



CITY PLANNING COMMISSION

May 10, 2006/Calendar No. 19

N 060254 ZRY

IN THE MATTER OF an application submitted by the New York City Educational Construction Fund and 1765 First Associates LLP, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VII Chapter 7 (Special Permits by the City Planning Commission), concerning Section 74-75 (Educational Construction Fund Projects).

This application for amendments to the Zoning Resolution was filed by the New York City Educational Construction Fund (ECF) and 1765 First Associates LLP on December 12, 2005, to facilitate the construction of a combined mixed-use building and public middle school at First Avenue between East 91st Street and East 92nd Street.

RELATED ACTION

In addition to the Special Permit which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is considered concurrently with this application:

C 060255 ZSM – A Zoning Special Permit pursuant to Section 74-75 of the Zoning Resolution to permit modifications of height and setback, and yard regulations, and permit the transfer of available air rights above the proposed school across district boundaries.

BACKGROUND

A detailed description of the proposed project and related actions are included in the report on the related application for the proposed special permit (C 060255 ZSM).

ENVIRONMENTAL REVIEW

This application (C 060255 ZSM), in conjunction with the application for the related action (N 060254 ZRY) 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 06ECF001M. The lead is the New York City Educational Construction Fund (ECF).

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 15, 2005.

PUBLIC REVIEW

On December 19, 2005, this application (N 060254 ZRY) was referred to Community Board 8 and the Borough President in accordance with the Commission's policy for non-ULURP items. Concurrently, on December 19, 2005, the related application (C 060255 ZSM) were certified as complete by the Department of City Planning in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this and the related application on February 8, 2006, and on that date, adopted a resolution recommending approval of the application by a vote of 33 in favor, 0 opposed, and 0 abstaining.

A summary of that recommendation is included in the report on the related application for the proposed special permit (C 060255 ZSM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 28, 2006. A summary of that recommendation is included in the report on the related application for the proposed special permit (C 060255 ZSM).

City Planning Commission Public Hearing

On March 22, 2006 (Calendar No. 4), the City Planning Commission scheduled April 5, 2006, for a public hearing on this application (C 060254 ZRY). The hearing was duly held on April 5, 2006 (Calendar No. 17), in conjunction with the hearings on the related application (N 060255 ZSM). There were seven speakers in favor of the application and none in opposition.

A summary of that recommendation is included in the report on the related application for the proposed special permit (C 060255 ZSM).

CONSIDERATION

The Commission believes that the proposed amendment to the Zoning Resolution (N 060254 ZRY), in conjunction with the related application for the special permit (N 060254 ZRY), is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appears in the related application for the proposed special permit (C 060255 ZSM).

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 application (N 060254 ZRY) for the amendment to the Zoning Resolution of the City of New York, effective April 23, 1973, and amended subsequently, be further amended as follows:

Matter underlined is new, to be added;

Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the zoning resolution

Article VII: Administration

Chapter 4: Special Permits by the City Planning Commission

74-75 ~~(7/26/01)~~

Educational Construction Fund Projects

In R5, R6, R7, R8, R9 or R10 districts, in C1 or C2 Districts mapped within such Residence Districts, or in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4, C5, C6, or C7 Districts, for combined school and residences including air rights over schools built on a zoning lot owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a dwelling unit or rooming unit on the zoning lot in order to qualify as open space; permit ownership,

control of access and maintenance of portions of the open space to be vested in the New York City Educational Construction Fund or City agency successor in title; permit modification of yard regulations and height and setback regulations; authorize the total floor area, open space, dwelling units or rooming units permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of dwelling units or rooming units permissible under the applicable district regulations. For the purposes of this Section 74-75 a #zoning lot# “owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in this Section.

<u>School</u>	<u>Community District</u>
<u>P.S. 151</u>	<u>M8</u>

The above resolution, duly adopted by the City Planning Commission on May 10, 2006 (Calendar No. 19), 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

**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,**
Commissioners

DOLLY WILLIAMS, Commissioner, recused