



CITY PLANNING COMMISSION

August 27, 2008/Calendar No. 17

C 080333 ZMM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a & 6b:

1. changing from an R7-2 District to a C6-3 District property bounded by East 127th Street, a line 250 feet westerly of Second Avenue, a line midway between East 126th Street and East 127th Street, Second Avenue, East 126th Street, and Third Avenue;
2. changing from a C4-4 District to a C6-3 District property bounded by a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, a line 100 feet easterly of Third Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, a line 75 feet southerly of East 125th Street/ Dr. Martin Luther King Jr. Boulevard, and Third Avenue; and
3. changing from an M1-2 District to a C6-3 District property bounded by:
 - a. East 127th Street, Second Avenue, a line midway between East 126th Street and East 127th Street, and a line 250 feet westerly of Second Avenue; and
 - b. East 126th Street, Second Avenue, East 125th Street/ Dr. Martin Luther King Jr. Boulevard, a line 100 feet easterly of Third Avenue, a line midway between East 125th Street/ Dr. Martin Luther King Jr. Boulevard and East 126th Street, and Third Avenue;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated March 24, 2008.

The application for an amendment of the Zoning Map was filed by the Department of Housing Preservation and Development on March 17, 2008. The requested action, in conjunction with the related actions, would facilitate the development of the East 125th Street Development, a mixed-use project with commercial, residential and cultural/arts uses, and public open space.

RELATED ACTIONS

In addition to an 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 applications which are being considered concurrently with this application:

- C 080331 HAM:** Designation of an Urban Development Action Area and Project, and disposition of city-owned property
- C 080332 HUM:** 15th Amended Harlem-East Harlem Urban Renewal Plan
- M 850772(D) ZAM:** Modification to East Harlem Triangle Large Scale Residential Development Plan (LSRD).
- N 080334 ZCM:** Special Transit Land Use District Certification
- N 090083 HGM:** Additional Property Designation, Harlem-East Harlem Urban Renewal Area

BACKGROUND

A full background discussion and description of the proposed zoning map amendment and the East 125th Street Development appears in the report for the related application for the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, C 080332 HUM.

ENVIRONMENTAL REVIEW

This application, in conjunction with the related applications (C 080331 HAM, C 080332 HUM, M 850772(D) ZAM and N 080334 ZCM) were 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 07DME025M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding (DME).

A summary of the environmental review and Final Environmental Impact Statement (FEIS) appears in the report for the related application for the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, C 080332 HUM.

UNIFORM LAND USE REVIEW

This application (C 080333 ZMM), in conjunction with the applications for the related actions (C 080331 HAM and C 080332 HUM), was certified as complete by the Department of City Planning on March 24, 2008, and was duly referred to Community Board 11 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 non-ULURP applications (M 850772(D) ZAM and N 0080334 ZCM), which was sent to the board and the Borough President for information and review.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on May 20, 2008, and on May 28, 2008 by a vote of 30 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the application with conditions.

A summary of the recommendations of Community Board 11 appears in the report on the related application for the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, C 080332 HUM.

Borough President Recommendation

This application (C 080333 ZMM) was considered by the Manhattan Borough President, who issued a recommendation for conditional disapproval on July 2, 2008.

A summary of the Borough President's recommendation appears in the report on the related application for the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, C 080332 HUM.

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No. 4), the City Planning Commission scheduled July 23, 2008 for a public hearing on this application (C 080333 ZMM). The hearing was duly held on July 23,

2008 (Calendar No. 29), in conjunction with the hearing on the applications for the related actions (C 080331 HAM, C 080332 HUM). There were eight speakers in favor and four in opposition, as described in the report for the related application (C 080332 HUM) and the hearing was closed.

CONSIDERATION

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

A full consideration and analysis of the issues, and reasons for approving this application, appears in the related application for the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan, C 080332 HUM.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 15, 2008, with respect to this application, 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 thereto, the action 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, those mitigative measures that were identified as practicable.

The 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, 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 hereby amended by changing the Zoning Map, Section Nos. 5c, 6a and 6b:

1. changing from an R7-2 District to a C6-3 District property bounded by East 127th Street, a line 250 feet westerly of Second Avenue, a line midway between East 126th Street and East 127th Street, Second Avenue, East 126th Street, and Third Avenue;
2. changing from a C4-4 District to a C6-3 District property bounded by a line midway between East 125th Street/Dr. Martin Luthur King Jr. Boulevard and East 126th Street, a line 100 feet easterly of Third Avenue, East 125th Street/ Dr. Martin Luthur King Jr. Boulevard, a line 130 feet easterly of Third Avenue, a line 75 feet southerly of East 125th Street/ Dr. Martin Luthur King Jr. Boulevard, and Third Avenue; and
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 - a. East 127th Street, Second Avenue, a line midway between East 126th Street and East 127th Street, and a line 250 feet westerly of Second Avenue; and
 - b. East 126th Street, Second Avenue, East 125th Street/ Dr. Martin Luthur King Jr. Boulevard, a line 100 feet easterly of Third Avenue, a line midway between East 125th Street/ Dr. Martin Luthur King Jr. Boulevard and East 126th Street, and Third Avenue;

Borough of Manhattan, Community District 11, as shown in a diagram (for illustrative purposes only) dated March 24, 2008.

The above resolution (C 080333 ZMM), duly adopted by the City Planning Commission on August 27, 2008 (Calendar No. 17), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MARIA M. DEL TORO,
NATHAN LEVENTHAL, SHIRLEY A. McRAE, JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, Commissioner Voting No