



CITY PLANNING COMMISSION

February 7, 2007/Calendar No. 22

C 050414 ZMM

IN THE MATTER OF an application submitted by A & C Development Partners 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 District, a C1-4 District bounded by West 145th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 144th Street, and Adam Clayton Powell Jr. Boulevard;
2. changing from an R7-2 District to a C4-4D District property bounded by West 145th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 144th Street, and Adam Clayton Powell Jr. Boulevard; and
3. changing from a C8-3 District to a C4-4D District property bounded by West 145th Street, a line 160 feet easterly of Adam Clayton Powell Jr. Boulevard, a line midway between West 144th Street and West 145th Street, and a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 25, 2006, and subject to the condition of CEQR Declaration E-173.

The application for an amendment to the Zoning Map was filed by A & C Development Partners on April 11, 2005, to rezone a portion of Block 2013, which is bounded by Adam Clayton Powell Jr. Boulevard, Malcolm X Boulevard, West 144th and West 145th streets, from R7-2/C1-4 and C8-3 to C4-4D. The requested action would facilitate the development of an 11-story mixed-use building.

BACKGROUND

The applicant, A & C Development Partners, seek approval of a zoning map amendment from R7-2/C1-4 and C8-3 to C4-4D. The proposed rezoning area is located on the east side Adam

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Clayton Powell Jr. Boulevard between West 144th and 145th streets in Manhattan Community District 10.

The requested action would rezone an area generally bounded by Adam Clayton Powell Jr. Boulevard, West 144th and West 145th streets. The proposed rezoning area comprises three tax lots (Block 2013, Lots 1, 3 and 61) that total approximately 25,978 square feet. It includes a two-story commercial building with supermarket (Lot 61), a two-story commercial building (Lot 3) and a one-story bank (Lot 1). The applicant owns Lots 1 and 61.

The area to be rezoned is zoned R7-2/C1-4 and C8-3. R7-2/C1-4 districts allow residential development up to 3.44 FAR (4.0 with the Quality Housing option), community facilities up to 6.5 FAR and commercial uses up to 2.0 FAR. However, in mixed residential/commercial buildings, commercial uses are limited to the ground floor. R7-2 districts can typically produce 14-16 story buildings with low lot coverage that are set back from the street. C8-3 districts allow local retail, commercial and automotive-related uses up to 2.0 FAR, and community facility uses up to 6.5 FAR. Residential uses are not permitted.

The surrounding neighborhood is zoned R8 and R7-2 and predominantly residential in character, typified by four to six-story multiple dwellings and high-rise residential towers. Ground floor retail activity and intermittent second floor commercial activity can be found along West 145th Street and along portions of Adam Clayton Powell Jr. and Frederick Douglass boulevards. Gas stations, and other auto-related uses, can be found on West 145th Street, east of the proposed

rezoning area. The area also has several churches, schools and community facilities. New development in the area includes residential construction and rehabilitation associated with the Bradhurst Urban Renewal Plan. In July 2004, the block bounded by Frederick Douglass Boulevard, Bradhurst Avenue, West 145th Street and West 146th Street was rezoned from R7-2/C1-4 and R8 to C4-4D (C 040270 ZMM) to facilitate the development of 185 affordable co-op units with commercial space, under the city's Cornerstone Program. This project, the Langston, is nearing completion. The neighborhood is well served by mass transit, with subway access provided at West 145th Street and Malcolm X Boulevard (a.k.a., Lenox Avenue) by the IRT Seventh Avenue line (No. 3). Bus service is also available on all major streets.

Proposed Zoning Map Amendment

The proposed rezoning, from R7-2/C1-4 and C8-3 to C4-4D, would increase the maximum residential FAR from 3.44 to 6.02, the commercial FAR from 2.0 to 3.4, and allow residential development on the C8-3-zoned portion of the site. Community facility uses would be allowed up to 6.5 FAR, as currently allowed on the entire rezoning site. The street wall could rise 60-85 feet before setback, with a maximum building height of 120 feet (approximately 9-11 stories). The proposed rezoning would enhance the residential and commercial development potential of the site by increasing the allowable residential density (from 3.44 to 6.02 FAR) and allow a wider range of commercial uses than that which is currently allowed on the entire rezoning site.

Under C4-4D zoning regulations, the project would have to meet the requirements of the city's Quality Housing Program. The program regulations, which govern bulk and density, allowable

lot coverage and required street wall height, promote development that would be consistent with the existing neighborhood context.

If approved, the applicant intends to develop an 11-story mixed-use building on Lot 61, with 76 condominium units, community facility space and retail space. The building would have 90,712 square feet of floor area (6.11 FAR). Parking would be provided for 50 cars. Moreover, the existing supermarket would be modernized and placed in the ground floor of the project.

ENVIRONMENTAL REVIEW

This application (C 050414 ZMM) 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 05DCP070M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the subject application (C 050414 ZMM), a Conditional Negative Declaration was issued on September 25, 2006, stating the following:

The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol, and, if any such

impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

The Conditional Negative Declaration included an (E) designation. The placement of the (E) designation (E-173) on the zoning map would eliminate the potential for significant adverse impacts on those sites and would ensure that appropriate testing, remediation and corrective action, if needed, would be undertaken.

To avoid any potential impacts associated with noise, the proposed action will place an (E) designation for noise on the following properties:

Block	Lots
2013	1, 3 and 61

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 30 or 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes,

but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

The applicant signed the Conditional Negative Declaration on September 20, 2006, and it was issued on January 8, 2007. The Conditional Negative Declaration was published in the City Record and in the New York State Environmental Notice Bulletin on September 27, 2006. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York State Code of Rules and Regulations, Section 617.00 et seq., a comment period followed. No comments were received.

UNIFORM LAND USE REVIEW

This application (C 050414 ZMM) was certified as complete by the Department of City Planning on September 25, 2006, and was duly referred to Community Board 10 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 did not submit a recommendation for this application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on January 3, 2007 with the following condition:

The Manhattan Borough President therefore recommends conditional approval of ULURP Application No. C 050414 ZMM, provided that the developer creates a fair selection process for the income-targeted units and a legal structure that will ensure their permanent affordability.

City Planning Commission Public Hearing

On December 20, 2006 (Calendar No. 8), the City Planning Commission scheduled January 10, 2007 for a public hearing on this application (C 050414 ZMM). The hearing was duly held on January 10, 2007 (Calendar No. 27). Two speakers spoke in favor of the application and no speakers in opposition.

The project's developer described the project she plans to build if the proposed rezoning were approved. The Director of Land Use for the Manhattan Borough President also spoke in favor of the project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The applicant seeks approval of a zoning map amendment from R7-2/C1-4 and C8-3 to C4-4D to facilitate the development of a residential/commercial project in Harlem. The proposed rezoning area is located on the east side Adam Clayton Powell Jr. Boulevard between West 144th and 145th streets in Manhattan Community District 10.

The requested action would rezone an area generally bounded by Adam Clayton Powell Jr. Boulevard, West 144th and West 145th streets. The proposed rezoning area comprises three tax lots (Block 2013, Lots 1, 3 and 61) that total approximately 25,978 square feet. It includes a two-story commercial building with supermarket (Lot 61), a two-story commercial building (Lot 3) and a one-story bank (Lot 1). The applicant owns Lots 1 and 61.

The proposed rezoning, from R7-2/C1-4 and C8-3 to C4-4D, would increase the maximum residential FAR from 3.44 to 6.02, the commercial FAR from 2.0 to 3.4, and allow residential development on the C8-3-zoned portion of the site. Community facility uses would be allowed up to 6.5 FAR, as currently allowed on the entire rezoning site. The street wall could rise 60-85 feet before setback, with a maximum building height of 120 feet (approximately 9-11 stories). The proposed rezoning would enhance the development potential of the site by increasing the allowable residential density (from 3.44 to 6.02 FAR) and enable the applicant to develop a mixed residential/commercial building on Lot 61.

The Commission believes the requested rezoning action would facilitate new housing and retail development in north Central Harlem. The requested rezoning complements ongoing public and

private redevelopment efforts on neighboring blocks and supports the city's commitment to redevelop Harlem. The Commission, therefore, believes that the requested amendment to the Zoning Map, is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the condition that the applicant, A & C Development Partners, agrees via a restrictive declaration to prepare a hazardous materials testing protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including a health and safety plan, to DEP for approval. If necessary, remediation measures would be taken pursuant to the remediation plan, 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 District, a C1-4 District bounded by West 145th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 144th Street, and Adam Clayton Powell Jr. Boulevard;

2. changing from an R7-2 District to a C4-4D District property bounded by West 145th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 144th Street, and Adam Clayton Powell Jr. Boulevard; and
3. changing from a C8-3 District to a C4-4D District property bounded by West 145th Street, a line 160 feet easterly of Adam Clayton Powell Jr. Boulevard, a line midway between West 144th Street and West 145th Street, and a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 25, 2006 and which includes the Environmental Designation E-173.

The above resolution (C 050414 ZMM), duly adopted by the City Planning Commission on February 7, 2007 (Calendar No. 22), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
RICHARD W. EADDY, JANE D. GOL,
LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners