



CITY PLANNING COMMISSION

May 7, 2008/ Calendar No. 17

C 080219 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 No. 6a:

1. eliminating from within an existing R7-2 a C1-4 District bounded by West 128th Street, Frederick Douglass Boulevard, West 127th Street and a line 100 feet westerly of Frederick Douglass Boulevard;
2. changing from an R7-2 District to an R8A District properly bounded by West 128th Street Frederick Douglass Boulevard, West 127th Street and a line 100 feet easterly of St. Nicholas Avenue;
3. changing from an R8 to an R8A District property bounded by West 128th Street, a line 100 feet easterly of St. Nicholas Avenue, West 127th Street and St. Nicholas Avenue; and
4. establishing within the proposed R8A District a C2-4 bounded by:
 - a. West 128th Street, Frederick Douglass Boulevard, West 127th Street and a line 100 feet westerly of Frederick Douglass Boulevard; and
 - b. West 128th Street, a line 100 feet easterly of St. Nicholas Avenue, West 127th Street and St. Nicholas Avenue;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated January 7, 2008, and subject to the CEQR Declaration E-212.

The application for an amendment to the Zoning Map was filed by the Department of Housing Preservation and Development on December 18, 2007, to rezone the block bounded by Frederick Douglass Boulevard, St. Nicholas Avenue and West 127th and West 128th streets from R8, R7-2 and C1-4 to R8A and C2-4 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 080220 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 080220 HAM).

ENVIRONMENTAL REVIEW

This application (C 080219 ZMM), in conjunction with the application for the related action (C 080220 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 03HPD020M.

The lead agency is the Department of Housing and Preservation. After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 26, 2007 which included (E) designations for hazardous materials, air quality and noise attenuation.

To avoid the potential for hazardous materials and noise impact, the proposed zoning map amendment includes (E) designations for hazardous materials, air quality and noise attenuation on the following properties:

- Block 1954 Lots 31, and 136

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 080219 ZMM), in conjunction with the related application (C 080220 HAM), was certified as complete by the Department of City Planning on January 7, 2008, 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 080219 ZMM) along with the related application (C 080220 HAM) was considered by the Manhattan Borough President who issued a recommendation approving the application on April 15, 2008.

City Planning Commission Public Hearing

On April 9, 2008 (Calendar No. 5), the Commission scheduled April 23, 2008 for a public hearing on this application (C 080219 ZMM). The hearing was duly held on April 23, 2008 (Calendar No.19) in conjunction with the hearing for the related action (C 080220 HAM).

There were four speakers in favor and none in opposition as described in the report on the related application for the UDAAP and project approval and disposition of city-owned property (C 080220 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 080220 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 a C1-4 District bounded by West 128th Street, Frederick Douglass Boulevard, West 127th Street and a line 100 feet westerly of Frederick Douglass Boulevard;
2. changing from an R7-2 District to an R8A District properly bounded by West 128th Street Frederick Douglass Boulevard, West 127th Street and a line 100 feet easterly of St. Nicholas Avenue;
3. changing from an R8 to an R8A District property bounded by West 128th Street, a line 100 feet easterly of St. Nicholas Avenue, West 127th Street and St. Nicholas Avenue; and
4. establishing within the proposed R8A District a C2-4 bounded by:
 - a. West 128th Street, Frederick Douglass Boulevard, West 127th Street and a line 100 feet westerly of Frederick Douglass Boulevard; and
 - b. West 128th Street, a line 100 feet easterly of St. Nicholas Avenue, West 127th Street and St. Nicholas Avenue;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated January 7, 2008, and which includes CEQR Designation E-212.

The above resolution (C 080219 ZMM), duly adopted by the City Planning Commission on May 7, 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
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R.CAVALUZZI,R.A.,
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