



## CITY PLANNING COMMISSION

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September 8, 2004/Calendar No. 34

C 040443 ZMM

**IN THE MATTER OF** an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 6a and 6b:**

- 1. eliminating from an existing R7-2 District a C1-4 District bounded by** a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124<sup>th</sup> Street, and a line 100 feet westerly of Park Avenue;
- 2. changing from an R7-2 District to a C4-7 District property bounded by** a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124<sup>th</sup> Street, and a line 85 feet easterly of Madison Avenue; and
- 3. changing from a C4-4 District to a C4-7 District property bounded by** East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, and a line 215 feet westerly of Park Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2004, Borough of Manhattan, Community District 11.

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The application for an amendment of the Zoning Map was filed by the applicant, 1800 Park Avenue LLC on May 6, 2004, to facilitate the construction of a mixed residential/commercial building at the southwest corner of East 125<sup>th</sup> Street and Park Avenue.

### RELATED ACTIONS

In addition to the amendment of the Zoning Map which is the subject of this report, (C 040443 ZMM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**C 040444 ZSM:** Special Permit pursuant to Section 74-743(a), to modify regulations regarding the height and setback and aggregate streetwall regulations for tower coverage controls.

**C 040445 ZSM:** Special Permit to allow an attended public parking garage with a maximum capacity of 369 spaces.

## **BACKGROUND**

The applicant, 1800 Park Avenue LLC, seeks approval of a zoning map amendment to facilitate the development of a proposed mixed residential/commercial building to be constructed at the southwest corner of East 125<sup>th</sup> Street and Park Avenue.

A full background discussion and description of the proposed project appears in the report on the related application for the grant of a special permit, (C 040444 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (C 040443 ZMM), in conjunction with the applications for the related actions (C 040444 ZSM and C 040445 ZSM), 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 04DCP053M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 10, 2004.

## **UNIFORM LAND USE REVIEW**

This application (C 040443 ZMM), in conjunction with the applications for the related actions

(C 040444 ZSM and C 040445 ZSM), was certified as complete by the Department of City Planning on May 10, 2004 and was duly referred to Manhattan Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 11 held a public hearing on the applications (C 040444 ZSM, C040443 ZMM and C 040445 ZSM ) on June 15, 2004 and on that date by a vote of 20 to 3 with 7 abstentions, adopted a resolution recommending approval of the applications with three conditions.

A summary of the recommendation of Community Board 11 appears in the report on the related application for the grant of a special permit, (C 040444 ZSM).

### **Borough President Recommendation**

The applications (C 040444 ZSM, C040443 ZMM and C 040445 ZSM ) were considered by the Borough President, who issued a recommendation on July 7, 2004 approving the applications subject to a condition. A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit, (C 040444 ZSM).

### **City Planning Commission Public Hearing**

On July 14, 2004 (Calendar No. 10), the City Planning Commission scheduled July 28, 2004 for a public hearing on the application, (C040443 ZMM). The hearing was duly held on July 28, 2004 (Calendar No. 18), in conjunction with the public hearing on the related applications (C040443 ZMM, C 040444 ZSM and C 040445 ZSM ).

There were a number of speakers, as described in the report on the related application for the grant of a special permit, (C 040444 ZSM), 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 the reasons for approving this application, appear in the report on the related application for the grant of a special permit, (C 040444 ZSM).

## **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 Nos. 6a and 6b:

- 1. eliminating from an existing R7-2 District a C1-4 District bounded by** a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124<sup>th</sup> Street, and a line 100 feet westerly of Park Avenue;
- 2. changing from an R7-2 District to a C4-7 District property bounded by** a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124<sup>th</sup> Street, and a line 85 feet easterly of Madison Avenue; and

3. **changing from a C4-4 District to a C4-7 District property bounded by** East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, a line midway between East 124<sup>th</sup> Street and East 125<sup>th</sup> Street/Dr. Martin Luther King Boulevard, and a line 215 feet westerly of Park Avenue;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated May 10, 2004 ( C 040443 ZMM).

The above resolution (C 040443 ZMM), duly adopted by the City Planning Commission on September 8, 2004 (Calendar No. 34), 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.,  
RICHARD W. EADDY, JANE D. GOL,  
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILIPS, **Commissioners**

KENNETH J. KNUCKLES, ESQ., **Vice Chair**  
IRWIN G. CANTOR, P.E., DOLLY WILLIAMS, **Commissioners Recused**