



## **CITY PLANNING COMMISSION**

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September 29, 2010 / Calendar No. 5

N 100419 ZRM

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas), relating to the extension of the Inclusionary Housing Program to the proposed C6-2A district, Borough of Manhattan, Community District 3.

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This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on May 20, 2010. The proposed text amendment will allow the Inclusionary Housing program to be used in the proposed C6-2A district in the rezoning area bounded by East 13<sup>th</sup> Street, Third Avenue, East 9<sup>th</sup> Street and Fourth Avenue and including the east-side frontage of Third Avenue between East 13<sup>th</sup> Street and East 9<sup>th</sup> Street.

### **RELATED ACTION**

In addition to the amendment of the Zoning Resolution which is the subject of this report (100419 ZRM), implementation of the proposed rezoning also requires action by the City Planning Commission on the following application which is being considered concurrently:

**C 100420 ZMM:** A Zoning Map Amendment to Map No. 12c, to rezone all or portions of eight blocks in the East Village neighborhood of Manhattan, from a C6-1 zoning district to a C6-2A zoning district.

### **BACKGROUND**

A full background discussion and description of this application appears in the report on the related application for an amendment of the Zoning Map (C100420ZMM).

## **ENVIRONMENTAL REVIEW**

This application (N100419ZRM), in conjunction with the related application (C100420ZMM), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP044M.

The lead is the City Planning Commission. After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 24, 2010 which included (E) designations for air quality. The Negative Declaration included (E) designations to avoid the potential for adverse air quality impacts. A summary of the environmental review appears in the report on the related zoning map amendment application (C100420ZMM).

## **UNIFORM LAND USE REVIEW**

On May 24, 2010, this application was referred to Community Board 3 and the Borough President in accordance with the procedures for non-ULURP matters.

The related action (C100420ZMM) was certified as complete by the Department of City Planning on May 24, 2010, and was duly referred to Community Board 3 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 3 held a public hearing on this application (N100419ZRM) in conjunction with the public hearing on the application for the related action (C100420ZMM) on June 7,

2010, and, on June 22, 2010, by a vote of 35 in favor, 0 opposed and 2 abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on August 16, 2010 approving the application.

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

On August 11, 2010 (Calendar No. 5), the City Planning Commission scheduled August 25, 2010, for a public hearing on this application (N100419ZRM). The hearing was duly held on August 25, 2010 (Calendar No. 30), in conjunction with the public hearing on the application for the related zoning map change (C100420ZMM). There were a number of speakers, as described in the report on the related zoning map amendment application (C100420ZMM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Resolution (N100419ZRM), in conjunction with the related zoning amendment, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appear in the report on the related zoning map amendment application (C100420ZMM).

### **RESOLUTION**

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 as of December 15, 1961, and as subsequently amended, is hereby further amended as follows:

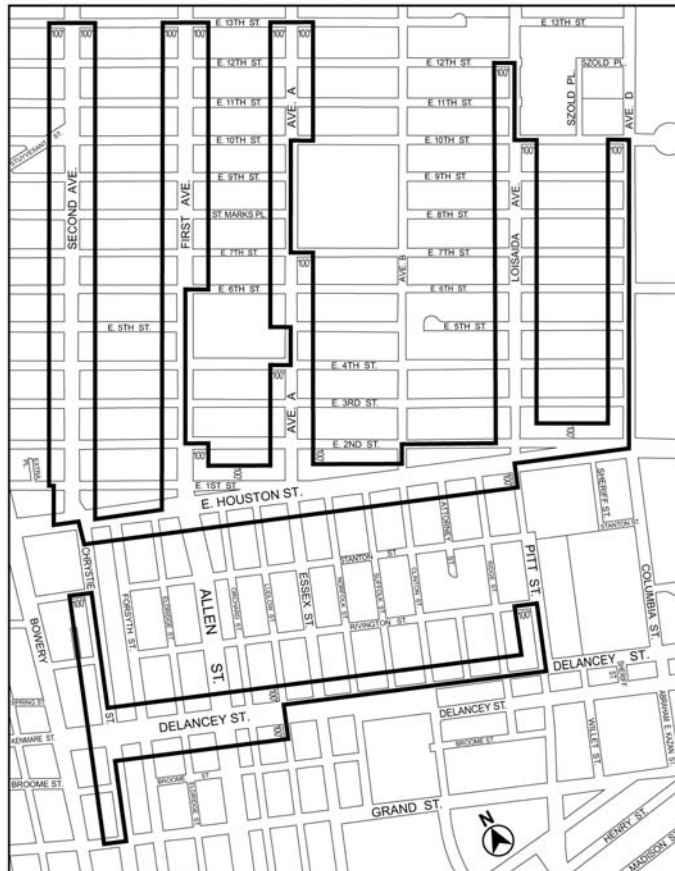
Matter in underline is new, to be added  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in 12-10 or  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Appendix F (3/3/10)**  
**Inclusionary housing designated areas**

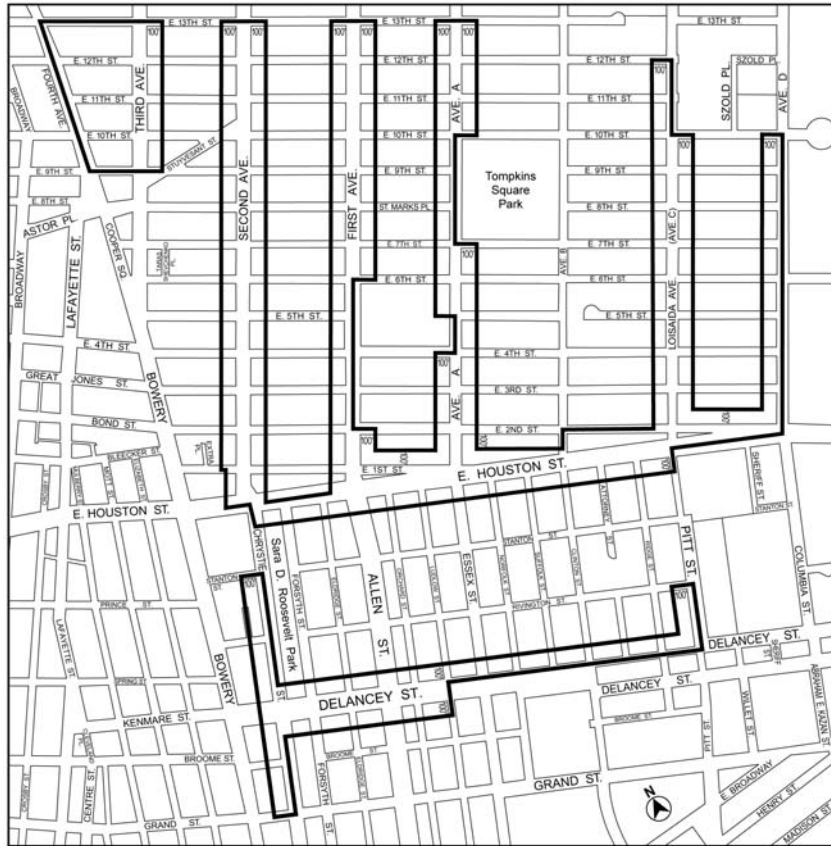
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations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

\* \* \*

Manhattan  
Manhattan Community District 3  
In the R7A, R8A and R9A Districts within the areas shown on the following Map 1:  
Map 1 - (11/19/08)



Portion of Community District 3, Manhattan  
Existing Map 1: to be deleted



Portion of Community District 3, Manhattan  
Amended Map 1: To be added

\* \* \*

The above resolution, duly adopted by the City Planning Commission on September 29, 2010 (Calendar No. 5), is filed with the Office of the Speaker, City Council and the Manhattan Borough President, pursuant to 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,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**KAREN A. PHILLIPS, Commissioners**