

CITY COUNCIL
LAND USE DIVISION

2015 NOV 18 P 2:45



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NYC COUNCIL

2016 NOV 18 P 2:22

SPEAKER'S OFFICE

November 14, 2016

City Council
City Hall
New York, NY 10007

Re: 1932 Bryant Ave
Application No. C 160367 ZSX, C 160368 ZSX
Related Applications No. C 160365 ZMX and C 160366 ZRX
Borough of The Bronx

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated November 10, 2016, from the City Council regarding the proposed modification to the above-referenced application submitted by Second Farms Neighborhood, HFDC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on November 14, 2016, has determined that the City Council's proposed modification raises no land use or environmental issues requiring further review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth J. Knuckles".

Kenneth J. Knuckles, Esq.
Vice Chairman

c: C. Samol
A. Laremont

D. DeCerbo
J. Harris

O. Oliver-Didier
J. Mangin

Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street – 2N, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
www.nyc.gov/planning



**THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007**

**RAJU MANN
DIRECTOR**

**TEL.: 212-788-7335
RMann@council.nyc.gov**

November 10, 2016

BY HAND

Honorable Carl Weisbrod, Chairman
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

**RE: 1932 Bryant Avenue
Applications: C 160367 ZSX AND C 160368 ZSX
Related Applications: C 160365 ZMX AND N 160366 ZRX**

Dear Chairman Weisbrod:

On November 3, 2016, the Land Use Committee of the City Council, by a vote of 19-0-0 for C 160367 ZSX AND C 160368 ZSX, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

The site plan would be modified in order to allow more flexibility with the uses developed on Parcel 9 of the Large Scale Residential Development. Specifically, Parcel 9 would be allowed an increase of 6000 square feet of residential floor area over the amount that was approved by the City Planning Commission. Any increase in residential floor area on Parcel 9 would be offset by a decrease in community facility and/or commercial floor area so that building would maintain the same overall square footage. This modification is necessary to allow the developer to finance additional units of affordable housing available to families making 80 percent of the area median income. The modification would require changes to drawings Z-02 and Z-06 as follows:

Matter in ~~double-strikeout~~ is deleted by the City Council;
Matter double-underline is added by the City Council.

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C 160367 ZSX

- 1) The property that is the subject of this application (C 160367 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 Dattner Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-01.00	Large Scale Residential Site Plan	09/30/2016
Z-02.00	Updated LSRD Zoning Data	09/30/2016 <u>11/XX/16</u>
Z-03.00	Average Curb Level Calculations and Open Space Diagram	09/30/2016

- 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) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) 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.
- 5) 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

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Applications Nos. C 160367 ZSX, C 160368 ZSX
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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.

- 6) 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.

C 160368 ZSX

- 1) The property that is the subject of this application (C 160368 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 Dattner Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-01.00	Large Scale Residential Site Plan	09/30/2016
Z-02.00	Updated LSRD Zoning Data	09/30/2016 <u>11/XX/16</u>
Z-03.00	Average Curb Level Calculations and Open Space Diagram	09/30/2016
Z-04.00	Development Site Plan	09/30/2016
Z-07.00	Waiver Plan	09/30/2016
Z-08.00	Height and Setback Waiver Diagrams Development Site	09/30/2016 <u>11/XX/16</u>


- 2) Such development shall conform 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.

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Applications Nos. C 160367 ZSX, C 160368 ZSX
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- 3) Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4) 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.
- 5) 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.
- 6) 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.

Please feel free to contact me at (212) 482-5185 if you or your staff has any questions in this regard.

Sincerely,



Dylan Casey, Esq.
Deputy General Counsel

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Related Nos. C 160365 ZMX and N 160366 ZRX
November 10, 2016
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JL:mg

RECEIVED BY: _____

DATE: _____

TIME: _____

Encl.

- c: Members, City Planning Commission**
- Raju Mann, Director, Land Use Division**
- Amy Levitan, Deputy Director, Land Use Division**
- Anita Laremont, Esq., DCP**
- Danielle J. DeCerbo, DCP**
- File**