

Borough President Recommendation

City Planning Commission
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 190235 ZMM, N 190236 ZRM

Docket Description:

C 190235 ZMM

IN THE MATTER OF an application submitted by NYC Department of City Planning ("DCP") pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b by eliminating a Special East Harlem Corridors District (EHC) bounded by a line midway between East 115th Street and 116th Street – Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue, Borough of Manhattan, Community Board 11.

N 190236 ZRM

IN THE MATTER OF an application submitted by the New York City 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, modifying Article III, Chapter 7 (Special Urban Design Regulations) and modifying the Special East Harlem Corridors District (Article XIII, Chapter 8).

(See Continued)

COMMUNITY BOARD NO: 11

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

John A. Brewer

BOROUGH PRESIDENT

March 22, 2019

DATE



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Gale A. Brewer, Borough President

March 21, 2019

**Recommendation on ULURP Application No. C 190235 ZMM– East Harlem
Neighborhood Rezoning Follow-Up Action by the New York City Department of Housing
Preservation & Development**

PROPOSED ACTIONS

The New York City Department of City Planning (“DCP” or “Applicant”) is proposing a zoning map amendment and zoning text amendment to the Special East Harlem Corridors District (“EHC”) in the neighborhood of East Harlem, Manhattan Community District 11. The proposed text amendments are follow-up actions that respond to concerns expressed throughout the public review process by the public and elected officials regarding building heights along Park Avenue, and subway access at the intersection of Lexington Avenue and East 116th Street. The proposed zoning map amendment is a corrective action to a portion of the special district.

Generally, any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough. In evaluating the text amendment, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program.

BACKGROUND

Prior Discretionary Actions

The action to create the Special East Harlem Corridors District and related zoning actions (N 170359 (A) ZRM, C 170358 ZMM, C 170 360 HUM) were approved by the City Council on November 30, 2017 as part of the East Harlem Neighborhood Rezoning. The East Harlem Neighborhood Rezoning was a comprehensive, community-focused effort aimed at creating land use opportunities for the creation of new mixed-use and mixed-income housing, and preservation of existing affordable units. The objectives were consistent with the goals of the mayor’s housing plan and the recommendations included in the East Harlem Neighborhood Plan (“EHNP”)¹.

The East Harlem Neighborhood Rezoning resulted in the rezoning of approximately 92-blocks in the East Harlem Neighborhood of Manhattan Community District 11; bounded by East 104th Street to the south; East 132nd Street to the north; Park Avenue to the west; and Second Avenue

¹ www.eastharlempplan.nyc

to the east. The rezoning increased the affordable housing opportunities in the district by requiring all newly-constructed private residential buildings in upzoned areas to include affordable housing².

On November 30, 2017, the NYC City Council approved the East Harlem Rezoning Proposal with modifications to several elements of the proposal; including maximum permitted height and density in certain portions of the current Project Area. However, the plan adopted by the City Council contained some issues that needed resolution. DCP needed to reconcile maximum permitted heights with the districts that were mapped since some were medium density districts with height limits more appropriate for high density districts, and other sections contained no height limits at all. A Points of Agreement document was created which included the public's concerns about height and density as well as the City's commitment to address the height issue and other non-zoning related issues. The East Harlem Points of Agreement created a schedule for when the various City agencies would meet their commitments.³

Project Description

The proposed zoning text amendments would reduce height limits along portions of Park Avenue, between East 116th and East 124th Streets. The C6-4 District along the western block-fronts of Park Avenue between East 122nd and East 124th Streets were mapped as a tower district with no height limit when the East Harlem Rezoning was adopted. The proposed text amendment would establish a maximum permitted height of 275 feet in those districts. The proposed text amendment would also reduce the maximum height in R7D districts to 125 feet from 215 feet. R7D districts are located along Park Avenue between East 116th and 117th Streets as well as the western block fronts along Park Avenue between East 115th and 116th Streets. Furthermore, the proposed text amendment would reduce the maximum building height to 145 feet from 215 feet in R8A districts located along Park Avenue between East 116th and East 118th Streets.

The proposed text amendments would also require, pursuant to ZR § 37-40, any development or enlargement at the intersection of East 116th Street and Lexington Avenue to relocate the entrance or entrances from the street to the zoning lot.

In addition to the proposed zoning text amendments, DCP is also proposing a zoning map amendment. The zoning map amendment would remove the special district designation from an existing R7B located in the midblock fronting on the northern portion of East 115th Street between Park and Lexington Avenues. This zoning district was included in the East Harlem Special Corridors District in error; the proposed zoning map amendment would remove the R7B district from the Special East Harlem Corridors District and permit development pursuant to the underlying zoning prior to the R7B designation.

² For more details on the East Harlem Neighborhood Rezoning visit:
<https://www1.nyc.gov/site/planning/plans/east-harlem/east-harlem.page>

³ <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2017/11/East-Harlem-Cover-Letter-and-POA.pdf>

Area Context

The Project Area encompasses a portion of the East Harlem neighborhood in Manhattan Community Board 11. Specifically, it is comprised of portions of Park Avenue between East 116th and East 124th Streets as well as the intersection of East 116th Street and Lexington Avenue.

The area along Park Avenue is characterized by 5 and 6-story residential buildings as well as the MTA Metro-North Railroad viaduct structure. There are also many surface parking lots facing the avenue beneath the viaduct. The East 116th Street and Lexington Avenue intersection is characterized by mixed-use residential buildings with ground floor retail space.

The area is well served by mass transit with the No. 4, 5, and 6 subway line train station at East 125th Street and Lexington Avenue, and a 6 subway line train station at East 116th Street and Lexington Avenue. Several bus lines also run along the major commercial corridors of 125th Street, 116th Street, and Lexington Avenue including the: M98, M100, M101, M102, M103, M116, and the M60 Select Bus lines.

COMMUNITY BOARD RECOMMENDATION

On February 6, 2019, Community Board 11 (“CB11”) held a public hearing and voted 31 in favor; 1 abstained on a resolution to approve this application. In their resolution, CB11 expressed that the proposed actions addressed many concerns voiced by members of the public and members of CB11 during the East Harlem Rezoning public review period.

BOROUGH PRESIDENT’S COMMENTS

The application before us is an example of what can be achieved when communities remain engaged and the government is responsive to constituent concerns. In my recommendation to the East Harlem Neighborhood Rezoning I expressed concern about density and building height along Park and Third Avenues; it was one of the main reasons I recommended disapproval of the application. The zoning districts proposed at the time permitted height and density that was out of context with the area, and they were at odds with the East Harlem Neighborhood Plan (“EHNP”). The City Council’s modifications to the proposal made it better, but there were still improvements needed. Recognizing the need for improvements, the City committed to reviewing height limits along Park Avenue. Today I am glad to say that the City has delivered on their commitment, and the height limits prescribed do a good job of addressing the community residents’ concerns. For that reason I am recommending approval of Land Use Application Nos. C 190235 ZMM and C 190236 ZRM.

When I supported the administration’s Mandatory Inclusionary Housing Program two years ago, I recognized that somewhat higher density would be required in order to build large amounts of new affordable housing. But the degree of density would have to be consistent with neighborhood context and community input.

In this case, the community gave extensive, thoughtful, and informed input. In March 2016, I joined Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and

Community Voices Heard as a project partner for the EHNP steering committee. The process involved 21 stakeholders, 8 public visioning workshops, over 40 meetings, and input from approximately 1,500 East Harlem residents. The result was the EHNP, a comprehensive roadmap for the redevelopment and future growth of East Harlem.

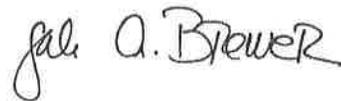
Several recommendations contained in the ENHP are directly related to the current application. For Park Avenue between East 115th Street and East 132nd Street, the EHNP recommended MX/R7 or R8 districts, with some additional density above that around transit nodes. This works out to densities ranging from 7.2 to 10 FAR with a substantial portion of the floor area to be used for non-residential purposes to fully build out the site. The City Council's modifications reduced the City's proposed FAR, and it brought it within the EHNP's prescribed limits. However, the height permitted in the zoning districts along Park Avenue would have been more like those permitted in high density districts, not the medium density districts adopted. The maximum heights prescribed in this application better reflect the lower density districts adopted by the City Council.

The requirement for subway entrances at East 116th Street and Lexington Avenue were also part of the discussions during the EHNP process. Unfortunately, they were not included in the City's rezoning proposal. The inclusion of this requirement to the current application is not only a good response to community wishes, it follows good planning rationale; the sidewalks are narrow on East 116th Street and any new entrance will include an elevator, providing greater accessibility to the station.

Continued engagement is needed in order to ensure that the City's commitments connected to the neighborhood rezoning are realized. DCP should be congratulated for following through on the current commitment, and members of the EHNP Steering Committee should be congratulated for their leadership and vigilance on these matters.

THE BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend the approval of Land Use Application Nos. C 190235 ZMM, N 190236 ZRM – East Harlem Neighborhood Rezoning Follow-Up Actions.



Gale A. Brewer
Manhattan Borough President