



## **CITY PLANNING COMMISSION**

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December 7, 2005 / Calendar No. 9

C 020615 ZMM

**IN THE MATTER OF** an application submitted by WMC Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from an R7-2 District to a C8-4 District property bounded by East 107<sup>th</sup> Street, a line 230 feet easterly of Park Avenue, a line midway between East 106<sup>th</sup> and East 107<sup>th</sup> Streets, a line 180 feet easterly of Park Avenue and East 106<sup>th</sup>, and a line 100 feet easterly of Park Avenue, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated July 25, 2005.

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The application for an amendment of the Zoning Map was filed by WMC Associates on May 14, 2002, to change the zoning mapped on the east side of Park Avenue between Park and Lexington avenues, Borough of Manhattan, Community District 11.

### **BACKGROUND**

The applicant, WMC Associates, LLC, owns four contiguous tax lots, (Block 1634, Lots 1, 3, 8 and 65). The property comprises the entire east side of Park Avenue from East 106<sup>th</sup> to East 107<sup>th</sup> streets, running eastward on 106<sup>th</sup> Street a distance of 180 feet and eastward on 107<sup>th</sup> Street, a distance 230 feet. This is contiguous with boundaries of the rezoning area and the applicant owns all of the property within the rezoning area. The property is zoned C8-4 to a depth of 100 feet east of Park Avenue, and R7-2 for the remainder of the property.

The existing C8-4 district permits commercial uses such as television studios, automotive services and other heavy commercial services and community facility uses. These districts are designed to provide necessary services for a wider area than is served by the local service districts. The maximum permitted floor area ratio FAR is 5.0 for commercial uses and 6.5 for community facility uses.

The existing R7-2 district permits residential and community facility uses. Commercial uses are not permitted. The maximum permitted residential floor area ratio is 3.44 and a 6.5 FAR for community facilities. The proposed action would change the zoning on the portion of the applicant's property in the R7-2 district to a C8-4 district.

The property within the rezoning area is comprised of three lots, p/o Lot 3, 8 and p/o Lot 65. Lots 3 and 65 are developed with commercial office buildings, Lot 8 is a driveway leading to an underground garage on Lot 65. Lot 3 is an eleven-story building which is primarily occupied by Metropolis Studios, a television studio which occupies floors 2, 3, and a portion of 5 and 6. Other tenants include the Women's Leadership High School, on floors seven through eleven, a dialysis center on the ground floor, an office of the Department of Housing Preservation and Development on the fourth floor and on a portion of the fifth floor.

Lot 65 is occupied by a four-story building which has three tenants. Metropolis Studios occupies a portion of the fourth floor. Other tenants include the NYC Police Department on the second and third floors and a portion of the fourth floor and the Shield Institute, a program for handicapped children on the first floor.

The area to be rezoned is located within the Upper Manhattan Empowerment Zone. Immediately to the west are the elevated railroad tracks of the MTA-Metro North Railroad. To the south is Saint Cecelia's Church. To the north across East 107<sup>th</sup> Street is a NYCHA development, Dewitt Clinton Houses. The Church of the Good Neighborhood is next door to the driveway on Lot 8, and mid-rise residential buildings predominate on the remaining portion of the block.

The proposed rezoning to C8-4 would facilitate the expansion of the existing television studio, part of which is located in the existing R7-2 zoning district. The proposed expansion would involve the conversion of the interior floor space and would not increase or alter the existing building envelope. In addition, the non-conforming uses in the building would become conforming.

## **ENVIRONMENTAL REVIEW**

This application, (C 020615 ZMM), was reviewed pursuant to the New York 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 (CEQRA) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQRA number is 02DCP056M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on July 25, 2005.

## **UNIFORM LAND USE REVIEW**

This application, (C 020615 ZMM), was certified as complete by the Department of City Planning on July 25, 2005, and was duly referred to Community Board 112 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 22 held a public hearing on this application on September 20, 2005, and on that day, by a vote of 18 in favor, eight opposed, with five abstentions, adopted a resolution, subject to the following condition:

The new zoning lot not be used for expansion outside of the proposed use as it was presented at the Manhattan Community Board Eleven ULURP Public Hearing on September 20, 2005.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on October 11, 2005.

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

On October 19, 2005, (Calendar No. 14), the City Planning Commission scheduled November 2, 2005, for a public hearing on this application, (C 020615 ZMM). The hearing was duly held on November 2, 2005, (Calendar No. 13). There was one speaker representing the applicant, who

spoke in favor of the application.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the amendment of the zoning map is appropriate.

The applicant, WMC Associates, owns a building located at 105 East 106<sup>th</sup> Street which is partially located within an R7-2 zoning district. The proposed rezoning to a C8-4 would extend an existing, abutting C8-4 district and facilitate the expansion of a television studio currently in the building. In addition, other non-conforming uses in the rezoning area would become conforming uses.

In response to the condition of the community board, the Commission notes that such a condition is beyond the purview of this application.

## **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 Sections 197-c and 201 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 subsequently amended, is further amended by changing the Zoning Map, Section 6b, changing from an R7-2 District to a C8-4 District property bounded by East 107<sup>th</sup> Street, a line 230 feet easterly of Park Avenue, a line midway between East 106<sup>th</sup> and East 107<sup>th</sup> streets, a line 180 feet easterly of Park Avenue, East 106<sup>th</sup> Street, and a line 100 feet easterly of Park Avenue, as shown on a diagram (for illustrative purposes only) dated July 25, 2005 (C 020615 ZMM).

The above resolution (C 020615 ZMM), duly adopted by the City Planning Commission on (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirement 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 CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL,**

**CHRISTOPHER KUI, LISA GOMEZ, JOHN MEROLO, KAREN A. PHILLIPS,**

**DOLLY WILLIAMS, Commissioners**