



CITY PLANNING COMMISSION

March 10, 2008 / Calendar No. 5

C 080096 HUM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 14th amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, Borough of Manhattan, Community District 11.

The application for the proposed amendment to the Harlem-East Harlem Urban Renewal Plan was submitted by the Department of Housing Preservation and Development (HPD) on September 24, 2007. The proposed amendment, in conjunction with the related action, would facilitate the development of Kingsgate House, a 12-story, 185-unit mixed-use building to be developed on a portion of Urban Renewal Site 13 within the Harlem-East Harlem Urban Renewal Area.

RELATED ACTION

In addition to the proposed amendment to the Harlem-East Harlem Urban Renewal Plan, which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 080097 HAM: Designation of an Urban Development Action Area and Project, and disposition of city-owned property.

BACKGROUND

HPD seeks approval of the 14th Amendment to the Harlem-East Harlem Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area. The Harlem-East Harlem Urban Renewal Area is located within an area generally bounded by Morningside Avenue, the

FDR and Harlem River Drives, and 106th and 132nd streets. Originally approved by the Board of Estimate on December 19, 1968 (CP 20528), the Harlem-East Harlem Urban Renewal Plan has facilitated residential, commercial and community facility development in East and Central Harlem.

The proposed urban renewal plan amendment would facilitate the development of Kingsgate House, a 12-story, mixed-use building to be built on a portion of Urban Renewal Site 13.

Area Description

The proposed project site is located on the north side of East 124th Street between Second and Third Avenues. It includes ten vacant tax lots (Block 1789, Lots 16, 18-25 and 121) that total 24,714 square feet. The site is also located in the Harlem-East Harlem Urban Renewal Area, as part of Urban Renewal Site 13, which is designated for residential/commercial use. Block 1789, Lots 18-20, 22 and 121 are privately owned and not subject to the requested actions. Block 1789, Lots 16, 21 and 23-25 are city-owned and subject to the requested UDAAP, disposition and urban renewal actions.

The development site is zoned C4-4, which allows medium-density residential and community facility uses. C4-4 districts allow residential development up to 3.44 FAR (4.0 FAR with the Quality Housing option) and can typically produce a 14 to 16-story building with low lot coverage that is set back from the street. C4-4 districts also allow commercial uses up to 3.4 FAR and community facility uses up to 6.5 FAR.

A portion of the development site is included in the Special Transit Land Use District (TA), which is mapped along portions of Second Avenue in the vicinity of the Second Avenue subway line to provide easements to facilitate pedestrian access to the proposed subway and the access of light and air to the stations. On July 13, 2007, the City Planning Commission and the Metropolitan Transportation Authority (MTA) jointly certified (N 070465 ZCM) that a transit easement is necessary and Kingsgate House would include such easement.

The surrounding neighborhood is residentially zoned (R7-2, R9) and predominantly residential in character, typified with 4-6 story multiple dwellings and high-rise public housing. C4-4 districts are mapped along 125th and 124th streets. Commercial streets and local retail activity can be found along portions of Second and Third Avenues, and along 125th Street. Major commercial anchors in the area include a Pathmark supermarket, Gotham Plaza and Gateway Plaza, all of which are located on East 125th Street at or between Third and Lexington Avenues. The neighborhood is well served by mass transit, with subway access provided at Lexington Avenue and East 125th Street by the IRT Nos. 4, 5 and 6 subway lines. Bus service is also available on 125th Street and all major avenues.

Project Description

The requested actions would facilitate the development of a 12-story contextual building that would provide 185 rental units (184 units plus one for a superintendent). Financed through the City's 50/30/20 Program, 50 percent of the units (92 units) would be rented at market rates; 30 percent of the units (55 units) would be made available to families at 130 percent of Area Median Income (AMI) (approximately \$65,000 - \$95,800), and 20 percent of the units (37 units) would be made available to families at 40-50 percent AMI (approximately \$19,800 - \$36,800). The project also includes indoor recreation space, tenant storage space and laundry facilities. Additionally, it would have 8,054 square feet of ground floor commercial space and 120 accessory parking spaces to be placed below-grade. The project would also provide nine street trees to enhance and improve the surrounding streetscape.

The proposed project would also utilize the Inclusionary Housing bonus that would become applicable to this site as part of the proposed the 125th Street Rezoning and Special District (C 080099(A) ZMM, N 080100(A) ZRM). The aforementioned 37 units for families between 40-50 percent AMI would be provided to achieve the Inclusionary Housing bonus. The building would have an FAR of 7.2, which could only be achieved with the provision of these 37 units.

Requested Actions

Urban Renewal Plan Amendment; C 080096 HUM

HPD seeks approval of an urban renewal plan amendment to amend the Harlem-East Harlem Urban Renewal Plan. Since its inception in 1968, the Plan has been amended 13 times to facilitate residential, commercial and community facility development projects. Kingsgate House is proposed for a portion of Urban Renewal Site 13, which is designated for residential/commercial use. The Urban Renewal Plan limits development on Site 13 to the existing C4-4 zoning regulations. The proposed 14th amendment to the urban renewal plan would remove the density restrictions from Site 13 to allow Kingsgate House to be developed in accordance with the proposed 125th Street Rezoning and Special District (C 080099(A) ZMM, N 080100(A) ZRM), which are undergoing concurrent public review. Also, the requested amendment extends the Plan's expiration date from 2008 to 2013 to accommodate future development.

Proposed UDAAP and Disposition of City-owned Property; C 080097 HAM

Additionally, HPD seeks approval of an Urban Development Action Area designation and project, and disposition of city-owned property. The development site comprises ten lots; five lots are city-owned (Block 1789, Lots 16, 21 and 23-25) and five lots (Block 1789, Lots 18-20, 22 and 121) that are privately owned. City-owned Lots 16, 21 and 23-25 are subject to the proposed UDAAP and disposition action.

The development site would be rezoned from C4-4 to C4-4D as part of the 125th Street Rezoning and Special District (C 080099(A) ZMM, N 080100(A) ZRM). The proposed C4-4D district has a base residential FAR of 5.4 FAR and is bonusable to 7.2 FAR under the Inclusionary Housing program. C4-4D has an allowable commercial FAR of 5.4 and a community facility FAR of 6.0. The street wall could rise 60-85 feet before setback, with a maximum building height of 120 feet (approximately 10-12 stories).

ENVIRONMENTAL REVIEW

This application, in conjunction with the related application (C 080097 HAM) and applications

related to the proposed 125th Street Rezoning and Special District (C 080099 ZMM, C 080099(A) ZMM, N 080100 ZRM, N 080100(A) ZRM), 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 07DCP030M. The lead agency is the City Planning Commission (CPC).

A summary of the environmental review and Final Environmental Impact Statement (FEIS) appears in the in the report on the application for the proposed amendment to the Zoning Resolution to establish the Special 125th Street District (N 080100(A) ZRM).

UNIFORM LAND USE REVIEW

This application (C 080096 HUM), in conjunction with the application for the related action (C 080097 HAM), was certified as complete by the Department of City Planning on October 1, 2007, and was duly referred to Community Board 11 and the Manhattan 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 11 held a public hearing on this application on November 20, 2007 and on that date, by a vote of 27 to 0 with one abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 080096 HUM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on January 9, 2008.

City Planning Commission Public Hearing

On January 9, 2008 (Calendar No. 1), the City Planning Commission scheduled January 30, 2008 for a public hearing on this application (C 080096 HUM). The hearing was duly held on January 30, 2008 (Calendar No. 26), in conjunction with the hearing on the application for the related action (C 080097 HAM). There were four speakers in favor and one in opposition.

Those speaking in favor include the project architect, planner and developer, who gave an overview of the proposed build program and income mix. The Director of Land Use, Manhattan Borough President's Office, also spoke in support. A community resident, who spoke in opposition, expressed concerns about the project's affordability for East Harlem residents, as well as general community concerns about the proposed 125th Street rezoning's impact on local residents, including children with special needs, local schools and health services.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the Harlem-East Harlem Urban Renewal Plan, in conjunction with the related action (C 080097 HAM), is appropriate. The requested actions would facilitate the development of Kingsgate House, a 12-story, mixed-use building to be located in East Harlem.

The project site is located on the north side of East 124th Street between Second and Third Avenues. It includes ten vacant tax lots (Block 1789, Lots 16, 18-25 and 121) that total 24,714 square feet. Located in the Harlem-East Harlem Urban Renewal Area, the site comprises a portion of Urban Renewal Site 13, which is designated for residential/commercial use. Block 1789, Lots 18-20, 22 and 121 are privately owned and not subject to the requested actions. Block 1789, Lots 16, 21 and 23-25 are city-owned and subject to the requested UDAAP, disposition and urban renewal actions.

Urban Renewal Plan Amendment; C 080096 HUM

The Commission believes that the requested urban renewal plan amendment to amend the Harlem-East Harlem Urban Renewal Plan is appropriate. Kingsgate House would be developed on a portion of Urban Renewal Site 13, which is designated for residential/commercial use. The Urban Renewal Plan has density restrictions that limit development on Site 13 to the existing C4-4 district regulations. Since Kingsgate House is designed in accordance with the proposed C4-4D zoning of the site, the proposed 14th amendment to the urban renewal plan is necessary for the project. Also, the requested amendment extends the Plan's expiration date from 2008 to 2013 to accommodate future development.

Proposed UDAAP and Disposition of City-owned Property; C 080097 HAM

The Commission also believes that the requested Urban Development Action Area designation and Project (UDAAP), and related disposition of city-owned property are appropriate. The requested UDAAP and disposition actions would facilitate the development of a 12-story contextual building that would provide 185 rental units (184 units plus one for a superintendent). Financed through the City's 50/30/20 Program, 50 percent of the units (92 units) would be rented at market; 30 percent of the units (55 units) would be made available to families at 130 percent AMI (approximately \$65,000 - \$95,800), and 20 percent of the units (37 units) would be made available to families at 40-50 percent AMI (approximately \$19,800 - \$36,800).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 29, 2008, with respect to this application, together with the Technical Memorandum, dated March 10, 2008, 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 Expanded Arts Bonus Alternative, 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 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 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, that the City Planning Commission finds that the proposed 14th Amended Harlem-East Harlem Urban Renewal Plan is an appropriate plan for the area involved.

The City Planning Commission certifies that the 14th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the municipality as a whole, and is consistent with local objectives.

The Commission further certifies that the 14th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area is in conformity with the findings and designation of the

Harlem-East Harlem Urban Renewal Area as adopted by the City Planning Commission on November 20, 1968. The Commission certifies its unqualified approval of the 14th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the proposed 14th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, Community District 11, Borough of Manhattan, submitted by the Department of Housing Preservation and Development on September 24, 2007, is approved (C 080096 HUM).

The above resolution (C 080096 HUM), duly adopted by the City Planning Commission on March 10, 2008 (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, 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,
BETTY Y. CHEN, MARIA DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners