



CITY PLANNING COMMISSION

March 26, 2008/ Calendar No. S1

C 080151 ZMM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development 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 an R8A District property bounded by East 111th Street, the westerly boundary line of the New York Central Rail Road right-of-way, a line midway between East 110th Street and East 111th Street and Madison Avenue; Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated December 3, 2007, and subject to the conditions of CEQR Declaration E-206.

The application for an amendment to the Zoning Map was filed by the Department of Housing Preservation and Development on November 2, 2007, to rezone an existing R7-2 district to an R8A district on the south side of East 111th Street between Park and Madison avenues in the Borough of Manhattan, East Harlem, Community District 11.

Related Action

In addition to the amendment to the Zoning Map, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 080152 HAM : UDAAP Designation , project approval and disposition of city-owned property.

BACKGROUND

A detailed description of the proposed project and the area is contained in the report on the related UDAAP designation, project approval and disposition of City-owned property application (C 080152 HAM).

ENVIRONMENTAL REVIEW

This application (C 080151 ZMM), in conjunction with the application for the related action (C 080152 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 of Procedure of 1991 and Executive Order No. 91 of 1977. The CEQR number is 08HPD001M.

The lead agency is the Department of Housing and Preservation. After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 1, 2007 which included (E) designations for hazardous materials and noise attenuation.

To avoid the potential for hazardous materials and noise impact, the proposed zoning map amendment includes (E) designations for hazardous materials and noise attenuation on the following properties:

- Block 1616 Lots 38, 39, 42, 49, 50, 51, 52, 53, 141, 146 and p/o 36

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and where appropriate, remediation to the satisfaction of the New York City Department of Environmental Protection before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution

(Environmental Requirements). The (E) designation also includes a mandatory construction-related health and safety plan which must be approved by NYCDEP.

UNIFORM LAND USE REVIEW

This application (C 080151 ZMM), in conjunction with the related application (C 080152 HAM), was certified as complete by the Department of City Planning on December 3, 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 (C 080151 ZMM) along with the related application (C 080152 HAM) on January 15, 2008, and on that date, by a vote of 21 to 6 with 2 abstentions, adopted a resolution recommending conditional disapproval of this application. A full discussion of the conditions appears in the report on the related application for UDAAP designation and project approval and disposition of city-owned property (C 080152 HAM).

Borough President Recommendation

This application (C 080151 ZMM) along with the related application (C 080152 HAM) was considered by the Manhattan Borough President who issued a recommendation approving the application with conditions on March 3, 2008. A full discussion of the conditions appears in the report on the related application for UDAAP designation and project approval and disposition of city-owned property (C 080152 HAM).

City Planning Commission Public Hearing

On February 27, 2008 (Calendar No. 1), the Commission scheduled March 12, 2008 for a public hearing on this application (C 080151 ZMM). The hearing was duly held on March 12, 2008 (Calendar No.35) in conjunction with the hearing for the related action (C 080152 HAM).

There were five speakers in favor as described in the report on the related application for the UDAAP and project approval and disposition of city-owned property (C 080152 HAM), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map, in conjunction with the related application, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appear in the related application for the UDAAP designation and project approval and disposition of city-owned property (C 080152 HAM).

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 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. 6b,

changing from an R7-2 District to an R8A District property bounded by East 111th Street, the westerly boundary line of the New York Central Rail Road right-of-way, a line midway between East 110th Street and East 111th Street and Madison Avenue; Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated December 3, 2007, and which includes CEQR Designation E-206.

The above resolution (C 080151 ZMM), duly adopted by the City Planning Commission on March 26, 2008 (Calendar No. S1), 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, ANGELA R.CAVALUZZI,R.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners

IRWIN G. CANTOR, P.E., Commissioner, Recused