Legislation Details (With Text)

File #:	Res 1311-2016	**Version:**	*	**Name:**	LU 488 - Zoning, LAMBERT HOUSES REDEVELOPMENT, Bronx (C160307 ZSX)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	11/29/2016				
Enactment date:				**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 160307 ZSX (L.U. No. 488), for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed modification of an existing large-scale residential development, on property generally bounded by East 179th Street, Boston Road, Bryant Avenue, a line approximately 110 feet southwesterly of East Tremont Avenue, a line approximately 67 feet southeasterly of Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 140 feet southeasterly of Bryant Avenue, East Tremont Avenue, and a line approximately 260 feet southeasterly of Vyse Avenue, (Block 3005, Lot 65, Block 3130, Lots 20 & 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20 & 101), in an R7-1 District, Community District 6, Borough of the Bronx.

Sponsors:

Indexes:

Attachments: 1. September 28, 2016 - Stated Meeting Agenda with Links to Files, 2. Land Use Calendar - Week of October 17, 2016 - October 21, 2016, 3. Hearing Testimony - Zoning 10-19-16, 4. Land Use Calendar - Week of October 31, 2016 - November 4, 2016, 5. REVISED - Land Use Calendar - Week of October 31, 2016 - November 4, 2016, 6. Hearing Testimony - Zoning 11-1-16, 7. Hearing Transcript - Zoning 10-19-16, 8. Land Use Calendar - Week of November 21, 2016 - November 25, 2016, 9. Land Use Calendar - November 22, 10. City Planning Commission Modification Letter, 11. November 29, 2016 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 11-29-16, 13. Committee Report, 14. Minutes of the Stated Meeting - November 29, 2016

Date	Ver.	Action By	Action	Result
11/22/2016	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
11/29/2016	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1311

Resolution approving the decision of the City Planning Commission on ULURP No. C 160307 ZSX (L.U. No. 488), for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed modification of an existing large-scale residential development, on property generally bounded by East 179th Street, Boston Road, Bryant Avenue, a line approximately 110 feet southwesterly of East Tremont Avenue, a line approximately 67 feet southeasterly of Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 140 feet southeasterly of Bryant Avenue, East Tremont Avenue, and a line approximately 260 feet southeasterly of Vyse Avenue, (Block 3005, Lot 65, Block 3130, Lots 20 & 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20 & 101), in an R7-1 District, Community District 6, Borough of the Bronx.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on October 3, 2016 its decision dated September 21, 2016 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed modification of an existing large-scale residential development, on property generally bounded by East 179th Street, Boston Road, Bryant Avenue, a line approximately 110 feet southwesterly of East Tremont Avenue, a line approximately 67 feet southeasterly of Bryant Avenue, a line approximately 80 feet southwesterly of East Tremont Avenue, a line approximately 140 feet southeasterly of Bryant Avenue, East Tremont Avenue, and a line approximately 260 feet southeasterly of Vyse Avenue, (Block 3005, Lot 65, Block 3130, Lots 20 & 100, Block 3131, Lot 20, and Block 3136, Lots 1, 20 & 101), in an R7-1 District, (ULURP No. C 160289 ZSX), Community District 6, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 160285 ZMX (L.U. No. 482), a zoning map amendment to change portions of the project area from R7-1 and R7-1/C1-4 to R8 and R8/C1-4 zoning districts; C 160286 HAX (L.U. No. 483), a disposition of city-owned property and Urban Development Action Area Project (UDAAP) designation and project approval; N 160288 ZRX (L.U. No. 484), a zoning text amendment to allow lot line windows adjacent to public parks in Large-Scale Residential Developments; N 160289 ZRX (L.U. No. 485), a zoning text amendment to designate a Mandatory Inclusionary Housing Area; C 160290 ZSX (L.U. No. 486), a Zoning Special Permit pursuant to ZR Section 78-312 for minor variations in the height and setback regulations on the periphery of the LSRD; and C 160218 MMX (L.U. No. 487), a city map amendment to eliminate a portion of East Tremont Avenue;

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 78-313 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 October 19, 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 September 9, 2016 (CEQR No. 16HPD001X) and the Technical Memo dated November __, 2016;

RESOLVED:

Having considered the FEIS and the Technical Memo 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) From among the reasonable alternatives available, the action is one which avoids or

powered by Legistar™

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 160307 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 160307 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 William Stein, 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

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 November 29, 2016, on file in this office.

City Clerk, Clerk of The Council