject to the conditions of CEQR Declaration E-286,

The above resolution (C 120396 ZMM), duly adopted by the City Planning Commission on December 19, 2012 (Calendar No. 3), 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.

**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 I. DOUEK, ANNA HAYES LEVIN,**  
**ORLANDO MARÍN, Commissioners**

Commissioners **ALFRED C. CERULLO and RICHARD W. EADDY: Recused**

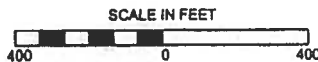
Commissioner **MICHELLE R. de la UZ, voting NO**



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**8c**  
 BOROUGH OF  
**MANHATTAN**

New York, Certification Date  
 JULY 11, 2012

*Irene Sadko, P.E.*  
 I. Sadko, P.E., Deputy Director  
 Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
  - The area enclosed by the dotted line is proposed to be rezoned by changing an M1-5 District to a C6-2 District.
  - CL** Indicates a Special Clinton District.

