



## CITY PLANNING COMMISSION

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October 7, 2008 / Calendar No. 24

N 080398(A) ZRM

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), in the Borough of Manhattan, Community District 3.

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The original application for an amendment of the Zoning Resolution was filed by the Department of City Planning on May 2, 2008. The requested action, in conjunction with a related zoning map amendment, would facilitate the department's East Village/Lower East Side rezoning. On July 3, 2008, pursuant to Section 2-06(c)(1) of the ULURP rules, the Department filed an application to modify the proposed amendment to the Zoning Resolution (N 080398(A) ZRM), for public hearing and consideration by the City Planning Commission. The modified application (N 080398(A) ZRM) is the subject of this report.

### RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report (N 080398(A) ZRM), 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 080397(A) ZMM:** A Zoning Map Amendment to Map No. 12c, to rezone 111 blocks in the East Village and Lower East Side neighborhoods, from R7-2 and C6-1 zoning districts to R7A, R7B, R8A, R8B, C4-4A, C6-2A and C6-3A zoning districts.

## **BACKGROUND**

A full background discussion and description of this application appears in the report on the related application for an amendment of the Zoning Map (C 080397(A) ZMM).

## **ENVIRONMENTAL REVIEW**

The original and modified applications (N 080398 ZRM, N 080398(A) ZRM), in conjunction with the original and modified applications for the related action (C 080397 ZMM, C 080397(A) ZMM), 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 07DCP078M. The lead agency is the City Planning Commission (CPC).

A summary of the environmental review and the Final Environmental Impact Statement (FEIS) is included in the report on the related application for an amendment to the Zoning Map, (C 080397(A) ZMM).

## **PUBLIC REVIEW**

On May 5, 2008, the original application (N 080398 ZRM) was referred to Community Board 3 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The original related application (C 080398 ZMM) was certified as complete by the Department of City Planning on May 5, 2008, and was duly referred to Community Board 3 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

On July 7, 2008, the modified applications (N 080398(A) ZRM, C 080397(A) ZMM) were duly referred to Community Board 3 and the Borough President pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on the original application (N 080398 ZRM) and the related ULURP Zoning Map change application (C 080397 ZRM) on May 12, 2008, and, on May 27, 2008, by a vote of 40 in favor, 0 opposed, and 0 abstaining, adopted a resolution recommending approval with modifications.

A summary of the votes and recommendations of Community Board 3 appears in the report on the related application for an amendment to the Zoning Map (C 080397(A) ZMM).

### **Borough President Recommendation**

The original and modified applications for changes to the Zoning Map and the Zoning Resolution (C 080397 ZMM, C 080397(A) ZMM, N 080398 ZRM, N 080398(A) ZRM) were considered by the Borough President, who issued a recommendation for conditional approval on August 11, 2008.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment to the Zoning Map (C 080397(A) ZMM).

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

On July 23, 2008 (Calendar Nos. 3 and 4), the City Planning Commission scheduled August 13, 2008, for a public hearing on the original application (N 080398 ZRM) and the modified

application (N 080398(A) ZRM). The hearings were duly held on August 13, 2008 (Calendar Nos. 3 and 4), in conjunction with the public hearing on the applications for the related actions.

There were a number of speakers, as described in the report on the related application (C 080397(A) ZMM) for the proposed amendment to the Zoning Map, and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Resolution (N 080398(A) ZRM), in conjunction with the related action is appropriate.

A full consideration and analysis of the issues, and reasons for approving this modified application, appear in the report on the related application for an amendment to the Zoning Map (C 080397(A) ZMM).

### **RESOLUTION**

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 26, 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 under the R7A/C6-3A Alternative, is the 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 mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes 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 Section 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 as follows:

Matter in underline is new, to be added  
 Matter in ~~strikeout~~ is old, to be deleted;  
 Matter within # # is defined in 12-10 or  
 \*\*\* indicates where unchanged text appears in the Zoning Resolution

**23-144**

**In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
<u>Community District 3, Manhattan</u>	<u>R7A R8A R9A</u>
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

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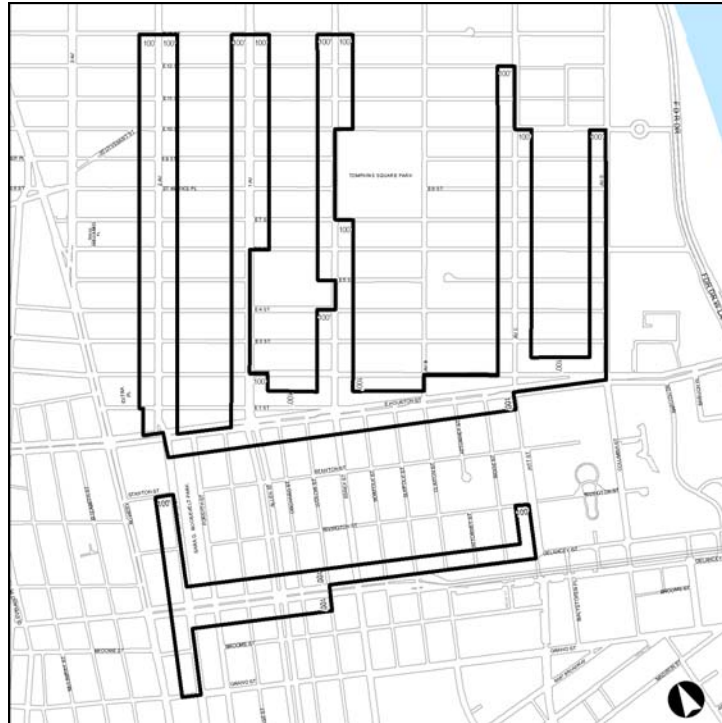
23-922

**Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

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- (i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:



Map 14: Portion of Community District 3, Manhattan

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The above resolution, duly adopted by the City Planning Commission on October 7, 2008 (Calendar No. 24), is filed with the Office of the Speaker, City Council and the Manhattan Borough President, pursuant to 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, AIA,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,**  
**JOHN MEROLO, Commissioners**