



## CITY PLANNING COMMISSION

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December 6, 2006/Calendar No. 3

C 060502 HUM

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 1<sup>st</sup> amendment to the Upper Park Avenue Urban Renewal Area, Borough of Manhattan, Community District 11.

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The application for an amendment to the Upper Park Avenue Urban Renewal Plan was filed by the Department of Housing Preservation and Development (HPD) on May 17, 2006, to facilitate the development of an accessory playground for St. Paul's Church and School and residential development along Park Avenue Site 3C, on a block bounded by East 118th Street, Park Avenue, East 117<sup>th</sup> Street, Manhattan Community District 11.

The proposed plan:

1. Subdivides Site 3 into Sites: 3 and 3C;
2. Deletes Section C.2.b.(1)(a), "Setbacks", which states, "A setback of 100 feet from the Park Avenue building line will be required of all residential new construction,";
3. Changes the language and format of the Urban Renewal Plan to reflect the current standard form.

These changes would facilitate the development of an accessory playground for St. Paul's church and school, and residential development along Park Avenue.

## **RELATED ACTION**

In addition to the first amendment to the Upper Park Avenue Urban Renewal Plan which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 060503 HAM      UDAAP designation, project approval and disposition.

## **BACKGROUND**

This application for the amendment to the Upper Park Avenue Urban Renewal Plan, in conjunction with the application for the related action (C 060502 HAM), was filed by the Department of Housing Preservation and development on May 17, 2006, to facilitate the development of an accessory playground for St Paul's church and school at 110-112 East 118<sup>th</sup> Street (Block 1645, p/o Lot 70) Site 3C within the Upper Park Avenue Urban Renewal Area, Community District 11.

The Upper Park Avenue Urban Renewal Area is generally bounded by East 124<sup>th</sup> Street to the north, Lexington Avenue to the east, East 116<sup>th</sup> Street to the south, and Park Avenue on the west, and is located within East Harlem, Community District 11. The Upper Park Avenue Urban Renewal Plan was originally approved by the Board of Estimate on January 20, 1992 (Cal. No. 25).

### **Area and Project Description**

The project site is 4,950 square feet in area, consists of a portion of one city-owned parcel at 110-112 East 118<sup>th</sup> Street (Block 1645, p/o Lot 70) and is part of Site 3 within the Upper Park Avenue Urban Renewal Area. The site is undeveloped. It is located within a R7-2 zoning

district, and a small portion of the site is also located within a C2-4 overlay, which extends 90 feet into the block from Park Avenue.

The proposed amendment to the Upper Park Avenue Urban Renewal Plan would subdivide Site 3 into Site 3 and Site 3C. Site 3 will remain designated for future residential use along Park Avenue. The subject parcel, Site 3C, in the amended plan, would be designated for community facility use to serve as accessory open space for St. Paul's church and school which is adjacent to the site. Other proposed amendments include the deletion of language requiring a setback of 100 feet from Park Avenue building line for all new residential construction, and changes in language and format to reflect current HPD standards. This would also facilitate additional residential development along Park Avenue, which is on the western edge of the block .

The related application (C 060503 HAM) would facilitate the development on the subject parcel as accessory open space for St. Paul's church and school. The open space would be paved with asphalt and would be equipped with two basketball hoops and nine cast iron planters. The main access to the open space would be from East 118<sup>th</sup> Street and from a new set of stairs from the first floor of the school. St. Paul's school would maintain and operate the open space. Currently, the school does not have a dedicated play area.

## **ENVIRONMENTAL REVIEW**

This application (C 060502 HUM ), in conjunction with the application for the related action (C 060503 HAM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set Fourth 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 06HPD002M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 3, 2006.

### **UNIFORM LAND USE REVIEW**

This application (C 060502 HUM), in conjunction with the application for the related action (C 060502 HAM), was certified as complete by the Department of City Planning on July 10, 2006, and was duly referred to 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 this application on September 11, 2006, and on that day, by a vote of 23 to 3 with 7 abstentions, adopted a resolution recommending approval of the application with the following conditions:

The deed restricts the use of the property as a “playground” or “open Space”. St. Paul’s will open the playground for public use on the following days and times:

- Weekends (all year): Saturday 10:00 am-2:00 pm. Sunday 2:00pm-6:00pm
- Weekdays (school year): 5:00pm-8:00 pm
- Weekdays (summer): 12:00pm-6:00pm

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on October 18, 2006, subject to the following conditions:

- (a) appropriate signage be placed on the fence to indicate the times it is to be open to the public;
- (b) that any deed restrictions on the use exist in perpetuity; and
- (c) that any agreements on the time the space is open to the public exist for as long as the space is open space

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

On October 11, 2006 (Calendar No. 4), the City Planning Commission scheduled October 25, 2006 for a public hearing on this application (C 060502 HUM). The hearing was duly held on October 25, 2006 (Calendar No. 6), in conjunction with the public hearing on the application for the related action (C 060503 HAM). There were two speakers in favor and none in opposition of the application.

The project architect spoke in favor of the application and briefly described the working relationship Community Board 11, HPD and the Borough President. He mentioned that all involved had agreed on an embellished programming of the proposed open space and that they would continue to work together until the proposed project was satisfactory.

The second speaker was the Director of Land Use for the Manhattan Borough President. He mentioned the extensive discussions that had taken place regarding the programming of the proposed open space and that the proposed use is appropriate for this city-owned property since St. Paul's students currently, have to play in the street. He would also like to see that the deed restriction remain in place for as long as St. Paul's school and church uses it.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed amendment to the Upper Park Avenue Urban Renewal Plan, in conjunction with the related action, is appropriate.

The proposed Amendment to the Upper Park Avenue Urban Renewal Plan (C 060502 HUM), in conjunction with the related action (C060503 HAM) would facilitate the development of accessory open space for St. Paul's church and school in addition to community residents.

In a letter to the Department of City Planning, dated November 30, 2006, HPD stated that:

Under the project compliance and restrictions section of the Land Disposition Agreement (LDA), it is specified that the open space will be open to the public on weekdays and weekends, all year around. Specifically that the playground shall be opened to the general public for (i) at least six hours every Saturday year round, (ii) at least six hours every weekday from Independence Day to Labor Day, and (iii) at least 3 hours after normal school hours every day that the New York City public schools are in session.

The letter further stated "Additionally, the Archdiocese and St. Paul's church will continue working with Community Board 11 on the extra amenities and added physical elements of the proposed space."

The proposed amendment to the Upper Park Avenue Urban Renewal Plan will facilitate the use of Site 3C as a playground and will also facilitate additional residential development along Park Avenue.

## **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**, that the City Planning Commission finds that the amended Urban Renewal Plan for the Upper Park Avenue Urban Renewal Area is an appropriate plan for the area involved; and

The City Planning Commission certifies that the Amended Urban Renewal Plan for the Upper Park Avenue Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives; and

The Commission further certifies that the Amended Urban Renewal Plan for Harlem-East Harlem Urban Renewal Area is in conformity with the findings and designation of the Harlem-East Harlem Urban Renewal Area as adopted by the City Planning Commission on November 20, 1968. The Commission certifies its unqualified approval of the Amended Urban Renewal Plan for the Upper Park Avenue Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the proposed Amended Urban Renewal Plan for the Upper Park Avenue Urban Renewal Area, Community District 11, Borough of Manhattan, submitted by the Department of Housing Preservation and Development on May 17, 2006 is approved.

The above resolution (C 060502 HUM), duly adopted by the City Planning Commission on December 6, 2004 (Calendar No. 3), 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

**KENNETH J. KNUCKLES**, Esq., Vice Chair

**ANGELA M. BATTAGLIA**, **IRWIN G. CANTOR**, P.E., **ANGELA M. CAVALUZZI**, R.A.,

**ALFRED C. CERULLO**, III, **RICHARD W. EADDY**, **JANE D. GOL**, **LISA A. GOMEZ**,

**CHRISTOPHER KUI**, **JOHN MEROLO**, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**,

Commissioners