

CITY PLANNING COMMISSION

March 12, 2008/Calendar No. 30

C 080132 ZMM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 6a:**

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 127th Street, a line 100 feet easterly of Frederick Douglass Boulevard, West 126th Street and Frederick Douglass Boulevard; and
2. establishing within an existing R7-2 District a C2-4 District bounded West 127th Street, a line 100 feet easterly of Frederick Douglass Boulevard, a line midway between West 126th Street and West 127th Street, a line 185 feet easterly of Frederick Douglass Boulevard, West 126th Street, and Frederick Douglass Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated October 29, 2007, and subject to the conditions of CEQR Declaration E-204.

The application for an amendment to the Zoning Map was filed by the Department of Housing Preservation and Development and the Economic Development Corporation on October 22, 2007, to rezone an existing C1-4 to a C2-4 district and to extend the new commercial overlay along the north side of West 126th Street between Frederick Douglass and Adam Clayton Powell boulevards in the Borough of Manhattan, Central Harlem, Community District 10.

Related Action

In addition to the amendment to the Zoning Map, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 080133 HAM : UDAAP Designation , project approval and disposition of city-owned property.

BACKGROUND

A detailed description of the proposed project and the area is contained in the report on the related UDAAP designation, project approval and disposition of City-owned property application (C 080133 HAM).

ENVIRONMENTAL REVIEW

This application (C 080132 ZMM), in conjunction with the application for the related action (C 080133 HAM), 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 CEQR number is 07DME009M.

The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding. After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 19, 2007 which included (E) designations for hazardous materials.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- Block 1932 Lot 1, 2, 4, 62, 61, 160, 5, 7, and 107

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and where appropriate, remediation to the satisfaction of the New York City Department of Environmental Protection before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation also includes a mandatory construction-related health and safety plan which must be approved by NYCDEP.

UNIFORM LAND USE REVIEW

This application (C 080132 ZMM), in conjunction with the related application (C 080133 HAM), was certified as complete by the Department of City Planning on October 22, 2007, and was duly referred to Community Board 10 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 10 did not issue a recommendation regarding this application.

Borough President Recommendation

This application (C 080132 ZMM) along with the related application (C 080133 HAM) was considered by the Manhattan Borough President who issued a recommendation approving the application on February 4, 2008.

City Planning Commission Public Hearing

On January 30, 2008 (Calendar No. 20), the Commission scheduled February 13, 2008 for a public hearing on this application (C 080132 ZMM). The hearing was duly held on February 13, 2008 (Calendar No.51) in conjunction with the hearing for the related action (C 080133 HAM).

There were three speakers in favor as described in the report on the related application for the UDAAP and project approval and disposition of city-owned property (C 080133 HAM), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map, in conjunction with the related application, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appear in the related application for the UDAAP designation and project approval and disposition of city-owned property (C 080133 HAM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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. 6a:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 127th Street, a line 100 feet easterly of Frederick Douglass Boulevard, West 126th Street and Frederick Douglass Boulevard; and
2. establishing within an existing R7-2 District a C2-4 District bounded West 127th Street, a line 100 feet easterly of Frederick Douglass Boulevard, a line midway between West 126th Street and West 127th Street, a line 185 feet easterly of Frederick Douglass Boulevard, West 126th Street, and Frederick Douglass Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated October 29, 2007, and which includes CEQR Designation E-204.

The above resolution (C 080132 ZMM), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No. 30), 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

**ANGELA M. BATTAGLIA, ANGELA R.CAVALUZZI,R.A., IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners**

KENNETH J. KNUCKLES, ESQ., Vice Chairman, Recused