



## CITY PLANNING COMMISSION

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October 3, 2007 | Calendar No. 11

C 080002 ZMX

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, eliminating from within an existing R8 District a C1-4 District bounded by a line 125 feet northeasterly of East 158<sup>th</sup> Street, Brook Avenue, East 158<sup>th</sup> Street and a line 100 feet southeasterly of Third Avenue, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only), dated July 9, 2007.

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The application for an amendment of the Zoning Map was filed by the Department of Housing Preservation and Development on July 2, 2007, eliminating from within an existing R8 District a C1-4 District to facilitate the development of an eight-story mixed-use building on property located north of East 158<sup>th</sup> Street between Third Avenue and Brook Avenue, portion of Site 17 of the Melrose Commons Urban Renewal Area.

### RELATED ACTIONS

In addition to the special permit which is the subject of this report (C 080002 ZMX), 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:

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| C 070506 HAX | UDAAP designation and project approval and disposition of City-owned property;   |
| C 070507 ZSX | Special permit, pursuant to Section 74-681 of the New York City Zoning Resolution, to permit development over a railroad right-of-way or yard; |

## **BACKGROUND**

A detailed description of the proposed project and the area is contained in the report on the related UDAAP designation and project approval and disposition of City-owned property application (C 070506 HAX).

## **ENVIRONMENTAL REVIEW**

This application (C 080002 ZMX), in conjunction with the related applications (C 070506 HAX and C 070507 ZSX), 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 06HPD008X. The lead agency is the Department of Housing Preservation and Development.

It was determined that this application would not result in environmental impacts that would be substantially different from or greater than those described in the 1994 FEIS and 2007 FEIS for the Melrose Commons URA project. In a letter dated July 6, 2007 with a copy of the Notice of Minor Modification and the Technical Memorandum for the CEQR No. 88-087X application, it was determined that the proposed changes do not alter the conclusions of the FEIS and that therefore the Notice of Completion issued on April 27, 2007 remains in effect.

## **UNIFORM LAND USE REVIEW**

This application (C 080002 ZMX), in conjunction with related applications (C 070506 HAX and

C 070507 ZSX), was certified as complete by the Department of City Planning on July 9, 2007, and was duly referred to Community Board 1 and the 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 1 held a public hearing on this application on August 1, 2007, and on that date, by a vote of 22 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on August 28, 2007.

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

On September 5, 2007 (Calendar No. 3), the City Planning Commission scheduled September 19, 2007, for a public hearing on this application (C 080002 ZMX). The hearing was duly held on September 19, 2007 (Calendar No. 24) , in conjunction with the public hearing on the related applications (C070506 HAX and C 070507 ZSX). There were three speakers in favor of the application and no speakers in opposition, as described in the report on the related UDAAP designation and project approval and disposition of City-owned property application (C 070506 HAX).

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for the zoning map amendment (C 080002 ZMX) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report on the related UDAAP designation and project approval and disposition of City-owned property application (C 070506 HAX).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 15, 1994 and a letter dated July 6, 2007 with a copy of the Notice of Minor Modification and the Technical Memorandum, with respect to this application (CEQR No.88-087X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the Environmental Impact Statement will be

minimized or avoided to the maximum extent possible by incorporating, as conditions to the approval, those mitigative 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 others factors and standards; that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York Charter, that based on the environmental determination(s) and the consideration and findings 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. 6c, eliminating from within an existing R8 District a C1-4 District bounded by a line 125 feet northeasterly of East 158<sup>th</sup> Street, Brook Avenue, East 158<sup>th</sup> Street and a line 100 feet southeasterly of Third Avenue, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only), dated July 9, 2007.

The above resolution (C 080002 ZMX), duly adopted by the City Planning Commission on October 3, 2007 (Calendar No. 11), 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.,**

**BETTY Y. CHEN, RICHARD W. EADDY, NATHAN LEVENTHAL, JOHN MEROLO,**

**KAREN A. PHILLIPS, DOLLY ILLIAMS, Commissioners**

**LISA A. GOMEZ, Commissioner, RECUSED**