



## **CITY PLANNING COMMISSION**

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September 10, 2003/Calendar No.23

C 030479 HAM

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
    - a) the designation of property located at 249 East 105<sup>th</sup> Street (Block 1655, Lot 19), as an Urban Development Action Area;
    - b) an Urban Development Action Area Project for such area; and
  - 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of open space, Borough of Manhattan, Community District 11.
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Approval of three separate matters is required:

1. The designation of Block 1655, Lot 19 in the Borough of Manhattan, as an Urban Development Action Area;
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property to developer to be selected by HPD.

The application for the UDAAP area designation and project, and the disposition of city-owned property was submitted by the Department of Housing Preservation and Development on May 19, 2003. Approval of this application would facilitate the development of approximately 1,637 square feet of accessory open space. The subject property is located on the north side of East

105<sup>th</sup> Street between Second and Third avenues.

Approval of this application would facilitate the development of open space on the site as described above. The proposed project is tentatively known as East 105<sup>th</sup> Street Plaza.

The Department of Housing Preservation and Development states in its application that:

The Disposition Area consists of underutilized vacant land which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Disposition Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **BACKGROUND**

The proposed project is located at 249 East 105<sup>th</sup> Street between Second and Third avenues, in East Harlem, Community District 11. The site would be developed with approximately 1,637 square feet of open space that would be used as open space for the public and for Plaza 105, an adjoining building located on Lots 15, 16 and 18. The abutting building is eight-stories (8), and is currently a middle-income rental.

Plaza 105 has provided for the maintenance and landscaping of the proposed open space in their construction budget and the superintendent of Plaza 105 will maintain and make the open space accessible to building residents and the public, between the hours of 9:00 a.m. to dusk. The proposed open space would be used for passive recreation space. It will be gated with steel fencing and include a winding walkway through a park-like setting with trees and shrubs that will border a flower bed. The walkway will be well lit and have seating along its length.

Zoned R7-2, the site is located on a block that is residential in character, with ground floor and commercial uses along Second and Third avenues. The site is abutted by Plaza 105, the residential building, on the west and a five-story residential building on the east. The block and surrounding neighborhood are predominately residential in character, having a mix of low-rise and mid-rise residential buildings along with the 20-story high Benjamin Franklin Houses, a NYCHA project located north of the site. Park East High School is located across the street from the site on the south side of East 105<sup>th</sup> Street.

## **ENVIRONMENTAL REVIEW**

This application (C 030479 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 for Procedure of 1991 and Executive Order No. 91 of 1977.

The designated CEQR number is 02HPD025M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on August 23, 2003.

### **UNIFORM LAND USE REVIEW**

This application was certified as complete by the Department of City Planning on June 2, 2003, and 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 June 17, 2003 by a vote of 24 in favor, 11 opposed and 0 abstentions adopted a resolution recommending the approval of the application with the following conditions:

- a) The developed open space must be open to the public everyday, from dawn to dusk.
- b) The site may be only developed as a “passive” open space.
- c) Any future development of the site must also maintain it as a passive open space and make it available to the public.
- d) The developer should not be allowed to transfer the air rights to the adjacent buildings.

## **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on July 22, 2003 approving the application with the following condition:

Noting the approval with conditions by Community Board 11, the Borough President supports the designation of 249 East 205<sup>th</sup> Street as an Urban Development Action Area and its designation as an Urban Development Action Area Project. Moreover, pursuant to Section 197-c of the New York City Charter the Borough President supports the disposition of such property to a developer to be selected by HPD to facilitate a negotiated sale project. The Borough President concurs with the conditions set forth by CB # 11. The Borough President believes that if public land is used for open space the local Community Board has the duty to set conditions on how that space is utilized so that it will not only benefit the developer and immediate residents but the surrounding community.

## **CITY PLANNING PUBLIC HEARING**

On July 23, 2003 (Cal No. 15), the City Planning Commission scheduled August 13, 2003 for the public hearing on this application (C 030479 HAM). The hearing was duly held on August 13, (Cal No. 17). There were two speakers in favor of the application and none in opposition.

The project architect described the project and said that the proposed open space would be designed with security in mind. A representative from HPD described the proposal and explained that the property would be disposed of through a direct negotiated sale, at fair market value.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for the UDAAP area designation and project approval, and the disposition of city-owned property, is appropriate.

The proposed project, would be located on the north side of East 105<sup>th</sup> Street between Second and Third avenues. Situated within an R7-2 zoning district, the project site consists of one vacant city-owned lot (Block 1655, Lot 19) totaling approximately 1,637 square feet.

The proposed project would be developed with open space which would be used by the adjacent eight-story residential building , Plaza 105, and would also be open to the public.

The Commission notes that the proposed site is too small for a residential development site. The Commission is aware that Community Board 11 has requested that this open space be accessible to the public and that the space be used as passive open space. The Commission also acknowledges that the developer of Plaza 105 will manage and maintain the open space, as proposed, from 9:00 a.m. to dusk. The site if it remained vacant could become a blighting influence on the block. The Commission, therefore believes that the proposed project is appropriate.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 249 East 105<sup>th</sup> Street (Block 1655, Lot 19), in Community District 11, Borough of Manhattan, as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property.

**THEREFORE be it RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of 249 East 105<sup>th</sup> Street (Block 1655, Lot 19), as an Urban Development Action Area,
- b) an Urban Development Action Area Project for such area;

and the City Planning Commission recommends that the New York City Council find that:

- a. The present status of the area tends to impair and arrest the sound development of municipality;
- b. The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act is necessary to enable the project to be undertaken; and
- c. The project is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act; and

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 249 East 105<sup>th</sup> Street (Block 1655, Lot 19), Community District 11, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 030479 HAM).



The above resolution (C 030479 HAM), duly adopted by the City Planning Commission on September 10, 2003 (Calendar No.23), 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 Chairman

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Commissioners







