Legislation Details (With Text)

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On agenda:	3/22/2018			
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Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 180124 ZSX (L.U. No. 34), for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Section 44-52 (Required Accessory Off-street Loading Berths), in connection with a proposed mixed used development, within a large-scale general development, on property located at 1201-1231 Spofford Avenue (Block 2738, Lot 35, and Block 2763, Lots 29 and p/o Lots 1 and 2), in an M1-2/R7-2 District, within a Special Mixed Use District (MX-17), Community District 2, Borough of the Bronx.

Sponsors:

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Attachments: 1. Res. No. 257, 2. Land Use Calendar - Week of February 26, 2018 - March 2, 2018, 3. REVISED - Land Use Calendar - Week of February 26, 2018 - March 2, 2018, 4. March 7, 2018 - Stated Meeting Agenda, 5. Land Use Calendar - Week of March 12, 2018 - March 16, 2018, 6. Hearing Testimony - Planning 2-26-18, 7. Hearing Transcript - Planning 2-26-18, 8. March 22, 2018 - Stated Meeting Agenda, 9. Hearing Transcript - Stated Meeting 3-22-18, 10. Minutes of the Stated Meeting - March 22, 2018, 11. Committee Report

Date	Ver.	Action By	Action	Result
3/15/2018	*	Committee on Land Use	Approved by Committee	
3/22/2018	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 257

Resolution approving the decision of the City Planning Commission on ULURP No. C 180124 ZSX (L.U. No. 34), for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Section 44-52 (Required Accessory Off-street Loading Berths), in connection with a proposed mixed used development, within a large-scale general development, on property located at 1201-1231 Spofford Avenue (Block 2738, Lot 35, and Block 2763, Lots 29 and p/o Lots 1 and 2), in an M1-2/R7-2 District, within a Special Mixed Use District (MX-17), Community District 2, Borough of the Bronx.

By Council Members Salamanca and Kallos

WHEREAS, the City Planning Commission filed with the Council on February 20, 2018 its decision dated February 14, 2018 (the "Decision"), on the application submitted by the New York City Economic Development Corporation, Department of Citywide Administrative Services, and The Peninsula JV, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-745(b) of the Zoning Resolution to allow a reduction of loading berth requirements of Section 44-52 (Required Accessory Off-street Loading Berths), in connection with a proposed mixed used development,

within a large-scale general development, on property located at 1201-1231 Spofford Avenue (Block 2738, Lot 35, and Block 2763, Lots 29 and p/o Lots 1 and 2), in an M1-2/R7-2 District, within a Special Mixed Use District (MX-17); which in conjunction with the related actions would facilitate the development of a five-building mixed-use development with approximately 740 units of affordable housing, light industrial, commercial, and community facility uses in the Hunts Point neighborhood of Bronx Community District 2, (ULURP No. C 180123 ZSX), Community District 2, Borough of the Bronx, (the "Application");

WHEREAS, the Application is related to applications C 180121 ZMX (L.U. No. 31), a zoning map amendment to change a portion of the development site from an R6 zoning district to an R7-2/M1-2 Special Mixed Use District, MX-17; N 180122 ZRX (L.U. No. 32), a zoning text amendment to establish a Special Mixed Use District; designate a Mandatory Inclusionary Housing (MIH) area; and create a special permit to waive loading berth requirements in large-scale general developments (LSGDs); C 180123 ZSX (L.U. No. 33), a special permit to modify bulk regulations within an LSGD; and C 180126 PPX (L.U. No. 35), disposition of City-owned property;

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 74-745 (b) 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 February 26, 2018;

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, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 2, 2018 (CEQR No. 17DME001X), which included an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-451);

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, 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 incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 180124 ZSX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following terms and conditions:

1. The property that is the subject of this application (C 180124 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by BLA+WXY , filed with this application and incorporated in this resolution:

Drawing No.	**Title**	**Date**
Z-002	Zoning Analysis, List of Actions	10.19.2017
Z-010	Zoning Lot Site Plan	10.19.2017

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 plans 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 Building.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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 the 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.

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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 March 22, 2018, on file in this office.

City Clerk, Clerk of The Council