



CITY PLANNING COMMISSION

January 27, 2010 / Calendar No. 5

N 100052 ZRM

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.

This application for a zoning text amendment was filed by the Department of Housing Preservation and Development on August 5, 2009 to facilitate residential, commercial and community facility uses.

RELATED ACTIONS

In addition to the zoning text amendment (N 100052 ZRM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 100051 ZMM	Zoning Map Amendment from M1-5 to R8/C2-5 and R10/C2-5 zoning districts
C 100053 ZSM	Special Permit pursuant to Section 74-681 to permit development over railroad or transit air space
C 100054 ZSM	Special Permit pursuant to Section 74-743 to waive height and setback, distance between buildings and open space regulations
C 100055 HAM	UDAAP designation, project approval and disposition of City-owned property

BACKGROUND

A full background discussion and description of this application appears in the report on the related application for a zoning map amendment (C 100051 ZMM).

ENVIRONMENTAL REVIEW

The application (N 100052 ZRM), in conjunction with the application for the related actions (C 100051 ZMM, C 100053 ZSM, C 100054, ZSM, C 100055 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 designated CEQR number is 09HPD022M. The lead agency is the Department of Housing Preservation and Development.

It was determined that the proposed action may have a significant effect on the environment and that an Environmental Impact Statement would be required. A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a zoning map amendment (C 100051 ZMM).

PUBLIC REVIEW

This application (N 100052 ZRM), in conjunction with the application for the related actions, was duly referred to Community Board 4 and the Borough President on October 27, 2008, in accordance with the procedure for referring non-ULURP matters, along with the applications for a zoning map amendment (C100051ZMM), special permits (C100053ZSM and C100054ZSM) and an Urban Development Action Area, project approval and disposition of city-owned property (C100055HAM) which were certified as complete by the Department of City Planning on September 8, 2009 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application and the related actions on October 7, 2009, and on that date, by a vote of 35 in favor, none opposed with no abstentions adopted a resolution recommending approval of the applications with conditions.

A summary of the recommendations of Community Board 4 appears on the related application for a zoning map amendment (C 100051 ZMM).

Borough President Recommendation

This application (N 100052 ZRM), in conjunction with the related actions, was considered by the Borough President, who issued a recommendation on November 30, 2009 approving the application with conditions.

A summary of the recommendations of the Borough President appears on the related application for a zoning map amendment (C 100051 ZMM).

City Planning Commission Public Hearing

On November 18, 2009 (Calendar No. 4), the City Planning Commission scheduled December 2, 2009, for a public hearing on this application (N 100052 ZRM). The hearing was duly held on December 2, 2009 (Calendar No. 15) in conjunction with the public hearing on the applications for related actions.

There were twenty speakers, as described in the report for the related zoning map amendment (C 100051 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment, as modified, (N 100052 ZRM), in conjunction with the application for related actions, is appropriate.

A full consideration and analysis of the issues, and reason for approving this application with modifications, appear in the related report for a zoning map amendment (C 100051 ZMM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on January 13, 2010, with respect to this application (CEQR No. 09HPD022M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved 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.

The report of the City Planning Commission, together with the FEIS and Technical Memorandum, 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

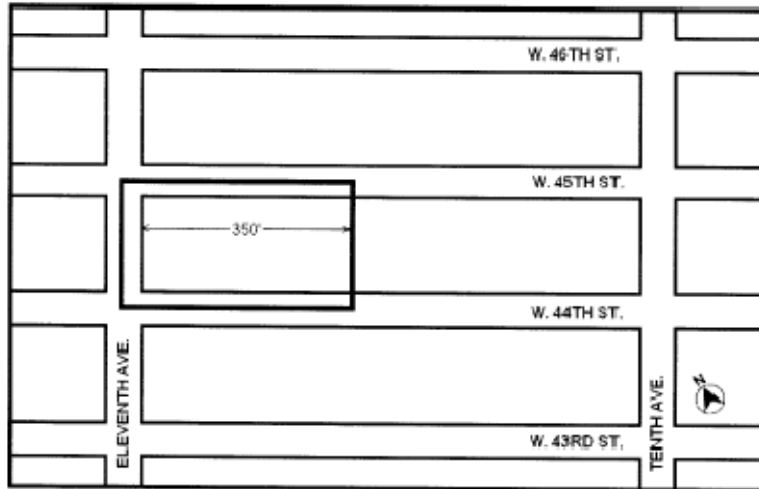
RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and as amended subsequently, is further amended as follows:

Matter in underline is new, to be added;
Matter in ~~strike-out~~ is old, to be deleted;
Matter within # # is defined in Section 12-10 (DEFINITIONS)
*** indicates where unchanged text appears in the Resolution

* * *

96-82
R10 Inclusionary Housing Designated Area

The R10 district in the area shown on the map in this Section shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (Definitions) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The provisions of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply.



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**APPENDIX F
INCLUSIONARY HOUSING DESIGNATED AREAS**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

* * *

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

Special 125th Street District – see Section 97-421 (Inclusionary Housing)

Special Clinton District – see Sections 96-81 (C6-3X Designated District) and 96-82 (R10 Inclusionary Housing Designated Area)

Special Coney Island District – see Section 131-321 (Special floor area regulations for residential uses)

Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)

Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)

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The above resolution (N 100052 ZRM), duly adopted by the City Planning Commission on January 27, 2010 (Calendar No. 5), 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, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,

RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,

SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners