



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1215

Resolution approving the decision of the City Planning Commission on ULURP No. C 160270 ZSX (L.U. No. 451), for the grant of a special permit pursuant to Section 74-743(a)(1) to allow the distribution of required open space without regard to zoning lot lines, and Section 74-743(a)(2) to allow the location of buildings without regard to applicable yard requirements of Sections 23-47 and 35-50 and height and setback regulations of Sections 23-62, 23-64, and 33-43 of a proposed mixed-use development, on property generally bounded by Bergen Avenue and its northeasterly centerline prolongation, Brook Avenue and East 149th Street (Block 2294, Lot 32, Block 2361, Lots 1, 25, 26, and 50, Block 2263, Lot 1), in a C6-2 District, within a Large-Scale General Development, in Community District 1, Borough of the Bronx.

By Council Members Greenfield and Dickens

WHEREAS, the City Planning Commission filed with the Council on August 16, 2016 its decision dated August 15, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of required open space without regard to zoning lot lines; and
2. Section 74-743(a)(2) - to allow the location of buildings without regard to applicable yard requirements of Sections 23-47 and 35-50 and height and setback regulations of Sections 23-62, 23-64, and 33-43;

in connection with a proposed mixed-use development, on property generally bounded by Bergen Avenue and its northeasterly centerline prolongation, Brook Avenue and East 149th Street (Block 2294, Lot 32, Block 2361, Lots 1, 25, 26, and 50, Block 2263, Lot 1), in a C6-2 District, within a Large-Scale General Development, (ULURP No. C 160270 ZSX), Community District 1, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160267 ZMX (L.U. No. 448), an amendment to the Zoning Map, Section 6a, changing from an M1-1 and C4-4 to a C6-2 District; N 160269 ZRX (L.U. No. 449), a Zoning Text Amendment pursuant to Appendix F, to add the project area to the list and maps of Mandatory Inclusionary Housing Areas; C 160268 HAX (L.U. No. 450), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by HPD; and C 160271 ZSX (L.U. No. 452), a Special Permit, pursuant to ZR Section 74-744(b), to permit residential and non-residential uses to be arranged on the second floor within building B without regard for the location regulations of ZR Section 32-42;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743(a)(1) and Section 74-743(a)(2) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 7, 2016;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”), for which a Notice of Completion was issued on July 29, 2016 (CEQR No. 15HPD041X);

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by the placement of (E) designations for Hazardous Materials, Air Quality, and Noise, as well as through the provisions of Sections 81-624 and 81-691(a)(3) of the Zoning Resolution, which form part of the action; and
- (4) The Decision together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160270 ZSX, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

- 1) The property that is the subject of this application (C 160270 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by MHG Architects PC and FFXFowle, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-000.00	Title Sheet	04/05/2016

Z-003.00	Zoning Analysis, List of Actions & Average Curb Level	04/07/2016
Z-010.00	Site Plan Zoning Envelope	04/05/2016
Z-011.00	Enlarged Site Plan Zoning Envelope (Partial)	04/05/2016
Z-012.00	Enlarged Site Plan Zoning Envelope (Partial)	04/05/2016
Z-030.00	Open Space Plan	04/05/2016
Z-040.00	Building A - Waiver Plan	04/05/2016
Z-041.00	Building A - Height & Setback Waiver Diagrams	04/05/2016
Z-050.00	Building B - Waiver Plan	04/05/2016
Z-051.00	Building B - Height & Setback Waiver Diagrams	04/05/2016
Z-060.00	Building C & D - Waiver Plan	04/05/2016
Z-061.00	Building C & D - Height & Setback Waiver Diagrams	04/05/2016
Z-070.00	Building E - Waiver Plan	04/05/2016
Z-071.00	Building E - Height & Setback Waiver Diagrams	04/05/2016
Z-072.00	Building E - Height & Setback Waiver Diagrams	04/05/2016
L-000.00	Landscape Site Plan	04/05/2016
L-101.00	Building A, 2 nd Floor Material Plan- Part A	04/05/2016
L-102.00	Building A, 2 nd Floor Material Plan- Part B	04/05/2016
L-103.00	Building A, 2 nd Floor Material Plan- Part C	04/05/2016
L-104.00	Building A, 11 th Floor Material Plan	04/05/2016
L-111.00	Building B, Courtyard Material Plan - Part A	04/05/2016
L-112.00	Building B, Courtyard Material Plan - Part B	04/05/2016
L-113.00	Building B, 3 rd Floor Material Plan	04/05/2016
L-114.00	Building B, 12 th Floor material Plan	04/05/2016
L-121.00	Building D Courtyard Material Plan - Part A	04/05/2016
Z-122.00	Building D Courtyard Material Plan - Part B	04/05/2016

- 2) Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3) Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
- 4) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 5) All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 6) Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may,

without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

- 7) Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 14, 2016, on file in this office.

City Clerk, Clerk of The Council