



Legislation Text

File #: Res 0828-2015, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 828

Resolution approving the decision of the City Planning Commission on ULURP No. C 150289 ZSX (L.U. No. 262), for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required), the yard requirements of Section 24-33 (Permitted Obstructions in required Yards in Rear yard Equivalent), distance between building requirements of Section 23-711 (Standard minimum distance between buildings) and court requirements of Section 23-842 (Wide outer courts), in connection with a proposed mixed-use development on property located at 285 East 138th Street (Block 2314, Lot 1), in R7-2, R7-2/C1-4 and R7-2/C2-4 Districts, within a large-scale general development, Community District 1, Borough of the Bronx.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on July 17, 2015 its decision dated July 1, 2015 (the "Decision"), on the application submitted by West Side Federation for Senior and Supportive Housing, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required), the yard requirements of Section 24-33 (Permitted Obstructions in required Yards in Rear yard Equivalent), distance between building requirements of Section 23-711 (Standard minimum distance between buildings) and court requirements of Section 23-842 (Wide outer courts), in connection with a proposed mixed-use development on property located at 285 East 138th Street (Block 2314, Lot 1), in R7-2, R7-2/C1-4 and R7-2/C2-4 Districts, within a large-scale general development, (ULURP No. C 150289 ZSX), Community District 1, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application N 150287 ZRX (L.U. No. 260), a zoning text amendment to permit a reduction in required parking; C 150288 ZMX (L.U. No. 261), a proposed amendment to the Zoning Map, Section No. 6a, changing from R6 to R7-2, R7-2/C1-4, R7-2/C2-4 and R6 to R6/C1-4; and C 150344 ZSX (L.U. No. 263), a special permit pursuant to Section 74-745(c) to waive the number of required off-street accessory parking spaces;

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)(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 August 11, 2015;

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 negative declaration (CEQR No. 15DCP119X) issued on April 20, 2015 (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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 150289 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 150289 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Redtop Architects, filed with this application and incorporated in this resolution:

<u>Drawing</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001	Zoning Analysis	April. 08, 2015
Z-100	Zoning Lot Site Plan	April 08, 2015
Z-110	Waiver and Encroachment Plan	April 08, 2015
Z-400	Site Sections: A, B, C	February 27, 2015
Z-401	Site Sections: D, E, F	April 08, 2015
Z-402	Site Sections: G and H	April 08, 2015

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 Buildings.
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 as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications 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, sub-lessee 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 and the restrictive declaration 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 or of the restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents 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 August 13, 2015, on file in this office.

City Clerk, Clerk of The Council